

COMMON COUNCIL MEETING AGENDA
TUESDAY, JUNE 13TH, 2023 7:00 PM
COUNCIL CHAMBERS, BERLIN CITY HALL, 2ND FLOOR
MEETING IS OPEN TO THE PUBLIC & CITY HALL IS HANDICAPPED ACCESSIBLE
<https://us02web.zoom.us/j/85905140084>
Meeting ID: 859 0514 0084 Passcode: 123456
1 312 626 6799 US TOLL-FREE

1. Call to order/Roll Call
2. Seat Virtual Attendees (if necessary)
3. General Public Comments. Registration card required (located at podium in Council Chamber).

CONSENT AGENDA: The Consent Agenda contains items which staff considers to be routine and have already been discussed and recommended by a committee, board or commission at a previous meeting. Staff recommends that Council act on all of these items on a single roll call vote. If any member of Council wishes to have any item removed from the Consent Agenda and discussed, the Council member may request that item be removed from the Consent Agenda prior to the adoption.

4. Waive the reading of ordinances and resolutions. RECOMMENDATION: Waive the reading of all ordinances and resolutions adopted at this meeting.
5. Written reports from the City Clerk, Treasurer, and Building Inspector.
RECOMMENDATION: Receive and place on file the written reports from the City Clerk, Treasurer, and Building Inspector.
6. Minutes from the May 9th 2023 Common Council Meeting. RECOMMENDATION: Approve the minutes.
7. Bills List. RECOMMENDATION: Approve the list of bills for payment.
8. 2023 Sewer Rate Increase RECOMMENDATION: Accept recommendation from Water & Sewer Commission to approve an overall sewer rate increase of 12% in 2023, with an overall 3% sewer rate increase in 2028 and an overall 3% sewer rate increase in 2031.
9. Raze / Repair Order 115 W. Ceresco Bids. RECOMMENDATION: Accept recommendation from Committee of the Whole to accept the bid from Kopplin & Kinan.
10. Travel and Tourism Commission Terms Ordinance #04-23. RECOMMENDATION: Accept the recommendation from Committee of the Whole to adjust Travel & Tourism Ordinance Sec. 66-49 to reflect three-year terms on a rotating basis.
11. Park Ordinance Change Ordinance #05-23. RECOMMENDATION: Accept recommendation from Parks & Recreation Commission to adjust Park Regulations Ordinance Sec. 50-72.

12. Animal Services with Temporary Overnight Boarding Ordinance #06-23.
RECOMMENDATION: Accept recommendation from Plan Commission to approve Ordinance #06-23.
13. Artisan Production/Fabrication Businesses and Makerspaces Ordinance #07-23.
RECOMMENDATION: Accept recommendation from Plan Commission to approve Ordinance #07-23.
14. Electronic Waste (E-Waste) Recycling Drop-Off Facilities Ordinance #08-23.
RECOMMENDATION: Accept recommendation from Plan Commission to approve Ordinance #08-23.
15. Comprehensive Plan Future Streets Map. RECOMMENDATION: Accept recommendation from Plan Commission to approve changes to Future Streets Map.

END OF CONSENT AGENDA

16. Public Hearing for Lafayette Special Assessments and Final Resolution Declaring Intent to Levy Special Assessments for 2023 Street & Utility Improvements. RECOMMENDATION: Hold Public Hearing and Approve Final Resolution #23-06 Declaring the Intent to Levy Special Assessment Under Municipal Police Power Pursuant to §66.0703, Stats. Upon the Following Designated Areas: Lafayette Street (N. Washington-N. Kossuth).
17. Waste Management Day of Week Request. RECOMMENDATION: Listen to presentation with action and discussion as appropriate.
18. Utilities Compliance Maintenance Annual Report & Resolution #23-04.
RECOMMENDATION: Approve Resolution #23-04 and place on file.
19. Urban Mass Transit Operating Assistance Program 2023 Grant Agreement between the City of Berlin and the State of Wisconsin Dept. of Transportation. RECOMMENDATION: Approve 2023 Grant Agreement and authorize appropriate signatures.
20. TID Façade and Building Improvement Application from Baked: Cakes by Design.
RECOMMENDATION: Listen to presentation with action as appropriate.
21. 107 W Huron Raze & Repair Property. RECOMMENDATION: Listen to presentation with action as appropriate.
22. Nuisance Properties Update. RECOMMENDATION: Listen to staff presentation with discussion and action as appropriate.
23. 2023-2024 Liquor Licenses Requests. RECOMMENDATION: Approve Liquor License Applications as presented.

24. Clerk Financial Software ARPA Funds Request. RECOMMENDATION: Listen to staff presentation with action as appropriate.
25. TID # 10 Housing Extension Resolution #23-07. RECOMMENDATION: Approve Resolution #23-07 extending TID #10 life for a one-year Housing Extension.
26. Governing Bodies Handbook Update Resolution #23-08. RECOMMENDATION: Listen to staff presentation and approve Resolution #23-08.
27. Old Business (To be used to request items of old business be put on a future agenda for further discussion or action; or used to make a motion for reconsideration of an item from the current meeting or immediately previous meeting; or to make a motion to take items off the table which were laid on the table only during the current meeting.)
28. New Business (To be used to request items of new business be put on a future agenda)
29. Adjourn.

Note: 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.

CITY OF BERLIN									
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PAYROLL FOR MAY - 2022									
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[illegible]

PAYDATE	Payroll #	PAYROLL TITLE	GENERAL CITY	UTILITY	AMBULANCE
5/12/2023	10	General City	50,854.51		
5/12/2023	10	Utility		12,132.15	
5/12/2023	10	Ambulance			35,487.51
5/26/2023	11	General City	54276.71		ACH \$54095.84
5/26/2023	11.01	GC Darnick	152.34		
5/26/2023	11	Utility		12,425.97	
5/26/2023	11	Ambulance			35610.37
		TOTAL MONTHLY PAYROLL	\$105,283.56	\$24,558.12	\$71,097.88

CITY OF BERLIN COMMON COUNCIL MEETING MINUTES
TUESDAY, May 9, 2023 AT 7:00 pm
COUNCIL CHAMBERS, BERLIN CITY HALL, 2ND FLOOR

The Mayor called the meeting to order at 7:03pm, Roll Call resulted in 6 present (Boeck, Burgess, Durtschi, Nigbor, Stobbe, and Dretske) Staff in attendance: Rutkowski, Chier, Hilgart, Ludolph, Zabel, and Pulvermacher.

There were no virtual attendees.

The Mayor had 2 public comments card. Stanley Szablewski spoke about his concerns of the road repairs and being cited by the Berlin Police Department after taking matters into his own hands and filling in pot holes with material he picked up at the city pit. The Mayor thanked him for attending. The other public comment card was not present to speak about their matter.

The following items were listed on the Consent Agenda for approval and adoption: 4) Waive the reading of all ordinances and resolutions adopted at this meeting; 5) Receive and place on file the written reports for the City Clerk, Treasurer and Building Inspector; 6) Receive and place on file the written First Quarter report from the Weights and Measures Inspector; 7) Approve minutes from the April 11th Common Council Meeting; 8) Approve the list of bills; 9) Accept recommendations from the Police and Fire Commission to expand funds from PD Equipment Fund 15 account to update the Police Department Interview room; (10) Accept the 2022 Year End Report from the Travel & Tourism Commission and placed on file; (11)Accept the recommendation from Committee of the Whole to use Assigned Street Project funds in Fund 15 to pay for DOT initial Engineering costs for Highway 49 & 91 Restoration Projects. Nigbor made a motion to accept the Consent Agenda as presented. Stobbe seconded the motion and it passed on a roll call vote of 6 (six) ayes.

Next item on the agenda was a presentation of the 2022 Audit. Amber Ebert from Hawkins Ash presented the report. Stobbe made a motion to accept the 2022 Audit and place on file. Nigbor seconded the motion and it passed on a voice vote.

Item # 13 was TID Building Improvement and Façade Improvement Application from Beiser Realty LLC. There was discussion held about the work they are looking to have done and the estimated cost of the updates. Nigbor made a motion to accept the TID Building Improvement and Façade Improvement Application from Beiser Realty LLC. for the max amount of \$17,500.00. Burgess seconded the motion that passed on a voice vote.

Item # 14 was the Liquor License Application for Mastricola's on Broadway LLC. Boeck made a motion to accept the Liquor License Application for Mastricola's on Broadway LLC for license year 2022-2023 for location at 689 Broadway Street, contingent upon passing the required health, fire, police, and building inspection and upon The Triple Belt Corporation relinquishing their Liquor License. Dretske seconded the motion and it passed on a voice vote.

Next item was the Parking Code Comprehensive update. Nigbor made a motion the accept the Ordinance #03-23 Amending the code with Comprehensive Parking Regulations. Boeck seconded the motion and it passed on a roll call vote of (6) six ayes.

Next item was the reading of the Kindness Day Proclamation. Mayor Bruessel read the Mayoral Proclamation declaring May 16, 2023 Kindness Day.

Item #17 was to accept the mayoral appointment of Susan Jungenberg to the Committee on Aging for a term expiring April 30th, 2026. Burgess made a motion to accept the mayoral appointment of Susan Jungenberg to the Committee on Aging. Stobbe seconded the motion that passed on a voice vote.

Next item was to accept the mayoral appointment of Denise Krentz to the Police and Fire Commission for a term expiring May 1st, 2028. Nigbor made a motion to accept the mayoral appointment of Denise Krentz to the Police and Fire Commission for a term expiring May 1st, 2028. Dretske seconded the motion that passed on a voice vote.

Item #19 was the Clerk Financial Software ARPA Funds. Council took no action at this time.

Item # 20 was the request of ARPA Funds for the Fire Alarm Panel. Zabel stated that the parts for the unit are obsolete and no longer supported by the manufacturer. The recommendation was to complete the first phase of the process that would include the survey, design, and engineering upgrade to the new panel. Discussion was held. Dretske made a motion to approve ARPA Funds for phase one of the fire panel capped at \$15,000.00. Nigbor seconded the motion that passed on a voice vote.

Next item was the Preliminary Resolution Declaring Intent to Levy Special Assessment for the 2023 Street and Utility Improvements. The recommendation was to approve Preliminary Resolution #23-05 Declaring Intent to Levy Special Assessment Under Municipal Police Power Pursuant to §66.0703, Stats. Upon the Following Designated Area: Lafayette Street (N. Washington – N. Kossuth) and schedule a public hearing for the June 13th, 2023 Common Council Meeting. Nigbor made a motion to accept the Preliminary Resolution #23-05 Declaring Intent to Levy Special Assessment Under Municipal Police Power Pursuant to §66.0703, Stats Wisconsin Statue. Stobbe seconded the motion that passed on a voice vote.

Item #22 was the TID #10 Housing Extension. Rutkowski presented to apply for the Affordable Housing Extension. There was discussion held to adopt a resolution to either extend or to terminate the TID #10 by July 6. Stobbe made a motion to create a resolution to keep the TID open for one more year for the affordable housing. Nigbor seconded the motion that passed on a voice vote.

Next item was the Governing Bodies Handbook. Rutkowski stated that Attorney Chier and herself are still working on updating it and hope to have a special meeting next month involving the handbook.

Item #24 was the 107 Raze and Repair property. Ludolph stated that he had been in contact with the property owner Santiago this last week. Santiago has had the contractor there working. Santiago is being mindful of having the work finished by the time the permit expires the later part of June 2023.

New Business - Boeck asked for the Council to discuss the nuisance letters that have been sent out in the mail and what is being done to help the property owners.

Burgess made a motion to adjourn, seconded by Durtschi and passed on a voice vote. Meeting adjourned at 8:07pm.

Caitlin Hilgart, Deputy Clerk

CITY OF BERLIN

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***Check Summary Register©**

MAY 31 2023

Name	Check Date	Check Amt	
11100 Cash in Bank m FNB			
68390 ALCIVIA	5/4/2023	\$4,972.52	2023 - APRIL GAS & DIESEL
68391 AMAZON CAPITAL SERVICES, IN	5/4/2023	\$136.69	SUPPLIES FOR EMS
68392 ASSOCIATED APPRAISAL CONS	5/4/2023	\$1,916.67	2023 - MAY - PROFESSIONAL SERVICES
68393 ASSOCIATED VETERINARY CLIN	5/4/2023	\$85.00	DOG AUTOPSY #63028
68394 BALLWEG IMPLEMENT CO	5/4/2023	\$211.76	AIR FILTERS FOR DPW MOWERS
68395 BAYCOM INC	5/4/2023	\$5,571.00	NEW SQUAD PURCHASE
68396 BELLA BY DESIGN	5/4/2023	\$20.00	NAME PLATE V. HILL
68397 BERLIN JOURNAL NEWSPAPER	5/4/2023	\$1,562.00	DPW SPRING SERVICES
68398 CCP INDUSTRIES INC.	5/4/2023	\$363.80	PIGSKIN GLOVES FOR DPW
68399 CEC	5/4/2023	\$1,487.93	WORK ON OTIS ELEVATOR UPGRADE
68400 CHARTER COMMUNICATION	5/4/2023	\$464.55	2023 - 04/21-05/20 - SERVICE AT SPRING ST
68401 CHIER LAW OFFICE LLC	5/4/2023	\$35.51	RAZE OR REPAIR 115 W CERESCO ST
68402 COLE OIL & PROPANE	5/4/2023	\$824.76	PROPANE FOR BERLIN PARKS DEPT
68403 COMPLETE OFFICE OF WI	5/4/2023	\$342.50	SUPPLIES FOR BERLIN SENIOR CENTER
68404 CORPORATE NETWORK SOLUTI	5/4/2023	\$1,488.00	BARRACUDA BU SERV - 1 YEAR SUBSCRIP
68405 CVIKOTA MBS	5/4/2023	\$4,490.25	2023 - APRIL - BERLIN/PRINCETON EMS CO
68406 D & D CONSTRUCTION, INC	5/4/2023	\$4,327.83	REPAIR SOUTH BALL DIAMOND SCORER S
68407 DTA LLC	5/4/2023	\$4,550.50	207 YARDS OF WOODFIBER DELIVERED
68408 EMC INSURANCE COMPANIES	5/4/2023	\$18,748.00	2023 - MAY - LIABILITY INSURANCE
68409 FINISHLINE STUDIOS	5/4/2023	\$150.00	2023 - WEBSITE FORM CREATION X 2
68410 FIRE & SAFETY EQUIPMENT, IN	5/4/2023	\$60.02	ANNUAL FIRE EXTINGUISHER SERVICE & C
68411 FIRE INSPECTION SERVICES IN	5/4/2023	\$1,578.75	2023 - MARCH - FIRE INSPECTION SERVICE
68412 GFL SOLID WASTE MIDWEST LL	5/4/2023	\$636.19	2023 - MAY - GARBAGE/RECYCLE AT SENI
68413 GORDON FLESCH	5/4/2023	\$361.88	2023 - W/17100 COPIES AT CITY HALL
68414 GREAT LAKES ROOFING	5/4/2023	\$23,399.34	REPLACE WET INSULATION: 121 W PARK A
68415 HAWKINS /ASH CPAs	5/4/2023	\$5,709.50	PROGRESS BILL FOR AUDIT ENDING 12.31.
68416 HUNTER SURVEILLANCE SYSTE	5/4/2023	\$13,528.15	POOL ADD ON CAMERAS, PARTS & LABOR
68417 JON LUNDT ELECTRIC, INC	5/4/2023	\$998.73	CITY HALL - TROUBLE SHOOT & REPAIR
68418 KOLBEK, ROBERT	5/4/2023	\$300.00	SALE OF CEMETERY SPACES TO OAKWOO
68419 KUNKEL ENGINEERING GROUP	5/4/2023	\$4,157.35	JOB#KU22.1038.00 LAFAYETTE STREET RE
68420 LEE RECREATION, LLC	5/4/2023	\$22,500.00	LONGCROFT PARK PG PROJECT
68421 MEYERS PRESSURE CLEANERS	5/4/2023	\$1,158.55	PRESSURE WASHER REPAIR
68422 MUTUAL OF OMAHA	5/4/2023	\$352.50	2023 - MAY - EMPLOYER LIFE AND ADD INS
68423 Otis Elevator Company	5/4/2023	\$798.85	2023 ELEVATOR MAINTENANCE SERVICE P
68424 PIONEER MANUFACTURING CO	5/4/2023	\$713.56	BALL DIAMOND MAINTENANCE
68425 POMP'S TIRE SERVICE, INC.	5/4/2023	\$415.34	TIRE REPAIR FOR DPW
68426 PULVERMACHER, NAOMI	5/4/2023	\$225.00	CPR RECERTIFICATION FOR 9 OFFICERS
68427 PULVERMACHER, TERRI	5/4/2023	\$170.90	CROSSFIRE HD 1400 LASER RANGEFINDE
68428 RIDGE STONE PRODUCTS, INC	5/4/2023	\$24.72	105344100340
68429 RUNNING INC. TRANSIT SERVIC	5/4/2023	\$21,542.06	2023 APRIL SHARED RIDE TAXI SERVICE
68430 SECURIAN FINANCIAL GROUP	5/4/2023	\$799.26	2023 - JUNE - EMPLOYER LIFE INSURANCE
68431 SONDALLE FORD LINCOLN MER	5/4/2023	\$334.20	2008 CHEVROLET UPLANDER MAINTENAN
68432 SUPERIOR CHEMICAL CORP	5/4/2023	\$10,221.02	CHEMICALS FOR BERLIN AQUATIC CENTE
68433 THEDACARE LABORATORIES	5/4/2023	\$170.00	LEGAL BLOOD DRAWS 73892,73716,74064,7
68434 TRANTOR, BETHANY	5/4/2023	\$47.25	REIMBURSEMENT FOR SHIRTS FOR EMS
68435 US PETROLEUM EQUIPMENT	5/4/2023	\$333.00	UNLEADED FUEL PUMP MAINT
68436 VANDERLEEST, MARIAH	5/4/2023	\$59.49	REIMBURSEMENT FOR SHIRTS FOR EMS
68437 VIKING ELECTRIC SUPPLY	5/4/2023	\$179.88	PARTS FOR DPW
68438 WAGNER, JONATHON	5/4/2023	\$68.63	REIMBURSEMENT FOR HOODED SWEATS
68439 WE ENERGIES	5/4/2023	\$102.14	2023 - APRIL - GAS FOR PRINCETON EMS
68440 WI DEPT OF TRANS BBS	5/4/2023	\$2,327.30	PROJ 39565400103 HURON ST - PRELIM
68441 WISCONSIN PROFESSIONAL PO	5/4/2023	\$344.00	2023 - MAY - POLICE UNION
68442 AMAZON CAPITAL SERVICES, IN	5/9/2023	\$945.09	MINI PC, PRINTER AND CASE FOR EMS
68443 BERGER, JILLIAN	5/9/2023	\$562.41	DUPLICATE INSURANCE PAYMENT FOR: JE

General City

CITY OF BERLIN

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*Check Summary Register©

MAY 31 2023

Name	Check Date	Check Amt	
68444	BERLIN JOURNAL NEWSPAPER	5/9/2023	\$341.90 SUMMER BOOK FOR PARK & REC
68445	BERLIN WATER & SEWER UTILI	5/9/2023	\$22,068.35 2023 - MAY - WATER & SEWER SERVICE
68446	BOUND TREE MEDICAL, LLC	5/9/2023	\$2,660.95 MEDICAL SUPPLIES FOR EMS
68447	CHARTER COMMUNICATION	5/9/2023	\$512.67 2023 - MAY - ENTERPRISE INTERNET
68448	CLIFF'S TIRE AND BATTERY INC	5/9/2023	\$476.46 90 NEW BATTERIES AND TIRE BALANCE
68449	COMPLETE OFFICE OF WI	5/9/2023	\$22.98 TRASH BAGS FOR CITY HALL
68450	IMAGETREND, INC	5/9/2023	\$6,187.50 REPORT WRITING SOFTWARE
68451	LINCOLN MARKETING INC	5/9/2023	\$749.00 ADVERTISEMENT IN GREEN LAKE/MARQU
68452	PRINCETON UTILITIES	5/9/2023	\$138.18 2023 - APRIL - PRINCETON EMS UTILITIES
68453	RH PRO LLC	5/9/2023	\$645.00 DIESEL FUEL TANK FABRICATION DPW
68454	SECURITY ADMINISTRATI SERVI	5/9/2023	\$69.00 REFUND FOR DUPLICATE PAYMENT: Steph
68455	SONDALLE FORD LINCOLN MER	5/9/2023	\$158.55 SERVICE ON RIG 90
68456	TASC	5/9/2023	\$128.00 2023 - MARCH - COBRA ADMIN
68457	WASTE MANAGEMENT	5/9/2023	\$27,476.50 2023 - APRIL - RESIDENTIAL GARBAGE SER
68458	ZOLL MEDICAL CORP	5/9/2023	\$727.50 LIFE BANDS FOR BEMS
68459	BAKER & TAYLOR	5/15/2023	\$1,202.89 2 UNITS FOR CUSTOMER
68460	GORDON FLESCH	5/15/2023	\$114.48 2023 - APRIL COPIER USE - LIB
68461	LISA OBRIST	5/15/2023	\$536.25 2023 - APRIL - LIBRARY CLEANING
68462	MARTIN SYSTEMS, INC.	5/15/2023	\$224.00 COMMERCIAL SERVICE LABOR
68463	MIDWEST TAPE	5/15/2023	\$469.87 2023 - APRIL - DIGITAL MEDIA
68464	Otis Elevator Company	5/15/2023	\$920.00 PROPOSAL QTE#001635930 BERLIN PUBLI
68465	UNIQUE MANAGEMENT SERVIC	5/15/2023	\$23.30 2023 - APRIL - PLACEMENTS
68466	WINNEFOX LIBRARY SERVICES	5/15/2023	\$49.74 2023 FEBRUARY AND MARCH UNIQUE MAN
68467	WINNEFOX LIBRARY SYSTEM	5/15/2023	\$250.28 SUPPLIES FOR BERLIN LIBRARY
68468	APPLETON FINANCE DEPARTME	5/15/2023	\$483.25 2023 - MAY - WEIGHTS AND MEASURES
68469	BERLIN JOURNAL NEWSPAPER	5/15/2023	\$258.00 AQUATIC CENTER DIRECTOR
68470	Brightspeed	5/15/2023	\$554.37 2023 - APRIL - BRIGHTSPEED PHONE SERV
68471	COMPLETE OFFICE OF WI	5/15/2023	\$27.97 TRASH BAGS FOR BERLIN CITY HALL
68472	CUMMINS SALES AND SERVICE	5/15/2023	\$1,430.22 BLOCK UNIT HEATER DPW
68473	GREEN LAKE COUNTY TREASU	5/15/2023	\$485.00 2023 SPING PRIMARY AND SPRING ELECTI
68474	KNETZGER, NOAH	5/15/2023	\$45.30 FRONT LINE SUPERVISOR TRAINING
68475	KUNKEL ENGINEERING GROUP	5/15/2023	\$485.00 JOB KU23.1003.00 TACO BELL DEVELOPME
68476	MODERN RENTALS INC	5/15/2023	\$303.47 CEMETERY MOWER PARTS
68477	MUELLER COMMUNICATION LLC	5/15/2023	\$9,772.29 PROFESSIONAL FEES - REFERENDUM 202
68478	PACKER CITY INT'L TRUCKS, IN	5/15/2023	\$301.92 BUCKET TRUCK PARTS
68479	APPLETON FINANCE DEPARTME	5/24/2023	\$483.25 2023 - APRIL - WEIGHTS AND MEASURES
68480	AUTOMATIC ENTRANCES OF WI,	5/24/2023	\$541.32 TOUCHLESS SWITCH MODULE
68481	BELLA BY DESIGN	5/24/2023	\$163.50 NAME TAGS X 7
68482	BERLIN JOURNAL NEWSPAPER	5/24/2023	\$1,228.00 BOARD OF REVIEW
68483	BREWER HEATING INC	5/24/2023	\$57.90 A/C MAINTENANCE REPLACED ALL AIR FIL
68484	CITY OF GREEN LAKE	5/24/2023	\$218.98 GREEN LAKE EMS SPECTRUM
68485	COLE OIL & PROPANE	5/24/2023	\$2,752.35 PROPANE PRE-BUY 1555 GAL DPW
68486	CONCENTRA MED COMPLIANCE	5/24/2023	\$60.00 BUNDLE FEE P&R HIRE
68487	CONVERGENT SOLUTIONS, INC	5/24/2023	\$79.45 FLOPPED EXTENSION 5430 AND 5403 - MA
68488	CORPORATE NETWORK SOLUTI	5/24/2023	\$36.00 DUO SECURITY SUBSCRIPTIONS
68489	CULLIGAN WATER	5/24/2023	\$16.00 WATER DELIVERY AT CITY HALL
68490	DTAK LLC	5/24/2023	\$2,200.00 2022 - WOODCHIPS FOR PLAYGROUNDS
68491	DTN, LLC	5/24/2023	\$536.00 2023 - RADAR CONTROL- MAY
68492	ED'S TRACTOR REPAIR, LLC	5/24/2023	\$48.22 HYDRAULIC FITTING FOR DPW
68493	EMERGENCY MEDICAL PRODUC	5/24/2023	\$670.88 STAT PADS FOR EMS
68494	FARRELL EQUIPMENT & SUPPL	5/24/2023	\$317.53 CONCRETE FORM TUBES FOR DPW
68495	FIRE & SAFETY EQUIPMENT, IN	5/24/2023	\$111.00 FIRE EXTINGUISHER SERVICE FOR EMS
68496	GAGNE FORD, INC	5/24/2023	\$1,035.47 REPAIRS ON RIG 79
68497	HAWKINS /ASH CPAs	5/24/2023	\$1,070.00 FINAL BILL FOR AUDIT ENDING DECEMBER
68498	HEIDI A. HEATH FARMS, INC.	5/24/2023	\$2,750.00 PARK SYSTEM FLOWERS

