

Amended 1/20/11

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, January 11, 2011**

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 8:20PM 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, Recreation Director Mark Schroeder, Director of Community Development Greg Kessler, City Engineer J.P. Walker and Stormwater Engineer Nicole Hewitt. Alderman Moore left the meeting at 9:19PM.

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

This meeting was noticed on Thursday, January 6, 2011 in accordance with the Open Meeting Law.

REPORTS

City Clerk – City Clerk Morgan announced that all residents must vote at the New Berlin City Hall for the February 15, 2011 Spring Primary Election. There will not be any other voting locations for this election.

Council President – No report.

Mayor – No report.

City Attorney – No report.

COMMUNICATIONS – City’s Auditors, Baker Tilly Virchow Krause, LLP

WATER RESOURCE MANAGEMENT

• **SW 08-10 – Approval of Funds for Property Acquisition and Demolition**

Discussion ensued regarding where the money would come from to purchase the six properties as well as the precedent that the City would be setting.

Motion by Alderman Hopkins to buy out the six properties listed for a total of \$1,264,364 using CIP funds. Seconded by Alderman Seidl.

Motion by Alderman Moore to table this motion and refer the issue back to the Water Resource Management Committee. Motion fails for lack of a second.

Further discussion regarding other sources of funding for this purchase.

Alderman Wysocki “called the question.” Seconded by Alderman Hopkins and carried with Alderman Moore opposing.

Motion to purchase the properties failed with Alderman Wysocki, Harenda, Liska and Ament opposing.

• **SW 22-10 – Approval of 2011 Water Resource Management Capital Budget**

Motion by Alderman Harenda to approve the 2011 WRM Capital Budget. Seconded by Alderman Hopkins and carried with Alderman Ament opposing.

UTILITY COMMITTEE

• **UT 22-10 – Approval of 2011 Water Utility Operating Budget**

Motion by Alderman Harenda to approve the 2011 Water Utility Operating Budget in the amount of \$4,764,034, that includes the Purchased Water Adjustment Clause increase to keep up to the increase with the Milwaukee Water. Seconded by Alderman Ament and carried unanimously.

- **UT 22-10 – Approval of 2011 Water Utility Capital Improvement Budget**

Motion by Alderman Harenda to approve the 2011 Water Utility Capital Improvement budget for \$222,653. Seconded by Alderman Ament and carried unanimously.

- **UT 23-10 – Approval of 2011 Wastewater Utility Operating Budget**

Motion by Alderman Harenda to increase the Wastewater rate by 10% starting January 1, 2011. Seconded by Alderman Wysocki.

It was mentioned that there has not been a rate increase since 1996 and the reason for the increase now is that MMSD is increasing their rates.

Motion carried unanimously.

Motion by Alderman Harenda to approve the 2011 Wastewater Operating budget in the amount of \$9,606,755. Seconded by Alderman Wysocki and carried unanimously.

- **UT 23-10 – Approval of 2011 Water Utility Capital Improvement Budget**

Motion by Alderman Harenda to approve the 2011 Water Utility Capital Improvement Budget in the amount of \$247,653. Seconded by Alderman Wysocki and carried unanimously.

- **Discussion & Action on 2011 CIP Budget (Referred from COW on 10-5-10)**

Motion by Alderman Wysocki to refer this item to the Finance Committee. Seconded by Alderman Harenda and carried unanimously.

DEFERRED, REFERRED & TABLED ITEMS

- **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 Hopkins to approve the consent agenda. Seconded by Alderman Seidl and carried unanimously.

APPROVAL OF MINUTES – Common Council Minutes from December 14, 2010; January 4, 2011

UTILITY AND FINANCE

Claims

For: December 29, 2010

- Recommend to Council approval of Water Utility claims in the amount of \$135,678.70, Sewer Utility claims in the amount of \$673,142.65, and Bi-weekly claims in the amount of \$418,515.58. Tax overpayment checks totaling \$42,626.66 were also generated.

For: January 12, 2011

- Recommend to Council approval of Water Utility claims in the amount of \$35,324.09, Sewer Utility claims in the amount of \$19,157.48 and Bi-weekly claims in the amount of \$642,747.52. Tax overpayment checks of \$71,173.73 were also generated.

LICENSES & PERMITS

Bartenders

- Bartender License for the year 2010-2012 to Terry L. Matthias, Eric Osen, Clarence Kuehmichel, Sandra Moore, Crystal Jimenez, Sandra Baumann, Lawrence Clayborn and Krysta Arrendondo.

MISCELLANEOUS

- Establishment of New Berlin Hills Golf Course Greens Fees for 2011
- Review & Possible Action on Sprint Lease Extension Agreement
- Recommend Council to approve to fill the position of Public Safety Coordinator and any residual vacancies
- Re-formation of the ADHOC Committee between City of New Berlin and New Berlin School District to review and study possible shared services between both entities.
- Recommend Council Adopt Resolution 11-01 titled "A Resolution to Change the City of New Berlin Polling Place(s) for the February 15, 2011 Primary Election"

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ITEM/S REMOVED FROM CONSENT AGENDA, if any:

- **Bartender License for the year 2010-2012 to Amber M. Boehme**
Motion by Alderman Seidl to approve the 2010-2012 license to Amber M. Boehme. Seconded by Alderman Ament and carried with Alderman Moore opposing.
- **"Class A" Retailer License (Beer and Liquor)
Walgreens, 3855 S. Moorland Rd.**
Motion by Alderman Ament to approve the "Class A" Retailer License. Seconded by Alderman Wysocki and carried with Alderman Moore opposing.
- **Authorization to Accept the WDNR Stewardship Fund Grant for Quarry Park Phase I Development**
Motion by Alderman Moore to accept the WDNR Stewardship Fund Grant for Quarry Park Phase I Development. Seconded by Alderman Harenda.

Discussion on reasons for aldermen's oppositions versus support for this item.

Motion failed with Aldermen Hopkins, Wysocki, Harenda and Ament opposing.

ORDINANCE & RESOLUTIONS

- **Ordinance No. 2444 titled "An Ordinance to Amend Section 11-21 Fringe Benefits for Full-Time Employees of the Municipal Code of the City of New Berlin with Respect to Employee Health Insurance Contributions (1st Reading)**
- **Ordinance No. 2413 Ordinance To Amend Section 152-10 Regarding The Regulation And Licensing Of Dogs (2nd reading)**
Alderman Liska requested the 2nd reading be deferred to the next meeting to give her additional time to discuss the ordinance with the police as well as with the committee members.

CLOSED SESSION

Motion by Alderman Hopkins to move to closed session at 9:21PM. Seconded by Alderman Wysocki and carried unanimously. (This motion was made prior to the clerk reading the basis for Closed Session).

City Clerk Morgan read the following:

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

(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:

- City Center Multi-Family Development

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) 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, more specifically:

- Collective Bargaining Update for NBPPA, AFSCME, Teamsters & NBPFPA

Motion by Alderman Liska to move to closed session at 9:23PM. Seconded by Alderman Wysocki and carried unanimously. (This motion was made after the clerk read the basis for Closed Session).

RECONVENE TO OPEN SESSION

Motion by Alderman Seidl to reconvene to open session at 9:50PM. Seconded by Alderman Wysocki and carried unanimously.

No action taken in Open Session on any items discussed in Closed Session.

ADJOURN

Motion by Alderman Seidl to adjourn at 9:52PM. Seconded by Alderman Wysocki and carried unanimously.

Respectfully submitted:

Kari Morgan
City Clerk