

**CITY OF NEW BERLIN
COMMON COUNCIL MEETING
Tuesday, October 12, 2010**

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

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

Mayor Jack F. Chiovatero called the City of New Berlin Common Council Meeting to order at 9:45 p.m. after Committee of the Whole and Privilege of the Floor.

ROLL CALL: Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Liska, Moore and Ament. Also present were: Deputy Clerk Christine Stefanich, City Attorney Mark Blum, Planning Service Manager Nikki Jones, Director of Community Development Greg Kessler, and Library Director Dennis Sampson

This meeting was noticed on Friday, October 9, 2010 in accordance with the Open Meetings Law

REPORTS

City Clerk – no report

Council President – no report

Mayor – Memorial services for Dick Hoeft will be held at the Midway Hotel in Brookfield on Monday the 18th of October from 3:00-8:00pm. Mayor Chiovatero stated he will be missed.

City Attorney – no report

COMMUNICATIONS

- Sally Kells Claim – Referred to City Attorney

PLAN COMMISSION

- **Recommend to Common Council approval of the one-lot Certified Survey Map for the property located at 5915 S. Moorland Road and 16385 W. Small Road and accept the Plan Commission Report**

Motion by Alderman Ament approval of the one-lot Certified Survey Map for the property located at 5915 S. Moorland Road and 16385 W. Small Road and accept the Plan Commission Report. Seconded by Alderman Harenda and carried unanimously.

- **Recommend that the Common Council direct the Department of Community Development, City Attorney and Mayor to initiate the sewer service boundary amendment process to include the BuySeasons North expansion property located at 16385 W. Small Road and hold a joint public hearing on November 10, 2010 with SEWRPC before the Plan Commission**

Motion by Alderman Ament recommend to Common Council to direct the Department of Community Development, City Attorney and Mayor to initiate the sewer service boundary amendment process to include the BuySeasons North expansion property located at 16385 W. Small Road and hold a joint public hearing on November 10, 2010 with SEWRPC before the Plan Commission. Seconded by Alderman Wysocki and carried unanimously.

- **Recommend to Common Council adoption of Ordinance #2438 that approves the rezoning of the property located at approximately 21400 W. National Avenue from I-1 to I-1 and C-2 to field delineate the wetlands and accept the Plan Commission Report.**

Motion by Alderman Ament to recommend to Common Council adoption of Ordinance #2438 that approves the rezoning of the property located at approximately 21400 W. National Avenue from I-1 to I-1 and C-2 to field delineate the wetlands and accept the Plan Commission Report. Seconded by Alderman Moore and carried unanimously.

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- **Recommend to Common Council adoption of Ordinance #2439 that approves the rezoning of the property located at 16385 W. Small Road from R-1/R-2 to M-1 and accept the Plan Commission Report**

Motion by Alderman Ament recommend to the Common Council adoption of Ordinance #2439 that approves the rezoning of the property located at 16385 W. Small Road from R-1/R-2 to M-1 and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

- **Recommend to Common Council approval of the one-lot Certified Survey Map for the property located at 18300 W. Observatory Road and accept the Plan Commission Report**

Motion by Alderman Ament recommend to Common Council approval of the one-lot land Certified Survey Map for the property located at 18300 W. Observatory Road and accept the Plan Commission Report. Seconded by Alderman Moore and carried unanimously.

- **Recommend to Common Council approval of the one-lot Certified Survey Map for the property located at 16980 W. National Avenue and accept the Plan Commission Report**

Motion by Alderman Ament recommend to Common Council approval of the one-lot Certified Survey Map for the property located at 16980 W. National Avenue and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

- **Recommend to Common Council approval of the one-lot Certified Survey Map for the property located at 16000 W. National Avenue and accept the Plan Commission Report**

Motion by Alderman Ament recommend to Common Council approval of the one-lot Certified Survey Map for the property located at 16000 W. National Avenue and accept the Plan Commission Report. Seconded by Alderman Wysocki and carried unanimously.

UTILITY COMMITTEE

- UT 20-10 Request to add 7.72 acres of the property located at approximately 16385 W Small Road into the New Berlin Urban Sewer Service Area

Motion by Alderman Harenda to recommend to the Common Council that the New Berlin Urban Sewer Service Area be amended to add 7.72 acres of the property located at approximately 16385 W Small Road into the New Berlin Urban Sewer Service Area. Seconded by Alderman Wysocki and carried unanimously.

- UT 21-10 Request to add 7.72 acres of the property located at approximately 16385 W Small Road into the MMSD Sewer Service Area

Motion by Alderman Harenda to recommend to the Common Council to direct the Department of Community Development, the City Attorney and Mayor to initiate the Sewer Service amendment process to include the 7.72 acres of the BuySeasons north expansion property located at approximately 16385 W Small Road into the MMSD Sewer Service Area and hold a joint Public Hearing on November 10, 2010 with SEWRPC before the Plan Commission. Seconded by Alderman Wysocki and carried unanimously.

MAYORAL APPOINTMENTS

Special Projects Commission

- John Rocco with a term expiring 10/1/2011

Motion by Alderman Ament to approve John Rocco with a term expiring 10/1/2011. Seconded by Alderman Harenda and carried unanimously.

