



**CITY OF NEW BERLIN
COMMON COUNCIL - MINUTES
Tuesday, March 29, 2022**

REGULAR MEETING

Zoom Meeting

6:00 PM

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

This Committee has satisfied the requirements as directed by the Common Council on June 22, 2021 and Ordinance No. 2651 to hold this meeting via electronic means. The full text of this ordinance and the minutes from the above mentioned meeting can be viewed at www.newberlin.org

To participate in the meeting, view the meeting, and/or ask questions, the public was able to do so by downloading the ZOOM app located at <https://zoom.us/> and utilize Meeting ID #885 7835 7552: to join.

All votes were taken via a voice roll call vote.

CALL TO ORDER, PLEDGE OF ALLEGIANCE, INVOCATION, PUBLIC NOTICE

Mayor Ament called the Common Council Meeting to order at 6:06PM

ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

Present: Mayor Ament, Alderpersons Hopkins, Garrigues, Maxey, Harenda, Stribl, Horbinski and Doyle.

Also Present: City Attorney Mark Blum and City Clerk Georgia Stanford

This meeting was noticed on Friday, March 25, 2022 in accordance with the Open Meetings Law.

APPROVAL OF MINUTES

ITEM: March 8, 2022 Common Council Minutes

MOTION: No Action

REPORTS

Mayor –

Discover New Berlin will be held this Saturday, April 2nd at the New Berlin West Field House located at 18695 W Cleveland. The event runs from 9 am to 2 pm and is a free community-wide event open to the public. Discover New Berlin is a showcase of things that make our city a great place to live, work, and play. It is produced in conjunction with the School District of New Berlin and the City of New Berlin. It features local businesses, schools, governmental agencies, civic groups, faith-based organizations and a job fair. Free Admission Tickets are available at participating businesses, City Hall, the library, the school district and at the New Berlin Chamber.

Second real estate tax installments are due March 31st. For your convenience, the City of New Berlin offers a variety of ways to pay that don't require coming into City Hall such as paying via mail, the drop box outside of City or with a credit card online. Visit the City's website for further details.

The New Berlin Police & Fire will be playing the Waukesha Police & Fire Departments on Friday April 8th at Catholic Memorial High School located at 601 East College Avenue. Admission is \$5, kids 12 and under are free! Doors open at 6 pm, game time is 7:00 pm. Join us for some friendly competition at this "Boots & Badges" basketball game. All proceeds go towards the Waukesha Public Safety Memorial. Special halftime show by Extreme Dance – Bring your gently worn, new and used shoes to donate and help raise funds for Extreme Dance!

The Community Egg Hunt and Breakfast with the Bunny will be held Saturday April 9th at the New Berlin Community Center located at 14750 W Cleveland Ave. Hunt starts at 9:30 am, Adults \$9, Children under 12 \$7, under 2 are free. 1st breakfast seating is at 8:30 am; 2nd breakfast seating is at 10 am. Please contact the New Berlin Junior Woman's Club for further details and tickets.

New Berlin Hills would like to invite golfers to the first parent/child 2-person team scramble. It will be held Sunday, June 12, 2022 at New Berlin Hills. A 1:00pm Shotgun Start and only \$150 per team. The emphasis on the outing will be to enjoy golf with your child. Grandparents and grandchildren are welcome. Children 14 years and up are welcome to play. Dinner, prizes & awards to follow immediately after the game. To sign up please visit the New Berlin Hill website or call the proshop at 262-780-5200. Emphasis will be to have fun and enjoy the day with your child or grandchild.

Council President – No Report

City Clerk – No Report

COMMUNICATIONS

PLAN COMMISSION

ITEM: (3) KW LD-2200117 Brian Hatzung with Zimmerman Architectural Studios on behalf of VEIT -18600 W. Lincoln Avenue (Tax Key #s: 1167-994 & 1172-999-003) - 1-Lot CSM.

