



Common Council MEETING MINUTES

August 29, 2023 - 6:10 PM
City Hall
Council Chambers

Please note: Minutes are unofficial until approved at the next regular scheduled meeting.

MINUTES

1. PRIVILEGE OF THE FLOOR

No speakers.

2. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Council President Harenda called the Common Council meeting to order at 7:02PM and led the Pledge of Allegiance.

3. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

The City Clerk took the roll call as follows:

Present: Alderperson Stribl, Alderperson Harenda, Alderperson Maxey, Alderperson Hopkins, Alderperson Horbinski, Alderperson Kroupa, Alderperson La Fever

Excused: Mayor Ament

Staff Present: City Attorney Mark Blum, City Clerk Rubina Medina

The City Clerk stated that a quorum had been established and the meeting was properly noticed.

4. APPROVAL OF MINUTES

A. July 25th, 2023 Common Council Meeting Minutes

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Kroupa
Second by: Alderperson La Fever
Motion Passed 7-0

5. REPORTS

A. City Clerk

No Report.

B. Council President

- Congratulations to Mooreland Road Golf Center, located at 5900 S. Mooreland Road, for being named our August Business of the Month. All are encouraged to stop by and experience for yourself the great family fun location that includes 18 Holes of Miniature Golf, putting greens, and a practice facility which can be heated for year-round use.
- Congratulations is also in order to Renee Baron who won this year's New Berlin Garden of the Year Contest. Renee started her interest in gardening from her Aunt who liked to garden and now, Renee has been working on her own gardens for 23 years. Renee has a small garden and a beautiful mature silver maple in her front yard. Renee's back yard is an oasis and beautifully designed with a variety of plants including perennials, vines, ground clover, and annuals.
- Our Fall Recreation Guide is now available online. Please visit the City's homepage to check out all the activities. Registration began last week.

- Please be advised that City Hall will be closed on Monday September 4, 2023 in observance of Labor Day.
- The New Berlin Library will be hosting a Harry Potter Back to School Party on September 7th from 4pm until 6pm. The party will be held in the Community Room at the Library. This family fun event is for ages 5 and up. For more information or to register for the event, please contact the Library at (262) 754-1814.
- The 30th Annual New Berlin Historic Day is planned for Sunday, September 10th 1pm – 4 pm at the New Berlin Historic Park at 198th & National Ave. The Antique Parade takes place at 2 pm. Join us to tour the buildings, the historic museum and the Weston Apple Orchard. This is a free event for the entire family with children's activities, barrel rides, storytelling, food & music.
- Last call for nominations for our 2023 Citizen of the Year Award. Nominations are due August 31st and should be submitted to the Mayor's Office. The nominee must be a citizen of the City and achievements must be recent or on-going. For more details, visit the City's homepage.
- Tuesday September 12th COW/Council meeting has been cancelled. Our next regularly scheduled COW/Council meeting will be September 26th.
- Lastly, I wanted to thank all our residents and businesses for their patience and understanding as we go through the construction of the WDOT/Waukesha County Mooreland Road Project. I want to also advise that, should you have any issues, concerns, or questions, contact their Public Involvement Team directly by email at connectSE@devopr.com or by phone at (262) 933-0467.

C. Mayor

Mayor Ament was excused from this meeting - no report.

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)

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Stribl
Second by: Alderperson Maxey
Motion Passed 7-0

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)

MOTION: Motion to Approve

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

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)

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Stribl
Second by: Alderperson Hopkins
Motion Passed 7-0

- 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.

MOTION: Motion to Approve

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

- E. (3) GK LD-2301367 Scott Funk - 1710 S. Craftsman Drive (Tax Key #'s: 1174-066 & 1174-987-001) - 2-Lot Certified Survey Map.

MOTION: Motion to Approve

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

8. MAYORAL APPOINTMENTS

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

MOTION: Motion to Approve

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

9. DEFERRED, REFERRED & TABLED ITEMS

None.

10. ITEMS REMOVED FROM CONSENT AGENDA, if any

None.

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.*

MOTION: Motion to Approve the consent agenda

VOTE: Motion by: Alderperson Stribl
Second by: Alderperson La Fever
Motion Passed 7-0

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:
MOTION: Motion to Approve to enter into closed session at 7:18PM

VOTE: Motion by: Alderperson Stribl
Second by: Alderperson Maxey
Motion Passed 7-0 by roll call vote.
- 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
MOTION: Motion to approve the offer to purchase from the Mandel Group for the sale of the City property along Moorland Road in exchange for a monument sign to be constructed by Mandel.

VOTE: Motion by: Alderperson Hopkins
Second by: Alderperson Maxey
Motion Passed 7-0
- B. Possible action re: David Bailey Claim
MOTION: Motion to Approve the David Bailey claim as outlined by the City Attorney

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

19. ADJOURN

MOTION: Motion to Adjourn the Common Council meeting at 7:41PM

VOTE: Motion by: Alderperson Kroupa
Second by: Alderperson Maxey
Motion Passed 7-0

***Respectfully Submitted,
Rubina R. Medina, City Clerk***