CITY OF BERLIN

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***Check Summary Register©**

MAY 31 2023

	Name	Check Date	Check Amt	
68499	HILGART, Caitlin	5/24/2023	\$31.87	TRAVEL TO GREEN LAKE FOR ICE TABULA
68500	HOLIDAY OUTDOOR DECOR	5/24/2023	\$715.00	CUSTOM VINYL BANNERS
68501	HOOVER TREE SERVICE	5/24/2023	\$500.00	TOP A TREE ON MOUND STREET FOR DPW
68502	HUNTER SURVEILLANCE SYSTE	5/24/2023	\$13,803.14	PARK AND CITY HALL SERVERS
68503	ITU ABSORBTECH, INC.	5/24/2023	\$84.80	2023 -MAY - UNIFORM SERVICE
68504	KUNKEL ENGINEERING GROUP	5/24/2023	\$1,295.39	JOB KU17.1019.00 2023 - APRIL - INSPECTI
68505	MEYERS PRESSURE CLEANERS	5/24/2023	\$445.95	BRASS STREET ELBOW AND GARDEN HOU
68506	MILLER, ERIC J	5/24/2023	\$2,473.20	ECYCLE SERVICE
68507	MODERN RENTALS INC	5/24/2023	\$6.99	CHAINSAW PARTS
68508	PLANTZ, DENNIS W	5/24/2023	\$251.76	2023 - MAY - RETIREE HEALTH INSURANCE
68509	POP-A-LOCK OF NE WISCONSIN	5/24/2023	\$455.00	Electronic door strike repair in Clerk's office
68510	RACHEL VAN DEN HOUT PHOTO	5/24/2023	\$280.00	BUSINESS PORTRAIT SESSION
68511	SCHERZER, SARA	5/24/2023	\$100.00	RETURN OF SHELTER HOUSE RENTAL DE
68512	TAPCO SAFE TRAVELS	5/24/2023	\$3,393.06	STOP SIGNS, POSTS AND ARROWS
68513	THEDACARE AT WORK	5/24/2023	\$210.00	PRE-EMPLOY KATARINA GLISH
68514	TRI-COUNTY CONSORTIA	5/24/2023	\$850.00	2023 -2024 HEALTH RENEWAL - SWIMMING
68515	VIKING ELECTRIC SUPPLY	5/24/2023	\$278.64	LIGHT BULBS DPW
68516	WI DNR - ENVIRONMENTAL FEE	5/24/2023	\$165.00	BERLIN CITY WBS/COMPOST FACILITY
537327e	Ambulance ACH	5/12/2023	\$35,487.51	
537381e	General City ACH	5/12/2023	\$50,854.51	
537451e	General City ACH	5/26/2023	\$54,095.84	
537474e	Ambulance ACH	5/26/2023	\$35,610.37	
537485e	General City ACH	5/26/2023	\$152.34	
	Total Checks		\$463,090.69	

CITY OF BERLIN

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MAY 31 2023

Name	Check Date	Check Amt	
11161 UTILITY CASH - FNB			
16555 BERLIN JOURNAL NEWSPAPER	5/3/2023	\$499.00	4"AD BB/FS SUMMER HELP
16556 CINTAS	5/3/2023	\$357.87	MOP PARTS/MATS
16557 COMPASS MINERALS	5/3/2023	\$5,382.33	COARSE SOLAR SALT-BULK
16558 FASTENAL COMPANY	5/3/2023	\$281.44	#16 1-1/2-11/16X9/16
16559 MARTELLE WATER TREATMENT	5/3/2023	\$5,850.72	LIQUID ALUMINUM SULFATE
16560 U S CELLULAR	5/3/2023	\$351.48	MONTHLY SERVICE CHARGES 4/16/23 THR
16561 U S POST OFFICE - POSTMASTE	5/3/2023	\$753.85	MAY MONTHLY BILLING
16562 WALTCO INC	5/3/2023	\$901.77	PICK-UP SAMPLES FOR BADGER LABS
16566 BADGER LABORATORIES INC	5/12/2023	\$75.00	TOTAL COLIFORM BACTERIA
16567 BADGER STATE WASTE LLC	5/12/2023	\$8,312.00	BIOSOLIDS HAULING
16568 BERLIN CITY TREASURER	5/12/2023	\$684.92	UTILITY GAS & DIESEL
16569 CORPORATE NETWORK SOLUTI	5/12/2023	\$895.00	LENOVO THINKBOOK 15 GEN 4
16570 GFL SOLID WASTE MIDWEST LL	5/12/2023	\$298.38	TRASH/RECYCLE SERVICE 05/01/23 - 05/31/
16571 HAWKINS /ASH CPAs	5/12/2023	\$4,920.00	PROGRESS BILL FOR AUDIT ENDING 12/31
16572 JON LUNDT ELECTRIC, INC	5/12/2023	\$105.02	UV TREATMENT
16573 KUNKEL ENGINEERING GROUP	5/12/2023	\$870.00	MISC ENGINEERING- TACO BELL DEVEL.
16574 NORTHERN LAKE SERVICE, INC	5/12/2023	\$850.00	PERFLUORINATED CHEMICALS/SAMPLE T
16575 RWI PIPE FABRICATORS, INC	5/12/2023	\$1,094.00	6" VIC 90/COUPLING GASKETS
16576 STRAND ASSOCIATES, INC	5/12/2023	\$8,900.00	PROFESSIONAL SERVICE 4/1/23 - 4/30/23
16577 UNITED COOPERATIVE	5/12/2023	\$448.64	STRIKE 3 4X1 GAL
16578 BADGER LABORATORIES INC	5/19/2023	\$1,634.00	TOTAL COLIFORM BACTERIA
16579 BERLIN CITY TREASURER	5/19/2023	\$485.02	MAY 2023- TELEPHONE/INTERNET
16580 Brightspeed	5/19/2023	\$60.89	LOCAL SERVICE FROM MAY 09 TO JUNE 08
16581 EHLERS INC	5/19/2023	\$2,350.00	SEWER RATE STUDY- APRIL PROFESSION
16582 MARTELLE WATER TREATMENT	5/19/2023	\$5,858.96	LIQUID ALUMINUM SAFE
16583 THEDACARE AT WORK	5/19/2023	\$168.00	ALCOHOL/DRUG SCREEN- JORDAN & CHA
16584 TOTAL OVERHEAD DOOR SYST	5/19/2023	\$354.00	WWTP-LIFTMASTER MODEL 892LT
16585 USA BLUEBOOK	5/19/2023	\$103.41	FLANGE GASKETS
16586 WILLIAM/REID LTD LLC	5/19/2023	\$385.00	#100243 SINGLE VMO BOTTLE
16587 WSI WATER	5/19/2023	\$1,619.94	POLYCLEAR CD8396 BAG 55.1
16588 ALCIVIA	5/25/2023	\$350.79	FIELDMASTER
16589 BERLIN CITY TREASURER	5/25/2023	\$27,630.32	MAY 2023 PAYROLLS
16590 BERLIN JOURNAL NEWSPAPER	5/25/2023	\$185.00	PUBLIC HEARING NOTICE-SEWER RATE IN
16591 CLIFF'S TIRE AND BATTERY INC	5/25/2023	\$4,740.72	TIRES - MOUNT/INSTALL
16592 FERGUSON WATER WORKS #14	5/25/2023	\$1,714.48	VLV BOX LID/CTS COMP/STR MTR COUP
16593 GFL SOLID WASTE MIDWEST LL	5/25/2023	\$298.38	JUNE 2023 SERVICE
16594 GREAT LAKES ROOFING	5/25/2023	\$12,533.33	113 WATER ST - 3RD PAYMENT
16595 HAWKINS /ASH CPAs	5/25/2023	\$680.00	WATER/SEWER DECEMBER 2022 AUDIT
16596 WI DNR - ENVIRONMENTAL FEE	5/25/2023	\$2,698.81	LAB/WASTEWATER/GROUNDWATER FEES
16597 WISCONSIN FASTENER SUPPLY	5/25/2023	\$92.88	SUPER SHINE DETAIL SPRAY
537305e Utility ACH	5/12/2023	\$12,132.15	
537483e Utility ACH	5/26/2023	\$12,425.97	
Total Checks		\$130,133.47	

Utility

To: Common Council
RE: Sewer Rate Increase
Date: June 6, 2023
From: Sewer & Water Commission
Brian Mainory, Utilities Superintendent

During last year's budget discussions, all of the upgrades that the Waste Water Treatment Plant needs to keep it running efficiently was brought to the Water & Sewer Commission attention. The Water & Sewer Commission decided to hire a firm to determine if a sewer rate increase was needed and if so, how much of an increase would be needed. Ehlers Public Finance Advisors was hired to conduct a cost analysis. With the repairs that are needed and the financial information that was given to them – Ehlers suggested a sewer rate increase of 12% this year, with another increase of 3% in 2028 and another increase of 3% in 2031. This plan would allow the Water & Sewer Department the funds needed to be able to do the upgrades required and also outline a future plan so that it is not such a large increase at one time while still being able to continue giving the services that they are providing now.

In looking back, the last sewer rate increase was done in 2014 for 7% increase on the meter base charge and 19% increase on the usage for the first year and 20% on the second year. With that being said, Ehlers is hoping by doing the 12% this year, which will take an average monthly bill from \$61.40 to \$65.01, that will help finance the upgrades and the 3% spaced over 3-years will give the Utility a cushion per se so that they won't need to do another rate increase for so much at a time.

Sewer & Water Commission held a public hearing on this issue on May 30th, and approved the increases to be sent to Common Council.

ORDINANCE # 04-23

AN AMENDMENT TO ORDINANCE ESTABLISHING TERMS OF TRAVEL AND
TOURISM COMMISSION

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

Sec. 66-49 of the Code of Ordinances of the City of Berlin is hereby amended as follows:

Sec. 66-49. – Travel and Tourism Commission

- (a) *Creation.* Pursuant to Wis. Stats. § 66.0615(b)1 and § 66.0615(c), there is hereby created a City of Berlin Travel and Tourism Commission (hereinafter referred to in this section 66-49 as the "commission") to conduct tourism promotion and tourism development within the city.
- (b) *Composition.* The commission shall consist of six members. At least one commissioner shall represent the Wisconsin hotel and motel industry. Commissioners shall be appointed by the mayor and confirmed by majority vote of those present by the common council.
- (c) *Term.* ~~Commissioners shall serve for a one-year term expiring on January 1 at the pleasure of the mayor and may be reappointed.~~ Each Travel and Tourism Commission member shall hold office for a term of three years, which shall be staggered into three classes of members. Each term of office shall end April 30 in the year of expiration.

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 _____, 20__.

ROLL CALL VOTE:

____ AYES
____ NAYS
____ ABSENT

CITY OF BERLIN

BY:

Joel E. Bruessel, Mayor

APPROVED AS TO FORM:

ATTEST:

Matthew G. Chier, City Attorney

Sara L. Rutkowski,
City Administrator/City Clerk

To: Committee of the Whole

From: Rebecca Bays, Senior Programming & Recreation Director
Scott Zabel, Parks Superintendent
Brian Pulvermacher, Chief of Police
Sara Rutkowski, City Admin

RE: Park Regulations

Date: 06/08/2023

Background:

Staff presented to Parks & Recreation Commission on 06/07/2023 a suggested change in the Park Regulations Ordinance (Sec. 50-72). Currently, there is no "teeth" to the ordinance if we catch members of the public violating park regulations. We can issue a citation if they meet the threshold, but we cannot then remove them from the parks.

Staff is requesting the addition to the park regulation ordinance to give the Police Department more to work with when they catch violators.

Parks & Recreation Commission members requested the addition of "graffiti" to the Park Regulations. Staff is in support of this suggested change.

RECOMMENDATION: Accept all recommended changes.

ORDINANCE # 05-23

AN AMENDMENT TO ORDINANCE ESTABLISHING PARK REGULATIONS

WHEREAS, the City of Berlin Parks & Recreation Commission has recommended to the Common Council to approve the ordinance as set forth herein.

NOW THEREFORE, the Common Council of the City of Berlin do ordain as follows:

Sec. 50-72 of the Code of Ordinances of the City of Berlin is hereby amended as follows:

Sec. 50-72. – Regulations

The following regulations shall apply to the parks within the city and any violation of the park regulations may result in sanctions that can include criminal charges, citations, and/or a ban from city parks to be determined by the Police Department:

- 1) *Littering.* No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any city park.
- 2) *Sound Devices.* No person shall operate or play any amplifying system in any city park unless specific authority is first obtained from the parks and recreation director.
- 3) *Bill Posting and Graffiti.* No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign, ~~or~~ advertising matter, or graffiti upon any structure, tree or other natural object in any city park, except for the posting of park regulations and other signs authorized by the parks and recreation director.

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 _____, 20__.

ROLL CALL VOTE:

____ AYES

____ NAYS

____ ABSENT

CITY OF BERLIN

BY:

Joel E. Bruessel, Mayor

APPROVED AS TO FORM:

ATTEST:

Matthew G. Chier, City Attorney

Sara L. Rutkowski,
City Administrator/City Clerk

To: Committee of the Whole

From: Sara Rutkowski, City Admin
Timothy Ludolph, Planning & Development Director

RE: Four Plan Commission Consent Agenda Items

Date: 06/08/2023

Background:

Local Business owners in our community approached staff about the possibility of opening up new businesses or adjusting their current businesses. All needed an ordinance adjustment or a new ordinance to allow them to operate. These businesses are involve opening an overnight pet boarding, an electronic waste recycling drop off facility, and an Artisan production/fabrication and Makerspaces business. Council gave permission for Matt to explore and draft the ordinances a few months ago. The ordinance suggestions have now been presented and approved by Plan Commission.

The fourth item is related to the City's Comprehensive Plan Future Streets Map. The Future Streets map is meant to be used in two ways: 1) When homeowners build on their property, they are meant to reserve "future roads" space on their property in case a future development is ever built in that area. Otherwise, if they have built in the area that is in a proposed future road line, they build at their own risk. 2) When developers look at a community, the Future Streets Map should serve as a guide for them to indicate where City Officials expect future development to happen.

After researching this map, staff found a variety of "proposed future streets" that would be extremely difficult to build as the dashed lines indicting possible future streets now go through properties and homes that have been built. Plan Commission members have decided to remove certain streets from the Future Street Map. Those proposed removed streets are highlighted on the attached map that follows the other three ordinance suggested changes.

Plan Commission addressed all of these four items and held a Public Hearing for all of them on May 30th, 2023. The Plan Commission did motion to approve all items.

RECOMMENDATION: Accept all recommended changes.

**AN ORDINANCE ALLOWING ANIMAL SERVICES WITH TEMPORARY OVERNIGHT BOARDING
AS A CONDITIONAL USE IN B-1 AND B-2 ZONING DISTRICTS**

WHEREAS, the City of Berlin Plan Commission has held a public hearing regarding the ordinance as set forth herein, on 30th day of May, 2023; and

WHEREAS, the Plan Commission has recommended to the Common Council to approve the ordinance as set forth herein.

NOW THEREFORE, the Common Council of the City of Berlin do ordain as follows:

Sec. 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:

...

Own or Keep shall interchangeably mean means owning, possessing, harboring, maintaining charge of, sheltering or keeping, no matter the duration of owning, possessing, harboring, maintaining charge of, sheltering or keeping.

Owner means any person owning, harboring or keeping a dog or cat on a permanent basis, and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten days; such person is shall be presumed to be harboring or keeping the dog or cat on a permanent basis, and thus an owner within the meaning of this definition.

...

Sec. 10-5 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 10-5. - Number of dogs and cats allowed.

- (a) Purpose. The keeping of a large number of dogs or cats within the city, without a kennel license under section 10-7(b) or an animal service facility - temporary overnight boarding license under section 10-7(e), for a considerable period of time detracts from and, in many instances, is detrimental to, a healthful and comfortable life in such areas, and shall constitute a public nuisance. The keeping of a large number of dogs and cats is therefor declared to be a public nuisance.

...

- (c) Limitation. Except with a kennel license under section 10-7(b) or an animal service facility - temporary overnight boarding license under section 10-7(e), ~~no~~ No person shall own, harbor or keep in their possession more than three dogs or five cats per dwelling unit on any premises within the city, except that a litter of pups or kittens, or a portion of a litter, may be kept for not more than eight weeks from birth. ~~A person may keep more than three dogs or five cats only if such person has first received a kennel license under section 10-7(b).~~

Sec. 10-7 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 10-7. - Issuance of licenses.

(b) Kennels.

- (1) Any person who may own or keep ~~keeps more than the maximum permitted number of dogs under section 10-5(c) with a kennel license issued pursuant to this section 10-7(b);~~ whereby such person ~~operates a kennel within the city~~ may, instead of paying the license tax for each dog required by section 10-5(a) ~~subsection (a) of this section, apply for a kennel license for the owning or keeping or operating of the kennel.~~ Such person shall pay for the license year a kennel license tax as specified in the fee schedule on file in the clerk treasurer's office. Upon payment of the required kennel license tax and, if required by the common council, upon presentation of evidence that all dogs over five months of age are currently immunized against rabies, the clerk treasurer shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept ~~in pursuant to the kennel license.~~ A kennel license shall only be issued for those premises properly zoned, or subject to a conditional use permit, for such purposes under chapter 82 of this Code.
- (2) The owner or keeper of dogs under a kennel license shall, at all times, keep the kennel license tag attached to the collar of each dog over five months old kept by the owner or keeper under a kennel license, but this requirement shall not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. The kennel license tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached, at all times, to the dog for which it is issued, but this requirement shall not apply to a show dog during competition or to a dog securely confined indoors. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel licensed premises unless the dog is on a leash or temporarily for the purpose of hunting, breeding, trial, training or competition.

(e) Animal service facilities - temporary overnight boarding.

- (1) An operator of an animal service facility on a premises properly zoned, or subject to a conditional use permit for such purposes, under chapter 82 of this Code, may keep more than the maximum permitted number of dogs or cats, of which the operator is not the owner, under section 10-5(c) with an animal service facility - temporary overnight boarding license issued pursuant to this section 10-7(e). An operator of an animal service facility licensed under this section 10-7(e) shall not be required to pay an individual license tax, or a kennel license tax, for dogs or cats kept, of which the operator is not the owner, but such operator shall be required to pay the license fee for an animal service facility - temporary overnight boarding license, as specified in the fee schedule on file in the clerk-treasurer's office. Upon payment of the required license fee, the clerk-treasurer shall issue the animal service facility - temporary overnight boarding license, which shall specify the maximum number of dogs and/or cats, of which the operator is not the owner, that may be kept by the operator on the premises of such animal service facility.

Sec. 82-227 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 82-227. - Conditional uses.

The following shall be conditional uses in the A-1 agricultural district:

- (2) Kennels, as described in section 10-7(b), or animal service facilities, on parcels of no less than 20 acres. Any conditional permit granted for a kennel, or animal service facility, may only be issued if the applicant presents substantial evidence that the physical conditions of the property, or specific improvements to be installed by the applicant, will allow for the applicant to be able to reasonably control smell, noises, or other nuisances in relation to neighboring properties. Further, any conditional use permit granted for a kennel hereunder shall be subject to the mandatory condition that if the parcel upon which such kennel is placed is subdivided, causing the remaining parcel to be less than the required 20 acres, the conditional use permit shall terminate. Further, the permit applicant must consent to a memorandum of such condition being recorded upon the title to the parcel at the applicable county register of deeds office on a form approved by the city attorney.

Sec. 82-361 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 82-361. - Conditional uses.

In the B-1 district, conditional uses shall be as follows:

- (4) Animal service facilities. For conditional use applications for animal service facilities hereunder, the board of appeals shall, pursuant to and in addition to any other standards or conditions imposed under Sec. 82-641(b), impose the following standards and conditions:
- a. Hours of operation may be limited by the board of appeals, and operation of the facility shall in no case be allowed between 10:00 p.m. and 5:00 a.m.
 - b. No overnight boarding of animals, ~~not owned by of which the operator is not the owner,~~ shall be allowed, except for dogs or cats kept pursuant to an animal service facility – temporary overnight boarding license issued pursuant to section 10-7(e). All animals must be kept inside an enclosed building between 10:00 p.m. and 5:00 a.m.
 - c. The facility must contain a sufficiently sized outdoor exercise, urination, and defecation area for dogs based on the maximum number of dogs able to be kept or serviced in the facility.
 - d. All animals outside of an enclosed building shall be directly supervised by at least one human being, age 16 or older, who is present with the animal(s) at all times.
 - e. All outside areas where dogs or cats are present without a leash shall be fenced with a physical barrier that is at least 5 feet in height and all exits from such outside areas (except exits leading into a building) shall be double gated to prevent escape.
 - f. Each dog or cat serviced at the facility must have been vaccinated by a veterinarian against rabies, if so required pursuant to Sec. 10-4, prior to service, and the operator of the facility must keep on premises at all times during service of that dog or cat a copy of that dog's or cat's rabies vaccination certificate accordingly. Also, each dog or cat required to be vaccinated must have its rabies vaccination tag or a substitute tag attached to a collar on the dog or cat at all times during service pursuant to Sec. 10-4(f).
 - g. All other applicable requirements set forth in Chapter 10 regarding the keeping and care of animals shall be complied with as a condition of any conditional use permit issued hereunder.
 - h. Any conditional permit granted for an animal service facility may only be issued if the applicant presents substantial evidence that the physical conditions of the property, or specific improvements to be installed by the applicant, will allow for the applicant to be able to reasonably control smell, noises, or other nuisances in relation to neighboring properties.

...

Sec. 82-387 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 82-387. Conditional uses.

In the B-2 district, conditional uses shall be as follows:

...

- (4) Retail pet sale shops and animal service facilities. For conditional use applications for retail pet sale shops or animal service facilities hereunder, the board of appeals shall, pursuant to and in addition to any other standards or conditions imposed under Sec. 82-641(b), impose the following standards and conditions:
- a. Hours of operation may be limited by the board of appeals, and operation of the facility (i.e. when the facility is open to the public) shall in no case be allowed between 10:00 p.m. and 5:00 a.m.
 - b. No overnight boarding of animals, not owned by of which the operator is not the owner, shall be allowed, except for dogs or cats kept pursuant to an animal service facility – temporary overnight boarding license issued pursuant to section 10-7(e). All animals ~~Animals owned by the operator~~ must be kept inside an enclosed building between 10:00 p.m. and 5:00 a.m.
 - c. The facility must contain a sufficiently sized outdoor exercise, urination, and defecation area for dogs based on the maximum number of dogs able to be kept or serviced in the facility.
 - d. All animals outside of an enclosed building shall be directly supervised by at least one human being, age 16 or older, who is present with the animal(s) at all times.
 - e. All outside areas where dogs or cats are present without a leash shall be fenced with a physical barrier that is at least 5 feet in height and all exits from such outside areas (except exits leading into a building) shall be double gated to prevent escape.
 - f. Each dog or cat serviced at the facility must have been vaccinated by a veterinarian against rabies, if so required pursuant to Sec. 10-4, prior to service, and the operator of the facility must keep on premises at all times during service of that dog or cat a copy of that dog's or cat's rabies vaccination certificate accordingly. Also, each dog or cat required to be vaccinated must have its rabies vaccination tag or a substitute tag attached to a collar on the dog or cat at all times during service pursuant to Sec. 10-4(f).

- g. Retail pet sale shops for dogs must be in compliance with all licensing requirements imposed by the state of Wisconsin.
- h. All other applicable requirements set forth in Chapter 10 regarding the keeping and care of animals shall be complied with as a condition of any conditional use permit issued hereunder.
- i. Any conditional permit granted for a retail pet sale shop for dogs or an animal service facility may only be issued if the applicant presents substantial evidence that the physical conditions of the property, or specific improvements to be installed by the applicant, will allow for the applicant to be able to reasonably control smell, noises, or other nuisances in relation to neighboring properties.

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 ____, 2023.

ROLL CALL VOTE:

CITY OF BERLIN

____ AYES
____ NAYS
____ ABSENT

BY:

Joel E. Brussel,
Mayor

APPROVED AS TO FORM:

ATTEST:

Sara L. Rutkowski,
City Administrator/City Clerk

Matthew G. Chier,
City Attorney

AN ORDINANCE ALLOWING ARTISAN PRODUCTION/FABRICATION BUSINESSES AND MAKERSPACES AS A CONDITIONAL USES IN B-1 AND B-2 ZONING DISTRICTS

WHEREAS, the City of Berlin Plan Commission has held a public hearing regarding the ordinance as set forth herein, on 30th day of May, 2023.; and

WHEREAS, the Plan Commission has recommended to the Common Council to approve the ordinance as set forth herein.

NOW THEREFORE, the Common Council of the City of Berlin do ordain as follows:

Sec. 82-4 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 82-4. - 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. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not permissive.

Artisan production/fabrication business means an establishment or business which involves an artist, artisan, or craftsman teaching, making, or fabricating crafts or products by hand or with minimal automation and may include direct sales to consumers.

Makerspace means a communal workshop in which two or more people or businesses share space, equipment, technology, infrastructure, ideas, and/or knowledge for the production or fabrication of crafts, technologies, or products by hand or with minimal automation.

