

CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMITTEE OF THE WHOLE
TUESDAY, JUNE 9, 2009

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

ROLL CALL: Mayor Jack F Chiovatero called the meeting to order at 7:06 PM. Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Moore and Ament. Excused: Alderman Poshepny. Also present were: City Clerk Marilyn Gauger, Attorney Mark Blum, Police Chief Joe Rieder and City Engineer JP Walker.

This meeting was noticed on Friday, June 5, 2009 and amended on Monday, June 8, 2009 in accordance with the Open Meeting Law.

National Children's Study Presentation by Christine Cronk

Ms Cronk indicated 100 counties were picked at random across the United States for this study in order to get a representative of children and how the environment impacts their health. Seventeen (17) neighborhoods within Waukesha County were picked and of that three (3) neighborhoods within the City of New Berlin. This is a gift to our grandchildren as results will be coming years and generations down the road. It is the largest study ever done for 100,000 children.

Mayor Chiovatero will advise Aldermen as to what neighborhoods are involved in the city so that the Aldermen can encourage participation. The program starts July 11. Residents can call City Hall if interested in participating.

APPROVAL OF MINUTES

Motion by Alderman Hopkins to approve the May 26, 2009 Committee of the Whole minutes as printed. Seconded by Alderman Ament and carried with one abstention – Alderman Moore.

The following items will be considered for approval or denial by the Aldermen with a recommendation to Common Council on the Consent Agenda.

UTILITY AND FINANCE

Claims

Motion by Alderman Moore to approve the Water Utility claims in the amount of \$112,106.33, Sewer Utility claims in the amount of \$24,946.19 and Bi-weekly claims in the amount of \$416,757.14, all of which represents payment to vendors. Seconded by Alderman Hopkins and carried unanimously.

LICENSES/PERMITS

Bartenders

Motion by Alderman Seidl to approve the 2008-2010 Bartender License for Brian James. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Wysocki to approve the 2008-2010 Bartender Licenses for Bridget Koshick, Michael Johnson, Jacob Schlarb and Joe Bittner. Seconded by Alderman Seidl and carried unanimously.

Motion by Alderman Seidl to approve the Bartender License Renewals for the year 2009-2011 per the list as presented. Seconded by Alderman Hopkins and carried unanimously.

Renewals of Licenses from 7-1-2009 to 6-30-2010 for the following per list as presented:

Motion by Alderman Hopkins to approve the **Amusement Devices** licenses as presented. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Ament to approve the **Amusement Vendors** licenses as presented. Seconded by Alderman Seidl and carried unanimously.

Motion by Alderman Wysocki to approve the **Archery Range** licenses as presented. Seconded by Alderman Moore and carried unanimously.

Motion by Alderman Wysocki to approve the **Class "A" Beer** licenses as presented subject to payment of taxes and fees. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Wysocki to approve the **"Class A" Liquor** licenses as presented subject to payment of taxes and fees. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Seidl to approve the **Class "B" Beer** licenses as presented subject to payment of taxes and fees. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Seidl to approve the **"Class B" Liquor** licenses as presented subject to payment of taxes and fees. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Seidl to approve the **Class C Wine** licenses as presented subject to payment of taxes and fees. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Moore to approve the **Entertainment/A** licenses as presented. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Moore to approve the **Entertainment/B** licenses as presented. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Hopkins to approve the **Trapshooting** license as presented. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Seidl to approve the **Theater** license as presented. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Hopkins to approve the **Wholesale Beer** license as presented. Seconded by Alderman Moore and carried unanimously.

Extension of Premise

Senor Luna for Hal's Harley Davidson for Saturday, June 13, 2009 from 11AM to 3PM and 6P to 8PM for the Pet Day Event and Rock Girl Finale

Motion by Alderman Hopkins to approve the Extension of Premise subject to a Plan of Operation. Seconded by Alderman Ament and carried unanimously.

MISCELLANEOUS

Discussion on Preliminary Report on Existing Impact Fees.

Mike Harrigan from Ehlers & Associates was present to provide information to Council. The City currently has funds collected via Impact Fees for the following: Library; Law Enforcement; Fire Protection; Parks; Bicycle & Pedestrian; Public Site & Open Space; Trail; Water and Sewer.

