

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, October 10, 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 7:41 PM after the Committee of the Whole and Privilege of the Floor.

Present were Aldermen Hopkins, Augustine, Gallagher, Harenda, Hegeman, Moore and Ament. Also present were: City Attorney Mark Blum, Deputy City Clerk Sherry Grant, City Engineer JP Walker, Park, Recreation and Forestry Director Mark Schroeder, Division Engineer Eric Nitschke, and Planning Services Manager Nikki Jones.

This meeting was noticed on Thursday, October 5, 2006 in accordance with the Open Meeting Law.

Those present recited the Pledge of Allegiance.

REPORTS

City Clerk – none

Council President – none

Mayor – Reminded everyone that October is National Breast Cancer Awareness Month. Please educate yourselves and family members.

City Attorney - none

COMMUNICATIONS

Ryan Spadanuda Claim – referred to City Attorney.

PLAN COMMISSION

Ordinance #2316 that approves the rezoning of property known as Tiziani Golf Car Corp. located at 4485 S. Racine Avenue from Q-1/PUD to Q-1/ PUD to amend the Legal Description and Uses Contained in Ordinance No. 1046

Motion by Alderman Ament to adopt Ordinance #2316 and accept the Plan Commission Report. Seconded by Alderman Harenda.

Motion by Alderman Gallagher to add personal services, service commercial uses and business offices. Seconded by Alderman Hopkins.

Motion by Alderman Hopkins to amend the request to personal services and services commercial uses. Seconded by Alderman Gallagher. Motion fails with Alderman Hopkins and Gallagher voting yes.

Upon voting on original motion carries with Alderman Gallagher voting no.

Certified Survey Map for the property located at 17900 Observatory Road

Motion by Alderman Ament to approve the Certified Survey Map and accept the Plan Commission Report. Seconded by Alderman Hegeman and carried unanimously.

Certified Survey Map for the property located at 13800 W. Park Central Blvd

Motion by Alderman Ament to approve the Certified Survey Map and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

Ordinance #2332 that approves the updates to the current sections of the New Berlin Zoning Ordinance related to outdoor storage

Motion by Alderman Ament to adopt Ordinance #2332 that approves the updates to the current sections of the New Berlin Zoning Ordinance related to outdoor storage; to include language and restrictions related to Temporary Outdoor Storage Units and accept the Plan Commission Report. Seconded by Alderman Hegeman and carried unanimously.

PARKS RECREATION & FORESTRY COMMISSION

Extend the Addendum to Lease Agreement with Johnson Sand & Gravel

Motion by Alderman Moore to extend the Addendum to Lease Agreement with Johnson Sand & Gravel for Quarry Park. Seconded by Alderman Hopkins and carried unanimously.

WATER RESOURCE MANAGEMENT COMMITTEE

Construction Contract for the Underwood Creek Rehabilitation

Motion by Alderman Harenda to award of Construction Contract for the Underwood Creek Rehabilitation Phase 1A and 1B to the lowest responsive, responsible Bidder, CW Purpero, Inc. in the amount of \$538,141. The total cost of Phase 1A and 1B including construction, administration, contracted services, and contingency is \$644,641. Seconded by Alderman Hegeman and carried unanimously.

BUDGET

2007 CIP Budget in the amount of \$4,732,000

No action taken.

DEFERRALS, REFERRAL & TABLED ITEMS

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

Mayor Chiovatero stated that this was taken care of during the Plan Commission – remove from the agenda.

Remove

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CONSENT AGENDA

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

MINUTES - Common Council minutes from September 26, 2006 and October 4, 2006

UTILITY AND FINANCE

- Water Utility claims in the amount of \$98,552.67, Sewer Utility claims in the amount of \$347,608.89, of that amount \$331,023.34 represents payment to MMSD, and Bi-weekly claims in the amount of \$347,768.92, all of which represents payment to vendors

LICENSES & PERMITS

Bartenders

- Bartender License for the year 2006-2008 to Jaclyn R. Boettcher, Jennifer L. Callan, Paul J. Freeman and Brett J. Seese.

Fireworks Permit

- New Berlin West Football Booster Club/Wednesday, October 18th at 18695 W Cleveland Avenue and waive the Fire Department Fees.

MISCELLANEOUS

- Set a Public Hearing Date of November 6, 2006 before Plan Commission for Mrs Sandel for a petition filed to rezone the property located at approximately 18790 W Cleveland Avenue (Tax Key's 1184-986 and 1187-995) from R-1/R-2 and C-2 to R-1/R-2 and C-2 to Field Delineate the C-2 Zoning District.

DEFERRED, REFERRED & TABLED ITEMS

None

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ITEM/S REMOVED FROM CONSENT AGENDA

Motion by Alderman Ament to approve the September 26, 2006 minutes as amended. Seconded by Alderman Moore and carried unanimously.

ORDINANCES/RESOLUTIONS

Resolution No. 06-44 Resolution Of Eligibility For Exemption From The County Library Tax Levy For 2007.

Motion by Alderman Moore to approve Resolution No. 06-44. Seconded by Alderman Hegeman and carried unanimously.

Deputy City Clerk Grant 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: CVMIC Settlement Claim.

Motion by Alderman Augustine to go into Closed Session at 8:49 PM. Seconded by Alderman Hegeman and carried unanimously.

Motion by Alderman Ament to reconvene in Open Session at 9:15 PM. Seconded by Alderman Moore and carried unanimously.

OPEN SESSION

CVMIC Settlement Claim

No Action taken.

ADJOURN

Motion by Alderman Ament to adjourn at 9:16 PM. Seconded by Alderman Augustine and carried unanimously.

Respectfully submitted:

Sherry Grant, CMC/WCMC
Deputy City Clerk