

**CITY OF NEW BERLIN
PROCEEDINGS OF COMMITTEE OF THE WHOLE MEETING
Tuesday, October 14, 2008**

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

ROLL CALL: Mayor Jack F Chiovatero called the meeting to order at 7:03 PM. Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Poshepny, Moore and Ament. Also present were: City Clerk Marilyn Gauger, City Attorney Mark Blum, Human Resource Director Tami Potkay, Police Chief Joe Rieder, Fire Chief Ed Dobernig, Assistant Fire Chief Fred Schultz, Fire Administrative Services Manager Deb Delikat, Finance Director Mike Holzinger, Parks Recreation and Forestry Director Mark Schroeder, Police Dispatch Lori Schulpius, City Engineer JP Walker, Facilities Management Director Bob Schulpius, Municipal Court Office Manager Mary Ann Rozman, Streets & Utilities Administrative Supervisor Sue Hanley, Police Captain Frank Zsohar, Streets Manager Don Ullman and IT Director Nick Roethel.

This meeting was noticed on Thursday, October 9, 2008 and amended on Monday, October 13, 2008 in accordance with the Open Meeting Law.

APPROVAL OF MINUTES

Motion by Alderman Hopkins to approve the September 10, 2008 Budget Workshop minutes as printed. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Poshepny to approve the September 23, 2008 Committee of the Whole minutes as printed. Seconded by Alderman Moore and carried with Alderman Ament abstaining.

Motion by Alderman Hopkins to approve the October 7, 2008 Budget Workshop minutes as printed. Seconded by Alderman Poshepny 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 to approve the Water Utility claims in the amount of \$98,894.16, Sewer Utility claims in the amount of \$473,458.63, of that amount \$412,827.30 represents payment to MMSD, and Bi-weekly claims in the amount of \$1,626,437.46, all of which represents payment to vendors. Seconded by Alderman Moore and carried unanimously.

LICENSES/PERMITS

Bartenders

Motion by Alderman Seidl to approve the Bartender Licenses for the year 2008-2010 to Timothy Marr, Pamela Mrowinski, Lisa Borchardt, Lori Loduha, Kim Schiefelbein, David Schultz, Megan Schwartz, David Muenzberg and Patrick Striebel. Seconded by Alderman Wysocki and carried unanimously.

MISCELLANEOUS

Amend Section 261-17 of the Municipal Code of the City of New Berlin to regulate negative effects of motor-driven off road vehicles

Motion by Alderman Hopkins to Amend Section 261-17 of the Municipal Code of the City of New Berlin to regulate negative effects of motor-driven off road vehicles. Seconded by Alderman Ament.

Motion by Alderman Moore to amend the proposed ordinance by removing the verbiage in (10) "and not based on the standards of persons who are more sensitive than ordinary persons". Seconded by Alderman Poshepny and motion failed with Aldermen Poshepny and Moore voting yes.

Upon voting the Original motion carried unanimously.

Amend Sections 121-1 (F), 121-1 (F) (1) and (2), 121-1 (F) (2) (f), and 121-1 (F) (4) of the Municipal Code of the City of New Berlin to limit shotgun hunting

Motion by Alderman Ament to direct the City Attorney to create an ordinance to Amend Sections 121-1 (F), 121-1 (F) (1) and (2), 121-1 (F) (2) (f), and 121-1 (F) (4) of the Municipal Code of the City of New Berlin to limit shotgun hunting within the city for the sole purpose of destroying wild animals causing damage to growing agricultural crops.

Seconded by Alderman Hopkins and carried unanimously.

Set a Public Hearing for November 10, 2008 at 6:01 p.m. to be held before the Plan Commission for Mr. Szczap (Bielinski Homes)

Motion by Alderman Ament to Set a Public Hearing for November 10, 2008 at 6:01 p.m. to be held before the Plan Commission for Mr. Szczap (Bielinski Homes) who has filed a petition to rezone the property located at approximately 12800 W. Janesville Rd. (known as Wyndridge) from Rm-1 to Rm-1 and C-2 to field delineate the wetlands on the property. Seconded by Alderman Wysocki and carried unanimously.

