

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, October 14, 2008**

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

Mayor Jack F Chiovero called the City of New Berlin Common Council Meeting to order at 10:32 PM after Committee of the Whole and Privilege of the Floor.

Those present recited the Pledge of Allegiance and stood for a moment of silence for Paul Gihring who recently passed away.

ROLL CALL: Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Poshepny, Moore and Ament. Also present were: City Clerk Marilyn Gauger, City Attorney Mark Blum, Human Resource Director Tami Potkay, Parks Recreation & Forestry Director Mark Schroeder, Community Development Director Greg Kessler, Fire Chief Ed Dobernig and Assistant Fire Chief Fred Schultz.

This meeting was noticed on Thursday, October 9, 2008 and amended Monday, October 13, 2008 in accordance with the Open Meeting Law.

REPORTS

City Clerk – Register to vote and absentee vote in the Clerk's office during normal office hours Monday to Friday from 8-4:30PM. Extended hours are Monday October 20th & 27th and Wednesday from October 22 & 29 from 8AM – 7PM. Any questions, call 262-786-8610. The City's final estimate population from the State Census Bureau is 39,500.

Council President - nothing

Mayor - nothing

City Attorney - nothing

COMMUNICATIONS

None.

PARK & RECREATION COMMISSION

Motion by Alderman Moore to approve the Option to extend the Addendum to Lease Agreement for a 2 year period with Johnson Sand & Gravel for Quarry Park. Seconded by Alderman Harenda and carried with Alderman Ament voting no.

MAYORAL APPOINTMENTS

Board of Public Works

Motion by Alderman Ament to approve the appointment of John Graber with term expiring 8-21-2011. Seconded by Alderman Harenda and carried unanimously.

Civil Service Commission

Motion by Alderman Ament to approve the appointment of Ann Hanneman with term expiring 6-30-2013. Seconded by Alderman Moore and carried unanimously.

Ethics Board

Motion by Alderman Ament to approve the appointment of Bruce H Boehlen with term expiring 8-14-2011. Seconded by Alderman Moore and carried unanimously.

Landmarks Commission

Motion by Alderman Wysocki to approve the re-appointment of Laurie DeMoss with term expiring 10-1-2011. Seconded by Alderman Seidl and carried unanimously.

Motion by Alderman Seidl to approve the re-appointment of Sherry Kampa with term expiring 10-1-2011. Seconded by Alderman Wysocki and carried unanimously.

Special Projects Commission

Motion by Alderman Ament to approve the re-appointment of John G Rocco with term expiring 10-1-2009. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Hopkins to approve the re-appointment of James J Simonson with term expiring 10-1-2009. Seconded by Alderman Moore and carried unanimously.

Utility Committee

Motion by Alderman Wysocki to approve the re-appointment of Robert J Dude with term expiring 10-13-2010. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Hopkins to approve the re-appointment of James F Morrissey with term expiring 10-13-2010. Seconded by Alderman Ament and carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS

PLAN COMMISSION

Resolution No. 07-29 to approve SEWRPC's Year 2035 Transportation Plan for the region and accept the Plan Commission Report/TABLED 11-13-07

Motion by Alderman Wysocki to remove from the table. Seconded by Alderman Moore and carried unanimously.

Motion by Alderman Wysocki to approve Resolution No. 07-29 as amended. Seconded by Alderman Seidl and carried unanimously.

Motion by Alderman Seidl to extend the meeting 30 minutes. Seconded by Alderman Wysocki and carried unanimously.

FIRE DEPARTMENT

Award 8 sub-contracts for construction of fire station on Racine Avenue: Site Utilities, Earthwork & Site Clearing, Paving, Site Concrete, Building Concrete, Masonry, Structural & Miscellaneous Steel and Rough Carpentry/DEFERRED FOR MORE INFORMATION 8-26-08/DEFERRED 9-23-08

Motion by Alderman Hopkins to approve the awarding of the 7 sub-contracts. Seconded by Alderman Seidl and carried with Alderman Poshepny voting no. *(1 bidder was allowed to withdraw).*

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CONSENT AGENDA

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

MINUTES - Common Council minutes from September 23, 2008

UTILITY AND FINANCE

- Water Utility claims in the amount of \$98,894.16, Sewer Utility claims in the amount of \$473,458.63, of that amount \$412,827.30 represents payment to MMSD, and Bi-weekly claims in the amount of \$1,626,437.46, all of which represents payment to vendors.

