

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, July 13, 2010**

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

Mayor Jack F. Chiovatero called the City of New Berlin Common Council Meeting to order at 8:46 pm. after Committee of the Whole and Privilege of the Floor.

ROLL CALL: Present were Aldermen Hopkins, Wysocki, Harenda, Liska, Moore and Ament. Alderman Seidl had an excused absence. Also present were: Interim Deputy City Clerk Sherri Hanson, City Attorney Mark Blum and City Engineer JP Walker.

Those present recited the Pledge of Allegiance and stood for a moment of silence.

This meeting was noticed on July 8, 2010 in accordance with the Open Meetings Law.

REPORTS

City Clerk – No report.

Council President – Alderman Harenda stated he and the Mayor met and discussed that the budget time table will be set shortly and will work with times Council is available.

Mayor – The Mayor reported that it was another successful 4th of July and thanked all involved. He appreciates all work put in by the staff and committee.

City Attorney – No Report

COMMUNICATIONS – Legacy Bank Claim – Referred to City Attorney.

BOARD OF PUBLIC WORKS

- **(BPW 18-10) Reallocation of Funds from the Wall Street Construction Account to Woelfel Road Design Account and the 2010 Roadway Rehabilitation Account**
Motion by Alderman Ament to recommend to the Common Council to approve the transfer of \$4,600.00 of remaining funds from the Wall Street Construction Account 04251100 63010 C2008 to the Woelfel Road Design Account 04251100 63020 C2008 and \$12,753.17 to the 2010 Roadway Rehabilitation Account 04251100 59040 C2010 via Resolution 10-17. Seconded by Alderman Hopkins and carried unanimously.

UTILITY COMMITTEE

- **(UT 14-10) Impact Fee Review, Discussion and Possible Recommendations**
Motion by Alderman Harenda to discontinue the citywide sewer impact fee collections. Seconded by Alderman Wysocki and carried unanimously.

FINANCE COMMITTEE

- **Approval of Community Budget Survey**
Motion by Alderman Wysocki to approve the Community Budget Survey. Seconded by Alderman Hopkins

Motion by Alderman Moore to eliminate the words, "If funding cuts are required". Motion fails for lack of second.

Motion by Alderman Moore to Add "If, in order to maintain city services, it will be necessary to increase the tax levy beyond the state-imposed maximum, would you suggest having a referendum to allow the citizens to decide?" Motion fails for lack of second.

Motion by Alderman Moore to add this statement above the "Services Adjustments" (which should be retitled "City Services"):

"In the summer of 2009, Mayor Chiovatero presented a balanced budget for 2010 which would have resulted in estimated cuts of \$612,000(?) in the 2011 budget, since allowed increases are based on the previous year and the allowed amount does not keep up with increased costs. But the City Council removed \$1,888,000(?) from the reserve fund in order to keep the tax rate at no increase. That action created the need to cut that additional amount out of the budget for 2011, resulting in a \$2,500,000 shortfall and the need for this survey." Motion fails for lack of a second.

Original Motion carried with Alderman Moore opposing.

- **Approval of Resolution 2010-23 titled "A Resolution Transferring Funds from Contingency to the Common Council Budget"**
Motion by Alderman Wysocki to approve Resolution No. 2010-23. Seconded by Alderman Hopkins and carried unanimously

MAYORAL APPOINTMENTS

- **Library Board**
Motion by Alderman Harenda for Reconsideration of Re-Appointment of Rush Wilkens on 6/22/10 with term expiring 6/30/2013. Seconded by Alderman Ament and carried unanimously.

Motion on table to reappoint Rush Wilkens to the Library Board by Alderman Hopkins. Seconded by Alderman Seidl and carried with Alderman Ament, Harenda, Wysocki opposing and Mayor Chiovatero breaking the tie.
- **Youth Advisory Board**
Motion by Alderman Moore to appoint Priya Suri to the Youth Advisory Board with a term expiring 5/31/2011. Seconded by Alderman Liska and carried unanimously.

Motion by Alderman Wysocki to appoint Gina Bednarek to the Youth Advisory Board with a term expiring 5/31/2011. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Ament to appoint Andy Romano to the Youth Advisory Board with a term expiring 5/31/2012. Seconded by Alderman Moore and carried unanimously.

