

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL  
Tuesday, June 10, 2008**

**Please note: Minutes are unofficial until approved by the Common Council at the next regularly scheduled meeting.**

Mayor Jack F Chiovaturo called the City of New Berlin Common Council Meeting to order at 7: 48 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, Police Chief Joe Rieder, Human Resource Director Tami Potkay, Planning Services Manager Nikki Jones and Community Development Director Greg Kessler.

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

***This meeting was noticed on Thursday, June 5 and amended June 6, 2008 in accordance with the Open Meeting Law.***

**REPORTS**

City Clerk - none

Council President - none

Mayor – If residents have flood damage to home or property, please call Emergency Government Office at 262-785-9580 or the City's Community Development Department at 262-797-2445. This information will be on the City's website and the cable channel.

City Attorney - none

**COMMUNICATIONS - none**

**PLAN COMMISSION**

**Ordinance No. 2381 approve rezoning known as Andrew Sciano**

Motion by Alderman Ament to adopt Ordinance No. 2381 that approves the rezoning of property known as Andrew Sciano –Moorland Road Commercial Development located at 4901 S. Moorland Road from B-4 and M-1 to B-2, C-2 and FWO to field delineate the wetland and remove the B-4 zoning district and accept the Plan Commission Report. Seconded by Alderman Harenda and carried unanimously.

**Certified Survey Map for 4901 S Moorland Rd**

Motion by Alderman Ament to approve the Certified Survey Map for the property located at 4901 S. Moorland Road and accept the Plan Commission Report. Seconded by Alderman Harenda and carried unanimously.

**Ordinance No. 2382 approve rezoning known as ProHealth Care Ambulatory Care Center**

Motion by Alderman Ament to adopt Ordinance No. 2382 that approves the rezoning of property known as ProHealth Care Ambulatory Care Center located at 1700 S. Moorland Road from I-1 to I-1 and C-2 to field delineate the wetlands and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

**Ordinance No. 2383 approve rezoning known as John & Cheryl Globig**

Motion by Alderman Ament to adopt Ordinance No. 2383 that approves the rezoning of property known as John & Cheryl Globig located at 2240 Foxglove Ct. from R-4 and C-2 to R-4 and C-2 to Field Delineate the Wetlands and accept the Plan Commission Report. Seconded by Alderman Seidl and carried with Aldermen Wysocki and Moore voting no.

**Certified Survey Map for 3305-3333 S Sunny Slope Rd**

Motion by Alderman Ament to approve the Certified Survey Map for the property located at 3305-3333 S. Sunny Slope Road and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

**Direct Department of Community Development, City Attorney and Mayor to initiate the sewer service boundary amendment process**

Motion by Alderman Ament to direct the Department of Community Development, City Attorney and Mayor to initiate the sewer service boundary amendment process for the properties located at 5915 S. Moorland Road (Tax Keys: 1285-993-002 & 1288-998-001) and 16415 W. Beloit Road (Tax Key: 1258-981) and to set a Public Hearing on Monday, August 11, 2008 before the Plan Commission. Seconded by Alderman Harenda and carried unanimously.

**SAFETY COMMISSION**

**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**

Motion by Alderman Moore that, per the recommendation of the Safety Commission, to remove Ordinance No. 2373 from the agenda and to accept the Safety Commission report. Seconded by Alderman Poshepny and carried unanimously.

*Note: Safety Commission recommended not amending the parking restrictions that would implement alternate side parking.*

**Direct City Attorney to draft an ordinance to amend Licenses and Permits Chapter 152-5 Section G, paragraph (1) (a) to read: "A direct seller shall be prohibited from calling at any dwelling or other place from 8:00 p.m. until 9:00 a.m. except by appointment."**

Motion by Alderman Poshepny to direct City Attorney to draft an ordinance to amend Chapter 152-5 Section G, paragraph (1)(a) to read: "A direct seller shall be prohibited from calling at any dwelling or other place from 8:00 p.m. until 9:00 a.m. except by appointment." Seconded by Alderman Harenda and carried unanimously.

