CITY OF NEW BERLIN
COMMON COUNCIL MEETING
Tuesday, January 11, 2022
6:00PM
Zoom Meeting
https://us02web.zoom.us/j/89574375684

The Council 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: 895 7437 5684
- Following this direct link to the meeting: https://us02web.zoom.us/j/89574375684
- Find your local number: https://us02web.zoom.us/u/kAbbK6NdB

AGENDA

CALL TO ORDER, PLEDGE OF ALLEGIANCE, INVOCATION, PUBLIC NOTICE

ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

APPROVAL OF MINUTES

December 14, 2021 Common Council Meeting Minutes

REPORTS

City Clerk

Council President

Mayor

COMMUNICATIONS

Ehrensberger Claim

PLAN COMMISSION

Recommend approval of Common Council Resolution No. 2022-1 Creating Tax Incremental District No. 5, approving its Project Plan and Establishing its Boundaries.

PARKS, BUILDINGS AND GROUNDS COMMISSION

RAS Rustic Ridge Lease Agreement 2022-2025 - Discussion & Action

RAS Milham Park Lease Agreement 2022-2025 - Discussion & Action

ITEMS REMOVED FROM CONSENT AGENDA, if any

CONSENT AGENDA_____

MINUTES

December 14, 2021 Committee of the Whole Meeting Minutes

UTILITY & FINANCE

Approval of December 29, 2021 claims for Water Utility in the amount $27,663.78, Sewer Utility claims in the amount of $600,518.48, General City claims in the amount of $630,694.71. WE Energies EFT of $49,602.76

Approval of January 12, 2022 claims for Water Utility in the amount of $114,435.56, Sewer Utility claims in the amount of $0, General City claims in the amount of $214,143.43.

LICENSES & PERMITS

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

MISCELLANEOUS

10. Recommend to the Common Council the approval of the Director of Finance to sign the Declaration of Official Intent for the 2022 CIP Debt Issue in an amount not to exceed the approved 2022 CIP Budget plus projected issuance costs.

11. Recommend to Council adoption of Resolution 22-2, A Resolution Changing Aldermanic District #1 from New Berlin Hills Golf Course - Clubhouse to City Hall located at 3805 S. Casper Dr. for the 2022 Spring Primary Election Only.

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 Georgia Stanford (262) 786-8610.

January 6, 2022

TO: Common Council
Mayor Ament
Alderman Stribl

FROM: Plan Commission

RE: Items from the Plan Commission Meeting from December 6, 2021 requiring Common Council action.

- (3) GK/NJ TIF2-2102121 Public Hearing regarding the proposed project plan, boundaries and creation of Tax Incremental District No. 5 (See the Public Hearing Notice which was published on November 17, 2021 & November 24, 2021). (PUBLIC HEARING 6:00 PM)

Council Motion:

This item was considered at the Plan Commission meeting on December 6, 2021. It was recommended to the Common Council on a vote of 6-1. I do hereby move that the Common Council Approve Resolution No. 2022-1, A Resolution Creating Tax Incremental District No. 5, Approving its Project Plan and Establishing its Boundaries.

STAFF REPORT
EXECUTIVE SUMMARY

APPLICANT/PROJECT:	**City of New Berlin / Creation of Tax Incremental District (TID) No. 5 (Industrial Use)**
LOCATION:	**See attached Project Plan for the Creation of Tax Incremental District No. 5 (Industrial Use). 18200 W. Lincoln Avenue (Tax Key #: 1167.990.002), 18250 W. Lincoln Avenue (Tax Key #: 1167.990.003), 18460 W. Lincoln Avenue (Tax Key #: 1167.991), Tax Key #: 1167.994 & Tax Key #: 1172.999.003**
REQUEST:	**Common Council approval of Resolution No. 2022-1 Creating Tax Incremental District No. 5, approving its Project Plan and Establishing its Boundaries.**

REVIEW SCHEDULE:

Common Council (Set a Public Hearing Date):	**10/26/2021**
Common Council (Reviewed Draft Plan)	**11/09/2021**
Joint Review Board (JRB):	**12/06/2021**
Plan Commission (Public Hearing):	**12/06/2021**
Plan Commission (PC Approved):	**12/06/2021**
Common Council (Review Plan / Adopt Resolution):	**01/11/2022**
JRB (Consideration):	**TBD**

D.R.C. RECOMMENDATION: **Recommend approval of Common Council Resolution No. 2022-1 Creating Tax Incremental District No. 5, approving its Project Plan and Establishing its Boundaries.**

CITY OF NEW BERLIN
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMON COUNCIL STAFF REPORT

Meeting of January 11, 2022

City of New Berlin / Ms. Kling on behalf of ABB Inc. Motion Business and Sam Dickman Jr. on behalf of TDC Lincoln LLC / TID No. 5
Addresses / Tax Key #'s:
18200 W. Lincoln Avenue (Tax Key #: 1167.990.002) 18250 W. Lincoln Avenue (Tax Key #: 1167.990.003), 18460 W. Lincoln Avenue (Tax Key #: 1167.991), Tax Key #: 1167.994 & Tax Key #: 1172.999.003
See Attached Project Plan for the Creation of TID District No. 5 (Industrial Use)

DATE STAFF REPORT PREPARED: October 26, 2021

APPLICANT / OWNER(S): City of New Berlin / Ms. Kling on behalf of ABB Inc. Motion Business and Sam Dickman Jr. on behalf of TDC Lincoln LLC / Geipel; Holdings, LLC
See Attached Project Plan for the Creation of Tax Incremental District No. 5. 18200 W. Lincoln Avenue (Tax Key #: 1167.990.002), 18250 W. Lincoln Avenue (Tax Key #: 1167.990.003), 18460 W. Lincoln Avenue (Tax Key #: 1167.991), Tax Key #: 1167.994 & Tax Key #: 1172.999.003

REQUEST / DESCRIPTION OF PROJECT: Common Council approval of Resolution No. 2022-1 Creating Tax Incremental District No. 5, Approving its Project Plan and Establishing its Boundaries.

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: City initiated TID process on 10/26/2021.

DATE OF COMPLETENESS DETERMINATION: 10/26/2021

PRE-APPLICATION CONFERENCE HELD: Yes
Several months of pre-planning for this project. Please see the "Previous Action" section of this staff report.

CONCEPTUAL PLAN: Yes

SIZE OF DEVELOPMENT / PARCEL(S): Approximately 139 Acres (Within TID Boundary)

CURRENT ZONING: M-1 (Light Industrial District), C-1 (Upland Resource Conservancy District), C-2 (Shoreland Wetland Holding District), B-3 (General Bulk Sales District) & Registered Wetlands.

CURRENT LAND USE: Former quarry lands & sod farm / Certified Products and Star Line Trucking

PROPOSED ZONING: N/A

PROPOSED LAND USE: Future Business Park Development

PROPOSED LOT SIZES: N/A

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE: Not applicable to this type of report.

North:	Zoning:	Land Use:
South:	Zoning:	Land Use:
East:	Zoning:	Land Use:
West:	Zoning:	Land Use:

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes
Chapter 12: Neighborhood B: West Lincoln Avenue & Western Area: Yes, this submittal meets the intent of this Chapter.

Planning Context / Vision / Development Policies:

Planning Context:

- *The West Lincoln Avenue area offers a unique set of challenges for balancing development with preservation. Considered to be an industrial zone, this area is a mix of industrial, conservation, residential, and agricultural zoning. It is not served by public utilities, and some sites may have restrictions for septic systems due to the years of soils disturbance from sod farms, peat mining and fill operations. Much of the area is in a floodplain, and the railroad is currently a barrier to the north. Water for fire protection will need to be addressed as public water is not available in this area.*
- *While there are various barriers to development, the Lincoln Avenue corridor is designated for future industrial developments and has the potential to accommodate some of the forecasted job demand for the City. The area is near the interstate and adjacent to existing industrial parks. The rail line could be an asset for new businesses that locate in the corridor. The City recognizes that major changes in this area will involve overcoming substantial barriers, ensuring due diligence on the part of property owners, and requiring detailed planning so that proper land uses are established.*
- *The vision for the West Lincoln Avenue area is to develop it into a unique business park environment with campus settings designed around environmentally sensitive areas. Clean, environmentally sensitive light industrial and office parks will be encouraged. Private on-site wastewater treatment systems will need to be evaluated on a site-by-site basis. Larger assemblages of environmentally sensitive or floodplain areas will be preserved as either publicly or privately owned open space. The farthest western portion of Lincoln Avenue is designated for country residential developments. Potential uses along this corridor could include corporate headquarters, business offices, or uses needing railroad access.*

Vision:

- *Development in this area will incorporate environmental protection as a basic value, including its importance as an aquifer recharge area.*
- *Larger assemblages of environmentally sensitive or floodplain areas will be preserved as either publicly or privately owned open space.*

West Lincoln Avenue Polices:

- *Given the substantial barriers to planning and development, a separate plan should be established for the West Lincoln Avenue corridor that recognizes the long-term commitment on the part of the City.*
- *Public sanitary sewer service shall not be extended into this area, with the exception of parcels designated to be within the Urban Service Area Boundary as amended by the City.*
- *Development along Lincoln Avenue shall not occur until the following conditions are met: any proposed development shall dedicate the proper road right of way; shall adhere to the Rural Design Cross sections identified in the Developer's Handbook for any necessary roadway improvements and shall provide field delineations when required to do so by Code. In addition, stormwater drainage and floodplain issues are to be accommodated; a reclamation plan needs to be on file by an Engineer certifying the bearing capacity; utilities are available (adequate plan for sewer and water); and groundwater, floodwater, and stormwater have been adequately accommodated. If sewer and water are not provided, businesses that have a low intensity and do*

not require sewer should be targeted. Alternative techniques for water will need to be explored to provide for fire safety and building code requirements.

- *Larger assemblages of properties should be the priority for this corridor. Pull land together in larger components rather than in a piecemeal fashion. Agreements should be sought among landowners to come together when projects arise.*
- *Any future development requiring coordinated access in this area may require the applicants to submit a surety instrument to the City to cover future public improvements and cost contributions.*

Economic Development:

- *Economic development for Neighborhood B focuses primarily on business park / light industrial opportunities along Lincoln Avenue, housing development, and limited commercial development that has an agrarian or natural emphasis.*

Land Use:

- *Future Land Use Map:* Business Park / Industrial

ZONING CODE (Chapter 275): Yes, meets all the requirements of Chapter 275-35B(4) and Chapter 275-37B(3) & (4) of the Zoning Code.

DEVELOPMENT CODE (CHAPTER 235): Yes

REZONING REQUIRED: No

CONDITIONAL USE REQUIRED: No

PUBLIC HEARING REQUIRED: Yes, a public hearing for the TID project plan and boundary was ~~will be~~ held before the Plan Commission on 12/6/2021.

USE / SITE / ARCHITECTURAL REVIEW: N/A
Use Approval Required: Not applicable to this request.
Site Plan Required: TID Project Plan and Boundary provided.
Architectural Review Required: Not applicable to this request.

PROPOSED ARCHITECTURE: Not applicable to this request.

UNIQUE SITE CHARACTERISTICS:
Environmental Corridor: No, the Primary Environmental Corridor is located to the north and west on the adjacent lots and have been protected by a conservation easement. Anything along the eastern property boundary.
Wetland On Property: Yes, a wetland delineation report has been prepared by Helianthus, dated July 19, 2021 for the ABB properties. Wetlands will be registered on the City's Zoning Map. Previous wetland delineations have been completed for properties to the west that are included in the TID Project Plan boundary.
Conservancy Districts (C-1, C-2): Yes, C-1 and C-2.
NRCS Map Classification: Not Inventoried
Floodplain: Yes
Topography / Geologic: Site is fairly flat then slopes towards the rear of the property towards the creek to the north.

CITY OF NEW BERLIN TID POLICY - CITY'S GOALS AND OBJECTIVES FOR THE USE OF TID:
Using these policies, the City's Comprehensive Plan, Capital Improvement Budgets, CIP and state statutes as guides, the City of New Berlin will consider using Tax Increment Financing to assist private development

projects to achieve one or more of the following goals, objectives and/or priorities (not listed in any order of priority):

- Encourage redevelopment in the commercial and industrial areas of the City in order to encourage high quality development or redevelopment and private investment in those areas consistent with the City's Comprehensive Plan, CIP Budgets, and/or other planning & community development policies as established.
- Where the construction of new public infrastructure to service the proposed developments can be facilitated to alleviate future burdens on the City's Capital Improvement Budgets and to reduce and/or minimize costs to New Berlin taxpayers.
- The project creates public infrastructure facilities that have application and usefulness beyond that particular development under review, such as improvements to traffic patterns (roadways, signals, etc.), parking facilities, public utilities such as sewer, water & stormwater (storm sewer) and/or environmental remediation.
- To retain local jobs and/or increase the number of quality jobs (stable employment and/or attractive wages and benefits).
- To facilitate the development process and to achieve development on sites which would not be developed to the "highest and best use" of the site and the community's vision without this assistance.
- To meet other uses of public policy, as adopted by the Plan Commission and/or Common Council from time to time, including the quality of urban design, quality architectural design, green building/energy conservation, decreasing the capital and operating costs of the City of New Berlin, etc.

NATURAL RESOURCES PROTECTION:
Limits of Disturbance (LOD): Not applicable, however, future applicants will show on plans during the Use, Site and Architecture application process.
Wildlife Habitat Protection: Not applicable, however, future applicants will show on plans during the Use, Site and Architecture application process.
Wildlife Management Plan: An Endangered Resources review will be completed on the properties at the time of Use, Site, and Architecture application process for each parcel.

ENVIRONMENTAL IMPACT: The applicant has submitted a wetland delineation report completed by Helianthus, dated July 19, 2021 for the ABB development. Wetlands will be registered on the City's Zoning Map. Previous wetland delineations have been completed for properties to the west that are included in the TID Project Plan boundary.

STORMWATER MANAGEMENT / DRAINAGE PLAN: Applicant is required to adhere to all City of New Berlin Codes, Ordinances and Plans regarding storm water conveyance and maintenance as identified by the Department of Community Development. The ABB development included a storm water plan for this area from CJ Engineering dated September 17, 2021.

SANITARY SEWER PROVISION:
Within Current Sewer Service Area: Yes, for the properties that will be part of the ABB development. All other development is served by private onsite waste treatment facilities.
Basin Capacity Available: See above.
Adequate Linkage: See above.
Onsite System Required: See above.

WATER USAGE CALC.: Will be furthered reviewed at the time of building permits for individual sites.

TRAFFIC IMPACT:
The applicant submitted a Traffic Impact Analysis dated September 14, 2021. The analysis predicts that a 309,474 sq. ft. warehouse user and a 270,800 sq. ft. production facility user is expected to generate about 245 trips during

the peak hour. There is estimated to be 91 employees over three shifts for Lot # 1 (south building) and 694 employees over three shifts for Lot 2 (north building) on a typical weekday. The first shift employees in the building on Lot # 2 are broken down further between office employees (419) and production (172) staff. Note, office employees currently have a flexible work from home schedule.

At full buildout, between both buildings, 785 employees (over three shifts) are expected to generate 2,800 trips per weekday, with 215 new trips (165 in/50 out) during the weekday AM peak hour and 220 trips (55 in/165 out) during the weekday PM peak hour. It is currently estimated that of the total trips expected on site, 30 weekday daily trips (15 trucks) and 10 peak hour trips (5 trucks) are expected to be truck trips.

Trip generation for this site was determined using the "Warehousing" land use trip rates and equations for Lot 1 building (south lot) and "Manufacturing" and "Office for the Lot 2 building (north building) from the ITE Trip generation Manual, 10th Edition. It was noted that due to the shift times, the highest trip generation for the manufacturing production staff is expected to fall outside of the peak hours of the adjacent street traffic (7:15-8:15 AM). However, the office staff, which was calculated separately, is expected to fall within the peak hour.

Lincoln Avenue averages 2,700 vehicles per day. A 2 lane rural road has the capacity to handle well over 8,000 vehicles per day and still have a Level of Service C or better.

SCHOOL DISTRICT IMPACT: The school district has been provided a copy of the Project Plan and has a representative that has been appointed to the Joint Review Board.

PREVIOUS ACTION:

08/11/2008	Public Hearing regarding Certified Products reclamation & restoration plan.
09/15/2008	Plan Commission approval of reclamation & restoration plan and future land use options.
7/15/2020	Neighborhood meeting.
07/21/2020	Plan Commission public hearing on rezoning application File #: (RZ-2001144).
8/31/2020	Plan Commission approved the rezoning, land division and Use Approval (File #: UA-2001146) to construct a 301,320 sq. ft. building.
9/22/2020	Common Council approved the rezoning and land division requests.
3/1/2021	Plan Commission approved a request to amend the originally proposed and approved Use, Site and Architecture (File #: UA-2001146) for the construction of a 301,320 square foot industrial building and propose to modify the single larger building to two smaller buildings, each 117,000 sq. ft.
11/1/2021	Plan Commission approved an amendment at 18200 W. Lincoln Avenue to Zoning Permit UA-2001146 to allow for the construction of one 309,474 sq. ft. building instead of the two 117,000 sq. ft. buildings.
11/1/2021	Plan Commission approved a 277,960 sq. ft. building with a connector to be constructed at 18250 W. Lincoln Avenue.
10/26/2021	Common Council (Set a Public Hearing Date) for this TID request
11/09/2021	Common Council Reviewed the Draft Plan
12/06/2021	Plan Commission held a Public Hearing and approved the TID request.

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

1. The Project Plan for the Creation of Tax Incremental District No. 5 is attached.
2. The Project Plan adheres to Wisconsin State Statutes Section 66.1105 and the district will be created as an "Industrial District".
3. The Project Plan meets the intent of the City of New Berlin Tax Incremental Financing Policy adopted by the Common Council on 1/12/2016. A copy is attached.

