



City of New Berlin

Meeting Agenda

Common Council

New Berlin City Hall
3805 S. Casper Drive
New Berlin, WI 53151

(262) 786-8610
www.NewBerlin.org

Tuesday, December 13, 2022

6:00 PM

Council Chambers

PRIVILEGE OF THE FLOOR

CALL TO ORDER, PLEDGE OF ALLEGIANCE

ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

APPROVAL OF MINUTES

1. November 15, 2022 Common Council Meeting Minutes

REPORTS

2. City Clerk Rubina R. Medina
3. Council President Ald. Kenneth A. Harenda II
4. Mayor Dave Ament

COMMUNICATIONS

5. Notice of Injury - Monica J. Hume on behalf of I.J.H.

PLAN COMMISSION

6. (4) KW LD-2201280 Mellisa Hayes on behalf of Kyle Kloc and Natalie Anastas - 5920 S. Racine Avenue - 2-Lot Certified Survey Map. (Tabled 7/11/2022)
7. 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.
8. (7) KH LD-2202296 Pinnacle Engineering on behalf of Rob DuCharme - 19455 W. Observatory Road - 2-Lot Certified Survey Map

PARKS, BUILDINGS AND GROUNDS COMMISSION

9. Resolution 22-30- A Resolution Transferring Funds from the Safety Building Foundation CIP Account to the Malone Park Lighting CIP Account
10. 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.

MAYORAL APPOINTMENTS

11. Discussion and possible action to approve the Mayoral Appointments per the list as presented

DEFERRED, REFERRED & TABLED ITEMS

ITEMS REMOVED FROM CONSENT AGENDA, IF ANY

CONSENT AGENDA*****

MINUTES

- 12. November 15, 2022 Committee of the Whole Meeting Minutes

UTILITY & FINANCE

- 13. 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
- 14. 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

- 15. Discussion and possible action to approve the 2023 Rubbish/Garbage Hauler License applications per the list as presented

MISCELLANEOUS

- 16. DPW Update by Josh Radomski, Director of Public Works
- 17. 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
- 18. 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
- 19. Discussion and Possible Action on the Proposed 2023 CIP Budget
- 20. Discussion and possible action on the proposed TID #3 and TID #5 Capital Borrowings
- 21. 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
- 22. 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
- 23. 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
- 24. 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

END CONSENT AGENDA*****

CLOSED SESSION

- 25. 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:
- 26. Discussion regarding the Omelina Claim

- 27. Discussion regarding the status of litigation for the Wojcik claim
- 28. Discussion regarding the City of New Berlin's claim against John Spitz
- 29. 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:
- 30. 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

- 31. Omelina Claim - Discussion and possible action regarding a settlement agreement
- 32. Wojcik Claim - Discussion and possible action regarding a settlement
- 33. City of New Berlin's claim against John Spitz - Discussion and possible action regarding a settlement
- 34. Proposed Purchase and Sale Agreement between Patrick and Mary Lemirande and the City of New Berlin - Discussion and possible action

ADJOURN

PLEASE NOTE:

Any comments that the public wishes to make may be communicated to the city via email at citizencomments@newberlin.org and will be forwarded to the Mayor and Common Council.

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. It is also possible that members of and a possible 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 above in this notice.

Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact City Clerk Rubina R. Medina (262) 786-8610.