

**CITY OF NEW BERLIN
COMMITTEE OF THE WHOLE
TUESDAY, OCTOBER 12, 2004**

ROLL CALL: Mayor Wysocki called the meeting to order at 7:06 PM. Present were Aldermen Hopkins, Augustine, Gallagher, Harenda, Hegeman, Chiovatero and Ament. Also present were City Attorney Blum, Acting City Clerk Marenda, Director of Community Development Kessler, City Engineer J. P. Walker, Planning Services Manager Jones, Division Engineer-Transportation Schildt, Director of Dept. of Utilities & Streets Grzys, Accounting Manager Chipman, Fire Chief Dobernig, Human Resource Director Potkay, Parks, Recreation & Forestry Director Schroeder; Inspection Services Manager Sigrist; Police Captain Zsohar, and Division Engineer-Storm Water Nitschke.

This meeting was noticed on October 8, 2004 in accordance with the Open Meeting Law.

PRESENTATION: Library Director Katie Schultz presented an update on the Library Building Project. Grand opening is tentatively scheduled for approximately February 14, 2005.

APPROVAL OF MINUTES OF SEPTEMBER 28, 29 and 30, 2004

Alderman Ament moved for approval of minutes of meeting held 9/28/04. Seconded by Alderman Hegeman, motion carried unanimously. Alderman Hopkins moved for approval of minutes of meeting held 9/29/04. Seconded by Alderman Augustine, motion carried unanimously. Alderman Ament moved for approval of minutes of meeting held 9/30/04. Seconded by Alderman Hopkins. Alderman Hopkins moved to Table to clarify motion regarding Fire Department budget. Seconded by Alderman Ament, motion carried unanimously.

**THE FOLLOWING ITEMS WILL BE CONSIDERED FOR APPROVAL OR DENIAL BY THE ALDERMEN
WITH A RECOMMENDATION TO COMMON COUNCIL ON THE CONSENT AGENDA**

UTILITY AND FINANCE

Claims

Alderman Ament moved to recommend to Council approval of Water Utility claims in the amount of \$65,986.06, Sewer Utility claims in the amount of \$60,181.89 and Bi-weekly claims in the amount of \$441,630.32, all of which represents payment to vendors. Seconded by Alderman Chiovatero, motion carried unanimously.

LICENSES

Bartender Licenses

Motion to deny Bartender License for the year 2004-2006 for Cory N Gulbrandsen/TABLED 9/28/04. Alderman Hopkins moved to remove from table. Seconded by Alderman Ament, motion carried unanimously. Mr. Gulbrandsen did not appear to review violations or supply the letter from his employer as requested. Motion to deny carried unanimously.

Alderman Ament moved to approve Bartender License for the year 2004-2006 for Brett J. Seese. Seconded by Alderman Gallagher, motion carried unanimously.

Alderman Ament moved to approve Bartender License for the year 2004-2006 for Mary R. Hedman and Dawn C. Naden. Seconded by Alderman Hopkins, motion carried unanimously.

MISCELLANEOUS

Room Use Request from New Berlin Citizens for Responsible Government

Alderman Ament moved to approve Room Use Request from New Berlin Citizens for Responsible Government for a public forum on October 27, 2004 regarding the development and effect on water resources and environment. Seconded by Alderman Harenda. Alderman Gallagher questioned if the group was non-political as required by the Guidelines for Use of City Hall Facilities and was opposed to approval due to the precedence that could be established. Alderman Harenda stated he was okay with the use of the facility for the intended purpose and the taping, but questioned the precedence. Atty. Blum stated the existing policy is for use of the room, not use of televising equipment, which would set precedence. Alderman Chiovatero also expressed concern. Alderman Ament said he could support the request, as he doesn't regard the event as political. Alderman Harenda moved to amend to allow use of the Council Chambers and taping, but not to televise live. Seconded by Alderman Augustine. Mayor will check to see if taping can occur without broadcasting, which he believes could be done. Motion to amend carried 5-2 with Aldermen Augustine and Ament voting 'no'. Mr. Herb Eggie explained the purpose of the

proposed forum, and noted that while they are a political action committee, this forum is not political in nature. He said that due to the delay in obtaining approval, the proposed October 27th date may not be feasible, and a later date may be necessary. He requested review of the 1989 guidelines to update the policy and procedures regarding the approval process and the equipment use. Mayor Wysocki presented the history of the development of the policy and the requirement that the aldermen approve. Alderman Harenda said taping and televising could be put on the Communications Committee agenda for discussion and development of a policy, and the Mayor asked that the committee also make a recommendation on revisions to the room use policy. Alderman Harenda offered to sponsor this forum as he feels it is for a good purpose, and that would by-pass this approval process. Alderman Gallagher reiterated this is a political action committee and No. 9 of the current policy does not allow use by said groups – and elections have been won and lost over water issues. The motion as amended carried 5-2 with Aldermen Gallagher and Chiovatero voting 'no'.

Mr. Eggie asked about an extension to the October 27th date. Alderman Harenda moved for reconsideration to consider an extension. Seconded by Alderman Ament, motion carried 6-1 with Alderman Gallagher voting 'no'. Alderman Harenda moved to amend motion to allow the deadline date to hold the event to be November 30, 2004, with the applicant to give the City a 10-day notice, subject to availability of the room. Seconded by Alderman Ament, motion to amend carried 5-2 with Aldermen Gallagher and Chiovatero voting 'no'. On the motion as amended to allow the Citizens for Responsible Government to use the city hall facilities and the taping for a forum on the development and effect on water resources and environment for a potential meeting with a date no later than November 30, 2004 with a 10-day notice given to the City, subject to the availability of the facility. Alderman Augustine stated that although he would vote for this motion, he would encourage the group to accept Alderman Harenda's offer to sponsor this event. Motion as amended carried 5-2 with Aldermen Gallagher and Chiovatero voting 'no'.

