

AGENDA
COMMITTEE OF THE WHOLE MEETING
CITY OF BERLIN
TUESDAY, APRIL 6, 2021, 7:00 PM
CITY HALL COUNCIL CHAMBERS
<https://us02web.zoom.us/j/89332124599>
1 312 626 6799 US TOLL-FREE
Meeting ID: 893 3212 4599

1. Roll Call
2. Virtual Attendees Seated (Note: Virtual attendance may not yet be available due to transition of video equipment.)
3. General Public Comments. Registration card required (located at podium in Council Chamber).
4. Approval of Minutes. RECOMMENDATION: Approve the minutes from the March 2, 2021 Committee of the Whole meeting.
5. 2021 Street and Utility Project Construction Contract Award. RECOMMENDATION: Review bids and recommend to Common Council to accept the recommendation from Kunkel Engineering to award the 2021 Street & Utility Construction Contract to Don E. Parker Excavating, Inc. for a total of \$3,580,392.65.
6. Berlin Boat Club Fee Waiver Request for Campground Sites. RECOMMENDATION: Discuss and action as appropriate.
7. All Saints Church Fee Waiver Request for Campground Sites. RECOMMENDATION: Discuss and action as appropriate.
8. 2021 Community Development Block Grant for COVID (CV) Project Award and Pre-Agreement. RECOMMENDATION: Recommend to Common Council to accept the CDBG-CV Grant award of \$162,430 and authorize the Mayor and City Clerk to sign the Award Acceptance Acknowledgement and grant documents.
9. Ordinance Relating to Virtual and Telephone Meetings of Governing Bodies. RECOMMENDATION: Discuss expiration of temporary ordinance for conducting virtual meetings and action as appropriate.
10. Special Street Privilege Permits for Use of Sidewalks by Businesses. RECOMMENDATION: Review temporary ordinance #06-20 which expired December 31, 2020 which allows businesses expanded use of public sidewalks adjacent to their business under certain circumstances and action as appropriate.
11. Resolution Terminating TIF District #14. RECOMMENDATION: Recommend to

Common Council to approve and adopt Resolution Terminating TIF District #14 and Authorizing the City Treasurer to Transfer All Remaining Debts to the Municipality.

12. Lease Agreement with Wetlands America Trust Inc. RECOMMENDATION: Recommend to Common Council the Approval of the Lease Agreement with Wetlands American Trust Inc.
13. Ordinance Creating City of Berlin Wildlife Area. RECOMMENDATION: Recommend to Common Council the Approval of the Ordinance Creating City of Berlin Wildlife Area.
14. Resolution Supporting a Strong State and Local Partnership: RECOMMENDATION: Recommend to Common Council to approve Resolution Supporting a Strong State and Local Partnership where shared revenue funding funds critical municipal services.
15. American Rescue Plan Act. RECOMMENDATION: Update only. No action required.
16. Motion to convene into closed session pursuant to Sec 19.85(1)(e), of the WI Statutes, to deliberate or negotiate the purchase of public property, investment of public funds or conduct other specified public business, whenever competitive or bargaining reasons require a closed session. *(1) Discussion on EMS contracts with townships and related assets)* and pursuant to Sec 19.85(1)(c), to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility *(Discussions regarding City Administrator retention and/or recruitment)*
17. Reconvene into open session and take appropriate action as a result of closed session discussion.
18. Adjourn.

In adherence to the City of Berlin Public Meeting Participation Policy, public participation will be allowed under each agenda item at the discretion of the presiding officer, with the exception of the Consent Agenda. Attendees must register their intention to participate on either a general comments section or a specific agenda item prior to the meeting by filling out a Registration Card, which can be obtained from the Internet, City Clerk's office or in the City Hall Council Chambers at the podium. Registration Cards should be turned in prior to the meeting to either the presiding officer or City Clerk.

DATE: April 1, 2021

TO: Committee of the Whole

FROM: Scott Zabel

RE: 2021 Street and Utility Project Construction Contract Award

BACKGROUND: The 2021 street and utility projects were recently bid out. The scope of the projects are: W. Park Ave. (Water St. to N. Wisconsin St.), Water St. (W. Park Ave. to W. Cumberland St.), W. Cumberland St. (Water St. to River Drive), W. Berlin St. (Water St. to Traverse St.) and W. Liberty St. (Water St. to Traverse St.)

As per the attached recommendation letter from Kunkel Engineering we have received two bids for this project. The lowest bidder was Don E. Parker Excavating, Inc. of Hortonville for a total bid of \$3,580,392.65 with the Public Works portion to be \$1,331,603.65. This bid is approximately 6% overall higher than the original engineer's estimated cost for both Utility and Street work. The difference between what was budgeted and bid for the DPW is an approximately \$139k. This is a large project and could be complicated due to being so close to the Fox River with the stormsewer outfalls and depths of the utilities. This likely explains why 12 contractors pulled plans but only two submitted bids.

We will have approximately \$250k left from the 2020 bonding that we could apply to this project to cover the bid shortfall.

The Water & Sewer Utility awarded their portion of the contract to Don E. Parker at their March 31 Water & Sewer meeting.

RECOMMENDATION: Review bids and recommend to Common Council to accept the recommendation from Kunkel Engineering to award the 2021 Street & Utility Construction Contract to Don E. Parker Excavating, Inc. for a total of \$3,580,392.65.



107 Parallel Street
Beaver Dam, WI 53916
920-356-9447
Fax 920-356-9454
kunkelengineering.com

March 31, 2021

Mr. Scott Zabel
Director of Public Works
City of Berlin
108 Capron Street
Berlin, Wisconsin 54923

Mr. Brian Malnory
Director of Utilities
City of Berlin
P.O. Box 272
Berlin, Wisconsin 54923

**Re: 2021 Street & Utility Improvements Project
Construction Contract Award – Recommendation**

Dear Gentlemen:

Please find accompanying this transmittal the "Bid Tabulation" for the above referenced work bid on March 30, 2021. There were two (2) bids received for this project, with base bids ranging from \$3,580,392.65 to \$3,985,461.50. Don E. Parker Excavating, Inc. of Hortonville, Wisconsin submitted the low combined base bid of all Sections (Section A through Section E as noted on the accompanying bid tabulation) in the amount of \$3,580,392.65. The Utility Department's portion equates to \$2,248,789.00, while the Public Works Department portion comes to \$1,331,603.65.

Based upon our review and analysis of the bids, as well as our experience with the contractor's past work efforts, we hereby recommend that the City of Berlin award a construction contract to Don E. Parker Excavating, Inc. of Hortonville, Wisconsin for the 2021 Street & Utility Improvements Project in the amount of \$3,580,392.65.

Should either of you, the City Council or Utility Commission have any questions regarding this transmittal, please feel free to contact me at your earliest convenience.

Sincerely,

KUNKEL ENGINEERING GROUP

Don Neitzel
General Manager

enclosure

cc w/encl: Jodie Olson, Administrator
Peggy LaBuda, Utility Clerk
Brian Parker, Don E. Parker Excavating, Inc.



108 N. Capron Street P.O. Box 272
Berlin, WI 54923
(920) 361-5400

DATE: March 17, 2021

TO: Residents and businesses of W. Park Ave. (Water St. to N. Wisconsin St.), Water St. (W. Park Ave. to W. Cumberland St.), W. Cumberland St. (Water St. to River Drive), W. Berlin St. (Water St. to Traverse St.) and W. Liberty St. (Water St. to Traverse St.)

FROM: City of Berlin Street & Utility Departments and Kunkel Engineering

RE: The City of Berlin is anticipating a capital project in 2021 that may affect your property.

PROJECT SCOPE:

- **W. Park Ave. (Water St. to N. Wisconsin St.)** – This section of roadway will receive a complete street and utility reconstruction, which shall include sanitary sewer, watermain, associated laterals, storm sewer, aggregate base course, curb & gutter, sidewalk patching, new asphalt pavement, and site restoration.
- **Water St. (W. Park Ave. to W. Cumberland St.)** This section of roadway will receive a complete street and utility reconstruction, which shall include sanitary sewer, watermain, associated laterals, storm sewer, aggregate base course, curb & gutter, sidewalk patching, sidewalk installation, new asphalt pavement and site restoration.
- **W. Cumberland St. (Water St. to River Drive)** – No utility work is being done in this section of roadway. The existing pavement will be full depth milled and repaved, spot curb & gutter repairs and manhole adjustments.
- **W. Berlin St. (Water St. to Traverse St.)** – This section of roadway will receive a complete street and utility reconstruction, which shall include sanitary sewer, watermain, associated laterals, storm sewer, aggregate base course, curb & gutter, sidewalk patching, new asphalt pavement, and site restoration.
- **W. Liberty St. (Water St. to Traverse St.)** – This section of roadway will receive a complete street and utility reconstruction, which shall include sanitary sewer, watermain, associated laterals, storm sewer, aggregate base course, curb & gutter, sidewalk patching, new asphalt pavement, and site restoration.

