



Committee of the Whole Meeting Agenda

October 8, 2024 - 6:00 PM
Council Chambers
3805 S. Casper Drive

Published: 10/4/2024

AGENDA

1. **CALL MEETING TO ORDER**
2. **ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE**
3. **APPROVAL OF MINUTES**
 - A. September 24, 2024, Committee of the Whole Meeting Minutes
4. **UTILITY & FINANCE**
 - A. Recommendation to the Common Council for approval of the October 9th, 2024, Water Utility claims in the amount of \$21,950.11, Sewer Utility claims in the amount of \$710,023.68, and General City claims in the amount of \$675,891.88.
5. **MISCELLANEOUS**
 - A. New Berlin Police Department Update
 - B. Discussion and possible action to recommend approval to the Common Council of Ordinance No. 2698, an ordinance to amend Section 24-8 of the City of New Berlin Municipal Code regarding expenses of Emergency Management
 - C. Discussion and possible action to recommend approval to the Common Council of Resolution No. 2024-22, a resolution amending the 2024 Capital Projects Budget as outlined in the RAS
 - D. Discussion and possible action to recommend approval to the Common Council for the extension of the City Attorney's contract between the City of New Berlin and Hippenmeyer, Reilly, Blum, Schmitzer & Fabian, S.C., commencing January 1, 2025, and concluding December 31, 2026.
6. **ADJOURN**

Additional Information

- The agenda packet with supplemental information related to the agenda items is available online at www.NewBerlinWI.gov. Once finalized by the governing body, approved meeting minutes are also posted online.
- The governing body may consider agenda items out of order
- Members, and potentially a quorum of other governmental bodies of the municipality, may be present at the meeting to gather information. No action will be taken by any governmental body other than the one referenced in this notice.
- With reasonable notice, accommodations will be provided under the Americans with Disabilities Act to meet the needs of individuals with disabilities through appropriate aids and services. For more information or to request assistance, please contact the Office of the City Clerk at (262) 786-8610.



Committee of the Whole MEETING MINUTES

September 24, 2024 - 6:00 PM
Council Chambers
3805 S. Casper Drive

Please note: Minutes are unofficial until approved at the next 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, Alderperson La Fever

Excused: None

Staff Present: City Attorney Mark Blum, IT Director Alan Skornia, City Clerk Rubina R. Medina

3. APPROVAL OF MINUTES

A. August 27, 2024 Committee of the Whole Meeting Minutes

MOTION: Motion to Approve

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

4. UTILITY & FINANCE

A. Recommendation to the Common Council for approval of the September 11, 2024, Water Utility claims in the amount of \$39,359.35, Sewer Utility claims in the amount of \$11,306.00, and General City claims in the amount of \$288,489.60.

MOTION: Motion to approve

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

B. Recommendation to the Common Council for approval of the September 25, 2024, Water Utility claims in the amount of \$148,882.24, Sewer Utility claims in the amount of \$19,075.80, and General City claims in the amount of \$555,151.67. US Bank VISA EFT of \$47,047.11 and We Energies EFT of \$61,842.07.

MOTION: Motion to approve

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

5. LICENSES & PERMITS

- A.** Discussion and possible action to recommend to the Common Council approval of the Extension of Premise application received from The Varsity Club for a fall event to be held on September 27th and September 28th, 2024, per the application on file

MOTION: Motion to approve

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

- B.** Discussion and possible action to recommend to the Common Council approval of the Extension of Premise application received from The Varsity Club for a fundraising event to be held on October 18th, 2024, per the application on file

MOTION: Motion to approve

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

- C.** Discussion and possible action to recommend to the Common Council approval of the Change of Agent for Speedway #4320 per the application on file

MOTION: Motion to approve

VOTE: Motion by: Horbinski
Second by: La Fever
Motion 7-0

6. MISCELLANEOUS

- A.** Information Technology Department Update

The Information Technology Director Alan Skoria provided an update.

