Common Council
MEETING AGENDA

May 23, 2023 - 6:05 PM
(Following the 6pm Committee of the Whole Meeting)
City Hall
Council Chambers

Agenda Amended & Published: 5/22/2023 @ 11:35 AM
Agenda Published: 5/19/2023

AGENDA

1. PRIVILEGE OF THE FLOOR

2. CALL TO ORDER, PLEDGE OF ALLEGIANCE

3. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

4. APPROVAL OF MINUTES

A. May 9, 2023 Common Council

5. REPORTS

A. City Clerk

B. Council President

C. Mayor

6. COMMUNICATIONS

A. Communication received from Acuity Insurance re: Rickert Claim

7. BOARD OF PUBLIC WORKS

A. Item 06-23 Approval of the Development Agreement with John Jewell of 424 Investments, LLC for the Hilltop Drive Extension

8. GOLF COURSE COMMISSION

A. Discussion and possible recommendation to Common Council to rename the New Berlin Hills Golf Course Bar and Banquet area in honor of Ted Wysocki, former New Berlin Mayor and Commission Chairman

9. PLAN COMMISSION

A. Recommend to Common Council adoption of a resolution approving the Autumn Trace Subdivision Preliminary Plat for the property located at 4908 S. Calhoun Road (Tax Key #: 1258.999), subject to the application, plans and conditions on file

10. SAFETY COMMISSION

A. Discussion and possible recommendation to the Common Council to approve 2 yield signs on Katherine Drive (northbound/southbound at Pleasant Drive) due to safety concerns

11. RECREATION COMMISSION

A. Discussion and possible action to recommend to the Common Council approval of the 2023 Fall Program Fees

12. SAFETY SATURDAY

A. Discussion and possible action to recommend to Common Council approval of Ordinance 2670 to amend Section 6-25 A, of the City Code regarding the membership of the Safety Saturday Committee

13. MAYORAL APPOINTMENTS

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

14. DEFERRED, REFERRED & TABLED ITEMS

15. ITEMS REMOVED FROM CONSENT AGENDA, if any

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

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

17. MINUTES

A. May 9, 2023 Committee of the Whole

18. UTILITY & FINANCE

A. Discussion and recommendation to the Common Council approval of the May 24th, 2023 Water Utility claims in the amount of $27,731.08, Sewer Utility claims in the amount of $9,355.54 and General City claims in the amount of $1,296,360.80. We Energies EFT of $59,593.03

19. LICENSES & PERMITS

A. Discussion and recomendation to the Common Council approval of the alcohol license applications for the licensing year of July 1st, 2023 to June 30th, 2024 per the list as presented

B. Discussion and recommendation to the Common Council to approve the Extension of Premise application for Mary's Caddyshack on June 17th (2pm - 8pm), July 15th (1pm - 8pm), and September 24th (2pm - 8pm) for the parking lot area

C. Discussion and recommendation to the Common Council approval of a Loudspeaker Permit extension to 11:00 pm for Chris Czarnecki of 12820 W Ohio Drive for a graduation party to be held on July 15, 2023

D. Discussion and recommendation to the Common Council approval of a Loudspeaker Permit extension to 11:00 pm for St. Elizabeth Ann Seton located at 12700 W. Howard Avenue for the Fun Fest Celebration to be held on July 28, July 29, and July 30, 2023

E. Discussion and recommendation to the Common Council approval of a Loudspeaker Permit extension to 11:00 pm for Ojibwa Bowhunters located at 30455 S. Johnson Road for a pig roast event on June 17th and a birthday party event on June 24th, 2023

20. MISCELLANEOUS

A. Discussion and recommendation to the Common Council re: the RAS for the approval of Ordinance No. 2671, an Ordinance to amend Chapter 24 of the City of New Berlin Municipal Code relative to Emergency Management

B. Discussion and recommendation to the Common Council re: the RAS for the approval of Ordinance No. 2672, an Ordinance to amend Chapter 133 of the City of New Berlin Municipal Code relative to Hazardous Material

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

22. ADJOURN

Supplemental Information:

- *The meeting agenda and agenda packet are available online at www.NewBerlin.org. The minutes are published online and are approved at the next regularly scheduled meeting.*
- *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.*
- *You may provide comments to the City Clerk via email at CitizenComments@NewBerlin.org. Comments will be forwarded to the Mayor and members of the governing body. Emailed comments are not read during the meeting.*
- *The City of New Berlin strives to host inclusive, accessible meetings that enable all individuals to engage and participate fully. Any person who has a qualifying disability under the Americans with Disabilities Act that requires that the meeting be accessible, please contact City Clerk Rubina R. Medina at (262) 786-8610 or via email at CityClerk@NewBerlinWI.gov at least 48 hours before the scheduled meeting time. Efforts will be made to accommodate the needs of disabled individuals through appropriate aids and/or services.*
- *It is also possible that members of and possibly 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 in the above notice.*

Common Council
MEETING MINUTES

May 9, 2023 - 6:04 PM
City Hall
Council Chambers

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

MINUTES

1. PRIVILEGE OF THE FLOOR

None

2. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Mayor Ament called the Common Council meeting to order at 6:08 PM.
Mayor Ament led the Pledge of Allegiance.

3. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

Rubina R. Medina took the roll call as follows:
Present: Alderperson Hopkins, Alderperson La Fever, Alderperson Maxey, Alderperson Harenda, Alderperson Horbinski, Alderperson Kroupa
Excused: Alderperson Stribl
Staff Present: City Attorney Mark Blum, City Clerk Rubina Medina

4. APPROVAL OF MINUTES

A. April 25, 2023 Common Council Meeting

MOTION: Motion to approve.

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

B. April 27, 2023 Special Common Council Meeting

MOTION: Motion to approve

VOTE: Motion by: Kroupa
Second by: La Fever
Motion 6-0

5. REPORTS

A. City Clerk

No Report.

B. Council President

Council President Harenda stated that he distributed the committee appointments and if anyone has any questions, please see him on that.

C. Mayor

- The New Berlin Chamber of Commerce held its Annual Business of the Year Luncheon for 2023 on April 27th. The **2023 Small Business Award** was presented to **Culver's – New Berlin**, and the **2023 Large Business Award** was presented to **Princeton Club**. The New Berlin Chamber of Commerce also awarded the **John Ziino Civic Award** to **Jackie Hermann** Congratulations to all the award recipients.

- Congratulations to **Fred Astaire Dance Studio**, located at 15437 W. National Avenue, for being named our **May Business of the Month**. Fred Astaire Dance Studio's passion is helping to enrich lives physically, mentally, emotionally and socially through the positive and transforming power of dance. All are encouraged visit their dance studio and check out all that they have to offer. For more information, please contact them at (262) 330-8685.

- **May 9, 2023 through May 20, 2023** is recognized as **Police Week.** Furthermore, **May 15, 2023** is **Peace Officer's Memorial Day** in honor of all the dedicated officers who were lost to us in the line of duty and in recognition of their loved ones left behind. On behalf of the entire Common Council, I would like to thank each of our City of New Berlin Police Officers, and all Police Officers for the continuous work they do in keeping our community safe. Law enforcement is a noble and courageous vocation to which our gratitude is due.

- **The New Berlin Farmer's Market** located at 15055 W. National Avenue has reopened for the season. The New Berlin Farmer's Market will run every Saturday between **May 6th until October 28th from 8:00 a.m. until Noon**.

- The **New Berlin History Museum** will be open on **Mother's Day (May 14th) from 1:00 p.m. until 4:00 p.m**. For more information regarding the Museum please visit www.newberlinhistoricalsociety.org

- **May 21st through May 27th, 2023** is recognized as National Public Works Week. On behalf of the entire Common Council, I would like to extend appreciation to our City of New Berlin public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

- **May 20th** New Berlin will be hosting it's annual **"Safety Saturday" from 9 a.m. until 1:00 p.m.** at the Children's Hospital of Wisconsin Parking Lot, 4855 S. Moreland Road. This event will have attractions for the entire family along with education regarding various aspects of safety and wellness.

6. COMMUNICATIONS

7. RECREATION COMMISSION

A. Discussion and possible action to recommend to the Common Council approval of the RAS to add the seasonal position of Lead Day Camp Counselor.

MOTION: Motion to approve

VOTE: Motion by: Harenda
Second by: Maxey
Motion 6-0

B. Discussion and possible action to recommend to the Common Council approval of an updated wage schedule for seasonal part-time recreation staff.

MOTION: Motion to approve

VOTE: Motion by: Harenda
Second by: Maxey
Motion 6-0

8. UTILITY COMMITTEE

A. UT 07-23 Recommend to Common Council to reject the bid from Power & Tel as being non-responsive to the bid specifications in respect to the Fiber Optic Cable Installation Project.

MOTION: Motion to approve the rejection of the bid from Power & Tel

VOTE: Motion by: Harenda
Second by: Horbinski
Motion 6-0

B. UT 08-23 Recommend to the Common Council to award the construction contract for the Fiber Optic Cable Installation Project to the lowest responsive bidder, Dulaca and Tobin in the amount of $1,480,005.28, with a ten percent (10%) contingency of $148,000.00, for a total project cost not to exceed $1,628,005.28.

MOTION: Motion to approve

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

9. MAYORAL APPOINTMENTS

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

MOTION: Motion to approve

VOTE: Motion by: Horbinski
Second by: La Fever
Motion 6-0

10. DEFERRED, REFERRED & TABLED ITEMS

11. ITEMS REMOVED FROM CONSENT AGENDA, if any

12. CONSENT AGENDA----------

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

MOTION: Motion to approve the consent agenda

VOTE: Motion by: La Fever
Second by: Hopkins
Motion 6-0

13. MINUTES

A. April 25, 2023 Committee of the Whole

14. UTILITY & FINANCE

A. Discussion and recommendation to Common Council approval of the May 10th, 2023 Water Utility claims in the amount of $259,847.36, Sewer Utility claims in the amount of $21,236.20 and General City claims in the amount of $447,680.23. US Bank Visa EFT of $35,191.51 and We Energies EFT of $65,364.74.

15. LICENSES & PERMITS

A. Recommend to the Common Council approval of the alcohol license applications for the licensing year of July 1st, 2023 to June 30th, 2024 per the list as presented.

16. MISCELLANEOUS

A. Recommend to the Common Council that a joint public hearing be set for July 10, 2023 at 6:00 p.m. to be held before the Plan Commission to amend the Future Land Use Map within the City's Comprehensive Plan from Rural Commercial and Suburban Residential to Rural Commercial and Suburban Residential AND rezone from B-2 and R-3 to B-2 and R-3 for the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963).

B. Recommend to Common Council that a joint public hearing be set for July 10, 2023 at 6:01 p.m. to be held before the Plan Commission to amend the Future Land Use Map within the City's Comprehensive Plan from Suburban Commercial to Suburban Commercial, Mixed Residential and Institutional with a Planned Unit Development Overlay AND rezone from I-1 and C-2 to B-1/PUD, Rm-1/PUD, I-1 PUD & C-2 for approximately 34.5 acres for the parcels located at 1750 S. Moorland Road (includes Tax Keys #'s listed from north to south, beginning at the intersection of Greenfield Avenue south along the east side of Moorland Road, up to the New Berlin Recreation Trail): 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992).

17. END CONSENT AGENDA----------

18. ADJOURN

MOTION: Motion to adjourn at 6:19 PM.

VOTE: Motion by: Maxey
Second by: Kroupa
Motion 6-0

Respectfully Submitted,
Rubina R. Medina, City Clerk

May 17, 2023

TO: Common Council
Mayor Ament
Ald. Horbinski

FROM: Sarah Holtz on behalf of the Board of Public Works

RE: Items from the May 15, 2023 Board of Public Works Meeting requiring Common Council action.

A.	Item 06-23 Approval of the Development Agreement with John Jewell of 424 Investments, LLC for the Hilltop Drive Extension
Council Motion:	
	This item was considered at the Board of Public Works meeting on May 15, 2023. It was recommended to the Common Council on a vote of 4-0. I do hereby make a motion to approve the Development Agreement with John Jewell of 424 Investments, LLC for the Hilltop Drive Extension.

STAFF REPORT
EXECUTIVE SUMMARY

APPLICANT/PROJECT:	**John Jewell / 424 Investments, LLC – Hilltop Drive Extension**
LOCATION:	**Tax Key NBC 1281.996.006**
REQUEST:	**Approval of a Development Agreement for the Tax Key NBC 1281.996.006**
DCD RECOMMENDATION:	**Approval of the Development Agreement for John Jewell of 424 Investments, LLC., for a proposed development on the property located at Tax Key 1281.996.006. to extend Hilltop Drive subject to final review as to form by the City Attorney and final plans on file.**

1. **General:**
   a. **Applicant shall have an approved Development Agreement prior to issuance of Building Permits. The Development Agreement shall be recorded at the Waukesha County Register of Deeds.**
   b. **Public infrastructure improvements include:**
      (1) **Roadway improvements on Hilltop Drive., extend the roadway and constructed a permanent cul-du-sac for the development.**
      (2) **Stormwater will be directed to ditches along the roadway extension. No Stormwater maintenance agreement will be needed.**

<u>DETAILS IN ATTACHED STAFF REPORT</u>

CITY OF NEW BERLIN
DEPARTMENT OF COMMUNITY DEVELOPMENT
BOARD OF PUBLIC WORKS STAFF REPORT

Meeting of May 15, 2023

John Jewell/ 424 Investments, LLC. – Hilltop Drive Extension
Tax Key 1281.996.006

DATE STAFF REPORT CREATED: May 10, 2023

DEVELOPER'S NAME: John Jewell/424 Investments, LLC.

NAME OF DEVELOPMENT: 424 Investments LLC. – Hilltop Drive Extension

TYPE OF DEVELOPMENT: The Development will have a total of 4-lots.

NUMBER OF ACRES OF DEVELOPMENT: 23.8 Acres

CURRENT ZONING: R-1/R-2 and C-2 (See File #: RZ-2300208).

PLAN COMMISSION APPROVAL DATE: Approval of a Four-Lot Certified Survey Map April 13, 2023

SUMMARY OF INFRASTRUCTURE:

Sanitary Sewer:	-
Water Main:	-
Storm Sewer:	-
Roadways:	1,150 SY
Public Trail:	-

UNIQUE SITE CHARACTERISTICS:

Environmental Corridor:	Yes, Secondary Environmental Corridor.
Wetlands on Property:	Yes, wetlands were delineated by Thomson and Associates in August 2010.
Conservancy Districts (C-1, C-2):	Yes, C-2.
NRCS Map Classification:	Not Inventoried
Floodplain:	Yes, Zone AE
Topography / Geologic:	Site slopes to the southeast corner (wetland/floodplain area) of the site. The highest point of the property is at the northwest corner.

ALTERNATIVE TRANSPORTATION PLAN: None proposed for this area.

ENVIRONMENTAL IMPACT: No impact. The floodplain boundary is more restrictive than the wetland boundary, limiting where a future home could be built. The applicant is not proposing to construct homes near the environmental features on the new parcels created through the 4-Lot CSM (See File # LD-2300209).

STORM WATER 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.

SANITARY SEWER PROVISION:
Within Current Sewer Service Area: No

Basin Capacity Available: N/A
Adequate Linkage: N/A
Onsite System Required: Yes

TRAFFIC IMPACT: A net increase of 3 lots will occur with the development. The ITE estimates the following for one single-family lot:

Weekday AM Peak Hour:	0.77 trips per unit
Weekday PM Peak Hour:	1.02 trips per unit
Saturday Peak Hour:	0.94 trips per unit
Sunday Peak Hour:	0.86 trips per unit

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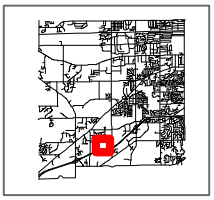
ESTIMATED AMOUNT OF SURETY INSTRUMENT: **$**162,250

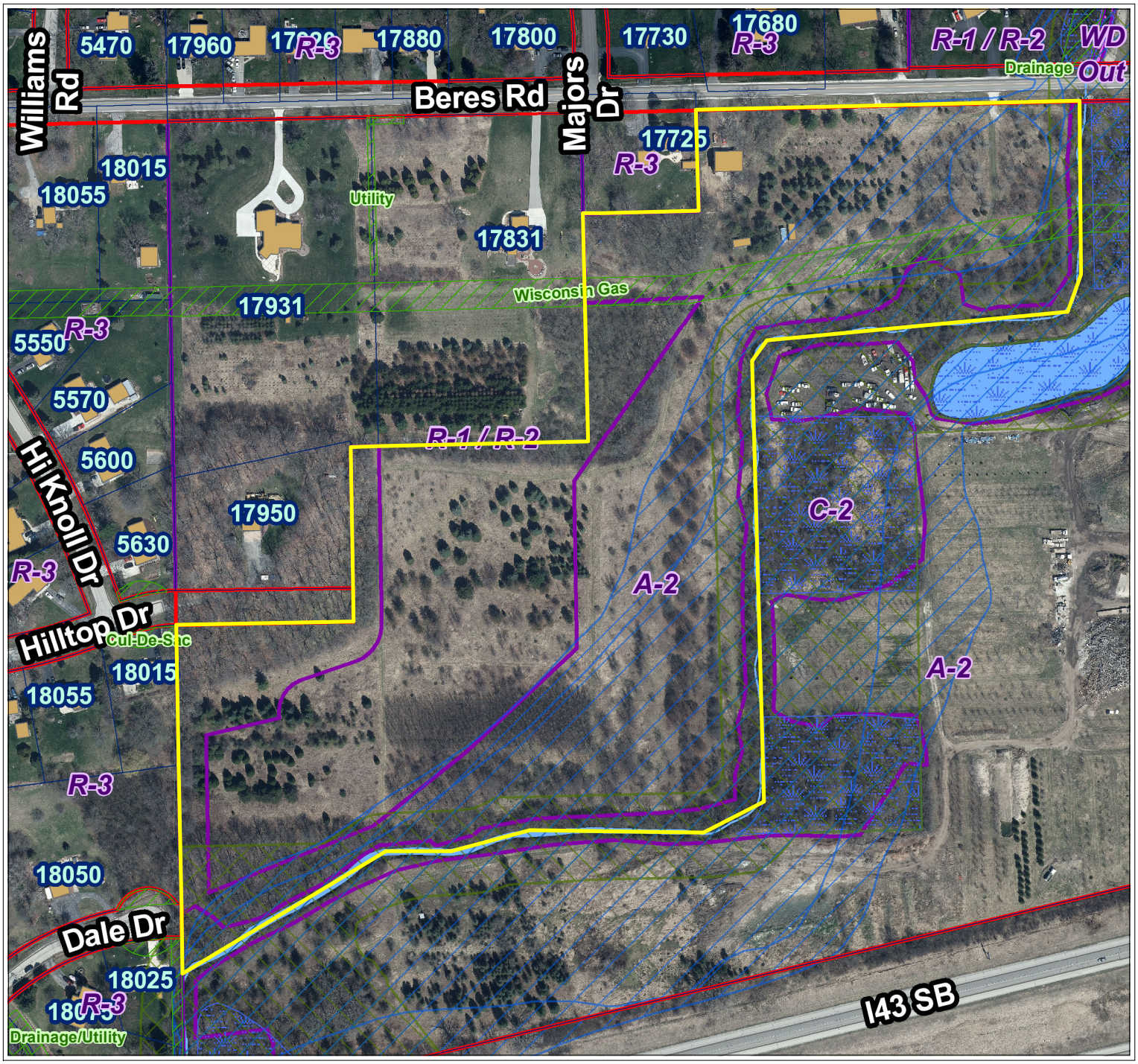
DCD RECOMMENDATION: **Approval of the Development Agreement for John Jewell of 424 Investments, LLC., for a proposed development on the property located at Tax Key 1281.996.006. to extend Hilltop Drive subject to final review as to form by the City Attorney and final plans on file. SEE EXECUTIVE SUMMARY.**

Attachments:
Location Map
Site Plan
Development Agreement

City of New Berlin
Community Development

RZ-2300208 & LD-2300209
Jewell
Tax Key #: 1281.996.006





Legend

- Parcels
- Road Right-of-Way

Floodplain DFIRM (FEMA 2014)

Flood Zone

- FEMA DFIRM - Zone A
- FEMA DFIRM - Zone AE
- FEMA DFIRM - 0.2% Annual Chance
- Zoning Boundaries

Zoning Wetland Registration

Wetland Registration Type

- Registered Wetland
- Outside Wetland

Environmental Corridor

Corridor Type

- Isolated Natural Resource Area
- Primary Environmental Corridor
- Secondary Environmental Corridor

Sewer Service Area (MMSD)

Sewershed

- Current
- Ultimate

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

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0 95 190 Feet

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Map Printed: 1/31/2023 11:40:42 AM

Development Agreement

This Development Agreement (this "AGREEMENT") is entered into this ____ day of _____, 20__, by and between 424 Investments, LLC., its successors, assigns and future owners of the PROPERTY, hereinafter referred to as (the "DEVELOPER") and the CITY OF NEW BERLIN, a Wisconsin municipal corporation (the "CITY").

City of New Berlin
Tamara Simonson
3805 S Casper Dr
New Berlin, WI 53151

Tax Key No. NBC 1281.996.006

RECITALS

WHEREAS, DEVELOPER is the owner of approximately 23.86 acres of land in the CITY, said land described on Exhibit A attached hereto (the "PROPERTY");

AND, WHEREAS, DEVELOPER desires to develop the PROPERTY for residential purposes under the John Jewell – Hilltop Drive Extension (the "DEVELOPMENT"), which includes certain public improvements described on Exhibit B attached hereto (the "PUBLIC IMPROVEMENTS");

AND, WHEREAS, said land is currently zoned R-1/R-2 and C-2, and the proposed DEVELOPMENT conforms to said zoning classification,

AND, WHEREAS, the CITY Plan Commission on April 13, 2023 has approved of the DEVELOPMENT with conditions;

AND, WHEREAS, the CITY Board of Public Works on May 15, 2023 recommended approval of the AGREEMENT and the CITY Common Council on May 23, 2023 approved the AGREEMENT.

AND, WHEREAS, it is now necessary that DEVELOPER and CITY enter into an AGREEMENT relative to the manner and method by which the PUBLIC IMPROVEMENTS will be developed;

NOW, THEREFORE, DEVELOPER and CITY agree as follows:

I. GENERAL

A. DEVELOPER has prepared plans for the PUBLIC IMPROVEMENTS, which plans have been presented to and approved by the CITY.

B. A Certified Survey Map (CSM) substantially conforming to the criteria of State Statutes and CITY Ordinances, constituting the DEVELOPMENT, has been or shall be recorded at DEVELOPER's sole expense.

C. Prior to start of construction of the PUBLIC IMPROVEMENTS, DEVELOPER shall provide insurance policy endorsements to the CITY naming the CITY as additional insured on a primary and noncontributory basis with respect to Comprehensive General Liability coverage for the PUBLIC IMPROVEMENTS work performed by DEVELOPER. The comprehensive general liability coverage will carry limits of not less than $1M per occurrence and $2M in the aggregate. The coverage shall be issued on an occurrence basis for this project. In addition, the DEVELOPER shall carry liability coverage for all vehicles and hired and non-owned vehicles with limits acceptable to the CITY. The DEVELOPER shall all carry Workers Compensation coverage with statutory limits. The policies shall be written by an insurance company licensed to do business in Wisconsin. DEVELOPER shall provide not less than 30 days written notice to the CITY prior to change, modification or termination of said policy. Such notice provisions shall be in the unconditional affirmative, phrases such as "shall endeavor to notify" are unacceptable and shall be rejected.

II. SEQUENCE OF DEVELOPMENT

A. CONSTRUCTION PLAN APPROVALS

B. DEVELOPMENT AGREEMENT APPROVALS AND SURETIES

C. PRE-CONSTRUCTION MEETING

D. EROSION CONTROL AND STORMWATER BEST MANAGEMENT PRACTICES

E. GRADING

F. SANITARY SYSTEM – N/A

G. WATER SYSTEM – N/A

H. STORM DRAINAGE SYSTEM

I. ROAD SYSTEM

J. PRIVATE UTILITIES (Electric, Gas, Telephone, CATV, etc.)

K. RESTORATION

L. RECORD DRAWINGS AND CERTIFICATIONS

M. EASEMENT RECORDING

III. GRADING AND EROSION CONTROL

A. COMPLIANCE

1. DEVELOPER shall secure proper Erosion Control Permits to implement the approved Erosion Control Plan.
2. Erosion Control Methods shall be those required by the erosion control ordinances as adopted by the CITY, County, or State. The Primary Contractor shall be responsible for maintaining erosion control in accordance with the Erosion Control Permit during construction.
3. DEVELOPER shall be responsible for pre-grading and maintaining grades within the DEVELOPMENT in accordance with the approved DEVELOPER's Grading Plan until the CITY approves the CSM.
4. DEVELOPER shall be responsible for implementing the approved Master

Grading Plan. This shall be achieved as part of the DEVELOPERs construction activities and by providing the approved Master Grading Plan to lot buyers for implementation during the building permit phase of the individual lots.

B. INSPECTION and MAINTENANCE

1. Oversight of all construction and maintenance shall be performed under the direction of the Department of Community Development (DCD), at the DEVELOPER's sole expense.
2. All erosion control measures shall be maintained in accordance with the Erosion Control Permits.
3. DEVELOPER, at his/her sole expense, shall be responsible for removing erosion control measures as directed by the DCD.

IV. SANITARY SYSTEM

A. No municipal sanitary sewer is currently available to the DEVELOPMENT; each and every building or lot shall be served by an on-site disposal system installed in accordance with existing ordinances and regulations of the Waukesha County Environmental Services Department.

B. Should any of the Common or Open Spaces be used for private owner waste treatment systems (POWTS), those locations shall be as shown on the approved Construction Plans. Those POWTS shall be constructed, landscaped and maintained as an integral part of the open space and so as not to adversely impact or limit the use, character and sight lines of said open space.

C. DEVELOPER hereby indemnifies and holds harmless the CITY, its officers, agents, employees and assigns (hereafter the Parties Indemnified) as and against any and all demands, actions, causes of action, expenses or claims made against the Parties Indemnified, including but not limited to the actual attorney fees of the Parties Indemnified in defending such claims, arising from or related to the granting of permission to the DEVELOPER to construct POWTS partially or completely in the open space for this subdivision.

V. WATER SYSTEM

A. No municipal water is currently available to the DEVELOPMENT; each and every building shall be served by an on-site private well system installed in accordance with existing ordinances and regulations of the Waukesha County Environmental Services Department and the Wisconsin Department of Natural Resources.

VI. STORM DRAINAGE SYSTEM

A. COMPONENTS

1. Storm drainage shall be provided by means of storm sewers, culverts, ditches, Stormwater Best Management Practices (BMP's), and appurtenances in the public right-of-way and/or in drainage easements where required and/or within natural areas (where applicable and permitted), all in accordance with storm drainage plans prepared by DEVELOPER and approved by the DCD and entirely at the DEVELOPER's sole expense. All storm drainage shall be in conformance with the approved Stormwater Management Plan.

B. CONSTRUCTION

1. The DEVELOPER shall be responsible for the planning, design and construction of facilities for storm drainage (the Storm Drainage System) until such stormwater exits the exterior perimeter line of the DEVELOPMENT or until it reaches a point, outside of and adjacent to the PROPERTY from which point such stormwater passes into, or through specified conduits or channels. Such design shall be reviewed and approved by the DCD prior to construction.
2. The design and construction plan for the Storm Drainage System shall be reviewed and approved by DCD prior to construction.
3. Nothing in this paragraph shall be deemed to limit the DEVELOPER's responsibility to adjacent owners for discharged water. Should any claim be made against the CITY for increased water discharge or altered drainage patterns from the project, DEVELOPER shall indemnify, defend and hold harmless the CITY paying all costs thereof (including but not limited to actual attorney fees) and further indemnify the CITY from any loss or damage based upon a claim arising from water allegedly discharged within or from the site, except if the loss or damage was caused by the negligence or willful misconduct of the CITY.
4. Major drainage improvements shall be constructed during the first phase of the DEVELOPMENT including, but not limited to the BMP's and necessary downstream improvements.
5. All normal maintenance and/or repair of the Storm Drainage System shall be the obligation of the DEVELOPER. The DCD, at its sole discretion, may require the DEVELOPER to restore the Storm Drainage System to its original condition should its function diminish through disrepair or other causes.
6. The DCD may periodically inspect the Storm Drainage System upon reasonable notice. Should maintenance and/or repair work not be completed in a timely manner to the CITY's reasonable satisfaction, the CITY shall have the authority to complete said work and charge all reasonable costs, including but not limited to engineering, administration costs and legal costs, to the DEVELOPER of the land set forth in the legal description on Exhibit A with each owner assessed an undivided fractional ownership of the expense as a lien against their property.

C. OWNERSHIP

1. The components of the Storm Drainage System in public rights of way and public easements shall be dedicated to the CITY. When dedicated to the CITY upon approval and final acceptance by the CITY, system components shall become the property of the CITY and thereafter be maintained by the CITY.
2. The Storm Drainage System and private drainage easements shall remain in the sole ownership and responsibility of DEVELOPER even if they are located within easements for access or maintenance.
3. Development of this parcel is subject to the Stormwater Management Plan established for the DEVELOPMENT. All landowners and/or owners of land within the DEVELOPMENT are and shall be jointly and severally responsible for the Storm Drainage System within the DEVELOPMENT. In the event the DEVELOPER default(s) in its duty to maintain the Storm Drainage System, as reasonably determined by the CITY, each of the property owners will be

responsible for a pro-rata share of the costs of the maintenance and/or repair of the Storm Drainage System. Should the CITY have to perform repairs and/or maintenance, all of the direct and indirect costs thereof shall become a lien against the DEVELOPER with each owner assessed an undivided fractional ownership of the expense.

D. INSPECTION

1. Oversight of all construction shall be performed under the direction of the DCD, at the DEVELOPER's sole expense.

E. STORMWATER CHARGES

1. Upon issuance of the Occupancy Permit by the CITY, each building site or building in the DEVELOPMENT shall be subject to the Stormwater Utility fee in the same amount and collected in the same manner as are Stormwater Utility fees for all other parts of the CITY.

VII. PUBLIC ROADWAYS

A. LOCATION

1. Roadways shall be constructed in such a manner that the centerline of the roadway improvements shall be centered upon the centerline of the right-of-way.
2. Roadways shall be constructed in each and every road right-of-way platted and constructed with a permanent cul-de-sac as directed by the City Engineer.

B. CONSTRUCTION

1. DEVELOPER shall provide the geotechnical data compiled during the design of the roadways to the City Engineer. Should the geotechnical data submitted to the CITY not be sufficient to satisfy the City Engineer, the DEVELOPER shall grant the CITY with a right of entry to obtain the required data. Costs associated with obtaining the required data shall be at the DEVELOPER's sole expense.
2. DEVELOPER shall install and/or improve the roadways per the approved plans.
3. The asphaltic binder course shall not be installed after September 1st, without prior approval of the City Engineer.
4. At the direction of the City Engineer, DEVELOPER shall adjust all affected utilities prior to installing the final asphalt surface course at DEVELOPER's sole expense.
5. Prior to final asphaltic surface course construction, all repairs and restoration of damaged, broken or otherwise deficient asphaltic concrete base course, curb and gutter sections, side path (if applicable), water system, sanitary system, and storm drainage system shall be completed at DEVELOPER's sole expense.
6. The final asphaltic surface course shall not be installed after October 1st, and shall be installed in the same calendar year as the binder course.
7. Material storage or stockpiling shall not be allowed on road surface after final surface course is installed.

8. DEVELOPER shall be responsible for any damage to the road system until final acceptance.

C. INSPECTION

1. Oversight of all construction and maintenance shall be performed under the direction of the DCD, at the DEVELOPER's sole expense. All of DEVELOPER's construction and maintenance activities as provided for hereunder shall be performed in accordance with the standards set forth in CITY's Development Handbook.

D. STREET SIGNS

1. Street Names shall be in conformance with the CITY's policies.
2. Street signs shall be installed by the DEVELOPER prior to placement of the binder course or the streets being opened to the public.

E. RELOCATION OF PRIVATE UTILITIES

1. To the extent the CITY incurs any expense for private utilities to move their private infrastructure in the public right-of-way necessitated by the DEVELOPMENT, the DEVELOPER shall be responsible for those costs.

VIII. SURETY INSTRUMENTS

A. Prior to signing of this AGREEMENT by the CITY, DEVELOPER shall deposit with the CITY a surety instrument in accordance with §235-22 of the Municipal Code in the amount of 120% of the estimated cost of all the PUBLIC IMPROVEMENTS as approved by the CITY in a form approved by the City Attorney.

1. Public Site Grading
2. Public Road System
3. Public Sanitary System – N/A
4. Public Water System – N/A
5. Public Storm Drainage System
6. Other Special Conditions

B. FORFEITURE OF SURETY

1. Interim Reduction (Utilities)
   a. Upon request, an interim surety reduction to 50% per Utility may be made once the utility is fully installed and operable.
2. Preliminary Acceptance Reduction (Non-Subdivision)
   a. The surety may be reduced to 10%, by the itemized amount of each of the Utilities (Sanitary System, Water System, and Storm Drainage System), as the PUBLIC IMPROVEMENTS receive preliminary acceptance by the CITY.
   b. The surety for the Public Road System portion of the PUBLIC IMPROVEMENTS may be reduced to 10% of the construction costs of the Public Road System after the CITY issues preliminary acceptance.

3. Return of Surety (Non-Subdivision).

   a. 12-months after preliminary acceptance, the CITY will conduct a final inspection. The DEVELOPER shall make all necessary repairs. After repairs are made and approved, the CITY will issue final acceptance and return the surety to the DEVELOPER'S financial institution.

C. CASH PAYMENTS FOR:

   1. Reasonable administrative fees including but not limited to engineering, inspection, and legal fees incurred to date of approval as billed by an itemized statement and to be paid within fourteen (14) days of receipt of invoice.

   2. Street signs.

D. PUBLIC SITES AND OPEN SPACES

   1. In order to conform to the provisions of Section 235-34 C (3) of the Municipal Code, DEVELOPER agrees to pay Public Site and Open Space Fees, required prior to the CITY signing the CSM. These fees are in addition to any connection fees required by the CITY prior to individual building permits being granted.

E. MISCELLANEOUS

   1. DEVELOPER shall be responsible for providing documents to the prospective buyers outlining the responsibilities of any Condo/Homeowner's Association, and any and all associated costs, at the time of closing on the individual units within the DEVELOPMENT.

   2. DEVELOPER shall be responsible for any other items, as reasonably required in writing by the CITY, necessary to accomplish the intent of this AGREEMENT.

IX. DEED RESTRICTIONS

A. This AGREEMENT shall be recorded in the office of the Registrar of Deeds of Waukesha County, Wisconsin by the DEVELOPER at the expense of the DEVELOPER and the use and occupancy of all lots therein shall be subject to the terms and provisions of this AGREEMENT. A copy shall be provided to the CITY.

B. Any other restrictions desired by the DEVELOPER, but not required by the CITY may be recorded at the DEVELOPER's option. The CITY will not be responsible for the enforcement of those restrictions.

X. ACCEPTANCE OF PUBLIC IMPROVEMENTS

A. All PUBLIC IMPROVEMENTS required by the CITY within the DEVELOPMENT are the DEVELOPER's sole responsibility.

B. The DEVELOPER shall take all necessary action so as to have all PUBLIC IMPROVEMENTS of the DEVELOPMENT specified in the AGREEMENT installed and approved within two years following the date of commencing construction for each of the PUBLIC IMPROVEMENTS.

C. After completing the required PUBLIC IMPROVEMENTS, the DEVELOPER shall provide a complete accounting of expenditures to the CITY in the form of an itemized cost list.

D. PUBLIC IMPROVEMENTS shall be accepted by the CITY when the DEVELOPER has

met and satisfied each of the terms and conditions of this AGREEMENT, permits, applicable ordinances of the CITY, and the requirements of the CITY's Development Handbook.

E. Preliminary Acceptance:

1. When all systems (Utility and Road) have been installed per the CITY's Development Handbook and to finish grade and tested and all punch list items have been corrected and all requirements have been satisfied by the DEVELOPER and approved by the CITY.
2. Required Documentation: The following list shall not be considered all-inclusive, but rather a guide to what is typically required.
   a. As-builts for Stormwater Best Management Practices
   b. As-built for Road Centerline
   c. Itemized as-built construction cost list for Public Infrastructure
   d. Easement Documents recorded
   e. All Inspection invoices are paid to date

F. Final Acceptance:

1. 12-months after preliminary acceptance, the CITY will conduct an inspection of the systems and prepare a punch list of items that need correction.
2. Final Acceptance will be granted after all punch list items have been corrected by the DEVELOPER and approved by the CITY, and paragraph D above has been satisfied.
3. Required Documentation: The following list shall not be considered all-inclusive, but rather a guide to what is typically required.
   a. Erosion Control Removed
   b. All Inspection invoices are paid
   c. Lien waivers submitted

XI. GENERAL CONDITIONS

A. DEVELOPER further agrees to abide by such further orders or directions as may be reasonably given by the CITY and/or it's Boards and Commissions, as may be necessary to implement and carry out the terms and intent of this AGREEMENT, provided such further orders or directions are usually and customarily required of like developments similarly stated.

B. It is expressly understood and agreed that the terms of this AGREEMENT are covenants running with the land and binding on DEVELOPER and CITY. The terms of the AGREEMENT regarding insurance, warranty and surety obligations shall survive the expiration of this AGREEMENT.

C. The signatory DEVELOPER shall not dissolve its Corporation, LLC, or other business group designation, without written notification to the CITY, more specifically the CITY Engineer, a minimum of 60 days prior to the dissolution. The written notification shall include a plan for meeting the requirements of the AGREEMENT and the identity and contact information for the person(s)/entity that will be the subsequent responsible

party.

D. DEVELOPER shall be responsible for the repair to existing roadways and infrastructure for damage caused as a result of its construction activities.

E. DEVELOPER and subsequent owners of lots shall promptly remove all construction debris including, but not limited to, paper, plastic, insulation, packaging, etc. and will take adequate measures to keep all debris on the lot site to prevent littering adjoining properties.

F. Streets shall be swept daily as needed to remove silt, stone, ground or other materials which have been tracked or eroded onto the streets. The DCD may periodically inspect the streets for debris and determine if street sweeping is required. Reasonable efforts will be made to contact the responsible party to get the impacted streets swept. Should street sweeping not be completed in a timely manner to the DCD's reasonable satisfaction, the CITY shall have the authority to complete said work and charge all reasonable costs for the street sweeping to the responsible party. In the event that said costs are not promptly paid, the CITY may assess those charges against the property within this DEVELOPMENT as a special charge for current services pursuant to Wis Stat Sec. 66.0627.

G. DEVELOPER agrees, to the fullest extent permitted by law, to indemnify and hold the CITY harmless from any damage, liability or cost (including reasonable attorney's fees and costs of defense) to the extent caused by the DEVELOPER's negligent or intentional acts, errors or omissions in the performance of its obligations under this AGREEMENT and those of its contractors/subcontractors or anyone for whom the DEVELOPER is legally liable. Neither party will be responsible to the other for consequential damages including, but not limited to, loss of profit, loss of investment or business interruption.

