

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, February 8, 2011**

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

Mayor Jack F. Chiovero called the City of New Berlin Common Council Meeting to order at 8:18p.m. following 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, DCD Director Greg Kessler, HR Director Tami Potkay, City Engineer J.P. Walker and Police Chief Joe Rieder.

Those present recited the Pledge of Allegiance.

This meeting was noticed on Thursday, February 3, 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. The voting times will be from 7a.m. to 8p.m.

Council President – No report.

Mayor – Mayor Chiovero announced that the Mayor's office is accepting nominations for the 2011 Citizen of the Year award. The Mayor also acknowledged the help from businesses, citizens and residents with their patience last week during the snowstorm. Although he was out of town during the storm, the Mayor stated that he was in touch with the streets director, emergency government, police department and others. He also stated that Alderman Harenda did great job in making sure the emergency was taken care of.

City Attorney – No report.

COMMUNICATIONS – Both listed were referred to the City Attorney.

- Children's Hospital Claim
- John Peasley Claim

SPECIAL PROJECTS COMMISSION

- **Recommend to Common Council approval of a Small Grants Program for 11-01 the New Berlin Fourth of July Commission in the amount of \$10,000**
Motion by Alderman Wysocki to approve the grant for 11-01 the New Berlin Fourth of July Commission in the amount of \$10,000. Seconded by Alderman Ament and carried unanimously.
- **Recommend to Common Council approval of a Small Grants Program Grant for 11-02 the New Berlin Jr. Woman's Club in the amount of \$10,000**
Motion by Alderman Wysocki to approve the grant for 11-02 the New Berlin Jr. Woman's Club in the amount of \$10,000. Seconded by Alderman Hopkins and carried unanimously.
- **Recommend to Common Council approval of a Small Grants Program Grant for 11-03 the Prospect Lions Club, Inc. in the amount of \$10,000**
Motion by Alderman Ament to approve the grant for 11-03 the Prospect Lions Club, Inc. in the amount of \$10,000. Seconded by Alderman Harenda and carried unanimously.
- **Recommend to Common Council denial of a Small Grants Program Grant for 11-04 the New Berlin Land Conservancy in the amount of \$2,000**
Motion by Alderman Moore to approve the grant for 11-04 the New Berlin Land Conservancy. Seconded by Alderman Harenda.

Discussion on the amount being denied versus what is shown in the minutes from the Special Projects Commission meeting.

Motion by Alderman Wysocki to table this issue until the next meeting for clarification. Seconded by Alderman Ament and carried with Alderman Moore opposing.

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 Harenda to approve the consent agenda. Seconded by Alderman Ament and carried unanimously.

APPROVAL OF MINUTES – Common Council Minutes from January 25, 2011

UTILITY AND FINANCE

Claims

For: February 9, 2011

- Recommend to Council approval of Water Utility claims in the amount of \$23,794.25, Sewer Utility claims in the amount of \$493,334.00 and Bi-weekly claims in the amount of \$709,239.15.

LICENSES & PERMITS

Bartenders

- Bartender License for the year 2010-2012 to Jason Rukstad and Evan Piotrowski.

MISCELLANEOUS

- Discussion & Possible Action on Utilizing an Acting Lieutenant for the Fire Department
- Review & Action on Traffic Mitigation Contract for I-94 East/West Repaving Project currently underway and scheduled to end December 1, 2012
- Recommend to Common Council that a Public Hearing be set for March 7, 2011 at 6:00PM to be held before the Plan Commission to consider amendments to the existing New Berlin City Center Planned Unit Development Ordinance #2122 and to incorporate the necessary amendments into the City's adopted 2020 Comprehensive Plan Chapter 10, Land Use Plan and Chapter 15, Neighborhood E-National Ave. East Corridor
- Discussion on 2012 Budget

ITEM/S REMOVED FROM CONSENT AGENDA, if any: None.

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 (3rd Reading)**

Motion by Alderman Hopkins to adopt Ordinance No. 2444. Seconded by Alderman Harenda.

Clarification that this affects the non-represented employees only and does not apply to union employees.

Motion to adopt carried unanimously.

- **Ordinance No. 2413 Ordinance To Amend Section 152-10 Regarding The Regulation And Licensing Of Dogs (3rd reading)**

Motion by Alderwoman Liska to defer the 3rd reading to the next meeting. Seconded by Alderman Harenda.

Discussion on time needed to address additional concerns of constituents as well as those of Aldermen.

Motion to defer to the next meeting carried unanimously.

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) (g) 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:

- Schaffer/Povlich Claim
- 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, more specifically:

(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 & NBPFFA

Motion by Alderman Seidl to move to closed session at 8:35p.m. Seconded by Alderman Harenda and carried unanimously.

RECONVENE TO OPEN SESSION

Motion by Alderman Wysocki to reconvene to open session at 10:10p.m. Seconded by Alderman Seidl and carried unanimously.

- **Schaffer/Povlich Claim**
Motion by Alderman Hopkins to accept and approve the claim from Shannon Schaffer and Jacob Povlich in the amount of \$5,387. Seconded by Alderman Wysocki and carried unanimously.
- **Discussion and Possible Action on litigation relating to the City Center Multi-Family/Condo Development**
No action.

ADJOURN

Motion by Seidl to adjourn at 10:11PM. Seconded by Alderman Wysocki and carried unanimously.

Respectfully submitted:
Kari Morgan
City Clerk