

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL MEETING  
Tuesday, January 24, 2006**

**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 7:35 PM after Committee of the Whole and Privilege of the Floor.

***This meeting was noticed on January 19, 2006 in accordance with the Open Meeting Law.***

Those present recited the Pledge of Allegiance.

**ROLL CALL:** Present were Aldermen Hopkins, Augustine, Gallagher, Harenda, Hegeman, Moore and Ament. Also present were: City Attorney Mark Blum and City Clerk Marilyn Gauger, Director of Community Development Greg Kessler, Planning Services Manager Nikki Jones, City Engineer JP Walker, Associate Planner Olofu Agbaji.

**REPORTS**

City Clerk – Primary Election is Tuesday, February 21, 2006 for New Berlin School Board Candidates. Only those voters within the New Berlin School District are allowed to vote. The City Clerk's office will be open for absentee voting on Tuesday, February 14<sup>th</sup> until 7:00 PM.

Council President - none

Mayor - none

City Attorney - none

**COMMUNICATIONS** - none

**PLAN COMMISSION**

**Ordinance #2299 that approves the rezoning of property known as Richard Gazdecki located at 5790 S. Vista Drive from R-3 & C-2 to R-3 & C-2**

Motion by Alderman Ament to adopt Ordinance #2299 and accept the Plan Commission Report. Seconded by Alderman Hegeman and carried unanimously.

**Ordinance #2300 that approves the rezoning of property known as Biltmore Estates Subdivision located at 19205 W. Lawnsdale Road from R-1/R-2 and C-2 to R-1/R-2 and C-2**

Motion by Alderman Ament to adopt Ordinance #2300 and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

**Ordinance #2301 that approves the rezoning of property known at Briohn Bldg. Corp./Westridge Development East located at 5600-5700 S. Moorland Road from M-1, C-2, and FFO to M-1, C-2 and FFO (Floodplain Fringe Overlay District)**

Motion by Alderman Ament to adopt Ordinance #2301 and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

**Ordinance #2302 that approves the rezoning of property known as Park Central located at 13700 Park Central Blvd. from Rm-1, R-4.5, C-2 to Rm-1, R-4.5, C-2**

Motion by Alderman Ament to adopt Ordinance #2302 and accept the Plan Commission Report. Seconded by Alderman Harenda and carried unanimously.

**Certified Survey Map for the property located at 21400 W. National Avenue/Living Word Church**

Motion by Alderman Ament to approve the Certified Survey Map for the property located at 21400 W. National Avenue and accept the Plan Commission Report. Seconded by Alderman Hegeman and carried unanimously.

**Certified Survey Map for the property located at 18675 W. Hillcrest Drive/Jeff & Ann Stuckert**

Motion by Alderman Ament to approve the Certified Survey Map for the property located at 18675 W. Hillcrest Drive and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

**Resolution #06-02 that approves the Settler's Ridge Preliminary Plat**

Motion by Alderman Ament to approve Resolution #06-02 that approves the Settler's Ridge Preliminary Plat for the property located at 3275 Wehr Road and accept the Plan Commission Report with the addition of item #14 condition. Seconded by Alderman Harenda and carried unanimously.

**S47 W22893 Lawnsdale Road Extraterritorial Certified Survey Map in the Town of Waukesha**

Motion by Alderman Ament that there is no objection to the S47 W22893 Lawnsdale Road Extraterritorial Certified Survey Map in the Town of Waukesha and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

**Rolling Oaks Final Extraterritorial Plat in the Town of Waukesha**

Motion by Alderman Ament that there is no objection to the Rolling Oaks Final Extraterritorial Plat in the Town of Waukesha and accept the Plan Commission Report. Seconded by Alderman Hegeman and carried unanimously.

**BOARD OF PUBLIC WORKS**

**Change in name only of the Developer for Crestview Place Condominiums from D & L Associates, LLC to Bouraxis Properties**

Motion by Alderman Augustine to approve a change in name only of the Developer for Crestview Place Condominiums from D & L Associates, LLC to Bouraxis Properties (Crestview Place), LLC. Seconded by Alderman Ament and carried unanimously.

**Amendment to the existing Development Agreement for Crestview Place Condominiums**

Motion by Alderman Augustine to approve the amendment to the existing Development Agreement for Crestview Place Condominiums to allow two (2) additional building permits to be issued before site grading and public infrastructure installation is completed and before the Final Condominium Plat is approved and recorded. Seconded by Alderman Moore and carried with Alderman Ament voting no.