4. TIA and Storm Water Management Plan have been prepared by the applicant as part of the ABB project located at 18200 & 18250 W. Lincoln Avenue via Application File #'s: UA-2101997 & UA-2101998 at the November 1, 2021 meeting.

5. Wetland report has been prepared by Helianthus, dated July 19, 2021 per Section 275-37F of the Zoning Code. DCD Staff also have made several site visits to the site over the past several years.

6. Improvements to Lincoln Avenue are dependent on the timing of Capital Improvement Program (CIP) funding. Lincoln Avenue is included in the City's 5-year CIP list. The applicant submitted an application for a TIF that is under review by the City and the City's financial consultant to cover public infrastructure costs associated with reconstruction of Lincoln Avenue.

STAFF RECOMMENDATION: Recommend approval of Common Council Resolution No. 2022-1 Creating Tax Incremental District No. 5, approving its Project Plan and Establishing its Boundaries. **See Executive Summary.**

ATTACHMENTS:
Project Plan for the Creation of Tax Incremental District No. 5
RAS to Common Council (10/26/2021)
COW/CC Meeting Minutes (10/26/2021)
Public Hearing Notice
COW/CC Meeting Minutes (11/9/2021)
City of New Berlin TIF Policy
PC Resolution # 21-02
CC Resolution # 2022-1

December 13, 2021

DRAFT PROJECT PLAN

City of New Berlin, Wisconsin

Tax Incremental District No. 5

Prepared by:

Ehlers

N21W23350 Ridgeview Parkway West,

Suite 100

Waukesha, WI 53188

BUILDING COMMUNITIES. IT'S WHAT WE DO.

KEY DATES

Organizational Joint Review Board Meeting Held:	December 6, 2021
Public Hearing Held:	December 6, 2021
Approval by Plan Commission:	December 6, 2021
Adoption by Common Council:	January 11, 2022
Approval by the Joint Review Board:	TBD

TABLE OF CONTENTS

Executive Summary 3

Preliminary Map of Proposed District Boundary 6

Map Showing Existing Uses and Conditions 8

Preliminary Parcel List and Analysis 10

Equalized Value Test 12

Statement Listing the Kind, Number and Location of All Proposed Public Works or Improvements Within the District 13

Map Showing Proposed Improvements and Uses 19

Detailed List of Estimated Project Costs 21

Economic Feasibility Study, Description of the Methods of Financing Estimated Project Costs and the Time When Related Costs or Monetary Obligations are to be Incurred 23

Annexed Property 27

Estimate of Property to Be Devoted to Retail Business 27

Proposed Changes of Zoning Ordinances, Master Plan, Map, Building Codes and City Ordinances 27

Statement of the Proposed Method for the Relocation of any Persons to be Displaced 28

How Creation of the Tax Incremental District Promotes the Orderly Development of the City 29

List of Estimated Non-Project Costs 30

Legal Opinion Advising Whether the Plan is Complete and Complies with Wis. Stat. § 66.1105(4)(f) 31

Calculation of the Share of Projected Tax Increments Estimated to be Paid by the Owners of Property in the Overlying Taxing Jurisdictions 33

SECTION 1:
Executive Summary

DESCRIPTION OF DISTRICT

Tax Incremental District ("TID") No. 5 ("District") is a proposed Industrial District comprising approximately 139 acres located along Lincoln Avenue. The District will be created to pay the costs of public improvements needed to facilitate the expansion of ABB (the "Project"), a manufacturer and developer of low and medium voltage drives. As part of this Project, ABB will relocate its current office and lab located in Wauwatosa. In addition to the incremental property value that will be created, ABB expects the Project will result in 100 additional jobs by the year 2025.

The Project consists of two primary/principal structures on parcels #116799003 (north lot) and #1167990002 (south lot). The north lot will consist of a 270,800 square foot structure and a 7,160 square foot connector building, which will tie the north manufacturing and corporate office to the lob portion of ABB to the logistics portion in the south building, occupied by ABB's logistics partner. The south lot will consist of a 309,474 square foot structure which will house light industrial, distribution, warehousing, support offices, and related uses.

The parcels on the western portion of the District are being added to facilitate potential development that could materialize with improvements to Lincoln Avenue (Tax Keys: NBC 1172999003 and 1167994 and a portion of 1167996001). Veit Regional Headquarters is a possibly in 2022. This project was presented conceptually to the Plan Commission on August 16, 2021 and received favorable direction.

Veit is currently operating two locations along Lincoln Avenue and would like to combine all operations into one location/campus. The proposed location would remain at the current capacity/intensity, but provide for space/room to expand in the future. Veit is proposing a 20,000 square foot regional headquarter office and a 15,000 square foot heavy equipment maintenance facility. Staff from the current New Berlin office would be relocated to the new headquarters. Equipment would be moved from the current shop/storage area to the new location. This project has not been included in the Development Assumptions for this District.

AUTHORITY

The City is creating the District under the provisions of Wis. Stat. § 66.1105.

ESTIMATED TOTAL PROJECT COST EXPENDITURES

The City anticipates making total expenditures of approximately $6 million ("Project Costs") to undertake the projects listed in this Project Plan ("Plan"). Project Costs include street, water, and storm water improvements, and general costs associated with the District (financial, legal, auditing, etc).

INCREMENTAL VALUATION

The City projects that new land and improvements value of approximately $55 million will result from the Project. Creation of this additional value will be made possible by the Project Costs made within the District. A table detailing assumptions as to the development timing and associated values is included in the Economic Feasibility Study located within this Plan.

EXPECTED TERMINATION OF DISTRICT

Based on the Economic Feasibility Study located within Section 9 of this Plan, the City anticipates that the District will generate sufficient tax increment to pay all Project Costs within 11 of its allowable 20 years.

SUMMARY OF FINDINGS

As required by Wis. Stat. § 66.1105, and as documented in this Plan and the exhibits contained and referenced herein, the following findings are made:

1. That "but for" the creation of this District, the development projected to occur as detailed in this Plan: 1) would not occur; or 2) would not occur in the manner, at the values, or within the timeframe desired by the City. In reaching this determination, the City has considered:

   The substantial investment needed to provide the public infrastructure necessary to allow for development within the District. Public street improvements, water improvements, and storm water improvements are necessary to accommodate the proposed structures. Absent the use of tax incremental financing, the City is unable to fully fund this program of infrastructure improvements in the requirement timeframe to facilitate development beginning in 2022.

2. The economic benefits of the District, as measured by increased employment, business and personal income, and property value, are sufficient to compensate for the cost of the improvements. In making this determination, the City has considered the following information:
   - The expectation that the Project will employ up to 100 additional workers once the Project is fully operational.
   - That the Developer is likely to purchase goods and services from local suppliers in construction of the Project, and induced effects of employee

households spending locally for goods and services from retailers, restaurants and service companies.

3. The benefits of the proposal outweigh the anticipated tax increments to be paid by the owners of property in the overlying taxing jurisdictions. As required by Wis. Stat. § 66.1105(4)(i)4., a calculation of the share of projected tax increments estimated to be paid by the owners of property in the overlying taxing jurisdictions has been prepared and can be found in this Plan. However, because the Project would not occur without the use of tax incremental financing, these tax increments would not be paid but for creation of the District. Accordingly, the City finds that the benefits expected to be realized as set forth in this Plan outweigh the value of the tax increments to be invested in the Project.

4. Not less than 50% by area of the real property within the District is suitable for industrial sites as defined by Wis. Stat. § 66.1101, and has been zoned for industrial use. Any real property within the District that is found suitable for industrial sites and is zoned for industrial use at the time of creation of the District will remain zoned for industrial use for the life of the District.

5. Based on the foregoing finding, the District is designated as an industrial district.

6. The Project Costs relate directly to promoting industrial development in the District, consistent with the purpose for which the District is created.

7. Improvements to be made in the District are likely to significantly enhance the value of substantially all of the other real property in the District.

8. The equalized value of taxable property in the District, plus the incremental value of all existing tax incremental districts within the City does not exceed 12% of the total equalized value of taxable property within the City.

9. The City estimates that none of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wis. Stat. § 66.1105(5)(b).

10. That there are no parcels to be included within the District that were annexed by the City within the preceding three-year period.

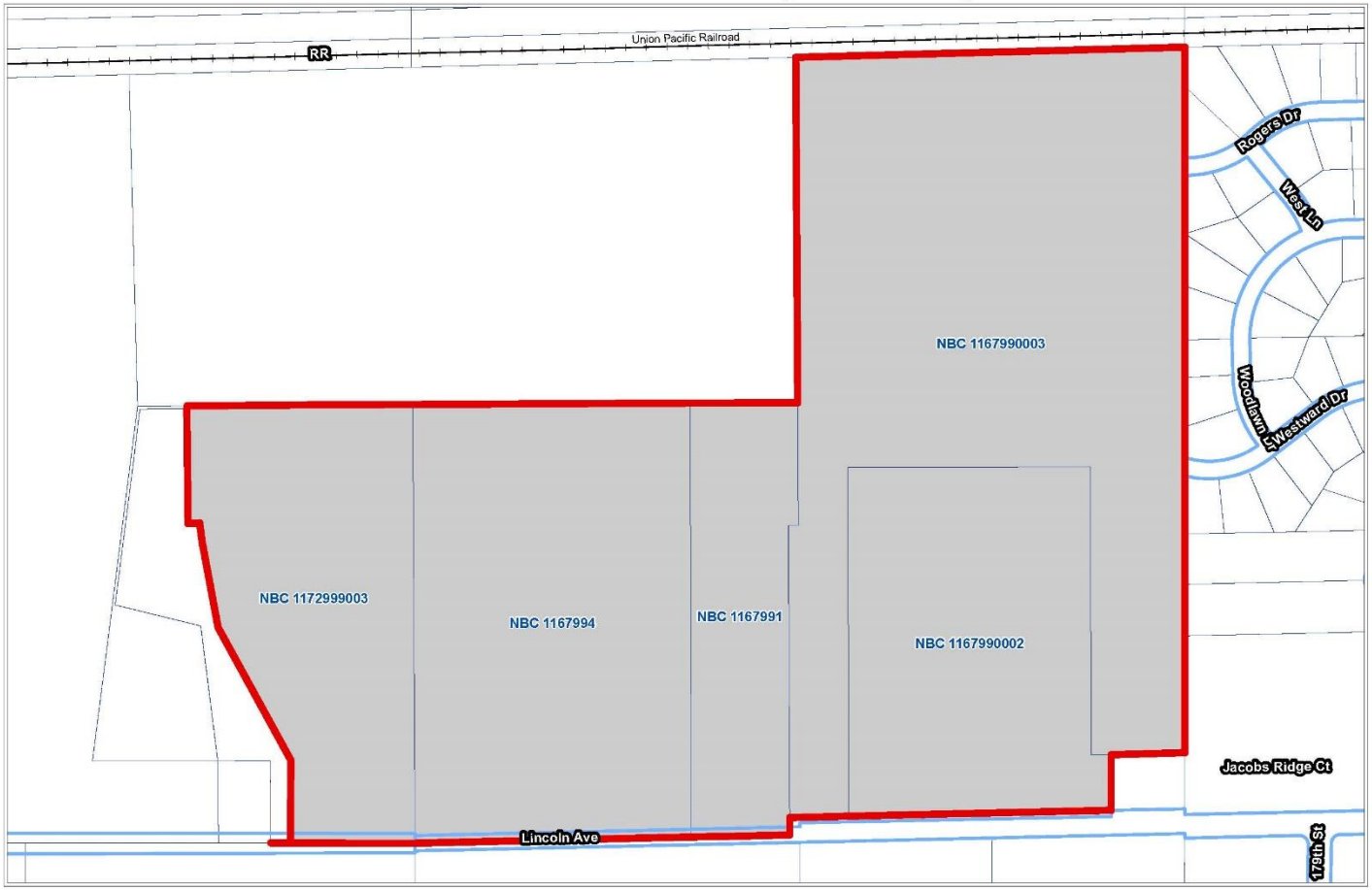
11. The Plan for the District is feasible and is in conformity with the Master Plan of the City.

SECTION 2:
Preliminary Map of Proposed District Boundary

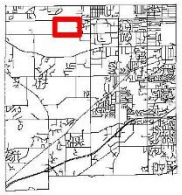
Map Found on Following Page.

To the extent District boundaries include wetlands identified on a map prepared under Wis. Stat. § 23.32, the wetlands are excluded from the District.

TID # 5 Parcels and Project Boundary



Overview Map



Legend

- TID Boundary
- TID Parcels
- Parcels

N
W E
S

0 215 430 Feet

1 in = 337 ft

City of New Berlin
Community Development

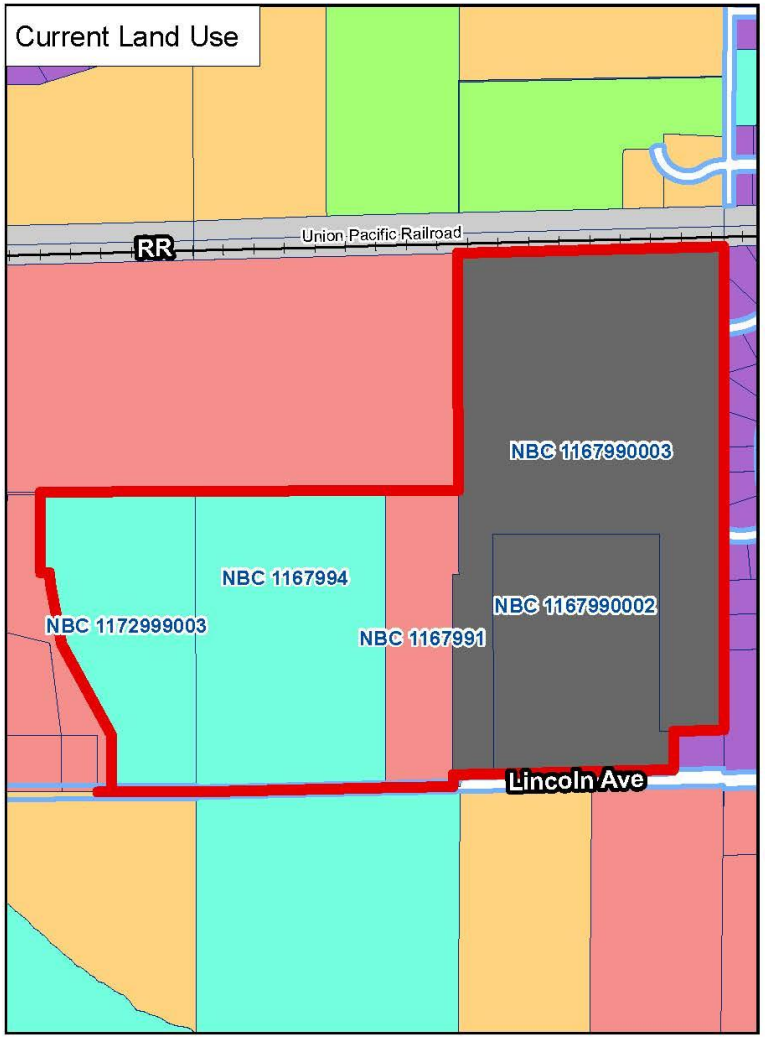
City of New Berlin
Department of Community Development
3805 S Casper Drive, New Berlin WI 53151
(262) 797-2445 www.newberlin.org

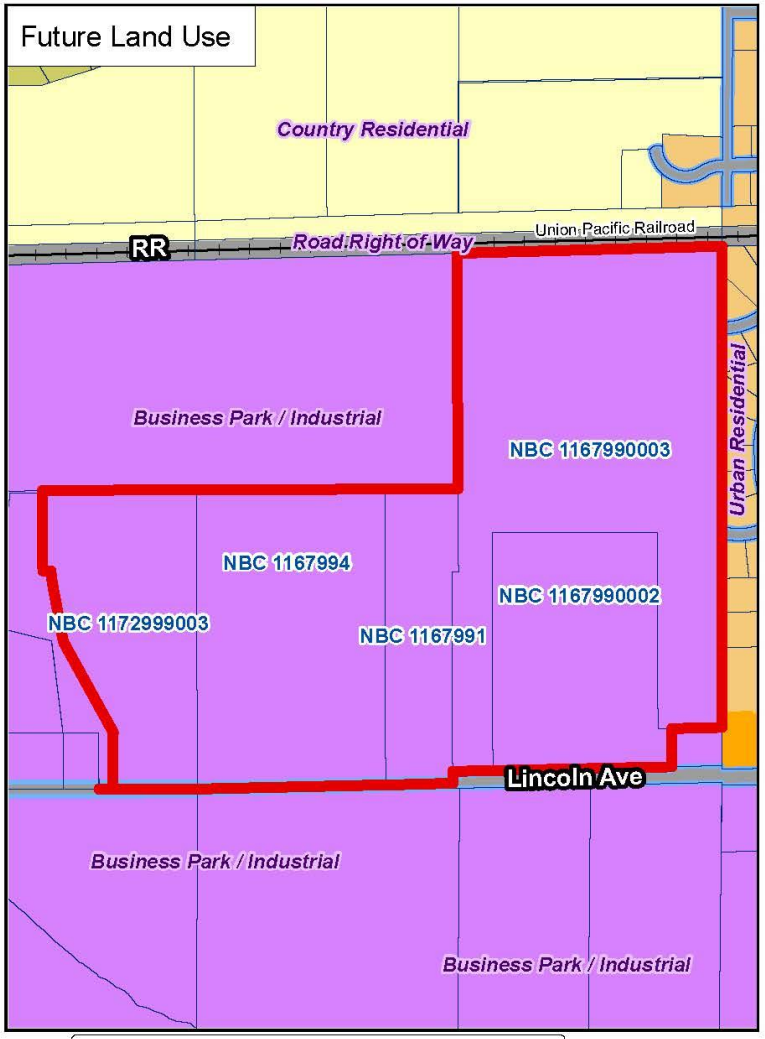
The information and depictions herein have been produced using data available through photogrametric means by the City of New Berlin. The informations and depictions herein are for informational purposes and the City of New Berlin specifically disclaims accuracy in this reproduction and specifically admonishes and advises that any and all deviation, measurements, distances depicted herein and as to which specific or precise accuracy is required should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means.

