

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, August 11, 2009**

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

Mayor Jack F Chiovatero called the City of New Berlin Common Council Meeting to order at 7:24 PM after Committee of the Whole and Privilege of the Floor (none).

ROLL CALL: Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Moore and Ament. Excused: Alderman Poshepny. Also present were: City Clerk Marilyn Gauger, Attorney Mark Blum, Parks Recreation & Forestry Director Mark Schroeder and Planning Services Manager Nikki Jones.

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

This meeting was noticed on Wednesday, August 5, 2009 in accordance with the Open Meeting Law.

REPORTS

City Clerk – none

Council President Harenda provided an update on the City's Comprehensive Plan. The process was broken into nine (9) planning elements: Issues & Opportunities; Housing; Agriculture, Natural Resources & Cultural Resources; Economic Development; Transportation; Land Use; Utilities & Community Facilities; Intergovernmental Cooperation; and Implementation. The process included Neighborhood Listening Sessions; Image Preference Surveys; and Neighborhood Review Session for each of the 10 Planning Areas over the last year and a half. This was in addition to numerous Steering Committee meetings made up of the Comprehensive Planning Steering Sub-Committee (required by the State of Wisconsin Smart Growth legislation).

Two City-wide Open Houses will be held in September 2009 for the public to review the "Draft Plan" recommendations. A Final Public Hearing will be held in October 2009. The tentative schedule is: Plan Commission's August 31st meeting is when discussion will begin. Open House on Wednesday, September 9th at 5PM and Thursday, September 10th at 5PM (both at City Hall). Public Hearing before Plan Commission on Wednesday, October 7th at 6PM with possible action before Plan Commission in November. Plan Commission will refer to the Common Council for discussion and final adoption.

A DVD will be made available for each Alderman. The "Draft Plan" can be viewed from the City's website. Please review the information and if you have any questions, concerns or believe an item has not been addressed or missed, please bring it to the planning staffs attention during the Open House process and/or prior to action by the Plan Commission.

A formal dedication of the newly constructed Fire Station #3 on Racine Avenue is tentatively scheduled for September 11th. Everyone is welcome.

Mayor - none

City Attorney - none

PLAN COMMISSION

Certified Survey Map for the property located at 14901 W. Library Lane

Applicant requested the map be referred back to Plan Commission.

Motion by Alderman Ament to refer back to Plan Commission, the Certified Survey Map for the property located at 14901 W Library Lane to review conditions 4 & 5. Seconded by Alderman Seidl and carried unanimously.

Certified Survey Map for the property located at 6050 S. Linnie Lac

Motion by Alderman Ament to approve the Certified Survey Map for the property located at 6050 S. Linnie Lac and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously

PARKS RECREATION & FORESTRY

Contract with *Water Well Systems* for the New Berlin Hills Clubhouse Well Maintenance

Motion by Alderman Moore to approve the Contract with *Water Well Systems* for the New Berlin Hills Clubhouse Well Maintenance Project for a total not to exceed \$16,255. Funds from Golf Course Reserve. Seconded by Alderman Ament and carried unanimously.

Contract with *Organic Sediment Removal Systems, LLC* for the New Berlin Hills Clubhouse Irrigation Pond Restoration

Motion by Alderman Moore to approve the Contract with *Organic Sediment Removal Systems, LLC* for the New Berlin Hills Clubhouse Irrigation Pond Restoration Project for a total not to exceed \$19,850. Funds from Golf Course Reserve. Seconded by Alderman Ament and carried unanimously.

Contract for the Malone Park Parking Lot & Driveway Reconstruction

Motion by Alderman Moore to approve the Contract for the Malone Park Parking Lot & Driveway Reconstruction Project (Option A) for \$112,668 to *Payne & Dolan Inc* and verified that this project went through the public bidding process. Funds from CIP Account No. 04059100 61112 (\$125,000) and Hickory Grove Cell Tower Account (\$60,733). Seconded by Alderman Harenda and carried unanimously.

