

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, May 27, 2003 at the New Berlin City Hall at 7:31 PM.

ROLL CALL: Mayor Wysocki, Aldermen Bullermann, Augustine, Gallagher, Harenda, Wilkens, Chiovatero and Ament. Also present: City Attorney Mark Blum, City Clerk Marilyn Gauger, Director of Finance & Administration Mike Holzinger, Director of Parks, Recreation & Forestry Mark Schroeder, Fire Chief Ed Dobernig and Police Chief Gary Blunt.

REPORTS

Clerk – none

Council President – none

Mayor – thanked the Chamber of Commerce and Alderman Ament for their participation of a successful Memorial Park ceremony.

City Attorney - none

COMMUNICATIONS

Notice of Claim – Scott Sievert

Refer to City Attorney.

Communication from Customer Service Committee re: 2003/2004 Goals

Mayor asked Alderman to add any additional goals they may think of. Document on file in the City Clerk's office.

COMMITTEE, COMMISSION AND BOARD RECOMMENDATIONS

PLAN COMMISSION/No Report

BOARD OF PUBLIC WORKS/No Report

STORM WATER COMMITTEE

Ditch Enclosure Policy

Motion by Alderman Bullermann to approve the Stormwater Management Policy #21-02-002, Ditch Enclosures. Seconded by Alderman Harenda and carried unanimously.

UTILITY COMMITTEE/No Report

LANDMARKS COMMISSION/No Report

SAFETY COMMISSION/No Report

AD HOC FINANCE COMMITTEE

2004 Budget Guidelines/Directions

Motion by Alderman Ament to deviate from the agenda to hear item 5.G.1. after Closed Session. Seconded by Alderman Wilkens and carried unanimously.

PARKS & RECREATION COMMISSION

DNR River Protection Grant Program/Resolution No. 03-24 “River Protection Grant Program New Berlin Hills/Root River Streambank Stabilization”

Motion by Alderman Gallagher to adopt Resolution No. 03-24. Seconded by Alderman Wilkens and carried unanimously.

Award of Contract – Phase IV Hickory Grove Window Replacement

Motion by Alderman Gallagher to award the contract to Ver Halen Pella for Phase IV Window Replacement at Hickory Grove Center in an amount not to exceed \$71,000 from Acct #252.545. Seconded by Alderman Wilkens and carried unanimously.

MAYORAL APPOINTMENTS

Customer Service Committee

Motion by Alderman Ament to approve the re-appointment of Rush D Wilkens and Jack F Chiovatero to the Customer Service Committee with an expiration date of 4-30-04. Seconded by Alderman Augustine and carried unanimously.

Youth Advisory Board

Motion by Alderman Bullermann to approve the appointments of: David McLaughlin, term expiring 5-31-05; Brian E Moths, term expiring 5-31-04; Jack R Nilles, term expiring 5-31-05; Josh Orlikowski, term expiring 5-31-05 and Teddy Walsh, term expiring 5-31-05 to the Youth Advisory Board. Seconded by Alderman Gallagher and carried unanimously.

**ACTION ON PUBLIC HEARINGS/None
REFERRALS, DEFERRALS, & TABLED ITEMS/None**

CONSENT AGENDA

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

Minutes

Approval of Common Council Minutes from Meeting held on May 13, 2003

Utility and Finance

Claims

Approval of Water Utility Claims in the amount of \$145,430.43; Sewer Utility Claims in the amount of \$8,478.85; and Bi-weekly claims in the amount of \$970,088.61, all of which represents payments to vendors.

Licenses

Bartender Licenses

Approval of the Bartender Licenses for the year 2002-2004 to Christopher M Carnahan, Heather M Henning, Shannon J Houser, Joan M Kasian, Ericka L Mena, Kimberly J Morey, Patricia M Sommer, Sara E Stout and Demetre Ziogas.

Amendment to “Class B” Retailers License

Approval of the amendment to the “Class B” Retailers License to include the “back lot area” for Matty’s Bar & Grille, 14460 W College Avenue on Friday, August 15, 2003 from 3:00 PM to 1:00 AM; Saturday, August 16, 2003 from 2:00 PM to 1:00 AM and Sunday, August 17, 2003 from 2:00 PM to 1:00 AM. (Live music on Friday from 8:00 PM to 12:00AM; Saturday from 1:00 PM to 12:00 AM and Sunday from 1:00 PM to 11:00 PM) *Owner must provide trained staff to provide traffic control for pedestrians crossing College Avenue, the staff must wear a fluorescent safety vests (flashlight at night) and they must be sober.* Any complaints from neighbors, etc. that require police response will result in immediate revocation of outdoor amendment and/or live music.

Person-to-Person Transfer of “Class B” Retailers License

Approval of the person to person transfer of the “Class B” Retailers License from William Boyce/Jeannie Boyce to Calhoun Station, Inc; Michael Steffes, Agent at Irish Spring House, 1849 S Calhoun Road, based upon the death of the license holder.

Miscellaneous

EMS Billing Agreement with Ebix, Inc.

Approval of Billing Agreement.

Update Municipal Code re: Enforcement of Parking Violations/Ordinance No. 2203 “Ordinance Repealing and Recreating Section 261-15 of the City of New Berlin Municipal Code Pertaining to Enforcement of Parking Violations” (1st Reading)

City Clerk Marilyn Gauger gave the 1st reading.

Motion by Alderman Bullermann to waive the 2nd and 3rd reading. Seconded by Alderman Augustine and carried unanimously.

Motion by Alderman Ament to adopt Ordinance No. 2203. Seconded by Alderman Wilkens and carried unanimously.

RESOLUTIONS AND ORDINANCES

Ordinance No. 2202 “An Ordinance to Amend the General Ordinances of the City of New Berlin, Wisconsin” (1st reading)

Motion by Alderman Bullermann to waive the 2nd and 3rd reading. Seconded by Alderman Wilkens and carried unanimously.

Motion by Alderman Chiovatero to adopt Ordinance No. 2202. Seconded by Alderman Harenda and carried unanimously.

CLOSED SESSION

City Clerk Gauger read the following notice:

The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85(1)(e) & (g) of the Wisconsin State Statutes.

- (e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business whenever competitive or bargaining reasons require a Closed Session.

- Competitive Bargaining Strategies -

- (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.

-David Kachelmeyer Claim -

CLOSED SESSION

Motion by Alderman Ament to go to Closed Session at 8:00 PM. Seconded by Alderman Bullermann with voting as follows: Alderman Bullermann – yes; Alderman Augustine – yes; Alderman Gallagher – yes; Alderman Harenda – yes; Alderman Wilkens – yes; Alderman Chiovatero – yes; Alderman Ament – yes.

OPEN SESSION

Motion by Alderman Bullermann to reconvene in Open Session at 8:40 PM. Seconded by Alderman Gallagher and carried unanimously.

Possible Action on David Kachelmeyer Claim

Motion by Alderman Wilkens to recommend to Council to approve the David Kachelmeyer Claim in the amount of \$232.94 per the recommendation of City Attorney Mark Blum. Seconded by Alderman Ament and carried unanimously.

5.G. 1. Ad Hoc Finance Committee/2004 Budget Guidelines/Directions

No action taken. Special meeting to be held Tuesday, June 3, 2003 at 7:00 p.m.

ADJOURN

Motion by Alderman Ament to adjourn the meeting at 9:00 PM. Seconded by Alderman Wilkens and carried unanimously.

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