PUBLIC INFORMATIONAL MEETING:

We would like to invite you to an informal discussion on the project to address any concerns or questions you may have at this time. This informational meeting will provide you the opportunity to view the construction plans first-hand and discuss the project with those planning it. You will be able to ask questions and gather information, as well as share any information you may have that would be pertinent to the project.

On **Thursday, April 15th, 2021 from 4:30 – 6:00 p.m.** City Staff and representatives of Kunkel Engineering will be available in the City Hall Council Chambers to discuss the 2021 Reconstruction and Utility Projects. **We will be having a formal 15 minute presentation at 4:30 p.m. and 5:30 p.m.** to go over the main points or concerns that the majority of the residents would have. The remaining time will be open for you to have an opportunity to meet with the engineers or staff to discuss your property one-on-one and answer any additional questions you may have. *If there are any unique circumstances that affect your property, please make the City aware of them as soon as possible so we can incorporate them into the project scope.*

SPECIAL ASSESSMENTS:

An infrastructure project such as this would typically include a sanitary sewer lateral assessment, lead water service assessment (if required), and driveway or sidewalk assessments (if applicable) to affected property owners.

The City has applied for and has been awarded a CDBG grant to fund a major portion of this project; therefore sanitary sewer lateral assessments will not be issued to property owners. However, any property with a lead water line will be required to have it replaced and will have an option to contract the replacement on their own or have the City contractor replace the line and be assessed for it. Driveway and Sidewalk assessments will only be issued where changes are made that are out of the scope of the project (for example, property owner requests a larger driveway, etc.)

Questions on potential assessment items can be answered at this meeting, but no assessment figures are available at this time. Information relating to any special assessments will be provided to property owners at a later date as the project progresses.

This letter is being sent to property owners and we have attempted to inform rental tenants as well. However, it would be appreciated if you would inform your tenants of the project as things progress. If you are unable to attend and have questions on the project, please contact the Street Superintendent, Scott Zabel at 361-5425 or Utility Supt, Brian Malnory at 361-5404.

DATE: April 1, 2021
TO: Committee of the Whole
FROM: Sara Rutkowski, Parks & Recreation Department
RE: **Campground Fee Waiver Requests**

Background:

Berlin Boat Club and All Saints Church are requesting the City waive Riverside Campground fees for their events this year.

Past Agreements:

In the past, the City has made periodic agreements with the Berlin Boat Club concerning use of the campgrounds for the Corn Roast. The last one was signed by both parties in 2003. The relevant portion of the agreement stated “#7 the City agrees to not charge any camping fee or mooring fees for the guests attending the Event. Free camping days are Friday and Saturday only.” This agreement in full has been attached. In 2013, there was an attempt to create a new updated agreement; however the agreement was never passed by the Common Council. I have attached the relevant minutes from the Parks & Recreation Commission meeting as it outlines what should have been in the agreement had it passed. Since 2014, the Berlin Boat Club has been coming before the Parks & Rec. Comm. each year to verbally make requests concerning the Corn Roast event. In 2020, the Berlin Boat Club did request looking at creating a new agreement, however due to COVID 19, and the event cancellation of that year, it was never brought before the Parks & Rec. Comm.

There has been no agreement in the past between All Saints Church and the City.

Cost/Expense of Riverside Campground:

The current fee to rent a campground site is \$25.00 a night per site. The campgrounds are one of Berlin’s best attractions for tourists, as most campers come from out of state and the surrounding areas. The campground revenue fluctuates depending on weather and flooding. It usually brings in around \$7,000 in revenue in a good year. The weekly cost of running the campground includes landscape and restroom materials, 10 to 15 man hours (public interactions, setting up for reservations, grass/landscape management and cleaning of the fire pits and bathrooms). More hours should be expected on weeks heading into big events and holidays. The amount we charge for the campsites does not cover all costs associated with the campground between man hours, materials, and needed updates to the road and facilities.

Other Considerations:

The City sees roughly 10 large events open to the public occurring at Riverside Parks. Currently, we have 19 events scheduled for 2021 with 100+ people, with more likely to be added as the season progresses. If there is a large event at the Park, we usually see more revenue at the campground.

None of the surrounding municipalities that own campgrounds, cities and/or counties, offer fee waivers to groups regardless if the group is having an event in the area.

Berlin Park and Recreation Meeting
Wednesday, April 3, 2013

CALL TO ORDER: The meeting was called to order by chairperson Charlie Beard at 4:30

ROLL CALL: Jerry Bella, John Mix, Bill Handrich, Charlie Beard, and Harry Kwidzinski. Council Liaison Bobbi Erdmann present.

ABSENT: Tom Jezwinski and Tony Robinson

APPROVAL OF MINUTES: A motion to approve the minutes of March 6 as printed was made by Bill, 2nd by John. Motion carried.

ACCOUNTS: A motion to accept the expenditure accounts as presented was made by Harry, 2nd by Jerry. A motion to accept the revenue accounts as presented was made by John, 2nd by Bill. Both motions carried.

PUBLIC APPEARANCES: None

NEW BUSINESS: Request for River Shores Church to use Nathan Strong Park for an outdoor event on June 14 and July 14. Casey Getz presented plans for community services at Nathan Strong Park. Bobbi questioned the possible use of porta-pots and Casey said that they would be able to use the Federated Church. Harry made a motion to grant the use as requested, 2nd by Bill. Motion carried.

Requested consideration/action on proposed Berlin Boat Club Agreement for 2013. David Peck presented the proposal agreement. Issues 2 and 5 were discussed about the camping. It was mentioned that for the 24 designated camp sites there would be the normal charge and that ½ of the fee would be given back to the Berlin Boat Club (BBC). Harry brought up the fact that as in issue 7 there were no other organizations that paid for only ½ the dumpster fees or asked for special considerations such as what the Boat Club requested. He voiced a concern over the precedence granting these requests would set for other organizations. Peck agreed to contact waste hauling companies to get a dumpster donated or at a reduced cost.

After much discussion Harry made the motion of: To accept issues 1: The BBC will follow City policies for fee schedule when reserving the North Shelter House for the event, 2: the City will charge normal fees of the designated sites and donate ½ of the fees back to the BBC, 3: No open pit ground fires will be permitted but off ground contained fires are permitted, 4: the BBC is responsible for any damages to the park, 5: the City shall allow the use of showers at the City Pool on all days except Sunday, 6: the BBC is responsible for clean-up. Motion 2nd by Jerry, and carried unanimously. David Peck noted that the BBC will seek a donation of a dumpster for the weekend. Harry also mentioned that there are no other organizations that ask so much of the city and that donations should not be for self-gratification.

Summary of Report 2020
City of Berlin Park and Recreation Board

PAST AGREEMENTS for CAMPING

Because of the many years of Cooperation between the BBC, the City of Berlin, Riverside Park board, Campground with many Hours of Volunteer Work in the Parks, over many year from 1957. Projects: From River Bank, improvements, shelter houses, Campground Items, promotions. We BBC spear heading improvements for the park, and City of Berlin.

Our BBC Club has been granted agreement's for the Riverside Park. there had been only verbal with written and signed agreements. These are the copies we have of those written agreements, the board park should have these also ? (see attachments)

Year 1989

To: BBC

Signed by: Mayor Gordan (Jake) Jodarski

Note: His comments about past 30 years, granting campground part of our event.

Year 2003

To: BBC

Signed by: Mayor George Herides

Note: His comments of Free Camping Area and some Restrictions.

This letter of understanding is being drafted between the Berlin Boat Club, Inc., the City of Berlin, and the Berlin Park and Recreation Department. This is to put all verbal agreements in writing and to prevent any future misunderstandings, promote better harmony, and improve and promote the City of Berlin.

The Berlin Boat Club has for the past 30 years maintained and operated the Eureka Lock, along with providing navigation aids on the Fox River to Berlin, thereby keeping the road to Berlin open by water.

