
FUTURE LAND USE CHANGE REQUESTS EXECUTIVE SUMMARY

APPLICANT / PROJECT: City of New Berlin / Future Land Use Amendment

LOCATION: Section 34 and 35 Area

REQUEST: Referral from the Common Council for review and any recommendations with regard to the City's Comprehensive Plan and future development for the Section 35 and 34 areas (Neighborhoods "G" and "H").

D.R.C. RECOMMENDATION: Per Common Council action on 2/28/2012 recommend the Plan Commission drop the request from the agenda for the proposed amendments to the City's Comprehensive Plan with regard to future development for the Section 35 and 34 areas (Neighborhoods "G" and "H").

Attachments:

- Alderman Harenda's RAS
- Common Council Minutes – 2/28/2012

REQUESTED ACTION STATEMENT

DATE: February 15, 2012

TO: Mayor Jack Chiovero
Fellow Aldermen

FROM: Kenneth A. Harena II
District #4 Alderman

ISSUE: **Rescind Common Council Action Taken on August 2, 2011, regarding referral to the Plan Commission for the review and recommendations with regard to comprehensive plan amendments for the Sections 35 and 34 areas (Neighborhoods “G” and “H”.**

REQUESTED ACTION:

Request that the Common Council move to rescind its action taken at its meeting on August 2, 2011, to direct the Plan Commission to review and make recommendations with regard to the comprehensive plan and future development for the Sections 35 and 34 areas (Neighborhoods “G” and “H”, but allow Council time to hold neighborhood meetings prior to the Plan Commission taking this item up). No further action shall be taken to consider any such amendments.

FISCAL IMPACT: Undetermined

RATIONALE:

In our deliberations on August 2, 2011, I believe I made myself clear prior to discussions taking place at the Plan Commission or moving forward with any actions on changes to the Comprehensive Plan that I would need to hold neighborhood meetings. These meetings would be held with District #4 and #5 constituents for the purpose of receiving feedback on amending the City’s Comprehensive Plan.

In January, 2012, four Neighborhood meeting were held to solicit input from the residents. Information/feedback was collected at all four meetings as well as communications that have been received since that time from the residents in this section of the City.

The feeling of the residents of District #4 has been overwhelming against modifying the City’s Comprehensive Plan. I feel it is in the best interests of the residents of the area and the City of New Berlin to not pursue further discussion on this matter.

I have attached the following documents for you to reference:

7/28/11 – Greg Kessler RAS

8/2/11 – COW Agenda

8/2/11- COW Meeting Minutes

12/27/11 – Focus Group Invitation to property owners

CITY OF NEW BERLIN
PROCEEDINGS OF THE SPECIAL COMMITTEE OF THE WHOLE
Tuesday, August 2, 2011

Please note: Minutes are unofficial until approved by the Committee of the Whole at the next regularly scheduled meeting.

CALL MEETING TO ORDER

Mayor Jack F. Chiovaturo called the Special Committee of the Whole meeting to order at 7:14PM.

ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

Present were Aldermen Hopkins, Karvala, Seidl, Harenda, Liska, Horbinski and Ament. Also present was City Clerk Kari Morgan, City Attorney Mark Blum, Police Chief Joe Rieder, IT Director Nick Roethel, HR Director Tami Potkay, Director of Community Development Greg Kessler and Recreation Director Mark Schroeder.

This meeting was noticed on Friday, July 29, 2011 in accordance with the Open Meetings Law.

APPROVAL OF MINUTES

- July 12, 2011

Motion by Alderman Hopkins to Approve the July 12, 2011 minutes. Seconded by Alderwoman Liska.
Motion Passed 7 to 0.

- July 19, 2011

Motion by Alderman Horbinski to Approve the July 19, 2011. Seconded by Alderman Hopkins.
Motion Passed 7 to 0.

The following items will be considered for approval or denial by the Aldermen with a recommendation to Common Council on the Consent Agenda

UTILITIES & FINANCE

- Recommend to Council approval of July 27, 2011 claims for Water Utility Claims in the amount of \$136,159.57, Sewer Utility Claims in the amount of \$33,953.84 and Bi-weekly claims in the amount of \$722,980.49.

Motion by Alderman Ament to Approve the July 27, 2011 claims for Water Utility Claims in the amount of \$136,159.57, Sewer Utility Claims in the amount of \$33,953.84 and Bi-weekly claims in the amount of \$722,980.49. Seconded by Alderwoman Liska.

Motion Passed 7 to 0.

LICENSES & PERMITS

Bartender License for the year 2011 to 2013 to Meghan Reid

Motion by Alderman Seidl to Approve the Bartender License for the year 2011 to 2013 to Meghan Reid. Seconded by Alderman Hopkins.

