



**CITY OF NEW BERLIN
COMMITTEE OF THE WHOLE MEETING**

Tuesday, September 27, 2022

6:00 PM

Zoom Meeting

<https://us02web.zoom.us/j/83657612160>

The Committee of the Whole has satisfied the requirements as directed by the Common Council on June 22, 2021 and Ordinance No. 2651 to hold this meeting via electronic means. The full text of this ordinance and the minutes from the above mentioned meeting can be viewed at www.newberlin.org

Any comments that the public wishes to make may be communicated to the city via email at citizencomments@newberlin.org and will be forwarded to the Mayor and City Council. Interested parties may also participate by:

- Downloading the ZOOM app located at <https://zoom.us/> and utilize this unique ID to join: 836 5761 2160
- Following this direct link to the meeting: <https://us02web.zoom.us/j/83657612160>

AGENDA

CALL MEETING TO ORDER

ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

APPROVAL OF MINUTES

1. August 23, 2022 Committee of the Whole Meeting Minutes

UTILITIES & FINANCE

2. Recommend to Council approval of September 14, 2022 Water Utility claims in the amount of \$1,108,982.57, Sewer Utility claims in the amount of \$212,649.17 and General City claims in the amount of \$636,330.52. US Bank VISA EFT of \$28,771.52 and WE Energies EFT of \$58,581.41
3. Recommend to Council approval of September 28, 2022 Water Utility claims in the amount of \$781,756.39, Sewer Utility claims in the amount of \$646,807.13 and General City claims in the amount of \$1,962,218.56. WE Energies EFT of \$58,319.16.

MISCELLANEOUS

4. Update from I.T. Director Alan Skornia
5. Presentation by TDS Telecom regarding construction of a fiber optic system in the City of New Berlin
6. Discussion and Possible Action regarding the use of video conferencing for Common Council and Committee of the Whole meetings

7. Discussion and Possible Action to regarding the lease agreement between the City of New Berlin and Star of Bethlehem Church to utilize the City's parking lots for overflow parking on October 7, 2022
8. Requested Action Statement regarding the approval of public bids for bid package #9 and #17 for the New Berlin Activity and Recreation Center Phase 2
9. Requested Action Statement regarding the approval of Resolution #22-21 for the adoption of the recently updated Waukesha County Hazard Mitigation Plan
10. Discussion and Possible Action regarding Resolution No. 22-23, A Resolution Amending the 2022 Capital Projects Budget
11. Discussion and Possible Action regarding Resolution No. 22-24, A Resolution Authorizing the Issuance and Sale of \$7,895,000 General Obligation Promissory Notes, Series 2022A
12. Requested Action Statement authorizing the New Berlin Fire Department (NBFD) to accept an AFG Grant Award for Battery Operated Extrication Equipment

DEFERRED, REFERRED & TABLED ITEMS

ADJOURN

PLEASE NOTE:

- ✓ 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. It is also possible that members of and possible 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 above in this notice.
- ✓ Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact City Clerk Rubina R. Medina (262) 786-8610.



**CITY OF NEW BERLIN
COMMITTEE OF THE WHOLE - MINUTES
Tuesday, August 23, 2022**

Regular Meeting

Zoom Meeting

6:00 PM

Please note: Minutes are unofficial until approved by the Committee of the Whole at the next regularly scheduled meeting.

The Committee of the Whole has satisfied the requirements as directed by the Common Council on June 22, 2021 and Ordinance No. 2651 to hold this meeting via electronic means. The full text of this ordinance and the minutes from the above mentioned meeting can be viewed at www.newberlin.org

To participate in the meeting, view the meeting, and/or ask questions, the public was able to do so by downloading the ZOOM app located at <https://zoom.us/> and utilize Meeting ID # 811 2418 9098: to join.

All votes were taken via a voice roll call vote.

CALL MEETING TO ORDER

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

City Clerk Rubina Medina read the rules as this meeting was held via Zoom.

ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

City Clerk took Roll Call as follows:

Alderspersons Present: Hopkins, Garrigues, Maxey, Harenda, Horbinski & Kroupa

Alderspersons Excused: Ald. Stribl

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

Rubina stated that a quorum has been established and the meeting was properly noticed.

APPROVAL OF MINUTES

ITEM: June 28th, 2022 Committee of the Whole Meeting Minutes

MOTION: **Motion to approve the June 28th, 2022 Committee of the Whole Meeting Minutes**

VOTE: Motion by: Harenda
Second by: Garrigues
Passed: 6-0

ITEM: July 26th, 2022 Committee of the Whole Meeting Minutes

MOTION: Motion to approve the July 26th, 2022 Committee of the Whole Meeting Minutes

VOTE: Motion by: Kroupa
Second by: Horbinski
Passed: 6-0

UTILITIES & FINANCE

ITEM: Approval of August 10th, 2022 Water Utility claims in the amount of \$780,389.59, Sewer Utility claims in the amount of \$119,889.87 and General City claims in the amount of \$1,682,017.23.
US Bank VISA EFT of \$29,195.63

MOTION: Motion to approve the Water Utility, Sewer Utility, General City Claims and US Bank VISA EFT as presented.

VOTE: Motion by: Hopkins
Second by: Maxey
Passed: 6-0

ITEM: Approval of August 24th, 2022 Water Utility claims in the amount of \$581,501.30, Sewer Utility claims in the amount of \$2,300.71 and General City claims in the amount of \$1,434,491.51

MOTION: Motion to approve the Water Utility, Sewer Utility, General City Claims as presented.

VOTE: Motion by: Horbinski
Second by: Kroupa
Passed: 6-0

MISCELLANEOUS

ITEM: Presentation of 2021 Audit Report by Baker Tilly

No Motion.

ITEM: Update by Water Utility Manager Jim Hart

No Motion.

ITEM: Discussion and Possible Action to approve the lease agreement between the City of New Berlin and Star of Bethlehem to utilize the City's parking lots for overflow parking related to an event that the church intends to conduct on August 28, 2022

MOTION: Motion to approve the lease agreement between the City of New Berlin and Star of Bethlehem to utilize the City's parking lots for overflow parking related to an event that the church intends to conduct on August 28, 2022

VOTE: Motion by: Garrigues
Second by: Maxey
Passed: 6-0

ITEM: Requested Action Statement for approval of public bids for the New Berlin Activity and Recreation Center Phase II

Ald. Maxey stated that it was not the right time to spend money on Phase II.

MOTION: **Motion for the approval of public bids for the New Berlin Activity and Recreation Center Phase II**

VOTE: Motion by: Horbinski
Second by: Harenda
Passed: 5-1 with Maxey voting nay

ITEM: Discussion and Possible Action to approve Resolution No. 22-14, A Resolution amending the 2022 Capital Projects Budget

MOTION: **Motion to approve Resolution No. 22-14, A Resolution amending the 2022 Capital Projects Budget**

VOTE: Motion by: Hopkins
Second by: Horbinski
Passed: 6-0

ITEM: Discussion and Possible Action to approve Resolution No. 22-15, a Resolution of Eligibility for Exemption from the 2022 County Library Tax Levy for 2023 Purposes

MOTION: **Motion to approve Resolution No. 22-15, a Resolution of Eligibility for Exemption from the 2022 County Library Tax Levy for 2023 Purposes**

VOTE: Motion by: Garrigues
Second by: Kroupa
Passed: 6-0

ITEM: Discussion and Possible Action to approve Resolution No. 22-17, a Resolution to approve the application and borrowing for the Recreation Center financing in the amount of \$13,790,000.

MOTION: **Motion to approve Resolution No. 22-17, a Resolution to approve the application and borrowing for the Recreation Center financing in the amount of \$13,790,000.**

VOTE: Motion by: Hopkins
Second by: Horbinski
Passed: 6-0

ITEM: Discussion and Possible Action to Approve Resolution No. 22-18, A Resolution Providing for the Sale of Approximately \$7,895,000 General Obligation Promissory Notes, Series 2022A

MOTION: **Motion to approve Resolution No. 22-18, A Resolution Providing for the Sale of Approximately \$7,895,000 General Obligation Promissory Notes, Series 2022A**

VOTE: Motion by: Horbinski
Second by: Hopkins
Passed: 6-0

ITEM: Discussion and Possible Action to Approve Resolution No. 22-19, A Resolution Providing for the Sale of Approximately \$14,435,000 General Obligation Refunding Bonds, Series 2022B

MOTION: **Motion to Approve Resolution No. 22-19, A Resolution Providing for the Sale of Approximately \$14,435,000 General Obligation Refunding Bonds, Series 2022B**

VOTE: Motion by: Garrigues
Second by: Maxey
Passed: 6-0

DEFERRED, REFERRED & TABLED ITEMS

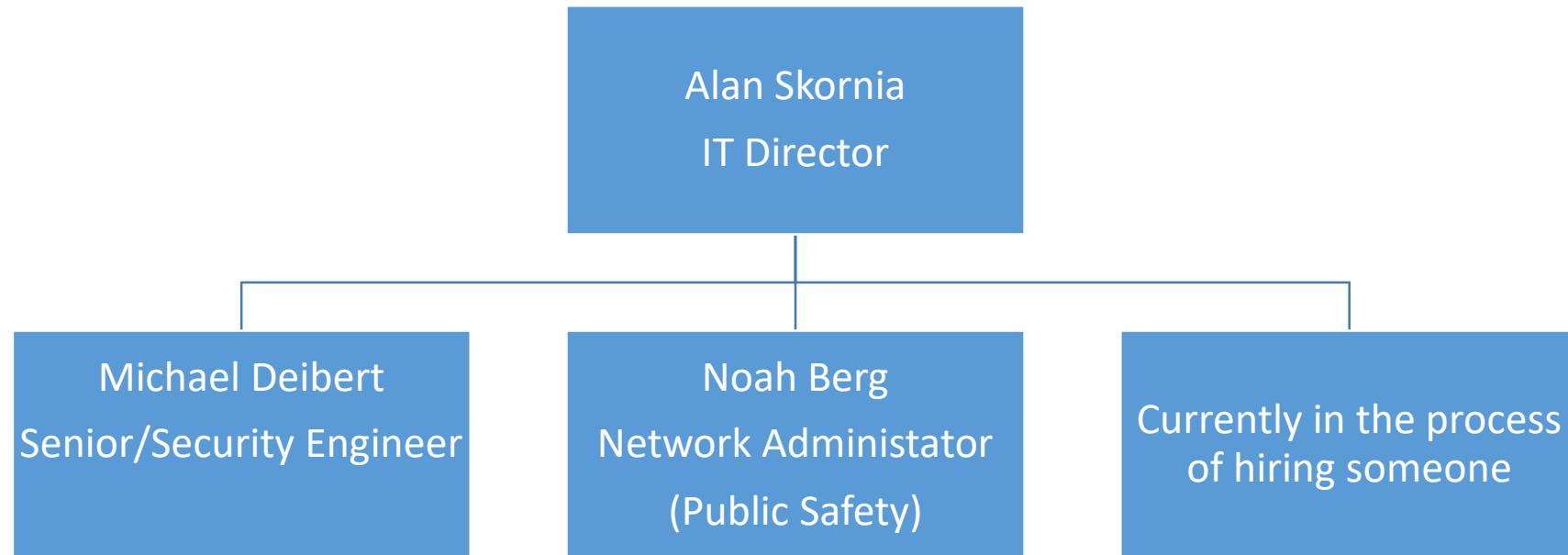
ADJOURN

MOTION: **Motion to adjourn the Committee of the Whole meeting at 6:52 PM.**

VOTE: Motion by: Kroupa
Second by: Harenda
Passed: 6-0

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

2022 IT Department Update



Current projects completed for 2022

- 1. Setup IT equipment at Rec Center
- 2. Got fiber installed to the Historic Museum
- 3. Worked with Department of Homeland Security to test the overall security of the City of New Berlin's network
- 4. Working with Police and Fire on replacing the laptops in each unit along with upgrading the hardware for them to get connected
- 5. Making sure all current systems are patched on a more regular schedule
- 6. Done various software upgrades for the Police and Fire Departments
- 7. Started working on making changes to the overall security of the network based off the findings from Department of Homeland Security
- 8. Replaced most of the DCD staff desktops with laptops
- 9. Setup the Clerk Staff to have a .gov email address
- 10. Worked with maintenance so they can add wireless thermostats in buildings

IT Projects that we are working on for 2022

- 1. Current backup system can't handle our current environment. Working on switching to something more current. That was also allow us to recover quicker if something would happen.
- 2. Working with the Maintenance staff to get most buildings updated with their door security
- 3. Continue to evaluate the overall security of the City of New Berlin computer network to make it more secure
- 4. Make sure that all computers in the Police and Fire are able to be monitored. So we can help determine coverage issues throughout the city.
- 5. Continue to make sure that all systems are being patched on a regular schedule
- 6. Finish upgrading older systems that are no longer supported
- 7. Work on a plan in case staff would need to relocate to other buildings in the event of an issue at City Hall
- 8. Work with the different departments on the upgrade to our Munis Software

The following is a list of equipment that IT Supports

- 1. We support over 300 computers
- 2. We support about 265 desktop phones
- 3. We support 40 iPads
- 4. We support about 65 iPhones
- 5. We support 34 wireless access points
- 6. We support about 65 Servers
- 7. We support the backup system
- 8. We support all end users with the use of city software and city hardware
- 9. We support about all fiber that is connected to the City buildings



COMMITTED TO OUR COMMUNITY

It's all about delighting customers with great service.

TODAYS AGENDA

- Introductions
- TDS History/ Overview
- Community Benefits
- Construction
- Questions/Next Steps

COMPANY PROFILE



Telephone and Data Systems (TDS)
founded in 1969

“Connect our communities to the world”

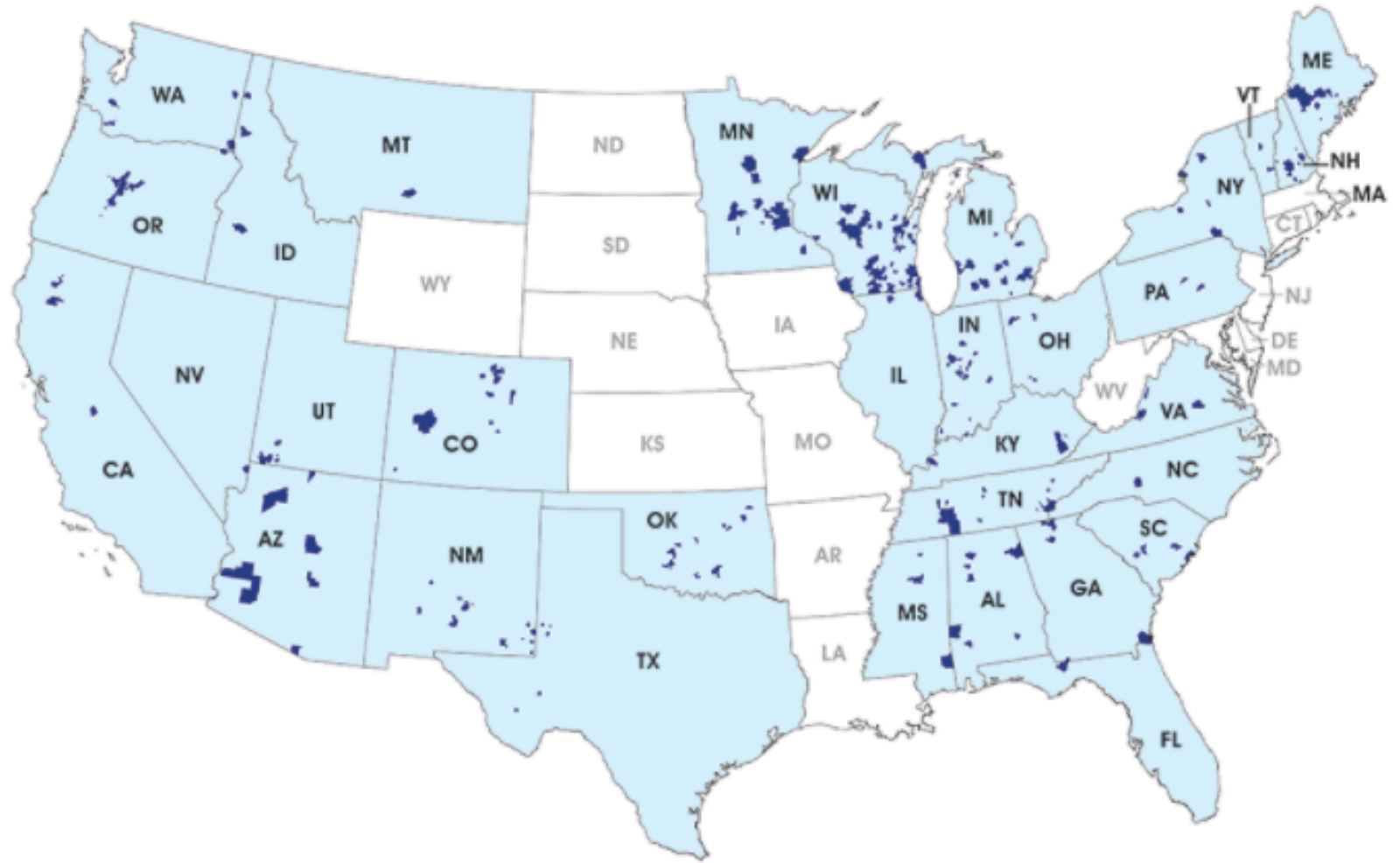


ABOUT TDS TELECOM

- TDS Telecom is headquartered in Madison, WI
- The nation's 7th largest wireline communications company offering broadband, video, and voice.
- Service more than 1,100 rural and suburban communities across the U.S.
- We employ approximately ~3,500 talented professionals



TDS SERVICE AREA



FIBER DEPLOYMENTS

- **TDS has aggressively pursued two fiber strategies:**
 - Overbuilding existing areas in our footprint to better serve customers and remain competitive
 - Greenfield builds include deploying next-generation fiber versus copper and coax networks
- **Out Of Territory (OOT)**
 - Overbuild new underserved markets



Strong community partnership: Sun Prairie, Wisconsin



First partnership
outside our footprint



Demonstrated need for
better broadband



Committed to building
out fiber throughout
the city – in 16 months!