MOTION: This item was considered at the Plan Commission meeting on March 7, 2022. It was recommended to the Common Council on a vote of 5-0. I do hereby move that the Common Council approve the 1-Lot Certified Survey Map located at 18600 W. Lincoln Avenue (Tax Key #s: 1167-994 & 1172- 999-003) subject to the application, plans on file and conditions outlined in the staff report.

VOTE: Motion by: Alderman Stribl
Second by: Alderman Harenda
Motion Passed 7-0.

BOARD OF PUBLIC WORKS

ITEM ITEM 03-22 Recommend to the Common Council the awarding of a construction contract for the 2022 Roadway Rehabilitation Paving Project

MOTION: This item was considered at the Board of Public Works meeting on March 21, 2022. It was recommended to the Common Council on a vote of 5-0 to approve the awarding of a construction contract to the lowest responsive, responsible bidder, Stark Pavement Corp. for the 2022 Roadway Rehabilitation Paving Project in an amount of \$2,927,320.00 with inspection and contingencies, the not-to-exceed total project costs are \$3,258,000.00 from accounts 04251100 59040 C2020, 04251100 59040 C2022, 04251100 61112 C2022, 04251100 63027 C2022, 04251100 63027 C2021, 04251100 63601 C2022, and 70- 173020, and to reject Alternate C of the construction contract.

VOTE: Motion by: Alderman Horbinski
 Second by: Alderman Garrigues
 Motion Passed 7-0.

ITEM: ITEM 04-22 Recommend to the Common Council the awarding of a construction contract for the 2022 Roadway Maintenance Joint, Crack Cleaning and Sealing Project

MOTION: This item was considered at the Board of Public Works meeting on March 21, 2022. It was recommended to the Common Council on a vote of 5-0 to approve the awarding of a Construction Contract to the lowest responsive, responsible bidder, Denler Inc., for the 2022 Roadway Maintenance Joint, Crack Cleaning & Sealing Project in an amount of \$143,350.51 with contingencies and inspection the not to exceed Total Project Costs are \$173,000.00 from account 15110029 59040, and to reject Alternate A of the construction contract.

VOTE: Motion by: Alderman Horbinski
 Second by: Alderman Maxey
 Motion Passed 7-0.

ITEM: ITEM 05-22 Recommend to the Common Council the approval of the Development Agreement for the Quarry Park Subdivision located at 20685-20695 W. National Avenue

MOTION: This item was considered at the Board of Public Works meeting on March 21, 2022. It was recommended to the Common Council on a vote of 5-0 to approve the Development Agreement for Quarry Park Subdivision, a proposed development on the property located at 20685-20695 W. National Avenue subject to final review as to form by the City Attorney and Final plans on file.

VOTE: Motion by: Alderman Horbinski
 Second by: Alderman Garrigues
 Motion Passed 7-0.

UTILITY COMMITTEE

ITEM: UT 11-22 Recommend to the Common Council to approve the Professional Services Agreement in the amount of \$394,900.00 for construction services, administration, inspection services and project closeout needed to complete the Moorland Road Water Main Rehabilitation Project. Total cost for consultant services not to exceed \$474,900.00.

MOTION: This item was considered at the Utility Committee meeting on March 29, 2022. It was recommended to the Common Council on a vote of 5-0. Motion to approve the Professional Services Agreement in the amount of \$394,900.00 for construction services, administration, inspection services and project closeout needed to complete the Moorland Road Water Main Rehabilitation Project. Total cost for consultant services not to exceed \$474,900.00

VOTE: Motion by: Alderman Harenda
Second by: Alderman Maxey
Motion Passed 7-0.

ITEM: UT 10-22 Recommend to the Common Council to award the construction contract for the Moorland Road Water Main Rehabilitation Project to the lowest responsive bidder, MidCity Corporation, Inc., in the amount of \$7,230,930.50 with an additional \$361,546.50 five percent (5%) for contingencies. Total construction cost of the project is not to exceed \$7,592,477.00.