Set a Public Hearing for November 10, 2008 at 6:02 p.m. to be held before the Plan Commission for Mr. Jeff Mass

Motion by Alderman Ament to Set a Public Hearing for November 10, 2008 at 6:02 p.m. to be held before the Plan Commission for Mr. Jeff Mass who has filed a petition to rezone the property located at approximately 2400 S. Johnson Rd. from A-2 and C-2 to R-1/R-2 and C-2 (to field delineate the wetlands). Seconded by Alderman Seidl and carried unanimously.

Set a Public Hearing for November 10, 2008 at 6:03 p.m. to be held before the Plan Commission for Mr. Dave Merrick

Motion by Alderman Ament to Set a Public Hearing for November 10, 2008 at 6:03 p.m. to be held before the Plan Commission for Mr. Dave Merrick who has filed a petition to rezone the property located at approximately 15200 & 15230 W. Small Rd. from R-4 to O-2 and extend the public notification range to 1000 feet. Seconded by Alderman Harenda and carried unanimously.

Emergency Government Budget/TABLED 10-7-08

Motion by Alderman Wysocki to remove from the table. Seconded by Alderman Ament and carried unanimously.

Emergency Management Director Scott Schulpus provided a power point presentation on the history, goals, objectives and accomplishments of Emergency Management within the City of New Berlin

The following motion is from the October 7, 2008:

"Motion by Alderman Wysocki to recommend transferring activities and function of Emergency Government to the Fire Department with a \$15,800 savings. Seconded by Alderman Ament."

City Attorney Blum indicated the restructuring of a department should be agenized and separate from the budget piece.

Motion amended/restated by Alderman Wysocki to remove \$15,800 from Emergency Management. Seconded by Alderman Ament, motion failed unanimously.

2009 Department Operating Budgets

Motion by Alderman Harenda to reduce the contingency fund by \$80,172 (Health insurance savings). Seconded by Alderman Seidl and carried with Aldermen Poshepny and Moore voting no.

Motion by Alderman Ament to reduce the Mayor budget's of \$50,992 from Acct #50010; \$5,303 from Acct #51010; \$3,829 from Acct #51020; \$15,778 from Acct #51030; \$103 from Acct #51060 and \$122 from Acct# 51070 for a total of \$76,057 represents the Executive Assistant Salary and Benefits and place in Human Resource. Seconded by Alderman Harenda and motion failed with Aldermen Harenda and Ament voting yes.

Finance Director Holzinger indicated currently the operating budget is \$33,878,540 with a levy of \$23,453,362.

Motion by Alderman Hopkins to approve the proposed 2009 Operating Budget at \$33,878,540 with a levy of \$23,453,362 and forward to Council. Seconded by Alderman Poshepny and carried unanimously.

2009 Department CIP Budgets - \$6,866,371 (Mayor Proposed)

Motion by Alderman Wysocki to remove from borrowing \$417,098 designated for Facility Management CIP and instead take from Hotel Tax Reserve Fund. Seconded by Alderman Ament and carried with Alderman Moore voting no.

Motion by Alderman Wysocki to amend CIP Engineering – Improvements to add \$900 to the Greenfield Avenue project to bring the total to \$1,915,900. Seconded by Alderman Seidl.

Alderman Wysocki withdrew his motion and Alderman Seidl withdrew his second.

Motion by Alderman Moore to remove \$1,918,000 from the Greenfield Avenue project. Seconded by Alderman Harenda.

Motion by Alderman Moore to table. Motion failed lack of second.

Upon voting, Original motion failed with Alderman Moore voting yes.

Motion by Alderman Harenda to move costs from Parks & Recreation - Malone Park tennis and basket courts from 2009 to 2010 CIP Budget and move Malone Park costs of parking lot from 2010 to 2009 CIP budget. Seconded by Alderman Seidl and carried with Aldermen Hopkins and Moore voting no.

Motion by Alderman Wysocki to table the CIP Budget. Seconded by Alderman Poshepny and carried unanimously.

