

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL  
Tuesday, March 10, 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 8:40 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, Moore and Ament. Excused: Alderman Poshepny. Also present were: City Clerk Marilyn Gauger, Attorney Mark Blum, City Engineer JP Walker, Human Resource Director Tami Potkay and Associate Planner Amy Bennett.

**REPORTS**

City Clerk - none

Council President - The city is hosting a Rain Garden Workshop on Saturday, March 28<sup>th</sup> at 9:30 AM in Council Chambers. All are encouraged to attend.

Mayor - none

City Attorney - none

**COMMUNICATIONS**

None.

**PLAN COMMISSION**

**Certified Survey Map – 1626 S Berlin Avenue**

Motion by Alderman Ament to approve the Certified Survey Map for the property located at 1626 S. Berlin Avenue and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

**BOARD OF PUBLIC WORKS**

**Development Agreement for the United Heartland Office Building at 15200 W. Small Road**

Motion by Alderman Moore to approve the Development Agreement for the United Heartland Office Building at 15200 W Small Road. Seconded by Alderman Ament and carried unanimously.

**Amendment of the Design Contract with Ruckert-Mielke for Glendale Drive**

Motion by Alderman Moore to approve the amendment of the Design Contract with Ruckert-Mielke for Glendale Drive to include additional changes to the Scope of Work listed in Change Order No. 2 in the amount of \$16,395. Seconded by Alderman Seidl and carried unanimously.

**Redesign of Lincoln Avenue.**

Motion by Alderman Moore to approve the redesign of Lincoln Avenue. Seconded by Alderman Seidl and carried unanimously.

**Lincoln Avenue Relocation Order/Resolution No. 09-05**

Motion by Alderman Moore to approve Resolution No. 09-05 Declaration of Public Necessity and Relocation Order to Reconstruct Lincoln Avenue in the City of New Berlin, Waukesha County, Wisconsin. Seconded by Alderman Seidl and carried unanimously.

**MAYORAL APPOINTMENTS**

**Board of Appeals**

Motion by Alderman Moore to approve the appointment of Brian McGrath with a term of 5/1/2009 - 4/30/2012. Seconded by Alderman Hopkins.

Motion withdrawn by Alderman Moore. Second withdrawn by Alderman Hopkins.

**Community Development Authority**

Joe Poshepny with a term of 5/1/2009 - 4/30/2010.

**Ethics Board**

Motion by Alderman Hopkins to approve the appointment of William Jonas with a term of 4/26/2009 - 4/25/2012. Seconded by Alderman Moore and carried unanimously.

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**Library Board**

Motion by Alderman Wysocki to approve the appointment of Erin Del Ponte with a term of 3/10/2009 – 6/30/2011. Seconded by Alderman Seidl and carried unanimously.

**Parks, Recreation & Forestry Commission**

Richard Kocchi with a term of 5/1/2009 - 4/30/2012.  
Darrell Standish with a term of 5/1/2009 - 4/30/2012.  
Eugene Wichowski with a term of 5/1/2009 - 4/30/2012.

**Plan Commission**

H Lee Sisson with a term of 5/1/2009 - 4/30/2012.  
Brian Felda with a term of 5/1/2009 – 4/30/2012.

**Safety Commission**

Frederick Witty with a term of 5/1/2009 - 4/30/2011.  
Earl Strandt with a term of 5/1/2009 - 4/30/2011.  
Daniel Meister with a term of 5/1/2009 - 4/30/2011.

Motion by Alderman Ament to approve the appointment of Chuck Trevorow - effective 3/10/09. Seconded by Alderman Moore and carried unanimously.

**Youth Advisory Board**

Motion by Alderman Moore to approve the appointment of Tracy Manz with a term of 3/10/2009 - 05/31/11. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Wysocki to remove all remaining appointments until after the Mayoral election. Seconded by Alderman Moore carried unanimously.

**DEFERRED, REFERRED & TABLED ITEMS**

None.

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**CONSENT AGENDA**

Motion by Alderman Wysocki to approve all of the following items listed on the Consent Agenda as amended. Seconded by Alderman Seidl and carried unanimously.

**MINUTES** - Common Council minutes from February 24, 2009

**UTILITY AND FINANCE**

- Water Utility claims in the amount of \$106,301.87, Sewer Utility claims in the amount of \$36,909.98, and Bi-weekly claims in the amount of \$317,504.59, all of which represents payment to vendors.

