

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMITTEE OF THE WHOLE  
TUESDAY, August 24, 2010**

**ROLL CALL:** Mayor Jack F. Chiovatero called the meeting to order at 7:01PM. Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Liska, and Moore. Alderman Ament had an excused absence. Also present were: Deputy City Clerk Christine Stefanich, City Attorney Mark Blum, City Engineer JP Walker, Human Resource Director Tami Potkay, Facilities Manager Bob Schulpius, Park, Recreational and Forestry Director Mark Schroeder and IT Director Nick Roethel.

***This meeting was noticed on Thursday August 19, 2010 in accordance with the Open Meetings Law.***

**APPROVAL OF MINUTES**

Motion by Alderman Wysocki to approve the July 30, 2010 Common Council minutes as printed. Seconded by Alderman Hopkins and carried with Alderman Moore abstaining.

Motion by Alderman Seidl to approve the August 10, 2010 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**

Motion by Alderman Moore to approve the Water Utility claims in the amount of \$176,000.79, Sewer Utility claims in the amount of \$21,379.42, and Bi-weekly claims in the amount of \$779,455.44. Seconded by Alderman Liska and carried unanimously.

**LICENSES & PERMITS**

**Bartender Licenses for the year 2010-2012 to Joseph Anders, Lynn Baumann, Chrystalle Guglielmi and Nicholas Hoffmann, Daniel Ratzburg and Christopher Flechner**

Motion by Alderman Wysocki to approve the Bartender Licenses for the year 2010-2012 to Joseph Anders, Lynn Baumann, Chrystalle Guglielmi and Nicholas Hoffmann, Daniel Ratzburg and Christopher Flechner. Seconded by Alderman Seidl and carried unanimously.

**Appeal by Leonna Roth for 2010-2011 license denied by council on 8/10/10**

Motion by Alderman Seidl to approve the appeal by Leonna Roth for 2010-2012 license denied by Council on 8/10/2010. Seconded by Alderman Hopkins and carried unanimously.

**Change of Agent**

**Joseph Griese for Lee's Cleveland Pub, 14000 W. Cleveland Ave.**

Motion by Alderman Wysocki to approve the change of agent, Joseph Griese for Lee's Cleveland Pub, 14000 W. Cleveland Ave. Seconded by Alderman Hopkins and carried unanimously.

**MISCELLANEOUS**

**Recommend to Common Council the hiring of a Building consultant for the New Berlin Public Library through Resolution No. 10-37**

Motion by Alderman Seidl to approve the hiring of a Building Consultant for the New Berlin Public Library through Resolution No. 10-37. Seconded by Alderman Moore.

Alderman Wysocki made a friendly amendment for the funds to be transferred from the Building Maintenance Room Tax instead of contingency.

Motion carried unanimously.

Alderman Harenda read Alderman Ament's comments into the record. He stated the issues with the Library do not include any of the costs involved and had significant concerns with the upcoming budget. He stressed a need for fully understanding the issues.

There was discussion on the use of the Building Maintenance Room Tax fund. Mayor Chiovatero stated the fund can be designated for an unplanned expense.

Motion by Alderman Wysocki to approve Resolution # 10-37 with the amendment of the transfer to come from the Building Maintenance Room Tax. Seconded by Alderman Seidl and carried unanimously.

*The following agenda item was taken out of order. Taken second to last item.*

**Recommend to Common Council approval of reinstatement of Zoning Code 17.045 (Administrative Costs) determining the billing for employee time**

Motion by Alderman Harenda to approve reinstatement of Zoning Code 17.045 (Administrative Costs) determining the billing for employee time. Seconded by Alderman Liska.

Alderman Harenda withdrew his motion.

Motion by Alderman Wysocki to direct the City Attorney to work with staff to prepare an ordinance and bring it back to the council. Seconded by Alderman Moore and carried unanimously.

Director of Finance Ralph Chipman stated he doesn't necessarily want to place this back into the zoning code but that it may be better placed elsewhere. City Attorney Blum stated he recommends placing the code into a finance chapter rather than a zoning chapter.

**Recommend to Common Council to Amend Sec. 6-11 "Fourth of July Commission" of the Municipal Code**

Motion by Alderman Wysocki to change Commission members from 8 citizens to 10 citizens seconded by Alderman Harenda and carried unanimously.

Motion by Alderman Wysocki to Amend Sec. 6-11 "Fourth of July Commission" of the Municipal Code. Seconded by Alderman Harenda and carried unanimously.

**Recommend Common Council adopt Resolution No. 10-36 amending the 2010 CIP Budget**

Motion by Alderman Liska to adopt Resolution No.10-36 amending the 2010 CIP Budget. Seconded by Alderman Moore and carried unanimously.

Motion by Alderman Hopkins to approve Resolution No. 10-36. Second by Alderman Wysocki and carried unanimously.

**Recommend to Common Council adopt Resolution No. 10-35 to correct recently adopted Charter Ordinance No. 8 to become Charter Ordinance No. 10 due to "scrivener's error"**

Motion by Alderman Harenda to approve Resolution No. 10-35 to correct recently adopted Charter Ordinance No. 8 to become Charter Ordinance No.10 due to "scrivener's error. Seconded by Alderman Wysocki and carried with Alderman Liska and Moore opposing.

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**Approval of use of City Hall Parking Lot for Farmer's Market and Direct City Attorney to draft lease agreement between Chamber of Commerce and the City**

Motion by Alderman Moore to approve the use of City Hall Parking Lot for Farmer's Market and Direct City Attorney to draft lease agreement between Chamber of Commerce and the City. Seconded by Alderman Wysocki for discussion purposes

Motion by Alderman Harenda to defer the use of City Hall Parking Lot for Farmer's Market and Direct City Attorney to draft lease agreement between Chamber of Commerce and the City. Seconded by Alderman Wysocki and carried unanimously.

**Discussion & Possible Action on Council Rule #35**

Motion by Alderman Harenda to discuss and take possible action regarding the repeated violation of Mayor Chiovatero of Common Council Rule #35 and to discuss and act to rectify this matter so that it doesn't reoccur. Seconded by Alderman Wysocki

Motion by Alderman Harenda to table the discussion and action on council Rule #35 and to bring back a Requested Action Statement for the council's consideration. Seconded by Alderman Wysocki and carried with Aldermen Liska and Moore opposing.

Motion by Alderman Moore change the verbiage of the last two sentences in Rule 35 to read: The agenda may be amended by the Mayor or the common Council President or if both unavailable, the City Clerk may amend the agenda to handle emergency situations. Alderman Moore withdrew his motion.

**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

Motion by Alderman Hopkins to remove from the table Nickel's Pub, 13915 W. Greenfield Ave. for use of outside area for horseshoe pits & seating area. Seconded by Alderman Wysocki and carried with Alderman Moore opposing.

Motion by Alderman Hopkins to approve the use of outside area for horseshoe pits & seating area. Seconded by Alderman Wysocki

Alderman Harenda made a friendly amendment to approve the use of outside area labeled picnic tables and carried unanimously.

**ADJOURN**

Motion by Alderman Seidl to adjourn at 9:04pm. Seconded by Alderman Hopkins and carried unanimously.

*7 minute break was taken at this time.*

Respectfully submitted:  
Christine Stefanich  
Deputy City Clerk