

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, April 14, 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 8:56 PM after the Committee of the Whole and Privilege of the Floor.

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

ROLL CALL: Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Poshepny, Moore and Ament. Also present were: City Clerk Marilyn Gauger, Attorney Mark Blum, IT Director Nick Roethel and Police Chief Joe Rieder.

REPORTS

City Clerk – The April Election Results are on the City’s website at www.newberlin.org

Council President – I am attending a traffic seminar on April 29th to discuss the roundabouts at I43 and Moorland Road - residents are encouraged to provide comments/concerns regarding the roundabouts to Alderman Harenda via phone or email. The City of New Berlin’s Inspection Division is hosting an Open House on April 29th and 30th in Council Chambers from 6PM to 8PM to discuss permitting and various inspection processes within the City of New Berlin. If residents have any projects come by and speak with staff.

Mayor – Congratulated Judge Dorlack on his re-election as Municipal Judge. He thanked the city residents of New Berlin for the opportunity to serve for another 4 years. He indicated there is a possibility of not having next Tuesday’s installation meeting because there are no changes and it would save staff time and dollars. The election of the Council President would be on the April 28th agenda.

City Attorney – no report

COMMUNICATIONS

None.

PLAN COMMISSION

Ordinance No. 2408 that approves the amendments to Table 275-34-1 (Commercial Districts), Table 275-35-1 (Office and Industrial Districts), Section 275-70 (Definitions), and Section 275-41C(12)(c) (Use Specific Regulations) of the City’s Zoning Code to accommodate a new use for a “brewpub” and accept the Plan Commission Report

Motion by Alderman Ament to approve Ordinance No. 2408 and accept the Plan Commission Report. Seconded by Alderman Harenda and carried unanimously.

Ordinance No. 2409 that approves the rezoning of property known as Passport Brewhaus located at 4900 S. Moorland Road from B-4 to B-2 to remove the B-4 Zoning District and accept the Plan Commission Report

Motion by Alderman Ament to approve Ordinance No. 2409 and accept the Plan Commission Report. Seconded by Alderman Wysocki and carried unanimously.

SPECIAL PROJECTS COMMISSION

Denial of a Small Grants Program Grant for 09-01 the New Berlin Veterans Memorial Committee in the amount of \$8,700.

Motion by Alderman Harenda to deny a Small Grants Program Grant to NB Veterans Memorial Committee. Seconded by Alderman Ament and carried with Alderman Poshepny voting no.

Denial of a Small Grants Program Grant for 09-02 the Mayor’s Office in the amount of \$3,140.10.

Motion by Alderman Moore to approve a Small Grants Program Grant to the Mayors Office. Seconded by Alderman Poshepny and failed with Aldermen Poshepny and Moore voting yes

Motion by Alderman Wysocki to deny the Small Grants Program for 09-02 the Mayor’s Office in the amount of \$3,140.10. Seconded by Alderman Seidl and carried with Alderman Poshepny and Alderman Moore voting no.

Approval of a Small Grants Program Grant for 09-03 the New Berlin Chamber of Commerce & Visitors Bureau in the amount of \$7,250.

Motion by Alderman Harenda to approve a Small Grants Program Grant to the NB Chamber of Commerce & Visitors Bureau in the amount of \$7,250. Seconded by Alderman Wysocki and carried with Alderman Ament abstaining.

Approval of a Small Grants Program Grant for 09-04 the New Berlin Fourth of July Commission in the amount of \$10,000.

Motion by Alderman Hopkins to approve a Small Grants Program Grant to the New Berlin Fourth of July Commission in the amount of \$10,000. Seconded by Alderman Wysocki and carried unanimously.

Approval of a Small Grants Program Grant for 09-05 the New Berlin Jr. Woman's Club in the amount of \$10,000.

Motion by Alderman Moore to approve the Small Grants Program Grant to New Berlin Jr Woman's Club in the amount of \$10,000. Seconded by Alderman Wysocki and carried unanimously.

Approval of a Small Grants Program Grant for 09-06 the Prospect Hill Restoration Foundation in the amount of \$2,500.

Motion by Alderman Moore to approve the Small Grants Program Grant to Prospect Hill Restoration Foundation in the amount of \$2,500. Seconded by Alderman Seidl and carried unanimously.

MAYORAL APPOINTMENTS

Youth Advisory Board

Motion by Alderman Seidl to approve the appointment to the Youth Advisory Board of Kyrstin Ann Norgill with a term expiring 5/31/2011. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Poshepny to approve the appointment to the Youth Advisory Board of Victoria Gabrielsen with term expiring 5/31/11. Seconded by Alderman Moore and carried unanimously.

Board of Appeals

Motion by Alderman Wysocki to approve the re-appointment to the Board of Appeals of Brian McGrath with term expiring 4/30/2012. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Hopkins to approve the appointment to the Board of Appeals of Perry Grutza with term expiring 4/30/2012. Seconded by Alderman Moore and carried unanimously.

Community Development Authority

Motion by Alderman Moore to approve the re-appointment to the Community Development Authority of Joe Poshepny with term expiring 4/30/2010. Seconded by Alderman Hopkins and carried unanimously.

Parks, Recreation & Forestry Commission

Motion by Alderman Wysocki to approve the re-appointment to Parks, Recreation & Forestry of Richard Kocchi with term expiring 4/30/2012. Seconded by Alderman Moore and carried unanimously.