Sec. 82-361 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 82-361. - Conditional uses.

In the B-1 district, conditional uses shall be as follows:

(6) An artisan production/fabrication business, which meets the following criteria:

- a. The business operation does not exceed any maximum square footage of floor space, as designated in the conditional use permit, dedicated to production or fabrication; and
 - b. The floor space dedicated to production or fabrication must not contain more than any maximum percentage of the total floor space of the business operation, as designated in the conditional use permit; and
 - c. A required percentage of the total floor space of the business operation, as designated in the conditional use permit, must be dedicated to retail sales to consumers, including but not limited to sales of crafts or products produced or fabricated on site, and if so further required by the conditional use permit, such retail sales portion of the floor space may be required to be situated toward what is deemed to be the front of the business operation as identified in the conditional use permit.
 - d. The production or fabrication portion of the business operation must not operate outside any designated hours specified in the conditional use permit.
- (7) A makerspace, which meets the following criteria:
- a. The makerspace does not exceed any maximum square footage of floor space, as designated in the conditional use permit; and
 - b. Operation of the makerspace outside any designated hours specified in the conditional use permit.

Sec. 82-387 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 82-387. - Conditional uses.

In the B-2 district, conditional uses shall be as follows:

- (6) An artisan production/fabrication business, which meets the following criteria:
- a. The business operation does not exceed any maximum square footage of floor space, as designated in the conditional use permit, dedicated to production or fabrication; and
 - b. The floor space dedicated to production or fabrication must not contain more than any maximum percentage of the total floor space of the business operation, as designated in the conditional use permit; and
 - c. A required percentage of the total floor space of the business operation, as designated in the conditional use permit, must be dedicated to retail sales to consumers, including but not limited to sales of crafts or products

produced or fabricated on site, and if so further required by the conditional use permit, such retail sales portion of the floor space may be required to be situated toward what is deemed to be the front of the business operation as identified in the conditional use permit.

- d. The production or fabrication portion of the business operation must not operate outside any designated hours specified in the conditional use permit.

(7) A makerspace, which meets the following criteria:

- a. The makerspace does not exceed any maximum square footage of floor space, as designated in the conditional use permit; and
- b. Operation of the makerspace outside any designated hours specified in the conditional use permit.

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 _____, 2023.

ROLL CALL VOTE:

CITY OF BERLIN

____ AYES
____ NAYS
____ ABSENT

BY:

Joel E. Brussel,
Mayor

APPROVED AS TO FORM:

ATTEST:

Sara L. Rutkowski,
City Administrator/City Clerk

Matthew G. Chier,
City Attorney

AN ORDINANCE ALLOWING ELECTRONIC WASTE (E-WASTE) RECYCLING DROP-OFF FACILITIES AS CONDITIONAL USES IN B-1 AND B-2 ZONING DISTRICTS

WHEREAS, the City of Berlin Plan Commission has held a public hearing regarding the ordinance as set forth herein, on 30th day of May, 2023; and

WHEREAS, the Plan Commission has recommended to the Common Council to approve the ordinance as set forth herein.

NOW THEREFORE, the Common Council of the City of Berlin do ordain as follows:

Sec. 82-4 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 82-4. - 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. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not permissive.

Electronic waste (e-waste) means discarded electronic products such as, but not limited to, computers, televisions, VCRs, CD and DVD players, gaming systems, stereos, photocopiers, fax machines, cell phones, and appliances.

Sec. 82-361 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 82-361. - Conditional uses.

In the B-1 district, conditional uses shall be as follows:

(8) Electronic waste (e-waste) recycling drop-off facilities.

Sec. 82-387 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 82-387. - Conditional uses.

In the B-2 district, conditional uses shall be as follows:

...

(8) Electronic waste (e-waste) recycling drop-off facilities.

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 _____, 2023.

ROLL CALL VOTE:

CITY OF BERLIN

____ AYES
____ NAYS
____ ABSENT

BY:

Joel E. Brussel,
Mayor

APPROVED AS TO FORM:

ATTEST:

Sara L. Rutkowski,
City Administrator/City Clerk

Matthew G. Chier,
City Attorney

RESOLUTION # 23-06

FINAL RESOLUTION AUTHORIZING PUBLIC IMPROVEMENT AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY IN BERLIN, WISCONSIN FOR WORK AND PUBLIC IMPROVEMENTS IN THE FOLLOWING DESIGNATED AREAS:

Lafayette Street (N. Washington – N. Kossuth)

WHEREAS, the Common Council of the City of Berlin, Wisconsin, held a public hearing at 7:00 p.m. on June 13th, 2023, for the purpose of hearing all interested persons concerning the Preliminary Resolution, and Report of the City Engineer, on the following proposed public work and improvements:

Installation of sewer laterals on the following streets as shown on the accompanying maps:

Lafayette Street (N. Washington – N. Kossuth)

Install, repair, and replace sidewalks as necessary on the following streets, the specific extent of such improvements to be determined and included in the City Engineer's report referenced in paragraph 5 below:

Lafayette Street (N. Washington – N. Kossuth)

The property to be assessed lies within the following described assessment district:

Lafayette Street (N. Washington – N. Kossuth)

and heard all persons who desired to speak at the hearing.

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

1. The report of the City Engineer, a copy of which on file with the City Clerk's office, including the plans and specifications and assessments set forth therein, is adopted and approved. Detailed specification books shall be available upon request.
2. The City of Berlin has advertised for bids and the Berlin Water & Sewer Utility Superintendent & Department, and Berlin Street Superintendent & Department as applicable, shall supervise construction of the improvements in accordance with the report hereby adopted, along with the City Engineers.
3. Payment for the improvements shall be made by assessing those amounts from the properties benefited as indicated in the report.
4. Assessments shown on the report represent an exercise of the police power and have been determined on a reasonable basis and are hereby confirmed.
5. Assessments for all projects included in the report are hereby combined as a single assessment but any interested property owner may object to each assessment separately or all assessments jointly for any purpose.

- 6 Initial assessment will be due on November 1, 2023. Assessments may be paid in cash or annual installments to the City Clerk. Installments shall be placed on the next tax roll after the due date for collection and shall bear interest at the rate of 7% per annum on the unpaid balance beginning November 1, 2023.
7. The City Clerk shall publish this Resolution as a Class I Notice under Chapter 985, Stats., in the assessment district and mail a copy of this Resolution and a statement of the final assessment against the benefited property together with notice of installment payment privileges to every property owner whose name appears on the assessment roll whose post office address is known or can with reasonable diligence be ascertained.

Passed, approved, and adopted this 13th day of June, 2023.

ROLL CALL VOTE:

AYES

NAYS

ABSENT

CITY OF BERLIN

BY: _____
Joel Bruessel, Mayor

BY: _____
Sara Rutkowski, City Clerk

APPROVED AS TO FORM:

Matthew G. Chier
City Attorney



June 5th, 2023

City of Berlin

Sara Rutkowski – City Administrator
Scott Zabel – Streets Superintendant

Dear Sara and Scott,

This letter is to request a change in the City of Berlin's curbside collection days. Currently, WM services the city weekly on Monday and Thursday for both trash and recycling.

We are looking to move all Thursday residents to Monday service. This would allow us to service the entire city on the same day. To accomplish this, WM has the ability to send multiple trucks and drivers on the same day. This will eliminate another day of carts being on the streets of Berlin. Both trash and recycling will remain weekly.

WM would notify the affected residents of any such change, via postcard mailers. We can differentiate the Thursday route addresses, so only those residents moving from Thursday to Monday would be notified. This will help minimize any unnecessary confusion.

WM is looking to make these changes effective the week of July 10th, 2023. This will give us adequate time to ensure residents are notified of the changes. With approval, WM will start the process of completing the postcard mailers. A proof of the postcards will be sent to the city for approval before they would be sent.

Thank you for understanding, and working with WM to make your curbside collection as efficient as possible.

Sincerely,

Waste Management
Operations Team
Berlin, WI

Sara Rutkowski

Subject: FW: Possible change for Thursday service

From: Koehler, Chad <ckoehler@wm.com>

Sent: Wednesday, June 7, 2023 2:30 PM

To: Sara Rutkowski <srutkowski@cityofberlin.wi.gov>; Scott Zabel <szabel@cityofberlin.wi.gov>

Cc: Wolff, Jeffrey <jwolff4@wm.com>

Subject: RE: Possible change for Thursday service

We can confirm 9/16 for a Fall bulk event, if that date works for you. We would like to hold it from 8:00am to 12:00. Also, residents bringing dump trailers will be turned away or they will need to unload them on their own. We had a few residents try to take advantage of the free event, with construction materials hoping they wouldn't have to pay. These materials are not include for contractors and will be turned away.

Thanks,

Chad Koehler

Senior Account Executive – Public Sector

Upper Midwest

ckoehler@wm.com

C: 262-307-9368

5509 Fuller St.

Schofield, WI 54476



Access WM 24/7
with My WM



Background: Compliance Maintenance Annual Report (CMAR) is an annual report card on the operation of your Wastewater Treatment Plant, Collection System and Financial Management of the System. Your Treatment Plant received an A rating on all items.

If any Council member would like to see the complete report please contact Peggy, Jennifer or myself.

Thank you,
Brian A. Malnory
Superintendent

RESOLUTION 23-04

COMPLIANCE MAINTENANCE RESOLUTION

WHEREAS, the Department of Natural Resources through its Municipal Wastewater Section, Bureau of Wastewater Management, requires that a Compliance Maintenance Annual Report be filed annually by the City of Berlin Water & Sewer Utility, and

WHEREAS, it is required that the governing body of the City of Berlin review the said report and inform the Department of Natural Resources by resolution that it accomplished the review;

NOW, THEREFORE, BE IT RESOLVED:

That the City of Berlin, Wisconsin informs the Department of Natural Resources that the Common Council has reviewed and approved the Compliance Maintenance Annual report which is attached to this Resolution on June 13, 2023.

PASSED, APPROVED, AND ADOPTED, THIS 13TH DAY OF JUNE, 2023.

Approved as to form:

CITY OF BERLIN:

Matthew G. Chier, City Attorney

BY _____
Joel Bruessel, Mayor

BY _____

Roll Call Vote:

Attest:

_____Ayes
_____Nays
_____Absent

Sara Rutkowski, City Clerk

Compliance Maintenance Annual Report

Berlin Wastewater Treatment Facility

Last Updated: Reporting For:

5/4/2023

2022

Resolution or Owner's Statement

Name of Governing
Body or Owner:

Berlin Wastewater Treatment Facility

Date of Resolution or
Action Taken:

Resolution Number:

23-04

Date of Submittal:

ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO SPECIFIC CMAR SECTIONS (Optional for grade A or B. Required for grade C, D, or F):

Influent Flow and Loadings: Grade = A

Effluent Quality: BOD: Grade = A

Effluent Quality: TSS: Grade = A

Effluent Quality: Phosphorus: Grade = A

Biosolids Quality and Management: Grade = A

Staffing: Grade = A

Operator Certification: Grade = A

Financial Management: Grade = A

Collection Systems: Grade = A

(Regardless of grade, response required for Collection Systems if SSOs were reported)

Heavy rains during lead line replacement project throughout the City of Berlin

ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO THE OVERALL GRADE POINT AVERAGE AND ANY GENERAL COMMENTS

(Optional for G.P.A. greater than or equal to 3.00, required for G.P.A. less than 3.00)

G.P.A. = 4.00



Wis. Stats. 85.20 (State ID: 395.17700)
Urban Mass Transit Operating Assistance Program
2023 Grant Agreement
City of Berlin

Grant Agreement

Summary and Signature Page

PARTIES TO THE AGREEMENT

This Grant Agreement ("Agreement") is made by and between the State of Wisconsin Department of Transportation ("Department") and the City of Berlin ("Recipient").

STATE STATUTE AND ADMINISTRATIVE CODE CITATION

Consistent with its authority under Section 85.20, Wisconsin Statutes; rules set forth in chapters Trans 4 and Trans 6, Wisconsin Administrative Code; and the terms and conditions of this Agreement, including those contained in attachments to this Agreement and documents incorporated by reference the Department hereby agrees to provide the Recipient with program funds per the terms below.

PERIOD OF PERFORMANCE

January 1, 2023, through
December 31, 2023

AWARD MAXIMUM

Per Attachment A to this Agreement, the Department agrees to pay the Recipient an amount not to exceed **\$44,619**.

This Agreement shall become effective upon its complete execution by the Recipient and the Department.

RECIPIENT

(Attach additional signatures, if required by local regulations, on a separate sheet)

Signature: _____

Name: _____

Title: _____

Date: _____

STATE OF WISCONSIN

DEPARTMENT OF TRANSPORTATION

Signature: _____

Ian Ritz, Chief
Public & Specialized Transportation Section
Division of Transportation Investment Management

Date: _____



Grant Agreement

ARTICLE 1. TERMS OF PAYMENT

- A. Consistent with s. 85.20, Wis. Stats., the Department shall make payment to the Recipient exclusively to assist with costs that the Recipient incurs as a result of operating, either directly or indirectly through the use of one or more third parties, a public mass transit system ("Transit System") during calendar year 2023.
- B. The Department shall pay the lesser of:
 - 1. The Award Maximum specified in this Agreement.
 - 2. The nonfederal share of the Recipient's audited operating deficit.
 - 3. Five times the amount of the Recipient's local contribution as defined under s. 85.20 (4m) (b), Wis. Stats. This provision does not apply if the Transit System is a shared-ride taxi system.
- C. During the Period of Performance, the Department shall pay the Award Maximum amount to the Recipient in two lump sums, in accordance with Attachment A and consistent with applicable state law. In the event sufficient funds are not made available under s. 20.395, Wis. Stats., the Department will amend this Agreement to reduce state payments as necessary.
- D. The Department may withhold any and all payments due and owing the Recipient if the Recipient has not submitted any report required per Article 2 or Article 3, any associated invoice, or any other required document or record, until such time as the Recipient submits it as prescribed by the Department.

ARTICLE 2. RECIPIENT REQUIREMENTS

- A. The Recipient shall submit quarterly reimbursement and performance measures reports no more than thirty (30) days after the conclusion of each calendar year quarter. Additionally, the Department may require the Recipient to submit special reports from time to time.
- B. The Recipient shall submit all reports, invoices, and other required documents in the manner and form that the Department prescribes through Application instructions and other means.



Wis. Stats. 85.20 (State ID: 395.17700)
Urban Mass Transit Operating Assistance Program
2023 Grant Agreement
City of Berlin

- C. The Recipient shall pay the total operating deficit of the Transit System as its bills become due. If the Recipient contracts for mass transit service with a third-party transportation provider, the Recipient shall pay the provider consistent with contract terms and actual monthly operating deficits and shall make payments within thirty (30) days of Recipient's receipt of invoice. The Recipient may reduce payments to the provider by an amount equal to any overpayments made to the third party under this Agreement.
- D. The Recipient shall ensure that the Transit System provides reduced-fare programs for elderly and disabled persons during non-peak hours. Such reduced fares may not exceed one-half of the full adult cash fare applicable during peak hours of operation. This requirement is not applicable if the Transit System is a shared-ride taxi system.
- E. The Recipient shall count, or shall ensure that its third-party provider(s) count, Transit System total passenger trips taken during the calendar year in accordance with both the procedures set forth in Ch. Trans 3, Wis. Admin. Code, and the provisions of the Transit Management Plan ("Management Plan") that the Recipient submitted as part of its Application.
- F. The Recipient may not use funds paid under this Agreement for expenses incurred outside the Period of Performance unless the Recipient has sought prior written approval from the Department and has received such approval.
- G. The Recipient may not use program funds to purchase service from, or make sub-grants to, any third party without an attendant written contract, agreement, or purchase-of-service order that has been prepared and executed consistent with Department procedures and with applicable federal and/or State of Wisconsin procurement requirements. Third-party contracts, agreements, or purchase-of-service orders shall be available for inspection by Department officials, employees, or designees upon request.
- H. The Recipient shall ensure that the Transit System is managed and operated consistent with its 2023 Public Transit Assistance Program application, including the associated Management Plan and all other attachments thereto, as approved by the Department ("Application").



- I. If the Recipient wishes to make any modification to Transit System management or operation, it shall so notify the Department, in writing in a manner prescribed by the Department, at least twenty-eight (28) calendar days prior to implementing the modification. Within twenty-one (21) days of receiving the Recipient's notification, the Department shall determine whether the proposed modification represents a "substantive change" and shall respond to the Recipient.

If the Department concludes that a proposed Transit System modification represents a "substantive change" and that the modification is permissible under State law, it shall prepare an amendment to this Agreement and issue it to the Recipient for execution. The Recipient may not implement any "substantive change" until a corresponding amendment to this Agreement has been executed.

If the Department concludes that a proposed Transit System modification represents a "substantive change" and that the modification is not permissible under State law, it shall so notify the Recipient, and the Recipient may not implement the modification.

If the Department determines that a proposed Transit System modification is not a "substantive change," it shall so notify the Recipient, after which the Recipient may implement the modification. A formal amendment to this Agreement will not be required.

- J. Upon receiving either an Agreement amendment or notification of a "non-substantive change" determination from the Department in response to a proposed Transit System modification, the Recipient shall update its Management Plan accordingly. The Recipient shall provide the Department with the updated Management Plan in the form and manner that the Department specifies, within fourteen (14) days of receiving either the Agreement amendment or determination notification.
- K. All materials, equipment, and supplies that the Recipient acquires under this Agreement must comply fully with all safety requirements as set forth in law or rule by the State of Wisconsin, and with all applicable OSHA Standards.
- L. If local public bodies other than the Recipient contribute assistance to the operation of the Transit System, the Recipient shall allocate the state aid received under this Agreement among them in proportion to their contributions.



ARTICLE 3. ACCOUNTING, RECORDS, AND AUDITS

- A. The Recipient shall have a single, organization-wide financial and compliance audit performed by a qualified independent auditor, if required to do so under federal law and regulations. This audit shall be performed in accordance with federal Office of Management and Budget (OMB) Super Circular 2 CFR Part 200 and state single audit guidelines issued by the Wisconsin Department of Administration. Upon notice of any findings from this audit that involve the use of program funds, the Recipient shall inform the Department.
- B. The Recipient shall submit a year-end statement of expenses and revenues to the Department in the manner and form, and by the date, which the Department specifies. This statement shall reflect the full operating revenues and expenses incurred by the Transit System for the Period of Performance.
- C. All costs that the Recipient incurs under this Agreement shall be supported by properly executed payrolls, time records, invoices, contracts, or vouchers indicating the purpose of the expense. The Recipient, any co-recipients, contractors, subcontractors, and their affiliates shall maintain all documents and evidence pertaining to revenues, expenses, and cost allocations related to this Agreement. The Recipient shall be responsible for ensuring the compliance of all co-recipients, contractors, subcontractors, and affiliates with this provision.
- D. The Recipient shall retain all accounts and records as required above for a minimum of three (3) years after receipt of final payment under this Agreement. Until the Department completes its audit of Transit System financial activity during the Period of Performance, the accounts and records must be made available upon request by the Department or its designee for inspection and audit purposes.
- E. In conducting its audit, the Department shall determine the Transit System's eligible operating expenses, revenues, and operating deficit. Such determinations by the Department shall be made in accordance with generally accepted accounting principles and practices. The Department shall also determine the allowable federal share of the operating deficit.
- F. Based on the Recipient's eligible operating expenses, revenues, and allowable federal share of operating deficit, the Department shall apply the provisions of Article 1, Clause B to determine whether payment to the Recipient under the terms of this Agreement has exceeded the amount for which the Recipient is eligible.



- G. If the Department's audit establishes that payment to the Recipient under the terms of this Agreement has exceeded the amount for which the Recipient is eligible under s. 85.20, Wis. Stats., the Recipient shall refund to the Department upon demand a sum sufficient to reduce the payment to comply with the maximum allowed.
- H. The Recipient shall permit the Department or its designee access to inspect all vehicles, facilities, and equipment that are acquired with funds provided under this Agreement; all transportation services rendered by the Recipient through the use of such vehicles, facilities, and equipment; and all relevant project data, documents, and records.

ARTICLE 4. TERMINATION OF AGREEMENT

- A. The Department may terminate this Agreement at any time that the Department Secretary determines that the Recipient, lessee, or any third-party contractor has failed to perform in the manner called for in the Agreement or has failed to fulfill contract obligations. Failure of the Recipient or any third-party contractor to comply with the terms and conditions of this Agreement shall be considered cause for termination.
- B. The Recipient may terminate this Agreement upon receipt of a written, formal request by the Department at least thirty (30) calendar days prior to the proposed termination date.
- C. In the event that this Agreement is terminated, the Department shall be liable only for state aid payments for services rendered before the effective date of termination, not to exceed 65% of the Recipient's total operating costs less the prorated sum of other state operating assistance awarded the Recipient for the Period of Performance and assistance the Recipient is allocated under 49 USC §5311 during the Period of Performance, and subject to all applicable federal laws and state laws and rules.

ARTICLE 5. WHOLE AGREEMENT

All attachments and appendices to this Agreement are incorporated herein by annexation. Further, this Agreement incorporates by reference the entirety of the Recipient's 2023 Public Transit Assistance Program application, including the Management Plan and other documents attached thereto.



Wis. Stats. 85.20 (State ID: 395.17700)
Urban Mass Transit Operating Assistance Program
2023 Grant Agreement
City of Berlin

Attachment A: Schedule of Payments

Wis. Stats. 85.20 – Urban Mass Transit Operating Assistance

Award Summary

Total Budgeted Expenses	\$327,411
Total Anticipated Revenues	- \$57,500
Total Anticipated Net Deficit	= \$269,911
ARP Act Allocation	\$12,636
5311 Allocation	\$134,955
85.20 State Assistance	\$44,619
*Local Share	\$77,701

* Local share is an estimate only. Actual expenses and revenues will determine actual local contribution.

Schedule of Payments

Period	Payment Amount	Estimated Payment Date
1 st Payment (Quarter 1)	\$ 11,155	June 2, 2023
2 nd Payment (Quarters 2-4)	\$ 33,464	August 30, 2023
Payment Total	\$ 44,619	



Wis. Stats. 85.20 (State ID: 395.17700)
Urban Mass Transit Operating Assistance Program
2023 Grant Agreement
City of Berlin

Attachment B: Department Contacts

Wis. Stats. 85.20 – Urban Mass Transit Operating Assistance

Kevin Lange

Public Transit Program Manager
4822 Madison Yards Way, 6th Floor South
P.O. Box 7913
Madison, WI 53707-7913
(608) 266-2365 | kevin.lange@dot.wi.gov

Brian Kierzek

Public Transit Program Manager
4822 Madison Yards Way, 6th Floor South
P.O. Box 7913
Madison, WI 53707-7913
(608) 261-5695 | brian.kierzek@dot.wi.gov

To: Common Council

Date: June 8, 2023

RE: TID Façade and Building Improvement Program

From: City Administrator

We have received one application for the TID Façade Improvement Program.

In total, Council agreed to pay out \$127,196.85 to nine applicants of the programs.

The estimated TID balance is \$165,100 as of the 2022 Audit. The anticipated TID increment for 2023 is \$98,520.00.



City of Berlin TID # 15

Façade Improvement Program Application

Applicant Information:

Name(s): Kristina Brock
Phone # (cell): 920-290-5833 (home): _____ (work): 920-290-3045
Residential Address (street, city, state, zip): 174 S. Sweeting St. f 3045
Email: KristinaKbrock@gmail.com

Business Information:

Business Name: Baked Cakes by design
Business Address: 153 W Huron St 100 N Capitol
Business Phone #: 920-290-3045
Type of Business: Bakery
Check One: ☒ Individual ☒ Partnership ☐ Corporation
Name of Partners/Corporate Officers: N/A

Property Owner:

☐ Check if the same as Applicant

Name(s): Kristina K Brock
Phone # (cell): 920-290-5833 (home): _____ (work): _____
Residential Address (street, city, state, zip): _____
Email: _____

Project Information:

Description of proposed project (attach photographs, project plans or drawings):

painting awnings. I am looking to have my awnings painted & restored to looking good.

How does this project meet the purpose/mission of the Façade Improvement Project:

We want to help make Berlin beautiful. Painting the awnings will add a cleanliness to the look of our building.

Estimated start date: ~~May 2023~~ Estimated completion date: June 2023.

Project Budget: May 2023
30,

Total Cost: \$2,623.00

Total Cost requesting from facade program: \$1,311.50

Source of other funding:

Personal

Applicant(s) signature(s):

Theresa Black

Date:

.....For Office Use Only.....

Date received in Clerk's Office: _____

Received by: _____

Date of Next CC meeting: _____

Baked cakes by design
153 w Huron st & 106 N. Capron st
Berlin WI 54923
920-290-5833

Dear Council Members,

I am looking for approval for the facade program. I am painting the awning at Baked cakes by design. This will give a clean fresh look to the bakery and overall help the appearance of our downtown. It has been something I have wanted to do for a while now however when I bought the building there was some unexpected plumbing issues that took priority.

I was not planning on starting this project until July. However the painter had the week of May 30th to June 2nd available. I decided to move forward in hopes of receiving the facade grant. This project might be complete by the time you receive this. F.T.C Service s LLC will be doing the painting I have attached his quote. I also have attached some receipts for the paint. He will be powerwashing the awnings and painting them. We have chosen a lighter blackberry color to compliment the bakeries color scheme.

I apologize for not having anyone to present. My husband is at the fire department meeting and my mother is watching the kids. Hopefully with this letter I am able to answer all of your questions.

Thank you for you consideration.

