

Amended 12/21/2010

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL  
Tuesday, December 14, 2010**

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

Mayor Jack F. Chiovero called the City of New Berlin Common Council Meeting to order at 8:00p.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: City Clerk Kari Morgan, City Attorney Mark Blum, Fire Chief Lloyd Bertram, Recreation Director Mark Schroeder and Human Resources Director Tami Potkay.

Those present recited the Pledge of Allegiance and stood for a moment of silence following Invocation by Mayor Chiovero.

***This meeting was noticed on Thursday, December 9, 2010 in accordance with the Open Meeting Law.***

**REPORTS**

City Clerk – No report.

Council President – No report.

Mayor – Mayor Chiovero announced that at this time he is anticipating there will not be a December 28<sup>th</sup> Council meeting. He stated that there will be a Utility meeting on the 21<sup>st</sup> at 5:00p.m. There was a Consensus of the Council to cancel the meeting on the 28<sup>th</sup>.

City Attorney – No report.

**PLAN COMMISSION**

- **RZ-10-11 Applewood II – 2860 S. Moorland Rd. – Rezone from R-5 to R-5 and C-2 to Field Delineate the Wetlands through Ordinance No. 2443**  
Motion by Alderman Ament to adopt Ordinance No. 2443 approving the rezoning of the property located at 2860 S. Moorland Road from R-5 to R-5 and C-2. Seconded by Alderman Wysocki and carried unanimously.
- **LD-10-16 Applewood II – 2860 S. Moorland Rd. – One-Lot Land Division – Nw ¼ Sec. 11**  
Motion by Alderman Ament to approve the one lot Certified Survey Map for the property located at 2860 S. Moorland Road and accept the Plan Commission Report. Seconded by Alderman Wysocki.

Discussion/explanation on the conditions placed on the CSM approval.

Motion by Alderman Ament to amend and add condition #8 to the Plan Commission report requiring the applicant remove the existing access drive on Acredale Road **so that there will be no access to Acredale Road**. Seconded by Alderman Wysocki.

Discussion held on motion amendment.

Motion to approve amendment carried unanimously.

Motion to approve amended motion carried unanimously.

- **PG-830(15), PG516(f), PG-374 – Plan Commission review and recommendation to extend City Center suspension on land divisions, rezoning requests or development proposals requiring Plan Commission review or approval within the bounds of the City Center Planned Unit Development for an additional 120 days through Resolution No. 10-49**

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Motion by Alderman Ament to approve Resolution No. 10-49 to extend the City Center suspension on land divisions, rezoning requests or development proposals requiring Plan Commission review or approval within the bounds of the City Center Planned Unit Development for an additional 120 days and accept the Plan Commission Report. Seconded by Alderman Harenda.

Discussion on staff's request for extension to complete work.

Motion to approve carried unanimously.

#### **WATER RESOURCE MANAGEMENT COMMITTEE**

- **SW 21-10 Approval of 2011 Water Resource Management Operating Budget**

Motion by Alderman Harenda to approve the 2011 Water Resource Management Operating Budget. Seconded by Alderman Moore. *(This motion was brought forth from the 11/16/2010 meeting)*

Motion to approve budget as amended carried unanimously on 12/14/2010.

*Motion by Alderman Harenda to modify the 2011 Water Resource Management Operating Budget to fund 100% of the Stormwater Supervisor's position and fund through account 52130. Seconded by Alderman Wysocki and carried unanimously. (This motion included in minutes for clarification only; as it was discussed and approved at the 11/16/2010 Common Council meeting)*

#### **UTILITY COMMITTEE**

- **Discussion & Possible Action to make a recommendation to Council on a request to contribute funds for the Private Purchase of land directly north of Calhoun Park and the impact of said purchase on Future Utility Operations & Infrastructure**

No action as this item was addressed in Closed Session.

#### **FINANCE COMMITTEE**

- **Revised 2011 CIP Budget for Ryerson Road at a cost of \$335,600**

Motion by Alderman Wysocki to drop this issue from the agenda. Seconded by Alderman Seidl and carried unanimously.

