

## NEW BERLIN SAFETY COMMISSION MINUTES

Wednesday August 12<sup>th</sup>, 2009 6:00 pm

New Berlin Public Safety Building  
16300 W. National Ave.

*Please Note: Minutes are unofficial until approved by the Safety Commission at the next regularly scheduled meeting.*

**Present:** Paul Rozek, Paul Repischak, Paul Milkovich, Dan Meister, Ron Schildt, Fred Witty, and Earl Strandt

**Excused:** Chuck Trevorrow, Scott Gillard, and Paul Kreutzer

**Approval of Minutes:** Fred Witty made a motion to accept the June 10<sup>th</sup>, 2009 minutes as read. The motion was seconded by Paul Milkovich. The motion carried with Ron Schildt abstaining.

01 08 09 Proposed changes to the City of New Berlin Municipal Code pertaining to vicious dogs *152-10 G. (1) – (4)*.

City Attorney Mark Blum was present and advised that he presented the Safety Commission recommendations to the Common Council. The Common Council returned the recommendations to the Safety Commission for further review and retooling with regard to the following issues:

1. The Finance Director, Chief Rieder, and members of the Common Council expressed concerns regarding passing out copies of the ordinance and requiring a signature from applicants.

Mike Holzinger spoke on this matter and explained the dog and cat licensing process (much of which is done via the mail). The licensing is handled annually during the tax bill collection season. This is an extremely busy time of year for his staff and he is opposed to adding to their duties. He was concerned about the requirement of a signature and questioned how his staff would handle someone who refuses to sign. He felt denying dog and cat licenses to those who refuse to sign would ultimately lead to citizens not licensing their dogs. He also felt that if we were going to incorporate these changes that the Police Department would be better suited for selling and maintaining files on dog and cat licenses.

Paul Repischak reminded commission members the intended goal of handing out the ordinance being was to ensure that information pertaining to the law and dog owner's responsibilities got out. He questioned the need to require signatures in acknowledging receipt. Safety commission

members discussed how there were many ways to get the information out (i.e. via leaflet included with the dog license, posting the information on the city web site, and/ or including the information in the New Berlin Leaflet) all of which wouldn't significantly add to any city departments duties. After discussion commission members were in agreement that any future recommendations would **not** require mandatory issuance of a copy of the city ordinance or any signatures from license applicants.

2. Common Council members expressed concern over the language regarding what constitutes a vicious dog.

The Safety Commission was in agreement that their definition of a vicious dog was vague and ambiguous. It allowed for non-vicious activity to technically be deemed "vicious."

The Safety Commission talked about possible changes to the language. Barbara Koeppen was present and provided the Safety Commission with a hand-out that had language changes she felt was appropriate. Paul Repischak made a motion that Safety Commission members come up with some specific verbiage before the September 9<sup>th</sup>, 2009 meeting that we can formally discuss and vote on. The motion was seconded by Paul Rozek and carried unanimously.

3. The Common Council questioned as to whether the Safety Commission solicited assistance from the American Kennel Club or other similar organizations before coming up with their recommendations.

Paul Repischak advised City Attorney Mark Blum and meeting attendees that the Safety Commission *did* review various model ordinances from the AKC as well as listening to members of various dog organizations who either attended the meeting or submitted letters to the commission. The Safety Commission took the dog organizations feedback into consideration (which was reflected in the Safety Commissions final recommendations). The Safety Commission did not like the model ordinances provided by the AKC as they seemed more suited for a larger municipality that had it's own animal control division (with an office for maintaining files, officers to check for compliance, and boards for hearing appeals etc).

- 01 09 07      Request for a stop sign at the intersection of El Dorado Drive and Monterey Drive.

Several citizens were in attendance at the meeting to talk about the hazards at the intersection. The citizens reported cars routinely going through the intersection (not having right of way) at or above the posted speed limit. The citizens advised that when they go through the intersection they know

to stop regardless of “right of way” or risk being hit. The citizens report pedestrians (particularly children) having difficulty crossing the intersection safely. The citizens presented a petition signed by 12 area families who want a stop sign at the intersection.

Ron Schildt presented a 2005 traffic study that showed the approach speeds and traffic volume at the intersection did not meet the criteria for any type of traffic control. He also presented the crash data for this intersection (January 2000 to November 2008). There was only one “property damage only” accident in 2006. Schildt advised that he recently visited the intersection and observed visibility obstructions in the “vision triangles” on 2 or 3 of the corners.

