

Committee of the Whole MEETING AGENDA



March 28, 2023 - 6:00 PM
Council Chambers
3805 S. Casper Drive

Published: 3/24/2023

AGENDA

1. **CALL MEETING TO ORDER**
2. **ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE**
3. **APPROVAL OF MINUTES**
 - A. March 14, 2023 Committee of the Whole Meeting Minutes
4. **UTILITY & FINANCE**
 - A. Recommend to the Common Council approval of the March 29, 2023 Water Utility claims in the amount of \$128,574.79, Sewer Utility claims in the amount of \$686,037.52 and General City claims in the amount of \$427,245.72.
5. **MISCELLANEOUS**
 - A. Golf Course Commission Update
6. **ADJOURN**

Supplemental Information:

- The meeting agenda and agenda packet are available online at www.NewBerlin.org. The minutes are published online and are approved at the next regularly scheduled meeting.
- It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order.
- You may provide comments to the City Clerk via email at CitizenComments@NewBerlin.org. Comments will be forwarded to the Mayor and members of the governing body. Emailed comments are not read during the meeting.
- The City of New Berlin strives to host inclusive, accessible meetings that enable all individuals to engage and participate fully. Any person who has a qualifying disability under the Americans with Disabilities Act that requires that the meeting be accessible, please contact City Clerk Rubina R. Medina at (262) 786-8610 or via email at CityClerk@NewBerlinWI.gov at least 48 hours before the scheduled meeting time. Efforts will be made to accommodate the needs of disabled individuals through appropriate aids and/or services.
- It is also possible that members of and possibly a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to in the above notice.



Committee of the Whole MEETING MINUTES

March 14, 2023 - 6:00 PM
Council Chambers
3805 S. Casper Drive

Please note: Minutes are unofficial until approved at the next regular scheduled meeting.

MINUTES

1. CALL MEETING TO ORDER

Council President Harenda called the Committee of the Whole meeting to order at 6:03 PM.

2. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

City Clerk Rubina Medina took the roll call as follows:

Alderpersons Present: Alderperson Stribl, Alderperson Horbinski, Alderperson Kroupa, Alderperson Harenda, Alderperson Maxey, Alderperson Garrigues, Alderperson Hopkins

Excused: Mayor Ament

Staff Present: City Attorney Mark Blum, Director of Community Development Greg Kessler, Police Chief Jeff Hingiss, Fire Chief Mark Polzin, Public Works Director Josh Radomski, City Clerk Rubina Medina

Rubina Medina stated that a quorum was present and the meeting was properly noticed.

3. APPROVAL OF MINUTES

A. February 28, 2023 Committee of the Whole Meeting Minutes

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Stribl
Second by: Alderperson Maxey
Motion Passed 7-0

4. UTILITIES & FINANCE

- A. Recommend to Common Council approval of March 15, 2023 Water Utility claims in the amount of \$166,932.64, Sewer Utility claims in the amount of \$8,829.31 and General City claims in the amount of \$2,993,483.22. Tax overpayment checks totaling \$46,654.33 were also generated.

MOTION: Motion to approve

VOTE: Motion by: Garrigues
Second by: Hopkins
Motion 7-0

5. MISCELLANEOUS

- A.** Discussion and recommendation to Common Council for approval of the RAS to purchase additional Axon camera program products, data storage, and supporting equipment.

MOTION: Motion to approve

VOTE: Motion by: Stribl
Second by: Hopkins
Motion 7-0

- B.** Discussion and recommendation to Common Council for approval of the RAS to approve the ADA Transition Plan

MOTION: Motion to approve

VOTE: Motion by: Stribl
Second by: Hopkins
Motion 7-0

- C.** Discussion and recommendation to Common Council to enter into agreement with WCTC for use of their facilities for the training of firefighters and emergency responders

City Attorney Mark Blum stated that he advised Chief Polzin that he could not recommend approval of the contract because it contains language which requires that the City indemnify WCTC regarding City use of the facility and that in making that indemnification, the City would be waiving its statutory immunities. He further stated that it is highly unusual for a government contract to require such language of another governmental entity and he does not recall the City Council approving such a contract during his tenure with the City of New Berlin. Attorney Blum further advised the chief that the only way that this could be approved is if the Council signed off on it, hence the reason it is on the agenda this evening.