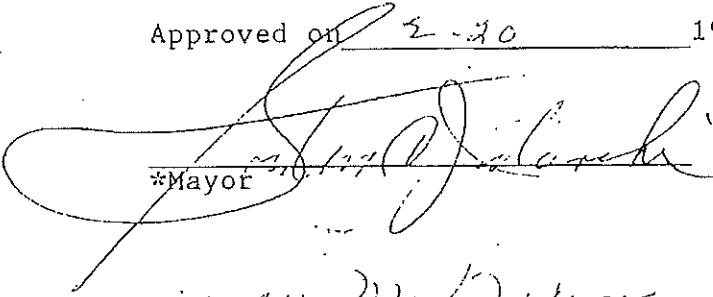
The club also has donated funds used to improve Riverside Park over the years with pilings, dredging, boat slip, and numerous other items.

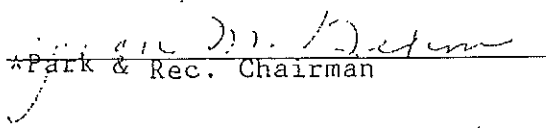
The club needs and holds an annual fund raiser to support these projects and the City of Berlin and Park Department pledges to cooperate with the club by agreeing to the following:

1. Reserve the park facilities for the club's fund raiser. (Club to pay fee that other civic organizations have to pay.)
2. Grant the club needed permits for overnight camping, etc. during this event or events.
3. Allow the club's guests to set up small tents on the grass for sleeping next to their boats on both sides of the slip.
4. Allow the club's guests to place and park campers, RVs, and tents along the river north of the boat slip back to the city's RV park (old sewer plant).
5. Not schedule any ballgames on Kline's Field during these days of the fund raiser (mostly for safety).
6. If an outfield fence is installed on Kline's Field and parking is needed in addition to riverfront parking, guests be allowed to use the outfield grass for overflow.
7. The club agrees it will be responsible as they have in the past, for all damage done to the landscape because of these special camping privileges.

This is basically what the agreement has been between the club, city, and park dept. for the past 30 years.

Approved on 2-20 1989.


*Mayor


*Park & Rec. Chairman

Ron

February 26, 2003

Berlin Boat Club, Inc.
PO Box 148
Berlin, WI 54923

Board Members:

The enclosed Proposal has been discussed by the Parks & Recreation Commission Members and is being offered to the Berlin Boat Club for review/discussion. This Proposal was requested by Ed Kirchoff as was the continuation of pavilion reservations for August 15-17. The City has reserved all necessary park facilities for these dates for the Boat Club.

In this Proposal, the City asks that the Club split the cost of any dumpster fees. The Proposal also states that there will be no open pit ground fires permitted.

Please review this Proposal and contact the Commission with any questions or concerns. A final Agreement will be completed upon the Berlin Boat Clubs acceptance of this Proposal.

Sincerely,

Parks & Recreation Department

AGREEMENT

2003

This Proposal is by and between the City of Berlin ("City") and the Berlin Boat Club, Inc. ("Club") and is intended to supercede and replace all agreements entered into by the previously mentioned parties prior to the execution date hereof, including any and all prior verbal agreements that may have been entered into prior to the execution of this Proposal.

WHEREAS, the Club, which was established in 1952, has maintained and operated the Eureka Lock, along with providing navigational aids on the Fox River to the City, thereby keeping a water route open to the City of Berlin; and

WHEREAS, the Club has donated funds to the City to assist in improvements at Riverside Park with projects such as: Pilings, dredging, the boat slip, shelterhouse improvements, wharf system, electrical pedestals, campground dump station and electrical, and numerous other items; and

WHEREAS, the Club organizes and holds an annual fundraiser ("Event") to support these projects, along with other community projects and to maintain and operate the Eureka Lock. This fundraising Event is vital to the continued success of the Club; and

WHEREAS, the City desires to cooperate and work in conjunction with the Club, so as to continue the funding of community projects and keeping the Eureka Lock open, to make Berlin a boating destination.

NOW THEREFORE, it is hereby proposed by the parties hereto as follows:

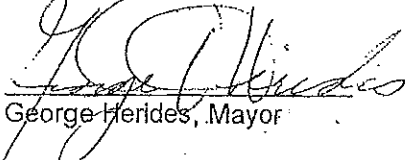
1. The City agrees to reserve all necessary park facilities for the Club Event prior to the public being allowed to reserve said facilities.
 2. The Club shall pay a reservation fee to the City according to the City's standardized fee schedule for the reserved facilities.
 3. The City shall grant the Club all needed permits to allow overnight camping in areas outside of the designated campground. In furtherance of this requirement, the City shall allow the Club guests to set-up small tents on the grass for sleeping next to their boats. Further, the City shall allow the Club guests to place and park campers, RVs, and tents outside the posted campground area. No campers or RVs shall be allowed to park or camp south of the boat slip in the grass areas. No open pit ground fires will be permitted.
- The City shall not allow any ball games to be scheduled on Klein Field on Friday, Saturday or Sunday during the Club's Event. Further, the City shall not allow any ball games to be scheduled on the north diamond on Saturday or Sunday during the Club's Event.

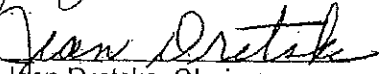
See next page for
additional responsibilities
by the City

5. If an outfield fence is ever installed by the City at Klein Field, and the Club, during its event, is in need of additional camping/parking areas, the City shall allow the use of the field inside the fence for overflow.
6. The Club agrees that it will be responsible for any and all damages to the park or any City facilities by its guests resulting from or arising out of the granting of these special camping privileges or from the Event in general.
7. The City agrees not charge any camping fee or mooring fees for the guests attending the Event. (Free camping days are Friday and Saturday only).
8. The City shall allow the Berlin Aquatic Center's shower facilities to be open to Club guests on Saturday and Sunday during the Event, during times mutually agreed upon by the parties hereto.
9. The City shall provide a large dumpster near the north shelterhouse during the Club's Event with the cost of the dumpster shared equally by the City and the Club.
10. The Club shall be responsible for all clean-up of utilized City facilities to a condition equivalent to that previous to the Club's Event. Deposit will be returned after event after verification of condition of facility.
11. This Agreement shall be periodically reviewed by both parties and may be cancelled by either party upon a minimum of six (6) months written notification.

Dated this 20th day of June, 2003.

CITY OF BERLIN


George Herides, Mayor


Jean Dretske, Chairperson
Parks & Recreation Commission

BERLIN BOAT CLUB, INC.


Ed Kirchhoff, Commodore

Submitted by Boat Club

What the Recreation Commission has recommended to the City council is that fees for Special Events be raised to ensure that funds for such events are not a burden on the operating budget. For 2001, the fee to hold a Special Event (serving over 500 people) is \$225 per day.

Last year the Boat Club paid \$110 for the use of both shelter houses for the weekend. Next year (if passed by the council) the fee would be \$225 X 3 days equaling \$675 for the weekend.

It is important to note that the Recreation Commission is not looking to make money by charging groups such as the boat club, but rather to recoup the costs of the services that we provide for an event such as the corn roast. There is concern that many of the participants that participate in the Corn roast are not residents of the City of Berlin and that is why the commission is uncomfortable spending tax dollars to subsidize an event such as this.

The commission has not forgotten the generosity of the boat club in the past. Since its formation in 1955, the club has literally built many of the amenities that are available today.

In reviewing the literature that has been provided by the club the history goes like this:

1955 Boat Club pledges \$300 toward boat slip
1956 Boat channel was completed in Berlin
1956 piling set for boat slip
1957 2nd annual corn roast held at Riverside Park (first at the park)
1959 Shelter house is completed at boat slip
1963 Boat club donates \$100 to Park Board
1976 Park pilings are started
1977 \$1000 donated to Park Board for pilings
1979 \$1000 donated for new pilings at Riverside Park boat slip
1980 \$1000 donated to the city for new boat ramp at Riverside Park
1986 Boat slip at Riverside Park is dredged at a cost of \$1600
1989 \$4,000 donated to city for 212 ft of seawall
1990 \$5,000 for electric pedestals for campground
1990 \$2,000 for dump station at campground
1992 \$10,000 for 40' X 80' addition to North Shelter
1992 \$2,000 for two electric pedestals
1993 New electric pedestals for corn roast
1996 \$17,280 for shorewall/wharf at Riverside Park
2000 \$1,166 for electrical improvements at Riverside Park

I am certain that I have missed many of the donations that the club has made over the years, not to mention the hours that have been donated to make Riverside Park what it is today. In an effort to keep property taxes under control the city has pulled the belt very tight to control property taxes, and in doing so it has put a crunch on some areas of the budget. The recreation department is trying to identify areas that it can save money.