P:\CDD\Projects\TIF\TIF2-210121 TIF 5 LINCOLN AVE\TIF\GIS\TIF_#5_District Boundary Map.mxd

SECTION 3:
Map Showing Existing Uses and Conditions & Future Land Use

Map Found on Following Page.





City of New Berlin
Community Development

Current Land Use
- No Value Assigned
- Agricultural
- Commercial
- Exempt
- Forest
- Residential
- Undeveloped

TIF # 5
Lincoln Avenue
TIF--2102121

Future Land Use
- Business Park / Industrial
- Mixed Use Residential
- Urban Residential
- Suburban Residential
- Country Residential
- Transportation

N
0 350 700 Ft

P:\DCD\Projects\TIF 2\TIF2-2102121 TIF 5 LINCOLN AVENUE\GIS\Current & Future Land Use Map.mxd

SECTION 4:
Preliminary Parcel List and Analysis

Parcel list is found on Following Page.

City of New Berlin, WI

Tax Increment District #5

Base Property Information

Property Information					Assessment Information			Equalized Value					District Classification
Map Ref #	Parcel Number	Street Address	Owner	Acreage	Land	Imp	Total	Equalized Value Ratio	Land	Imp	PP	Total	Industrial (Zoned and Suitable)
								86.64%					
	NBC 1167990003	18100 W. Rodgers Drive	Geipel Holdings	54.83	0	0	0	86.64%	0	0	0	0	54.83
	NBC 1167990002	18200 W. Lincoln Avenue	TDC Lincoln LLC	22.50	0	0	0	86.64%	0	0	0	0	22.50
	NBC 1167991	18460 W. Lincoln Avenue	Starline Trucking	11.54	268,500	703,800	972,300	86.64%	309,918	812,366	0	1,122,284	11.54
	NBC 1167994		MLD LLC	28.62	27,200		27,200	86.64%	31,396	0	0	31,396	28.62
	NBC 1172999003		Vav North LLC	21.05	51,800		51,800	86.64%	59,791	0	0	59,791	21.05
			Total Acreage	**138.53**	347,500	703,800	1,051,300		401,104	812,366	0		138.531
													100.00%
										Estimated Base Value		**1,213,470**	

SECTION 5:
Equalized Value Test

The following calculations demonstrate that the City expects to be in compliance with Wis. Stat. § 66.1105(4)(gm)4.c., which requires that the equalized value of the taxable property in the proposed District, plus the value increment of all existing tax incremental districts, does not exceed 12% of the total equalized value of taxable property within the City.

The equalized value of the increment of existing tax incremental districts within the City, plus the base value of the proposed District, totals $37,339,900. This value is less than the maximum of $752,504,412 in equalized value that is permitted for the City.

City of New Berlin, WI

Tax Increment District #5

Valuation Test Compliance Calculation

District Creation Date	1/11/2022
	Valuation Data Currently Available 2021
Total EV (TID In)	6,270,870,100
12% Test	752,504,412
Increment of Existing TIDs	
TID #3	36,630,300
TID #4	709,600
Total Existing Increment	37,339,900
Projected Base of New District	1,213,470
Less Value of Any Underlying TID Parcels	0
Total Value Subject to 12% Test	38,553,370
Compliance	PASS

SECTION 6:
Statement Listing the Kind, Number and Location of All Proposed Public Works or Improvements Within the District

Project Costs are any expenditure made, estimated to be made, or monetary obligations incurred or estimated to be incurred as outlined in this Plan. Project Costs will be diminished by any income, special assessments or other revenues, including user fees or charges, other than tax increments, received or reasonably expected to be received in connection with the implementation of the Plan. If Project Costs incurred benefit territory outside the District, a proportionate share of the cost is not a Project Cost. Costs identified in this Plan are preliminary estimates made prior to design considerations and are subject to change after planning, design and construction is completed.

With all Project Costs, the costs of engineering, design, survey, inspection, materials, construction, restoring property to its original condition, apparatus necessary for public works, legal and other consultant fees, testing, environmental studies, permits, updating City ordinances and plans, judgments or claims for damages and other expenses are included as Project Costs.

The following is a list of public works and other tax incremental financing eligible Project Costs that the City expects to make, or may need to make, in conjunction with the implementation of the District's Plan. The map found in Section 7 of this Plan along with the Detailed List of Project Costs found in Section 8 provide additional information as to the kind, number and location of potential Project Costs.

Property, Right-of-Way and Easement Acquisition

Property Acquisition for Development

To promote and facilitate development the City may acquire property within the District. The cost of property acquired, and any costs associated with the transaction, are eligible Project Costs. Following acquisition, other Project Costs within the categories detailed in this Section may be incurred to make the property suitable for development. Any revenue received by the City from the sale of property acquired pursuant to the execution of this Plan will be used to reduce the total project costs of the District. If total Project Costs incurred by the City to acquire property and make it suitable for development exceed the revenues or other consideration received from the sale or lease of that property, the net amount shall be considered "real property assembly costs" as

defined in Wis. Stat. § 66.1105(2)(f)1.c., and subject to recovery as an eligible Project Cost.

Property Acquisition for Conservancy

To promote the objectives of this Plan, the City may acquire property within the District that it will designate for conservancy. These conservancy objectives include: preserving historic resources or sensitive natural features; protection of scenic and historic views; maintaining habitat for wildlife; maintaining adequate open space; reduction of erosion and sedimentation by preserving existing vegetation; and providing adequate areas for management of stormwater. The cost of property acquired for conservancy, and any costs associated with the transaction, are eligible Project Costs.

Acquisition of Rights-of-Way

The City may need to acquire property to allow for installation of streets, driveways, sidewalks, utilities, stormwater management practices and other public infrastructure. Costs incurred by the City to identify, negotiate and acquire rights-of-way are eligible Project Costs.

Acquisition of Easements

The City may need to acquire temporary or permanent easements to allow for installation and maintenance of streets, driveways, sidewalks, utilities, stormwater management practices and other public infrastructure. Costs incurred by the City to identify, negotiate and acquire easement rights are eligible Project Costs.

Relocation Costs

If relocation expenses are incurred in conjunction with the acquisition of property, those expenses are eligible Project Costs. These costs may include, but are not limited to: preparation of a relocation plan; allocations of staff time; legal fees; publication of notices; obtaining appraisals; and payment of relocation benefits as required by Wis. Stat. Chapter 32 and Wis. Admin. Code ADM 92.

Site Preparation Activities

Environmental Audits and Remediation

If it becomes necessary to evaluate any land or improvement within the District, any cost incurred by the City related to environmental audits, testing, and remediation are eligible Project Costs.

Demolition

To make sites suitable for development, the City may incur costs related to demolition and removal of structures or other land improvements, to include abandonment of wells or other existing utility services.

Site Grading

Land within the District may require grading to make it suitable for development, to provide access, and to control stormwater runoff. The City may need to remove and dispose of excess material, or bring in fill material to provide for proper site elevations. Expenses incurred by the City for site grading are eligible Project Costs.

Utilities

Sanitary Sewer System Improvements

To allow development to occur, the City may need to construct, alter, rebuild or expand sanitary sewer infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding or expansion of: collection mains; manholes and cleanouts; service laterals; force mains; interceptor sewers; pumping stations; lift stations; wastewater treatment facilities; and all related appurtenances. To the extent sanitary sewer projects undertaken within the District provide direct benefit to land outside of the District, the City will make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the City construct, alter, rebuild or expand sanitary sewer infrastructure located outside of the District. That portion of the costs of sanitary sewer system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs.

Water System Improvements

To allow development to occur, the City may need to construct, alter, rebuild or expand water system infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding or expansion of: distribution mains; manholes and valves; hydrants; service laterals; pumping stations; wells; water treatment facilities; storage tanks and reservoirs; and all related appurtenances. To the extent water system projects undertaken within the District provide direct benefit to land outside of the District, the City will make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the

implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the City construct, alter, rebuild or expand water system infrastructure located outside of the District. That portion of the costs of water system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs.

Stormwater Management System Improvements

Development within the District will cause stormwater runoff. To manage this stormwater runoff, the City may need to construct, alter, rebuild or expand stormwater management infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding or expansion of: stormwater collection mains; inlets, manholes and valves; service laterals; ditches; culvert pipes; box culverts; bridges; stabilization of stream and river banks; and infiltration, filtration and detention Best Management Practices (BMP's). To the extent stormwater management system projects undertaken within the District provide direct benefit to land outside of the District, the City will make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the City construct, alter, rebuild or expand stormwater management infrastructure located outside of the District. That portion of the costs of stormwater management system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs.

Electric Service

To create sites suitable for development, the City may incur costs to provide, relocate or upgrade electric services. Relocation may require abandonment and removal of existing poles or towers, installation of new poles or towers, or burying of overhead electric lines. Costs incurred by the City to undertake this work are eligible Project Costs.

Gas Service

To create sites suitable for development, the City may incur costs to provide, relocate or upgrade gas mains and services. Costs incurred by the City to undertake this work are eligible Project Costs.

Communications Infrastructure

To create sites suitable for development, the City may incur costs to provide, relocate or upgrade infrastructure required for voice and data communications, including, but not limited to: telephone lines, cable lines and fiber optic cable. Costs incurred by the City to undertake this work are eligible Project Costs.

Streets and Streetscape

Street Improvements

To allow development to occur, the City may need to construct or reconstruct streets, highways, alleys, access drives and parking areas. Eligible Project Costs include, but are not limited to: excavation; removal or placement of fill; construction of road base; asphalt or concrete paving or repaving; installation of curb and gutter; installation of sidewalks and bicycle lanes; installation of culverts, box culverts and bridges; rail crossings and signals; utility relocation, to include burying overhead utility lines; street lighting; installation of traffic control signage and traffic signals; pavement marking; right-of-way restoration; installation of retaining walls; and installation of fences, berms, and landscaping.

Streetscaping and Landscaping

To attract development consistent with the objectives of this Plan, the City may install amenities to enhance development sites, rights-of-way and other public spaces. These amenities include, but are not limited to: landscaping; lighting of streets, sidewalks, parking areas and public areas; installation of planters, benches, clocks, tree rings, trash receptacles and similar items; and installation of brick or other decorative walks, terraces and street crossings. These and any other similar amenities installed by the City are eligible Project Costs.

Community Development

Cash Grants (Development Incentives)

The City may enter into agreements with property owners, lessees, or developers of land located within the District for sharing costs to encourage the desired kind of improvements and assure tax base is generated sufficient to recover Project Costs. No cash grants will be provided until the City executes a developer agreement with the recipient of the cash grant. Any payments of cash grants made by the City are eligible Project Costs.

Miscellaneous

Rail Spur

To allow for development, the City may incur costs for installation of a rail spur or other railway improvements to serve development sites located within the District.

Projects Outside the Tax Increment District

Pursuant to Wis. Stat. § 66.1105(2)(f)1.n, the City may undertake projects within territory located within one-half mile of the boundary of the District provided that: 1) the project area is located within the City's corporate boundaries; and 2) the projects are approved by the Joint Review Board. The cost of projects completed outside the District pursuant to this section are eligible project costs, and may include any project cost that would otherwise be eligible if undertaken within the District. The City intends to make the following project cost expenditures outside the District:

- Portions of Lincoln Avenue east and west of TID boundary: $3,803,000

Professional Service and Organizational Costs

The costs of professional services rendered, and other costs incurred, in relation to the creation, administration and termination of the District, and the undertaking of the projects contained within this Plan, are eligible Project Costs. Professional services include but are not limited to: architectural; environmental; planning; engineering; legal; audit; financial; and the costs of informing the public with respect to the creation of the District and the implementation of the Plan.

Administrative Costs

The City may charge to the District as eligible Project Costs reasonable allocations of administrative costs, including, but not limited to, employee salaries. Costs allocated will bear a direct connection to the time spent by City employees relating to the implementation of the Plan.

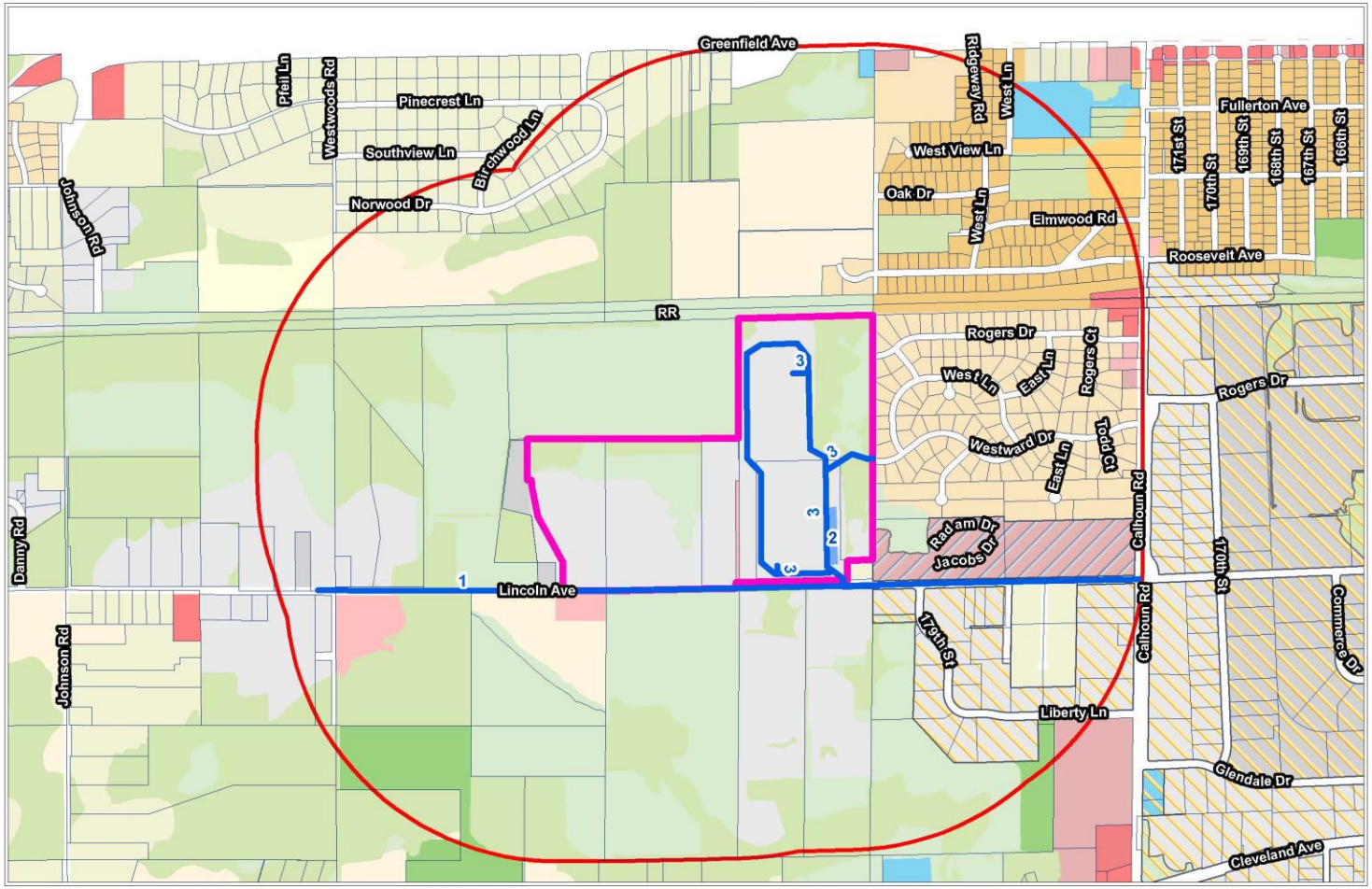
Financing Costs

Interest expense, debt issuance expenses, redemption premiums, and any other fees and costs incurred in conjunction with obtaining financing for projects undertaken under this Plan are eligible Project Costs.

SECTION 7:
Map Showing Proposed Improvements and Uses

Map Found on Following Page.

TID # 5 Projects



Overview Map

Legend

- TID Boundary
- Half Mile Buffer
- Parcels
- TID 5 Project
- TID 5 Project

N W E S

0 600 1,200 Feet

1 in = 966 ft

City of New Berlin
Community Development

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

The information and depictions herein have been produced using data available through photogrametric means by the City of New Berlin. The informations and depictions herein are for informational purposes and the City of New Berlin specifically disclaims accuracy in this reproduction and specifically admonishes and advises that any and all depiction, measurements, distances depicted herein and as to which specific or precise accuracy is required should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means.

P:\DCD\Projects\TIF2\TIF2-21\02121 TIF 5 LINCOLN AVE\NUE\GIS\TIF_#5_Project_Map.mxd

SECTION 8:
Detailed List of Estimated Project Costs

The following list identifies the Project Costs that the City currently expects to incur in implementing the District's Plan. All projects identified and related costs reflect the best estimates available as of the date of preparation of this Plan. All costs are preliminary estimates and may increase or decrease. Certain Project Costs listed may become unnecessary, and other Project Costs not currently identified may need to be made. (Section 6 details the general categories of eligible Project Costs). Changes in Project Cost totals or the types of Project Costs to be incurred will not require that this Plan be amended. This Plan is not meant to be a budget nor an appropriation of funds for specific Project Costs, but a framework within which to manage Project Costs.