Motion Passed 7 to 0.

Bartender Licenses for the year 2011-2013 to Nathan Bayer, Nathan Bublitz, Patti Christensen-Wurst, Katherine Kamenz, Charlotte Kasa, Kristin Konieczny, Joseph Lisota, Jessica Massman, Megan Melendez, Kara Nakles, Julie Olszewski, Jeana Paffhausen, Skyler Peterson, Desarae Harwood, Sarah Temple, Duane Weltzien and Nichole Wittenburg

Motion by Alderman Seidl to Approve the Bartender Licenses for the year 2011-2013 to Nathan Bayer, Nathan Bublitz, Patti Christensen-Wurst, Katherine Kamenz, Charlotte Kasa, Kristin Konieczny, Joseph Lisota, Jessica Massman, Megan Melendez, Kara Nakles, Julie Olszewski, Jeana Paffhausen, Skler Peterson, Desarae Harwood, Sarah Temple, Duane Weltzien and Nichole Wittenburg.. Seconded by Alderman Horbinski.

Motion Passed 7 to 0.

MISCELLANEOUS

- Discussion & Possible Action on 2012 Budget

No action.

- Recommend approval of a resolution to adopt the proposed ward map adjustments and forward information to Waukesha County.

An overview was presented by Greg Kessler, Nikki Jones and Catey Barnish.

A request was made for Aldermen to provide input on the suggested districts by August 8, 2011.

- Cancellation of August 9, 2011 Committee of the Whole & Common Council meetings

The discussion centered on whether the second law firm could attend a meeting on the 9th for interviews.

A consensus of the Council agreed that it can be determined if a meeting should be held following the noon on Thursday deadline and what items are on that agenda.

- Interview of Special Legal Counsel for the purpose of assisting the City in ongoing litigation activities related to MSP and DOJ suits and Possible Action on Retaining a Firm

Motion by Alderman Harenda to Defer action on retaining special Council to the next meeting to assist the City in ongoing litigation activities related to MSP and DOJ suits and Possible Action on Retaining a Firm to the next meeting to give the second law firm a chance to interview. Seconded by Alderman Horbinski.

Motion Passed 7 to 0.

Attorneys were present from Gonzalez, Saggio and Harlan to answer questions.

- Resolution to Proclaim Saturday, October 1, 2011 as Scandinavian Festival Day in the City of New Berlin

Mayor Chiovero explained that it's within his powers to make proclamations so he will go ahead and make a proclamation for this through a press release.

- Authorization to close National Ave. on September 11, 2011 from 11:30 AM to 5:00 PM for the annual "Historic Day" event in the New Berlin Historic Park

Motion by Alderman Ament to Authorize the closing of National Ave. on September 11, 2011 from 11:30 AM to 5:00 PM for the annual "Historic Day" event in the New Berlin Historic Park. Seconded by Alderman Seidl.

Motion Passed 7 to 0.

It was mentioned that County approval may also be needed.

- Recommend to the Common Council that the moratorium for the City Center area be extended by 30 days.

Motion by Alderman Harenda to Approve the extension of the moratorium for the City Center area be extended by 30 days. Seconded by Alderman Ament.

Motion by Alderman Harenda to Refer the issue to the Common Council meeting that the moratorium for the City Center area be extended by 30 days. Seconded by Alderman Ament.

Motion Passed 7 to 0.

- Recommend approval of a referral to the Plan Commission for review and any recommendations with regard to the comprehensive plan and future development for the Section 35 and 34 areas (Neighborhoods "G" and "H").

Motion by Alderman Harenda to Refer to the Plan Commission for review and any recommendations with regard to the comprehensive plan and future development for the Section 35 and 34 areas (Neighborhoods "G" and "H") but to allow Council time to hold neighborhood meetings prior to the Plan Commission taking this item up. Seconded by Alderwoman Karvala.

Motion Passed 7 to 0.

Discussion on Council gaining input from the public and then referring to the Plan Commission.

- Recommend to approve filling the position of Utility Accounting Coordinator and any residual vacancies.

Motion by Alderman Harenda to Approve the filling of the position of Utility Accounting Coordinator and any residual vacancies subject to the final approval by the Utility Committee. Seconded by Alderman Hopkins.

Motion Passed 7 to 0.

No action was taken at the Utility for this item at this time.

- Recommend to the Common Council that a public hearing be set for September 6, 2011 at 6:00 p.m. to be held before the Plan Commission to rezone the property located at approximately 1950 S. Springdale Road (Tax Key: 1175-997001) from M-2 and C-2 to M-2 and C-2 to field delineate the wetlands. .