H. DEVELOPER or its successor or assignee shall be responsible for maintenance of rights-of-way up to the edge of the roadways adjoining the DEVELOPMENT to include grass cutting and any litter removal consistent with the landscaping of the DEVELOPMENT. Failure to maintain this area shall subject the DEVELOPMENT to charges by the CITY.

I. Setbacks, height restrictions, and locations of all structures shall be as regulated by the zoning ordinances of the CITY.

J. All conditions of approval for the DEVELOPMENT by the Plan Commission and/or Common Council shall be followed.

K. Except for the specific responsibilities and obligations retained by the DEVELOPMENT hereunder, CITY shall provide to the DEVELOPMENT and its occupants the same governmental services, as are generally provided to other residents, residences, and citizens of the CITY.

L. Neither the CITY's own inspection nor the CITY's acceptance of DEVELOPER's dedication to the CITY shall be deemed a waiver of the DEVELOPER's obligation to construct the Storm Drainage and Road Systems according to the CITY's Development Handbook.

XII. SPECIAL CONDITIONS

A. Fire or emergency protection services are available to the DEVELOPMENT.

B. Snow and ice removal from drives shall not be placed in public roadways or rights-of-

way.

[*signature page(s) follow*]

ACKNOWLEDGMENT

IN WITNESS WHEREOF, the said DEVELOPER has caused this AGREEMENT to be signed.

In the presence of:

_____
(DEVELOPER's Name)

_____
(Authorized Signature)

DEVELOPER acknowledges that the person signing this AGREEMENT has the authority of 424 Investments, LLC. to do so and that the document has been approved by official action of the DEVELOPER.

(STATE OF WISCONSIN)
(COUNTY OF WAUKESHA) SS.
(CITY OF _____)

Personally came before me this ___ day of _____, 20__, the above named John Jewell to me known to be the person who executed the foregoing instrument.

_____
Notary Public Waukesha County Wisconsin
My commission expires:

Approved as to form:

_____
City Attorney

Accepted pursuant to the Authority of the Common Council:

CITY OF NEW BERLIN

_____
Mayor

_____
City Clerk

Drafted by: Tamara M. Simonson, P.E., City Engineer

CERTIFICATION

I, Rubina Medina , duly appointed as City Clerk for the City of New Berlin, do hereby certify that the attached plans and maps are true and correct copy of the original and if they are not legible or readable, a copy of the original is available at the City of New Berlin Engineering Department.

Document: _____

File Number: _____

Date: _____

Name: Rubina Medina

Signature:_____

Title: City Clerk

EXHIBIT A

LEGAL DESCRIPTION

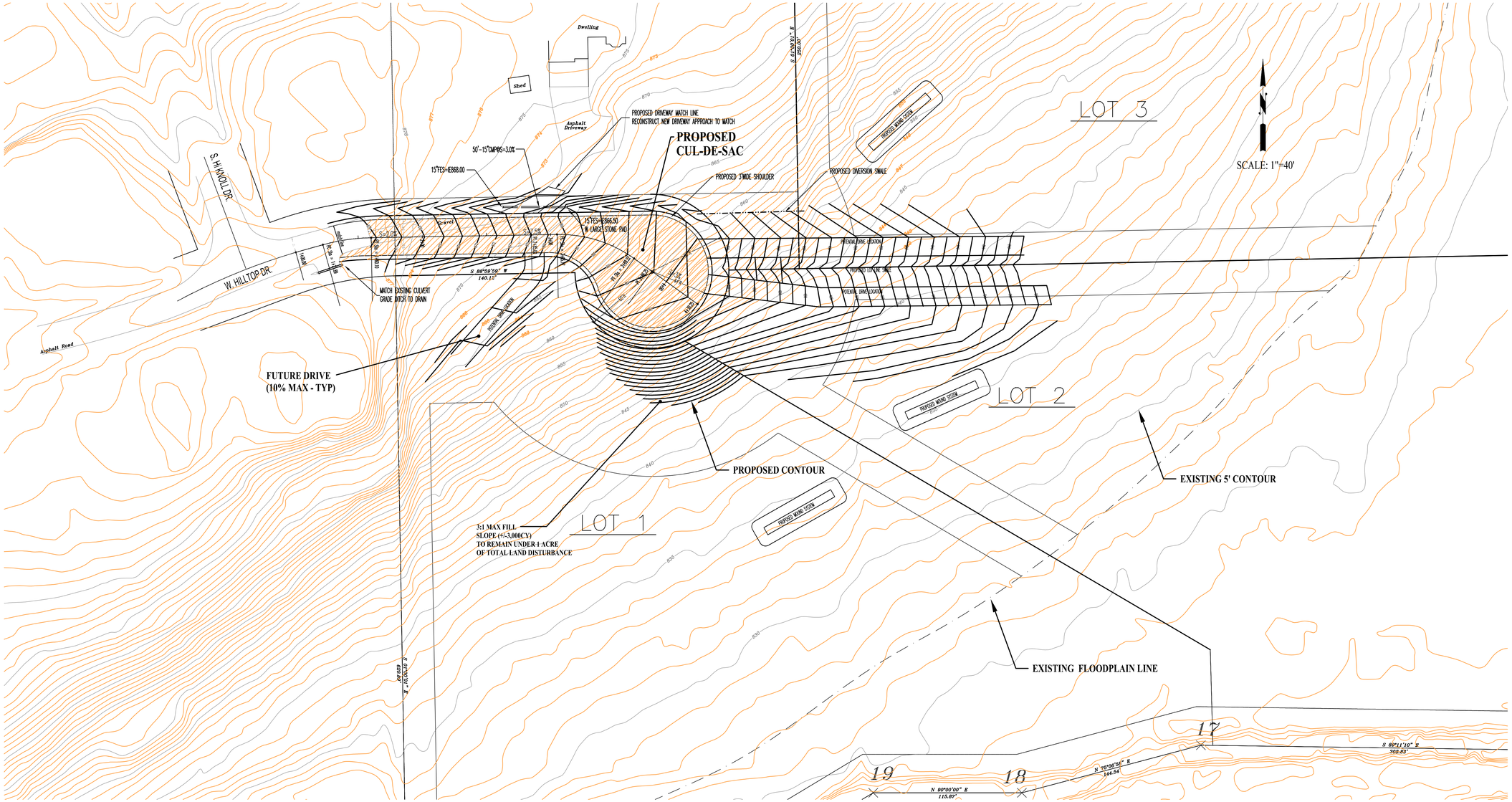
Being a redivision of Lot 2 of Certified Survey Map No. 10826 and additional lands, being a part of the Southwest ¼, Southeast ¼, Northeast ¼ and the Northwest ¼ of the North east ¼ of Section 33, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

Commencing at the Northwest corner of said Northeast ¼; thence S 01°00'01" E along the West line of said Northeast ¼, 865.90 feet to the point of beginning of the lands to be described; thence N 88°59'59" E, 315 feet; thence N 01°00'01" W, 250.00 feet; thence N 88°40'00" E, 422.46 feet; thence N 01°20'00" W, 405.81 feet; thence N 88°40'00" E, 205.00 feet; thence N 01°20'00" W, 179.49 feet to the south right-of-way line of Beres Road, thence N 88°40'00" E along said south right-of-way line, 682.75 feet; thence S 00°27'38" E, 309.39 feet; thence S 19°40'01" W, 70.17 feet; thence S 84°38'11" W, 537.30 feet; thence S 35°17'31" W, 45.37 feet; thence S 01°32'29" E, 783.92 feet; thence S 62°46'57" W, 120.89 feet; thence N 89°11'10" W, 308.83 feet; thence S 75°06'58" W, 144.54 feet; thence N 90°00'00" W, 115.87 feet; thence S 58°59'30" W, 422.20 feet to the West line of said Northeast ¼; thence N 01°00'01" W along said West line 680.90 feet to the point of beginning.

Said lands containing 1,038,496 square feet (23.84 acres). Excepting 20,489.5 SF or 0.47 Acres dedicated to the City of New Berlin for Roadway purposes.

EXHIBIT B

DESCRIPTION OF PUBLIC IMPROVEMENTS



GENERAL CONSTRUCTION SPECIFICATIONS:

1. All labor and material provided under this contract shall be governed by requirements of the New Berlin Development Handbook.
   All permits must be obtain by the contractors or owner prior to commencing any work.
2. All erosion control measures specified on the project Erosion Control Plan shall meet the design criteria, standards and specifications as set forth in the Department of Natural Resources Wisconsin Technical Standards.
3. All erosion control devices (i.e., silt fence, gravel entrance, etc.) shall be installed prior to commencing clearing & grubbing or mass grading.
4. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
5. The general contractor shall provide all surveying and construction staking for this contract. All contractors shall exercise care and diligence in protecting the same. Any expense incurred for additional restaking caused by contractor's neglect may be charged to the contractor and deducted from the sums due him under this contract.
6. The contractor shall notify Diggers Hotline, the local municipality and all government agencies that may be affected by the contractor's operations at least three (3) days before breaking ground. Diggers Hotline number is 811.
7. Public roads shall not be closed to traffic at any time. All ingress and egress traffic to the project shall be limited to the gravel entrance to the property.
8. A full-time inspector is required to be at the project site to observe construction of the cul-de-sac.
9. Contractor shall be responsible for maintaining the public roadways. The public roadways shall be kept free of silt or dirt tracked from areas under construction by sweeping at the end of each work day or more often, as required. Dust generated by construction activities shall be minimized by use of watering, calcium chloride surface treatment, construction scheduling or other appropriate methods.
10. Upon completion of the work as specified, respread four (4") inches of salvaged topsoil over all disturbed open space areas outside of the proposed roadway and provide seed, fertilizer and erosion control fabric per the Standard Specifications. Roadway pavement shall be saw-cut and replaced in kind.
11. All disturbed areas shall be revegatated within seven days of no disturbance. Highway mix #40 shall be used for seeding with an application rate of 4.0 lbs/1000 sf.
12. All erosion control devices shall be routinely inspected every seven days or within 24 hours of a rainfall greater than 0.5 inches. (By GERERAL CONTRACTOR).
13. If permanent seeding is not completed by September 15, apply temporary seeding. If temporary seeding is not completed by October 15, a WisDOT Type B soil stabilizer shall be applied to inactive disturbed soils between October 15th and May 1st as a temporary soil stabilization measure during the non-growing season.

THE UNDERGROUND UTILITY INFORMATION AS SHOWN HEREON IS BASED, IN PART, UPON INFORMATION FURNISHED BY UTILITY COMPANIES AND THE LOCAL MUNICIPALITY. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE, ITS ACCURACY AND COMPLETENESS CANNOT BE GUARANTEED NOR CERTIFIED TO.

DIGGER'S HOTLINE
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611

REVISIONS	
DATE	DESC
03-17-23	REV1

WISCONSIN
MARK R. ELLENA
E-24090
WALES, WI
PROFESSIONAL ENGINEER

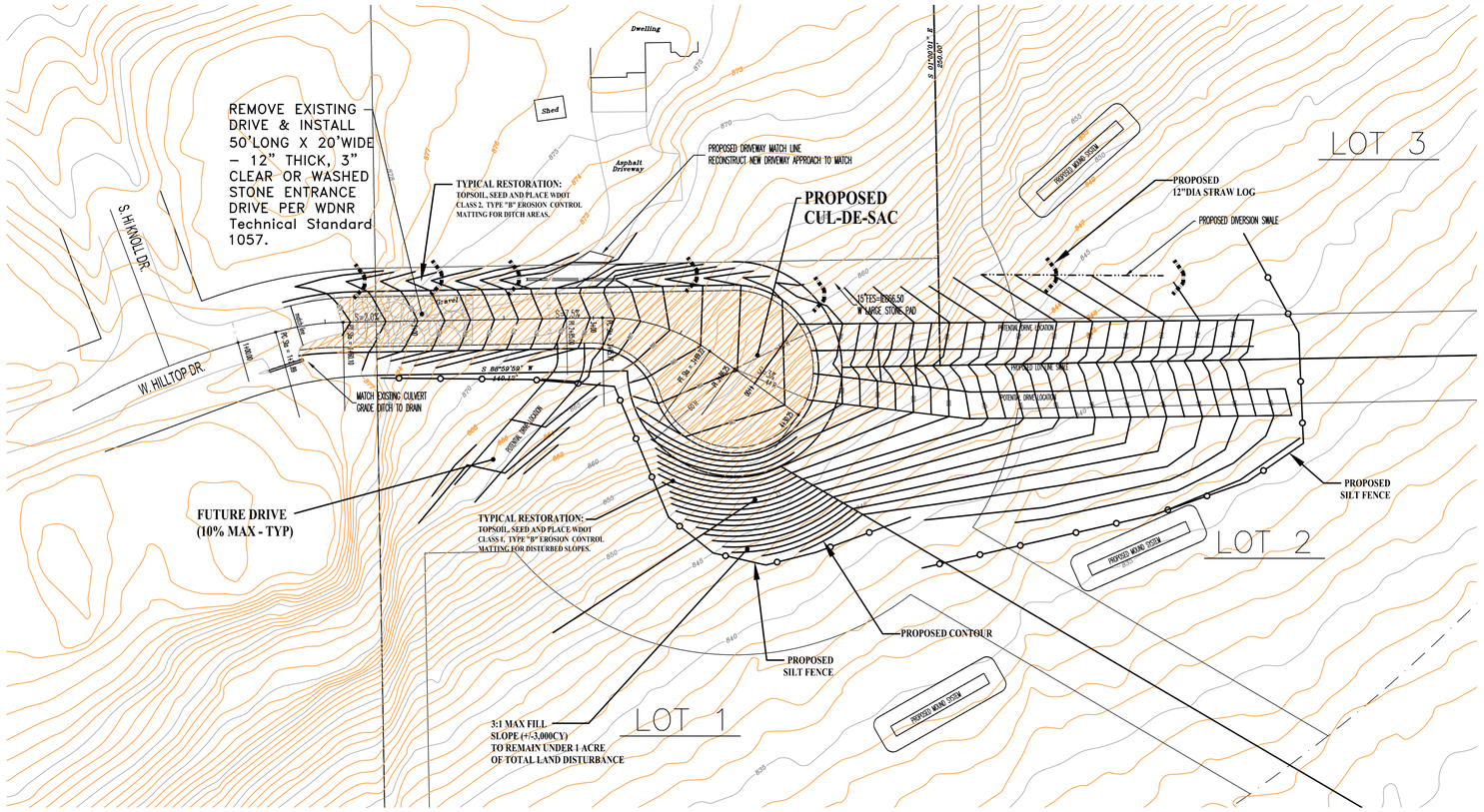
EEC
ELLENA ENGINEERING CONSULTANTS, LLC
SITE CIVIL ENGINEERING & STORMWATER MANAGEMENT
Ellena Engineering Consultants, LLC • 700 Pilgrim Parkway - Suite 100 • Elm Grove, WI 53122
Phone: 262-719-6183 • Fax: 866-457-2584 • Email: mellena@eeceng.com

CITY OF NEW BERLIN, WI

WEST HILLTOP DRIVE CUL-DE-SAC

Grading & Drainage Plan

SCALE: H: 1"=40'	JOB NO.:	DATE:02-20-23
DESIGNED BY:	DRAWN BY:	CHECKED BY:
APPROVED BY: _____ CITY ENGINEER DATE		C100



SCALE: 1"=40'

EROSION CONTROL NOTES:

1. All work shall be in accordance with the City of New Berlin Development Handbook.

2. All erosion control measures specified on this plan shall meet the design criteria, standards and specifications as set forth in the Department of Natural Resources Wisconsin Construction Site Best Management Practice Handbook.

3. All erosion control devices (i.e., silt fence, gravel entrance, etc.), shall be installed prior to commencing mass grading or utility construction.

4. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

5. The owner will provide all surveying and construction staking for this contract. The contractor shall exercise care and diligence in protecting the same. Any expense incurred for additional restaking caused by contractor's neglect may be charged to the contractor and deducted from the sums due him under this contract.

6. The contractor shall notify Diggers Hotline, all utilities City Departments, and government units whose property may be affected by the contractor's operations at least three (3) days before breaking ground. Diggers Hotline number is 811.

7. Public roads shall not be closed to traffic at any time. All ingress and egress traffic to the project shall be limited to the gravel entrance to the property.

8. Contractor shall be responsible for maintaining the public roadways. The public roadways shall be kept free of silt or dirt tracked from areas under construction by sweeping at the end of each work day or more often, as required. Dust generated by construction activities shall be minimized by use of watering, calcium chloride surface treatment, construction scheduling or other appropriate methods.

9. Upon completion of the work as specified, respread four (4") inches of salvaged topsoil over all disturbed areas and provide seed, fertilizer and mulch per the Standard Specifications.

10. All disturbed areas out of the road right of way shall be revegatated within seven days after being disturbed. Highway mix #40 shall be used for seeding with an application rate of 4.0 lbs/1000 sf.

11. All erosion control devices shall be routinely inspected every seven days or within 24 hours of a rainfall 1/2" or greater.

12. The following Stabilization (revegatation) Schedule shall be implemented in accordance with the Waukesha County Department of Parks and Land Use Standards:

On or Before September 15: "Cool Season Grass Seeding"
On or Before October 15: "Temporary Seeding"
On or Before November: "Sodding/Dormant Seeding"
(apply mulch with tackifier or use soil stabilizer–polymer)

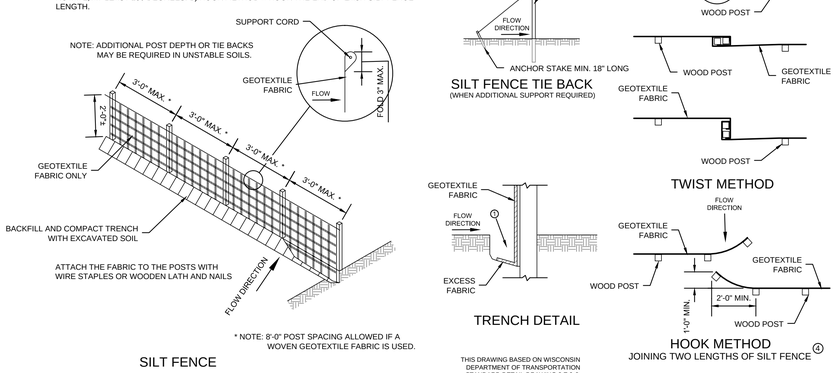
CONSTRUCTION PHASING SEQUENCING:

THE GRADING AND UTILITY CONTRACTORS MUST FOLLOW THE FOLLOWING CONSTRUCTION SEQUENCE AS REQUIRED BY THE CITY OF NEW BERLIN ORDINANCES.

1. CONTACT THE CONSTRUCTION SERVICES DIVISION ENGINEER AT THE CITY OF NEW BERLIN FOR INSPECTION OF A MINIMUM OF 5 WORKING DAYS PRIOR TO THE START OF ANY WORK.
2. INSTALL GRAVEL CONSTRUCTION ENTRANCES SHOWN ON THE PLAN (TRACKING PAD).
3. INSTALL SILT FENCE.
4. REMOVE TREES, STUMPS AND TOPSOIL OFFSITE ONLY IN THE DISTURBED AREA SHOWN.
5. PLACE CLEAN COMPACTED FILL IN LIFTS AS MONITORED BY A QUALIFIED SOILS PROFESSIONAL TO THE ROADWAY SUBGRADE.
6. CONDUCT PROOF ROLL SUBGRADE INSPECTION WITH CITY INSPECTOR IN ACCORDANCE WITH THE CITY ORDINANCES.
7. CONSTRUCT ROADWAY, SHOULDER AND REVEGETATE ALL DISTURBED AREAS.
8. ONCE SITE HAS 80% REVEGETATED OWNER AND CITY SHALL INSPECT AND APPROVE THE REMOVAL OF THE SILT FENCE.
9. REVEGETATE ANY REMAINING DISTURBED AREAS.

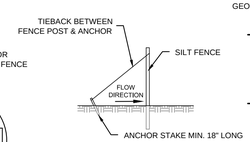
GENERAL NOTES

1. TRENCH SHALL BE A MINIMUM OF 4" WIDE & 6" DEEP TO BURY AND ANCHOR THE GEOTEXTILE FABRIC. FOLD MATERIAL TO FIT TRENCH AND BACKFILL & COMPACT TRENCH WITH EXCAVATED SOIL.
2. WOOD POSTS SHALL BE A MINIMUM OF 1 ½" x 1 ½" OF OAK OR HICKORY.
3. CONSTRUCT SILT FENCE FROM A CONTINUOUS ROLL IF POSSIBLE BY CUTTING LENGTHS TO AVOID JOINTS. IF A JOINT IS NECESSARY USE ONE OF THE FOLLOWING METHODS: A) TWIST METHOD -- OVERLAPTHE END POSTS AND TWIST , OR ROTATE, AT LEAST 180 DEGREES. B) HOOK METHOD -- HOOK THE END OF EACH SILT FENCE LENGTH.



* NOTE: 8'-0" POST SPACING ALLOWED IF A WOVEN GEOTEXTILE FABRIC IS USED.

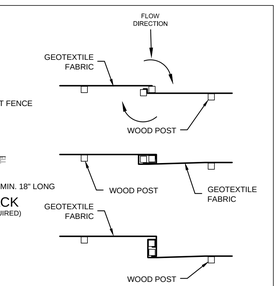
SILT FENCE



SILT FENCE TIE BACK
(WHEN ADDITIONAL SUPPORT REQUIRED)

TRENCH DETAIL

THIS DRAWING BASED ON WISCONSIN DEPARTMENT OF TRANSPORTATION STANDARD DETAIL DRAWING 8 E 9-6.



TWIST METHOD

HOOK METHOD
JOINING TWO LENGTHS OF SILT FENCE

THE UNDERGROUND UTILITY INFORMATION AS SHOWN HEREON IS BASED, IN PART, UPON INFORMATION FURNISHED BY UTILITY COMPANIES AND THE LOCAL MUNICIPALITY. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE, ITS ACCURACY AND COMPLETENESS CANNOT BE GUARANTEED NOR CERTIFIED TO.

DIGGER'S HOTLINE CALL BEFORE YOU DIG 811

REVISIONS	
DATE	DESC
03-17-23	REV1

ELLENA ENGINEERING CONSULTANTS, LLC
SITE CIVIL ENGINEERING & STORMWATER MANAGEMENT
Ellena Engineering Consultants, LLC • 700 Pilgrim Parkway - Suite 100 • Elm Grove, WI 53122
Phone: 262-719-6183 • Fax: 866-457-2584 • Email: mellena@eeceng.com

WISCONSIN MARK R. ELLENA E-24090 WALES, WI PROFESSIONAL ENGINEER

CITY OF NEW BERLIN, WI

WEST HILLTOP DRIVE CUL-DE-SAC

Erosion Control Plan

SCALE: H: 1"=40'	JOB NO.:	DATE:02-20-23
DESIGNED BY:	DRAWN BY:	CHECKED BY:
APPROVED BY: CITY ENGINEER DATE		C200

GENERAL CONSTRUCTION SPECIFICATIONS:

1. All labor and material provided under this contract shall be governed by requirements of the New Berlin Development Handbook.
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2. All erosion control measures specified on the project Erosion Control Plan shall meet the design criteria, standards and specifications as set forth in the Department of Natural Resources Wisconsin Technical Standards.
3. All erosion control devices (i.e., silt fence, gravel entrance, etc.) shall be installed prior to commencing clearing & grubbing or mass grading.
4. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
5. The general contractor shall provide all surveying and construction staking for this contract. All contractors shall exercise care and diligence in protecting the same. Any expense incurred for additional restaking caused by contractor's neglect may be charged to the contractor and deducted from the sums due him under this contract.
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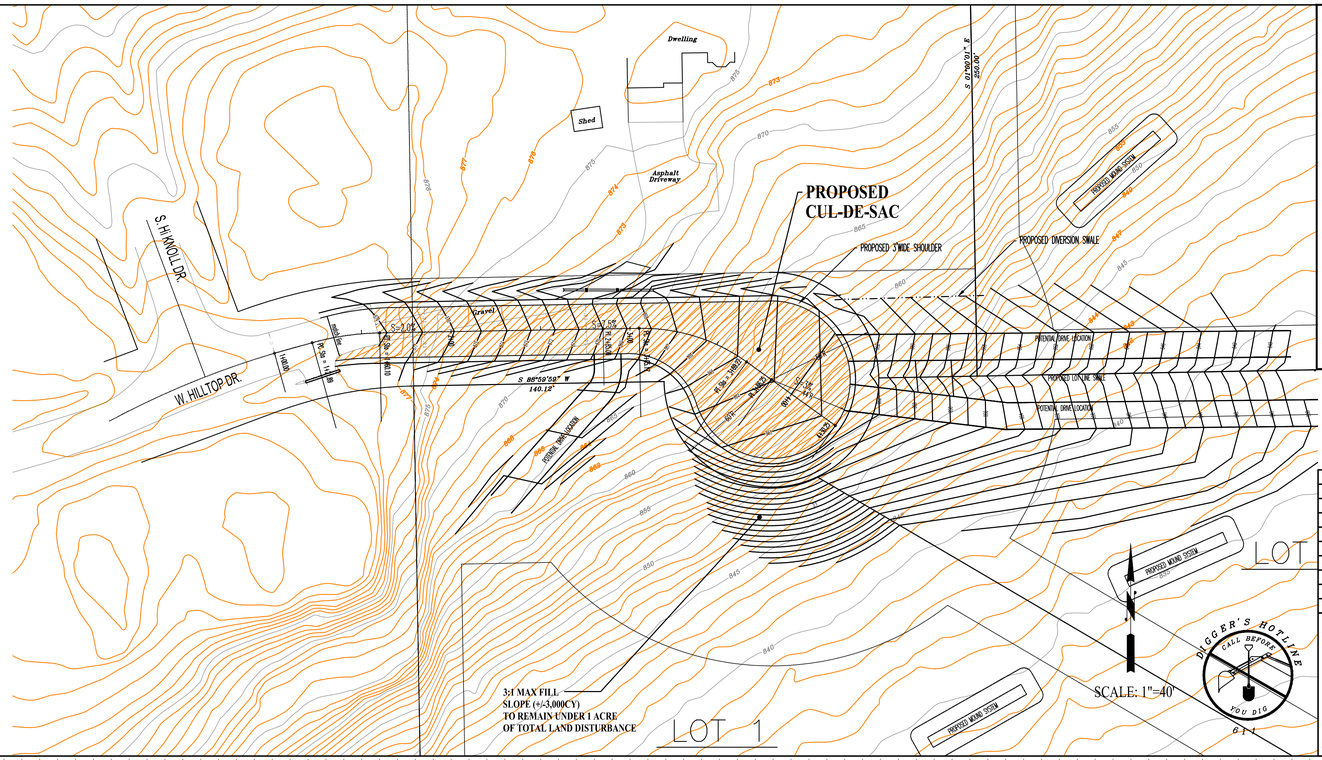
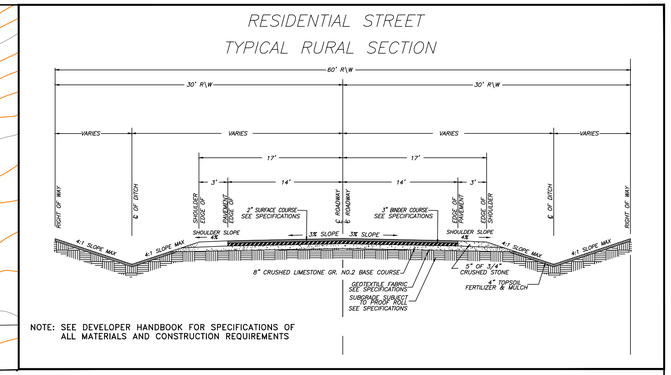




NOTE: SEE DEVELOPER HANDBOOK FOR SPECIFICATIONS OF ALL MATERIALS AND CONSTRUCTION REQUIREMENTS

NOT FOR CONSTRUCTION

REVISIONS	
DATE	DESC
03-17-23	REV1

ELLENA ENGINEERING CONSULTANTS, LLC
SITE CIVIL ENGINEERING & STORMWATER MANAGEMENT
Ellena Engineering Consultants, LLC • 700 Pilgrim Parkway - Suite 100 • Elm Grove, WI 53122
Phone: 262-719-8183 • Fax: 866-457-2584 • Email: mellena@eeceng.com

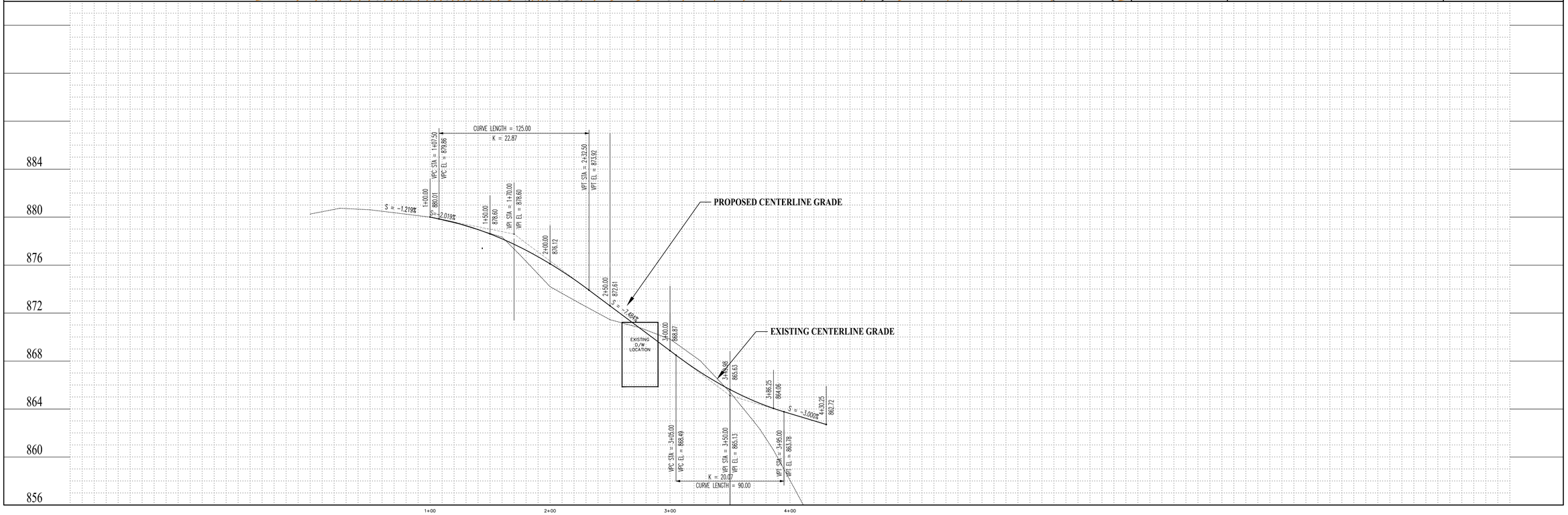
WISCONSIN MARK R. ELLENA E-24090 WALES, WI PROFESSIONAL ENGINEER

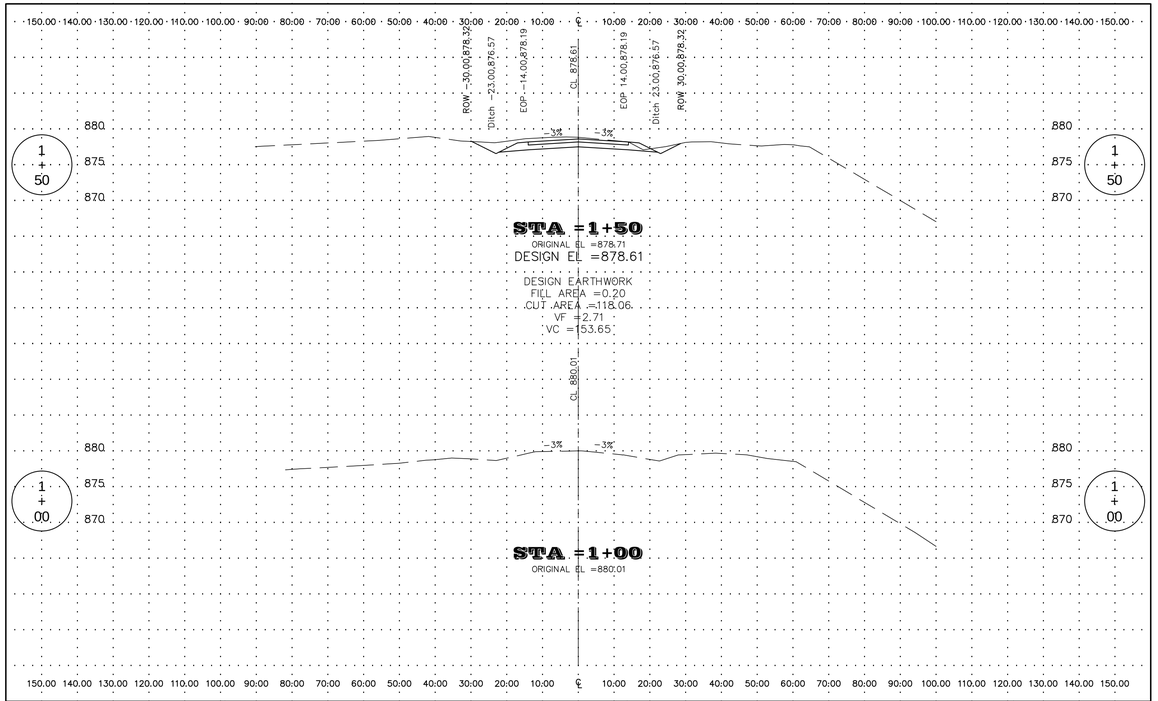
CITY OF NEW BERLIN, WI

WEST HILLTOP DRIVE CUL-DE-SAC

Roadway Plan

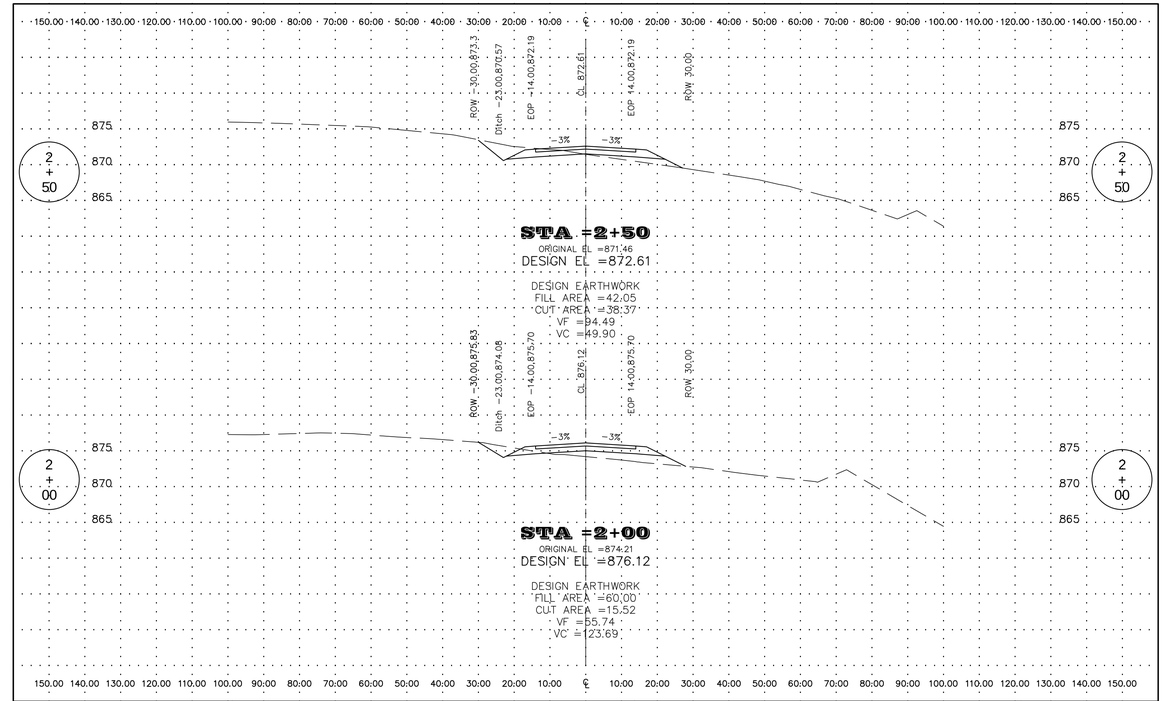
SCALE: H: 1"=40'	JOB NO.:	DATE:02-20-23
DESIGNED BY:	DRAWN BY:	CHECKED BY:
APPROVED BY: CITY ENGINEER DATE		C300





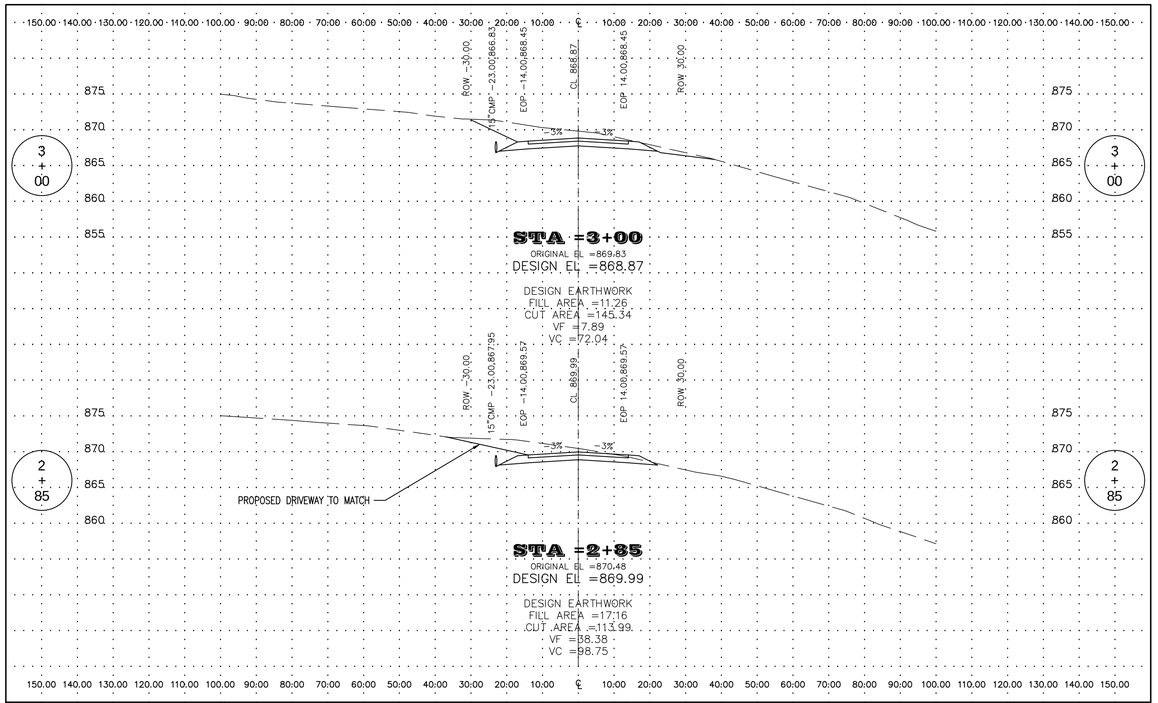
CITY OF NEW BERLIN | WEST HILLTOP DRIVE CUL DE SAC | DATE: MARCH 17, 2023 | SHEET NO: X1

WISDOT/CADDS SHEET 40



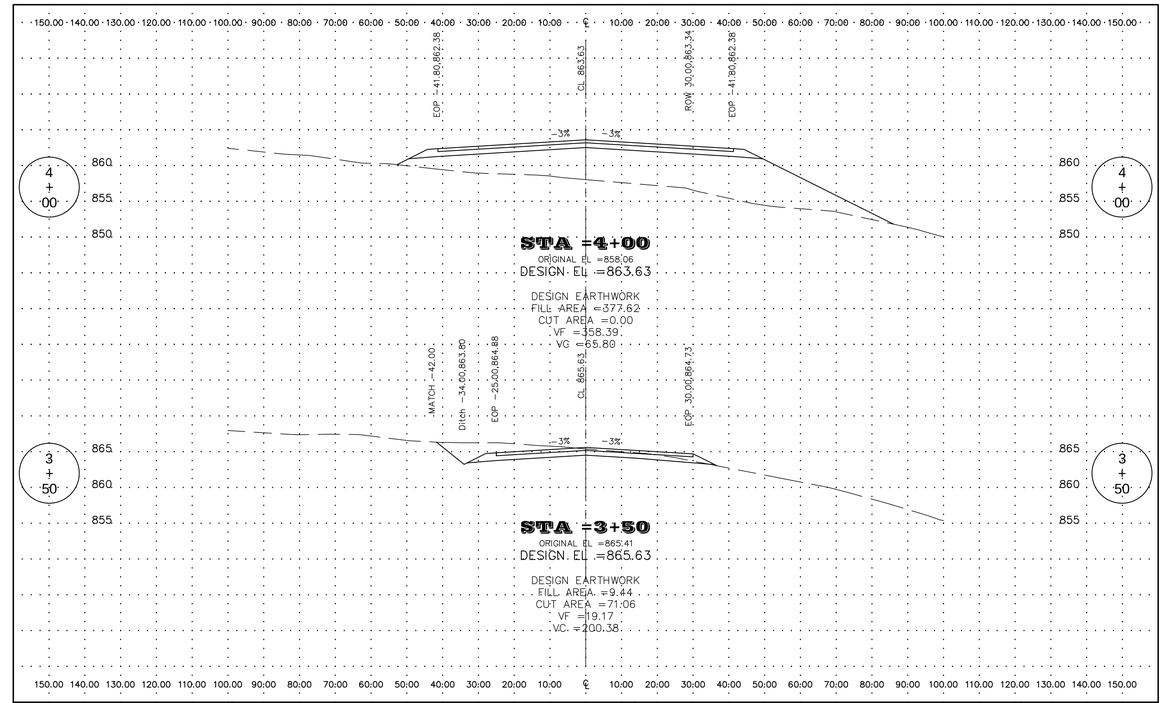
CITY OF NEW BERLIN | WEST HILLTOP DRIVE CUL DE SAC | DATE: MARCH 17, 2023 | SHEET NO: X2

WISDOT/CADDS SHEET 40



CITY OF NEW BERLIN | WEST HILLTOP DRIVE CUL DE SAC | DATE: MARCH 17, 2023 | SHEET NO: X3

WISDOT/CADDS SHEET 40



CITY OF NEW BERLIN | WEST HILLTOP DRIVE CUL DE SAC | DATE: MARCH 17, 2023 | SHEET NO: X4

WISDOT/CADDS SHEET 40

May 23, 2023

TO: Common Council
Mayor Ament
Ald. Hopkins

FROM: Joelle Erickson on behalf of the Golf Course Commission

RE: Items from the May 18, 2023 Special Golf Course Commission Meeting requiring Common Council action.