25 - 55 - 100

35 - 70 + 100

25 - 110 110

DATE: April 1, 2021

TO: Committee of the Whole

FROM: Jodie Olson, City Administrator

RE: 2021 Community Development Block Grant for COVID (CV) Project Award and Pre-Agreement

BACKGROUND: Staff had applied for two CDBG COVID (CV) grants. The first was for purchase and installation of ultra-violet anti-bacterial lights into the ductwork of the ventilation systems at City Hall, Senior Center and Library for \$12,430. The second application was for creation of a microenterprise business grant to provide funding to prevent, prepare and respond to the Coronavirus to eligible businesses for \$150,000. The City received notification from the State of WI DOA that both grants were approved for a total of \$162,430. Attached you will find the award letter and grant documents.

RECOMMENDATION: Recommend to Common Council to accept the CDBG-CV Grant award of \$162,430 and authorize the Mayor and City Clerk to sign the Award Acceptance Acknowledgement and grant documents.



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Joel Brennan, Secretary
Susan Brown, Division Administrator

March 23, 2021

The Honorable, Richard D. Schramer, Mayor
City of Berlin
108 N. Capron Street
Berlin, WI 54923

RE: City of Berlin 2021 Community Development Block Grant for COVID (CV) Project Award and Pre-Agreement Requirements

Dear Mayor Schramer:

Thank you for your recent Community Development Block Grant for CV project proposal to provide financial assistance for LMI microenterprise businesses and to install an air purifier system within City Hall. On behalf of Governor Tony Evers and Secretary Joel Brennan, I am pleased to inform you that the Wisconsin Department of Administration (DOA) will award up to \$162,430 for this CDBG-CV-project.

The U.S. Department of Housing and Urban Development (HUD) provides federal funding to states through the Community Development Block Grant (CDBG) program. Wisconsin uses this federal funding to provide affordable housing, suitable living environments, and expanded economic opportunities for persons with low and moderate incomes.

To ensure that your CDBG Application meets federal HUD regulations and program goals, the DOA Division of Energy, Housing and Community Resources (DEHCR) has reviewed your Grant Application.

The unit of general local government (UGLG) receiving this CDBG award is referred to as the "Grantee" within this letter. Information regarding CDBG requirements and a list of documents that must be submitted to finalize the CDBG Grant Agreement are provided on pages 4-7 of this letter. The Grantee has **forty-five (45) days** from the date of this letter to sign and return the Acceptance of Award on page 3 and submit the pre-agreement items listed under "Documents Submission" on pages 4-7.

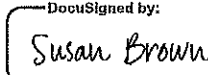
After the Division receives these items, the Grantee will be contacted by the assigned CDBG project representative to further discuss the terms and conditions of this CDBG-CV award to help ensure the successful administration of this project under HUD guidelines. Certain compliance requirements must be met and the grant agreement must be executed **prior to** construction starting for the project.

Again, congratulations and thank you for your efforts in helping our communities prosper and maintain a high quality of life for all Wisconsin residents.

March 23, 2021
Page 2 of 7

City of Berlin
CDBG-CV Award Amount: \$162,430

Sincerely,

DocuSigned by:

F23F3E38A24C4FE...
Susan Brown, Division Administrator
Division of Energy, Housing and Community Resources

Attachments: 6

cc: Jodie Olson, City Administrator/Clerk, City of Berlin
David Pawlisch, Director, Bureau of Community Development, DEHCR
Kristine Haskin, Budget and Policy Analyst – Advanced, DEHCR

ACCEPTANCE OF THE AWARD

This award letter represents the Department of Administration – Division of Energy, Housing and Community Resources' participation in the project. It can be accepted by signing below and returning this to the Division via email to the assigned DEHCR Project Representative listed at the end of the award letter.

AUTHORITY TO SIGN DOCUMENT: The persons signing this Acceptance on behalf of the Grantee certify and attest that the Grantee's respective Resolutions, and/or other related documents, give full and complete authority to bind the Grantee on whose behalf they are executing this document. The persons signing below also acknowledge that the specific provisions of this award letter are not binding upon the Division or the Grantee and that the Division may withdraw this award at any point for any reason.

ACKNOWLEDGEMENT

Grantee:

Signature of Chief Elected Official

Date Signed

Printed Name of Chief Elected Official

Title of Chief Elected Official

Signature of Clerk

Date Signed

Printed Name of Clerk

Title of Clerk

CDBG REQUIREMENTS AND PRE-AGREEMENT DOCUMENTS SUBMISSION

Specific procedures must be followed prior to undertaking CDBG activities. The Grantee must comply with applicable federal and state regulations and other grant requirements. Failure to comply with the regulations governing the CDBG program may result in this award being rescinded.

The grant award of up to \$162,430 represents approximately 100% of the proposed project costs. Total costs for this project are estimated to be \$162,430. The Grantee must contribute other funds above the grant award amount if necessary to successfully complete the project.

PROJECT ADMINISTRATOR TRAINING

All CDBG project administrators are required to attend implementation training sessions, as scheduled by the Division. The 2021 Grantees must attend implementation training once it is scheduled. Training information will be posted on the Bureau of Community Development website and Grantees will receive notification when training is available.

PROCUREMENT PROCESS

Regulations require each CDBG Grantee follow its local procurement policy. The Grantee must use procurement procedures that comply with federal, state, and local regulations for purchases and contracts funded in whole or in part with CDBG dollars. The Grantee's procurement policy must be submitted to and reviewed by the Division prior to the Grantee receiving any funding. **The Division cannot release CDBG funds for contracted materials and services that have been improperly procured.**

Refer to Chapter 3 of the CDBG Implementation Handbook, available on the Bureau of Community Development's website at <https://doa.wi.gov/Pages/LocalGovtsGrants/CDBGImplementationHandbook.aspx>, for procurement and contracting guidance. The Grantee must adhere to competitive sealed bid requirements for public works construction contracts of more than \$25,000 under Wisconsin Statutes (§59.03; §60.47; §61.54-57; §62.15; and §66.0901). Procurement through competitive proposal is most appropriate for engineering, grant administration, and related professional services. Grantees may choose to use simplified acquisition procedures for other services and goods that cost \$50,000 or less, per State CDBG policy. Records verifying that the appropriate procurement procedures were followed must be maintained in the Grantee's CDBG project files.

ENVIRONMENTAL REQUIREMENTS

An Environmental Review Record and the affiliated actions must be completed for the project and an Environmental Certification letter must be issued by the Division's Environmental Compliance Officer prior to construction activities beginning. Starting construction activities prior to meeting environmental compliance certification requirements will disqualify the project from CDBG funding eligibility. The environmental specifications for CDBG projects are provided in Chapter 4 of the CDBG Implementation Handbook.

SEMI-ANNUAL & ANNUAL REPORTING

Semi-annual and annual reporting for the CDBG project is required. The Grantee must submit the reports in accordance with Chapter 9 of the current CDBG Implementation Handbook and the CDBG Grant Agreement. Grantees that accept a CDBG award must submit the applicable reports for the first reporting period for semi-annual reporting period ending September 30, 2021, regardless of whether the CDBG Grant Agreement has or has not been fully executed. The Grantee shall report all activities from the Award Date (i.e., the date of this letter) through the end of the reporting period ending September 30, 2021.

DOCUMENTS SUBMISSION

Pre-Agreement Documents:

All information provided in the CDBG Application is subject to further verification and review by the Division upon request. The Grant Agreement will be finalized, contingent upon the Division receiving and approving the following pre-agreement documentation:

1. A copy of the Grantee's procurement policy.
2. A list of executed contracts for CDBG project-related services and method of procurement used for each.
3. A completed Financial Management Contact Person form (attached with this letter).
4. A completed Depository Certification form (attached with this letter).
5. A completed Signature Certification form (attached with this letter).
6. A completed W-9 [Request for Taxpayer Identification Number (TIN) Certification] form, using the form linked on the Wisconsin Department of Administration (DOA) SCO Supplier Maintenance website – Supplier webpage at:
<https://doa.wi.gov/Pages/StateFinances/SCO-Vendor-Supplier-maintenance.aspx>.
7. A completed DOA-6460 New Supplier Form (attached with this letter) and accompanying bank documentation (required if the bank account the UGLG will be using for the CDBG funding deposits has not been previously registered with the State of Wisconsin Department of Administration after 2015).
8. A completed DOA-6456 Authorization for Electronic Deposit form (attached with this letter) and accompanying bank documentation. If the Grantee would like to receive a paper check instead of having CDBG funds deposited electronically, contact your assigned DEHCR Program Representative to obtain the appropriate form.

