

PROCEEDINGS OF THE COMMON COUNCIL MEETING

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 26, 2003 at the New Berlin City Hall at 11:15 PM.

ROLL CALL: Mayor Wysocki, Aldermen Bullermann, Augustine, Gallagher, Harenda, Wilkens and Ament. Excused: Alderman Chiovatero. Also present: City Attorney Mark Blum, City Clerk Marilyn Gauger, Director of Finance and Administration Mike Holzinger. IT Manager Sue Schaefer and City Assessor Paul Koller.

This meeting was noticed on August 22, 2003 in accordance with Open Meetings law.

REPORTS

Clerk – none.

Council President/Presentation by West Allis IS Director

The presentation was given at the Committee of the Whole meeting at 7:00 p.m.

Mayor – gave a report.

City Attorney – none.

COMMUNICATIONS

Notice of Claim – Kathy Schraufnagel - refer to City Attorney

COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

PLAN COMMISSION/No Report

BOARD OF PUBLIC WORKS/No Report

STORM WATER COMMITTEE

Reallocation of Existing CIP Funding for Parkwood Land and Underwood Creek Drainage Improvement Projects/Resolution No. 03-34 “A Resolution Amending a City of New Berlin CIP Account to Construction of Buena Park Subdivision Storm Water Improvements Project”

Motion by Alderman Ament to remove from the agenda and return to the Storm Water Committee. Seconded by Alderman Wilkens and carried unanimously.

UTILITY COMMITTEE/No Report

LANDMARKS COMMISSION/No Report

SAFETY COMMISSION/No Report

MAYORAL APPOINTMENTS

Communications Committee

Motion by Alderman Augustine to appoint David F Broker to the Communications Committee with an expiration date of 12-31-03. Seconded by Alderman Gallagher and carried unanimously.

Landmarks Commission

Motion by Alderman Ament to appoint Catherine Kohler Gumieny to the Landmarks Commission with an expiration date of 10-01-03. Seconded by Alderman Wilkens and carried unanimously.

ACTION ON PUBLIC HEARINGS/None

REFERRALS, DEFERRALS, & TABLED ITEMS

Plan Commission - Calvary Community Church – 4895 S. Calhoun Rd. – Rezone from A-1, C-2 to I-1, C-2/Ordinance No. 2209 “An Ordinance to Rezone Property at 4895 S. Calhoun Road from A-2 Agricultural District, C-2 Shoreland Wetland District to I-1 Institutional District, C-2 Shoreland Wetland District” - TABLED 7-22-03 – No action taken.

CONSENT AGENDA

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

MINUTES

Approval of Common Council Minutes from Meeting held on August 12, 2003

UTILITY AND FINANCE

Claims

Approval of payment of Water Utility claims in the amount of \$88,505.93; Sewer Utility claims in the amount of \$43,373.20; and Bi-weekly claims in the amount of \$921,410.50 all of which represent payments to vendors.

LICENSES

Bartenders Licenses

Deny the Bartender License for the year 2002-2004 to Cory N Gulbrandsen.

Approve the Bartender Licenses for the year 2002-2004 to Mary J Boehnen, Mary Cvikota, Candace A Krecklow, Jeremy W Neu, Lynna J Sparbel, Kerry L Strizic, Anita C Wood, Michelle A Zempel.

TABLED & DEFERRED ITEMS

Increase Permit Information Report Fee and Special Assessment Letter Report Fees –

Deny the increase to the fee structure for the Permit Information Report and the Special Assessment Letter report.

LICENSES

Bartender Licenses

Motion by Alderman Bullermann to recommend to Council denial of the Bartender License for the year 2002-2004 to Matthew R. Nuccio due to the lack of disclosure of information requested on the application form. Seconded by Alderman Wilkens and carried with Alderman Ament voting no.

MISCELLANEOUS

Extending the existing City Police Department Hiring Policy to the City Fire Department and Department Head Hirings. (2 policies)

Motion by Alderman Bullermann to defer the policy regarding vacation benefits for full-time, non-represented employees to the next meeting. Seconded by Alderman Augustine and carried unanimously.

Motion by Alderman Bullermann to defer the policy regarding holiday pay benefits for sworn full-time, non-represented employees to the next meeting. Seconded by Alderman Harenda and carried with Aldermen Gallagher and Ament voting no.

Three Year Liability Insurance Renewal - TABLED 8-12-03/Presentation from Mike DeMoss of CVMIC

The following motion from the 8-12-03 Council meeting was read by City Clerk Gauger: Motion by Alderman Harenda to recommend to Council that the City Clerk be authorized to bind coverage through CVMIC for the policy years 2004, 2005 and 2006 with a \$50,000 self – insurance retention level with annual premiums of \$57,671; \$61,650 and \$63,191. Seconded by Alderman Chiovero.

Upon voting Aldermen Gallagher, Harenda and Ament voting no and Mayor Wysocki voting yes to break the tie. Motion carried 4 to 3.

Tax Levy Freeze/Resolution No. 03-32 “Local Property Tax Levy Freeze” – DEFERRED 8-12-03

Motion by Alderman Gallagher to adopt Resolution No. 03-32. Seconded by Alderman Ament with Aldermen Bullermann, Harenda and Wilkens voting no and Mayor Wysocki voting no to break the tie. Motion failed 4 to 3.

RESOLUTIONS AND ORDINANCES

Ordinance No. 2207 “Ordinance to Amend Section 275-41(c)(16) of the Municipal Code of the City of New Berlin with Respect to Wireless Communication Facilities” (3rd Reading)

Motion by Alderman Wilkens to adopt Ordinance No. 2207. Seconded by Alderman Harenda and carried with Aldermen Bullermann, Gallagher and Ament voting no and Mayor Wysocki voting yes to break the tie. Motion carried 4 to 3.

Resolution No. 03-35 “A Resolution Amending the 2003 City of New Berlin Operating Budget Transferring Funds from Contingency Fund to City Attorney – Outside Services/1st payment to Fire Department Charitable Fund”

Motion by Alderman Ament to adopt Resolution 03-35. Seconded by Alderman Wilkens and carried unanimously.

CLOSED SESSION

City Clerk Gauger read the following:

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.

- (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 is or likely to become involved.

Motion by Alderman Augustine to go to Closed Session at 11:32 PM. Seconded by Alderman Bullermann and carried per roll call vote.

OPEN SESSION

Motion by Alderman Ament to go to Open Session at 11:55 PM. Seconded by Alderman Wilkens and carried unanimously.

ADJOURN

Motion by Alderman Wilkens to adjourn at 11:56 PM. Seconded by Alderman Ament and carried unanimously.

Respectfully submitted as City Clerk
Marilyn Gauger, CMC