

Common Council MEETING AGENDA



March 12, 2024 - 6:05 PM
(Following the Committee of the Whole Meeting)
City Hall
Council Chambers

Agenda Published: 3/9/2024

Agenda Amended: 3/11/2024 @ 3:45 PM

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. February 27, 2024, Common Council Meeting Minutes
5. **REPORTS**
 - A. City Clerk
 - B. Council President
 - C. Mayor
6. **COMMUNICATIONS**
7. **PARK, BUILDING & GROUNDS COMMITTEE**
 - A. Recommend to the Common Council approval of a contract with Kowalske Brewing, LLC. d/b/a Component Brewing to host beer garden events between June 16th, 2024 and October 13th, 2024 at Malone Park and Historical Park.
8. **PLAN COMMISSION**
 - A. (7) NJ LD-2400118 Hlavacek Meyer - 3045 S. Beverly Drive (Tax Key #: 1179.007) & 3001 S. Beverly Drive (Tax Key #: 1179.008) & Tax Key #: 1179.987.001) - Discussion and possible action to recommend to Common Council approval of 1-Lot Certified Survey Map.
 - B. (4) NJ LD-2400231 Natalie Anastas - 5920 S. Racine Avenue (Tax Key #: 12820.998) - Discussion and possible action to recommend to Common Council approval of 2-Lot Certified Survey Map.
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. February 27, 2024 Committee of the Whole Meeting Minutes
13. **UTILITY & FINANCE**
 - A. Discussion and possible action to approve the March 13, 2024, Water Utility claims in the amount of \$207,418.32, Sewer Utility claims in the amount of \$3,545.06 and General City claims in the amount of \$445,806.66. Tax overpayment checks totaling \$136,687.09 were also generated. US Bank Visa EFT of \$33,119.43 for the period of January 16 through February 14, 2024.

14. MISCELLANEOUS

15. END CONSENT AGENDA-----

16. 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. Richard Helm Release of Claim and Separation Agreement

17. RECONVENE TO OPEN SESSION

- A. Discussion and possible action: Richard Helm Release of Claim and Separation Agreement

18. 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

February 27, 2024 - 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

No constituents spoke during the privilege of the floor.

2. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Council President Harenda called the meeting to order at 6:12 PM and led the Pledge of Allegiance with the Boy Scouts.

3. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

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

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

Excused: Mayor Dave Ament

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

4. APPROVAL OF MINUTES

A. February 19, 2024 Common Council Meeting Minutes

MOTION: Motion to approve

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

5. REPORTS

A. City Clerk

No Report.

B. Council President

- A **Public Information Meeting** will be held on **Thursday, February 29th** here at City Hall to discuss the **Moorland Road Reconstruction** from College Avenue to Grange Avenue in 2024. The meeting will be held in the Council Chambers 4:30 pm to 6:30 pm. All are welcome to attend.
- **Ceol Cairde** joins the New Berlin Library to celebrate traditional Irish music of the season. **Ceol Cairde** will be performing "The Music of Friends" on **March 8th from 6:00 p.m. until 7:15 p.m.** For more information and registration, please contact the New Berlin Library.
- Finally, I wanted to thank everyone who came out to our New Berlin Activity and Recreation Center's Grand Opening Event. It was wonderful to see everyone join us for a fun-filled day of events! I also want to thank the City of New Berlin Staff and volunteers who coordinated the event

for the day. And lastly, a thank you to our sponsors and donors for their help in providing our residents with a recreation center for all ages.

- C. Mayor
No Report - Excused.

6. COMMUNICATIONS

7. BOARD OF PUBLIC WORKS

- A. ITEM 01-24 Discussion and possible action to recommend to Common Council approval of the design contract to reconstruct Sunny Slope Road.

MOTION: Motion to approve as presented.

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

- B. ITEM 02-24 Discussion and possible action to recommend to Common Council approval of Resolution 2024-02 to Amend the 2024 CIP Budget for the Sunny Slope Reconstruction Design

MOTION: Motion to approve as presented

VOTE: Motion by: Horbinski
Second by: LaFever
Motion 7-0

8. RECREATION COMMISSION

- A. Discussion and possible action to recommend to Common Council approval of the 2024 Recreation Division Summer Fees

MOTION: Motion to approve as presented

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

- B. Discussion and possible action to recommend to Common Council approval of the RecPASS Membership Policies and Code of Conduct for the Activity and Recreation Center (ARC)

MOTION: Motion to approve as presented

VOTE: Motion by: Harenda
Second by: LaFever
Motion 7-0

- C. Discussion and possible action to recommend to Common Council approval of the 2024 Sponsorship Packet

MOTION: Motion to approve as presented

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

- D. Discussion and possible action to recommend to Common Council approval of the 2024 Lions Club Activity and Recreation Center Gymnasium and Track Sponsorship. The New Berlin Lions are also requesting that the city split half of the cost on printing and installing their donor signage

MOTION: Motion to approve as presented

VOTE: Motion by: Harenda
Second by: Horbinski

Motion 7-0

- E. Discussion and possible action to recommend to Common Council approval of the agreement for naming rights with Kelmann Corporation for indoor playground sponsorship

MOTION: Motion to approve as presented

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

- F. Discussion and possible action to recommend to Common Council approval of Program Instructor Services Agreement with Dennis Roscoe

MOTION: Motion to approve as presented

VOTE: Motion by: Harenda
Second by: Hopkins
Motion 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: Kroupa
Second by: Stribl
Motion 7-0

12. MINUTES

- A. February 19, 2024 Committee of the Whole Meeting

13. UTILITY & FINANCE

- A. Discussion and recommendation to Common Council approval of the February 28, 2024, Water Utility Claims in the amount of \$248,994.15, Sewer Utility claims in the amount of \$31,960.37 and General City Claims in the amount of \$458,110.80

14. MISCELLANEOUS

- A. Water Rate Case Information, application of the City of New Berlin, Waukesha County, Wisconsin as a Water Public Utility for authority to adjust water rates - Final Decision, No Action
- B. Discussion and recommendation to the Common Council approval of Resolution No. 2024-04; a Resolution Amending the Capital Projects Budget to reallocate \$10,000 from the One Ton Dump Truck (Account #04059100-61213-C2023) to the Brush Chipper (Account #04059100-61217-C2024), allowing the DPW-Parks Department to purchase a 21" chipper instead of a 19" chipper increasing the capacity of the chipper by 22% which will enhance the ability to complete forestry work within the city.
- C. Discussion and recommendation to the Common Council to enter into a new three-year contract with the Waukesha County Health and Human Services Department for NARCAN distribution and training

- D. Discussion and recommendation to Common Council to enter into a new five -year contract with Axon for police equipment (TASER 10) subject to approval by the City Attorney and signed by Chief Hingiss and Mayor Ament

15. END CONSENT AGENDA-----

16. 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:*

City Clerk Rubina R. Medina read the basis to enter into closed session.

MOTION: Motion to enter into closed session at 6:21 PM
City Clerk took a roll call vote

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

- B. Acuity Insurance Claim re: Wisconsin Kitchen Mart, Inc.

17. RECONVENE TO OPEN SESSION

MOTION: Motion to reconvene into open session. City Clerk took a roll call vote

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

- A. Discussion and possible action re: Acuity Insurance Claim re: Wisconsin Kitchen Mart, Inc.

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

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

18. ADJOURN

MOTION: Motion to adjourn at 6:30 PM.

VOTE: Motion by: Kroupa
Second by: Hopkins
Motion 7-0

Respectfully submitted by:
Rubina R. Medina, City Clerk



REQUESTED ACTION STATEMENT

DATE: March 5, 2024

TO: Parks, Buildings & Grounds Commission

FROM: Katie Roth, Recreation Manager

ISSUE: Approval of Beer Garden Contract with Component Brewing

REQUESTED: Recommend to the Common Council approval of a contract with Kowalske Brewing, LLC. d/b/a Component Brewing to host beer garden events between June 16th, 2024 and October 13th, 2024 at Malone Park and Historical Park.

FISCAL IMPACT: The City will receive \$300 upon completion of each day of service with a total of 7 days included in the agreement.

RATIONALE: Per the New Berlin Municipal Code 184-3 (D)(2), the Parks, Buildings and Grounds Commission along with the Common Council must approve granting a group or individual to sell or dispense fermented malt beverages in any park or parkway.

In an effort to provide passive recreational community gathering opportunities, the Recreation Department has worked in coordination with Component Brewing to host beer gardens this summer and fall at Malone Park and Historical Park in New Berlin. These events will provide community members the opportunity to spend time outdoors at New Berlin Parks while maintaining safe social distances.

Each beer garden would take place in conjunction with either a Historical Park special event, Recreation Division's Special Event, or an Saturday at Malone Park. Food truck vendors and music may also be present at the request of the sponsor.

Sunday, June 16 th	1pm-4pm	Historical Park	Father's Day Open House
Sunday, July 14 th	1pm-4pm	Historical Park	Ice Cream Social
Saturday, August 10 th	12pm-8pm	Malone Park	Color Clash Dash
Saturday, September 7 th	12pm-8pm	Malone Park	Beer Garden
Sunday, September 8 th	1pm-4pm	Historical Park	Historic Days Open House
Saturday, September 12 th	12pm-8pm	Malone Park	Beer Garden
Sunday, September 13 th	12pm-8pm	Historical Park	Applefest Open House

RECOMMENDATION: Please consider recommending the Common Council approve the contract with Component Brewing.

SPONSORSHIP/USE AGREEMENT

This Sponsorship/Use Agreement (hereinafter “Agreement”) is made and entered into this ____ day of March, 2024, by and between the CITY OF NEW BERLIN (hereinafter referred to as the “City”) and Kowalske Brewing, LLC, d/b/a Component Brewing, a Wisconsin limited liability company, duly organized and validly existing under the laws of the State of Wisconsin (hereinafter referred to as “Sponsor”);

WHEREAS, the City owns and operates Malone Park, which has various amenities (hereinafter the “Premises”); and

WHEREAS, the City owns and operates Historical Park, which has various amenities (hereinafter the “Premises”); and

WHEREAS, the New Berlin Public Library Board operates the New Berlin Public Library, which has an associated green space area adjacent to the library, which are also considered part of the Premises; and

WHEREAS, the City is desirous of conducting beer garden events on selected Saturdays and Sundays between June 16, 2024 and October 13, 2024 (more specifically described on the attached Exhibit A).

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties do hereby covenant and agreed as follows:

1. The City does hereby grant access to the Malone Park pavilion, as depicted on the attached maps, Exhibit B. Alternative locations shall include other New Berlin City Park locations, including Historical Park, City Center Plaza, as well as the New Berlin Public Library green area, which may be utilized in the event that the proposed locations are not available for use.

2. The City hereby grants said access on Saturdays and Sundays on the dates and times outlined in Exhibit A. These dates and times are subject to modifications as may be made, in writing, from time to time, between the Sponsor and the Recreation Division Office.