9. An updated project budget, reflecting the CDBG award and any changes to funding or projected costs, if applicable, using the budget form previously provided with the CDBG Application materials (also attached with this letter). The administration budget line was \$275.00 over the 13% budget amount. The administration budget should be reduced to \$17,256 and the Micro-Enterprise Business Assistance should be increased to \$132,743.
10. An itemized, bullet-pointed list of all construction activities and project deliverables to be included in the Scope of Work in the CDBG Grant Agreement, based on the description of the project in the Grantee's CDBG Application.
11. An updated project timeline with the projected construction bidding date(s) and construction start and end dates. Construction must begin no later than July 31, 2021 and end no later than March 31, 2023. Grantees must contact their assigned DEHCR Project Representative to request any exceptions.
12. A completed Other Attachments and Supporting Documents form.

Please respond with the requested items in the Pre-Agreement section above within **forty-five (45) days** from the date of this letter. Email the requested documentation and information to the assigned DEHCR Project Representative listed at the end of the award letter.

Pre-Project Documents:

The following documents are required **prior to the start** of any construction or activity under this contract and the Division's disbursement of CDBG funds for the CDBG project:

- A fully executed CDBG Grant Agreement between the Division and Grantee (signed by all parties).
- A completed Environmental Review Record (including an Environmental Assessment, if required) and issuance of the Environmental Certification letter from the Division's Environmental Compliance Officer. If you require assistance with the Environmental Review Record please contact the Environmental Desk at: DOAEnvironmentalDesk@wisconsin.gov
- Documentation of compliance with applicable federal labor standards and Federal Davis-Bacon Wage Rates for any construction funded, in whole or in part, with CDBG funds. An overview of the Davis-Bacon federal labor standards and requirements is provided in Chapter 7 of the CDBG Implementation Handbook.
- Copies of the competitive procurement solicitation (e.g., the Request for Proposals [RFP]) and the advertisement for the RFP, if applicable, and the executed contract between the Grantee and the contracted grant administrator, if the Grantee has contracted with another party for grant administration services. Only submission of the executed contract and documentation verifying the Grantee followed the local procurement policy in selecting and contracting with the grant administration firm are required if the Grantee is *not* using CDBG funds to directly pay for this activity.

Please contact your assigned DEHCR Project Representative if you have any questions or concerns. We congratulate you on this 2021 grant award and we look forward to working with you to ensure successful completion of the CDBG project.

Assigned DEHCR Project Representative:
Amanda Knack, Grants Specialist – Advanced
608-225-5879
amanda.knack@wisconsin.gov

DATE: April 1, 2021

TO: Committee of the Whole

FROM: Jodie Olson, City Administrator

RE: Ordinance Relating to Virtual and Telephone Meeting of Governmental Bodies

BACKGROUND: Attached you will find Ordinance #05-20 (original) and #16-20 (extension) relating to electronic or virtual meeting attendance for governmental bodies that Council approved due to the COVID-19 pandemic. This temporary ordinance expires April 30, 2021. Council needs to discuss how to move forward with virtual meetings.

RECOMMENDATION: Discuss expiration of temporary ordinance for conducting virtual meetings and action as appropriate.

ORDINANCE #16-20

**EXTENSION OF EFFECTIVE PERIOD OF TEMPORARY ORDINANCE #05-20 RELATING TO
ELECTRONIC OR VIRTUAL ATTENDANCE OR CONDUCTING OF MEETINGS OF
GOVERNING BODIES**

WHEREAS, the Common Council acknowledges that some members of the City's various governing bodies still have legitimate concerns regarding attending meetings in person due to concerns over contracting or spreading the novel strain of the coronavirus now named Coronavirus Disease 2019 (COVID-19); and

WHEREAS, the Common Council accordingly wishes to extend the effective period of Ordinance #05-20 authorizing the electronic or virtual meeting attendance of members of governing bodies and electronic or virtual conducting of meetings of governing bodies for a temporary period.

NOW, THEREFORE, the Common Council of the City of Berlin do ordain that the temporary effective period of Ordinance #05-20 shall be extended through April 30, 2021. All terms and conditions of Ordinance #05-20 shall remain effective through April 30, 2021 accordingly.

This ordinance shall take effect the day after publication. This ordinance shall not be codified into the Municipal Code of the City of Berlin because of its temporary effective period.

Passed, approved and adopted this 8th day of December, 2020.

ROLL CALL VOTE:

CITY OF BERLIN

 4 AYES

BY _____
Richard D. Schramer, Mayor

 2 NAYS

 0 ABSENT

APPROVED AS TO FORM:

ATTEST: _____

Jodie Olson
City Clerk

Matthew G. Chier
City Attorney

ORDINANCE #05-20

A TEMPORARY ORDINANCE RELATING TO ELECTRONIC OR VIRTUAL ATTENDANCE OR
CONDUCTING OF MEETINGS OF GOVERNING BODIES

WHEREAS, the Common Council acknowledges that some members of the City's various governing bodies still have legitimate concerns regarding attending meetings in person due to concerns over contracting or spreading the novel strain of the coronavirus now named Coronavirus Disease 2019 (COVID-19); and

WHEREAS, the Common Council accordingly wishes to authorize the electronic or virtual meeting attendance of members of governing bodies and electronic or virtual conducting of meetings of governing bodies for a temporary period, subject to the terms and conditions of this Ordinance.

NOW, THEREFORE, the Common Council of the City of Berlin do ordain that, notwithstanding any contrary provision in the Municipal Code of the City of Berlin, the City Common Council, Committees, Boards, and/or Commissions may, on a meeting by meeting basis, by majority vote of those present assuming a quorum is present (which vote must be held prior to the participation of any member participating electronically or virtually at a meeting), allow any or all members of such body to attend such meeting electronically or virtually, so long as the meeting is consistent with the requirements of open meetings laws. Further, the City Common Council, Committees, Boards, and/or Commissions may, by majority vote, authorize any specific future meeting of that governing body to be conducted electronically or virtually, or to allow specific members of such governing body to attend such future meeting electronically or virtually, so long as the meeting is consistent with the requirements of open meetings laws.

This ordinance shall take effect the day after publication but shall expire on December 31, 2020 and shall only apply to meetings held prior to such date. This ordinance shall not be codified into the Municipal Code of the City of Berlin because of its temporary effective period.

Passed, approved and adopted this 14 day of July, 2020.

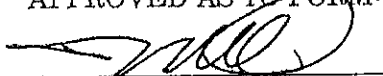
ROLL CALL VOTE:

6 AYES

0 NAYS

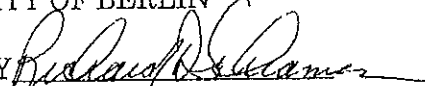
0 ABSENT

APPROVED AS TO FORM:

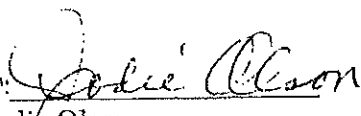


Matthew G. Chier
City Attorney

CITY OF BERLIN

BY 
Richard D. Schramer, Mayor

ATTEST:


Jodie Olson
City Clerk

DATE: April 1, 2021

TO: Committee of the Whole

FROM: Jodie Olson, City Administrator

RE: Special Street Privilege Permits for Use of Sidewalks by Businesses

BACKGROUND: This item was requested at the last Council meeting to be discussed in April. Attached is the temporary ordinance #06-20 that Council put in place due to COVID-19 which allowed businesses expanded use of public sidewalks adjacent to their business under certain circumstances. This temporary ordinance expired December 31, 2020.

RECOMMENDATION: Review temporary ordinance #06-20 which expired December 31, 2020 which allows businesses expanded use of public sidewalks adjacent to their business under certain circumstances and action as appropriate.

ORDINANCE #06-20

A TEMPORARY ORDINANCE AUTHORIZING ISSUANCE OF SPECIAL STREET PRIVILEGE PERMITS FOR USE OF SIDEWALKS BY BUSINESSES

WHEREAS, the Common Council acknowledges that local businesses are subject to recommended social distancing and other safety guidelines to prevent the spread of the novel strain of the coronavirus now named Coronavirus Disease 2019 (COVID-19); and

WHEREAS, the Common Council accordingly wishes to authorize the issuance of special street privilege permits for use of sidewalks by businesses in the City of Berlin for a temporary period, subject to the terms and conditions of this Ordinance.

