

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, February 9, 2010**

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 7:50 PM after Committee of the Whole and Privilege of the Floor.

ROLL CALL: Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Poshepny, Ament and Moore. Also present were: Deputy City Clerk Christine Stefanich, City Attorney Mark Blum, Division Engineer Nicole Hewitt, Planning Services Manager Nikki Jones and Associate Planner Amy Bennett.

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

This meeting was noticed on February 4, 2010 in accordance with the Open Meeting Law.

REPORTS

City Clerk- Deputy Clerk Stefanich reminded everyone of the spring primary election on February 16 for districts 1 and 5 only. She also stated absentee voting is now available at the Clerk's office between the hours of 8:00am and 4:30pm. She encouraged residents to contact the Clerk's office with questions or concerns.

Council President- no report

Mayor – The Mayor indicated that the election in February is for school board in district 1 and alderperson in district 5. He stated there is a nasty snowstorm and West Allis and Brookfield already have an excess of nine inches on the ground. He also stated the City has been working with a skeleton snowplowing crew and that they will be pulled off streets at 9:00 p.m. and brought back Wednesday morning. He asks residents to have patience. The snowplowing crew is doing their best and should be commended on their efforts and will continue to do the best they can. He cautioned for those needing to go out to please be careful.

City Attorney- no report

PLAN COMMISSION

PG-280 Sign Ordinance Revision – Sign Code Amendment Regarding Residential Signs.

Motion by Alderman Ament to set a Public Hearing date for the March 29, 2010 Plan Commission meeting regarding the adoption and amendments to 275-42 G (3) (c) (Fence Maintenance), 275-61 G (Signs permitted in all zoning districts without a permit) of the City's Zoning Code to regulate "signs" and "displays" on primary or accessory residential structure and 275-70 Definitions, for clarification and accept the Plan commission Report. Seconded by Alderman Hopkins and carried unanimously.

R-1-04 Carleton Point Condominiums – 13050 W. Cleveland Ave. Rezone from I-1 to Rm-1/PUD and C-2/PUD for a 40-Unit Condominium Complex with a Planned Unit Development Overlay and Wetland Delineation.

Motion by Alderman Ament to adopt Ordinance #2424 that approves the rezoning of the property located at 13050 W. Cleveland Avenue from I-1, Institutional District to Rm-1, Multi-Family Residential / C-2 Shoreland Wetland / PUD, Planned Unit Development Overlay District and accept the Plan Commission report. Seconded by Alderman Wysocki

Motion by Alderman Wysocki to amend the prior motion to add the language as recommended by Plan Commission and as presented. Seconded by Alderman Hopkins

Upon voting motion as amended carried unanimously.

RZ-09-07 Richard H. Mercier – Approx. 4700 S. Sovereign Dr. – Rezone from R-4, O-2, and C-2 to R-4, O-2, and C-2 to Field Delineate the Wetlands.

Motion by Alderman Ament to adopt Ordinance #2425 that approves the rezoning of the property located at approximately 4700 S. Sovereign Drive from R-4, O-2 and C-2 to R-4, O-2 and C-2 to field delineate the wetlands and accept the Plan Commission report. Seconded by Alderman Moore and carried unanimously.

RZ-09-06 Judith Berthelsen – 2250 S. Springdale Rd. – Rezone from R-1/R-2 and C-2 to R-1/R-2 and C-2 to Field Delineate the Wetlands.

Motion by Alderman Ament to adopt Ordinance #2426 that approves the rezoning of the property located at 2250 S. Springdale Road from R-1/R-2 and C-2 to R-1/R-2 and C-2 to field delineate the wetlands and accept the Plan Commission report. Seconded by Alderman Seidl and carried unanimously.

LD-10-01 Sendik's New Berlin Plaza – 3600 S. Moorland Rd. – One-Lot Land Division.

Motion by Alderman Ament to approve the one-lot Certified Survey Map for the property located at 3600 S. Moorland Road and accept the Plan Commission report. Seconded by Alderman Hopkins and carried unanimously.

WATER RESOURCE MANAGEMENT

Award of Construction Contract for Underwood Creek Rehabilitation Phase 2 Project

Motion by Alderman Harenda to approve the awarding of the Construction Contract for the U-331 Underwood Creek Rehabilitation Phase 2, to the lowest responsive responsible bidder, CW Purpero, Inc. for the not to exceed amount of \$646,597.25. Source of Funds: Water Resource Utility CIP Account 04251171 61714 C2003 for \$331,500.00 and the remaining funds of \$388,000.00 from the 2010 CIP Budget. Seconded by Alderman Hopkins

Motion by Alderman Harenda to amend the Construction Contract for the U-331 Underwood Creek Rehabilitation Phase 2 not to exceed the amount of to \$206,645.75. Alderman Harenda rescinded his motion.

Deputy Clerk's note: The City will be submitting application for grant assistance for this project. City Attorney Blum clarified the specifics of the grant application and what figures should be included in the motion.

Upon voting the motion as originally stated carried unanimously.

COMMUNITY DEVELOPMENT AUTHORITY

Mill Valley Redevelopment Plan – Discussion and Possible Action.