Sincerely,

Kristina Boeck

Owner of Baked Cakes by Design

Paint needed to paint the Awnings at 153 w huron st and 106 N Capron st.
Project to begin May 30th,2023

2: 5 gallon exterior paint: \$247.00 menards: \$494.00

1- 5 gallon primer paint: \$129.00 lowes = \$129.00

Quote from painter: \$2000 = \$2000

Total of \$2623

Asking for \$1311.50

Half of total of project.

F.T.C Services LLC.

435 Bowen St.

Oshkosh, WI 54901

(715)574-7165

This is an invoice for Baked Cakes by design. This is for painting two awnings. The amount to paint is Two thousand dollars. If there's any questions or concerns, feel free to call me. Thank you.



MENARDS - OSHKOSH
2351 WESTOWNE AVE.
OSHKOSH, WI 54904

KEEP YOUR RECEIPT
RETURN POLICY VARIES BY PRODUCT TYPE

Unless noted below allowable returns for
items on this receipt will be in the form
of an in store credit voucher if the
return is done after 08/25/23

If you have questions regarding the
charges on your receipt, please
email us at:
OSHKfrontend@menards.com



Sale Transaction

VALUE PAINTER 2" TUBE	
5611714	2.00
VALUE PAINTER BRUSH	
5611481	4.00
MAXBOND+ EX PAINT SA BSC	
5548441	247.00
BULLS EYE 1-2-3 PRIMER	
5504857	129.99
GLAD BRUSH	*
4736841	1.11
GLAD EGG WHISK	*
4736848	1.11
GLAD SPATULA	*
4736849	1.11
TOTAL	389.30
TAX STATE OF WI 5%	19.47
TOTAL SALE	408.77
US Debit 9813	408.77
EFT Debit	
Ref# 180805271042	05/27/23 18:08:44
Chip Inserted	PRIMARY ACCT
a0000000042203	
TC - d4e9f7abfa2f2adf	

I need to
get 1 more
5 gallon
Max Bond.

TOTAL SAVINGS 3.54
TOTAL NUMBER OF ITEMS = 7

THE FOLLOWING REBATE RECEIPTS WERE
PRINTED FOR THIS TRANSACTION

Raze and Repair Orders/ Nuisance Complaints

Address of Property: 107 W Huron St.

Property Owner Name: Hussein Kader

Local Agent: Santiago Barraza?

Basic Information:

Parcel Number:	206-01758-0000
Assessed Property Value:	\$74,600.00
Est. Fair Market Value	\$113,400
Occupancy?	No, Two Apartments and one Retail Space
Taxes paid?	No, 2021 has \$ \$2,570.94 owed and 2022 has \$2,572.84 owed
Construction in Progress?	TBD

Neighbor complaints:

- On July 2016 Initial complaint to Community Development Director with report of extensive water damage to the interior of the property.
- November-December 2021 numerous complaints to Planning and Development Director from neighbors.

Contact with Owner:

- As of October 10th 2022 Santiago Barraza stated they are in the process of delivering the parts to install new drywall, flooring, ceilings, and windows this week. If all goes well, the work on these should commence over the next month with priority given to the windows and shoring of the back porch. The water infiltration of the roof has been mitigated with PVC tubing.
- Property Quit Claim Deeded to a Hussein Kader on 2/18/2023 but recorded May 11th 2023
- As of May 29th 2023 Santiago Barraza stated to PDD he remains the local agent and will be responsible for completing the scope of work required by the Building Inspector and Council by the date of the roofing permit's expiration. He was directed to facilitate an inspection by 6/5/23 and had responded he would be getting the façade permit on 5/31/23.

Extent of repairs needed vs completed (outside visibility vs inside):

- On all respective inspections below the Building Inspector communicated the necessity of repairing the structure and rear roof portion as well as removing the back porch.
- As of December 2022, the majority of the work completed within the last year has been clean-up of the debris inside the building. The work on the rear roof has not really started, with only an attempt to patch up drainage into a pvc drain being performed. There is still water infiltrating the structure from the roof through the basement in this back portion. They have ordered flooring, drywall, and windows to install in order to seal up the building, though the rear will take having a stable structure before any more weight should go onto it.
- Santiago has been in discussions with the Planning and Development Director though did not show up on Thursday, December 8th when he was to discuss potential grants and the general strategy.

Inspections:

- April 30 2021 the Building Inspector performed a complete inspection and drafted the progress report.
- July 28 2021 the Building Inspector performed an inspection finding no progress.
- November-December 2021 Planning and Development Director performed exterior inspections.
- On December 31 2021 the Building Inspector executed the special inspection and examined the entirety of the structure.
- A full inspection is scheduled for November 2nd 2022 at 10:30 A.M.
- A full inspection took place on November 9th at 10:30 AM. The owner's cousin was there to discuss the issues and hear the recommendations of the Building Inspector.

Permits pulled:

- On June 15th 2022 a permit was pulled for the installation of the rubber roof for the area of issue on the property, to result in the completion of a water-tight and structurally sound roof.
- Santiago Barraza has stated the remainder of the work on the 12-31-21 report will have a follow up permit pulled, depending on how the roof replacement goes, as this could reveal issues they may not know about yet.
- Roofing permit slated to expire 6/15/2023
- Dumpster Permit approved on 06/08/2023

Council Motions:

- From 2016-2018 Council motioned to ultimately record a raze order until agreeing to dismiss the raze order in March of 2018. Council had asked for periodic updates including October 2018 and January 2019.
- On December 7th 2021 COW instructed staff to do what it takes to get access for an inspection.
- On December 14th 2021 Council motioned to issue citations upon witnessing public nuisances.
- On January 11th 2022 Council updated their motion to recommend daily citations.
- On June 14, 2022 Council motioned to give 107 W Huron St until the next committee of the whole meeting to pull a permit as well as give a timeline to Common Council.
- On July 5th 2022 COW motioned to have the building inspector track the progress completed based off the last building inspection report as of 12/31/2021 at 107 W Huron St and have a written report presented once a month at common council meetings going forwarded.
- On August 9th 2022 Council made a motion that the owners report on any progress made to Council at next month's Council meeting. Added keeping open communication with Council is important.

Additional Relevant Information:

- Ramon Valez-Aleman sold the property around April 2020 before completing repairs. He had health issues and reached an impasse with fixing the property.
- Ramon Valez-Aleman had expressed interest in buying back the property multiple times between April 2020 and April 2022.
- On April 19th 2022 Green Lake County received a quit claim deed with Israel Barraza as the recipient of 107 W Huron.
- As of May 6th 2022, there has not been a permit pulled for the work to be done at this property.
- Permit #22-83-06B pulled on May 15th 2022 for Installation of Rubber Roof.
- February 3rd 2023 Ramon Valez-Aleman came to City Hall to discuss the potential acquisition of this property.
- On April 3rd, Owner conferred with staff that the interior is still being gutted. With weather improving, they are hoping to begin outside work soon. Owner inquired on how to obtain permit for large garbage dumpster.
- Santiago stating progress on gutting interior is going well, the crew has been getting work done. Now that the weather is improving again, they again asked about dumpster permit as they have it scheduled soon.
- Property Quit Claim Deeded to new owner May 11th 2023.
- Dumpster Permit Approved 06/08/2023.

Date	Note:
7/5/2016	Initial complaint to Community Development Director with report of extensive water damage to the interior of the property.
8/25/2016	Letter sent to property owner at the time, GARANA LLC, requesting entry to inspect property.
10/31/2016	Special Inspection Warrant filed to Green Lake County Circuit Court; endorsed 12-1-2016.
12/7/2016	Building Inspector Inspected property and noted substantial roof structure problems and water damage.
1/9/2020	Building inspector performed a roof inspection and found the front 2/3 complete though the rear still needed further repairs.
4/1/2020	Property sold and new owner instructed to continue work of previous owner or a Raze order would be considered.
12/14/2020	Property sold to John Ovalle who was mailed a request for inspection and informed of outstanding work for occupancy.
4/30/2021	First interior inspection by Building Inspector
7/28/2021	Second Interior Inspection by Building Inspector
10/1/2021	Raze or Repair Order filed with Register of Deeds.
12/3/2021	PDD called owner of record who would not provide access or pledge action.
12/6/2021	Building Inspector discussed the need for an inspection with the Owner of record.
12/7/2021	PDD reached realtor who was unable to provide access. Owner of record would not provide access.
12/7/2021	COW motioned to recommend citations and pursuing the Special Inspection Warrant.
12/14/2021	Request for Special Inspection Warrant Filed
12/31/2021	Council motioned to issue citations upon witnessing public nuisances.
12/31/2021	Special Inspection executed with findings recorded.
1/11/2022	Council given update of the inspection performed on 12-31-2022.
1/18/2022	PDD received a call from two prospective buyers inquiring about condition of roof.
1/27/2022	Building Inspector discussed property with a prospective buyer- not the same as the previous one.
2/9/2022	Default judgement based on evidence from Special Inspection Warrant from 12-31-21 and daily citations.
2/14/2022	Notification of default judgement and daily citation from City Attorney's office.
3/1/2022	Owner of Record stated property would be deeded over by end of month.
4/1/2022	Owner of Record had not deeded over the property.
4/4/2022	Purchaser discussed violations at property with PDD and explained effort to purchase property.
4/19/2022	Green Lake County received a quit claim deed with Israel Barraza as the recipient of 107 W Huron.
4/26/2022	New owner contacted Planning and Development Director to discuss permitting.
5/10/2022	Council motioned to give 107 W Huron St until the next common council meeting to pull the necessary permits as well as give a timeline to Common Council.
6/6/2022	Contact (owner's father) has indicated a permit would be acquired as soon as possible and took issue with the motion from council.
6/15/2022	Handson Enterprises LLC pulled permit #22-83-0613 for installation of Rubber Roof.
7/1/2022	Santiago Barraza stated they expect to be able to address the walls, flooring, ceilings and porch within the next year.
7/1/2022	Israel Barraza intends to have the building secure and safe as soon as possible; to facilitate a desirable income generating apartment
7/1/2022	Israel Barraza intends to have a second phase for the interior alterations needed to allow the storefront to be developed following the completion of the apartment.
7/5/2022	COW motioned to have the building inspector track the progress completed based off the last building inspection report as of 12/31/2021 at 107 W Huron St and have a written report presented once a month at common council meetings going forward.
7/25/2022	Planning and Development Director then Building Inspector discuss with Santiago Barraza the order from Council. He would not provide possible dates to obtain permit for remainder of work and did not answer the request for access. This may require another special inspection permit to accomplish.
8/9/2022	The owner stated to Council the roof is priority before working on any other places in the building. They have a contract ready to go for the windows in the back room. Expected completion time was 3.5 weeks.
8/9/2022	On August 9th 2022 Council made a motion that the owners report on any progress made to Council at next month's Council meeting. Added keeping open communication with Council is important.
9/7/2022	PDD called Santiago Barraza to discuss any updates. Santiago stated the sealing of the roof to mitigate future damage has been completed and he intends to follow up this with structural work, repair of the back porch including windows, electrical and heat with forthcoming permit (s).
10/10/2022	Santiago Barraza stated they are in the process of delivering the parts to install new drywall, flooring, ceilings, and windows this week. If all goes well, the work on these should commence over the next month with priority given to the windows and shoring of the back porch. The water infiltration of the roof has been mitigated with PVC tubing.

11/2/2022	A full inspection is scheduled for 10:30 A.M.
11/9/2022	A full inspection took place on at 10:30 AM. The owner's cousin (George?) was there to discuss the issues and hear the recommendations of the Building Inspector.
12/8/2022	Santiago Barraza has been in discussions with the Planning and Development Director though did not show up when he scheduled a meeting and discussion of potential grants and the general strategy.
12/13/2022	As of CC December 2022, the majority of the work completed within the last year has been clean-up of the debris inside the building. The work on the rear roof has not really started, with only an attempt to patch up drainage into a pvc drain being performed. There is still water infiltrating the structure from the roof through the basement in this back portion. They have ordered flooring, drywall, and windows to install in order to seal up the building, though the rear will take having a stable structure before any more weight should go onto it.
1/9/2023	Santiago Barraza has stated the remainder of the work on the 12-31-21 report will have a follow up permit pulled, depending on how the roof replacement goes, as this could reveal issues they may not know about yet.
2/3/2023	Ramon Valez-Aleman came to City Hall to discuss the potential acquisition of this property.
4/3/2023	Santiago Barraza called staff to discuss the interior is still being gutted. With weather improving, they are hoping to begin outside work soon. Owner inquired on how to obtain permit for large garbage dumpster and street clearance.
5/3/2023	Santiago stating progress on gutting interior is going well, the crew has been getting work done. Now that the weather is improving again, they again asked about dumpster permit as they have it scheduled soon.
5/11/2023	Property Quit Claim Deeded to new owner Hussein Kader
5/29/2023	Santiago Barraza stated to PDD he remains the local agent and will be responsible for completing the scope of work required by the Building Inspector and Council by the date of the roofing permit's expiration. He was directed to facilitate an inspection by 6/5/23 and had responded he would be getting the façade permit on 5/31/23.
6/8/2023	Dumpster Permit Approved & Roof work has clearly begun.
6/15/2023	Roofing Permit Expires

To: Common Council

RE: Nuisance Properties Update

Date: 06/08/2023

From: Sara Rutkowski, City Admin
Timothy Ludolph, Planning & Development Director

In 2022, Staff worked out a new nuisance approach plan as the previous process was spread through several departments that were not communicating well with each other, resulting in some properties being pursued by multiple departments and some properties being missed entirely, which Council approved. The plan was to begin full implementation of the new process in spring of 2023. That new approach is included after this update.

In April of 2023, staff drove through eight "main" streets in the community: Broadway/Huron, Ripon Rd, Wisconsin, Ceresco, Canal, Center, N. Capron and Memorial Drive. The idea was to initially focus on the main streets that people driving through our community would see and then branch out to other streets. Staff's plan was to look for the main nuisance violations that typically result in complaints: structural damage to property, peeling paint or other exterior issues, excessive garbage, and off-street parking. Staff was expecting to find maybe 20 properties in violation. Staff was wrong. Total properties for the initial drive through was 60+, with roughly 20 additional properties put in a "check back in 30 days as it looks like they might be working on it" category.

Staff then issued letters to the property owners, which outlined the code violations, including photos, and included copies of the relevant city code. This is a step that must occur if the case were to proceed to Municipal Court. All letters had a 30-day response requested time frame. In the middle of May 2023, staff drove around for a second time. This was essential to track progress for the properties that did not abate. If the issue remained, residents received a second letter. An additional 30 letters from neighbor complaints were issued at this time. This resulted in a total of just under 120 nuisance letters total being issued between the first and second round. In comparison, a usual year would result in 10-15 nuisance letters at the most.

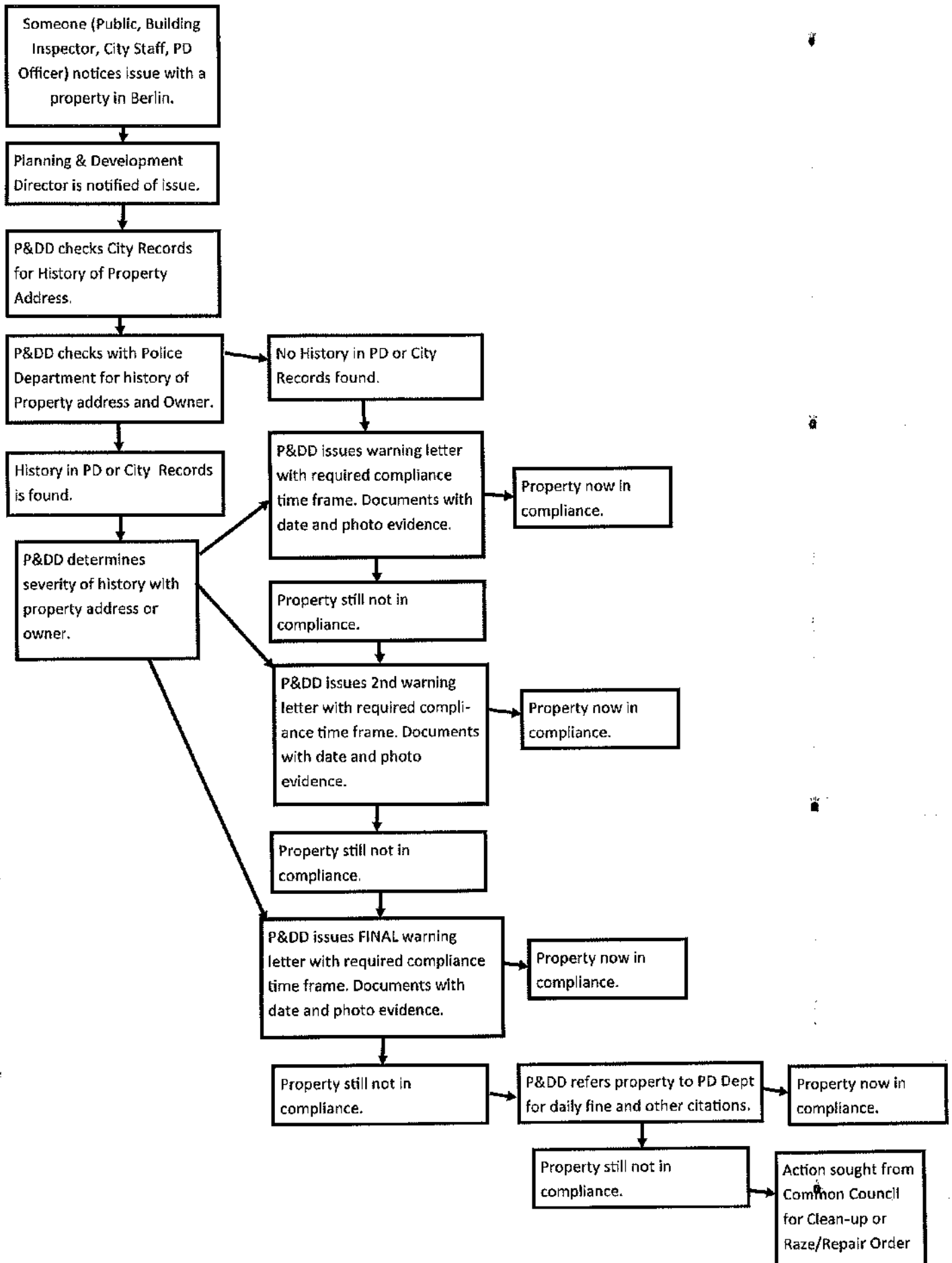
Out of the properties that received a letter (or letters), we have found roughly a third have abated (fixed the issue), a third have not responded in any way, and a third have reached out for a variety of reasons that range from feelings of anger, feelings of understanding and admitting their property needed some love, claims of discrimination, wanting to turn in a neighbor they feel is "worse" than their property (all which were written down), requests for assistance, and other reasons. Staff did receive a few compliments on how the City is "cleaning itself up finally" so it wasn't all bad.

If residents reached out, we have tried to offer what assistance we have available in our community. We do regret that some people might have been lost in the shuffle and are doing what we can to reconnect with everyone. Alderpersons who have a resident reach out are encouraged to send them to the City Administrator.

Absolutely no citations have been issued yet. We want to provide residents with a reasonable amount of time and staff understands some of these projects can be quite costly. Businesses were offered the TID façade and business improvement grants, as well as other State Grant program information. Residents were offered the CDBG housing loan program and other state programs. Unfortunately, there is a gap in our community of home owners who do not qualify for the CDBG or other low-income programs but are unable to raise the needed funds to do repairs on their properties. Staff has seen the need for an additional housing program to assist those that fall into that gap.

Staff's plan is to continue to reach out to residents and business and offer what assistance we can. We do plan on a third drive through the community before a third letter is issued. If third letter recipients do not respond within 30 days, staff will continue to follow the nuisance process approved by Council and forward it to the Police Department for the issuance of citations. To be clear, this is only going to be used in the worst-case scenario of no response. If residents have reached out to staff and are keeping staff up to date as to what progress they are making on their properties, staff has effectively halted their nuisance and put them in a hold status.

Staff understands community members are upset and are working with those that we can. We stress the importance of this process, as the idea is to prevent more raze and repair properties from being created. This spring has identified two possible buildings that may result in raze or repair status. Staff is working with the building inspector and will be presenting to Council at a future date regarding these properties as needed.



**2023 - 2024 CLASS "A" & CLASS "B" BEER
"CLASS A" & "CLASS B" INTOXICATING LIQUOR LICENSE AND "CLASS C" WINE LICENSES**

Notice is hereby given that the following applications for licenses to deal in intoxicating liquor have been filed with the City Clerk of the City of Berlin, Wisconsin for the year ending June 30, 2024:

Berlin Lanes LLC, Eric Berndt, 119 N Pearl St, Berlin, Agent for Berlin Lanes LLC, 119-123 N Pearl Street, Berlin, Class "B" beer and "Class B" liquor license (**Also Applied for AD**)

Bijak's Culinary Café, LLC, Nicholas Bijak, 567 E Marquette St, Berlin, Agent for Bijak's Culinary Café, LLC, Class "B" Beer and "Class C" Wine license

Boeck's Rentals LLC, Frank H. Boeck, W2110 Puchyan Rd. Berlin, Agent for Driftwood, 209 Broadway, Berlin, Class "B" beer and "Class B" liquor license (**Also Applied for AD**)

Buckys Bar LLC, Stacy Zietlow, W1162 Cty Rd X, Berlin, Agent for Buckys Bar LLC, 115 W Huron Street, Berlin, Class "B" beer and "Class B" liquor license (**also Applied for AD**)

Boomba's LTD, Benjamin J. Bombinski, 225 Broadway, Berlin, Agent for Boomba's LTD dba Clem's Bar, 223 Broadway, Berlin, Class "B" beer and "Class B" liquor license (**Also Applied for AD**)

Cheema & Cheema LLC, Inderjeet Cheema, 538 Ann Court, Berlin, Agent for Malchetske on Broadway, 265 Broadway, Class "A" beer and "Class A" liquor license (**Also Applied for TOB**)

Condon Oil Company, Kraig Bauman, 434 Stonehedge Court, Ripon, Agent for Berlin BP, 247 Ripon Road, Class "A" beer license and "Class A" liquor (Cider only) license (**Also Applied for TOB**)

El Charro, LLC, Gelacio Poscual Rubio, 222 W North Water St. #A, New London, Agent for El Charro, LLC, 103 W Huron St, Class "B" beer and "Class B" liquor license

Fox Cavern, LLC, Joshua Nigbor, 273 N Washington St, Berlin, Agent for Fox Cavern, 124 E Huron ST, Class "B" beer and "Class B" liquor license (**Also Applied for AD**)

Dolgencorp, LLC, Rene Gillhouse, N9625 Wildflower Ln, Berlin, Agent for Dollar General Store #6966, 289 Church St, Berlin, Class "A" beer and "Class A" Liquor (**Also Applied for TOB**)

HIMGIRI LLC, dba Berlin Oil, Buddi Subedi, 3045 Winnipeg St, Menasha, WI 54952, Agent for Berlin Oil, 703 Broadway, Class "A" beer license and "Class A" liquor license (**Also Applied for TOB**)

Hoot N' Hollar LLC, Ajshe Jecevicus, N470 County Road XX, Berlin, Agent for Hoot 'Nannys, 122 E Huron Street, Class "B" beer and "Class B" liquor license (**Also Applied for AD**)

Izzy's Dockside Diner, Inc., Ajshe Jecevicus, N470 County Road XX, Berlin, Agent for Izzy's Dockside Diner, 186 Broadway, Berlin, Class "B" beer and "Class B" liquor license (**Also Applied for AD and OA**)

Jeff's on the Square, L.L.C., Jeffery M. Bending, 535 Van Horn Street, Berlin, Agent for Jeff's on the Square L.L.C, 116 N Capron Street, Berlin, Class "B" beer and "Class B" liquor license

Kwik Trip, Inc., Andrew J. Tessaro, 274 N Hunter St, Berlin Agent for Kwik Trip #777, 270 Broadway, Class "A" beer license and "Class A" liquor license (**Also Applied for TOB**)

Lopez Restaurants LLC dba Las Brasas Mexican Restaurant, Aidee Lopez, 312 Ripon Rd, Berlin, Agent for Las Brasas Mexican Restaurant, 215 Ripon Road, Class "B" beer and "Class B" liquor license (**Also Applied for AD**)

Mastricola's on Broadway, Barry Mastricola, 703 Sandy Pines Ct, Redgranite, Wi, Agent for Mastricola's on Broadway, 689 Broadway, Berlin, Class "B" beer and "Class B" liquor license (**Also Applied for AD and OA**)

Misty Inn LLC, 221 Broadway, Patricia Day, Agent for Misty Inn LLC, 221 Broadway, Class "B" beer and "Class B" liquor license (**Also Applied for AD**)

Mark R. Vandre, 114A North Capron Street, Berlin, Agent for The Rendezvous, 114 N Capron Street, Class "B" beer and "Class B" liquor license (**Also Applied for AD and OA**)

The Art Bar, LLC, Michelle Ann Omichinski, 136 Pierce St, Berlin, Agent for The Art Bar & Boutique, 114 W Huron St, Class "B" beer and "Class B" liquor license (**Also Applied for OA**)

Wal-Mart Stores East, LP, Todd Janzen, 479 Center Street, Berlin, Agent for Wal-Mart #1727, 861 County Rd F, Berlin Class "A" beer and "Class A" liquor license (**Also Applied for TOB**)

Wells-Krause Post No. 2925 of the Veterans of Foreign Wars of the United States, Department of Wisconsin, Richard Bartol, W769 Klondike Rd, Berlin, Agent for Wells-Krause VFW Post 2925, 420 N Wisconsin Street, Class "B" beer and "Class B" liquor license (**Also Applied for OA**)

AD = Amusement Devices OA = Outdoor Activity TOB = Tobacco Products

To: Common Council
Date: 06/08/2023
From: Sara Rutkowski, City Administrator
RE: ARPA Funds Availability

Beginning Amount: \$563,640.00

What has been spent: \$315,470.11 (highest estimate)

- Playground total \$95,937
- Security Cameras \$65,485.00
- City Hall Roof \$79,742.82
- ½ Library Roof \$34,533 (total was \$69,066)
- Fire Station Generator \$17,575.45 + installation costs (not to exceed 25K)
- Mueller Communications \$9,772.29
- Senior Center Stairs \$5,000 (not to exceed \$5K)
- Fire Panel \$15,000 (not to exceed \$15K)

Funds Remaining Estimate: \$233,170

Clerks Department Financial Software ARPA Funds Request

Background:

We are in need of a new financial software in the Clerk's office and would need to use ARPA funds to purchase it due to the high beginning cost. Our current software is over 22 years old, the number of municipalities that have it is dropping every year, support is almost non-existent at this point and it is difficult for new staff members to learn as it is extremely clunky. The Clerks have spent several months researching what software would be the best fit for our system based off of the accounts we use, funds we have, balancing we do, and day to day clerking needs. We are currently looking at two softwares: AccuFund and Workhorse.