#### **MAYORAL APPOINTMENTS**

- **Special Projects Commission**

Motion by Alderman Seidl to appoint Joyce Boehlen with a term expiring 12/31/2011. Seconded by Alderman Moore and carried unanimously.

Motion by Alderman Harenda to reappoint Tom O'Loughlin with a term expiring 12/31/2011. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Wysocki to reappoint Mary Claire Lanser with a term expiring 12/31/2011. Seconded by Alderman Hopkins and carried unanimously.

- **Library Board**

Motion by Alderman Seidl to appoint Anne L. Pierce with a term expiring 6/30/2013. Seconded by Alderman Wysocki and carried unanimously.

- **Youth Advisory Board**

Motion by Alderman Liska to appoint Brittany Buechs with a term expiring 5/31/2012 and representing District #5. Seconded by Alderman Wysocki and carried unanimously.

- **Finance Committee**

Motion by Alderman Wysocki to reappoint Jo Kapfhammer with a term expiring 1/13/2012. Seconded by Alderman Hopkins 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, 5/11/10; AD HOC COMMITTEE ESTABLISHED ON 6/22/10  
Motion by Alderman Liska to approve the recommended changes of the Dog Ad Hoc Committee. Seconded by Alderman Ament. (1<sup>st</sup> reading).

Discussion and clarification on specific sections of the ordinance.

- **Mayoral Appointment of Sally Bryan to the Police & Fire Commission with a term expiring 4/30/2014.** Tabled 6/22/10 W/MOTION LEFT ON TABLE

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

**MINUTES** – Common Council Minutes from November 16, 2010 & November 29, 2010

**UTILITY AND FINANCE**

**Claims**

**For: November 24, 2010**

- Recommend to Council approval of Water Utility claims in the amount of \$93,274.79, Sewer Utility claims in the amount of \$150,926.05, and Bi-weekly claims in the amount of \$1,482,896.03. Trail fee refunds totaling \$168,946.26 were also generated.

**For: December 15, 2010**

- Recommend to Council approval of Water Utility claims in the amount of \$38,274.85, Sewer Utility claims in the amount of \$57,834.57 and Bi-weekly claims in the amount of \$594,889.23.

**LICENSES & PERMITS**

**Bartenders**

- Bartender License for the year 2010-2012 to Allison Bartoszek, Melissa Bayley, Joseph Bennett, Kyle Boehnen, Michele Brandhagen, Rachael Brodzeller, Cari Erdmann, Kevin Frew, Carolyn Gaar, Courtney Greene, Leigh Hernandez, Linda Janda, Colleen Koltek, Eric Lang, Jason Larkee, Marquita McCoy, Bradley Metzger, Kacey Meyer, Heidi Mikich, Neil Morgenthaler, Jennifer Munson, Amanda Olivier, Kathleen Salomone, Samantha Santos, Michael Schlampp, Stephanie Schroeder, Theresa Seflow, Nancy Simonson, Donna Smith, Tricia Strege, Rebecca Stefan, Dawn Tenant-Czys, Nicholas Wanta and David Watton.

**Amusement Devices**

- Vasilike B. Triantafillou for Peach Tree Family Restaurant at 15419 W. National Ave.

**Garbage Haulers for 2011**

- Waste Management 10627 S. 27<sup>th</sup> Street, Franklin, WI 53132
- Veolia ES Solid Waste Midwest, LLC 559 Progress Drive, Hartland, WI 53029

**MISCELLANEOUS**

- Recommend to the Common Council that a Public Hearing be set for January 4, 2011 at 6:00 p.m. to be held before the Plan Commission to rezone the property located at approximately 1710 S. Craftsman Drive from R-4 and C-2 to R-4 and C-2 to field delineate the wetlands
- Recommend to the Common Council that a Public Hearing be set for January 4, 2011 at 6:01 p.m. to be held before the Plan Commission to rezone the property located at approximately 5915 S. Small Rd. (also known as 16385 W. Small Rd.) from M-1 and C-2 to M-1 and C-2 to remove wetlands that will be filled on site per a WDNR permit

