

Minutes

Common Council Minutes

March 21, 2000

Minutes of a Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, March 21, 2000, at the New Berlin City Hall at 9:40 p.m.

Present were Mayor Gatzke, Aldermen Bullermann, Wysocki, Patzer, Scheuble, Wilkens, Chiovatero and Kaminski. Also present were City Attorney Paul Reilly and City Clerk Judy Weter.

CLOSED SESSION

Motion by Alderman Bullermann to move into Closed Session at 9:40 p.m. Seconded by Alderman Kaminski. Upon voting, Alderman Bullermann voted "yes", Alderman Wysocki voted "yes", Alderman Patzer voted "yes", Alderman Scheuble voted "yes", Alderman Wilkens voted "yes", Alderman Chiovatero voted "yes", and Alderman Kaminski voted "yes".

The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85(1)(g) of the Wisconsin State Statutes, to confer 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 is or likely to become involved regarding jurisdiction over "Clean Fill" facility.

Motion by Alderman Chiovatero to move into Open Session at 10:58 p.m. Seconded by Alderman Kaminski and carried unanimously.

OPEN SESSION

Action on Jurisdiction over "Clean Fill" Facility

Motion by Alderman Scheuble to authorize the City Attorney to proceed with the investigation of the City's authority to monitor the filling of the Park View quarry and the identification of an expert that is agreeable to all parties, whom the City will pay for, to determine the potential for contamination. Seconded by Alderman Bullermann and carried unanimously.

Motion by Alderman Scheuble to withhold proceeding with an injunction at this time but to direct Alderman Scheuble to meet with the quarry association Attorney and Zignego in a good faith attempt to enter into a resolution of issues. Seconded by Alderman Bullermann.

Motion by Alderman Patzer to end debate. Seconded by Alderman Bullermann. Upon voting, the motion carried with Aldermen Wysocki and Scheuble voting "no".

Upon voting, the motion carried with Aldermen Wysocki, Scheuble, and Kaminski voting "no".

Motion by Alderman Bullermann to adjourn the meeting at 11:04 p.m. Seconded by Alderman Patzer and carried unanimously.

Judy Weter

City Clerk