LCENSES & PERMITS

Bartenders

- Bartender License for the year 2008-2010 to Timothy Marr, Pamela Mrowinski, Lisa Borchardt, Lori Loduha, Kim Schiefelbein, David Schultz, Megan Schwartz, David Muenzberg and Patrick Striebel.

MISCELLANEOUS

- Amend Section 261-17 of the Municipal Code of the City of New Berlin to regulate negative effects of motor-driven off road vehicles/Police Chief Rieder
- Amend Sections 121-1 (F), 121-1 (F) (1) and (2), 121-1 (F) (2) (f), and 121-1 (F) (4) of the Municipal Code of the City of New Berlin to limit shotgun hunting within the city for the sole purpose of destroying wild animals causing damage to growing agricultural crops/Police Chief Rieder
- Set a Public Hearing for November 10, 2008 at 6:01 p.m. to be held before the Plan Commission for Mr. Szczap (Bielinski Homes) who has filed a petition to rezone the property located at approximately

12800 W. Janesville Rd. (known as Wyndridge) from Rm-1 to Rm-1 and C-2 to field delineate the wetlands on the property.

- Set a Public Hearing for November 10, 2008 at 6:02 p.m. to be held before the Plan Commission for Mr. Jeff Mass who has filed a petition to rezone the property located at approximately 2400 S. Johnson Rd. from A-2 and C-2 to R-1/R-2 and C-2 (to field delineate the wetlands).
- Set a Public Hearing for November 10, 2008 at 6:03 p.m. to be held before the Plan Commission for Mr. Dave Merrick who has filed a petition to rezone the property located at approximately 15200 & 15230 W. Small Rd. from R-4 to O-2 and extend the public notification to 1000 feet.
- Emergency Government Budget/TABLED 10-7-08/Budget remained the same.
- 2009 Department CIP Budgets/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
- Refer The Changing Of The Regular BPW Monthly Meeting Date And Time From The First Monday Mornings Of The Month At 8:00AM To The Evening Of The 3rd Wednesday Of The Month At 6:00PM To The BPW For Their Discussion And Recommendation (*changed to Report Back*) To The Common Council/Alderman Ament/REFERRED TO BOARD OF PUBLIC WORKS/8-12-08
- 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
- Resolution No. 08-25 A Resolution Transferring Funds From Contingency to Fire Department Accounts/DEFERRED 9-23-08
- Direct the City Attorney to Prepare the Final Resolution for the Howard Avenue Special Assessment Sewer Project/TABLED 9-23-08

2009 Department Operating Budgets

Motion by Alderman Wysocki to set the public hearing date for the 2009 Proposed Operating Budget to Tuesday, November 11, 2008 at 7:00 PM. Seconded by Alderman Hopkins and carried unanimously.

Bids for Construction of Fire Station on Racine Avenue

Award 13 sub-contracts for construction of fire station on Racine Avenue: Structural and Miscellaneous Steel, Finish Carpentry and General Trades, Roofing, Overhead Doors, Aluminum & Glass, Drywall, Flooring, Acoustical Ceilings, Painting, Plumbing, HVAC, Electrical and Landscaping/DEFERRED 9-23-08

Motion by Alderman Ament recommend to Council approval to award the 13 sub-contracts for new fire station on Racine Avenue. Seconded by Alderman Hopkins and carried with Alderman Poshepny voting no.

ORDINANCES/RESOLUTIONS - none

ADJOURN

Motion by Alderman Hopkins to adjourn at 11:18 PM. Seconded by Alderman Ament and carried unanimously.

Respectfully submitted:

Marilyn Gauger, MMC/WCMC
City Clerk