

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, January 23, 2007**

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

Mayor Jack F Chiovatero called the City of New Berlin Common Council Meeting to order at 7:30 PM after Committee of the Whole and Privilege of the Floor.

Present were Aldermen Hopkins, Gallagher, Harenda, Hegeman, Moore and Ament. Alderman Augustine arrived at 8:10 PM. Also present were: City Attorney Mark Blum, City Clerk Marilyn Gauger, Community Development Director Greg Kessler, Planning Services Manager Nikki Jones, City Engineer JP Walker and Transportation Engineer Ron Schildt, Water Resource Engineer Eric Nitschke and Parks Recreation and Forestry Director Mark Schroeder.

This meeting was noticed on Thursday, January 18th and amended Friday, January 19, 2007 in accordance with the Open Meeting Law.

Those present recited the Pledge of Allegiance.

City Clerk – The February Primary Election is Tuesday, February 20, 2007. The election is state-wide due to the required primary for the State Justice of the Supreme Court. There is also an aldermanic primary in District #5.

Council President – none
Mayor – none
City Attorney - none

COMMUNICATIONS

None

PLAN COMMISSION

Ordinance #2338 that approves the rezoning of property known as Willow Tree Center located at 16060 W. Rausch Court

Motion by Alderman Ament to adopt Ordinance #2338 that approves the rezoning of property known as Willow Tree Center located at 16060 W. Rausch Court from A-2,A-1, C-1, C-2 to R-1/R-2,M-1,C-1,C-2 and accept the Plan Commission Report. Seconded by Alderman Harenda and carried unanimously.

Certified Survey Map for the property located at 16060 W. Rausch Court

Motion by Alderman Ament to approve Certified Survey Map for the property located at 16060 W. Rausch Court and accept the Plan Commission Report. Seconded by Alderman Harenda and carried with Alderman Ament voting no.

Ordinance #2339 that approves the rezoning of property known as Thomas Hammersley located at 3461 South Long Acre Drive

Motion by Alderman Ament to adopt Ordinance #2339 that approves the rezoning of property known as Thomas Hammersley located at 3461 South Long Acre Drive from R-5/C-2 to R-5/C-2 to field delineate the wetlands and accept the Plan Commission Report. Seconded by Alderman Moore and carried unanimously.

Ordinance #2340 that approves the rezoning of property known as Sunny Slope Retail located at 14151 W. National Avenue

Motion by Alderman Ament to adopt Ordinance #2340 that approves the rezoning of property known as Sunny Slope Retail located at 14151 W. National Avenue from Rm-1 to B-2 and accept the Plan Commission Report. Seconded by Alderman Hegeman and carried unanimously.

Ordinance #2341 that approves the rezoning of property known as Observatory Heights Phase II, South Parcel located at 17405 – 17685 W. Observatory

Motion by Alderman Ament to adopt Ordinance #2341 that approves the rezoning of property known as Observatory Heights Phase II, South Parcel located at 17405 – 17685 W. Observatory Road from R-1/R-2, C-1

to R-1/R-2, C-1, C-2 - Wetland Delineation and to remove some of the C-1 and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

Ordinance #2342 that approves the rezoning of property known as Observatory Heights Phase II, North Parcel located at 3910, 3930, and 4040 Woelfel Road

Motion by Alderman Ament to adopt Ordinance #2342 that approves the rezoning of property known as Observatory Heights Phase II, North Parcel located at 3910, 3930, and 4040 Woelfel Road from R-1/ R-2, C-1 to R-1/R-2, C-1 to remove some of the C-1 and accept the Plan Commission Report. Seconded by Alderman Hopkins.

Alderman Augustine arrived at 8:10 PM.

Motion by Alderman Harenda to defer. Seconded by Alderman Hopkins and carried with Alderman Ament voting no.

BOARD OF PUBLIC WORKS

Professional Services Contract for consulting services related to the redesign of Ryerson Road from Calhoun Road to Moorland Road

Motion by Alderman Augustine to approve Professional Services Contract to the lowest responsive, responsible consultant, Strand Associates, Inc. for consulting services related to the redesign of Ryerson Road from Calhoun Road to Moorland Road in the amount of \$199,750.00. The total contract is not to exceed \$229,750.00. Seconded by Alderman Moore.