A.	Recommend to Common Council to rename the New Berlin Hills Golf Course Bar and Banquet area in honor of Ted Wysocki, former New Berlin Mayor and Commission Chairman.
Council Motion:	
	This item was considered at the Special Golf Course Commission meeting on May 18, 2023. It was recommended to the Common Council on a vote of 5-0. I do hereby make a motion to approve the renaming of New Berlin Hills Golf Course Bar and Banquet in honor of Ted Wysocki.

To: New Berlin Common Council

From: Alderman John Hopkins

Date: May 17, 2023

Requested Action

Discussion and possible action to rename the New Berlin Hills Golf Course Bar and Banquet area in honor of Ted Wysocki, former New Berlin Mayor and Commission Chairman.

Financial Impact

$200. Monies to come from the New Berlin Hills Golf Course.

Rationale:

Ted played a major role in the building of the New Berlin Hills Clubhouse and over the years guided the Commission on extensive renovations of the Course itself.

Respectfully Submitted

Alderman John Hopkins

May 23, 2023

TO: Common Council
Mayor Ament
Ald. Stribl

FROM: Plan Commission

RE: Items from the May 8, 2023 Plan Commission Meeting requiring Common Council action.

A.	Recommend to Common Council adoption of a resolution approving the Autumn Trace Subdivision Preliminary Plat for the property located at 4908 S. Calhoun Road (Tax Key #: 1258.999), subject to the application, plans on file
Council Motion:	
	This item was considered at the Plan Commission meeting on May 8, 2023. It was recommended to the Common Council on a vote of 6-0. I do hereby make a motion to adopt the resolution approving the Autumn Trace Subdivision Preliminary Plat for the property located at 4908 S. Calhoun Road (Tax Key #: 1258.999)

STAFF REPORT
EXECUTIVE SUMMARY

APPLICANT/PROJECT:	**Ryan Janssen, Ryan's Buying LLC / Autumn Trace Subdivision Preliminary Plat**
LOCATION:	**4908 S. Calhoun Road (Tax Key #: 1258.999)**
REQUEST:	**Approval of the Autumn Trace Subdivision Preliminary Plat for the property located at 4908 S. Calhoun Road (Tax Key #: 1258.999).**
REVIEW SCHEDULE:	**Preliminary Plat Received: 2/24/2023** **Completeness Determination: 2/28/2023** **90-day time limit expires: 5/25/2023** **Final Common Council Action (expected): 5/23/2023**
D.R.C. RECOMMENDATION:	**Recommend to Common Council adoption of a resolution approving the Autumn Trace Subdivision Preliminary Plat for the property located at 4908 S. Calhoun Road (Tax Key #: 1258.999), subject to the application, plans on file and the following conditions:**

1. **Planning:**
   a. **Satisfaction of all the conditions outlined in the Letter of No Objection by Waukesha County Park and Land Use Department is required.**
   b. **Satisfaction of all the conditions outlined in the Letter of No Objection by the Department of Administration is required.**
   c. **Applicant shall correct all drafting errors and requested changes identified by Staff on the Final Plat prior to the City signing.**
   d. **A final copy of the Final Plat shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the Final Plat. Surveyor Stamp is required.**
   e. **Applicant shall submit a Mylar of the recorded plat to the City of New Berlin. Please make sure to have your surveyor coordinate with the State/County on this if necessary. This document is kept on file with the City.**
   f. **Applicant shall provide the CAD file containing all the line work to include all parcels, easement lines, etc. The file needs to be in the NAD 83 (2011) State Plane Wisconsin South Projection.**
   g. **The property, which is located outside of the current MMSD Sewer Service Area, will require private on-site waste treatments sites (POWTS) for each lot that is created that will meet Waukesha County requirements.**
   h. **Private water supply wells meeting the requirements of the Wisconsin Department of Natural Resources (WDNR) will also be required.**
   i. **A copy of the subdivision covenants shall be submitted prior to the City signing the Final Plat. This document shall address the maintenance of the open space and outlots.**
   j. **For subdivisions in the R-1/R-2 District, the minimum lot width at the base setback line is 110**

feet and 130 feet for homes with side entry garages. The minimum street frontage is 60 feet. The minimum lot size is 32,670 square feet. Per Section 275-46E, when a garage is proved to be entry facing from an interior lot line, the garage shall be set back a minimum of 30 feet from the lot line opposite the garage door.

k. Payment of $36,814.40 ($1,937.60/lot x 19 lots = $36,814.40) in Public Site and Open Space Fees required prior to the City of New Berlin signing the Final Plat.

l. Applicant shall coordinate with City Staff to execute a Conservation Easement that will encompass Outlot 1. The Conservation Easement shall be recorded with the Final Plat.

i. The applicant shall provide Staff with the legal description of the Conservation Easement area for review.

ii. The applicant shall be responsible for recording the Conservation Easement document and adding the Conservation Easement document number from Waukesha County as a note on the face of the Final Plat.

m. The applicant shall be permitted to remove the trees within the Secondary Environmental Corridor (SEC) on Lot 7, with the replacement of six trees (at 5 to 7 inches DBH) planted on Outlot 1, in addition to the executed Stewardship Plan and Conservation Enhancements on Outlot 1, per the document dated January 17, 2023 from Heartland Ecological Group. Staff conducted a site visit on February 21, 2023 and determined that the existing trees located within the SEC on Lot 7 are a mix of low quality and invasive species. Applicant shall provide a note on the plat.

n. The islands in the boulevard section are part of the outlot and shall be maintained by the HOA.

o. Define maintenance of the mowed paths by the HOA.

2. Engineering:

a. Mound System installation. According to the developer, the mound systems will be installed by the development and piped to the property limits.

i. Provide an access plan for mound system maintenance and repair which would include culverts and hard surface access paths from the roadway into the mound areas.

ii. Provide information on how the septic pipes within the roadway will be protected, monumented, and traceable.

iii. The City will not be marking the private sanitary lines if a Diggers Hotline request is made for this right-of-way. Consider putting the sanitary lines within the right-of-way in a casing to provide a layer of protection from other Utility or roadwork in this right-of-way.

b. Revisit the overall grading for the subdivision. The grades for the house pads do not correspond to the proposed contours. Also, see the pond grades listed in comparison to the contours.

c. The grading plan does not indicate a shoulder; add a breakline to the model.

d. Provide a detail of the bypass lane on Calhoun Road including pavement marking, ditching, bioswale integration, and piping.

i. The City purchased the Ultimate right-of-way along Calhoun Road in 2021. So the current right-of-way width is 100' total. See the relocation order recorded at Waukesha County ROD #4460215.

ii. **Add 5' paved shoulder to outside of bypass lane with 3' gravel shoulder.**

iii. **The intersection detail does not show how the bioswale that starts just south of driveway for 4945 S. Calhoun Road will be integrated and capacity accounted for.**

iv. **The grading for the bypass lane is shown outside the right-of-way limits. Provide proof of permission to grade onto neighboring parcels.**

v. **The bypass lane is shown on top of an existing ditch, how will the drainage be accounted for? No pipe shown.**

vi. **A right turn storage lane is required for ADT>100. This subdivision, with 19 lots, would have >187 ADT. Therefore, include a storage lane.**

vii. **The bypass lane should be 150' in total length. The merge-in taper in the bypass lane should be 100'.**

viii. **The deceleration taper on the east side of Calhoun Rd shall be 150' long with 50' of storage. Add 5' paved bike lane through the taper. Show the pavement marking per DOT standard.**

ix. **The acceleration taper on the east side of Calhoun Rd shall be 100' long. Add 5' paved bike lane through the taper. Show the pavement marking per the DOT standard.**

x. **Since the entrance boulevard is extra wide to account for emergency vehicle access, pavement mark the median area with a 5' bike lane to give the impression that this is one way in and one way out. This is similar to Kohler Ridge Subdivision off Lawnsdale Rd.**

e. **Provide a location and detail for the fire cistern.**

   i. **Verify compliance with Fire Department for connections.**

f. **Provide full roadway profile and cross sections.**

g. **Provide pond details.**

h. **The median islands should use reject curb.**

   i. **Reject curb shall be 14-in TOC to BOC along back, 2-in TOC nose radius, 3/4-in flow line radius, and 6 1/2-in flange thickness. See Figure No. 6 of the City Development Handbook for some guidance.**

   ii. **Remove the note in the cross section detail that talks about Crushed Concrete base material. No Crushed Concrete is allowed within the proposed City Right-of-way.**

i. **The driveway for Lot # 8 extends over the property line.**

j. **Show driveways on all properties so that properties that can accommodate side entry garages can be identified.**

k. **The bold text shows existing contours. Label the existing contours in general, but with a lighter line weight (for example, see lot # 7).**

l. **Lot #'s 5 and 6 driveways are too steep. Max allowable slope is 10%.**

m. **Contours on the pond 4P spillway are not correct.**

n. **On wetpond # 1P, the spillway is shown at 859.9', which would be the middle of the road. The top of pond is listed at 860.9', which extends up into the ditches and over the road.**

o. **Between lot #'s 7 and 8 there is a swale that directs water to the right-of-way. But within the right-of-way, this is considered a highpoint and water is directed east and west from lot #'s 7 and 8 driveways. Provide a plan for how this side yard swale water will be collected within**

the right-of-way. Similar issue is proposed between lot #'s 4 and 5 and lot #'s 2 and 3.

p. Crown the cul-du-sac so the highpoint is in the middle.

q. Max side yard grades should be 3:1. Lot #'s 20, 19, 18, 17, 16, 15, 14, 13, 12, 11 and 10 appear to be steeper than 3:1.

r. Provide a cross section for the area without a median as well.

s. Provide island nose signage for medians with sloped concrete noses and 'Keep Right' signs.

t. Show any private subdivision signage to check for vision triangle obstructions.

u. For the fire cistern, provide a culvert and paved access at a distance acceptable to the Fire Department.

v. On the plat, the cul-du-sac right-of-way radii is still shown at 75' instead of the plan dimension of 66'. See Figure No. 3 from the City Development Handbook for Cul-du-sac dimensions.

w. The Zoning shall be shown at R-1/R-2, C-1, C-2, not R-7. The Zoning data and setbacks need to be updated to show the correct Zoning District.

x. On the plat, provide an easement over the fire cistern and access way.

3. Fire Department:

a. 10,000 gallon emergency water cistern shall be installed per City of New Berlin Municipal Code 235-32. The location recommended by the fire chief is southeast of proposed septic area 17 & 15 or any location allowable between lots 3 & 4. The location shall be close enough to the road edge for the NBFD access and tapering of the road entrance into the subdivision shall be extended further into the court to provide wider access during emergency firefighting operations. If tapering the road is not applicable then a road apron in front of the tank location shall be constructed to allow fire apparatus access.

<u>DETAILS IN ATTACHED STAFF REPORT:</u>

CITY OF NEW BERLIN
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLAN COMMISSION STAFF REPORT

Meeting of May 8, 2023

Ryan Janssen, Ryan's Buying LLC / Autumn Trace Subdivision Preliminary Plat
4908 S. Calhoun Road (Tax Key #: 1258.999)

DATE STAFF REPORT PREPARED: March 8, 2023

APPLICANT / OWNER(S): Ryan Janssen, Ryan's Buying LLC / Klumb Family Limited Partnership

REQUEST / DESCRIPTION OF PROJECT: The applicant is requesting approval of the Autumn Trace Subdivision Preliminary Plat for the property located at 4908 S. Calhoun Road (Tax Key #: 1258.999). The proposal is for a 20-lot conservation subdivision on 88.57 acres.

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 2/24/2023

DATE OF COMPLETENESS DETERMINATION: 2/28/2023

PRE-APPLICATION CONFERENCE HELD: Yes
Date(s) of Meeting(s): 8/25/22, 1/4/23, Several meetings over the past year
Site Visit(s): 10/27/22 Plan Commission Site Visit, 2/21/23

CONCEPTUAL PLAN: Yes, a preliminary plat is attached.

SIZE OF DEVELOPMENT / PARCEL(S): 88.57 acres

CURRENT ZONING: R-1/R-2, C-1, C-2

CURRENT LAND USE: Single family home and farmland

PROPOSED ZONING: N/A

PROPOSED LAND USE: Single-family residential conservation subdivision

PROPOSED LOT SIZES: 20 Lots averaging 1 acre in size. See attached preliminary plat.

PROPOSED DENSITY: 88.57 total acres / 20 lots = 1 lot per 4.429 acres.

	17.7 lots	(88.5 acres / 5 acre min lot size)
+	3.85 lots	Large Tract Density Bonus (88.5 acres - 50 acres = 38.5 acres / 10 acres = 3.85)
	21.55 lots	maximum # of possible lots

ADJACENT ZONING AND LAND USE:

North:	Zoning: R-3, R-4, R-5, I-1, C-1 & C-2	Land Use: Residential, Church
South:	Zoning: R-4	Land Use: Residential
East:	Zoning: O-2 & C-2	Land Use: Agriculture, Residential
West:	Zoning: A-2, R-1/R-2 & I-1	Land Use: Agriculture, Residential, Church

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes
Chapter 18: Neighborhood H: Westridge & Moorland Road:

Planning Context / Vision / Development Policies:
Vision:

- Emphasis on preservation of significant environmental features such as: wetlands, woodlands, tree rows, floodplain and environmental corridors.
- Provide residential subdivisions utilizing conservation style design to preserve the environmental features.

Development Policies:

- Encourage the continuation of agricultural uses as long as the property owners so desire. As agricultural lands transition to residential developments, the subdivision design could incorporate farming and agriculture uses as viable open space options.

Land Use:

- Future Land Use Map: Country Residential

Chapter 19: Neighborhood I: National Avenue West:

Planning Context / Vision / Development Policies:
Vision:

- The National Avenue West area, like the Western Area neighborhood (Neighborhood B), should be a regional model of rural development. Any development should occur gradually as a mix of lower density single-family development, farms, large areas of preserved open spaces, rural trails and facilities and small-scale neighborhood oriented retail.

Development Policies:

- While agricultural uses are encouraged to remain, it is recognized that the area may continue to develop as conservation residential developments. Residential uses will be permitted and accommodated pursuant to policies outlined in the Zoning and Development codes. As agricultural lands transition to residential developments, the subdivision design should attempt to incorporate farming and agriculture uses as viable open space options.
- Areas that are environmentally sensitive such as wetlands and recharge areas shall be established as priority areas for open space preservation.

Land Use:

- Future Land Use Map: Country Residential

ZONING CODE (Chapter 275): Yes, the subdivision meets the intent of Section 275-33B(1).

DEVELOPMENT CODE (CHAPTER 235): Yes, in compliance with Section 235-15.

REZONING REQUIRED: No

CONDITIONAL USE REQUIRED: No

PUBLIC HEARING REQUIRED: No

USE / SITE / ARCHITECTURAL REVIEW:
Use Approval Required: No
Site Plan Required: Yes, see attached preliminary plat.
Architectural Review Required: No

PROPOSED ARCHITECTURE: N/A

UNIQUE SITE CHARACTERISTICS:
Environmental Corridor: Yes, Secondary Environmental Corridor.
Wetland On Property: Wetlands have been registered on the City's Zoning Map, see file #: WD-2202499. Wetlands were field delineated by Eric Parker, an assured delineator with Hartland Ecological Group, Inc. on November 7, 2022.
Conservancy Districts (C-1, C-2): Yes, C-1 and C-2
NRCS Map Classification: Not Inventoried
Floodplain: Yes, Zone AE
Topography / Geologic: Site slopes to the southeast corner (wetland/floodplain area) of the site. The highest point of the property is at the northwest corner.

BIKE & PEDESTRIAN FACILITIES PLAN: None proposed for this area. Private trails will be provided.

PARK & OPEN SPACE PLAN: No improvements.

NATURAL RESOURCES PROTECTION:
Limits of Disturbance (LOD): Subdivision boundary is shown on the plat.
Wildlife Habitat Protection: N/A
Wildlife Management Plan: An Endangered Resources review has been provided.

ENVIRONMENTAL IMPACT: Wetlands have been registered on the City's Zoning Map, see file #: WD-2202499. Wetlands were field delineated by Eric Parker, an assured delineator with Hartland Ecological Group, Inc. on November 7, 2022. A restoration plan for the outlot has been submitted. A Conservation Easement is required to encompass the open space/outlot.

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. A stormwater management plan has been submitted.

SANITARY SEWER PROVISION:
Within Current Sewer Service Area: No
Basin Capacity Available: N/A
Adequate Linkage: N/A
Onsite System Required: Yes, perc tests and soil information have been submitted with the preliminary plat. Additional information is included in the findings section below.

WATER USAGE CALC.: Estimated 250 GPD per new single-family lot. Private wells will be required.

TRAFFIC IMPACT: TIA is not required. Section 275-58C(2)(a) states that a TIA is required for any subdivision or multifamily residential development with 40 or more dwelling units. The subdivision plat includes 20 lots, therefore a TIA is not required.

SCHOOL DISTRICT IMPACT: 11.8 total estimated students
Elementary – 6.2 students (20 lots * 0.31 students)
Middle – 2.8 students (20 lots * 0.14 students)
High School – 2.8 students (20 lots * 0.14 students)
Notice Sent to Affected School District(s): Yes, preliminary plat emailed to the school district. No comments have been received.

PREVIOUS ACTION:

10/27/2022 Plan Commission site walk.
11/14/2022 Plan Commission Public Hearing for rezoning.
2/6/2023 Plan Commission approval of rezoning.
2/14/2023 Common Council approval of rezoning.

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

1. The applicant is proposing a 20 lot conservation subdivision on 88.57 platted acres. 76% of the site (67.71 acres) will remain in permanent Conservation Area.
2. Waukesha County has reviewed and provided comments on the preliminary plat.
3. The State has reviewed and provided comments on the preliminary plat.
4. The site visit was held with the Plan Commission and general public on October 27, 2022.
5. A neighborhood informational meeting was held on January 4, 2023. Neighbors were able to ask the applicant questions about the project.
6. Wetlands have been registered on the City's Zoning Map, see file #: WD-2202499. Wetlands were field delineated by Eric Parker, an assured delineator with Hartland Ecological Group, Inc. on November 7, 2022. An endangered resources review of the property has also been submitted.
7. The maximum number of lots allowed following the Yield Plan Approach is 22 lots, per 275-33G of the Zoning Code. A Large Tract Density Bonus may be applied, per 275-33I(2) of the Zoning Code, "*Larger tracts. A density bonus may be granted by the Common Council for conservation subdivision applications involving tracts greater than 50 acres in area at the following rate: one additional dwelling unit for every 10 acres of total tract acreage above 50 acres in the R-1/R-2 District.":*

a.		17.70 lots	(88.5 ac. / 5 ac. min lot size)
b.	+	3.85 lots	Large Tract Density Bonus (88.5 ac. - 50 ac. = 38.5 ac. / 10 ac.)
c.		21.55 lots	Maximum # of possible lots (round up to 22 lots)

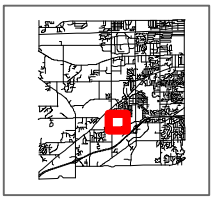
8. There will be woodland restoration work to enhance the quality of the woods. See attached Conservation Enhancements Plan prepared by Heartland Ecological Group on January 17, 2023.
9. Per Section 275-33F(3) of the Zoning Code, an additional access point will be required: *"New intersections with existing public roads shall be minimized. Although two separate accessways into and out of subdivisions containing more than 25 dwellings are generally required for safety, proposals for more than two entrances onto public roads shall be discouraged if they would unnecessarily disrupt traffic flow. Any individual cul-de-sac (public or private) within the residential development shall have no more than 15 units that have exclusive frontage along said cul-de-sac. A public cul-de-sac shall serve at least a minimum of five units that have exclusive frontage along the cul-de-sac."* 20 lots are proposed for this conservation subdivision.
    a. Applicant is proposing a boulevard entrance to allow for 2-way emergency traffic on either side of the boulevard, spanning the first 5 lots of the subdivision closest to Calhoun Road. The remaining 14 lots would have exclusive entrance off the cul-de-sac, per the above referenced code section.
    b. The entrance is located as far south on the property as the site allows for safer exit and entry onto Calhoun Road at the base of the hill.
10. Applicant is proposing off site septic systems for Lot #'s 2-15 and Lot # 20.

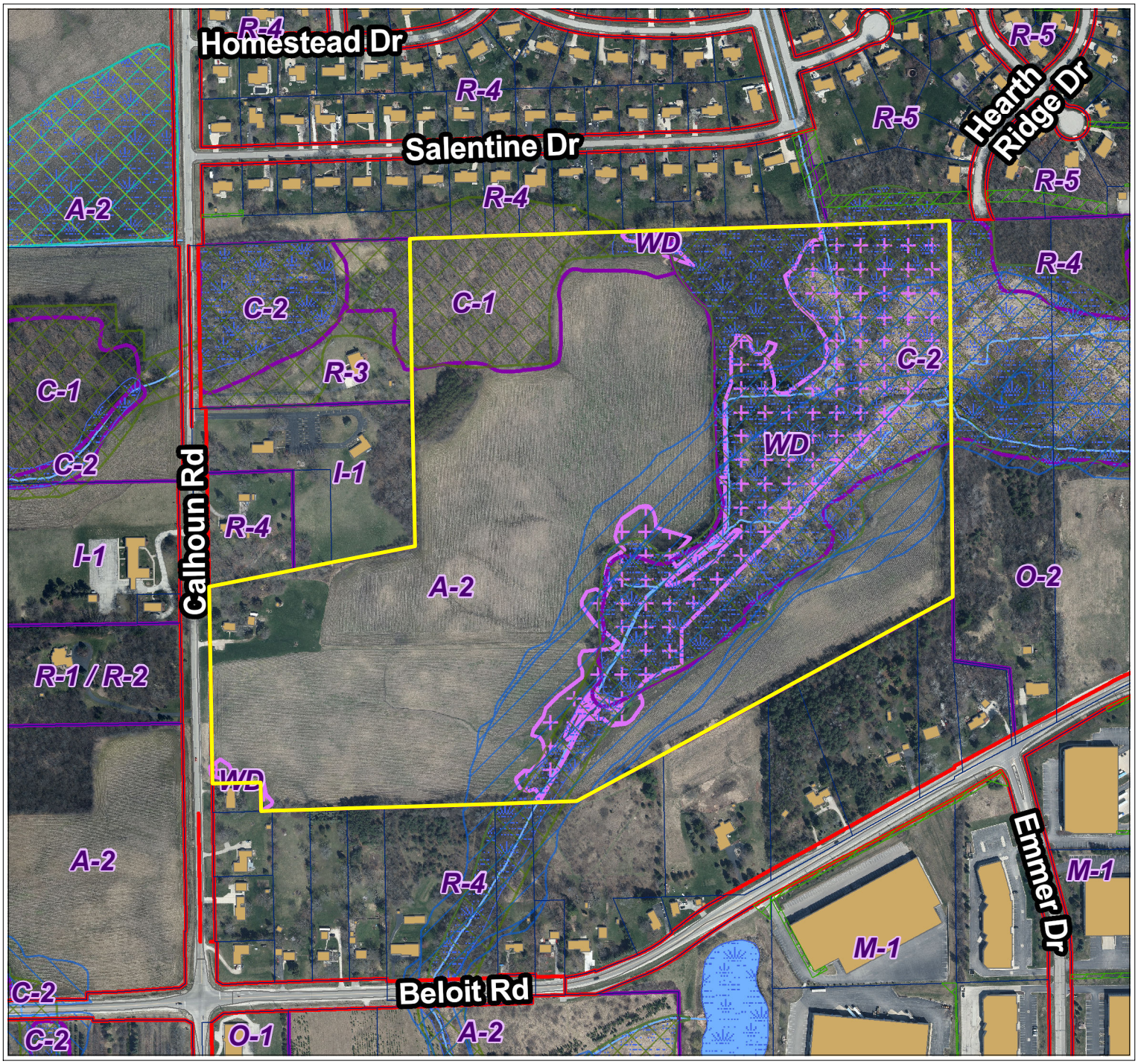
STAFF RECOMMENDATION: Recommend to Common Council adoption of a resolution approving the Autumn Trace Subdivision Preliminary Plat for the property located at 4908 S. Calhoun Road (Tax Key #: 1258.999), subject to the application, plans on file and the following conditions: **See Executive Summary.**

ATTACHMENTS:
Location Map
Applicant Letter
Preliminary Plat
Grading Plan
Conservation Enhancements

City of New Berlin
Community Development

SP-2300395
Autumn Trace Subdivision
4908 S. Calhoun Road





Legend

- Parcels
- Road Right-of-Way

Floodplain DFIRM (FEMA 2014)

Flood Zone

- FEMA DFIRM - Zone A
- FEMA DFIRM - Zone AE
- FEMA DFIRM - 0.2% Annual Chance
- Zoning Boundaries

Zoning Wetland Registration

Wetland Registration Type

- Registered Wetland
- Outside Wetland

Environmental Corridor

Corridor Type

- Isolated Natural Resource Area
- Primary Environmental Corridor
- Secondary Environmental Corridor

Sewer Service Area (MMSD)

Sewershed

- Current
- Ultimate

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

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0 187.5 375 Feet

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.

Autumn Trace Subdivision

Attached you will find the preliminary plat and supporting documentation for my proposed subdivision, Autumn Trace. I am seeking preliminary plat approval for this 20-lot residential subdivision located at 4908 S. Calhoun Rd. This property was recently re-zoned to accommodate this subdivision. A nearly identical concept plan was submitted as supporting documentation for the re-zoning. Throughout the re-zoning process we had several opportunities to engage with the public and demonstrate that this subdivision will not adversely affect any of the surrounding properties or natural features of the land. We are certain that Autumn Trace will be a beautiful addition to the City of New Berlin.

Thank you for your consideration.

Ryan Janssen

Autumn Trace Impact Report

This letter shall serve as an explanation of our findings as it relates to environmental, soil suitability and potential impacts to the development lands related to Autumn Trace.

Soil Suitability

Soil testing occurred late fall of 2022 and into winter 2023. Areas across the site were identified to support the POWTS for the proposed lots. Ground water was observed across the site at a fairly consistent depth of 2’ below the surface. Although not required by the city site grading will accommodate all basement floors being at or above the SHGW. Soils were a consistent stiff clay which will adequately support home construction and roadways.

Environmental Impacts

This site contains many natural features including wetlands, floodplains, environmental corridors and the Muskego creek. Aside from a small area on lot 7 all of the environmental features will be located in outlots. The storm water management system demonstrates the storage and treatment of water prior to being released to the wetland/creek areas. Careful erosion control measures will be taken during construction and until the site is stabilized to ensure the low-lying wetland areas are not impacted. Additionally, I have entered into an agreement with Heartland Ecological Group to implement a 5 year conservation enhancement program for the site. This will include invasive mitigation as well woodland and prairie land restoration. These efforts will have an incredibly positive impact on the site.

Regards,

Ryan Janssen

PRELIMINARY PLAT
AUTUMN TRACE

UNPLATTED LANDS BEING ALL OF THE NE 1/4 OF THE NW 1/4, AND PART OF THE NW 1/4, SW 1/4, AND SE 1/4 OF THE NW 1/4 OF SECTION 27, T6N, R20E, CITY OF NEW BERLIN, WAUKESHA COUNTY WISCONSIN.

OWNER/DEVELOPER:
JANSSEN BRUCKNER, LLC
RYAN JANSSEN
PO BOX 277,
EAGLE, WI 53119

ENGINEER:
TRIO ENGINEERING
4100 N. CALHOUN DR. SUITE 300
BROOKFIELD, WI 53045

SURVEYOR:
LANDTECH SURVEYING, LLC
JOHN DOWNING
111 W. 2ND ST.
OCONOMOWOC, WI 53066

REVIEWING AUTHORITIES:
- CITY OF NEW BERLIN
- WAUKESHA COUNTY DEPT. OF PARKS & LAND USE
- WI DEPARTMENT OF ADMINISTRATION

TOTAL PARCEL AREA
SUBDIVISION AREA (SITE) = 88.40 ACRES

PROPOSED DEVELOPMENT = 20 LOTS

DENSITY = 20 LOTS/88.40 ACRES = 4.42 UNITS/ACRE

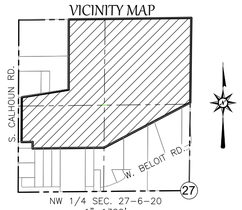
CONSERVATION AREA
TOTAL COMMON AREA (OL 1) = 67.71 AC (76.6%)

ROAD LENGTH
-DUAL ENTRY BOULEVARD (5 LOTS) = 650'
-CUL-DE-SAC ROAD (14 LOTS) = 1,260'
-TOTAL ROAD LENGTH = 1,910'

ZONING DATA
- R-7
- MINIMUM LOT AREA = 25,000 S.F.
- MINIMUM LOT WIDTH AT SETBACK LINE = 100 FEET
- MINIMUM LOT WIDTH AT SETBACK LINE (CORNER LOT) = 120 FEET
- MINIMUM LOT DEPTH = 155 FEET
- MINIMUM GARAGE ENTRY SETBACK = 30 FEET

BUILDING SETBACKS
- STREET = 40'
- SIDE = 15'
- SIDE (SIDE LOAD GARAGE) =30'
- REAR = 40'
- WETLAND = 30'

VICINITY MAP



LOT #	LOT WIDTH AT BASE SETBACK	LOT DEPTH
1	276'	384'
2	155'	233'
3	162'	219'
4	179'	195'
5	145'	220'
6	151'	203'
7	155'	218'
8	119'	192'
9	131'	180'
10	156'	208'
11	137'	254'
12	153'	250'
13	148'	240'
14	140'	218'
15	136'	210'
16	150'	217'
17	142'	225'
18	141'	241'
19	161'	203'
20	210'	155'

NOTES:

- PARCEL ADDRESS 4908 S. CALHOUN RD. (TAX KEY: NBC 1258999.)
- TITLE COMMITMENT PROVIDED PREPARED BY ATTORNEYS TITLE & CLOSING SERVICE LLC, DATED JULY 27, 2022, COMMITMENT No. 22-5943 WITH THE FOLLOWING EASEMENTS THAT MAY AFFECT THE SUBJECT PARCEL:
  - EXCEPTION 11.: CONVEYANCE OF RIGHTS IN LAND RECORDED ON AUGUST 10, 2005, AS DOCUMENT NO. 3304738. (EASEMENT RIGHTS IN CALHOUN RD.)
  - EXCEPTION 12.: RELOCATION ORDER RECORDED ON MARCH 18, 2020, AS DOCUMENT NO. 4460215. (CALHOUN RD.)
  - EXCEPTION 13.: CONVEYANCE OF RIGHTS IN LAND RECORDED ON MARCH 12, 2021, AS DOCUMENT NO. 4565377. (EASEMENT RIGHTS IN CALHOUN RD.)
- ANY LANDS BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION.
- FLOODPLAIN IS PER FEMA FIRM MAP No. 55133C0353G & 55133C0334G, MAP REVISED NOVEMBER 5, 2014.
- DIGGERS HOTLINE LOCATE TICKET NUMBERS: 20223407543
- THE UNDERGROUND UTILITIES AS SHOWN ON THIS SURVEY ARE SHOWN PER DIGGER'S HOTLINE MARKINGS AND OR UTILITY PLANS PROVIDED. THE SURVEYOR DOES NOT CERTIFY OR GUARANTEE THE EXACT LOCATIONS OF THE UTILITIES. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION AND/OR A PRIVATE UTILITY LOCATE REQUEST MAY BE NECESSARY.
- SEE SHEET 2, LOT 2 FOR BUILDING SETBACK DETAIL.
- ROADWAYS WITHIN THE SUBDIVISION ARE DEDICATED TO THE PUBLIC FOR ROADWAY PURPOSES.
- LOTS 2 – 15, 17 AND 20 IN THE SUBDIVISION HAVE BEEN SELECTED TO ALLOW THEIR INDIVIDUAL SEPTIC SYSTEMS TO BE CONTAINED PARTIALLY IN EASEMENTS IN THE COMMON OPEN AREAS OF THE SUBDIVISION.
- EACH INDIVIDUAL LOT OWNER SHALL HAVE AN UNDIVIDABLE FRACTIONAL OWNERSHIP IN OUTLOT NO. 1 AND WAUKESHA COUNTY SHALL NOT BE LIABLE OF ANY FEES OR SPECIAL ASSESSMENTS IN THE EVENT THEY BECOME THE OWNER OF ANY LOT IN THE SUBDIVISION BY REASON OF TAX DELINQUENCY.
- PORTIONS OF OUTLOT 1 SHALL BE USED FOR STORMWATER MANAGEMENT, OPEN SPACE, AND PRIVATE SANITARY PURPOSES.
- THE HEIGHT OF ALL PLANTINGS, BERMS, FENCES, SIGNS OR OTHER STRUCTURES WITHIN THE VISION CORNER EASEMENT (V.C.E.) IS LIMITED TO 24 INCHES ABOVE THE ELEVATION OF THE CENTER OF THE INTERSECTION, NO ACCESS TO ANY ROADWAY SHALL BE PERMITTED WITHIN THE VISION CORNER EASEMENT.

CONSERVANCY/WETLAND/FLOODPLAIN/SECONDARY ENVIRONMENTAL CORRIDOR RESTRICTIONS

THOSE AREAS IDENTIFIED AS CONSERVANCY/WETLAND/FLOODPLAIN/SECONDARY ENVIRONMENTAL CORRIDOR PRESERVATION AREA ON PAGE _____ OF _____ ON THIS SUBDIVISION PLAT/CERTIFIED SURVEY MAP SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

1. GRADING, FILLING AND REMOVAL OF TOPSOIL OR OTHER EARTHEN MATERIALS ARE PROHIBITED, UNLESS SPECIFICALLY AUTHORIZED BY THE MUNICIPALITY IN WHICH THIS LAND IS LOCATED AND, IF APPLICABLE, THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE, THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND THE ARMY CORPS OF ENGINEERS.