3. In addition to the use of the Premises, the City agrees to provide picnic tables, and trash and recycling receptacles, for the use of the patrons during the course of the events.

4. Sponsor is hereby permitted to sell beer with an alcohol content no greater than 8%, subject to the approval of a State license.

5. Sponsor is authorized to work with licensed food truck vendors to provide food for purchase during the hours outlined in Exhibit A. Any such food truck vendor must comply with the health and safety requirements outlined by the Waukesha County Health Department and must obtain appropriate permits required by the City of New Berlin.

6. Sponsor will serve beer provided for hereunder, and further agrees to arrange for the performance of music with either a DJ or a live performer, using minimally amplified music.

The applicant will be required to apply for a loudspeaker permit through the New Berlin Clerks Department.

7. The hours of operation shall be Saturdays, 12pm-8pm & Sundays from 1pm-4pm. Sponsor may engage in restocking or cleanup activities outside of these hours; however, the performance of these activities shall not last more than one hour before or after the aforementioned hours of operation.

8. Responsibilities of Sponsor:

- a. Sponsor acknowledges that the Park is a public space and must remain open and accessible to the public throughout the course of the event.
- b. Sponsor agrees to abide by all local, state and federal regulations concerning eth sale and service of alcoholic beverages.
- c. Sponsor agrees not to discriminate against anyone desiring to participate in the event on the basis of age, race, sex, marital status or any other prohibited basis of discrimination.
- d. Sponsor agrees that the space that is being utilized shall be maintained so as to permit access as required under the Americans with Disabilities Act.
- e. Sponsor agrees to pay all taxes or fees associated with the operation of the event.
- f. Sponsor agrees, at its own expense, to keep the premises and surrounding area clean and sanitary at all times. Garbage shall be collected during the course of the event, which will be picked up by the City daily.
- g. No equipment being provided by the City shall be removed or replaced without the written consent of the City and any such use will be at the expense of the Sponsor.
- h. Sponsor agrees that they will obtain all necessary licenses or permits to conduct the operations as contemplated hereunder, and will comply with all local Health Code requirements, as well as Building Code requirements.

9. The parties shall mutually perform an inspection of the Premises both prior to the commencement of this Agreement, as well as following it, so as to verify that the condition of the Premises meets the requirements as set forth in this Agreement. Sponsor agrees to return the Premises to the City following the conclusion of the event in the condition that existed prior to the commencement of the event, reasonable wear and tear excepted.

10. Sponsor agrees to indemnify and hold harmless the City as and against any and all claims, demands, actions, causes of action, or fees, including actual attorney fees, arising from the activities of the Sponsor, their agents, subcontractors or assigns, in conducting the beer garden events, as well as the performance of the terms of this Agreement. This indemnification shall include the acts or omissions of any contractors or subcontractors that they may engage for the performance of the event.

11. Sponsor agrees that this Agreement is exclusive to them and to the extent they wish to engage other entities to assist with the performance of the event, such entities must be approved by the Common Council or their designee, and such subcontractors must agree to the same indemnity and insurance requirements as required of the Sponsor.

12. Sponsor acknowledges that they are ultimately responsible for the acts or omissions of any subcontractors with which they may engage.

13. The parties agree to mutually perform advertising for the event.

14. Sponsor agrees to allow the City to hold events coordinated by the City in conjunction with the beer garden. This use is not exclusive.

15. Sponsor acknowledges that they are not permitted to bring in additional lighting without the express written permission of the City. Strings of lights are permitted, provided that each bulb is not greater than 25 watts in capacity. The Sponsor may also bring in and set up a point of sale station and credit card station at their expense.

16. City agrees to maintain the bathrooms on the premises during the course of this event consistent with its normal operating policies; meaning that the bathrooms will be maintained daily.

17. Sponsor agrees to restrict the areas in which beer consumption is permitted to those that are shown on the attached maps (Exhibit B). The City will create fencing and/or signage directing patrons that alcohol may only be consumed within the designated area.

18. As part of the consideration for this Agreement, the Sponsor agrees to pay to the City the amount of Three Hundred (\$300.00) Dollars per day, for each day of the event, not less than thirty (30) days following the completion of the event. Sponsor further agrees to provide the City with sales records satisfactory to the City to monitor their use of the City facilities. Should the event not be completed due to rain, no payment shall be collected.

19. Sponsor shall provide security during the event and will ensure that the terms of this Agreement, as well as all other applicable City Rules and City Ordinances, including the Rules of the New Berlin Public Library Board, are followed. Any criminal activity shall be reported immediately to the New Berlin Police Department.

20. Sponsor agrees to provide evidence of comprehensive, general liability insurance with limits of not less than \$1,000,000.00 per occurrence and \$2,000,000.00 in the aggregate, which insurance shall list the City as an Additional Insured on a primary and non-contributory basis.

21. In the event Sponsor fails to abide by the terms of this Agreement, or in the event the events create a public nuisance, the use may be terminated.

22. This Agreement shall be governed and construed in accordance with the laws of the State of Wisconsin.

23. Each party acknowledges that the person signing the Agreement has been duly authorized by the governing body of each entity.

24. This Agreement represents the complete understanding of the parties with respect to the subject matter set forth herein, and may only be amended in a subsequent agreement executed by all parties.

25. To the extent that any portion of the Agreement is deemed to be unenforceable by a court of competent jurisdiction, the parties agree that the balance of the Agreement shall remain in full force and effect.

