

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, November 16, 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 9:48PM 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, Police Chief Joe Rieder, Fire Chief Lloyd Bertram, IT Director Nick Roethel, Finance Director Ralph Chipman, City Assessor Paul Koller, Recreation and Community Maintenance Director Mark Schroeder, Human Resources Director Tami Potkay, Director of Community Development Greg Kessler and Library Director Dennis Sampson.

Those present recited the Pledge of Allegiance and stood for a moment of silence following Invocation by Mayor Chiovatero.

This meeting was noticed on November 12, 2010 in accordance with the Open Meeting Law.

REPORTS

City Clerk – No report.

Council President – No report.

Mayor – No report.

City Attorney – No report.

PLAN COMMISSION

- **PG-946 Sewer Service Area Amendments (MMSD) – BuySeasons North – 16385 W. Small Rd.**
Motion by Alderman Ament to adopt Resolution #10-45 that approves the amendment of the City's MMSD Sewer Service Area Boundary to include the BuySeasons North expansion property located at 16385 W. Small Road (Tax Key: 1285-993-001) and accept the Plan Commission Report. Seconded by Alderman Harenda and carried unanimously.
- **PG-976(a) Urban Service Boundary Amendments – BuySeasons North – 16385 W. Small Rd.**
Motion by Alderman Ament to adopt Resolution #10-46 amending the City's Urban Service Area Boundary to include the BuySeasons North expansion property located at 16385 W. Small Road and accept the Plan Commission Report. Seconded by Alderman Harenda and carried unanimously.
- **LD-10-09 J & K Enterprises South – 17400 W. Small Rd. – Two-Lot Land Division, Se ¼ Sec. 33**
Motion by Alderman Ament to approve the Certified Survey Map for the property located at 17400 W. Small Road and accept the Plan Commission Report. Seconded by Alderman Wysocki and carried unanimously.
- **LD-10-10 J & K Enterprises North – 17385 Beres Rd. – Three-Lot Land Division, Ne ¼ Sec. 33**
Motion by Alderman Ament to approve the Certified Survey Map for the property located at 17385 Beres Road and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried unanimously.
- **RZ-10-02 Dean Magner – 19470 W. Lincoln Ave. – Rezone from M-1, C-1 and C-2 to M-1, C-1 and C-2 to Field Delineate the Wetlands and remove a portion of the C-1**
Motion by Alderman Ament to adopt Ordinance #2440 that approves the rezoning of the property known as Dean Magner located at 19470 W. Lincoln Avenue from M-1, C-1 and C-2 to M-1, C-1 and C-2 to Field Delineate the Wetlands and remove a portion of the C-1 and accept the Plan Commission Report. Seconded by Alderman Seidl and carried unanimously.

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- **RZ-10-09 J & K Enterprises – Approx. 17385 W. Beres Rd. (File Address) and 17400 W. Small Rd. Rezone from R-1/R-2, A-2 and C-2 to R-1/R-2, A-2 and C-2 to Field Delineate the Wetlands**
Motion by Alderman Ament to adopt Ordinance #2441 that approves the rezoning of property known as J & K Enterprises located at 17385 W. Beres Road and 17400 W. Small Road from R-1/R-2, A-2 and C-2 to R-1/R-2, A-2 and C-2 to Field Delineate the Wetlands and accept the Plan Commission Report. Seconded by Alderman Seidl and carried unanimously.
 - **LD-10-13 James Christensen – 13120 W. Coldspring Rd. – Two-Lot Land Division – Se ¼ Sec. 24**
Motion by Alderman Ament to approve the Certified Survey Map for the property located at 13120 W. Coldspring Road and accept the Plan Commission report. Seconded by Alderman Liska and carried unanimously.
 - **R-10-99 Honey Lane PUD – 14101 W. Howard Ave. – Extension of Ordinance #2166 Honeyager Planned Unit Development**
Motion by Alderman Ament to approve the request for a two-year extension for the “Honeyager” Planned Unit Development (Ordinance #2166), subject to the original conditions and accept the Plan Commission Report. Seconded by Alderman Moore and carried unanimously.
 - **RZ-10-10 Insane Choppers – 18580 W. National Ave. – Rezone from R-1/R and B-2 to B-2**
Motion by Alderman Ament to adopt Ordinance #2442 that approves the rezoning of property known as Insane Choppers located at 18580 W. National Avenue from R-1/R-2 and B-2 to B-2 and accept the Plan Commission Report. Seconded by Alderman Harenda and carried unanimously.
 - **LD-10-14 Insane Choppers – 18580 W. National Ave. – One-Lot Land Division – Nw ¼ Sec. 28**
Motion by Alderman Ament to approve the Certified Survey Map for the property located at 18580 W. National Avenue and accept the Plan Commission Report. Seconded by Alderman Seidl and carried unanimously.