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

Direct the City Attorney to Prepare the Final Resolution for the Howard Avenue Special Assessment Sewer Project/TABLED 9-23-08

Motion from the 8-26-08 meeting:

"Motion by Alderman Poshepny to direct the City Attorney to prepare the Final Resolution for the Howard Avenue Special Assessment Sewer Project using the Assessed Value Land method; waiving the connection fee of \$2,204 basis was the waiver of the connection fee of the Beloit Road Sewer Project; and amend the approval of the Engineer's Report to provide for a total assessment of \$24,294.95 which would include the assessments shown on page 4 under Section D of the policy which would be the ones listed that Alderman Poshepny read previously plus the lateral assessment of \$1,815 per parcel and in addition a 1% administration fee would be added to that total and that total then would be the assessment that may be paid under ten (10) annual equal installments at the rate of 5% per annum after the 1st ninety (90) days. Seconded by Alderman Moore and carried with Aldermen Poshepny and Moore voting no."

Reconsidered on 9-23-08 and then tabled.

City Attorney Blum indicated his recommendation is that this issue not be taken up this evening because of the appropriateness of the reconsideration. Procedurally the reconsideration is not in order. Reconsideration should not take place at the Committee of the Whole as the Council has taken action on this issue. In addition the Alderman seeking the reconsideration did not vote with the prevailing side at the Council meeting meaning that he is not eligible to move the reconsideration of this issue there. An alderman could bring forward a new motion to rescind and/or amend the prior Council action on this subject. The Requested Action Statement could be that the Council action of 8-26-08 be modified in the following manner and the prior action be rescinded and the new terms can become part of the motion.

Bids for Construction of Fire Station on Racine Avenue

Award 13 sub-contracts for construction of fire station on Racine Avenue: Structural and Miscellaneous Steel, Finish Carpentry and General Trades, Roofing, Overhead Doors, Aluminum & Glass, Drywall, Flooring, Acoustical Ceilings, Painting, Plumbing, HVAC, Electrical and Landscaping/DEFERRED 9-23-08

Motion by Alderman Ament recommend to Council approval to award the 13 sub-contracts for new fire station on Racine Avenue. Seconded by Alderman Hopkins and carried with Alderman Poshepny voting no.

Motion by Alderman Wysocki to remove the 2009 CIP Budget from the table. Seconded by Alderman Seidl and carried unanimously.

Motion by Alderman Hopkins to add \$219,219 to the 2009 CIP budget to cover the additional dollars needed for construction of the new fire station on Racine Avenue. Seconded by Alderman Seidl.

Motion by Alderman Moore to amend the motion to add \$50,000 for a total of \$269,219 to use as many LEED points as possible. Motion died lack of second.

Upon voting, Original motion carried with Alderman Poshepny voting no.

DEFERRED, REFERRED & TABLED ITEMS

Common Council approves any pay or benefit increases before they go into affect. Instruct the City Attorney to draw up a resolution or ordinance (whichever is appropriate) to be approved at the next Common Council meeting/REFERRED TO FINANCE COMMITTEE/5-13-08

No action taken.

Refer The Changing Of The Regular BPW Monthly Meeting Date And Time From The First Monday Mornings Of The Month At 8:00AM To The Evening Of The 3rd Wednesday Of The Month At 6:00PM To The BPW For Their Discussion And Recommendation (*changed to Report Back*) To The Common Council/Alderman Ament/REFERRED TO BOARD OF PUBLIC WORKS/8-12-08

No action taken.

Adoption of Water and Sewer Urban Service Area Boundaries/REFERRED TO PLAN COMMISSION/8-12-08

No action taken.

Adoption of "Three-Quarters" Majority Vote For Any Future Extension of Water and Sewer Outside Established New Berlin Urban Service Area Boundary (NBUSAB). These Boundaries Are To Be Adopted Within The Next 60 Days By The New Berlin Common Council/TABLED 8-12-08

No action taken.

Resolution No. 08-25 A Resolution Transferring Funds From Contingency to Fire Department Accounts/DEFERRED 9-23-08

Motion to Alderman Harenda to table. Seconded by Alderman Seidl and carried unanimously.

Motion by Alderman Ament to table the remainder of the CIP budget. Seconded by Alderman Hopkins and carried unanimously.

ADJOURN

Motion by Alderman Ament to adjourn at 10:21 PM. Seconded by Alderman Moore and carried unanimously.

Respectfully submitted:

Marilyn Gauger, MMC/WCMC
City Clerk