

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, May 13, 2008**

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 7:38 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: City Clerk Marilyn Gauger, City Attorney Mark Blum, Human Resources Director Tami Potkay, Police Chief Joe Rieder, Planning Services Manager Nikki Jones and Streets Supervisor Don Ullman .

Those present recited the Pledge of Allegiance and moment of silence for peace officers nationwide.

This meeting was noticed on Thursday, May 8, 2008 in accordance with the Open Meeting Law.

REPORTS

City Clerk - none

Council President Harenda presented the following appointments:

Crime Prevention	Poshepny
Electrical Review	Wysocki
4th of July	Ament
Golf Course Committee	Hopkins
Housing Authority	Moore
Landmarks Commission	Seidl
Library	Wysocki
Park & Rec	Moore
Public Works	Seidl/Ament/Moore
Safety Commission	Poshepny
Communications Committee	Seidl/Poshepny/Hopkins
Utility Committee	Wysocki/Ament/Harenda
Stormwater	Harenda/Moore/Hopkins
Finance Committee	Poshepny/Wysocki/Ament
Fire Department Committee	Hopkins/Harenda

COW Liaison Appointments

Assessor	Wysocki
Building & Grounds / Inspections	Poshepny
Planning	Ament
Engineering	Poshepny
Finance/claims/judiciary	Wysocki
Fire Department	Hopkins
HR	Harenda
Information Systems	Seidl
Insurance	Moore
Legislative	Ament
Licenses	Wysocki
Park & Rec	Moore
Police	Hopkins
School Board	Harenda
Streets	Wysocki
Utilities	Harenda
Youth Board	Seidl

Mayor Chiovatero proclaimed the month of May as National Stroke Awareness Month.
City Attorney - none

COMMUNICATIONS – none

PLAN COMMISSION

Ordinance #2378 that approves the rezoning of property known as Settler's Ridge

Motion by Alderman Ament to adopt Ordinance #2378 that approves the rezoning of property known as Settler's Ridge located at 3275 Wehr Road from R-1/R-2 and C-1 to R-1/R-2, C-1 and C-2 to field delineate the wetlands and accept the Plan Commission Report. Seconded by Alderman Wysocki and carried unanimously.

Certified Survey Map for the property located at 20050 W. Lincoln Avenue

Motion by Alderman Ament to approve the Certified Survey Map for the property located at 20050 W. Lincoln Avenue and accept the Plan Commission Report. Seconded by Alderman Seidl and carried unanimously.

Certified Survey Map for the property located at 1700 S. Moorland Road

Motion by Alderman Ament to approve the Certified Survey Map for the property located at 1700 S. Moorland Road and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

CIVIL SERVICE COMMISSION

Motion by Alderman Hopkins to approve reclassification and establishment of salary ranges for the following 3 positions: Streets Manager; Administrative Supervisor – Utilities & Streets; Administrative Supervisor – Police and direct the City Attorney to prepare the ordinance to reclassify the positions and prepare a resolution to establish salary ranges. Seconded by Alderman Moore and carried unanimously.

MAYORAL APPOINTMENTS

Ad Hoc Garbage Vendor Committee

Motion by Alderman Hopkins to approve the appointment of Arnold Campbell – Citizen Member/no term and the appointment of Ronald Henry – Citizen Member/no term. Seconded by Alderman Seidl and carried unanimously.

Board of Appeals

Motion by Alderman Wysocki to approve Dennis W. Bohen - Reappointment/with term expiring 4-30-2011 and Milton A. Galke – Reappointment/with term expiring 4-30-2011. Seconded by Alderman Hopkins and carried unanimously.

Board of Review

Motion by Alderman Seidl to approve Steven G. Stelmachowski – Alternate No. 3/with term expiring 5-31-2012. Seconded by Alderman Moore and carried unanimously.

Landmarks Commission

Motion by Alderman Wysocki to approve Susan Hemmen – Citizen Member/with term expiring 10-1-2009. Seconded by Alderman Harenda and carried unanimously.

Parks, Recreation & Forestry Commission

Motion by Alderman Wysocki to approve Charles W. Bedwell – Reappointment/with term expiring 4-30-2011; William J. Christel – Reappointment/with term expiring 4-30-2011 and Vernon E. Radtke – Reappointment/with term expiring 4-30-2011. Seconded by Alderman Moore and carried unanimously.

Plan Commission

Motion by Alderman Ament to approve Jenalyn Groeschel – Reappointment/with term expiring 4-30-2011. Seconded by Alderman Harenda and carried unanimously.