The expected cost for all the programs we would need (basic financial, utility billing, point of sale, fixed assets) is between 25-30K, depending on the final software we decide to go with.

We are asking for ARPA funds to purchase these software programs to not exceed \$30,000. The remaining funds and yearly fees that follow would be paid out of the Clerk's software budget lines.



City of Berlin, WI

AccuFund Software Proposal

Prepared for:
Sara Rutkowski,
City Administrator

June 6, 2023

Prepared by:
Mark Lynch
Director of Sales, AccuFund
markl@accufund.com
603-560-9259





June 6, 2023

Sara Rutkowski
Town of Administrator
City of Berlin, WI
108 N Capron Street
Berlin, WI 54923

Dear Sara,

AccuFund, Inc. is pleased to provide this proposal to the City of Berlin, WI. Since 2001, AccuFund prides itself on developing strong client relationships while continually delivering top-quality financial management solutions its customers rely on to help fulfill their missions.

AccuFund addresses and solves your current key challenges, while also helping to position your organization for future success:

1. Comprehensive Financial Management Software Solution
2. Robust Reporting
3. Reduce Manual Processes and Increase Productivity
4. Streamline Decision-Making with Key Dashboard Metrics

Thank you for your consideration. We look forward to continuing the discussion.

Best regards,

Mark Lynch

Mark Lynch
Director of Sales, AccuFund
www.accufund.com

About AccuFund

Our passion is helping you help others.

AccuFund is 100% focused on serving nonprofits and government entities. It's all we do.

AccuFund is dedicated to providing easy-to-use, flexible, and powerful financial management software for nonprofit, endowment, representative payee and government organizations. We are a leader in cloud technology, document management, reporting and visualization, and payroll.

AccuFund is based in Castle Rock, Colorado. Our employees and value-added resellers are guided by their deep desire to help others; with experience rich in fund accounting, nonprofit governance, and local government.

We have a team of nonprofit and government experts offering consulting and implementation services across the country.

20+
Years in
Business

1600+
Client
Relationships

90+ %
Client
Retention

100%
Fund Accounting
Focus

AccuFUND®

Government Testimonials



"I thought it was a very good program when I started using it, but as I got it organized and set up to meet all our needs, it has evolved into an outstanding program providing tremendous time savings." —J. Mason, City Treasurer, City of Craig, Alaska



"The auditors can just access the AccuFund system and see everything that they need to see. They can see the source documentation because we scan in all the invoices and general ledgers that are attached to the entries. They don't need us to pull anything, which makes the audit painless. The paperless audit is the best." —J. Milner, finance director at City of Franklin, New Hampshire



"AccuFund also offers great reporting capabilities. It's very easy to send reports to Excel or a PDF, which is a big plus for us. Another neat feature is the ease with which we can email a report directly from the system to a department manager." —P. Harris, Cripple Creek, Colorado



"We experienced noticeable time savings once we switched to AccuFund. It has a smoother, more streamlined process." —B. Sienkiewicz, City of Lewisburg, West Virginia



"With AccuFund, it is very easy to make any corrections and have them reflected wherever they apply in the system. You can also create customized reports that are very in-depth and deliver the exact information you're looking for." —G. Ball, former treasurer, Easton Volunteer Fire Department, Maryland



"The beauty of AccuFund is that you don't necessarily need to print a report or print it to PDF; you can actually drill down in the report and see the source data. AccuFund has provided us with numerous reporting capabilities we didn't have before that make our report creation much easier." —A. McCreery, finance director at Mt. Lebanon, Pennsylvania



"The most positive impact – and most critical – was the more accurate and efficient financial reporting. Our ability to pull data on an actual basis, directly from our accounting system, improves the timeliness and accuracy of our reporting." —T. Pennington, Business and Accounting Supervisor at Rancho Simi Recreation and Park District, California

ACCUFUND®

Discovery Call Recap

ORGANIZATION GOAL

Upgrade financial software to improve reporting, financial controls, and help move toward more efficient practices long term.

CURRENT SITUATION

- Organization is using Banyon currently to handle accounting needs
- Handles payroll in-house;
- Requirements include Core, Accounts Receivable, Fixed Assets, Payroll with HR, Utility Billing; Potential interest in Pay Portal (uses another vendor currently)
- 5 Named Users
- Numerous issues with Banyon including declining support

RECOMMENDATION

- Move to the Cloud
 - Improve remote access & promote collaboration
 - Free up IT staff & boost cost efficiency
- Build a long-term plan to streamline and go paperless. Consider adopting the Employee Portal, Requisitions, Budget & Forecasting, and the Pay Portal long term to help in this process.
- Utilize AccuFund's Dashboards to capture rolled-up information for key decision-making
- Archive Legacy Database for historical transactions

AccuFund Proposed Modules



AccuFund Core System*

- General Ledger
- Financial Report Writer
- Accounts Payable
- Cash Receipts
- Bank Reconciliation
- Dashboard
- Forms Designer/Data Export
- Data Import
- System Security
- Document & Image Scanning
- EFT Payment in Accounts Payable

Popular AccuFund Add-On Modules



• **Accounts Receivable**

- Workbench Automations



• **Fixed Assets**



• **Payroll (HR, Employee Timesheet Entry, Time Clocks)**

- Web Portal (Browser access for managers and staff to dashboards, financial, & other components)
- Requisitions Management
- Purchasing with Inventory
- Grants Management
- Budget Development & Forecasting
- Position Control



• **Utility Billing**



• **Pay Portal**

- Client Accounting
- Client Invoicing
- Representative Payee



Recommended

Implementation Methodology

An AccuFund Implementation Specialist will lead your organization through the implementation process.



Cloud Pricing & Implementation

Quote for City of Berlin, WI

Monthly Online Standard Edition- Anywhere	Qty.	Monthly	Annual
AccuFund Anywhere Core- 5 users	5	\$470	\$5,640
Accounts Receivable	1	\$60	\$720
Payroll Suite with HR	1	\$125	\$1,500
Fixed Assets	1	\$60	\$720
Utility Billing	1	\$125	\$1,500
Pay Portal (online payments)	1	\$75	\$900
Total AccuFund Software Components		\$915	\$10,980

AccuFund Maintenance, Enhancements & Support (Included)	\$0
Total Annual Software Cost	\$10,980

Implementation Estimate	Hours	Estimated Cost
Implementation Planning	4	\$600
**Data Import- 3 years of trial balance data	12	\$1,800
Setup & Training -Anywhere Core & Accounts Receivable	24	\$3,600
Setup Payroll Suite	30	\$4,500
Setup, Data Import & Training- Fixed Assets	6	\$900
Setup & Training Utility Billing	30	\$4,500
Setup & Training Pay Portal	4	\$600
*Total Implementation Cost - Estimated	110	\$16,500

*Please note this proposal is an estimate based on the initial needs analysis and is valid for 90 days. Implementation is not to exceed above hours/cost unless change order is agreed upon due to specific circumstances. During implementation the client and AccuFund's professional services team will have access to the software to design, configure, and train users. During this time period for a period of 90 days the subscription fees will be reduced by 50%.

**AccuFund to import data and budget information. The data import estimate assumes that the client will prepare the data for import in the templates provided by AccuFund. The client will have the option to bring additional data into AccuFund at a cost of \$150 per hour. The client may likely archive legacy system data.

On-Premise Software Pricing

Quote for City of Berlin, WI

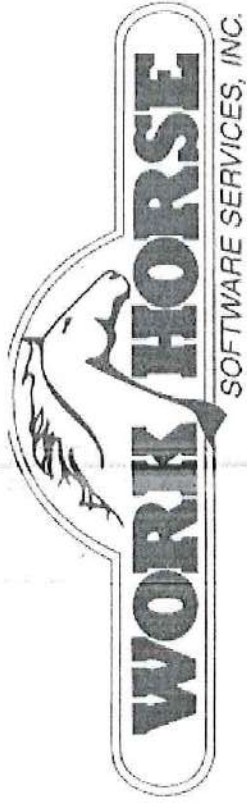
Monthly Online Standard Edition- Anywhere	Qty.	Cost
AccuFund Anywhere Core- 5 users	5	\$8,785
Accounts Receivable	1	\$1,000
Payroll Suite with HR	1	\$2,600
Fixed Assets	1	\$1,000
Utility Billing	1	\$2,000
Pay Portal (online payments)	1	\$1,400
Total AccuFund Software Purchase Cost		\$16,785

Annual Maintenance, Enhancements & Support Costs **\$5,038**

Implementation Estimate	Hours	Estimated Cost
Implementation Planning	4	\$600
**Data Import- 3 years of trial balance data	12	\$1,800
Setup & Training -Anywhere Core & Accounts Receivable	24	\$3,600
Setup Payroll Suite	30	\$4,500
Setup, Data Import & Training- Fixed Assets	6	\$900
Setup & Training Utility Billing	30	\$4,500
Setup & Training Pay Portal	4	\$600
Consulting Fee Software Install		\$500
*Total Implementation Cost - Estimated	110	\$17,000

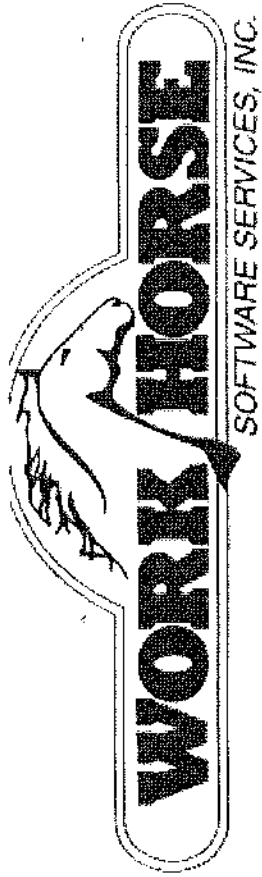
*Please note this proposal is an estimate based on the initial needs analysis and is valid for 90 days. Implementation is not to exceed above hours/cost unless change order is agreed upon due to specific circumstances.

**AccuFund to import data and budget information. The data import estimate assumes that the client will prepare the data for import in the templates provided by AccuFund. Client will have the option to bring additional data into AccuFund at a cost of \$150 per hour. Client may likely archive legacy system data.



HOME PRODUCTS PRICE LIST REQUEST A DEMO SUPPORT POLICY CUSTOMER SUPPORT

Product	Purchase Price	Training Included
<u>Municipal Accounting</u>	\$8,500	16 hours
<u>Municipal Payroll</u>	\$6,500	8 hours
<u>Payroll Portal</u>	\$3,000	4 hours
<u>Utility Billing</u>	\$7,500	16 hours
<u>Utility Billing LITE</u>	\$3,600	4 hours
<u>Utility Inventory</u>	\$3,100	4 hours
<u>Miscellaneous Billing</u>	\$3,600	4 hours
<u>Special Assessments</u>	\$3,600	4 hours
<u>Fixed Asset Information Management</u>	\$3,100	4 hours
<u>Receiving</u>	\$1,000	n/a
<u>Cemetery Information Management</u>	\$2,500	4 hours



[HOME](#) [PRODUCTS](#) [PRICE LIST](#) [REQUEST A DEMO](#) [SUPPORT POLICY](#) [CUSTOMER SUPPORT](#)

Product	Annual Support
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<u>Municipal Accounting</u>	\$1,350
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<u>Municipal Payroll</u>	\$1,350
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<u>Utility Billing</u>	\$1,350
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<u>Utility Billing LITE</u>	\$675
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<u>Utility Inventory</u>	\$575
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<u>Miscellaneous Billing</u>	\$750
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<u>Special Assessments</u>	\$700
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<u>Fixed Asset Information Management</u>	\$600
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<u>Receipting</u>	n/a
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<u>Cemetery Information Management</u>	\$550
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City of Berlin TID #10 RESOLUTION #23-07

TAX INCREMENTAL DISTRICT (TID) AFFORDABLE HOUSING EXTENSION RESOLUTION

WHEREAS the city of Berlin created TID #10 on July 6th, 1993, and successfully completed implementation of the project plan and sufficient increment was collected or will be collected in 2023 from the 2022 tax roll to pay off its aggregate project costs; and

WHEREAS state law requires termination of a TID after all project costs have been paid, state law (Sec. 66.1105(6)(g), Wis. Stats.) does allow extension of a TID up to one year, using the last year of tax increment to improve the City's housing stock; and

WHEREAS at least 75 percent of the final increment must benefit affordable housing with the remaining portion used to improve housing stock; and

THEREFORE BE IT RESOLVED that the City of Berlin hereby extends the life of the TID #10 for 12 months from the date of this resolution to use the final year's increment collected in 2024 from the 2023 tax roll to benefit affordable housing; and

BE IT FURTHER RESOLVED that the City of Berlin shall use the final increment to improve housing quality and affordability by implementing a grant and/or low interest rate loan housing repair program to utilize at least 75% of the final increment to benefit affordable housing and any remaining portion to be used to improve the City's housing stock; and

BE IT FURTHER RESOLVED that the City of Berlin shall adopt a termination resolution by July 6th, 2024; and

BE IT FURTHER RESOLVED that the City of Berlin Clerk shall notify the Wisconsin Department of Revenue by providing a copy of this resolution.

Passed, approved and adopted this 13th day of June 2023.

Resolution introduced and adoption moved by Alderperson _____, with motion for adoption seconded by Alderperson _____, on a roll call motion passed.

ROLL CALL VOTE:

_____ AYES

_____ NAYS

_____ ABSENT

CITY OF BERLIN

BY: _____
Joel Bruessel, Mayor

APPROVED AS TO FORM:

ATTEST: _____
Sara Rutkowski
City Clerk

Matthew G. Chier
City Attorney



City of Berlin

Governing Bodies Member Handbook

Adopted by Common Council
_____ 2023

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**City of Berlin
Green Lake & Waushara Counties
State of Wisconsin**

**Chapter 1:
Local Government Authority and Structure**

Introduction and Welcome

Welcome to the exciting world of being an official of the City of Berlin! You will find that a leadership position in municipal government can be both rewarding and challenging. This Handbook has been created to assist you with the transition into your position. It will provide an overview of Berlin and its government, your primary responsibilities, and how elected and appointed officials, as well as staff, can work together in the most efficient and effective way to best serve the Berlin community. While this Handbook is designed to answer many of the commonly asked questions of new City officials, it cannot begin to address all the topics and knowledge required for you to successfully fulfill your position. It is important that you develop relationships with other City of Berlin elected and appointed officials and staff, and feel free to ask any questions you may have.

This Handbook will at times include references to other policies, ordinances, or regulations. If there is any unintended conflict between what is set forth in this Handbook and any such referenced policy, ordinance, regulation, or statute, always defer to the actual referenced policy, ordinance, regulation, or statute.

City of Berlin's Municipal Authority

The City of Berlin is a Municipal Corporation with authority vested in the Common Council and the Mayor, who is the executive leader of the City. Berlin, like many other Wisconsin cities under the Home-Rule charter in Chapter 62 of Wisconsin law, has the power to govern itself regarding local matters except where the State has specifically prohibited that power. Berlin is one of 143 cities that is a 4th Class City, as Berlin has 9,999 or fewer residents. The City of Berlin is governed by the provisions of Wis. Stats. chs. 62 and 66, laws amending those chapters, other acts of the legislature and the state constitution.

Mayor-Common Council Form of Government (Sec. 2-1(a) of the City's Code of Ordinances)

The City of Berlin operates under the mayor-common council form of government under Wis. Stats. ch. 62. The City of Berlin's Mayor and Alderpersons are elected by the voters and must reside in the wards they are elected to. The Common Council is the legislative branch of City government. The Common Council consists of 6 ward Alderpersons and the Mayor. The primary business of the Common Council is the passage of laws in the form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The Common Council is also responsible to fix the salaries of all officers and employees of the City, and is charged with the official management and control of City property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the City, for its commercial benefit and for the health,

safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, forfeiture, imprisonment and other necessary or convenient means. The Common Council is also vested with all the powers of the City not specifically given to other officers, as well as any other powers set forth elsewhere throughout the City's Code of Ordinances. By ordinance, the Common Council meets the second Tuesday of each month at 7:00pm.

City of Berlin's Boards, Commissions and Committees

In addition to the Common Council, the City of Berlin has various other governing bodies, including boards, committees, and commissions. The duties and authority of these boards, committees, and commissions are established under Wisconsin Statutes or the City's Code of Ordinances or are delegated from the Common Council or other overseeing governing bodies. Many times, issues that arise before the City must be reviewed and acted upon in some way by a board, committee, or commission, before going to the Common Council for final action. The City has several permanently established boards, committees, and commissions, commonly referred to as "standing committees". Other boards, committees, or commissions may be created by act of the Common Council, or other overseeing governing bodies, to undertake a specific duty or project for a temporary period. Each board, committee, and commission function varies, and the City's Code of Ordinances offers guidance as to each. The proceedings of the below listed boards, committees, and commissions (which are all standing committees) are generally governed by the City's Code of Ordinances (mostly in Chapter 2) but may also be subject to rules established by the Common Council or each said governing body on its own. The Common Council, and all other boards, committees, and commissions must adhere to the requirements of open meetings laws.

Committee of the Whole (Sec. 2-45 of the City's Code of Ordinance)

The Committee of the Whole consists of all members of the Common Council, i.e., the Mayor and the six Alderpersons, but acts as a committee. The idea of the Committee of the Whole is for matters intended to be brought to the Common Council for action to be first discussed and deliberated in more detail prior to going to the Common Council. In larger legislative bodies, this process of advance review and deliberation would normally be done by various subcommittees, but since the City of Berlin Common Council is so small, it was decided that this activity would be done by one committee made up of the entirety of the Common Council. The City's Code of Ordinances (Sec. 2-45(b)) specifically provides:

All matters and business of the city that must be considered by the common council shall first be submitted to the committee of the whole for its recommendation unless recommendations have been received from the four standing commissions or two-thirds of the elected members thereof waiving the prior submission.

Further, pursuant to Sec. 2-45(c) of the City's Code of Ordinances, the Committee of the Whole meets the first Tuesday of each month at 7:00pm.

Plan Commission (Secs. 2-506 – 512 of the City's Code of Ordinance)

The Plan Commission consists of the Mayor, one Alderperson, the President of the Parks & Recreation Commission, and four residents of the City. Both the Mayor and the designated Alderperson are full, voting members. Additional Alderpersons are eligible to be appointed

to the Plan Commission as one or more of the required four residents of the City. The Plan Commission oversees all matters related to zoning, land use planning, and comprehensive planning, including but not limited to updates or changes to the Zoning Code, the Comprehensive Plan, and the Official City Map. The Plan Commission oversees a variety of issues related to economic development and public improvements. Many issues that are to be submitted to the Common Council must first mandatorily be referred to the Plan Commission, such as the location of memorials or acquisition of lands for parks, abandonment/vacation of roads or utilities, and proposed Certified Survey Maps, plats, and subdivisions. The Plan Commission also has exclusive authority to review and approve site plans for commercial developments. The Plan Commission meets on the last Tuesday of the month at 6:00pm.

Parks & Recreation Commission (Secs. 2-526 – 534 of the City's Code of Ordinance)

The Parks & Recreation Commission consists of seven residents of the City of Berlin. Alderpersons are eligible to be appointed to the Parks & Recreation Commission as full voting members, subject to the requirements of Wis. Stat. §66.11(2), exclusive of a Common Council Liaison which is a nonvoting position (see more on Common Council Liaisons below in this Handbook and in Sec. 2-46 of the City's Code of Ordinances). The Parks & Recreation Commission oversees all parks, playgrounds and recreational activities within the City. On a number of issues, the Parks & Recreation Commission has exclusive authority to make decisions, but on other issues the Parks & Recreation Commission has advisory or shared authority with the Common Council. For example, acquisitions which are structural in nature or will have a significant impact on the physical layout of any of the parks, and which exceed \$5,000.00 in value, are required to first be submitted to and approved by the Common Council. The Parks & Recreation Commission meets on the first Wednesday of the month at 4:30pm.

Library Board (Secs. 2-246 – 247 of the City's Code of Ordinance)

The Library Board is created and regulated pursuant to Wis. Stats. ch. 43 and consists of seven members. Not more than one member of the Common Council shall at any one time be a member of the Library Board. The Mayor appoints all members of the Library Board but must appoint the Berlin Area School District Superintendent or that Superintendent's representative to the Library Board. The Library Board oversees the Berlin Public Library and Library Trust Fund. The Library Board meets on the second Tuesday of each month at 4:30pm.

Committee on Aging (Secs. 2-536 – 543 of the City's Code of Ordinance)

The Committee on Aging consists of seven members, five of whom must be residents of the City of Berlin. The remaining two members may be nonresidents, if such persons are actively employed in the City in a managerial position in the field of aging. Alderpersons are eligible to be appointed to the Committee on Aging as full voting members, subject to the requirements of Wis. Stat. §66.11(2), exclusive of a Common Council Liaison which is a nonvoting position (see more on Common Council Liaisons below in this Handbook and in Sec. 2-46 of the City's Code of Ordinances). The Committee on Aging oversees the Berlin Senior Center and serves in an advisory capacity to the Common Council for all aging related issues. However, the Common Council does have authority to take direct action (without recommendation from the Committee on Aging) on certain issues (such as accepting gifts with a fair market value of greater than \$2,500.00, the borrowing or lending of funds, and a variety of others) if the issue was referred to the Committee on Aging but

not acted on within 60 days. Further, the Common Council also has exclusive authority over a few issues (meaning no referral to the Committee on Aging is needed at all), including but not limited to the acceptance or conveyance of interests in real estate and investment of all aging related program accounts and funds, other than funds obtained through any public fundraiser or from donations, gifts, memorials, or bequests to any aging related program. The Committee on Aging meets the fourth Tuesday of each month at 9:30am.

Cemetery Board (Secs. 2-401 – 408 of the City's Code of Ordinance)

The Cemetery Board consists of seven residents of Berlin. Alderpersons are eligible to be appointed to the Cemetery Board as full voting members, subject to the requirements of Wis. Stat. §66.11(2), exclusive of a Common Council Liaison which is a nonvoting position (see more on Common Council Liaisons below in this Handbook and in Sec. 2-46 of the City's Code of Ordinances). The Cemetery Board oversees Oakwood Cemetery, the Cemetery Trust Funds, and the Cemetery Sexton. The Cemetery Board also serves in an advisory capacity to the Common Council on all cemetery related issues. However, the Common Council does have authority to take direct action (without recommendation from the Cemetery Board) on certain issues (such as accepting gifts with a fair market value of greater than \$2,500.00, the borrowing or lending of funds, and a variety of others) if the issue was referred to the Cemetery Board but not acted on within 60 days. Further, the Common Council also has exclusive authority over a few issues (meaning no referral to the Cemetery Board is needed at all), including but not limited to the acceptance or conveyance of interests in real estate and investment of all related program accounts and funds, other than funds obtained through any public fundraiser or from donations, gifts, memorials, or bequests to any Cemetery related program. The Cemetery Board meets the third Wednesday of each month at 6:00pm.

Board of Appeals (Secs. 82-116 – 127 of the City's Code of Ordinance)

The Board of Appeals is created and regulated pursuant to Wis. Stat. § 62.23(7)(e) and consists of five regular members and two alternate members. All members must be residents of the City of Berlin pursuant to Sec. 2-327 of the City's Code of Ordinances. Alderpersons are eligible to be appointed to the Board of Appeals as full voting members, subject to the requirements of Wis. Stat. §66.11(2). The Board of Appeals hears all appeals from any person aggrieved, or by any officer, department, board, or bureau of the City affected by any decision of the Zoning Administrator. A typical scenario is when the Zoning Administrator determines that a building is in violation of a zoning regulation, and the landowner appeals that determination to the Board of Appeals either to rule that the Zoning Administrator made an incorrect determination or to request a variance from the applicable regulation. The Board of Appeals also hears all applications for conditional use permits, special exception permits, and unclassified and temporary uses. The Board of Appeals is a quasi-judicial body, and not a legislative body, meaning it hears cases and applications that come before it which involve interpretations of zoning ordinances, but does not have the authority to pass any zoning regulation or ordinance. The UW-Extension in conjunction with the DNR have published a Zoning Board Handbook that contains more information and guidance for board members and staff. It is available at City Hall. The Board of Appeals meets as needed the third Tuesday of the month at 5:30pm.

