

Common Council MEETING AGENDA



August 29, 2023 - 6:10 PM
(Following the 6pm Committee of the Whole Meeting)
City Hall
Council Chambers

Amended: 8/28/2023 @ 2:00 PM
Published 8/25/2023

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. July 25th, 2023 Common Council Meeting Minutes
5. **REPORTS**
 - A. City Clerk
 - B. Council President
 - C. Mayor
6. **COMMUNICATIONS**
 - A. Wal-Mart Real Estate Business Trust vs. City of New Berlin
 - B. Sharon Edic Claim
 - C. Letter from Allen Heath re: Delinquent Real Estate Tax
 - D. Letter from Narayanan Sankrithi re: Delinquent Real Estate Tax
7. **PLAN COMMISSION**
 - A. KH DCD1-2301206 Floodplain Amendments (Public Hearing 8/14/23)
 - B. (1) GK/NJ CP-2300808 Dan Romnek on behalf of Mandel Group - 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) - Amend the Future Land Use Map within the City's Comprehensive Plan from Suburban Commercial to Suburban Commercial, Mixed Residential and Institutional AND 2030 Comprehensive Plan Updates. (Public Hearing 7/10/23)
 - C. (1) GK/NJ RZ-2300810 Dan Romnek on behalf of Mandel Group - 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) - Rezone from I-1 and C-2 to B-1/PUD, Rm-1/PUD, I-1 PUD & C-2. (Public Hearing 7/10/23)
 - D. (1) GK/NJ LD-2300812 Dan Romnek on behalf of Mandel Group - 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) - 4-Lot Certified Survey Map.
 - E. (3) GK LD-2301367 Scott Funk - 1710 S. Craftsman Drive (Tax Key #'s: 1174-066 & 1174-987-001) - 2-Lot Certified Survey Map.

8. MAYORAL APPOINTMENTS

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

9. DEFERRED, REFERRED & TABLED ITEMS

10. ITEMS REMOVED FROM CONSENT AGENDA, if any

11. 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.*

12. MINUTES

- A. July 25th, 2023 Committee of the Whole Meeting Minutes

13. UTILITY & FINANCE

- A. Discussion and recommendation to the Common Council approval of the August 9th, 2023 Water Utility claims in the amount of \$33,894.34, Sewer Utility claims in the amount of \$22,287.13 and General City claims in the amount of \$282,339.79

14. LICENSES & PERMITS

- A. Discussion and recommendation to the Common Council approval of the new agent for Family Entertainment, LLC (dba: Ridge Cinema), Mark A. Peterson Sr., for the remainder of the licensing period expiring June 30th, 2024
- B. Discussion and recommendation to the Common Council approval of a Loudspeaker Permit extension to 11:00 pm for Greg Westphal of 2369 S. 124th Street for a wedding to be held on September 16th, 2023
- C. Discussion and recommendation to the Common Council approval of the Extension of Premise application for Baler's, located at 13327 W. Greenfield Avenue, for the parking lot area on September 9th, 2023 from 12pm to 9pm
- D. Discussion and recommendation to the Common Council approval of the Extension of Premise application for Baler's, located at 13327 W. Greenfield Avenue, for the parking lot area on September 23rd, 2023 from 1pm to 9pm

15. MISCELLANEOUS

- A. Water Utility Update by Utility Manager Jim Hart
- B. Presentation of 2022 Audit Report by Baker Tilly
- C. Discussion and recommendation to the Common Council approval of Resolution 23-20, a Resolution Authorizing the Issuance and sale of \$13,280,000 General Obligation Promissory Notes, Series 2023A
- D. Discussion and recommendation to the Common Council approval of Resolution 23-21, a Resolution Awarding the Sale of \$6,240,000 General Obligation Community Development Bonds, Series 2023B
- E. Discussion and recommendation to the Common Council approval of Resolution 23-19, a Resolution to Reallocate a portion of the 2023 CIP Budget to the New Berlin Activity and Recreation Center Phase II
- F. Discussion and recommendation to the Common Council granting authority to the City Clerk to enter into the Memorandum of Understanding with the Wisconsin Elections Commission for the 2023 Absentee Ballot Envelope Subgrant Reimbursement
- G. Discussion and possible action to provide direction to staff regarding the Block Party Permit
- H. Discussion and recommendation to the Common Council approval of Resolution 23-12, a Resolution of eligibility for exemption from the 2023 County Library Tax Levy for 2024 purposes
- I. Recommend to the Common Council that a joint public hearing be set for September 25, 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-5 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)
- J. Recommend to the Common Council that a joint public hearing be set for October 2, 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 Suburban Commercial to Institutional AND rezone from B-2 to I-1 for the property located at 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #:1212-991-001)

- K. Recommend to the Common Council that a public hearing be set for October 2, 2023 at 6:01 p.m. to be held before the Plan Commission to rezone the property located at 5751 S. Sunny Slope Road (Tax Key #: 1289.994.002) from A-2 to R-6
- L. Recommend to the Common Council that a public hearing be set for October 2, 2023 at 6:02 p.m. to be held before the Plan Commission to rezone the property located at 14011 S. Moorland Road (Tax Key #: 1161-995-001) from B-1/PUD & C-2 to B-2/PUD & C-2.
- M. Discussion and possible action regarding the Karen Freund claim

16. END CONSENT AGENDA-----

17. CLOSED SESSION

- A. The basis for the items to be discussed in closed session are as enumerated in Section 19.85(1)(e) of the Wisconsin State Statutes. (e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business whenever competitive or bargaining reasons require a Closed Session, more specifically:
- B. Mandel Real Property Purchase Agreement
- C. The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85(1)(g) of the Wisconsin State Statutes (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, more specifically:
- D. David Bailey Claim

18. RECONVENE TO OPEN SESSION

- A. Possible action re: Mandel Real Property Purchase Agreement
- B. Possible action re: David Bailey Claim

19. 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

July 25, 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

No speakers

2. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Mayor Ament called the Common Council meeting to order at 6:30 PM and led the Pledge of Allegiance.

3. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

The City Clerk took the roll call as follows:

Present: Alderperson Hopkins, Alderperson Maxey, Alderperson Harenda, Alderperson Kroupa, Alderperson Horbinski

Excused: Alderperson La Fever, Alderperson Stribl

Staff Present: City Attorney Mark Blum, City Clerk Rubina Medina

4. APPROVAL OF MINUTES

A. June 27, 2023 Common Council Meeting Minutes

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Kroupa
Second by: Alderperson Maxey
Motion Passed 5-0

5. REPORTS

A. City Clerk

No report.

B. Council President

No report.

C. Mayor

- Just a reminder that we are still seeking nominations for our **2023 Citizen of the Year Award**. Nominations are due August 31st and should be submitted to the Mayor's Office. Nominee must be a citizen of New Berlin and achievements must be recent or on-going. For more details visit the City's homepage.
- Our **New Berlin Library Concerts at City Center** Continue! Please join us for the last two concerts of the summer on **July 26th and August 9th** – Music starts at 6:30 pm – please bring your own lawn chairs & blankets to sit on. Food and Refreshments are available for purchase.
- Our **Recreation Department's "Movie in the Park"** is back! Please join us for the showing of **Minions: The Rise of Gru on Friday, July 28th, Puss & Boots on August 11th, and Super Mario Bros Movie on August 25th**. All movies are being showcased at Malone Park. Bring your

lawn chairs and blankets. For more information, please contact our Recreation Department at 262-797-2443.

- All are invited to attend our first **Beer Garden** of the Summer Season on **July 28th – 29th at Malone Park**. Fridays the Beer Garden will be open from 3-9pm, and on Saturdays they will be open from 12-9pm. For a list of all the **Malone Park Beer Garden** dates this summer, please visit our city webpage.
- **“Midnight Volleyball with New Berlin Police Department”** at **Malone Park** continues through the summer. This event is open to all New Berlin High School Students and has a \$1 entry fee. The remaining dates for this year are **7/31, 8/7 & 8/14**. Check-in starts at 7:30 p.m. and the Tournaments begins at 8:00 p.m. Please contact the New Berlin Police Department for more information.
- **New Berlin’s Recreation Department** is hosting a **“Backyard Bash & Color Clash”** on **Saturday August 12th at Malone Park**. Bring the whole family for fun, walking/running, and lots of color! The Walk/Run course is around Malone Park and has a \$15 registration/entry fee. The Backyard Bash is a free family fun event filled with family yard games, a rock climbing wall, and a Beer Garden. Pizza by Rosati’s will be available for purchase in the park. For more information please contact our Recreation Department at 262-797-2443.
- Last call for our **School Supply Drive for New Berlin’s Food Pantry**. The New Berlin Food Pantry is collecting back to school supplies to help those students in need in providing them with the tools for a successful school year. Items in request are Backpacks, 3 Ring 1-inch Binders, Wide-ruled Spiral Notebooks, Plastic Pencil Boxes, and any other items on school lists. New items only please. You can drop off your donations at City Hall or the New Berlin Food Pantry through July 31st.
- Residents are strongly encouraged to sign-up for our **New Berlin News** which is sent out on the 1st and 3rd Thursdays of each month via email. The New Berlin News comes straight from the Clerk’s Office and keeps residents informed of all upcoming events as well as important information. To sign up, please visit the City’s homepage.
- And finally, our **Tuesday August 8th COW/Council meeting has been cancelled**. Our next scheduled COW/Council meeting will be **August 29th**.

6. COMMUNICATIONS

7. PLAN COMMISSION

- A. (2) KH LD-2301013 DreamPak - 17100 W. Ryerson Road – 1-Lot Certified Survey Map

Clarification was made that this item came from the Community Development Authority, not the Plan Commission.

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Horbinski
Second by: Alderperson Kroupa
Motion Passed 5-0

8. PARKS, BUILDINGS & GROUNDS COMMISSION

- A. Recommend to Common Council to reject the bid by Allcon, LLC and rebid with individual buildings.

MOTION: Motion to Approve the rejection of BID

VOTE: Motion by: Alderperson Horbinski
Second by: Alderperson Maxey
Motion Passed 5-0

9. UTILITY COMMITTEE

- A. UT 10-23 Discussion and Recommendation from the Utility Committee to the Common Council a request from John and Karen Emauele, address 16235 W Hansen Dr, New Berlin regarding sanitary sewer hook-up including applicable fees associated with the connection

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Harenda
Second by: Alderperson Hopkins
Motion Passed 5-0

10. MAYORAL APPOINTMENTS

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

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Kroupa
Second by: Alderperson Maxey
Motion Passed 5-0

11. DEFERRED, REFERRED & TABLED ITEMS

12. ITEMS REMOVED FROM CONSENT AGENDA, if any

13. 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

VOTE: Motion by: Alderperson Harenda
Second by: Alderperson Maxey
Motion Passed 5-0

14. MINUTES

- A.** June 27, 2023 Committee of the Whole Meeting Minutes

15. UTILITY & FINANCE

- A.** Discussion and recommendation to Common Council approval of the July 12, 2023 Water Utility claims in the amount of \$5,795.00. Sewer Utility claims in the amount of \$242,806.55 and General City claims in the amount of \$3,113,083.43. WE Energies EFT of \$58,022.89
- B.** Discussion and recommendation to Common Council approval of the July 26, 2023 Water Utility claims in the amount of \$176,400.51. Sewer Utility claims in the amount of \$8,904.04 and General City claims in the amount of \$2,152,059.56. Tax overpayment checks totaling \$3,244.88 were also generated. US Bank VISA EFT of \$26,251.33. WE Energies EFT of \$51,446.84

16. LICENSES & PERMITS

- A.** Discussion and recommendation to the Common Council approval of the new agent for Kwik Trip #977, Mario Baregi, for the remainder of the licensing period of July 1, 2023-June 30, 2024.

17. MISCELLANEOUS

- A.** Finance Department Update by Director Ralph Chipman

- B. Recommend to the Common Council that a joint public hearing be set for August 14, 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 Rural Commercial and Suburban Residential to Rural Commercial and Suburban Residential AND rezone from B-2 and R-3 to B-5 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).
- C. Discussion and recommendation to the Common Council approval of the Pre-Disaster Debris Management Contract with DRC Emergency Services to provide Debris Management Services in the event of a disaster for a period from August 1, 2023 through August 1, 2026 with a mutually agreed upon extension of up to 2 years
- D. Discussion and recommendation to the Common Council approval of Resolution 23-15, A Resolution providing for the sale of approximately \$13,280,000 General Obligation Promissory Notes, Series 2023A
- E. Discussion and recommendation to the Common Council approval of Resolution 23-16, An Resolution authorizing \$6,240,000 General Obligation Bonds for Community Development Projects in Tax Incremental District No. 5
- F. Discussion and recommendation to the Common Council approval of Resolution 23-17, A Resolution Directing Publication of Notice to Electors Relating to Bond Issue
- G. Discussion and recommendation to the Common Council approval of Resolution 23-18, A Resolution Providing for the Sale of Not to Exceed \$6,240,000 General Obligation Community Development Bonds, Series 2023B
- H. Discussion and recommendation to the Common Council approval of Ordinance No. 2680, An Ordinance to create Sections 152-4 (Q) and (R) of the Municipal Code of the City of New Berlin
- I. Discussion and recommendation to the Common Council approval of the license agreement between Professional Firefighters of Wisconsin Charitable Foundation Inc. and the City of New Berlin to use the area adjacent to Fire Station No. 1 along Casper Drive, as well as the streets building parking lot for the 2023 Ride to Burn Camp on August 15, 2023 between 5PM and 5:45PM
- J. Discussion and recommendation to the Common Council regarding the Bryan Linskens claim

18. END CONSENT AGENDA-----

19. ADJOURN

MOTION: Motion to Approve to adjourn at 6:40 PM

VOTE: Motion by: Alderperson Maxey
Second by: Alderperson Kroupa
Motion Passed 5-0

STATE OF WISCONSIN

CIRCUIT COURT

WAUKESHA

Wal-Mart Real Estate Business Trust vs. City of New Berlin **Electronic Filing
Notice**Case No. 2023CV001032
Class Code: Money Judgment

FILED

06-28-2023

Clerk of Circuit Court

Waukesha County

2023CV001032

CITY OF NEW BERLIN
3805 SOUTH CASPER DRIVE
NEW BERLIN WI 53151

Case number 2023CV001032 was electronically filed with/converted by the Waukesha County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$20.00 fee to register as an electronic party. This fee may be waived if you file a Petition for Waiver of Fees and Costs Affidavit of Indigency (CV-410A) and the court finds you are indigent under §814.29, Wisconsin Statutes.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: 80a34c

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 262-548-7525.

RECEIVED

JUL 28 2023

City of New Berlin
City Clerk's OfficeWaukesha County Circuit Court
Date: June 28, 2023

FILED
06-28-2023
Clerk of Circuit Court
Waukesha County
2023CV001032

STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY

WAL-MART REAL ESTATE BUSINESS TRUST,
702 SW 8th Street
Bentonville, Arkansas 72716,

Plaintiff,

v.

CITY OF NEW BERLIN,
3805 South Casper Drive,
New Berlin, Wisconsin 53151,

Defendant.

Case No.: 23-CV-
Case Code: 30301
(Money Judgment: Over \$10,000)

SUMMONS

THE STATE OF WISCONSIN

To each person named above as a defendant:

You are hereby notified that the plaintiff named above has filed a lawsuit or other legal action against you. The complaint, which is attached, states the nature and basis of the legal action.

Within twenty (20) days of receiving this summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address 515 West Moreland Boulevard, Waukesha, Wisconsin 53188, and to Gimbel, Reilly, Guerin & Brown LLP, plaintiff's attorney, whose address is 330 Kilbourn Avenue, Suite 1170, Milwaukee, Wisconsin 53202. You may have an attorney help or represent you.

If you do not provide a proper answer within twenty (20) days, the court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 28th day of June, 2023.

GIMBEL, REILLY, GUERIN & BROWN LLP

Electronically signed by Christopher L. Strohbehn

CHRISTOPHER L. STROHBEHN

State Bar No. 1041495

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RUSSELL J. KARNES

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rkarnes@grgblaw.com

SAMANTHA S. BAILEY

State Bar No. 1118995

sbailey@grgblaw.com

Attorneys for Plaintiff

POST OFFICE ADDRESS:

330 Kilbourn Avenue, Suite 1170

Milwaukee, Wisconsin 53202

Telephone: 414/271-1440

FILED
06-28-2023
Clerk of Circuit Court
Waukesha County
2023CV001032

STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY

WAL-MART REAL ESTATE BUSINESS TRUST,
702 SW 8th Street
Bentonville, Arkansas 72716,

Plaintiff,

v.

Case No.: 23-CV-
Case Code: 30301
(Money Judgment: Over \$10,000)

CITY OF NEW BERLIN,
3805 South Casper Drive
New Berlin, Wisconsin 53151,

Defendant.

COMPLAINT

Plaintiff Wal-Mart Real Estate Business Trust ("Walmart"), by its attorneys Gimbel, Reilly, Guerin & Brown LLP, for its complaint against defendant City of New Berlin ("the City"), alleges as follows:

Nature of Action and Parties

1. This action is brought under Wis. Stat. §74.37(3)(d), for a refund of excessive real estate taxes imposed on Walmart by the City for 2023, plus statutory interest, with respect to the parcel of real property in the City known as parcel #115899901 ("the Property"), which Walmart contends had a value as of January 1, 2023, of no more than \$7,610,000. Walmart also seeks determination, if necessary, that Walmart is entitled to a refund of the excessive real estate taxes, plus statutory interest.

2. Walmart is a Delaware statutory trust duly licensed to conduct business in the State of Wisconsin. Walmart is the owner of the Property and is responsible for the payment of property taxes, as well as for the prosecution of property tax disputes involving the Property. Walmart is principally located at 702 SW 8th Street, Bentonville, Arkansas 72716.

3. The City is a body politic, duly organized as a municipal corporation under Wisconsin law, with its principal office located at 3805 South Casper Drive, within the City.

4. The Property is located at 15205 West Greenfield Avenue, within the City.

Background Facts

5. The 2023 value of the Property was set by the City Assessor's office at \$15,027,500.

6. Walmart timely filed an objection to the 2023 assessment of the Property with the City's Board of Review ("BOR") pursuant to Wis. Stat. §70.47. The Board determined that the value was \$15,027,500. The BOR granted a Waiver of Board of Review Hearing ("Waiver") in accordance with the provisions of Wis. Stat. §70.37(3). A copy of the Waiver is attached as Exhibit A.

7. Walmart timely brings this action and seeks review of the assessment as set forth below.

First Claim for Relief – Excessive Tax Assessment

8. The allegations of paragraphs 1-7 are incorporated as if fully re-alleged herein.

9. The value of the Property as of January 1, 2023 was no higher than \$7,610,000.

10. The 2023 assessment of the Property was excessive. As a result, the tax imposed on the Property for 2023 was excessive.

11. Walmart is entitled to a refund of 2023 taxes paid as may be determined to be due to Walmart, plus statutory interest.

Second Claim for Relief – Non-Uniform Tax Assessment

12. The allegations of paragraphs 1-11 are incorporated as if fully re-alleged herein.

13. The value of the Property as of January 1, 2023 was no higher than \$7,610,000.

14. Upon information and belief, the 2023 assessment was not uniform with the assessment of other properties in the City and State and therefore, violates the Uniformity Clause of the Wisconsin Constitution.

15. Walmart is entitled to a refund of 2023 taxes paid as may be determined to be due to Walmart, plus statutory interest.

Third Claim for Relief – Declaratory Judgment

16. The allegations of paragraphs 1-15 are incorporated as if fully re-alleged herein.

17. As alleged above, the City's BOR delegated its authority to determine the 2023 value of the Property to this Court for its determination.

18. An actual and justiciable controversy exists as to Walmart right to a reduction in the 2023 assessment as set forth in Wis. Stat. §70.47.

19. Walmart seeks a declaratory judgment construing Wis. Stat. §70.47 to mandate a reduction in its 2023 value of the Property from \$15,027,500 to \$7,610,000, in accordance with Wisconsin statutory and case law as well as generally accepted appraisal principles.

20. If the Court rules that a hearing is mandated, Walmart seeks an order scheduling an evidentiary hearing from which this Court may make an administrative determination of the value of the Property.

WHEREFORE, plaintiff Walmart seeks the following relief:

- A. A determination that the total estimated fair market value of the property as of January 1, 2023 was no higher than \$7,610,000.
- B. A refund of any excess taxes paid.
- C. An award of all litigation costs incurred by Walmart in this action, including the reasonable fees of its attorneys; and
- D. Any such other and further relief as the Court deems appropriate and just.

Dated this 28th day of June, 2023.

GIMBEL, REILLY, GUERIN & BROWN LLP

Electronically signed by Christopher L. Strohbehn

CHRISTOPHER L. STROHBEHN

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Attorneys for Plaintiff

POST OFFICE ADDRESS:

330 East Kilbourn Avenue, Suite 1170

Milwaukee, Wisconsin 53202

Telephone: 414/271-1440

FILED
06-28-2023
Clerk of Circuit Court
Waukesha County
2023CV001032

Request for Waiver of Board of Review (BOR) Hearing

Section 70.47 (8m), Wis. Stats., states, "The board may, at the request of the taxpayer or assessor, or at its own discretion, waive the hearing of an objection under sub. (8) or, in a 1st class city, under sub. (16) and allow the taxpayer to have the taxpayer's assessment reviewed under sub. (13). For purposes of this subsection, the board shall submit the notice of decision under sub. (12) using the amount of the taxpayer's assessment as the finalized amount. For purposes of this subsection, if the board waives the hearing, the waiver disallows the taxpayer's claim on excessive assessment under sec. 74.37(3) and notwithstanding the time period under sec. 74.37(3)(d), the taxpayer has 60 days from the notice of hearing waiver in which to commence an action under sec. 74.37(3)(d)."

NOTE: The legal requirements of the Notice of Intent to Appear must be satisfied and the Objection Form must be completed and submitted as required by law prior to the Request for Waiver of Board of Review Hearing being submitted.

NOTE: Request for Waiver must be presented prior to the commencement of the hearing.

Municipality City of New Berlin	County Waukesha
Requestor's name Wal-Mart Real Estate Business Trust	Agent name (if applicable)* Gimbel, Reilly, Guerin & Brown LLP
Requestor's mailing address PO Box 8050, Bentonville, AR 72712	Agent's mailing address 330 E. Kilbourn Avenue, Suite 1170 Milwaukee, WI 53202
Requestor's telephone number (479) 204 - 3835 ☒ Land Line ☐ Cell Phone	Agent's telephone number (414) 271 - 1440 ☒ Land Line ☐ Cell Phone
Requestor's email address brandon.caplana@walmart.com	Agent's email address cstrohbehn@grgblaw.com / rkarnes@grgblaw.com

Property address 15205 W. Greenfield Avenue
Legal description or parcel number 115899901
Taxpayer's assessment as established by assessor -- Value as determined due to waiving of BOR hearing \$ 15,027,500
Property owner's opinion of value \$ 7,610,000
Basis for request To take matter directly to Circuit Court as 2018, 2019, 2020, 2021 and 2022 matters are currently in litigation.
Date Notice of Intent to Appear at BOR was given 4 -27 -2023
Date Objection Form was completed and submitted 4 - 27 - 2023

All parties to the hearing understand that in granting of this waiver there can be no appeal to the Department of Revenue under sec. 70.85, Wis. Stats. An action under sec. 70.47(13), Wis. Stats., must be commenced within 90 days of the receipt of the notice of the waiving of the hearing. An action under sec. 74.37(3)(d), Wis. Stats., must be commenced with 60 days of the receipt of the notice of the waiving of the hearing.

Brandon Caplana
Requestor's / Agent's Signature

***If agent, attach signed Agent Authorization Form, PA-105**

Decision

☒ Approved ☐ Denied

Reason _____

Clifford Part
Board of Review Chairperson's Signature

☒ Taxpayer advised

5/2/2023
Date

2-MAY-2023
Date

PLAINTIFF'S
EXHIBIT
A

From: [Medina, Rubina](#)
To: [New Berlin City Clerk](#)
Subject: Repair Estimate
Date: Friday, August 25, 2023 4:04:51 PM

----- Forwarded message -----

From: **Sharon Edic** <sharonedic@gmail.com>
Date: Tue, Aug 8, 2023 at 11:36 AM
Subject: Repair Estimate
To: <Cityclerk@newberlinwi.gov>

Good morning,

On July 31st I was entering our subdivision off of Moreland onto St. Francis Drive when my van got stuck on the huge drop in the road where the existing road and new road meet, this was the day they were laying the asphalt but before the asphalt was put down. My van is a wheelchair accessible van and lowered to accommodate that. After this happened I immediately called Lucas with the city and told him what happened and that I would like to take it in to be checked out. I took it to Silver Lake Auto last Friday and they found the control arm on the passenger side (where my van was stuck) needs to be replaced. Lucas gave me this email and told me to send the repair estimate for your review.

Please let me know what I need to do to get this covered and what my next step would be. I have attached the estimate for you.

Thank you,
Sharon Edic

Confidentiality Notice: This message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information, any unauthorized review, use, disclosure, or distribution is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. The City of New Berlin is subject to the Wisconsin Public Records Law. Emails sent or received by City officials or employees are subject to these laws. Unless otherwise exempted from the public records law, senders and receivers of emails originating from City employees or officials involving City business should presume that the email is subject to release upon request and to the State of Wisconsin public record retention requirements.

This email and any attachments have been scanned for malicious content. However, the recipient should check this email and any attachments for the presence of viruses. The City of New Berlin accepts no liability for any damage caused by any virus transmitted by this email.



Silver Lake Auto & Tire Center New Berlin

15650 West National Avenue
New Berlin, WI 53151
(262) 392-8650
serviceteam@silverlakeautonewberlin.com

Estimate for RO #4005737

Service Advisor: Robert Foley
Date Created: 08/07/23 at 11:05 AM CDT
Client: Sharon Edic
Vehicle: 2007 Dodge Grand Caravan SE

Sharon Edic 3601 S 158TH New Berlin, WI 53151 Phone: (414) 412-6757 Email: sharonedic@gmail.com	2007 Dodge Grand Caravan SE 3.3L 6Cyl GAS Naturally Aspirated VIN: 1D4GP24R07B138332 License: DGB7648 Color: N/A Odometer In: N/A / Out: N/A	RO #4005737 Time-In: 08/07/23 at 11:05 AM CDT
--	---	---

1 - Remove & Replace Suspension Control Arm		TECH: A G
Labor:	Remove & Replace Suspension Control Arm (One Side)	
Parts:	Suspension Control Arm and Ball Joint Assembly	1
	Suspension Control Arm and Ball Joint Assembly	1
☐ APPROVE or ☐ DECLINE		Subtotal \$1,332.86 + est. Tax \$66.64 \$1,399.50

2 - 2 Wheel Computerized Alignment		TECH: A G
Labor:	2 Wheel Computerized Alignment	
☐ APPROVE or ☐ DECLINE		Subtotal \$106.66 + est. Tax \$5.33 \$111.99

Motor Vehicle repair practices are regulated by chapter ATCP 132, WIS. Adm. Code, administered by the Bureau of Consumer Protection, Wisconsin Dept. of Agriculture, Trade and Consumer Protection, P.O. Box 8911, Madison, Wisconsin 53708-8911. YOU ARE ENTITLED TO A PRICE ESTIMATE FOR THE REPAIRS YOU HAVE AUTHORIZED. THE REPAIR PRICE MAY BE LESS THAN THE ESTIMATE, BUT WILL NOT EXCEED THE ESTIMATE WITHOUT YOUR PERMISSION. YOUR SIGNATURE WILL INDICATE YOUR ESTIMATE SELECTION.

1. I request an estimate in writing before you begin repairs.

2. Please proceed with repairs, but call me before continuing if the price will exceed \$_____

3. I do not want an estimate.

WHEEL TORQUE DISCLAIMER

You must return to this shop with this paperwork in the next 5-50 miles to check the wheel torque

Checked by: _____

Date: _____

Total Repair Order & Signature:

X _____

Total Jobs:	\$1,439.52
Total Fees:	\$0.00
Subtotal:	\$1,439.52
Taxes:	\$71.98
Grand Total:	\$1,511.50
BALANCE DUE:	\$1,511.50

JULY 24, 2023

TO: CITY OF NEW BERLIN
COMMON COUNCIL & CLERK

RECEIVED

AUG 02 2023

CITY OF NEW BERLIN
CLERKS OFFICE
RUBINA R. MEDINA

ON JULY 3, 1923, I RECEIVED A NOTICE OF DELINQUENCY FOR TAX KEY CODE 1207-999-023. THE FIRST INSTALLMENT WAS MAILED (USPS) ONE WEEK BEFORE THE DUE DATE FROM FORT MYERS FLORIDA POST OFFICE. IT APPEARS THE CITY OF NEW BERLIN DID NOT RECEIVE/PROCESS UNTIL 2/15/23

THE HISTORIC HURRICANE (IAN) THAT DESTROYED A HUGE AREA OF FORT MYERS. MAIL SERVICE WAS STOPPED AND DELAYED SINCE THIS HURRICANE WAS DECLARED A NATIONAL DISASTER AND I WAS NOT DELINQUENT IN MAILING THE PAYMENT, WOULD YOU COMMON COUNCIL (CITY OF NEW BERLIN) REMOVE THE DELINQUENCY CHARGE OF \$757.69 WHICH I JUST PAID ON 7/24/23 TO AVOID ADDITIONAL INTEREST.

I WANT TO THANK YOU FOR YOUR CONSIDERATION AS WE LOST A SIGNIFICANT AMOUNT OF TREASURED PROPERTY AT OUR FORT MYERS PROPERTY, WHERE WE WERE AT THE TIME OF THE HURRICANE. THIS HURRICANE RAGED FOR 8 HOURS WITH 155 MPH WIND AND 12 FEET OF WATER

THANK YOU ALLAN HEATH

Allan Heath

MAILING ADDRESS
7502 JACKSON BRND RD.
KEOKUK CITY TN 37772
239-826-0387

Clerks Department,
Common Council,
3805 S. Casper Drive
City of New Berlin, WI-53151

RECEIVED
AUG 21 2023
CITY OF NEW BERLIN
CLERKS OFFICE
RUBINA R. MEDINA

Dear Sir/Madam,

Sub: Real Estate Tax - Interest & Penalty reconsideration

I (Narayanan Sankrithi, Tax Key: 1254-042) received my 2022 real estate tax bill and paid the first installment amount on the due date. I missed the second installment in May as a very close relative of mine was admitted in hospital and me and my spouse were fully engaged in helping. When the third installment was due, I realized that I had missed the second one and paid that along with the third installment.

The next week I received a letter from the city office that stated that I was being charged 1.5% interest & penalty **per month** which translates to almost **18% per annum** which is quite high. After reaching out to city office to discuss what options exist in recovering the money back, I was advised to contact the common council which I am doing.

I am a Senior Citizen and have been a resident of New Berlin for the past ten plus years and have been paying my taxes on time without missing any single payment. I implore you to reconsider my case this one time and help me recover the charges.

Please advise me of the next steps in the process and thank you in advance for your assistance in this matter.

Regards,



Narayanan Sankrithi

8-14-23

STAFF REPORT

EXECUTIVE SUMMARY

APPLICANT/PROJECT:	City of New Berlin / §275-65 of the Zoning Code, Floodplain Zoning Updates
LOCATION:	Citywide
REQUEST:	Plan Commission hold a public hearing and recommend to the Common Council adoption of Ordinance # 2675 that approves the updates to the Zoning Code, Chapter 275.
D.R.C. RECOMMENDATION:	Plan Commission hold a public hearing and recommend to the Common Council adoption of Ordinance # 2675 that approves the updates to the Zoning Code, Chapter 275.

Background:

1. Federal Emergency Management Agency (FEMA) has updated the flood maps for Waukesha County as part of their RiskMAP program. The new Flood Insurance Rate Maps (FIRM) will become effective October 19, 2023. As a result, some properties will see a change in its risk zone and/or Base Flood Elevation (BFE). An Open House was held on July 10, 2023 at City Hall with City staff and the DNR for the public to view the maps and ask questions. Letters were sent to the affected properties regarding this Open House and the upcoming changes.
2. The proposed Zoning Code updates correspond to the map revisions. These Zoning Code updates include changes to the dates and numbers only, not the map revisions.
3. The following changes are proposed to §275-65 of the Zoning Code, Floodplain Zoning:
 - a. §275-65A(5)(b). Update Flood Insurance Rate Map (FIRM) Panel Numbers and dates.
 - b. §275-65A(5)(c). Correctly identify the regional floodplain areas.
 - c. §275-65A(5)(e). Correct code reference.
 - d. §275-65C. Correct code reference.

Next Steps:

1. Public hearing held before Plan Commission.
2. Plan Commission recommendation forwarded to the Common Council for final action.
3. Common Council review for final action.

Previous Action:

6/27/2023 Common Council set the public hearing date for August 14, 2023.

Attachments:

Draft Zoning Code Amendments
Ordinance # 2675

§ 275-65. Floodplain Zoning.

- A. Statutory authorization, findings of fact, statement of purpose, title and general provisions.
- (1) Statutory authorization. This article is adopted pursuant to the authorization in §§ 61.35 and 62.23, Wis. Stats., and the requirements in § 87.30, Wis. Stats.
 - (2) Finding of fact. Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.
 - (3) Statement of purpose. This article is intended to regulate floodplain development to:
 - (a) Protect life, health and property;
 - (b) Minimize expenditures of public funds for flood control projects;
 - (c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
 - (d) Minimize business interruptions and other economic disruptions;
 - (e) Minimize damage to public facilities in the floodplain;
 - (f) Minimize the occurrence of future flood blight areas in the floodplain;
 - (g) Discourage the victimization of unwary land and home buyers;
 - (h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
 - (i) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.
 - (4) Title. This article shall be known as the "Floodplain Zoning Ordinance for the City of New Berlin, Wisconsin."
 - (5) General provisions.
 - (a) Areas to be regulated. This article regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO Zones. Regional flood elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most-restrictive information shall apply.
 - (b) Official maps and revisions. The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the letter of map change process (see §275-65H) before they are effective. No changes to regional flood elevations (RFEs) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Department of Community Development, City of New Berlin. If more than one map or revision is referenced, the most current restrictive shall apply.
 - [1] Based on the FIS:
 - [a] Flood Insurance Rate Map (FIRM) Panel Numbers 55133C0218~~GH~~, 55133C0219~~GH~~, 55133C0238~~GH~~, 55133C0239~~GH~~, 55133C0327~~GH~~, 55133C0329~~GH~~, 5133C0331~~GH~~, 55133C0332~~GH~~, 55133C0334~~GH~~, 55133C0342~~GH~~, 55133C0351~~GH~~, 55133C0352~~GH~~, 55133C0353~~GH~~, 55133C0354~~GH~~, 55133C0361~~GH~~ and 5133C0362~~GH~~, dated ~~November 5, 2014~~ October 19, 2023, with corresponding profiles that are based on the Waukesha County

Flood Insurance Study (FIS), dated ~~November 5, 2014~~ October 19, 2023, Volumes 55133CV001~~CD~~, 55133CV002~~CD~~, and 55133CV003~~CD~~, 55133CV004D and 55133CV005D, are hereby incorporated in the City of New Berlin Floodplain Ordinance and the floodplain districts as set forth in §§ 275-65-~~22 through 275-65.31~~ as well as the City of New Berlin Zoning Map.

[b] Flood Insurance Rate Map (FIRM) Panel Numbers 55133C0333G, 55133C0337G, and 55133C0341G, dated November 5, 2014.

[2] Maps based upon other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

[a] Any one-hundred-year dam failure analyses as approved from time to time by the DNR and FEMA.

[b] All DNR- and FEMA-approved floodplain maps, flood profiles, floodway data tables, regional or base flood elevations, letters of map amendment, letters of map revision and other information are on file in the office of the Department of Community Development, City of New Berlin.

[c] Waukesha County Flood Storage Maps, Panel Numbers 412 and 916, dated ~~November 5, 2014~~ October 19, 2023, approved by the DNR.

(c) Establishment of floodplain zoning districts. The regional floodplain areas are divided into four districts as follows:

[1] The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to §275-65E(1)(e).

[2] The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway and displayed as AE Zones on the FIRM, or within A Zones shown on the FIRM when determined according to §275-65E(1)(e) or when floodway limits have been determined according to §275-65E(1)(e) within A Zones shown on the FIRM.

[3] The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood and do not have a BFE or floodway boundary determined, including A, AH, and AO Zones on the FIRM, or when floodway limits have been determined according to §275-65E(1)(e) within A Zones shown on the FIRM.

[4] The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

(d) Locating floodplain boundaries. Discrepancies between boundaries on the Official Floodplain Zoning Map and actual field conditions shall be resolved using the criteria in [1] or [2] below. If a significant difference exists, the map shall be amended according to §275-65H. The Director can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Director shall be responsible for documenting actual predevelopment field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Director and an applicant over the district

boundary line shall be settled according to §275-65G(3)(c) and the criteria in [1] and [2] below. Where the flood profiles are based on established base flood elevations from the FIRM, FEMA must approve any map amendment or revision pursuant to §275-65H.

[1] If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

[2] Where flood profiles do not exist, the location of the boundary shall be determined by the map scale.

(e) Removal of lands from floodplain.

[1] Compliance with the provisions of this article shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to § 275-65-~~29H~~. Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a letter of map change (LOMC).

[2] The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of the approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:

[a] The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;

[b] The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F.

[3] Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

(f) Compliance.

[1] No structure or use within the areas regulated by this article shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of this article and all other applicable local, state, and federal regulations that apply to uses within the jurisdiction of these regulations.

[2] Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with §275-65I.

[3] Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with §275-65I.

(g) Municipalities and state agencies regulated.

- [1] Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this article and obtain all necessary permits. State agencies are required to comply if § 13.48(13), Wis. Stats., applies.
- [2] The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when § 30.2022, Wis. Stats., applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards.
- [3] If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under §30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply:
 - [a] The applicant provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location;
 - [b] The project is exempt from a DNR permit under §30.123(6)(3);
 - [c] The capacity is not decreased;
 - [d] The top road grade is not raised, and;
 - [e] No floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.
- (h) Abrogation and greater restrictions.
 - [1] This article supersedes all the provisions of any municipal zoning ordinance enacted under § 62.23 or § 87.30, Wis. Stats., which relates to floodplains. If another ordinance is more restrictive than this article, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
 - [2] This article is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this article imposes greater restrictions, the provisions of this article shall prevail.
- (i) Interpretation. In their interpretation and application, the provisions of this article are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this article required by Ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this article or in effect on the date of the most-recent text amendment to this article.
- (j) Warning and disclaimer of liability. The flood protection standards in this article are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This article does not imply or guarantee that nonfloodplain areas or permitted floodplain uses will be free from flooding and flood damages. This article does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this article.
- (k) Severability. Should any portion of this article be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article shall not

be affected.

- (l) Annexed areas for cities and villages. The Waukesha County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Ch. NR 116, Wis. Adm. Code, and 44 CFR 59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's Official Zoning Map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal Director. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

B. General standards applicable to all floodplain districts.

- (1) General standards. The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
 - (a) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:
 - [1] Be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - [2] Be constructed with materials resistant to flood damage;
 - [3] Be constructed by methods and practices that minimize flood damages;
 - [4] Mechanical and utility equipment must be elevated to or above the flood protection elevation.
 - (b) If a subdivision or other proposed new development is in a flood-prone area, the community shall assure that:
 - [1] Such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;
 - [2] Public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damages;
 - [3] Adequate drainage shall be provided to reduce exposure to flood hazards, and all subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this article and all other requirements in §275-65G(1)(b).
- (2) Hydraulic and hydrologic analyses.
 - (a) No floodplain development shall:
 - [1] Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
 - [2] Cause any increase in the regional flood height due to floodplain storage area lost.
 - (b) The Director shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of §275-65H are met.
- (3) Watercourse alterations. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified, in writing, all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The standards of §275-

65B(2) must be met, and the flood-carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to §275-65H, the applicant shall apply, with community acknowledgement, for a letter of map revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

- (4) Chapters 30 and 31, Wis. Stats., development. Development which requires a permit from the Department under Chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the Floodplain Zoning Ordinance are made according to §275-65H.
- (5) Public or private campgrounds. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:
 - (a) The campground is approved by the Department of Agriculture, Trade and Consumer Protection;
 - (b) A land use permit for the campground is issued by the Director;
 - (c) The character of the river system and the elevation of the campground are such that a seventy-two-hour warning of an impending flood can be given to all campground occupants;
 - (d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedure for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
 - (e) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated, by the officials identified in (d) above, to remain in compliance with all applicable regulations, including those of the State Department of Agriculture, Trade and Consumer Protection and all other applicable regulations;
 - (f) All mobile recreational vehicles placed on the site must meet one of the following:
 - [1] Only camping units that are fully licensed, if required, and ready for highway use are allowed (A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.); or
 - [2] The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or
 - [3] Meet the requirements in either §275-65C, D, or E(1) for the floodplain district in which the structure is located.
 - (g) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;
 - (h) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
 - (i) The campground shall have signs clearly posted at all entrances warning of the

flood hazard and the procedures for evacuation when a flood warning is issued;
and

- (j) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells, shall be properly anchored and placed at or floodproofed to the flood protection elevation.
- (k) Standards for structure in a campground:
 - [1] All structures must comply with section §275-65B(5) or meet the applicable requirements in §275-65C, D, or E(1) for the floodplain district in which the structure is located;
 - [2] Deck/landing - a portable landing maybe allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls, or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with §275-65B(5)(d). Any suck deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
 - [3] Decks/patios that are constructed completely at grade may be allowed, but must also comply with applicable shoreland zoning standards.
 - [4] Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with §275-65B(5)(d).
 - [5] Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenance equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with the §275-65B(5)(d).
- (l) A land use permit shall be obtained as provided under §275-65G(1)(b) before any development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

C. Floodway District (FW).

- (1) Applicability. This section applies to all floodway areas on the Floodplain Zoning Maps and those identified pursuant to §275-65E(1)(e).
- (2) Permitted uses. The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District if they are not prohibited by any other ordinance, they meet the standards in §275-65C(3) and (4), and all permits or certificates have been issued according to §275-65G(1):
 - (a) Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.

- (b) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - (c) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of §275-65C(3)(d).
 - (d) Uses or structures accessory to open space uses or classified as historic structures that comply with §275-65C(3) and (4).
 - (e) Extraction of sand, gravel or other materials that complies with §275-65C(3)(d).
 - (f) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31 Wis. Stats.
 - (g) Public utilities, streets and bridges that comply with §275-65C(3)(c).
 - (h) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch 383 Wis. Adm. Code.
 - (i) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinance and chs. NR 811 and NR 812, Wis. Adm. Code.
 - (j) Wastewater treatment ponds or facilities permitted under ch NR 110.15(3)(b), Wis. Adm. Code.
 - (k) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.
- (3) Standards for development in floodway areas.
- (a) General.
 - [1] Any development in the floodway shall comply with §275-65B and have a low flood damage potential.
 - [2] Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to §275-65B(2) and §275-65G(1)(b)[3]: The analysis must be completed by a registered professional engineer in the state of Wisconsin.
 - [3] Any encroachment in the regulatory floodway is prohibited unless the data submitted for [2] above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in §275-65-A(5)(e).
 - (b) Structures. Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
 - [1] The structure is not designed for human habitation and does not have a high flood damage potential and is constructed to minimize flood damage;
 - [2] Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
 - [a] Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without

- human intervention during flooding;
- [b] Have structural components capable of meeting the provision of §275-65C(3)(b)[7] and;
- [c] Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with §275-65C(3)(b)[7].
- [3] Must be anchored to resist flotation, collapse and lateral movement;
- [4] Mechanical and utility equipment must be elevated to, or above, the flood protection elevation; and
- [5] They must not obstruct the flow of floodwaters or cause any increase in flood levels during the occurrence of the regional flood.
- [6] For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets [1] through [5] above and meets or exceeds the following standards:
 - [a] The lowest floor must be elevated to or above the regional flood elevation;
 - [b] A minimum of two openings having a total net area not less than one square inch for every square foot of enclosed area subject to flooding;
 - [c] The bottom of all such openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open;
 - [d] The use must be limited to parking, building access or limited storage.
- [7] Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:
 - [a] Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
 - [b] Construction of well, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provision in §275-65C(4)(d) and (e);
 - [c] Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
 - [d] Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
 - [e] Placement of utilities to or above the flood protection elevation.
- (c) Public utilities, streets and bridges. Public utilities, streets and bridges may be allowed by permit if:
 - [1] Adequate floodproofing measures are provided to the flood protection elevation; and
 - [2] Construction meets the development standards of §275-65B(2).
- (d) Fills or deposition of materials. Fills or deposition of materials may be allowed by permit if:

- [1] The requirements of §275-65B(2) are met;
 - [2] No material is deposited in navigable waters unless a permit is issued by the Department pursuant to Ch. 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1344, has been issued, if applicable, and all other requirements have been met;
 - [3] The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - [4] The fill is not classified as a solid or hazardous material.
- (4) Prohibited uses. All uses not listed as permitted uses in §275-65C(2) are prohibited, including the following uses:
- (a) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
 - (b) Storing materials that are buoyant, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
 - (c) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
 - (d) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code;
 - (e) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code;
 - (f) Any solid or hazardous waste disposal sites;
 - (g) Any wastewater treatment ponds or facilities, except those permitted under § NR 110.15(3)(b), Wis. Adm. Code; and
 - (h) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

D. Floodfringe District (FF).

- (1) Applicability. This section applies to all floodfringe areas shown on the Floodplain Zoning Maps and those identified pursuant to §275-65E(1)(e).
- (2) Permitted uses. Any structure, land use, or development is allowed in the Floodfringe District if the standards in §275-65D(3) are met, the use is not prohibited by this chapter or any other ordinance or regulation, and all permits or certificates specified in §275-65G(1) have been issued.
- (3) Standards for development in floodfringe areas. §275-65B(1) shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of §275-65F.
 - (a) Residential uses. Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe area shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of §275-65F.
 - [1] All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet §275-65A(5)(e).

- [2] Notwithstanding [1] above, a basement or crawlspace floor may be placed at or above one foot above the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed lower than one foot above the regional flood elevation.
- [3] Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in [4] below.
- [4] In developments where existing street or sewer line elevations make compliance with [3] above impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation if:
 - [a] The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - [b] The municipality has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.
- (b) Accessory structures or uses. In addition to §275-65B(1), new construction and substantial improvements of accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
- (c) Commercial uses. In addition to §275-65B(1), any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of §275-65D(3)(a). Subject to the requirements of §275-65D(3)(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (d) Manufacturing and industrial uses. In addition to §275-65B(1), any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in §275-65G(5). Subject to the requirements of §275-65D(3)(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (e) Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with §275-65G(5). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- (f) Public utilities, streets and bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans, and:
 - [1] When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with §275-65G(5).
 - [2] Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- (g) Sewage systems. All sewage disposal systems shall be designed to minimize or

eliminate infiltration of floodwater into the system, pursuant to §275-65G(5)(c), to the flood protection elevation and shall meet the provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.

- (h) Wells. All wells shall be designed to minimize or eliminate infiltration of floodwaters into the system, pursuant to §275-65G(5)(c), to the flood protection elevation and shall meet the provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.
- (i) Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- (j) Deposition of materials. Any deposited material must meet all the provisions of this article.
- (k) Manufactured homes.
 - [1] Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage and prepare, secure approval of and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - [2] In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - [a] Have the lowest floor elevated to the flood protection elevation; and
 - [b] Be anchored so they do not float, collapse or move laterally during a flood.
 - [3] Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in §275-65D(3)(a).
- (l) Mobile recreational vehicles. All mobile recreational vehicles must be on site for less than 180 consecutive days and be either:
 - [1] Fully licensed and ready for highway use (A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.); or
 - [2] Shall meet the elevation and anchoring requirements in §275-65D(3)(k)[2] and [3].

E. Other floodplain districts. Other floodplain districts may be established under this chapter and reflected on the Floodplain Zoning Map. These districts may include General Floodplain Districts and Flood Storage Districts.

- (1) General Floodplain District (GFP).
 - (a) Applicability. The provisions for this district shall apply to development in all floodplains mapped as A, AO, AH and in AE Zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in §275-65A(5)(b)[1].
 - (b) Floodway Boundaries. For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in §275-65A(5)(b)[1], the boundaries of the regulatory floodway shall be determined pursuant to §275-65E(1)(e). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of §275-65C. If the development is located entirely within the floodfringe, the development is subject to the standards of §275-65D.
 - (c) Permitted uses. Pursuant to §275-65E(1)(e), it shall be determined whether the

proposed use is located within a floodway or floodfringe area. Those uses permitted in floodway (§275-65C(2)) and floodfringe areas (§275-65D(2)) are allowed within the General Floodplain District, according to the standards of §275-65E(1)(d), provided that all permits or certificates required under §275-65G(1) have been issued.

- (d) Standards for development in the General Floodplain District. §275-65C applies to floodway areas, determined pursuant to §275-65E(1)(e); §275-65D applies to floodfringe areas, determined pursuant to §275-65E(1)(e).
 - [1] New construction and substantial improvements of structures in zone AO shall have the structure's lowest floor, including basement, elevated:
 - [a] To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade, plus one additional foot of freeboard; or
 - [b] If the depth is not specified on the FIRM, to or above three feet above the highest adjacent grade.
 - [2] New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation; or
 - [3] In AO/AH Zones, provide plans showing adequate drainage paths to guide floodwaters around structures.
 - [4] All development in zones AO and zone AH shall meet the requirements of §275-65D applicable to flood fringe areas.
- (e) Determining floodway and floodfringe limits. Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the Director shall:
 - [1] Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the General Floodplain District limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures, and the flood zone as shown on the FIRM.
 - [2] Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood heights and flood flows, regional flood elevation, and to determine floodway boundaries:
 - [a] A hydrologic and hydraulic study as specified in §275-65G(1)(b)[3];
 - [b] A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types; and other pertinent information;
 - [c] Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
- (2) Flood Storage District. The Flood Storage District delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.
 - (a) Applicability. The provisions of this subsection apply to all areas within the Flood

- Storage District (FSD), as shown on the Official Floodplain Zoning Maps.
- (b) Permitted uses. Any use or development which occurs in a Flood Storage District must meet the applicable requirements in §275-65D(3).
 - (c) Standards for development in Flood Storage Districts.
 - [1] Development in a Flood Storage District shall not cause an increase equal or greater than 0.00 feet in the height of the regional flood.
 - [2] No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the predevelopment ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.
 - [3] If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as Flood Storage District, on this waterway, is rezoned to the Floodfringe District. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per §275-65H of this article.
 - [4] No area may be removed from the Flood Storage District unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

F. Nonconforming uses.

- (1) General.
 - (a) Applicability.
 - [1] The standards in this section shall apply to all uses and building that do not conform to the provisions contained within a floodplain zoning ordinance or with s.87.30, Stats and §§NR116.12-14, Wis Adm. Code and 44 CFR 59-72. These standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this article or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has a burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.
 - [2] As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value and a list of the costs of those activities associated with changes to those buildings.
 - (b) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this article may continue, subject to the following conditions:
 - [1] No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this article. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems

- or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
- [2] If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted, and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this article.
- [3] The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.
- [4] No modification or addition to any nonconforming structure or any structure with a nonconforming use which, over the life of the structure, would equal or exceed 50% of its present equalized assessed value shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous dryland access must be provided for residential and commercial uses in compliance with §275-65D(3)(a). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this subsection.
- [5] No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous dryland access must be provided for residential and commercial uses in compliance with §275-65D(3)(a). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.
- [6] If, on a per-event basis, the total value of the work being done under [4] and [5] above equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous dryland access must be provided for residential and commercial uses in compliance with §275-65D(3)(a).
- [7] Except as provided in [8] below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its predamaged condition equals or exceeds 50% of the structure's present equalized assessed value.

- [8] For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum requirements are met and all required permits have been granted prior to the start of construction.
 - [a] Residential structures:
 - [i] Shall have the lowest floor, including basement, elevated to or above the flood protection elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of §275-65G(5)(b).
 - [ii] Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.
 - [iii] Shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - [iv] In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
 - [v] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in §275-65E(1)(d).
 - [vi] In AO Zones, shall have adequate drainage paths around the structure on slopes to guide floodwaters around and away from the structure.
 - [b] Nonresidential structures:
 - [i] Shall meet the requirements of subsection [i] through [vi] above.
 - [ii] Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation or, together with attendant utility and sanitary facilities, shall meet the standards in §275-65G(5)(a) or (b).
 - [iii] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in §275-65E(1)(d).
- (c) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as an historic structure, the alteration will comply with §275-65C(3)(a), flood-resistant materials are used, and construction practices and floodproofing methods that comply with §275-65G(5) are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of §275-65F(1)(b)[8][a] if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and is the minimum necessary to preserve the historic character and design of the structure.
- (2) Floodway District.
 - (a) Modifications or additions. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the

Floodway District, unless such modification or addition:

- [1] Has been granted a permit or variance which meets all ordinance requirements;
 - [2] Meets the requirements of 275-65F(1);
 - [3] Shall not increase the obstruction to flood flows or regional flood height; and
 - [4] Any addition to the existing structure shall be floodproofed, pursuant to §275-65G(5), by means other than the use of fill, to the flood protection elevation; and
 - [5] If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - [a] The enclosed are shall be designed by a registered architect or engineer to allow for the efficient entry and exit of floodwaters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - [b] The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - [c] Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - [d] The use must be limited to parking, building access or limited storage.
- (b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a Floodway District shall meet the applicable requirements of all municipal ordinances, §275-65G(5)(c) and Ch. SPS 383, Wis. Adm. Code.
- (c) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in a Floodway District shall meet the applicable requirements of all municipal ordinances, §275-65G(5)(c) and Chs. NR 811 and NR 812, Wis. Adm. Code.
- (3) Floodfringe District.
- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of §275-65D(3), except where (b) below is applicable.
 - (b) Where compliance with the provisions of (a) above would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in §275-65G(3), may grant a variance from those provisions of (a) above for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - [1] No floor is allowed below the regional flood elevation for residential or commercial structures;
 - [2] Human lives are not endangered;

- [3] Public facilities, such as water or sewer, shall not be installed;
 - [4] Flood depths shall not exceed two feet;
 - [5] Flood velocities shall not exceed two feet per second; and
 - [6] The structure shall not be used for storage of materials as described in §275-65D(3)(e).
 - (c) All new private sewage disposal systems, or additions to, replacement, repair or maintenance of a private sewage disposal system, shall meet all the applicable provisions of all local ordinances, §275-65G(5)(c) and Ch. SPS 383, Wis. Adm. Code.
 - (d) All new wells, or additions to, replacement, repair or maintenance of a well, shall meet the applicable provisions of this article, §275-65G(5)(c) and Chs. NR 811 and NR 812, Wis. Adm. Code.
 - (4) Flood Storage District. No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in §275-65E(2)(c) are met.
- G. Administration. The Director of Community Development shall administer this article.
- (1) Director.
 - (a) Duties and powers. The Director is authorized to administer this article and shall have the following duties and powers:
 - [1] Advise applicants of the chapter provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - [2] Issue permits and inspect properties for compliance with provisions of this article and issue certificates of compliance where appropriate.
 - [3] Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
 - [4] Keep records of all official actions, such as:
 - [a] All permits issued, inspections made, and work approved.
 - [b] Documentation of certified lowest floor and regional flood elevations.
 - [c] Floodproofing certificates.
 - [d] Records of water surface profiles, Floodplain Zoning Maps and ordinances, nonconforming uses and structures, including changes, appeals, variances and amendments.
 - [e] All substantial damage assessment reports for floodplain structures.
 - [f] List of nonconforming structures and uses.
 - [5] Submit copies of the following items to the Department's regional office:
 - [a] Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.
 - [b] Copies of any case-by-case analyses, and other required information.
 - [c] Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
 - [6] Investigate, prepare reports, and report violations of this article to the Municipal Department of Community Development and Attorney for prosecution. Copies of the reports shall also be sent to the Department's ~~R~~Regional office.
 - [7] Submit copies of amendments to the FEMA ~~R~~Regional office.
 - (b) Land use permit. A land use permit shall be obtained before any new

development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. All applications shall be submitted on the appropriate forms and in numbers as required by the Director. For projects requiring a land use permit, the Plan Commission shall review and take action for these projects upon receiving a written report from the Department of Community Development. Application submittals shall include, but not be limited to, the following information:

- [1] General information.
 - [a] Name and address of the applicant, property owner and contractor.
 - [b] Legal description, proposed use, and whether it is new construction or a modification.
- [2] Site development plan. A site plan, drawn to scale, shall be submitted with the permit application form and shall contain:
 - [a] Location, dimensions, area and elevation of the lot;
 - [b] Location of the ordinary high-water mark of any abutting navigable waterways;
 - [c] Location of any structures, with distances measured from the lot lines and street center lines;
 - [d] Location of any existing or proposed on-site sewage systems or private water supply systems;
 - [e] Location and elevation of existing or future access roads;
 - [f] Location of floodplain and floodway limits as determined from the Official Floodplain Zoning Maps;
 - [g] The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study, North American Vertical Datum (NAVD);
 - [h] Data sufficient to determine the regional flood elevation in NAVD at the location of the development and to determine whether or not the requirements of §275-65C or §275-65D are met; and
 - [i] Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to §275-65B(2). This may include any of the information noted in §275-65C(3)(a).
- [3] Hydraulic and hydrologic studies to analyze developments. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the state. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by DCD.
 - [a] Zone A floodplains and in AE zones within which a floodway is not delineated:
 - [i] Hydrology. The appropriate method shall be based on the standards in Ch. NR 116.07(3), Wis. Adm. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.
 - [ii] Hydraulic modeling. The regional flood elevation shall be based on the standards in Ch. NR 116.07(4), Wis. Adm. Code, Hydraulic Analysis: Determination of the Regional Flood Elevation, and the following:
 - Determination of the required limits of the hydraulic model shall be based on detailed study

information for downstream structures (dam, bridge, or culvert) to determine adequate starting WSEL for the study.

- Channel sections must be surveyed.
- Minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
- A maximum distance of 500 feet between cross sections is allowed in developed areas, with additional intermediate cross sections required at transitions in channel bottom slope, including a survey of the channel at each location.
- The most-current version of HEC-RAS shall be used.
- A survey of bridge and culvert openings and the top of road is required at each structure.
- Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
- Standard accepted engineering practices shall be used when assigning parameters for the base model, such as flow, Manning's N values, expansion and contraction coefficients, or effective flow limits. The base model shall be calibrated to past flooding data, such as high-water marks, to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
- The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

[iii]

Mapping. A work map of each of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development, and whether the proposed development is located in the floodway.

- If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
- If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure

that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

[b] Zone AE floodplains.

[i] Hydrology. If the proposed hydrology will change the existing study, the appropriate method shall be based on the standards in Ch. NR 116.07(3), Wis. Adm. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

[ii] Hydraulic modeling. The regional flood elevation shall be based on the standards in Ch. NR 116.07(4), Wis. Adm. Code, Hydraulic Analysis: Determination of the Regional Flood Elevation, and the following:

- Duplicate Effective Model. The Effective Model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the Effective Model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
- Corrected Effective Model. The Corrected Effective Model shall not include any man-made physical changes since the Effective Model date but shall import the model into the most-current version of HEC-RAS ~~from~~for Department review.
- Existing (Preproject Conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
- Revised (Post-Project Conditions) Model. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
- All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
- Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be

identical to those in the Effective Model and result in water surface elevations and top widths computed by the Revised Models matching those in the Effective Models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

[iii] Mapping. Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

- Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary/Floodway Maps (FBFMs), construction plans, and bridge plans.
- Certified topographic map of a suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
- Annotated FIRM panel showing the revised one-percent and two-tenths-percent annual chance floodplains and floodway boundaries.
- If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plan Coordinate System in accordance with FEMA mapping specifications.
- The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- All cross sections from the Effective Model shall be labeled in accordance with the effective map and a cross-section lookup table shall be included to relate to the model input numbering scheme.
- Both the current and proposed floodways shall be shown on the map.
- The stream center line or profile baseline used to measure stream distances in the model shall be visible on the map.

[4] Expiration. All permits issued under the authority of this article shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.

(c) Certificate of compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the

Director, except where no permit is required, subject to the following provisions:

- [1] The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this article.
 - [2] Application for such certificate shall be concurrent with the application for a permit.
 - [3] If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed.
 - [4] The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of §275-65G(5) are met.
 - [5] Where applicable pursuant to §275-65E(1)(d), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.
 - [6] Where applicable pursuant to §275-65E(1)(d), the applicant must submit certification by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by §275-65E(1)(d).
- (d) Other permits. Prior to obtaining a floodplain development permit, the applicant must secure all necessary permits from federal, state, and local agencies, including those required by the United States Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344.
- (2) Department of Community Development.
- (a) The Department of Community Development shall review and advise the Plan Commission and the Common Council on all proposed amendments to this article, maps and text.
- (3) Board of Appeals. The Board of Appeals, created under § 62.23(7)(e), Wis. Stats., is hereby authorized or shall be appointed to act for the purposes of this article. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Director shall not be the Secretary of the Board.
- (a) Powers and duties. The Board of Appeals shall:
- [1] Appeals: hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Department of Community Development in the enforcement or administration of this article.
 - [2] Boundary disputes: hear and decide disputes concerning the district boundaries shown on the Official Floodplain Zoning Map.
 - [3] Variances: hear and decide, upon appeal, variances from the article standards.
- (b) Appeals to the Board.
- [1] Appeals to the Board may be taken by any person aggrieved or by any officer or department of the municipality affected by any decision of the Director. Such appeal shall be taken within 30 days, unless otherwise provided by the rules of the Board, by filing with the official whose

- decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.
- [2] Notice and hearing for appeals, including variances.
- [a] Notice. The Board shall:
- [i] Fix a reasonable time for the hearing;
 - [ii] Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
 - [iii] Assure that notice shall be mailed to the parties in interest and the Department's regional office at least 10 days in advance of the hearing.
- [b] Hearing. Any party may appear in person or by agent. The Board shall:
- [i] Resolve boundary disputes according to §275-65G(3)(c);
 - [ii] Decide variance applications according to §275-65G(3)(d); and
 - [iii] Decide appeals of permit denials according to §275-65G(4).
- [3] Decision. The final decision regarding the appeal or variance application shall:
- [a] Be made within a reasonable time;
 - [b] Be sent to the Department's regional office within 10 days of the decision;
 - [c] Be a written determination signed by the Chairman or Secretary of the Board;
 - [d] State the specific facts which are the basis for the Board's decision;
 - [e] Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction, or grant or deny the variance application; and
 - [f] Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.
- (c) Boundary disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
- [1] If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary;
 - [2] The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
 - [3] If the boundary is incorrectly mapped, the Board should inform the Department of Community Development or the person contesting the boundary location to petition the Common Council for a map amendment according to §275-65H.
- (d) Variances.
- [1] The Board may, upon appeal, grant a variance from the standards of this article if an applicant convincingly demonstrates that:

- [a] Literal enforcement of the article provisions will cause unnecessary hardship;
 - [b] The hardship is due to adoption of the Floodplain Ordinance and unique property conditions not common to adjacent lots or premises. In such case, the ordinance or map must be amended;
 - [c] The variance is not contrary to the public interest; and
 - [d] The variance is consistent with the purposes of this article in §275-65A(3).
 - [2] In addition to the criteria in [1] above, to qualify for a variance under FEMA regulations, the following criteria have been met:
 - [a] The variance shall not cause any increase in the regional flood elevation;
 - [b] Variances can only be granted for lots that are less than 1/2 acre and are contiguous to existing structures constructed below the RFE;
 - [c] The applicant has good and sufficient cause for issuance of the variance;
 - [d] Failure to grant the variance would result in exceptional hardship;
 - [e] Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 - [f] The variance granted is the minimum necessary, considering the flood hazard, to afford relief.
 - [3] A variance shall not:
 - [a] Grant, extend or increase any use prohibited in the zoning district.
 - [b] Be granted for a hardship based solely on an economic gain or loss.
 - [c] Be granted for a hardship which is self-created.
 - [d] Damage the rights or property values of other persons in the area.
 - [e] Allow actions without the amendments to this article or map(s) required in §275-65H.
 - [f] Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
 - [4] When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.
- (4) Review of appeals of permit denials.
- (a) The Department of Community Development, §275-65G(2), and the Board of Appeals shall review all data related to the appeal. This may include:
 - [1] Permit application data listed in §275-65G(1)(b).
 - [2] Floodway/Floodfringe determination data in §275-65E(1)(e).
 - [3] Data listed in §275-65C(3)(a)[2] where the applicant has not submitted this information to the Director.
 - [4] Other data submitted with the application or submitted to the Board with the appeal.

- (b) For appeals of all denied permits, the Board shall:
 - [1] Follow the procedures of 275-65G(3);
 - [2] Consider Department of Community Development recommendations; and
 - [3] Either uphold the denial or grant the appeal.
 - (c) For appeals concerning increases in regional flood elevation, the Board shall:
 - [1] Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of §275-65H; and
 - [2] Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase, provided no other reasons for denial exist.
- (5) Floodproofing standards.
 - (a) No permit or variance shall be issued for a nonresidential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA floodproofing certificate. Floodproofing is not an alternative to the development standards in §275-65B, C, D, or E(1).
 - (b) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 - [1] Certified by a registered professional engineer or architect; or
 - [2] That meets or exceeds the following standards:
 - [a] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - [b] The bottom of all openings shall be no higher than one foot above grade; and
 - [c] Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
 - (c) Floodproofing measures shall be designed, as appropriate, to:
 - [1] Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - [2] Protect structures to the flood protection elevation;
 - [3] Anchor structures to foundations to resist flotation and lateral movement;
 - [4] Minimize or eliminate infiltration of floodwaters; and
 - [5] Minimize or eliminate discharges into floodwaters.
 - [6] Placement of essential utilities to or above the flood protection elevation; and
 - [7] If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - [a] The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

- [b] The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - [c] Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - [d] The use must be limited to parking, building access or limited storage.
 - (6) Public information.
 - (a) Place marks on structures to show the depth of inundation during the regional flood.
 - (b) All maps, engineering data and regulations shall be available and widely distributed.
 - (c) All real estate transfers should show what floodplain zoning district any real property is in.
- H. Amendments.
 - (1) General.
 - (a) Obstructions or increases may only be permitted if amendments are made to this article, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with (b) below.
 - [1] In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a conditional letter of map revision from FEMA and amendments are made to this article, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with (b) below. Any such alterations must be reviewed and approved by FEMA and the DNR.
 - [2] In A Zones, increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a conditional letter of map revision from FEMA and amendments are made to this article, the Official Floodplain Maps, floodway lines, and water surface profiles, in accordance with (b) below.
 - (b) The Common Council shall change or supplement the Floodplain Zoning District boundaries and this article in the manner outlined in §275-65H(2). Actions which require an amendment to the article and/or submittal of a letter of map change (LOMC) include, but are not limited to, the following:
 - [1] Any fill or floodplain encroachment that obstructs flow causing any increase in the regional flood height.
 - [2] Any change to the floodplain boundaries and/or watercourse alterations on the FIRM.
 - [3] Any change to any other officially adopted Floodplain Maps listed in §275-65A(5)(b)[2].
 - [4] Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
 - [5] Correction of discrepancies between the water surface profiles and Floodplain Zoning Maps.
 - [6] Any upgrade to a floodplain zoning ordinance text required by § NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.
 - [7] All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.
 - (2) Procedures. Ordinance amendments may be made upon petition of any interested party

according to the provisions of § 62.23, Wis. Stats. Such petitions shall include all necessary data required by §275-65E(1)(e) and §275-65G(1)(b). The land use permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (a) The proposed amendment shall be referred to the Department of Community Development for a public hearing and recommendation to the Common Council. The amendment and notice of public hearing shall be submitted to the Department's regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of § 62.23, Wis. Stats.
- (b) No amendments shall become effective until reviewed and approved by the Department.
- (c) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the Common Council.

I. Enforcement and penalties.

- (1) Any violation of the provisions of this article by any person shall be unlawful and shall be referred to the City Attorney, who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than \$10 and not more than \$50 for each offense, together with the taxable cost of such action. Each day that the violation exists shall constitute a separate offense. Every violation of this article is a public nuisance, and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to § 87.30, Wis. Stats.

J. Definitions. See §275-70

ORDINANCE NO. 2675**ORDINANCE TO AMEND CHAPTER 275 (ZONING) OF THE
MUNICIPAL CODE OF THE CITY OF NEW BERLIN**

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

SECTION I

Section 275-65 of the Zoning Code of the City of New Berlin is hereby amended to read as follows:

- A. Statutory authorization, findings of fact, statement of purpose, title and general provisions.
- (1) Statutory authorization. This article is adopted pursuant to the authorization in §§ 61.35 and 62.23, Wis. Stats., and the requirements in § 87.30, Wis. Stats.
 - (2) Finding of fact. Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.
 - (3) Statement of purpose. This article is intended to regulate floodplain development to:
 - (a) Protect life, health and property;
 - (b) Minimize expenditures of public funds for flood control projects;
 - (c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
 - (d) Minimize business interruptions and other economic disruptions;
 - (e) Minimize damage to public facilities in the floodplain;
 - (f) Minimize the occurrence of future flood blight areas in the floodplain;
 - (g) Discourage the victimization of unwary land and home buyers;
 - (h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
 - (i) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.
 - (4) Title. This article shall be known as the "Floodplain Zoning Ordinance for the City of New Berlin, Wisconsin."
 - (5) General provisions.
 - (a) Areas to be regulated. This article regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO Zones. Regional flood elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most-restrictive information shall apply.

- (b) Official maps and revisions. The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the letter of map change process (see §275-65H) before they are effective. No changes to regional flood elevations (RFEs) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Department of Community Development, City of New Berlin. If more than one map or revision is referenced, the most current restrictive shall apply.

[1] Based on the FIS:

- [a] Flood Insurance Rate Map (FIRM) Panel Numbers 55133C0218H, 55133C0219H, 55133C0238H, 55133C0239H, 55133C0327H, 55133C0329H, 5133C0331H, 55133C0332H, 55133C0334H, 55133C0342H, 55133C0351H, 55133C0352H, 55133C0353H, 55133C0354H, 55133C0361H and 5133C0362H, dated October 19, 2023, with corresponding profiles that are based on the Waukesha County Flood Insurance Study (FIS), dated October 19, 2023, Volumes 55133CV001D, 55133CV002D, 55133CV003D, 55133CV004D and 55133CV005D, are hereby incorporated in the City of New Berlin Floodplain Ordinance and the floodplain districts as set forth in § 275-65 as well as the City of New Berlin Zoning Map.
- [b] Flood Insurance Rate Map (FIRM) Panel Numbers 55133C0333G, 55133C0337G, and 55133C0341G, dated November 5, 2014.

[2] Maps based upon other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

- [a] Any one-hundred-year dam failure analyses as approved from time to time by the DNR and FEMA.
- [b] All DNR- and FEMA-approved floodplain maps, flood profiles, floodway data tables, regional or base flood elevations, letters of map amendment, letters of map revision and other information are on file in the office of the Department of Community Development, City of New Berlin.
- [c] Waukesha County Flood Storage Maps, Panel Numbers 12 and 16, dated October 19, 2023, approved by the DNR.

(c) Establishment of floodplain zoning districts. The regional floodplain areas are divided into four districts as follows:

- [1] The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to §275-65E(1)(e).
- [2] The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway and displayed as AE Zones on the FIRM, or when floodway limits have been determined according to §275-65E(1)(e) within A Zones shown on the FIRM.
- [3] The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood and do not have a BFE or floodway boundary determined, including A, AH, and AO Zones

on the FIRM.

- [4] The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

- (d) Locating floodplain boundaries. Discrepancies between boundaries on the Official Floodplain Zoning Map and actual field conditions shall be resolved using the criteria in [1] or [2] below. If a significant difference exists, the map shall be amended according to §275-65H. The Director can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Director shall be responsible for documenting actual predevelopment field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Director and an applicant over the district boundary line shall be settled according to §275-65G(3)(c) and the criteria in [1] and [2] below. Where the flood profiles are based on established base flood elevations from the FIRM, FEMA must approve any map amendment or revision pursuant to §275-65H.

- [1] If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- [2] Where flood profiles do not exist, the location of the boundary shall be determined by the map scale.

- (e) Removal of lands from floodplain.

- [1] Compliance with the provisions of this article shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to § 275-65H. Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a letter of map change (LOMC).

- [2] The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of the approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:

- [a] The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;
- [b] The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F.

- [3] Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

- (f) Compliance.

- [1] No structure or use within the areas regulated by this article shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of this article and all other applicable local, state, and federal

regulations that apply to uses within the jurisdiction of these regulations.

- [2] Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with §275-65I.
- [3] Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with §275-65I.

(g) Municipalities and state agencies regulated.

- [1] Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this article and obtain all necessary permits. State agencies are required to comply if § 13.48(13), Wis. Stats., applies.
- [2] The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when § 30.2022, Wis. Stats., applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards.
- [3] If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under §30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply:
 - [a] The applicant provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location;
 - [b] The project is exempt from a DNR permit under §30.123(6)(3);
 - [c] The capacity is not decreased;
 - [d] The top road grade is not raised, and;
 - [e] No floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

(h) Abrogation and greater restrictions.

- [1] This article supersedes all the provisions of any municipal zoning ordinance enacted under § 62.23 or § 87.30, Wis. Stats., which relates to floodplains. If another ordinance is more restrictive than this article, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- [2] This article is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this article imposes greater restrictions, the provisions of this article shall prevail.

(i) Interpretation. In their interpretation and application, the provisions of this article are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this article required by Ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this article or in effect on the date of the

most-recent text amendment to this article.

- (j) Warning and disclaimer of liability. The flood protection standards in this article are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This article does not imply or guarantee that nonfloodplain areas or permitted floodplain uses will be free from flooding and flood damages. This article does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this article.
- (k) Severability. Should any portion of this article be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article shall not be affected.
- (l) Annexed areas for cities and villages. The Waukesha County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Ch. NR 116, Wis. Adm. Code, and 44 CFR 59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's Official Zoning Map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal Director. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

B. General standards applicable to all floodplain districts.

- (1) General standards. The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
 - (a) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:
 - [1] Be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - [2] Be constructed with materials resistant to flood damage;
 - [3] Be constructed by methods and practices that minimize flood damages;
 - [4] Mechanical and utility equipment must be elevated to or above the flood protection elevation.
 - (b) If a subdivision or other proposed new development is in a flood-prone area, the community shall assure that:
 - [1] Such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;
 - [2] Public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damages;
 - [3] Adequate drainage shall be provided to reduce exposure to flood hazards, and all subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this article and all other requirements in §275-65G(1)(b).
- (2) Hydraulic and hydrologic analyses.
 - (a) No floodplain development shall:
 - [1] Obstruct flow, defined as development which blocks the conveyance of

- floodwaters by itself or with other development, causing any increase in the regional flood height; or
- [2] Cause any increase in the regional flood height due to floodplain storage area lost.
- (b) The Director shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of §275-65H are met.
- (3) Watercourse alterations. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified, in writing, all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The standards of §275-65B(2) must be met, and the flood-carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to §275-65H, the applicant shall apply, with community acknowledgement, for a letter of map revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.
- (4) Chapters 30 and 31, Wis. Stats., development. Development which requires a permit from the Department under Chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the Floodplain Zoning Ordinance are made according to §275-65H.
- (5) Public or private campgrounds. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:
- (a) The campground is approved by the Department of Agriculture, Trade and Consumer Protection;
- (b) A land use permit for the campground is issued by the Director;
- (c) The character of the river system and the elevation of the campground are such that a seventy-two-hour warning of an impending flood can be given to all campground occupants;
- (d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedure for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- (e) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated, by the officials identified in (d) above, to remain in compliance with all applicable regulations, including those of the State Department of Agriculture, Trade and Consumer Protection and all other applicable regulations;
- (f) All mobile recreational vehicles placed on the site must meet one of the following:
- [1] Only camping units that are fully licensed, if required, and ready for highway use are allowed (A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.); or
- [2] The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must

- be removed from the floodplain for a minimum of 24 hours; or
- [3] Meet the requirements in either §275-65C, D, or E(1) for the floodplain district in which the structure is located.
- (g) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;
- (h) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- (i) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- (j) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells, shall be properly anchored and placed at or floodproofed to the flood protection elevation.
- (k) Standards for structure in a campground:
- [1] All structures must comply with section §275-65B(5) or meet the applicable requirements in §275-65C, D, or E(1) for the floodplain district in which the structure is located;
- [2] Deck/landing - a portable landing maybe allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls, or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with §275-65B(5)(d). Any suck deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- [3] Decks/patios that are constructed completely at grade may be allowed, but must also comply with applicable shoreland zoning standards.
- [4] Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with §275-65B(5)(d).
- [5] Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenance equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with the §275-65B(5)(d).
- (l) A land use permit shall be obtained as provided under §275-65G(1)(b) before any development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

C. Floodway District (FW).

- (1) Applicability. This section applies to all floodway areas on the Floodplain Zoning Maps and those identified pursuant to §275-65E(1)(e).
- (2) Permitted uses. The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District if they are not prohibited by any other ordinance, they meet the standards in §275-65C(3) and (4), and all permits or certificates have been issued according to §275-65G(1):
 - (a) Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
 - (b) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - (c) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of §275-65C(3)(d).
 - (d) Uses or structures accessory to open space uses or classified as historic structures that comply with §275-65C(3) and (4).
 - (e) Extraction of sand, gravel or other materials that complies with §275-65C(3)(d).
 - (f) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31 Wis. Stats.
 - (g) Public utilities, streets and bridges that comply with §275-65C(3)(c).
 - (h) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch 383 Wis. Adm. Code.
 - (i) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinance and chs. NR 811 and NR 812, Wis. Adm. Code.
 - (j) Wastewater treatment ponds or facilities permitted under ch NR 110.15(3)(b), Wis. Adm. Code.
 - (k) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.
- (3) Standards for development in floodway areas.
 - (a) General.
 - [1] Any development in the floodway shall comply with §275-65B and have a low flood damage potential.
 - [2] Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to §275-65B(2) and §275-65G(1)(b)[3]: The analysis must be completed by a registered professional engineer in the state of Wisconsin.
 - [3] Any encroachment in the regulatory floodway is prohibited unless the data submitted for [2] above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in §275-65A(5)(e).
 - (b) Structures. Structures accessory to permanent open space uses, including utility

and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- [1] The structure is not designed for human habitation and does not have a high flood damage potential and is constructed to minimize flood damage;
- [2] Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
 - [a] Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;
 - [b] Have structural components capable of meeting the provision of §275-65C(3)(b)[7] and;
 - [c] Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with §275-65C(3)(b)[7].
- [3] Must be anchored to resist flotation, collapse and lateral movement;
- [4] Mechanical and utility equipment must be elevated to, or above, the flood protection elevation; and
- [5] They must not obstruct the flow of floodwaters or cause any increase in flood levels during the occurrence of the regional flood.
- [6] For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets [1] through [5] above and meets or exceeds the following standards:
 - [a] The lowest floor must be elevated to or above the regional flood elevation;
 - [b] A minimum of two openings having a total net area not less than one square inch for every square foot of enclosed area subject to flooding;
 - [c] The bottom of all such openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open;
 - [d] The use must be limited to parking, building access or limited storage.
- [7] Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:
 - [a] Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
 - [b] Construction of well, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provision in §275-65C(4)(d) and (e);

- [c] Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
 - [d] Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
 - [e] Placement of utilities to or above the flood protection elevation.
- (c) Public utilities, streets and bridges. Public utilities, streets and bridges may be allowed by permit if:
 - [1] Adequate floodproofing measures are provided to the flood protection elevation; and
 - [2] Construction meets the development standards of §275-65B(2).
- (d) Fills or deposition of materials. Fills or deposition of materials may be allowed by permit if:
 - [1] The requirements of §275-65B(2) are met;
 - [2] No material is deposited in navigable waters unless a permit is issued by the Department pursuant to Ch. 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1344, has been issued, if applicable, and all other requirements have been met;
 - [3] The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - [4] The fill is not classified as a solid or hazardous material.
- (4) Prohibited uses. All uses not listed as permitted uses in §275-65C(2) are prohibited, including the following uses:
 - (a) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
 - (b) Storing materials that are buoyant, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
 - (c) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
 - (d) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code;
 - (e) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code;
 - (f) Any solid or hazardous waste disposal sites;
 - (g) Any wastewater treatment ponds or facilities, except those permitted under § NR 110.15(3)(b), Wis. Adm. Code; and
 - (h) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

D. Floodfringe District (FF).

- (1) Applicability. This section applies to all floodfringe areas shown on the Floodplain Zoning Maps and those identified pursuant to §275-65E(1)(e).
- (2) Permitted uses. Any structure, land use, or development is allowed in the Floodfringe District if the standards in §275-65D(3) are met, the use is not prohibited by this chapter or any other ordinance or regulation, and all permits or certificates specified in §275-

65G(1) have been issued.

- (3) Standards for development in floodfringe areas. §275-65B(1) shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of §275-65F.
- (a) Residential uses. Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe area shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of §275-65F.
- [1] All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet §275-65A(5)(e).
- [2] Notwithstanding [1] above, a basement or crawlspace floor may be placed at or above one foot above the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed lower than one foot above the regional flood elevation.
- [3] Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in [4] below.
- [4] In developments where existing street or sewer line elevations make compliance with [3] above impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation if:
- [a] The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
- [b] The municipality has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.
- (b) Accessory structures or uses. In addition to §275-65B(1), new construction and substantial improvements of accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
- (c) Commercial uses. In addition to §275-65B(1), any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of §275-65D(3)(a). Subject to the requirements of §275-65D(3)(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (d) Manufacturing and industrial uses. In addition to §275-65B(1), any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in §275-65G(5). Subject to the requirements of §275-65D(3)(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (e) Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in

compliance with §275-65G(5). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

- (f) Public utilities, streets and bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans, and:
 - [1] When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with §275-65G(5).
 - [2] Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- (g) Sewage systems. All sewage disposal systems shall be designed to minimize or eliminate infiltration of floodwater into the system, pursuant to §275-65G(5)(c), to the flood protection elevation and shall meet the provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.
- (h) Wells. All wells shall be designed to minimize or eliminate infiltration of floodwaters into the system, pursuant to §275-65G(5)(c), to the flood protection elevation and shall meet the provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.
- (i) Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- (j) Deposition of materials. Any deposited material must meet all the provisions of this article.
- (k) Manufactured homes.
 - [1] Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage and prepare, secure approval of and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - [2] In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - [a] Have the lowest floor elevated to the flood protection elevation; and
 - [b] Be anchored so they do not float, collapse or move laterally during a flood.
 - [3] Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in §275-65D(3)(a).
- (l) Mobile recreational vehicles. All mobile recreational vehicles must be on site for less than 180 consecutive days and be either:
 - [1] Fully licensed and ready for highway use (A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.); or
 - [2] Shall meet the elevation and anchoring requirements in §275-65D(3)(k)[2] and [3].

E. Other floodplain districts. Other floodplain districts may be established under this chapter and

reflected on the Floodplain Zoning Map. These districts may include General Floodplain Districts and Flood Storage Districts.

(1) General Floodplain District (GFP).

- (a) Applicability. The provisions for this district shall apply to development in all floodplains mapped as A, AO, AH and in AE Zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in §275-65A(5)(b)[1].
- (b) Floodway Boundaries. For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in §275-65A(5)(b)[1], the boundaries of the regulatory floodway shall be determined pursuant to §275-65E(1)(e). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of §275-65C. If the development is located entirely within the floodfringe, the development is subject to the standards of §275-65D.
- (c) Permitted uses. Pursuant to §275-65E(1)(e), it shall be determined whether the proposed use is located within a floodway or floodfringe area. Those uses permitted in floodway (§275-65C(2)) and floodfringe areas (§275-65D(2)) are allowed within the General Floodplain District, according to the standards of §275-65E(1)(d), provided that all permits or certificates required under §275-65G(1) have been issued.
- (d) Standards for development in the General Floodplain District. §275-65C applies to floodway areas, determined pursuant to §275-65E(1)(e); §275-65D applies to floodfringe areas, determined pursuant to §275-65E(1)(e).

[1] New construction and substantial improvements of structures in zone AO shall have the structure's lowest floor, including basement, elevated:

[a] To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade, plus one additional foot of freeboard; or

[b] If the depth is not specified on the FIRM, to or above three feet above the highest adjacent grade.

[2] New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation; or

[3] In AO/AH Zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

[4] All development in zones AO and zone AH shall meet the requirements of §275-65D applicable to flood fringe areas.

(e) Determining floodway and floodfringe limits. Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the Director shall:

[1] Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the General Floodplain District limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures, and the flood zone as shown on the FIRM.

[2] Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood heights and flood flows, regional flood elevation, and to determine floodway boundaries:

[a] A hydrologic and hydraulic study as specified in §275-65G(1)(b)[3];

- [b] A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types; and other pertinent information;
 - [c] Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
- (2) Flood Storage District. The Flood Storage District delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.
 - (a) Applicability. The provisions of this subsection apply to all areas within the Flood Storage District (FSD), as shown on the Official Floodplain Zoning Maps.
 - (b) Permitted uses. Any use or development which occurs in a Flood Storage District must meet the applicable requirements in §275-65D(3).
 - (c) Standards for development in Flood Storage Districts.
 - [1] Development in a Flood Storage District shall not cause an increase equal or greater than 0.00 feet in the height of the regional flood.
 - [2] No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the predevelopment ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.
 - [3] If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as Flood Storage District, on this waterway, is rezoned to the Floodfringe District. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per §275-65H of this article.
 - [4] No area may be removed from the Flood Storage District unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

F. Nonconforming uses.

- (1) General.
 - (a) Applicability.
 - [1] The standards in this section shall apply to all uses and building that do not conform to the provisions contained within a floodplain zoning ordinance or with s.87.30, Stats and §§NR116.12-14, Wis Adm. Code and 44 CFR 59-72. These standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this article or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has a burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.
 - [2] As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their

present equalized assessed value and a list of the costs of those activities associated with changes to those buildings.

- (b) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this article may continue, subject to the following conditions:
- [1] No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this article. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
 - [2] If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted, and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this article.
 - [3] The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.
 - [4] No modification or addition to any nonconforming structure or any structure with a nonconforming use which, over the life of the structure, would equal or exceed 50% of its present equalized assessed value shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous dryland access must be provided for residential and commercial uses in compliance with §275-65D(3)(a). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this subsection.
 - [5] No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous dryland access must be provided for residential and commercial uses in compliance with §275-65D(3)(a). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.
 - [6] If, on a per-event basis, the total value of the work being done under [4] and [5] above equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this article. Contiguous

dryland access must be provided for residential and commercial uses in compliance with §275-65D(3)(a).

[7] Except as provided in [8] below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its predamaged condition equals or exceeds 50% of the structure's present equalized assessed value.

[8] For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum requirements are met and all required permits have been granted prior to the start of construction.

[a] Residential structures:

- [i] Shall have the lowest floor, including basement, elevated to or above the flood protection elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of §275-65G(5)(b).
- [ii] Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.
- [iii] Shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- [iv] In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
- [v] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in §275-65E(1)(d).
- [vi] In AO Zones, shall have adequate drainage paths around the structure on slopes to guide floodwaters around and away from the structure.

[b] Nonresidential structures:

- [i] Shall meet the requirements of subsection [i] through [vi] above.
- [ii] Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation or, together with attendant utility and sanitary facilities, shall meet the standards in §275-65G(5)(a) or (b).
- [iii] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in §275-65E(1)(d).

(c) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as an historic structure, the alteration will comply with §275-65C(3)(a), flood-resistant materials are used, and construction practices and floodproofing methods that comply with §275-65G(5)

are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of §275-65F(1)(b)[8][a] if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and is the minimum necessary to preserve the historic character and design of the structure.

(2) Floodway District.

- (a) Modifications or additions. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - [1] Has been granted a permit or variance which meets all ordinance requirements;
 - [2] Meets the requirements of 275-65F(1);
 - [3] Shall not increase the obstruction to flood flows or regional flood height; and
 - [4] Any addition to the existing structure shall be floodproofed, pursuant to §275-65G(5), by means other than the use of fill, to the flood protection elevation; and
 - [5] If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - [a] The enclosed are shall be designed by a registered architect or engineer to allow for the efficient entry and exit of floodwaters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - [b] The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - [c] Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - [d] The use must be limited to parking, building access or limited storage.
- (b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a Floodway District shall meet the applicable requirements of all municipal ordinances, §275-65G(5)(c) and Ch. SPS 383, Wis. Adm. Code.
- (c) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in a Floodway District shall meet the applicable requirements of all municipal ordinances, §275-65G(5)(c) and Chs. NR 811 and NR 812, Wis. Adm. Code.

(3) Floodfringe District.

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of §275-65D(3), except where (b) below is applicable.
- (b) Where compliance with the provisions of (a) above would result in unnecessary hardship and only where the structure will not be used for human habitation or be

associated with a high flood damage potential, the Board of Appeals, using the procedures established in §275-65G(3), may grant a variance from those provisions of (a) above for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

- [1] No floor is allowed below the regional flood elevation for residential or commercial structures;
 - [2] Human lives are not endangered;
 - [3] Public facilities, such as water or sewer, shall not be installed;
 - [4] Flood depths shall not exceed two feet;
 - [5] Flood velocities shall not exceed two feet per second; and
 - [6] The structure shall not be used for storage of materials as described in §275-65D(3)(e).
- (c) All new private sewage disposal systems, or additions to, replacement, repair or maintenance of a private sewage disposal system, shall meet all the applicable provisions of all local ordinances, §275-65G(5)(c) and Ch. SPS 383, Wis. Adm. Code.
 - (d) All new wells, or additions to, replacement, repair or maintenance of a well, shall meet the applicable provisions of this article, §275-65G(5)(c) and Chs. NR 811 and NR 812, Wis. Adm. Code.
- (4) Flood Storage District. No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in §275-65E(2)(c) are met.

G. Administration. The Director of Community Development shall administer this article.

- (1) Director.
 - (a) Duties and powers. The Director is authorized to administer this article and shall have the following duties and powers:
 - [1] Advise applicants of the chapter provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - [2] Issue permits and inspect properties for compliance with provisions of this article and issue certificates of compliance where appropriate.
 - [3] Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
 - [4] Keep records of all official actions, such as:
 - [a] All permits issued, inspections made, and work approved.
 - [b] Documentation of certified lowest floor and regional flood elevations.
 - [c] Floodproofing certificates.
 - [d] Records of water surface profiles, Floodplain Zoning Maps and ordinances, nonconforming uses and structures, including changes, appeals, variances and amendments.
 - [e] All substantial damage assessment reports for floodplain structures.
 - [f] List of nonconforming structures and uses.
 - [5] Submit copies of the following items to the Department's regional office:

- [a] Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.
 - [b] Copies of any case-by-case analyses, and other required information.
 - [c] Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- [6] Investigate, prepare reports, and report violations of this article to the Municipal Department of Community Development and Attorney for prosecution. Copies of the reports shall also be sent to the Department's Regional office.
- [7] Submit copies of amendments to the FEMA Regional office.
- (b) Land use permit. A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. All applications shall be submitted on the appropriate forms and in numbers as required by the Director. For projects requiring a land use permit, the Plan Commission shall review and take action for these projects upon receiving a written report from the Department of Community Development. Application submittals shall include, but not be limited to, the following information:
 - [1] General information.
 - [a] Name and address of the applicant, property owner and contractor.
 - [b] Legal description, proposed use, and whether it is new construction or a modification.
 - [2] Site development plan. A site plan, drawn to scale, shall be submitted with the permit application form and shall contain:
 - [a] Location, dimensions, area and elevation of the lot;
 - [b] Location of the ordinary high-water mark of any abutting navigable waterways;
 - [c] Location of any structures, with distances measured from the lot lines and street center lines;
 - [d] Location of any existing or proposed on-site sewage systems or private water supply systems;
 - [e] Location and elevation of existing or future access roads;
 - [f] Location of floodplain and floodway limits as determined from the Official Floodplain Zoning Maps;
 - [g] The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study, North American Vertical Datum (NAVD);
 - [h] Data sufficient to determine the regional flood elevation in NAVD at the location of the development and to determine whether or not the requirements of §275-65C or §275-65D are met; and
 - [i] Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to §275-65B(2). This may include any of the information noted in §275-65C(3)(a).
 - [3] Hydraulic and hydrologic studies to analyze developments. All hydraulic and hydrologic studies shall be completed under the direct supervision of

a professional engineer registered in the state. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by DCD.

- [a] Zone A floodplains and in AE zones within which a floodway is not delineated:
 - [i] Hydrology. The appropriate method shall be based on the standards in Ch. NR 116.07(3), Wis. Adm. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.
 - [ii] Hydraulic modeling. The regional flood elevation shall be based on the standards in Ch. NR 116.07(4), Wis. Adm. Code, Hydraulic Analysis: Determination of the Regional Flood Elevation, and the following:
 - Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, or culvert) to determine adequate starting WSEL for the study.
 - Channel sections must be surveyed.
 - Minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
 - A maximum distance of 500 feet between cross sections is allowed in developed areas, with additional intermediate cross sections required at transitions in channel bottom slope, including a survey of the channel at each location.
 - The most-current version of HEC-RAS shall be used.
 - A survey of bridge and culvert openings and the top of road is required at each structure.
 - Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
 - Standard accepted engineering practices shall be used when assigning parameters for the base model, such as flow, Manning's N values, expansion and contraction coefficients, or effective flow limits. The base model shall be calibrated to past flooding data, such as high-water marks, to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
 - The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study

profiles shall be no more than 0.00 feet.

[iii] Mapping. A work map of each of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development, and whether the proposed development is located in the floodway.

- If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
- If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

[b] Zone AE floodplains.

[i] Hydrology. If the proposed hydrology will change the existing study, the appropriate method shall be based on the standards in Ch. NR 116.07(3), Wis. Adm. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

[ii] Hydraulic modeling. The regional flood elevation shall be based on the standards in Ch. NR 116.07(4), Wis. Adm. Code, Hydraulic Analysis: Determination of the Regional Flood Elevation, and the following:

- Duplicate Effective Model. The Effective Model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the Effective Model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
- Corrected Effective Model. The Corrected Effective Model shall not include any man-made physical changes since the Effective Model date but shall import the model into the most-current version of HEC-RAS for Department review.
- Existing (Preproject Conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
- Revised (Post-Project Conditions) Model. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any

proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

- All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
- Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the Effective Model and result in water surface elevations and top widths computed by the Revised Models matching those in the Effective Models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

[iii] Mapping. Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

- Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary/Floodway Maps (FBFMs), construction plans, and bridge plans.
- Certified topographic map of a suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
- Annotated FIRM panel showing the revised one-percent and two-tenths-percent annual chance floodplains and floodway boundaries.
- If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plan Coordinate System in accordance with FEMA mapping specifications.
- The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- All cross sections from the Effective Model shall be labeled in accordance with the effective map and a cross-section lookup table shall be included to relate to the model input numbering scheme.
- Both the current and proposed floodways shall be shown on the map.
- The stream center line or profile baseline used to measure stream distances in the model shall be visible on the map.

- [4] Expiration. All permits issued under the authority of this article shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.
- (c) Certificate of compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Director, except where no permit is required, subject to the following provisions:
 - [1] The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this article.
 - [2] Application for such certificate shall be concurrent with the application for a permit.
 - [3] If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed.
 - [4] The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of §275-65G(5) are met.
 - [5] Where applicable pursuant to §275-65E(1)(d), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.
 - [6] Where applicable pursuant to §275-65E(1)(d), the applicant must submit certification by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by §275-65E(1)(d).
- (d) Other permits. Prior to obtaining a floodplain development permit, the applicant must secure all necessary permits from federal, state, and local agencies, including those required by the United States Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344.
- (2) Department of Community Development.
 - (a) The Department of Community Development shall review and advise the Plan Commission and the Common Council on all proposed amendments to this article, maps and text.
- (3) Board of Appeals. The Board of Appeals, created under § 62.23(7)(e), Wis. Stats., is hereby authorized or shall be appointed to act for the purposes of this article. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Director shall not be the Secretary of the Board.
 - (a) Powers and duties. The Board of Appeals shall:
 - [1] Appeals: hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Department of Community Development in the enforcement or administration of this article.
 - [2] Boundary disputes: hear and decide disputes concerning the district

boundaries shown on the Official Floodplain Zoning Map.

- [3] Variances: hear and decide, upon appeal, variances from the article standards.

(b) Appeals to the Board.

- [1] Appeals to the Board may be taken by any person aggrieved or by any officer or department of the municipality affected by any decision of the Director. Such appeal shall be taken within 30 days, unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.

- [2] Notice and hearing for appeals, including variances.

- [a] Notice. The Board shall:

- [i] Fix a reasonable time for the hearing;
- [ii] Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
- [iii] Assure that notice shall be mailed to the parties in interest and the Department's regional office at least 10 days in advance of the hearing.

- [b] Hearing. Any party may appear in person or by agent. The Board shall:

- [i] Resolve boundary disputes according to §275-65G(3)(c);
- [ii] Decide variance applications according to §275-65G(3)(d); and
- [iii] Decide appeals of permit denials according to §275-65G(4).

- [3] Decision. The final decision regarding the appeal or variance application shall:

- [a] Be made within a reasonable time;
- [b] Be sent to the Department's regional office within 10 days of the decision;
- [c] Be a written determination signed by the Chairman or Secretary of the Board;
- [d] State the specific facts which are the basis for the Board's decision;
- [e] Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction, or grant or deny the variance application; and
- [f] Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(c) Boundary disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- [1] If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating

the boundary;

- [2] The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
- [3] If the boundary is incorrectly mapped, the Board should inform the Department of Community Development or the person contesting the boundary location to petition the Common Council for a map amendment according to §275-65H.

(d) Variances.

- [1] The Board may, upon appeal, grant a variance from the standards of this article if an applicant convincingly demonstrates that:
 - [a] Literal enforcement of the article provisions will cause unnecessary hardship;
 - [b] The hardship is due to adoption of the Floodplain Ordinance and unique property conditions not common to adjacent lots or premises. In such case, the ordinance or map must be amended;
 - [c] The variance is not contrary to the public interest; and
 - [d] The variance is consistent with the purposes of this article in §275-65A(3).
- [2] In addition to the criteria in [1] above, to qualify for a variance under FEMA regulations, the following criteria have been met:
 - [a] The variance shall not cause any increase in the regional flood elevation;
 - [b] Variances can only be granted for lots that are less than 1/2 acre and are contiguous to existing structures constructed below the RFE;
 - [c] The applicant has good and sufficient cause for issuance of the variance;
 - [d] Failure to grant the variance would result in exceptional hardship;
 - [e] Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 - [f] The variance granted is the minimum necessary, considering the flood hazard, to afford relief.
- [3] A variance shall not:
 - [a] Grant, extend or increase any use prohibited in the zoning district.
 - [b] Be granted for a hardship based solely on an economic gain or loss.
 - [c] Be granted for a hardship which is self-created.
 - [d] Damage the rights or property values of other persons in the area.
 - [e] Allow actions without the amendments to this article or map(s) required in §275-65H.
 - [f] Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic

structure.

- [4] When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.
- (4) Review of appeals of permit denials.
 - (a) The Department of Community Development, §275-65G(2), and the Board of Appeals shall review all data related to the appeal. This may include:
 - [1] Permit application data listed in §275-65G(1)(b).
 - [2] Floodway/Floodfringe determination data in §275-65E(1)(e).
 - [3] Data listed in §275-65C(3)(a)[2] where the applicant has not submitted this information to the Director.
 - [4] Other data submitted with the application or submitted to the Board with the appeal.
 - (b) For appeals of all denied permits, the Board shall:
 - [1] Follow the procedures of 275-65G(3);
 - [2] Consider Department of Community Development recommendations; and
 - [3] Either uphold the denial or grant the appeal.
 - (c) For appeals concerning increases in regional flood elevation, the Board shall:
 - [1] Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of §275-65H; and
 - [2] Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase, provided no other reasons for denial exist.
- (5) Floodproofing standards.
 - (a) No permit or variance shall be issued for a nonresidential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA floodproofing certificate. Floodproofing is not an alternative to the development standards in §275-65B, C, D, or E(1).
 - (b) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 - [1] Certified by a registered professional engineer or architect; or
 - [2] That meets or exceeds the following standards:
 - [a] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - [b] The bottom of all openings shall be no higher than one foot above grade; and
 - [c] Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

- (c) Floodproofing measures shall be designed, as appropriate, to:
 - [1] Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - [2] Protect structures to the flood protection elevation;
 - [3] Anchor structures to foundations to resist flotation and lateral movement;
 - [4] Minimize or eliminate infiltration of floodwaters; and
 - [5] Minimize or eliminate discharges into floodwaters.
 - [6] Placement of essential utilities to or above the flood protection elevation; and
 - [7] If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - [a] The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - [b] The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - [c] Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - [d] The use must be limited to parking, building access or limited storage.
- (6) Public information.
 - (a) Place marks on structures to show the depth of inundation during the regional flood.
 - (b) All maps, engineering data and regulations shall be available and widely distributed.
 - (c) All real estate transfers should show what floodplain zoning district any real property is in.

H. Amendments.

- (1) General.
 - (a) Obstructions or increases may only be permitted if amendments are made to this article, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with (b) below.
 - [1] In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a conditional letter of map revision from FEMA and amendments are made to this article, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with (b) below. Any such alterations must be reviewed and approved by FEMA and the DNR.
 - [2] In A Zones, increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a conditional letter of map revision from FEMA and amendments are made to this article, the Official Floodplain Maps, floodway lines, and water surface profiles, in accordance with (b) below.
 - (b) The Common Council shall change or supplement the Floodplain Zoning District

boundaries and this article in the manner outlined in §275-65H(2). Actions which require an amendment to the article and/or submittal of a letter of map change (LOMC) include, but are not limited to, the following:

- [1] Any fill or floodplain encroachment that obstructs flow causing any increase in the regional flood height.
 - [2] Any change to the floodplain boundaries and/or watercourse alterations on the FIRM.
 - [3] Any change to any other officially adopted Floodplain Maps listed in §275-65A(5)(b)[2].
 - [4] Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
 - [5] Correction of discrepancies between the water surface profiles and Floodplain Zoning Maps.
 - [6] Any upgrade to a floodplain zoning ordinance text required by § NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.
 - [7] All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.
- (2) Procedures. Ordinance amendments may be made upon petition of any interested party according to the provisions of § 62.23, Wis. Stats. Such petitions shall include all necessary data required by §275-65E(1)(e) and §275-65G(1)(b). The land use permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.
- (a) The proposed amendment shall be referred to the Department of Community Development for a public hearing and recommendation to the Common Council. The amendment and notice of public hearing shall be submitted to the Department's regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of § 62.23, Wis. Stats.
 - (b) No amendments shall become effective until reviewed and approved by the Department.
 - (c) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the Common Council.

I. Enforcement and penalties.

- (1) Any violation of the provisions of this article by any person shall be unlawful and shall be referred to the City Attorney, who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than \$10 and not more than \$50 for each offense, together with the taxable cost of such action. Each day that the violation exists shall constitute a separate offense. Every violation of this article is a public nuisance, and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to § 87.30, Wis. Stats.

J. Definitions. See §275-70

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 29th day of August, 2023.

APPROVED:

David Ament, Mayor

Countersigned:

Rubina Medina, City Clerk



August 29, 2023

TO: Common Council
Mayor Ament
Ald. Stribl

FROM: Plan Commission

RE: Items from the August 14, 2023 Plan Commission Meeting requiring Common Council action.

A.	Recommend to the Common Council adoption of Ordinance # 2675 that approves the updates to the Zoning Code, Chapter 275.
<u>Council Motion:</u>	
	This item was considered at the Plan Commission meeting on August 14, 2023. It was recommended to the Common Council on a vote of 7-0. I do hereby make a motion to approve the adoption of Ordinance # 2675 that approves the updates to the Zoning Code, Chapter 275.

B.	Recommend to Common Council to amend the Future Land Use Map within the City's Comprehensive Plan (Chapter 11 - Neighborhood "A" and Chapter 10 -Land Use) for the properties located at 1750 S. Moorland Road (includes Tax Key #'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) from Suburban Commercial to Suburban Commercial, Mixed Residential and Institutional.
<u>Council Motion:</u>	
	This item was considered at the Plan Commission meeting on August 14, 2023. It was recommended to the Common Council on a vote of 7-0. I do hereby make a motion to approve the adoption of Resolution # 23-14 that approves the general amendments to the 2030 Comprehensive Plan Chapter 10 and Chapter 11 including the properties located at 1750 S. Moorland Road (includes Tax Key #'s: 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) from Suburban Commercial to Suburban Commercial, Mixed Residential and Institutional, and forward to the Common Council for their review and approval by Ordinance.



C.	Recommend to Common Council approval to rezone the properties located at 1750 S. Moorland Road (includes Tax Key #'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) from I-1 and C-2 to B-1/PUD (Planned Unit Development), Rm-1/PUD, I-1/PUD, C-2 & I-1.
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Council Motion:

	This item was considered at the Plan Commission meeting on August 14, 2023. It was recommended to the Common Council on a vote of 7-0. I do hereby make a motion to approve the adoption of Planned Unit Development Ordinance # 2679 that approves the rezoning of the properties located at 1750 S. Moorland Road (Tax Key #'s: 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) from I-1 and C-2 to B-1/PUD, Rm-1/PUD, I-1/PUD, C-2 & I-1.
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D.	Recommend to Common Council approval of a 4-Lot Certified Survey Map for the properties located at 1750 S. Moorland Road (includes Tax Key #'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), subject to the application, plans on file
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Council Motion:

	This item was considered at the Plan Commission meeting on August 14, 2023. It was recommended to the Common Council on a vote of 7-0. I do hereby make a motion to approve the adoption of a 4-Lot Certified Survey Map for the properties located at 1750 S. Moorland Road (includes Tax Key #'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), subject to the application, plans on file.
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E.	Recommend to Common Council approval of a 2-Lot Certified Survey Map for the properties located at 1710 S. Craftsman Drive (Tax Key #: 1174-066 and 1174-987-001).
<u>Council Motion:</u>	
	This item was considered at the Plan Commission meeting on August 14, 2023. It was recommended to the Common Council on a vote of 6-0 with one abstaining. I do hereby make a motion to approve the adoption of the 2-Lot Certified Survey Map located at approximately 1710 S. Craftsman Drive (Tax Key #: 1174-066 and 1174-987-001) subject to the application, plans on file.

STAFF REPORT

EXECUTIVE SUMMARY

APPLICANT/PROJECT:	Dan Romnek on behalf of Mandel Group & City of New Berlin / 2030 Comprehensive Plan Amendments
LOCATION:	1750 S. Moorland Road (includes Tax Key #'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)
CURRENT FUTURE LAND USE:	Suburban Commercial
PROPOSED FUTURE LAND USE:	Suburban Commercial, Mixed Residential and Institutional
CURRENT ZONING:	I-1 (Institutional District) / C-2 (Shoreland-Wetland Holding District)
REQUEST:	A request to amend the Future Land Use Map within the City's Comprehensive Plan (Chapter 11 - Neighborhood "A" and Chapter 10 - Land Use) for the properties located at 1750 S. Moorland Road (includes Tax Key #'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) from Suburban Commercial to Suburban Commercial, Mixed Residential and Institutional.
D.R.C. RECOMMENDATION:	Recommend to Plan Commission adoption of Resolution # 23-14 that approves the general amendments to the 2030 Comprehensive Plan Chapter 10 and Chapter 11 including the properties located at 1750 S. Moorland Road (includes Tax Key #'s: 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) from Suburban Commercial to Suburban Commercial, Mixed Residential and Institutional, and forward to the Common Council for their review and approval by Ordinance.

Background:

1. The applicant has simultaneously applied for a rezoning (See File #: RZ-2300810) and 4-Lot CSM (See File #: LD-2300812). Action for these applications is anticipated for the August 14, 2023 Plan Commission meeting. This request is consistent with those applications.

2. Site Plan

- a. In the Applicant's attached site plan, they have indicated that a senior living development would occupy the southern end of this parcel (a portion of Tax Key #: 1158-991 and a portion of Tax Key #: 1158-992), and multi-family middle area on the above Tax Keys along with Tax Key #'s: 1158-989 & 1158-994, 1158-993 & a portion of 1158-991-001). See map below.
- b. The proposed retail use on the corner of Moorland Road and Greenfield Avenue is consistent with the Suburban Commercial Future Land Use designation. The majority of the retail use would be located on Tax Key #: 1158-990 and a portion of Tax Key: 1158-991-001).



3. Previous Action:

- a. A Neighborhood Meeting was held on April 10, 2023. Residents within the area were invited.
 - b. Plan Commission reviewed the concept plan at their April 13, 2023 Plan Commission meeting.
 - c. Plan Commission held a public hearing at their July 10, 2023 Plan Commission meeting.
4. Wetlands have been field verified by Eric Parker with Heartland Ecological Group and will be registered with the City per Section 275-37E of the Zoning Code.
5. Corresponding zoning District – Rm-1, Multiple-Family Residential District:
- a. Per Zoning Code Section 275-33B(9), *“Net density shall not exceed seven dwelling units per Rm-1 zoned acre. Net density calculations shall include the area of land upon which the dwelling units are proposed to be located and including common open space and associated facilities on the tract of land zoned Rm-1, excluding rights-of-way of publically dedicated streets and private streets.”*
 1. In the attached packet, the applicant has identified the following density information:
Net density 14.22 units / acre (212 units / 14.9 developable acres) OR gross density 9.90 units / acre (212 units / 21.4 acres).
 - b. Per Zoning Code Section 275-33E(3), *“Multi-family dwellings are required to have a certain portion of the required parking spaces located in an enclosed attached or underground parking garage. Refer to Zoning Code Section 275-57 for off-street parking requirements.”*
Zoning Code Section 275-57A(3) (Table 275-57-1) states the following requirements for multi-family development, “2 spaces per dwelling unit plus 1/10 of a space per dwelling unit shall

be provided for guest parking. A minimum of 1 space per dwelling unit shall be provided in an attached or underground garage.”

1. Applicant’s preliminary packet indicates the required parking is 446 stalls and they would provide 430 stalls. Plans do not indicate how many spaces would be attached or provided in an underground garage.

c. **Based on their summary, they would need a Planned Unit Development (PUD) Ordinance to vary from the Zoning code.**

6. Corresponding zoning district – I-1, Institutional District:

a. ***Per Zoning Code Section 275-41B(1)(a) The density of an elderly housing development shall not exceed 14 dwelling units per acre.***

1. In the attached packet, the applicant has identified the following density information: Net density 33.3 units / acre (150 units / 4.5 developable acres) OR gross density 23.01 units / acre (150 units / 6.5 acres).

2. ***Per Zoning Code Section 275-41B(1)(d) Visitor and staff parking shall be provided. Underground or attached parking for residents shall be provided at a ratio consistent with expected automobile usage rates.***

3. ***Applicant’s packet indicates the required parking is yet to be determined.***

4. ***Applicant will need to provide a Code Comparison summary and identify if the parking will meet the above section. Plans are not detailed enough at this point to determine this.***

b. Below are comments from the Fire Chief regarding this proposed development:

1. ***“Our history for similar type facilities providing the same multi-levels of care is an average of one call for every bed over a year. So we most likely are looking at 150-200+ depending on the scope of the project. Again, this depends greatly on the level of services their employees will provide such as lift assist.”***

2. ***“If this looks to move forward we would reach out to fire departments in other communities in which they have facilities to get a better idea of the impact to us.”***

7. General Comments:

a. Waukesha County will be the approving authority on the roadway improvements and access permitting along CTH O (Moorland Rd.).

b. A TIA has been submitted dated June 15, 2023 and is under review.

c. If a signal is warranted, WisDOT may need to review the intersection for interconnectivity.

d. Provide a sidewalk along Moorland Road from Greenfield Avenue to the New Berlin Bike Trail. Installation and maintenance to be completed by the developer.

e. Sidewalk lighting may be discussed.

f. Provide pedestrian connections internal to the development.

g. Site layouts should include landscaping, sustainable features, and signage and/or banners to promote Greenfield Avenue as a major gateway to the City.

h. Provide Utility plans that show the water main looping.

i. Public water main would need to be within an easement.

j. See the Development Handbook for public infrastructure requirements.

k. Discuss the option of gateway signage for the City of New Berlin.

l. Provide a full tree inventory and replacement plan.

m. Provide landscape plan.

8. The impetus for the 2030 Comprehensive Plan update (Chapter 10 – Land Use & Chapter 11 – Neighborhood A, Greenfield Avenue). Minor editing and overall format update for the 2030 Comprehensive Plan layout.

Rationale:

1. Chapter 11: Neighborhood A: Greenfield Avenue:

Planning Context / Vision / Development Policies:

Vision:

- *Greenfield Avenue will be a mixed commercial and residential corridor, and shall act as a gateway to the northern area of New Berlin. The eastern half of the corridor should foster a more urban mix of uses, while the western half should encourage a mix of rural commercial, residential, and environmental features.*

Development Policies:

- *Create development standards for site layout, building character, and landscaping that are suitable for new development along the corridor.*
- *Tighten non-conforming lot, structure, and use standards, and require compliance with landscaping regulations. Phase out non-conforming commercial uses over time.*
- *Recognize the Greenfield Avenue and Moorland Road primary intersection as a major gateway into the city from the north. Encourage signature well-designed buildings that are compatible with surrounding areas including recent development across the street in the City of Brookfield.*
- *Site development should include prominent signage, increased landscaping, sustainable strategies for stormwater management, and methods to minimize the parking field, such as structured parking.*
- *Address flooding and localized drainage issues along the eastern portion of the neighborhood.*
- *Encourage land combinations that accommodate future development options.*

Land Use:

- See request above.

2. Chapter 10: Land Use:

- ***Current Future Land Use Map: Suburban Commercial***
- ***Proposed 2030 Future Land Use Map: Suburban Commercial, Mixed Residential and Institutional***
- ***The corresponding zoning districts are B-1/PUD (Shopping Center District / Mandel PUD), Rm-1/PUD (Multiple-Family Residential District / Mandel PUD), I-1/PUD (Institutional District / Mandel PUD) & I-1 (Institutional District) (See File #: RZ-2300810)***

3. Chapter 22: Implementation: Yes, this request meets the intent of this Chapter.

Amending the Plan

- This Plan is intended to be changed and revised over time. The City's values, goals, and capabilities may change as New Berlin grows, and the Plan must be amended to reflect those changes. The Plan should be reviewed and amended at least once every year. Suggestions for amendments can be brought forward by City staff, officials, and/or residents, and should be consistent with the overall vision of the Plan. Proposed amendments could originate in any of the following way:
 - Amendments proposed as corrections of clerical or administrative errors, mapping errors, and updated data for text, tables, and maps. Such amendments would be drafted by City staff.
 - Amendments proposed as a result of discussions between officials and citizens.
 - Amendments proposed as a result of recommendations discussed during a City planning process.

- When a change is proposed, it should follow this general procedure:
 - Recommendation by the Plan Commission to conduct a review process for the proposed amendment.
 - Facilitation of public hearings as required by applicable Wisconsin State Statutes and/or ordinances.
 - Recommendation from the Plan Commission to the Common Council.
 - Consideration and decisions by the Common Council.

Plan Element Consistency

- As future amendments and updates are made, consistency between the Plan elements must be ensured.
The applicant has submitted requests to the City to amend the Comprehensive Plan / Future Land Use Map and rezone the property, so the request meets the consistency requirements.

D.R.C. RECOMMENDATION:

Recommend to Plan Commission adoption of Resolution # 23-14 that approves the amendments to the 2030 Comprehensive Plan Chapter 10 and Chapter 11 including the properties located at 1750 S. Moorland Road (includes Tax Key #'s: 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) from Suburban Commercial to Suburban Commercial, Mixed Residential and Institutional, and forward to the Common Council for their review and approval by Ordinance.

