

**CITY OF NEW BERLIN  
PROCEEDINGS OF THE COMMON COUNCIL  
Tuesday, November 27, 2007**

**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 7:48 PM after Committee of the Whole and Privilege of the Floor.

**ROLL CALL:** Present were Aldermen Hopkins, Augustine, Seidl, Harenda, Poshepny, Moore and Ament. Also present were: City Clerk Marilyn Gauger, City Attorney Mark Blum, Finance Director Mike Holzinger, Park Recreation & Forestry Director Mark Schroeder, Police Chief Joe Rieder, Streets Supervisor Don Ullman, IT Director Nick Roethel, Human Resource Director Tami Potkay, Community Development Director Greg Kessler, Maintenance Facilities Director Bob Schulpus, Park Supervisor Dave Jeske, City Assessor Paul Koller, Police Captain Frank Zsohar, Maintenance Facilities Supervisor Ernie Giesegeh, City Engineer JP Walker, Parks Recreation & Forestry Administrative Coordinator Cheryl Bowers, City Librarian Katie Schulz, Municipal Court Supervisor Mary Ann Rozman, Fire Department Administrative Coordinator Deb Delikat, Recreation Supervisor Jon Stolz, Asst Fire Chief Scott Gillard, Asst Fire Chief Joe Dallman and Asst Fire Chief Tom Dobernig.

Those present recited the Pledge of Allegiance.

***This meeting was noticed on Wednesday, November 21, 2007 and amended on Monday, November 26, 2007 in accordance with the Open Meeting Law.***

**REPORTS**

City Clerk - none  
Council President - none  
Mayor - none  
City Attorney - none

**COMMUNICATIONS - none**

**PARKS RECREATION & FORESTRY**

**School District Agreement**

Mayor Chiovatero indicated the Board of Education is reviewing the proposed agreement and the requested changes. An extended deadline was agreed to.

Motion by Alderman Harenda to defer to the December 11<sup>th</sup> meeting. Seconded by Alderman Moore and carried unanimously.

**MAYORAL APPOINTMENTS**

**Comprehensive Plan Steering Sub Committee with no expiration dates**

Motion by Alderman Harenda to approve the appointment of Matthew S. Moroney (MBA representative). Seconded by Alderman Moore and carried unanimously.

Motion by Alderman Hopkins to approve the appointment of Stephen R. Voboril (Small to mid-sized business representative). Seconded by Alderman Moore and carried unanimously.

Motion by Alderman Harenda to approve the appointment of Jalem Getz (Large employer representative). Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Ament to approve the appointment of Herbert A. Eggie (Environmental interest representative). Seconded by Alderman Seidl and carried unanimously.

Motion by Alderman Hopkins to approve the appointment of Laurie DeMoss (Cultural/historical interest representative). Seconded by Alderman Moore and carried unanimously.

**\*\*Alderman Ament's request for Reconsideration of vote from the 11-13-07 Council meeting on Employee Compensation Evaluation.**

The following motions were made at the November 13, 2007 Common Council meeting:

---

"Motion by Alderman Harenda to set titles and salary ranges for the IT Department as follows: Senior Network Administrator with salary range of 9; Database Administrator with salary range of 12; and Director of IT with salary range of 16 effective 1-1-08. Seconded by Alderman Seidl.

Alderman Moore amended the motion with an effective date of 11-1-07. Seconded by Alderman Poshepny and carried with Aldermen Seidl, Harenda and Ament voting no.

Upon voting the original motion as amended the motion carried with Aldermen Seidl and Harenda voting no."

Motion by Alderman Ament to reconsideration the vote. Seconded by Alderman Hopkins carried unanimously.

Upon voting the original motion as amended the motion carried with Aldermen Seidl, Harenda and Ament voting no.

**\*\*Discussion and possible action to direct City Attorney to commence lawsuit to enforce Raze Order for property at 13555 W Raddison Drive.**

Motion by Alderman Harenda to direct City Attorney Mark Blum to commence a lawsuit to enforce the Raze Order for property at 13555 W Raddison Drive if no action on house taken by December 10, 2007. Seconded by Alderman Hopkins and carried unanimously.

**APPROVE 2008 OPERATING AND CIP BUDGETS**

Motion from October 23<sup>rd</sup> meeting:

"Motion by Alderman Moore to forward to Council and public hearing with the Operating Budget at \$33,148,570; with a general tax levy at \$22,606,321 with 5.87% increase and a Tax Rate at \$5.2540 per \$1,000 with a 4.13% increase. Seconded by Alderman Poshepny and carried with Aldermen Seidl, Harenda and Ament voting no."

