

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL  
Tuesday, July 27, 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 8:54 p.m. after Committee of the Whole and Privilege of the Floor.

**ROLL CALL:** Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Moore and Ament. Alderman Liska had an excused absence. Also present were: City Clerk Kari Morgan, City Attorney Mark Blum, City DCD Director Greg Kessler, City Engineer JP Walker, City Stormwater Engineer Nicole Hewitt and City Associate Planner Jessica Titel.

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

***This meeting was noticed on July 22, 2010 in accordance with the Open Meetings Law.***

**REPORTS**

City Clerk – No report.

Council President – No report.

Mayor – Mayor Chiovatero read a proclamation for Children's Vision and Learning month in August.

City Attorney – No report.

**COMMUNICATIONS** – Edward Bhend Claim – Referred to City Attorney.  
- John Herman Claim – Referred to City Attorney.

**PLAN COMMISSION**

- **LD-10-04 ProHealth Care/National Regency-13750-13900 W. National Ave. – Two 1-Lot Land Division**  
Motion by Alderman Ament to recommend to Common Council the approval of the Certified Survey Map for the property located at 13750-13900 W. National Avenue and accept the Plan Commission Report. Seconded by Alderman Wysocki.

Council ensured that staff reviewed the stormwater management plan because of the location as well as discussed the proposed land use for this area.

City Associate Planner Jessica Titel explained to the council that this is a clean up of the previous lot line adjustment.

Motion to approve carried unanimously.

- **RZ-10-03 John Lorino – 13210 W. Hawthorne Ln. – Rezone from C-1 and C-2 to C-1 and C-2 to Field Delineate the Wetlands**  
Motion by Alderman Ament to recommend to Common Council adoption of Ordinance #1027 that approves the rezoning of the property known as John Lorino located at 13210 W. Hawthorne Lane from C-1 and C-2 to C-1 and C-2 to field delineate the wetlands and accept the Plan Commission Report. Seconded by Alderman Seidl.

Discussion on change in wetland boundaries, original wetland delineation not being used due to DNR requirements and review of the zoning comparison map.

Motion to approve carried unanimously.

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- **RZ-10-04 Nels Jacobson – 13855 W. Foxwood Dr. – Rezone from R-4.5 and C-2 to R-4.5 and C-2 to field delineate the wetlands**

Motion by Alderman Ament to recommend to Common Council adoption of Ordinance #1028 that approves the rezoning of the property known as Nels Jacobson located at 13855 W. Foxwood Drive from R-4.5 and C-2 to R-4.5 and C-2 to Field Delineate the Wetlands and accept the Plan Commission Report. Seconded by Alderman Moore and carried unanimously.

#### **BOARD OF PUBLIC WORKS**

- **StreetPrintXD Crosswalk Installation**

Motion by Alderman Ament to recommend to the Common Council to approve the awarding of a construction Contract to Poblocki Paving Corp., for the installation of a StreetPrint XD crosswalk across National Avenue at Regal Manor Drive in an amount of \$7,424 with contingencies, the not to exceed Total Project Costs are \$7,500 with funds coming from the 2010 Roadway Rehabilitation Account 04251100 59040 C2010. Seconded by Alderman Wysocki.

Discussion on county's approval as well as why the city is doing this and in this location.

Motion to approve carried unanimously.

#### **WATER RESOURCE MANAGEMENT UTILITY**

- **Finding that a public emergency exists pursuant to Wis. Stat. Sec. 62.15(1b) as further storm water damage will occur to public and private property unless the Underwood Creek Streambank Rehabilitation Project is expanded as described by the City Engineer**

City Stormwater Engineer Nicole Hewitt explained that this issue is a necessary action that should be taken now since there are workers on that site that could complete the work.

She explained that there will be no additional tree cutting with the streambank widening project than what is already in the original plan.

Council discussed the option to wait and defer this issue to the next meeting as well as concerns that this issue should have gone through Water Resource Management Committee first.

Discussion also ensued regarding the upcoming special meeting with the residents in this area and the feeling that this decision should wait until after that meeting.

Motion by Alderman Hopkins to declare a public emergency pursuant to Wis. Stat. Sec. 62.15(1b) to expand the Underwood Creek Streambank Rehabilitation Project. Seconded by Alderman Wysocki.

Alderman Harenda moved to table this to the next meeting, seconded by Alderman Moore. Motion carried unanimously.

A tentative meeting date was set for Friday, July 30, 2010 at 4:00p.m.

