

CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, April 26, 2011

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

Mayor Jack F. Chiovero called the Common Council meeting to order at 7:54PM

[ROLL CALL; DECLARATION OF QUORUM](#)

Present were Aldermen Hopkins, Karvala, Seidl, Harena, Liska, Horbinski and Ament. Also present was City Clerk Kari Morgan, City Attorney Mark Blum, City Engineer J.P. Walker and IT Director Nick Roethel.

This meeting was noticed on Thursday, April 21, 2011 in accordance with the Open Meetings Laws.

[REPORTS](#)

- [City Clerk](#)

City Clerk Kari Morgan announced that the Community Relations/City Clerk's Office is cooperating with both the County and the State for the recount of the Justice of the Supreme Court.

- [Council President](#)

Council President Harena announced his appointments for the 2011-2012 year.

- [Mayor](#)

Mayor Chiovero read an Arbor Day Proclamation and announced that the City of New Berlin was named Tree City USA for the ninth year in a row.

- [City Attorney](#)

No report.

[UTILITY COMMISSION](#)

- [UT 24-09 - Recommend to Council to Approve the Need For and Future Use of Well No. 11 and No. 12 Sites](#)

Motion by Alderman Harena to Approve forwarding the issue of the Need For and Future Use of Well No. 11 and No. 12 Sites to the Park and Recreation Commission. Seconded by Alderman Ament.

Motion Passed.

The Utility is recommending that this item be forwarded to the Park and Recreation Commission and is requesting they report back to the Utility by July 25, 2011.

[LANDMARKS COMMISSION](#)

- [Recommend to Council to Approve transfer of \\$3,000 from Account #16000000-56120 \(contingency\) to Account #15280000-54110 \(landmarks\) for grave location at the German Evangelical Protestant Cemetery](#)

Motion by Alderman Seidl to Approve the transfer of \$3,000 from Account #16000000-56120 (contingency) to Account #15280000-54110 (landmarks) for grave location at the German Evangelical Protestant Cemetery. Seconded by Alderman Ament.

Motion Passed.

Alderman Seidl read the rationale for this request which also provided the history of this effort by the Landmarks Commission.

WATER RESOURCE MANAGEMENT COMMITTEE

- [WRM 04-11 Recommend to Council Approval of Intergovernmental Agreement with the City of Greenfield and Funding not to exceed \\$234,975 for the construction of Howard Ave. Diversion of Wildcat Creek](#)

Motion by Alderman Harenda to Approve the Intergovernmental Agreement with the City of Greenfield and Funding not to exceed \$234,975 for the construction of Howard Ave. Diversion of Wildcat Creek. Seconded by Alderman Horbinski.

Motion Passed.

- [WRM 08-11 Recommend to Council Approval of City Funding for property acquisition and demolition for the property located at 12415 W. Meadow Lane for an estimated cost of \\$299,166](#)

Motion by Alderman Harenda to Approve City Funding for property acquisition and demolition for the property located at 12415 W. Meadow Lane for an estimated cost of \$299,166. Seconded by Alderman Hopkins.

Motion Failed with Alderman Ament, Alderman Harenda, Alderman Horbinski, Alderman Seidl, Alderwoman Karvala, Alderwoman Liska opposing.

Motion by Alderwoman Liska to Defer WRM 08-11 Recommend to Council Approval of City Funding for property acquisition and demolition for the property located at 12415 W. Meadow Lane for an estimated cost of \$299,166 to the next meeting. Seconded by Alderman Hopkins.

Motion Failed with Alderman Ament, Alderman Harenda, Alderman Horbinski, Alderman Seidl, Alderwoman Karvala opposing.

Discussion on the issues that the property owners are facing when it rains, where the funding will come from for this and the fact that there are other properties in the City that would come close to meriting the same consideration.

There was also discussion on deferment of this issue and it was mentioned that this item is coming from the Water Resource Committee with no funding source at this time.

The concern of setting a precedent if this is approved as well as future projects that may help this homeowner were discussed with staff.

MAYORAL APPOINTMENTS

- [Reappoint Milton Galke to the Board of Appeals with a term expiring 4/30/2014](#)

Motion by Alderman Ament to Approve Reappointment of Milton Galke to the Board of Appeals with a term expiring 4/30/2014. Seconded by Alderman Hopkins.

Motion Passed.

- [Reappoint Dennis Bohlen to the Board of Appeals with a term expiring 4/30/2014](#)

Motion by Alderman Harenda to Approve Reappointment of Dennis Bohlen to the Board of Appeals with a term expiring 4/30/2014. Seconded by Alderman Ament.

Motion Passed.

- [Alderman John Hopkins to the Electrical Review Board with a term expiring 4/30/2013](#)

Motion by Alderman Horbinski to Approve appointment of Alderman John Hopkins to the Electrical Review Board with a term expiring 4/30/2013. Seconded by Alderwoman Liska.

Motion Passed.

- [Reappoint Alderman Ron Seidl to the Library Board with a term expiring 4/30/2012](#)

Motion by Alderman Hopkins to Approve Reappointment of Alderman Ron Seidl to the Library Board with a term expiring 4/30/2012. Seconded by Alderman Harenda.

Motion Passed.

- [Reappoint Vernon Radtke to the Parks, Rec & Forestry Commission with a term expiring 4/30/2014](#)

Motion by Alderman Horbinski to Approve Reappointment of Vernon Radtke to the Parks, Rec & Forestry Commission with a term expiring 4/30/2014. Seconded by Alderman Harenda.

Motion Passed.