NOW, THEREFORE, the Common Council of the City of Berlin do ordain that, notwithstanding any contrary provision in the Municipal Code of the City Berlin, the Clerk-Treasurer shall be authorized to issue special street privilege permits under Sec. 18-401 for the use by any business lawfully operating within the City of public sidewalks immediately adjacent to that business' facility for any lawful purpose related to the operation of that business, including but not limited to dining and drinking, display of merchandise, and conducting business transactions. All application requirements and the approval process for such applications and all operational rules and regulations for license holders shall be the same as set forth in Sec. 18-401, except as follows:

1. Committee of the Whole review and Common Council approval of the initial application shall not be required, and such permits may be issued directly by the Clerk-Treasurer acting in the stead of such governing bodies under Sec. 18-401. However, any denial of a permit by the Clerk-Treasurer hereunder shall be subject to the same appeal rights to the Common Council as described in Sec. 18-401(c) for an applicant denied a renewal sidewalk café permit.
2. The holder of a special permit granted hereunder shall not be required to maintain a minimum width of 4 feet for uninterrupted pedestrian traffic, but shall be required to maintain only that minimum width necessary to comply with any Americans with Disabilities Act requirements.
3. All permitted obstructions by a permit holder hereunder, such as tables, chairs, merchandise, signs, and other items, shall be removed from the sidewalk during hours when the adjoining permit holder's business is closed. Permit holders hereunder shall not otherwise be limited to any hourly limitations for operation in the permitted sidewalk area, except the Clerk-Treasurer, or Common Council upon appeal, may prohibit or impose hourly limitations on lighting and sound amplification in the permitted sidewalk area.
4. All permit holders hereunder serving food shall comply with all applicable state and county regulations governing health and sanitation for food handling establishments and dining areas, and any other applicable city regulations. All food and beverages served by permit holders hereunder must be served on or in dishes, cups and/or

receptables which are made of plastic or other materials which are designed to be shatterproof.

5. Permit holders hereunder shall be permitted to prohibit use of any permitted obstructions, such as chairs or tables, by persons who are not the permit holder's patrons.
6. Permit holders hereunder may serve alcohol in the permitted sidewalk area under the following conditions:
 - a. The permit holder must have a separate alcohol beverage license for the permit holder's adjoining business issued by the city pursuant to chapter 6, article II, and the permitted sidewalk area must be included in the premises description of such separate alcohol beverage license and such permit holder must otherwise be in compliance with the conditions of such separate alcohol beverage license and all alcohol beverage licensing laws, regulations and ordinances.
 - b. Consumption of alcohol beverages must be only at tables owned and controlled by the permit holder and must be under the general supervision of the permit holder. The permit holder shall be responsible for the supervision and control of the permitted sidewalk area and for preventing unauthorized or underage consumption of alcoholic beverages in the permitted sidewalk area.
 - c. There shall be no requirement that a permit holder hereunder be a restaurant or that the permit holder's adjoining business be in a B-1 zoning district as required for sidewalk café permit holders.

This ordinance shall take effect the day after publication but shall expire on December 31, 2020. This ordinance shall not be codified into the Municipal Code of the City of Berlin because of its temporary effective period.

Passed, approved and adopted this 14 day of July, 2020.

ROLL CALL VOTE:

CITY OF BERLIN

6 AYES

BY _____
Richard D. Schramer, Mayor

0 NAYS

0 ABSENT

APPROVED AS TO FORM:

ATTEST: _____
Jodie Olson
City Clerk

Matthew G. Chier
City Attorney

DATE: April 1, 2021

TO: Committee of the Whole

FROM: Jodie Olson, City Administrator

RE: Resolution Terminating TIF District #14

BACKGROUND: TIF District #14 East Side Apartment Complex is ready to be closed out. It has reached the end of its expenditure period in 2021 and has paid back all of its debt. The TID was successful in financing the extension of water and sewer utilities to the east side of the City which now services the apartment complex as well as provide a developer incentive to aid in paying for the utility extension on private property. The TID will close out with a surplus which will be distributed to the participating taxing jurisdictions. With the 2020 tax increment, I anticipate the surplus to be around \$125k.

RECOMMENDATION: Recommend to Common Council to approve and adopt Resolution Terminating TIF District #14 and Authorizing the City Treasurer to Distribute Excess Increment to Overlying Taxing Districts.



RESOLUTION # 21-

RESOLUTION TERMINATING TIF DISTRICT #14 AND AUTHORIZING THE CITY TREASURER TO DISTRIBUTE EXCESS INCREMENT TO OVERLYING TAXING DISTRICTS

WHEREAS, the City of Berlin passed a creation resolution creating Tax Incremental District No. 14 on September 20, 2006, and adopted a project plan that year; and

WHEREAS, all TIF District No. 14 projects were completed in the prescribed allowed time; and

WHEREAS, sufficient increment will have been collected as of the 2020 tax roll, payable 2021, to cover TIF District No. 14 project costs and to escrow funds to cover the District's remaining outstanding debt;

NOW BE IT HEREBY RESOLVED, that the City of Berlin Common Council does terminate TIF District No. 14; and

BE IT FURTHER RESOLVED, that the City Clerk shall notify the Wisconsin Department of Revenue, within 60 days of this resolution, or prior to the maximum life deadline of September 20, 2026, whichever comes first, that the District has been terminated; and

BE IT FURTHER RESOLVED, that the City Clerk shall sign the required Wisconsin Department of Revenue final accounting form agreeing on a date by which the City shall send final audited information to the Wisconsin Department of Revenue; and

BE IT FURTHER RESOLVED, that the City Treasurer shall distribute any excess increment collected after providing for ongoing expenses of the District, to the affected taxing districts with proportionate shares to be determined by the final audit by the City's Auditors, Hawkins, Ashe and Baptie & Company, LLP.

Adopted this 13th day of April, 2021.

ROLL CALL VOTE:

CITY OF BERLIN

_____ AYES

BY: _____
Richard D. Schramer, Mayor

_____ NAYS

ATTEST: _____
Jodie Olson, City Admin/Clerk-Treasurer

_____ ABSENT

APPROVED AS TO FORM:

Matthew G. Chier
City Attorney

TO: Committee of the Whole

FROM: Lindsey Kemnitz

TOPIC: Lease Agreement with Wetlands America Trust Inc. & Ordinance Creating City of Berlin Wildlife Area

Attorney Chier has drafted an ordinance to allow hunting and trapping on the property that will be donated to the City from Ducks Unlimited on HWY 49. The ordinance was drafted so that hunting and trapping would only be allowed if owned, controlled, or leased by the City of Berlin. Ducks Unlimited is requesting the land to be open for hunting and trapping prior to the City's ownership. Per the drafted ordinance the City would need to enter a lease agreement with Ducks Unlimited (Wetlands America Trust Inc.) prior to the land being opened to the public. The lease will be forthcoming for review. Ducks Unlimited is anticipating to donate the property in the summer of 2021.

Recommendation:

Recommend to Common Council the Approval of the Lease Agreement with Wetlands American Trust Inc.

Recommend to Common Council the Approval of the Ordinance Creating City of Berlin Wildlife Area.

AN ORDINANCE CREATING AND REGULATING CITY OF BERLIN WILDLIFE AREAS

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

Section 10-2 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 10-2. - Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...
At large means off the premises of an owner or on any public street, sidewalk, alley or any other public right-of-way, school grounds, public park or other public grounds (except for city wildlife areas from August 1 through April 14), or on private property without the specific permission or express invitation of such property's owner or legal possessor or other person in lawful control of the property, and not on a leash that is held or controlled by a human being. For the purposes of this section, the "premises" of an owner shall only mean that property that is owned in title or, if leased or otherwise legally possessed, only if leased or legally possessed exclusive of any other shared or common use by any other lessee, legal possessor, or legal occupant other than a cotenant, cosigner, or co-legal occupant to or under any lease pertaining to the premises.

Section 46-31 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 46-31. - Regulation of firearms and explosives.

...
(h) *City wildlife area zoning district exception.* The provisions of this section shall not prevent the discharge of firearms, rifles, spring guns, air guns or pneumatic guns of any description, or bows and arrows, within a city wildlife area defined in section 51-1 of this Code.