Attachments:

Location Map

Zoning Comparison Map

Future Land Use Comparison Map

CSM

Applicant Letter

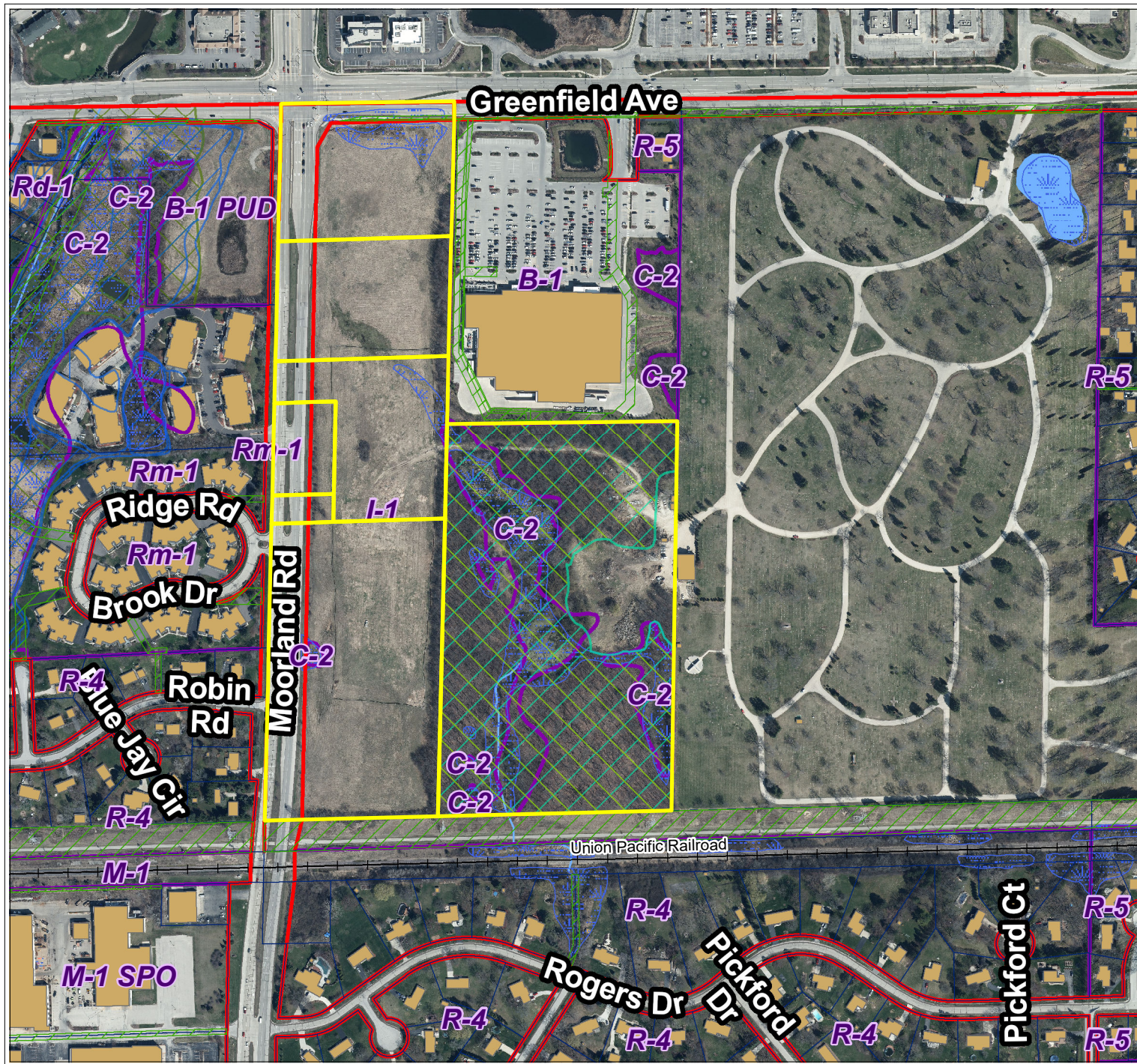
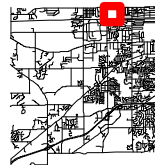
Concept Master Plan & Associated Documents

Draft Chapters – Minor Edits as part of the 2030 Update*

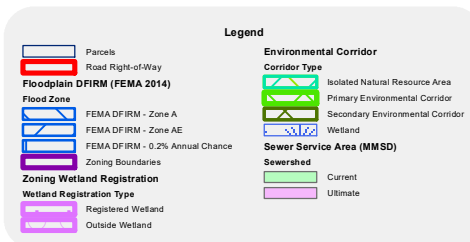
- Chapter 10 – Land Use (See Application File #: CP-2300780 for the updates to this Chapter. Appears on this same Plan Commission agenda.)
- Chapter 11 – Neighborhood A – Greenfield Avenue

Resolution # 23-14

**These chapters will may need additional editing as we move through the overall 2030 Update & review all chapters over the next 6 months.*



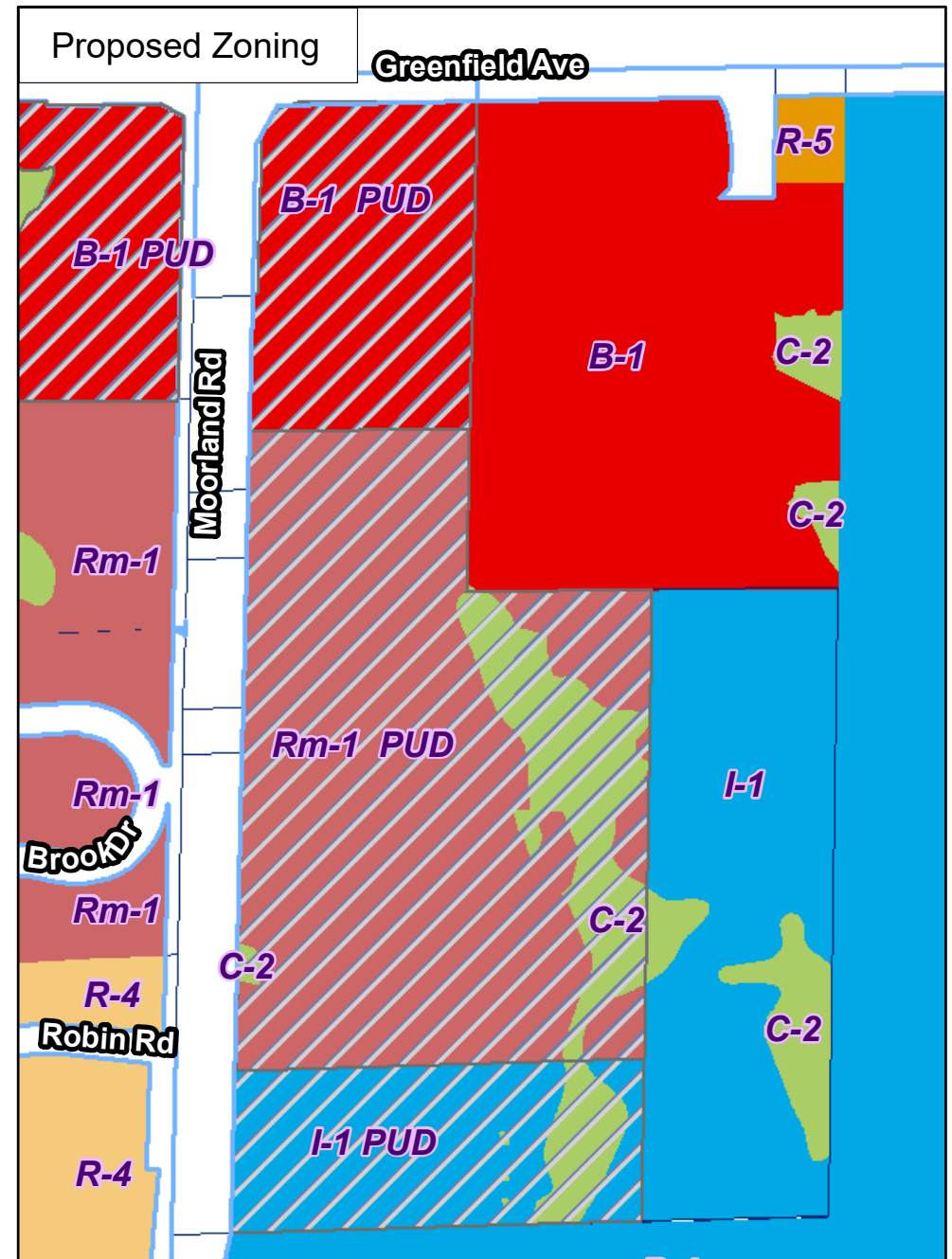
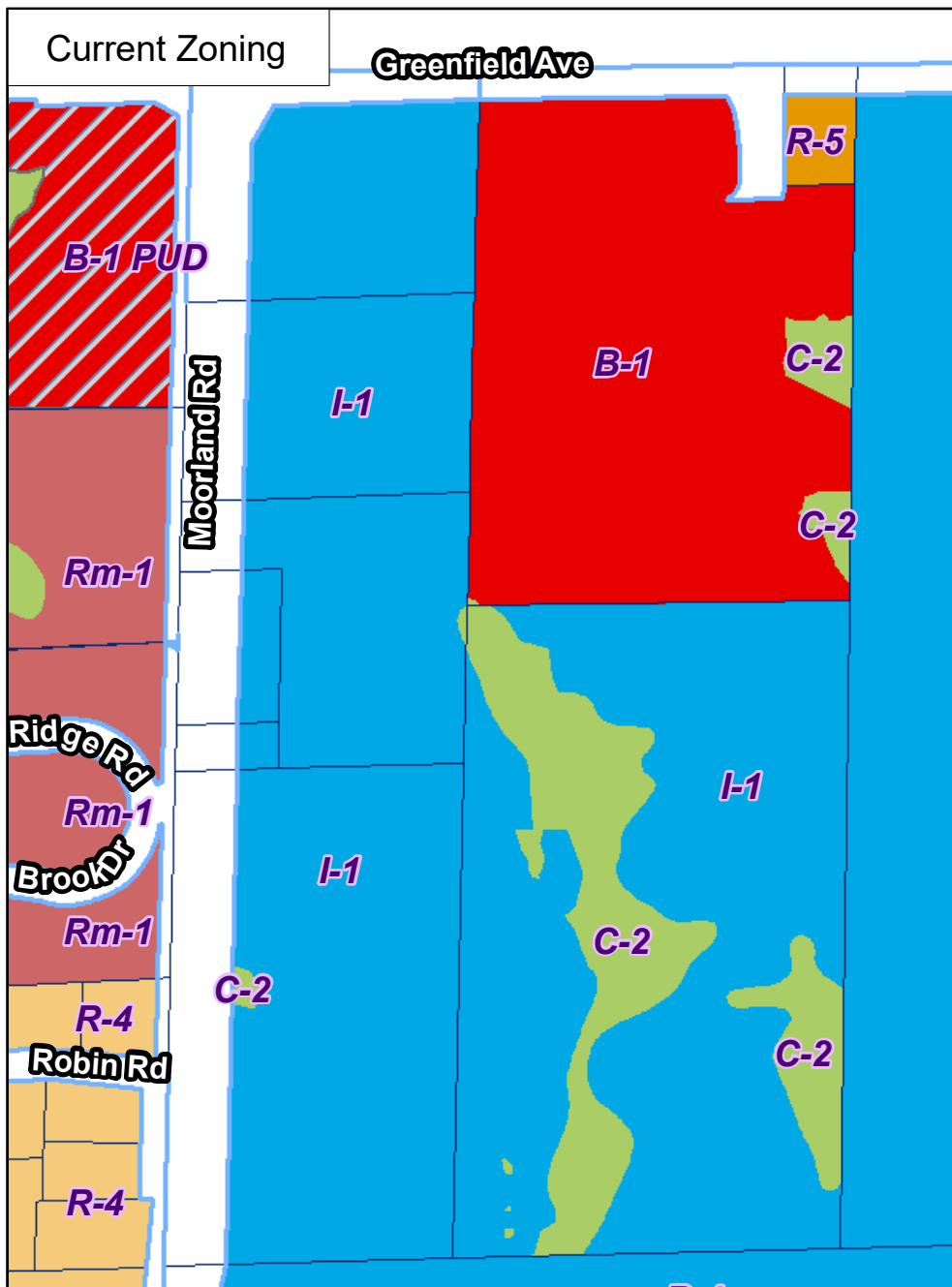
City of New Berlin
Department of Community Development
3805 S Casper Dr.
New Berlin WI 53151
(262) 797-2445
www.newberlin.org



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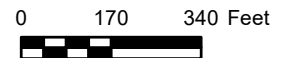
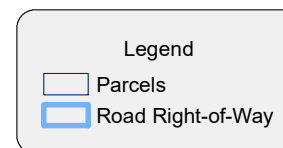


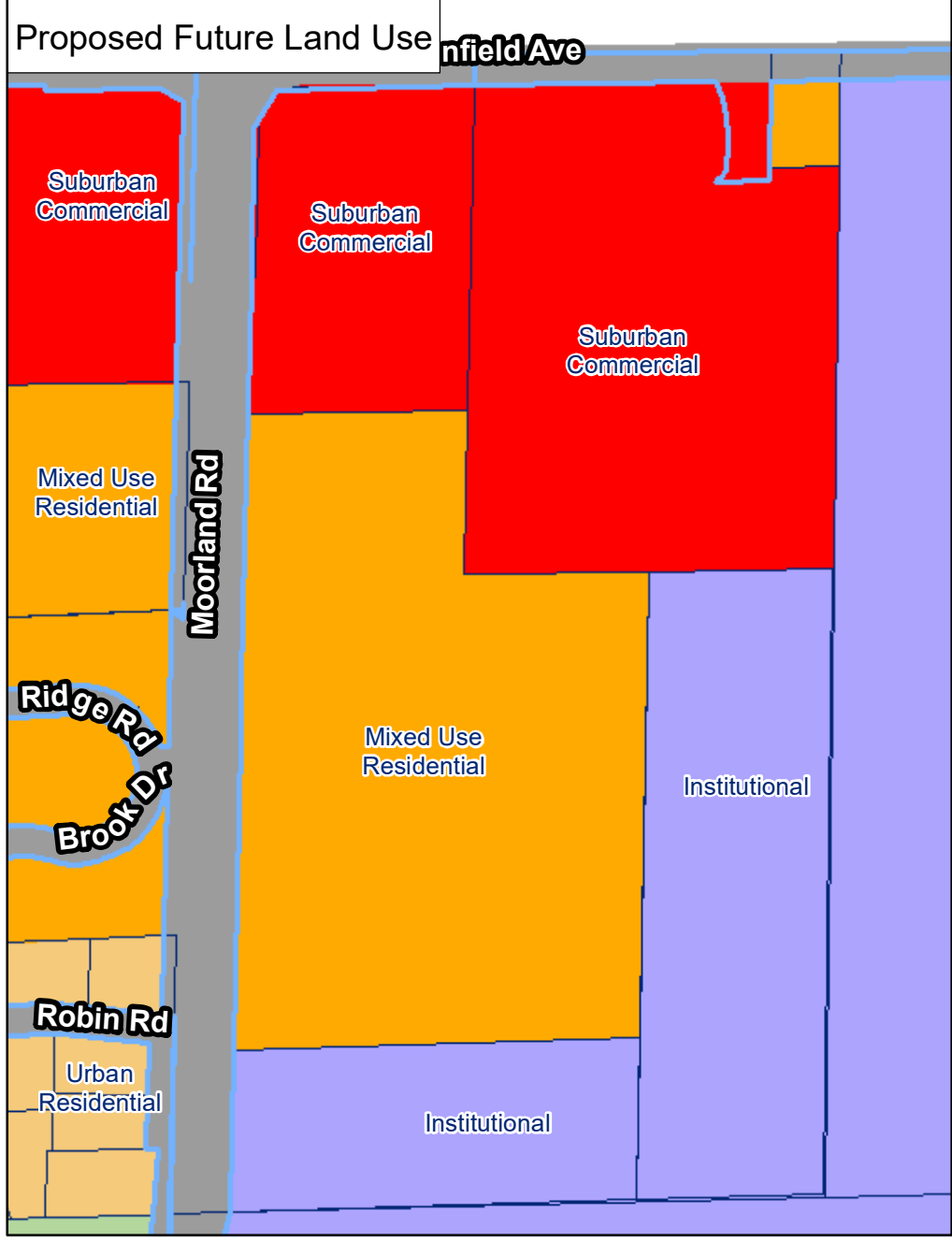
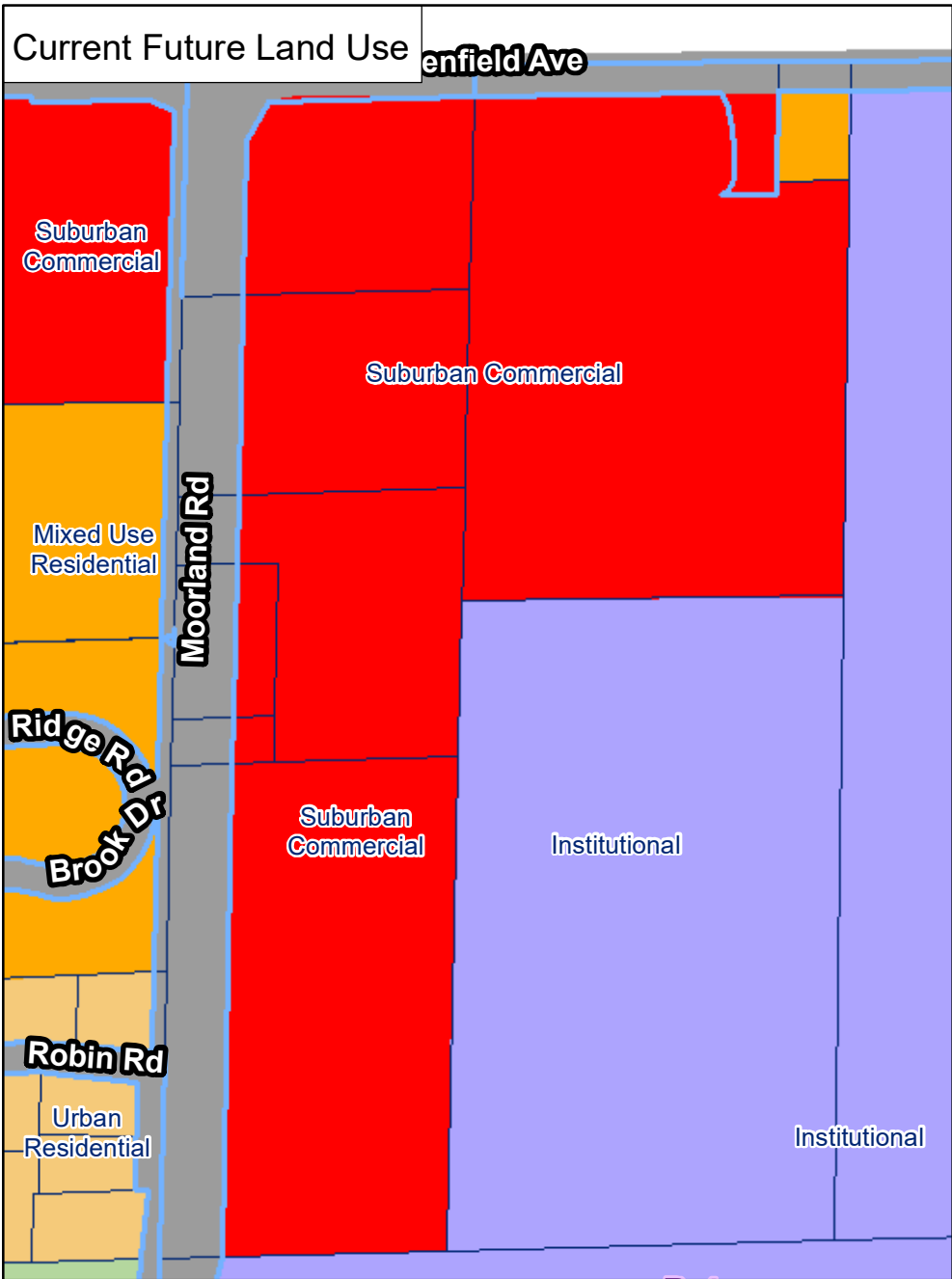
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RZ--2300810
Mandel PUD Rezone
1750 S. Moorland Rd

Taxkeys: 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & portion of 1158-992

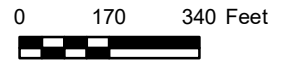




CP--2300808
Mandel
1750 S. Moorland Rd

Legend

- Parcels
- Road Right-of-Way



April 21, 2023

City of New Berlin
Department of Community Development
3805 S. Casper Drive,
New Berlin, WI 53151

RE: Mandel Group, Inc.
New Berlin Multifamily – Moorland Rd. and Greenfield Ave.

Mandel Group, Inc. (“**Mandel**”) is requesting that the Plan Commission and Common Council consider a Certified Survey Map (CSM), Comprehensive Plan Amendment, and Rezoning of the land at the southeast corner of Moorland Road and Greenfield Avenue, more particularly described in Exhibit A, for a mixed-use project including retail, multi-family, and senior living.

Development Summary

Mandel is proposing a mixed-use project on the southeast corner of Moorland Road and Greenfield Avenue, which includes a mix of retail uses on the corner, multi-family residential, and senior housing. This project responds to desired uses by the City, residents, and interested developers. By approving the items below in a Planned Unit Development, the City will ensure a cohesive, master-planned project that fits within the context of the immediate surrounding areas and New Berlin as a whole.

Certified Survey Map

The Certified Survey Map, included as Exhibit B, consolidates all or a portion of 6 existing parcels (NBC 1158990, NBC 1158991001, NBC 1158993, NBC 1158994, NBC 1158991, and a portion of NBC 1158992) into 3 new parcels and one outlet. The three new parcels are divided by use to include a ~6.5-acre parcel (Lot 1), a ~20.9-acre parcel (Lot 2), and a ~6.1-acre parcel (Lot 3). The outlet (Outlet 1) is ~10.8 acres and will be retained by Highland Memorial Park (cemetery - existing owner).

Along with the CSM, Mandel is requesting that the Comprehensive Land Use Plan be amended, and Zoning be changed to reflect the intended uses outlined below.

Comprehensive Land Use Plan Amendment

The current Land Use for this site is Suburban Commercial. Mandel is requesting that the Comprehensive Land Use Plan be amended as follows:

- Lot 1 (6.5 acres): Suburban Commercial
- Lot 2 (20.9 acres): Mixed-Use Residential
- Lot 3 (6.1 acres): Institutional
- Outlet 1 (10.8 acres): NO CHANGE

There is currently a City-owned parcel (NBC 1158989) that is approximately 0.4 acres along Moorland Road. Mandel is proposing that this parcel be included in the PUD and zoned RM-1. Mandel and the City will negotiate a swap of this parcel in exchange for Mandel installing City of New Berlin signage along Moorland Road.

These Land Use designations align with the site plan, included as Exhibit C, and also align with the requested Zoning change as outlined below.

Zoning

Mandel is requesting that the zoning for this site be updated under the Planned Unit Development (PUD) ordinance per the included Exhibit D. The underlying zoning districts align with the intended uses of retail, multi-family, and senior living. By utilizing a PUD, the city is permitted to allow for departures from the underlying zoning code to provide a cohesive, master-planned development with uses, design, and site layouts that complement and enhance each other. I've included a zoning comparison as Exhibit E that identifies the zoning requirements and any requested departures from the underlying zoning, summarized here:

- Retail – PUD / B-1 Shopping District
 - Uses
 - Code: Currently allows for a car wash
 - Proposed: Specifically allow for a car wash
 - Rationale: There is significant interest in this site by several car wash operators. After discussion with staff and the alderperson, we are requesting the PUD allow for a car wash. The location of such car wash may be restricted to exclude the hard corner and will be required to obtain site plan approval through the normal City approval process, where design, location, and screening will be specified.
 - Wetland Setback
 - Code: 10 feet
 - Proposed: 0 feet to pavement, 30 feet to buildings
 - Rationale: To provide a connection between the retail and multi-family, the road at the southwest corner of retail parcel will likely be within 10 feet of the pocket wetland west of WalMart. This connection is critical to provide the necessary full access off Moorland Road for the retail patrons.
- Multi-family – PUD / RM-1 Multiple Family Residential
 - Uses: Accessory Garages
 - Code: Not Specified
 - Proposed: Allow for Accessory Garages, Clubhouse
 - Rationale: The code does not specifically address accessory structures. Mandel proposes that the PUD specifically allows for Accessory Garages and a Clubhouse.
 - Density
 - Code: 7 units per acre
 - Proposed: 10 units per acre
 - Rationale: In order fully utilize the site, we are proposing a density slightly higher than existing code. This density is significantly less than other multi-family projects near the site and slightly higher than the Brookridge Condos (7.5 units / acre) on the west side of Moorland.
 - Setbacks: Side yard
 - Code: 15 feet
 - Proposed: 15 feet to building, 12 feet to porches, stoops, balconies
 - Rationale: To provide for appropriate circulation and access, the buildings are situated such that the buildings respect the 15-foot setback, but the attached porches, stoops, and/or balconies extend roughly 3 feet off of the building. This happens in one location on the site at building SF-6 on the south property line, abutting the new senior housing parcel.
 - Setbacks: Wetlands

- Code: 30 feet
 - Proposed: 30 feet to buildings, 15 feet to sidewalks
 - Rationale: Similar to the side yard setback, the buildings are situated to provide appropriate and necessary circulation and access on the site. As the site is constrained with wetlands on the east, north and portions of the west side of the multifamily parcel, we are respecting the 30-foot setback with our buildings, but the sidewalk access to the unit entries in the rear of the building encroach into the 30-foot setback. Our civil engineer discussed this condition with the DNR, who indicated that it would be allowed with a requirement to treat the stormwater runoff from the sidewalks prior to draining into the wetlands. There are several options to accomplish this, and we will work with the DNR to obtain their approval of the sidewalk design.
- Building Separation
 - Code: 30 feet
 - Proposed: 15 feet
 - Rationale: There are a few locations on the site where the distance between buildings is between 15 and 20 feet. These primarily occur at the utility rooms, with distance between units at least 20 feet in all locations. To achieve the appropriate circulation, access, and setbacks, a slightly reduced building separation is required.
- Parking: Attached Parking Stalls
 - Code: 1 stall per unit
 - Proposed: 0.7 attached stalls per unit, 0.3 detached & covered parking stalls per unit
 - Rationale: We intend to provide 1 covered stall per unit. We are requesting the PUD allow for the covered parking to be accomplished with a combination of attached and detached covered parking stalls. The footprint of the building does not allow for 1 attached stall per unit. This also provides a price-sensitive resident with the option to select a unit without an attached garage and use a surface stall as we do not charge for surface stalls.
- Parking: Total Stalls
 - Code: 2.0 stalls per unit
 - Proposed: 1.7 stalls per unit
 - Rationale: Mandel currently manages over 4,500 units and has access to parking usage data at similar, suburban developments. That data reflects parking provided between 1.2 and 1.6 stalls per unit and parking usage between 1.0 and 1.3 stalls per unit. Our goal is to provide adequate parking but not overpark the site, which would result in unused garage or surface parking lots that would take away from the green space planned for the site. A chart of parking ratios is included as Exhibit F.
- Senior Living – PUD / I-1 Institutional
 - Permitted Uses
 - Code: Allows for Community Living, Assisted Living, does not address Independent Living senior housing
 - Proposed: Specifically allow for Independent Living
 - Rationale: The purpose of the senior housing is to provide a continuum of care. This includes independent living (minimal services), assisted living, and memory care / dementia care. This has been a successful model for many senior housing

developers as it provides residents options to begin their residency in independent living and stay on the same campus as their needs become greater.

- Setbacks: Front
 - Code: 50 feet
 - Proposed: 25 feet
 - Rationale: The purpose of this request is two-fold. First, as the site is constrained to the east with wetlands, providing flexibility for the site plan will be important to design the buildings in a way that makes sense for the operations plan. Additionally, this setback is in alignment with the RM-1 setback requirement for the parcel directly to the north and provides consistency with relation to the setback along Moorland throughout the development.
- Setbacks: Side yard
 - Code: 50 feet
 - Proposed: 5 feet
 - Rationale: This will allow for flexibility in designing the access drive-lane which is pinched due to the wetlands along Moorland and could cause vehicle stacking issues at the entrance if the angle of access is too tight. The existing tree line would remain and be supplemented by additional landscaping screening to the south. Additionally, the nearest house is more than 300 feet from the property line, with power lines, rail line, and trail which prevents development between the two uses.
- Parking:
 - Code: 1 stall per unit, additional 10% of total for guest parking
 - Proposed: 0.75 stalls per unit plus 1 stall per employee during peak shift turnover.
 - Rationale: This parking ratio is appropriate given the use of the site. Memory Care residents are not allowed to drive. The parking need for Assisted Living residents is minimal. This ratio is consistent with similar senior housing developments. Additionally, 1 stall per employee during peak shift turnover will be provided.

Wetlands

There are significant amounts of wetlands on the site. Attached is the Wetland Delineation that was prepared by Heartland Ecological Group in August of 2022. Also attached is the Artificial Wetland Exemption Decision Letter from the WDNR as Exhibit H and the Approved Jurisdictional Determination (AJD) by the US Army Corps of Engineers.

Sincerely,
MANDEL GROUP, INC.

Dan Romnek
Development Associate
dromnek@mandelgroup.com

Enclosures:	Exhibit A	New Berlin Master Plan
	Exhibit B	Certified Survey Map
	Exhibit C	Proposed Comprehensive Land Use Plan
	Exhibit D	Proposed Zoning Map
	Exhibit E	Zoning Comparison
	Exhibit F	Multifamily Parking Ratios
	Exhibit G	Wetland Delineation Map
	Exhibit H	WDNR Artificial Wetland Exemption Decision Letter
	Exhibit I	USACE Approved Jurisdictional Determination Letter

WEST GREENFIELD AVENUE

SENIOR LIVING –
6.5 ACRES (+/-)

6.6 ACRES (+/-)

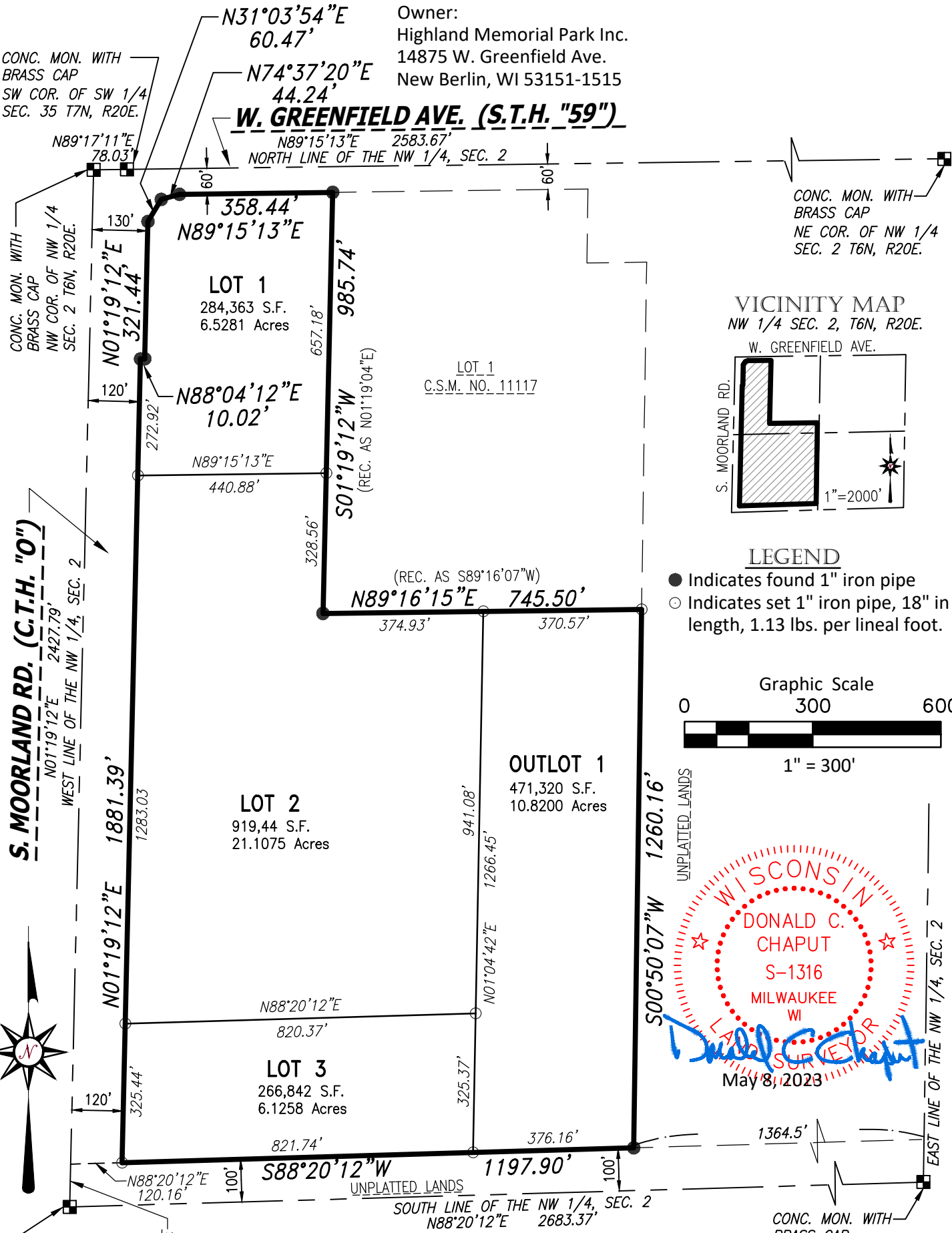
SOUTH MOORLAND ROAD

SENIOR LIVING
55,000 S.F.
FOOTPRINT

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

Owner:
Highland Memorial Park Inc.
14875 W. Greenfield Ave.
New Berlin, WI 53151-1515



CHAPUT
LAND SURVEYS

234 W. Florida Street
Milwaukee, WI 53204

414-224-8068
www.chaputlandsurveys.com

See sheet 2 & 3 for access restriction,
existing easements and wetlands.

Bearings are referenced to the Wisconsin State
Plane Coordinate System, South Zone (NAD
83/2011) in which the West line of the
Northwest 1/4 of Section 2 bears N01°19'12"E.

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 1 of 6 Sheets

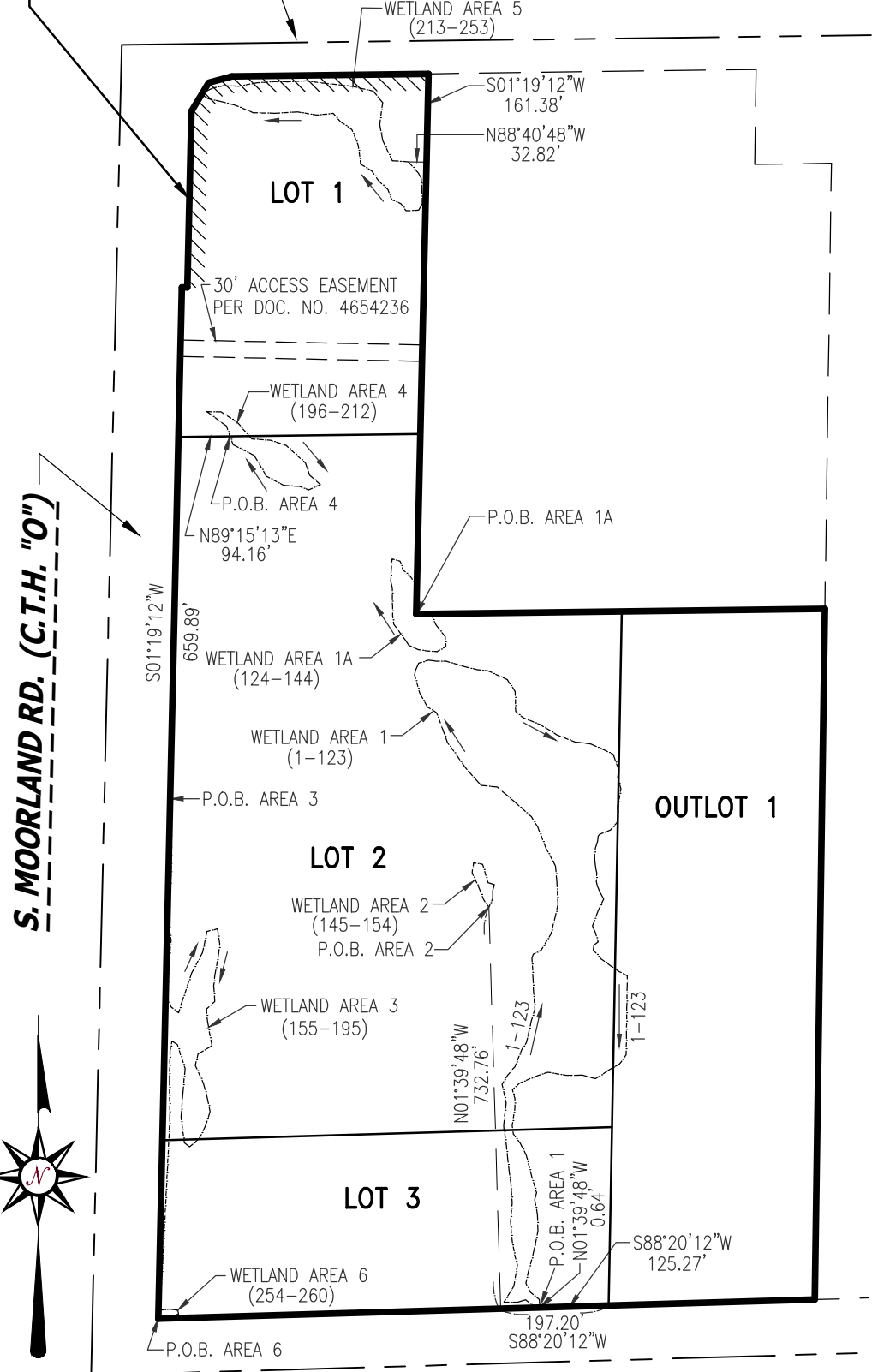
CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

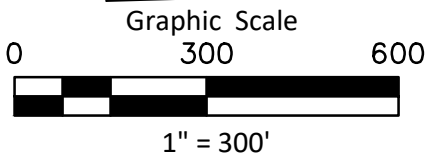
Note: Access to Outlot 1 shall be provided by separate document.
It is intended that, for the foreseeable future, Outlot 1 shall remain
with the ownership of the adjoining cemetery property to the east,
and shall continue to be (i) zoned Institutional, (ii) exempt from
real estate taxes, and (iii) used for cemetery purposes.

Hatch indicates no vehicular access
to West Greenfield Ave. & South
Moorland Road.

W. GREENFIELD AVE. (S.T.H. "59")



S. MOORLAND RD. (C.T.H. "O")



CHAPUT
LAND SURVEYS

234 W. Florida Street
Milwaukee, WI 53204

414-224-8068
www.chaputlandsurveys.com

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 2 of 6 Sheets



CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

WETLAND AREA 1

LINE	BEARING	DIST.
L1	N85°40'45"W	9.00'
L2	N53°56'37"W	21.58'
L3	S72°04'50"W	14.82'
L4	N89°14'18"W	25.28'
L5	N31°47'03"E	34.40'
L6	N09°13'48"E	38.96'
L7	N15°07'01"W	15.10'
L8	N10°31'35"W	30.27'
L9	N04°41'38"W	34.91'
L10	N05°14'17"E	34.31'
L11	N04°11'45"W	36.86'
L12	N08°36'18"W	20.98'
L13	N05°43'06"W	26.23'
L14	N06°22'27"W	20.87'
L15	N07°52'20"W	37.00'
L16	N06°30'03"E	41.90'
L17	N12°11'39"W	34.47'
L18	N30°19'11"E	19.35'
L19	N41°03'09"E	20.56'
L20	N21°26'49"E	33.84'
L21	N34°02'07"E	15.41'
L22	N12°55'23"E	38.75'
L23	N16°19'23"E	24.25'
L24	N04°35'17"W	30.68'
L25	N02°02'40"W	26.15'
L26	N03°23'55"W	35.56'
L27	N18°22'30"E	7.88'
L28	N61°46'30"E	16.31'
L29	N31°14'06"E	34.17'
L30	N14°13'25"E	30.12'
L31	N12°46'32"E	25.20'
L32	N02°47'07"W	42.49'
L33	N05°01'44"W	28.00'
L34	N27°50'52"W	36.06'
L35	N21°28'56"W	42.73'
L36	N32°13'09"W	21.84'
L37	N48°12'19"W	36.88'
L38	N49°57'21"W	29.18'
L39	N48°40'44"W	16.20'
L40	N84°16'55"W	29.27'
L41	N44°42'38"W	9.72'
L42	N40°58'52"W	36.37'
L43	N34°43'43"W	22.31'
L44	N35°26'58"W	31.32'
L45	N20°08'31"W	25.25'
L46	N20°20'31"W	36.49'
L47	N58°09'42"W	19.82'
L48	N29°26'41"W	27.39'
L49	N16°12'08"W	35.26'
L50	N10°37'45"E	8.95'
L51	N23°45'27"E	14.61'
L52	N73°26'51"E	18.75'
L53	S83°20'41"E	14.78'
L54	S89°24'13"E	18.00'
L55	S73°04'36"E	35.01'
L56	S77°00'03"E	23.44'
L57	S84°19'50"E	19.20'
L58	S65°22'54"E	38.68'
L59	S33°29'17"E	26.56'
L60	S01°12'23"E	35.99'
L61	S49°37'35"E	17.77'

WETLAND AREA 1
CONTINUED

LINE	BEARING	DIST.
L62	S68°06'17"E	34.55'
L63	S58°15'10"E	34.93'
L64	S68°36'30"E	35.73'
L65	S83°09'41"E	28.84'
L66	S64°43'34"E	45.22'
L67	S19°54'01"E	28.99'
L68	S07°22'30"W	14.36'
L69	S15°52'33"E	22.28'
L70	S11°11'10"W	31.28'
L71	S01°53'21"E	21.86'
L72	S13°08'14"W	9.79'
L73	S42°39'22"W	17.12'
L74	S67°51'00"W	21.39'
L75	S39°19'28"W	3.91'
L76	S07°24'58"W	8.99'
L77	S17°39'52"W	13.39'
L78	S06°00'59"W	15.38'
L79	S05°21'43"E	21.69'
L80	S12°16'45"E	9.95'
L81	S02°44'39"W	15.07'
L82	S11°39'47"E	7.87'
L83	S22°12'23"E	12.05'
L84	S29°25'35"E	14.68'
L85	S25°39'29"W	23.60'
L86	S20°27'52"W	29.73'
L87	S23°57'46"E	14.97'
L88	S15°39'07"E	15.98'
L89	S53°34'08"W	9.83'
L90	S04°05'57"W	9.17'
L91	S41°24'20"E	21.82'
L92	S54°30'41"E	21.25'
L93	S55°33'33"E	17.70'
L94	S61°58'51"E	17.53'
L95	S00°51'12"W	57.85'
L96	S00°51'13"W	49.21'
L97	S00°51'12"W	37.09'
L98	S35°50'42"W	20.14'
L99	S59°58'58"W	24.79'
L100	S56°34'33"W	26.91'
L101	N74°55'10"W	25.11'
L102	S89°24'39"W	29.37'
L103	N80°18'48"W	34.22'
L104	S71°10'47"W	20.57'
L105	S67°10'30"W	34.96'
L106	S47°27'45"W	17.25'
L107	S16°07'58"E	16.33'
L108	S00°46'54"E	16.91'
L109	S09°00'53"W	33.18'
L110	S06°49'31"E	15.63'
L111	S37°15'58"E	20.99'
L112	S27°02'39"E	24.55'
L113	S14°08'30"E	39.63'
L114	S16°42'20"E	31.22'
L115	S14°25'44"W	13.51'
L116	S10°45'31"E	27.62'
L117	S01°31'41"E	29.15'
L118	S11°09'47"W	39.66'
L119	S15°08'18"W	37.23'
L120	S12°41'40"W	21.41'
L121	S26°34'38"E	18.34'
L122	S49°55'12"E	21.23'
L123	S06°00'02"E	13.96'

WETLAND AREA 1A

LINE	BEARING	DIST.
L124	N89°16'15"E	27.08'
L125	S24°20'06"E	22.95'
L126	S38°18'39"E	26.62'
L127	S04°00'42"E	18.15'
L128	S61°08'14"W	18.50'
L129	N86°32'49"W	18.00'
L130	N82°30'38"W	16.34'
L131	N64°17'32"W	19.10'
L132	N33°25'05"W	10.15'
L133	N35°57'49"W	37.16'
L134	N08°00'40"W	15.68'
L135	N00°32'18"W	17.35'
L136	N00°26'50"W	32.95'
L137	N13°57'33"W	12.68'
L138	N02°37'38"E	22.22'
L139	N05°07'49"E	18.65'
L140	S74°13'33"E	15.17'
L141	S18°33'40"E	17.34'
L142	S49°27'36"E	17.62'
L143	S35°27'41"E	19.59'
L144	S01°19'12"W	52.51'

WETLAND AREA 2

LINE	BEARING	DIST.
L145	N35°21'09"W	16.68'
L146	N20°42'37"W	20.55'
L147	N24°52'25"W	32.68'
L148	N08°29'20"E	18.61'
L149	S81°25'05"E	16.54'
L150	S16°10'34"E	35.29'
L151	S74°11'37"E	11.92'
L152	S14°32'03"W	11.38'
L153	S00°00'17"E	14.37'
L154	S23°24'00"W	17.32'

WETLAND AREA 3

LINE	BEARING	DIST.
L155	S07°20'49"E	11.69'
L156	S00°29'46"E	66.02'
L157	S00°28'28"W	66.39'
L158	S05°15'54"W	65.67'
L159	S07°08'56"E	49.63'
L160	S05°41'09"W	45.86'
L161	S02°03'09"W	58.27'
L162	S20°42'16"E	18.17'
L163	S51°54'21"E	17.81'
L164	N18°08'58"E	76.54'
L165	N28°00'51"E	41.42'
L166	N11°44'07"E	39.82'
L167	N75°51'42"E	20.11'
L168	S08°47'56"E	26.90'
L169	S05°59'40"W	15.29'
L170	S09°39'06"W	44.24'
L171	S06°12'34"W	18.58'
L172	S03°22'47"E	28.85'
L173	S47°20'45"W	20.14'
L174	S04°18'48"E	23.31'
L175	S10°19'22"E	44.45'
L176	S59°10'45"W	29.64'
L177	S12°40'22"W	21.02'
L178	S24°01'08"E	36.80'
L179	S14°10'48"E	29.73'
L180	S12°13'50"E	22.36'
L181	S18°22'08"W	28.75'
L182	S26°19'28"W	24.72'
L183	S49°50'11"W	23.42'
L184	N51°01'45"W	12.08'
L185	N07°14'41"W	47.16'
L186	N04°21'57"E	44.64'
L187	N05°05'36"E	44.36'
L188	N17°42'12"W	45.44'
L189	N55°12'02"W	11.86'
L190	S11°34'43"W	18.24'
L191	S01°22'56"W	53.19'
L192	S00°43'01"E	71.29'
L193	S02°53'22"W	301.58'
L194	S36°27'13"W	8.15'
L195	N01°19'12"E	892.31'

WETLAND AREA 4

LINE	BEARING	DIST.
L196	N19°38'07"W	20.13'
L197	N53°29'10"W	44.25'
L198	S88°30'14"E	25.58'
L199	S57°33'15"E	34.98'
L200	S41°23'04"E	40.38'
L201	S85°19'45"E	34.51'
L202	S71°38'53"E	30.16'
L203	S47°34'54"E	46.92'
L204	S19°02'52"E	23.69'
L205	S49°11'33"E	26.05'
L206	S65°48'22"W	23.51'
L207	N68°03'30"W	17.35'
L208	N86°16'33"W	29.20'
L209	N61°54'11"W	35.77'
L210	N30°15'58"W	43.38'
L211	N63°00'52"W	43.41'
L212	N19°38'07"W	16.21'

WETLAND AREA 5

LINE	BEARING	DIST.
L213	S41°17'37"E	27.36'
L214	S28°41'58"E	10.29'
L215	S03°37'59"E	18.61'
L216	S01°54'18"E	28.64'
L217	S30°56'55"W	13.24'
L218	S87°14'32"W	23.04'
L219	N34°33'06"W	15.54'
L220	N66°37'22"W	18.65'
L221	N20°28'43"W	19.73'
L222	N46°50'20"W	23.71'
L223	N34°14'16"W	20.57'
L224	N57°28'35"W	24.72'
L225	N07°47'33"W	35.28'
L226	N22°05'23"W	30.37'
L227	N55°45'14"W	25.55'
L228	N40°27'54"W	19.46'
L229	S84°24'23"W	31.56'
L230	N80°04'46"W	34.07'
L231	S86°31'07"W	42.87'
L232	N88°16'25"W	38.38'
L233	N67°31'59"W	36.08'
L234	N75°39'46"W	27.98'
L235	N78°11'46"W	21.72'
L236	N57°41'36"W	9.26'
L237	N11°15'12"W	4.06'
L238	N47°42'31"E	9.25'
L239	N64°43'15"E	12.04'
L240	N78°42'32"E	18.38'
L241	S88°48'47"E	27.98'
L242	N79°52'10"E	34.48'
L243	N85°56'14"E	30.99'
L244	S89°24'40"E	24.07'
L245	N87°15'21"E	34.45'
L246	S82°30'29"E	34.36'
L247	S83°31'19"E	51.16'
L248	S76°59'54"E	38.10'
L249	S39°33'59"E	27.48'
L250	S07°50'34"W	40.67'
L251	S11°03'34"E	29.22'
L252	S25°07'46"E	40.76'
L253	S86°27'57"E	29.76'

WETLAND AREA 6

LINE	BEARING	DIST.
L254	N01°19'12"E	13.13'
L255	N90°00'00"E	2.92'
L256	N84°40'05"E	16.41'
L257	S83°28'10"E	14.92'
L258	S11°14'23"E	7.42'
L259	S71°54'22"W	25.21'
L260	S88°20'12"W	13.20'



This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 3 of 6 Sheets
18

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN}
 :SS
MILWAUKEE COUNTY}

I, DONALD C. CHAPUT, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, which is bounded and described as follows:

COMMENCING at the Southwest corner of said Northwest 1/4 Section; thence North 00°19'12" East along the West line of said Northwest 1/4 Section, 100.14 feet to a point; thence North 88°20'12" East 120.16 feet to a point on the East line of South Moorland Road and the point of beginning of lands hereinafter described; thence North 01°19'12" East along said East line 1881.39' to a point; thence North 88°04'12" East along said East line 10.02 feet to a point; thence North 01°19'12" East along said East line 321.44 feet to a point; thence North 31°03'54" East along said East line 60.47 feet to a point; thence North 74°37'20" East along said East line 44.24 feet to a point on the South line of West Greenfield Avenue; thence North 89°15'13" East along said South line 358.44 feet to a point on the West line of Lot 1 of Certified Survey Map No. 11117; thence South 01°19'12" West along said West line 985.74 feet to a point on the South line of said Lot 1; thence North 89°16'15" East along said South line 745.50 feet to a point; thence South 00°50'07" West 1260.16 feet to a point 100 feet North of the South line of said 1/4 Section; thence South 88°20'12" West along a line which is parallel to and 100 feet North of said South line 1197.90 feet to the point of beginning.

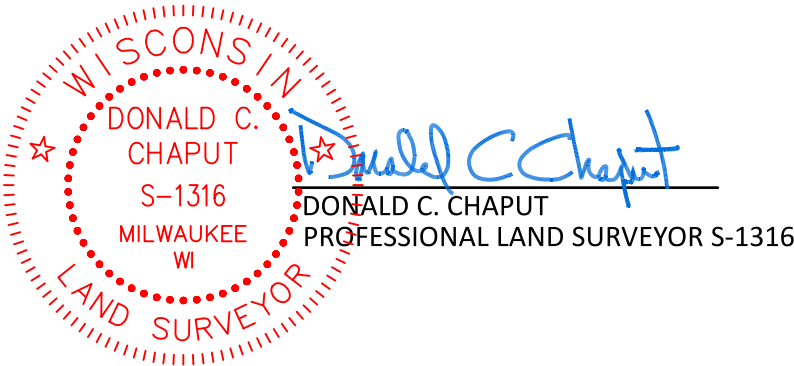
Said lands contains 1,941,970 square feet, or 44.5815 acres.

THAT I have made the survey, land division and map by the direction of HIGHLAND MEMORIAL PARK INC., owners.

THAT the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with Chapter 236 of the Wisconsin Statutes and the Land Division Regulations of the City of New Berlin in surveying, dividing and mapping the same.

May 8, 2023
DATE



CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE

STATE OF WISCONSIN}
 :SS
WAUKESHA COUNTY}

HIGHLAND MEMORIAL PARK INC., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, certifies that said corporation caused the land described on this Certified Survey Map to be surveyed, divided and mapped as represented on this map or plat in accordance with the subdivision regulations of the City of New Berlin and Chapter 236 of the Wisconsin Statutes.

HIGHLAND MEMORIAL PARK INC., does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of New Berlin.

IN WITNESS WHEREOF, the HIGHLAND MEMORIAL PARK INC. has caused these presents to be signed by the hand of _____, on this _____, day of _____, 2023.

HIGHLAND MEMORIAL PARK INC.

By: _____

Its: _____

STATE OF WISCONSIN}
 :SS
 COUNTY}

Personally came before me this ____ day of _____, 2023, _____, the _____ of the above named corporation, to me known as the person who executed the foregoing instrument and acknowledged that he/she executed the foregoing instrument as such officer on behalf of entity, by its authority.

Notary Signature: _____
Notary Name: _____
Notary Public, State of _____. My commission expires: _____
(Notary Seal)



CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

PLANNING COMMISSION CERTIFICATE OF APPROVAL

APPROVED by the Planning Commission of the City of New Berlin on this ____ day of _____,
2023.

DAVE AMENT, CHAIRPERSON / MAYOR

NIKKI JONES, SECRETARY

COMMON COUNCIL CERTIFICATE OF APPROVAL

APPROVED by the Common Council of the City of New Berlin in accordance with the Resolution adopted on
this ____ day of _____, 2023

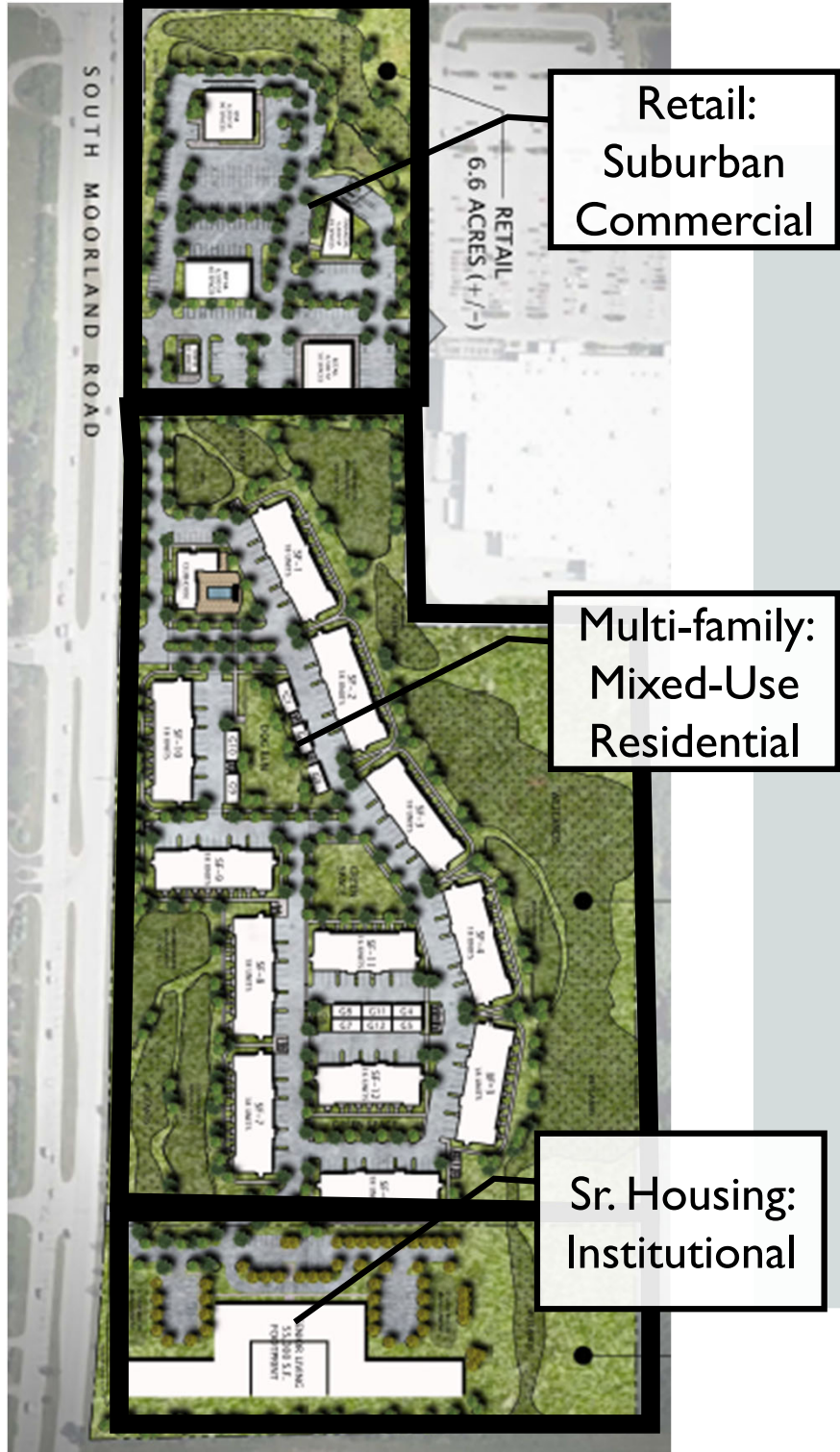
DAVE AMENT, COUNCIL PRESIDENT

GEORGIA STANFORD , CITY CLERK



This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 6 of 6 Sheets
21



COMPREHENSIVE LAND USE PLAN

Future Land Use Plan (current)

- Suburban Commercial

Future Land Use Plan (proposed)

- Retail: Suburban Commercial
- Multi-family: Mixed-Use Residential
- Senior Housing: Institutional

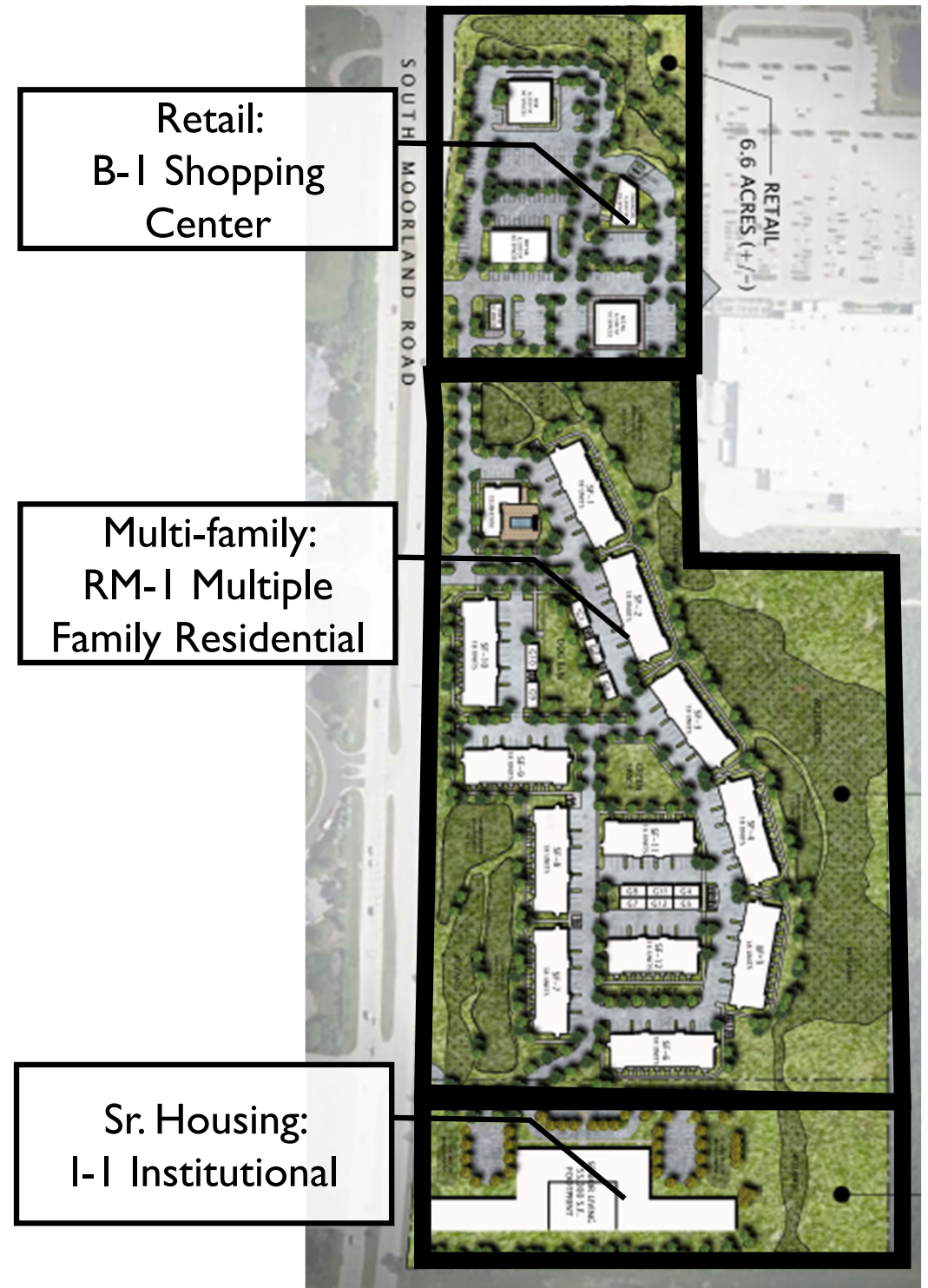
ZONING

Current Zoning

- The Entire parcel is currently zoned I-1 Institutional

Proposed Zoning

- Retail Parcel: (B1) Shopping Center / PUD
 - Approximately 6.5 acres
 - Commercial development with a range of uses that could include retail, service, restaurant, financial institution
- Multi-Family Parcel: (RM-1) Multiple Family Residential / PUD
 - Approximately 20.9 acres
 - Multi-family development with approximately 218 units
 - Wooded and wetland areas south of Walmart to be preserved
- Senior Living Parcel: (I-1) Institutional / PUD
 - Approximately 6.1 acres
 - Senior housing development with approximately 150 units including Independent Living, Assisted Living, and Memory Care



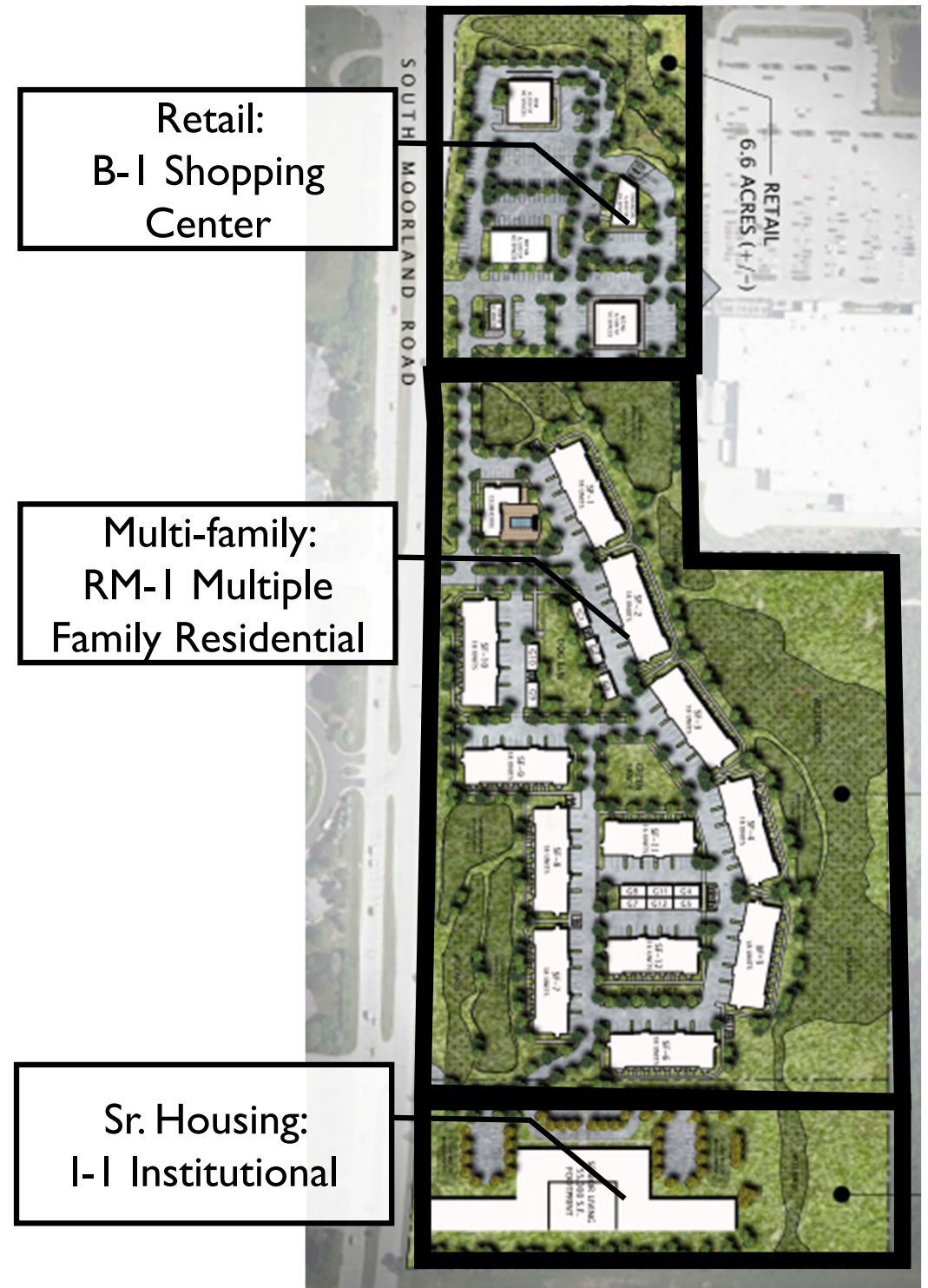
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 - Multi-family development with approximately 218 units
 - Wooded and wetland areas south of Walmart to be preserved
- Senior Living Parcel: (I-1) Institutional / PUD
 - Approximately 6.1 acres
 - Senior housing development with approximately 150 units including Independent Living, Assisted Living, and Memory Care



New Berlin / Moorland Road - Retail Parcel

CONCEPT DESIGN & ZONING INFORMATION



REGULATION	USES	DENSITY	MINIMUM LOT AREA	MINIMUM LOT WIDTH	SETBACKS					LOT COVERAGE			MINIMUM FLOOR AREA	BLDG. HEIGHT		BUILDING SEPARATION	PARKING	
					FRONT	SIDE	REAR	OHMW	WETLANDS	BLDG COVERAGE	IMPERVIOUS	LANDSCAPE		MIN.	MAX.		TOTAL	BIKE
B-1 Zoning District Shopping Center District	Variety of Commercial Uses Permitted, Conditional, Accessory		<u>Neighborhood Centers</u> 3 Acres 130,680 s.f. <u>Community Centers</u> 10 Acres 435,600 s.f. <u>Internal Lots</u> 40,000 s.f. 0.92 Acres	200 ft.	Moorland 40 ft. Minimum	25 ft. Minimum	25 ft. Minimum	50 ft. Minimum	All Impervious Surfaces 10 ft. Minimum	50% Maximum	75% Maximum	25% Minimum	Not Specified	None	35 ft. <u>Hotels</u> 35 ft.	Not Specified	Varies By Use	
Current Retail Design <u>Acres:</u> 6.6 <u>Aggregate Commercial Square Feet:</u> 25,000	To Be Determined Car Wash??		Parcel 287,496 s.f.	650' (+/-) (at Moorland)	85 ft. (Minimum)	40 ft. (Minimum)	60 ft. (Minimum)	Not Applicable	0 ft. Minimum (To Pavement) 30 ft. Minimum (To Buildings)	<u>Footprint</u> x (+/-) #VALUE! Building Coverage	<u>Impervious</u> x (+/-) #VALUE! Impervious Coverage	<u>Landscape</u> x (+/-) #VALUE! Landscape Coverage	To Be Determined			Not Applicable	To Be Determined	

New Berlin / Moorland Road - Multi-Family Parcel

CONCEPT DESIGN & ZONING INFORMATION



REGULATION	USES	DENSITY	MINIMUM LOT AREA	MINIMUM LOT WIDTH	SETBACKS					MAXIMUM LOT COVERAGE	MINIMUM FLOOR AREA	BLDG. HEIGHT		BUILDING SEPARATION	USABLE OPEN SPACE	UNIT SIZES				OFF-STREET PARKING			
					FRONT	SIDE	REAR	SHORE	WETLANDS			MIN.	MAX.			STUDIOS	1BR	2BR	3BR	ATTACHED	TOTAL	GUEST	BIKE
RM-1 Zoning District Multiple Family Residential District Web Link: RM-1 Zoning	Multi-Family = Permitted Accessory Garages = Accessory (?) Amenity Uses = Not specified Not closer than 120 feet to single family residential lands	Maximum of 7 units per zoned acre	Larger of: 6,500 s.f. per unit OR 20,000 s.f.	120 ft.	Moorland 25 ft. Minimum	15 ft. Minimum	50 ft. Minimum	50 ft. Minimum	All Impervious Surfaces 30 ft. Minimum	Not Specified	2000 s.f. per building	None	35 ft. To Midpoint	30 ft. Minimum	Not Specified	500 s.f. Minimum	650 s.f. Minimum	800 s.f. Minimum	1000 s.f. Minimum	1.0 Per Unit (Minimum) Part of Total	2.0 Per Unit (Minimum) Plus Guest	1 per 10 units (Minimum)	None
Current Multi-Family Design <u>Acres:</u> 21.4 <u>Units:</u> 212	Multi-Family Residential Accessory Garages Clubhouse: Amenity Space/Leasing	9.9 Units per acre	Parcel 932,184 s.f. 4,397 s.f. per unit	945' (+/-) and 1275' (+/-) (at street)	25 ft. (Minimum) (not signs)	15 ft. (Building) 12 ft. (Porch/Stoop)	50 ft. (Minimum)	Not Applicable	15 ft. Minimum (To Sidewalks) 30 ft. Minimum (To Buildings)		<u>Clubhouse</u> 4,000 s.f. <u>Stacked Flats</u> 10,000 s.f. 12,000 s.f.		35 ft. To Midpoint	15 ft. Minimum		TBD - Will comply with RM-1 Zoning				Attached 0.7 Per Unit (Minimum) Detached 0.3 Per Unit (Minimum)	1.7 Per Unit (Minimum)	1 per 10 units (Minimum)	

New Berlin / Moorland Road - Senior Parcel
CONCEPT DESIGN & ZONING INFORMATION



REGULATION	USES	DENSITY	MINIMUM LOT AREA	MINIMUM LOT WIDTH	SETBACKS				LOT COVERAGE			MINIMUM FLOOR AREA	BLDG. HEIGHT		BUILDING SEPARATION	UNIT SIZES				ATTACHED	OFF-STREET PARKING				
					FRONT	SIDE	REAR	OHMW	WETLANDS	BLDG COVERAGE	IMPERVIOUS	LANDSCAPE		MIN.	MAX.		STUDIOS	1BR	2BR	3BR		TOTAL	GUEST	BIKE	
P-1 Zoning District Institutional District	Community Living = Permitted Assisted Living = Permitted	Not Specified	40,000 s.f.	200 ft.	Moorland 50 ft. Minimum	50 ft. Minimum	50 ft. Minimum	50 ft. Minimum	All Impervious Surfaces 30 ft. Minimum	50% Maximum	70% Maximum	30% Minimum	Not Specified	None	45 ft. To Midpoint	Not Specified		Not Specified				Not Specified	Community Living 1.0 space per bed (Minimum) Senior Living 1.0 space per unit (Minimum) plus Guest	10% of Total (Minimum)	None
Current Senior Design Acres: 6.5 Units: 150	Independent Senior Living Community Based Residential Facility Assisted Living	Current (150 Units): 23.1 Units Per Acre Desired: 25.0 Units Per Acre	Parcel 283,140 s.f.	320' (+/-) (west)	25 ft. (Minimum) Match MF	5 feet (Minimum)	50 ft. Minimum	Not Applicable	30 ft. Minimum	Footprint 60,000 (+/-) 21.2% Building Coverage	Impervious 105,000 (+/-) 37.1% Impervious Coverage	Landscape 118,140 (+/-) 41.7% Landscape Coverage	To Be Determined		3 Stories 45' To Midpoint	Not Applicable		To Be Determined					Community Living 0.75 per unit Senior Living 0.75 per unit Employee Parking 1.0 per max employee count		

New Berlin - Moorland & Greenfield Parking Analysis					
Location	Units	Parking Stalls	Stalls / Unit	Occupied Parking Stalls	Occupied Stalls / Unit
Beaumont*	83	175	2.11	108	1.30
Belay	46	54	1.17	46	1.00
Corners of Brookfield	244	353	1.45	290	1.19
Crescent	102	132	1.29	118	1.16
Echelon	188	294	1.56	221	1.18
Library Hill	139	192	1.38	176	1.27
Prairie Walk	56	76	1.36	55	0.98
The West	177	277	1.56	234	1.32
Woodnote	150	246	1.64	N/A	N/A
Total/Average	1,185	1,799	1.52	1,248	1.05
<i>*Total stalls include public parking stalls, usage per unit is in-line with comp set</i>					

RESOLUTION NUMBER # 23-14**A Resolution adopting the amendments to the City's 2030 Comprehensive Plan Chapter 10: Land Use and Chapter 11: "Neighborhood A" Greenfield Avenue**

WHEREAS, Section 66.1001(4) of the Wisconsin Statutes, establish the required procedure for a local government to adopt a comprehensive plan and Section 66.1001(2) identifies the required elements of a comprehensive plan; and

WHEREAS, The planning process was open to the public and numerous efforts were made to assure the broadest participation to establish the goals and elements considered for and contained within the comprehensive plan in compliance with Section 66.1001 of the Wisconsin State Statutes, and

WHEREAS, The City of New Berlin prepared and followed a Public Participation Plan that was adopted by the Plan Commission on September 10, 2007 and the Common Council on September 25, 2007 a copy of which is on file in the Department of Community Development.

WHEREAS, the City of New Berlin Plan Commission has the authority to adopt the Comprehensive Plan and associated amendments as necessary by resolution and also to recommend that the Common Council adopt the comprehensive plan and associated amendments as necessary via Ordinance; and

WHEREAS, the City of New Berlin prepared the "City of New Berlin 2020 Comprehensive Plan", which is on file with the Department of Community Development and available on the City's website www.newberlin.org, containing all maps and other descriptive materials, to be the comprehensive plan for the City; and

WHEREAS, that the Plan Commission of the City of New Berlin adopted the City of New Berlin 2020 Comprehensive Plan as the City's comprehensive plan via Resolution No. 09-02 on November 2nd, 2009, and the Common Council adopted the Comprehensive Plan via Ordinance # 2422 on December 8th, 2009; and has been amended from time to time; and

WHEREAS, development within the City should be monitored on an ongoing basis, and compared to the City goals and objectives outlined throughout the Plan to ensure that current policies are achieving the intended results. Comprehensive Plan Chapter 22, Implementation states, *"This Plan is intended to be changed and revised over time. The City's values, goals, and capabilities may change as New Berlin grows, and the Plan must be amended to reflect those changes. The Plan should be reviewed and amended at least once every year."* This project includes an overall general update to the Comprehensive Plan.

WHEREAS, Department of Community Development Staff, working at the request of Dan Romnek on behalf of Mandel Group & the City of New Berlin, have prepared amendments to the Future Land Use Map within the City's adopted 2030 Comprehensive Plan Chapter 10: Land Use and Chapter 11: "Neighborhood A" Greenfield Avenue and are now completed and need to be incorporated into the City's adopted Comprehensive Plan.

WHEREAS, the Future Land Use Map amendments requested by Dan Romnek on behalf of Mandel Group and the City of New Berlin are for the properties located at 1750 S.

Moorland Road (includes Tax Key #'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) to amend the Future Land Use from Suburban Commercial to Suburban Commercial, Mixed Residential and Institutional with a Planned Unit Development Overlay. It is necessary to incorporate these Future Land Use Map amendments into the City's adopted 2030 Comprehensive Plan Chapter 10: Land Use and Chapter 11: "Neighborhood A" Greenfield Avenue. A copy 2030 Comprehensive Plan Chapters 10 & 11 along with the map is attached as Exhibit A. Amendments to an adopted comprehensive plan pursuant to WI State Statute 66.1001 require a Class I notification along with a public hearing.

WHEREAS, the Plan Commission reviewed and approved the proposed amendments to 2030 Comprehensive Plan Chapter 10: Land Use and Chapter 11: "Neighborhood A" Greenfield Avenue West, on August 14, 2023 following approximately three months of public comment from the date of the public notice; and

WHEREAS, the City has duly noticed a public hearing on the aforementioned comprehensive plan amendments and the Plan Commission held the public hearing on July 10, 2023.

WHEREAS, the Plan Commission of the City of New Berlin by a ~~X-X~~ vote of the Commissioners present and voting recorded in its official minutes, adopted Resolution # 23-14 recommended approval of this comprehensive plan amendment on August 14, 2023.

NOW, THEREFORE, BE IT RESOLVED, that the Plan Commission of the City of New Berlin hereby accepts and adopts the attached City of New Berlin 2030 Comprehensive Plan amendments to the 2030 Comprehensive Plan Chapter 10: Land Use and Chapter 11: "Neighborhood A" Greenfield Avenue, recognizing that the Common Council must also adopt the Comprehensive Plan amendments via Ordinance for it to become effective; and

BE IT FURTHER RESOLVED that the Plan Commission does hereby recommend that the Common Council adopt Ordinance No. 2678, which will constitute its adoption of the Comprehensive Plan amendments.

Passed and adopted by the Plan Commission on this 29th day of August, 2023.

APPROVED:

David A. Ament, Mayor

Certified/Countersigned:

Nikki Jones
Plan Commission Secretary

CHAPTER 11:

NEIGHBORHOOD A

GREENFIELD AVENUE

Revisions approved by Council [1/10/2012 via Ordinance #2480](#), [5/14/2013 via Ordinance #2504](#), [8/27/2013 via Ordinance #2510](#) and on [6/14/16 via Ordinance #2568](#), [via Ordinance # 2678 on 8/29/2023](#).

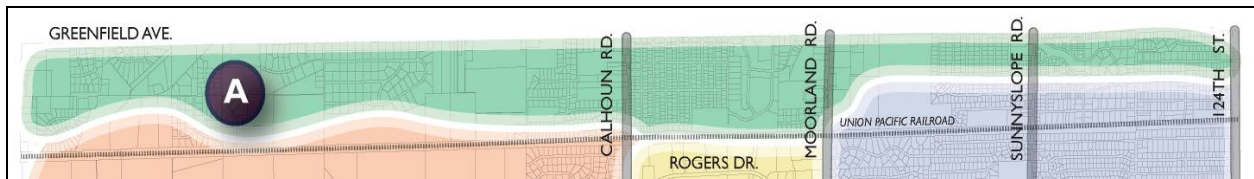


Figure 11.1. Neighborhood A Context Map.

Greenfield Avenue is the dividing line between New Berlin and the City of Brookfield, and serves as the northern border of Neighborhood A. In addition to this northern boundary, the neighborhood is bounded by the City limits to the east and west, and the Union Pacific rail line to the south (Figure 11.1).

The Greenfield Avenue corridor is primarily residential in character, although some agricultural, park, and small-scale retail uses are scattered throughout. The character of the corridor varies from east to west, generally reflecting the transition from urban to rural of the city as a whole. Greenfield Avenue serves as the thoroughfare for Wisconsin State Highway 59 in New Berlin (Figure 11.2). The corridor was the subject of the Greenfield Avenue Corridor Plan in 1995, and has undergone major improvements between 124th Street on the east and Springdale Road on the west. Improvements include road widening, landscaping, and the installation of bicycle and pedestrian paths. The final expansion of Greenfield Avenue has occurred near Johnson Road.

Development opportunities in the corridor include the future ~~Deer Creek hotel, conference center, and water park~~, commercial development which is to be situated at the southwest corner of Greenfield Avenue and Moorland Road. The developer for the hotel once planned for this intersection is no longer interested in doing the project. This development opportunity, along with potential development on the southeast corner of Greenfield and Moorland, could serve as a strong gateway into both the neighborhood and New Berlin.

The intersection of Greenfield Avenue with Johnson Road provides another development opportunity for commercial office space or additional housing. Public comments supported housing development consistent with adjacent zoning district or continued open space. Both the southwest and southeast corners contain sensitive features and pose some grading

challenges near the right-of-way. Allocating sensitive features for preservation during the site development process would enhance the environmental and aesthetic quality of the intersection.

Other development opportunity nodes along Greenfield Avenue include the intersections with Calhoun Road and Sunny Slope Road (Figure 11.3). Currently, both intersections house one-story retail structures that could better serve as gateways into the city. As redevelopment opportunities emerge, the City should encourage taller buildings with smaller setbacks to hold the street edge at these intersections.



Figure 11.2. Greenfield Avenue Corridor.



Figure 11.3. Intersection of Greenfield Avenue with Sunny Slope Road.

PUBLIC INPUT

Initial Neighborhood Meeting

On July 23, 2008, residents and property owners in Neighborhood A met to learn about the comprehensive planning process and to complete an image preference survey. For the survey, attendees were instructed to rate individual images based on two factors: 1) whether or not the use was desirable for their neighborhood, and 2) whether or not they liked the overall image. Prompts were provided with each image, e.g. “setback”, “building character”, etc., that helped to focus the rating for each image. Fourteen attendees completed the image preference survey. Additional information regarding these surveys is provided in Figure 11.4.

Attendees were to rate the images only for their neighborhood, not the entire city. After the survey, attendees had an opportunity to discuss what uses they would like to see in New Berlin as a whole. The highest-rated images for each of the following five categories are shown throughout this chapter. These categories had average scores that were positive overall, indicating support for these land uses.

- Commercial Retail -- Preferred characteristics were the small-scale retail buildings with high-quality materials, balanced parking that does not dominate the site, and residential scaled buildings.

- Road Design -- Desired characteristics included landscaping along the street right-of-way, medians, and a sidewalk along major corridors to connect area businesses.
- Multi-family Housing Parking -- Preferred characteristics include landscaping within and around the parking, accessible parking, and screening of the parking lots from nearby streets or pedestrian areas.
- Open Space -- Preferred open space characteristics included retaining the overall natural and environmental areas, maintaining views of the natural areas, paths and trails, and small active play areas.
- Commercial Signage

Attendees also rated images for the following two categories. The average scores were negative, indicating limited support for these land uses.

- Business Office / Light Industrial

Subsequent discussion supported that these uses were not desirable in the neighborhood. The full summary of highest-rated and lowest-rated images for Neighborhood A can be found in Appendix K.

New Berlin Comprehensive Plan Update

DESIGN PREFERENCE SURVEY

BACKGROUND INFORMATION - Neighborhood A (14)

1. **WHAT IS YOUR GENDER?**
 - ☐ FEMALE = 57.1%
 - ☐ MALE = 42.9%
2. **HOW MANY PEOPLE LIVE IN YOUR HOUSEHOLD ON A REGULAR BASIS?**
 - ☐ 1 = 21.4%
 - ☐ 2-3 = 21.4%
 - ☐ 4-5 = 50.0%
 - ☐ 6 OR MORE = 7.2%
3. **OF THOSE LIVING IN YOUR HOUSEHOLD, HOW MANY ARE CHILDREN (UNDER THE AGE OF 18 YEARS OLD)?**
 - ☐ 0 = 85.7%
 - ☐ 1-2
 - ☐ 3-5 = 14.3%
 - ☐ 6 OR MORE
4. **WHAT IS YOUR AGE?**
 - ☐ UNDER 18 YEARS OLD
 - ☐ 18-24 YEARS OLD
 - ☐ 25-34 YEARS OLD
 - ☐ 35-44 YEARS OLD = 7.1%
 - ☐ 45-54 YEARS OLD = 57.2%
 - ☐ 55-64 YEARS OLD = 14.2%
 - ☐ 65 YEARS OR OLDER = 21.5%
5. **HOW LONG HAVE YOU LIVED IN NEW BERLIN?**
 - ☐ LESS THAN A YEAR
 - ☐ 2-3 YEARS
 - ☐ 3-5 YEARS = 7.1%
 - ☐ 6-10 YEARS
 - ☐ 11-20 YEARS = 21.4%
 - ☐ MORE THAN 20 YEARS = 64.2%
 - ☐ DO NOT LIVE IN NEW BERLIN
6. **WHAT TYPE OF RESIDENTIAL BUILDING DO YOU LIVE IN?**
 - ☐ SINGLE FAMILY = 92.9%
 - ☐ DUPLEX
 - ☐ MULTI-FAMILY (MORE THAN 2 UNITS)
 - ☐ CONDOMINIUM = 7.1%
 - ☐ MOBILE HOME
 - ☐ ELDERLY HOUSING
 - ☐ OTHER (PLEASE SPECIFY)
7. **DO YOU OWN OR RENT YOUR HOME?**
 - ☐ OWN = 100%
 - ☐ RENT
 - ☐ OTHER (PLEASE SPECIFY)
8. **WHERE DO YOU LIVE IN NEW BERLIN? (USE MAP ON BACK OF THIS PAGE)**
 - ☐ AREA A
 - ☐ AREA B
 - ☐ AREA C
 - ☐ AREA D
 - ☐ AREA E
 - ☐ AREA F
 - ☐ AREA G
 - ☐ AREA H
 - ☐ AREA I
 - ☐ AREA J
9. **DO YOU WORK IN NEW BERLIN?**
 - ☐ YES = 14.2%
 - ☐ NO = 85.7%
10. **PLEASE WRITE AN "X" TO INDICATE THE TYPES AND NUMBER OF PROPERTIES YOU OWN IN NEW BERLIN:**

	1 property	2-3 properties	4 or more properties	I do not own this type of property
Residential	13	1		
Commercial	1			
Industrial	1			
Other				

Figure 11.4. Background Information Summary for Neighborhood A Listening Session Survey Respondents.

Neighborhood Review Meeting

Neighborhood A reconvened on February 18, 2009 to review the results of the survey and review future land use recommendations. The intersection of Greenfield Avenue and Johnson Road was the focus of discussion, as attendees did not wish to see commercial uses in that area. Rather, attendees preferred the idea of allowing housing developments that would respect environmental features. Others recommended that the intersection should remain undeveloped to prevent future traffic problems and maintain the existing natural character. A few attendees inquired about the fiscal impact of constructing residential over commercial uses.

Other issues raised during the meeting included the availability of water and how development would negatively impact the existing level of water usage; the condition of Calhoun Road and the number of lanes needed as Calhoun Road is improved; and the need and requirement of sidewalks.

2015 – 2016 Update

Summary update and activities include several meetings and discussions with the property owner, brokers, and various groups interested in the parcels located in the NW Section 2 – North Moorland Road Corridor (Southeast corner of Moorland Road and Greenfield Avenue).

The Department of Community Development has been going through the process of analyzing the area now referred to as the North Moorland Road Corridor. This area is generally bounded by Moorland Road to the West, the Highland Memorial Park Cemetery and Walmart development to the East, Greenfield Avenue to the North and the New Berlin Recreational Trail to the South (Figure 11.58). In order to guide the City in land use and zoning decisions it is best to understand the impact new developments will have on the School District, traffic patterns, stormwater and environmental features. Development policies were prepared to guide future development requests.



Figure 11.58 - North Moorland Road Corridor Map.

VISION

Greenfield Avenue will be a mixed commercial and residential corridor, and shall act as a gateway to the northern area of New Berlin. The eastern half of the corridor should foster a more urban mix of uses, while the western half should encourage a mix of rural commercial, residential, and environmental features.

1. Create development standards for site layout, building character, and landscaping that are suitable for new development along the corridor.
2. Tighten nonconforming lot, structure, and use standards, and require compliance with landscaping regulations. Phase out nonconforming commercial uses over time.
3. Recognize the Greenfield Avenue and Moorland Road primary intersection as a major gateway into the city from the north. Encourage signature well-designed buildings that are compatible with surrounding areas including recent development across the street in the City of Brookfield.
4. Site development should include prominent signage, increased landscaping, sustainable strategies for stormwater management, and methods to minimize the parking field, such as structured parking.
5. Address flooding and localized drainage issues along the eastern portion of the neighborhood.
6. Encourage land combinations that accommodate future development options.

Northwest Section 2 –North Moorland Road Corridor (Southeast corner of Moorland Road and Greenfield Avenue)

1. Recognize the Greenfield Avenue/Moorland Road intersection as a major gateway into the city from the north. Encourage signature, well designed buildings that are compatible with surrounding areas including recent development across the street in the City of Brookfield. Buildings should incorporate architecture features such as towers, unique features, clocks, and elevated architectural details. [See Figure 11.6.](#)



Figure 11.96 Sample Development Pictures

2. Unique to the intersection located at the southeast corner of Moorland Road and Greenfield Avenue, the City has established parameters for the planning of this area in order to ensure that it develops uniformly. This section lays out specific policies to help ensure the cohesive development. This area is intended for retail, commercial and office uses located on the corner (tax key #: 1158-990) then transitioning to the south to allow for some additional commercial or retail on the first floor with some residential integrated above (tax key #: 1158-991-001 & 1158-993). The far southern parcel (tax key #: 1158-991) could be developed as low-density multi-family residential as defined above in this section or senior living. Parcel lines are not intended to be rigid; however, the City intends to establish the transition of uses to better describe the intended use of this land. See Map, Figure 11.85.
3. Net density not to exceed those established within Zoning Code Section 275-33(8), Rm-1, Multiple Family Residential District and Section 275-41B(1), Elderly housing and assisted-living facilities. Any request to exceed the density requirement shall require the use of a Planned Unit Development (PUD) and must incorporate information included within this section as part of a neighborhood development plan.
4. Site development shall include prominent gateway signage, increased landscaping and planting beds to be planted throughout the year.
5. Careful traffic management coordination between the City of New Berlin, Waukesha County and any applicants to include the possible signalized intersection along Moorland Road, roadway along with and pedestrian connection to the east to the Walmart development.
6. As development occurs, require off-road sidepaths along Moorland Road and trail connections, where appropriate.
7. All path and trail connections shall be constructed at the time of development and public trail easements shall be provided to the City.
8. Coordinated utilities including a water main loop and sewer connection to Moorland Road and east to Walmart.
9. Encourage a three-dimensional approach for storm water best management techniques for improving the quality of groundwater and surface water.
10. Sustainable and creative strategies for storm water management and methods to minimize the parking field, such as structured or underground parking.
11. Protection of the woodlands and wetlands, especially the higher quality woodlands and wetlands that may exist on the approximately 21 acre parcel having tax key #:1158-992 located directly behind the Walmart parcel. This parcel should be investigated for future trail connections if the Highland Memorial Park Cemetery would consider selling the parcel.
12. Require coordinated, pre-planned development proposals to ensure a cohesive and coordinated development pattern. Developments must take into consideration how adjacent parcels would be developed.
13. The entire corner shall be coordinated and ultimately connected to the Walmart shopping center development. Ultimately utilizing Riverwood Lane as an additional cross access point. This access point was indicated on the Walmart construction plans. Coordination

will need to occur with Walmart in order to make the connection work within their parking lot.

14. With the investment and construction of any new roadway, public utility, storm water infrastructure improvements, the City should approve an overall official roadway map for this area and require dedication of appropriate right-of-way areas that are consistent with past approvals for adjacent parcels and development projects, at the time of land platting where private development is taking place. The development shall also construct the roadway, public utility, and storm water infrastructure to City specifications where the City deems it necessary in order to service that development and/or overall development for the area.
15. Development proposals shall include appropriate utility easements and/or roadway reservations or dedications to ensure public infrastructure (utility or roadway) extensions/connections and a coordinated development pattern are achieved.
16. Any future development requiring coordinated access and/or utility extensions in this area may require the applicant to submit a surety instrument to the City to cover future public improvements and cost contributions.
17. All utility extensions shall be at the expense of the developer to service their respective developments. The City shall endeavor to collect funds from future developments that connect into the utilities where appropriate and collected funds shall be redistributed back to the developer that installed the infrastructure.

AGRICULTURAL AND CULTURAL RESOURCES

Agricultural lands exist in the western half of the city and contribute to the rural and natural character of the community. Some of these lands in Neighborhood A continued to be farmed. All agricultural lands should continue to be permitted uses in all land use districts. The City should include unique farming opportunities for agricultural landowners. Local food production, artisan farming, and hobby farming are encouraged as ways to maintain farmland in the city.

The New Berlin Landmarks Commission and the City jointly identified and mapped a series of cultural landmarks within the city. The city-wide New Berlin Landmarks map is provided in Chapter 4. The Greenfield Avenue neighborhood has two designated landmarks: Calhoun Hall (now Calhoun Station), c. 1900, and the Needham-Johnson House, c. 1868 (also listed on the National Register of Historic Places). The corridor also housed Tacl's Tavern and Roadhouse, c. 1927, which was torn down in 2000. Neighborhood A also includes two historic districts as identified by the City: Calhoun Farms, located south of Greenfield Avenue and west of Calhoun Road, and Conrad Park-Needham Farm, located south of Greenfield Avenue and west of 124th Street.

Survey Results: Open Space

Figures 11.57 through 11.79 illustrate the three highest-rated images for open space in Neighborhood A. Preferred open space characteristics included retaining the overall natural

and environmental areas, maintaining views of the natural areas, paths and trails, and small active play areas.



Figure 11.57. Highest-Rated Image for Open Space.



Figure 11.68. Second Highest-Rated Image for Open Space.



Figure 11.79. Third Highest-Rated Image for Open Space.

NATURAL RESOURCES

Neighborhood A is planned for a mix of Suburban Residential, Suburban Commercial, and Urban Residential and Mixed Use Residential land uses with limited park space. Sensitive features include streams and secondary environmental corridors located throughout the neighborhood.

In addition, potential soil limitations exist that should be considered when reviewing plans for development in the neighborhood. Hydric soils, poorly drained soils, and slopes greater than 12% are all considerations in Neighborhood A.

Refer to Chapter 5 – Agricultural & Natural Resources and the applicable regulating agencies for natural resources maps and additional information.

Due to the existing development pattern there is limited space for implementing large scale Best Management Practices (BMPs), particularly along the easterly part that is already developed. See Figure 11.10 for a diagram of BMP locations.



Figure 11.10. Best Management Practices Map for Neighborhood A.
Source: Applied Ecological Services, Inc.

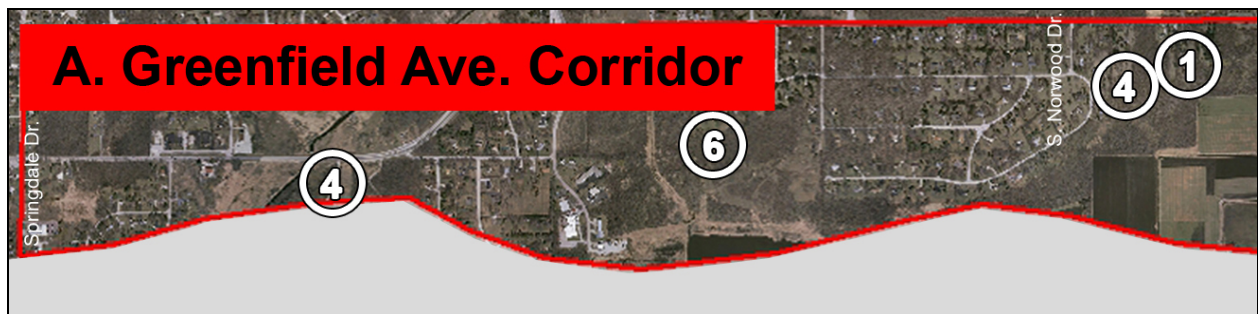


Figure 11.11. Best Management Practices Map from Springdale Drive to east of South Norwood Drive.
Source: Applied Ecological Services, Inc.



Figure 11.12. Best Management Practices Map from South Calhoun Road to South Sherwood Drive.
Source: Applied Ecological Services, Inc.

Recommendations

The recommendations listed below correspond with the numbers and symbols shown on the map in Figures 11.11 and 11.12:

1. Vegetated filter strips and swales are effective in filtering pollutants and reducing storm water runoff velocity, in direct contrast to piped storm sewer conveyances. They can be implemented along the environmental corridor located in the northwest corner of Section 4 to filter surface runoff before entering the waterways. Vegetated swales can be flatter than typical turf grass swales to increase residence time and to promote infiltration and evapotranspiration. This increases the spacing of catch basins or can eliminate the need for piped storm sewer conveyance in new construction.
2. Bio-filter infiltration basins can be provided as an alternative to detention basins in the western and central portion of the neighborhood to promote infiltration and groundwater recharge.
3. This number is reserved for recessed parking and cul-de-sac islands, which are not recommended in the neighborhood.
4. Stream banks along Poplar Creek, Deer Creek and Underwood Creek should be inspected for areas that need to be stabilized to prevent further soil erosion. In conjunction with the above-mentioned BMPs, stream bank stabilization will improve aquatic wildlife, improve water quality and reduce flooding.
5. This number is reserved for rain barrels, cisterns, and rain gardens, which are not recommended for specific locations in the neighborhood. Should property owners in the neighborhood propose to install rain barrels, cisterns, and rain gardens, the appropriateness of such techniques should be determined based on property characteristics.
6. Along the environmental corridor in the undeveloped areas in Section 5 and in Buena Park, there may be opportunity to implement prairies to serve as a filter of surface water runoff and encourage infiltration in areas tributary to Poplar Creek and Deer Creek.

EXISTING TRANSPORTATION SYSTEM

The existing transportation system in Neighborhood A is comprised of a roadway network, bicycle/pedestrian facilities, public transit and rail service.

Roadway Network

New Berlin classifies its roads under the following functional classification: principal arterials, primary arterials, standard arterials, collectors and local streets. The roadways in Neighborhood A are comprised of primary arterials, standard arterials and local streets as listed below:

Primary Arterials accommodate inter-community and intra-community trips and traffic. Design speeds tend to be between 35 and 55 miles per hour. Access is not limited as in principal arterials. The primary arterials in Neighborhood A are summarized below.

- Greenfield Avenue (STH 59) – Four travel lanes
- Moorland Road (CTH O) – Four travel lanes

Standard Arterials accommodate inter-community and intra-community traffic. They operate at slightly lower speeds than principal and primary arterials and provide more connections with individual parcels of land comprised of residential and commercial uses. The standard arterials in Neighborhood A are summarized below.

- Calhoun Road – Two travel lanes
- Sunny Slope Road – Two travel lanes
- 124th Street – Two travel lanes

Collectors provide the connection between arterials and local streets and serve both local and through traffic in residential neighborhoods, commercial areas and industrial areas. They distribute trips from the primary and standard arterials to the local streets and they collect traffic from the local streets and channel it onto the arterial system. The collector in Neighborhood A is summarized below.

- Springdale Road – Two travel lanes

Local Streets comprise all land access streets designed to serve local traffic that is not part of the higher classified street network. In New Berlin, this includes streets serving residential, commercial and industrial areas. Local streets operate at the lowest posted speed limits and provide the most direct access to individual parcels of land.

Bicycle & Pedestrian Facilities

The following off-road facilities are currently provided in the Greenfield Avenue neighborhood.

- Greenfield Avenue
- New Berlin Recreational Trail

Public Transit

MCTS Route 6 New Berlin Industrial Park Express [has stopped service to services](#) this area.

School busing is provided for the public, private and parochial schools in the city.

Rail Service

The **Union Pacific** freight rail line runs through the northern portion of the City of New Berlin between, and parallel to, Lincoln Avenue and Greenfield Avenue. Spurs from this line serve the New Berlin Industrial Park.

FUTURE TRANSPORTATION SYSTEM

Survey Results: Road Design

Figures 11.13 through 11.15 illustrate the three highest-rated images for road design in Neighborhood A. Desired characteristics included landscaping along the street right-of-way, medians, and a sidewalk along major corridors to connect area businesses.



Figure 11.13. Highest-Rated Image for Road Design.



Figure 11.14. Second Highest-Rated Image for Road Design.



Figure 11.15. Third Highest-Rated Image for Road Design.

Roadway Network

Calhoun Road (Greenfield Avenue to Cleveland Avenue): In 2010, the City rehabilitated the section of Calhoun Road between Greenfield Avenue and Cleveland Avenue. A two-lane roadway with intersection improvements was completed as part of this project.

The SEWRPC Year [2035-2050](#) Recommended Regional Transportation System Plan suggests widening Calhoun Road to a four-lane County facility between Greenfield Avenue and National Avenue.

~~SEWRPC staff is currently preparing a major review and update of the regional land use and transportation plans for Southeastern Wisconsin. This effort, called VISION 2050, is expected to be completed in 2016.~~ Vision 2050 ~~will replace~~ the ~~current year~~ 2035 plans, ~~extending the design year of the plans to 2050~~. It should be noted that the SEWRPC plans are advisory only. Refer to the SEWRPC VISION 2050 plan for the most updated information related to their regional planning efforts and recommendations. [The report is available on the SEWRPC website www.sewrpc.org](http://www.sewrpc.org).

The SEWRPC Vision 2050 continues to recommend the widening of Calhoun Road to a four-lane County facility; however, now proposes to widen the road only to Coffee Road and suggests looking at options to reserve right-of-way from Coffee Road south to National Avenue for any future widening projects.

Bicycle & Pedestrian Facilities

No additional bicycle and pedestrian facilities are currently proposed in Neighborhood A.

Public Transit

The City should work with the local transit systems to maintain ~~the existing~~ routes within the City and look for opportunities to expand and improve the transit system.

Rail Service

The City should work with Union Pacific to maintain the existing freight rail line and service to the New Berlin Industrial Park.

Additional Recommendations

The following recommendations are drawn from the Greenfield Avenue Corridor Plan, prepared for the Cities of Brookfield and New Berlin in 1995. The purpose of the Plan was to analyze the impacts of the new Greenfield Avenue layout on adjacent lands. Applicable recommendations from the Plan have been extracted and combined with suggestions gathered during public input sessions for the comprehensive plan process.

1. Encourage entrance consolidation or side street access for new and redeveloped parcels.
2. Install low growing shrubs, perennials, native wildflowers, and/or grasses in the median that are salt and drought tolerant.
3. Add small planting areas throughout the length of the corridor in addition to colored concrete pavers or textured concrete at major intersections. Similar planting areas, to be planted seasonally by the developer, should be considered at the primarily intersections and integrated into mixed use developments. See figure 11.9 for sample pictures.
4. Signs should be used throughout the corridor to identify the edge of New Berlin. Specifically, gateway signage should be installed adjacent to the vision triangle limits on the corners at 124th Street Moorland Road, Calhoun Road and Sunny Slope Road to the maximum extent practicable.
5. Consideration should be given to the burial of existing overhead electric distribution lines along Greenfield Avenue.
6. Residential zoning should remain intact where currently existing in the corridor and any new commercial activity should be compatible with surrounding uses.
7. Maintenance and upgrading of commercial areas should be encouraged along the corridor, including façade improvements, shared parking, and small-scale signs.

ECONOMIC DEVELOPMENT

~~The Greenfield Avenue corridor contributes a fair amount of tax levy considering its size relative to the entire City. According to 2009 estimated tax levies, the neighborhood comprises 7.3% of the total tax levy for the City. Neighborhood A has an estimated assessment value of approximately \$346 million, with a tax levy of approximately \$1,828,000.~~

Economic development is based on the mix of uses and quality development that exist along the Greenfield Avenue corridor and proposed developments within the neighborhood.

Redevelopment and new development proposals should respond to the following issues:

- The intersections of Greenfield Avenue with Moorland Road and Calhoun Road should encourage development at a higher scale with more intense uses. Development should occur vertically, with structured parking when possible, to preserve existing open space.

- Sections of existing multi-family or single-family should be maintained, with housing being permitted as part of mixed use developments.
- Sustainable construction and site development practices are encouraged for new and redeveloped projects such as: pervious pavement, green roofs, alternative stormwater management techniques, energy efficient building practices, and shared parking lots. The City should explore providing incentives for these types of practices.
- Johnson Road should be developed in such a manner that provides a gateway into the City. Uses could include housing that responds to the topography and access constraints.

Survey Results: Commercial Retail

Figures 11.16 through 11.18 illustrate the three highest-rated images for commercial retail in Neighborhood A. Preferred characteristics were the small-scale retail buildings with high quality materials, balanced parking that does not dominate the site, and residential scaled buildings.



Figure 11.16. Highest-Rated Image for Commercial Retail.



Figure 11.17. Second Highest-Rated Image for Commercial Retail.



Figure 11.18. Third Highest-Rated Image for Commercial Retail.

Survey Results: Parking

Figures 11.19 through 11.21 illustrate the three highest-rated images for parking in Neighborhood A. Preferred characteristics include landscaping within and around the parking, accessible parking, and screening of the parking lots from nearby streets or pedestrian areas.



Figure 11.19. Highest-Rated Image for Parking.



Figure 11.20. Second Highest-Rated Image for Parking.



Figure 11.21. Third Highest-Rated Image for Parking.

Survey Results: Commercial Signage

Figures 11.22 through 11.24 illustrate the three highest-rated images for commercial signage in Neighborhood A. Small-scale awning and building signage was preferred over large-scale monument signage.



Figure 11.22. Highest-Rated Image for Commercial Signage.



Figure 11.23. Second Highest-Rated Image for Commercial Signage.



Figure 11.24. Third Highest-Rated Image for Commercial Signage.

Brownfields

Four brownfields are located in Neighborhood A, one of which is a high petroleum risk (Figure 11.25). Petroleum risk applies only to petroleum discharges from underground and aboveground tank systems, and is used to determine agency jurisdiction. The Wisconsin Department of Natural Resources (DNR) has jurisdiction for review of high-risk sites and sites also contaminated with non-petroleum substances. The Wisconsin Department of Commerce has jurisdiction for all other sites with discharges from petroleum tanks. High risk factors are:

- confirmed contamination in a water supply well above a Chapter NR 140 preventive action limit,
- confirmed free petroleum product with a thickness of .01 feet or more,
- groundwater contamination above an NR 140 enforcement standard within 1,000 feet of a well operated by a public utility,
- groundwater contamination above an NR 140 enforcement standard within 100 feet of any other water supply well, and
- groundwater contamination above an NR 140 enforcement standard in fractured bedrock.



Figure 11.25. Neighborhood A Brownfields Map.
Source: WI DNR Bureau for Remediation and Redevelopment

The high petroleum risk brownfield in Neighborhood A is located at 14001 Greenfield Avenue, and is a Leaking Underground Storage Tank (LUST). The low petroleum risk brownfield is located on the Industrial Waste Corporation land just west of the intersection of South Ridgeway Road and Greenfield Avenue. This low risk brownfield is an Environmental Repair Program (ERP) effort. The DNR classifies ERP sites as sites other than Leaking Underground Storage Tank (LUST) sites that have contaminated soil and/or groundwater. Examples include industrial spills or dumping needing long term investigation, buried containers of hazardous substances, and closed landfills that have caused contamination. ERP sites include petroleum contamination from above-ground (not underground) storage tanks.

Two brownfields are considered to have an unknown petroleum risk level:

- 1420 S. Calhoun Road; ERP
- 1810 S. Calhoun Road; LUST

The City should continue to follow the status of brownfield sites in the neighborhood as development activities take place on and around each site.

Recommendations

Economic development policies for the Greenfield Avenue corridor are largely guided by the 2002 Economic Development and Revitalization Plan. Based on recommendations in the Plan, development in Neighborhood A should foster a mix of small-scale retail and residential uses, with more intense uses and structures at major intersections.

The 2002 Economic Development and Revitalization Plan process hosted a series of visioning workshops to discuss desired businesses and industries with the New Berlin Economic Development Corporation, Focus New Berlin and the New Berlin Plan Commission. The following recommendations are based on the 2002 Plan and have been updated to reflect current desires for specific sites within Neighborhood A:

Key intersections should be developed or redeveloped to serve as gateways into New Berlin. Intersections can be divided into two types, primary and secondary, based on the intensity of development and the amount of traffic.

Primary intersections would have taller buildings and an increased intensity of development with buildings reinforcing the street edge. These areas could include institutional, civic, commercial, and residential uses. ~~Small-scale retail could provide an opportunity for ground floor shops with upper-story residences.~~ Site layouts should include landscaping, sustainable features, and signage and/or banners to promote Greenfield Avenue as a major gateway to the city.

Primary intersections include:

- Intersection of Greenfield Avenue and Moorland Road.

Secondary intersections would have buildings reinforcing the street edge; however, the buildings would be a maximum of two to three stories, could be mixed use, and less intense. Site layouts should include landscaping, sustainable features, and gateway signage to promote Greenfield Avenue. Secondary intersections include:

- Intersection of Greenfield Avenue and Johnson Road.
- Intersection of Greenfield Avenue and Calhoun Road.
- Intersection of Greenfield Avenue and Sunny Slope Road.

Desired businesses within these areas, and along Greenfield Avenue in general, may include the following:

- Retail, including furniture, gardening, apparel, grocery stores, convenience stores, computers and electronic goods, and sporting goods.
- Finance-Insurance-Real Estate (FIRE), including law firms, real estate agencies, insurance agencies, brokers.
- Professional specialties including physicians offices, medical clinics, engineering, architectural, planning and surveying firms.
- Personal services are those services including dry cleaners, beauty salons, and other various personal services.
- Small arts and crafts studios and antique shops in older commercial areas, especially along both Greenfield Avenue and Sunny Slope Road, should be encouraged, including those small enough and adaptable enough to be “housed” in smaller mixed use buildings. For example, some small arts and crafts studios and shops could be located on the first floor of mixed residential/commercial buildings.
- Rural oriented cottage businesses, antiques, organic farms, and horticultural and landscaping firms with experimental gardens and arboretums on the City’s western half, generally the area west of Calhoun Road.
- Commercial gyms, fitness centers and businesses that cater to recreational and leisure-time activities.
- Eating and drinking establishments, including fine quality dining in close proximity to hotels and business parks.

HOUSING

Neighborhood A includes a variety of single-family subdivisions and multi-family options for residents. Sections of existing low-density multi-family or single-family should be maintained, with housing being permitted as part of mixed use developments. ~~Note: Residential quarters are now~~ allowed as an accessory use in the B-2, B-3 and B-5 districts ~~per recent Zoning Code updates.~~

LAND USE

Neighborhood A represents a variety of land uses with urban housing at the eastern end, rural and environmental uses at the western end, and commercial scattered throughout the corridor. A mix of uses should be maintained and enhanced as indicated on the Future Land Use Map located in Chapter 10.

Recommendations

- Continue the development of housing within established subdivisions.
- Maintain small-scale commercial and residential areas throughout the corridor. Larger-scale commercial and institutional uses should be located at “primary” intersections: (e.g. where Greenfield Avenue traverses Moorland Road) to serve as prominent gateways into New Berlin.
- Encourage stronger landscaping on all corners at the intersection of Greenfield Avenue with Sunny Slope Road.
- Allow lands zoned as A-1 to be transitional agricultural uses.
- Encourage the preservation of natural resources and allow these areas to serve as linkages throughout the neighborhood.
- ~~Two parcels along Greenfield Avenue and S. Johnson Road have been changed from Suburban Commercial to Rural Commercial to better fit with the character of the area. These recommendations were incorporated into the initial Future Land Use Map adopted in 2009.~~

STAFF REPORT

EXECUTIVE SUMMARY

APPLICANT/PROJECT:	Dan Romnek on behalf of Mandel Group & City of New Berlin / Rezoning
LOCATION:	1750 S. Moorland Road (includes Tax Key #'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)
REQUEST:	Request to rezone the properties located at 1750 S. Moorland Road (includes Tax Key #'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) from I-1 and C-2 to B-1/PUD (Planned Unit Development), Rm-1/PUD, I-1/PUD, C-2 & I-1.
D.R.C. RECOMMENDATION:	Recommend to Common Council adoption of Planned Unit Development Ordinance # 2679 that approves the rezoning of the properties located at 1750 S. Moorland Road (Tax Key #'s: 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) from I-1 and C-2 to B-1/PUD, Rm-1/PUD, I-1/PUD, C-2 & I-1.

DETAILS IN ATTACHED STAFF REPORT:

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

Meetings of August 14, 2023

Dan Romnek on behalf of Mandel Group & City of New Berlin / Rezoning
1750 S. Moorland Road (includes Tax Key #'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)

DATE STAFF REPORT PREPARED: June 6, 2023

APPLICANT / OWNER(S): Dan Romnek on behalf of Mandel Group & City of New Berlin / Highland Memorial Park

REQUEST / DESCRIPTION OF PROJECT: Request to rezone the properties located at 1750 S. Moorland Road (includes Tax Key #'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) from I-1 and C-2 to B-1/PUD, Rm-1/PUD, I-1/PUD, C-2 & I-1.

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 5/12/23

DATE OF COMPLETENESS DETERMINATION: 5/12/23

PRE-APPLICATION CONFERENCE HELD: Yes

Date(s) of Meeting(s): Numerous meetings

Site Visit(s): 6/22/2023

CONCEPTUAL PLAN: A 4-Lot CSM has been submitted (See File # LD-2300812).

SIZE OF DEVELOPMENT / PARCEL(S): 44.5814 Acres

CURRENT ZONING: I-1 (Institutional District) & C-2 (Shoreland Wetland Holding District)

CURRENT LAND USE: Vacant

PROPOSED LOT SIZES: Applicant has filed a separate application for a 4-Lot CSM (See File # LD-2300812).

Lot 1:	6.5281 Acres
Lot 2:	21.1075 Acres
Lot 3:	6.1258 Acres
Outlot 1:	10.8200 Acres

PROPOSED ZONING: Applicant has filed a separate application for a 4-Lot CSM (See File # LD-2300812).

Lot 1:	B-1/PUD (Shopping Center District)
Lot 2:	Rm-1/PUD & C-2 (Multi-Family Residential District)
Lot 3:	I-1/PUD & C-2 (Institutional District)
Outlot 1:	I-1/PUD & C-2 (Institutional District)

PROPOSED LAND USE: Applicant has filed a separate application for a 4-Lot CSM (See File # LD-2300812).

Lot 1:	Commercial
Lot 2:	Multi-Family
Lot 3:	Senior Living Facility
Outlot 1:	Part of Highland Memorial Park Cemetery

PROPOSED DENSITY:

Proposed Rm-1/PUD District:

In the attached PUD packet, the applicant has identified the following density information: Net density 14.22 units / acre (212 units / 14.9 developable acres) OR gross density 9.90 units / acre (212 units / 21.4 acres).

Proposed I-1/PUD District:

In the attached PUD packet, the applicant has identified the following density information: Net density 33.3 units / acre (150 units / 4.5 developable acres) OR gross density 23.01 units / acre (150 units / 6.5 acres).

ADJACENT ZONING AND LAND USE:

North: Zoning: Commercial

Land Use: City of Brookfield (Bank & Commercial)

South: Zoning: I-1 & R-4

Land Use: Rail Road Easement and New Berlin Bike Trail
Residential

East: Zoning: B-1/I-1

Land Use: Walmart & Highland Memorial Park Cemetery

West: Zoning: B-1/PUD/Rm-1/R-4

Land Use: Vacant Commercial/Deer Creek
Apartments/Brookridge Condominiums &
Moorland Highlands Subdivision

Conformance with Comprehensive Plan and Municipal Code: Yes

Chapter 11: Neighborhood A: Greenfield Avenue:

Planning Context / Vision / Development Policies:

Vision:

- *Greenfield Avenue will be a mixed commercial and residential corridor, and shall act as a gateway to the northern area of New Berlin. The eastern half of the corridor should foster a more urban mix of uses, while the western half should encourage a mix of rural commercial, residential, and environmental features.*

Development Policies:

- *Create development standards for site layout, building character, and landscaping that are suitable for new development along the corridor.*
- *Tighten non-conforming lot, structure, and use standards, and require compliance with landscaping regulations. Phase out non-conforming commercial uses over time.*
- *Recognize the Greenfield Avenue and Moorland Road primary intersection as a major gateway into the city from the north. Encourage signature well-designed buildings that are compatible with surrounding areas including recent development across the street in the City of Brookfield.*
- *Site development should include prominent signage, increased landscaping, sustainable strategies for stormwater management, and methods to minimize the parking field, such as structured parking.*
- *Address flooding and localized drainage issues along the eastern portion of the neighborhood.*
- *Encourage land combinations that accommodate future development options.*

Land Use:

- *Current Future Land Use Map: Suburban Commercial*
- *Proposed 2030 Future Land Use Map: Suburban Commercial, Mixed Residential and Institutional (See File #: CP-2300808)*
- *The corresponding zoning districts are B-1/PUD (Shopping Center District / Mandel PUD), Rm-*

1/PUD (Multiple-Family Residential District / Mandel PUD), I-1/PUD (Institutional District / Mandel PUD) & I-1

ZONING CODE (Chapter 275): Yes, with the attached proposed PUD Ordinance, this request would meet the requirements of Sections 275-33B(10), 275-34B(1), 275-36B(1) & 275-37B(4) of the Zoning Code.

DEVELOPMENT CODE (CHAPTER 235): N/A

REZONING REQUIRED: Yes

CONDITIONAL USE REQUIRED: No

PUBLIC HEARING REQUIRED: Yes

USE / SITE / ARCHITECTURAL REVIEW:

Use Approval Required: A conceptual Use Approval Application File #: UA-2300419 was reviewed at the April 13, 2023 Plan Commission meeting. Separate Use, Site and Architecture applications will be required for each use and proposed development.

Site Plan Required: Yes, see attached CSM.

Architectural Review Required: Not at this time, however conceptual information has been shared for the residential portion of this development as part of the conceptual review and as part of this PUD Rezoning request.

PROPOSED ARCHITECTURE: Not at this time, however conceptual information has been shared for the Residential portion of this development as part of the conceptual review and as part of this PUD Rezoning request.

UNIQUE SITE CHARACTERISTICS:

Environmental Corridor: Yes, Isolated Natural Resource Area.

Wetland On Property: Yes, Wetlands shall be registered on the City's Zoning Map.

Conservancy Districts (C-1, C-2): Yes, C-2

NRCS Map Classification: Not Inventoried

Floodplain: No

Topography / Geologic: Site is overall fairly flat however the current owner has filled and added berms over the years. This is why the contours appear to look like berms on the topography map.

BIKE & PEDESTRIAN FACILITIES PLAN: As part of the PUD Ordinance and Development Agreement for this project, the applicant is proposing to install and maintain a sidepath along the length of their development. This was an important issue that residents brought up during the conceptual review of the project at the Neighborhood Meeting held on April 10, 2023 and at the Plan Commission Meeting on April 13, 2023.

PARK & OPEN SPACE PLAN: No improvements identified.

NATURAL RESOURCES PROTECTION:

Limits of Disturbance (LOD): Shown on the conceptual plans and will be required to be shown on the future Use, Site and Architectural application submittals.

Wildlife Habitat Protection: Will be reviewed at the future Use, Site and Architectural application submittals.

Wildlife Management Plan: Will be reviewed at the future Use, Site and Architectural application submittals.

ENVIRONMENTAL IMPACT: Will be reviewed at the future Use, Site and Architectural application submittals. A tree inventory has been submitted and staff will continue to work with the applicant on any replacements at

the time of Use, Site and Architecture applications.

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 full report will be reviewed at the future Use, Site and Architectural application submittals.

SANITARY SEWER PROVISION:

Within Current Sewer Service Area: Yes

Basin Capacity Available: Yes

Adequate Linkage: Yes

Onsite System Required: No

WATER USAGE CALC.: Will be reviewed at the future Use, Site and Architectural application submittals. The Utility Department has reviewed the project conceptually and there is adequate supply for this project.

TRAFFIC IMPACT: A Traffic Impact Study dated June 15, 2023 has been submitted to the City of New Berlin and Waukesha County. This study is under review by Waukesha County. Comments are anticipated soon regarding the overall study, in particular Exhibit 6-1, Conceptual Drawing Recommended Modifications, Scenario 2.

SCHOOL DISTRICT IMPACT: Yes

Notice Sent to Affected School District(s): Will be sent with future applications.

PREVIOUS ACTION:

Past Action on projects that did not move forward:

ProHealth submitted a plan for a large medical building on this site. This project never moved forward.
6/29/2017 Continental Properties submitted a concept plan for a mixed use development. It was reviewed by the Plan Commission and a Neighborhood Meeting was held.

Recent Action:

4/10/2023 Neighborhood Meeting regarding concept plan.
4/13/2023 Plan Commission review of concept plan.
4/25/2023 Common Council reviewed an RAS for the potential sale of City property located at 1640 S. Moorland Road / Tax Key # 1158-989 (along Moorland Road across from Robin Trail).
7/10/2023 Plan Commission held a public hearing.

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

1. The rezoning must meet the following criteria outlined in New Berlin Municipal Code Chapter 275-22(F):
 - a. The proposed rezoning is consistent with the Comprehensive Plan and the stated purposes of Chapter 275;
The Future Land Use map identifies this area as Suburban Commercial. The applicant has filed a separate application for a Comprehensive Plan Amendment (See File #: CP-2300808) to amend the Future Land Use Map within the City's Comprehensive Plan (Chapter 10 – Land Use and Chapter 11 – “Neighborhood A”) from Suburban Commercial to Suburban Commercial, Mixed Residential and Institutional.
 - b. Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be

available to serve the subject property while maintaining adequate levels of service to existing development;

Yes, the proposed rezoning is compliant. This property will be served by public sanitary sewer and water facilities.

