

Common Council MEETING AGENDA



October 24, 2023 - 6:10 PM
(Following the 6pm Committee of the Whole Meeting)
City Hall
Council Chambers

Amended: 10/23/2023 @ 3:45 PM

Published: 10/20/2023

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. October 10, 2023 Common Council Meeting Minutes
5. **REPORTS**
 - A. City Clerk
 - B. Council President
 - C. Mayor
6. **COMMUNICATIONS**
7. **WATER RESOURCE MANAGEMENT**
 - A. Recommend to Common Council approval of the 2024 Water Resource Management utility operating budget
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. October 10, 2023 Committee of the Whole Meeting Minutes
13. **UTILITY & FINANCE**
 - A. Discussion and recommendation to the Common Council approval of the October 25th, 2023 Water Utility claims in the amount of \$7,150.44, Sewer Utility claims in the amount of \$42,344.79 and General City claims in the amount of \$2,898,379.70
14. **LICENSES & PERMITS**
 - A. Discussion and recommendation to the Common Council approval of the new agent for Ethic Indoor, LLC (dba: Ethic Indoor), Brad Henes, for the remainder of the licensing period expiring June 30, 2024
15. **MISCELLANEOUS**
 - A. City Clerk & Community Relations Department Update

- B. Discussion and recommendation to the Common Council approval of Resolution 23-27, A Resolution amending the 2022 Capital Projects Budget
- C. Discussion and recommendation to the Common Council approval of Ordinance No. 2687, an Ordinance to amend Chapter 188-17, H of the City of New Berlin Municipal Code Regarding Child Safety Zone Maps
- D. Discussion and recommendation to the Common Council approval of Resolution 23-28, a Resolution changing Aldermanic District 1 Polling Place from Hickory Grove to New Berlin Activity and Recreation Center at 15321 W National Avenue
- E. Discussion and recommendation to the Common Council approval of Resolution 23-29, a Resolution changing Aldermanic District 3 Polling Place from Poplar Creek Church to New Berlin Community Center at 14750 W Cleveland Avenue
- F. Discussion and recommendation to the Common Council approval of Resolution 23-30, a Resolution changing Aldermanic District 4 Polling Place from Peace Lutheran Church to New Berlin Activity and Recreation Center at 15321 W National Avenue
- G. Discussion and recommendation to the Common Council approval of the RAS to authorize the creation of a .5 FTE custodial position
- H. Discussion and recommendation to the Common Council approval of the RAS to authorize the creation of three (3) Shift Captain positions within the Fire Department

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)(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:*
- B. Jason Kraus Resignation Agreement and Release of Claim
- C. Fortress Foods Claim
- D. Schaefer Claim

18. RECONVENE TO OPEN SESSION

- A. Possible action regarding Jason Kraus Resignation Agreement and Release of Claim
- B. Possible action regarding Fortress Foods Claim
- C. Possible action regarding Schafer 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.



Common Council MEETING MINUTES

October 10, 2023 - 6:05 PM
City Hall
Council Chambers

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

MINUTES

1. PRIVILEGE OF THE FLOOR

Mayor Ament read the rules for Privilege of the Floor.
One resident (Joe R.) spoke in opposition of the Autumn Terrace Plat.

2. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Mayor Ament called the Common Council meeting to order at 6:18 PM and led the Pledge of Allegiance.

3. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

City Clerk Rubina Medina took the roll call as follows:
Present: Alderperson Hopkins, Alderperson Maxey, Alderperson Harenda, Alderperson Stribl, Alderperson Horbinski, Alderperson Kroupa, City Attorney Blum, Mayor Ament, Alderperson La Fever
Staff Present: DCD Director Greg Kessler, Finance Director Ralph Chipman, City Attorney Mark Blum, City Clerk Rubina Medina

4. APPROVAL OF MINUTES

A. September 26, 2023 Common Council Meeting Minutes

MOTION: Motion to Approve the September 26, 2023 Common Council Meeting Minutes

VOTE: Motion by: Alderman Maxey
Second by: Alderwoman Kroupa
Motion Passes 7-0

5. REPORTS

A. City Clerk
No report.

B. Council President
No report.

C. Mayor

- Congratulations to **Cousins Subs**, located at 16005 W. National Avenue, for being named our **October Business of the Month**. All are encouraged to stop by and experience for yourself their delicious menu items and their newly renovated restaurant location.
- 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.
- Additionally, our **New Berlin Library** will also be hosting many programs for all different ages throughout the entire month of October. Please visit the New Berlin Library's website for more information.

- **Discover New Berlin** will be held this Saturday, October 14th at the New Berlin West High School – Drexel Fieldhouse located at 18695 W Cleveland Avenue. The event runs from 9 am to 2 pm and is a free community-wide event open to the public. Discover New Berlin is a showcase of things that make our city a great place to live, work, and play. It is produced in conjunction with the School District of New Berlin, the New Berlin Chamber of Commerce & Visitors Bureau and the City of New Berlin. It features local businesses, schools, governmental agencies, civic groups, faith-based organizations, and a job fair.
- The City of New Berlin **Community Blood Drive** will be held on **Thursday, October 19th 7:00 am – 11 am** here in the Council Chambers of City Hall. Appointments may be made online or contact Maya in the Mayor's office. Walk-ins are always welcome – but remember to bring photo ID.
- Finally, as a reminder **The City of New Berlin's Halloween Trick-or-Treating** has changed from the last Sunday of October to the **last Saturday of October from 4:00 p.m. – 7:00 p.m.** This year, Trick-or-Treating will fall on **Saturday, October 28th**.

