

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, January 15, 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 9:25 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, Harenda, Poshepny, Moore and Ament. Excused: Alderman Seidl. Also present were: City Clerk Marilyn Gauger, Deputy Clerk Christine Stefanich, Attorney Mark Blum, Community Development Director Greg Kessler, Associate Planner Jessica Titel and City Engineer JP Walker.

This meeting was noticed on Thursday, January 8, 2009 in accordance with the Open Meeting Law.

REPORTS

City Clerk – February Primary Election is Tuesday, February 17th. Offices on the ballot are: Superintendent of Public Instruction, New Berlin School Board, Elmbrook School Board and Mayoral. There are 4 candidates running for Mayor. Paul Lincoln Scheuble, Ted Wysocki, Kenneth A Harenda II and Jack F Chiovaturo.

Council President – The CDA meets this Thursday, January 15th at a new time, 6PM in Council Chambers regarding Mill Valley property at Racine Avenue and College Avenue. January 28th a Comprehensive Planning Meeting will be held at New Berlin Library from 6-9PM.

Mayor - none

City Attorney - none

COMMUNICATIONS

None.

PLAN COMMISSION

Ordinance No. 2402 that approves the rezoning of property known as 15200 and 15230 W. Small Road from R-4 to O-2

Motion by Alderman Ament to adopt Ordinance No. 2402 that approves the rezoning of property known as 15200 and 15230 W. Small Road from R-4 to O-2 and accept the Plan Commission Report. Seconded by Alderman Harenda and carried unanimously.

Mayor Chiovaturo indicated 2 emails were received in favor of the rezone and is on file in the City Clerk's office.

Certified Survey Map for the property located at 15200 and 15230 W. Small Road

Motion by Alderman Ament to approve the Certified Survey Map for the property located at 15200 and 15230 W. Small Road and accept the Plan Commission Report. Seconded by Alderman Harenda and carried unanimously.

BOARD OF PUBLIC WORKS

Public Improvements and the Dedication of Public Infrastructure at the Conservancy of New Berlin

Motion by Alderman Moore to approve the Public Improvements and the Dedication of Public Infrastructure at the Conservancy of New Berlin. Seconded by Alderman Ament and carried unanimously.

Redesign of S. 124th Street & a Portion of Grange Avenue

Motion by Alderman Moore to approve the Redesign of S. 124th Street & a Portion of Grange Avenue. Seconded by Alderman Ament.

Motion by Alderman Ament to amend to remove the 6 foot wide off-road sidepaths. Seconded by Alderman Harenda and carried with Alderman Moore and Alderman Poshepny voting no.

Upon voting original motion carried with Alderman Moore and Alderman Poshepny voting no.

Pedestrian street lighting on National Avenue from Calhoun Road to 124th Street – 3 Letters of Credit

Motion by Alderman Moore to return the three (3) Letters of Credit (sureties) for the Pedestrian street lighting on National Avenue from Calhoun Road to 124th Street. Seconded by Alderman Wysocki and carried unanimously.

PARKS RECREATION & FORESTRY

2009 Greens Fees

Motion by Alderman Moore to approve the 2009 Greens Fees as recommended by the Golf Course Committee. Seconded by Alderman Hopkins and carried unanimously.

SAFETY COMMISSION

Resolution No. 09-01 Resolution To Change The Wording On Parking Signs Regulating Parking On The East Side Of Parkside Drive Between The 2400 To 2500 Blocks

Motion by Alderman Poshepny to approve Resolution No. 09-01. Seconded by Alderman Ament and carried unanimously.

MAYORAL APPOINTMENTS

Motion by Alderman Poshepny to appoint Vanessa Durik (District #5) to the **Youth Advisory Board** with term expiring 5-31-2011. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Moore to appoint Daniel Lavinio to **Finance Committee** with term expiring 1-9-2010. Seconded by Alderman Poshepny.

Motion by Alderman Wysocki to defer. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Hopkins to appoint Jim Kern to **Water Resource Management Committee** with term expiring 3-21-2011. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Ament to appoint Bonnie Martin to **Crime Prevention Committee** with term expiring 1-1-2010. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Hopkins to appoint Kris Scalzo to the **Communications Committee** with term expiring 12-31-2009. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Hopkins to appoint Bruce Peterka to the **Communications Committee** with term expiring 12-31-2009. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Wysocki to appoint Lori Schinker to the **Special Projects Commission** with term expiring 12-31-2009. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Hopkins to appoint Mary Claire Lanser **Special Projects Commission** with term expiring 12-31-2009. Seconded by Alderman Moore and carried unanimously.

DEFERRED, REFERRED & TABLED ITEMS

Ordinance #2396 that approves the updates as proposed by the City Attorney below to the current sections of the New Berlin Municipal Code Chapter 275-34 (D)(3) related to Hotel Height and accept the Plan Commission Report/REFERRED BACK TO PLAN COMMISSION 11-18-08

Public Hearing held January 5, 2009.

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

Public Hearing held January 5, 2009.

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
Public Hearing to be held February 2009.

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CONSENT AGENDA

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

MINUTES - Common Council minutes from December 16, 2008

UTILITY AND FINANCE

For: December 24, 2008

- Recommend to Council approval of Water Utility claims in the amount of \$8,783.57, Sewer Utility claims in the amount of \$396,902.03, of that amount \$387,227.24 represents payment to MMSD and Bi-weekly claims in the amount of \$379,361.01, all of which represents payment to vendors. Tax overpayments in the amount of \$76,608.86 were also generated.

