

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, September 22, 2009**

Please note: Minutes are unofficial until approved by the Common Council at the next regularly scheduled meeting.

Mayor Jack F Chiovaturo called the City of New Berlin Common Council Meeting to order at 7:50 PM after Committee of the Whole and Privilege of the Floor.

ROLL CALL: Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Moore and Ament. Alderman Poshepny resigned. Also present were: City Clerk Marilyn Gauger, City Attorney Mark Blum and Human Resource Director Tami Potkay.

Those present recited the Pledge of Allegiance and stood for a moment of silence.

This meeting was noticed on September 17, 2009 in accordance with the Open Meeting Law.

REPORTS

City Clerk Gauger reminded pollworkers to call the City Clerk's office if they want to continue to serve as a pollworker next year. We have 4 elections. The pollworker notice was in the September Leaflet. This is something new this year in an attempt to save taxpayers dollars on letters and postage. The Council Business log was passed out for Council review.

Council President - none
Mayor Chiovaturo - none
City Attorney - none

WATER RESOURCE MANAGEMENT COMMITTEE

Resolution No. 09-27 Resolution Transferring Approved Budgeted Funds for a Part Time Intern

Motion by Alderman Harenda to approve Resolution No. 09-27. Seconded by Alderman Hopkins and carried unanimously.

FINANCE COMMITTEE

Resolution No. 09-24 Amend Establishing Policy for Public Deposits and Investments

Motion by Alderman Wysocki to approve Resolution No. 09-24. Seconded by Alderman Harenda and carried unanimously.

Resolution No. 09-25 Resolution Providing for the City of New Berlin To Continue Receiving the Annual Distribution of the School Tax credit and State Lottery and Gaming Credit

Motion by Alderman Wysocki to approve Resolution No. 09-25. Seconded by Alderman Moore and carried unanimously.

COMMUNICATIONS COMMITTEE

Use of Social Media (user interaction) for City Communications

Motion by Alderman Hopkins to authorize the IT Department to oversee the establishment of a Facebook pilot project in order to evaluate the use of social media for city communications conditioned upon the development of an internal policy be reviewed by the City Attorney and Council. Seconded by Alderman Seidl and carried unanimously.

Note: The pilot program will be with Parks, Recreation & Forestry and the Library. The criteria to measure the pilot's success and the internal policy will be provided by IT Director Roethel.

MAYORAL APPOINTMENTS

Landmarks Commission

Motion by Alderman Seidl to approve Eugene Wicichowski/re-appointment with term ending 10-01-2012. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Seidl to approve Susan Hemmen/re-appointment with term ending 10-01-2012. Seconded by Alderman Hopkins and carried unanimously.

Special Projects Commission

Motion by Alderman Hopkins to approve John Rocco/re-appointment with term ending 10-01-2010. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Wysocki to approve James Simonson/re-appointment with term ending 10-12-2010. Seconded by Alderman Ament and carried unanimously.

DEFERRED, REFERRED & TABLED ITEMS

Ordinance No. 2417 that approves the amendments to Section 275-41.A(2) (Keeping and Raising of Animals) and 275-70 (Definitions) of the City's Zoning Code and accept the Plan Commission report. TABLED 9-8-09

Motion by Alderman Ament to remove from table. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Ament to create an Ad Hoc committee that would include residents, horse owners and farmers in New Berlin that would assist staff in developing a keeping and raising of animals section of our code that would better identify what uses should be allowed and the reasonable restrictions upon them. Seconded by Alderman Harenda and carried unanimously.

Note: Per discussion the Mayor will appoint at least 5 people with 1 elected official with the task to be accomplished by the end of this year to coincide with the completion of the Comprehensive Plan.

Motion by Alderman Ament to refer back to the soon to be formed Ad Hoc (Ordinance No. 2417) Committee. Seconded by Alderman Wysocki and carried unanimously.