6. COMMUNICATIONS

- A. Claim Received from Fortress Nutrition, 16595 W. Stratton Drive
No motion.

7. PLAN COMMISSION

- A. (7) KH SP-2301676 Ryan Janssen with Ryan's Buying LLC - 4908 S. Calhoun Road (Tax Key #: 1258.999) - Autumn Trace Final Plat
- MOTION:** Motion to Amend the Recommendation from the Plan Commission to list the lots affected in paragraph 14 to be listed on the final plat.
- VOTE:** Motion by: Alderperson Stribl
Second by: Alderperson Maxey
Motion Passed 7-0
- MOTION:** Motion to Approve
- VOTE:** Motion by: Alderperson Stribl
Second by: Alderperson La Fever
Motion Passed 7-0

8. PARKS, BUILDINGS & GROUNDS COMMISSION

- A. Recommendation to Common Council to approve the vendor agreement with 1848 Coffee, LLC to provide beverages for the Halloween event on October 28, 2023, at Malone Park. This approval is subject to consent by the vendor and is further subject to the approval as to final form by staff and the Mayor.
- MOTION:** Motion to Approve
- VOTE:** Motion by: Alderman Horbinski
Second by: Alderman Stribl
Motion Passes 7-0
- B. Recommendation to Common Council to approve the vendor agreement with 1840 Brewing Company, LLC to provide a beer garden for the Halloween event on October 28, 2023, at Malone Park. This approval is subject to consent by the vendor and is further subject to the approval as to final form by staff and the Mayor
- MOTION:** Motion to Approve
- VOTE:** Motion by: Alderman Horbinski
Second by: Alderwoman Kroupa
Motion Passes 7-0
- C. Recommendation to Common Council to approve the vendor agreement with Flour Girl & Flame, LLC to provide pizza and related food items for the Halloween event on October 28, 2023, at Malone Park. This approval is subject to consent by the vendor and is further subject to the approval as to final form by staff and the Mayor.

MOTION: Motion to Approve

VOTE: Motion by: Alderman Horbinski
Second by: Alderman Stribl
Motion Passes 7-0

9. MAYORAL APPOINTMENTS

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

MOTION: Motion to Approve Mayoral Appointments

VOTE: Motion by: Alderman Maxey
Second by: Alderman Hopkins
Motion Passes 7-0

10. 2024 BUDGET

- A.** Review, Discussion and Possible Action on Proposed 2024 Department Operating Budgets

Ralph Chipman, Finance Director, gave a brief presentation to the Council.

Mayor Ament provided an update to the Council regarding the Wisconsin Transportation Aid and revisions made to the Budget.

MOTION: Motion to Approve

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

- B.** Review, Discussion and Possible Action on the 2024 CIP Budget

No Action.

- C.** Review, Discussion and Possible Action on the Proposed 2024 Operating Budget and Set Public Hearing Date

MOTION: Motion to Approve the Proposed Operating Budget and set the public hearing for November 7th, 2023 at 6pm.

VOTE: Motion by: Alderwoman Kroupa
Second by: Alderman Horbinski
Motion Passes 7-0

- D.** Review, Discussion and Possible Action on the 2024 Special Revenue Budget

MOTION: Motion to Amend the special revenue budget for 2024

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

MOTION: Motion to approve the 2024 garbage and recycling annual fee from \$144 to \$175.50

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

11. DEFERRED, REFERRED & TABLED ITEMS

12. ITEMS REMOVED FROM CONSENT AGENDA, if any

13. 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: Alderwoman Kroupa
Second by: Alderman Hopkins
Motion Passes 7-0

14. MINUTES

- A. September 26, 2023 Committee of the Whole meeting
- B. October 5, 2023 Committee of the Whole Budget Meeting

15. UTILITY & FINANCE

- A. Discussion and recommendation to the Common Council approval of the October 11, 2023 Water Utility claims in the amount of \$260,573.09, Sewer Utility claims in the amount of \$53,276.56 and General City claims in the amount of \$771,663.42. US Bank VISA EFT of \$32,781.46.

