

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL MEETING
Tuesday, April 12, 2005**

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

Mayor Telesfore P Wysocki called the City of New Berlin Common Council to order at 7:40 PM after Privilege of the Floor and Committee of the Whole.

This meeting was noticed on April 11, 2005 in accordance with the Open Meeting law.

Those present recited the Pledge of Allegiance and a short invocation was made.

ROLL CALL: Present were Aldermen Hopkins, Augustine, Gallagher, Harenda, Hegeman, Chiovaturo and Ament. Also present were City Attorney Mark Blum, City Clerk Marilyn Gauger, City Engineer JP Walker, Director of Utilities and Streets Ray Grzys, Director of Community Development Greg Kessler, Planning Services Manager Nikki Jones and Division Engineer Eric Nitschke.

REPORTS

City Clerk - Local Board of Canvass for the April 5 election was held on Wednesday, April 6th. The numbers were as follows: Total votes cast for Mayor was 8909 of which Jack F Chiovaturo received 4438; Ted Wysocki received 4203; Andy (Andrea) Frank received 252; and Paul Lincoln Scheuble received 16. Total votes cast for District 2 Alderman was 895 of which Tom Augustine received 895. Total votes cast for District 4 was 1375 of which Kenneth A Harenda II received 894 and Paul Lincoln Scheuble received 481. Total votes cast for District 6 Alderman was 1141 of which Bill Mech received 154 and William F Moore received 987. Total votes cast for Judge was 6148 of which Joseph Dorlack received 6148.

The Board certified the winners as follows: Mayor – Jack F Chiovaturo; Alderman District 2 – Tom Augustine; Alderman District 4 – Kenneth A Harenda II; Alderman District 6 – William F Moore and Municipal Judge – Joseph J Dorlack.

Your elected officials will be sworn in and take office on Tuesday, April 19th at 7:00 PM in Council Chambers. This is a public meeting and everyone is welcome to attend.

Earth Day is Saturday, April 23 from 12 Noon to 3:00 PM at Calhoun Park. For information on all the activities please call 262-754-1700; watch your local newspaper or check the City's website at www.newberlin.org.

Council President - none
Mayor - none
City Attorney - none

COMMUNICATIONS

Previant, Goldberg Intent to file Claim for Lien letter/refer to City Attorney

**COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS
PLAN COMMISSION**

Public Hearing for May 2, 2005 at 6:02 PM before Plan Commission for discussion on the Overall Coordinated Sign Design Guidelines for the New Berlin City Center Development

Motion by Alderman Ament to set a Public Hearing for May 2, 2005 at 6:02 PM before Plan Commission for discussion on the Overall Coordinated Sign Design Guidelines for the New Berlin City Center Development. Seconded by Alderman Harenda and carried unanimously. *(Alderman Harenda stepped out prior to voting on the above motion and returned at this time).*

Public Hearing for May 2, 2005 at 6:03 PM before Plan Commission for discussion on the Sign Code changes

Motion by Alderman Ament to set a Public Hearing for May 2, 2005 at 6:03 PM before Plan Commission for discussion on the Sign Code changes. Seconded by Alderman Hegeman and carried unanimously.

Ordinance No. 2263 that approves the rezoning of property known as Open Pantry located at 15551 W Cleveland Avenue

Motion by Alderman Ament to adopt Ordinance No. 2263 that approves the rezoning of property known as Open Pantry located at 15551 W Cleveland Avenue from B-4 to B-2 and accept the Plan Commission report. Seconded by Alderman Augustine and carried unanimously.

Ordinance No. 2264 that approves the rezoning of property known as Woodland Meadows located at 3335 S Catamount Drive

Motion by Alderman Ament to adopt Ordinance No. 2264 that approves the rezoning of property known as Woodland Meadows located at 3335 S Catamount Drive from R-1/R-2 and C-2 to R-1/R-2, C-2 and C-3 and accept the Plan Commission report. Seconded by Alderman Hegeman and carried unanimously.

