



# Common Council MEETING MINUTES

July 23, 2024 - 6:05 PM  
City Hall  
Council Chambers

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

## MINUTES

### 1. PUBLIC HEARING(S)

- A.** A public hearing regarding the proposed issuance of City of New Berlin, Wisconsin Industrial Development Revenue Bonds, Series 2024 (Wenthe-Davidson Engineering Co. Project), in an aggregate amount not to exceed \$4,200,000, pursuant to Section 66.1103 of the Wisconsin Statutes, to finance a project to be owned by Wenthe-Davidson Engineering Co., a Wisconsin corporation.

Mayor Ament read the rules for the public hearing and introduced the item. He then asked if anyone in attendance had any questions regarding this item. The Chief Financial Officer of Wenthe-Davidson approached the microphone, stating he was available to answer any questions. He briefly explained his corporation's goals. Mayor Ament inquired if anyone in attendance wished to speak in favor or opposition to the proposal. There were none. Mayor Ament then asked if the Council had any questions.

### 2. PRIVILEGE OF THE FLOOR

Mayor Ament read the rules for the privilege of the floor and asked if anyone in attendance wished to address the Council. There were none.

### 3. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Mayor Ament called the meeting to order at 6:46 pm and led the Pledge of Allegiance.

### 4. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

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

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

**Excused:** None

**Staff Present:** Mayor Ament, City Attorney Mark Blum, City Clerk Rubina R. Medina, Deputy Director of Community Development Nikki Jones, City Engineer Tammy Simonson, Code Compliance Specialist Dan Hogan, Human Resources Director Melissa Beck, Recreation Manager Katie Roth, Finance Director Ralph Chipman

Rubina confirmed that a quorum was present and that the meeting had been properly noticed.

### 5. APPROVAL OF MINUTES

- A.** June 18, 2024, Common Council Meeting Minutes

**MOTION:** Motion to approve

**VOTE:** Motion by: Kroupa  
Second by: Maxey

## 6. REPORTS

### A. City Clerk

The City Clerk announced that the Partisan Primary election will be held on August 13th, with polls open from 7 a.m. to 8 p.m. In-person absentee voting will take place at City Hall from July 23rd to August 9th, Monday through Friday from 8 a.m. to 4:30 p.m., with extended hours until 5 p.m. on August 9th. To request an absentee ballot by mail, please visit the MyVote Wisconsin website at [www.myvote.wi.gov](http://www.myvote.wi.gov)

### B. Council President

No report.

### C. Mayor

Congratulations to George Webb Restaurant, located at 3636 S Mooreland Road, for being named our July Business of the Month. George Webb Restaurants have been a part of Wisconsin since 1948! All are encouraged to visit New Berlin's local George Webb Restaurant. For more information and their menu, please visit [georgewebb.com](http://georgewebb.com).

Our New Berlin Library is hosting the Sunset Symphony with the Concord Chamber Orchestra on August 9th from 5:30 p.m. until 7:30 p.m. This Outdoor Family Fun Event will feature Food Trucks, Crafts, and Live Music. Please bring your own lawn chairs & blankets to sit on. For more information, please contact the Library at (262) 785-4980.

New Berlin's Recreation Department is hosting the 2nd Annual "Color Clash" on Saturday August 10th at Malone Park. Bring the whole family for fun, walking/running, and lots of color! The Walk/Run course is around Malone Park and has a \$20 registration/entry fee. For more information please contact our Recreation Department at 262-797-2443.

Last call for our School Supply Drive for New Berlin's Food Pantry. The New Berlin Food Pantry is collecting back to school supplies to help those students in need in providing them with the tools for a successful school year. Items in request are Backpacks, 3 Ring 1-inch Binders, Wide-ruled Spiral Notebooks, Plastic Pencil Boxes, and any other items on school lists. New items only please. You can drop off your donations at City Hall, New Berlin Library, New Berlin Activity and Recreation Center, or the New Berlin Food Pantry through July 31st.

