

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL  
Tuesday, April 8, 2008**

**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 10:13 PM after Committee of the Whole and Privilege of the Floor.

**ROLL CALL:** Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Poshepny, Moore and Ament. Also present were: Deputy City Clerk Sherry Grant, City Attorney Mark Blum, Director of Human Resources Tami Potkay, Director of community Development Greg Kessler, Planning Services Manager Nikki Jones, city Engineer JP Walker and Parks, Recreation and forestry Director Mark Schroeder.

Those present recited the Pledge of Allegiance.

***This meeting was noticed on Thursday, April 17, 2008 and amended on Friday, April 18, 2008 in accordance with the Open Meeting Law.***

**REPORTS**

City Clerk - None

Council President - None

Mayor – Arbor Day

City Attorney - None

**COMMUNICATIONS - none**

**PLAN COMMISSION**

**Ordinance #2374 approve rezoning known as Jeanne Welsch**

Motion by Alderman Ament to adopt Ordinance #2374 that approves the rezoning known as Jeanne Welsch located at 21040 W. Lincoln Avenue from B-2 and C-2 to B-2 and C-2 to field delineate the wetlands and accept the Plan Commission Report. Seconded by Alderman Moore and carried unanimously.

**Ordinance #2375 approve rezoning known as Holly Wieneke**

Motion by Alderman Ament to adopt Ordinance #2375 that approves the rezoning known as Holly Wieneke located at 18200 W. Lynette Lane from R-1/R-2, C-1 and C-2 to R-1/R-2, C-1 and C-2 to field delineate the wetlands and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried with Aldermen Seidl and Ament voting no.

**Ordinance #2376 approve rezoning known as TRD-Woelfel Rd. #2 Project**

Motion by Alderman Ament to adopt Ordinance #2376 that approves the rezoning known as TRD-Woelfel Rd. #2 Project located at 3915 S. Woelfel Road from R-1/R-2, C-1 & C-2 to R-1/R-2, C-1 & C-2 to field delineate the wetlands and remove a portion of the C-1 Zoning District and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried with Alderman Ament voting no.

**UTILITY COMMITTEE**

**Abandon the Utility Easement for the abandoned force main**

Motion by Alderman Harenda to approve the termination of the existing sewer easement in exchange for an indemnity agreement as against future liability claims in place sewer line and reimbursement of \$91,285.00 spent by the utility to purchase the property and run the current main down Spruce through the Tesch property. Seconded by Alderman Ament and carried unanimously.

**Construction contract for Sanitary Sewer re-lining, replacement, manhole grouting, testing and sealing for the Lincoln Avenue Project**

Motion by Alderman Harenda to approve the Construction contract for Sanitary Sewer re-lining, replacement, manhole grouting, testing and sealing for the Lincoln Avenue Project to the lowest responsive and responsible bidder, Michels Pipeline, in the amount of \$441,951.00 for a total project cost not to exceed \$486,146.10. Source of Funds: Wastewater Account 81001131.52030. Seconded by Alderman Seidl and carried unanimously.

**DEFERRALS, REFERRAL & TABLED ITEMS**

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**Sidepath and Trail Inspection and Maintenance Policy/TABLED 9-25-07/DEFERRED 10-9-07/TABLED 10-23-07/TABLED 2-12-08**

No Action Taken.

**Resolution #07-29 to approve SEWRPC's Year 2035 Transportation Plan for the region and accept the Plan Commission Report/TABLED 11-13-07**

No Action Taken.

**Ordinance No. 2367 Ordinance To Amend City of New Berlin Municipal Code Chapter 230 Streets and Sidewalks Section 230-2 Snow and Ice Removal - 3rd reading and TABLED 12-11-07**

No Action Taken.

**Professional Services Agreement with Planning & Design Institute (PDI) at an estimated cost of \$25,230 from Public Site and Open Space Account/DEFERRED 4-8-08**

The following motion is from the April 8, 2008 Common Council meeting:

Motion by Alderman Moore to approve the Professional Services Agreement with Planning & Design Institute (PDI) at an estimated cost of \$25,230 from Public Site and Open Space Account. Seconded by Alderman Hopkins.

Motion carried with Aldermen Seidl and Ament voting no.

At this time the Mayor deviated from the Agenda and moved to the first item under Ordinances and Resolutions.

**Ordinance No. 2377 Ordinance To Repeal And Recreate Chapter 11 Of The Civil Service Code Of The City Of New Berlin (1<sup>st</sup> reading)**

Mayor Chiovero indicated this is the 1<sup>st</sup> reading.

Motion by Alderman Hopkins to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings. Seconded by Alderman Wysocki and carried with Alderman Ament voting no.

Motion by Alderman Hopkins to adopt Ordinance No. 2377 to Repeal and Recreate Chapter 11 of the Civil Service Code of the City of New Berlin. Seconded by Alderman Moore and carried unanimously. Mayor Chiovero amended the motion to accept the recommendations from the Civil Service Commission.

**Request from Civil Service Commission for revisions to Chapter 11 Civil Service Code/DEFERRED 4-8-08.**

Remove from the Agenda. Please see previous action for Ordinance No. 2377 to Repeal and Recreate Chapter 11 of the Civil Service Code of the City of New Berlin.

