



Common Council MEETING AGENDA

February 23, 2023 - 4:15 PM
Meeting to be held virtually via Zoom ID: 844 8111 0357
Direct Zoom Link: <https://us02web.zoom.us/j/84481110357>

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AGENDA

1. **PRIVILEGE OF THE FLOOR**
2. **CALL TO ORDER, PLEDGE OF ALLEGIANCE**
3. **ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE**
4. **NEW BUSINESS**
 - A. Discussion and possible action to approve the RAS for the mold removal and reconstruction at the Safety Building. This includes Resolution 2023-5, a Resolution declaring emergency and awarding construction contracts and Resolution 2023-6, a Resolution amending the 2023 Capital Projects Budget
5. **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.



REQUESTED ACTION STATEMENT

DATE: February 17, 2023

TO: Mayor
Common Council
Committee of the Whole

FROM: Josh Radomski – Director of Public Works

ISSUE: Safety Building Mold Removal and Reconstruction

REQUESTED:

Recommend that the Common Council to approve Resolution 2023-5 and 2023-6 to declare an emergency and approve funding in the amount of \$255,000 for the removal of mold from exterior walls within the building and the reconstruction of the surfaces that are removed. There is a significant amount of mold that was found underneath the wallpaper along the exterior walls of the Safety Building. Upon investigation and discussion with remediation professionals, the only way to properly mitigate the mold found in the building is to fully remove the mold and all affected building materials from the building.

FISCAL IMPACT:

Monies to be added to the Capital Improvement Program for 2023.

RATIONALE:

The mold located within the building has the potential to impact the health of employees. By declaring this an emergency, we are able to more quickly remove the mold from the building. The mold needs to be removed from the building as quickly as possible to maintain a safe working environment for our employees. The anticipated cost of removing the affected building materials, replacing the affected drywall and painting with a 20% contingency is \$255,000.

RESOLUTION NO. 2023-5**RESOLUTION OF THE CITY OF NEW BERLIN
DECLARING EMERGENCY AND AWARDED CONSTRUCTION CONTRACTS**

WHEREAS, the City of New Berlin operates a public safety facility at 16300 W. National Ave. that serves as the office space for both the New Berlin Police Department and New Berlin Fire Department; and

WHEREAS, it has been discovered that a significant amount of mold has grown on the drywall of the interior surfaces of the exterior walls underneath the wallpaper, this mold is wide spread throughout the building; and

WHEREAS, mold has potential health effects to people working within the building; and

WHEREAS, the City Buildings and Grounds Department is in need of promptly removing the existing drywall surfaces affected by the mold growth to protect the health of City staff and members of the public who may enter the building, this work will also include waterproofing the exterior walls and replacing walls with new painted drywall; and

WHEREAS, City Buildings and Grounds Staff, and City Public Safety Staff has recommended the making of the replacement of the equipment as soon as possible and deems this to be an emergency as provided for under Wisconsin Statute 62.15(1b).

NOW, THEREFORE, the Common Council of the City of New Berlin does hereby resolve as follows:

BE IT RESOLVED that the Common Council of the City of New Berlin does hereby find that the remediation of mold by removing the affected building materials and restoration of the offices to a useable condition is necessary to ensure the health and safety of our employees, as well as frequenters of the building, therefore making these repairs as soon as possible an emergency as defined under Wisconsin Statute Section 62.15(1b).

BE IT FURTHER RESOLVED that the Common Council of the City of New Berlin does hereby conclude that the emergency remediation of the mold at the New Berlin Safety Building shall be performed without utilizing the public bidding procedure as outlined in Wisconsin Statute Section 62.15.

BE IT FURTHER RESOLVED that the Common Council of the City of New Berlin does hereby approve the awarding of contracts with a remediation and restoration contractor in an amount not to exceed \$255,000. The execution of contracts with the specific vendors is hereby

delegated to the Mayor or the Building and Grounds Manager in accordance with the limits for such contracting as provided for in the City's Purchasing Policy.

BE IT FURTHER RESOLVED that the Mayor and City Staff are authorized to execute such other and further documents as may be necessary to effectuate the intention of these Resolutions;

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to publish this resolution in the Waukesha County NOW within 10 days of adoption by the Common Council.

RESOLUTION ADOPTED by the New Berlin Common Council this 23th day of February 2023.

APPROVED:

David Ament, Mayor

Countersigned:

Rubina Medina, City Clerk

RESOLUTION NUMBER 2023-6**A RESOLUTION AMENDING THE 2023 CAPITAL PROJECTS BUDGET**

WHEREAS, it was determined that the Safety Building has a significant mold issue that needs to be addressed immediately. The best option at this point in time is to amend the Capital Projects Budget to cover the expected costs.

WHEREAS, It was determined that the Capital Projects Budget had to be amended to accomplish this goal.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of New Berlin that the Capital Projects Fund Budget be reallocated as follows:

EXPENDITURES - Increase

04251300-61478-C2023	MOLD REMEDIATION	\$ 255,000
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REVENUES - Increase

04011800-49505-C2023	BOND PROCEEDS	\$ 255,000
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BE IT FURTHER RESOLVED that the City Clerk is hereby directed to publish this resolution in the Waukesha County NOW within 10 days of adoption by the Common Council.

RESOLUTION ADOPTED by the New Berlin Common Council this 23th day of February 2023.

David Ament, Mayor

Countersigned:

Rubina M Medina, City Clerk