

**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, June 8, 2004 at the New Berlin City Hall at 8:04 P.M.

***This meeting was noticed on June 3, 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, Planning Services Manager David Haines, Director of Community Development Greg Kessler and City Engineer JP Walker.

**REPORTS**

City Clerk – The City’s website has a new feature called “Voter Information Search”. City residents can find information on Aldermanic Districts; ward; polling place with map; and local, County, State and Federal representatives.

Council President – none

Mayor – Invited everyone to the June 11<sup>th</sup> recognition of President Ronald Reagan at the flagpole area outside the front of City Hall at 3:00 PM.

City Attorney – spoke to the issue regarding “Comments/Reports” listed above. As a result of the Attorney General’s opinion, Attorney Blum asked that if reports were to be given to notify the Mayor and/or Clerk in order to place on the agenda or have in written form to give notice to the public.

**COMMUNICATIONS/None**

**COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS**

**Plan Commission**

**Consideration to rescind the resolution that approved the Biltmore Estates preliminary plat/Resolution No. 04-25.**

Alderman Ament withdrew his request for consideration to rescind the resolution of approval.

**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**

No action taken.

**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 Hopkins to approve the following items on the consent agenda. Seconded by Alderman Augustine and carried unanimously.

**MINUTES**

Common Council Minutes from Meeting held on May 25, 2004

**MISCELLANEOUS**

Resolution No. 04-29 Resolution Authorizing the Issuance and Sale of \$3,230,000 General Obligation Promissory Notes, Series 2004.

**CLAIMS**

Water Utility Claims in the amount of \$118,248.01, Sewer Utility claims in the amount of \$48,977.50 and Bi-weekly claims in the amount of \$1,034,374.22 all of which represents payment to vendors.

## **LICENSES**

Request for Bartenders License for the year 2003-2005 to Juli R Grap.

Request for renewal of Bartenders Licenses for the year 2004-2006 per applicant. \*\*

Request for renewal of Bartenders Licenses for the year 2004-2006 per list as presented.

Request for renewals from 7-1-04 to 6-30-05 for Archery Range, Entertainment, Wholesale Beer, Class A Malt, Class A Retailer, Class B Malt, Class B Retailer, Theater & Trapshooting

Request to include drinking within the "Outdoor Fenced In Area" for The 19<sup>th</sup> Hole, 1525 S. 124<sup>th</sup> Street on Saturday June 26, 2004 until 8:00 PM.

## **MISCELLANEOUS**

Request for extension of hours for a Loudspeaker Permit for 13920 W Elizabeth Ct.

### **\*\* Those applicants removed from the consent agenda:**

Motion by Alderman Harenda to approve the Bartender License Renewal for the year 2004-2006 to Cindy Brunclik. Seconded by Alderman Ament and carried with Aldermen Augustine and Gallagher voting no.

Motion by Alderman Chiovero to approve the Bartender License Renewal for the year 2004-2006 to Jennifer L Jones. Seconded by Alderman Hegeman and carried with Alderman Gallagher voting no.

Motion by Alderman Hopkins to approve the Bartender License Renewal for the year 2004-2006 to Martin J. Lindquist. Seconded by Alderman Harenda and carried with Alderman Gallagher voting no.

Motion by Alderman Chiovero to deny the Bartender License Renewal for the year 2004-2006 to Andrew J. Perez. Seconded by Alderman Hopkins and carried with Aldermen Harenda, Hegeman and Ament voting no.

## **ORDINANCES/RESOLUTIONS**

City Clerk Gauger gave the 1<sup>st</sup> reading of:

### **Ordinance No. 2237 Amending Sections 124-12(n)(2)(h), 124-12(n)(2) and 124-12(n)(6) and to create section 124-12(n)(4)(e) of the City of New Berlin Municipal Code (1<sup>st</sup> reading)**

Motion by Alderman Gallagher to amend Section II, 3<sup>rd</sup> paragraph, last sentence to read as follows: "The Burning Permit shall be prominently displayed for inspection while burning is taking place."

Mayor Wysocki will check the record with regards to the Special 7-day permit. There was discussion that the 7-day permit was removed at Committee level.

### **Resolution No. 04-30 Resolution To Establish Leaf Burning Permit Fees**

No action taken.

City Clerk Gauger read 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; Matthew Dietzler Claim and Decade Land Opportunity Fund.

Motion by Alderman Harenda to go to Closed Session at 8:40 PM. Seconded by Alderman Hegeman and carried unanimously per roll call vote.

Motion by Alderman Ament to reconvene in Open Session at 9:35 PM. Seconded by Alderman Hegeman and carried unanimously.

### **OPEN SESSION**

#### **Possible action on Matthew Dietzler Claim**

Motion by Alderman Gallagher to approve the claim in the amount of \$384.14. Seconded by Alderman Hopkins and carried with Alderman Harenda voting no.

**ADJOURN**

Motion by Alderman Ament to adjourn at 9:37 PM. Seconded by Alderman Chiovatero and carried unanimously.

**Respectfully submitted as City Clerk  
Marilyn Gauger**