

**PROCEEDINGS OF THE SPECIAL CALLED MEETING OF THE
COMMON COUNCIL OF THE
CITY OF NEW BERLIN AS DIRECTED BY THE
COMMON COUNCIL PRESIDENT PER
COMMON COUNCIL RULE NO. 1**

TUESDAY, FEBRUARY 3, 2009

7:00 P.M.

**New Berlin City Hall
Common Council Chambers
3805 S. Casper Drive**

CALL TO ORDER; PLEDGE OF ALLEGIANCE; INVOCATION; PUBLIC NOTICE

Mayor Chiovatero called the meeting to order at 7:07 PM.

Those present recited the Pledge of Allegiance and stood for a moment of silence.

This meeting was noticed on Monday, February 2, 2009 in accordance with the Open Meeting Law.

ROLL CALL; DECLARATION OF QUORUM

Present were Aldermen Hopkins, Wysocki, Seidl, Harenda, Poshepny, Moore and Ament. Also present were: City Clerk Marilyn Gauger and City Attorney Mark Blum.

Discussion and possible action to amend Council Rule 29 to provide that reconsideration may only occur at the same meeting where the original vote was taken.

Mayor Chiovatero deviated from the agenda to consider the 2nd item per Council's request.

Discussion and possible action on the motion for reconsideration by Alderman Joe Poshepny regarding the waiver of the three readings for Ordinance No. 2404 on January 27, 2009.

The following motion is from the January 27, 2009 Council meeting:

"Motion by Alderman Ament to waive the 3 readings (of Ordinance No. 2404). Seconded by Alderman Seidl and carried with Alderman Moore voting no."

Motion by Alderman Poshepny to reconsider the motion regarding waiving of the three (3) readings for Ordinance No. 2404. Seconded by Alderman Moore and motion failed with Alderman Poshepny and Alderman Moore voting yes.

Discussion and possible action to direct an alternate form of publication and posting of Ordinance No. 2404 in lieu of newspaper publication in the City's official paper pursuant to Wisconsin Statute Section 985.05(1).

Motion by Alderman Harenda to direct the City Clerk to utilize an alternate form of publication and posting of Ordinance No. 2404 as permitted pursuant to Wisconsin Statute Section 985.05 (1) and that the City Clerk post Ordinance No. 2404 and the notice attendant thereto in three (3) public places in the City likely to give notice to persons affected and also to publish Ordinance No. 2404 and the notice attendant thereto as a Class I legal notice in the Waukesha Freeman or the Journal Sentinel so that publication takes place on or before February 10, 2009. Seconded by Alderman Seidl and carried with Alderman Poshepny and Alderman Moore voting no.

Motion by Alderman Wysocki to drop from the agenda item #1 regarding amending Council Rule 29. Seconded by Alderman Seidl and carried unanimously.

Adjourn

Motion by Alderman Seidl to adjourn at 7:40 PM. Seconded by Alderman Ament and carried unanimously.

Respectfully submitted:

Marilyn Gauger
City Clerk