

**CITY OF NEW BERLIN
PROCEEDINGS OF COMMITTEE OF THE WHOLE MEETING
Tuesday, August 12, 2008**

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

Mayor Chiovero indicated the Waukesha County Recycling Award winners Dean and Catherine Koenig were unable to attend this evening's meeting but will be sent the \$100 award for recycling compliance.

The Parks, Recreation and Forestry Department Survey results were presented by personnel from the University of Wisconsin – Milwaukee.

ROLL CALL: Mayor Jack F Chiovero called the meeting to order at 7:30 PM. Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Poshepny, Moore and Ament. Also present were: City Clerk Marilyn Gauger, City Attorney Mark Blum, City Engineer JP Walker, Finance Director Mike Holzinger, Human Resource Director Tami Potkay, Community Development Director Greg Kessler, Police Chief Joe Rieder, Fire Chief Ed Dobernig, IT Director Nick Roethel, HR/Safety Administrator Pat Hermann and Associate Planner Jessica Titel.

This meeting was noticed on Friday, August 8, 2008 and amended on Monday, August 11, 2008 in accordance with the Open Meeting Law.

APPROVAL OF MINUTES

Motion by Alderman Ament to approve the July 8, 2008 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

For: July 23, 2008

Motion by Alderman Harenda to approve Water Utility claims in the amount of \$60,804.45, Sewer Utility claims in the amount of \$46,669.95, and Bi-weekly claims in the amount of \$368,070.50, all of which represents payment to vendors. Seconded by Alderman Ament and carried unanimously.

For: August 13, 2008

Motion by Alderman Ament to approve Water Utility claims in the amount of \$130,125.35, Sewer Utility claims in the amount of \$51,709.26, and Bi-weekly claims in the amount of \$1,358,850.95, all of which represents payment to vendors. Seconded by Alderman Poshepny and carried unanimously.

LICENSES/PERMITS

Bartenders

Motion by Alderman Moore to deny the Bartender License for the year 2008-2010 to James Thelen. Seconded by Alderman Poshepny and carried unanimously.

Motion by Alderman Seidl to approve the Bartender License for the year 2008-2010 to Lacey Samz. Seconded by Alderman Harenda.

Motion by Alderman Moore to table. Motion failed due to lack of a second.

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

Motion by Alderman Seidl to approve the Bartender Licenses for the year 2008-2010 to Leanne Arne, Joyce Boyce, Christopher Burr, Amber Buschke, Christopher Case, Farrah Corrao, Anne Dent, Emily Dillon, Nicole Ellenson, Ken Handyside, Carolann Hanrahan, Phillip Holly, Jason Hermanowksi, Abdul Hunzai, Lauren Kopas, Crystal Knott, Gregg Krause, Mark Krause, Karen Kruschke, Cindy LaChapelle, Kristy Lycan, Amanda Mottl, Brisna Nieves, Laurie Nowak, Dawn Retherford, Kim Rishel, Christina Rumppe, Nicholas Schafer, Jennifer Schrader, Nicole Spoon, Tim Streets, Dawn Ziolkowski and Salvatore Tagliavia. Seconded by Alderman Wysocki and carried unanimously.

Extension of Premise – Class B

Motion by Alderman Ament to approve Matty's Bar & Grille/Agent Matt Anderson at 14460 W College Avenue for fundraising event held Sunday, August 10 from 4PM to 9PM. Seconded by Alderman Hopkins and carried unanimously.

This was approved previously by Mayor Chiovaturo because the event was held prior to a scheduled Council meeting.

MISCELLANEOUS

Resolution from Finance

Motion by Alderman Ament to approve Resolution No. 08-21 Electing To Continue The Distribution Of School Levy And Lottery And Gaming Property Tax Credits By The State Of Wisconsin Directly To The City Of New Berlin. Seconded by Alderman Wysocki and carried unanimously.

Reconsideration of Ordinance

Motion by Alderman Seidl to Reconsider the adoption of Ordinance No. 2380 To Amend Section 11-22(C) And 11-22(E) Of The Municipal Code Of The City Of New Berlin Regarding Short-Term Disability And Vacation Benefits For Part-Time Employees at the July 8, 2008 Council meeting. Seconded by Alderman Wysocki and carried unanimously.

