

COMMITTEE OF THE WHOLE MEETING AGENDA
TUESDAY, AUGUST 6, 2024, 7:00 PM
BERLIN COMMON COUNCIL CHAMBERS
Zoom Meeting ID: 893 1930 8907 Password: 123456

1. Roll Call
2. Virtual Attendees Seated (if necessary)
3. General Public Comments. Registration card required (located at podium in Council Chambers).
4. Approval of Minutes. RECOMMENDATION: Approve the minutes from the May 7 2024 Committee of the Whole meeting.
5. Library Request for Upstairs Upgrade RECOMMENDATION: Listen to staff presentation with action to Common Council as appropriate.
6. Downtown Lights Agreement. RECOMMENDATION: Listen to presentation with action to Common Council as appropriate.
7. Helicopter Nuisance Discussion. RECOMMENDATION: Listen to staff presentation with staff direction as appropriate.
8. Vacant Building Registration Discussion. RECOMMENDATION: Listen to staff presentation with action to Common Council as appropriate.
9. Safe Streets For All Grant (SS4A) RECOMMENDATION: Listen to staff presentation with action to Common Council as appropriate.
10. Resolution 24-08 Budget Adjustment for Assessment Services RECOMMENDATION: Listen to staff presentation with action to Common Council as appropriate.
11. Motion to convene into closed session pursuant to Wis Stat §19.85(1)(e) 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 (*Developer's Agreement for Nicolet Lumber Development on Lot 1 of CSM 3037, Tax Parcel 206-01082-0200*).
12. Reconvene into Open Session.
13. 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 COMMITTEE OF THE WHOLE MEETING MINUTES
TUESDAY, May 7, 2024 7:00PM
COUNCIL CHAMBERS, CITY HALL**

Mayor Bruessel called the Committee of the Whole meeting to order at 7:04 p.m. Present: Ald Stobbe, Boeck, Burgess, Durtschi, and Dretske. Absences: Nigbor. Staff present: Attorney Matt Chier, Scott Zabel and Caitlin Hilgart.

Mayor Bruessel asked for item number 6 and 7 be removed from the agenda. The wording of the agenda items was incorrect and they will be moved to next week's Common Council Meeting.

There were two public comment cards. Dawn Putzke, W2202 Puchyan Rd. Berlin WI. Putzke is the President of Berlin Veterans Foundation inviting Council and staff to the Berlin Memorial Day Parade. Second comment card was from Tracy Klawitter, 391 SW Ceresco Berlin WI. Klawitter is looking for guidance and help with flooding in the back yards adjacent to the Boys and Girls Club. Approximately 10 years ago when the Boys and Girls Club built the new facility specifically including the soccer and baseball field on the south and southwest side of the property. The 7 homes that the Boys and Girls Club boarders have all had flooding and the start of foundation issues. Klawitter and other neighbors have tried to call different times to the Boys and Girls Club and phone calls are never returned. Mayor thanked Klawitter and said he would look into who to contact and get back to her with who to speak with.

Item #4 was Approval of minutes. Dretske made a motion to approve the April 2, 2024 minutes as presented. Durtschi seconded the motion that passed on a voice vote.

Next item was the Resolution 24-05 approving the adjusted Berlin Urban Area Boundary. Zabel stated that in 2010 the US Census Bureau defined the Berlin area as rural. After the 2020 Census Bureau once again defined the Berlin area as urban. The urban area is a key factor for transportation planning for the federal Surface Transportation Block Grant funding eligibility. Stobbe made a motion to recommend to Common Council the approval of Resolution 24-05 adjusting the Berlin Urban Area Boundary and authorized signatures. Boeck seconded the motion that passed on voice vote.

Burgess made a motion to adjourn at 7:14PM. Durtschi seconded the motion that passed on a voice vote.

Caitlin Hilgart, Deputy Clerk

DATE: August 6 2024
TO: Committee of the Whole
FROM: Library Director, Library Board
RE: **Library Room Addition**

BACKGROUND: Chris Kalupa will be presenting on the possibility of adding an additional Library meeting room in the upstairs of the Library.

No funds are needed from the City for this project.

Permission is requested, as the building is owned by the City.

RECOMMENDATION: Approve request to add additional meeting space in Library.

DATE: August 6 2024
TO: Committee of the Whole
FROM: Bootify Berlin Group
RE: Downtown Lights Agreement

BACKGROUND: A representative from Boo-tify Berlin will be presenting on their interest in installing lights in the downtown area.

An agreement has been drafted to assist with this endeavor.

RECOMMENDATION: Recommend to Common Council to approve use of this Agreement for Downtown Lights Installation on privately owned buildings downtown.

