

**PROCEEDINGS OF THE COMMON COUNCIL MEETING  
TUESDAY, FEBRUARY 10, 2004**

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

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, February 10, 2004 at the New Berlin City Hall at 7:25 P.M.

***This meeting was noticed on February 5, 2004 in accordance with Open Meeting law.***

**ROLL CALL** Mayor Wysocki, Aldermen Bullermann, Augustine, Gallagher, Harenda, Wilkens, Chiovatero and Ament. Also present: City Attorney Mark Blum, City Clerk Marilyn Gauger, Director of Parks, Recreation & Forestry Mark Schroeder, Director of Community Development Greg Kessler and Planning Services Manager David Haines

**REPORTS**

City Clerk – The Primary Election is one week from today. You may register and you may also vote the ballot in the City Clerk's office from 8:00 AM to 4:30 PM. We are also having additional hours tomorrow night and Thursday night from 5:00 PM to 7:00 PM. Questions, call 262-786-8610.

Council President – asked that residents please clear snow away from hydrants – “Adopt a Hydrant” concept to assist the Fire Department and be very careful with space heaters during these cold months.

Mayor – School Board Candidates Forum tape will be played on Cable Channel 25 this weekend. Thank you to the Department of Community Development staff for successful informational meetings with regards Buena Park and Gatewood subdivision stormwater projects. Thank you to the Utility and Streets staff, Aldermen who attended and persons who arranged the informational meeting for the Coldspring project.

City Attorney - none

**COMMUNICATIONS/None**

**COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS**

**PLAN COMMISSION**

**Matty's Bar & Grill – 14444 W. College Avenue – Rezone from R-3 to B-2. / Adopt Ordinance No. 2225.**

Motion by Alderman Ament to adopt Ordinance No. 2225 for a rezone from R-3 to B-2 and to accept the Plan Commission report. Seconded by Alderman Harenda and carried with Alderman Ament voting no.

**National Regency – 13750 W. National Avenue – Rezone from R-5 to I-1/PUD Institutional. Adopt Ordinance No. 2226.**

Motion by Alderman Ament to adopt Ordinance No. 2226 for a rezone from R-5 to I-1/PUD Institutional and to amend the boundaries of the lands subject to Ordinance No. 2132 (Pro Health Care Inc. PUD) and accept the Plan Commission report. Seconded by Alderman Augustine and carried unanimously.

**The Conservancy Subdivision – 13150 W. Janesville Road – / Approve Preliminary Plat**

Motion by Alderman Ament to approve the 67 lot Preliminary Plat for The Conservancy of New Berlin Subdivision located at approximately 13150 W Janesville Road and accept the Plan Commission report. Seconded by Alderman Harenda and carried unanimously.

**Resolution No. 04-06 “ AUTHORIZE THE CITY OF NEW BERLIN COMMUNITY DEVELOPMENT AUTHORITY TO STUDY THE FEASIBILITY AND IMPLEMENT STRATEGIES FOR THE WEST NATIONAL AVENUE REDEVELOPMENT AREA”**

Motion by Alderman Ament to adopt Resolution No. 04-06 and accept the Plan Commission report. Seconded by Alderman Gallagher and carried unanimously.

**Set Public Hearing Date before Plan Commission for Monday, March 1, 2004 at 6:00 PM for rezoning of property at 14775 W. National Avenue from Rm-1 to O-3.**

Motion by Alderman Ament to set the public hearing date as stated above. Seconded by Alderman Wilkens and carried unanimously.

**Set Public Hearing Date before Plan Commission for Monday, March 1, 2004 at 6:01 PM for rezoning of property at 13050 W. Cleveland Avenue from I-1 to Rm-1/PUD.**

Motion by Alderman Ament to set the public hearing date as stated above. Seconded by Alderman Wilkens and carried unanimously.

**DEFERRALS, REFERRAL & TABLED ITEMS**

**Ban the burning of all yard waste effective April 2004/REFERRED TO AD HOC LEAF COMMITTEE 10-28-03.**

No action taken.

**Recommend to Council to make the Finance Committee a permanent committee/TABLED 1-13-04 and 1-27-04.**

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

Motion from January 27, 2004:

Motion by Alderman Bullermann to adopt a Standing Finance Committee as described in the document before you tonight. Seconded by Alderman Harenda.

Motion by Alderman Bullermann to amend the above motion to read: "document dated 2-10-04". Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Gallagher to table. Died lack of a second.

Original motion as amended carried with Alderman Ament voting no.

**CONSENT AGENDA**

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

**MINUTES**

Approval of the Common Council Minutes from Meeting held on January 27, 2004.

**CLAIMS**

Approval of Water Utility Claims in the amount of \$155,152.13; Sewer Utility claims in the amount of \$54,731.73; and Bi-weekly claims in the amount of \$590,318.15 all of which represents payment to vendors.

**LICENSES**

**Bartender Licenses**

Approval of Bartender Licenses for the year 2002-2004 to Dale E. Beardsley, Karlyn Teipner and Shai Rubin.

**MISCELLANEOUS**

**Adoption of Resolution No. 04-05 to support State Legislative Bill No. LRB3797/3 – reducing unnecessary costs of supplying safe drinking water to New Berlin Utility Customers.**

Motion by Alderman Ament to adopt Resolution No. 04-05 to support State Legislative Bill No. LRB3797/3 – reducing unnecessary costs of supplying safe drinking water to New Berlin Utility Customers. Seconded by Alderman Bullermann and carried with Alderman Wilkens voting no.

**ORDINANCES/RESOLUTIONS**

**Ordinance No. 2221 "Ordinance To Amend Section 230 3-C of the City of New Berlin Municipal Code. (2<sup>nd</sup> reading)**

City Clerk Gauger gave the 2<sup>nd</sup> reading.

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 Christopher Kryszewski Claim and the Jay & Kay Schinker Claim, and;

Section 19.85 (1) (e) of the Wisconsin State Statutes, deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business whenever competitive or bargaining reasons require a Closed Session, more specifically the Lease Agreement & Restoration Plan for Quarry Park.

Motion by Alderman Ament to go to Closed Session at 8:40 PM. Seconded by Alderman Wilkens and carried per roll call vote.

Motion by Alderman Ament to reconvene in Open Session at 9:40 PM. Seconded by Alderman Chiovatero and carried unanimously.

**OPEN SESSION**

**Possible action on Lease Agreement & Restoration Plan for Quarry Park**

No action taken.

**Possible action on Christopher Kryszewski Claim**

Motion by Alderman Wilkens to deny this claim per the recommendation from the City Attorney. Seconded by Alderman Bullermann and carried unanimously.

**Possible action on Jay & Kay Schinker Claim**

Motion by Alderman Augustine to approve the payment of \$75.00 per the recommendation from the City Attorney. Seconded by Alderman Gallagher and carried unanimously.

**ADJOURN**

Motion by Alderman Ament to adjourn at 9:45 PM. Seconded by Alderman Wilkens and carried unanimously.

**Respectfully submitted as City Clerk**

**Marilyn Gauger, CMC**