

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL  
Tuesday, August 24, 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 9:18 p.m. after Committee of the Whole and Privilege of the Floor.

**ROLL CALL:** Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Liska, and Moore. Alderman Ament has an excused absence. Also present were: Deputy City Clerk Christine Stefanich, City Attorney Mark Blum, City Engineer JP Walker, Human Resource Director Tami Potkay, Facilities Manager Bob Schulpius, Park Recreational and Forestry Director Mark Schroeder and IT Director Nick Roethel.

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

***This meeting was noticed on August 19, 2010 in accordance with the Open Meetings Law***

**CALL TO ORDER; PLEDGE OF ALLEGIANCE; INVOCATION; PUBLIC NOTICE**

**ROLL CALL; DECLARATION OF QUORUM**

**REPORTS**

City Clerk – no report

Council President – Council President Harenda stated he is reviewing a 2011 budget time table and will call the aldermen individually to select the best days for meetings.

Mayor – Mayor Chiovatero read into the record an Ovarian Cancer proclamation which designated September as Ovarian Cancer Awareness month.

City Attorney – no report

**COMMUNICATIONS** - Francis Burgard Claim- Referred to City Attorney

**BOARD OF PUBLIC WORKS**

- Approval of 2011 CIP Budget Requests  
Motion by Alderman Seidl to approve the report regarding the 2011 CIP Budget requests. Seconded by Alderman Wysocki and carried unanimously
- Approval of 2011 Roadway Maintenance Budget Request  
Motion by Alderman Seidl to approve the 2011 Roadway Maintenance Budget Request. Seconded by Alderman Hopkins

Alderman Liska made a friendly amendment to include approval of the Board of Public Works report regarding the 2011 Roadway Maintenance Budget requests and carried unanimously.

- Approval of the Calhoun Frontage Road Relocation Order via Resolution 10-34 and to place it on file with the Waukesha County Clerk  
Motion by Alderman Seidl to approve the Calhoun Frontage Road Relocation Order via Resolution 10-34 and to place it on file with the Waukesha County Clerk. Seconded by Alderman Moore and carried unanimously.

**LANDMARKS COMMISSION**

- Approval of a Right of Entry and Temporary Easement Agreement for German Evangelical Cemetery rededication on August 28, 2010  
Motion by Alderman Seidl to approve a Right of Entry and Temporary Easement Agreement for German Evangelical Cemetery rededication on August 28, 2010. Seconded by Alderman Wysocki and carried unanimously.

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**COMMUNICATIONS COMMITTEE**

- Approval of the use of Facebook with feedback for City Communications  
Motion by Alderman Seidl to approve the use of Facebook with feedback for City Communications.  
Seconded by Alderman Moore.

There was great discussion on feedback with the use of facebook and the utilization of a policy.

Alderman Harenda made a friendly amendment to include and an approved policy by Common Council and carried unanimously.

**WATER RESOURCE MANAGEMENT COMMITTEE**

- SW 13-10 Approval of Storm Sewer Easement & Agreement for 6240 & 6248 South Racine Place  
Motion by Alderman Harenda to approve the Storm Sewer Easement & Agreement for 6240 & 6248 South Racine Place. Seconded by Alderman Moore 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, NO ACTION 8/24/10
- 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, NO ACTION 8/24/10
- Adopt policy regarding New Berlin Impact Fees with the exception of the Utilities. 6/22/10 DEFERRED to 7/13/10 Meeting; TABLED 7/13/2010

Motion by Alderman Wysocki to take off the table the issue of adopting a policy regarding New Berlin Impact Fees with the exception of the Utilities. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Wysocki to recommend the Common Council to end the collection of Police Impact fees and refund, as appropriate, any excess. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Wysocki to recommend the Common Council discontinue the City Service Impact fees concurrent with the City Attorney's opinion. Seconded by Alderman Hopkins and carried unanimously.

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

**MINUTES** – Common Council Minutes from July 30, 2010 & August 10, 2010

**UTILITY AND FINANCE**

**Claims**

For: August 25, 2010

Recommend to Council approval of Water Utility claims in the amount of \$176,000.79, Sewer Utility claims in the amount of \$21,379.42, and Bi-weekly claims in the amount of \$779,455.44.