Motion by Alderman Ament to defer. Seconded by Alderman Harenda and carried with Aldermen Hopkins, Gallagher and Moore voting no.

Professional Services Contract for consulting services related to the redesign of Lincoln Avenue from Calhoun Road to Moorland Road

Motion by Alderman Augustine to approve Professional Services Contract to the lowest responsive, responsible consultant, Bloom consultants for consulting services related to the redesign of Lincoln Avenue from Calhoun Road to Moorland Road in the amount of \$219,543.83. Total contract not to exceed \$252,430.00. Seconded by Alderman Hopkins.

Motion by Alderman Ament to defer. Seconded by Alderman Augustine and carried with Alderman Hopkins and Gallagher voting no.

Professional Services Contract to the lowest responsive, responsible consultant, Ruckert-Mielke for consulting services related tot the redesign of Ryerson Road from Calhoun Road to Moorland Road in the amount of \$119,097.50

This is an incorrect agenda item. The correct item will be on the next Council agenda, February 13th.

SAFETY COMMISSION

Amendment to Chapter 184 PARKS AND PARKWAY Section 18 Regulation of Bicycle Riders

Motion by Alderman Hegeman to direct the City Attorney to draft the Amendment to City of New Berlin Municipal Code – Chapter 184 PARKS AND PARKWAY Section 18 Regulation of Bicycle Riders as presented. Seconded by Alderman Moore.

Motion by Alderman Hopkins to amend to remove the following verbiage from #10: “take both hands off the handles or”. Seconded by Alderman Harenda and carried with Alderman Hegeman voting no.

Upon voting the original motion carried with Alderman Gallagher voting no.

“No Parking” signs on Sunny Slope Road

Motion by Alderman Hegeman to direct the Streets Department to erect “No Parking” signs on Sunny Slope Road from Park Central Boulevard (approximately 1070 feet south of the center line of National Avenue) to approximately 725 feet north of the center line of National Avenue on both sides of the road. Seconded by Alderman Ament and carried unanimously.

PARK RECREATION & FORESTRY COMMISSION

Dog Exercise Area at Minooka County Park

Motion by Alderman Moore to approve funding of a one-time contribution of \$5000 to Waukesha County for a Dog Exercise Area at Minooka County Park coming from Public Site and Open Space Account. Seconded by Alderman Harenda.

Motion by Alderman Ament to amend to require Waukesha County after they collect \$11,000 in dog entrance fees, the County will reimburse the city until the one-time contribution fee is refunded to the city. Seconded by Alderman Harenda and failed with Aldermen Harenda and Ament voting yes.

Upon voting the original motion carried unanimously.

Break was taken at this time – 9:37 PM to 9:45 PM.

WATER RESOURCE MANAGEMENT COMMITTEE

Contract for the construction of Buena Park and Parkwood Lane Storm Water Inlet Rehabilitation Project

Motion by Alderman Harenda to Contract for the construction of Buena Park and Parkwood Lane Storm Water Inlet Rehabilitation Project to the lowest responsive, responsible bidder, Fischer Construction, LLC in the amount of \$59,675.02. The total approved project cost including construction, administration, contracted services, and contingency is \$78,391.00. Seconded by Alderman Hopkins and carried unanimously.

COMMUNICATIONS COMMITTEE

Time Warner Cable Contract from 4-26-07 to 4-25-08

Motion by Alderman Harenda to approve the Extension of Time Warner Cable Contract from 4-26-07 to 4-25-08. Seconded by Alderman Ament and carried unanimously.

MAYORAL APPOINTMENTS

Landmarks Commission

Motion by Alderman Ament to approve the appointment of Anne M Adams with a term expiring 10-1-2009. Seconded by Alderman Hopkins and carried unanimously.

Special Projects Commission

Motion by Alderman Ament to approve the re-appointment of James Simonson with term expiring 10-12-2007. Seconded by Alderman Harenda and carried unanimously.

