

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, November 11, 2008**

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 8:07 PM after the 2009 Budget Public Hearing, Committee of the Whole and Privilege of the Floor.

Those present recited the Pledge of Allegiance and stood for a moment of silence for the loss of 2 of our citizens, Al Stigler and Jean Crotty.

ROLL CALL: Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Poshepny, Moore and Ament. Also present were: City Clerk Marilyn Gauger, City Attorney Mark Blum and City Engineer JP Walker, Police Chief Joe Rieder, Finance Director Mike Holzinger, Planning Services Manager Nikki Jones and Police Captain Frank Zsohar.

This meeting was noticed on Friday, November 7, 2008 and amended Monday, November 10, 2008 in accordance with the Open Meeting Law.

REPORTS

City Clerk – The City realized an 85.76% voter turnout for the Presidential election, down about 4% from 2004 however absentee voting was over 8,500. Administration of the election was a team effort with all working very hard to accomplish.

Council President – none

Mayor - none

City Attorney - none

COMMUNICATIONS

Violet Preston Claim

Referred to City Attorney

PLAN COMMISSION

Ordinance No. 2395 Ordinance To Revise, Amend, Supplement And Codify Article Ix A Floodplain Zoning (Section 275-65.22) Of The Zoning Ordinance Of The City Of New Berlin And Amend And Modify The City's Zoning Map Based On The Modifications To The National Flood Insurance Program (Nfip) Regulations Regarding The New Fema Adopted Base Flood Elevation Maps And Flood Insurance Study As Prepared And Approved By The Wisconsin Department Of Natural Resources And Fema.

Motion by Alderman Ament to adopt Ordinance No. 2395. Seconded by Alderman Moore and carried unanimously.

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CONSENT AGENDA

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

MINUTES - Common Council minutes from October 28, 2008

UTILITY AND FINANCE

Water Utility claims in the amount of \$30,334.90, Sewer Utility claims in the amount of \$321,233.57, and Bi-weekly claims in the amount of \$198,124.41, all of which represents payment to vendors.

LCENSES & PERMITS

Bartenders

Bartender License for the year 2008-2010 Kristina Ash, Trevor Hein, Amanda Knipple and Robert O'Konek.

MISCELLANEOUS

Set a Public Hearing for December 1, 2008 at 6:01 p.m. to be held before the Plan Commission for Pastor Dave Gall who has filed a petition to rezone the property located at approximately 17770 W.

Cleveland from I-1, C-1, and C-2 to I-1, C-1, and C-2 to Field Delineate the Wetlands.

Set a Public Hearing for December 1, 2008 at 6:02 p.m. to be held before the Plan Commission for Mr. Michael Losik who has filed a petition to rezone the property located at approximately 19000 W. Lincoln Ave. from C-1 and C-2 to C-1 and C-2 to Field Delineate the Wetlands.

Set a Public Hearing for December 1, 2008 at 6:03 PM before Plan Commission for Dave Merrick who has petitioned to rezone the property located at approximately 15200 & 15230 W Small Road from R-4 to O-2/exceeded public notice to 1000 feet.

Amend the hunting regulations to allow crossbows to be used in the City of New Berlin if the individual is handicap or over the age of 65.

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/no action.

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/no action.

Adoption of Water and Sewer Urban Service Area Boundaries/REFERRED TO PLAN COMMISSION/8-12-08/no action

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/no action

2009 Department CIP Budgets/TABLED 10-14-08/will be taken up on 11-18-08 at a special meeting

ITEMS REMOVED FROM CONSENT AGENDA:

None

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

Mayor Chiovatero indicated this is the 3rd reading.

Motion by Alderman Hopkins to adopt Ordinance No. 2393. Seconded by Alderman Poshepny.

Motion by Alderman Ament to amend Section A (3) from "200 feet" to "400 feet" of a structure used for human habitation. Seconded by Alderman Moore and carried with Aldermen Hopkins and Wysocki voting no.

Motion by Alderman Ament to have the City Attorney amend the ordinance and bring back for 3 readings. Seconded by Alderman Seidl and carried unanimously.

Final Resolution No. 08-33 In Accordance With Wisconsin Statute Section 66.0703 And New Berlin Municipal Code Section 267-4 Authorizing The Levying Of Special Assessments Against Benefited Properties In The Howard Avenue Sanitary Sewer Special Assessment District

Motion by Alderman Wysocki to defer and send copies to affected residents. Seconded by Alderman Seidl and carried unanimously.

Resolution No. 08-37 A Resolution Adopting The Salary Range Assignments for Civil Service and Non-Represented Positions

Motion by Alderman Ament to approve Resolution No. 08-37. Seconded by Alderman Moore and carried unanimously.

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) (e) of the Wisconsin State Statutes.

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:

- Poplar Creek Interceptor
- Negotiation for listing contract of vacant property at corner of Cleveland Avenue & Johnson Road

Motion by Alderman Seidl to go to Closed Session at 8:28 PM. Seconded by Alderman Wysocki and carried per roll call vote unanimously.

Motion by Alderman Seidl to reconvene in Open Session at 9:01 PM. Seconded by Alderman Wysocki and carried unanimously.

RECONVENE TO OPEN SESSION

Discussion and possible action on Poplar Creek Interceptor

No action taken.

Discussion and possible action on listing contract of vacant property at corner of Cleveland Avenue & Johnson Road

No action taken.

ADJOURN

Motion by Alderman Seidl to adjourn at 9:03 PM. Seconded by Alderman Wysocki and carried unanimously.

Respectfully submitted:

Marilyn Gauger, MMC/WCMC
City Clerk