

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMITTEE OF THE WHOLE
TUESDAY, August 10, 2010**

ROLL CALL: Mayor Jack F. Chiovatero called the meeting to order at 7:04PM. Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Liska, Moore and Ament. Also present were: City Clerk Kari Morgan, City Attorney Mark Blum, HR Director Tami Potkay and City Planning Manager Nikki Jones.

This meeting was noticed on Thursday August 5, 2010 in accordance with the Open Meetings Law.

APPROVAL OF MINUTES

Motion by Alderman Wysocki to approve the July 27, 2010 Committee of the Whole minutes as printed. Seconded by Alderman Ament 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

Motion by Alderman Ament to approve the Water Utility claims in the amount of \$197,508.40, Sewer Utility claims in the amount of \$11,885.13, and Bi-weekly claims in the amount of \$957,205.19. Seconded by Alderman Hopkins and carried unanimously.

LICENSES & PERMITS

Bartenders

- **Bartender Licenses for the year 2010-2012 to Charline Hart**
Motion by Alderman Hopkins to approve the bartender license for Charline Hart. Seconded by Alderman Seidl and carried unanimously.
- **Bartender Licenses for the year 2010-2012 to Leonna Roth**
Motion by Alderman Moore to deny the bartender license to Leonna Roth. Seconded by Alderman Harenda.

The applicant was present and stated she was not paying close enough attention to the application when she filled it out.

Motion to deny carried with Alderman Seidl opposing.

- **Bartender Licenses for the year 2010-2012 to Jesse Klagstad**
Motion by Alderman Moore to deny the bartender license to Jesse Klagstad. Seconded by Alderman Wysocki and carried unanimously.
- **Bartender Licenses for the year 2010-2012 to Karen Hubbard, Samantha Nelson, Kristine Wolf, Andrew Zaniewski, Suzanne Young, Therese Schlueter, Travis Stanczyk and Kimberly Nearer.**
Motion by Alderman Hopkins to approve the bartender licenses for the year 2010-2012 to the above named applicants. Seconded by Alderman Wysocki and carried unanimously.

Massage Establishment License

- **Hair Decisions & Oasis Spa, 12438 W. National Ave.**
Motion by Alderman Hopkins to approve the massage establishment license. Seconded by Alderman Ament and carried unanimously.
- **L Spa, 15807 W. National Ave.**
Motion by Alderman Ament to approve the massage establishment license. Seconded by Alderman Wysocki and carried unanimously.

Massage Therapist License

- **Cassandra Jackson for L Spa**
Motion by Alderman Ament to approve the massage therapist license. Seconded by Alderman Liska and carried unanimously.

MISCELLANEOUS

- **Direct Department of Community Development, City Attorney and Mayor to initiate MMSD Sewer Service Area and New Berlin Urban Service Area Boundary amendment process for the property at**

approximately 16385 W. Small Rd. & Refer this item to the Plan Commission & Utility Committee for their review, report & recommendation

Motion by Alderman Harenda to direct Department of Community Development, City Attorney and Mayor to initiate MMSD Sewer Service Area and New Berlin Urban Service Area Boundary amendment process for the property at approximately 16385 W. Small Rd. & Refer this item to the Plan Commission & Utility Committee for their review, report & recommendation. Seconded by Alderman Ament.

Discussion on addressing this issue without first going to the utility committee and plan commission.

Planning Manager Nikki Jones explained that this process has been done in the past for other applications.

Friendly amendment made by Alderman Harenda to refer this item on to the Plan Commission and Utility Committee for review, report and recommendation to initiate MMSD Sewer Service Area and New Berlin Urban Service Area Boundary amendment process for the property at approximately 16385 W. Small Rd. Seconded by Alderman Ament and carried unanimously.

- **Discussion & Possible Action on Charter Ordinance No. 8 with respect to holdover appointments for Committees and Commissions**

Motion by Alderman Harenda to adopt Charter Ordinance No. 8. Seconded by Alderman Ament.

City Attorney Blum explained process of Charter Ordinance adoption. He also explained the recently effective Act 173 which affects holdover appointments and how they should be handled.

Motion by Alderman Moore that this be the first reading of this ordinance and that three full readings be required.

Alderman Moore withdrew his motion.

Alderman Wysocki "Called the Question." Seconded by Alderman Seidl and carried with Alderman Moore opposing.

Motion to adopt Charter Ordinance No. 8 carried with Aldermen Moore and Liska opposing.

- **Request that Common Council offer input, grant final approval and management for an outreach initiative to generate awareness in New Berlin Development and Investment potential**

Motion by Alderman Harenda to grant final approval and management for an outreach initiative to generate awareness in New Berlin Development and Investment potential. Seconded by Alderman Ament.

Discussion regarding concerns over potential cost, workload on DCD staff and the potential to use room tax for this type of initiative and the Chamber of Commerce.

Motion to carried unanimously.

- **Approval of Resolution No. 2010-27 titled "A Resolution Authorizing the Issuance and Sale of \$7,630,000 General Obligation Promissory Notes, Series 2010A"**

Greg Johnson of Ehlers presented background and information to council on both the notes and the bonds.

Motion by Alderman Wysocki to approve Resolution No. 2010-27. Seconded by Alderman Hopkins and carried unanimously.