Water Resource Management Committee

Motion by Alderman Ament to approve the re-appointment of Jim Kern with term expiring 3-21-2009. Seconded by Alderman Hopkins and carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS

None.

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CONSENT AGENDA

Motion by Alderman Hopkins to approve the following items on the Consent Agenda. Seconded by Alderman Moore and carried with Alderman Augustine voting as being present/abstain.

MINUTES - Common Council minutes from January 9, 2007

UTILITY AND FINANCE

Claims

- Approval of Water Utility claims in the amount of \$80,857.03, Sewer Utility claims in the amount of \$219,521.62, and Bi-weekly claims in the amount of \$763,020.39, all of which represents payment to vendors. There are tax overpayments in the amount of \$103,582.25.

LICENSES & PERMITS

Bartenders

- Approval of Bartender Licenses for 2007-2009 for Russell Peterson and Amy Kwiatkowski

Class A Retail Liquor

- Approval for Mega Marts LLC/dba Pick N Save, previously Jewel Osco/Ricky J Kloth Agent/13995 W National Avenue

OUTDOOR MUSIC

St Elizabeth Ann Seton Church Festival

- Approval to allow bands playing at the St. Elizabeth Ann Seton Church Festival to perform until 11 p.m. on Friday and Saturday July 27 & July 28, 2007 and until 7 p.m. on Sunday July 29, 2007.

MISCELLANEOUS

- Approval of Amendment No. 1 of Contract with Bloom Consultants For the Redesign of Calhoun Road

DEFERRED, REFERRED & TABLED ITEMS

- Resolution No. 06-42 A Preliminary Resolution Declaring Intent to Levy Special Assessments and Directing the City Engineer to Prepare a Report for the Installation of Sanitary Sewer System to Service Areas on the North Side of Howard Avenue (west of Sunny Slope Road)/**TABLED 11-14-06**

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ITEM/S REMOVED FROM CONSENT AGENDA

Amendment No. 1 of Contract with Bloom Consultants For the Redesign of Calhoun Road

Motion by Alderman Ament to approve Amendment No. 1 of Contract with Bloom Consultants For the Redesign of Calhoun Road in the amount of \$78,982. Seconded by Alderman Hegeman and carried with Aldermen Gallagher and Moore voting no and Alderman Augustine as being present/abstain.

ORDINANCES/RESOLUTIONS

Ordinance No. 2335 Ordinance To Amend Portions of Section 152-6 Licenses and Permits of the Municipal Code of the City of New Berlin Concerning Charitable Solicitations (3rd reading)

Motion by Alderman Ament to adopt Ordinance No. 2335. Seconded by Alderman Hopkins and carried unanimously.

Ordinance No. 2337 Ordinance Amending Section 152-4 Licenses and Permits Regarding Sales of Fermented Malt Beverages In Premised Where Fuel Sales Take Place (3rd reading)

Motion by Alderman Gallagher to adopt Ordinance No. 2337. Seconded by Alderman Augustine and carried with Aldermen Hegeman and Moore voting no.

Charter Ordinance No. 7 Charter Ordinance Repealing the Special Assessment Review Committee of the City of New Berlin (3rd reading)

Motion by Alderman Gallagher to adopt Charter Ordinance No. 7. Seconded by Alderman Hopkins and carried unanimously.

Resolution No. 07- 02 A Resolution Changing Aldermanic District #3 Polling Place From New Berlin Fire Station #5 To World Harvest Church (Old Calhoun School) At 1500 S West Lane And Changing Aldermanic District #4 Polling Place From New Berlin Center School To Peace Lutheran Church At 17651 W Small Road

Motion by Alderman Harenda to approve Resolution No. 07-02. Seconded by Alderman Gallagher and carried with Alderman Moore voting no.

ADJOURN

Motion by Alderman Augustine to adjourn at 10:18 PM. Seconded by Alderman Ament and carried unanimously.

Respectfully submitted:
Marilyn Gauger, CMC/WCMC

City Clerk