Board of Review (Secs. 2-351 – 353 of the City's Code of Ordinance)

The Board of Review consists of five regular members and two alternate members. All members must be residents of the City of Berlin pursuant to Sec. 2-327 of the City's Code of Ordinances. None of the members may occupy any public office or be publicly employed by the City or employed in violation of Wis. Stat. § 70.46(1m). The Board of Review is also governed by Wisconsin Statutes 70.46 & 70.47. The Board of Review oversees the tax assessments on parcels within City Limits and approves the assessment roll for real and personal property. The Board of Review listens to all objections to valuations. One member of the Board of Review must receive training every year and the training materials are available at City Hall for all members to use as needed. The Board of Review meets on one day within 45 days of the last Monday in April typically for two hours.

Police & Fire Commission (Secs. 2-481 – 484 of the City's Code of Ordinance)

The Police and Fire Commission consists of five residents of the City Berlin. The City of Berlin is one of only 15 communities in Wisconsin (at the time of drafting of this Handbook) that has adopted Optional Powers for its Police & Fire Commission, granting more authority to the Commission. The Police and Fire Commission oversees the Police Department and the Fire Department and meets the first Wednesday of the month at 6:30 pm. The League publishes a "Handbook for Wisconsin Police & Fire Commissioners" which provides detailed guidance and information for Police & Fire Commissioners, well beyond what is provided in this Handbook. A copy is provided to all members of the Commission and also may be obtained by contacting the City Administrator's office.

Community Development Authority (Secs. 2-431 – 432 of the City's Code of Ordinance)

The Community Development Authority consists of seven resident persons having sufficient ability and experience in the fields of urban renewal, community development and housing. Two of the Commissioners shall be members of the Common Council and shall serve during their term of office as members of the Common Council. The Community Development Authority is created and granted all of the power and privileges created by Wis. Stats. § 66.1335. More specifically, the purpose of the Community Development Authority is to carry out blight elimination, slum clearance, urban renewal programs and projects, and housing projects. The Community Development Authority may act as the agent of the City in planning and carrying out community development programs and activities approved by the Mayor and Common Council under the federal housing and community development act of 1974 and as agent to perform all acts, except the development of the general plan of the City, which may be otherwise performed by the Plan Commission under Wis. Stats. § 66.1105, 66.1301 to 66.1329, 66.1331, or 66.1337. The Community Development Authority meets as needed.

Sewer & Water Commission (Sec. 74-1 of the City's Code of Ordinance)

The Sewer & Water Commission consists of five resident persons. The Sewer & Water Commission shall administer the sewer and water utilities of the City. Berlin's Water operation is defined as a "Public Utility" under ch. 196 of Wis. Stats, and is regulated by the Public Service Commission. The Sewer and Water Commission meets the last Wednesday of each month at 4:30 pm.

NOTE: Agendas for all meetings of the above governing bodies and a municipal calendar are available on the City Website at www.cityofberlin.net/agendas-minutes/.

Chapter 2:

Duties, Policies and Practices of City of Berlin Public Officials

Much of the responsibility of serving as an elected official, or an appointed member of a governing body, lies in learning and understanding exactly what is expected of you. This chapter defines some of the basic duties associated with being an elected official, or an appointed member of a governing body, and provides a guide to some of the more common operations you will encounter.

In order to be effective, all public officials must work as part of a team to establish a shared vision for the future, develop goals and plans that make that future possible, and work with their colleagues and constituents to enact the local policies and laws that will ultimately lead to accomplishment.

Holding a public office is an act of service to the public – that is, service to all the residents of the City, not just those who share your views or voted for you. It is a challenge that will require you to rise above the fray, to reach beyond your comfort zones, and to work with others with whom you may have significant differences. Rising to that challenge is what makes democracy work.

To govern well, City leaders must help each other, and the public stay focused on the future and the common good. That can be an uphill struggle when the passions of the movement lead to demands for instant solutions, or when there is a deep division over a single issue that threatens to push longer-term problems aside. There will always be occasions when public officials differ among themselves. But the mark of leadership is the ability to handle those differences in ways that move the agenda forward, build trust, and create a civic culture of mutual respect that makes progress possible.

Legislative vs. Executive Authority

The City of Berlin's Common Council, and nearly all of boards, committees, and commissions, are governing bodies. Governing bodies are usually legislative bodies (exceptions would be the Board of Appeals and Board of Review which are quasi-judicial bodies), and the Common Council is the primary legislative body for the City. Legislative bodies make policy decisions and are involved in the process of reviewing and/or approving budgets, resolutions, and/or ordinances. The basic job of public officials is to find balance among themselves and represent the City's residents' best (and sometimes competing) interests, while also taking non-resident taxpayer and visitor interests into account.

While governing body members make policies via legislative authority, executive authority contemplates the implementation and administration of those policies. Learning the difference between these two key functions and respecting the boundaries is critical to a well-run government. In the City of Berlin, the executive authority (day-to-day oversight over departments and employees) lies with the Mayor and the City Administrator. The separation of legislative and executive authority serves not only as a check on the exercise of authority between the two branches of local government, but also promotes efficient day-to-day operation and staff direction.

Mayoral Powers & Duties (Sec. 2-43 of the City's Code of Ordinances)

The City of Berlin Mayor has the following duties and powers:

- The Mayor presides at common council meetings and votes on matters before the Common Council only in cases of a tie.
- While the Mayor is a member of the Common Council, the Mayor is not counted in determining whether a quorum is present at a Common Council meeting.
- The Mayor shall be elected in odd-numbered years for a term of two years.
- The Mayor shall be the chief executive officer of the City.
- The Mayor shall ensure that ordinances and laws are observed and enforced, and that all boards, committees and commissions discharge their duties.
- The Mayor shall give the Common Council such information and recommend such measures as deemed advantageous to the City.
- The Mayor shall have veto power as to all acts of the Common Council, except such as to which it is expressly or by necessary implications otherwise provided. All such acts shall be submitted to the Mayor by the City's Clerk-Treasurer, and shall be enforced upon the Mayor's approval, evidenced by the Mayor's signature, or upon the Mayor's failing to approve and disapprove within five days, which fact shall be certified thereon by the Clerk-Treasurer. If the Mayor disapproves, the Mayor shall file the Mayor's objection with the Clerk-Treasurer, who shall present it to the Common Council at its next meeting.
- The Mayor shall have such other duties and responsibilities as prescribed by statute. See Wis. Stat. § 62.09(8).

Presiding Officer (Secs. 2-44 & 2-55 of the City's Code of Ordinances)

At Common Council and Committee of the Whole meetings, the Mayor is the presiding officer. At the Common Council's organizational meeting the third Tuesday in April, the Common Council shall choose a President. If the Mayor is unable to attend a meeting, the President of Common Council becomes the presiding officer. All other governing bodies of the City will need to appoint a presiding officer to preside over their meetings, unless a presiding officer is specified by ordinance or statute (such as in the case of the Plan Commission, for which the Mayor is the presiding officer). The presiding officer has the important duty of preserving order at meetings. The presiding officer shall also preserve decorum, decide all questions of order and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in most current edition of Robert's Rules of Order, Newly Revised, unless otherwise provided by statute or by such rules. Any member shall have the right to appeal a decision of the presiding officer. An appeal shall be sustained by a two-thirds vote of the members present, excluding the presiding officer.

Common Council Powers & Duties (Secs. 2-1(b), 2-41, 2-44 & 2-47 of the City's Code of Ordinances)

The Mayor and Alderpersons of the City shall constitute the Common Council. The Common Council has the following powers and duties:

- The Common Council shall be vested with all of the powers of the City not specifically given to another officer.
- Except as otherwise provided by law, the Common Council shall have the management and control of City property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the City, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, forfeiture, imprisonment and other necessary or convenient means.
- The Common Council may acquire property, real or personal, within or outside the City, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or continuous to the City, by means other than condemnation, for industrial sites; may improve and beautify such property; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such City-owned property, except dedicated, platted parks.
- The Common Council is authorized to acquire by gift, purchase or condemnation, under Wis. Stats. ch. 32, any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Wis. Stats. § 62.23; and may sell and convey such easements or property rights when they are no longer needed for public use or protection.
- The Common Council may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that such tax or special assessment was unjust or illegal; and generally, may manage the City's finances.
- The Common Council may join with other cities, towns or villages in a cooperative agreement to execute any power or duty in order to attain greater economy or efficiency.

Conduct of Deliberations of Governing Bodies (Sec. 2-59 of the City's Code of Ordinances)

In the City of Berlin's Code of Ordinances, it outlines procedural rules that apply to Common Council meetings. For issues not covered by a specific rule in the Code of Ordinances, or in Wisconsin Statutes, the most current edition of Robert's Rules of Order, Newly Revised shall govern. The following are some rules of conduct that apply to the Common Council:

- No Alderperson shall address the Common Council until that Alderperson has been recognized by the presiding officer. Such Alderperson shall address only the presiding officer directly and confine that Alderperson's remarks to the question under discussion.

- When two or more Alderpersons simultaneously seek recognition, the presiding officer shall name the Alderperson who is to speak first.
- No person other than an Alderperson shall address the Common Council except under order of business, except that citizens may address the Common Council with the permission of the presiding officer as to matters which are being considered by the Common Council at the time.
- No motion shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn or amended without the consent of the person making such motion and the person seconding it.
- The Mayor shall not vote except in the case of a tie. When the Mayor does vote in the case of a tie, the Mayor's vote shall be counted in determining whether a sufficient number of the Common Council has voted favorably or unfavorably on any measure.
- A majority vote of all of the members of the Common Council in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by ordinance or statute. Except as otherwise provided, a majority vote of those members present shall prevail in other cases.
- When a question is under discussion, the following motions shall have precedence in the order listed:
 - o To adjourn.
 - o To recess.
 - o To lay on the table.
 - o To move the previous question.
 - o To postpone to a day certain.
 - o To refer to a committee.
 - o To amend.
 - o To postpone indefinitely.

Although the above rules generally refer to the Common Council, these rules should be similarly applied to all the City's governing bodies unless otherwise specified in an ordinance or statute. As an example of such an exception, although the Mayor is the presiding officer of the Plan Commission, the Mayor still has authority to vote per Sec. 2-508 of the City of Berlin Code of Ordinances. The key is to be aware of all special rules of conduct which may apply to your governing body. Only if there is no special rule, then the most current edition of Robert's Rules of Order, Newly Revised can be consulted for guidance.

Decorum Policy for Governing Body Members

Purpose

It is the policy of the City of Berlin to uphold, promote, and demand the highest standards of ethics from its elected and appointed officials. Accordingly, City of Berlin governing body members shall maintain the utmost standards of personal integrity, trustfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as

public servants, comply with all applicable laws, and never use their City position to disparage, harass or abuse others.

The City of Berlin and its elected officials share a commitment to ethical conduct and service to the city and its residents. By adoption of this Policy, it is the hope and expectation of the Common Council that all governing body members individually, and governing bodies as a whole, will aspire to these high standards. If these shared objectives are not met in any instance, self-correction will occur in most every case, with alternative enforcement measures a rare and last option.

Scope and Covered Behaviors

The expectation is that all governing body members shall treat their colleagues, City employees and members of the public in a welcoming, fair, respectful, and equitable manner.

This Policy applies to the conduct of governing body members at and during meetings, but also at any other location or on any platform that can be reasonably regarded as an extension of the workplace, including but not limited to the use of a telephone, voicemail, text messages, and/or any social media or online platforms.

Governing body members shall refrain from engaging in any types of inappropriate conduct (bullying, discrimination, harassment, intimidation, retaliation, etc.) directed at their colleagues, City employees or members of the public.

Governance of the City relies on the cooperative efforts of governing body members who set policy and the City staff who implement and administer such policy. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each other for the good of the community.

At public meetings, governing body members must follow all applicable rules of order and decorum. Individual governing body members shall only speak when recognized or otherwise entitled to speak under applicable rules of order and decorum. Speaking over or at the same time as another governing body member so that it is difficult or impossible to discern what each governing member is saying shall never be allowed. Individual governing body members shall refrain from addressing each other directly, but rather communicate to the entire body by addressing the presiding officer. Governing body members shall refrain from disparaging or personally attacking another governing body member.

Governing body members shall treat all City staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each staff member is expected. Disrespectful behavior toward staff is not acceptable. Governing body members shall never demean or personally attack an employee regarding the employee's job performance in public.

A governing body's authority resides in its actions as a body; thus individual governing body members shall not give orders to any City employee. Individual governing body members may make requests of City staff and City staff may act upon those requests within the context of department priorities, work plans, and directives of the applicable department head or the City Administrator.

Nothing in this section shall be construed, however, as prohibiting a governing body, while in session, from fully and freely discussing with or suggesting to department heads or City employees anything pertaining to the City's affairs or interests, within the context of that governing body's scope of authority and responsibility.

No City elected official should solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, collection of petition signatures, etc.) from City staff. City staff may, as private citizens within their constitutional rights, support political candidates, but all such activities must be done away from the workplace. Photographs of uniformed City employees shall not be used in political ads.

Making the public feel welcome is an important part of the democratic process. One of the City's strategic objectives is to increase desired public participation and encourage diverse viewpoints. No signs of partiality, prejudice, or disrespect should be evident on the part of individual governing body members toward an individual participating in a public hearing. Every effort should be made to be fair and impartial in listening to public testimony. Governing body members are expected to demonstrate, both publicly and privately, their honesty and integrity, and to be an example of appropriate and ethical conduct. All governing body members should convey to the public their respect and appreciation for the public's participation, input, and opinions.

For many citizens, speaking in front of a governing body is a new and difficult experience. Under such circumstances, many are nervous. Governing body members are expected to treat citizens with care and respect during public hearings. Council members should commit full attention to speakers or presenters. Comments and non-verbal expressions should be appropriate, respectful, and professional.

Only the presiding officer, not other governing body members, should interrupt a speaker during that speaker's remarks. However, other governing body members may ask the presiding officer for a point of order if the speaker is off the topic or exhibiting behavior or language the governing body member finds does not meet standards of conduct. Questions directed by individual governing body members to members of the public testifying should seek to clarify or expand information, not to criticize or debate.

Internal Powers of the Common Council as to Election and Qualification of Members, Attendance, and Neglect of Duty (Sec. 2-49 of the City's Code of Ordinances)

The Common Council shall be the judge of the election and qualification of its members and may compel their attendance and may fine or expel for neglect of duty.

Attendance of Meeting Requirements for Governing Body Members (refer to Attachment A: Attendance Policy for Common Council, Boards, Committees, & Commission)

Section 2-49 of the City of Berlin's Code of Ordinances provides that the Common Council may compel attendance of its members and may fine or expel for neglect of duty. The Code of Ordinances does not provide any special provisions relating to attendance of members of other governing bodies. Therefore, the Common Council adopted, by resolution, an Attendance Policy for Common Council, Boards, Committees, & Commissions. The Attendance Policy provides a definition of acceptable attendance and a process to be

followed to remedy problematic attendance situations. Attendance is important to ensure the utmost effectiveness and representation of the full membership for recommendations and decisions of our local government.

It is vital to acknowledge that most boards, committees and commissions are made up of citizens volunteering their time in doing their civic duty. On occasion, the Mayor, Alderpersons, and members of other boards, committees, and commissions will have work or other personal circumstances that may interfere with meeting attendance. The Attendance Policy is not meant to address an occasional absence for legitimate purposes. The Attendance Policy is meant to provide direction to the Common Council and other boards, committees, and commissions on how to "compel attendance" when situations arise where a member has consistently poor attendance, or has unexcused absences, which affects their contributions to the governing body.

General Enforcement of Governing Body Policies and Procedures

Unless expressly limited by another provision in this Handbook, a City resolution or ordinance, or a separately adopted City policy, all violations by a governing body member of any provision of this Handbook, including but not limited to all City policies established or referenced in this Handbook, shall be subject to the following general enforcement policies and procedures. Further, if a separately adopted City policy contains special or alternative penalties or enforcement procedures that conflict with these general enforcement policies and procedures, then such special or alternative penalties or enforcement procedures shall take precedence. However, in the absence of such a conflict, these general enforcement policies and procedures shall be deemed supplementary to, and not in lieu of, any such special or alternative penalties or enforcement procedures stated in a separately adopted City policy.

This Handbook, and all City policies referenced herein, are intended to be self-enforcing by each applicable governing body. All governing body members, upon entering office, shall be provided a copy of this Handbook, and all policies referenced herein, and shall sign an acknowledgement of receipt certifying that they have read and understand this Handbook, and all policies referenced herein, and pledge to comply with all requirements therein.

Violations of any policies or rules of decorum or order during a public meeting may be noted promptly after their occurrence by rising to a point of order and stating the violation or concern. The presiding officer of the meeting shall rule on the point of order, which does not need a second and is not debatable. The presiding officer's decision shall stand unless challenged and reversed by a majority vote of the members present and voting during an open session.

Any governing body member who feels a violation of this Handbook, or any City policy referenced herein, has occurred during or outside of a public meeting may raise the issue privately with the governing body member whose actions are in question. Attempts should be made to resolve any issue in a professional, private manner. If unsuccessful, either governing body member may ask for the assistance of the normal presiding officer of that applicable governing body in mediating the issue or conflict. That presiding officer may also request that the Mayor, Common Council President, City Administrator, or appropriate City staff assist in attempting to resolve the matter. In the event that the applicable

presiding officer, Mayor, or Common Council President is involved in the dispute, any of the others of such persons shall attempt to mediate the issue or conflict.

Any City employee who feels a violation of this Handbook, or any City policy referenced herein, has occurred during or outside of a public meeting may consult with their department head or the City Administrator, and together they may raise the issue privately with the governing body member. Any member of the public who feels a violation of this Handbook, or any City policy referenced herein, has occurred during or outside of a public meeting may raise the issue privately with the governing body member. Attempts should be made to resolve any issue in a professional, private manner. If unsuccessful, the governing body member, City employee or member of the public may ask for the assistance of the normal presiding officer of that applicable governing body in mediating the issue or conflict. That presiding officer may also request that the Mayor, Common Council President, City Administrator, or appropriate City staff assist in attempting to resolve the matter. In the event that the applicable presiding officer, Mayor, or Common Council President is involved in the dispute, any of the others of such persons shall attempt to mediate the issue or conflict.

The censure process is anticipated to be rare and shall be utilized only after the methods of resolution outlined above are attempted. If the matter remains unresolved, the complaining governing body member, City employee or community member may file a sworn written complaint with the City Clerk. The Clerk shall provide a copy of the complaint to the party alleged to be in violation. Complaints shall first be heard by the applicable governing body of which the alleged violating party is a member and to which the complaint relates, giving each party to the dispute the opportunity to be heard. If the applicable governing body, by majority vote (which may include the vote of the alleged violating party if present as part of the quorum), so recommends, a Censure resolution shall be prepared by the City Attorney stating the findings as directed by such governing body. Such censure resolution shall be presented to the Common Council. Such resolution shall be adopted only upon a 3/4th or greater vote of all members of the Common Council.

Another possible sanction for violation of this Handbook, or any City policies referenced herein, shall be removal from office. The procedure for removing city officers is set forth in Wis. Stat. § 17.12 and varies depending on whether the office is elective or appointive, and whether the officer's appointment was subject to Common Council confirmation. These factors will determine whether the officer can be removed at pleasure or can only be removed for cause. "Cause" is defined as "inefficiency, neglect of duty, official misconduct or malfeasance in office."

The Common Council can remove elective City officers for cause and may remove appointive officers for cause, regardless of who appointed them. With the exception of Police & Fire Commissioners, appointive officers appointed by the Common Council may be removed by the Common Council at pleasure. Police & Fire Commissioners may be removed by the Common Council only for cause. Officers appointed by any other officer or body without Common Council confirmation or concurrence, may be removed at pleasure by the appointing officer or body. Although the statute does not expressly state this, the implication is that officers appointed subject to Common Council confirmation may only be removed by the Common Council.

An additional procedure for having the Circuit Court remove any board of review member is set forth in Wis. Stat. § 17.14.

Removals by the Common Council require an affirmative vote of $\frac{3}{4}$ or more of all the members thereof. Removals by any other governing body consisting of three or more members, require an affirmative vote of $\frac{2}{3}$ or more of all the members thereof. Any officer lawfully removed from office is ineligible to appointment or election to fill the vacancy caused by the person's removal.

The Mayor may summarily suspend from office any City officer whose removal is being sought and against whom charges have been filed and may appoint an officer to discharge the duties of that office until such charges have been disposed of. If such charges are dismissed, the suspended officer must be restored to his or her office and is entitled to the emoluments of the office for all of the time the officer would have served therein had the officer not been suspended.

No employment or disciplinary action will be taken against any governing body member, City employee, or member of the public who makes a good faith complaint pursuant to this Handbook, or any City policy referenced herein, even if the process fails to substantiate the allegations of the complaint. However, no governing body member or City employee may file a complaint in bad faith. No City employee shall be discouraged from filing a complaint under this Handbook, or City policy referenced herein. Prohibiting or discouraging an employee from filing a complaint under this Handbook, or City policy referenced herein, by a governing body member of the City is itself a prohibited behavior subjecting such party to the complaint process and possible sanctions hereunder.

Common Council Liaison Responsibilities (Sec. 2-46 of the City's Code of Ordinances)

The Mayor shall appoint Common Council liaisons annually at the organizational meeting, where each Alderperson is to be appointed as a Common Council liaison to a commission, board or committee of the City, or any other organization, subject to confirmation by a majority of the Common Council. Common Council liaisons shall not be voting members of commissions, boards or committees to which they are appointed, unless required by another statute or ordinance. The primary purpose of a liaison is to facilitate and maintain communication for mutual understanding and cooperation between the Common Council and the City's other Boards, Committees and Commissions.

Council Liaisons have the following duties and expectations:

- An Alderperson acting as a liaison to a Common Council advisory committee or other body (a "Committee") is not a member of the Committee. Rather, the Alderperson is a positive resource to support the Committee in the completion of its work or direction given to it by the Common Council.
- A Common Council member liaison is acting as a representative of the full Common Council and, as such, has no authority to provide any direction or guidance to the committee other than direction or guidance that clearly represents direction or guidance of the full Common Council.
- A Common Council member liaison shall not attempt to influence the work or recommendations of the committee. More specifically,

- the Common Council member shall not take part in the committee's deliberations or discussions unless
 - the committee requests the Common Council member's participation in a particular discussion (in this situation, the Common Council member must expressly state that such Common Council member is speaking for that Common Council member individually, not for the entire Common Council) or
 - the Common Council member determines that such Common Council member must speak up in order to remind the committee of the Common Council's direction, City policies, or laws, including the Open Public Meetings Act and the Public Records Act;
- the Common Council member shall not take part in any votes or decision making of the committee, unless required by another statute or ordinance.
- The Common Council member liaison shall work to ensure that the committee is only taking actions or doing work that is within the scope of the committee's work as determined or approved by Common Council. The liaison can do this by, for example, reminding the committee as needed of the scope of work that the Common Council set for the committee.
- The Common Council member liaison shall bring to the Common Council any requests from the committee.
- The Common Council member liaison shall work to ensure that the Common Council is regularly updated on the work of the committee as needed.

Agenda Packet & Minutes Responsibilities

A governing body's meeting agendas and the supporting materials are an important element in preparing for a meeting of that governing body. For most governing bodies, the Clerk-Treasurer, or other City staff member, compiles the agenda with final approval by the Mayor or other presiding officer and gathers all pertinent information that should be addressed by the governing body members. Governing body members may request the Mayor (as to the Common Council or Committee of the Whole) or the applicable presiding officer to add a particular topic to an agenda. Alternatively, governing body members may notify the Clerk-Treasurer, or other applicable City staff member, of any particular topics that they would like to be included on an agenda, understanding that any such topics will be added only upon approval of the Mayor or presiding officer as applicable. Also, topics may be directed to be added to an agenda of a future meeting (even over the approval of the presiding officer) by a majority vote of the applicable governing body at a meeting. Many governing bodies have standing agenda items called "New Business" and "Old Business" which may be used for this purpose. Also, see Sec. 2-57 regarding special procedures for introduction of business, resolutions and ordinances to the Common Council.

The Clerk-Treasurer, or other applicable City staff member, will be responsible for originating the agenda and supporting documents. The agenda and packet are compiled electronically, and the agenda will be posted to the City's website the week before a meeting (or otherwise in compliance with open meeting laws advance posting requirements, which is generally 24 hours but can be reduced to 2 hours in emergencies). Agendas are posted at

the Bulletin Board at the entrance to City Hall, on the City Website and sent to the Berlin Journal for publication. An important part of a governing body member's role is to review agenda materials prior to the governing body's meeting so that all are adequately informed of the topics to be discussed and can ask questions prior to the meeting and make decisions in an educated manner.

Following each governing body meeting, the Clerk-Treasurer, Deputy Clerk, or other applicable City staff member, will compose the minutes from that meeting, unless another person is directed by the governing body to take minutes. For example, closed session minutes sometimes have to be kept by a member of the actual governing body, because no other persons are allowed in the session. The minutes are used to record attendees present and document important decisions that took place at the meeting. At the beginning of each governing body meeting, that governing body will generally be asked to approve the minutes from that governing body's previous meeting(s).