16. MISCELLANEOUS

- A. Human Resources Department Update - Melissa Beck, HR Director

17. END CONSENT AGENDA-----

18. CLOSED SESSION

- A. *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:*

MOTION: Motion to Enter into Closed Session at 6:51 PM

VOTE: Motion by: Alderman Stribl
Second by: Alderman Maxey
Motion Passes 7-0

- B. Claim re: City of Brookfield / CVMIC

19. RECONVENE TO OPEN SESSION

MOTION: Motion to Return to open session at 6:56 PM

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

- A. Discussion and possible action regarding City of Brookfield / CVMIC claim

MOTION: Motion to approve the claim as outlined by the City Attorney

VOTE: Motion by: Alderman Hopkins
Second by: Alderman Maxey

Motion Passes 7-0

20. ADJOURN

MOTION: Motion to Adjourn at 6:57 PM

VOTE: Motion by: Alderwoman Kroupa
Second by: Alderman Maxey
Motion Passes 7-0

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



Motion Sheet

Date: 10/24/23

To: Common Council, Mayor Ament & Ald. Harenda

From: Megan Godshall, Deputy City Clerk

Re: Item(s) requiring Council action from the Water Resource Management Committee held on 10/10/23

MEETING ITEM	Recommend to Common Council approval of the 2024 Water Resource Management utility operating budget.
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COUNCIL MOTION	This item was approved by the Water Resource Management Committee I hereby make a motion to approve this item as presented.
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MEETING ITEM	
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COUNCIL MOTION	
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MEETING ITEM	
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COUNCIL MOTION	
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MEETING ITEM	
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COUNCIL MOTION	
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MEETING ITEM	
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COUNCIL MOTION	
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DATE: October 16, 2023

TO: Rubina Medina
City Clerk

FR: Mayor Dave Ament

RE: Mayoral Appointments for the October 24, 2023 Common Council Mtg

Tourism Commission

Gary Szpara
4380 S. Deerwood Drive
New Berlin, WI 53151
414-943-9312
garyszparabanker@gmail.com
(Re-Appointment)

Expiration Date

11/14/2024

For Office Purposes Only						
TT	Eml	Web	Provov	Ltr	Ethcs	HB

Tourism Commission

Tom O'Loughlin
toloughlin@timhotelgroup.com
262-785-2707
(Hotel/Motel Ind. Rep)
(Re-Appointment)

Expiration Date

11/14/2024

For Office Purposes Only						
TT	Eml	Web	Provov	Ltr	Ethcs	HB

Tourism Commission

John Rocco
3645 S Brentwood Road
New Berlin, WI 53151
414-640-6706
johngrocco@gmail.com
(Re-Appointment)

Expiration Date

11/14/2024

For Office Purposes Only						
TT	Eml	Web	Provov	Ltr	Ethcs	HB



Committee of the Whole MEETING MINUTES

October 10, 2023 - 6:00 PM
Council Chambers
3805 S. Casper Drive

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

MINUTES

1. CALL MEETING TO ORDER

Mayor Ament called the meeting to order at 6:00 PM.

2. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

City Clerk Rubina Medina took the roll call as follows:

Present: Alderperson Hopkins, Alderperson Maxey, Alderperson Harenda, Alderperson Stribl, Alderperson Horbinski, Alderperson Kroupa, City Attorney Blum, Mayor Ament, Alderperson La Fever

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

3. APPROVAL OF MINUTES

A. September 26, 2023 Committee of the Whole meeting

MOTION: Motion to Approve September 26, 2023 Committee of the Whole Minutes

VOTE: Motion by: Alderman Horbinski
Second by: Alderwoman Kroupa
Motion Passes 7-0

B. October 4, 2023 Committee of the Whole Budget Meeting

MOTION: Motion to Approve October 4, 2023 Committee of the Whole Budget Meeting Minutes

VOTE: Motion by: Alderman Stribl
Second by: Alderman Harenda
Motion Passes 7-0

4. UTILITY & FINANCE

A. Discussion and recommendation to the Common Council approval of the October 11, 2023 Water Utility claims in the amount of \$260,573.09, Sewer Utility claims in the amount of \$53,276.56 and General City claims in the amount of \$771,663.42. US Bank VISA EFT of \$32,781.46.

MOTION: Motion to Approve

VOTE: Motion by: Alderman Maxey
Second by: Alderman LaFever
Motion Passes 7-0

5. MISCELLANEOUS

A. Human Resources Department Update - Melissa Beck, HR Director

Update given by Melissa Beck, HR Director - No Motion.

6. ADJOURN

MOTION: Motion to Adjourn at 6:16 PM

VOTE: Motion by: Alderman Hopkins
Second by: Alderman Maxey
Motion Passes 7-0

*Respectfully Submitted,
Rubina Medina, City Clerk*

Appointment of Successor Agent – Retail Licenses

Submit this form to your licensing authority with a \$10 processing fee.

If there is a change in agent, each club, corporation, or limited liability company that holds a retail license to sell fermented malt beverages and/or intoxicating liquor must appoint a successor agent and have the appointment approved by the licensing authority pursuant to sec. 125.04(6), Wis. Stats. The following questions must be answered by the agent, and the appointment must be signed by an officer of the corporation/organization or one member of the limited liability company (only one signature is required).

Section 1: Licensee Information and Acknowledgement

Licensee Name

Brad Henes

Reason for Cancellation of Appointed Agent

Left the company

The undersigned appoints Brad Henes
agent in accordance with sec. 125.04(6), Wis. Stats.

