

AGENDA  
ORGANIZATIONAL COMMON COUNCIL MEETING  
CITY OF BERLIN, WISCONSIN  
APRIL 16, 2024 – 4:30 p.m.  
Zoom Meeting ID: 822 7050 2269  
Password: Berlin

1. Call to order/Roll Call
2. Ceremonial swearing in of Alderpersons
3. Election of Council President
4. Mayoral appointments with Council Confirmation RECOMMENDATION: Motion to approve Mayoral Appointments as presented.
5. Municipal Court Intergovernmental Agreement. RECOMMENDATION: Approve Intergovernmental Agreement for North Fond du Lac to provide Municipal Court services to the cities of Fond du Lac and Ripon, Towns of Auburn, Calumet, Empire, Fond du Lac, Friendship, Oakfield, Osceola, Ripon and Taycheedah in Fond du Lac County, Town of Wilson in Sheboygan County, and the Villages of Brandon, Campbellsport, Eden, Fairwater, North Fond du Lac, Oakfield and St. Cloud, in Fond du Lac County and the City of Berlin in Green Lake and Waushara Counties, the cities of Green Lake, Markesan, and Princeton in Green Lake County to commence on May 1<sup>st</sup>, 2024 and authorize the required signatures.
6. Municipal Court Ordinance. RECOMMENDATION: Adopt Ordinance 05-24 amending section 1-19 of the Code of City of Berlin establishing a Municipal Court for the cities of Fond du Lac and Ripon, Towns of Auburn, Calumet, Empire, Fond du Lac, Friendship, Oakfield, Osceola, Ripon and Taycheedah in Fond du Lac County, Town of Wilson in Sheboygan County, and the Villages of Brandon, Campbellsport, Eden, Fairwater, North Fond du Lac, Oakfield and St. Cloud, in Fond du Lac County and the City of Berlin in Green Lake and Waushara Counties, the cities of Green Lake, Markesan, and Princeton in Green Lake County.
7. City Attorney Retainer Contract Renewal. RECOMMENDATION: Approve City Attorney contract renewal proposal. If necessary, motion to convene into closed session pursuant to Sec 19.85(1)(e), of the WI Statutes, to deliberate or negotiate the purchase of public property, investment of public funds or conduct other specified public business, whenever competitive or bargaining reasons require a closed session (city attorney contract).
8. Reconvene into open session and take appropriate action from closed session discussion.
9. Appointment of City Attorney with Council Confirmation. RECOMMENDATION: Motion to Appoint City Attorney as presented.
10. Adjourn.