Other Miscellaneous Parliamentary Procedures & Responsibilities

Quorums & Open Public Meetings:

It is important that a quorum is present at any governing body meeting so that action can be taken. By ordinance, two-thirds of the members of the Common Council are required to constitute a quorum (meaning four members of the six-member Common Council), but a lesser number may adjourn or compel the attendance of absent members. The Mayor shall not be counted in computing a quorum of the Common Council. For all other governing bodies, a quorum is generally established by a majority of the members, but some governing bodies have special requirements established by statute or ordinance. A quorum will be determined at the start of each meeting, with a roll call vote. No action shall be taken unless a quorum is present. Additionally, for some issues such as budget matters, a special number of Common Council members need to be present in order to vote on the items. A decision made by a governing body at a meeting in which a quorum is not present may not be considered valid.

It is also important to understand that any time more than two members of a governing body are together in any public or private location, a meeting of Council may technically be taking place under the Wisconsin Open Meetings law if City-related business is discussed. Governing body members must also do their best to avoid creating a "walking quorum" which is when two governing body members meet and discuss City-related items, and then one of those members talks separately to another member, who may then talk to another member, and so on. This effectively results in an unauthorized meeting, despite everyone not being in the same room or location at the same time. Meetings can also similarly occur by telephone, social media, or e-mail, so all governing body members are discouraged from discussing City-related business with other members of their governing body by using these types of media. For example, an inadvertent violation could easily occur if a member sent out a mass email to the rest of the members of the governing body, and then one of those members "replied to all."

All meetings of governing bodies must be open and public, no matter where or when they are held. All Common Council proceedings must be recorded by the Clerk-Treasurer or Deputy Clerk. Be aware that Wisconsin's Open Meetings law guarantees the public's right to be present at meetings but does not guarantee a right of the public to participate in the

conduct of government business or speak at meetings. Some items, such as amendments to zoning ordinances, require a "public hearing", which means public participation must be allowed, but the vast majority of business items do not require public input. On the other hand, many governing bodies include items on their agendas called "Public Appearances" (or something similar) at which the public is invited to speak. Further, the presiding officer, unless otherwise directed by a majority of the governing body, may allow participation by any speaker on a subject if it is relevant. The point is that allowing public participation is certainly not discouraged (and in fact is encouraged), but it is not required by statute for most items because governing bodies need to be allowed to get their work completed. The members of governing bodies are intended to be representatives of the public so that direct and time-consuming public input is not needed on each and every matter.

Because of the necessity for a quorum, it is important to be present at all meetings. Also see the Attendance Policy referenced earlier in this Handbook. If, due to an illness or other important reason, you are unable to attend a scheduled governing body meeting, please notify the Clerk-Treasurer at City Hall (920)-361-5400, or other applicable City staff member, prior to the meeting time.

Closed Session Exceptions (Wis. Stat. § 19.85):

Except as provided in Wis. Stat. § 19.85 in relation to closed sessions, all meetings of the governing bodies of the City are required to be open to the public pursuant to Wisconsin Open Meetings law. While the public is prohibited from attending closed sessions, notice must still be made of their occurrence and the applicable closed session exception set forth in Wis. Stat. § 19.85(1) must be identified on the agenda for the meeting. The motion to go into closed session must also be carried by a majority vote in such manner that the vote of each member is ascertained and recorded in the minutes. Also, no motion to convene in closed session may be adopted unless the chief presiding officer announces to those present at the meeting at which such motion is made, the nature of the business to be considered at such closed session, and the specific exemption or exemptions under Wis. Stat. § 19.85(1) by which such closed session is claimed to be authorized. Such announcement shall become part of the record of the meeting. No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session. The following is the list of closed session exceptions set forth in Wis. Stat. § 19.85(1):

- Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body.
- Considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person, and the taking of formal action on any such matter.
- Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
- Considering specific applications of probation, extended supervision or parole, or considering strategy for crime detection or prevention.

- Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.
- Deliberating by the council on unemployment insurance in a meeting at which all employer members of the council or all employee members of the council are excluded.
- Deliberating by the council on worker's compensation in a meeting at which all employer members of the council or all employee members of the council are excluded.
- Deliberating under s. 157.70 if the location of a burial site, as defined in s. 157.70 (1) (b), is a subject of the deliberation and if discussing the location in public would be likely to result in disturbance of the burial site.
- Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.
- 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.
- Consideration of requests for confidential written advice from the elections commission under s. 5.05 (6a) or the ethics commission under s. 19.46 (2), or from any county or municipal ethics board under s. 19.59 (5).

No governmental body may commence a meeting, subsequently convene in closed session and thereafter reconvene again in open session within 12 hours after completion of the closed session, unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session.

Closed sessions may be attended by all of that governing body's members and those nonmembers whose presence is necessary for the specific item of business being discussed. Once in closed session, the governing body must be very careful to discuss only the subject matter(s) identified in the motion to go into closed session.

Types of Motions:

There are several ways a governing body can take action during a meeting. The most common way is to make a motion. There are two types of Motions: Formal and Procedural motions. Formal Motions are used to approve policy, establish procedures, or provide direction to staff members relating only to topics listed on the agenda. Governing body members may make a motion by stating, "I move that..." Most formal motions need to be "seconded." This is done when a member other than the one who made the motion states, "I second that motion," or "second."

Before moving on to a new topic, a pending motion must be resolved in one of three ways:

- (1) The original member making the motion may withdraw that member's motion at any time during the discussion.
- (2) The motion may be "tabled." Tabling a motion is a procedural act (see below) that requires a vote. A tabled item can be brought back into debate with a motion to remove it from the table at the same meeting or the next regular meeting of that governing body. If a tabled item is not brought back into debate, it dies.
- (3) The Council can take a vote on the motion.

Procedural Motions are made to determine the proceedings of a meeting. They, like formal motions, require a "second" and can order the adjournment of a meeting, the tabling of a motion for later discussion, a temporary recess, or a number of other procedural events. A widely accepted guide to meeting procedures is Robert's Rules of Order, which further explains procedural motions and other rules of public meetings. The City of Berlin Council Chambers has two Roberts Rules of Order's books available for use during meetings.

The process of making motions and voting can be a bit confusing at first, but over time, governing body members will become more familiar with the process. If ever confused as to the action being requested in a motion or vote, please ask the presiding officer or person taking minutes to repeat a motion or explain what is being acted on. Attachment B has a more detailed guide as to other motions.

Consent Agenda Items:

A consent agenda is a practice commonly used by governing bodies by which mundane and non-controversial board action items, items which have been thoroughly discussed, and items which have been recommended for approval by another governing body, are organized apart from the rest of the agenda and approved as a group. In the City of Berlin, only the Common Council regularly uses a consent agenda, but this practice may be used by other governing bodies. A single member of the governing body may pull any item from the consent agenda if that member wishes it to be separately considered. Members only need to state that the member wishes to have an item removed from the consent agenda. No motion, second, or vote is required to remove an item from the consent agenda.

Abstaining from Voting:

The public has a right to have its representatives exercise their duties free from any personal or pecuniary interest which might affect their judgment. Every governing body member should vote on all matters. However, a member has the right to abstain from voting whenever that member so desires or when that member is ethically compelled to do so. For example, members should abstain from any vote whenever that member has a conflict of interest. See more information on ethics rules later in this Handbook.

Tie Votes:

Except for the Common Council, the presiding officer of each governing body of the City is authorized to vote on all matters. This is not necessarily consistent with Roberts Rules of Order, because that book generally calls for presiding officers to not vote unless there is a tie. However, in representative government, it can be important for each member, including the presiding officer, to record a vote that represents that member's constituents. As mentioned, the Common Council is an exemption. In the event of a tie vote of the Common

Council, the Mayor will cast the deciding vote. The Mayor otherwise does not vote on Common Council actions. The Mayor's tie vote is counted in determining whether a sufficient number of the Council has voted favorably on any measure. The Mayor cannot be compelled to break a tie vote. If the Mayor refuses to break a tie, the measure fails for lack of majority.

Mayoral Veto:

The Mayor's approval of a Common Council adopted measure constitutes an executive action of a legislative measure. The Mayor's veto power extends to all legislative (as opposed to administrative) acts of the Common Council, except if that authority has been expressly or by necessary implication otherwise withdrawn. The Mayor does not have the power of partial veto. Thus, the Mayor cannot veto parts of a budget, but must veto the entire budget and explain the objectionable parts. If the Mayor vetoes a Common Council measure, the Mayor must present the objections to the Clerk-Treasurer, who, in turn, must present them to the Common Council at its next meeting. The Common Council may override the Mayor's veto by a two-thirds vote of all its members.

Types of Legislation:

The Common Council has wide latitude in determining the form its legislative or administrative actions shall take. The Common Council generally exercises its authority and responsibilities through the enactment of resolutions and ordinances. This authority to enact resolutions and ordinances is not without limitations. State law may expressly prohibit or restrict a City's exercise of legislative power within a particular area of concern.

- An **ordinance** is used when:
 - o Amending repealing or modifying an existing ordinance
 - o Required by State Law
 - o The act is of general application and intended to be reasonably permanent
- A **resolution** is used when:
 - o Amending, repealing or modifying an existing resolution
 - o Required by State Law
 - o The action is temporary in nature, or not of general public concern
 - o The act is an order or directive relating primarily to internal City affairs
 - o The act confirms a previous action of a City officer or body not properly authorized by the Common Council
 - o The act is an order or directive requiring a specified officer, agency, or person to comply with its directions.
- A **proclamation** is used to announce something of great importance officially.

Public Comments:

This is the public's opportunity to address a governing body on any item, whether such item is listed on the agenda or not. Because of Open Meetings Law requirements, a governing body cannot take action on any topic brought up during public comments which is not listed on the agenda for that meeting. Topics may, however, be placed on future agendas for discussion and/or action. If multiple individuals wish to speak regarding the same topic, the

presiding officer may request that comments be subject to a reasonable time limit, determined by the presiding officer or by vote of a majority of the governing body.

Public Hearings:

Public hearings are required on certain matters required by law or ordinance, such as adoption of the annual budget and amending a zoning ordinance. Public hearings may be held as standalone meetings, or a part of a regularly scheduled governing body meeting. Public hearings are opportunities to inform the general public about a topic and for any individual to speak on that topic while the hearing is open. Once a public hearing is closed, the public will no longer be able to comment on the topic during the meeting unless approved to do so by the presiding officer or a majority of the governing body.

Promotion of Civic Pride:

City officials also serve as champions for civic achievement. City officials may receive requests to attend ribbon-cuttings for new businesses and other civic events. By appearing at ribbon-cuttings, participating in charity events, and attending celebrations, City officials bring recognition and attention to the values of civic engagement and individual accomplishment. This is an important part of how City officials bring out the best in their community and help us all strengthen the traditions that build civic pride.

Ethics (Secs. 2-606 – 2-609 of the City's Code of Ordinance, Wis. Stat. §§ 19.41 – 19.59, and Wis. Stat. § 946.13):

As public officials, it is required that you act in an independent and impartial way that is responsible to the general public. In order to protect these values and so that the public may maintain confidence in the integrity of its government, Wisconsin Statutes and the City's Code of Ordinances outlines ethics requirements for all elected and appointed employees, including Common Council members, staff and members of boards and committees. These Statutes and the City's code establishes guidelines and rules for ethical conduct for all officials and employees.

The state ethics code establishes minimum standards of ethical conduct that prohibit local public officials from using their office to benefit themselves, their immediate families, or organization officials are associated with. This means that elected officials may not vote, or otherwise use their office, on a matter that would have a personal benefit or financial impact on them, members of their immediate family, or an organization they're associated with. This prohibition does not include matters that have a general impact, such as taxes or utility rates. Local public officials are also prohibited from offering or receiving anything of value that could reasonably be considered to influence an official's vote or judgment or be a reward for official action or inaction. The statutes don't define "anything of value," but it is broadly construed. Officials required to abstain from voting in a matter due to a conflict of interest should not participate in any discussion or deliberation concerning the matter.

With limited exceptions, Wisconsin law prohibits public officials and employees from having a private financial interest in a public contract. This includes contracts for employment, sales, leases, and purchases. Public officials and employees should ensure they understand and avoid violation this law for two important reasons. First, it is a felony criminal statute. Second, it is a strict liability statute meaning one does not have to violate the statute intentionally or knowingly to be found guilty; accidental violations may still result in conviction. The law establishes two primary prohibitions. The first, found in Wis. Stat. §

946.13(1)(a), prohibits officials and employees, in their private capacity, from negotiating, bidding for, or entering into a public contract in which the official or employee has a direct or indirect financial interest if the official or employee is authorized or required by law to participate, in their official capacity, in the making of that contract. Abstention from voting does not prevent a violation because the important part is whether the person is authorized to participate in the vote, not whether they actually do so. The second, found in Wis. Stat. § 946.13(1)(b), prohibits officials and employees from participating in the making of a contract in their official capacity or performing some function requiring the exercise of discretion regarding a municipal contract if the official or employee has direct or indirect financial interest in the contract. This is a prohibition against taking official action, so abstaining from voting or otherwise participating or exercising discretion regard the contract will prevent a violation.

Ethical conduct is an extremely important part of a governing body member's role as a representative of the City of Berlin, and these Statutes and the City's Code should be read carefully and referred to often during a tenure as a governing body member. If you have a question about ethics, you may contact the City Attorney or Clerk-Treasurer.

Acting as a Part of a Body, not as an Individual

Individual members of the City's Common Council or other governing body have no individual authority to make decisions on behalf of the City, nor do they have the individual ability to direct staff unless that member has been given specific authority from the Common Council, or the governing body of which that member is a part, acting as a whole.

Chapter 3: Staff

While the Common Council and other governing bodies of Berlin make a majority of policy decisions and guide the actions of staff members through those policies, those staff members then take on the responsibility of implementing those policy decisions. It is important that the Common Council understands and respects the role staff plays and that an open line of communication exists between all parties.

Departments Overview

The City of Berlin employs individuals in different departments including Clerks Department, Police Department, Ambulance Department, Fire Department, Emergency Services Department, Economic Development, Senior Center, Library, Recreation, Public Works Department and the Sewer & Water Department. In addition to those departments, the City hires election workers, volunteers, seasonal employees and contractors. There is a City Directory maintained in the Clerk's Office that lists all Department Heads, Elected Officials, and Board, Committee, and Commission Members. Staff also maintains a designated page on the city website for Elected Officials, and Board, Committee, and Commission Members.

Role of the City Clerk-Treasurer (Sec. 2-199 of the City's Code of Ordinances)

The City Clerk-Treasurer is responsible for the administration of the central office located within the confines of City Hall. This position works closely with and exercises control over other full and part-time employees in this office. This position provides direction for the efficient operation of the general office affairs. This position also serves as secondary back up for accounts payable, accounts receivable, payroll, and utility billing.

The City Clerk-Treasurer shall be responsible for performing those duties as required by Wis. Stat. § 62.09(11) regarding Clerk's duties, by Wis. Stat. § 62.09(9) regarding Treasurer's duties, the following duties listed under the City's job description for the position, as well as other duties identified in the job description:

- Provide suggestions for increased effectiveness and enhanced productivity for the continued improvement of the general office structure, while establishing organizational structure of the business office as needed.
- Shall manage the record-keeping functions of the City, administer the development of document imaging of permanent City records, maintain storage and filing systems, and keep all papers and records open to inspection at reasonable hours.
- Provide assistance in dealing with the public and respond to needs and concerns of City residents; serve as the focal point for the transaction of business affairs as well as public relations.
- Oversee election administration.
- Collect all City, County, and State taxes, and pay out accordingly.

- Shall keep detailed ledger activity of all financial transactions involving City funds, reconcile all statements, and maintain open books for inspection at reasonable hours. Such information shall be reported to the Common Council as necessary.
- Project plans of long-term financing and investments for the City.
- Be responsible for providing budget structure and detail to City departments, as well as prepare city budget with City Administrator.
- Maintain Fixed Asset system for City inventories and utilize tracking features for non-inventoried items. Determine depreciation schedules and fixed asset allocation in conjunction with auditor suggestion and/or direction.
- Work with the Economic Development Director with block grants and maintain accounts for the various grants.
- Organize audit process between Staff and auditors and implement monthly and annual auditing procedures.
- Record-keeping for Tax Incremental Districts in the City.

Role of the City Administrator (Sec. 2-123 of the City's Code of Ordinances)

The City Administrator shall serve as the chief administrative officer of the City and shall be responsible to and under the general direction of the Mayor and Common Council and shall be responsible for the proper administration of all activities of the City.

The City Administrator shall have the following duties and responsibilities with more listed in the City's Code of Ordinances:

- Be responsible for effectuating all actions of the Common Council which require administrative implementation or where the Mayor or the Common Council have directed the City Administrator to act.
- Be responsible for directing, coordinating and expediting the day-to-day operations of the City and activities of all City departments, except where such authority is vested by state law in officers, boards and commissions.
- Direct and control, through appropriate, organizational channels, the efficient performance of all City employees' duties.
- Be responsible for developing budgeting procedures and preparing or supervising the preparation of the annual operating budget. The City Administrator shall also be responsible for coordinating financial and economic data for the City's long-range financial plan. In addition, the City Administrator shall make such reports as the Mayor and the Common Council may require as to the current status of budgeted items and shall review and report to the mayor and the Common Council any variations in the operation of the City budget.
- Work closely with all department heads to assure that they and other City employees receive adequate opportunities for training within budgetary allowances prescribed by the Common Council to improve their knowledge and skills. The City Administrator shall act as the approving authority for all requests by City employees to attend conferences, meetings, training schools, etc., pertaining to their employment.

- Prepare reports and recommendations for the Mayor, the Common Council, any advisory boards and commissions on operational or policy matters before them, and on any other actions necessary to improve the overall health, safety and welfare of the City.
- Act as public information officer for the City with the responsibility of assuring that the news media are kept informed about the operations of the City, and that all open meeting rules and regulations are followed.
- Promote the economic well-being and growth of the City through public and private sector cooperation.
- Assist with the administration of the Revolving Loan Fund, including processing receivables and payables and preparing financial statements for the RLF, BCDC, and BIDC when needed.
- Prepare applications for State and Federal grants related to community and economic growth and assist in the administration of such programs.

Role of the Deputy Clerk:

The Clerk-Treasurer hires Deputy Clerks as needed. The Deputy Clerk shall act under the Clerk-Treasurer's direction and who, during the temporary absence or disability of the Clerk-Treasurer or during a vacancy of such office, shall perform all the duties of Clerk-Treasurer as well as the others listed below:

- Process all General City Accounts Payable, ensuring that all necessary processing and approval procedures are followed, and report preparation as requested by departments, Staff and Council.
- Maintain an accurate general ledger, expense and revenue accounts for the City; perform monthly and yearly account reconciliations and report processing of accounts, including reconciling cash accounts to monthly bank statements.
- Serve as Election Administrator. Administer all aspects of election preparation and organization including ballots, publications, election workers, and testing voting machines. Other election duties as necessary and/or required.
- Monthly and annual audit pack preparation.
- Receive and deposit City collections as necessary, post receipts to ledger through POS system, and regularly review checking account balance to ensure account balance is sufficient for payable needs.
- Maintain Special Assessments receivable accounts and prepare Special Assessment letter requests that come in.
- Order supplies, reception duties, assist other Staff and departments as needed, and any other duties as assigned.

Administration and General Government Mission Statement:

Our mission is to ensure that the City of Berlin government provides the municipal services and infrastructure necessary for a high quality of life for all our citizens. This includes serving the citizens of Berlin by effective coordination of the fiscal management of the City

through efficiently providing timely, responsive and comprehensive financial/support services to all our residents.

Communication with Staff

While governing bodies are responsible for determining the policy of the City and providing direction for staff action, the City Administrator/Clerk-Treasurer is the Chief Administrative Officer for the City. Though governing bodies' requests and direction play an important role in determining employees' work plans, it is important that the City Administrator/Clerk-Treasurer be able to coordinate and monitor work efforts of all staff members. For this reason, all Common Council requests for staff action and task assignments should be conveyed to the City Administrator/Clerk-Treasurer except in cases of emergency. All similar requests from any other governing body should be conveyed to the staff member that assists such governing body at its meetings, whereby such staff member has delegated authority and acts under the direction of the City Administrator/Clerk-Treasurer. In this way, such requests will be fulfilled while the City Administrator/Clerk-Treasurer and all appropriate department heads maintain their supervisory authority and chain of command within the staff structure. This distinction is important as governing body members may not otherwise be aware of the most appropriate staff member to handle certain tasks or the current workload of individual employees. This process will help ensure that efficiency and order are maintained in City operations.

Similarly, if any governing body member has an issue with the performance of any individual employee, such concern should also be routed through the appropriate chain of command. No individual governing body member should ever communicate a performance issue about an employee directly to that employee. In most cases, the best route for any individual governing body member is to report performance issues relating to any City employee to the City Administrator/Clerk-Treasurer, who will be able to respond to the issue under his/her authority or route the issue through the correct investigative and disciplinary process within the City's local government system. In this way, governing body members can maintain an active role in municipal government while allowing the proper chain of command to remain intact.

Chapter 4:

Finance & Taxation

Annual Budget Process

Municipal policy decisions are almost always tied to decisions about money. Common Council must allocate scarce resources to programs, services and capital assets through the budget process. Consequently, it is one of the most important activities undertaken by Common Council. The budget process is a continuous, year-round process that involves three main components: 1) preparation 2) consideration and adoption and 3) administration. State law requires all municipalities in Wisconsin to adopt an annual budget.

The City of Berlin follows an executive budget system. The City Administrator meets with staff beginning in August to discuss departmental budgets. Staff then present their suggestions to their respective boards, committees, and commissions with budgetary authority for insight and suggestions. Staff then brings those budget suggestions back to the City Administrator who considers the whole budget and may make reductions or additions. After this process, the City Administrator presents the recommended budget to the Common Council usually in October. This will allow any final edits or changes to be made before November. Often, the executive budget is accompanied by an executive budget message, which highlights the major goals of the budget and any significant anticipated or proposed changes in revenues or expenditures. Financial constraints have made the budgetary process more difficult. Public officials must note it is important to consider the needs, not wants, of the community first, and look at the budget as a long-term planning tool for the future of the community.

Budget Summary and Budget Hearing

The Common Council must, before adopting the annual budget, hold a public hearing on the proposed budget to allow citizen comment. The City must also publish a budget summary which must also include the percentage change between the current and proposed budgets. The public hearing on the proposed budget must be conducted no less than 15 days after the budget summary is published. At this meeting "any resident or taxpayer of the governmental unit shall have an opportunity to be heard on the proposed budget." Usually, the Common Council will formally adopt the budget ordinance at the same meeting as the public hearing. A two-thirds vote of the entire Common Council is required to change an adopted budget.

State law does not set forth a specific date by which a municipal budget must be enacted. The City of Berlin operates on a calendar fiscal year; therefore, a budget must be adopted by the end of December. However, City of Berlin Policy is to adopt the budget by the end of November or, at the latest, the beginning of December. Otherwise, the City will be unable to comply with certain other deadlines relating to the property tax collection process.

Sources of Local Revenue

Wisconsin municipalities finance public services and capital assets through a combination of taxation, shared revenue and state aids, special assessments, user fees, license and permit fees and borrowing.

General Property Tax

The primary source of tax revenue for Wisconsin cities is the general property tax. The City of Berlin's property tax levy accounts for roughly 40 percent of the annual revenue. The City of Berlin currently administers real and personal property taxes and a room tax of four percent (state allowed maximum is eight percent).

The City Assessor determines the value of taxable property in the City and records the information in an assessment roll. Property in the state is assessed as of January 1, of each year, even though values may increase or decrease during the year. If a building is partially constructed on January 1, its partial value is used as the value for that assessment year. Value is determined from actual view or the best information that the City Assessor can practicably obtain. Assessment values can be disputed through the Open Book and Board of Review process. For more information on Board of Review, refer to Chapter 1, or reach out to the City Administrator/Clerk-Treasurer.

Since 1992, the ratio of assessed value to full value for each locally assessed major class of property, except agricultural land, must be within 10 percent of full value at least once every four years. Municipalities not meeting the requirement are notified and if the requirement is not met in the succeeding year, the municipality's assessment staff must participate in a training program sponsored by DOR. The Department must supervise the succeeding year's assessment of any municipality that does not meet the requirement over a six-year period. The City of Berlin is set for a revaluation year in 2024.

Although the Common Council for the most part is not directly involved in the process of administering the general property tax laws, it does establish the tax levy, which, together with the assessed value of taxable property in the community, determines the local property tax rate. The tax levy is set for the next year during the budget process. The City of Berlin's tax levy is very similar every year, unless there has been a change in services offered to residents. A reduction in services equates to a reduction in tax levy. However, a municipality is allowed to increase its levy over the amount it levied in the prior year by the percentage increase in equalized value from net new construction. If no net new construction occurred in the municipality, the allowable levy increase would be zero percent.

The municipality acts as the billing and collection agent for the following other taxing jurisdictions: county, school district and technical college district. After these jurisdictions determine their levies, they notify the municipality of the amount that must be paid by property owners in that municipality. The jurisdictions apportion their levies to the municipality based on the municipality's share of the jurisdiction's equalized value. The municipality spreads its tax levy and the municipality's share of the other jurisdictions' apportioned levies to individual properties according to their assessed value. The municipal treasurer and the county treasurer are responsible for collecting the general property taxes, special assessments, special charges and special taxes shown in the tax roll.