- c. Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of the City to provide them;
Yes, the proposed rezoning is compliant.
 - d. The proposed development has taken into account impacts on surrounding properties or the natural environment, including air, water, noise, storm water management, soils, wildlife, and vegetation;
Yes, the proposed rezoning is compliant. Any future developments shall be required to submit a separate application with the Department of Community Development. A full storm water report along with utility plans and civil engineering plans will be reviewed at the future Use, Site and Architectural application submittals.
 - e. The land proposal for rezoning is suitable for development and will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas;
Yes, the proposed rezoning is compliant.
 - f. The proposed rezoning will not be used to legitimize, or "spot zone," a nonconforming use or structure; and
No, it will not be a spot zoning. It will be consistent with the Future Land Use Map within the Comprehensive Plan, as proposed to be amended with application # CP-2300808.
 - g. The proposed rezoning is the minimum action necessary to accomplish the intent of the petition, and an administrative modification, variance, or conditional use permit could not be used to achieve the same result.
Yes, the proposed rezoning is the minimum action necessary to accomplish the intent of the petition.
- 2. The applicant has simultaneously applied for a Comprehensive Plan Amendment (see file #: CP-2300808) and 4-Lot CSM (see file #: LD-2300812). Action for these applications is anticipated at the August 14, 2023 Plan Commission meeting.
 - 3. There is a parcel of land located at 1640 S. Moorland Road / Tax Key # 1158-989 (along Moorland Road across from Robin Trial) that the City would like to coordinate with the Developer as part of the PUD to sell the land to the developer and have the developer create City of New Berlin gateway signage.
 - 4. The applicant is requesting a PUD for the following reasons:
 - a. Increased density for the multi-family and senior living developments.
 - b. Parking reductions.
 - c. Setbacks
 - d. Greenspace
 - e. Sidepath along Moorland Road

D.R.C. RECOMMENDATION:

Recommend to Common Council adoption of Planned Unit Development Ordinance # 2679 that approves the rezoning of the properties located at 1750 S. Moorland Road (Tax Key #'s: 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) from I-1 and C-2 to

B-1/PUD, Rm-1/PUD, I-1/PUD, C-2 & I-1. **See Executive Summary.**

ATTACHMENTS:

Location Map

Zoning Comparison Map

Future Land Use Comparison Map

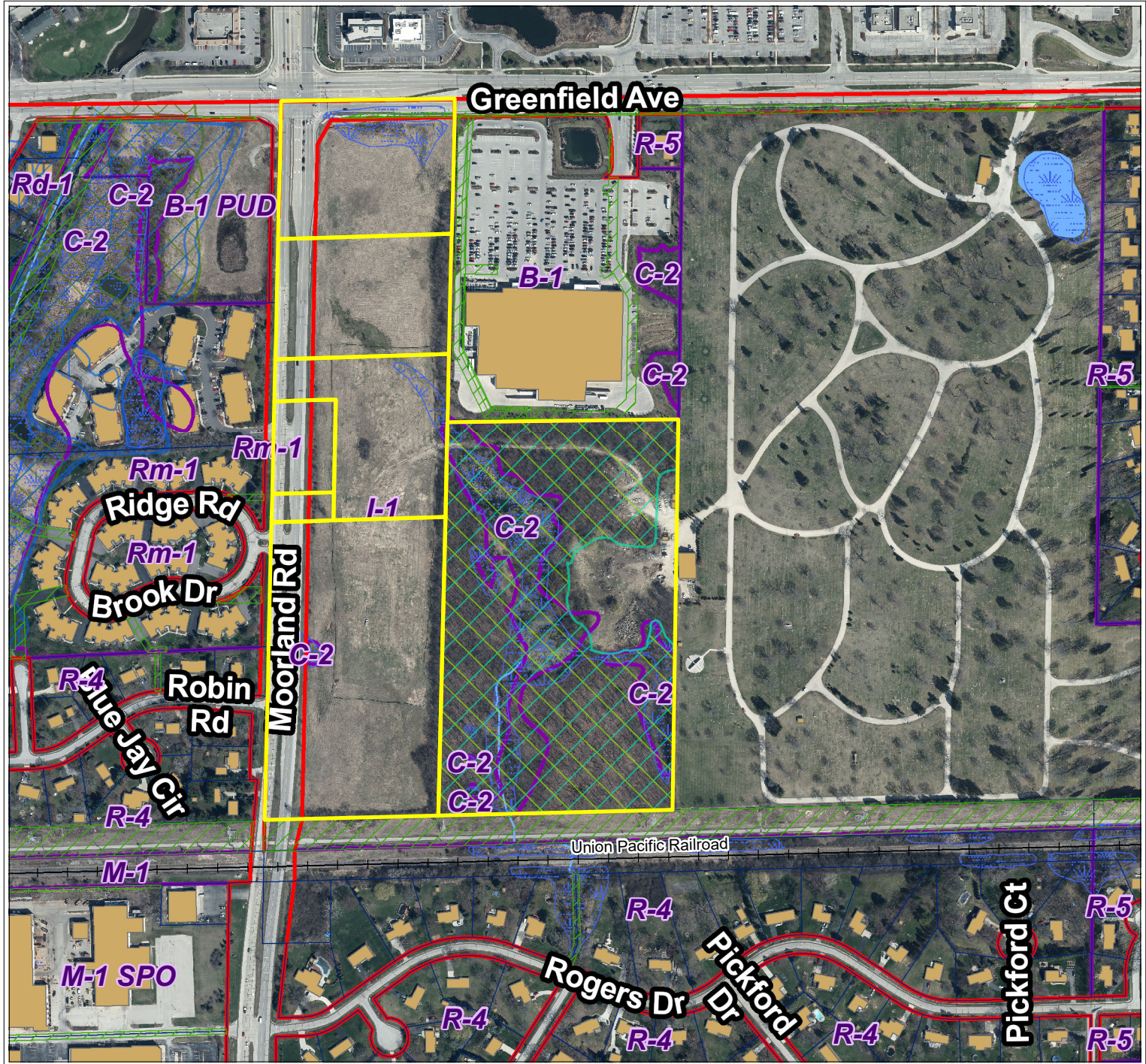
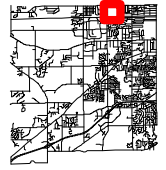
Applicant Letter

CSM

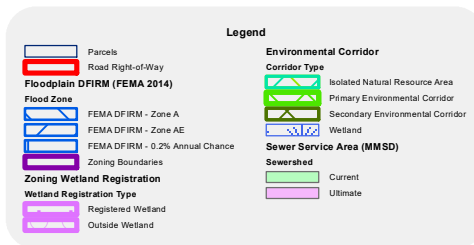
Concept Master Plan & Associated Documents (Note, wetland information can be viewed in the 7/10/2023 report)

DRAFT Traffic Exhibit 6-1

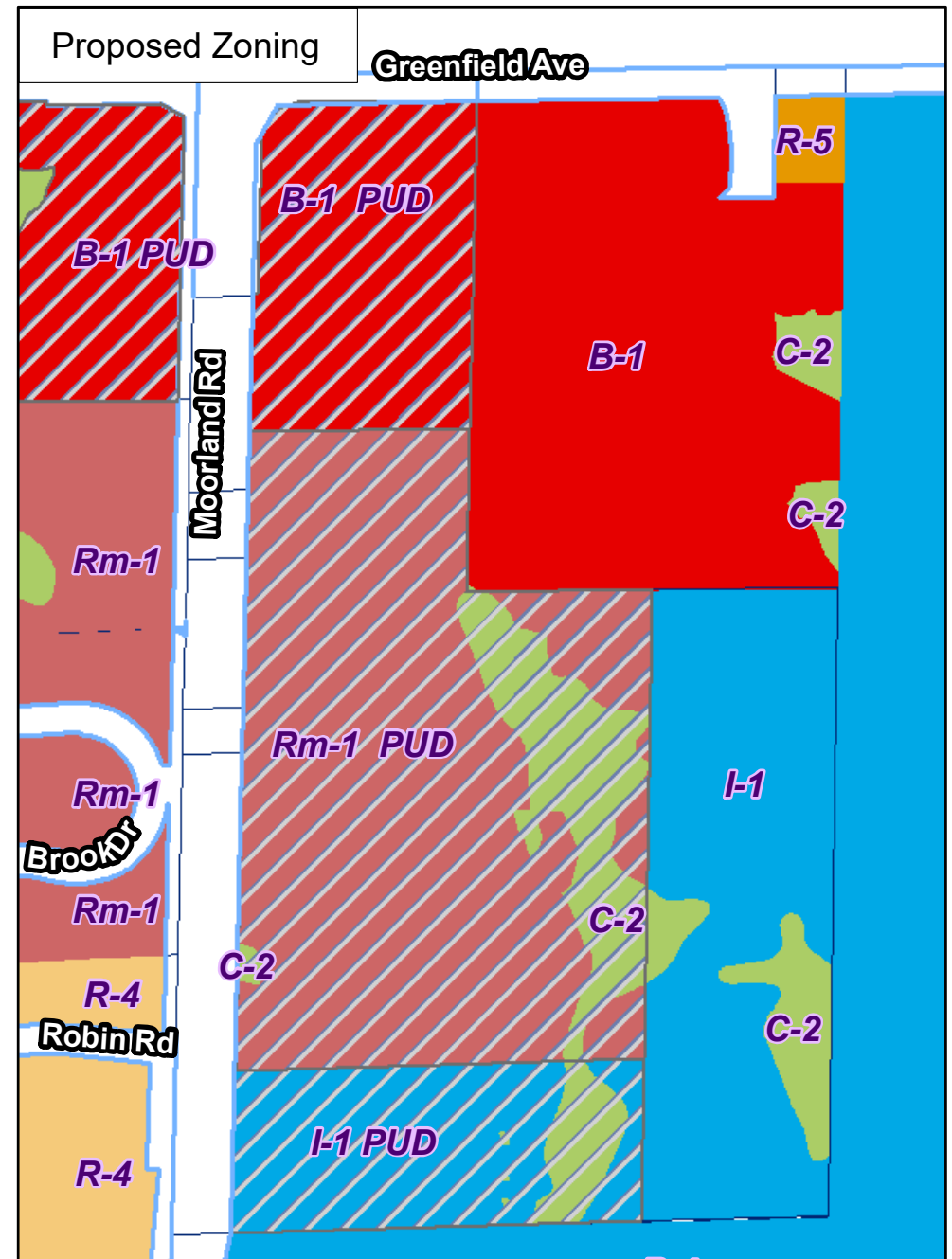
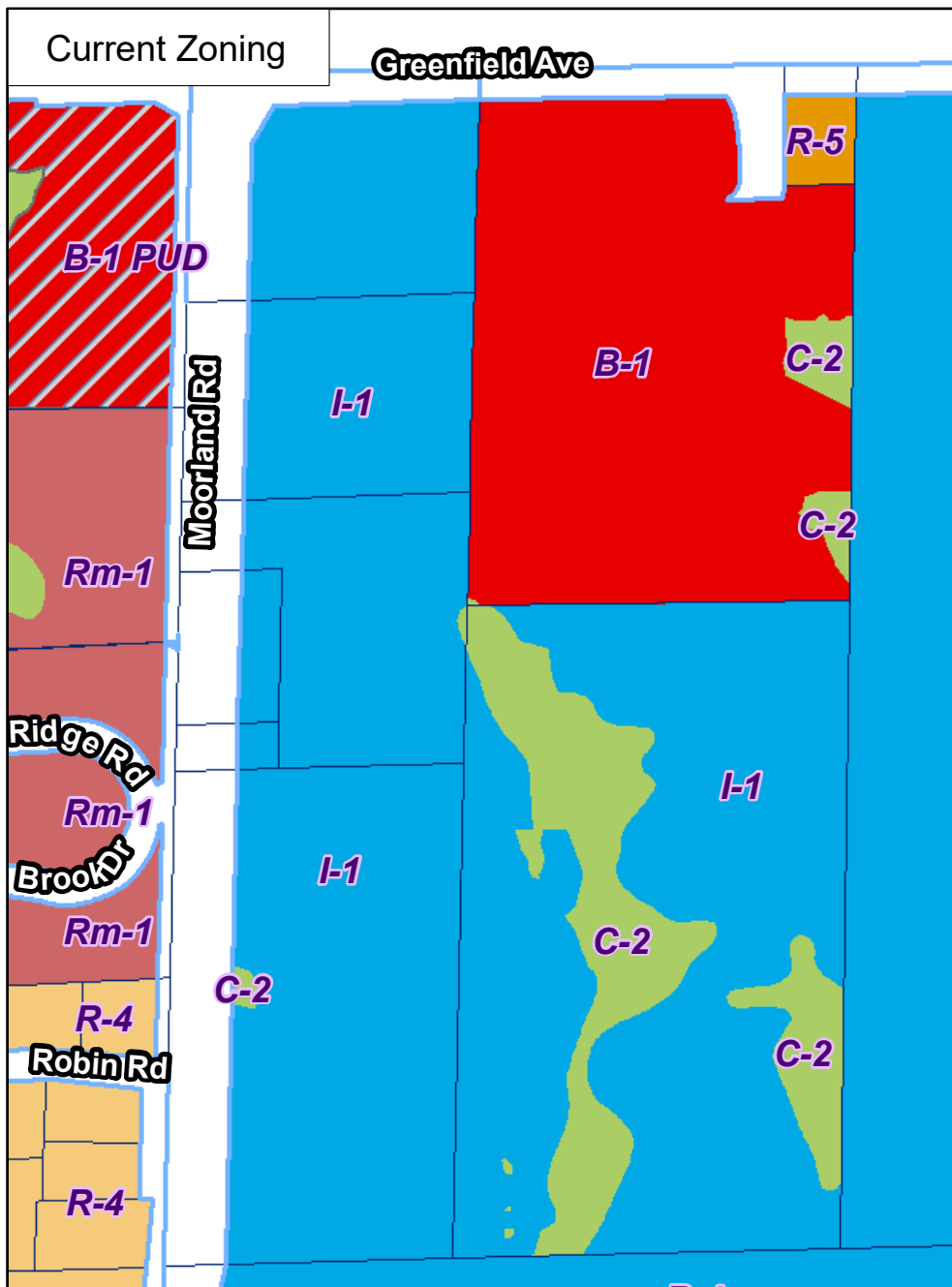
Draft PUD Ordinance



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

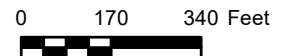
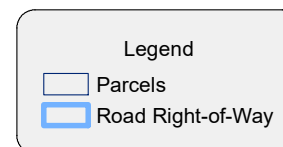


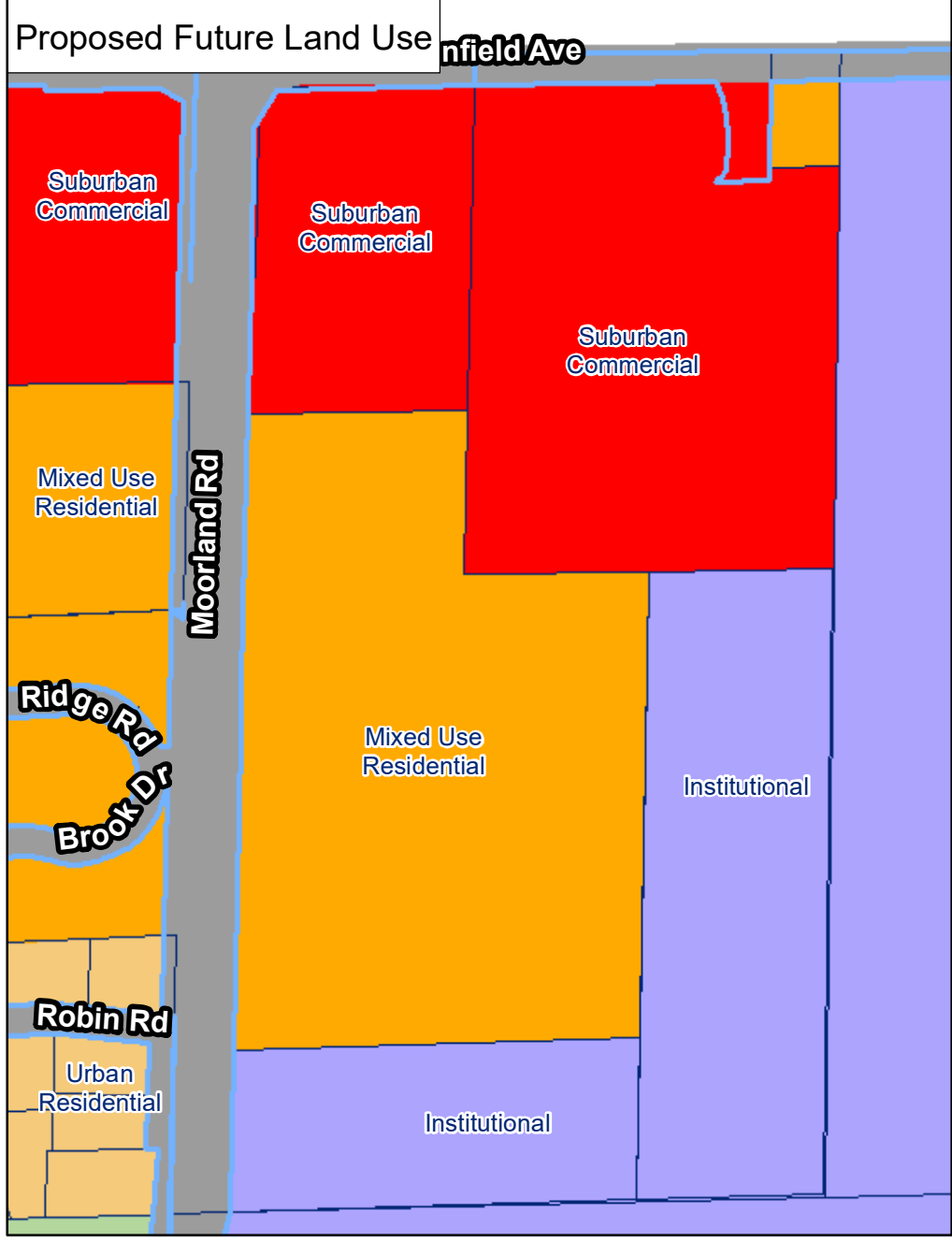
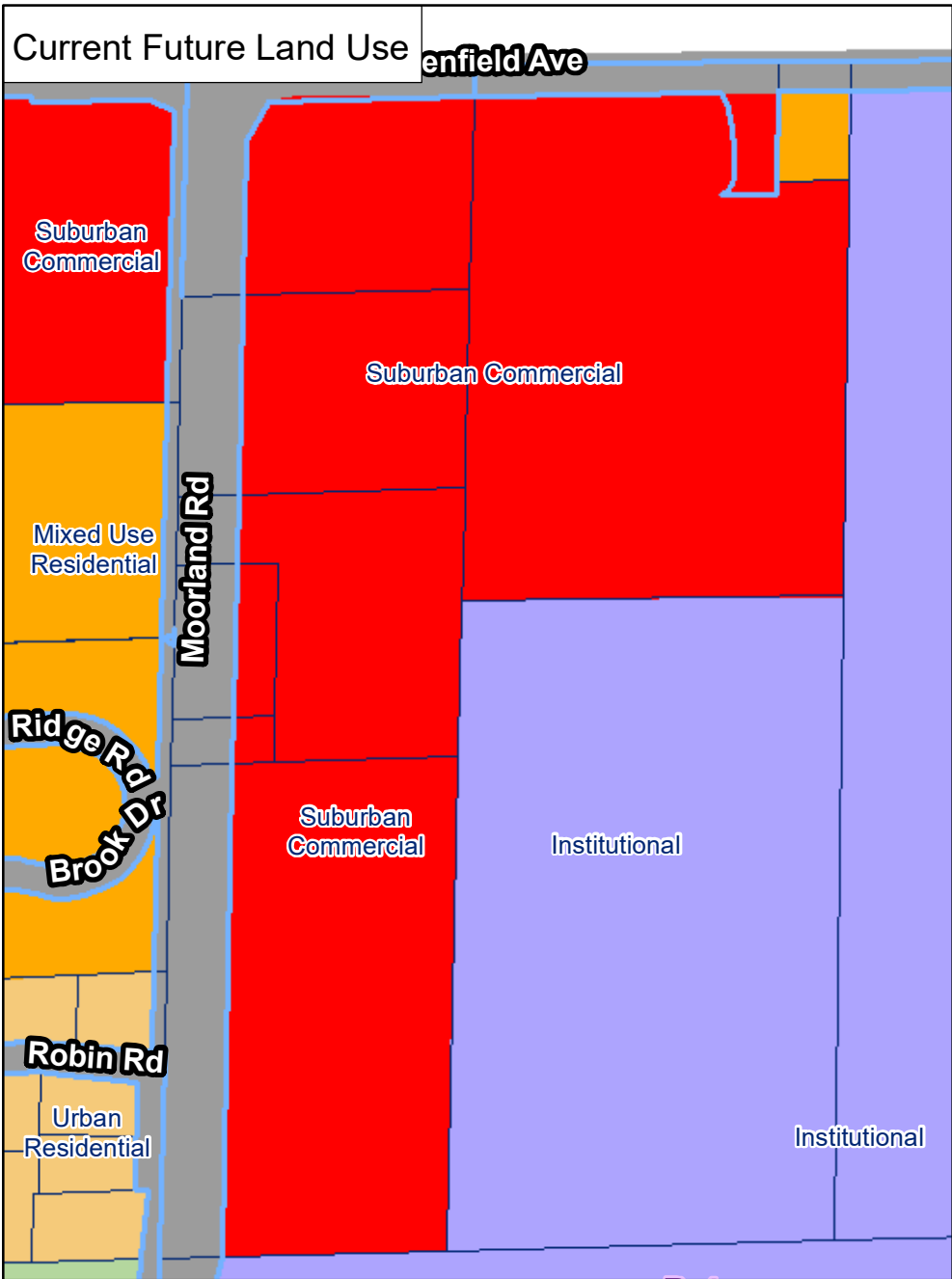
0 175 350 Feet



RZ--2300810
Mandel PUD Rezone
1750 S. Moorland Rd

Taxkeys: 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & portion of 1158-992

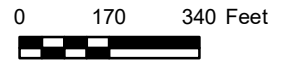




CP--2300808
Mandel
1750 S. Moorland Rd

Legend

- Parcels
- Road Right-of-Way



10

April 21, 2023

City of New Berlin
Department of Community Development
3805 S. Casper Drive,
New Berlin, WI 53151

RE: Mandel Group, Inc.
New Berlin Multifamily – Moorland Rd. and Greenfield Ave.

Mandel Group, Inc. (“**Mandel**”) is requesting that the Plan Commission and Common Council consider a Certified Survey Map (CSM), Comprehensive Plan Amendment, and Rezoning of the land at the southeast corner of Moorland Road and Greenfield Avenue, more particularly described in Exhibit A, for a mixed-use project including retail, multi-family, and senior living.

Development Summary

Mandel is proposing a mixed-use project on the southeast corner of Moorland Road and Greenfield Avenue, which includes a mix of retail uses on the corner, multi-family residential, and senior housing. This project responds to desired uses by the City, residents, and interested developers. By approving the items below in a Planned Unit Development, the City will ensure a cohesive, master-planned project that fits within the context of the immediate surrounding areas and New Berlin as a whole.

Certified Survey Map

The Certified Survey Map, included as Exhibit B, consolidates all or a portion of 6 existing parcels (NBC 1158990, NBC 1158991001, NBC 1158993, NBC 1158994, NBC 1158991, and a portion of NBC 1158992) into 3 new parcels and one outlet. The three new parcels are divided by use to include a ~6.5-acre parcel (Lot 1), a ~20.9-acre parcel (Lot 2), and a ~6.1-acre parcel (Lot 3). The outlet (Outlet 1) is ~10.8 acres and will be retained by Highland Memorial Park (cemetery - existing owner).

Along with the CSM, Mandel is requesting that the Comprehensive Land Use Plan be amended, and Zoning be changed to reflect the intended uses outlined below.

Comprehensive Land Use Plan Amendment

The current Land Use for this site is Suburban Commercial. Mandel is requesting that the Comprehensive Land Use Plan be amended as follows:

- Lot 1 (6.5 acres): Suburban Commercial
- Lot 2 (20.9 acres): Mixed-Use Residential
- Lot 3 (6.1 acres): Institutional
- Outlet 1 (10.8 acres): NO CHANGE

There is currently a City-owned parcel (NBC 1158989) that is approximately 0.4 acres along Moorland Road. Mandel is proposing that this parcel be included in the PUD and zoned RM-1. Mandel and the City will negotiate a swap of this parcel in exchange for Mandel installing City of New Berlin signage along Moorland Road.

These Land Use designations align with the site plan, included as Exhibit C, and also align with the requested Zoning change as outlined below.

Zoning

Mandel is requesting that the zoning for this site be updated under the Planned Unit Development (PUD) ordinance per the included Exhibit D. The underlying zoning districts align with the intended uses of retail, multi-family, and senior living. By utilizing a PUD, the city is permitted to allow for departures from the underlying zoning code to provide a cohesive, master-planned development with uses, design, and site layouts that complement and enhance each other. I've included a zoning comparison as Exhibit E that identifies the zoning requirements and any requested departures from the underlying zoning, summarized here:

- Retail – PUD / B-1 Shopping District
 - Uses
 - Code: Currently allows for a car wash
 - Proposed: Specifically allow for a car wash
 - Rationale: There is significant interest in this site by several car wash operators. After discussion with staff and the alderperson, we are requesting the PUD allow for a car wash. The location of such car wash may be restricted to exclude the hard corner and will be required to obtain site plan approval through the normal City approval process, where design, location, and screening will be specified.
 - Wetland Setback
 - Code: 10 feet
 - Proposed: 0 feet to pavement, 30 feet to buildings
 - Rationale: To provide a connection between the retail and multi-family, the road at the southwest corner of retail parcel will likely be within 10 feet of the pocket wetland west of WalMart. This connection is critical to provide the necessary full access off Moorland Road for the retail patrons.
- Multi-family – PUD / RM-1 Multiple Family Residential
 - Uses: Accessory Garages
 - Code: Not Specified
 - Proposed: Allow for Accessory Garages, Clubhouse
 - Rationale: The code does not specifically address accessory structures. Mandel proposes that the PUD specifically allows for Accessory Garages and a Clubhouse.
 - Density
 - Code: 7 units per acre
 - Proposed: 10 units per acre
 - Rationale: In order fully utilize the site, we are proposing a density slightly higher than existing code. This density is significantly less than other multi-family projects near the site and slightly higher than the Brookridge Condos (7.5 units / acre) on the west side of Moorland.
 - Setbacks: Side yard
 - Code: 15 feet
 - Proposed: 15 feet to building, 12 feet to porches, stoops, balconies
 - Rationale: To provide for appropriate circulation and access, the buildings are situated such that the buildings respect the 15-foot setback, but the attached porches, stoops, and/or balconies extend roughly 3 feet off of the building. This happens in one location on the site at building SF-6 on the south property line, abutting the new senior housing parcel.
 - Setbacks: Wetlands

- Code: 30 feet
 - Proposed: 30 feet to buildings, 15 feet to sidewalks
 - Rationale: Similar to the side yard setback, the buildings are situated to provide appropriate and necessary circulation and access on the site. As the site is constrained with wetlands on the east, north and portions of the west side of the multifamily parcel, we are respecting the 30-foot setback with our buildings, but the sidewalk access to the unit entries in the rear of the building encroach into the 30-foot setback. Our civil engineer discussed this condition with the DNR, who indicated that it would be allowed with a requirement to treat the stormwater runoff from the sidewalks prior to draining into the wetlands. There are several options to accomplish this, and we will work with the DNR to obtain their approval of the sidewalk design.
- Building Separation
 - Code: 30 feet
 - Proposed: 15 feet
 - Rationale: There are a few locations on the site where the distance between buildings is between 15 and 20 feet. These primarily occur at the utility rooms, with distance between units at least 20 feet in all locations. To achieve the appropriate circulation, access, and setbacks, a slightly reduced building separation is required.
- Parking: Attached Parking Stalls
 - Code: 1 stall per unit
 - Proposed: 0.7 attached stalls per unit, 0.3 detached & covered parking stalls per unit
 - Rationale: We intend to provide 1 covered stall per unit. We are requesting the PUD allow for the covered parking to be accomplished with a combination of attached and detached covered parking stalls. The footprint of the building does not allow for 1 attached stall per unit. This also provides a price-sensitive resident with the option to select a unit without an attached garage and use a surface stall as we do not charge for surface stalls.
- Parking: Total Stalls
 - Code: 2.0 stalls per unit
 - Proposed: 1.7 stalls per unit
 - Rationale: Mandel currently manages over 4,500 units and has access to parking usage data at similar, suburban developments. That data reflects parking provided between 1.2 and 1.6 stalls per unit and parking usage between 1.0 and 1.3 stalls per unit. Our goal is to provide adequate parking but not overpark the site, which would result in unused garage or surface parking lots that would take away from the green space planned for the site. A chart of parking ratios is included as Exhibit F.
- Senior Living – PUD / I-1 Institutional
 - Permitted Uses
 - Code: Allows for Community Living, Assisted Living, does not address Independent Living senior housing
 - Proposed: Specifically allow for Independent Living
 - Rationale: The purpose of the senior housing is to provide a continuum of care. This includes independent living (minimal services), assisted living, and memory care / dementia care. This has been a successful model for many senior housing

developers as it provides residents options to begin their residency in independent living and stay on the same campus as their needs become greater.

- Setbacks: Front
 - Code: 50 feet
 - Proposed: 25 feet
 - Rationale: The purpose of this request is two-fold. First, as the site is constrained to the east with wetlands, providing flexibility for the site plan will be important to design the buildings in a way that makes sense for the operations plan. Additionally, this setback is in alignment with the RM-1 setback requirement for the parcel directly to the north and provides consistency with relation to the setback along Moorland throughout the development.
- Setbacks: Side yard
 - Code: 50 feet
 - Proposed: 5 feet
 - Rationale: This will allow for flexibility in designing the access drive-lane which is pinched due to the wetlands along Moorland and could cause vehicle stacking issues at the entrance if the angle of access is too tight. The existing tree line would remain and be supplemented by additional landscaping screening to the south. Additionally, the nearest house is more than 300 feet from the property line, with power lines, rail line, and trail which prevents development between the two uses.
- Parking:
 - Code: 1 stall per unit, additional 10% of total for guest parking
 - Proposed: 0.75 stalls per unit plus 1 stall per employee during peak shift turnover.
 - Rationale: This parking ratio is appropriate given the use of the site. Memory Care residents are not allowed to drive. The parking need for Assisted Living residents is minimal. This ratio is consistent with similar senior housing developments. Additionally, 1 stall per employee during peak shift turnover will be provided.

Wetlands

There are significant amounts of wetlands on the site. Attached is the Wetland Delineation that was prepared by Heartland Ecological Group in August of 2022. Also attached is the Artificial Wetland Exemption Decision Letter from the WDNR as Exhibit H and the Approved Jurisdictional Determination (AJD) by the US Army Corps of Engineers.

Sincerely,
MANDEL GROUP, INC.

Dan Romnek
Development Associate
dromnek@mandelgroup.com

Enclosures:	Exhibit A	New Berlin Master Plan
	Exhibit B	Certified Survey Map
	Exhibit C	Proposed Comprehensive Land Use Plan
	Exhibit D	Proposed Zoning Map
	Exhibit E	Zoning Comparison
	Exhibit F	Multifamily Parking Ratios
	Exhibit G	Wetland Delineation Map
	Exhibit H	WDNR Artificial Wetland Exemption Decision Letter
	Exhibit I	USACE Approved Jurisdictional Determination Letter

WEST GREENFIELD AVENUE

MULTI-FAMILY—
21.4 ACRES (+/-)

SENIOR LIVING –
6.5 ACRES (+/-)



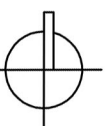
SOUTH MOORLAND ROAD



MOORLAND & GREENFIELD MIXED-USE DEVELOPMENT

CONCEPTUAL MASTERPLAN

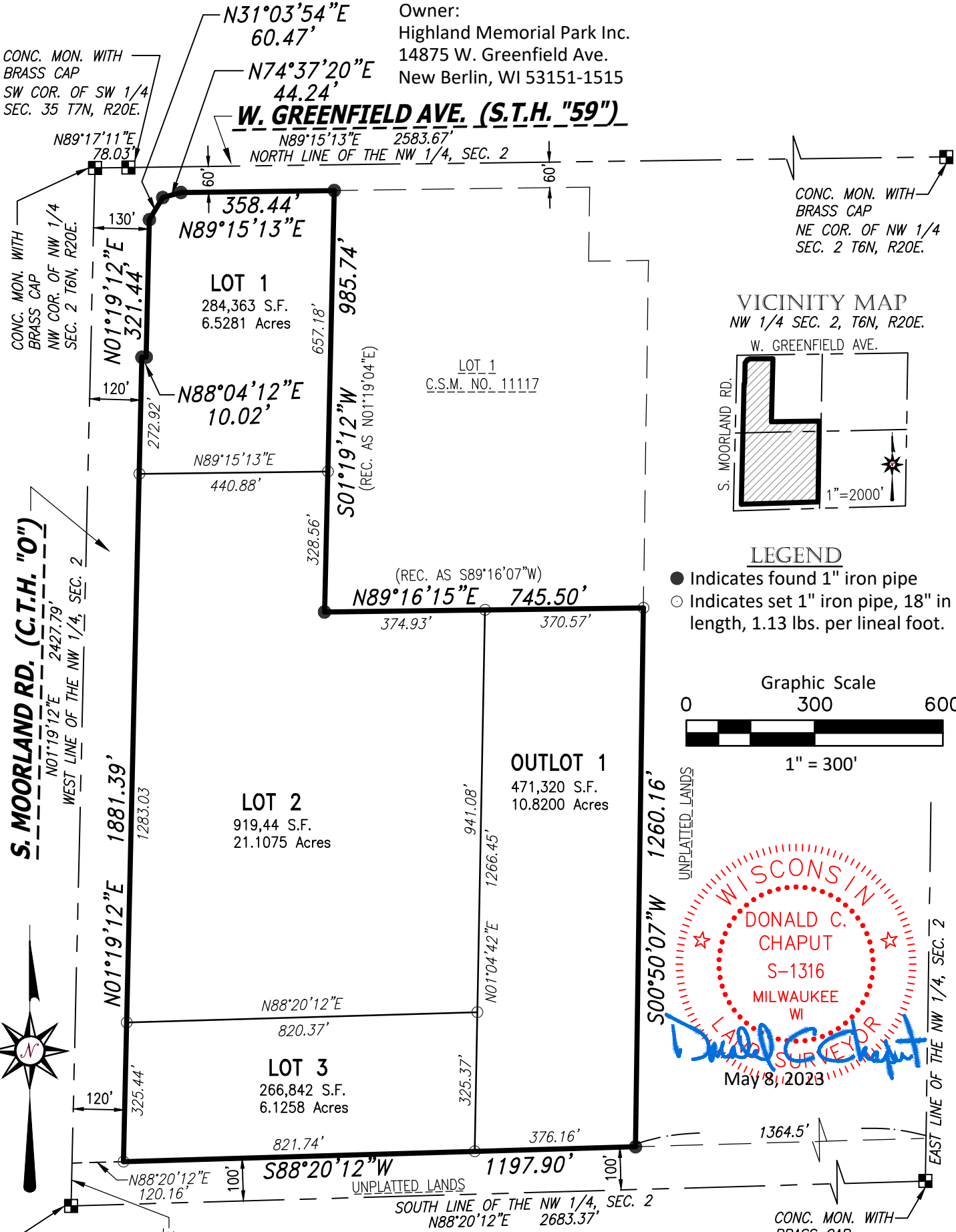
1"=160' @ 11x17
16



CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

Owner:
Highland Memorial Park Inc.
14875 W. Greenfield Ave.
New Berlin, WI 53151-1515



CHAPUT
LAND SURVEYS

234 W. Florida Street
Milwaukee, WI 53204

414-224-8068
www.chaputlandsurveys.com

See sheet 2 & 3 for access restriction,
existing easements and wetlands.

Bearings are referenced to the Wisconsin State
Plane Coordinate System, South Zone (NAD
83/2011) in which the West line of the
Northwest 1/4 of Section 2 bears N01°19'12"E.

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 1 of 6 Sheets

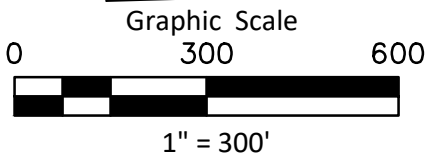
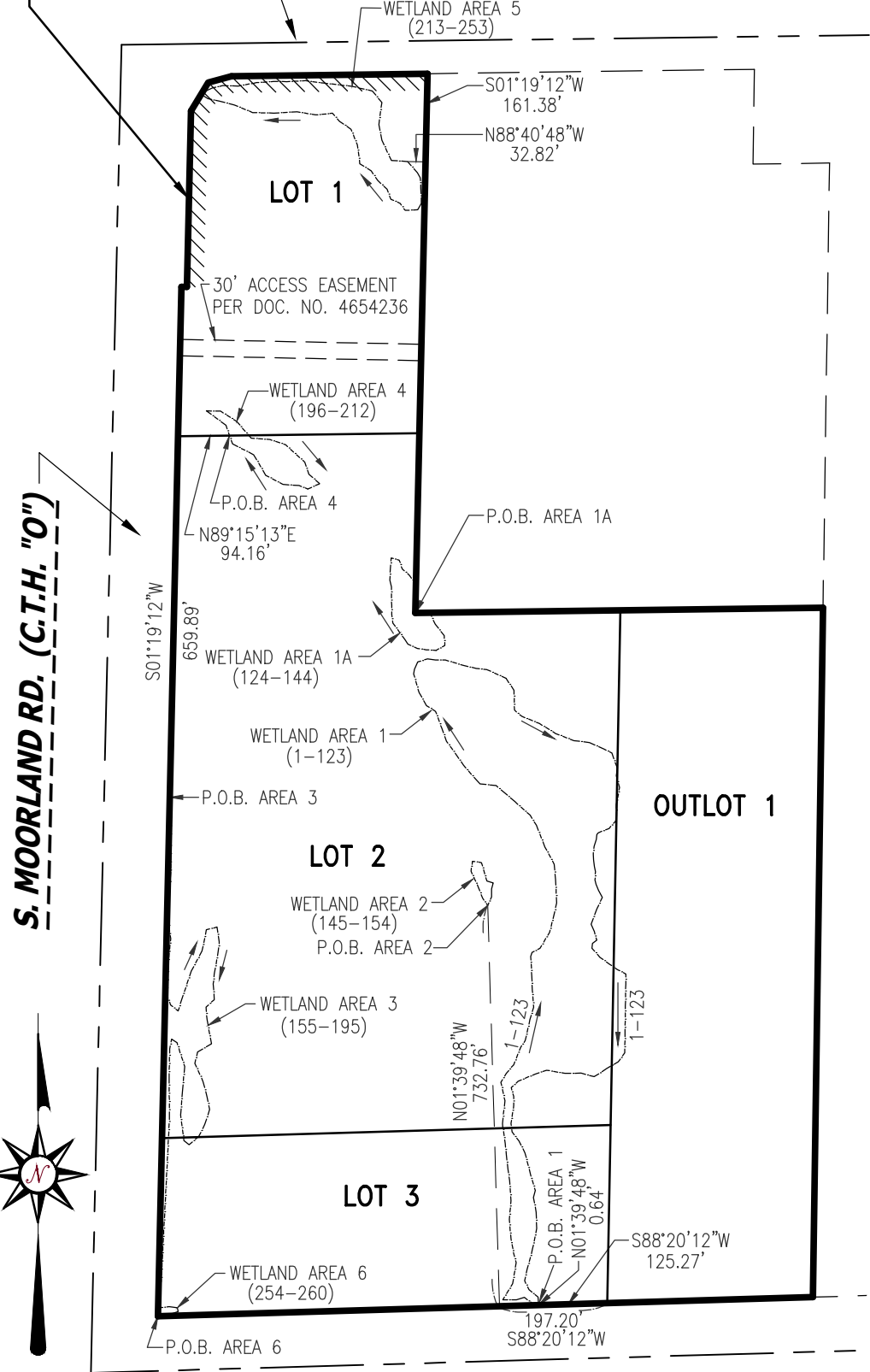
CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

Note: Access to Outlot 1 shall be provided by separate document.
It is intended that, for the foreseeable future, Outlot 1 shall remain
with the ownership of the adjoining cemetery property to the east,
and shall continue to be (i) zoned Institutional, (ii) exempt from
real estate taxes, and (iii) used for cemetery purposes.

Hatch indicates no vehicular access
to West Greenfield Ave. & South
Moorland Road.

W. GREENFIELD AVE. (S.T.H. "59")



CHAPUT
LAND SURVEYS

234 W. Florida Street
Milwaukee, WI 53204

414-224-8068
www.chaputlandsurveys.com

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 2 of 6 Sheets



CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

WETLAND AREA 1

LINE	BEARING	DIST.
L1	N85°40'45"W	9.00'
L2	N53°56'37"W	21.58'
L3	S72°04'50"W	14.82'
L4	N89°14'18"W	25.28'
L5	N31°47'03"E	34.40'
L6	N09°13'48"E	38.96'
L7	N15°07'01"W	15.10'
L8	N10°31'35"W	30.27'
L9	N04°41'38"W	34.91'
L10	N05°14'17"E	34.31'
L11	N04°11'45"W	36.86'
L12	N08°36'18"W	20.98'
L13	N05°43'06"W	26.23'
L14	N06°22'27"W	20.87'
L15	N07°52'20"W	37.00'
L16	N06°30'03"E	41.90'
L17	N12°11'39"W	34.47'
L18	N30°19'11"E	19.35'
L19	N41°03'09"E	20.56'
L20	N21°26'49"E	33.84'
L21	N34°02'07"E	15.41'
L22	N12°55'23"E	38.75'
L23	N16°19'23"E	24.25'
L24	N04°35'17"W	30.68'
L25	N02°02'40"W	26.15'
L26	N03°23'55"W	35.56'
L27	N18°22'30"E	7.88'
L28	N61°46'30"E	16.31'
L29	N31°14'06"E	34.17'
L30	N14°13'25"E	30.12'
L31	N12°46'32"E	25.20'
L32	N02°47'07"W	42.49'
L33	N05°01'44"W	28.00'
L34	N27°50'52"W	36.06'
L35	N21°28'56"W	42.73'
L36	N32°13'09"W	21.84'
L37	N48°12'19"W	36.88'
L38	N49°57'21"W	29.18'
L39	N48°40'44"W	16.20'
L40	N84°16'55"W	29.27'
L41	N44°42'38"W	9.72'
L42	N40°58'52"W	36.37'
L43	N34°43'43"W	22.31'
L44	N35°26'58"W	31.32'
L45	N20°08'31"W	25.25'
L46	N20°20'31"W	36.49'
L47	N58°09'42"W	19.82'
L48	N29°26'41"W	27.39'
L49	N16°12'08"W	35.26'
L50	N10°37'45"E	8.95'
L51	N23°45'27"E	14.61'
L52	N73°26'51"E	18.75'
L53	S83°20'41"E	14.78'
L54	S89°24'13"E	18.00'
L55	S73°04'36"E	35.01'
L56	S77°00'03"E	23.44'
L57	S84°19'50"E	19.20'
L58	S65°22'54"E	38.68'
L59	S33°29'17"E	26.56'
L60	S01°12'23"E	35.99'
L61	S49°37'35"E	17.77'

WETLAND AREA 1
CONTINUED

LINE	BEARING	DIST.
L62	S68°06'17"E	34.55'
L63	S58°15'10"E	34.93'
L64	S68°36'30"E	35.73'
L65	S83°09'41"E	28.84'
L66	S64°43'34"E	45.22'
L67	S19°54'01"E	28.99'
L68	S07°22'30"W	14.36'
L69	S15°52'33"E	22.28'
L70	S11°11'10"W	31.28'
L71	S01°53'21"E	21.86'
L72	S13°08'14"W	9.79'
L73	S42°39'22"W	17.12'
L74	S67°51'00"W	21.39'
L75	S39°19'28"W	3.91'
L76	S07°24'58"W	8.99'
L77	S17°39'52"W	13.39'
L78	S06°00'59"W	15.38'
L79	S05°21'43"E	21.69'
L80	S12°16'45"E	9.95'
L81	S02°44'39"W	15.07'
L82	S11°39'47"E	7.87'
L83	S22°12'23"E	12.05'
L84	S29°25'35"E	14.68'
L85	S25°39'29"W	23.60'
L86	S20°27'52"W	29.73'
L87	S23°57'46"E	14.97'
L88	S15°39'07"E	15.98'
L89	S53°34'08"W	9.83'
L90	S04°05'57"W	9.17'
L91	S41°24'20"E	21.82'
L92	S54°30'41"E	21.25'
L93	S55°33'33"E	17.70'
L94	S61°58'51"E	17.53'
L95	S00°51'12"W	57.85'
L96	S00°51'13"W	49.21'
L97	S00°51'12"W	37.09'
L98	S35°50'42"W	20.14'
L99	S59°58'58"W	24.79'
L100	S56°34'33"W	26.91'
L101	N74°55'10"W	25.11'
L102	S89°24'39"W	29.37'
L103	N80°18'48"W	34.22'
L104	S71°10'47"W	20.57'
L105	S67°10'30"W	34.96'
L106	S47°27'45"W	17.25'
L107	S16°07'58"E	16.33'
L108	S00°46'54"E	16.91'
L109	S09°00'53"W	33.18'
L110	S06°49'31"E	15.63'
L111	S37°15'58"E	20.99'
L112	S27°02'39"E	24.55'
L113	S14°08'30"E	39.63'
L114	S16°42'20"E	31.22'
L115	S14°25'44"W	13.51'
L116	S10°45'31"E	27.62'
L117	S01°31'41"E	29.15'
L118	S11°09'47"W	39.66'
L119	S15°08'18"W	37.23'
L120	S12°41'40"W	21.41'
L121	S26°34'38"E	18.34'
L122	S49°55'12"E	21.23'
L123	S06°00'02"E	13.96'

WETLAND AREA 1A

LINE	BEARING	DIST.
L124	N89°16'15"E	27.08'
L125	S24°20'06"E	22.95'
L126	S38°18'39"E	26.62'
L127	S04°00'42"E	18.15'
L128	S61°08'14"W	18.50'
L129	N86°32'49"W	18.00'
L130	N82°30'38"W	16.34'
L131	N64°17'32"W	19.10'
L132	N33°25'05"W	10.15'
L133	N35°57'49"W	37.16'
L134	N08°00'40"W	15.68'
L135	N00°32'18"W	17.35'
L136	N00°26'50"W	32.95'
L137	N13°57'33"W	12.68'
L138	N02°37'38"E	22.22'
L139	N05°07'49"E	18.65'
L140	S74°13'33"E	15.17'
L141	S18°33'40"E	17.34'
L142	S49°27'36"E	17.62'
L143	S35°27'41"E	19.59'
L144	S01°19'12"W	52.51'

WETLAND AREA 2

LINE	BEARING	DIST.
L145	N35°21'09"W	16.68'
L146	N20°42'37"W	20.55'
L147	N24°52'25"W	32.68'
L148	N08°29'20"E	18.61'
L149	S81°25'05"E	16.54'
L150	S16°10'34"E	35.29'
L151	S74°11'37"E	11.92'
L152	S14°32'03"W	11.38'
L153	S00°00'17"E	14.37'
L154	S23°24'00"W	17.32'

WETLAND AREA 3

LINE	BEARING	DIST.
L155	S07°20'49"E	11.69'
L156	S00°29'46"E	66.02'
L157	S00°28'28"W	66.39'
L158	S05°15'54"W	65.67'
L159	S07°08'56"E	49.63'
L160	S05°41'09"W	45.86'
L161	S02°03'09"W	58.27'
L162	S20°42'16"E	18.17'
L163	S51°54'21"E	17.81'
L164	N18°08'58"E	76.54'
L165	N28°00'51"E	41.42'
L166	N11°44'07"E	39.82'
L167	N75°51'42"E	20.11'
L168	S08°47'56"E	26.90'
L169	S05°59'40"W	15.29'
L170	S09°39'06"W	44.24'
L171	S06°12'34"W	18.58'
L172	S03°22'47"E	28.85'
L173	S47°20'45"W	20.14'
L174	S04°18'48"E	23.31'
L175	S10°19'22"E	44.45'
L176	S59°10'45"W	29.64'
L177	S12°40'22"W	21.02'
L178	S24°01'08"E	36.80'
L179	S14°10'48"E	29.73'
L180	S12°13'50"E	22.36'
L181	S18°22'08"W	28.75'
L182	S26°19'28"W	24.72'
L183	S49°50'11"W	23.42'
L184	N51°01'45"W	12.08'
L185	N07°14'41"W	47.16'
L186	N04°21'57"E	44.64'
L187	N05°05'36"E	44.36'
L188	N17°42'12"W	45.44'
L189	N55°12'02"W	11.86'
L190	S11°34'43"W	18.24'
L191	S01°22'56"W	53.19'
L192	S00°43'01"E	71.29'
L193	S02°53'22"W	301.58'
L194	S36°27'13"W	8.15'
L195	N01°19'12"E	892.31'

WETLAND AREA 4

LINE	BEARING	DIST.
L196	N19°38'07"W	20.13'
L197	N53°29'10"W	44.25'
L198	S88°30'14"E	25.58'
L199	S57°33'15"E	34.98'
L200	S41°23'04"E	40.38'
L201	S85°19'45"E	34.51'
L202	S71°38'53"E	30.16'
L203	S47°34'54"E	46.92'
L204	S19°02'52"E	23.69'
L205	S49°11'33"E	26.05'
L206	S65°48'22"W	23.51'
L207	N68°03'30"W	17.35'
L208	N86°16'33"W	29.20'
L209	N61°54'11"W	35.77'
L210	N30°15'58"W	43.38'
L211	N63°00'52"W	43.41'
L212	N19°38'07"W	16.21'

WETLAND AREA 5

LINE	BEARING	DIST.
L213	S41°17'37"E	27.36'
L214	S28°41'58"E	10.29'
L215	S03°37'59"E	18.61'
L216	S01°54'18"E	28.64'
L217	S30°56'55"W	13.24'
L218	S87°14'32"W	23.04'
L219	N34°33'06"W	15.54'
L220	N66°37'22"W	18.65'
L221	N20°28'43"W	19.73'
L222	N46°50'20"W	23.71'
L223	N34°14'16"W	20.57'
L224	N57°28'35"W	24.72'
L225	N07°47'33"W	35.28'
L226	N22°05'23"W	30.37'
L227	N55°45'14"W	25.55'
L228	N40°27'54"W	19.46'
L229	S84°24'23"W	31.56'
L230	N80°04'46"W	34.07'
L231	S86°31'07"W	42.87'
L232	N88°16'25"W	38.38'
L233	N67°31'59"W	36.08'
L234	N75°39'46"W	27.98'
L235	N78°11'46"W	21.72'
L236	N57°41'36"W	9.26'
L237	N11°15'12"W	4.06'
L238	N47°42'31"E	9.25'
L239	N64°43'15"E	12.04'
L240	N78°42'32"E	18.38'
L241	S88°48'47"E	27.98'
L242	N79°52'10"E	34.48'
L243	N85°56'14"E	30.99'
L244	S89°24'40"E	24.07'
L245	N87°15'21"E	34.45'
L246	S82°30'29"E	34.36'
L247	S83°31'19"E	51.16'
L248	S76°59'54"E	38.10'
L249	S39°33'59"E	27.48'
L250	S07°50'34"W	40.67'
L251	S11°03'34"E	29.22'
L252	S25°07'46"E	40.76'
L253	S86°27'57"E	29.76'

WETLAND AREA 6

LINE	BEARING	DIST.
L254	N01°19'12"E	13.13'
L255	N90°00'00"E	2.92'
L256	N84°40'05"E	16.41'
L257	S83°28'10"E	14.92'
L258	S11°14'23"E	7.42'
L259	S71°54'22"W	25.21'
L260	S88°20'12"W	13.20'



This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 3 of 6 Sheets

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN}
 :SS
MILWAUKEE COUNTY}

I, DONALD C. CHAPUT, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, which is bounded and described as follows:

COMMENCING at the Southwest corner of said Northwest 1/4 Section; thence North 00°19'12" East along the West line of said Northwest 1/4 Section, 100.14 feet to a point; thence North 88°20'12" East 120.16 feet to a point on the East line of South Moorland Road and the point of beginning of lands hereinafter described; thence North 01°19'12" East along said East line 1881.39' to a point; thence North 88°04'12" East along said East line 10.02 feet to a point; thence North 01°19'12" East along said East line 321.44 feet to a point; thence North 31°03'54" East along said East line 60.47 feet to a point; thence North 74°37'20" East along said East line 44.24 feet to a point on the South line of West Greenfield Avenue; thence North 89°15'13" East along said South line 358.44 feet to a point on the West line of Lot 1 of Certified Survey Map No. 11117; thence South 01°19'12" West along said West line 985.74 feet to a point on the South line of said Lot 1; thence North 89°16'15" East along said South line 745.50 feet to a point; thence South 00°50'07" West 1260.16 feet to a point 100 feet North of the South line of said 1/4 Section; thence South 88°20'12" West along a line which is parallel to and 100 feet North of said South line 1197.90 feet to the point of beginning.

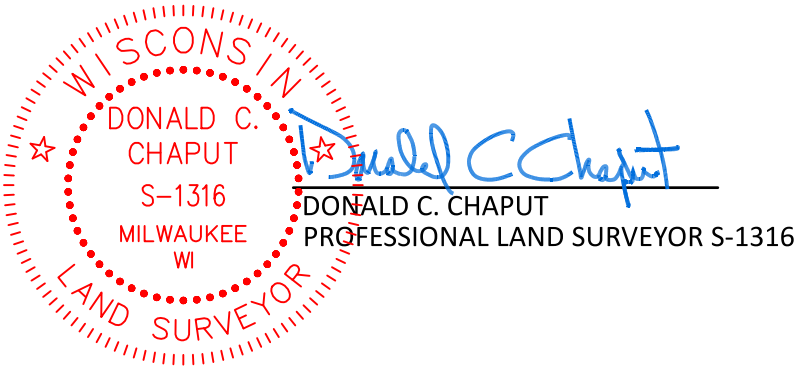
Said lands contains 1,941,970 square feet, or 44.5815 acres.

THAT I have made the survey, land division and map by the direction of HIGHLAND MEMORIAL PARK INC., owners.

THAT the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with Chapter 236 of the Wisconsin Statutes and the Land Division Regulations of the City of New Berlin in surveying, dividing and mapping the same.

May 8, 2023
DATE



CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE

STATE OF WISCONSIN}
 :SS
WAUKESHA COUNTY}

HIGHLAND MEMORIAL PARK INC., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, certifies that said corporation caused the land described on this Certified Survey Map to be surveyed, divided and mapped as represented on this map or plat in accordance with the subdivision regulations of the City of New Berlin and Chapter 236 of the Wisconsin Statutes.

HIGHLAND MEMORIAL PARK INC., does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of New Berlin.

IN WITNESS WHEREOF, the HIGHLAND MEMORIAL PARK INC. has caused these presents to be signed by the hand of _____, on this _____, day of _____, 2023.

HIGHLAND MEMORIAL PARK INC.

By: _____

Its: _____

STATE OF WISCONSIN}
 :SS
 COUNTY}

Personally came before me this ____ day of _____, 2023, _____, the _____ of the above named corporation, to me known as the person who executed the foregoing instrument and acknowledged that he/she executed the foregoing instrument as such officer on behalf of entity, by its authority.

Notary Signature: _____
Notary Name: _____
Notary Public, State of _____. My commission expires: _____
(Notary Seal)



CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

PLANNING COMMISSION CERTIFICATE OF APPROVAL

APPROVED by the Planning Commission of the City of New Berlin on this ____ day of _____,
2023.

DAVE AMENT, CHAIRPERSON / MAYOR

NIKKI JONES, SECRETARY

COMMON COUNCIL CERTIFICATE OF APPROVAL

APPROVED by the Common Council of the City of New Berlin in accordance with the Resolution adopted on
this ____ day of _____, 2023

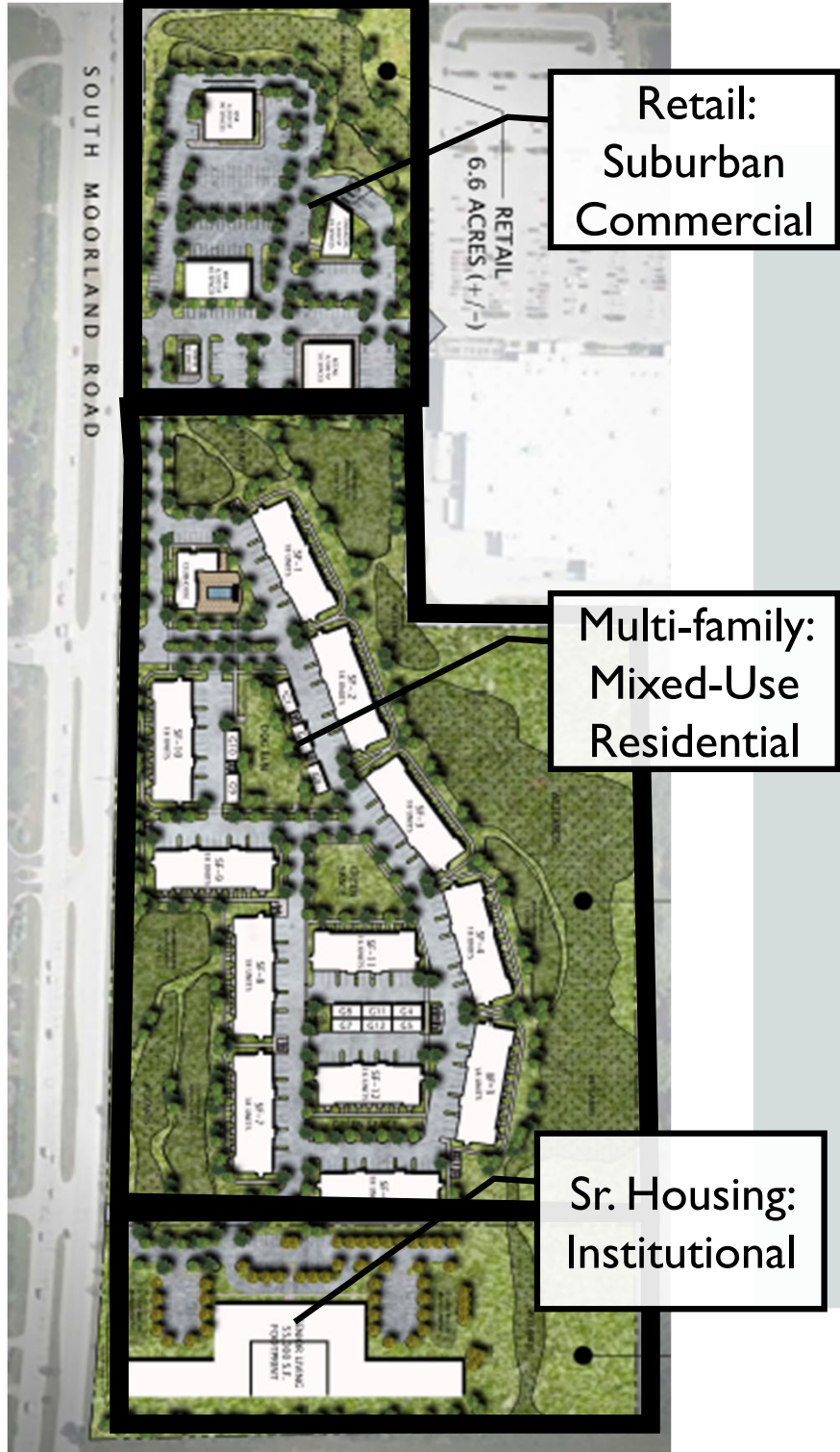
DAVE AMENT, COUNCIL PRESIDENT

GEORGIA STANFORD , CITY CLERK



This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 6 of 6 Sheets
22



COMPREHENSIVE LAND USE PLAN

Future Land Use Plan (current)

- Suburban Commercial

Future Land Use Plan (proposed)

- Retail: Suburban Commercial
- Multi-family: Mixed-Use Residential
- Senior Housing: Institutional

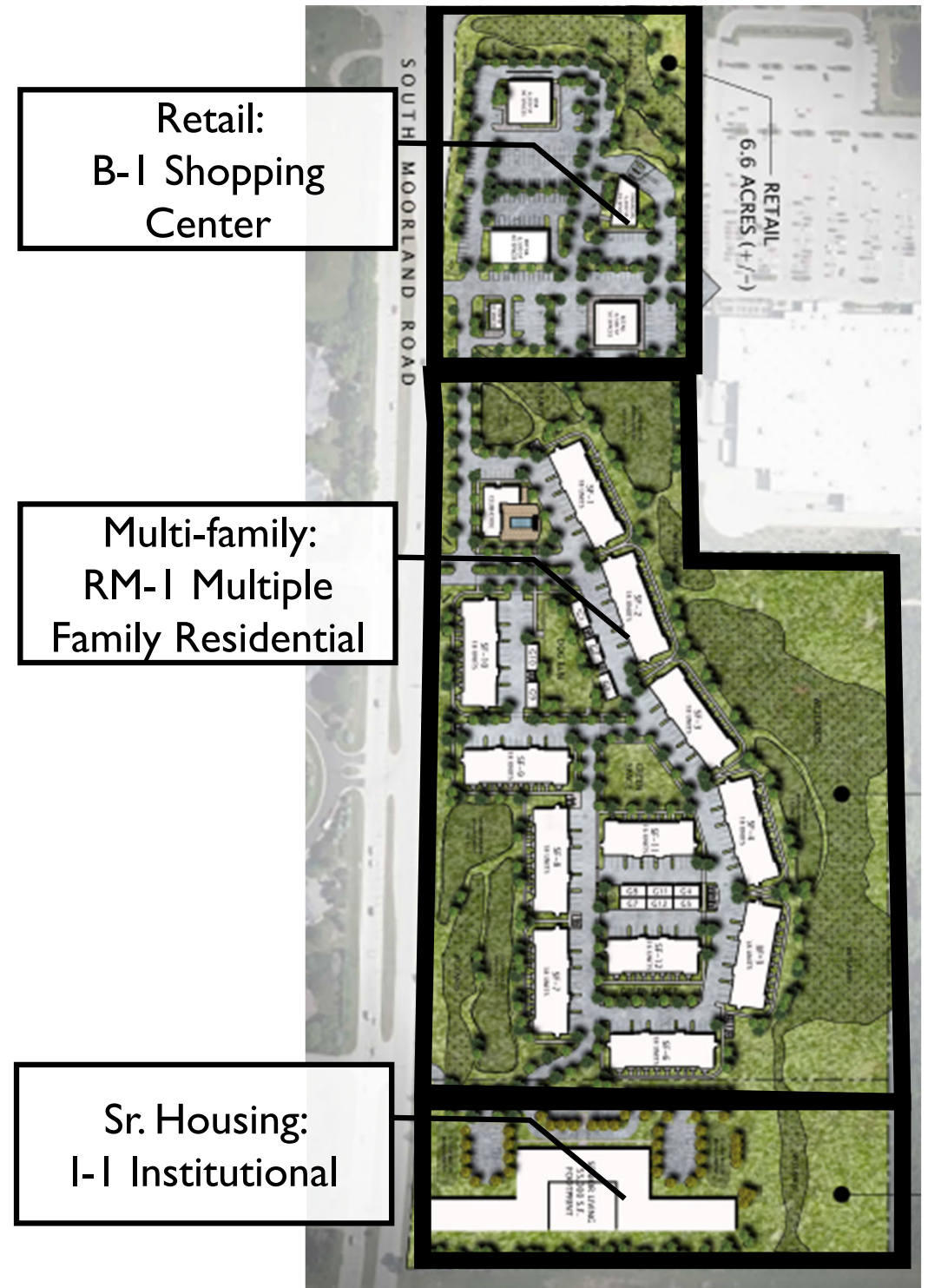
ZONING

Current Zoning

- The Entire parcel is currently zoned I-1 Institutional

Proposed Zoning

- Retail Parcel: (B1) Shopping Center / PUD
 - Approximately 6.5 acres
 - Commercial development with a range of uses that could include retail, service, restaurant, financial institution
- Multi-Family Parcel: (RM-1) Multiple Family Residential / PUD
 - Approximately 20.9 acres
 - Multi-family development with approximately 218 units
 - Wooded and wetland areas south of Walmart to be preserved
- Senior Living Parcel: (I-1) Institutional / PUD
 - Approximately 6.1 acres
 - Senior housing development with approximately 150 units including Independent Living, Assisted Living, and Memory Care



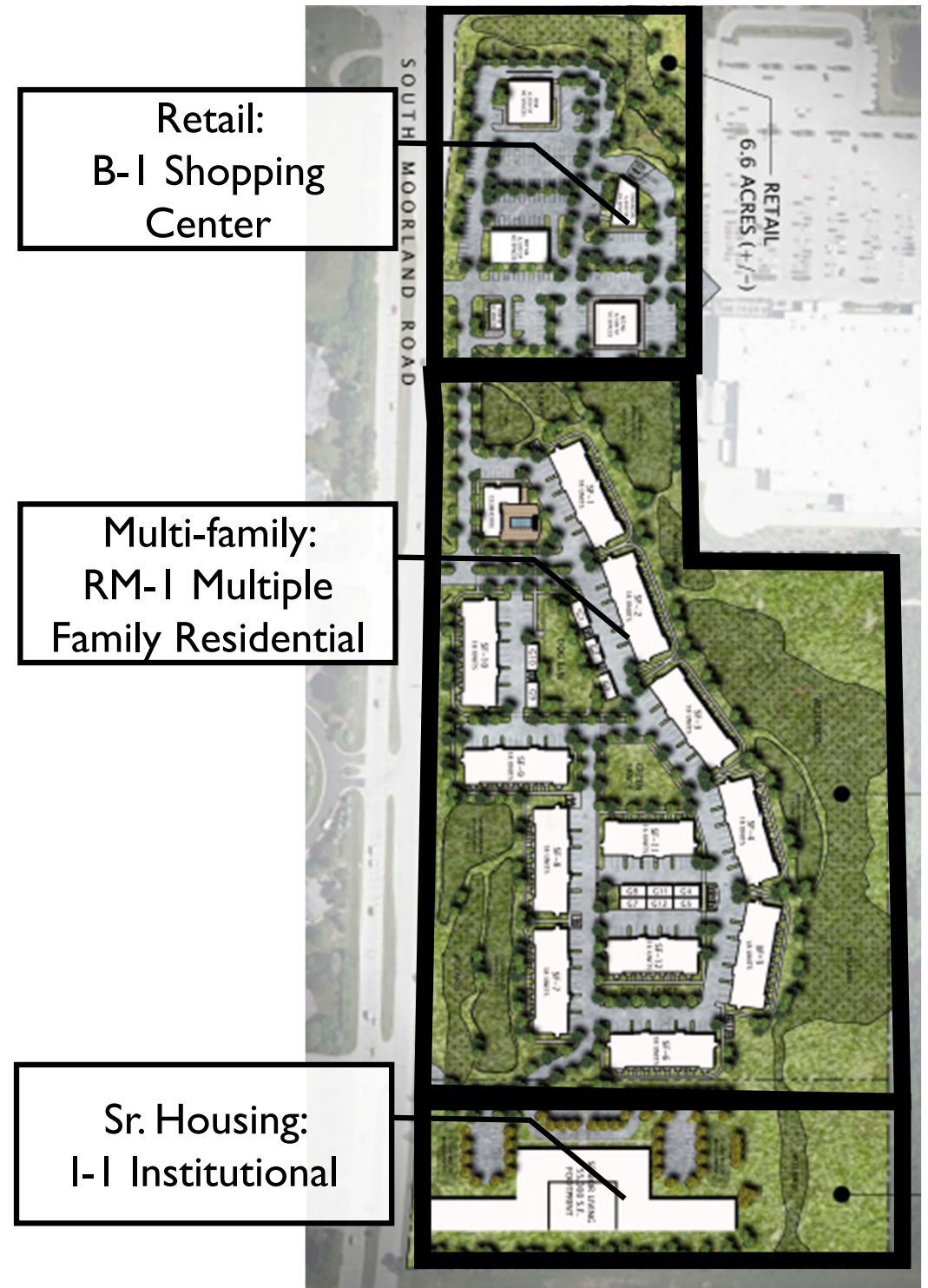
ZONING

Current Zoning

- The Entire parcel is currently zoned I-1 Institutional

Proposed Zoning

- Retail Parcel: (B1) Shopping Center / PUD
 - Approximately 6.5 acres
 - Commercial development with a range of uses that could include retail, service, restaurant, financial institution
- Multi-Family Parcel: (RM-1) Multiple Family Residential / PUD
 - Approximately 20.9 acres
 - Multi-family development with approximately 218 units
 - Wooded and wetland areas south of Walmart to be preserved
- Senior Living Parcel: (I-1) Institutional / PUD
 - Approximately 6.1 acres
 - Senior housing development with approximately 150 units including Independent Living, Assisted Living, and Memory Care



New Berlin / Moorland Road - Retail Parcel

CONCEPT DESIGN & ZONING INFORMATION



REGULATION	USES	DENSITY	MINIMUM LOT AREA	MINIMUM LOT WIDTH	SETBACKS					LOT COVERAGE			MINIMUM FLOOR AREA	BLDG. HEIGHT		BUILDING SEPARATION	PARKING	
					FRONT	SIDE	REAR	OHMW	WETLANDS	BLDG COVERAGE	IMPERVIOUS	LANDSCAPE		MIN.	MAX.		TOTAL	BIKE
B-1 Zoning District Shopping Center District	Variety of Commercial Uses Permitted, Conditional, Accessory		<u>Neighborhood Centers</u> 3 Acres 130,680 s.f. <u>Community Centers</u> 10 Acres 435,600 s.f. <u>Internal Lots</u> 40,000 s.f. 0.92 Acres	200 ft.	Moorland 40 ft. Minimum	25 ft. Minimum	25 ft. Minimum	50 ft. Minimum	All Impervious Surfaces 10 ft. Minimum	50% Maximum	75% Maximum	25% Minimum	Not Specified	None	35 ft. <u>Hotels</u> 35 ft.	Not Specified	Varies By Use	
Current Retail Design <u>Acres:</u> 6.6 <u>Aggregate Commercial Square Feet:</u> 25,000	To Be Determined Car Wash??		Parcel 287,496 s.f.	650' (+/-) (at Moorland)	85 ft. (Minimum)	40 ft. (Minimum)	60 ft. (Minimum)	Not Applicable	0 ft. Minimum (To Pavement) 30 ft. Minimum (To Buildings)	<u>Footprint</u> x (+/-) #VALUE! Building Coverage	<u>Impervious</u> x (+/-) #VALUE! Impervious Coverage	<u>Landscape</u> x (+/-) #VALUE! Landscape Coverage	To Be Determined			Not Applicable	To Be Determined	

New Berlin / Moorland Road - Multi-Family Parcel

CONCEPT DESIGN & ZONING INFORMATION



REGULATION	USES	DENSITY	MINIMUM LOT AREA	MINIMUM LOT WIDTH	SETBACKS					MAXIMUM LOT COVERAGE	MINIMUM FLOOR AREA	BLDG. HEIGHT		BUILDING SEPARATION	USABLE OPEN SPACE	UNIT SIZES				OFF-STREET PARKING			
					FRONT	SIDE	REAR	SHORE	WETLANDS			MIN.	MAX.			STUDIOS	1BR	2BR	3BR	ATTACHED	TOTAL	GUEST	BIKE
RM-1 Zoning District Multiple Family Residential District Web Link: RM-1 Zoning	Multi-Family = Permitted Accessory Garages = Accessory (?) Amenity Uses = Not specified Not closer than 120 feet to single family residential lands	Maximum of 7 units per zoned acre	Larger of: 6,500 s.f. per unit OR 20,000 s.f.	120 ft.	Moorland 25 ft. Minimum	15 ft. Minimum	50 ft. Minimum	50 ft. Minimum	All Impervious Surfaces 30 ft. Minimum	Not Specified	2000 s.f. per building	None	35 ft. To Midpoint	30 ft. Minimum	Not Specified	500 s.f. Minimum	650 s.f. Minimum	800 s.f. Minimum	1000 s.f. Minimum	1.0 Per Unit (Minimum) Part of Total	2.0 Per Unit (Minimum) Plus Guest	1 per 10 units (Minimum)	None
Current Multi-Family Design <u>Acres:</u> 21.4 <u>Units:</u> 212	Multi-Family Residential Accessory Garages Clubhouse: Amenity Space/Leasing	9.9 Units per acre	Parcel 932,184 s.f. 4,397 s.f. per unit	945' (+/-) and 1275' (+/-) (at street)	25 ft. (Minimum) (not signs)	15 ft. (Building) 12 ft. (Porch/Stoop)	50 ft. (Minimum)	Not Applicable	15 ft. Minimum (To Sidewalks) 30 ft. Minimum (To Buildings)		<u>Clubhouse</u> 4,000 s.f. <u>Stacked Flats</u> 10,000 s.f. 12,000 s.f.		35 ft. To Midpoint	15 ft. Minimum		TBD - Will comply with RM-1 Zoning				<u>Attached</u> 0.7 Per Unit (Minimum) <u>Detached</u> 0.3 Per Unit (Minimum)	1.7 Per Unit (Minimum)	1 per 10 units (Minimum)	

New Berlin / Moorland Road - Senior Parcel
CONCEPT DESIGN & ZONING INFORMATION



REGULATION	USES	DENSITY	MINIMUM LOT AREA	MINIMUM LOT WIDTH	SETBACKS				LOT COVERAGE			MINIMUM FLOOR AREA	BLDG. HEIGHT		BUILDING SEPARATION	UNIT SIZES				ATTACHED	OFF-STREET PARKING				
					FRONT	SIDE	REAR	OHHW	WETLANDS	BLDG COVERAGE	IMPERVIOUS	LANDSCAPE		MIN.	MAX.		STUDIOS	1BR	2BR	3BR		TOTAL	GUEST	BIKE	
P-1 Zoning District Institutional District	Community Living = Permitted Assisted Living = Permitted	Not Specified	40,000 s.f.	200 ft.	Moorland 50 ft. Minimum	50 ft. Minimum	50 ft. Minimum	50 ft. Minimum	All Impervious Surfaces 30 ft. Minimum	50% Maximum	70% Maximum	30% Minimum	Not Specified	None	45 ft. To Midpoint	Not Specified		Not Specified				Not Specified	Community Living 1.0 space per bed (Minimum) Senior Living 1.0 space per unit (Minimum) plus Guest	10% of Total (Minimum)	None
Current Senior Design Acres: 6.5 Units: 150	Independent Senior Living Community Based Residential Facility Assisted Living	Current (150 Units): 23.1 Units Per Acre Desired: 25.0 Units Per Acre	Parcel 283,140 s.f.	320' (+/-) (west)	25 ft. (Minimum) Match MF	5 feet (Minimum)	50 ft. Minimum	Not Applicable	30 ft. Minimum	Footprint 60,000 (+/-) 21.2% Building Coverage	Impervious 105,000 (+/-) 37.1% Impervious Coverage	Landscape 118,140 (+/-) 41.7% Landscape Coverage	To Be Determined		3 Stories 45' To Midpoint	Not Applicable		To Be Determined					Community Living 0.75 per unit Senior Living 0.75 per unit Employee Parking 1.0 per max employee count		

New Berlin - Moorland & Greenfield Parking Analysis					
Location	Units	Parking Stalls	Stalls / Unit	Occupied Parking Stalls	Occupied Stalls / Unit
Beaumont*	83	175	2.11	108	1.30
Belay	46	54	1.17	46	1.00
Corners of Brookfield	244	353	1.45	290	1.19
Crescent	102	132	1.29	118	1.16
Echelon	188	294	1.56	221	1.18
Library Hill	139	192	1.38	176	1.27
Prairie Walk	56	76	1.36	55	0.98
The West	177	277	1.56	234	1.32
Woodnote	150	246	1.64	N/A	N/A
Total/Average	1,185	1,799	1.52	1,248	1.05
<i>*Total stalls include public parking stalls, usage per unit is in-line with comp set</i>					



3055: 6-15-2023

EXHIBIT 6-1
CONCEPTUAL DRAWING
RECOMMENDED MODIFICATIONS
SCENARIO 2

NEW BERLIN, WISCONSIN

ORDINANCE NO. 2679

Deleted: XXXX

Mandel Neighborhood Development Plan & Highland Memorial Park Cemetery PUD / Planned Unit Development

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

SECTION I

WHEREAS, The City of New Berlin (City) has adopted a Comprehensive Plan under Wis. Statutes Sections 62.23 and 66.1001; and

WHEREAS, The City has adopted a Zoning Ordinance under Wis. Statutes 62.23 and does allow planned unit development overlays (PUD) per Section 275-39B(1) of the New Berlin Municipal Code; and

WHEREAS, Dan Romnek with Mandel Group, Highland Memorial Park Cemetery, along with the City of New Berlin have submitted an application for a Planned Unit Development Overlay District 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) in accordance with Sections 275-23 and 275-39(B)(1) of the New Berlin Municipal Code; and

WHEREAS, the procedure for the creation of a PUD Overlay District has been followed in compliance with Section 275-22 and 275-23 of the New Berlin Municipal Code; and

WHEREAS, a public hearing was held on July 10, 2023 before the Plan Commission, and;

WHEREAS, based upon the recommendation from the Plan Commission at a meeting held on August 14, 2023 to approve the Mandel Neighborhood Development Plan & Highland Memorial Park Cemetery / Planned Unit Development, and;

NOW, THEREFORE, BE IT HEREBY RESOLVED AND ADOPTED BY THE CITY OF NEW BERLIN, the Mandel Neighborhood Development Plan & Highland Memorial Park Cemetery / Planned Unit Development Ordinance is hereby adopted pursuant to Chapter 275-39(B)(1) of the New Berlin Municipal Code as follows:

SECTION IIPlanned Unit Development Summary

The purpose of the Planned Unit Development (PUD) is to create a zoning district that allows flexibility from the rigid development standards of underlying zoning districts. This PUD ordinance shall specify all elements of what is to be modified or added to the basic underlying district, and provisions of the underlying basic use district not specifically enumerated as changed, modified, or deleted shall remain in full effect.

Unless specified otherwise by this ordinance, any regulation not listed shall be regulated in accordance with the Zoning Ordinance dated May 3, 2023 and underlying zoning districts: Section 275-33B(10), Multi-Family Residential District, Section 275-34B(1), Shopping Center District, Section 275-36B(1), Institutional District and Section 275-37B(4) Shoreland Wetland Holding District.

The parcels of land that are the subject of this ordinance are located at approximately 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) in the City of New Berlin, which are legally described below. The property is approximately 44.58 acres in size.

EXISTING LEGAL DESCRIPTIONS:

Tax Key #: 1158-990

PT NW1/4 SEC 2 T6N R20E; COM NW CRNR OF SEC 2; S ALNG W LINE OF SEC 446.82 FT; N86°45'E 561.43 FT; N0°00'30"E 435.22 FT TO N LINE OF SEC 2 BNG CNTLRNE OF ROAD; S87°56'W ALNG N LINE OF SEC 561.00 FT TO BGN: EX DOC #673527 FOR ROAD: EX DOC #2564075 FOR ROAD: INCLUDING ACCESS EASEMENT RECORDED AS DOC #4654236 ON 3/3/2022

Tax Key #: 1158-991-001

PT NW1/4 SEC 2 T6N R20E; COM AT PNT ON W LINE SEC 2 BNG 446.82 FT S OF NW CRNR; S ALNG W LINE OF SEC 388.59 FT; N86°45'E 561.37 FT; N0°00'30"E 388.59 FT; S86°45'W 561.43 FT TO BGN: EX DOC #0673527 FOR ROAD: INCLUDING ACCESS EASEMENT RECORDED AS DOC #4654236 ON 3/1/2022

Tax Key #: 1158-993

PT NW1/4 SEC 2 T6N R20E; COM ON W LINE 835.41 FT S OF NW CRNR; S ALNG W LINE OF SEC 137.59 FT; N86°45'E 200.00 FT; S & PARALLEL TO W LINE OF SEC 390.00 FT; N86°45'E 361.29 FT; N00°00'30"E 527.59 FT; S86°45'W 561.37 FT TO BGN: EX DOC #0673527 FOR ROAD: INCLUDING ACCESS EASEMENT RECORDED AS DOC #4654236 ON 3/1/2022

Tax Key #: 1158-994

PT NW.25 SEC 2 T6N R20E COM ON W LI 973 FT S OF NW COR,TH S 300 FT,TH N 86 DGR 45' E 200 FT,TH N 300 FT,TH S 86 DGR 45' W 200 FT/BGN EXC VOL 1066/493

Tax Key #: 1158-989

PT NW.25 SEC 2 T6N R20E COM AT NW COR,TH S 1273 FT,TH N 86 DGR 45' E 146 FT,TH S 80 FT,TH S 86 DGR 45' W 146 FT,TH N 80 FT/BGN ALSO COM 1353 FT S OF NW COR,TH S 10 FT,TH N 86 DGR 45' E 200 FT,TH N 90 FT,TH S 86 DGR 45' W 54 FT,TH S 80 FT, TH S 64 DGR 45' W 146 FT/BGN V1047 P674

Tax Key #: 1158-991

PT NW.25 SEC 2 T6N R20E 12.419 AC BEING V608 OF DEEDS P430 EX HY DEED IN V1066 P493

Tax Key #: 1158-992

PT NW.25 SEC 2 T6N R20E 21.877 AC. VOL 777 P86

A Certified Survey Map (CSM) has been submitted and will be attached as an Appendix to this PUD once recorded. It is a 4-Lot Certified Survey Map that will lay out the three Zoning Districts in this PUD, B-1/PUD, Rm-1/PUD and I-1/PUD. It also outlines that Outlot 4 will remain I-1, Institutional with no PUD overlay.

SECTION III

Legal Description of Parcel to be rezoned to B-1/PUD:

LANDS TO BE REZONED FROM I-1 TO B-1/PUD (LOT 1 ON PROPOSED CSM Appendix G) & LANDS TO REMAIN FUTUTRE LAND USE OF SUBURBAN COMMERCIAL:

Part of the Northwest 1/4 of the Northwest 1/4 of Section 2, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows; commencing at the Southwest corner of said Northwest 1/4 of Section; thence North 01°19'12" East, 100.14 feet along the west line of said Northwest 1/4 Section; thence North 88°20'12" East, 120.16 feet to a point on the East line of South Moorland Road; thence North 01°19'12" East along said East line 1608.47 feet to the Point of Beginning of the lands described herein: continue thence North 01°19'12" East along said East line 272.92 feet to a point; thence North 88°04'12" East along said East line 10.02 feet to a point; thence North 01°19'12" East along said East line 321.44 feet to a point; thence North 31°03'54" East along said East line 60.47 feet to a point on the South line of West Greenfield Avenue; thence North 74°37'20" East along said South line 44.24 feet to a point; thence North 89°15'13" East along said South line 358.44 feet to a point

on the East line of Lot 1, Certified Survey Map No. 11117; thence South 01°19'04" West along said East line 657.18 feet to a point; thence South 89°15'13" West 440.88 feet to the point of beginning. Said lands described containing 284,363 square feet or 6.5281 acres.

B-1/PUD: Mandel Neighborhood Development Plan / Planned Unit Development District

The overall purpose of this PUD is to begin to establish a set parameters and requirements for the creation of a cohesive mixed-use neighborhood development that can serve as neighborhood center rather than a continuous, repetitive, bland, homogenous and isolated set of land uses by parking lots, drive aisles and very little to no connectivity. The PUD is being used to organize and connect several developments; fully interconnect streets, drive aisles, walk-ways, & bikeways within the development and to the surrounding neighborhoods; support retail shops & services; create active & secure pedestrian-friendly settings; and to make "parking" ultimately a shared resource available in support of "all" users within the PUD rather than just on a parcel-by-parcel basis. Appendix "A" dated March 10, 2023 Conceptual Master Plan reflects the City's desired neighborhood plan design principles. The plan is meant to be flexible and not rigid, and to provide guidance for future development over the years. The design is based on principals in The City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue.

The B-1/PUD: Mandel Neighborhood Development / Planned Unit Development District is intended to provide for commercial uses consistent with the B-1 Shopping Center District.

Unless specified otherwise by this section, all new development shall be in accordance with the B-1 Zoning District, per Section 275-34B(1) Shopping Center District.

1. Principal Uses (See also Chapters 275-34C, 275-41C and Table 275-34-1)

a. Carwash – This land use is considered a principal use within the basic underlying zoning district but pursuant to this PUD and the applicant's letter dated April 21, 2023 this land use will be considered prohibited on the hard corner of Moorland Road and Greenfield Avenue or as a building pad directly along Moorland Road.

- The following Zoning Code Section shall not apply to this request – 275-41 C(20)(c) "A property containing a car wash establishment shall not be located closer than 100' from the border of lands designated as residential in the City's Comprehensive Plan."
- 275-41C(2)(c). "A property containing a car wash establishment shall not be located closer than 100 feet from the border of a residentially zoned or residentially used property due to the intensity of the use of such facilities and the impact which they are likely to have with regard to noise, light pollution and traffic in surrounding neighborhoods and streets. The distance shall be calculated as the shortest measurable distance between the property lines of the property in which the car wash facility is desired to the edge of the residential zoning district, in a straight line without regard to intervening structures. Right-of-way is not included and shall be subtracted from this measurement. A GIS map will be created by the City for any such requests."

2. Accessory Uses (See also Chapters 275-34C, 275-42, and Table 275-34-1)

3. Conditional Uses (See also Chapters 275-34C, 275-27 and Table 275-34-1)

4. Prohibited Uses (See also Chapters 275-34C and Table 275-34-1)

a. Fast food restaurants.

- i. Focus at this property shall be on restaurants new to New Berlin and/or the region. Fast food restaurants shall be prohibited. Fast casual restaurants are suitable and would be allowable. By definition, pursuant to the American Planning Association's "A Glossary of Zoning, Development and Planning Terms," a fast food restaurant is considered to be "restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed."

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- ii. Not included as being prohibited would be a fast casual type restaurant. By definition, a fast casual restaurant, found primarily in the United States and Canada, does not offer full table service, but advertises higher quality food than fast food restaurants, with fewer frozen or processed ingredients. It is an intermediate concept between fast food and casual dining.

5. Lot Area and Width (See also Chapters 275-44, 275-45, and 275-46)

- a. Parcels of land subject to this PUD Ordinance may be configured in any manner by Subdivision, CSM or meets and bounds transfer subject to City review and approval under WI Statutes CH. 236 and New Berlin Municipal Code Chapter 275 and 235. (See, Appendix A, Conceptual Master Plan).
- b. In order to maintain maximum flexibility with the Conceptual Master plan, there shall be a zero lot line setback from property lines if developed as part of a unified project. To the maximum extent practicable the developers shall endeavor to push the buildings as close to Moorland Road to establish a well-defined street edge. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction. These setbacks assume adequate vision triangles, parking and circulation. The Plan Commission shall have the authority to require larger setbacks on a case-by-case basis in order to accommodate for safety and/or to further the redevelopment vision for this area.

6. Setback and yards (See also Chapter 275-34D and Table 275-34-2)

- a. Table 275-34-2 shall apply unless modified below.
 - i. All buildings along major arterials (Moorland Road and Greenfield Avenue), shall have, where practicable, a zero lot line setback from the roadway's ultimate right-of-way. The Plan Commission may approve a greater setback due to site constraints and/or any other site development related circumstances.
 - ii. No building shall be closer than 25' to another building except as provided for below.
 - iii. In all cases building locations and setbacks must provide adequate spacing so land, buildings, and structures are readily accessible to emergency vehicles and the handicapped. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction.
 - iv. Respecting the creative design process, the Plan Commission reserves the right to require greater setbacks owing to health, safety and welfare concerns to ensure, the proposed onsite buildings, structures, and entry ways are situated and designed to minimized adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm water drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws.
 - v. Wetland Setback. All impervious surfaces shall be setback a minimum of zero (0) feet.

7. Lot Coverage (See also Chapter 275-34D and Table 275-34-3)

- a. Table 275-34-3 shall not apply, however, through redevelopment efforts, the City and this applicant would not be able to achieve this amount of open space on the newly created parcels, given the urban setting and the existing cross access easements for shared parking and utilities. The applicant and the City will work together to achieve additional green space around the building / future building(s) with planters and other urban design measures, and adding additional plantings. Future development shall coordinate with the City on any storm water management requirements.

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8. Time Limits (See also Chapter 275-23(F))
- If the development has not commenced, as evidenced by the securing of the initial Zoning Permits for Mandel Neighborhood Development and Highland Memorial Park Cemetery PUD and building permits for construction of any project defined in this PUD, and construction has not started within one calendar year from the approval of this ordinance, the Mandel Neighborhood Development and Highland Memorial Park Cemetery Planned Unit Development Overlay District ordinance shall expire and become null and void. The underlying basic use district shall remain in force.
 - If the developer requires an extension of the time limits, any extension shall be requested by the developer in writing explaining the hardship and sent via Certified Mail to the Department of Community Development not less than 60 days prior to the expiration of this PUD. The Common Council may allow multiple extensions in the sole exercise of its discretion.
9. Use and Site Plan Review (See also Chapters 275-24 and 275-53)
- No principal or accessory use, development or structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied, no site or premise shall be altered, used, changed, modified, occupied, or building permit approved until after the owner has applied for and received approval of the application for the zoning permit/use approval. An approved PUD Ordinance shall not be construed as a Zoning Permit or any other approval until the Plan Commission has granted an approval and staff has determined that all conditions of that approval have been satisfied.
10. Parking & Circulation (See also Chapter 275-57)
- Parking lots may be located at the property line as long as circulation, vision triangles, and/or drainage are taken into consideration.
 - There is shared parking amongst the parcels within the B-1/PUD.
 - Any additional buildings and/or loss of parking for greenspace(s) will require ~~thorough review~~ by DCD to determine whether or not the loss of parking will have a detrimental impact on the uses on site.
 - Bicycle parking. All parking lot areas containing 50 spaces or more shall provide bicycle parking facilities (bike racks) that accommodate a minimum of 10 bikes.
11. Architecture (See also Chapter 275-59)
- No principal or accessory use, development, structure or sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied and no site or premise shall be altered, used, changed, modified, building permit approved, or occupied until after the owner has applied for and the Architectural Review Committee of the Plan Commission has reviewed and approved the architecture for the zoning permit/use approval.
 - Architecture shall be 5-sided and each building shall have a distinct architectural feature. All rooftop mechanicals shall be screened from all public right-of-ways and shall be subject to architecture review. Applicant shall review images in Appendix B. Several key development policies are laid out in Appendix B including the following that apply to this intersection:
 - Create development standards for site layout, building character, and landscaping that are suitable for new development along the corridor.*

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- Recognize the Greenfield Avenue and Moorland Road primary intersection as a major gateway into the city from the north. Encourage signature well-designed buildings that are compatible with surrounding areas including recent development across the street in the City of Brookfield.
- Site development should include prominent signage, increased landscaping, sustainable strategies for stormwater management, and methods to minimize the parking field, such as structured parking.
- Encourage land combinations that accommodate future development options.
- Recognize the Greenfield Avenue/Moorland Road intersection as a major gateway into the city from the north. Encourage signature, well designed buildings that are compatible with surrounding areas including recent development across the street in the City of Brookfield. Buildings should incorporate architecture features such as towers, unique features, clocks, and elevated architectural details.
- Unique to the intersection located at the southeast corner of Moorland Road and Greenfield Avenue, the City has established parameters for the planning of this area in order to ensure that it develops uniformly. This section lays out specific policies to help ensure the cohesive development. This area is intended for retail, commercial and office uses located on the corner (tax key #: 1158-990) then transitioning to the south to allow for some additional commercial or retail (tax key #: 1158-991-001 & 1158-993). The far southern parcel (tax key #: 1158-991) could be developed as low-density multi-family residential as defined above in this section or senior living. Parcel lines are not intended to be rigid; however, the City intends to establish the transition of uses to better describe the intended use of this land

Sample images of desired development –





Figure 11.17. Second Highest-Rated Image for Commercial



Figure 11.20. Second Highest-Rated Image for Parking.



Figure 11.23. Second Highest-Rated Image for Commercial Signage.

Fig. 11.9 Sample development pictures.



12. Signage (See also Chapter 275-61J(3))

- a. Per Zoning Code Section 275-61J(3) Special Commercial Areas – Moorland Road Business Corridor. This area is identified within the Moorland Road Business Corridor North See also figure VIII-11.
 - i. Off premise signage along Moorland Road may be permitted under this PUD to provide additional signage for a cohesive development. This statement modifies Zoning Code Section 275-61J(3)(c)[3].
 - ii. Zoning Code Section 275-61J(3)(c)[5] is modified to allow for an overall sign height of 15 ft. due to the site constraints along Moorland Road, which include, a deep parcels with buildings located behind other buildings, retaining walls/fences, heavy landscaping, sidepaths, and large county right-of-way.

- iii. Additional City wayfinding signage is allowed.
- iv. See the appendix section of a sample monument sign.
- v. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue, Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.
 - 1. This retail corner development shall incorporate "Welcome to the City of New Berlin" signage as part of a separate agreement with the City to sell a parcel of land at Tax Key #: 1158-989 in exchange for the applicant to design, building, coordinate and pay for installation of a City sign. Mandel shall coordinate with the City of New Berlin on the exact size and location for this particular sign. Square feet and overall height are flexible for this sign design and will be determined by the City at the time of design process. Said agreement shall be approved by the City prior to the approval of this Ordinance.

13. Landscaping (See also Chapter 275-54 and Chapter 275-56).

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- a. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue, Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.
 - i. Each development application within this area will be required to provide an enhanced landscaping plan. Refer to images in Chapter 11.
- b. Financial security (See also Chapter 275-56C(2))
 - i. At the time of final execution of a certified survey map, subdivision plat or landscape plan with the city, the owner is required to make a fiscal arrangement, either by escrowed funds, certificate of deposit or letter of credit, with the City to ensure that the owner is in full compliance with the landscape installation and maintenance requirements.
 - ii. A maintenance portion of the surety is required to ensure that the landscape installation is maintained during its critical establishment (five-year) period following installation. The amount of the maintenance portion of the surety shall be 20% of the original surety. Currently the code calls for, "three-year for maintenance."

14. Site Amenities

- a. Each development shall incorporate public outdoor amenity space(s) and amenities, including but not limited to gathering / seating spaces, benches, picnic tables, bike racks, garbage cans, etc. Public art should also be considered.

15. Integration

The City of New Berlin is an applicant to this PUD as a current owner of a portion of the lands within this PUD. Mandel has agreed to extend an Offer to Purchase to the City to obtain the city-owned land. In return Mandel will cause to agree, via a separate agreement between the City and Mandel, to design and construct a City entryway sign at the corner of Moorland Road and Greenfield Avenue. Nothing within this ordinance shall be deemed to alter the agreements between Mandel and the City in this regard.

SECTION IV

Legal Description of parcels to be rezoned to Rm-1/PUD:

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LANDS TO BE REZONED FROM I-1 TO Rm-1/PUD (LOT 2 ON PROPOSED CSM Appendix G) & LANDS TO BE AMENDED TO FUTUTRE LAND USE OF MIXED USE RESIDENTIAL:

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows; Commencing at the Southwest corner of the Northwest 1/4 of Section; thence North 01°19'12" East, 100.14 feet along the West line of said Northwest 1/4 Section; thence North 88°20'12" East, 120.16 feet to a point on the East line of South Moorland Road; thence North 01°19'12" East along said East line 325.44 feet to the Point of Beginning of the lands described

herein: continue thence North 01°19'12" East along said East line 1283.03 feet to a point; thence North 89°15'13" East 440.88 feet to a point along the West line of lot 1, Certified Survey Map No. 11117; thence South 01°19'04" West along said West line 328.56 feet to a point along the South line of Lot 1, Certified Survey Map No. 11117; thence North 89°16'15" East along aforesaid South line 374.93 feet to a point; thence South 01°04'42" West, 941.08 feet to a point; thence South 88°20'12" West 820.37 feet to the Point of Beginning. Said lands described containing 91,944 square feet or 21.1075 acres.

Rm-1/PUD: Mandel Neighborhood Development Plan / Planned Unit Development District

The overall purpose of this PUD is to begin to establish a set parameters and requirements for the creation of a cohesive mixed-use neighborhood development that can serve as neighborhood center rather than a continuous, repetitive, bland, homogenous and isolated set of land uses by parking lots, drive aisles and very little to no connectivity. The PUD is being used to organize connect several developments; fully interconnect streets, drive aisles, walk-ways, & bikeways within the development and to the surrounding neighborhoods; support retail shops & services; create active & secure pedestrian-friendly settings; and to make "parking" ultimately a shared resource available in support of "all" users within the PUD rather than just on a parcel-by-parcel basis. Appendix "A" dated March 10, 2023 represents a conceptual master plan that reflects the City's desired neighborhood plan design principles. The plan is meant to be flexible and not ridged, and to provide guidance for future development over the years. The design is based on principals in The City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue.

The Rm-1/PUD: Mandel Neighborhood Development / Planned Unit Development District is intended to provide for additional density than what is allowed in the Rm-1 Multiple-Family Residential District. The District will allow up to 212 units (9.9 units per acre).

Unless specified otherwise by this section, all new development shall be in accordance with the Rm-1 Zoning District, per Section 275-33B(10), Multiple-Family District.

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1. Principal Uses (See also Chapters 275-33B(10), 275-41B and Table 275-33-1)

2. Accessory Uses (See also Chapters 275-33C, 275-42, and Table 275-33-1)

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- a. Club house, pools, dog walking area and other typical uses that will serve the residents of the development.

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3. Conditional Uses (See also Chapters 275-33C, 275-27 and Table 275-33-1)

4. Lot Area and Width (See also Chapters 275-44, 275-45, and 275-46)

- a. Parcels of land subject to this PUD Ordinance may be configured in any manner by Subdivision, CSM or meets and bounds transfer subject to City review and approval under WI Statutes CH. 236 and New Berlin Municipal Code Chapter 275 and 235. (See Appendix A, Conceptual Master Plan).
- b. In order to maintain maximum flexibility with the redevelopment plans, there shall be a zero lot line setback from property lines if developed as part of a unified project. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction. These setbacks assume adequate vision triangles, parking and circulation. The Plan Commission shall have the authority to require larger setbacks on a case-by-case basis in order to accommodate for safety and/or to further the redevelopment vision for this area.

5. Setback and yards (See also Chapter 275-33D and Table 275-33-2)

- a. Table 275-33-2 shall apply unless modified below.

- i. All buildings along major arterials (Moorland Road and Greenfield Avenue), shall have, where practicable, a zero lot line setback from the roadway's ultimate right-of-way. The Plan Commission may approve a greater setback due to site constraints and/or any other site development related circumstances.

- ii. Section 275-44E(1) and (2) shall not apply for purposes of building separation. Respecting the creative design process regarding building separation, the Plan Commission reserves the right to require greater setbacks owing to health, safety and welfare concerns to ensure, the proposed onsite buildings, structures, and entry ways are situated and designed to minimized adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm water drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws.
- iii. In all cases building locations and setbacks must provide adequate spacing so land, buildings, and structures are readily accessible to emergency vehicles and the handicapped. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction.
- iv. Respecting the creative design process, the Plan Commission reserves the right to require greater setbacks owing to health, safety and welfare concerns to ensure, the proposed onsite buildings, structures, and entry ways are situated and designed to minimized adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm water drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws.
- v. Wetland Setback. All impervious surfaces shall be setback a minimum of 15 feet to sidewalks and 30 feet to buildings. Current code reads, "All impervious surfaces shall be setback a minimum of 30 feet." Applicant shall be required to meet all DNR runoff regulations and treat runoff before it enters the wetlands.

6. Coverage (See also Chapter 275-33D and Table 275-33-6)

- a. ~~Table 275-33-6 shall not apply, however, through redevelopment efforts, the City and this applicant would not be able to achieve this amount of open space on the newly created parcels, given the urban setting and the existing cross access easements for shared parking and utilities. The applicant and the City will work together to achieve additional green space around the building / future building(s) with planters and other urban design measures, and adding additional plantings. Future development shall coordinate with the City on any storm water management requirements.~~

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7. Time Limits (See also Chapter 275-23(F))

- a. If the development has not commenced, as evidenced by the securing of the initial Zoning Permits for Mandel Neighborhood Development and Highland Memorial Park Cemetery PUD and building permits for construction of any project defined in this PUD, and construction has not started within one calendar year from the approval of this ordinance, the Mandel Neighborhood Development and Highland Memorial Park Cemetery Planned Unit Development Overlay District ordinance shall expire and become null and void. The underlying basic use district shall remain in force.
- b. If the developer requires an extension of the time limits, any extension shall be requested by the developer in writing explaining the hardship and sent via Certified Mail to the Department of Community Development not less than 60 days prior to the expiration of this PUD. The Common Council may allow multiple extensions in the sole exercise of its discretion.

8. Use and Site Plan Review (See also Chapters 275-24 and 275-53)

- a. No principal or accessory use, development or structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied, no site or premise shall be altered, used, changed, modified, occupied, or building permit approved until after the owner has applied for and received approval of the application for the zoning permit/use approval. An approved PUD Ordinance shall not be construed as a Zoning

Permit or any other approval until the Plan Commission has granted an approval and staff has determined that all conditions of that approval have been satisfied.

9. Parking & Circulation (See also Chapter 275-57)
 - a. Parking lots may be located at the property line as long as circulation, vision triangles, and/or drainage are taken into consideration.
 - b. 1.7 spaces per dwelling. A minimum of 0.7 space per dwelling unit shall be provided in attached garage. A minimum of 0.3 space per dwelling unit shall be provided in detached garage. One space per 10 units for guest parking. Currently the code reads, "2 spaces per dwelling unit plus 1/10 of a space per dwelling unit shall be provided for guest parking a minimum of 1 space per dwelling unit shall be provided in an attached or underground garage."
10. Architecture (See also Chapter 275-59)
 - a. No principal or accessory use, development, structure or sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied and no site or premise shall be altered, used, changed, modified, building permit approved, or occupied until after the owner has applied for and the Architectural Review Committee of the Plan Commission has reviewed and approved the architecture for the zoning permit/use approval.
 - b. Additional requirements for this zoning district listed in Chapter 275-59D(3)(d).
 - c. Specific designs will be based on conceptual images shared during the Conceptual Development Review Phase (See Application File #: UA-2300419 as presented at the April 13, 2023 Plan Commission meeting) and concepts included in this PUD. See Appendix D, Multiple-Family Residential Concepts.
11. Signage (See also Chapter 275-61J(3))
 - a. Per Zoning Code Section 275-61J(3) Special Commercial Areas –Moorland Road Business Corridor. This area is identified within the Moorland Road Business Corridor North See also figure VIII-11.
 - i. Off premise signage along Moorland Road may be permitted under this PUD to provide additional signage for a cohesive development. This statement modifies Zoning Code Section 275-61J(3)(c)[3].
 - ii. Zoning Code Section 275-61J(3)(c)[5] is modified to allow for an overall sign height of 15 ft. due to the site constraints along Moorland Road, which include, a deep parcels with buildings located behind other buildings, retaining walls/fences, heavy landscaping, sidepaths, and large county right-of-way. Additional City wayfinding signage is allowed.
 - iii. See the appendix section of a sample monument sign.
 - iv. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue, Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.
 1. This retail corner development shall incorporate "Welcome to City of New Berlin" signage as part of a separate agreement with the City to sell a parcel of land at Tax Key #: in exchange for the applicant to design, building, coordinate and pay for installation of a City sign. Mandel shall coordinate with the City of New Berlin on the exact size and location for this particular sign.
12. Landscaping (See also Chapter 275-54 and Chapter 275-56).
 - a. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue,

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Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.

- i. Each development application within this area will be required to provide an enhanced landscaping plan. Refer to images in Chapter 11.
- b. Financial security (See also Chapter 275-56C(2))
 - i. At the time of final execution of a certified survey map, subdivision plat or landscape plan with the city, the owner is required to make a fiscal arrangement, either by escrowed funds, certificate of deposit or letter of credit, with the City to ensure that the owner is in full compliance with the landscape installation and maintenance requirements.
 - ii. A maintenance portion of the surety is required to ensure that the landscape installation is maintained during its critical establishment (five-year) period following installation. The amount of the maintenance portion of the surety shall be 20% of the original surety. Currently the code calls for, "three-year for maintenance."

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Section V

Legal Description of parcels to be rezoned to I-1/PUD:

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LANDS TO BE REZONED FROM I-1 TO I-1/PUD (LOT 3 ON PROPOSED CSM Appendix G) & LANDS TO BE AMENDED TO FUTURE LAND USE OF INSTITUTIONAL:

Part of the Southwest 1/4 of the Northwest 1/4 of Section 2, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows; Commencing at the Southwest corner of the Northwest 1/4 Section; thence North 01°19'12" East, 100.14 feet along the West line of said Northwest 1/4 Section; thence North 88°20'12" East, 120.16 feet to the Point of Beginning of the lands described herein; thence North 01°19'12" East along the East line of South Moorland Road, 325.44 feet to a point; thence North 88°20'12" East, 820.37 feet to a point; thence South 01°04'42" West, 325.37 feet to a point 100.00 feet North of the South line of said 1/4 Section; thence South 88°20'12" West parallel with said South line 821.74 feet to the Point of Beginning. Said lands described containing 266,842 square feet or 6.1258 acres.

I-1/PUD: Mandel Neighborhood Development Plan / Planned Unit Development District

The overall purpose of this PUD is to begin to establish a set parameters and requirements for the creation of a cohesive mixed-use neighborhood development that can serve as neighborhood center rather than a continuous, repetitive, bland, homogenous and isolated set of land uses by parking lots, drive aisles and very little to no connectivity. The PUD is being used to organize connect several developments; fully interconnect streets, drive aisles, walk-ways, & bikeways within the development and to the surrounding neighborhoods; support retail shops & services; create active & secure pedestrian-friendly settings; and to make "parking" ultimately a shared resource available in support of "all" users within the PUD rather than just on a parcel-by-parcel basis. Appendix "A" dated March 10, 2023 represents a conceptual master plan that reflects the City's desired neighborhood plan design principles. The plan is meant to be flexible and not ridged, and to provide guidance for future development over the years. The design is based on principals in The City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue.

The I-1/PUD: Mandel Neighborhood Development / Planned Unit Development District is intended to provide for additional density than what is allowed in the I-1 Institutional District. The District will allowed up to 150 units.

Unless specified otherwise by this section, all new development shall be in accordance with the B-1 Zoning District, per Section 275-34B(1) Shopping Center District.

1. Principal Uses (See also Chapters 275-36B(1), 275-41B and Table 275-36-1)
2. Accessory Uses (See also Chapters 275-36B, 275-42, and Table 275-36-1)
3. Conditional Uses (See also Chapters 275-34C, 275-27 and Table 275-36-1)

4. Lot Area and Width (See also Chapters 275-44, 275-45, and 275-46)
 - a. Parcels of land subject to this PUD Ordinance may be configured in any manner by Subdivision, CSM or meets and bounds transfer subject to City review and approval under WI Statutes CH. 236 and New Berlin Municipal Code Chapter 275 and 235. (See Appendix A, Conceptual Master Plan).
 - b. In order to maintain maximum flexibility with the redevelopment plans, there shall be a zero lot line setback from property lines if developed as part of a unified project. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction. These setbacks assume adequate vision triangles, parking and circulation. The Plan Commission shall have the authority to require larger setbacks on a case-by-case basis in order to accommodate for safety and/or to further the redevelopment vision for this area.
5. Setback and yards (See also Chapter 275-36D and Table 275-36-2)
 - a. Table 275-36-2 shall not apply.
 - i. All buildings along major arterials (Moorland Road and Greenfield Avenue), shall have, where practicable, a zero lot line setback from the roadway's ultimate right-of-way. The Plan Commission may approve a greater setback due to site constraints and/or any other site development related circumstances.
 - ii. The setback from the south property line (rear) shall not be closer than 12', the setback from the east property line (side) shall be 50' and the setback from the north property line (front) shall be 25'.
 - iii. In all cases building locations and setbacks must provide adequate spacing so land, buildings, and structures are readily accessible to emergency vehicles and the handicapped. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction.
 - iv. Respecting the creative design process, the Plan Commission reserves the right to require greater setbacks owing to health, safety and welfare concerns to ensure, the proposed onsite buildings, structures, and entry ways are situated and designed to minimized adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm water drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws.
 - v. Wetland Setback. All impervious surfaces shall be setback a minim of 15 feet to sidewalks and 30 feet to buildings.
6. Lot Coverage (See also Chapter 275-36D and Table 275-36-3)
 - a. Table 275-36-3 shall not apply, however, through redevelopment efforts, the City and this applicant would not be able to achieve this amount of open space on the newly created parcels, given the urban setting and the existing cross access easements for shared parking and utilities. The applicant and the City will work together to achieve additional green space around the building / future building(s) with planters and other urban design measures, and adding additional plantings. Future development shall coordinate with the City on any storm water management requirements.
7. Time Limits (See also Chapter 275-23(F))
 - a. If the development has not commenced, as evidenced by the securing of the initial Zoning Permits for Mandel Neighborhood Development and Highland Memorial Park Cemetery PUD and building permits for construction of any project defined in this PUD, and construction has not started within one calendar year from the approval of this ordinance, the Mandel Neighborhood Development and Highland Memorial Park Cemetery Planned Unit

Development Overlay District ordinance shall expire and become null and void. The underlying basic use district shall remain in force.

- b. If the developer requires an extension of the time limits, any extension shall be requested by the developer in writing explaining the hardship and sent via Certified Mail to the Department of Community Development not less than 60 days prior to the expiration of this PUD. The Common Council may allow multiple extensions in the sole exercise of its discretion.

8. Use and Site Plan Review (See also Chapters 275-24 and 275-53)

- a. No principal or accessory use, development or structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied, no site or premise shall be altered, used, changed, modified, occupied, or building permit approved until after the owner has applied for and received approval of the application for the zoning permit/use approval. An approved PUD Ordinance shall not be construed as a Zoning Permit or any other approval until the Plan Commission has granted an approval and staff has determined that all conditions of that approval have been satisfied.

9. Parking & Circulation (See also Chapter 275-57)

- a. Parking lots may be located at the property line as long as circulation, vision triangles, and/or drainage are taken into consideration.
- b. Community and Senior Living, 0.75 spaces per dwelling unit. One space per maximum employee count. Currently the code reads, *"One spaces per dwelling unit plus. The Plan Commission may reduce the parking requirement when assisted care is provided. The Plan Commission may require an additional 10% of the parking requirement for guest parking."*

10. Architecture (See also Chapter 275-59)

- a. No principal or accessory use, development, structure or sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied and no site or premise shall be altered, used, changed, modified, building permit approved, or occupied until after the owner has applied for and the Architectural Review Committee of the Plan Commission has reviewed and approved the architecture for the zoning permit/use approval.
- b. Additional requirements for this zoning district listed in Chapter 275-59D(3)(d).
- c. Specific designs will be based on conceptual images shared during the Conceptual Development Review Phase (See Application File #: UA-2300419 as presented at the April 13, 2023 Plan Commission meeting) and concepts included in this PUD. See Appendix E , Senior Living Residential Concepts

11. Signage (See also Chapter 275-61J(3))

- a. Per Zoning Code Section 275-61J(3) Special Commercial Areas – Moorland Road Business Corridor. This area is identified within the Moorland Road Business Corridor North See also figure VIII-11.
 - i. Off premise signage along Moorland Road may be permitted under this PUD to provide additional signage for a cohesive development. This statement modifies Zoning Code Section 275-61J(3)(c)[3].
 - ii. Zoning Code Section 275-61J(3)(c)[5] is modified to allow for an overall sign height of 15 ft. due to the site constraints along Moorland Road, which include, a deep parcels with buildings located behind other buildings, retaining walls/fences, heavy landscaping, sidepaths, and large county right-of-way.

- iii. Additional City wayfinding signage is allowed.
- iv. See the appendix section of a sample monument sign.
- v. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue, Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.
 - 1. This retail corner development shall incorporate "Welcome to City of New Berlin" signage as part of a separate agreement with the City to sell a parcel of land at Tax Key #: in exchange for the applicant to design, building, coordinate and pay for installation of a City sign. Mandel shall coordinate with the City of New Berlin on the exact size and location for this particular sign.

12. Landscaping (See also Chapter 275-54 and Chapter 275-56).

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- a. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue, Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.
 - i. Each development application within this area will be required to provide an enhanced landscaping plan. Refer to images in Chapter 11.
- b. Financial security (See also Chapter 275-56C(2))
 - i. At the time of final execution of a certified survey map, subdivision plat or landscape plan with the city, the owner is required to make a fiscal arrangement, either by escrowed funds, certificate of deposit or letter of credit, with the City to ensure that the owner is in full compliance with the landscape installation and maintenance requirements.
 - ii. A maintenance portion of the surety is required to ensure that the landscape installation is maintained during its critical establishment (five-year) period following installation. The amount of the maintenance portion of the surety shall be 20% of the original surety. Currently the code calls for, "three-year for maintenance."

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Section VI

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LANDS TO BE REMAIN ZONED I-1 (OUTLOT 1 ON PROPOSED CSM Appendix G) LANDS TO REMAIN FUTURE LAND USE OF INSTITUTIONAL:

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows; Commencing at the Southwest corner of the Northwest 1/4 of Section 2; thence North 01°19'12" East, 100.14 feet along the West line of said Northwest 1/4; thence North 88°20'12" East, 941.90 feet to the Point of Beginning of the lands described herein; thence North 01°04'42" East, 1266.45 feet to a point on the South line of Lot 1, Certified Survey Map No. 11117; thence North 89°16'07" East along said South line of Lot 1 aforesaid 370.57 feet to a point; thence South 00°50'07" West, 1260.16 feet to a point 100 feet North of the South line of said 1/4 Section; thence South 88°20'12" West parallel to said South line 376.16 feet to the Point of Beginning. Said lands described containing 471,320 square feet or 10.82 acres.

Section VII

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AREAS ZONED C-2, SHORELAND WETLAND HOLDING DISTRICT ON THE CITY'S ZONING MAP WILL REMAIN UNCHANGED. NEW WETLANDS WILL BE REGISTERED ON THE CITY'S ZONING MAP.

Section VIII

WHEREFORE, The Mandel Neighborhood Development Plan **and Highland Memorial Park Cemetery** Planned Unit Development Overlay District Ordinance having been approved as a Planned Unit Development on **APPROVAL DATE HERE**, pursuant to Chapter 275-23 of the New Berlin Zoning Code, the Common Council hereby adopts this Ordinance and approves the rezoning of land described in Section III to B-1/PUD, Section IV to

Deleted: B-1/PUD

Rm-1/PUD, Section V to I-1/PUD & to be named the Mandel Neighborhood Development Plan and Highland Memorial Park Cemetery Planned Unit Development Overlay District and Section VI to I-1/PUD (Highland Memorial Park Cemetery PUD), pursuant to the conditions set forth herein.

The Mayor and City Clerk are authorized to execute this Ordinance No. 2679 on behalf of the City of New Berlin.

Deleted: XXXX

This ordinance shall take effect upon the passage and publication as required by law, and upon the final approval of the Development Plans as recommended by the Plan Commission, and the City Clerk shall so amend the Code of Ordinances and zoning map of the City of New Berlin, and shall indicate the date and number of this amending ordinance therein.

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

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

PASSED AND ADOPTED by the Common Council this **APPROVAL DATE HERE**.

APPROVED:

David A. Ament, Mayor

Countersigned:

Rubina Medina, City Clerk

APPENDIX A
Conceptual Master Plan
"CONCEPTUAL ONLY"



MOORLAND & GREENFIELD MIXED-USE DEVELOPMENT
CONCEPTUAL MASTERPLAN

MARCH 10, 2023
1"=140' @ 11x17"



APPENDIX B

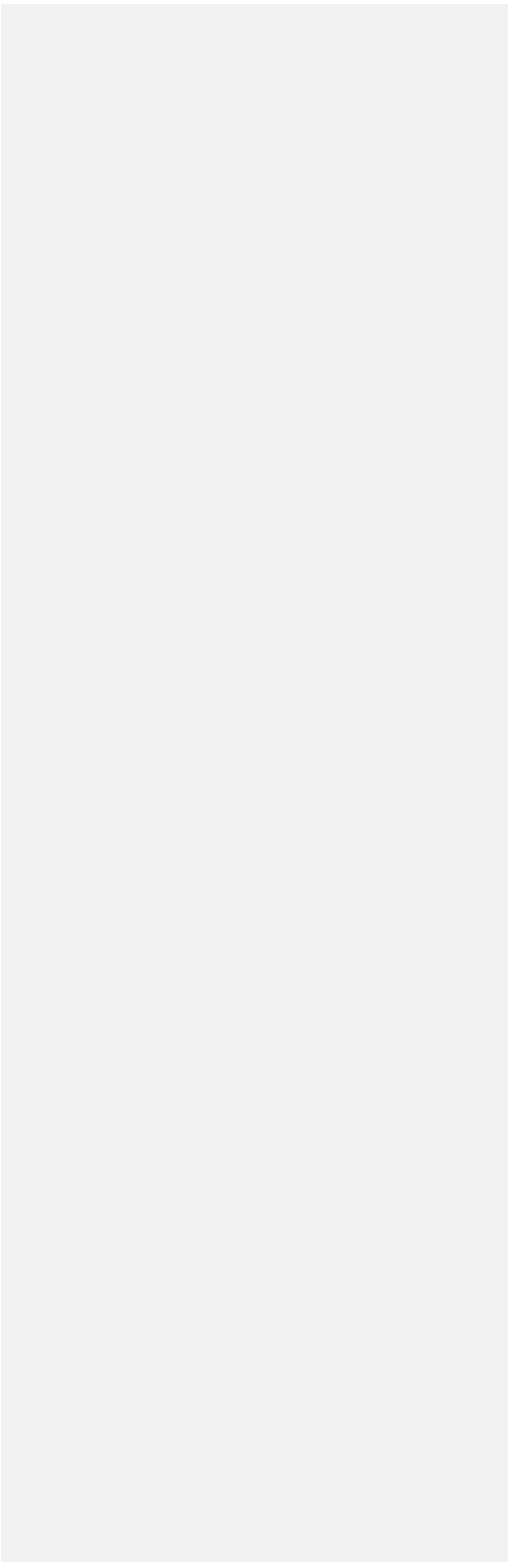
The City's Comprehensive Plan Chapter 11 Neighborhood "A" Greenfield Avenue.