**2024 MAYORAL APPOINTMENTS**

<b>2024 MAYORAL APPOINTMENTS</b>				
		Term	Re-	New
<u>Officers</u>	<u>Current Incumbent</u>	<u>Expires</u>	<u>Appointment</u>	<u>Appointment</u>
City Attorney	Chier Law Office LLC	5/1/2025	YES	
Health Officer	Green Lake County Health Unit	5/1/2025	YES	
Humane Officer	Berlin Police Department	5/1/2025	YES	
Building Inspector	Kunkel Engineering	5/1/2025	YES	
Official Newspaper	Berlin Journal	5/1/2025	YES	
Weed Commissioner	Scott Zabel	5/1/2025	YES	
		Term	Re-	New
<u>Commission</u>	<u>Current Incumbent</u>	<u>Expires</u>	<u>Appointment</u>	<u>Appointment</u>
Travel & Tourism	Mary Kubiak	1/1/2027	YES	
Travel & Tourism	Janet Bröesch	1/1/2027	YES	
Park & Recreation Commission	Bobbie Erdmann	5/1/2027	YES	
Park & Recreation Commission	Zeb Pirkey	5/1/2027	NO	
Planning Commission	Carol Hughes	5/1/2027	YES	
Planning Commission	Victoria Hill	5/1/2027	YES	
Police & Fire Commission	Joanne Guden	5/1/2029	YES	
Sewer & Water Commission	Tim Bending	5/1/2029	YES	
		Term	Re-	New
<u>Board</u>	<u>Current Incumbent</u>	<u>Expires</u>	<u>Appointment</u>	<u>Appointment</u>
Cemetery Board	Bobbie Erdmann	4/30/2027	YES	
Cemetery Board	Gloria Lichtfuss	4/30/2027	YES	
Library Board	Allison Rainboth	5/1/2027	YES	
Library Board	Margaret Guertler	5/1/2027	YES	
Board of Appeals	David Hitz	11/1/2027	YES	
Board of Appeals	Ron Ross	11/1/2027	YES	
Board of Review	Carol Hughes	7/1/2029	YES	
		Term	Re-	New
<u>Committee</u>	<u>Current Incumbent</u>	<u>Expires</u>	<u>Appointment</u>	<u>Appointment</u>
Committee on Aging	Mary Hess	4/30/2027	YES	
Committee on Aging	Vacancy	4/30/2027		
<u>Liaison</u>				
<u>Board/Commission/Committee Liaisons</u>	<u>Current Incumbent</u>	<u>Term Expires</u>	<u>Re-Appointment</u>	<u>New Appointment</u>
BCDC	Emmett Durtschi	4/16/2024		Josh Nigbor
Cemetery Board	Kristina Boeck	4/16/2024		Luke Dretske
Committee On Aging	Kristina Boeck	4/16/2024		Josh Nigbor
Community Development Authority	Luke Dretske	4/16/2024		Luke Dretske
Community Development Authority	Kristina Boeck	4/16/2024		Kristina Boeck
Library Board	Samantha Stobbe	4/16/2024		Emmitt Durtschi
Park & Recreation Commission	Josh Nigbor	4/16/2024		Catrina Burgess
Planning Commission	Luke Dretske	4/16/2024		Emmitt Durtschi
Police & Fire Commission	Josh Nigbor	4/16/2024		Samantha Stobbe
Sewer & Water Commission	Catrina Burgess	4/16/2024		Kristina Boeck
*TBD - to be determined				

Explanation for the revised Municipal court Agreement and Ordinance:

Lakeside had numerous clerical errors resulting in the need for these amended versions to be readopted. The Town of Wilson was called a village, but it was also completely missing in other parts of Agreement, and other Towns were also missing from the preamble.

**INTERGOVERNMENTAL AGREEMENT FOR NORTH FOND DU LAC  
TO PROVIDE MUNICIPAL COURT SERVICES**

**TO THE**

**CITIES OF FOND DU LAC AND RIPON, TOWNS OF AUBURN, CALUMET, EMPIRE, FOND DU LAC, FRIENDSHIP,  
OAKFIELD, OSCEOLA, RIPON AND TAYCHEEDAH IN FOND DU LAC COUNTY, TOWN OF WILSON IN  
SHEBOYGAN COUNTY AND THE VILLAGES OF BRANDON, CAMPBELLSPORT, EDEN, FAIRWATER, NORTH  
FOND DU LAC, OAKFIELD AND ST. CLOUD IN FOND DU LAC COUNTY**

**AND**

**THE CITY OF BERLIN IN GREEN LAKE AND WAUSHARA COUNTIES, THE CITIES OF GREEN LAKE, MARKESAN  
AND PRINCETON IN GREEN LAKE COUNTY**

**I. PREAMBLE**

This Intergovernmental Agreement is entered into, pursuant to Section 66.0301 of the Wisconsin Statutes by the Cities of Berlin, Fond du Lac, Green Lake, Markesan, Princeton and Ripon, the Villages of Brandon, Campbellsport, Eden, Fairwater, North Fond du Lac, Oakfield and St. Cloud and the Towns of Auburn, Calumet, Empire, Fond du Lac, Friendship, Oakfield, Osceola, Ripon, Taycheedah and Wilson (together, the "municipalities") for the provision of Municipal Court services by the Village of North Fond du Lac to the Cities of Berlin, Fond du Lac, Green Lake, Markesan, Princeton, and Ripon, the Villages of Brandon, Campbellsport, Eden, Fairwater, North Fond du Lac, Oakfield and St. Cloud and the Towns of Auburn, Calumet, Empire, Fond du Lac, Friendship, Oakfield, Osceola, Ripon, Taycheedah and Wilson.