State Aid

The state provides general, unrestricted aid to the City of Berlin through several programs. State aid makes up roughly 30 percent of the annual revenue. Unlike categorical aid, which must be used for a specific purpose, unrestricted state aid can be used for any activity approved by Common Council. Currently these programs include municipal aid (shared aid

to be used as needed), utility aid (compensation for costs incurred by providing services to public utilities), expenditure restraint (the City of Berlin must restrict its year-to-year growth in its budget by a statutory formula to receive this aid), and state aid for tax exempt property (computer aid). Additional state aid the City of Berlin receives is transportation aid. This aid amount changes every year and is based on a formula relating to the amount of road construction completed in a community. There are a variety of other smaller state and federal aids the City of Berlin receives, which are all visible in the annual budget under revenues. For more information about those, reach out to the City Administrator/Clerk-Treasurer.

Licenses, Fees, and Permits

The City of Berlin manages and maintains a variety of licenses including alcohol licenses, tobacco licenses, animal licenses, and more. Permits are issued for a variety of things, including building permits, street permits, and sidewalk permits. A Fee Schedule is passed by the Common Council every year that updates the amount charged for certain services.

City Funds Overview

The City of Berlin has a variety of Funds that are managed. The most comprehensive one is the General Fund, which accounts for all revenues and expenditures that are not required to be accounted for in other funds. The General Fund includes major property-tax based services such as police and fire. Below outlines the other funds the city maintains with a brief summary as to what the funds are for:

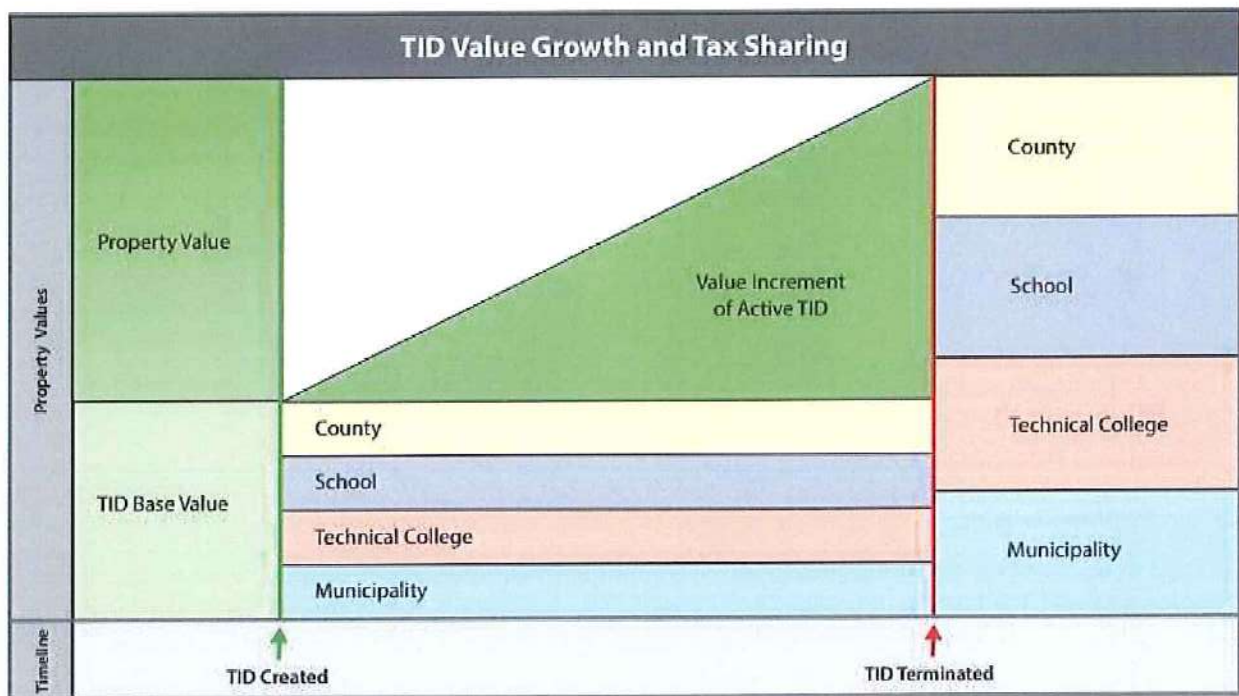
- Capital Fund: for large capital (asset) purchases
- ARPA Fund: to administer ARPA funds allocated
- TID Funds: there are currently four active TIDs
- Debt Fund: any debt the city has is managed in this fund
- Internal Fund: used for employee benefits and insurance
- Cemetery Fund: maintains the Cemetery Trust funds
- Senior Center Fund: maintains the Senior Center memorial account funds
- Library Fund: maintains the Library Trust funds
- Ambulance Fund: manages the Ambulance Department's expenses and revenues
- Sewer Utility Fund: manages the Sewer Department's expenses and revenues
- Water Utility Fund: manages the Water Department's expenses and revenues
- Retirement Fund: used to keep track of retirement funds

The City also maintains funds that are set aside for special purposes. These non-lapsing funds must be categorized as assigned, committed, or restricted. Examples of these funds include saving for a fire truck, assessment revaluation year, police vehicles, and other items. Municipalities are not allowed to keep more funds on hand than what is needed for a typical year's expenses. The year-end balance for the City, if not designated for any particular purpose, must be considered "funds on hand" under Wis. Stat. sec. 65.90(1) and used to defray budgetary costs and reduce the tax levy for the ensuing year.

Tax Incremental Districts (TID)

The City of Berlin has had a variety of TIDs in the past, and at the time of this publication has four TIDs. When the City of Berlin creates a TID, the municipality and other taxing jurisdictions agree to support their operation from the existing tax base within the TID.

They agree the municipality will use the taxes on the value increase in the TID to pay for the investment. The chart below explains how the tax base is shared:



When the municipality creates a TID, it establishes the base value of all the taxable property within the defined boundaries. The county, school, technical college and municipality in the chart above, make up the overlying taxing jurisdictions for the property in the base value. The overlying taxing jurisdictions share the tax revenue collected on this portion of the property value. After the TID is created, this tax revenue is allocated the same way as before the TID was created. In the chart, the county, school, technical college and municipality collect taxes on the property in the TID base. Any new construction or investment in the TID property increases the value. The municipality collects the taxes on the growth in value of the property (the value increment) as tax increment revenue. The municipality can only use this revenue to pay for the improvements it made to the property in the TID according to the approved project plan.

Annual Audit

The City of Berlin has combined the position of City Clerk and City Treasurer. It is advisable for municipalities that combine these offices to participate in an annual audit of records by a Certified Public Accountant. The City of Berlin's audit usually begins in November and runs through February. The Auditors present a report to the Common Council in May of every year.

City Borrowing & Debt

The City of Berlin finances capital projects through three means: (1) locally raised revenues; (2) grants and other forms of intergovernmental assistance; and (3) municipal borrowing. In the past, the City relied on all three options to finance projects. However, as budgets have grown tighter, reliance on municipal borrowing has grown.

The City of Berlin has a legal debt limit – 5% of the equalized valuation of the City. As of 2022, the debt limit is \$19,188,665. The current debt (as of publication date) is roughly \$4,865,000. The debt payment each year averages \$565,000 and is mainly for previous street projects. For more information on the exact debt amounts and what the projects were for that are remaining, please reach out to the City Administrator/Clerk-Treasurer.

Chapter 5: Legal Issues

Role of the City Attorney (Secs. 2-176 – 2-177 of the City's Code of Ordinances and Wis. Stat. § 62.09(12))

The office of City Attorney is an appointed position. The Mayor shall annually appoint a City Attorney, subject to confirmation by a majority of the members of the Common Council. The City Attorney's term shall be for a one-year period and shall commence on May 1st succeeding his or her appointment.

The City's Code of Ordinances and Wisconsin Statutes provide that the City Attorney shall conduct all the law business in which the City is interested. When requested by City officers, the City Attorney must give written legal opinions, which shall be filed with the City Clerk-Treasurer. The City Attorney shall draft ordinances, bonds and other instruments as may be required by City officers. The City Attorney shall examine the tax and assessment rolls and other tax proceedings and advise the proper City officers in regard thereto. The City Attorney may appoint an assistant, who shall have power to perform the City Attorney's duties and for whose acts the City Attorney shall be responsible to the City. Such assistant shall receive no compensation from the City, unless previously provided by ordinance. The Common Council may employ and compensate special counsel to assist in or take charge of any matter in which the City is interested.

The Common Council has established a policy for the City Attorney, whereby individual City officers, employees, and governing body members are to refrain from making direct requests to the City Attorney (outside of a public meeting at which the City Attorney is present) without directing such requests through the City Administrator/Clerk-Treasurer. The intention of this policy is to allow the City Administrator/Clerk-Treasurer to monitor and control fiscal expenditures for the City's legal services for budgetary purposes, as well as prioritize such requests based on urgency and importance.

Municipal Court

Because the City of Berlin lies within both Green Lake County and Waushara County, both Green Lake County Circuit Court and Waushara County Circuit Court have jurisdiction over municipal code and traffic violations occurring in the City of Berlin. However, for most such matters, the City of Berlin participates in a Municipal Court, called Lakeside Municipal Court located in North Fond du Lac, Wisconsin. The Municipal Court judge is elected by a majority of the population of the communities that are part of the Municipal Court. Lakeside Municipal Court contains multiple municipalities in our area. Each community's participation in Lakeside Municipal Court is governed by an Agreement that has been approved by each municipality.

Municipal Court is different from a Wisconsin Circuit Court. Municipal courts are not courts of record and are thus more informal. Cases are generally processed quicker, and the fees are significantly less than Circuit Court fees. However, Municipal Courts have limited jurisdiction.

The majority of Municipal Court cases involve traffic, parking, and ordinance matters, including first-time drunken driving offenses. Juvenile matters, such as truancy, underage drinking, drug offenses and curfew violations are also a significant part of Municipal Court caseloads. The laws governing Municipal Courts include Wisconsin Statutes Chapter 800, Municipal Court Procedure and Wisconsin Statutes Chapter 755, Municipal Court.

Transparency

Public Records

Wisconsin Public Records Law entitles the public to “the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them.” To that end, the law grants the public the right to access government records, including record of elected officials, subject to certain limited exceptions. The law is construed with a strong presumption favoring public access and declares that denial of access is generally contrary to the public interest. “Record” is defined broadly and includes documents, electronic data, and other materials. The law requires governmental authorities, including elected officials, to respond to requests “as soon as practicable and without delay.” What is reasonable will depend on various factors such as staff resources and the content of the request, but Wisconsin Department of Justice policy views 10 working days as generally a reasonable time frame for responding to a simple request. Requesters can be charged actual, necessary, and direct costs for locating and copying records, but not for any redaction required before the release.

Subject matter, and not location, determines whether something is a record. This means that text messages and emails sent from personal devices or accounts may still be considered a record subject to disclosure if the subject matter contemplates municipal business.

The City has a document management and retention policy that governs all City records. To consult or get a copy of this policy, please contact the City Administrator/Clerk-Treasurer’s Office.

Open Meetings

Wisconsin’s Open Meetings Law entitles the public to the “fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business.” To that end, the law requires that all meetings of governmental bodies be preceded by at least 24-hours public notice, be held in places reasonably accessible to the public, and always be held in open session unless a specific statutory exemption (based on the subject matter to be discussed) authorizes meeting in closed session. More on open meetings and closed session exemptions is discussed in Chapter 2 of this Handbook.

Violations

Municipal officials are responsible for understanding and complying with these open government laws. Violations of these laws erode public trust in local government and can result in significant legal and financial consequences. Open Meeting Law violations can result in personal forfeitures and ignoring or improperly denying public records requests can be very costly, resulting in imposition of forfeitures and/or punitive damages and, in certain instances, an award of attorney’s fees to the requester.

More Information

The Wisconsin Department of Justice publishes free Open Records Law and Public Records Law compliance guides explaining the laws in detail. They can be accessed at the following link: <https://www.doj.state.wi.us/office-open-government/open-government-law-and-compliance-guides>.

Mutual Aid Agreements

The City of Berlin has entered into a number of mutual aid agreements. Police, fire, dispatch and EMS services are perhaps the most common type of local government service that is delivered in collaboration with other units of government, yet mutual cooperation includes many facets of public services, including: libraries, data and public records, snow plowing, public health, emergency communications, waste, water and sewer, and nursing home services. Such arrangements referred to as “intermunicipal cooperation,” “shared services,” “mutual aid,” etc.

One State agency provided a general definition: “In general terms, intergovernmental cooperation is any arrangement by which officials of two or more jurisdictions communicate visions and coordinate plans, policies, and programs to address and resolve issues of mutual interest. It can be as simple as communicating and sharing information, or it can involve entering into formal intergovernmental agreements and sharing resources such as equipment, buildings, staff, and revenue. It can even involve consolidating services, jurisdictions, or transferring territory.”

The significant role that public construction contracts and intergovernmental agreements play in local government administration requires some special attention. This collaboration with other municipal governments requires all City staff, elected and appointed officials to be extra careful when communicating with other governments. Remember that things said may be interpreted as the position of the entire City even if you are just speaking your own opinion.

Chapter 6: Land

Planning and zoning are methods of achieving the orderly physical development of a community. Planning lays out the intended path of development for Berlin and is typically done through a formal comprehensive plan. Common Council and Plan Commission make decisions regarding the planned development of public infrastructure in Berlin through the adoption of the Comprehensive Plan and other long-range plans. The land use function of local government involves decision making that impacts the lives and property of citizens and businesses in the city. The results of these decisions are often felt in the community for decades, a level of permanence not found in some of the other functions of local government.

Wis. Stat. § 62.23 grants the City land use authority. Berlin has adopted a Zoning Ordinance, Chapter 82 of the City's Code of Ordinances to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the city under that authority. These ordinances are the legal way to facilitate good development and aid long-range plans. They regulate use of land and structures, lot coverage, population distribution and density, and the size and location of structures to promote the safety of citizens and efficient use of public infrastructure. Zoning districts permit various uses, including residential, business, industry, and Planned Unit Developments.

There are other requirements under the City Zoning Code. Property owners must apply for a zoning permit and pay any applicable fees whenever a change or update in zoning is requested. Their request for a zoning designation or change will first be brought before the Plan Commission, who will make a recommendation to Common Council. Owners must also apply for a building permit and pay a fee when completing any construction or significant remodeling of property.

Plan Commission, Board of Appeals & Common Council Administration

Responsibilities for the administration of the land use function in any city or village are generally divided among the Common Council, the Plan Commission and other bodies like Community Development Authority, the Board of Appeals, and planning and zoning staff. The Common Council adopts and amends plans, and land use ordinances (such as zoning and subdivision ordinances) based on the recommendations from Plan Commission. In addition, the Common Council has responsibilities to budget for the land use function. It appropriates funds for capital improvements (like roads and public buildings) and for the acquisition of land. It also creates positions and appropriates funds for the planning and zoning staff. It can also authorize the use of eminent domain to acquire property following the procedures in Wis. Stat. Chapter 32.

The Plan Commission reviews proposed subdivision plats, the location of statues and memorials, architectural design of public buildings, the location, extension and abandonment of land for streets, parks, airports, parking lots, other public grounds, utilities, and public housing. Failure to refer certain actions to the Plan Commission before the Common Council takes final action can invalidate the action.

The Board of Appeals handles variances from the zoning ordinance and administrative appeals when there is an alleged error in an order, requirement, decision or determination made by the zoning administrator in the enforcement of the local zoning ordinance.

Lastly, the City employs planning and zoning staff to advise the above bodies, help prepare plans and ordinances, decide certain permit questions, and monitor compliance and initiate enforcement actions.

Zoning Code

Zoning ordinances regulate the use of property to advance public health, safety, and welfare. A zoning ordinance regulates the height, bulk, and use of land within a city or village. The ordinance creates different use zones or districts within a community. Zoning ordinances consist of two parts — the map and the text. The zoning map displays where the zoning district boundaries are and the text describes what can be done in each type of district. The districts are based on different categories of uses. Within each category, there are often several levels of intensity of the use allowed. For instance, a residential (R1) district might allow only single-family detached units, while residential two (R2) might allow both single-family and multi-family units. Typical zoning districts may include land zoned for residential use, commercial use, industrial use, government and institutional use, recreational use, conservancy, and agricultural uses. Zoning ordinances can also include mixed-use districts that contain any combination of uses, such as industrial, commercial, public, or residential uses, in a compact urban form.

Each district has a list of permitted uses, which are uses that are desirable in a district and standards that apply to the uses. Each district may also contain a list of special uses, sometimes called conditional uses, which are allowed under certain circumstances, and require review by a local body to be allowed. A conditional use allows a property owner to put property to a use that the ordinance expressly permits if certain conditions specified in the zoning ordinance are met. Plan Commission oversees all applications for conditional use permits.

Amending the Zoning Code (Secs. 82-65 to 66 of the City's Code of Ordinances)

Rezoning is a formal change in the text or map of the zoning ordinance. They can be site-specific, or they can be general or community-wide in effect. The process of rezoning occurs through an amendment to the zoning ordinance. Rezoning must be referred to the Plan Commission. The Common Council approves rezonings by a majority vote.

Nonconformities (Secs. 82-601 to 605 of the City's Code of Ordinances)

Nonconformities arise when the applicable zoning ordinance is changed so existing development no longer conforms to the requirements of the ordinance. Wisconsin law provides some protections for nonconformities. These protections need to be considered when administering a zoning ordinance. Nonconformities generally fall into three general categories: nonconforming uses, nonconforming structures, and nonconforming lots.

Variances (Sec. 82-126 of the City Code of Ordinances)

Residents and business owners are able to apply for variances from the Zoning Ordinance when they desire to use land or buildings in a way that doesn't conform to the Zoning Ordinance. This application is to be filed with the Zoning Administrator. The Board of

Appeals will be responsible for granting a variance if the desired action meets certain criteria. A variance authorizes the use or development of a specific site in a manner which is prohibited by the zoning ordinance when a property owner can show unique, localized physical problems which give rise to hardship that can be overcome by varying the application of the ordinance without harming the purpose and intent of the ordinance. Decisions on whether or not to grant variances from the Zoning Ordinance depend on the facts in a given case. A variance should not be granted solely as a convenience to the property owner.

Floodplain and Shoreland Wetland Zoning (Secs. 82-841 to 962, and Secs. 82-1051 to 1054 of the City's Code of Ordinances)

Wisconsin law requires that cities adopt floodplain zoning ordinances. The minimum standards that local floodplain ordinances must meet are specified in rules developed by the Wisconsin Department of Natural Resources. The ordinances are designed to protect individuals, private property and public investments from flooding and flood damage. In order to participate in the Federal Emergency Management Agency's National Flood Insurance Program, Berlin had to enact floodplain zoning ordinances that also comply with applicable federal standards. Wisconsin law also requires that cities place wetlands of five acres or greater located within the shorelands in a conservancy zoning district.

Planned Unit Developments (PUD) (Secs. 82-511 to 521 of City's Code of Ordinances)

Cities have the authority under Wisconsin law to establish "planned development districts" (also referred to as planned unit developments). Sec. 62.23(7)(b). Planned unit development (PUD) is planned and built as a unit within which a variety of compatible land uses may be developed at varying densities and subject to more flexible setback, design, and open space requirements than afforded by traditional zoning. State statutes provide that cities can only establish PUDs with the consent of the property owners. The law also specifies that the regulations governing each district do not have to be uniform.

Comprehensive Plan (Secs 52-1 & 62-88 of City's Code of Ordinances)

Comprehensive planning provides an assessment of a community's needs, a statement of a community's values, the community's long-term goals and objectives, and measurable steps which can be taken to achieve one or more goals. The plans are comprehensive in that all elements encompass many of the functions that make a community work such as wastewater treatment, transportation, housing, and land use. Comprehensive plans need to consider the interrelationships of those functions and help coordinate the various plans and programs of a community. Implementation of the comprehensive plan must be linked to ordinances such as zoning and subdivision, the local budget, cooperation with other units of government, and the needs and capabilities of the private sector.

Wis. Stat. § 66.1001(2) defines a comprehensive plan to include, at a minimum, the following nine elements: issues and opportunities; housing; transportation; utilities and community facilities; agricultural, natural and cultural resources; economic development, intergovernmental cooperation; land use; and implementation. While the comprehensive plan serves as a blueprint for the community's physical development, the plan must also attempt to clarify the relationship between physical development policies and social and economic goals. The plan provides a long-term perspective to guide short-term community

decisions. A comprehensive plan is also not a static document. It needs to be continually updated as conditions change.

Berlin most recent Comprehensive Plan was first passed in 2003 and amended in 2011. It has had small periodic updates since then. Copies of Berlin's Comprehensive Plan are available at City Hall.

Official City Maps

Common Council, through recommendation from Plan Commission, has adopted several City Official Maps, that are included in the City Comprehensive Plan. These maps, adopted by ordinance or resolution, show existing and planned streets, zoning, highways, historic districts, parkways, parks, playgrounds, waterways and public transit facilities. Any changes to the Official City Maps require a Public Hearing. These maps are available at City Hall upon request.

Properties owned by City

The City of Berlin owns a variety of properties throughout the Community, as needed, to provide services to community members.

Properties open to Members of the Public:

Nine City Parks, Walkush Conservatory, & Berlin Wildlife Area

Municipal Parking Lots (4)

Oakwood Cemetery

City Hall – 108 N. Capron St.

Berlin Public Library – 121 W. Park Ave.

Berlin Senior Center – 142 Water St.

Berlin Aquatic Center – 255 Webster St.

Berlin Compost Site – White Ridge Rd. (entrance is shared with Berlin Conservation Club)

Other Properties:

Department of Public Works – 241 Spring St.

Fire Station – 226 Spring St.

Waste Water Treatment Plant – 770 N. Wisconsin St.

Water Wells (6)

North Industrial Park land

South Industrial Park land

Page Property Donation (slated for Canoe/Kayak Launch)

Safeguard Site

Special Situation Properties:

ThedaCare Berlin EMS House – 134 W. Park Ave. (ThedaCare owns and allows us to use)

Chapter 7: Miscellaneous Information / Resources

Governing Body Member Compensation:

Each Common Council member receives a monthly payment of \$250 and the Mayor shall receive a monthly payment of \$500. New Alderpersons should check in at City Hall to make sure all required paperwork is on file. Members of all other governing bodies are unpaid, volunteer positions.

Oath (Sec. 2-8 of the City's Code of Ordinance):

Every person elected or appointed to any statutory office shall take and file an official oath within ten days after the notice of their election or appointment. The oath is administered by the City Clerk, or a Deputy Clerk.

Mail:

Occasionally City Hall will receive mail on behalf of Common Council members. Staff will reach out if it is resident correspondence that might need a timely response. All other items will be held until the next Common Council meeting and presented to members there.

City Website/Social Media Pages:

The City of Berlin hosts a website with a variety of information for residents at www.cityofberlin.net. Staff is constantly updating it as time permits. The Library has its own website hosted by Winnefox at www.berlinlibrary.org. Departments maintain their own Facebook page through staff or volunteers and are listed below:

- City of Berlin, Wisconsin
- Berlin Aquatic Center
- Berlin EMS
- Berlin Fire Department
- Berlin Public Library
- Park & Recreation Department Berlin WI
- Berlin, WI Police Dept
- Berlin Senior Center

City of Berlin Municipal Code:

On the City website, there is a link to access Berlin's Code of Ordinances. It is also available at https://library.municode.com/wi/berlin/codes/code_of_ordinances. The City pays to maintain this separate page and it is usually updated 2-3 times a year, depending on how many ordinances are passed by Common Council. There are also paper versions of the City Code available in several locations at City Hall, including Common Council Chambers.

Roberts Rules of Order: (Sec. 2-59(b) of the City's Code of Ordinance)

State Statutes do not address rules of parliamentary procedure. Each city must determine what rules of procedure are applicable to its governing bodies. Berlin has adopted Robert's Rules of Order Newly Revised for Common Council. Although the City's ordinances do not specify that Robert's Rules of Order must be used for all other governing bodies, that should be presumed when that governing body has not otherwise expressly adopted a contrary rule.

or policy on decorum or meeting order. Under Section 2-59(b) of the City's Code of Ordinances, it states,

“Except as provided in this subsection, the common council shall, in all other respects, determine the rules of its procedure, which shall be governed by the most current edition of Robert's Rules of Order, Newly Revised, which is incorporated by reference in this subsection, unless otherwise provided by ordinance or statute, except when otherwise limited or modified in this Code.”

League of Wisconsin Municipalities and Other Reference Materials:

There are a variety of reference materials available at the Clerk's Office and in Council Chambers to assist all elected and appointed officials. These items cover a variety of topics and include the titles of *Conduct of Common Council Meetings*, a *Handbook for Wisconsin Municipal Officials*, a *Handbook for Wisconsin Police & Fire Commissioners*, a *Local Government 101 Resource Book*, the *Powers & Duties of Wisconsin Mayors*, a *Zoning Board Handbook*, a *Board of Review Training Manual*, and more. The City has also passed a variety of Policies that are available on the City's website including a Comprehensive Plan, Open Space & Recreation Plan, Financial Policy, TID Plans, Housing & Economic Development Plan and more. There is a wealth of information available, please check with the Clerk's office or other City Staff member for more information.

Attachment List:

Attachment A: Attendance Policy

Attachment B: Motions Guidance Chart

Attachment C: Current Year General Fund Expenditures & Revenue Budget

Attachment D: Wisconsin Statutes on Ethics

(1) Wis. Stats. § 946.10, Bribery of Public Officers and Employees.

(2) Wis. Stats. § 946.11, Special Privileges From Public Utilities.

(3) Wis. Stats. § 946.12, Misconduct in Public Office.

(4) Wis. Stats. § 946.13, Private Interest in Public Contract Prohibited.