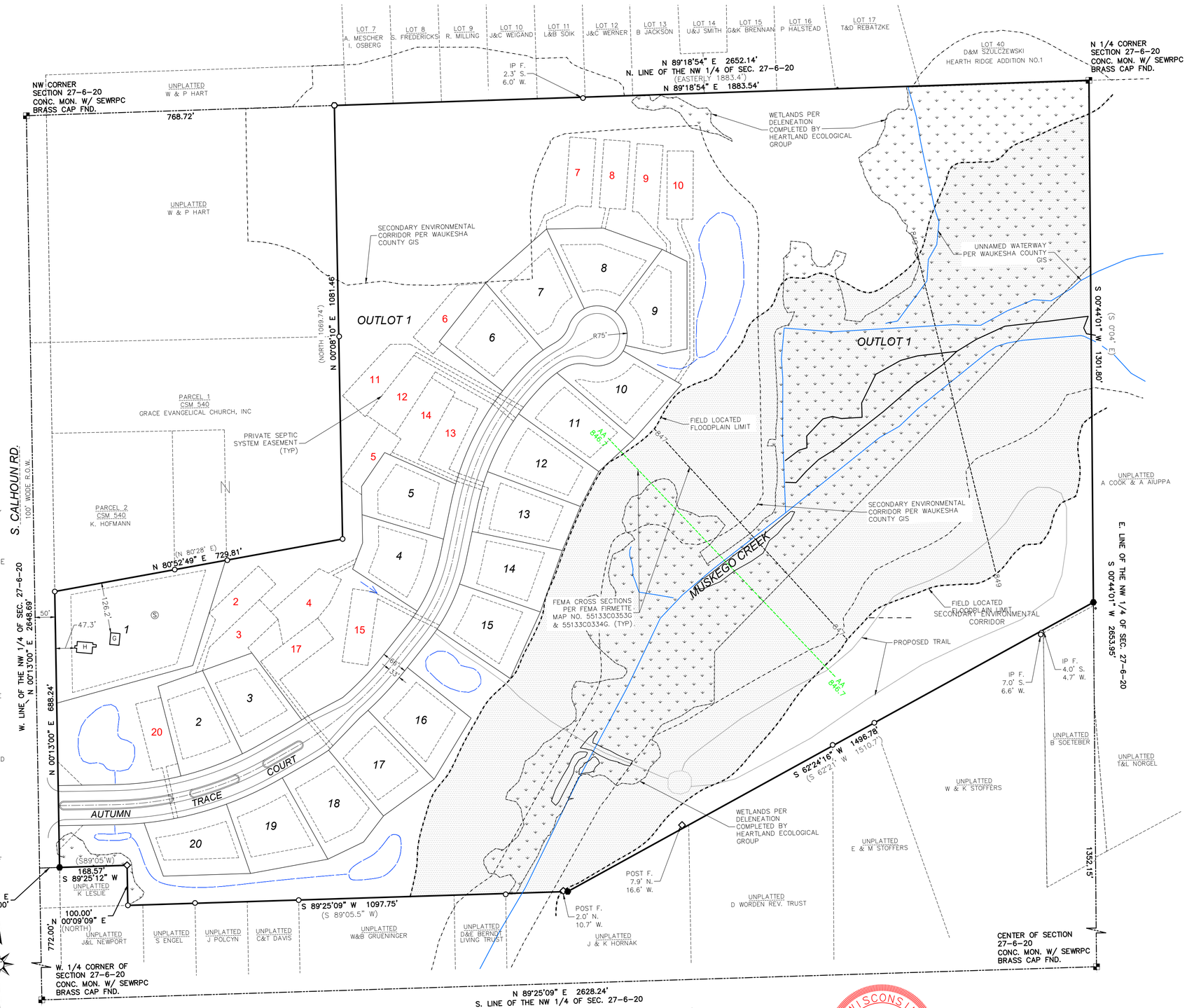
2. THE REMOVAL OR DESTRUCTION OF ANY VEGETATIVE COVER, I.E., TREES, SHRUBS, GRASSES, ETC., IS PROHIBITED, WITH THE EXCEPTION THAT DEAD, DISEASED, OR DYING VEGETATION MAY BE REMOVED, AT THE DISCRETION OF THE LANDOWNER AND WITH APPROVAL FROM THE MUNICIPALITY IN WHICH THIS LAND IS LOCATED AND, IF APPLICABLE, THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE-PLANNING AND ZONING DIVISION. SILVICULTURAL THINNING, UPON THE RECOMMENDATION OF A FORESTER OR NATURALIST AND WITH APPROVAL FROM THE MUNICIPALITY IN WHICH THIS LAND IS LOCATED AND, IF APPLICABLE, THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE-PLANNING AND ZONING DIVISION, SHALL ALSO BE PERMITTED. THE REMOVAL OF ANY VEGETATIVE COVER THAT IS NECESSITATED TO PROVIDE ACCESS OR SERVICE TO AN APPROVED RESIDENCE OR ACCESSORY BUILDING, SHALL BE PERMITTED ONLY WHEN THE ACCESS OR SERVICE CANNOT BE
LOCATED OUTSIDE OF THE CONSERVANCY/WETLAND/FLOODPLAIN/SECONDARY ENVIRONMENTAL CORRIDOR AND WITH APPROVAL FROM THE MUNICIPALITY IN WHICH THIS LAND IS LOCATED AND, IF APPLICABLE, THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE-PLANNING AND ZONING DIVISION.

3. GRAZING BY DOMESTICATED ANIMALS, I.E., HORSES, COWS, ETC, IS PROHIBITED WITHIN THE CONSERVANCY/WETLAND/FLOODPLAIN AREA AND SHALL BE DISCOURAGED TO THE GREATEST EXTENT POSSIBLE WITHIN THE SECONDARY ENVIRONMENTAL CORRIDOR AREA.

4. THE INTRODUCTION OF PLANT MATERIAL NOT INDIGENOUS TO THE EXISTING ENVIRONMENT IS PROHIBITED.

5. PONDS MAY BE PERMITTED SUBJECT TO THE APPROVAL OF THE MUNICIPALITY IN WHICH THEY ARE LOCATED AND, IF APPLICABLE, THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE, THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND THE ARMY CORPS OF ENGINEERS.

6. THE CONSTRUCTION OF BUILDINGS IS PROHIBITED.



LEGEND

	SECTION CORNER MONUMENT	FO	UNDERGROUND FIBER
	FOUND POST	G	UNDERGROUND GAS
	FOUND 3/4 REBAR" OR NOTED		FLOOR ELEVATION
	FOUND 1" IRON PIPE OR NOTED	800.0	EXISTING SPOT GRADE
	SET 0.75" O.D. X 18" REBAR WEIGHING 1.502 LBS/FT.	800	EXISTING COUNTY CONTOUR
		800	EXISTING CONTOUR PER FIELD SURVEY
	CONTROL POINT BENCHMARK		WOOD POST
	CMCP CULVERT	(R)	RECORD DIMENSION
	WELL	H	EXISTING DWELLING
	SEPTIC VENT	G	EXISTING GARAGE
	SEPTIC CLEANOUT	(P) IN LINETYPE	INDICATES PLAN LOCATION
	TV PED	HmB2	SOIL
	ELECTRIC PED		SOIL TYPE
	UTILITY POLE		WETLANDS
OH	OVERHEAD UTILITY		FLOODPLAIN
			SECONDARY ENVIRONMENTAL CORRIDOR

0' 150' 300'
1 INCH = 150 FEET

BEARINGS BASED ON GRID NORTH OF THE WISCONSIN COUNTY COORDINATE SYSTEM, WAUKESHA COUNTY ZONE (NAD 83 WISCORS 2011) AND REFERENCED TO THE NORTH LINE OF THE NW 1/4 OF SEC. 27-6-20 MEASURED AS N89°18'54"W.

VERTICAL DATUM IS NAVD 88 (GEOID 12A)

LandTech SURVEYING
LAND SURVEYING • LAND PLANNING
111 W. SECOND STREET
OCONOMOWOC, WI 53066
WWW.LANDTECHWI.COM
(262) 367-7599

THIS INSTRUMENT WAS DRAFTED BY JOHN D. DOWNING, S-2939

WISCONSIN
JOHN DOWNING
S-2939
LAND SURVEYOR

SURVEYOR'S CERTIFICATION:

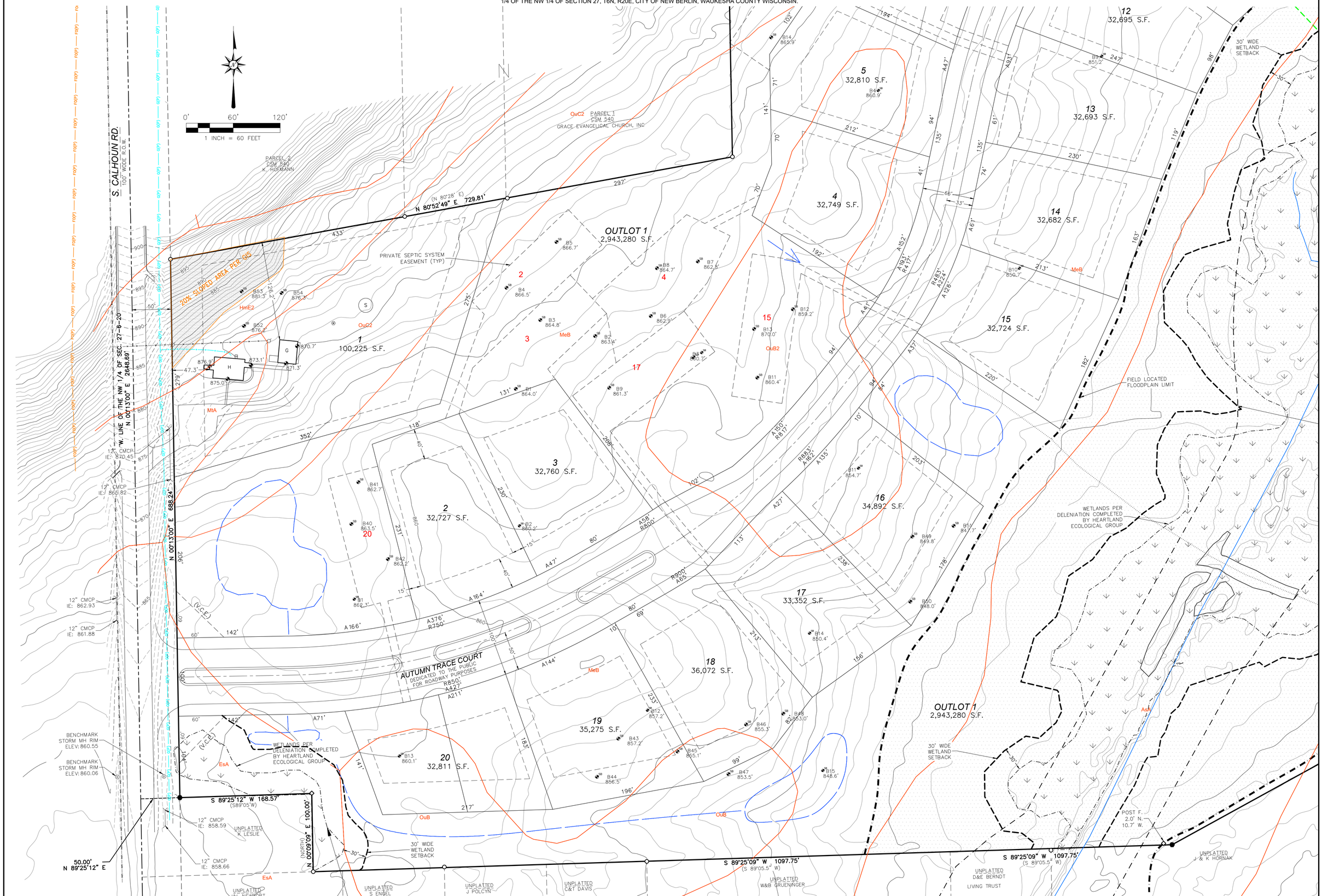
I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION OF ALL EXISTING LAND DIVISIONS AND FEATURES, AND COMPLY WITH THE PROVISIONS OF CHAPTER 18.400 CITY OF NEW BERLIN AND OF CHAPTER 236 OF THE WISCONSIN STATUTES.

SIGNED: JOHN D. DOWNING, PROFESSIONAL LAND SURVEYOR S-2939

REV: 03/29/2023
02/24/2023
PROJ. NO: 22237
SHEET 1 OF 5

PRELIMINARY PLAT
AUTUMN TRACE

UNPLATTED LANDS BEING ALL OF THE NE 1/4 OF THE NW 1/4, AND PART OF THE NW 1/4, SW 1/4, AND SE 1/4 OF THE NW 1/4 OF SECTION 27, T6N, R20E, CITY OF NEW BERLIN, WAUKESHA COUNTY WISCONSIN.

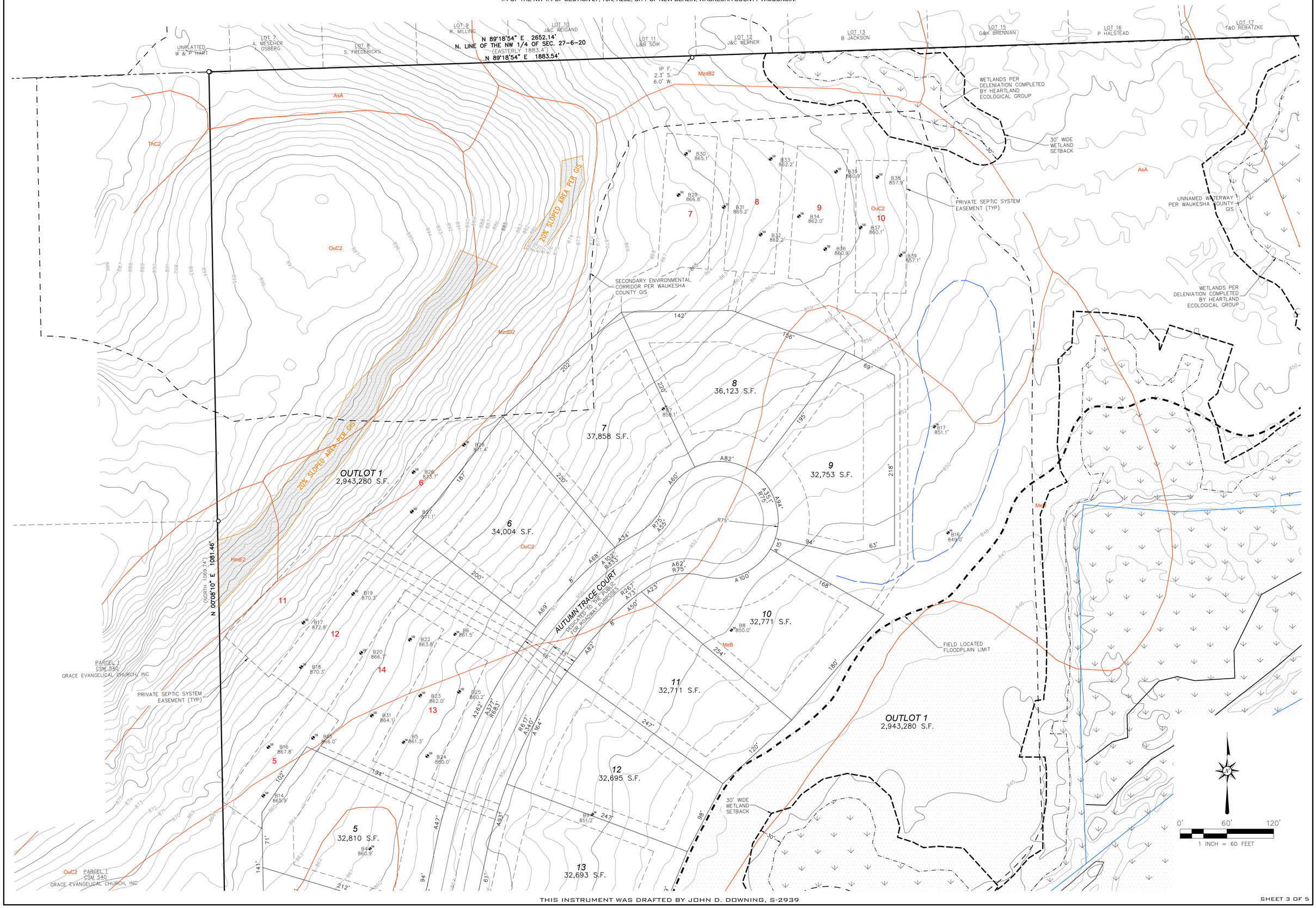


THIS INSTRUMENT WAS DRAFTED BY MATTHEW T. O'ROURKE, S-2771

SHEET 2 OF 5

PRELIMINARY PLAT
AUTUMN TRACE

UNPLATTED LANDS BEING ALL OF THE NE 1/4 OF THE NW 1/4, AND PART OF THE NW 1/4, SW 1/4, AND SE 1/4 OF THE NW 1/4 OF SECTION 27, T6N, R20E, CITY OF NEW BERLIN, WAUKESHA COUNTY WISCONSIN.

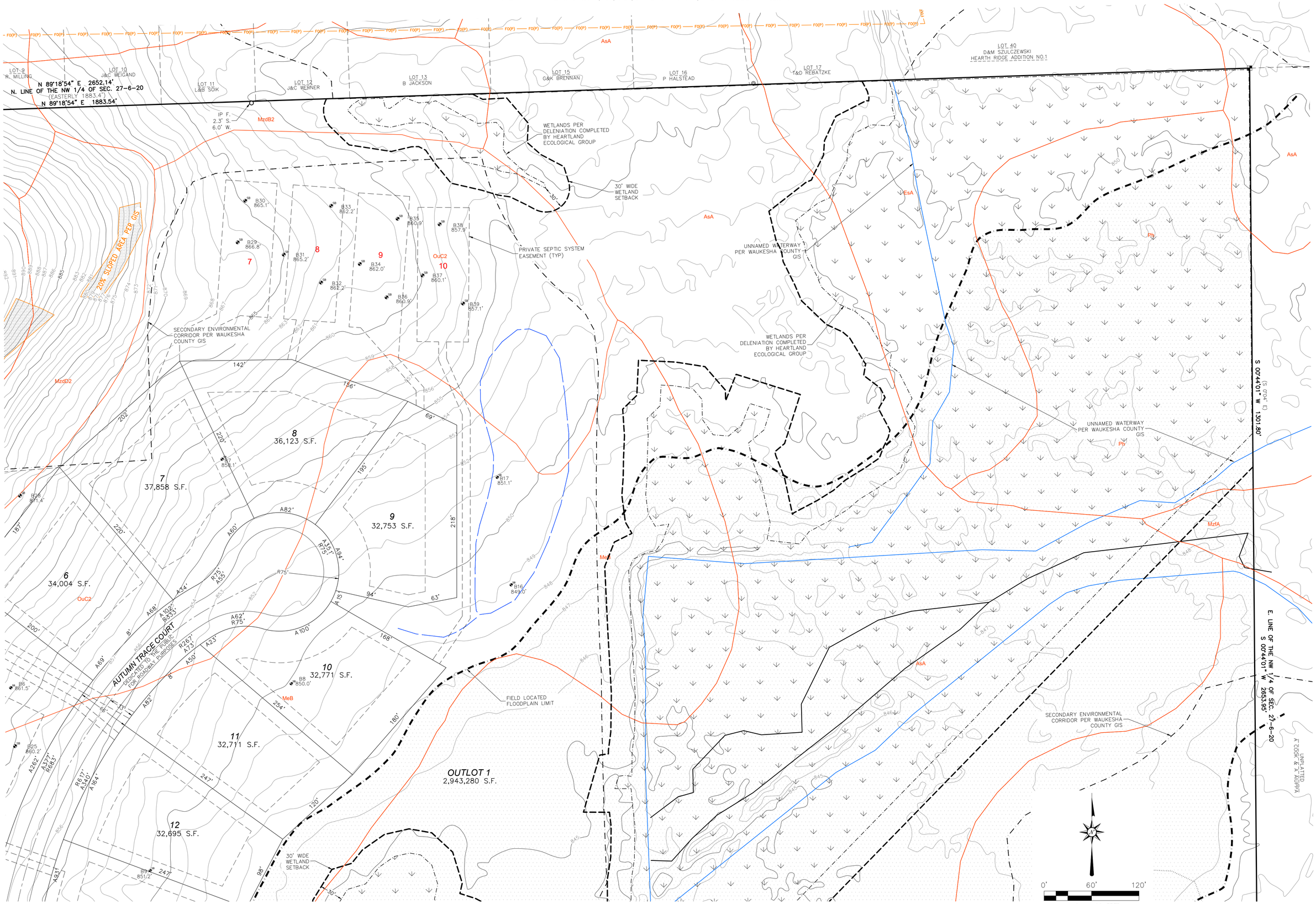


THIS INSTRUMENT WAS DRAFTED BY JOHN D. DOWNING, S-2939

SHEET 3 OF 5

PRELIMINARY PLAT
AUTUMN TRACE

UNPLATTED LANDS BEING ALL OF THE NE 1/4 OF THE NW 1/4, AND PART OF THE NW 1/4, SW 1/4, AND SE 1/4 OF THE NW 1/4 OF SECTION 27, T6N, R20E, CITY OF NEW BERLIN, WAUKESHA COUNTY WISCONSIN.

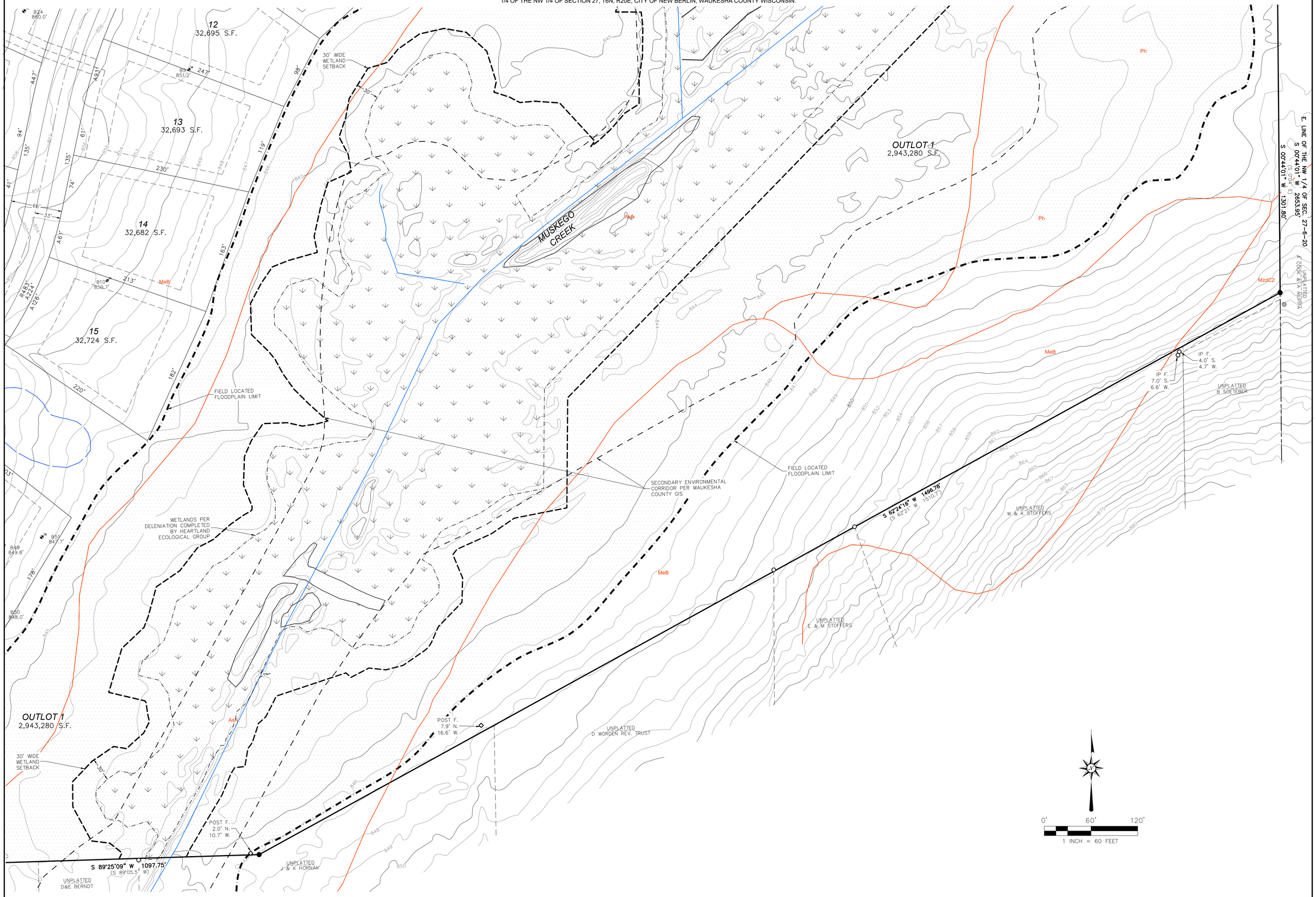


THIS INSTRUMENT WAS DRAFTED BY JOHN D. DOWNING, S-2939

SHEET 4 OF 5

PRELIMINARY PLAT
AUTUMN TRACE

UNPLATTED LANDS BEING ALL OF THE NE 1/4 OF THE NW 1/4, AND PART OF THE NW 1/4, SW 1/4, AND SE 1/4 OF THE NW 1/4 OF SECTION 27, T6N, R20E, CITY OF NEW BERLIN, WAUKESHA COUNTY WISCONSIN.



THIS INSTRUMENT WAS DRAFTED BY JOHN D. DOWNING, S-2939

SHEET 5 OF 5

AUTUMN TRACE

RESIDENTIAL DEVELOPMENT

PRELIMINARY SITE DEVELOPMENT PLANS

CITY OF NEW BERLIN, WISCONSIN

GENERAL NOTES

1. THE LATEST EDITIONS OF THE FOLLOWING DOCUMENTS AND ANY SUPPLEMENTS THERETO, SHALL GOVERN ALL CONSTRUCTION ITEMS ON THIS PLAN UNLESS OTHERWISE NOTED.

   –STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, 6TH EDITION (SSSWCW)
   –THE WISCONSIN D.O.T. STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, LATEST EDITION
   –WDNR STORMWATER RUNOFF TECHNICAL STANDARDS.
   –WISDOT PAL APPROVED EROSION CONTROL MEASURES LIST, LATEST EDITION.
   –CITY OF NEW BERLIN TECHNICAL STANDARDS.

2. THE CONTRACTOR SHALL TAKE ALL MEASURES NECESSARY TO MINIMIZE EROSION, WATER POLLUTION AND SILTATION CAUSED BY CONSTRUCTION OF THIS PROJECT. EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH WISCONSIN DEPARTMENT OF NATURAL RESOURCES TECHNICAL STANDARDS.

3. EROSION CONTROL PLAN: PRIOR TO BEGINNING WORK, AN APPROVED EROSION CONTROL PLAN WILL BE PROVIDED BY THE ENGINEER. THE CONTRACTOR IS RESPONSIBLE FOR PROPERLY IMPLEMENTING THE APPROVED PLAN.

4. THE CONTRACTOR SHALL FIELD VERIFY THE ELEVATIONS OF THE BENCHMARKS PRIOR TO COMMENCING WORK. THE CONTRACTOR SHALL ALSO FIELD VERIFY LOCATION, ELEVATION AND SIZE OF EXISTING UTILITIES, AND VERIFY FLOOR, CURB OR PAVEMENT ELEVATIONS WHERE MATCHING INTO EXISTING WORK. THE CONTRACTOR SHALL FIELD VERIFY HORIZONTAL CONTROL BY REFERENCING SHOWN COORDINATES TO KNOWN PROPERTY LINES. NOTIFY ENGINEER OF DISCREPANCIES IN EITHER VERTICAL OR HORIZONTAL CONTROL PRIOR TO PROCEEDING WITH WORK.

5. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO BEGINNING CONSTRUCTION (CALL DIGGERS HOTLINE AT 800–242–8511). COST OF REPLACEMENT OR REPAIR OF EXISTING UTILITIES DAMAGED AS A RESULT OF THE CONTRACTOR'S OPERATION SHALL BE THE CONTRACTOR'S RESPONSIBILITY.

6. EXISTING UTILITY INFORMATION IS SHOWN FROM SURVEY WORK, FIELD OBSERVATIONS, AVAILABLE PUBLIC RECORDS, AND AS–BUILT DRAWINGS. EXACT LOCATIONS AND ELEVATIONS OF UTILITIES SHALL BE DETERMINED PRIOR TO INSTALLING NEW WORK. EXCAVATE TEST PITS AS REQUIRED.

7. PROPERTY CORNERS SHALL BE CAREFULLY PROTECTED UNTIL THEY HAVE BEEN REFERENCED BY A PROFESSIONAL LAND SURVEYOR. PROPERTY MONUMENTS DISTURBED BY THE CONTRACTOR'S OPERATIONS SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.

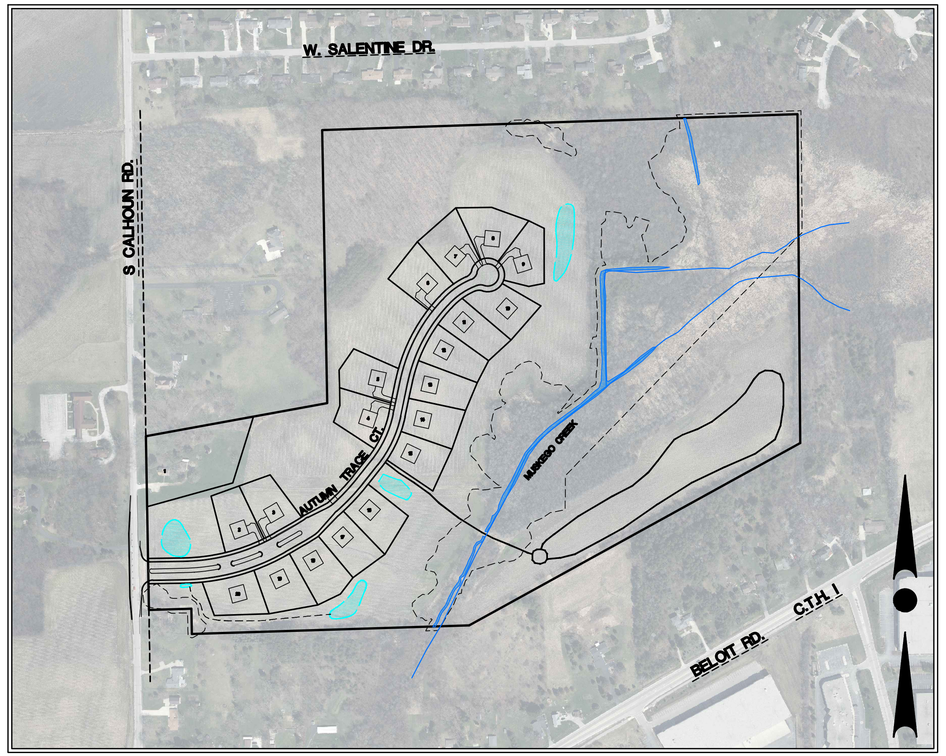
8. ENGINEER SHALL BE NOTIFIED 48 HOURS IN ADVANCE OF PERFORMING ANY CONSTRUCTION.

9. ALL TRENCHING SHALL BE PERFORMED ACCORDING TO OSHA STANDARDS.

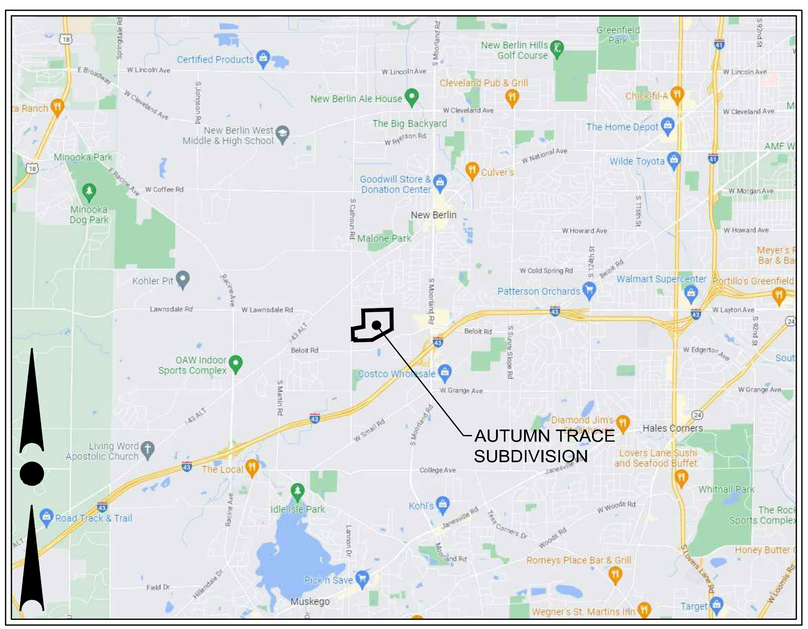
10. ALL ITEMS SHALL INCLUDE ALL THE NECESSARY MATERIALS AND LABOR TO COMPLETE THE ITEM IN PLACE.

11. THE CONTRACTOR SHALL CLEAN ALL ADJACENT STREETS OF ANY SEDIMENT OR DEBRIS BY SWEEPING BEFORE THE END OF THE WORKING DAY OR AS REQUIRED BY THE CITY OF NEW BERLIN.

12. THE CONTRACTOR MUST AND IS REQUIRED TO NOTIFY THE CITY OF NEW BERLIN SEWER AND WATER UTILITY A MINIMUM OF 48 HOURS IN ADVANCE OF WATER MAIN FILLING, WATER MAIN FLUSHING, WATER MAIN TESTING AND WATER MAIN CONNECTIONS. NO CONNECTION SHALL BE MADE TO THE EXISTING WATER SYSTEM UNTIL SAFE SAMPLES FROM THE NEW MAIN HAVE BEEN OBTAINED.



SITE PLAN
SCALE: 1" = 300'



LOCATION MAP
NOT TO SCALE

OWNER:
JANSSEN – BRUCKNER
PO BOX 277
EAGLE, WI 53119
CONTACT: RYAN JANSSEN

ENGINEER:
TRIO ENGINEERING, LLC
4100 N CALHOUN ROAD, SUITE 300
BROOKFIELD, WI 53005
CONTACT: MR. JOSHUA PUDELKO, P.E., M.S.
PHONE: 262–790–1480
FAX: 262–790–1481
EMAIL: jpudelko@trioeng.com

SHEET INDEX

CIVIL		
T1	–	COVER SHEET
C0.0	–	PROPOSED SITE PLAN
C0.1	–	VICINITY MAP
C0.2	–	NATURAL RESOURCES & PRESERVATION MAP
C0.3	–	TRANSPORTATION MAP
C1.0	–	OVERALL GRADING & DRAINAGE PLAN
C1.1–1.2	–	GRADING & DRAINAGE PLANS
C2.1–2.3	–	POND DETAILS
C3.0	–	OVERALL SITE UTILITY PLAN
C4.1–4.3	–	ROADWAY PLANS

WISCONSIN
JOSHUA D. PUDELKO
E-39220
WAUWATOSA, WI
PROFESSIONAL ENGINEER

TRIO
DESIGN • LAND SURVEYING • CIVIL ENGINEERING
4100 N. CALHOUN RD., SUITE 300
BROOKFIELD, WI 53005
PHONE: (262) 790-1480
FAX: (262) 790-1481
EMAIL: jpudelko@trioeng.com

PROJECT:
AUTUMN TRACE SUBDIVISION
CITY OF NEW BERLIN, WI
BY: JANSSEN - BRUCKNER
PO BOX 277
EAGLE, WI 53119

REVISION HISTORY

DATE	DESCRIPTION
02/24/23	PRELIM. SUBMITTAL
03/30/23	PER CITY COMMENTS

DATE:
MARCH 30, 2023

JOB NUMBER:
22-063-1124

DESCRIPTION:
COVER SHEET

SHEET
T1

X:\2022\22-063-1124 AUTUMN TRACE (CALHOUN RD 21 LOT) NEW BERLIN\DRAWINGS\CONSTRUCTION PLANS\AUTUMN TRACE_COVER&DETAILS_22X24.DWG

ADJUSTED TRACT ACREAGE

DESCRIPTION	Total Area	Adjustment Factor	Adjusted Total Area Deduction	ADJUSTED TRACT ACREAGE
	(acres)	(deduction)	(acres)	(acres)
CALHOUN RD.	**88.40**			
- Wetlands (outside Floodway)	8.77	-0.95	-8.33	
- Floodway	21.78	-1.00	-21.78	
- Floodplain	5.97	-0.50	-2.99	
- Steep Slopes (>20%)	0.12	-0.80	-0.10	
- Moderately Steep Slopes (15%-20%)	0.68	-0.60	-0.41	
TOTAL ADJUSTED TRACT ACREAGE				**54.79**
Required conservation area (75% of adjusted)				41.10
LOT COUNT BASED ON ADJUSTED TRACT ACREAGE				***11***

Per 275-33-D (12)(a) The subdivision must include at least 75% of the adjusted tract acreage as conservation area.

Conservation area shall not be used for residential lots, except 70% of the area may be 10 acre or larger "conservation lots".

DENSITY CALCULATION

Description	Total Area (acres)	Allowable Lots	Notes
TOTAL AREA "4908 S CALHOUN RD"	**88.395**	**17.68**	Total area excludes the Calhoun Road right-of-way
LARGE TRACT DENSITY BONUS (88.395 acres - 50 acres)	38.395	**3.84**	Large Tract density bonus applies to tracts >50 acres in size, calculated as 1 additional lot for every 10 acres of total tract acreage above 50 acres in the R-1/R-2 District. *The 27.8 acres of Wetlands on the site are given to be part of the first 50 acr*
TOTAL CONSERVATION SUBDIVISION APPLICATION	**88.395**	**21.52**	Maximum # of possible lots in the conservation subdivision.

PROPOSED ZONING

R1/R2 ZONING REQUIREMENTS per Table 275-33-2						
Conservation Subdivision	Lot Area*	Lot Width**	Lot Depth	Front & Rear	Side	Wetland
	(s.f.)	(ft)	(ft)	(ft)	(ft)	(ft)
R-1/R-2	20,000 or 32,670	110 or 130	None	40	15	30

* Minimum Lot Area may be 20,000 s.f. when septic system is located entirely off-lot; Minimum Lot Area when septic system is located on-lot is 32,670 s.f.

** Minimum lot width of 110' applies to homes with front loaded garages; Minimum Lot Width of 130' applies to homes with side loaded garages.

ADDITIONAL DESIGN STANDARDS per 275-33

- Conservation Area Buffer: Existing Road = 100'; Exterior Boundary = 50'
- Conservation Area:
  - Includes Secondary Environmental Corridor, Floodplain and Wetland
  - No less than 30% of adjusted tract acreage shall be for common use
  - May be located on lots that are 10 acres or larger.