Motion by Alderman Harenda to adopt Resolution No. 10-04 to Authorize the City Of New Berlin Community Development Authority To Negotiate An Inter-Municipal Agreement With The City Of Muskego For Sanitary Sewer and Water Service To Implement The Redevelopment Plan for The New Valley Sand and Gravel Site (Mill Valley Business Park), to approve the Mill Valley Redevelopment Plan and initiate negotiations with the City of Muskego for sewer and water. Seconded by Alderman Hopkins

Deputy Clerk's note: There was discussion as to how the Development plan has previously been approved and that the original motion confuses the action and the intention of the Council. Therefore Alderman Harenda amended his motion.

Motion by Alderman Harenda to amend his previous motion to read: to adopt Resolution No. 10-04 - Authorizing the City Of New Berlin Community Development Authority To Negotiate An Inter-Municipal Agreement With The City Of Muskego For Sanitary Sewer and Water Service To Implement The Redevelopment Plan for The New Valley Sand and Gravel Site (Mill Valley Business Park).

Upon voting motion as amended carried unanimously.

FINANCE COMMITTEE

Financial Management Policies

Motion by Alderman Wysocki to approve and adapt the recommended deletions, changes and additions to the City's overall financial polices as presented by the Finance Committee at its January 14, 2010 meeting. Seconded by Alderman Hopkins and carried unanimously.

Deputy Clerk's note: Updated Financial Policies on file in the City Clerk's office.

Long Term Financial Management Plan

Alderman Wysocki requested a Committee of the Whole meeting on March 2, 2010 at 7:00 p.m. with the specific purpose of discussing the 2011 budget and potential long term recommendations on expenditures. The consensus among the council was agreement that a meeting could take place with one exception from Alderman Moore.

Statement on Auditing Standard No. 114

Motion by Alderman Wysocki to accept and approve the statement on Auditing Standard No. 114 as described in a letter dated December 9, 2009 from Baker Tilly. Seconded by Alderman Hopkins and carried unanimously.

SAFETY COMMISSION

Direct the Streets Department to install temporary speed tables on or about May 1, 2010 at roughly the following locations: 15405 W. Lincoln Avenue, 15255 W. Lincoln Avenue and 15055 W. Lincoln Avenue.

Motion by Alderman Wysocki to direct the Streets Department to install temporary speed tables on or about May 1, 2010 at roughly the following locations: 15405 W. Lincoln Avenue, 15255 W. Lincoln Avenue and 15055 W. Lincoln Avenue. Seconded by Alderman Ament.

Friendly amendment by Alderman Wysocki to have the speed table remain at these locations for up to three (3) months. Seconded Alderman Ament.

Upon voting motion as amended carried unanimously.

Deputy Clerk's note: This action will remove the Safety Commission item from the Deferred; Referred & Tabled Items section of the agenda, no motion is required.

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, 12-8-09 NO ACTION 1-12-10 NO ACTION 1/26/10 REFERRED TO PLAN COMMISSION 2/9/10 NO ACTION

Ordinance No. 2413 Ordinance To Amend Section 152-10 Regarding The Regulation And Licensing Of Dogs (3rd reading) 11-19-09 TABLED 12-8-09 NO ACTION 1/12/10 NO ACTION 1/26/10 NO ACTION 2/9/10 NO ACTION

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CONSENT AGENDA

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

MINUTES – January 26, 2010 Common Council

UTILITY AND FINANCE

Claims

For: February 10, 2010

Recommend to Council approval of Water Utility claims in the amount of \$83,423.52, Sewer Utility claims in the amount of \$6,335.00, and Bi-weekly claims in the amount of \$573,892.55, all of which represents payment to vendors. Tax overpayments of \$15,532.83 were also generated.

LICENSES/PERMITS

Bartenders

- Bartender Licenses for the year 2009-2011 to Amanda Belsha, Tracy Boya, Aretha Hammonds, James Hilgenberg, Julie Lorenz, Umar Mehar, Virginia Nord, Jennifer Parks, Cal Pulczynski, Steve Sainsbury, Leticia Sandoval, Jason Simonson and Angela Carpenter.

Liquor License

Change of Agent

- Pick N Save, 15445 W. National Avenue, Nicole Lueck, Agent

Wholesale Beer

- GB Sales Milwaukee, Inc., 16255 W. Stratton Drive
- General Beverage Sales Co.- Milwaukee, 16255 W. Stratton Drive

MISCELLANEOUS

- Transfer \$16,000 from contingency to the Library Budget

DEFERRED, REFERRED & TABLED ITEMS - none

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ITEM/S REMOVED FROM CONSENT AGENDA,

Bartenders

Appeal of January 26th denial of Bartender License for the year 2009-2011 for Elizabeth Kosbab.

Motion by Alderman Hopkins to approve the Bartender License for the year 2009-2011 for Elizabeth Kosbab. Seconded by Alderman Seidl and carried with Aldermen Wysocki, Poshepny and Moore voting no.

ORDINANCES/RESOLUTIONS - none

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
- William Honeyager vs City of New Berlin

Motion by Alderman Hopkins to go to Closed Session at 9:10 PM. Seconded by Alderman Wysocki and carried unanimously per roll call vote.

Motion by Alderman Seidl to reconvene to Open Session at 9:28 PM. Seconded by Alderman Ament and carried unanimously.

RECONVENE TO OPEN SESSION

State of Wisconsin Radium Consent Order Claim

No action taken.

TRD Real Estate LLC vs City of New Berlin

No action taken.

William Honeyager vs City of New Berlin

No action taken.

ADJOURN

Motion by Alderman Seidl to adjourn at 9:30 PM. Seconded by Alderman Hopkins and carried unanimously.

Respectfully submitted:
Christine Stefanich
Deputy City Clerk