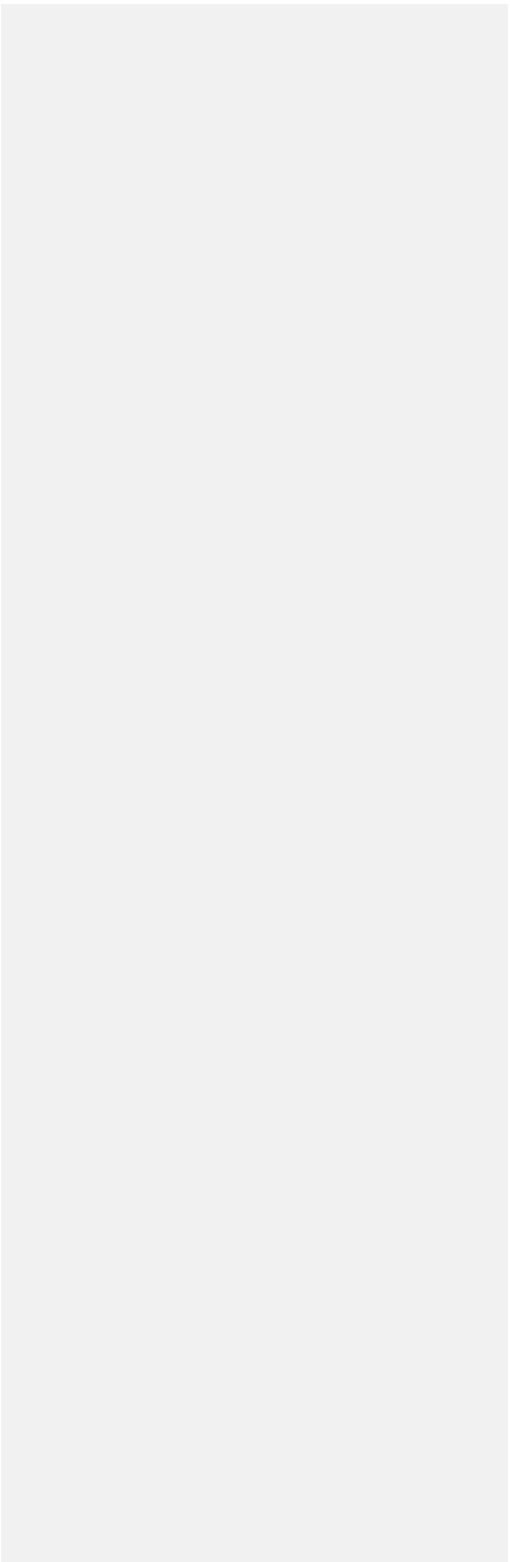
"CONCEPTUAL ONLY"

INSERT DRAFT PLAN

APPENDIX C
Multiple-Family Concepts
“CONCEPTUAL ONLY”

INSERT CONCEPTS HERE





APPENDIX E

Senior Living Concepts

"CONCEPTUAL ONLY"

INSERT CONCEPTS HERE

APPENDIX E

Welcome to New Berlin Concepts

"CONCEPTUAL ONLY"

INSERT CONCEPTS HERE

APPENDIX G

DRAFT CSM #

INSERT RECORDED CSM HERE

STAFF REPORT

EXECUTIVE SUMMARY

APPLICANT/PROJECT:	Dan Romnek on behalf of Mandel Group & City of New Berlin / 4-Lot Certified Survey Map		
LOCATION:	1750 S. Moorland Road (includes Tax Key #'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)		
REQUEST:	Approval of a 4-Lot Certified Survey Map		
REVIEW SCHEDULE:	CSM Received:	5/12/2023	
	Completeness Determination:	5/12/2023	
	90-day time limit expires:	8/10/2023	
	Final Common Council Action:	8/22/2023	
	60-day extension expires:	10/9/2023	
D.R.C. RECOMMENDATION:	Recommend to Common Council approval of a 4-Lot Certified Survey Map for the properties located at 1750 S. Moorland Road (includes Tax Key #'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), subject to the application, plans on file and the following conditions:		
	1. Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing. 2. A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required. 3. The CSM shall be recorded with Waukesha County Register of Deeds prior to the issuance of any new zoning or building permits. 4. Applicant and/or property owner shall apply for and obtain appropriate building, plumbing and electrical permits prior to any construction on any parcel. 5. Approval of the Comprehensive Plan Amendment (see file #: CP-2300808) and Rezoning (see file #: RZ-2300810) is required prior to action on the Certified Survey Map. 6. Applicant shall dedicate the appropriate right-of-way to Waukesha County. 7. A note shall be added to the face of the CSM stating, "Access to Outlot 1 shall be provided by separate document. It is intended that for the foreseeable future, Outlot 1 shall remain with the ownership of adjoining cemetery property the east, and shall continue to be zoned Institutional, exempt from the real estate taxes and used for cemetery purposes." 8. Address Waukesha County comments from Jason Mayer outlined in an email dated July 28, 2023.		

- a. Applicant shall coordinate with Waukesha County to show the proposed access locations on the CSM and to restrict access on the remaining frontage along CTY O (Moorland Road).
- b. The County anticipates a signalized intersection at W. Ridge Road and typically requires a 150' x 100' vision easement along the centerline of CTY O and the new street. This area may need to be dedicated to the County. Continue to coordinate with Waukesha County on the signal design and provide documentation on what the County will require prior to the City signing the CSM.

DETAILS IN ATTACHED STAFF REPORT:

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

Meetings of August 14, 2023

**Dan Romnek on behalf of Mandel Group & City of New Berlin / 4-Lot Certified Survey Map
1750 S. Moorland Road (includes Tax Key #'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)**

DATE STAFF REPORT PREPARED: July 7, 2023

APPLICANT / OWNER(S): Dan Romnek on behalf of Mandel Group & City of New Berlin / Highland
Memorial Park Cemetery

REQUEST / DESCRIPTION OF PROJECT: Approval of a 4-Lot Certified Survey Map for the properties
located at 1750 S. Moorland Road (includes Tax Key #'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)

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 5/12/23

DATE OF COMPLETENESS DETERMINATION: 5/12/23

PRE-APPLICATION CONFERENCE HELD: Yes

Date(s) of Meeting(s): Numerous meetings

Site Visit(s): 6/22/23

CONCEPTUAL PLAN: Yes

SIZE OF DEVELOPMENT / PARCEL(S):

~44.5814 Acres

CURRENT ZONING: I-1 (Institutional District) & C-2 (Shoreland Wetland Holding District)

CURRENT LAND USE: Vacant

PROPOSED LOT SIZES:

Lot 1:	6.5281 Acres
Lot 2:	21.1075 Acres
Lot 3:	6.1258 Acres
Outlot 1:	10.8200 Acres

PROPOSED ZONING: Applicant has filed an application for a Rezoning (see file # RZ-2300810).

Lot 1:	B-1/PUD (Shopping Center District)
Lot 2:	Rm-1/PUD & C-2 (Multi-Family Residential District)
Lot 3:	I-1/PUD & C-2 (Institutional District)
Outlot 1:	I-1/PUD & C-2 (Institutional District)

PROPOSED LAND USE: Applicant has filed an application for a Rezoning (see file # RZ-2300810).

Lot 1: Commercial
Lot 2: Multi-Family
Lot 3: Senior Living Facility
Outlot 1: Part of Highland Memorial Park Cemetery

PROPOSED DENSITY: Will be reviewed at the future Use, Site and Architectural application submittals.

ADJACENT ZONING AND LAND USE:

North: Zoning: Commercial	Land Use: City of Brookfield (Bank & Commercial)
South: Zoning: I-1 & R-4	Land Use: Rail Road Easement and New Berlin Bike Trail Residential
East: Zoning: B-1/I-1	Land Use: Walmart & Highland Memorial Park Cemetery
West: Zoning: B-1/PUD/Rm-1/R-4	Land Use: Vacant Commercial/Deer Creek Apartments/Brookridge Condominiums & Moorland Highlands Subdivision

Conformance with Comprehensive Plan and Municipal Code: Yes

Chapter 11: Neighborhood A: Greenfield Avenue:

Planning Context / Vision / Development Policies:

Vision:

- *Greenfield Avenue will be a mixed commercial and residential corridor, and shall act as a gateway to the northern area of New Berlin. The eastern half of the corridor should foster a more urban mix of uses, while the western half should encourage a mix of rural commercial, residential, and environmental features.*

Development Policies:

- *Create development standards for site layout, building character, and landscaping that are suitable for new development along the corridor.*
- *Tighten non-conforming lot, structure, and use standards, and require compliance with landscaping regulations. Phase out non-conforming commercial uses over time.*
- *Recognize the Greenfield Avenue and Moorland Road primary intersection as a major gateway into the city from the north. Encourage signature well-designed buildings that are compatible with surrounding areas including recent development across the street in the City of Brookfield.*
- *Site development should include prominent signage, increased landscaping, sustainable strategies for stormwater management, and methods to minimize the parking field, such as structured parking.*
- *Address flooding and localized drainage issues along the eastern portion of the neighborhood.*
- *Encourage land combinations that accommodate future development options.*

Land Use:

- *Current Future Land Use Map: Suburban Commercial*

- Proposed 2030 Future Land Use Map: Suburban Commercial, Mixed Residential and Institutional (See File #: CP-2300808)
- The corresponding zoning districts are B-1/PUD (Shopping Center District / Mandel PUD), Rm-1/PUD (Multiple-Family Residential District / Mandel PUD), I-1/PUD (Institutional District / Mandel PUD) & I-1

ZONING CODE (Chapter 275): Yes, with the attached proposed PUD Ordinance, this request would meet the requirements of Sections 275-33B(10), 275-34B(1), 275-36B(1) & 275-37B(4) of the Zoning Code.

DEVELOPMENT CODE (CHAPTER 235): Yes

REZONING REQUIRED: Yes, see file # RZ-2300810.

CONDITIONAL USE REQUIRED: No

PUBLIC HEARING REQUIRED: A Joint Public Hearing was held on August 14, 2023 for the Comprehensive Plan Amendment (see file #: CP-2300808) and Rezoning (see file #: RZ-2300810).

USE / SITE / ARCHITECTURAL REVIEW:

Use Approval Required: No

Site Plan Required: Yes

Architectural Review Required: No

PROPOSED ARCHITECTURE: N/A

UNIQUE SITE CHARACTERISTICS:

Environmental Corridor: Yes, Isolated Natural Resource Area.

Wetland On Property: Yes, Wetlands shall be registered on the City's Zoning Map.

Conservancy Districts (C-1, C-2): No

NRCS Map Classification: Not Inventoried

Floodplain: No

Topography / Geologic: Site is overall fairly flat however the current owner has filled and added berms over the years. This is why the contours appear to look like berms on the topography map.

BIKE & PEDESTRIAN FACILITIES PLAN: As part of the PUD Ordinance and Development Agreement for this project, the applicant is proposing to install and maintain a sidepath along the length of their development. This was an important issue that residents brought up during the conceptual review of the project at the Neighborhood Meeting held on April 10, 2023 and at the Plan Commission Meeting on April 13, 2023.

PARK & OPEN SPACE PLAN: No improvements identified.

NATURAL RESOURCES PROTECTION:

Limits of Disturbance (LOD): N/A

Wildlife Habitat Protection: N/A

Wildlife Management Plan: N/A

ENVIRONMENTAL IMPACT: Will be reviewed at the future Use, Site and Architectural application

submittals. A tree inventory has been submitted and staff will continue to work with the applicant on any replacements at the time of Use, Site and Architecture applications.

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 full report will be reviewed at the future Use, Site and Architectural application submittals.

SANITARY SEWER PROVISION:

Within Current Sewer Service Area: Yes

Basin Capacity Available: Yes

Adequate Linkage: Yes

Onsite System Required: No

WATER USAGE CALC.: Will be reviewed at the future Use, Site and Architectural application submittals. The Utility Department has reviewed the project conceptually and there is adequate supply for this project.

TRAFFIC IMPACT: A Traffic Impact Study dated June 15, 2023 has been submitted to the City of New Berlin and Waukesha County. This study is under review by Waukesha County. Comments are anticipated soon regarding the overall study, in particular Exhibit 6-1, Conceptual Drawing Recommended Modifications, Scenario 2.

SCHOOL DISTRICT IMPACT: N/A

Notice Sent to Affected School District(s): No

PREVIOUS ACTION:

Past Action on projects that did not move forward:

	ProHealth submitted a plan for a large medical building on this site. This project never moved forward.
6/29/2017	Continental Properties submitted a concept plan for a mixed use development. It was reviewed by the Plan Commission and a Neighborhood Meeting was held.

Recent Action:

4/10/2023	Neighborhood Meeting regarding concept plan.
4/13/2023	Plan Commission review of concept plan.
4/25/2023	Common Council reviewed an RAS for the potential sale of City property located at 1640 S. Moorland Road / Tax Key # 1158-989 (along Moorland Road across from Robin Trail).
7/10/2023	Plan Commission held a public hearing.

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

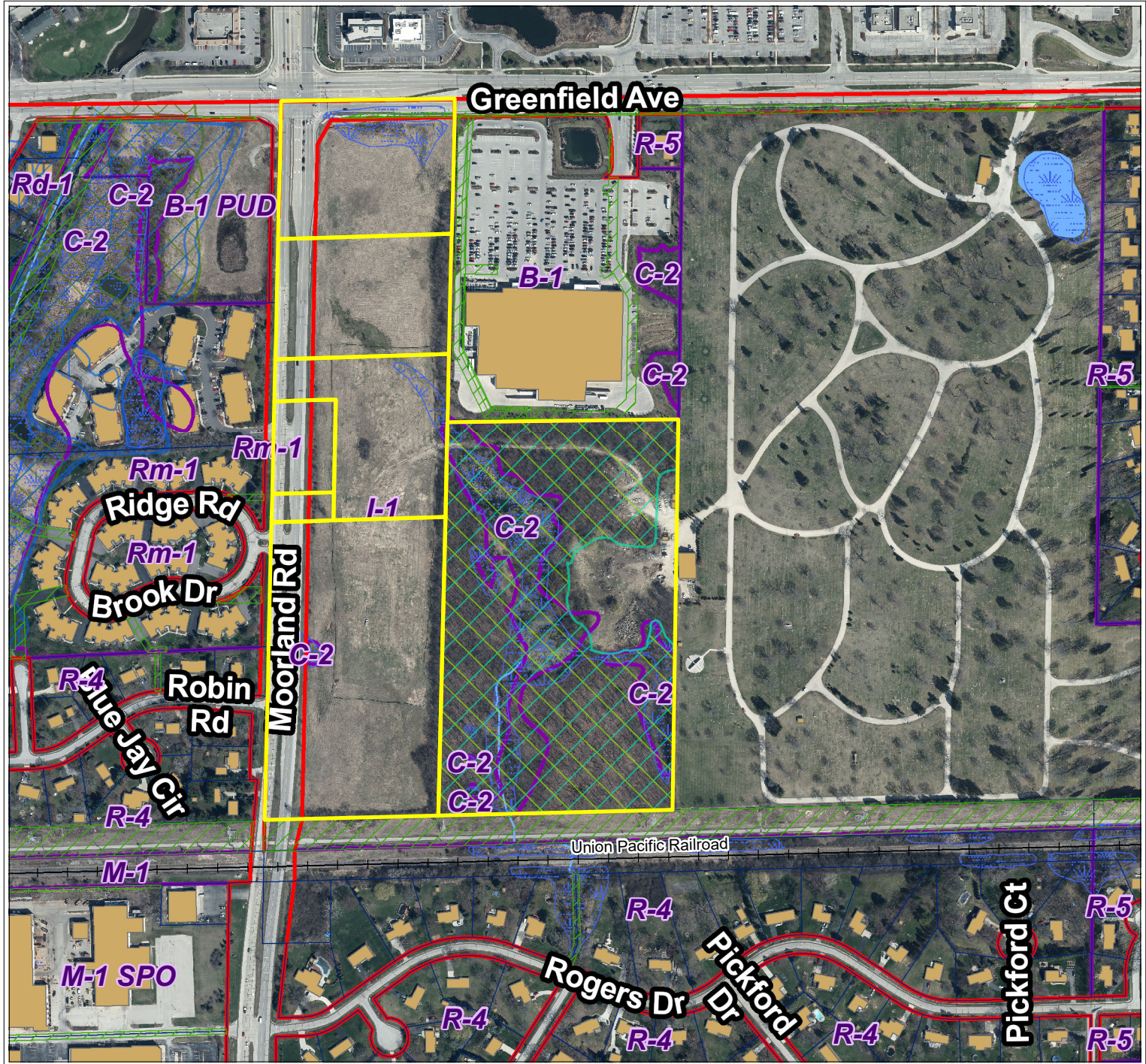
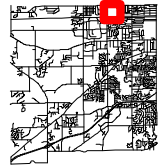
1. The applicant has simultaneously applied for a Comprehensive Plan Amendment (see file #: CP-2300808) and Rezoning (see file #: RZ-2300810). Action for these applications is anticipated for the August 14, 2023 Plan Commission meeting.
2. The applicant has requested a Planned Unit Development Overlay Ordinance. The proposed lots meet the minimum lot area and width for each of the proposed zoning districts in the PUD.
3. Outlot 1 shall have an outlot status as outlined in the conditions of approval in this staff report.

D.R.C. RECOMMENDATION: Recommend to Common Council approval of a 4-Lot Certified Survey

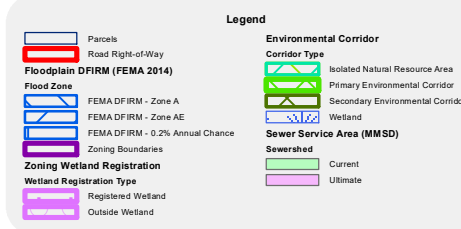
Map for the properties located at 1750 S. Moorland Road (includes Tax Key #'s listed from north to south, beginning at the intersection of Greenfield Avenue south along the east side of Moorland Road, up to the New Berlin Recreation Trail): 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992), subject to the application, plans on file and the following conditions:
See Executive Summary.

ATTACHMENTS:

Location Map
Zoning Comparison Map
Future Land Use Comparison map
Applicant Letter
CSM



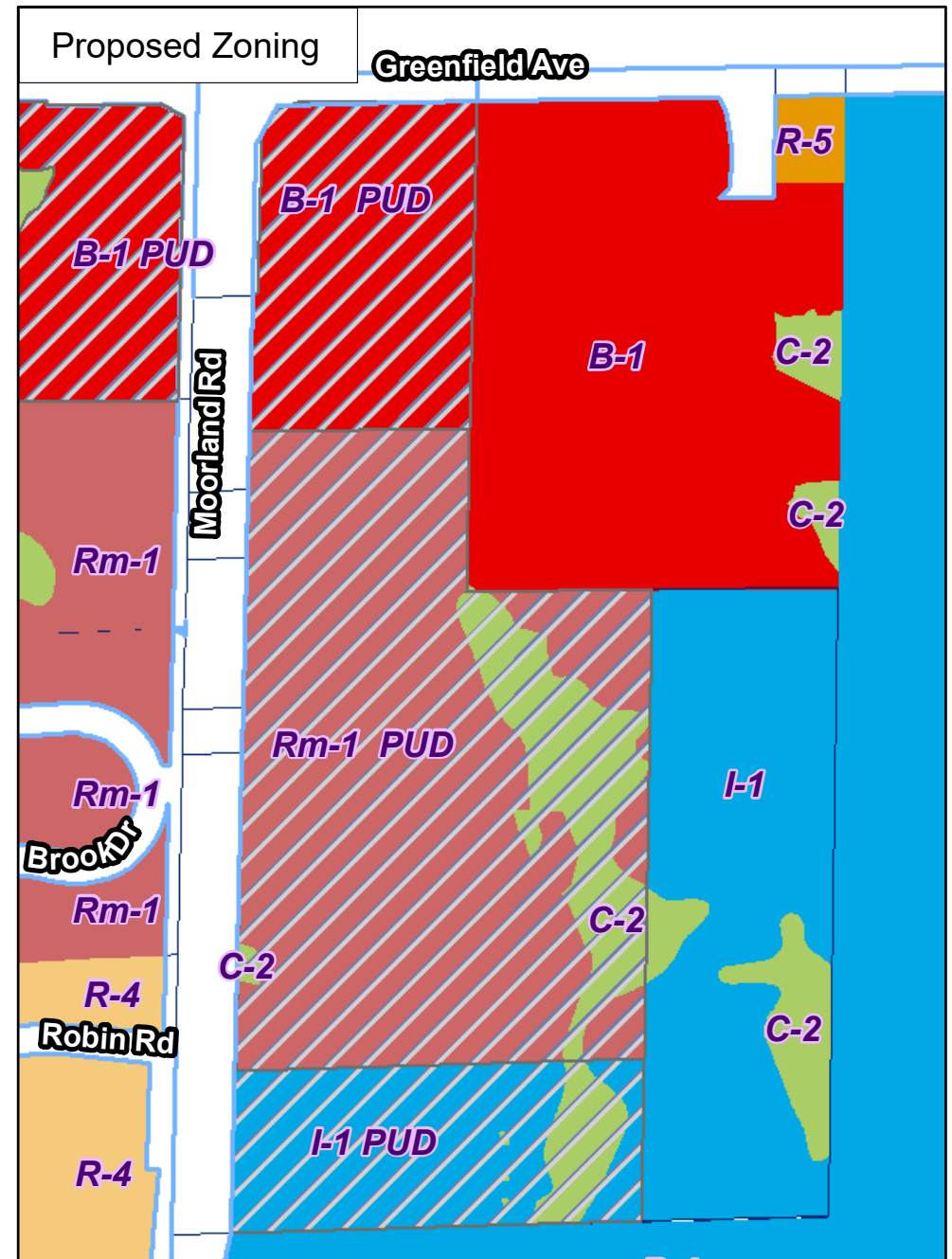
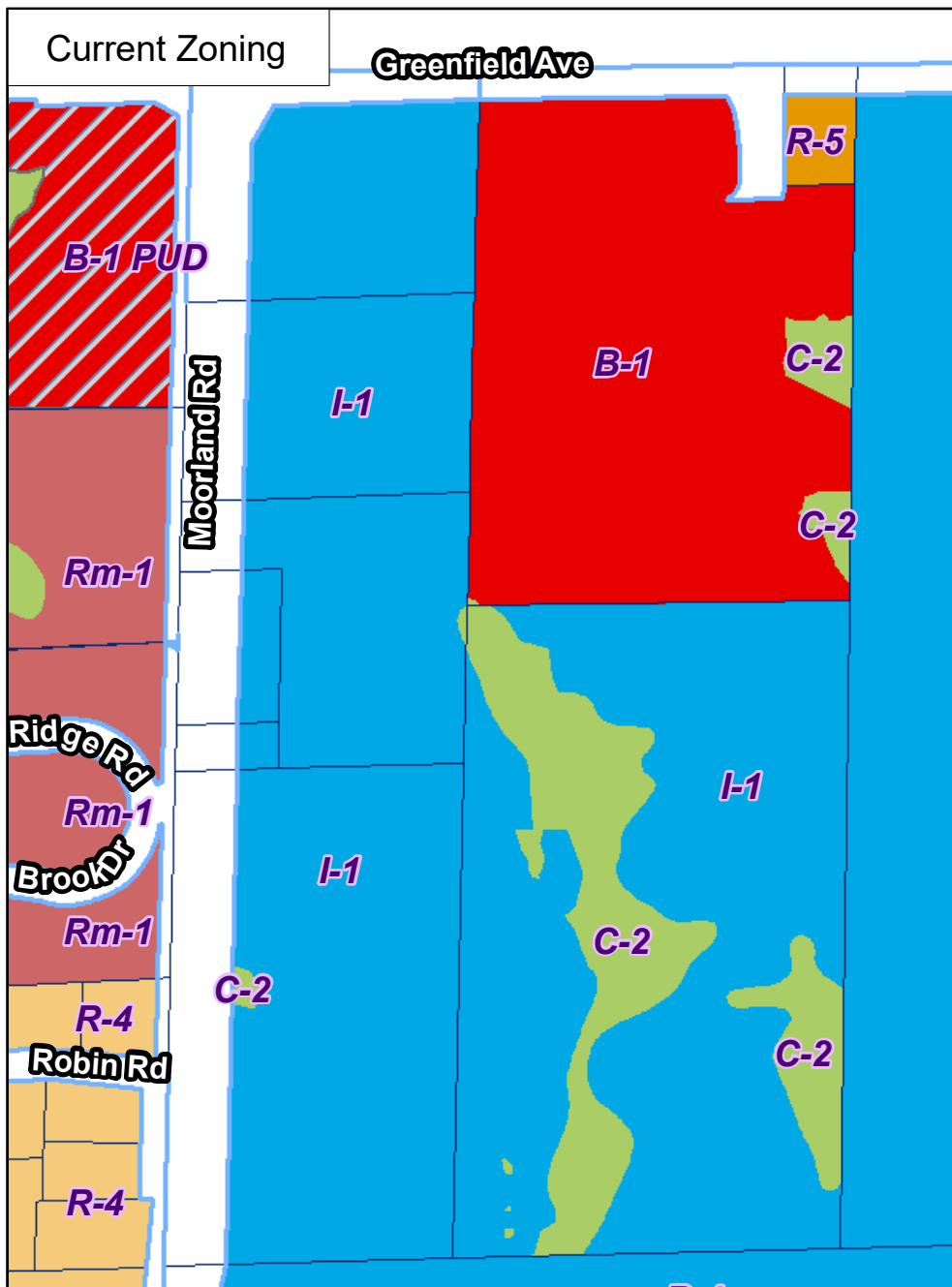
City of New Berlin
Department of Community Development
3805 S Casper Dr.
New Berlin WI 53151
(262) 797-2445
www.newberlin.org



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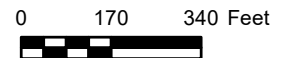
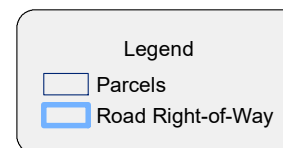
The information and depictions herein have been produced using data available through photogrammetric means by the City of New Berlin. The information and depictions herein are for informational purposes and the City of New Berlin specifically disclaims accuracy in this reproduction and specifically 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.



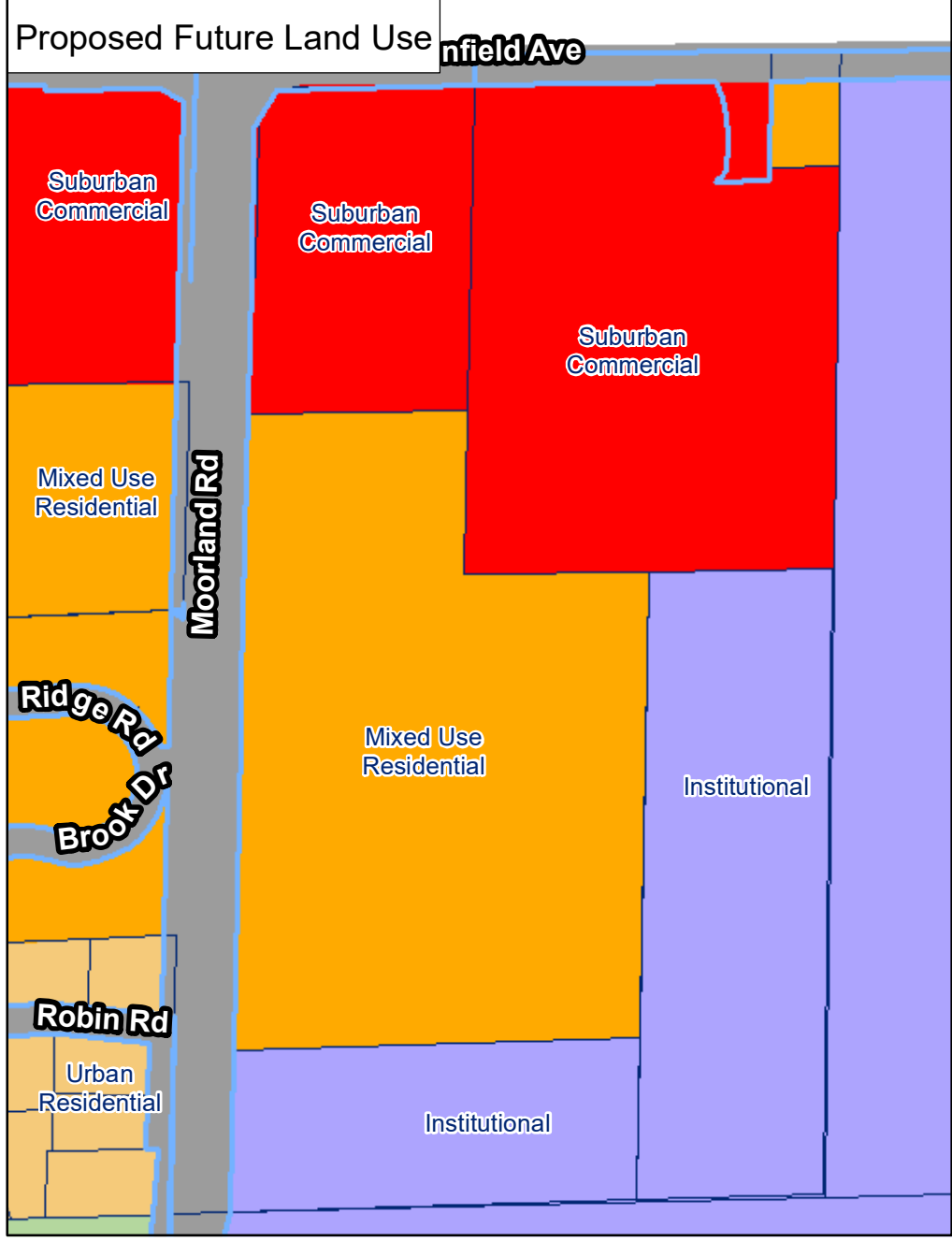
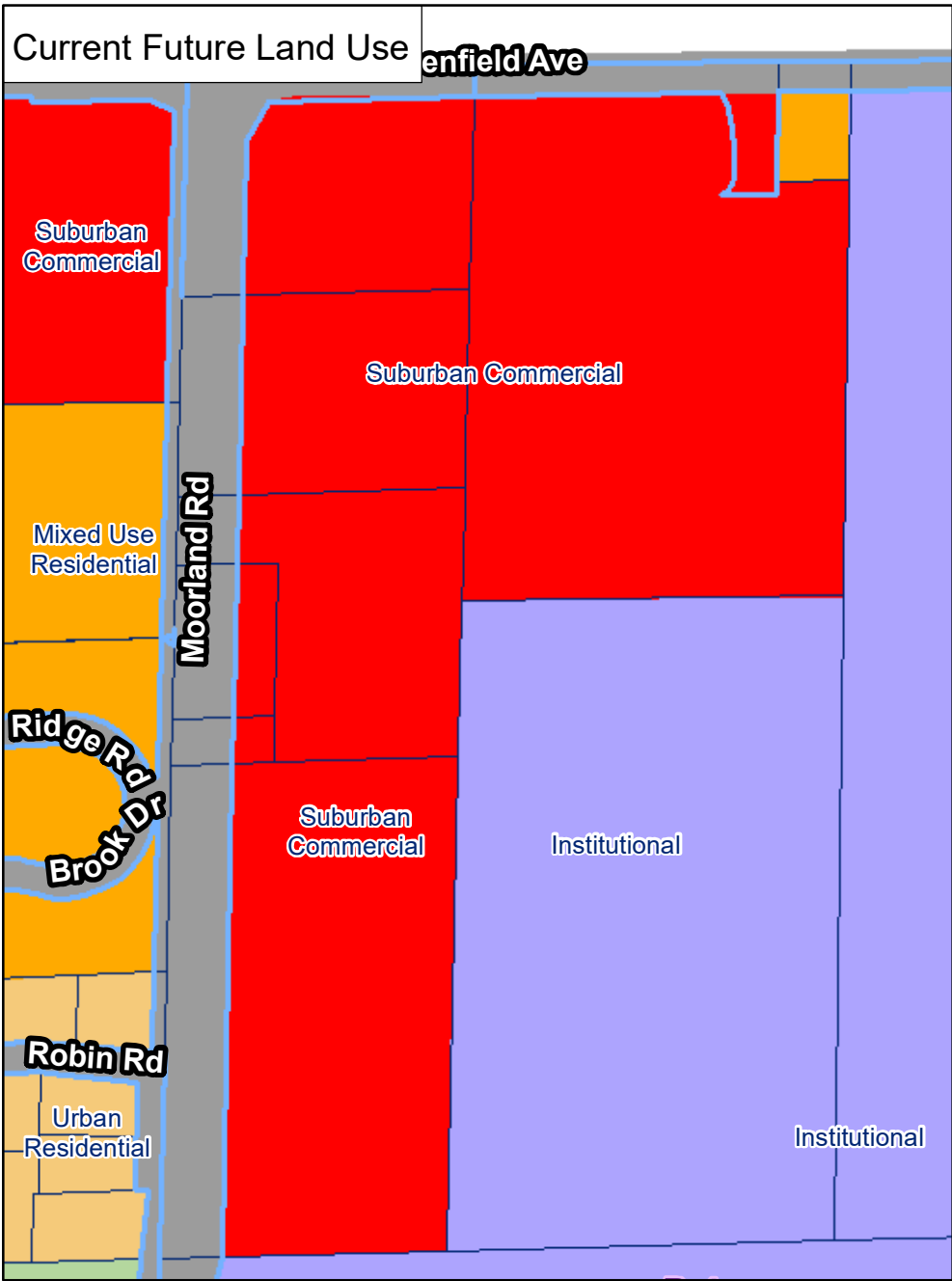
RZ--2300810

**Mandel PUD Rezone
1750 S. Moorland Rd**

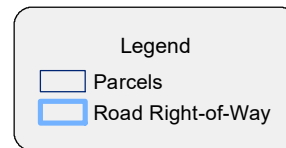
Taxkeys: 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & portion of 1158-992



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



CP--2300808
Mandel
1750 S. Moorland Rd



Taxkeys: 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & portion of 1158-992

April 21, 2023

City of New Berlin
Department of Community Development
3805 S. Casper Drive,
New Berlin, WI 53151

RE: Mandel Group, Inc.
New Berlin Multifamily – Moorland Rd. and Greenfield Ave.

Mandel Group, Inc. (“**Mandel**”) is requesting that the Plan Commission and Common Council consider a Certified Survey Map (CSM), Comprehensive Plan Amendment, and Rezoning of the land at the southeast corner of Moorland Road and Greenfield Avenue, more particularly described in Exhibit A, for a mixed-use project including retail, multi-family, and senior living.

Development Summary

Mandel is proposing a mixed-use project on the southeast corner of Moorland Road and Greenfield Avenue, which includes a mix of retail uses on the corner, multi-family residential, and senior housing. This project responds to desired uses by the City, residents, and interested developers. By approving the items below in a Planned Unit Development, the City will ensure a cohesive, master-planned project that fits within the context of the immediate surrounding areas and New Berlin as a whole.

Certified Survey Map

The Certified Survey Map, included as Exhibit B, consolidates all or a portion of 6 existing parcels (NBC 1158990, NBC 1158991001, NBC 1158993, NBC 1158994, NBC 1158991, and a portion of NBC 1158992) into 3 new parcels and one outlet. The three new parcels are divided by use to include a ~6.5-acre parcel (Lot 1), a ~20.9-acre parcel (Lot 2), and a ~6.1-acre parcel (Lot 3). The outlet (Outlet 1) is ~10.8 acres and will be retained by Highland Memorial Park (cemetery - existing owner).

Along with the CSM, Mandel is requesting that the Comprehensive Land Use Plan be amended, and Zoning be changed to reflect the intended uses outlined below.

Comprehensive Land Use Plan Amendment

The current Land Use for this site is Suburban Commercial. Mandel is requesting that the Comprehensive Land Use Plan be amended as follows:

- Lot 1 (6.5 acres): Suburban Commercial
- Lot 2 (20.9 acres): Mixed-Use Residential
- Lot 3 (6.1 acres): Institutional
- Outlet 1 (10.8 acres): NO CHANGE

There is currently a City-owned parcel (NBC 1158989) that is approximately 0.4 acres along Moorland Road. Mandel is proposing that this parcel be included in the PUD and zoned RM-1. Mandel and the City will negotiate a swap of this parcel in exchange for Mandel installing City of New Berlin signage along Moorland Road.

These Land Use designations align with the site plan, included as Exhibit C, and also align with the requested Zoning change as outlined below.

Zoning

Mandel is requesting that the zoning for this site be updated under the Planned Unit Development (PUD) ordinance per the included Exhibit D. The underlying zoning districts align with the intended uses of retail, multi-family, and senior living. By utilizing a PUD, the city is permitted to allow for departures from the underlying zoning code to provide a cohesive, master-planned development with uses, design, and site layouts that complement and enhance each other. I've included a zoning comparison as Exhibit E that identifies the zoning requirements and any requested departures from the underlying zoning, summarized here:

- Retail – PUD / B-1 Shopping District
 - Uses
 - Code: Currently allows for a car wash
 - Proposed: Specifically allow for a car wash
 - Rationale: There is significant interest in this site by several car wash operators. After discussion with staff and the alderperson, we are requesting the PUD allow for a car wash. The location of such car wash may be restricted to exclude the hard corner and will be required to obtain site plan approval through the normal City approval process, where design, location, and screening will be specified.
 - Wetland Setback
 - Code: 10 feet
 - Proposed: 0 feet to pavement, 30 feet to buildings
 - Rationale: To provide a connection between the retail and multi-family, the road at the southwest corner of retail parcel will likely be within 10 feet of the pocket wetland west of WalMart. This connection is critical to provide the necessary full access off Moorland Road for the retail patrons.
- Multi-family – PUD / RM-1 Multiple Family Residential
 - Uses: Accessory Garages
 - Code: Not Specified
 - Proposed: Allow for Accessory Garages, Clubhouse
 - Rationale: The code does not specifically address accessory structures. Mandel proposes that the PUD specifically allows for Accessory Garages and a Clubhouse.
 - Density
 - Code: 7 units per acre
 - Proposed: 10 units per acre
 - Rationale: In order fully utilize the site, we are proposing a density slightly higher than existing code. This density is significantly less than other multi-family projects near the site and slightly higher than the Brookridge Condos (7.5 units / acre) on the west side of Moorland.
 - Setbacks: Side yard
 - Code: 15 feet
 - Proposed: 15 feet to building, 12 feet to porches, stoops, balconies
 - Rationale: To provide for appropriate circulation and access, the buildings are situated such that the buildings respect the 15-foot setback, but the attached porches, stoops, and/or balconies extend roughly 3 feet off of the building. This happens in one location on the site at building SF-6 on the south property line, abutting the new senior housing parcel.
 - Setbacks: Wetlands

- Code: 30 feet
 - Proposed: 30 feet to buildings, 15 feet to sidewalks
 - Rationale: Similar to the side yard setback, the buildings are situated to provide appropriate and necessary circulation and access on the site. As the site is constrained with wetlands on the east, north and portions of the west side of the multifamily parcel, we are respecting the 30-foot setback with our buildings, but the sidewalk access to the unit entries in the rear of the building encroach into the 30-foot setback. Our civil engineer discussed this condition with the DNR, who indicated that it would be allowed with a requirement to treat the stormwater runoff from the sidewalks prior to draining into the wetlands. There are several options to accomplish this, and we will work with the DNR to obtain their approval of the sidewalk design.
- Building Separation
 - Code: 30 feet
 - Proposed: 15 feet
 - Rationale: There are a few locations on the site where the distance between buildings is between 15 and 20 feet. These primarily occur at the utility rooms, with distance between units at least 20 feet in all locations. To achieve the appropriate circulation, access, and setbacks, a slightly reduced building separation is required.
- Parking: Attached Parking Stalls
 - Code: 1 stall per unit
 - Proposed: 0.7 attached stalls per unit, 0.3 detached & covered parking stalls per unit
 - Rationale: We intend to provide 1 covered stall per unit. We are requesting the PUD allow for the covered parking to be accomplished with a combination of attached and detached covered parking stalls. The footprint of the building does not allow for 1 attached stall per unit. This also provides a price-sensitive resident with the option to select a unit without an attached garage and use a surface stall as we do not charge for surface stalls.
- Parking: Total Stalls
 - Code: 2.0 stalls per unit
 - Proposed: 1.7 stalls per unit
 - Rationale: Mandel currently manages over 4,500 units and has access to parking usage data at similar, suburban developments. That data reflects parking provided between 1.2 and 1.6 stalls per unit and parking usage between 1.0 and 1.3 stalls per unit. Our goal is to provide adequate parking but not overpark the site, which would result in unused garage or surface parking lots that would take away from the green space planned for the site. A chart of parking ratios is included as Exhibit F.
- Senior Living – PUD / I-1 Institutional
 - Permitted Uses
 - Code: Allows for Community Living, Assisted Living, does not address Independent Living senior housing
 - Proposed: Specifically allow for Independent Living
 - Rationale: The purpose of the senior housing is to provide a continuum of care. This includes independent living (minimal services), assisted living, and memory care / dementia care. This has been a successful model for many senior housing

developers as it provides residents options to begin their residency in independent living and stay on the same campus as their needs become greater.

- Setbacks: Front
 - Code: 50 feet
 - Proposed: 25 feet
 - Rationale: The purpose of this request is two-fold. First, as the site is constrained to the east with wetlands, providing flexibility for the site plan will be important to design the buildings in a way that makes sense for the operations plan. Additionally, this setback is in alignment with the RM-1 setback requirement for the parcel directly to the north and provides consistency with relation to the setback along Moorland throughout the development.
- Setbacks: Side yard
 - Code: 50 feet
 - Proposed: 5 feet
 - Rationale: This will allow for flexibility in designing the access drive-lane which is pinched due to the wetlands along Moorland and could cause vehicle stacking issues at the entrance if the angle of access is too tight. The existing tree line would remain and be supplemented by additional landscaping screening to the south. Additionally, the nearest house is more than 300 feet from the property line, with power lines, rail line, and trail which prevents development between the two uses.
- Parking:
 - Code: 1 stall per unit, additional 10% of total for guest parking
 - Proposed: 0.75 stalls per unit plus 1 stall per employee during peak shift turnover.
 - Rationale: This parking ratio is appropriate given the use of the site. Memory Care residents are not allowed to drive. The parking need for Assisted Living residents is minimal. This ratio is consistent with similar senior housing developments. Additionally, 1 stall per employee during peak shift turnover will be provided.

Wetlands

There are significant amounts of wetlands on the site. Attached is the Wetland Delineation that was prepared by Heartland Ecological Group in August of 2022. Also attached is the Artificial Wetland Exemption Decision Letter from the WDNR as Exhibit H and the Approved Jurisdictional Determination (AJD) by the US Army Corps of Engineers.

Sincerely,
MANDEL GROUP, INC.

Dan Romnek
Development Associate
dromnek@mandelgroup.com

Enclosures:	Exhibit A	New Berlin Master Plan
	Exhibit B	Certified Survey Map
	Exhibit C	Proposed Comprehensive Land Use Plan
	Exhibit D	Proposed Zoning Map
	Exhibit E	Zoning Comparison
	Exhibit F	Multifamily Parking Ratios
	Exhibit G	Wetland Delineation Map
	Exhibit H	WDNR Artificial Wetland Exemption Decision Letter
	Exhibit I	USACE Approved Jurisdictional Determination Letter

WEST GREENFIELD AVENUE

SENIOR LIVING –
6.5 ACRES (+/-)

6.6 ACRES (+/-)

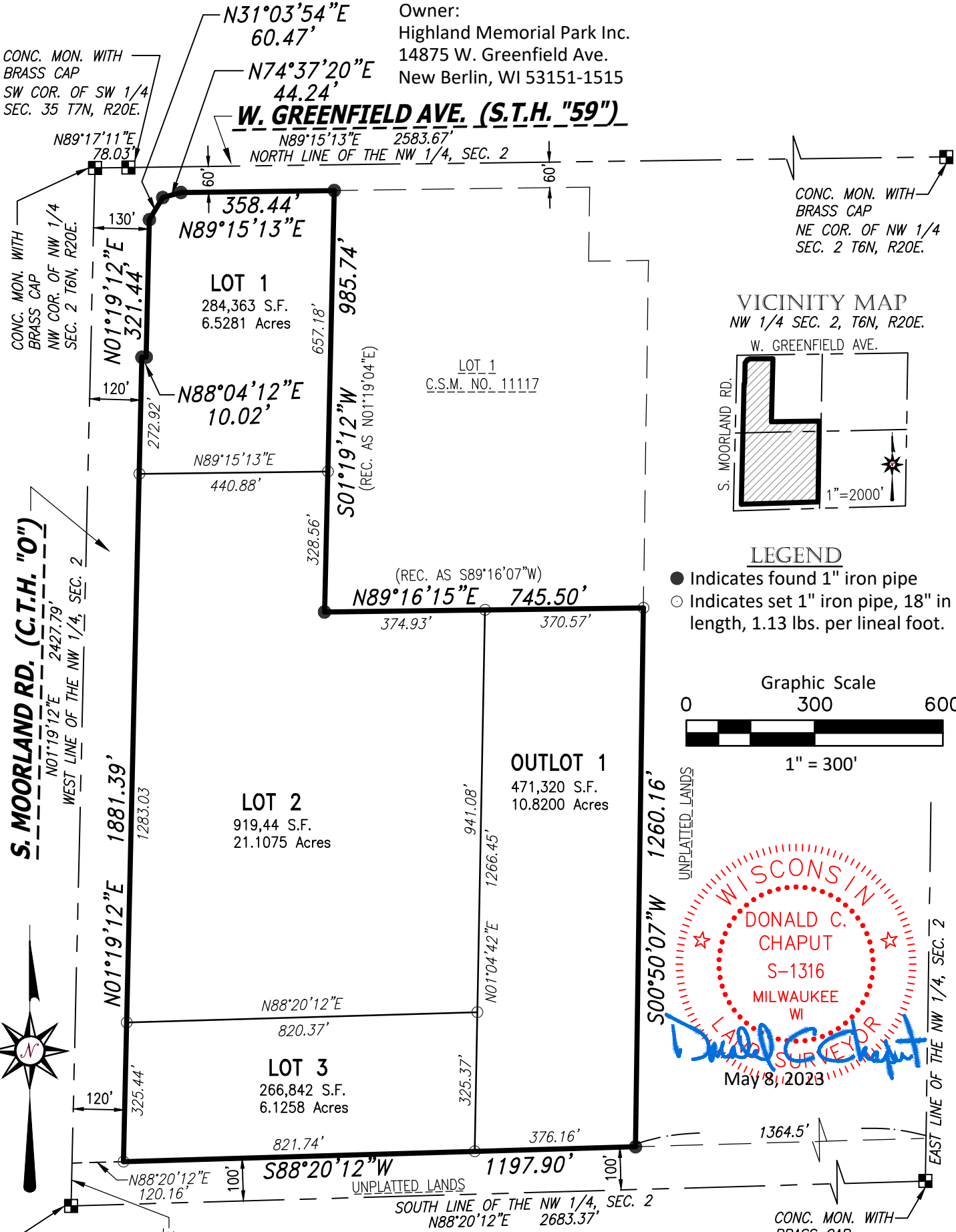
SOUTH MOORLAND ROAD

SENIOR LIVING
55,000 S.F.
FOOTPRINT

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

Owner:
Highland Memorial Park Inc.
14875 W. Greenfield Ave.
New Berlin, WI 53151-1515



CHAPUT
LAND SURVEYS

234 W. Florida Street
Milwaukee, WI 53204

414-224-8068
www.chaputlandsurveys.com

See sheet 2 & 3 for access restriction,
existing easements and wetlands.

Bearings are referenced to the Wisconsin State
Plane Coordinate System, South Zone (NAD
83/2011) in which the West line of the
Northwest 1/4 of Section 2 bears N01°19'12"E.

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 1 of 6 Sheets

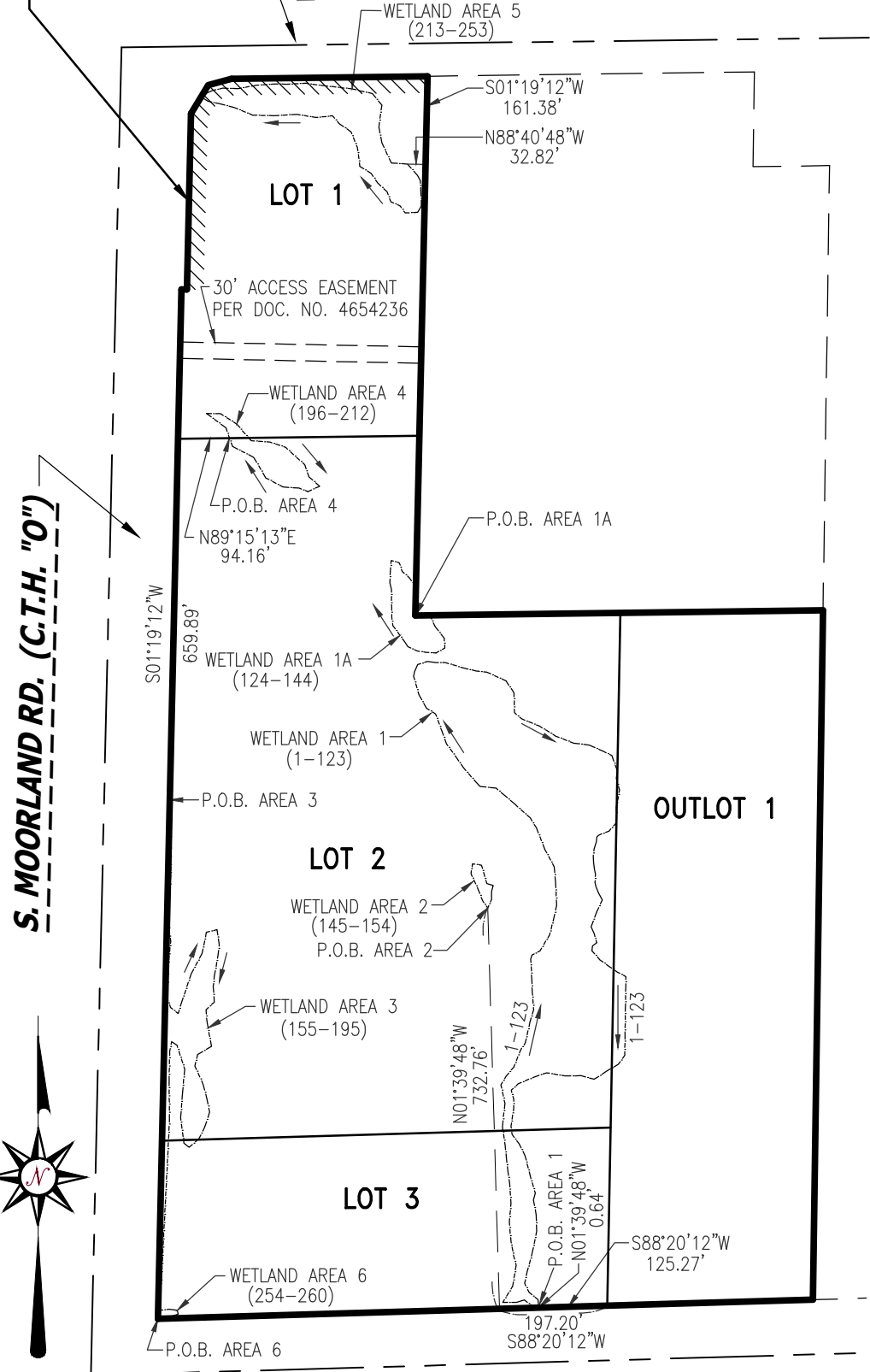
CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

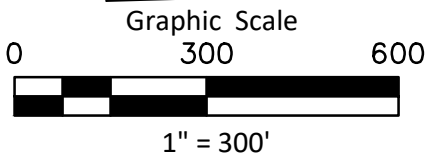
Note: Access to Outlot 1 shall be provided by separate document.
It is intended that, for the foreseeable future, Outlot 1 shall remain
with the ownership of the adjoining cemetery property to the east,
and shall continue to be (i) zoned Institutional, (ii) exempt from
real estate taxes, and (iii) used for cemetery purposes.

Hatch indicates no vehicular access
to West Greenfield Ave. & South
Moorland Road.

W. GREENFIELD AVE. (S.T.H. "59")



S. MOORLAND RD. (C.T.H. "O")



CHAPUT
LAND SURVEYS

234 W. Florida Street
Milwaukee, WI 53204

414-224-8068
www.chaputlandsurveys.com

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 2 of 6 Sheets



CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

WETLAND AREA 1

LINE	BEARING	DIST.
L1	N85°40'45"W	9.00'
L2	N53°56'37"W	21.58'
L3	S72°04'50"W	14.82'
L4	N89°14'18"W	25.28'
L5	N31°47'03"E	34.40'
L6	N09°13'48"E	38.96'
L7	N15°07'01"W	15.10'
L8	N10°31'35"W	30.27'
L9	N04°41'38"W	34.91'
L10	N05°14'17"E	34.31'
L11	N04°11'45"W	36.86'
L12	N08°36'18"W	20.98'
L13	N05°43'06"W	26.23'
L14	N06°22'27"W	20.87'
L15	N07°52'20"W	37.00'
L16	N06°30'03"E	41.90'
L17	N12°11'39"W	34.47'
L18	N30°19'11"E	19.35'
L19	N41°03'09"E	20.56'
L20	N21°26'49"E	33.84'
L21	N34°02'07"E	15.41'
L22	N12°55'23"E	38.75'
L23	N16°19'23"E	24.25'
L24	N04°35'17"W	30.68'
L25	N02°02'40"W	26.15'
L26	N03°23'55"W	35.56'
L27	N18°22'30"E	7.88'
L28	N61°46'30"E	16.31'
L29	N31°14'06"E	34.17'
L30	N14°13'25"E	30.12'
L31	N12°46'32"E	25.20'
L32	N02°47'07"W	42.49'
L33	N05°01'44"W	28.00'
L34	N27°50'52"W	36.06'
L35	N21°28'56"W	42.73'
L36	N32°13'09"W	21.84'
L37	N48°12'19"W	36.88'
L38	N49°57'21"W	29.18'
L39	N48°40'44"W	16.20'
L40	N84°16'55"W	29.27'
L41	N44°42'38"W	9.72'
L42	N40°58'52"W	36.37'
L43	N34°43'43"W	22.31'
L44	N35°26'58"W	31.32'
L45	N20°08'31"W	25.25'
L46	N20°20'31"W	36.49'
L47	N58°09'42"W	19.82'
L48	N29°26'41"W	27.39'
L49	N16°12'08"W	35.26'
L50	N10°37'45"E	8.95'
L51	N23°45'27"E	14.61'
L52	N73°26'51"E	18.75'
L53	S83°20'41"E	14.78'
L54	S89°24'13"E	18.00'
L55	S73°04'36"E	35.01'
L56	S77°00'03"E	23.44'
L57	S84°19'50"E	19.20'
L58	S65°22'54"E	38.68'
L59	S33°29'17"E	26.56'
L60	S01°12'23"E	35.99'
L61	S49°37'35"E	17.77'

WETLAND AREA 1
CONTINUED

LINE	BEARING	DIST.
L62	S68°06'17"E	34.55'
L63	S58°15'10"E	34.93'
L64	S68°36'30"E	35.73'
L65	S83°09'41"E	28.84'
L66	S64°43'34"E	45.22'
L67	S19°54'01"E	28.99'
L68	S07°22'30"W	14.36'
L69	S15°52'33"E	22.28'
L70	S11°11'10"W	31.28'
L71	S01°53'21"E	21.86'
L72	S13°08'14"W	9.79'
L73	S42°39'22"W	17.12'
L74	S67°51'00"W	21.39'
L75	S39°19'28"W	3.91'
L76	S07°24'58"W	8.99'
L77	S17°39'52"W	13.39'
L78	S06°00'59"W	15.38'
L79	S05°21'43"E	21.69'
L80	S12°16'45"E	9.95'
L81	S02°44'39"W	15.07'
L82	S11°39'47"E	7.87'
L83	S22°12'23"E	12.05'
L84	S29°25'35"E	14.68'
L85	S25°39'29"W	23.60'
L86	S20°27'52"W	29.73'
L87	S23°57'46"E	14.97'
L88	S15°39'07"E	15.98'
L89	S53°34'08"W	9.83'
L90	S04°05'57"W	9.17'
L91	S41°24'20"E	21.82'
L92	S54°30'41"E	21.25'
L93	S55°33'33"E	17.70'
L94	S61°58'51"E	17.53'
L95	S00°51'12"W	57.85'
L96	S00°51'13"W	49.21'
L97	S00°51'12"W	37.09'
L98	S35°50'42"W	20.14'
L99	S59°58'58"W	24.79'
L100	S56°34'33"W	26.91'
L101	N74°55'10"W	25.11'
L102	S89°24'39"W	29.37'
L103	N80°18'48"W	34.22'
L104	S71°10'47"W	20.57'
L105	S67°10'30"W	34.96'
L106	S47°27'45"W	17.25'
L107	S16°07'58"E	16.33'
L108	S00°46'54"E	16.91'
L109	S09°00'53"W	33.18'
L110	S06°49'31"E	15.63'
L111	S37°15'58"E	20.99'
L112	S27°02'39"E	24.55'
L113	S14°08'30"E	39.63'
L114	S16°42'20"E	31.22'
L115	S14°25'44"W	13.51'
L116	S10°45'31"E	27.62'
L117	S01°31'41"E	29.15'
L118	S11°09'47"W	39.66'
L119	S15°08'18"W	37.23'
L120	S12°41'40"W	21.41'
L121	S26°34'38"E	18.34'
L122	S49°55'12"E	21.23'
L123	S06°00'02"E	13.96'

WETLAND AREA 1A

LINE	BEARING	DIST.
L124	N89°16'15"E	27.08'
L125	S24°20'06"E	22.95'
L126	S38°18'39"E	26.62'
L127	S04°00'42"E	18.15'
L128	S61°08'14"W	18.50'
L129	N86°32'49"W	18.00'
L130	N82°30'38"W	16.34'
L131	N64°17'32"W	19.10'
L132	N33°25'05"W	10.15'
L133	N35°57'49"W	37.16'
L134	N08°00'40"W	15.68'
L135	N00°32'18"W	17.35'
L136	N00°26'50"W	32.95'
L137	N13°57'33"W	12.68'
L138	N02°37'38"E	22.22'
L139	N05°07'49"E	18.65'
L140	S74°13'33"E	15.17'
L141	S18°33'40"E	17.34'
L142	S49°27'36"E	17.62'
L143	S35°27'41"E	19.59'
L144	S01°19'12"W	52.51'

WETLAND AREA 4

LINE	BEARING	DIST.
L196	N19°38'07"W	20.13'
L197	N53°29'10"W	44.25'
L198	S88°30'14"E	25.58'
L199	S57°33'15"E	34.98'
L200	S41°23'04"E	40.38'
L201	S85°19'45"E	34.51'
L202	S71°38'53"E	30.16'
L203	S47°34'54"E	46.92'
L204	S19°02'52"E	23.69'
L205	S49°11'33"E	26.05'
L206	S65°48'22"W	23.51'
L207	N68°03'30"W	17.35'
L208	N86°16'33"W	29.20'
L209	N61°54'11"W	35.77'
L210	N30°15'58"W	43.38'
L211	N63°00'52"W	43.41'
L212	N19°38'07"W	16.21'

WETLAND AREA 5

LINE	BEARING	DIST.
L213	S41°17'37"E	27.36'
L214	S28°41'58"E	10.29'
L215	S03°37'59"E	18.61'
L216	S01°54'18"E	28.64'
L217	S30°56'55"W	13.24'
L218	S87°14'32"W	23.04'
L219	N34°33'06"W	15.54'
L220	N66°37'22"W	18.65'
L221	N20°28'43"W	19.73'
L222	N46°50'20"W	23.71'
L223	N34°14'16"W	20.57'
L224	N57°28'35"W	24.72'
L225	N07°47'33"W	35.28'
L226	N22°05'23"W	30.37'
L227	N55°45'14"W	25.55'
L228	N40°27'54"W	19.46'
L229	S84°24'23"W	31.56'
L230	N80°04'46"W	34.07'
L231	S86°31'07"W	42.87'
L232	N88°16'25"W	38.38'
L233	N67°31'59"W	36.08'
L234	N75°39'46"W	27.98'
L235	N78°11'46"W	21.72'
L236	N57°41'36"W	9.26'
L237	N11°15'12"W	4.06'
L238	N47°42'31"E	9.25'
L239	N64°43'15"E	12.04'
L240	N78°42'32"E	18.38'
L241	S88°48'47"E	27.98'
L242	N79°52'10"E	34.48'
L243	N85°56'14"E	30.99'
L244	S89°24'40"E	24.07'
L245	N87°15'21"E	34.45'
L246	S82°30'29"E	34.36'
L247	S83°31'19"E	51.16'
L248	S76°59'54"E	38.10'
L249	S39°33'59"E	27.48'
L250	S07°50'34"W	40.67'
L251	S11°03'34"E	29.22'
L252	S25°07'46"E	40.76'
L253	S86°27'57"E	29.76'

WETLAND AREA 6

LINE	BEARING	DIST.
L254	N01°19'12"E	13.13'
L255	N90°00'00"E	2.92'
L256	N84°40'05"E	16.41'
L257	S83°28'10"E	14.92'
L258	S11°14'23"E	7.42'
L259	S71°54'22"W	25.21'
L260	S88°20'12"W	13.20'

WETLAND AREA 2

LINE	BEARING	DIST.
L145	N35°21'09"W	16.68'
L146	N20°42'37"W	20.55'
L147	N24°52'25"W	32.68'
L148	N08°29'20"E	18.61'
L149	S81°25'05"E	16.54'
L150	S16°10'34"E	35.29'
L151	S74°11'37"E	11.92'
L152	S14°32'03"W	11.38'
L153	S00°00'17"E	14.37'
L154	S23°24'00"W	17.32'

WETLAND AREA 3

LINE	BEARING	DIST.
L155	S07°20'49"E	11.69'
L156	S00°29'46"E	66.02'
L157	S00°28'28"W	66.39'
L158	S05°15'54"W	65.67'
L159	S07°08'56"E	49.63'
L160	S05°41'09"W	45.86'
L161	S02°03'09"W	58.27'
L162	S20°42'16"E	18.17'
L163	S51°54'21"E	17.81'
L164	N18°08'58"E	76.54'
L165	N28°00'51"E	41.42'
L166	N11°44'07"E	39.82'
L167	N75°51'42"E	20.11'
L168	S08°47'56"E	26.90'
L169	S05°59'40"W	15.29'
L170	S09°39'06"W	44.24'
L171	S06°12'34"W	18.58'
L172	S03°22'47"E	28.85'
L173	S47°20'45"W	20.14'
L174	S04°18'48"E	23.31'
L175	S10°19'22"E	44.45'
L176	S59°10'45"W	29.64'
L177	S12°40'22"W	21.02'
L178	S24°01'08"E	36.80'
L179	S14°10'48"E	29.73'
L180	S12°13'50"E	22.36'
L181	S18°22'08"W	28.75'
L182	S26°19'28"W	24.72'
L183	S49°50'11"W	23.42'
L184	N51°01'45"W	12.08'
L185	N07°14'41"W	47.16'
L186	N04°21'57"E	44.64'
L187	N05°05'36"E	44.36'
L188	N17°42'12"W	45.44'
L189	N55°12'02"W	11.86'
L190	S11°34'43"W	18.24'
L191	S01°22'56"W	53.19'
L192	S00°43'01"E	71.29'
L193	S02°53'22"W	301.58'
L194	S36°27'13"W	8.15'
L195	N01°19'12"E	892.31'



This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 3 of 6 Sheets
19

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN}
 :SS
MILWAUKEE COUNTY}

I, DONALD C. CHAPUT, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, which is bounded and described as follows:

COMMENCING at the Southwest corner of said Northwest 1/4 Section; thence North 00°19'12" East along the West line of said Northwest 1/4 Section, 100.14 feet to a point; thence North 88°20'12" East 120.16 feet to a point on the East line of South Moorland Road and the point of beginning of lands hereinafter described; thence North 01°19'12" East along said East line 1881.39' to a point; thence North 88°04'12" East along said East line 10.02 feet to a point; thence North 01°19'12" East along said East line 321.44 feet to a point; thence North 31°03'54" East along said East line 60.47 feet to a point; thence North 74°37'20" East along said East line 44.24 feet to a point on the South line of West Greenfield Avenue; thence North 89°15'13" East along said South line 358.44 feet to a point on the West line of Lot 1 of Certified Survey Map No. 11117; thence South 01°19'12" West along said West line 985.74 feet to a point on the South line of said Lot 1; thence North 89°16'15" East along said South line 745.50 feet to a point; thence South 00°50'07" West 1260.16 feet to a point 100 feet North of the South line of said 1/4 Section; thence South 88°20'12" West along a line which is parallel to and 100 feet North of said South line 1197.90 feet to the point of beginning.

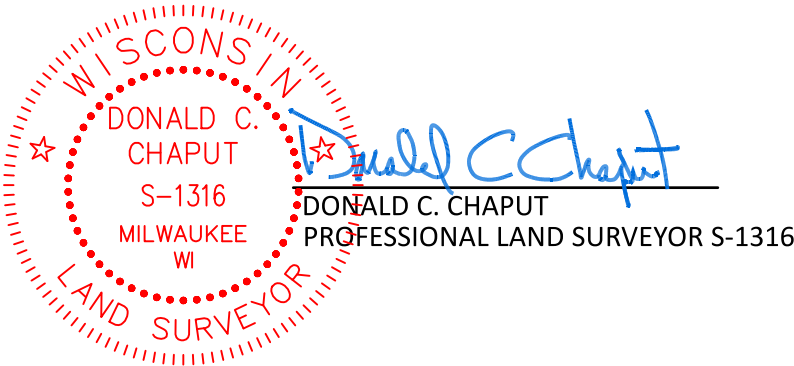
Said lands contains 1,941,970 square feet, or 44.5815 acres.

THAT I have made the survey, land division and map by the direction of HIGHLAND MEMORIAL PARK INC., owners.

THAT the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with Chapter 236 of the Wisconsin Statutes and the Land Division Regulations of the City of New Berlin in surveying, dividing and mapping the same.

May 8, 2023
DATE



CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE

STATE OF WISCONSIN}
 :SS
WAUKESHA COUNTY}

HIGHLAND MEMORIAL PARK INC., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, certifies that said corporation caused the land described on this Certified Survey Map to be surveyed, divided and mapped as represented on this map or plat in accordance with the subdivision regulations of the City of New Berlin and Chapter 236 of the Wisconsin Statutes.

HIGHLAND MEMORIAL PARK INC., does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of New Berlin.

IN WITNESS WHEREOF, the HIGHLAND MEMORIAL PARK INC. has caused these presents to be signed by the hand of _____, on this _____, day of _____, 2023.

HIGHLAND MEMORIAL PARK INC.

By: _____

Its: _____

STATE OF WISCONSIN}
 :SS
 COUNTY}

Personally came before me this ____ day of _____, 2023, _____, the _____ of the above named corporation, to me known as the person who executed the foregoing instrument and acknowledged that he/she executed the foregoing instrument as such officer on behalf of entity, by its authority.

Notary Signature: _____
Notary Name: _____
Notary Public, State of _____. My commission expires: _____
(Notary Seal)



CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

PLANNING COMMISSION CERTIFICATE OF APPROVAL

APPROVED by the Planning Commission of the City of New Berlin on this ____ day of _____,
2023.

DAVE AMENT, CHAIRPERSON / MAYOR

NIKKI JONES, SECRETARY

COMMON COUNCIL CERTIFICATE OF APPROVAL

APPROVED by the Common Council of the City of New Berlin in accordance with the Resolution adopted on
this ____ day of _____, 2023

DAVE AMENT, COUNCIL PRESIDENT

GEORGIA STANFORD , CITY CLERK



This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 4163-grb
Sheet 6 of 6 Sheets
22

STAFF REPORT EXECUTIVE SUMMARY

APPLICANT/PROJECT:	Scott Funk / Two (2) Lot Certified Survey Map (CSM)		
LOCATION:	1710 S. Craftsman Drive (Tax Key #: 1174-066 and 1174-987-001)		
REQUEST:	2-Lot Certified Survey Map		
REVIEW SCHEDULE:	CSM Received:	07/05/2023	
	Completeness Determination:	07/05/2023	
	90-day time limit expires:	10/03/2023	
	Final Common Council Action (expected):	08/29/2023	
	45-day extension expires:	N/A	
D.R.C. RECOMMENDATION:	Recommend to Common Council approval of the 2-Lot Certified Survey Map located at approximately 1710 S. Craftsman Drive (Tax Key #: 1174-066 and 1174-987-001) subject to the application, plans on file and the following conditions:		
	1. Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing. 2. A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required. 3. The CSM shall be recorded with Waukesha County Register of Deeds prior to the issuance of any new Zoning or Building Permits. 4. Applicant shall coordinate with DCD staff to prepare a Conservation Easement for Parcel #2 (Tax Key: 1174-987-001), subject to final review and approval of the City Attorney. a. Applicant shall provide a legal description for all areas to be protected within the easement. b. The Conservation Easement shall be recorded with the Waukesha County Register of Deeds prior to signing the CSM. 5. Applicant and/or new property owners shall apply for and obtain appropriate building, plumbing and electrical permits prior to any construction on any parcel.		

DETAILS IN ATTACHED STAFF REPORT:

CITY OF NEW BERLIN
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLAN COMMISSION STAFF REPORT
Meeting of August 14, 2023

Scott Funk / Two (2) Lot Certified Map (CSM)
1710 S. Craftsman Drive (Tax Key #: 1174-066 and 1174-987-001)

DATE STAFF REPORT PREPARED: July 6, 2023

APPLICANT / OWNER(S): Scott Funk (Owner)

REQUEST / DESCRIPTION OF PROJECT: Approval of the 2-Lot Certified Survey Map located at 1710 S. Craftsman Drive (Tax Key #: 1174-066 and 1174-987-001).

DATE OF APPLICATION / DATE FILED WITH CITY CLERK: 07/05/2023

DATE OF COMPLETENESS DETERMINATION: 07/05/2023

PRE-APPLICATION CONFERENCE HELD: Yes, multiple meetings were held at the DCD front counter.
Date(s) of Meeting(s): several meetings and numerous phone calls and emails exchanged prior to submittal
Staff Site Visit: July 14, 2023

CONCEPTUAL PLAN: Yes, CSM attached.

SIZE OF DEVELOPMENT / PARCEL(S): Parcel #1: 28,595 Square Feet (0.5011 Acres) and Parcel #2: 882,903 Square Feet (20.269 Acres).

CURRENT ZONING: R-4 (Low-Density Single Family Residential) and C-2 (Shoreland Wetland Holding District)

CURRENT LAND USE: Single-family home and wetland conservancy

PROPOSED ZONING: Not applicable – No change requested.

PROPOSED LAND USE: Continue use as single-family residential parcel.

PROPOSED LOT SIZES: The proposed lot sizes are as follows after right-of-way dedication:

Parcel #1: 28,595 Square Feet

Parcel #2: 882,903 Square Feet (20.269 Acres)

PROPOSED DENSITY: N/A

ADJACENT ZONING AND LAND USE:

North: Zoning: R-4	Land Use: Single Family Residential / East Brook Subdivision
South: Zoning: R-4	Land Use: Single Family Residential / East Brook Subdivision
East: Zoning: C-2	Land Use: Vacant Wetland Parcel
West: Zoning: R-4	Land Use: Single Family Residential / East Brook Subdivision

CONFORMANCE WITH COMPREHENSIVE PLAN AND MUNICIPAL CODE: Yes

Chapter 11: Neighborhood A: Greenfield Avenue: The submittal meets the intent of this Chapter.

The larger parcel, Tax Key #: 1174-987-001, falls within Chapter 12: Neighborhood B: West Lincoln Avenue & Western Area. However, the request is being reviewed under Chapter 11.

Planning Context / Vision / Development Policies:

- Greenfield Avenue will be a mixed commercial and residential corridor, and shall act as a gateway to the northern area of New Berlin. The eastern half of the corridor should foster a more urban mix of uses, while the western half should encourage a mix of rural commercial, residential, and environmental features.

Development Policies:

- Create development standards for site layout, building character, and landscaping that are suitable for new development along the corridor.
- Tighten nonconforming lot, structure, and use standards, and require compliance with landscaping regulations. Phase out nonconforming commercial uses over time.
- Recognize the Greenfield Avenue and Moorland Road primary intersection as a major gateway into the city from the north. Encourage signature well-designed buildings that are compatible with surrounding areas including recent development across the street in the City of Brookfield.
- Site development should include prominent signage, increased landscaping, sustainable strategies for stormwater management, and methods to minimize the parking field, such as structured parking. Fig. 11.8 - North Moorland Road Corridor Map. New Berlin 2020 Comprehensive Plan 11:7
- Address flooding and localized drainage issues along the eastern portion of the neighborhood.
- Encourage land combinations that accommodate future development options.

Land Use:

- *Future Land Use Map: Suburban Residential & Country Residential (Neighborhood A & B)*

ZONING CODE (Chapter 275): Yes, this request is consistent with Sections 275-33B(4), table 275-33-2 and 275-37B(4) of the Zoning Code.

DEVELOPMENT CODE (CHAPTER 235): Yes

REZONING REQUIRED: Not applicable

CONDITIONAL USE REQUIRED: Not applicable

PUBLIC HEARING REQUIRED: Not applicable

USE / SITE / ARCHITECTURAL REVIEW:

Use Approval Required: No

Site Plan Required: Yes, see 2-Lot CSM attached.

Architectural Review Required: No

PROPOSED ARCHITECTURE: Not applicable

UNIQUE SITE CHARACTERISTICS:

Environmental Corridor: Parcel #1 does contain a small portion of Primary Environmental Corridor. Parcel #2 contains a considerable amount of mapped Primary Environmental Corridor.

Wetland on Property: Parcel #1 does contain a small amount of mapped wetland and Parcel #2 is almost entirely comprised of wetland and is zoned C-2. There is an Assured Delineation Report dated January 5, 2021 on file with

the City. The revised wetland boundary has been delineated and will be registered with the City (File #: WD-2100242).

Conservancy Districts (C-1, C-2): Yes, Parcel #1 contains a small amount of wetland (C-2) and Parcel #2 contains a considerable amount of wetland (C-2).

NRCS Map Classification: Not Inventoried

Floodplain: There is no mapped floodplain on Parcel #1 but there is mapped floodplain on Parcel #2.

Topography / Geologic: Site slopes downward generally from the west to the east with about an 18' grade change.

BIKE & PEDESTRIAN FACILITIES PLAN: No improvements identified

PARK & OPEN SPACE PLAN: No improvements identified

NATURAL RESOURCES PROTECTION:

Limits of Disturbance (LOD): Not applicable for a CSM

Woodland, Tree & Vegetation Protection: Not applicable for a CSM

Wildlife Habitat Protection: Not applicable for a CSM.

Wildlife Management Plan: Not applicable for a CSM.

ENVIRONMENTAL IMPACT: Both parcels have been field delineated for wetlands by an Assured Delineator. This report, dated January 5, 2021, was completed by the Heartland Ecological Group and is on file with the City. The new boundary has been registered with the City (File #: WD-2100242).

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.

SANITARY SEWER PROVISION:

Within Current Sewer Service Area: No

Basin Capacity Available: Not applicable

Adequate Linkage: Not applicable

Onsite System Required: Yes, current home located at 1710 Craftsman Dr. has an onsite system.

WATER USAGE CALC.: Not applicable

TRAFFIC IMPACT: Not applicable

SCHOOL DISTRICT IMPACT: Not applicable

PREVIOUS ACTION:

- **April 2021** Wetland delineation registered with the City.

CONSISTENCY WITH PREVIOUS ACTION: Yes

FINDINGS:

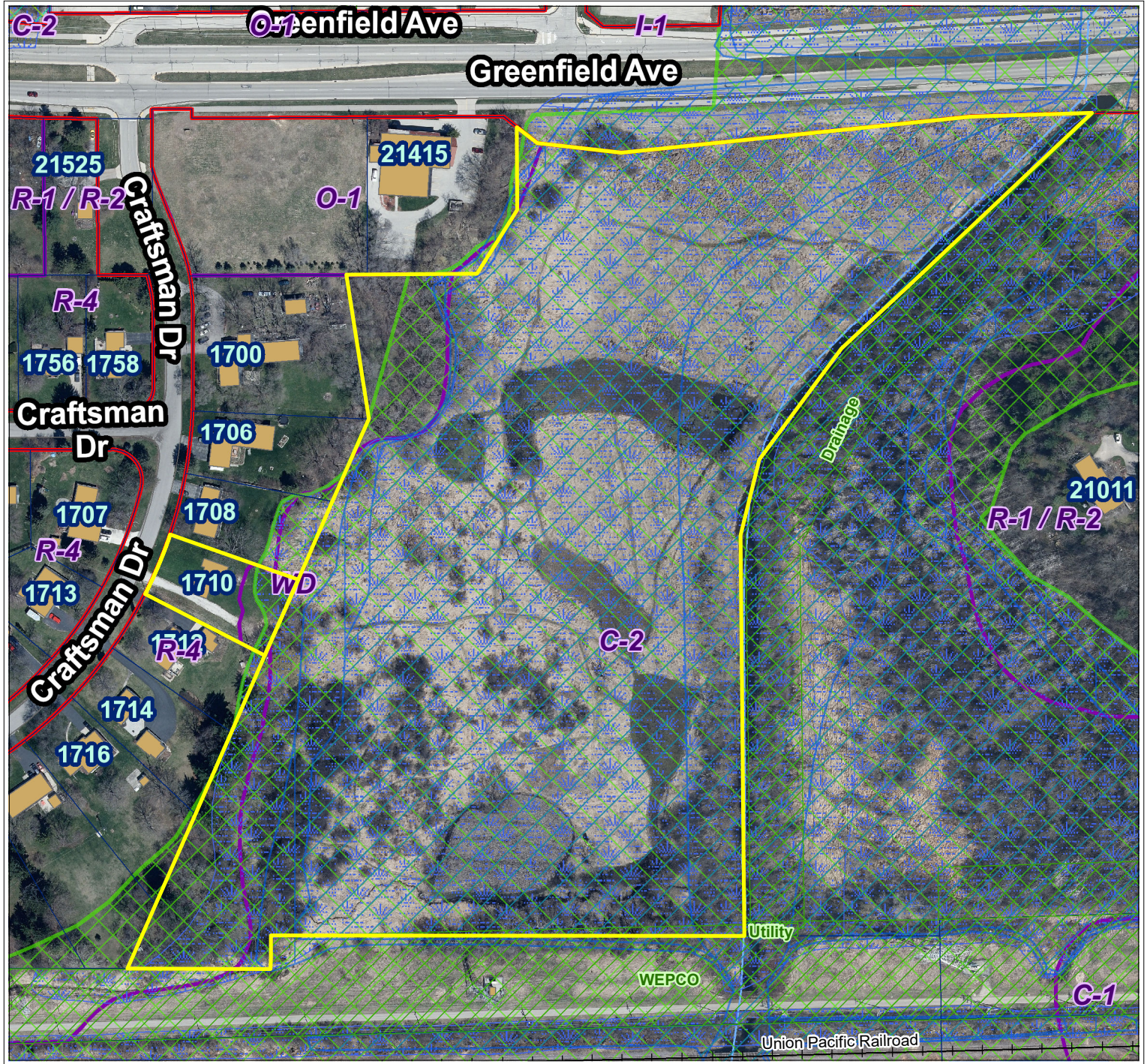
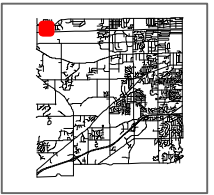
1. The applicant owns both Parcel #1 and Parcel #2 and wishes to build a detached garage at the back of Parcel #1. In order to do this, the applicant is adding an approximate 50' to the back of Parcel #1 in order to meet the City's setback requirements for this detached garage. No other construction activity will take place on either parcel. There are no impacts to the delineated wetlands on either Parcel #1 or Parcel #2.
2. Parcel #2 will remain in largely conservancy but the City shall require that a conservation easement be prepared for Parcel #2.

D.R.C. RECOMMENDATION:

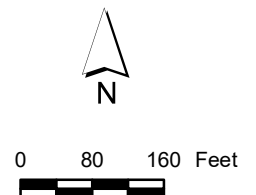
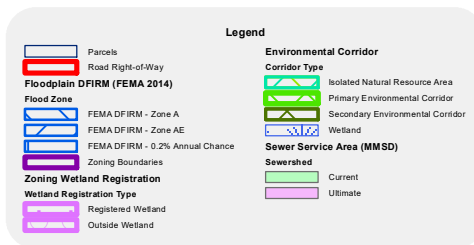
Recommend to Common Council approval of the 2-Lot Certified Survey Map located at approximately 1710 S. Craftsman Drive (Tax Key #: 1174-066 and 1174-987-001) subject to the application, plans on file and the following conditions: **See Executive Summary.**

ATTACHMENTS:

Location Map
Applicant Letter
Proposed CSM



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



The information and depictions herein have been produced using data available through photogrammetric 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.

June 28, 2023

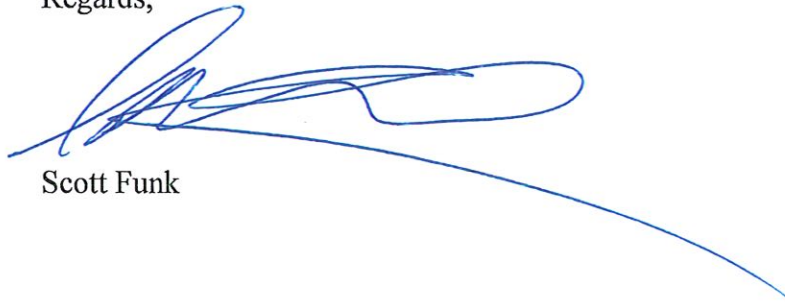
City of New Berlin Department of Community Development
3805 S. Casper Dr.
New Berlin, WI 5315

RE: Conservation Easement Letter

I would like the following items allowable on my conservation's easement on my 20-acre parcel Tax Key NBC 1174987001:

- Future retention pond for storm water management for commercial lot (see attached map)
- Future wildlife pond if permitted from the DNR or other applicable agencies (see attached map, exact location unknown)
- Tree planting allowable
- Agricultural use and farming
- Recreational use such as hunting, fishing, ATV riding
- Easement allowance does not hinder eligibility for FSA, USDA, NRCS or similar programs in the future
- No public access

Regards,

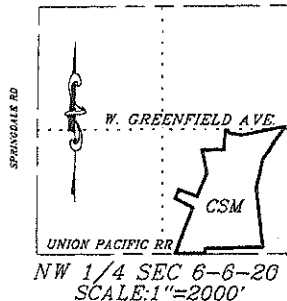


Scott Funk

BEING ALL OF LOT 21 IN EAST BROOK, AND LANDS, BEING A PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 6, TOWN 6 NORTH, RANGE 20 EAST, IN THE CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN.

GREENFIELD AVENUE
(VARIABLE WIDTH)

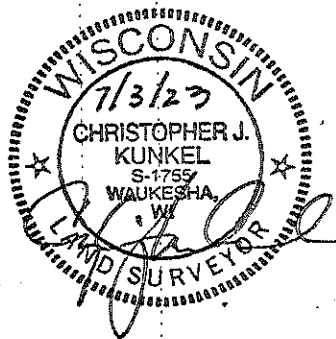
VICINITY MAP



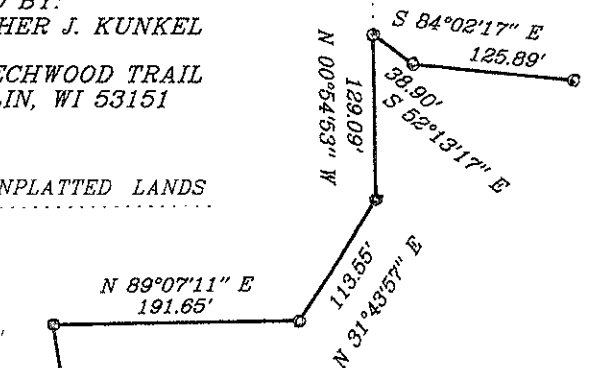
NW 1/4 SEC 6-6-20
SCALE: 1"=2000'



SCALE: 1"=150'



UNPLATTED LANDS



$R=661.15'$
 $\Delta=08^{\circ}08'07''$
 $L=93.88'$
 $CB=N22^{\circ}30'11''E$
 $Ch=93.78'$

LOT 2
882,903 S.F.
(20.269 ACRES)

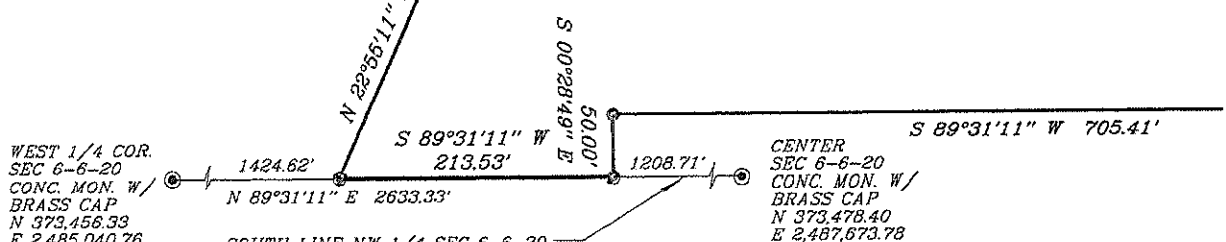
NOTE:
 ° - DENOTES 1"x18" IRON PIPE 1.13 LBS.
 PER LINEAL FOOT SET AT ALL LOT
 CORNERS UNLESS NOTED OTHERWISE.

• --DENOTES 1" IRON PIPE FOUND

BEARINGS REFER TO THE WISCONSIN
STATE PLANE COORDINATE SYSTEM
SOUTH ZONE, IN WHICH THE SOUTH
LINE OF THE NW 1/4 SECTION 6-6-20
BEARS N89°31'11"E.

WETLAND COURSES

<i>COURSE</i>	<i>BEARING</i>	<i>DISTANCE</i>
1	N 84°56'15" E	11.94'
2	N 15°26'12" E	47.37'
3	N 54°49'08" W	25.96'
4	N 05°05'51" W	28.21'
5	N 17°46'19" E	31.41'
6	N 18°47'39" W	20.52'
7	N 85°10'35" W	32.56'



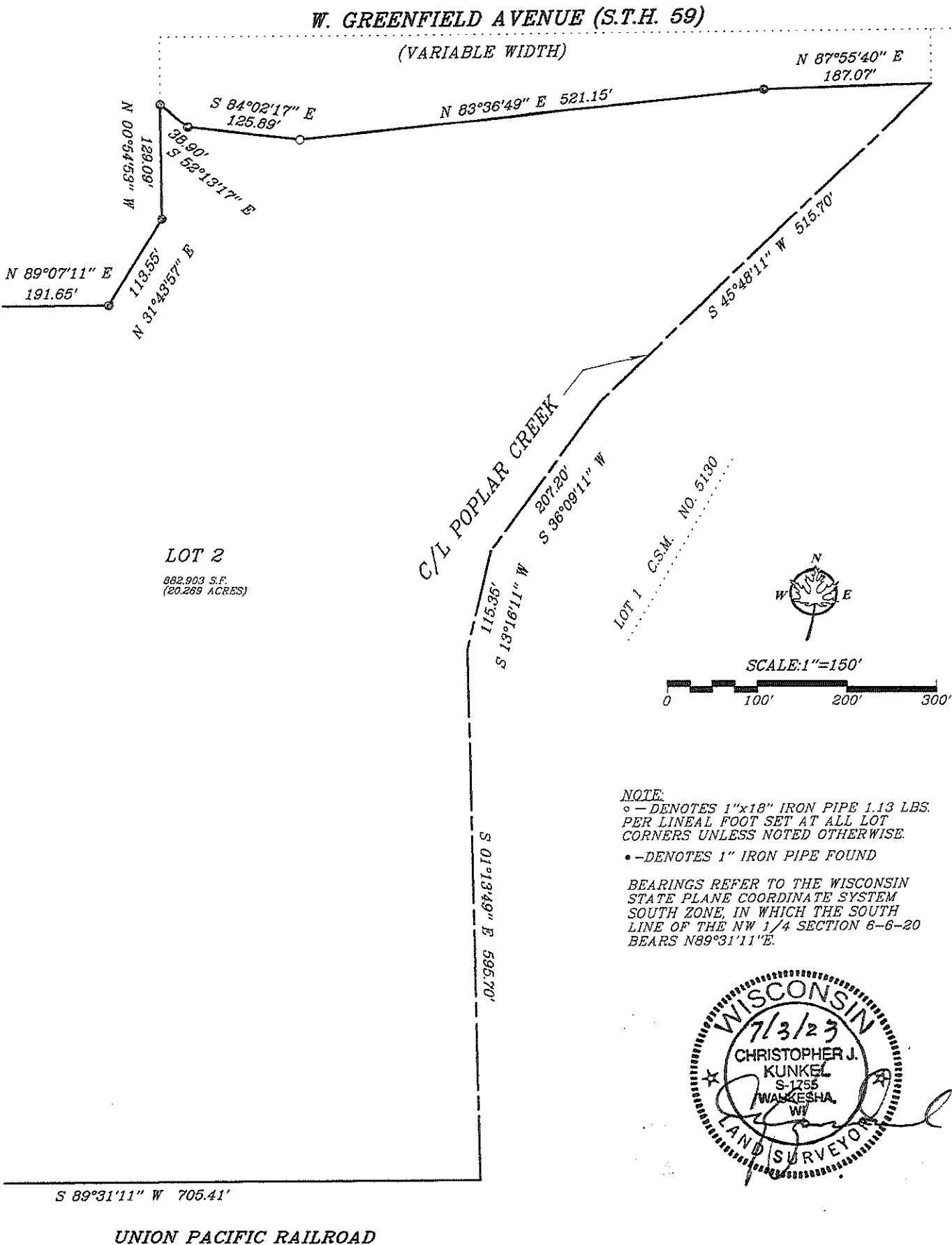
UNION PACIFIC RAILROAD

SHEET 1 OF 4

THIS INSTRUMENT DRAFTED BY CHRISTOPHER J. KUNKEL S-1755

CERTIFIED SURVEY MAP NO. _____

BEING ALL OF LOT 21 IN EAST BROOK, AND LANDS, BEING A PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 6, TOWN 6 NORTH, RANGE 20 EAST, IN THE CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN.



CERTIFIED SURVEY MAP NO. _____

BEING ALL OF LOT 21 IN EAST BROOK, AND LANDS, BEING A PART OF THE
SE 1/4 OF THE NW 1/4 OF SECTION 6, TOWN 6 NORTH, RANGE 20 EAST, IN
THE CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN.

SURVEYORS CERTIFICATE

I, Christopher J. Kunkel, Professional Land Surveyor, hereby certify that I have surveyed, divided and mapped all of Lot 21 in East Brook, and lands, being a part of the SE 1/4 of the NW 1/4 of Section 6, Township 6 North, Range 20 East, City of New Berlin, Waukesha County, Wisconsin, bounded and described as follows:

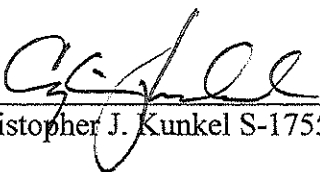
Commencing at the west 1/4 corner of said Section 6; thence N89°31'11"E along the south line of said NW 1/4 Section 6, 1424.62 feet to the place of beginning of the lands to be described; thence N22°55'11"E, 509.99 feet to the southeasterly corner of said Lot 21, thence N63°26'49"W along the south line of said Lot 21, 203.23 feet to a point on the east line of S. Craftsman Drive; thence northeasterly 93.88 feet along said east line and the arc of a curve, whose center lies to the northwest, whose radius is 661.15 feet; and whose chord bears N22°30'11"E, 93.78 feet; thence S71°04'49"E along the northeasterly line of said Lot 21, 204.12; thence N22°55'11"E, 259.18 feet; thence N08°49'13"W, 217.10 feet; thence N89°07'11"E, 191.65 feet; thence N31°43'57"E, 113.55 feet; thence N00°54'53"W, 129.09 feet; thence S52°13'17"E along the south line of W. Greenfield Avenue (S.T.H. 59), 38.90 feet; thence S84°20'17"E along said south line, 125.89 feet; thence N83°36'49"E along said south line, 521.15 feet; thence N87°55'40"E along said south line, 187.07 feet; thence S45°48'11"W along the center line of Poplar Creek; 515.70 feet; thence S36°09'11"W along said center line, 207.20 feet; thence S13°16'11"W along said center line, 115.35 feet; thence S01°13'49"E along said center line, 595.70 feet to a point on the north line of the Union Pacific Railroad right-of-way; thence S89°31'11"W along said north line; 705.41 feet; thence S00°28'49"E along said north line; 50.00 feet; thence S89°31'11"W along said north line and the south line of the NW 1/4 of said Section 6, 213.53 feet to the place of beginning..

Said lands containing 911,498 square feet of land, more or less.

That I have made such survey, land division and map by the direction of the Scott M. and Tina M. Funk, owners of said land.

That such map is a true representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and the ordinances of the City of New Berlin in surveying, dividing and mapping the same.



Christopher J. Kunkel S-1755

Date 7/3/23



CERTIFIED SURVEY MAP NO. _____

BEING ALL OF LOT 21 IN EAST BROOK, AND LANDS, BEING A PART OF THE
SE 1/4 OF THE NW 1/4 OF SECTION 6, TOWN 6 NORTH, RANGE 20 EAST, IN
THE CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN

OWNERS CERTIFICATE OF DEDICATION

As owners, we hereby certify that we have caused the land described above to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of the ordinances of the City of New Berlin and that this map is required by s.236.10 or s. 236.12 to be submitted to the following for approval or objection:
City of New Berlin.

Witness the hand and seal of said owners this _____ day of _____, 20_____.

Witness Scott M. Funk

Witness Tina M. Funk

Personally came before me this _____ day of _____, 20_____, the above named Scott M. Funk and Tina M. Funk, owners, to me be known as the persons who executed the foregoing instrument and acknowledged the same.

Notary Public-State of Wisconsin

My commission expires: _____

PLANNING COMMISSION APPROVAL

Approved by the Plan Commission of the City of New Berlin on this _____ day of _____, 20_____.

David Ament, Chairman

Nikki Jones, Secretary

COMMON COUNCIL APPROVAL

Approved by the Common Council of the City of New Berlin on this _____ day of _____, 20_____.

David Ament, Mayor

Rubina R. Medina, City Clerk

This instrument drafted by Christopher J. Kunkel S-1755



Sheet 4 of 4



DATE: August 16, 2023

TO: Rubina Medina
City Clerk

FR: Mayor Dave Ament

RE: Mayoral Appointments for the August 29, 2023 Common Council Mtg

Finance Committee

Ronald Stair
3323 S Monterey Drive
New Berlin, WI 53151
414-610-6004
rstair@wi.rr.com
(Re-Appointment)

Expiration Date

9/25/2024

For Office Purposes Only						
TT	Eml	Web	Provov	Ltr	Ethcs	HB

Housing Trust Fund Board

Mitchell Lataille
4030 S Camrose Ave
New Berlin, WI 53151
262-510-8569
mitch6769@gmail.com
(Re-Appointment)

Expiration Date

10/10/2025

For Office Purposes Only						
TT	Eml	Web	Provov	Ltr	Ethcs	HB

Landmarks Commission

Patti Orzel
15295 Library Lane #318
New Berlin, WI 53151
262-785-9153
orzelpatti@gmail.com
(Re-Appointment)

Expiration Date

10/1/2026

For Office Purposes Only						
TT	Eml	Web	Provov	Ltr	Ethcs	HB

Safety Saturday Committee

William Sullivan
14525 W Park Ave
New Berlin, WI 53151
414-828-3110
wsullivan@wi.rr.com
(Re-Appointment)

Expiration Date

10/1/2025

For Office Purposes Only						
TT	Eml	Web	Provovox	Ltr	Ethcs	HB

Safety Saturday Committee

Roger Wilde
3253 S 147th Street
New Berlin, WI 53151
262-389-4427
rhwilde@yahoo.com
(Re-Appointment)

Expiration Date

10/1/2025

For Office Purposes Only						
TT	Eml	Web	Provovox	Ltr	Ethcs	HB

Safety Saturday Committee

Heather Scrima
12921 Forest Drive
New Berlin, WI 53151
262-366-1015
habs1364@gmail.com
(Re-Appointment)

Expiration Date

10/1/2025

For Office Purposes Only						
TT	Eml	Web	Provovox	Ltr	Ethcs	HB



Committee of the Whole MEETING MINUTES

July 25, 2023 - 6:00 PM
Council Chambers
3805 S. Casper Drive

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

MINUTES

1. CALL MEETING TO ORDER

Mayor Ament called the meeting to order at 6:01 PM.

2. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

The City Clerk took the roll call as follows:

Present: Alderperson Hopkins, Alderperson Maxey, Alderperson Harenda, Alderperson Kroupa, Alderperson Horbinski

Excused: Alderperson La Fever, Alderperson Stribl

Staff Present: Finance Director Ralph Chipman, City Attorney Mark Blum, City Clerk Rubina R. Medina

3. APPROVAL OF MINUTES

A. June 27, 2023 Committee of the Whole Meeting Minutes

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Horbinski
Second by: Alderperson Kroupa
Motion Passed 5-0

4. UTILITY & FINANCE

A. Discussion and recommendation to Common Council approval of the July 12, 2023 Water Utility claims in the amount of \$5,795.00. Sewer Utility claims in the amount of \$242,806.55 and General City claims in the amount of \$3,113,083.43. WE Energies EFT of \$58,022.89

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Harenda
Second by: Alderperson Hopkins
Motion Passed 5-0

B. Discussion and recommendation to Common Council approval of the July 26, 2023 Water Utility claims in the amount of \$176,400.51. Sewer Utility claims in the amount of \$8,904.04 and General City claims in the amount of \$2,152,059.56. Tax overpayment checks totaling \$3,244.88 were also generated. US Bank VISA EFT of \$26,251.33. WE Energies EFT of \$51,446.84

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Kroupa
Second by: Alderperson Maxey
Motion 5-0

5. LICENSES & PERMITS

- A. Discussion and recommendation to the Common Council approval of the new agent for Kwik Trip #977, Mario Baregi, for the remainder of the licensing period of July 1, 2023-June 30, 2024.

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Harenda
Second by: Alderperson Maxey
Motion Passed 5-0

6. MISCELLANEOUS

- A. Finance Department Update by Director Ralph Chipman

Finance Director Ralph Chipman provided an update to the Council - a PDF of the presentation is included in the agenda packet

- B. Recommend to the Common Council that a joint public hearing be set for August 14, 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 Rural Commercial and Suburban Residential to Rural Commercial and Suburban Residential AND rezone from B-2 and R-3 to B-5 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).

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Kroupa
Second by: Alderperson Hopkins
Motion Passed 5-0

- C. Discussion and recommendation to the Common Council approval of the Pre-Disaster Debris Management Contract with DRC Emergency Services to provide Debris Management Services in the event of a disaster for a period from August 1, 2023 through August 1, 2026 with a mutually agreed upon extension of up to 2 years

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Maxey
Second by: Alderperson Harenda
Motion Passed 5-0

- D. Discussion and recommendation to the Common Council approval of Resolution 23-15, A Resolution providing for the sale of approximately \$13,280,000 General Obligation Promissory Notes, Series 2023A

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Hopkins
Second by: Alderperson Horbinski
Motion Passed 5-0

- E. Discussion and recommendation to the Common Council approval of Resolution 23-16, An Resolution authorizing \$6,240,000 General Obligation Bonds for Community Development Projects in Tax Incremental District No. 5

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Harenda
Second by: Alderperson Horbinski
Motion Passed 5-0

- F. Discussion and recommendation to the Common Council approval of Resolution 23-17, A Resolution Directing Publication of Notice to Electors Relating to Bond Issue

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Kroupa
Second by: Alderperson Maxey
Motion Passed 5-0

- G. Discussion and recommendation to the Common Council approval of Resolution 23-18, A Resolution Providing for the Sale of Not to Exceed \$6,240,000 General Obligation Community Development Bonds, Series 2023B

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Maxey
Second by: Alderperson Hopkins
Motion Passed 5-0

- H. Discussion and recommendation to the Common Council approval of Ordinance No. 2680, An Ordinance to create Sections 152-4 (Q) and (R) of the Municipal Code of the City of New Berlin

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Hopkins
Second by: Alderperson Maxey
Motion Passed 5-0

- I. Discussion and recommendation to the Common Council approval of the license agreement between Professional Firefighters of Wisconsin Charitable Foundation Inc. and the City of New Berlin to use the area adjacent to Fire Station No. 1 along Casper Drive, as well as the streets building parking lot for the 2023 Ride to Burn Camp on August 15, 2023 between 5PM and 5:45PM

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Maxey
Second by: Alderperson Hopkins
Motion Passed 5-0

- J. Discussion and recommendation to the Common Council regarding the Bryan Linskens claim

MOTION: Motion to Deny the Claim

VOTE: Motion by: Alderperson Hopkins
Second by: Alderperson Harenda
Motion Passed 5-0

7. **ADJOURN**

MOTION: Motion to adjourn at 6:29 PM

VOTE: Motion by: Alderperson Harenda
Second by: Alderperson Maxey
Motion Passed 5-0

	MEMORANDUM MARCUS CORPORATION LEGAL DEPARTMENT	
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Via FedEx

TO: City of New Berlin

ATTN: Clerk's Office / City Clerk

FROM: Becca Heian

DATE: August 4, 2023

SUBJECT: Change of Agent – Liquor License at Ridge Cinema (5200 S. Moorland Road)

To Whom It May Concern:

Enclosed please find the required documents to effectuate the change of Agent on our current liquor license issued to the above referenced property.

Mark A. Peterson, Sr., will be replacing our current Agent, *David J. Metz*, effective immediately.

Upon approval and issuance of the replacement/revised license with Mr. Peterson listed as the Agent, please mail the original to my attention at the address below AND (if possible) also email a copy to me at the email address below:

The Marcus Corporation
c/o Becca Heian/Legal Dept.
 100 E. Wisconsin Ave., Suite 1900
 Milwaukee, WI 53202

If there is an alternative way you must distribute the license (i.e. mailing directly to the property, being picked up in person, etc.), please send me an email to let me know.

If you have any questions or need additional information, please don't hesitate to contact me.

Thank you,



Becca Heian

Paralegal

rebeccaheian@marcuscorp.com

(414) 905-1447

Appointment of Successor Agent – Retail Licenses

Submit this form to your licensing authority with a \$10 processing fee.

If there is a change in agent, each club, corporation, or limited liability company that holds a retail license to sell fermented malt beverages and/or intoxicating liquor must appoint a successor agent and have the appointment approved by the licensing authority pursuant to sec. 125.04(6), Wis. Stats. The following questions must be answered by the agent, and the appointment must be signed by an officer of the corporation/organization or one member of the limited liability company (only one signature is required).

Section 1: Licensee Information and Acknowledgement

Licensee Name

Family Entertainment, LLC (dba Ridge Cinema)

Reason for Cancellation of Appointed Agent

The previous Agent resigned from Marcus for new employment.

The undersigned appoints Mark A. Peterson, Sr. as
agent in accordance with sec. 125.04(6), Wis. Stats.

Signature of President / Member

Date

8/11/2023

Section 2: Agent Information and Acknowledgement

Agent Name

Mark Anthony Peterson, Sr.

Mailing Address

8093 N. Edge O Woods Dr.

City or Post Office

Brown Deer

State

WI

Zip Code

53223

Agent Questions

Yes No

1. Are you of legal drinking age? ☒ Yes ☐ No
2. Have you been a resident of Wisconsin for at least 90 continuous days prior to the date of appointment as agent? ☒ Yes ☐ No
3. Have you ever been convicted of a federal law violation? ☐ Yes ☒ No
4. Have you ever been convicted of a state law violation? ☐ Yes ☒ No
5. Have you ever been convicted of a local ordinance violation? ☐ Yes ☒ No
6. Have you completed the required responsible beverage server training course per sec. 125.04(5)(a)5, Wis. Stats.? ☒ Yes ☐ No

UNDER PENALTY OF LAW, I declare that my answers above are true and correct to the best of my knowledge and belief.

I hereby accept appointment as agent for Family Entertainment, LLC (dba Ridge Cinema) and
assume full responsibility of the conduct of the business relative to fermented malt beverages and intoxicating liquors.

Signature of Agent

Date

8/11/2023

Section 3: Licensing Authority Approval

Municipality Name

Signature of Official

Date

Title of Official

record check
08/07/23
OK SH

Alcohol Beverage License Application
Supplemental Questionnaire

Date

This form must be submitted to the municipal clerk, and be accompanied by one or more of the following forms: AT-104, AT-106, AT-108, AT-115, or AT-200. One Form AT-103 must be completed by each person involved in the applicant business or parent company including:

- sole proprietor
- all officers, directors, and agent of a corporation or nonprofit organization
- all partners of a partnership
- managing members and agent of a limited liability company

Your alcohol beverage application or renewal is not complete until all required Supplemental Questionnaires are submitted.

Part A: Premises/Business Information				
1. Registered Entity Name (or individual name if sole proprietor) Family Entertainment, LLC				
2. Trade Name or DBA Ridge Cinema				
3. Entity Type (check one)				
☐ Sole Proprietor	☐ Partnership	☒ Limited Liability Company	☐ Corporation	☐ Nonprofit Organization

Part B: Individual Information				
1. Name (Last, First, M.I.) Peterson, Sr. Mark A.				
2. Relationship to Registered Entity (Title) Agent		3. Email MarkPeterson@marcuscorp.com		4. Phone 414-905-1542
5. Home Address 8093 N. Edge O Woods Dr.				
6. City Brown Deer		7. State WI	8. Zip Code 53223	9. Date of Birth 09/25/1961
10. Drivers License/State ID Number P362-5416-1345-06			11. Drivers License/State ID State of Issuance Wisconsin	

Part C: Address History	
List in chronological order your last two residence addresses within the last 5 years.	
Previous Address 1 1485 N. McCarthy Rd., Apt. 2	
Previous City, State, Zip Appleton, WI 54913	Dates (MM/YYYY - MM/YYYY) 05/2018 - 03/2023
Previous Address 2 2610 N. Helen St., Apt. 18	
Previous City, State, Zip Appleton, WI 54911	Dates (MM/YYYY - MM/YYYY) 07/2016 - 05/2018

Part D: Employment History	
List in chronological order your last two employers within the last 5 years.	
Employer's Name Allied Security	
Employer's Address 161 Washington St., Ste 600, Eight Tower Bridge, Conshohocken, PA 19428	Dates Employed (MM/YYYY - MM/YYYY) 07/2016 - 07/2023
Employer's Name Milwaukee Police Department	
Employer's Address 749 w. State St., Milwaukee, WI 53202	Dates Employed (MM/YYYY - MM/YYYY) 08/1989 - 07/2016

Part E: Criminal History	
1. Have you ever been convicted of any offenses (other than traffic offenses unrelated to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or of any county or municipal ordinances? ☐ Yes ☒ No If yes to question 1, please list details of each conviction below. Attach additional sheets as needed.	
Law/Ordinance Violated	Trial Date
Penalty Imposed	Was sentence completed? ☐ Yes ☐ No
Law/Ordinance Violated	Trial Date
Penalty Imposed	Was sentence completed? ☐ Yes ☐ No
2. Are charges for any offenses currently pending against you (other than traffic offenses unrelated to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or any county or municipal ordinances? ☐ Yes ☒ No If yes to question 2, describe nature and status of pending charges using the space below. Attach additional sheets as needed.	

Part F: Questions		
1. Have you lived in any state other than Wisconsin as an adult? If yes, please list them in the space below. If no, continue to question 2. ☐ Yes ☒ No		
2. How long have you continuously lived in Wisconsin prior to the date of application?	Years Over 61	Months 9
3. Do you hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g. brewer, brewpub, winery, distillery)? If yes, please explain using the space below. Attach additional sheets as needed. ☐ Yes ☒ No		

Part G: Attestation	
READ CAREFULLY BEFORE SIGNING: I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.	
Signature <i>Mark A. Peterson Jr.</i>	Date 8/11/2023



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: Greg Westphal
Address: 2369 S. 124th Street

Applicant representing this event:

Name: Greg Westphal
Address: 2369 S. 124th St
Date of Birth: 6-2-63

Work Phone: 414-351-0400
Home Phone: 462-786-5422
Cell Phone: 414-614-6868

Email Address: _____

Event Information:

Name of Event: WESTPARK WEDDING
Address of Event: 2369 S. 124th Street

Dates of Event (no more than 3 days in a row): 9-16-23

Estimated Number of Participants: 4-25 - 450

Hours of Loudspeaker Operation:

Start: 6- a.m./p.m.

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

Number of Loudspeakers to be used: (2)

* All city parks with the exception of Malone Park close at dusk*

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, Greg Westphal, 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: [Signature] Date: 8-1-23

☐ Approved ☐ Not Approved. Reason for denial: _____

Issued by: _____

Fee: \$50

(Office use) License #: _____



City of New Berlin
Clerk's Office/Community Relations Dept.
3805 South Casper Drive
New Berlin, WI 53151-0921
262-786-8610

**CITY OF NEW BERLIN
EXTENSION OF PREMISE APPLICATION**

1. First name: Rebekah Last name: Capps Middle initial: J
2. Phone number: 262-617-0258 E-mail: _____
3. Business name: Bakers
4. Business address: 13327 W Greenfield Ave
5. License number for which you wish to temporarily extend premise: _____
6. Name of event or function for which the temporary extension is sought: Jake's 50th Birthday
7. Date(s) and time frame of event(s) for which the temporary extension is sought (*All Temporarily Extensions are required to be approved by the Common Council of the City of New Berlin. Applications must be completed in its entirety and to the Clerk's office 15 days before the event.*): 9-09-23
12 noon - 9 pm
8. Specific description of the site for which the temporary extension is sought, including dimensions of the area and where beer/liquor is to be served from: Served inside
9. List the location of all exits: location in parking lot
10. How will licensed premise area be restricted and screened for underage people? Check IDs
11. Have you obtained liability coverage for the event of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate, naming the City of New Berlin as an additional insured? Yes No

Attach a copy of policy endorsement along with application

12. Will the event encroach upon any public property or public right-of-way? Yes
13. Have you obtained a use approval for the special event from the Planning Department?

Yes

No

****Must include proof of approval with application****

14. **Application must be accompanied by a diagram that outlines where extension will be located in reference to currently licensed premise, service area, exits and any fences or barricades that will be utilized during special event.**
15. **All Temporarily Extensions are required to be approved by the Common Council of the City of New Berlin. Applications must be completed in its entirety and to the Clerk's office 15 days before the event.**

To the Common Council of the City of New Berlin, Wisconsin:

I hereby apply for a License to extend the premise of the alcohol beverage license at the premises described above, in the City of New Berlin, subject to the limitations imposed by Wisconsin Statutes and acts amendatory hereof and supplementary thereto, and hereby agree to comply with all laws, resolutions, ordinances and regulations affecting the sale of such beverages if a license be granted me.

I acknowledge that all additional city and state permits required for this event have been applied for and copies of said permits have been provided to the New Berlin City Clerk's Office.

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 14th DAY OF August, 20 23

(Clerk/Notary Public)

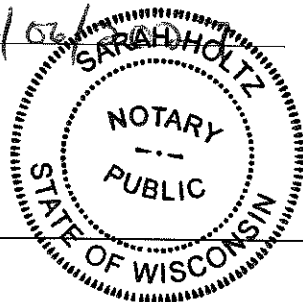
My commission expires: 02/06

(Officer of Corporation/Member/Manager of LLC/Partner/Individual)

(Officer of Corporation/Member/Manager of LLC/Partner/Individual)

(Officer of Corporation/Member/Manager of LLC/Partner/Individual)

(If owner of property is different from licensee, owner of property must also sign.)



Office use only

Date received: _____

Notes (past citations, complaints, etc.):

01A - 2301619

City of New Berlin Department of Community Development
3805 S. Casper Drive, New Berlin, WI 53151
Phone (262) 797-2445 / Fax (262) 780-4612 / www.newberlin.org/dcd



Administrative Permit Application

Use / Re-occupancy / Sign / Home Occupation / Temporary Use

Applicant / Agent / Contact

Name Rebekah Capps
Company Beiers
Address 13327 W. Greenfield
City, State, Zip New Berlin WI 53151
Phone 262 617 0258
E-Mail _____
Website _____
Project Name or New Company Name
Birthday Party
Representing _____

Economic Development Information (optional):

Would you be interested in a workplace visit with the Mayor? ☐ Yes ☐ No

Why did you choose New Berlin over other cities? _____

Property Information

Property Address 13327 W. Greenfield
Business Name Beiers
Tax Key Number(s) _____
Current Zoning Commercial
Property Owner _____
Property Owner's Address _____
Existing Use of Property _____
Lot Size _____
Structure Size _____ Addition _____
For Multi-Tenant Buildings, Space Occupied _____

Brief Description of Proposal extension of premises for Birthday party

Application Type (Time frame) ¹	Fees	Required Plans/Information ²
☐ Use Approvals (Max. 15 days)	☐ Residential Zoning - \$100/unit ☐ Commercial, Office or Institutional Zoning- \$200 + \$15/1,000 sq.ft. (building additions only) ☐ Industrial or PUD Zoning - \$350 + \$25/1,000 sq.ft. (building additions only) + Developer's Deposit	☐ Plan of Operation – 7 copies ☐ Site Plan – 7 copies ☐ Floor Plan – 7 copies ☐ Photo/Elevation – 7 copies ☐ Landscaping Plan – 7 copies ☐ Stormwater Plan – 7 copies
☐ Re-Occupancy (Upon passed Occupancy Inspection)	☐ Residential - \$100/unit ☐ Commercial, Office or Institutional Zoning - \$200 ☐ Industrial or PUD Zoning - \$350	☐ Plan of Operation – 1 copy ☐ Site Plan – 1 copy ☐ Floor Plan – 1 copy ☐ Photo/Elevation – 1 copy
☐ Sign (Max. 5 days)	☐ \$3/sq.ft. each sign face - \$75 minimum fee ☐ Temporary Signs and Banners - \$75 flat fee	☐ Site Plan – 1 copy ☐ Colored Scaled Drawing of the Sign – 1 copy ☐ Colored Superimposed signage on building elevation – 1 copy
☐ Home Occupation (Max. 5 days)	\$100	☐ Plan of Operation – 1 copy ☐ Site Plan – 1 copy ☐ Floor Plan – 1 copy ☐ Photo/Elevation – 1 copy
☒ Temporary Use Approval	\$100	☐ Plan of Operation – 4 copies ☐ Site Plan – 4 copies ☐ Floor Plan – 4 copies ☐ Elevation – 4 copies

-- CONTINUED ON PAGE 2 --

Fees:

Base fee from above	\$ <u>100</u>
Per Sq. Ft. fee from above (Use Approvals only)	\$ _____
Inspection Fee (Re-Occupancies only)	\$ 255.00
Filling Fee	\$ <u>50.00</u>
Total	\$ <u>150</u>

- ¹ Only if all required materials are submitted and satisfactory.
² Other plans and information may be required by staff upon further review of the project. **Electronic files of entire submittal required.** Failure to submit all required plans will result in rejection of the application.

DEVELOPER'S DEPOSIT MAY ALSO BE REQUIRED
 (FORM: <http://www.newberlin.org/DocumentCenter/Home/View/245>)

No refunds for denied applications

By the execution of this application, applicant hereby authorizes the City of New Berlin or its agents to enter upon the property during the hours of 7:00 A.M. to 7:00 P.M. daily for the purpose of inspection. Applicant grants this authorization to enter to the City of New Berlin or its agents even if applicant has posted this land against trespassing pursuant to Section 943.13 Wis. Stats.

Signature

Date:

8-9-23

Only the property owner or property manager may sign, or letter/email of authorization required. The final responsible party is the property owner.

Please do not write below this line

Accepted by:

KNW

Date:

8/9/23

Plan Commission Date:

N/A

Total Fee:

\$150

File Number:

UA-2301619

Make Checks Payable To:
CITY OF NEW BERLIN

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over

157

W. H. R. S.

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Received for

Fee: \$50

(Office use) License #: _____



City of New Berlin
Clerk's Office/Community Relations Dept.
3805 South Casper Drive
New Berlin, WI 53151-0921
262-786-8610

**CITY OF NEW BERLIN
EXTENSION OF PREMISE APPLICATION**

1. First name: Rebekah Last name: Capps Middle initial: J
2. Phone number: 262-617-0258 E-mail: _____
3. Business name: Bakers
4. Business address: 13327 W Greenfield Ave
5. License number for which you wish to temporarily extend premise: _____
6. Name of event or function for which the temporary extension is sought: 3rd Annual Pig Roast Rebekah's 50th Birthday
7. Date(s) and time frame of event(s) for which the temporary extension is sought (*All Temporarily Extensions are required to be approved by the Common Council of the City of New Berlin. Applications must be completed in its entirety and to the Clerk's office 15 days before the event.*): ~~09-23-23~~ 9-23-23
1pm - 9pm
8. Specific description of the site for which the temporary extension is sought, including dimensions of the area and where beer/liquor is to be served from: Served inside
9. List the location of all exits: located in lot
10. How will licensed premise area be restricted and screened for underage people? no underage people
check IDs
11. Have you obtained liability coverage for the event of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate, naming the City of New Berlin as an additional insured? Yes ☐ No ☒

Attach a copy of policy endorsement along with application

12. Will the event encroach upon any public property or public right-of-way? Yes
13. Have you obtained a use approval for the special event from the Planning Department? Yes

No

Yes

No

Must include proof of approval with application

14. Application must be accompanied by a diagram that outlines where extension will be located in reference to currently licensed premise, service area, exits and any fences or barricades that will be utilized during special event.
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To the Common Council of the City of New Berlin, Wisconsin:

I hereby apply for a License to extend the premise of the alcohol beverage license at the premises described above, in the City of New Berlin, subject to the limitations imposed by Wisconsin Statutes and acts amendatory hereof and supplementary thereto, and hereby agree to comply with all laws, resolutions, ordinances and regulations affecting the sale of such beverages if a license be granted me.

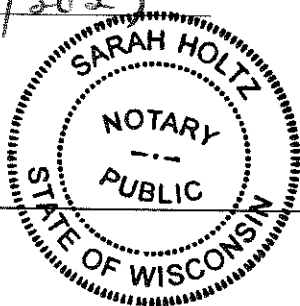
I acknowledge that all additional city and state permits required for this event have been applied for and copies of said permits have been provided to the New Berlin City Clerk's Office.

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 14th DAY OF August, 20 23

Sarah Holtz
(Clerk/Notary Public)

My commission expires: 02/06/2027



[Signature]
(Officer of Corporation/Member/Manager of LLC/Partner/Individual)

(Officer of Corporation/Member/Manager of LLC/Partner/Individual)

(Officer of Corporation/Member/Manager of LLC/Partner/Individual)

(If owner of property is different from licensee, owner of property must also sign.)

