

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMITTEE OF THE WHOLE
TUESDAY, JULY 28, 2009**

Please note: Minutes are unofficial until approved by the Committee of the Whole at the next regularly scheduled meeting.

ROLL CALL: Mayor Jack F Chiovatero called the meeting to order at 7:03 PM. Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Moore and Ament. Excused: Alderman Poshepny. Also present were: City Clerk Marilyn Gauger, Attorney Mark Blum, Finance Director Mike Holzinger, Facilities Maintenance Director Bob Schulpius, Police Chief Joe Rieder, City Engineer JP Walker, Human Resource Director Tami Potkay, Community Development Director Greg Kessler and Associate Planner Amy Bennett.

This meeting was noticed on Thursday, July 23, 2009 in accordance with the Open Meeting Law.

APPROVAL OF MINUTES

Motion by Alderman Wysocki to approve the June 23, 2009 Committee of the Whole as printed. Seconded by Alderman Hopkins and carried with Alderman Moore voting as present (abstained).

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

For: July 15, 2009

Motion by Alderman Harenda to approve the Water Utility claims in the amount of \$154,335.88, Sewer Utility claims in the amount of \$60,242.66, and Bi-weekly claims in the amount of \$998,607.43, all of which represents payment to vendors. Seconded by Alderman Hopkins and carried unanimously.

For: July 29, 2009

Motion by Alderman Hopkins to approve the Water Utility claims in the amount of \$162,180.84, Sewer Utility claims in the amount of \$35,079.58, and Bi-weekly claims in the amount of \$579,049.35, all of which represents payment to vendors. Seconded by Alderman Ament and carried unanimously.

LICENSES/PERMITS

Bartenders

Motion by Alderman Seidl to approve the 2009-2011 Bartender License for Karl Bloom, Christy Bunke, Lynn Daluga, Benjamin Dougherty, Ashley Draeger, Donald Fritzke, Andrew Imp, Jamie Kernen, Steven Lazarczyk, Clayton Lyon Jr., Laura Morrison, Beth Mortl, Tammy Phommasone, Don Price, Ashley Schroeder, Beverly Seidl, Amanda Siodlarz, Jennifer Tessmer, Rebecca Wehr and, Michelle White, Dawn Wetzel. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Seidl to approve the Bartender License Renewals for the year 2009-2011 to Kathryn Hablewitz, Katherine Kamenz, Katy Kazik, Kirk Kempker, John Lee, Charles Leonard, Gale Menningen and Nichole Wittenburg. Seconded by Alderman Wysocki and carried unanimously.

Extension of Premise

Motion by Alderman Hopkins to approve an Extension of Premise for Charcoal Grill and Rotisserie at 13575 W Greenfield Avenue for Wednesday, July 29th from 5PM to 9PM for a Bike Night with Kettle Moraine Hog Chapter. Seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Hopkins to approve an Extension of Premise for Nickels Pub at 13915 W Greenfield Avenue for Saturday, September 19, 2009 from 12PM to 8PM for cookout in west parking lot. Seconded by Alderman Ament and carried unanimously.

MISCELLANEOUS

Refund \$8,860 to Matthew Lee

Motion by Alderman Wysocki to Refund \$8,860 to Matthew Lee who paid \$10,000 for a 2008-2009 Reserve "Class B" Liquor License that should have been a Regular "Class B" Liquor License (\$600). Seconded by Alderman Hopkins and carried unanimously.

Furlough days for non-represented sworn officers of the police and fire

Motion by Alderman Seidl to apply the Common Council action of June 23, 2009 to the non-represented sworn officers of the police and fire departments providing for up to 4 budget required furlough days per employee at the Mayor's discretion. Seconded by Alderman Moore and carried with Alderman Wysocki and Alderman Ament voting no.

Contract for the Streets Garage roof replacement

Motion by Alderman Hopkins to Award the Contract for the Streets Garage roof replacement to *Langer Roofing* for the amount of \$159,700 with a not to exceed amount of \$169,100 with funds coming out of the Room Tax Account #0217-22200000-57050. Seconded by Alderman Ament and carried unanimously.

Rescind China Dragon Liquor License

Motion by Alderman Seidl to rescind the approval of the 2009-2010 "Class B" Liquor License for China Dragon for non-compliance of City Code. Seconded by Alderman Ament.

Motion by Alderman Harenda to defer to next meeting. Seconded by Alderman Moore and carried with Alderman Ament voting no.

Resolution for Sale of CIP Notes

Motion by Alderman Wysocki to approve Resolution No. 09-18 Resolution Providing for the Sale of \$6,310,000 Tax Exempt General Obligation Promissory Notes. Seconded by Alderman Hopkins.

Motion (above) withdrawn by Alderman Wysocki and Alderman Hopkins.

Motion by Alderman Wysocki to adopt Resolution No. 09-18 Resolution Providing for the Sale of \$6,310,000 General Obligation Promissory Notes under the tax exempt process with those notes payment structured for levy impact. Seconded by Alderman Hopkins and carried with Alderman Moore voting no.

Refund of Impact Fees

Motion by Alderman Wysocki to Refund the collected Bike and Pedestrian Impact Fees and Trail fees collected as identified in the May 21, 2009 Impact Fee study prepared by Ehlers and presented to the Council on June 9, 2009. Seconded by Alderman Harenda and carried unanimously.

Initiate the MMSD sewer service amendment process for Geipel property

Motion by Alderman Ament to Direct the Department of Community Development, City Attorney and Mayor to initiate the MMSD sewer service amendment process by referring back to Plan Commission and the Utility Committee for review and reporting back to Council for the property at approximately 19000 W. Lincoln Avenue encompassing approximately 60 acres of land requested by Jerry Geipel of Geipel Certified Sod, Inc. Seconded by Alderman Harenda and carried unanimously.

Initiate the New Berlin Urban Service Area boundary amendment process for Geipel property

Motion by Alderman Harenda to Direct the Department of Community Development, City Attorney and Mayor to initiate the New Berlin Urban Service Area boundary amendment process by referring back to Plan Commission and the Utility Committee and reporting back to Council for the property at approximately 19000 W. Lincoln Avenue encompassing approximately 60 acres of land requested by Jerry Geipel of Geipel Certified Sod, Inc. Seconded by Alderman Seidl and carried unanimously.

Raze Order at 3875 S Moorland Road

City Attorney Blum asked that no action be taken tonight on this item as he is working with the property owner and the property owner's attorney who are willing to comply.

Motion by Alderman Harenda to defer to the August 25 Council meeting. Seconded by Alderman Wysocki and carried unanimously.

Change BPW meeting start time

Motion by Alderman Ament to refer the changing of the regular BPW monthly meeting time, from 8:00AM to 6:00PM, to the BPW for their discussion and recommendation back to the Common Council. Seconded by Alderman Seidl and carried unanimously.

Mayor and Aldermen to voluntarily participate with the other City non-emergency employees in the cost savings of the required furlough by pledging to repay the City the same proportion of our salary, as we are requiring all other non-emergency employees to sacrifice

City Attorney Blum indicated a motion is not appropriate because the State Statutes prohibits a change in elected officials salary during the current term and by going on record with a motion is indirectly what the statute is prohibiting. It is unconstitutional to tell the Mayor and Aldermen they must return money (their salary) back to the City. This item is informational only.

DEFERRED, REFERRED & TABLED ITEMS

None.

ADJOURN

Motion by Alderman Seidl to adjourn at 8:50 PM. Seconded by Alderman Wysocki and carried unanimously.
Respectfully submitted:

Marilyn Gauger, MMC/WCPC
City Clerk