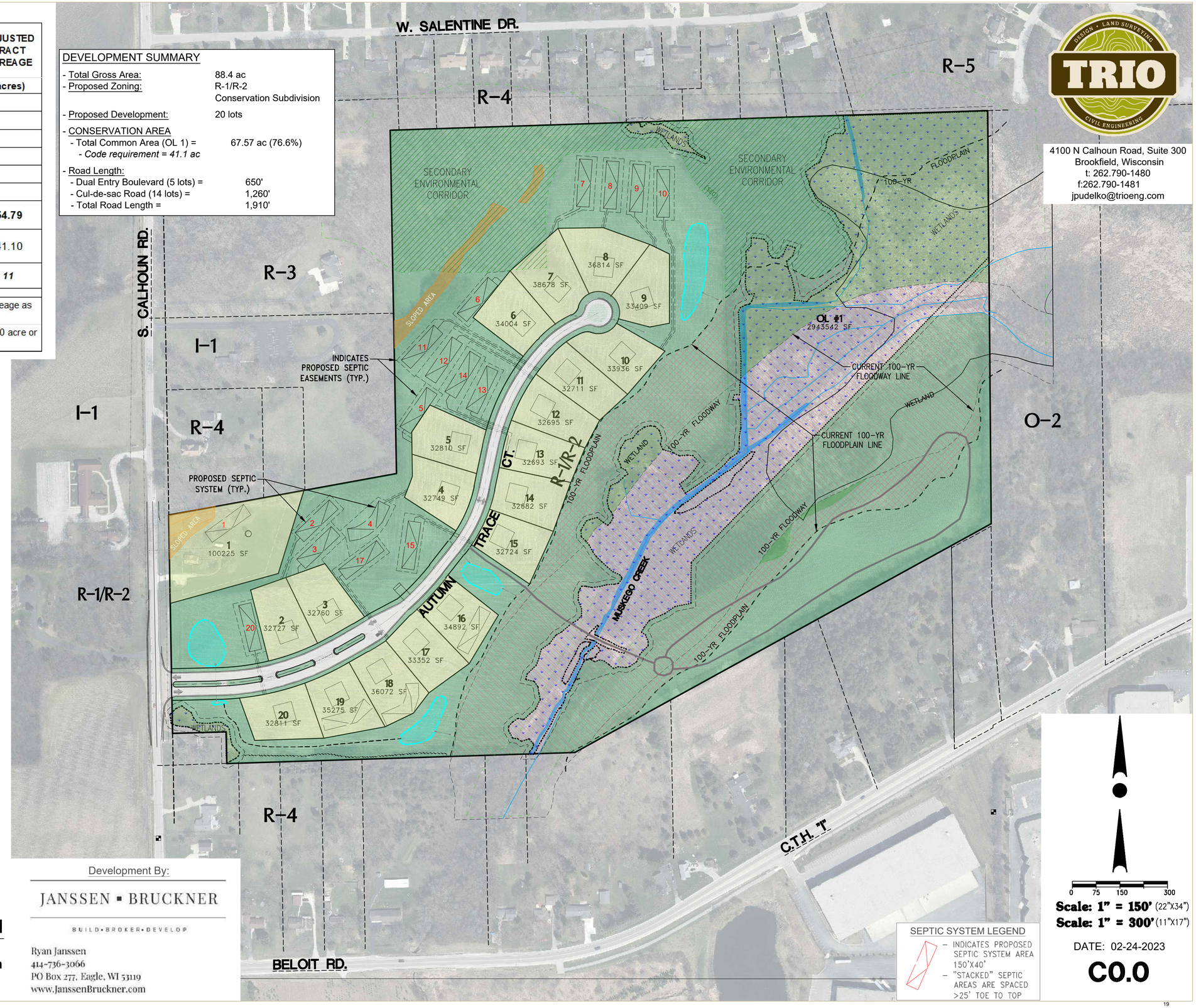
OVERALL PROPOSED SITE PLAN

Autumn Trace Conservation Subdivision

4908 S. Calhoun Road, City of New Berlin, WI

DEVELOPMENT SUMMARY

- Total Gross Area: 88.4 ac
- Proposed Zoning: R-1/R-2 Conservation Subdivision
- Proposed Development: 20 lots
- CONSERVATION AREA
  - Total Common Area (OL 1) = 67.57 ac (76.6%)
  - *Code requirement = 41.1 ac*
- Road Length:
  - Dual Entry Boulevard (5 lots) = 650'
  - Cul-de-sac Road (14 lots) = 1,260'
  - Total Road Length = 1,910'



TRIO DESIGN · LAND SURVEYING · CIVIL ENGINEERING

4100 N Calhoun Road, Suite 300
Brookfield, Wisconsin
t: 262.790-1480
f:262.790-1481
jpudelko@trioeng.com

Development By:

JANSSEN ▪ BRUCKNER

BUILD • BROKER • DEVELOP

Ryan Janssen
414-736-3066
PO Box 277, Eagle, WI 53119
www.JanssenBruckner.com

SEPTIC SYSTEM LEGEND

- INDICATES PROPOSED SEPTIC SYSTEM AREA 150'X40'
- "STACKED" SEPTIC AREAS ARE SPACED >25' TOE TO TOP

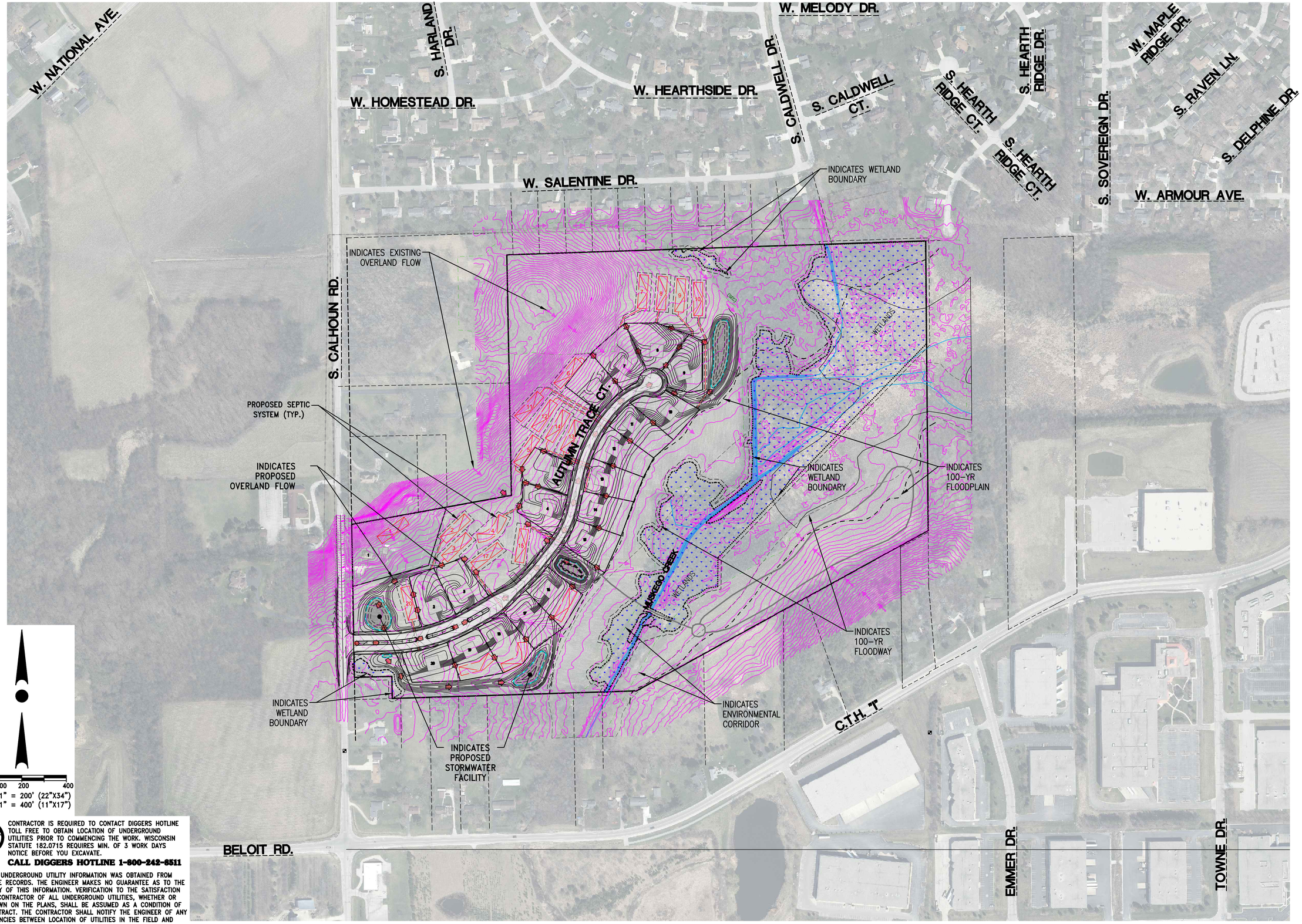
0 75 150 300

Scale: 1" = 150' (22"X34")

Scale: 1" = 300' (11"X17")

DATE: 02-24-2023

C0.0



0 100 200 400

SCALE: 1" = 200' (22"X34")
SCALE: 1" = 400' (11"X17")

CONTRACTOR IS REQUIRED TO CONTACT DIGGERS HOTLINE TOLL FREE TO OBTAIN LOCATION OF UNDERGROUND UTILITIES PRIOR TO COMMENCING THE WORK. WISCONSIN STATUTE 182.0715 REQUIRES MIN. OF 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE.

CALL DIGGERS HOTLINE 1-800-242-8511

NOTE:
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X:\2022\22-063-1124 AUTUMN TRACE (CALHOUN RD 21 LOT) NEW BERLIN\DRAWINGS\CONSTRUCTION PLANS\AUTUMN TRACE_SITE PLANS_22X34.DWG

WISCONSIN PROFESSIONAL ENGINEER
JOSHUA D. PUDELKO
E-39920
WAUWATOSA, WI

TRIO
DESIGN • LAND SURVEYING
CIVIL ENGINEERING
4100 N. CALHOUN RD., SUITE 300
BROOKFIELD, WI 53005
PHONE: (262) 790-1480
FAX: (262) 790-1481
EMAIL: jpudelko@trioeng.com

PROJECT:
AUTUMN TRACE SUBDIVISION

CITY OF NEW BERLIN, WI

BY: JANSSEN - BRUCKNER
PO BOX 277
EAGLE, WI 53119

REVISION HISTORY

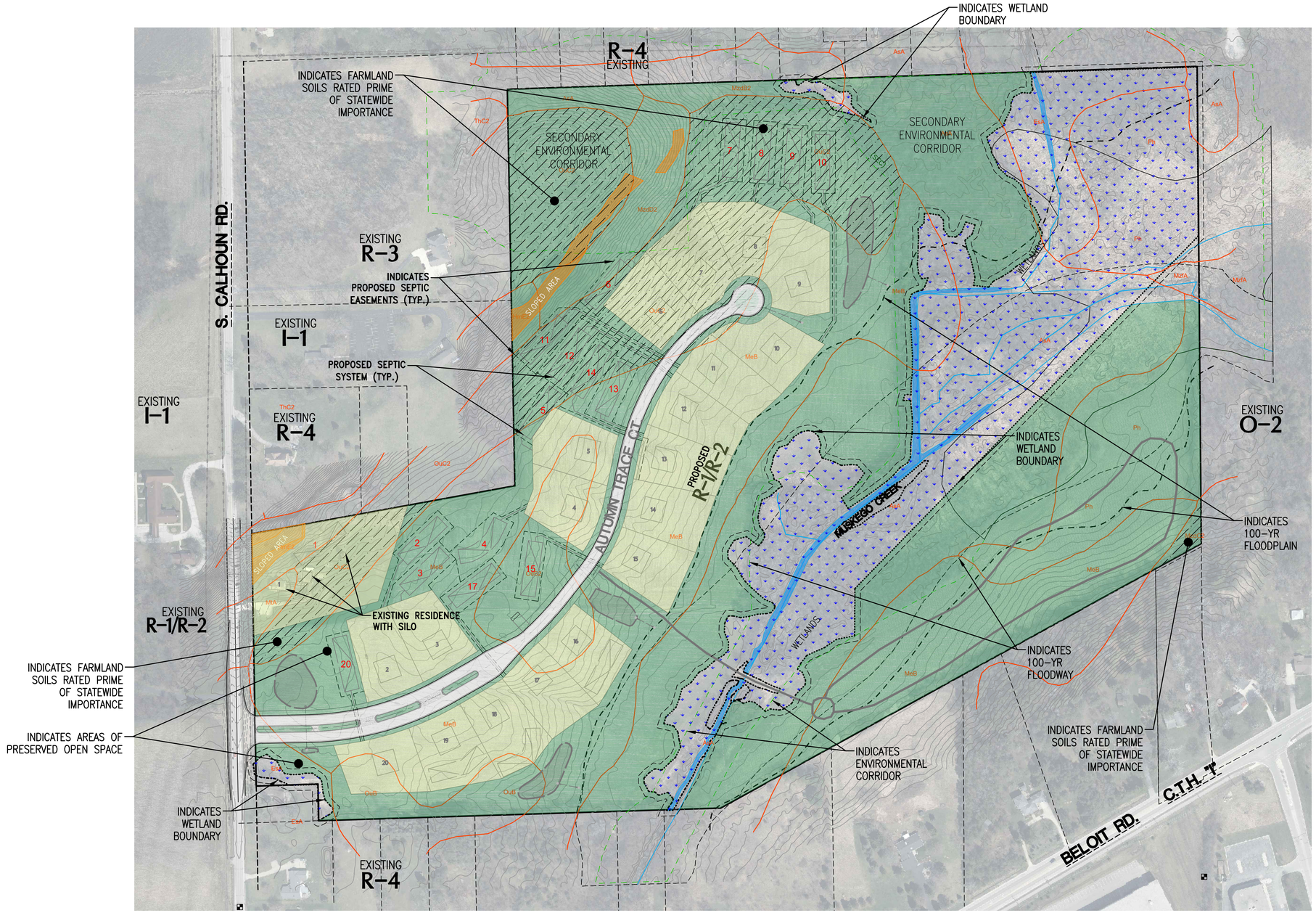
DATE	DESCRIPTION
02/24/23	PRELIM. SUBMITTAL
03/30/23	PER CITY COMMENTS

DATE:
MARCH 30, 2023

JOB NUMBER:
22-063-1124

DESCRIPTION:
OVERALL VICINITY MAP

SHEET
C0.1



0 75 150 300

SCALE: 1" = 150' (22"X34")
SCALE: 1" = 300' (11"X17")

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WAUWATOSA, WI

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CITY OF NEW BERLIN, WI
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REVISION HISTORY

DATE	DESCRIPTION
02/24/23	PRELIM. SUBMITTAL
03/30/23	PER CITY COMMENTS

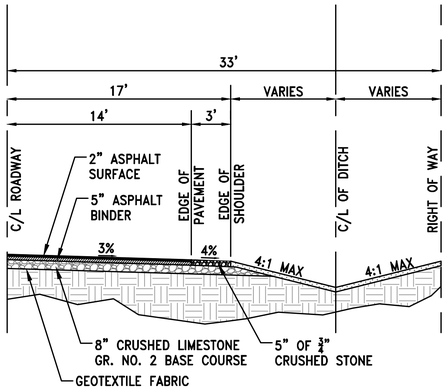
DATE:
MARCH 30, 2023

JOB NUMBER:
22-063-1124

DESCRIPTION:
NATURAL RESOURCE AND PRESERVATION MAP

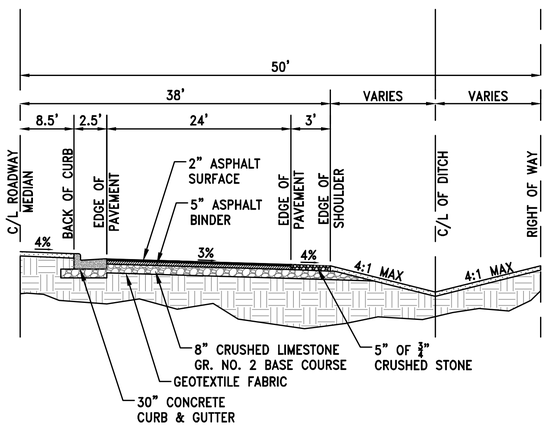
SHEET
C0.2

X:\2022\22-063-1124 AUTUMN TRACE (CALHOUN RD 21 LOT) NEW BERLIN\DRAWINGS\CONSTRUCTION PLANS\AUTUMN TRACE_SITE PLANS_22X34.DWG



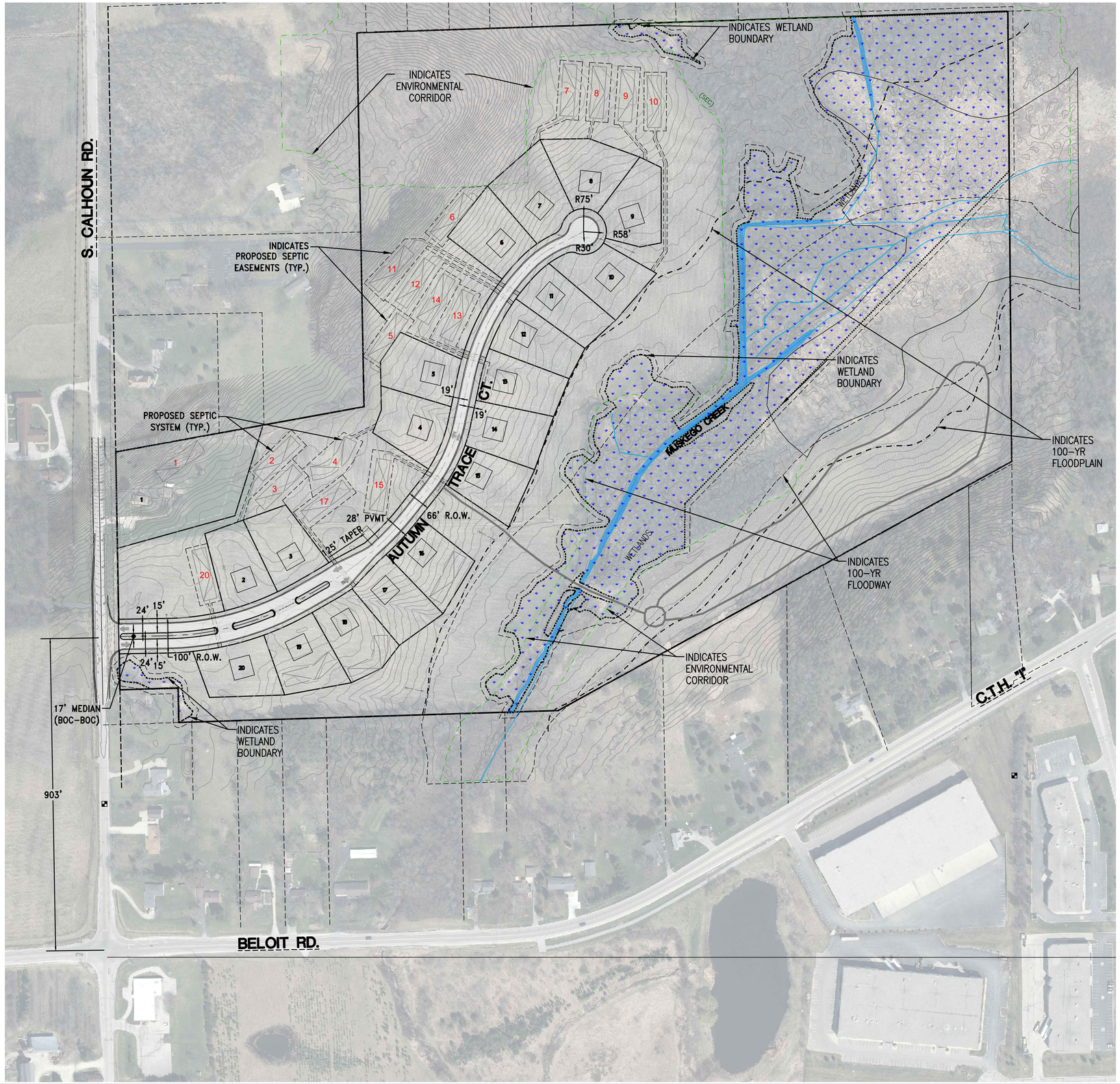
TYPICAL RURAL CROSS SECTION

NOT TO SCALE



TYPICAL RURAL CROSS SECTION WITH CENTER MEDIAN

NOT TO SCALE



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PROJECT:
AUTUMN TRACE SUBDIVISION
CITY OF NEW BERLIN, WI
BY: JANSSEN - BRUCKNER
PO BOX 277
EAGLE, WI 53119

REVISION HISTORY

DATE	DESCRIPTION
02/24/23	PRELIM. SUBMITTAL
03/30/23	PER CITY COMMENTS

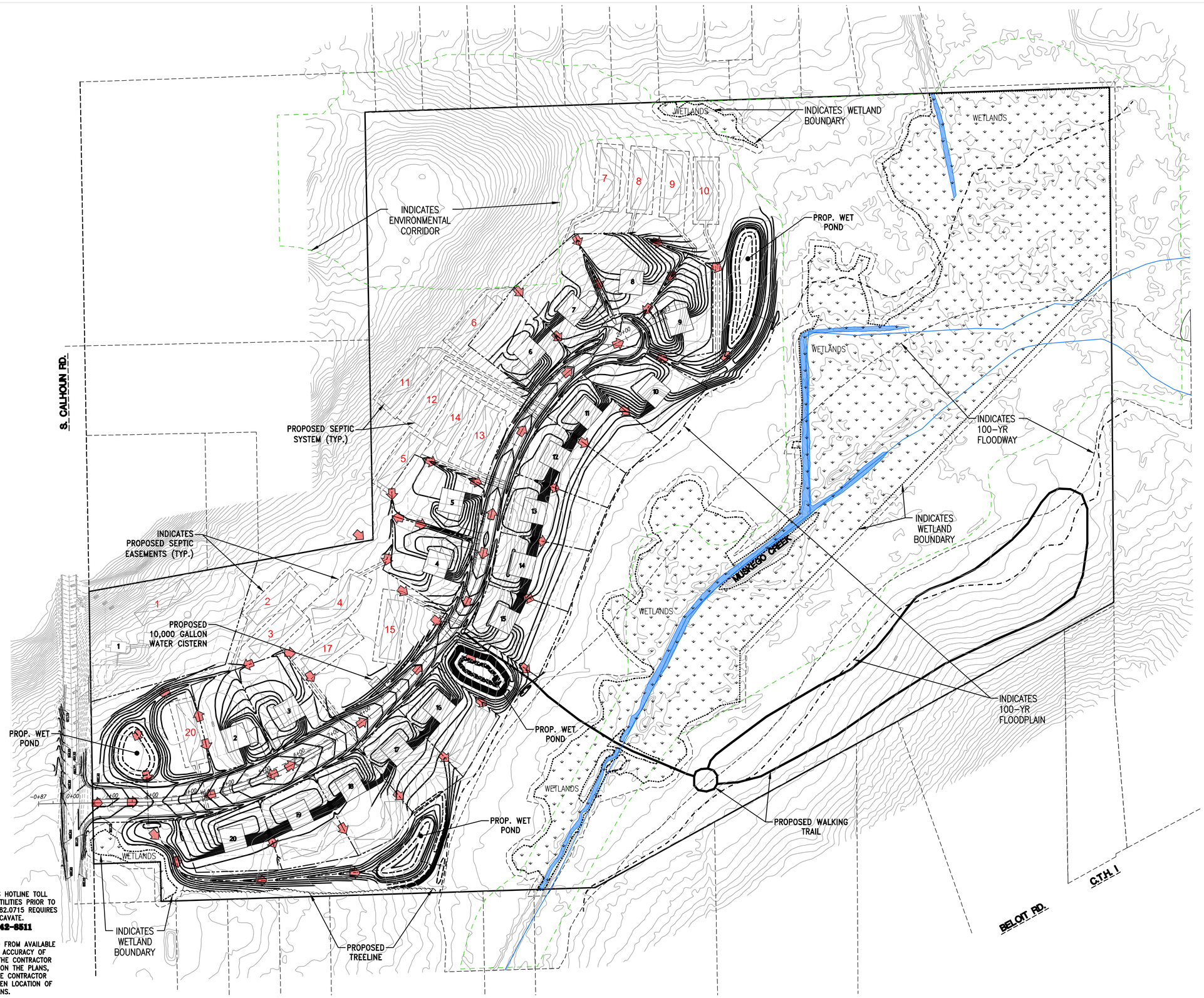
DATE:
MARCH 30, 2023

JOB NUMBER:
22-063-1124

DESCRIPTION:
TRANSPORTATION PLAN

SHEET
C0.3

X:\2022\22-063-1124 AUTUMN TRACE (CALHOUN RD 21 LOT) NEW BERLIN\DRAWINGS\CONSTRUCTION PLANS\AUTUMN TRACE_SITE PLANS_22X34.DWG



0 60 120 240
SCALE: 1" = 120' (22"X34")
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REVISION HISTORY

DATE	DESCRIPTION
02/24/23	PRELIM. SUBMITTAL
03/30/23	PER CITY COMMENTS

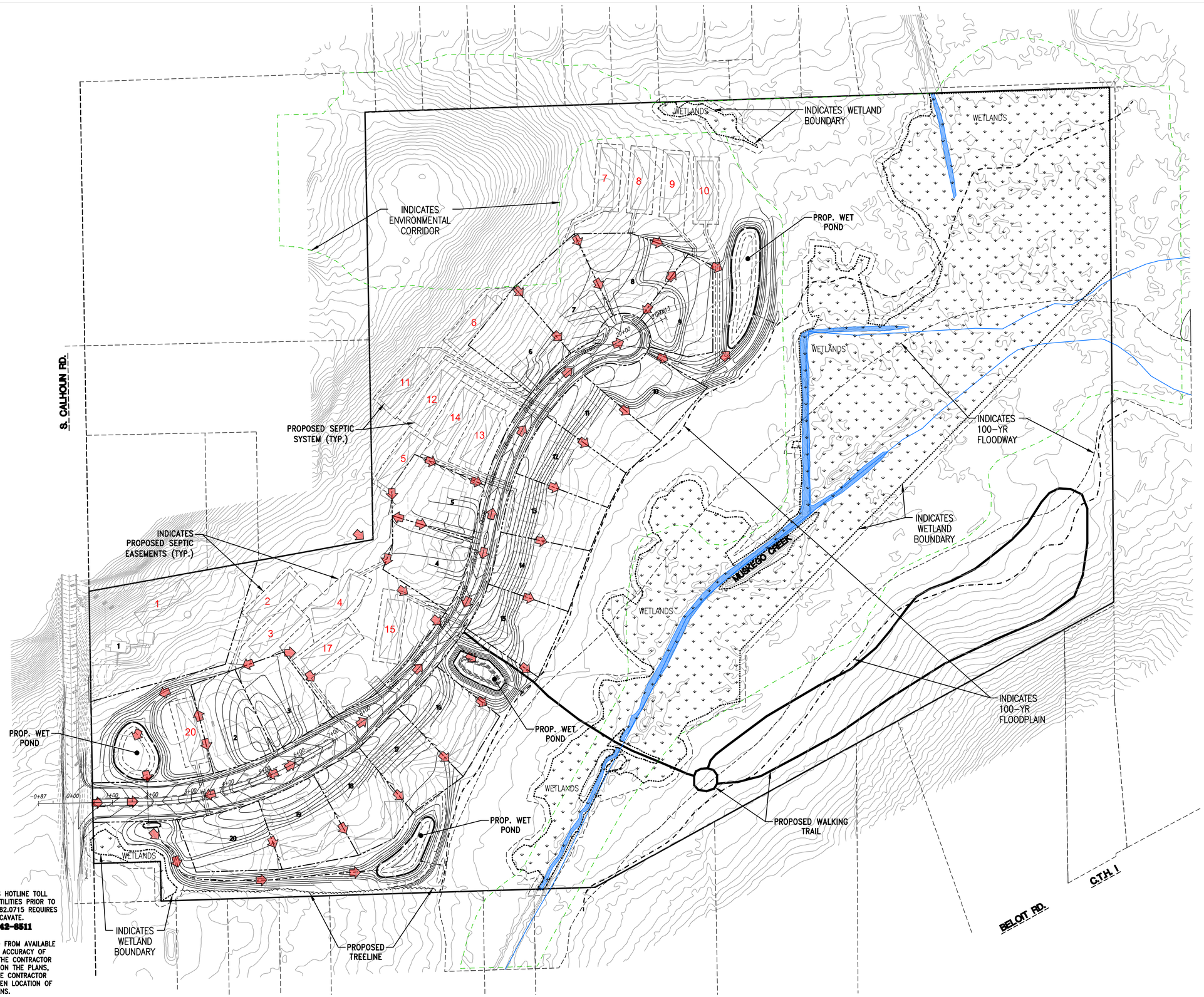
DATE:
MARCH 30, 2023

JOB NUMBER:
22-063-1124

DESCRIPTION:
OVERALL MASTER GRADING & DRAINAGE PLAN

SHEET
C1.0

X:\2022\22-063-1124 AUTUMN TRACE (CALHOUN RD 21 LOT) NEW BERLIN\DRAWINGS\CONSTRUCTION PLANS\AUTUMN TRACE_GRADING&EC_22X34.DWG



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PROJECT: AUTUMN TRACE SUBDIVISION

CITY OF NEW BERLIN, WI

BY: JANSSEN - BRUCKNER
PO BOX 277
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REVISION HISTORY

DATE	DESCRIPTION
02/24/23	PRELIM. SUBMITTAL
03/30/23	PER CITY COMMENTS

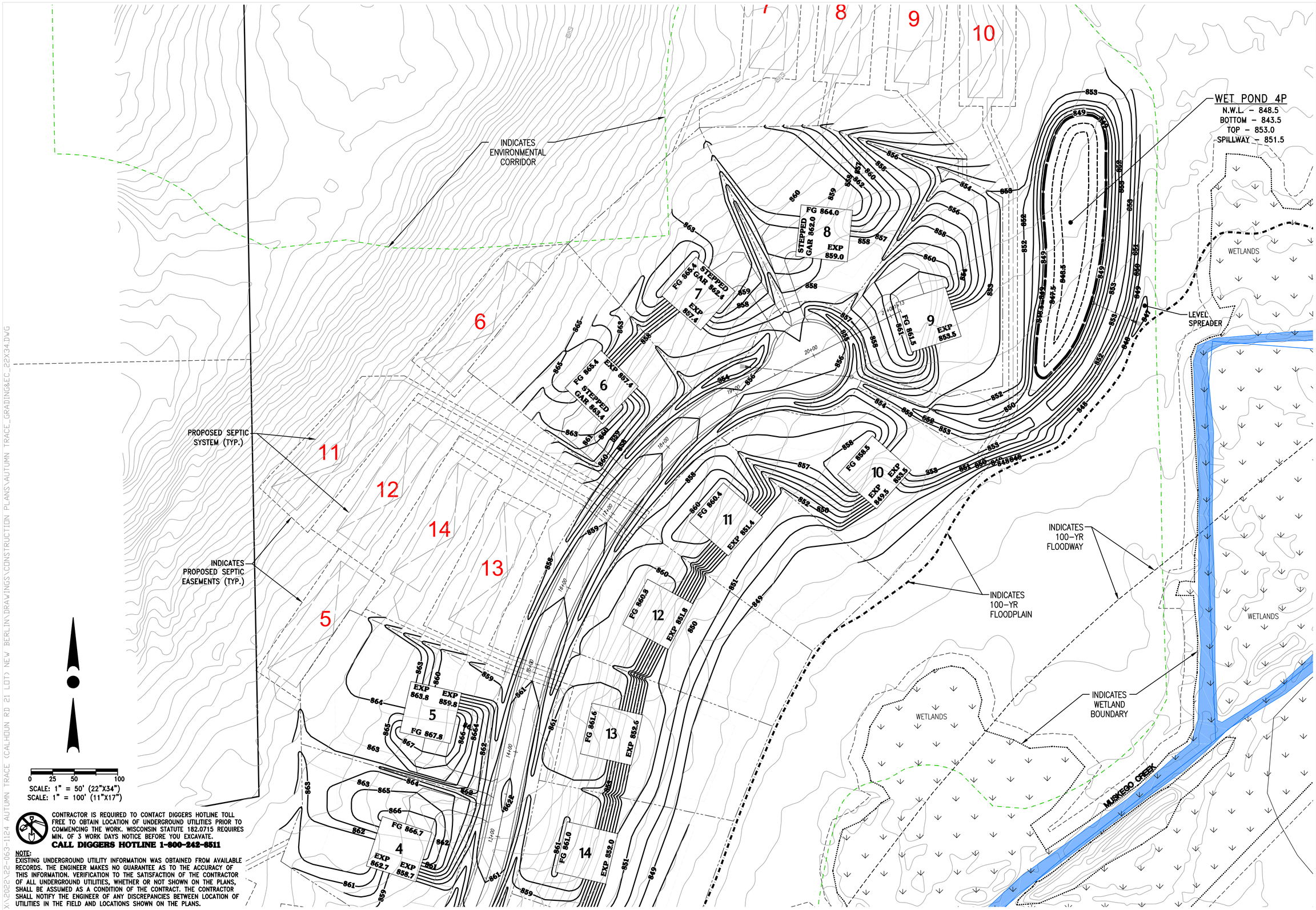
DATE:
MARCH 30, 2023

JOB NUMBER:
22-063-1124

DESCRIPTION:
OVERALL INTERIM GRADING & DRAINAGE PLAN

SHEET
C1.0A

X:\2022\22-063-1124 AUTUMN TRACE (CALHOUN RD 21 LOT) NEW BERLIN\DRAWINGS\CONSTRUCTION PLANS\AUTUMN TRACE_GRADING&EC_22X34.DWG



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PROJECT:
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CITY OF NEW BERLIN, WI
BY: JANSSEN - BRUCKNER
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REVISION HISTORY

DATE	DESCRIPTION
02/24/23	PRELIM. SUBMITTAL
03/30/23	PER CITY COMMENTS

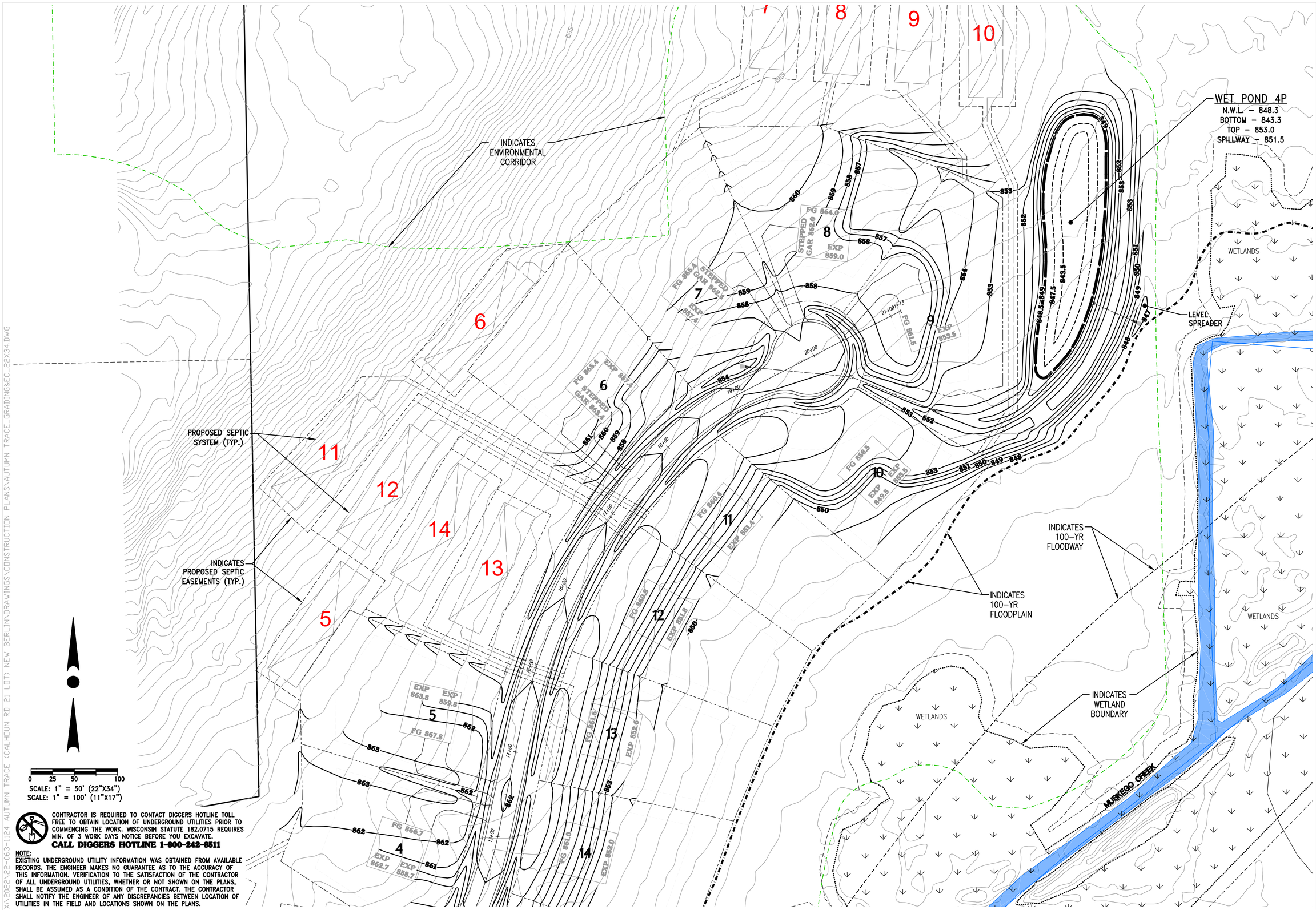
DATE:
MARCH 30, 2023

JOB NUMBER:
22-063-1124

DESCRIPTION:
MASTER GRADING & DRAINAGE PLAN - NORTH

SHEET
C1.1

X:\2022\22-063-1124 AUTUMN TRACE (CALHOUN RD 21 LOT) NEW BERLIN\DRAWINGS\CONSTRUCTION PLANS\AUTUMN TRACE_GRADING&EC_22X34.DWG



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CITY OF NEW BERLIN, WI
BY: JANSSEN - BRUCKNER
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REVISION HISTORY

DATE	DESCRIPTION
02/24/23	PRELIM. SUBMITTAL
03/30/23	PER CITY COMMENTS

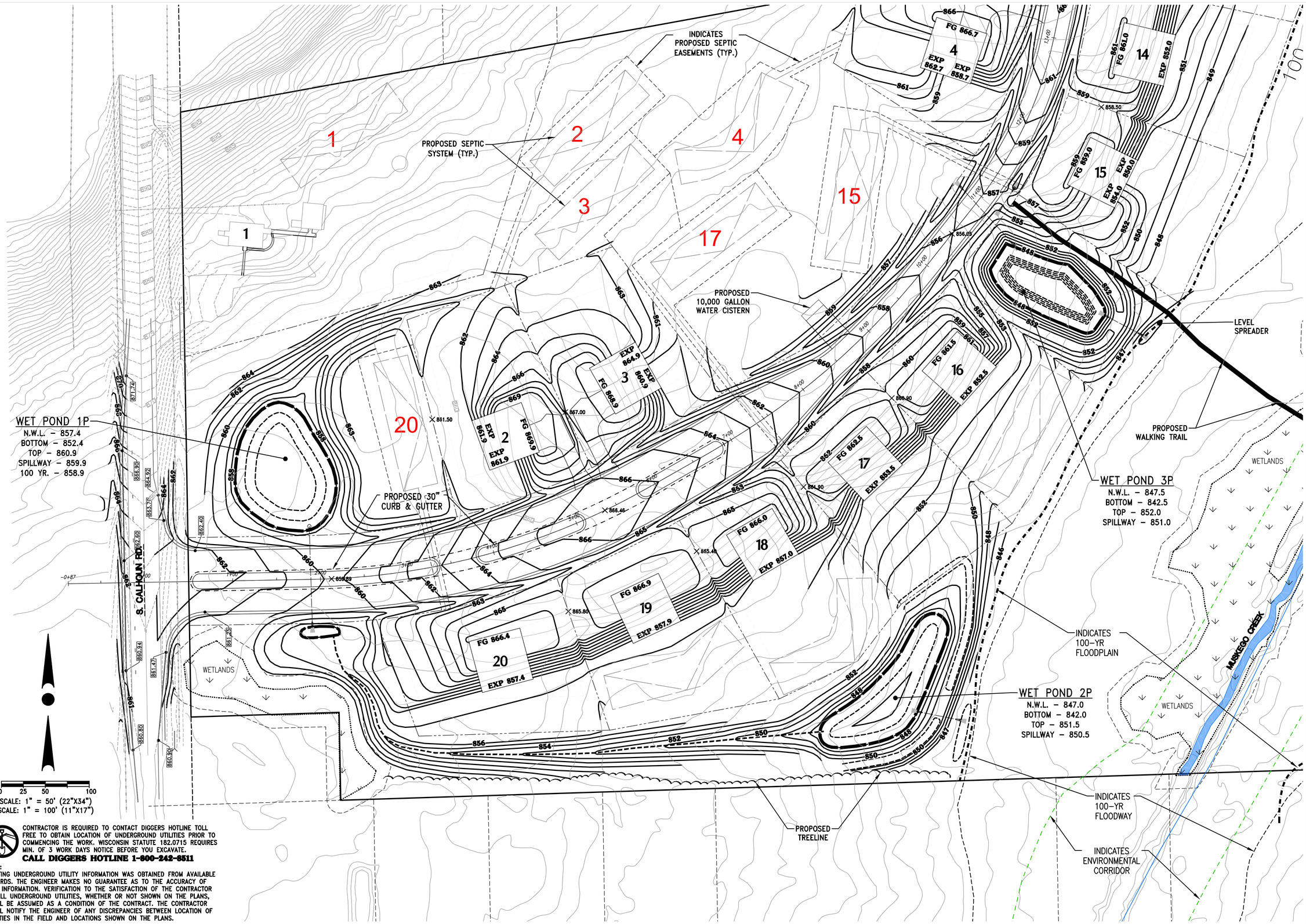
DATE:
MARCH 30, 2023

JOB NUMBER:
22-063-1124

DESCRIPTION:
INTERIM GRADING & DRAINAGE PLAN - NORTH

SHEET
C1.1A

X:\2022\22-063-1124 AUTUMN TRACE (CALHOUN RD 21 LOT) NEW BERLIN\DRAWINGS\CONSTRUCTION PLANS\AUTUMN TRACE_GRADING&EC_22X34.DWG