**MAYORAL APPOINTMENTS**

**Youth Advisory Board**

Motion by Alderman Ament to approve Kelli Lynn Johnson – 7<sup>th</sup> District with term expiring 5-31-2010. Seconded by Alderman Seidl 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**

*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.*

**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**

*Action taken under Safety Commission above – will be removed from the agenda.*

**Resolution No. 08-19 Resolution Establishing Salary Ranges For Civil Service Employees/DEFERRED 5-27-08**

Motion by Alderman Moore to approve Resolution No. 08-19 Establishing Salary Ranges for Civil Service Employees. Seconded by Alderman Hopkins and carried with Alderman Ament voting no.

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**CONSENT AGENDA**

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

**MINUTES** - Common Council minutes from May 27, 2008

**UTILITY AND FINANCE**

- Water Utility claims in the amount of \$115,443.61, Sewer Utility claims in the amount of \$49,606.19, and Bi-weekly claims in the amount of \$571,280.65, all of which represents payment to vendors.
- Recommend to Council approval of Fire Department Aerial Ladder Chassis in the amount of \$96,158.00.

**LICENSES & PERMITS**

**Bartenders**

- Bartender License Renewals for the year 2008-2010 per list as presented.
- Bartender Licenses for the year 2007-2009 to Brian Cunningham, Marla Kuchler, Cheryl Guenther, Drew Sobczak and Erica Gibson.

**Renewals of Licenses from 7-1-2008 to 6-30-2009 for the following per list as presented:**

- Archery Range
- Entertainment – Class A
- Entertainment – Class B
- Wholesale Beer
- Class “A” Fermented Malt/Beer only
- “Class A” Fermented Malt & Liquor
- Class “B” Fermented Malt/Beer only
- “Class B” Fermented Malt & Liquor
- Class “C” Wine – only
- Theater
- Trapshooting

**MISCELLANEOUS**

- Fire Works Permit for Eisenhower High School Graduation/Approved by Mayor and Fire Chief.
- Direct the Plan Commission to amend/revise Section 275-34 Zoning D. (3) of the Municipal Code.
- Request Update and Public Informational Meeting from Waukesha County on the upcoming reconstruction of the Racine and National Avenue Intersection.

**DEFERRED, REFERRED & TABLED ITEMS**

- Common Council approves any pay or benefit increases before they go into affect. Instruct the City Attorney to draw up a resolution or ordinance (whichever is appropriate) to be approved at the next Common Council meeting/REFERRED TO FINANCE COMMITTEE 5-13-08

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**ITEM/S REMOVED FROM CONSENT AGENDA**  
None.

**ORDINANCES/RESOLUTIONS**

**Ordinance No. 2379 Ordinance To Amend Section 11-5 Of The Municipal Code Of The City Of New Berlin To Remove The Positions Of Administrative Secretary-Police And Office Coordinator-Utilities And Streets And To Create The Positions Of Streets Manager And Administrative Supervisor**  
Mayor Chiovatero indicated this is the 2<sup>nd</sup> reading.

**Ordinance No. 2380 Ordinance To Amend Section 11-22(C) And 11-22(E) Of The Municipal Code Of The City Of New Berlin Regarding Short-Term Disability And Vacation Benefits For Part-Time Employees**

Mayor Chiovaturo indicated this is the 2<sup>nd</sup> reading.

**Resolution No. 08-20 A Resolution Amending the 2008 City of New Berlin Operational Budget To Increase the Grant Revenue and Expenditure Account Within the Fire Department Budget**

Motion by Alderman Wysocki to approve Resolution No. 08-20 amending the 2008 City of New Berlin Operational Budget to increase the Grant Revenue and Expenditure Account within the Fire Department Budget. Seconded by Alderman Moore and carried unanimously.

*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:

- WE Energies Claim

Motion by Alderman Wysocki to go to Closed Session at 9:18 PM. Seconded by Alderman Harenda and carried unanimously per roll call vote.

**RECONVENE TO OPEN SESSION**

Motion by Alderman Wysocki to reconvene in Open Session at 9:29 PM. Seconded by Alderman Seidl and carried unanimously.

**ADJOURN**

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

Respectfully submitted:

Marilyn Gauger, MMC/WCMC  
City Clerk