Published 10/21/2022 @ 7:45PM

CITY OF NEW BERLIN
COMMON COUNCIL MEETING
Tuesday, October 25, 2022
6:00 PM
(Following the Committee of the Whole Meeting)
Zoom Meeting
https://us02web.zoom.us/j/84234212714

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: 84234212714
- Following this direct link to the meeting: https://us02web.zoom.us/j/84234212714
- Dial by phone: (312) 626-6799 and use Meeting ID: 842 3421 2714

AGENDA

CALL TO ORDER, PLEDGE OF ALLEGIANCE

ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

APPROVAL OF MINUTES

1. October 11, 2022 Common Council Minutes

REPORTS

2. City Clerk, Rubina R. Medina

3. Council President, Ald. Kenneth A. Harenda II

4. Mayor Dave Ament

COMMUNICATIONS

WATER RESOURCE MANAGEMENT COMMITTEE

5. Recommend to Common Council to approve the 2023 Water Resource Management Budget

MAYORAL APPOINTMENTS

6. Discussion and possible action to approve the Mayoral Appointments per the list as presented

DEFERRED, REFERRED & TABLED ITEMS

ITEMS REMOVED FROM CONSENT AGENDA, if any

CONSENT AGENDA

MINUTES

7. October 11, 2022 Committee of the Whole Meeting Minutes

UTILITY & FINANCE

8. Recommend to Council approval of the October 26, 2022 Water Utility claims in the amount of $22,523.23, Sewer Utility claims in the amount of $59,227.28 and General City claims in the amount of $1,046,828.75. WE Energies EFT of $56,936.89.

MISCELLANEOUS

9. Department Update by City Clerk Rubina R. Medina

10. Discussion and possible action to approve Resolution 22-26, A Resolution authorizing the Issuance and Sale of $14,375,000 General Obligation Refunding Bonds, Series 2022B

END CONSENT AGENDA

ADJOURN

PLEASE NOTE:

- ✓ It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order. It is also possible that members of and possible a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.
- ✓ Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact City Clerk Rubina R. Medina (262) 786-8610.

October 25, 2022

TO: Common Council
Mayor Ament
Alderman Ken Harenda

FROM: Water Resource Management Committee

RE: Items from the Water Resource Management Committee Meeting from October 11, 2022 requiring Common Council action.

- WRM 04-22 Approval of the 2023 WRM Operating Budget

Council Motion:

This item was considered at the meeting of the Water Resource Management Committee on October 11 2022. It was recommended to the Common Council on a vote of 4-0. Motion to approve the 2023 Water Resource Management Operating Budget and so I bring forth.

Department of Community Development

Engineering Services Division
GIS/LIS Services Division
Inspection Services Division
Planning Services Division
Water Resource Management Utility

Water Resource Management

A City of New Berlin Utility

2023 WATER RESOURCE MANAGEMENT OPERATING BUDGET

(Submitted to the Water Resource Management Committee October 11, 2022, rev expense table and org chart, 10/11/2022)

