



Common Council MEETING MINUTES

March 14, 2023 - 6:00 PM
City Hall
Council Chambers

Please note: Minutes are unofficial until approved at the next regular scheduled meeting.

MINUTES

1. PRIVILEGE OF THE FLOOR

Council President Harenda read the rules for Privilege of the Floor.

1. Waukesha County Circuit Court Judge Frederick J. Strampe introduced himself to the Council. He was appointed to branch 7 this past December and he is visiting municipalities to introduce himself to local officials.
2. Steven Meinert of 15411 W San Mateo Drive spoke against the proposed Silver Star Car Wash on Coffee Road.

2. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Council President Harenda called the Common Council meeting to order at 6:32PM and led the Pledge of Allegiance.

3. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

City Clerk Rubina R. Medina took the roll call as follows:

Present: Alderperson Hopkins, Alderperson Garrigues, Alderperson Maxey, Alderperson Harenda, Alderperson Kroupa, Alderperson Horbinski, Alderperson Stribl

Excused: Mayor Ament

Staff Present: Department of Community Development Director Greg Kessler, Police Chief Jeff Hingiss, Fire Chief Mark Polzin, City Attorney Mark Blum, City Clerk Rubina R. Medina

The City Clerk stated that a quorum was established and the meeting was properly noticed.

4. APPROVAL OF MINUTES

- A. February 28, 2023 Common Council Meeting Minutes

MOTION: Motion to approve

VOTE: Motion by: Kroupa
Second by: Horbinski
Motion 7-0

5. REPORTS

A. City Clerk

- The Spring Election is April 4, 2023 and polls will be open on Election Day from 7am to 8pm. In-person absentee voting at City Hall will take place on weekdays from March 21st to March 31st, from 8am to 4:30pm with extended hours on March 31st to 5pm.
- The City of New Berlin Committee of the Whole and Common Council meetings are now being streamed live on the City website through the CivicClerk agenda and minutes portal as well as the City's TV25 channel. The City Clerk's Office is working with the Information Technology Department and CivicClerk to get the electronic voting up and running.

End of Report.

B. Council President

- Congratulations to **PHM Orthodontists**, located at 15855 W National Avenue, for being named our **March Business of the Month**. You can visit **PHM Orthodontists** at www.phmorthodontists.com for more information regarding their services or call (262) 784-4050.
- A special Congratulations to our newly crowned **2023 Miss New Berlin, Glo Konieczny** and our newly crowned **2023 Miss New Berlin's Outstanding Teen, Addison Strunz**.
- The **New Berlin Library** will be hosting "**Donuts with Grownups**" on **Saturday March 18th at 10:00 a.m. and 11:00 a.m.** Registration is needed. Please contact the New Berlin Library for more information and registration.
- Lastly, The **New Berlin Recreation Department's Summer Day Camp Registration** opens this month. Returning Day Camp Family Registration began on March 1st. Resident New Day Camp Family Registration will begin on March 15th at 9:00 a.m., and Non-Resident New Campers Registration begins on March 22nd at 9:00 a.m. For more information or to register a child for Day Camp, please contact our Recreation Department at (262) 797-2443 or email them at recreation@newberlin.org.

C. Mayor

Mayor Ament Excused - No Report.

6. COMMUNICATIONS

7. PLAN COMMISSION

A. KH CP-2200141 Park and Open Space Plan Update

MOTION: Motion to approve the adoption of Resolution No. 23-4 approving the updates to the Park and Open Space Plan

VOTE: Motion by: Stribl
Second by: Maxey
Motion 7-0

B. NJ LD-2202321 Dave Herbeck with Oshkosh AAP, LLC on behalf of SilverStar Car Wash - 15300 W. National Avenue (Tax Key #: 1207-997-002) - 2-Lot Certified Survey Map

MOTION: Motion to approve

VOTE: Motion by: Stribl
Second by: Maxey
Motion 7-0

City Attorney Mark Blum corrected the record regarding a comment that was made during privilege of the floor. Attorney Blum stated that what transpired at the Plan Commission meeting was that there was a motion to deny the application for the use approval that was made and seconded. However, during the course of the discussion on that motion, Commissioner McGrath asked a question of the City Attorney as to the legal impact as to the denial of the application which was answered. Commissioner McGrath then asked if the city could get additional time to review the existing PUD regarding the site in which Attorney Blum stated that would be possible. At that time, a motion was made by a Plan Commission member and then seconded and was then adopted to delay the matter. The comment made at Privilege of the Floor that the City Attorney delayed the matter or took action to delay the matter is untrue.

