

**Common Council Minutes
October 16, 2001**

Minutes of a Special Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, October 16, 2001, at the New Berlin City Hall at 7:52 P.M.

Present were Mayor Wysocki, Aldermen Bullermann, Thomas, Gallagher, Scheuble, Wilkens, Chiovatero, and Ament. Also present were Attorney William Reilly, City Clerk Judy Weter, Director of Community Development Greg Kessler, Director of Planning Mark Lake, and Associate Planner Nikki Jones. City Attorney Paul Reilly arrived at 7:55 p.m.

REFERRALS, DEFERRALS AND TABLED ITEMS

Ordinance No. 2155 - Subdivision Chapter: Possible Action on Ordinance No. 2155
Motion by Alderman Bullermann to remove this item from the table. Seconded by Alderman Wilkens and carried with Alderman Scheuble voting “no”.

Motion on the Floor: Motion by Alderman Thomas to approve and adopt Ordinance No. 2155, amended to change Page 45, (C)4, Density to 3 acres. Seconded by Alderman Bullermann.

Motion by Alderman Wilkens to refer this item to the Plan Commission and conduct a joint Public Hearing on November 12, 2001 at 7:00 p.m. before the Plan Commission and Common Council. Seconded by Alderman Bullermann.

Aldermen Wilkens and Bullermann withdrew the motion.

Motion by Alderman Thomas to reconsider the amendment to Ordinance No. 2155 of changing density to 3 acres. Seconded by Alderman Ament and carried with Alderman Wilkens voting “no”.

Motion the Floor: Motion by Alderman Thomas to amend the motion and change Page 45, (c)4. Density to 3 acres. Seconded by Alderman Ament. Upon voting, the motion failed with Bullermann, Wilkens, and Chiovatero voting “yes”.

Motion on the Floor: Motion by Alderman Thomas to approve and adopt Ordinance No. 2155. Seconded by Alderman Scheuble and carried with Aldermen Bullermann, Wilkens, and Chiovatero voting “no”.

Motion by Alderman Thomas to send the recommendation of amending Ordinance No. 2155 and change Page 45, (C)4. - Density to 3 acres, to the Plan Commission for a recommendation, and conduct a joint Public Hearing on November 12, 2001 at 7:00 p.m. before the Plan Commission and Common Council. Seconded by Alderman Ament and carried unanimously.

Communication from Alderman Ament Requesting Moratorium/Possible Action on Moratorium - TABLED 10-9-01

Motion by Alderman Ament to drop this item from the agenda. Seconded by Alderman Thomas

and carried unanimously.

PLAN COMMISSION

Motion on the Floor: Motion by Alderman Gallagher to deny the request by William and Kathryn Stoffers for a two-lot preliminary land division located at NW1/4 Sec. 27, 16540 W. Beloit Road, until the zoning code is in order, and based on it not in keeping with the principles of the Master Plan, regarding the principles and policy of trying to preserve our woodlands, and placement of new environmental importance that was not in place at the time this property was zoned R-4, and given the greater emphasis now on our environmental protection of woodlands. Seconded by Alderman Scheuble.

Friendly amendment by Alderman Scheuble to add a reason for denial: It would extend a non-conforming lot.

Friendly amendment by Alderman Scheuble to add another reason for denial: Since this lot existed as a country residential area on the Master Plan's future land use map, and since that area is designated as not less than 5 acres unless it is a platted subdivision or a cluster subdivision, it would be an extension of a non-conforming use, and would not be in compliance with the Master Plan.

It was the consensus to drop the statement "until the zoning code is in order" from the motion, as it was approved last week.

Motion by Alderman Thomas to refer this item back to the Plan Commission. Seconded by Alderman Scheuble and carried unanimously.

CONSENT AGENDA

Motion by Alderman Bullermann, seconded by Alderman Chiovatero carried unanimously to approve the following items from the consent agenda:

UTILITY & FINANCE

Claims

Approve payment of Water Utility Claims in the amount of \$113,847.10; Sewer Utility Claims in the amount of \$592,221.24, of that amount \$256,292.04 represents payment to MMSD, and the remaining amount of \$335,929.20 represents payments to vendors; and Bi-weekly Claims in the amount of \$261,732.50, all of which represents payments to vendors.

LICENSES

Bartender Licenses

Approve the Bartender License for the year 2000-2002 to Amanda J. Greil, Daniel P. Kamps, Chris P. Lauder, Erin Sudmalis and Marjorie T. Tesch.

LICENSES

Appeal to Denial of Bartender License

The Council has before it a 1-page report of Anna M. Dam's application and past record.

Motion by Alderman Scheuble to approve a 6-month Bartender License to Anna M. Dam, to expire April 9, 2002. If there are any problems, the Clerk will revoke the license after 6 months; if no problems, the Clerk will approve until June 30, 2002. Seconded by Alderman Gallagher and carried with Aldermen Thomas and Ament voting "no" and Alderman Wilkens voting present.

The Council has before it a 1-page report of Korey W. Asen's application and past record.

Motion by Alderman Bullermann to deny the Bartender License for the year 2000-2002 to Korey W. Asen, based on the record before the Council. Seconded by Alderman Chiovatero and carried with Aldermen Gallagher and Scheuble voting "no" and Alderman Wilkens voting present.

MINUTES

Motion by Alderman Bullermann to approve the Minutes of the Common Council Meeting held on September 25, 2001. Seconded by Alderman Ament and carried with Alderman Scheuble voting "no".

Motion by Alderman Bullermann to approve the Minutes of the Common Council Meeting held on October 9, 2001. Seconded by Alderman Ament and carried with Alderman Scheuble voting "no" and Alderman Wilkens voting present.

Motion by Alderman Wilkens to adjourn the meeting at 9:15 p.m. Seconded by Alderman Ament and carried unanimously.

**Judy Weter
City Clerk**

JW/nh