

**CITY OF NEW BERLIN
PROCEEDINGS OF COMMITTEE OF THE WHOLE MEETING
Tuesday, December 13, 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 7:10 p.m. after the Blom Street Public Hearing. Present were Aldermen Hopkins, Augustine, Gallagher, Harenda, Hegeman, Moore and Ament. Also present were: City Attorney Mark Blum and City Clerk Marilyn Gauger, Planning Services Manager Nikki Jones, Parks, Recreation and Forestry Director Mark Schroeder, Director of Utilities and Streets Ray Grzys, City Engineer JP Walker, Stormwater Supervisor Chuck Trevorow, Division Engineer Ron Schildt, Associate Planner Olofu Agbaji, Division Engineer Eric Nitschke, Director of Community Development Greg Kessler and Director of Finance Mike Holzinger.

This meeting was noticed on December 8, 2005 in accordance with the Open Meeting Law.

PRESENTATION: Linda Wainstock, Waukesha County Recycling Specialist presented the "Residential Recycling Award" to Paul and Donna Peot, 17060 W. Shadow Drive along with a \$100 check.

APPROVAL OF MINUTES: October 11, 2005 and November 8, 2005

Motion by Alderman Ament to approve the amended minutes for October 11, 2005 with the following additional amendments: add the verbiage "part of" to the paragraph prior to DEFERRED/TABLED ITEMS within the sentence that reads: "After Alderman Ament read ("part of") the requested etc" and delete the verbiage "a brief discussion" within that same paragraph that reads: "The Mayor did allow ("a brief discussion") etc. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Ament to approve the November 8, 2005 minutes as printed. Seconded by Alderman Hegeman 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

From 11-22-05:

Motion by Alderman Ament to recommend to Council approval of Water Utility claims in the amount of \$53,197.18 Sewer Utility claims in the amount of \$23,320.39, and Bi-weekly claims in the amount of \$571,514.90 all of which represents payment to vendors. Seconded by Alderman Hegeman and carried unanimously.

From 12-13-05:

Motion by Alderman Ament to recommend to Council approval of Water Utility claims in the amount of \$104,643.95 Sewer Utility claims in the amount of \$35,807.72, and Bi-weekly claims in the amount of \$672,074.65 all of which represents payment to vendors. Seconded by Alderman Hegeman and carried unanimously.

LICENSES/PERMITS

Bartender Licenses

Motion by Alderman Harenda to recommend to Council approval of Bartender License for the year 2005-2007 to Lawrence E. Starks, Jr. Seconded by Alderman Hopkins and carried with Alderman Hegeman voting no.

Motion by Alderman Harenda to recommend to Council denial of Bartender License for the year 2005-2007 to Steven C. Moser. Seconded by Alderman Moore and carried with Alderman Ament voting no.

Motion by Alderman Gallagher to recommend to Council denial of Bartender License for the year 2005-2007 to Neal A. Adams. Seconded by Alderman Hegeman and carried unanimously.

Motion by Alderman Ament to recommend to Council approval of Bartender Licenses for the year 2005-2007 to Walter D. Bingenheimer, Patrick J. Heinemann, Stephanie M. Mercado, Kelley G. Quakkelaar, Christine S. Michels, Charles L. Staffaroni, Jenny St. George, Renee M. Larson, Karrie A. Crumpton, James B McMahon and Lynn M. Bertoni. Seconded by Alderman Harenda and carried unanimously.

Rubbish Collection

Motion by Alderman Hegeman to recommend to Council approval of Rubbish License for Waste Management of Franklin; Onyx Waste Services of Muskego; and Onyx Waste Services of Hartland conditioned upon all outstanding taxes and invoices owed to the City of New Berlin be paid prior to issuance of license. Seconded by Alderman Augustine and carried unanimously.

MISCELLANEOUS

Discussion regarding cancellation of the December 27, 2005 Committee of the Whole and Council meetings

Consensus from Council members was okay to cancel however at Mayor's discretion.

Authorization to Finance Director Mike Holzinger to make payment of invoices through 12-31-05

Motion by Alderman Ament to authorize Finance Director to make payment of invoices through 12-31-05. Seconded by Alderman Hegeman and carried unanimously.

Resolution No. 05-54 RESOLUTION VACATING AND DISCONTINUING BLOM STREET IN THE CITY OF NEW BERLIN.

Motion by Alderman Hegeman to approve Resolution No. 05-54. Seconded by Alderman Hopkins and carried unanimously.