Prepared for:
Mayor David Ament &
Common Council, City of New Berlin

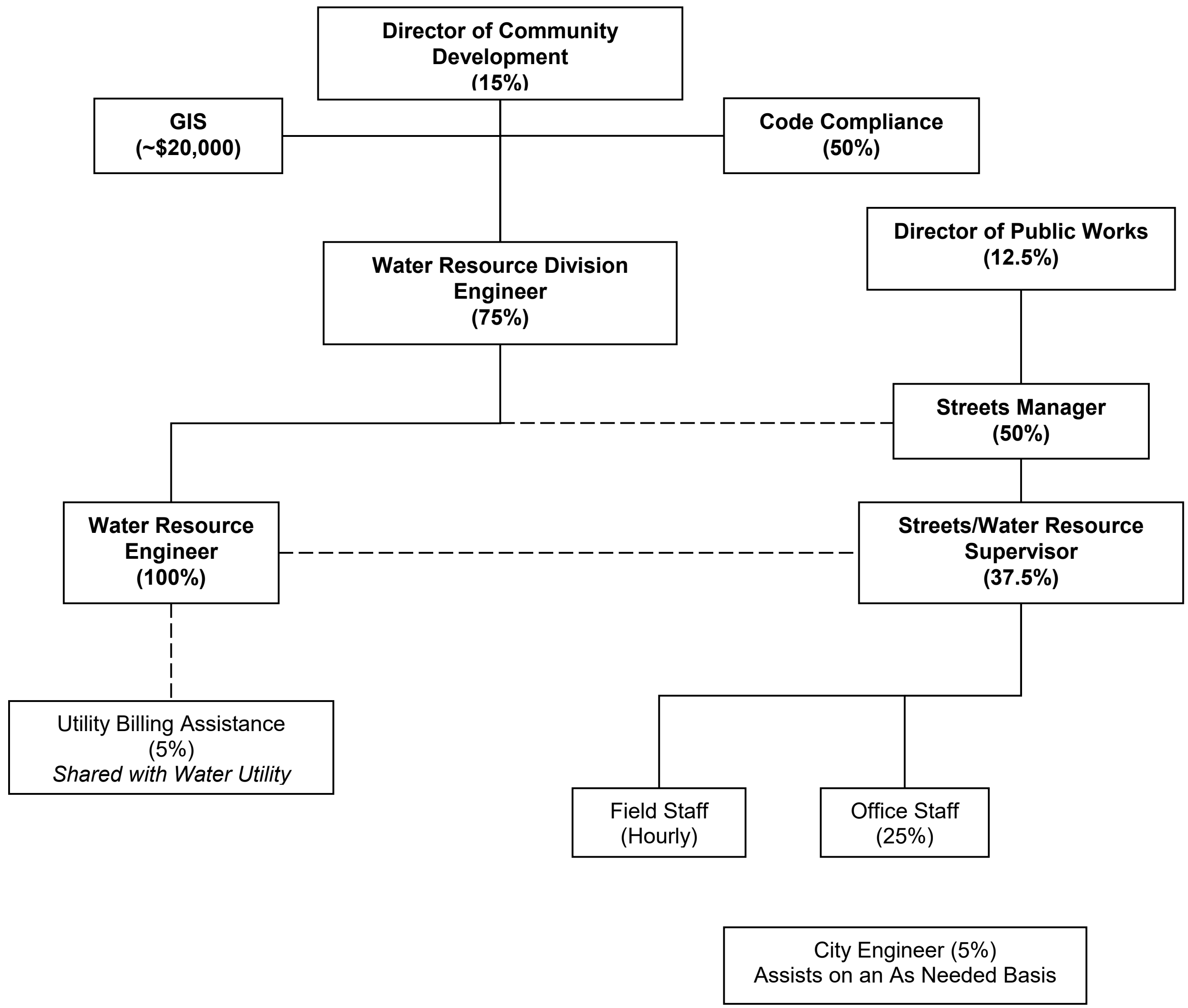
By:
Nicole Hewitt, P.E.
Division Engineer, Water Resources
October 11, 2022

Greg Kessler, Director
Department of Community Development

2023 DEPARTMENT PERSONNEL

Gregory W. Kessler, AICP	Director of Community Development
Nicole Hewitt, P.E.	Division Engineer (Water Resources)
Cathy Schwalbach	Civil Engineer (Water Resources)
Dan Hogan	Code Compliance Specialist (Inspection)
Josh Radomski	Director of Public Works
Steve Brooks	Streets Manager
Don McMullen	Streets Supervisor
Cynthia Tesch	Streets/Stormwater Administration
Tamara Simonson, P.E.	City Engineer