Office use only

Date received: _____

Notes (past citations, complaints, etc.):

UA-2301619



City of New Berlin Department of Community Development
3805 S. Casper Drive, New Berlin, WI 53151
Phone (262) 797-2445 / Fax (262) 780-4612 / www.newberlin.org/dcd



Administrative Permit Application

Use / Re-occupancy / Sign / Home Occupation / Temporary Use

Applicant / Agent / Contact

Name Rebekah Carps
Company Bellers
Address 13327 W. Greenfield
City, State, Zip New Berlin WI 53151
Phone 262 617 0258
E-Mail _____
Website _____
Project Name or New Company Name _____

Birthday Party
Representing _____

Economic Development Information (optional):

Would you be interested in a workplace visit with the Mayor? ☐ Yes ☐ No

Why did you choose New Berlin over other cities? _____

Property Information

Property Address 13327 W. Greenfield
Business Name Bellers
Tax Key Number(s) _____
Current Zoning Commercial
Property Owner _____
Property Owner's Address _____

Existing Use of Property _____

Lot Size _____

Structure Size _____ Addition _____

For Multi-Tenant Buildings, Space Occupied _____

Brief Description of Proposal extension of
premises for Birthday
party

Application Type (Time frame) ¹	Fees	Required Plans/Information ²
☐ Use Approvals (Max. 15 days)	☐ Residential Zoning - \$100/unit ☐ Commercial, Office or Institutional Zoning - \$200 + \$15/1,000 sq.ft. (building additions only) ☐ Industrial or PUD Zoning - \$350 + \$25/1,000 sq.ft. (building additions only) + Developer's Deposit	☐ Plan of Operation - 7 copies ☐ Site Plan - 7 copies ☐ Floor Plan - 7 copies ☐ Photo/Elevation - 7 copies ☐ Landscaping Plan - 7 copies ☐ Stormwater Plan - 7 copies
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UA-2301619



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3805 S. Casper Drive, New Berlin, WI 53151
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Administrative Permit Application

Use / Re-occupancy / Sign / Home Occupation / Temporary Use

Applicant / Agent / Contact
Name Brebelah Capps
Company Bellers
Address 13327 W. Greenfield
City, State, Zip New Berlin WI 53151
Phone 262 617 0258
E-Mail _____
Website _____
Project Name or New Company Name _____
Birthday Party
Representing _____

Economic Development Information (optional):

Would you be interested in a workplace visit with the Mayor? ☐ Yes ☐ No

Why did you choose New Berlin over other cities? _____

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Property Address 13327 W. Greenfield
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Tax Key Number(s) _____
Current Zoning Commercial
Property Owner _____
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Existing Use of Property _____

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Structure Size _____ Addition _____

For Multi-Tenant Buildings, Space Occupied _____

Brief Description of Proposal extension of premises for Birthday party

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Fees:

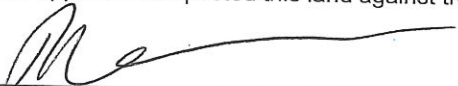
Base fee from above	\$ <u>100</u>
Per Sq. Ft. fee from above (Use Approvals only)	\$ _____
Inspection Fee (Re-Occupancies only)	\$ 255.00
Filling Fee	\$ <u>50.00</u>
Total	\$ <u>150</u>

- ¹ Only if all required materials are submitted and satisfactory.
² Other plans and information may be required by staff upon further review of the project. **Electronic files of entire submittal required.** Failure to submit all required plans will result in rejection of the application.

DEVELOPER'S DEPOSIT MAY ALSO BE REQUIRED
 (FORM: <http://www.newberlin.org/DocumentCenter/Home/View/245>)

No refunds for denied applications

By the execution of this application, applicant hereby authorizes the City of New Berlin or its agents to enter upon the property during the hours of 7:00 A.M. to 7:00 P.M. daily for the purpose of inspection. Applicant grants this authorization to enter to the City of New Berlin or its agents even if applicant has posted this land against trespassing pursuant to Section 943.13 Wis. Stats.

Signature:  Date: 8-9-23
 Only the property owner or property manager may sign, or letter/email of authorization required. The final responsible party is the property owner.

Please do not write below this line

Accepted by: KNW Date: 8/9/23
 Plan Commission Date: N/A
 Total Fee: \$150
 File Number: UA-2301619

**Make Checks Payable To:
 CITY OF NEW BERLIN**

CITY OF NEW BERLIN UTILITIES DEPARTMENT

Jim Hart
Utility Manager

Mark Welch
Utility Supervisor

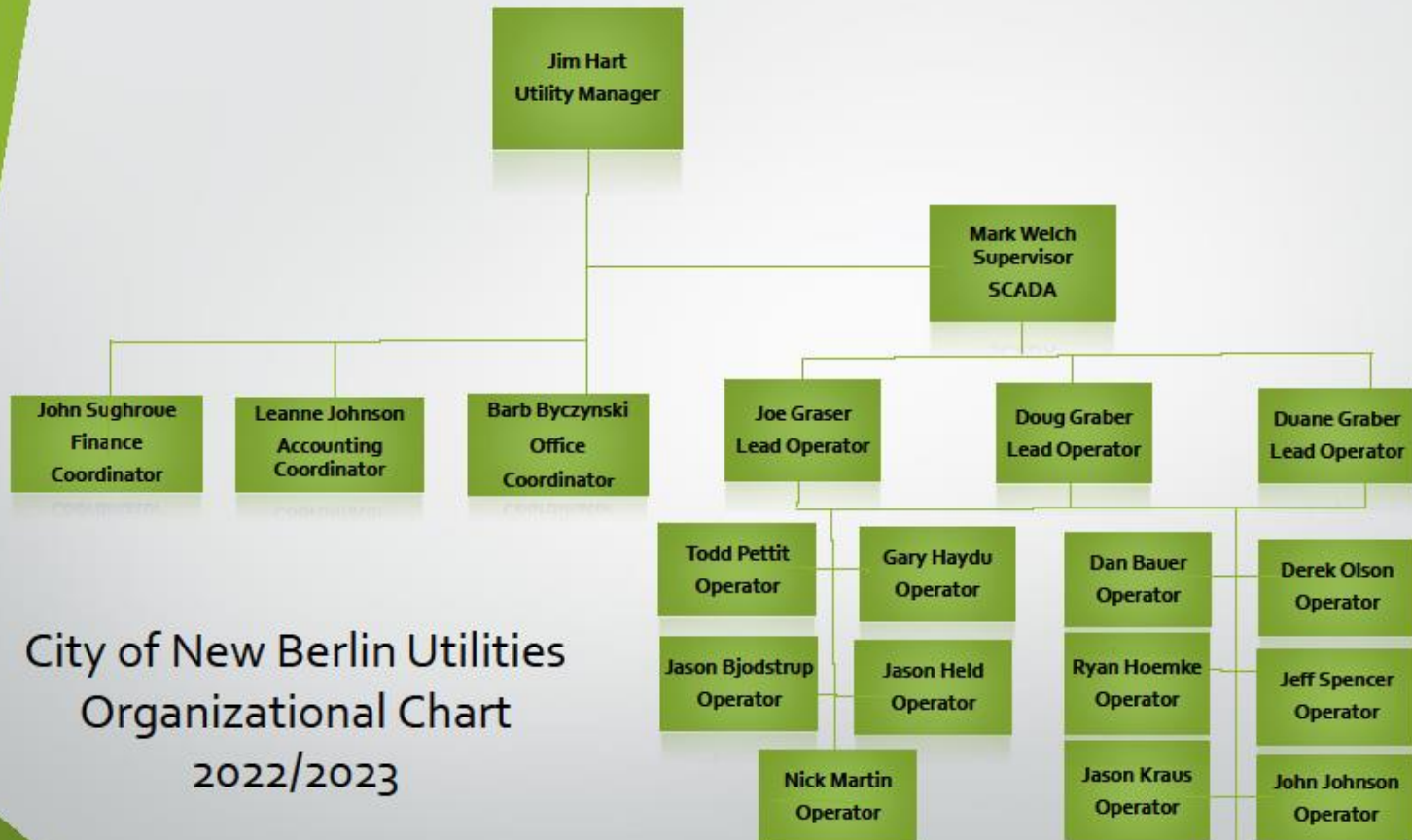
2023





UTILITY EMPLOYEES & BILLING INFORMATION

DEPARTMENT STAFF



FINANCE COORDINATOR

JOHN SUGHROUE

- PSC Yearly Report
- Utility Portion for Yearly Audit
- Utility Portion of Utility Yearly Financial Statement
- Safety Coordinator - Utility
- EOC Representative
- Utility Bill Payments - Back-up
- Office Support
- Rate Cases



CHARGES



Residential Sewer Charges

Non-Metered Charges \$209.33

(\$168.68 unit & connection charge, plus average volume of 1 per quarter calculated by MMSD)

Stormwater Charge: \$15.00

Metered:

Unit & Connection Charge - \$168.68 per quarter

Volume Charge - \$2.2588 per 1,000 gallons

***For duplex, add another \$99.07 unit charges per quarter**

Volume Charge - Water

First 35,000 gallons used per quarter - \$4.25 per 1,000 gallons

Next 465,000 gallons used per quarter - \$4.15 per 1,000 gallons

Over 500,000 gallons used per quarter - \$3.30 per 1,000 gallons

General Service - Metered Quarterly Charge - Water

5/8	Inch Meter	\$15.28	3	Inch Meter	\$101.15
3/4	Inch Meter	\$15.28	4	Inch Meter	\$166.32
1	Inch Meter	\$23.84	6	Inch Meter	\$245.00
1 1/4	Inch Meter	\$31.03	8	Inch Meter	\$368.62
1 1/2	Inch Meter	\$38.22	10	Inch Meter	\$530.45
2	Inch Meter	\$57.32	12	Inch Meter	\$692.27

Billing Periods:

1st Quarter	1-Jan to	31-Mar
2nd Quarter	1-Apr to	30-Jun
3rd Quarter	1-Jul to	30-Sep
4th Quarter	1-Oct to	31-Dec

Actual reading dates may vary.

Please call for exact dates, if desired.

Private Fire Connection Charge

1	Inch	\$12.00
2	Inch	\$12.00
3	Inch	\$21.00
4	Inch	\$36.00
6	Inch	\$72.00
8	Inch	\$114.00
10	Inch	\$162.00
12	Inch	\$210.00

**Full Rate Case Currently
for Water
First Rate Case Since 2014**

Availability Charges

All improved lots are charged for water and/or sewer availability.

Water Availability: \$8.00 per quarter

Sewer Availability \$69.61 per quarter

GENERAL INFORMATION

The City of New Berlin Water Utility Service area is serviced by Milwaukee Water Works. The current contract expires in 2029, with a maximum of 6.5 MGD at this time.

New Berlin has not had any active ground water wells since 2012.

GENERAL INFORMATION

Average Daily Flows

Water: 2.528 MGD Purchased from Milwaukee
Sewer: 6.54 MGD Returned in our Sanitary System

Last Five Years Consumption:

2022 - 922,752,066 Gallons

2021 - 954,678,914 Gallons

2020 - 943,567,539 Gallons

2019 - 897,864,374 Gallons

2018 - 959,770,020 Gallons

PUMP HOUSE INFORMATION



Grange Avenue Pump House
Milwaukee #1

12625 W. Grange Avenue
Standby generator on-site (#262)
Reserve capacity in towers and
reservoirs - 3.5 million gallons

Green Ridge Pump House #4
12400 W. Crawford Drive
Standby generator on-site (#260)
Manual by-pass switch installed in
Fall 2017 at both pump houses



These two pump houses supply water to the entire utility service area.

Together these booster stations can pump 6.336 MGD into our water system. Per our contract with Milwaukee Water Works, the utility is allowed 6.5 MGD.

All active pump houses and towers have a 24 hour alarm system and camera monitoring.

REQUIRED MAINTENANCE: WATER



Hydrant/Hydrant Valve

- Every public fire hydrant is inspected and/or operated at least once per year.
- Yellow caps on hydrants mean it is a private hydrant
- Yellow Reflective tape is put on hydrants for nighttime identification

Mainline Valves

- The valves are inspected and/or operated every three (3) years. DNR has just changed this requirement to every 5-7 years, however, the Utility will continue to operate valves as if the three-year requirement is in place for added reliability.

REQUIRED MAINTENANCE: WATER

DNR Survey

- Every three (3) years a representative of the DNR performs an inspection of all utility pumphouses, water towers and facilities to ensure the utility is in good working order.

Tower/Reservoir

- Every five (5) years all towers and reservoirs need to be cleaned and inspected. Reports for each need to be on file with the DNR.
- 2027 Painting and Tower Rehab Scheduled



REQUIRED MAINTENANCE: WATER

Water Samples

- 30 Coliform samples system wide/monthly
- 30 Lead & Copper samples, every three (3) years. The next testing will be in 2026.
 - Last test was taken in 2023 and the results met all EPA MCL (Maximum Contaminant Level Allowed) requirements.

Unregulated Contaminant Monitoring Rule

- UCMR - 5: 2023

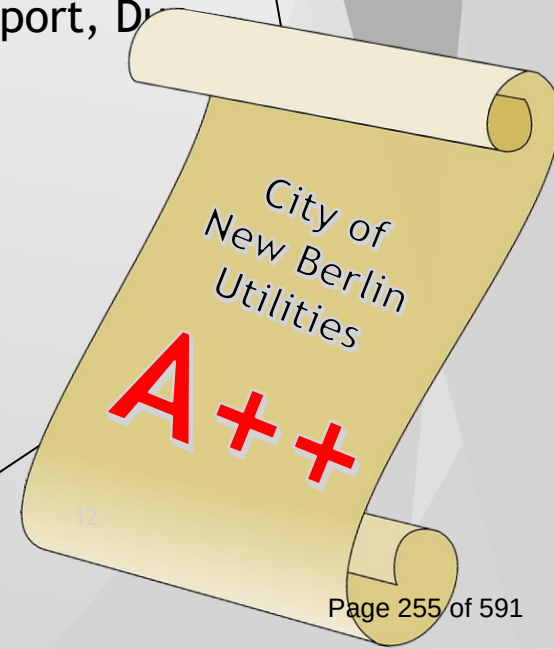
**See Consumer Confidence Report for actual test results under “Quick Links” at www.newberlin.org*

UTILITY REPORTS

- ▶ Water Diversion Report Due March 1st.
- ▶ Water Conservation Plan, Due March 1st.
- ▶ Cross Connection Annual Survey Report, Due March 1st.
- ▶ PSC Annual Report, Due March 31st.
- ▶ Consumer Confidence Report (CCR), Due July 1st
- ▶ MMSD - CMOM Report: Capacity Management Operations and Maintenance Program, Due June 30th
- ▶ DNR - CMAR Report: Compliance Maintenance Annual Report, Due June 30th
- ▶ Flow Monitoring: March 15th - October 15th

In Progress:

- ▶ Lead and Copper Rule Revision, Due October 2024
- ▶ Risk and Resilience Report/Emergency Response Due 2026



MAINTENANCE



Per agreement with MMSD, the Utility shall clean (Jetting) and CCTV (Closed Circuit TV) its entire service area every 5-7 years.

CURRENT & UPCOMING UTILITY PROJECTS



UTILITY PROJECTS

Lead & Copper Rule Revision (LCRR)

Utility Fiber Optic project
New communication system citywide

Private Property I/I Pipe Bursting Project

Westridge Lift Station Reconstruction Project

Booster Pump Upgrade at Pump House #7



LEAD & COPPER RULE REVISION - LCRR

Dear Utility Customer:



The Federal Lead and Copper Rule Revisions (LCRR) that are now in effect require all public water systems to develop and submit a service line material inventory to the Wisconsin Department of Natural Resources (department) by October 16, 2024.

In order to prepare for this LCRR deadline, we will require all residents to complete and return the below information so we can complete our portion of this inventory list, we will need to have the information returned to our office by **November 1, 2023.**



Water Utility Department
3805 S. Casper Drive
New Berlin, Wisconsin 53151

Phone (262) 786-7086
Fax (262) 786-0792
www.newberlin.org

TIME-SENSITIVE MATERIAL, PLEASE RESPOND BY NOVEMBER 1, 2023

August 2023

Dear Utility Customer:

The Federal Lead and Copper Rule Revisions (LCRR) that are now in effect require all public water systems to develop and submit a service line material inventory to the Wisconsin Department of Natural Resources (department) by October 16, 2024.

In order to prepare for this LCRR deadline, we will require all residents to complete and return the below information so we can complete our portion of this inventory list, we will need to have the information returned to our office by **November 1, 2023.**

You may return the information by:

Phone: (262) 786-7086

Return mail to: City of New Berlin Utilities 3805 S. Casper Drive, New Berlin WI 53151

Email: nbutilities@newberlin.org

Please Print:

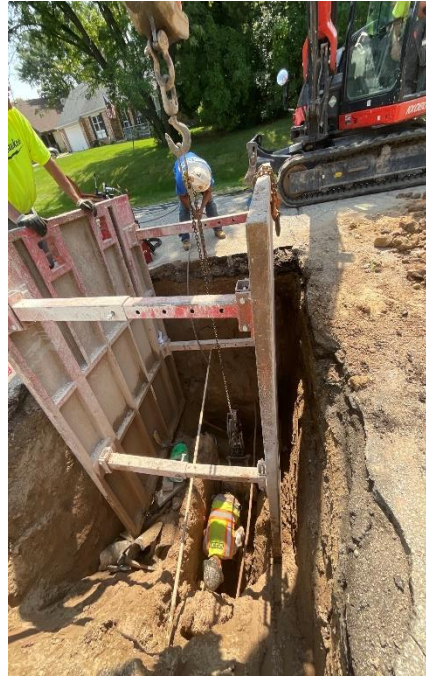
- 1.) Address: _____
- 2.) Type of dwelling: (Circle One)
Single Family Multi Family Condo Business
- 3.) What type of material is your interior plumbing? This pipe would be found above the meter and throughout your home or business: (Circle all that apply)
Copper Ductile Iron Galvanized Plastic
- 4.) What type is your private service line: This pipe is located directly under your water meter coming out of the floor: (Circle all that apply)
Copper Ductile Iron Galvanized Plastic

If you would like assistance with providing the requested information, please contact the Utility office to request a team member come to your home.

Thank you,

City of New Berlin Utilities
3805 S Casper Drive
New Berlin, WI 53151
262.786.7086
nbutilities@newberlin.org

PRIVATE PROPERTY I/I PIPE BURSTING PROJECT



PP I/I PIPE BURSTING PROJECT

Play Video Here



WESTRIDGE LIFT STATION REHAB PROGRESS



19

WESTRIDGE LIFT STATION REHAB COMPLETE



City of New Berlin Utility Department



SEE YOU NEXT YEAR...

THE END

Presentation to the Committee of the Whole of the City of New Berlin August 29, 2023

1. Objective of the audit was to express our opinion on your financial statements.
2. Reports issued
 - a. Financial statements (City, Water Utility and Wastewater Utility)
 - i. Unmodified opinion, commonly referred to as a “clean” opinion
 - ii. Highest level of assurance you can receive from your auditor.
 - iii. Emphasis of matters paragraph – GASB 87
 - b. Communication to those charges with governance and management
 - i. Includes all communications required under professional standards
 - ii. Includes comments and recommendations resulting from our audit
 - iii. Includes information applicable to future audits
3. Financial highlights (in thousands)
 - a. Governmental Funds

	General Fund	General Debt Service	Capital Improvements	Nonmajor Governmental Funds
Current year activity				
Revenues and other sources	\$ 32,590	\$ 23,378	\$ 21,469	\$ 4,740
Expenditures and other uses	<u>32,496</u>	<u>9,229</u>	<u>13,137</u>	<u>5,153</u>
Change in fund balances	<u>\$ 94</u>	<u>\$ 14,149</u>	<u>\$ 8,332</u>	<u>\$ (413)</u>
Fund Balance				
Non-spendable	\$ 479	\$ -	\$ -	\$ -
Restricted	-	15,262	16,517	6,571
Committed	-	-	-	875
Assigned	1,000	-	-	(186)
Unassigned (deficit)	<u>7,927</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total	<u>\$ 9,406</u>	<u>\$ 15,262</u>	<u>\$ 16,517</u>	<u>\$ 7,260</u>

b. Enterprise Funds

	Water Utility	Wastewater Utility	Water Resource Management Utility
Current year activity			
Revenues and other sources	\$ 5,736	\$ 11,244	\$ 2,070
Expenses and other uses	5,109	10,643	1,591
Change in net position	<u>\$ 627</u>	<u>\$ 601</u>	<u>\$ 479</u>
Cash flows			
Operating	\$ 2,449	\$ 2,562	\$ 708
Noncapital financing	(673)	(6,069)	-
Capital and related financing	(2,777)	(1,031)	(701)
Investing	262	305	58
Net change in cash	<u>\$ (739)</u>	<u>\$ (4,233)</u>	<u>\$ 65</u>

c. Budgetary compliance

Details of individual funds actual results to budget can be found in the city's year-end budget to actual report. Some individual funds exceeded their budget; however none were considered to be material to the financial statements. A summary of the general fund budget to actual results on a budgetary basis follows:

	Final Budget	Actual	Variance: Positive (Negative)
Revenues	\$ 31,711	\$ 31,769	\$ 58
Expenditures	33,280	32,268	1,012
Excess (deficiency)	(1,569)	(499)	1,070
Other financing sources (uses)	569	479	(90)
Net change in fund balance - budgetary basis	<u>\$ (1,000)</u>	<u>\$ (20)</u>	<u>\$ 980</u>
Adjustments to generally accepted accounting principles (GAAP) basis - net		114	
Net change in fund balance - GAAP basis		<u>\$ 94</u>	

d. Long-term debt

Type of debt	Governmental Activities	Business-type Activities	Total
General obligation bonds and notes	\$ 99,568	\$ 875	\$ 100,443
Revenue bonds	-	2,681	2,681
Capital leases	301	-	301
Intergovernmental agreement	667	-	667
Net OPEB obligation	5,259	496	5,755
Compensated absences	1,729	-	1,729
	<u>\$ 107,524</u>	<u>\$ 4,052</u>	<u>\$ 111,576</u>
Statutory debt limit (5% of equalized value)	\$ 355,256		
Capacity for additional general obligation debt	\$ 257,466		
Percentage of capacity available	72%		

4. Questions – please contact me at wendi.unger@bakertilly.com or 414 777 5423

CITY OF NEW BERLIN

New Berlin, Wisconsin

ANNUAL COMPREHENSIVE FINANCIAL REPORT

As of and for the Year Ended
December 31, 2022

CITY OF NEW BERLIN

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CITY OF NEW BERLIN

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CITY OF NEW BERLIN

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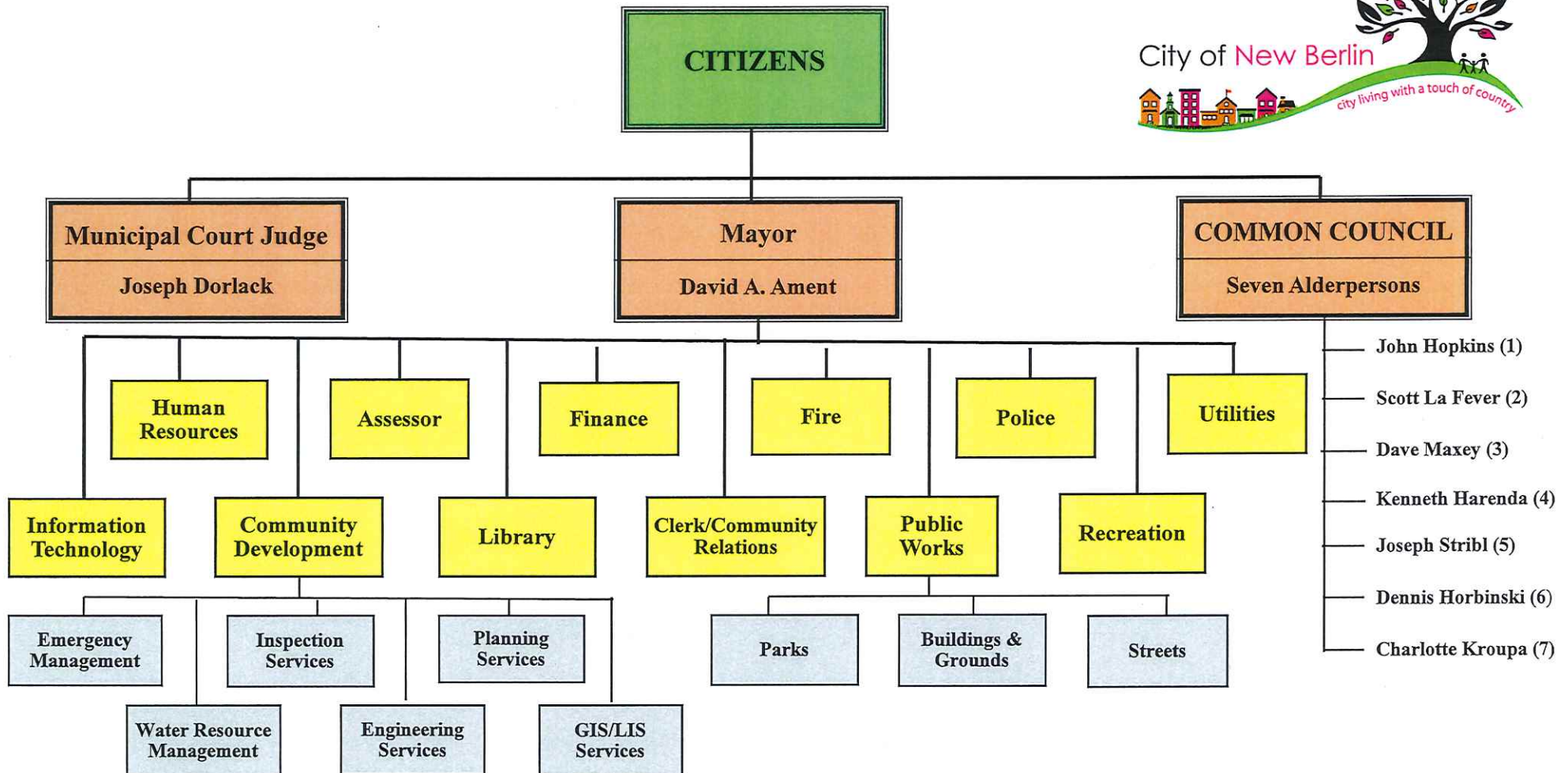
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INTRODUCTORY SECTION

CITY OF NEW BERLIN ORGANIZATIONAL CHART



CITY OF NEW BERLIN, WISCONSIN

2022 LIST OF PRINCIPAL OFFICIALS

ELECTED OFFICIALS

<u>Title</u>	<u>Name</u>
City Mayor	David Ament
Aldersperson – District 1	John Hopkins
Aldersperson – District 2	Charles Garrigues
Aldersperson – District 3	Dave Maxey
Aldersperson – District 4	Kenneth A Harenda II
Aldersperson – District 5	Joseph Stribl
Aldersperson – District 6	Dennis Horbinski
Aldersperson – District 7	Lori Doyle
Municipal Judge	Joseph S Dorlack

NON ELECTED OFFICIALS

Assessor	Timothy Kosteretz
Attorney	Mark G Blum
Director of Community Development	Gregory Kessler
Director of Human Resources	Melissa Beck
Director of Information Technology	Alan Skornia
Director of Public Works	Joshua Radomski
City Engineer	Tamara Simonson
Emergency Management Director	Jim Burns
Facilities & Grounds Supervisor	Robert Loohaus
Finance Director	Ralph Chipman
Fire Chief	Mark Polzin
Library	Natalie Beacom
Parks Supervisor	Edward Bartz
Police Chief	Jeffrey Hingiss
Streets Manager	Steven Brooks
Utility Manager	James Hart

Independent Auditors' Report

To the City Council of
City of New Berlin

Report on the Audit of the Financial Statements

Opinions

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information of the City of New Berlin, as of and for the year ended December 31, 2022 and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information of the City of New Berlin, Wisconsin, as of December 31, 2022 and the respective changes in financial position and, where applicable, cash flows thereof and the respective budgetary comparison for the general fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States (GAS). Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of City and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Emphasis of Matter

As discussed in Note 1, the City adopted the provisions of GASB Statement No. 87, *Leases*, effective January 1, 2022. Our opinions are not modified with respect to this matter.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America; and for the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error and to issue an auditors' report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and GAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and GAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the required supplementary information, as listed in the table of contents be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The supplementary information as listed in the table of contents is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the supplementary information is fairly stated in all material respects, in relation to the basic financial statements as a whole.

Other Information

Management is responsible for the other information included in the annual comprehensive financial report. The other information comprises the Introductory section and Statistical section included in the annual comprehensive financial report but does not include the basic financial statements and our auditor's report thereon. Our opinions on the financial statements do not cover the other information and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated July 31, 2023 on our consideration of the City's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance.

Baker Tilly US, LLP

Milwaukee, Wisconsin
July 31, 2023

Management's Discussion and Analysis (unaudited)

As management of the City of New Berlin, we offer readers of the City of New Berlin's financial statements this narrative overview and analysis of the financial activities of the City for the fiscal year ended December 31, 2022. We encourage readers to consider the information presented here in conjunction with additional information furnished in our letter of transmittal, which can be found on pages 3-5 of this report. All amounts, unless otherwise indicated, are expressed in thousands of dollars.

Financial Highlights

- The City's assets and deferred outflows of resources exceeded its liabilities and deferred inflows of resources at the close of the year by \$197.8 million (net position) which is an increase of \$6.2 million. Of the net position amount \$30.9 million is unrestricted and may be used to meet the government's ongoing obligations to citizens and creditors.
- The governmental activities revenue and transfers totaled \$45.1 million, or an 8.9% increase over the prior year and expenses totaled \$40.6 million, as compared to \$38.3 million in 2021, or a 6.0% increase over the prior year. The results of these activities produced an increase in governmental net position of \$4.5 million.
- The business-type activities revenue totaled \$19.1 million, or a 3.5% decrease over the prior year and expenses and transfers totaled \$17.4 million or a 3% increase over last year. The result produced an increase in business-type net position of \$1.7 million.
- As of the end of the current fiscal year, governmental activities reported combined ending net position of \$52.9 million, an increase of \$4.5 million in comparison with the prior year.
- The City of New Berlin's total debt increased by \$28,120 (40.4%) during the current fiscal year.

Overview of the Financial Statements

This discussion and analysis are intended to serve as an introduction to the City of New Berlin's basic financial statements. The City of New Berlin's basic financial statements comprise three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains other supplementary information in addition to the basic financial statements themselves.

Government-wide financial statements. The *government-wide financial statements* are designed to provide readers with a broad overview of the City of New Berlin's finances, in a manner similar to a private-sector business.

The *statement of net position* presents information on all of the City of New Berlin's assets, deferred outflows of resources, liabilities, and deferred inflows of resources, with the difference reported as *net position*. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the City of New Berlin is improving or deteriorating.

The *statement of activities* presents information showing how the government's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, *regardless of the timing of related cash flows*. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in the future fiscal periods (e.g., uncollected taxes and earned but unused vacation leave).

Both of the government-wide financial statements distinguish functions of the City of New Berlin that are principally supported by taxes and intergovernmental revenues (*governmental activities*) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (*business-type activities*). The governmental activities of the City of New Berlin include general government, protection of persons and property, highway and transportation, library, conservation and development, and parks and recreation. The business-type activities of the City of New Berlin include a Water Utility, a Wastewater Utility and a Water Resource Management Utility.

The government-wide financial statements include the City of New Berlin (known as the *primary government*). The Water, Wastewater and Water Resource Management Utilities, although legally separate, function for all practical purposes as departments of the City of New Berlin, and therefore have been included as an integral part of the primary government.

The government-wide financial statements can be found on pages 18-19 of this report.

Fund financial statements. A *fund* is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City of New Berlin, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the City of New Berlin can be divided into three categories: governmental funds, proprietary funds, and fiduciary funds.

Governmental funds. *Governmental funds* are used to account for essentially the same functions reported as *governmental activities* in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on *near-term inflows and outflows of spendable resources*, as well as on *balances of spendable resources* available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for *governmental funds* with similar information presented for *governmental activities* in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between *governmental funds* and *governmental activities*.

The City of New Berlin maintains twenty-five individual governmental funds. Information is presented separately in the governmental fund balance sheet and in the governmental fund statement of revenues, expenditures, and changes in fund balances for the general fund, the general debt service fund and the capital improvements fund, all of which are considered to be major funds. Data from the other twenty-two governmental funds are combined into a single, aggregated presentation. Individual fund data for each of these non-major governmental funds is provided in the form of *combining statements* elsewhere in this report.

The City of New Berlin adopts an annual appropriated budget for all funds as required by state statute. Budgetary comparison statements have been provided for the general fund and each major special revenue fund, if any, to demonstrate compliance with the adopted budget.

The basic governmental fund financial statements can be found on pages 20-24 of this report.

Proprietary funds. The City of New Berlin maintains two different types of proprietary funds. *Enterprise funds* are used to report the same functions presented as *business-type activities* in the government-wide financial statements. The City of New Berlin uses enterprise funds to account for its Water, Wastewater and Water Resource Management Utilities. *Internal service funds* are an accounting device used to accumulate and allocate costs internally among the City's various functions. The City of New Berlin uses an internal service fund to account for its insurance fund. Because this service predominantly benefits governmental rather than business-type functions, it has been included within *governmental activities* in the government-wide financial statements.

Proprietary funds provide the same type of information as the government-wide financial statements, only in more detail. The proprietary fund financial statements provide separate information for the Water, Wastewater, and Water Resource Management Utilities, all of which are considered to be major funds of the City of New Berlin.

The basic proprietary fund financial statements can be found on pages 25-29 of this report.

Fiduciary funds. Fiduciary funds are used to account for resources held for the benefit of parties outside the government. Fiduciary funds are *not* reflected in the government-wide financial statement because the resources of those funds are *not* available to support the City of New Berlin's own programs. The most significant fiduciary fund maintained by the City of New Berlin is the Tax Collection Fund which records the tax roll and tax collections for other taxing jurisdictions within the City of New Berlin. The accounting used for fiduciary funds is much like that used for proprietary funds.

The basic fiduciary fund financial statements can be found on pages 30-31 of this report.

Notes to the financial statements. The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements can be found on pages 32-81 of this report.

Other information. The combining statements referred to earlier in connection with non-major governmental funds is presented immediately following the required supplementary information. Combining and individual fund statements and schedules can be found on pages 85-111 of this report.

Government-wide Financial Analysis

As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of the City of New Berlin, assets and deferred outflows of resources exceeded liabilities and deferred inflows of resources by \$197,761 at the close of the most recent fiscal year.

The City of New Berlin's net position (42.0 percent) reflects its investment in capital assets (e.g., land, buildings, machinery, equipment, and infrastructure); less any related debt used to acquire those assets that is still outstanding. The City of New Berlin used these capital assets to provide services to citizens; consequently, these assets are *not* available for future spending. Although the City of New Berlin's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

CITY OF NEW BERLIN NET POSITION December 31, 2022 and 2021

	Governmental Activities		Business-type Activities		Total	
	2022	2021	2022	2021	2022	2021
Current and other assets	\$ 106,588	\$ 74,255	\$ 38,437	\$ 41,120	\$ 145,025	\$ 115,375
Capital assets	105,380	97,646	114,146	107,455	219,526	205,101
Total Assets	<u>211,968</u>	<u>171,901</u>	<u>152,583</u>	<u>148,575</u>	<u>364,551</u>	<u>320,476</u>
Deferred Outflows of Resources	<u>22,725</u>	<u>14,990</u>	<u>1,147</u>	<u>790</u>	<u>23,872</u>	<u>15,780</u>
Long-term liabilities outstanding	97,428	70,376	3,470	4,166	100,898	74,542
Current and other liabilities	16,876	15,569	1,918	1,084	18,794	16,653
Total Liabilities	<u>114,304</u>	<u>85,945</u>	<u>5,388</u>	<u>5,250</u>	<u>119,692</u>	<u>91,195</u>
Deferred Inflows of Resources	<u>67,409</u>	<u>52,491</u>	<u>3,562</u>	<u>1,042</u>	<u>70,971</u>	<u>53,533</u>
Net position						
Net investment in capital assets	36,133	33,914	110,590	103,273	146,723	137,187
Restricted	19,082	16,090	1,024	885	20,106	16,975
Unrestricted	(2,235)	(1,549)	33,166	38,915	30,931	37,366
Total net position	<u>\$ 52,980</u>	<u>\$ 48,455</u>	<u>\$ 144,780</u>	<u>\$ 143,073</u>	<u>\$ 197,760</u>	<u>\$ 191,528</u>

An additional portion of the City of New Berlin's governmental activities net position (62.1 percent) represents resources that are subject to external restrictions on how they may be used. The remaining balance of *unrestricted net position* is a negative \$2,235. .

The government's net position increased a total of \$6,232 during the current fiscal year. Business type activities increased \$1,707 while government activities had an increase of \$4,525.

Governmental activities. Governmental activities increased the City of New Berlin's net position by \$4,525. Governmental expenses included \$4,276 of depreciation expense allocated as follows: \$506 to general government, \$970 to public safety, \$1,707 to highway and transportation, \$379 to library, and \$714 to parks and recreation. Depreciation expense is 10.5% of the total expenses for governmental activities. Total expenses increased \$2,290 or 6.0%.

Some of the significant changes in revenues and expenses were as follows:

Revenues:

- The city used \$1.54 million of American Rescue Plan Act (ARPA) money as revenue replacement in 2022.
- Tax Increment of \$535 from the two active districts is an increase of \$162 over the previous year.
- Investment income increased \$561 due to the increase in interest rates net of marking the investments to market.

Expenses:

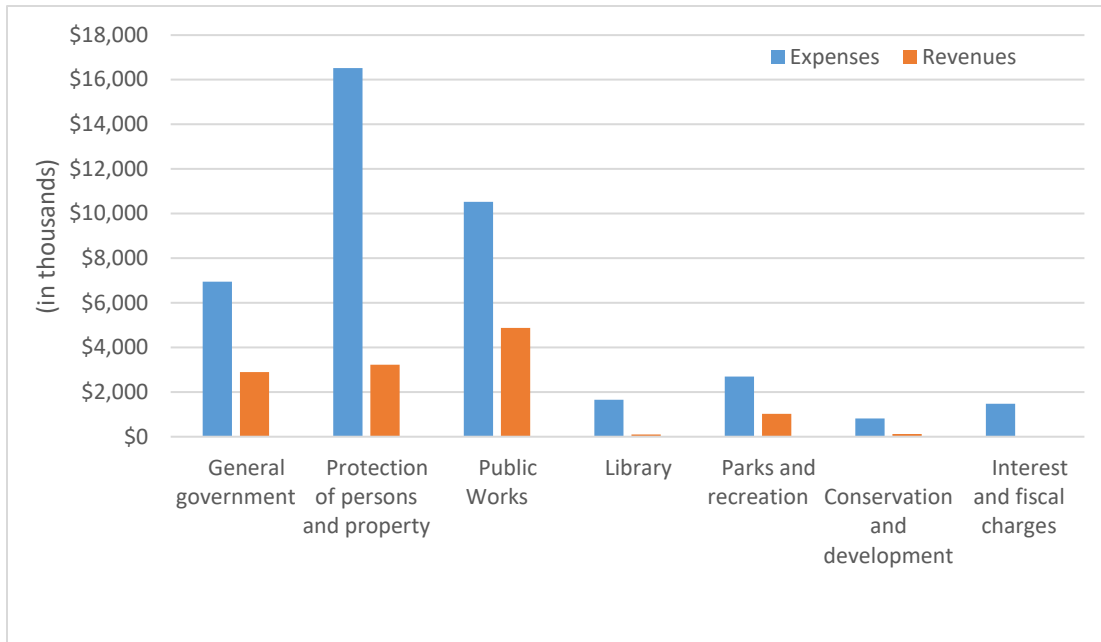
- Net pension expense due to GASB 68 decreased \$2.6 million. The expense is spread across all functions based on contributions.
- The city made a payment on the intergovernmental agreement with the City of Waukesha for \$.67 million.
- Total General fund expenditures increased \$1,392 or 4.8%.

The following is a more detailed review of the years' operation.

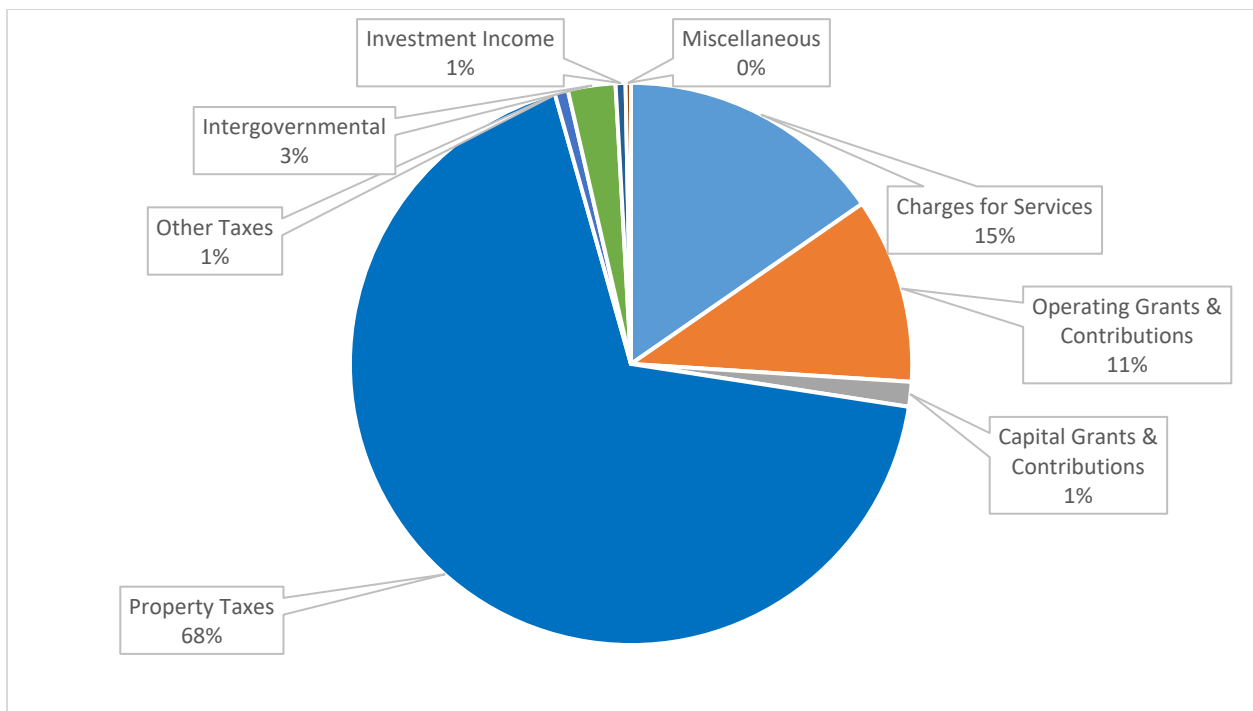
CITY OF NEW BERLIN CHANGES IN NET POSITION
For the years ending December 31, 2022 and 2021

	Governmental Activities		Business-type Activities		Total	
	2022	2021	2022	2021	2022	2021
Revenues						
Program revenues						
Charges for services	\$ 6,845	\$ 7,146	\$ 18,319	\$ 18,467	\$ 25,164	\$ 25,613
Operating grants and contributions	4,756	3,308	-	83	4,756	3,391
Capital grants and contributions	636	408	231	1,230	867	1,638
General Revenues						
Property taxes	30,400	28,304	-	-	30,400	28,304
Other taxes	343	319	-	-	343	319
Intergovernmental revenues not restricted to specific programs	1,216	1,178	-	-	1,216	1,178
Investment income (loss)	254	(42)	298	32	552	(10)
Other	141	111	79	-	220	111
Total revenues	<u>44,591</u>	<u>40,732</u>	<u>18,927</u>	<u>19,812</u>	<u>63,518</u>	<u>60,544</u>
Expenses						
General government	6,944	5,587	-	-	6,944	5,587
Public safety	16,519	16,667	-	-	16,519	16,667
Highway and transportation	10,523	10,432	-	-	10,523	10,432
Library	1,658	1,672	-	-	1,658	1,672
Parks and recreation	2,693	2,096	-	-	2,693	2,096
Conservation and development	816	666	-	-	816	666
Interest and fiscal charges	1,475	1,222	-	-	1,475	1,222
Water	-	-	4,435	4,507	4,435	4,507
Wastewater	-	-	10,631	10,115	10,631	10,115
Water resource management	-	-	1,591	1,571	1,591	1,571
Total expenses	<u>40,628</u>	<u>38,342</u>	<u>16,657</u>	<u>16,193</u>	<u>57,285</u>	<u>54,535</u>
Increase (decrease) in net position before transfers	3,963	2,390	2,270	3,619	6,233	6,009
Transfers	562	718	(562)	(718)	-	-
Increase (decrease) in net position	4,525	3,108	1,708	2,901	6,233	6,009
Net position - January 1	48,455	45,347	143,073	140,172	191,528	185,519
Net position - December 31	<u>\$ 52,980</u>	<u>\$ 48,455</u>	<u>\$ 144,781</u>	<u>\$ 143,073</u>	<u>\$ 197,761</u>	<u>\$ 191,528</u>

Expenses and Program Revenues – Governmental Activities

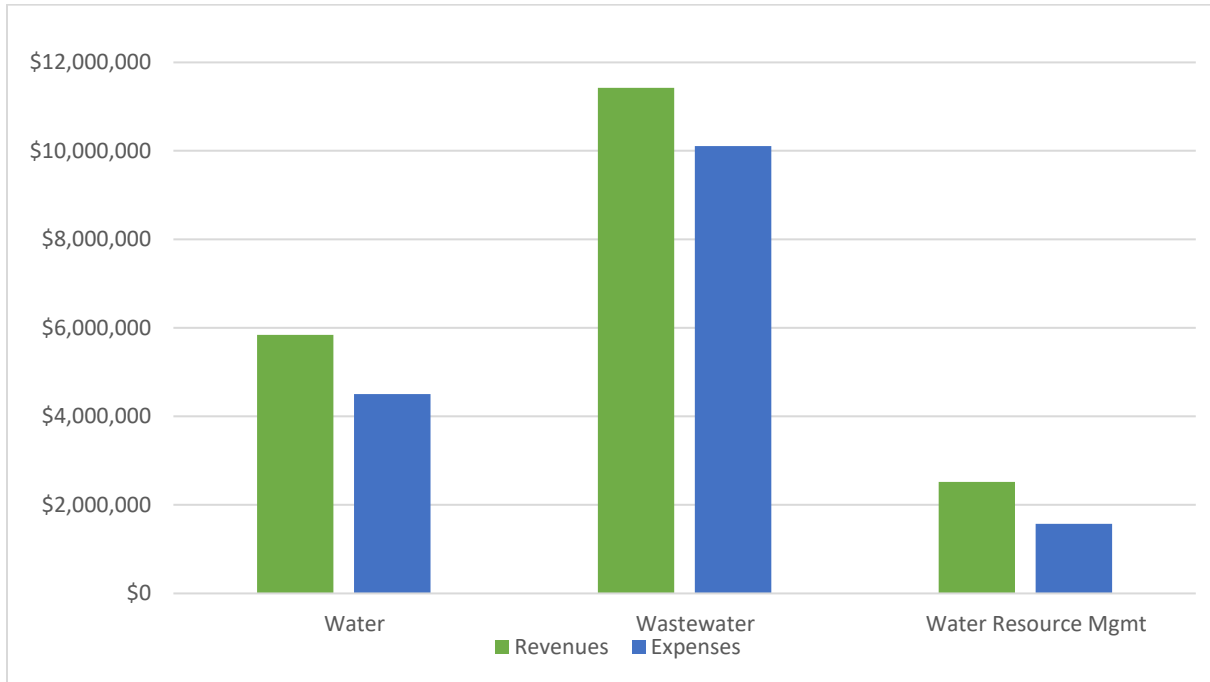


Program and General Revenues by Source – Governmental Activities

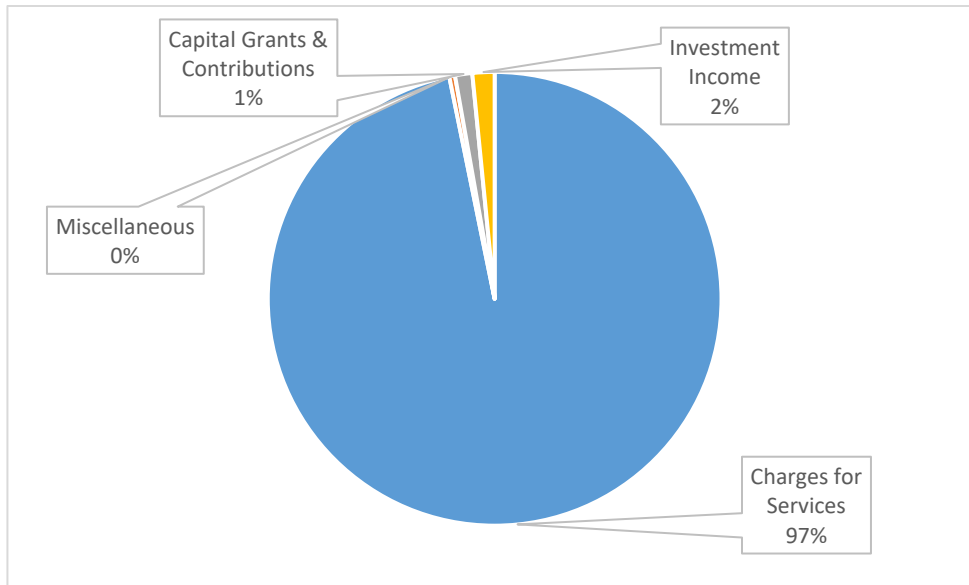


Business-type activities. Business-type activities increased the City of New Berlin's net position by \$1.7 million in 2022. The operating income of the utilities decreased \$621 from last year. The operating income for the wastewater utility decreased \$542, the operating income for the water decreased \$73 and the Water Resource Management utility decreased \$6.

Expenses and Program Revenues – Business-type Activities



Revenues by Source – Business-type Activities



Financial Analysis of the Government's Funds

As noted earlier, the City of New Berlin uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental funds. The focus of the City of New Berlin's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the City's financing requirements. In particular, unassigned fund balance may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

Fund balances are the differences between assets/deferred outflows of resources and liabilities/deferred inflows of resources in a governmental fund. The non-spendable fund balance includes amounts that are not in spendable form, or amounts that are required to be maintained intact. Restricted fund balance include amounts that can be spent only for the specific purposes stipulated by external providers, such a grant providers or bondholders, as well as amounts that are restricted constitutionally or through legislation. Committed fund balance includes amounts that can be used only for the specific purposes that are determined by a formal action of the government's highest level of decision making authority. Assigned fund balance applies to amounts that are intended for specific purposes as expressed by the governing body or authorized official and applies to remaining resources in any governmental fund other than the general fund. Unassigned fund balances include all amounts not contained in other classifications for the general fund, and deficit fund balance in any other governmental fund.

As of the end of the current fiscal year, the City of New Berlin's governmental fund reported combined ending fund balances of \$48.4 million. Of that amount, a fraction was non-spendable, \$38.4 million was restricted, \$.9 million was committed, \$1.4 million was assigned, and \$7.4 million was unassigned fund balance.

The general fund is the chief operating fund of the City of New Berlin. At the end of the current fiscal year, unassigned fund balance of the general fund was \$7,927, while total fund balance increased \$94 to \$9,406. As a measure of the general fund's liquidity, it may be useful to compare both unassigned fund balance and total fund balance to total fund expenditures. Unassigned fund balance represents 23.8 percent of total general fund expenditures, while total fund balance represents 28.3 percent of that same amount.

The fund balance of the City of New Berlin's general fund increased \$94 during the current fiscal year compared to a budgeted use of fund balance of \$1,000. Key factors in this outcome are as follows:

- Building Permits had a positive \$158 balance, the city has seen continued strong construction numbers.
- Police department has a \$562 positive budget balance, due to several vacant positions because of retirements.
- Development related permits (building, electrical, plumbing) had a \$148 positive variance.

The debt service fund has a total fund balance of \$15,263, all of which is reserved for the payment of debt service.

Proprietary funds. The City of New Berlin's proprietary funds provide the same type of information found in the government-wide financial statements, but in more detail.

Unrestricted net position of the Water Utility at the end of the year amounted to \$3,764, for the Wastewater Utility \$25,285 and for the Water Resource Management Utility amounted to \$4,116. The total change in net position for the funds was \$627, \$601, and \$479, respectively. Other factors concerning the finances of these funds have already been addressed in the discussion of the City of New Berlin's business-type activities.

General Fund Budgetary Highlights

There was only one difference between the original budget and the final amended budget in 2022. The transfer from contingency was as follows:

- \$200 increase to the Streets Department for gas to cover the increase in prices

During the year, expenditures were less than budgetary estimates, thus fund balance was not drawn down as much as budgeted.

Capital Asset and Debt Administration

Capital assets: The City of New Berlin's investment in capital assets for its governmental and business type activities as of December 31, 2022, amounts to \$219,525 (net of accumulated depreciation). This investment in capital assets includes land, land improvements, buildings, machinery and equipment, park facilities, roads, highways, and sidewalks. The City of New Berlin's overall investment in capital assets for the current fiscal year increased 6.8% - (governmental activities increased 7.3% while business-type activities increased 6.2%).

Major capital asset events during the current fiscal year included the following:

- Ambulance purchased as part of the city's normal replacement schedule for \$315
- Casper Drive, the road in front of city hall, redone for a cost of \$550
- Continued the process building the Recreation Center, Phase I was completed, Phase II started, \$4.1 million spent in the current year.
- Completed work on cold storage facilities for parks and public works equipment, spent \$1.3 million.
- The balances of additions were routine in nature.

CITY OF NEW BERLIN'S CAPITAL ASSETS
(net of accumulated depreciation)
December 31, 2022 and 2021

	Governmental Activities		Business-type Activities		Total	
	2022	2021	2022	2021	2022	2021
Land & improvements	\$ 21,087	\$ 20,731	\$ 1,416	\$ 1,426	\$ 22,503	\$ 22,157
Intangible asset	315	433	450	525	765	958
Buildings	27,203	19,081	2,576	2,615	29,779	21,696
Machinery and equipment	16,718	16,539	1,891	1,928	18,609	18,467
Infrastructure	34,003	33,252	106,739	100,760	140,742	134,012
Construction in progress	6,054	7,610	1,074	201	7,128	7,811
Total	<u>\$ 105,380</u>	<u>\$ 97,646</u>	<u>\$ 114,146</u>	<u>\$ 107,455</u>	<u>\$ 219,526</u>	<u>\$ 205,101</u>

Additional information on the City of New Berlin's capital assets can be found in Note IV D on pages 55-58 of this report.

Long-term debt. At the end of the current fiscal year, the City of New Berlin had total bonded debt outstanding of \$97,790 which is backed by the full faith and credit of the government.

CITY OF NEW BERLIN'S OUTSTANDING DEBT
December 31, 2022 and 2021

	Governmental Activities		Business-type Activities		Total	
	2022	2021	2022	2021	2022	2021
General obligation bonds and notes	\$96,915	\$68,380	\$ 875	\$ 1,290	\$ 97,790	\$69,670

The City of New Berlin's total debt increased \$28,120 (40.4 percent) during the current fiscal year.

Moody's affirmed the City's Aaa rating for its' \$13.865 million general obligation bonds and \$7,825 million general obligation notes issued in August.

State statutes limit the amount of general obligation debt a governmental entity may issue to 5 percent of its total equalized valuation. The current debt limitation for the City of New Berlin is \$355,256, which is significantly in excess of the City of New Berlin's outstanding general obligation debt.

Additional information on the City of New Berlin's long-term debt can be found in note IV F on pages 61-65 of this report.

Economic Factors and Next Year's Budgets and Rates

- The City's 2023 adopted budget increased to \$45,168 from \$42,643 in 2022, an increase of 5.9%.
- State shared revenue remained the same in 2023. The city expects to receive less thereafter.
- The City used \$1.5 million of federal American Rescue Plan funds to replace lost revenues.
- The State of Wisconsin imposed a maximum tax levy increase of 0% for municipalities in 2012 and thereafter.

All of these factors were considered in preparing the City of New Berlin's budget for the 2023 fiscal year.

During the current fiscal year, unassigned fund balance in the general fund increased to \$7,927. The City of New Berlin has appropriated \$1,000 of surplus for spending in the 2023 fiscal year budget. It is intended that this use of available fund balance will stabilize the tax rate during the 2023 fiscal year.

Requests for Information

This financial report is designed to provide a general overview of the City of New Berlin's finances for all those with an interest in the government's finances. Questions concerning any of the information provided in this report, or requests for additional financial information should be addressed to the Finance Director, 3805 South Casper Drive, New Berlin, Wisconsin, 53151.

General information relating to the City of New Berlin, Wisconsin, can be found at the City's website, www.newberlin.org.

FINANCIAL SECTION

BASIC FINANCIAL STATEMENTS

CITY OF NEW BERLIN

STATEMENT OF NET POSITION As of December 31, 2022

	Primary Government		
	Governmental Activities	Business- type Activities	Total
ASSETS			
Cash and investments	\$ 53,904,438	\$ 29,667,965	\$ 83,572,403
Receivables (net of allowance for uncollectible accounts)	36,960,855	4,697,640	41,658,495
Lease receivable	4,077,671	2,131,258	6,208,929
Internal balances	(916,016)	916,016	-
Prepaid items	363,490	-	363,490
Deposit with CVMIC	802,060	-	802,060
Restricted assets			
Cash and investments	-	497,056	497,056
Net pension asset	11,396,278	527,473	11,923,751
Capital assets (net of accumulated depreciation/amortization)			
Land	18,321,606	1,415,910	19,737,516
Other capital assets	81,004,305	111,655,929	192,660,234
Construction in progress	6,053,629	1,073,922	7,127,551
Total Assets	<u>211,968,316</u>	<u>152,583,169</u>	<u>364,551,485</u>
DEFERRED OUTFLOWS OF RESOURCES			
Deferred outflows related to pension	22,217,364	1,093,626	23,310,990
Deferred outflows related to OPEB	507,770	53,449	561,219
Total Deferred Outflows of Resources	<u>22,725,134</u>	<u>1,147,075</u>	<u>23,872,209</u>
LIABILITIES			
Accounts payable and other current liabilities	4,033,826	1,267,924	5,301,750
Accrued interest payable	422,836	67,524	490,360
Unearned revenue	2,322,772	-	2,322,772
Noncurrent liabilities			
Due within one year	10,096,079	582,920	10,678,999
Due in more than one year	97,428,365	3,469,522	100,897,887
Total Liabilities	<u>114,303,878</u>	<u>5,387,890</u>	<u>119,691,768</u>
DEFERRED INFLOWS OF RESOURCES			
Pension related amounts	26,795,346	1,273,191	28,068,537
OPEB related amounts	1,494,850	157,353	1,652,203
Lease related amounts	4,077,671	2,131,258	6,208,929
Unearned revenue	35,041,672	-	35,041,672
Total Deferred Inflows of Resources	<u>67,409,539</u>	<u>3,561,802</u>	<u>70,971,341</u>
NET POSITION			
Net investment in capital assets	36,133,295	110,589,831	146,723,126
Restricted for			
Debt service	989,454	-	989,454
Impact fees	65,520	-	65,520
Replacement	-	497,056	497,056
Wastewater RCA fees	1,832,552	-	1,832,552
Culture and recreational programs	1,701,647	-	1,701,647
Public safety programs	244,839	-	244,839
Public works	1,202,553	-	1,202,553
Community development	166,761	-	166,761
Tax increment district	-	-	-
Capital projects	1,482,443	-	1,482,443
Pension	11,396,278	527,473	11,923,751
Unrestricted (deficit)	(2,235,309)	33,166,192	30,930,883
TOTAL NET POSITION	<u>\$ 52,980,033</u>	<u>\$ 144,780,552</u>	<u>\$ 197,760,585</u>

See accompanying notes to financial statements.

CITY OF NEW BERLIN

STATEMENT OF ACTIVITIES For the Year Ended December 31, 2022

Functions/Programs	Expenses	Program Revenues			Net (Expenses) Revenues and Changes in Net Position		
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	Business-type Activities	Totals
Primary government							
Governmental Activities							
General government	\$ 6,943,977	\$ 864,124	\$ 1,959,668	\$ 69,708	\$ (4,050,477)	\$ -	\$ (4,050,477)
Protection of persons and property	16,519,206	2,673,121	484,017	65,731	(13,296,337)	-	(13,296,337)
Public Works	10,523,029	2,290,718	2,251,427	332,655	(5,648,229)	-	(5,648,229)
Library	1,657,588	97,896	-	2,772	(1,556,920)	-	(1,556,920)
Parks and recreation	2,693,258	827,768	31,421	165,346	(1,668,723)	-	(1,668,723)
Conservation and development	815,427	91,477	29,669	-	(694,281)	-	(694,281)
Interest and fiscal charges	1,475,175	-	-	-	(1,475,175)	-	(1,475,175)
Total Governmental Activities	40,627,660	6,845,104	4,756,202	636,212	(28,390,142)	-	(28,390,142)
Business-type Activities							
Water	4,435,404	5,312,313	-	-	-	876,909	876,909
Wastewater	10,630,679	11,226,187	-	-	-	595,508	595,508
Water Resource Management	1,591,142	1,780,169	-	231,179	-	420,206	420,206
Total Business-type Activities	16,657,225	18,318,669	-	231,179	-	1,892,623	1,892,623
Total primary government	\$ 57,284,885	\$ 25,163,773	\$ 4,756,202	\$ 867,391	(28,390,142)	1,892,623	(26,497,519)
General Revenues:							
Taxes							
Property taxes, levied for general purposes					22,133,712	-	22,133,712
Property taxes, levied for debt service					8,266,431	-	8,266,431
Other taxes					342,899	-	342,899
Intergovernmental revenues not restricted to specific programs					1,215,614	-	1,215,614
Investment income					254,354	297,581	551,935
Miscellaneous					140,546	78,686	219,232
Transfers					561,702	(561,702)	-
Total General Revenues and Transfers					32,915,258	(185,435)	32,729,823
Change in Net Position					4,525,116	1,707,188	6,232,304
Net Position - Beginning of Year					48,454,917	143,073,364	191,528,281
Net Position - End of Year					\$ 52,980,033	\$ 144,780,552	\$ 197,760,585

See accompanying notes to financial statements.

CITY OF NEW BERLIN

BALANCE SHEET
GOVERNMENTAL FUNDS
As of December 31, 2022

	General	General Debt Service	Capital Project Capital Improvements	Nonmajor Governmental Funds	Total Governmental Funds
ASSETS					
Cash and investments	\$ 9,221,734	\$ 15,262,569	\$ 18,849,482	\$ 10,174,599	\$ 53,508,384
Receivables (net of allowance for uncollectible accounts)					
Taxes	25,585,405	9,442,732	-	689,121	35,717,258
Delinquent personal property taxes	115,833	-	-	-	115,833
Accounts	842,049	-	-	241,862	1,083,911
Leases	4,077,671	-	-	-	4,077,671
Interest	29,694	-	-	-	29,694
Special assessments	-	-	-	14,159	14,159
Due from other funds	1,234,171	-	-	-	1,234,171
Prepaid items	363,490	-	-	-	363,490
TOTAL ASSETS	\$ 41,470,047	\$ 24,705,301	\$ 18,849,482	\$ 11,119,741	\$ 96,144,571
LIABILITIES					
Accounts payable	\$ 957,323	\$ -	\$ 1,665,640	\$ 872,555	\$ 3,495,518
Accrued liabilities	79,706	-	-	-	79,706
Accrued payroll	362,908	-	-	-	362,908
Due to other funds	1,483,521	-	-	-	1,483,521
Advance from other Funds	-	-	666,666	-	666,666
Unearned revenues	164,073	-	-	2,158,699	2,322,772
Total Liabilities	<u>3,047,531</u>	<u>-</u>	<u>2,332,306</u>	<u>3,031,254</u>	<u>8,411,091</u>
DEFERRED INFLOWS OF RESOURCES					
Unearned revenues	24,909,569	9,442,732	-	689,371	35,041,672
Lease related amounts	4,077,671	-	-	-	4,077,671
Unavailable revenues	29,433	-	-	139,489	168,922
Total Deferred Inflows of Resources	<u>29,016,673</u>	<u>9,442,732</u>	<u>-</u>	<u>828,860</u>	<u>39,288,265</u>
FUND BALANCES					
Non-spendable:					
Delinquent personal property taxes	115,833	-	-	-	115,833
Prepays	363,490	-	-	-	363,490
Restricted					
Culture and recreation	-	-	-	1,576,317	1,576,317
Public safety	-	-	-	244,839	244,839
Community development	-	-	-	166,761	166,761
Impact and RCA fees	-	-	-	1,898,072	1,898,072
Capital Projects	-	-	16,517,176	1,482,443	17,999,619
Debt Service	-	15,262,569	-	-	15,262,569
Public works	-	-	-	1,202,553	1,202,553
Committed:					
Culture and recreation	-	-	-	328,278	328,278
Community development	-	-	-	547,060	547,060
Assigned					
Subsequent year budget appropriations	1,000,000	-	-	-	1,000,000
Capital Projects	-	-	-	351,679	351,679
Unassigned	7,926,520	-	-	(538,375)	7,388,145
Total Fund Balances	<u>9,405,843</u>	<u>15,262,569</u>	<u>16,517,176</u>	<u>7,259,627</u>	<u>48,445,215</u>
TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES	\$ 41,470,047	\$ 24,705,301	\$ 18,849,482	\$ 11,119,741	

Amounts reported for governmental activities in the statement of net position are different because:

Capital assets used in governmental funds are not financial resources and therefore are not reported in the funds.

See Note IV D.

Internal service funds are reported in the statement of net position as governmental activities

The net pension asset does not relate to current financial resources and is not reported in the governmental funds.

Deferred outflows of resources related to pension and OPEB do not relate to current financial resources and are not reported in the governmental funds.

Deferred inflows of resources related to pension and OPEB do not relate to current financial resources and are not reported in the governmental funds.

Some receivables that are not currently available are reported as unavailable revenue in the fund financial statements but are recognized as revenue when earned in the government-wide statements. See Note II A.

Some liabilities, including long-term debt, are not due and payable in the current period and therefore are not reported in the funds. See Note II A.

105,379,540

1,102,420

11,396,278

23,146,694

(28,711,756)

168,922

(107,947,280)

NET POSITION OF GOVERNMENTAL ACTIVITIES

\$ 52,980,033

See accompanying notes to financial statements.

**Statement of Revenues, Expenditures, and
Changes in Fund Balances – Governmental
Funds** Follows

CITY OF NEW BERLIN

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS

For the Year Ended December 31, 2022

	General	General Debt Service	Capital Project Capital Improvements	Nonmajor Governmental Funds	Total Governmental Funds
REVENUES					
Taxes	\$ 21,568,729	\$ 8,383,485	\$ -	\$ 790,828	\$ 30,743,042
Intergovernmental	5,294,641	78,110	-	602,096	5,974,847
Licenses and permits	1,449,436	-	-	-	1,449,436
Fines, forfeitures and penalties	304,270	-	-	-	304,270
Public charges for services	2,221,020	-	-	1,775,160	3,996,180
Public improvement revenues	-	-	-	91,799	91,799
Interdepartmental revenues	559,821	-	-	-	559,821
Investment income	165,113	-	49,420	51,546	266,079
Miscellaneous revenues	206,179	-	29,737	666,343	902,259
Total Revenues	<u>31,769,209</u>	<u>8,461,595</u>	<u>79,157</u>	<u>3,977,772</u>	<u>44,287,733</u>
EXPENDITURES					
Current					
General government	6,889,684	-	4,250	162,510	7,056,444
Protection of persons and property	17,765,489	-	-	178,423	17,943,912
Public Works	3,597,611	-	-	2,050,404	5,648,015
Library	1,543,056	-	-	18,254	1,561,310
Parks and recreation	1,637,082	-	-	220,662	1,857,744
Conservation and development	721,629	-	-	120,838	842,467
Capital Outlay	-	-	13,066,542	1,891,490	14,958,032
Debt Service					
Principal retirement	-	7,124,881	-	-	7,124,881
Interest and fiscal charges	-	2,103,887	66,000	6,804	2,176,691
Total Expenditures	<u>32,154,551</u>	<u>9,228,768</u>	<u>13,136,792</u>	<u>4,649,385</u>	<u>59,169,496</u>

CITY OF NEW BERLIN

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS

	General	General Debt Service	Capital Project Capital Improvements	Nonmajor Governmental Funds	Total Governmental Funds
Excess (deficiency) of revenues over expenditures	\$ (385,342)	\$ (767,173)	\$ (13,057,635)	\$ (671,613)	\$ (14,881,763)
OTHER FINANCING SOURCES (USES)					
Long-term debt issued	-	-	21,390,000	405,000	21,795,000
Refunding debt issued	-	13,865,000	-	-	13,865,000
Premium on bond issued	-	681,539	-	16,525	698,064
Transfers in	820,531	369,356	-	341,414	1,531,301
Transfers out	(341,414)	-	-	(504,356)	(845,770)
Total Other Financing Sources (Uses)	479,117	14,915,895	21,390,000	258,583	37,043,595
Net Change in Fund Balance	93,775	14,148,722	8,332,365	(413,030)	22,161,832
FUND BALANCES - Beginning of year	9,312,068	1,113,847	8,184,811	7,672,657	26,283,383
FUND BALANCES - END OF YEAR	\$ 9,405,843	\$ 15,262,569	\$ 16,517,176	\$ 7,259,627	\$ 48,445,215

See accompanying notes to financial statements.

CITY OF NEW BERLIN

RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES For the Year Ended December 31, 2022

Net change in fund balances - total governmental funds	\$ 22,161,832
--	---------------

Amounts reported for governmental activities in the statement of activities are different because:

Governmental funds report capital outlays as expenditures. However, in the statement of net position the cost of these assets is capitalized and they are depreciated over their estimated useful lives and reported as depreciation expense in the statement of activities.

Capital outlay is reported as an expenditure in the fund financial statements but is capitalized in the government-wide financial statements	14,834,203
Some items reported as capital outlay were not capitalized	(3,519,320)
Some items capitalized are reported as current expenditures	457,088
Depreciation is reported in the government-wide statements	(4,276,070)
Net book value of assets retired	(148,857)
Developer funded & donated capital additions	386,045

Debt issued provides current financial resources to governmental funds, but issuing debt increases long-term liabilities in the statement of net position. Repayment of debt principal is an expenditure in the governmental funds, but the repayment reduces long-term liabilities in the statement of net position. This amount is the net effect of the differences in the treatment of long-term debt. See Note II B.

	(28,422,525)
--	--------------

Revenues are reported in the governmental funds when current financial resources are available, but are recognized when earned in the statement of activities. See Note II B.

	(48,018)
--	----------

Some expenses in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in the governmental funds. See Note II B.

	3,218,446
--	-----------

Internal Service fund change in net position	<u>(117,708)</u>
--	------------------

CHANGE IN NET POSITION OF GOVERNMENTAL ACTIVITIES	<u><u>\$ 4,525,116</u></u>
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See accompanying notes to financial statements.

CITY OF NEW BERLIN

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES - BUDGET AND ACTUAL (NON - GAAP) GENERAL FUND

For the Year Ended December 31, 2022

	Budgeted Amounts		Actual	Variance with Final Budget Positive (Negative)
	Original	Final		
REVENUES				
Taxes	\$ 21,577,000	\$ 21,577,000	\$ 21,568,729	\$ (8,271)
Intergovernmental	5,271,853	5,271,853	5,294,641	22,788
Licenses and permits	1,183,610	1,183,610	1,449,436	265,826
Fines, forfeitures and penalties	320,000	320,000	304,270	(15,730)
Public charges for services	2,349,998	2,349,998	2,221,020	(128,978)
Interdepartmental revenues	584,599	584,599	559,821	(24,778)
Investment income	210,000	210,000	165,113	(44,887)
Miscellaneous revenues	214,000	214,000	206,179	(7,821)
Total Revenues	<u>31,711,060</u>	<u>31,711,060</u>	<u>31,769,209</u>	<u>58,149</u>
EXPENDITURES				
Current				
General government	7,074,680	7,074,680	6,889,684	184,996
Protection of persons and property	18,504,471	18,504,471	17,879,391	625,080
Highway and transportation	3,485,212	3,685,212	3,597,611	87,601
Library	1,579,035	1,579,035	1,543,056	35,979
Parks and recreation	1,591,119	1,591,119	1,637,082	(45,963)
Conservation and development	745,129	745,129	721,629	23,500
Unclassified	-	-	-	-
Contingency	300,000	100,000	-	100,000
Total Expenditures	<u>33,279,646</u>	<u>33,279,646</u>	<u>32,268,453</u>	<u>1,011,193</u>
Excess (deficiency) of revenues over expenditures	(1,568,586)	(1,568,586)	(499,244)	1,069,342
OTHER FINANCING SOURCES (USES)				
Transfers in	910,000	910,000	820,531	(89,469)
Transfer out	(341,414)	(341,414)	(341,414)	-
Total other financing sources and (uses)	<u>568,586</u>	<u>568,586</u>	<u>479,117</u>	<u>(89,469)</u>
Net change in Fund Balance - budgetary basis	(1,000,000)	(1,000,000)	(20,127)	979,873
Adjustment to generally accepted accounting principles basis				
Change in Encumbrances	-	-	113,902	113,902
	-	-	113,902	113,902
Net Change in Fund Balance - -generally accepted accounting principles basis	(1,000,000)	(1,000,000)	93,775	1,093,775
FUND BALANCES - BEGINNING OF YEAR	<u>9,312,068</u>	<u>9,312,068</u>	<u>9,312,068</u>	<u>-</u>
FUND BALANCES - END OF YEAR	<u>\$ 8,312,068</u>	<u>\$ 8,312,068</u>	<u>\$ 9,405,843</u>	<u>\$ 1,093,775</u>

See accompanying notes to financial statements.

**Statement of Net Position –
Proprietary Funds** Follows

CITY OF NEW BERLIN

STATEMENT OF NET POSITION
PROPRIETARY FUNDS
As of December 31, 2022

	Business-type Activities - Enterprise Funds				Governmental Activities - Internal Service Fund
	Water Utility	Wastewater Utility	Water Resource Management Utility	Totals	
ASSETS					
Current Assets					
Cash and investments	\$ 8,732,492	\$ 17,170,545	\$ 3,764,928	\$ 29,667,965	\$ 396,054
Receivables					
Accounts	1,102,765	3,067,384	474,502	4,644,651	-
Lease	290,670	-	-	290,670	-
Interest	2,738	11,609	-	14,347	-
Due from other funds	773,774	834,530	84,535	1,692,839	-
Advance to other fund	-	273,000	-	273,000	-
Total Current Assets	<u>10,902,439</u>	<u>21,357,068</u>	<u>4,323,965</u>	<u>36,583,472</u>	<u>396,054</u>
Non-Current Assets					
Restricted Assets					
Cash and investments	-	497,056	-	497,056	-
Net pension asset	289,565	204,855	33,053	527,473	-
Capital Assets					
Land	642,046	456,017	317,847	1,415,910	-
Other capital assets	72,212,579	60,903,386	37,467,025	170,582,990	-
Accumulated depreciation/amortization	(26,754,340)	(18,737,534)	(13,435,187)	(58,927,061)	-
Construction work in progress	450,435	623,487	-	1,073,922	-
Other Assets					
Special assessments receivable	36,878	1,764	-	38,642	-
Lease receivable	1,840,588	-	-	1,840,588	-
Advance to other funds	-	6,003,666	-	6,003,666	-
Deposit with CVMIC	-	-	-	-	802,060
Total Non-Current Assets	<u>48,717,751</u>	<u>49,952,697</u>	<u>24,382,738</u>	<u>123,053,186</u>	<u>802,060</u>
TOTAL ASSETS	<u>59,620,190</u>	<u>71,309,765</u>	<u>28,706,703</u>	<u>159,636,658</u>	<u>1,198,114</u>
DEFERRED OUTFLOWS OF RESOURCES					
Deferred outflows related to pension	612,022	408,557	73,047	1,093,626	-
Deferred outflows related to OPEB	29,694	23,755	-	53,449	-
Deferred charge on refunding	-	-	-	-	-
TOTAL DEFERRED OUTFLOWS OF RESOURCES	<u>641,716</u>	<u>432,312</u>	<u>73,047</u>	<u>1,147,075</u>	<u>-</u>

	Business-type Activities - Enterprise Funds				Governmental Activities - Internal Service Fund
	Water Utility	Wastewater Utility	Water Resource Management Utility	Totals	
LIABILITIES					
Current Liabilities					
Accounts payable	\$ 316,718	\$ 779,224	\$ 33,794	\$ 1,129,736	\$ -
Accrued liabilities	128,616	-	9,572	138,188	95,694
Accrued interest payable	67,249	-	275	67,524	-
Due to other funds	447,683	941,526	54,280	1,443,489	-
Liabilities payable from restricted assets					
Current portion of revenue bonds	-	-	-	-	-
Interest accrued on revenue bonds	-	-	-	-	-
Current portion of general obligation notes	440,000	-	-	440,000	-
Current portion of advance	165,000	-	55,000	220,000	-
Current portion of revenue bonds	142,920	-	-	142,920	-
Total Current Liabilities	1,708,186	1,720,750	152,921	3,581,857	95,694
Non-Current Liabilities					
Long-Term Debt					
General obligation promissory notes	477,240	-	-	477,240	-
Revenue Bonds	2,495,770	-	-	2,495,770	-
Advance from sewer	5,335,000	-	55,000	5,390,000	-
Net Pension Liability	-	-	-	-	-
Net OPEB obligation	275,840	220,672	-	496,512	-
Total Non-Current Liabilities	8,583,850	220,672	55,000	8,859,522	-
TOTAL LIABILITIES	10,292,036	1,941,422	207,921	12,441,379	95,694
DEFERRED INFLOWS OF RESOURCES					
Deferred inflows related to leases	2,131,258	-	-	2,131,258	-
Deferred inflows related to OPEB	87,418	69,935	-	157,353	-
Deferred inflows related to pension	702,597	497,994	72,600	1,273,191	-
Total Deferred Inflows of Resources	2,921,273	567,929	72,600	3,561,802	-
NET POSITION					
Net investment in capital assets	42,994,790	43,245,356	24,349,685	110,589,831	-
Restricted for					
Replacement	-	497,056	-	497,056	-
Pension	289,565	204,855	33,053	527,473	-
Unrestricted	3,764,242	25,285,459	4,116,491	33,166,192	1,102,420
TOTAL NET POSITION	\$ 47,048,597	\$ 69,232,726	\$ 28,499,229	\$ 144,780,552	\$ 1,102,420

See accompanying notes to financial statements.

CITY OF NEW BERLIN

STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION PROPRIETARY FUNDS For the Year Ended December 31, 2022

	Business-type Activities - Enterprise Funds				Governmental Activities - Internal Service Fund
	Water Utility	Wastewater Utility	Water Resource Management Utility	Totals	
OPERATING REVENUES					
Charges for services and sales	\$ 4,933,949	\$ 11,108,844	\$ 1,780,169	\$ 17,822,962	\$ 243,504
Other operating revenues	319,090	117,343	-	436,433	-
Total Operating Revenues	5,253,039	11,226,187	1,780,169	18,259,395	243,504
OPERATING EXPENSES					
Operation and maintenance	2,852,961	9,692,026	1,029,775	13,574,762	361,212
Depreciation	1,294,158	900,759	530,175	2,725,092	-
Taxes	54,344	34,651	20,785	109,780	-
Total Operating Expenses	4,201,463	10,627,436	1,580,735	16,409,634	361,212
Operating Income (loss)	1,051,576	598,751	199,434	1,849,761	(117,708)
NONOPERATING REVENUES (EXPENSES)					
Investment income	209,523	18,178	58,879	286,580	-
Amortization of bond premium	70,275	-	-	70,275	-
Grant	-	(3,243)	-	(3,243)	-
Gain on Disposal	78,686	-	(4,080)	74,606	-
Interest expense	(233,941)	-	(6,327)	(240,268)	-
Total Nonoperating Revenues (Expenses)	124,543	14,935	48,472	187,950	-
INCOME BEFORE CONTRIBUTIONS AND TRANSFERS	1,176,119	613,686	247,906	2,037,711	(117,708)
CAPITAL CONTRIBUTIONS					
Developers	-	-	231,179	231,179	-
City	123,829	-	-	123,829	-
TRANSFERS OUT	(672,738)	(12,793)	-	(685,531)	-
CHANGE IN NET POSITION	627,210	600,893	479,085	1,707,188	(117,708)
NET POSITION - Beginning of Year	46,421,387	68,631,833	28,020,144	143,073,364	1,220,128
NET POSITION - END OF YEAR	\$ 47,048,597	\$ 69,232,726	\$ 28,499,229	\$ 144,780,552	\$ 1,102,420

See accompanying notes to financial statements.

**Statement of Cash Flows –
Proprietary Funds** Follows

CITY OF NEW BERLIN

STATEMENT OF CASH FLOWS
PROPRIETARY FUNDS
For the Year Ended December 31, 2022

	Business-type Activities - Enterprise Funds				Governmental Activities - Internal Service Fund
	Water Utility	Wastewater Utility	Water Resource Management Utility	Totals	
CASH FLOWS FROM OPERATING ACTIVITIES					
Receipts from customers	\$ 4,282,278	\$ 10,838,575	\$ 1,758,060	\$ 16,878,913	\$ -
Receipts from municipality	720,468	-	-	720,468	-
Payments to municipality	-	-	(343,838)	(343,838)	243,504
Payments to suppliers	(1,871,162)	(7,792,043)	(416,957)	(10,080,162)	(265,518)
Payments to employees	(682,562)	(484,055)	(289,532)	(1,456,149)	-
Net Cash Flows From Operating Activities	<u>2,449,022</u>	<u>2,562,477</u>	<u>707,733</u>	<u>5,719,232</u>	<u>(22,014)</u>
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES					
Receipt of advances	-	110,000	-	110,000	-
Advance issued to other funds	-	(6,166,666)	-	(6,166,666)	-
Transfers out - paid for tax equivalent	(672,738)	(12,793)	-	(685,531)	-
Net Cash Flows From Non-Capital Related Financing Activities	<u>(672,738)</u>	<u>(6,069,459)</u>	<u>-</u>	<u>(6,742,197)</u>	<u>-</u>
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES					
Acquisition and construction of capital assets	(7,693,867)	(950,025)	(584,845)	(9,228,737)	-
Sale of Land	88,786	-	-	88,786	-
Salvage on retired plant	7,962	7,302	-	15,264	-
Grant costs	-	(88,159)	-	(88,159)	7,000
Payment of advance	-	-	(110,000)	(110,000)	-
Advance issued	5,500,000	-	-	5,500,000	-
Debt retired	(555,242)	-	-	(555,242)	-
Interest paid	(124,375)	-	(6,600)	(130,975)	-
Net Cash Flows From Capital and and Related Financing Activities	<u>(2,776,736)</u>	<u>(1,030,882)</u>	<u>(701,445)</u>	<u>(4,509,063)</u>	<u>7,000</u>
CASH FLOWS FROM INVESTING ACTIVITIES					
Purchase of investments	-	(723,226)	-	(723,226)	-
Investments sold	-	833,640	-	833,640	-
Interest received	261,357	194,042	58,879	514,278	-
Net Cash Flows From Investing Activities	<u>261,357</u>	<u>304,456</u>	<u>58,879</u>	<u>624,692</u>	<u>-</u>
Net Change in Cash and Cash Equivalents	<u>(739,095)</u>	<u>(4,233,408)</u>	<u>65,167</u>	<u>(4,907,336)</u>	<u>(15,014)</u>
CASH AND CASH EQUIVALENTS – Beginning of Year	<u>8,684,978</u>	<u>18,507,998</u>	<u>3,699,761</u>	<u>30,892,737</u>	<u>411,068</u>
CASH AND CASH EQUIVALENTS – END OF YEAR	<u>\$ 7,945,883</u>	<u>\$ 14,274,590</u>	<u>\$ 3,764,928</u>	<u>\$ 25,985,401</u>	<u>\$ 396,054</u>

	Business-type Activities - Enterprise Funds				Governmental Activities - Internal Service Fund
	Water Utility	Wastewater Utility	Water Resource Management Utility	Totals	
Reconciliation of operating income (loss) to net cash provided by operating activities:					
Operating income (loss)	\$ 1,051,576	\$ 598,751	\$ 199,434	\$ 1,849,761	\$ (117,708)
Adjustments to reconcile operating income to net cash flows from operating activities					
Noncash items included in operating income					
Depreciation expense	1,294,158	900,759	530,175	2,725,092	-
Depreciation charged to other accounts	90,327	-	-	90,327	-
Changes in Assets and Liabilities					
Accounts receivable	(15,975)	(76,012)	(10,548)	(102,535)	-
Lease receivable	338,472	-	-	338,472	-
Receivable from municipality	(200,832)	(135,927)	(11,546)	(348,305)	-
Receivable from wastewater	(90,991)	-	-	(90,991)	-
Receivable from water	-	(176,040)	(15)	(176,055)	-
Receivable from water resource management	-	367	-	367	-
Pension related inflow	194,971	137,932	22,255	355,158	-
OPEB related inflow	18,408	14,727	-	33,135	-
Net pension liability (asset)	(58,415)	(41,598)	(6,960)	(106,973)	-
Accounts payable	24,200	655,269	6,620	686,089	-
Accrued liabilities	57,505	-	1,088	58,593	95,694
Lease related inflow	(338,472)	-	-	(338,472)	-
Net OPEB obligation	(23,887)	(19,110)	-	(42,997)	-
Pension related outflow	(196,109)	(139,171)	(22,187)	(357,467)	-
OPEB related outflow	614	492	-	1,106	-
Payable to municipality	126,916	750,547	(216)	877,247	-
Payable to water resource management	15	-	-	15	-
Payable to wastewater	176,541	-	(367)	176,174	-
Payable to water	-	91,491	-	91,491	-
Net Cash Flows From Operating Activities	\$ 2,449,022	\$ 2,562,477	\$ 707,733	\$ 5,719,232	\$ (22,014)
RECONCILIATION OF CASH AND CASH EQUIVALENTS TO STATEMENT OF NET ASSETS					
Cash and cash equivalents - unrestricted	\$ 8,732,492	\$ 17,170,545	\$ 3,764,928	\$ 29,667,965	\$ 396,054
Cash and cash equivalents - restricted	-	497,056	-	497,056	-
Less: Non-cash equivalents	(786,609)	(3,393,011)	-	(4,179,620)	-
CASH AND CASH EQUIVALENTS	\$ 7,945,883	\$ 14,274,590	\$ 3,764,928	\$ 25,985,401	\$ 396,054
NONCASH INVESTING, CAPITAL AND RELATED FINANCING ACTIVITIES					
Cost of utility plant installed and/or financed by developers	\$ -	\$ -	\$ 231,179	\$ 231,179	
Cost of utility plant installed and/or financed by city	\$ 123,829	\$ -	\$ -	\$ 123,829	
Capital assets included in accounts payable	\$ 52,741	\$ 5,897	\$ -	\$ 58,638	
Amortization of bond premium	\$ 70,275	\$ -	\$ -	\$ 70,275	
See accompanying notes to financial statements.					

CITY OF NEW BERLIN

FIDUCIARY FUNDS STATEMENT OF FIDUCIARY NET POSITION As of December 31, 2022

	Custodial Funds		<u>Total</u>
	Collection Fund	Deposit Fund	
ASSETS			
Cash and investments	\$ 51,571,771	\$ 713,069	\$ 52,284,840
Taxes receivable	<u>9,873,209</u>	<u>-</u>	<u>9,873,209</u>
 TOTAL ASSETS	 <u>\$ 61,444,980</u>	 <u>\$ 713,069</u>	 <u>\$ 62,158,049</u>
 LIABILITIES			
Due to other taxing units	\$ 61,444,980	\$ -	\$ 61,444,980
Deposits	<u>-</u>	<u>713,069</u>	<u>713,069</u>
 TOTAL LIABILITIES	 <u>\$ 61,444,980</u>	 <u>\$ 713,069</u>	 <u>\$ 62,158,049</u>
 NET POSITION - END OF YEAR	 <u>\$ -</u>	 <u>\$ -</u>	 <u>\$ -</u>

See accompanying notes to financial statements.

CITY OF NEW BERLIN

FIDUCIARY FUNDS STATEMENT OF CHANGES IN FIDUCIARY NET POSITION For the Year Ended December 31, 2022

	Custodial Funds	
	Tax Collection Fund	Deposit Fund
ADDITIONS		
Tax Collections	\$ 46,267,503	\$ -
Deposit Collections	-	152,979
TOTAL ADDITIONS	46,267,503	152,979
DEDUCTIONS		
Payments to overlying districts	46,267,503	-
Deposit Payments	-	152,979
TOTAL DEDUCTIONS	46,267,503	152,979
Change in Fiduciary Net Position	\$ -	\$ -

See accompanying notes to financial statements.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

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CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE I – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The accounting policies of the City of New Berlin, Wisconsin (the “City”) conform to accounting principles generally accepted in the United States of America as applicable to governmental units. The accepted standard-setting body for establishing governmental accounting and financial reporting principles is the Governmental Accounting Standards Board (GASB).

A. REPORTING ENTITY

This report includes all of the funds of the City of New Berlin. The reporting entity for the City consists of the primary government and its component units. Component units are legally separate organizations for which the primary government is financially accountable or other organizations for which the nature and significance of their relationship with the primary government are such that their exclusion would cause the reporting entity’s financial statements to be misleading. The City has not identified any organizations that meet this criteria.

B. GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS

In June 2017, the GASB issued Statement No. 87, *Leases*. This Statement requires the recognition of certain lease assets and liabilities for leases that previously were classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract. The standard establishes a single model for lease accounting based on the foundational principle that leases are financings of the right-to-use an underlying asset. Under the Statement, a lessee is required to recognize a lease liability and an intangible right-to-use lease asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources, which enhances the relevance and consistency of information about the City’s leasing activities. This standard was implemented January 1, 2022.

Government-Wide Financial Statements

The statement of net position and statement of activities display information about the reporting government as a whole. They include all funds of the reporting entity except for fiduciary funds. The statements distinguish between governmental and business-type activities. Governmental activities generally are financed through taxes, intergovernmental revenues, and other non-exchange revenues. Business-type activities are financed in whole or in part by fees charged to external parties for goods or services.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment is offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. The City does not allocate indirect expenses to functions in the statement of activities. Program revenues include 1) charges to customers or applicants who purchase, use or directly benefit from goods, services, or privileges provided by a given function or segment, and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not included among program revenues are reported as general revenues. Internally dedicated resources are reported as general revenues rather than as program revenues.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE I – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont.)

B. GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS (cont.)

Fund Financial Statements

Financial statements of the City are organized into funds each of which is considered to be a separate accounting entity. Each fund is accounted for by providing a separate set of self-balancing accounts, which constitute its assets, deferred outflows of resources, liabilities, deferred inflows of resources, net position/fund balance, revenues, and expenditures/expenses.

Separate financial statements are provided for governmental funds, proprietary funds, and fiduciary funds, even though the latter are excluded from the government-wide financial statements. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements.

Funds are organized as major funds or non-major funds within the governmental and proprietary statements. An emphasis is placed on major funds within the governmental and proprietary categories. A fund is considered major if it is the primary operating fund of the City or meets the following criteria:

- a. Total assets/deferred outflows of resources, liabilities/deferred inflows of resources, revenues, or expenditures/expenses of that individual governmental or enterprise fund are at least 10 percent of the corresponding total for all funds of that category or type, and
- b. The same element of the individual governmental fund or enterprise fund that met the 10 percent test is at least 5 percent of the corresponding total for all governmental and enterprise funds combined.
- c. In addition, any other governmental or enterprise fund that the City believes is particularly important to financial statement users may be reported as a major fund.

The City reports the following major governmental funds:

General Fund – accounts for the City’s primary operating activities. It is used to account for and report all financial resources except those required to be accounted for in another fund.

General Debt Service Fund – used to account for and report financial resources that are restricted, committed, or assigned to expenditure for the payment of general long-term debt principal, interest, and related costs, other than TID or enterprise debt.

Capital Improvements Capital Projects Fund – used to account for and report financial resources that are restricted, committed, or assigned to expenditures for capital outlays, including the acquisition or construction of capital facilities and other capital assets for capital improvement projects.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE I – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont.)

B. GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS (cont.)

Fund Financial Statements (cont.)

The City reports the following major enterprise funds:

Water Utility – accounts for operations of the water system.
Wastewater Utility – accounts for operations of the wastewater system.
Water Resource Management Utility – accounts for operations of the storm water system.

The City reports the following non-major governmental funds:

Special Revenue Funds – used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditures for specified purposes (other than debt service or capital projects).

Park & Open Space	Concession Stand	Landscape
Trail Fees	Park & Recreation	Building Maintenance
Impact Fees	Police	Technology Fee
Wastewater RCA Fees	Fire	Tourism Commission Fund
Golf Course	Mayor	Tax Increment District
Fourth of July	Special Assessment	Grant
Library	Garbage/Recycling	

Capital Projects Funds – used to account for and report financial resources that are restricted, committed, or assigned to expenditure for capital outlay, including the acquisition or construction of capital facilities and other capital assets.

Equipment Equipment Replacement

In addition, the City reports the following fund types:

Internal service funds are used to account and report the financing of goods or services provided by one department or agency to other departments or agencies of the City, or to other governmental units, on a cost-reimbursement basis.

General Liability Insurance

Custodial funds - used to account for and report assets controlled by the City and the assets are for the benefit of individuals, private organizations, and/or other governmental units.

Property Tax
Deposit

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE I – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont.)

C. MEASUREMENT FOCUS, BASIS OF ACCOUNTING, AND FINANCIAL STATEMENT PRESENTATION Government-Wide Financial Statements

The government-wide statement of net position and statement of activities are reported using the economic resources measurement focus and the accrual basis of accounting. Under the accrual basis of accounting, revenues are recognized when earned and expenses are recorded when the liability is incurred or economic asset used. Revenues, expenses, gains, losses, assets, and liabilities resulting from exchange and exchange-like transactions are recognized when the exchange takes place. Property taxes are recognized as revenues in the year for which they are levied. Taxes receivable for the following year are recorded as receivables and deferred inflows. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider are met. Special assessments are recorded as revenue when earned. Unbilled receivables are recorded as revenues when services are provided.

As a general rule, the effect of inter-fund activity has been eliminated from the government-wide financial statements. Exceptions to this general rule are charges between the City's water, wastewater and water resource management utilities and various other functions of the government. Elimination of these charges would distort the direct costs and program revenues reported for the various functions concerned.

Fund Financial Statements

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recorded when they are both measurable and available. Available means collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period. For this purpose, the City considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures are recorded when the related fund liability is incurred, except for unmatured interest on long-term debt, claims, judgments, compensated absences, and pension expenditures, which are recorded as a fund liability when expected to be paid with expendable available financial resources.

Property taxes are recorded in the year levied as receivables and deferred inflows. They are recognized as revenues in the succeeding year when services financed by the levy are being provided.

Intergovernmental aids and grants are recognized as revenues in the period the City is entitled to the resources and the amounts are available. Amounts owed to the City which are not available are recorded as receivables and unavailable revenues. Amounts received before eligibility requirements (excluding time requirements) are met are recorded as liabilities. Amounts received in advance of meeting time requirements are recorded as deferred inflows.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE I – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont.)

C. MEASUREMENT FOCUS, BASIS OF ACCOUNTING, AND FINANCIAL STATEMENT PRESENTATION Government-Wide Financial Statements (cont.)

Fund Financial Statements (cont.)

Special assessments are recorded as revenues when they become measurable and available as current assets. Annual installments due in future years are reflected as receivables and unavailable revenues.

Revenues susceptible to accrual include property taxes, miscellaneous taxes, public charges for services, special assessments and interest. Other general revenues such as fines and forfeitures, inspection fees, recreation fees, and miscellaneous revenues are recognized when received in cash or when measurable and available under the criteria described above.

Proprietary and fiduciary fund financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as described previously in this note.

The proprietary funds distinguish *operating* revenues and expenses from *non-operating* items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the Water, Wastewater, and Water Resource Management Utilities are charges to customers for sales and services. The rates used in the Water Utility were approved by the Public Service Commission. Wastewater and Water Resource Management service charges are billed at rates established by the City's common council. Special assessments are recorded as receivables and contribution revenue when levied. Operating expenses for proprietary funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as non-operating revenues and expenses.

All Financial Statements

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets, deferred outflows of resources, liabilities, and deferred inflows of resources and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenditures/expenses during the reporting period. Actual results could differ from those estimates.

D. ASSETS, DEFERRED OUTFLOWS OF RESOURCES, LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND NET POSITION OR EQUITY

1. Deposits and Investments

For purposes of the statement of cash flows, the City considers all highly liquid investments with an initial maturity of three months or less when acquired to be cash equivalents.
See Note IV.A. for further information.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE I – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont.)

D. ASSETS, DEFERRED OUTFLOWS OF RESOURCES, LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND NET POSITION OR EQUITY (cont.)

2. Receivables

Property taxes are levied in December on the assessed value as of the prior January 1. In addition to property taxes for the City, taxes are collected for and remitted to the county government as well as the local school district and technical college district. Taxes for all state and local governmental units billed in the current year for the succeeding year are reflected as receivables and due to other taxing units in the accompanying statement of fiduciary net position.

Property tax calendar – 2022 tax roll:

Lien date and levy date	December 2022
Tax bills mailed	December 2022
Payment in full, or	January 31, 2023
First installment due	January 31, 2023
Second installment due	March 31, 2023
Third installment due	May 31, 2023
Personal property taxes in full	January 31, 2023
Tax sale – 2022 delinquent real estate taxes	October 2025

Accounts receivable have been shown net of an allowance for uncollectible accounts. Delinquent real estate taxes as of July 31 are paid in full by the county, which assumes the collection thereof. No provision for uncollectible accounts receivable has been made for the utilities because they have the right by law to place delinquent bills on the tax roll.

During the course of operations, transactions occur between individual funds that may result in amounts owed between funds. Short-term inter-fund loans are reported as “due to and from other funds.” Long-term inter-fund loans (noncurrent portion) are reported as “advances from and to other funds.” Inter-fund receivables and payables between funds within governmental activities are eliminated in the statement of net position. Any residual balances outstanding between the governmental activities and business-type activities are reported in the government-wide financial statements as internal balances.

In the governmental fund financial statements, advances to other funds are offset equally by a non-spendable fund balance account which indicates that they do not constitute expendable available financial resources and, therefore, are not available for appropriation or by a restricted fund balance account, if the funds will ultimately be restricted when the advance is repaid.

3. Inventories and Prepaid Items

Governmental fund inventory items are charged to expenditure accounts when purchased. Year-end inventory was not significant. Proprietary fund inventories are generally used for construction and/or for operation and maintenance work. They are not for resale. Any materials and supplies on hand at year-end are considered immaterial.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE I – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont.)

D. ASSETS, DEFERRED OUTFLOWS OF RESOURCES, LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND NET POSITION OR EQUITY (cont.)

3. Inventories and Prepaid Items (cont.)

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements.

4. Restricted Assets

Mandatory segregations of assets are presented as restricted assets. Such segregations are required by bond agreements and other external parties.

5. Capital Assets

Government –Wide Statements

Capital assets, which include property, plant and equipment (including right-to-use lease assets), are reported in the government-wide financial statements. Capital assets are defined by the government as assets with an initial cost of more than \$5,000 for general capital assets, \$10,000 for infrastructure assets, \$1,000 for utility system assets, and an estimated useful life in excess of one year. All capital assets are valued at historical cost or estimated historical cost if actual amounts are unavailable. Donated fixed assets are recorded at their estimated fair value at the date of donation.

Additions to and replacements of capital assets of business-type activities are recorded at original cost, which includes material, labor, overhead, and an allowance for the cost of funds used during construction when significant. The cost of renewals and betterments relating to retirement units is added to plant accounts. The cost of property replaced, retired or otherwise disposed of, is deducted from plant accounts and, generally, together with removal costs less salvage, is charged to accumulated depreciation.

Depreciation and amortization of all exhaustible capital assets is recorded as an allocated expense in the statement of activities, with accumulated depreciation and amortization reflected in the statement of net position. Depreciation and amortization are provided over the assets' estimated useful lives using the straight-line method. The range of estimated useful lives by type of asset is as follows:

Buildings	20-50 Years
Land Improvements	10-50 Years
Machinery and Equipment	5-50 Years
Intangible Asset	4-20 Years
Utility System	4-100 Years
Infrastructure	25-75 Years

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE I – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont.)

D. ASSETS, DEFERRED OUTFLOWS OF RESOURCES, LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND NET POSITION OR EQUITY (cont.)

5. Capital Assets (cont.)

Financial Statements

In the fund financial statements, capital assets used in governmental fund operations are accounted for as capital outlay expenditures of the governmental fund upon acquisition. Capital assets used in proprietary fund operations are accounted for the same way as in the government-wide statements.

6. Deferred Outflows of Resources

A deferred outflow of resources represents a consumption of net position/fund balance that applies to a future period and will not be recognized as an outflow of resources (expense/expenditure) until that future time.

A deferred charge on refunding arises from advance refunding of debt. The difference between the cost of the securities placed in trust for future payments of the refunded debt and the net carrying value of that debt is deferred and amortized as a component of interest expense over the shorter of the term of the refunding issue or the original term of the refunded debt. The unamortized amount is reported as a deferred outflow of resources in the government-wide and proprietary fund statements.

7. Compensated Absences

Under terms of employment, employees are granted sick leave and vacations in varying amounts. Only benefits considered to be vested are disclosed in these statements.

All vested vacation and sick leave pay is accrued when incurred in the government-wide and proprietary financial statements. A liability for these amounts is reported in governmental funds only if they have matured, for example, as a result of employee resignations and retirements, and are payable with expendable available resources.

Payments for vacation and sick leave will be made at rates in effect when the benefits are used. Accumulated vacation and sick leave liabilities at December 31, 2022 are determined on the basis of current salary rates and include salary related payments.

8. Long-Term Obligations/Conduit Debt

All long-term obligations to be repaid from governmental and business-type resources are reported as liabilities in the government-wide statements. The long-term obligations consist primarily of notes and bonds payable, accrued compensated absences and net pension and OPEB liabilities.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE I – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont.)

D. ASSETS, DEFERRED OUTFLOWS OF RESOURCES, LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND NET POSITION OR EQUITY (cont.)

8. Long-Term Obligations/Conduit Debt (cont.)

Long-term obligations for governmental funds are not reported as liabilities in the fund financial statements. The face value of debts (plus any premiums) is reported as other financing sources and payments of principal and interest are reported as expenditures. The accounting in proprietary funds is the same as it is in the government-wide statements.

For the government-wide statements and proprietary fund statements, bond premiums and discounts are amortized over the life of the issue using the effective interest method. The balance at year end is shown as an increase or decrease in the liability section of the statement of net position.

The City has approved the issuance of industrial revenue bonds (IRB) for the benefit of private business enterprises. IRB's are secured by mortgages or revenue agreements on the associated projects, and do not constitute indebtedness of the City. Accordingly, the bonds are not reported as liabilities in the accompanying financial statements. The total amount of IRB's outstanding at the end of the year is \$4,698,319, made up of two issues.

9. Leases

The City is a lessor because it leases capital assets to other entities. As a lessor, the City reports a lease receivable and corresponding deferred inflow of resources in both the fund financial statements and government-wide financial statements. The City continues to report and depreciate the capital assets being leased as capital assets of the primary government.

The City is a lessee because it leases capital assets from other entities. As a lessee, the City reports a lease liability and an intangible right-to-use capital asset (known as the lease asset) on the government-wide financial statements and proprietary fund statements. In the governmental fund financial statements, the City recognizes lease proceeds and capital outlay at initiation of the lease, and the outflow of resources for the lease liability as a debt service payment.

10. Deferred Inflows of Resources

A deferred inflow of resources represents an acquisition of net position/fund balance that applies to a future period and therefore will not be recognized as an inflow of resources (revenue) until that future time.

11. Equity Classifications

Government-Wide Statements

Equity is classified as net position and displayed in three components:

- a. Net investment in capital assets – Consists of capital assets including restricted capital assets, net of accumulated depreciation and reduced by the outstanding balances (excluding unspent debt proceeds) of any bonds, mortgages, notes, or other borrowings that are attributable to the acquisition, construction, or improvement of those assets.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE I – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont.)

D. ASSETS, DEFERRED OUTFLOWS OF RESOURCES, LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND NET POSITION OR EQUITY (cont.)

11. Equity Classifications (cont.)

- b. Restricted net position – Consists of net position with constraints placed on their use either by 1) external groups such as creditors, grantors, contributors, or laws or regulations of other governments or, 2) law through constitutional provisions or enabling legislation.
- c. Unrestricted net position – All other net positions that do not meet the definition of “restricted” or “net investment in capital assets.”

When both restricted and unrestricted resources are available for use, it is the City's policy to use restricted resources first, and then unrestricted resources as they are needed.

Fund Statements

Governmental fund balances displayed as follows:

- a. Non-spendable – Includes fund balance amounts that cannot be spent either because they are not in spendable form or because legal or contractual requirements require them to be maintained intact.
- b. Restricted – Consists of fund balances with constraints placed on their use either by 1) external groups such as creditors, grantors, contributors, or laws or regulations of other governments or, 2) law through constitutional provisions or enabling legislation.
- c. Committed – Includes fund balance amounts that are constrained for specific purposes that are internally imposed by the government through formal action of the highest level of decision-making authority. Fund balance amounts are committed through a formal action (resolution) of the City. This formal action must occur prior to the end of the reporting period, but the amount of the commitment, which will be subject to the constraints, may be determined in the subsequent period. Any changes to the constraints imposed require the same formal action of the City that originally created the commitment.
- d. Assigned – Includes spendable fund balance amounts that are intended to be used for specific purposes that do not meet the criteria to be classified as restricted or committed. The City Council has, by resolution, adopted a financial policy authorizing the Mayor and the Director of Finance to assign amounts for a specific purpose. Assignments may take place after the end of the reporting period.
- e. Unassigned – Includes residual positive fund balance within the general fund which has not been classified within the other above-mentioned categories. Unassigned fund balance may also include negative balances for any governmental fund if expenditures exceed amounts restricted, committed or assigned for those purposes.

Propriety fund equity is classified the same as in the government-wide statements.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE I – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont.)

D. ASSETS, DEFERRED OUTFLOWS OF RESOURCES, LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND NET POSITION OR EQUITY (cont.)

11. Equity Classifications (cont.)

Fund Statements (cont.)

The City considers restricted amounts to be spent first when both restricted and unrestricted fund balance is available unless there are legal documents/contracts that prohibit doing this, such as in grant agreements requiring dollar for dollar spending. Additionally, the City would first use committed, then assigned and lastly unassigned amounts of unrestricted fund balance when expenditures are made.

The City has a formal minimum fund balance policy. That policy is to maintain a working capital reserve to pay for needs caused by unforeseen emergencies. This reserve will be maintained at a minimum of not less than fifteen percent of the subsequent year's general fund budgeted expenditures. The balance at year end was \$6,775,261 or 15.0% and is included in unassigned general fund balance.

12. Pension

For purposes of measuring the net pension liability (asset), deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Wisconsin Retirement System (WRS) and additions to/deductions from WRS' fiduciary net position have been determined on the same basis as they are reported by WRS. For this purpose, benefit payments (including refund of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

13. Other Postemployment Benefits (OPEB)

For purposes of measuring the net OPEB liability, deferred outflows of resources and deferred inflows of resources related to OPEB, and OPEB expense, information about the fiduciary net position of the City OPEB Plan and additions to/deductions from the City OPEB Plan's fiduciary net position have been determined on the same basis as they are reported by the City Plan. For this purpose, the City OPEB Plan recognizes benefit payments when due and payable in accordance with the benefit terms. Investments are reported at fair value, except for money market investments and participating interest-earning investment contracts that have a maturity at the time of purchase of one year or less, which are reported at cost.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE II – RECONCILIATION OF GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS

A. EXPLANATION OF CERTAIN DIFFERENCES BETWEEN THE GOVERNMENTAL FUND BALANCE SHEET AND THE STATEMENT OF NET POSITION

The governmental fund balance sheet includes reconciliation between *fund balance – total governmental funds* and *net position – governmental activities* as reported in the government-wide statement of net position. One element of that reconciliation explains “other long-term assets that are not available to pay for current period expenditures and therefore are unavailable in the funds”. The details of this difference are as follows:

Special Assessments	\$ 14,159
Subsequent period collections	<u>154,763</u>
Combined Adjustment for unavailable revenue	<u>\$ 168,922</u>

Long-term liabilities applicable to the City’s governmental activities are not due and payable in the current period, and accordingly, are not reported as fund liabilities. Interest on long-term debt is not accrued in governmental funds, but rather is recognized as an expenditure when due. All liabilities—both current and long-term—are reported in the statement of net position.

Bonds and notes payable	\$ 96,915,000
Intergovernmental Agreement	666,667
Compensated absences	1,729,809
Net OPEB obligation	5,259,464
Accrued interest	422,836
Lease payable	300,945
Unamortized debt premium (to be amortized over life of debt)	<u>2,652,559</u>
Combined Adjustment for Long-Term Liabilities	<u>\$ 107,947,280</u>

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE II – RECONCILIATION OF GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS (cont.)

B. EXPLANATION OF CERTAIN DIFFERENCES BETWEEN THE GOVERNMENTAL FUND STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES AND THE GOVERNMENT-WIDE STATEMENT OF ACTIVITIES

The governmental fund statement of revenues, expenditures, and changes in fund balances includes reconciliation between *net changes in fund balances – total governmental funds* and *changes in net position of governmental activities* as reported in the government-wide statement of activities. One element of that reconciliation explains, “Revenues are reported in the governmental funds when current financial resources are available, but are recognized when earned in the statement of activities.” The details of this difference are as follows:

Subsequent period collections	\$ (202,781)
Current period collections	<u>154,763</u>
Net adjustment to decrease <i>net changes in fund balances – total governmental funds</i> to arrive at <i>changes in net position of governmental activities</i>	<u>\$ (48,018)</u>

Another element of that reconciliation states “the issuance of long-term debt (e.g., bonds, leases) provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net position.” Also, governmental fund report the effect of premiums, discounts, and similar items when debt is first issued, whereas these amounts are amortized in the statement of activities. The details of this \$28,422,525 difference are as follows:

Debt issued or incurred:	
Issuance of general obligation bonds	\$ (13,865,000)
Issuance of general obligation notes	(7,825,000)
State Trust Fund Loan	(13,970,000)
Premium from sale of bonds, net of amortization	15,542
Principal repayments:	
General obligation debt	7,124,881
Capital lease	<u>97,052</u>
Net adjustment to decrease <i>net changes in fund balances – total governmental funds</i> to arrive at <i>changes in net position of governmental activities</i>	<u>\$ (28,422,525)</u>

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE II – RECONCILIATION OF GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS (cont.)

B. EXPLANATION OF CERTAIN DIFFERENCES BETWEEN THE GOVERNMENTAL FUND STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES AND THE GOVERNMENT-WIDE STATEMENT OF ACTIVITIES (cont.)

Another element of that reconciliation states, “Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.” The details of this \$3,218,446 difference are as follows:

Compensated absences	\$ (100,569)
Net pension asset	2,666,856
Deferred outflows related to pension	1,462,827
Deferred inflows related to pension	(1,390,710)
Intergovernment Agreement	666,666
Net OPEB obligation	250,749
Deferred outflows related to OPEB	(10,501)
Deferred inflows related to OPEB	(314,782)
Accrued interest	<u>(12,090)</u>
Net adjustment to decrease <i>net changes in fund balances – total governmental funds</i> to arrive at <i>changes in net position of governmental activities</i>	<u>\$ 3,218,446</u>

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE III – STEWARDSHIP, COMPLIANCE, AND ACCOUNTABILITY

A. BUDGETARY INFORMATION

Budgetary information is derived from the annual operating budget and is presented using the same basis of accounting for each fund as described in Note I C. except that actual (non-GAAP) expenditures presented reflect actual (GAAP) expenditures adjusted for expenditures liquidated under the prior period budget and encumbrances expected to be liquidated under the current period budget.

A budget has been adopted for the general, special revenue, and debt service funds. Budgets have not been formally adopted for capital project funds, except for the Equipment and Equipment Replacement Funds.

The budgeted amounts presented include any amendments made during the year. Transfers between departments and changes to the overall budget must be approved by a two-thirds council action. There were no supplemental appropriations during the year. Appropriations lapse at year-end unless specifically carried over. Carryovers to the following year were not material. Budgets are adopted at the fund level of expenditure.

B. EXCESS EXPENDITURES OVER APPROPRIATIONS

<u>Fund</u>	<u>Budget Expenditures</u>	<u>Actual Expenditures</u>	<u>Excess Expenditures Over Budget</u>
Special Revenue Funds			
Park and Recreation Fund	\$ 61,000	\$ 67,514	\$ 6,514
Fire Fund	11,000	31,275	20,275
Fourth of July Fund	85,255	112,749	27,494
Concession Stand Fund	8,691	14,284	5,593
Police Fund	73,250	150,923	77,673
Building Maintenance Fund	30,000	30,041	41
Landscape Fund	10,000	42,401	32,401
Technology Fund	8,000	32,928	24,928
Tax Increment District Fund	726,800	1,410,000	683,200
Garbage/Recycling Fund	1,763,725	2,033,510	269,785
Grant Fund	3,000	396,913	393,913
Library Fund	12,000	13,843	1,843
Capital Projects Fund			
Equipment Fund	-	4,800	4,800
Debt Service Fund	9,022,426	9,228,768	206,342

The City controls expenditures at the department level. Some individual departments and funds experienced expenditures, which exceeded appropriations. The detail of those items can be found in the City's year-end budget to actual report.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE III – STEWARDSHIP, COMPLIANCE, AND ACCOUNTABILITY (cont.)

C. LIMITATIONS ON THE CITY TAX LEVY

Wisconsin law limits the City's future tax levies. Generally, the City is limited to its prior tax levy dollar amount (excluding TIF districts), increased by the greater of the percentage change in the City's equalized value due to net new construction, or zero percent. Changes in debt service from one year to the next are generally exempt from this limit with certain exceptions. The City is required to reduce its allowable levy by the estimated amount of fee revenue it collects for certain services, if those services were funded in 2013 by the property tax levy. Levies can be increased above the allowable limits if the amount is approved by referendum.

NOTE IV – DETAILED NOTES ON ALL FUNDS

A. DEPOSITS AND INVESTMENTS

Cash equivalents and investments as shown on the City's Statement of Net Position are subject to the following risks:

	<u>Carrying Value</u>	<u>Bank Balance</u>	<u>Associated Risks</u>
Petty Cash	\$ 4,110	\$ -	N/A
Money market account	37,279,161	7,330,819	Custodial credit
Money market mutual fund	41,963	41,963	Credit and interest rate
Municipal securities	2,346,871	2,346,871	Custodial credit, credit, interest rate and concentration of credit
U.S. Government agency securities	6,282,946	6,282,946	Custodial credit, credit, interest rate and concentration of credit
U.S. Government treasury securities	2,396,558	2,396,558	Custodial credit and interest rate
Certificates of deposit - negotiable	3,014,347	3,014,347	Custodial Credit, interest rate and concentration of credit
Local government investment pool	84,988,343	80,973,578	Credit
Total Cash and investments	<u>\$ 136,354,299</u>	<u>\$ 102,387,082</u>	
Reconciliation to financial statements			
Per Statement of Net Position			
Cash and investment	\$ 83,572,403		
Restricted - cash and investment	497,056		
Per statement of fiduciary net position:			
Custodial funds	<u>52,284,840</u>		
Total	<u>\$ 136,354,299</u>		

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE IV – DETAILED NOTES ON ALL FUNDS

A. DEPOSITS AND INVESTMENTS (cont.)

Deposits in each local and area bank are insured by the FDIC in the amount of \$250,000 for time and savings accounts (including NOW accounts) and \$250,000 for demand deposit accounts (interest-bearing and noninterest bearing). In addition, if deposits are held in an institution outside of the state in which the government is located, insured amounts are further limited to a total of \$250,000 for the combined amount of all deposit accounts.

Bank accounts are also insured by the State Deposit Guarantee Fund in the amount of \$400,000. However, due to the nature of this fund, recovery of material principal losses may not be significant to individual municipalities. This coverage has not been considered in computing custodial credit risk.

Investments are stated at fair value, which is the amount at which an investment could be exchanged in a current transaction between willing parties. Fair values are based on methods and inputs outlined later in this note. No investments are reported at amortized cost. Adjustments necessary to record investments at fair value are recorded in the operating statement as increases or decreases in investment income. Investment income on commingled investments of municipal accounting funds is allocated based on average balances. The difference between the bank balance and carrying value is due to outstanding checks and/or deposits in transit.

The Wisconsin Local Government Investment Pool (LGIP) is part of the State Investment Fund (SIF) and is managed by the State of Wisconsin Investment Board. The SIF is not registered with the Securities and Exchange Commission but operates under the statutory authority of Wisconsin Chapter 25. The SIF reports the fair value of its underlying assets annually. Participants in the LGIP have the right to withdraw their funds in total on one day's notice. At December 31, 2022 the fair value of the City's share of the LGIP's assets was substantially equal to the amount as reported in these statements

Wisconsin Statute 66.0603 authorizes the City to invest in the following type of instruments:

1. Time deposits in any credit union, bank, savings bank or trust company.
2. Bonds or securities of any county, city, drainage district, technical college district, village, town, or school district of the state. Also, bonds issued by a local exposition district, a local professional baseball park district, a local professional football stadium district, a local cultural arts district, the University of Wisconsin Hospitals and Clinics Authority or the Wisconsin Aerospace Authority.
3. Bonds or securities issued or guaranteed by the federal government.
4. The local government investment pool.
5. Any security maturing in seven years or less and having the highest or second highest rating category of a nationally recognized rating agency.
6. Securities of an open-end management investment company or investment trust, subject to various conditions and investment options.
7. Repurchase agreements with public depositories, with certain conditions.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE IV – DETAILED NOTES ON ALL FUNDS

A. DEPOSITS AND INVESTMENTS (cont.)

The City of New Berlin has adopted an investment policy. The investment policy limits investments to the following:

- U.S. Treasury obligations with maturities not exceeding five years from trade settlement date.
- Federal instrumentalities with maturities not exceeding five years from trade settlement date.
- Local government investment pools meeting Wisconsin statute 25.50 or 66.0301.
- Repurchase agreements with the City's deposit bank collateralized with 102% of market value of principal and accrued interest.
- Interest-bearing certificates of deposit collateralized with 102% of market value of principal and accrued interest.
- Commercial securities of the highest or second highest ratings.

PMA Financial Network, Inc. is the administrator for the Wisconsin Investment Series Cooperative (WISC). The investment manager for WISC is PMA Financial Network, Inc. The WISC is not registered with the Securities and Exchange Commission but invests its funds in accordance with applicable Wisconsin statutes. The WISC has the characteristics of a mutual fund and accordingly, reports the value of its underlying assets at fair value. At December 31, 2022, the City's share of the WISC's assets was substantially equal to the amount reported above.