Finally, a reminder that our Tuesday August 13th Council meeting has been cancelled. Our next regularly scheduled COW/Council meeting will be August 27th.

## 7. COMMUNICATIONS

No Communications

## 8. NEW BUSINESS

### A. Consideration of Resolution No. 2024-20, A final resolution regarding Industrial Development Revenue Bond Financing for Wenthe-Davidson Engineering Co. Project

**MOTION:** Motion to Approve

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

## 9. CODE COMMITTEE

### A. Discussion and possible action to recommend to Common Council approval of Ordinance 2689 to amend Chapter 152 of the Municipal Code, Licenses and Permits (*Deferred to Code Committee by Council on 5/14/24*)

**Motion to approve Ordinance 2689 by Ald. Stribl. Seconded by Ald. Horbinski.**

Ald. Harenda expressed opposition to food trucks' proximity to existing restaurants and

businesses selling on-site food.

Ald. Maxey concurred with Ald. Harenda. He mentioned a recent visit to Waukesha, where he observed numerous food trucks in empty parking lots, noting that the situation seemed out of control. He understood why Waukesha amended its food truck ordinance. He also pointed out instances during the Fourth of July parade where food trucks took advantage of the festivities and set up without permits from the Clerk's Office.

Ald. Stribl presented various scenarios regarding setbacks and provided examples.

City Engineer Tammy Simonson explained that one mile is 5,280 feet.

Mayor Ament remarked that if the Council intended to eliminate food trucks, it should vote on that directly rather than imposing nearly impossible operating conditions.

The Council discussed various setback distances. Nikki Jones and Tammy Simonson illustrated different scenarios on the map displayed to the Council and those in attendance.

City Attorney Mark Blum clarified that permits would be issued to applicants with the understanding that they must comply with City ordinances and wouldn't specify exact locations for operation on the application filed with the City Clerk.

Ald. Harenda would like to see a 150-foot setback from the lot line, stating it would simplify matters for staff and could be revisited for future amendments. He emphasized that he did not intend to complicate matters for DCD or the Clerk's Office, but all they would be doing was issuing the permit. Dan Hogan of Code Compliance and the Police Department would enforce the ordinance.

**Ald. Harenda proposed a friendly amendment to amend the proposed amendment to Section 152-5 Section 152-5 (E)(1)(e)(3) in the code, which the Code Committee had removed. The verbiage should read as follows: "*The vehicle utilized by mobile vendors shall be set back a minimum of 150 feet from the lot line, excluding the right-of-way, of a lot with an existing restaurant or business that sells food prepared on-site. The vehicle must also provide a trash receptacle and remove all trash from the site at the conclusion of the event.*"**

**Ald. Stribl seconded Ald. Harenda's friendly amendment.**

**The City Clerk called for a vote, and all members voted yes. The motion to approve Ald. Harenda's friendly amendment passed.**

**Ald. Stribl made a motion to approve Ordinance 2689 as amended, seconded by Ald. Maxey.**

Ald. Horbinski raised a question regarding special events on private property, specifically church festivals, and noted that a fee is now involved.

The City Clerk clarified that the amendment allows her to waive the special event application fee. She would waive the fee for church festivals and nonprofit special event applications.

Ald. Harenda sought clarification about the Loudspeaker permit.

The City Clerk explained that the code amendments eliminate the need for the loudspeaker permit, with the nuisance ordinance being enforced by the Police Department instead.

Ald. Harenda asked a follow-up question regarding potential revenue loss.

The City Clerk responded that although substantial administrative work is involved with loudspeaker permits, no fee is collected, and no revenue would be lost.

Ald. Stribl remarked that this change benefits both residents and the city.

Mayor Ament added that the Police Department has indicated that it enforces the nuisance ordinance upon receiving noise complaints rather than the loudspeaker ordinance.

