

**CITY OF NEW BERLIN
PROCEEDINGS OF COMMITTEE OF THE WHOLE MEETING
Tuesday, April 25, 2006**

Please note: Minutes are unofficial until approved by the Committee of the Whole at the next regularly scheduled meeting.

ROLL CALL: Mayor Chiovatero called the meeting to order at 7:05 PM. Present were Aldermen Hopkins, Augustine, Gallagher, Harenda, Hegeman, Moore and Ament. Also present were: City Attorney Mark Blum, City Clerk Marilyn Gauger, Director of Community Development Greg Kessler and City Engineer JP Walker.

This meeting was noticed on Friday, April 21, 2006 in accordance with the Open Meeting Law.

APPROVAL OF MINUTES: April 11, 2006 Committee of the Whole

Motion by Alderman Ament to approve the April 11, 2006 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 Ament for Approval of Water Utility claims in the amount of \$69,425.65, Sewer Utility claims in the amount of \$16,977.26 and Bi-weekly claims in the amount of \$463,201.54, all of which represents payment to vendors. Seconded by Alderman Hegeman and carried unanimously.

LICENSES/PERMITS

Bartender Licenses

Motion by Alderman Ament for approval of Bartender License for the year 2005-2007 to Michelle E. Balles, Penny Lee Diesch, Gale Arthur Menningen, Joseph J Ruder and Meredith Katelyn Thompson. Seconded by Alderman Harenda and carried unanimously.

Amendment to "Class B" Retailers License/Extension of Premise and Loud Speaker Permit

Motion by Alderman Gallagher to deny. Seconded by Alderman Moore and failed with Aldermen Augustine, Moore and Gallagher voting yes.

Motion by Alderman Hopkins for Approval by Jennifer Jones, co-owner of **Calhoun Station** at 1849 S Calhoun Road and Kevin Larsen, owner of **Senor Lunas** at 1901 S Calhoun Road for Saturday, September 2, 2006 from 12 Noon to 11 PM and Sunday, September 3, 2006 from 12 Noon to 11 PM for an outdoor music festival with food, beer and liquor and carnival type concessions on the property. Owners must provide trained staff to direct people in and out of the parking lot, the staff must be trained and wear a fluorescent safety vest (flashlight at night), and have handheld stop signs and they must be alcohol free. Also owners must provide professional security people (at least two) on premise during event. Any complaints from neighbors, etc. that require police response will result in immediate revocation of outdoor amendment. Seconded by Alderman Hegeman.

Motion by Alderman Ament to defer to the next meeting. Seconded by Alderman Augustine and carried unanimously.

Amendment to "Class B" Retailers License/Extension of Premise

Motion by Alderman Hopkins for Approval by Susan Hayes, owner of The 19th Hole Country Club for Wednesdays from May 24, 2006 to August 31, 2006 a roped off area approximately 15 feet X 15 feet in parking lot of Club from 6:30 PM to 9:30 PM. Seconded by Alderman Hegeman and carried unanimously.

Presentation: County Supervisor Vera Stroud

County Supervisor Stroud presented handouts to Council regarding the County budget and services. She discussed those budget items affecting the City.

MISCELLANEOUS

Discussion on Greenfield Avenue reconstruction project.

Mayor Chiovatero indicated there is nothing new to report.

At this time Mayor Chiovatero deviated from the agenda to consider the following:

Resolution No. 06-13 Amending the 2006 Approved Operating Budget Relating to Transfer Funds from the Contingency Account to the Street Department Traffic Control Signal Account

Motion by Alderman Hopkins to approve Resolution No. 06-13. Seconded by Alderman Ament and carried unanimously.

Resolution No. 06-14 Amending the 2006 Approved Operating Budget To Transfer Funds from the Contingency Account to the Finance Department Professional Fees

Motion by Alderman Moore to approve Resolution No. 06-14. Seconded by Alderman Ament and failed with Alderman Moore voting yes.

Initial Resolution No. 06-16 Authorizing \$1,855,000 General Obligation Bonds for Fire Station Project.

Motion by Alderman Ament to approve Resolution No. 06-16. Seconded by Alderman Harenda and carried unanimously.

Resolution No. 06-17 Directing Publication of Notice to Electors.

Motion by Alderman Ament to approve Resolution No. 06-17. Seconded by Alderman Gallagher and carried unanimously.

Resolution No. 06-18 Providing for the Sale of \$1,855,000 General Obligation Fire Station Bonds.

Motion by Alderman Ament to approve Resolution No. 06-18. Seconded by Alderman Hopkins and carried unanimously.

Resolution No. 06-19 Providing for the Sale of \$4,425,000 General Obligation Promissory Notes

Motion by Alderman Harenda to approve Resolution No. 06-19. Seconded by Alderman Gallagher and carried unanimously.

Discussion and direction on installing public infrastructure (roadway and pond) on the Decade property prior to the expiration of the WDNR and US Corps of Engineers permits

The City currently holds two (2) permits for the construction of the road and pond. One from the DNR and one from the Corps of Engineers. Both permits are needed in order to complete the roadway and pond within the City Center. When the permits expire, and there is no guarantee that they (permits) would be extended, the infrastructure would need to be redesigned. Staff is looking for direction on if the road and pond should be built and if yes when and who will bear the cost (approximately \$1.3 million).

Discussion followed that roads should be developer driven and not paid for by the City taxpayers; should the City upfront the costs, build the road and pond and then special assess the property; where do the funds for such a project would come from; and the fact that our current timeline with regards to the permits doesn't leave enough time for an eminent domain process to take place and the fact that the Developer will not dedicate the land to us.

Consensus from Council was that the road needs to go through. There were questions regarding the property value diminishing if the road was not constructed. Mayor Chiovaturo will contact the City Assessor regarding any diminished value of the tax base (if not constructed) and he will also contact the developer.

Set Public Hearing Date for Moorland Road Water and Sewer Special Assessment Project Amended Final Resolution

Motion by Alderman Gallagher to set a public hearing date of Tuesday, May 23, 2006 at 7:00 PM before Common Council. Seconded by Alderman Hegeman and carried unanimously.

City Attorney Blum indicated the reason for the public hearing and the amended final resolution was to correct an error within Resolution – 05-36 regarding the timeline for interest to accrue on unpaid special assessments. The assessment amounts are unchanged.

Election of Council President pursuant to Council Rule 15

Motion by Alderman Gallagher to nominate Alderman Hopkins. Alderman Hopkins respectfully denied.

Motion by Alderman Hopkins to nominate Alderman Ken Harenda. Seconded by Alderman Ament.

Motion by Alderman Hegeman to close nominations. Seconded by Alderman Augustine.

Motion by Alderman Hegeman to approve Alderman Harenda as Council President. Seconded by Alderman Augustine and carried with Alderman Gallagher voting no.

Election of Council representative to Plan Commission pursuant to State Statute 62.23 (1) (b)

Motion by Alderman Augustine to nominate Alderman Ament as the Council representative to Plan Commission. Seconded by Alderman Harenda.

Motion by Alderman Hopkins to close nominations. Seconded by Alderman Augustine and carried unanimously.

Motion by Alderman Moore to approve Alderman Ament as the Council representative to Plan Commission. Seconded by Alderman Hopkins and carried with Alderman Gallagher voting no.

DEFERRED/REFERRED/TABLED ITEMS

None.

ADJOURN

Motion by Alderman Augustine to adjourn at 9:20 PM. Seconded by Alderman Hegeman and carried unanimously.

Respectfully submitted

Marilyn Gauger, CMC/WCMC
City Clerk