

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, July 25, 2006**

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

Mayor Jack F Chiovaturo called the City of New Berlin Common Council Meeting to order at 9:43 PM after the Committee of the Whole and Privilege of the Floor.

This meeting was noticed on Thursday, July 20, 2006 in accordance with the Open Meeting Law.

Those present recited the Pledge of Allegiance.

REPORTS

City Clerk - none

Council President – Alderman Harenda commended the Fire Chief and staff for commencement of the paramedic service. He spoke of the improvements made, service improved, plan developed and implemented, budgeting, purchase of new apparatus and savings realized.

Mayor – Mayor Chiovaturo thanked the Commission, supporters and sponsors for a fantastic 4th of July celebration with over 30,000 in attendance that enjoyed the best fireworks. The celebration becomes more successful every year.

City Attorney - none

COMMUNICATIONS

None.

PLAN COMMISSION

Mr. Robert Dugan to acquire sanitary sewer and water service for his property located at 1505 S. Johnson Road

Motion by Alderman Ament to Direct the Mayor, Staff and the City Attorney to move forward with the request by Mr. Robert Dugan to acquire sanitary sewer and water service for his property located at 1505 S. Johnson Road and begin negotiations with the Town & City of Brookfield and Mr. Dugan and accept the Plan Commission Report. Seconded by Alderman Hopkins.

Motion by Alderman Gallagher to amend the motion that the Mayor and Staff be directed to begin negotiations with the Town and City of Brookfield to consider the possibility of acquiring sanitary sewer and water service for the Dugan property at 1505 S Johnson Road (City Attorney's recommendation). Seconded by Alderman Hopkins and failed with Alderman Hopkins and Alderman Gallagher voting yes.

Upon voting, the original motion failed with Alderman Hopkins and Alderman Gallagher voting yes.

Motion by Alderman Ament to deny the request of Robert Dugan to acquire sanitary sewer and water service for his property located at 1505 S Johnson Road. Seconded by Alderman Harenda and carried with Alderman Gallagher voting no.

Certified Survey Map for the property located at 14602, 14800, 14980 W. Beloit Road

Motion by Alderman Ament to approve the Certified Survey Map for the property located at 14602, 14800, 14980 W. Beloit Road and accept the Plan Commission Report. Seconded by Alderman Harenda and carried unanimously.

Ordinance #2323 that approves the rezoning known as Richard & Constance Krahn located at 18970 W. Lincoln Ave

Motion by Alderman Ament to adopt Ordinance #2323 that approves the rezoning known as Richard & Constance Krahn located at 18970 W. Lincoln Ave. from M-2/C-1, and C-2 to M-2,C-1 and C-2, Wetland Delineation and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

Ordinance #2324 that approves the rezoning known as Michael Hollman located at 4245 S. Sunny Slope Road

Motion by Alderman Ament to adopt Ordinance #2324 that approves the rezoning known as Michael Hollman located at 4245 S. Sunny Slope Road from R-4.5/C-2 to R-4.5/C-2 Wetland Delineation and accept the Plan Commission Report. Seconded by Alderman Hegeman and carried unanimously.

Certified Survey Map for the property located at 4245 S. Sunny Slope Road

Motion by Alderman Ament to approve the Two-Lot Certified Survey Map for the property located at 4245 S. Sunny Slope Road and accept the Plan Commission Report. Seconded by Alderman Augustine and carried unanimously.

Do not add the one-way on Wilbur Drive between Cottonwood and 147th Street going West to the list of options that could be used to ease the existing situation on Wilbur Drive and accept the Plan Commission Report

Motion by Alderman Ament to not add the one-way on Wilbur Drive to the list of options. Alderman Ament withdrew this motion.

Motion by Alderman Ament to amend the agenda to bring up under **REFERRALS, DEFERRALS & TABLED ITEMS** the issue of Wilbur Drive (listed 2 different ways) to consider both items at one time. Seconded by Alderman Hegeman and carried unanimously.

