

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, September 8, 2009**

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

Mayor Jack F Chiovero called the City of New Berlin Common Council Meeting to order at 8:07 PM after Committee of the Whole and Privilege of the Floor.

ROLL CALL: Present were Aldermen Hopkins, Wysocki, Seidl, Harenda and Moore. Excused: Aldermen Poshepny and Ament. Also present were: Deputy City Clerk Christine Stefanich, City Attorney Mark Blum, Inspector Scott Schulpius and Associate Planner Jessica Titel.

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

This meeting was noticed on September 3, 2009 in accordance with the Open Meeting Law.

REPORTS

City Clerk – no report

Council President Harenda indicated a change is needed for the 2010 Budget Workshop date. The new date is tentatively set for Wednesday, September 16th at 1PM. He asked the Mayor to notify the staff. The Council will start with the larger departments and go down accordingly.

Mayor Chiovero asked Alderman Wysocki to speak about the following: John Bauer's wife died and the funeral was yesterday. John Bauer is a former city employee and the name sake of the "John Bauer Award" given every year to a nominated employee for outstanding service.

City Attorney - no report

PLAN COMMISSION

Approval of the Four-Lot Certified Survey Map with modifications to Condition #4 and removal of Condition #5 for the properties located at 14901 W. Library Lane subject to the application and accept the Plan Commission report.

Motion by Alderman Wysocki to approve the Four-Lot Certified Survey Map with modifications to Condition #4 and removal of Condition #5 for the properties located at 14901 W. Library Lane subject to the application and accept the Plan Commission report. Seconded by Alderman Hopkins and carried unanimously.

Set a Public Hearing date for the October 7, 2009 Plan Commission meeting regarding the adoption of the City's Comprehensive Plan to comply with the State's Smart Growth Law by 2010 (should be 2020) and accept the Plan Commission report

This public hearing was approved at tonight's Committee of the Whole meeting.

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.

Motion by Alderman Harenda to table Ordinance No. 2417. Seconded by Alderman Wysocki and carried unanimously.

Ordinance No. 2418 that approves the rezoning of property known as Magner located at 2600 S. Johnson Road from A-2, C-1 and C-2 to A-2, C-1 and C-2 to field delineate the wetlands and accept the Plan Commission report

Motion by Alderman Wysocki to adopt Ordinance No. 2418 and accept the Plan Commission report. Seconded by Alderman Seidl and carried unanimously.

Approval of the 2-lot Certified Survey Map (CSM) for the property located at 2600 S. Johnson Road subject to the application and accept the Plan Commission report

Motion by Alderman Wysocki to approve the 2-lot Certified Survey Map (CSM) for the property located at 2600 S. Johnson Road subject to the application and accept the Plan Commission report. Seconded by Alderman Hopkins and carried unanimously.

FINANCE COMMITTEE

Recommendation to Common Council for approval of Resolution No. 09-23 Resolution Designating Public Depositories and Approving other Financial Institutions for Investments

Motion by Alderman Wysocki to approve Resolution No. 09-23. Seconded by Alderman Harena and carried unanimously.

MAYORAL APPOINTMENTS

Youth Advisory Board

Motion by Alderman Harena to approve the appointment of John Turzenski with a term expiring 5-31-2011. Seconded by Alderman Seidl and carried unanimously.

DEFERRED, REFERRED & TABLED ITEMS

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

No action taken.

Certified Survey Map for the property located at 14901 W Library Lane/REFERRED BACK TO PLAN COMMISSION to review conditions 4 & 5/8-11-09

Action taken under PLAN COMMISSION above.

CONSENT AGENDA

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

MINUTES - Common Council minutes from August 25, 2009

UTILITY AND FINANCE

Claims

For: September 9, 2009

- Water Utility claims, Sewer Utility claims and Bi-weekly claims all of which represents payment to vendors.

LICENSES & PERMITS

Bartenders

- Bartender Licenses for the year 2009/2011 to Andrew Liberski, April Keller, Nora Gustafson, Annmarie Muehlbauer, Andrea Olson, John Rath and Robert Toterio

MISCELLANEOUS

- Resolution No. 09-22 Notice of Exemption from Waukesha County Library Levy 2009 Tax for 2010 Purposes.
- Common Council to approve necessary funding and survey work along with County Permit for the Sittel Cemetery (Elaine Kraut property)
- Common Council to direct the Park and Recreational Department to eradicate the vegetation at the Sittel cemetery site
- Common Council to amend City of New Berlin ordinance 220-4 to include both single stream as well as co-mingled recyclable pick up in the city of New Berlin and direct the City Attorney to prepare a new ordinance reflecting this change/DEFERRED
- Set a Public Hearing for October 7, 2009 at 6PM before Plan Commission for adoption of the City of New Berlin's 2020 Comprehensive Plan
- Set a Public Hearing for October 5, 2009 at 6PM before Plan Commission for an amendment to the current sewer service area boundary to include property located at approximately 18695 W. Cleveland Avenue (New Berlin West High School)

- Authorize the Department of Community Development to accept Federal Stimulus Grant Funds in the amount of \$166,400.00 from the U.S. Department of Energy EECBG

DEFERRED, REFERRED & TABLED ITEMS

- Changing of the regular BPW monthly meeting time, from 8:00AM to 6:00PM, to the BPW for their discussion and recommendation back to the Common Council/REFERRED TO BPW ON 7-28-09

ITEM/S REMOVED FROM CONSENT AGENDA

Direct City Clerk to advertise for Aldermanic District #5 vacancy in selected newspapers.

Motion by Alderman Wysocki to defer the Aldermanic District #5 vacancy to the next meeting. Seconded by Alderman Seidl and carried with Alderman Moore voting no.

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 (1st reading)

Mayor Chiovatero indicated this is the 1st reading.

Deputy City Clerk Stefanich read the following:

CLOSED SESSION

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

(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
- Richard Linehan Claim
- State of Wisconsin Radium Consent Order Claim

Motion by Alderman Seidl to go to Closed Session at 8:23 PM. Seconded by Alderman Hopkins and carried unanimously per roll call vote.

Motion by Alderman Wysocki to reconvene to Open Session at 8:37 PM. Seconded by Alderman Seidl and carried unanimously.

RECONVENE TO OPEN SESSION

Discussion and possible action on the Anchor Bank Settlement Agreement

No action taken

Discussion and possible action on the Richard Linehan Claim

Motion by Alderman Harenda to credit the Special Assessment Account in the amount of \$480.20 for the Richard Linehan Claim. Seconded by Alderman Seidl and carried unanimously.

Discussion and possible action on the State of Wisconsin Radium Consent Order Claim

No action taken

ADJOURN

Motion by Alderman Seidl to adjourn at 8:45 PM. Seconded by Alderman Wysocki and carried unanimously.

Respectfully submitted:
Christine Stefanich
Deputy City Clerk