

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL MEETING  
Tuesday, January 26, 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 7:29 PM after Committee of the Whole and Privilege of the Floor.

**ROLL CALL:** Mayor Jack F Chiovatero called the meeting to order. Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Poshepny, Moore and Ament. Also present were: Deputy City Clerk Christine Stefanich, City Attorney Mark Blum, Human Resource Director Tami Potkay, Division Engineer Nicole Hewitt and Associate Planner Jessica Titel.

Those present recited the Pledge of Allegiance and stood for a moment of silence.

***This meeting was noticed on Friday, January 22, 2010 in accordance with the Open Meeting Law.***

**REPORTS**

City Clerk- no report

Council President – no report

Mayor – no report

City Attorney- no report

**PLAN COMMISSION**

**Certified Survey Map for the property located at 18200 W. Observatory Road and accept the Plan Commission Report.**

***Deputy Clerk's note:***

This item was moved to after closed session.

**WATER RESOURCE MANAGEMENT**

Motion by Alderman Harenda to approve the 2010 CIP Budget for Water Resource Management Utility. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Harenda to Preliminary Approve the Co-Application with City of West Allis for Dredging Permit At 124<sup>th</sup> Street Culvert. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Harenda to approve the Intern Funding Extension to 2010. Seconded by Alderman Ament and carried unanimously.

**KEEPING AND RAISING OF ANIMALS AD HOC COMMITTEE**

Motion by Alderman Moore to return the Final Recommendations for Amendments to Section 275-41A (2) and Section 275-70 of the Zoning Code to Plan Commission for public hearing. Seconded by Alderman Ament

There was discussion regarding the various revisions of recommendations which have been submitted and which revision was to be considered. City Attorney Blum suggested that Alderman Moore revise his prior motion to include which version of recommendations to deliberate.

Alderman Moore made an amendment to the prior motion to include modifications made as of today's date.

Motion by Alderman Ament to remove "applicable zoning district regulations" from Section 1 subsection 2(a), from the third line of the modified recommendations. Seconded by Alderman Harenda

Motion was withdrawn by Alderman Ament and no vote was taken.

Alderman Moore amended his prior amended motion to add the public hearing date of March 1, 2010 and motion as amended carried unanimously.

**MAYORAL APPOINTMENTS**

**City Clerk**

Motion by Alderman Ament to approve the appointment of Kari Morgan as City Clerk with an effective date of appointment of February 16<sup>th</sup>, 2010. Seconded by Alderman Hopkins 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 Referred to Plan Commission 1/26/10 for public hearing March 1, 2010.

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 NO ACTION 1/26/10

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 NO ACTION 1/26/10

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**CONSENT AGENDA**

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

**MINUTES** – January 12, 2010 Common Council and January 12, 2010 Special Called Meeting of the Common Council.

**UTILITY AND FINANCE**

**Claims**

For: January 27, 2010

- Recommend to Council approval of Water Utility claims in the amount of \$44,972.91, Sewer Utility claims in the amount of \$28,231.58, and Bi-weekly claims in the amount of \$606,142.17, all of which represents payment to vendors. Tax overpayments of \$103,674.78 were also generated.

**LICENSES/PERMITS**

- Bartender Licenses for the year 2009-2011 to Jill High, Christi Kemp, Lynn McGuire, Angela Root, Megan Smith and Brandi Wieczorek.

**Liquor License**

- "Class A" Liquor License for National Beer & Liquor, 12940 W. National Av.
- Class "B" Beer & Class "C" Wine License for Big Tuna Japanese Restaurant, 3624 S. Moorland Rd.

**MISCELLANEOUS**

- Consideration of an Initial Resolution regarding Industrial Development Revenue Bond Financing for Westridge PDI, LLC. Information with respect to the job impact of the project will be available at the time of consideration of the Initial Resolution.

**DEFERRED, REFERRED & TABLED ITEMS – none**

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**ITEM/S REMOVED FROM CONSENT AGENDA:**

**Bartender Licenses for the year 2009-2011 to Mike Dieckelman**

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Motion by Alderman Seidl to approve a Bartender Licenses for the year 2009-2011 to Mike Dieckelman. Seconded by Alderman Ament and carried with Alderman Poshepny and Moore voting no.

**Bartender Licenses for the year 2009-2011 to Elizabeth Kosbab**

Motion by Alderman Moore to deny a Bartender Licenses for the year 2009-2011 to Elizabeth Kosbab. Seconded by Alderman Poshepny and carried unanimously.

**Bartender Licenses for the year 2009-2011 to Robert Deiss**

Motion by Alderman Moore to deny a Bartender Licenses for the year 2009-2011 to Robert Deiss. Seconded by Alderman Poshepny and carried with Aldermen Wysocki, Seidl and Ament voting no.

**ORDINANCES/RESOLUTIONS**

**Ordinance To Amend Chapter 11 (Civil Service) Sections 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.**

Motion by Alderman Harenda to waive the 3<sup>rd</sup> reading seconded by Alderman Wysocki, carried with Alderman Moore and Poshepny voting no.

Motion by Alderman Harenda to approve 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. Seconded by Alderman Wysocki and carried with Alderman Poshepny abstaining.

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

Motion by Alderman Harenda to waive the 3<sup>rd</sup> reading. Seconded by Alderman Ament carried with Alderman Moore voting no.

Motion by Alderman Harenda to approve Charter Ordinance #8 Repealing Charter Ordinance No. 6 Regarding the Position of Treasurer-Comptroller and Establishing the Position of Director of Finance. Seconded by Alderman Wysocki and carried unanimously.

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

Motion by Alderman Harenda to waive the 3<sup>rd</sup> reading. Seconded by Alderman Hopkins carried with Alderman Moore voting no.

Motion by Alderman Harenda to approve Charter Ordinance No. 9 regarding the method of appointment of the City Clerk. Seconded by Alderman Hopkins and carried with Alderman Poshepny abstaining.

**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

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Motion by Alderman Wysocki to go to Closed Session at 8:44 p.m. Seconded by Alderman Ament and carried unanimously.

***Deputy Clerk's note:***

A seven minute break was taken at this time.

Motion by Alderman Seidl to reconvene in Open Session at 9:30 p.m. Seconded by Alderman Hopkins and carried unanimously.

**RECONVENE TO OPEN SESSION**

**PLAN COMMISSION**

**Certified Survey Map for the property located at 18200 W. Observatory Road and accept the Plan Commission Report.**

Motion by Alderman Ament to approve the Certified Survey Map for the property located at 18200 W. Observatory Road and accept the Plan Commission Report. Seconded by Alderman Wysocki and carried unanimously.

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 Wysocki to adjourn at 9:38 p.m. Seconded by Alderman Seidl and carried unanimously.

Respectfully submitted:  
Christine Stefanich  
Deputy City Clerk