



**CITY OF NEW BERLIN
COMMON COUNCIL - MINUTES
Tuesday, April 12, 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 # 868 6172 2444: to join.

All votes were taken via a voice roll call vote.

CALL TO ORDER, PLEDGE OF ALLEGIANCE

Mayor Ament called the Common Council meeting to order at 6:20PM.

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.

APPROVAL OF MINUTES

ITEM: March 29, 2022 Common Council Meeting Minutes

MOTION: Motion to approve the March 29, 2022 Committee of the Whole Meeting Minutes

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

ITEM: March 8, 2022 Common Council Minutes

MOTION: Motion to approve the March 8, 2022 Committee of the Whole Meeting Minutes

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

REPORTS

ITEM: City Clerk:
City Clerk Georgia Stanford thanked the council, community members, staff, and

election inspectors for their support over the past 4 years during her tenure. This will be her last regular council meeting as City Clerk with her last day with the City being Friday, April 22, 2022.

ITEM: Council President – No Report

ITEM: Mayor:
Just a reminder that April 15th is the deadline for nominations for the John Bauer Award for Municipal Excellence. The Mayor's Office is seeking nominations of City employees for this award. Nominations should be a written description of no more than 500 words, explaining the outstanding customer service the nominee has provided to their fellow employees and the residents of the City of New Berlin. Nominations should be submitted to Melody Styba in the Mayor's Office.

The 2022 Assessment Roll will be available for public inspection beginning on April 25th until May 4th during normal business hours 8 am – 4:30 pm or online at www.newberlin.org. In addition to in-person appointments, opportunities to discuss individual property assessments are also available virtually. You may contact the Assessor's office at 262-797-2465 or via email assessments@newberlin.org

We invite all interested parties to attend the Public Information Meeting for the Moorland Road Water Main Rehabilitation Project. This project will take place from May 2022 to November 2022, prior to the Waukesha County's Road Rehabilitation Project scheduled for 2023. This project consists of relining the inside of the water main, replacing main line water valves, replacing fire hydrants and valves. All are encouraged to attend this Public Information Meeting on Tuesday, April 19th, 5 -7 pm in the Council Chambers of City Hall. This will be an "Open House" type forum allowing participants to come and go as they please.

A special thank you to ITU Absorbtech for their generous donation of \$8,000 to our new Activity & Recreation Center. This donation qualifies them for a Platinum Sponsorship; we look forward to greeting them at our upcoming grand opening and ribbon cutting on Saturday June 4th.

PLAN COMMISSION

ITEM: (2) KH PK-2200051 - Approval of the contract for the 2022 Lions Park Improvement Project.

MOTION: Motion to approve the awarding of Construction Contract to the lowest responsive, responsible bidder: Workman Enterprises for the construction of Lions Park Improvement Project in an amount of \$81,555.00 from account 04252900 61122 C2021. Subject to staff conditions and City Attorney approval.

VOTE: Motion by: Alderwoman Doyle
Second by: Alderman Garrigues
Motion Passed 6-0 with Alderman Stribl abstaining

PARKS, BUILDINGS AND GROUNDS COMMISSION

ITEM: Discussion and Possible Action to Approve Beer Garden Contract with Four brothers Blended Beer Company, LLC, d/b/a City Lights Brewing Company, to host beer garden events between June 4, 2022 and October 2, 2022, at Malone Park.

MOTION: Motion to approve Approve Beer Garden Contract with Four brothers Blended Beer Company, LLC, d/b/a City Lights Brewing Company, to host beer garden events between June 4, 2022 and October 2, 2022, at Malone Park, subject to final review from the City Attorney.

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

MAYORAL APPOINTMENTS

ITEM: Discussion and possible action to appoint Rubina R. Medina to the position of City Clerk for the City of New Berlin effective April 23, 2022

MOTION: Motion to approve the appointment of Rubina R. Medina to the position of City Clerk for the City of New Berlin effective April 23, 2022

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

ITEM: Recommend the reappointment of John Goetter, Scott Schulpus and James Klappa to the Board of Appeals with new terms effective 5/1/2022 and expiring 4/30/2025.