Mayor Chiovatero asked if there is anything to remove from the Consent agenda. City Clerk Gauger indicated that the Aldermanic District #5 vacancy should have been removed however it was not on the consent agenda. Mayor indicated it will go on the next meeting under Consent agenda under Miscellaneous. Alderman Wysocki asked if the motions that were made at Committee of the Whole means the vacancy timelines will not be met? City Attorney Blum indicated technically you should have a Council motion to set this however if you want the publication to be made that's based on action at the Committee of the Whole and then have the Council ratify that action at a subsequent date you've done that previously with respect to public hearings being scheduled at Plan Commission because of timing of Council meetings. You can go ahead and have staff publish it and put back on the agenda for ratification at next Council meeting.

CONSENT AGENDA

Motion by Alderman Seidl to approve all of the following items listed. Seconded by Alderman Ament and carried unanimously.

MINUTES – September 8, 2009 Common Council

UTILITY AND FINANCE

Claims

- Water Utility claims in the amount of \$160,319.38, Sewer Utility claims in the amount of \$458,919.07, of that amount \$442,224.31 represents payment to MMSD and Bi-weekly claims in the amount of \$620,349.48, all of which represents payment to vendors

LICENSES & PERMITS

Bartenders

- Bartender Licenses for the year 2009/2011 to Anthony Bonville, Edmund Cutting, Ashley Mlagan, Jeana Paffhausen, Amanda Pittsley and Tyler Werwinski.

MISCELLANEOUS - none

DEFERRED, REFERRED & TABLED ITEMS

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ITEM/S REMOVED FROM CONSENT AGENDA

Motion by Alderman Wysocki to remove from the consent agenda Ordinance No. 2413. Seconded by Alderman Ament and carried unanimously.

- **Ordinance No. 2413 Ordinance To Amend Section 152-10 Regarding The Regulation And Licensing Of Dogs/REFERRED BACK TO SAFETY COMMISSION 7-28-09**

Alderman Wysocki asked Mayor Chiovatero to check if the Safety Commission has acted on this. Per City Attorney Blum he received an email on this and will forward to the City Clerk.

Note: Upon review of the 9-9-09 Safety Commission minutes the following was decided: removal of Section 1 requiring a signed receipt from license holder that they received a copy of said ordinance and amendments were made to Section II regarding the keeping of a vicious or nuisance animal. Based on this an RAS needs to come back to Council from the Safety Commission and/or City Attorney Blum with the amendments to the ordinance for Council consideration.

ORDINANCES/RESOLUTIONS

Ordinance No. 2414 Ordinance To Create Section 121-4 Firearms and Weapons of the Municipal Code of the City of New Berlin – revised at 3rd reading on 8-25-09 meeting (2nd reading after revised)

Mayor Chiovatero indicated this is the 2nd reading.

City Clerk Gauger read the following:

CLOSED SESSION

The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85 (1) (c) (e) (g) of the Wisconsin State Statutes.

(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, more specifically:

- Potential contract amendments
- Discussion of possible action regarding retirement agreements with non-represented employees

(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, more specifically:

- Anchor Bank Litigation
- State of Wisconsin Radium Consent Order Claim
- Russell & Suzanne Sobczyk Claim

Motion by Alderman Seidl to go to Closed Session at 9:06 PM. Seconded by Alderman Hopkins and carried unanimously per roll call vote.

Motion by Alderman Seidl to reconvene to Open Session at 10:35 PM. Seconded by Alderman Wysocki and carried unanimously.

RECONVENE TO OPEN SESSION

Anchor Bank Litigation

No action taken.

State of Wisconsin Radium Consent Order Claim

No action taken.

Russell & Suzanne Sobczyk Claim

No action taken.

ADJOURN

Motion by Alderman Seidl to adjourn at 10:37 PM. Seconded by Alderman Hopkins and carried unanimously.

Respectfully submitted:
Marilyn Gauger, MMC
City Clerk