

**CITY OF NEW BERLIN
PROCEEDINGS OF COMMITTEE OF THE WHOLE MEETING
Tuesday, July 8, 2008**

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

ROLL CALL: Mayor Jack F Chiovero called the meeting to order at 7:02 PM. Present were Aldermen Hopkins, Wysocki, Seidl, Harena, Poshepny, Moore and Ament. Also present were: City Clerk Marilyn Gauger, City Attorney Mark Blum, and City Engineer JP Walker and Human Resource Director Tami Potkay.

This meeting was noticed on Thursday, July 3, 2008 and amended on Monday, July 7, 2008 in accordance with the Open Meeting Law.

APPROVAL OF MINUTES

Motion by Alderman Hopkins to approve the June 24, 2008 Committee of the Whole minutes as printed. Seconded by Alderman Wysocki 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 Ament to approve the Water Utility claims in the amount of \$88,918.59, Sewer Utility claims in the amount of \$16,619.23, and Bi-weekly claims in the amount of \$825,197.39, all of which represents payment to vendors. Seconded by Alderman Wysocki and carried unanimously.

LICENSES/PERMITS

Bartender Licenses for the year 2008-2010

Motion by Alderman Seidl to approve the Bartender Licenses for the year 2008-2010 to Rebekah Capps, Phillip Clark, Tiffany Cleveland, Wendy Cwiklinski, Susan DeGeorge, Kevin Dougherty, Erik Mena, Sheri Nelson, Mark Oliver, Barbara Saladin, Brad Schroeder, Tammy Sieglaff, Margaret Spormann, Daniel Tappa, Nadine Trauth and Angie Zehm. Seconded by Alderman Wysocki and carried unanimously.

Extension of Premise for Texas Roadhouse

Motion by Alderman Ament to approve the Extension of Premise for Texas Roadhouse at 15425 Rock Ridge Road for every Thursday from 5PM to 9PM from June to October 2008 to be held on the west side of the parking lot (north area) for "Anything on Two Wheels" event. Seconded by Alderman Hopkins and carried with Alderman Harena voting no.

Extension of Premise for StoneFire Pizza

Motion by Alderman Wysocki to approve the Extension of Premise for StoneFire Pizza Company at 5320 S Moorland Road for a 1 time event to be held on Friday, August 15, 2008 "Exotic Car Show" for the south parking lot with beer only. Seconded by Alderman Ament.

Motion by Alderman Ament to table for additional information. Seconded by Alderman Wysocki and carried unanimously.

Extension of Premise for Mustang Shelly's

Motion by Alderman Hopkins to approve the Extension of Premise for Mustang Shelly's Roadhouse, Ltd at 18540 W National Avenue for Saturday, August 2, 2008 for outdoor seating on the east side of the building approximately 25' X 50' from 11:00 a.m. until 12:00 midnight. Owner must provide trained staff to direct people in and out of the parking lot, the staff must be trained and wear fluorescent safety vests (flashlight at night) and have handheld stop signs and they must be sober. Also owner must provide professional security people (at least two) on premise during event. Any complaints from neighbors, etc that require police response will result in immediate revocation of outdoor extension of premise. Seconded by Alderman Wysocki and carried unanimously.

Extension of Premise for Mustang Shelly's

Motion by Alderman Wysocki to approve the Extension of Premise for Mustang Shelly's Roadhouse, Ltd at 18540 W National Avenue for Tuesday, August 26 to Sunday, August 31, 2008 for outdoor seating on the east side of the building approximately 25' X 50' from 11:00 a.m. to 12:00 midnight. Owner must provide trained staff to direct people in and out of the parking lot, the staff must be trained and wear fluorescent safety vests (flashlight at night) and have handheld stop signs and they must be sober. Also owner must provide professional security people (at least two) on premise during event. Any complaints from neighbors, etc that require police response will result in immediate revocation of outdoor extension of premise. Seconded by Alderman Hopkins and carried unanimously.