Finance Director Holzinger provided the Council with the dollar amounts stated in the above motion.

Mayor Chiovatero indicated the Health insurance costs are up 25% and we need to add \$111,000. Currently the health insurance costs were budgeted at 15%.

**Road Aids:**

Motion by Alderman Harenda to increase Revenue Account 41080 by \$23,484. Seconded by Alderman Hopkins and carried unanimously.

**Police Department:**

Motion by Hopkins to reduce Police Department Account 51030 by \$85,408. Seconded by Alderman Harenda and carried unanimously.

**Health Insurance:**

Motion by Alderman Moore to increase \$111,000 to cover insurance deficit. Seconded by Alderman Poshepny and failed with Aldermen Hopkins, Poshepny and Moore voting yes.

**Fire Department:**

Alderman Hopkins moved to amend Fire Department Budget to continue the hiring of 4 and addition 8, but put off the hiring of last 7 until Fire Department Committee can review and report to Council.

Per City Attorney Mark Blum staffing requirements does not fall within this agenda and your motion is out of order, you need the dollar amount.

Per Finance Director Holzinger: \$119,304 is the dollar amount for the staffing per the Fire Department document.

Motion by Alderman Hopkins to move \$119,303 into the Contingency Account from the Fire Department Salary Account. Seconded by Alderman Harenda.

Motion by Alderman Ament to call the question. Seconded by Alderman Harenda carried with Alderman Moore voting no.

---

Upon voting motion carried with Aldermen Seidl, Poshepny and Moore voting no.

**Council Budget:**

Motion by Alderman Ament to remove \$500 from line item named Quarry Assn. Seconded by Alderman Augustine and carried unanimously.

**Mayor Budget:**

Motion by Alderman Moore to return \$2,500 to Mayor's Conference (winter) Account. Seconded by Alderman Poshepny and failed with Aldermen Hopkins, Poshepny and Moore voting yes.

**Maintenance Facilities:**

Motion by Alderman Moore to add \$50,000 for vehicles under Facilities Management budget. Seconded by Alderman Poshepny.

Per Finance Director Holzinger the levy could still go up \$497,345 to be within the 3.86% state imposed limit.

Upon voting the motion failed with Aldermen Hopkins, Poshepny and Moore voting yes.

**Library Budget:**

Motion by Alderman Seidl to restore \$12,358 to Library budget. Seconded by Alderman Hopkins and carried with Alderman Augustine and Ament voting no.

*Break at this time.*

**Fire Department:**

Motion by Alderman Ament to remove \$4,000 from Fire Dept budget line item named Social Food. Seconded by Alderman Harenda and carried with Aldermen Hopkins, Poshepny and Moore voting no.

**Health Insurance:**

Motion by Alderman Moore to increase the Contingency Account to cover the \$111,000. Seconded by Alderman Poshepny.

Per Finance Director Holzinger: the levy is now at \$22,505,287 and can still be increased by \$488,987 to be within the 3.86% state imposed limit.

Upon voting motion failed with Aldermen Hopkins, Poshepny and Moore voting yes.

Motion by Alderman Moore to add \$112,000 to Contingency (not health insurance). Seconded by Alderman Poshepny and failed with Aldermen Poshepny and Moore voting yes.

**Conferences/Seminars/Meetings – all Departments**

Motion by Alderman Ament to remove all conferences and seminars in the amount of \$140,860. Seconded by Alderman Seidl.

Motion by Alderman Hopkins to call the question. Seconded by Alderman Poshepny and carried unanimously.

Upon voting motion failed with Aldermen Seidl and Ament voting yes.

**IT Budget**

Motion by Alderman Ament to remove \$101,450 from IT budget under New Equipment. Seconded by Alderman Harenda.

Alderman Ament withdrew the motion and Alderman Harenda withdrew the second.

**Streets Department**

Motion by Alderman Harenda to remove \$30,000 from the Streets portion of the Streets and Utility Director Salary Account. Seconded by Alderman Ament and carried with Aldermen Poshepny and Moore voting no.

---

Per Finance Director Holzinger: the levy is at \$22,475,287 - includes debt; budget is at \$33,041,020  
tax rate is at \$5.2247 per \$1,000

*Break taken at this time. 12:01 AM*

The levy is currently at a 2.14% increase without the Fire Department and 5.26% increase with the Fire Department.

**Health Insurance:**

Motion by Alderman Hopkins to add in \$111,000 for the health insurance accounts. Seconded by Alderman Poshepny.

Tax rate with the above added: \$5.2505 per \$1,000

Upon voting the motion carried with Aldermen Seidl, Harenda and Ament voting no.