Ald. Maxey asked to look back at section E, paragraph 2, under Operating on Private Property. **He proposed a friendly amendment to reinstate the verbiage "*limited to operate a maximum of 6 days per year on such property.*"** This was another section that was removed by the Code Committee, and he would like to reinclude it back into the code. Currently there would be no maximum number of days.

City Attorney Mark Blum clarified that Ald. Maxey's friendly amendment is to reinclude language under Section 152-5(E)(1)(e)(2) to read, "*mobile vendors shall be limited to operate a maximum of 6 days per year on such property.*"

Ald. Stribl asked for clarification on what "such property" is refined to.

Ald. Maxey replied that this is property adjacent to single-family residential.

**Ald. Stribl seconded Ald. Maxey's friendly amendment. The City Clerk called for a vote, and all members voted yes. The motion to approve Ald. Maxey's friendly amendment passed.**

**The City Clerk announced that there is a motion on the floor to approve Ordinance 2689, including the two friendly amendments proposed by Ald. Stribl. The motion was seconded by Ald. Horbinski. The City Clerk called for a vote, and all members voted yes. The motion to adopt Ordinance 2689 with the two friendly amendments passed.**

## 10. PLAN COMMISSION

- A. (5) NJ LD-2400261 City of New Berlin - 15321 W. National Avenue (Tax Key #: 1207.965.003) - Discussion and possible action to recommend to Common Council approval of 2-Lot Certified Survey Map.

**MOTION:** Motion to Approve

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

- B. (5) NJ LD-2401009 Daniel Meier with Lynch & Associates on behalf of Debra Bitz - 4310 S. Moorland Road (Tax Key #: 1243.997) - Discussion and possible action to recommend to Common Council approval of 2-Lot Certified Survey Map.

**MOTION:** Motion to Approve

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

- C. (4) KH UA-2300546 John Holborow with Rock Ridge Developers, LLC – 5276 S. Moorland Road – Use, Site and Architectural approval for Caribou Coffee - Request for site modifications, release of the Cross Access Easement, and amendment to CSM No. 12233 (Approved 5/8/2023)

**MOTION:** Motion to Deny

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

**11. BOARD OF PUBLIC WORKS**

- A.** Discussion and possible action to recommend to Common Council approval of the Relocation Order for the reconstruction of Sunny Slope Road and file with the County Clerk.

**MOTION:** Motion to Approve

**VOTE:** Motion by: Alderperson Horbinski  
Second by: Alderperson Harenda  
Motion Passed 7-0

**12. UTILITY COMMITTEE**

- A.** Discussion and Possible Action to Recommend to the Common Council the Rejection of all Bids for the Davit Lift Station Crane project

**MOTION:** Motion to Approve

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

**13. MAYORAL APPOINTMENTS**

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

**MOTION:** Motion to Approve

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

**14. DEFERRED, REFERRED & TABLED ITEMS**

**15. ITEMS REMOVED FROM CONSENT AGENDA, if any**

The City Clerk stated that Item 20 F must be removed from the consent agenda and acted on separately.

**MOTION:** Motion to Approve Item 20 F under MISC regarding the approval of the public bids and CM related fees for Phase I of the Community Center at Hickory Grove Renovation Project.

**VOTE:** Motion by: Alderperson Stribl  
Second by: Alderperson Hopkins  
Motion Passed 5-2 with La Fever and Maxey voting nay

**16. CONSENT AGENDA-----**

- A.** *Items under the Consent Agenda have passed unanimously by the Committee of the Whole. Items not passed by a unanimous vote will be removed from consent agenda and will be considered separately.*

**MOTION:** Motion to Approve

**VOTE:** Motion by: Alderperson Kroupa  
Second by: Alderperson Harenda  
Motion Passed 7-0

**17. MINUTES**

- A.** June 18, 2024 Committee of the Whole Meeting Minutes

**18. UTILITY & FINANCE**

- A.** Discussion and possible action to recommend to Common Council to approve the July 10th, 2024, Water Utility claims in the amount of \$23,538.58, Sewer Utility Claims in the amount of \$740,777.64, and General City Claims in the amount of \$1,279,678.72
- B.** Discussion and possible action to recommend to Common Council to approve the July 24th, 2024, Water Utility claims in the amount of \$150,259.68, Sewer Utility Claims in the amount of \$42,407.06, and General City Claims in the amount of \$375,477.76. US Bank EFT of \$39,666.79 and We Energies EFT of \$46,912.94