Motion by Alderman Harenda to approve the re-appointment to Parks, Recreation & Forestry of Darrell Standish with term expiring 4/30/2012. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Moore to approve the re-appointment to Parks, Recreation & Forestry of Eugene Wichowski with term expiring 4/30/2012. Seconded by Alderman Ament and carried unanimously.

Plan Commission

Motion by Alderman Wysocki to approve the re-appointment to Plan Commission of H Lee Sisson with term expiring 4/30/2012. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Moore to approve the re-appointment to Plan Commission of Brian Felda with term expiring 4/30/2012. Seconded by Alderman Hopkins and carried unanimously.

Safety Commission

Motion by Alderman Wysocki to approve the re-appointment to Safety Commission of Frederick Witty with term expiring 4/30/2011. Seconded by Alderman Moore and carried unanimously.

Motion by Alderman Poshepny to approve the re-appointment to Safety Commission of Earl Strandt with term expiring 4/30/2011. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Ament to approve the re-appointment to Safety Commission of Daniel Meister with term expiring 4/30/2011. Seconded by Alderman Poshepny and carried unanimously.

DEFERRED, REFERRED & TABLED ITEMS

None.

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CONSENT AGENDA

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

MINUTES - Common Council minutes from March 24, 2009

UTILITY AND FINANCE

- Water Utility claims in the amount of \$173,016.54, Sewer Utility claims in the amount of \$24,947.70 and Bi-weekly claims in the amount of \$530,194.78, all of which represents payment to vendors

LICENSES & PERMITS

Bartenders

- Bartender Licenses for the year 2008-2010 to Michele Scherkenbach, Matthew Foster, Michael Tarantino and Joshua Tjelmeland.

Outdoor Music/Loudspeaker Permit Variance

- Holy Apostles Parish/16000 W National Avenue for the Family Festival to allow the band to play until 10:30 PM on Friday, June 26 and Saturday, June 27.

Extension of Premise

- Michele High/Mustang Shellys located at 18540 W National Avenue for a Annual Spring Poker Run for Saturday, May 16th from 9AM to 10PM.

MISCELLANEOUS

- Presentation by IT Director Nick Roethel on the new City Website status and features/no action required.
- Presentation by Police Chief Joe Rieder for approval of the Edward R Byrne Memorial Justice Assistance Grant

DEFERRED, REFERRED & TABLED ITEMS

- Disposition of Fire Department property at the intersection of Johnson Road and Cleveland Avenue/TABLED 3-10-09/Removed from agenda
- Direct the BPW to work with staff and consultant on the 2-lane road design identified as the "2009-A Plan" per the specifications below in order to improve the roadway drivability and safety on Calhoun Road. The BPW to report back to the Common Council within 60 days/Aldermen Ament and Seidl/REFERRED TO BPW/3-24-09.

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ITEM/S REMOVED FROM CONSENT AGENDA, if any

Resolution No. 09-08 Resolution To Release Restriction on Certified Survey Map No. 8968 (GS Enterprise NA LLC at 5050 Towne Drive) Pursuant to Wisconsin Statutes Section 236.293

Motion by Alderman Hopkins to approve Resolution No. 09-08. Seconded by Alderman Poshepny.

Motion by Alderman Harenda to defer. Seconded by Alderman Wysocki and carried with Alderman Hopkins, Alderman Poshepny and Alderman Moore voting no.

ORDINANCES/RESOLUTIONS

Ordinance No. 2407 An Ordinance Repealing and Recreating Section 6-1(A) of the Municipal Code Regarding the Composition of the Board of Public Works (1st reading)

Mayor Chiovatero indicated this is the 1st reading.

Motion by Alderman Ament to waive the 2nd and 3rd readings. Seconded by Alderman Seidl and carried unanimously.

Motion by Alderman Seidl to approve Ordinance No. 2407. Seconded by Alderman Wysocki and carried unanimously.

Resolution No. 09-07 Resolution Opposing Proposed Prevailing Wage Law

Motion by Alderman Harenda to approve Resolution No.09-07. Seconded by Alderman Wysocki.

The following verbiage was added to the resolution: "WHEREAS, applying the prevailing wage law to private projects receiving public financing could adversely impact the participation of volunteer, private non-profit groups".

Upon voting the original motion, with the added verbiage, motion carried with Alderman Moore voting no.

Mayor Chiovatero indicated we will not be going into Closed Session for the 2 unions.

City Clerk Gauger read the Closed Session for the remaining 3 Closed Session items.

CLOSED SESSION

The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85 (1) (c) (d) and (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.

(d) 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:

- Teamster Union
- Fire Union

(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:

- Ellen Marine Claim
- KH Claim
- Barrett Landfill vs. City of New Berlin

Motion by Alderman Seidl to go to Closed Session at 9:52 PM. Seconded by Alderman Hopkins and carried unanimously per roll call vote.

Motion by Alderman Seidl to reconvene in Open Session at 10:32 PM. Seconded by Alderman Hopkins and carried unanimously.

RECONVENE TO OPEN SESSION

ADJOURN

Motion by Alderman Seidl to adjourn at 10:35 PM. Seconded by Alderman Ament and carried unanimously.

Respectfully submitted:

Marilyn Gauger, MMC/WCPC
City Clerk