



Common Council MEETING MINUTES

September 26, 2023 - 6:15 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 one spoke during Privilege of the Floor.

2. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Council President Harenda called the Common Council meeting to order at 6:15PM and led the Pledge of Allegiance.

3. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

City Clerk Rubina R. Medina took the roll call as follows:

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

Excused: Mayor Ament

Staff Present: DCD Director Greg Kessler, Finance Director Ralph Chipman, City Attorney Mark Blum, City Clerk Rubina Medina

4. APPROVAL OF MINUTES

A. August 29, 2023 Common Council Meeting

MOTION: Motion to Approve

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

5. REPORTS

A. City Clerk

No Report.

B. Council President

- Congratulations to **Cleveland Pub & Grill**, located at 14000 W. Cleveland Avenue, for being named our **October Business of the Month**. The Cleveland Pub & Grill has over 20 Large TVs to make it your gameday headquarters. They also have a large indoor dining room, large bar area, outdoor seating, and private event rooms. All are encouraged to stop by and experience for yourself their delicious menu items and family fun entertainment.
- A special Congratulations to **Richard Neureuther**. Richard was awarded the City's **2023 Citizen of the Year Award**.
- The **New Berlin Library** will be hosting an **Oktoberfest Concert** featuring the **Whiskey Belles**. The concert will be held on **Friday, October 6th from 6:00 p.m. until 8:00 p.m.** at the New Berlin Library. For more information and ticket reservations, please contact the New Berlin Library at (262) 754-1829.

- Additionally, the **New Berlin Library** will also be hosting an **Oktoberfest Flea Market**. This event will be held on **October 7th from 1:00 p.m. 4:00 p.m.** at the New Berlin Library. The event will include crafts, rummage, art, music, and a Root Beer Garden. Please visit the Library's Website for more information.
- During the entire month of October, our **Recreation Department** will be hosting some family fun Halloween "**NOT-SO-HAUNTED HAPPENINGS**". Please visit the Recreation Department's website for further information for upcoming events including the **Cemetery Bus Tour and the Pumpkin Lighting & Movie in the Park** on **October 7th at Valley View Park**. The movie of the night will be the Hocus Pocus.
- Finally, **The City of New Berlin's Halloween Trick-or-Treating** will now be held on the **Last Saturday of October from 4:00 p.m. – 7:00 p.m.** This change was approved by the Common Council at the April 11, 2023 Common Council Meeting. Please help spread the word for the city's new Trick-or-Treat date.

C. Mayor

6. COMMUNICATIONS

7. PLAN COMMISSION

- A. (7) KH CP-2300780 Jim Duerwaechter - 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) - 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 2030 Comprehensive Plan Updates. (Public Hearing 9/25/23)

MOTION: Motion to Approve

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

- B. (7) KH RZ-2300781 Jim Duerwaechter - 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) - Rezone from B-2 and R-3 to B-5 and R-3. (Public Hearing 9/25/23)

MOTION: Motion to Approve

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

- C. (7) KH LD-2300782 Jim Duerwaechter - 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) - 2-Lot Certified Survey Map.

MOTION: Motion to Approve

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

8. BOARD OF PUBLIC WORKS

- A. ITEM 09-23 Recommend to Common Council the Approval of the State/Municipal Agreement for STH 59 (Greenfield Ave.) from Brookfield Rd. to 124th St.

MOTION: Motion to Approve

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

9. UTILITY COMMITTEE

- A. UT 12-23 Recommend the Common Council to approve the Sanitary Sewer Main Connection Policy for properties experiencing a hardship situation and connection to the city sanitary sewer is the owners only viable option on the street adjacent to the side frontage of the property.

MOTION: Motion to Approve

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

- B. UT 10-23 Recommend the Common Council approve the agreement between the Utility and John and Karen Emanuele to hook up to municipal water and sewer including applicable fees associated with these connections.