Signature of President / Member

9/26/2023

Date



as

Section 2: Agent Information and Acknowledgement

Agent Name

Brad Henes

Mailing Address

5330 S. Racine Ave.

City or Post Office

New Berlin

State

WI

Zip Code

53146

Agent Questions

Yes No

- | | | |
|---|-------------------------------------|-------------------------------------|
| 1. Are you of legal drinking age? | ☒ | ☐ |
| 2. Have you been a resident of Wisconsin for at least 90 continuous days prior to the date of appointment as agent? | ☒ | ☐ |
| 3. Have you ever been convicted of a federal law violation? | ☐ | ☒ |
| 4. Have you ever been convicted of a state law violation? | ☐ | ☒ |
| 5. Have you ever been convicted of a local ordinance violation? | ☐ | ☒ |
| 6. Have you completed the required responsible beverage server training course per sec. 125.04(5)(a)5, Wis. Stats.? ... | ☒ | ☐ |

UNDER PENALTY OF LAW, I declare that my answers above are true and correct to the best of my knowledge and belief.

I hereby accept appointment as agent for Ethic Indoor, LLC. and
assume full responsibility of the conduct of the business relative to fermented malt beverages and intoxicating liquors.

Signature of Agent

9/26/2023

Date

Section 3: Licensing Authority Approval

Municipality Name

City of New Berlin

Megan Godshall

Signature of Official

Date

Deputy City Clerk

Title of Official

Background check
completed 10/3/23

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

***MUST BE COMPLETED BY ALL OFFICERS LISTED ON AT-115 RENEWAL APPLICATION**

Individual's Full Name (please print) (last name) Henes		(first name) Bradley		(middle name) George	
Home Address (street/route) 1301 Gramling Ln.		Post Office	City Waukesha	State WI.	Zip Code 53186
Home Phone Number 414-331-1212		Age 49	Date of Birth 03/26/74	Place of Birth WI.	

The above named individual provides the following information as a person who is (check one):

☐ Applying for an alcohol beverage license as an individual.

☐ A member of a partnership which is making application for an alcohol beverage license.

☒ **Officer** of **Ethic Indoor LLC.**
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

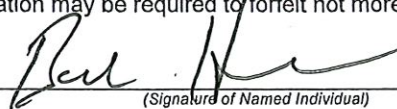
1. How long have you continuously resided in Wisconsin prior to this date? **49 years**
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☐ Yes ☒ No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ☐ Yes ☒ No
 If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ☒ Yes ☐ No
 If yes, identify. **temp licence in Town of Waukesha for a different company**
(Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ☐ Yes ☒ No
 If yes, identify.

(Name of Wholesale Licensee or Permittee)
(Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name Ethic Indoor LLC	Employer's Address 5330 S. Racine Ave.	Employed From June 21	To present
Employer's Name 5 Diamonds Inc.	Employer's Address W234 S3555 Les Paul Pkwy	Employed From 2011	To 2023

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.


(Signature of Named Individual)

RESOLUTION 23-27
A RESOLUTION AMENDING THE 2022 CAPITAL PROJECTS BUDGET

WHEREAS, The City of New Berlin anticipates selling or developing a future 5,000 square foot buildable outlot along National Ave as shown in our recorded Reciprocal Easement document for the property.

WHEREAS, The final paving of the Activity and Recreation Center parking lot is scheduled for Spring of 2024 and DCD staff recommend installing the future outlot utilities prior to surface paving.

WHEREAS, DCD staff requests that \$169,429 be transferred from the 2020 Calhoun Road Reconstruction Account to the 2022 New Berlin Activity and Recreation Center Account for utility construction in early winter 2023.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of New Berlin that the Capital Projects Fund Budget be amended as follows:

TRANSFER FROM

Calhoun Road – National to Beloit	04251100 63011 C2021	\$169,429
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TRANSFER TO

New Berlin Activity and Recreation	04252900-61130-C2022	\$169,429
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BE IT FURTHER RESOLVED that the City Clerk is hereby directed to publish this resolution in the Official City Newspaper within 10 days of adoption by the Common Council.

RESOLUTION ADOPTED by the New Berlin Common Council this 24th day of October 2023.

David Ament, Mayor

Countersigned:

Rubina R. Medina, City Clerk

REQUESTED ACTION STATEMENT

To: New Berlin Common Council

From: City Attorney Mark Blum

Date: October 17, 2023

Requested Action:

To review and take action on an Ordinance to amend Section 188-17, H, dealing with child safety zone mapping.

Financial fiscal impact:

None.

Background/Rationale:

The existing City Ordinance provides that the child safety zone map will be maintained and updated by the City Clerk's Office. As a matter of practice, this mapping has been updated by the Police Department and prepared by the City's GIS Staff. Then the map is linked to the Police Department website. The purpose of this Ordinance is to acknowledge that reality and provide that the Police Department (rather than the City Clerk's Office) will maintain and update the map.

This action would remove that responsibility from the City Clerk Staff and move it to the Police Department Staff.

Respectfully Submitted,

Mark G. Blum

MGB/jb

ORDINANCE NO. 2687

**ORDINANCE TO AMEND CHAPTER 188-17, H
OF THE CITY OF NEW BERLIN MUNICIPAL CODE
REGARDING CHILD SAFETY ZONE MAPS**

The Common Council of the City of New Berlin do ordain as follows:

SECTION I

Section 188-17(H) of the Municipal Code of the City of New Berlin is hereby repealed and recreated to read as follows.