CITY :
City of New Berlin

SPONSOR:
Kowalske Brewing LLC
d/b/a Component Brewing

By: _____
David Ament, Mayor

By: _____

By: _____
Katie Roth, Recreation Manager

By: _____

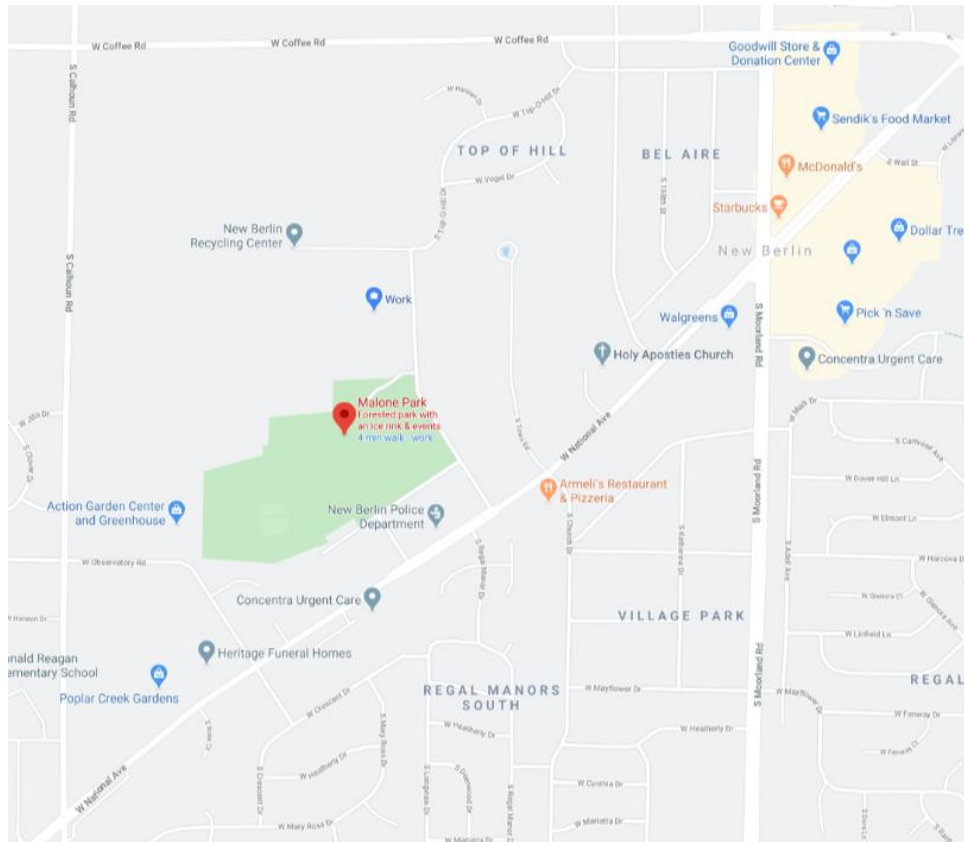
EXHIBIT A

Dates/Times/Places of Beer Garden Events

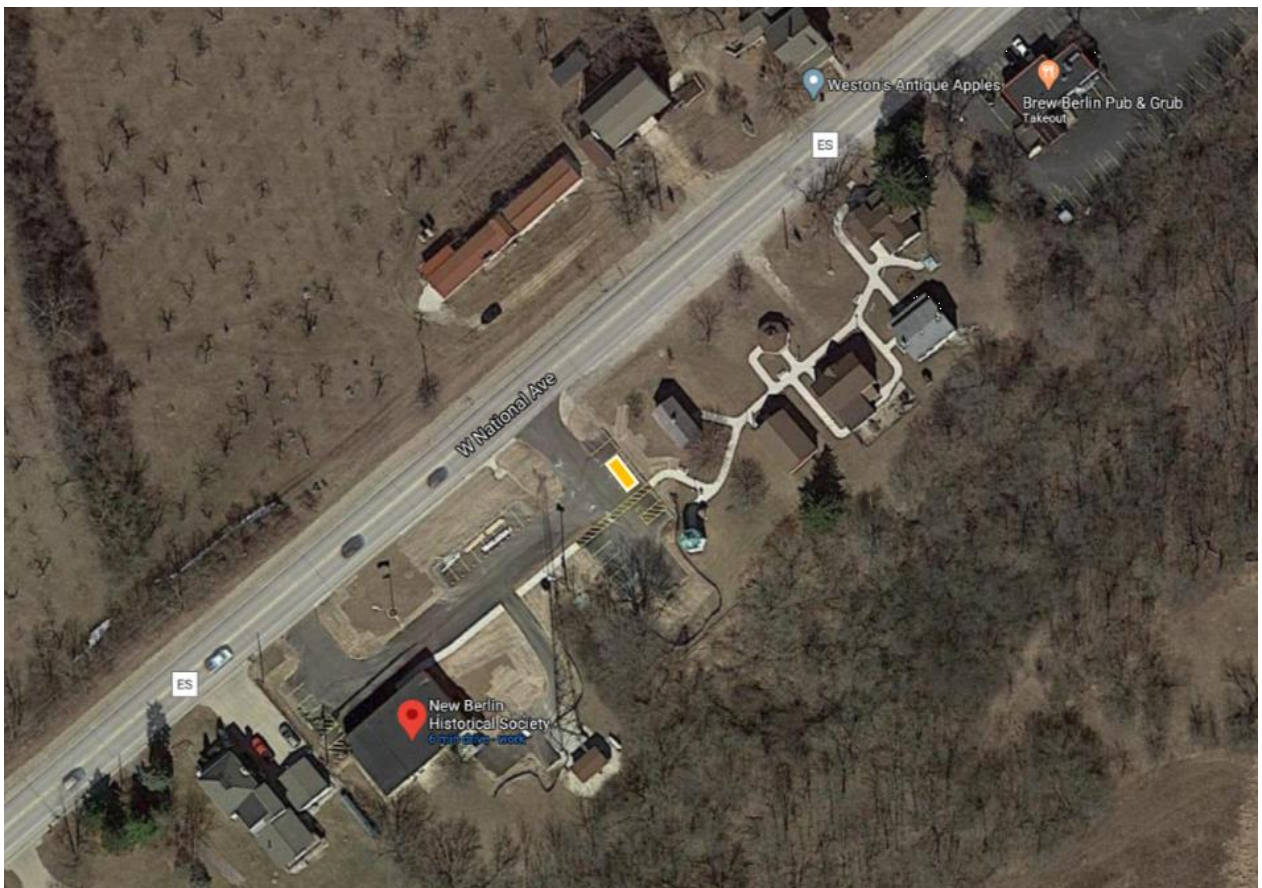
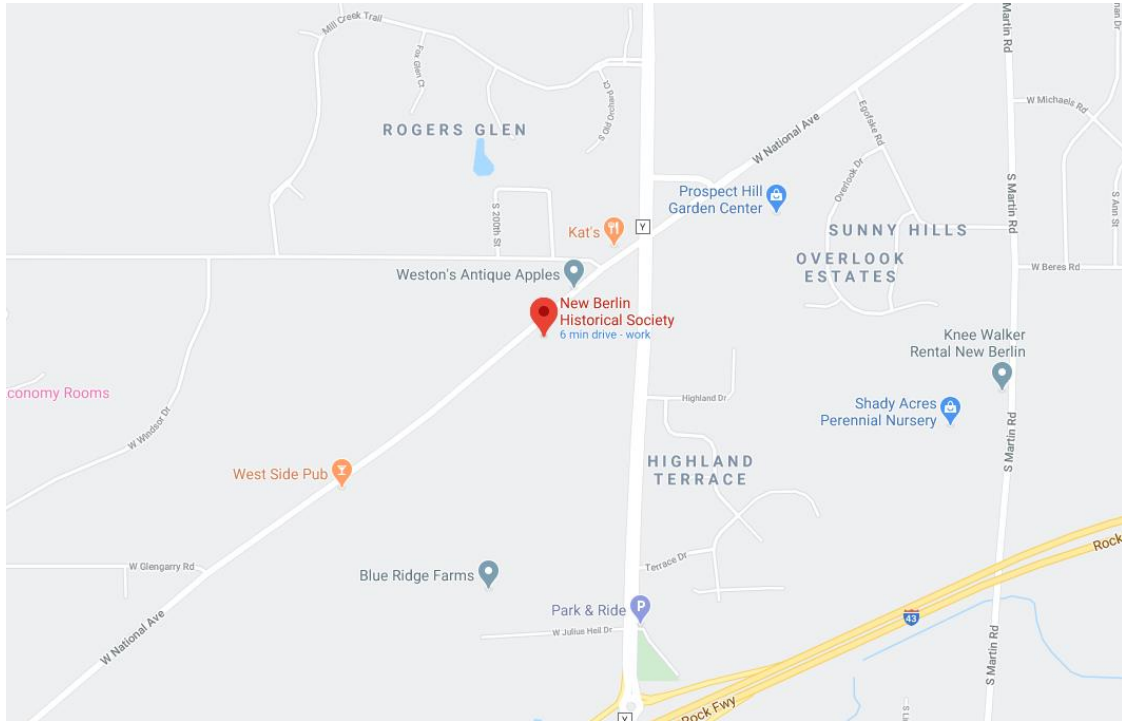
Sunday, June 16th	1pm-4pm	HistoricalPark
Sunday, July 14th	1pm-4pm	HistoricalPark
Saturday, August 10th	12pm-6pm	Malone Park
Saturday, September 7th	12pm-6pm	Malone Park
Sunday, September 8th	1pm-4pm	Historical Park
Saturday, September 12th	12pm-6pm	Malone Park
Sunday, September 13 th	12pm-4pm	Historical Park

EXHIBIT B

Malone Park



Historic Park





MOTION SHEET

TO: Common Council
Mayor Ament
Ald. Harenda

FROM: Plan Commission

DATE: March 12, 2024

RE: March 4, 2024, Plan Commission items requiring Common Council action

A.	ITEM (7) NJ LD-2400118 Hlavacek Meyer - 3045 S. Beverly Drive (Tax Key #: 1179.007) & 3001 S. Beverly Drive (Tax Key #: 1179.008) & Tax Key #: 1179.987.001) - Discussion and possible action to recommend to Common Council approval of 1-Lot Certified Survey Map.
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Council Motion:

	This item was considered at the Plan Commission meeting on March 4, 2024. It was recommended to the Common Council by a unanimous vote. I do hereby make a motion to recommend to the Common Council the approval of L-1Lot Certified Survey Map for the properties at 3001 S. Beverly Drive and 3045 S. Beverly Drive.
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B.	ITEM (4) NJ LD-2400231 Natalie Anastas - 5920 S. Racine Avenue (Tax Key #: 12820.998) - Discussion and possible action to recommend to Common Council approval of 2-Lot Certified Survey Map.
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Council Motion:

	This item was considered at the Plan Commission meeting on March 4, 2024. It was recommended to the Common Council by a unanimous vote. I do hereby make a motion to recommend to the Common Council approval of 2-Lot Certified Survey Map for the property location at 5920 S. Racine Avenue.
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STAFF REPORT

EXECUTIVE SUMMARY

APPLICANT/PROJECT:	Enrika Hlavacek & Garrett Meyer / One 1-Lot Certified Survey Map (CSM)		
LOCATION:	3045 S. Beverly Drive (Tax Key #: 1179.007) & 3001 S. Beverly Drive Tax Key #: 1179.008) & Tax Key #: 1179.987.001		
REQUEST:	1-Lot Certified Survey Map		
REVIEW SCHEDULE:	CSM Received:	01/18/2024	
	Completeness Determination:	01/18/2024	
	90-day time limit expires:	04/17/2024	
	Final Common Council Action (expected):	03/12/2024	
D.R.C. RECOMMENDATION:	Recommend to Common Council approval of the 1-Lot Certified Survey Map located at 3045 S. Beverly Drive (Tax Key #'s: 1179.007, 1179.008 & 1179.987.001) subject to the application, plans on file and the following conditions:		

1. Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing.
2. A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
3. The CSM shall be recorded with Waukesha County Register of Deeds prior to the issuance of any new Zoning or Building Permits.
4. A note shall be placed on the face of the CSM that states, "applicant shall coordinate with DCD staff to prepare a Conservation Easement for any future development within the areas identified as Primary Environmental Corridor, at that time."
5. A note shall be placed on the face of the CSM that states, "any development proposed beyond the current accessory building may require a wetland delineation."
6. Applicant shall apply for and obtain appropriate building, plumbing and electrical permits prior to any construction on any parcel.
7. Applicant shall correct the 5 directional discrepancies on Page 1 of the CSM:
 - a. S00D10'33" W should be N00D10'33" E
 - b. N88D03'17" E should be S88D03'17" W
 - c. S88D44'57" E should be N88D44'57" E
 - d. S01D41'23" W should be N01D41'23" E
 - e. N88D45'18" W should be S88D45'18" E

DETAILS IN ATTACHED STAFF REPORT:

CITY OF NEW BERLIN
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLAN COMMISSION STAFF REPORT

Meeting of March 4, 2024

Enrika Hlavacek & Garrett Meyer / One 1-Lot Certified Map (CSM)
3045 S. Beverly Drive & 3001 S. Beverly Drive (Tax Key #'s: 1179.007, 1179.008 & 1179.987.001)

DATE STAFF REPORT PREPARED: January 23, 2024

APPLICANT / OWNER(S): Enrika Hlavacek & Garrett Meyer

REQUEST / DESCRIPTION OF PROJECT: Approval of the 1-Lot Certified Survey Map located at 3045 S. Beverly Drive & 3001 S. Beverly Drive (Tax Key #'s: 1179.007, 1179.008 & 1179.987.001).

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 01/18/2024

DATE OF COMPLETENESS DETERMINATION: 01/18/2024

PRE-APPLICATION CONFERENCE HELD: Yes, multiple meetings were held at the DCD front counter.
Date(s) of Meeting(s): several meetings and numerous phone calls and emails exchanged prior to submittal.
Staff Site Visit: 2/20/2024

CONCEPTUAL PLAN: Yes, CSM attached.

SIZE OF DEVELOPMENT / PARCEL(S):

3045 S. Beverly Drive (Tax Key #: 1179.007): 0.8109 Acres
3001 S. Beverly Drive (Tax Key #: 1179.008): 0.7670 Acres
Tax Key #: 1179.987.001: 2.0559 Acres

CURRENT ZONING: R-3 (Suburban Single-Family Residential)

CURRENT LAND USE: Single-family home, accessory building and wetland conservancy

PROPOSED ZONING: Not applicable – No change requested.

PROPOSED LAND USE: Continue use as single-family residential parcel.

PROPOSED LOT SIZES:

Lot #1: 158,090 Square Feet (3.629 Acres)

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

North: Zoning: R-1/R-2 & C-1	Land Use: Single Family Residential
South: Zoning: R-3	Land Use: Single Family Residential / Woody Acres Subdivision
East: Zoning: R-3	Land Use: Single Family Residential / Woody Acres Subdivision
West: Zoning: R-1/R-2 & C-1	Land Use: Single Family Residential

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes

Chapter 12: Neighborhood B: West Lincoln Avenue & Western Area: The submittal meets the intent of this Chapter.

Planning Context / Vision / Development Policies:

- The area of New Berlin generally west of Calhoun Road should be a regional model of rural development. Any development shall occur as a mix of conservation development, farms, large areas of preserved open spaces, rural trails and facilities, and small-scale neighborhood-oriented retail. Development in this area will incorporate environmental protection as a basic value, including its importance as an aquifer recharge area.

Development Policies:

- Encourage land combinations that accommodate future development options.

Land Use:

- *Future Land Use Map: Suburban Residential*

ZONING CODE (Chapter 275): Yes, this request is consistent with Section 275-33B(3).

DEVELOPMENT CODE (CHAPTER 235): Yes

REZONING REQUIRED: Not applicable

CONDITIONAL USE REQUIRED: Not applicable

PUBLIC HEARING REQUIRED: Not applicable

USE / SITE / ARCHITECTURAL REVIEW:

Use Approval Required: No

Site Plan Required: Yes, see 1-Lot CSM attached.

Architectural Review Required: No

PROPOSED ARCHITECTURE: Not applicable

UNIQUE SITE CHARACTERISTICS:

Environmental Corridor: The parcel does contain a portion of Primary Environmental Corridor.