**LICENSES & PERMITS**

**Bartenders**

- Bartender Licenses for the year 2010-2012 to Joseph Anders, Lynn Baumann, Chrystalle Guglielmi and Nicholas Hoffmann, Daniel Ratzburg and Christopher Flechner.

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- Appeal by Leonna Roth for 2010-2012 license denied by Council on 8/10/2010

**Change of Agent**

Joseph Griese for Lee's Cleveland Pub, 14000 W. Cleveland Ave.

**MISCELLANEOUS**

- Recommend to Common Council the hiring of a Building Consultant for the New Berlin Public Library through Resolution No. 10-37
- Recommend to Common Council approval of reinstatement of Zoning Code 17.045 (Administrative Costs) determining the billing for employee time
- Recommend to Common Council to Amend Sec. 6-11 "Fourth of July Commission" of the Municipal Code
- Recommend Common Council adopt Resolution No.10-36 amending the 2010 CIP Budget
- Approval of Resolution No. 10-35 to correct recently adopted Charter Ordinance No. 8 to become Charter Ordinance No. 10 due to "scrivener's error"
- Approval of use of City Hall Parking Lot for Farmer's Market and Direct City Attorney to draft lease agreement between Chamber of Commerce and the City
- Discussion & Possible Action on Council Rule #35

**DEFERRED, REFERRED & TABLED ITEMS**

**Amendment to Plan of Operation for "Class B" License (Beer & Liquor)**

- Carrie's West Side Pub, 20385 W. National Ave. for use of existing outside patio; TABLED 7/13/2010 w/Motion on Table
- Nickel's Pub, 13915 W. Greenfield Ave. for use of outside area for horseshoes pits & seating area; TABLED 7/13/2010 w/Motion on Table

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**ITEM/S REMOVED FROM CONSENT AGENDA, if any:**

**Recommend to Common Council adopt Resolution No. 10-35 to correct recently adopted Charter Ordinance No. 8 to become Charter Ordinance No. 10 due to "scrivener's error"**

Motion by Alderman Harenda to approve Resolution No. 10-35 to correct recently adopted Charter Ordinance No. 8 to become Charter Ordinance No.10 due to "scrivener's error. Seconded by Alderman Wysocki and carried with Aldermen Liska and Moore opposing.

**Discussion & Possible Action on Council Rule #35**

Motion by Alderman Harenda to table the discussion and action on council Rule #35 and to bring back a Requested Action Statement for the council's consideration. Seconded by Alderman Wysocki and carried with Aldermen Liska and Moore opposing.

**CLOSED SESSION**

The basis for the items to be discussed in Closed Session is 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:

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- City Center Multi-Family Development
  - Sarah Pica Claim

In addition to the above item being discussed an additional item to be discussed in Closed Session is as enumerated in Section 19.85 (1) (c) (e) of the Wisconsin State Statutes.

(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, more specifically:

- **Reconsideration by Alderman Harenda of Firefighters Contract**

Motion by Alderman Seidl to move to closed session at 10:45pm. Seconded by Alderman Moore and carried unanimously.

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

Motion by Alderman Wysocki to reconvene to open session at 11:35 pm. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Seidl to extend the meeting by 15 minutes. Seconded by Alderman Wysocki and carried unanimously.

Discussion & Possible action on any matters as listed below.

- Sarah Pica Claim  
Motion by Alderman Moore approval of payment to Progressive Insurance in the amount of \$8,305.85 and payment to Sarah Pica in the amount of \$671.45 Seconded by Alderman Wysocki and carried unanimously.
- **Reconsideration by Alderman Harenda of Firefighters Contract**  
Alderman Harenda respectfully withdrew his reconsideration.

#### **ADJOURN**

Motion by Alderman Moore to adjourn at 11:39pm. Seconded by Alderman Seidl and carried unanimously.

Respectfully submitted:  
Christine Stefanich  
Deputy City Clerk