2023
WATER RESOURCE MANAGEMENT
DEPARTMENTAL ORGANIZATION CHART



EXECUTIVE BUDGET SUMMARY
YEAR 2023
OFFICE OF THE WATER RESOURCE MANAGEMENT UTILITY

		REVENUES								
ORG	Object		2020 ACTUAL	2021 ACTUAL	2022 ADOPTED	2022 6 MONTHS	2022 EST TOTAL	2023 PROPOSED	COMMITTEE CHANGES	2023 ADOPTED
		OPERATING REVENUES:								
70710000	46110	RESIDENTIAL	756,503	758,257	760,000	379,087	759,100	760,000		760,000
70710000	46120	COMMERCIAL	723,632	731,303	727,000	369,548	727,000	727,000		727,000
70710000	46130	INDUSTRIAL	172,824	178,296	180,000	89,766	178,000	180,000		180,000
70710000	46140	PUBLIC	83,801	86,625	87,000	43,311	86,000	87,000		87,000
70710000	46200	PENALTIES	5,251	12,115	15,000	4,179	15,000	15,000		15,000
70710000	46301	CONTRACT WORK	7,500	-	2,000	-	2,000	2,000		2,000
70710000	46302	WATER QUALITY FEE	-	-	-	-				
			--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------
	SUBTOTAL-OPERATING REVENUES		1,749,511	1,766,596	1,771,000	885,891	1,767,100	1,771,000	-	1,771,000
		NON-OPERATING REVENUES:								
70711000	41000	GRANTS-FEDERAL	-	-	-		-	-		-
70711000	41010	GRANTS-STATE	-	-	-		-	-		-
70711000	41020	GRANTS-LOCAL	-	-	-		-	-		-
70711000	47000	INTEREST INCOME	16,945	2,077	5,000	6,758	3,000	5,000		5,000
70713000	42400	CAPITAL CONTRIBUTION		750,624	-	-				-
			--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------
	SUBTOTAL-NON-OPERATING REVENUES		16,945	752,701	5,000	6,758	3,000	5,000		5,000
		TOTAL REVENUES	1,766,456	2,519,297	1,776,000	892,649	1,770,100	1,776,000		1,776,000