- **Authorization of the expansion of the Underwood Creek Streambank Rehabilitation Project to include streambank widening**

Motion by Alderman Harenda to table this issue to the next meeting. Seconded by Alderman Wysocki and carried unanimously.

- **Discussion and Possible action to amend the 2010 CIP budget pursuant to Wis. Stat. Sec. 65.90(5) to transfer \$480,000 from account #70713716-61714 to the "Streambank Widening Project"**

Motion by Alderman Harenda to table this issue to the next meeting. Seconded by Alderman W Wysocki and carried unanimously.

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**SAFETY COMMISSION**

- **Installation of WE-Energies streetlight at the intersection of Sunny Slope Road and Fieldpointe Drive**

Motion by Alderman Harenda to approve the installation of a streetlight on the southeast corner of Sunny Slope Road and Fieldpointe Drive. Seconded by Alderman Ament and carried unanimously.

The issue of funding this installation will be taken up at the next scheduled meeting of the Common Council.

**MAYORAL APPOINTMENTS**

- **Electrical Review Board**

Motion by Alderman Wysocki to reappoint Robert Kutchera to the Electrical Review Board with a term expiring 8/31/2012. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Wysocki to reappoint Wayne Wielebski to the Electrical Review Board with a term expiring 8/31/2012. Seconded by Alderman Ament and carried unanimously.

- **Fourth of July Commission**

Motion by Alderman Ament to appoint Eugene Wicichowski to the Fourth of July Commission with a term expiring 8/1/2014. Seconded by Alderman Seidl and carried unanimously.

Motion by Alderman Ament to reappoint Carol Nowak to the Fourth of July Commission with a term expiring 8/1/2014. Seconded by Alderman Moore and carried unanimously.

Motion by Alderman Ament to reappoint Anida Rose to the Fourth of July Commission with a term expiring 8/1/2011. Seconded by Alderman Wysocki and carried unanimously.

**DEFERRED, REFERRED & TABLED ITEMS**

- 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; REFERRED TO SAFETY COMMISSION ON 5/11/10; AD HOC COMMITTEE ESTABLISHED ON 6/22/10
- Mayoral Appointment of Sally Bryan to the Police & Fire Commission with a term expiring 4/30/2014. 6/22/10 TABLED W/MOTION LEFT ON TABLE
- Adopt policy regarding New Berlin Impact Fees with the exception of the Utilities. 6/22/10 DEFERRED to 7/13/10 Meeting; TABLED 7/13/10

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**CONSENT AGENDA** Motion by Alderman Wysocki to approve the consent agenda. Seconded by Alderman Moore and carried unanimously.

**MINUTES** – Common Council Minutes from July 13, 2010

**UTILITY AND FINANCE**

**Claims**

**For: July 28, 2010**

Recommend to Council approval of Water Utility claims in the amount of \$306,280.96, Sewer Utility claims in the amount of \$37,086.70, and Bi-weekly claims in the amount of \$368,437.80

**LICENSES & PERMITS**

**Bartenders**

- Bartender Licenses for the year 2010-2012 to Krystal Bleiler, Rosalie Cifaldi and Rachel Hennings

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**Change of Agent**

- Shawn Owen for New Berlin Bowling Center (dba New Berlin Ale House), 16000 W. Cleveland Ave.

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

- **Bartender License for the year 2010-2012 to Jesse Martin**  
Motion by Alderman Seidl to approve the bartender license for the 2010/2012 year to Jesse Martin. Seconded by Alderman Harenda and carried with Aldermen Wysocki and Moore opposing.
- **Discussion & Possible Action on the Process of Appointments & Membership for the Police & Fire Commission, as well as all other City Committees and Commissions**  
Motion by Alderman Harenda to forward the minutes from the council meeting to the commission so they understand the council's concerns as well as respectfully request/recommend that the Police & Fire Commission take a look at this issue and if they should choose to request a third party legal opinion, they have the support of the council. Seconded by Alderman Seidl and carried with Alderman Moore opposing.
- **Request that the Common Council offer input and grant final approval of the pending City Center Survey prior to mailing**  
Motion by Alderman Hopkins to delay the city center survey at this time. Seconded by Alderman Harenda and carried with Alderman Moore opposing

**ADJOURN**

Motion by Alderman Seidl to adjourn at 10:46p.m. Seconded by Alderman Hopkins and carried unanimously.

Respectfully submitted:  
Kari Morgan  
City Clerk