

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, June 22, 2004 at the New Berlin City Hall at 7:55 P.M.

This meeting was noticed on June 17, 2004 in accordance with Open Meeting law.

ROLL CALL Mayor Wysocki, Aldermen Hopkins, Augustine, Gallagher, Harenda, Hegeman, Chiovatero and Ament. Also present: City Attorney Mark Blum, City Clerk Marilyn Gauger, Planning Services Manager David Haines, Director of Streets and Utilities Ray Grzys, City Engineer JP Walker, Director of Parks, Recreation and Forestry Mark Schroeder and Stormwater Division Engineer Eric Nitschke.

REPORTS

City Clerk read information on the following: 4th of July Pie Bake-Off, Volunteers Needed for Youth Theater and Kids Fest.

Council President thanked all persons involved in Safety Saturday and Swartz Farms events.

Mayor indicated the 4th of July events are listed on the City's website at: www.newberlin.org

City Attorney - none

COMMUNICATIONS

James White Claim – refer to City Attorney

Joan McDermott Claim – refer to City Attorney

COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

PLAN COMMISSION

Certified Survey Map for property located 5300 Egofske Road

Motion by Alderman Ament to approve the Certified Survey Map for property located 5300 Egofske Road and accept the Plan Commission Report. Seconded by Alderman Hegeman and carried unanimously.

Certified Survey Map for property located 6235 Racine Place

Motion by Alderman Ament to approve the Certified Survey Map for property located 6235 Racine Place and accept the Plan Commission Report. Seconded by Alderman Hegeman and carried unanimously.

Certified Survey Map for property located 21200 W Barton Road

Motion by Alderman Ament to approve the Certified Survey Map for property located 21200 W Barton Road and accept the Plan Commission Report. Seconded by Alderman Hegeman and carried unanimously.

Ordinance No. 2239/Rezone for property known as Virgil and Raymond Saltzmann located 5900 S Moorland Road

Motion by Alderman Ament to adopt Ordinance No. 2239/Rezone for property known as Virgil and Raymond Saltzmann located 5900 S Moorland Road from A-1 Agricultural District to P-1/PUD Park Planned Unit Development District and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried with Alderman Gallagher voting no.

Set a Public Hearing date of July 12, 2004 at 6:02 PM before Plan Commission for petition to rezone property located at 19485 W Coffee Road

Motion by Alderman Ament to set a Public Hearing date of July 12, 2004 at 6:02 PM before Plan Commission for petition to rezone property located at 19485 W Coffee Road from R-1/R-2 Rural Estate Single Family Residential to R-3 Suburban Single Family Residential. Seconded by Alderman Harenda and carried unanimously.

Set a Public Hearing date of July 12, 2004 at 6:03 PM before Plan Commission for petition to rezone property located at 4461 S Sunny Slope Road

Motion by Alderman Ament to set a Public Hearing date of July 12, 2004 at 6:03 PM before Plan Commission for petition to rezone property located at 4461 S Sunny Slope Road from R-4 Low Density Single Family Residential to I-1 Institutional. Seconded by Alderman Harenda and carried unanimously.

SAFETY COMMISSION

Resolution No. 04-32 A Resolution To Lower the Speed Limit on Small Road to 25 MPH Between Beloit Road and Moorland Road

Motion by Alderman Hegeman to adopt Resolution No. 04-32. Seconded by Alderman Harenda and carried unanimously.

BOARD OF PUBLIC WORKS

Development Agreement for Park Central Subdivision (formerly National Manor Subdivision)

Motion by Alderman Chiovatero to approve the Development Agreement for Park Central Subdivision (formerly National Manor Subdivision) subject to City Attorney approval. Seconded by Alderman Ament and carried unanimously.

STORMWATER COMMITTEE

Standardized Method of Determining Culvert Installation Charges

Motion by Alderman Harenda to approve Standardized Method of Determining Culvert Installation charges, to be updated annually based upon current material and labor costs. Seconded by Alderman Hegeman and carried unanimously.

Increase of the Contingency Rate for the Buena Park Drainage Improvement Project

Motion by Alderman Harenda to approve the Increase of the Contingency Rate for the Buena Park Drainage Improvement Project from the previously approved 10% to 20% for a total contingency of \$235,000 with source of funds from Storm Water Utility CIP Account Nos. 4-252-580 and 4-252-640. Seconded by Alderman Hopkins and carried unanimously.

