

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL**

Tuesday, May 24, 2011

[Please note: Minutes are unofficial until approved by the Common Council at the next regularly scheduled meeting.](#)

[CALL TO ORDER; PLEDGE OF ALLEGIANCE; INVOCATION; PUBLIC NOTICE](#)

Mayor Jack F. Chiovatero called the Common Council meeting to order at 8:06p.m. following Committee of the Whole and Privilege of the Floor.

[ROLL CALL; DECLARATION OF QUORUM](#)

Present were Aldermen Ament, Harenda, Horbinski, Seidl, Karvala and Liska. Alderman Hopkins had an excused absence. Also present were City Clerk Kari Morgan, City Attorney Mark Blum, Police Chief Joe Rieder, IT Director Nick Roethel and City Engineer J.P. Walker.

This meeting was noticed on Thursday, May 19, 2011 in accordance with the Open Meeting Law.

[REPORTS](#)

- [City Clerk](#)

No report.

- [Council President](#)

Council President Harenda reminded the Council that he has e-mailed to the Council a tentative timetable for budget discussions in the Fall and requested they check their calendars and free those dates up.

- [Mayor](#)

Mayor Chiovatero stated that tomorrow is the League of Municipalities Lobbying Corp. day and he will be in Madison taking part in this.

- [City Attorney](#)

No report.

[COMMUNICATIONS](#)

- [Progressive Claim for PD Accident-San Felippo](#)

Referred to City Attorney and will be addressed as Closed Session item later in the meeting.

[BOARD OF PUBLIC WORKS](#)

- [Approval of the 2011 Roadway Maintenance Crack Sealing Contract to the lowest responsive, responsible bidder, Fahrner Asphalt Sealers LLC in the amount of \\$106,374.00, with inspection and contingencies the not to exceed Total Project Costs are \\$130,542.00.](#)

Motion by Alderman Ament to Approve the 2011 Roadway Maintenance Crack Sealing Contract to the lowest responsive, responsible bidder, Fahrner Asphalt Sealers LLC in the amount of \$106,374.00, with inspection and contingencies the not to exceed Total Project Costs are \$130,542.00. Seconded by Alderman Seidl.

Motion Passed 6 to 0.

[WATER RESOURCE MANAGEMENT COMMITTEE](#)

- [WRM 12-11, Award of Contract for 2011 Drainage Improvement Project.](#)

Motion by Alderman Harenda to Approve WRM 12-11, Award of Contract for 2011 Drainage Improvement Project in an amount of \$136,751. Seconded by Alderman Horbinski.

Motion Passed 6 to 0.

Discussion on cost and if it is part of what was originally planned for in the budget.

MAYORAL APPOINTMENTS

- [Reappoint Donald Vaclav to the Community Development Authority with a term expiring 5/31/2015](#)

Motion by Alderwoman Liska to Approve Reappointment of Donald Vaclav to the Community Development Authority with a term expiring 5/31/2015. Seconded by Alderman Harenda.

Motion Passed 6 to 0.

- [Appoint Alderman Dennis Horbinski to Community Development Authority with a term expiring 4/14/2014](#)

Motion by Alderwoman Liska to Approve Appointment of Alderman Dennis Horbinski to Community Development Authority with a term expiring 4/14/2014. Seconded by Alderman Horbinski.

Motion Failed 2 to 4 with Alderman Ament, Alderman Harenda, Alderman Seidl, Alderwoman Karvala opposing.

Mayor Chiovatero explained that Alderman Horbinski requested to be on the committee and since he is an architect, he thought it would be good to have someone like this on the committee.

Alderman Harenda explained that he has been on CDA since its inception and has a lot of involvement and history on it and conveyed that he preferred to stay on the CDA.

Discussion on Mill Valley situation and the reason why support for Alderman Harenda was necessary for some Aldermen.

- [Reappoint Raymond West to the Board of Review with a term expiring 5/31/2016](#)

Motion by Alderman Ament to Approve Reappointment of Raymond West to the Board of Review with a term expiring 5/31/2016. Seconded by Alderwoman Liska.

Motion Passed 6 to 0.

- [Reappoint Savannah Heitman to the Youth Advisory Board with a term expiring 5/31/2013](#)

Motion by Alderman Seidl to Approve Reappointment of Savannah Heitman to the Youth Advisory Board with a term expiring 5/31/2013. Seconded by Alderwoman Liska.

Motion Passed 6 to 0.

- [Appoint Ashley Buechs to Youth Advisory Board with a term expiring 5/31/2013](#)

Motion by Alderman Ament to Approve Appointment of Ashley Buechs to the Youth Advisory Board with a term expiring 5/31/2013. Seconded by Alderman Horbinski.

Motion Passed 6 to 0.

- [Appoint Larry Gold to the Parks, Recreation & Forestry Commission with a term expiring 4/30/2014](#)

Motion by Alderman Harenda to Approve Appointment of Larry Gold to the Parks, Recreation & Forestry Commission with a term expiring 4/30/2014. Seconded by Alderman Horbinski.

Motion Passed 6 to 0.

This is replacing Bill Christel whose term expired April of this year.

- [Appoint Robert Wincek to the Communications Committee with a term expiring 12/31/2011](#)

Motion by Alderman Seidl to Approve Appointment of Robert Wincek to the Communications Committee with a

term expiring 12/31/2011. Seconded by Alderwoman Karvala.

Motion Passed 6 to 0.

- [Appoint William E. Jonas to the Board of Public Works with a term expiring 4/30/2012](#)

Motion by Alderman Ament to Approve Appointment of William E. Jonas to the Board of Public Works with a term expiring 4/30/2012. Seconded by Alderman Seidl.

Motion Passed 6 to 0.