PARKS, RECREATION & FORESTRY COMMISSION

- **Recommend to Council that positions/original department structure be restored for 2011 budget**
Motion by Alderman Moore that positions/original department structure be restored for the 2011 budget in the amount of \$464,533. Seconded by Alderman Liska.

Discussion on future role of the PRF Commission and their concerns of departmental losses.

Explanation of new structure as well as information obtained from outside vendor that was based on interviews with Park/Recreation staff and used for the restructuring.

Further discussion on concerns for park grounds maintenance and the eliminated positions.

Alderman Hopkins called a “Point of Order.”

Discussion ensued regarding this agenda item rolling into the 2011 budget discussion agenda item.

A consensus of the council deferred this issue to the 2011 budget discussion item later on the agenda.

WATER RESOURCE MANAGEMENT COMMITTEE

- **SW 09-10 Approval of Low Flow Piping Policy**
Motion by Alderman Harenda to approve the Low Flow Piping Policy No. 09-10-006. Seconded by Alderman Hopkins.

Discussion on immediate changes from previous policy.

Motion carried unanimously.

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- **SW 21-10 Approval of 2011 Water Resource Management Operating Budget**
Motion by Alderman Harenda to approve the 2011 Water Resource Management Operating Budget. Seconded by Alderman Moore.

Discussion on incorporating the current Stormwater Supervisor's position as an entirely funded position in this budget as it is currently only 75% of the budget.

Motion by Alderman Harenda to modify the 2011 Water Resource Management Operating Budget to fund 100% of the Stormwater Supervisor's position and fund through account 52130. Seconded by Alderman Wysocki and carried unanimously.

UTILITY COMMITTEE

- **Discussion & Possible Action to make a recommendation to Council on a request to contribute funds for the Private Purchase of land directly north of Calhoun Park and the impact of said purchase on Future Utility Operations & Infrastructure**
No discussion/action.

2011 PROPOSED OPERATING BUDGET

- **Discussion and Possible Action on the proposed 2011 City of New Berlin Operating Budget**
The motion made under a previous agenda item by Alderman Moore to restore the parks and recreation positions/department to the original structure for the 2011 budget and seconded by Alderman Liska was discussed at length.

Alderman Wysocki "Called the Question."

Motion to restore the parks/recreation department to original structure failed with Aldermen Hopkins, Wysocki, Seidl, Harenda, Liska and Ament opposing.

Discussion on the new organizational/workflow chart and concerns related to specific positions.

Motion by Alderman Hopkins to extend the meeting by one hour at 11:00PM. Seconded by Alderman Seidl and carried unanimously.

Further discussion on specific positions cut including a police officer, record's technician, police mechanic, parks worker and parks and recreation department clerical.

Motion by Alderman Moore to return two and a half positions to previously titled parks and recreation department. Motion failed for lack of a second.

Questions addressed on City's reserve insurance fund.

Motion by Alderman Hopkins to extend the meeting by one hour at 12:12a.m. Seconded by Alderman Seidl and carried unanimously.

Motion by Alderman Moore to balance the budget by adding \$103,224 to keep the Recreation Supervisor position by increasing taxes. Seconded by Alderman Liska.

Discussion on the PRF budget details.

Motion by Alderman Moore to amend his motion to add \$38,224 to balance the budget. Seconded by Alderman Liska.

Further discussion on amount needed to balance the budget and ways to achieve that including furlough days and removal of specific budget items.

Motion by Alderman Moore to balance the budget by adding \$38,224 to keep the Recreation Supervisor through a tax increase failed with Aldermen Hopkins, Wysocki, Seidl, Harenda and Ament opposing.

Motion by Alderman Wysocki to take the \$23,513 savings from the Utility Supervisor funding, cut the Mayor's budget by \$4,609 which is for the Conference of Mayors and either implement four furlough days totaling \$118,904 or cover those furloughs with any concessions the Mayor can get from the Unions to balance the budget. Seconded by Alderman Harenda.

Motion by Alderman Moore to amend the motion to add \$4,609 back into the Mayor's budget to cover the Conference of Mayor's. Motion failed for lack of a second.

Friendly amendment made by Alderman Ament to include two furlough days instead of the four for all employees with the exception of the library and dispatch staff.

Motion with friendly amendment carried with Alderman Moore opposing.

