

**COMMON COUNCIL MEETING**  
**Tuesday, August 24, 2004**

**Please note: Minutes are unofficial until approved by the Common Council at the next regularly scheduled meeting.**

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, August 24, 2004 at the New Berlin City Hall at 7:13 P.M.

***This meeting was noticed on August 19 and amended August 23, 2004 in accordance with Open Meeting law.***

**ROLL CALL** Mayor Wysocki, Aldermen Hopkins, Augustine, Gallagher, Harenda, Hegeman, Chiovatero and Ament. Also present: City Attorney Mark Blum, City Clerk Marilyn Gauger, Division Engineer Ron Schildt, Director of Community Development Greg Kessler and Planning Services Manager David Haines.

**REPORTS**

City Clerk

- New Berlin Historical Society Open House at Historic Park on 19765 National Avenue is Sunday, September 12<sup>th</sup> from 12 noon to 4:00 PM. Come for entertainment, food, displays, tours and a parade.
- September 14<sup>th</sup> Partisan Primary Election - register to vote and absentee vote in the City Clerk's office during normal business hours and during our extended evening hours from 8:00 AM to 7:00 PM on Wednesday, September 8<sup>th</sup> and Thursday, September 9<sup>th</sup>.

Council President – none

Mayor

- October 3<sup>rd</sup> Apple Fest – Volunteer Fire Department Celebration of 50 years of service.

City Attorney - none

**COMMUNICATIONS** - None

**COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS**

**PLAN COMMISSION**

**Reconsideration of the following motion from the 8-10-04 Council meeting: “Motion by Alderman Ament to approve the three (3) year extension from the date of the expiration of the first extension for Deer Creek Inn & Conference Center PUD Overlay District, Ordinance #2128, located at 1401 S. Moorland Road and accept the Plan Commission Report. Seconded by Alderman Hopkins and carried with Alderman Gallagher, Harenda and Ament voting no. “**

Motion by Alderman Hopkins to reconsider the motion from the 8-10-04 as listed above. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Hopkins to table action on this item. Seconded by Alderman Ament and carried with Alderman Gallagher voting no.

**BOARD OF PUBLIC WORKS**

**Award of a construction contract to Black Diamond Group in the amount not to exceed \$625,000 for the 2004 Roadway Maintenance Project**

Motion by Alderman Chiovatero to award the construction contract to Black Diamond Group in the amount not to exceed \$625,000 for the 2004 Roadway Maintenance Project with a source of funds from Account No. 15110029-59040. Seconded by Alderman Ament and carried unanimously.

## **DEFERRALS, REFERRAL & TABLED ITEMS**

### **BOARD OF PUBLIC WORKS**

**City Street Light Agreement with WE Energies for Night Aura street lighting to include maintenance and energy charge/TABLED 4-13-04**

Motion by Alderman Chiovaturo to refer back to Board of Public Works. Seconded by Alderman Hegeman and carried unanimously.

### **PLAN COMMISSION**

**Adopt Ordinance No. 2236 An Ordinance To Rezone Wildwood Preserve from A-2, R-1/R-2, and C-2 to A-2, R-1/R-2, R-3, and C-2. /DEFERRED 5-11-04/TABLED 5-25-04**

No action taken.

### **CONSENT AGENDA**

Motion by Alderman Ament to approve the following items on the amended consent agenda. Seconded by Alderman Augustine and carried unanimously.

#### **CLAIMS**

Approval of the Request for approval of Water Utility Claims in the amount of \$14,616.69, Sewer Utility claims in the amount of \$17,365.20, and Bi-weekly claims in the amount of \$713,986.47 all of which represents payment to vendors.

#### **LICENSES**

##### **Bartender Licenses**

Denial of Request for Renewal Bartender License for the year 2004-2006 to Christopher J.Totero

Approval of Requests for Bartender Licenses for the year 2004-2006 to Alison R. Kasten; Andrea S. Lavigne; Linda S. Radke; Sharon E. Schoenleber; Bryan M. St. John; James J. Szydel and Ronald J. Walczak.

#### **MISCELLANEOUS**

No action taken on Request for updates from New Berlin's County Supervisors/Alderman Ament

*The following items were removed from the Consent Agenda.*

### **MINUTES**

#### **Approval of Common Council Minutes from Meeting held on August 10, 2004**

Motion by Alderman Ament to approve the August 10, 2004 Common Council minutes as printed. Seconded by Alderman Harenda and carried unanimously.

### **LICENSES**

#### **Bartender Licenses**

##### **Request for Appeal of Denial of Bartender License for the year 2004-2006 to Lynn A. Pollard.**

Motion by Alderman Hopkins to recommend to Council the approval of the Bartender License for the year 2004-2006 to Lynn A. Pollard. Seconded by Alderman Harenda and carried with Alderman Gallagher and Chiovaturo voting no.

Motion by Alderman Ament at 7:30 PM to recess until 8:30 PM. Seconded by Alderman Harenda and carried unanimously.

### **8:30 PM**

City Clerk Gauger reading the following:

#### **CLOSED SESSION**

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, 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; litigation update of St Constantine and Helen Greek Orthodox Church versus City of New Berlin and the Khay Inthapayne Claim.

Motion by Alderman Ament to go to Closed Session at 8:45 PM. Seconded by Alderman Hegeman and carried per roll call vote.

Motion by Alderman Ament to go to Open Session at 9:15 PM. Seconded by Alderman Hegeman and carried unanimously.

**OPEN SESSION**

**Possible action – St Constantine and Helen Greek Orthodox Church**

No action taken.

**Possible action – Khay Inthapayne Claim**

No action taken.

**ADJOURN**

Motion by Alderman Ament to adjourn at 9:16 PM. Seconded by Alderman Hegeman and carried unanimously.

**Respectfully submitted as City Clerk**

**Marilyn Gauger, CMC**