Lincoln Avenue street improvements

Due to the nature of the proposed land uses and its current condition improvements to Lincoln Avenue are essential to support the new growth within the TID and corridor and to accommodate existing and future projected traffic volumes. This priority project would reconstruct Lincoln Avenue from Calhoun Road west for approximately 1.6 miles in 2023. The current PASER rating for Lincoln Avenue is 30 and the pavement has reached the point where reconstruction of the entire road is required. The overall cost is estimated to be $4.6 million dollars.

Lincoln Avenue storm water improvements

The Lincoln Avenue corridor is partially served by public water and sanitary sewer. It also has significant stormwater, drainage and floodplain issues. Because of limited available land area to accommodate stormwater management, the City, as part of its stormwater management strategy, seeks to purchase public storage capacity in one of the private development's stormwater ponds – depending upon capacity needs and storage availability.

Public Watermain loop

The overall development is required to extend and loop a public watermain 7,300 lineal feet through the property. This creates essential fire protection coverage, the ability to isolate portions of the public water system without total loss of the entire development and allows for consistent maintenance efforts of the infrastructure.

City of New Berlin, WI

Tax Increment District #5

Estimated Project List

Project ID	Project Name/Type	Amount
1	Street Improvements (adjacent to district)	863,000
1	Street Improvements (within 1/2 mile)	3,803,000
	Subtotal Streets	4,666,000
2	Storm Water Improvements	160,000
3	Public Water Main Loop	
	16" Watermain	85,260
	12" Watermain	313,780
	8" Watermain	336,114
	Hydrant assembly with 6" GV	48,000
	16"x12" Tee	950
	12"x8" Tee	2,175
	8"x8" Tee	460
	12'x8" Reducer	950
	12" Butterfly Valve	21,000
	8" Gate Valve	12,000
	8" Connection to existing watermain	4,200
	16" Connection to existing watermain	4,600
	Engineering	66,359
	Inspection	58,064
	Contingency	41,474
	Subtotal Water	995,387
	General Government Costs (planning, audit, reporting)	225,000
Total Projects		6,046,387

SECTION 9:
Economic Feasibility Study, Description of the Methods of Financing Estimated Project Costs and the Time When Related Costs or Monetary Obligations are to be Incurred

This Section includes a forecast of the valuation increases expected within the District, the associated tax increment collections, a summary of how Project Costs would be financed, and a projected cash flow demonstrating that the District is economically feasible.

Key Assumptions

The Project Costs the City plans to make are expected to create $55 million in incremental value. Estimated valuations and timing for construction of the Project are included in Table 1. Assuming an equalized TID Interim tax rate of $14.29 per thousand of equalized value (declining at a rate of 0.25% for 3 years), and no economic appreciation or depreciation, the Project would generate $15,056,826 in incremental tax revenue over the 20-year term of the District as shown in Table 2.

Financing and Implementation

Based on the Project Cost expenditures as included within the cash flow exhibit (Table 3), the District is projected to accumulate sufficient funds by the year 2033 to pay off all Project cost liabilities and obligations. The projected closure is based on the various assumptions noted in this Plan and will vary dependent on actual Project Costs incurred and the actual amount of tax increments collected.

Table 1 – Development Assumptions

City of New Berlin, WI

Tax Increment District #5

Development Assumptions

Construction Year		Initial Project	Annual Total	Construction Year	
1	2022	13,750,000	13,750,000	2022	1
2	2023	41,250,000	41,250,000	2023	2
3	2024		0	2024	3
4	2025		0	2025	4
5	2026		0	2026	5
6	2027		0	2027	6
7	2028		0	2028	7
8	2029		0	2029	8
9	2030		0	2030	9
10	2031		0	2031	10
11	2032		0	2032	11
12	2033		0	2033	12
13	2034		0	2034	13
14	2035		0	2035	14
15	2036		0	2036	15
16	2037		0	2037	16
17	2038		0	2038	17
18	2039		0	2039	18
19	2040		0	2040	19
20	2041		0	2041	20
	Totals	55,000,000	55,000,000		

Notes:

1. 25% constructed in 2022; 75% constructed in 2023

Table 2 – Tax Increment Projection Worksheet

City of New Berlin, WI

Tax Increment District #5

Tax Increment Projection Worksheet

Type of District	Industrial	
District Creation Date	January 11, 2022	
Valuation Date	Jan 1,	2022
Max Life (Years)	20	
Expenditure Period/Termination	15	1/11/2037
Revenue Periods/Final Year	20	2043
Extension Eligibility/Years	Yes	3
Eligible Recipient District	No	

Base Value	1,213,470
Appreciation Factor	0.00%
2021/2022 Tax Rate	$14.33
Rate Adjustment Factor (3 years)	-0.25%
Tax Exempt Discount Rate	N/A
Taxable Discount Rate	N/A

	Construction Year	Value Added	Valuation Year	Inflation Increment	Total Increment	Revenue Year	Tax Rate	Tax Increment
1	2022	13,750,000	2023	0	13,750,000	2024	$14.29	**196,488**
2	2023	41,250,000	2024	0	55,000,000	2025	$14.25	**783,985**
3	2024	0	2025	0	55,000,000	2026	$14.22	**782,025**
4	2025	0	2026	0	55,000,000	2027	$14.22	**782,025**
5	2026	0	2027	0	55,000,000	2028	$14.22	**782,025**
6	2027	0	2028	0	55,000,000	2029	$14.22	**782,025**
7	2028	0	2029	0	55,000,000	2030	$14.22	**782,025**
8	2029	0	2030	0	55,000,000	2031	$14.22	**782,025**
9	2030	0	2031	0	55,000,000	2032	$14.22	**782,025**
10	2031	0	2032	0	55,000,000	2033	$14.22	**782,025**
11	2032	0	2033	0	55,000,000	2034	$14.22	**782,025**
12	2033	0	2034	0	55,000,000	2035	$14.22	**782,025**
13	2034	0	2035	0	55,000,000	2036	$14.22	**782,025**
14	2035	0	2036	0	55,000,000	2037	$14.22	**782,025**
15	2036	0	2037	0	55,000,000	2038	$14.22	**782,025**
16	2037	0	2038	0	55,000,000	2039	$14.22	**782,025**
17	2038	0	2039	0	55,000,000	2040	$14.22	**782,025**
18	2039	0	2040	0	55,000,000	2041	$14.22	**782,025**
19	2040	0	2041	0	55,000,000	2042	$14.22	**782,025**
20	2041	0	2042	0	55,000,000	2043	$14.22	**782,025**
	Totals	**55,000,000**		**0**			**Future Value of Increment**	**15,056,926**

Notes:

Actual results will vary depending on development, inflation of overall tax rates.

NPV calculations represent estimated amount of funds that could be borrowed (including project cost, capitalized interest and issuance costs).

Table 3 – Cash Flow

City of New Berlin, WI

Tax Increment District #5

Cash Flow Projection

Year	Projected Revenues			Expenditures					Balances			Year
				G.O. Promissory Note 5,945,000								
	Tax Increments	Developer Revenue	Total Revenues	Dated Date: Principal	06/01/23 Est. Rate	Interest	Planning & Administration	Total Expenditures	Annual	Cumulative	Principal Outstanding	
2022		15,000	15,000				15,000	15,000	0	0		2022
2023			0				10,000	10,000	(10,000)	(10,000)	5,945,000	2023
2024	196,488		196,488			267,525	10,000	277,525	(81,038)	(91,038)	5,945,000	2024
2025	783,985		783,985	500,000	3.00%	170,850	10,000	680,850	103,135	12,098	5,445,000	2025
2026	782,025		782,025	600,000	3.00%	154,350	10,000	764,350	17,675	29,773	4,845,000	2026
2027	782,025		782,025	630,000	3.00%	135,900	10,000	775,900	6,125	35,898	4,215,000	2027
2028	782,025		782,025	655,000	3.00%	116,625	10,000	781,625	400	36,298	3,560,000	2028
2029	782,025		782,025	675,000	3.00%	96,675	10,000	781,675	350	36,648	2,885,000	2029
2030	782,025		782,025	695,000	3.00%	76,125	10,000	781,125	900	37,548	2,190,000	2030
2031	782,025		782,025	715,000	3.00%	54,975	10,000	779,975	2,050	39,599	1,475,000	2031
2032	782,025		782,025	735,000	3.00%	33,225	10,000	778,225	3,800	43,399	740,000	2032
2033	782,025		782,025	740,000	3.00%	11,100	10,000	761,100	20,925	64,324	0	2033
2034	782,025		782,025				10,000	10,000	772,025	836,349	0	2034
2035	782,025		782,025				10,000	10,000	772,025	1,608,374		2035
2036	782,025		782,025				10,000	10,000	772,025	2,380,399		2036
2037	782,025		782,025				10,000	10,000	772,025	3,152,425		2037
2038	782,025		782,025				10,000	10,000	772,025	3,924,450		2038
2039	782,025		782,025				10,000	10,000	772,025	4,696,475		2039
2040	782,025		782,025				10,000	10,000	772,025	5,468,500		2040
2041	782,025		782,025				10,000	10,000	772,025	6,240,525		2041
2042	782,025		782,025				10,000	10,000	772,025	7,012,550		2042
2043	782,025		782,025				10,000	10,000	772,025	7,784,576		2043
Total	15,056,926	15,000	15,071,926	5,945,000		1,117,350	225,000	7,287,350				Total

Notes:

Projected TID Closure

SECTION 10:
Annexed Property

A tax incremental district cannot include annexed territory unless at least three years have elapsed since the annexation, or certain other requirements are met. None of the property within the proposed District boundary was annexed during the past three years.

SECTION 11:
Estimate of Property to Be Devoted to Retail Business

Pursuant to Wis. Stat. § 66.1105(5)(b), the City estimates that none of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period.

SECTION 12:
Proposed Changes of Zoning Ordinances, Master Plan, Map, Building Codes and City Ordinances

Zoning Ordinances

The proposed Plan is in general conformance with the City's current zoning ordinances. Individual properties may require rezoning at the time of development. Land within the District zoned industrial at the time of District creation will remain in a zoning classification suitable for industrial sites for the life of the District.

Master (Comprehensive) Plan and Map

The proposed Plan is in general conformance with the City's Comprehensive Plan identifying the area as appropriate for industrial development.

Building Codes and Ordinances

Development within the District will be required to conform to State Building Codes and will be subject to the City's permitting and inspection procedures. The proposed Plan conforms to all relevant State and local ordinances, plans, and codes. No changes to the existing regulations are proposed or needed.

SECTION 13:

Statement of the Proposed Method for the Relocation of any Persons to be Displaced

Should implementation of this Plan require relocation of individuals or business operations, relocations will be handled in compliance with Wis. Stat. Chapter 32 and Wis. Admin. Code ADM 92.

SECTION 14:
How Creation of the Tax Incremental District Promotes the Orderly Development of the City

Creation of the District and the implementation of the projects in its Plan will promote the orderly development of the City by creating new industrial sites in a manner consistent with the City's comprehensive plan. Through use of tax increment financing, the City can attract new investment that results in increased tax base. Development will occur in an orderly fashion in accordance with approved plans so that the Projects will be compatible with adjacent land uses. Development of new uses in the District will add to the tax base and will generate positive secondary impacts in the community such as increased employment opportunities. The ABB project is projected to create an additional 100 jobs by 2025.

SECTION 15:
List of Estimated Non-Project Costs

Non-project costs are public works projects which only partly benefit the District. Costs incurred that do not benefit the District may not be paid with tax increments. Examples of non-project costs are:

- A public improvement made within the District that also benefits property outside the District. That portion of the total Project Costs allocable to properties outside of the District would be a non-project cost.
- A public improvement made outside the District that only partially benefits property within the District. That portion of the total Project Costs allocable to properties outside of the District would be a non-project cost.
- Projects undertaken within the District as part of the implementation of this Project Plan, the costs of which are paid fully or in part by impact fees, grants, special assessments, or revenues other than tax increments.

No improvements to be made within the District will benefit property outside the District. Furthermore, there will be no improvements made outside the District that will only partially benefit the District.

SECTION 16:
Legal Opinion Advising Whether the Plan is Complete and Complies with Wis. Stat. § 66.1105(4)(f)

Legal Opinion Found on Following Page.

City of New Berlin
city living with a touch of country

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

EMAIL: MGBLUM@HRBLAWFIRM.COM

December 8, 2021

Email: dament@newberlin.org ONLY
Mayor David Ament
City of New Berlin
3805 S. Casper Drive
New Berlin, WI 53151

Re: TID 5 Project Plan

Dear Mayor Ament:

Wisconsin Statute Sec. 66.1105(4)(f) requires that a Project Plan for a Tax Incremental Financing District include an opinion provided by the City Attorney advising as to whether the Plan is complete and complies with Wisconsin Statute Sec. 66.1105. As City Attorney for the City of New Berlin, I have been asked to review the above-referenced Project Plan Amendment for compliance with the applicable statutory requirements noted above. Based upon my review, it is my opinion that the Project Plan for the City of New Berlin Tax Increment District No. 5 is complete and complies with the provisions of Wisconsin Statute Sec. 66.1105.

Thank you for your attention to this matter.

Sincerely,

Mark G. Blum

MGB/jb

Distinct, Friendly Community - Extensive Transportation Network - Vibrant Future

SECTION 17:
Calculation of the Share of Projected Tax Increments Estimated to be Paid by the Owners of Property in the Overlying Taxing Jurisdictions

The following projection is provided to meet the requirements of Wis. Stat. § 66.1105(4)(i)4.

Estimated portion of taxes that owners of taxable property in each taxing jurisdiction overlaying district would pay by jurisdiction.

2020 Tax Bill	2020
County	13%
Municipality	35%
New Berlin School District	50%
Technical College	3%
Total	100%

Revenue Year	County	Municipality	New Berlin School District	Technical College	Total	Revenue Year
2024	25,326	68,568	97,543	5,051	196,488	2024
2025	101,051	273,585	389,197	20,152	783,985	2025
2026	100,798	272,901	388,224	20,102	782,025	2026
2027	100,798	272,901	388,224	20,102	782,025	2027
2028	100,798	272,901	388,224	20,102	782,025	2028
2029	100,798	272,901	388,224	20,102	782,025	2029
2030	100,798	272,901	388,224	20,102	782,025	2030
2031	100,798	272,901	388,224	20,102	782,025	2031
2032	100,798	272,901	388,224	20,102	782,025	2032
2033	100,798	272,901	388,224	20,102	782,025	2033
2034	100,798	272,901	388,224	20,102	782,025	2034
2035	100,798	272,901	388,224	20,102	782,025	2035
2036	100,798	272,901	388,224	20,102	782,025	2036
2037	100,798	272,901	388,224	20,102	782,025	2037
2038	100,798	272,901	388,224	20,102	782,025	2038
2039	100,798	272,901	388,224	20,102	782,025	2039
2040	100,798	272,901	388,224	20,102	782,025	2040
2041	100,798	272,901	388,224	20,102	782,025	2041
2042	100,798	272,901	388,224	20,102	782,025	2042
2043	100,798	272,901	388,224	20,102	782,025	2043
	1,940,748	5,254,376	7,474,771	387,031	15,056,926	

Notes:

The projection shown above is provided to meet the requirments of Wisconsin Statute 66.1105(4)(i)4.

City of New Berlin Community Development
city living with a touch of country

Building Permits & Inspections • Engineering Services • GIS / LIS • Planning Services
3805 South Casper Drive
New Berlin, WI 53151
Phone: 262.797.2445
Fax: 262.780.4612
www.newberlin.org

REQUESTED ACTION STATEMENT

TO: Common Council
Mayor Dave Ament

FROM: Gregory Kessler, AICP – Director of Community Development

RE: Requested Action Statement for the approval of an agreement with Ehlers & Associates for $15,500 for the preparation of a Tax Incremental Financing District (TID) Project Plan for TID #5 and setting a public hearing.

DATE: October 19, 2021

REQUESTED ACTION: Recommend to Common Council approval of an agreement to hire Ehlers & Associates to prepare a TID Project Plan for Tax Incremental District #5 in the amount of $15,500 and recommend to the Common Council that a public hearing be set for December 6, 2021 at 6:00 PM to be held before the Plan Commission for the properties located at 18200 W. Lincoln Avenue (Tax Key #: 1167-990-002 and 18250 W. Lincoln Avenue (Tax Key #: 1167-990-003).

FISCAL IMAPCT: The services offered by Ehlers & Associates are outlined in the attached proposal. Based upon their "Scope", the cost for their services would be $15,500. Should additional analysis be required, their hourly rates are outlined in the attached agreement. The cost of this analysis is paid for by the applicants.

SOURCE OF FUNDS: TID #5 Account: TBD $15,500

RATIONALE / BACKGROUND: Ms. Kelly Kling on behalf of ABB Inc. Motion Business and Mr. Sam Dickman Jr. on behalf of TDC Lincoln LLC have made a request to the City for the creation of a TID which would be known as TID #5. The purpose of this TID would be to provide a funding mechanism for the reconstruction of Lincoln Avenue to coincide with construction of these two Lincoln Avenue sites. Ehlers and Associates would prepare and present their analysis at an upcoming Council meeting. Council action this evening would set the public hearing on creating the TID for December 6, 2021 meeting. This public hearing could be postponed if the Council had concerns once they review and receive Ehlers project plan.

As presented by Ms. Kling and Mr. Dickman, the project as proposed, is for a 309,474 sq. ft. building (ABB Logistics) and 228,852 sq. ft. (ABB

Motion). Due to the nature of the proposed land uses, improvements to Lincoln Avenue are essential to support the new growth in this corridor and to accommodate existing and future projected traffic volumes. In addition, the condition of the road itself warrants reconstruction today.

The projected development values and project costs will be analyzed as part of Ehlers' project plan.