Motion by Alderman Seidl to Approve a public hearing be set for September 6, 2011 at 6:00 p.m. to be held before the Plan Commission to rezone the property located at approximately 1950 S. Springdale Road (Tax Key: 1175-997001) from M-2 and C-2 to M-2 and C-2 to field delineate the wetlands. . Seconded by Alderman Hopkins.

Motion Passed 7 to 0.

- Recommend to the Common Council that a public hearing be set for September 1, 2011 at 7:30 AM to be held before the Community Development Authority to rezone the property located at approximately 16555 W. Rogers Drive (Tax Key: 1163-997001) from M-2/SPO and C-2/SPO to M-2/SPO and C-2/SPO to field delineate the wetlands.

Motion by Alderman Seidl to Approve that a public hearing be set for September 1, 2011 at 7:30 AM to be held before the Community Development Authority to rezone the property located at approximately 16555 W. Rogers Drive (Tax Key: 1163-997001) from M-2/SPO and C-2/SPO to M-2/SPO and C-2/SPO to field delineate the wetlands. . Seconded by Alderwoman Liska.

Motion Passed 7 to 0.

ADJOURN

Motion by Alderman Seidl to Adjourn at 8:59 PM. Seconded by Alderwoman Karvala.

Motion Passed 7 to 0.

Respectfully Submitted:

Kari Morgan
City Clerk

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMITTEE OF THE WHOLE
Tuesday, February 28, 2012**

Please note: Minutes are unofficial until approved by the Committee of the Whole at the next regularly scheduled meeting.

For Viewing Purposes, "Privilege of the Floor" will follow the Adjournment of this meeting.

CALL MEETING TO ORDER

Mayor Jack F. Chiovero called the Committee of the Whole meeting to order at 7:02PM.

ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

Present were Aldermen Karvala, Seidl, Harenda, Liska, Horbinski and Ament. Alderman Hopkins had an excused absence. Also present was City Clerk Kari Morgan, City Attorney Mark Blum and Finance Director Ralph Chipman.

This meeting was noticed on Thursday, February 23, 2012 in accordance with the Open Meetings Law.

APPROVAL OF MINUTES

- [February 14, 2012](#)

Motion by Alderman Ament to Approve the February 14, 2012 minutes. Seconded by Alderman Seidl.

Mention of an error in the roll call of these minutes was made and that it has been corrected.

Motion Passed 6 to 0.

The following items will be considered for approval or denial by the Aldermen with a recommendation to Common Council on the Consent Agenda

UTILITIES & FINANCE

- [Recommend to Council approval of February 29, 2012 claims for Water Utility Claims in the amount of \\$26,900.53, Sewer Utility Claims in the amount of \\$114,519.29 and Bi-weekly claims in the amount of \\$548,029.71.](#)

Motion by Alderman Seidl to Approve February 29, 2012 claims for Water Utility Claims in the amount of \$26,900.53, Sewer Utility Claims in the amount of \$114,519.29 and Bi-weekly claims in the amount of \$548,029.71. Seconded by Alderwoman Karvala.

Motion Passed 6 to 0.

LICENSES & PERMITS

Bartender License for the year 2011 to 2013 to Heather Graham, Joseph Griese, Brittany Kappes, Anna Kindt, Patrick Ragonese, Diane Schumitsch and Stephanie Devlin

Motion by Alderman Seidl to Approve Bartender License for the year 2011 to 2013 to Heather Graham, Joseph Griese, Brittany Kappes, Anna Kindt, Patrick Ragonese, Diane Schumitsch and Stephanie Devlin. Seconded by Alderman Horbinski.

Motion Passed 6 to 0.

Class A Beer & Liquor License for R.K. One, Inc., d/b/a New Berlin BP Market, 12401 W. Beloit Rd., Resham Singh, Agent

Motion by Alderwoman Karvala to Approve Class A Beer & Liquor License for R.K. One, Inc., d/b/a New Berlin BP Market, 12401 W. Beloit Rd., Resham Singh, Agent. Seconded by Alderwoman Liska.

Motion Passed 6 to 0.

Reserve "Class B" Intoxicating Liquor License for Preserve of Deer Creek Golf New Berlin, LLC, 4285 S. Sunnyslope Rd., John Spitz, Agent

Motion by Alderman Harenda to Approve Reserve "Class B" Intoxicating Liquor License for Preserve of Deer Creek Golf New Berlin, LLC, 4285 S. Sunnyslope Rd., John Spitz, Agent . Seconded by Alderman Ament.

Motion Passed 6 to 0.

This application is due to a change in ownership.

Award "Class B" Intoxicating Liquor License Grant to John Spitz, Agent, Preserve of Deer Creek Golf of NB, LLC, 4285 S. Sunnyslope Rd.