Chapter 51 of the Code of Ordinances of the City of Berlin shall be created as follows:

Chapter 51 – CITY WILDLIFE AREAS

Sec. 51-1. – Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

City wildlife areas means any lands or waters owned or controlled by the city, excluding city parks, which are dedicated for public hunting, trapping, or fishing grounds or waters for the purpose of providing areas available for public hunting, trapping, or fishing. City wildlife areas shall include the following described parcels so long as such parcels are exclusively leased and controlled, or owned in fee simple, by the city, but may include such additional lands as may from time to time be added by resolution of the common council or by ordinance by specific reference to this chapter:

PARCEL 1:

Fractional Government Lot Number 2, Section 9, Township 17 North, Range 13 East, in the City of Berlin, Green Lake County, Wisconsin.
[206-01875-0000]

-----&-----

PARCEL 2:

Part of the Northwest Quarter of the Southwest Quarter (NW¼ of SW ¼), Section 10, Township 17 North, Range 13 East, in the City of Berlin, Green Lake County, lying within and bounded by a line running as follows: Commencing at a point on the Easterly shore of Fox River on the West line of Section 10, T17N, R13E, and running thence South on said Section line a distance of 74 rods, thence East 22 rods, thence North about 37 rods to a bayou, and thence Northwesterly along the Westerly margin of said bayou to Fox River, and thence in a Southwesterly direction along the shore of said Fox River to the place of beginning.

[206-01258-0000]

-----&-----

PARCEL 3:

Part of the West Half of the Southwest Quarter (W ½ of SW ¼), Section 10, Township 17 North, Range 13 East, City of Berlin, Green Lake County, Wisconsin, described as follows: Commencing at the Southwest corner of said Section 10 and running thence East on the South line of said section to the westerly line of Highway No. 49; thence North 20 degrees and 42 minutes East along the West line of said Highway No. 49, 77 rods and 2+1/2 feet; thence North 80 degrees West 27 rods; thence South to a point 47 rods and 14+1/2 feet North and 22 rods East of the Southwest corner of said Section 10; thence west parallel to the south line of said Section 10 to the west line thereof; and thence south along the west line to said Section 10 to the place of beginning,

[206-01259-0000]

-----&-----

PARCEL 4:

The Northwest Quarter of the Northwest Quarter (NW¼ of NW ¼), Section 15, Township 17 North, Range 13 East, formerly in the Town of Berlin - now in the City of Berlin, Green Lake County, Wisconsin, EXCEPTING THEREFROM that real estate described in Vol. 116 on Page 240 and in Volume 140 on Page 353.

[002-00261-0000]

-----&-----

PARCEL 5:

The Northeast Quarter of the Northwest Quarter (NE¼ of NW¼), Section 15, Township 17 North, Range 13 East, formerly in the Town of Berlin - now in the City of Berlin, Green Lake County, Wisconsin.

[002-00260-0000]

-----&-----

PARCEL 6:

The North 283 feet of the Southeast Quarter of the Northwest Quarter (SE ¼ of NW ¼), Section 15, Township 17 North, Range 13 East, formerly in the Town of Berlin - now in the City of Berlin, Green Lake County, Wisconsin.

[002-00264-0000]

-----&-----

PARCEL 7:

Part of the Southwest Quarter (SW ¼), Section 10, Township 17 North, Range 13 East, City of Berlin, Green Lake County, Wisconsin, described as follows: Commencing at the Northeast corner of the SW¼ of Section 10, T17N, R13E, thence West 2 rods to a point, thence South 27 rods and 18 links to a creek or drain, thence Northwesterly along the center of said creek to State Highway 49; thence along the East side of said highway to the South boundary line of the Southwest Quarter (SW ¼) of said Section 10, T17N, R13E; thence East on the South line of said SW¼ of Section 10 to the Southeast corner thereof; thence North on the East line of said SW¼ of Section 10 to the place of beginning.

[206-01251-0000]

Deed restrictions mean any deed restrictions upon a city wildlife area recorded at the office of the Register of Deeds in the county where such city wildlife area is located, including but not limited to deed restrictions recorded pursuant to the Federal – North American Wetlands Conservation Act or the Knowles Nelson Stewardship Program.

Sec. 51-1. – Purpose.

The primary purpose of this chapter is to ensure city wildlife areas are protected for public hunting, trapping, or fishing.

Sec. 51-2. – Rules.

The following rules shall apply to city wildlife areas:

- (a) Public hunting, trapping, and fishing shall be permitted.
- (b) Scientific study shall be permitted only with permission of the common council and subject to any limitations by deed restrictions.
- (c) Compatible open space uses, including hiking, non-motorized biking, nature study, wildlife viewing, and cross-country skiing shall be permitted but may be limited in time and location by action of the common council to avoid interference with wildlife production or survival and public hunting or trapping.
- (d) Camping shall not be permitted.
- (e) Use or parking of motorized vehicles, including snowmobiles, shall be prohibited, except for visitor parking in authorized parking areas, snowmobile operation on designated trails only, operation of authorized maintenance vehicles, or as expressly permitted by the common council and subject to deed restrictions.

- (f) Horseback riding shall be prohibited, except as expressly permitted by the common council and subject to deed restrictions.
- (g) No person shall litter, dump, or deposit any rubbish, refuse, earth or other material.
- (h) No person shall operate or play any amplifying system unless specific authority is first obtained from the common council and subject to deed restrictions.
- (i) No person shall post, paste, fasten, paint, or attach any placard, bill, notice, sign, or advertising matter upon any structure, tree, or other natural object, except for the posting of city wildlife area rules and other signs authorized by the common council.
- (j) No person shall remove city signs, structures, apparatus, or equipment unless otherwise authorized by the common council.
- (k) No person shall start, tend, or maintain a fire unless otherwise authorized by the common council.
- (l) No person shall remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon, or ill use any tree, shrub, flower, flower bed, turf, rock, or soil.
- (m) No person shall bring into, carry onto, or possess while in any city wildlife area glass bottles or glass containers, including those containing or normally used for containing soda water, fermented malt beverages, or alcohol.
- (n) No person shall remove any device for the protection of trees or shrubs.
- (o) Possessing, using, or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited.
- (p) Any private construction which may, in any manner, encroach upon or affect a city wildlife area shall be under the direction and jurisdiction of superintendent of streets, and no such installation, repair, or construction shall commence without written permission from the common council.
- (q) No person shall possess or consume any wine, fermented malt beverages, or alcoholic beverages. The possession or consumption of wine, fermented malt beverages, or alcoholic beverages shall be regulated pursuant to chapter 6, article IV of this Code.
- (r) Except for blinds used exclusively for waterfowl hunting as provided in s. 29.327 (2), Stats., and s. NR 10.12 (12), and except for blinds constructed entirely of dead vegetation found on the property, no person may do any of the following:
 - (1) construct, occupy, place, or use any elevated or ground blind or other

elevated device except portable tree stands and blinds which may remain placed only during the daily timeframe beginning one hour prior to, and ending one hour after, the shooting hours established in s. NR 10.06.

- (2) Cause damage to trees by the placement or erection of portable tree stands or by any other manner while climbing or hunting from a tree. Careful pruning, flush with the trunk of the tree, of limbs less than 1 inch in diameter on a tree in which a tree stand is used shall not be considered causing damage to the tree.
- (3) Hunt from any ground blind during any open season or special hunt for hunting deer with firearms unless the outside of the blind displays a minimum of 144 square inches of material that is a solid highly visible color commonly referred to as blaze orange, fluorescent orange, or fluorescent blaze orange, or commonly referred to as bright pink or fluorescent pink and is visible 360 degrees around the blind. Blinds that are left unoccupied shall have the owner's name and address written in the English language attached to the outside of the blind in a conspicuous location near the entrance to the blind and be kept legible at all times.
- (4) Place, use, or own an unoccupied tree stand unless the owner's name and address is written in the English language, attached to the tree stand in a manner so it is clearly visible to a person standing on the ground, and kept legible at all times.
- (5) Place more than one portable tree stand or blind on a city wildlife area.
- (s) Except from April 15 through July 31 of each year, dogs may be run on city wildlife areas without a leash so long as they are under the reasonable control of the dog's handler. From April 15 through July 31 of each year, dogs on city wildlife areas must be on a leash no longer than eight feet.
- (t) The placement and unattended, overnight use of trail cameras is authorized only under the following conditions:
 - (1) The trail cameras bear the name and address of the owner or operator permanently attached or engraved to the outside of the camera so that it is clearly visible without the need to move or adjust the camera.
 - (2) The camera does not cause damage to natural vegetation or other city property.
 - (3) The placement of trail cameras is done at the owner or operator's own risk and the city will not be responsible for the theft or damage of trail cameras on city wildlife areas.
- (u) The common council may, by resolution, adopt further rules and regulations governing the use of city wildlife areas consistent with and subject to deed restrictions.

