

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL MEETING
Tuesday, January 12, 2010**

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 8:05 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.

ROLL CALL: ROLL CALL: Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Poshepny, Moore and Ament. Also present were: Deputy City Clerk Christine Stefanich, City Attorney Mark Blum, Police Chief Joe Rieder, IT Director Nick Roethel, City of New Berlin Intern Jake Krueger, Parks, Recreation & Forestry Director Mark Schroeder and Human Resource Director Tami Potkay.

This meeting was noticed on Thursday, January 7, 2010 in accordance with the Open Meeting Law.

REPORTS

City Clerk- no report

Council President – Council President Harenda stated at a prior Emergency Government presentation the Director mentioned there was no appointed liaison to his department. He stated he has appointed himself as direct liaison with Emergency Government in order for interaction to continue.

Mayor – Mayor Chiovatero wished everyone a Happy New Year and welcomed Alderman Poshepny.

City Attorney- no report

PARKS, RECREATION & FORESTRY COMMISSION

Lease Agreement with the New Berlin Historical Society (NBHS) for use of the park buildings located at 19750 West National Avenue.

Motion by Alderman Moore to approve the Lease Agreement with the New Berlin Historical Society (NBHS) for use of the park buildings located at 19750 West National Avenue. Seconded by Alderman Ament and carried unanimously.

2010 Green Fees as recommended by the Golf Course Committee.

Motion by Alderman Moore to approve the 2010 Green Fees as recommended by the Golf Course Committee. Seconded by Alderman Hopkins and carried unanimously.

Agreement for the Use of School Facilities with the New Berlin School District for 2009-2010.

Motion by Alderman Moore to approve the Agreement for the Use of School Facilities with the New Berlin School District for 2009-2010. Seconded by Alderman Harenda and carried unanimously.

MAYORAL APPOINTMENTS

Youth Advisory Board

Motion by Alderman Hopkins to appoint Morgan Zimmerman with a term expiring 5/31/2011. Seconded by Alderman Seidl and carried unanimously.

Motion by Alderman Seidl to appoint Cayla Holtz with a term expiring 5/31/2011. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Harenda to appoint Angela Heller/completing the term of Chrissy Liu with a term expiring 5/31/2010. Seconded by Alderman Hopkins and carried unanimously.

Finance Committee

Motion by Alderman Wysocki to reappoint Jo Kapfhammer with a term expiring on 1/13/2011. Seconded by Alderman Harenda and carried unanimously.

Director of Finance

Motion by Alderman Hopkins to appoint Ralph Chipman as Director of Finance. Seconded by Alderman Wysocki and carried unanimously.

Trustee under the New Berlin Police Retirees Health Subsidy Plan

Motion by Alderman Ament to appoint the Director of Finance to Trustee under the New Berlin Police Retirees Health Subsidy Plan. Seconded by Alderman Moore and carried unanimously.

DEFERRED, REFERRED & TABLED ITEMS

Ordinance No. 2417 that approves the amendments to Section 275-41.A(2) (Keeping and Raising of Animals) and 275-70 (Definitions) of the City's Zoning Code and accept the Plan Commission report. TABLED 9-8-09/REFERRED TO AD HOC COMMITTEE 9-22-09 NO ACTION 12-8-09 NO ACTION 1/12/10

SAFETY COMMISSION - Purchase and install four (4) temporary speed tables on Lincoln Avenue between Moorland Road and Parkside Drive/REFERRED TO BOARD OF PUBLIC WORKS 10-13-09/REFERRED BACK TO SAFETY COMMISSION 10-27-09 NO ACTION 12-8-09 NO ACTION 1/12/10

Ordinance No. 2413 Ordinance To Amend Section 152-10 Regarding The Regulation And Licensing Of Dogs (3rd reading) TABLED 11-19-09 NO ACTION 12-8-09 NO ACTION 1/12/10

Direct City Clerk To Advertise For Aldermanic District#5 Vacancy/TABLED 11-19-09

Motion by Alderman Seidl to remove this item from the agenda. Seconded by Alderman Harenda and carried unanimously.

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CONSENT AGENDA

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

MINUTES – December 8, 2009 Common Council

UTILITY AND FINANCE

Claims

For: December 23, 2009

- Water Utility claims in the amount of \$127,052.00, Sewer Utility claims in the amount of \$434,550.67, of that amount \$406,293.20 represents payment to MMSD and Bi-weekly claims in the amount of \$235,151.35, all of which represents payment to vendors. Tax overpayments of \$67,565.54 were also generated.

For: January 13, 2010

- Recommend to Council approval of Water Utility claims in the amount of \$102,768.93, Sewer Utility claims in the amount of \$15,278.24, and Bi-weekly claims in the amount of \$953,276.93, all of which represents payment to vendors. Tax overpayments of \$87,179.05 were also generated.