Certified Survey Map for the property located at 4485 S Racine Avenue

Motion by Alderman Ament to approve the Certified Survey Map for the property located at 4485 S Racine Avenue and accept the Plan Commission report. Seconded by Alderman Hegeman and carried unanimously.

Certified Survey Map for property located at 14695 W Beloit Road

Motion by Alderman Ament to approve the Certified Survey Map for property located at 14695 W Beloit Road and accept the Plan Commission report. Seconded by Alderman Hegeman and carried unanimously.

Public Hearing for May 2, 2005 at 6:00 PM before Plan Commission for consideration of a rezoning for property located at 4225 and 4385 S Calhoun Road (Ronald Reagan Elementary School)

Motion by Alderman Ament to set a Public Hearing for May 2, 2005 at 6:00 PM before Plan Commission for consideration of a rezoning for property located at 4225 and 4385 S Calhoun Road from R-1/R-2, R-3, I-1 and C-1 to I-1, C-1 and C-2. Seconded by Alderman Harenda and carried unanimously.

Resolution No. 05-16 that approves the acceptance of the Martha Drive extension located at 18845 Overlook Drive

Motion by Alderman Ament to approve Resolution No. 05-16 that approves the acceptance of the Martha Drive extension located at 18845 Overlook Drive and accept the Plan Commission report. Seconded by Alderman Harenda and carried unanimously.

BOARD OF PUBLIC WORKS

Development Agreement for KASCO PUD South Phase Condominiums

Motion by Alderman Chiovatero to table until April 26, 2005 Council meeting Item #10-05: Development Agreement for KASCO PUD South Phase Condominiums subject to receipt of a recorded agreement for constructing public improvements on Howard Avenue. Seconded by Alderman Hopkins and carried unanimously.

Development Agreement for Hickory Hills Condominiums

Motion by Alderman Chiovatero to approve the Developers Agreement for Hickory Hills Condominiums subject to the Developer receiving County approvals for public improvements along Beloit Road and final approval by City Attorney. Seconded by Alderman Augustine and carried unanimously.

Development Agreement for Crestview Place Condominiums

Motion by Alderman Chiovatero to approve the subject to final approval by City Attorney. Seconded by Alderman Ament and carried unanimously.

Resolution No. 05-14 Revised Cold Spring Road Relocation Order

Motion by Alderman Chiovatero to adopt Resolution No. 05-14 Revised Cold Spring Road Relocation Order. Seconded by Alderman Hopkins and carried unanimously.

UTILITY COMMITTEE

Reject all bids received on February 23, 2005 for the proposed Project K-336 Sanitary Interceptor Sewer Re-Lining Project

Motion by Alderman Gallagher to reject all bids received on February 23, 2005 for the proposed Project K-336 Sanitary Interceptor Sewer Re-Lining Project due to addendums not received by all bidders and to re-bid the project on May 4, 2005 with source of funds from Acct #81001131-54110. Seconded by Alderman Harenda and carried unanimously.

Reserve \$600,000 from our 2004 Collection System – Contracted Operating Budget into the 2005 Collection System – Contracted Operating Budget

Motion by Alderman Gallagher to reserve \$600,000 from our 2004 Collection System – Contracted Operating Budget into the 2005 Collection System – Contracted Operating Budget for financing assistance of the construction of Project K-366 Sanitary Interceptor Sewer Re-Lining Project with source of funds from Acct #81001131-54110. Seconded by Alderman Ament and carried unanimously.

MAYORAL APPOINTMENTS - None

DEFERRALS, REFERRAL & TABLED ITEMS

Adopt the Subdivision and Zoning Code amendments/Chapters 235 and 275 DEFERRED 3-22-05

Motion by Alderman Ament to adopt the Subdivision and Zoning Code Amendments, Chapters 235 and 275. Seconded by Alderman Harenda.