3,700+ customers upgraded

Residents and businesses now have access to state-of-the-art

TV | INTERNET | VOICE

WHY NEW BERLIN?

Well, it checks all the boxes our Sr.
Leadership team looks at including

- ✓ Demographics
- ✓ Growth
- ✓ Need for competition



TDS® and Your Community: Growing Together

TDS FIBER SERVICE

All fiber network – fiber to the home or business



Symmetrical Speeds

Internet speeds up to 2Gig for home; up to 10Gig dedicated for businesses

Internet product offerings start at 300MB x 300MB



TDSTV+ Smart Cloud TV Product

Brings together live, recorded, and streaming TV



Phone

Crystal clear calling, variety of feature-rich plans



THE ENTIRE COMMUNITY BENEFITS



+



+



+



Future-proof

Fiber easily carries today's services (internet, TV, phone) with room to spare for what's to come.

Speeds up to **2Gig**

Enjoy a seamless online experience - connect any way you want, as much as you want, even during peak usage times

Choice

Broadband competition and choice in your area.

Reliable

Fiber is virtually immune to interference and doesn't falter under harsh weather conditions.

COMMITTED
TO OUR
COMMUNITY

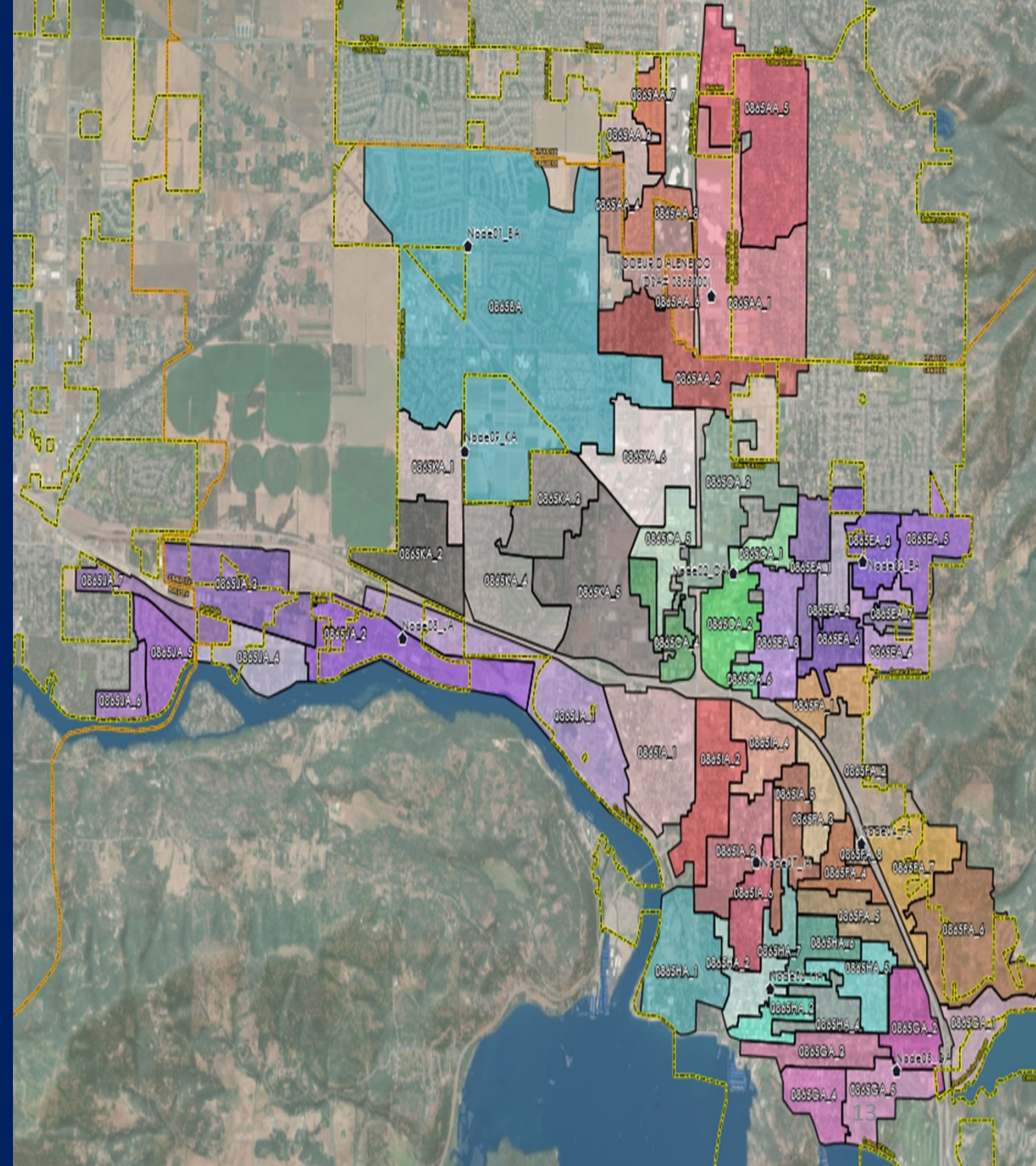
Giving back is an integral part of the culture at TDS. From hands-on volunteering to in-kind and financial support, TDS takes a vested interest in the growth and success of the communities we serve.



DFN

DIGITAL FIBER NETWORK

- Our roadmap of how we systematically permit, construct, communicate, and turn up the community.
- Made up of small polygons, you can think of them as neighborhoods consisting of 200-300 homes.
- And allow us to scale up or down based on the community



NETWORK CONSTRUCTION

- Our Fiber deployment traditionally consists of a 90/10 mix.
- Pedestals are commonly used in backyard utility easements.
- Handhold in the front yard utility easements or right of way.



Buried Cable Placement
(Directional Bore)



Aerial Cable Placement
(Bucket Truck)

CONSTRUCTION COMMUNICATION PROGRAM



Mailer One

Three weeks prior to construction start residents receive a letter



Mailer Two

One week prior to start, residents receive a postcard



Door Hangers and Yard Signs

Three to five days prior to start, contractor places door hangers and yard signs



Sandwich Board

During construction, contractor places sandwich board at neighborhood entrances each day

PRIOR TO CONSTRUCTION

- What to Expect During Construction
- What is an Easement?
- Safety is essential



TDS

THE SCOOP ON TDS FIBER CONSTRUCTION

Excitement is in the air, because soon there will be TDS Fiber in the ground! Here are the ins and outs of the construction process that will bring cutting edge fiber Internet, TV, and phone services to your neighborhood.

What is a Utility Easement?
Easements grant utility companies, like TDS, the legal right to access areas of a property for running transmission lines, underground electric lines, and water, sewer, and fiber-optic lines.

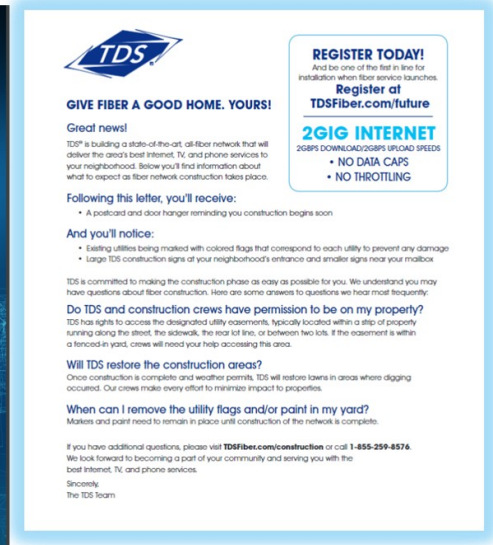
A crew will mark the easement with utility flags and/or spray paint (see reverse side). You should receive a letter in the mail that notifies you before this work takes place.

Often times, easements are in easily accessible parts of a yard. Occasionally, we run across obstructed easements, such as those located in a fenced-in backyard. Please help to ensure any fences are unlocked, so workers may access the easement.

Safety is Essential
Once utilities are marked, please do not remove the flags or cut the painted grass—these markings are essential to keeping you and your home safe! Crews will remove flags when it is safe to do so after construction.

Learn more: TDSFIBER.COM/construction

See reverse side after 4/1/16



TDS

GIVE FIBER A GOOD HOME. YOURS!

Great news!
TDS is building a state-of-the-art, all-fiber network that will deliver the area's best Internet, TV, and phone services to your neighborhood. Below you'll find information about what to expect as fiber network construction takes place.

Following this letter, you'll receive:

- A postcard and door hanger reminding you construction begins soon

And you'll notice:

- Existing utilities being marked with colored flags that correspond to each utility to prevent any damage
- Large TDS construction signs at your neighborhood's entrance and smaller signs near your mailbox

TDS is committed to making the construction phase as easy as possible for you. We understand you may have questions about fiber construction. Here are some answers to questions we hear most frequently.

Do TDS and construction crews have permission to be on my property?
TDS has rights to access the designated utility easements, typically located within a strip of property running along the street, the sidewalk, the rear lot line, or between two lots. If the easement is within a fenced-in yard, crews will need your help accessing this area.

Will TDS restore the construction areas?
Once construction is complete and weather permits, TDS will restore lawns in areas where digging occurred. Our crews make every effort to minimize impact to properties.

When can I remove the utility flags and/or paint in my yard?
Markers and paint need to remain in place until construction of the network is complete.

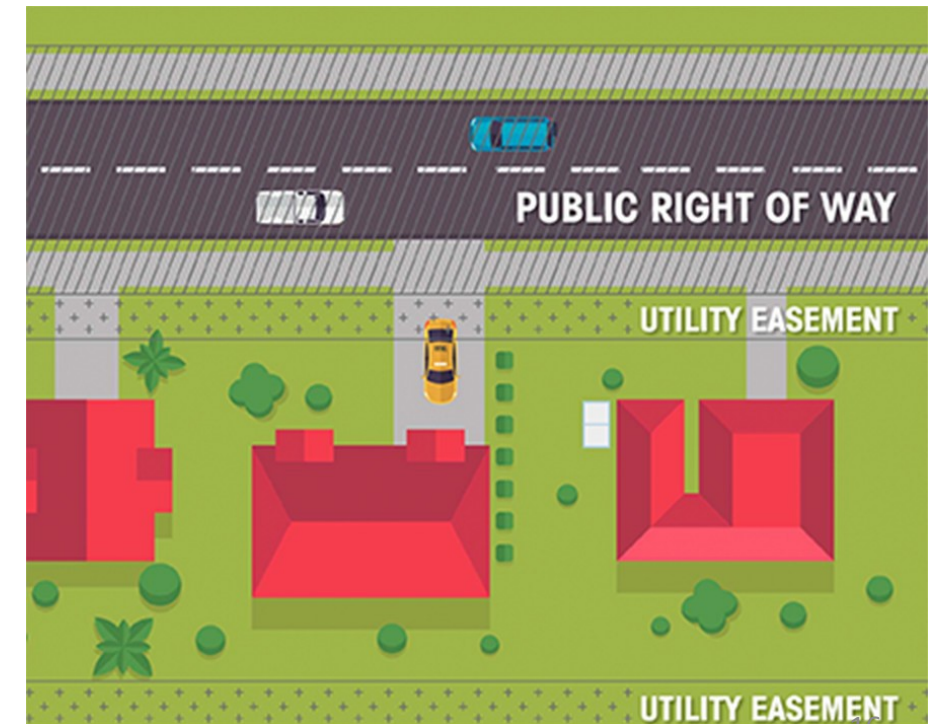
If you have additional questions, please visit TDSFiber.com/construction or call 1-855-259-8576. We look forward to becoming a part of your community and serving you with the best Internet, TV, and phone services.

Sincerely,
The TDS team

REGISTER TODAY!
And be one of the first in line for installation when fiber service launches.
Register at TDSFiber.com/future

2GIG INTERNET
200PS DOWNLOAD/UPLOAD SPEEDS

- NO DATA CAPS
- NO THROTTLING



SAFETY IS ESSENTIAL

- A contractor marking underground utilities with flags or spray paint. This helps prevent damage to those facilities and adds a layer of safety for workers and residents.
- Please do not remove the flags or cut the grass where utilities are marked—they are essential to keeping you, your home or business, and workers safe!



Flags will be used to indicate any of the following:

- **Red** = electric
- **Yellow** = gas, oil, or petroleum
- **Orange** = telecommunications
- **Blue** = potable water
- **Green** = sewer
- **White** = our proposed excavation
- **Pink** = property line/pin

WHEN CONSTRUCTION BEGINS

IMPORTANT CONSTRUCTION NOTICE

TDS FIBER

YOUR NEIGHBORHOOD IS ALMOST READY FOR THE FUTURE! TDS FIBER MEANS:

- Lightning-fast Internet speeds up to 1 Giga
- Robust TV programming packages
- Crystal-clear, reliable phone service

Thanks in advance for your patience during the construction process.

Register for Service Today at TDSFIBER.COM/now

1-week
postcard

IMPORTANT CONSTRUCTION NOTICE

Work on a fiber-optic network is about to begin in your area.

Before we get started, there are few things you must know.

1. A contractor will be in your area marking underground utilities with flags or spray paint.
2. Property owner is responsible for:
 - ✓ clearly marking any privately owned facility (e.g. watering system, invisible fence, security system, or private power) with flags or spray paint
 - ✓ calling the construction hotline at 1-855-259-8576

DURING CONSTRUCTION, we'll use drilling and/or plowing techniques designed to limit disruptions. We'll also use existing utility easements and public rights-of-way as much as possible. However, there will be areas where digging is required. Construction will be completed as quickly as possible.

We'll finish up as quickly as possible and restore any areas disrupted by construction. If winter weather interrupts construction, we will return in the spring to complete cleanup.

TDS

Questions? PLEASE CALL **1-855-259-8576**

TDS FIBER

NETWORK BUILD IN PROGRESS

QUESTIONS?
Call **1-855-259-8576**
or visit
TDSFIBER.COM/CONSTRUCTION

TDS

2GIG INTERNET | TV | PHONE

IMPORTANT!

TDS

FIBER-OPTIC NETWORK CONSTRUCTION IS ABOUT TO BEGIN.

Construction to bring TDS Fiber Internet service to your neighborhood will begin soon.

A contractor will be in your area marking existing underground utilities with flags or spray paint. This helps prevent damage to those facilities and adds a layer of safety for workers and residents.

If you need further assistance or additional information is needed, please call our construction hotline at 1-855-259-8576 or visit TDSFiber.com/construction. TDS appreciates your assistance and patience during our network expansion to your neighborhood.

DURING CONSTRUCTION, we'll use drilling and/or plowing techniques that are designed to limit disruptions. We'll also use existing utility easements and public rights-of-way as much as possible. However, there will be areas where digging is required. Construction will be completed as quickly as possible.

We'll finish up as quickly as possible and restore any areas disrupted by construction. If construction is interrupted due to winter weather, we will return in the spring and complete cleanup.

Questions? Please call **1-855-259-8576**

TDS

TDS FIBER

WHEN YOUR NEIGHBORHOOD FIBER PROJECT IS COMPLETE, YOUR HOME WILL BE READY TO WELCOME THE FUTURE.

Just imagine: Internet speeds up to 1 Gbps, robust TV programming packages, plus crystal-clear phone service.

Thanks in advance for your patience during the construction process.

REGISTER FOR FIBER SERVICE TODAY!
TDSFIBER.COM/now

TDS is a registered trademark of Telephony and Data Systems, Inc. Copyright © 2005. All trademarks are the property of their respective owners.

Day of

Customer Service Triage Team
The toll-free number directs the caller to the TDS customer contact center.

HARD & SOFT SURFACE RESTORATION

- Soft surface restoration will occur within two weeks
 - There may be seasonal exceptions, but these will be tracked and visible to the City
- Hard surface restoration will be scheduled as soon as the conduit is tied together and proofed
 - Restoration will typically occur within two to three weeks of conduit verification
 - Seasonal exceptions will occur, but these will be tracked and visible to the City



2GIG INTERNET | TV | PHONE

ALL-FIBER NETWORK CONSTRUCTION

Crews are bringing TDS® Fiber Internet service to your neighborhood.
Construction will be completed as quickly as possible,
and we'll promptly clean up and restore any disrupted areas.

QUESTIONS?
TDSFiber.com/construction | 1-855-259-8576



QUESTIONS, CONCERNS & RESOLUTIONS

CUSTOMER SERVICE TRIAGE TEAM



Dedicated team to provide a better customer experience. The one point of contact for all customer construction-related inquiries.



