

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL  
Tuesday, August 22, 2006**

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

Mayor Jack F Chiovaturo called the City of New Berlin Common Council Meeting to order at 8:25 PM after the Committee of the Whole and Privilege of the Floor.

Present were Aldermen Hopkins, Augustine, Harenda, Hegeman, Moore and Ament. Excused: Alderman Gallagher. Also present were: City Attorney Mark Blum, City Clerk Marilyn Gauger and City Engineer JP Walker, Building Maintenance Director Bob Schulpius, Park, Recreation and Forestry Director Mark Schroeder Division Engineer Eric Nitschke, Community Development Director Greg Kessler, Planning Services Manager Nikki Jones and Associate Planner Amy Bennett.

***This meeting was noticed on Thursday, August 17, 2006 in accordance with the Open Meeting Law.***

Those present recited the Pledge of Allegiance.

City Clerk – Partisan Primary is Tuesday, September 12<sup>th</sup>, the regular Committee of the Whole and Common Council meetings will not be held.

Council President - none

Mayor - none

City Attorney - none

**COMMUNICATIONS - none**

**PLAN COMMISSION**

**Set a public hearing date for September 11, 2006 before the Plan Commission to discuss additions and changes to the Zoning Ordinance**

Motion by Alderman Ament to Set a public hearing date for September 11, 2006 before the Plan Commission to discuss additions and changes to the Zoning Ordinance related to Temporary Outdoor Storage Units and accept the Plan Commission Report. Seconded by Alderman Hegeman and carried unanimously.

**Ordinance #2326 that approves the rezoning of property known as Wildwood Preserve**

Motion by Alderman Ament to adopt Ordinance #2326 that approves the rezoning of property known as Wildwood Preserve located at 5611 S. Calhoun Road from A-2 and R-1/R-2 to R-1/R-2 and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

**Certified Survey Map for the property located at 5611 S. Calhoun Road**

Motion by Alderman Ament to approve the Certified Survey Map for the property located at 5611 S. Calhoun Road and accept the Plan Commission Report. Seconded by Alderman Augustine and carried unanimously.

**Resolution #06-37 that approves the Wildwood Preserve Preliminary Plat**

Motion by Alderman Ament to approve Resolution #06-37 that approves the Wildwood Preserve Preliminary Plat for the property located at 5611 S. Calhoun Road and accept the Plan Commission Report. Seconded by Alderman Hegeman.

Motion by Alderman Ament to amend the original motion to remove the internal public trail from this (Wildwood Preserve) Preliminary Plat. Seconded by Alderman Harenda and failed with Alderman Harenda and Alderman Ament voting yes.

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

**Certified Survey Map for the property located at 12800 W. Janesville Road**

Motion by Alderman Ament to approve the Certified Survey Map for the property located at 12800 W. Janesville Road and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

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**Dry Creek Subdivision Extraterritorial Plat in the Town of Waukesha**

Motion by Alderman Ament that the City has no objection to the Dry Creek Subdivision Extraterritorial Plat in the Town of Waukesha and accept the Plan Commission Report. Seconded by Alderman Hegeman and carried with Alderman Harenda voting no.

**Ordinance #2327 that approves the rezoning of property known as Blessed Savior Lutheran Church**

Motion by Alderman Ament to adopt Ordinance #2327 that approves the rezoning of property known as Blessed Savior Lutheran Church located at 15250 W. Cleveland Avenue from I-1 to I-1/C-2 to field delineate the wetlands and accept the Plan Commission Report. Seconded by Alderman Hegeman and carried unanimously.

*10 minute break was taken at this time.*

**BOARD OF PUBLIC WORKS**

**Agreement for Settler's Ridge Subdivision**

Motion by Alderman Augustine to approve the Development Agreement for Settler's Ridge Subdivision as amended and subject to City Attorney approval who added the following verbiage to the Development Agreement as the 2<sup>nd</sup> paragraph under Section 4B: "The Final Plat shall grant an easement over all open space outlots for the benefit of the lot owners and the subdivision home owners association, to survey, test, construct, reconstruct, install, use, operate, maintain, inspect, repair, alter, and remove off-lot private owner waste treatment system sites together with related attachments, equipment, facilities, fixtures, and appurtenances thereto, together with all reasonable rights of ingress and egress for the exercise of such rights granted." Seconded by Alderman Hopkins and carried unanimously.

**Development Agreement for Farrell Meadows Condominiums**

Motion by Alderman Augustine to approve the Development Agreement for Farrell Meadows Condominiums subject to City Attorney approval. Seconded by Alderman Hegeman and carried with Alderman Ament voting no.