The City categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs. The valuation method for recurring fair value measurements of investments is the quoted market prices approach.

The City's investments are categorized are as follows:

Investment Type	December 31, 2022			
	Level 1	Level 2	Level 3	Total
U.S. Govt Agencies	\$ -	\$ 6,282,946	\$ -	\$ 6,282,946
U.S. Govt Treasury	-	2,396,558	-	2,396,558
Municipal Securities	-	2,346,871	-	2,346,871
Certificates of Deposit - negotiable	-	3,014,347	-	3,014,347
Money market mutual fund	41,963	-	-	41,963
Total	<u>\$ 41,963</u>	<u>\$ 14,040,722</u>	<u>\$ -</u>	<u>\$ 14,082,685</u>

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE IV – DETAILED NOTES ON ALL FUNDS (cont.)

A. DEPOSITS AND INVESTMENTS (cont.)

Custodial Credit Risk – Deposits: Is the risk that in the event of a financial institution failure, the City's deposits may not be returned to the City. The carrying value for deposits was \$25,582,866 and the bank's carrying value was \$7,330,819. To meet current obligations, deposits are maintained in overnight repurchase agreements and transferred to a master control bank account as checks are presented for payment.

As of December 31, 2022, \$4,951,236 of the City's total demand deposit bank balances of \$7,330,819 was uninsured and uncollateralized.

Custodial Credit Risk – Investments: Is the risk that in the event of the failure of the counterparty, the City will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. All investments exposed to custodial risk are held by the City's agent in the City's name.

Interest Rate Risk – Is the risk that changes in interest rates will adversely affect the value of an investment. As a means of limiting its exposure to fair value losses arising from rising interest rates, the City's investment policy limits the maturity of any security to no more than five years from the date of purchase or in accordance with state and local statutes and ordinances, whichever is less. In addition, the policy indicates that the investment portfolio should be structured so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior maturity. The policy also states that with the exception of U.S. Treasury securities and authorized pools, no more than 50% of the City's total investment portfolio will be invested in a single security type.

The City had the following investments and maturities as of December 31, 2022:

	Fair Value	Investment Maturities (in years)		
		Less than 1	1-3	3-5
U.S. Government agency securities	\$ 6,282,946	\$ 1,408,098	\$ 3,722,606	\$ 1,152,242
U.S. Government treasury securities	2,396,558	1,755,379	301,039	340,140
Certificates of Deposit - negotiable	3,014,347	1,385,571	1,628,776	-
Money Market Mutual Fund	41,963	41,963	-	-
Municipal Securities	2,346,871	1,443,442	903,429	-
Total investments	<u>\$ 14,082,685</u>	<u>\$ 6,034,453</u>	<u>\$ 6,555,850</u>	<u>\$ 1,492,382</u>

Credit Risk: Credit risk is the risk that an issuer or other counterparty to an investment will not fulfill its obligation. The City's investment policy minimizes credit risk by limiting investments to the safest type of securities and diversifying the investment portfolio. The policy also states that with the exception of U.S. Treasury securities and authorized pools, no more than 50% of the City's total investment portfolio will be invested with a single financial institution.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE IV – DETAILED NOTES ON ALL FUNDS (cont.)

A. DEPOSITS AND INVESTMENTS (cont.)

As of December 31, 2022, the City's investments in municipal securities, U.S. government agency securities and repurchase agreement were rated Aa1, Aaa and Aaa, respectively, by Moody's Investor Services.

The Local Government Investment Pool and negotiable certificates of deposit are not rated.

Concentration of Credit Risk: Is the risk of loss attributed to the magnitude of the City's investment in a single issuer. At December 31, 2022 none of the City's investments in a single issuer exceeded 5%.

B. RECEIVABLES

Receivables as of year-end for the City's individual major funds, non-major funds and fiduciary funds, including the applicable allowances for uncollectible accounts, are detailed on the governmental funds' balance sheet, proprietary funds' statement of net position and the fiduciary fund's statement of fiduciary net position. All amounts are expected to be collected within one year except for \$29,085 and \$14,159 reported in the general fund and non-major governmental funds respectively.

Governmental funds report *unavailable or unearned revenue* in connection with receivables for revenues that are not considered to be available to liquidate liabilities of the current period. Property taxes levied for the subsequent year are not earned and cannot be used to liquidate liabilities of the current period. Governmental funds also defer revenue recognition in connection with resources that have been received, but not yet earned. At the end of the current fiscal year, the various components of *unavailable revenue and unearned revenue* reported in the governmental funds were as follows:

	<u>Unearned</u>	<u>Unavailable</u>
Property taxes receivable for subsequent year	\$ 33,129,955	\$ -
Special assessments not yet due	-	14,159
Lease receivable	4,077,671	-
Subsequent period prepayments	2,322,772	-
Subsequent period collections	250	154,763
Special charges on tax roll	<u>1,911,467</u>	<u>-</u>
Total Unearned/Unavailable Revenue for Governmental Funds	<u>\$ 41,442,115</u>	<u>\$ 168,922</u>
Unearned revenue included in liabilities	\$ 2,322,772	
Unearned lease receivable included in deferred inflows	4,077,671	
Unearned revenue included in deferred inflows	<u>35,041,672</u>	
Total Unearned Revenue for Governmental Funds	<u>\$ 41,442,115</u>	

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE IV – DETAILED NOTES ON ALL FUNDS (cont.)

C. RESTRICTED ASSETS

The following represent the balances of the restricted assets:

Equipment Replacement Account

The wastewater utility established an equipment replacement account to be used for significant mechanical equipment replacement as required by the Wisconsin Department of Natural Resources. The balance of this account is \$497,056.

Net Pension Asset

Restricted assets have been reported in connection with the net pension asset balance since this balance must be used to fund employee benefits.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE IV – DETAILED NOTES ON ALL FUNDS (cont.)

D. CAPITAL ASSETS

Capital asset activity for the year ended December 31, 2022, was as follows:

	Beginning Balance	Additions	Deletions	Ending Balance
Governmental Activities				
Capital assets not being depreciated/amortized:				
Land	\$ 17,918,736	\$ 402,870	\$ -	\$ 18,321,606
Construction in progress	7,610,287	5,656,777	(7,213,435)	6,053,629
Total Capital Assets Not Being Depreciated/Amortized	<u>25,529,023</u>	<u>6,059,647</u>	<u>(7,213,435)</u>	<u>24,375,235</u>
Capital Assets Being Depreciated/Amortized				
Land improvements	5,023,368	125,257	-	5,148,625
Buildings	33,470,979	8,980,810	-	42,451,789
Machinery and equipment	31,388,792	2,156,484	(411,556)	33,133,720
Roads	101,729,706	1,446,225	(124,481)	103,051,450
Sidewalks/Bikepaths	3,906,173	107,042	-	4,013,215
Street lighting	2,393,319	462,183	-	2,855,502
Intangible assets	1,807,442	33,803	(112,474)	1,728,771
Easements	30,000	-	-	30,000
Total Capital Assets Being Depreciated/Amortized	<u>179,749,779</u>	<u>13,311,804</u>	<u>(648,511)</u>	<u>192,413,072</u>
Less: Accumulated Depreciation/Amortization for:				
Land improvements	(2,211,536)	(171,660)	-	(2,383,196)
Buildings	(14,389,633)	(858,808)	-	(15,248,441)
Machinery and equipment	(14,849,017)	(1,877,695)	310,902	(16,415,810)
Roads	(71,865,894)	(1,046,638)	124,481	(72,788,051)
Sidewalks/Bikepaths	(2,371,584)	(143,096)	-	(2,514,680)
Street lighting	(539,838)	(74,983)	-	(614,821)
Intangible assets	(1,404,849)	(103,190)	64,271	(1,443,768)
Total Accumulated Depreciation/Amortization	<u>(107,632,351)</u>	<u>(4,276,070)</u>	<u>499,654</u>	<u>(111,408,767)</u>
Net Capital Assets Being Depreciated/Amortized	<u>72,117,428</u>	<u>9,035,734</u>	<u>(148,857)</u>	<u>81,004,305</u>
Governmental Activities Capital Assets, Net of Accumulated Depreciation/Amortization	<u>\$ 97,646,451</u>	<u>\$ 15,095,381</u>	<u>\$ (7,362,292)</u>	<u>\$ 105,379,540</u>

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE IV – DETAILED NOTES ON ALL FUNDS (cont.)

D. CAPITAL ASSETS (cont.)

Depreciation/Amortization expense was charged to functions as follows:

Governmental Activities

General government	\$ 506,292
Protection of persons and property	969,508
Highway and transportation, which includes the depreciation of infrastructure	1,707,239
Library	379,185
Parks and recreation	713,846
Total Governmental Activities Depreciation/Amortization Expense	<u>\$4,276,070</u>

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE IV – DETAILED NOTES ON ALL FUNDS (cont.)

D. CAPITAL ASSETS (cont.)

	Beginning Balance	Additions	Deletions	Ending Balance
Business-type Activities				
Capital assets not being depreciated/amortized:				
Land	\$ 1,426,010	\$ -	\$ (10,100)	\$ 1,415,910
Construction in progress	201,023	947,043	(74,144)	1,073,922
Total Capital Assets				
Not Being Depreciated/Amortized	1,627,033	947,043	(84,244)	2,489,832
Capital Assets Being Depreciated/Amortized				
Intangible asset	1,500,000	-	-	1,500,000
Buildings	4,679,360	63,729	(44,300)	4,698,789
Machinery and equipment	7,071,125	416,996	(16,874)	7,471,247
Wastewater infrastructure	57,930,221	-	-	57,930,221
Water Infrastructure	54,853,454	7,247,408	(191,772)	61,909,090
Water Resource infrastructure	36,240,966	844,958	(12,281)	37,073,643
Total Capital Assets				
Being Depreciated/Amortized	162,275,126	8,573,091	(265,227)	170,582,990
Less: Accumulated Depreciation/Amortization				
Intangible asset	(975,000)	(75,000)	-	(1,050,000)
Buildings	(2,064,833)	(144,119)	86,050	(2,122,902)
Machinery and equipment	(5,143,544)	(446,395)	9,573	(5,580,366)
Wastewater infrastructure	(16,274,684)	(694,424)	-	(16,969,108)
Water Infrastructure	(19,154,521)	(1,024,952)	306,864	(19,872,609)
Water Resource infrastructure	(12,834,749)	(505,527)	8,200	(13,332,076)
Total Accumulated Depreciation/Amortization	(56,447,331)	(2,890,417)	410,687	(58,927,061)
Net Capital Assets				
Being Depreciated/Amortized	105,827,795	5,682,674	145,460	111,655,929
Business-Type Activities				
Capital Assets, Net of Accumulated				
Depreciation/Amortization	\$ 107,454,828	\$ 6,629,717	\$ 61,216	\$ 114,145,761

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE IV – DETAILED NOTES ON ALL FUNDS (cont.)

D. CAPITAL ASSETS (cont.)

Depreciation/Amortization expense was charged to functions as follows:

Business-Type Activities	
Water	\$ 1,294,158
Wastewater	900,759
Water Resource Management	<u>530,175</u>
Total Business-Type Activities	
Depreciation Expense	<u>\$ 2,725,092</u>

Depreciation/amortization expense may be different from business-type activity accumulated depreciation additions because of joint metering, salvage, cost of removal, internal allocations, or costs associated with the disposal of assets.

E. INTERFUND RECEIVABLES/PAYABLES, ADVANCES AND TRANSFERS

The following is a schedule of interfund receivables and payables including any overdrafts on pooled cash and investment accounts:

<u>Receivable Fund</u>	<u>Payable Fund</u>	<u>Amount</u>
General Fund	Water Resource Management Fund	\$ 54,294
General Fund	Wastewater Fund	796,709
General Fund	Water Fund	383,168
Water Fund	General Fund	628,971
Wastewater Fund	General Fund	770,031
Water Resource Management Fund	General Fund	<u>84,519</u>
Total Fund Financial Statements		2,717,692
Add: Interfund Advances		666,666
Less: Government-Wide Eliminations		<u>(4,300,374)</u>
Total Internal Balances - Government-Wide		
Statement of Net Position		<u>\$ (916,016)</u>
<u>Receivable Fund</u>	<u>Payable Fund</u>	<u>Amount</u>
Governmental Activities	Business-type Activities	\$ 1,234,171
Business-type Activities	Governmental Activities	<u>(2,150,187)</u>
Total Government-Wide Financial Statements		<u>\$ (916,016)</u>

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE IV – DETAILED NOTES ON ALL FUNDS (cont.)

E. INTER-FUND RECEIVABLES/PAYABLES, ADVANCES AND TRANSFERS (cont.)

The principal purpose of these inter-funds is the collection of delinquent utility bills on the tax roll. All remaining balances resulted from the time lag between the dates that (1) inter-fund goods and services are provided or reimbursable expenditures occur, (2) transactions are recorded in the accounting system, and (3) payments between funds are made. All amounts are due within one year.

For the statement of net position, inter-fund balances which are owed within the governmental activities or business-type activities are netted and eliminated.

The following is a schedule of inter-fund advances:

<u>Receivable Fund</u>	<u>Payable Fund</u>	<u>Interest Rate</u>	<u>Amount</u>	<u>Amount Due Within One Year</u>
Wastewater Utility	Water Resource	2.00-3.00%	\$ 110,000	\$ 55,000
Wastewater Utility	Water Utility	3%	5,500,000	165,000
Wastewater Utility	Capital Projects	3%	666,666	53,000
Total Fund Financial Statements			6,276,666	
Less: Government-Wide Eliminations			(5,610,000)	
Total Government-Wide Financial Statements			\$ 666,666	

The purpose of the inter-fund advance to the water resource management fund was to finance capital projects. The advance to the General fund was to finance an intergovernmental agreement.

Repayment schedule for advances follows:

<u>Years</u>	<u>Governmental Activities</u>		<u>Business-type Activities</u>	
	<u>Principal</u>	<u>Interest</u>	<u>Principal</u>	<u>Interest</u>
2023	\$ 53,000	\$ 25,397	\$ 220,000	\$ 210,788
2024	59,900	18,410	260,000	161,900
2025	61,450	16,612	210,000	153,900
2026	65,000	14,770	220,000	147,600
2027	66,000	12,820	225,000	141,000
2028-2032	361,316	33,102	1,295,000	597,150
2023-2037	-	-	1,480,000	390,000
2038-2042	-	-	1,700,000	156,000
	<u>\$ 666,666</u>	<u>\$ 121,111</u>	<u>\$ 5,610,000</u>	<u>\$ 1,958,338</u>

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE IV – DETAILED NOTES ON ALL FUNDS (cont.)

E. INTER-FUND RECEIVABLES/PAYABLES, ADVANCES AND TRANSFERS (cont.)

The following is a schedule of inter-fund transfers:

<u>Transfer In</u>	<u>Transfer Out</u>	<u>Purpose</u>	<u>Amount</u>
General Fund	Special Revenue Fund		
	Golf Course	Tax Stabilization transfer	\$ 135,000
	Enterprise Fund		
	Water Utility	Tax equivalent payment	672,737
	Wastewater Utility	Tax equivalent payment	12,794
Debt Service Fund	Special Revenue Fund		
	Golf Course	Debt service costs	100,828
	Impact Fee Fund	Debt service costs	20,000
	Tax increment Fund	Debt service costs	248,528
Capital Projects Fund			
Equipment Replacement Fund	General Fund	Equipment Replacement	<u>341,414</u>
Subtotal - Fund Financial Statements			1,531,301
Less: Capital assets contributed to Enterprise Funds			(123,829)
Less: Fund eliminations			<u>(845,770)</u>
Total Transfers - Government-Wide Statement of Activities			<u>\$ 561,702</u>
<u>Transfer In</u>	<u>Transfer Out</u>		<u>Amount</u>
Governmental Activities	Business-type Activities		\$ 685,531
Business-type Activities	Governmental Activities		<u>(123,829)</u>
			<u>\$ 561,702</u>

Generally, transfers are used to (1) move revenues from the fund that collects them to the fund that the budget requires to expend them, (2) move receipts restricted to debt service from the funds collecting the receipts to the debt service fund, and (3) use unrestricted revenues collected in the general fund to finance various programs accounted for in other funds in accordance with budgetary authorizations.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE IV – DETAILED NOTES ON ALL FUNDS (cont.)

F. LONG-TERM OBLIGATIONS

General Obligation Debt

Long-term obligations activity for the year ended December 31, 2022 was as follows:

	Beginning Balance	Increases	Decreases	Ending Balance	Amounts Due Within One Year
Governmental Activities					
Bonds and Notes Payable					
General obligation debt	\$ 68,379,881	\$ 21,690,000	\$ 7,124,881	\$ 82,945,000	\$ 7,610,000
State Trust Fund Loan	-	13,970,000	-	13,970,000	-
Add/Subtract deferred amounts for					
Bond premium	2,668,101	698,064	713,606	2,652,559	-
Total bonds/notes payable	<u>71,047,982</u>	<u>36,358,064</u>	<u>7,838,487</u>	<u>99,567,559</u>	<u>7,610,000</u>
Other Liabilities					
Lease payable	397,997	-	97,052	300,945	89,603
Intergovernmental Agreement	1,333,333	-	666,666	666,667	666,667
Net OPEB obligation	5,510,213	-	250,749	5,259,464	-
Compensated absences	1,629,240	1,729,809	1,629,240	1,729,809	1,729,809
Total Other Liabilities	<u>8,870,783</u>	<u>1,729,809</u>	<u>2,643,707</u>	<u>7,956,885</u>	<u>2,486,079</u>
Total Governmental Activities					
Long-Term Liabilities	<u>\$ 79,918,765</u>	<u>\$ 38,087,873</u>	<u>\$ 10,482,194</u>	<u>\$ 107,524,444</u>	<u>\$ 10,096,079</u>
Business-Type Activities					
General obligation notes	\$ 1,290,000	\$ -	\$ 415,000	\$ 875,000	\$ 440,000
Revenue bonds from direct placements	2,778,932	-	140,242	2,638,690	142,920
Add/Subtract deferred amounts for					
Bond premium	112,515	-	70,275	42,240	-
Total bonds/notes payable	<u>4,181,447</u>	<u>-</u>	<u>625,517</u>	<u>3,555,930</u>	<u>582,920</u>
Other Liabilities					
Net OPEB obligation	539,509	-	42,997	496,512	-
Total Other Liabilities	<u>539,509</u>	<u>-</u>	<u>42,997</u>	<u>496,512</u>	<u>-</u>
Total Business Type Activities					
Long-Term Liabilities	<u>\$ 4,720,956</u>	<u>\$ -</u>	<u>\$ 668,514</u>	<u>\$ 4,052,442</u>	<u>\$ 582,920</u>

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE IV – DETAILED NOTES ON ALL FUNDS (cont.)

F. LONG-TERM OBLIGATIONS (cont.)

General Obligation Debt (cont.)

All general obligation notes and bonds payable are backed by the full faith and credit of the City. Notes and bonds in the governmental funds will be retired by future property tax levies or tax increments accumulated by the debt service fund. Business-type activities debt is payable by revenues from user fees of those funds or, if the revenues are not sufficient, by future tax levies.

In accordance with Wisconsin Statutes, total general obligation indebtedness of the City may not exceed five percent of the equalized value of taxable property within the City's jurisdiction. The debt limit as of December 31, 2022, was \$355,255,970. Total general obligation debt outstanding at year-end was \$97,790,000.

	Date of Issue	Final Maturity	Interest Rates	Original Amount	Balance 12/31/2022
Governmental Activities Long-Term Obligations					
General Obligation Debt					
Bonds	2013	6/1/28	2.0-3.375%	4,685,000	2,085,000
Notes	2013	6/1/23	2.-3.0	6,635,000	120,000
Notes	2016	6/1/26	1.35-2.0	7,735,000	4,335,000
Notes	2017	6/1/27	2.0	8,215,000	5,320,000
Notes	2018	6/1/28	2.25-3.0	9,060,000	8,050,000
Notes	2019	6/1/29	1.80-3.0	8,095,000	5,935,000
Notes	2020	6/1/30	1.10-3.0	9,815,000	8,725,000
Bonds	2021	6/1/41	1.50-5.0	9,550,000	9,375,000
Notes	2021	6/1/31	1.50-5.0	19,325,000	17,310,000
Bonds, direct	2022	6/1/24	4.0	13,970,000	13,970,000
Bonds	2022	6/1/42	4.0-5.0	13,865,000	13,865,000
Notes	2022	6/1/32	4.0-5.0	7,825,000	7,825,000
Total Government Activities - General Obligation Debt					<u>\$ 96,915,000</u>
Business-Type Activities Long-Term Obligations					
General Obligation Debt					
Notes	2021	6/1/24	1.5-5.0	\$ 1,290,000	<u>\$ 875,000</u>
Total Business-Type Activities - General Obligation Debt					<u>\$ 875,000</u>

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE IV – DETAILED NOTES ON ALL FUNDS (cont.)

F. LONG-TERM OBLIGATIONS (cont.)

General Obligation Debt (cont.)

Debt service requirements to maturity are as follows:

<u>Years</u>	<u>Governmental Activities</u>		<u>Business-type Activities</u>	
	<u>Principal</u>	<u>Interest</u>	<u>Principal</u>	<u>Interest</u>
2023	\$ 7,610,000	\$ 2,585,407	\$ 440,000	\$ 32,750
2024	21,365,000	3,020,358	435,000	10,875
2025	8,345,000	1,889,935	-	-
2026	8,040,000	1,623,738	-	-
2027	7,965,000	1,370,985	-	-
2028-2032	28,775,000	4,043,435		
2033-2037	7,740,000	1,854,809		
2038-2042	7,075,000	609,803	-	-
Totals	<u>\$ 96,915,000</u>	<u>\$ 16,998,470</u>	<u>\$ 875,000</u>	<u>\$ 43,625</u>

REVENUE DEBT

Revenue debt payable at December 31, 2022 consists of the following:

	<u>Balance 12/31/2021</u>	<u>Additions</u>	<u>Retirements</u>	<u>Balance 12/31/2022</u>	<u>Due Within One Year</u>
Revenue Bonds	<u>\$ 2,778,932</u>	<u>\$ -</u>	<u>\$ 140,242</u>	<u>\$ 2,638,690</u>	<u>\$ 142,920</u>
	<u>\$ 2,778,932</u>	<u>\$ -</u>	<u>\$ 140,242</u>	<u>\$ 2,638,690</u>	<u>\$ 142,920</u>

<u>Date</u>	<u>Maturity</u>	<u>Interest Rates</u>	<u>Original Issue</u>	<u>Outstanding 12/31/22</u>
06/13/17	5/1/2037	1.87%	\$ 1,206,457	\$ 984,398
05/23/18	5/1/2038	1.87%	871,920	641,769
06/26/19	5/2/2038	1.98%	1,158,141	1,012,523
				<u>\$ 2,638,690</u>

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE IV – DETAILED NOTES ON ALL FUNDS (cont.)

F. LONG-TERM OBLIGATIONS (cont.)

Revenue Debt (cont.)

Revenue bond debt service requirements to maturity follows:

December 31	Principal	Interest	Total
2023	\$ 142,920	\$ 49,093	\$ 192,013
2024	145,648	46,339	191,987
2025	148,428	43,532	191,960
2026	151,262	40,671	191,933
2027	154,150	37,756	191,906
2028 - 2032	816,033	142,462	958,495
2033 - 2037	896,965	61,356	958,321
2038 - 2039	183,284	3,163	186,447
	<u>\$ 2,638,690</u>	<u>\$ 424,372</u>	<u>\$ 3,063,062</u>

The Utility's outstanding revenue bonds from direct borrowings related to business type activities of \$2,638,690 contains provisions that in an event of default, outstanding amounts are recoverable by the State by deducting those amounts from any State payments due to the utility, adding a special charge to the amount of taxes apportioned to and levied upon the county in which the utility is located.

All utility revenues net of specified operating expenses are pledged as a security of the above revenue bonds until the bonds are defeased. Principal and interest paid for 2022 and 2021 was \$192,038 and \$186,347 respectively. Total customer net revenues as defined for the same period was \$2,555,527 and \$2,422,575 respectively. Annual principal and interest payments are expected to require 7.91% of net revenues on average.

Intergovernmental Agreement

On March 10, 2020 the City of New Berlin signed an intergovernmental Cooperation Agreement with the City of Waukesha. The agreement relates to Waukesha waters intention to install water supply and return flow mains thru the City of New Berlin and calls for New Berlin to pay Waukesha \$2 million over 3 years for infrastructure improvements and other considerations.

2023	\$ 666,667
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Lease Liabilities

Refer to Note IV. G.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE IV – DETAILED NOTES ON ALL FUNDS (cont.)

F. LONG-TERM OBLIGATIONS (cont.)

Current Refunding

On October 25, 2022 the City issued \$13,865,000 in general obligation bonds with a true interest cost of 4.2011%, where the bond proceeds will be used to current refund \$13,970,000 of Board of Commissioners of Public Lands Trust Fund Loan with an interest rate of 4.50%.

The cash flow requirements on the refunded bonds and notes prior to the refunding were \$14,853,555 from 2022 thru 2024. The cash flow requirements on the \$13,865,000 refunding bonds are \$21,184,206 from 2022 through 2042.

Other Debt Information

Estimated payments of compensated absences and net OPEB obligation are not included in the debt service requirement schedules. The portion of these liabilities attributable to governmental activities will be liquidated primarily by the general fund.

There are a number of limitations and restrictions contained in the various bond indentures and loan agreements. The City believes it is in compliance with all significant limitations and restrictions, including federal arbitrage regulations.

G. LEASE DISCLOSURES

Lessor – Lease Receivables

Lease Receivables Description	Date of Inception	Final Maturity	Interest Rate	Receivable Balance Dec 31,2022
Governmental Activities:				
Cellular antennas	1994-2004	2027-2049	2.40%	\$ 4,077,671
Business-Type Activities:				
Cellular antennas	1998-2019	2024-2032	2.40%	\$ 2,131,258

The governmental activities of the City recognized \$147,239 in lease revenue and \$17,251 in lease interest revenue during the year. The business-type activities of the City recognized \$221,694 in lease revenue and \$59,274 in lease interest revenue during the year.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE IV – DETAILED NOTES ON ALL FUNDS (cont.)

G. LEASE DISCLOSURES (cont.)

Years	Governmental Activities			Business-type Activities		
	Principal	Interest	Total	Principal	Interest	Total
2023	\$ 290,828	\$ 16,742	\$ 307,570	\$ 239,519	\$ 51,151	\$ 290,670
2024	295,581	16,492	312,073	262,427	42,776	305,203
2025	300,492	16,242	316,734	216,910	36,849	253,759
2026	305,563	15,997	321,560	235,688	30,758	266,446
2027	310,804	15,757	326,561	257,105	22,665	279,770
2028-2032	842,691	55,763	898,454	697,533	37,877	735,410
2033-2037	592,889	40,399	633,288	-	-	-
2038-2042	463,807	28,003	491,810	-	-	-
2043-2047	421,870	17,751	439,621	-	-	-
2048-2049	29,250	750	30,000	-	-	-
Totals	<u>\$ 3,853,775</u>	<u>\$ 223,896</u>	<u>\$ 4,077,671</u>	<u>\$ 1,909,182</u>	<u>\$ 222,076</u>	<u>\$ 2,131,258</u>

Lessee – Lease Payable

In prior years, the City acquired capital assets through lease/purchase agreements. The gross amount of these assets under capital leases is \$516,490, which is included in capital assets in the governmental activities. The future minimum lease obligations and the net present value on these minimum lease payments as of December 31, 2022, are as follows:

	Governmental Activities
2023	\$ 90,428
2024	62,202
2025	62,202
2026	62,202
2027	24,736
Sub-Total	301,770
Less: Amount representing interest	(825)
Present Value of Minimum Lease Payments	<u>\$ 300,945</u>

H. Net Position

Governmental activities net position reported on the government wide statement of net position at December 31, 2022 includes the following:

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE IV – DETAILED NOTES ON ALL FUNDS (cont.)

H. Net Position (cont.)

Governmental Activities

Net Investment in capital assets	
Construction in progress	\$ 6,053,629
Land	18,321,606
Other capital assets, net of accumulated depreciation/amortization	81,004,305
Less: Long-term debt outstanding	(99,868,504)
Plus: Unspent capital related debt proceeds	<u>30,622,259</u>
Total Net Investment in Capital Assets	<u>36,133,295</u>
 Restricted for	
Debt service	989,454
Impact fees	65,520
Wastewater RCA fees	1,832,552
Culture and recreational programs	1,701,647
Public safety programs	244,839
Public works	1,202,553
Community development	166,761
Capital projects	1,482,443
Pension	<u>11,396,278</u>
Total Restricted	<u>19,082,047</u>
 Unrestricted (deficit)	<u>(2,235,309)</u>
 Total Governmental Activities Net Position	<u>\$ 52,980,033</u>

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE IV – DETAILED NOTES ON ALL FUNDS (cont.)

H. NET POSITION (cont.)

Business-Type Activities

Business-type activities net position reported on the government wide statement of net position at December 31, 2022 includes the following:

Net Investment in capital assets	
Construction work in progress	\$ 1,073,922
Land	1,415,910
Other capital assets, net of accumulated depreciation	111,655,929
Less: Long-term debt outstanding	<u>(3,555,930)</u>
Total Investment in Capital Assets	<u>110,589,831</u>
Restricted for	
Pension	527,473
Replacement	<u>497,056</u>
Total Restricted	<u>1,024,529</u>
Unrestricted	<u>38,666,192</u>
Total Business-type Activities Net Position	<u>\$ 150,280,552</u>

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE V – OTHER INFORMATION

A. EMPLOYEES' RETIREMENT SYSTEM

General Information about the Pension Plan

Plan description. The WRS is a cost-sharing multiple-employer defined benefit pension plan. WRS benefits and other plan provisions are established by Chapter 40 of the Wisconsin Statutes. Benefit terms may only be modified by the legislature. The retirement system is administered by the Wisconsin Department of Employee Trust Funds (ETF). The system provides coverage to all eligible State of Wisconsin, local government and other public employees. All employees, initially employed by a participating WRS employer on or after July 1, 2011, expected to work at least 1,200 hours a year and expected to be employed for at least one year from employee's date of hire are eligible to participate in the WRS.

EFT issues a standalone Annual Comprehensive Financial Report (ACFR), which can be found at <https://etf.wi.gov/about-etf/reports-and-studies/financial-reports-and-statements>. Additionally, ETF issued a standalone Wisconsin Retirement System Financial Report, which can also be found using the link above.

Vesting. For employees beginning participation on or after January 1, 1990, and no longer actively employed on or after April 24, 1998, creditable service in each of five years is required for eligibility for a retirement annuity. Participants employed prior to 1990 and on or after April 24, 1998, and prior to July 1, 2011, are immediately vested. Participants who initially became WRS eligible on or after July 1, 2011, must have five years of creditable service to be vested.

Benefits provided. Employees who retire at or after age 65 (54 for protective occupation employees, 62 for elected officials and executive service retirement participants, if hired on or before 12/31/2016) are entitled to retirement benefit based on a formula factor, their average earnings, and creditable service.

Final average earnings is the average of the participant's three highest annual earnings period. Creditable service includes current service and prior service for which a participant received earnings and made contributions as required. Creditable service also includes creditable military service. The retirement benefit will be calculated as a money purchase benefit based on the employee's contributions plus matching employer's contributions, with interest, if that benefit is higher than the formula benefit.

Vested participants may retire at age 55 (50 for protective occupations) and receive an actuarially reduced benefit. Participants terminating covered employment prior to eligibility for an annuity may either receive employee-required contributions plus interest as a separation benefit or leave contributions on deposit and defer application until eligible to receive a retirement benefit.

The WRS also provides death and disability benefits for employees.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE V – OTHER INFORMATION (cont.)

A. EMPLOYEES' RETIREMENT SYSTEM (cont.)

Post-retirement adjustments. The Employee Trust Fund Board may periodically adjust annuity payments from the retirement system based on annual investment performance in accordance with s 40.27, Wis. Stat. An increase (or decrease) in annuity payments may result when investment gains (losses), together with other actuarial experience factors, create a surplus (shortfall) in the reserves, as determined by the system's consulting actuary. Annuity increases are not based on cost of living or other similar factors. For Core annuities, decreases may be applied only to previously granted increases. By law, Core annuities cannot be reduced to an amount below the original, guaranteed amount (the "floor") set at retirement. The Core and Variable annuity adjustments granted during recent years are as follows:

Year	Core Fund Adjustment	Variable Fund Adjustment
2012	(7.0)%	(7.0)%
2013	(9.6)	9.0
2014	4.7	25.0
2015	2.9	2.0
2016	0.5	(5.0)
2017	2.0	4.0
2018	2.4	17.0
2019	0.0	(10.0)
2020	1.7	21.0
2021	5.1	13.0

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE V – OTHER INFORMATION (cont.)

A. EMPLOYEES' RETIREMENT SYSTEM (cont.)

Contributions. Required contributions are determined by an annual actuarial valuation in accordance with Chapter 40 of the Wisconsin Statutes. The employee required contribution is one-half of the actuarially determined contribution rate for General category employees. Required contributions for protective employees are the same rate as general employees. Employers are required to contribute the remainder of the actuarially determined contribution rate. The employer may not pay the employee required contribution unless provided for by an existing collective bargaining agreement.

During the reporting period, the WRS recognized \$1,742,740 in contributions from the City.

Contribution rates for the plan year reported as of December 31, 2022 are:

<u>Employee Category</u>	<u>Employee</u>	<u>Employer</u>
General (Executives & Elected Officials)	6.75%	6.75%
Protective with Social Security	6.75%	11.75%
Protective without Social Security	6.75%	16.35%

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE V – OTHER INFORMATION (cont.)

A. EMPLOYEES' RETIREMENT SYSTEM (cont.)

Pension Asset, Pension Expense, Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

At December 31, 2022 the City reported an asset of \$11,923,751 for its proportionate share of the net pension asset. The net pension asset was measured as of December 31, 2021, and the total pension liability used to calculate the net pension asset was determined by an actuarial valuation as of December 31, 2020 rolled forward to December 31, 2021. No material changes in assumptions or benefit terms occurred between the actuarial valuation date and the measurement date. The City's proportion of the net pension asset was based on the City's share of contributions to the pension plan relative to the contributions of all participating employers. At December 31, 2021, the City's proportion was 0.14793399%, which was an increase of 0.00137433% from its' proportion measured as of December 31, 2021.

For the year ended December 31, 2022, the City recognized pension (revenue) expense of \$(1,105,514).

At December 31, 2022, the City reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between projected and actual experiences	\$ 19,262,218	\$ 1,389,013
Changes of actuarial assumptions	2,224,564	-
Net differences between projected and actual investment earnings on pension plan investment.	-	26,674,424
Changes in proportion and differences between employer contributions and proportionate share of contributions	10,927	5,100
Employer contributions subsequent to measurement date	<u>1,813,281</u>	<u>-</u>
Total	<u>\$ 23,310,990</u>	<u>\$ 28,068,537</u>

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE V – OTHER INFORMATION (cont.)

A. EMPLOYEES' RETIREMENT SYSTEM (cont.)

\$1,813,281 reported as deferred outflows related to pension resulting from the WRS Employer's contributions subsequent to the measurement date will be recognized as a reduction of the net pension asset in the year ended December 31, 2023. Other amounts reported as deferred outflows of resources related to pension will be recognized in pension expense as follows:

Year ended December 31:	Deferred Outflows of Resources and Deferred Inflows of Resources (net)
2023	\$ (556,161)
2024	(3,230,299)
2025	(1,420,100)
2026	(1,364,268)

Actuarial assumptions. The total pension liability in the December 31, 2021 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Actuarial Valuation Date	December 31, 2020
Measurement Date of Net Pension Liability	December 31, 2021
Actuarial Cost Method:	Entry Age Normal
Asset Valuation Method:	Fair Value
Long-Term Expected Rate of Return	6.8%
Discount Rate:	6.8%
Salary Increases:	
Wage Inflation	3.0%
Seniority/Merit	0.1% -5.6%
Mortality:	2020 WRS Experience Mortality Table
Post-retirement Adjustments*	1.7%

**No post-retirement adjustment is guaranteed. Actual adjustments are based on recognized investment return, actuarial experience and other factors. 1.7% is the assumed annual adjustment based on the investment return assumption and the post-retirement discount rate.*

Actuarial assumptions are based upon an experience study conducted in 2021 that covered a three-year period from January 1, 2018 to December 31, 2020. Based on this experience study, actuarial assumptions used to measure the Total Pension Liability changed from prior year, including the discount rate, long-term expected rate of return, post-retirement adjustment, price inflation, mortality and separation rates. The Total Pension Liability for December 31, 2021 is based upon a roll-forward of the liability calculated from the December 31, 2020 actuarial valuation.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE V – OTHER INFORMATION (cont.)

A. EMPLOYEES' RETIREMENT SYSTEM (cont.)

Long-term expected return on plan assets. The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. The target allocation and best estimates of geometric real rates of return for each major asset class are summarized in the following table:

Core Fund Asset Class	Asset Allocation %	Long-Term Expected Nominal Rate of Return %	Long-Term Expected Real Rate of Return %
Global Equities	52.0%	6.8%	4.2%
Fixed Income	25.0	4.3	1.8
Inflation Sensitive	19.0	2.7	0.2
Real Estate	7.0	5.6	3
Private Equity/Debt	12.0	9.7	7
Total Core Fund	115	6.6	4
Variable Fund Asset			
US Equities	70	6.3	3.7
International Equities	30	7.2	4.9
Total Variable Fund	100	6.8	4.2

Asset Allocations are managed within established ranges; target percentages may differ from actual monthly allocations. New England Pension Consultants Long Term US CPI (inflation) Forecast; 2.5% The investment policy used for the Core Fund involves reducing equity exposure by leveraging lower-volatility assets, such as fixed income securities. This results in an asset allocation beyond 100%. Currently, an asset allocation target of 15% policy leverage is used subject to an allowable range of up to 20%.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE V – OTHER INFORMATION (cont.)

A. EMPLOYEES' RETIREMENT SYSTEM (cont.)

Single discount rate. A single discount rate of 6.8% was used to measure the total pension liability, as opposed to a discount rate of 7.0% for the prior year. This single discount rate was based on the expected rate of return on pension plan investments 6.8 percent and a long-term bond rate of 1.84 percent. (Source: Fixed-income municipal bonds with 20 years to maturity that include only federally tax-exempt municipal bonds as reported in Fidelity Index's "20-year Municipal GO AA Index" as of December 31, 2021. In describing this index, Fidelity notes that the Municipal Curves are constructed using option-adjusted analytics of a diverse population of over 10,000 tax-exempt securities.) Because of the unique structure of WRS, the 6.8% expected rate of return implies that a dividend of approximately 1.7% will always be paid. For purposes of the single discount rate, it was assumed that the dividend would always be paid. The projection of cash flows used to determine this single discount rate assumed that plan member contributions will be made at the current contribution rate and that employer contributions will be made at rates equal to the difference between actuarially determined contribution rates and the member rate.

Based on these assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments (including expected dividends) of current plan members. Therefore, the municipal bond rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

Sensitivity of the City's proportionate share of the net pension liability (asset) to changes in the discount rate. The following presents the City's proportionate share of the net pension liability (asset) calculated using the discount rate of 6.8 percent, as well as what the City's proportionate share of the net pension liability (asset) would be if it were calculated using a discount rate that is 1-percentage-point lower (5.8 percent) or 1-percentage-point higher (7.8 percent) than the current rate:

	Discount Rate (5.8%)	Current Discount Rate (6.8%)	Discount Rate (7.8%)
The City's proportionate share of the net pension liability (asset)	\$ 8,460,747	\$ (11,923,751)	\$ (26,596,798)

Pension plan fiduciary net position. Detailed information about the pension plan's fiduciary net position is available in separately issued financial statements available at <https://etf.wi.gov/about-etf/reports-and-studies/financial-reports-and-statements>.

At December 31, 2022, the City reported a payable to the pension plan of \$228,790, which represents contractually required contributions outstanding as of the end of the year.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE V – OTHER INFORMATION (cont.)

B. RISK MANAGEMENT

The City is exposed to various risks of loss related to torts; theft of, damage to, or destruction of assets; errors and omissions; workers compensation; and health care of its employees. The City purchases general, auto liability/physical damage and workers compensation insurance from the Cities and Villages Mutual Insurance Company (CVMIC). The City purchases commercial insurance for all other risks. There have been no significant reductions in insurance coverage for any risk of loss in the past year and settled claims have not exceeded the commercial coverage in any of the past three fiscal years.

In 1987, the City invested \$802,060 for participation in the Wisconsin Municipal Insurance commission (WMIC). The WMIC is an intergovernmental cooperation commission formed to facilitate the formation of Cities and Villages Mutual Insurance Company (CVMIC). CVMIC is a separate and distinct entity independent of the WMIC and owned by the participating cities and villages of the WMIC. CVMIC was formed to provide liability insurance to Wisconsin municipalities as of January 1, 1988.

CVMIC provides the City with \$5,000,000 of liability coverage for losses over its self-insurance retention level of \$50,000 per occurrence with a \$200,000 annual aggregate stop loss.

An annual premium is charged to cover expected claims and administrative costs. The claims component of the premium is determined by independent actuaries and allocated among the participating municipalities based on payroll and loss history. The City and other participating cities and villages are subject to cover loss experiences that exceed predictions through retrospective assessments.

Management of each organization consists of a board of directors or officers comprised of representatives elected by each of three classes of participants based on population. The City does not exercise any control over the activities of the agencies beyond the election of the officers and board.

At December 31, 2022 the Risk Management Fund, an Internal Service Fund had net position of \$1,102,420 available for future claims related to prior years. The balance includes \$300,360 in cash and \$802,060 in non-cash assets.

The City has recorded an unpaid claims liability for claims that have occurred but are not settled and for claims incurred by not recorded (IBNR). This liability is based upon estimates from an annual actuarial study. The estimate of the claims liability also includes amounts for incremental claim adjustment expenses related to specific claims and other claim adjustment expenses regardless of whether allocated to specific claims.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE V – OTHER INFORMATION (cont.)

B. RISK MANAGEMENT (cont.)

Changes in the fund's unpaid claims liability amount in fiscal 2021 and 2022 were:

	Beginning Balance	Current Claims and Changes in Estimates	Claims Paid/ Settled	Ending Balance
2021	\$ -	\$ -	\$ -	\$ -
2022	-	95,694	-	95,694

The City's percentage participation in WMIC and CVMIC at December 31, 2021 was 2.67%. Percentage participation can be affected by acceptance of new members to WMIC and CVMIC. Upon dissolution, the City would be entitled to a lump sum payment from CVMIC that may vary significantly from the amount of its deposit referred to above, based on the then financial condition of CVMIC.

Financial statements of WMIC and CVMIC can be obtained directly from CVMIC offices.

C. COMMITMENTS AND CONTINGENCIES

Claims and judgments are recorded as liabilities if all the conditions of Governmental Accounting Standards Board pronouncements are met. The liability and expenditure for claims and judgments are only reported in governmental funds if it has matured. Claims and judgments are recorded in the government-wide statements and proprietary funds as expenses when the related liabilities are incurred.

From time to time, the City is party to various pending claims and legal proceedings. Although the outcome of such matters cannot be forecasted with certainty, it is the opinion of management and the City Attorney that the likelihood is remote that any such claims or proceedings will have a material adverse effect on the City's financial position or results of operations.

Federal and State Grants

The City has received federal and state grants for specific purposes that are subject to review and audit by the grantor agencies. Such audits could lead to requests for reimbursements to the grantor agency for expenditures disallowed under terms of the grants. Management believes such disallowances, if any, would be immaterial.

Construction Commitments

The City has active construction projects as of December 31, 2022 Work that has been completed on these projects but not yet paid for (including contract retainages) is reflected as accounts payable and expenditures.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE V – OTHER INFORMATION (cont.)

C. COMMITMENTS AND CONTINGENCIES (cont.)

Impact Fees

The City receives impact fees for new development projects. The fees are to be used to fund specific projects within a specific period of time. In the event the projects are not completed or the time period elapses, the City will be required to refund the impact fees to the owners of the property on which the fees were originally charged.

Encumbrances

The City has the following encumbrances outstanding at year end, relating to funds on hand:

General Fund	\$190,109
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D. OTHER POSTEMPLOYMENT BENEFITS

General Information about the OPEB Plan

Plan Description. The City's defined benefit OPEB plan, Retiree Benefits Plan (RBP), provides OPEB for all permanent full-time general and public safety employees of the City. RBP is a single-employer defined benefit OPEB plan administered by the City. Article 11 of the State Compiled Statutes grants the authority to establish and amend the benefit terms and financing requirements to the Common Council.

Benefits provided. The City's group health insurance plan provides coverage to active employees and retirees (or other qualified terminated employees) at blended premium rates. The result is another postemployment benefit (OPEB) for the retirees, commonly referred to as an implicit rate subsidy.

Employees covered by benefit terms. At December 31, 2022 the following employees were covered by the benefit terms:

Inactive plan members or beneficiaries currently receiving benefit payments	24
Active plan members	189
	<u>213</u>

Contributions. Contribution requirements are established through collective bargaining agreements and other city agreements and may be amended only through negotiations between city and the union, or for non-union employees pursuant to employment policies adopted by the Common Council.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE V – OTHER INFORMATION (cont.)

D. OTHER POSTEMPLOYMENT BENEFITS (cont.)

Investments

Investment policy. The City is authorized to invest funds of the RBP only in investments which the District is permitted to make under Section 66.0603 of the Wisconsin state statutes. See Note IV.A for further information.

Concentrations. All OPEB plan assets have been invested in an interest-bearing account.

Rate of return. The annual money-weighted rate of return on investments, net of investment expense, was 6.17 percent. The money-weighted rate of return expresses investment performance, net of investment expense, adjusted for the changing amounts actually invested.

Net OPEB Liability

The City's net OPEB liability was measured as of December 31, 2022, and the total OPEB liability used to calculate the net OPEB liability was determined by an actuarial valuation as of December 31, 2022.

Actuarial assumptions and other inputs. The total OPEB liability in the actuarial valuation was determined using the following actuarial assumptions and other inputs, applied to all periods included in the measurement, unless otherwise specified:

Actuarial Valuation Date	December 31, 2022
Measurement Date of Net OPEB Liability	December 31, 2022
Actuarial Cost Method	Entry Age
Long-Term Expected Rate of Return	5.00%
Discount Rate:	
General Employees	4.31%
Police Employees	5.00%
Healthcare Cost Trend Rates	5.00% for 2022 and beyond
Salary Increases:	
Merit and Cost of Living	3.0%
Mortality:	Wisconsin 2020 Mortality Table

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE V – OTHER INFORMATION (cont.)

D. OTHER POSTEMPLOYMENT BENEFITS (cont.)

CHANGES IN THE TOTAL AND NET OPEB LIABILITY

	Total OPEB Liability	Plan Fiduciary Net Position	Net OPEB Liability
Balances at December 31, 2021	\$ 7,644,191	\$ 1,594,469	\$6,049,722
Changes for the year:			
Service cost	423,600	-	423,600
Interest cost	250,295	-	250,295
Differences between Expected & Actual	-	-	-
Changes in assumptions	(488,781)	-	(488,781)
Contributions - employer	-	84,993	(84,993)
Net investment income (loss)	-	103,142	(103,142)
Estimated Benefit payments	(391,092)	(85,185)	(305,907)
Administrative expense	-	(15,182)	15,182
Net Changes	(205,978)	87,768	(293,746)
Balances at December 31, 2022	<u>\$ 7,438,213</u>	<u>\$ 1,682,237</u>	<u>\$5,755,976</u>

Sensitivity of the net OPEB liability to changes in the discount rate. The following presents the net OPEB liability of the City, as well as what the City's net OPEB liability would be if it were calculated using a discount rate that is 1-percentage-point lower (3.31 percent) or 1-percentage-point higher (5.31 percent) than the current rate:

	1% Decrease (3.31%)	Discount Rate (4.31%)	1% Increase (5.31%)
Total OPEB liability	\$ 7,888,844	\$ 7,438,213	\$ 7,016,589
Plan Fiduciary Net Position	<u>1,682,237</u>	<u>1,682,237</u>	<u>1,682,237</u>
Net OPEB liability	<u>\$ 6,206,607</u>	<u>\$ 5,755,976</u>	<u>\$ 5,334,352</u>

Sensitivity of the net OPEB liability to changes in the healthcare cost trend rates. The following presents the net OPEB liability of the City, as well as what the City's net OPEB liability would be if it were calculated using a discount rate that is 1-percentage-point lower (4 percent) or 1-percentage-point higher (6 percent) than the current rate:

	1% Decrease (4.5% Decreasing to 4.0%)	Healthcare Cost Trend Rates (5.5% Decreasing to 5.0%)	1% Increase (6.5% Decreasing to 6.0%)
Total OPEB liability	\$ 6,964,438	\$ 7,438,213	\$ 8,083,172
Plan Fiduciary Net Position	<u>1,682,237</u>	<u>1,682,237</u>	<u>1,682,237</u>
Net OPEB liability	<u>\$ 5,282,201</u>	<u>\$ 5,755,976</u>	<u>\$ 6,400,935</u>

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE V – OTHER INFORMATION (cont.)

D. OTHER POSTEMPLOYMENT BENEFITS (cont.)

OPEB EXPENSE AND DEFERRED OUTFLOWS OF RESOURCES AND DEFERRED INFLOWS OF RESOURCES RELATED TO OPEB

For the year ended December 31, 2022, the City recognized OPEB expense of \$441,494. At December 31, 2022, the City reported deferred outflows of resources and deferred inflows of resources related to OPEB from the following resources:

Amounts reported as deferred outflows of resources and deferred inflows of resources related to OPEB will be recognized in OPEB expense as follows:

<u>Year Ended December 31:</u>	<u>Deferred Outflow of Resources and Deferred Inflow of Resources (Net)</u>
2023	\$ (175,048)
2024	(140,384)
2025	(128,082)
2026	(111,752)
2027	(96,203)
Thereafter	(439,515)

E. JOINT TRUST

In 1997, the City and the New Berlin Professional Police Association (Association) entered into an agreement to establish a plan to pay a retiree health care insurance premium subsidy and to create the City of New Berlin Police Retiree Health Care Trust (Trust) for the accumulation of funds from which to pay the subsidy benefits. The City and Association are joint trustees with the Association as the plan administrator. The Trust document names the City trustee as custodian of the Trust; however, in practice the Association trustee administers and performs all functions of the Trust including custodian of the Trust. The City trustee's only involvement is the payment of the annual contribution to the Trust and signing checks for the subsidy payment which requires the signature of both trustees. The annual contribution for 2022 was \$84,993. The estimated fair value of the Trust assets at December 31, 2022 is \$1,682,237.

CITY OF NEW BERLIN

NOTES TO FINANCIAL STATEMENTS As of and for the Year Ended December 31, 2022

NOTE V – OTHER INFORMATION (cont.)

F. EFFECT OF NEW ACCOUNTING STANDARDS ON CURRENT-PERIOD FINANCIAL STATEMENTS

The Governmental Accounting Standards Board (GASB) has approved the following:

- > Statement No. 94, *Public-Private and Public-Public Relationships and Availability Payment Arrangements*
- > Statement No. 96, *Subscription-Based Information Technology Arrangements*
- > Statement No. 99, *Omnibus 2022*
- > Statement No. 100, *Accounting Changes and Error Corrections – an Amendment of GASB Statement No. 62*
- > Statement No. 101, *Compensated Absences*

When they become effective, application of these standards may restate portions of these financial statements.

G. SUBSEQUENT EVENTS

On January 3, 2023 the City paid off the \$13,970,000 State Trust Fund Loan. This payment was planned by the City and was funded by the 2022 B refunding bond issue.

REQUIRED SUPPLEMENTARY INFORMATION

CITY OF NEW BERLIN

SCHEDULE OF CHANGES IN THE NET OPEB LIABILITY AND RELATED RATIOS As of December 31, 2022

	2017	2018	2019	2020	2021	2022
Total OPEB Liability						
Service cost	\$ 322,755	\$ 359,674	\$ 291,725	\$ 286,537	\$ 411,751	\$ 423,600
Interest	276,701	246,743	265,098	271,394	227,902	250,295
Differences between expected and actual experience	-	-	(156,478)	-	9,525	-
Changes of assumptions	312,656	(521,085)	(708,976)	356,664	(93,957)	(488,781)
Benefit payments	(296,709)	(322,850)	(351,574)	(400,180)	(365,281)	(391,092)
Net Change in Total OPEB Liability	615,403	(237,518)	(660,205)	514,415	189,940	(205,978)
Total OPEB Liability - Beginning	7,222,156	7,837,559	7,600,041	6,939,836	7,454,251	7,644,191
Total OPEB Liability - Ending (a)	\$ 7,837,559	\$ 7,600,041	\$ 6,939,836	\$ 7,454,251	\$ 7,644,191	\$ 7,438,213
Plan Fiduciary Net Position						
Employer contributions	\$ 78,855	\$ 80,038	\$ 81,238	\$ 82,457	\$ 83,693	\$ 84,993
Net investment income (loss)	205,176	(63,603)	226,996	156,963	155,592	103,142
Benefit Payments	(95,351)	(30,557)	(47,450)	(64,281)	(65,978)	(85,185)
Administrative expenses	(10,473)	(11,783)	(10,696)	(12,474)	(14,315)	(15,182)
Net Change in Plan Fiduciary Net Position	178,207	(25,905)	250,088	162,665	158,992	87,768
Fiduciary Net Position - Beginning	870,422	1,048,629	1,022,724	1,272,812	1,435,477	1,594,469
Fiduciary Net Position - Ending (b)	\$ 1,048,629	\$ 1,022,724	\$ 1,272,812	\$ 1,435,477	\$ 1,594,469	\$ 1,682,237
Net OPEB Liability - Ending (a) - (b)	\$ 6,788,930	\$ 6,577,317	\$ 5,667,024	\$ 6,018,774	\$ 6,049,722	\$ 5,755,976
Covered-employee payroll	\$ 11,176,567	\$ 11,511,864	\$ 11,319,221	\$ 11,299,636	\$ 13,997,469	\$ 13,903,287
Total OPEB liability as a percentage of covered-employee payroll	60.74%	57.14%	50.07%	53.27%	43.22%	41.40%

Notes to Schedule:

The City implemented GASB Statement No. 74 and No. 75 in fiscal year 2017.
Information prior to fiscal year 2017 is not available. Additional years will be added prospectively until 10 years are presented.

See independent auditors' report.

CITY OF NEW BERLIN

SCHEDULE OF EMPLOYER CONTRIBUTIONS - OPEB PLAN
As of December 31, 2022

	2017	2018	2019	2020	2021	2022
Actuarially contractual determined contribution	\$ 78,855	\$ 80,038	\$ 81,238	\$ 82,457	\$ 83,693	\$ 84,993
Contributions in relation to the actuarially determined contribution	78,855	80,038	81,238	82,457	83,693	84,993
Contribution deficiency (excess)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Covered-employee payroll	\$ 11,176,567	\$ 11,511,864	\$ 11,319,221	\$ 11,299,636	\$ 13,997,469	\$ 13,903,287
Contributions as a percentage of covered-employee payroll	0.71%	0.70%	0.72%	0.73%	0.60%	0.61%

Notes to Schedule

Valuation date:

Actuarially determined contribution rates are calculated as of June 30, two years prior to the end of the fiscal year in which contributions are reported.

Methods and assumptions used to determine contribution rates:

Actuarial cost method	Entry age
Amortization method	Fair market value
Healthcare cost trend rates	5.0 percent initial, decreasing 0.5 percent per year to an ultimate rate of 5.0 percent
Salary increases	3.0 percent, average, including inflation
Retirement age	In the 2017 actuarial valuation, expected retirement ages of general employees were adjusted to more closely reflect actuarial experience.
Mortality	The 2020 actuarial valuations, assumed life expectancies were adjusted as a result of using the Wisconsin 2018 Mortality Table with generational projection using 60% of Scale MP-2018.

Other information:

The City implemented GASB Statement No. 74 and No. 75 in fiscal year 2017. Information prior to fiscal year 2017 is not available. Additional years will be added prospectively until 10 years are presented.

See independent auditors' report.

CITY OF NEW BERLIN

SCHEDULE OF THE CITY OF NEW BERLIN'S PROPORTIONATE SHARE OF THE NET PENSION LIABILITY (ASSET) WISCONSIN RETIREMENT SYSTEM For the Year Ended December 31, 2022

Plan Fiscal Year Ending	Proportion of the Net Pension Liability (Asset)	Proportionate Share of the Net Pension Liability (Asset)	Covered Payroll	Proportionate Share of the Net Pension Liability (Asset) as a Percentage of Covered Payroll	Plan Fiduciary Net Position as a Percentage of the Total Pension Liability
12/31/14	0.134433880%	\$ (2,302,064)	\$ 15,084,689	21.89%	102.74%
12/31/15	0.133820430%	2,174,556	15,767,562	13.79%	98.20%
12/31/16	0.134003610%	1,104,510	15,709,595	7.03%	99.12%
12/31/17	0.138273800%	(4,105,513)	16,589,276	24.75%	102.93%
12/31/18	0.141949060%	5,050,102	16,880,777	29.92%	96.45%
12/31/19	0.145561940%	(4,693,581)	17,420,633	26.94%	102.96%
12/31/20	0.146559660%	(9,149,922)	17,748,852	51.55%	105.26%
12/31/21	0.147933990%	(11,923,751)	18,260,893	65.30%	106.02%

SCHEDULE OF EMPLOYER CONTRIBUTIONS - WISCONSIN RETIREMENT SYSTEM For the Year Ended December 31, 2022

City Fiscal Year Ending	Contractually Required Contributions	Contributions in Relation to the Contractually Required Contributions	Contribution Deficiency (Excess)	Covered Payroll	Contributions as a Percentage of Covered Payroll
12/31/15	\$ 1,297,584	\$ 1,297,584	\$ -	\$ 15,767,562	8.23%
12/31/16	1,276,131	1,276,131	-	15,709,595	8.12%
12/31/17	1,473,147	1,473,147	-	16,589,276	8.88%
12/31/18	1,499,516	1,499,516	-	16,880,777	8.88%
12/31/19	1,521,710	1,521,710	-	17,420,634	8.74%
12/31/20	1,677,230	1,677,230	-	17,751,906	9.45%
12/31/21	1,742,741	1,742,741	-	18,260,893	9.54%
12/31/22	1,813,281	1,813,281	-	18,999,360	9.54%

Wisconsin Retirement System

The amounts presented in relation to the schedule of employer's proportionate share of the net pension liability and the schedule of employer contributions represents the specific data of the City. The information was derived using a combination of the employer's contribution data along with data provided by the Wisconsin Retirement System in relation to the City as a whole.

The City is required to present the last ten years data; however accounting standards allow the City to present as many years as are available until ten fiscal years are presented.

Changes of benefit terms. There were no changes of benefit terms for any participating employer in Wisconsin Retirement System.

Changes of assumptions. Actuarial assumptions are based upon an experience study conducted in 2018 using experience from 2015 – 2017. Based on the experience study conducted in 2018, actuarial assumptions used to develop Total Pension Liability changed, including the discount rate, long-term expected rate of return, post-retirement adjustment, wage inflation rate, mortality and separation rates.

See independent auditors' report.

SUPPLEMENTARY INFORMATION

**COMBINING AND INDIVIDUAL FUND
STATEMENTS AND SCHEDULES**

CITY OF NEW BERLIN

**NONMAJOR GOVERNMENTAL FUNDS
COMBINING BALANCE SHEET**

As of December 31, 2022

	Special Revenue Funds			
	Park and Open Space Fund	Trail Fees Fund	Impact Fees Fund	Wastewater RCA Fees Fund
ASSETS				
Cash and investments	\$ 1,266,686	\$ 18,214	\$ 65,520	\$ 1,832,552
Taxes receivable	-	-	-	-
Accounts receivable	-	-	-	-
Special assessments receivable	-	-	-	-
TOTAL ASSETS	<u>\$ 1,266,686</u>	<u>\$ 18,214</u>	<u>\$ 65,520</u>	<u>\$ 1,832,552</u>
LIABILITIES				
Accounts payable	\$ -	\$ 18,214	\$ -	\$ -
Unearned revenues	-	-	-	-
Total Liabilities	<u>-</u>	<u>18,214</u>	<u>-</u>	<u>-</u>
DEFERRED INFLOWS OF RESOURCES				
Unearned revenues	-	-	-	-
Unavailable revenues	-	-	-	-
Total Deferred Inflows of Resources	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
FUND BALANCES				
Restricted	1,266,686	-	65,520	1,832,552
Committed	-	-	-	-
Assigned	-	-	-	-
Unassigned	-	-	-	-
Total Fund Balances	<u>1,266,686</u>	<u>-</u>	<u>65,520</u>	<u>1,832,552</u>
TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES	<u>\$ 1,266,686</u>	<u>\$ 18,214</u>	<u>\$ 65,520</u>	<u>\$ 1,832,552</u>

Special Revenue Funds					
Golf Course Fund	Fourth of July Fund	Concession Stand Fund	Park & Recreation Fund	Police Fund	Fire Fund
\$ 285,722	\$ 147,056	\$ 17,814	\$ 99,990	\$ 185,628	\$ 66,269
-	-	-	-	-	-
150,330	-	-	-	-	-
-	-	-	-	-	-
<u>\$ 436,052</u>	<u>\$ 147,056</u>	<u>\$ 17,814</u>	<u>\$ 99,990</u>	<u>\$ 185,628</u>	<u>\$ 66,269</u>
\$ 258	\$ 1,019	\$ -	\$ 111	\$ 8,164	\$ -
-	-	-	-	-	-
<u>258</u>	<u>1,019</u>	<u>-</u>	<u>111</u>	<u>8,164</u>	<u>-</u>
-	-	-	250	-	-
<u>125,330</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<u>125,330</u>	<u>-</u>	<u>-</u>	<u>250</u>	<u>-</u>	<u>-</u>
-	146,037	-	99,629	177,464	66,269
310,464	-	17,814	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
<u>310,464</u>	<u>146,037</u>	<u>17,814</u>	<u>99,629</u>	<u>177,464</u>	<u>66,269</u>
<u>\$ 436,052</u>	<u>\$ 147,056</u>	<u>\$ 17,814</u>	<u>\$ 99,990</u>	<u>\$ 185,628</u>	<u>\$ 66,269</u>

CITY OF NEW BERLIN

NONMAJOR GOVERNMENTAL FUNDS

COMBINING BALANCE SHEET

(Concluded)

As of December 31, 2022

	Special Revenue Funds			
	Mayor Fund	Special Assessment Fund	Landscape Fund	Building Maintenance Fund
ASSETS				
Cash and investments	\$ 2,239	\$ -	\$ 503,892	\$ 591,828
Taxes receivable	-	-	-	-
Accounts receivable	-	-	-	-
Special assessments receivable	-	14,159	-	-
TOTAL ASSETS	<u>\$ 2,239</u>	<u>\$ 14,159</u>	<u>\$ 503,892</u>	<u>\$ 591,828</u>
LIABILITIES				
Accounts payable	\$ -	\$ -	\$ 450	-
Unearned revenues	-	-	-	-
Total Liabilities	<u>-</u>	<u>-</u>	<u>450</u>	<u>-</u>
DEFERRED INFLOWS OF RESOURCES				
Unearned revenues	-	-	-	-
Unavailable revenues	-	14,159	-	-
Total Deferred inflows of Resources	<u>-</u>	<u>14,159</u>	<u>-</u>	<u>-</u>
FUND BALANCES				
Restricted	2,239	-	-	591,828
Committed	-	-	503,442	-
Assigned	-	-	-	-
Unassigned	-	-	-	-
Total Fund Balances	<u>2,239</u>	<u>-</u>	<u>503,442</u>	<u>591,828</u>
TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES	<u>\$ 2,239</u>	<u>\$ 14,159</u>	<u>\$ 503,892</u>	<u>\$ 591,828</u>

Special Revenue Funds						Capital Projects Fund		Total Nonmajor Funds
Technology Fee Fund	Tourism Commission Fund	Tax Increment District Fund	Grant Fund	Library Fund	Garbage/ Recycling Fund	Equipment Fund	Equipment Replacement Fund	
\$ 46,398	\$ 90,874	\$ 89,054	\$ 2,142,085	\$ 65,024	\$ 1,358,780	\$ 890,615	\$ 408,359	\$ 10,174,599
-	-	689,121	-	-	-	-	-	689,121
-	74,100	-	17,144	-	288	-	-	241,862
-	-	-	-	-	-	-	-	14,159
<u>\$ 46,398</u>	<u>\$ 164,974</u>	<u>\$ 778,175</u>	<u>\$ 2,159,229</u>	<u>\$ 65,024</u>	<u>\$ 1,359,068</u>	<u>\$ 890,615</u>	<u>\$ 408,359</u>	<u>\$ 11,119,741</u>
\$ 2,780	\$ 452	\$ 627,429	\$ -	\$ 1,059	\$ 155,939	\$ -	\$ 56,680	\$ 872,555
-	-	-	2,158,123	-	576	-	-	2,158,699
<u>2,780</u>	<u>452</u>	<u>627,429</u>	<u>2,158,123</u>	<u>1,059</u>	<u>156,515</u>	<u>-</u>	<u>56,680</u>	<u>3,031,254</u>
-	-	689,121	-	-	-	-	-	689,371
-	-	-	-	-	-	-	-	139,489
-	-	689,121	-	-	-	-	-	828,860
-	164,522	-	1,106	63,965	1,202,553	890,615	-	6,570,985
43,618	-	-	-	-	-	-	-	875,338
-	-	-	-	-	-	-	351,679	351,679
-	-	(538,375)	-	-	-	-	-	(538,375)
<u>43,618</u>	<u>164,522</u>	<u>(538,375)</u>	<u>1,106</u>	<u>63,965</u>	<u>1,202,553</u>	<u>890,615</u>	<u>351,679</u>	<u>7,259,627</u>
<u>\$ 46,398</u>	<u>\$ 164,974</u>	<u>\$ 778,175</u>	<u>\$ 2,159,229</u>	<u>\$ 65,024</u>	<u>\$ 1,359,068</u>	<u>\$ 890,615</u>	<u>\$ 408,359</u>	<u>\$ 11,119,741</u>

CITY OF NEW BERLIN

NONMAJOR GOVERNMENTAL FUNDS COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES

For the Year Ended December 31, 2022

	Special Revenue Funds			
	Park and Open Space Fund	Trail Fees Fund	Impact Fees Fund	Wastewater RCA Fees Fund
REVENUES				
Room taxes	\$ -	\$ -	\$ -	\$ -
Intergovernmental	-	-	-	-
Public charges for services	-	-	-	-
Public improvement revenues	1,938	-	13,091	-
Investment income	13,663	-	890	19,798
Miscellaneous revenues	-	-	-	-
Total Revenues	15,601	-	13,981	19,798
EXPENDITURES				
Current				
General government	-	-	-	-
Protection of persons and property	-	-	-	-
Public works	-	-	-	-
Library	-	-	-	-
Parks and recreation	-	-	-	-
Conservation and development	-	-	-	-
Debt Service - interest and fiscal charges	-	-	-	-
Capital Outlay	-	-	-	-
Total Expenditures	-	-	-	-
Excess (deficiency) of revenues over expenditures	15,601	-	13,981	19,798
OTHER FINANCING SOURCES (USES)				
Long-term debt issued	-	-	-	-
Premium on bond issued	-	-	-	-
Transfers in	-	-	-	-
Transfers out	-	-	(20,000)	-
Total Other Financing Sources (Uses)	-	-	(20,000)	-
Net Change in Fund Balances	15,601	-	(6,019)	19,798
FUND BALANCES -				
Beginning of Year	1,251,085	-	71,539	1,812,754
FUND BALANCES (DEFICIT) -				
END OF YEAR	\$ 1,266,686	\$ -	\$ 65,520	\$ 1,832,552

Special Revenue Funds					
Golf Course Fund	Fourth of July Fund	Concession Stand Fund	Park & Recreation Fund	Police Fund	Fire Fund
\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
-	-	-	-	50,731	28,727
-	-	-	-	-	-
-	-	-	-	-	-
3,319	-	-	-	509	-
323,696	122,490	15,511	27,740	64,421	22,128
327,015	122,490	15,511	27,740	115,661	50,855
-	-	-	-	-	-
-	-	-	-	122,923	12,398
-	-	-	-	-	-
-	-	-	-	-	-
1,032	112,749	14,284	67,514	-	-
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	28,000	18,877
1,032	112,749	14,284	67,514	150,923	31,275
325,983	9,741	1,227	(39,774)	(35,262)	19,580
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
(235,828)	-	-	-	-	-
(235,828)	-	-	-	-	-
90,155	9,741	1,227	(39,774)	(35,262)	19,580
220,309	136,296	16,587	139,403	212,726	46,689
\$ 310,464	\$ 146,037	\$ 17,814	\$ 99,629	\$ 177,464	\$ 66,269

CITY OF NEW BERLIN

NONMAJOR GOVERNMENTAL FUNDS COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES (Concluded) For the Year Ended December 31, 2022

	Special Revenue Funds			
	Mayor Fund	Special Assessment Fund	Landscape Fund	Building Maintenance Fund
REVENUES				
Room taxes	\$ -	\$ -	\$ -	\$ 117,053
Intergovernmental	-	-	-	-
Public charges for services	-	-	-	-
Public improvement revenues	-	-	66,000	-
Investment income	-	-	-	-
Miscellaneous revenues	-	-	-	-
Total Revenues	-	-	66,000	117,053
EXPENDITURES				
Current				
General government	-	-	-	15,036
Protection of persons and property	-	-	-	-
Public works	-	-	-	15,005
Library	-	-	-	-
Parks and recreation	-	-	-	-
Conservation and development	-	-	42,401	-
Debt Service - interest and fiscal charges	-	-	-	-
Capital Outlay	-	-	-	-
Total Expenditures	-	-	42,401	30,041
Excess (deficiency) of revenues over expenditures	-	-	23,599	87,012
OTHER FINANCING SOURCES (USES)				
Long-term debt issued	-	-	-	-
Premium on bond issued	-	-	-	-
Transfers in	-	-	-	-
Transfers out	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-
Net Change in Fund Balance	-	-	23,599	87,012
FUND BALANCES -				
Beginning of Year	2,239	-	479,843	504,816
FUND BALANCES (DEFICIT) -				
END OF YEAR	\$ 2,239	\$ -	\$ 503,442	\$ 591,828

Special Revenue Funds						Capital Projects Fund		Total Nonmajor Funds
Technology Fee Fund	Tourism Fund	Tax Increment District Fund	Grant Fund	Library Fund	Garbage/ Recycling Fund	Equipment Fund	Equipment Replacement Fund	
\$ -	\$ 138,817	\$ 534,958	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 790,828
-	24,825	-	389,913	-	-	107,900	-	602,096
-	-	-	-	-	1,775,160	-	-	1,775,160
10,770	-	-	-	-	-	-	-	91,799
-	-	4,863	-	-	-	8,504	-	51,546
-	-	4,844	7,000	39,513	-	-	39,000	666,343
<u>10,770</u>	<u>163,642</u>	<u>544,665</u>	<u>396,913</u>	<u>39,513</u>	<u>1,775,160</u>	<u>116,404</u>	<u>39,000</u>	<u>3,977,772</u>
-	-	16,800	124,616	-	-	4,800	1,258	162,510
-	-	-	15,222	-	-	-	27,880	178,423
-	-	-	1,889	-	2,033,510	-	-	2,050,404
-	-	-	-	13,843	-	-	4,411	18,254
-	-	-	3,681	-	-	-	21,402	220,662
32,928	45,509	-	-	-	-	-	-	120,838
-	-	6,804	-	-	-	-	-	6,804
-	-	1,386,396	251,505	-	-	-	206,712	1,891,490
<u>32,928</u>	<u>45,509</u>	<u>1,410,000</u>	<u>396,913</u>	<u>13,843</u>	<u>2,033,510</u>	<u>4,800</u>	<u>261,663</u>	<u>4,649,385</u>
<u>(22,158)</u>	<u>118,133</u>	<u>(865,335)</u>	<u>-</u>	<u>25,670</u>	<u>(258,350)</u>	<u>111,604</u>	<u>(222,663)</u>	<u>(671,613)</u>
-	-	405,000	-	-	-	-	-	405,000
-	-	16,525	-	-	-	-	-	16,525
-	-	-	-	-	-	-	341,414	341,414
-	-	(248,528)	-	-	-	-	-	(504,356)
-	-	172,997	-	-	-	-	341,414	258,583
(22,158)	118,133	(692,338)	-	25,670	(258,350)	111,604	118,751	(413,030)
<u>65,776</u>	<u>46,389</u>	<u>153,963</u>	<u>1,106</u>	<u>38,295</u>	<u>1,460,903</u>	<u>779,011</u>	<u>232,928</u>	<u>7,672,657</u>
<u>\$ 43,618</u>	<u>\$ 164,522</u>	<u>\$ (538,375)</u>	<u>\$ 1,106</u>	<u>\$ 63,965</u>	<u>\$ 1,202,553</u>	<u>890,615</u>	<u>351,679</u>	<u>\$ 7,259,627</u>

CITY OF NEW BERLIN

NONMAJOR GOVERNMENTAL FUNDS SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL

For the Year Ended December 31, 2022

	Special Revenue Fund					
	Park and Open Space Fund			Impact Fees Fund		
	Original and Final Budgeted Amounts	Actual	Variance with Final Budget Positive (Negative)	Original and Final Budgeted Amounts	Actual	Variance with Final Budget Positive (Negative)
REVENUES						
Property taxes	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Room taxes	-	-	-	-	-	-
Intergovernmental	-	-	-	-	-	-
Public charges for services	-	-	-	-	-	-
Public improvement revenues	10,000	1,938	(8,062)	19,500	13,091	(6,409)
Special assessments	-	-	-	-	-	-
Investment income	1,800	13,663	11,863	325	890	565
Miscellaneous revenues	-	-	-	-	-	-
Total Revenues	11,800	15,601	3,801	19,825	13,981	(5,844)
EXPENDITURES						
Current						
General government	-	-	-	-	-	-
Protection of persons and property	-	-	-	-	-	-
Public works	-	-	-	-	-	-
Library	-	-	-	-	-	-
Parks and recreation	-	-	-	-	-	-
Conservation and development	-	-	-	-	-	-
Debt Service - interest and fiscal charges	-	-	-	-	-	-
Capital Outlay	-	-	-	-	-	-
Total Expenditures	-	-	-	-	-	-
Excess (deficiency) of revenues over expenditures	11,800	15,601	3,801	19,825	13,981	(5,844)
OTHER FINANCING SOURCES (USES)						
Long-term debt issued	-	-	-	-	-	-
Premium on bond issued	-	-	-	-	-	-
Transfers in	-	-	-	-	-	-
Transfers out	-	-	-	(20,000)	(20,000)	-
Total Other Financing Sources (Uses)	-	-	-	(20,000)	(20,000)	-
Net Change in Fund Balances	11,800	15,601	3,801	(175)	(6,019)	(5,844)
FUND BALANCES -						
Beginning of Year	1,251,085	1,251,085	-	71,539	71,539	-
FUND BALANCES (DEFICIT) - END OF YEAR	\$ 1,262,885	\$ 1,266,686	\$ 3,801	\$ 71,364	\$ 65,520	\$ (5,844)

CITY OF NEW BERLIN

NONMAJOR GOVERNMENTAL FUNDS SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL

For the Year Ended December 31, 2022

	Special Revenue Fund					
	Wastewater RCA Fees Fund			Golf Course Fund		
	Original and Final Budgeted Amounts	Actual	Variance with Final Budget Positive (Negative)	Original and Final Budgeted Amounts	Actual	Variance with Final Budget Positive (Negative)
REVENUES						
Property taxes	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Room taxes	-	-	-	-	-	-
Intergovernmental	-	-	-	-	-	-
Public charges for services	-	-	-	-	-	-
Public improvement revenues	-	-	-	-	-	-
Special assessments	-	-	-	-	-	-
Investment income	4,000	19,798	15,798	800	3,319	2,519
Miscellaneous revenues	-	-	-	275,000	323,696	48,696
Total Revenues	4,000	19,798	15,798	275,800	327,015	51,215
EXPENDITURES						
Current						
General government	-	-	-	-	-	-
Protection of persons and property	-	-	-	-	-	-
Public works	-	-	-	-	-	-
Library	-	-	-	-	-	-
Parks and recreation	-	-	-	1,100	1,032	68
Conservation and development	-	-	-	-	-	-
Debt Service - interest and fiscal charges	-	-	-	-	-	-
Capital Outlay	-	-	-	-	-	-
Total Expenditures	-	-	-	1,100	1,032	68
Excess (deficiency) of revenues over expenditures	4,000	19,798	15,798	274,700	325,983	51,283
OTHER FINANCING SOURCES (USES)						
Long-term debt issued	-	-	-	-	-	-
Premium on bond issued	-	-	-	-	-	-
Transfers in	-	-	-	-	-	-
Transfers out	-	-	-	(236,950)	(235,828)	1,122
Total Other Financing Sources (Uses)	-	-	-	(236,950)	(235,828)	1,122
Net Change in Fund Balances	4,000	19,798	15,798	37,750	90,155	52,405
FUND BALANCES (DEFICIT) -						
Beginning of Year	1,812,754	1,812,754	-	220,309	220,309	-
FUND BALANCES -						
END OF YEAR	\$ 1,816,754	\$ 1,832,552	\$ 15,798	\$ 258,059	\$ 310,464	\$ 52,405

CITY OF NEW BERLIN

NONMAJOR GOVERNMENTAL FUNDS SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL

For the Year Ended December 31, 2022

	Special Revenue Fund					
	Fourth of July Fund			Concession Stand Fund		
	Original and Final Budgeted Amounts	Actual	Variance with Final Budget Positive (Negative)	Original and Final Budgeted Amounts	Actual	Variance with Final Budget Positive (Negative)
REVENUES						
Property taxes	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Room taxes	-	-	-	-	-	-
Intergovernmental	-	-	-	-	-	-
Public charges for services	-	-	-	-	-	-
Public improvement revenues	-	-	-	-	-	-
Special assessments	-	-	-	-	-	-
Investment income	-	-	-	-	-	-
Miscellaneous revenues	85,200	122,490	37,290	10,500	15,511	5,011
Total Revenues	85,200	122,490	37,290	10,500	15,511	5,011
EXPENDITURES						
Current						
General government	-	-	-	-	-	-
Protection of persons and property	-	-	-	-	-	-
Public works	-	-	-	-	-	-
Library	-	-	-	-	-	-
Parks and recreation	85,255	112,749	(27,494)	8,691	14,284	(5,593)
Conservation and development	-	-	-	-	-	-
Debt Service - interest and fiscal charges	-	-	-	-	-	-
Capital Outlay	-	-	-	-	-	-
Total Expenditures	85,255	112,749	(27,494)	8,691	14,284	(5,593)
Excess (deficiency) of revenues over expenditures	(55)	9,741	9,796	1,809	1,227	(582)
OTHER FINANCING SOURCES (USES)						
Long-term debt issued	-	-	-	-	-	-
Transfers in	-	-	-	-	-	-
Transfers out	-	-	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-	-	-
Net Change in Fund Balances	(55)	9,741	9,796	1,809	1,227	(582)
FUND BALANCES (DEFICIT) -						
Beginning of Year	136,296	136,296	-	16,587	16,587	-
FUND BALANCES -						
END OF YEAR	\$ 136,241	\$ 146,037	\$ 9,796	\$ 18,396	\$ 17,814	\$ (582)

CITY OF NEW BERLIN

NONMAJOR GOVERNMENTAL FUNDS SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL

For the Year Ended December 31, 2022

	Special Revenue Fund					
	Park & Recreation Fund			Police Fund		
	Original and Final Budgeted Amounts	Actual	Variance with Final Budget Positive (Negative)	Original and Final Budgeted Amounts	Actual	Variance with Final Budget Positive (Negative)
REVENUES						
Property taxes	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Room taxes	-	-	-	-	-	-
Intergovernmental	-	-	-	20,000	50,731	30,731
Public charges for services	-	-	-	-	-	-
Public improvement revenues	-	-	-	-	-	-
Special assessments	-	-	-	-	-	-
Investment income	-	-	-	300	509	209
Miscellaneous revenues	11,000	27,740	16,740	57,000	64,421	7,421
Total Revenues	11,000	27,740	16,740	77,300	115,661	38,361
EXPENDITURES						
Current						
General government	-	-	-	-	-	-
Protection of persons and property	-	-	-	53,250	122,923	(69,673)
Public works	-	-	-	-	-	-
Library	-	-	-	-	-	-
Parks and recreation	61,000	67,514	(6,514)	-	-	-
Conservation and development	-	-	-	-	-	-
Debt Service - interest and fiscal charges	-	-	-	-	-	-
Capital Outlay	-	-	-	20,000	28,000	(8,000)
Total Expenditures	61,000	67,514	(6,514)	73,250	150,923	(77,673)
Excess (deficiency) of revenues over expenditures	(50,000)	(39,774)	10,226	4,050	(35,262)	(39,312)
OTHER FINANCING SOURCES (USES)						
Long-term debt issued	-	-	-	-	-	-
Premium on bond issued	-	-	-	-	-	-
Transfers in	-	-	-	-	-	-
Transfers out	-	-	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-	-	-
Net Change in Fund Balances	(50,000)	(39,774)	10,226	4,050	(35,262)	(39,312)
FUND BALANCES (DEFICIT) -						
Beginning of Year	139,403	139,403	-	212,726	212,726	-
FUND BALANCES -						
END OF YEAR	\$ 89,403	\$ 99,629	\$ 10,226	\$ 216,776	\$ 177,464	\$ (39,312)

CITY OF NEW BERLIN

NONMAJOR GOVERNMENTAL FUNDS SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL

For the Year Ended December 31, 2022

	Special Revenue Fund					
	Fire Fund			Mayor Fund		
	Original and Final Budgeted Amounts	Actual	Variance with Final Budget Positive (Negative)	Original and Final Budgeted Amounts	Actual	Variance with Final Budget Positive (Negative)
REVENUES						
Property taxes	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Room taxes	-	-	-	-	-	-
Intergovernmental	4,800	28,727	23,927	-	-	-
Public charges for services	-	-	-	-	-	-
Public improvement revenues	-	-	-	-	-	-
Special assessments	-	-	-	-	-	-
Investment income	-	-	-	-	-	-
Miscellaneous revenues	9,000	22,128	13,128	1,000	-	(1,000)
Total Revenues	13,800	50,855	37,055	1,000	-	(1,000)
EXPENDITURES						
Current						
General government	-	-	-	1,000	-	1,000
Protection of persons and property	11,000	12,398	(1,398)	-	-	-
Public works	-	-	-	-	-	-
Library	-	-	-	-	-	-
Parks and recreation	-	-	-	-	-	-
Conservation and development	-	-	-	-	-	-
Debt Service - interest and fiscal charges	-	-	-	-	-	-
Capital Outlay	-	18,877	(18,877)	-	-	-
Total Expenditures	11,000	31,275	(20,275)	1,000	-	1,000
Excess (deficiency) of revenues over expenditures	2,800	19,580	16,780	-	-	-
OTHER FINANCING SOURCES (USES)						
Long-term debt issued	-	-	-	-	-	-
Transfers in	-	-	-	-	-	-
Transfers out	-	-	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-	-	-
Net Change in Fund Balances	2,800	19,580	16,780	-	-	-
FUND BALANCES (DEFICIT) -						
Beginning of Year	46,689	46,689	-	2,239	2,239	-
FUND BALANCES -						
END OF YEAR	\$ 49,489	\$ 66,269	\$ 16,780	\$ 2,239	\$ 2,239	\$ -

CITY OF NEW BERLIN

NONMAJOR GOVERNMENTAL FUNDS SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL

For the Year Ended December 31, 2022

	Special Revenue Fund					
	Landscape Fund			Building Maintenance Fund		
	Original and Final Budgeted Amounts	Actual	Variance with Final Budget Positive (Negative)	Original and Final Budgeted Amounts	Actual	Variance with Final Budget Positive (Negative)
REVENUES						
Property taxes	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Room taxes	-	-	-	117,053	117,053	-
Intergovernmental	-	-	-	-	-	-
Public charges for services	-	-	-	-	-	-
Public improvement revenues	10,000	66,000	56,000	-	-	-
Special assessments	-	-	-	-	-	-
Investment income	-	-	-	-	-	-
Miscellaneous revenues	-	-	-	-	-	-
Total Revenues	10,000	66,000	56,000	117,053	117,053	-
EXPENDITURES						
Current						
General government	-	-	-	30,000	15,036	14,964
Protection of persons and property	-	-	-	-	-	-
Public works	-	-	-	-	15,005	(15,005)
Library	-	-	-	-	-	-
Parks and recreation	-	-	-	-	-	-
Conservation and development	10,000	42,401	(32,401)	-	-	-
Debt Service - interest and fiscal charges	-	-	-	-	-	-
Capital Outlay	-	-	-	-	-	-
Total Expenditures	10,000	42,401	(32,401)	30,000	30,041	(41)
Excess (deficiency) of revenues over expenditures	-	23,599	23,599	87,053	87,012	(41)
OTHER FINANCING SOURCES (USES)						
Long-term debt issued	-	-	-	-	-	-
Premium on bond issued	-	-	-	-	-	-
Transfers in	-	-	-	-	-	-
Transfers out	-	-	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-	-	-
Net Change in Fund Balances	-	23,599	23,599	87,053	87,012	(41)
FUND BALANCES (DEFICIT) -						
Beginning of Year	479,843	479,843	-	504,816	504,816	-
FUND BALANCES -						
END OF YEAR	\$ 479,843	\$ 503,442	\$ 23,599	\$ 591,869	\$ 591,828	\$ (41)

CITY OF NEW BERLIN

NONMAJOR GOVERNMENTAL FUNDS SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL

For the Year Ended December 31, 2022

	Special Revenue Fund					
	Technology Fund			Tourism Fund		
	Original and Final Budgeted Amounts	Actual	Variance with Final Budget Positive (Negative)	Original and Final Budgeted Amounts	Actual	Variance with Final Budget Positive (Negative)
REVENUES						
Property taxes	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Room taxes	-	-	-	120,000	138,817	18,817
Intergovernmental	-	-	-	-	24,825	24,825
Public charges for services	-	-	-	-	-	-
Public improvement revenues	9,000	10,770	1,770	-	-	-
Special assessments	-	-	-	-	-	-
Investment income	-	-	-	-	-	-
Miscellaneous revenues	-	-	-	-	-	-
Total Revenues	<u>9,000</u>	<u>10,770</u>	<u>1,770</u>	<u>120,000</u>	<u>163,642</u>	<u>43,642</u>
EXPENDITURES						
Current						
General government	-	-	-	-	-	-
Protection of persons and property	-	-	-	-	-	-
Public works	-	-	-	-	-	-
Library	-	-	-	-	-	-
Parks and recreation	-	-	-	-	-	-
Conservation and development	8,000	32,928	(24,928)	85,413	45,509	39,904
Debt Service - interest and fiscal charges	-	-	-	-	-	-
Capital Outlay	-	-	-	-	-	-
Total Expenditures	<u>8,000</u>	<u>32,928</u>	<u>(24,928)</u>	<u>85,413</u>	<u>45,509</u>	<u>39,904</u>
Excess (deficiency) of revenues over expenditures	<u>1,000</u>	<u>(22,158)</u>	<u>(23,158)</u>	<u>34,587</u>	<u>118,133</u>	<u>83,546</u>
OTHER FINANCING SOURCES (USES)						
Long-term debt issued	-	-	-	-	-	-
Transfers in	-	-	-	-	-	-
Transfers out	-	-	-	-	-	-
Total Other Financing Sources (Uses)	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Net Change in Fund Balances	1,000	(22,158)	(23,158)	34,587	118,133	83,546
FUND BALANCES (DEFICIT) - Beginning of Year	<u>65,776</u>	<u>65,776</u>	<u>-</u>	<u>46,389</u>	<u>46,389</u>	<u>-</u>
FUND BALANCES - END OF YEAR	<u>\$ 66,776</u>	<u>\$ 43,618</u>	<u>\$ (23,158)</u>	<u>\$ 80,976</u>	<u>\$ 164,522</u>	<u>\$ 83,546</u>

CITY OF NEW BERLIN

NONMAJOR GOVERNMENTAL FUNDS SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL

For the Year Ended December 31, 2022

	Special Revenue Fund					
	Tax Increment District Fund			Grant Fund		
	Original and Final Budgeted Amounts	Actual	Variance with Final Budget Positive (Negative)	Original and Final Budgeted Amounts	Actual	Variance with Final Budget Positive (Negative)
REVENUES						
Property taxes	\$ 373,259	\$ 534,958	\$ 161,699	\$ -	\$ -	\$ -
Room taxes	-	-	-	-	-	-
Intergovernmental	-	-	-	3,000	389,913	386,913
Public charges for services	-	-	-	-	-	-
Public improvement revenues	-	-	-	-	-	-
Special assessments	-	-	-	-	-	-
Investment income	1,400	4,863	3,463	-	-	-
Miscellaneous revenues	-	4,844	4,844	-	7,000	7,000
Total Revenues	<u>374,659</u>	<u>544,665</u>	<u>170,006</u>	<u>3,000</u>	<u>396,913</u>	<u>393,913</u>
EXPENDITURES						
Current						
General government	300	16,800	(16,500)	-	124,616	(124,616)
Protection of persons and property	-	-	-	3,000	15,222	(12,222)
Public works	726,500	-	726,500	-	1,889	(1,889)
Library	-	-	-	-	-	-
Parks and recreation	-	-	-	-	3,681	(3,681)
Conservation and development	-	-	-	-	-	-
Debt Service - interest and fiscal charges	-	6,804	(6,804)	-	-	-
Capital Outlay	-	1,386,396	(1,386,396)	-	251,505	(251,505)
Total Expenditures	<u>726,800</u>	<u>1,410,000</u>	<u>(683,200)</u>	<u>3,000</u>	<u>396,913</u>	<u>(393,913)</u>
Excess (deficiency) of revenues over expenditures	<u>(352,141)</u>	<u>(865,335)</u>	<u>(513,194)</u>	<u>-</u>	<u>-</u>	<u>-</u>
OTHER FINANCING SOURCES (USES)						
Long-term debt issued	-	405,000	405,000	-	-	-
Premium on bond issued	-	16,525	16,525	-	-	-
Transfers in	-	-	-	-	-	-
Transfers out	(422,057)	(248,528)	173,529	-	-	-
Total Other Financing Sources (Uses)	<u>(422,057)</u>	<u>172,997</u>	<u>595,054</u>	<u>-</u>	<u>-</u>	<u>-</u>
Net Change in Fund Balances	(774,198)	(692,338)	81,860	-	-	-
FUND BALANCES (DEFICIT) -						
Beginning of Year	<u>153,963</u>	<u>153,963</u>	<u>-</u>	<u>1,106</u>	<u>1,106</u>	<u>-</u>
FUND BALANCES -						
END OF YEAR	<u>\$ (620,235)</u>	<u>\$ (538,375)</u>	<u>\$ 81,860</u>	<u>\$ 1,106</u>	<u>\$ 1,106</u>	<u>\$ -</u>

CITY OF NEW BERLIN

NONMAJOR GOVERNMENTAL FUNDS SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL

For the Year Ended December 31, 2022

	Special Revenue Fund					
	Library Fund			Garbage/Recycling Fund		
	Original and Final Budgeted Amounts	Actual	Variance with Final Budget Positive (Negative)	Original and Final Budgeted Amounts	Actual	Variance with Final Budget Positive (Negative)
REVENUES						
Property taxes	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Room taxes	-	-	-	-	-	-
Intergovernmental	-	-	-	-	-	-
Public charges for services	-	-	-	1,772,000	1,775,160	3,160
Public improvement revenues	-	-	-	-	-	-
Special assessments	-	-	-	-	-	-
Investment income	-	-	-	-	-	-
Miscellaneous revenues	12,000	39,513	27,513	-	-	-
Total Revenues	12,000	39,513	27,513	1,772,000	1,775,160	3,160
EXPENDITURES						
Current						
General government	-	-	-	-	-	-
Protection of persons and property	-	-	-	-	-	-
Public works	-	-	-	1,763,725	2,033,510	(269,785)
Library	12,000	13,843	(1,843)	-	-	-
Parks and recreation	-	-	-	-	-	-
Conservation and development	-	-	-	-	-	-
Debt Service - interest and fiscal charges	-	-	-	-	-	-
Capital Outlay	-	-	-	-	-	-
Total Expenditures	12,000	13,843	(1,843)	1,763,725	2,033,510	(269,785)
Excess (deficiency) of revenues over expenditures	-	25,670	25,670	8,275	(258,350)	(266,625)
OTHER FINANCING SOURCES (USES)						
Long-term debt issued	-	-	-	-	-	-
Transfers in	-	-	-	-	-	-
Transfers out	-	-	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-	-	-
Net Change in Fund Balances	-	25,670	25,670	8,275	(258,350)	(266,625)
FUND BALANCES (DEFICIT)-						
Beginning of Year	38,295	38,295	-	1,460,903	1,460,903	-
FUND BALANCES -						
END OF YEAR	\$ 38,295	\$ 63,965	\$ 25,670	\$ 1,469,178	\$ 1,202,553	\$ (266,625)

CITY OF NEW BERLIN

NONMAJOR GOVERNMENTAL FUNDS SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL

For the Year Ended December 31, 2022

	Capital Projects Funds					
	Equipment Fund			Equipment Replacement Fund		
	Original and Final Budgeted Amounts	Actual	Variance with Final Budget Positive (Negative)	Original and Final Budgeted Amounts	Actual	Variance with Final Budget Positive (Negative)
REVENUES						
Property taxes	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Room taxes	-	-	-	-	-	-
Intergovernmental	-	107,900	107,900	-	-	-
Public charges for services	-	-	-	-	-	-
Public improvement revenues	-	-	-	-	-	-
Special assessments	-	-	-	-	-	-
Investment income	2,800	8,504	5,704	-	-	-
Miscellaneous revenues	-	-	-	-	39,000	39,000
Total Revenues	<u>2,800</u>	<u>116,404</u>	<u>113,604</u>	<u>-</u>	<u>39,000</u>	<u>39,000</u>
EXPENDITURES						
Current						
General government	-	4,800	(4,800)	-	1,258	(1,258)
Protection of persons and property	-	-	-	-	27,880	(27,880)
Public works	-	-	-	-	-	-
Library	-	-	-	-	4,411	(4,411)
Parks and recreation	-	-	-	-	21,402	(21,402)
Conservation and development	-	-	-	-	-	-
Debt Service - interest and fiscal charges	-	-	-	-	-	-
Capital Outlay	-	-	-	336,414	206,712	129,702
Total Expenditures	<u>-</u>	<u>4,800</u>	<u>(4,800)</u>	<u>336,414</u>	<u>261,663</u>	<u>74,751</u>
Excess (deficiency) of revenues over expenditures	<u>2,800</u>	<u>111,604</u>	<u>108,804</u>	<u>(336,414)</u>	<u>(222,663)</u>	<u>113,751</u>
OTHER FINANCING SOURCES (USES)						
Long-term debt issued	-	-	-	-	-	-
Premium on bond issued	-	-	-	-	-	-
Transfers in	-	-	-	300,000	341,414	41,414
Transfers out	-	-	-	-	-	-
Total Other Financing Sources (Uses)	<u>-</u>	<u>-</u>	<u>-</u>	<u>300,000</u>	<u>341,414</u>	<u>41,414</u>
Net Change in Fund Balances	2,800	111,604	108,804	(36,414)	118,751	155,165
FUND BALANCES (DEFICIT)-						
Beginning of Year	<u>779,011</u>	<u>779,011</u>	<u>-</u>	<u>232,928</u>	<u>232,928</u>	<u>-</u>
FUND BALANCES - END OF YEAR	<u>\$ 781,811</u>	<u>\$ 890,615</u>	<u>\$ 108,804</u>	<u>\$ 196,514</u>	<u>\$ 351,679</u>	<u>\$ 155,165</u>

CITY OF NEW BERLIN

NONMAJOR GOVERNMENTAL FUNDS SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL

For the Year Ended December 31, 2022

	Total		
	Original and Final Budgeted Amounts	Actual	Variance with Final Budget Positive (Negative)
REVENUES			
Property taxes	\$ 373,259	\$ 534,958	\$ 161,699
Room taxes	237,053	255,870	18,817
Intergovernmental	27,800	602,096	574,296
Public charges for services	1,772,000	1,775,160	3,160
Public improvement revenues	48,500	91,799	43,299
Special assessments	-	-	-
Investment income	11,425	51,546	40,121
Miscellaneous revenues	460,700	666,343	205,643
Total Revenues	<u>2,930,737</u>	<u>3,977,772</u>	<u>1,047,035</u>
EXPENDITURES			
Current			
General government	31,300	162,510	(131,210)
Protection of persons and property	67,250	178,423	(111,173)
Public works	2,490,225	2,050,404	439,821
Library	12,000	18,254	(6,254)
Parks and recreation	156,046	220,662	(64,616)
Conservation and development	103,413	120,838	(17,425)
Debt Service - interest and fiscal charges	-	6,804	(6,804)
Capital Outlay	356,414	1,891,490	(1,535,076)
Total Expenditures	<u>3,216,648</u>	<u>4,649,385</u>	<u>(1,432,737)</u>
Excess (deficiency) of revenues over expenditures	<u>(285,911)</u>	<u>(671,613)</u>	<u>(385,702)</u>
OTHER FINANCING SOURCES (USES)			
Long-term debt issued	-	405,000	405,000
Premium on bond issued	-	16,525	16,525
Transfers in	300,000	341,414	41,414
Transfers out	(679,007)	(504,356)	174,651
Total Other Financing Sources (Uses)	<u>(379,007)</u>	<u>258,583</u>	<u>637,590</u>
Net Change in Fund Balances	(664,918)	(413,030)	251,888
FUND BALANCES -			
Beginning of Year	<u>7,672,657</u>	<u>7,672,657</u>	<u>-</u>
FUND BALANCES -			
END OF YEAR	<u>\$ 7,007,739</u>	<u>\$ 7,259,627</u>	<u>\$ 251,888</u>

CITY OF NEW BERLIN

GENERAL FUND DETAILED SCHEDULE OF REVENUES - BUDGET AND ACTUAL For the Year Ended December 31, 2022

	Budgeted Amounts		Actual	Variance with Final Budget Positive (Negative)
	Original	Final		
TAXES				
General property taxes	\$ 21,481,700	\$ 21,481,700	\$ 21,481,700	\$ -
Payment in lieu of taxes	15,300	15,300	16,409	1,109
Omitted taxes			2,368	2,368
Interest and penalties on taxes	80,000	80,000	68,252	(11,748)
TOTAL TAXES	21,577,000	21,577,000	21,568,729	(8,271)
INTERGOVERNMENTAL				
State shared revenues				
Per capita	556,162	556,162	542,953	(13,209)
Special utility	159,792	159,792	175,244	15,452
Exempt computer aid	150,089	150,089	150,089	-
Video Service Provider	117,700	117,700	117,681	(19)
Personal Property Tax	365,004	365,004	365,004	-
Medical care transport	1,000	1,000	14,196	13,196
Fire Insurance - dues distribution	239,361	239,361	250,648	11,287
Federal grants	1,542,127	1,542,127	1,542,127	-
State grants			1,488	1,488
State grants - transportation aids	2,023,216	2,023,216	2,017,809	(5,407)
New Berlin School District	117,402	117,402	117,402	-
TOTAL INTERGOVERNMENTAL	5,271,853	5,271,853	5,294,641	22,788
LICENSES AND PERMITS				
Licenses				
Beer and liquor	36,905	36,905	35,193	(1,712)
Bartenders	19,600	19,600	16,670	(2,930)
Sealer of weights	8,125	8,125	7,625	(500)
Sundry	25,230	25,230	31,829	6,599
Permits				
Building	350,000	350,000	507,783	157,783
Electrical	125,000	125,000	134,424	9,424
Plumbing	90,000	90,000	70,879	(19,121)

CITY OF NEW BERLIN

GENERAL FUND DETAILED SCHEDULE OF REVENUES - BUDGET AND ACTUAL (cont.) For the Year Ended December 31, 2022

	Budgeted Amounts		Actual	Variance with Final Budget Positive (Negative)
	Original	Final		
LICENSES AND PERMITS (cont.)				
Permits (cont.)				
Sign	\$ 4,450	\$ 4,450	\$ 11,463	\$ 7,013
Fire Department	30,000	30,000	33,001	3,001
Sundry	82,000	82,000	124,478	42,478
Cable television fees	412,300	412,300	476,091	63,791
TOTAL LICENSES AND PERMITS	1,183,610	1,183,610	1,449,436	265,826
FINES, FORFEITURES AND PENALTIES				
Court fines	320,000	320,000	304,270	(15,730)
PUBLIC CHARGES FOR SERVICES				
General government				
Special assessment written reports	5,000	5,000	7,662	2,662
Sale of computer information	450	450	300	(150)
Workers' compensation dividend	17,150	17,150	95,662	78,512
Wage Reimbursement - Workers comp			6,117	6,117
CVMIC dividend	22,073	22,073	29,085	7,012
Health and social service				
Dog licenses	4,650	4,650	6,905	2,255
Dog license refund	3,200	3,200	3,097	(103)
Cat licenses	875	875	785	(90)
Protection of persons and property				
Miscellaneous police revenue	40,000	40,000	77,705	37,705
Fire Department fees	134,500	134,500	133,932	(568)
Miscellaneous fire revenue			184	184
Engine response fee	10,000	10,000	4,992	(5,008)
Interfacility Transport	250,000	250,000	61,560	(188,440)
Ambulance fees	1,250,000	1,250,000	1,214,283	(35,717)
Public works				
Highway Department labor charges	25,000	25,000	10,200	(14,800)
Engineering services fees	25,550	25,550	18,275	(7,275)
Curb and ditch	1,500	1,500	1,425	(75)
Erosion Control Fee	5,000	5,000	13,986	8,986
Weed cutting	1,000	1,000	-	(1,000)
Leisure activities				
Park and recreation	392,800	392,800	407,725	14,925

CITY OF NEW BERLIN

GENERAL FUND DETAILED SCHEDULE OF REVENUES - BUDGET AND ACTUAL (cont.) For the Year Ended December 31, 2022

	Budgeted Amounts		Actual	Variance with Final Budget Positive (Negative)
	Original	Final		
PUBLIC CHARGES FOR SERVICES (cont.)				
Library Fees	\$ 67,850	\$ 67,850	\$ 57,896	\$ (9,954)
Planning Commission	47,850	47,850	42,572	(5,278)
Planning Service fees	36,000	36,000	15,722	(20,278)
Filing Fee	8,750	8,750	9,350	600
Board of Appeals	800	800	1,600	800
TOTAL PUBLIC CHARGES FOR SERVICES	<u>2,349,998</u>	<u>2,349,998</u>	<u>2,221,020</u>	<u>(128,978)</u>
INTERDEPARTMENTAL				
Administrative charges -				
Garbage/Recycling Fund	144,725	144,725	144,725	-
Tourism Fund	-	-	1,384	1,384
Water, Wastewater, Water Resource Utilities	<u>439,874</u>	<u>439,874</u>	<u>413,712</u>	<u>(26,162)</u>
TOTAL INTERDEPARTMENTAL	<u>584,599</u>	<u>584,599</u>	<u>559,821</u>	<u>(24,778)</u>
INVESTMENT INCOME				
Interest Income	210,000	210,000	673,991	463,991
Unrealized gain (loss)	<u>-</u>	<u>-</u>	<u>(508,878)</u>	<u>(508,878)</u>
TOTAL INVESTMENT INCOME	<u>210,000</u>	<u>210,000</u>	<u>165,113</u>	<u>(44,887)</u>
MISCELLANEOUS REVENUES				
Tower rental	164,000	164,000	154,015	(9,985)
Miscellaneous	<u>50,000</u>	<u>50,000</u>	<u>52,164</u>	<u>2,164</u>
TOTAL MISCELLANEOUS REVENUES	<u>214,000</u>	<u>214,000</u>	<u>206,179</u>	<u>(7,821)</u>
TOTAL REVENUES	<u>\$ 31,711,060</u>	<u>\$ 31,711,060</u>	<u>\$ 31,769,209</u>	<u>\$ 58,149</u>

CITY OF NEW BERLIN

GENERAL FUND DETAILED SCHEDULE OF EXPENDITURES - BUDGET AND ACTUAL (NON - GAAP) For the Year Ended December 31, 2022

	Budgeted Amounts		Actual	Variance with Final Budget Positive (Negative)
	Original	Final		
GENERAL GOVERNMENT				
Mayor's office	\$ 253,626	\$ 253,626	\$ 266,684	\$ (13,058)
Common Council	88,641	88,641	88,536	105
Customer Service Committee	1,500	1,500	520	980
Human Resources	659,170	659,170	655,274	3,896
Finance	488,938	488,938	512,361	(23,423)
Assessor	463,644	463,644	463,772	(128)
City Attorney	303,300	303,300	312,048	(8,748)
Municipal Court	183,793	183,793	175,703	8,090
Crime prevention	7,000	7,000	6,997	3
Engineering	508,549	508,549	466,328	42,221
Facilities Management	1,328,397	1,328,397	1,349,611	(21,214)
Insurance	743,666	743,666	793,468	(49,802)
City Clerk	716,080	716,080	639,349	76,731
Information Technology	1,328,376	1,328,376	1,159,033	169,343
TOTAL GENERAL GOVERNMENT	7,074,680	7,074,680	6,889,684	184,996
PROTECTION OF PERSONS AND PROPERTY				
Police and Fire Commission	22,000	22,000	33,397	(11,397)
Police Department	11,033,141	11,033,141	10,440,607	592,534
Fire Department	6,010,004	6,010,004	6,001,760	8,244
Emergency government	97,417	97,417	83,296	14,121
Hydrant rental	705,893	705,893	705,893	-
Inspection Department	626,816	626,816	605,963	20,853
Sealer of weights and measures	7,200	7,200	7,200	-
Landmarks	2,000	2,000	1,275	725
TOTAL PROTECTION OF PERSONS AND PROPERTY	18,504,471	18,504,471	17,879,391	625,080
HIGHWAY AND TRANSPORTATION	3,485,212	3,685,212	3,597,611	87,601

CITY OF NEW BERLIN

GENERAL FUND DETAILED SCHEDULE OF EXPENDITURES - BUDGET AND ACTUAL (NON - GAAP) (cont.) For the Year Ended December 31, 2022

	Budgeted Amounts		Actual	Variance with Final Budget Positive (Negative)
	Original	Final		
LIBRARY	<u>\$ 1,579,035</u>	<u>\$ 1,579,035</u>	<u>\$ 1,543,056</u>	<u>\$ 35,979</u>
PARKS AND RECREATION				
Parks	940,481	940,481	885,600	54,881
Recreation	600,750	600,750	702,847	(102,097)
Athletic	29,888	29,888	28,635	1,253
4th of July	<u>20,000</u>	<u>20,000</u>	<u>20,000</u>	<u>-</u>
TOTAL PARKS AND RECREATION	<u>1,591,119</u>	<u>1,591,119</u>	<u>1,637,082</u>	<u>(45,963)</u>
CONSERVATION AND DEVELOPMENT				
Community Development	378,294	378,294	377,396	898
Planning	<u>366,835</u>	<u>366,835</u>	<u>344,233</u>	<u>22,602</u>
TOTAL CONSERVATION AND DEVELOPMENT	<u>745,129</u>	<u>745,129</u>	<u>721,629</u>	<u>23,500</u>
CONTINGENCY	<u>300,000</u>	<u>100,000</u>	<u>-</u>	<u>100,000</u>
TOTAL EXPENDITURES	<u>\$ 33,279,646</u>	<u>\$ 33,279,646</u>	<u>\$ 32,268,453</u>	<u>\$ 1,011,193</u>

CITY OF NEW BERLIN

DEBT SERVICE FUNDS SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES - BUDGET AND ACTUAL GENERAL DEBT SERVICE FUND For the Year Ended December 31, 2022

	Original and Final Budgeted Amounts	Actual	Variance with Final Budget Positive (Negative)
REVENUES			
Taxes	\$ 8,266,431	\$ 8,266,431	\$ -
Room taxes		117,054	117,054
School District payment	78,110	78,110	-
Total Revenues	<u>8,344,541</u>	<u>8,461,595</u>	<u>117,054</u>
EXPENDITURES			
Debt Service			
Principal retirement	6,949,881	7,124,881	(175,000)
Interest and fiscal charges	2,072,545	2,103,887	(31,342)
Total Expenditures	<u>9,022,426</u>	<u>9,228,768</u>	<u>(206,342)</u>
Excess (Deficiency) of Revenues Over Expenditures	<u>(677,885)</u>	<u>(767,173)</u>	<u>(89,288)</u>
OTHER FINANCING SOURCES			
Refunding debt issued	-	13,865,000	13,865,000
Premium on bond issued	-	681,539	681,539
Transfers in	369,356	369,356	-
Total Other Financing Sources	<u>369,356</u>	<u>14,915,895</u>	<u>14,546,539</u>
Net Change in Fund Balances	(308,529)	14,148,722	<u>\$ 14,457,251</u>
FUND BALANCES - Beginning of Year	<u>1,113,847</u>	<u>1,113,847</u>	
FUND BALANCES - END OF YEAR	<u>\$ 805,318</u>	<u>\$ 15,262,569</u>	

CITY OF NEW BERLIN

CAPITAL ASSETS USED IN THE OPERATION OF GOVERNMENTAL FUNDS SCHEDULE BY FUNCTION AND ACTIVITY As of December 31, 2022

Function and Activity	Land	Land Improvements	Buildings	Machinery and Equipment	Infrastructure	Intangibles	Total
General Government							
Clerk	\$ -	\$ -	\$ -	\$ 305,790	\$ -	\$ -	\$ 305,790
Information services	-	-	-	2,084,995	-	1,367,008	3,452,003
Building maintenance	280,000	-	3,095,217	1,715,970	-	-	5,091,187
Other - unclassified	136,050	9,878	-	270,567	-	-	416,495
Total General Government	416,050	9,878	3,095,217	4,377,322	-	1,367,008	9,265,475
Protection of Persons and Property							
Police	-	12,304	7,295,204	4,530,547	-	361,763	12,199,818
Fire	237,168	100,919	4,702,996	7,231,357	-	-	12,272,440
Emergency government	-	-	-	448,189	-	-	448,189
Total Public Safety	237,168	113,223	11,998,200	12,210,093	-	361,763	24,920,447
Highway and Transportation							
Maintenance	-	-	5,859,997	8,493,945	-	-	14,353,942
Sidewalks/Bikepaths	-	-	-	-	4,013,213	-	4,013,213
Street system	9,565,553	-	-	1,009,896	105,906,953	-	116,482,402
Total Streets	9,565,553	-	5,859,997	9,503,841	109,920,166	-	134,849,557
Library	849,336	5,193	8,936,592	2,877,645	-	-	12,668,766
Parks and Recreation	7,253,499	5,020,331	12,561,783	4,164,820	-	30,000	29,030,433
Total Governmental Funds Capital Assets	\$ 18,321,606	\$ 5,148,625	\$ 42,451,789	\$ 33,133,721	\$ 109,920,166	\$ 1,758,771	\$ 210,734,678

CITY OF NEW BERLIN

CAPITAL ASSETS USED IN THE OPERATION OF GOVERNMENTAL FUNDS SCHEDULE OF CHANGES BY FUNCTION AND ACTIVITY As of December 31, 2022

Function and Activity	Governmental Funds Capital Assets January 1, 2022	Additions	Deductions	Governmental Funds Capital Assets December 31, 2022
General Government				
Clerk	\$ 304,111	\$ 63,339	\$ 61,660	\$ 305,790
Information services	3,460,966	103,511	112,474	3,452,003
Building maintenance	4,775,542	315,645		5,091,187
Other - unclassified	461,601	-	45,106	416,495
Total General Government	<u>9,002,220</u>	<u>482,495</u>	<u>219,240</u>	<u>9,265,475</u>
Protection of Persons and Property				
Police	12,046,327	248,928	95,437	12,199,818
Fire	11,902,476	369,964		12,272,440
Emergency government	448,189	-	-	448,189
Total Public Safety	<u>24,396,992</u>	<u>618,892</u>	<u>95,437</u>	<u>24,920,447</u>
Highway and Transportation				
Maintenance	9,915,275	4,438,667	-	14,353,942
Sidewalks/Bikepaths	3,906,172	107,041	-	4,013,213
Street system	114,280,656	2,326,230	124,484	116,482,402
Total Streets	<u>128,102,103</u>	<u>6,871,938</u>	<u>124,484</u>	<u>134,849,557</u>
Library	<u>12,620,048</u>	<u>221,601</u>	<u>172,883</u>	<u>12,668,766</u>
Parks and Recreation	<u>23,547,152</u>	<u>5,519,748</u>	<u>36,467</u>	<u>29,030,433</u>
Total Governmental Funds Capital Assets	<u>\$ 197,668,515</u>	<u>\$ 13,714,674</u>	<u>\$ 648,511</u>	<u>\$ 210,734,678</u>

STATISTICAL SECTION

Table 1
City of New Berlin
Net Position by Component
Last Ten Years
(amounts expressed in thousands)

	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Governmental Activities										
Net investment in capital assets*	\$ 34,432	\$ 36,115	\$ 33,153	\$ 31,315	\$ 31,448	\$ 32,615	\$ 32,403	\$ 33,608	\$ 33,914	\$ 22,268
Restricted	6,680	6,415	9,571	7,185	7,763	11,021	7,516	11,808	16,090	32,947
Unrestricted	<u>3,644</u>	<u>3,904</u>	<u>8,464</u>	<u>10,688</u>	<u>7,761</u>	<u>4,393</u>	<u>7,463</u>	<u>(69)</u>	<u>(1,549)</u>	<u>(2,235)</u>
Total governmental activities net position	<u>\$ 44,756</u>	<u>\$ 46,434</u>	<u>\$ 51,188</u>	<u>\$ 49,188</u>	<u>\$ 46,972</u>	<u>\$ 48,029</u>	<u>\$ 47,382</u>	<u>\$ 45,347</u>	<u>\$ 48,455</u>	<u>\$ 52,980</u>
Business-type activities										
Net investment in capital assets*	\$ 94,486	\$ 97,213	\$ 98,177	\$ 98,771	\$ 100,030	\$ 103,541	\$ 104,711	\$ 103,011	\$ 103,273	\$ 105,090
Restricted	690	701	889	713	720	833	588	655	885	1,025
Unrestricted	<u>25,384</u>	<u>27,645</u>	<u>28,003</u>	<u>30,535</u>	<u>31,976</u>	<u>31,113</u>	<u>32,910</u>	<u>36,506</u>	<u>38,915</u>	<u>38,666</u>
Total business-type activities net position	<u>\$ 120,560</u>	<u>\$ 125,559</u>	<u>\$ 127,069</u>	<u>\$ 130,019</u>	<u>\$ 132,726</u>	<u>\$ 135,487</u>	<u>\$ 138,209</u>	<u>\$ 140,172</u>	<u>\$ 143,073</u>	<u>\$ 144,781</u>
Primary government										
Net investment in capital assets*	\$ 128,918	\$ 133,328	\$ 131,330	\$ 130,086	\$ 131,478	\$ 136,156	\$ 137,114	\$ 136,619	\$ 137,187	\$ 127,358
Restricted	7,370	7,116	10,460	7,898	8,483	11,854	8,104	12,463	16,975	33,972
Unrestricted	<u>29,028</u>	<u>31,549</u>	<u>36,467</u>	<u>41,223</u>	<u>39,737</u>	<u>35,506</u>	<u>40,373</u>	<u>36,437</u>	<u>37,366</u>	<u>36,431</u>
Total primary government net position	<u>\$ 165,316</u>	<u>\$ 171,993</u>	<u>\$ 178,257</u>	<u>\$ 179,207</u>	<u>\$ 179,698</u>	<u>\$ 183,516</u>	<u>\$ 185,591</u>	<u>\$ 185,519</u>	<u>\$ 191,528</u>	<u>\$ 197,761</u>

*Net of related debt

Table 2
City of New Berlin
Changes in Net Position
Last Ten Years
(amounts expressed in thousands)

	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Expenses										
Governmental activities:										
General government	\$ 6,823	\$ 6,433	\$ 6,356	\$ 6,635	\$ 6,736	\$ 6,415	\$ 6,636	\$ 8,454	\$ 5,587	\$ 6,944
Protection of persons and property	15,181	14,592	14,838	15,975	17,457	17,126	18,403	18,008	16,667	16,519
Highway and transportation	8,689	8,500	11,145	10,190	9,309	8,873	9,249	9,947	9,681	10,523
Library	1,599	1,494	1,466	1,629	1,706	1,715	1,720	1,818	1,672	1,658
Parks and recreation	1,786	1,859	1,799	1,897	2,074	1,932	2,233	1,978	2,097	2,693
Conservation and development	673	685	744	799	820	801	824	1,010	666	816
Interest and fiscal charges	<u>1,529</u>	<u>902</u>	<u>946</u>	<u>922</u>	<u>937</u>	<u>980</u>	<u>1,092</u>	<u>1,080</u>	<u>1,222</u>	<u>1,475</u>
Total governmental activities expenses	<u>36,280</u>	<u>34,465</u>	<u>37,294</u>	<u>38,047</u>	<u>39,039</u>	<u>37,842</u>	<u>40,157</u>	<u>42,295</u>	<u>37,592</u>	<u>40,628</u>
Business type activities:										
Water	4,059	4,104	4,673	4,171	4,240	4,486	4,334	4,391	4,507	4,435
Wastewater	9,833	9,439	10,384	10,157	10,340	11,804	10,615	10,116	10,115	10,630
Stormwater	<u>2,527</u>	<u>1,494</u>	<u>1,352</u>	<u>1,787</u>	<u>1,507</u>	<u>1,597</u>	<u>1,536</u>	<u>1,470</u>	<u>1,571</u>	<u>1,591</u>
Total business type activities expenses:	<u>16,419</u>	<u>15,037</u>	<u>16,409</u>	<u>16,115</u>	<u>16,087</u>	<u>17,887</u>	<u>16,485</u>	<u>15,977</u>	<u>16,193</u>	<u>16,656</u>
Total primary government expenses	<u>\$ 52,699</u>	<u>\$ 49,502</u>	<u>\$ 53,703</u>	<u>\$ 54,162</u>	<u>\$ 55,126</u>	<u>\$ 55,729</u>	<u>\$ 56,642</u>	<u>\$ 58,272</u>	<u>\$ 53,785</u>	<u>\$ 57,284</u>
Program Revenues										
Governmental activities:										
Charges for services:										
General government	\$ 926	\$ 941	\$ 996	\$ 957	\$ 932	\$ 989	\$ 1,031	\$ 878	\$ 926	\$ 864
Protection of persons and property	2,191	2,185	2,263	2,480	2,809	3,065	2,791	2,787	2,773	2,673
Highway and transportation	458	346	1,644	2,163	1,925	2,255	2,235	2,246	2,427	2,291
Library	96	95	77	95	92	114	113	67	90	98
Parks and recreation	896	874	841	823	705	622	680	369	805	828
Conservation and development	146	126	122	120	139	107	113	88	124	91
Operating grants and contributions	2,101	2,206	2,537	2,769	2,736	2,938	3,114	4,027	3,309	4,756
Capital grants and contributions	<u>801</u>	<u>4,502</u>	<u>307</u>	<u>650</u>	<u>330</u>	<u>1,175</u>	<u>817</u>	<u>59</u>	<u>408</u>	<u>636</u>
Total governmental activities program revenues	<u>7,615</u>	<u>11,275</u>	<u>8,787</u>	<u>10,057</u>	<u>9,668</u>	<u>11,265</u>	<u>10,894</u>	<u>10,521</u>	<u>10,862</u>	<u>12,237</u>

Business type activities:

Charges for services:

Water	\$ 5,200	\$ 5,144	\$ 5,273	\$ 5,327	\$ 5,188	\$ 5,269	\$ 5,179	\$ 5,328	\$ 5,445	\$ 5,312
Wastewater	9,473	9,395	10,400	10,395	10,311	11,031	11,138	11,119	11,256	11,226
Stormwater	1,693	1,672	1,709	1,726	1,743	1,746	1,748	1,742	1,767	1,780
Operating grants and contributions	460	10	238	293	-	765	176	286	83	-
Capital grants and contributions	<u>439</u>	<u>2,270</u>	<u>272</u>	<u>291</u>	<u>2,146</u>	<u>1,206</u>	<u>450</u>	<u>7</u>	<u>479</u>	<u>231</u>
Total business-type activities program revenues	<u>17,265</u>	<u>18,491</u>	<u>17,892</u>	<u>18,032</u>	<u>19,388</u>	<u>20,017</u>	<u>18,691</u>	<u>18,482</u>	<u>19,030</u>	<u>18,549</u>
Total primary government program revenues	<u>\$ 24,880</u>	<u>\$ 29,766</u>	<u>\$ 26,679</u>	<u>\$ 28,089</u>	<u>\$ 29,056</u>	<u>\$ 31,282</u>	<u>\$ 29,585</u>	<u>\$ 29,003</u>	<u>\$ 29,892</u>	<u>\$ 30,786</u>

Net (Expense)/Revenue

Governmental activities	\$ (28,665)	\$ (23,190)	\$ (28,507)	\$ (27,990)	\$ (29,371)	\$ (26,577)	\$ (29,263)	\$ (31,774)	\$ (26,730)	\$ (28,391)
Business type activities	<u>846</u>	<u>3,454</u>	<u>1,483</u>	<u>1,917</u>	<u>3,301</u>	<u>2,130</u>	<u>2,206</u>	<u>2,505</u>	<u>2,837</u>	<u>1,893</u>
Total primary government net expense	<u>\$ (27,819)</u>	<u>\$ (19,736)</u>	<u>\$ (27,024)</u>	<u>\$ (26,073)</u>	<u>\$ (26,070)</u>	<u>\$ (24,447)</u>	<u>\$ (27,057)</u>	<u>\$ (29,269)</u>	<u>\$ (23,893)</u>	<u>\$ (26,498)</u>

General Revenues and Other Changes in Net Position

Governmental activities:

Taxes

Property taxes	\$ 24,221	\$ 24,436	\$ 24,681	\$ 24,968	\$ 25,251	\$ 25,550	\$ 25,675	\$ 26,592	\$ 28,304	\$ 30,400
Other taxes	390	422	414	443	435	361	395	493	319	343
Intergovernmental revenues	955	998	1,020	1,026	1,221	897	1,200	1,402	1,178	1,216
Investment earnings (loss)	(7)	163	108	206	386	843	1,218	405	(42)	254
Miscellaneous	225	132	117	134	105	135	106	81	111	141
Transfers	<u>(223)</u>	<u>(1,283)</u>	<u>582</u>	<u>(787)</u>	<u>783</u>	<u>(153)</u>	<u>23</u>	<u>766</u>	<u>(32)</u>	<u>562</u>
Total Governmental activities	<u>25,561</u>	<u>24,868</u>	<u>26,922</u>	<u>25,990</u>	<u>28,181</u>	<u>27,633</u>	<u>28,617</u>	<u>29,739</u>	<u>29,838</u>	<u>32,916</u>
Business type activities:										
Investment earnings	176	262	232	246	281	478	538	224	32	297
Miscellaneous	-	-	-	-	-	-	-	-	-	79
Transfers	<u>223</u>	<u>1,283</u>	<u>(582)</u>	<u>787</u>	<u>(783)</u>	<u>153</u>	<u>(23)</u>	<u>(766)</u>	<u>32</u>	<u>(562)</u>
Total business-type activities	<u>399</u>	<u>1,545</u>	<u>(350)</u>	<u>1,033</u>	<u>(502)</u>	<u>631</u>	<u>515</u>	<u>(542)</u>	<u>64</u>	<u>(186)</u>
Total primary government	<u>\$ 25,960</u>	<u>\$ 26,413</u>	<u>\$ 26,572</u>	<u>\$ 27,023</u>	<u>\$ 27,679</u>	<u>\$ 28,264</u>	<u>\$ 29,132</u>	<u>\$ 29,197</u>	<u>\$ 29,902</u>	<u>\$ 32,730</u>

Change in Net Position

Governmental activities	\$ (3,104)	\$ 1,678	\$ (1,585)	\$ (2,000)	\$ (1,190)	\$ 1,056	\$ (646)	\$ (2,035)	\$ 3,108	\$ 4,525
Business type activities	<u>1,245</u>	<u>4,999</u>	<u>1,133</u>	<u>2,950</u>	<u>2,799</u>	<u>2,761</u>	<u>2,721</u>	<u>1,963</u>	<u>2,901</u>	<u>1,707</u>
Total primary government	<u>\$ (1,859)</u>	<u>\$ 6,677</u>	<u>\$ (452)</u>	<u>\$ 950</u>	<u>\$ 1,609</u>	<u>\$ 3,817</u>	<u>\$ 2,075</u>	<u>\$ (72)</u>	<u>\$ 6,009</u>	<u>\$ 6,232</u>

Table 3
City of New Berlin
Fund Balances, Governmental Funds,
Last Ten Years
(amounts expressed in thousands)

	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
General Fund										
Nonspendable	\$ 326	\$ 81	\$ 50	\$ 117	\$ 67	\$ 343	\$ 306	\$ 59	\$ 677	\$ 479
Assigned	849	985	956	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Unassigned	<u>7,251</u>	<u>7,330</u>	<u>7,797</u>	<u>8,196</u>	<u>8,476</u>	<u>8,724</u>	<u>8,820</u>	<u>9,070</u>	<u>7,635</u>	<u>7,927</u>
Total general fund	<u>\$ 8,426</u>	<u>\$ 8,396</u>	<u>\$ 8,803</u>	<u>\$ 9,313</u>	<u>\$ 9,543</u>	<u>\$ 10,067</u>	<u>\$ 10,126</u>	<u>\$ 10,129</u>	<u>\$ 9,312</u>	<u>\$ 9,406</u>
All Other Governmental Funds										
Restricted	\$ 9,898	\$ 9,745	\$ 10,471	\$ 11,250	\$ 13,314	\$ 14,624	\$ 15,469	\$ 13,033	\$ 15,956	\$ 38,350
Committed	892	1,034	1,956	1,553	1,007	978	801	762	782	875
Assigned	324	332	382	313	337	340	486	604	233	352
Unassigned	<u>-</u>	<u>(2)</u>	<u>-</u>	<u>-</u>	<u>(8)</u>	<u>-</u>	<u>(40)</u>	<u>(10)</u>	<u>-</u>	<u>(538)</u>
Total all other governmental funds	<u>\$ 11,114</u>	<u>\$ 11,109</u>	<u>\$ 12,809</u>	<u>\$ 13,116</u>	<u>\$ 14,650</u>	<u>\$ 15,942</u>	<u>\$ 16,716</u>	<u>\$ 14,389</u>	<u>\$ 16,971</u>	<u>\$ 39,039</u>

Note: GASB #54 implemented in 2011.