CITY OF BERLIN
108 N. Capron Street
Berlin, WI 54923



Date:

DOWNTOWN LIGHTS AGREEMENT

Business:

Owner:

Address:

PARTIES:

1. City of Berlin herein referred to as "City."
2. Business _____ herein referred to as "Business."

TERMS:

1. This document is full agreement.
2. Term shall be for one year, renewing for one year automatically.
3. Lights are owned by the city.
4. Lights will be maintained by the City.
5. If a light is out/need to be replaced, business will contact City for City to take care of. Business will not attempt to repair/replace light.
6. City asks Business to notify City if Business is selling property as this agreement does not assign to new owners of business/building.
7. If City staff damage building in any way during installation and maintenance of downtown lights, City agrees to make business whole by either repairing damage or reimbursing business for all costs related to repairs.
8. City will make all reasonable attempts to get electricity from city operated street lights. If City is unable to obtain electricity for downtown lights from City operated street light, downtown lights may need electricity to be provided by business. If business finds electricity costs to be too much, business can request downtown lights be plugged in elsewhere or moved.
9. If either party wishes to terminate the agreement, notice must be given in writing with 30-day notice.

Signatures:

City of Berlin
Mayor: Joel Brussel

Business & Address:
Business Owner:

Date:

Date:

DATE: August 6 2024
TO: Committee of the Whole
FROM: City Administrator
RE: Budget Adjustment Resolution 24-08

BACKGROUND:

On May 6, 2024 a resident stopped Officer Krause and inquired about the ability to have a helicopter landing area. The resident was informed at that time that having a helicopter land in a residential area most likely violated numerous city ordinances.

Attorney Chier has shared the following thoughts on issues:

1. It may be a zoning issue. First, "airports" are not permitted in residentially zoned districts. However, not sure this would be an "airport", but it may still arguably go beyond the accepted meaning of residential use, which is the permitted use in residential districts.
2. There is also Sec. 46-36, Loud and Unnecessary Noise. Also, there is Chapter 46, Article V, Public Nuisances, which contains a number of prohibitions on noise and vibration. There are certainly potential defenses to these ordinances, including the constitutional right of interstate travel. However, that is potentially offset by the fact that there are airports (including one in Berlin) that are better equipped for helicopters; thus there is arguably no unreasonable restriction upon the right of travel.
3. Lastly, there is always the alternative for the Council to consider an ordinance regulating the placement of helicopter pads or landing of helicopters, such as requiring a certain amount of acreage or buffering. That would eliminate the lack of clarity.

RECOMMENDATION: Direct Staff to research possible ordinance changes to clearly prohibit use of helicopters in residentially zoned areas and bring back to Common Council.



City of Berlin - Department of Planning and Development
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MEMO

TO: Committee of the Whole
FROM: Timothy Ludolph, Planning & Development Director
RE: Vacant Building Registration Exemption(s)
DATE: August 6, 2024

Background

Over the past couple of years staff have observed some trends of certain types of one to two family residential properties having the type of vacancy the purpose of section 14-140 speaks against. There have been a few residential properties with non-present ownership, which have visibly blighted their neighborhoods and arguably created an unhealthy, unsafe, and economically damaging effect. Staff has found this to be a missing piece to what could be a stronger nuisance abatement effort.

Discussion

If there was not the exemption of one to two family dwellings in the purpose or exemption section, something that is not consistently an attribute of other community's Vacant Building Registration programs in Wisconsin, Staff would have a tool to address deteriorating properties before they get to the point where a Raze or Repair order is the only option. An option to balance the scales of this change would be having a codified or understood practice where there has to be some duration, like 180 consecutive days, of vacancy to ensure people on extended leave or vacation are not unjustly targeted. Staff can look further if the Committee desires staff present more evidence of consensus.

Recommendation

Removal of the exemption of one- and two-family buildings or the equivalent way of enabling staff to enforce the Minimum requirement for vacant building standards in this chapter.

ARTICLE V. - VACANT BUILDING REGISTRATION

Sec. 14-140. - Purpose.

- (a) The purpose of this article is to establish standards for the regulation and registration of vacant buildings. The adoption of this article reflects the formal finding of fact by the City of Berlin that registration of vacant buildings advances the following compelling governmental interests:
- (1) Decrease calls for police services, reduces incidence of fires, both accidental and intentional, and reduces the decline and disinvestment in neighborhoods.
 - (2) Stabilize and improve impacted neighborhoods, assist in the development of code enforcement efforts, and promote public safety through aggressive monitoring of vacant properties.
- (b) The common council further finds that a property owner or entity functioning as a trustee of an owner that does not register, permit inspection, insure, secure and maintain a vacant building places an undue and inappropriate burden on the taxpayers of the city and poses an increased risk to public safety. The common council therefore intends, as provided in this article, that the owner or entity functioning as a trustee of an owner of such property be charged the costs of any public safety services rendered to the property while non-compliant with this article as well as for any abatement necessary to bring the property into compliance with this article.
- (c) **Registering of vacant residential buildings (excluding single and two-family dwellings)** or any other vacant building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses, is essential for the proper enforcement of the city's building, fire and zoning code and to safeguard persons, property and general welfare.