MAYORAL APPOINTMENTS

Youth Advisory Board

Motion by Alderman Ament to appoint Danielle Stanczak; Katie Levene; Tracy Calhoun; Brian Moths; Theodore Schober; Maria Peot; Kristi Prokop and Rachel Ignasiak with terms expiring 5-31-06. Seconded by Alderman Harenda and carried unanimously.

Community Development Authority

Motion by Alderman Ament to appoint Jeffrey J Seidl with a term expiring 5-31-08. Seconded by Alderman Hegeman and carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS

Board of Public Works

City Street Light Agreement with WE Energies for Night Aura street lighting to include maintenance and energy charge/TABLED 4-13-04

No action taken.

Plan Commission

Adopt Ordinance No. 2236 An Ordinance To Rezone Wildwood Preserve from A-2, R-1/R-2, and C-2 to A-2, R-1/R-2, R-3, and C-2./DEFERRED 5-11-04/TABLED 5-25-04

No action taken.

CONSENT AGENDA

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

MINUTES

Common Council Minutes from Meeting held on June 8, 2004

CLAIMS

Water Utility Claims in the amount of \$24,847.41, Sewer Utility claims in the amount of \$7808.02 and Bi-weekly claims in the amount of \$1,229,031.22 all of which represents payment to vendors

LICENSES

Bartender Licenses

Bartender Licenses for the year 2004-2006 to Tracy L. Boya.

Bartender Licenses for the year 2004-2006 to Jerome C. Bores; Lauren K. Cerull; Peter J. Gatzke; Mike R. Larson; Lynn M. Schalk; Judy A. Tiegs; Samantha E. Weisheim and Richard F. Zube.

Renewal Bartender Licenses for the year 2004-2006 to Kristen M. Allen; Robyn M. Gaffney; Connie M. Julson; Melany D. Johnson; Robert H. Keelan III; Lorrie L. Schroeder; Donna L. Sherman; Nicole L. Voelkel and Sally A. Weiley.

Appeal of Denial of Bartender's License

Renewal Bartender License for the year 2004-2006 to Andrew Perez

MISCELLANEOUS

Waiver of Interest and Penalties on Delinquent Taxes for Parcel No. 1205-086 at 3355 S Glen Park Road

DEFERRALS, REFERRAL & TABLED ITEMS

Renewal of Class A Entertainment License for 2004-2005 to: Matty's Bar & Grill Inc./Matthew L Anderson, Agent at 14460 W College Avenue/DEFERRED 6-8-04.

Renewal of Class B Retailers License for 2004-2005 to: Matty's Bar & Grill Inc./Matthew L Anderson, Agent at 14460 W College Avenue/DEFERRED 6-8-04.

2005 Budget Fiscal Targets – discussion only, no action taken.

ORDINANCES/RESOLUTIONS

City Clerk Gauger gave the 1st reading as amended on 6-8-04.

Ordinance No. 2237 Amending Sections 124-12(n)(2)(h), 124-12(n)(2) and 124-12(n)(6) and to create section 124-12(n)(4)(e) of the City of New Berlin Municipal Code (1st reading as amended)

Resolution No. 04-30 Resolution To Establish Leaf Burning Permit Fees

No action taken.

City Clerk Gauger gave the 1st reading.

Ordinance No. 2238 Amending Chapter 6 Boards, Commissions and Committees Section 5, 5A and 5B Park and Recreation Commission and Chapter 184 Parks and Parkways Section 2 Definitions of the City of New Berlin Municipal Code (1st reading)

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

Motion by Alderman Chiovatero to adopt Ordinance 2238. Seconded by Alderman Hegeman and carried unanimously.

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; Rex Owczarzak Claim

Motion by Alderman Ament to go to Closed Session at 9:15 PM. Seconded by Alderman Augustine and carried per roll call vote.

Motion by Alderman Ament to reconvene in Open Session at 9:30 PM. Seconded by Alderman Chiovatero and carried unanimously.

OPEN SESSION

Possible action to rescind denial of Claim

Motion by Alderman Ament to rescind action that denied claim. Seconded by Alderman Harenda and carried with Alderman Gallagher abstaining.

Possible action on Rex Owczarzak Claim

Motion by Alderman Ament to approve payment to Rex Owczarzak for \$184.97 based on additional information provided. Seconded by Alderman Harenda and carried with Alderman Gallagher abstaining.

ADJOURN

Motion by Alderman Hopkins to adjourn at 9:35 PM. Seconded by Alderman Augustine and carried

unanimously.

**Respectfully submitted as City Clerk
Marilyn Gauger, CMC**