- H. Child Safety Zone Map. The New Berlin Police Department shall maintain an official map showing the child safety zones within the City. The Police Department shall update the map at least annually to reflect any changes in the location of child safety zones. The map is to be displayed on the City of New Berlin Police Department Home page. In the alternative, a requestor may obtain a hard copy of the aforementioned map upon request of the Police Department. In the event of a conflict, the terms of this section shall control. In no event shall a failure to update the map in compliance with this section preclude the prosecution or conviction of any sex offender under this Ordinance.

SECTION II

All Ordinances or parts of Ordinances contravening the terms and conditions of this Ordinance are hereby to that extent repealed.

SECTION III

The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the Ordinance.

SECTION IV

This Ordinance shall take effect upon passage and publication as approved by law, and the City Clerk shall so amend the Code of Ordinances of the City of New Berlin and shall indicate the date and number of this amending ordinance therein.

PASSED AND ADOPTED by the Common Council this 24th day of October, 2023.

APPROVED:

Countersigned:

David Ament, Mayor

Rubina R. Medina, Clerk



REQUESTED ACTION STATEMENT

TO: Mayor Ament
Common Council

FROM: Rubina R. Medina, City Clerk

DATE: October 20, 2023

REQUESTED ACTION:

I respectfully request the Common Council to approve Resolution 23-28, a Resolution changing Aldermanic District 1 Polling Place from Hickory Grove to the New Berlin Activity and Recreation Center located at 15321 W National Avenue.

BACKGROUND/RATIONALE:

Hickory Grove currently serves as the polling place for Aldermanic District 1 electors. Hickory Grove has numerous safety and security concerns, including ADA compliance and parking issues. Every voter has a right to cast a ballot at their polling place on Election Day. In addition, the Help America Vote Act (HAVA) requires that every polling place in the State of Wisconsin meet Americans with Disabilities Act (ADA) accessibility standards. The City Clerk and local officials have a responsibility to guarantee that each polling location meets these standards and that all voters are provided with an equal opportunity to cast a ballot.

The principal purpose of this amendment is to move District 1 polling place to the New Berlin Activity and Recreation Center which is a large facility that is ADA complaint and has no safety concerns. Additionally, there are no security concerns with the Activity and Recreation Center being a city owned facility.

Respectfully submitted,

Rubina R. Medina

Rubina R. Medina, City Clerk

RESOLUTION NUMBER 23-28**A RESOLUTION CHANGING ALDERMANIC DISTRICT 1
POLLING PLACE FROM HICKORY GROVE TO
NEW BERLIN ACTIVITY AND RECREATION CENTER AT 15321 W NATIONAL AVENUE**

WHEREAS, Wisconsin State Statutes 5.25(2) specifies that the governing bodies of cities, villages and towns with populations under 500,000 shall establish polling places; and

WHEREAS, pursuant to Wisconsin Statutes 5.25(3), polling places shall be established for each election at least 30 days before the election; and

WHEREAS, Hickory Grove located at 2600 S Sunnyslope Road, New Berlin, Wisconsin is the current polling location for District 1 which encompasses wards 1, 2, and 3; and

WHEREAS, Hickory Grove has numerous safety concerns including, ADA Compliance and parking concerns; and

WHEREAS, the New Berlin Activity and Recreation Center has no safety concerns, is ADA compliant, and has adequate parking;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of New Berlin, Waukesha County, Wisconsin that the polling place for District 1 which encompasses Wards 1, 2 and 3 in the City of New Berlin be located at the New Berlin Activity and Recreation Center located at 15321 W National Avenue for all elections commencing in 2024.

BE IT FURTHER RESOLVED, that the City Clerk is directed to notify each registered voter on the voter registration list for the named wards.

Passed and adopted by the Common Council this 24th day of 2023.

APPROVED:

David Ament, Mayor

Countersigned/Certified:

Rubina R. Medina, City Clerk



REQUESTED ACTION STATEMENT

TO: Mayor Ament
Common Council

FROM: Rubina R. Medina, City Clerk

DATE: October 20, 2023

REQUESTED ACTION:

I respectfully request the Common Council to approve Resolution 23-29, a Resolution changing Aldermanic District 3 Polling Place from Poplar Creek Church to the New Berlin Community Center located at 14750 W Cleveland Avenue.

BACKGROUND/RATIONALE:

Poplar Creek Church currently serves as the polling place for Aldermanic District 3 electors. Poplar Creek Church has always been very accommodating to the city and voters. The sole concern is from a security standpoint as voting takes place in the gymnasium which staff and parishioners have access to. Ultimately, the City of New Berlin would like to make the voting experience more convenient and secure for the electors with less disruption to church facilities.

The principal purpose of this amendment is to move District 3 polling place to the New Berlin Community Center which is a large facility that can accommodate two districts. Additionally, there are no security concerns with the Community Center being a city owned facility.