**Approved Budget:**

Motion by Alderman Hopkins to approve budget as amended at \$22,588,739 for levy and \$5.2511 tax rate per \$1,000. Seconded by Alderman Poshepny.

Alderman Hopkins withdrew the motion and Alderman Poshepny withdrew the second.

Motion by Alderman Hopkins to reduce Computer Aids by \$2,452 taking that revenue down to \$199,812. Seconded by Alderman Poshepny and carried unanimously.

Motion by Alderman Hopkins to approve the budget as amended with Revenues of \$33,152,000; levy of \$22,588,739; tax rate of \$5.2511 per \$1,000 of assessed value and a total budget of \$33,152,020. Seconded by Alderman Poshepny and carried with Aldermen Seidl, Harenda and Ament voting no.

**DEFERRALS, REFERRAL & TABLED ITEMS**

**Board of Public Works**

**Sidepath and Trail Inspection and Maintenance Policy/TABLED 9-25-07/DEFERRED 10-9-07/TABLED 10-23-07**

**Resolution #07-29 to approve SEWRPC's Year 2035 Transportation Plan for the region and accept the Plan Commission Report/TABLED 11-13-07**

These items remained on the table.

+++++

**CONSENT AGENDA**

Motion by Alderman Seidl to approve all of the following items listed on the Consent Agenda. Seconded by Alderman Ament and carried unanimously.

**MINUTES** - Common Council minutes from November 13, 2007

**UTILITY AND FINANCE**

**Claims**

- Recommend to Council approval of Water Utility claims in the amount of \$57,568.98, Sewer Utility claims in the amount of \$22,030.33, and Bi-weekly claims in the amount of \$593,379.70, all of which represents payment to vendors.

**LICENSES & PERMITS**

**Bartenders**

- Bartender License for the year 2007-2009 to Kevin Dobson, Dorothy Herder, Joann Koller, Holly Paez-Thoresen and Marlene Vela.

**MISCELLANEOUS**

- Authorize IT Department to contract with Cisco Capital for the financing of a 3-year telephone hardware maintenance agreement.
- Small Road be open from Beloit Road to Moorland Road each day that Beloit Road is closed for freeway construction and proper detour signs be placed designating the temporary detour at Beloit Road and Moorland Road access points.

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

- Resolution No. 06-42 A Preliminary Resolution Declaring Intent to Levy Special Assessments and Directing the City Engineer to Prepare a Report for the Installation of Sanitary Sewer System to Service Areas on the North Side of Howard Avenue (west of Sunny Slope Road)/TABLED 11-14-06  
*This item remained on the table.*

+++++

#### **ITEM/S REMOVED FROM CONSENT AGENDA**

##### **CVMIC Liability Insurance renewals for 2009-2010**

Motion by Alderman Seidl that the City accepts Option 1 with the \$50,000 SIR of the CVMIC Liability Insurance proposal dated October 3, 2007 and agrees to continue its membership in CVMIC for policy years 2009 and 2010 based on the premiums guaranteed by CVMIC for said policy years. Seconded by Alderman Hopkins.

Motion by Alderman Harenda to table. Seconded by Alderman Ament and carried with Alderman Poshepny voting no.

#### **ORDINANCES/RESOLUTIONS**

##### **Ordinance No. 2367 Ordinance To Amend City of New Berlin Municipal Code Chapter 230 Streets and Sidewalks Section 230-2 Snow and Ice Removal**

Mayor Chiovaturo indicated this is the 2<sup>nd</sup> reading.

##### **Resolution No. 07-31 Resolution to Conduct a Referendum to Exceed the Levy Limit Under Wisconsin Statute Section 66.0602**

Motion by Alderman Moore to approve Resolution No. 07-31. Seconded by Alderman Poshepny and motion failed with Aldermen Hopkins, Poshepny and Moore voting yes.

***Per City Attorney Mark Blum do not need to go into closed session as there is no new information***

#### **CLOSED SESSION**

The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85 (1) (e) and (g) of the Wisconsin State Statutes.

- (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; more specifically:
  - Potential land acquisition via donation for proposed fire station
- (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:
  - Deborah Wied

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

No motion - Council did not go into Closed Session.

#### **DISCUSSION AND POSSIBLE ACTION:**

##### **Potential land acquisition via donation for proposed fire station**

No action taken.

##### **Discussion and possible action concerning the claim of Deborah Wied**

---

No action taken.

**ADJOURN**

Motion by Alderman Seidl to adjourn at 1:33 AM. Seconded by Alderman Augustine and carried unanimously.

Respectfully submitted:

Marilyn Gauger, CMC/WCMC  
City Clerk