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CITY OF NEW BERLIN, WI
BY: JANSSEN - BRUCKNER
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REVISION HISTORY

DATE	DESCRIPTION
02/24/23	PRELIM. SUBMITTAL
03/30/23	PER CITY COMMENTS

DATE: MARCH 30, 2023

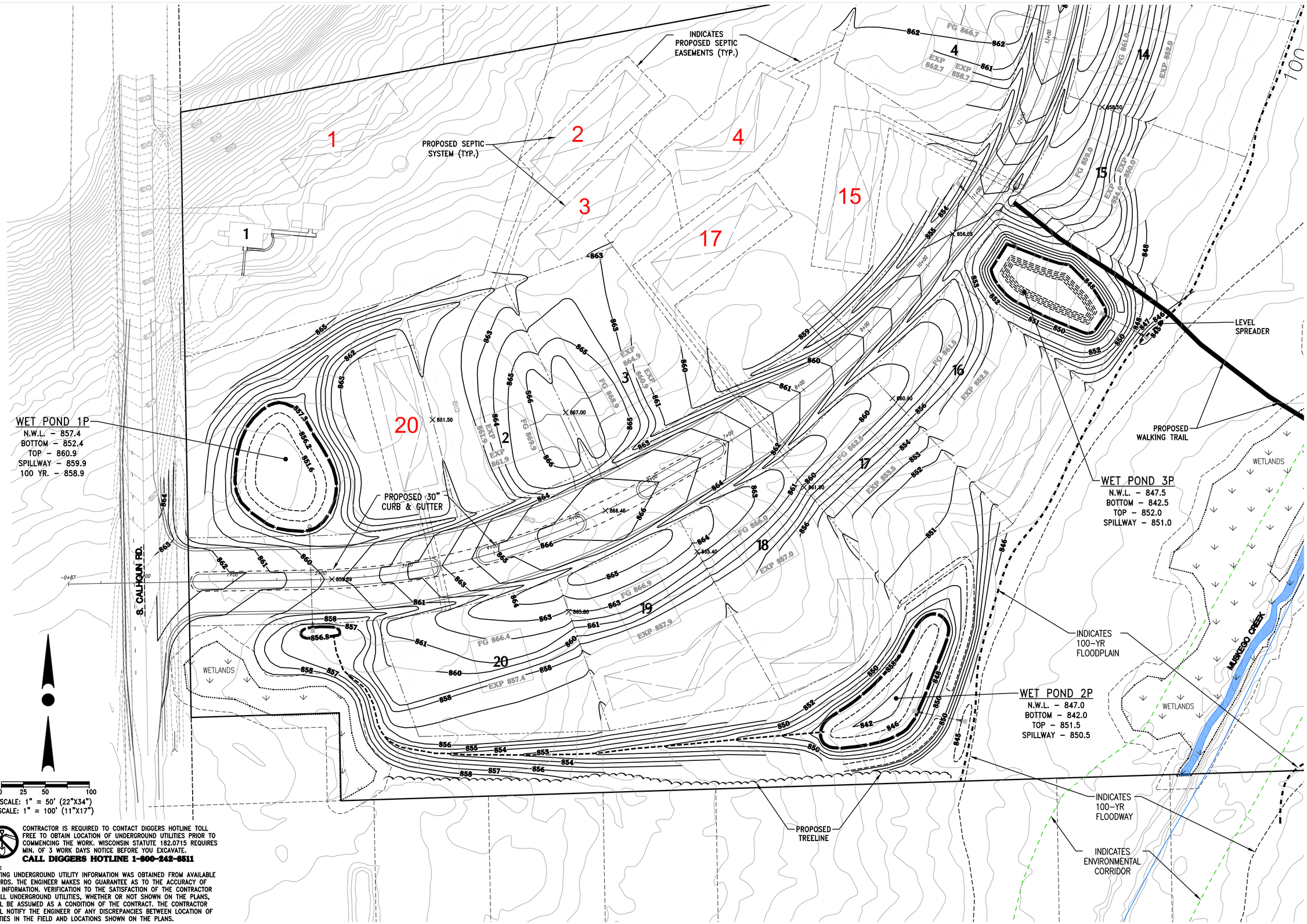
JOB NUMBER: 22-063-1124

DESCRIPTION: MASTER GRADING & DRAINAGE PLAN - SOUTH

SHEET

C1.2

X:\2022\22-063-1124 AUTUMN TRACE (CALHOUN RD 21 LOT) NEW BERLIN\DRAWINGS\CONSTRUCTION PLANS\AUTUMN TRACE_GRADING&EC_22X34.DWG



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PROJECT: AUTUMN TRACE SUBDIVISION

CITY OF NEW BERLIN, WI

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REVISION HISTORY

DATE	DESCRIPTION
02/24/23	PRELIM. SUBMITTAL
03/30/23	PER CITY COMMENTS

DATE: MARCH 30, 2023

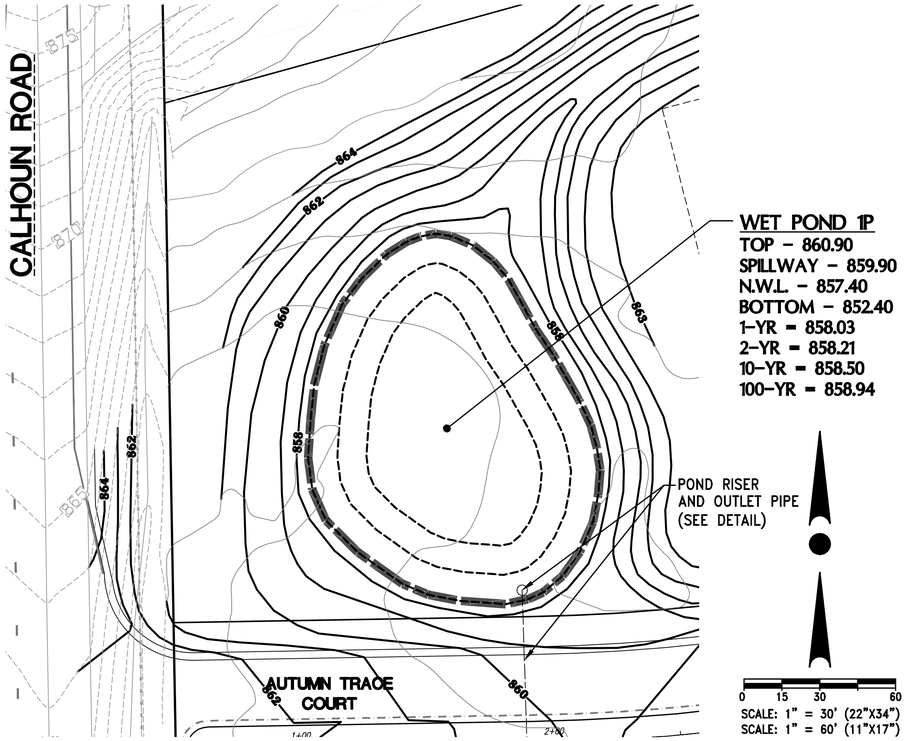
JOB NUMBER: 22-063-1124

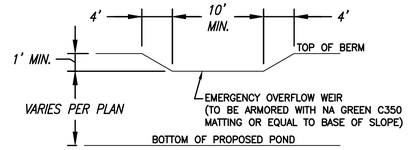
DESCRIPTION: INTERIM GRADING & DRAINAGE PLAN - SOUTH

SHEET

C1.2A

X:\2022\22-063-1124 AUTUMN TRACE (CALHOUN RD 21 LOT) NEW BERLIN\DRAWINGS\CONSTRUCTION PLANS\AUTUMN TRACE_GRADING&EC_22X34.DWG

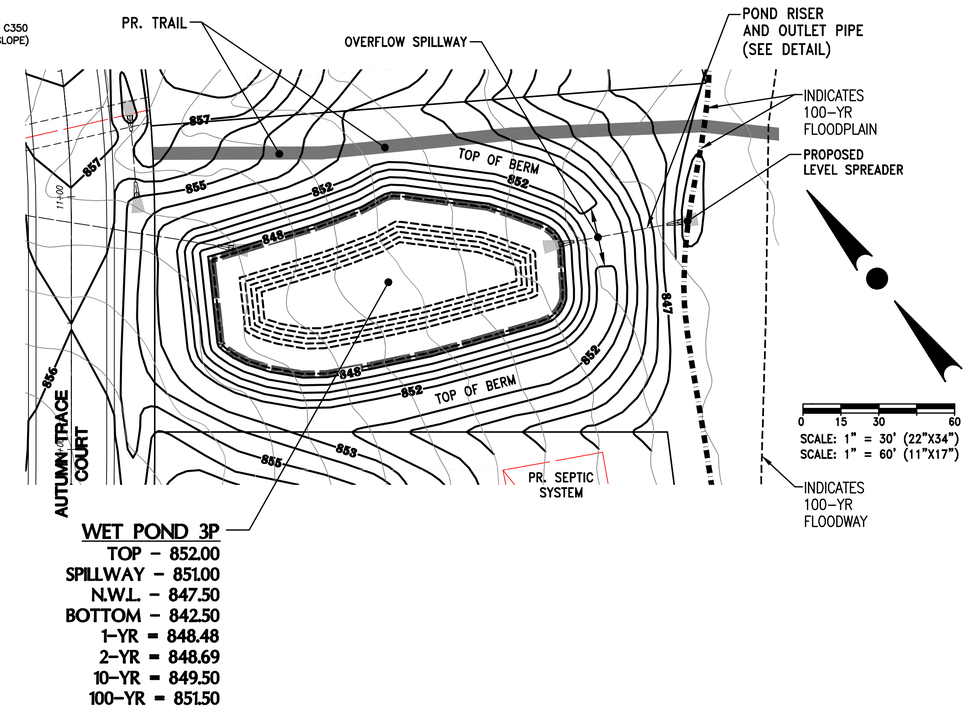


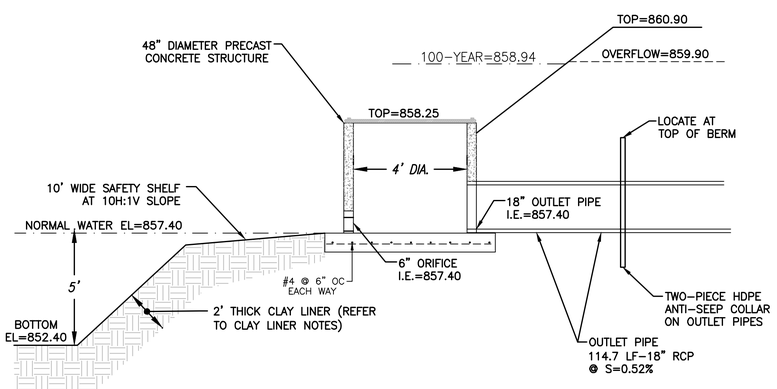


EMERGENCY OVERFLOW WEIR DETAIL

NOT TO SCALE

NOTE: GRADES FOR TOP OF BERM, OVERFLOW SPILLWAY, AND BOTTOM OF POND SHALL BE PER PLAN.

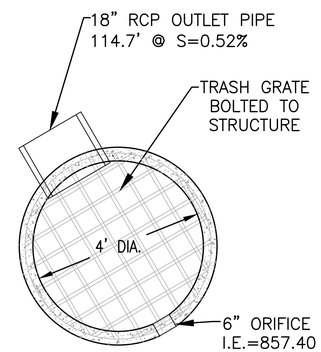




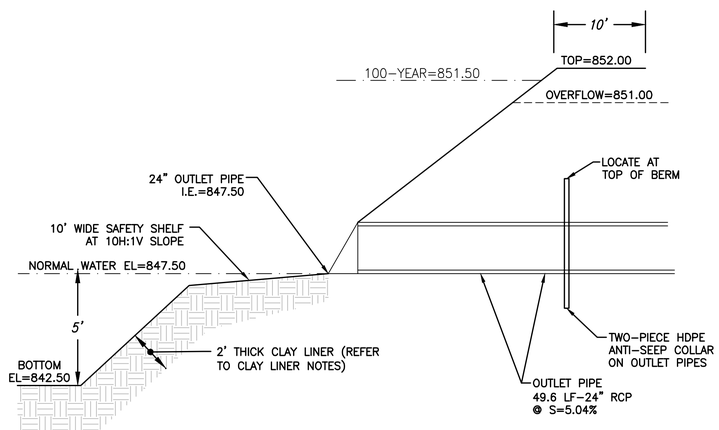
WET POND 1P & OUTFALL STRUCTURE 1P DETAIL

NOT TO SCALE

TWO-PIECE ANTI-SEEP COLLAR NOTES:
- ANTI-SEEP COLLARS SHALL BE 1/4" POLYETHYLENE SHEETS WITH COLLAR FOR PIPE; DIMENSIONS SHALL BE AS NOTED ON THE DETAIL.
- INSTALL ANTI-SEEP COLLARS PER MANUFACTURER SPECIFICATIONS.



OUTLET STRUCTURE 1P TOP VIEW



WET POND 3P & OUTFALL STRUCTURE DETAIL

NOT TO SCALE

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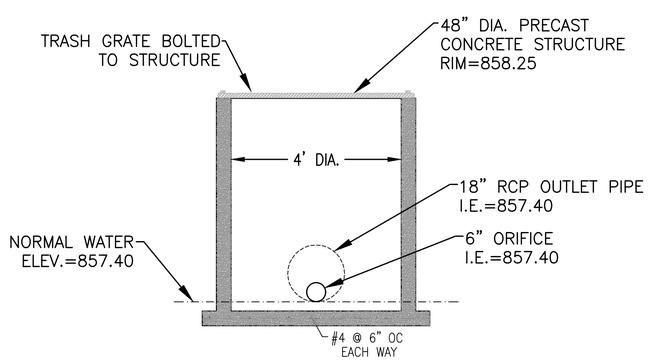

OUTLET STRUCTURE 1P FRONT VIEW

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CLAY LINER NOTE:
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- CLAY LINER SHALL EXTEND UP TO 2-YEAR WATER SURFACE ELEVATION. (EL. 926.74)

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E-39220
WAUWATOSA, WI

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FAX: (262) 790-1481
EMAIL: jpudelko@trioeng.com

PROJECT:
AUTUMN TRACE SUBDIVISION
CITY OF NEW BERLIN, WI
BY: JANSSEN - BRUCKNER
PO BOX 277
EAGLE, WI 53119

REVISION HISTORY

DATE	DESCRIPTION
02/24/23	PRELIM. SUBMITTAL
03/30/23	PER CITY COMMENTS

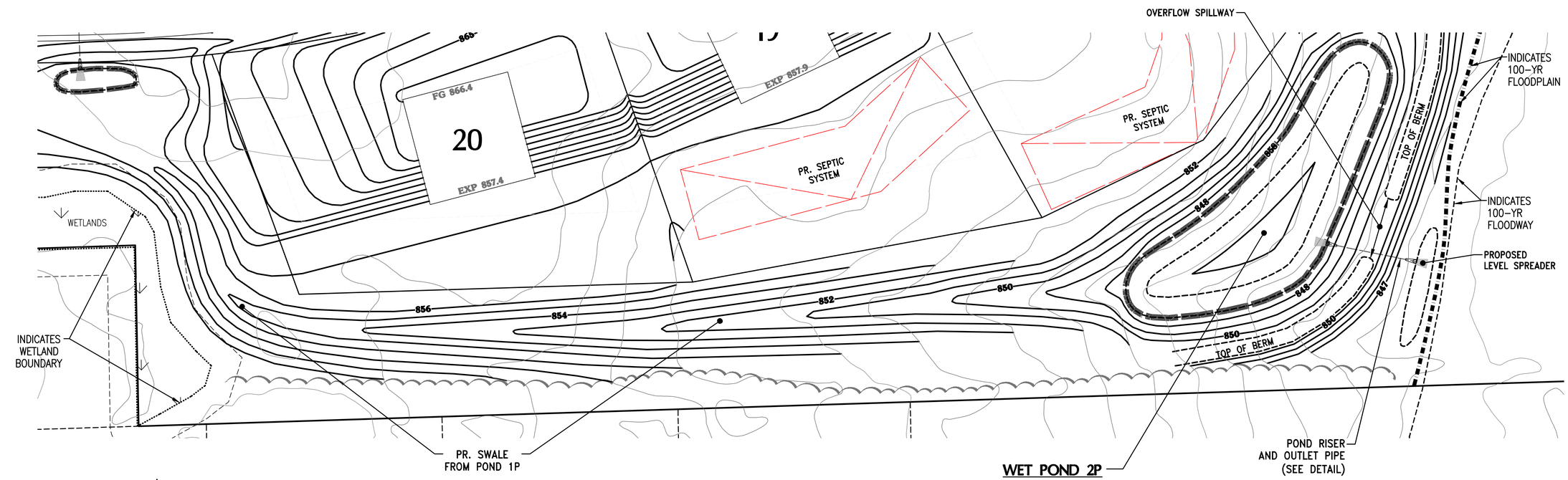
DATE:
MARCH 30, 2023

JOB NUMBER:
22-063-1124

DESCRIPTION:
POND DETAIL

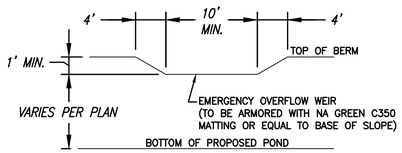
SHEET
C2.1

X:\2022\22-063-1124 AUTUMN TRACE (CALHOUN RD 21 LOT) NEW BERLIN\DRAWINGS\CONSTRUCTION PLANS\AUTUMN TRACE_POND_22X34.DWG



WET POND 2P

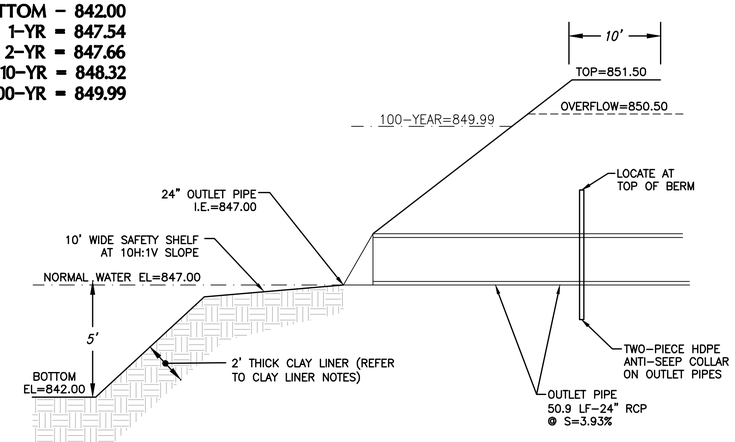
TOP – 851.50
SPILLWAY – 850.50
N.W.L. – 847.00
BOTTOM – 842.00
1-YR = 847.54
2-YR = 847.66
10-YR = 848.32
100-YR = 849.99



EMERGENCY OVERFLOW WEIR DETAIL

NOT TO SCALE

NOTE: GRADES FOR TOP OF BERM, OVERFLOW SPILLWAY, AND BOTTOM OF POND SHALL BE PER PLAN.



WET POND 2P & OUTFALL STRUCTURE DETAIL

NOT TO SCALE

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0 15 30 60

SCALE: 1" = 30' (22"X34")
SCALE: 1" = 60' (11"X17")

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DESCRIPTION:
POND DETAIL

SHEET
C2.2

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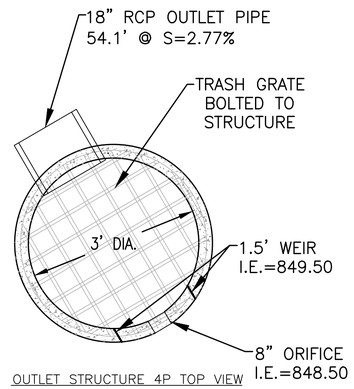
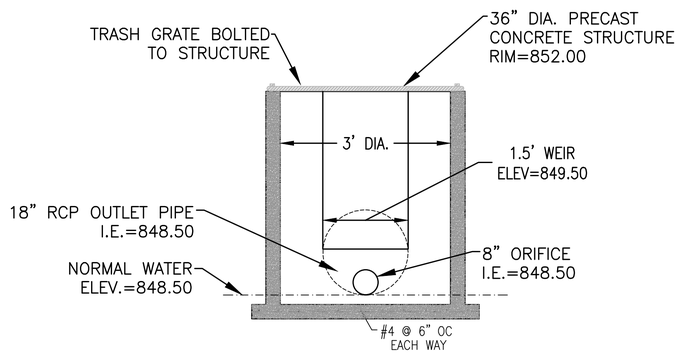
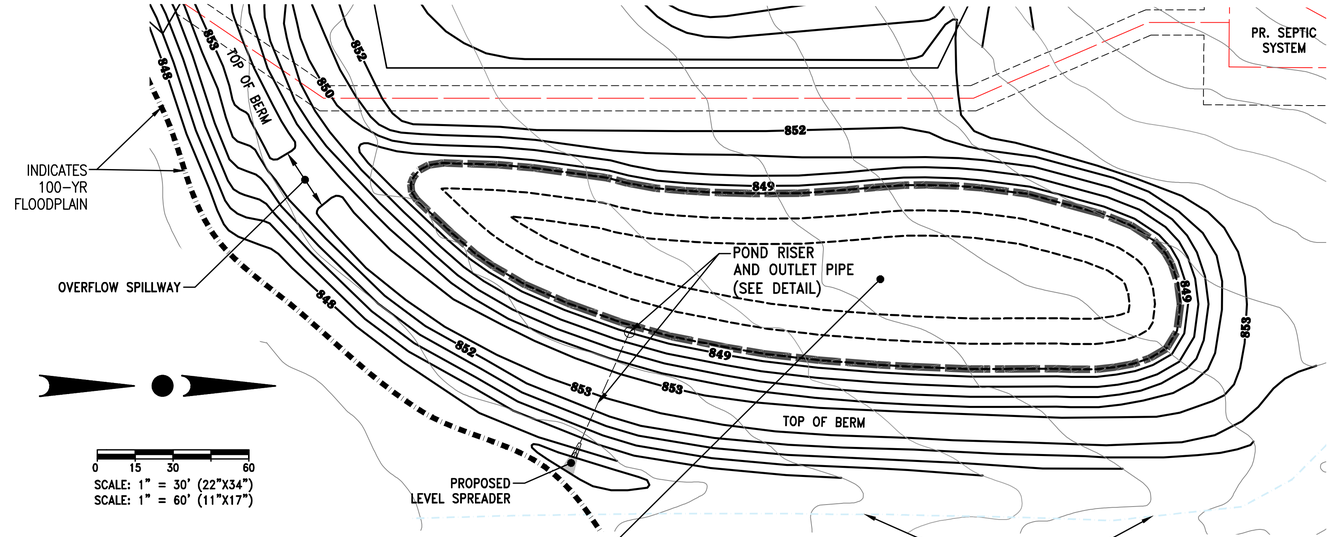


OUTLET STRUCTURE 4P TOP VIEW



OUTLET STRUCTURE 4P FRONT VIEW



WET POND 4P

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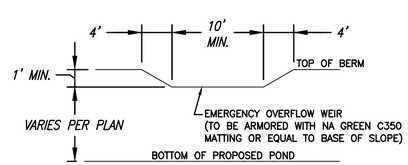
N.W.L. – 848.50
BOTTOM – 843.50
1-YR = 849.37
2-YR = 849.62
10-YR = 850.40
100-YR = 852.02



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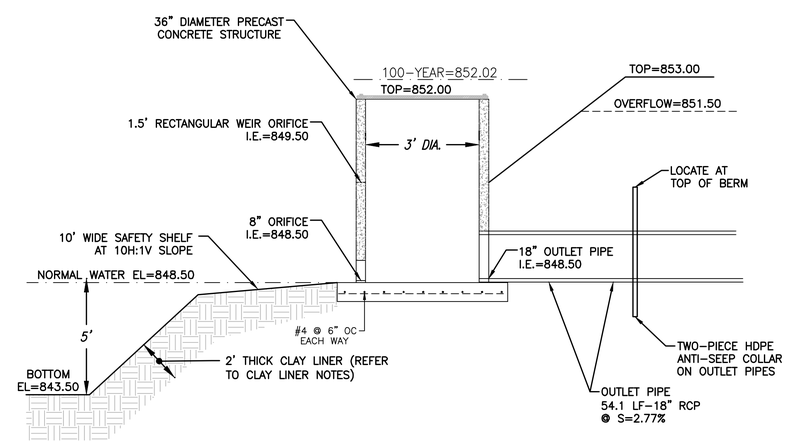

WET POND 4P & OUTFALL STRUCTURE 1P DETAIL

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PROJECT:
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CITY OF NEW BERLIN, WI
BY: JANSSEN - BRUCKNER
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EAGLE, WI 53119

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DATE	DESCRIPTION
02/24/23	PRELIM. SUBMITTAL
03/30/23	PER CITY COMMENTS

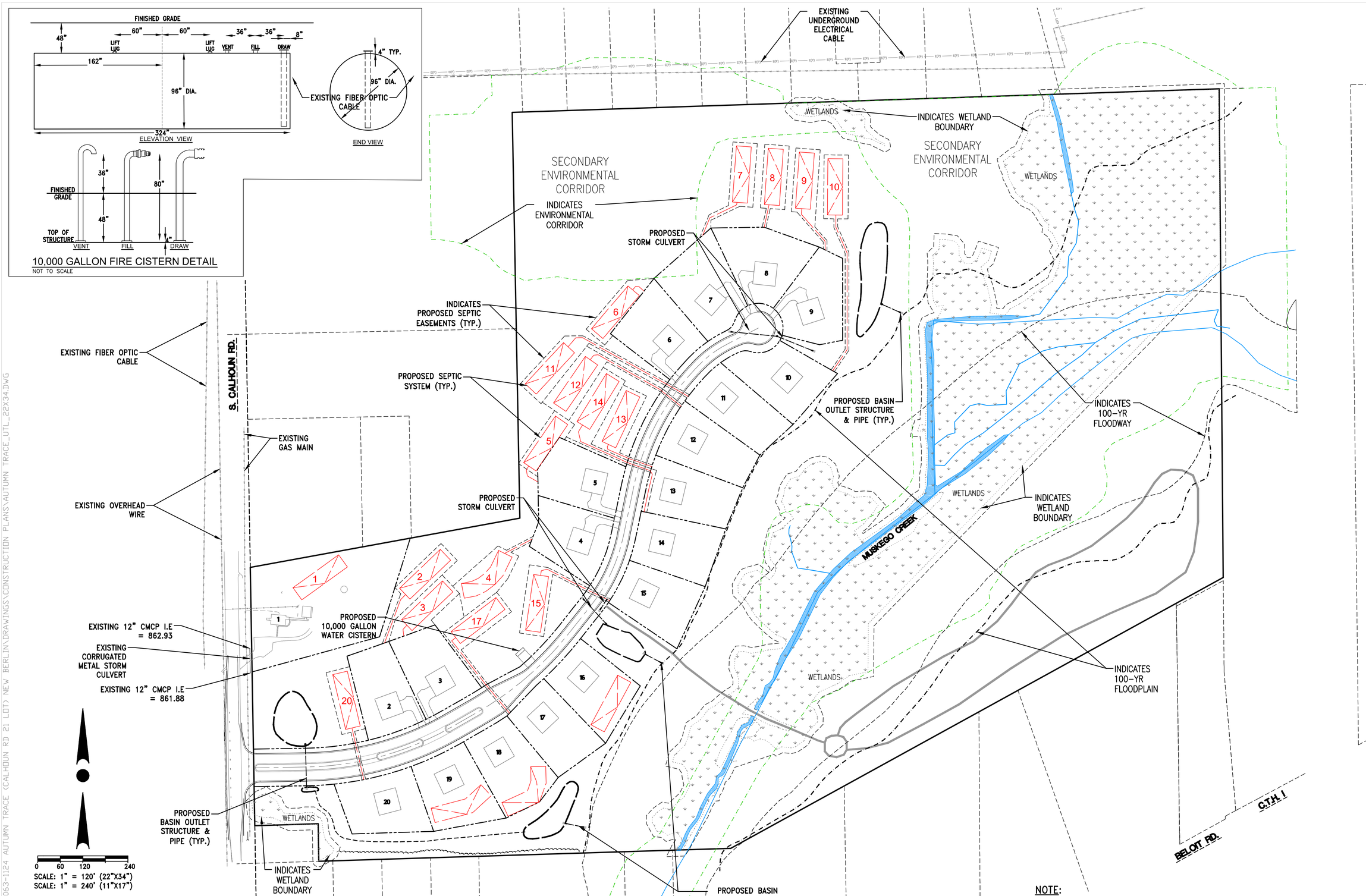
DATE:
MARCH 30, 2023

JOB NUMBER:
22-063-1124

DESCRIPTION:
POND DETAIL

SHEET
C2.3

X:\2022\22-063-1124 AUTUMN TRACE (CALHOUN RD 21 LOT) NEW BERLIN\DRAWINGS\CONSTRUCTION PLANS\AUTUMN TRACE_POND_22X34.DWG



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NOTE:
- ALL ACCESS FOR SEPTIC REPAIR AND MAINTENANCE SHALL BE DONE THROUGH OUTLOTS AND LATERAL EASEMENTS.
- SEPTIC LATERALS SHALL BE INSULATED AND MARKED WITH STEEL PIPE IN R.O.W.

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PROJECT: AUTUMN TRACE SUBDIVISION

CITY OF NEW BERLIN, WI

BY: JANSSEN - BRUCKNER
PO BOX 277
EAGLE, WI 53119

REVISION HISTORY

DATE	DESCRIPTION
02/24/23	PRELIM. SUBMITTAL
03/30/23	PER CITY COMMENTS

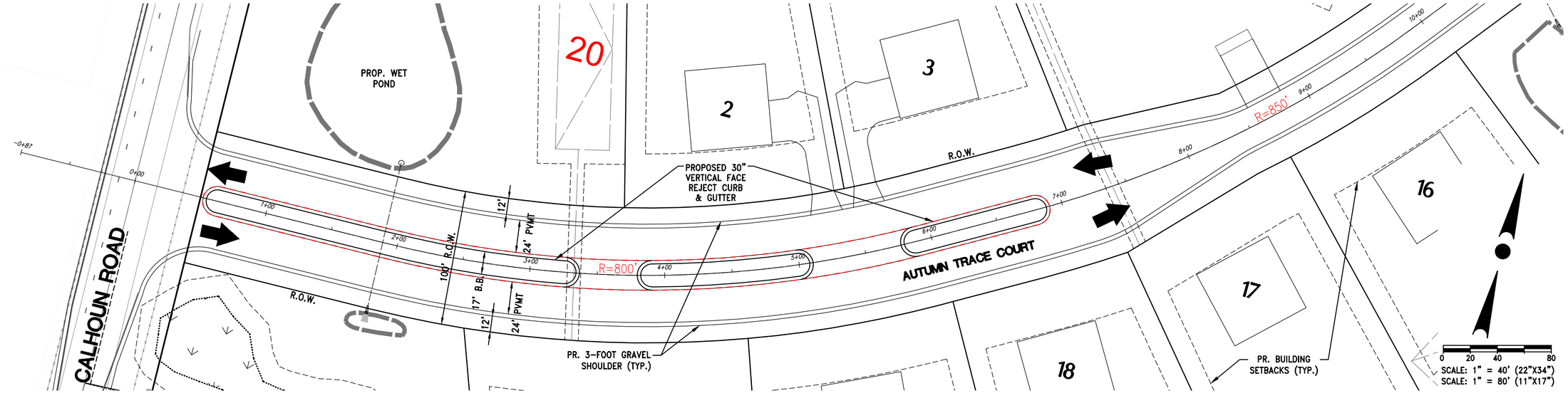
DATE: MARCH 30, 2023

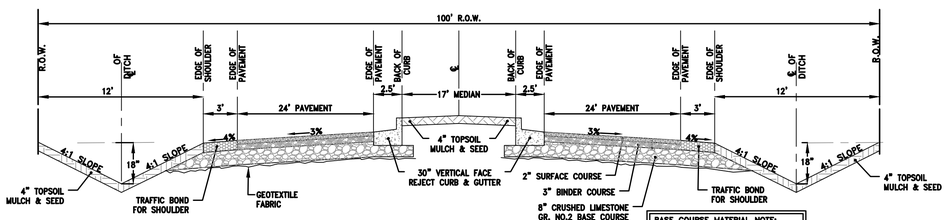
JOB NUMBER: 22-063-1124

DESCRIPTION: OVERALL SITE UTILITY PLAN

SHEET C3.0

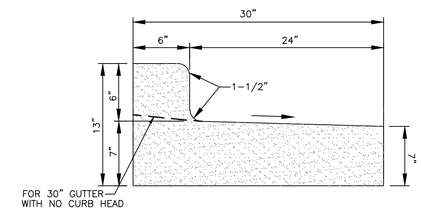
X:\2022\22-063-1124 AUTUMN TRACE (CALHOUN RD 21 LOT) NEW BERLIN\DRAWINGS\CONSTRUCTION PLANS\AUTUMN TRACE_UTL_22X34.DWG





BASE COURSE MATERIAL NOTE:
BASE COURSE MAY BE SUBSTITUTED WITH RECYCLED CONCRETE/ASPHALT WITH CITY ENGINEER APPROVAL.