This ordinance shall take effect the day after publication.

The numeric section numbers and headings of any portions of the Code of Ordinances affected by this Ordinance shall be subject to modification in the discretion of the codifier, and the approval of the City Attorney, during codification into the City's current Code of Ordinances.

Passed, approved and adopted this ____ day of _____, 2021.

ROLL CALL VOTE:

CITY OF BERLIN

____ AYES
____ NAYS
____ ABSENT

BY: _____
Richard D. Schramer, Mayor

APPROVED AS TO FORM:

ATTEST: _____
Jodie Olson, City Clerk

Matthew G. Chier, City Attorney

DATE: March 29, 2021

TO: Committee of the Whole

FROM: Jodie Olson, City Administrator

RE: Resolution Supporting a Strong State and Local Partnership

BACKGROUND: The League of Wisconsin Municipalities is a statewide member organization, advocating for cities and villages large and small, rural and urban. The City of Berlin is a League member. The League is encouraging municipalities to pass a resolution supporting a state budget that increases shared revenue. The attached resolution is based on a model drawn up by the League and is being adopted by cities and villages statewide.

The resolution emphasizes the need for a strong partnership with the state to fund critical services like police protection, fire suppression, road maintenance, snowplowing, libraries, and parks that are needed to maintain quality communities and attract families and businesses.

Cities and villages in Wisconsin, like the City of Berlin, are funded primarily in two ways, property taxes, and shared revenues from the state. The demands on municipalities, unfunded state and federal mandates, and inflation on the costs to buy products and materials for our services, have not gone down, in fact, they've increased. You can see by the attached graphs for the State of Wisconsin and the City of Berlin itself, where the funding through the shared revenue program has decreased. The City of Berlin is very dependent on shared revenue as it accounts for approximately 30% of our revenues. Decreases in shared revenue for our community can have a significant impact.

RECOMMENDATION: Recommend to Common Council to approve Resolution Supporting a Strong State and Local partnership Where Shared Revenue Funds Critical Services.



RESOLUTION # 21-

RESOLUTION SUPPORTING A STRONG STATE AND LOCAL PARTNERSHIP

SHARED REVENUE FUNDS CRITICAL SERVICES

WHEREAS, for over ninety years the state shared revenue program has been a key component of Wisconsin's state and local relationship and an important part of the state's overall program of property tax relief; and

WHEREAS, over the last 20 years shared revenue funding for municipalities has been cut by \$94 million; and

WHEREAS, over the last generation, property taxes have grown as a share of city and village revenues as shared revenue and other state aid to Wisconsin municipalities has lagged; and

WHEREAS, state aid provided a larger share of municipal revenues in Wisconsin than property taxes from 1975 to 1997. Today property taxes account for more than twice as much municipal revenue as state aid; and

WHEREAS, to create and maintain quality communities that attract businesses and families, municipalities must invest in services and infrastructure that people and businesses expect, like police protection, fire suppression, road maintenance, snowplowing, libraries, and parks; and

WHEREAS, the state should reinvest a portion of its sales and income tax revenue growth in local communities to spur further economic growth and make Wisconsin communities places where people want to live and work.

NOW, THEREFORE, BE IT RESOLVED, that the City of Berlin calls on the Legislature to pass a state budget increasing funding for the shared revenue program and directs the City Clerk to send a copy of this resolution to the state legislators representing the City of Berlin and to Governor Tony Evers and to the League of Wisconsin Municipalities.

Adopted this 13th day of April, 2021.

ROLL CALL VOTE:

CITY OF BERLIN

_____ AYES

BY: _____

Richard D. Schramer, Mayor

_____ NAYS

ATTEST: _____

_____ ABSENT

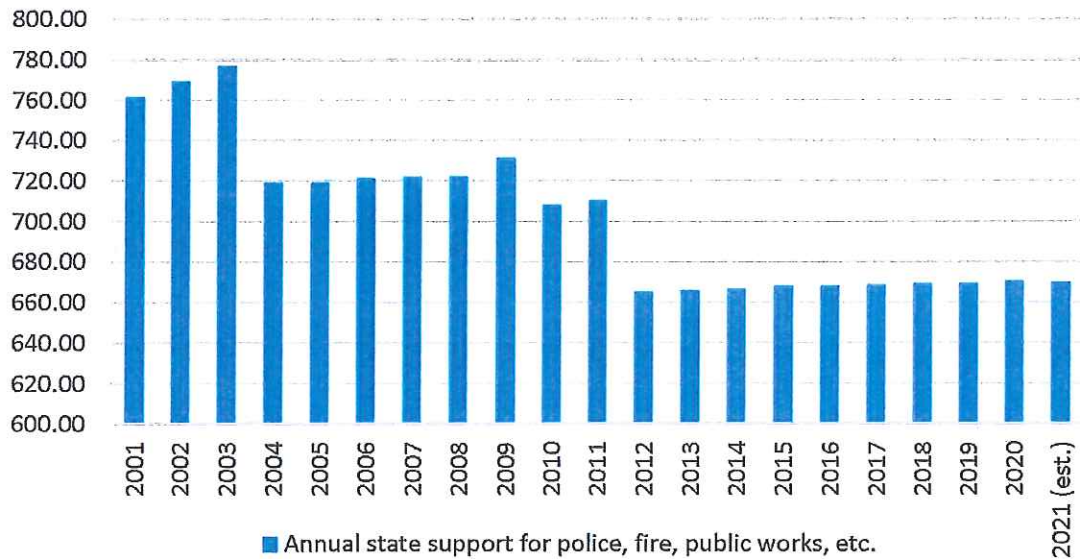
Jodie Olson, City Admin/Clerk-Treasurer

APPROVED AS TO FORM:

Matthew G. Chier
City Attorney

Declining Shared Revenues

(In Millions)

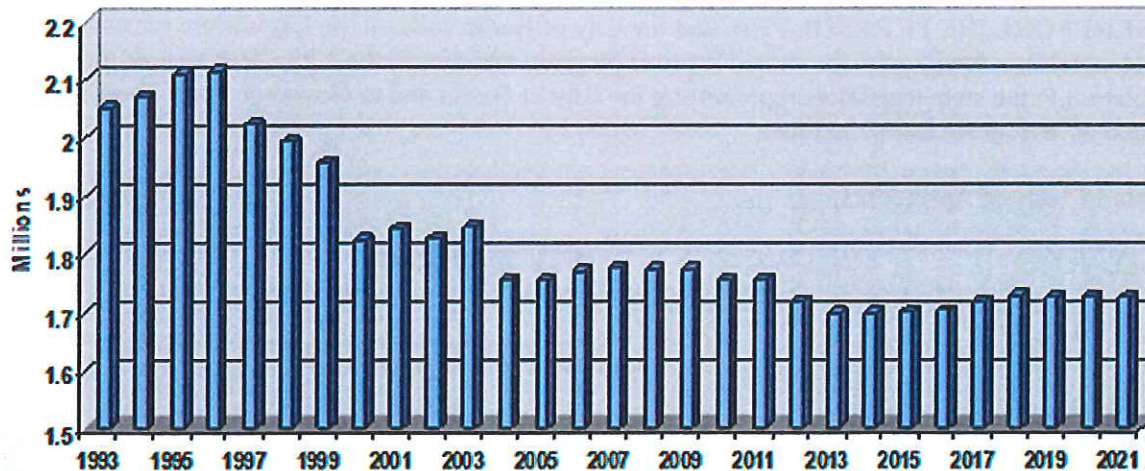


Source: Legislative Fiscal Bureau, 2019-2021 Budget Summary
https://docs.legis.wisconsin.gov/misc/lfb/budget/2019_21_biennial_budget/

STATE OF WISCONSIN ↑

CITY OF BERLIN ↓

SHARED REVENUE 1993-2021



NOTE: Shared revenues have been calculated according to various formulas thru the years, but the general principle behind them has been that communities with less tax base should receive more revenues. Consequently, shared revenue payments among municipalities vary greatly.