- Recommend to the Common Council that a Public Hearing be set for January 4, 2011 at 6:02 p.m. to be held before the Plan Commission to rezone the property located at approximately 15750 W. Beloit Rd. from M-1, C-2 and FWO to M-1, C-2, FWO to field delineate the wetlands and floodplain.
- Recommend to the Common Council that a Public Hearing be set for January 4, 2011 at 6:03 p.m. to be held before the Plan Commission to rezone the property located at approximately 2955 S. Johnson Road from R-1/R-2 and C-2 to R-1/R-2 and C-2 to field delineate the wetlands.
- Recommend to the Common Council that a Public Hearing be set for January 4, 2011 at 6:04 p.m. to be held before the Plan Commission to rezone the property located at approximately 6055 S. Martin Road from R-3 and C-2 to R-3 to remove the wetlands based on a recent wetland delineation report.

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

- **Recommend to Common Council that the New Berlin Fire Department Committee be abolished**  
Motion by Alderman Hopkins to abolish the New Berlin Fire Department Committee. Seconded by Alderman Liska and carried with Aldermen Seidl and Harenda opposing.
- **Recommend to Common Council adoption of Resolution No. 10-47 Amending the 2010 Fire Department Budget**  
Motion by Alderman Hopkins to adopt Resolution No. 10-47 Amending the 2010 Fire Department Budget. Seconded by Alderman Moore and carried with Aldermen Wysocki, Harenda and Ament opposing.
- **Recommend Common Council approval to allocate \$30,000 from the City's Park Impact Fee Fund toward the purchase of the properties located at the southeast corner of Beloit and Calhoun Roads (Tax Key #1259-997-0003 & #1259-998) by the Muskego Lakes Land Conservancy; TABLED 10/22/10**  
Motion by Alderman Seidl to refer to council with no action. Seconded by Alderman Wysocki and carried unanimously.

Atty. Blum gave history of agenda item.

Utility report presented by Alderman Harenda.

Report from Parks, Recreation and Forestry commission given by Recreation Director Mark Schroeder.

Council for Muskego Lakes groups discussed willingness to parcel off 5 acres from plan to be used as active recreational property and reminded of December 31, 2010 deadline to close on property.

Discussion on grant versus timeline of purchase agreement, paying of property taxes and need for this project.

Motion by Alderman Seidl to table. Seconded & by Alderman Wysocki and carried unanimously.

**CLOSED SESSION**

**City Clerk Morgan read the following:**

The basis for the items to be discussed in Closed Session is as enumerated in Section 19.85 (1) (e) of the Wisconsin State Statutes.

- (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:
  - Establishing negotiation strategy for acquisition of land adjacent to Calhoun Park

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- Establishing negotiation strategy for trail easements adjacent to Calhoun Park

In addition to the above items 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) As enumerated above. More specifically
  - Collective Bargaining Update for NBPPA, AFSCME, Teamsters & NBPFPA

***Motion by Alderman Hopkins to move to closed session at 9:17 p.m. Seconded by Alderman Seidl and carried unanimously.***

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

***Motion by Alderman Wysocki to reconvene to open session at 10:43p.m. Seconded by Alderman Seidl and carried unanimously.***

Discussion & Possible action on any matters as listed below

- **Establishing negotiation strategy for acquisition of land adjacent to Calhoun Park**  
No action.
- **Establishing negotiation strategy for trail easements adjacent to Calhoun Park**  
Motion by Alderman Harenda to take this issue off the table. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Harenda to authorize acquisition of the trail easements adjacent to Calhoun Park from the Muskego Lakes Land Conservancy at a cost not to exceed \$30,000. Seconded by Alderman Moore and carried unanimously.

#### **ADJOURN**

Motion by Alderman Wysocki to adjourn at 10:46 p.m. Seconded by Alderman Seidl and carried unanimously.

Respectfully submitted:  
Kari Morgan  
City Clerk