AUTUMN TRACE COURT MEDIAN CROSS SECTION
NO SCALE



30" VERT. FACE REJECT CURB & GUTTER
NO SCALE

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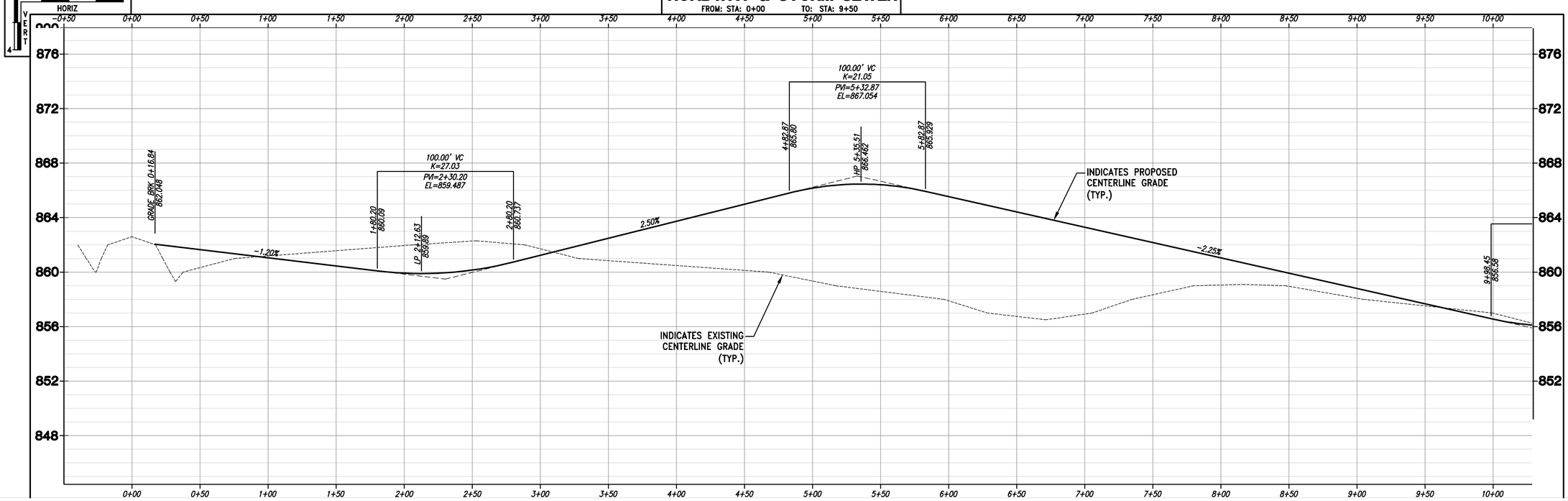
ROADWAY & STORM SEWER

FROM: STA: 0+00 TO: STA: 9+50



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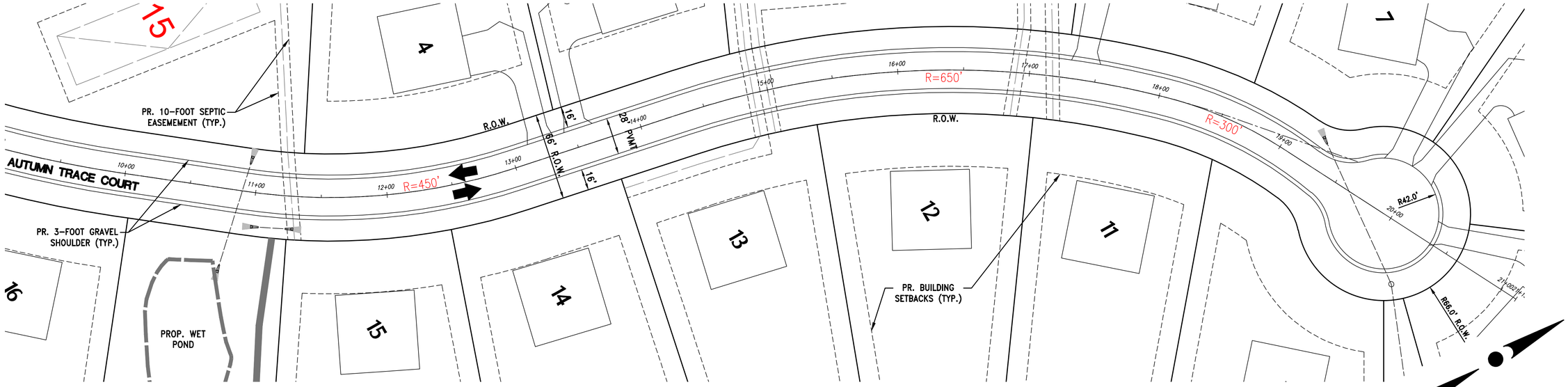
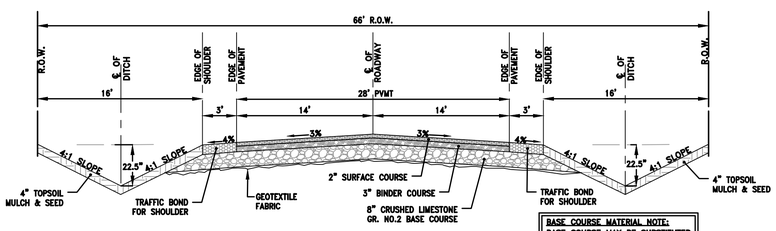
DESCRIPTION:
ROADWAY PLAN

SHEET
C4.1

X:\2022\22-063-1124 AUTUMN TRACE (CALHOUN RD 21 LOT) NEW BERLIN\DRAWINGS\CONSTRUCTION PLANS\AUTUMN TRACE_RD_22X34.DWG





AUTUMN TRACE COURT CROSS SECTION

NO SCALE

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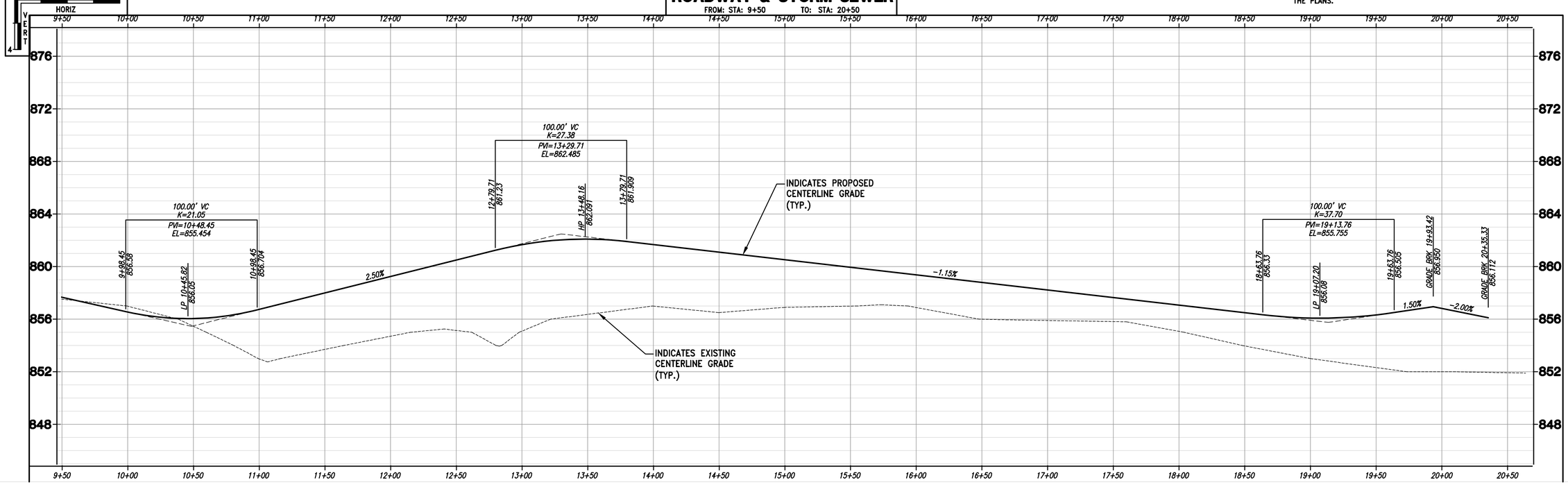
ROADWAY & STORM SEWER

FROM: STA: 9+50 TO: STA: 20+50



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SHEET
C4.2

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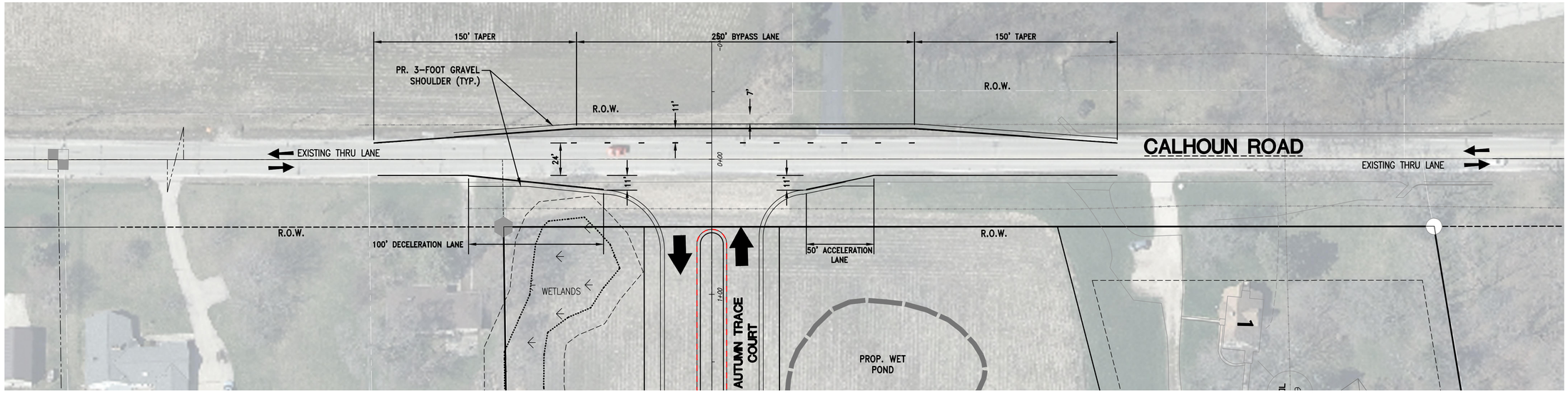

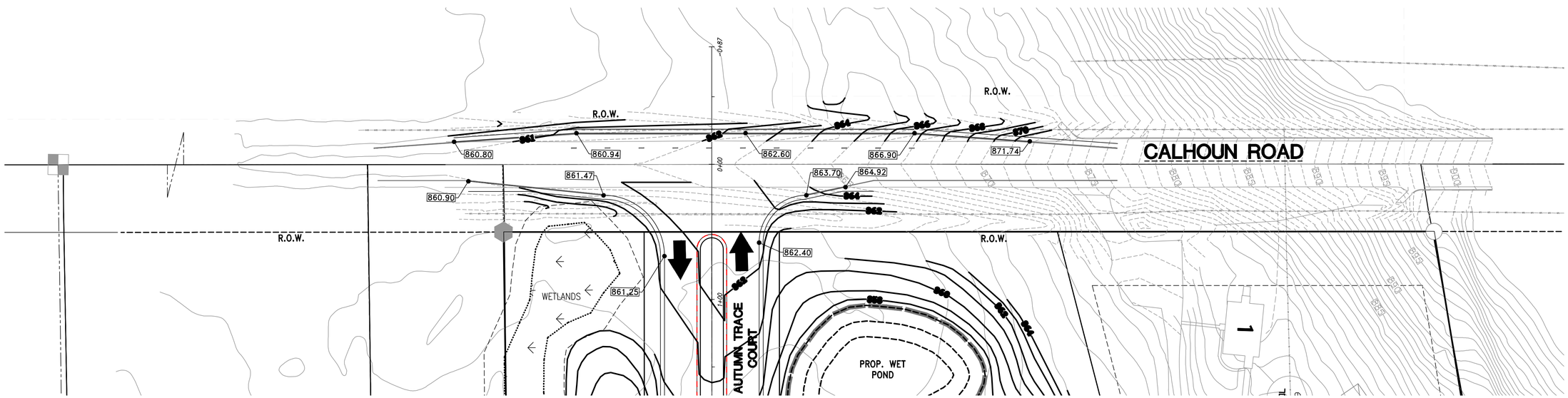

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WISCONSIN JOSHUA D. PUDELKO E-39920 WAUWATOSA, WI PROFESSIONAL ENGINEER

TRIO DESIGN • LAND SURVEYING CIVIL ENGINEERING
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BROOKFIELD, WI 53005
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PROJECT:
AUTUMN TRACE SUBDIVISION
CITY OF NEW BERLIN, WI
BY: JANSSEN - BRUCKNER
PO BOX 277
EAGLE, WI 53119

REVISION HISTORY

DATE	DESCRIPTION
02/24/23	PRELIM. SUBMITTAL
03/30/23	PER CITY COMMENTS

DATE:
MARCH 30, 2023

JOB NUMBER:
22-063-1124

DESCRIPTION:
ROADWAY PLAN - CALHOUN INTERSECTION

SHEET
C4.3

X:\2022\22-063-1124 AUTUMN TRACE (CALHOUN RD 21 LOT) NEW BERLIN\DRAWINGS\CONSTRUCTION PLANS\AUTUMN TRACE_RD_22X34.DWG

Heartland
ECOLOGICAL GROUP INC
506 Springdale Street, Mount Horeb, WI 53572

January 17, 2023

Ryan Janssen
Ryan's Buying LLC
P.O. Box 486
Mukwonago, WI 53149
ryan@ryansbuying.com
(414) 736-3066

RE: Conservation Enhancements Draft Concept Scope of Work, Calhoun Road Property, New Berlin, WI

Dear Ryan:

Heartland has prepared this Conservation Enhancements Draft Concept Scope of Work for the proposed Calhoun Road Property residential development in the City of New Berlin (the "Project"). The Project site is located on 88.50 acres northeast of the intersection of Calhoun Road and Beloit Road.

The plan was developed to provide you with a concept to enhance existing natural areas in alignment with development of the Project site as a conservation subdivision. Heartland understands enhancements are also desired to enhance overall aesthetics and viewsheds of vegetation growing near the proposed residential development. Current land use at the Project site is active agricultural fields and natural areas of generally low quality, including secondary environmental corridor, upland shrubby thickets, and wooded and open wetlands associated with lowlands along Muskego Creek.

Heartland understands that residential lots are proposed in the main existing agricultural area off Calhoun Road, as depicted on "Proposed Sketch Plan 1" prepared by Trio Engineering (dated 8/23/2022). Approximately the eastern half of the Project site will not be developed.

PROJECT SITE CONDITIONS

Heartland conducted site visits in late fall and early winter 2022 to review options for enhancements in the eastern half of the Project site. While these reviews do not constitute a thorough natural area inventory, data gathered were used to inform potential enhancement opportunities. As with any ecological restoration, Heartland recommends that proposed enhancement activities be adjusted based on new knowledge of site conditions as well as ecological response of the site throughout the process.

The site reviews revealed that the natural areas in the eastern half of the Project site are heavily degraded. A combination of agricultural land use, hydrologic alteration, and prevalence of invasive species has contributed to loss of native vegetation and creation of sharp gradients between active farm fields and natural area borders. In addition, the site has experienced significant tree mortality in the wooded wetlands along ditched Muskego Creek due to Emerald ash borer and Dutch elm disease.

In general, enhancement activities are not recommended along the extensive wetland complex along the open portion of ditched Muskego Creek. Long-term control of invasive vegetation in these areas would be challenging due to hydrologic alteration, recent abrupt loss of tree canopy, and predominance of invasive species in nearby areas. Therefore, for the purposes of developing this concept, Heartland focused on the degraded natural areas immediately bordering the proposed residential development as well as the southeast portion of the Project site where a mowed walking path is proposed as part of the conservation development.

Existing Site Conditions

Heartland identified potential enhancement units based on existing conditions. A total of 4 units were mapped; each is summarized below. Evaluation of these 4 units formed the basis for the draft concept scope of work tasks and associated opinion of probable cost.

Unit 1

Unit 1 is 4.73 acres and consists of unassociated woody growth dominated overall by invasive common buckthorn and exotic bush honeysuckles, cultivated apple trees, and generally weedy native trees. The herbaceous ground layer is generally lacking due to dense shading and is weedy in nature. The northern boundary of Unit 1 was placed 50 feet south of the property boundary to maintain a wooded screen to existing residential lots to the north.

Unit 1 transitions to the east to degraded wetland complex associated with Muskego Creek. Froedtert Moorland Reserve Health Center is located about 2,200 feet to the east of the eastern extent of Unit 1. The upper floors of the main building were visible through gaps in trees/shrubs in the wetland east of Unit 1 during the early winter site visit. Existing shrubs and trees in wooded-wet meadow-shallow marsh wetland complex to the east of Unit 1 would be expected to provide some screening function from the health center, especially during the growing season (leaf-on). However, Heartland understands an important consideration will be to preserve native shrubs (e.g., select hawthorns, dogwoods, etc.) and trees (e.g., black cherry, black walnut, slippery elm, etc.) in Unit 1 to provide screening. Unit 1 was further broken down into sub-units for overall planning:

<u>Unit 1A</u>
Unit 1A is a 1.63-acre shrub thicket with widely scattered small to medium trees, including dead ash. Exotic bush honeysuckle is very dense throughout the unit.

<u>Unit 1B</u>
Unit 1B is a 3.10-acre shrub thicket with scattered small to medium trees, with greater coverage of tall shrub and tree canopy than Unit 1A. Common buckthorn is very dense, especially in the western portion, and large in stature. A wooded wetland is present in the southern portion. Unit 1B abruptly transitions to agricultural field to the west and planted white cedar screen (Unit 2) to the south.

Unit 2

Unit 2 is 1.25 acres and consists of a mature planting of white cedar trees (*Thuja occidentalis*) situated between a north-south ditch and agricultural field. Common buckthorn is dense immediately along the field edge and scattered elsewhere within the unit. Dead ash is scattered throughout. Herbaceous ground layer is generally lacking due to dense shading

from white cedar. Heartland recommends that the visual screening and natural interest of the white cedar should be preserved as part of the proposed enhancements.

Unit 3

Unit 3 is 5.75 acres and consists of degraded wooded wetlands associated with ditched Muskego Creek. Dead standing green ash trees are abundant with other scattered native trees (willow, cottonwood) along with native and invasive shrubs. Dead ash is present up to the field edge and ash are actively breaking apart and falling into the field edge. Herbaceous ground layer is generally weedy/invasive in nature, with reed canary grass (*Phalaris arundinacea*) abundant in open areas. Unit 3 transitions to a large degraded wooded-wet meadow-shallow marsh wetland complex to the northeast. Unit 3 was further broken down into sub-units for overall planning:

<u>Unit 3A</u>
Unit 3A is a 1.81-acre primarily wooded wetland north of a farm culvert crossing and west of Muskego Creek. Dead ash is abundant but mostly still standing. Invasive common buckthorn is abundant along the edges. A seepage (artesian) wetland (degraded sedge meadow) is present in the northeast portion and is an important feature for ecological enhancement.

<u>Unit 3B</u>
Unit 3B is a 2.10-acre wooded wetland along the edge of an existing farm field. Standing dead ash are abundant and beginning to fall into the adjacent field edge. This area is also likely routinely inundated or flooded due to backwatering upstream of the farm culvert crossing. As a mowed walking path is proposed in the farm field to the southeast (Unit 4), the primary purpose of including this unit was to manage hazard trees that would likely eventually fall into Unit 4.

<u>Unit 3C</u>
Unit 3C is a 1.30-acre wooded wetland along ditched Muskego Creek and situated between two farm fields. The area contains a mix of native and non-native (invasive) trees and shrubs. Large stature invasive common buckthorn is prevalent on ditch spoils. Scattered native shrubs and trees would be expected to provide screening for residential lots to the south, especially in the growing season. Herbaceous ground layer is overall lacking or is weedy/invasive in nature.

<u>Unit 3D</u>
Unit 3D is a 0.54-acre wooded edge along the southern edge of the main farm field. It borders a pine plantation to the south on the adjacent property. Native and non-native (invasive) trees and shrubs are present. The primary purpose of including this unit is to manage a transition between proposed conservation lots to the north and wooded lands to the south on the adjacent property.

Unit 4

Unit 4 is 8.83 acres and comprises the existing farm field in the southeast portion of the Project site. A mowed path walking trail is proposed for this area on the "Proposed Sketch Plan 1". Given the existing agricultural land use (soybeans in 2022), this area is a prime candidate for prairie restoration since ongoing cultivation provides a highly suitable seedbed requiring minimal, if any, preparation prior to native seeding. Prairie restoration would align well with overall Project conservation goals and the proposed mowed path walking trail.

DRAFT CONCEPT SCOPE OF WORK

Heartland developed work tasks for ecological enhancements within Units 1-4 that we feel are achievable following industry standard methods and that align with the Project goals and existing site conditions stated above. These tasks may be used to inform development of a scope of services.

Task 1: Site Conservation and Stewardship Plan

Heartland recommends preparing a site conservation and stewardship plan to guide all enhancement activities. While the bulk of the effort and costs for a project of this type are associated with the first five years, or implementation period, restored natural areas also require long-term management (stewardship) to maintain native plants and to minimize weedy and invasive species. This plan will also provide important background information and guide long-term management by the homeowner's association (HOA). Plan components would consist of the following:

1. Introduction, purpose statement, goals, and objectives;
2. Summary of existing conditions;
3. Detailed enhancement plan consisting of restoration unit descriptions, restoration activities, proposed conditions, and maps; and
4. Methods and schedule for enhancement activities:
    a. Implementation (years 1-5): clearing, site preparation for native seeding, native seed mixes and seed installation, and grow-in maintenance methods including routine mowing and selective herbicide applications;
    b. Supplemental native shrub and tree planting (as needed for screening);
    c. Long-term stewardship: selective herbicide applications, prescribed burning, and supplemental (as-needed) native seeding;
    d. Routine monitoring protocols to assess goals and objective and to inform long-term adaptive management plans;
    e. Budget; and
    f. Benefits and talking points of natural area restoration, as well as opportunities for third-party recognition, for use by the HOA.

Task 2: Weedy and Hazard Shrub and Tree Removals (Project Year 1 Winter)

Given the existing site conditions and prevalence of weedy and invasive woody vegetation, Heartland recommends selective removal of invasive shrubs and trees. This would enhance aesthetics (e.g., removal of dead ash from wooded wetland edges), create more natural-looking transitional zones adjacent to the proposed residential development, and prepare areas for conversion to native vegetation which would provide numerous conservation benefits. Heartland recommends clearing on a total of 11.73 acres during frozen ground conditions. The recommended clearing extents are approximated as follows:

- Unit 1 (1A and 1B): total 4.73 acres
    - The northern extent starts 50 feet south of northern property boundary to maintain a wooded screen, south to Unit 2.
    - Eastern edge of field east to the wooded-wet meadow-shallow marsh wetland complex.
- Unit 2: planted cedars north and west of a ditch; 1.25 acres
- Unit 3: total 5.75 acres

- 3A: eastern field edge to ditched Muskego Creek; 1.81 acres.
- 3B: 75 feet into wooded wetland from field edge; 2.10 acres.
- 3C: entire wooded area along ditched Muskego Creek between farm fields; 1.30 acres.
- 3D: southern field edge to southern property boundary; 0.54 acres.

Clearing would be conducted using the following methods:

- Prior to clearing, marking of trees and shrubs to preserve for screening and habitat by an Ecologist.
- Remove all target non-native shrubs and aggressive native shrubs. All other non-native shrubs would be preserved.
- Selectively remove non-native and hazard trees. Other trees would be left for screening.
- Cutting using a forestry mower (for target shrubs and small trees) and chainsaws (for target trees). A skidsteer with grapples would be used to move cut materials to burn pile locations.
- On-site disposal of cut material in brush piles in coordination with the City and/or local fire department prior to operation of burn piles (note the City of New Berlin has a burning ordinance that would be restrictive to operation of larger burn piles and prescribed burning, so additional approvals would be needed for this approach). When possible, burn piles would be placed in open areas (adjacent field edges).
- Stumps of living shrubs and trees would be treated with an appropriate herbicide formulation following cutting of live trees and shrubs to reduce re-growth.

Task 3: Native Seeding Southeast Field (Unit 4) (Project Year 1 Winter)

This task would include coordination to install a native prairie seed mix into the 8.83-acre southeast field. The preferred seedbed is soybean stubble, like what was present in the 2022 growing season, as prairie establishment is typically enhanced in this scenario. As such, Heartland assumes that no seedbed preparation would be required prior to seed installation. A site-specific native seed mix would be designed and procured from a reputable native seed vendor assuming a seed budget of $800 per acre. The native seed would be installed by winter broadcasting into crop stubble (soybean preferred).

Task 4: Site Preparation and Stewardship (Project Year 1-2 Growing Season)

Given the existing highly degraded conditions, a favorable native seedbank response is not anticipated following clearing. Based on our experience, proliferation of weedy and invasive species is likely to occur in the first growing season following clearing. As such, additional site preparation would be required prior to native seed installation in areas that are cleared, specifically Unit 1 (1A and 1B) and Unit 3 (3A, 3C), total of 7.84 acres. Site preparation and stewardship would be completed according to the following:

- Two broadcast non-selective herbicide applications in each of year 1 and year 2 (4 total), following clearing, to target woody re-sprouts and weedy herbaceous growth on 7.84 acres.
  - Herbicides would be selected based on target species and site conditions.
  - Herbicides would be applied using a combination of backpack sprayers and ATV/UTV-mounted pistol or boom sprayers.

- Native seed would not be installed at Units 2, 3B, and 3D, total of 3.89 acres. Instead, general stewardship would be conducted in these areas, consisting of selective herbicide applications to target woody re-sprouts and other weedy / invasive species, concurrently with work at Unit 1 and elsewhere within Unit 3.
- At Unit 4, 8.83 acres, grow-in maintenance would be conducted consisting of management mowing and selective herbicide applications in the growing season following seeding. Prairie plants are slow to establish from seed and require open (high light) conditions, so management is required to enhance prairie establishment, consisting of the following:
    - Management mowing to minimize seeding of volunteer weedy annual vegetation and to maintain short-stature vegetation to promote germination and growth of prairie seedling, as follows:
        - 4 times in the growing season following seeding (Project year 1) and
        - 2 times in the second growing season following seeding (Project year 2)
    - Selective herbicide applications, consisting of targeted applications from backpack sprayers to target biennial and perennial invasive species, one time per growing season following seeding in Project year 1 and 2.

Task 5: Native Seeding Select Cleared Areas (Project Year 2/3 Winter)

Once Unit 1 (1A and 1B) and Unit 3 (3A, 3C), total of 7.84 acres, are adequately prepared for native seed, a site-specific native seed mix would be designed and procured from a reputable native seed vendor assuming a seed budget of $800 per acre. Native seed would be installed by winter broadcasting.

Task 6: Grow-in Maintenance and Stewardship (Project Years 3-5)

By Project year 3, it is expected that all 20.56 acres would be undergoing grow-in maintenance or stewardship, consisting of:

- Continuation of grow-in maintenance at Unit 4, total of 8.81 acres, to establish native seed;
- General stewardship of Unit 2 and Unit 3 (3B, 3D), total of 3.89 acres; and
- Grow-in maintenance of Unit 1 (1A and 1B) and Unit 3 (3A, 3C), total of 7.84 acres, to establish native seed.

Ongoing grow-in maintenance and stewardship of all 20.56 acres would likely follow the tasks below:

- Years 3 and 4: one mowing trip per year to cover up to 10 acres, or 2 mowings total for Project years 3-5.
- Years 3 and 4: two selective herbicide application trips per year to cover up to 20.56 acres, or 4 total trips for Project years 3-4.
- Year 5:
    - One selective herbicide application to cover up to 20.56 acres and
    - Prescribed burn plan development and execution of a prescribed burn in Units 1, 3A, 3C, and 4, total of 16.67 acres, in spring of Project year 5.

A report would be provided at the end of year consisting of the following:

- Summary of work completed,
- Brief assessment of site conditions and notable observations,
- Assessment of goals and objectives,
- Adaptive management recommendations, and
- Proposed budget for the following year,

OPINION OF PROBABLE COST

Heartland has prepared an opinion of probable cost, broken down by year and work unit, to execute the Draft Concept Scope of Work (Table 1). Given the dynamic nature of ecological restoration of degraded sites, Heartland recommends reviewing costs on an annual basis to adjust based on latest goals and objectives and to response to adaptive management needs.

Table 1. Opinion of Probable Cost Breakdown

Year	Work Summary	Area	Cost Estimate
0	Task 1: Site Conservation and Stewardship Plan	All areas	$5,000
1	Task 2: Shrub and Tree Removals	11.73 acres (Units 1,2,3)	$50,750
	Task 3: Native Seeding SE Field	8.83 acres (Unit 4)	$12,050
	Task 4: Site Preparation and Stewardship	Site prep: 7.84 acres (Units 1,3A, 3C) Stewardship: 12.72 acres (Units 2,3B,3D,4)	$18,500
2	Task 4: Site Preparation and Stewardship	Site prep: 7.84 acres (Units 1,3A, 3C) Stewardship: 12.72 acres (Units 2,3B,3D,4)	$18,900
	Task 5: Native Seeding Cleared Areas	7.84 acres (Units 1,3A,3C)	$11,800
3	Task 6: Grow-in Maintenance and Long-term Stewardship	20.56 acres (all units)	$22,500
4	Task 6: Grow-in Maintenance and Long-term Stewardship	20.56 acres (all units)	$23,200
5	Task 6: Grow-in Maintenance and Long-term Stewardship	20.56 acres (all units)	$19,850
		TOTAL	**$182,550**

By year 6, annual long-term stewardship costs would be expected to decline to $7,000-$12,000 per year, with costs on the higher end when prescribed burns are conducted.

ADDITIONAL ENHANCEMENT OPPORTUNITIES

Screening

As screening is an important consideration for this Project, an additional option would be to plant small groupings of desirable native trees and shrubs (swamp white oak, bur oak, elderberry, nannyberry) once the native herbaceous layer is established. Heartland recommends determining additional screening needs (e.g., gaps) after clearing of invasive trees and shrubs.

Other Potential Conservation Areas

Heartland reviewed the "Proposed Sketch Plan 1" prepared by Trio Engineering (dated 8/23/2022) to gain a better understanding of the potential other conservation activities that may be possible within the site. Heartland recommends blending these with the existing natural communities to provide a large block of conserved and restored natural areas surrounding the residential lots and trails.

Stormwater Ponds and Bypass Swale

The stormwater ponds and bypass swale provide an opportunity to establish additional areas of native plant communities in standing water (retention), on pond slopes, and in adjacent open spaces at the top of slope. Following grading, the restoration process is similar as described above for Unit 4. This would allow for a blending of natural habitats with existing natural communities to the east (Units 1-3).

Conservation Lot and East Ag Field

Depending on the final site design, the area mapped as Conservation Lot on the above-referenced sketch plan, as well as the 100-year floodplain in the eastern portion of the main agricultural field (east of lots 12-19), is a good candidate for prairie restoration. As existing land use is primarily agriculture, the process described above for Unit 4 would apply here as well. This would allow for a blending of natural habitats with enhanced natural communities to the east (Units 1-3).

Open Space Along Western Lots

The open spaces along the western lots (lots 2-6 and 20-22) provide an additional opportunity to establish a low, growing compatible native plant community, such as short prairie, or mixed prairie and no-mow turf grasses. Assuming these areas are graded, the restoration approach would follow the other areas described above.

Heartland is happy to work with you, the Project engineer, and Project architect to refine concepts and enhancements scope of work for all potential conservation areas.

Sincerely,

Aaron Feggestad, Senior Ecologist
Heartland Ecological Group, Inc.
aaron@heartlandecological.com
262-354-4976

Cc: Eric Parker, Heartland; Jeff Kraemer, Heartland

Enclosures: Mark-up of Site Plan

ADJUSTED TRACT ACREAGE

DESCRIPTION	Total Area (acres)	Adjustment Factor (deduction)	Adjusted Total Area Deduction (acres)	ADJUSTED TRACT ACREAGE (acres)
CALHOUN RD.	**88.50**			
- Wetlands (outside Floodway)	13.26	-0.95	-12.60	
- Floodway	21.86	-1.00	-21.86	
- Floodplain	4.91	-0.50	-2.46	
- Steep Slopes (>20%)	0.12	-0.80	-0.10	
- Moderately Steep Slopes (15%-20%	0.68	-0.60	-0.41	
TOTAL ADJUSTED TRACT ACREAGE				**51.08**
Required conservation area (75% of adjusted)				38.31
LOT COUNT BASED ON ADJUSTED TRACT ACREAGE				***10***

Per 275-33-D (12)(a) The subdivision must include at least 75% of the adjusted tract acreage as conservation area.

Conservation area shall not be used for residential lots, except 70% of the area may be 10 acre or larger "conservation lots".

DENSITY CALCULATION

Description	Total Area (acres)	Allowable Lots	Notes
TOTAL AREA "4908 S CALHOUN RD"	**88.50**	**17.7**	Total area excludes the Calhoun Road right-of-way
LARGE TRACT DENSITY BONUS (88.5 acres - 50 acres)	38.50	**3.9**	Large Tract density bonus applies to tracts >50 acres in size, calculated as 1 additional lot for every 10 acres of total tract acreage above 50 acres in the R-1/R-2 District. *The 27.8 acres of Wetlands on the site are given to be part of the first 50 acres excluded from the bonus.*
TOTAL CONSERVATION SUBDIVISION APPLICATION	**88.50**	**22**	Maximum # of possible lots in the conservation subdivision.

PROPOSED ZONING

R1/R2 ZONING REQUIREMENTS per Table 275-33-2						
Conservation Subdivision	Lot Area* (s.f.)	Lot Width** (ft)	Lot Depth (ft)	Front & Rear (ft)	Side (ft)	Wetland (ft)
R-1/R-2	20,000 or 32,670	110 or 130	None	40	15	30

* Minimum Lot Area may be 20,000 s.f. when septic system is located entirely off-lot; Minimum Lot Area when septic system is located on-lot is 32,670 s.f.

** Minimum lot width of 110' applies to homes with front loaded garages; Minimum Lot Width of 130' applies to homes with side loaded garages.

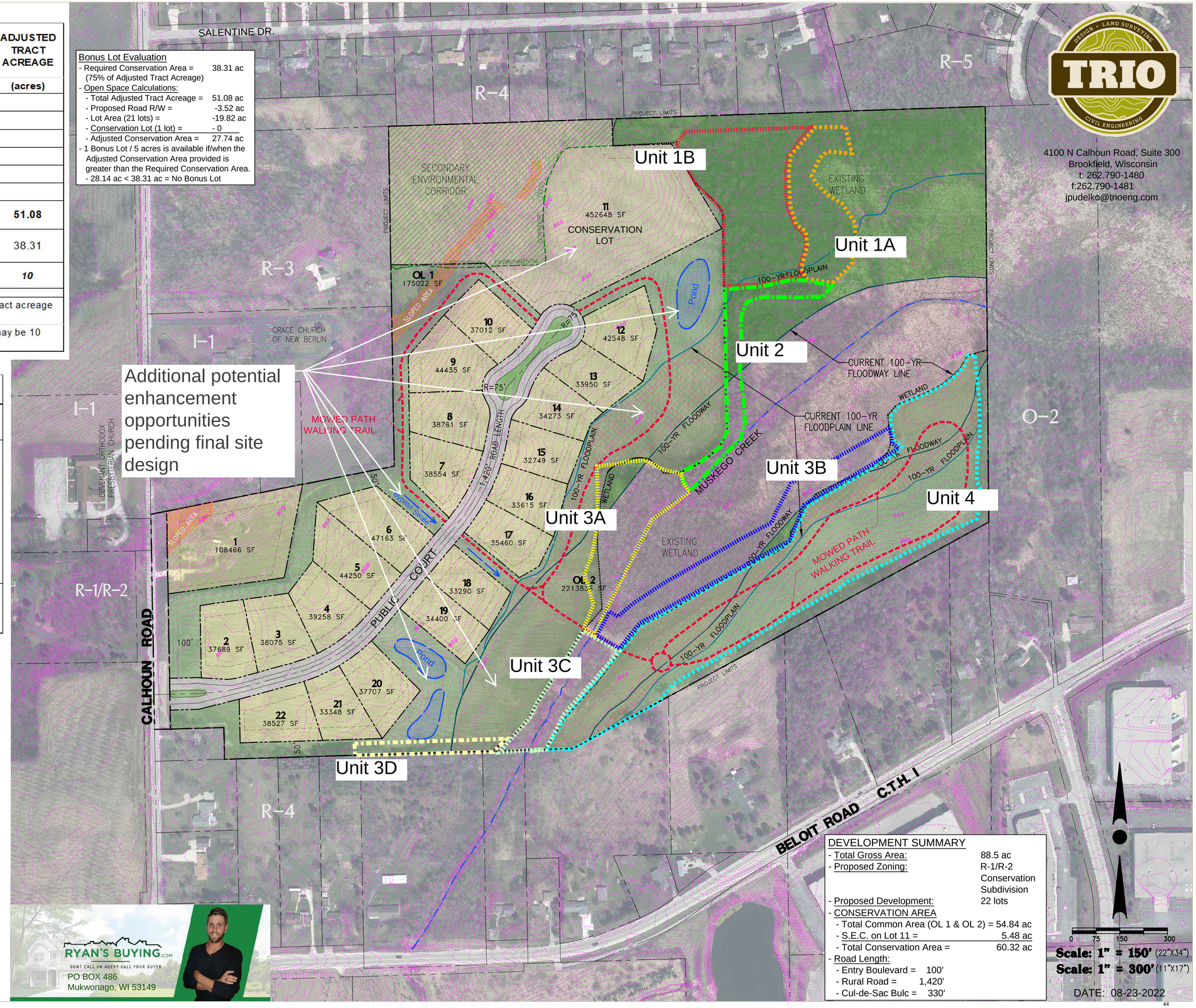
ADDITIONAL DESIGN STANDARDS per 275-33

- Conservation Area Buffer: Existing Road = 100'; Exterior Boundary = 50'
- Conservation Area:
  - Includes Secondary Environmental Corridor, Floodplain and Wetland
  - No less than 30% of adjusted tract acreage shall be for common use
  - May be located on lots that are 10 acres or larger.

PROPOSED SKETCH PLAN 1

Calhoun Road Property

City of New Berlin, WI



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May 19, 2023

TO: Common Council
Mayor Ament
Alderwoman Kroupa

FROM: Safety Commission

RE: Item from the April 12, 2023 Safety Commission Meeting requiring Common Council action.

A.	23-4: Discussion and possible recommendation to the Common Council to approve 2 yield signs on Katherine Drive (northbound/southbound at Pleasant Drive) due to safety concerns
Council Motion:	
	This item was considered at the Safety Commission meeting on April 12, 2023. It was recommended to the Common Council by a unanimous vote. I do hereby make a motion to approve two (2) yield signs to be installed on Katherine Drive (northbound/southbound at Pleasant Drive) due to safety concerns.

May 23, 2023

TO: Common Council
Mayor Ament
Ald. Harenda

FROM: Joelle Erickson on behalf of the Recreation Commission

RE: Items from the May 22, 2023 Recreation Commission Meeting requiring Common Council action.

A.	Recommend to Common Council to approve the 2023 Fall Program Fees Schedule.
Council Motion:	
	This item was considered at the Recreation Commission meeting on May 22, 2023. It was recommended to the Common Council on a vote of 3-0. I do hereby make a motion to approve the recommendation of the 2023 Fall program Fees to the Common Council.

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: May 22, 2023

TO: Mayor Ament
Recreation Commission

FROM: Erin Cross, Recreation Manager

ISSUE: 2023 Fall Program Fee Schedule

REQUESTED:

Requesting Recreation Commission approval to recommend to the Common Council approval of the 2023 Fall Program Fees.

FISCAL IMPACT:

Traditionally program fee increases have been minimal, and only implemented when needed to offset additional expenses. In February of 2022, the Recreation Department had significant wage increases in order to recruit staff to support program operations. This significantly impacted expenses of the department. In order to offset those expenses, we have increased program fees accordingly. The increases you see for the 2023 fall program fees will help us maintain a balanced budget, while still keeping programs and classes affordable to the community.

RATIONALE:

The Recreation Department works diligently to minimize expenses in order to keep program fees to a minimum in order to keep recreation programs affordable for everyone throughout the City of New Berlin. Additionally, we continually evaluate the market in order to maintain competitive staff wages.

The increases seen in the 2023 Fall Program Fees were set in order to maintain a balanced budget, to remain fiscally responsible, while maintaining affordable programs.

RECOMMENDATION:

Recommend Recreation Commission approve of the recommendation of the 2023 Fall Program Fees to the Common Council.

2023 Recreation Program Fall Fee Review

Program	2018 Fee	2019 Fee	2020 Fee	2021 Fee	2022 Fee	2023 Fee	Notes
Playground Summer Pass - Single child					$ 30.00	$ 30.00	
Playground Summer Pass - Family					$ 55.00	$ 55.00	
Playground Drop-in Fee					$ 2.00	$ 2.00	$4.00 for Non-resident
Babysitting Safety	$59.00	$60.00	$60.00	$60.00	$64.00	$75.00	
Community CPR(Full Course)	n/a	$82.00	$82.00	$82.00	$92.00	$92.00	
Hunters Safety Course	$0.00	$0.00	N/A	N/A	$0.00	$0.00	
School's Day Out Camp (7am-6pm)	n/a	$38.00	$38.00	$40.00	$47.00	$50.00	
Mini Sports (5 week course)	$38.00	$38.00	$42.00	$42.00	$44.00	$58.00	
Esports Leagues					$40.00	$40.00	
Tennis FUN-damentals	n/a	$44.00	N/A	N/A	$44.00	$58.00	
Learn to Ice Skate	n/a	$70.00	$70.00	$70.00	$70.00	$75.00	
Woman's Volleyball Leagues	$245.00	$245.00	$245.00	$245.00	$245.00	$245.00	
Volleyball Player Fee	$12.00	$12.00	$12.00	$12.00	$12.00	$12.00	
Tumbling	$42.00	$42.00	$42.00	N/A	$48.00	$55.00	
Cheerleading	$42.00	$42.00	$42.00	$42.00	$42.00	$55.00	
Hip-Hop Funk Dance	$42.00	$42.00	$42.00	$42.00	$42.00	$55.00	
Baton Twirling	$54.00	$60.00	$60.00	$60.00	$60.00	$60.00	
Youth Ballet and Tap	$62.00	$63.00	$63.00	$63.00	$63.00	$68.00	
Adult Tap and Jazz	$63.00	$63.00	$63.00	$63.00	$63.00	$68.00	
Ballroom Dance-Adults	$79.00	$79.00	$79.00	$79.00	$79.00	$79.00	
Youth Painting	n/a	$20.00	$20.00	$20.00	$20.00	$20.00	
Family Painting	n/a	$40.00	$40.00	$40.00	$40.00	$40.00	
Adult Painting	n/a	$30.00	$30.00	$30.00	$30.00	$30.00	
Youth Astronomy					$ 18.00	$ 18.00	
Adult Astronomy					$ 22.00	$ 22.00	
General Youth Enrichment Course				$32.00	$32.00	$44.00	
Technology Courses	$20.00	$20.00	$20.00	$20.00	$20.00	$30.00	
Adult One Night Seminars	$15.00	$10.00	N/A	N/A	$10.00	$10.00	
Program	**2018 Fee**	**2019 Fee**	**2020 Fee**	**2021 Fee**	**2022 Fee**	**2023 Fee**	
Music Makers and More	$50.00	$40.00	$40.00	$40.00	$42.00	$48.00	
SNAP Poms	$33.00	$33.00	$33.00	$33.00	$33.00	$33.00	
Preschool Classes-2 night	$21.00	$22.00	$22.00	N/A	N/A	$32.00	
Preschool Classes-4 night	$42.00	$44.00	$44.00	N/A	N/A	$60.00	
Dance Out Your Sillies	$42.00	$42.00	$42.00	$42.00	$42.00	$48.00	
Learn to Play Pickleball	n/a	$2.00	$2.00	$2.00	$2.00	$2.00	
Outdoor Pickleball - 1 month	$12.00	$8.00	$8.00	$8.00	$8.00	$12.00	
Indoor Pickleball - 3 month	n/a	$21.00	$21.00	$21.00	$21.00	$30.00	
Secret Oven Cooking Classes (Youth)	n/a	n/a	n/a	n/a	$60.00	$70.00	
Secret Oven Cooking Classes (Adult)	n/a	n/a	n/a	n/a	$65.00	$75.00	
Sculpt-Stretch	$48.00	$48.00	$48.00	$48.00	$48.00	$48.00	
Total Body Interval	$48.00	$48.00	$48.00	$48.00	$48.00	$48.00	
Step it Up! - meets 2x/wk	$84.00	$104.00	$104.00	$104.00	$104.00	$104.00	
PIYO	n/a	$36.00	$36.00	$36.00	$36.00	$36.00	
Pilates/Body Ball	$48.00	$44.00	$44.00	$44.00	$44.00	$44.00	
Zumba	$52.00	$52.00	$52.00	$52.00	$52.00	$52.00	
Zumba-Gold	$29.00	$24.00	$24.00	$24.00	$24.00	$24.00	
RIPPED	$48.00	$48.00	$48.00	$48.00	$48.00	$48.00	
Yoga	$66.00	$66.00	$66.00	$66.00	$66.00	$66.00	
Staci Joers Cooking Classes	$26.00	$26.00	$26.00	$26.00	$26.00	$30.00	
Stamping Classes	$22.00	$22.00	$22.00	$22.00	$22.00	$28.00	
Broadway Series	$59.00	$87.00	N/A	N/A	$89.00	$90.00	
Holiday Shopping Trip	$39.00	$42.00	N/A	N/A	$55.00	$60.00	
Saturday Birthday Parties (Basic)					$ 205.00	$ 225.00	
Saturday Birthday Parties (Pizza)					$ 255.00	$ 275.00	
Saturday Birthday Parties (Basic)					$ 305.00	$ 325.00	
Max non-res fee	$23.00	$23.00	$23.00	$23.00	$32.00	$32.00	

May 18, 2023

TO: Common Council
Mayor Ament
Ald. Hopkins

FROM: Joelle Erickson on behalf of the Safety Saturday Committee

RE: Items from the May 15, 2023 Safety Saturday Committee Meeting requiring Common Council action.

