

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, June 22, 2010**

Please note: Minutes are unofficial until approved by the Common Council at the next regularly scheduled meeting.

Mayor Jack F. Chiovatero called the City of New Berlin Common Council Meeting to order at 8:26 pm. 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, Interim Deputy City Clerk Sherri Hanson, Finance Director Ralph Chipman, Parks, Recreation & Forestry Director Mark Schroeder, Planning Services Manager Nikki Jones, Assistant Fire Chief Joe Dallman, HR Director Tami Potkay and Fire Dept. Administrative Assistant Debbie Gillard.

Those present recited the Pledge of Allegiance.

This meeting was noticed on June 17, 2010 in accordance with the Open Meeting Law.

REPORTS

City Clerk – No report.

Council President – Alderman Harenda deferred the floor to Alderman Hopkins to discuss recent storm related activities. Alderman Hopkins commended the various city departments for the work that they have been doing in the middle of the night and in dangerous situations since the storms began last Tuesday.

Mayor – No report.

City Attorney – No report.

COMMUNICATIONS – Randy Boknevitz Claim – Referred to City Attorney.

PLAN COMMISSION

- **Ld-10-05 Matty's – 14460 W. College Ave. – Se1/4 Sec. 35 – One Lot Land Division**
Motion by Alderman Ament to recommend to Common Council approval of the Certified Survey Map for the property located at 14460 W. College Avenue and accept the Plan Commission Report. Seconded by Alderman Harenda.

Discussion held on previous conditions set forth.

Motion to approve carried unanimously.

- **PG-227 Extraterritorial Plat – Deerfield Estates, Town of Waukesha**
Motion by Alderman Ament to recommend to Common Council no objection of the Deerfield Estates Extraterritorial Preliminary Plan and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.

BOARD OF PUBLIC WORKS

- **(BPW 13-10) Approval of the 2010 Calhoun Road Rehabilitation Contract**
Motion by Alderman Ament to recommend to the Common Council the awarding of a Construction Contract to the lowest responsive, responsible bidder, Musson Brothers, Inc. for the Calhoun Road Rehabilitation Project (Account 04251100 63011 C2010) in an amount of \$1,721,689.37 with inspection and contingencies, that not to exceed Total Project Costs are \$2,038,600.00. Seconded by Alderman Seidl.

Discussion on opinion that this is insufficient in terms of safety for pedestrians.

Motion carried with Alderman Moore opposing.

- **(BPW 14-10) Approval of the 2010 Calhoun Road Rehabilitation GlasGrid Installation Contract**
Motion by Alderman Ament to recommend to Common Council the awarding of a Construction Contract to the lowest responsive, responsible bidder, Road Fabrics, Inc., for the Calhoun Road Rehabilitation Project – GlasGrid Installation (Account 04251100 63011 C2010) in an amount of \$192,841 with inspection and contingencies, that not to exceed total project costs of \$210,170. Seconded by Alderman Seidl and carried with Alderman Moore opposing.

PARKS, RECREATION & FORESTRY

- **(PRF-01-10) Award contract for Malone Park Tennis & Basketball Court Reconstruction Project**
Motion by Alderman Moore to award the contract to Payne & Dolan, Inc., in the amount of \$234,495 for materials and labor for the Malone Park Tennis & Basketball Court Reconstruction Project #PRF-01-10 with monies to come from CIP Account 04059100-61107. Seconded by Alderman Hopkins.

The project should begin mid-august and be completed by mid-September weather permitting.

Motion carried unanimously.

FINANCE COMMITTEE

- **Adopt policy regarding New Berlin Impact Fees with the exception of the Utilities**
Alderman Wysocki explained that there was a memo that was not included in the packets that the council should take time to review.

Motion by Alderman Wysocki to defer this issue to the July 13, 2010 meeting. Seconded by Alderman Hopkins and carried unanimously.

- **Direct Ehlers to move forward with the proposed plan for Debt Refunding and CIP Financing**
Motion by Alderman Wysocki to recommend to the Common Council to direct Ehlers to move forward with the proposed plan for Debt Refunding and CIP financing. Seconded by Alderman Hopkins.

Financial director Ralph Chipman gave an update on the proposed plan from Ehlers.

Motion carried unanimously.

UTILITY COMMITTEE

- **Discussion & Possible Action to Either:** *Alderman Harenda brought forth a motion related to Item B.*
 - a. **Cancel the balance of the existing agreement with Capitol Pavers; direct staff to rebid the Parkland Green Road rehabilitation project to complete a full rehabilitation of the roads within the water main relay portion of said project; and to cancel the balance of the Road Fabrics Inc. project.** *No action.*
 - b. **Declare an emergency pursuant to Wis Stat Sec 62.15(1b) concerning the condition of those roadways within the Parkland Green road rehabilitation project which are also part of the water main relay for said project on the grounds that they have been damaged such that their condition requires an immediate full rehabilitation of said roads and that absent amendment of the existing paving contract, the reconstruction cannot be completed within this construction season; based on the existence of said emergency the existing paving contract with Capitol Pavers Inc. for said project shall be amended to increase the total project cost by \$296,000.00 to perform the services set forth in the City Engineer's cost estimate; and to amend the Road Fabrics Inc. contract to reduce the amount of glass grid to be used in the project accordingly.**

Motion by Alderman Harenda to declare an emergency pursuant to Wis Stat Sec. 62.15(1b) concerning the condition of those roadways within the Parkland Green road rehabilitation project which are also part of the water main relay for said project on the grounds that they have been

damaged such that their condition requires an immediate full rehabilitation of said roads. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Harenda to amend the existing paving contract with Capitol Pavers, Inc. for said project to increase the total project cost by \$296,000.00 to perform the services set forth in the City Engineer's cost estimate; and to amend the Road Fabrics, Inc. contract to reduce the amount of glass grid to be used in the project accordingly and to recommend approval of borrowing \$300,000 from the sewer utility to water utility for said project costs. Seconded by Alderman Wysocki and carried unanimously.

