

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL  
Tuesday, December 12, 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 7:25 PM after 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, Community Development Director Greg Kessler, Human Resource Director Tami Potkay, City Engineer JP Walker, Parks, Recreation & Forestry Director Mark Schroeder, IT Director Nick Roethal, Stormwater Supervisor Chuck Trevorow, Utilities and Streets Office Coordinator Sue Hanley and Finance Director Mike Holzinger.

***This meeting was noticed on Friday, December 8, 2006 in accordance with the Open Meeting Law.***

Those present recited the Pledge of Allegiance and Mayor Chiovaturo asked for a moment of silence for all the men and women overseas to enjoy and be safe for the holiday season and to come home safely.

**REPORTS**

City Clerk – none

Council President - none

Mayor – Mayor Chiovaturo wished everyone a Merry Christmas and a Happy Healthy New Year.

City Attorney - none

**COMMUNICATIONS**

**Ronald Parajewski Claim**

Referred to City Attorney

*Alderman Ament recused himself from the discussion of the first two items and left the Council table.*

**PLAN COMMISSION**

**Ordinance #2336 that approves the rezoning of property known as Holly & Joseph Wieneke**

Motion by Alderman Gallagher to adopt Ordinance #2336 that approves the rezoning of property known as Holly & Joseph Wieneke located at 18200 W. Lynette Lane from R-1/R-2, C-1 and C-2 to R-1/R-2, C-1 and C-2 – Wetland Delineation and accept the Plan Commission Report. Seconded by Alderman Moore and carried unanimously.

**Certified Survey Map for the property located at 18200 W. Lynette Lane**

Motion by Alderman Gallagher to approve the Certified Survey Map for the property located at 18200 W. Lynette Lane and accept the Plan Commission Report. Seconded by Alderman Hopkins.

Motion by Alderman Gallagher to defer. Seconded by Alderman Moore and carried unanimously.

*Note: Alderman Ament abstained from voting on the above 2 issues.*

*Alderman Ament came back to the Council table for participation in the remainder of the meeting.*

**Certified Survey Map for the property located at 20900 W. Cleveland Avenue**

Motion by Alderman Ament to approve the Certified Survey Map for the property located at 20900 W. Cleveland Avenue and accept the Plan Commission Report with the exception that the waiver request is withdrawn and the following supplemental condition is added: "The approval of this Certified Survey Map is further contingent upon a wetland delineation being prepared of both subject lots by SEWPRC and thereafter a finding being made by the City that a building envelope exists for Lot #1 outside the bounds of any wetlands of not less than twenty thousand (20,000) square feet in size which building site is otherwise in compliance with New Berlin City Ordinances." Seconded by Alderman Hopkins and carried unanimously.

**COMMUNITY DEVELOPMENT AUTHORITY**

**Reconsideration of motion of approval for the amendment to Condition #1 regarding the Certified Survey Map for property located at 2885 S. 166<sup>th</sup> Street**

Motion by Alderman Gallagher to reconsider the motion of approval for the amendment to Condition #1 regarding the Certified Survey Map. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Moore to delete the following sentence from condition #1 amendment: *"The open space areas and associated landscaping shall be installed prior to June 1, 2007"* Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Ament to approve the Certified Survey Map as amended. Seconded by Alderman Hopkins and carried unanimously.

### **PARKS RECREATION & FORESTRY**

#### **2007 Greens Fees as recommended by the Golf Course Committee**

Motion by Alderman Moore to approve the 2007 Green fees as recommended by the Golf Course Committee for fee increases for Non-resident Junior/Senior Weekday 9 Hole and Non-resident Weekend 18 Hole rates. Seconded by Alderman Hopkins and carried unanimously.

### **MAYORAL APPOINTMENTS**

#### **Communications Committee**

Motion by Alderman Ament to approve the re-appointment of Bruce A Peterka with term expiring 12/31/2007. Seconded by Alderman Hopkins and carried unanimously.

#### **Special Projects Commission**

Motion by Alderman Hegeman to approve the re-appointment of Mary Claire Lanser with term expiring 12-12-2007. Seconded by Alderman Moore and carried unanimously.

Motion by Alderman Ament to approve the re-appointment of John G Rocco with term expiring 10-1-2007. Seconded by Alderman Hegeman and carried unanimously.