7. ADJOURN

MOTION: Motion to adjourn at 6:11 PM

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

Respectfully Submitted by:
Rubina R. Medina, City Clerk

2024 Common Council Update



Chief Jeff Hingiss



Department Mission Statement

“The mission of the New Berlin Police Department is to protect the lives and property of the people we serve and prevent crime through our partnership with the community”



Vision Statement

“The vision of the New Berlin Police Department is to be regarded as a leader in law enforcement through a commitment to professionalism, training, and community oriented policing.”



Value Statement

Core Set of Values:

Human Dignity

Integrity

Community Partnership

Leadership



2023 Accomplishments

-  Clerk Staff Schedule
-  State Grant Funding
-  Public Safety Building Updates
-  SRO MOU
-  Safety Saturday
-  Fourth of July
-  Personnel



Additional 2022 Retirements





2023/24 Sworn Additions



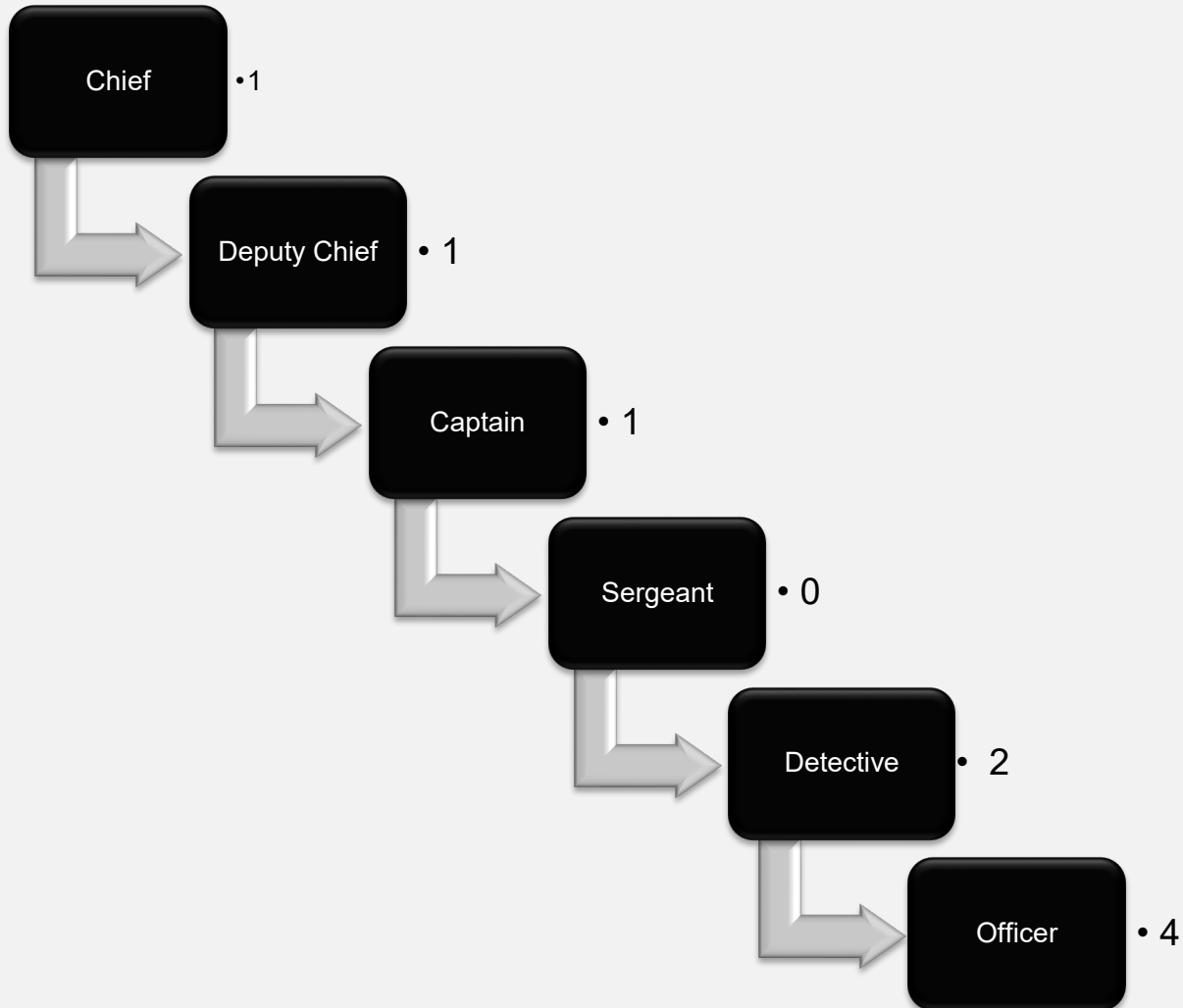


Sworn Staffing

- Field Training: 0
- Recruit Training: 1
- Hiring: 2
- Retiring 2024: 0
- Retiring 2025: 2?



NBPD Retirements “Fully Eligible” 2024 - 2028





Non-Sworn Positions

-  2 Records Clerk – Now
-  1-3 Police Aides?



Professionalism





Fleet Cameras





Flock Cameras





Body Camera - Refresh





TASER 10





2023/24 Losses

- Chief Gary Blunt
- Sergeant Ben Langer
- Officer Jim Simonson
- Dispatcher Connie Motola
- K9 Condor



REQUESTED ACTION STATEMENT

TO: Mayor Dave Ament
Common Council

FROM: Gregory Kessler, AICP – Director of Community Development 

RE: Requested Action Statement to approve an amendment to Chapter 24.

DATE: September 25, 2024

REQUESTED ACTION: Requested Action Statement to approve Ordinance #: 2698 amending Chapter 24 – Emergency Management.

FISCAL IMPACT: Not applicable

SOURCE OF FUNDS: Not applicable