Respectfully submitted,

Rubina R. Medina

Rubina R. Medina, City Clerk

RESOLUTION NUMBER 23-29**A RESOLUTION CHANGING ALDERMANIC DISTRICT 3
POLLING PLACE FROM POPLAR CREEK CHURCH TO
NEW BERLIN COMMUNITY CENTER AT 14750 W CLEVELAND AVENUE**

WHEREAS, Wisconsin State Statutes 5.25(2) specifies that the governing bodies of cities, villages and towns with populations under 500,000 shall establish polling places; and

WHEREAS, pursuant to Wisconsin Statutes 5.25(3), polling places shall be established for each election at least 30 days before the election; and

WHEREAS, Poplar Creek Church located at 17770 W Cleveland Avenue, New Berlin, Wisconsin is the current polling location for District 3 which encompasses wards 7, 8, and 9; and

WHEREAS, the City of New Berlin would like to make the voting experience more convenient and secure for the electors with less disruption to church facilities; and

WHEREAS, the New Berlin Community Center is the current polling location for District 2 electors and has adequate space to facilitate two districts,

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of New Berlin, Waukesha County, Wisconsin that the polling place for District 3 which encompasses Wards 7, 8 and 9 in the City of New Berlin be located at the New Berlin Community Center located at 14750 W Cleveland Avenue for all elections commencing in 2024.

BE IT FURTHER RESOLVED, that the City Clerk is directed to notify each registered voter on the voter registration list for the named wards.

Passed and adopted by the Common Council this 24th day of 2023.

APPROVED:

David Ament, Mayor

Countersigned/Certified:

Rubina R. Medina, City Clerk



REQUESTED ACTION STATEMENT

TO: Mayor Ament
Common Council

FROM: Rubina R. Medina, City Clerk

DATE: October 20, 2023

REQUESTED ACTION:

I respectfully request the Common Council to approve Resolution 23-30, a Resolution changing Aldermanic District 4 Polling Place from Peace Lutheran Church to the New Berlin Activity and Recreation Center located at 15321 W National Avenue.

BACKGROUND/RATIONALE:

Peace Lutheran Church serves as the polling place for Aldermanic District 4 electors, and they have always been very accommodating to the city and voters. However, after the 2023 Spring Election, the city was notified that Peace Lutheran was unable to continue offering the city use of their facility. The security of their staff and children in daycare and pre-school was becoming more of a concern. Election Day is not only a celebration of our democracy, but a growing security challenge especially for school and church facilities.

The principal purpose of this amendment is to move District 4 polling place to the New Berlin Activity and Recreation Center which is a large facility that can accommodate two districts. Additionally, there are no election security concerns with the Activity and Recreation Center being a city owned facility.

Respectfully submitted,

Rubina R. Medina

Rubina R. Medina, City Clerk

RESOLUTION NUMBER 23-30**A RESOLUTION CHANGING ALDERMANIC DISTRICT 4
POLLING PLACE FROM PEACE LUTHERAN CHURCH TO
NEW BERLIN ACTIVITY AND RECREATION CENTER AT 15321 W NATIONAL AVENUE**

WHEREAS, Wisconsin State Statutes 5.25(2) specifies that the governing bodies of cities, villages and towns with populations under 500,000 shall establish polling places; and

WHEREAS, pursuant to Wisconsin Statutes 5.25(3), polling places shall be established for each election at least 30 days before the election; and

WHEREAS, Peace Lutheran Church located at 17651 W Small Road, New Berlin, Wisconsin is the current polling location for District 4 which encompasses wards 10, 11, and 12; and

WHEREAS, Peace Lutheran Church has determined that it is no longer feasible to provide their facility for election use due to security concerns; and

WHEREAS, the New Berlin Activity and Recreation Center has adequate space to facilitate two districts,

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of New Berlin, Waukesha County, Wisconsin that the polling place for District 4 which encompasses Wards 10, 11 and 12 in the City of New Berlin be located at the New Berlin Activity and Recreation Center located at 15321 W National Avenue for all elections commencing in 2024.

BE IT FURTHER RESOLVED, that the City Clerk is directed to notify each registered voter on the voter registration list for the named wards.

Passed and adopted by the Common Council this 24th day of 2023.

APPROVED:

David Ament, Mayor

Countersigned/Certified:

Rubina R. Medina, City Clerk

REQUESTED ACTION STATEMENT

DATE: October 24, 2023

TO: Common Council

FROM: Mayor Ament
Melissa Beck, Human Resource Director
Josh Radomski, DPW Director

REQUESTED ACTION:

Recommendation to Council to authorize the creation of a .5 FTE custodial position. This would be combined with an existing .5 FTE custodial position to create a 1.0 FTE custodial position.

FISCAL IMPACT:

The 2023 budget impact for this request will be approximately \$4,142 to \$7,378 dependent on the start date and choice of benefits of the new employee. The DPW and Library will have the funding available within the 2023 budget year to finance the 1.00 FTE position.

RATIONALE:

With the addition of the new Activity and Recreation Center, it has become apparent the custodial staffing levels are inadequate for the number of buildings they are required to clean and maintain daily. Currently there are 4 full-time custodial staff servicing the Safety Building, City Hall, Community Center and Activity and Recreation Center and a .5 part-time custodian servicing the Library. The remaining city buildings utilize other staffing to clean their buildings. The addition of this .5 FTE position to create a 1.0 FTE will help the City retain a custodian to service the Library part-time and DPW to continue to expand custodial services to the Streets Department, Parks Department, Historic Museum as well as provide additional cleaning and room setups at the Activity and Recreation Center.