MISCELLANEOUS

**Public Hearing for July 7, 2008 at 6:00 PM to be held before the Plan Commission for rezoning
Set a Public Hearing for July 7, 2008 at 6:00 PM to be held before the Plan Commission for Mr. Domenico Ferrant who has filed a petition to rezone the property located at approximately 16415 W. Beloit Rd. from R-4 to M-1.**

This item is from the prior Committee of the Whole meeting and should not be on this agenda.

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

Membership Profile Change to the Board of Public Works

Motion by Alderman Harenda that a Citizen member be appointed by Mayor to replace City staff position on the Board of Public Works and direct the City Attorney to draft an ordinance to effectuate that action. Seconded by Alderman Wysocki.

Motion by Alderman Moore to refer to Board of Public Works for discussion and recommendation. Seconded by Alderman Poshepny and motion failed with Alderman Moore and Alderman Poshepny voting yes.

Upon voting, the original motion carried with Alderman Moore and Alderman Poshepny voting no.

Formation of a Personnel Committee

Motion by Alderman Ament to approve Reinstating the City Personnel Committee for issues related to pay and benefits for employees of the city with the change that at least one (1) of the members, not two (2), are appointed from the Finance Committee; adding the Mayor as an advisor and create an ordinance to that effect. Seconded by Alderman Seidl.

Alderman Wysocki called for the question. Seconded by Alderman Hopkins and carried with Alderman Moore and Alderman Poshepny voting no.

Upon voting, the original motion carried with Alderman Hopkins, Alderman Poshepny and Alderman Moore voting no.

Public Hearing for August 11, 2008 at 6:02 PM to be held before the Plan Commission for rezoning

Motion by Alderman Moore to Set a Public Hearing for August 11, 2008 at 6:02 PM to be held before the Plan Commission for Ms. Kornak who has filed a petition to rezone the property located at approximately 13335 W. Eagle Trace from R-3 and C-2 to R-3 and C-2. Seconded by Alderman Harenda and carried unanimously.

DEFERRED, REFERRED & TABLED ITEMS

Common Council approves any pay or benefit increases before they go into affect. Instruct the City Attorney to draw up a resolution or ordinance (whichever is appropriate) to be approved at the next Common Council meeting/REFERRED TO FINANCE COMMITTEE 5-13-08

No action taken.

Class A Combo (Beer & Liquor)

Wal-Mart Stores East LP at 15333 W National Avenue/Dennis San Felippo, Agent for 7-1-08 to 6-30-09/DEFERRED 6-24-08

The following motion is from the 6-24-08 COW meeting:

Motion by Alderman Ament to approve Wal-Mart Stores East LP at 15333 W National Avenue/Dennis San Felippo, Agent for 7-1-08 to 6-30-09 for coolers only no floor display. Seconded by Alderman Poshepny.

Motion by Alderman Harenda to table for additional information and clarification. Seconded by Alderman Wysocki and carried unanimously.

Resolution No. 08-19 Resolution Establishing Salary Ranges for Civil Service Employees/DEFERRED 6-24-08.

This resolution was reconsidered and deferred at the 6-24-08 meeting.

Motion by Alderman Wysocki to table for information on the six (6) positions. Seconded by Alderman Seidl and carried unanimously.

Reconsideration of Vote on the Extension of Premise for Texas Roadhouse

Motion by Alderman Moore to reconsider the motion of approval on the Extension of Premise for Texas Roadhouse (see above). Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Ament to approve the Extension of Premise for Texas Roadhouse at 15425 Rock Ridge Road for every Thursday from 5PM to 9PM from June to October 2008 to be held on the west side of the parking lot (north area) for "Anything on Two Wheels" event. Seconded by Alderman Hopkins and carried with Alderman Harenda, Alderman Poshepny and Alderman Moore voting no.

ADJOURN

Motion by Alderman Moore to adjourn at 8:58 PM. Seconded by Alderman Seidl and carried unanimously.

Respectfully submitted:

Marilyn Gauger, MMC/WCMC
City Clerk