Amendment of motion by Alderman Chiovatero to adjust the percentage of open space requirements from 75% to 60% and adjust reference there to within Chapter 275. Seconded by Alderman Gallagher and amendment failed with Aldermen Gallagher and Chiovatero voting yes.

Motion by Alderman Gallagher to refer back to the Plan Commission to address the 75% requirement of open space issue prior to adopting Chapters 235 and 275. Seconded by Alderman Chiovatero. Motion failed with Aldermen Gallagher and Chiovatero voting yes.

Upon voting on the original motion, the motion carried with Alderman Chiovatero voting no.

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

No action taken.

ORDINANCES/RESOLUTIONS

Ordinance No. 2257 To Amend Section 6-1(A) of the Municipal Code of the City of New Berlin Board of Public Works Membership TABLED 2-8-05 after 1st reading

No action taken.

++++
CONSENT AGENDA

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

MINUTES

Common Council Minutes of Meeting held March 22, 2005

UTILITY AND FINANCE

Claims

Water Utility claims in the amount of \$67,306.00, Sewer Utility claims in the amount of \$292,319.66, of that amount \$268,786.44 represents payment to MMSD, and Bi-weekly claims in the amount of \$734,699.41, all of which represents payment to vendors.

LICENSES

Bartenders

Bartender License for the year 2004-2006 to Stacy L. Amstadt, Rory T. Balistreri and Marie L. Peot.

Class "B" Beer

Class "B" Beer License for Western Racquet Club, Inc/2900 S 163rd Street/Scott W Garvin – Agent/conditioned upon final inspection approval.

Fireworks

Fireworks Permit issued to Mary Jane Witty/Eisenhower Middle School located 4333 S Sunny Slope Road for an event to be held on Friday, June 3, 2005.
Table the Fireworks Permit for China Dragon/National Avenue for firecrackers for Saturday, May 7, 2005.

MISCELLANEOUS

Request for Approval to Waive penalty of \$41.66 for 2004 tax bill for Robert Sowles Tax Key #1161-133/1728 S Carriage Lane.

The following items were removed from the consent agenda:

DIRECT SELLERS PERMIT APPEALS

Request for Appeal/direct City Clerk to issue a Direct Sellers Permit for Tara Collias/2647 S 3rd Street Milwaukee, WI.

Motion by Alderman Gallagher to recommend to Council to grant the appeal and direct City Clerk to issue a Direct Sellers Permit for Tara Collias/2647 S 3rd Street Milwaukee, WI. Seconded by Alderman Harenda and carried with Alderman Ament voting no.

Request for Appeal/direct City Clerk to issue a Direct Sellers Permit for Ken Holub/7120 W Southridge Dr Greenfield, WI.

Motion by Alderman Gallagher to recommend to Council grant the appeal and direct City Clerk to issue a Direct Sellers Permit for Ken Holub/7120 W Southridge Dr Greenfield, WI. Seconded by Alderman Harenda and carried with Alderman Ament voting no.

MISCELLANEOUS

Request for Approval Resolution No. 05-15 Transferring Approved Funds for Street Lighting for the Intersection of Lawnsdale Road at Rolling Meadows.

Motion by Alderman Ament to recommend to Council adoption of Resolution No. 05-15 Transferring Approved Funds for Street Lighting for the Intersection of Lawnsdale Road at Rolling Meadows. Seconded by Alderman Hopkins and carried with Alderman Gallagher voting no.

ORDINANCES/RESOLUTIONS

Ordinance No. 2265 An amendment to Ordinance No. 2261 to add the verbiage "for terms of two years each." (1st reading)

Motion by Alderman Harenda to waive the 2nd and 3rd readings. Seconded by Alderman Augustine and carried unanimously.

Motion by Alderman Harenda to adopt Ordinance No. 2265 with the condition to drop the word "each". Seconded by Alderman Chiovatero and carried unanimously.

ADJOURN

Motion by Alderman Ament to adjourn at 9:30 PM. Seconded by Alderman Harenda and carried unanimously.

Respectfully submitted

Marilyn Gauger, CMC
City Clerk