MOTION: This item was considered at the Utility Committee meeting on March 29, 2022. It was recommended to the Common Council on a vote of 5-0. Motion to award the construction contract for the Moorland Road Water Main Rehabilitation Project to the lowest responsive bidder, MidCity Corporation, Inc., in the amount of \$6,365,280.50 with an additional \$318,264.00 five percent (5%) for contingencies. Total construction cost of the project is not to exceed \$6,683,544.50 including base bid and alternate #3

VOTE: Motion by: Alderman Harenda
Second by: Alderman Garrigues
Motion Passed 7-0.

ITEM: UT 07-22 Recommend to the Common Council to award the Construction Contract to the lowest responsive bidder, Schafer Snow Plowing and Grading, LLC., for the demolition of the pump house and reservoir at the Glen Park Pump House in the amount of \$24,255.00 with an additional \$2,425.00 10% (ten) contingencies. Total cost of the project not to exceed \$26,680.00.

MOTION: This item was considered at the Utility Committee meeting on March 22, 2022. It was recommended to the Common Council on a vote of 5-0. I do hereby move that the Council award the Construction Contract to Schafer Snow Plowing and Grading, LLC., for the demolition of the pump house and reservoir at the Glen Park Pump House in the amount of \$24,255.00 with an additional \$2,425.00 10% (ten) contingencies. Total cost of the project not to exceed \$26,680.00.

VOTE: Motion by: Alderman Harenda
Second by: Alderman Doyle
Motion Passed 7-0.

ITEM: UT 08-22 Recommend to the Common Council to award the 2022 Rogers Drive Sanitary Sewer CIPP Lining Project contract to the lowest responsive bidder, Visu-Sewer, Inc., in the amount of \$355,110.35 with an additional \$17,755.00 (5%) for contingencies. Total project cost not to exceed \$372,865.35.

MOTION: This item was considered at the Utility Committee meeting on March 22, 2022. It was recommended to the Common Council on a vote of 5-0. I do hereby move that the Council award the 2022 Rogers Drive Sanitary Sewer CIPP Lining Project contract to Visu-Sewer, Inc., in the amount of \$355,110.35 with an additional \$17,755.00 (5%) for contingencies. Total project cost not to exceed \$372,865.35.

VOTE: Motion by: Alderman Harenda
Second by: Alderman Stribl
Motion Passed 7-0.

RECREATION COMMISSION

ITEM: Discussion and Possible Action to recommend to Common Council the approval of the Updated 2022 Summer Program Fees

MOTION: This item was considered at the Recreation Commission meeting on March 28, 2022. It was recommended to the Common Council on a vote of 4-0.

VOTE: Motion by: Alderman Harenda
Second by: Alderman Horbinski
Motion Passed 7-0.

PARKS, BUILDINGS AND GROUNDS COMMISSION

ITEM: Recommend to the Common Council the approval of a lease agreement with Educators Credit Union for the use of City-owned lands for a public document shredding event in a parking area located within Malone Park of August 27, 2022.

MOTION: This item was considered at the Parks, Buildings and Grounds Commission meeting on March 14, 2022. It was approved and recommended to the Common Council on a vote of 5-0. I do hereby move that the Common Council approve the lease agreement with Educator's Credit Union for the use of City-owned lands for a public document shredding event in a parking area located within Malone Park on August 27, 2022.

VOTE: Motion by: Alderman Horbinski
Second by: Alderman Maxey
Motion Passed 7-0.

ITEM: Recommend to the Common Council the approval of Electronic Scoreboard Donation Request

MOTION: This item was considered at the Parks, Buildings and Grounds Commission meeting on March 14, 2022. It was approved and recommended to the Common

Council on a vote of 5- 0. I do hereby move that the Common Council approve the New Berlin Lions Donation Request.

