

**CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, February 23, 2010**

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

Mayor Jack F Chiovatero called the City of New Berlin Common Council Meeting to order at 7:17 PM after Committee of the Whole and Privilege of the Floor.

ROLL CALL: Present were Aldermen, Wysocki, Seidl, Poshepny, Moore and Ament. Aldermen Hopkins and Harenda have an excused absence. Also present were: City Clerk Kari Morgan, Deputy City Clerk Christine Stefanich, and City Attorney Mark Blum.

Those present recited the Pledge of Allegiance and stood for a moment of silence to honor the Olympians competing in the winter Olympics.

This meeting was noticed on February 18, 2010 in accordance with the Open Meeting Law.

REPORTS

City Clerk –no report

Council President – no report

Mayor Chiovatero- Mayor Chiovatero reminded everyone that there is meeting scheduled for March 2, 2010 between the Committee of the Whole and Finance Committee.

City Attorney – no report

COMMUNICATIONS

HSBC Mortgage Services, Inc. Claim

Mayor Chiovatero stated this claim will be referred to the City Attorney.

UTILITIES

UT 05-08 Discussion & possible action to recommend to Council the approval of a jurisdictional offer pursuant to Wis. Stat. Sec. 32.05 for the acquisition of a site for the Westward Manor lift station from Geipel Certified Sod at 19000 W. Lincoln Avenue

The following motion was acted upon when the Common Council reconvened into open session.

Motion by Alderman Ament to approve a jurisdictional offer pursuant to Wis. Stat. Sec. 32.05 for the acquisition of a site for the Westward Manor lift station from Geipel Certified Sod at 19000 W. Lincoln Ave. Seconded by Alderman Wysocki and carried unanimously.

DEFERRED, REFERRED & TABLED ITEMS

Ordinance No. 2417 that approves the amendments to Section 275-41.A(2) (Keeping and Raising of Animals) and 275-70 (Definitions) of the City's Zoning Code and accept the Plan Commission report. TABLED 9-8-09/REFERRED TO AD HOC COMMITTEE 9-22-09, 12-8-09 NO ACTION 1-12-10 NO ACTION 1/26/10 REFERRED TO PLAN COMMISSION 2/23/10 NO ACTION

Ordinance No. 2413 Ordinance to Amend Section 152-10 Regarding The Regulation And Licensing Of Dogs (3rd reading) 11-19-09 TABLED 12-8-09 NO ACTION 1/12/10 NO ACTION 1/26/10 NO ACTION 2/23/10 NO ACTION

CONSENT AGENDA Motion by Alderman Seidl to approve the consent agenda. Seconded by Alderman Ament and carried unanimously.

MINUTES – Common Council Minutes from February 9, 2010

UTILITY AND FINANCE

Claims

For: February 24, 2010

- Recommend to Council approval of Water Utility claims in the amount of \$147,440.12, Sewer Utility claims in the amount of \$156,489.68, and Bi-weekly claims in the amount of \$761,589.91

LICENSES/PERMITS

- Bartender Licenses for the year 2009-2011 to Barbara Dorgay, Jamie Knebel, Carl Vanderboom, Heidi Reise, Wendy Taylor and Michelle Lorentz

Liquor License

- Matera Restaurant / DBA Portabella, 3830 S. Moorland Rd. Giuseppe Matera, Agent

INFORMATION TECHNOLOGY

- Recommend to Common Council to authorize the IT Department to contract with One Communications for data and network security services for a three year contract

MISCELLANEOUS

- Set a Public Hearing date for the March 29, 2010 Plan Commission Meeting regarding rezoning of a property located at approximately 4506 S. Moorland Rd. from R-3 and R-4.5 to R-3, R-4.5 and C-2.

DEFERRED, REFERRED & TABLED ITEMS

- **Direct the City Attorney to create an ordinance that authorizes the City Clerk to allow public forums to be held in the Council Chambers at City Hall as long as a city function has not been previously scheduled and which includes the provisions presented/Referred to Communications Committee 2/9/10**

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ITEM/S REMOVED FROM CONSENT AGENDA: none

CLOSED SESSION

Deputy City Clerk Stefanich 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 it is or is likely to become involved, more specifically:

- **State of Wisconsin Radium Consent Order Claim**
- **Leary v. City of New Berlin et al**
- **Peters v. City of New Berlin et al**

In addition to the above items being discussed in Closed Session is as enumerated in Section 19.85 (1) (e) of the Wisconsin State Statutes.

- (e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, more specifically:

- **A jurisdictional offer pursuant to Wis Stat Sec 32.05 for the acquisition of a site for the Westward Manor lift station from Geipel Certified Sod at 19000 W. Lincoln Ave.**
- **Poplar Creek Interceptor**

Motion by Alderman Moore to go into Closed Session at 7:21 PM. Seconded by Alderman Ament and carried unanimously per roll call vote.

Motion by Alderman Seidl to reconvene to Open Session at 7:58 PM. Seconded by Alderman Ament and carried unanimously.

RECONVENE TO OPEN SESSION

- **State of Wisconsin Radium Consent Order Claim**
Motion by Alderman Ament to approve a \$45,000.00 settlement payment to the State of Wisconsin for the Radium Consent Order Claim. Seconded by Alderman Wysocki and carried unanimously.

- **Leary v. City of New Berlin et al**
No action taken.

- **Peters v. City of New Berlin et al**
No action taken

- **A jurisdictional offer pursuant to Wis Stat Sec 32.05 for the acquisition of a site for the Westward Manor lift station from Geipel Certified Sod at 19000 W. Lincoln Ave.**

- **Poplar Creek Interceptor**
No action taken.

ADJOURN

Motion by Alderman Seidl to adjourn at 8:00 PM. Seconded by Alderman Wysocki and carried unanimously.

Respectfully submitted:
Christine Stefanich
Deputy City Clerk