DEFERRED, REFERRED & TABLED ITEMS

- Ordinance No. 2413 Ordinance To Amend Section 152-10 Regarding The Regulation And Licensing Of Dogs (3rd reading) 11-19-09 TABLED, 12-8-09 NO ACTION; REFERRED TO SAFETY COMMISSION ON 5/11/10; AD HOC COMMITTEE ESTABLISHED ON 6/22/10; 7/13/2010 NO ACTION
- Mayoral Appointment of Sally Bryan to the Police & Fire Commission with a term expiring 4/30/2014. 6/22/10 TABLED W/MOTION LEFT ON TABLE; 7/13/2010 NO ACTION
- Adopt policy regarding New Berlin Impact Fees with the exception of the Utilities. 6/22/10 DEFERRED to 7/13/10 Meeting;
Motion by Alderman Wysocki to table. Seconded by Alderman Ament and carried unanimously.

CONSENT AGENDA Motion by Alderman Hopkins to approve the consent agenda. Seconded by Alderman Moore and carried unanimously.

MINUTES – Common Council Minutes from June 22, 2010

UTILITY AND FINANCE **Claims**

For: July 14, 2010

Recommend to Council approval of Water Utility claims in the amount of \$398,769.49, Sewer Utility claims in the amount of \$460,418.91, and Bi-weekly claims in the amount of \$628,287.88

LICENSES & PERMITS

Bartenders

- Bartender Licenses for the year 2010-2012 per attached list

Extension of Premise

- Mikey's Place, 19745 W. National Avenue for Benefit Music Fest for Children's Hospital on July 17, 2010 from 5:30p.m. to 9:30p.m.

Amendment to Plan of Operation for "Class B" License (Beer & Liquor)

- Carrie's West Side Pub, 20385 W National Ave. for use of existing outside patio
- Nickel's Pub, 13915 W. Greenfield Ave., for use of outside area for horseshoe pits & seating area

Change in Business & Corporation Name on "Class B" License (Beer & Liquor)

- Cocina Real, Inc. (Formerly Mi Cocina), 15366 W. Beloit Rd.

Massage Establishment License

- Hair and Body Solutions, 15440 W. Beloit Rd.
- Elegance Salon & Spa, 2725 S. Calhoun Rd.
- Essence of Health Massage Therapy, 13700 W. National Ave., #126

Massage Therapist License

- Marsha Schramke for Hair & Body Solutions
- Stacy M. Savasta for Elegance Salon & Spa
- Aaron Whited for Elegance Salon & Spa

2010-2011 CLASS "B" RETAILER LICENSES (Beer)

- Gyro's Xpress Family Restaurant (formerly Alpha Gyros), 1907 S. Calhoun Rd.

MISCELLANEOUS

- Hiring Consultant & Approving Funds for replacement of fuel pump system used for City fuel fueling and to meet new state compliance & Wisconsin COMM10 requirements
- Approval of Resolution No. 2010-21 titled "Resolution Providing for the Sale of Not to Exceed \$8,290,000 General Obligation Refunding Bonds"
- Approval of Resolution No. 2010-22 titled "Resolution Providing for the Sale of Not to Exceed \$7,630,000 General Obligation Promissory Notes"
- Approval of Resolution No. 2010-20 titled "Resolution to Transfer Funds from the Contingency Account to Landmarks Commission to Share Costs in Providing Public Access to German Evangelical Protestant Church Cemetery"
- Presentation/Explanation of Community Development Block Grant and HOME Investment Partnership Program

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ITEM/S REMOVED FROM CONSENT AGENDA:

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.

(g) 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:

- Guse vs. City of New Berlin
- City Center multi-family development

In addition to the above items being discussed an additional item to be discussed in Closed Session is as enumerated in Section 19.85 (1) (e) of the Wisconsin State Statutes

(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, more specifically:

Town of Brookfield Border Agreement

Motion by Alderman Ament to move to closed session at 9:35p.m. Seconded by Alderman Liska and carried unanimously.

RECONVENE TO OPEN SESSION

Motion by Alderman Ament to reconvene to open session at 10:04 p.m. Seconded by Alderman Liska and carried

- Guse vs. City of New Berlin - No Action

ADJOURN

Motion by Alderman Ament to adjourn at 10:05 p.m. Seconded by Alderman Wysocki and carried unanimously.

Respectfully submitted:
Sherri Hanson
Interim Deputy City Clerk