RATIONALE / BACKGROUND:

Chapter 24 was last updated on May 23, 2023, via Ordinance #: 2671. Chapter 24-8 (*Expenses of Emergency Management*) sets forth purchasing authorities for the Mayor, DCD/EM Director, and EM Manager in the event of an emergency declaration. Under the current provisions, the DCD/EM Director and EM Manager are authorized to expend up to \$50,000, while the Mayor can expend up to \$100,000. The cumulative spending authority under this chapter is capped at \$100,000.

A recent emergency response scenario and full-scale functional exercise have demonstrated that costs often exceed these limits, potentially delaying critical procurement and affecting overall response effectiveness. To enhance the capacity for rapid action during emergencies, this amendment proposes an increase in the purchasing authority for the Mayor.

Proposed Changes:

1. **Increase Mayor's Purchasing Authority:**
 - Current Limit: \$100,000
 - Proposed Limit: Up to \$150,000
 - Revised "Not-to-Exceed" Amount: \$200,000
2. **Maintain DCD/EM Director and EM Manager Authority:**
 - Authority remains at \$50,000

Rationale:

- **Enhanced Responsiveness:** Increasing the Mayor's purchasing authority allows for quicker decision-making and procurement during emergencies, which is essential for effective response and recovery.

- **Cost Management:** Allowing for a higher spending threshold helps prevent delays caused by seeking additional approvals once the initial limits are reached.
- **Historical Context:** Past emergency responses have shown that rapid access to resources is critical in minimizing the impact of emergencies on the community.

This amendment aims to equip municipal leadership with the necessary tools to respond promptly and effectively to emergencies, thereby protecting public safety and ensuring efficient use of resources.