Table 4
City of New Berlin
Changes in Fund Balances, Governmental Funds,
Last Ten Years
(amounts expressed in thousands)

	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
REVENUES										
Taxes	\$ 24,611	\$ 24,859	\$ 25,095	\$25,411	\$25,686	\$25,912	\$26,071	\$ 27,084	\$ 28,623	\$ 30,743
Intergovernmental	3,025	2,941	3,248	3,462	3,620	3,480	3,779	4,913	4,137	5,975
Licenses and permits	1,449	1,416	1,454	1,338	1,353	1,621	1,459	1,386	1,276	1,449
Fines and penalties	280	321	361	453	384	348	309	286	327	304
Charges for services	2,507	2,098	3,497	4,225	4,471	4,534	4,504	4,024	4,190	3,996
Public improvement revenues	224	55	101	26	340	260	66	69	39	92
Special assessments	8	1	1	1	1	1	-	-	-	-
Interdepartmental revenues	450	381	330	402	149	461	414	397	572	560
Investment income (loss)	(7)	163	108	206	386	843	1,218	406	(42)	266
Miscellaneous revenues	824	1,139	719	873	949	722	892	570	1,740	903
Total Revenues	<u>33,371</u>	<u>33,374</u>	<u>34,914</u>	<u>36,397</u>	<u>37,339</u>	<u>38,182</u>	<u>38,712</u>	<u>39,135</u>	<u>40,862</u>	<u>44,288</u>
EXPENDITURES										
General government	5,961	6,008	5,920	6,058	6,037	6,047	6,236	5,954	6,323	7,056
Protection of persons and property	14,273	14,032	14,239	14,617	15,631	16,030	16,565	16,994	17,931	17,944
Public Works	2,840	3,207	4,200	4,477	4,337	4,620	4,899	4,723	5,563	5,648
Library	1,424	1,363	1,373	1,424	1,498	1,553	1,519	1,623	1,537	1,561
Parks and recreation	1,377	1,496	1,400	1,445	1,467	1,391	1,609	1,293	1,515	1,858
Conservation and development	650	685	725	775	758	780	727	768	726	842
Capital outlay	11,986	7,427	7,050	8,353	7,851	8,098	8,119	12,942	18,607	14,958
Debt service										
Principal retirement	11,755	6,095	6,060	5,930	5,975	5,950	5,890	6,755	22,780	7,125
Interest and fiscal charges	1,387	1,189	1,226	1,204	1,185	1,205	1,302	1,292	1,371	2,177
Total Expenditures	<u>51,653</u>	<u>41,502</u>	<u>42,193</u>	<u>44,283</u>	<u>44,739</u>	<u>45,674</u>	<u>46,866</u>	<u>52,344</u>	<u>76,353</u>	<u>59,169</u>
Excess of revenues over (under) expenditures	<u>(18,282)</u>	<u>(8,128)</u>	<u>(7,279)</u>	<u>(7,886)</u>	<u>(7,400)</u>	<u>(7,492)</u>	<u>(8,154)</u>	<u>(13,209)</u>	<u>(35,491)</u>	<u>(14,881)</u>

**OTHER FINANCING
SOURCES (USES)**

Proceeds from long-term debt	\$ 5,810	\$ 6,954	\$ 8,230	\$ 7,735	\$ 8,215	\$ 9,060	\$ 8,095	\$ 9,815	\$ 20,805	\$ 21,795
Refunding debt issued	5,510	-	-	-	-	-	-	-	13,170	13,865
Premium on bond issue	398	294	244	167	161	164	102	195	2,228	698
Capital lease	-	-	72	-	63	-	-	110	343	-
Transfers in	1,254	1,673	1,534	1,393	1,477	1,515	1,410	1,508	1,673	1,531
Transfers out	(781)	(827)	(694)	(592)	(752)	(1,432)	(619)	(742)	(963)	(846)
Total other financing sources (uses)	<u>12,191</u>	<u>8,094</u>	<u>9,386</u>	<u>8,703</u>	<u>9,164</u>	<u>9,307</u>	<u>8,988</u>	<u>10,886</u>	<u>37,256</u>	<u>37,043</u>

Net change in fund balances	<u>\$ (6,091)</u>	<u>\$ (34)</u>	<u>\$ 2,107</u>	<u>\$ 817</u>	<u>\$ 1,764</u>	<u>\$ 1,815</u>	<u>\$ 834</u>	<u>\$ (2,323)</u>	<u>\$ 1,765</u>	<u>\$ 22,162</u>
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Debt service as a percentage of noncapital expenditures	33.1%	21.4%	20.7%	19.9%	19.4%	19.0%	18.6%	20.4%	41.8%	21.0%
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Table 5
City of New Berlin
Assessed Value and Estimated Actual Value of Taxable Property
Last Ten Years

(amounts expressed in thousands)

Year	Residential Property	Commercial Property	Manufacturing Property	Other Property	Personal Property	Total Taxable Assessed Value	Estimated Actual Taxable Value	Assessed Value as a Percentage of Actual Value	Total Direct Tax Rate
2013	\$ 3,116,776	\$ 984,096	\$ 174,888	\$ 13,737	\$ 143,464	\$ 4,432,961	\$ 4,523,920	97.99%	5.5124
2014	3,140,288	993,967	181,837	13,914	149,198	4,479,204	4,703,600	95.23%	5.5102
2015	3,359,201	1,047,565	197,897	15,346	144,184	4,764,193	4,808,728	99.07%	5.2408
2016	3,375,849	1,065,173	205,622	15,131	159,107	4,820,882	4,957,311	97.16%	5.2378
2017	3,399,510	1,087,933	196,725	14,940	154,307	4,853,415	5,186,500	93.58%	5.2644
2018	3,812,419	1,146,847	207,896	16,000	102,149	5,285,311	5,408,748	97.72%	4.8579
2019	3,856,282	1,163,578	201,424	16,272	94,213	5,331,769	5,714,406	93.30%	4.9990
2020	3,903,183	1,159,170	212,481	15,497	100,294	5,390,625	5,849,284	92.21%	5.1810
2021	3,942,882	1,176,737	199,345	15,792	83,521	5,418,277	6,270,870	86.36%	5.5232
2022	3,975,858	1,211,968	184,278	14,955	85,684	5,472,743	7,105,119	77.02%	5.9713

Source: New Berlin City Assessors Office

Note: State law requires average assessment ratios to be within 10% of market value once every 4 years. Additionally, state statutes require each taxation district to assess property at full value at least once in every 5 year period. The City Assessor's office has formulated a policy of conducting revaluations on a biennial basis.

Estimated actual value is calculated by dividing assessed value by those percentages. Tax rates are per \$1,000 of assessed value.

Table 6
City of New Berlin
Direct and Overlapping Property Tax Rates,
Last Ten Years

(rate per \$1,000 of assessed value)

Levy Year	City Direct Rates			Overlapping Rates				Total Gross Rate
	Basic Rate	General Obligation Debt Service	Total Direct	New Berlin School District	Waukesha County Technical College	Waukesha County	State of Wisconsin	
2013	4.0784	1.4340	5.5124	11.6508	1.3427	2.1889	0.1732	20.8679
2014	4.0561	1.4541	5.5102	11.9221	0.4086	2.1854	0.1782	20.2046
2015	3.8448	1.3960	5.2408	11.3358	0.3833	2.0608	0.1712	19.1919
2016	3.8546	1.3832	5.2378	11.4779	0.3788	2.0529	0.1745	19.3219
2017	3.8904	1.3740	5.2644	11.5694	0.3939	2.0858	-	19.3135
2018	3.5963	1.2617	4.8579	10.4435	0.3705	1.9341	-	17.6060
2019	3.7484	1.2507	4.9990	10.0299	0.3860	1.9503	-	17.3653
2020	3.7924	1.3886	5.1810	9.2594	0.3815	1.9135	-	16.7354
2021	3.9911	1.5321	5.5232	8.7589	0.3497	1.9497	-	16.5815
2022	5.9713	1.5257	5.9713	8.9401	0.3475	1.9847		17.2436

Note: The City has four tax rates dependent upon the school district the property is located. The total shown is for only the largest school district (New Berlin), State of Wisconsin property taxes were eliminated in 2017.

Table 7
City of New Berlin
Principal Property Taxpayers
Current Year and Nine Years Ago

	<u>2022</u>			<u>2013</u>		
			Percent of Total City			Percent of Total City
MSP	Taxable		Taxable	Taxable		Taxable
Individual	Assessed		Assessed	Assessed		Assessed
<u>Taxpayer</u>	<u>Value</u>	<u>Rank</u>	<u>Value</u>	<u>Value</u>	<u>Rank</u>	<u>Value</u>
Individual	\$ 66,341,000	1	1.23%	\$ 61,612,600	1	1.39%
Froedert Health	37,044,000	2	0.69%	-	-	-
Clark Building Joint Venture	28,463,000	3	0.53%	-	-	-
Buy Seasons	27,111,000	4	0.50%	36,632,070	3	0.83%
Sanctuary of Woodshire	23,860,000	5	0.44%	18,146,600	7	0.41%
Wyndridge Nominee, LLC	21,945,000	6	0.41%	-	-	-
James Campbell Company	20,364,000	7	0.38%	-	-	-
FXG, Inc	18,622,000	8	0.35%	35,251,090	4	0.80%
Costco	17,578,000	9	0.33%	-	-	-
Stag Industrial	17,489,000	10	0.32%	-	-	-
Individual	-	-	-	58,645,300	2	1.32%
Towne-Luterbach	-	-	-	27,408,200	5	0.62%
MSP	-	-	-	21,623,400	6	0.49%
Pinewood Apartments	-	-	-	13,675,700	8	0.31%
Oak Moor Development	-	-	-	12,940,900	9	0.29%
B&G Realty	-	-	-	11,991,660	10	0.27%
	<u>\$ 278,817,000</u>		<u>5.17%</u>	<u>\$ 297,927,520</u>		<u>6.35%</u>

Source: New Berlin City Assessor

Table 8
City of New Berlin
Property Tax Levies & Collections
Last Ten Years

<u>Collection Year</u>	<u>Total Tax Levy</u>	<u>Collections Prior to Transfer</u>		<u>Total Collections to Date</u>	
		<u>of Tax Roll on August 1</u>	<u>Percent of Levy Collected</u>	<u>Amount</u>	<u>Percentage of Levy</u>
2013	\$ 24,221,282	\$ 24,012,358	99.14%	\$ 24,221,282	100.00%
2014	24,436,282	24,279,109	99.36%	24,434,177	99.99%
2015	24,681,517	24,567,841	99.54%	24,665,383	99.93%
2016	24,968,332	24,864,003	99.58%	24,947,440	99.92%
2017	25,251,000	25,136,214	99.55%	25,245,738	99.98%
2018	25,550,392	25,456,313	99.63%	25,543,854	99.97%
2019	25,675,618	25,574,501	99.61%	25,655,517	99.92%
2020	26,592,266	26,495,336	99.64%	26,567,825	99.91%
2021	27,813,189	27,740,955	99.74%	27,772,740	99.85%
2022	29,748,131	29,669,174	99.73%	29,711,290	99.88%

Note: The amount of outstanding taxes represents uncollected personal property taxes at the end of the year. The portion of delinquent taxes attributable to overlapping jurisdictions is charged back to those jurisdictions in the subsequent year.

Table 9
City of New Berlin
Ratio of Outstanding Debt by Type
Last Ten Years
(dollars in thousands, except per capita)

Fiscal Year	Governmental Activities				Business-Type Activities				Total Primary Government	Percentage of Personal Income	Per Capita
	General Obligation Bonds	Capital Lease	Advance from Sewer	State Trust Fund Loan	Water Revenue Bonds	Water Advance from Sewer	Water General Obligation	WRM Advance from Sewer			
2013	\$ 41,170	\$ 115	\$ -	\$ 565	\$ -	\$ 2,045	\$ 4,220	\$ 1,090	\$ 49,205	3.14%	\$ 1,233
2014	42,129	68	-	465	-	1,685	3,975	1,435	49,757	3.15%	1,240
2015	45,719	80	-	360	-	1,310	3,715	1,230	52,414	3.21%	1,304
2016	46,319	60	-	250	-	925	3,445	1,020	52,019	3.11%	1,293
2017	48,685	82	-	125	62	505	3,165	810	53,434	3.12%	1,335
2018	51,920	50	-	-	1,979	255	2,875	590	57,669	3.24%	1,429
2019	54,125	26	-	-	1,944	-	2,380	430	58,905	3.17%	1,451
2020	57,185	97	-	-	2,903	-	1,890	325	62,400	3.09%	1,537
2021	68,380	398	-	-	2,779	-	1,290	220	73,067	3.60%	1,790
2022	82,945	301	666	13,970	2,639	-	875	110	101,506	5.05%	2,511

Note: Details regarding the city's outstanding debt can be found in the notes to the financial statements.

Table 10
City of New Berlin
Ratio of Net General Bonded Debt Outstanding
Last Ten Years
(dollars in thousands, except per capita)

Fiscal Year	General Bonded Debt Outstanding				Funds Restricted for Principal	Net Bonded Debt Outstanding	Percentage of	
	General Obligation Bonds	WRM General Obligation	Water General Obligation	Total			Actual Taxable Value of Property	Per Capita
2013	\$ 41,170	\$ -	\$ -	\$ 41,170	\$ -	\$ 41,170	0.91%	\$ 1,031
2014	42,129	-	-	42,129	-	42,129	0.90%	1,050
2015	46,079	-	4,430	50,509	-	50,509	1.05%	1,257
2016	46,569	-	4,220	50,789	-	50,789	1.02%	1,263
2017	48,810	-	3,975	52,785	-	52,785	1.02%	1,319
2018	51,920	-	3,892	55,812	-	55,812	1.03%	1,383
2019	54,125	-	3,445	57,570	-	57,570	1.01%	1,418
2020	57,185	-	1,890	59,075	-	59,075	1.01%	1,455
2021	68,380	-	1,290	69,670	-	69,670	1.11%	1,707
2022	82,945	-	875	83,820	-	83,820	1.18%	2,073

Note: Details regarding the city's outstanding debt can be found in the notes to the financial statements.

Table 11
City of New Berlin
Direct and Overlapping Governmental Activities Debt
As of December 31, 2022
(dollars in thousands)

	<u>Debt Outstanding</u>	<u>Estimated Percentage Applicable</u>	<u>Estimated Share of Overlapping Debt</u>
Waukesha County	\$ 81,944	9.7693%	\$ 8,005
Elmbrook School District	32,545	1.1783%	383
Muskego-Norway School District	75,320	0.1060%	80
New Berlin School District	27,555	100.0000%	27,555
West Allis School District	12,765	7.6340%	974
Waukesha County Technical College	21,350	8.9687%	1,915
Milwaukee Area Technical College	97,950	0.4352%	<u>426</u>
Subtotal, overlapping debt			39,339
City direct debt			<u>59,075</u>
Total direct and overlapping debt			<u>\$ 98,414</u>

Sources: Assessed value data provided by the City Assessor's office. Debt outstanding data provided by each governmental unit.

Note: Overlapping governments are those that coincide, at least in part, with the geographical boundaries of the city. This schedule estimates the portion of the outstanding debt of those overlapping governments that is borne by the residents and businesses of New Berlin. This process recognizes that, when considering the city's ability to issue and repay long-term debt, the entire debt burden borne by the residents and businesses should be taken into account. However, this does not imply that every taxpayer is a resident, and therefore responsible for repaying the debt, of each overlapping government.

Table 12
City of New Berlin
Legal Debt Margin Information,
Last Ten Years

(dollars in thousands)

Legal debt margin calculation for 2022

Equalized Valuation	\$ 7,105,119
Debt Limit (5% of equalized value)	355,256
Debt applicable to limit:	
General Obligation Debt	83,820
Less: Available funds designated for principal debt retirement	<u>320</u>
Total net debt applicable to limit	<u>83,500</u>
Legal debt margin	<u>\$ 271,756</u>

	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Debt Limit	\$ 229,158	\$ 226,196	\$ 235,180	\$ 240,436	\$ 247,866	\$ 259,325	\$ 285,720	\$ 292,464	\$ 313,544	\$ 355,256
Total net debt applicable to limit	<u>46,298</u>	<u>45,677</u>	<u>46,251</u>	<u>49,901</u>	<u>49,811</u>	<u>51,787</u>	<u>56,282</u>	<u>58,852</u>	<u>69,227</u>	<u>83,500</u>
Legal debt margin	<u>\$ 182,860</u>	<u>\$ 180,519</u>	<u>\$ 188,929</u>	<u>\$ 190,535</u>	<u>\$ 198,055</u>	<u>\$ 207,538</u>	<u>\$ 229,438</u>	<u>\$ 233,612</u>	<u>\$ 244,317</u>	<u>\$ 271,756</u>
Total net debt applicable to the limit as a percentage of debt limit	16.29%	20.19%	19.67%	20.75%	20.10%	19.97%	19.70%	20.12%	22.08%	23.50%

Note: Under state law the city's outstanding general obligation debt cannot exceed 5 percent of total equalized property value. However, the city has established a more conservative internal limit of not more than 2.5 percent. By law, the general obligation debt subject to the limitation may be offset by amounts set aside for repaying general obligation bonds.

Table 13
City of New Berlin
Pledged-Revenue Coverage,
Last ten years

<u>Year</u>	<u>Gross Revenues</u>	<u>Operating Expenses</u>	<u>Net Revenue Available for Debt Service</u>	<u>Maximum Annual Debt Service Requirement</u>			<u>Total</u>
				<u>Principal</u>	<u>Interest</u>	<u>Coverage</u>	
2013	n/a	n/a	n/a	n/a	n/a	n/a	n/a
2014	n/a	n/a	n/a	n/a	n/a	n/a	n/a
2015	n/a	n/a	n/a	n/a	n/a	n/a	n/a
2016	n/a	n/a	n/a	n/a	n/a	n/a	n/a
2017	5,264,980	2,876,287	2,388,693	2,575	1,131	644.55	3,706
2018	5,417,489	3,081,448	2,336,041	87,253	34,580	19.17	121,833
2019	5,337,794	2,893,109	2,444,685	89,379	35,580	19.56	124,959
2020	5,377,379	2,953,084	2,424,295	137,615	54,461	12.62	192,076
2021	5,445,963	3,023,388	2,422,575	137,615	54,461	12.61	192,076
2022	5,312,313	2,907,305	2,405,008	137,615	54,461	12.52	192,076

Note: Details regarding the city's outstanding debt can be found in the notes to the financial statements. Gross revenues are operating revenues plus interest. Operating expenses do not include interest, depreciation or amortization.

Table 14
City of New Berlin
Demographic and Economic Statistics
Last Ten Years

Year	Population	New Berlin Per Capita Income	Personal Income (thousands of dollars)	School Enrollment	Unemployment Rate
2013	39,915	\$ 39,295	\$ 1,568,460	4,592	4.80%
2014	40,130	39,339	1,578,674	4,590	4.30%
2015	40,195	40,678	1,635,052	4,528	3.60%
2016	40,227	41,546	1,671,271	4,445	3.70%
2017	40,027	42,788	1,712,675	4,410	2.30%
2018	40,349	44,119	1,780,158	4,503	2.70%
2019	40,596	45,732	1,856,536	4,348	3.00%
2020	40,600	49,691	2,017,455	4,362	6.00%
2021	40,821	49,691	2,028,436	4,250	3.10%
2022	40,426	49,691	2,008,808	4,250	2.70%

Sources: Population provided by State Department of Revenue. Per capita income is from the US Census Bureau and personal income is population times per capita. School enrollment data from WI Dept of Public Instruction. Unemployment data provided by State Department of Workforce Development.

Notes: Personal income data from Wisconsin Department of Administration, Demographic Services Center. Unemployment rate information is annual average. School enrollment is based on census at the middle of the school year and includes public schools only.

Table 15
City of New Berlin
Principal Employers
Current Year and Nine Years Ago

<u>Employer</u>	<u>2022</u>			<u>2013</u>		
	Approximate Number of Employees	Rank	Percentage of Total City Employment	Approximate Number of Employees	Rank	Percentage of Total City Employment
Spring City/Pieper Electric	1,000	1	4.91%	-	-	-
Ideal Mechanical	550	2	2.70%	-	-	-
ABB Industrial Systems Inc.	520	3	2.55%	600	1	2.90%
New Berlin School District	507	4	2.49%	450	3	2.18%
GMR Marketing	446	5	2.19%	400	5	1.94%
City of New Berlin	420	6	2.06%	364	7	1.76%
Modern Maintenance Building	400	7	1.96%	400	4	1.94%
Regency Janitorial Service, Inc.	400	8	1.96%	400	6	1.94%
Collins Aerospace	300	9	1.47%	-	-	-
ACS Group	259	10	1.27%	-	-	-
FedEx	-	-	-	450	2	2.18%
Liturgical Publications Inc	-	-	-	325	8	1.57%
Dematic Corp	-	-	-	250	9	1.21%
Buy Seasons	-	-	-	200	10	0.97%
Total	<u>4,802</u>		23.57%	<u>3,839</u>		<u>18.58%</u>

Source: City Official Statement - ReferenceUSA, written and telephone survey (August, 2019), *Wisconsin Manufacturers Register*, and the Wisconsin Department of Workforce Development

Table 16
City of New Berlin
Full-time Equivalent City Employees by Function/Program,
Last Ten Years

	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
<i>GENERAL GOVERNMENT</i>									
Mayor	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Human Resources	2.40	2.50	2.00	2.00	2.50	3.00	3.00	3.00	3.33
Finance	5.75	4.75	4.75	4.81	5.31	5.31	5.31	5.31	5.31
Assessor	5.00	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50
Municipal Court	2.15	2.15	2.10	2.10	2.10	2.20	2.04	2.04	2.04
Engineering	3.00	3.00	2.50	2.50	2.25	2.25	2.25	2.25	2.25
Parks, Facilities & Grounds	7.00	8.00	12.00	13.00	13.00	14.00	12.50	13.50	13.50
Parks, Facilities & Grounds - Pt	7.52	6.50	4.88	5.88	6.60	6.10	5.01	5.53	5.53
Clerk	4.34	4.34	4.34	4.50	4.70	4.60	4.60	4.60	4.87
Information Technology	3.26	3.50	3.50	3.50	3.50	3.50	3.50	3.50	4.01
Protection of Persons and Property									
Police	81.00	81.00	79.75	80.75	81.25	84.00	84.00	84.00	84.00
Fire	30.00	32.00	33.00	36.00	36.00	39.00	40.00	42.00	42.00
Fire - Pt	10.60	10.60	11.00	11.02	11.12	11.50	11.00	12.43	12.43
Emergency Management							0.50	0.50	0.50
Inspection	6.00	6.00	6.00	6.00	5.50	5.50	5.50	5.50	5.50
Library	4.00	4.00	4.00	5.00	5.00	6.00	6.00	6.00	6.00
Library - Pt	13.34	13.82	13.00	13.41	13.41	12.66	12.66	12.66	12.66
Recreation	3.00	3.00	3.00	2.00	3.00	3.00	4.00	4.00	4.00
Recreation - Pt	9.28	9.25	9.70	8.60	6.84	6.84	6.34	5.42	5.42
Streets	26.00	27.00	27.00	27.00	27.50	28.50	27.50	27.50	27.50
Public Works							1.00	1.00	1.00
Conservation & Development	7.00	7.50	7.50	7.50	8.50	8.50	8.50	8.50	8.50
<i>ENTERPRISE FUNDS</i>									
Sewer Utility	6.75	6.35	4.85	6.65	6.65	6.65	6.95	6.95	6.95
Water Utility	11.75	11.65	12.15	11.35	11.35	11.35	11.05	11.05	11.05
Water Resource Management	2.00	2.00	2.00	2.00	2.00	1.00	1.00	1.00	1.00
TOTAL	253.14	255.41	255.52	262.07	264.58	271.96	270.71	274.74	275.85

Source: City budget document

Table 17
City of New Berlin
Operating Indicators by Function/Program
Last Ten Years

	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Police Protection:										
Calls for service	29,664	29,339	31,241	30,716	31,076	28,418	29,302	25,466	27,041	26,156
Citations issued	2,986	4,719	5,016	4,877	3,834	3,987	4,420	3,941	4,777	4,571
Fire Protection:										
Fire calls answered	742	852	799	847	913	964	1,016	948	1,173	1142
Medical calls answered	2,624	2,746	2,847	3,279	3,953	4,010	3,941	3,666	3,787	3809
Inspections	4,589	4,614	2,832	2,822	2,779	3,072	2,923	2,419	2,676	2835
Other Public Works										
Street Resurfacing (miles)	13.7	10.6	10.9	13.32	15.17	15.24	13.55	11.06	6.54	5.3
Library										
Volumes in collection	161,258	151,291	149,595	147,047	146,396	150,003	150,497	148,040	148,275	143,373
Total Volumes borrowed	356,656	350,396	349,290	365,702	374,801	392,043	405,089	296,711	343,711	339,694
Water System:										
New connections	116	32	39	84	15	41	77	43	29	11
Water main breaks	9	15	13	8	11	20	7	4	11	9
Average Daily consumption (thousands of gallons)	2,352	2,236	2,337	2,296	2,192	2,630	2,460	2,585	2,616	2528
Peak daily consumption (thousands of gallons)	4,924	4,420	4,429	4,684	4,347	5,919	4,432	4,838	5,298	4538

Sources: Various city departments

Table 18
City of New Berlin
Capital Asset Statistics by Function/Program,
Last Ten Years

	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Police Protection:										
Number of stations	1	1	1	1	1	1	1	1	1	1
Number of patrol units	20	20	20	20	20	20	20	20	20	20
Fire Stations	5	5	5	5	5	5	5	5	5	5
Other public works										
Miles of streets	225.74	226.7	226.7	226.73	226.73	227.76	229.54	229.81	230.34	230.34
Park and Recreation										
Parks	27	27	27	27	27	29	30	30	30	30
Park & Conservancy Areas Acreage	894	894	894	894	894	914	915	917	917	917
Golf course & Disc Golf	2	2	2	2	2	2	2	2	2	2
Hiking trails	8	8	8	8	8	8	8	8	8	8
Tennis courts	14	14	14	14	14	14	14	14	14	14
Water System:										
Water mains (miles)	168.7	169.5	169.7	170.14	172.52	173.1	174	174	174.58	174.74
Fire hydrants	2,062	2,071	2,075	2,083	2,111	2,114	2,117	2,117	2,130	2,149
Storage capacity (thousand gallons)	4,040	4,040	4,040	4,040	4,040	4,040	4,040	4,040	4,040	4,040
Wastewater System:										
Miles of sanitary sewers	180.9	180.9	180.9	180.97	182.3	182.91	183.2	183.2	183.44	183.44
Number of service connections	10,515	10,534	10,523	10,537	10,548	10,568	10,593	10,621	10,718	10,758
Stormwater System:										
Miles of stormsewers	66	68.2	68.5	69.75	70.7	73.7	75.6	75.6	76.7	77.1
Culverts	730	737	742	743	746	747	748	748	751	751

Sources: Various city departments

Reporting and insights from 2022 audit:

City of New Berlin

December 31, 2022

Executive summary

July 31, 2023

To the Common Council
City of New Berlin

We have completed our audit of the financial statements of the City of New Berlin (the City) for the year ended December 31, 2022, and have issued our report thereon dated July 31, 2023. This letter presents communications required by our professional standards.

Your audit should provide you with confidence in your financial statements. The audit was performed based on information obtained from meetings with management, data from your systems, knowledge of your City's operating environment and our risk assessment procedures. We strive to provide you clear, concise communication throughout the audit process and of the final results of our audit.

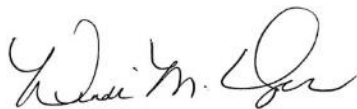
Additionally, we have included information on key risk areas the City of New Berlin should be aware of in your strategic planning. We are available to discuss these risks as they relate to your organization's financial stability and future planning.

If you have questions at any point, please connect with us:

- Wend M. Unger, CPA, Partner: wendi.unger@bakertilly.com or +1 (414) 777 5423

Sincerely,

Baker Tilly US, LLP



Wendi M. Unger, CPA, Partner

THIS COMMUNICATION IS INTENDED SOLELY FOR THE INFORMATION AND USE OF THOSE CHARGED WITH GOVERNANCE, AND, IF APPROPRIATE, MANAGEMENT, AND IS NOT INTENDED TO BE AND SHOULD NOT BE USED BY ANYONE OTHER THAN THESE SPECIFIED PARTIES.

BAKER TILLY US, LLP, TRADING AS BAKER TILLY, IS A MEMBER OF THE GLOBAL NETWORK OF BAKER TILLY INTERNATIONAL LTD., THE MEMBERS OF WHICH ARE SEPARATE AND INDEPENDENT LEGAL ENTITIES.

Responsibilities

Our responsibilities

As your independent auditor, our responsibilities include:

- Planning and performing the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement. Reasonable assurance is a high level of assurance.
- Assessing the risks of material misstatement of the financial statements, whether due to fraud or error. Included in that assessment is a consideration of the City's internal control over financial reporting.
- Performing appropriate procedures based upon our risk assessment.
- Evaluating the appropriateness of the accounting policies used and the reasonableness of significant accounting estimates made by management.
- Forming and expressing an opinion based on our audit about whether the financial statements prepared by management, with the oversight of the Common Council:
 - Are free from material misstatement
 - Present fairly, in all material respects and in accordance with accounting principles generally accepted in the United States of America
- Performing tests related to compliance with certain provisions of laws, regulations, contracts and grants, as required by *Government Auditing Standards*
- Considering internal control over compliance with requirements that could have a direct and material effect on major federal and major state programs to design tests of both controls and compliance with identified requirements
- Forming and expressing an opinion based on our audit in accordance with OMB's Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (Uniform Guidance) and State Single Audit Guidelines about the entity's compliance with requirements described in the OMB Compliance Supplement and State Single Audit Guidelines that could have a direct and material effect on each of its major federal and major state programs.
- Our audit does not relieve management or the Common Council of their responsibilities.

We are also required to communicate significant matters related to our audit that are relevant to the responsibilities of the Common Council, including:

- Internal control matters
- Qualitative aspects of the City's accounting practice including policies, accounting estimates and financial statement disclosures
- Significant unusual transactions
- Significant difficulties encountered
- Disagreements with management
- Circumstances that affect the form and content of the auditors' report
- Audit consultations outside the engagement team
- Corrected and uncorrected misstatements
- Other audit findings or issues

Audit status

Significant changes to the audit plan

There were no significant changes made to either our planned audit strategy or to the significant risks and other areas of emphasis identified during the performance of our risk assessment procedures.

Audit approach and results

Planned scope and timing

Audit focus

Based on our understanding of the City and environment in which you operate, we focused our audit on the following key areas:

- Key transaction cycles
- Areas with significant estimates
- Implementation of new accounting standards

Our areas of audit focus were informed by, among other things, our assessment of materiality. Materiality in the context of our audit was determined based on specific qualitative and quantitative factors combined with our expectations about the City's current year results.

Key areas of focus and significant findings

Significant risks of material misstatement

A significant risk is an identified and assessed risk of material misstatement that, in the auditor's professional judgment, requires special audit consideration. Within our audit, we focused on the following areas below.

Significant risk areas	Testing approach	Conclusion
Management override of controls	Incorporate unpredictability into audit procedures, emphasize professional skepticism and utilize audit team with industry expertise	Procedures identified provided sufficient evidence for our audit opinion
Improper revenue recognition due to fraud	Confirmation or validation of certain revenues supplemented with detailed predictive analytics based on non-financial data and substantive testing of related receivables	Procedures identified provided sufficient evidence for our audit opinion

Other areas of emphasis

We also focused on other areas that did not meet the definition of a significant risk, but were determined to require specific awareness and a unique audit response.

Other areas of emphasis		
Cash and investments	Revenues and receivables	General disbursements
Payroll	Pension asset and OPEB liabilities	Long-term debt
Capital assets including infrastructure	Net position calculations	Financial reporting and required disclosures

Internal control matters

We considered the City's internal control over financial reporting as a basis for designing our audit procedures for the purpose of expressing an opinion on the financial statements. We are not expressing an opinion on the effectiveness of the City's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and, therefore, material weaknesses or significant deficiencies may exist that were not identified.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis.

A material weakness is a deficiency or combination of deficiencies in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. We did not identify any deficiencies in internal control that we consider to be material weaknesses.

Required communications

Qualitative aspect of accounting practices

- **Accounting policies:** Management is responsible for the selection and use of appropriate accounting policies. In accordance with the terms of our engagement letter, we have advised management about the appropriateness of accounting policies and their application. The significant accounting policies used by City are described in Note 1 to the financial statements. As described in Note 1, the City changed accounting policies related to leases by adopting GASB 87 in 2022. We noted no transactions entered into by the City during the year for which accounting policies are controversial or for which there is a lack of authoritative guidance or consensus or diversity in practice.
- **Accounting estimates:** Accounting estimates, including fair value estimates, are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements, the degree of subjectivity involved in their development and because of the possibility that future events affecting them may differ significantly from those expected. The following estimates are of most significance to the financial statements:

Estimate	Management's process to determine	Baker Tilly's conclusions regarding reasonableness
Accrued compensated absences	Evaluation of hours earned and accumulated in accordance with employment policies and average wage per hour rates	Reasonable in relation to the financial statements as a whole
Net pension asset and related deferrals	Evaluation of information provided by the Wisconsin Retirement System	Reasonable in relation to the financial statements as a whole
Allowance for doubtful accounts	Evaluation of historical revenues and loss levels with the analysis on collectability of individual amounts	Reasonable in relation to the financial statements as a whole
Net OPEB liability and related deferrals	Key assumptions set by management with the assistance of a third party actuary	Reasonable in relation to the financial statements as a whole
Depreciation	Evaluate estimated useful life of the asset and original acquisition value	Reasonable in relation to the financial statements as a whole

There have been no significant changes made by management to either the processes used to develop the particularly sensitive accounting estimates, or to the significant assumptions used to develop the estimates, noted above.

- **Financial statement disclosures:** The disclosures in the financial statements are neutral, consistent and clear.

Significant unusual transactions

There have been no significant transactions that are outside the normal course of business for the City or that otherwise appear to be unusual due to their timing, size or nature.

Significant difficulties encountered during the audit

We encountered no significant difficulties in dealing with management and completing our audit.

Disagreements with management

Professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter that could be significant to the financial statements or the auditors' report. We are pleased to report that no such disagreements arose during the course of our audit.

Audit report

There have been no departures from the auditors' standard report.

Audit consultations outside the engagement team

We encountered no difficult or contentious matters for which we consulted outside of the engagement team.

Uncorrected misstatements and corrected misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. There were no misstatements identified.

Other audit findings or issues

We encountered no other audit findings or issues that require communication at this time.

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the City's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other information in documents containing audited basic financial statements

The City's audited financial statements will be included in the annual comprehensive financial report. Our responsibility for this information does not extend beyond the financial information identified in the audit report, and we are not required to perform any procedures to corroborate such other information. We have read the annual comprehensive financial report to determine whether a material inconsistency exists between the other information and the financial statements. Nothing came to our attention that caused us to believe that such information, or its manner of presentation, was materially inconsistent with the information, or manner of its presentation, in the financial statements.

The City's audited financial statements are "general purpose" financial statements. General purpose financial statements consist of the basic financial statements that can be used by a broad group of people for a broad range of activities. Once we have issued our audit report, we have no further obligation to update our report for events occurring subsequent to the date of our report. The City can use the audited financial statements in other client prepare documents, such as official statements related to the issuance of debt, without our acknowledgement. Unless we have been engaged to perform services in connection with any subsequent transaction requiring the inclusion of our audit report, as well as to issue an auditor's acknowledgment letter, we have neither read the document nor performed subsequent event procedures in order to determine whether or not our report remains appropriate.

Management's consultations with other accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing or accounting matters.

Written communications between management and Baker Tilly

The attachments include copies of other material written communications, including a copy of the management representation letter.

Compliance with laws and regulations

We did not identify any non-compliance with laws and regulations during our audit.

Fraud

We did not identify any known or suspected fraud during our audit.

Going concern

Pursuant to professional standards, we are required to communicate to you, when applicable, certain matters relating to our evaluation of the City's ability to continue as a going concern for a reasonable period of time but no less than 12 months from the date of the financial statements, including the effects on the financial statements and the adequacy of the related disclosures, and the effects on the auditor's report. No such matters or conditions have come to our attention during our engagement.

Independence

We are not aware of any relationships between Baker Tilly and the City that, in our professional judgment, may reasonably be thought to bear on our independence.

Related parties

We did not have any significant findings or issues arise during the audit in connection with the City's related parties.

Other matters

We applied certain limited procedures to the required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were engaged to report on the supplementary information which accompanies the financial statements but is not RSI. With respect to the supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

We were not engaged to report on the other information, which accompanies the financial statements but are not RSI. We did not audit or perform other procedures on this other information and we do not express an opinion or provide any assurance on it.

Common Council resources

Visit our resource page for regulatory updates, trending challenges and opportunities in your industry and other timely updates.

Visit the resource page at <https://www.bakertilly.com/insights/audit-committee-resource-page>.

Management representation letter



July 31, 2023

Baker Tilly US, LLP
777 E. Wisconsin Avenue, 32nd Floor
Milwaukee, Wisconsin 53202

Dear Baker Tilly US, LLP:

We are providing this letter in connection with your audit of the financial statements of the City of New Berlin as of December 31, 2022 and for the year then ended and for the New Berlin Water and Wastewater Utilities as of December 31, 2022 and 2021 and for the years then ended for the purpose of expressing opinions as to whether the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information of the City of New Berlin and the respective changes in financial position and cash flows, where applicable, in conformity with accounting principles generally accepted in the United States of America (GAAP). We confirm that we are responsible for the fair presentation of the previously mentioned financial statements in conformity with accounting principles generally accepted in the United States of America. We are also responsible for adopting sound accounting policies, establishing and maintaining internal control over financial reporting, and preventing and detecting fraud.

Certain representations in this letter are described as being limited to matters that are material. Items are considered material, regardless of size, if they involve an omission or misstatement of accounting information that, in the light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would be changed or influenced by the omission or misstatement. An omission or misstatement that is monetarily small in amount could be considered material as a result of qualitative factors.

We confirm, to the best of our knowledge and belief, the following representations made to you during your audit.

Financial Statements

- 1) We have fulfilled our responsibilities, as set out in the terms of the audit engagement letter dated September 28, 2020.
- 2) The financial statements referred to above are fairly presented in conformity with accounting principles generally accepted in the United States of America. We have engaged you to advise us in fulfilling that responsibility. The financial statements include all properly classified funds of the primary government required by accounting principles generally accepted in the United States of America to be included in the financial reporting entity.
- 3) We acknowledge our responsibility for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

- 4) We acknowledge our responsibility for the design, implementation, and maintenance of internal control to prevent and detect fraud.
- 5) Significant assumptions we used in making accounting estimates, including those measured at fair value, if any, are reasonable.
- 6) All events subsequent to the date of the financial statements and for which accounting principles generally accepted in the United States of America require adjustment or disclosure have been adjusted or disclosed. No other events, including instances of noncompliance, have occurred subsequent to the financial statement date and through the date of this letter that would require adjustment to or disclosure in the aforementioned financial statements or in the schedule of findings and questioned costs.
- 7) All material transactions have been recorded in the accounting records and are reflected in the financial statements and the schedule of expenditures of federal and state awards.
- 8) All known audit and bookkeeping adjustments have been included in our financial statements, and we are in agreement with those adjustments.
- 9) We are not aware of any known actual, possible, pending, or threatened litigation, claims, or assessments or unasserted claims or assessments that are required to be accrued or disclosed in the financial statements in accordance with accounting principles generally accepted in the United States of America, or which would affect federal or state award programs, and we have not consulted a lawyer concerning litigation, claims, or assessments.
- 10) Guarantees, whether written or oral, under which the City is contingently liable, if any, have been properly recorded or disclosed.

Information Provided

- 11) We have provided you with:
 - a) Access to all information, of which we are aware, that is relevant to the preparation and fair presentation of the financial statements, such as financial records and related data, documentation, and other matters and all audit or relevant monitoring reports, if any, received from funding sources.
 - b) Additional information that you have requested from us for the purpose of the audit.
 - c) Unrestricted access to persons within the entity from whom you determined it necessary to obtain audit evidence.
 - d) Minutes of the meetings of the Common Council or summaries of actions of recent meetings for which minutes have not yet been prepared.
- 12) We have not completed an assessment of the risk that the financial statements may be materially misstated as a result of fraud.

- 13) We have no knowledge of any fraud or suspected fraud that affects the entity and involves:
 - a) Management,
 - b) Employees who have significant roles in internal control, or
 - c) Others where the fraud could have a material effect on the financial statements.
- 14) We have no knowledge of any allegations of fraud or suspected fraud affecting the entity received in communications from employees, former employees, regulators, or others.
- 15) We have no knowledge of known instances of noncompliance or suspected noncompliance with provisions of laws, regulations, contracts, or grant agreements, or abuse, whose effects should be considered when preparing financial statements.
- 16) There are no related parties or related party relationships and transactions, including side agreements, of which we are aware.

Other

- 17) There have been no communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices.
- 18) We have a process to track the status of audit findings and recommendations.
- 19) We have identified to you any previous financial audits, attestation engagements, and other studies related to the audit objectives and whether related recommendations have been implemented.
- 20) The City has no plans or intentions that may materially affect the carrying value or classification of assets, deferred outflows of resources, liabilities, deferred inflows of resources or fund balance or net position.
- 21) We are responsible for compliance with federal, state, and local laws, regulations, and provisions of contracts and grant agreements applicable to us, including tax or debt limits, debt contracts, and IRS arbitrage regulations; and we have identified and disclosed to you all federal, state, and local laws, regulations and provisions of contracts and grant agreements that we believe have a direct and material effect on the determination of financial statement amounts or other financial data significant to the audit objectives, including legal and contractual provisions for reporting specific activities in separate funds.
- 22) There are no:
 - a) Violations or possible violations of budget ordinances, federal, state, and local laws or regulations (including those pertaining to adopting, approving and amending budgets), provisions of contracts and grant agreements, tax or debt limits, and any related debt covenants whose effects should be considered for disclosure in the financial statements or as a basis for recording a loss contingency, or for reporting on noncompliance, except those already disclosed in the financial statement, if any.
 - b) Other liabilities or gain or loss contingencies that are required to be accrued or disclosed by accounting principles generally accepted in the United States of America.
 - c) Nonspendable, restricted, committed, or assigned fund balances that were not properly authorized and approved.

- d) Rates being charged to customers other than the rates as authorized by the applicable authoritative body.
 - e) Violations of restrictions placed on revenues as a result of bond resolution covenants such as revenue distribution or debt service funding.
- 23) The City of New Berlin has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets nor has any asset been pledged as collateral.
 - 24) The City of New Berlin has complied with all aspects of contractual agreements that would have a material effect on the financial statement in the event of noncompliance.
 - 25) The financial statements include all component units as well as joint ventures with an equity interest, and properly disclose all other joint ventures and other related organizations, if any. Component units have been properly presented as either blended or discrete.
 - 26) The financial statements properly classify all funds and activities.
 - 27) All funds that meet the quantitative criteria in GASB Statement No. 34 and No. 37 for presentation as major are identified and presented as such and all other funds that are presented as major are particularly important to financial statement users.
 - 28) Components of net position (net investment in capital assets; restricted; and unrestricted) and components of fund balance (nonspendable, restricted, committed, assigned and unassigned) are properly classified and, if applicable, approved.
 - 29) The City of New Berlin has no derivative financial instruments such as contracts that could be assigned to someone else or net settled, interest rate swaps, collars or caps.
 - 30) Provisions for uncollectible receivables, if any, have been properly identified and recorded.
 - 31) Expenses have been appropriately classified in or allocated to functions and programs in the statement of activities, and allocations have been made on a reasonable basis.
 - 32) Revenues are appropriately classified in the statement of activities within program revenues and general revenues.
 - 33) Interfund, internal, and intra-entity activity and balances have been appropriately classified and reported.
 - 34) Deposits and investments are properly classified, valued, and disclosed (including risk disclosures, collateralization agreements, valuation methods, and key inputs, as applicable).
 - 35) Capital assets, including infrastructure and intangible assets, are properly capitalized, reported, and, if applicable, depreciated/amortized. Any known impairments have been recorded and disclosed.
 - 36) Tax-exempt bonds issued have retained their tax-exempt status.

- 37) We have appropriately disclosed the City of New Berlin's policy regarding whether to first apply restricted or unrestricted resources when an expense is incurred for purposes for which both restricted and unrestricted net position are available and have determined that net position were properly recognized under the policy. We have also disclosed our policy regarding which resources (that is, restricted, committed, assigned or unassigned) are considered to be spent first for expenditures for which more than one resource classification is available.
- 38) We acknowledge our responsibility for the required supplementary information (RSI). The RSI is measured and presented within prescribed guidelines and the methods of measurement and presentation have not changed from those used in the prior period. We have disclosed to you any significant assumptions and interpretations underlying the measurement and presentation of the RSI.
- 39) With respect to the supplementary information, (SI):
- a) We acknowledge our responsibility for presenting the SI in accordance with accounting principles generally accepted in the United States of America, and we believe the SI, including its form and content, is fairly presented in accordance with accounting principles generally accepted in the United States of America. The methods of measurement and presentation of the SI have not changed from those used in the prior period, and we have disclosed to you any significant assumptions or interpretations underlying the measurement and presentation of the supplementary information.
 - b) If the SI is not presented with the audited financial statements, we will make the audited financial statements readily available to the intended users of the supplementary information no later than the date we issue the supplementary information and the auditor's report thereon.
- 40) We assume responsibility for, and agree with, the findings of specialists in evaluating the other postemployment benefits and have adequately considered the qualifications of the specialists in determining the amounts and disclosures used in the financial statements and underlying accounting records. We did not give or cause any instructions to be given to specialists with respect to the values or amounts derived in an attempt to bias their work, and we are not otherwise aware of any matters that have had impact on the independence or objectivity of the specialists.
- 41) We assume responsibility for, and agree with, the information provided by the Wisconsin Retirement System as audited by the Legislative Audit Bureau relating to the net pension asset/liability and related deferred outflows and deferred inflows and have adequately considered the reasonableness of the amounts and disclosures used in the financial statements and underlying accounting records. We also assume responsibility for the census data that has been reported to the plan.
- 42) We have implemented GASB Statement No. 87, *Leases*, and believe that all required disclosures and accounting considerations have been identified and properly classified in the financial statements in compliance with the Standard.
- 43) We are responsible for the estimation methods and assumptions used in measuring assets and liabilities reported or disclosed at fair value, including information obtained from brokers, pricing services or third parties. Our valuation methodologies have been consistently applied from period to period. The fair value measurements reported or disclosed represent our best estimate of fair value as the measurement date in accordance with the requirements of GASB 72 – *Fair Value Measurement*. In addition our disclosures related to fair value measurements are consistent with the objectives outlined in GASB 72. We have evaluated the fair value information provided to us by brokers, pricing services or other parties that has been used in the financial statements and believe this information to be reliable and consistent with the requirements.

- 44) The auditing standards define an annual report as "a document, or combination of documents, typically prepared on an annual basis by management or those charged with governance in accordance with law, regulation, or custom, the purpose of which is to provide owners (or similar stakeholders) with information on the entity's operations and the financial results and financial position as set out in the financial statements." Among other items, an annual report contains, accompanies, or incorporates by reference the financial statements and the auditors' report thereon. Our annual report is comprised of the annual comprehensive financial report. We have provided you with the final version of the annual report. There are no material inconsistencies between the financial statements and any other information contained within the annual report.
- 45) With respect to federal and state award programs:
- a) We are responsible for understanding and complying with and have complied with the requirements of the Single Audit Act Amendments of 1996, *OMB's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance), *State Single Audit Guidelines*, including requirements relating to preparation of the schedule of expenditures of federal and state awards (SEFSA).
 - b) We acknowledge our responsibility for preparing and presenting the SEFSA and related disclosures in accordance with the requirements of the Uniform Guidance and the State Single Audit Guidelines, and we believe the SEFSA, including its form and content, is fairly presented in accordance with the Uniform Guidance and the *State Single Audit Guidelines*. The methods of measurement and presentation of the SEFSA have not changed from those used in the prior period and we have disclosed to you any significant assumptions and interpretations underlying the measurement and presentation of the SEFSA.
 - c) If the SEFSA is not presented with the audited financial statements, we will make the audited financial statements readily available to the intended users of the SEFSA no later than the date we issue the SEFSA and the auditors' report thereon.
 - d) We have identified and disclosed to you all of our government programs and related activities subject to the Uniform Guidance and the *State Single Audit Guidelines* and included in the SEFSA, expenditures made during the audit period for all awards provided by federal agencies in the form of grants, federal cost reimbursement contracts, loans, loan guarantees, property (including donated surplus property), cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other direct assistance.
 - e) We are responsible for understanding and complying with, and have complied with the requirements of laws, regulations, and the provisions of contracts and grant agreements related to each of our federal and state programs and have identified and disclosed to you the requirements of laws, regulations, and the provisions of contracts and grant agreements that are considered to have a direct and material effect on each major federal and state program.
 - f) We are responsible for establishing and maintaining, and have established and maintained, effective internal control over compliance for federal and state programs that provide reasonable assurance that we are administering our federal and state awards in compliance with laws, regulations, and the provisions of contracts and grant agreements that could have a material effect on our federal and state programs. We believe the internal control system is adequate and is functioning as intended. Also, no changes have been made in the internal control over compliance or other factors to the date of this letter that might significantly affect internal control, including any corrective action taken with regard to control deficiencies reported in the schedule of findings and questioned costs.

- g) We have made available to you all contracts and grant agreements (including amendments, if any) and any other correspondence with federal or state agencies or pass-through entities relevant to the programs and related activities.
- h) We have received no requests from a federal or state agency to audit one or more specific programs as a major program.
- i) We have complied with the direct and material compliance requirements including when applicable, those set forth in the OMB Compliance Supplement and the State Single Audit Guidelines, relating to federal and state awards.
- j) We have disclosed any communications from grantors and pass-through entities concerning possible noncompliance with the direct and material compliance requirements, including communications received from the end of the period covered by the compliance audit to the date of the auditors' report.
- k) Amounts claimed or used for matching were determined in accordance with relevant guidelines in the Uniform Guidance.
- l) We have disclosed to you our interpretation of compliance requirements that may have varying interpretations.
- m) We have made available to you all documentation related to the compliance with the direct and material compliance requirements, including information related to federal and state program financial reports and claims for advances and reimbursements.
- n) We have disclosed to you the nature of any subsequent events that provide additional evidence about conditions that existed at the end of the reporting period affecting noncompliance during the reporting period.
- o) We are not aware of any instances of noncompliance with direct and material compliance requirements that occurred subsequent to the period covered by the auditors' report.
- p) No changes have been made in internal control over compliance or other factors that might significantly affect internal control, including any corrective action we have taken regarding significant deficiencies or material weaknesses in internal control over compliance, subsequent to the date as of which compliance was audited.
- q) Federal and state program financial reports and claims for advances and reimbursements are supported by the books and records from which the financial statements have been prepared.
- r) The copies of federal and state program financial reports provided you are true copies of the reports submitted, or electronically transmitted, to the respective federal and state agency or pass-through entity, as applicable.
- s) We have monitored subrecipients to determine that they have expended pass-through assistance in accordance with applicable laws and regulations and have met the requirements of the Uniform Guidance and the *State Single Audit Guidelines*.
- t) We have taken appropriate action, including issuing management decisions, on a timely basis after receipt of subrecipients' auditors' reports that identified noncompliance with laws, regulations, or the provisions of contracts or grant agreements to ensure that subrecipients have taken the appropriate and timely corrective action on findings.

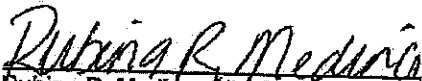
- u) We have considered the results of subrecipient audits and made any necessary adjustments to our books and records.
- v) We have charged costs to federal and state awards in accordance with applicable cost principles.
- w) We are responsible for and have accurately prepared the summary schedule of prior audit findings to include all findings required to be included by the Uniform Guidance and the *State Single Audit Guidelines* and we have provided you with all information on the status of the follow-up on prior audit findings by federal and state awarding agencies and pass-through entities, including all management decisions.
- x) We are responsible for and have ensured the reporting package does not contain protected personally identifiable information.
- y) We are responsible for and have accurately prepared the auditee section of the Data Collection Form as required by the Uniform Guidance.
- z) We are responsible for preparing and implementing a corrective action plan for each audit finding.
- aa) We have disclosed to you all contracts or other agreements with our service organizations, and we have disclosed to you all communications from the service organization relating to noncompliance at the service organizations.

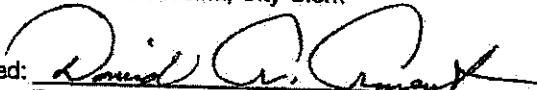
Sincerely,

City of New Berlin

Signed: 
Ralph Chipman, Director of Finance

Signed: 
John Sughrue, Accounting Manager

Signed: 
Rubina R. Medina, City Clerk

Signed: 
Dave Ament, Mayor

Client service team



Wendi Unger, CPA
Partner

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Accounting changes relevant to the City of New Berlin

Future accounting standards update

GASB Statement Number	Description	Potentially Impacts you	Effective Date
94	Public-Private and Public-Public Partnerships and Availability Payment Arrangements	✓	12/31/23
96	Subscription-Based Information Technology Arrangements	✓	12/31/23
99	Omnibus 2022	✓	12/31/23
100	Accounting Changes and Error Corrections	✓	12/31/24
101	Compensated Absences	✓	12/31/24

Further information on upcoming [GASB pronouncements](#).

Determining if GASB 94 applies for your organization

GASB 94, *Public-Private and Public-Public Partnerships and Availability Payment Arrangements* provides guidance related to public-private and public-public partnerships (PPP) and availability payment arrangements (APA).

A PPP is an arrangement in which an entity contracts with an operator to provide public services by conveying control of the right to operate or use infrastructure or other capital asset. A common example of PPP is a service concession arrangement.

An APA is an arrangement in which an entity compensates an operator for services that may include designing, constructing, financing, maintaining, or operating an asset.

The City should start to identify any contracts that could meet either definition to ensure they are reviewed for applicability and accounted for correctly when the standard is effective. Initial steps include reviewing contracts that didn't meet the definition of a lease under GASB 87 and identifying any other agreements where the organization contracts with or partners with another entity to provide services.

Future accounting for subscription-based IT arrangements

Subscription-based IT arrangements include contracts that convey control of the right to use another party's IT software. It would not include any licensing arrangements that provide a perpetual license, which would still be accounted for as an intangible asset. Subscription-based IT arrangements are becoming more and more popular with IT vendors. This standard mirrors the new lease standard. The City will be able to utilize the systems put into place to implement the lease standard to properly account for these contracts. Common examples of these contracts in the utility industry include:

- Leasing space in the cloud
- GIS systems
- SCADA systems
- Some work order or inventory systems as well as some general ledger or billing systems

The City should work with its IT department and department managers to determine a population listing of contracts that would fall under this standard to determine the potential future impact to financial reporting.

Two-way audit communications

As part of our audit of your financial statements, we are providing communications to you throughout the audit process. Auditing requirements provide for two-way communication and are important in assisting the auditor and you with more information relevant to the audit.

As this past audit is concluded, we use what we have learned to begin the planning process for next year's audit. It is important that you understand the following points about the scope and timing of our next audit:

- a. We address the significant risks of material misstatement, whether due to fraud or error, through our detailed audit procedures.
- b. We will obtain an understanding of the five components of internal control sufficient to assess the risk of material misstatement of the financial statements whether due to error or fraud, and to design the nature, timing and extent of further audit procedures. We will obtain a sufficient understanding by performing risk assessment procedures to evaluate the design of controls relevant to an audit of financial statements and to determine whether they have been implemented. We will use such knowledge to:
 - Identify types of potential misstatements.
 - Consider factors that affect the risks of material misstatement.
 - Design tests of controls, when applicable, and substantive procedures.
- c. We will not express an opinion on the effectiveness of internal control over financial reporting or compliance with laws, regulations and provisions of contracts or grant programs. For audits performed in accordance with *Government Auditing Standards*, our report will include a paragraph that states that the purpose of the report is solely to describe the scope of testing of internal control over financial reporting and compliance and the result of that testing and not to provide an opinion on the effectiveness of internal control over financial reporting or on compliance and that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering internal control over financial reporting and compliance. The paragraph will also state that the report is not suitable for any other purpose.
- d. The concept of materiality recognizes that some matters, either individually or in the aggregate, are important for fair presentation of financial statements in conformity with generally accepted accounting principles while other matters are not important. In performing the audit, we are concerned with matters that, either individually or in the aggregate, could be material to the financial statements. Our responsibility is to plan and perform the audit to obtain reasonable assurance that material misstatements, whether caused by errors or fraud, are detected.

Our audit will be performed in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards*, *OMB's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the *State Single Audit Guidelines*.

We will not express an opinion on the effectiveness of internal control over financial reporting or compliance with laws, regulations, and provisions of contracts or grant programs. For audits done in accordance with *Government Auditing Standards*, the Uniform Guidance, and the *State Single Audit Guidelines*, our report will include a paragraph that states that the purpose of the report is solely to describe (a) the scope of testing of internal control over financial reporting and compliance and the result of that testing and not to provide an opinion on the effectiveness of internal control over financial reporting or on compliance, (b) the scope of testing internal control over compliance for major programs and major program compliance and the result of that testing and to provide an opinion on compliance but not to provide an opinion on the effectiveness of internal control over compliance and, (c) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering internal control over financial reporting and compliance and the Uniform Guidance, and the *State Single Audit Guidelines*, in considering internal control over compliance and major program compliance. The paragraph will also state that the report is not suitable for any other purpose.

We are very interested in your views regarding certain matters. Those matters are listed here:

- a. We typically will communicate with your top level of management unless you tell us otherwise.
- b. We understand that the governing board has the responsibility to oversee the strategic direction of your organization, as well as the overall accountability of the entity. Management has the responsibility for achieving the objectives of the entity.
- c. We need to know your views about your organization's objectives and strategies, and the related business risks that may result in material misstatements.
- d. We anticipate that the City will receive an unmodified opinion on its financial statements.
- e. Which matters do you consider warrant particular attention during the audit, and are there any areas where you request additional procedures to be undertaken?
- f. Have you had any significant communications with regulators or grantor agencies?
- g. Are there other matters that you believe are relevant to the audit of the financial statements?

Also, is there anything that we need to know about the attitudes, awareness and actions of the governing body concerning:

- a. The entity's internal control and its importance in the entity, including how those charged with governance oversee the effectiveness of internal control?
- b. The detection or the possibility of fraud?

We also need to know if you have taken actions in response to developments in financial reporting, laws, accounting standards, governance practices, or other related matters, or in response to previous communications with us.

With regard to the timing of our audit, here is some general information. If necessary, we may do preliminary financial audit work during the months of October-December, and sometimes early in January. Our final financial fieldwork is scheduled during the spring to best coincide with your readiness and report deadlines. After fieldwork, we wrap up our financial audit procedures at our office and may issue drafts of our report for your review. Final copies of our report and other communications are issued after approval by your staff. This is typically 6-12 weeks after final fieldwork, but may vary depending on a number of factors.

Keep in mind that while this communication may assist us with planning the scope and timing of the audit, it does not change the auditor's sole responsibility to determine the overall audit strategy and the audit plan, including the nature, timing and extent of procedures necessary to obtain sufficient appropriate audit evidence.

We realize that you may have questions on what this all means, or wish to provide other feedback. We welcome the opportunity to hear from you.

RESOLUTION NO. 23-20

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE
OF \$13,280,000 GENERAL OBLIGATION PROMISSORY
NOTES, SERIES 2023A

WHEREAS, on July 25, 2023, the Common Council of the City of New Berlin, Waukesha County, Wisconsin (the "City") adopted a resolution (the "Set Sale Resolution"), providing for the sale of General Obligation Promissory Notes, Series 2023A (the "Notes") for public purposes, including paying the cost of capital improvement projects, such as improvements for City buildings, parks and public grounds projects, municipal equipment, street improvement projects and community development projects, including streets in TID No. 3 (collectively, the "Project");

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

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

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

WHEREAS, Ehlers, in consultation with the officials of the City, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Notes and indicating that the Notes would be offered for public sale on August 29, 2023;

WHEREAS, the City Clerk (in consultation with Ehlers) caused a form of notice of the sale to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Notes for public sale on August 29, 2023;

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

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

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

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

Section 1A. Authorization and Award of the Notes. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(12), Wisconsin Statutes, the principal sum of THIRTEEN MILLION TWO HUNDRED EIGHTY THOUSAND DOLLARS (\$13,280,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal of the Purchaser offering to purchase the Notes for the sum set forth on the Proposal, plus accrued interest to the date of delivery, resulting in a true interest cost as set forth on the Proposal, is hereby accepted. The Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. The good faith deposit of the Purchaser shall be applied in accordance with the Notice of Sale, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Notes shall bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes, Series 2023A"; shall be issued in the aggregate principal amount of \$13,280,000; shall be dated September 14, 2023; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on June 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2024. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Notes is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Notes maturing on June 1, 2032 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on June 1, 2031 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

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

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

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2023 through 2032 for the payments due in the years 2024 through 2033 in the amounts set forth on the Schedule.

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

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

Section 6. Segregated Debt Service Fund Account.

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

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for General Obligation Promissory Notes, Series 2023A, dated September 14, 2023" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Notes; (ii) any premium which may be received by the City above the par value of the Notes and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Notes when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Adopted, approved and recorded August 29, 2023.

David A. Ament
Mayor

ATTEST:

Rubina R. Medina
City Clerk

(SEAL)

EXHIBIT A

Notice of Sale

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

(See Attached)

DRAFT

EXHIBIT B

Bid Tabulation

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

(See Attached)

DRAFT

EXHIBIT C

Winning Bid

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

(See Attached)

DRAFT

EXHIBIT D-1

Pricing Summary

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

(See Attached)

DRAFT

EXHIBIT D-2

Debt Service Schedule and Irrepealable Tax Levies

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

(See Attached)

DRAFT

[EXHIBIT MRP

Mandatory Redemption Provision

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

For the Term Bonds Maturing on June 1, ____

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

For the Term Bonds Maturing on June 1, ____

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

For the Term Bonds Maturing on June 1, ____

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

For the Term Bonds Maturing on June 1, ____

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

EXHIBIT E

(Form of Note)

REGISTERED UNITED STATES OF AMERICA
STATE OF WISCONSIN DOLLARS
WAUKESHA COUNTY
NO. R- CITY OF NEW BERLIN \$
GENERAL OBLIGATION PROMISSORY NOTE, SERIES 2023A

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
June 1, September 14, 2023 %

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: THOUSAND DOLLARS
(\$)

FOR VALUE RECEIVED, the City of New Berlin, Waukesha County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2024 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Note are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Note is registered on the Bond Register maintained by [, ,] OR [the City Clerk or City Treasurer] (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding each interest payment date (the "Record Date"). This Note is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

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

This Note is one of an issue of Notes aggregating the principal amount of \$13,280,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the City pursuant to the provisions of Section 67.12(12), Wisconsin Statutes, for public purposes, including paying the cost of capital improvement projects, such as improvements for City buildings, parks and public grounds projects, municipal equipment, street improvement projects and community development projects, including streets in TID No. 3, as authorized by a resolution adopted on August 29, 2023. Said resolution is recorded in the official minutes of the Common Council for said date.

The Notes maturing on June 1, 2032 and thereafter are subject to redemption prior to maturity, at the option of the City, on June 1, 2031 or on any date thereafter. Said Notes are redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

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

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

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

This Note is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Notes, and the City appoints another depository, upon surrender of the Note to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Note in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Notes (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Notes, or (iii) with respect to any particular Note, after such Note has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon

and for all other purposes whatsoever. The Notes are issuable solely as negotiable, fully-registered Notes without coupons in the denomination of \$5,000 or any integral multiple thereof.

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

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

DRAFT

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

CITY OF NEW BERLIN
WAUKESHA COUNTY, WISCONSIN

By: _____
David A. Ament
Mayor

(SEAL)

By: _____
Rubina R. Medina
City Clerk

[Date of Authentication: _____, _____]

CERTIFICATE OF AUTHENTICATION

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

_____, _____

By _____
Authorized Signatory]

ASSIGNMENT

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

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

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

Dated: _____

Signature Guaranteed:

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

(Depository or Nominee Name)

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

(Authorized Officer)

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE
OF \$13,150,000 GENERAL OBLIGATION PROMISSORY
NOTES, SERIES 2023A

WHEREAS, on July 25, 2023, the Common Council of the City of New Berlin, Waukesha County, Wisconsin (the "City") adopted a resolution (the "Set Sale Resolution"), providing for the sale of General Obligation Promissory Notes, Series 2023A (the "Notes") for public purposes, including paying the cost of capital improvement projects, such as improvements for City buildings, parks and public grounds projects, municipal equipment, street improvement projects and community development projects, including streets in TID No. 3 (collectively, the "Project");

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

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

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

WHEREAS, Ehlers, in consultation with the officials of the City, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Notes and indicating that the Notes would be offered for public sale on August 29, 2023;

WHEREAS, the City Clerk (in consultation with Ehlers) caused a form of notice of the sale to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Notes for public sale on August 29, 2023;

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

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

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

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

Section 1A. Authorization and Award of the Notes. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(12), Wisconsin Statutes, the principal sum of THIRTEEN MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$13,150,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal of the Purchaser offering to purchase the Notes for the sum set forth on the Proposal, plus accrued interest to the date of delivery, resulting in a true interest cost as set forth on the Proposal, is hereby accepted. The Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. The good faith deposit of the Purchaser shall be applied in accordance with the Notice of Sale, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Notes shall bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes, Series 2023A"; shall be issued in the aggregate principal amount of \$13,150,000; shall be dated September 14, 2023; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on June 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2024. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Notes is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Notes maturing on June 1, 2032 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on June 1, 2031 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

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

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2023 through 2032 for the payments due in the years 2024 through 2033 in the amounts set forth on the Schedule.

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

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

Section 6. Segregated Debt Service Fund Account.

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

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for General Obligation Promissory Notes, Series 2023A, dated September 14, 2023" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Notes; (ii) any premium which may be received by the City above the par value of the Notes and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Notes when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

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

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

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

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

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

action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Notes shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

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

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

Section 11. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes shall be paid by the City Clerk or City Treasurer (the "Fiscal Agent").

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

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

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

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

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

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

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

Section 17. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the

Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

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

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

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

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

Adopted, approved and recorded August 29, 2023.

David A. Ament
Mayor

ATTEST:

Rubina R. Medina
City Clerk

(SEAL)

EXHIBIT A

Notice of Sale

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

(See Attached)

NOTICE OF SALE

\$13,280,000* GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2023A CITY OF NEW BERLIN, WISCONSIN

Bids for the purchase of \$13,280,000* General Obligation Promissory Notes, Series 2023A (the "Notes") of the City of New Berlin, Wisconsin (the "City") will be received at the offices of Ehlers and Associates, Inc. ("Ehlers"), 3060 Centre Pointe Drive, Roseville, Minnesota 55113-1105, municipal advisors to the City, until 10:00 A.M., Central Time, and **ELECTRONIC PROPOSALS** will be received via **PARITY**, in the manner described below, until 10:00 A.M. Central Time, on August 29, 2023, at which time they will be opened, read and tabulated. The bids will be presented to the Common Council for consideration for award by resolution at a meeting to be held at 6:00 P.M., Central Time, on the same date. The bid offering to purchase the Notes upon the terms specified herein and most favorable to the City will be accepted unless all bids are rejected.

AUTHORITY; PURPOSE; SECURITY

The Notes are being issued pursuant to Section 67.12(12), Wisconsin Statutes, by the City, for public purposes, including paying the cost of capital improvement projects, such as improvements for City buildings, parks and public grounds projects, municipal equipment, street improvement projects and community development projects, including streets in TID No. 3. The Notes are general obligations of the City, and all the taxable property in the City is subject to the levy of a tax to pay the principal of and interest on the Notes as they become due which tax may, under current law, be levied without limitation as to rate or amount.

DATES AND MATURITIES

The Notes will be dated September 14, 2023, will be issued as fully registered Notes in the denomination of \$5,000 each, or any integral multiple thereof, and will mature on June 1 as follows:

<u>Year</u>	<u>Amount*</u>	<u>Year</u>	<u>Amount*</u>	<u>Year</u>	<u>Amount*</u>
2024	\$1,190,000	2028	\$1,365,000	2032	\$1,555,000
2025	835,000	2029	1,550,000	2033	1,550,000
2026	1,040,000	2030	1,555,000		
2027	1,085,000	2031	1,555,000		

ADJUSTMENT OPTION

The City reserves the right to increase or decrease the principal amount of the Notes on the day of sale, in increments of \$5,000 each. Increases or decreases may be made in any maturity. If any principal amounts are adjusted, the purchase price proposed will be adjusted to maintain the same gross spread per \$1,000.

TERM BOND OPTION

Bids for the Notes may contain a maturity schedule providing for any combination of serial bonds and term bonds, subject to mandatory redemption, so long as the amount of principal maturing or subject to mandatory redemption in each year conforms to the maturity schedule set forth above. All dates are inclusive.

INTEREST PAYMENT DATES AND RATES

Interest will be payable on June 1 and December 1 of each year, commencing June 1, 2024, to the registered owners of the Notes appearing of record in the bond register as of the close of business on the 15th day (whether or not a business day) of the immediately preceding month. Interest will be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to rules of the Municipal Securities Rulemaking Board. All Notes of the same maturity must bear interest from date of issue until paid at a single, uniform rate. Each rate must be expressed in an integral multiple of 5/100 or 1/8 of 1%.

BOOK-ENTRY-ONLY FORMAT

Unless otherwise specified by the purchaser, the Notes will be designated in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York ("DTC"). DTC will act as securities depository for the Notes, and will be responsible for maintaining a book-entry system for recording the interests of its participants and the transfers of interests between its participants. The participants will be responsible for maintaining records regarding the beneficial interests of the individual purchasers of the Notes. So long as Cede & Co. is the registered owner of the Notes, all payments of principal and interest will be made to the depository which, in turn, will be obligated to remit such payments to its participants for subsequent disbursement to the beneficial owners of the Notes.

PAYING AGENT

The City may select City officials, a bank or trust company, to act as paying agent (the "Paying Agent"). If a Paying Agent is selected, the City will pay the charges for Paying Agent services. The City reserves the right to remove the Paying Agent and to appoint a successor.

OPTIONAL REDEMPTION

At the option of the City, the Notes maturing on or after June 1, 2032 shall be subject to optional redemption prior to maturity on June 1, 2031 or any date thereafter, at a price of par plus accrued interest to the date of optional redemption.

Redemption may be in whole or in part of the Notes subject to prepayment. If redemption is in part, the selection of the amounts and maturities of the Notes to be redeemed shall be at the discretion of the City. If only part of the Notes having a common maturity date are called for redemption, then the City or Paying Agent, if any, will notify DTC of the particular amount of such maturity to be redeemed. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interest in such maturity to be redeemed.

Notice of such call shall be given by sending a notice by registered or certified mail, facsimile or electronic transmission, overnight delivery service or in any other manner required by DTC, not less than 30 days nor more than 60 days prior to the date fixed for redemption to the registered owner of each Note to be redeemed at the address shown on the registration books.

DELIVERY

On or about September 14, 2023, the Notes will be delivered without cost to the winning bidder at DTC. On the day of closing, the City will furnish to the winning bidder the opinion of bond counsel hereinafter described, an arbitrage certification, and certificates verifying that no litigation in any manner questioning the validity of the Notes is then pending or, to the best knowledge of officers of the City, threatened. Payment for the Notes must be received by the City at its designated depository on the date of closing in immediately available funds.

LEGAL OPINION

An opinion as to the validity of the Notes and the exemption from federal taxation of the interest thereon will be furnished by Quarles & Brady LLP, Bond Counsel to the City ("Bond Counsel"), and will be available at the time of delivery of the Notes. The legal opinion will be issued on the basis of existing law and will state that the Notes are valid and binding general obligations of the City; provided that the rights of the owners of the Notes and the enforceability of the Notes may be limited by bankruptcy, insolvency, reorganization, moratorium, and other similar laws affecting creditors' rights and by equitable principles (which may be applied in either a legal or equitable proceeding).

STATEMENT REGARDING COUNSEL PARTICIPATION

Bond Counsel has not assumed responsibility for the Preliminary Official Statement or participated in its preparation (except with respect to the section entitled "TAX EXEMPTION" in the Preliminary Official Statement and the "FORM OF LEGAL OPINION" found in Appendix B of the Preliminary Official Statement).

SUBMISSION OF BIDS

Bids must not be for less than \$13,147,200 nor more than \$14,342,400 plus accrued interest on the principal sum of \$13,280,000 from date of original issue of the Notes to date of delivery. Prior to the time established above for the opening of bids, interested parties may submit a bid as follows:

- 1) Electronically to bondsale@ehlers-inc.com; or
- 2) Electronically via **PARITY** in accordance with this Notice of Sale until 10:00 A.M. Central Time, but no bid will be received after the time for receiving bids specified above. To the extent any instructions or directions set forth in **PARITY** conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about **PARITY**, potential bidders may contact IHS Markit (now part of S&P Global) at <https://ihsmarkit.com/products/municipal-issuance.html> or via telephone (844) 301-7334.

Bids must be submitted to Ehlers via one of the methods described above and must be received prior to the time established above for the opening of bids. Each bid must be unconditional except as to legality. Neither the City nor Ehlers shall be responsible for any failure to receive a facsimile submission.

A good faith deposit ("Deposit") in the amount of \$265,600 shall be made by the winning bidder by wire transfer of funds. Such Deposit shall be received by Ehlers no later than two hours after the bid opening time. Wire transfer instructions will be provided to the winning bidder by Ehlers after the tabulation of bids. The City reserves the right to award the Notes to a winning bidder whose wire transfer is initiated but not received by such time provided that such winning bidder's federal wire reference number has been received by such time. In the event the Deposit is not received as provided above, the City may award the Notes to the bidder submitting the next best bid provided such bidder agrees to such award. The Deposit will be retained by the City as liquidated damages if the bid is accepted and the Purchaser fails to comply therewith.

The City and the winning bidder who chooses to so wire the Deposit hereby agree irrevocably that Ehlers shall be the escrow holder of the Deposit wired to such account subject only to these conditions and duties: 1) All income earned thereon shall be retained by the escrow holder as payment for its expenses; 2) If the bid is not accepted, Ehlers shall, at its expense, promptly return the Deposit amount to the winning bidder; 3) If the bid is accepted, the Deposit shall be returned to the winning bidder at the closing; 4) Ehlers shall bear all costs of maintaining the escrow account and returning the funds to the winning bidder; 5) Ehlers shall not be an insurer of the Deposit amount and shall have no liability hereunder except if it willfully fails to perform or recklessly disregards, its duties specified herein; and 6) FDIC insurance on deposits within the escrow account shall be limited to \$250,000 per bidder.

No bid can be withdrawn after the time set for receiving bids unless the meeting of the City scheduled for award of the Notes is adjourned, recessed, or continued to another date without award of the Notes having been made.

AWARD

The Notes will be awarded to the bidder offering the lowest interest rate to be determined on a True Interest Cost (TIC) basis. The City's computation of the interest rate of each bid, in accordance with customary practice, will be controlling. In the event of a tie, the sale of the Notes will be awarded by lot. The City reserves the right to reject any and all bids and to waive any informality in any bid.

BOND INSURANCE

If the Notes are qualified for any bond insurance policy, the purchase of such policy shall be at the sole option and expense of the winning bidder. Any cost for such insurance policy is to be paid by the winning bidder, except that, if the City requested and received a rating on the Notes from a rating agency, the City will pay that rating fee. Any rating agency fees not requested by the City are the responsibility of the winning bidder.

Failure of the municipal bond insurer to issue the policy after the Notes are awarded to the winning bidder shall not constitute cause for failure or refusal by the winning bidder to accept delivery of the Notes.

CUSIP NUMBERS

The City will assume no obligation for the assignment or printing of CUSIP numbers on the Notes or for the correctness of any numbers printed thereon, but will permit such numbers to be printed at the expense of the winning bidder, if the winning bidder waives any delay in delivery occasioned thereby.

NOT QUALIFIED TAX-EXEMPT OBLIGATIONS

The Notes shall not be designated as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

CONTINUING DISCLOSURE

In order to assist the Underwriter (Syndicate Manager) in complying with the provisions of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 the City will enter into an undertaking for the benefit of the holders of the Notes. A description of the details and terms of the undertaking is set forth in Appendix D of the Official Statement.

NEW ISSUE PRICING

The winning bidder will be required to provide, in a timely manner, certain information necessary to compute the yield on the Notes pursuant to the provisions of the Internal Revenue Code of 1986, as amended, and to provide a certificate which will be provided by Bond Counsel upon request.

(a) The winning bidder shall assist the City in establishing the issue price of the Notes and shall execute and deliver to the City at closing an "issue price" or similar certificate satisfactory to Bond Counsel setting forth the reasonably expected initial offering price to the public or the sales price or prices of the Notes, together with the supporting pricing wires or equivalent communications. All actions to be taken by the City under this Notice of Sale to establish the issue price of the Notes may be taken on behalf of the City by the City's municipal advisor identified herein and any notice or report to be provided to the City may be provided to the City's municipal advisor.

(b) The City intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the Notes) will apply to the initial sale of the Notes (the "competitive sale requirements") because:

- (1) The City shall disseminate this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential investors;
- (2) all bidders shall have an equal opportunity to bid;
- (3) the City may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- (4) the City anticipates awarding the sale of the Notes to the bidder who submits a firm offer to purchase the Notes at the highest price (or lowest interest cost), as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Notes, as specified in this bid.

(c) If all of the requirements of a "competitive sale" are not satisfied, the City shall advise the winning bidder of such fact prior to the time of award of the sale of the Notes to the winning bidder. In such event, any bid submitted will not be subject to cancellation or withdrawal and the City agrees to use the rule selected by the winning bidder on its bid form to determine the issue price for the Notes. On its bid form, each bidder must select one of the following two rules for determining the issue price of the Notes: (1) the first price at which 10% of a maturity of the Notes (the "10% test") is sold to the public as the issue price of that maturity or (2) the initial offering price to the public as of the sale date as the issue price of each maturity of the Notes (the "hold-the-offering-price rule").

(d) If all of the requirements of a "competitive sale" are not satisfied and the winning bidder selects the hold-the-offering-price rule, the winning bidder shall (i) confirm that the underwriters have offered or will offer the Notes to the public on or before the date of award at the offering price or prices (the "initial offering price"), or at the corresponding yield or yields, set forth in the bid submitted by the winning bidder and (ii) agree, on behalf of the underwriters participating in the purchase of the Notes, that the underwriters will neither offer nor sell unsold Notes of any maturity to which the hold-the-offering-price rule shall apply to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of the following:

- (1) the close of the fifth (5th) business day after the sale date; or
- (2) the date on which the underwriters have sold at least 10% of that maturity of the Notes to the public at a price that is no higher than the initial offering price to the public.

The winning bidder will advise the City promptly after the close of the fifth (5th) business day after the sale whether it has sold 10% of that maturity of the Notes to the public at a price that is no higher than the initial offering price to the public.

The City acknowledges that in making the representation set forth above, the winning bidder will rely on:

(i) the agreement of each underwriter to comply with requirements for establishing issue price of the Notes, including, but not limited to, its agreement to comply with the hold-the-price rule, if applicable to the Notes, as set forth in an agreement among underwriters and the related pricing wires,

(ii) in the event a selling group has been created in connection with the initial sale of the Notes to the public, the agreement of each dealer who is a member of the selling group to comply with the requirements for establishing issue price of the Notes, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Notes, as set forth in a selling group agreement and the related pricing wires, and

(iii) in the event that an underwriter or dealer who is a member of the selling group is a party to a third-party distribution agreement that was employed in connection with the initial sale of the Notes to the public, the agreement of each broker-dealer that is party to such agreement to comply with the requirements for establishing issue price of the Notes, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Notes, as set forth in the third-party distribution agreement and the related pricing wires. The City further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the requirements for establishing issue price rule of the Notes, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Notes, and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a third-party distribution agreement to comply with its corresponding agreement to comply with the requirements for establishing issue price of the Notes, including, but not limited to, its agreement to comply with the hold-the-offering-price rule as applicable to the Notes.

(e) If all of the requirements of a "competitive sale" are not satisfied and the winning bidder selects the 10% test, the winning bidder agrees to promptly report to the City, Bond Counsel and Ehlers the prices at which the Notes have been sold to the public. That reporting obligation shall continue, whether or not the closing date has occurred, until either (i) all Notes of that maturity have been sold or (ii) the 10% test has been satisfied as to each maturity of the Notes, provided that, the winning bidder's reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the City or bond counsel.

(f) By submitting a bid, each bidder confirms that:

(i) any agreement among underwriters, any selling group agreement and each third-party distribution agreement (to which the bidder is a party) relating to the initial sale of the Notes to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is party to such third-party distribution agreement, as applicable, to:

(A) report the prices at which it sells to the public the unsold Notes of each maturity allocated to it, whether or not the Closing Date has occurred until either all securities of that maturity allocated to it have been sold or it is notified by the winning bidder that either the 10% test has been satisfied as to the Notes of that maturity, provided that, the reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the City or bond counsel.

(B) comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the winning bidder and as set forth in the related pricing wires, and

(ii) any agreement among underwriters or selling group agreement relating to the initial sale of the Notes to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group and each broker dealer that is a party to a third-party distribution agreement to be employed in connection with the initial sale of the Notes to the public to require each broker-dealer that is a party to such third-party distribution agreement to:

(A) to promptly notify the winning bidder of any sales of Notes that, to its knowledge, are made to a purchaser who is a related party to an underwriter participating in the initial sale of the Notes to the public (each such term being used as defined below), and

(B) to acknowledge that, unless otherwise advised by the underwriter, dealer or broker-dealer, the winning bidder shall assume that each order submitted by the underwriter, dealer or broker-dealer is a sale to the public.

(g) Sales of any Notes to any person that is a related party to an underwriter participating in the initial sale of the Notes to the public (each term being used as defined below) shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale:

- (i) "public" means any person other than an underwriter or a related party,
- (ii) "underwriter" means (A) any person that agrees pursuant to a written contract with the City (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Notes to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Notes to the public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the Notes to the public),
- (iii) a purchaser of any of the Notes is a "related party" to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (A) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (B) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (C) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other), and
- (iv) "sale date" means the date that the Notes are awarded by the City to the winning bidder.

PRELIMINARY OFFICIAL STATEMENT

Bidders may obtain a copy of the Preliminary Official Statement relating to the Notes prior to the bid opening by request from Ehlers at www.ehlers-inc.com by connecting to the Bond Sales link. The Underwriter (Syndicate Manager) will be provided with an electronic copy of the Final Official Statement within seven business days of the bid acceptance. Up to 10 printed copies of the Final Official Statement will be provided upon request. Additional copies of the Final Official Statement will be available at a cost of \$10.00 per copy.

Information for bidders and bid forms may be obtained from Ehlers at 3060 Centre Pointe Drive, Roseville, Minnesota 55113-1105, Telephone (651) 697-8500.

By Order of the Common Council

Rubina R. Medina, City Clerk
City of New Berlin, Wisconsin

EXHIBIT B

Bid Tabulation

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

(See Attached)

BID TABULATION

\$13,280,000* General Obligation Promissory Notes, Series 2023A

City of New Berlin, Wisconsin

SALE: August 29, 2023

AWARD: TD SECURITIES (USA) LLC

Rating: Moody's Investor's Service "Aaa"

Tax Exempt - Non-Bank Qualified

NAME OF BIDDER	MATURITY (June 1)	RATE	REOFFERING YIELD	PRICE	NET INTEREST COST	TRUE INTEREST RATE
TD SECURITIES (USA) LLC New York, New York	2024	5.000%	3.500%	\$14,166,684.80	\$2,600,521.17	3.3054%
	2025	5.000%	3.400%			
	2026	5.000%	3.260%			
	2027	5.000%	3.160%			
	2028	5.000%	3.100%			
	2029	5.000%	3.070%			
	2030	5.000%	3.050%			
	2031	5.000%	3.050%			
	2032	4.000%	3.260%			
	2033	4.000%	3.300%			
KEYBANC CAPITAL MARKETS INCORPORATED Cleveland, Ohio						3.3132%
BOK FINANCIAL SECURITIES, INC. Milwaukee, Wisconsin						3.3326%
PIPER SANDLER & CO. Minneapolis, Minnesota						3.3649%
STONEX FINANCIAL INC Atlanta, Georgia						3.3744%

* Subsequent to bid opening the issue size was decreased to \$13,150,000.

Adjusted Price - \$13,995,311.70 Adjusted Net Interest Cost - \$2,513,375.24 Adjusted TIC - 3.3124%

NAME OF BIDDER	MATURITY (June 1)	RATE	REOFFERING YIELD	PRICE	NET INTEREST COST	TRUE INTEREST RATE
BAIRD Milwaukee, Wisconsin						3.4296%
FIDELITY CAPITAL MARKETS Boston, Massachusetts						3.5341%

EXHIBIT C

Winning Bid

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

(See Attached)

BID FORM

The Common Council
City of New Berlin, Wisconsin (the "City")

August 29, 2023

RE: \$13,280,000* General Obligation Promissory Notes, Series 2023A (the "Notes")
DATED: September 14, 2023

For all or none of the above Notes, in accordance with the Notice of Sale and terms of the Global Book-Entry System (unless otherwise specified by the Purchaser) as stated in this Official Statement, we will pay you \$ 14,166,684.80 (not less than \$13,147,200 nor more than \$14,342,400) plus accrued interest to date of delivery for fully registered Notes bearing interest rates and maturing in the stated years as follows:

<u>5.00</u>	% due	2024	<u>5.00</u>	% due	2028	<u>4.00</u>	% due	2032
<u>5.00</u>	% due	2025	<u>5.00</u>	% due	2029	<u>4.00</u>	% due	2033
<u>5.00</u>	% due	2026	<u>5.00</u>	% due	2030			
<u>5.00</u>	% due	2027	<u>5.00</u>	% due	2031			

The City reserves the right to increase or decrease the principal amount of the Notes on the day of sale, in increments of \$5,000 each. Increases or decreases may be made in any maturity. If any principal amounts are adjusted, the purchase price proposed will be adjusted to maintain the same gross spread per \$1,000.

All Notes of the same maturity must bear interest from date of issue until paid at a single, uniform rate. Each rate must be expressed in an integral multiple of 5/100 or 1/8 of 1%.

A good faith deposit ("Deposit") in the amount of \$265,600 shall be made by the winning bidder by wire transfer of funds. Such Deposit shall be received by Ehlers no later than two hours after the bid opening time. Wire transfer instructions will be provided to the winning bidder by Ehlers after the tabulation of bids. The City reserves the right to award the Notes to a winning bidder whose wire transfer is initiated but not received by such time provided that such winning bidder's federal wire reference number has been received by such time. In the event the Deposit is not received as provided above, the City may award the Notes to the bidder submitting the next best bid provided such bidder agrees to such award. The Deposit will be retained by the City as liquidated damages if the bid is accepted and the Purchaser fails to comply therewith. We agree to the conditions and duties of Ehlers and Associates, Inc., as escrow holder of the Deposit, pursuant to the Notice of Sale. This bid is for prompt acceptance and is conditional upon delivery of said Notes to The Depository Trust Company, New York, New York, in accordance with the Notice of Sale. Delivery is anticipated to be on or about September 14, 2023.

This bid is subject to the City's agreement to enter into a written undertaking to provide continuing disclosure under Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 as described in the Preliminary Official Statement for the Notes.

We have received and reviewed the Official Statement, and any addenda thereto, and have submitted our requests for additional information or corrections to the Final Official Statement. As Underwriter (Syndicate Manager), we agree to provide the City with the reoffering price of the Notes within 24 hours of the bid acceptance.

This bid is a firm offer for the purchase of the Notes identified in the Notice of Sale, on the terms set forth in this bid form and the Notice of Sale, and is not subject to any conditions, except as permitted by the Notice of Sale.

By submitting this bid, we confirm that we are an underwriter and have an established industry reputation for underwriting new issuances of municipal bonds. YES: X NO:

If the competitive sale requirements are not met, we elect to use either the: 10% test, or the hold-the-offering-price rule to determine the issue price of the Notes.

Account Manager: TD Securities (USA) LLC
Account Members: Alone

By: john mccaghren

Award will be on a true interest cost basis. According to our computations (the correct computation being controlling in the award), the total dollar interest cost (including any discount or less any premium) computed from September 14, 2023 of the above bid is \$ 2,600,521.17 and the true interest cost (TIC) is 3.305455 %.

The foregoing offer is hereby accepted by and on behalf of the Common Council of the City of New Berlin, Wisconsin, on August 29, 2023.

By: _____ By: _____
Title: _____ Title: _____

* Subsequent to bid opening the issue size was decreased to \$13,150,000.
Adjusted Price - \$13,995,311.70 Adjusted Net Interest Cost - \$2,513,375.24 Adjusted TIC - 3.3124%

EXHIBIT D-1

Pricing Summary

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

(See Attached)

City of New Berlin

\$13,150,000 General Obligation Promissory Notes, Series 2023A Issue Summary

Pricing Summary

Maturity	Type of Bond	Coupon	Yield	Maturity Value	Price	YTM	Call Date	Call Price	Dollar Price
06/01/2024	Serial Coupon	5.000%	3.500%	1,630,000.00	101.043%	-	-	-	1,647,000.90
06/01/2025	Serial Coupon	5.000%	3.400%	825,000.00	102.636%	-	-	-	846,747.00
06/01/2026	Serial Coupon	5.000%	3.260%	980,000.00	104.479%	-	-	-	1,023,894.20
06/01/2027	Serial Coupon	5.000%	3.160%	1,035,000.00	106.395%	-	-	-	1,101,188.25
06/01/2028	Serial Coupon	5.000%	3.100%	1,125,000.00	108.268%	-	-	-	1,218,015.00
06/01/2029	Serial Coupon	5.000%	3.070%	1,470,000.00	110.039%	-	-	-	1,617,573.30
06/01/2030	Serial Coupon	5.000%	3.050%	1,500,000.00	111.753%	-	-	-	1,676,295.00
06/01/2031	Serial Coupon	5.000%	3.050%	1,525,000.00	113.309%	-	-	-	1,727,962.25
06/01/2032	Serial Coupon	4.000%	3.260%	1,530,000.00	105.007% c	3.333%	06/01/2031	100.000%	1,606,607.10
06/01/2033	Serial Coupon	4.000%	3.300%	1,530,000.00	104.729% c	3.423%	06/01/2031	100.000%	1,602,353.70
Total		-	-	\$13,150,000.00	-	-	-	-	\$14,067,636.70

Bid Information

Par Amount of Bonds	\$13,150,000.00
Reoffering Premium or (Discount)	917,636.70
Gross Production	\$14,067,636.70
Total Underwriter's Discount (0.550%)	\$(72,325.00)
Bid (106.428%)	13,995,311.70
Total Purchase Price	\$13,995,311.70
Bond Year Dollars	\$72,812.64
Average Life	5.537 Years
Average Coupon	4.6127801%
Net Interest Cost (NIC)	3.4518392%
True Interest Cost (TIC)	3.3124189%

EXHIBIT D-2

Debt Service Schedule and Irrepealable Tax Levies

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

(See Attached)

City of New Berlin

\$13,150,000 General Obligation Promissory Notes, Series 2023A

Issue Summary

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
09/14/2023	-	-	-	-	-
06/01/2024	1,630,000.00	5.000%	447,536.94	2,077,536.94	-
12/01/2024	-	-	272,700.00	272,700.00	-
12/31/2024	-	-	-	-	2,350,236.94
06/01/2025	825,000.00	5.000%	272,700.00	1,097,700.00	-
12/01/2025	-	-	252,075.00	252,075.00	-
12/31/2025	-	-	-	-	1,349,775.00
06/01/2026	980,000.00	5.000%	252,075.00	1,232,075.00	-
12/01/2026	-	-	227,575.00	227,575.00	-
12/31/2026	-	-	-	-	1,459,650.00
06/01/2027	1,035,000.00	5.000%	227,575.00	1,262,575.00	-
12/01/2027	-	-	201,700.00	201,700.00	-
12/31/2027	-	-	-	-	1,464,275.00
06/01/2028	1,125,000.00	5.000%	201,700.00	1,326,700.00	-
12/01/2028	-	-	173,575.00	173,575.00	-
12/31/2028	-	-	-	-	1,500,275.00
06/01/2029	1,470,000.00	5.000%	173,575.00	1,643,575.00	-
12/01/2029	-	-	136,825.00	136,825.00	-
12/31/2029	-	-	-	-	1,780,400.00
06/01/2030	1,500,000.00	5.000%	136,825.00	1,636,825.00	-
12/01/2030	-	-	99,325.00	99,325.00	-
12/31/2030	-	-	-	-	1,736,150.00
06/01/2031	1,525,000.00	5.000%	99,325.00	1,624,325.00	-
12/01/2031	-	-	61,200.00	61,200.00	-
12/31/2031	-	-	-	-	1,685,525.00
06/01/2032	1,530,000.00	4.000%	61,200.00	1,591,200.00	-
12/01/2032	-	-	30,600.00	30,600.00	-
12/31/2032	-	-	-	-	1,621,800.00
06/01/2033	1,530,000.00	4.000%	30,600.00	1,560,600.00	-
12/31/2033	-	-	-	-	1,560,600.00
Total	\$13,150,000.00	-	\$3,358,686.94	\$16,508,686.94	-

Yield Statistics

Bond Year Dollars	\$72,812.64
Average Life	5.537 Years
Average Coupon	4.6127801%

Net Interest Cost (NIC)	3.4518392%
True Interest Cost (TIC)	3.3124189%
Bond Yield for Arbitrage Purposes	3.1623479%
All Inclusive Cost (AIC)	3.4548464%

IRS Form 8038

Net Interest Cost	3.1045440%
Weighted Average Maturity	5.589 Years

EXHIBIT E

(Form of Note)

REGISTERED UNITED STATES OF AMERICA DOLLARS
STATE OF WISCONSIN
WAUKESHA COUNTY
NO. R-____ CITY OF NEW BERLIN \$_____
GENERAL OBLIGATION PROMISSORY NOTE, SERIES 2023A

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
June 1, _____ September 14, 2023 _____ % _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$ _____)

FOR VALUE RECEIVED, the City of New Berlin, Waukesha County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2024 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Note are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Note is registered on the Bond Register maintained by the City Clerk or City Treasurer (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding each interest payment date (the "Record Date"). This Note is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

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

This Note is one of an issue of Notes aggregating the principal amount of \$13,150,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the City pursuant to the provisions of Section 67.12(12), Wisconsin Statutes, for public purposes, including paying the cost of capital improvement projects, such as improvements for City buildings, parks and public grounds projects, municipal equipment, street improvement projects and community development projects, including streets in TID No. 3, as authorized by a resolution adopted on August 29, 2023. Said resolution is recorded in the official minutes of the Common Council for said date.

The Notes maturing on June 1, 2032 and thereafter are subject to redemption prior to maturity, at the option of the City, on June 1, 2031 or on any date thereafter. Said Notes are redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

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

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

This Note is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Notes, and the City appoints another depository, upon surrender of the Note to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Note in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Notes (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Notes, or (iii) with respect to any particular Note, after such Note has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Notes are issuable solely as negotiable, fully-registered Notes without coupons in the denomination of \$5,000 or any integral multiple thereof.

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

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

CITY OF NEW BERLIN
WAUKESHA COUNTY, WISCONSIN

By: _____
David A. Ament
Mayor

(SEAL)

By: _____
Rubina R. Medina
City Clerk

ASSIGNMENT

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

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

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

Dated: _____

Signature Guaranteed:

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

(Depository or Nominee Name)

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

(Authorized Officer)

August 29, 2023

SALE DAY REPORT FOR:

City of New Berlin, Wisconsin

**\$13,150,000 General Obligation Promissory Notes,
Series 2023A**



Prepared by:

Ehlers
N19W24400 Riverwood Drive,
Suite 100
Waukesha, WI 53188

Greg Johnson,
Senior Municipal Advisor

Phil Cosson,
Senior Municipal Advisor

Harry Allen,
Associate Municipal Advisor

BUILDING COMMUNITIES. IT'S WHAT WE DO.

Competitive Sale Results

PURPOSE:	For public purposes, including paying the cost of capital improvement projects, such as improvements for City buildings, parks and public grounds projects, municipal equipment, street improvement projects and community development projects, including streets in TID No. 3.
RATING:	Moody's Investor's Service "Aaa"
NUMBER OF BIDS:	7
LOW BIDDER:	TD Securities (USA) LLC, New York, New York

COMPARISON FROM LOWEST TO HIGHEST BID: (TIC as bid)

LOW BID:	3.3054%
HIGH BID:	3.5341%

Summary of Sale Results:	
Principal Amount:	\$13,150,000
Underwriter's Discount:	\$72,325
Reoffering Premium:	\$917,637
True Interest Cost:	3.3124%
Costs of Issuance:	\$95,350
Yield:	3.05%-3.50%
Total Net P&I	\$15,663,375

NOTES:	Total net principal and interest on the Notes is \$460,004 less than the pre-sale estimate.
	The City Treasurer will serve as Paying Agent on the Notes.
	The Notes maturing June 1, 2032, and thereafter are callable June 1, 2031, or any date thereafter.

CLOSING DATE:	September 14, 2023
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**CITY COUNCIL
ACTION:**

Adopt a resolution awarding the sale of \$13,150,000 General Obligation Promissory Notes, Series 2023A.

SUPPLEMENTARY ATTACHMENTS

- Bid Tabulation
- Project List
- Sources and Uses of Funds
- Updated Debt Service Schedules
- Tax Impact Schedule
- G.O. Borrowing Capacity
- TID #3 cash flow report
- Rating Report

BID TABULATION

\$13,280,000* General Obligation Promissory Notes, Series 2023A

City of New Berlin, Wisconsin

SALE: August 29, 2023

AWARD: TD SECURITIES (USA) LLC

Rating: Moody's Investor's Service "Aaa"

Tax Exempt - Non-Bank Qualified

NAME OF BIDDER	MATURITY (June 1)	RATE	REOFFERING YIELD	PRICE	NET INTEREST COST	TRUE INTEREST RATE
TD SECURITIES (USA) LLC New York, New York	2024	5.000%	3.500%	\$14,166,684.80	\$2,600,521.17	3.3054%
	2025	5.000%	3.400%			
	2026	5.000%	3.260%			
	2027	5.000%	3.160%			
	2028	5.000%	3.100%			
	2029	5.000%	3.070%			
	2030	5.000%	3.050%			
	2031	5.000%	3.050%			
	2032	4.000%	3.260%			
	2033	4.000%	3.300%			
KEYBANC CAPITAL MARKETS INCORPORATED Cleveland, Ohio						3.3132%
BOK FINANCIAL SECURITIES, INC. Milwaukee, Wisconsin						3.3326%
PIPER SANDLER & CO. Minneapolis, Minnesota						3.3649%
STONEX FINANCIAL INC Atlanta, Georgia						3.3744%

* Subsequent to bid opening the issue size was decreased to \$13,150,000.

Adjusted Price - \$13,995,311.70 Adjusted Net Interest Cost - \$2,513,375.24 Adjusted TIC - 3.3124%

NAME OF BIDDER	MATURITY (June 1)	RATE	REOFFERING YIELD	PRICE	NET INTEREST COST	TRUE INTEREST RATE
BAIRD Milwaukee, Wisconsin						3.4296%
FIDELITY CAPITAL MARKETS Boston, Massachusetts						3.5341%

Table 2

Sources and Uses

City of New Berlin, WI

		2023		
		G.O. Notes	Levy Portion	TID #3 Portion
CIP Projects				
	Levy supported capital projects	10,100,000	10,100,000	
	TID #3 supported capital projects	3,082,203		3,082,203
	Subtotal Project Costs	13,182,203	10,100,000	3,082,203
CIP Projects		13,182,203	10,100,000	3,082,203
Premium				
	Underwriter's Premium (built into rates)	(917,637)	(657,471)	(260,166)
	Premium Dep. To Debt Service	845,312	602,059	243,253
Issuance Expenses				
	Municipal Advisor (Ehlers)	52,300	40,070	12,230
	Bond Counsel	24,500	18,771	5,729
	Rating Fee	18,550	14,212	4,338
	Underwriter's Discount	5.50 72,325	55,413	16,913
	Paying Agent	0	0	0
	Subtotal Issuance Expenses	167,675	128,466	39,209
TOTAL TO BE FINANCED		13,277,553	10,173,053	3,104,500
	Estimated Interest Earnings	2.00% (131,822)	(101,000)	(30,822)
	Assumed spend down (months)	6		
	Rounding	4,269	2,947	1,322
NET ISSUE SIZE		13,150,000	10,075,000	3,075,000

Table 3

Allocation of Debt Service - 2023 G.O. Notes

City of New Berlin, WI

Year Ending	Levy Portion					TID #3 Portion			
	Principal	Final	Interest	Premium	Net Total	Principal	Interest	Premium	Net Total
2023					0				0
2024	1,630,000	5.00%	545,983	(545,983)	1,630,000		174,254	(174,254)	0
2025	825,000	5.00%	381,225	(56,075)	1,150,150		143,550	(68,999)	74,551
2026	810,000	5.00%	340,350		1,150,350	170,000	139,300		309,300
2027	855,000	5.00%	298,725		1,153,725	180,000	130,550		310,550
2028	865,000	5.00%	255,725		1,120,725	260,000	119,550		379,550
2029	1,015,000	5.00%	208,725		1,223,725	455,000	101,675		556,675
2030	1,015,000	5.00%	157,975		1,172,975	485,000	78,175		563,175
2031	1,020,000	5.00%	107,100		1,127,100	505,000	53,425		558,425
2032	1,020,000	4.00%	61,200		1,081,200	510,000	30,600		540,600
2033	1,020,000	4.00%	20,400		1,040,400	510,000	10,200		520,200
Total	10,075,000		2,377,408	(602,059)	11,850,350	3,075,000	981,279	(243,253)	3,813,026

Notes:

Year Ending	Totals			
	Principal (6/1)	Interest	Premium	Net Total
2023	0	0	0	0
2024	1,630,000	720,237	(720,237)	1,630,000
2025	825,000	524,775	(125,075)	1,224,700
2026	980,000	479,650	0	1,459,650
2027	1,035,000	429,275	0	1,464,275
2028	1,125,000	375,275	0	1,500,275
2029	1,470,000	310,400	0	1,780,400
2030	1,500,000	236,150	0	1,736,150
2031	1,525,000	160,525	0	1,685,525
2032	1,530,000	91,800	0	1,621,800
2033	1,530,000	30,600	0	1,560,600
Total	13,150,000	3,358,687	(845,312)	15,663,375

Pre-Sale Estimate

16,123,379

Difference

(460,004)

Table 4
Financing Plan Tax Impact

City of New Berlin, WI

Year Ending	Existing Debt		Proposed Debt												Year Ending	
	Net Debt Service Levy	Equalized Value (TID OUT)	2023 G.O. Notes 13,150,000	2023 G.O. Community Development Bonds 6,150,000	2024 G.O. Notes 12,475,000	2025 G.O. Notes 12,145,000	2026 G.O. Notes 12,500,000	2027 G.O. Notes	2027 G.O. Bonds	Abatements		Debt Service Levy		Taxes		
			Dated: 9/14/2023	Dated: 9/14/2023	Dated: 9/1/2024	Dated: 9/1/2025	Dated: 9/1/2026	Dated: 9/1/2027	Dated: 9/1/2027	Less:	Less:	Total	Levy Change	Total Tax		Annual Taxes
			Net P&I	Net P&I	Total P&I	Total P&I	Total P&I	Total P&I	Total P&I	TID #3	TID #5	Net Debt Service Levy	from Prior Year	Rate for Debt Service		\$300,000 Home
2023	9,562,327	7,053,233,800	0	0	Rate 5%	Rate 5.25%	Rate 5.5%	Rate 5.5%	Rate 5.5%	0	0	9,562,327		\$1.36	\$407	2023
2024	9,129,875	7,871,954,300	1,630,000	0	0	0	0	0	0	0	0	10,759,875	1,197,548	\$1.37	\$410	2024
2025	9,835,164	8,116,739,112	1,224,700	237,773	974,688	0	0	0	0	(74,551)	(237,773)	11,960,001	1,200,126	\$1.47	\$442	2025
2026	9,379,523	8,450,059,450	1,459,650	587,275	1,637,500	991,766	0	0	0	(309,300)	(587,275)	13,159,139	1,199,138	\$1.56	\$467	2026
2027	9,040,120	8,797,067,852	1,464,275	751,900	1,638,625	1,474,275	1,053,875	0	0	(310,550)	(751,900)	14,360,620	1,201,481	\$1.63	\$490	2027
2028	8,431,011	9,158,326,430	1,500,275	726,900	1,583,375	1,428,600	1,070,363	1,066,250	861,063	(379,550)	(726,900)	15,561,386	1,200,766	\$1.70	\$510	2028
2029	7,934,180	9,534,420,379	1,780,400	701,900	1,913,250	1,382,925	1,048,088	880,900	702,800	(556,675)	(701,900)	15,085,868	(475,518)	\$1.58	\$475	2029
2030	6,582,658	9,925,958,924	1,736,150	676,900	1,838,250	2,004,269	1,025,813	869,900	697,300	(563,175)	(676,900)	14,191,164	(894,704)	\$1.43	\$429	2030
2031	6,212,613	10,333,576,311	1,685,525	651,900	1,763,250	1,922,631	1,193,175	858,900	691,800	(558,425)	(651,900)	13,769,469	(421,695)	\$1.33	\$400	2031
2032	3,033,625	10,757,932,829	1,621,800	724,400	1,693,125	1,840,994	2,614,063	2,578,950	686,300	(540,600)	(724,400)	13,528,256	(241,213)	\$1.26	\$377	2032
2033	2,009,703	11,199,715,885	1,560,600	731,700	1,617,875	1,759,356	2,498,838	2,470,050	1,269,163	(520,200)	(731,700)	12,665,384	(862,872)	\$1.13	\$339	2033
2034	1,963,513	11,659,641,112	0	770,000	1,542,625	1,677,719	2,383,613	2,361,150	1,230,388	0	(770,000)	11,159,006	(1,506,378)	\$0.96	\$287	2034
2035	1,921,856	12,138,453,535	0	742,000	0	1,600,950	2,273,250	2,252,250	1,191,613	0	(742,000)	9,239,919	(1,919,088)	\$0.76	\$228	2035
2036	1,874,188	12,636,928,770	0	714,000	0	0	2,157,750	2,143,350	1,152,838	0	(714,000)	7,328,125	(1,911,794)	\$0.58	\$174	2036
2037	1,825,550	13,155,874,286	0	0	0	0	0	2,034,450	1,114,063	0	0	4,974,063	(2,354,063)	\$0.38	\$113	2037
2038	1,775,944	13,696,130,712	0	0	0	0	0	0	1,075,288	0	0	2,851,231	(2,122,831)	\$0.21	\$62	2038
2039	1,724,281	14,258,573,198	0	0	0	0	0	0	1,036,513	0	0	2,760,794	(90,438)	\$0.19	\$58	2039
2040	1,671,531	14,844,112,830	0	0	0	0	0	0	997,738	0	0	2,669,269	(91,525)	\$0.18	\$54	2040
2041	1,617,813	15,453,698,113	0	0	0	0	0	0	963,825	0	0	2,581,638	(87,631)	\$0.17	\$50	2041
2042	895,234	16,088,316,500	0	0	0	0	0	0	924,775	0	0	1,820,009	(761,628)	\$0.11	\$34	2042
2043	0	16,748,995,994	0	0	0	0	0	0	885,725	0	0	885,725	(934,284)	\$0.05	\$16	2043
2044	0	18,152,863,137	0	0	0	0	0	0	846,675	0	0	846,675	(39,050)	\$0.05	\$14	2044
2045	0	18,898,324,879	0	0	0	0	0	0	807,625	0	0	807,625	(39,050)	\$0.04	\$13	2045
2046	0	19,674,399,600	0	0	0	0	0	0	768,575	0	0	768,575	(39,050)	\$0.04	\$12	2046
2047	0	20,482,344,445	0	0	0	0	0	0	729,525	0	0	729,525	(39,050)	\$0.04	\$11	2047
Total	96,420,707		15,663,375	8,016,648	16,202,563	16,083,484	17,318,825	17,516,150	18,633,588	(3,813,026)	(8,016,648)					Total

Notes:

Table 5
General Obligation Debt Capacity Analysis - Impact of Financing Plan

City of New Berlin, WI

Existing Debt					Proposed Debt										
Year Ending	Projected Equalized	Existing			2023 G.O. Notes	2023 G.O. Community Development	2024 G.O. Notes	2025 G.O. Notes	2026 G.O. Notes	2027 G.O. Notes	2027 G.O. Bonds	Combined Principal			Year Ending
	Value (TID IN)	Debt Limit	Principal Outstanding	% of Limit								Existing & Proposed	% of Limit	Residual Capacity	
2022	7,105,119,400	355,255,970	83,820,000	24%								\$83,820,000	24%	\$271,435,970	2022
2023	7,871,954,300	393,597,715	75,770,000	19%	13,150,000	6,150,000						\$95,070,000	24%	\$298,527,715	2023
2024	8,203,009,638	410,150,482	67,940,000	17%	11,520,000	6,150,000	12,475,000					\$98,085,000	24%	\$312,065,482	2024
2025	8,547,987,521	427,399,376	59,595,000	14%	10,695,000	6,150,000	12,275,000	12,145,000				\$100,860,000	24%	\$326,539,376	2025
2026	8,907,473,462	445,373,673	51,555,000	12%	9,715,000	5,835,000	11,225,000	11,945,000	12,500,000			\$102,775,000	23%	\$342,598,673	2026
2027	9,282,077,597	464,103,880	43,590,000	9%	8,680,000	5,335,000	10,120,000	11,075,000	12,300,000	12,680,000	11,110,000	\$114,890,000	25%	\$349,213,880	2027
2028	9,672,435,724	483,621,786	35,995,000	7%	7,555,000	4,835,000	9,015,000	10,205,000	11,895,000	12,480,000	11,010,000	\$102,990,000	21%	\$380,631,786	2028
2029	10,079,210,377	503,960,519	28,880,000	6%	6,085,000	4,335,000	7,515,000	9,335,000	11,490,000	12,280,000	10,910,000	\$90,830,000	18%	\$413,130,519	2029
2030	10,503,091,954	525,154,598	22,975,000	4%	4,585,000	3,835,000	6,015,000	7,780,000	11,085,000	12,080,000	10,810,000	\$79,165,000	15%	\$445,989,598	2030
2031	10,944,799,886	547,239,994	17,365,000	3%	3,060,000	3,335,000	4,515,000	6,225,000	10,485,000	11,880,000	10,710,000	\$67,575,000	12%	\$479,664,994	2031
2032	11,405,083,862	570,254,193	14,815,000	3%	1,530,000	2,735,000	3,010,000	4,670,000	8,390,000	9,900,000	10,610,000	\$55,660,000	10%	\$514,594,193	2032
2033	11,884,725,098	594,236,255	13,270,000	2%	0	2,100,000	1,505,000	3,115,000	6,295,000	7,920,000	9,905,000	\$44,110,000	7%	\$550,126,255	2033
2034	12,384,537,665	619,226,883	11,725,000	2%		1,400,000	0	1,560,000	4,200,000	5,940,000	9,200,000	\$34,025,000	5%	\$585,201,883	2034
2035	12,905,369,868	645,268,493	10,175,000	2%		700,000		0	2,100,000	3,960,000	8,495,000	\$25,430,000	4%	\$619,838,493	2035
2036	13,448,105,690	672,405,284	8,625,000	1%		0			0	1,980,000	7,790,000	\$18,395,000	3%	\$654,010,284	2036
2037	14,013,666,287	700,683,314	7,075,000	1%						0	7,085,000	\$14,160,000	2%	\$686,523,314	2037
2038	14,603,011,556	730,150,578	5,525,000	1%							6,380,000	\$11,905,000	2%	\$718,245,578	2038
2039	15,217,141,764	760,857,088	3,975,000	1%							5,675,000	\$9,650,000	1%	\$751,207,088	2039
2040	15,857,099,240	792,854,962	2,425,000	0%							4,970,000	\$7,395,000	1%	\$785,459,962	2040
2041	16,523,970,153	826,198,508	875,000	0%							4,260,000	\$5,135,000	1%	\$821,063,508	2041
2042	17,218,886,347	860,944,317	0	0%							3,550,000	\$3,550,000	0%	\$857,394,317	2042
2043	17,943,027,268	897,151,363		0%							2,840,000	\$2,840,000	0%	\$894,311,363	2043
2044	18,697,621,964	934,881,098		0%							2,130,000	\$2,130,000	0%	\$932,751,098	2044
2045	19,483,951,168	974,197,558		0%							1,420,000	\$1,420,000	0%	\$972,777,558	2045
2046	20,303,349,476	1,015,167,474		0%							710,000	\$710,000	0%	\$1,014,457,474	2046
2047	21,157,207,612	1,057,860,381		0%							0	\$0	0%	\$1,057,860,381	2047

Notes:

City of New Berlin, Wisconsin

Tax Increment District # 3

Table 7: Cash Flow Projection

Year	Projected Revenues							Expenditures										Balances			Year		
	Tax Increments	Special Assessments	Investment Income	Debt Proceeds	Misc.	Premium	Total Revenues	G.O. Notes, Series 2018 \$1,215,000		G.O. Notes, Series 2020 \$505,000		G.O. Notes, Series 2023 \$3,075,000			Total Expenditures	Principal							
								Dated Date: 09/20/18 Principal (6/1)	Interest	Dated Date: 07/15/20 Principal (6/1)	Interest	Dated Date: 09/14/23 Principal	Rate	Interest		General Gov.	Capital Outlay	Transfer Out	Fiscal Charges	Annual		Cumulative	Outstanding
2017		1,247	143				1,390								9,535		355		9,890	(8,500)	(8,500)		2017
2018		1,248	6,722	1,215,000			1,222,970								9,782	959,063	337	8,736	977,918	245,052	236,552	1,215,000	2018
2019			4,505				4,505		39,673						4,182	237,579			281,434	(276,929)	(40,377)	1,215,000	2019
2020	213,414		1,021	505,000			719,435		33,138			1,150		93,485			5,000		132,773	586,663	546,286	1,720,000	2020
2021	373,258		2,402				375,660		33,138	45,000	12,125	150		679,984					770,396	(394,736)	151,549	1,675,000	2021
2022	524,791		4,864		4,844		534,499	160,000	31,338	50,000	7,190	150		176,709					425,387	109,112	260,662	1,465,000	2022
2023	662,411			3,075,000		243,325	3,980,736	165,000	27,475	50,000	5,940				7,500	3,082,203		22,297	3,360,415	620,321	880,983	4,325,000	2023
2024	671,180						671,180	170,000	23,288	50,000	4,940			174,254	7,500				429,981	241,199	1,122,182	4,105,000	2024
2025	661,113						661,113	175,000	18,756	50,000	3,940			143,550	7,500	1,000,000			1,398,746	(737,634)	384,548	3,880,000	2025
2026	651,196						651,196	180,000	13,650	30,000	2,990	170,000	5.00%	139,300	7,500				543,440	107,756	492,304	3,500,000	2026
2027	641,428						641,428	180,000	8,250	50,000	2,290	180,000	5.00%	130,550	7,500				558,590	82,838	575,142	3,090,000	2027
2028	631,807						631,807	185,000	2,775	55,000	1,738	260,000	5.00%	119,550	7,500				631,563	244	575,386	2,590,000	2028
2029	631,807						631,807			65,000	1,078	455,000	5.00%	101,675	7,500				630,253	1,554	576,940	2,070,000	2029
2030	631,807						631,807			60,000	360	485,000	5.00%	78,175	7,500				631,035	772	577,711	1,525,000	2030
2031	631,807						631,807					505,000	5.00%	53,425	7,500				565,925	65,882	643,593	1,020,000	2031
2032	631,807						631,807					510,000	4.00%	30,600	7,500				548,100	83,707	727,300	510,000	2032
2033	631,807						631,807					510,000	4.00%	10,200	7,500				527,700	104,107	831,406	0	2033
2034	631,807						631,807								7,500				7,500	624,307	1,455,713	0	2034
2035	631,807						631,807								7,500				7,500	624,307	2,080,019	0	2035
2036	631,807						631,807								7,500				7,500	624,307	2,704,326	0	2036
2037	631,807						631,807								7,500				7,500	624,307	3,328,633	0	2037
2038	631,807						631,807								7,500				7,500	624,307	3,952,939	0	2038
2039	631,807						631,807								7,500				7,500	624,307	4,577,246	0	2039
Total	11,980,471	2,495	19,657	4,795,000	4,844		17,045,792	1,215,000	231,479	505,000	42,590	3,075,000		981,279	152,449	6,229,023	692	36,033	12,468,546				Total

Notes:

1. 2018 Notes financed road improvements.
2. 2020 Notes financed Westminster utility and road improvements.
3. Proposed 2023 financing includes \$3,082,203 for Small Road construction.
4. 2025 capital outlay is for Moorland Road.