Wetland on Property: The parcel does contain mapped wetland. A wetland delineation is not required at this time.

Conservancy Districts (C-1, C-2): No

NRCS Map Classification: Not Inventoried

Floodplain: No

Topography / Geologic: Site slopes generally from the south to the north.

BIKE & PEDESTRIAN FACILITIES PLAN: No improvements identified.

PARK & OPEN SPACE PLAN: No improvements identified.

NATURAL RESOURCES PROTECTION:

Limits of Disturbance (LOD): Not applicable for a CSM

Woodland, Tree & Vegetation Protection: Not applicable for a CSM

Wildlife Habitat Protection: Not applicable for a CSM.

Wildlife Management Plan: Not applicable for a CSM.

ENVIRONMENTAL IMPACT: No impact.

STORMWATER MANAGEMENT / DRAINAGE PLAN: Applicant is required to adhere to all City of New Berlin Codes, Ordinances and Plans regarding storm water conveyance and maintenance as identified by the Department of Community Development.

SANITARY SEWER PROVISION:

Within Current Sewer Service Area: No

Basin Capacity Available: Not applicable

Adequate Linkage: Not applicable

Onsite System Required: Yes, current home has an onsite system.

WATER USAGE CALC.: Not applicable

TRAFFIC IMPACT: Not applicable

SCHOOL DISTRICT IMPACT: Not applicable

PREVIOUS ACTION:

Home was built in 1964.

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

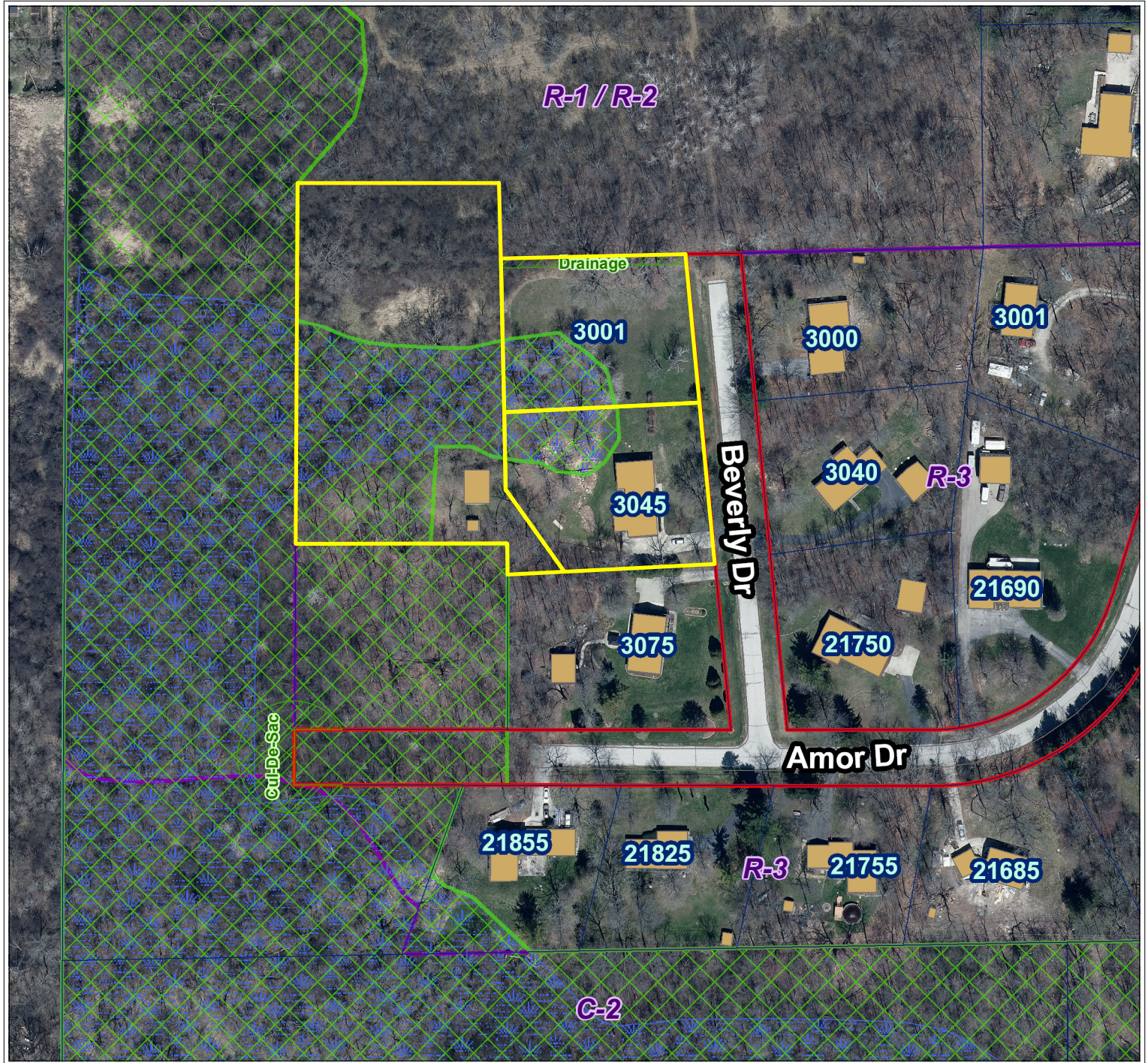
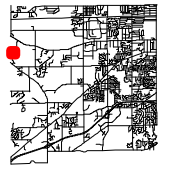
1. The applicant owns the three parcels and would like to combine the three parcels into one and rebuild the existing accessory building in the same location.
2. The lots are zoned R-3, Suburban Single-Family Residential District. Under Section 275-33D, the minimum lot size is 20,000 square feet and the minimum lot width is 110 feet. The proposed lot meets these requirements.
3. A note shall be placed on the face of the CSM that states, "applicant shall coordinate with DCD staff to prepare a Conservation Easement for any future development within the areas identified as Primary Environmental Corridor, at that time."
4. A note shall be placed on the face of the CSM that states, "any development proposed beyond the current accessory building may require a wetland delineation."

D.R.C. RECOMMENDATION:

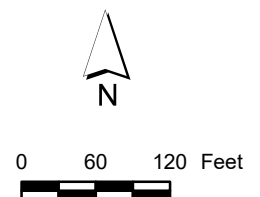
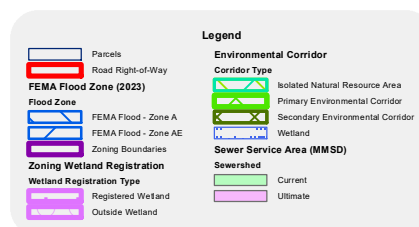
Recommend to Common Council approval of the 1-Lot Certified Survey Map located at approximately 3045 S. Beverly Drive & 3001 S. Beverly Drive (Tax Key #'s: 1179.007, 1179.008 & 1179.987.001) subject to the application, plans on file and the following conditions: **See Executive Summary.**

ATTACHMENTS:

Location Map
Applicant Letter
Proposed CSM



City of New Berlin
Department of Community Development
3805 S Casper Dr.
New Berlin WI 53151
(262) 797-2445
www.newberlin.org

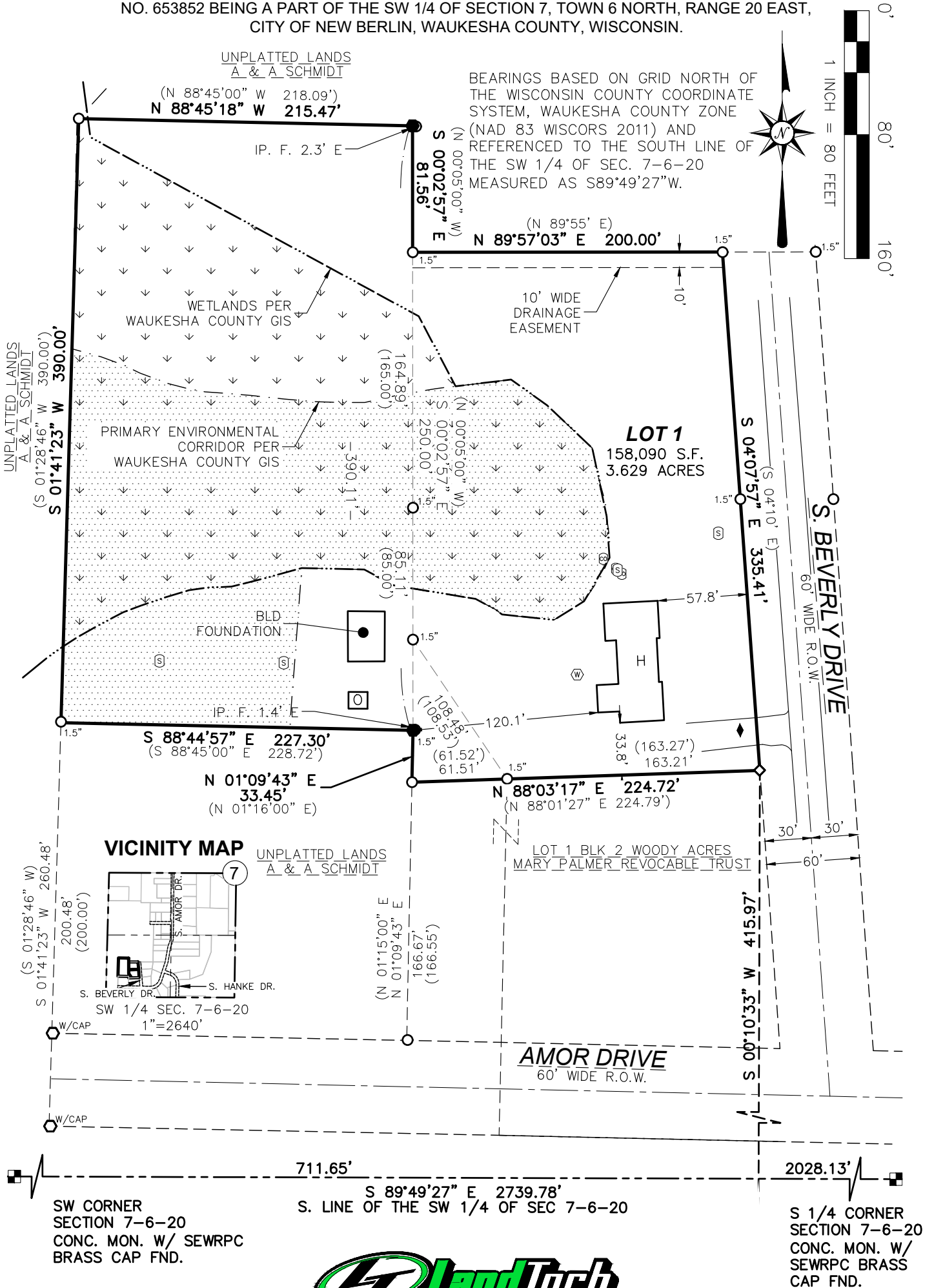


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PRELIMINARY

WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

LOT 2 AND LOT 3 OF, BLOCK 2 OF, WOODY ACRES SUBDIVISION AND PART OF CSM 375 RECORDED IN THE WAUKESHA COUNTY REGISTER OF DEEDS OFFICE JANUARY 17, 1966, IN V.2, P. 270-277 AS DOCUMENT NO. 653852 BEING A PART OF THE SW 1/4 OF SECTION 7, TOWN 6 NORTH, RANGE 20 EAST, CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN.



