

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, February 26, 2008**

Please note: Minutes are unofficial until approved by the Common Council at the next regularly scheduled meeting.

Mayor Jack F Chiovero called the City of New Berlin Common Council Meeting to order at 7:21 PM after Committee of the Whole and Privilege of the Floor.

ROLL CALL: Present were Aldermen Seidl, Augustine, Harenda, Poshepny, Moore and Ament. Excused: Alderman Hopkins. Also present were: City Clerk Marilyn Gauger and City Attorney Mark Blum.

Those present recited the Pledge of Allegiance.

This meeting was noticed on Thursday, February 21, 2008 in accordance with the Open Meeting Law.

REPORTS

City Clerk – Presidential Preference Primary Election Results are on the City’s website at: www.newberlin.org under the City Clerk Department; out of 27,572 registered voters 12,582 voted with 784 of them being absentee ballots. We had an overall turnout of 45% and 1,165 voters registered on Election Day.

Council President - none

Mayor Chiovero – Please submit nominations for Citizen of the Year award by March 14th. Submit to the Mayor’s office. Tomorrow night (2-27-08) at 6PM will kickoff the City’s Comprehensive 2020 Plan.

City Attorney - none

COMMUNICATIONS

George Ruedt Claim

Referred to City Attorney

DEFERRALS, REFERRAL & TABLED ITEMS

Sidepath and Trail Inspection and Maintenance Policy/TABLED 9-25-07/DEFERRED 10-9-07/TABLED 10-23-07/TABLED 2-12-08

This item remained on the table.

Resolution #07-29 to approve SEWRPC’s Year 2035 Transportation Plan for the region and accept the Plan Commission Report/TABLED 11-13-07

This item remained on the table.

Ordinance No. 2367 Ordinance To Amend City of New Berlin Municipal Code Chapter 230 Streets and Sidewalks Section 230-2 Snow and Ice Removal - 3rd reading and TABLED 12-11-07

This item remained on the table.

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CONSENT AGENDA

Motion by Alderman Augustine to approve all of the following items listed. Seconded by Alderman Seidl and carried unanimously.

MINUTES - Common Council minutes from February 12, 2008

UTILITY AND FINANCE

- Water Utility claims in the amount of \$33,549.85, Sewer Utility claims in the amount of \$52,814.63 and Bi-weekly claims in the amount of \$709,248.00, all of which represents payment to vendors. Tax overpayments in the amount of \$30,054.36 were also generated.

Please Note: The Tax overpayments in the amount of \$30,054.36 was an error. There were no tax overpayments for February 26th.

LICENSES & PERMITS

Bartenders

- Bartender License for 2007-2009 to Carolyn Brady, Maria Capello, Bianka Eperjesiova, LeAnn Hoksch and Michael Lyons.

MISCELLANEOUS - none

DEFERRED, REFERRED & TABLED ITEMS

- Resolution No. 06-42 A Preliminary Resolution Declaring Intent to Levy Special Assessments and Directing the City Engineer to Prepare a Report for the Installation of Sanitary Sewer System to Service Areas on the North Side of Howard Avenue (west of Sunny Slope Road)/TABLED 11-14-06
This item remained on the table.
- Denial of Bartender License for 2007-2009 to Bradley Gray/TABLED 2-12-08
- Updated Bartender License Guidelines and Application/TABLED 2-12-08
This item remained on the table.

ITEM/S REMOVED FROM CONSENT AGENDA

ORDINANCES/RESOLUTIONS - none

City Clerk Gauger read the following:

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, more specifically:
 - Janacek Investments v. City of New Berlin Claim update

Motion by Alderman Augustine to go to Closed Session at 7:22 PM. Seconded by Alderman Seidl and carried unanimously per roll call vote.

RECONVENE TO OPEN SESSION

Motion by Alderman Seidl to reconvene in Open Session at 7:32 PM. Seconded by Alderman Augustine and carried unanimously.

ADJOURN

Motion by Alderman Augustine to adjourn at 7:33 PM. Seconded by Alderman Moore and carried unanimously.

Respectfully submitted:

Marilyn Gauger, MMC/WCMC
City Clerk