Safety Commission

Motion by Alderman Wysocki to approve Lynne Dahlvik – Reappointment/with term expiring 4-30-2010 and Paul J. Rozek – Reappointment/with term expiring 4-30-2010. Seconded by Alderman Poshepny and carried unanimously.

Weed Commissioner

Motion by Alderman Wysocki to approve Duane Hause - Reappointment/with term expiring 4-30-2009.
Seconded by Alderman Hopkins and carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS

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

This item remained on the table.

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

This item remained on the table.

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

This item remained on the table.

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

This item is at Safety Commission.

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CONSENT AGENDA

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

MINUTES - Common Council minutes from April 22, 2008

UTILITY AND FINANCE

- Water Utility claims in the amount of \$109,060.16, Sewer Utility claims in the amount of \$218,537.62, and Bi-weekly claims in the amount of \$743,898.02, all of which represents payment to vendors.

LICENSES & PERMITS

Bartenders

- Bartender License for 2007-2009 to Adam Tesch.
- Bartender License for 2007-2009 to Robert Black, Richard Naystatt, Colleen O'Connell, LaVonne Packard, Skyler Peterson, Carolyn Rihtarshick, Dennis Smeiska and Sudeep Singh.

Class B Combo

- **Extension of Premise – parking lot area**
Susan Hayes, owner/The 19th Hole Country Club for Wednesday nights from 6:30 PM to 9:30 PM during the summer for a group of golfers.

Class A Beer

- **Change of Agent**
Noodles & Company/Agent Janelle Stoltz, 8139 W Glen Avenue, Milwaukee WI.

MISCELLANEOUS

- Set a Public Hearing for Monday, June 2, 2008 at 6:01 PM to be held before the Plan Commission for Mr. Redding who has filed a petition to rezone the property located at approximately 1700 S Moorland Road from I-1 to I-1 and C-2 to field delineate the wetlands on the property.
- Set a Public Hearing for Monday, June 2, 2008 at 6:02 PM to be held before the Plan Commission for Mr. and Mrs. Globig who have filed a petition to rezone the property located at approximately 2240 Foxglove Ct. from R-4 and C-2 to R-4 and C-2 to field delineate the wetlands on the property.
- Withdrawal of Resolution No. 08-17 Consideration of an Initial Resolution Regarding Industrial

Development Revenue Bond Financing for Process Displays, Inc. 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

- Withdrawal of Resolution 08-08 Adopting the Salary Range Assignments for Civil Service and Non-Represented Positions/TABLED 3-11-08

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ITEM/S REMOVED FROM CONSENT AGENDA

Resolution or ordinance for any pay or benefit increase go to Council

Motion to Alderman Ament to refer to Finance Committee. Seconded by Alderman Seidl and carried with Alderman Poshepny voting no.

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

The following motion is from the March 11, 2008 meeting:

Motion by Alderman Poshepny to adopt Resolution No. 06-42. Seconded by Alderman Moore.

Upon voting motion carried with Alderman Ament voting no.

ORDINANCES/RESOLUTIONS

Resolution No. 08-14 Resolution to Reallocate Funds from the Calhoun Road Right-of-Way Project (2006 CIP Budget) and Alternative Transportation Projects (2006 CIP Budget) to Bond Proceeds (2008 CIP Budget)

Motion by Alderman Ament to approve Resolution No. 08-14. Seconded by Alderman Seidl and carried with Aldermen Moore and Poshepny voting no.

Resolution No. 08-15 Resolution to Reallocate Funds from the Greenfield Avenue Project (2006 CIP Budget) to Bond Proceeds (2008 CIP Budget)

Motion by Alderman Ament to approve Resolution No. 08-15. Seconded by Alderman Seidl and carried with Aldermen Poshepny and Moore voting no.

Resolution No. 08-16 Resolution To Amend Common Council Rule 1 For The City Of New Berlin Regarding Time Limits For Regular And Special Meetings

Motion by Alderman Ament to approve Resolution No. 08-16 as amended. Seconded by Alderman Seidl and carried with Aldermen Poshepny and Moore voting no.

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) (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:

- Raymond Galinsky Claim

Motion by Alderman Ament to go to Closed Session at 8:27 PM. Seconded by Alderman Wysocki and carried unanimously per roll call vote.

RECONVENE TO OPEN SESSION

Motion by Alderman Seidl to reconvene into Open Session at 8:35 PM. Seconded by Alderman Ament and carried unanimously.

Discussion and possible action on the Raymond Galinsky Claim

No action taken.

ADJOURN

Motion by Alderman Seidl to adjourn at 8:36 PM. Seconded by Alderman Wysocki and carried unanimously.

Respectfully submitted:

Marilyn Gauger, MMC/WCMC
City Clerk