



**CITY OF NEW BERLIN
COMMON COUNCIL - MINUTES
Tuesday, December 13, 2022**

Regular Meeting

Council Chambers

6:00 PM

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

All votes were taken via a voice roll call vote.

PRIVILEGE OF THE FLOOR

Linda Zielinski, 13615 W. Deer Park Dr. spoke in favor of directing staff to amend the City's Zoning Code to prohibit short-term rentals

Dan O'Donnell, 13590 Eagle Trace spoke in favor of directing staff to amend the City's Zoning Code to prohibit short-term rentals

Sue Dorlack, 13530 Deer Park Ct. spoke in favor of directing staff to amend the City's Zoning Code to prohibit short-term rental

Scott LaFever 3430 El Sirroco Dr spoke regarding issue with cars turning left on San Mateo to avoid Coffee Rd intersection.

CALL TO ORDER, PLEDGE OF ALLEGIANCE

Mayor Ament called the meeting to order at 6:45PM and led the Pledge of Allegiance.

ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

Present: Mayor Ament, Alderperson Hopkins, Garrigues, Maxey, Harenda, Stribl, Horbinski and Kroupa

Staff Present: City Attorney Mark Blum, Director of Public Works Josh Radomski, Finance Director Ralph Chipman, Police Department Deputy Chief of Operations Tony Pine, Police Captain Steven Thompson, Deputy Director of Community Development Nikki Jones, Code Compliance Specialist Dan Hogan, Human Resources Director Melissa Beck, Deputy City Clerk Megan Godshall and Deputy City Clerk Sherri Hanson

Others Present: Labor Council Brian Waterman

Clerk stated a quorum has been established and the meeting was properly noticed.

APPROVAL OF MINUTES

ITEM: November 15, 2022 Common Council Meeting Minutes

MOTION: **Motion to approve the November 15, 2022 Common Council Meeting Minutes**

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

REPORTS

ITEM: City Clerk Rubina R. Medina
No Report

ITEM: Council President Ald. Kenneth A. Harenda II wished Staff and Residents a Merry Christmas, Happy Holidays and a Happy New Year

ITEM: Mayor Dave Ament Report

- Congratulations to Sendik's Food Market for being named our December Business of the Month. We are very happy to have Sendik's as a part of our community and encourage everyone to stop by and check out all they have to offer for your grocery needs as well as their wonderful Floral and Home Décor.
- We are now accepting nonperishable food items and toiletries to be distributed thru the New Berlin Food Pantry. Donations may be left under the Christmas Tree located in the City Hall Lobby or the New Berlin Public Library. Donations will be accepted thru January 6th.
- The 2022 Winter/Spring Recreation Guide is now available online. For more information please visit the city's homepage. Registration for residents and non-residents is now available.
- Please mark your calendars and join us for the City's 4th Annual Winterfest on Saturday January 7th. Activities are available at Valley View Park, Malone Park and the City Center Plaza. Join us for a Beer Garden, food trucks, live music, kickball, snowman contests, bonfires, winterfest bingo, sledding, a candlelight hike, open skating and more. You can stop by the Recreation Department for a Winterfest mug. Visit the City's website or the Winter/Spring Rec Guide for more information. All are encouraged to join in the fun.
- The December 27th COW/CC meeting is cancelled. The next regularly scheduled meeting will be held January 10th.
- The Recycling Center will be closed on Saturday, December 24th for Christmas. In addition, City Hall will be closed Friday December 23rd and Monday December 26th for Christmas. City Hall will also be closed on Friday December 30th and Monday January 2nd for New Years.
- Lastly, I'd like to wish everyone a very Merry Christmas and a Happy, Healthy and Safe New Year.

COMMUNICATIONS

ITEM: Notice of Injury - Monica J. Hume on behalf of I.J.H.
Referred to City Attorney

PLAN COMMISSION

ITEM: (4) KW LD-2201280 Mellisa Hayes on behalf of Kyle Kloc and Natalie Anastas - 5920 S. Racine Avenue - 2-Lot Certified Survey Map.

MOTION: **Motion to approve LD-2201280 Mellisa Hayes on behalf of Kyle Kloc and Natalie Anastas - 5920 S. Racine Avenue - 2-Lot Certified Survey Map**

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

ITEM: KH CP-2200141 2023 Park and Open Space Plan - Update and recommend to Common Council to set a public hearing date for February 6, 2023.

MOTION: **Motion to approve setting a public hearing date for February 6, 2023 for CP-2200141 2023 Park and Open Space Plan**

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

ITEM: (7) KH LD-2202296 Pinnacle Engineering on behalf of Rob DuCharme - 19455 W. Observatory Road - 2-Lot Certified Survey Map

MOTION: **Motion to approve LD-2202296 Pinnacle Engineering on behalf of Rob DuCharme - 19455 W. Observatory Road - 2-Lot Certified Survey Map**

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

PARKS, BUILDINGS AND GROUNDS COMMISSION

ITEM: Resolution 22-30- A Resolution Transferring Funds from the Safety Building Foundation CIP Account to the Malone Park Lighting CIP Account

MOTION: **Motion to approve Resolution 22-30- A Resolution Transferring Funds from the Safety Building Foundation CIP Account to the Malone Park Lighting CIP Account**

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

ITEM: Award of Contract in the Amount of \$467,893 with a 10% Contingency for a Total Construction Cost of \$514,593 to J Miller Electric, Inc.