**II. SERVICES TO BE PROVIDED FOR MUNICIPAL COURT BY NORTH FOND DU LAC**

**A. Operational Court Services**

The Village of North Fond du Lac shall provide municipal court services as required by law and subject to the ordinances of the municipalities.

**B. Personnel**

The Village of North Fond du Lac shall employ sufficient staff to perform the municipal court services required by the Agreement and by Wisconsin State Statute.

**C. Location and Equipment**

The Village of North Fond du Lac shall provide sufficient court office space, as required pursuant to Section 755.09, Wis. Stats. and storage, as well as computers, up-to-date programs and software and other office equipment as deemed necessary to provide court services to member municipalities.

**D. Cooperation**

The Village of North Fond du Lac shall cooperate with the Court Executive Committee.

**III. RESPONSIBILITIES OF MEMBER MUNICIPALITIES**

- A. Each member municipality shall provide to the court electronic data in a form compatible with the court computer software.
- B. Each member municipality where court services are held shall provide armed court security for the times during which court is in session.
- C. Member municipalities shall cooperate in the collection of forfeitures by the court. The collection of penalties and surcharges will be in accordance with the requirements of Section 757.05(1)(c), (2), Wis. Stats.

#### **IV. FINANCES**

- A. Each member municipality agrees that the Village of North Fond du Lac may retain court fees collected for each citation disposed of by the court as allowed by the State of Wisconsin to offset operating expenditures. No court fees shall be collected from member municipalities in cases where a forfeiture has been assessed against a defendant in which the court has been unable to collect said forfeiture.
- B. It is agreed that funds in excess of operating expenses will be retained by the Village of North Fond du Lac and that any expenditures exceeding expenses will be absorbed by the Village of North Fond du Lac. The budget of the municipal court shall be separate from or contained on a separate line from, the budget or line items of all other North Fond du Lac Departments as required under Section 755.01(1), Wis. Stats.
- C. All forfeitures collected by the court for member municipalities shall be remitted to the municipalities in accordance with state statute.
- D. The court agrees to vigorously attempt to collect all outstanding forfeitures utilizing statutorily permitted means available to the court.

#### **V. LOCATIONS OF COURT SESSIONS**

- A. Locations for court sessions shall be mutually agreed upon by the municipality and the court.

#### **VI. COURT EXECUTIVE COMMITTEE**

- A. The Lakeside Municipal Court Executive Committee shall be composed of one (1) representative from each member municipality. Each of these members may appoint, at their discretion, an alternate to serve in their place or absence. Members or alternates may not be employees of the municipality's police department.
- B. The membership shall elect from its members a chairperson to preside at its meetings and a vice-chair to act in the absence of the chair and shall designate a recording secretary. Terms shall be two years. Chair and vice-chair may serve two consecutive terms.
- C. The Court Executive Committee shall hold annual meetings at a place and time to be fixed by the committee for the purpose of reviewing functions of the court. Special meetings may be held whenever called by its Chair or, on written request of two (2) members of the municipalities. The clerks of the municipalities and the members of the Executive Committee shall be notified at least seven (7) days prior to any regular or special meetings. The Court Executive Committee shall keep a written record of its proceedings. Meeting records shall be kept in the Municipal Court office.
- D. A majority of the members of the Court Executive Committee at a meeting shall constitute a quorum for all purposes.
- E. In order for a motion to be adopted or for any recommendations to be made to the court or the Village of North Fond du Lac, a simple majority vote of all members of the committee at the meeting is required.
- F. The Court Executive Committee may adopt rules, policies, and/or by-laws as it deems necessary.

