

**CITY OF NEW BERLIN
PROCEEDINGS OF COMMITTEE OF THE WHOLE MEETING
Tuesday, June 13, 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: 06 PM. Present were Aldermen Hopkins, Augustine, Gallagher, Harenda, Hegeman, Moore and Ament. Also present were: City Attorney Mark Blum, City Clerk Marilyn Gauger and City Engineer JP Walker and Community Development Director Greg Kessler.

This meeting was noticed on Thursday, June 8, 2006 in accordance with the Open Meeting Law.

APPROVAL OF MINUTES:

Motion by Alderman Harenda to approve the May 23, 2006 Committee of the Whole minutes as printed. Seconded by Alderman Hegeman 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

Claims

Motion by Alderman Ament for Approval of Water Utility claims in the amount of \$79,519.09, Sewer Utility claims in the amount of \$16,295.57 and Bi-weekly claims in the amount of \$765,187.96, all of which represents payment to vendors. Seconded by Alderman Hopkins and carried unanimously.

LICENSES/PERMITS

Bartenders

Motion by Alderman Ament for Approval of renewal of Bartender Licenses for the year 2006-2008 per list as presented. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Ament for Approval of Bartender Licenses for the year 2006-2008 to Roul Sotero Cirilo, Bethany J. Conn, Emily Ann Kilps, Nicole Colleen Martin, Kari Marie Murphy and Tracy Lynne Zahn. Seconded by Alderman Harenda and carried unanimously.

LICENSE RENEWALS FROM 7-1-06 TO 6-30-07 FOR THE FOLLOWING:

Archery Range Licenses

Motion by Alderman Hegeman for approval of Archery Range Licenses for Ojibwa Bowhunters, Inc./Douglas Curler, Agent at 3045 S. Johnson Road, Milwaukee Casting Club, Inc./David L. Poff, Agent at 18200 W. Cleveland Avenue, New Berlin Park & Recreation Department/Mark Schroeder, Director of Park & Recreation at Valley View Park, 5051 S. Sunny Slope Road. Seconded by Alderman Ament and carried unanimously.

Entertainment Licenses – Class A

Motion by Alderman Hegeman for approval of Class A Entertainment Licenses for Hoepfner-Horn Bros. VFW Post 5716/Kenneth Sharping, Agent at 17980 W. Beloit Road, Matty's Bar & Grill Inc./Matthew L. Anderson, Agent at 14460 W. College Avenue, Mustang Shelly's Roadhouse, Ltd./Michele E. High, Agent at 18540 W. National Avenue. Seconded by Alderman Hopkins and carried unanimously.

Entertainment Licenses - Class B

Motion by Alderman Hegeman for approval of Class B Entertainment Licenses for Armeli's of New Berlin Inc./Anthony Armeli, Agent at Armeli's Restaurant & Pizzeria 16201 W. National Avenue, Asia Restaurant, Inc./Raymond J. Moy, Agent at 16150 W. National Avenue, Calhoun Station Inc./Michael Steffes, Agent at 1849 S. Calhoun Rd, The Char Grill Inc./Jeffrey Marsh, Agent, dba Charcoal Grill & Rotisserie Restaurant 15375 W. Greenfield Avenue, Crown Golf Properties, LP/John Rader, Agent at New Berlin Hills Golf Course, 13175 W. Graham Street, Double Gee Inc./Gisela Konarski Agent at 16461 W. Greenfield Avenue, Haybalers Saloon /Scott Knueppel, at 13327 W. Greenfield Avenue, Kathleen Tucker at Mannigan's Club A, 12785 W. Janesville Rd, John N. Martin at Martin's Tap, 19550 W. National Avenue, MRS., Inc./Scott A. Herder, Agent at Chumley's Pub, 3612 S. Moorland Road, Susan J. Hayes at The 19th Hole Country Club, 1525 S 124th Street, Pendulum Pub, Inc./Randy S. Schroeder, Agent at 1959 S. 124th Street, Gail M. Astemborski at Prospect Hill Bar, 19745 W. National Avenue, Michael J. Jost at West Side Pub, 20385 W. National Avenue, Michael Teipner - Blue Moon

Enterprises LLC d/b/a The Varsity Club, 12400 W. Beloit Road, Penny L. Burk at Nickel's, 13915 W. Greenfield Avenue, Kevin Larson at Sr. Luna's, 1901 S Calhoun Road. Seconded by Alderman Ament and carried unanimously.

