

**Common Council Minutes
January 28, 2003**

Minutes of a Regular Meeting of the Common Council of the City of New Berlin, Waukesha County, Wisconsin, held on Tuesday, January 28, 2003, at the New Berlin City Hall at 8:30 P.M.

Present were Mayor Wysocki, Aldermen Bullermann, Augustine, Gallagher, Harenda, Wilkens, Chiovero and Ament. Also present were City Attorney Mark Blum, City Clerk Marilyn Gauger, Director of Utilities and Streets Ray Grzys, City Engineer JP Walker, Division Engineer Larry Wilms, and Parks Supervisor Dave Jeske.

PRESENTATION: Gypsy Moth Aerial Suppression Program

Dave Jeske, Parks & Forestry Supervisor and local suppression coordinator, and John Kyhl, DNR Gypsy Moth Suppression Coordinator for SE Wisconsin made a presentation on the program.

Clerk's Report - No Report

Council President's Report - No Report

Mayor's Report - Mayor Wysocki reported that Alderman Harenda would like to announce that he is setting up open office hours on the first Sat. of the month from 10-12, and the third Tues. of the month from 6:30-8:30 p.m.

City Attorney's Report - No Report

COMMUNICATIONS

Communication from City Attorney re: Jay & April Thomas Claim

Motion by Alderman Wilkens to recommend to Council denial of the Jay & April Thomas claim, per the recommendation of City Attorney Mark Blum. Seconded by Alderman Bullermann and carried unanimously.

PLAN COMMISSION - No Report

BOARD OF PUBLIC WORKS - No Report

STORM WATER COMMITTEE - No Report

UTILITY COMMITTEE - No Report

LANDMARKS COMMISSION - No Report

SAFETY COMMISSION - No Report

COMMUNICATIONS COMMITTEE (formerly Technology Committee)

Alderman Bullermann reported from the meeting held on August 26, 2002:

Use of Cable Funds for Projector and Scan Converter

Motion by Alderman Bullermann to allow purchase of two ceiling mounted projectors, total cost

not to exceed \$10,000. Seconded by Alderman Harenda and carried unanimously.

MAYORAL APPOINTMENTS

Communications Committee

Motion by Alderman Ament to appoint Michael A. Passineau and Richard M. Turtenwald to the Communications Committee, both with expiration dates of December 31, 2003. Seconded by Alderman Augustine and carried unanimously.

Ad Hoc Leaf Burning Committee

Motion by Alderman Bullermann to appoint Sandra Graubner and Richard Mutsch to the Ad Hoc Leaf Burning Committee. Seconded by Alderman Wilkens and carried with Alderman Gallagher voting “no”.

ACTION ON PUBLIC HEARINGS

Resolution No. 03-02 “Final Resolution in Accordance with Section 66.0703 Wisconsin Statutes Authorizing Levying Special Assessments Against Benefitted Properties in the Lincoln Avenue/179th Street Special Assessment District”

Motion by Alderman Ament to table this item. Seconded by Alderman Augustine and carried unanimously.

REFERRALS, DEFERRALS AND TABLED ITEMS

Utility Committee - Contract Award - Water/Sewer Special Assessments - Lincoln Avenue & 179th Street - TABLED 1-14-03 - No Action

CONSENT AGENDA

Motion by Alderman Bullermann, seconded by Alderman Ament carried unanimously to approve the following items from the consent agenda:

MINUTES

Minutes of the Common Council Meetings held on January 14, 2003

UTILITY & FINANCE

Claims

For January 29, 2003:

Approve payment of Water Utility Claims in the amount of \$39,345.08; Sewer Utility Claims in the amount of \$9,452.22, and Bi-weekly Claims in the amount of \$439,274.86, of which \$174,025.74 is for 2002, \$250,471.00 for 2003, all of which represents payments to vendors and \$14,777.13 for tax overpayments.

LICENSES

Bartender Licenses

Deny Bartender License for the year 2002-2004 to Amy N. Davis, based upon the record before Council and applicant’s failure to expose history information.

Change of Agent for “Class B” Retailers License

Approve change of agent on record for the Corporation, Midwest Hotel and Conference Center Inc. d/b/a Holiday Inn Express - Hotel and Suites, 15451 West Beloit Road, to Paul J. Johnson

Jr. * * * * *
* *

RESOLUTIONS AND ORDINANCES

Ordinance No. 2193 “City of New Berlin Storm Water Management Ordinance” (2nd Reading)

City Clerk Gauger gave the second reading of Ordinance No. 2193.

Motion by Alderman Ament to move into Closed Session at 9:00 p.m. Seconded by Alderman Harenda. Upon voting, Alderman Bullermann voted “yes”, Alderman Augustine voted “yes”, Alderman Gallagher voted “yes”, Alderman Harenda voted “yes”, Alderman Wilkens voted “yes”, Alderman Chiovero voted “yes”, and Alderman Ament voted “yes”.

CLOSED SESSION

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 it is or is likely to become involved.

- Tamara Potkay -
- Horvatin Claim -

Motion by Alderman Chiovero to move into Open Session at 10:05 p.m. Seconded by Alderman Wilkens and carried unanimously.

OPEN SESSION

Possible Action on Payment of Damage to Property re: Horvatin Claim

Motion by Alderman Chiovero to recommend to Council to approve the Thomas Horvatin claim concerning property damage only in the amount of \$1,340.76, per the recommendation of City Attorney Mark Blum. Seconded by Alderman Ament and carried unanimously.

Motion by Alderman Ament to adjourn the meeting at 10:10 p.m. Seconded by Alderman Wilkens and carried unanimously.

**Marilyn Gauger
City Clerk**

MG/nh