Fire Chief Mark Polzin stated that he is requesting approval of this agreement due to the fact that the City does not have a facility that will accommodate live burn training. 9 new positions have been added and some of which are firefighter 1 so there is very minimal fire experience. The only way the department will know what these firefighters can and cannot do is through live fire training. To accomplish this, he needs to utilize the WCTC facility. Outside the \$100,000 to update the City facility, this is the only option for live burn training. Chief Polzin further stated this is the only opportunity he will have to put these firefighters in this training situation before they are put on a piece of fire apparatus and he does not want their first experience with live fire being at someone's residence.

Council President Harenda asked Attorney Blum if there was any way to approve the agreement and waive the City's statutory immunities. Can we approve the agreement pending the changes that City Attorney Blum recommends making? Would WCTC amend that going forward?

Chief Polzin stated that he could look into this, but his guess was that by the time he goes through that process, they would miss the 4 week training academy, since he believes this would need to be reviewed by WCTC's attorney and that process could take a long time.

Alderson Hopkins asked Chief Polzin what the city had done in the past with hiring new firefighters.

Chief Polzin stated that most of those firefighters were internal applicants that were part-time employees that worked their way up. 7 of the 9 firefighters that were hired have never been seen before outside of the initial interview process and he does not know what their experience is.

Alderson Stripl asked if there was an explanation as to why WCTC wanted this waived.

City Attorney Blum stated that it's in WCTC's best interest to do it that way. When the city asks for that same kind of contract to use our facilities, we are typically not using another governmental entity which has those kinds of protections and asking another government entity to waive that. That is the difference. If he was in their position, he would ask for it too. In his career, he has not seen another government asking this of us or vice versa in the past, so this is frustrating in that regard.

Alderson Kroupa asked Chief Polzin if there were additional municipalities utilizing WCTC for this program.

Chief Polzin stated that there are 3 other departments that are entering into an agreement this year. There are other county-wide departments as well. Most of the full-time departments have their own training facilities.

Alderson Stripl stated that he understands the Fire Department needing this agreement signed, but he also understands Attorney Blum's recommendation against it.

Alderson Horbinski asked if there was a way to amend the city's coverage.

Attorney Blum stated that the city's entire liability coverage with CVMIC is premised on a 50K self-ensured retention limit, which is based upon the assumption that our statutory immunities are in place. The city would have to contact CVMIC to ask if they would offer a one-use approval. He stated that he and the City Clerk would need to contact CVMIC to see whether they would be willing to offer that or possibly set the city up with a third party supplier to obtain a one-time type of policy that the city would have to purchase.

Alderson Horbinski stated he was thinking of personal insurance and when you need something special, you can add on or obtain a rider on your policy.

Attorney Blum stated it is likely to get coverage from a different carrier, and it's not likely CVMIC will change their program just for this. CVMIC does have special event riders, but they normally have a third party provider, which takes a long time since you have to go through underwriting and the cost can be substantial.

Alderson Horbinski stated that the city is in between a rock and a hard place because the city does not have the necessary facilities.

Council President Harenda asked Chief Polzin when the training started. Chief Polzin stated that the training started tonight, 15 minutes ago.

Alderson Stribl made a motion to approve the waiver for this instance only due to the fact that city facilities do not meet the training requirements. Alderson Maxey seconded the motion.

Chief Polzin stated that he would try to work with WCTC because they are set-up for a yearly fee of \$1,000 to enter into this agreement to use the facilities. He does not know what a one-time use would be. Alderson Stribl stated if it's \$1,000 for the year, so be it. It's not an astronomical amount. The liability is the concern, not the \$1,000 fee.

Alderson Hopkins stated that he wished the Council would have known about this sooner. Council President Harenda concurred with Hopkins as there may have been other alternatives that could have been explored. Council members agreed.

Council President Harenda asked Chief Polzin exactly what they were approving. Was it a one-time use of WCTC's facility? Chief Polzin stated that if \$1,000 was paid then it would be a one-year agreement.

Alderson Horbinski asked Attorney Blum if the City could look into this rider issue to explore the City's options for instances such as this where the City is between a rock and a hard place. Attorney Blum stated that the city would have to focus on this specific situation because CVMIC would want to look at the risk that the city is asking for underwriting purposes. If the city has a future situation with the DPW or the PD, it is unlikely that they would look at it in the same way as this situation. He further stated that he would follow-up with the CVMIC and the City Clerk.

MOTION: Motion to approve the waiver for this instance only due to the fact that city facilities do not meet the training requirements.

VOTE: Motion by: Stribl
Second by: Maxey
Motion 7-0

6. ADJOURN

MOTION: Motion to adjourn at 6:20 PM.

VOTE: Motion by: Stribl
Second by: Maxey
Motion 7-0

***Respectfully Submitted,
Rubina R. Medina, City Clerk***