

Amended 10/12/10

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMITTEE OF THE WHOLE
TUESDAY, SEPTEMBER 28, 2010**

ROLL CALL: Mayor Jack F. Chiovatero called the meeting to order at 7:04p.m. Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Liska, Ament and Moore. Also present were: Deputy City Clerk Christine Stefanich, City Attorney Mark Blum, City Engineer JP Walker, City Stormwater Engineer Nicole Hewitt, Parks, Recreation and Forestry Director Mark Schroeder IT Director Nick Roethel, Police Chief Joe Rieder, Director of Facilities Bob Schulpius, Maintenance Supervisor Ernie Giesegeh, Human Resource Director Tami Potkay and Library Director Dennis Sampson.

This meeting was noticed on Friday September 24, 2010 in accordance with the Open Meetings Law.

APPROVAL OF MINUTES: August 24, 2010; September 1, 2010, September 20, 2010 Budget Workshop

Motion by Alderman Liska to approve the August 24, 2010 minutes as printed. Seconded by Alderman Wysocki and carried with Alderman Ament abstaining.

Motion by Alderman Ament to approve the September 1, 2010 minutes as printed. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Hopkins to approve the September 20, 2010 minutes as printed. Seconded by Alderman Liska and carried with Alderman Wysocki voting present.

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

For:

September 15, 2010

Motion by Alderman Harenda to approve the Water Utility claims in the amount of \$346,050.29, Sewer Utility claims in the amount of \$40,143.88, and Bi-weekly claims in the amount of \$1,923,713.29. Seconded by Alderman Liska and carried unanimously.

September 29, 2010

Motion by Alderman Harenda to approve the Water Utility claims in the amount of \$57,463.68, Sewer Utility claims in the amount of \$450,998.89, and Bi-weekly claims in the amount of \$1,181,499.12. Seconded by Alderman Moore and carried unanimously.

LICENSES & PERMITS

Bartenders

- **Bartender Licenses for the year 2010-2012 to Mary Smith, Kevin Allen, Jordan Weber, Ryan Goralski, Thomas Gehrman, Jerry Tipping, Jared Lewis, Kimberly Laughery and Calvin Yee, Josh T. Wilkinson, Mark A. Kahl and Patricia L Becker**

Motion by Alderman Wysock to approve the Bartenders licenses for the year 2010-2012 to Mary Smith, Kevin Allen, Jordan Weber, Ryan Goralski, Thomas Gehrman, Jerry Tipping, Jared Lewis, Kimberly Laughery, Calvin Yee, Josh T. Wilkinson, Mark A Kahl and Patricia L. Becker. Seconded by Alderman Siedl and carried unanimously.

- **Bartender Licenses for the year 2010-2012 to Travis Richards**

Travis Richards called the Clerk's office and asked to have his submittal for bartenders license held to the next available meeting, October 12, 2010, because he was called out of town unexpectedly.

License Name Transfer

- **Lee's Cleveland Pub & Grill to Cleveland Pub & Grill, 14000 W. Cleveland Av**

Motion by Alderman Wysocki to approve the license name transfer of Lee's Cleveland Pub and Grill to Cleveland Pub & Grill, located at 14000 W. Cleveland Av. Seconded by Alderman Hopkins and carried unanimously.

“Class B” Retailer License

- **Quaker Steak & Lube, 4900 S. Moorland Rd., Scott A. Acker, agent. License to include extension of premise on a weekly basis**
- Motion by Alderman Ament to approve the “Class B” Retailers license for Quaker Steak & Lube at 4900 S. Moorland Rd., Scott A. Acker, agent. License to include extension of premise on a weekly basis. Seconded by Alderman Harenda

There was extensive discussion on the missing information needed to approve the extension of premise for the weekly events Mr. Acker had applied. The consensus was to approve the liquor license portion of the application and have Mr. Acker reapply for the extension of premise at a later date submitting the proper information.

Motion by Alderman Wysocki to amend the motion to approve the “Class B “ Retailers License. Second by Alderman Harenda and carried unanimously.

“Class A” Retailers License

- **Sendik’s Food Market, 3600 S. Moorland, Theodore Balistreri, agent**
Motion by Alderman Wysocki to approve the Sendik’s Food Market “Class A” Retailers license. Seconded by Alderman Ament and carried unanimously.

Class “A” Beer License

- **Walgreens #07259, 3855 S. Moorland Rd, Michael T. Kohn, agent**
Motion by Alderman Ament to approve the Walgreens #07259 Class “A” Beer license. Seconded by Alderman Liska and carried with Alderman Moore voting no.

MISCELLANEOUS

- **Clarification of Rules for Government of the Common Council, Rule 35**
Motion by Alderman Moore to replace the last two sentences of Rule 35 of the “Rules for Government of the Common Council”, beginning with “The agenda may be amended...” and ending with “emergency situations” with the following: as stated in his requested action statement. Seconded by Alderman Liska. Motion failed with Aldermen Moore and Liska voting yes.

Clerk’s Note: The following item was taken out of sequence.

