

**CITY OF NEW BERLIN
PROCEEDINGS OF COMMITTEE OF THE WHOLE MEETING
Tuesday, February 27, 2007**

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 7:03 PM. Present were Aldermen Hopkins, Augustine, Gallagher, Harenda, Moore and Ament. Alderman Hegeman arrived at 7:14 PM. Also present were: City Attorney Mark Blum, City Clerk Marilyn Gauger, City Engineer JP Walker, Stormwater Engineer Eric Nitschke, Maintenance Facilities Director Bob Schulpus and Community Development Director Greg Kessler.

This meeting was noticed on Thursday, February 22, 2007 and amended on Friday, February 23, 2007 in accordance with the Open Meeting Law.

Presentation on the Community Center Conceptual Plan for the Former Library Facility - Mark Schroeder and Jon Stolz of the Parks, Recreation & Forestry Dept.

Parks, Recreation and Forestry Director Mark Schroeder brought the Council up to date as to the timeline of the plan for the former library. He provided a handout of the layout of the building. A power point presentation was shown on the work that has been completed on the inside of the building to date. A question and answer period took place regarding: dollars budgeted for the project - \$581,00 (\$381,00 for building); the proposed road and additional parking; permanent space for seniors and/or teens; donation of dollars for the food pantry; lease agreement for the food pantry; the space uses and size compared to Hickory Grove; possibility of a city department moving to the former library, storage for city hall at Hickory Grove versus the former library, renting out rooms for weddings, parties etc; hours of use and number of parking spaces (93).

Mayor Chiovatero indicated the lease agreement for the food pantry would be coming to Council for approval.

APPROVAL OF MINUTES:

Motion by Alderman Ament to approve the February 13, 2007 Committee of the Whole minutes as printed. Seconded by Alderman Hopkins 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

Motion by Alderman Hopkins to approve the Water Utility claims in the amount of \$88,760.12, Sewer Utility claims in the amount of \$25,305.09, and Bi-weekly claims in the amount of \$899,864.46, all of which represents payment to vendors. Seconded by Alderman Harenda and carried unanimously.

LICENSES/PERMITS

Bartenders

Motion by Alderman Ament to approve Bartender Licenses for 2006-2008 to Sheryl Gramza, Jody Lloyd, Houcine Mellouki and John Southmayd. Seconded by Alderman Hopkins and carried unanimously.

MISCELLANEOUS

Set a Public Hearing for Monday, April 2, 2007 at 6:00 PM to be held before Plan Commission for Todd Frey

Motion by Alderman Ament to Set a Public Hearing for Monday, April 2, 2007 at 6:00 PM to be held before Plan Commission for Todd Frey who has filed a petition to rezone the property at approximately 3111 S Calhoun Road from R-1/R-2, C-2, FWO/FFO to R-1/R-2, C-2, FWO/FFO to rezone the floodplain. Seconded by Alderman Moore and carried unanimously.

Set a Public Hearing from Monday, April 2, 2007 at 6:01 PM to be held before Plan Commission for Don Kitten

Motion by Alderman Hopkins to Set a Public Hearing from Monday, April 2, 2007 at 6:01 PM to be held before Plan Commission for Don Kitten who has filed a petition to rezone the property located at approximately 1401 S Moorland Road from B-1/PUD and C-2 to B-1/PUD and C-2 to field delineate the wetlands. Seconded by Alderman Moore and carried unanimously.

Class A Retail Beer Plan of Operation Form

Motion by Alderman Gallagher to approve the Class A Retail Beer Plan of Operation Form with 4 additions. Seconded by Alderman Hopkins and carried unanimously.

Delay Request For Proposals (RFP) to hire Police Consultant

Motion by Alderman Augustine to Delay Request For Proposals (RFP) to hire Police Consultant. Seconded by Alderman Hopkins.

Motion by Alderman Gallagher to amend to remove the following sentence from the RAS: "After a suitable time, the Council can decide whether the hiring of a Police Consultant would still be helpful and/or the Police Chief could request such a study to assist in increasing the efficiencies of his Department." Motion died lack of a second.

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

City Clerk Gauger read the following:

Closed Session

The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85 (1) (g) of the Wisconsin State Statutes, conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, more specifically: The Requested Action Statement (RAS) to submit Deer Creek Inn and Conference Center PUD to Common Council for final action.

Motion by Alderman Moore to go to Closed Session at 8:12 PM. Seconded by Alderman Hegeman and carried per roll call vote with Alderman Ament voting no.

Reconvene in Open Session

Motion by Alderman Augustine to reconvene in Open Session at 9:14 PM. Seconded by Alderman Hegeman and carried unanimously.

Require the amended Deer Creek Inn & Conference Center PUD be submitted to the Common Council for final action.

Motion by Alderman Ament to require the amended Deer Creek Inn & Conference Center PUD be submitted to the Common Council for final action. Seconded by Alderman Harenda.

Mayor Chiovaturo asked for an opinion from City Attorney Mark Blum as to the appropriateness of this action.

City Attorney Mark Blum referenced City Code 275.15 D. (3); 275.16; 275.31 C. and indicated Plan Commission has independent authority to act and there is no procedure in the City Code for review by Common Council. The focus of this Requested Action Statement is for an appeal. Common Council does not have authority to act on this Requested Action Statement and I recommend to the Mayor it be called out of order for those reasons.

Mayor Chiovaturo called the Requested Action Statement out of order.

A Citizen appointed by the Mayor consistent with other Mayoral appointed positions replace the City Staff position on the Board of Public Works and recommend that the Common Council direct the City Attorney to draft an Ordinance.

Motion by Alderman Harenda that a Citizen appointed by the Mayor, consistent with other Mayoral appointed positions, replace the City Staff position on the Board of Public Works and recommend that the Common Council direct the City Attorney to draft an Ordinance. Seconded by Alderman Augustine and failed with Alderman Augustine, Harenda and Ament voting yes.

DEFERRED, REFERRED & TABLED ITEMS

Resolution No. 06-42 A Preliminary Resolution Declaring Intent to Levy Special Assessments and Directing the City Engineer to Prepare a Report for the Installation of Sanitary Sewer System to Service Areas on the North Side of Howard Avenue (west of Sunny Slope Road)/TABLED 11-14-06

No action taken.

CLASS A RETAIL BEER

Citgo Kwik Stop at 15815 W National Avenue/TABLED 2-13-07

No action taken.

Open Pantry at 15551 W Cleveland Avenue/TABLED 2-13-07

No action taken.

ADJOURN

Motion by Alderman Moore to adjourn at 9:45 PM. Seconded by Alderman Augustine and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC/WCMC
City Clerk