

**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, July 13, 2004 at the New Berlin City Hall at 8:45 P.M.

***This meeting was noticed on July 8, 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, City Engineer JP Walker, Director of Parks, Recreation and Forestry Mark Schroeder, Recreation Supervisor Jon Stolz and Program Specialist Mary Berg.

**REPORTS**

City Clerk - none

Council President - none

Mayor - thanked all citizens and Commission for their assistance in putting together many successful events for the 4<sup>th</sup> of July. He also thanked Schoeneck Containers for their sponsorship of the fireworks.

City Attorney - none

**COMMUNICATIONS**

Claim from Marilyn Harris – refer to City Attorney

**COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS**

**Park, Recreation and Forestry Commission**

**Name the Calhoun Park pond the “Charles Schick Pond” and to accept offer of donation from the Schick family**

Motion by Alderman Gallagher to approve the recommendation to name the Calhoun Park pond the “Charles Schick Pond” and to accept offer of donation from the Schick family. Seconded by Alderman Harenda and carried unanimously.

**Donation agreement for the Weston Apple Orchard property**

Motion by Alderman Gallagher to approve the recommendation to approve the Donation Agreement for the Weston Apple Orchard property located on National Avenue west of Racine Avenue. Seconded by Alderman Hopkins.

Motion by Alderman Augustine to table. Seconded by Alderman Chiovatero and carried with Alderman Ament voting no.

**Stormwater Committee**

**Resolution No. 04-34 Declaration of Public Necessity and Relocation Order to Construct Tess Corners Creek Pond**

Motion by Alderman Harenda to adopt Resolution No. 04-34 Declaration of Public Necessity and Relocation Order to Construct Tess Corners Creek Pond. Seconded by Alderman Hegeman and carried with Alderman Ament voting no.

**MAYORAL APPOINTMENTS**

Motion by Alderman Ament to approve the re-appointment of Helen A Uhan to the Civil Service Commission with a term expiring 6-30-09; Jo A Boardman and Pamela J Hyps to the Library Board with terms expiring 6-30-07. Seconded by Alderman Hegeman 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**

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 amended consent agenda. Seconded by Alderman Augustine and carried unanimously.

**MINUTES**

Common Council Minutes from Meeting held on June 22, 2004

**CLAIMS**

Recommend to Council approval of Water Utility Claims in the amount of \$211,712.00, Sewer Utility claims in the amount of \$312,451.16, of that amount \$272,670.19 represents payments to MMSD and Bi-weekly claims in the amount of \$868,863.76 all of which represents payment to vendors

**LICENSES****Bartender Licenses**

Request for Bartender Licenses for the year 2004-2006 to Brittany M. Altendorf; Daniel V. Anderson; Richard M. Bradley; Angela C. Braselten; Brandon J. Caze; Katherine J. Foy; Kevin R. Heimann; William G. Fiorelli; Katie M. Schell; Laura A. Thoma; Amy J. Turzai; Jennifer E. Wall; Michael T. Walton and Amy L. Zickert.

Request for Renewal Bartender License for the year 2004-2006 to Jennifer S. Grunwald.

**MISCELLANEOUS**

Resolution No. 04-36 A Resolution To Transfer funds from Contingency Account to the Unemployment Insurance Account.

Resolution No. 04-37 A Resolution Amending the 2004 Approved Operating Budget To Transfer Funds From The Contingency Account to Various Wage and Benefit Accounts

Request for Reinstatement of Building Maintenance Technician position within Department of Community Development – Building Maintenance Division and transfer of funds effective August 1, 2004.

Resolution No. 04-38 A Resolution Amending the Approved 2004 Operating Budget to Transfer Funds From Maintenance Account to Various Wage and Benefit Accounts.

Resolution No. 04-39 A Resolution Amending the 2004 Approved Operating Budget To Transfer Funds From The Contingency Account to Various Wage and Benefit Accounts.

Request for reduction of Interest and Penalty on Delinquent Taxes for parcel #1155-026 at 13504 W Ferguson Road.

Request for amendment to 1:00 A.M. for a Loudspeaker Permit issued to Kelli Kaiser on 20440 W Coffee Road for Saturday, July 24, 2004.

Proposed Ordinance No. 2237 to amend the Fire Prevention Code - Open Burning/Document regarding burning and proposed permit. (Discussion only - No action taken on this item)

**Request for Bartender License for the year 2004-2006 to Erin K. Hibbard**

Motion by Alderman Gallagher to deny the request for Bartender License for the year 2004-2006 to Erin K. Hibbard based on the facts listed as habitual offenses related to alcohol. Seconded by Alderman Augustine and carried with Alderman Ament voting no.

**Request for Bartender License for the year 2004-2006 to Lynn A. Pollard**

Motion by Alderman Gallagher to deny the request for Bartender License for the year 2004-2006 to Lynn A. Pollard based on the facts listed as habitual offenses related to alcohol and the incident within the bar. Seconded by Alderman Augustine and carried with Alderman Ament voting no.

**ORDINANCES/RESOLUTIONS****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 (1st reading as amended)**

City Attorney Mark Blum will make changes to this proposed ordinance based on the discussion at Committee of the Whole and Aldermen Hopkins, Gallagher and Harenda with meet with the City Clerk to finalize and bring back to Council. The ordinance will come back as the 1<sup>st</sup> reading. No action was taken.

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

It was indicated this resolution, which is referenced in proposed Ordinance No. 2237, will come back to Council with the word "leaf" removed. No action was taken.

**Ordinance No. 2240 Ordinance To Amend Portions of Chapter 238 of the Municipal Code of the City of New Berlin Regarding Swimming Pools (1<sup>st</sup> reading)**

Motion by Alderman Gallagher to waive the 2<sup>nd</sup> and 3<sup>rd</sup> reading. Seconded by Alderman Hopkins and carried unanimously.

Motion by Alderman Hopkins to adopt Ordinance No. 2240. Seconded by Alderman Harenda and carried unanimously.

**ADJOURN**

Motion by Alderman Hegeman to adjourn at 9:35 PM. Seconded by Alderman Harenda and carried unanimously.

**Respectfully submitted as City Clerk  
Marilyn Gauger, CMC**