Ehlers has proposed three phases to their work:

Phase I: Feasibility Analysis (Plan Presentation on November 9, 2021)

Phase II: Project Plan Development and Approval (Plan Commission Public Hearing & Approval on December 6, 2021 and Common Council Approval on January 11, 2022)

Phase III: State Submittal

NOTICE OF PUBLIC HEARING
AND JOINT REVIEW BOARD MEETING
REGARDING THE PROPOSED CREATION OF
TAX INCREMENTAL DISTRICT NO. 5
IN THE CITY OF NEW BERLIN, WISCONSIN

Notice is Hereby Given that the City of New Berlin will hold an organizational Joint Review Board meeting on December 6, 2021 at 4:30 p.m. Due to the COVID-19 Pandemic, this meeting will not be open to the public in an in-person capacity. The meeting will be held via Zoom. Interested parties may participate by downloading the Zoom app located at https://zoom.us/ and utilizing this unique ID to join: 849 7799 9311 or through a direct meeting link at https://us02web.zoom.us/j/84977999311
Links are also available in the agenda section of the City's web site at https://www.newberlin.org

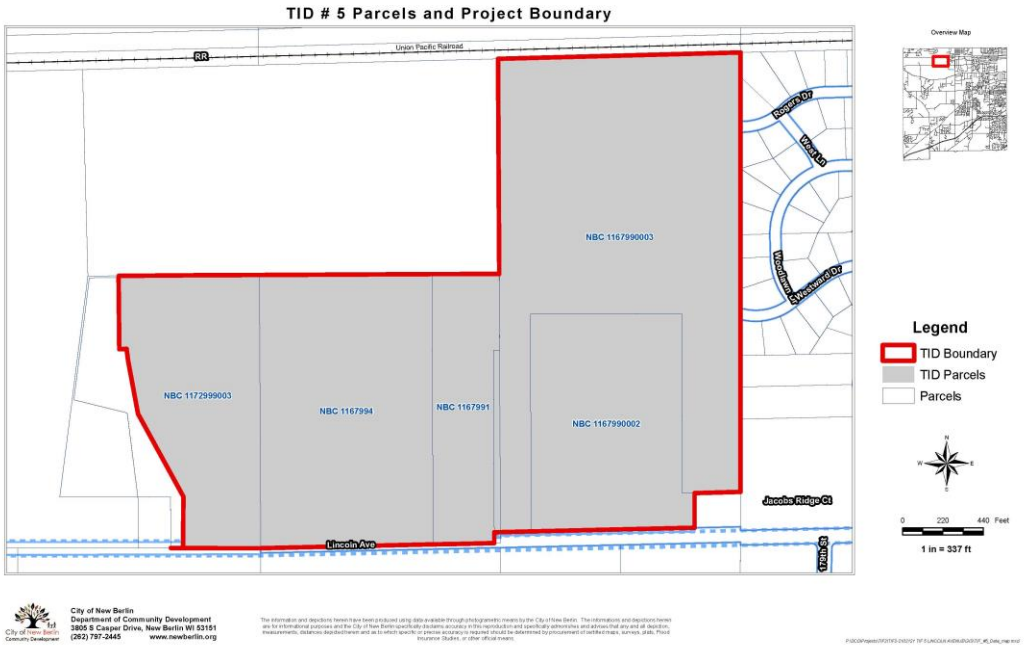
The purpose of this meeting is to organize a Joint Review Board for purposes of considering the proposed creation of, and proposed project plan for, Tax Incremental District No. 5 (the "District").

The purpose of the meeting is also to review the annual reports and the performance and status of each Tax Incremental District governed by the Joint Review Board as required by Wis. Stat. § 66.1105(4m)(f).

Copies of the annual reports will be available for viewing in the offices of the City Clerk at the New Berlin City Hall, located at 3805 S. Casper Drive during normal business hours and will be provided upon request. The annual reports are also available at https://www.newberlin.org

Notice is also Hereby Given that the Plan Commission of the City of New Berlin will hold a public hearing on December 6, 2021 at 6:00 p.m. for the purpose of providing the community a reasonable opportunity to comment upon the proposed creation of the Project Plan for the District. Due to the COVID-19 Pandemic, this meeting will not be open to the public in an in-person capacity. The meeting will be held via Zoom. Interested parties may participate by downloading the Zoom app located at https://zoom.us/ and utilizing this unique ID to join: 884 1685 1562 or through a direct meeting link at https://us02web.zoom.us/j/88416851562 Links are also available in the agenda section of the City's web site at https://www.newberlin.org

The proposed boundaries of the District creation would be within an area as detailed on the map inset.



The District creation is expected to be an industrial district based on the identification and classification of the property proposed to be included within the District.

Proposed projects costs, in the District creation, include various public improvements and cash grants to owners or lessee or developers of land located within the district (development incentives) and professional and organizational services, administrative costs, and finance costs. The proposed costs include projects within the proposed boundary and within a ½ mile radius of the proposed boundary of the District.

All interested parties will be given a reasonable opportunity to express their views on the proposed creation of the District, the proposed boundaries of the District, and the proposed Project Plan thereof. A copy of the Project Plan, including a description of the proposed boundaries, will be available for viewing in the offices of the City Clerk at the New Berlin City Hall, located at 3805 S. Casper Drive during normal business hours and will be provided upon request. The Plan is also available at https://www.newberlin.org

Such hearing shall be public and citizens and interested parties shall then be heard. Any comments that the public wishes to make may be communicated to the City via email at citizencomments@newberlin.org and will be directed to the Mayor and Joint Review Board. This hearing may be adjourned from time to time.

By Order of the City of New Berlin, Wisconsin

Published November 17 & November 24, 2021

City of New Berlin
Tax Incremental Financing Policy (TIF)

Adopted by the Common Council 01/12/2016

I. INTRODUCTION

Tax Incremental Districts (TIDs), also known as Tax Incremental Finance Districts (TIFs), were first established by the Wisconsin Legislature back in 1976 and, to this day, remain one of the few and generally, most effective ways, for municipalities to promote tax base expansion and economic development through its own initiative.

TIDs are authorized for cities and villages under Wisconsin Statute sections 66.1105. Over the years, TIDs have been aimed at eliminating blight, rehabilitating declining property values, promoting industry & economic development and encouraging mixed-used development. TIDs are a tool whereby a city can participate in local project financing by using some or all of the new incremental increase in property taxes generated by new development investment within a geographic district to pay for such projects as public infrastructure upgrades such as roads and utilities.

The most recent TID established in the city of New Berlin was for the Westridge/Towne Corporate Business Park and remains, still today, one of the best performing TIDs in all of Waukesha County both in terms of new property value created but, also in terms of the closing early. Westridge had an estimated timeline for completion at 17 years but, it was closed out in nine years and created over $182 million in property value up from a base value of $5 million.

As the City of New Berlin looks to prepare plans for future growth areas in the City, TIDs may be an appropriate topic worth evaluating as part of public infrastructure investment and/or other investments as these areas develop. Applications for tax incremental financing may be considered in mixed-use districts, industrial/business park districts, and/or commercial districts. Projects proposed in those areas of the City shall be reviewed in light of the goals established through the Comprehensive Plan.

The purpose of this policy is to outline standards and processes that the City of New Berlin will use in initiating or considering applications for Tax Increment Financing (TIF). It should be noted that the City will utilize the State of Wisconsin's ***"A Guide to Wisconsin's Tax Increment Law"***, Publication #: PE-207(R. 4-13) as amended from the Wisconsin Department of Revenue for guidance as to process and procedures, as well as applicable state statutes. The adoption of this policy in no way implies that the City will approve any or all applications for TID financing. Applications for TIF will be reviewed on a case-by-case basis by the City of New Berlin Common Council with recommendations coming from the Department of Community Development, the City's Plan Commission or the Community Development Authority (CDA) who are authorized to review projects on behalf of the City's Common Council. If a TIF application is initially deemed feasible, a TIF district can be created as prescribed in state statutes. Final approval of a TIF district lies with the Joint Review Board, which consists of representatives of all underlying taxing jurisdictions (including the City) and a citizen member. If approved, the TID project plan outlines the eligible expenditures and projects that can be funded with TID revenues. Project authorization is required by the Common Council. Tax Increment Financing is not a right under Wisconsin law and meeting these policies should not be interpreted as creating any rights or entitlements in any applications.

II. BASIC PROVISIONS

Once a TID is created, applications for Tax Increment Financing (whether initiated by the City of New Berlin or requested by a developer or business) will be reviewed by the Department of Community Development with all final approvals vested to the City of New Berlin Common Council. The Department of Community Development will seek input from the Finance Department, Assessor's Department, Mayor's Office, and City Attorney's Office and shall prepare a staff report for purposes of review and recommendation by the Plan Commission or Community Development Authority (where applicable). The Plan Commission and/or Community Development Authority shall review and make recommendations to the Common Council.

The terms and specific details of each TIF application are developed on a case-by-case basis based upon the merits of the project and adherence to this policy. In developing an application, the applicant (the City or developer) shall meet the following basic policies and requirements outlined in the subsequent sections in the opinion of DCD and the Common Council.

It should be noted that it is not the intent of the City to provide any direct TIF support to a developer that finances their direct development obligations such as land purchase, site grading, general development costs, and/or construction/building costs. It is the City's desire to focus TIF funding towards public infrastructure projects that directly supports a given development and that helps to reduce impacts on the City's overall CIP programming and financials.

III. CITY'S GOALS AND OBJECTIVES FOR THE USE OF TID

Using these policies, the City's Comprehensive Plan, Capital Improvement Budgets (CIP) and state statutes as guides, the City of New Berlin will consider using Tax Increment Financing to assist private development projects to achieve one or more of the following goals, objectives and/or priorities (not listed in any order of priority):

- Encourage redevelopment in the commercial and industrial areas of the City in order to encourage high quality development or redevelopment and private investment in those areas consistent with the City's Comprehensive Plan, CIP Budgets, and/or other planning & community development policies as established.
- Where the construction of new public infrastructure to service the proposed developments can be facilitated to alleviate future burdens on the City's Capital Improvement Budgets and to reduce and/or minimize costs to New Berlin taxpayers.
- The project creates public infrastructure facilities that have application and usefulness beyond that particular development under review, such as improvements to traffic patterns (roadways, signals, etc.), parking facilities, public utilities such as sewer, water & stormwater (storm sewer) and/or environmental remediation.
- To retain local jobs and/or increase the number of quality jobs (stable employment and/or attractive wages and benefits).
- To facilitate the development process and to achieve development on sites which would not be developed to the "highest and best use" of the site and the community's vision without this assistance.
- To meet other uses of public policy, as adopted by the Plan Commission and/or Common Council from time to time, including the quality of urban design, quality architectural design, green building/energy conservation, decreasing the capital and operating costs of the City of New Berlin, etc.

IV. QUALIFYING EXPENDITURES

Any costs allowable by *Wisconsin Statute Section 66.1105(2)(f)1 & 2* (as amended) may qualify for Tax Incremental Financing but, actual costs allowed are under strict evaluation of the City of New Berlin Common Council and must be authorized expenditures included in the TID Project Plan. These eligible expenses are to include all City staffing and consulting costs associated with the potential creation of a TID as provided for by Wisconsin statutes.

V. APPLICATION REQUIREMENTS

Applicants for Tax Incremental Financing shall demonstrate the "but for" test that the City of New Berlin's participation is economically necessary and that participation is needed to undertake the project as without this participation the project could not proceed. The "but for" test will be evaluated for each TID or project on a case-by-case basis. Criteria to consider can include, but is not limited to, development not occurring in the manner, at the values, or within the timeframe desired by the City; job creation or job retention; and the level of public infrastructure required to make an area suitable for development or redevelopment.

In order to evaluate the project, the developer/owner shall be forthcoming with information helpful to the City in order to verify the need. This may be in the form of a pro-forma that identifies rent or sales projections, hard and soft construction costs, debt/equity ratios, terms and conditions of debt, capitalization rate, net operating income (NOI) expectations, etc. Additional information may include a development budget, financial commitments of project lender(s) market & financial feasibility studies, appraisals, absorption rates & schedules, and/or project implementation plan and schedule.

The developer/owner shall also provide proof that adequate financial assurances/guarantees are in place to ensure that increment generated will be sufficient to cover the annual debt service payments and to ensure that the project is completed. These may include, but are not limited to: letters of credit, bonds, or escrow accounts.

Any developer requesting TID assistance shall be able to demonstrate a track record of successful project completion and the ability to perform and develop said project in the type and size of development proposed. TIF will not be used if the developer's credentials are, in the judgment of the City, inadequate due to past performance issues relating to: unfinished projects, bankruptcy, reputation, and/or any other issues or problems the City deems relevant as part of its evaluation of any given request.

VI. PERFORMANCE AND DESIRED QUALIFICATIONS

Projects should meet the following financial feasibility criteria as established by the City of New Berlin:

- Keeping a proposed TID District to 15 years or less.
- Keeping the ratio of Developer contributions (dollars) to TID monies to approximately 2:1. It is expected that the developer shall provide a higher contribution towards projects than will the City using TID funds.
- The Developer(s) shall be willing to enter into a Development Agreement with the City on each project approved. The Development Agreement will describe the obligations of both the City and developer and the terms and conditions of assistance.

- The applicant will guarantee an increased equalized real estate value.
- The applicant will be expected to outline and agree to performance based standards or benchmarks such as projected tax increment value (equalized), minimum square feet of construction by certain dates and other similar benchmarks.
- The applicant will be expected to financially guarantee that said performance based standards or benchmarks will be met and, if not, those guarantees can be used to secure the debt service payments in any given year or timeframe.
- The City will give preference to projects that will create a higher property tax based upon a before and after analyses. In general, the City would like to see a doubling of new taxes paid post-development or after redevelopment or a 1:2 ratio.
- TID proposals should not be used for speculative development. The City will require Letters of Intent, tenant commitments and/or filed applications for zoning amendments and/or use, site and architectural approvals.

VII. APPLICATION PROCESS

All applications for a TID shall be submitted with the required information, forms and fees as established by the Common Council and as amended from time-to-time. The applicant will be expected to present their development proposal to the Common Council for determination as to whether or not the City wishes to further review the application. The Common Council will refer the application on to the Plan Commission or Community Development for their review and recommendations prior to taking final Council action. Ultimately, all expenditures will need to be approved by the joint review board as part of the project plan.

Adopted by the Common Council on January 12, 2016.

STATE OF WISCONSIN **WAUKESHA COUNTY** **CITY OF NEW BERLIN**

RESOLUTION NUMBER #21-2

RESOLUTION DESIGNATING PROPOSED BOUNDARIES AND APPROVING A PROJECT PLAN FOR TAX INCREMENTAL DISTRICT NO. 5, CITY OF NEW BERLIN, WISCONSIN

WHEREAS, the City of New Berlin (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 5 (the "District") is proposed to be created by the City as an industrial district in accordance with the provisions of Wisconsin Statutes Section 66.1105 (the "Tax Increment Law"); and

WHEREAS, a Project Plan for the District has been prepared that includes:

a. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Wisconsin Statutes Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., outside of the District;
b. An economic feasibility study;
c. A detailed list of estimated project costs;
d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
e. A map showing existing uses and conditions of real property in the District;
f. A map showing proposed improvements and uses in the District;
g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
h. A list of estimated non-project costs;
i. A statement of the proposed plan for relocation of any persons to be displaced;
j. A statement indicating how the District promotes the orderly development of the City;
k. An opinion of the City Attorney or of an attorney retained by the City advising that the plan is complete and complies with Wisconsin Statutes Section 66.1105(4)(f).

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to the chief executive officers of Waukesha County, the New Berlin School District, and the Waukesha County Area Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission, on December 6, 2021 held a public hearing concerning the project plan and boundaries and proposed creation of the District, providing interested parties a reasonable opportunity to express their views thereon.

WHEREAS, due to the COVID-19 Pandemic, the meeting was not be open to the public in an in-person capacity. The public hearing notice for the Joint Review Board and Plan Commission meetings provided log in instructions for the public to participate in said meetings by downloading the Zoom.app located at http://zoom.us/. The City is in compliance with the state open meetings law, as well as City of New Berlin ordinances regarding the

videoconferencing.

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission of the City of New Berlin that:

1. It recommends to the Common Council that Tax Incremental District No. 5 be created with boundaries as designated in Exhibit A of this Resolution.

2. It approves and adopts the Project Plan for the District, attached as Exhibit B, and recommends its approval to the Common Council.

3. Creation of the District promotes orderly development in the City.

Adopted this 6th day of December, 2021.

APPROVED:

David A. Ament, Mayor / Plan Commission Chair

Certified/Countersigned:

Nikki L. Jones
Secretary of the Plan Commission

EXHIBIT A -

LEGAL BOUNDARY DESCRIPTION
OR
MAP OF
TAX INCREMENTAL DISTRICT NO. 5
CITY OF NEW BERLIN

THIS CAN BE FOUND IN THE PROJECT PLAN

EXHIBIT B -

PROJECT PLAN

THIS WILL BE HANDED OUT SEPARATELY

COMMUNITY CNI NEWSPAPERS

AFFIDAVIT OF PUBLICATION

Order#: GCI0769827

CITY OF NEW BERLIN LEGAL
3805 S CASPER DR
NEW BERLIN, WI 53151--5009

I hereby state that I am authorized by Journal Media Group to certify on behalf of Journal Community Publishing Group, publisher of Community Newspapers, public newspapers of general circulation, published in the city of Hartland and county of Waukesha, printed in the city and county of Milwaukee; was printed and published in the MJS-Waukesha NOW on **11/17/2021, 11/24/2021**; that said printed copy was taken from said printed newspaper(s).

