

COMMON COUNCIL MEETING
Tuesday, October 28, 2003

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 28, 2003, at the New Berlin City Hall at 8:15 P.M.

Present: Mayor Wysocki, Aldermen Augustine, Gallagher, Harenda, Wilkens, Chiovatero and Ament. Excused: Alderman Bullermann. Also present: City Attorney Mark Blum, City Clerk Marilyn Gauger, Director of Utilities & Streets Ray Grzys, Director of Community Development Greg Kessler, City Engineer JP Walker and Planning Services Manager David Haines.

This meeting was noticed on October 23, 2003 in accordance with Open Meeting law.

REPORTS

City Clerk - none

Council President - none

Mayor – Veterans Day presentation scheduled for Tuesday, November 11th at 7:00 p.m. in Council Chambers.

City Attorney – Open Records and Open Meetings review given by Attorney Blum after Closed Session.

COMMUNICATION

Notice of Injury/Christopher Kryszewski

Refer to City Attorney

New Berlin Public School District

Motion by Alderman Chiovatero to allow the New Berlin Public School District to use City Hall to broadcast their Board of Education meetings as requested for their regular monthly, and any related special meetings for the year 2004, with the understanding that City of New Berlin meetings take precedence when conflicts occur. Seconded by Alderman Ament and carried unanimously.

COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

STORMWATER COMMITTEE

Motion by Alderman Gallagher to approve the 2004 Storm Water Operating Budget in the amount of \$1,177,018. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Gallagher to approve the 2004 Storm Water CIP Budget in the amount of \$2,212,635. Seconded by Alderman Wilkens and carried unanimously.

LEAF AD HOC COMMITTEE

Motion by Alderman Wilkens to ban the burning of all yard waste effective April 1, 2004. Seconded by Alderman Harenda.

Motion by Alderman Wilkens to refer back to the Leaf Ad Hoc Committee. Seconded by Alderman Harenda and carried unanimously.

CONSENT AGENDA

Motion by Alderman Wilkens to approve the following items from the consent agenda. Seconded by Alderman Gallagher and carried unanimously.

MINUTES

Approval of Common Council Minutes from Meeting held on October 14, 2003.

UTILITY AND FINANCE

Claims

Approval of Water Utility claims in the amount of \$159,702.09; Sewer Utility Claims in the amount of \$397,490.89; and Bi-weekly Claims in the amount of \$504,263.40

LICENSES

Bartender Licenses

Approval of Bartender Licenses for the year 2002-2004 to Dana L. Lessila, Amy R. Marek, Katherine H. Mikolajczak, Thomas N. Tousignant and Tammy L. Stillman

MISCELLANEOUS

Resolutions that come before Council that transfer monies from one account to another that are being requested by staff are clarified.

LICENSES

Bartender Licenses

Motion by Alderman Wilkens to deny the Bartender License for the year 2002-2004 to Jeff R Niedziejko. Seconded by Alderman Harenda and carried with Aldermen Chiovatero and Ament voting no.

Motion by Alderman Harenda to adopt Resolution #03-43 "A Resolution To Support The Study of the Redevelopment of The New Valley Sand & Gravel Quarry". Seconded by Alderman Wilkens and carried with Alderman Ament voting no.

ORDINANCES/RESOLUTIONS

Motion by Alderman Gallagher to adopt Resolution #03-42 "A Resolution Changing Aldermanic District #3 Polling Place From Calhoun School to City of New Berlin Fire Station #5". Seconded by Alderman Augustine and carried unanimously.

City Clerk Gauger read the following:

CLOSED SESSION

The basis for the item to be discussed in Closed Session is as enumerated in Section 19.85(1)(g) of the Wisconsin State Statutes.

(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 City Attorney Litigation Report.

Motion by Alderman Augustine to go to Closed Session at 8:36 p.m. Seconded by Alderman Ament and carried per roll call vote.

Motion by Alderman Augustine to go to Open Session at 9:00 p.m. Seconded by Alderman Gallagher and carried unanimously.

City Attorney Mark Blum gave a brief overview of Open Records and Open Meetings law with a handout being given to Mayor, Aldermen and Clerk.

OPEN SESSION

ADJOURN

Motion by Alderman Wilkens to adjourn at 9:15 p.m. Seconded by Alderman Augustine and carried unanimously.

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