LICENSES & PERMITS

Bartenders

- Bartender Licenses for the year 2009-2011 to Lindsey Plencner, Kelly Moore and Hadi Gilani
These bartenders should have been placed on the 12/8/09 consent agenda.
- Bartender Licenses for the year 2009-2011 to Ethan Jaeger, Roxanne Goodman, Anthony Russell, Keith Jacobsen, Keith Horvath, Robert Lynch, Kevin Living, Mark Sommers, Robyn Mitchler, Laura Pietrzak, Matthew Borck, Russell Belling, Ruben Urtega Acosta, Jose Melendez, Anita Corbin-Mann, Victoria Lee, Tara Lee, Kaitlyn Hrenak, Jeffrey Jacobs, Jacalyn Schmidt, Jason Zanck and Linda Zillmer.

Waste Haulers

- Waste Management, 10627 S. 27th Street, Franklin, WI
- Eagle Disposal Inc., 21107 Omega Circle, Franksville, WI
- Veolia ES Solid Waste Midwest, LLC, 559 Progress Drive, Hartland, WI

FINANCE COMMITTEE

- Authorize the Director of Finance to sign the Declaration of Official Intent for the 2010 CIP Debt Issue in an amount to not exceed \$7,600,000.00.

MISCELLANEOUS

- Set a public hearing for February 1, 2010 at 6:00 p.m. to be held before the Plan Commission for Mr. Richard Mercier to rezone the property located at approximately 4700 S. Sovereign Dr. from R-4, O-2, and C-2 to R-4, O-2 and C-2.
- Set a public hearing for February 1, 2010 at 6:02 p.m. to be held before the Plan Commission for Mr. Brian Lennie to rezone the property located at approximately 2250 S. Springdale Road from R-1/R-2 and C-2 to R-1/R-2 and C-2.
- Resolution #10-1 Approving Payment For Election Inspector/Officials
- Set a public hearing for March 1, 2010 at 6:00 p.m. to be held before the Plan Commission to consider an amendment to the City's Comprehensive plan to incorporate addendum #1 to the City's Storm Water Management Master Plan and a new Park and Open Space Plan.

DEFERRED, REFERRED & TABLED ITEMS - none

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ITEM/S REMOVED FROM CONSENT AGENDA, if any-

Communication Committee

Direct the City Attorney to draft an ordinance allowing advertising space on the City's official website, www.newberlin.org.

Motion by Alderman Harenda to direct the City Attorney to draft an ordinance allowing advertising space on the City's official website, www.newberlin.org. Seconded by Alderman Hopkins and carried with Aldermen Poshepny and Moore voting no.

ORDINANCES/RESOLUTIONS

Ordinance To Amend Chapter 11(Civil Service) Section 11-08 Of The Municipal Code Of The City Of New Berlin With Respect To The Filling Of Position Vacancies For Department Heads Other Than Statutorily Identified Officers (1st reading)

Motion by Alderman Harenda to waive the 2nd and 3rd readings. Seconded by Alderman Wysocki

Alderman Harenda withdrew his motion.

Charter Ordinance No. 8 Repealing Charter Ordinance No. 6 Regarding The Position Of Treasurer-Comptroller and Establishing The Position of Director Of Finance.

1st reading.

Resolution #10-2 to Transfer Funds from the Contingency Account to Landmarks Commission to Share Costs in Providing Public Access to German Evangelical Reformed Lutheran Church Cemetery.

Motion by Alderman Seidl to approve Resolution #10-2 to Transfer Funds from the Contingency Account to Landmarks Commission to Share Costs in Providing Public Access to German Evangelical Reformed Lutheran Church Cemetery. Seconded by Alderman Ament and carried with Alderman Poshepny voting no.

Charter Ordinance No. 9 regarding the method of appointment of the City Clerk.

1st reading

CLOSED SESSION

Deputy City Clerk Stefanich read the following:

The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85 (1) (g) of the Wisconsin State Statutes.

- (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:
- State of Wisconsin Radium Consent Order Claim
 - TRD Real Estate LLC vs City of New Berlin
 - KH Claim
 - William Honeyager vs City of New Berlin
- (e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business whenever competitive or bargaining reasons require a Closed Session, more specifically:
- Union contract negotiations

Motion by Alderman Seidl to go to Closed Session at 8:45 PM. Seconded by Alderman Ament and carried unanimously per roll call vote.

Motion by Alderman Wysocki to reconvene in Open Session at 10:30 PM. Seconded by Alderman Seidl and carried unanimously.

RECONVENE TO OPEN SESSION

Discussion and possible action on the following items:

State of Wisconsin Radium Consent Order Claim

No action

TRD Real Estate LLC vs City of New Berlin

No action

KH Claim

No action

William Honeyager vs City of New Berlin

No action

ADJOURN

Motion by Alderman Seidl to adjourn at 10:31 PM. Seconded by Alderman Ament and carried unanimously.

Respectfully submitted:
Christine Stefanich
Deputy City Clerk