Wholesale Beer License

Motion by Alderman Gallagher to approve a Wholesale Beer License for Beechwood Distributors, Inc./John T. Sheehan, Agent at 5350 S. Emmer Drive. Seconded by Alderman Hegeman and carried unanimously.

Class "A" Malt License

Motion by Alderman Hegeman to approve the Class "A" Malt Licenses for Beechwood Distributors, Inc./John T. Sheehan, Agent at 5350 S. Emmer Drive. Seconded by Alderman Hopkins and carried unanimously.

"Class A" Retailer Licenses

Motion by Alderman Hegeman to approve the "Class A" Retailer Licenses for American Drug Stores Inc./Daniel P. Kamps at Osco Drug Store #3650, 13995 W. National Ave, Kwik Trip, Inc./Holly M. Kopac, Agent at Tobacco Outlet Plus #534, 3620 S. Moorland Road, P.R.P Wine International, Inc./Robert Conroy, Agent at 2700 S. 163rd Street, Patricia A. Pashelk at Patty's Beer, Liquor & Delicatessen, 12420 W. Beloit Road, Dharani, Inc./Murad M. Ali, Agent at My Pantry, 1410 S. Calhoun Road, Rick Klath, Agent at Ultra Mart Foods LLC d/b/a Pick N Save, 15445 W National Avenue. Seconded by Alderman Moore and carried unanimously.

Class "B" Malt Licenses

Motion by Alderman Hegeman to approve the Class "B" Malt Licenses for CEBB, LLC – New Berlin Players Park/Bruce Geiger, Agent at 17980 W. Beloit Road, Moorland Road Golf Center LLC./Thomas Major, Agent at 5900 S. Moorland Road, Rainbow Restaurant, Inc./Jean S. Witczak, Agent at 6290 S. Martin Road, TRH Restaurants, Inc./Darin Hogy, Agent at Rocky Rococo Pizza & Pasta, 15455 W. Howard Avenue, Western Racquet Club Inc./Scott Garvin Agent at WRC Moorland Tennis Center, 2900 S. 163rd Street. Seconded by Alderman Ament and carried unanimously.