- James Simonson with a term expiring 10/12/2011

Motion by Alderman Wysocki to approve James Simonson with a term expiring 10/12/2011. Seconded by Alderman Harenda 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 10/12/10
- 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 10/12/10

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

APPROVAL OF MINUTES: September 28, 2010, September 29, 2010 Budget Workshop, October 5, 2010 Budget Workshop

UTILITY AND FINANCE

Claims

For: October 13, 2010

- Recommend to Council approval of Water Utility claims in the amount of \$109,816.95, Sewer Utility claims in the amount of \$26,264.53, and Bi-weekly claims in the amount of \$1,534,737.93.

LICENSES & PERMITS

Bartenders

- Bartender License for the year 2010-2012 to Travis Richards
- Bartender License for the year 2010-2012 to Karolyn Bozich
- Bartender License for the year 2010-2012 to Ryan Glynn
- Bartender Licenses for the year 2010-2012 to Cindy Anton, Anthony Bartoli, Alison Bence, Greg Erlitz, James Hilber, Michael Hurst, Michelle Haglund, Tracy Hull, Gary Jacobson, Nathaniel Lewis, Mary Miller, Sally Schroepfer, Casey Sholtis, Anita Wood, Diane Young and Mary Fran Zamaites,

“Class B” Retailer License

- Hans Schroeder for Trailside Cycle, 1849 S. Calhoun Rd.

Change of Agent

- Anita C. Wood, 1522 W. Cudahy Av, Milwaukee, agent for Roundy's Supermarkets, Inc. dba Pick and Save, 15445 W. National Av.

BUDGET WORKSHOP

- Review, Discuss And Possible Action On The Proposed 2011 Department Operating Budgets.
- Possible action to forward 2011 Operating Budgets to Common Council
- Review, Discuss and Possible Action on the 2011 CIP Budget
- Possible action to forward 2011 CIP Budgets to Common Council

MISCELLANEOUS

- Award of Construction Contract for the Replacement of fuel pump system used for fleet fueling

- Recommend to the Common Council that a public hearing be set for November 10, 2010 at 6:01 p.m. to be held before the Plan Commission to rezone the property located at approximately 17400 W. Small Rd. and approximately 17385 Beres Rd from R-1/R-2, A-2 and C-2 to R-1/R-2, A-2 and C-2 to Field Delineate the Wetlands
- Recommend to the Common Council that a public hearing be set for November 10, 2010 at 6:02 p.m. to be held before the Plan Commission to rezone the property located at approximately 18580 W. National Av from R-1/R-2 and B-2 to B-2
- Common Council hereby dissolves the New Berlin Veterans Memorial Committee Created 11/23/2004 at the Common Council Meeting
- Recommend Common Council approval of the one-year "Agreement for Use of School Facilities" with the New Berlin School District for 2010-2011

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

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ITEM/S REMOVED FROM CONSENT AGENDA, if any:

LICENSES & PERMITS

Bartenders

Bartender License for the year 2010-2012 to Travis Richards

Motion by Alderman Seidl to approve the bartender license for the year 2010-2012 to Travis Richards. Seconded by Alderman Hopkins and carried with Alderman Wysocki voting no.

Bartender License for the year 2010-2012 to Ryan Glynn

Motion by Alderman Liska to approve the bartender license for the year 2010-2012 to Ryan Glynn. Seconded by Alderman Seidl and carried with Alderman Moore voting no.

"Class B" Retailer License

Hans Schroeder for Trailside Cycle, 1849 S. Calhoun Rd

Motion by Alderman Seidl to approve a "Class B" Retailer License for Hans Schroeder for Trailside Cycle, 1849 S. Calhoun Rd. Seconded by Alderman Ament and motion failed with Alderman Seidl voting yes.

BUDGET WORKSHOP

Review, Discuss And Possible Action On The Proposed 2011 Department Operating Budgets

Motion by Alderman Harenda to develop a 0% tax rate increase, move the budget to a public hearing and equalize it throughout the budget with minimal impact. Seconded by Alderman Ament carried with Aldermen Moore, Seidl and Liska voting no.

Recommend Common Council approval of the one-year "Agreement for Use of School Facilities" with the New Berlin School District for 2010-2011

Motion by Alderman Moore to approve executing the "Agreement for Use of School Facilities" between the City of New Berlin and the New Berlin School District for the period of September 1, 2010 to August 31, 2011. Seconded by Alderman Harenda and carried with Alderman Ament voting no.

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:
 - Arnold Fladoos Claim

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- Library building construction
 - Hector Sanchez Claim
 - John F. Herman Claim
 - Poplar Creek Interceptor

Motion by Alderman Seidl to move to closed session at 10:15pm. Seconded by Alderman Liska and carried unanimously.

RECONVENE TO OPEN SESSION

Motion by Alderman Seidl to reconvene to open session at 11:06 p.m. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Seidl to extend the meeting 30 minutes. Seconded by Alderman Hopkins and carried unanimously.

Discussion & Possible action on any matters as listed below.

- Arnold Fladoos Claim
Motion by Alderman Harenda to deny the Arnold Fladoos Claim refer their claim to Waukesha County. Seconded by Alderman Liska and carried unanimously.
- Hector Sanchez Claim
Motion by Alderman Hopkins to approve the Hector Sanchez Claim in the amount of \$2306.83. Seconded by Alderman Wysocki and carried unanimously.
- John F. Herman Claim – no action

ADJOURN

Motion by Alderman Seidl to adjourn at 11:09p.m. Seconded by Alderman Hopkins and carried unanimously.

Respectfully submitted:
Christine Stefanich
City Deputy Clerk