- **Approval of Resolution No. 2010-28 titled "A Resolution Authorizing the Issuance and Sale of \$8,290,000 General Obligation Refunding Bonds, Series 2010B"**

Motion by Alderman Wysocki to approve Resolution 2010-28. Seconded by Alderman Ament and carried unanimously.

- **Recommendation from Asst. Fire Chief Joseph Dallman for a Fireworks Permit for Eisenhower High School Homecoming**

Motion by Alderman Hopkins to approve the fireworks permit. Seconded by Alderman Moore and carried unanimously.

- **Discussion & Possible Action on Police & Fire Commissioner's Status**

Motion by Alderman Wysocki to formally communicate to the Police and Fire Commission that the Mayor's communication to Mr. David Patzer dated July 9, 2010 requesting Mr. Patzer to continue to serve as a commissioner is not valid nor is it in anyway binding on the commission. Seconded by Alderman Harenda.

City Attorney Blum once again explained Act 173 which was enacted this past spring and addresses holdover appointments. He also stated that his advice/law is that this is a decision for the Police and Fire Commission to make and does not believe the council has the ability to dictate what conclusion the commission should come to in this matter.

Alderman Wysocki respectfully withdrew his requested action motion based on the City Attorney's response. Seconded by Alderman Harenda.

7 minute recess taken at 8:34PM

- **Discussion & Action on Change in or Cancellation of September 14, 2010 Common Council Meeting Date**

Motion by Alderman Wysocki to cancel the September 14, 2010 regular meeting. Seconded by Alderman Hopkins.

Discussion regarding council work load and that a special meeting could be called which will be determined as the date approaches.

Motion carried unanimously.

- **Set a Public Hearing date for the August 30, 2010 Plan Commission Meeting regarding rezoning of a property located at approximately 3435 S. Highpointe Drive from R-4.5 and C-2 to R-4.5 and C-2 to Field Delineate the Wetlands.**

Motion by Alderman Moore to set a public hearing date for the August 30, 2010 Plan Commission meeting regarding rezoning for the above listed address. Seconded by Alderman Wysocki and carried unanimously.

- **Set a Public Hearing date for the August 30, 2010 Plan Commission Meeting regarding rezoning of a property located at approximately 16385 W. Small Rd. from R-1/R-2 to M-1**

Motion by Alderman Harenda to set a public hearing date for the August 30, 2010 Plan Commission meeting regarding rezoning of a property located at approximately 16385 W. Small Rd. from R-1/R-2 to M-1. Seconded by Alderman Ament.

Discussion on Alderman Harenda meeting with City Planning Manager Nikki Jones to set notification boundaries.

Motion carried unanimously.

- **Set a Public Hearing date for the August 30, 2010 Plan Commission Meeting regarding rezoning of a property located at approximately 13685 W. Foxwood Dr. from R-4.5 and C-2 to R-4.5 and C-2 to Field Delineate the Wetlands.**

Motion by Alderman Moore to set a public hearing date for the August 30, 2010 Plan Commission meeting regarding rezoning of a property located at approximately 13685 W. Foxwood Dr. from R-4.5 and C-2 to R-4.5 and C-2 to Field Delineate the Wetlands. Seconded by Alderman Hopkins and carried unanimously.

- **Update & Question/Answer with Dennis Sampson from the New Berlin Public Library Dennis Sampson gave the council an update on the Library functions.**

Library Director Dennis Sampson provided the council with updates on the library's services, maintenance to the building, involvement with other surrounding communities' libraries, etc.

A request was made that Mr. Sampson provide the monthly updates that he sends to the library board to the council as well.

-
- **Approval of Resolution No. 10-31 to correct recently adopted Ordinance No. 1027 to become Ordinance No. 2432 due to “scrivener’s error”**

Motion by Alderman Ament to adopt Resolution No. 10-31. Seconded by Alderman Hopkins and carried unanimously.

- **Approval of Resolution No. 10-32 to correct recently adopted Ordinance No. 1028 to become Ordinance No. 2433 due to “scrivener’s error”**

Motion by Alderman Moore to approve Resolution No. 10-32. Seconded by Alderman Liska and carried unanimously.

- **Request that the Common Council have discussion on the City’s Vehicle Policy in regards to the use of City Vehicles for personal use and mileage reporting**

Discussion on City’s Vehicle Use policy including employees listed in policy, mileage reporting on a monthly versus quarterly basis (specifically Mayors’) and specific items in the policy that may need further clarification.

Alderman Seidl will bring future RAS forward to address this policy for adjustments or adherence.

- **Discussion & Possible Action on Resolution No. 10-33 regarding New Berlin’s position on the PSC case with respect to Milwaukee’s request to increase its water rates**

Motion by Alderman Harenda to approve Resolution No. 10-33. Seconded by Alderman Ament.

City Attorney Blum summarized the resolution since it is quite lengthy.

Motion to approve carried unanimously.

DEFERRED, REFERRED & TABLED ITEMS

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; TABLED 7/13/2010 w/Motion on Table**
- **Nickel’s Pub, 13915 W. Greenfield Ave. for use of outside area for horseshoe pits & seating area; TABLED 7/13/2010 w/Motion on Table**

ADJOURN

Motion by Alderman Seidl to adjourn at 9:41pm. Seconded by Alderman Ament and carried unanimously.

Respectfully submitted:

Kari Morgan
City Clerk