Contract for the Malone Park Parking Lot & Driveway Reconstruction Project (Option A) for \$73,065 to *Road Fabric, Inc*

Motion by Alderman Moore to approve the Contract for the Malone Park Parking Lot & Driveway Reconstruction Project (Option A) for \$73,065 to *Road Fabric, Inc* and verified that this project went through the public bidding process. Funds from CIP Account No. 04059100 61112 (\$125,000) and Hickory Grove Cell Tower Account (\$60,733). Seconded by Alderman Wysocki 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.

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CONSENT AGENDA

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

MINUTES - Common Council minutes from June 30, 2009, July 28, 2009 & July 30, 2009

UTILITY AND FINANCE

Claims

For: August 12, 2009

- Utility claims in the amount of \$240,505.38, Sewer Utility claims in the amount of \$58,422.59, and Bi-weekly claims in the amount of \$675,234.27, all of which represents payment to vendors.

LICENSES & PERMITS

Bartenders

- 2009-2011 Bartender Licenses for Rosa Campoverde, Katharine Heyse, Natalie Scholl, Lisa Schwarz, Wendy Sloniker and Gina Zuleger.

PUBLIC HEARING ACTION – China Dragon Liquor License

- Discussion and possible action to deny the request for renewal of the liquor license for China Dragon (15820 West National Avenue) based upon the failure of the licensee to pay outstanding fees and expenses as required pursuant to New Berlin Municipal Code Section 152-1(e)(3)/*Public Hearing not necessary – applicant paid utility fees up to 6-30-09 as required per code.*

MISCELLANEOUS

- Resolution No. 09-20 Resolution Authorizing the Issuance and Sale of \$6,310,000 General Obligation Promissory Notes/\$6,250,000 was approved.
- Direct the City Attorney to initiate the necessary legal action to process and enforce the Raze Order issued for the property located at 2901 S Amor Drive, and issue an order for the removal of any personal property remaining within the confines of the property pursuant to Wisconsin Statute Section 66.0413.
- Set a Public Hearing for Monday, August 31, 2009 at 6PM before Plan Commission for Mr. Dean Magner who filed a petition to rezone the property located at approximately 2600 S Johnson Road from A-2, C-1 and C-2 to A-2, C-1 and C-2.

DEFERRED, REFERRED & TABLED ITEMS

- Consider rescinding the approval of the 2009-2010 "Class B" Liquor License for China Dragon for non-compliance of City Code/DEFERRED TO 8-11-09/No action taken – removed from agenda.
- Issue a Raze Order pursuant to Wisconsin Statute Section 66.0413 (1) for the property location of 3875 S Moorland Road/DEFERRED TO 8-25-09
- 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

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ITEM/S REMOVED FROM CONSENT AGENDA, if any
None.

ORDINANCES/RESOLUTIONS

Ordinance No. 2410 To Repeal & Recreate Section 267-3(C)(1) regarding Sewer Service Charges (3rd reading)

Mayor Chiovatere indicated this is the 3rd reading.

Motion by Alderman Hopkins to adopt Ordinance No. 2410. Seconded by Alderman Wysocki and carried unanimously.

Ordinance No. 2414 Ordinance To Create Section 121-4 Firearms and Weapons of the Municipal Code of the City of New Berlin (2nd reading)

Mayor Chiovatere indicated this is the 2nd reading.

Ordinance No. 2415 Ordinance To Amend Section 184-11 Of The Municipal Code Of The City Of New Berlin Concerning The Discharge Of Firearms In Public Parks (2nd reading)

Mayor Chiovatere 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) (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:

- State of Wisconsin (DNR) Radium Consent Order Claim

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- Barrett Landfill vs City of New Berlin
 - Russell Sobczak Claim

Motion by Alderman Wysocki to go to Closed Session at 7:45 PM. Seconded by Alderman Hopkins and carried unanimously per roll call vote.

RECONVENE TO OPEN SESSION

Motion by Alderman Seidl to reconvene in Open Session at 8:11 PM. Seconded by Alderman Wysocki and carried unanimously.

ADJOURN

Motion by Alderman Seidl to adjourn at 8:14 PM. Seconded by Alderman Hopkins and carried unanimously.

Respectfully submitted

Marilyn Gauger, MMC/WCPC
City Clerk