MOTION: Motion to Approve

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

10. PARKS, BUILDINGS & GROUNDS COMMISSION

- A. Discussion and Recommendation to Common Council to Award Malone Park Lighting Upgrade Project

MOTION: Motion to Approve

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

- B. Discussion and Recommendation to Common Council to Award Safety Building Foundation Grading Project

MOTION: Motion to Approve

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

- C. Discussion and Recommendation to Common Council approval of Resolution 23-22 - A Resolution Transferring Funds from the Malone Park Lighting CIP Account to the Safety Building Foundation CIP Account

MOTION: Motion to Approve

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

11. RECREATION COMMISSION

- A. Discussion and possible action to recommend to the Common Council approval of the ARC Hours of Operation.

MOTION: Motion to Approve

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

- B. Discussion and possible action to recommend to the Common Council approval of the proposed ARC Membership Scale / Options.

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Harenda
Second by: Alderperson Hopkins

Motion Passed 7-0

- C. Discussion and possible action to recommend to the Common Council approval of the request for new Recreation Division positions.

MOTION: Motion to Approve

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

12. MAYORAL & COUNCIL PRESIDENT APPOINTMENTS

- A. Discussion and Possible Action to approve the Mayoral & Council President Appointments per the lists as presented

MOTION: Motion to Approve Mayoral Appointments

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

MOTION: Motion to Approve Council President Appointments

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

13. DEFERRED, REFERRED & TABLED ITEMS

14. ITEMS REMOVED FROM CONSENT AGENDA, if any

15. **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

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

16. MINUTES

- A. August 29, 2023 Committee of the Whole Meeting

17. UTILITY & FINANCE

- A. Discussion and recommendation to the Common Council approval of the September 13, 2023 Water Utility claims in the amount of \$535,678.37, Sewer Utility claims in the amount of \$417,687.66 and General City claims in the amount of \$866,783.41. US Bank VISA EFT of \$33,937 and WE Energies EFT of \$55,909.05

- B. Discussion and recommendation to the Common Council approval of the September 27, 2023 Water Utility claims in the amount of \$436,477.38, Sewer Utility claims in the amount of 1,553,075.74 and General City claims in the amount of \$1,458,670.78. WE Energies EFT of \$58,425.46

18. MISCELLANEOUS

- A. Information Technology Department Update by Director Alan Skornia
- B. Discussion and recommendation to the Common Council approval of Ordinance No. 2681, an Ordinance to create chapter 67 of the municipal code of the City of New Berlin regarding municipal cemeteries
- C. Discussion and recommendation to the Common Council approval of the City of New Berlin Cemetery Rules and Regulations
- D. Discussion and recommendation to the Common Council approval of New Berlin Centre Cemetery Plat, Section "D"
- E. Discussion and recommendation to the Common Council approval of Resolution 2023-23, a Resolution to transfer \$15,000 from the 2023 Contingency account to the Streets department - Signals and Streetlights account to purchase digital speed monitors
- F. Discussion and recommendation to the Common Council approval of Ordinance No. 2682, an Ordinance to amend section 6-2, A, (1) and (2) of the City of New Berlin Municipal Code regarding membership of the Board of Review
- G. Discussion and recommendation to the Common Council approval of Resolution No. 2023-24, a resolution of the City of New Berlin regarding the Official City newspaper
- H. Discussion and recommendation to the Common Council approval of the creation of the Deputy Fire Chief position effective immediately

19. **END CONSENT AGENDA-----**

20. **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. Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. More specifically:*
City Clerk read the basis to enter into closed session.

MOTION: Motion to Enter Closed Session at 6:32PM.

VOTE: Motion by: Alderperson Stribl
Second by: Alderperson La Fever
Motion Passed 7-0
- B. Deliberation regarding the proposed collective bargaining agreement between the City of New Berlin and the New Berlin Professional Police Association
- C. Update re: Fire Department union contract
- D. *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:*
- E. Peterson Claim

21. RECONVENE TO OPEN SESSION

MOTION: Motion to Return to open session at 6:55PM.

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

- A.** Discussion and possible action re: Proposed collective bargaining agreement between the City of New Berlin and the New Berlin Professional Police Association

MOTION: Motion to Approve

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

- B.** Discussion and possible action re: Peterson Claim

MOTION: Motion to Deny

VOTE: Motion by: Alderperson Stribl
Second by: Alderperson Horbinski
Motion Passed 6-1 with Ald. Harenda voting nay.

22. ADJOURN

MOTION: Motion to Adjourn at 6:58PM.

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