MAYORAL APPOINTMENTS

- **Civil Service Commission**

Motion by Alderman Hopkins to reappoint Bernard Kramer to the Civil Service Commission with a term expiring 6/30/2015. Seconded by Alderman Ament and carried with Alderman Wysocki opposing.

- **Library Board**

Motion by Alderman Hopkins to reappoint Rush Wilkens to the Library Board with a term expiring 6/30/2013. Seconded by Alderman Seidl.

Discussion on memo from current board chairperson, receiving updates from the board including minutes and some aldermen's thoughts of the appointment recommendation.

There were also concerns of reappointments to the board because of the concerns existing with the library board as a whole.

The council requested updates from the library board at the next council meeting.

Motion carried with Alderman Ament opposing.

Motion by Alderman Hopkins to reappoint Jo Boardman to the Library Board with a term expiring 6/30/2013. Seconded by Alderman Seidl and carried unanimously.

- **Safety Commission**

Motion by Alderman Hopkins to appoint Brain Graziano to the Safety Commission to complete the term of Daniel Meister expiring 4/30/2011. Seconded by Alderman Liska and carried unanimously.

- **Police & Fire Commission**

Motion by Alderman Moore to appoint Sallly Bryan to the Police & Fire Commission with a term expiring 4/30/2014. Seconded by Alderman Liska.

Discussion on commission's process of hiring chief and feelings that adding a member could create some time delay in that process.

Motion by Alderman Wysocki to table this appointment until after the new chief is appointed. Seconded by Alderman Ament.

Further discussion was held regarding the current state of the commission with only three members serving and their inability to meet as often as they should or could because of the lack of a quorum at times.

Motion to table carried with Aldermen Liska and Moore opposing.

- **Youth Advisory Board**

Motion by Alderman Ament to appoint Rachel Czarnecki to the Youth Advisory Board with a term expiring 5/31/2012. Seconded by Alderman Moore and carried unanimously.

Motion by Alderman Ament to appoint Clare Cimperman to the Youth Advisory Board to complete the term of Arif Gilani expiring 5/31/2011. Seconded by Alderman Wysocki and carried unanimously.

Motion by Alderman Moore to appoint Gina Erato to the Youth Advisory Board to represent district 6 with a term expiring 5/31/2012. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Seidl to appoint Savannah Heitman to the Youth Advisory Board to represent district 3 with a term expiring 5/31/2011. Seconded by Alderman Wysocki 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, 12/8/09 NO ACTION; REFERRED TO SAFETY COMMISSION, 5/11/10; 6/22/10 AD HOC COMMITTEE created by council to further address ordinance

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

MINUTES – Common Council Minutes from June 8, 2010

UTILITY AND FINANCE

Claims

For: June 23, 2010

- Recommend to Council approval of Water Utility claims in the amount of \$350,961.84, Sewer Utility claims in the amount of \$26,029.59, and Bi-weekly claims in the amount of \$501,870.58.

LICENSES & PERMITS

Bartenders

- Bartender Licenses for the year 2010-2012 per list as presented

Extension of Premise

- Lee's Cleveland Pub & Grill, 14000 W. Cleveland Ave. for outdoor tent on August 28th from 3pm to 11pm & August 29th from 3pm to 10pm
- Nickels Pub, 13915 W. Greenfield Ave. for outdoor food/music on September 11, 2010 from Noon to 8pm and September 18, 2010 from Noon to 6:00pm

Massage Establishment License

- Natural Therapeutics Massage Therapy, 14155 W. Greenfield Ave.

2010 -2011 Liquor License Renewals for Approval:

Amusement Devices

Preserve At Deer Creek

Class B Entertainment (dancing incidental to business)

Preserve At Deer Creek

"CLASS A" RETAILER LICENSES (Beer and Liquor)

PRP Wine International

"CLASS B" RETAILER LICENSES (Beer and Liquor)

Preserve at Deer Creek

Princeton Club

MISCELLANEOUS

- Review of 2009 City's Financials as presented by City Auditors
- Approval of contract with the lowest responsible bidder Von Drasek Excavating for the removal and restoration of the remnant structure located at 2901 S. Amor Drive in the amount of \$5,821.50
- Approval to create one full-time position Firefighter/Paramedic
- Review/Discussion on 2010 New Berlin Community Budget Survey
- Approval on establishing Ad Hoc Committee to review and make recommendations/modifications to improve the Dog Ordinance beyond that proposed by the Safety Commission

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ITEM/S REMOVED FROM CONSENT AGENDA: None.

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) (c) (e) 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.
- **Update on Collective Bargaining with IAFF**

Motion by Alderman Ament to move to closed session at 9:08p.m. Seconded by Alderman Hopkins and carried unanimously.

RECONVENE TO OPEN SESSION

Motion by Alderman Hopkins to reconvene to open session at 9:30p.m. Seconded by Alderman Seidl and carried unanimously.

ADJOURN

Motion by Alderman Hopkins to adjourn at 9:31PM. Seconded by Alderman Seidl and carried unanimously.

Respectfully submitted:
Kari Morgan
City Clerk