Motion by Alderman Harenda to Award "Class B" Intoxicating Liquor License Grant to John Spitz, Agent, Preserve of Deer Creek Golf of NB, LLC, 4285 S. Sunnyslope Rd. in amount of \$9,400. Seconded by Alderman Seidl.

Motion Passed 6 to 0.

The previous owner of this establishment carried a reserve license on a grant and the new owner was requesting the same benefit.

MISCELLANEOUS

- **Recommend Council Rescind Vote to Direct the Plan Commission to Review and Make Recommendations Regarding the Comprehensive Plan and Future Development for Section 35 & 34 Areas (Neighborhoods "G" & "H" but allow Council time to hold Neighborhood Meetings prior to the Plan Commission taking this Item up). The Council Motion being Rescinded was made August 2, 2011 and reads as follows: Motion by Alderman Harenda to the Plan Commission for Review and any Recommendations with Regard to the Comprehensive Plan and Future Development for the Section 35 & 34 Areas (Neighborhood "G" & "H") but to Allow Council Time to hold Neighborhood Meeting Prior to the Plan Commission Taking this Item up. Seconded by Alderwoman Karvala and carried 7-0.**

Motion by Alderman Harenda to Rescind Vote to Direct the Plan Commission to Review and Make Recommendations Regarding the Comprehensive Plan and Future Development for Section 35 & 34 Areas (Neighborhoods "G" & "H" but allow Council time to hold Neighborhood Meetings prior to the Plan Commission taking this Item up). The Council Motion being Rescinded was made August 2, 2011 and reads as follows: Motion by Alderman Harenda to the Plan Commission for Review and any Recommendations with Regard to the Comprehensive Plan and Future Development for the Section 35 & 34 Areas (Neighborhood "G" & "H") but to Allow Council Time to hold Neighborhood Meeting Prior to the Plan Commission Taking this Item up. Seconded by Alderwoman Karvala and carried 7-0. Seconded by Alderman Ament.

Motion Passed 6 to 0.

The Council was informed that the City received a petition that had almost 600 signatures opposing the proposed changes.

- **Recommend to Council to Direct the City Attorney to Prepare Ordinance Amending Chapter 11 to Remove the Following Positions: Director of Forestry, Parks & Recreation (Director of Recreation & Community Maintenance), Parks & Forestry Supervisor and Recreation Supervisor of 11-5 of the City's Code and Require the Three Positions be Appointed (with Supervisory Responsibility) by the Common Council**

Motion by Alderman Harenda to Approve to Direct the City Attorney to Prepare an Ordinance Amending Chapter 11 to Remove the Following Positions: Director of Forestry, Parks & Recreation (Director of Recreation & Community Maintenance), Parks & Forestry Supervisor and Recreation Supervisor from 11-5 of the City's Code and Require the Three Positions be Appointed (with Supervisory Responsibility) by the Common Council . Seconded by Alderman Seidl.

Motion Passed 4 to 2 with Alderwoman Liska, Alderman Horbinski opposing.

Discussion on decrease of personnel in the Park/Recreation department, requested explanation of types of deficiencies that have been seen, concern that Council as a whole is supervising a specific department and Park & Recreation Director's position on this item.

Concerns were expressed that this issue is premature, that there are personnel issues to take into account and that the Park & Recreation department needs the proper amount of staff.

DEFERRED, REFERRED & TABLED ITEMS

- [Discussion & Possible Action on Outsourcing Options Study - TABLED 2/14/2012](#)

Motion by Alderman Ament to Remove Discussion & Possible Action on Outsourcing Options Study - TABLED 2/14/2012 from the table. Seconded by Alderman Seidl.

Motion Passed 4 to 2 with Alderwoman Liska, Alderman Horbinski opposing.

Motion by Alderman Horbinski to Defer Discussion & Possible Action on Outsourcing Options Study to the next meeting. Seconded by Alderwoman Liska.

Motion Failed 2 to 4 with Alderman Seidl, Alderman Harenda, Alderman Ament, Alderwoman Karvala opposing.

Motion by Alderman Ament to Contract with Springstead Inc. to conduct an outsourcing and in-sourcing study for items 1 through 4 to be conducted within 90 days from today's approval date in an amount not to exceed \$52,500 and take from account No. 16000000-561120(Contingency Account). Seconded by Alderman Seidl.

Motion Passed 5 to 1 with Alderwoman Liska opposing.

Concerns expressed over cost for this study without knowing what the benefit will be as well as the fact that two consultants provided proposals and there were significant discrepancies in the initial quotes.

Discussion on additional concerns with specifics being looked at by consultants as well as amount to be saved.

ADJOURN

Motion by Alderman Seidl to Adjourn at 8:15PM. Seconded by Alderman Horbinski.

Motion Passed 6 to 0.

Respectfully Submitted:

Kari Morgan
City Clerk