PREPARED FOR:
ENRIKA HLAVACEK &
GARRETT MEYER
3045 S. BEVERLY DR.
NEW BERLIN, WI 53151



LAND SURVEYING • LAND PLANNING
111 W. 2ND STREET
OCONOMOWOC, WI 53066
WWW.LANDTECHWI.COM
(262) 367-7599

THIS INSTRUMENT WAS DRAFTED BY MATTHEW T. O'ROURKE, S-2771

DATED 12/20/2023
JOB# 23250
SHEET 1 OF 5

WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

LOT 2 AND LOT 3 OF, BLOCK 2 OF, WOODY ACRES SUBDIVISION AND PART OF CSM 375 RECORDED IN THE WAUKESHA COUNTY REGISTER OF DEEDS OFFICE JANUARY 17, 1966, IN V.2, P. 270-277 AS DOCUMENT NO. 653852 BEING A PART OF THE SW 1/4 OF SECTION 7, TOWN 6 NORTH, RANGE 20 EAST, CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

I, MATTHEW T. O’ROURKE, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED AND MAPPED A DIVISION OF LAND BEING LOT 2 AND LOT 3 OF, BLOCK 2 OF, WOODY ACRES SUBDIVISION AND PART OF CSM 375 RECORDED IN THE WAUKESHA COUNTY REGISTER OF DEEDS OFFICE JANUARY 17, 1966, IN V.2, P. 270–277 AS DOCUMENT NO. 653852 BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 7, TOWN 6 NORTH, RANGE 20 EAST, CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 7, TOWN 6 NORTH, RANGE 20 EAST; THENCE S 89°49’27” E, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 7, 711.65 FEET; THENCE N 00°10’33” E, 415.97 FEET TO THE SOUTHEAST CORNER OF LOT 2 OF WOODY ACRES SUBDIVISION AND POINT OF BEGINNING; THENCE S 88°03’17” W, ALONG THE SOUTH LINE OF LOT 2 OF WOODY ACRES SUBDIVISION AND EXTENSION OF SAID LINE, 224.72 FEET TO A POINT ON THE EAST LINE OF A 1.05 ACRE LOT IN CSM 375; THENCE N 01°09’43” E, ALONG SAID LINE, 33.45 FEET TO THE SOUTHEAST CORNER OF A 2.00 ACRE LOT IN CSM 375; THENCE N 88°44’57” W, ALONG THE SOUTH LINE OF SAID LOT, 227.30 FEET TO THE SOUTHWEST CORNER OF A 2.00 ACRE LOT IN CSM 375; THENCE N 01°41’23” E, ALONG THE WEST LINE OF CSM 375, 390.00 FEET TO THE NORTH EAST CORNER OF CSM 375; THENCE S 88°45’18” E, ALONG THE NORTH LINE OF CSM 375, 215.47 FEET TO THE NORTHEAST CORNER OF CSM 375; THENCE S 00°02’57” E, ALONG THE EAST LINE OF CSM 375, 81.56 FEET TO THE NORTHWEST CORNER OF LOT 3 OF WOODY ACRES SUBDIVISION; THENCE N 89°57’03” E, ALONG THE NORTH LINE OF LOT 3 OF WOODY ACRES SUBDIVISION, 200.00 FEET TO THE WEST RIGHT–OF–WAY OF SOUTH BEVERLY DRIVE; THENCE S 04°07’57” E, ALONG THE WEST RIGHT–OF–WAY OF SOUTH BEVERLY DRIVE, 335.41 FEET TO THE POINT OF BEGINNING.

DESCRIBED LANDS AS HAVING AN AREA OF 158,090 SQUARE FEET OR 3.629 ACRES.

THAT I HAVE MADE SAID SURVEY BY THE DIRECTION OF ENRIKA HLAVACEK AND GARRETT MEYER OWNERS OF SAID LANDS.

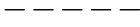
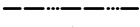
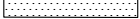
THAT SUCH MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION THEREOF.

THAT I HAVE FULLY COMPLIED WITH PROVISIONS OF S. 236.34 OF THE WISCONSIN STATUTES AND THE SUBDIVISION CONTROL ORDINANCE OF WAUKESHA COUNTY AND THE CITY OF NEW BERLIN SURVEYING AND MAPPING THE SAME.

DATED THIS _____ DAY OF _____, 20_____.

MATTHEW T. O’ROURKE, S–2771

LEGEND

	SECTION CORNER MONUMENT
	FOUND 3/4 REBAR” OR NOTED
	FOUND 1” IRON PIPE OR NOTED
	FOUND IRON ROD
	SET 0.75” O.D. X 18” REBAR
	WEIGHING 1.502 LBS/FT.
	WELL
	SEPTIC VENT
	SEPTIC CLEANOUT
	P.E.C.
	WETLANDS
	WETLANDS
	RECORD DIMENSION
	DRIVEWAY LOCATION
	EXISTING DWELLING
	EXISTING OUTBUILDING
	P.E.C.

WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

LOT 2 AND LOT 3 OF, BLOCK 2 OF, WOODY ACRES SUBDIVISION AND PART OF CSM 375 RECORDED IN THE
WAUKESHA COUNTY REGISTER OF DEEDS OFFICE JANUARY 17, 1966, IN V.2, P. 270-277 AS DOCUMENT
NO. 653852 BEING A PART OF THE SW 1/4 OF SECTION 7, TOWN 6 NORTH, RANGE 20 EAST,
CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN.

OWNER'S CERTIFICATE:

AS OWNERS ENRIKA HLAVACEK AND GARRETT MEYER WE HEREBY CERTIFY THAT WE CAUSED SAID LANDS TO BE
SURVEYED AND MAPPED AS SHOWN ON THIS MAP. WE ALSO CERTIFY THAT THIS CSM IS REQUIRED TO BE
SUBMITTED TO THE FOLLOWING FOR APPROVAL: CITY OF NEW BERLIN.
WITNESS THE HAND AND SEAL OF SAID OWNERS:

THIS _____ DAY OF _____, 20____.

ENRIKA HLAVACEK

GARRETT MEYER

STATE OF WISCONSIN)SS
COUNTY OF _____)

PERSONALLY CAME BEFORE ME THIS _____DAY OF _____, 20____, THE ABOVE NAMED ENRIKA
HLAVACEK AND GARRETT MEYER, TO ME KNOWN TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING
INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY SIGNATURE _____

PRINT NAME _____

MY COMMISSION EXPIRES _____

CONSERVANCY/WETLAND/FLOODPLAIN/SECONDARY
ENVIRONMENTAL CORRIDOR RESTRICTIONS

THOSE AREAS IDENTIFIED AS WETLAND AND PRIMARY ENVIRONMENTAL CORRIDOR PRESERVATION AREA ON
PAGE 1-4 ON THIS CERTIFIED SURVEY MAP SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

1. GRADING, FILLING AND REMOVAL OF TOPSOIL OR OTHER EARTHEN MATERIALS ARE PROHIBITED, UNLESS SPECIFICALLY AUTHORIZED BY THE MUNICIPALITY IN WHICH THIS LAND IS LOCATED AND, IF APPLICABLE, THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE, THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND THE ARMY CORPS OF ENGINEERS.
2. GRAZING BY DOMESTICATED ANIMALS, I.E., HORSES, COWS, ETC, IS PROHIBITED WITHIN THE CONSERVANCY/WETLAND/FLOODPLAIN AREA AND SHALL BE DISCOURAGED TO THE GREATEST EXTENT POSSIBLE WITHIN THE SECONDARY ENVIRONMENTAL CORRIDOR AREA.
3. THE INTRODUCTION OF PLANT MATERIAL NOT INDIGENOUS TO THE EXISTING ENVIRONMENT IS PROHIBITED.
4. PONDS MAY BE PERMITTED SUBJECT TO THE APPROVAL OF THE MUNICIPALITY IN WHICH THEY ARE LOCATED AND, IF APPLICABLE, THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE, THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND THE ARMY CORPS OF ENGINEERS.
5. THE CONSTRUCTION OF BUILDINGS OR ACCESSORY USES ARE PROHIBITED WITHIN THE WETLAND AND FLOODPLAIN AND PER THE CONSERVATION EASEMENT PROVISIONS.

WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

LOT 2 AND LOT 3 OF, BLOCK 2 OF, WOODY ACRES SUBDIVISION AND PART OF CSM 375 RECORDED IN THE
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CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN.

CONSENT OF CORPORATE MORTGAGEE

_____, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY
VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, MORTGAGEE OF THE ABOVE DESCRIBED LAND, DOES
HEREBY CONSENT TO THE SURVEYING AND MAPPING OF THE LAND DESCRIBED ON THIS PLAT, AND DOES
HEREBY CONSENT TO THE ABOVE CERTIFICATE OF ENRIKA HLAVACEK AND GARRETT MEYER, OWNERS.

IN WITNESS WHEREOF, _____

HAS CAUSED THIS MAP TO BE SIGNED BY, _____ITS _____,

AT _____WISCONSIN, AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED THIS

_____DAY OF _____, 20_____.

IN THE PRESENCE OF:

CORPORATE NAME

PRINT TITLE: _____DATE _____

CORPORATE MORTGAGEE NOTARY CERTIFICATE

STATE OF WISCONSIN)
_____COUNTY)SS

PERSONALLY CAME BEFORE ME THIS _____DAY OF _____20_____,
_____, _____ OF THE ABOVE NAMED CORPORATION, TO
ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE
SUCH _____ OF SAID CORPORATION, AND ACKNOWLEDGED THAT THEY
EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICERS AS THE DEED OF SAID CORPORATION, BY ITS
AUTHORITY.

NOTARY SIGNATURE _____

PRINT NAME _____

MY COMMISSION EXPIRES _____

WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

LOT 2 AND LOT 3 OF, BLOCK 2 OF, WOODY ACRES SUBDIVISION AND PART OF CSM 375 RECORDED IN THE
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CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN.

CITY OF NEW BERLIN PLAN COMMISSION APPROVAL

THIS LAND DIVISION IS HEREBY APPROVED BY THE PLAN COMMISSION OF THE CITY OF NEW BERLIN, THIS

_____ DAY OF _____, 20____.

DAVID A. AMENT, MAYOR/CHAIRMAN

NIKKI JONES, PLAN COMMISSION SECRETARY

CITY OF NEW BERLIN COMMON COUNCIL APPROVAL CERTIFICATE

RESOLVED THAT THIS CERTIFIED SURVEY MAP, WHICH HAS BEEN DULY FILED FOR THE APPROVAL OF THE CITY
OF NEW BERLIN COMMON COUNCIL, BE AND THE SAME IS HEREBY APPROVED AND ACCEPTED BY THE CITY OF
NEW BERLIN.

