

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, November 14, 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 11:55 PM after the Howard Avenue Sewer Project Public Informational Hearing, Committee of the Whole and Privilege of the Floor.

Present were Aldermen Hopkins, Augustine, Gallagher, Harenda, Hegeman, Moore and Ament. Also present were: City Attorney Mark Blum, City Clerk Marilyn Gauger, Planning Services Manager Nikki Jones, Community Development Director Greg Kessler, Police Chief Steve Harris, Captain Frank Zsohar and Lieutenant Randy Alf.

This meeting was noticed on Friday, November 10, 2006 in accordance with the Open Meeting Law.

Those present recited the Pledge of Allegiance.

REPORTS

City Clerk – The General Election had a voter turnout of 69% compared to the 2002 election at 62%. We processed 1,944 absentee ballots and 1,922 persons registered at our polling places.

Council President – none

Mayor – Thanked the IT staff and Brian Yokes at the Police Department for the timeliness of updating the Public Safety Voicemail System.

City Attorney - none

COMMUNICATIONS

Jeff and Kari Moy Claim
Referred to City Attorney

PLAN COMMISSION

Motion by Alderman Ament to adopt Ordinance #2334 that approves the rezoning of property known as Sandel located at 18790 W. Cleveland Avenue from R-1/R-2/C-2 to R-1/R-2/C-2 Wetland Delineation and accept the Plan Commission Report. Seconded by Alderman Hegeman and carried unanimously.

COMMUNITY DEVELOPMENT AUTHORITY

Motion by Alderman Harenda to approve the Certified Survey Map for the property located at 2885 S. 166th Street and amend Condition #1 to add the following: "A revised landscape plan shall be submitted prior to the City signing the CSM indicating the open space areas" and add new Condition #5 as follows: "Applicant shall submit either a joint Letter of Credit or two separate Letters of Credit (one from each property owners) in the full amount of the green space to be installed on Lot 1 and Lot 2 as reflected on the revised landscape plan prior to the City signing the CSM. The open space areas and associated landscaping shall be installed prior to June 1, 2007. An inspection will be performed by the City of New Berlin at that time to ensure compliance with this condition." and accept the Community Development Authority Report. Seconded by Alderman Augustine and carried unanimously.

2007 CIP BUDGET

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

DEFERRALS, REFERRAL & TABLED ITEMS - none

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CONSENT AGENDA

Motion by Alderman Hegeman to approve the following items listed on the Consent Agenda. Seconded by Alderman Augustine and carried unanimously.

MINUTES - Common Council minutes from October 24, 2006

UTILITY AND FINANCE

- Water Utility claims in the amount of \$66,108.23, Sewer Utility claims in the amount of \$31,875.69 and Bi-weekly claims in the amount of \$565,132.24, all of which represents payment to vendors.

LICENSES & PERMITS

- Bartender License for the year 2006-2008 to Wayne Andler, Wendy Cieslinski, Daniel B. Dommek, Kay Gugliatto, Mary Hedman, Jacob Hovie, Tracy Hull, Jessi Kawalske, Justin Perez, Nicholas D. Schafer, Amy L. Scribner and William Stark.

MISCELLANEOUS

- Set a Public hearing for Monday, December 4, 2006 at 6:00 p.m. to be held before the Plan Commission for Mr. and Mrs. Wieneke have filed a petition to rezone the property located at approximately 18200 W. Lynette Lane from R-1/R-2 and C-2 to R-1/R-2 and C-2 to Field Delineate the C-2 Zoning District.
- Set a public hearing be set for Monday, December 4, 2006 at 6:02 p.m. to be held before the Plan Commission for Michael DeMichelle from Willow Tree Development LLC has filed a petition to rezone the property located at approximately 16060 W. Rausch Ct. From A-1, A-2, C-1, and C-2 to R-1/R-2, M-1, C-1, and C-2.
- Set a public hearing be set for Monday, December 4, 2006 at 6:03 p.m. to be held before the Plan Commission for Brian Kliesmet, Brad Knab of LA, Inc. and John Lubotsky have filed a petition to rezone the property located at approximately 14151 W. National Ave from Rm-1 to B-2.
- Amendment to Chapter 152-6 Licenses and Permits of the City Code concerning charitable solicitations.
- Request from Sunrise Citgo to extend use of the Class A Beer license until June 30, 2007/**No action taken.**

DEFERRED, REFERRED & TABLED ITEMS - none

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ITEM/S REMOVED FROM CONSENT AGENDA

Bartenders

- **Bartender License for the year 2006-2008 to Nathan Evans**

Motion by Alderman Hegeman to approve the Bartender License for the year 2006-2008 to Nathan Evans. Seconded by Alderman Hopkins with Aldermen Gallagher and Moore voting no.

- **Three person Ad Hoc committee for RFP's for Police Department**

Motion by Alderman Augustine to form a three person Ad Hoc committee to determine the criteria related to a Request For Proposals (RFP) in an effort to hire a police consultant in order to review that department's staffing and service levels. Seconded by Alderman Hegeman and carried with Alderman Ament voting no.

- **Resolution No. 06-45 A Resolution Amending the 2006 Approved Operating Budget To Transfer Funds From The Contingency Account to the Common Council Membership Dues Account.**

Mayor Chiovarero indicated this will be amended to go to a Library account not the Common Council Membership Dues account.

Motion by Alderman Moore to approve Resolution No. 06-45 as amended. Seconded by Alderman Hegeman and carried with Alderman Ament voting no.

- **2007 City of New Berlin Operating Budget**

Motion by Alderman Hegeman to defer to the November 28th meeting. Seconded by Alderman Moore and carried with Alderman Gallagher voting no.

ORDINANCES/RESOLUTIONS - none

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 CVMIC Settlement Claim.

Motion by Alderman Moore to go to Closed Session at 12:15 AM. Seconded by Alderman Harenda and carried per roll call vote.

Motion by Alderman Augustine to reconvene in Open Session at 12:20 AM. Seconded by Alderman Hegeman and carried unanimously.

OPEN SESSION

CVMIC Settlement Claim

Motion by Alderman Hegeman to approve the CVMIC Settlement Agreement. Seconded by Alderman Moore and carried unanimously.

ADJOURN

Motion by Alderman Augustine to adjourn at 12:25 AM. Seconded by Alderman Hegeman and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC/WCMC
City Clerk