The following motion is from July 8th Council meeting:

"Motion by Alderman Hopkins to adopt Ordinance No. 2380. Seconded by Alderman Moore and carried with Mayor Chiovaturo breaking a tie vote with Alderman Wysocki, Alderman Harenda and Alderman Ament voting no".

Upon voting, the motion to adopt Ordinance No. 2380 failed with Aldermen Hopkins, Poshepny and Moore voting yes.

Per the HR Director the Common Council previously approved the health insurance payout benefit therefore the failure of the ordinance results in the loss of 1 extra day of vacation only.

Issuance of Credit Cards

Motion by Alderman Wysocki to approve the issuance of credit cards for certain Department Heads and Staff per the recommendation from Finance Committee. Seconded by Alderman Hopkins and carried unanimously.

Policies and Procedures for use of the credit cards will be worked out by the Finance Committee for persons holding the cards.

Howard Avenue Special Assessment Sewer Project

Motion by Alderman Poshepny to table directing the City Attorney to bring forth the Final Resolution. Seconded by Alderman Moore and carried unanimously.

BPW Monthly Meeting Date and Time Change

Motion by Alderman Ament to refer to the Board of Public Works the changing of the regular Board of Public Works monthly meeting date and time from the 1st Monday mornings of the month at 8:00AM to the evening of the 3rd Wednesday of the month At 6:00PM for their discussion and report back to the Common Council. Seconded by Alderman Seidl and carried unanimously.

Refund of Tax Penalty

Motion by Alderman Wysocki to Direct the City Treasurer to refund the penalty payment paid by John Fiedler related to his third Property Tax Payment. Seconded by Alderman Ament and carried unanimously.

Resolution From Director of Human Resources and Fire Chief

Motion by Alderman Hopkins to approve Resolution No. 08-23 Establishing Benefits for Full-Time Firefighters Assigned to the 56 Hour Work Week Schedule. Seconded by Alderman Harenda and carried unanimously.

Council Meeting Dates

Discussion of Possible Alternate Date for First Meeting in September.

Mayor Chiovaturo indicated our 1st meeting for September is Election Day. City Clerk to send out suggested dates and also with option to cancel.

Adoption of Water and Sewer Urban Service Area Boundaries

Mayor Chiovaturo deviated from the agenda to consider this item first.

Motion by Alderman Harenda to refer to the City's Plan Commission and Department of Community Development for their study, analysis and recommendation for the creation of a New Berlin Urban Service Area Boundary (NBUSAB).

Seconded by Alderman Ament and carried unanimously.

Adoption of “Three-Quarters” (Super) Majority Vote For Any Future Extension of Water and Sewer Outside Established New Berlin Urban Service Area Boundary (NBUSAB).

Motion by Alderman Harenda upon adoption of the NBUSAB to amend the Common Council Rules to require a three-quarters/super majority when extension of water and sewer service is requested beyond the established NBUSAB. Seconded by Alderman Seidl.

Motion by Alderman Harenda to table until the Water and Sewer Urban Service Area Boundaries and map come back with a recommendation from Plan Commission. Seconded by Alderman Moore 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/TABLED 7-8-08

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

This motion is from the 6-24-08 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 coolers only no floor display. Seconded by Alderman Poshepny.”

Alderman Harenda had placed the condition on the motion from 6-24-08 regarding “coolers only no floor display” and asked that the condition be removed.

Upon voting original motion, the motion carried unanimously.

Resolution No. 08-19 Resolution Establishing Salary Ranges for Civil Service Employees/DEFERRED 6-24-08/TABLED 7-8-08

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

This motion is from the 6-10-08 meeting:

“Motion by Alderman Moore to approve Resolution No. 08-19 Establishing Salary Ranges for Civil Service Employees. Seconded by Alderman Hopkins and carried with Alderman Ament voting no.”

Motion by Alderman Wysocki to amend Resolution No. 08-19 by removing the following three (3) positions: Deputy Assessor, Human Resources/Safety Administrator and Administrative Coordinator – Fire and approve the resolution as amended. Seconded by Alderman Harenda and carried unanimously.

Extension of Premise – Class B Combo

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/TABLED 7-8-08

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

This motion is from the 7-8-08 meeting:

“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.”

Upon voting the original motion, the motion carried unanimously.

ADJOURN

Motion by Alderman Seidl to adjourn at 9:18 PM. Seconded by Alderman Harenda and carried unanimously.

Respectfully submitted:

Marilyn Gauger, MMC/WCMC
City Clerk