



Common Council MEETING AGENDA

February 14, 2023 - 6:00 PM
(Following Committee of the Whole Meeting)
City Hall
Council Chambers

Published: 2/11/2023

AGENDA

1. **PRIVILEGE OF THE FLOOR**
2. **CALL TO ORDER, PLEDGE OF ALLEGIANCE**
3. **ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE**
4. **APPROVAL OF MINUTES**
 - A. January 24, 2023 Common Council Meeting Minutes
5. **REPORTS**
 - A. City Clerk
 - B. Council President
 - C. Mayor
6. **COMMUNICATIONS**
7. **PARKS, BUILDINGS & GROUNDS COMMISSION**
 - A. Recommend to the Common Council the approval of Buena Park Shed Donation
8. **PLAN COMMISSION**
 - A. (7) KH RZ-2202324 Ryan Janssen with Ryan's Buying LLC - 4908 S. Calhoun Road (Tax Key #: 1258.999) - Rezone from A-2, C-1 & C-2 to R-1/R-2, C-1 & C-2. (PUBLIC HEARING 11/14/22)
 - B. (7) KH MS-2300120 Referral from the Department of Community Development – Hearthside Acres Addition No. 1 Subdivision – Resolution approving the release of the 100' Road Reservation that appears on the southerly portion of Hearthside Acres Addition No. 1 Subdivision plat (generally from 17185 W. Salentine Dr. through 16585 W. Salentine Dr.)
 - C. (3) NJ MS- 2300196 Referral from the Department of Community Development – 17505 Liberty Lane (New Berlin Self Storage) - Resolution approving the release of the 20' wide Drainage Easement as appears on CSM No. 6045.
9. **DEFERRED, REFERRED & TABLED ITEMS**
10. **ITEMS REMOVED FROM CONSENT AGENDA, if any**
11. **CONSENT AGENDA-----**
12. **MINUTES**

- A. January 24, 2023 Committee of the Whole Meeting Minutes

13. UTILITY & FINANCE

- A. Recommend to Council approval of February 15, 2023 Water Utility claims in the amount of \$166,730.32, Sewer Utility claims in the amount of \$3,138.58 and General City claims in the amount of \$1,423,577.38. Tax overpayment checks totaling \$86,372.21 were also generated. US Bank VISA EFT of \$34,410.15 DECEMBER STATEMENT. US Bank VISA EFT OF \$64,895.51 JANUARY STATEMENT. WE Energies EFT of \$63,552.93 NOV 2022. WE Energies EFT of \$48,996.96 DEC 2022

14. LICENSES & PERMITS

- A. Discussion and possible action to approve a Loudspeaker Permit extension to Jessica Benvenuto from 5PM to 11PM on July 29, 2023 for a private wedding to be held at her residence of 21675 W. Glengarry Rd.

15. MISCELLANEOUS

- A. Fire Department Update
- B. Update on ARC (Activity & Recreation Center) Phase II
- C. Discussion and possible action to approve a Common Council meeting to be held via Zoom on February 23, 2023 at a time to be determined.
- D. Discussion and possible action re: Waukesha County Joint Powers Agreement - County 9-1-1 Emergency System
- E. Recommend to the Common Council that a Public Hearing be set for March 6, 2023 at 6:00 pm to be held before the Plan Commission to rezone the property located at Tax Key #: 1281.996.006 from A-2, R-1/R-2 & C-2 to R-1/R-2 & C-2.
- F. Recommend to the Common Council that a public hearing be set for March 6, 2023 at 6:01 PM to be held before the Plan Commission to rezone the property located at 5715 S. Sunny Slope Road (Tax Key #: 1289-994) from A-2 TO A-2 and R-6.
- G. Recommend to Common Council that a public hearing be set for March 6, 2023 at 6:02 p.m. to be held before the Plan Commission on the suggested amendments to the Zoning Code (Chapter 275).

16. END CONSENT AGENDA-----

17. CLOSED SESSION

- A. *The basis for the items to be discussed in Closed Session are 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 business whenever competitive or bargaining reasons require a Closed Session, more specifically:*
- B. Update re: Police and Fire negotiations
- C. Discussion re: Contract with Endpoint Solutions for environmental testing work
- D. *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:

- E. Update re: Spitz Litigation
- F. Update re: Bailey Claim
- G. Update re: Wojcik Claim

18. RECONVENE TO OPEN SESSION - Discussion and Possible Action on items listed below

- A. Contract with Endpoint Solutions for environmental testing work
- B. Spitz Litigation
- C. Bailey Claim
- D. Wojcik Claim

19. ADJOURN

Supplemental Information:

- *The meeting agenda and agenda packet are available online at www.NewBerlin.org. The minutes are published online and are approved at the next regularly scheduled meeting.*
- *It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order.*
- *You may provide comments to the City Clerk via email at CitizenComments@NewBerlin.org. Comments will be forwarded to the Mayor and members of the governing body. Emailed comments are not read during the meeting.*
- *The City of New Berlin strives to host inclusive, accessible meetings that enable all individuals to engage and participate fully. Any person who has a qualifying disability under the Americans with Disabilities Act that requires that the meeting be accessible, please contact City Clerk Rubina R. Medina at (262) 786-8610 or via email at CityClerk@NewBerlinWI.gov at least 48 hours before the scheduled meeting time. Efforts will be made to accommodate the needs of disabled individuals through appropriate aids and/or services.*
- *It is also possible that members of and possibly a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to in the above notice.*