Assesses the severity of an issue, identifies the correct course of action to resolve issues in a timely manner.



All issues are logged and tracked. If no action is taken on the ticket within the above timelines, the ticket is escalated to the Outside Plant Construction Manager in charge of the project.

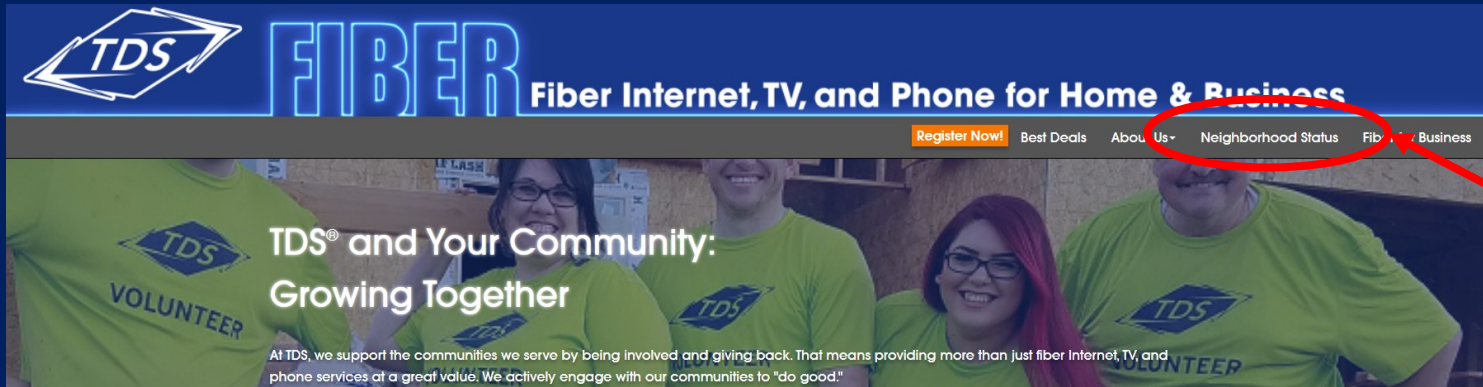


Response time SLA

- Critical – safety/damage related – 4 hours
- High – damage, no safety concern – 9 hours
- Medium – aesthetic/clean-up – 18 hours
- Low – misc. – 28 hours

INFORMATION

TDSFIBER.COM/CONSTRUCTION

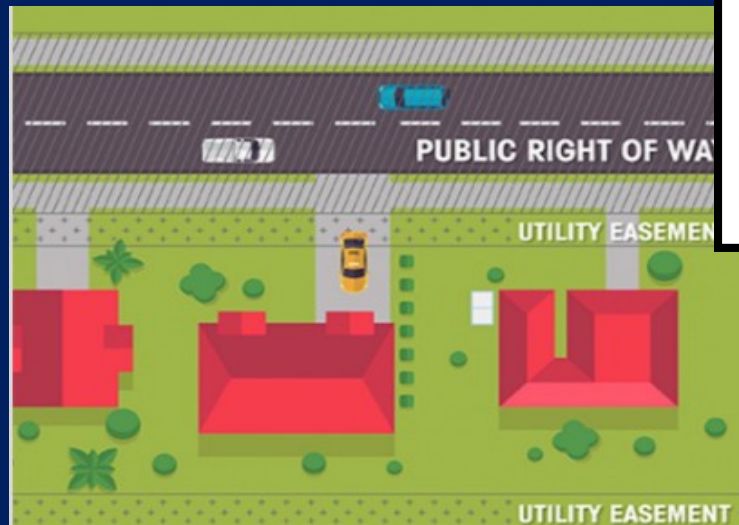


Safety Is Essential

TDS uses an independent contractor specializing in locating any existing underground facilities. This helps prevent damage to those facilities and adds a layer of safety for workers and residents.

When Construction Begins

We'll use cable placement techniques, such as directional drilling, to limit disruptions in the road right of way or utility easements the best we can. However, there will be areas where digging is required, and additional excavation is necessary.

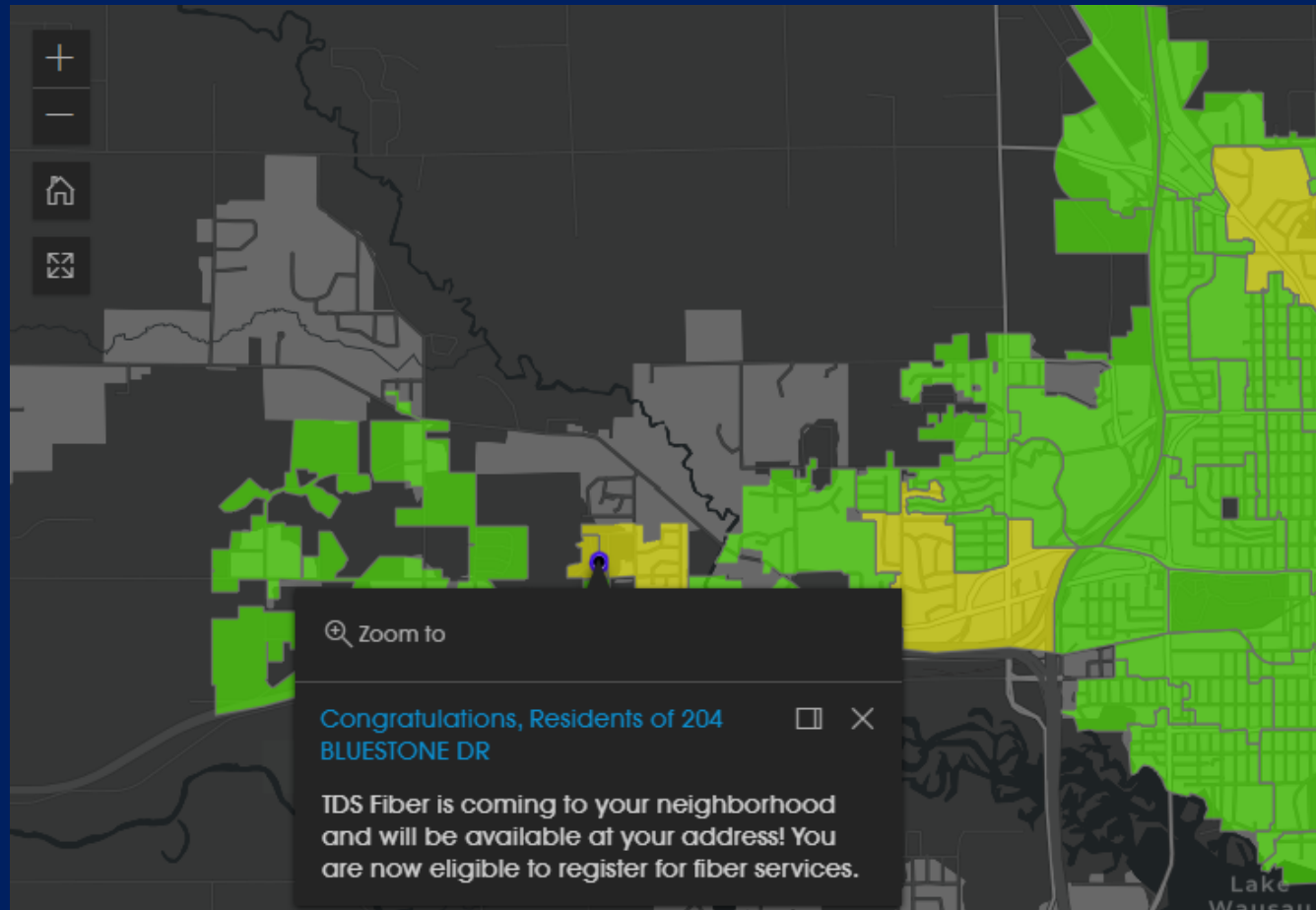


Address

Check Availability >

AREA STATUS MAPS

YOUR NEIGHBORHOOD STATUS



Congratulations, Residents of 204
BLUESTONE DR

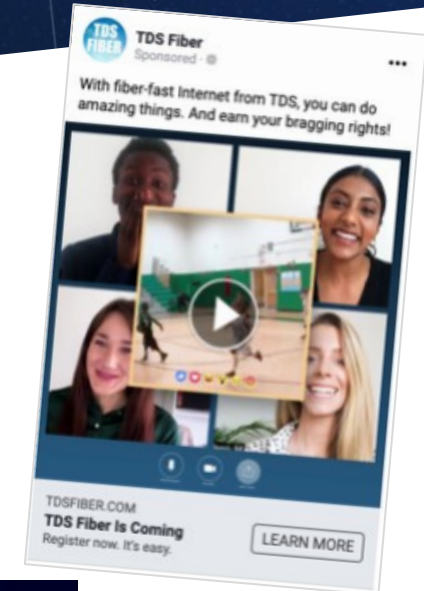
TDS Fiber is coming to your neighborhood
and will be available at your address! You
are now eligible to register for fiber services.

TDS Fiber Build Status

-  Construction Complete
-  Under Construction
-  Construction Pending
-  Check Back for Updates

PRELAUNCH CAMPAIGN OVERVIEW

- Targeted approach to register customers launching in the next 3 months
- Brand Awareness campaign introduces TDS to the market. Educates the community on TDS, the registration and ordering process, and starts to build brand trust within the community.



FIELD MARKETING

- Hire locally
- Create partnerships with local organizations and businesses
- Volunteer and participate in philanthropic opportunities



We Give Back

Over 1,000 TDS employees have donated more than 16,000 hours of their time to organizations, big and small, from coast to coast. TDS also supports and contributes to a wide variety of nationally recognized nonprofits, including:

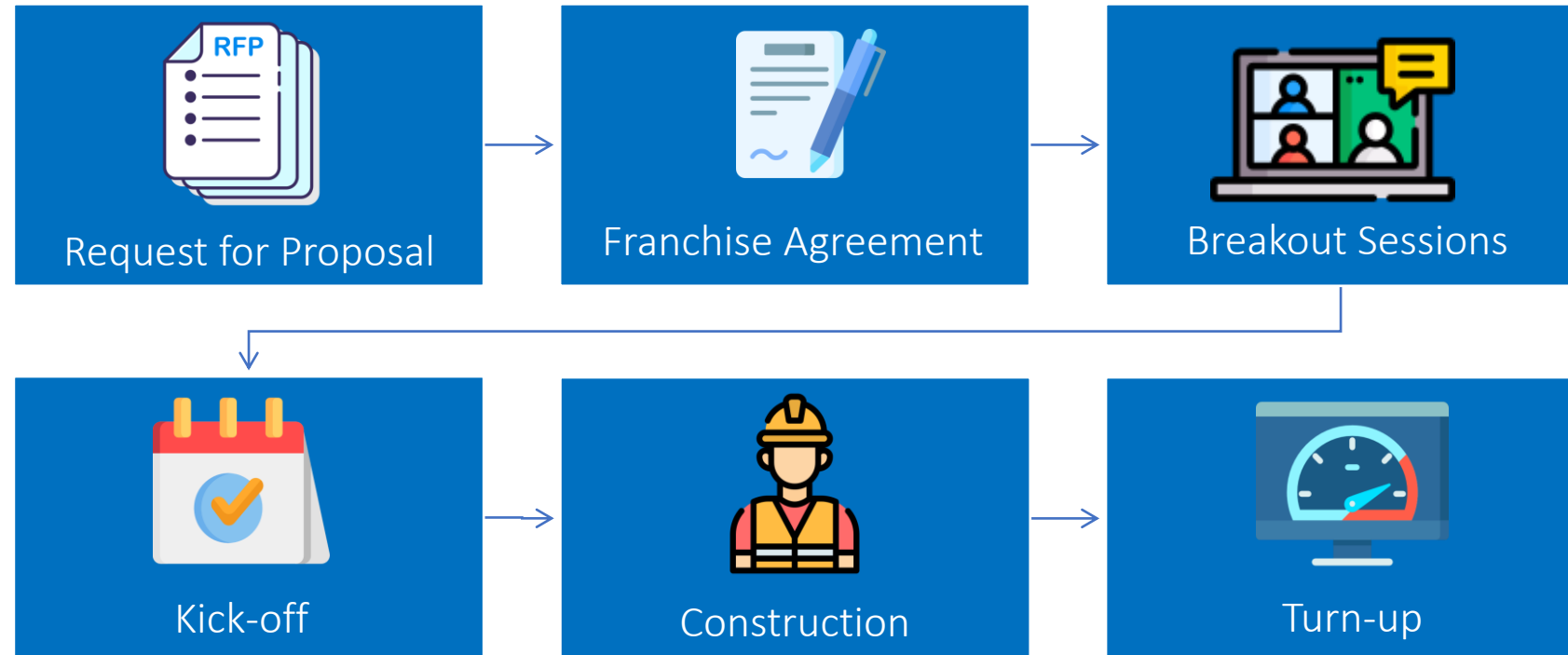


We Believe in the Power of Community

TDS knows that smaller, hometown nonprofits, charities, and causes can have a big impact on area residents. Check out some of the local organizations we support in our growing fiber communities around the country:

TIMELINE & NEXT STEPS

- In parallel (6 months)
 - RFP
 - Franchise Agreement
 - Architectural Design
- Kick-off Event
- Construction (tentative 2023)
- Services launched



AND THAT'S HOW
THE UNIVERSE
WORKS.

QUESTIONS?



City Attorney Mark G. Blum

City Prosecutor Thomas G. Schmitzer

720 Clinton Street • PO Box 766 • Waukesha, Wisconsin 53187-0766 • (262) 549-8181 • Fax (262) 549-8191 • mblum@newberlin.org

E-MAIL: MGBLUM@HRMBLAWFIRM.COM

September 7, 2022

Via Email (dament@newberlin.org) ONLY

Mayor Dave Ament
City of New Berlin
3805 S. Casper Drive
New Berlin, WI 53151

Re: Video Conferencing

Mayor:

Enclosed is a draft of the memo I prepared to provide to the Council in anticipation of its discussion regarding the use of video conferencing for City meetings, which I understand will be on the September 27, 2022 Agenda. Attached are two draft Resolutions; one allowing for return to in-person meetings effective at the first meeting in October and the second Resolution to allow for the continued use of video conferencing through the end of 2022.

Please let me know if you have any questions or concerns regarding this memo. My suggestion would be that the Agenda item would be discussion and possible action regarding the use of video conferencing for Common Council and Committee of the Whole meetings. This would allow for either Resolution to be brought forward for possible action.

Thank you for your consideration of these comments.

Sincerely,

Mark G. Blum

MGB/jb
Enc.

Cc: Ms. Rubina Medina

MEMORANDUM

TO: City of New Berlin Common Council
FROM: City Attorney Mark G. Blum
SUBJECT: Holding Meetings Via Videoconferencing
DATE: September 7, 2022

As the Council is aware, in order to maintain City governance during the Covid pandemic, the City transitioned from in-person meetings to meetings via video conference in mid-March 2020. Those meetings used the Zoom platform. This action was taken to protect public health and was in response to the State of Emergency imposed by the Governor, and which was affirmed by the City of New Berlin on the local level.

That State of Emergency was eventually terminated in part by action of the Wisconsin Supreme Court, which found that the DHS Secretary acting on behalf of the Governor did not have the authority to continue the State of Emergency absent action by the Legislature. At the time of the termination of the State of Emergency, the City looked into the creation of an Ordinance to enable the use of video conferencing through the adoption of an Ordinance. That Ordinance (No. 2651) was adopted on June 22, 2021 and created Section 6-36 of the City Code, which allowed for the use of video conferencing to hold City meetings in the event of the declaration of a State of Emergency. In addition, with respect to the Common Council and for the Committee of the Whole, the Ordinance allowed the Council to utilize video conferencing if it approved such action by a two-thirds vote of the Council and identified the meeting dates for which such meetings would be authorized. With regard to subordinate Committees and Boards of the City, the Mayor was authorized to authorize video conferencing but required that the Chair of the meeting give notice to the Mayor and the City Clerk of their request to hold meetings via video conferencing.

At the same meeting that the Ordinance was adopted, the Council approved the continuing use of video conferencing for Common Council and Committee of the Whole meetings until further notice. The reason for this was the issues that the City had at that time with its HVAC system, which would have made it difficult to utilize City Hall during the time of the conversion of the HVAC system. While that situation has now resolved itself, the Mayor has not made a request to the Council to return to in-person meetings because of concerns with the functionality of the City's Agenda Management Software. During the pandemic, the City had purchased an Agenda Management Software product known as Provox; however, that system has proven not to be effective for use by the City. As a result, a new software product has been purchased and the Clerk's Office is in the midst of working on the transition to this new software. Until that transition is complete, in-person meetings would need to use manual minute-taking and recording of votes since the Agenda Management software would not otherwise be functional for these purposes. It is anticipated that the transition to the new Agenda Management software will not be complete until the end of the year.

Therefore, the question presented to the Common Council is whether it wishes to return to in-person meetings, recognizing the limitations that doing so would create regarding Agenda Management; or if the Council would prefer to use video conferencing until such time as the Agenda Management software is fully implemented, which is expected to be at the beginning of 2023.