Linda Tutt

Legal Clerk

State of Wisconsin

County of Brown

Subscribed and sworn to before on November 24, 2021

Vicky Felty

Notary Public, State of Wisconsin, County of Brown

9.19.25

My Commission Expires

VICKY FELTY
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING AND JOINT REVIEW BOARD MEETING REGARDING THE PROPOSED CREATION OF TAX INCREMENTAL DISTRICT NO. 5 IN THE CITY OF NEW BERLIN, WISCONSIN

Notice is Hereby Given that the City of New Berlin will hold an organizational Joint Review Board meeting on December 6, 2021 at 4:30 p.m. Due to the COVID-19 Pandemic, this meeting will not be open to the public in an in-person capacity. The meeting will be held via Zoom. Interested parties may participate by downloading the Zoom app located at https://zoom.us/ and utilizing this unique ID to join: 849 7799 9311 or through a direct meeting link at https://us02web.zoom.us/j/84977999311
Links are also available in the agenda section of the City's web site at https://www.newberlin.org

The purpose of this meeting is to organize a Joint Review Board for purposes of considering the proposed creation of, and proposed project plan for, Tax Incremental District No. 5 (the "District").

The purpose of the meeting is also to review the annual reports and the performance and status of each Tax Incremental District governed by the Joint Review Board as required by Wis. Stat. § 66.1105(4m)(f).

Copies of the annual reports will be available for viewing in the offices of the City Clerk at the New Berlin City Hall, located at 3805 S. Casper Drive during normal business hours and will be provided upon request. The annual reports are also available at https://www.newberlin.org

Notice is also Hereby Given that the Plan Commission of the City of New Berlin will hold a public hearing on December 6, 2021 at 6:00 p.m. for the purpose of providing the community a reasonable opportunity to comment upon the proposed creation of the Project Plan for the District. Due to the COVID-19 Pandemic, this meeting will not be open to the public in an in-person capacity. The meeting will be held via Zoom. Interested parties may participate by downloading the Zoom app located at https://zoom.us/ and utilizing this unique ID to join: 884 1685 1562 or through a direct meeting link at https://us02web.zoom.us/j/88416851562 Links are also available in the agenda section of the City's web site at https://www.newberlin.org

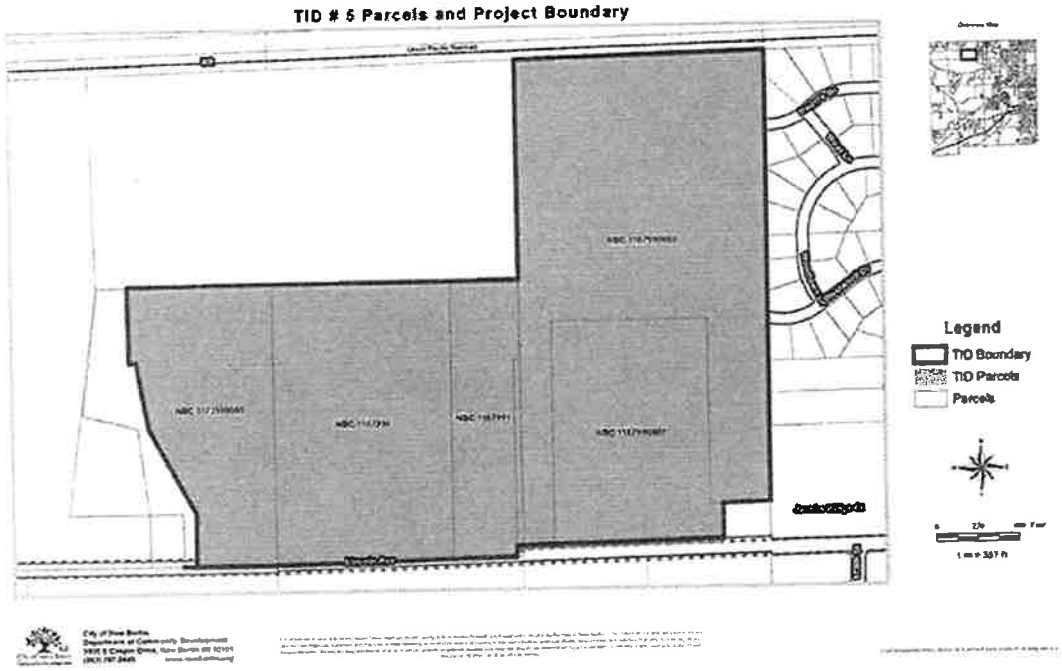
The proposed boundaries of the District creation would be within an area as detailed on the map inset.

The District creation is expected to be an industrial district based on the identification and classification of the property proposed to be included within the District.

Proposed projects costs, in the District creation, include various public improvements and cash grants to owners or lessee or developers of land located within the district (development incentives) and professional and organizational services, administrative costs, and finance costs. The proposed costs include projects within the proposed boundary and within a ½ mile radius of the proposed boundary of the District.

All interested parties will be given a reasonable opportunity to express their views on the proposed creation of the District, the proposed boundaries of the District, and the proposed Project Plan thereof. A copy of the Project Plan, including a description of the proposed boundaries, will be available for viewing in the offices of the City Clerk at the New Berlin City Hall, located at 3805 S. Casper Drive during normal business hours and will be provided upon request. The Plan is also available at https://www.newberlin.org

Such hearing shall be public and citizens and interested parties shall then be heard. Any comments that the public wishes to make may be communicated to the City via email at citizencomments@newberlin.org and will be directed to the Mayor and Joint Review Board. This hearing may be adjourned from time to time.



By Order of the City of New Berlin, Wisconsin

Published November 17 & November 24, 2021

MJ-GCI0789B27-01

City of New Berlin
city living with a touch of country

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

EMAIL: MGBLUM@HRBLAWFIRM.COM

December 8, 2021

Email: dament@newberlin.org ONLY
Mayor David Ament
City of New Berlin
3805 S. Casper Drive
New Berlin, WI 53151

Re: TID 5 Project Plan

Dear Mayor Ament:

Wisconsin Statute Sec. 66.1105(4)(f) requires that a Project Plan for a Tax Incremental Financing District include an opinion provided by the City Attorney advising as to whether the Plan is complete and complies with Wisconsin Statute Sec. 66.1105. As City Attorney for the City of New Berlin, I have been asked to review the above-referenced Project Plan Amendment for compliance with the applicable statutory requirements noted above. Based upon my review, it is my opinion that the Project Plan for the City of New Berlin Tax Increment District No. 5 is complete and complies with the provisions of Wisconsin Statute Sec. 66.1105.

Thank you for your attention to this matter.

Sincerely,

Mark G. Blum

MGB/jb

CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMITTEE OF THE WHOLE
Tuesday, October 26, 2021

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

This Committee 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 #896 1970 0247 to join.

All votes were taken via a voice roll call vote.

CALL MEETING TO ORDER

Mayor Ament called the Commitee of the Whole meeting to order at 6:03PM.

ROLL CALL DECLARATION OF QUORUM PUBLIC NOTICE

Present: Mayor Ament and Alderman Hopkins, Garrigues, Maxey, Harenda, Stribl, Horbinski and Doyle.

Also Present: Finance Director Ralph Chipman, City Engineer Ralph Chipman, City Attorney Mark Blum and City Clerk Georgia Stanford

This meeting was noticed on Friday, October 22, 2021 in accordance with the Open Meetings Law.

APPROVAL OF MINUTES

- October 12, 2021 Meeting Minutes

Motion to approve the October 12, 2021 Meeting Minutes by Alderman Horbinski. Seconded by Alderman Garrigues.

Motion Passed 7-0.

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 October 27, 2021 claims for Water Utility in the amount $84,020.52, Sewer Utility claims in the amount of $15,685.13, General City claims in the amount of $2,750,631.83.

Motion to approve the October 27, 2021 claims for Water Utility in the amount $84,020.52, Sewer Utility claims in the amount of $15,685.13, General City claims in the amount of $2,750,631.83 by Alderman Garrigues. Seconded by Alderwoman Doyle.

Motion Passed 7-0.

LICENSES & PERMITS

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 Garrigues. Seconded by Alderwoman Doyle.

Motion Passed 7-0.

2021 Rubbish License for Johns Disposal Service, Inc. located at 7311 Omega Circle, Franksville, WI 53126

Motion to approve 2021 Rubbish License for Johns Disposal Service, Inc. located at 7311 Omega Circle, Franksville, WI 53126 by Alderman Stribl. Seconded by Alderman Maxey.

Motion Passed 7-0.

2021 Rubbish License for Franklin Hauling - WM, located at 10627 S. 27th St., Franklin, WI 53132

Motion to approve 2021 Rubbish License for Franklin Hauling - WM, located at 10627 S. 27th St., Franklin, WI 53132 by Alderwoman Doyle. Seconded by Alderman Stribl.

Motion Passed 7-0.

MISCELLANEOUS

- Discussion and Possible Action to Approve Ordinance No. 2655, an Ordinance to Amend Chapter 124 of the Fire Prevention Code of the City of New Berlin.

Motion recommend Ord. No. 2655 to the Common Council by Alderman Hopkins. Seconded by Alderman Maxey.

Motion Passed 7-0.

- Discussion and possible action regarding Ordinance No. 2656, an Ordinance repealing and recreating section 261-4(D) of the New Berlin Municipal Code, regarding overnight parking.

Motion to approve Ordinance No. 2655 by Alderman Stribl. Seconded by John Hopkins.

Alderman Stribl expressed his concerns with long term overnight parking. Alderman Harenda expressed his concerns similar to Alderman Stribl.

Motion to table Ordinance No. 2655 by Alderman Garrigues. Seconded by Alderwoman Doyle.

Motion Passed 7-0.

- Recommend to Common Council approval of an agreement to hire Ehlers & Associates to prepare a TID Project Plan for Tax Incremental District #5 in the amount of $15,500 and recommend to the Common Council that a public hearing be set for December 6, 2021 at 6:00 PM to be held before the Plan Commission for the properties located at 18200 W. Lincoln Avenue (Tax Key #: 1167-990-002 and 18250 W. Lincoln Avenue (Tax Key #: 1167-990-003).

Motion to Recommend to Common Council approval of an agreement to hire Ehlers & Associates to prepare a TID Project Plan for Tax Incremental District #5 in the amount of $15,500 and recommend to the Common Council that a public hearing be set for December 6, 2021 at 6:00 PM to be held before the Plan Commission for the properties located at 18200 W. Lincoln Avenue (Tax Key #: 1167-990-002 and 18250 W. Lincoln Avenue (Tax Key #: 1167-990-003) by Alderman Stribl. Seconded by Alderman Maxey.

Motion Passed 7-0.

- Requested Action Statement for the approval of a Project Funding Agreement between the City of new Berlin and Waukesha County (Department of Public Works).

Motion to approve a project funding agreement between the City of New Berlin and Waukesha County by Alderman Harenda. Seconded by Alderman Stribl.

Motion Passed 7-0.

- Review, Discussion and Possible Action on the 2022 CIP Budget

No Action.

DEFERRED, REFERRED & TABLED ITEMS

ADJOURN

Motion to adjourn at 6:26PM by Alderwoman Doyle. Seconded by Alderman Garrigues.

Motion Passed 7-0.

Respectfully Submitted:

_____

Georgia Stanford
City Clerk

CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, October 26, 2021

Please note: Minutes are unofficial until approved by the Common Council at the next regularly scheduled meeting.

This Committee 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 #896 1970 0247 to join.

All votes were taken via a voice roll call vote.

CALL TO ORDER PLEDGE OF ALLEGIANCE INVOCATION PUBLIC NOTICE

Mayor Ament called the meeting to order at 6:27PM.

ROLL CALL; DECLARATION OF QUORUM

Present: Mayor Ament and Alderman Hopkins, Garrigues, Maxey, Harenda, Stribl, Horbinski and Doyle.

Also Present: Finance Director Ralph Chipman, City Engineer Ralph Chipman, City Attorney Mark Blum and City Clerk Georgia Stanford

This meeting was noticed on Friday, October 22, 2021 in accordance with the Open Meetings Law.

APPROVAL OF MINUTES

- October 12, 2021 Meeting Minutes

Motion to approve the October 12, 2021 Meeting Minutes by Alderwoman Doyle. Seconded by Alderman Maxey.

Motion Passed 7-0.

- October 13, 2021 Special Common Council Meeting Minutes

Motion to approve the October 13, 2021 Special Common Council Meeting Minutes by Alderman Garrigues. Seconded by Alderman Horbinski.

Motion Passed 7-0.

REPORTS

- City Clerk

No Report.

- Council President

- Mayor

Trick or Treating in the City of New Berlin is Sunday October 31st 4 – 7 pm. And just a reminder that pumpkins can be composted at the City's Recycling Center at no cost for New Berlin residents.

The final Chamber's Farmers Market for the season will be held this Saturday October 30th 8 am – noon.

Third Quarter Water Bills are due 10/31st.

As we continue to experience delayed garbage/recycling service by Waste Management, residents are advised to please keep your carts curbside until your carts are picked up.

COMMUNICATIONS

WATER RESOURCE MANAGEMENT COMMITTEE

- WRM 04-21 Discussion and possible approval of the 2022 Water Resource Management Budget

This item was considered at the meeting of the Water Resource Management Committee on October 12, 2021. It was recommended to the Common Council on a vote of 5-0. Motion by Ald. Harenda to approve the 2022 Water Resource Management Committee Budget. Seconded by Alderman Stribl.

Motion Passed 7-0.

- WRM 05-21 Discussion and possible approval of the 2022 Water Resource Management CIP Budget

This item was considered at the meeting of the Water Resource Management Committee on October 12, 2021. It was recommended to the Common Council on a vote of 5-0. Motion by Ald. Harenda to approve the 2022 Water Resource Management Committee CIP Budget. Seconded by Alderman Hopkins.

Motion Passed 7-0.

MAYORAL APPOINTMENTS

- Recommend the appointment of Ronald Stair as Alternate #2 to the Board of Appeals with term effective immediately and expiring 10/25/2024.

Motion to approve appointment of Ronald Stair as Alternate #2 to the Board of Appeals with term effective immediately and expiring 10/25/2024 by Alderman Garrigues. Seconded by Alderman Harenda.

Motion Passed 7-0.

- Recommend the reappointment of Thomas O'Loughlin, John Rocco & Brian McGrath to the Tourism Commission with new terms effective 11/15/2021 and expiring 11/14/2022.

Motion to approve the reappointment of Thomas O'Loughlin, John Rocco & Brian McGrath to the Tourism Commission with new terms effective 11/15/2021 and expiring 11/14/2022 by Alderman Horbinski. Seconded by Alderwoman Doyle.

Motion Passed 7-0.

DEFERRED, REFERRED & TABLED ITEMS

ITEMS REMOVED FROM CONSENT AGENDA, if any

- Discussion and Possible Action to Approve Ordinance No. 2655, an Ordinance to Amend Chapter 124 of the Fire Prevention Code of the City of New Berlin.

Motion to waive the 2nd and 3rd readings of Ordinance No. 2655 by Alderman Hopkins. Seconded by Alderwoman Doyle.

Motion Passed 7-0.

Motion to approve Ordinance No. 2655 by Alderman Stribl. Seconded by Alderman Horbinski.

Motion Passed 7-0.

CONSENT AGENDA********

Motion to approve the consent agenda by Alderwoman Doyle. Seconded by Alderman Maxey.

Motion Passed 7-0.

MINUTES

- October 12, 2021 Meeting Minutes

UTILITY & FINANCE

- Approval of October 27, 2021 claims for Water Utility in the amount $84,020.52, Sewer Utility claims in the amount of $15,685.13, General City claims in the amount of $2,750,631.83.

LICENSES & PERMITS

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

2021 Rubbish License for Johns Disposal Service, Inc. located at 7311 Omega Circle, Franksville, WI 53126

2021 Rubbish License for Franklin Hauling - WM, located at 10627 S. 27th St., Franklin, WI 53132

MISCELLANEOUS

- Discussion and possible action regarding Ordinance No. 2656, an Ordinance repealing and recreating section 261-4(D) of the New Berlin Municipal Code, regarding overnight parking.

- Recommend to Common Council approval of an agreement to hire Ehlers & Associates to prepare a TID Project Plan for Tax Incremental District #5 in the amount of $15,500 and recommend to the Common Council that a public hearing be set for December 6, 2021 at 6:00 PM to be held before the Plan Commission for the properties located at 18200 W. Lincoln Avenue (Tax Key #: 1167-990-002 and 18250 W. Lincoln Avenue (Tax Key #: 1167-990-003).

- Requested Action Statement for the approval of a Project Funding Agreement between the City of new Berlin and Waukesha County (Department of Public Works).

- Review, Discussion and Possible Action on the 2022 CIP Budget

END CONSENT AGENDA********

CLOSED SESSION

Motion to enter closed session at 6:40PM by Alderman Stribl. Seconded by Alderwoman Doyle.

Motion Passed 7-0.

- The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85(1)(e) of the Wisconsin State Statutes. (e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business whenever competitive or bargaining reasons require a Closed Session, more specifically:

- Discussion regarding an amended offer to purchase Quarry Park

- Discussion regarding a termination agreement of the Recycling Agreement with Waukesha County

RECONVENE TO OPEN SESSION - Discussion and Possible Action on items listed below

- Discussion and possible action regarding an amended offer to purchase Quarry Park

Due to technical difficulties Alderman Garrigues was excused for the remainder of the meeting.

Motion to approve an amended offer to purchase Quarry Park contingent upon the revision of removing the deadline by Alderman Harenda. Seconded by Alderman Stribl.

Motion Passed 6-0.

- Discussion and Possible action regarding Resolution 21-32, A Resolution of the City of New Berlin Regarding the Termination of the Recycling Agreement with the County of Waukesha

Motion to approve Resolution 21-32 by Alderman Maxey. Seconded by Alderman Stribl.

Motion Passed 6-0.

ADJOURN

Motion to adjourn at 7:01PM by Alderman Maxey. Seconded by Alderwoman Doyle.

Motion Passed 6-0.