**Amendment to the existing Development Agreement for Hickory Hills Condominiums**

Motion by Alderman Augustine to approve the amendment to the existing Development Agreement for Hickory Hills Condominiums to allow three (3) additional building permits to be issued before site grading and public infrastructure installation is completed and before the Final Condominium Plat is approved and recorded. Seconded by Alderman Moore and carried with Alderman Ament voting no.

**MAYORAL APPOINTMENTS**

**Plan Commission – Marta Broge with term expiring 4-30-07 (completion of Brian Teclaw term)**

Motion by Alderman Hopkins to approve the appointment of Marta Broge. Seconded by Alderman Ament and carried unanimously.

**DEFERRALS, REFERRAL & TABLED ITEMS**

**Sts Constantine and Helen Greek Orthodox Church TABLED 3-15-05**

No action taken.

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**CONSENT AGENDA**

Motion by Alderman Augustine to approve the following items on the consent agenda. Seconded by Alderman Moore and carried unanimously.

**MINUTES** - Common Council minutes from January 10, 2006 and January 17, 2006.

**UTILITY AND FINANCE**

Water Utility claims in the amount of \$69,471.67 Sewer Utility claims in the amount of \$282,502.94 and Bi-weekly claims in the amount of \$1,371,792.72 all of which represents payment to vendors. Also, there are tax overpayments in the amount of \$21,325.65.

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**LICENSES/PERMITS**

**Bartender Licenses**

Approval of Bartender License for the year 2005-2007 for Jim Galinsky, Brenna J Coleman, Jessica J Gentz, Jeffrey Michael Nebel, Sara Susanne Smith and Tracy Lynne Wilcox.

**Appointment of Agent**

Approval of appointment of agent for Haybalers Saloon/Scott Kneuppel of 1320 Balmoral Ct, Brookfield WI.

**MISCELLANEOUS**

Approval of Resolution No. 06-04 RELATING TO INDUSTRIAL DEVELOPMENT REVENUE BOND FINANCING ON BEHALF OF ST THANE LLC (Information concerning the job impact of the project described in this Initial Resolution will be available at the time of consideration of this Initial Resolution).

Approval of Resolution No. 06-05 RELATING TO WAIVER OF SECTION 66.1103 (11) (B) IN CONNECTION WITH AN INDUSTRIAL DEVELOPMENT REVENUE BOND FINANCING ON BEHALF OF ST THANE LLC.

Approval of a name change from: Ad Hoc Committee to Recognize New Berlin Veterans and Michelle Witmer to New Berlin Veterans Memorial Committee.

**DEFERRED/TABLED ITEMS**

None.

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**ITEM/S REMOVED FROM CONSENT AGENDA**

**Request for approval of Bartender License for the year 2005-2007 Marco M Molina.**

Motion by Alderman Hopkins to recommend to Council denial of Bartender License for the year 2005-2007 Marco M Molina. Seconded by Alderman Moore and carried with Alderman Hegeman voting no.

**ORDINANCES/RESOLUTIONS**

**Ordinance No. 2297 Ordinance to Amend Chapter 198-1 of the Municipal Code of the City of New Berlin (Disposal of Abandoned Property) (2nd reading)**

Mayor Chiovatero indicated this is the 2<sup>nd</sup> reading.

*City Clerk Gauger read the following:*

**CLOSED SESSION**

The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85(1) (g) of the Wisconsin State Statutes, 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: Carol Garces Claim and Sts Constantine & Helen Greek Orthodox Church.

Motion by Alderman Ament to go to Closed Session at 8:40 PM. Seconded by Alderman Augustine and carried per roll call vote unanimously.

Motion by Alderman Ament to go to Open Session at 9:03 PM. Seconded by Alderman Augustine and carried unanimously.

**OPEN SESSION**

Discussion and possible action on the following items:

**Carol Garces Claim**

Motion by Alderman Ament to authorize City Attorney Blum to settle the claim with Carol Garces in an amount not to exceed \$5,412.37. Seconded by Alderman Hopkins and carried with Alderman Moore voting no.

**DEFERRALS, REFERRAL & TABLED ITEMS**

**Sts Constantine and Helen Greek Orthodox Church/TABLED 3-15-05**

No action taken.

**ADJOURN**

Motion by Alderman Moore to adjourn at 9:05 PM. Seconded by Alderman Hopkins and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC  
City Clerk