

# Minutes

## Common Council

December 26, 2000

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, December 26, 2000, at the New Berlin City Hall at 5:00 P.M.

Present were Mayor Gatzke, Aldermen Bullermann, Wysocki, Scheuble, Wilkens, Chiovatero, and Kaminski. Also present were City Attorney Paul Reilly, City Clerk Judy Weter, Asst. Director of Planning Mark Lake, Associate Planners David Haines and Greg Kessler, Director of Finance and Utilities Mike Holzinger, Fire Chief Ron Rebatzke and Representatives of the Fire Department. Alderman Patzer was excused.

Motion by Alderman Bullermann to move into Closed Session at 5:00 p.m. Seconded by Alderman Wilkens. Upon voting, Alderman Bullermann voted "yes", Alderman Wysocki voted "yes", Alderman Scheuble voted "yes", Alderman Wilkens voted "yes", Alderman Chiovatero voted "yes", and Alderman Kaminski voted "yes".

### CLOSED SESSION

The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85(1)(c) (e) & (g) 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 business whenever competitive or bargaining reasons require a Closed Session.

(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 is or likely to become involved.

- Employment of Staff - Full Time and Paid on Call Fire Department Members -

- Retention of Special Counsel re: Citizen Power, Inc. Litigation -

- Deliberations re: Investment of Fire Department Funds -

(Alderman Wilkens left the meeting at 6:34 p.m.)

Motion by Alderman Bullermann to move into Open Session at 6:38 p.m. Seconded by Alderman Wysocki and carried unanimously.

### OPEN SESSION

Possible Action on Resolution No. 00-39 "Resolution Creating the New Berlin Municipal Volunteer Paid on Call Fire Department and Employment of Members Certified by the New Berlin Police and Fire Commission"

Motion by Alderman Bullermann to approve and adopt Resolution No. 00-39. Seconded by Alderman Kaminski and carried unanimously.

Possible Action on Retention of Special Counsel re: Citizen Power, Inc.

Motion by Alderman Bullermann that the City of New Berlin retain the firm of Peterson, Johnson & Murray, S.C. to represent the City in response to the lawsuit brought by Citizen Power, Inc. Seconded by Alderman Kaminski.

Friendly amendment that funding come from Insurance Account 519.01.

Upon voting, the motion carried with Alderman Scheuble voting "no".

### **MISCELLANEOUS**

Set Public Hearing Date for Creation of a Storm Water Utility Ordinance

A Public Hearing was scheduled for January 30, 2001 at 7:00 p.m.

Reaffirmation of Land Use Plan Update

Motion by Alderman Wysocki to defer this item. Seconded by Alderman Kaminski and carried unanimously.

### **REFERRALS, DEFERRALS, AND TABLED ITEMS**

Ordinance No. 2128 "The Deer Creek Inn & Conference Center Planned Unit Development Overlay District"

Motion by Alderman Bullermann to remove this item from the table. Seconded by Alderman Kaminski and carried with Alderman Scheuble voting present.

Motion on the Floor: Motion by Alderman Patzer to approve and adopt Ordinance No. 2128. Seconded by Alderman Kaminski.

Motion by Alderman Bullermann to amend the motion subject to the City Attorney's review of final language. Seconded by Alderman Chiovatero and carried with Alderman Scheuble voting present and Alderman Wysocki voting "no".

Upon voting on the motion as amended, the motion carried with Alderman Scheuble voting present and Alderman Wysocki voting "no".

(City Attorney Reilly issued a legal opinion after the meeting that a quorum of the Common Council, or 5 Aldermen need to vote on the Ordinance. This item will be placed on the January 9, 2001 Common Council Agenda.)

Motion by Alderman Kaminski to adjourn the meeting at 6:50 p.m. Seconded by Alderman Chiovatero and carried unanimously.

**Judy Weter**  
**City Clerk**

JW/nh