EXECUTIVE BUDGET SUMMARY
YEAR 2023
OFFICE OF THE WATER RESOURCE MANAGEMENT UTILITY

		EXPENSES								
			2020 ACTUAL	2021 ACTUAL	2022 ADOPTED	2022 6 MONTHS	2022 EST TOTAL	2023 PROPOSED	COMMITTEE CHANGES	2023 ADOPTED
		OPERATING EXPENSES:								
70710710	50010	SALARY-FULLTIME	292,161	290,492	292,944	143,449	289,833	299,960		299,960
70710710	50020	SALARY-PARTTIME	-	-	-		-	-		-
70710710	51010	RETIREMENT	20,050	12,735	19,260	9,335	19,563	19,497		19,497
70710710	51020	FICA	20,780	20,671	22,668	10,293	22,172	22,947		22,947
70710710	51030	HEALTH INSURANCE	63,533	64,532	67,770	31,591	70,761	69,997		69,997
70710710	51060	LONG TERM DISABILITY	247	248	248	124	258	248		248
70710710	51065	VISION/DENTAL INS	1,165	1,278	1,373	645	1,486	1,373		1,373
70710710	51070	LIFE INSURANCE	523	519	528	260	517	537		537
70710710	52070	PRE-EMPLOYMENT TEST	-	-	-		-	-		-
70710710	52080	AUDIT FEES	2,000	2,500	-					
70710710	52110	ADMIN CHARGE-UTILITY	21,000	21,000	22,650	-	22,650	22,650		22,650
70710710	52130	ADMIN CHARGE-STREETS LABOR	242,379	292,192	309,500	114,993	309,500	309,500		309,500
70710710	52130	ADMIN CHARGE-STREETS EQUIP	65,500	65,500	65,500	32,750	65,500	65,500		65,500
70710710	52030	CONTRACTED SERVICES/CARTE	13,908	19,805	29,000		29,000	34,000		34,000
70710710	53040	TELEPHONE/CELL PHONE	1,143	1,092	3,000	453	3,000	3,000		3,000
70710710	54020	R&M VEHICLES	4,162	2,462	15,000	1,908	15,000	15,000		15,000
70710710	54060	PRINTING/ADVERTISING	-	-	1,000		1,000	1,000		1,000
70710710	54120	OFFICE SUPPLIES	1,561	1,477	2,000	929	2,000	2,000		2,000
70710710	54170	POSTAGE	14,923	15,443	18,000	7,978	18,000	18,000		18,000
70710710	54190	GAS,OIL.LUBRICANTS	1,119	3,536	12,000	961	12,000	12,000		12,000
70710710	54275	CITY CENTER HOA	-	5,281	-		5,300	5,300		5,300
70710710	54300	CONFERENCE/TRAINING/MEETING	659	1,215	6,000	449	6,000	6,000		6,000
70710710	54320	MILEAGE	275	-	500		500	500		500
70710710	54350	PROMOTION/RELATIONS	6,225	6,225	6,000	6,848	6,500	6,000		6,000
70710710	54420	LANDSCAPING	7,642	5,793	17,000	77	17,000	17,000		17,000
70710710	54440	STONE	6,723	12,971	15,000	4,330	15,000	15,000		15,000
70710710	54480	CULVERTS/DRAINTILE	96,708	149,753	90,000	56,948	90,000	90,000		90,000
70710710	53030	SPOILS DISPOSAL	875	5,966	10,000	4,378	10,000	10,000		10,000
70710710	59021	STREAMBANK STABILIZATION			-		-	-		-
70710710	59010	EQUIPMENT	10,000				-	-		-
70710710	59060	DRAINAGE	60,362	41,012	116,500	8,362	116,500	116,500		116,500
70710710	56190	BAD DEBT	-	-	-			-		-
			--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------
	SUBTOTAL-OPERATING EXPENSES		955,623	1,043,698	1,143,441	437,061	1,149,040	1,163,509		1,163,509
		NON-OPERATING EXPENSES:								
70710711	58010	DEPRECIATION	501,485	517,826	515,000	257,500	505,000	515,000		515,000
70710711	57015	LOSS ON DISPOSAL	328	-			-	-		-
70711000	52050	GRANT PROJECTS				-	-	-		-
70711714	58040	AMORTIZATION	-	-	-	-	-	-		-
70711713	57010	INTEREST EXPENSE	12,638	9,488	6,450	3,225	9,750	6,450		6,450
70711713	60001	ARBITRAGE EXPENSE	-	-	-	-	-	-		-
			--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------
			514,451	527,314	521,450	260,725	514,750	521,450		521,450
		TOTAL EXPENSES	1,470,074	1,571,012	1,664,891	697,786	1,663,790	1,684,959		1,684,959

2023 Budget Overview

SALARY & FRINGES SUMMARY

	Item	2022 ADOPTED	2022 EST TOTAL	2023 PROPOSED	+/-
50010	SALARY-FULLTIME	292,944	289,833	299,960	10,127
50020	SALARY-PARTTIME	-	-	-	-
51010	RETIREMENT	19,260	19,563	19,497	(66)
51020	FICA	22,668	22,172	22,947	775
51030	HEALTH INSURANCE	67,770	70,761	69,997	(764)
51060	LONG TERM DISABILITY	248	258	248	(10)
51065	VISION/DENTAL INS	1,373	1,486	1,373	(113)
51070	LIFE INSURANCE	528	517	537	20
52070	PRE-EMPLOYMENT TEST	-	-	-	-
52110	ADMIN CHARGE-UTILITY	22,650	22,650	22,650	-
52130	ADMIN CHARGE-STREETS LABOR	309,500	309,500	309,500	-
52131	ADMIN CHARGE-STREETS EQUIP	65,500	65,500	65,500	-
	TOTAL	**802,441**	**802,240**	**812,209**	**9,969**

Staffing

Position	2020 Actual	2021 Actual	2022 Budget	2023 Proposed
DCD Director	15%	15%	15%	15%
Administrative	25%	25%	25%	25%
DPW Director	12.5%	12.5%	12.5%	12.5%
Streets/Storm Water Supervisor	75%	37.5%	37.5%	37.5%
Streets Manager	0%	50%	50%	50%
Code ComplianceCode Compliance	50%	50%	50%	50%
Division Engineer	75%	75%	75%	75%
Water Resource Engineer	100%	100%	100%	100%
Land & Water Resource Specialist	0%	0%	0%	0%
City Engineer	5%	5%	5%	5%
Total	**3.6**	**3.7**	**3.7**	**3.7**

52110 Administration Charge Utility

This is the amount the Water Utility would be reimbursed for the billing clerk processing the Water Resource Management Utility charges on the Water Utility bill and the amount reimbursed to the Utility for storm system Utility locates.