Respectfully Submitted:

_____

Georgia Stanford
City Clerk

CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMITTEE OF THE WHOLE
Tuesday, November 9, 2021

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

This Committee 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 # 815 6437 6822*: to join.*

All votes were taken via a voice roll call vote.

PUBLIC HEARING

The public hearing was called to order by Mayor Ament at 6:01PM.

The City Clerk introduced the public hearing and confirmed the proper publication procedures were followed.

There were no members of the public wishing to speak on the public hearing.

The public hearing closed at 6:05PM.

- Notice is hereby given that on Tuesday, November 9, 2021 at 6:00 pm via Zoom Meeting ID: 815 6437 6822, a PUBLIC HEARING on the PROPOSED BUDGET of the City of New Berlin will be held. The proposed budget in detail is available for inspection at the Clerk's Office from 8:00 am to 4:30 pm on Monday through Friday. The attached is a summary of the proposed 2022 Budget.

CALL MEETING TO ORDER

Mayor Ament called the Committee of the Whole Meeting to order at 6:05PM.

ROLL CALL DECLARATION OF QUORUM PUBLIC NOTICE

Present: Mayor Ament, Alderpersons Hopkins, Garrigues, Maxey, Stribl, Horbinski, and Doyle,

Excused: Alderman Harenda

Also Present: Finance Director Ralph Chipman, Police Chief Jeff Hingiss, Ehlers Senior Municipal Advisor Greg Johnson, Director of Community Development Greg Kessler. City Attorney Mark Blum and City Clerk Georgia Stanford.

This meeting was noticed on Friday, November 5, 2021 in accordance with the open meetings law.

APPROVAL OF MINUTES

- October 26, 2021 Meeting Minutes

No Action

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 November 10, 2021 claims for Water Utility in the amount $195,104.50, Sewer Utility claims in the amount of $34,303.75, General City claims in the amount of $923,888.55. US Bank VISA EFT of $21,836.99. WE Energies EFT of $58,025.47.

Motion to approve November 10, 2021 claims for Water Utility in the amount $195,104.50, Sewer Utility claims in the amount of $34,303.75, General City claims in the amount of $923,888.55. US Bank VISA EFT of $21,836.99. WE Energies EFT of $58,025.47 by Alderman Garrigues. Seconded by Alderman Stribl.

Motion Passed 6-0.

LICENSES & PERMITS

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

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

Motion Passed 6-0.

Operator (Bartender) license application for Georgina F. Parrino for the licensing period ending June 30, 2023. Applicant has been invited to appear before Council due to items on her background check.

Motion to deny Operator (Bartender) license application for Georgina F. Parrino for the licensing period ending June 30, 2023 by Alderman Hopkins. Seconded by Alderman Stribl.

Discussion regarding the application was had and the applicant was present to answer questions.

Motion to withdraw the initial motion to deny by Alderman Hopkins. Seconded by Alderman Stribl.

Motion to approve Operator (Bartender) license application for Georgina F. Parrino for the licensing period ending June 30, 2023 by Alderman Hopkins. Seconded by Alderman Stribl.

Motion Passed 6-0.

Class "B" Fermented Malt Beverage and Class C Wine License to Kat's Cafe, LLC dba Kat's Cafe located at 19680 W. National Avenue. Agent and new tenant of building is Dale R. Palkowski. Premise was previously licensed by Olympic Meals, LLC dba Kat's Cafe. Agent Demitra Conrad.

Motion to approve Class "B" Fermented Malt Beverage and Class C Wine License to Kat's Cafe, LLC dba Kat's Cafe located at 19680 W. National Avenue. Agent and new tenant of building is Dale R. Palkowski by Alderwoman Doyle. Seconded by Alderman Hopkins.

Motion Passed 6-0.

MISCELLANEOUS

- Review and discussion of the Ehlers draft Project Plan for TID No. 5. A public hearing is set for December 6, 2021 before the Plan Commission.

A presentation was provided by Ehlers Senior Municipal Advisor, Greg Johnson and Director of Community Development, Greg Kessler.

No Action.

- Recommend the approval of a Lease Agreement with Johns Disposal Services and Rehrig Pacific Company for usage of the south parking lot area of Malone Park subject to final approval of City Attorney and Mayor.

Motion to approve a Lease Agreement with Johns Disposal Services and Rehrig Pacific Company for usage of the south parking lot area of Malone Park subject to final approval of City Attorney and Mayor by Alderman Stribl. Seconded by Alderman Garrigues.

Motion Passed 6-0.

- Discussion and possible action regarding the pre-hire of four sworn police officers in 2021 in anticipation of at least five retirements in 2022.

Motion to approve the pre-hire of four sworn police officers in 2021 in anticipation of at least five retirements in 2022 by Alderman Maxey. Seconded by Alderman Hopkins.

Motion Passed 6-0.

- Ordinance No. 2654, an Ordinance Adjusting the Boundaries of the Seven Aldermanic Districts in the City of New Berlin.

Motion to recommend Ord. No. 2654 to the Common Council by Alderman Stribl. Seconded by Alderman Garrigues.

Motion Passed 6-0.

DEFERRED, REFERRED & TABLED ITEMS

ADJOURN

Motion to adjourn at 6:46PM by Alderman Garrigues. Seconded by Alderman Maxey.

Motion Passed 6-0.

Respectfully Submitted:

_____

Georgia Stanford
City Clerk

CITY OF NEW BERLIN
PROCEEDINGS OF THE COMMON COUNCIL
Tuesday, November 9, 2021

Please note: Minutes are unofficial until approved by the Common Council at the next regularly scheduled meeting.

This Committee 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 # 815 6437 6822: to join.

All votes were taken via a voice roll call vote.

CALL TO ORDER PLEDGE OF ALLEGIANCE INVOCATION PUBLIC NOTICE

Mayor Ament called the Common Council meeting to order at 6:47PM.

ROLL CALL; DECLARATION OF QUORUM

Present: Mayor Ament, Alderpersons Hopkins, Garrigues, Maxey, Stribl, Horbinski, and Doyle,

Excused: Alderman Harenda

Also Present: Finance Director Ralph Chipman, Police Chief Jeff Hingiss, Ehlers Senior Municipal Advisor Greg Johnson, Director of Community Development Greg Kessler. City Attorney Mark Blum and City Clerk Georgia Stanford.

This meeting was noticed on Friday, November 5, 2021 in accordance with the open meetings law.

APPROVAL OF MINUTES

- October 26, 2021 Meeting Minutes

No Action

REPORTS

- City Clerk
- Council President
- Mayor

We would like to extend our sincerest congratulations to Police Chief Jeff Hingiss. Chief Hingiss recently was awarded the Training Officer of the Year Award by the Wisconsin Law Enforcement Officer Training Association. Jeff was nominated by the Associate Dean at WCTC who runs the Recruit Academy. In her presentation remarks the Dean highlighted Chief Hingiss' accomplishments using the following award criteria: Considered worthy based on teaching assignments. Participation in classroom activity. Displayed constructive teaching innovation. Displayed creativity. Research and development of improved training standards. Dedication to philosophy of quality training. Effectiveness to accomplish a task. Ability to motivate others. Serves as an example of leadership in the field of law enforcement training. Contributions to law enforcement training made by candidate. Generate respect of his/her peers. Demonstrated ability to recognize the need for training improvements, when appropriate. Possesses a broad knowledge of professional law enforcement

training.

Congratulations to Chief Hingiss for this well-deserved honor and the exemplary leadership he brings to New Berlin!

Congratulations to the Lionel Railroad Club for being named our November Business of the Month. The Club is headquartered at 2721 S Calhoun Rd. Please consider stopping by during their open house on Saturday & Sunday, November 27th & 28th 10 am – 5 pm. Visitors will see a large exhibition of toy trains running on train layouts, often from different eras and different scales and gauges. The main layout in the 3000 square foot facility includes interactive buttons allowing visitors to operate over a dozen animated scenes. The walls feature displays of vintage engines, rolling stock, and related toy train and railroad memorability some of which date back nearly 100 years.

The City will be conducting its annual Veteran's Day Ceremony this Thursday, November 11th at 7 pm in the Council Chambers of City Hall. The ceremony will include participation from the New Berlin Hoeppner Horn Bros. VFW Post 5716, the American Legion Post #488 and the New Berlin Community Band. U.S. Navy Veteran Mike Nowak will also be personally honored for his years of military and community service. In addition, Dr. Arthur Angove will be presented with the 2021 Citizen of the Year Award. Furthermore, street light pole banners will be presented to the servicemen and/or their families who participated in our Celebrate Our Local Military Heroes initiative. We invite all residents to attend this ceremony to honor those who have served.

As we continue to experience delayed garbage/recycling service by Waste Management, residents are advised to always please keep your carts curbside until your carts are picked up. Johns Disposal Service will assume service for our City-Wide Residential Garbage & Recycling Service effective 1/1/2022. New Carts will be delivered throughout the month of December, accompanied by an informational brochure and the 2022 Recycling Calendar and Map. To stay informed on the details of this transition, please sign up for our New Berlin Notes found on the City's homepage.

The November 23rd COW/CC meeting is cancelled. The next regularly scheduled meeting will be held December 14th .

And just a reminder: The Recycling Center will be closed all day on Thursday, November 25, 2021 for Thanksgiving. In addition, City Hall will also be closed Thursday and Friday, November 25th and 26th for the holiday.

The City will be holding its Annual Christmas Tree Lighting Ceremony on Saturday, December 4th at the City Center Plaza, 15040 Library Lane, 3-6 pm. Santa will be stopping by, the New Berlin Lions Club will be handing out stockings, the Marines will be accepting Toys for Tots donations,- come enjoy some ice skating & hot chocolate - the official tree lighting will take place at 5:30 pm.

And finally, I'd like to wish everyone a very happy and safe Thanksgiving.

COMMUNICATIONS

UTILITY COMMITTEE

- UT 11-21 Discussion and possible approval on proposed 2022 Water Utility Operating Budget.

This item was considered at the Utility Committee meeting on October 26, 2021. It was recommended to the Common Council on a vote of 5-0. Motion by Alderman Hopkins to approve the proposed 2022 Water Utility Operating Budget as presented. Seconded by Alderman Maxey.

Motion Passed 6-0.

- UT 12-21 Discussion and possible approval on proposed 2022 Water CIP Budget. Information included in the 2022 Water Utility Operating Budget.

This item was considered at the Utility Committee meeting on October 26, 2021. It was recommended to the Common Council on a vote of 5-0. Motion by Alderman Hopkins to approve the proposed 2022 Water CIP Budget as presented. Seconded by Alderman Stribl.

Motion Passed 6-0.

- UT 13-21 Discussion and possible approval on proposed 2022 Wastewater Utility Operating Budget.

This item was considered at the Utility Committee meeting on October 26, 2021. It was recommended to the Common Council on a vote of 5-0. Motion by Alderman Hopkins to approve the proposed 2022 Wastewater Utility Operating Budget as presented. Seconded by Alderman Garrigues.

Motion Passed 6-0.

- UT 14-21 Discussion and possible approval on proposed 2022 Wastewater CIP Budget. Information included in the 2022 Wastewater Utility Operating Budget.

This item was considered at the Utility Committee meeting on October 26, 2021. It was recommended to the Common Council on a vote of 5-0. Motion by Alderman Hopkins to approve the proposed 2022 Wastewater CIP Budget as presented. Seconded by Alderman Maxey.

Motion Passed 6-0.

2022 BUDGET

- Discussion and possible action on the proposed 2022 Operating Budget

Finance Director Ralph Chipman presented the 2022 Operating Budget.

The Mayor presented a list of amendments. Motion to approve the amendments as presented by Alderman Garrigues. Seconded by Alderman Maxey.

Motion Passed 6-0.

Motion to approve the 2022 Operating Budget with the amendments provided by Alderman Stribl. Seconded by Alderman Horbinski.

Motion Passed 6-0.

- Discussion and possible action on the proposed 2022 CIP Budget

No Action.

MAYORAL APPOINTMENTS

DEFERRED, REFERRED & TABLED ITEMS

ITEMS REMOVED FROM CONSENT AGENDA, if any

- Ordinance No. 2654, an Ordinance Adjusting the Boundaries of the Seven Aldermanic Districts in the City of New Berlin.

Motion to waive the 2nd and 3rd readings of Ordinance No. 2654 by Alderman Stribl. Seconded by Alderwoman Doyle.

Motion Passed 6-0.

Motion to approve Ordinance No. 2654 by Alderman Stribl. Seconded by Alderwoman Doyle.

Motion Passed 6-0.

CONSENT AGENDA********

Motion to approve the consent agenda by Alderman Horbinski. Seconded by Alderman Hopkins.

Motion Passed 6-0.

MINUTES

- October 26, 2021 Meeting Minutes

UTILITY & FINANCE

- Approval of November 10, 2021 claims for Water Utility in the amount $195,104.50, Sewer Utility claims in the amount of $34,303.75, General City claims in the amount of $923,888.55. US Bank VISA EFT of $21,836.99. WE Energies EFT of $58,025.47.

LICENSES & PERMITS

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

Operator (Bartender) license application for Georgina F. Parrino for the licensing period ending June 30, 2023. Applicant has been invited to appear before Council due to items on her background check.

Class "B" Fermented Malt Beverage and Class C Wine License to Kat's Cafe, LLC dba Kat's Cafe located at 19680 W. National Avenue. Agent and new tenant of building is Dale R. Palkowski. Premise was previously licensed by Olympic Meals, LLC dba Kat's Cafe. Agent Demitra Conrad.

MISCELLANEOUS

- Review and discussion of the Ehlers draft Project Plan for TID No. 5. A public hearing is set for December 6, 2021 before the Plan Commission.

- Recommend the approval of a Lease Agreement with Johns Disposal Services and Rehrig Pacific Company for usage of the south parking lot area of Malone Park subject to final approval of City Attorney and Mayor.

- Discussion and possible action regarding the pre-hire of four sworn police officers in 2021 in anticipation of at least five retirements in 2022.

END CONSENT AGENDA********

CLOSED SESSION

Motion to enter closed session at 7:14PM by Alderman Maxey. Seconded by Alderwoman Doyle.

Motion Passed 6-0.

- The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85(1)(g) of the Wisconsin State Statutes. (g) Conferring with legal counsel for the governmental body who is

rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, more specifically:

- Discussion RE: Sewer Backup Claim at Intersection of Beloit Rd. and Moorland Rd.

RECONVENE TO OPEN SESSION - Discussion and Possible Action on items listed below

Motion to reconvene into open session at 7:23PM by Alderman Stribl. Seconded by Alderwoman Doyle.

Motion Passed 6-0.

- Discussion and possible action to settle the claim relating to Sewer Backup Claim at Intersection of Beloit Rd. and Moorland Rd.

No Action.

ADJOURN

Motion to adjourn at 7:24PM by Alderwoman Doyle. Seconded by Alderman Stribl.

Motion Passed 6-0.

Respectfully Submitted:

_____

Georgia Stanford
City Clerk

CITY OF NEW BERLIN
PROCEEDINGS OF THE PLAN COMMISSION
Monday, December 6, 2021

Please note: Minutes are unofficial until approved by the Plan Commission at the next regularly scheduled meeting.

This Commission 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 #884 1685 1562 to join.

All votes were taken via a voice roll call vote.

PUBLIC HEARING(S)

- (3) GK/NJ TIF2-2102121 Public Hearing regarding the proposed project plan, boundaries and creation of Tax Incremental District No. 5 (See the Public Hearing Notice which was published on November 17, 2021 & November 24, 2021). (PUBLIC HEARING 6:00 PM)

Deputy Clerk/Licensing Specialist, Rubina Medina reviewed the procedures to be conducted as this meeting was held via zoom.

Mayor Ament read the rules for a public hearing and called the public hearing to order at 6:00 PM.

Director of Community Development, Greg Kessler read the Public Hearing Notice and Deputy Director of Community Development, Nikki Jones gave a brief presentation to the Commission and Greg Johnson, Senior Municipal Advisor with Ehlers provided a detailed presentation.

Mayor Ament asked if there were any citizens in attendance that had questions for clarification. No questions were asked.

Mayor Ament asked if any citizens in attendance wished to speak in favor of the application. There were none.

Mayor Ament asked if any citizens in attendance wished to speak in opposition of the application. There were none.

Mayor Ament asked the Commissioners if they had any questions for clarification and/or comments. Commissioners did have questions which were answered.

The Public Hearing Adjourned at 6:38 PM.

PRIVILEGE OF THE FLOOR

Mayor Ament asked if there was anyone in attendance that wanted to take part in Privilege of the Floor. There was none.

Rubina Medina stated that no comments were received via email.

CALL TO ORDER; PLEDGE OF ALLEGIANCE

Mayor Ament called the Plan Commission meeting to order at 6:39 PM and led the Pledge of Allegiance.

ROLL CALL; DECLARATION OF QUORUM

Commissioners Present: Mayor Ament, Commissioners Felda, McGrath, Rafel, Anderson, Biller & Ald. Stribl.

Rubina Medina stated that there is a quorum and the meeting was properly noticed in accordance with the open meetings law.

City Staff present: Director of Community Development Greg Kessler, Deputy Director of Community Development Nikki Jones, City Attorney Mark Blum, and Deputy City Clerk/Licensing Specialist Rubina Medina.

APPROVAL OF MINUTES

- November 1, 2021 Meeting Minutes

Motion to Approve the Plan Commission minutes from November 1, 2021 by Commissioner Felda. Seconded by Commissioner Biller.

Motion Passed 6-0 with Commissioner Anderson abstaining.