I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF A RESOLUTION ADOPTED BY THE CITY
OF NEW BERLIN ON THIS THIS _____ DAY OF _____, 20____.

DAVID A. AMENT, MAYOR

RUBINA R. MEDINA, CITY CLERK

STAFF REPORT EXECUTIVE SUMMARY

APPLICANT/PROJECT:	Natalie Anastas / CSM		
LOCATION:	5920 S. Racine Avenue (Tax Key #: 1280-998)		
REQUEST:	2-Lot Certified Survey Map		
REVIEW SCHEDULE:	CSM Received:	2/14/2024	
	Completeness Determination:	2/14/2024	
	90-Day time limit expires:	5/14/2024	
	Final Common Council Action (expected):	3/12/2024	
D.R.C. RECOMMENDATION:	Recommend to Common Council approval of the 2-Lot Certified Survey Map located at 5920 S. Racine Avenue (Tax Key #: 1280-998), subject to the application, plans on file and the following conditions:		
	1. Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing. 2. Applicant shall dedicate 33 feet to Waukesha County for right-of-way, as shown on the CSM. 3. A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required. 4. The CSM shall be recorded with Waukesha County Register of Deeds prior to the issuance of any new zoning or building permits. 5. Applicant and/or new property owners shall apply for and obtain appropriate building, plumbing and electrical permits prior to any construction on any parcel. 6. The property, which is located outside of the current MMSD Sewer Service District, shall require a Private On-Site Waste Treatment System (POWTS) for each lot that is created that will meet Waukesha County requirements. 7. Payment of the Public Site and Open Space fee of \$1,937.60 (1 lot x \$1,937.60/lot) is required prior to the City signing the CSM.		

DETAILS IN ATTACHED STAFF REPORT:

CITY OF NEW BERLIN
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLAN COMMISSION STAFF REPORT

Meeting of March 4, 2024

Natalie Anastas / 2-Lot Certified Survey Map
5920 S. Racine Avenue (Tax Key #: 1280-998)

DATE STAFF REPORT PREPARED: February 19, 2024

APPLICANT / OWNER(S): Natalie Anastas / Kyle Kloc and Natalie Anastas

REQUEST / DESCRIPTION OF PROJECT: Approval of the 2-Lot Certified Survey Map located at 5920 S. Racine Avenue (Tax Key #: 1280-998)

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 2/14/2024

DATE OF COMPLETENESS DETERMINATION: 2/14/2024

PRE-APPLICATION CONFERENCE HELD: No
Date(s) of Meeting(s): Several phone calls

CONCEPTUAL PLAN: Yes, CSM is attached.

SIZE OF DEVELOPMENT / PARCEL(S): 2.31 acres (Prior to CSM approval)

CURRENT ZONING: R-3 (Suburban Single-Family Residential District)

CURRENT LAND USE: Single-Family Residential

PROPOSED ZONING: N/A

PROPOSED LAND USE: One new lot for a single-family residential home.

PROPOSED LOT SIZES: (After CSM is recorded)

Lot 1: 1.27 Acres – 55,276 SF

Lot 2: 0.75 Acres – 32,714 SF

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

North: Zoning: R-3

Land Use: Single-Family Residential

South: Zoning: R-3

Land Use: Single-Family Residential

East: Zoning: R-3

Land Use: Single-Family Residential

West: Zoning: A-2

Land Use: Single-Family Residential / Agricultural

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes

Chapter 19: Neighborhood I: National Avenue West

Planning Context / Vision / Development Policies:

Neighborhood I:

Vision:

- *The National Avenue West area, like the Western Area neighborhood (Neighborhood B), should be a regional model of rural development.*

Development Policies:

- Develop the area immediately west of Calhoun Road as a gateway into rural western New Berlin. Permit the development of this area for a mix of commercial and residential uses, but require that commercial use to be oriented to a rural theme.

Land Use

- Future Land Use Map: Suburban Residential

ZONING CODE (Chapter 275): Yes, this request is consistent with Section 275-33B(3) of the Zoning Code.

DEVELOPMENT CODE (CHAPTER 235): Yes

REZONING REQUIRED: No

CONDITIONAL USE REQUIRED: No

PUBLIC HEARING REQUIRED: No

USE / SITE / ARCHITECTURAL REVIEW:

Use Approval Required: No

Site Plan Required: Yes, a Certified Survey Map was submitted.

Architectural Review Required: No

PROPOSED ARCHITECTURE: N/A

UNIQUE SITE CHARACTERISTICS:

Environmental Corridor: No

Wetland On Property: No

Conservancy Districts (C-1, C-2): No

NRCS Map Classification: N/A

Floodplain: No

Topography / Geologic: Site slopes to the southeast.

BIKE & PEDESTRIAN FACILITIES PLAN: None identified.

PARK & OPEN SPACE PLAN: None identified.

NATURAL RESOURCES PROTECTION:

Limits of Disturbance (LOD): Yes, applicant will provide an erosion control plan.

Woodland, Tree, and Vegetation Protection: N/A

Wildlife Habitat Protection: N/A

Wildlife Management Plan: N/A

Environmental Impact: N/A

STORMWATER MANAGEMENT / DRAINAGE PLAN: Applicant is required to adhere to all City of New Berlin Codes, Ordinances and Plans regarding storm water conveyance and maintenance as identified by the Department of Community Development.

SANITARY SEWER PROVISION:

Within Current Sewer Service Area: No

Basin Capacity Available: N/A

Adequate Linkage: N/A

Onsite System Required: Yes, the system in place now serves the existing home on Lot #1. An additional system will be needed to serve Lot #2. Perc tests have been provided.

WATER USAGE CALC.: The new parcel will be served by a private well, average 250 GPD per new unit connection.

TRAFFIC IMPACT: A net increase of one lot will occur with the proposed land division. The ITE estimates the following for one single-family lot:

Weekday AM Peak – 0.77 trips per unit

Weekday PM Peak – 1.02 trips per unit

Weekend Peak – 0.93 trips per unit

SCHOOL DISTRICT IMPACT: 0.46 total estimated students

Elementary – 0.23 students (1 lot * 0.23 students)

Middle – 0.11 students (1 lot * 0.11 students)

High School – 0.12 students (1 lot * 0.12 students)

Notice Sent to Affected School District(s): No

PREVIOUS ACTION:

1933 Existing home was built at 5920 S. Racine Avenue.

11/14/2022 Plan Commission approved this CSM. However, the approval expired.

12/13/2022 Common Council approved this CSM. However, the approval expired.

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

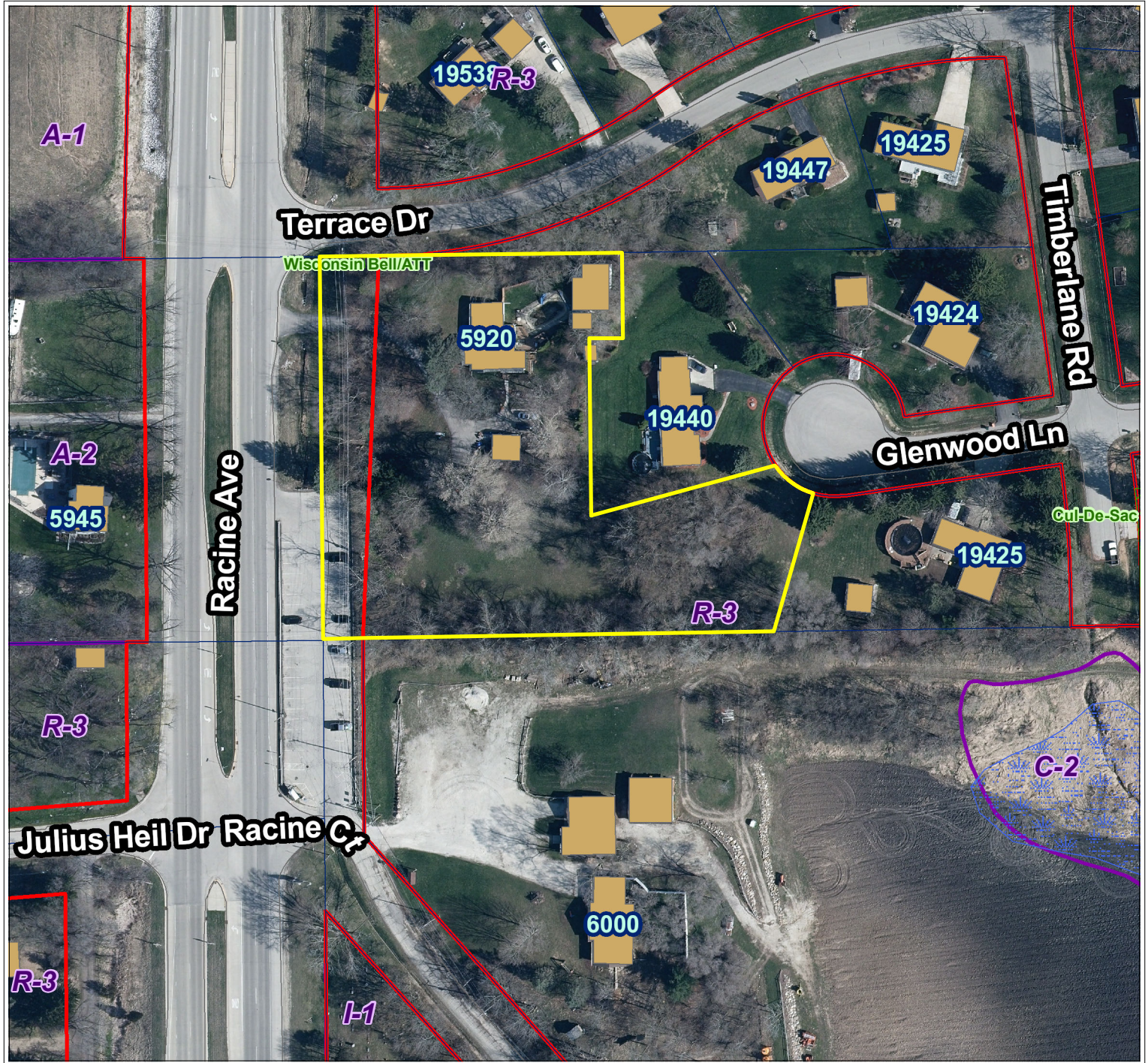
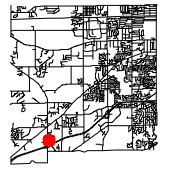
1. Applicant shall dedicate 33 feet to Waukesha County for right-of-way, as shown on the CSM.
2. The lots are zoned R-3, Suburban Single-Family Residential District. Under Section 275-33D, the minimum lot size is 20,000 square feet and the minimum lot width is 110 feet. The proposed lots meet these requirements.
3. Per an email from Karen Braun at Waukesha County, dated October 12, 2022:
 - a. The right of way adjacent to the subject property is 33 feet in width as measured from the section line. This right of way is based on the owner's legal description and the original centerline of Racine Avenue. The lands contain portions of the existing park and ride facility and remain highway easement under the jurisdiction of Waukesha County. The park and ride facilities do not encroach on the subject lands and are legally on county controlled right of way. If the owner decides to split this parcel, the Certified Survey Map should dedicate the 33 feet of right of way along the entire frontage of the property as requested by the City of New Berlin and Waukesha County.
 - b. Additionally, the property is only eligible for 1 access point to the public highway. This will require that any new lots use the existing driveway or utilize a shared access point. No additional driveways to CTH Y, Racine Avenue, can be granted under the County code.
4. In 2022, the Plan Commission and Common Council approved this same CSM request. However, the approval expired prior to the applicant recording the document. They are now requesting it to be reapproved.