"Class B" Retailer Licenses

Motion by Alderman Hopkins to approve the "Class B" Retailer Licenses for Armeli's of New Berlin, Inc./Anthony Armeli, Agent at Armeli's Restaurant & Pizzeria, 16201 W. National Avenue. Asia Restaurant, Inc./Raymond J. Moy, Agent, at 16150 W. National Avenue, Calhoun Station Inc./Michael Steffes, Agent at 1849 S. Calhoun Rd, Crown Golf Properties, LP/John Rader, Agent at New Berlin Hills Golf Course, 13175 W. Graham Street, Deer Haven Golf Course, Inc./Jeff A. Kernan, Agent at 19180 W. Cleveland Avenue, Double Gee, Inc./Gisela Konarski, Agent at 16461 W. Greenfield Avenue, Scott A. Knueppel at Haybalers Saloon 13327 W. Greenfield Avenue, Hoepfner-Horn Bros. VFW Post 5716/Kenneth Sharping, Agent at 17980 W, Beloit Road, Holy Apostles Congregation/Robert J. Delvaux, Agent at 16000 W. National Avenue, John N. Martin at Martin's Tap, 19550 W. National Avenue, Matty's Bar & Grille Inc./Matthew L. Anderson, Agent, 14460 W. College Avenue, Mi Cocina Mexican Restaurant/Jessica Escamilla, Agent at 15300 W. Beloit Rd, Midwest Hotel & Conference Center Inc./ Paul J. Johnson Jr., Agent at Holiday Inn Express Hotel, 15451 W. Beloit Road, Motion Fitness & Raquetball Club, Inc./Michael Kuglitsch, Agent at 14999 W Beloit Road, Mustang Shelly's Roadhouse, Ltd./Michele E. High, Agent at 18540 W. National Avenue, Penny L. Burk at Nickel's Pub, 13915 W. Greenfield Avenue, Susan J. Hayes at The 19th Hole Country Club, 1525 S. 124th Street, Pendulum Pub, Inc./Randy S. Schroeder, Agent at 1959 S. 124th Street, The Preserve at Deer Creek Golf Inc./Dennis Kasian, Agent at 4285 S. Sunny Slope Rd, Gail M. Astemborski at Prospect Hill Bar, 19745 W. National Avenue, Roadhouse of New Berlin LLC/Gerard A Cruz, Agent at Texas Roadhouse, 15425 W. Rock Ridge Road, Roaring Fork, LLC./ David A. DeMarco, Agent, at Qdoba Mexican Grill at 15620 W. National Ave, Senor Luna, LLC/Kevin E. Larson, Agent at 1901 S. Calhoun Road, Diamondback Management Inc./Sara E. Metcalf, Agent at Tumbleweed Southwest Grill, 4900 S. Moorland Rd, West Side Pub LLC/ Michael J. Jost , Agent at 20385 W. National Avenue, WHG New Berlin, LLC / Jeff Arman, Agent at Applebee's Neighborhood Grill & Bar 5100 S. Rock Ridge Rd. Lagniappe Brasserie, Andrew Tenaglia, Agent at 17001 W Greenfield Avenue, Mannigan's Club A, Kathleen M. Tucker at 12785 W Janesville Road, Oscar New Berlin LLC d/b/a Buffalo Wild Wings, Paul Berlin, Agent at 15306 W Beloit Road Milwaukee Casting Club, Inc./David Poff, Agent, at 18200 W. Cleveland Avenue. Seconded by Alderman Moore and carried unanimously.

THE FOLLOWING LICENSES ARE AWAITING BUILDING INSPECTION APPROVAL:

"Class B" Retailer Licenses:

Kat's Café LLC,/ Danny Ballos, Agent at 19680 W. National Avenue

Motion by Alderman Harenda to approve subject to issues regarding inspection. Seconded by Alderman Hegeman and carried unanimously.

MRS. Inc./Scott A. Herder, Agent at Chumley's Pub, 3612 S. Moorland Road

Motion by Alderman Hegeman to approve subject to issues regarding inspection. Seconded by Alderman Ament carried unanimously.

Scorpio's Restaurant, Inc./Maria Ponogopoulos, Agent at 15421 W. National Avenue

Motion by Alderman Ament to approve subject to issues regarding inspection. Seconded by Alderman Hegeman carried unanimously.

The Char Grill Inc/ Jeffrey Marsh, Agent, dba Charcoal Grill & Rotisserie Restaurant, 15375 W. Greenfield Avenue

Motion by Alderman Hegeman to approve subject to issues regarding inspection. Seconded by Alderman Hopkins and carried unanimously.

Theater License

Motion by Alderman Hegeman to approve the Theater License for Marcus Ridge Cinema/Mark Gramz, Agent at 5200 S. Moorland Road. Seconded by Alderman Hopkins and carried unanimously.

Trapshooting License

Motion by Alderman Hegeman to approve the Trapshooting License for Milwaukee Casting Club, Inc./David Poff, Agent, at 18200 W. Cleveland Avenue. Seconded by Alderman Ament and carried unanimously.

MISCELLANEOUS

Discussion on Greenfield Avenue reconstruction project.