DEFERRALS, REFERRAL & TABLED ITEMS

- **Placement of a temporary block or gate at Cottonwood Drive and Wilbur Drive/REFERRED TO BPW AND PLAN COMMISSION 4-25-06**
- **Traffic Volume and Speed on Wilbur Drive/control options/DEFERRED 6-27-06**

Motion by Alderman Moore to keep Wilbur Drive open and to enhance safety by recommending these solutions in order of preference: 1) Sidepaths, 2) Enforcement, 3) Speed Tables, and 4) Traffic circles or a combination thereof. Motion died lack of a second.

Motion by Alderman Hegeman to move the blockade from Wilbur Drive and make Wilbur Drive a one way going west bound into the City Center between Cottonwood and 147th Street. Three-way stop signs would be placed at 147th Street and Wilbur Drive; at Cottonwood Drive and Wilbur Drive; and at Spruce Road & Wilbur Drive. We would place two (2) speed tables, one west of the bridge on Wilbur Drive and before Michelle Witmer Drive and the second speed table east of the bridge before 147th Street with the funding source to transfer \$10,000 from Contingency into Roadway Maintenance Fund. Seconded by Alderman Augustine and carried with Alderman Moore and Alderman Gallagher voting no.

BOARD OF PUBLIC WORKS

Re-direct the efforts for the 2009-2010 STP Grant funding

Motion by Alderman Augustine to re-direct the efforts for the 2009-2010 STP Grant funding towards Coffee Road, 124th Street and Lincoln Avenue. Seconded by Alderman Moore and carried with Alderman Ament voting no.

Staff's Roadway Maintenance Report

Motion by Alderman Augustine that beginning in 2007, the criteria in the Staff's Roadway Maintenance Report be followed. Seconded by Alderman Hegeman and carried unanimously.

WATER RESOURCE MANAGEMENT (STORMWATER)

Resolution No. 06-32 Resolution To Reallocate Funds from Buena Park Drainage Improvements, Gatewood Storm Sewer & Inez Drive Storm Sewer Projects to Projects To Be Determined by Water Resource Utility

Motion by Alderman Harenda to reallocate funds from the Buena Park Drainage Improvements, Gatewood Storm Sewer, and Inez Drive Storm Sewer Projects. The amount of the fund reallocations is to be \$280,000 from Buena Park Drainage Improvements; \$165,000 from Gatewood Storm Sewer and \$55,000 from Inez Drive Storm Sewer for a total reallocation of \$500,000 to Account 04251171 61716 C2004. The funds are to be reallocated to the project/s determined by the Water Resource Utility. Seconded by Alderman Hegeman.

Motion by Alderman Harenda to table. Seconded by Alderman Hegeman and carried with Alderman Gallagher voting no.

MAYORAL APPOINTMENTS

Alternative Transportation Committee

Motion by Alderman Ament to approve the re-appointment of Patricia D' Auria for term expiring 6-30-07. Seconded by Alderman Moore and carried unanimously.

Motion by Alderman Ament to approve the re-appointment of Mary C Bunge for term expiring 6-30-07. Seconded by Alderman Moore and carried unanimously.

Motion by Alderman Ament to approve the re-appointment of Margery (Katie) O'Brien for term expiring 6-30-07. Seconded by Alderman Hopkins and carried unanimously.

Board of Appeals

Motion by Alderman Ament to approve the appointment of Anthony J Valerius for term expiring 4-30-09. Seconded by Alderman Hegeman and carried unanimously.

Fourth of July Commission

Motion by Alderman Ament to approve the re-appointment of Anida Rose with term expiring 8-1-07. Seconded by Alderman Augustine and carried unanimously.

Motion by Alderman Ament to approve the re-appointment of John Burke with term expiring 8-1-10. Seconded by Alderman Hopkins and carried unanimously.

Library Board

Motion by Alderman Moore to approve the re-appointment of Dianne M Carr with term expiring 6-30-09. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Moore to approve the re-appointment of Irene Schelman term expiring 6-30-09. Seconded by Alderman Augustine and carried unanimously.

Motion by Alderman Moore to approve the re-appointment of Deborah A Stelzner with term expiring 6-30-09. Seconded by Alderman Ament and carried unanimously.

Parks, Recreation & Forestry Commission

Motion by Alderman Hopkins to approve the appointment of Darrell Standish with term expiring 4-30-09. Seconded by Alderman Hegeman and carried unanimously.