Attached to this memo are two draft Resolutions; one would provide for return to in-person meetings at the next Council meeting. The other Resolution would allow for the continued use of video conferencing for the Council and Committee of the Whole meetings through the end of 2022, recognizing that it is possible a request may be made to further extend the use of video conferencing if the Agenda Management software is not yet fully implemented. Also attached is a copy of Ordinance 2651, which allowed for video conferencing to be used for City meetings, as well as the Minutes of the meeting where that Ordinance was adopted, which contains the Motion allowing for the Council and Committee of the Whole meetings to be done via video conferencing until further notice.

Thank you for your consideration of these comments.

Respectfully submitted,

Mark G. Blum

MGB/jb
Enc.

RESOLUTION NO. 2022-20**RESOLUTION OF THE CITY OF NEW BERLIN
CONFIRMING USE OF VIRTUAL MEETINGS OF THE COMMON
COUNCIL AND COMMITTEE OF THE WHOLE UNTIL JANUARY 2023**

WHEREAS, the City of New Berlin, in an effort to maintain governmental operations during the COVID-19 pandemic, utilized electronic means in order to conduct City business during the State of Emergency; and

WHEREAS, once the State of Emergency expired, the City chose to adopt an Ordinance to allow for City business to be conducted via electronic means; specifically, the holding of meetings of City Boards and Commissions, as well as the Committee of the Whole and the Common Council, where a State of Emergency would exist or where 2/3 of the Common Council approved the holding of the meeting via electronic means; and

WHEREAS, said Ordinance was adopted on June 22, 2021, as Ordinance No. 2651 and was codified in the City Code as Ordinance 6-36; and

WHEREAS, the Common Council, at its June 22, 2021, meeting, also adopted a Motion which noted that the City HVAC system was under construction at that time and therefore, the Council moved to extend the use of virtual meetings for the Committee of the Whole and the Common Council until otherwise acted upon to return to in-person meetings; and

WHEREAS, no such action to return to in person meetings has occurred since that time; and

WHEREAS, at present, the City Clerk's Office is working with an agenda management software known as Provox; and

WHEREAS, unfortunately, that agenda management software has not functioned adequately to meet the needs of the City and therefore, the City has purchased a new agenda management software known as CivicClerk; the switch to which just occurred in mid-August 2022; and

WHEREAS, the City Clerk's Office has advised the Council that implementation for the CivicClerk product will take 14 to 16 weeks; and

WHEREAS, holding meetings in person before the new software is completed and implemented will pose difficulties for the City Clerk's Office in managing the meeting, creating Minutes and recording the votes on agenda matters; and

WHEREAS, in order to ensure the agenda management system will be functioning appropriately prior to reinstituting public meetings, the City Clerk has asked that the City Council and the Committee of the Whole not return to in-person meetings before its first meeting in January 2023, which would be January 10, 2023.

NOW, THEREFORE, the Common Council of the City of New Berlin does hereby resolve as follows:

BE IT RESOLVED that in order to accommodate the implementation of the City's new agenda management software, the City Council does hereby approve the extension of the use of virtual meetings via electronic means pursuant to Ordinance No. 6-36 for the Committee of the Whole and Common Council for all meetings of those bodies held during 2022.

BE IT FURTHER RESOLVED that the next meeting to be held in person would occur on January 10, 2023, unless otherwise extended by action of the Common Council prior to the end of 2022.

BE IT FURTHER RESOLVED that the Mayor and the City Clerk are directed to take such actions as may be necessary to effectuate the intention of these resolutions.

Dated at New Berlin, Wisconsin this _____ day of _____, 2022.

APPROVED:

David Ament, Mayor

Countersigned:

Rubina Medina, City Clerk

RESOLUTION NO. 2022-20

**RESOLUTION OF THE CITY OF NEW BERLIN
TERMINATING THE USE OF VIRTUAL MEETINGS OF
THE COMMON COUNCIL AND COMMITTEE OF THE WHOLE**

WHEREAS, the City of New Berlin, adopted Ordinance No. 2651 on June 22, 2021, which Ordinance created Section 6-36 of the City Code regarding the use of video conferencing for City meetings; and

WHEREAS, following the adoption of this Ordinance, the Council took action at the same meeting to conduct Common Council and Committee of the Whole meetings via video conferencing until further notice; and

WHEREAS, because the reasons to conduct meetings via video conferencing are no longer applicable, the Common Council is desirous of returning to in-person meetings.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of New Berlin that effective at its meeting on October 11, 2022, the Common Council and Committee of the Whole shall return to the holding of meetings in-person in the City Common Council Chambers.

BE IT FURTHER RESOLVED that the Mayor and the City Clerk are directed to take such actions as may be necessary to effectuate the intention of these resolutions.

Dated at New Berlin, Wisconsin this _____ day of _____, 2022.

APPROVED:

David Ament, Mayor

Countersigned:

Rubina Medina, City Clerk

ORDINANCE NO. 2651

**ORDINANCE TO CREATE SECTION 6-36 OF THE
NEW BERLIN CITY CODE REGARDING AUTHORIZING THE USE OF
ELECTRONIC MEANS TO CONDUCT REGULAR AND SPECIAL
BOARD/COMMITTEE MEETINGS**

The Common Council of the City of New Berlin, Waukesha County, Wisconsin do ordain as follows:

SECTION I

Section 6-36 of the City Code of the City of New Berlin is hereby created to read as follows:

6-36 Electronic Meetings

(1) Upon either the declaration of an emergency per Section 24-6 or upon a two-thirds vote of the Common Council/Committee at a prior meeting, regular or special meetings of the Common Council/Committee may be held by Electronic Means. For purposes of this section Electronic Means is defined as a full-featured internet meeting which allows for the live broadcast and interface of the audio and video of all members, participants, and viewers. Meetings held by Electronic Means due to a declaration of an emergency per Section 24-6 may be held by Electronic Means until the expiration of such emergency declaration. When no such emergency declaration exists, a motion by a Council member exercising the option under this section to hold meetings by Electronic Means shall specify, by date, which meetings the Council/Committee authorizes to be held by Electronic Means.

(2) Conduct of Common Council/Committee Meetings by Electronic Means. When conducting meetings by Electronic Means, such meetings shall be conducted in strict accordance with this section.

a. The Council/Committee meeting shall be conducted using an electronic platform or technology chosen in the discretion of the City Clerk, who may consult with the City Attorney to ensure the platform or technology complies with applicable Open Meetings Law, after considering the following factors:

i. whether the platform or technology enables reliable two-way communication

ii. whether the technology allows remote participants to meaningfully participate in the electronic meeting

iii. whether the platform or technology complies with Wisconsin Open Meetings Law

iv. whether the platform or technology allows all Council members, participants, and viewers to view and share documents so that they are able to be viewed by all those participating in the meeting

v. whether the platform or technology allows for simultaneous aural communication of the board members essential to the deliberative character of the meeting

b. Council meetings conducted by Electronic Means shall be conducted entirely by Electronic Means.

c. At the commencement of each meeting, the City Clerk shall take a roll call of all Council/Committee members for purposes of determining whether a quorum of the Council/Committee is present. Each member present shall audibly respond so that the Clerk may determine if a quorum is present. In the event a quorum is not present, the City Clerk shall audibly announce that fact to those participating in the meeting by Electronic Means.

d. If, at any time during the course of the meeting, two-way communication with a alderperson is lost or interrupted, the City Clerk shall make a reasonable attempt to reestablish two-way communication with the Council member. If, after making such reasonable attempt, two-way communication cannot be reestablished, the Clerk may cease efforts to reestablish two-way communication, and the meeting shall continue, provided a quorum still exists without the lost participant. Notwithstanding the foregoing, a Council member must have two-way communication firmly established throughout the entire discussion or debate on a specific item of business in order to be eligible to vote on any action related to that specific item of business. Should a Council member lose two-way communication for a substantial amount of time during discussion of a specific item of business, the applicable trustee is ineligible to vote on any action related to that specific item of business.

e. If a meeting is to be conducted by Electronic Means, the City Clerk shall include on any written notice of such meeting instructions and information on how the meeting may be accessed by the public.

f. Matters before the Common Council which, by ordinance or statute, require the Council to hold a public hearing on the matter may conduct said public hearing by Electronic Means. Notwithstanding the forgoing, any written notice of a public hearing shall clearly indicate whether the Council will take action on that item at the same Council meeting at which the public hearing is held or at a subsequent meeting by including the applicable language "No action will be taken at this meeting" or "Action may be taken at this meeting." The decision to take or defer action as described in this paragraph on a matter which requires a public hearing shall be at the discretion of the Mayor.

g. Unless a contrary rule is provided above, any meeting held by Electronic Means shall be conducted in accordance with *Roberts Rules of Order Newly Revised*, sections 9:30-36, as amended.

(3) All other boards, committees, or commissions of the City, other than the Committee of the Whole and the Common Council, may, upon the specific prior approval of the Council,

conduct regular or special meetings by Electronic Means in strict accordance with this Section 6-36. Any meetings held by other boards, committees, or commissions under this paragraph are subject to the standards of conduct and procedural process as set forth in Section 6-36.

SECTION II

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

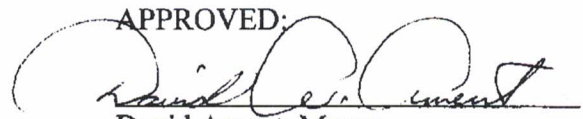
SECTION III

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.

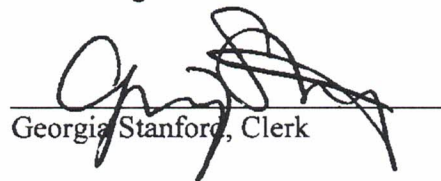
SECTION IV

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 of the City of New Berlin, this
22nd day of June, 2021.

APPROVED:

David Ament, Mayor

Countersigned:


Georgia Stanford, Clerk

CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMITTEE OF THE WHOLE
Tuesday, June 22, 2021

Please note: Minutes are unofficial until approved by the Committee of the Whole at the next regularly scheduled meeting.

Due to the COVID-19 Pandemic, this meeting was not open to the public in an in-person capacity. To participate in the meeting, view the meeting, and/or ask questions, the public was able to do so by downloading the ZOOM app located at <https://zoom.us/> and utilize Meeting ID #854 4568 7070: to join.

All votes were taken via a voice roll call vote.

CALL MEETING TO ORDER

Mayor Ament called the Committee of the Whole meeting to order at 6:02PM.

ROLL CALL DECLARATION OF QUORUM PUBLIC NOTICE

Present: Mayor Ament, Alderman Hopkins, Garrigues, Maxey (arrived at 6:22PM), Harenda, Stribl, Horbinski and Doyle.

Also Present: Finance Director Ralph Chipman, City Engineer Tammy Simonson, DPW Director Josh Radomski, Code Compliance Specialist Dan Hogan, City Attorney Mark Blum and City Clerk Georgia Stanford.

This meeting was noticed on Friday, June 4, 2021 in accordance with the Open Meetings Law.

APPROVAL OF MINUTES

- June 8, 2021 Meeting Minutes

Motion to approve the June 8, 2021 Meeting Minutes by Alderman Horbinski. Seconded by Alderman Stribl.

Motion Passed 6-0.

The following items will be considered for approval or denial by the Aldermen with a recommendation to Common Council on the Consent Agenda

UTILITIES & FINANCE

- Approval of June 23, 2021 claims for Water Utility in the amount of \$31,725.54, Sewer Utility in the amount of \$653,745.24 and General City in the amount of \$2,191,204.12. US Bank VISA EFT of \$12,034.17. Tax overpayment checks totaling \$12,152.24 were also generated.

Motion to approve June 23, 2021 claims for Water Utility in the amount of \$31,725.54, Sewer Utility in the amount of \$653,745.24 and General City in the amount of \$2,191,204.12. US Bank VISA EFT of \$12,034.17. Tax overpayment checks totaling \$12,152.24 were also generated by Alderman Garrigues. Seconded by Alderwoman Doyle.

Motion Passed 6-0.

LICENSES & PERMITS

New Operator (Bartender) license applications for the licensing period ending June 30, 2023 per the list as presented.

Motion to approve New Operator (Bartender) license applications for the licensing period ending June 30, 2023 per the list as presented by Alderman Hopkins. Seconded by Alderwoman Doyle.

Motion Passed 6-0.

Renewal Operator (Bartender) license applications for the licensing period ending June 30, 2023 per the list as presented.

Motion to approve Renewal Operator (Bartender) license applications for the licensing period ending June 30, 2023 per the list as presented by Alderman Stribl. Seconded by Alderman Hopkins.

Motion Passed 6-0.

Renewal of licenses for the licensing period of July 1, 2021 through June 30, 2022 for the following per the list as presented and contingent upon applicants meeting all Statutory and Municipal rules/regulations: Amusement Vendor, Amusement Device

Motion to approve Renewal of licenses for the licensing period of July 1, 2021 through June 30, 2022 for the following per the list as presented and contingent upon applicants meeting all Statutory and Municipal rules/regulations: Amusement Vendor, Amusement Device by Alderman Garrigues. Seconded by Alderman Harenda.

Motion Passed 6-0.

MISCELLANEOUS

- Discussion and possible recommendation to the Common Council on Resolution 2021-13, A Resolution Amending the 2019 Capital Projects Budget regarding the purchase of a new Post Lift System to replace a failed in ground lift system.

Motion to approve Resolution 2021-13, A Resolution Amending the 2019 Capital Projects Budget regarding the purchase of a new Post Lift System to replace a failed in ground lift system, the funds are as set forth in the requested action statement and the accounts listed therein by Alderman Horbinski. Seconded by Alderman Garrigues.

Motion Passed 6-0.

- Discussion and possible recommendation to the Common Council on Resolution 2021-16, A Resolution Amending the 2019 & 2020 Capital Projects Budget regarding the purchase of a new "Hot Box" for asphalt transportation

Motion to approve Resolution 2021-16, A Resolution Amending the 2019 & 2020 Capital Projects Budget regarding the purchase of a new "Hot Box" for asphalt transportation, the funds are as set forth in the requested action statement and the accounts listed therein by Alderman Horbinski. Seconded by Alderman Harenda.

Motion Passed 6-0.

- Discussion and possible action to give the police department authorization to apply for a federal grant of up to \$100,000.00 in which the council would agree to allocate funding to the remaining balance of the camera program initiative. The deadline to apply for this grant is 07/26/2021.

Alderman Maxey joined the meeting at 6:22PM.

Motion to give the police department authorization to apply for a federal grant of up to \$100,000.00 in which the council would agree to allocate funding to the remaining balance of the camera program initiative (The deadline to apply for this grant is 07/26/2021) by Alderman Hopkins. Seconded by Alderman Garrigues.

Motion Passed 7-0.

- Discussion and possible action regarding an Ordinance to utilize video conferencing technology for meetings

Motion to recommend Ordinance No. 2651, an Ordinance to create section 6-36 of the NB city code regarding authorizing the use of electronic means to conduct regular and special board/committee meetings to the council by Alderman Stribl. Seconded by Alderman Maxey.

Motion Passed 7-0.

- Discussion and possible action to grant the authority to the Mayor and City Clerk to allow governing bodies to meet via video conferencing technology.

Motion to grant the authority to the Mayor and City Clerk to allow boards/commissions to meet via video conferencing technology. Due to the HVAC construction – all bodies (with the exception of Library Board) that normally meet at buildings other than City Hall may return to in-person meetings. The bodies that normally meet at City Hall will have the option to return to in-person. The chair of that body must make the request for a meeting to be held via video conferencing technology in writing to the Mayor and City Clerk – no later than two weeks prior to the meeting. If no request is received – the meeting will be held in-person by Alderman Horbinski. Seconded by Alderman Garrigues.

Motion Passed 7-0.

- Discussion and possible action to extend the use of virtual meetings for the Committee of the Whole and Common Council

Motion to extend the use of virtual meetings for the Committee of the Whole and Common Council until otherwise acted upon to return to in-person meetings (This is due to the HVAC construction) by Alderman Stribl. Seconded by Alderman Harenda.

Motion Passed 7-0.

- Discussion and possible action regarding Resolution No. 21-17, a Resolution Providing for the Sale of Approximately \$22,945,000 General Obligation Promissory Notes, Series 2021A

Motion to approve Resolution No. 21-17, a Resolution Providing for the Sale of Approximately \$22,945,000 General Obligation Promissory Notes, Series 2021A by Alderman Stribl. Seconded by Alderman Garrigues.

Motion Passed 7-0.

- Discussion and possible action regarding Resolution No. 21-18, a Resolution Authorizing General Obligation Bonds in an Amount Not to Exceed \$4,690,000 for Cold Storage Facility

Motion to approve Resolution No. 21-18, a Resolution Authorizing General Obligation Bonds in an Amount Not to Exceed \$4,690,000 for Cold Storage Facility by Alderman Horbinski. Seconded by Alderman Hopkins.

Motion passed 7-0.

- Discussion and possible action regarding Resolution No. 21-19, a Resolution Authorizing General Obligation Refunding Bonds in an Amount Not to Exceed \$5,220,000

Motion to approve Resolution No. 21-19, a Resolution Authorizing General Obligation Refunding Bonds in an Amount Not to Exceed \$5,220,000 by Alderman Stribl. Seconded by Alderman Garrigues.

Motion Passed 7-0.