Paul Rozek made a motion to have City Engineering conduct current traffic studies of the intersection. Rozek further motioned that the city code compliance officer send letters to those violating the vision triangle at the intersection to improve visibility in the interim. The motion was seconded by Paul Repischak and carried unanimously.

01 09 06

Speeding Vehicles on Lincoln Avenue near 15165 W. Lincoln Ave.

Several citizens were in attendance to speak on this matter. They spoke of a large traffic volume and the chronic problem of vehicles speeding past their houses. They discussed the hazards of pulling out of their driveways and being pedestrians and bicyclists on this street. The citizens presented a petition signed by 10 area families who want speed humps on Lincoln Avenue in this area. They also provided some photos of damage caused in a recent accident (involving a speeding vehicle).

Ron Schildt presented the results of traffic studies recently conducted. The traffic studies showed the 85<sup>th</sup> percentile speed as being 33 mph. The traffic and speed data showed a number of cars traveling through the area at high rates of speed. The crash data revealed 4 “property damage only” accidents in 2004, 2005, 2006, and 2008.

Paul Repischak reported on the results of the police radar enforcement in the area between 04-21-09 and 06-19-09. The police department worked the assignment forty times. We wrote 7 citations and 29 warnings.

The Safety Commission discussed how Lincoln Avenue is much like Coldspring Road (i.e. a street with speed humps) in that it is a through-street connecting two main arterial roads. Lions park adds to much of the traffic volume on Lincoln. We talked about how the terrain would more than likely be conducive to having speed humps.

Ron Schildt made a motion to have City Engineering conduct a speed hump lay-out assessment in the area of Lincoln Avenue between Parkside Drive and Moorland Road. Schildt's motion included Engineering conducting traffic studies on Lincoln Avenue between Parkside Drive and Sunnyslope Road. Schildt's motion also included having the city send out letters to all residents on Lincoln Avenue between Moorland and Sunnyslope Roads to notify them that the city is considering placing speed humps along this entire stretch. The motion was seconded by Dan Meister and carried unanimously.

03 08 09 Revisit parking problems near Lions Park" (Parkside Dr. & Lynwood Ct.)

Paul Repischak reported that all signs have been properly posted and the police department is monitoring the area for compliance. Park and Recreation sent out notices to the tennis, baseball, and soccer leagues informing them of their parking options and directions to same. Paul Repischak made a motion to remove this item from the agenda. The motion was seconded by Paul Rozek and carried unanimously.

03 09 05 Requested Action Statement from Alderman Ament regarding traffic cutting through the Rogers Glen subdivision on Mill Creek Trail.

Ron Schildt gave the results of the most recent traffic studies conducted. The results showed a drastic increase in traffic due to cut-through traffic being allowed during construction. The study revealed however vehicles are now operating slower than during previous studies.

Paul Repischak reported that the police department has run radar in the area 36 times since 06-16-09. During that time they only wrote 4 warnings for speeding.

The Racine and National Avenue construction is soon to be complete. The Safety Commission felt the first half of the problem originally brought to their attention has been adequately addressed. The commission decided to look ahead at the second half the complaint (i.e. speed being a problem even before the construction). Ron Schildt advised that a "post-construction" traffic study should be conducted in mid-to-late September 2009. Paul Rozek made a motion that this be done. The motion was seconded by Fred Witty and carried unanimously.

01 08 10 Alderman Ament sent a Requested Action Statement asking the Safety Commission to investigate and make recommendations concerning the safety at the intersection of Racine Ave. and Swartz Road

Ron Schildt received word from Waukesha County Engineering stating that the accident rate data for this intersection does not warrant any type of immediate action by the county. They advised that the skew in the

intersection will be corrected during future re-construction that is planned but not yet not scheduled. Ron Schildt made a motion to remove this item from the agenda. The motion was seconded by Fred Witty and carried unanimously.

**Tabled Items:**

02 03 08      Revisit parking problems near Glen Park School athletic field.

**Next Meeting Date:** September 9<sup>th</sup>, 2009 at 6:00 pm.

**Meeting Adjourned:** Paul Rozek made a motion to adjourn the meeting at 7:50 pm. The motion was seconded by Fred Witty and carried unanimously.

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Lt. Paul Repischak