

**CITY OF NEW BERLIN  
PROCEEDINGS OF COMMITTEE OF THE WHOLE MEETING  
Tuesday, October 11, 2005**

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

**ROLL CALL:** Mayor Chiovatero called the meeting to order at 7:05 PM. Present were Aldermen Hopkins, Augustine, Gallagher, Harenda, Hegeman, Moore and Ament. Also present were: City Attorney Mark Blum and Deputy City Clerk Sherry Grant, Director of Human Resources Tami Potkay, Director of Community Development Greg Kessler, Planning Services Manager Nikki Jones, City Engineer JP Walker, Director of Finance Mike Holzinger, Director of Parks, Recreation and Forestry Mark Schroeder, Park Supervisor David Jeske, Director of Utilities and Streets Ray Grzys, Charles Carlson Presenter from Carlson/Dettman.

***This meeting was noticed on October 7, 2005 in accordance with the Open Meeting Law.***

**Presentation by Carlson/Dettman concerning amendment to Civil Service Code Section 11-12 by Mr. Carlson.**

**APPROVAL OF MINUTES:** September 27, 2005

Motion by Alderman Hegeman to approve the September 27, 2005 minutes as printed. Seconded by Alderman Harenda 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**

Motion by Alderman Hopkins to recommend to Council approval of Water Utility claims in the amount of \$69,514.66, Sewer Utility claims in the amount of \$317,300.09, of that amount \$290,201.92 represents payment to MMSD and Bi-weekly claims in the amount of \$716,226.95, all of which represents payment to vendors. Seconded by Alderman Hegeman and carried unanimously.

**LICENSES/PERMITS**

**Bartender Licenses**

Motion by Alderman Ament to recommend to Council approval of Bartender License for the year 2005-2007 to Krysta DeLaSantos, Philip J Glass, Donald C Hood, John E Land, Elizabeth Pierson, Micheline L Posbrig and Gina M Tenaglia. Seconded by Alderman Gallagher and carried unanimously.

**MISCELLANEOUS**

Motion by Alderman Ament to recommend to Council Request for Approval Resolution No. 05-49 Resolution Amending the 2005 Approved Operating Budget to Transfer Funds from the Contingency Account to the Street Department Gasoline Account. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Harenda to recommend to Council Request for Approval Resolution No. 05-50 Resolution To Increase License and Permit Fees Within The Office of the City Clerk. Seconded by Alderman Moore.

Motion by Alderman Harenda to accept Exhibit A, but keep the current rubbish charge of \$50 plus \$5 per truck. Seconded by Alderman Ament and carried with Alderman Augustine, Gallagher & Moore voting no.

Motion by Alderman Ament to amend the Class B Reserve License to retain \$2,000. Motion failed for lack of second.

Upon voting on the original motion, the motion carried with Alderman Ament voting no.

Motion by Alderman Hopkins to recommend to Council Request for Approval Resolution No. 05-51 Resolution Amending the 2005 City of New Berlin Operational Budget Relating to Wage and Benefits for the Mapping Coordinator Position. Seconded by Alderman Moore and carried unanimously.

Motion by Alderman Ament to recommend to Council Request of Approval Service Agreement with HAWS (Humane Animal Welfare Society) from January 1, 2006 to December 31, 2006 for lost, injured and abandoned stray animals within the City. Seconded by Alderman Hegeman and carried unanimously.

Motion by Alderman Harenda to recommend to Council Request for Approval of Ordinance No. 2284 Ordinance Amending Section 1-18(2)(a) of the City of New Berlin Municipal Code. Seconded by Alderman Hopkins and carried unanimously. (1<sup>st</sup> reading)

Motion by Alderman Ament to recommend to Council Request for Approval to Set a Public Hearing before Plan Commission on Monday, November 7, 2005 at 6:01 PM to rezone the property located at 3333 S Sunny Slope Road from Rm-1 to B2. Seconded by Alderman Hopkins and carried unanimously.

Per the request of the Applicant the for Approval to Set a Public Hearing before Plan Commission on Monday, November 7, 2005 at 6:02 PM to rezone the property located at 14901-14955 W National Avenue from B-2 to B-2/PUD will be held until the December Plan Commission meeting.

Motion by Alderman Ament to recommend to Council Request for Approval to execute a two-year agreement with City Attorney Mark Blum and City Prosecutor Thomas Schmitzer. Seconded by Alderman Hopkins.

Motion by Alderman Moore to amend the request for approval of a two-year contract to an 18-month contract to expire on June 30, 2007. Seconded by Alderman Gallagher with Alderman Ament voting no.

Upon voting on the original motion, the motion carried with Alderman Gallagher voting no.

Request for removal of the request for the Wisconsin DOT to install sidewalks on the south (New Berlin) side of Greenfield Avenue from Resolution #05-38.

Point of Order by Alderman Gallagher. Attorney Blum stated that the RAS asked to amend the action you took at your last meeting to approve the Resolution of Greenfield Avenue. Attorney Blum explained the process by which this matter would have to be handled and then summarized the actions that could be taken. In summary you can't modify the agreement tonight because no motion for reconsideration was given; two if you want to go ahead with this you would have to do it by way of rescission which couldn't take place until your next meeting and would have to be agendaized at that point; and third the determination of whether you take this up would have to be based upon whether in the determination of the Chair that there is new information to bring this matter back before you.

The Mayor did allow a brief discussion, but then after another point of order by Alderman Gallagher he decided to allow no further discussion.

#### **DEFERRED/TABLED ITEMS**

Request for Approval the Sign/Signal Truck in the amount of \$80,000 within the Streets CIP Budget/ DEFERRED 9-21-05/DEFERRED 9-27-05/TABLED 10/11/05.

Motion by Alderman Harenda to table. Seconded by Alderman Augustine and carried unanimously.

Motion by Alderman Harenda to remove from the table recommendation from Carlson/Dettman concerning amendment to Civil Service Code Section 11-12. Seconded by Alderman Hegeman and carried unanimously.

Motion by Alderman Hopkins to recommend to Council approval of the recommendation from Carlson/Dettman concerning amendment to Civil Service Code Section 11-12. Seconded by Alderman Ament and carried unanimously.

#### **ADJOURN**

Motion by Alderman Harenda to adjourn at 8:28 PM. Seconded by Alderman Augustine and carried unanimously.

Respectfully submitted

Sherry Grant, CMC  
Deputy City Clerk