

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL  
Tuesday, February 24, 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 8:11 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: Deputy Clerk Christine Stefanich, Attorney Mark Blum, City Engineer JP Walker and Director of Community Development Greg Kessler.

***This meeting was noticed on Thursday, February 19, 2009 in accordance with the Open Meeting Law.***

**REPORTS**

City Clerk – The Primary Election results are on the City’s website at: [www.newberlin.org](http://www.newberlin.org) under Departments, City Clerk and Elections. The top 2 candidates for Mayor are Mayor Chiovatero and Alderman Wysocki.

Council President – no report

Mayor – no report

City Attorney – no report

**COMMUNICATIONS - none**

**UTILITY COMMITTEE**

**Allow \$12,000 remaining of the CIP budget item request for Replacement of Drain System / Floor at Utility Shop to be used to construct a storage mezzanine.**

Item tabled at Utility Committee no action.

**WATER RESOURCE MANAGEMENT COMMITTEE**

**Intergovernmental Agreement with the Town of Bristol, representing the 17 municipalities of the Southeast Wisconsin Clean Water Network, as fiscal agent in the cooperative implementation of the Information and Education Program required by their WPDES permits.**

Motion by Alderman Harenda to approve the Intergovernmental Agreement with the Town of Bristol, representing the 17 municipalities of the Southeast Wisconsin Clean Water Network, as fiscal agent in the cooperative implementation of the Information and Education Program required by their WPDES permits. Seconded by Alderman Moore and carried unanimously.

**DEFERRED, REFERRED & TABLED ITEMS**

**Direct the Department of Community Development, City Attorney and Mayor to initiate the sewer service boundary amendment process for the property located at 18695 W. Cleveland Avenue and hold a public hearing for said amendment on January 5, 2009 before the Plan Commission and accept the Plan Commission Report/TABLED 11-18-08**

No action taken.

**Discussion and possible action to adopt Resolution 08-42 to establish the New Berlin Urban Service Area Boundary as referred by the Council to the Plan Commission for study, analysis and the holding of a public hearing and further to consider the inclusion of additional lands within said boundary as requested by the respective property owners and as set forth in the report and recommendations of the Plan Commission/TABLED 12-16-08 for Public Hearing February 2009**

Motion by Alderman Ament to remove from the agenda. Seconded by Alderman Hopkins and carried unanimously.

*Note: Action was taken at the Committee of the Whole meeting. An ordinance will be drafted in place of Resolution No. 08-42.*

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**CONSENT AGENDA**

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

**UTILITY AND FINANCE**

- Recommend to Council approval of Water Utility claims in the amount of \$86,472.19, Sewer Utility claims in the amount of \$14,658.78, and Bi-weekly claims in the amount of \$1,392,667.78, all of which represents payment to vendors.

**LICENSES & PERMITS**

**Bartenders**

- Bartender Licenses for the year 2008-2010 to Marcus Carus, Ryan Gove, Brittany Deinlein and Douglas Woeckener.

**MISCELLANEOUS**

**Change of Agents**

- The Noodles Shop 15630 W. National Avenue/Holly Paez-Thoresen N34 W23314 Hunters Ct. #102, Pewaukee.
- Ultra Mart Foods LLC/aka Pick N Save at 15445 W National Avenue/Craig Brown 525 Eastern Trail Mukwonago.

**Transfer of Class B Liquor License**

- From Diamondback Management Inc to Trigild, a Court appointed receiver concerning the former Tumbleweeds Bar and Grill at 4900 S Moorland Road.

**Direct City Attorney to create an ordinance**

- Council adopt and direct the City Attorney to create an Ordinance stating that the City of New Berlin will not pass legislation that would require any private employer within the City of New Berlin or doing business within the City to provide particular wages or benefits to an employee/Alderman Ament.

**DEFERRED, REFERRED & TABLED ITEMS**

- Adoption of Water and Sewer Urban Service Area Boundaries/REFERRED TO PLAN COMMISSION/8-12-08

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**ITEM/S REMOVED FROM CONSENT AGENDA**

- **APPROVAL OF MINUTES** – Common Council minutes from February 10, 2009  
Motion by Alderman Ament to approve the February 10, 2009 Common Council minutes as printed. Seconded by Alderman Hopkins and carried with one abstention from Alderman Moore.

- **Adoption of “Three-Quarters” Majority Vote For Any Future Extension of Water and Sewer Outside Established New Berlin Urban Service Area Boundary (NBUSAB). These Boundaries Are To Be Adopted Within the Next 60 Days by the New Berlin Common Council/TABLED 8-12-08**

Motion by Alderman Harenda to direct the City Attorney to draft an ordinance that requires a ¾ Council vote for any amendment for the future extension of Water and Sewer outside the Established New Berlin Urban Service Area Boundary (NBUSAB). Seconded by Alderman Seidl and carried with Alderman Poshepny and Alderman Moore voting no.

**ORDINANCES/RESOLUTIONS - none**

**ADJOURN**

Motion by Alderman Seidl to adjourn at 8:25 PM. Seconded by Alderman Wysocki and carried unanimously.

Respectfully submitted:

Christine Stefanich  
Deputy Clerk