Special Projects Commission

Motion by Alderman Ament to approve the appointment of John G Rocco with term expiring 10-1-06. Seconded by Alderman Augustine and carried unanimously.

Youth Advisory Board

Motion by Alderman Ament to approve the Mayor's appointment of David DeMoss with term expiring 5-31-07. Seconded by Alderman Augustine and carried unanimously.

At this time a 5 minute break was taken.

DEFERRALS, REFERRAL & TABLED ITEMS

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

No action taken.

Placement of a temporary block or gate at Cottonwood Drive and Wilbur Drive/REFERRED TO BPW AND PLAN COMMISSION 4-25-06

Action taken above.

Ordinance No. 2316 that denies the rezoning of property known as Tiziani located at 4485 S. Racine Avenue to amend the previously approved Q-1/PUD Ordinance No. 1046 to more accurately reflect the legal description of the property and to include additional permitted uses for Lot 1 only with the Q-1/PUD for Parcel No. 1231.996.003/REFERRED BACK TO PLAN COMMISSION 6-13-06

No action taken.

Resolution No. 06-27 Establishing License Fees For Amusement Devices, Coin Machines and Amusement Distributor/Vendor/TABLED 6-13-06

Action taken below.

Traffic Volume and Speed on Wilbur Drive/control options/DEFERRED 6-27-06

Action taken above.

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CONSENT AGENDA

Motion by Alderman Hegeman to approve all of the following items listed on the Consent Agenda. Seconded by Alderman Augustine and carried unanimously.

MINUTES - Common Council minutes from June 27, 2006.

UTILITY AND FINANCE

July 12, 2006

- Approval of Water Utility claims in the amount of \$123,607.29, Sewer Utility claims in the amount of \$21,377.27 and Bi-weekly claims in the amount of \$400,990.55, all of which represents payment to vendors.

July 25, 2006

- Approval of Water Utility claims in the amount of \$14,582.32, Sewer Utility claims in the amount of \$45,051.16 and Bi-weekly claims in the amount of \$368,589.05, all of which represents payment to vendors

LICENSES & PERMITS

Bartenders

- Approval of Renewal Bartender Licenses for the year 2006-2008 to Barbara A Dorgay.
- Approval of Renewal Bartender Licenses for the year 2006-2008 to Thomas P. Braley, Timothy, P. Myles, Barbara A. Blaesker, Christopher S. Burr, Elizabeth L. Price, Gilbert Brighty, May Ellen Miller, Andrew Charles Radjenovich, Anna Dams and Ruthi M. Gossette.
- Approval of Bartender Licenses for the year 2006-2008 to Marissa H. Kramer, Kathryn Ann McDonell, Bradley J. Kasian, Stephen James Maslowski, Caitlin L. May, Mandy L. Pickett, Sara Stout Andrea A. Lemke, and David J. Meyer.

Extension of Premise & Loud Speaker Permit

- Approval of Hoepfner-Horn VFW/17980 W Beloit Road to hold a benefit for two West Allis city employees with an extension of premise and loud speaker permit.

MISCELLANEOUS

- Discussion and possible action on amending the existing terms of the lease agreement with ATT Communications for the New Berlin Tower located adjacent to City Hall/TABLED.
- Set a Public Hearing date of August 14th, 2006 at 6:00 p.m. to be held before the Plan Commission to hear the petition of Lawrence and Claire Liebe to rezone their property from R-4 to R-4/PUD located at approximately 2440 S. Monterey Drive.
- Set a Public Hearing date of August 14th, 2006 at 6:01 p.m. to be held before the Plan Commission to hear the petition of Steve Stewart of S & B Retail Investments, LLC to rezone the property located at 14901-14955 W. National Avenue from B-2 to B-2/PUD in order to prepare a development plan to add this additional land to the existing City Center PUD.
- Set a Public Hearing date of August 14th, 2006 at 6:02 p.m. to be held before the Plan Commission to hear the petition of T. Michael Schober on behalf of Blessed Savior Lutheran Church to rezone the property located at approximately 15250 W. Cleveland Ave. from I-1 to I-1 and C-2 to Field Delineate the wetlands on the property.
- Approval OF HAWS (Humane Animal Welfare Society) 2007, 2008 and 2009 contract options in the amount of \$13,310 per year.

