

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMITTEE OF THE WHOLE
TUESDAY, AUGUST 11, 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 7:01 PM. Present were Aldermen Hopkins, Wysocki, Seidl, Harena, Moore and Ament. Excused: Alderman Poshepny. Also present were: City Clerk Marilyn Gauger, Attorney Mark Blum, Finance Director Mike Holzinger, Parks Recreation & Forestry Director Mark Schroeder and Planning Services Manager Nikki Jones..

Mayor Chiovatero indicated the Public Hearing scheduled just prior to this meeting was not held because the local business paid the required fees owed.

This meeting was noticed on Wednesday, August 5, 2009 in accordance with the Open Meeting Law.

APPROVAL OF MINUTES

Motion by Alderman Harena to approve the July 28, 2009 Committee of the Whole minutes as printed. Seconded by Alderman Ament and carried unanimously.

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: August 12, 2009

Motion by Alderman Moore to approve Water Utility claims in the amount of \$240,505.38, Sewer Utility claims in the amount of \$58,422.59, and Bi-weekly claims in the amount of \$675,234.27, all of which represents payment to vendors. Seconded by Alderman Hopkins and carried unanimously.

LICENSES/PERMITS

Bartenders

Motion by Alderman Seidl to approve the 2009-2011 Bartender Licenses for Rosa Campoverde, Katharine Heyse, Natalie Scholl, Lisa Schwarz, Wendy Sloniker and Gina Zuleger. Seconded by Alderman Wysocki and carried unanimously.

PUBLIC HEARING ACTION – China Dragon Liquor License

Discussion and possible action to deny the request for renewal of the liquor license for China Dragon (15820 West National Avenue) based upon the failure of the licensee to pay outstanding fees and expenses as required pursuant to New Berlin Municipal Code Section 152-1(e)(3).

A public hearing was not held because the applicant paid the outstanding utility fees today.

MISCELLANEOUS

Resolution No. 09-20 Resolution Authorizing the Issuance and Sale of \$6,310,000 General Obligation Promissory Notes

Phil Cosson Executive Vice President from Ehlers indicated 11 bids were received, the lowest being 2.4416% resulting in a decrease of the issue to \$6,250,000.

Motion by Alderman Wysocki to approve Resolution No. 09-20 Authorizing the Issuance and Sale of \$6,250,000 General Obligation Promissory Notes. Seconded by Alderman Seidl and carried unanimously.

Raze Order issued for the property located at 2901 S Amor Drive

City Attorney Blum indicated the projected costs of removing the house is about \$10,000 and capping the well comes to an approximate total of \$12-15,000 which also includes filing & service fees as part of the circuit court process. The garage is not to be razed because it does not meet the criteria of the statute granting that authority however the garage left on the property without a principal structure would be a violation of our code. The City can demand the garage be removed. The funds for these expenses would come from contingency (a resolution would come forth to Council for consideration) and a lien is then placed on the property as a special assessment.

Motion by Alderman Seidl to direct the City Attorney to initiate the necessary legal action to process and enforce the Raze Order issued for the property located at 2901 S Amor Drive, and issue an order for the removal of any personal property remaining within the confines of the property pursuant to Wisconsin Statute Section 66.0413. Seconded by Alderman Moore and carried unanimously.

Public Hearing for Monday, August 31, 2009 at 6PM before Plan Commission for Mr. Dean Magner

Motion by Alderman Ament to set a Public Hearing for Monday, August 31, 2009 at 6PM before Plan Commission for Mr. Dean Magner who filed a petition to rezone the property located at approximately 2600 S Johnson Road from A-2, C-1 and C-2 to A-2, C-1 and C-2. (Wetland Delineation) Seconded by Alderman Seidl and carried unanimously.

DEFERRED, REFERRED & TABLED ITEMS

Consider rescinding the approval of the 2009-2010 "Class B" Liquor License for China Dragon for non-compliance of City Code/DEFERRED TO 8-11-09

No action needed – see Public Hearing Action above.

Motion by Alderman Wysocki to remove from the agenda. Seconded by Alderman Hopkins and carried unanimously.

Issue a Raze Order pursuant to Wisconsin Statute Section 66.0413 (1) for the property location of 3875 S Moorland Road/DEFERRED TO 8-25-09

No action taken.

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/REFERRED TO BPW ON 7-28-09

No action taken.

ADJOURN

Motion by Alderman Seidl to adjourn at 7:20 PM. Seconded by Alderman Hopkins and carried unanimously.
Respectfully submitted:

Marilyn Gauger, MMC/WCPC
City Clerk