Resolution No. 05-67 A RESOLUTION AMENDING THE 2005 APPROVED OPERATING BUDGET TO TRANSFER FUNDS FROM THE CONTINGENCY FUND TO THE COMMON COUNCIL PROFESSIONAL FEES ACCOUNT

Motion by Alderman Harenda to approve Resolution No. 05-67 and award the contract. Seconded by Alderman Hopkins and carried with Alderman Ament voting no.

DISCUSSION AND POSSIBLE ACTION ON THE 2006 CIP BUDGET

Discussion followed on the \$25,000 additional amount for the Greenfield Avenue reconstruction versus the resolution approved amount. City Engineer JP Walker indicated the State requires a "non participating" fund amount for miscellaneous adjustments that will benefit the City that are unknowns at this time.

Discussion followed on Fire Station #3 relocation amount of \$1.8 million, which is currently scheduled within the 2007 CIP budget.

Motion by Alderman Harenda to take the \$1.8 million from the 2007 CIP budget and add to 2006 CIP budget for the relocation of Fire Station #3. Seconded by Alderman Ament and carried with Alderman Hegeman voting no.

Mayor Chiovero asked if anyone wanted to remove from the table the Sign/Signal Truck for \$80,000 within the Streets 2006 CIP Budget.

Motion by Alderman Augustine to remove from the table. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Augustine to withdraw his motion to place the Sign/Signal Truck in the 2006 CIP budget. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Hopkins to approve the 2006 CIP Budget for \$6,180,685. Seconded by Alderman Moore and carried with Alderman Hegeman and Alderman Ament voting no.

Set a public hearing date for January 9, 2006 at 6:00 p.m. to be held before the Plan Commission for Richard D. Gazdecki in cooperation with SEWRPC has filed a petition to rezone the property located at 5790 S. Vista Drive from R1/R-2 and C-2 TO R1/R-2 and C-2 to establish the field delineated wetlands.

Motion by Alderman Ament to set the public hearing date with notification within a 1000-foot radius. Seconded by Alderman Moore and carried unanimously.

Set a public hearing date for January 9, 2006 at 6:01 p.m. to be held before the Plan Commission for Kevin Zokan for Biltmore Estates in cooperation with SEWRPC has filed a petition to rezone the property located at 19205 W. Lawnsdale Road from R1/R-2 and C-2 TO R1/R-2 and C-2 to establish the field delineated wetlands.

Motion by Alderman Ament to set the public hearing date. Seconded by Alderman Harenda and carried unanimously.

Set a public hearing date for January 9, 2006 at 6:04 p.m. to be held before the Plan Commission for Briohn Building Corporation in cooperation with the City of New Berlin and Wisconsin Department of Natural Resources has filed a petition to rezone the wetlands and amend the floodplain on the property located at 5600-5700 S. Moorland Road from M-1, C-2, and FFO to M-1, C-2 and FFO to properly establish the field delineated wetland boundaries and amend the flood fringe overlay district.

Motion by Alderman Ament to set the public hearing date. Seconded by Alderman Moore and carried unanimously.

Set a public hearing date for January 9, 2006 at 6:05 p.m. to be held before the Plan Commission for David Meyer for Living Word Church has filed a petition to rezone the property located at approximately 21400 W. National Avenue (Parcel 1) from Q-1 and R-1/R-2 to I-1 for a future church.

Motion by Alderman Ament to set the public hearing date with notification within a 1000-foot radius. Seconded by Alderman Hopkins and carried unanimously.

Set a public hearing date for January 9, 2006 at 6:06 p.m. to be held before the Plan Commission for David Meyer for Living Word Church has filed a petition to rezone the property located at approximately 21400 W. National Avenue (Parcel 2) from Q-1 and R-1/R-2 to R-1/R-2 for future single-family development.

Motion by Alderman Ament to set the public hearing date with notification within a 1000-foot radius. Seconded by Alderman Harenda and carried unanimously.

Set a public hearing date for January 9, 2006 at 6:07 p.m. to be held before the Plan Commission Gene Eggert has filed a petition to rezone the property located at approximately 13050 West Cleveland Avenue from I-1 to Rm-1/ PUD and C-2 for Carlton Pointe Condominium Development to create the PUD and to establish the field delineated wetlands.

Motion by Alderman Ament to set the public hearing date with notification within a 1000-foot radius. Seconded by Alderman Hopkins and carried unanimously.

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

See action taken above.

ADJOURN

Motion by Alderman Ament to adjourn at 8:05 PM. Seconded by Alderman Augustine and carried unanimously.

Respectfully submitted.

Marilyn Gauger, CMC
City Clerk