**LICENSES & PERMITS**

**Bartenders**

- Bartender Licenses for the year 2008-2010 to Stephanie Burbach, Sara Metcalf and Alyia Schnitzler.

**Class B Liquor License**

- NB Restaurant Group, LLC/dba Passport Brewhaus (formerly known as Tumbleweeds) at 4900 S Moorland Road.

**Replacement of Officer to Corporation**

- Noodles Inc at 15630 W. National Ave. replacement of officer/Paul A. Strasen, 6 White Alder, Littleton, CO, 80127.

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**MISCELLANEOUS**

- City Assessor Koller's update on current status of the 2009 City-wide Revaluation/Presentation given.
- Fire Chief Dobernig's update on current status of construction of the new Fire Station #3 and operational status of the New Berlin Fire Department/DEFERRED
- Disposition of Fire Department property at the intersection of Johnson Road and Cleveland Avenue/TABLED

**DEFERRED, REFERRED & TABLED ITEMS**

None.

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**ITEM/S REMOVED FROM CONSENT AGENDA**

- **Direct the City Treasurer in conjunction with the Finance Committee to prepare and make a recommendation to the Common Council on a budget format that can be utilized by all City departments for submission of all future operating and CIP Budgets. Have the Finance Committee report back to the Common Council within 90 days with their recommendation.**
- **Request approval of a budgetary time line that will be utilized for the preparation of each year's Operating and CIP Budgets. Direct the City Attorney to prepare an ordinance and/or resolution to execute the below time table.**
  - a. **Time Table:**
    - i. **The Mayor will prepare with assistance from all City Departments a City Operating and CIP Budget that will be presented to the City Aldermen by the 3<sup>rd</sup> Friday of August of each year.**
    - ii. **The first "Budgetary Working Session" will begin by the 3<sup>rd</sup> Tuesday of September of each year. Additional working sessions will be agenized by the Mayor and/or Council President if necessary.**
- **Request the Common Council give direction to the Mayor and City Department Heads on the preparation of the 2010 City Operating and CIP Budgets. As in the past we have set goals and/or directives on spending for the next year.**

Motion by Alderman Harenda to submit to the Finance Committee the following: to set budget guidelines, to set timelines (as recommended by Alderman Harenda (above) and the Financial Policy timeline of May) and a budget format. Seconded by Alderman Hopkins and carried with Alderman Moore voting no.

**ORDINANCES/RESOLUTIONS**

**Ordinance No. 2405 Ordinance To Create Section 267-15 Of The Municipal Code Of The City Of New Berlin Regarding The Establishment Of An Urban Service Area Boundary For Municipal Water And Sewer Services In The City Of New Berlin**

Mayor Chiovatero indicated this is the 1<sup>st</sup> reading.

Motion by Alderman Harenda to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings. Seconded by Alderman Wysocki and carried with Alderman Moore voting no.

Motion by Alderman Harenda to adopt Ordinance No. 2405. Seconded by Alderman Wysocki and carried unanimously.

**Ordinance No. 2406 Ordinance To Create Chapter 189 Of The Municipal Code Of The City Of New Berlin Concerning The Mandating Of Employee Wages and Benefits For Private Businesses**

Mayor Chiovatero indicated this is the 1<sup>st</sup> reading.

Motion by Alderman Ament to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings. Seconded by Alderman Seidl and carried with Alderman Moore voting no.

Motion by Alderman Ament to adopt Ordinance No. 2406. Seconded by Alderman Seidl and carried with Alderman Moore voting no.

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**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) and (d) 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.

- Teamster Bargaining

(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:

- Vicki and Thomas Widule Claim

Motion by Alderman Seidl to go to Closed Session at 9:03 PM. Seconded by Alderman Hopkins and carried unanimously per roll call vote.

Motion by Alderman Wysocki to reconvene in Open Session at 9:56 PM. Seconded by Alderman Moore and carried unanimously.

**RECONVENE TO OPEN SESSION**

**Discussion and possible action on the Vicki and Thomas Widule Claim**

Motion by Alderman Ament to authorize the City Attorney for the settlement of claim by Vicki and Thomas Widule in the amount of \$2,950.58. Seconded by Alderman Moore and carried unanimously.

**ADJOURN**

Motion by Alderman Seidl to adjourn at 9:59 PM. Seconded by Alderman Harenda and carried unanimously.

Respectfully submitted:

Marilyn Gauger, MMC  
City Clerk