-
- Discussion and possible action regarding Resolution No. 21-20, a Resolution Directing Publication of Notice to Electors Relating to Bond Issues

Motion to approve Resolution No. 21-20, a Resolution Directing Publication of Notice to Electors Relating to Bond Issues by Alderman Harenda. Seconded by Alderman Horbinski.

Motion Passed 7-0.

- Discussion and possible action regarding Resolution No. 21-21, a Resolution Providing for the Sale of Not to Exceed \$9,910,000 General Obligation Corporate Purpose Bonds, Series 2021B

Motion to approve Resolution No. 21-21, a Resolution Providing for the Sale of Not to Exceed \$9,910,000 General Obligation Corporate Purpose Bonds, Series 2021B by Alderman Horbinski. Seconded by Alderman Stribl.

Motion Passed 7-0.

- Recommend to Common Council that a public hearing be set for August 16, 2021 at 6:00 p.m. to be held before the Plan Commission on the suggested amendments to the Zoning Code (Chapter 275).

Motion to set a public hearing date for August 16, 2021 at 6:00 p.m. to be held before the Plan Commission on the suggested amendments to the Zoning Code (Chapter 275) by Alderwoman Doyle. Seconded by Alderman Stribl.

Motion Passed 7-0.

DEFERRED, REFERRED & TABLED ITEMS

ADJOURN

Motion to adjourn at 6:39PM by Alderman Stribl. Seconded by Alderwoman Doyle.

Motion Passed 7-0.

Respectfully Submitted:

Georgia Stanford
City Clerk

LEASE AGREEMENT

This Lease Agreement ("Agreement") is made and entered into this 27th day of September, 2022, by and between the CITY OF NEW BERLIN, a Wisconsin municipal corporation, with its principal office and place of business located at 3805 South Casper Drive, New Berlin, Wisconsin, 53151 (hereinafter referred to as the "City") and Star of Bethlehem Evangelical Lutheran Church, a Wisconsin non-profit corporation, with its principal office and place of business located at 3700 South Casper Drive, New Berlin, Wisconsin, 53151 (hereinafter referred to as the "Church").

WHEREAS, the City of New Berlin Municipal Campus is located at 3805 South Casper Drive and Malone Park is adjacent thereto; and

WHEREAS, the Church has applied to the City of New Berlin Department of Community Development for a permit to utilize the City's parking lots for overflow parking related to an event that the Church intends to conduct on October 7th, 2022 at its Church complex at 3700 South Casper Drive; and

WHEREAS, the City is agreeable to permitting the use of its parking areas at City Hall for said event, subject to the approval by the City of New Berlin Common Council, as well as the terms and conditions of this Agreement.

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 Church shall be permitted to use the south public parking area at City Hall (hereinafter the "Parking Area") on October 7th, 2022 solely for the purpose of accommodating parking needs for the Church as associated with their Event.
2. Notwithstanding the foregoing, the City is reconstructing Casper Dr adjacent to City Hall and, therefore, said work may impact the use of the parking area.
3. The Church warrants and represents that the Parking Area will only be used for public parking purposes and that no other activities may be engaged in thereon without the expressed written permission of the City.
4. The Church further warrants and represents that all activities engaged in at the Parking Area on said dates shall be in conformance with applicable City Ordinances, Wisconsin State Statutes and regulations of other governmental entities with jurisdiction.
5. The Church shall supervise the operation of the Parking Area throughout the duration of its use thereof and will restore the Parking Area to the condition that existed before the commencement of the event.
6. The Church agrees to hold the City, its officers, employees, agents and assigns harmless and will indemnify the City as and against any and all claims, actions, demands, causes

of action and costs and expenses, including actual attorney fees, arising from the City's approval of this Agreement and the Church's use of the Parking Area at New Berlin City Hall as provided for hereunder.

7. The Church warrants and represents that it will repair any damage done to the Parking Area during the course of its use as provided for under this Agreement. Said repairs shall be completed as soon as reasonably practical, but not less than thirty (30) days following notice by the City of the damage.

8. The Church agrees to obtain liability insurance coverage to insure its use and that of the public of the Parking Area as provided for hereunder. Said liability insurance coverage shall provide limits of not less than \$1,000,000.00 per occurrence and \$2,000,000.00 in the aggregate. The Church shall provide a valid endorsement issued by the insurer, indentifying the City as an Additional Insured on said policy on a primary, non-contributory basis.

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

10. This Agreement may be terminated in the event of breach by either party upon thirty (30) days written notice.

11. This Agreement represents the complete understanding of the parties with respect to the subject matter set forth herein and may only be modified by written agreement executed by both parties and approved by the New Berlin Common Council.

12. This Agreement may not be assigned without the expressed written consent of the City of New Berlin.

CITY:
City of New Berlin

CHURCH:
Star of Bethlehem Lutheran Church

By: _____
David Ament, Mayor

By: _____

Print Name & Title

By: _____
Rubina R. Medina, Clerk



REQUESTED ACTION STATEMENT

TO: Common Council
Mayor Dave Ament

FROM: Gregory Kessler, AICP – Director of Community Development

RE: Requested Action Statement for approval of public bids for bid package #9 and #17 for the New Berlin Activity and Recreation Center Phase 2.

DATE: September 27, 2022

REQUESTED ACTION: The approval of public base bids for bid package #9 and #17 totaling \$197,944.00 for Phase 2 of the New Berlin Activity and Recreation Center. The City shall direct that pursuant to our contract with our Construction Manager Moore Construction Services that they award contracts for two bid packages for the New Berlin Activity and Recreation Center to the lowest responsive, responsible bidders.

FISCAL IMPACT: The funds to be used are from CIP account 04252900-61130-C2022 Activity and Recreation Center. The total for these bids is \$197,944.00.

SOURCE OF FUNDS: Account #: 04252900-61130-C2022 – Recreation Center

RATIONALE/BACKGROUND: The City did not receive responsive bidders for bid package #9 and #17 during the August 3, 2022 bid opening for Phase 2 of the New Berlin Activity and Recreation Center. The City was required to rebid these two packages.

The City officially closed on the property purchase on August 12, 2020. The City's purchase included approximately 25,000 square feet of vacant building, 45% of the entire former Walmart site area (only area of the site that was suitable for a building expansion), 52% of the entire parking lot, and 100% of the National Avenue & Wall Street frontages. The address for the Activity and Recreation Center is 15321 W. National Avenue after the parcel was divided in two. Phase 1 remodeled the existing space, while Phase 2 will be a building expansion to the north for basketball/volleyball courts, an elevated running track and additional rooms for recreation programming.

Phase 1 of the project was completed and opened to the public June 4th, 2022. Construction of phase II will commence this fall with an anticipated completion date of the first quarter of 2024.

NEW BERLIN REC PHASE II

September 7, 2022

#9 ELEVATOR	
CONTRACTOR	BASE BID AMOUNT
Otis	\$ 130,251.00
KONE	\$ 140,000.00
Otis	\$ 130,251.00

#17 SYNTHETIC TURF	
CONTRACTOR	BASE BID AMOUNT
Schmidt Custom Floors	\$ 67,693.00
Schmidt Custom Floors	\$ 67,693.00



REQUESTED ACTION STATEMENT

TO: Mayor Dave Ament
Common Council

FROM: Gregory Kessler, AICP – Director of Community Development 

RE: Requested Action Statement for the approval of Resolution #: 22-21 for the adoption of the recently updated Waukesha County Hazard Mitigation Plan.

DATE: September 15, 2022

REQUESTED ACTION: Requested Action Statement for the approval of Resolution #: 22-21 for the adoption of the recently updated Waukesha County Hazard Mitigation Plan.

FISCAL IMPACT: This plan was developed by Waukesha County Emergency Management with the assistance of the participating communities. There is no direct fiscal impact to the City of New Berlin.

SOURCE OF FUNDS: Not Applicable

BACKGROUND: The Waukesha County Hazard Mitigation Plan was updated, approved, and adopted in 2011 and 2016. It contains information relative to the hazards and vulnerabilities facing Waukesha County. The jurisdictions participating in this previous Plan included those incorporated jurisdictions within the County. As a requirement of the Disaster Mitigation Act of 2000, this plan is updated every five years.

The primary focus of the Plan is to evaluate Waukesha County's potential exposure to natural and manmade disasters and identify appropriate mitigation strategies.

The purposes of this Plan are to:

- 1) Fulfill Federal and local mitigation planning responsibilities.
- 2) Promote pre-and post-disaster mitigation measures with short/long range strategies to minimize suffering, loss of life, impact on traditional culture, and damage to property and the environment.
- 3) Eliminate or minimize conditions that would have an undesirable impact on the people, culture, economy, environment, and well-being of the County at large.

- 4) Enhance elected officials', departments', and the public's awareness of the threats to the community's way of life and of what can be done to prevent or reduce vulnerability and risk.

FEMA Hazard Mitigation Assistance (HMA) programs present a critical opportunity to reduce risk to individuals and property from natural hazards while simultaneously reducing reliance on Federal disaster funds. In addition, these programs provide opportunities for the City of New Berlin to develop and manage pre- and post-disaster mitigation activities. Mitigation provides a critical foundation on which to reduce loss of life and property by avoiding or lessening the impact of hazard events. In doing so we can create a safer community, develop resiliency by enabling the community to return to normal functions as quickly as possible after a hazard event.

For a participating community to be eligible for funds through these programs they must develop a hazard mitigation plan or be included as a participant in a countywide hazard mitigation plan. Adoption of this plan will then allow the City of New Berlin to apply for grant funds through the FEMA Hazard Mitigation Grant (HMGP) Program, the Building Resilient Infrastructure and Communities (BRIC) Program and the Flood Mitigation Assistance (FMA) Program.

The application period for these grants runs from September 30, 2022 through January 27, 2023. Mitigation projects listed in the plan may be eligible for funding through these grant programs, but only if the plan has been adopted at by the participating community. Should the City of New Berlin choose not to adopt the Waukesha County Plan the City of New Berlin would then need to develop its own plan and acquire the necessary approvals from the State of Wisconsin and FEMA.

The City of New Berlin last adopted the Waukesha County Hazard Mitigation Plan on November 9, 2010 via Resolution #: 10-43.

Also, included in the Common Council packet is the power point presentation provided by Waukesha County during one of their workshops and Executive Overview of the Plan.

Waukesha County Multi-Jurisdictional All Hazard Mitigation Plan Update

Executive Overview
July 2022

The Waukesha County Multi-Jurisdictional All Hazard Mitigation Plan (Plan) was submitted to Wisconsin Emergency Management (WEM) and FEMA for review and approval in March of this year. FEMA guidance (Disaster Mitigation Act of 2000) requires that the Plan be updated every five years.

Waukesha County Emergency Management updated the 2016 Plan, which now includes 41 participating jurisdictions. The plan received FEMA's Approval Pending Adoption (APA) status on May 25, 2022. The county and participating jurisdictions must now adopt the plan, within one year of the aforementioned date, to have a FEMA-approved hazard mitigation plan and be eligible for funding through the Hazard Mitigation Grant Program (HMGP), the Building Resilient Infrastructure and Communities (BRIC) program, and the Flood Mitigation Assistance (FMA) program.

The planning area for the hazard mitigation plan encompasses Waukesha County and includes the incorporated and unincorporated jurisdictional areas of the county.

Adoption of the Plan makes participants eligible to apply for grants funds, and FEMA requires that each participating partner adopt the plan by resolution.

The following represent key elements from the Plan update:

- This plan includes all federally required elements of a hazard mitigation plan:
 - A description of the planning process
 - The public involvement strategy
 - A list of goals and objectives

WHAT IS THIS PLAN?

Mitigation is defined in this context as any sustained action taken to reduce or eliminate long-term risk to life and property from a hazard event. Mitigation planning is the systematic process of learning about the hazards that can affect the community, setting clear goals, identifying appropriate actions and following through with an effective mitigation strategy. Mitigation encourages long-term reduction of hazard vulnerability and can reduce the enormous cost of disasters to property owners and all levels of government. Mitigation can also protect critical community facilities, reduce exposure to liability and minimize post-disaster community disruption.

WHY IS THIS PLAN SO IMPORTANT?

Adoption of the Hazard Mitigation Plan makes participants eligible to apply for grant funds through the Building Resilient Infrastructure and Communities Program, Flood Mitigation Assistance Program and Hazard Mitigation Grant Program.

- A countywide hazard risk assessment
- Countywide mitigation initiatives
- A plan maintenance strategy

This plan has been set up in two volumes so that elements that are jurisdiction-specific can easily be distinguished from those that apply to the whole planning area:

Volume 1 includes all federally required elements of a disaster mitigation plan that apply to the entire planning area. This includes the description of the planning process, public involvement strategy, goals and objectives, countywide hazard risk assessment, mitigation strategy, and a plan maintenance strategy. The following appendices at the end of Volume 1 include information or explanations to support the main content of the plan:

- Appendix A - Notice of Endorsement & Adoption
- Appendix B - Public Outreach & Participation
- Appendix C - Mitigation Project Examples
- Appendix D - Federal Funding Sources and Programs
- Appendix E - Benefit-Cost Analysis Guidance
- Appendix F - Acronyms and Definitions

Volume 2 includes all federally required jurisdiction-specific elements, in annexes for each participating jurisdiction.

- 41 total jurisdictions participated in the 2022 Waukesha County Multi-Jurisdictional All Hazard Mitigation Plan.

Jurisdiction	Involvement
Waukesha County	Meetings; Mitigation Steering Committee Leadership; Mitigation Actions/Projects
Brookfield City	Meetings; Mitigation Actions/Projects
Delafield City	Meetings; Mitigation Actions/Projects
Muskego City	Meetings; Mitigation Actions/Projects
New Berlin City	Meetings; Mitigation Actions/Projects
Oconomowoc City	Meetings; Mitigation Actions/Projects
Pewaukee City	Meetings; Mitigation Actions/Projects
Waukesha City	Meetings; Mitigation Actions/Projects
Big Bend Village	Meetings; Mitigation Actions/Projects
Butler Village	Meetings; Mitigation Actions/Projects
Chenequa Village	Meetings; Mitigation Actions/Projects
Dousman Village	Meetings; Mitigation Actions/Projects
Eagle Village	Meetings; Mitigation Actions/Projects
Elm Grove Village	Meetings; Mitigation Actions/Projects
Hartland Village	Meetings; Mitigation Actions/Projects
Lac La Belle Village	Meetings; Mitigation Actions/Projects
Lannon Village	Meetings; Mitigation Actions/Projects
Menomonee Falls Village	Meetings; Mitigation Actions/Projects
Merton Village	Meetings; Mitigation Actions/Projects
Mukwonago Village	Meetings; Mitigation Actions/Projects

Nashotah Village	Meetings; Mitigation Actions/Projects
North Prairie Village	Meetings; Mitigation Actions/Projects
Oconomowoc Lake Village	Meetings; Mitigation Actions/Projects
Pewaukee Village	Meetings; Mitigation Actions/Projects
Summit Village	Meetings; Mitigation Actions/Projects
Sussex Village	Meetings; Mitigation Actions/Projects
Vernon Village	Meetings; Mitigation Actions/Projects
Wales Village	Meetings; Mitigation Actions/Projects
Waukesha Village	Meetings; Mitigation Actions/Projects
Brookfield Town	Meetings; Mitigation Actions/Projects
Delafield Town	Meetings; Mitigation Actions/Projects
Eagle Town	Meetings; Mitigation Actions/Projects
Genesee Town	Meetings; Mitigation Actions/Projects
Lisbon Town	Meetings; Mitigation Actions/Projects
Merton Town	Meetings; Mitigation Actions/Projects
Mukwonago Town	Meetings; Mitigation Actions/Projects
Oconomowoc Town	Meetings; Mitigation Actions/Projects
Ottawa Town	Meetings; Mitigation Actions/Projects
Lake Country Fire Dept	Meetings; Mitigation Actions/Projects
Eagle Springs Lake Management District	Meetings; Mitigation Actions/Projects
Western Lakes Fire District	Meetings; Mitigation Actions/Projects

- The **hazard identification and profiling** in the hazard mitigation plan addresses the following hazards considered to be of paramount importance within Waukesha County and listed in descending order of general risk to the county. It is important to note that the Disaster Mitigation Act of 2000 requires that all “**natural hazards**” be addressed in this plan. Hazard impacts were assessed in six categories: population exposure, catastrophic potential of the hazard, property damages, property exposure, future development trends, and economic potential of the hazard. The probability of occurrence of a hazard is indicated by a probability factor based on the likelihood of a “significant” incident occurring on an annual basis.

Hazard Event	Probability Factor	Sum of Weighted Impact Factors	Total (Probability x Impact)
Flooding	3	28	84
Tornadoes and High Winds	2	25	50
Winter Storms	2	24	48
Thunderstorms	3	15	45
Hail	3	13	39
Hazardous Materials Release	2	17	34
Extreme Cold	2	15	30
Utility Failure	2	15	30
Lightning	3	9	27

Earthquakes	1	24	24
Droughts and Dust Storms	2	10	20
Extreme Heat	2	10	20
Dam Failure	1	16	16
Forest and Wildfires	1	13	13
Political Hazard (Terrorism & Civil Disturbance)	1	13	13
Fog	2	6	12
Rail Transportation Incident	1	11	11

- One of the bedrock principles of emergency management is to approach issues from an all-hazards perspective. The planning committee used the all hazards approach to identify **mitigation goals** for the county and all of its municipalities. The purpose of the hazard mitigation plan is to identify hazard areas, assess the risks, analyze the potential for mitigation and recommend mitigation strategies, where appropriate. Potential mitigation projects will be reviewed using criteria that stress the intrinsic value of the increased safety for people and property in relation to the monetary costs to achieve this (i.e., a cost-benefit analysis). With that in mind, the planning goals for this entire plan, as determined by the mitigation planning committee are:

MITIGATION GOALS

1. To preserve life and minimize the potential for injuries or death.

- Identify natural and manmade hazards that threaten life in Waukesha County.