Projected TID Closure if no other project costs are financed

CREDIT OPINION

23 August 2023



Send Your Feedback

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City of New Berlin, WI

Update to credit analysis

Summary

[New Berlin](#) (Aaa) benefits from a strong financial position and unused levy capacity that provides operational flexibility. Long-term leverage is above the median for similarly rated peers but debt amortization is quick.

Credit strengths

- » Strong reserve position and material unused levy capacity
- » Improving full value per capita because of the city's growing tax base
- » Quick amortization schedule on outstanding debt

Credit challenges

- » While healthy, economic indicators lag medians for Aaa rated peer cities
- » Moderate long-term leverage driven by debt

Rating outlook

Moody's does not typically assign outlooks to local government issuers with this amount of debt.

Factors that could lead to an upgrade

- » Not applicable

Factors that could lead to a downgrade

- » Narrowing of reserves or liquidity
- » Significant increase in long-term leverage

Key indicators

Exhibit 1

New Berlin (City of) WI

	2019	2020	2021	2022	Aaa Medians
Economy					
Resident income ratio (%)	136.1%	137.4%	132.2%	N/A	173.0%
Full Value (\$000)	\$5,714,406	\$5,849,284	\$6,270,870	\$7,105,119	\$8,668,233
Population	39,718	39,794	40,289	N/A	35,992
Full value per capita (\$)	\$143,874	\$146,989	\$155,647	\$195,387	\$225,444
Economic growth metric (%)	N/A	-1.3%	-1.2%	N/A	-0.5%
Financial Performance					
Revenue (\$000)	\$57,492	\$57,840	\$59,463	\$62,979	\$101,177
Available fund balance (\$000)	\$44,705	\$48,983	\$49,735	\$43,500	\$58,570
Net unrestricted cash (\$000)	\$59,367	\$59,357	\$65,861	\$83,572	\$82,803
Available fund balance ratio (%)	77.8%	84.7%	83.6%	69.1%	61.7%
Liquidity ratio (%)	103.3%	102.6%	110.8%	132.7%	88.4%
Leverage					
Debt (\$000)	\$58,476	\$64,974	\$76,961	\$104,091	\$71,733
Adjusted net pension liabilities (\$000)	\$50,694	\$68,635	\$86,687	\$82,590	\$120,941
Adjusted net OPEB liabilities (\$000)	\$5,681	\$5,801	\$5,635	\$5,455	\$14,374
Other long-term liabilities (\$000)	\$1,645	\$1,722	\$1,739	\$7,120	\$3,750
Long-term liabilities ratio (%)	202.6%	244.0%	287.6%	316.4%	263.2%
Fixed costs					
Implied debt service (\$000)	\$4,187	\$4,263	\$4,653	\$5,398	\$4,989
Pension tread water contribution (\$000)	\$1,641	\$1,010	\$723	N/A	\$3,389
OPEB contributions (\$000)	\$81	\$82	\$84	\$85	\$523
Implied cost of other long-term liabilities (\$000)	\$122	\$120	\$123	\$122	\$245
Fixed-costs ratio (%)	10.5%	9.5%	9.4%	10.0%	11.6%

For definitions of the metrics in the table above please refer to the [US Cities and Counties Methodology](#) or see the Glossary in the Appendix below. Metrics represented as N/A indicate the data were not available at the time of publication. The medians come from our most recently published [US Cities and Counties Median Report](#).

The Economic Growth metric cited above compares the five-year CAGR of real GDP for Milwaukee-Waukesha, WI Metropolitan Statistical Area to the five-year CAGR of real GDP for the US.

Sources: US Census Bureau, New Berlin (City of) WI's financial statements and Moody's Investors Service, US Bureau of Economic Analysis

Profile

The City of New Berlin is located in [Waukesha County](#) (Aaa stable) in southeastern [Wisconsin](#) (Aa1 stable), approximately 10 miles southwest of [Milwaukee](#) (A3 stable).

Detailed credit considerations

New Berlin's credit profile is supported by a growing tax base and unused levy capacity that provides operational flexibility. A steady trend of construction and significant residential appreciation grew the city's 2023 equalized assessed value by 11%, increasing full value per capita to a strong \$195,000. While all the city's economic indicators are solid, they lag the medians for Aaa rated cities nationally which tend to be stronger than Aaa credits in Wisconsin. However, the city's unused levy capacity distinguishes it among many peers in the state that are constrained by state imposed limits on increasing the levy. In fiscal 2023 (Dec. 31 year-end) New Berlin had \$7.8 million in unused levy capacity, or 15% of governmental revenue. Capacity is from the city's abated debt service levy that is paid from other sources, including tax increment district (TID) increment, golf course income and utility revenue.

The city's financial position will remain strong. The city will receive an increase of \$1 million in state shared revenue in 2024 that is likely to be used on salary increases. The fiscal 2023 budget includes a planned \$1 million draw in reserves though management expects to close the year closer to balanced because of positive revenue variances. Fiscal 2022 closed with a decline in fund balance that was driven by a \$5.3 million advance from the sewer fund to the water fund that will be repaid with a 3% interest rate over the next twenty years. Liquidity in 2022 is inflated because of \$21.5 million in bond proceeds held across various funds that will be spent

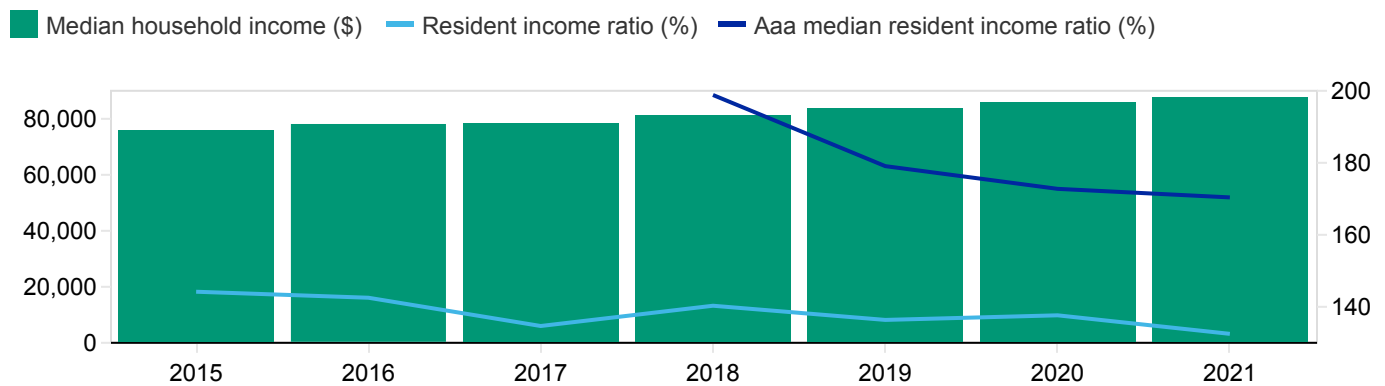
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by the end of 2023. The city's leverage will likely remain moderate because the capital improvement plan calls for annual issuances of about \$12.5 million over the next five years, which is about the rate of maturing debt. Payout is quick with 84% of outstanding GOULT retired in the next 10 years.

Economy

Exhibit 2

Resident Income

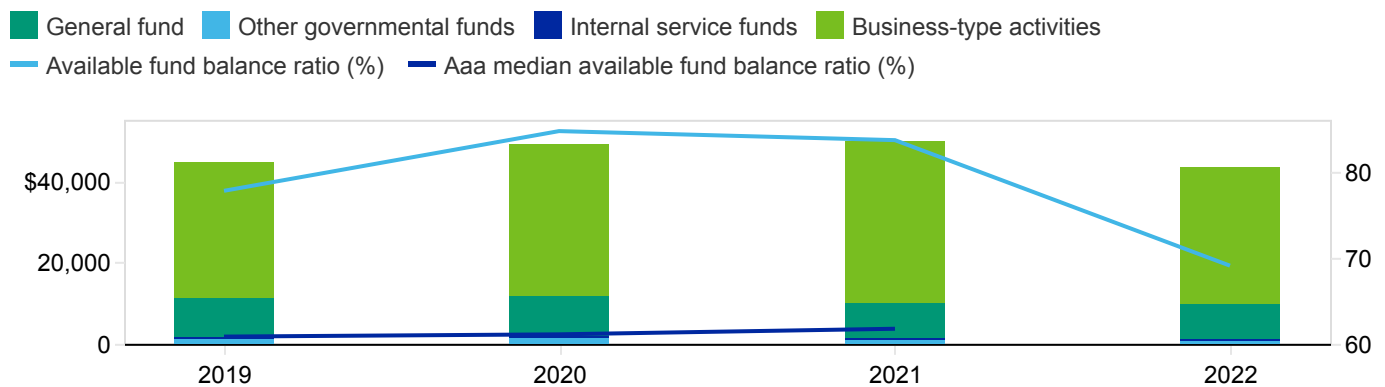


Source: Moody's Investors Service

Financial operations

Exhibit 3

Fund Balance

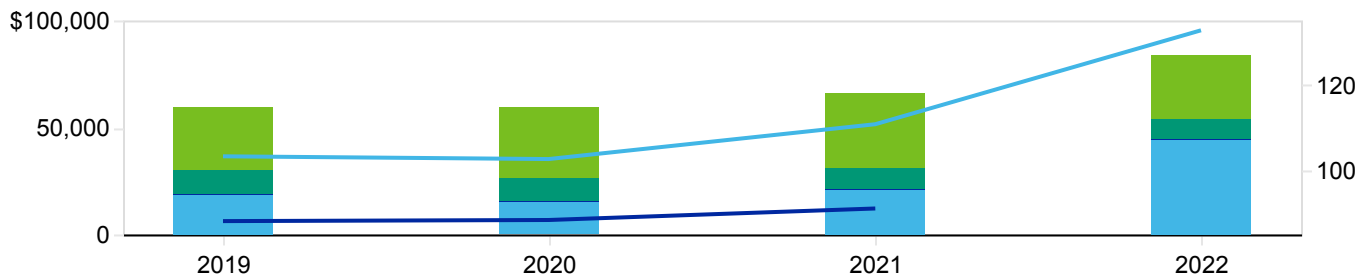


Source: Moody's Investors Service

Exhibit 4

Cash

General fund Other governmental funds Internal service funds Business-type activities Liquidity ratio (%)
 Aaa median liquidity ratio (%)



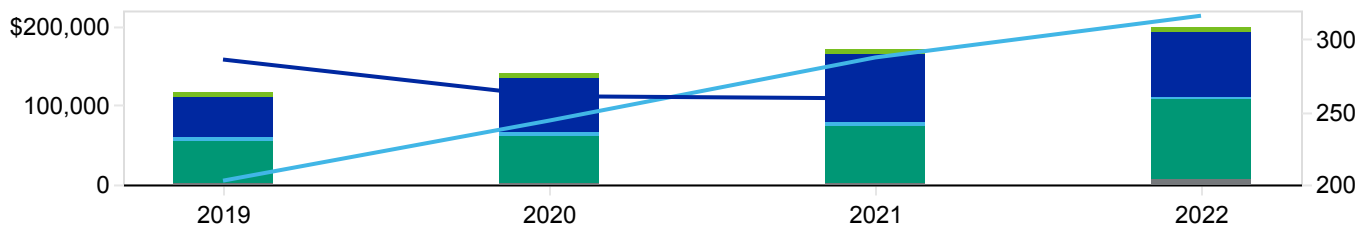
Source: Moody's Investors Service

Leverage

Exhibit 5

Total Primary Government - Long Term Liabilities

Governmental Debt Business-Type Activity Debt Adjusted net pension liabilities
 Adjusted net other post-employment liabilities Other long-term liabilities Long-term liabilities ratio (%)
 Aaa median long-term liabilities ratio (%)



Source: Moody's Investors Service

ESG considerations**New Berlin (City of) WI's ESG Credit Impact Score is Neutral-to-Low CIS-2**

Exhibit 6

ESG Credit Impact Score**CIS-2****Neutral-to-Low**

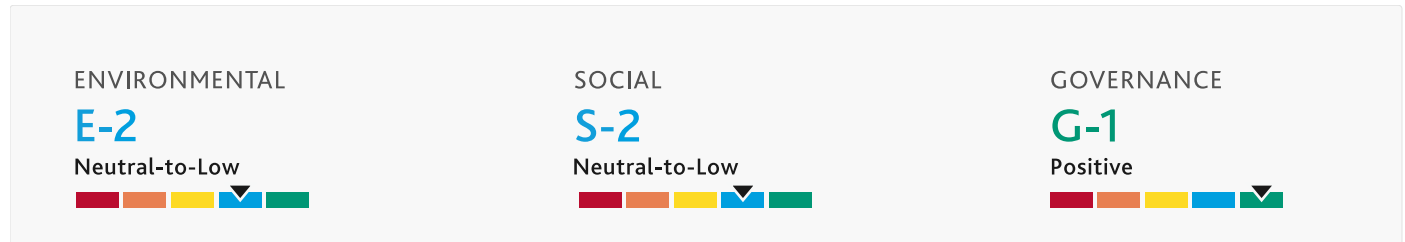
For an issuer scored CIS-2 (Neutral-to-Low), its ESG attributes are overall considered as having a neutral-to-low impact on the current rating; i.e., the overall influence of these attributes on the rating is non-material.

Source: Moody's Investors Service

New Berlin's ESG Credit Impact Score of **CIS-2** indicates that ESG considerations have a neutral-to-low impact on its credit rating, reflecting neutral to low exposure to environmental, social and governance risks.

Exhibit 7

ESG Issuer Profile Scores



Source: Moody's Investors Service

Environmental

New Berlin's E Issuer Profile Score is neutral-to-low (**E-2**), reflecting neutral-to-low exposure to all environmental risks categories, including physical climate risk, carbon transition, water management, natural capital and waste and pollution. Environmental considerations do not play a material role in the city's credit profile. Located in eastern Wisconsin, Waukesha County has a continental climate with four distinct seasons. Based on data from Moody's ESG Solutions data, Waukesha County has low exposure to extreme rainfall and heat stress relative to counties nationally, though its water stress exposure is high. This measure does not account for the city's abundant groundwater resources. Aquifers supply drinking water to a majority of city residents. Availability will likely remain strong, though heavy reliance on groundwater can occasionally present risks, such as rising levels of nutrients and other contaminants which could require additional treatment. We do not anticipate environmental, climate or weather related events to materially impact the city's operations in the near term.

Social

New Berlin's S Issuer Profile Score is neutral-to-low (**S-2**), reflecting neutral-to-low exposure to social risks in most categories including access to basic services, housing, education, labor and income and demographics. Population is steady and the city's unemployment metrics are slightly above average compared to the nation, with residents having access to ample employment options in the nearby Milwaukee metropolitan area. The city has positive exposure to education and health and safety. The city has above average educational attainment and life expectancy metrics, as well as low violent crime rates. The city has also prioritized ADA accessibility throughout public facilities.

Governance

New Berlin's G Issuer Profile Score is (**G-1**) reflecting strengths in the city's policy credibility and effectiveness and strong management and budgeting practices. The city's transparency and disclosure is in line with peers, reflected in timely filing of audited financial statements and budgets. The city currently maintains different investment, budgeting and fund balance policies to name a few, which it updates every three years. Budget management is strong, proven by the city's solid reserves, its utilization of a long-term capital improvement plan and its flexibility in revenue raising ability. Unlike most Wisconsin (Aa1 stable) cities, which levy at the maximum allowable amount, New Berlin has consistently maintained a significant amount of unused levy capacity, providing flexibility to increase operating revenues as needed. Wisconsin municipalities have an institutional framework score of "A", which is moderate. The sector's major revenue source, property tax revenue, is subject to a cap that restricts municipalities from increasing their operating property tax levies except to capture amounts represented by net new construction growth. Revenue and expenditures tend to be predictable. Across the sector, fixed and mandated costs are generally high. Expenditures are somewhat flexible, as collective bargaining is allowed for public safety employees but is curbed for non-public safety employees. Many municipalities use tax increment districts to attract economic development, often issuing debt to fund initial infrastructure in undeveloped areas. While tax increment districts are ultimately expected to generate revenues sufficient to cover initial town outlay, municipalities are exposed to economic downturns which could halt development.

ESG Issuer Profile Scores and Credit Impact Scores for the rated entity/transaction are available on Moodys.com. In order to view the latest scores, please click [here](#) to go to the landing page for the entity/transaction on MDC and view the ESG Scores section.

Rating methodology and scorecard factors

The US Cities and Counties Rating Methodology includes a scorecard, which summarizes the rating factors generally most important to city and county credit profiles. Because the scorecard is a summary, and may not include every consideration in the credit analysis for a specific issuer, a scorecard-indicated outcome may or may not map closely to the actual rating assigned.

The assigned rating is higher than the scorecard indicated outcome because of the city's trend of maintaining strong reserves, its unused levy capacity and quick amortization schedule.

Exhibit 8

New Berlin (City of) WI

	Measure	Weight	Score
Economy			
Resident income ratio	132.2%	10.0%	Aaa
Full value per capita	195,387	10.0%	Aaa
Economic growth metric	-1.2%	10.0%	A
Financial Performance			
Available fund balance ratio	69.1%	20.0%	Aaa
Liquidity ratio	132.7%	10.0%	Aaa
Institutional Framework			
Institutional Framework	Aa	10.0%	Aa
Leverage			
Long-term liabilities ratio	316.4%	20.0%	A
Fixed-costs ratio	10.0%	10.0%	Aa
Notching factors			
No notchings applied			
Scorecard-Indicated Outcome			Aa2
Assigned Rating			Aaa

The complete list of outstanding ratings assigned to the New Berlin (City of) WI is available on their [issuer page](#). Details on the current ESG scores assigned to the New Berlin (City of) WI are available on their [ESGView page](#).

Sources: US Census Bureau, New Berlin (City of) WI's financial statements and Moody's Investors Service

Appendix

Exhibit 9

Key Indicators Glossary

	Definition	Typical Source*
Economy		
Resident income ratio	Median Household Income (MHI) for the city or county, adjusted for Regional Price Parity (RPP), as a % of the US MHI	MHI: US Census Bureau - American Community Survey 5-Year Estimates RPP: US Bureau of Economic Analysis
Full value	Estimated market value of taxable property in the city or county	State repositories; audited financial statements; continuing disclosures
Population	Population of the city or county	US Census Bureau - American Community Survey 5-Year Estimates
Full value per capita	Full value / population	
Economic growth metric	Five year CAGR of real GDP for Metropolitan Statistical Area or county minus the five-year CAGR of real GDP for the US	Real GDP: US Bureau of Economic Analysis
Financial performance		
Revenue	Sum of revenue from total governmental funds, operating and non-operating revenue from total business-type activities, and non-operating revenue from internal services funds, excluding transfers and one-time revenue, e.g., bond proceeds or capital contributions	Audited financial statements
Available fund balance	Sum of all fund balances that are classified as unassigned, assigned or committed in the total governmental funds, plus unrestricted current assets minus current liabilities from the city's or county's business-type activities and internal services funds	Audited financial statements
Net unrestricted cash	Sum of unrestricted cash in governmental activities, business type activities and internal services fund, net of short-term debt	Audited financial statements
Available fund balance ratio	Available fund balance (including net current assets from business-type activities and internal services funds) / Revenue	
Liquidity ratio	Net unrestricted cash / Revenue	
Leverage		
Debt	Outstanding long-term bonds and all other forms of long-term debt across the governmental and business-type activities, including debt of another entity for which it has provided a guarantee disclosed in its financial statements	Audited financial statements; official statements
Adjusted net pension liabilities (ANPL)	Total primary government's pension liabilities adjusted by Moody's to standardize the discount rate used to compute the present value of accrued benefits	Audited financial statements; Moody's Investors Service
Adjusted net OPEB liabilities (ANOL)	Total primary government's net other post-employment benefit (OPEB) liabilities adjusted by Moody's to standardize the discount rate used to compute the present value of accrued benefits	Audited financial statements; Moody's Investors Service
Other long-term liabilities (OLTL)	Miscellaneous long-term liabilities reported under the governmental and business-type activities entries	Audited financial statements
Long-term liabilities ratio	Debt + ANPL + ANOL + OLTL / Revenue	
Fixed costs		
Implied debt service	Annual cost to amortize city or county's long-term debt over 20 years with level payments	Audited financial statements; official statements; Moody's Investors Service
Pension tread water contribution	Pension contribution necessary to prevent reported unfunded pension liabilities from growing, year over year, in nominal dollars, if all actuarial assumptions are met	Audited financial statements; Moody's Investors Service
OPEB contribution	City or county's actual contribution in a given period	Audited financial statements
Implied cost of OLTL	Annual cost to amortize city or county's other long-term liabilities over 20 years with level payments	Audited financial statements; Moody's Investors Service
Fixed-costs ratio	Implied debt service + Pension tread water + OPEB contributions + Implied cost of OLTL / Revenue	

*Note: If typical data source is not available then alternative sources or proxy data may be considered. For more detailed definitions of the metrics listed above please refer to the [US City and Counties Methodology](#).

Source: Moody's Investors Service

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REPORT NUMBER

1378776

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RESOLUTION NO. 23-21

RESOLUTION AWARDDING THE SALE OF \$6,240,000
GENERAL OBLIGATION COMMUNITY DEVELOPMENT
BONDS, SERIES 2023B

WHEREAS, on July 25, 2023, the Common Council of the City of New Berlin, Waukesha County, Wisconsin (the "City") adopted an initial resolution authorizing the issuance of general obligation bonds in an amount not to exceed \$6,240,000 for the public purpose of paying the cost of providing financial assistance to community development projects under Section 66.1105, Wisconsin Statutes, by paying project costs included in the project plan for the City's Tax Incremental District No. 5 (the "Project") (the above-referenced initial resolution is referred to herein as the "Initial Resolution");

WHEREAS, pursuant to the provisions of Section 67.05, Wisconsin Statutes, within 15 days following the adoption of the Initial Resolution, the City Clerk caused a notice to electors to be published in the Waukesha County NOW, stating the purpose and maximum principal amount of the bond issue authorized by the Initial Resolution and describing the opportunity and procedure for submitting a petition requesting a referendum on the bond issue authorized by the Initial Resolution;

WHEREAS, no petition for referendum was filed with the City Clerk, and the time to file such a petition has expired;

WHEREAS, on July 25, 2023, the Common Council of the City also adopted a resolution (the "Set Sale Resolution"), providing that the general obligation bonds authorized by the Initial Resolution be designated as "General Obligation Community Development Bonds, Series 2023B" (the "Bonds") for the purpose of paying the cost of the Project;

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

WHEREAS, the City is authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation bonds for such public purpose;

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

WHEREAS, Ehlers, in consultation with the officials of the City, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on August 29, 2023;

WHEREAS, the City Clerk (in consultation with Ehlers) caused a form of notice of the sale to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Bonds for public sale on August 29, 2023;

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

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

WHEREAS, the Common Council now deems it necessary, desirable and in the best interest of the City that the Bonds be issued in the aggregate principal amount of \$_____.

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

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

Section 1A. Authorization and Award of the Bonds. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of SIX MILLION TWO HUNDRED FORTY THOUSAND DOLLARS (\$6,240,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal, plus accrued interest to the date of delivery, resulting in a true interest cost as set forth on the Proposal, is hereby accepted. The Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. The good faith deposit of the Purchaser shall be applied in accordance with the Notice of Sale, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds shall bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Community Development Bonds, Series 2023B"; shall be issued in the aggregate principal amount of \$6,240,000; shall be dated September 14, 2023; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on June 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2024. Interest shall be computed upon the basis of a 360-day

year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on June 1, 2032 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on June 1, 2031 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

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

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

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2023 through 2035 for the payments due in the years 2024 through 2036 in the amounts set forth on the Schedule.

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

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

Section 6. Segregated Debt Service Fund Account.

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

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for General Obligation Community Development Bonds, Series 2023B, dated September 14, 2023" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

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

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

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

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

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

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

Section 10. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds

may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

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

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

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

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

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

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

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

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

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

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

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

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

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

Adopted, approved and recorded August 29, 2023.

David A. Ament
Mayor

ATTEST:

Rubina R. Medina
City Clerk

(SEAL)

EXHIBIT A

Notice of Sale

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

(See Attached)

DRAFT

EXHIBIT B

Bid Tabulation

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

(See Attached)

DRAFT

EXHIBIT C

Winning Bid

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

(See Attached)

DRAFT

EXHIBIT D-1

Pricing Summary

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

(See Attached)

DRAFT

EXHIBIT D-2

Debt Service Schedule and Irrepealable Tax Levies

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

(See Attached)

DRAFT

[EXHIBIT MRP

Mandatory Redemption Provision

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

For the Term Bonds Maturing on June 1, ____

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

For the Term Bonds Maturing on June 1, ____

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

For the Term Bonds Maturing on June 1, ____

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

For the Term Bonds Maturing on June 1, ____

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

EXHIBIT E

(Form of Bond)

REGISTERED UNITED STATES OF AMERICA DOLLARS
STATE OF WISCONSIN
WAUKESHA COUNTY
NO. R- CITY OF NEW BERLIN \$
GENERAL OBLIGATION COMMUNITY DEVELOPMENT BOND, SERIES 2023B

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
June 1, September 14, 2023 %

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: THOUSAND DOLLARS
(\$)

FOR VALUE RECEIVED, the City of New Berlin, Waukesha County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2024 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by [, ,] OR [the City Clerk or City Treasurer] (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding each interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

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

This Bond is one of an issue of Bonds aggregating the principal amount of \$6,240,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the City pursuant to the provisions of Section 67.04, Wisconsin Statutes, for the public purpose of paying the cost of providing financial assistance to community development projects under Section 66.1105, Wisconsin Statutes, by paying project costs included in the project plan for the City's Tax Incremental District No. 5, as authorized by resolutions adopted on July 25, 2023 and August 29, 2023. Said resolutions are recorded in the official minutes of the Common Council for said dates.

The Bonds maturing on June 1, 2032 and thereafter are subject to redemption prior to maturity, at the option of the City, on June 1, 2031 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

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

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

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

This Bond is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the City appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof

and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

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

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

DRAFT

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

CITY OF NEW BERLIN
WAUKESHA COUNTY, WISCONSIN

By: _____
David A. Ament
Mayor

(SEAL)

By: _____
Rubina R. Medina
City Clerk

[Date of Authentication: _____, _____]

CERTIFICATE OF AUTHENTICATION

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

_____, _____

By _____
Authorized Signatory]

ASSIGNMENT

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

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

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

Dated: _____

Signature Guaranteed:

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

(Depository or Nominee Name)

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

(Authorized Officer)

RESOLUTION NO. _____

RESOLUTION AWARDING THE SALE OF \$6,150,000
GENERAL OBLIGATION COMMUNITY DEVELOPMENT
BONDS, SERIES 2023B

WHEREAS, on July 25, 2023, the Common Council of the City of New Berlin, Waukesha County, Wisconsin (the "City") adopted an initial resolution authorizing the issuance of general obligation bonds in an amount not to exceed \$6,150,000 for the public purpose of paying the cost of providing financial assistance to community development projects under Section 66.1105, Wisconsin Statutes, by paying project costs included in the project plan for the City's Tax Incremental District No. 5 (the "Project") (the above-referenced initial resolution is referred to herein as the "Initial Resolution");

WHEREAS, pursuant to the provisions of Section 67.05, Wisconsin Statutes, within 15 days following the adoption of the Initial Resolution, the City Clerk caused a notice to electors to be published in the MJS-West NOW, stating the purpose and maximum principal amount of the bond issue authorized by the Initial Resolution and describing the opportunity and procedure for submitting a petition requesting a referendum on the bond issue authorized by the Initial Resolution;

WHEREAS, no petition for referendum was filed with the City Clerk, and the time to file such a petition has expired;

WHEREAS, on July 25, 2023, the Common Council of the City also adopted a resolution (the "Set Sale Resolution"), providing that the general obligation bonds authorized by the Initial Resolution be designated as "General Obligation Community Development Bonds, Series 2023B" (the "Bonds") for the purpose of paying the cost of the Project;

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

WHEREAS, the City is authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation bonds for such public purpose;

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

WHEREAS, Ehlers, in consultation with the officials of the City, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on August 29, 2023;

WHEREAS, the City Clerk (in consultation with Ehlers) caused a form of notice of the sale to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Bonds for public sale on August 29, 2023;

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

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

WHEREAS, the Common Council now deems it necessary, desirable and in the best interest of the City that the Bonds be issued in the aggregate principal amount of \$6,150,000.

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

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

Section 1A. Authorization and Award of the Bonds. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of SIX MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$6,150,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal, plus accrued interest to the date of delivery, resulting in a true interest cost as set forth on the Proposal, is hereby accepted. The Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. The good faith deposit of the Purchaser shall be applied in accordance with the Notice of Sale, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds shall bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Community Development Bonds, Series 2023B"; shall be issued in the aggregate principal amount of \$6,150,000; shall be dated September 14, 2023; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on June 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2024. Interest shall be computed upon the basis of a 360-day

year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on June 1, 2032 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on June 1, 2031 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

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

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2023 through 2035 for the payments due in the years 2024 through 2036 in the amounts set forth on the Schedule.

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

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

Section 6. Segregated Debt Service Fund Account.

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

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for General Obligation Community Development Bonds, Series 2023B, dated September 14, 2023" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

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

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

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

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

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

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

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

services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 11. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by the City Clerk or City Treasurer (the "Fiscal Agent").

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

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

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

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

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

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

Section 16. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and

Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

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

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

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

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

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

Adopted, approved and recorded August 29, 2023.

David A. Ament
Mayor

ATTEST:

Rubina R. Medina
City Clerk

(SEAL)

EXHIBIT A

Notice of Sale

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

(See Attached)

NOTICE OF SALE

\$6,240,000* GENERAL OBLIGATION COMMUNITY DEVELOPMENT BONDS, SERIES 2023B CITY OF NEW BERLIN, WISCONSIN

Bids for the purchase of \$6,240,000* General Obligation Community Development Bonds, Series 2023B (the "Bonds") of the City of New Berlin, Wisconsin (the "City") will be received at the offices of Ehlers and Associates, Inc. ("Ehlers"), 3060 Centre Pointe Drive, Roseville, Minnesota 55113-1105, municipal advisors to the City, until 10:00 A.M., Central Time, and **ELECTRONIC PROPOSALS** will be received via **PARITY**, in the manner described below, until 10:00 A.M. Central Time, on August 29, 2023, at which time they will be opened, read and tabulated. The bids will be presented to the Common Council for consideration for award by resolution at a meeting to be held at 6:00 P.M., Central Time, on the same date. The bid offering to purchase the Bonds upon the terms specified herein and most favorable to the City will be accepted unless all bids are rejected.

AUTHORITY; PURPOSE; SECURITY

The Bonds are being issued pursuant to Section 67.04, Wisconsin Statutes, by the City, for the public purpose of paying the cost of providing financial assistance to community development projects under Section 66.1105, Wisconsin Statutes, consisting of paying the costs of projects listed in the Project Plan for Tax Incremental District No. 5. The Bonds are general obligations of the City, and all the taxable property in the City is subject to the levy of a tax to pay the principal of and interest on the Bonds as they become due which tax may, under current law, be levied without limitation as to rate or amount.

DATES AND MATURITIES

The Bonds will be dated September 14, 2023, will be issued as fully registered Bonds in the denomination of \$5,000 each, or any integral multiple thereof, and will mature on June 1 as follows:

<u>Year</u>	<u>Amount*</u>	<u>Year</u>	<u>Amount*</u>	<u>Year</u>	<u>Amount*</u>
2026	\$315,000	2030	\$500,000	2034	\$700,000
2027	500,000	2031	500,000	2035	700,000
2028	500,000	2032	600,000	2036	750,000
2029	500,000	2033	675,000		

ADJUSTMENT OPTION

The City reserves the right to increase or decrease the principal amount of the Bonds on the day of sale, in increments of \$5,000 each. Increases or decreases may be made in any maturity. If any principal amounts are adjusted, the purchase price proposed will be adjusted to maintain the same gross spread per \$1,000.

TERM BOND OPTION

Bids for the Bonds may contain a maturity schedule providing for any combination of serial Bonds and term Bonds, subject to mandatory redemption, so long as the amount of principal maturing or subject to mandatory redemption in each year conforms to the maturity schedule set forth above. All dates are inclusive.

INTEREST PAYMENT DATES AND RATES

Interest will be payable on June 1 and December 1 of each year, commencing June 1, 2024, to the registered owners of the Bonds appearing of record in the bond register as of the close of business on the 15th day (whether or not a business day) of the immediately preceding month. Interest will be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to rules of the Municipal Securities Rulemaking Board. All Bonds of the same maturity must bear interest from date of issue until paid at a single, uniform rate. Each rate must be expressed in an integral multiple of 5/100 or 1/8 of 1%.

BOOK-ENTRY-ONLY FORMAT

Unless otherwise specified by the purchaser, the Bonds will be designated in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York ("DTC"). DTC will act as securities depository for the Bonds, and will be responsible for maintaining a book-entry system for recording the interests of its participants and the transfers of interests between its participants. The participants will be responsible for maintaining records regarding the beneficial interests of the individual purchasers of the Bonds. So long as Cede & Co. is the registered owner of the Bonds, all payments of principal and interest will be made to the depository which, in turn, will be obligated to remit such payments to its participants for subsequent disbursement to the beneficial owners of the Bonds.

PAYING AGENT

The City may select City officials, a bank or trust company, to act as paying agent (the "Paying Agent"). If a Paying Agent is selected, the City will pay the charges for Paying Agent services. The City reserves the right to remove the Paying Agent and to appoint a successor.

OPTIONAL REDEMPTION

At the option of the City, the Bonds maturing on or after June 1, 2032 shall be subject to optional redemption prior to maturity on June 1, 2031 or any date thereafter, at a price of par plus accrued interest to the date of optional redemption.

Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the selection of the amounts and maturities of the Bonds to be redeemed shall be at the discretion of the City. If only part of the Bonds having a common maturity date are called for redemption, then the City or Paying Agent, if any, will notify DTC of the particular amount of such maturity to be redeemed. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interest in such maturity to be redeemed.

Notice of such call shall be given by sending a notice by registered or certified mail, facsimile or electronic transmission, overnight delivery service or in any other manner required by DTC, not less than 30 days nor more than 60 days prior to the date fixed for redemption to the registered owner of each Bond to be redeemed at the address shown on the registration books.

DELIVERY

On or about September 14, 2023, the Bonds will be delivered without cost to the winning bidder at DTC. On the day of closing, the City will furnish to the winning bidder the opinion of bond counsel hereinafter described, an arbitrage certification, and certificates verifying that no litigation in any manner questioning the validity of the Bonds is then pending or, to the best knowledge of officers of the City, threatened. Payment for the Bonds must be received by the City at its designated depository on the date of closing in immediately available funds.

LEGAL OPINION

An opinion as to the validity of the Bonds and the exemption from federal taxation of the interest thereon will be furnished by Quarles & Brady LLP, Bond Counsel to the City ("Bond Counsel"), and will be available at the time of delivery of the Bonds. The legal opinion will be issued on the basis of existing law and will state that the Bonds are valid and binding general obligations of the City; provided that the rights of the owners of the Bonds and the enforceability of the Bonds may be limited by bankruptcy, insolvency, reorganization, moratorium, and other similar laws affecting creditors' rights and by equitable principles (which may be applied in either a legal or equitable proceeding).

STATEMENT REGARDING COUNSEL PARTICIPATION

Bond Counsel has not assumed responsibility for the Preliminary Official Statement or participated in its preparation (except with respect to the section entitled "TAX EXEMPTION" in the Preliminary Official Statement and the "FORM OF LEGAL OPINION" found in Appendix B of the Preliminary Official Statement).

SUBMISSION OF BIDS

Bids must not be for less than \$6,162,000 nor more than \$6,739,200 plus accrued interest on the principal sum of \$6,240,000 from date of original issue of the Bonds to date of delivery. Prior to the time established above for the opening of bids, interested parties may submit a bid as follows:

- 1) Electronically to bondsale@ehlers-inc.com; or
- 2) Electronically via **PARITY** in accordance with this Notice of Sale until 10:00 A.M. Central Time, but no bid will be received after the time for receiving bids specified above. To the extent any instructions or directions set forth in **PARITY** conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about **PARITY**, potential bidders may contact IHS Markit (now part of S&P Global) at <https://ihsmarkit.com/products/municipal-issuance.html> or via telephone (844) 301-7334.

Bids must be submitted to Ehlers via one of the methods described above and must be received prior to the time established above for the opening of bids. Each bid must be unconditional except as to legality. Neither the City nor Ehlers shall be responsible for any failure to receive a facsimile submission.

A good faith deposit ("Deposit") in the amount of \$124,800 shall be made by the winning bidder by wire transfer of funds. Such Deposit shall be received by Ehlers no later than two hours after the bid opening time. Wire transfer instructions will be provided to the winning bidder by Ehlers after the tabulation of bids. The City reserves the right to award the Bonds to a winning bidder whose wire transfer is initiated but not received by such time provided that such winning bidder's federal wire reference number has been received by such time. In the event the Deposit is not received as provided above, the City may award the Bonds to the bidder submitting the next best bid provided such bidder agrees to such award. The Deposit will be retained by the City as liquidated damages if the bid is accepted and the Purchaser fails to comply therewith.

The City and the winning bidder who chooses to so wire the Deposit hereby agree irrevocably that Ehlers shall be the escrow holder of the Deposit wired to such account subject only to these conditions and duties: 1) All income earned thereon shall be retained by the escrow holder as payment for its expenses; 2) If the bid is not accepted, Ehlers shall, at its expense, promptly return the Deposit amount to the winning bidder; 3) If the bid is accepted, the Deposit shall be returned to the winning bidder at the closing; 4) Ehlers shall bear all costs of maintaining the escrow account and returning the funds to the winning bidder; 5) Ehlers shall not be an insurer of the Deposit amount and shall have no liability hereunder except if it willfully fails to perform or recklessly disregards, its duties specified herein; and 6) FDIC insurance on deposits within the escrow account shall be limited to \$250,000 per bidder.

No bid can be withdrawn after the time set for receiving bids unless the meeting of the City scheduled for award of the Bonds is adjourned, recessed, or continued to another date without award of the Bonds having been made.

AWARD

The Bonds will be awarded to the bidder offering the lowest interest rate to be determined on a True Interest Cost (TIC) basis. The City's computation of the interest rate of each bid, in accordance with customary practice, will be controlling. In the event of a tie, the sale of the Bonds will be awarded by lot. The City reserves the right to reject any and all bids and to waive any informality in any bid.

BOND INSURANCE

If the Bonds are qualified for any bond insurance policy, the purchase of such policy shall be at the sole option and expense of the winning bidder. Any cost for such insurance policy is to be paid by the winning bidder, except that, if the City requested and received a rating on the Bonds from a rating agency, the City will pay that rating fee. Any rating agency fees not requested by the City are the responsibility of the winning bidder.

Failure of the municipal bond insurer to issue the policy after the Bonds are awarded to the winning bidder shall not constitute cause for failure or refusal by the winning bidder to accept delivery of the Bonds.

CUSIP NUMBERS

The City will assume no obligation for the assignment or printing of CUSIP numbers on the Bonds or for the correctness of any numbers printed thereon, but will permit such numbers to be printed at the expense of the winning bidder, if the winning bidder waives any delay in delivery occasioned thereby.

NOT QUALIFIED TAX-EXEMPT OBLIGATIONS

The Bonds shall not be designated as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

CONTINUING DISCLOSURE

In order to assist the Underwriter (Syndicate Manager) in complying with the provisions of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 the City will enter into an undertaking for the benefit of the holders of the Bonds. A description of the details and terms of the undertaking is set forth in Appendix D of the Official Statement.

NEW ISSUE PRICING

The winning bidder will be required to provide, in a timely manner, certain information necessary to compute the yield on the Bonds pursuant to the provisions of the Internal Revenue Code of 1986, as amended, and to provide a certificate which will be provided by Bond Counsel upon request.

(a) The winning bidder shall assist the City in establishing the issue price of the Bonds and shall execute and deliver to the City at closing an "issue price" or similar certificate satisfactory to Bond Counsel setting forth the reasonably expected initial offering price to the public or the sales price or prices of the Bonds, together with the supporting pricing wires or equivalent communications. All actions to be taken by the City under this Notice of Sale to establish the issue price of the Bonds may be taken on behalf of the City by the City's municipal advisor identified herein and any notice or report to be provided to the City may be provided to the City's municipal advisor.

(b) The City intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the Bonds) will apply to the initial sale of the Bonds (the "competitive sale requirements") because:

- (1) The City shall disseminate this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential investors;
- (2) all bidders shall have an equal opportunity to bid;
- (3) the City may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- (4) the City anticipates awarding the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the highest price (or lowest interest cost), as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Bonds, as specified in this bid.

(c) If all of the requirements of a "competitive sale" are not satisfied, the City shall advise the winning bidder of such fact prior to the time of award of the sale of the Bonds to the winning bidder. In such event, any bid submitted will not be subject to cancellation or withdrawal and the City agrees to use the rule selected by the winning bidder on its bid form to determine the issue price for the Bonds. On its bid form, each bidder must select one of the following two rules for determining the issue price of the Bonds: (1) the first price at which 10% of a maturity of the Bonds (the "10% test") is sold to the public as the issue price of that maturity or (2) the initial offering price to the public as of the sale date as the issue price of each maturity of the Bonds (the "hold-the-offering-price rule").

(d) If all of the requirements of a "competitive sale" are not satisfied and the winning bidder selects the hold-the-offering-price rule, the winning bidder shall (i) confirm that the underwriters have offered or will offer the Bonds to the public on or before the date of award at the offering price or prices (the "initial offering price"), or at the corresponding yield or yields, set forth in the bid submitted by the winning bidder and (ii) agree, on behalf of the underwriters participating in the purchase of the Bonds, that the underwriters will neither offer nor sell unsold Bonds of any maturity to which the hold-the-offering-price rule shall apply to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of the following:

- (1) the close of the fifth (5th) business day after the sale date; or
- (2) the date on which the underwriters have sold at least 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public.

The winning bidder will advise the City promptly after the close of the fifth (5th) business day after the sale whether it has sold 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public.

The City acknowledges that in making the representation set forth above, the winning bidder will rely on:

(i) the agreement of each underwriter to comply with requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the hold-the-price rule, if applicable to the Bonds, as set forth in an agreement among underwriters and the related pricing wires,

(ii) in the event a selling group has been created in connection with the initial sale of the Bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Bonds, as set forth in a selling group agreement and the related pricing wires, and

(iii) in the event that an underwriter or dealer who is a member of the selling group is a party to a third-party distribution agreement that was employed in connection with the initial sale of the Bonds to the public, the agreement of each broker-dealer that is party to such agreement to comply with the requirements for establishing issue price of

the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Bonds, as set forth in the third-party distribution agreement and the related pricing wires. The City further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the requirements for establishing issue price rule of the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Bonds, and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a third-party distribution agreement to comply with its corresponding agreement to comply with the requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule as applicable to the Bonds.

(e) If all of the requirements of a "competitive sale" are not satisfied and the winning bidder selects the 10% test, the winning bidder agrees to promptly report to the City, Bond Counsel and Ehlers the prices at which the Bonds have been sold to the public. That reporting obligation shall continue, whether or not the closing date has occurred, until either (i) all Bonds of that maturity have been sold or (ii) the 10% test has been satisfied as to each maturity of the Bonds, provided that, the winning bidder's reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the City or bond counsel.

(f) By submitting a bid, each bidder confirms that:

(i) any agreement among underwriters, any selling group agreement and each third-party distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is party to such third-party distribution agreement, as applicable, to:

(A) report the prices at which it sells to the public the unsold Bonds of each maturity allocated to it, whether or not the Closing Date has occurred until either all securities of that maturity allocated to it have been sold or it is notified by the winning bidder that either the 10% test has been satisfied as to the Bonds of that maturity, provided that, the reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the City or bond counsel.

(B) comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the winning bidder and as set forth in the related pricing wires, and

(ii) any agreement among underwriters or selling group agreement relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group and each broker dealer that is a party to a third-party distribution agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such third-party distribution agreement to:

(A) to promptly notify the winning bidder of any sales of Bonds that, to its knowledge, are made to a purchaser who is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being used as defined below), and

(B) to acknowledge that, unless otherwise advised by the underwriter, dealer or broker-dealer, the winning bidder shall assume that each order submitted by the underwriter, dealer or broker-dealer is a sale to the public.

(g) Sales of any Bonds to any person that is a related party to an underwriter participating in the initial sale of the Bonds to the public (each term being used as defined below) shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale:

(i) "public" means any person other than an underwriter or a related party,

(ii) "underwriter" means (A) any person that agrees pursuant to a written contract with the City (or with

the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the Bonds to the public),

- (iii) a purchaser of any of the Bonds is a "related party" to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (A) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (B) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (C) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other), and
- (iv) "sale date" means the date that the Bonds are awarded by the City to the winning bidder.

PRELIMINARY OFFICIAL STATEMENT

Bidders may obtain a copy of the Preliminary Official Statement relating to the Bonds prior to the bid opening by request from Ehlers at www.ehlers-inc.com by connecting to the Bond Sales link. The Underwriter (Syndicate Manager) will be provided with an electronic copy of the Final Official Statement within seven business days of the bid acceptance. Up to 10 printed copies of the Final Official Statement will be provided upon request. Additional copies of the Final Official Statement will be available at a cost of \$10.00 per copy.

Information for bidders and bid forms may be obtained from Ehlers at 3060 Centre Pointe Drive, Roseville, Minnesota 55113-1105, Telephone (651) 697-8500.

By Order of the Common Council

Rubina R. Medina, City Clerk
City of New Berlin, Wisconsin

EXHIBIT B

Bid Tabulation

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

(See Attached)



BID TABULATION

\$6,240,000* General Obligation Community Development Bonds, Series 2023B

City of New Berlin, Wisconsin

SALE: August 29, 2023

AWARD: KEYBANC CAPITAL MARKETS INCORPORATED

Rating: Moody's Investor's Service "Aaa"

Tax Exempt - Non-Bank Qualified

NAME OF BIDDER	MATURITY (June 1)	RATE	REOFFERING YIELD	PRICE	NET INTEREST COST	TRUE INTEREST RATE
KEYBANC CAPITAL MARKETS INCORPORATED Cleveland, Ohio	2026	5.000%	3.230%	\$6,624,567.20	\$1,905,498.77	3.5346%
	2027	5.000%	3.140%			
	2028	5.000%	3.120%			
	2029	5.000%	3.070%			
	2030	5.000%	3.070%			
	2031	5.000%	3.070%			
	2032	5.000%	3.100%			
	2033	4.000%	3.350%			
	2034	4.000%	3.400%			
	2035	4.000%	3.500%			
	2036	4.000%	3.660%			
BANCROFT CAPITAL, LLC Fort Washington, Pennsylvania						3.5413%
TD SECURITIES (USA) LLC New York, New York						3.5570%
BOK FINANCIAL SECURITIES, INC. Milwaukee, Wisconsin						3.6061%
BAIRD Milwaukee, Wisconsin						3.6377%
FIDELITY CAPITAL MARKETS Boston, Massachusetts						3.8266%

* Subsequent to bid opening the issue size was decreased to \$6,150,000.

Adjusted Price - \$6,532,448.40 Adjusted Net Interest Cost - \$1,866,647.57 Adjusted TIC - 3.5306%

BUILDING COMMUNITIES. IT'S WHAT WE DO.

✉ info@ehlers-inc.com

☎ 1 (800) 552-1171

🌐 www.ehlers-inc.com

EXHIBIT C

Winning Bid

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

(See Attached)

BID FORM

The Common Council
City of New Berlin, Wisconsin (the "City")

August 29, 2023

RE: \$6,240,000* General Obligation Community Development Bonds, Series 2023B (the "Bonds")
DATED: September 14, 2023

For all or none of the above Bonds, in accordance with the Notice of Sale and terms of the Global Book-Entry System (unless otherwise specified by the Purchaser) as stated in this Official Statement, we will pay you \$ 6,624,567.20 (not less than \$6,162,000 nor more than \$6,739,200) plus accrued interest to date of delivery for fully registered Bonds bearing interest rates and maturing in the stated years as follows:

<u>5.00</u>	% due	2026	<u>5.00</u>	% due	2030	<u>4.00</u>	% due	2034
<u>5.00</u>	% due	2027	<u>5.00</u>	% due	2031	<u>4.00</u>	% due	2035
<u>5.00</u>	% due	2028	<u>5.00</u>	% due	2032	<u>4.00</u>	% due	2036
<u>5.00</u>	% due	2029	<u>4.00</u>	% due	2033			

The City reserves the right to increase or decrease the principal amount of the Bonds on the day of sale, in increments of \$5,000 each. Increases or decreases may be made in any maturity. If any principal amounts are adjusted, the purchase price proposed will be adjusted to maintain the same gross spread per \$1,000.

All Bonds of the same maturity must bear interest from date of issue until paid at a single, uniform rate. Each rate must be expressed in an integral multiple of 5/100 or 1/8 of 1%.

A good faith deposit ("Deposit") in the amount of \$124,800 shall be made by the winning bidder by wire transfer of funds. Such Deposit shall be received by Ehlers no later than two hours after the bid opening time. Wire transfer instructions will be provided to the winning bidder by Ehlers after the tabulation of bids. The City reserves the right to award the Bonds to a winning bidder whose wire transfer is initiated but not received by such time provided that such winning bidder's federal wire reference number has been received by such time. In the event the Deposit is not received as provided above, the City may award the Bonds to the bidder submitting the next best bid provided such bidder agrees to such award. The Deposit will be retained by the City as liquidated damages if the bid is accepted and the Purchaser fails to comply therewith. We agree to the conditions and duties of Ehlers and Associates, Inc., as escrow holder of the Deposit, pursuant to the Notice of Sale. This bid is for prompt acceptance and is conditional upon delivery of said Bonds to The Depository Trust Company, New York, New York, in accordance with the Notice of Sale. Delivery is anticipated to be on or about September 14, 2023.

This bid is subject to the City's agreement to enter into a written undertaking to provide continuing disclosure under Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 as described in the Preliminary Official Statement for the Bonds.

We have received and reviewed the Official Statement, and any addenda thereto, and have submitted our requests for additional information or corrections to the Final Official Statement. As Underwriter (Syndicate Manager), we agree to provide the City with the reoffering price of the Bonds within 24 hours of the bid acceptance.

This bid is a firm offer for the purchase of the Bonds identified in the Notice of Sale, on the terms set forth in this bid form and the Notice of Sale, and is not subject to any conditions, except as permitted by the Notice of Sale.

By submitting this bid, we confirm that we are an underwriter and have an established industry reputation for underwriting new issuances of municipal bonds. YES: X NO: .

If the competitive sale requirements are not met, we elect to use either the: 10% test, or the hold-the-offering-price rule to determine the issue price of the Bonds.

Account Manager: KeyBanc Capital Markets
Account Members: Alone

By: Kyle Kennedy

Award will be on a true interest cost basis. According to our computations (the correct computation being controlling in the award), the total dollar interest cost (including any discount or less any premium) computed from September 14, 2023 of the above bid is \$ 1,905,498.77 and the true interest cost (TIC) is 3.534601 %.

The foregoing offer is hereby accepted by and on behalf of the Common Council of the City of New Berlin, Wisconsin, on August 29, 2023.

By: _____

By: _____

Title: _____

Title: _____

*
Adjusted Price - \$6,532,448.40

Subsequent to bid opening the issue size was decreased to \$6,150,000.
Adjusted Net Interest Cost - \$1,866,647.57

Adjusted TIC - 3.5306%

EXHIBIT D-1

Pricing Summary

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

(See Attached)

City of New Berlin

\$6,150,000 General Obligation Community Development Bonds, Series 2023B

Pricing Summary

Maturity	Type of Bond	Coupon	Yield	Maturity Value	Price	YTM	Call Date	Call Price	Dollar Price
06/01/2026	Serial Coupon	5.000%	3.230%	315,000.00	104.558%	-	-	-	329,357.70
06/01/2027	Serial Coupon	5.000%	3.140%	500,000.00	106.467%	-	-	-	532,335.00
06/01/2028	Serial Coupon	5.000%	3.120%	500,000.00	108.177%	-	-	-	540,885.00
06/01/2029	Serial Coupon	5.000%	3.070%	500,000.00	110.039%	-	-	-	550,195.00
06/01/2030	Serial Coupon	5.000%	3.070%	500,000.00	111.624%	-	-	-	558,120.00
06/01/2031	Serial Coupon	5.000%	3.070%	500,000.00	113.162%	-	-	-	565,810.00
06/01/2032	Serial Coupon	5.000%	3.100%	600,000.00	112.942% c	3.280%	06/01/2031	100.000%	677,652.00
06/01/2033	Serial Coupon	4.000%	3.350%	635,000.00	104.382% c	3.464%	06/01/2031	100.000%	662,825.70
06/01/2034	Serial Coupon	4.000%	3.400%	700,000.00	104.037% c	3.543%	06/01/2031	100.000%	728,259.00
06/01/2035	Serial Coupon	4.000%	3.500%	700,000.00	103.350% c	3.646%	06/01/2031	100.000%	723,450.00
06/01/2036	Serial Coupon	4.000%	3.660%	700,000.00	102.262% c	3.774%	06/01/2031	100.000%	715,834.00
Total	-	-	-	\$6,150,000.00	-	-	-	-	\$6,584,723.40

Bid Information

Par Amount of Bonds	\$6,150,000.00
Reoffering Premium or (Discount)	434,723.40
Gross Production	\$6,584,723.40
Total Underwriter's Discount (0.850%)	\$(52,275.00)
Bid (106.219%)	6,532,448.40
Total Purchase Price	\$6,532,448.40
Bond Year Dollars	\$51,135.42
Average Life	8.315 Years
Average Coupon	4.3983136%
Net Interest Cost (NIC)	3.6504006%
True Interest Cost (TIC)	3.5306733%

EXHIBIT D-2

Debt Service Schedule and Irrepealable Tax Levies

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

(See Attached)

City of New Berlin

\$6,150,000 General Obligation Community Development Bonds, Series 2023B

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
09/14/2023	-	-	-	-	-
06/01/2024	-	-	199,995.97	199,995.97	-
12/01/2024	-	-	140,075.00	140,075.00	-
12/31/2024	-	-	-	-	340,070.97
06/01/2025	-	-	140,075.00	140,075.00	-
12/01/2025	-	-	140,075.00	140,075.00	-
12/31/2025	-	-	-	-	280,150.00
06/01/2026	315,000.00	5.000%	140,075.00	455,075.00	-
12/01/2026	-	-	132,200.00	132,200.00	-
12/31/2026	-	-	-	-	587,275.00
06/01/2027	500,000.00	5.000%	132,200.00	632,200.00	-
12/01/2027	-	-	119,700.00	119,700.00	-
12/31/2027	-	-	-	-	751,900.00
06/01/2028	500,000.00	5.000%	119,700.00	619,700.00	-
12/01/2028	-	-	107,200.00	107,200.00	-
12/31/2028	-	-	-	-	726,900.00
06/01/2029	500,000.00	5.000%	107,200.00	607,200.00	-
12/01/2029	-	-	94,700.00	94,700.00	-
12/31/2029	-	-	-	-	701,900.00
06/01/2030	500,000.00	5.000%	94,700.00	594,700.00	-
12/01/2030	-	-	82,200.00	82,200.00	-
12/31/2030	-	-	-	-	676,900.00
06/01/2031	500,000.00	5.000%	82,200.00	582,200.00	-
12/01/2031	-	-	69,700.00	69,700.00	-
12/31/2031	-	-	-	-	651,900.00
06/01/2032	600,000.00	5.000%	69,700.00	669,700.00	-
12/01/2032	-	-	54,700.00	54,700.00	-
12/31/2032	-	-	-	-	724,400.00
06/01/2033	635,000.00	4.000%	54,700.00	689,700.00	-
12/01/2033	-	-	42,000.00	42,000.00	-
12/31/2033	-	-	-	-	731,700.00
06/01/2034	700,000.00	4.000%	42,000.00	742,000.00	-
12/01/2034	-	-	28,000.00	28,000.00	-
12/31/2034	-	-	-	-	770,000.00
06/01/2035	700,000.00	4.000%	28,000.00	728,000.00	-
12/01/2035	-	-	14,000.00	14,000.00	-
12/31/2035	-	-	-	-	742,000.00
06/01/2036	700,000.00	4.000%	14,000.00	714,000.00	-
12/31/2036	-	-	-	-	714,000.00
Total	\$6,150,000.00	-	\$2,249,095.97	\$8,399,095.97	-

Yield Statistics

Bond Year Dollars	\$51,135.42
Average Life	8.315 Years
Average Coupon	4.3983136%
Net Interest Cost (NIC)	3.6504006%
True Interest Cost (TIC)	3.5306733%
Bond Yield for Arbitrage Purposes	3.2876200%
All Inclusive Cost (AIC)	3.6633997%

IRS Form 8038

Net Interest Cost	3.3353920%
Weighted Average Maturity	8.261 Years

2023B GO Comm Devel Bonds | SINGLE PURPOSE | 8/29/2023 | 11:36 AM



EXHIBIT E

(Form of Bond)

REGISTERED UNITED STATES OF AMERICA DOLLARS
STATE OF WISCONSIN
WAUKESHA COUNTY
NO. R- CITY OF NEW BERLIN \$
GENERAL OBLIGATION COMMUNITY DEVELOPMENT BOND, SERIES 2023B

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
June 1, September 14, 2023 %

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: THOUSAND DOLLARS
(\$)

FOR VALUE RECEIVED, the City of New Berlin, Waukesha County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2024 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by the City Clerk or City Treasurer (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding each interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

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

This Bond is one of an issue of Bonds aggregating the principal amount of \$6,150,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the City pursuant to the provisions of Section 67.04, Wisconsin Statutes, for the public purpose of paying the cost of providing financial assistance to community development projects under Section 66.1105, Wisconsin Statutes, by paying project costs included in the project plan for the City's Tax Incremental District No. 5, as authorized by resolutions adopted on July 25, 2023 and August 29, 2023. Said resolutions are recorded in the official minutes of the Common Council for said dates.

The Bonds maturing on June 1, 2032 and thereafter are subject to redemption prior to maturity, at the option of the City, on June 1, 2031 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

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

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

This Bond is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the City appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

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

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

CITY OF NEW BERLIN
WAUKESHA COUNTY, WISCONSIN

By: _____
David A. Ament
Mayor

(SEAL)

By: _____
Rubina R. Medina
City Clerk

ASSIGNMENT

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

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

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

Dated: _____

Signature Guaranteed:

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

(Depository or Nominee Name)

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

(Authorized Officer)

August 29, 2023

SALE DAY REPORT FOR:

City of New Berlin, Wisconsin

**\$6,150,000 General Obligation Community
Development Bonds, Series 2023B**



Prepared by:

Ehlers
N19W24400 Riverwood Drive,
Suite 100
Waukesha, WI 53188

Greg Johnson,
Senior Municipal Advisor

Phil Cosson,
Senior Municipal Advisor

Harry Allen,
Associate Municipal Advisor

BUILDING COMMUNITIES. IT'S WHAT WE DO.

Competitive Sale Results

PURPOSE:	For the public purpose of paying the cost of providing financial assistance to community development projects under Section 66.1105, Wisconsin Statutes, consisting of paying the costs of projects listed in the Project Plan for Tax Incremental District No. 5.
RATING:	Moody's Investor's Service "Aaa"
NUMBER OF BIDS:	6
LOW BIDDER:	KeyBanc Capital Markets Incorporated, Cleveland, Ohio

COMPARISON FROM LOWEST TO HIGHEST BID: (TIC as bid)

LOW BID:	3.5346%
HIGH BID:	3.8266%

Summary of Sale Results:	
Principal Amount:	\$6,150,000
Underwriter's Discount:	\$52,275
Reoffering Premium:	\$434,723
True Interest Cost:	3.5306%
Costs of Issuance:	\$59,050
Yield:	3.07%-3.66%
Total Net P&I	\$8,016,648

NOTES:	The total net principal and interest is \$312,184 less than the pre-sale estimate.
	The City Treasurer will serve as Paying Agent on the Bonds.
	The Bonds maturing June 1, 2032, and thereafter are callable June 1, 2031, or any date thereafter.

CLOSING DATE:	September 14, 2023
CITY COUNCIL ACTION:	Adopt a resolution awarding the sale of \$6,150,000 General Obligation Community Development Bonds, Series 2023B.

SUPPLEMENTARY ATTACHMENTS

- Bid Tabulation
- Sources and Uses of Funds
- Updated Debt Service Schedules
- TID #5 development assumptions
- TID #5 increment projection
- TID #5 cash flow projection

BID TABULATION

\$6,240,000* General Obligation Community Development Bonds, Series 2023B

City of New Berlin, Wisconsin

SALE: August 29, 2023

AWARD: KEYBANC CAPITAL MARKETS INCORPORATED

Rating: Moody's Investor's Service "Aaa"

Tax Exempt - Non-Bank Qualified

NAME OF BIDDER	MATURITY (June 1)	RATE	REOFFERING YIELD	PRICE	NET INTEREST COST	TRUE INTEREST RATE
KEYBANC CAPITAL MARKETS INCORPORATED Cleveland, Ohio	2026	5.000%	3.230%	\$6,624,567.20	\$1,905,498.77	3.5346%
	2027	5.000%	3.140%			
	2028	5.000%	3.120%			
	2029	5.000%	3.070%			
	2030	5.000%	3.070%			
	2031	5.000%	3.070%			
	2032	5.000%	3.100%			
	2033	4.000%	3.350%			
	2034	4.000%	3.400%			
	2035	4.000%	3.500%			
	2036	4.000%	3.660%			
BANCROFT CAPITAL, LLC Fort Washington, Pennsylvania						3.5413%
TD SECURITIES (USA) LLC New York, New York						3.5570%
BOK FINANCIAL SECURITIES, INC. Milwaukee, Wisconsin						3.6061%
BAIRD Milwaukee, Wisconsin						3.6377%
FIDELITY CAPITAL MARKETS Boston, Massachusetts						3.8266%

* Subsequent to bid opening the issue size was decreased to \$6,150,000.

Adjusted Price - \$6,532,448.40

Adjusted Net Interest Cost - \$1,866,647.57

Adjusted TIC - 3.5306%

Table 1

Capital Improvements Financing Plan

City of New Berlin, WI

		2023
		G.O. Community Development Bonds
CIP Projects		
Lincoln Avenue - Calhoun to Springdale (TID #5)		6,150,000
Subtotal Project Costs		6,150,000
CIP Projects		6,150,000
Premium		
Underwriter's Premium (built into rates)		(434,723)
Premium Deposit to Debt Service		382,448
Issuance Expenses		
Municipal Advisor (Ehlers)		32,100
Bond Counsel		19,000
Rating Fee		7,950
Underwriter's Discount	8.50	52,275
Paying Agent		0
Subtotal Issuance Expenses		111,325
TOTAL TO BE FINANCED		6,209,050
Estimated Interest Earnings	2.00%	(61,500)
Assumed spend down (months)	6	
Rounding		2,450
NET ISSUE SIZE		6,150,000

Table 2

Allocation of Debt Service - 2023 G.O. Community Development Bonds

City of New Berlin, WI

Year Ending	TID #5 Portion				
	Principal	Rate	Interest	Premium	Total
2023					0
2024			340,071	(340,071)	0
2025			280,150	(42,377)	237,773
2026	315,000	5.00%	272,275		587,275
2027	500,000	5.00%	251,900		751,900
2028	500,000	5.00%	226,900		726,900
2029	500,000	5.00%	201,900		701,900
2030	500,000	5.00%	176,900		676,900
2031	500,000	5.00%	151,900		651,900
2032	600,000	5.00%	124,400		724,400
2033	635,000	4.00%	96,700		731,700
2034	700,000	4.00%	70,000		770,000
2035	700,000	4.00%	42,000		742,000
2036	700,000	4.00%	14,000		714,000
Total	6,150,000		2,249,096	(382,448)	8,016,648

Year Ending	Totals			
	Principal (6/1)	Interest	Premium	Total
2023	0	0	0	0
2024	0	340,071	(340,071)	0
2025	0	280,150	(42,377)	237,773
2026	315,000	272,275	0	587,275
2027	500,000	251,900	0	751,900
2028	500,000	226,900	0	726,900
2029	500,000	201,900	0	701,900
2030	500,000	176,900	0	676,900
2031	500,000	151,900	0	651,900
2032	600,000	124,400	0	724,400
2033	635,000	96,700	0	731,700
2034	700,000	70,000	0	770,000
2035	700,000	42,000	0	742,000
2036	700,000	14,000	0	714,000
Total	6,150,000	2,249,096	(382,448)	8,016,648

Notes:

Pre-sale estimate 8,328,832
Difference (312,184)

City of New Berlin, WI

Tax Increment District #5

Table 3: Development Assumptions

Construction Year		Actual	ABB	Veit	Annual Total	Construction Year	
1	2022	17,075,900			17,075,900	2022	1
2	2023		27,500,000	9,500,000	37,000,000	2023	2
3	2024		10,424,100		10,424,100	2024	3
4	2025				0	2025	4
5	2026				0	2026	5
6	2027				0	2027	6
7	2028				0	2028	7
8	2029				0	2029	8
9	2030				0	2030	9
10	2031				0	2031	10
11	2032				0	2032	11
12	2033				0	2033	12
13	2034				0	2034	13
14	2035				0	2035	14
15	2036				0	2036	15
16	2037				0	2037	16
17	2038				0	2038	17
18	2039				0	2039	18
19	2040				0	2040	19
20	2041				0	2041	20
Totals		17,075,900	37,924,100	9,500,000	64,500,000		

City of New Berlin, WI

Tax Increment District #5

Table 4: Tax Increment Projection Worksheet

Type of District	Industrial	Base Value	1,213,470
District Creation Date	January 11, 2022	Appreciation Factor	0.00%
Valuation Date	Jan 1, 2022		
Max Life (Years)	20	Rate Adjustment Factor (4 years)	-1.50%
Expenditure Period/Termination	15 1/11/2037		
Revenue Periods/Final Year	20 2043		
Extension Eligibility/Years	Yes 3	Tax Exempt Discount Rate	N/A
Eligible Recipient District	No	Taxable Discount Rate	N/A

Construction	Year	Value Added	Valuation Year	Inflation Increment	Total Increment	Revenue Year	Tax Rate	Tax Increment
1	2022	17,075,900	2023	0	17,075,900	2024	\$12.28	209,692
2	2023	37,000,000	2024	0	54,075,900	2025	\$12.10	654,091
3	2024	10,424,100	2025	0	64,500,000	2026	\$11.91	768,476
4	2025	0	2026	0	64,500,000	2027	\$11.74	756,949
5	2026	0	2027	0	64,500,000	2028	\$11.56	745,595
6	2027	0	2028	0	64,500,000	2029	\$11.56	745,595
7	2028	0	2029	0	64,500,000	2030	\$11.56	745,595
8	2029	0	2030	0	64,500,000	2031	\$11.56	745,595
9	2030	0	2031	0	64,500,000	2032	\$11.56	745,595
10	2031	0	2032	0	64,500,000	2033	\$11.56	745,595
11	2032	0	2033	0	64,500,000	2034	\$11.56	745,595
12	2033	0	2034	0	64,500,000	2035	\$11.56	745,595
13	2034	0	2035	0	64,500,000	2036	\$11.56	745,595
14	2035	0	2036	0	64,500,000	2037	\$11.56	745,595
15	2036	0	2037	0	64,500,000	2038	\$11.56	745,595
16	2037	0	2038	0	64,500,000	2039	\$11.56	745,595
17	2038	0	2039	0	64,500,000	2040	\$11.56	745,595
18	2039	0	2040	0	64,500,000	2041	\$11.56	745,595
19	2040	0	2041	0	64,500,000	2042	\$11.56	745,595
20	2041	0	2042	0	64,500,000	2043	\$11.56	745,595
Totals		64,500,000		0		Future Value of Increment		14,318,729

Notes:

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

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

City of New Berlin, WI

Tax Increment District #5

Table 5: Cash Flow Projection

Year	Projected Revenues					Expenditures								Balances			Year			
						G.O. Notes 405,000		G.O. Bonds Series 2023 6,150,000												
	Tax Increments	Misc. Revenue	Debt Proceeds	Bond Premium	Total Revenues	Dated Date: Principal	10/12/22 Interest	Dated Date: Principal	Rate	Interest	Capital Outlay	Fiscal Charges	Planning & Administration	Total Expenditures	Annual	Cumulative		Principal Outstanding		
2021	15,500				15,500						936			936	14,564	14,564		2021		
2022					405,000	16,525	421,525			1,209,686			6,804	16,500	1,232,990	(811,465)	(796,901)	405,000	2022	
2023					6,150,000	5,000	20,268			6,150,000			59,050	10,000	6,244,318	(94,318)	(891,219)	6,550,000	2023	
2024	209,692					592,180	40,000	16,700						10,000	406,771	185,409	(705,810)	6,510,000	2024	
2025	654,091					654,091	40,000	14,700						10,000	344,850	309,241	(396,569)	6,470,000	2025	
2026	768,476					768,476	45,000	12,575	315,000	5.00%	272,275				10,000	654,850	113,626	(282,942)	6,110,000	2026
2027	756,949					756,949	45,000	10,325	500,000	5.00%	251,900				10,000	817,225	(60,276)	(343,218)	5,565,000	2027
2028	745,595					745,595	45,000	8,300	500,000	5.00%	226,900				10,000	790,200	(44,605)	(387,823)	5,020,000	2028
2029	745,595					745,595	45,000	6,500	500,000	5.00%	201,900				10,000	763,400	(17,805)	(405,628)	4,475,000	2029
2030	745,595					745,595	45,000	4,700	500,000	5.00%	176,900				10,000	736,600	8,995	(396,633)	3,930,000	2030
2031	745,595					745,595	45,000	2,900	500,000	5.00%	151,900				10,000	709,800	35,795	(360,838)	3,385,000	2031
2032	745,595					745,595	50,000	1,000	600,000	5.00%	124,400				10,000	785,400	(39,805)	(400,643)	2,735,000	2032
2033	745,595					745,595			635,000	4.00%	96,700				10,000	741,700	3,895	(396,748)	2,100,000	2033
2034	745,595					745,595			700,000	4.00%	70,000				10,000	780,000	(34,405)	(431,153)	1,400,000	2034
2035	745,595					745,595			700,000	4.00%	42,000				10,000	752,000	(6,405)	(437,558)	700,000	2035
2036	745,595					745,595			700,000	4.00%	14,000				10,000	724,000	21,595	(415,963)	0	2036
2037	745,595					745,595									10,000	10,000	735,595	319,632	0	2037
2038	745,595					745,595									10,000	10,000	735,595	1,055,227	0	2038
2039	745,595					745,595									10,000	10,000	735,595	1,790,822	0	2039
2040	745,595					745,595									10,000	10,000	735,595	2,526,417		2040
2041	745,595					745,595									10,000	10,000	735,595	3,262,012		2041
2042	745,595					745,595									10,000	10,000	735,595	3,997,607		2042
2043	745,595					745,595									10,000	10,000	735,595	4,733,202		2043
Total	14,318,729	15,500	6,555,000	399,013	21,288,243	405,000	97,968	6,150,000		2,249,096	7,360,622	65,854	226,500	16,554,104					Total	

Notes:

1. 2022 Notes financed Lincoln Avenue (Calhoun to Springdale) improvements.
2. Capital outlay in 2022 included TID eligible utility projects not financed with debt.
2. Proposed 2023 financing includes \$6,150,000 of Lincoln Avenue improvements.

Projected TID Closure

RESOLUTION 23-19
A RESOLUTION TO DIRECT AND REALLOCATE A PORTION OF THE APPROVED
2023 CIP BUDGET

WHEREAS, the City of New Berlin Clerks' Office intends to consolidate various polling locations to the New Berlin Activity and Recreation Center (ARC) beginning in 2024. As such, additional electrical and building improvements are required in order to make this a viable polling location; and

WHEREAS, on July 25, 2023 the Common Council approved Resolution 23-15 authorizing the borrowing for the 2023 CIP Budget which included \$200,000 for these improvements; and

WHEREAS, the Department of Community Development (DCD) would request that these funds be transferred to the Phase II CIP budget account identified below in order to support those improvements necessary to make the ARC as a functional consolidated polling location for future elections; and

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

<u>TRANSFER FROM</u>		
CIP 2023		\$200,000
<u>TRANSFER TO</u>		
New Berlin Activity and Recreation Center Phase II	04252900 61130 C2022	\$200,000

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to publish this resolution in the Waukesha County NOW within 10 days of adoption by the Common Council.

RESOLUTION ADOPTED by the New Berlin Common Council this 29 day of August 2023.

Countersigned:

David Ament, Mayor

Rubina Medina, City Clerk



REQUESTED ACTION STATEMENT

July 25, 2023

TO: Mayor Ament
Common Council

FROM: Rubina R. Medina, City Clerk

ISSUE: MOU – 2023 Absentee Ballot Envelope Subgrant Program

Strategic Goal – N/A

REQUESTED:

Recommend to the Common Council to enter into a Memorandum of Understanding with the Wisconsin Elections Commission for the 2023 Absentee Ballot Envelope Subgrant

FISCAL IMPACT:

Municipalities are receiving an award calculated proportionally based on their estimated January 1, 2022, voting age population determined by the Department of Administration Demographic Services Center. The envelope purchase is mandatory and old stock cannot be used in 2024. The City of New Berlin can be awarded up to \$4,231.88 through this Subgrant Program. The estimated cost (using current pricing) for the envelopes is \$6,005 for a net out-of-pocket cost to the city of \$1,773.12.

RATIONALE:

These funds are to help purchase the new mandatory absentee envelopes for the 20204 Federal election cycle.”



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

2023 ABSENTEE BALLOT ENVELOPE **SUBGRANT PROGRAM**

REQUEST FOR FUNDS & MEMORANDUM OF UNDERSTANDING

BETWEEN

THE WISCONSIN ELECTIONS COMMISSION

AND

CITY OF NEW BERLIN, WAUKESHA COUNTY
(NAME OF MUNICIPALITY, COUNTY)

I. PARTIES

The parties to this Memorandum of Understanding (hereinafter referred to as “MOU” or “agreement”) are the Wisconsin Elections Commission (hereinafter referred to as the “WEC” or the “Commission”) and the (City) (Village) (Town) of CITY OF NEW BERLIN in WAUKESHA County, Wisconsin. The Commission is the state agency providing an election security subgrant of federal funds to the city, village, or town. The City, Village or Town identified above is the entity receiving a local election security subgrant from the Commission and is referred to herein as the “receiving jurisdiction.” By signing and dating this agreement, the participating City, Village, or Town agrees to the terms of this agreement with the Commission.

II. PURPOSE

The purpose of this MOU is to set forth the requirements that cities, villages and towns must meet to be eligible to receive an absentee ballot envelope subgrant from the Commission and the requirements for the use of the funds. The subgrant program is funded by the federal HAVA Election Security Grant which was authorized by the U.S. Congress under Section 101 of the Help America Vote Act of 2002 (P.L. 107-252) (HAVA) and provided for in the Consolidated Appropriations Act of 2023 (Public Law 117-328) and issued by the federal Election Assistance Commission. The purpose of the federal grant is to “improve the administration of elections for Federal office, including to enhance election technology and make election security improvements to the systems, equipment and processes used in federal elections” (CFDA Number 90.404; Federal Award Identification Number (FAIN) EAC-ELSEC18WI).

The purpose of the subgrant is to help improve overall election security of federal elections statewide by providing cities, villages, and towns across the State of Wisconsin with federal election security funds to safeguard and secure the integrity of the absentee voting process in federal elections.

Wisconsin Elections Commissioners

Don M. Millis, chair | Marge Bostelmann | Joseph J. Czarnecki | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

III. SUBGRANT PROGRAM REQUIREMENTS

A. Introduction

The Commission's Election Security Subgrant Program ("subgrant") is intended to fund jurisdictions purchasing redesigned absentee ballot envelopes. Each jurisdiction may receive an amount determined based on their estimated January 1, 2022, voting age population as determined by the Department of Administration Demographic Services Center.¹ All funds received must be expended to purchase the redesigned absentee ballot envelopes or returned to the Commission.

B. Envelope Redesign.

At the Commission's February 2, 2023, meeting, WEC staff were directed to develop a timeline to implement a new absentee ballot envelope package that would allow for the Commission to approve the design no later than its September 20, 2023, meeting. The absentee ballot envelope package for voters includes two envelopes:

- EL-120: Absentee Ballot Mailer Envelope (outside envelope going to voter)
- EL-122: Official Absentee Ballot Application/Certification (inside envelope returning to clerk)

These envelopes were redesigned to ensure compliance with recent court decisions and the Wisconsin statutes. Old envelopes are not compliant with the law, and the Wisconsin Elections Commission unanimously voted not to permit their continued use, starting in 2024.

At the Commission's March 3, 2023, meeting, the Commission directed staff to allocate \$600,000 of federal funds towards an Absentee Ballot Envelope subgrant program, to partially offset the cost of transitioning to new absentee ballot envelopes now under development. The absentee ballot envelope performs several functions – each essential to the security of the voter's choice, and the integrity of the wider electoral process. A successful transition to the new design is therefore in the interest of all participants.

IV. FUNDING

- A. Commission staff will award subgrants based on receipt of a signed Memorandum of Understanding (MOU). Jurisdictions may receive a proportional amount of available subgrant funds based on their 2022 estimated voting age population as outlined in Appendix A. The minimum award is \$20.00.
- B. **All funds received must be expended to purchase the redesigned absentee ballot envelopes.** A county purchasing envelopes on behalf of a municipality may receive a subgrant award, however only one award will be granted per municipality. Any unused funds must be returned to the Commission by December 31, 2024.
- C. Subgrant period: **March 3, 2023 – December 31, 2024.** All costs must be incurred, including goods received, during this project period. Bids, proposals, or purchase orders are not adequate for this subgrant.

¹ https://doa.wi.gov/Pages/LocalGovtsGrants/Population_Estimates.aspx

- D. Documentation: Receipts or invoices for all subgrant expenditures, showing date and amount for all funds expended, must be retained by requesting jurisdictions for a minimum of **eight years**. A standard inventory list of all items purchased using subgrant funds must be created and maintained by the jurisdiction for purposes of any state or federal audit.
- E. Request Processing: Subgrant funds will be distributed in a timely manner after the WEC receives the completed and signed MOU from the jurisdiction. Subgrant funds will be disbursed by electronic transfer to a jurisdiction's shared revenues account (if available), or via a physical check sent to a jurisdiction's shared revenues location. For questions related to the processing of subgrant reimbursements, contact the Commission's financial team via the WEC Help Desk at 608-261-2028 or elections.finance@wi.gov.

V. SUBGRANT PROGRAM DEADLINES

To help increase overall election security across the state, the election subgrant program has established the following deadlines:

New Envelope Design Available: August/September, 2023

Application (MOU) Deadline: June 30, 2024

Return Unused Funds Deadline: December 31, 2024

VI. COMPLIANCE MONITORING, CERTIFICATION, DOCUMENTATION AND AUDIT

A. Certification.

The receiving jurisdiction shall certify (by completing the MOU) that information provided is true and correct; it has complied with all terms of the subgrant; the election security subgrant funds will be used to meet the terms of the subgrant, including to increase the accessibility of federal elections; and that any falsification of information related to the subgrant could subject the jurisdiction official to civil or criminal penalties.

B. Documentation.

The receiving jurisdiction shall maintain all documentation of purchases made using subgrant funds provided by the Commission for a minimum of eight years from the date of the expenditure or until the WEC authorizes destruction of said records. A standard inventory list of all items purchased using subgrant funds must be created and maintained by the jurisdiction for purposes of any state or federal audit. Such original purchasing documentation and inventory lists shall be retained by the receiving jurisdiction until the WEC authorizes the destruction of said records. Submission of copies of all purchasing documentation may be required by the WEC or federal auditors at any time.

C. Audit.

All subgrant funds received are subject to audit by the Commission and/or the federal government to ensure funds have been spent appropriately and in accordance with all applicable state and federal laws. Pursuant to Wis. Stat. § 5.05(11), if the federal government objects to the use of any funds provided to a county or municipality under the subgrant, the county or municipality shall repay the amount of the subgrant to the Commission.

D. Regulations.

As the receiving jurisdiction, we further certify that we will follow all state and federal laws, including adherence to all applicable federal requirements including Office of Management and Budget (OMB) guidance: Title 2 C.F.R. Subtitle A, Chapter II, Part 200-Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. § 200) found here: (<https://www.govinfo.gov/app/collection/cfr/2022/>).

VII. SIGNATURES

By signing and dating this agreement the receiving jurisdiction agrees to the terms of this MOU and certifies that the information provided in this MOU is true and correct.

Receiving Jurisdiction

Signature _____
(Authorized Representative of Jurisdiction)

Date: _____

Printed Name _____
(Authorized Representative of Jurisdiction)

Jurisdiction Name: CITY OF NEW BERLIN

County: WAUKESHA

Jurisdiction Treasurer Name: RALPH CHIPMAN

Jurisdiction Treasurer Mailing Address: CITY OF NEW BERLIN

3805 S. CASPER DR. NEW BERLIN WI 53151

Jurisdiction Clerk E-mail: RMEDINA@NEWBERLINWI.GOV

Submit completed form by June 30, 2024, to:

Wisconsin Elections Commission
201 West Washington Avenue, Second Floor
P.O. Box 7984
Madison, WI 53707-7984
elections.finance@wi.gov
Fax: 608-267-0500

HINDI	Jurisdiction	County	Percentage	Subgrant
68151	VILLAGE OF MENOMONEE FALLS	WAUKESHA COUNTY	0.65%	\$ 3,925.84
68152	VILLAGE OF MERTON	WAUKESHA COUNTY	0.05%	\$ 317.10
68153	VILLAGE OF MUKWONAGO	MULTIPLE COUNTIES	0.13%	\$ 808.82
68158	VILLAGE OF NASHOTAH	WAUKESHA COUNTY	0.02%	\$ 132.07
68161	VILLAGE OF NORTH PRAIRIE	WAUKESHA COUNTY	0.04%	\$ 220.03
68166	VILLAGE OF OCONOMOWOC LAKE	WAUKESHA COUNTY	0.01%	\$ 61.03
68171	VILLAGE OF PEWAUKEE	WAUKESHA COUNTY	0.14%	\$ 868.81
68172	VILLAGE OF SUMMIT	WAUKESHA COUNTY	0.08%	\$ 495.76
68181	VILLAGE OF SUSSEX	WAUKESHA COUNTY	0.19%	\$ 1,128.92
68186	VILLAGE OF VERNON	WAUKESHA COUNTY	0.13%	\$ 779.42
68191	VILLAGE OF WALES	WAUKESHA COUNTY	0.05%	\$ 287.04
68195	VILLAGE OF WAUKESHA	WAUKESHA COUNTY	0.15%	\$ 883.25
68206	CITY OF BROOKFIELD	WAUKESHA COUNTY	0.68%	\$ 4,108.27
68216	CITY OF DELAFIELD	WAUKESHA COUNTY	0.13%	\$ 752.61
68251	CITY OF MUSKEGO	WAUKESHA COUNTY	0.42%	\$ 2,523.02
68261	CITY OF NEW BERLIN	WAUKESHA COUNTY	0.71%	\$ 4,231.88
68265	CITY OF OCONOMOWOC	WAUKESHA COUNTY	0.30%	\$ 1,817.25
68270	CITY OF PEWAUKEE	WAUKESHA COUNTY	0.27%	\$ 1,610.88
68291	CITY OF WAUKESHA	WAUKESHA COUNTY	1.21%	\$ 7,277.86
69002	TOWN OF BEAR CREEK	WAUPACA COUNTY	0.01%	\$ 78.33
69004	TOWN OF CALEDONIA	WAUPACA COUNTY	0.03%	\$ 176.05
69006	TOWN OF DAYTON	WAUPACA COUNTY	0.05%	\$ 280.54
69008	TOWN OF DUPONT	WAUPACA COUNTY	0.01%	\$ 68.31
69010	TOWN OF FARMINGTON	WAUPACA COUNTY	0.07%	\$ 401.94
69012	TOWN OF FREMONT	WAUPACA COUNTY	0.01%	\$ 69.87
69014	TOWN OF HARRISON	WAUPACA COUNTY	0.01%	\$ 50.36
69016	TOWN OF HELVETIA	WAUPACA COUNTY	0.01%	\$ 74.69
69018	TOWN OF IOLA	WAUPACA COUNTY	0.02%	\$ 100.84
69020	TOWN OF LARRABEE	WAUPACA COUNTY	0.02%	\$ 132.20
69022	TOWN OF LEBANON	WAUPACA COUNTY	0.03%	\$ 168.11
69024	TOWN OF LIND	WAUPACA COUNTY	0.03%	\$ 162.52
69026	TOWN OF LITTLE WOLF	WAUPACA COUNTY	0.02%	\$ 146.12
69028	TOWN OF MATTESON	WAUPACA COUNTY	0.02%	\$ 98.24
69030	TOWN OF MUKWA	WAUPACA COUNTY	0.05%	\$ 296.67
69032	TOWN OF ROYALTON	WAUPACA COUNTY	0.02%	\$ 146.12
69034	TOWN OF SAINT LAWRENCE	WAUPACA COUNTY	0.01%	\$ 74.17
69036	TOWN OF SCANDINAVIA	WAUPACA COUNTY	0.02%	\$ 115.03
69038	TOWN OF UNION	WAUPACA COUNTY	0.01%	\$ 79.50
69040	TOWN OF WAUPACA	WAUPACA COUNTY	0.02%	\$ 124.39
69042	TOWN OF WEYAUWEGA	WAUPACA COUNTY	0.01%	\$ 58.42
69044	TOWN OF WYOMING	WAUPACA COUNTY	0.01%	\$ 32.92
69106	VILLAGE OF BIG FALLS	WAUPACA COUNTY	0.00%	\$ 20.00
69121	VILLAGE OF EMBARRASS	WAUPACA COUNTY	0.01%	\$ 38.13
69126	VILLAGE OF FREMONT	WAUPACA COUNTY	0.01%	\$ 74.82
69141	VILLAGE OF IOLA	WAUPACA COUNTY	0.02%	\$ 129.34
69165	VILLAGE OF OGDENSBURG	WAUPACA COUNTY	0.00%	\$ 20.17
69181	VILLAGE OF SCANDINAVIA	WAUPACA COUNTY	0.01%	\$ 36.95
69211	CITY OF CLINTONVILLE	WAUPACA COUNTY	0.08%	\$ 468.56
69251	CITY OF MANAWA	WAUPACA COUNTY	0.02%	\$ 139.36

REQUESTED ACTION STATEMENT

To: New Berlin Common Council

From: City Clerk Office and Police Department

Date: August 10, 2023

Requested Action:

To provide direction to Staff regarding Block Party Permit.

Financial fiscal impact:

Minimal, dependent on whether the City requires Permit Fees.

Background/Rationale:

As the Council is aware, the City has an Ordinance that deals with Special Event Permits, specifically, Section 152-23. That Ordinance defines a special event as any event held in the City that requires the use of public streets, rights-of-way, sidewalks, or City property or otherwise is likely to create substantial impacts on the operations of the City, surrounding neighbors or neighborhoods. Such events are classified either as Class 1 (which are events that are likely to have more than 500 persons in attendance); Class 2 (events with attendance expected of more than 150 people, but less than 500). However, the Ordinance does not provide any regulation with respect to events involving less than 150 people, which would include the typical neighborhood block party situation. The Special Event Permit Ordinance does reference the blocking of City streets; but the City has another Ordinance (Section 230-6B) which allows for temporary barricading of streets for recreational purposes. Under that Ordinance, an application would be made to the Police Department. However, under Section 152-23, the application would be made through the Clerk's Office. In addition to these Code Sections, the City also issues Loudspeaker Permits through the Police Department pursuant to Ordinance 2610, which also references Road Closure Permits to be obtained through the Police Department. While the current ordinance does not specify any time restrictions, current practice has been to issue permits until 10:00 p.m. and applicants can request a variance to extend the use of loudspeakers and the playing of music up to 11:00 p.m. Extending this beyond the 11:00 p.m. deadline would require Council approval.

As you can see, these Sections overlap and to some extent, contradict each other. As a result, Staff feels it would be helpful to have a single Ordinance to deal with all of these issues and therefore, have a single point of contact rather than requiring people to go to both the Police Department and the Clerk's Office. The Police Department has indicated they would like to get out of the business of approving these Permits, as they routinely just approve them. They do not feel they have information that would justify declining the applications.

In addition, we are questioning if there will be any restrictions on what is allowed to take place in the City rights-of-way. We have learned that some residents consume alcohol, beer or wine in the street and may also have grills set up, as well as recreational equipment (bouncy houses, etc.). Staff's recommendation is that the following actions be taken:

1. Section 152-9 - Loudspeaker Permit.
 - a. Section 152-9 would be amended to provide the City Clerk would issue Loudspeaker Permits.
 - b. The Loudspeaker Permits would be issued to continue until 11:00 p.m., but anything later would require Common Council approval. In addition, the amplified music or loudspeaker use may not begin before 9:00 a.m.
 - c. We would also suggest there be some language indicating the amplified noise or music would be limited to levels that would not cause unreasonable disturbance to residents and businesses in the surrounding area, and the Police Department would have the authority to rescind the Permit upon a verified complaint.
2. Ordinance 2610 – Special Event Permit, would be amended to provide that Loudspeaker and Road Closure Permits would be obtained through the City Clerk's Office.
3. Section 152-23 – Neighborhood Block Parties. A revision to this Section would be created to allow for neighborhood block parties with anticipated attendance of less than 150 persons. The following are what we are suggesting for the terms of this Ordinance.
 - a. The applicant may request the blockading of a public street, but only on a temporary basis for recreational purposes.
 - b. The applicant would need to provide evidence of written consent of not less than 80% of the property owners abutting the portion of the street to be closed. They must also provide evidence that all abutting property owners have been advised of the request for closure.
 - c. The blockade may only be of neighborhood streets, not City arterials.
 - d. The applicant would be required to provide a map showing the portion of the street to be closed, and where the barricades would be placed.
 - e. The application must be submitted to the Clerk's Office not less than 14 business days before the date of the proposed event.
 - f. The applicant must reside in the same residential area as is being proposed

for the block party; and must be responsible for the event; they must also agree to adhere to city ordinances; and clean up after the event (including the pickup and return of barricades).

- g. With respect to the barricades, those may be picked up from the Streets Department; however, a deposit of \$_____ will be required and will be refunded upon the return of the barricades in acceptable condition, reasonable wear and tear excepted.
- h. Barricades to close the street would remain in place at all times during the block party; however, the applicant must ensure that a drive through lane of not less than 15' in width be provided so City emergency services can access properties within the blocked street.
- i. Neighborhood block parties may take place between the hours of 9:00 a.m. and 11:00 p.m.
- j. If amplified music is being used, a Loudspeaker Permit would need to be obtained from the Clerk's Office.
- k. If alcohol is to be served at the event, it may only be to persons of age and there would be no allowance for the providing of alcohol to any uninvited guests or of the sale of alcohol to any person.
- l. While grills may be permitted in the rights-of-way, smokers, fireplaces, firepits, chimineas are prohibited. Inflatable play structures are also prohibited from rights-of-way. Applicant may not place stakes within the pavement or otherwise drill holes in the public rights-of-way.
- m. All waste and debris must be cleaned up and properly disposed of after the event ends. The public rights-of-way must be restored to the condition that existed prior to the commencement of the event.
- n. If complaints are received by the Police Department which are not satisfactorily resolved, the Policy Department will have the authority to revoke the Block Party Permit and to terminate the event.
- o. The Ordinance will include indemnification language so the applicant would hold the City harmless against any claims made arising from the granting of the Permit and the holding of the block party.
- p. The application may be denied if complaints have been received regarding neighborhood or block parties being held in the same area in previous years, or if the applicant has failed to comply with the requirements of City Permits in the past.
- q. We are aware that some applicants will desire to include food trucks as part of their event. We would propose that the ordinance revisions that are made

to the special event permit for block parties will indicate that the City will allow for food trucks to sell during such events provided that the vendor has a direct seller license, as well as all necessary licensing from the State and County Health Department. In addition, the food truck may not impede access to the properties along the closed street or the access way to those properties for emergency purposes. The food truck also must not create a public nuisance related to noise and odors.

4. Alcohol Licensing – Section 152-4 will be amended to prohibit the consumption of alcohol beverages on City property and in public rights-of-way, streets and sidewalks except where there is an approved Block Party Event or Special Event Permit. The exception to this would be sales by City Staff in Municipal Parks pursuant to Section 125.06(6) of the Wisconsin Statutes. As we are situated today, the City does not have what is commonly referred to as a Public Consumption Ordinance, restricting the consumption of alcohol beverages in public except where there is a permit given to do so or in situations where there is an extension of premise for a bar or restaurant that allows for consumption outside of the physical bounds of the establishment.

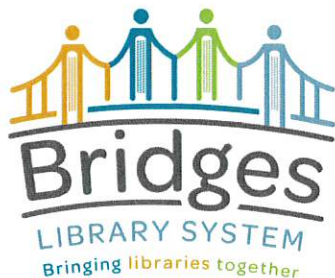
Questions the Staff has at this point are:

- A. Whether the Council agrees with the direction as outlined above?
- B. Does the Council want to see a Permit Fee be charged for block parties and if so, what amount would you want established?
- C. Whether the Council would agree to an additional fee of \$25.00 be required if the application for the block party is received less than 14 business days prior to the proposed event. Hopefully, this would incentivize applicants to get their information in a timely fashion, so staff has enough time to process the application.
- D. Are the proposed hours acceptable?
- E. Does the Council wish to charge a deposit for the barricades?
- F. Does the City wish to charge a fee for the rights-of-way are appropriately cleaned?
- G. Does the City want to provide evidence of liability insurance?

Respectfully Submitted,

Rubina R. Medina & Sherri L. Hanson

Questions	Waukesha	Muskego	Brookfield	Oconomowoc	Greendale	West Allis	Wauwatosa
Does your municipality have a block party permit fee?	No fee	\$25	\$25	No fee	\$50	\$50	No fee
Does your municipality have a late fee?	\$25	\$50	No. Application must be received by deadline	No. Application must be received by deadline	No. Application must be received by deadline	\$150	No. Application must be received by deadline
Any regulations regarding hours?	9AM to 10:30PM	n/a	6 hours max time	Music must stop by 10PM	Road must be reopened by 11PM	n/a	Allowed until 10PM
Do you charge a deposit and/or fee for barricades?	No	\$25 to rent barricades	\$25 to rent barricades. Barricades must be returned in 3 working days or a fee of \$50 is assessed	No	No	No	\$35 to rent barricades
Additonal fee for streets not being clean?	No	No	No	No	No	No	No
Do you require the applicant to produce evidence of Liability insurance?	No	Application is reviewed by the City Attorney and a recommendation is made regarding if liability insurance will be required	No	No	No	No	No
Other Notes of Interest	n/a	No Glass containers allowed in street	75% of neighbors need to sign-off on the application and agree to the road closure	All residents within 1 block range of the block party must be notified by the block party applicant	All residents afected by the block party street closure must be notified by the applicant	A street closure consent form must be signed by occupants of at lest 50% of the residential and commercial units on the closed portion of the street.	Signatures are required of all neighbors affected by the street closure must be submitted with application



741 N. Grand Ave., #210
Waukesha, WI 53186

P 262.896.8080
W bridgeslibrarysystem.org

To: Chief Elected Officials/Administrators in Municipalities with Libraries, Library Directors
From: Karol Kennedy, Bridges Library System Director
Re: Waukesha County Library Tax Exemption Notice
Date: August 16, 2023

Annually Waukesha County sets a special levy for library services. The funds are distributed to the county's public libraries to compensate them for use by non-residents. State law (ss. 43.64(2) Wisc. Statutes) provides that municipalities with libraries may avoid double taxation and exempt themselves from this special levy if they meet certain conditions:

- Exempting library municipalities must levy and expend an amount equal to or greater than the mill rate set by Waukesha County in the preceding year with the exception of joint libraries whose participating municipalities have an alternate option for exempting which is to levy and expend an amount not less than the average of the previous 3 years (ss.43.64 (2)(c)).
- Exempting library communities are required to provide written notification to the county annually.
- The County Code requires that the notification be from the **local governing body** rather than from the clerk alone.
- The County Code also requires a deadline of September 30 so that the County Executive Budget available to supervisors and the general public can properly reflect the county library taxation levels in the Adopted Budget in November.
- Exempting communities must also have a library that meets or exceeds minimum service levels and quality assurance standards (included in the Waukesha County Library Services Plan and formally adopted by the Waukesha County Board of Supervisors in 2022) which are certified by the library board. (The libraries have already received their standards certification letters.)

If you would like to exempt your municipality from the Waukesha County library tax, the form (on page 2), ***Request for Exemption from Waukesha County Library Levy 2023 Tax for 2024 Purposes*** must be completed, approved by the municipality's governing body, signed, and returned to Bridges Library System no later than September 30, 2023. A copy of your adopted municipal ordinance or resolution certifying that your library appropriation meets or exceeds the requirements is also required. Email submission is acceptable as long as the form includes the actual signature.

Thank you for providing library services to our citizens. Strong libraries build strong communities and your commitment to support your library is vital and valued!

**Request for Exemption from Waukesha County Library Levy
2023 Tax for 2024 Purposes**

Name of Community:

Name of library:

We recognize that, pursuant to 43.64 of Wisconsin Statutes, to obtain an exemption from the 2023 county library levy for 2024 purposes, the municipality must certify that during budget year 2024, its library will be provided and be allowed to expend no less than the county library tax rate in the prior year, \$0.215554 per \$1,000 Equalized Value.

In the case of a joint library, an alternate exemption option exists pursuant to ss 43.64 (2) (c). Under this language, each participating municipality in the joint library has the option to certify that during its budget year 2024, the library will be provided and allowed to expend no less than the average of the funding levels of the previous 3 years.

We further recognize that, pursuant to state law, listed funding must be only from municipal sources, not the entire library budget. Reported amounts must exclude fines, fees, and other revenues. Capital expenditures are excluded as well.

I am authorized to certify that the governing body of the municipality has enacted an ordinance or resolution pledging that it will appropriate and allow the library to expend no less than a rate of \$0.215554 per \$1,000 of the actual state Equalized Value amount for the community that was published by the state on August 15, 2023 or, in the case of a joint library whose municipality may choose this option, that the participating municipality will appropriate and allow the library to expend no less than the average of the funding levels of the previous 3 years.

The community meets its requirement stated above and is therefore eligible for exemption from the 2023 Waukesha County library levy.

Name and Title of Person filling out this form:

John J. March - President

Signature *Board of Trustees*

8/21/2023

Date

This form, along with a copy of the municipal resolution/ordinance, must be filed no later than September 30, 2023.

Send to:

Bridges Library System

741 N. Grand Avenue, Suite 210

Waukesha, WI 53186

Or email to kkennedy@bridgeslibrarysystem.org

- RESOLUTION NO. 23-12 -
RESOLUTION OF ELIGIBILITY FOR EXEMPTION
FROM THE 2023 COUNTY LIBRARY TAX LEVY FOR 2024 PURPOSES

WHEREAS, The City of New Berlin seeks an exemption from the county library tax and must submit a Notice of Exemption to the Bridges Library System; and

WHEREAS, Pursuant to §43.64 Wisconsin Statutes, in order to obtain an exemption from the 2023 County library levy for 2024 purposes, the City of New Berlin must certify that during budget year 2024, its library will be provided and be allowed to expend no less than the County rate in the prior year; and

WHEREAS, Pursuant to state law, listed funding must be only from municipal sources, not the entire library budget and reported amounts must exclude fines, fees and other revenues and capital expenditures are excluded as well; and

WHEREAS, Said Notice of Exemption must be supported by a duly enacted ordinance or resolution of the governing body of the City of New Berlin.

NOW, THEREFORE, BE IT RESOLVED That the Common Council of the City of New Berlin does hereby pledge that it will appropriate and allow the library to tax at a rate of at least \$0.215554 per \$1,000 of equalized valuation.

BE IT FURTHER RESOLVED That the Mayor is authorized to sign and submit the Notice of Exemption in the name of the City to the Bridges Library System.

Dated at New Berlin, Wisconsin this 29th day of August 2023.

APPROVED:

David A. Ament, Mayor

Countersigned:

Kenneth A. Harenda II
Common Council President

REQUESTED ACTION STATEMENT

MEMO TO: Mayor David Ament
Common Council

CC: Plan Commission (via email)

MEMO FROM: Gregory W. Kessler, AICP - Director

DATE: August 29, 2023

ISSUE: Jim Duerwaechter has filed a petition to:

- Amend the Future Land Use Map within the City's Comprehensive Plan (Chapter 10 – Land Use and Chapter 19 – “Neighborhood I” National Avenue West) from Rural Commercial and Suburban Residential to Rural Commercial and Suburban Residential **AND**
- Rezone from B-2 and R-3 to B-5 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).

REQUESTED: Recommend to the Common Council that a joint public hearing be set for September 25, 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 (Chapter 10 - Land Use and Chapter 19 - “Neighborhood I” National Avenue West) 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) from Rural Commercial and Suburban Residential to Rural Commercial and Suburban Residential;

AND

Recommend to the Common Council that a joint public hearing be set for September 25, 2023 at 6:00 p.m. to be held before the Plan Commission to rezone 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) from B-2 and R-3 to B-5 and R-3.

RATIONALE: This rezoning request was further discussed with staff and the applicant and it was determined that B-5 (Rural Commercial District)

was a more suitable zoning district that better aligned with the Comprehensive Plan than B-2 (General Retail Sales and Service District) in the Rural Commercial portion of the City. There was a Public Hearing date set for July 10, 2023, which did not occur to allow for an amendment to the rezoning application.

The ad publisher notified the City on August 8, 2023 that the ad for the scheduled Class 1 publication was canceled due to a system error regarding the public hearing scheduled for August 14, 2023. Because the public hearing scheduled for August 14, 2023 was not properly noticed, a new public hearing date will need to be set by the Common Council and new ads sent to the paper to ensure it is properly noticed.

Per Chapter 275-21.1 of the City's Zoning Code, the applicant has filed a completed application and petitioned the City to amend the Comprehensive Plan / Future Land Use Map for these properties. Per this section, the applicant submits the application to the Common Council for initial review. DCD staff prepares a requested action statement to refer the request to the Plan Commission to hold a public hearing and take action via a resolution. A report shall be forwarded to the Common Council for final action.

Per Chapter 275-22 of the City's Zoning Code, the applicant has filed a completed application and petitioned the City to rezone these properties. In addition, per State Statute 62.23(7), the Common Council may refer to the Plan Commission all petitions to rezone a property and require that a public hearing be held to obtain public input and that the Plan Commission formulate a recommendation. These recommendations shall be forwarded to the Common Council for final action.

Per Zoning Code Section 275-20I, the applicant has simultaneously filed a Land Division application.

Note: Staff is continuing to prepare the 2030 Comprehensive Plan Updates as time permits. Please note this request will include other basic changes to these chapters. This will represent a public hearing for the 2030 Comprehensive Plan updates. Additional public hearings will be set up to handle the remaining chapters at a future date.

REQUESTED ACTION STATEMENT

MEMO TO: Mayor David Ament
Common Council

CC: Plan Commission (via email)

MEMO FROM: Gregory W. Kessler, AICP - Director

DATE: August 29, 2023

ISSUE: Terri Engsberg on behalf of Holy Apostles Congregation has filed a petition to:

- Amend the Future Land Use Map within the City's Comprehensive Plan (Chapter 10 – Land Use and Chapter 15 – “Neighborhood E” National Avenue East) from Suburban Commercial to Institutional

AND

- Rezone from B-2 to I-1

for the property located at 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #:1212-991-001).

REQUESTED: Recommend to the Common Council that a joint public hearing be set for October 2, 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 (Chapter 10 - Land Use and Chapter 15 – “Neighborhood E” National Avenue East) for the property located at 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #:1212-991-001) from Suburban Commercial to Institutional;

AND

Recommend to the Common Council that a joint public hearing be set for October 2, 2023 at 6:00 p.m. to be held before the Plan Commission to rezone the property located at 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #:1212-991-001) from B-2 to I-1.

RATIONALE: Per Chapter 275-21.1 of the City's Zoning Code, the applicant has filed a completed application and petitioned the City to amend the Comprehensive Plan / Future Land Use Map for this property. Per this section, the applicant submits the application to the Common Council for initial review. DCD staff prepares a requested action statement to refer the request to the Plan Commission to hold a public hearing and take action via a resolution. A report shall be forwarded to the Common Council for final action.

Per Chapter 275-22 of the City's Zoning Code, the applicant has filed a completed application and petitioned the City to rezone these properties. In addition, per State Statute 62.23(7), the Common Council may refer to the Plan Commission all petitions to rezone a property and require that a public hearing be held to obtain public input and that the Plan Commission formulate a recommendation. These recommendations shall be forwarded to the Common Council for final action.

Per Zoning Code Section 275-20I, the applicant has simultaneously filed a Land Division application.

Note: Staff is continuing to prepare the 2030 Comprehensive Plan Updates as time permits. Please note this request will include other basic changes to these chapters. This will represent a public hearing for the 2030 Comprehensive Plan updates. Additional public hearings will be set up to handle the remaining chapters at a future date.



REQUESTED ACTION STATEMENT

MEMO TO: Mayor David Ament
Common Council

CC: Plan Commission (via email)

MEMO FROM: Greg Kessler, Director of Community Development

DATE: August 29, 2023

ISSUE: Ryan Janssen has filed a petition to rezone the property located at 5751 S. Sunny Slope Road (Tax Key #: 1289.994.002) from A-2 to R-6.

REQUESTED: Recommend to the Common Council that a Public Hearing be set for **October 2, 2023** at 6:01 pm to be held before the Plan Commission to rezone the property located at 5751 S. Sunny Slope Road (Tax Key #: 1289.994.002) from A-2 to R-6.

RATIONALE: Per Chapter 275-22 of the City's Zoning Code, this applicant has filed a completed application and petitioned the City to rezone this property. In addition, per State Statute 62.23(7), the Common Council may refer to the Plan Commission all petitions to rezone a property and require that a public hearing be held to obtain public input and that the Plan Commission formulate a recommendation. These recommendations shall be forwarded to the Common Council for final action.



REQUESTED ACTION STATEMENT

MEMO TO: Mayor David Ament
Common Council

CC: Plan Commission (via email)

MEMO FROM: Greg Kessler, Director of Community Development

DATE: August 29, 2023

ISSUE: Jordan Chapman with ALRIG USA (DBA New Berlin Retail Management II LLC) has filed a petition to rezone the property located at 1401 S. Moorland Road (Tax Key #: 1161-995-001) from B-1/PUD & C-2 **to** B-2/PUD & C-2.

REQUESTED: Recommend to the Common Council that a Public Hearing be set for **October 2, 2023** at 6:02 pm to be held before the Plan Commission to rezone the property located at 1401 S. Moorland Road (Tax Key #: 1161-995-001) from B-1/PUD & C-2 **to** B-2/PUD & C-2.

RATIONALE: Per Chapter 275-22 of the City's Zoning Code, this applicant has filed a completed application and petitioned the City to rezone this property. In addition, per State Statute 62.23(7), the Common Council may refer to the Plan Commission all petitions to rezone a property and require that a public hearing be held to obtain public input and that the Plan Commission formulate a recommendation. These recommendations shall be forwarded to the Common Council for final action.

Applicant previously submitted a Conceptual Use, Site and Architecture application. This concept plan was reviewed at a neighborhood meeting held on July 26, 2023 and the August 14, 2023 Plan Commission meeting.



City Attorney Mark G. Blum

City Prosecutor Thomas G. Schmitzer

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

EMAIL: MGBLUM@HRBLAWFIRM.COM

August 29, 2023

Via Email ONLY

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

Re: Freund Claim

Dear Mayor:

The City is in receipt of a letter from Ms. Karen Freund, a Muskego resident who is making a demand against the City for damage done to her vehicle tires as a result of hitting a pothole on Moorland Road. This is similar to another such claim which the City received a few weeks ago. Enclosed is a copy of the letter I sent to her indicating that Moorland Road is not within our jurisdiction and therefore, we would not be responsible for this damage. I would suggest this matter be placed on an upcoming Council Agenda for action, so we can formally respond to this claim.

Thank you for your consideration of this matter.

Sincerely,

Mark G. Blum

MGB/jb
Enc.

Cc: Ms. Rubina Medina

RECEIVED

AUG 25 2023

CITY OF NEW BERLIN
CLERKS OFFICE
RUBIN R. MEDINA

Aug 22, 2023

To whom it may concern,

On Wednesday, August 16th sometime between 11:30 & 11:50am, I hit a large pothole on Moorland road in New Berlin. I was traveling north on Moorland and on the curve just after the golf driving range I hit the pothole. The hit immediately blew out both the right front and rear tires on my Mercedes CLS 400. I could not drive with zero pressure and called Tess Corners Automotive to get it towed to them by Johnny's Petroleum service. The total amount for towing and two new tires was \$850.67 which has already been paid by me. I filed a police report which was taken by officer Anderson & the report # is E230 18045. I am expecting a immediate full reimbursement by the city for my expenses. Enclosed is my receipt.

Thank You,
Daren Freund
414-316-7260
574 W 14303 Settler Way
Muskego, WI 53150.



TESS CORNERS AUTOMOTIVE

W145 S6645 Tess Corners Dr.
Muskego, WI 53150
Tel: 414-246-2030
mike.k@tesscornersautomotive.com

Invoice INV013962

Service Advisor: Thom
Technician: Walker
Date: 8-21-2023
Estimate: Q018386

Customer Mrs Karen Freund (JOH011)
S74 W14303 Settler Way
Muskego WI 53150

Home: 414-422-9199
*Cell: 414-316-7260

Vehicle 2015 Mercedes-Benz CLS400 4Matic
3.0 GAS - Black
WDDLJ6HB2FA153572

Miles In: 68,007
Miles Out: 68,007
License Plate: 843-XWH WI

Customer Issues and Advisories

Advisory Notes

Vehicle was towed in with 2 flat tires on the right side of the vehicle.

Work Performed

Parts

Parts	Part No	Qty	Price	Total
Sublet- Tow vehicle in to TCA		1.00	105.80	105.80

Parts SubTotal \$105.80

Parts

Parts	Part No	Qty	Price	Total
Tire- Continental Extreme Contact DWS06 Plus- 255/35ZR 96Y- Right front		1.00	286.82	286.82

Parts SubTotal \$286.82

Labor

Labor	Tech	Total
Mount, balance, labor, tire disposal- right front		32.00

Labor SubTotal \$32.00

Parts

Parts	Part No	Qty	Price	Total
Tire- Continental Extreme Contact DWS0 Plus- 285/30ZR19 98Y- Right rear		1.00	303.95	303.95

Parts SubTotal \$303.95

Labor

Labor	Tech	Total
Mount, balance, labor, tire disposal.		32.00

Labor SubTotal \$32.00

Total

Labor	64.00
Parts	696.57
Hazmat*	0.00
Supplies*	6.00
Taxes	39.10

Invoice Total \$805.67

* Shop Supply & Hazmat Fees: This charge represents costs and profits (where applicable) to this repair facility for miscellaneous shop supplies, and/or waste removal



TESS CORNERS AUTOMOTIVE

Tel: 414-246-2030

Mrs Karen Freund (JOH011) • 2015 Mercedes-Benz CLS400 4Matic

Invoice INV013962

Date: 8-21-2023

Date	Method	Reference	Amount
08-21-2023	Mastercard	Paid 8 21 2023	805.67
Payment Totals			805.67
Balance Due			0.00

Authorization

Original Estimate Total:

Authorization Method: ☐ email

☐ text

☐ phone

☐ fax

☐ in person

Date:

Contact Details:

Authorized By:

X

Customer Signature



City Attorney Mark G. Blum

City Prosecutor Thomas G. Schmitzer

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EMAIL: MGBLUM@HRBLAWFIRM.COM

August 29, 2023

Ms. Karen Freund
S74 W14303 Settler Way
Muskego, WI 53150

Re: City of New Berlin Claim

Dear Ms. Freund:

The City of New Berlin is in receipt of your letter dated August 22, 2023 regarding damage you experienced to your vehicle tires after hitting a pot hole on Moorland Road. Please be advised that Moorland Road is under the jurisdiction of Waukesha County and not the City of New Berlin. As a result, the construction work being performed is under the direction of Waukesha County. Therefore, I will be recommending to the Common Council that they deny your claim. I would suggest that you take this up with Waukesha County.

Thank you for your consideration of these comments.

Sincerely,

COPY

Mark G. Blum

MGB/jb

Cc: Ms. Rubina Medina