

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

Tuesday, March 8, 2011

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

Mayor Jack F. Chiovero called the meeting to order at 7:37 p.m.

ROLL CALL; DECLARATION OF QUORUM

Present were Hopkins, Seidl, Harena, Ament, Chiovero, Wysocki, Liska, Moore. Also present were: City Clerk Kari Morgan, City Attorney Mark Blum, Recreation Director Mark Schroeder, and Finance Director Ralph Chipman.

REPORTS

- City Clerk

City Clerk Morgan reminded everyone of the upcoming April 5, 2011 and that all seven voting locations will be open for this election

- Council President

No report

- [Mayor](#)

No report

- City Attorney

No report

COMMUNICATIONS

- [Nagy Claim](#)

Referred to City Attorney.

BOARD OF PUBLIC WORKS

- [\(BPW 08-11\) Approval of Development Agreement for the 4-Lot Land Division at 2955 S. Johnson Road.](#)

Motion by Alderman Ament to Approve (BPW 08-11) Development Agreement for the 4-Lot Land Division at 2955 S. Johnson Road. Seconded by Alderman Seidl.

Motion Passed.

PARKS, RECREATION AND FORESTRY COMMISSION

- [Approval of the Parks, Recreation & Forestry Commission recommendation to approve the Lease Assignment from Crown Gold Properties to HG Golf Properties, LLC, for management of New Berlin Hills Golf Course as recommended by the Golf Course Committee.](#)

Motion by Alderman Moore to Approve the Parks, Recreation & Forestry Commission Recommendation to approve the Lease Assignment from Crown Gold Properties to HG Golf Properties, LLC, for management of New Berlin Hills Golf Course as recommended by the Golf Course Committee. Seconded by Alderman Hopkins.

Motion Passed.

Motion by Alderman Moore to Amend the current motion that approval is subject to final review by the City Attorney and Mayor. Seconded by Alderman Hopkins.

Motion Passed.

It was noted that the current staff will continue to manage the golf course.

It was mentioned that the current draft agreement in the council binders is 99% complete, however it was recommended that the Mayor and the City Attorney should review prior to signing.

MAYORAL APPOINTMENTS

- [4th of July Commission - Brian Graziano with a term expiring 8/1/2015.](#)

Motion by Alderman Ament to Approve Brian Graziano to the Fourth of July Commission with a term expiring 8/1/2015. Seconded by Alderman Hopkins.

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
- [Recommend to Common Council denial of a Small Grants Program Grant for 11-04 the New Berlin Land Conservancy in the amount of \\$2,000. TABLED 02-08-11 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 Wysocki to Approve the Consent Agenda. Seconded by Alderman Hopkins.

Motion Passed.

APPROVAL OF MINUTES - February 22, 2011

UTILITY & FINANCE

- Recommend to Council approval of Water Utility Claims in the amount of \$42,950.06, Sewer Utility Claims in the amount of \$6,510.54 and Bi-weekly claims in the amount of \$405,593.63.

LICENSES & PERMITS

Bartender

- Bartender License for the year 2010-2012 to Cassandra Cashmore, Amanda Schellinger, Louie Leras, Sarah Markoff and Rebekah Capps

MISCELLANEOUS

- Discussion on State Budget Impacts for 2011/2012 Budgets.
- [Recommend to the Common Council that the Moratorium for the City Center area be extended by 30 days via Resolution No. 2011-04.](#)
- [Set a Public Hearing date for the April 4, 2011 Plan Commission Meeting at 6:00p.m. regarding the rezoning of properties located at 17525 W. Greenfield Avenue and 1400, 1426 and 1500 S. West Lane from R-3, R-5 & I-1 to I-1and C-2.](#)

END CONSENT AGENDA*****

ITEMS REMOVED FROM CONSENT AGENDA, IF ANY

None.

ORDINANCES & RESOLUTIONS

- [Ordinance No. 2451 titled "An Ordinance to Create Section 6-20 of the Municipal Code of the City of New](#)

[Berlin Regarding Definitions" \(More specifically the definition of citizen\) - 1st Reading.](#)

Motion by Alderman Ament to waive the second and third readings. Seconded by Alderman Wysocki.

Motion Passed with Alderwoman Liska, Alderman Moore opposing.

Motion by Alderman Ament to approve Ord. No. 2451 to Create Sec. 6-20 of the Municipal Code of the City of New Berlin Regarding Definitions (More specifically the definition of citizen). Seconded by Alderman Wysocki.

Motion Passed with Alderwoman Liska, Alderman Moore opposing.

Motion by Alderman Moore to amend the original motion to rephrase the statement "Citizens of the United States." Motion failed for lack of a second.

Extensive discussion on how Citizens of the United States is defined in the ordinance and how it will be managed when appointing residents to committees, boards and commissions.

- [Ordinance No. 2450 titled "An Ordinance to Amend Sec. 152-4 of the Municipal Code of the City of New Berlin Regarding Class A Liquor License Sales Restrictions" - 1st Reading](#)
- [Discussion & Possible Action on Motion for Reconsideration brought by Alderwoman Liska concerning Ord. 2413 which modifies Sec. 152-10 of the Municipal Code with respect to the Regulation and Licensing of Dogs. The Council motion being reconsidered was adopted February 22, 2011 and reads as follows: Motion by Alderwoman Liska to approve Ordinance No. 2413 to Amend Sec. 152-10 Regarding the Regulation and Licensing of Dogs. Seconded by Alderman Ament and carried with Alderman Moore opposing.](#)

Motion by Alderwoman Liska to reconsider the motion to approve Ordinance No. 2413 made on Feb. 22, 2011. Seconded by Alderman Harenda.

Motion Passed.

Motion by Alderwoman Liska to amend "At large" definition in Sec. 2 of the Ordinance to read the following: At large means the dog is: a. On private property without consent or b. On public property without restraint and control or c. Not secured in a vehicle. Seconded by Alderman Hopkins.

Motion Passed.

Motion by Alderwoman Liska to Approve Ord. 2413 which modifies Sec. 152-10 of the Municipal Code with respect to the Regulation and Licensing of Dogs as amended. Seconded by Alderman Ament.

Motion Passed with Alderman Moore opposing.

Motion by Alderman Moore to Amend the number of dogs a person with a dog fancier's permit can have to 10. Motion failed for lack of a second.

Motion by Alderman Moore to Amend and eliminate Sec. H(2) to begin with the word "not," and H (3) and H (4) completely in relation to dangerous dogs so that dangerous dogs are not allowed within the city limits. Motion failed for lack of a second.

Discussion on the greater restrictions this amendment makes to the ordinance.

CLOSED SESSION

Motion by Alderman Seidl to Move to closed session at 8:36PM. Seconded by Alderman Hopkins.

Motion Passed.

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:

- [Stoffers Claim](#)
- Guse v. New Berlin

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

Motion by Alderman Seidl to Reconvene to open session at 8:58 PM. Seconded by Alderman Wysocki.

Motion Passed.

- [Stoffers Claim](#)

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

Motion Passed with Alderman Harenda opposing.

- [Discussion & Possible Action to Approve the CSM submitted by Richard Guse for the property known as 19100 W. Hillcrest Drive which was ordered approved by the Honorable J Mac Davis Circuit Court Judge on February 18, 2011.](#)

No action.

ADJOURN

Motion by Alderman Seidl to Adjourn at 9:03 PM. Seconded by Alderman Wysocki.

Motion Passed.

9:03 p.m.

Respectfully Submitted:

Kari Morgan
City Clerk