Mr. Harrigan indicated in 2006 and 2008 the law changed regarding what fees can be collected for, who can collect and deadline for use of funds. Wisconsin Act 203 also provided a mechanism for the refunding of impact fees with interest that are not used within seven (7) years of collection.

The City's Bicycle & Pedestrian Impact Fee is no longer permitted under State law. The City currently has approximately \$49,000 in that fund which needs to be returned to the property owners. Attorney Blum indicated those refunds/rebates should be placed on a Council agenda soon. Amendments to our City Code will come forward to reflect the change in the law.

Council members requested that the specific Board, Committee or Commission that is directly related to each impact fee fund place this on their agenda for review of said impact fees in order to provide recommendations to Council. Those recommendations may be then forwarded to the Finance Committee for their review.

Raze Order pursuant to Wi SS Section 66.0413 (1) for the property location at 2901 S Amor Drive.

City Attorney Blum indicated the Affidavit from Building Inspector Scott Schulpius reflects this is an ongoing issue with a rotted interior, deterioration and unsafe conditions of the principal structure which could cause personal injury and is unsafe and unfit for human habitation. Cost to repair the structure would exceed 50% of the assessed value. The property owner is responsible to follow through with the raze order within 30 days. If he does not, the Council would need to make a decision whether to initiate legal action to enforce the raze order.

Motion by Alderman Hopkins to Issue a Raze Order pursuant to Wi SS Section 66.0413 (1) for the property location at 2901 S Amor Drive. Seconded by Alderman Moore and carried unanimously.

Discussion and possible action on City Attorney's contract.

City Attorney Blum indicated his law firm will continue at the same rate for the remainder of this year.

Motion by Alderman Ament to approve the extension/renewal of the current contract of services provided by City Attorney Mark Blum from Hippenmeyer, Reilly, Moodie and Blum for 2.5 years (expiring on 12-31-2011) with no cost increases and amend the City Ordinance to remove the reference to the May 1st term start date and resulting in term of contract to coincide with the budget year. Seconded by Alderman Hopkins and carried unanimously.

Set a Public Hearing for Monday, July 6, 2009 at 6:00 PM to be held before Plan Commission

Motion by Alderman Ament to Set a Public Hearing for Monday, July 6, 2009 at 6:00 PM to be held before Plan Commission for Mr. Wade who has filed a petition to amend the PUD text (Ordinance No. 2132) for the property located at approximately 13799-13900 W National Avenue and 13755 W Fieldpointe Drive. Seconded by Alderman Seidl and carried unanimously.

Note: Alderman Wysocki requested residents within 1000 feet be notified of the public hearing.

Direct staff and consultant to develop and create the road design that was adopted at the May 11, 2009 Board of Public Works as the "2009-B Plan" for Calhoun Road

Motion by Alderman Moore to Direct staff and consultant to develop and create the road design that was adopted at the May 11, 2009 Board of Public Works as the "2009-B Plan" for construction in 2011 which will include the design components listed below in order to provide flexibility in vehicle maneuvering space, increase the safety of bicyclists, pedestrians and wheelchair-bound persons using Calhoun Road and its right-of way and minimize impact when needed to accommodate an increase in traffic and fully handle expected storm water needs.

Motion died lack of second.

Possible discussion and update on current 2009 budget.

Mayor Chiovarero gave a power point presentation. He is anticipating a revenue shortfall for 2009 of approximately \$600,000 due to investment income and the downturn in building permits. An estimated \$296,000 was identified in the current 2009 budget as possible reduction in expenses. If the \$300,000 in Contingency is not used, the shortfall could be recovered. He is currently considering other options to reduce costs within the current 2009 budget, such as Voluntary Unpaid Leave, talking with labor unions for suggestions, continuing review of operations, employee suggestions, possible mandatory unpaid 2 day furlough and a 35 hour work week. A savings of \$50,000 would result if the unpaid 2 day furlough was approved and \$16,000 per week savings with the 35 hour work week. Police and Fire services employees would not participate.

DEFERRED, REFERRED & TABLED ITEMS

None.

ADJOURN

Motion by Alderman Seidl to adjourn at 8:55 PM. Seconded by Alderman Harenda and carried unanimously.

Respectfully submitted:
Marilyn Gauger, MMC/WCPC
City Clerk