

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, November 13, 2007**

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 12:00 AM after Committee of the Whole and Privilege of the Floor.

Present were Aldermen Hopkins, Augustine, Seidl, Harenda, Poshepny, Moore and Ament. Also present was: City Clerk Marilyn Gauger, City Attorney Mark Blum, Police Chief Joe Rieder, IT Director Nick Roethel, Community Development Director Greg Kessler, Human Resource Director Tami Potkay and Division Engineer Ron Schildt and Planning Services Manager Nikki Jones.

Those present recited the Pledge of Allegiance.

This meeting was noticed on Friday, November 9, 2007 in accordance with the Open Meeting Law.

REPORTS

City Clerk - none

Council President - none

Mayor – Christmas parade was successful and thank you to all. The tape will be replayed during Thanksgiving weekend. Vets day ceremony was well attended and thanked the New Berlin community band and the VFW post and all participants. Mayor will schedule the tape to be re-played and provide those times on channel 25.

City Attorney - none

COMMUNICATIONS - none

PLAN COMMISSION

Resolution No. 07-29 to approve SEWRPC's Year 2035 Transportation Plan

Motion by Alderman Ament to approve Resolution No. 07-29 to approve SEWRPC's Year 2035 Transportation Plan for the region and accept the Plan Commission Report. Seconded by Alderman Moore.

Motion by Alderman Harenda to table. Seconded by Alderman Seidl and carried unanimously.

Ordinance No. 2365 that approves the rezoning of property known as The Preserve at Weatherstone Meadows

Motion by Alderman Ament to adopt Ordinance No. 2365 that approves the rezoning of property known as The Preserve at Weatherstone Meadows located at 4200 S. Cambridge from R-4.5/PUD, C-2/PUD and C-1 to R-4.5/PUD and C-2/PUD to Field Delineate the Wetlands and update/amend PUD Ordinance No. 2108 and accept the Plan Commission Report. Seconded by Alderman Seidl and carried unanimously.

Ordinance No. 2366 that approves the updates to the current sections of the New Berlin Zoning Ordinance Chapter 275-62

Motion by Alderman Ament to adopt Ordinance No. 2366 that approves the updates to the current sections of the New Berlin Zoning Ordinance Chapter 275-62 related to Non-Metallic Mine Reclamation and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS

Board of Public Works

Sidepath and Trail Inspection and Maintenance Policy/TABLED 9-25-07/DEFERRED 10-9-07/TABLED 10-23-07

This item remained on the table.

CONSENT AGENDA

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

MINUTES - Common Council minutes from October 23, 2007

UTILITY AND FINANCE

Claims

- Water Utility claims in the amount of \$101,289.35, Sewer Utility claims in the amount of \$4,760.83, and Bi-weekly claims in the amount of \$843,173.26, all of which represents payment to vendors

LICENSES & PERMITS

Bartenders

- Bartender License for the year 2007-2009 to Rachael Karraker, Kaitlin Lownik, Stacy Danielson, Mark Mueller, Jared Kegley, Brian Thiede and James Grimmer.

Change of Agent

- Noodles & Company at 15630 W. National Avenue appoints Rick Hacker as the new agent.

MISCELLANEOUS

- Funds raised by the Library Foundation be split 67% to the city of New Berlin and 33% to the Library materials budget/*No action taken.*
- Set a Public hearing for Monday, December 3, 2007 at 6:00 p.m. to be held before the Plan Commission for Mr. Rinderle who filed a petition to rezone the property located at approximately 13300 W. College Ave. from B-4 to B-3.
- Set a Public hearing for Monday, December 3, 2007 at 6:01 p.m. to be held before the Plan Commission for Mr. Olson who filed a petition to rezone the property located at approximately 2880 S. Moorland Rd. from O-1 to O-1 and C-2.
- Resolution No. 07-30 A Resolution Adopting The Salary Range Assignments for Civil Service and Non-Represented Positions.
- Proposed 2008 CIP Budget./*Not all departments approved.*

DEFERRED, REFERRED & TABLED ITEMS

- **Resolution No. 06-42 A Preliminary Resolution Declaring Intent to Levy Special Assessments and Directing the City Engineer to Prepare a Report for the Installation of Sanitary Sewer System to Service Areas on the North Side of Howard Avenue (west of Sunny Slope Road)/TABLED 11-14-06**
This item remained on the table.

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ITEM/S REMOVED FROM CONSENT AGENDA

Amend the Development Agreement for the Residences at City Center/Library Lofts, Inc

Motion by Alderman Hopkins to Amend the Development Agreement with the inclusion of the 16-unit building for the Residences at City Center/Library Lofts, Inc. Seconded by Alderman Moore and carried with Alderman Harenda voting no.

Early Retirement Package

Motion by Alderman Hopkins to approve Early Retirement Package to employees that retire 12-31-07 and meet specific criteria. Seconded by Alderman Poshepny and carried with Alderman Ament voting no.

Wilbur Drive Street Table Locations

Motion by Alderman Augustine to approve Wilbur Drive Street Table Locations – one west of Cottonwood and the other between Spruce and Cottonwood. Seconded by Alderman Ament and carried with Aldermen Poshepny and Moore voting no.

ORDINANCES/RESOLUTIONS

Ordinance No. 2367 Ordinance To Amend City of New Berlin Municipal Code Chapter 230 Streets and Sidewalks Section 230-2 Snow and Ice Removal (1st reading)

Mayor Chiovatero indicated this is the first reading.

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) (e) and (g) 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; more specifically:
 - Employee Compensation Evaluation

- (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:
 - Potential land acquisition via donation for proposed fire station
 - Strategy for negotiation of health insurance contract renewal

- (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:
 - Deborah Wied Claim

Motion by Alderman Augustine to go to Closed Session at 12:40 AM. Seconded by Alderman Harenda and carried per roll call vote unanimously.

RECONVENE TO OPEN SESSION

Motion by Alderman Seidl to reconvene in Open Session at 2:20 AM. Seconded by Alderman Ament and carried unanimously.

DISCUSSION AND POSSIBLE ACTION

Employee compensation evaluation

Motion by Alderman Harenda to set titles and salary ranges for the IT Department as follows: Senior Network Administrator with salary range of 9; Database Administrator with salary range of 12; and Director of IT with salary range of 16 effective 1-1-08. Seconded by Alderman Seidl.

Alderman Moore amended the motion with an effective date of 11-1-07. Seconded by Alderman Poshepny and carried with Aldermen Seidl, Harenda and Ament voting no.

Upon voting the original motion as amended the motion carried with Aldermen Seidl and Harenda voting no.

Potential land acquisition via donation for proposed fire station

No action taken.

Strategy for negotiation of health insurance contract renewal

No action taken.

Deborah Wied Claim

No action taken.

ADJOURN

Motion by Alderman Moore to adjourn at 2:25 AM. Seconded by Alderman Augustine and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC/WCMC
City Clerk