STAFF RECOMMENDATION: Recommend to Common Council approval of the 2-Lot Certified Survey Map located at 5920 S. Racine Avenue (Tax Key #: 1280-998) subject to the application, plans on file and the following conditions: **See Executive Summary.**

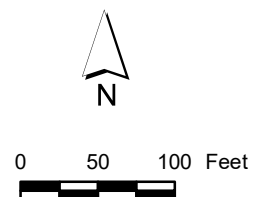
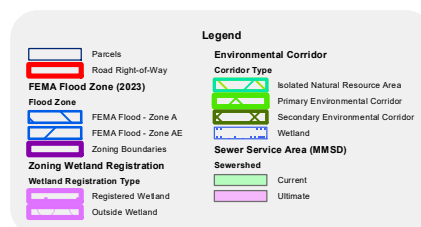
ATTACHMENTS:

Location Map

CSM



City of New Berlin
Department of Community Development
3805 S Casper Dr.
New Berlin WI 53151
(262) 797-2445
www.newberlin.org



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CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE NW. 1/4 OF THE SE. 1/4 OF SECTION 32, T.6N., R.20E., CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN

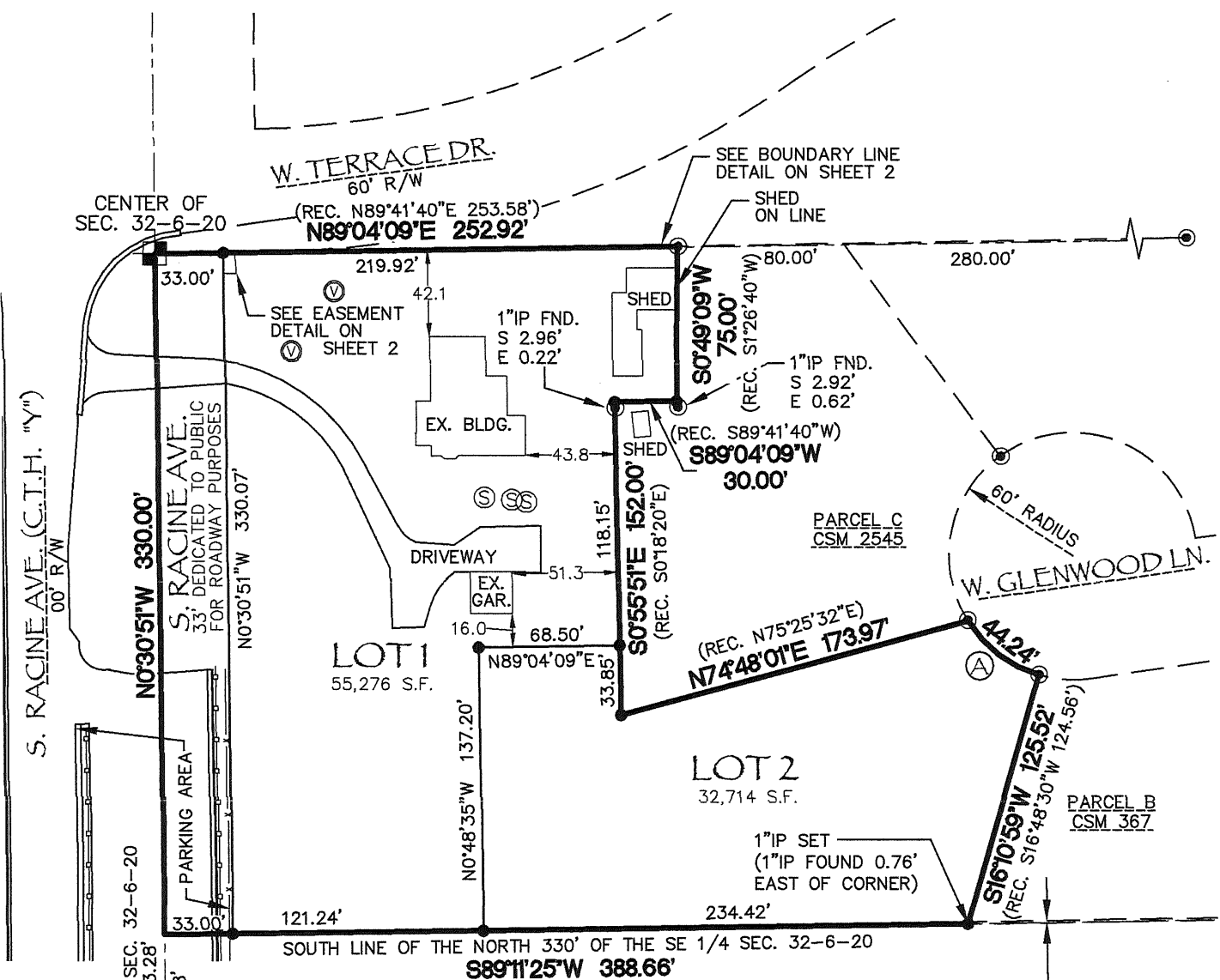
ATLAS SURVEY

N28W23000 ROUNDY DRIVE
STE 102, PEWAUKEE, WI 53072
(262) 901-5256
WWW.ATLASSURVEYWI.COM
SURVEYOR:
BRYCE KACZOR, PLS S-2803
SURVEY FOR:
NATALIE ANASTAS & KYLE KLOC
5920 S. RACINE AVENUE
NEW BERLIN, WI 53146
(414) 712-5012

Ⓐ LENGTH: 44.24'
"I" ANGLE: 42°14'38"
RADIUS: 60.00'
CHORD: 43.24'
BEARING: S52°41'42"E

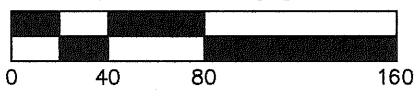
LEGEND

- CONC. MON. W/ BRASS CAP FND.
- 1" IRON PIPE FOUND (UNLESS OTHERWISE STATED)
- 1" DIA. IRON PIPE SET, 18" LONG, WT. = 1.13 LBS./LIN. FT.
- SEPTIC LID, CONCRETE
- (3) SEPTIC VENTS



APPARENT 0.9' GAP BETWEEN SOUTHERLY LINE OF CSM 367 AND SOUTH LINE OF NORTH 330 FEET. (MONUMENTS FOUND & RECORD DISTANCES IN HIGHLAND TERRACE ADD.#1 MORE CLOSELY AGREE WITH SAID SOUTH LINE OF NORTH 330 FEET. SAID SOUTH LINE ALSO MORE CLOSELY AGREES WITH DEED, REEL 377 IMAGE 411, OF ADJACENT LANDS TO SOUTH)

SCALE: 1" = 80'



BEARINGS ARE REFERENCED TO NAD83, WISCONSIN STATE PLANE, SOUTH ZONE, GRID NORTH ON THE WEST LINE OF THE SE 1/4 OF SECTION 32-6-20 AS N00°30'51"W.

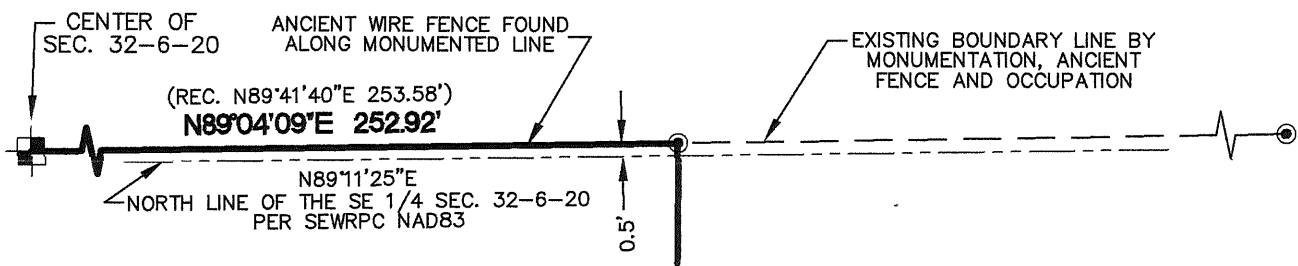


WISCONSIN
BRYCE KACZOR
SURVEYOR
DRAFT
DATED THIS 10TH DAY OF FEB. 2024.

