

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL MEETING
Tuesday, September 27, 2005**

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 10:11 PM after the Committee of the Whole and Privilege of the Floor.

This meeting was noticed on September 22, 2005 and amended on September 23, 2005 in accordance with the Open Meeting Law.

Mayor Chiovero led in the reciting of 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 Gregg Kessler, Planning Services Manager Nikki Jones, City Engineer JP Walker, Division Engineer Larry Wilms, Division Engineer, Ron Schildt, Division Engineer Eric Nitschke, Parks, Recreation and Forestry Director Mark Schroeder, Park Supervisor David Jeske, Utilities and Streets Director Ray Grzys and Police Chief Blunt.

REPORTS

City Clerk - none

Council President - none

Mayor – Indicated there would be a Public Forum on October 8 for the County Executive. Applefest will be held Sunday at the Historical Park between 1-4.

City Attorney - none

COMMUNICATIONS

Janiea Barber Claim

Referred to City Attorney

COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

There was a consensus of the Council members to deviate from the agenda.

PARK, RECREATION AND FORESTRY COMMISSION

Agreement for donation and lease of Real Estate with the Prospect Hill Restoration Foundation for the Freewill Baptist Church.

Motion by Alderman Harenda to accept the Agreement for donation and lease of Real Estate with the Prospect Hill Restoration Foundation for the Freewill Baptist Church. Seconded by Alderman Ament and carried unanimously.

PLAN COMMISSION

Motion by Alderman Ament to recommend to Common Council to set a public hearing date at the November 7, 2005 Plan Commission Meeting regarding adoption of the DNR Model Floodplain Ordinance and associated changes to Section 275-38 (Flood Hazard Overlay Districts) and Section 275-13.1D(1) and (5) and Section 275-13.1G(1) and (2) (Zoning Districts) of the City of New Berlin Zoning Ordinance and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

Gatzke property located at 13900 W Brook Hollow Court from R-3/C-1/C-2 to R-3/C-1/C-2 districts and accept the Plan Commission Report

Motion by Alderman Ament to recommend to Common Council adoption of Ordinance No. 2282 that approves the rezoning of the re-delineated wetland on the Gatzke property located at 13900 W. Brook Hollow Court from R-3/C-1/C-2 to R-3/C-1/C-2 districts and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

Property located at 18695 West Cleveland Avenue from I-1 to I-1 and C-2 and accept the Plan Commission Report.

Motion by Alderman Ament to recommend to Common Council adoption of Ordinance No. 2283 that approves the rezoning of the property located at 18695 West Cleveland Avenue from I-1 to I-1 and C-2 and accept the Plan Commission Report. Seconded by Alderman Harenda and carried unanimously.

Property located at 18715 & 18635 W Greenfield Avenue from R-1/R-2/C-2 to R-1/R-2/C-2 and accept the Plan Commission Report.

Motion by Alderman Ament to recommend to Common Council adoption of Ordinance No. 2284 that approves the rezoning of the property located at 18715 & 18635 W. Greenfield Avenue from R-1/R-2/C-2 to R-1/R-2/C-2 and accept the Plan Commission Report. Seconded by Alderman Gallagher and carried unanimously.

Planning, Engineering and Building Inspection permit and application fees for New Berlin West High School located at 18695 W. Cleveland Avenue

Motion by Alderman Ament to recommend to Common Council for review the waiver request for all Planning, Engineering and Building Inspection permit and application fees to be waived for New Berlin West High School located at 18695 W. Cleveland Avenue and accept the Plan Commission Report. Seconded by Alderman Harenda and carried with Alderman Gallagher voting no.

Certified Survey Map for the property located at 4320 S Moorland Road

Motion by Alderman Ament to approve the Certified Survey Map for the property located at 4320 South Moorland Road and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried with Aldermen Hegeman and Ament voting no.