ATTACHMENTS:

None



DATE: October 24, 2023

TO: Common Council

FROM: Mayor Ament
Melissa Beck, Human Resource Director
Mark Polzin, Fire Chief

REQUESTED ACTION:

Recommendation to Council to authorize the creation of three (3) Shift Captain Positions within the Fire Department.

FISCAL IMPACT:

The Shift Captain position will be added to Range 13 (\$85,950-\$116,032) of the current salary table. The salary is based on experience but the total cost with benefits is anticipated to be approximately \$62,478. These positions would be promotional opportunities for our current staff and would not create open positions that would need to be backfilled. These positions will be filled as the budget allows.

RATIONALE:

The Fire Department continues to develop as a full-time Department. The goal is to create opportunities for growth within the Department and fulfill the critical need for a succession plan. Creating these positions would allow our current staff the opportunity to gain critical knowledge and experience to continue their career within the New Berlin Fire Department. Filling these positions would also help align the City of New Berlin Fire Department with other Departments which will allow us to attract and retain top talent to best serve and protect the community.

ATTACHMENTS:

Shift Captain Job Description



JOB TITLE: Shift Captain
DEPARTMENT: Fire & EMS
CLASSIFICATION: Full-time
FLSA STATUS: Exempt

JOB DESCRIPTION
NEW BERLIN FIRE DEPARTMENT
SHIFT CAPTAIN

POSITION SUMMARY

The Shift Captain is the officer responsible for the administration and supervision of a company and shift. The officer; coordinates and directs a company for fire suppression, technical responses, rescue operations, emergency medical services and other emergency incidents within the Incident Command System and may function as a command level officer; oversees daily shift operations and non-emergency tasks in conjunction with shift lieutenants and other senior level officers; may be required to act as the shift supervisor and be required to assume the duties of the officer-in charge of the shift; provides administrative and operational support for various departmental programs; and performs various other duties as required.

REPORTING RELATIONSHIPS

Reports to the Battalion Chief

SUPERVISION EXERCISED

Supervises Lieutenants, and line personnel

MINIMUM QUALIFICATIONS, CERTIFICATIONS AND EDUCATION

Seven (7) years of career firefighting and paramedic experience with the New Berlin Fire Department or similar sized department, with at least two (2) years of experience in the rank of Lieutenant or above.

Superior oral and written communication skills. Comprehension of technical data, written instructions and verbal orders.

Computer literacy in Microsoft Office programs and other software programs.

All "Minimum" requirements as listed in the Station Lieutenant Job Description.

Certified State of Wisconsin Emergency Services Instructor I or State of Wisconsin recognized equivalent

Certified State of Wisconsin Fire Officer II or State of Wisconsin recognized equivalent

Perfecting Leader (Cities and Village Mutual Insurance Company)

Incident Safety Officer (National Fire Protection Association 1521)

Incident Command System – 300 & 400 (Federal Emergency Management Agency)

Bachelor Degree

PREFERRED

Basic Fire Investigations (National Fire Protection Association 921)

Credentialed Fire Officer (Center for Public Safety Excellence)

Managing Fire Officer (National Fire Academy)

Certified State of Wisconsin Emergency Services Instructor II or State of Wisconsin recognized equivalent

ESSENTIAL FUNCTIONS

The Shift Captain will be required to:

General

Establish and maintain effective working relationships with various external agencies, other city departments, NBFD staff and members of the public.

Supervise Station Lieutenants and line personnel and direct them in accordance with New Berlin Employee Handbook, NBFD EMS Protocols and Operating Policies/Procedures, and the current Collective Bargaining Agreement.

Act as a liaison between the Fire Department and other agencies, groups, and/or organizations.

Function as the Battalion Chief in their absence.

Assist with managing staffing levels, schedules and employee substitutions in accordance with department policies.

Field Work

Coordinate departmental shift training in conjunction with the NBFD Training Committee.

Participate in departmental physical fitness program, and facilitate participation of their assigned line personnel.

Provide care and act in accordance to the City of New Berlin Employee Handbook and the New Berlin Fire Department Protocols, Policies and Procedures.

Evaluate emergencies and calls for service, establish the Incident Command System when appropriate and apply incident action plans as required. May occasionally function as the Incident Commander, Incident Safety Officer or other duties as assigned.

Coordinate and conduct fire safety inspections and pre-incident planning.

Coordinate and participate in public relation (PR) events to educate the public on all matters related to community risk reduction (life safety, incident stabilization, property conservation).

Perform other duties as assigned.

Station Work

Complete documentation and data entry into the department's RMS software programs related to all assigned functions including employee recognition; training; inspections; attendance; evaluation and review; and corrective action.

Perform basic office work functions, such as copying, scanning, typing, filing, writing memos and sorting.

Research, review and recommend equipment and programs that will improve the effectiveness and efficiency of the delivery of services. Prepare purchase orders and/or budget requests as necessary.

Ensure care and maintenance of department issued Personal Protective Equipment and uniforms.