VOTE: Motion by: Alderman Horbinski
Second by: Alderman Garrigues
Motion Passed 7-0.

ITEM: Recommend to the Common Council the approval of New Berlin Lions Club Donation Request

MOTION: This item was considered at the Parks, Buildings and Grounds Commission meeting on March 14, 2022. It was approved and recommended to the Common Council on a vote of 5-0. I do hereby move that the Common Council approval of the Electronic Scoreboard Donation Request

VOTE: Motion by: Alderman Horbinski
Second by: Alderman Harenda
Motion Passed: 7-0.

ITEMS REMOVED FROM CONSENT AGENDA, if any

CONSENT AGENDA *****

MOTION: Motion to approve the Consent Agenda

VOTE: Motion by: Alderman Stribl
Second by: Alderman Doyle
Motion Passed: 7-0.

MINUTES

March 8, 2022 Committee of the Whole Minutes

UTILITY & FINANCE

Approval of March 23, 2022 Water Utility claims in the amount of \$9,249.47, Sewer Utility claims in the amount of \$8,444.76 and General City claims in the amount of \$951,949.00. US Bank VISA EFT of \$32,300.94

LICENSES & PERMITS

Operator (Bartender) license applications for the licensing period ending June 30, 2023 per the list as presented.

MISCELLANEOUS

Recommend to the Common Council the approval of the Director of Finance to sign the Declaration of Official Intent for the 2022 Utility CIP Debt Issue in an amount not to exceed approved 2022 Moorland Road Water Main Project plus projected issuance costs

CLOSED SESSION

MOTION: Motion to enter closed session at 6:32PM

VOTE: Motion by: Alderman Hopkins
Second by: Alderwoman Doyle
Motion Passed 7-0.

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:

UT 04-22 Discussion and possible action related to the sale of the Glen Park Pump House Property located at 3615 S Cottonwood Road in New Berlin

UT 09-22 Discussion and possible action related to the Cell Lease/Generator Installation at the Sunnyslope Water Tower #2.

ITEM 06-22 Recommend to the Common Council the approval of the Development Agreement for the TDC Lincoln, LLC. & ABB, Inc. development located at 18200-18250 W. Lincoln Avenue.

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

MOTION: Motion to reconvene into open session at 6:52PM

VOTE: Motion by: Alderman Stribl
Second by: Alderwoman Horbinski
Motion Passed 7-0.

ITEM: UT 04-22 Discussion and possible action related to the sale of the Glen Park Pump House Property located at 3615 S Cottonwood Road in New Berlin

MOTION: Motion to approve the sale of the Glen Park Pump House Property located at 3615 S Cottonwood Rd. and approve counter offer #2 as presented by the City Attorney.

VOTE: Motion by: Alderman Harenda
Second by: Alderman Horbinski
Motion Passed 7-0.

ITEM: UT 09-22 Discussion and possible action related to the Cell Lease/Generator Installation at the Sunnyslope Water Tower #2.

MOTION: Motion to approve the lease amendment with New Cingular Wireless for Sunnyslope Water Tower #3

VOTE: Motion by: Alderman Garrigues
Second by: Alderman Stribl
Motion Passed 7-0.

ITEM: ITEM 06-22 Recommend to the Common Council the approval of the Development Agreement for the TDC Lincoln, LLC. & ABB, Inc. development located at 18200-18250 W. Lincoln Avenue.

MOTION: Motion to approve the Development Agreement for the TDC Lincoln, LLC. & ABB, Inc. development located at 18200-18250 W. Lincoln Avenue.

VOTE: Motion by: Alderman Maxey
Second by: Alderman Hopkins
Motion Passed 7-0.

ADJOURN

MOTION: Adjourn at 6:06PM.

VOTE: Motion: Alderwoman Doyle
Second by: Alderman Horbinski
Motion Passed 7-0.

*Respectfully Submitted,
Georgia Stanford, City Clerk*