

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMITTEE OF THE WHOLE
TUESDAY, FEBRUARY 24, 2009**

Please note: Minutes are unofficial until approved by the Common Council at the next regularly scheduled meeting.

ROLL CALL: Mayor Jack F Chiovatero called the meeting to order at 7:12 PM. Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Poshepny, Moore and Ament. Also present were: Deputy Clerk Christine Stefanich, Attorney Mark Blum, City Engineer JP Walker, and Director of Community Development Greg Kessler.

This meeting was noticed on Thursday, February 19, 2009 in accordance with the Open Meeting Law.

APPROVAL OF MINUTES:

Motion by Alderman Ament to approve the February 10, 2009 Committee of the Whole minutes as printed. Seconded by Alderman Hopkins and carried with one abstention from Alderman Moore.

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 Water Utility claims in the amount of \$86,472.19, Sewer Utility claims in the amount of \$14,658.78, and Bi-weekly claims in the amount of \$1,392,667.78, all of which represents payment to vendors. Seconded by Alderman Moore and carried unanimously.

LICENSES/PERMITS

Bartenders

Motion by Alderman Seidl to approve Bartender Licenses for the year 2008-2010 to Marcus Carus, Ryan Gove, Brittany Deinlein and Douglas Woeckener. Seconded by Alderman Wysocki and carried unanimously.

MISCELLANEOUS

Change of Agents

Motion by Alderman Wysocki to approve the Change of Agent for The Noodles Shop 15630 W. National Avenue/Holly Paez-Thoresen, N34 W23314 Hunters Ct. #102, Pewaukee. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Wysocki to approve the Change of Agent for Ultra Mart Foods LLC/aka Pick N Save at 15445 W National Avenue/Craig Brown 525 Eastern Trail Mukwonago. Seconded by Alderman Hopkins and carried unanimously.

Transfer of Class B Liquor License

Motion by Alderman Wysocki to approve the Transfer of the Class B Liquor License for Diamondback Management Inc to Trigild, a Court appointed receiver concerning the former Tumbleweeds Bar and Grill at 4900 S Moorland Road. Seconded by Alderman Seidl and carried unanimously.

Direct City Attorney to create an ordinance

Motion by Alderman Ament to direct the City Attorney to create an Ordinance stating that the City of New Berlin will not pass legislation that would require any private employer within the City of New Berlin or doing business within the City to provide particular wages or benefits to an employee. Seconded by Alderman Harenda and carried unanimously.

DEFERRED, REFERRED & TABLED ITEMS

Adoption of Water and Sewer Urban Service Area Boundaries

Motion by Alderman Harenda approve the established Water and Sewer Urban Service Area Boundaries as identified in Version 4 map/Revised 12-31-08 and as handed out tonight and identified during the Public Hearing process. Seconded by Alderman Ament.

Amended motion by Alderman Seidl that any changes to the Water and Sewer Urban Service Area map to go before Utility Committee as well as Plan Commission. Seconded Alderman Harenda and carried unanimously.

Upon voting original motion as amended and adding to direct the City Attorney to draw up the appropriate ordinance, motion carried unanimously.

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

Motion by Alderman Harendt to remove from the table. Seconded by Alderman Ament and carried with Alderman Poshepny voting no.

The following motion is from the 8-12-08 meeting:

“Motion by Alderman Harendt 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.”

Alderman Harendt withdrew the above previous motion from the 8-12-08 meeting. Alderman Seidl withdrew his second.

Motion by Alderman Harendt to direct the City Attorney to draft an ordinance that requires a $\frac{3}{4}$ Council vote for any amendment for the future extension of Water and Sewer outside the Established New Berlin Urban Service Area Boundary (NBUSAB). Seconded by Alderman Seidl.

Amended motion by Alderman Poshepny for a $\frac{2}{3}$ majority vote. Seconded by Alderman Moore and motion failed with Alderman Poshepny and Alderman Moore voting yes.

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

ADJOURN

Motion by Alderman Wysocki to adjourn at 8:09 PM. Seconded by Alderman Seidl and carried unanimously.

Respectfully submitted:

Christine Stefanich
Deputy Clerk