ORDINANCE NO. 2698

**ORDINANCE TO AMEND SECTION 24-8
OF THE CITY OF NEW BERLIN MUNICIPAL CODE
REGARDING EXPENSES OF EMERGENCY MANAGEMENT**

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

SECTION I

Section 24-8, of the Municipal Code of the City of New Berlin is hereby repealed and recreated to read as follows:

§24-8 Expenses of Emergency Management

Except as expressly provided hereunder, no person shall have the right to expend any public funds of the City in carrying out any emergency management activity authorized by this chapter without prior approval by the Common Council, nor shall any person have any right to bind the City by contract, agreement or otherwise without prior and specific approval of the Common Council and/or per the City's procurement or contract policies. Notwithstanding the foregoing, the Mayor and the Director of Community Development shall have the authority under the City's procurement policy to purchase supplies, equipment or services as may be necessary to address a current emergency as declared by the Mayor, Common Council President or Council of the City of New Berlin in a total amount not to exceed \$150,000.00. The Emergency Management Manager or Director of Community Development shall have the authority to purchase supplies, equipment or services as may be necessary to address a current emergency situation as declared by the City in an amount not to exceed \$50,000.00; however, the total amount spent shall not exceed \$200,000.00 unless authorized by the Common Council. Any expenses incurred under this subsection shall immediately be reported to the Mayor and the Finance Director.

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 _____ day of _____, 2024.

APPROVED:

Countersigned:

David Ament, Mayor

Rubina Medina, Clerk



REQUESTED ACTION STATEMENT

DATE: October 4, 2024

TO: Mayor
Common Council

FROM: Lucas Pichler – Director of Public Works

ISSUE: Resolution 2024-22 Amending the 2024 Capital Projects Budget

REQUESTED:

Recommend to Common Council to approve Resolution 2024-22 Amending the 2024 Capital Projects Budget.

FISCAL IMPACT:

Funding Source:

EXPENDITURES - Increase

04251300-61215-C2024	FUELING STATION RECONSTRUCTION	\$ 90,000
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REVENUES - Increase

04011600-57051-CMISC	TRANSFER - CAPITAL PROJECTS FUND	\$ 90,000
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Project Costs:

Estimated Temporary Tank Costs: \$15,000.00

Estimated Design Costs: \$75,000.00

RATIONALE:

On September 16, 2024, the City's performed an annual inspection on the City's fueling station. The inspection found a crack in the outer wall of the diesel tank, and signs of stress in both the gasoline tank and the diesel tank. Interstate Pump & Tank, LLC advised that the stress is likely due to the age of the tanks and the fact that they are not placed on a concrete foundation. The uneven settling of the stone base is likely causing stress on the walls of the tank. As a result of the crack found on the diesel tank, it may no longer remain in service and a temporary diesel tank must be utilized. While the gasoline tank is showing similar signs of stress, it may remain in service. Furthermore, the controlling system for the fueling station is failing and in need of replacement.

Following the inspection, the City had an on-site meeting with Tim Anderson of United Engineering Consultants Inc. Tim advised that there was not visible signs of an active fuel leak from the diesel tank, but also advised that the tank be taken out of service. As a result, a temporary 3,000 gallon diesel tank has been brought on site and will be connected to our fueling system while design and construction occurs on a replacement fueling system. The replaced fueling station is expected to be in service in fall of 2025. Until then, the City must rent the temporary diesel tank.

A budget did not exist in the 2024 budget for this work. As a result, a transfer of funds is required to fund the temporary tank and replacement fueling station design costs expected to be incurred in 2024. A Capital Improvement Budget is being requested in the 2025 Budget for the construction costs associated with the reconstruction of the fueling station. The estimated temporary tank costs for the remainder of 2024 is \$15,000. Design proposals are due from consultants on October 25, 2024, and are estimated to cost \$75,000. To enter into the design contract in 2024 a budget must exist.

RESOLUTION NUMBER 2024-22

A RESOLUTION AMENDING THE 2024 CAPITAL PROJECTS BUDGET

WHEREAS, it was determined the tanks at the city fueling station are damaged and may no longer remain in service and the situation has to be addressed immediately to avoid environmental impact. The requested funds are for temporary fueling equipment and design of a replacement fueling station, the construction of the new fueling station will be in the 2025 Capital Projects Budget request. Source of funds is unspent 2014 Capital Projects fund that was closed out this year.

WHEREAS, It was determined that the Capital Projects Budget had to be amended to accomplish these goals.

