

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, February 14, 2006**

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 8:07 PM after the Public Hearing, Committee of the Whole and Privilege of the Floor.

This meeting was noticed on February 9, 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 Deputy City Clerk Sherry Grant, Director of Community Development Greg Kessler, Planning Services Manager Nikki Jones, Division Engineer Eric Nitschke, and Director of Utilities & Streets Ray Grzys.

REPORTS

City Clerk – Primary Election to be held on February 21, for 8 School Board members; Earth Day Festival will be conducted on April 22 with a rain date of April 23; Easter Egg Hunt to take place on April 8 for children third grade and under.

Council President – none

Mayor – Proclaimed February American Heart Month. February 3 was go red for women day. The Mayor would like to encourage the Aldermen, his staff and the citizens to get healthier. The City has been successful in keeping insurance rates low by conducting programs to promote better health.
City Attorney - none

COMMUNICATIONS

Carl Luckowiak Claim
Referred to City Attorney

PLAN COMMISSION

Ordinance #2303 that approves the rezoning of property known as Living Word Church (on the eastern side) located at 21400 W. National Avenue from Q-1 and R-1/R-2 to I-1 and accept the Plan Commission Report.

Motion by Alderman Ament to recommend to Common Council adoption of Ordinance #2303 that approves the rezoning of property known as Living Word Church (on the eastern side) located at 21400 W. National Avenue from Q-1 and R-1/R-2 to I-1 and accept the Plan Commission Report. Seconded by Alderman Hopkins.

Motion by Alderman Harenda to defer to the next meeting. Seconded by Alderman Moore and carried unanimously.

Ordinance #2304 that approves the rezoning of property known as Living Word Church (on the western side) located at 21400 W. National Avenue from Q-1 and R-1/R-2 to R-1/R-2 and accept the Plan Commission Report

Motion by Alderman Ament to recommend to Common Council adoption of Ordinance #2304 that approves the rezoning of property known as Living Word Church (on the western side) located at 21400 W. National Avenue From Q-1 and R-1/R-2 to R-1/R-2 and to accept the Plan Commission Report. Seconded by Alderman Hopkins.

Motion by Alderman Harenda to defer to next meeting. Seconded by Alderman Augustine and carried unanimously.

Certified Survey Map for the property located at 13750 W. National Avenue and accept the Plan Commission Report

Motion by Alderman Ament to recommend to Common Council approval of the Certified Survey Map for the property located at 13750 W. National Avenue and accept the Plan Commission Report. Seconded by Alderman Augustine and carried unanimously.

UTILITY COMMITTEE

Motion by Alderman Gallagher to accept the Offer from State of Wisconsin DOT to purchase right-of-way adjacent to Well #10 site for I43 expansion upon approval by the City Attorney as to the form of the agreement. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Gallagher to approve Resolution No. 06-03 A Resolution to Modify Sewer and Water Special Assessments For The Property With Tax Parcel No. NBC 1240.987.001. Seconded by Alderman Ament and carried unanimously.

MAYORAL APPOINTMENTS

Landmarks Commission – Peggy Ament – with term expiring 10-1-07

Motion by Alderman Augustine to approve the appointment of Peggy Ament with a term expiring 10-1-07. Seconded by Alderman Hopkins and carried with Alderman Gallagher voting no and Alderman Ament voting present.

Youth Advisory Board – Elizabeth Carnahan – District #2 with term expiring 5-31-06

Motion by Alderman Augustine to approve the appointment of Elizabeth Carnahan – District #2 with a term expiring 5-31-06. 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

Model Floodplain Ordinance #2296 with actions #1, and #2 under Actions Required/TABLED 12-13-05

Motion by Alderman Ament to remove from the table Ordinance #2296. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Hopkins to adopt Ordinance No. 2296 with actions #1 and #2 under Actions Required. Seconded by Alderman Moore and carried unanimously.

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CONSENT AGENDA

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

MINUTES - Common Council minutes from January 24, 2006.

UTILITY AND FINANCE

Approval Water Utility claims in the amount of \$96,701.86 Sewer Utility claims in the amount of \$13,562.58 and Bi-weekly claims in the amount of \$513,865.46 all of which represents payment to vendors. Tax overpayments of \$38,744.56.

LICENSES/PERMITS

Bartender Licenses

Request for approval to reconsider denial of 2005-2007 Bartender License for Marco Molina. (*No action was taken because Mr Molina was not present*).

Approval of Bartender License for the year 2005-2007 to Deborah A. Davidson, Michael A. Claus, Jr., and Natasha L. Birch.

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 28 & 29, 2006 and until 7 p.m. on Sunday July 30, 2006.

MISCELLANEOUS

Approval of Resolution No. 05-61 Resolution Vacation and Discontinuing Emergency Access Way in the Karrington Woods Subdivision in the City of New Berlin.

Set a public hearing for March 6, 2006 at 6:00 p.m. to be held before the Plan Commission for John Winkler for JW Winco, Inc. who has filed a petition to rezone the property located at approximately 17301 W. Cleveland Avenue from R-3 to O-2 for future building addition to the existing building located at 2815 S. Calhoun Road.

Approval of Resolution No. 06-06 Request For Relief From The Radium Consent Order.

Discussion regarding Greenfield Avenue and DOT plans.

Discussion regarding Communications Committee – responsibilities and/or possible dissolution.

DEFERRED/TABLED ITEMS

None.

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ITEM/S REMOVED FROM CONSENT AGENDA

None

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) (3rd reading)

Motion by Alderman Harenda to adopt Ordinance No. 2297 Ordinance to Amend Chapter 198-1 of the Municipal Code of the City of New Berlin (Disposal of Abandoned Property). Seconded by Alderman Ament and carried unanimously.

Deputy City Clerk Grant 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:

- Barrett Landfill
- Sts Constantine & Helen Greek Orthodox Church

Motion by Alderman Hegeman to go to closed session at 8:32 PM. Seconded by Alderman Augustine and carried unanimously.

Motion by Alderman Ament to return to open session at 8:57 PM. Seconded by Alderman Gallagher and carried unanimously.

OPEN SESSION

Discussion and possible action on the following items:

Barrett Landfill

No action taken.

City Attorney reported that he did receive a request from Barrett's Attorney regarding the release of the escrow funds. He explained the legal implications to the Council from the request.

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 9:01 PM. Seconded by Alderman Ament and carried unanimously.

Respectfully submitted:

Sherry Grant, CMC
Deputy City Clerk