- 5% of Part time Billing Clerk Salary and Fringe................................ $ 2,650
- Utility Locate Reimbursement .... $ 20,000

Total... $ 22,650

52130 Administration Charge City Streets

Labor costs associated with Water Resource Utility projects.

- Streets Department Labor and fringe .... $ 260,000
- 50% Operator Position .... $ 38,380
  Total .... $ 309,500

52130 Equipment Maintenance/Replacement

This is the amount the City Street Department would be reimbursed for their equipment and machinery usage.

- Equipment and machinery usage .... $ 65,500

52030 Contracted Services

This is the amount to cover anticipated and unanticipated professional services from other City Departments and outside sources associated with design and policy as related to storm water issues. Includes GIS for ~$20,000.

- Contracted Services .... $ 29,000

53040 Telephone/Cell Phone

This is the for Telephone/Cell Phone expenses.

- Telephone/Cell Phone $3,000

54020 R&M VEHICLES

2022 REQUEST	$ 15,000
2023 REQUEST	$ 15,000
+/-	$ -

Street Sweeper & Hydroseeder Maintenance and Supplies.

54060 PRINTING & ADVERTISING

2022 REQUEST	$ 1,000
2023 REQUEST	$ 1,000
+/-	$ -

This is the amount for publication of legal notices and printing of contract documents.

54120 OFFICE SUPPLIES

2022 REQUEST	$	2,000
2023 REQUEST	$	2,000
+/-	$	-

This amount is for the typical supplies such as paper, envelopes, ink, glue, pencils, scissors, paper clips, stapler and staples, etc. that will be used in the billing and operations of the Storm Water Utility.

54170 POSTAGE

2022 REQUEST	$	18,000
2023 REQUEST	$	18,000
+/-	$	-

This is the amount for printing quarterly Water Resource Utility bills, and for the additional postage necessary for sending bills to the customers who are not currently on the Water Utility billing system.

54190 GAS, OIL, AND LUBRICANTS

2022 REQUEST	$	12,000
2023 REQUEST	$	12,000
+/-	$	-

Supplies are for the Street Sweeper & Hydroseeder.

54275 CITY CENTER HOA

2022 REQUEST	$	-
2023 REQUEST	$	5,300
+/-	$	5,300

This is the City's share for taxes and stormwater management for the City Center Association which we are a member due to lands we own in City Center.

54300 CONFERENCES/TRAINING/MEETING

2022 REQUEST	$	6,000
2023 REQUEST	$	6,000
+/-	$	-

This amount is to update staff on code regulations and new technology including a National Conference on system design & modeling/StormCon.

54320 MILEAGE

2022 REQUEST	$ 500
2023 REQUEST	$ 500
+/-	$ -

This amount is for reimbursement of mileage.

54350 PROMOTIONS/RELATIONS

2022 REQUEST	$ 6,000
2023 REQUEST	$ 6,000
+/-	$ -

The promotion fund is for the educational requirements of the WPDES Permit and any additional information in storm water notices

54420 LANDSCAPING MATERIALS

2022 REQUEST	$ 17,000
2023 REQUEST	$ 17,000
+/-	$ -

This account will pay for the landscaping of storm water related projects (i.e. sod, seed, mulch, fertilizer, riprap, new technology for stabilization etc.).

54440 STONE

2022 REQUEST	$ 15,000
2023 REQUEST	$ 15,000
+/-	$ -

This account will pay for backfill material used in the replacement or repair of culvert pipes and storm sewers.

54480 CULVERTS/DRAIN TILE

2022 REQUEST	$ 90,000
2023 REQUEST	$ 90,000
+/-	$ -

This account will be used to pay for material costs of culvert pipe, drain tile, flared end sections, replacement grates, masonry endwalls and other materials used in the replacement and repair of storm sewers and culvert pipes.