**19. LICENSES & PERMITS**

- A.** Discussion and possible action to recommend to Common Council approval for Kowalske Brewing, doing business as Component Brewing, to sell beer in Malone Park for the Color Clash Dash event on August 10th, 2024, from 10:00 am to 6:00 pm, as outlined in Form AB-105. The application, along with the Council's recommendation, will be forwarded to the Wisconsin DOR, Division of Alcohol Beverages, for final approval and issuance
- B.** Discussion and possible action to recommend to Common Council approval for Kowalske Brewing, doing business as Component Brewing, to sell beer in Malone Park for the beer garden event on September 7th, 2024, from 12:00 pm to 6:00 pm, as outlined in Form AB-105. The application, along with the Council's recommendation, will be forwarded to the Wisconsin DOR, Division of Alcohol Beverages, for final approval and issuance
- C.** Discussion and possible action to recommend to Common Council approval for Kowalske Brewing, doing business as Component Brewing, to sell beer at the New Berlin Historical Society for the Historical Day Event Open House and Beer Garden event on September 8th, 2024, from 1:00 pm to 4:00 pm, as outlined in Form AB-105. The application, along with the Council's recommendation, will be forwarded to the Wisconsin DOR, Division of Alcohol Beverages, for final approval and issuance
- D.** Discussion and possible recommendation to Common Council approval of a loudspeaker variance until 11 pm for St. Elizabeth Ann Seton Parish for their Seton Funfest on July 26th, 27th, and 28th, 2024

**20. MISCELLANEOUS**

- A.** Human Resource Department Update
- B.** Discussion and possible action to recommend to Common Council approval of Resolution 2024-18, a Resolution providing for the sale of approximately \$14,135,000 General Obligation Promissory Notes, Series 2024A

- C. Discussion and possible action to recommend to Common Council approval of Ordinance 2696, an Ordinance Amending Chapter 93 and Section 152-3(A) of the City of New Berlin Municipal Code regarding vaping devices
- D. Discussion and possible action to recommend to Common Council approval of Ordinance No. 2697, an Ordinance to amend Section 6-31, A of the City of New Berlin Municipal Code Regarding the Membership of the Recreation Commission
- E. Discussion and possible action to recommend to Common Council approval of eliminating large room rentals
- F. Discussion and possible action to recommend to Common Council approval of the public bids and CM related fees for Phase 1 of the Community Center at Hickory Grove Renovation Project
- G. Discussion and possible action to recommend to Common Council approval of service agreement with All Star Health Center
- H. Discussion and possible action to recommend to Common Council approval of Resolution No. 2024-19, a Resolution of the City of New Berlin releasing portions of Public Sewer, Water, Storm Sewer, and Access Easements as Depicted on CSM #12050, #6872, and #7554, which are no longer necessary on the Activity Recreation Center property. This action will facilitate the creation of a lot to sell to Nice Bites, LLC.
- I. Discussion and possible action to recommend to Common Council approval of the amendments to the City Clerk's Fee List as presented
- J. Discussion and Possible Action to approve or reject the use of the Ballot Drop Box in the City of New Berlin, as outlined in the Requested Action Statement by the Mayor and City Clerk

**21. END CONSENT AGENDA-----**

**22. ADJOURN**

**MOTION:** Motion to Approve to adjourn at 7:35 pm.

**VOTE:** Motion by: Alderperson Kroupa  
Second by: Alderperson Harenda  
Motion Passed 7-0

Respectfully submitted by:  
Rubina. R. Medina, City Clerk