MOTION: **Motion to approve the Award of Contract in the Amount of \$467,893 with a 10% Contingency for a Total Construction Cost of \$514,593 to J Miller Electric, Inc.**

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

MAYORAL APPOINTMENTS

ITEM: Discussion and possible action to approve the Mayoral Appointments per the list as presented

MOTION: Motion to approve the Mayoral Appointments per the list presented

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

DEFERRED, REFERRED & TABLED ITEMS

ITEMS REMOVED FROM CONSENT AGENDA, if any

ITEM: Discussion and possible action regarding the Requested Action Statement from Ald. Stribl directing staff to amend the City's Zoning Code to prohibit short-term rentals as permitted under Section 66.1014 of the Wisconsin Statutes.

MOTION: Motion to approve the Requested Action Statement from Ald. Stribl directing staff to amend the City's Zoning Code to prohibit short-term rentals as permitted under Section 66.1014 of the Wisconsin Statutes

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

CONSENT AGENDA*****

Motion by Alderman Harenda to approve the remaining consent agenda items. Seconded by Horbinski and motion approved 7-0

ITEM: November 15, 2022 Committee of the Whole Meeting Minutes

UTILITY & FINANCE

ITEM: Recommend to Council approval of the November 23, 2022 Water Utility claims in the amount of \$177,438.50, Sewer Utility claims in the amount of \$20,268.49 and General City claims in the amount of \$2,216,190.72

ITEM: Recommend to Council approval of the December 14, 2022 Water Utility claims in the amount of \$569,064.51, Sewer Utility claims in the amount of \$181,015.87 and General City claims in the amount of \$2,485,999.30. WE Energies EFT of \$65,872.41

LICENSES & PERMITS

ITEM: Discussion and possible action to approve the 2023 Rubbish/Garbage Hauler License applications per the list as presented

MISCELLANEOUS

- ITEM:** DPW Update by Josh Radomski, Director of Public Works
- ITEM:** Discussion and possible action to approve Resolution No. 22-29, A Resolution transferring funds from Contingency to the Streets Department budget for increased fuel costs
- ITEM:** Discussion and Possible Action to approve Ordinance 2664, an Ordinance to create section 124-20 of the Municipal Code of the City of New Berlin concerning reimbursement for ambulance fees
- ITEM:** Discussion and Possible Action on the Proposed 2023 CIP Budget
- ITEM:** Discussion and possible action on the proposed TID #3 and TID #5 Capital Borrowings
- ITEM:** Discussion and possible action to approve a MOU to amend Section 15.01 of the 2021-2022 Collective Bargaining Agreement between the NBPPA and the City of New Berlin
- ITEM:** Discussion and possible action to approve the RAS to pre-hire one sworn police officer in January 2023 in anticipation of at least one retirement in 2023
- ITEM:** Discussion and possible action to approve the RAS regarding the outlined additions/clarifications to the Memorandum of Understanding between the City of New Berlin Police Department and the School District of New Berlin

END CONSENT AGENDA*****

CLOSED SESSION

City Clerk read the basis for the items to be discuss in Closed Session.

Motion by Stribl to go into closed session at 7:11 PM. Seconded by Horbinski. Motion passed 7-0.

- 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:
- ITEM:** Discussion regarding the Omelina Claim
- ITEM:** Discussion regarding the status of litigation for the Wojcik claim
- ITEM:** Discussion regarding the City of New Berlin's claim against John Spitz
- 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 proposed Purchase and Sale Agreement between Patrick and Mary Lemirande and the City of New Berlin

RECONVENE TO OPEN SESSION - Discussion and Possible Action on items listed below: Motion by Stribl, Second by Horbinski to reconvene to Open Session at 8:21PM. Motion Passed 7-0

ITEM: Omelina Claim - Discussion and possible action regarding a settlement agreement

MOTION: **Motion to approve the Omelina settlement agreement as outlined by the Labor Council**

VOTE: Motion by: Hopkins
Second by: Garrigues
Motion Passed: 7-0

ITEM: Wojcik Claim - Discussion and possible action regarding a settlement

MOTION: **Motion to approve the Wojcik settlement claim as recommended by the City Attorney**

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

ITEM: City of New Berlin's claim against John Spitz - Discussion and possible action regarding a settlement

No Action

ITEM: Proposed Purchase and Sale Agreement between Patrick and Mary Lemirande and the City of New Berlin - Discussion and possible action

No Action

ADJOURN

Motion by Kroupa, seconded by Maxey to adjourn at 8:24PM

Respectfully Submitted,

Sherri L Hanson, Deputy City Clerk