- **Amend the Rules for Government of the New Berlin Common Council- City of New Berlin- Rule #35**

Motion by Alderman Harenda to amend Common Council Rule #35, by inserting the following sentence: “In the event that the Mayor or Council President cannot agree upon whether a matter should be placed on the agenda, the City Clerk shall place the matter on the agenda and the matter may only be taken up by the council if a majority of the members present consent by motion to the consideration of the matter. If both are unavailable, the City Clerk may amend the agenda to handle emergency situations.”

Motion failed for lack of a second.

- **Set a Public Hearing Date for the October 4, 2010 Plan Commission Meeting at 6:00p.m. regarding rezoning of a property located at approximately 21400 W. National Ave. from I-1 to I-1 and C-2 to Field Delineate the Wetlands.**

Motion by Alderman Moore to set a public hearing date for the October 4, 2010 Plan Commission Meeting at 6:00p.m. regarding rezoning of a property located at approximately 21400 W. National Ave. from I-1 to I-1 and C-2 to Field Delineate the Wetlands. Seconded by Alderman Ament and carried unanimously.

- **Approval of Resolution No. 10-40 Notice of Exemption from Waukesha County Library Levy 2010 Tax for 2011 Purposes**

Motion by Alderman Seidl to approve Resolution No. 10-40 Notice of Exemption from Waukesha County Library Levy 2010 Tax for 2011 Purposes. Seconded by Alderman Hopkins and carried

unanimously.

- **Request that the Common Council authorize the Finance Committee to explore the possibility of out sourcing some City functions and hold the meetings in the council chambers so that they can be televised**

Motion by Alderman Seidl to authorize the Finance Committee to explore the possibility of out sourcing some city functions, and hold the meetings in the council chambers so that they can be televised. Seconded by Alderman Harenda

There was discussion regarding the cost to privatize and the loss of control. There was also discussion regarding surrounding municipalities who have participated in privatizing, budget options and positive outcomes of sharing services with surrounding communities.

carried with Alderman Moore and Liska voting no.

- **Recommend to Common Council approval of the use of social media with feedback for City communications through Resolution #10-41**

Motion by Alderman Seidl to approve the use of social media with feedback for City communications through Resolution #10-41. Seconded by Alderman Hopkins

Motion by Alderman Moore to refer the use of social media with feedback for City communications back to Communications Committee seconded by Alderman Harenda. Motion failed with Alderman Moore voting yes.

Friendly amendment to the original motion by Alderman Harenda to include: for purposes of this resolution and policy the term "social media" shall refer to "Facebook", "Twitter" and "LinkedIn"

motion carried unanimously.

Direct the City Attorney to draft the necessary amends to the New Berlin Municipal code(s) and/or by-laws for the Police & Fire Commission and Plan Commission residency requirements from "citizen" to "resident of the City of New Berlin"

Motion by Alderman Ament to direct the City Attorney to draft the necessary amends to the New Berlin Municipal code(s) and/or by-laws for the Police & Fire Commission and Plan Commission residency requirements from "citizen" to "resident of the City of New Berlin". Seconded by Alderman Wysocki and motion carried unanimously.

- **Hiring freeze on any new or open/vacant city positions**

Motion by Alderman Harenda to institute a hiring freeze of any open or vacant city employment positions for 2010/2011/2012. To ensure quality of services, there may be exceptions and each case will be treated individually, but the New Berlin Common Council will have final approval. This hiring freeze has a 2 ½ year window, but may be removed by council action, at anytime. Seconded by Alderman Seidl

Friendly amendment by Alderman Harenda to exclude the newer open city positions: assessor technician, assistant fire chief, newly hired EMT firefighter, and non-represented part-time summer employees.

Motion carried with Aldermen Hopkins, Liska and Moore voting no.

- **Amend the Rules for Government of the New Berlin Common Council- City of New Berlin- Rule**

#35

Clerk's Note: This item was taken care of earlier in the meeting.

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 9/28/10 NO ACTION
- Discussion & Possible Action on Council Rule #35 TABLED 8/24/2010 w/Motion on Table

Motion by Alderman Wysocki to remove the Discussion and Possible Action on Council Rule #35 from the agenda. Seconded by Alderman Liska and carried unanimously.
- 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 DEFERRED 8/24/10 w/motion left on table.

There was discussion regarding using the Police Department lot instead of the City Hall parking lot. Sendik's Food Market instructed the Farmers Market to vacate that parking lot for the last 3 Saturdays this year. There was further discussion regarding possible use of the City Center as a future location.

Friendly amendment to the original motion by Alderman Hopkins to allow the public safety building parking lot for the three remaining Saturdays for 2010.

Friendly amendment by Alderman Moore to add to the motion: based upon feedback to locate a future location by January 1.

Alderman Wysocki stated he wouldn't be opposed to the amendment but didn't like placing a deadline date of January 1.

Alderman Moore stated he accept the amendment made by Alderman Hopkins to allow the public safety building parking lot for the Farmer's Market for the three remaining Saturdays in 2010 and to include an annual lease unless one of the parties says no.

Alderman Hopkins agreed to add to his motion to direct the City Attorney to prepare a lease and authorize the Mayor to sign in acceptance.

Motion carried unanimously.

ADJOURN

Motion by Alderman Seidl to adjourn at 9:32pm. Seconded by Alderman Moore and carried unanimously.

Clerk's Note: 5 minute break was taken at this time.

Respectfully submitted by
Christine Stefanich
Deputy City Clerk