A.	Recommend to Common Council to approve the Ordinance to amend Section 6-25, A, of the City Code regarding the membership of the Safety Saturday Committee.
Council Motion:	
	This item was considered at the Safety Saturday Committee meeting on May 15, 2023. It was recommended to the Common Council on a vote of 9-0. I do hereby make a motion to approve the Ordinance revision reducing the voting members of the Committee to nine, in addition to the two ex officio members.

REQUESTED ACTION STATEMENT

To: New Berlin Common Council

From: Alderman John Hopkins

Date: April 24, 2023

Requested Action:

Discussion and possible action to approve the Ordinance to amend Section 6-25, A, of the City Code regarding the membership of the Safety Saturday Committee.

Financial fiscal impact:

None.

Rationale:

The Safety Saturday Committee, at present, consists of twelve members, one of whom is a Common Council representative; another the Chief of Police or his/her designee; and ten citizen members, two of which may be high school students. It has become difficult recently to establish a quorum to conduct the business of the Committee and therefore, it is my recommendation the Council consider reducing the size of the Committee and replacing the student representatives (who are currently voting members of the Committee) with students who are ex officio members instead. This would mean they have the right to speak at Committee meetings, but they would not be able to vote and would not be considered for purposes of whether a quorum is established to conduct the meeting. The Ordinance revision would reduce the number of voting members of the Committee to nine, in addition to the two ex officio members.

Thank you for your consideration to these comments.

Respectfully Submitted,

Alderman John Hopkins

JH/jb

Enc.

STATE OF WISCONSIN : CITY OF NEW BERLIN : WAUKESHA COUNTY

ORDINANCE NO. 2670

ORDINANCE TO AMEND SECTION 6-25 OF THE CITY OF NEW BERLIN MUNICIPAL CODE CONCERNING MEMBERSHIP OF THE SAFETY SATURDAY COMMITTEE

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

SECTION I

Section 6-25, A. of the Municipal Code of the City of New Berlin is hereby amended to read as follows:

6-25 Safety Saturday Committee.

A. Membership. The Safety Saturday Committee for the City of New Berlin consists of 9 voting members as follows: one member of the Common Council, the Police Chief or his/her designee, and 7 citizen members. In addition, the Committee shall have two ex officio members, who shall have voice at Committee meetings, but shall not have authority to vote. For purposes of the determination of a quorum, only voting members shall be considered. The Common Council member representative will be appointed annually by the Common Council President. The citizen members of the commission will be appointed by the Mayor subject to confirmation by the Council, and serve for two-year terms. A citizen member appointed to an unexpired term shall serve to the end of that term.

SECTION II

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

SECTION III

The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the Ordinance.

SECTION IV

This Ordinance shall take effect upon passage and publication as approved by law, and the City Clerk shall so amend the Code of Ordinances of the City of New Berlin, and shall indicate the date and number of this amending ordinance therein.

PASSED AND ADOPTED by the Common Council this 23 day of May, 2023.

APPROVED:

Countersigned:

_____
David Ament, Mayor

_____
Rubina R. Medina, Clerk

City of New Berlin

city living with a touch of country

DATE: May 18, 2023

TO: Rubina Medina
City Clerk

FR: Mayor Dave Ament

RE: Mayoral Appointments for the May 23, 2023 Common Council Mtg

Board of Review
Clifford Pautz
14560 W Fieldpointe Dr.
New Berlin, WI 53151
262-432-9617
cliffw.pautz@gmail.com
(Re-Appointment)

Expiration Date
5/31/2028

For Office Purposes Only						
TT	Eml	Web	Provox	Ltr	Ethcs	HB

Community Development Authority
Alderman Dennis Horbinski
4227 S Coventry Ct.
New Berlin, WI 53151
262-860-9052
dhorbinski@newberlin.org
(Re-Appointment)

Expiration Date
4/20/2026

For Office Purposes Only						
TT	Eml	Web	Provox	Ltr	Ethcs	HB

Community Development Authority
Donald Vaclav
14755 W Dakota St.
New Berlin, WI 53151
262-789-7855
donvatd@msn.com
(Re-Appointment)

Expiration Date
5/31/2027

For Office Purposes Only						
TT	Eml	Web	Provox	Ltr	Ethcs	HB

Communications Committee
Michael Palecek
3600 S Loretta Lane
New Berlin, WI 53151
414-526-1885
michaelpalecek@gmail.com
(Re-Appointment)

Expiration Date
6/10/2024

For Office Purposes Only						
TT	Eml	Web	Provox	Ltr	Ethcs	HB

Library Board
Alderwoman Charlotte Kroupa
4440 S Hi-View Ct
New Berlin, WI 53146
262-650-2013
ckroupa@newberlin.org
(Re-Appointment)

Expiration Date
4/30/2024

For Office Purposes Only						
TT	Eml	Web	Provox	Ltr	Ethcs	HB

Library Board
Barb Uhen
New Berlin West: Attn. Barb Uhen
18695 W. Cleveland Ave.
New Berlin, WI 53146
262-789-6456
barb.uhen@nbexcellence.org
(NBPS Representative)
(New Appointment)

Expiration Date
6/30/2025

For Office Purposes Only						
TT	Eml	Web	Provox	Ltr	Ethcs	HB

RENEWAL ALCOHOL LICENSE APPLICANTS

Council Meeting Date: May 23, 2023

The below individuals hereby make application to the Common Council of the City of New Berlin for an Alcohol License and premise description as described below subject to Wisconsin Statutes and City of New Berlin Ordinances for the period ending June 30, 2024. Licenses are issued by the City Clerk pending all requirements are met and fees paid.

	Trade Name	Invited	Agent	Applying for License
1.	Clark National Inc.		Jaffer Bhimani	"Class A" Retail - Combo
	Location:	Premise Description: Gas station with beer, wine and liquor. Coolers within establishment.		
2.	Bobbleheads Pub, LLC		Daniel W. Petrie	"Class B" - Combo
	Location:	PREMISE DESCRIPTION: OUT BUILDING, GROUNDS, TAVERN, BASEMENT		
3.	Cleveland Pub, Inc.		Joseph L. Griese	"Class B" - Combo
	Location:	PREMISE DESCRIPTION: MAIN BUILDING, UPPER AND LOWER PATIOS		
4.	Cocina Real Inc.		Rafael Escamilla	"Class B" - Combo
	Location:	PREMISE DESCRIPTION: ALL LIQUOR AND BEER IS KEPT LOCKED IN OFFICE, IN THE KITCHEN, BEHIND THE BAR TO PREPARE COCKTAILS AND SERVE THEM AT THE BAR, AND DINING ROOM AREA WHICH IS ADJACENT TO THE BAR, AND WITHIN BARRIERS OF PATIO AREA		
5.	Veterans Of Foreign Wars Post 5716		David M. Chappell	"Class B" - Combo
	Location:	PREMISE DESCRIPTION: SOLD, SERVED, CONSUMED AND STORED IN TWO BANQUET HALLS (ONE ON MAIN LEVEL, ONE DOWNSTAIRS), AND TAVERN ON MAIN LEVEL. CONSUMED ON DESIGNATED PATIO AREA. BEER STORED IN COOLER ON MAIN LEVEL AND ALCOHOL STORED IN CABINETS ON MAIN LEVEL.		
6.	Lagniappe Brasserie LLC		Andrew P. Tenaglia	"Class B" - Combo
	Location:	PREMISE DESCRIPTION: STORED IN LOCKED STORAGE ROOM. SERVED AND CONSUMED AT BAR, IN DINING ROOM AND DESIGNATED OUTDOOR PATIO.		
7.	Matty's Bar & Grille Inc.		Matthew L. Anderson	"Class B" - Combo
	Location:	PREMISE DESCRIPTION: 1ST & 2ND FLOOR OF PREMISES, OUTDOOR PATIO, FRONT SIDEWALKS, TENTED AREAS & SURROUNDING GRASS AREAS AND YARD		
8.	Bluemound Lanes, Inc.		Tracy J. Posnanski	"Class B" - Combo
	Location:	PREMISE DESCRIPTION: BAR ROOMS, CONCOURSE HALL, BASEMENT, COOLER, BOWLING HALL		
9.	Ultra Mart Foods LLC		John Stachowiak	"Class A" Retail - Combo
	Location:	PREMISE DESCRIPTION: SINGLE STORY GROCERY AND LIQUOR STORE; INCLUDING THE EXTERIOR PARKING STALLS SPECIFICALLY DESIGNATED FOR THE ONLINE MERCHANDISE ORDER & PICKUP SERVICE AND THE PATHWAY UTILIZED TO ACCESS THE PARKING STALLS		

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

ZONING PERMIT 2300761

ISSUE DATE: 5/10/2023

EXPIRATION DATE: 1 year from date issued

OWNER:
SCHETTLE REVOCABLE TRUST DTD 2/8/96
16001 W RIVERA RD
NEW BERLIN, WI 53151

APPLICANT:
MARTY PAKULA
MARY'S CADDYSHACK
15500 W CLEVELAND AVENUE
NEW BERLIN WI 53151

ADDRESS: 1959 S 124TH ST

FOR: ADMIN UA TEMP USE - TEMP USE – EVENTS: BIRTHDAY PARTY W/BAND OUTSIDE 6/17/23 & CADDYFEST PARTY W/BAND OUTSIDE 7/15/23 & GOLF OUTING 9/24/23

1. Applicant shall adhere to the submitted Plan of Operation:
   a. Applicant shall adhere to event dates as outlined in the Plan of Operation. Dates:
      - Birthday with Band – June 17th – Event from 2:00 PM to 8:00 PM; Band from 3:00 PM to 6:00 PM
      - Caddy Fest with Band – July 15th - 1:00 PM to 8:00 PM
      - Golf Outing - September 24th - 3:00 PM to 8:00 PM, no band.

   b. Event may include outdoor amplified music, live music, and food.
2. Applicant shall not allow noise levels to rise to a level that creates a public nuisance as defined in Chapter 175 and/or Chapter 171 of the Municipal Code.
3. Applicant shall apply for and receive individual Sign Permits for all event signage and banners prior to installation.
4. The City of New Berlin reserves the right to review any substantiated complaints and take appropriate action including, but not limited to, revocation of zoning permit or loud speaker permit, if necessary.
5. Any substantiated complaints this year will be immediately evaluated for nuisance and may result in immediate revocation of your permit. Staff has the ability to revoke your Zoning Permit based on your failure to abide by the conditions set forth herein. If your permit is revoked, you would have the opportunity to appear before the Plan Commission to remedy the concerns.
6. All event parking shall be contained on-site. If parking is to be located at off-site properties, letters from those property owners shall be on file with the City. Additional parking will be available at Butch's lot on 124th and Greenfield Avenue. Please make patrons aware of this and how you will plan to shuttle people.
7. Sanitation and fresh water facilities shall be adequate for the actual number of people using the site as required by Waukesha County Health Department.
8. A loudspeaker permit shall be required from the Police Department for the live music.
9. Applicant shall obtain a temporary extension of premise permit from the Clerk's Office.
10. If any sales or solicitation of business will occur with vendors on site, a Direct Sellers Permit will be required from the Clerk/Community Relations office.
11. Sound shall not exceed 70 dBA LAeq(1h**).**

526 BUILDING INSPECTION
12. Do NOT block building EXITS.

511 ENGINEERING
13. Maintain through traffic lane on Park Ave. Plan of Operation states the parking on Park Ave. will be on one side only.
14. Do not block driveways or access to neighboring properties.
15. Provide traffic control barricades at the entrance and exit to the parking lot.
16. The plan shows that two adjacent properties are ok with the party. Please provide a letter from these property owners.
17. Applicant shall contact the Police Department to request temporary "No Parking" signs from the Police Department. Please do this in advance of the event.

This Zoning Permit authorizes the above establishment to conduct business or operate in accordance with all approved plans on file, any and all applicable City, State and Federal codes, and as described below:

Expiration date: A zoning permit shall expire if, within 12 months of the date of the approval, the proposed construction, activity, or preparation of land has not substantially commenced. Substantial commencement is demonstrated by reasonable physical alteration of the site in conformance with approved plans. The Director of Community Development may grant a 12-month extension, if requested prior to expiration, provided that the applicant demonstrates a valid cause acceptable to the Department. Additional extensions may only be approved by the Plan Commission or Community Development Authority if all applicable fees are paid and the applicant demonstrates a valid and acceptable cause. Requests submitted after permit expiration shall not be considered.

Occupancy Permit: Per New Berlin Municipal Code 275-26(B)(4), "The Director shall inspect the building, site, or premises for compliance with all current codes, plans, specifications, and conditions of approval prior to issuance of an occupancy permit. No occupancy shall be allowed if any other outstanding violations exist on the site. As-built plans may be required to substantiate or verify that certain conditions of the zoning permit, use approval, conditional use permit, developer's agreement, or building permit have complied with."

Building Permit: Per New Berlin Municipal Code 275-25(A) "No building or structure shall be erected, altered, relocated, moved, extended, or enlarged until a building permit has been issued by the Director, certifying that such building, as proposed, would be in compliance with the provisions of this chapter and with the adopted City Building Code. (B), Application. In addition to the requirements of Sections COMM 20.04 and COMM 50.03, WI Adm. Code, applications for a building permit for new construction and for additions to existing construction shall include all information and supporting materials as specified by the permit application center." A separate fee is required prior to the start of any construction. Follow Codes and instructions of the Building Inspection Division when applying.

Signage: Per New Berlin Municipal Code 275-61(B)(1) " No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered, nor shall the face of a sign or color be changed without a Sign Permit and conforming with the provisions of this chapter. No Sign Permit shall be issued to a business or property that does not have a Zoning Permit." Signs require separate applications and approval.

Other Permits: Per New Berlin Municipal Code 275-26(C) "It is the responsibility of the permit applicant to secure all other necessary permits required by any federal, state, or local agency. This includes, but is not limited to, a water use permit pursuant to Chapter 30 or 31, WI Stats, or a wetland fill permit pursuant to Section 404 of the Federal Water Pollution Control Act."

Transferability: Per New Berlin Municipal Code 275-24(F) "Zoning permits are not transferable from one applicant to another without approval of the Plan Commission. Zoning permits are site specific and thus are not transferable from one site to another under any circumstances." "If the business plans to add more employees, make physical changes to the outside of the building, and/or any other deviations to the approved plan of operation the applicant shall follow all applicable City processes."

Compliance: Failure to comply with conditions of the Zoning Permit may be enforced pursuant to New Berlin Municipal Code 275-68 (B), "Whenever an order of the Director, Building Inspector, City Engineer, or other city official, pursuant to this chapter, has not been complied with, or where written agreements for compliance have not been made by the property owner, the City Attorney shall institute appropriate legal action or proceedings to prohibit the owner, agent, or occupant from using such structure, land, or water. The City may seek a court order in the nature of mandamus, abatement, or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation."

Permit Authorized By:

Date: 5/10/2023

NIKKI JONES, DEPUTY DIRECTOR

City of New Berlin

City of New Berlin
Loudspeaker Permit Application

Submit this application to the New Berlin Police Department, 16300 W. National Ave., New Berlin, WI 53151, not less than 14 days prior to the event. If you have any questions, call the New Berlin Police Department at (262)782-6640.

Background Information:

Organization/Individual Name: CHRIS CZARNECKI

Address: 12820 W OHIO DR NEWBERLIN, WI 53151

Applicant representing this event:

Name: CHRIS CZARNECKI Work Phone: _____

Address: 12820 W OHIO DR Home Phone: _____

Date of Birth: 12/31/1976 Cell Phone: 414-460-7865

Email Address: CHRISTOPHER.CZARNECKI@MS.COM

Event Information:

Name of Event: MARY HS GRADUATION PARTY

Address of Event: 12820 W OHIO DR

Dates of Event (no more than 3 days in a row): 7/15/23

Estimated Number of Participants: 30

Hours of Loudspeaker Operation:

Start: 8PM a.m./p.m.

Finish (no later than 10p.m.): 11PM a.m./p.m. * All city parks with the exception of Malone Park close at dusk*

Number of Loudspeakers to be used: 1

Please check the type of sound to be emitted:

☐ Speech ☑ Recorded Music ☐ Live Music ☐ Other DJ

Applicant's Statement of Agreement:

I hereby affirm that the above information is true and correct in describing the intent of this application. I, CHRIS CZARNECKI, the undersigned, agree to use the loudspeaker in a careful and prudent manner so as not to cause complaints from neighbors and I agree to lower or terminate the amplification levels when requested by neighbors or police.

Applicant Signature: _____ Date: 5/9/23

FOR OFFICE USE ONLY

☐ Approved ☐ Not Approved. Reason for denial: _____

Issued by: _____

5-8-23

City of New Berlin

City of New Berlin
Loudspeaker Permit Application

Submit this application to the New Berlin Police Department, 16300 W. National Ave., New Berlin, WI 53151, not less than 14 days prior to the event. If you have any questions, call the New Berlin Police Department at (262)782-6640.

Background Information:

Organization/Individual Name: St. Elizabeth Ann Seton.

Address: 12200 W. Howard Ave. New Berlin, WI 53151

Applicant representing this event:

Name: Jim Schutte

Address: 10018 W. Whitnall Edison

Date of Birth: 7-25-1967

Work Phone: ( )

Home Phone: ( )

Cell Phone: (414) 339-1070

Event Information:

Name of Event: Funfest Celebration

Address of Event: 12200 W. Howard Ave New Berlin, WI 53151

Dates of Event (no more than 3 days in a row): 7-28. 7-29. 7-30. 2023

Estimated Number of Participants: 500

Hours of Loudspeaker Operation:

Start: 5:00 a.m./(p.m.)

Finish (no later than 10p.m.): 11:00 a.m./(p.m.)

Number of Loudspeakers to be used: 6-8.

Please check the type of sound to be emitted:

☒ Speech ☐ Recorded Music ☒ Live Music ☐ Other

Applicant's Statement of Agreement:

I hereby affirm that the above information is true and correct in describing the intent of this application. I, James Schutte, the undersigned, agree to use the loudspeaker in a careful and prudent manner so as not to cause complaints from neighbors and I agree to lower or terminate the amplification levels when requested by neighbors or police.

Applicant Signature:

FOR OFFICE USE ONLY

☐ Approved ☐ Not Approved. Reason for denial:

Issued by:

jim.schutte@yahoo.com

Revised 6/23/16

City of New Berlin

City of New Berlin
Loudspeaker Permit Application

Submit this application to the New Berlin Police Department, 16300 W. National Ave., New Berlin, WI 53151, not less than 14 days prior to the event. If you have any questions, call the New Berlin Police Department at (262)782-6640.

Background Information:

Organization/Individual Name: Ojibwa Bowhunters

Address: 3045 S. Johnson Road

Applicant representing this event:

Name: Rod Szmania

Address: 16301 W. Vogel Dr

Date of Birth: 8/21/53

Work Phone: 920-980-1433

Home Phone:

Cell Phone: 920-980-1433

Email Address: roddszmania@icloud.com

roddszmania@icloud.com

Event Information:

Name of Event: Pig Roast June 17th / Birthday Party June 24

Address of Event: 3045 S. Johnson Rd

Dates of Event (no more than 3 days in a row):

Estimated Number of Participants: 350

Hours of Loudspeaker Operation:

Start: 11am a.m./p.m.

Finish (no later than 10p.m.): 11 a.m./p.m. * All city parks with the exception of Malone Park close at dusk*

Number of Loudspeakers to be used: 4

Please check the type of sound to be emitted:

☐ Speech ☐ Recorded Music ☑ Live Music ☐ Other

Applicant's Statement of Agreement:

I hereby affirm that the above information is true and correct in describing the intent of this application. I, Rod Szmania, the undersigned, agree to use the loudspeaker in a careful and prudent manner so as not to cause complaints from neighbors and I agree to lower or terminate the amplification levels when requested by neighbors or police.

Applicant Signature: Rod Szmania Date: 5/12/23

FOR OFFICE USE ONLY

☐ Approved ☐ Not Approved. Reason for denial:

Issued by:

roddszmania@icloud.com

Jun 17th & Jun 24th Both dates until 11:00pm

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 Ordinance #: 2671 amending Chapter 24 (Emergency Management) of the Municipal Code.

DATE: May 23, 2023

REQUESTED ACTION: Requested Action Statement for the approval of Ordinance #: 2671 amending Chapter 24 (Emergency Management) of the Municipal Code.

FISCAL IMAPCT: The amendment to the Chapter 24 does not, in-and-of-itself, have a direct fiscal impact but this ordinance will amend the authorized expenditure thresholds for Emergency Management staff and the Mayor in the case of a declared emergency in order to expedite the City's response and deployment of resources. See additional background below.

SOURCE OF FUNDS: Not Applicable

RATIONALE / BACKGROUND: Ordinance #: 2671 amends the existing language in Chapter 24 in order to align the most recent updates to City's Emergency Management Plan and Continuity of Operations Plans. Based upon advice from the City Attorney regarding open records laws and the confidential nature of these documents the Common Council will only see the ordinance changes effectuating the changes and extend the authority to the Mayor and Director of Emergency Management (i.e. Director of Community Development) the authority to implement and/or modify these documents.

In 2022, updates were initiated for the City's **"Emergency Management Plan"** (CEMP) and **"Continuity of Operations Plans (COOP)."** The last City CEMP was adopted in June of 2011 while the COOPs were developed in 2004. Since that time, there have been a number of changes at the staff & department levels and other allied agencies of have updated their emergency operations plans. These City plans were outdated as a result and did not align well (or at all) with other agency plans such as Waukesha County's Emergency Management Plan, and also needs to reflect the organizational changes recently adopted by the Mayor and Common Council via *Ordinance #: 2657* to Chapter 24 of Municipal Code.

The purpose of the "**City of New Berlin Emergency Management Plan"** (CEMP) is to: 1) Serve as the coordinating document reflecting the overall strategy and organization for managing an incident response to major disasters, to assess damages, identify mitigation opportunities and to implement recovery efforts, 2) Facilitate the protection of lives, property and the environment for all incidents regardless of the nature and 3) Serve as a supporting document for individual department standard operating procedures (SOP's).

Since 2004, the **"City of New Berlin's Continuity of Operation Plan"** (COOP) has become outdated for a variety of reasons. The COOP establishes policy and guidance to enable the continuity of essential City functions when a "planned/non-emergency" and "unplanned/emergency" situation or incident arises or an event occurs that may severely impact a departments or City's ability to operate as usual and/or may require the relocation of selected personnel and functions of any city facilities in the City of New Berlin. The plan also ensures that: 1) the City of New Berlin is prepared to respond to emergencies, recover from them, and mitigate against their impacts and 2) the City of New Berlin is prepared to provide critical services in an environment that is threatened, diminished or incapacitated. It is the policy of the City of New Berlin to provide emergency organization and resources to minimize the long-term effects of disasters or planned/unplanned incidents, and to undertake activities that will ensure the continuity of

essential City services to the public and among City departments.

To this end, the City's has developed these Continuity of Operations Plans (COOP), incorporating all of its departments and divisions within those departments, collectively constructing the COOP framework for City government.

Each City department is directed to maintain a department COOP that will:

- Delineate department essential services and activities;
- Specify lines of department succession and delegations of authority;
- Outline a department COOP decision process;
- Recommend safekeeping of vital department (City) records;
- Include procedures for employee advisories, alerts and COOP activation, with instructions for relocation with and without warning;
- Provide for attaining department essential services operational capability within 12 hours; and
- Establish processes and procedures to acquire resources necessary to continue essential services and sustain operations for up to 30 days.

STATE OF WISCONSIN : CITY OF NEW BERLIN : WAUKESHA COUNTY

ORDINANCE NO. 2671

ORDINANCE TO AMEND CHAPTER 24 OF THE CITY OF NEW BERLIN MUNICIPAL CODE RELATIVE TO EMERGENCY MANAGEMENT

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

SECTION I

Section 24-2, B, (4), of the Municipal Code of the City of New Berlin is hereby amended to read as follows:

(4) The Emergency Management Manager, in collaboration with the Director of Community Development, shall prepare a comprehensive general plan for the emergency management of the City, as well as a continuity of operations plan, and shall present such plans to the Mayor for review and approval. The Director of Community Development and the Mayor are hereby authorized to approve the continuity of operation plan and comprehensive general plan for the emergency management of the City and to inform all City Staff of such plans and to provide training for said Staff to facilitate the implementation of the plans. It shall be the duty of all municipal agencies and all emergency managements forces of the City to perform the duties and functions assigned by the emergency management plan and continuity of operations plan as approved. The plans may be modified by the Mayor and Director of Community Development in consultation with the Emergency Management Manager from time to time as necessary. The continuity of operations plan and the emergency management plan shall be updated no less than once every five years, and shall be integrated into the City's overall comprehensive plan where appropriate.

SECTION II

Section 24-4 of the Municipal Code of the City of New Berlin shall be amended to include the following language at the end of this Section:

The Mayor, and in his absence, the Common Council President and/or the Common Council acting collectively, may suspend or modify the City procurement policies, the process for application for demolition permits, zoning permits and building permits during the existence of a State of Emergency as declared by the City, Waukesha County, the State of WI or the Federal government. The modification and/or suspension of such policies shall only be permitted in so far as they are allowed within the discretion of the officers of the City of New Berlin and do not otherwise conflict with city, state, federal or Waukesha County regulations.

The Continuity of Operations Plan Unit Team shall have the authority to implement the continuity of operations plan at such time as the Mayor directs that the continuity of operations plan be implemented.

SECTION III

Section 24-8 of the Municipal Code of the City of New Berlin is hereby amended to read as follows:

24-8 Expenses of emergency management.

Except as expressly provided hereunder, no person shall have the right to expend any public funds of the City in carrying out any emergency management activity authorized by this chapter without prior approval by the Common Council, nor shall any person have any right to bind the City by contract, agreement or otherwise without prior and specific approval of the Common Council and/or per the City's procurement or contract policies. Notwithstanding the foregoing, the Mayor and the Director of Community Development shall have the authority under the City's procurement policy to purchase supplies, equipment or services as may be necessary to address a current emergency as declared by the Mayor, Common Council President or Council of the City of New Berlin in a total amount not to exceed $100,000.00. The Emergency Management Manager or Director of Community Development shall have the authority to purchase supplies, equipment or services as may be necessary to address a current emergency situation as declared by the City in an amount not to exceed $50,000.00; however, the total amount spent shall not exceed $100,000.00 unless authorized by the Common Council. Any expenses incurred under this paragraph shall immediately be reported to the Mayor and the Finance Director.

SECTION IV

Section 24-10 of the Municipal Code of the City of New Berlin is hereby created to read as follows:

24-10 Public Event Safety.

From time to time, the City holds events for the benefit of the public, including activities such as the Fourth of July Festival, the Safety Saturday Event, as well as other City sponsored fairs, festivals, parades, walks, runs/marathons, markets, block parties, exhibitions, motion picture showings or other City sponsored events. These events shall be subject to the right of the City to shut down such an event that is in progress if the continuation of the event is deemed to be unadvisable due to a public safety hazard and/or public nuisance as determined by the Police Department, Fire Department and/or City of New Berlin Emergency Management. Any attendee and/or vendor at such events shall be required to abide by an order of the Police Department, Fire Department and/or Emergency Management to terminate the event and to leave the event location. Failure to abide by order or direction of these Police Department, Fire Department and/or Emergency Management shall be subject to citation in accordance with Section 1-18 of the City of New Berlin Municipal Code.

SECTION V

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

SECTION VI

The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the Ordinance.

SECTION VII

This Ordinance shall take effect upon passage and publication as approved by law, and the City Clerk shall so amend the Code of Ordinances of the City of New Berlin, and shall indicate the date and number of this amending ordinance therein.

PASSED AND ADOPTED by the Common Council this _____ day of _____, 2023.

APPROVED:

Countersigned:

_____
David Ament, Mayor

_____
Rubina Medina, Clerk

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 Ordinance #: 2672 amending Chapter 133 (Hazardous Waste) of the Municipal Code.

DATE: May 23, 2023

REQUESTED ACTION: Requested Action Statement for the approval of Ordinance #: 2672 amending Chapter 133 (Hazardous Waste) of the Municipal Code.

FISCAL IMAPCT: The amendment to the Chapter 133 does propose to codify financial penalties for violations of this chapter. This ordinance change proposes an initial fine of $1,000 for the discharge/spill; however, each day the discharge/spill continues shall be considered a separate offense, with the second day and thereafter being assessed a forfeiture of $5,000 per day and if the site is not cleaned up within 5 days, a forfeiture of $10,000 per day for each day thereafter shall be assessed against the party responsible for the hazardous material discharge/spill.

SOURCE OF FUNDS: Not Applicable

RATIONALE / BACKGROUND: Based upon recent environmental spill events the proposed Chapter 133 amendments outlined in Ordinance #: 2672 broadens the definition of hazardous waste to include those, by definition, that are considered hazardous materials; updates the language with regards to the City's ability to inspect private property in order to enforce this chapter and to ascertain the public health risk regarding hazardous material storage. It also provides for protocols for City staff to contain, cleanup, restore, access and deploy protective measures to protect the public health.

The ordinance also provides the framework for the City to pursue enforcement and civil liability against a responsible party. Lastly, Ordinance #: 2672 establishes a penalty and financial forfeiture framework against parties responsible for hazardous waste discharges and/or spills.

STATE OF WISCONSIN : CITY OF NEW BERLIN : WAUKESHA COUNTY

ORDINANCE NO. 2672

ORDINANCE TO AMEND CHAPTER 133
OF THE CITY OF NEW BERLIN MUNICIPAL CODE
RELATIVE TO HAZARDOUS MATERIAL

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

SECTION I

Section 133-1 of the Municipal Code of the City of New Berlin is hereby amended to read as follows:

Section 133-1 Purposes. The purposes of this Chapter are:

A. To ensure safe and effective hazardous material management; and
B. To establish a program of regulation over the storage, transportation, treatment and disposal of hazardous materials in the City.

SECTION II

Section 133-2 of the Municipal Code of the City of New Berlin is hereby amended to read as follows:

Section 133-2 Findings. The City finds that:

A. Increasing production and consumption rates, continuing technological development and energy requirements have led to the generation of greater quantities of hazardous materials;
B. The problems of disposing of hazardous materials are increasing as a result of air and water pollution controls and a shortage of available landfill sites; particularly, those certified to receive hazardous materials;
C. While it is technologically and financially feasible for hazardous material generators to dispose of their materials in a manner which has less adverse impact on the environment than current practices, such knowledge is not being utilized to the extent possible;
D. Even though the City is not heavily industrialized, there is a significant daily hazardous material management and disposal problem; and
E. The public health and safety and the environment are threatened where hazardous materials are not managed and disposed of in an environmentally sound manner.

SECTION III

Section 133-3 of the Municipal Code of the City of New Berlin is hereby amended to strike the definition of "Hazardous Waste" and shall be replaced with the following:

133-3 Hazardous Material.

Any material, waste or combination of materials of a solid, liquid, contain gaseous or semisolid form which, because of its quantity, concentration or physical, chemical or

infectious characteristics, and which are defined as hazardous substances pursuant to Chapter 292 of the Wisconsin Statutes, as well as hazardous material and waste as identified by the US EPA, the State of Wisconsin DNR, the United States DOT, OSHA, the US Center for Disease Control or the US Nuclear Regulatory Commission, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed. Such materials include, but are not limited to, those as defined above, inclusive of those which are toxic, carcinogenic, flammable, irritants, strong sensitizers or which generate pressure through decomposition, heat or other means, as well as containers and receptacles previously used in the transportation, storage, use or application of the substances described as a hazardous material or waste.

With regard to the remainder of the definitions under this Section, wherever the term "hazardous waste" is referenced, the term "hazardous material" shall be substituted in its place.

SECTION IV

Section 133-4, Permit Required, of the Municipal Code of the City of New Berlin is hereby amended to provide that wherever the term "hazardous waste" is referred to, the term "hazardous material" shall be substituted in its place.

SECTION V

Section 133-4, C, of the Municipal Code of the City of New Berlin is hereby created to read as follows:

133-4 Permit required.

C. As a condition of the issuance of the permit provided for hereunder, the individual or entity which operates any hazardous material treatment or disposal site or facility, or transports, treats or disposes of any hazardous material, grants permission to the City of New Berlin and its authorized representatives to enter their property to determine compliance with the permit and any applicable hazardous material management or processing activities.

SECTION VI

Section 133-6 of the Municipal Code of the City of New Berlin shall be amended to read as follows:

133-6 Inspection and Right of entry.

For the purpose of enforcing this chapter or any rule or regulation promulgated pursuant hereto, the City may request, within reasonable limits, and in a reasonable manner, upon presenting appropriate credentials to the owner, operator or agent in charge, permission to enter any property within the City where hazardous materials are generated, stored, treated and/or disposed of; and to inspect and obtain samples of any hazardous material or

substance used in the treatment of hazardous material and to inspect and copy any records, reports, information or test results relating to the purposes of this chapter. In the event the owner of the property refuses to permit access for the purposes set forth herein, representatives of the City may apply for a Special Inspection Warrant pursuant to Wisconsin Statute Sec. 66.0119. In the event the City believes hazardous material is being generated or processed in a manner which presents an imminent danger to the public health, safety or welfare and the protection of the public health, safety and welfare requires emergent action to be taken to prevent injury to persons or damage to property, the City may enter the premises to promptly address the public health, safety and welfare threat.

SECTION VII

Section 133-9, Failure to Immediately Discontinue Violation; Injunction, of the Municipal Code of the City of New Berlin is hereby amended to provide that wherever the term "hazardous waste" is referred to, the term "hazardous material" shall be substituted in its place.

SECTION VIII

Section 133-11 of the Municipal Code of the City of New Berlin shall be amended to read as follows:

Section 133-11 Discharge of Hazardous Materials Prohibited

No person shall discharge, or cause to be discharged, leak, leach or spill upon any public street, alley or public property, or onto the ground, surface waters, subsurface waters or aquifers, or on any private property except those areas specifically licensed for hazardous material disposal or landfill activities, within the City, any hazardous materials as defined by Section 133-3.

A. Containment, cleanup and restoration. Any person in violation of this section shall, upon direction of any emergency government officer or staff, Police or Fire, Department Representative, begin immediate actions to contain, clean up and remove to an approved repository, the offending hazardous material and restore the site to its original condition. Should any person fail to engage or complete the requirements of this section, the office of emergency management may order the required actions to be taken by public or private resources, with all costs incurred by the city to be reimbursed by anyone violating this section, including, but not limited to, the imposition of a lien against the offending property as a special charge for current services.
B. Access. Access to any site, public or private, where a prohibited discharge is indicated or reasonably probable will be provided to Police, Fire, Emergency Management Staff or Officers for the purpose of evaluating the threat to the public and monitor containment, cleanup and restoration activities. If permission for such access is requested and not granted, the City reserves the right to pursue a Special Inspection Warrant or other Warrant under the State of Wisconsin Criminal Code as may be required by law.
C. Public protection. Should any prohibited discharge occur that reasonably causes a threat to the life, health, safety or welfare of the public, the Mayor or Director of Emergency Management, or in his/her absence, the Deputy Director of Emergency Management, the City Fire Department or Police Department, may order an evacuation of the area or take other appropriate protective measures as may be necessary to deal with an eminent threat to the public health, safety or welfare.

D. Enforcement. The Director of Emergency Management or his/her deputies, and the City Police and Fire Departments, shall have authority to issue citations or complaints under this Section.

E. Civil Liability. Any person in violation of this section shall be liable to the City for any expenses incurred by the City or loss or damage sustained by the City by reason of such violation and to any individual whose person or property was damaged by such violation. The City may assess the costs of the cleanup or management of any hazardous material discharge or spill against the owner of the property where the discharge or spill took place, which shall be assessed as a special charge for current services under the Wisconsin Statutes Sec 66.0627. The individual or entity which caused the discharge or spill or where the spill is located shall be also responsible for the costs related to the cleanup and proper disposal of the spilled or discharged hazardous materials.

SECTION IX

Section 133-12 of the Municipal Code of the City of New Berlin is hereby amended to read as follows:

133-12 Violations and penalties.

Except where otherwise provided herein, any person or entity who shall violate any provision of this chapter or any order, rule or regulation made hereunder, upon conviction thereof, shall be subject to a penalty as provided for by Section 1-18 of the Municipal Code of the City of New Berlin. With respect to hazardous material discharges or spills, however, the person responsible for the discharge/spill may be charged an initial fine of $1,000.00 for the discharge/spill; however, each day the discharge/spill continues shall be considered a separate offense, with the second day and thereafter being assessed a forfeiture of $5,000.00 per day and if the site is not cleaned up within 5 days, a forfeiture of $10,000.00 per day for each day thereafter shall be assessed against the party responsible for the hazardous material discharge/spill.

SECTION X

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

SECTION XI

The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the Ordinance.

SECTION XII

This Ordinance shall take effect upon passage and publication as approved by law, and the City Clerk shall so amend the Code of Ordinances of the City of New Berlin, and shall indicate the date and number of this amending ordinance therein.

PASSED AND ADOPTED by the Common Council this _____ day of _____, 2023.

APPROVED:

Countersigned:

_____
David Ament, Mayor

_____
Rubina Medina, Clerk