

**MINUTES**  
**City of New Berlin**  
**Utility Committee Meeting**  
**Tuesday January 25, 2005**

Members Present: Aldermen Gallagher, Ament and Harenda, and Director Grzys

Others Present: Mayor Wysocki, City Attorney Mark Blum, Rick Johnson (Utility Manager), Jim Hart (Utility Supervisor), Suzette Hanley (Office Coordinator Utilities & Streets),

Alderman Gallagher called the meeting to order at 5:02 pm and declared a quorum with all members present and noted that there is still one open seat on the Committee.

**ITEM A-05 Approval of Minutes from December 14th meeting**

Motion by Alderman Harenda to approve the minutes from the December 14th Utility Committee meeting. Seconded by Alderman Ament and upon voting the motion passed unanimously.

**ITEM 13-04 Direct City Attorney to research and advise Utility Committee on Legal Rights Concerning MMSD issues**

Item remains on the table and was not discussed.

**Discussion of Utility Committee Reorganization**

Alderman Gallagher said that he had a conversation with Mayor Wysocki regarding changing the makeup of the Utility Committee. He asked Attorney Blum if this is in an ordinance as well as a state statute?

Attorney Blum stated that this committee makeup was set in section 6-12 as 5 members: 3 being council members, one Citizen member appointed by the Mayor, and the Director of Utilities and Streets. He added that he was not aware of a state statute on this issue, but he will check on that.

Alderman Harenda said that he was in favor of the change to add another citizen member to replace the Director since sometimes the Director is put into a precarious situation when items are brought before the committee.

Alderman Gallagher added that Director Grzys has not been controversial, in fact in his opinion he had voted just once outside of the majority. Director Grzys said that he had talked to the Mayor and agreed on the decision to be removed from the Committee, and that would allow him to discuss items from the table.

Alderman Ament asked if the Committee could take some action on the item tonight? Attorney Blum answered that this item was up for discussion only and that the Council will make a directive to him.

**Closed Session**

Alderman Gallagher read the following:

The basis for the items to be discussed in Closed Session are as enumerated in Wisconsin Statute Section 19.85(1) (g)

(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:

- Well 11 Update

Motion to move into Closed Session at 5:07 pm by Alderman Harenda. Seconded by Alderman Ament. Role call vote: Alderman Ament voted yes, Alderman Harenda voted yes, Alderman Gallagher voted yes, Director Grzys voted yes.

Mayor Wysocki arrived at 5:30 p.m.

Motion by Alderman Ament to go into Open session at 5:59 p.m. Seconded by Alderman Harenda and upon voting the motion passed unanimously.

### **Open Session**

Alderman Gallagher stated that no action would be taken on Well 11.

Motion to adjourn at 5:59 p.m. by Alderman Ament. Seconded by Alderman Harenda and upon voting the motion passed unanimously.

*Respectfully submitted,*

*Suzette Hanley  
Office Coordinator, Utilities and Streets*