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:

EXPENDITURES - Increase

04251300-61215-C2024	FUELING STATION RECONSTRUCTION	\$ 90,000
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REVENUES - Increase

04011600-57051-CMISC	TRANSFER - CAPITAL PROJECTS FUND	\$ 90,000
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BE IT FURTHER RESOLVED that the City Clerk is hereby directed to publish this resolution in the The Freeman within 10 days of adoption by the Common Council.

RESOLUTION ADOPTED by the New Berlin Common Council this 8th day of October 2024.

David Ament, Mayor

Countersigned:

Rubina R Medina, City Clerk

CITY ATTORNEY CONTRACT EXTENSION

This Contract Extension Agreement is made and entered into this ____ day of October, 2024, by and between the City of New Berlin, a Wisconsin municipal corporation, acting by and through its authorized officers, and located in the County of Waukesha, State of Wisconsin (hereinafter referred to as the “City”) and HIPPENMEYER, REILLY, BLUM, SCHMITZER & FABIAN, S.C., 720 Clinton Street, Waukesha, Wisconsin, 53186 (hereafter referred to as “Attorney”).

WHEREAS, the City and the Attorney entered into a Contract Agreement for the Attorney to provide legal representation and services as City Attorney pursuant to Wis. Stats. Sec. 62.09 for the City of New Berlin, which Agreement was dated September 27, 2011 and had a term commencing January 1, 2012 and expiring on December 31, 2013; and

WHEREAS, the parties extended that Contract on September 10, 2013, with a new term commencing January 1, 2014 and expiring on December 31, 2015; and

WHEREAS, the parties extended that Contract again on July 28, 2015, with a new term commencing January 1, 2016 and expiring December 31, 2017; and

WHEREAS, the parties extended that Contract again on July 25, 2017, with a new term commencing January 1, 2018 and expiring December 31, 2020; and

WHEREAS, the parties extended that Contract again on October 28, 2020, with a new term commencing January 1, 2021 and expiring December 31, 2021; and

WHEREAS, the parties extended that Contract again on December 14, 2021, with a new term commencing January 1, 2022 and expiring December 31, 2024; and

WHEREAS, Mark G. Blum has offered his resignation as City Attorney; however, the parties are desirous of Thomas G. Schmitzer being appointed as the City Attorney concurrent with the effective date of this Extension.

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

1. The Contract Extension shall commence as of January 1, 2025 and will end on December 31, 2026.
2. Thomas G. Schmitzer is hereby appointed as the City Attorney concurrent with the effective date of this Extension.
3. The Compensation for City Attorney and Municipal Prosecution services to be rendered will be modified for the period January 1, 2025 through December 31, 2025 for a total amount of Three Hundred Seven Thousand Eight Hundred (\$307,800.00) Dollars or Twenty-Five Thousand Six Hundred Fifty (\$25,650.00) Dollars per month. The compensation for City Attorney and Municipal Prosecution services to be rendered will be modified effective January 1, 2026 through December 31, 2026 for the total sum of Three Hundred Twenty-Two Thousand Eight Hundred (\$322,800.00) Dollars or Twenty-Six Thousand Nine Hundred (\$26,900.00) Dollars per month.
4. Additional compensation shall be paid at a fee of Two Dollars (\$200.00) per hour for cases which are not covered under the ordinary City Attorney and Municipal Prosecution services.
5. All other terms and conditions of the City Attorney Contract dated September 27, 2011 are hereby ratified and reaffirmed without modification. To the extent that this Contract Extension conflicts with the Contract dated September 27, 2011, this Extension shall control.

IN WITNESS WHEREOF, the parties to this Contract have caused it to be executed at New Berlin, Wisconsin, on the date indicated above.

CITY:

City of New Berlin

ATTORNEY:

Hippenmeyer, Reilly, Blum,
Schmitzer & Fabian, SC

By: _____
David A. Ament, Mayor

By: _____
Mark G. Blum, City Attorney

By: _____
Rubina Medina, City Clerk