

**CITY OF NEW BERLIN  
COMMON COUNCIL MEETING MINUTES  
Tuesday, October 26, 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, October 26, 2004 at the New Berlin City Hall at 8:08 P.M.

***This meeting was noticed on October 22, 2004 in accordance with Open Meeting law.***

**ROLL CALL** - Mayor Wysocki called the meeting to order at 8:08 PM. Present were Aldermen Hopkins, Augustine, Gallagher, Harenda, Hegeman, Chiovatero and Ament. Also present were City Attorney Blum and Acting City Clerk Marena.

The Pledge of Allegiance was recited by those present and a short invocation was made.

**REPORTS**

**City Clerk** – Announced Trick or Treat Hours of 4:00 PM to 7:00 PM on October 31<sup>st</sup>.

Reported on the heavy activity in the Clerk's office due to Absentee Voting. Announced 17 high school students will be serving as Election Inspectors at the polls.

**Council President** – None

**Mayor** – None

**City Attorney**- None

**COMMUNICATIONS**

Intent to File Claim for Lien – Edgerton Contractors, Inc. referred to City Attorney.

**COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS**

**Plan Commission**

**Possible Reconsideration of Ordinance No. 2247 (As Amended)** – Ordinance to Rezone 2240 Foxglove Court FROM R-4 Low Density Single-Family Residential District and C-2 Shoreland Wetland District TO delineate the boundaries of R-4 and C-2. This Ordinance to deny the rezoning was adopted 10/12/04 and published 10/21/04.

Atty. Blum advised that a motion to reconsider would not be in order at this time due to the publication of the ordinance and the requirement that it be published timely. It would take an action of the Council to rescind the action taken by the Council, and the process to rezone would start over with the matter going back to the Plan Commission and another Public Hearing. If that is the intent, the Council could state that the denial was without prejudice. Ald. Chiovatero moved to rescind. Mayor Wysocki did not accept the motion as it was not on the agenda. Atty. Blum stated the Plan Commission or Common Council could on its own motion direct the staff to prepare the documentation to start the rezoning process.

**Stormwater Committee**

**Award of Bid – Tess Corners Creek Retention Pond Project.** Mayor Wysocki stated action needs to be taken by the City of Muskego now that we have the cost of the project and their agreement as to cost sharing. Alderman Harenda moved to TABLE. Seconded by Alderman Hegeman, motion carried unanimously.

**DEFERRALS, REFERRAL & TABLED ITEMS**

**Plan Commission**

**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 5-24-04/REFERRED TO PLAN COMMISSION 9-28-04). Mayor reported the next Plan Commission meeting is November 1<sup>st</sup>.

**Citywide Streets and Decorative Lighting Policy** – TABLED 9/28/04. Remain on Table.

**Direct the City Attorney to draft an Ordinance** removing various sections from Chapter 11 Civil Service Rules as recommended by Carlsen & Dettman Associates – TABLED 10/12/04. Remain on Table.

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**CONSENT AGENDA**

Alderman Augustine moved to approve the following items on the Amended Consent Agenda. Seconded by Alderman Gallagher, motion carried unanimously.

**MINUTES**

Common Council Minutes of Meeting held October 12, 2004

**UTILITY AND FINANCE**

**Claims**

- Recommend to Council approval of Water Utility Claims in the amount of \$382,940.71, Sewer Utility claims in the amount of \$26,864.81, and Bi-weekly claims in the amount of \$248,373.57 all of which represents payment to vendors.

**LICENSES**

**Bartender Licenses**

- Request for Bartender Licenses for the year 2004-2006 for Fileman Melendez, Joseph Medinger and Molly Gevaert

**MISCELLANEOUS**

- Resolution No. 04-56 – A Resolution Supporting the Continued Presence of the 440<sup>th</sup> Airlift Wing and the 128<sup>th</sup> Air Refueling Wing as an Integral and Welcome Part of our Local Community
- Discussion and possible action relating to City/School Adhoc Committee Recommendations
- Discussion and possible action on Publishing of Council actions

**TABLED ITEMS**

- Discussion and possible action relating to the Mayoral Salary/TABLED 10/12/04

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***The following item was removed from the Consent Agenda***

**Discussion and possible action relating to the Mayoral Salary/TABLED 10/12/04**

The motion from the Committee of the Whole recommended setting the Mayor's salary for the term starting in 2005 at the current rate of \$78,941, and was amended to increase that rate by 2% each year after the first year of the term. Alderman Chiovatero moved to remove from the Table. Seconded by Alderman Augustine, motion carried unanimously. The motion to set the Mayor's salary for the term starting in 2005 at \$78,941 to increase by 2% each year after the first year of the term carried unanimously.

**CLOSED SESSION**

Alderman Ament moved to convene in Closed Session in accordance with 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; Past and Pending Claims Periodic Report. Seconded by Alderman Harenda, motion carried unanimously.

**RECONVENED IN OPEN SESSION**

**ADJOURN** – Alderman Ament moved to adjourn at 8:45 PM. Seconded by Alderman Hegeman, motion carried unanimously.

Respectfully submitted,

Jean K. Marena, CMC  
Acting City Clerk