**Mayoral Appointment/ Police and Fire Commission/Richard T Pionek with term expiring 4-30-2013/DEFERRED 4-8-08**

The following motion is from the April 8, 2008 Common Council meeting:

Motion by Alderman Hopkins to approve the appointment of Richard T. Piontek/with term expiring 4-30-2013. Seconded by Alderman Moore.

Motion carried unanimously.

**Ordinance No. 2373 An Ordinance to Amend The Parking Restrictions in the City of New Berlin Adding Section 261-4(C), Alternate side parking (1<sup>st</sup> reading)/REFERRED TO SAFETY COMMISSION 4-8-08**

No action taken.

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**CONSENT AGENDA**

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

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**MINUTES** - Common Council minutes from April 8, 2008 and Special Common Council for Installation on April 15, 2008

**UTILITY AND FINANCE**

- Water Utility claims in the amount of \$71,372.91, Sewer Utility claims in the amount of \$407,150.43, and Bi-weekly claims in the amount of \$284,212.94, all of which represents payment to vendors.

**LICENSES & PERMITS**

**Bartenders**

- Bartender License for 2007-2009 to Kelly Moore, Mary Terese Kolp, Brandon Strege, Sonja Rodriguez, Cheryl Lyles, Vania Langenkamp, Amada Avin-Marin, Evelyn Rodriguez, James Bruno, Ann Riemer, Kelly Shalbrack, Christian Trauth, Amy Radtke and Kris Bzdawka.

**Class B Combo License**

- Change of Premise Description for Mikey's Place at 19745 W National Avenue/Agent Michael D Clark.

**MISCELLANEOUS**

- Election of Council representative to Plan Commission pursuant to State Statute 62.23 (1) (a) and City Code Section 275.15 (b) (3).

**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/TABLED 3-11-08  
No action taken.
- Resolution 08-08 Adopting the Salary Range Assignments for Civil Service and Non-Represented Positions/TABLED 3-11-08  
No action taken.

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**ITEM/S REMOVED FROM CONSENT AGENDA**

**LICENSES/PERMITS**

**Bartenders**

Motion by Alderman Seidl to approve the Bartender License for 2007-2009 to Timothy Hume. Seconded by Alderman Hopkins and carried with Alderman Poshepny and Moore voting no.

**MISCELLANEOUS**

**Amend the Common Council rules to adjourn the Common Council meetings by 10:00 pm**

Motion by Alderman Ament to amend the Common Council rules to adjourn the Common Council meetings by 10:00 PM. and by a majority vote the meeting could be extended in 30 minute increments. Seconded by Alderman Seidl.

Motion by Alderman Hopkins to amend the time until 11:00 pm. Seconded by Alderman Wysocki and carried with Alderman Poshepny, Moore and Ament voting no.

Upon voting original motion as amended carried with Alderman Poshepny and Moore voting no.

**Removal of political organizations from City's website**

Motion by Alderman Wysocki to refer "removal of political organizations from City's website" to the Communications Committee. Seconded by Alderman Moore and carried with Alderman Seidl voting no.

**Reallocation of \$1,888,700 unspent 2006 CIP project funds to decrease the size of the 2008 CIP program**

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Motion by Alderman Ament for reallocation of \$1,888,700 unspent 2006 CIP project funds to decrease the size of the 2008 CIP program. Seconded by Alderman Seidl and carried with Alderman Poshepny and Moore voting no.

Motion by Alderman Ament for reallocation of \$1,900,000 unspent 2006 CIP project funds and authorizing the Finance Director to sign the Declaration of Official Intent for the Greenfield Avenue project in an amount to not exceed \$1,950,000.00. Seconded by Alderman Seidl and carried with Alderman Poshepny and Moore voting no.

#### **ORDINANCES/RESOLUTIONS**

##### **Resolution No. 08-12 A Resolution Amending the 2008 City of New Berlin Operational Budget To Increase the Grant Revenue and Expenditure Accounts Within the Police Department Budget**

Motion by Alderman Harenda to approve Resolution No. 08-12 amending the 2008 City of New Berlin Operational Budget to increase the Grant Revenue and Expenditure Accounts within the Police Department Budget. Seconded by Alderman Hopkins and carried unanimously.

##### **Resolution No. 08-13 A Resolution Supporting The Heritage Trail Program And The 2008 Preserve America Historic Preservation Fund Application**

Motion by Alderman Ament to approve Resolution No. 08-13 supporting the Heritage Trail Program and the 2008 Preserve America Historic Preservation Fund Application. Seconded by Alderman Harenda and carried unanimously.

*Deputy City Clerk Grant read the following:*

#### **CLOSED SESSION**

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:

Edmund Cutting Claim

Motion by Alderman Seidl to go to Closed Session at 12:11 PM. Seconded by Alderman Ament and carried unanimously per roll call vote.

#### **RECONVENE TO OPEN SESSION**

Motion by Alderman Wysocki to reconvene in Open Session at 12:21 PM. Seconded by Alderman Seidl and carried unanimously.

#### **Discussion and possible action on the Edmund Cutting Claim**

Motion by Alderman Seidl to approve payment to Edmund Cutting in the amount of \$407.62 in full settlement of this claim. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Siedl to adjourn at 12:23 am. Seconded by Alderman Ament and carried unanimously.

Respectfully submitted:

Sherry Grant, WCMC, CMC  
Deputy City Clerk