Discussion on police department positions and concerns over their vacancies discussed.

Motion by Alderman Hopkins to restore the police officer that was hired and then let go. Seconded by Alderman Harenda.

Discussion on covering this expense through furloughs.

Motion amended to use one and a half (1 ½) furlough days to cover this position.

Motion to restore police officer position by using 1 ½ furlough days to cover the expense carried with Alderman Moore opposing.

Discussion on using furlough days to cover the expense of reinstating the parks worker or horticulturist that was let go as well as how many parks worker positions were eliminated.

Motion by Alderman Harenda to reinstate a clerk/typist to the Recreation and Community Maintenance Department and to fund through two additional furlough days. Seconded by Alderman Seidl.

Discussion on title of position and the duties that need to get done in that department.

Motion to add a clerk/typist position by funding through two additional furlough days carried unanimously.

Motion by Alderman Hopkins to extend the meeting an additional half hour. Seconded by Alderman Seidl and carried with Alderman Wysocki opposing.

Motion by Alderman Hopkins to restore the police mechanic by funding through the levy. Seconded by Alderman Liska and carried with Aldermen Wysocki, Harenda and Ament opposing.

Motion by Alderman Moore to return \$84,692 to the budget to restore the additional police officer and funding position by increasing the tax rate. Seconded by Alderman Liska and failed with Aldermen Hopkins, Wysocki, Seidl, Harenda and Ament opposing.

Discussion held on \$100,000 cut out of the Parks & Recreation budget.

Motion by Alderman Harenda to add the \$100,000 back into the Park and Recreation budget, to adjust the tax rate to 0% and to include two additional furlough days to cover this unless the Mayor can make some concessions with the unions. Seconded by Alderman Ament.

Discussion on the furlough days and the effect it will have on City business/employees.

Alderman Wysocki "Called the Question."

Friendly amendment made by Alderman Hopkins to add the mayor's conference back into the budget.

Friendly amendment not accepted by Alderman Harenda.

Motion to add the \$100,000 back into the Park and Recreation budget and adjust tax rate to 0% through additional furloughs carried with Alderman Moore opposing.

Motion by Alderman Harenda to approve a 0% tax rate increase with a proposed levy of \$23,763,953 for the 2011 budget. Seconded by Alderman Seidl.

Discussion on the tax rate, levy and affect of furloughs.

Motion to approve levy for the 2011 budget carried with Alderman Moore opposing.

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; AD HOC COMMITTEE ESTABLISHED ON 6/22/10
- **Mayoral Appointment of Sally Bryan to the Police & Fire Commission with a term expiring 4/30/2014.** TABLED 6/22/10 W/MOTION LEFT ON TABLE

CONSENT AGENDA: Motion by Alderman Seidl to approve the consent agenda. Seconded by Alderman Hopkins and carried unanimously.

MINUTES – Common Council Minutes from November 9, 2010

LICENSES & PERMITS

Bartenders

- Bartender License for the year 2010-2012 to Kelly Phelps, Westley Bonack, Lisa Oliver and Stephanie Sack

MISCELLANEOUS

- Discussion and Possible Action on Hiring a Lieutenant/Fire Marshall in lieu of the previously approved Assistant Chief Position

DEFERRED, REFERRED & TABLED ITEMS

- Weights and Measures Assessment Fee Schedule pursuant to Section 152-21 of the City Code; DEFERRED 10/22/10
- Recommend Common Council approval to allocate \$30,000 from the City's Park Impact Fee Fund toward the purchase of the properties located at the southeast corner of Beloit and Calhoun Roads (Tax Key #1259-997-0003 & #1259-998) by the Muskego Lakes Land Conservancy; TABLED 10/22/10

ITEM/S REMOVED FROM CONSENT AGENDA, if any:

- **Discussion and Possible Action on City's Operational Changes**
Motion by Alderman Liska to reinstate the three positions discussed above for the remainder of 2010. Seconded by Alderman Hopkins and carried unanimously.

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- **Amendment to Plan of Operation for “Class B” License (Beer & Liquor) for Carrie’s West Side Pub, 20385 W. National Ave. for use of existing outside patio; TABLED 7/13/2010 w/Motion on Table.**

Motion by Alderman Ament to approve the amendment to the Plan of Operation for Carrie’s West Side Pub. Seconded by Alderman Hopkins and carried with Alderman Moore opposing.

ADJOURN

Motion by Alderman Seidl to adjourn at 3:16AM. Seconded by Alderman Hopkins and carried unanimously.

Respectfully submitted:

Kari Morgan
City Clerk