**Development Agreement for Villas of New Berlin Condominiums**

Motion by Alderman Augustine to approve the Development Agreement for Villas of New Berlin Condominiums subject to City Attorney approval. Seconded by Alderman Hegeman and carried with Alderman Ament voting no.

**UTILITY COMMITTEE**

**Sanitary Sewer relaying project on Honey Lane and Elm Grove Road**

Motion by Alderman Harenda to approve the Sanitary Sewer relaying project on Honey Lane and Elm Grove Road to be funded by Impact Fees in the amount not to exceed \$432,300 as referred by the Crispell-Snyder Report recommendations #1 to #6 on the Requested Action Statement. Seconded by Alderman Hopkins and carried unanimously.

**WATER RESOURCE MANAGEMENT COMMITTEE**

**Resolution No. 06-38 To Reallocate Funds from Buena Park Drainage Improvements Storm Sewer Projects (2004 CIP Budget) to Industrial Park Drainage Easement Project**

Motion by Alderman Harenda to approve Resolution No. 06-38 Seconded by Alderman Hegeman.

Motion by Alderman Ament to table. Seconded by Alderman Harenda and carried unanimously.

**MAYORAL APPOINTMENTS**

**Alternative Transportation Committee**

Motion by Alderman Hegeman to appoint Lori M Lavinio with term expiring 8-21-2007. Seconded by Alderman Moore and carried with Alderman Ament voting no.

**Board of Review**

Motion by Alderman Hegeman to re-appoint Benjamin E Olson with term expiring 5-31-2011. Seconded by Alderman Hopkins and carried unanimously.

**DEFERRALS, REFERRAL & TABLED ITEMS**

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

No action taken.

**Ordinance No. 2316 that denies the rezoning of property known as Tiziani located at 4485 S. Racine Avenue to amend the previously approved Q-1/PUD Ordinance No. 1046 to more accurately reflect the legal description of the property and to include additional permitted uses for Lot 1 only with the Q-1/PUD for Parcel No. 1231.996.003/REFERRED BACK TO PLAN COMMISSION 6-13-06**

No action taken.

**Water Resource Management Utility Reimburse Water Utility for Digger's Hotline locate requests at \$20,000 per year beginning 2007/TABLED 8-8-06**

No action taken.

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**CONSENT AGENDA**

Motion by Alderman Harenda to approve all of the following items listed on the Consent Agenda. Seconded by Alderman Moore and carried unanimously.

**MINUTES** - Common Council minutes from August 8, 2006.

**UTILITY AND FINANCE**

- Approval of Water Utility claims in the amount of \$62,475.24, Sewer Utility claims in the amount of \$361,265.94 and Bi-weekly claims in the amount of \$441,524.43, all of which represents payment to vendors.

**LICENSES & PERMITS**

- Bartenders – none
- Approval of Parking Lot License between Marcus Cinemas of Wisconsin LLP and the City of New Berlin Police Department for Emergency Vehicle Operations Course Training for September 5, 2006

**MISCELLANEOUS**

- Approval of Ordinance No. 2328 Amending Section 152-4 (A) (1) Licenses and Permits of the Municipal Code of the City of New Berlin
- Approval to Set Public Hearing Date of Monday, September 11, 2006 at 6:00 PM before Plan Commission for Jeffrey S Oliver on behalf of Woodridge Community Church for a petition to rezone the property at approximately 13800 W Howard Avenue from R-4.5 to R-4.5 and C-2 to Field Delineate the C-2 – Shoreland Wetland Zoning District.
- Approval of use of the former library as a City Community Center/food pantry.

**DEFERRED/TABLED ITEMS - none**

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**ITEM/S REMOVED FROM CONSENT AGENDA**

None.

**ORDINANCES/RESOLUTIONS**

**Ordinance No. 2321 Ordinance To Amend Sections 11-4 (b), 11-5 and 11-7 Civil Service of the City of New Berlin Municipal Code**

Motion by Alderman Moore to adopt Ordinance No. 2321 (3rd reading). Seconded by Alderman Hopkins and carried with Alderman Ament voting no.

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*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: Sts Constantine & Helen Greek Orthodox Church and the Walgreen Excessive Assessment Claim.

Motion by Alderman Hegeman to go to Closed Session at 10:15 PM. Seconded by Alderman Moore and carried per roll call vote unanimously.

Motion by Alderman Augustine to reconvene in Open Session at 11:20 PM. Seconded by Alderman Ament and carried unanimously.

**OPEN SESSION**

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

No action taken.

**Walgreen Excessive Assessment Claim**

No action taken.

**ADJOURN**

Motion by Alderman Ament to adjourn at 11:21 PM. Seconded by Alderman Hopkins and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC/WCMC  
City Clerk