Motion by Alderman Hegeman to approve the re-appointment of Ronald A Salke with term expiring 10-12-2007. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Hopkins to approve the re-appointment of Lori J Schinker with term expiring 12-31-2007. Seconded by Alderman Hegeman and carried unanimously.

### **DEFERRALS, REFERRAL & TABLED ITEMS**

#### **Recommendation from Committee of the Whole to approve the 2007 CIP Budget in the amount of \$4,732,000/TABLED 11-14-06**

Motion by Alderman Hopkins to remove from the table. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Gallagher to approve the CIP Budget at \$4,732,000. Seconded by Alderman Hopkins.

Motion by Alderman Moore to amend to add \$225,000 to Road Rehabilitation. Died lack of second.

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

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### **CONSENT AGENDA**

Motion by Alderman Hegeman to approve all of the following items listed. Seconded by Alderman Hopkins and carried unanimously.

### **MINUTES - Common Council minutes from November 28, 2006**

### **UTILITY AND FINANCE**

#### **Claims**

- Approval of Water Utility claims in the amount of \$69,663.20, Sewer Utility claims in the amount of \$52,391.52 and Bi-weekly claims in the amount of \$311,832.57.

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**LICENSES & PERMITS**

**Bartenders**

- Denial of Bartender License for the year 2006-2008 to Dara A Hoberg.
- Approval of Bartender License for the year 2006-2008 to Mary Skoufis, Karen E Livesey and Richard Selvey

**MISCELLANEOUS**

- Resolution No. 06-46 Nomination Of Election Inspectors/Officials By Mayor Of The City Of New Berlin
- Set a Public Hearing date of Monday, January 8, 2007 at 6:00 PM before Plan Commission for Mark Augustine from Yaggy Colby to rezone property located at approximately 17405-17685 W Observatory Road.
- Set a Public Hearing date of Monday, January 8, 2007 at 6:01 PM before Plan Commission for Mark Augustine from Yaggy Colby to rezone property located at approximately 3910 and 3930 Woelfel Road.
- Set a Public Hearing date of Monday, January 8, 2007 at 6:02 PM before Plan Commission for Thomas Hammersley to rezone the property located at approximately 3461 S Long Acre Drive.
- Resolution No. 06-48 Resolution For Designation as a *Preserve America* Community.

**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**

None.

**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 (1<sup>st</sup> reading)**

Mayor Chiovatero indicated this is the 1<sup>st</sup> reading of this ordinance that was modified.

**Ordinance No. 2337 Ordinance Amending Section 152-4 Licenses and Permits Regarding Sales of Fermented Malt Beverages In Premised Where Fuel Sales Take Place (1<sup>st</sup> reading)**

Mayor Chiovatero indicated this is the 1<sup>st</sup> reading of this ordinance that was discussed previously at Committee of the Whole.

**Charter Ordinance No. 7 Charter Ordinance Repealing the Special Assessment Review Committee of the City of New Berlin (1<sup>st</sup> reading)**

Mayor Chiovatero indicated this is the 1<sup>st</sup> reading of this ordinance whereby Council approved abolishing this Committee on 9-26-06 at Committee of the Whole.

**Resolution No. 06-47 Resolution Amending the 2006 Approved Operating Budget To Transfer Funds From the Contingency Account to the Common Council Professional Services Account**

Motion by Alderman Augustine to approve Resolution No. 06-47. Seconded by Alderman Hopkins and carried with Alderman Ament voting no.

*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) (e) and (g) of the Wisconsin State Statutes, (e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; more specifically Collective Bargaining –Teamsters Contract and (g) 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: Jeff and Kari Moy Claim.

Motion by Alderman Ament to go to Closed Session at 8:45 PM. Seconded by Alderman Hegeman and carried per roll call vote.

Motion by Alderman Hopkins to reconvene in Open Session at 9:26 PM. Seconded by Alderman Harenda and carried unanimously.

**OPEN SESSION**

**Possible ratification of Teamster's Contract 2006-2009**

Motion by Alderman Hopkins to ratify the Teamster's Contract for 2006-2009. Seconded by Alderman Hegeman carried unanimously.

**Possible action on the Jeff and Kari Moy Claim**

Motion by Alderman Hegeman to deny the Jeff and Kari Moy Claim. Seconded by Alderman Moore and carried with Alderman Ament voting no.

**ADJOURN**

Motion by Alderman Augustine to adjourn at 9:31 PM. Seconded by Alderman Hegeman and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC/WCMC  
City Clerk