PLAN COMMISSION SECRETARY'S REPORT

No Report

NEW BUSINESS

- (3) GK/NJ TIF2-2102121 Consideration and possible action on "Resolution Designating Proposed Boundaries and Approving a Project Plan for Tax Incremental District No. 5, City of New Berlin, Wisconsin". (PUBLIC HEARING 12/6/2021)

Motion by Ald. Stribl to recommend approval of Plan Commission Resolution No. 21-02 designating proposed boundaries and approving a Project Plan for Tax Incremental District No. 5, City of New Berlin, and forward to the Common Council for their review and approval by Resolution. Seconded by Commissioner Rafel.

Motion Passed 6-1 with Commissioner McGrath voting nay.

ADJOURN

Motion to adjourn at 6:58 PM by Commissioner Felda. Seconded by Commissioner Rafel.

Motion Passed 7-0.

Respectfully Submitted,
Rubina Medina
Deputy City Clerk/Licensing Specialist

RESOLUTION NUMBER #2022-1

RESOLUTION CREATING TAX INCREMENTAL DISTRICT NO. 5, APPROVING ITS PROJECT PLAN AND ESTABLISHING ITS BOUNDARIES CITY OF NEW BERLIN, WISCONSIN

WHEREAS, the City of New Berlin (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 5 (the "District") is proposed to be created by the City as an industrial district in accordance with the provisions of Wisconsin Statutes Section 66.1105 (the "Tax Increment Law"); and

WHEREAS, a Project Plan for the District has been prepared that includes:

a. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Wisconsin Statutes Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., outside of the District;
b. An economic feasibility study;
c. A detailed list of estimated project costs;
d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
e. A map showing existing uses and conditions of real property in the District;
f. A map showing proposed improvements and uses in the District;
g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
h. A list of estimated non-project costs;
i. A statement of the proposed plan for relocation of any persons to be displaced;
j. A statement indicating how the District promotes the orderly development of the City;
k. An opinion of the City Attorney or of an attorney retained by the City advising that the plan is complete and complies with Wisconsin Statutes Section 66.1105(4)(f).; and

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to the chief executive officers of Waukesha County, the New Berlin School District, and the Waukesha County Area Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission, on December 6, 2021 held a public hearing concerning the project plan and boundaries and proposed creation of the District, providing interested parties a reasonable opportunity to express their views thereon; and

WHEREAS, due to the COVID-19 Pandemic, the meeting was not be open to the public in an in-person capacity. The public hearing notice for the Joint Review Board and Plan Commission meetings provided log in instructions for the public to participate in said meetings by downloading the Zoom.app located at http://zoom.us/. The City is in compliance with the state open meetings law, as well as City of New Berlin ordinances regarding the videoconferencing.

WHEREAS, after said public hearing, the Plan Commission designated the boundaries of the District, adopted the Project Plan on December 6, 2021, and recommended to the Common Council that it create such District and approve the Project Plan.

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

1. The boundaries of the District that shall be named "Tax Incremental District No. 5, City of New Berlin", are hereby established as specified in Exhibit A of this Resolution.

2. The District is created effective as of January 1, 2022.

3. The Common Council finds and declares that:

   (a) Not less than 50% by area of the real property within the District is suitable for industrial sites within the meaning of Wisconsin Statutes Section 66.1101 and has been zoned for industrial use.

   (b) Based upon the finding stated in 3.a. above, the District is declared to be an industrial district based on the identification and classification of the property included within the District.

   (c) The improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District.

   (d) The equalized value of the taxable property in the District plus the value increment of all other existing tax incremental districts within the City, does not exceed 12% of the total equalized value of taxable property within the City.

   (e) That there are no parcels to be included within the District that were annexed by the City within the preceding three-year period.

   (f) The City estimates that none of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wisconsin Statutes Section 66.1105(5)(b).

   (g) The project costs relate directly to promoting industrial development in the District consistent with the purpose for which the District is created.

   (g) Any real property within the District that is found suitable for industrial sites and is zoned for industrial use will remain zoned for industrial use for the life of the District.

4. The Project Plan for "Tax Incremental District No. 5, City of New Berlin" (see Exhibit B) is approved, and the City further finds the Plan is feasible and in conformity with the master plan of the City.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue, in such form as may be prescribed, for a

"Determination of Tax Incremental Base", as of January 1, 2022, pursuant to the provisions of Wisconsin Statutes Section 66.1105(5)(b).

BE IT FURTHER RESOLVED THAT pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes that the City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Wisconsin Statutes Section 70.45, those parcels of property which are within the District, specifying thereon the name of the said District, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes.

Adopted this _____ day of _____, 2022.

_____
David A. Ament, Mayor

_____
Georgia Stanford, City Clerk

EXHIBIT A -

LEGAL BOUNDARY DESCRIPTION
OR
MAP OF
TAX INCREMENTAL DISTRICT NO. 5
CITY OF NEW BERLIN

[INCLUDED WITHIN PROJECT PLAN]

EXHIBIT B -

PROJECT PLAN

[DISTRIBUTED SEPARATELY]

City of New Berlin
3805 South Casper Drive P.O. Box 510921
New Berlin, Wisconsin 53151-0921

(262) 786-8610
Fax (262) 786-6121

REQUESTED ACTION STATEMENT

DATE: **January 10, 2022**

TO: Parks, Buildings & Grounds Commission

FROM: Josh Radomski, Director of Public Works

ISSUE: Approval of lease agreement for agricultural use of the Rustic Ridge property, 20425 West Coffee Road for 2022-2025 growing seasons

REQUESTED ACTION:
Recommend Parks, Buildings & Grounds Commission approval of the lease agreement for agricultural use of the Rustic Ridge property, 20425 West Coffee Road

FISCAL IMPACT:
Based on the rental of $125 per acre, revenues would total $1750 per year

RATIONALE:
Until such time that the Rustic Ridge park site is developed for public park use, the city will receive revenues through leasing the land as well as relieve the city of maintaining the property for noxious weeds.

RECOMMENDATION:
`
Recommend the Parks, Buildings & Grounds Commission to recommend to Common Council to approve the lease agreement for the Rustic Ridge property, 20425 West Coffee Road for 2022-2025.

LEASE AGREEMENT

This Lease Agreement is made and entered into this 24th day of January, 2022, by and between the CITY OF NEW BERLIN, a Wisconsin municipal corporation (hereinafter referred to as "Lessor") and STIGLER FARMS, LLC, a Wisconsin limited liability company (hereinafter referred to as "Lessee").

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties do hereby agree as follows:

1. Leased Premises. Lessor hereby agrees to lease to Lessee for agricultural purposes, the 14 acres of vacant land located at 20425 West Coffee Road, New Berlin, Wisconsin. The term of this lease shall begin upon execution by both parties and shall continue through the end of the 2025 growing season. In no event shall the lease extend for longer than this period without the written consent of both parties.

2. Rent. Lessee covenants and agrees to pay to Lessor during the term of this lease a rental rate of $125.00 per acre for a total seasonal rental of $1,750.00. Said sum shall be due by the close of City Hall on the last business day of December.

3. Use. Lessee represents that it will use the vacant land solely for agricultural purposes and will only apply such fertilizers, pesticides or other materials to the soil as are permitted by the State of Wisconsin Department of Natural Resources and the Environmental Protection Agency.

4. Indemnification. Lessee shall indemnify and save Lessor harmless from and against any and all liability, liens, claims, demands, damages, expenses, fees, including actual attorney fees, costs, fines, penalties, suits, proceedings, actions and causes of action, of any kind and every kind and nature, arising or growing out of or in any way connected with Lessee's use, occupancy, management or control of the premises or Lessee's options, conduct or activities on the property unless caused by the negligence or the Lessor, its agents, servants or employees.

5. Right of Entry. Lessor or Lessor's agent shall have the right to enter the premises at any time.

6. Assignment and Sublease. Lessee shall not alter or improve the premises without the Lessor's written consent. Lessee will, at the end of the lease term, return the premises to Lessor in good condition, the same as existed at the onset of this Lease, ordinary wear and tear excepted. Lessee shall not assign this lease or sublease the premises without the Lessor's prior written consent.

7. Insurance. Lessor warrants that it carries public liability insurance. Lessee shall keep in full force and effect, at its sole cost, said policies of public liability insurance with limits of not less than $2 Million for injury or death to any one person and $1 Million with respect to damage to property. Lessee agrees to name Lessor as an Additional Insured under Lessee's

liability insurance policy and to provide evidence of such coverage to Lessor. Such policy or policies shall provide that thirty (30) days written notice shall be given to Lessor prior to cancellation or amendment of the terms of said policy. Clauses in such policy which indicate that the insured or insurer will endeavor to notify the Lessor of such changes are unacceptable. Lessee shall furnish evidence satisfactory to Lessor at the time this lease is executed that such coverage is in full force and effect.

8. Governing Law. This Lease shall be governed and construed in accordance with the laws of the State of Wisconsin.

9. Integration. This Lease represents the complete agreement of the parties as to the issues set forth herein. It may only be modified in writing signed by both parties.

LESSOR:
City of New Berlin

By: _____
David Ament, Mayor

LESSEE:
Stigler Farms, LLC

By: _____
Bob Stigler, Member

City of New Berlin
3805 South Casper Drive P.O. Box 510921
New Berlin, Wisconsin 53151-0921

(262) 786-8610
Fax (262) 786-6121

REQUESTED ACTION STATEMENT

DATE: **January 10, 2022**

TO: Parks, Buildings & Grounds Commission

FROM: Josh Radomski, Director of Public Works

ISSUE: Approval of lease agreement for agricultural use of the Milham property, 20900 West Cleveland Avenue for 2022-2025 growing seasons

REQUESTED ACTION:
Recommend Parks, Buildings & Grounds Commission approval of the lease agreement for agricultural use of the Milham property, 20900 West Cleveland Avenue

FISCAL IMPACT:
Based on the rental of $125 per acre, revenues would total $2,125 per year

RATIONALE:
Until such time that the Milham park site is developed for public park use, the city will receive revenues through leasing the land as well as relieve the city of maintaining the property for noxious weeds.

RECOMMENDATION:
Recommend the Parks, Buildings & Grounds Commission to recommend to Common Council to approve the lease agreement for the Milham park property, 20900 West Cleveland Avenue for 2022-2025.

LEASE AGREEMENT

This Lease Agreement is made and entered into this 24th day of January, 2022, by and between the CITY OF NEW BERLIN, a Wisconsin municipal corporation (hereinafter referred to as "Lessor") and STIGLER FARMS, LLC, a Wisconsin limited liability company (hereinafter referred to as "Lessee").

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties do hereby agree as follows:

1. Leased Premises. Lessor hereby agrees to lease to Lessee for agricultural purposes, the 17 acres of vacant land located at 20900 West Cleveland Avenue, New Berlin, Wisconsin. The term of this lease shall begin upon execution by both parties and shall continue through the end of the 2025 growing season. In no event shall the lease extend for longer than this period without the written consent of both parties.

2. Rent. Lessee covenants and agrees to pay to Lessor during the term of this lease a rental rate of $125.00 per acre for a total seasonal rental of $2,125.00. Said sum shall be due by the close of City Hall on the last business day of December.

3. Use. Lessee represents that it will use the vacant land solely for agricultural purposes and will only apply such fertilizers, pesticides or other materials to the soil as are permitted by the State of Wisconsin Department of Natural Resources and the Environmental Protection Agency.

4. Indemnification. Lessee shall indemnify and save Lessor harmless from and against any and all liability, liens, claims, demands, damages, expenses, fees, including actual attorney fees, costs, fines, penalties, suits, proceedings, actions and causes of action, of any kind and every kind and nature, arising or growing out of or in any way connected with Lessee's use, occupancy, management or control of the premises or Lessee's options, conduct or activities on the property unless caused by the negligence or the Lessor, its agents, servants or employees.

5. Right of Entry. Lessor or Lessor's agent shall have the right to enter the premises at any time.

6. Assignment and Sublease. Lessee shall not alter or improve the premises without the Lessor's written consent. Lessee will, at the end of the lease term, return the premises to Lessor in good condition, the same as existed at the onset of this Lease, ordinary wear and tear excepted. Lessee shall not assign this lease or sublease the premises without the Lessor's prior written consent.

7. Insurance. Lessor warrants that it carries public liability insurance. Lessee shall keep in full force and effect, at its sole cost, said policies of public liability insurance with limits of not less than $2 Million for injury or death to any one person and $1 Million with respect to damage to property. Lessee agrees to name Lessor as an Additional Insured under Lessee's

liability insurance policy and to provide evidence of such coverage to Lessor. Such policy or policies shall provide that thirty (30) days written notice shall be given to Lessor prior to cancellation or amendment of the terms of said policy. Clauses in such policy which indicate that the insured or insurer will endeavor to notify the Lessor of such changes are unacceptable. Lessee shall furnish evidence satisfactory to Lessor at the time this lease is executed that such coverage is in full force and effect.

8. Governing Law. This Lease shall be governed and construed in accordance with the laws of the State of Wisconsin.

9. Integration. This Lease represents the complete agreement of the parties as to the issues set forth herein. It may only be modified in writing signed by both parties.

LESSOR:
City of New Berlin

By: _____
David Ament, Mayor

LESSEE:
Stigler Farms, LLC

By: _____
Bob Stigler, Member

City of New Berlin

NEW OPERATOR (BARTENDER) LICENSE APPLICANTS

Council Meeting Date: January 11, 2022

The below individuals hereby make application to the Common Council of the City of New Berlin for an Operator's (Bartender) License to serve fermented malt beverages and intoxicating liquors subject to Wisconsin Statutes and City of New Berlin Ordinances for the period ending June 30, 2023.

	Applicant's Name	Invited	Place of Employment as Operator	Applying for License
1.	Karen A. Peters		Mary's Caddyshack	Operator's 2 Year
2.	Jack A. Semanski		Matty's Bar & Grille	Operator's 2 Year
3.	Jacquelyn Sunn		Nickel's Pub	Operator's 2 Year
4.	Nicholas A. Turtenwald		Speedway #4230	Operator's 2 Year

DECLARATION OF OFFICIAL INTENT

This is a Declaration of Official Intent of the City of New Berlin, Wisconsin (the "Issuer") to reimburse expenditure with proceeds of a borrowing or borrowings authorized by the Issuer. This Declaration is made under and pursuant to Treas. Reg Section 1.150-2. The undersigned has been designated as an official or employee authorized by the Issuer to make this Declaration of Official Intent pursuant to a Resolution adopted on January 27, 1998. This Declaration of Official Intent is a public record maintained in the files of the Issuer and is available for public inspection pursuant to Subchapter II of Chapter 19 of the Wisconsin Statutes.

The undersigned hereby declares that it is the reasonable expectation of the Issuer to use proceeds of a borrowing or borrowings to be incurred by the Issuer to reimburse expenditures fund(s)/account(s) described below:

1. Project description 2022 Capital Improvement Program

The maximum principal amount of the borrowing or borrowings to be incurred to reimburse expenditures for the above-described purposes is reasonably expected, on the date hereof, to be $ 17,400,000.00.

The Issuer intends to reimburse itself from borrowed funds within eighteen (18) months, 3 years if the Issuer is a "small issuer" after the later of (a) the date the expenditure is paid or (b) the date the facility is placed in service, but in no event more than 3 years after the expenditure is paid.

No money from sources other than the anticipated borrowing or borrowings is, or is reasonably expected to be, reserved, allocated on along-term basis, or otherwise set aside by the Issuer with respect to the expenditure, pursuant to the budgetary and financial circumstances of the Issuer as of the date of this Declaration.

Dated this 11th day of January, 2022

By: _____

City Finance Director

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

REQUESTED ACTION STATEMENT

January 7, 2022

TO: Mayor Ament
Common Council

FROM: Georgia Stanford, City Clerk

ISSUE:

The only contest requiring a Spring Primary Election on February 15, 2022 is for Elmbrook School Board – Area II. District 1, Wards 2 & 3 are the only reporting units affected by this contest. The amount of voters registered in this area totals 795 with only 30 absentee ballot requests on file. With that, I am proposing a temporary change to the District 1 Polling location to City Hall.

REQUESTED:

Discussion and possible action to approve Resolution 22-02, A Resolution Changing Aldermanic District #1 from New Berlin Hills Golf Course - Clubhouse to New Berlin City Hall located at 3805 S. Casper Dr. for the 2022 Spring Primary Election Only.

FISCAL IMPACT:

A city-wide Spring Primary was budgeted for – due to the lack of contests and polling locations needed – the City will incur little to no cost. The School District is also responsible for reimbursing the City on the cost of ballots and poll worker salary.

RATIONALE:

Since the voter turnout is projected to be low, we are taking efforts to save taxpayer dollars while still providing a continuity of services for the electors affected by this contest.

STATE OF WISCONSIN WAUKESHA COUNTY CITY OF NEW BERLIN

RESOLUTION NUMBER 22-02

A RESOLUTION CHANGING ALDERMANIC DISTRICT # 1 POLLING PLACE FROM NEW BERLIN GOLF COURSE – CLUBHOUSE TO NEW BERLIN CITY HALL LOCATED AT 3805 S. CASPER DRIVE FOR THE 2022 SPRING PRIMARY ELECTION ONLY

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

WHEREAS, currently wards 1, 2, and 3 within the City of New Berlin vote at New Berlin Hills Golf Course, and;

WHEREAS, the Spring Primary only affects the Elmbrook School District contest; and;

WHEREAS, the expected voter turnout is expected to be less than 10% of the total 795 registered voters; and;

WHEREAS, It is more efficient and a cost savings to hold the election at City Hall for such a small number of affected voters

NOW, THEREFORE, BE IT RESOLVED, that the polling place for District 1 which encompasses Wards 1, 2 and 3 be located at New Berlin City Hall for the Spring Primary Election on February 15, 2022

BE IT FURTHER RESOLVED, the City Clerk is directed to notify voters through publications, social media and website notifications.

Passed and adopted by the Common Council this 11th day of 2022.

APPROVED:

_____
David Ament, Mayor

Countersigned/Certified:

_____
Georgia Stanford, City Clerk