

**PROCEEDINGS OF THE COMMON COUNCIL MEETING
TUESDAY, JUNE 24, 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, June 24, 2003 at the New Berlin City Hall at 8:11 PM.

ROLL CALL: Mayor Wysocki; Aldermen Augustine, Gallagher, Harenda, Chiovatero and Ament. Excused: Aldermen Wilkens and Bullermann. Also present: City Attorney Mark Blum; City Clerk Marilyn Gauger; City Engineer JP Walker; Director of Utilities & Streets Ray Grzys and Director of Parks, Recreation and Forestry Mark Schroeder.

This meeting was noticed on June 19, 2003 in accordance with Open Meetings law.

REPORTS

Clerk - none

Council President - none

Mayor – Greg D Bybee, Chairman of the City’s Youth Advisory Board was one of the winners of the “Scholar Athlete Milk Mustache of the Year” (SAMMY). Judging is based on academic performance, athletic excellence, leadership and community service.

City Attorney - none

COMMUNICATIONS

Notice of Claim – Katherine Wilkie

Refer to City Attorney

COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

PLAN COMMISSION/No Report

BOARD OF PUBLIC WORKS/No Report

STORM WATER COMMITTEE/No Report

UTILITY COMMITTEE

Agreement Between the City of Milwaukee and the City of New Berlin for the Purchase of Lake Michigan Water at Wholesale

Motion by Alderman Gallagher that based upon the unanimous recommendation of the Utility Committee I do hereby move that the Common Council of the City of New Berlin approve the proposed Water Service Agreement with the City of Milwaukee, as adopted by the Milwaukee Common Council on June 17, 2003, which Agreement provides for the purchase of water at wholesale from the City of Milwaukee Water Works; and that the Mayor and City Clerk be authorized to execute the Agreement on behalf of the City of New Berlin. Seconded by Alderman Ament and carried unanimously.

LANDMARKS COMMISSION/No Report

SAFETY COMMISSION/No Report

MAYORAL APPOINTMENTS

Civil Service Commission

Motion by Alderman Ament to approve the appointment of Kelly A Parbs to Civil Service Commission with an expiration date of 6-30-08. Seconded by Alderman Harenda and carried unanimously.

Youth Advisory Board

Motion by Alderman Harenda to approve the appointment of Eric Printz to Youth Advisory Board with an expiration date of 5-31-05. Seconded by Alderman Augustine and carried unanimously.

Motion by Mayor Wysocki to approve the appointment of Eric R Schmidt to Youth Advisory Board with an expiration date of 5-31-05. Seconded by Alderman Ament and carried unanimously.

ACTION ON PUBLIC HEARINGS/None

REFERRALS, DEFERRALS, & TABLED ITEMS

Plan Commission - Crestview Place – 16850 & 16860 W. Observatory Road – Rezone Property from O-1 to Rd-1/PUD, B-2, and P-1 – TABLED 6-10-03

No action taken.

CONSENT AGENDA

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

Utility and Finance

Claims

Approval of payment of Water Utility claims in the amount of \$260,620.90; Sewer Utility claims in the amount of \$108,486.66; and Bi-weekly claims in the amount of \$253,872.48 all of which represent payments to vendors.

Licenses

Bartender Licenses

Approval of the Bartender Licenses for the year 2002-2004 to Stephanie T. Chivas, David R. Seeger, and Thomas J. Volm.

“Class B” Retailers License

Approval of the "Class B" Fermented Malt Beverage and Intoxicating Liquor License for the year 2003-2004 to Mi Cocina Mexican Restaurant d/b/a Mi Cocina, Jessica Escamilla, Agent, 15300 West Beloit Road, subject to approval by the Inspection Department.

Reserve “Class B” Retailers License

Approval of the Reserve “Class B” Fermented Malt Beverage and Intoxicating Liquor License for the year 2003-2004 to The Preserve at Deer Creek Golf Inc. d/b/a The Preserve at Deer Creek Golf, Dennis Kasian, Agent 4285 South Sunny Slope Road subject to approval by the Inspection Department.

Reserve “Class B” Retailers License Grant

Approval of the grant application to The Preserve at Deer Creek Golf Inc. d/b/a The Preserve at Deer Creek Golf, Dennis Kasian, Agent, for a Reserve "Class B" Retailers License.

Minutes/ June 10, 2003

Motion by Alderman Ament to approve the June 10, 2003 minutes as amended. Seconded by Alderman Harenda and carried unanimously.

Amendment: Hickory Hills vote on page 2 should read: "Wilkins voting no" instead of "Harenda". City Clerk to check tape.

RESOLUTIONS AND ORDINANCES

Resolution No. 03-29 "Resolution Providing for the Publication Following Inspection Adoption of the City of New Berlin's Wireless Communication Facilities Ordinance"

Motion by Alderman Harenda to adopt Resolution No. 03-29. Seconded by Alderman Ament and carried with Alderman Gallagher voting no.

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.

- Litigation Report -

- Carmello Caputa Claim -

- Settlement Agreement with New Berlin Volunteer Fire Department Inc. -

Motion by Alderman Ament to go to Closed Session at 8:25 PM. Seconded by Alderman Harenda with voting as follows: Alderman Augustine – yes; Alderman Gallagher – yes; Alderman Harenda – yes; Alderman Chiovatero – yes; Alderman Ament – yes. Motion by roll call carried unanimously.

OPEN SESSION

Motion by Alderman Augustine to reconvene in Open Session at 9:12 PM. Seconded by Alderman Gallagher and carried unanimously.

Possible Action on Settlement Agreement with New Berlin Volunteer Fire Department Inc.

Motion by Alderman Harenda that the Settlement Agreement with the New Berlin Volunteer Fire Department as proposed by Attorney Vetter be approved and that the appropriate city officers be authorized to execute the Agreement on behalf of the City of New Berlin. Seconded by Alderman Ament and carried unanimously.

ADJOURN

Motion by Alderman Augustine to adjourn at 9:15 PM. Seconded by Alderman Ament and carried unanimously.

Respectfully submitted as City Clerk
Marilyn Gauger, CMC