2. To preserve and enhance the quality of life throughout Waukesha County by identifying potential property damage risks and recommending appropriate mitigation strategies to minimize potential property damage.

- Implement programs and projects that assist in protecting lives by making homes, businesses, essential facilities, critical infrastructure, and other property more resistant to losses from all hazards.
- Improve hazard assessment information to make recommendations for discouraging new development and encouraging preventive measures for existing development in areas vulnerable to natural hazards.
- Protect life and property by implementing state-of-the-art standards, codes and construction procedures.

3. To promote countywide coordination, planning, and training that avoids transferring the risk from one community to an adjacent community, where appropriate.

- Continue developing and strengthening inter-jurisdictional coordination and cooperation in the area of emergency services.
- Continue to support and develop comprehensive mutual aid agreements.
- Continue providing county and municipal emergency services with training and equipment to address all identified hazards.

4. To identify potential funding sources for mitigation projects and form the basis for FEMA project grant applications.

5. Increase public awareness

- Increase public awareness of existing threats and the means to reduce these threats by conducting educational and outreach programs to all the various community groups in the county.
 - Provide informational items, partnership opportunities and funding resource information to assist in implementing mitigation activities.
- The heart of the mitigation plan is the **mitigation strategy**, which serves as the long-term blueprint for reducing the potential losses identified in the risk assessment. The mitigation strategy describes how the county will accomplish the overall purpose, or mission, of the planning process. In this plan, **mitigation actions/projects** were updated/amended, identified, evaluated, and prioritized.
 - A total of **209** mitigation projects were identified for Waukesha County and participating jurisdictions.
 - **113** new mitigation projects were identified as part of this update.

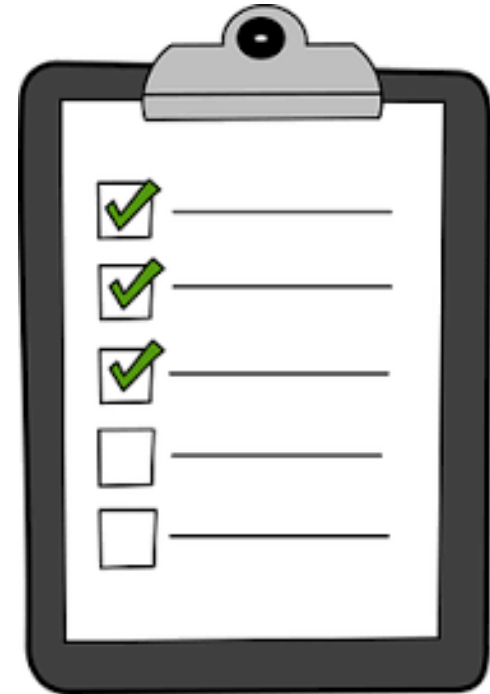
Waukesha County Multi-Jurisdictional Hazard Mitigation Plan Update

Workshop

Welcome, Introductions, and Opening Remarks

Agenda

- **Introductions**
- **Mitigation Overview**
- **Hazards**
- **Jurisdiction Hazard Summary Worksheet**
- **Mitigation Goals**
- **Mitigation Strategies**
- **Review Ongoing Mitigation Actions/Projects**
- **Identify New Mitigation Actions**



Overview of Mitigation:

Why Mitigate?

Why Mitigate?

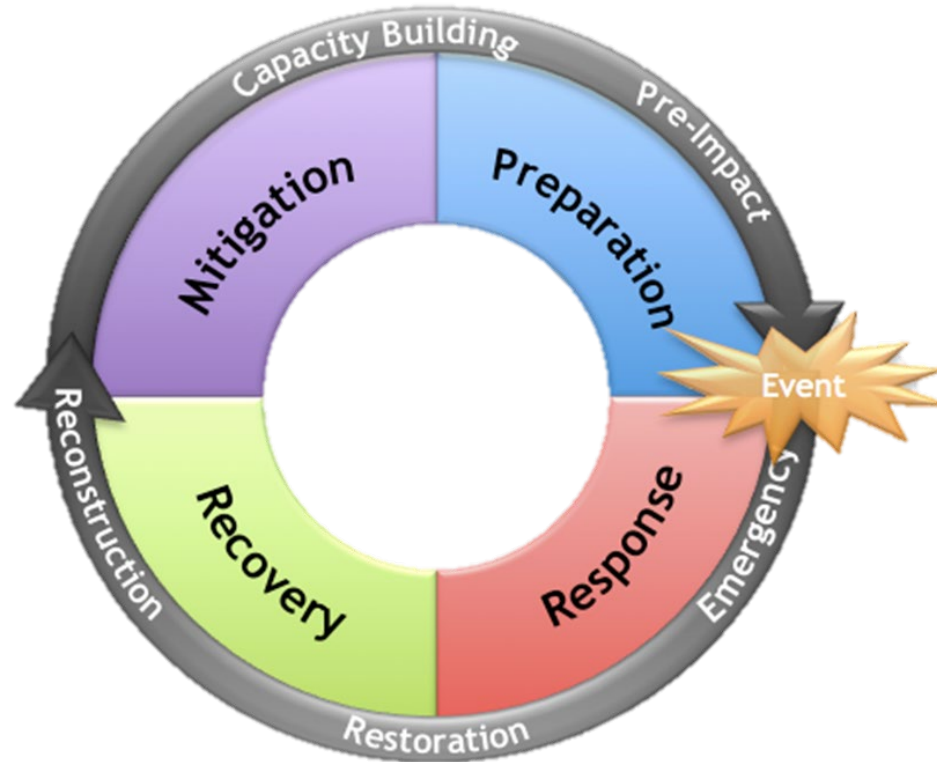
Definition of Mitigation

- *Any sustained action taken to reduce or eliminate long-term risk to life and property from a hazard event*



Why Mitigate?

- **Disaster Cycle & Mitigation**



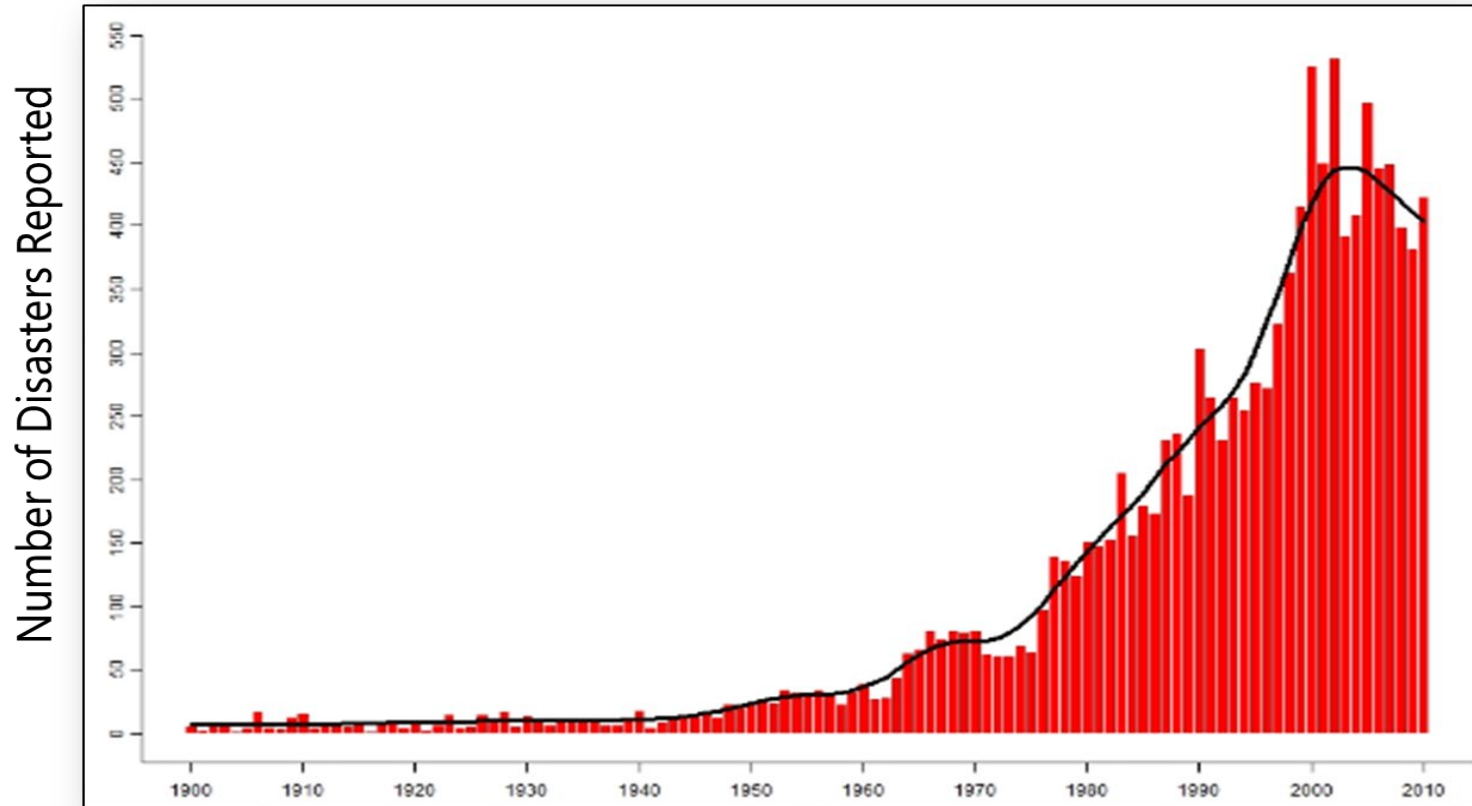
Why Mitigate?



- *Protect human life and prevent damage or loss of property*
- *Ensure continuity of government/business*
- *Promote inter-agency coordination and response*
- *Increase public awareness and preparedness about hazards within the community*
- *Maintain compliance with State and Federal regulations and requirements for funding*
 - **Plans must be updated and approved by FEMA every 5 years**

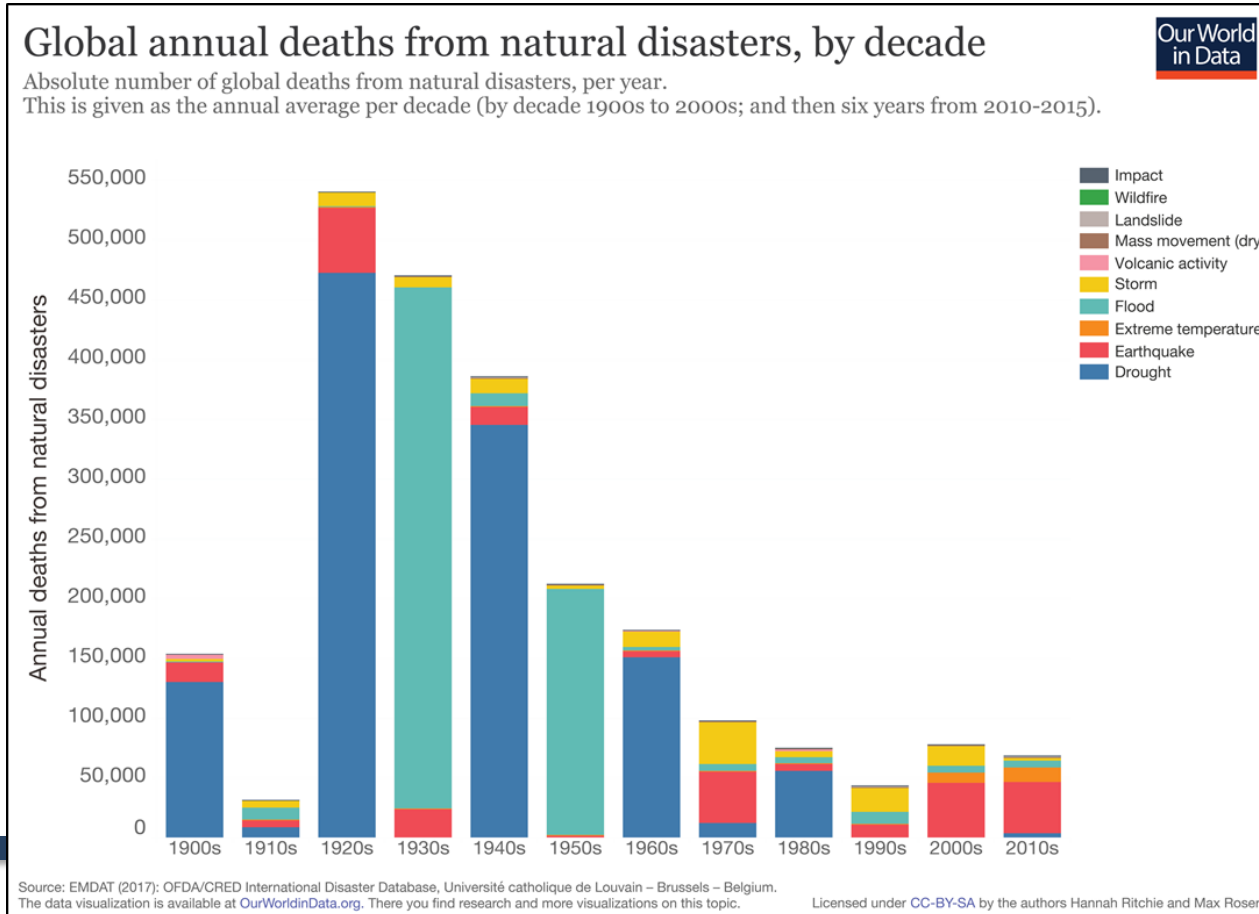
Why Mitigate?

- How does Mitigation pay?



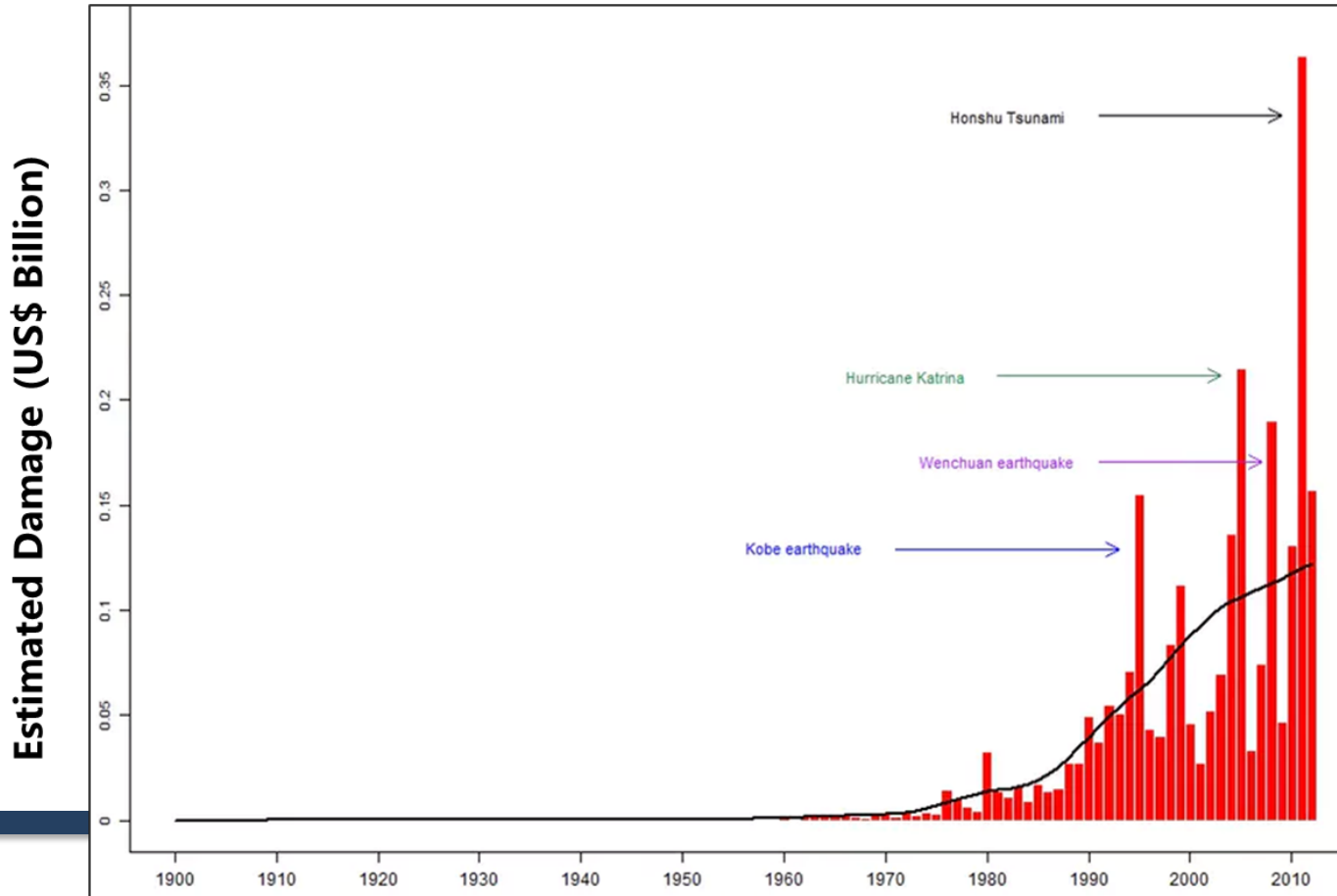
Why Mitigate?