This Agreement shall commence May 1, 2024. Any party may, with 180 days written notice and at the end of the judge's term, provide notice of termination of its participation in this Agreement. Notice of termination must be in writing and delivered by personal service or by certified mail, return receipt requested, to the clerk of the other municipalities and to the court.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
City / Village / Town Official

Attest: \_\_\_\_\_

Clerk

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**AN ORDINANCE ESTABLISHING A MUNICIPAL COURT  
FOR THE  
CITIES OF FOND DU LAC AND RIPON, TOWNS OF AUBURN, CALUMET, EMPIRE, FOND DU  
LAC, FRIENDSHIP, OAKFIELD, OSCEOLA, RIPON AND TAYCHEEDAH IN FOND DU LAC  
COUNTY, TOWN OF WILSON IN SHEBOYGAN COUNTY AND THE VILLAGES OF BRANDON,  
CAMPBELLSPORT, EDEN, FAIRWATER, NORTH FOND DU LAC, OAKFIELD AND ST. CLOUD  
IN FOND DU LAC COUNTY  
AND  
THE CITY OF BERLIN IN GREEN LAKE AND WAUSHARA COUNTIES, THE CITIES OF GREEN  
LAKE, MARKESAN AND PRINCETON IN GREEN LAKE COUNTY**

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The CITY OF BERLIN Common Council do ordain as follows:

Sec. 1-19 of the CITY OF BERLIN Code of Ordinances shall be repealed and recreated as follows:

**Sec. 1-19. – Municipal court.**

(a) Municipal Court Created.

*Court Established.* Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a joint municipal court to be designated Lakeside Municipal Court shall take effect and be in full force and effect from and after its passage by the municipalities that are party to the agreement and publication as required by law.

(b) Municipal Judge.

*Qualifications.* The joint court shall be under the jurisdiction of and presided over by a municipal judge who resides in one of the municipalities that is a party to the agreement forming this joint court.

*Oath and Bond.* The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in Wis Stat. § 757.02(1) and at the same time execute and file an official bond in the amount of \$1,000, or an appropriate insurance policy of not less than \$20,000 as prescribed in Wis. Stat. § 66.0609(4). The judge shall not act until the oath and bond and/or appropriate insurance policy have been filed as required by Wis. Stat. § 19.01(4)(c), and the requirements of Wis. Stat. § 755.03(2), have been complied with.

*Salary.* The salary of the municipal judge shall be fixed by the Village Board of Village of North Fond du Lac which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or appropriate insurance policy and official oath, as required by Wis. Stat. § 755.03, and filed pursuant to Wis. Stat. § 19.01(4)(c).

(c) Elections.

*Term.* The municipal judge shall be elected at large in the spring election for a term of four years commencing on May 1. All candidates for the position of municipal judge shall be nominated by nomination papers as provided in Wis. Stat. § 8.10, and selection at a primary election if such is held as provided in Wis. Stat. § 8.11. The Fond du Lac County Clerk shall serve as filing officer for the candidates.

*Electors.* Electors in all municipalities that are parties to the agreement shall vote for judge.

(d) Jurisdiction.

The municipal court shall have jurisdiction over incidents occurring on or after May 1, 2024, as provided in Article VII, § 14 of the Wisconsin Constitution, Wis. Stat. § 755.045 and § 755.05, and as otherwise provided by State Law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.

The municipal judge may issue civil warrants to enforce matters under the jurisdiction of the municipal court under Wis. Stat. § 755.045(2), § 66.0119.

The municipal court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of Wis. Stat. § 938.17(2)(cm).

Court authority to impose alternative juvenile dispositions and sanctions.