53030 SPOILS DISPOSAL

2022 REQUEST	$ 10,000
2023 REQUEST	$ 10,000
+/-	$ -

This account will be used to pay for disposal of spoil material from ditching projects and street sweeping operations.

59060 DRAINAGE

2022 REQUEST	$ 116,500
2023 REQUEST	$ 116,500
+/-	$ -

- Illicit Discharge Screening .... $ 10,000
- City Wide Storm Water Permit Fee .... $ 6,500
- Contracted Drainage List Projects and System Inspection .... $ 100,000

Total .... $ 116,500

58010 DEPRECIATION

2022 REQUEST	$ 515,000
2023 REQUEST	$ 515,000
+/-	$ -

Depreciation of Fixed Assets.

58040 AMORITIZATION

2022 REQUEST	$ -
2023 REQUEST	$ -
+/-	$ -

Allocation of Bond Issue Costs.

57010 INTEREST EXPENSE

2022 REQUEST	$ 6,450
2023 REQUEST	$ 6,450
+/-	$ -

Interest of Borrowing for Storm Water CIP Projects.

City of New Berlin
city living with a touch of country

DATE: October 17, 2022

TO: Rubina R. Medina
City Clerk

FR: Mayor Dave Ament

RE: Mayoral Appointments for the October 25, 2022 Common Council Mtg

Utility Committee
Timothy Anderson
15193 W Fenway Court
New Berlin, WI 53151
262-785-1447
tuec@sbcglobal.net
(Current Term Expires 10/13/22)
(Re-Appointment)

Expiration Date
10/13/2025

For Office Purposes Only						
TT	Eml	Web	Provox	Ltr	Ethcs	HB

Tourism Commission
John Rocco
3645 S Brentwood Road
New Berlin, WI 53151
414-640-6706
johngrocco@gmail.com
(Current Term Expires 11/14/22)
(Re-Appointment)

Expiration Date
11/14/2023

For Office Purposes Only						
TT	Eml	Web	Provox	Ltr	Ethcs	HB

Tourism Commission
Gary Szpara
4380 S. Deerwood Drive
New Berlin, WI 53151
414-943-9312
garyszparabanker@gmail.com
(New Appointment)

Expiration Date
11/14/2023

For Office Purposes Only						
TT	Eml	Web	Provox	Ltr	Ethcs	HB

Safety Saturday Committee
Catherine Favell
13226 W. Meadow Lane
New Berlin, WI 53151
262-364-6629
cfavell@yahoo.com
(New Appointment)

Expiration Date
10/1/2024

For Office Purposes Only						
TT	Eml	Web	Provox	Ltr	Ethcs	HB

RESOLUTION NO. 22-26

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF $14,375,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2022B

WHEREAS, on August 23, 2022, the Common Council of the City of New Berlin, Waukesha County, Wisconsin (the "City") adopted a resolution (the "Set Sale Resolution"), providing for the sale of General Obligation Refunding Bonds, Series 2022B (the "Bonds") for the public purpose of refunding the State Trust Fund Loan issued to finance a portion of the recreation center (the "Refunded Obligations") (the "Refunding");

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations to provide permanent financing for the projects financed by the Refunded Obligations;

WHEREAS, the City is authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance its outstanding obligations;

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

WHEREAS, Ehlers, in consultation with the officials of the City, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on October 25, 2022;

WHEREAS, the City Clerk (in consultation with Ehlers) caused a form of notice of the sale to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Bonds for public sale on October 25, 2022;

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

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

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

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

Section 1A. Authorization and Award of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of FOURTEEN MILLION THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS ($14,375,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal, plus accrued interest to the date of delivery, resulting in a true interest cost as set forth on the Proposal, is hereby accepted. The Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. The good faith deposit of the Purchaser shall be applied in accordance with the Notice of Sale, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds shall bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds, Series 2022B"; shall be issued in the aggregate principal amount of $14,375,000; shall be dated November 10, 2022; shall be in the denomination of $5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on June 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2023. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

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

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

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

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2022 through 2041 for the payments due in the years 2023 through 2042 in the amounts set forth on the Schedule.