• How does Mitigation pay?



Why Mitigate?

- How does Mitigation pay?



Mitigation Planning Process

Mitigation Planning Process

1. **Establish & Document the Planning Process**
2. **Understand Your Community**
 - **Conduct Community Profile**
3. **Assess Risks:**
 - **Hazard Profile & Risk Assessment**
4. **Mitigation Strategies & Actions**
5. **Plan Maintenance & Governance** (*Adopt the Plan*)



HMP is a Shared Effort!



- **Guide Planning Process and Outreach**
- **General County Profile Analysis**
- **Assess Risks**
- **Mitigation Goals and Strategies**
- **Update / Maintenance Process**
- **Facilitate Approval Process**



Participant Sections

- *Jurisdiction-specific Information*
- *Critical Facilities & Infrastructure*
- *Future Development Trends*
- *Jurisdiction-Specific Hazard Analysis*
- *Identify Jurisdiction-specific Mitigation Actions*
- *Adopt Plan*

Assess Risks: *Hazard Profiles*

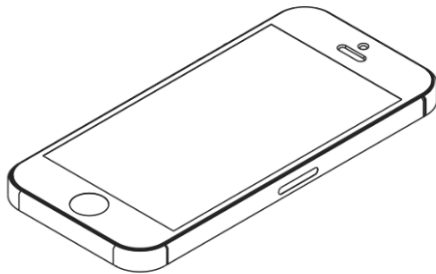
- Update hazard history
- Review hazard profiles
- Update hazard maps
- Description of the hazard
- ID the location
- ID extent of hazard
- Provide information on previous occurrences and probability of future occurrences



Does the Plan include a description of the type, location, and extent of all natural hazards that can affect each jurisdiction(s)? (*Requirement §201.6(c)(2)(i)*)

Hazards Discussion & Activity

Menti.com | 8009 1108



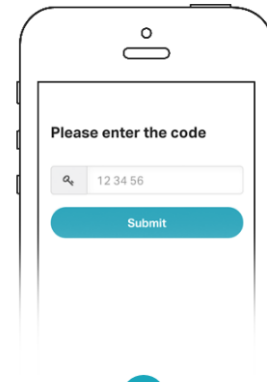
1

Grab your phone

www.menti.com

2

Go to www.menti.com



3

Enter the code

<https://www.mentimeter.com/s/48049e5776df666ce00308087cd892f4/0aafb5d71d7c/edit>

Assess Risks: Final Hazards List

- | | | | |
|---|-----------------------------------|---|-------------------------|
| ✓ | Flooding | Ü | Dam Failure |
| ✓ | Hail | Ü | Earthquakes |
| ✓ | Thunderstorms | Ü | Forest and |
| ✓ | Droughts and Dust Storms | | Wildfires |
| ✓ | Extreme Cold | Ü | Rail |
| ✓ | Extreme Heat | | Transportation |
| ✓ | Fog | | Incident |
| ✓ | Hazardous Material Release | Ü | Political Hazard |
| ✓ | Lightning | | |
| ✓ | Tornadoes and High Winds | | |
| ✓ | Utility Failure | | |
| ✓ | Winterstorms | | |

Hazard Summary Discussion

Identify **unique** hazard-specific concerns/risks for your jurisdiction/organization. See handout below...

Does the Plan include a description of the type, location, and extent of all natural hazards that can affect **each** jurisdiction(s)? (Requirement §201.6(c)(2)(i))

Does the **new or updated** plan include a risk assessment for **each participating jurisdiction** as needed to **reflect unique or varied risks**? (Requirement §201.6(c)(2)(iii))

Name: _____; E-mail: _____;	
Jurisdiction/Organization/Agency: _____	
Natural Hazards	
Hazards	Please describe any specific and/or unique concerns/risks that this hazard poses to your jurisdiction and/or organization. For example, are there properties that are at risk of repetitive damages from this hazard? Are certain population groups in your jurisdictions more vulnerable to this hazard? Are there specific neighborhoods or areas in your community that are more at risk from one of these hazards?
Dam/Levee Failure	
Flood	
Extreme Heat	
Lightning	
Hail	
Fog	
High Winds	

Mitigation Plan Elements

Mitigation Strategy



- *Define goals and objectives*
- *Identify and analyze a comprehensive range of possible mitigation measures*
- *Develop an action plan for implementing mitigation measures*



Examples of Mitigation:

Acquisition of Homes | Elevation of Utilities | Building Codes | Public Education

Does the Plan identify and analyze a comprehensive range of specific mitigation actions and projects for each jurisdiction being considered...with emphasis on new and existing buildings and infrastructure? (*Requirement §201.6(c)(3)(ii)*)

Does the updated plan identify the completed, deleted or deferred mitigation actions as a benchmark for progress? (*Requirement §201.6(c)(3)(iv)*)

Goals



WAUKESHA COUNTY HAZARD MITIGATION PLAN

Goal 1	To preserve life and minimize the potential for injuries or death
Goal 2	To preserve and enhance the quality of life throughout Waukesha County by identifying potential property damage risks and recommending appropriate actions.
Goal 3	To promote countywide coordination, planning, and training that avoids transferring the risk from one community to an adjacent community, where applicable.
Goal 4	To identify potential funding sources for mitigation projects and form the basis for FEMA project grant applications.
Goal 5	Increase public awareness.

Mitigation Funding Opportunities

Building Resilient Infrastructure and Communities (BRIC)

Program:

- Nationally competitive
- Funding available to local, state and tribal governments
- Cost-effective hazard mitigation activities
- If applying for BRIC, must have an approved local mitigation plan
- BRIC is a new FEMA pre-disaster hazard mitigation program that replaces the existing Pre-Disaster Mitigation (PDM) program

Flood Mitigation Assistance (FMA) Program:

- Communities can receive grants to develop a comprehensive flood mitigation plan and the implementation of flood mitigation projects
- Community must belong to the National Flood Insurance Program (NFIP) to receive FMA funds
- Reduce or eliminate long-term risk of flood damage to NFIP-insured buildings, manufactured homes, etc.

Mitigation Funding Opportunities

Disaster Recovery Reform Act of 2018

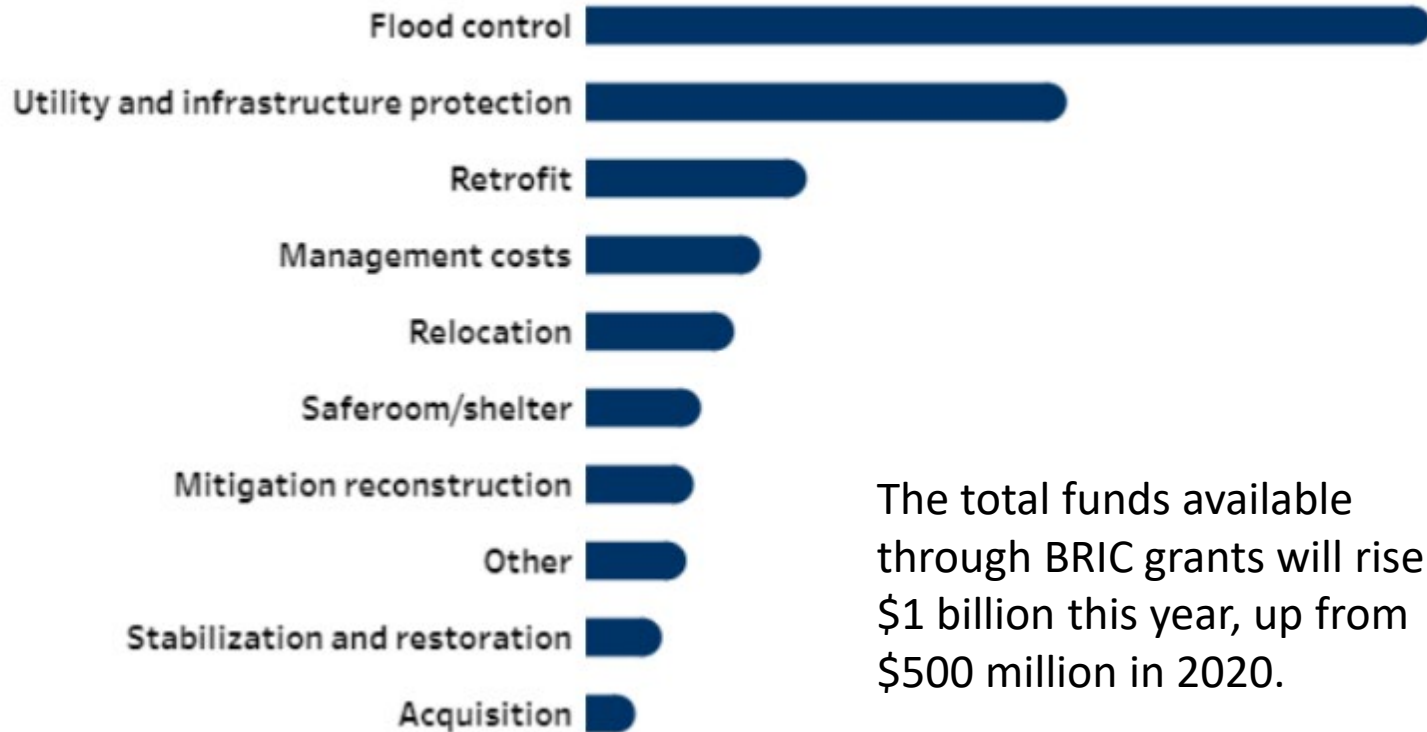
On Oct. 5, 2018, the Disaster Recovery Reform Act of 2018 was signed into law.

- **National Public Infrastructure Pre-Disaster Hazard Mitigation (Section 1234):** Authorizes the National Public Infrastructure Pre-Disaster Mitigation fund which will be funded through the Disaster Relief Fund as a **six percent set aside from estimated disaster grant expenditures**. This allows for a greater investment in mitigation before a disaster. This new program is named **Building Resilient Infrastructure and Communities (BRIC)**.
- FEMA envisions that the BRIC program will focus on **traditional** mitigation projects and incentivize **new, innovative large infrastructure projects** that build resilient communities and reduces risks from **all hazards**.

Mitigation Funding Opportunities (2020)

Subapplication Activity by Total Subapplication Costs

Top 10 ☒



The total funds available through BRIC grants will rise to \$1 billion this year, up from \$500 million in 2020.

Mitigation Funding Opportunities

Public Assistance (PA) Program

Section 406 provides discretionary authority to fund mitigation measures in conjunction with the repair of the disaster-damaged facilities. **The mitigation measures must be related to eligible disaster-related damages and must directly reduce the potential for future, similar disaster damages to the eligible facility. This work is performed on the parts of the facility that were actually damaged by the disaster and the mitigation provides protection from subsequent events.** Mitigation measures must be cost-effective, technically feasible, and in compliance with statutory, regulatory and executive order requirements.

Section 406 hazard mitigation funding and **Section 404 Hazard Mitigation Grant Program (HMGP)** funding are two distinct programs that can sometimes be used together to more completely fund a hazard mitigation project and promote resilience. **Section 406 mitigation funding can be used to restore parts of the facility that were actually damaged by the disaster to provide protection from subsequent events. Section 404 funding can then be used to provide future protection to the undamaged parts of the facility.**

Mitigation Funding Opportunities

404 Mitigation	406 Mitigation
State Managed	PA Managed
Applied Statewide	Site Specific
Cost-Effective Funding	Cost-Effective Funding
Multi-Hazard/Area Wide (competitive)	Incident Specific
Non-Damaged Facility	Damaged Element of Facility Only
Capped at 15-20% of aggregate amount of disaster assistance	Not Capped

Popular Funded Mitigation Actions

Buildings

- Building under NFIP regulations (repair, dry flood proofing, elevation)
- Move electrical panels, mechanical, generators above base flood elevation (BFE)
- Installing flood walls
- Relocation of a building outside of a flood area

Slope Stabilization

Flood protection of bridges and culverts

- Installing debris traps upstream of culverts
- Gabion baskets, riprap, sheet piling, and geotextile fabric installation - Installation to control erosion.
- Headwalls and wing walls
- Replace bridges with low water crossings

Popular Funded Mitigation Actions

Wastewater Treatment Plants

- Dry or wet flood proofing of buildings
- Elevation of equipment or controls

Utilities

- Pad mounted transformers - elevated above BFE, or lowering and burying them in non-flood, high wind areas
- Using multiples poles to support transformers
- Burying lines
- Replacing poles with a better material (for example wood poles replaced with spun concrete)

Eligible Mitigation Activities	HMGP	PDM	FMA
Wind Retrofit for One- and Two-Family Residences	√	√	
Wildfire Mitigation	√	√	
Structure Elevation	√	√	√
Structural Retrofitting of Existing Buildings	√	√	√
Soil Stabilization	√	√	√
Safe Room Construction	√	√	
Property Acquisition and Structure Relocation	√	√	√
Property Acquisition and Structure Demolition	√	√	√
Post-Disaster Code Enforcement	√		
Non-structural Retrofitting of Existing Buildings and Facilities	√	√	√
Non-Localized Flood Risk Reduction Projects	√	√	
Mitigation Reconstruction	√	√	√
Miscellaneous/Other**	√	√	√
Localized Flood Risk Reduction Projects	√	√	√
Infrastructure Retrofit	√	√	√
Green Infrastructure**	√	√	√
Generators	√	√	
Floodplain and Stream Restoration**	√	√	√
Flood Diversion and Storage**	√	√	√
Dry Floodproofing of Non-residential Structures	√	√	√
Dry Floodproofing of Historic Residential Structures	√	√	√
Aquifer and Storage Recovery**	√	√	√
Advance Assistance	√		

This table shows the Hazard Mitigation Assistance program mitigation activity eligibility chart which is relevant for the Hazard Mitigation Grant Program (HMGP), Pre-Disaster Mitigation (PDM), and Flood Mitigation Assistance (FMA) grant programs.

When Developing Mitigation Actions Consider...

- **Planned Projects and Developments**
- **Technically Feasible**
- **Cost Effectiveness**

Other Considerations:

- **Social** (community acceptance, adverse affects)
- **Administrative** (staffing, funding, maintenance)
- **Political** (political and public support, local champion)
- **Legal** (authority, action subject to legal challenge)
- **Economic** (outside funding required, contributes to economic goals, cost)
- **Environmental** (affects land/water, consistent with environmental objectives and federal laws)



We will be updating your past mitigation actions

Instructions: Please review your **past mitigation actions** if available. For each “past” mitigation action, please indicate the 2021 status and any comments, progress, and/or challenges implementing the action.

Does the Plan identify and analyze a comprehensive range of specific mitigation actions and projects for **each jurisdiction** being considered to reduce the effects of hazards, with emphasis on new and existing buildings and infrastructure?
(Requirement §201.6(c)(3)(ii))

Does the updated plan identify the completed, deleted or deferred mitigation actions as a benchmark for progress, and if activities are unchanged (i.e., deferred), does the updated plan describe why no changes occurred? (Requirement §201.6(c)(3)(iv))

New Mitigation Actions

Instructions: Identify at least one “new” project. Please use the New Mitigation Action Form. Additional resources are available to assist you in identifying actions/projects.

Name:

Organization/Department:

E-mail:

Phone:

New Mitigation Action (Please Describe):

Year Initiated	2018 (New Mitigation Action)
Applicable Jurisdiction	
Lead Agency/Organization	
Supporting Agencies/Organizations	
Potential Funding Source	
Estimated Cost	
Benefits (loss avoided)	
Projected Completion Date	
PRIORITY (High, Medium, Low)	



Mitigation Ideas

A Resource for Reducing Risk to Natural Hazards

January 2013



FEMA

Maintenance and Adoption

1. *With plan approval, your community is eligible for FEMA project funding!*
2. *This is why it is important to participate and document your attendance*



Project Schedule

Project Schedule

Initial Planning Meeting: Done

Workshops: August 24th (1:00 p.m.-3:30 p.m.) and August 25th (9:00 a.m.-11:30 a.m.)

Public Meeting: August 24, 2021 (6:00pm)

Planning Meeting: Fall 2021 (Oct)

Review Draft/Public Meeting

Final Draft: Fall 2021 | Plan Due January 1, 2022

State/Federal Review: January 2022

What do I need to do going forward?

- *Work with your **local planning team** for input*
- *Provide updates and feedback to your **Jurisdiction-Specific Hazard Event History and Risk Assessment***
- *Update Your **Existing Mitigation Actions***
- *Identify at least one **New Mitigation Strategy/Project***
- ***Adopt the Plan!***

Questions & Comments?



