

Common Council MEETING AGENDA



August 29, 2023 - 6:10 PM
(Following the 6pm Committee of the Whole Meeting)
City Hall
Council Chambers

Amended: 8/28/2023 @ 2:00 PM
Published 8/25/2023

AGENDA

1. **PRIVILEGE OF THE FLOOR**
2. **CALL TO ORDER, PLEDGE OF ALLEGIANCE**
3. **ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE**
4. **APPROVAL OF MINUTES**
 - A. July 25th, 2023 Common Council Meeting Minutes
5. **REPORTS**
 - A. City Clerk
 - B. Council President
 - C. Mayor
6. **COMMUNICATIONS**
 - A. Wal-Mart Real Estate Business Trust vs. City of New Berlin
 - B. Sharon Edic Claim
 - C. Letter from Allen Heath re: Delinquent Real Estate Tax
 - D. Letter from Narayanan Sankrithi re: Delinquent Real Estate Tax
7. **PLAN COMMISSION**
 - A. KH DCD1-2301206 Floodplain Amendments (Public Hearing 8/14/23)
 - B. (1) GK/NJ CP-2300808 Dan Romnek on behalf of Mandel Group - 1750 S. Moorland Road (includes Tax Keys #'s listed from north to south, beginning at the intersection of Greenfield Avenue south along the east side of Moorland Road, up to the New Berlin Recreation Trail): 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) - Amend the Future Land Use Map within the City's Comprehensive Plan from Suburban Commercial to Suburban Commercial, Mixed Residential and Institutional AND 2030 Comprehensive Plan Updates. (Public Hearing 7/10/23)
 - C. (1) GK/NJ RZ-2300810 Dan Romnek on behalf of Mandel Group - 1750 S. Moorland Road (includes Tax Keys #'s listed from north to south, beginning at the intersection of Greenfield Avenue south along the east side of Moorland Road, up to the New Berlin Recreation Trail): 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) - Rezone from I-1 and C-2 to B-1/PUD, Rm-1/PUD, I-1 PUD & C-2. (Public Hearing 7/10/23)
 - D. (1) GK/NJ LD-2300812 Dan Romnek on behalf of Mandel Group - 1750 S. Moorland Road (includes Tax Keys #'s listed from north to south, beginning at the intersection of Greenfield Avenue south along the east side of Moorland Road, up to the New Berlin Recreation Trail): 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) - 4-Lot Certified Survey Map.
 - E. (3) GK LD-2301367 Scott Funk - 1710 S. Craftsman Drive (Tax Key #'s: 1174-066 & 1174-987-001) - 2-Lot Certified Survey Map.

8. MAYORAL APPOINTMENTS

- A. Discussion and Possible Action to approve the Mayoral Appointments per the list as presented

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.*

12. MINUTES

- A. July 25th, 2023 Committee of the Whole Meeting Minutes

13. UTILITY & FINANCE

- A. Discussion and recommendation to the Common Council approval of the August 9th, 2023 Water Utility claims in the amount of \$33,894.34, Sewer Utility claims in the amount of \$22,287.13 and General City claims in the amount of \$282,339.79

14. LICENSES & PERMITS

- A. Discussion and recommendation to the Common Council approval of the new agent for Family Entertainment, LLC (dba: Ridge Cinema), Mark A. Peterson Sr., for the remainder of the licensing period expiring June 30th, 2024
- B. Discussion and recommendation to the Common Council approval of a Loudspeaker Permit extension to 11:00 pm for Greg Westphal of 2369 S. 124th Street for a wedding to be held on September 16th, 2023
- C. Discussion and recommendation to the Common Council approval of the Extension of Premise application for Baler's, located at 13327 W. Greenfield Avenue, for the parking lot area on September 9th, 2023 from 12pm to 9pm
- D. Discussion and recommendation to the Common Council approval of the Extension of Premise application for Baler's, located at 13327 W. Greenfield Avenue, for the parking lot area on September 23rd, 2023 from 1pm to 9pm

15. MISCELLANEOUS

- A. Water Utility Update by Utility Manager Jim Hart
- B. Presentation of 2022 Audit Report by Baker Tilly
- C. Discussion and recommendation to the Common Council approval of Resolution 23-20, a Resolution Authorizing the Issuance and sale of \$13,280,000 General Obligation Promissory Notes, Series 2023A
- D. Discussion and recommendation to the Common Council approval of Resolution 23-21, a Resolution Awarding the Sale of \$6,240,000 General Obligation Community Development Bonds, Series 2023B
- E. Discussion and recommendation to the Common Council approval of Resolution 23-19, a Resolution to Reallocate a portion of the 2023 CIP Budget to the New Berlin Activity and Recreation Center Phase II
- F. Discussion and recommendation to the Common Council granting authority to the City Clerk to enter into the Memorandum of Understanding with the Wisconsin Elections Commission for the 2023 Absentee Ballot Envelope Subgrant Reimbursement
- G. Discussion and possible action to provide direction to staff regarding the Block Party Permit
- H. Discussion and recommendation to the Common Council approval of Resolution 23-12, a Resolution of eligibility for exemption from the 2023 County Library Tax Levy for 2024 purposes
- I. Recommend to the Common Council that a joint public hearing be set for September 25, 2023 at 6:00 p.m. to be held before the Plan Commission to amend the Future Land Use Map within the City's Comprehensive Plan from Rural Commercial and Suburban Residential to Rural Commercial and Suburban Residential AND rezone from B-2 and R-3 to B-5 and R-3 for the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963)
- J. Recommend to the Common Council that a joint public hearing be set for October 2, 2023 at 6:00 p.m. to be held before the Plan Commission to amend the Future Land Use Map within the City's Comprehensive Plan from Suburban Commercial to Institutional AND rezone from B-2 to I-1 for the property located at 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #:1212-991-001)

- K. Recommend to the Common Council that a public hearing be set for October 2, 2023 at 6:01 p.m. to be held before the Plan Commission to rezone the property located at 5751 S. Sunny Slope Road (Tax Key #: 1289.994.002) from A-2 to R-6
- L. Recommend to the Common Council that a public hearing be set for October 2, 2023 at 6:02 p.m. to be held before the Plan Commission to rezone the property located at 14011 S. Moorland Road (Tax Key #: 1161-995-001) from B-1/PUD & C-2 to B-2/PUD & C-2.
- M. Discussion and possible action regarding the Karen Freund claim

16. END CONSENT AGENDA-----

17. CLOSED SESSION

- A. 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:
- B. Mandel Real Property Purchase Agreement
- C. 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:
- D. David Bailey Claim

18. RECONVENE TO OPEN SESSION

- A. Possible action re: Mandel Real Property Purchase Agreement
- B. Possible action re: David Bailey Claim

19. ADJOURN

Supplemental Information:

- *The meeting agenda and agenda packet are available online at www.NewBerlin.org. The minutes are published online and are approved at the next regularly scheduled meeting.*
- *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.*
- *You may provide comments to the City Clerk via email at CitizenComments@NewBerlin.org. Comments will be forwarded to the Mayor and members of the governing body. Emailed comments are not read during the meeting.*
- *The City of New Berlin strives to host inclusive, accessible meetings that enable all individuals to engage and participate fully. Any person who has a qualifying disability under the Americans with Disabilities Act that requires that the meeting be accessible, please contact City Clerk Rubina R. Medina at (262) 786-8610 or via email at CityClerk@NewBerlinWI.gov at least 48 hours before the scheduled meeting time. Efforts will be made to accommodate the needs of disabled individuals through appropriate aids and/or services.*
- *It is also possible that members of and possibly a 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 in the above notice.*