DEFERRED, REFERRED & TABLED ITEMS

- [Mayoral Appointment of Sally Bryan to the Police & Fire Commission with a term expiring 4-30-2014 - Tabled w/Motion left on Table 6-22-10](#)

Motion by Alderwoman Liska to Remove Mayoral Appointment of Sally Bryan to the Police & Fire Commission with a term expiring 4-30-2014 - Tabled w/Motion left on Table 6-22-10 from the table. Seconded by Alderman Horbinski.

Motion Passed 5 to 1 with Alderwoman Karvala opposing.

Motion from June 22, 2010: Motion by Alderman Moore to appoint Sally Bryan to the Police & Fire Commission with a term expiring 4-30-2014. Seconded by Alderwoman Liska.

Motion by Alderman Horbinski to Amend motion from June 22, 2010 to have term expiring 4/30/2012 instead of 4/30/2014 to fill the vacancy of former commissioner Mike O'Donnell. Seconded by Alderwoman Liska.

Motion Passed 6 to 0.

Motion by Alderman Harenda to Amend previous motion to make this an appointment to fill the vacant position currently held by Dave Patzer. Seconded by Alderman Ament.

Motion Passed 5 to 1 with Alderman Horbinski opposing.

Discussion on appointments being made for specific person's vacancy versus timeframe of vacancy which included the City Attorney recommendation that the longest unfilled vacancy be filled first.

Motion to Approve original motion with amendments.

Motion Passed 6 to 0.

- [Recommend that the Common Council adopt Ordinance #2457 approving the amendments to the City's Comprehensive Plan incorporating amendments to Chapter 10 \(Land Use\) and Chapter 15 \(Neighborhood "E" - National Avenue East Corridor\) - TABLED 5/10/2011 w/Motion on Table](#)
- [Recommend that the Common Council adopt Ordinance # 2459 approving amendments to the City Center Planned Unit Development \(existing Ordinance #: 2122\) - TABLED 5/10/2011 w/Motion on Table](#)

CONSENT AGENDA*****

(One motion and second will approve all of the following items listed. Any item may be pulled from the list and handled separately.)

Motion by Alderman Seidl approve the Consent Agenda. Seconded by Alderman Ament.

Motion Passed 6 to 0.

MINUTES

- May 10, 2011

UTILITY & FINANCE

- [Recommend to Council approval of May 25, 2011 claims for Water Utility Claims in the amount of \\$23,542.59, Sewer Utility Claims in the amount of \\$33,718.97 and Bi-weekly claims in the amount of](#)

\$870,380.80.

LICENSES & PERMITS

Bartender Licenses for the year 2010-2012 to Taylor Bessey, Robin Bluemner, Harjinder Bains and Kristy Wiedenhoeft.

St Elizabeth Ann Seton loudspeaker extension for July 29 and July 30, 2011 Funfest to enable music to play until 11:00 p.m.

MISCELLANEOUS

- Discussion & Possible Action on 2012 Budget
- Ehlers Presentation on Financial/Strategic Management Plan
- Annual Audit Presentation by John Knepel of Baker Tilly Virchow Krause, LLP
- Recommend to Council approval of a fireworks permit completed by Bartolotta Fireworks Company and approved by the fire department. The vendor is based on a contract and recommendation of the Fourth of July Commission.
- Authorization of the Fire Chief to enter into a Clinical Affiliation Agreement with Gateway Technical College
- Recommend to the Common Council that the moratorium for the City Center area be extended by 30 days.
- Approval of Consultant Services Agreement for HMGP Grant Application for Underwood Creek Project.

DEFERRED, REFERRED & TABLED ITEMS

- Eisenhower Pool replacement & possible partnership between City of New Berlin & New Berlin School District. Future of swim program in Park & Rec. TABLED 4/26/2011 w/motion on table

END CONSENT AGENDA*****

ITEMS REMOVED FROM CONSENT AGENDA, IF ANY:

No items removed.

ORDINANCES & RESOLUTIONS

- Discussion on Ordinance 2453 titled "An Ordinance to Repeal the Further Collection of Some Impact Fees and to Address the Disposition of Already Collected Fees" -3rd Reading/Adoption

Motion by Alderman Harenda to Amend the draft ordinance No. 2453 as currently presented by removing Sections 2 through 5. Seconded by Alderman Ament.

Motion Passed 6 to 0.

Motion by Alderman Seidl to adopt Ordinance 2453 as amended titled "An Ordinance to Repeal the Further Collection of Some Impact Fees and to Address the Disposition of Already Collected Fees." Seconded by Alderman Horbinski.

Motion Passed 6 to 0.

CLOSED SESSION

Motion by Alderman Seidl to Move to closed session at 8:47PM. Seconded by Alderwoman Liska.

Motion Passed 6 to 0.

- 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:

- William Honeyager et al vs. City of New Berlin
- MSP et al. vs. City of New Berlin et al.
- Progressive Claim for PD Accident-San Felippo

RECONVENE TO OPEN SESSION - DISCUSSION AND POSSIBLE ACTION ON ITEMS LISTED BELOW

Motion by Alderman Seidl to Reconvene to open session at 9:06PM. Seconded by Alderwoman Karvala.

Motion Passed 6 to 0.

- William Honeyager et al vs. City of New Berlin
- Progressive Claim for PD Accident-San Felippo

Motion by Alderman Seidl to Deny the Progressive Claim for PD Accident-San Felippo. Seconded by Alderwoman Karvala.

Motion Passed 6 to 0.

ADJOURN

Motion by Alderman Horbinski to Adjourn at 9:11 PM. Seconded by Alderman Seidl.

Motion Passed 6 to 0.

Respectfully Submitted:

Kari Morgan
City Clerk