

**CITY OF NEW BERLIN
PROCEEDINGS OF COMMITTEE OF THE WHOLE MEETING
Tuesday, August 26, 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 Chiovatero called the meeting to order at 7:02 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, Human Resource Director Tami Potkay, Community Development Director Greg Kessler, Fire Chief Ed Dobernig, Assistant Fire Chief Fred Schultz, Planning Services Manager Nikki Jones, Associate Planner Amy Bennett.

This meeting was noticed on Friday, August 22, 2008 in accordance with the Open Meeting Law.

APPROVAL OF MINUTES

Motion by Alderman Ament to approve the August 12, 2008 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 Ament to approve the Water Utility claims in the amount of \$90,051.58, Sewer Utility claims in the amount of \$38,297.77, and Bi-weekly claims in the amount of \$788,742.81, all of which represents payment to vendors. Seconded by Alderman Wysocki and carried unanimously.

LICENSES/PERMITS

Bartenders

Motion by Alderman Hopkins to approve the Appeal of 2008-2010 Bartender License denial for Justin Thelen. Seconded by Alderman Seidl and carried with Aldermen Wysocki, Poshepny and Moore voting no.

Motion by Alderman Wysocki to approve the Bartender Licenses for the year 2008-2010 to Brian Bennewitz, Chelsea Hermann, Peggi Johnson, Richard Schemberger, and Pauline Utpatel. Seconded by Alderman Ament and carried unanimously.

MISCELLANEOUS

Resolution from Finance

Motion by Alderman Hopkins to approve Resolution No. 08-25 A Resolution Transferring Funds From Contingency to Fire Department Accounts. Seconded by Alderman Poshepny and carried unanimously.

Mayor Chiovatero and Council members requested from the Fire Chief a Plan of Operation, current and future personnel hired and budgetary numbers to see where funds are at.

Reconsideration of Sidepath and Trail Inspection and Maintenance Policy

Motion by Alderman Moore to Reconsider approval of the revised Sidepath and Trail Inspection and Maintenance Policy. Seconded by Alderman Poshepny and carried unanimously.

The following motion is from August 12th:

Motion by Alderman Harenda to approve the revised Sidepath and Trail Inspection and Maintenance Policy with the following amendments: Section A. page 6: change 24 hours to 72 hours; the last sentence to read as follows: "However, single family homeowners shall not be required to clear snow and ice from sidepaths that abut their property lines if they pre-existed prior to the enactment of Ordinance No. 2367; and eliminate Section D. Seconded by Alderman Hopkins and carried with Alderman Poshepny voting no.

Upon voting motion carried with Alderman Moore voting no.

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, October 11, 2008 for a Garden Tractor/ATV Pull from 9AM to 6PM and outdoor drinking

from 9AM to 10PM. Seconded by Alderman Harenda and carried with Alderman Moore voting no.

Early Retirement Package for Civil Service employees

Motion by Alderman Hopkins to approve the Early retirement package for civil service employees that retire between September 15, 2008 and December 31, 2008 with specific criteria. Seconded by Alderman Moore and carried with Aldermen Wysocki and Ament voting no.

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.

Direct the City Attorney to Prepare the Final Resolution for the Howard Avenue Special Assessment Sewer Project/TABLED 8-12-08

Motion by Alderman Poshepny to take off the table. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Poshepny to direct the City Attorney to prepare the Final Resolution for the Howard Avenue Special Assessment Sewer Project using the Engineer's recommendation of the REC method. Seconded by Alderman Moore.

Alderman Poshepny read a list of desires/requests by the residents on the north side of Howard Avenue who are affected by this project which is on file in the City Clerk's office.

Motion by Alderman Wysocki to amend the motion that the Assessed Land Value method be used. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Seidl to amend motion to waive any and all costs. Seconded by Alderman Wysocki. After further discussion Alderman Seidl **withdrew his motion** and Alderman Wysocki **withdrew his second**.

Motion by Alderman Seidl to amend the original motion to waive any and all costs including the connection fee of \$2,204 and the lateral fee of \$1,815 per parcel with the basis for the motion is the waiver of the impact fee/connection fee of the Beloit Road Sewer Project. Seconded by Alderman Wysocki and motion **failed** with Aldermen Seidl, Poshepny and Ament voting yes.

Motion by Alderman Wysocki to amend the motion to waive the connection fee of \$2,204 with basis for motion was the waiver of the impact fees with the Beloit Road Sewer Project. Seconded by Alderman Harenda and carried with Aldermen Poshepny and Moore voting no.

Motion by Alderman Ament to amend the approval of the Engineer's Report to provide for a total assessment of \$24,294.95 which would include the assessments shown on page 4 under Section D of the policy which would be the ones listed that Alderman Poshepny read previously plus the lateral assessment of \$1,815 per parcel and in addition a 1% administration fee would be added to that total and that total then would be the assessment that may be paid under ten (10) annual equal installments at the rate of 5% per annum after the 1st ninety (90) days. Seconded by Alderman Hopkins and carried unanimously.

Upon voting original motion as amended, carried with Alderman Moore voting no.

Refer The Changing Of The Regular BPW Monthly Meeting Date And Time From The First Monday Mornings Of The Month At 8:00AM To The Evening Of The 3rd Wednesday Of The Month At 6:00PM To The BPW For Their Discussion And Recommendation Back To The Common Council/Alderman Ament/REFERRED TO BOARD OF PUBLIC WORKS/8-12-08

No action taken.

Adoption of Water and Sewer Urban Service Area Boundaries/REFERRED TO PLAN COMMISSION/8-12-08

No action taken.

Adoption of "Three-Quarters" Majority Vote For Any Future Extension of Water and Sewer Outside Established New Berlin Urban Service Area Boundary (NBUSAB). These Boundaries Are To Be Adopted Within The Next 60 Days By The New Berlin Common Council/TABLED 8-12-08

No action taken.

ADJOURN

Motion by Alderman Seidl to adjourn at 9:30 PM. Seconded by Alderman Hopkins and carried unanimously.

Respectfully submitted:

Marilyn Gauger, MMC/WCMC
City Clerk