Resolution No. 04-17 – Resolution Vacating and Discontinuing a Portion of the Service Drive on the South Side of Cleveland Avenue from 167th Street to 245 Feet West of 167th Street in the City of New Berlin. Introduced 4/13/04. Alderman Ament moved to recommend Council approval. Seconded by Alderman Harenda, motion carried unanimously.

Resolution No. 04-18 – Resolution Vacating and Discontinuing a Portion of 166th Street in the City of New Berlin. Introduced 4/13/04. Alderman Ament moved to recommend Council approval. Seconded by Alderman Hopkins, motion carried unanimously.

Resolution No. 04-19 – Resolution Vacating and Discontinuing a Portion of 168th Street in the City of New Berlin. Introduced 4/13/04. Alderman Ament moved to recommend Council approval. Seconded by Alderman Hegeman, motion carried unanimously.

Resolution No. 04-20 – Resolution Vacating and Discontinuing a Portion of 170th Street in the City of New Berlin. Introduced 4/13/04. Alderman Hegeman moved to recommend Council approval. Seconded by Alderman Ament, motion carried unanimously.

Resolution No. 04-51 – Resolution of Eligibility for Exemption from the County Library Tax Levy for 2005. Alderman Augustine moved to recommend Council approval. Alderman Hopkins seconded, motion carried 6-1 with Alderman Gallagher voting 'no'.

Resolution No. 04-52 – Resolution Amending the 2004 Approved Operating Budget to Transfer Funds from the Contingency Account to Various Finance Wage and Benefit Accounts (relating to part time help for annual tax collection, quarterly utility bill collection and implementation of the new financial system). Alderman Hopkins moved to recommend Council approval. Seconded by Alderman Hegeman, motion carried unanimously.

Resolution No. 04-53 – Resolution Amending the 2004 Approved Operating Budget to Transfer Funds from the Contingency Account to Police Contracted Services (relating to Waukesha County Trunked Radio Operating Agreement). Alderman Ament moved to recommend Council approval. Seconded by Alderman Gallagher. Captain Zsohar explained the agreement. Motion carried unanimously.

Resolution No. 04-54 – Resolution Amending the 2004 Approved Operating Budget to Transfer Funds from the Contingency Account to the Street Department Gasoline Account (relating to increased costs for

diesel and unleaded gasoline). Alderman Ament moved to recommend Council approval. Seconded by Alderman Hegeman, motion carried unanimously.

Discussion and possible action on a Voluntary Health Insurance Opt-Out Program for 2005.

Human Resources Director Potkay advised this proposal is for 2005 for employees who are currently enrolled in a family plan through the City. The estimate of 10% employee participation could result in annual savings to the City of \$219,951 based on 2005 premiums. This proposal would apply to non union-civil service employees, and would also be offered to the Unions. By voluntarily waiving coverage for 2005, \$2,400 annual (\$200 per month) would be placed in the HealthCare Reimbursement Account or Dependent Care Reimbursement Account OR \$1,680 annual (\$140 per month) would be paid out and subject to all applicable taxes and benefits. Alderman Chiovatero moved to recommend Council approval. Seconded by Alderman Hegeman, motion carried unanimously.

Discussion and possible action relating to the Mayoral Salary

Alderman Harenda reviewed Ordinance 2063 and the salary survey done by the Human Resources Department. Atty. Blum advised State Statute provides you cannot make adjustments to salary during the current term, but it must be in place before the term begins. This situation is a problem because it is the discretion of this body to vote on changes to the grade rates. An automatic adjustment by percentage or set amount annually can be established. Mayor Wsocki noted that if nothing is done, according to Ordinance 2063 there will be an automatic increase to the minimum level of salary grade 20 for the term starting in April 2005. Alderman Harenda moved to set the Mayor's salary for the term starting in 2005 at the current rate of \$78,941. Seconded by Alderman Gallagher. Alderman Chiovatero stated he was not opposed to freezing the salary, but concerned that the Mayor does a lot of work often over 60 hours a week and those that work for him receive raises. He was also concerned that a freeze would mean the Mayor's salary would be the same for 8 years, as the current salary has been in effect since 2001. Alderman Hopkins noted New Berlin does not have a City Administrator and we expect our Mayor to do that work and suggested at least a cost-of-living adjustment annually. Alderman Gallagher felt the salary survey shows the City higher than the comparable communities presented. He was satisfied with a cost-of-living increase. Human Resources Director Potkay stated she was involved with the creation of Ordinance 2063 and using the Grade 20 rationale was based on comparables with cities without a City Administrator as our Mayor acts in that capacity and related it to the department head bandings, who all report to the Mayor. It was intended to have that salary increase over time. We do have an ordinance that provides for an increase of 2% each year for our Judge. Alderman Chiovatero stated if you combine the salaries of the Mayor and Administrator together for those cities that have both, we are getting a bargain, and he supports the current Grade 20 as salary. Alderman Gallagher agreed with a 1-1.5% increase for inflation. Alderman Harenda moved to amend his motion to increase the rate of \$78,941 by 2% each year after the first year of the term. Seconded by Alderman Ament. Alderman Chiovatero moved to Table. Seconded by Alderman Ament, motion carried unanimously.

ADJOURN

Alderman Hegeman moved to adjourn at 8:32 PM. Seconded by Alderman Hopkins, motion carried unanimously.

Respectfully submitted,

Jean K. Marenda, CMC
Acting City Clerk

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