- Approval of Resolution No. 06-34 Resolution To Update Ambulance Billing Fee Schedule.
- Approval of Resolution No. 06-33 Resolution Authorizing The City of New Berlin Fire Department To Commence Providing Paramedic/Advanced Life Support (ALS) Service.
- Approval of Resolution No. 06-35 Resolution Authorizing Amendments To \$4,750,000 City Of New Berlin, Wisconsin Industrial Development Revenue Bonds, Series 1998 (Southwest Metal Finishing, Inc. And S&F Limited Liability Company Of Wisconsin Project) Issued On May 27, 1998.

DEFERRED/TABLED ITEMS - none

ITEM/S REMOVED FROM CONSENT AGENDA

Bartender License for the year 2006-2008 to Gregory A Kieckbusch.

Motion by Alderman Hopkins to approve the Bartender License for the year 2006-2008 to Gregory A Kieckbusch. Seconded by Alderman Hegeman and carried with Alderman Moore and Alderman Gallagher voting no.

Direction on whether there is interest in constructing Pond #5 at City Center prior to expiration of the WDNR Chapter 30 Permit in order to reallocate \$500,000.

Motion by Alderman Moore to not construct Pond #5. Seconded by Alderman Ament and carried with Alderman Hopkins and Alderman Gallagher voting no.

Request for Approval to Suspend Alternative Transportation Facilities Project – Kelly Lake Trail Phase I.

Motion by Alderman Harenda to direct City staff and any contracted consultants and/or contractors to suspend all further planning, design, and construction of the Alternative Transportation Facilities Project – Kelly Lake Trail Phase I and direct the New Berlin Alternative Transportation Sub-Committee to meet and discuss where we are and where we are going with these proposed trail segments, but also keeping in mind what the residents want or do not want. This would include updating and ranking the proposed trails with a benefit and cost analysis in where the taxpayers receive the greatest advantage for assessed tax dollars. The Sub-Committee should also review the advantages and disadvantages in placing additional funding into our existing trail system first, prior to adding new trails. Seconded by Alderman Hegeman and carried with Alderman Moore voting no.

ORDINANCES/RESOLUTIONS

Ordinance No. 2314 Amend Section 152-1 (D) Licenses And Permits Of the Municipal Code of The City of New Berlin Pertaining To License Fees

Motion by Alderman Gallagher to adopt Ordinance No. 2314. Seconded by Alderman Hopkins and carried unanimously.

Ordinance No. 2315 Create Section 152-20 Licenses And Permits of the Municipal Code of The City of New Berlin Concerning Amusement Devices, Coin Machines and Amusement Distributor/Vendor

Motion by Alderman Moore to adopt Ordinance No. 2315. Seconded by Alderman Hopkins and carried unanimously.

Ordinance No. 2321 Ordinance To Amend Sections 11-4 (b), 11-5 and 11-7 Civil Service of the City of New Berlin Municipal Code (1st reading)

Mayor Chiovatero indicated this is the 1st reading.

DEFERRALS, REFERRAL & TABLED ITEMS

Resolution No. 06-27 Establishing License Fees For Amusement Devices, Coin Machines and Amusement Distributor/Vendor/TABLED 6-13-06

Motion by Alderman Hopkins to remove from the table. Seconded by Alderman Gallagher and carried unanimously.

Motion by Alderman Hopkins to approve Resolution No. 06-27. Seconded by Alderman Hegeman and carried unanimously.

City Clerk Gauger reading 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: Sts Constantine & Helen Greek Orthodox Church

Motion by Alderman Augustine to go to Closed Session at 12:25 AM. Seconded by Alderman Moore and carried unanimously per roll call vote.

Motion by Alderman Hopkins to reconvene in Open Session at 12:28 AM. Seconded by Alderman Augustine and carried unanimously.

OPEN SESSION

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

No action taken.

ADJOURN

Motion by Alderman Ament to adjourn at 12:30 AM. Seconded by Alderman Hopkins and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC/WCMC
City Clerk