

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL  
Tuesday, April 27, 2010**

Mayor Jack F. Chiovatero called the City of New Berlin Common Council Meeting to order at 7:17p.m. after Committee of the Whole and Privilege of the Floor.

**ROLL CALL:** Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Liska, Moore and Ament. Also present were: City Clerk Kari Morgan, City Attorney Mark Blum, Parks, Recreation & Forestry Director Mark Schroeder, IT Director Nick Roethel, City Assessor Paul Koller, HR Director Tami Potkay, Finance Director Ralph Chipman and Fire Department Assistant Chief Joe Dallman.

Those present recited the Pledge of Allegiance and stood for a moment of silence.

***This meeting was noticed on April 22, 2010 in accordance with the Open Meeting Law.***

**REPORTS**

City Clerk – No report.

Council President – No report.

Mayor – Mayor Chiovatero read a proclamation for Arbor Day. He also read a letter from Mary Van Haut, daughter of recently deceased past Fire Chief Conway thanking the Mayor and Council for their kindness during the hard time and requesting that the Mayor read the letter at the council meeting.

City Attorney – No report

**COMMUNICATIONS**

**Mario Schmidt v. City of New Berlin Claim** – Referred to City Attorney.

**BOARD OF PUBLIC WORKS**

**(BPW 10-10) Approval of Contract to Install Driveway Aprons in the Parkland Green Subdivision**

Motion by Alderman Ament to recommend to the Common Council the awarding of a Construction Contract to the lowest responsive, responsible bidder, Capital Pavers, Inc., for installing 158 driveway aprons in an amount of \$171,528.56 with inspection and contingencies, not to exceed total project costs of \$193,832. Seconded by Alderman Wysocki.

Motion by Alderman Ament to amend his motion to include funds to come from the 2010 Roadway Rehabilitation Account 04251100 59040 C2010, seconded by Alderman Wysocki and carried unanimously.

**LIBRARY BOARD**

- **Common Council to receive and file the New Berlin Public Library's 2009 Annual Report, subject to audit.**

Motion by Alderman Seidl to receive and file the New Berlin Public Library's 2009 Annual Report subject to audit. Seconded by Alderman Liska.

Discussion was held regarding why the council had never seen this report in the past and the fact that they should have been receiving it. Also addressed any concerns with the report itself.

Motion carried unanimously.

- **Establish Library Special Revenue Fund**

Motion by Alderman Seidl to establish a Library Special Revenue Fund. Seconded by Alderman Wysocki.

Discussion as to how funds should be handled and the separation of accounts.

Motion carried unanimously.

- **Establish Library Revenue Accounting**

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Motion by Alderman Seidl to establish Library Revenue Accounting. Seconded by Alderman Hopkins.

Discussion regarding monies not being monitored in the past as well as having better accountability.

Motion carried unanimously.

#### **UTILITY COMMITTEE**

- **(UT 20-09) Award of Construction contract for Parkland Green Water Main Replacement Project.**  
Motion by Alderman Harenda to recommend to Council to award the construction contract for the Water Main Replacement Project for Parkland Green Subdivision to Mainline Sewer & Water, inc., Wisconsin in the amount of \$1,389,184.35. Source of Funds Water Utility Account #107 included in the 2010 approved CIP budget. Seconded by Alderman Wysocki.

Discussion held regarding the time factor of this item.

Motion carried unanimously.

#### **PARKS, RECREATION & FORESTRY**

- **Resolution 10-14 Authorizing Staff to Submit a Stewardship Fund Grant Application to the WDNR for Quarry Park.**

Motion by Alderman Moore to proceed with submittal of a Wisconsin Department of Natural Resources Grant Application of funding assistance for Phase I Development of Quarry Park. Seconded by Alderman Hopkins.

Discussion was held regarding the money being utilized, the sections of the park being constructed as well as maintenance of the park impacting the budget.

Estimated preliminary costs were put together by Park/Rec department for council's review including maintenance, insurance coverage, etc.

Motion carried unanimously.

#### **COMMUNICATIONS COMMITTEE**

- **Recommend to Common Council the use of abbreviated minutes and electronic, paperless packets for selected committees, board and commissions.**

Motion by Alderman Hopkins to approve the use of abbreviated minutes and electronic, paperless packets for selected committees, board and commissions. Seconded by Alderman Seidl.

Presentation by IT Director Nick Roethel.

Concerns that system will be difficult to work with/learn were discussed as well as review of large maps and paper documents.