- (1) For a juvenile adjudged to have violated an ordinance, a court is authorized to impose any of the dispositions listed in Wis. Stat. § 938.343 and § 938.344, in accordance with the provisions of those statutes.
- (2) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under Wis. Stat. § 938.343 or § 938.344, the municipal court is authorized to impose any of the sanctions listed in Wis. Stat. § 938.355(6)(d), in accordance with the provisions of those statutes.

(e) Municipal Court.

*Hours.* Lakeside Municipal Court shall be open as determined by order of the Municipal Judge.

*Employees.* The Judge shall, in writing, appoint such an Administrator, clerks, deputy clerks and assistants as are authorized by the Village Board of North Fond du Lac.

*Location.* The Municipal Judge shall keep his/her office at a location provided by the Board of Trustees of the Village of North Fond du Lac and shall hold court at locations agreed to by members of Lakeside Municipal Court. The Municipal Judge may issue, process and perform ministerial functions any place in the State of Wisconsin.



(f) Collection of Forfeitures and Costs.

*Collection of Forfeitures and Costs.* The Municipal Judge may impose punishment and sentences as provided by Chapters 800 and 938 of the Wisconsin Statutes and as provided in ordinances of the municipalities that are parties to the agreement. All forfeitures, fees, assessments, surcharges and costs shall be paid to the treasurer of the Village of North Fond du Lac in accordance with State Statute. At such time, the Municipal Court shall report to the treasurer the title, nature of offense and total amount of judgments imposed in actions and proceedings in which such monies are collected.

(g) Contempt of Court.

*Contempt of Court.* The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may punish for contempt as provided in Wis. Stat. § 800.12, and impose a forfeiture and/or a jail sentence in accordance with State Statute.

(h) Stipulations and/or Deposits.

*Deposits for Ordinance Violations.* The Municipal Judge shall establish and submit to the City Councils or Town or Village Boards of the member municipalities for approval in accordance with Wis. Stat. § 800.037, a schedule of deposits for violations of each ordinance, resolutions and by-laws.

*Deposits for Traffic and Boating Violations.* The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chapters 23 and 345 of the Wisconsin Statutes, shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with Wis. Stat. § 345.11, and boating regulations enacted in accordance with Wis. Stat. § 30.77.

*Stipulations and Deposits in Lieu of Court Appearance.* Persons cited for violations of the member municipalities ordinances, resolutions or by-laws or violations of traffic or boating regulations for which a deposit has been established, shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Wis. Stat. § 800.035, Wis. Stat. § 800.045, Wis. Stat. § 800.09, unless personal appearance is required.

(i) Abolition.

The Municipal Court hereby established shall not be abolished while the Wis. Stat. § 755.01(4), agreement is in effect.

All ordinances or parts of ordinances contravening or inconsistent with the provisions of this Ordinance be and are hereby repealed.

This Ordinance shall take effect May 1, 2024, and be in full force and effect from and after its passage by the municipalities that are party to the agreement and publication as required by law.

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

This An Ordinance Establishing a Municipal Court for the Cities of Fond Du Lac and Ripon, Towns of Auburn, Calumet, Empire, Fond Du Lac, Friendship, Oakfield, Osceola, Ripon and Taycheedah in Fond Du Lac County, Town of Wilson in Sheboygan County and the Villages of Brandon, Campbellsport, Eden, Fairwater, North Fond Du Lac, Oakfield and St. Cloud in Fond Du Lac County and the City of Berlin in Green Lake and Waushara Counties, the Cities of Green Lake, Markesan and Princeton in Green Lake County passed, approved, and adopted April 16, 2024.

ROLL CALL VOTE:

\_\_\_\_\_ AYES

\_\_\_\_\_ NAYS

\_\_\_\_\_ ABSENT

CITY OF BERLIN

BY: \_\_\_\_\_  
JOEL E. BRUESSEL  
Mayor

ATTEST: \_\_\_\_\_  
SARA L. RUTKOWSKI  
City Administrator/City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
MATTHEW G. CHIER  
City Attorney

DRAFT 4-15-2024