Alternative Transportation Sub-Committee

Recommendation by the Alternative Transportation Sub-Committee to finish segment #31 as identified in the original Alternative Transportation Plan and the overall plan /system for pedestrian safety for off road facilities with sidepaths on both sides of Moorland Road south to Mark Drive and north to Coffee Street. Motion by Alderman Ament to table. Seconded by Alderman Hegeman and motion carried unanimously.

BOARD OF PUBLIC WORKS

Road Reservation between Spruce Road and Howard Avenue be removed from the Official City Map.

Motion by Alderman Augustine to recommend that the road reservation between Spruce Road and Howard Avenue be removed from the Official City Map. Seconded by Alderman Hegeman. Alderman Augustine withdrew his original motion. Alderman Hegeman withdrew his second. Motion by Alderman Ament to refer this item to the Plan Commission. Seconded by Alderman Hopkins and carried with Alderman Gallagher voting no.

Change in name only of the Developer for Hickory Hills Condominiums from Bouraxis Properties (New Berlin Project), LLC to New Berlin Investment Group LLC.

Motion by Alderman Augustine to recommend to the Common Council to approve the change in name only of the Developer for Hickory Hills Condominiums from Bouraxis Properties (New Berlin Project), LLC to New Berlin Investment Group LLC. Seconded by Alderman Ament and carried unanimously.

SAFETY COMMISSION

Motion by Alderman Hegeman to adopt Resolution No. 05-46 A Resolution To Place "NO PARKING" Signs on Glen Park Road in Front of School From North Parking Lot Entrance to Service Road South of School and Place "NO PARKING HERE TO CORNER" Signs Fifteen (15) Feet From Each of the Following Intersections: Glen Park & Nettesheim Lane; Glen Park & Butternut Trail; Glen Park & Cedar Trail. Seconded by Alderman Ament and carried unanimously.

PARK, RECREATION & FORESTRY COMMISSION

Contract Award for Pro Health Care Park Phase 2 Park Shelter & Development/Project #809-05-117.

Motion by Alderman Gallagher to award the Contract for Pro Health Care Park Phase 2 Park Shelter & Development/Project #809-05-117 to Ray Stadler Construction Co. in the amount of \$426,052. Seconded by Alderman Hegeman and carried unanimously.

Addendum to Lease Agreement for Johnson Quarry Park.

Motion by Alderman Gallagher to accept the Addendum to Lease Agreement for Johnson Quarry Park. Seconded by Alderman Ament.

Alderman Ament withdrew his second. City Attorney Blum indicated a second is needed to continue discussion on this item.

Alderman Gallagher stated my motion stands. Motion seconded by Alderman Hopkins in order to continue discussion.

Motion by Alderman Gallagher to amend the lease to add a no. 9 to the Addendum to Lease Agreement that the scale should be used only for weighing materials that are being used for materials leaving the site. Seconded by Alderman Harenda. No vote was taken.

Motion by Alderman Harenda to remove the word scale from no. 1 of the Addendum to Lease Agreement. Seconded by Alderman Gallagher and carried unanimously.

Alderman Gallagher then withdrew his original motion to accept the Addendum to Lease Agreement. Alderman Hopkins withdrew his second.

Motion by Alderman Moore to adjourn at 12:30 PM. Seconded by Alderman Hegeman. Motion fails with Alderman Hegeman and Alderman Moore voting yes.

There was no further discussion or action on the Addendum to Lease Agreement for Johnson Quarry Park.

Ordinance No. 2285 An Ordinance Creating Chapter 185 of the City of New Berlin Municipal Code Establishing An Urban Forestry Ordinance.

Motion by Alderman Harenda to defer the first reading of this Ordinance to October 11, 2005. Seconded by Alderman Hopkins and carried unanimously.

UTILITY COMMITTEE

Motion by Alderman Gallagher to adopt the Final Resolution # 05-36 Authorizing Levying Special Assessments against benefited properties in the Moorland Road Water & Sanitary Sewer Special Assessment Districts in accordance with City Code. Source of Funds: Project costs would be recovered through special assessments (both direct and indirect future), impact fees (current and future), and Utility Capital Contributions in-aid-of-Construction. Seconded by Alderman Hegeman.