Mayor Chiovatero indicated Dwayne Johnson from the DOT still pursuing issue with Town of Brookfield. Their share of the project per the DOT is \$750,000 and the Town will only pay \$250,000. We have approved \$1.9 million in CIP for this project. The DOT may shelf the project because of the gap of dollars from the Town. The DOT does not want to come back to the city to re-negotiate the project. Mayor will coordinate a Town and Cities meeting to talk about this. Our cost will not go up. We have a contract with that dollar amount. If shelved will ask for statement in writing that it will not increase in price. Alderman Ament asked the Mayor to put the City's position in writing and have them (DOT) agree to it.

Resolution No. 06-15 Amended Resolution in Accordance With Wisconsin Statute Section 66.0703 Authorizing the Levying of a Special Assessment Against Benefited Properties in the Moorland Road Water and Sewer Special Assessment District (*This resolution amends Resolution No. 05-36 per the Public Hearing held 5-23-06*)

Motion by Alderman Gallagher to approve Resolution No. 06-15. Seconded by Alderman Hopkins and carried unanimously.

Note: This amended resolution only changes the date the clock starts on accrual of interest paid.

Resolution No. 06-22 Amending the 2006 City of New Berlin Operational Budget To Increase the Grant Revenue and Expenditure Accounts Within the Police Department Budget

Motion by Alderman Harenda to approve Resolution No. 06-22. Seconded by Alderman Hopkins and carried unanimously.

Resolution No. 06-26 Supporting Agreements Between The City of New Berlin and the Wisconsin State Elections Board Regarding Use of the Statewide Voter Registration System (SVRS)

Motion by Alderman Ament to approve Resolution No. 06-26. Seconded by Alderman Hegeman and carried unanimously.

Resolution No. 06-28 Amending the 2006 City of New Berlin Operational Budget Relating to Wage and Benefit Adjustments For AFSCME, Professional Police Association and Civil Service Employees

Motion by Alderman Hopkins to approve Resolution No. 06-28. Seconded by Alderman Moore and carried

unanimously.

Waive the interest and penalties for Gerald A Dlapa for Parcel #'s 1173.060, 1173.061 and 1174.012 (vacant lots).

Motion by Alderman Gallagher to waive the interest and penalties. Seconded by Alderman Harenda and carried with Alderman Ament voting no.

Resolution No. 06-29 A Resolution Amending the 2006 Approved Operating Budget To Transfer Funds From The Contingency Account to the City Clerk Election Supplies Account.

Motion by Alderman Augustine to approve Resolution No. 06-29. Seconded by Alderman Harenda and carried unanimously.

Contract for Purchase of HAVA compliant voting machines (7) subject to final approval by City Attorney.

Motion by Alderman Ament to approve the contract subject to final approval by City Attorney. Seconded by Alderman Hegeman and carried unanimously.

Contract for Election Hardware Maintenance of HAVA compliant voting machines (7) subject to final approval by City Attorney.

Motion by Alderman Ament to approve the contract subject to final approval by City Attorney. Seconded by Alderman Hopkins and carried unanimously.

TABLED ITEMS

Amendment to "Class B" Retailers License/Extension of Premise and Loud Speaker Permit/DEFERRED 4-25-06/TABLED 5-9-06

Request 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 vests (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.

Motion by Alderman Gallagher to take off table. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Hopkins to approve Extension of Premise and Loud Speaker Permit (as listed above) for Calhoun Station and Senor Lunas. Seconded by Alderman Hegeman.

Amendment to motion by Alderman Gallagher to change the verbiage in the last sentence from "any" complaints to "excessive" complaints; add they will acquire written permission for additional parking across the street; add will have properly equipped crossing guards and no pedestrian traffic across the tracks between the 2 establishments. Seconded by Alderman Hegeman and carried unanimously.

Original motion as amended carried unanimously.

ADJOURN

Motion by Alderman Hegeman to adjourn at 8:00 PM. Seconded by Alderman Augustine and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC/WCMC
City Clerk