Coordinate, conduct and/or participate in shift briefings with other officers and line personnel regarding shift activities.

Conduct employee performance evaluations and recommend commendations and discipline when warranted.

Ensure completion of daily housekeeping, routine inspections, maintenance and/or inventory of buildings, grounds, vehicles, supplies and equipment.

Support and uphold Continuous Improvement Processes (CIP) and programs to maintain a high level of service to the community.

Assist with the development of short and long-term planning strategies.

Perform other administrative duties as assigned.

WORK EXPECTATIONS

Work Ethic

Maintain a high regard for personal safety, as well as that of the crew and public.

Demonstrate self-motivation and enthusiasm.

Demonstrate pride in the organization and self.

Display honesty, trustworthiness and accountability.

Maintain physical ability to perform essential functions of the position.

Maintain high ethical and moral standards.

Work well with other City of New Berlin Departments and various external county and state agencies.

Deliver a high level of customer service to internal and external customers.

Demonstrate fair and non-judgmental treatment when coaching and disciplining personnel.

Effectively manage confidential, difficult, and sensitive issues using tact and diplomacy, taking into account the organizational culture, climate and/or politics.

Maintain a high level of accuracy and confidentiality concerning personnel matters.

Time Management

Arrive at work punctually and prepared for duty.

Adapt to a variable schedule, as often as necessary in responding to emergencies or details with very short, or no advance notice.

Demonstrate self-control and the ability to manage time, multiple projects and priorities with minimal supervision.

Demonstrate an ability to manage multiple assignments of personnel, allowing them time to complete their assignments.

Complete reports and assignments in a timely manner.

Teamwork and Customer Relations

Interact with the public in a positive and professional manner.

Create ideas that improve production, organizational performance or result in cost or time-savings for the department. Use critical thinking to identify the strengths and weaknesses of alternative solutions, conclusions or approach to problems.

Develop strategies to cope with stressful situations involving various personality types and expectations.

Develop and maintain cooperative and professional relationships with internal employees and external county and state agencies and organizations.

Be actively involved in decisions affecting work details, set a high standard.

Professional Development

Actively participate in ongoing education that is offered by the department and outside training that is requested or required.

Maintain licenses and certifications.

Pursue continuing education that focuses on personnel management, customer service, team building, leadership, incident command and any other educational opportunity that can improve one's knowledge, skills and abilities.

Research and recommend educational offerings for the various levels of the department that will assist with the professional and personal development of its members.

Consider working towards a credential designation as a Fire Officer by the Center for Public Safety Excellence and/or the Managing Officer Program offered by the National Fire Academy.

WORKING CONDITIONS AND PHYSICAL DEMANDS

The work environment characteristics described below are representative of those an employee may encounter while performing the essential functions of this job.

While performing the duties of this position, the employee is frequently required to: stand, walk, balance, sit, kneel, crouch, stoop, climb, bend, crawl; use hands to finger, handle, feel or operate objects, tools or controls; reach with hands and arms; climb stairs and ladders; and be able to traverse unstable surfaces. The position requires mobility in residential, commercial, and industrial facilities as well as outdoor environments.

Duties involve moving materials weighing up to 100 pounds on a regular basis, such as boxes, office equipment, specialized medical equipment, etc., and occasionally weighing over 100 pounds.

Manual dexterity and coordination are required approximately 75% of the work period while operating equipment such as computer keyboard, telephone, motorized vehicle, instruments and tools used in the delivery of emergency medical care.

At times the employee will be required to operate in conditions where noise levels are elevated and hearing protection may be required. The noise level in the work environment is typical of most office environments.

In the course of duties, the employee may encounter hazardous materials, blood-borne pathogens, and/or other hazardous environments.

Part of the work period may be spent in other environments which may expose the employee to inclement weather, hazardous materials and other extreme and/or dangerous environments where personal protective equipment may be required.

Specific vision abilities required by this job include close vision, distance vision, peripheral vision, depth perception and the ability to adjust focus with or without corrective measures.

TOOLS AND EQUIPMENT

This position requires the ability to utilize and operate the following types of specialized equipment. This list should not be considered “all-inclusive”, as other specialized types of equipment may be required, but will include all equipment carried on NBFD fire and EMS apparatus.

Firefighting, specialty, medical transport vehicles and staff cars

Firefighting and rescue tools and equipment to provide service, mitigate emergencies and protect the public

Department issued Personal Protective Equipment and accessories

Portable and/or mobile radios

Computers: Mobile Data Terminals, patient care reporting laptop, desktops and tablets

Patient transport devices – cot, stair chair, etc.

Basic and advanced life support equipment

Other department issued equipment related to the position

DISCLAIMER

The information provided in the job description is intended to indicate the general nature and level of work performed by an incumbent within this position. It is not to be interpreted as a comprehensive inventory of all functions, responsibilities, duties, qualifications, working conditions and physical demands required of employees assigned the position. Management has the sole discretion to add, modify and/or designate functions, responsibilities, duties, qualifications, working conditions and physical demands at any time. All job descriptions will be reviewed annually and adjusted as needed in accordance with the department's vision, mission and values.