Motion by Alderman Ament to defer this item to the next meeting. Seconded by Alderman Hegeman motion fails with Alderman Ament and Harenda voting yes.

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

Alderman Moore requested a 2 minute recess at 1:08 AM.

Motion by Alderman Gallagher to recommend to Council approval of a \$109,550.44 Water Utility expenditure to cover the cost of providing additional frost protection to a dead end water main by raising 1,000 LF of Cold Spring Road 1 Foot and adding Insulation over the water main between Sommerset Drive and Sunny Slope Road. Source of Funds: Water Utility Account 91002673.52030. Seconded by Alderman Hegeman and carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS

Following Item to be dropped from the Agenda as it was acted upon under the Utility Committee items: Resolution No. 05-36 Final Resolution in Accordance with Section 66.0703 Wisconsin Statutes Authorizing Levying Special Assessments against benefited properties In the Moorland Road Water & Sewer Special Assessment District.

Motion by Alderman Ament to defer the adoption of Resolution No. 05-40 Resolution Establishing A Policy for Public Deposits and Investments. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Ament to defer the adoption of Resolution No. 05-41 Resolution Designating Public Depositories and Approving Other Financial Institutions for Investments. Seconded by Alderman Hopkins and carried unanimously.

CONSENT AGENDA

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

MINUTES

Common Council Minutes of Meeting held September 13, 2005

UTILITY AND FINANCE

Water Utility claims in the amount of \$147,998.95, Sewer Utility claims in the amount of \$608,568.64 and Bi-weekly claims in the amount of \$1,800,256.38, all of which represents payment to vendors

LICENSES/PERMITS

Bartender Licenses

Bartender Licenses for the year 2005-2007 to William M DuPlanty, Dawn M Gonyo, Charles D Kempf, Samantha J Rice, Tammi J Roark and Chris A. Schucht.

Class B Retail

Oscar New Berlin LLC - dba Buffalo Wild Wings at 15300 W Beloit Road/Agent Paul M Berlin Reserve "Class B" Alcohol Beverage Grant/Buffalo Wild Wings

Fireworks Permit

New Berlin West High School/18695 W Cleveland Avenue for a Fireworks Permit for use on Friday, October 7, 2005

MISCELLANEOUS

Updated 2006 Proposed Operating and CIP Budgets.

Adoption of revenues and expenses including a general tax levy and tax rate for the 2006 Budget.

Set Tuesday, October 25th at 7:00 PM for the Public Hearing on the proposed 2006 Operating and CIP Budgets.

DEFERRED/TABLED ITEMS

Sign/Signal Truck in the amount of \$80,000 within the Streets CIP Budget/DEFERRED 9-21-05/DEFERRED 9-27-05

Recommendation from Carlson/Dettman concerning amendment to Civil Service Code Section 11-12./TABLED 7-26-05

ITEM/S REMOVED FROM CONSENT AGENDA

Motion by Alderman Hopkins to recommend the 2006 operating budget of \$31,094,532.00 including a general tax levy of \$20,649,806.00 with a tax rate of 4.9278 per thousand, a decrease of .9399 Seconded by Alderman Hegeman and carried with Alderman Ament voting no.

Alderman Harenda requested the 2006 Budget be available to the public for their comments.

Motion by Alderman Moore to recommend to Council for Approval to Direct the Director of Human Resources to bid the positions for City Attorney and Prosecuting Attorney. Seconded by Alderman Gallagher motion fails with Alderman Gallagher and Alderman Moore voting yes.

Motion by Alderman Gallagher for Approval of Resolution No. 05-38 Resolution To Approve the Greenfield Avenue Project Agreement with the State of Wisconsin including items a-g as revised. Seconded by Alderman Hopkins and carried with Aldermen Harenda, Hegeman and Ament voting no.

ADJOURN

Motion by Alderman Hegeman to adjourn at 1:18 AM. Seconded by Alderman Harenda and carried unanimously.

Respectfully submitted

Sherry Grant, CMC
Deputy City Clerk