- [Reappoint Charles Bedwell to the Parks, Rec & Forestry Commission with a term expiring 4/30/2014](#)

Motion by Alderman Hopkins to Approve Reappointment of Charles Bedwell to the Parks, Rec & Forestry Commission with a term expiring 4/30/2014. Seconded by Alderwoman Liska.

Motion Passed.

- [Reappoint Jenalyn Groeschel to the Plan Commission with a term expiring 4/30/2014](#)

Motion by Alderman Harenda to Approve Reappointment of Jenalyn Groeschel to the Plan Commission with a term expiring 4/30/2014. Seconded by Alderwoman Liska.

Motion Passed.

- [Reappoint Ronald Pezze to the Police & Fire Commission with a term expiring 4/30/2016](#)

Motion by Alderman Hopkins to Approve Reappointment of Ronald Pezze to the Police & Fire Commission with a term expiring 4/30/2016. Seconded by Alderwoman Karvala.

Motion Passed.

Friendly amendment by Alderman Ament to make sure that the term limit is specific to his current position.

Motion Passed.

- [Reappoint Jeffrey Slicker as Weed Commissioner with a term expiring 4/30/2012](#)

Motion by Alderman Ament to Approve Reappointment of Jeffrey Slicker as Weed Commissioner with a term expiring 4/30/2012. Seconded by Alderman Harenda.

Motion Passed.

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](#)

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 Hopkins to Approve the Consent Agenda. Seconded by Alderman Seidl.

Motion Passed.

MINUTES

- April 12, 2011
- April 19, 2011

UTILITY & FINANCE

- [Recommend to Council approval of April 27, 2011 claims for Water Utility Claims in the amount of \\$68,838.05, Sewer Utility Claims in the amount of \\$40,568.95 and Bi-weekly claims in the amount of \\$635,362.26.](#)

LICENSES & PERMITS

Bartender Licenses for the year 2010 to 2012 to Whitney Hamilton, Prakash Bhatta, Dhruba Wagle, Craig Becker and Jeanette Schmalz

[Temporary Extension of Class "B" License Premise for The 19th Hole Country Club, located at 1525 S. 124th St., Susan Pirlot, Agent](#)

["Class B" Liquor License Transfer, for New Berlin Bowling Center, Inc., located at 16000 W. Cleveland Av, to John M. Wirth](#)

MISCELLANEOUS

- Discussion on 2012 Budget
- Election of Council Representative to Plan Commission pursuant to State Statute 62.23 (1)(a) and City Code Section 275.15 (b)(3)
- [Request that Common Council amend Ordinance No. 2404, Section \(b\) Governing compensation for elected officials to take effect at the next Mayoral term](#)
- [Eisenhower Pool replacement & possible partnership between City of New Berlin & New Berlin School District. Future of swim program in Park & Rec.](#)

END CONSENT AGENDA*****

ITEMS REMOVED FROM CONSENT AGENDA, IF ANY

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"](#) 1st Reading.

This should clean up the current impact fees list that the City currently has and then makes amendments to ordinances to carry through the changes in the code.

Two issues brought to the Council's attention were changes that are recommending that the collection of sewer and water fees be ceased.

Feedback requested from Council in terms of continuation with connection charges for sewer/water and what the charges may be if they do determine to continue on with these charges.

- [Discussion & Possible Action on Resolution 11-05, Establishing Policy Permitting Advertising on City Properties and Communications](#)

Motion by Alderman Seidl to Adopt Resolution 11-05, Establishing Policy Permitting Advertising on City Properties and Communications. Seconded by Alderman Harenda.

Motion Passed with Alderman Hopkins, Alderman Horbinski, Alderwoman Liska opposing.

Discussion on City Attorney's recommendation in privileged correspondence he provided to the Council as well as the need for the financial support from policies such as this one and the opportunity to address each communication on a separate basis.

Further discussion on potential revenue that this would or could bring in to the City

- [Discussion & Possible Action on Ordinance No. 2454 titled "An Ordinance to Amend Section 235-26\(g\) Regarding the Creation of New Lots in Existing Subdivisions](#)

Motion by Alderman Ament to Waive second and third readings for Ordinance No. 2454 titled "An Ordinance to Amend Section 235-26(g) Regarding the Creation of New Lots in Existing Subdivisions. Seconded by Alderman Harenda.

Motion Passed.

Motion by Alderman Ament to Adopt Ordinance No. 2454 titled "An Ordinance to Amend Section 235-26(g)

Regarding the Creation of New Lots in Existing Subdivisions. Seconded by Alderman Horbinski.
Motion Passed.

CLOSED SESSION

City Clerk Morgan read the following:

- [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:](#)

Motion by Alderman Hopkins to Move to closed session at 9:15 PM. Seconded by Alderman Seidl.

Motion Passed.

- [Mainline Sewer & Water Claim](#)
- [Blair Claim](#)
- [New Berlin Public Library v. Plunkett et al. Mediation](#)

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

Motion by Alderman Hopkins to Reconvene to open session at 10:00 PM. Seconded by Alderwoman Karvala.

Motion Passed.

- [Mainline Sewer & Water Claim](#)

No action.

- [Blair Claim](#)

Motion by Alderman Hopkins to Deny the Blair Claim. Seconded by Alderman Seidl.

Motion Passed.

- [New Berlin Public Library v. Plunkett et al. Mediation](#)

Motion by Alderman Ament to Approve settlement agreement in the amount of \$75,000 for the New Berlin Public Library v. Plunkett et al. Seconded by Alderman Horbinski.

Motion Passed.

ADJOURN

Motion by Alderman Seidl to Adjourn at 10:03PM. Seconded by Alderman Ament.

Motion Passed.

Respectfully Submitted:

Kari Morgan
City Clerk