MOTION: Motion to approve the remaining list of reappointments as presented

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

ITEM: Recommend the reappointment of Gary Beier to the Board of Review with new term effective 5/1/2022 and expiring 4/30/2027.

ITEM: Recommend the reappointment of Alderman John Hopkins to the Community Development Authority with new term effective immediately and expiring 4/21/2025.

ITEM: Recommend the reappointment of Alderman John Hopkins to the Handicapped Persons Appeal Committee with new term effective 4/19/2022 and expiring 4/30/2023.

ITEM: Recommend the reappointment of Brian McGrath to the Plan Commission with new term effective 5/1/2022 and expiring 4/30/2025.

ITEM: Recommend the reappointment of Mary Claire Lanser to the Police and Fire Commission with new term effective 5/1/2022 and expiring 4/30/2027.

DEFERRED, REFERRED & TABLED ITEMS

ITEMS REMOVED FROM CONSENT AGENDA, if any

CONSENT AGENDA*****

MOTION: Motion to approve the consent agenda as presented

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

MINUTES

ITEM: March 8, 2022 Committee of the Whole Minutes

ITEM: March 29, 2022 Committee of the Whole Meeting Minutes

UTILITY & FINANCE

ITEM: Approval of April 13, 2022 Water Utility claims in the amount of \$176,364.73, Sewer Utility claims in the amount of \$909,923.47 and General City claims in the amount of \$868,562.62.
Tax overpayment checks totaling \$94,712.37 & \$6,378.77 were also generated.
US Bank VISA EFT of \$21,015.78.
WE Energies EFT of \$73,284.26

LICENSES & PERMITS

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

MISCELLANEOUS

ITEM: Recommend that the Common Council approve Resolution 22-5, A Resolution amending the 2022 capital projects budget in the amount of \$75,000 for the repair of the Carriage Barn foundation

ITEM: Discussion and possible action to approve Resolution 22-6, a Resolution to declare an emergency eliminating the necessity of public bidding for the performance of repairs on the foundation of The Carriage Barn and to proceed with the execution of a contract with Beeler Construction, Inc. to perform said repairs.

ITEM: Recommend to Common Council a public hearing be set for June 6, 2022 at 6:00 PM before the Plan Commission to amend the City's Comprehensive Plan Chapt. 19 and Chapt. 10 for Tax Key #: 1268-993 from Single Family Residential to Institutional.

ITEM: Recommend to the Common Council that a joint public hearing be set for June 6, 2022 at 6:00 PM before the Plan Commission to rezone approximately 3.5278 acres of the southeast portion of the property located at Tax Key #: 1268-993 from R-1/R-2 to I-1/PUD.

- ITEM:** Requested Action Statement for approval of public bids for the New Berlin Activity and Recreation Center
- ITEM:** Discussion and possible action regarding Opening a Special Administration Action in Waukesha County Circuit Court relative to the Estate of Chris Glynn (D/O/D: 9/25/21) in order that the City may pursue various property maintenance issues that exist on the property located at 15901 Santa Rosa.
- ITEM:** Recommend Council approval of contractual documents between the City of New Berlin and Adorama Camera, Inc. to purchase two Autel Evo II drone bundles with accessories. The purchase would include two 36 month extended warranties to cover maintenance and protection of two Autel Evo II drones.

END CONSENT AGENDA*****

CLOSED SESSION

- ITEM:** 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
- MOTION:** Enter closed session at 6:38PM.
- VOTE:** Motion by: Alderman Garrigues
Second by: Alderwoman Doyle
Motion Passed 7-0.
- ITEM:** Discussion regarding the Skydance Pet Lodge Nuisance Complaint
- ITEM:** 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:
- ITEM:** Discussion regarding the retainer agreement with Stafford Rosenbaum LLP
- ITEM:** The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85(1)(c) of the Wisconsin State Statutes. (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, more specifically:
- ITEM:** Administrative Services

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

- MOTION:** Reconvene into open session at 7:18PM

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

ITEM: Discussion and possible action regarding the retainer agreement with Stafford Rosenbaum LLP

MOTION: Motion to approve the retainer agreement with Stafford Rosenbaum LLP

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

ADJOURN

MOTION: **Adjourn at 7:20PM**

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

*Respectfully Submitted,
Georgia Stanford*