Further discussion regarding decrease in time to generate paper documents, minutes, etc., as well as real time streaming, personal notes, archiving of paperwork and program being web based.

Alderman Harenda moved to defer this issue to the next meeting, seconded by Alderman Hopkins.

Motion carried with Alderman Moore opposing.

- **Recommend to Common Council approval of the use of Facebook for City communications without feedback.**

Motion by Alderman Hopkins to approve the use of Facebook for City Communications without feedback. Seconded by Alderman Seidl.

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Discussion regarding the choice of a department to use Facebook, the policy for this type of use and the successfulness of the Park/Rec department in implementing this use months ago.

Motion carried unanimously.

**\*7 minute recess at 8:42p.m.**

#### **FINANCE COMMITTEE**

- **Update Designation of Public Depositories and Financial Institutions.**

Motion by Alderman Wysocki to recommend to Common Council, adoption of the requested action, designating Public Depositories and approving other Financial Institutions for investments, Seconded by Alderman Hopkins and carried unanimously.

- **Citizen Survey.**

Motion by Alderman Wysocki to recommend the Common Council work with Community Perceptions for services to include consulting, printing, mailing, postage and analyzing a citizen survey for the purposes of budget analysis at a cost not to exceed \$24,000. Seconded by Alderman Hopkins

Discussion on financing and coming from their contingency since there are no areas with this money approved.

Alderman Wysocki added a friendly amendment to finance through contingency account 616,000. Seconded friendly amendment by Alderman Hopkins.

Discussion on samples of survey and stages it will go through before approval and suggestion that draft survey go to Committee of the Whole so it can be reviewed in greater detail.

Motion carried unanimously.

- **Personal Property Tax Delinquencies**

Motion by Alderman Wysocki to recommend Common Council authorize the Director of Finance to publish the outstanding Delinquent Personal Property Taxes in the media and on the City's website. Seconded by Alderman Ament and carried unanimously.

**\*Mayor requested motion to go into closed session at this time.** Motion by Alderman Hopkins to move to closed session at 9:10p.m. Seconded by Alderman Seidl and carried unanimously.

#### **MAYORAL APPOINTMENTS**

- **Board of Appeals**

Motion by Alderman Wysocki to approve reappointment of James Klappa to the Board of Appeals with a term expiring 4/30/2013. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Ament to approve reappointment of Brian Loohuis to the Board of Appeals with a term expiring 4/30/2013. Seconded by Alderman Seidl and carried unanimously.

Motion by Alderman Hopkins to approve reappointment of John Goetter to the Board of Appeals with a term expiring 4/30/2013. Seconded by Alderman Wysocki and carried unanimously

- **Community Development Authority**

Motion by Alderman Hopkins to approve Deena Liska as Community Development Authority with a term expiring 4/30/2013. Seconded by Alderman Moore and carried unanimously .

- **Parks, Recreation & Forestry Commission**

Motion by Alderman Wysocki to approve reappointment of Robert Rafel to the Parks, Recreation & Forestry Commission with a term expiring 4/30/2013. Seconded by Alderman Moore and carried unanimously.

Motion by Alderman Moore to approve reappointment of Allison Thompson to the Parks, Recreation & Forestry Commission with a term expiring 4/30/2013. Seconded by Alderman Seidl and carried unanimously.

- **Plan Commission**

Motion by Alderman Ament to approve reappointment of Marta Broge to the Plan Commission with a term expiring 4/30/2013. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Hopkins to approve reappointment of William Christel to the Plan Commission with a term expiring 4/30/2013. Seconded by Alderman Liska and carried unanimously.

- **Police & Fire Commission**

Motion by Alderman Moore to approve reappointment of David Patzer to the Police & Fire Commission with a term expiring 4/30/2015. Seconded by Alderman Liska. Motion failed 4/3. Aldermen Wysocki, Seidl, Harenda and Ament opposed.

- **Safety Commission**

Motion by Alderman Hopkins to approve reappointment of Paul Rozek to the Safety Commission with a term expiring 4/30/2011. Seconded by Alderman Ament and carried unanimously.

- **Weed Commissioner**

Motion by Alderman Wysocki to approve reappointment of Jeff Slicker as Weed Commissioner with a term expiring 4/30/2011. Seconded by Alderman Hopkins and carried unanimously.

#### **DEFERRED, REFERRED & TABLED ITEMS**

**Ordinance No. 2413 Ordinance to Amend Section 152-10 Regarding the Regulation and Licensing of Dogs (3rd reading) 11-19-09 TABLED** No action.