RESOLUTION NUMBER No. 22-21

**A Resolution to Adopt the
Waukesha County All Hazard Mitigation Plan**

WHEREAS, the City of New Berlin recognizes the threat that natural hazards pose to people and property; and

WHEREAS, undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save taxpayer dollars; and

WHEREAS, an adopted all hazard mitigation plan is required by FEMA as a condition of future grant funding for mitigation projects under FEMA pre- and post-disaster mitigation grant programs; and

WHEREAS, the City of New Berlin participated jointly in the planning and update process with Waukesha County and other local units of government to prepare an All Hazard Mitigation Plan, which was made available for review and will reside permanently in the Waukesha County Office of Emergency Management; and

WHEREAS, the Wisconsin Emergency Management and Federal Emergency Management Agency, Region V, officials have reviewed the 2021 update and approved it contingent upon this official adoption of the participating governing body; and

NOW THEREFORE IT IS HEREBY RESOLVED that the City of New Berlin hereby adopts the 2021 Waukesha County All Hazards Mitigation Plan as an official plan, and do hereby endorse and agree to participate in the implementation of the Waukesha County All Hazard Mitigation Plan as it applies to this jurisdiction.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to publish this resolution within 10 days of adoption by the Common Council and the Mayor and staff are authorized to take such further steps as are necessary to effectuate the intention of this resolution.

Passed and adopted by the Common Council this 27th day of September 2022.

APPROVED:

Mayor David A. Ament

Countersigned/Certified:

Rubina R. Medina, City Clerk

RESOLUTION 22-23
A RESOLUTION AMENDING THE 2022 CAPITAL PROJECTS BUDGET

WHEREAS, the New Berlin Common Council awarded bids for phase II of the New Berlin Activity and Recreation Center on August 23rd, 2022, more specially, bid package #1 “Concrete” to the lowest responsive responsible bidder, Superior Masonry Builders and;

WHEREAS, after the bid was awarded to Superior Masonry Builders, the contractor withdrew their bid and in lieu of the City making a claim against the bid bond, the City has agreed to accept the tender of the sum of \$29,737.50 from the bidder and;

WHEREAS, DCD staff requests that \$29,737.50 be transferred from the holding account to the 2022 New Berlin Activity and Recreation Center Phase II Account, and;

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

TRANSFER FROM

Holding Account	04050500 44062 C2022	\$29,737.50
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TRANSFER TO

New Berlin Activity and Recreation Center Phase II	04252900 61130 C2022	\$29,737.50
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BE IT FURTHER RESOLVED that the City Clerk is hereby directed to publish this resolution in the Waukesha County NOW within 10 days of adoption by the Common Council.

RESOLUTION ADOPTED by the New Berlin Common Council this 27th day of September 2022.

Countersigned:

David Ament, Mayor

Rubina R. Medina, City Clerk



City Attorney Mark G. Blum

City Prosecutor Thomas G. Schmitzer

720 Clinton Street • PO Box 766 • Waukesha, Wisconsin 53187-0766 • (262) 549-8181 • Fax (262) 549-8191 • mblum@newberlin.org

NOTIFICATION OF WITHDRAWAL OF BID and TERMINATION AGREEMENT

Superior Masonry Builders, Inc. (hereinafter referred to as the "Bidder"), located at 12699 West Arden Place, Butler, Wisconsin, 53007, submitted a bid in response to the City of New Berlin's request for bids regarding concrete work related to Phase II of the New Berlin Recreation Center Project (hereinafter the "Project"). Specifically, that bid was known as Bid Package #1 for Concrete, which bid was in the sum of \$594,750.00. The City of New Berlin (hereinafter referred to as the "City") is the owner of the property on which the Project is being constructed and reviewed this bid, Bid Package #1 (Concrete), and determined that Bidder was the lowest responsive responsible bidder. Based upon this, the City awarded the contract to the Bidder at the City's Common Council meeting on August 23, 2022. As part of the submission of Bid Package #1, the Bidder submitted a Bid Bond in the amount of five (5%) percent of its total bid amount, i.e., \$29,737.50.

Prior to the execution of a construction contract, the City was notified by Brian Kemp of the Bidder that they were withdrawing their bid. Based on this, the City concluded it would be justified to make a claim on the bid bond since the withdrawal occurred subsequent to the award of the bid.

In lieu of the City making a claim against the bid bond, the City has agreed to accept the tender of the sum of \$29,737.50 from the Bidder, and the City will waive any further claims against Bidder as a result of the withdrawal of the bid for this Project. Similarly, Bidder waives any other rights or claims against the City which it believes it is entitled to as a result of being awarded the contract for Bid Package #1 (Concrete).

Both the City and the Bidder acknowledge that the individuals signing this document have been authorized to do so on behalf of their respective entities. This Agreement represents the complete understanding of the parties with respect to the subject matter herein, and may only be amended by a subsequent agreement executed by both parties. This Agreement shall be governed by and construed in accordance with the laws of the State of Wisconsin.

Dated: 9-16-22

Dated: _____

BIDDER:

Superior Masonry Builders, Inc.

CITY:

City of New Berlin

By: Brian Kemp
Print Name & Title

By: _____
David Ament, Mayor

RESOLUTION NO. 22-24

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE
OF \$7,895,000 GENERAL OBLIGATION PROMISSORY
NOTES, SERIES 2022A

WHEREAS, on August 23, 2022, the Common Council of the City of New Berlin, Waukesha County, Wisconsin (the "City") adopted a resolution (the "Set Sale Resolution"), providing for the sale of General Obligation Promissory Notes, Series 2022A (the "Notes") for the public purposes, including paying the cost of capital improvement projects, including City buildings and grounds projects, parks and public grounds projects, municipal equipment, street improvement projects, community development projects and equipment of the fire department (collectively, the "Project");

WHEREAS, the Common Council hereby finds and determines that the Project is within the City's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes;

WHEREAS, the City is authorized by the provisions of Section 67.12(12), Wisconsin Statutes, to borrow money and issue general obligation promissory notes for such public purposes;

WHEREAS, pursuant to the Set Sale Resolution, the City has directed Ehlers & Associates, Inc. ("Ehlers") to take the steps necessary to sell the Notes to pay the cost of the Project;

WHEREAS, Ehlers, in consultation with the officials of the City, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Notes and indicating that the Notes would be offered for public sale on September 27, 2022;

WHEREAS, the City Clerk (in consultation with Ehlers) caused a form of notice of the sale to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Notes for public sale on September 27, 2022;

WHEREAS, the City has duly received bids for the Notes as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation"); and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Notice of Sale and is deemed to be the most advantageous to the City. Ehlers has recommended that the City accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Ratification of the Notice of Sale and Offering Materials. The Common Council hereby ratifies and approves the details of the Notes set forth in Exhibit A attached hereto as and for the details of the Notes. The Notice of Sale and any other offering materials prepared and circulated by Ehlers are hereby ratified and approved in all respects. All actions taken by officers of the City and Ehlers in connection with the preparation and distribution of the Notice of Sale, and any other offering materials are hereby ratified and approved in all respects.

Section 1A. Authorization and Award of the Notes. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(12), Wisconsin Statutes, the principal sum of SEVEN MILLION EIGHT HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$7,895,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal of the Purchaser offering to purchase the Notes for the sum set forth on the Proposal, plus accrued interest to the date of delivery, resulting in a true interest cost as set forth on the Proposal, is hereby accepted. The Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. The good faith deposit of the Purchaser shall be applied in accordance with the Notice of Sale, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Notes shall bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes, Series 2022A"; shall be issued in the aggregate principal amount of \$7,895,000; shall be dated October 12, 2022; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on June 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2023. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Notes is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Notes maturing on June 1, 2031 and thereafter are subject to redemption prior to maturity, at the option of the City, on June 1, 2030 or on any date thereafter. Said Notes are redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

[The Proposal specifies that [some of] the Notes are subject to mandatory redemption. The terms of such mandatory redemption are set forth on an attachment hereto as Schedule MRP and incorporated herein by this reference. Upon the optional redemption of any of the Notes subject to mandatory redemption, the principal amount of such Notes so redeemed shall be credited against the mandatory redemption payments established in Schedule MRP for such Notes in such manner as the City shall direct.]

Section 4. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2022 through 2031 for the payments due in the years 2023 through 2032 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Notes remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Notes, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Notes when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There shall be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for General Obligation Promissory Notes, Series 2022A" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Notes; (ii) any premium which may be received by the City above the par value of the Notes and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Notes when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Notes until all such principal and interest has been paid in full and the Notes canceled; provided (i) the funds to provide for each payment of principal of and interest on the Notes prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Notes may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Notes as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Notes have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 7. Proceeds of the Notes; Segregated Borrowed Money Fund. The proceeds of the Notes (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into a special fund (the "Borrowed Money Fund") separate and distinct from all other funds of the City and disbursed solely for the purpose or purposes for which borrowed. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose or purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose(s) shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Notes to the Purchaser which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Notes and the ownership, management and use of the projects will not cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Notes including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants

that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Notes shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Notes provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Notes and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and approved in all respects.

Section 11. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes shall be paid by [_____, _____, _____, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes] [the City Clerk or City Treasurer] (the "Fiscal Agent"). [The City hereby authorizes the Mayor and City Clerk or other appropriate officers of the City to enter into a Fiscal Agency Agreement between the City and the Fiscal Agent. Such contract may provide, among other things, for the performance by the Fiscal Agent of the functions listed in Wis. Stats. Sec. 67.10(2)(a) to (j), where applicable, with respect to the Notes].

Section 12. Persons Treated as Owners; Transfer of Notes. The City shall cause books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Note surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

Section 13. Record Date. The 15th day of the calendar month next preceding each interest payment date shall be the record date for the Notes (the "Record Date"). Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the City at the close of business on the Record Date.

Section 14. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations, which the City Clerk or other authorized representative of the City is authorized and directed to execute and deliver to DTC on behalf of the City to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the City Clerk's office.

Section 15. Payment of Issuance Expenses. The City authorizes the Purchaser to forward the amount of the proceeds of the Notes allocable to the payment of issuance expenses to a financial institution selected by Ehlers at Closing for further distribution as directed by Ehlers.

Section 16. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

Section 17. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

To the extent required under the Rule, the Mayor and City Clerk, or other officer of the City charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 18. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Notes in the Record Book.

Section 19. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Notes, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein.

Section 20. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded September 27, 2022.

David A. Ament
Mayor

ATTEST:

Rubina R. Medina
City Clerk

(SEAL)

EXHIBIT A

Notice of Sale

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B

Bid Tabulation

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT C

Winning Bid

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT D-1

Pricing Summary

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT D-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

DRAFT

[SCHEDULE MRP

Mandatory Redemption Provision

The Notes due on June 1, ____, ____, and ____ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from debt service fund deposits which are required to be made in amounts sufficient to redeem on June 1 of each year the respective amount of Term Bonds specified below:

For the Term Bonds Maturing on June 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)

For the Term Bonds Maturing on June 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)

For the Term Bonds Maturing on June 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)

For the Term Bonds Maturing on June 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)]

EXHIBIT E

(Form of Note)

REGISTERED UNITED STATES OF AMERICA DOLLARS
STATE OF WISCONSIN
WAUKESHA COUNTY
NO. R-____ CITY OF NEW BERLIN \$_____
GENERAL OBLIGATION PROMISSORY NOTE, SERIES 2022A

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
June 1, _____ October 12, 2022 _____% _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$ _____)

FOR VALUE RECEIVED, the City of New Berlin, Waukesha County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2023 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Note are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Note is registered on the Bond Register maintained by [_____, _____, _____] OR [the City Clerk or City Treasurer] (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding each interest payment date (the "Record Date"). This Note is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Note together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the City are hereby irrevocably pledged.

This Note is one of an issue of Notes aggregating the principal amount of \$_____, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the City pursuant to the provisions of Section 67.12(12), Wisconsin Statutes, for public purposes, including paying the cost of capital improvement projects, including City buildings and grounds projects, parks and public grounds projects, municipal equipment, street improvement projects, community development projects and equipment of the fire department, as authorized by a resolution adopted on September 27, 2022

(the "Resolution"). Said Resolution is recorded in the official minutes of the Common Council for said date.

The Notes maturing on June 1, 2031 and thereafter are subject to redemption prior to maturity, at the option of the City, on June 1, 2030 or on any date thereafter. Said Notes are redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

【The Notes maturing in the years _____ are subject to mandatory redemption by lot as provided in the Resolution referred to above, at the redemption price of par plus accrued interest to the date of redemption and without premium.】

In the event the Notes are redeemed prior to maturity, as long as the Notes are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Notes of a maturity are to be called for redemption, the Notes of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Notes called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Notes shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Notes shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Note have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the City, including this Note and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrepealable tax has been levied sufficient to pay this Note, together with the interest thereon, when and as payable.

This Note is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Notes, and the City appoints another depository, upon surrender of the Note to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Note in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Notes (i) after the Record Date, (ii)

during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Notes, or (iii) with respect to any particular Note, after such Note has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Notes are issuable solely as negotiable, fully-registered Notes without coupons in the denomination of \$5,000 or any integral multiple thereof.

【This Note shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Fiscal Agent.】

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the City of New Berlin, Waukesha County, Wisconsin, by its governing body, has caused this Note to be executed for it and in its name by the manual or facsimile signatures of its duly qualified Mayor and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

CITY OF NEW BERLIN
WAUKESHA COUNTY, WISCONSIN

By: _____
David A. Ament
Mayor

(SEAL)

By: _____
Rubina R. Medina
City Clerk

[Date of Authentication: _____, _____]

CERTIFICATE OF AUTHENTICATION

This Note is one of the Notes of the issue authorized by the within-mentioned Resolution of the City of New Berlin, Waukesha County, Wisconsin.

_____, _____

By _____
Authorized Signatory]

DRAFT

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Note and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company
or Securities Firm)

(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Note in every particular, without alteration or enlargement or any change whatever.

(Authorized Officer)



City of New Berlin

City of New Berlin ▪ 3805 S. Casper Drive ▪ New Berlin, Wisconsin 53151-0921 ▪ (262)786-8610 ▪ www.newberlin.org

REQUESTED ACTION STATEMENT

August 31, 2022

TO: Mayor Ament
Common Council

FROM: Chief Mark Polzin, Fire Department

ISSUE: Recommend Council give permission to the New Berlin Fire Department (NBFD) to accept an AFG Grant Award for Battery Operated Extrication Equipment

REQUESTED:

Recommend Council give permission for the NBFD to accept the Assistance to Firefighters Grant (AFG) award EMW-2021-FG-01050 in the amount of \$38,765 for battery operated extrication equipment.

FISCAL IMPACT:

Accepting the AFG grant award will greatly reduce the amount needed to replace old outdated extrication equipment. The total grant award is \$38,765. The City of New Berlin would be responsible for 10% or \$3,523.09 of this award. The Fire Department will utilize its training account 15232900-54330 for the City's responsibility of \$3,523.09.

RATIONALE:

The NBFD currently has one battery operated set of extrication tools that is located on Engine 1 (1361) at Station 1. Engine 1 responds to Mutual Aid calls outside of New Berlin which makes the battery operated tools inaccessible during the time they are gone. There are two sets of older gas powered tools located on Engine 2 (1362) and Engine 3 (1363) which reside at Stations 2 and 3. There is an enormous amount of benefit in replacing our gas powered extrication tools to battery operated tools. Gas powered tools are heavy and restrictive on where they can be used. They are limited by the length of the cord and the proximity of the incident to the engine. Several times a year the NBFD responds to vehicle accidents that are hundreds of feet off the roadway or to Industrial accidents where someone is pinned inside of a building. Our current gas powered set of extrication tools are not portable which limits our ability to utilize these tools for these types of rescues. Battery operated tools create a safer work environment. They are light weight, flexible and eliminate potential trip hazards thus saving our firefighters from back injuries and falls. Battery operated tools will serve to reduce time of rescue, help protect the safety of firefighters and increase patient survival in our response areas. This cost benefit is immeasurable.

To ease the burden of this purchase on the City of New Berlin, NBFD wrote an AFG Grant and has been awarded this grant. In order to receive this grant, acceptance is needed no later than 6:04 a.m. on September 30, 2022.

Award offered

EMW-2021-FG-01050: Fiscal Year (FY) 2021 Assistance to Firefighters Grants

CITY OF NEW BERLIN

Period of performance	08/30/2022 - 08/29/2024
Federal resources awarded	\$35,240.90
Required non-federal resources	\$3,524.10
Federal resources disbursed to recipient	\$0
Pending disbursements to recipient	\$0
Balance of federal resources available	\$35,240.90

My to do list

Description	Status	Date of status	Due date	Action
Award	Not started	08/31/2022	09/30/2022 7:04 am	Actions ▼

Organization : CITY OF NEW BERLIN

This information is current of SAM.gov as of: 09/13/2022

Registration summary

UEI-EFT	NUNZCR5CMVR5
DUNS	800566502

Registration status: **A - Active**

Registration status

Active

Registration last update date

09/12/2022

Registration expiration date

Has active exclusion?

No

Debt subject to offset?

N

Business Information

Doing business as name

Physical address

**3805 S CASPER DR
NEW BERLIN, WI 53151**

Mailing address

**16300 W. NATIONAL AVE
NEW BERLIN, WI 53151**

Financial reports

Report	Due date	Status	Date of status	Action
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Performance progress reports

Report	Due date	Status	Date of status	Action
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