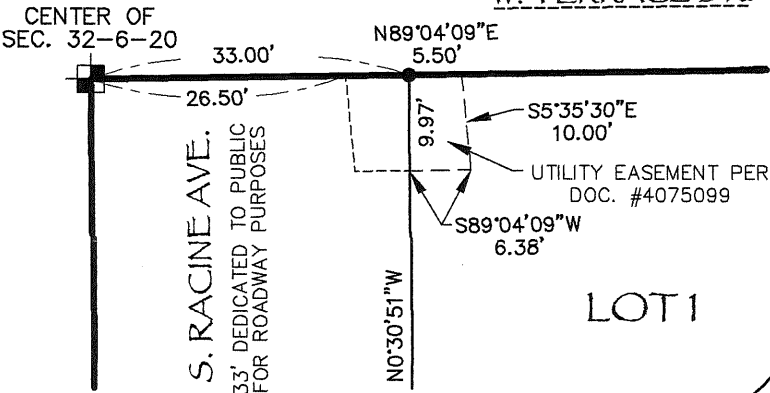
CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE NW. 1/4 OF THE SE. 1/4 OF SECTION 32, T.6N., R.20E., CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN

BOUNDARY LINE DETAIL:
NOT TO SCALE



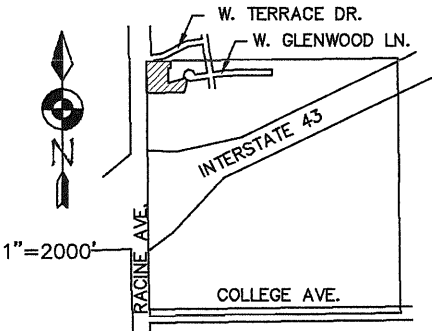
EASEMENT DETAIL:
NOT TO SCALE



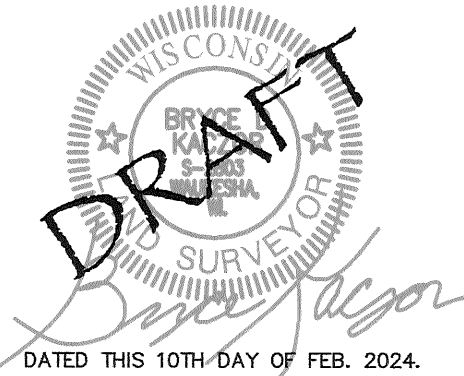
NOTES:

- EASEMENT LOCATIONS BASED ON INFORMATION FURNISHED BY FIRST AMERICAN TITLE INSURANCE COMPANY., TITLE POLICY NO. 5011400-2221123E, DATED NOV. 15, 2018.
-UTILITY EASEMENT PER DOC.#705299 (NOT SHOWN, NO INFORMATION PROVIDED)
-UTILITY EASEMENT PER DOC.#4075099 (SHOWN)
- THE SURVEYOR TAKES NO RESPONSIBILITY FOR ANY UNDERGROUND STRUCTURES OR BURIED MATERIALS SUCH AS FOUNDATIONS, WELLS, SEPTIC, HOLDING TANKS, UTILITIES, HAZARDOUS MATERIALS, OR ANY OTHER ITEMS OF WHICH NO EVIDENCE CAN BE FOUND ON THE SURFACE BY A VISUAL INSPECTION.
- THE FIELD WORK WAS COMPLETED ON MAY 2, 2022.

LOCATION MAP



SE. 1/4 SEC. 32-T6N-R20E



DATED THIS 10TH DAY OF FEB. 2024.

CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE NW. 1/4 OF THE SE. 1/4 OF SECTION 32, T.6N., R.20E., CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE:

I, Bryce D. Kaczor, Registered Land Surveyor hereby certify;

That I have surveyed, divided and mapped all that being a part of the NW. 1/4 of the SE. 1/4 of section 32, T.6N., R.20E., City of New Berlin, Waukesha County, Wisconsin, more fully described as follows:

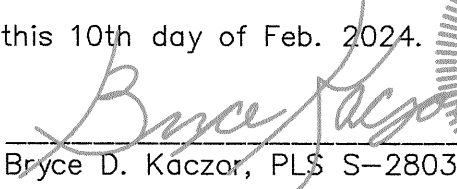
Commencing at the South 1/4 corner of said Section; thence N.0°30'51"W., along the West line of the SE 1/4 of said section, 2323.28 feet to the point of beginning; thence N.0°30'51"W., along the West line of the SE 1/4 of said section, 330.00 feet to the Center of Section corner; thence N89°04'09"E, 252.92 feet to the northwest corner of Certified Survey Map #2545; thence S0°49'09"W, along a westerly line of said C.S.M., 75.00 feet; thence S89°04'09"W, along a northerly line of said C.S.M., 30.00 feet; thence S0°55'51"E, along a westerly line of said C.S.M., 152.00 feet; thence N74°48'01"E, along the southerly line of said C.S.M., 173.97 feet; thence 44.24 feet an arc of a curve to the left, and along Glenwood Lane, with a radius of 60.00 feet whose chord bears S52°41'42"E, 43.24 feet; thence S16°10'59"W, along a westerly line of said Certified Survey Map #367, 125.52 feet; thence S89°11'25"W, along a line 330 feet southerly of the North line of the SE 1/4 of said Section, 388.66 feet to the point of beginning. Said lands containing 98,881 S.q. Ft. (2.27 Acres).

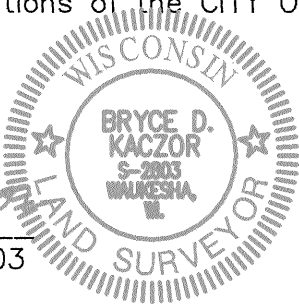
That I have made such survey, land division and Certified Survey Map by the direction of NATALIE ANASTAS & KYLE KLOC, owners of said lands.

That such survey is a correct representation of all the exterior boundaries of the lands surveyed and the division thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and the subdivision regulations of the CITY OF NEW BERLIN in surveying, dividing and mapping the same.

Dated this 10th day of Feb. 2024.


Bryce D. Kaczor, PLS S-2803



CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE NW. 1/4 OF THE SE. 1/4 OF SECTION 32, T.6N., R.20E., CITY OF NEW BERLIN,
WAUKESHA COUNTY, WISCONSIN

OWNER'S CERTIFICATE OF DEDICATION:

As owners, We hereby certify that we caused that land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on the Certified Survey Map. We also certify that this Certified Survey Map is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection: 1) CITY OF NEW BERLIN

WITNESS the hand and seal of said owners this _____ day of _____
In Presence of:

NATALIE ANASTAS KYLE KLOC

STATE OF WISCONSIN)

_____ COUNTY) SS

Personally came before me this _____ day of _____, 20_____, the
above named _____ and _____ to me known to be the same persons who executed the
foregoing instrument and acknowledged the same.

Notary Public
_____ County, Wisconsin
My Commission Expires _____

CONSENT OF CORPORATE MORTGAGEE:

_____, a corporation duly organized and existing under and by virtue of the laws
of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying,
dividing, mapping and dedication of the land described on this Certified Survey Map, and does hereby consent
to the above certificate of NATALIE ANASTAS & KYLE KLOC, Owners.

IN WITNESS WHEREOF, said _____ has caused these
presents to be signed by _____, its _____, and countersigned by
_____, its _____ at
_____, Wisconsin, and its corporate seal to be hereunto affixed this
_____ day of _____, 20 _____.

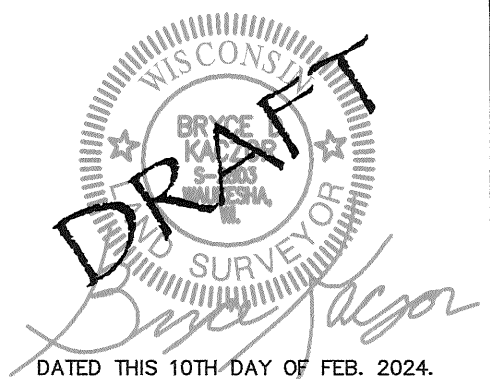
In presence of:

STATE OF WISCONSIN)

_____ COUNTY) SS)

Personally came before me this _____ day of _____
_____, 20 _____, the above named _____
_____, and _____ of the above named
corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be
such _____ and _____ of said corporation, and acknowledged that they executed
the foregoing instrument as such officers as the deed of said corporation, by its authority.

Notary Public
_____ County, Wisconsin
My Commission Expires _____



DATED THIS 10TH DAY OF FEB. 2024.

CERTIFIED SURVEY MAP NO. _____

BEING A PART OF THE NW. 1/4 OF THE SE. 1/4 OF SECTION 32, T.6N., R.20E., CITY OF NEW BERLIN,
WAUKESHA COUNTY, WISCONSIN

COMMON COUNCIL APPROVAL CERTIFICATE:

Resolved that the Certified Survey Map, in the City of New Berlin, NATALIE ANASTAS & KYLE KLOC, owners, is hereby approved by the Common Council.

All conditions have been met as of the _____ day of _____, 20____.

Date: _____ Signed _____
David Ament, Mayor

I hereby certify that the foregoing is true and correct copy of a resolution adopted by the Common Council of the City of New Berlin.

Date: _____ Signed _____
Rubina Medina, City Clerk

PLAN COMMISSION APPROVAL CERTIFICATE:

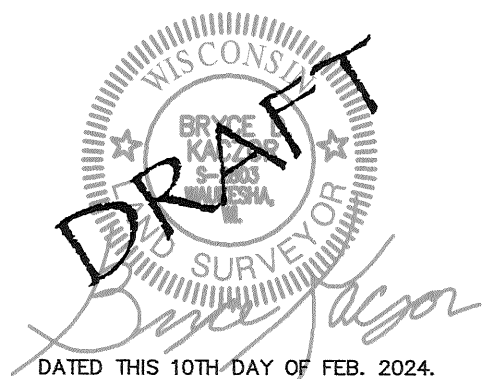
APPROVED, that the Certified Survey Map, in the City of New Berlin, NATALIE ANASTAS & KYLE KLOC, owners, is hereby approved by the Plan Commission.

Approved as of the _____ day of _____, 20____.

Date: _____ Signed _____
David Ament, Chairperson

I hereby certify that the foregoing is true and correct copy of a resolution adopted by the Plan Commission of the City of New Berlin.

Date: _____ Signed _____
Nikki Jones, Secretary



DATED THIS 10TH DAY OF FEB. 2024.



Committee of the Whole MEETING MINUTES

February 27, 2024 - 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

Council President Harenda 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 Kroupa, Alderperson Horbinski, Alderperson La Fever

Excused: Mayor Dave Ament

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

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

3. APPROVAL OF MINUTES

A. February 19, 2024 Committee of the Whole Meeting

MOTION: Motion to approve

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

4. UTILITY & FINANCE

A. Discussion and recommendation to Common Council approval of the February 28, 2024, Water Utility Claims in the amount of \$248,994.15, Sewer Utility claims in the amount of \$31,960.37 and General City Claims in the amount of \$458,110.80

MOTION: Motion to approve

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

5. MISCELLANEOUS

A. Water Rate Case Information, application of the City of New Berlin, Waukesha County, Wisconsin as a Water Public Utility for authority to adjust water rates - Final Decision, No Action

The Council President provided an update. The City received a letter from the Public Service Commission on January 22nd informing the City that the rates were approved by the PFC and nothing had changed. Rates will go into effect on April 1st and customers will see a change in the billing statements in July.

B. Discussion and recommendation to the Common Council approval of Resolution No. 2024-04; a Resolution Amending the Capital Projects Budget to reallocate \$10,000 from the One Ton Dump Truck (Account

#04059100-61213-C2023) to the Brush Chipper (Account #04059100-61217-C2024), allowing the DPW-Parks Department to purchase a 21" chipper instead of a 19" chipper increasing the capacity of the chipper by 22% which will enhance the ability to complete forestry work within the city.

MOTION: Motion to approve

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

- C. Discussion and recommendation to the Common Council to enter into a new three-year contract with the Waukesha County Health and Human Services Department for NARCAN distribution and training

MOTION: Motion to approve.

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

- D. Discussion and recommendation to Common Council to enter into a new five -year contract with Axon for police equipment (TASER 10) subject to approval by the City Attorney and signed by Chief Hingiss and Mayor Ament

MOTION: Motion to approve.

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

6. ADJOURN

MOTION: Motion to adjourn at 6:08pm.

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

Respectfully submitted by:
Rubina R. Medina, City Clerk