8. PARKS, BUILDINGS & GROUNDS COMMISSION

A. Rejection of Bids for City Hall Window Project

MOTION: Motion to approve the rejection of bids for the City Hall window project

VOTE: Motion by: Horbinski
Second by: Stribl
Motion 7-0

B. Resolution 2023-7 Amending the 2023 Capital Projects Budget

MOTION: Motion to approve Resolution 2023-7 Amending the 2023 Capital Projects Budget

VOTE: Motion by: Horbinski

Second by: Garrigues
Motion 7-0

C. Award of Safety Building Boiler Project

MOTION: Motion to approve

VOTE: Motion by: Horbinski
Second by: Kroupa
Motion 7-0

D. Award of Fire Station #1 Roof Project

MOTION: Motion to approve

VOTE: Motion by: Horbinski
Second by: Strbl
Motion 7-0

E. Award of Safety Building Roof Project

MOTION: Motion to approve

VOTE: Motion by: Horbinski
Second by: Strbl
Motion 7-0

9. DEFERRED, REFERRED & TABLED ITEMS

10. ITEMS REMOVED FROM CONSENT AGENDA, if any

11. CONSENT AGENDA-----

A. *Items under the Consent Agenda have passed unanimously by the Committee of the Whole. Items not passed by a unanimous vote will be removed from consent agenda and will be considered separately.*

MOTION: Motion to approve the consent agenda.

VOTE: Motion by: Garrigues
Second by: Strbl
Motion 7-0

12. MINUTES

A. February 28, 2023 Committee of the Whole Meeting Minutes

13. UTILITY & FINANCE

A. Recommend to Common Council approval of March 15, 2023 Water Utility claims in the amount of \$166,932.64, Sewer Utility claims in the amount of

\$8,829.31 and General City claims in the amount of \$2,993,483.22. Tax overpayment checks totaling \$46,654.33 were also generated.

14. MISCELLANEOUS

- A. Discussion and recommendation to Common Council for approval of the RAS to purchase additional Axon camera program products, data storage, and supporting equipment.
- B. Discussion and recommendation to Common Council for approval of the RAS to approve the ADA Transition Plan
- C. Discussion and recommendation to Common Council to enter into agreement with WCTC for use of their facilities for the training of firefighters and emergency responders

15. END CONSENT AGENDA-----

16. CLOSED SESSION

- A. *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:*
City Clerk Rubina Medina read the basis for entering into closed session.

MOTION: Motion to enter into closed session at 6:55 PM.

VOTE: Motion by: Stribl
Second by: Kroupa
Motion 7-0

- B. Jaylen Frier vs. City of New Berlin
- C. City of New Berlin vs. John and Marilynn Spitz

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

MOTION: Motion to reconvene to open session.

VOTE: Motion by: Stribl
Second by: Kroupa
Motion 7-0

A. Jaylen Frier vs. City of New Berlin

No Motion.

B. City of New Berlin vs. John and Marilynn Spitz

MOTION: Motion to approve the offer of judgment regarding the City of New Berlin vs. John and Marilynn Spitz claim.

VOTE: Motion by: Maxey
Second by: Stribl
Motion 7-0

18. ADJOURN

MOTION: Motion to adjourn the Common Council meeting at 7:19 PM.

VOTE: Motion by: Garrigues
Second by: Kroupa
Motion 7-0

***Respectfully Submitted,
Rubina R. Medina, City Clerk***