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

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

Section 6. Segregated Debt Service Fund Account.

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

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for General Obligation Refunding Bonds, Series 2022B" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

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

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

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

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

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and by the Refunded Obligations and the ownership, management and use of the projects will not cause the Bonds or the Refunded Obligations to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

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

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

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

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

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

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

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

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

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

Section 16. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary

Official Statement and any addenda to it or final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

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

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

Section 18. Redemption of the Refunded Obligations. The City hereby calls the Refunded Obligations for redemption on January 3, 2023 or as soon as administratively practicable thereafter. The City hereby directs the City Clerk to work with Ehlers to cause timely notice of redemption to be sent to the Board of Commissioners of Public Lands at least 30 days prior to the date of redemption of the Refunded Obligations

The City hereby directs the City Clerk to take all actions necessary for the redemption of the Refunded Obligations on their redemption date. Any and all actions heretofore taken by the officers and agents of the City to effectuate such redemption are hereby ratified and approved.

Section 19. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 20. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 21. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded October 25, 2022.

____

David A. Ament
Mayor

ATTEST:

____

Rubina R. Medina
City Clerk

(SEAL)

EXHIBIT A

Notice of Sale

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

(See Attached)

EXHIBIT B

Bid Tabulation

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

(See Attached)

EXHIBIT C

Winning Bid

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

(See Attached)

EXHIBIT D-1

Pricing Summary

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

(See Attached)

EXHIBIT D-2

Debt Service Schedule and Irrepealable Tax Levies

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

(See Attached)

[SCHEDULE MRP

Mandatory Redemption Provision

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

For the Term Bonds Maturing on June 1, ____

Redemption Date	Amount
____	$______
____	______
____	______ (maturity)

For the Term Bonds Maturing on June 1, ____

Redemption Date	Amount
____	$______
____	______
____	______ (maturity)

For the Term Bonds Maturing on June 1, ____

Redemption Date	Amount
____	$______
____	______
____	______ (maturity)

For the Term Bonds Maturing on June 1, ____

Redemption Date	Amount
____	$______
____	______
____	______ (maturity)]

EXHIBIT E

(Form of Bond)

	UNITED STATES OF AMERICA	
REGISTERED	STATE OF WISCONSIN	DOLLARS
	WAUKESHA COUNTY	
NO. R-___	CITY OF NEW BERLIN	$_______

GENERAL OBLIGATION REFUNDING BOND, SERIES 2022B

MATURITY DATE:	ORIGINAL DATE OF ISSUE:	INTEREST RATE:	CUSIP:
June 1, _____	November 10, 2022	____%	______

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: ______________________ THOUSAND DOLLARS ($__________)

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

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

This Bond is one of an issue of Bonds aggregating the principal amount of $__________, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the City pursuant to the provisions of Section 67.04, Wisconsin Statutes, for the public purpose of paying the cost of refunding certain obligations of the City, including interest on them, as authorized by a resolution adopted on October 25, 2022 (the

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

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

[The Bonds maturing in the years ________ are subject to mandatory redemption by lot as provided in the Resolution referred to above, at the redemption price of par plus accrued interest to the date of redemption and without premium.]

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

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

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

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

[This Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Fiscal Agent.]

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

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

CITY OF NEW BERLIN
WAUKESHA COUNTY, WISCONSIN

By:______________________________
David A. Ament
Mayor

(SEAL)

By:______________________________
Rubina R. Medina
City Clerk

[Date of Authentication: _______________, ______

CERTIFICATE OF AUTHENTICATION

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

____
_________, _____________

By____________________________________
Authorized Signatory]

ASSIGNMENT

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

____
(Name and Address of Assignee)

____
(Social Security or other Identifying Number of Assignee)

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

Dated: _____________________

Signature Guaranteed:

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

____
(Depository or Nominee Name)

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

____
(Authorized Officer)