For: January 14, 2009

- Recommend to Council approval of Water Utility claims in the amount of \$1,647,128.56, Sewer Utility claims in the amount of \$5,566.46, and Bi-weekly claims in the amount of \$604,102.02, all of which represents payment to vendors. Tax overpayments in the amount of \$119,427.28 were also generated.

LICENSES & PERMITS

Bartenders

- Bartender Licenses for 2008-2010 to Loran Schulze, Amy Beene, Katie Liegler, Andy Wargin, Taylor Devitt, Brenda Barnes, Michelle Sweeney, Catherine Friedenfels.

Class "A" Beer

- Speedway Superamerica LLC at 14001 W Greenfield Avenue.

Change of Agent

- Brenda L Tomashaski, 4447 S 48th Street, Greenfield for Pick N Save at 13995 W National Avenue.

Outdoor Music - St Elizabeth Ann Seton Church Festival

- Friday, July 31 from 5PM to 11PM; Saturday August 1 from 5PM to 11PM and Sunday August 2 from Noon to 7PM with appropriate alcohol permit.

Garbage Haulers

- 2009 License for Waste Management Corporation at 10627 S 27th Street Franklin WI
- 2009 License for Veolia ES Solid Waste Midwest LLC at 559 Progress Drive Hartland WI

MISCELLANEOUS

- Resolution No. 09-02 Resolution Authorizing Amendments To \$1,865,000 City Of New Berlin, Wisconsin Industrial Development Revenue Bonds, Series 1995 (Southwest Metal Finishing, Inc. And S&F Limited Liability Company Of Wisconsin Project), Issued On August 17, 1995 And \$4,750,000 City Of New Berlin, Wisconsin Industrial Development Revenue Bonds, Series 1998 (Southwest Metal Finishing, Inc. And S&F Limited Liability Company Of Wisconsin Project) ISSUED ON MAY 27, 1998.
- Weights and Measures Assessment Fee Schedule pursuant to Section 152-21 of the City Code.
- Salary adjustments for regular non-represented employees effective January 1 and adjust 2008 salary ranges by 3% for 2009/TABLED

DEFERRED, REFERRED & TABLED ITEMS

- Common Council approves any pay or benefit increases before they go into affect. Instruct the City Attorney to draw up a resolution or ordinance (whichever is appropriate) to be approved at the next Common Council meeting/REFERRED TO FINANCE COMMITTEE/5-13-08
- Adoption of Water and Sewer Urban Service Area Boundaries/REFERRED TO PLAN COMMISSION/8-

12-08

- 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

ITEM/S REMOVED FROM THE CONSENT AGENDA

- **2009 Department CIP Budgets/TABLED 10-14-08**

Motion by Alderman Hopkins to approve the 2009 CIP Budget at \$6,318,492 with a debt issue of \$6,213,319 (due to grant dollars of \$105,173 for road rehabilitation). Seconded by Alderman Poshepny and carried with Alderman Harenda and Alderman Ament voting no.

ORDINANCES/RESOLUTIONS

Ordinance No. 2393 To Repeal And Recreate Section 261-17 Vehicles and Traffic Of The Municipal Code Of The City Of New Berlin Concerning The Operation Of Off Road Motor Vehicles – revised (3rd reading)

Motion by Alderman Ament to adopt Ordinance No. 2393. Seconded by Alderman Moore and carried unanimously.

Ordinance No. 2403 Ordinance To Amend Section 230-2(A) Streets and Sidewalks, Snow and Ice Removal, of the Municipal Code of the City of New Berlin

Mayor Chiovero indicated this is the 1st reading.

Motion by Alderman Wysocki to waive the 2nd and 3rd readings. Seconded by Alderman Hopkins and carried with Alderman Moore voting no.

Motion by Alderman Wysocki to adopt Ordinance No. 2403. Seconded by Alderman Ament and carried with Alderman Moore voting no.

Resolution No. 09-03 Resolution Approving Payment For Election Inspectors/Officials

Motion by Alderman Ament to approve Resolution No. 09-03. Seconded by Alderman Hopkins and carried unanimously.

City Clerk Gauger read the following:

CLOSED SESSION

Pursuant to Chapter 19.85 (1) (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; and Chapter 19.85 (1) (e) 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

Motion by Alderman Ament to convene in Closed Session at 10:19 PM. Seconded by Alderman Wysocki and carried unanimously per roll call vote.

Motion by Alderman Hopkins to reconvene in Open Session at 10:26 PM. Seconded by Alderman Ament and carried unanimously.

RECONVENE TO OPEN SESSION

Discussion and possible action to amend the City's current contract with the Teamster's Union for the period January 1, 2009 to March 31, 2009

Motion by Alderman Hopkins to approve the City's current contract with the Teamster's Union per the accepted agreement from the Teamster's union. Seconded by Alderman Moore and carried unanimously.

ADJOURN

Motion by Alderman Moore to adjourn at 10:28 PM. Seconded by Alderman Ament and carried unanimously.

Respectfully submitted:

Marilyn Gauger, MMC/WCMC
City Clerk