**Resolution 10-14 Authorizing Staff to Submit a Stewardship Fund Grant Application to the WDNR for Quarry Park. DEFERRED ON 4/13/10.** As addressed above.

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**CONSENT AGENDA** Motion by Alderman Wysocki to approve the consent agenda. Seconded by Alderman Ament and carried unanimously.

#### **UTILITY AND FINANCE**

##### **Claims**

**For: April 28, 2010**

- Recommend to Council approval of Water Utility claims in the amount of \$20,495.70, Sewer Utility claims in the amount of \$29,400.65, and Bi-weekly claims in the amount of \$514,476.47

#### **LICENSES & PERMITS**

##### **Bartenders**

- Bartender Licenses for the year 2009-2011 to Joshua Steger, Kevin Smith, Kimberly Lewandowski, Stacy Trebby, Gregg Hablewitz and Garret Adamek

##### **Outdoor Music – St. Elizabeth Ann Seton Church Festival**

- Friday, July 30, 2010 from 5p.m. to 11p.m., Saturday, July 31, from 5p.m. to 11p.m. and Sunday, August 1 from Noon to 7p.m.

##### **Extension of Premise Permit**

- 19<sup>th</sup> Hole Country Club for Wednesday nights this summer 6:30p.m. – 9:30p.m.

#### **MISCELLANEOUS**

- Election of Council representative to Plan Commission pursuant to State Statute 62.23(1)(a) and City Code Section 275.15(b)(3)

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**DEFERRED, REFERRED & TABLED ITEMS**

- **Direct the City Attorney to create an ordinance that authorizes the City Clerk to allow public forums to be held in the Council Chambers at City Hall as long as a city function has not been previously scheduled and which includes the provisions presented. REFERRED TO COMMUNICATIONS COMMITTEE 2/9/10; REFERRED BACK TO COUNCIL ON 4/27/10** No Action

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**ITEM/S REMOVED FROM CONSENT AGENDA:** None.

**ORDINANCES & RESOLUTIONS**

- **Ordinance No. 2428 titled “An Ordinance to Create Section 33-8 of the Municipal Code of the City of New Berlin Regarding A Purchasing Policy for Automobiles & Light Trucks” (2<sup>nd</sup> Reading):**

Mayor requested adding additional sentence at the last meeting which has since been added to the ordinance.

Alderman Wysocki requested third reading.

- **Resolution No. 10-15 “A Resolution Amending the Library Budget”**

Motion by Alderman Seidl to approve Resolution No. 10-15 titled “A Resolution Amending the Library Budget.” Seconded by Alderman Hopkins.

Discussion regarding the amount shown for fines as well as who is responsible for dictating which accounts the funds go into. Ament – amount for fines, etc.

Motion carried unanimously.

**CLOSED SESSION**

**City Clerk Morgan read the following:**

The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85 (1) (g) of the Wisconsin State Statutes. *Motion as stated above “Mayoral Appointments” where closed session items were addressed previous to remainder of agenda.*

- (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, more specifically:

- **Honeyager et al v. New Berlin**
- **Property tax assessment appeal by S&F LLC**
- **Property tax assessment appeal by LCM Funds 14 Lincoln LLC**

In addition to the above items being discussed an additional item to be discussed in Closed Session is as enumerated in Section 19.85 (1) (c) (e) (g) (f) of the Wisconsin State Statutes.

- (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
- (e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.
- (f) Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons. more specifically:

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- **Discussion of possible action regarding retirement agreements with non-represented employees**

#### **RECONVENE TO OPEN SESSION**

Discussion & Possible action on any matters as listed below.

Motion by Alderman Seidl to reconvene to open session at 10:39p.m. Seconded by Alderman Moore and carried unanimously.

- **Honeyager et al v. New Berlin** – No action.
- **Property tax assessment appeal by S&F LLC** – No action.
- **Property tax assessment appeal by LCM Funds 14 Lincoln LLC** – No action.
- **Discussion of possible action regarding retirement agreements with non-represented employees** - Alderman Hopkins moved that the City enter into an agreement approved with Fire Chief Dobernig for his retirement and approve the financial consideration as part of that agreement. Seconded by Alderman Liska.

The Chief was thanked for his years of service with the New Berlin Fire Department and to the community and well wishes for his retirement.

Concerns regarding the process of how this was handled were mentioned.

Motion carried with Alderman Ament opposing.

#### **ADJOURN**

Motion by Alderman Moore to adjourn at 11:01 PM. Seconded by Alderman Wysocki and carried unanimously.

Respectfully submitted:  
Kari Morgan  
City Clerk