(Ord. No. 04-18, 6-12-2018)

Sec. 14-141. - Definitions.

In this article, unless the context or subject matter clearly requires otherwise, all words and phrases shall have definitions as set forth in Wis. Stats. § 236.02, and otherwise as follows:

Owner means the person in whom is vested all or part of the legal title to the property or all or part of the beneficial ownership and right to present use and enjoyment of the premises.

Secured means a building that has a permanent door or window in each appropriate building opening that is secured to prevent unauthorized entry and has all its door and window components, including frames, jambs, rails, stiles, muntins, mullions, panels, sashes, lights and panes intact and unbroken.

Vacant means a building which lacks habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business or construction operation or residential occupancy is at a level of at least 95 percent vacancy.

Violation means that an order has been issued by the department and the conditions forming the basis for the order have not been fully abated.

Unsecured means any building that does not meet the definition of secured.

(Ord. No. 04-18, 6-12-2018)

Sec. 14-142. - Registration required.

- (a) The owner of any building that has become vacant shall within 30 days after the building becomes vacant or within 30 days after assuming ownership, whichever is later, file a registration statement and pay a registration fee for each building with the building inspector on forms provided by the building inspector as prescribed below:
- (1) Each vacant building registration certificate shall be issued and shall be valid for six months from the date the certificate is issued.
 - (2) There shall be no fee, and no inspection shall be required, for the initial registration of a vacant building.
 - (3) If the building remains vacant beyond the 6 month validity period of the registration certificate, the owner shall be required to renew the registration certificate for another six-month period and pay a vacant building inspection renewal fee in the amount set forth in the fee schedule on file in the city clerk-treasurer's office, and the building inspector and/or the fire inspector shall inspect the building for violations of this article. If the building is determined to be in violation of any of the provisions of this article during said renewal inspection, the normal renewal inspection fee shall be doubled for the next subsequent renewal if the building remains vacant beyond the six-month extension of the certificate. If a building is determined to still be in violation of any of the provisions of this article during the next renewal inspection following a renewal for which the inspection fee was doubled, the normal inspection fee shall be tripled for the next subsequent renewal. If a building is determined to still be in violation of any of the provisions of this article during the next renewal inspection following a renewal for

which the inspection fee was tripled, the normal inspection fee shall be quadrupled for the next subsequent renewal and all subsequent renewals thereafter if the building continues to remain in violation of any of the provisions of this article during such subsequent renewal inspections.

- (4) An additional fee in an amount set forth in the fee schedule on file in the city clerk-treasurer's office shall be imposed if the owner does not provide access to city officials for inspection at the scheduled time.
 - (5) Vacant building inspection fees shall be set forth in a statement sent via first class mail to the owner. If the statement is not paid in full within 30 days thereafter, such fee shall be assessed against the building as a special charge pursuant to Wis. Stat. § 66.0627.
- (b) In addition to other information, the registration statement shall include the name, street address and telephone number of a person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of the owner or owners in connection with the enforcement of this article. This person shall reside within Green Lake County or Waushara County.

(Ord. No. 04-18, 6-12-2018)

Sec. 14-143. - Exemptions.

The following are exempt from the provisions of this article:

- (1) Property owned by governmental bodies or the community development authority.
- (2) Property that is vacant as a result of a natural disaster and covered by emergency response requirements issued by the city emergency management director.
- (3) Property that is undergoing an active renovation or rehabilitation, provided a written plan for such renovation or rehabilitation has been submitted to and approved by the building inspector in accordance with and subject to the provisions of subsections 14-143(3)a—b.
 - a. An owner may request an exemption pursuant this subsection 14-143(3) by filing with the building inspector a written application and plan for the subject renovation or rehabilitation on a form furnished for such purpose. All plans submitted for approval shall include:
 1. The legal description of the lot or parcel of land as obtained from official records.
 2. The name and address of the owner of the premises.
 3. The name and address of the person or contractor completing the work.
 4. A detailed description of the renovation or rehabilitation.
 5. The projected cost of the renovation or rehabilitation.
 6. The time frame for completion of the renovation or rehabilitation.
 - b. The building inspector may revoke his or her approval of an exemption under this paragraph for violation of any condition or provision of application for such approval, for violation of any ordinance, law, lawful order or Wisconsin statute relating to the property, or if in the opinion of the building inspector the continuation of the exemption will be contrary to this article's purpose of safeguarding persons, property and general welfare.
- (4) Single family and two-family dwelling residential property.
- (5) Properties that are part of an estate that is in probate and are not subject to bankruptcy provided the personal representative or executor resides within Green Lake County or Waushara County.

(Ord. No. 04-18, 6-12-2018)

Sec. 14-144 - Owner responsibilities.

The owner of any building that has become vacant shall:

- (1) Enclose and secure the building as provided in section 14-145.
- (2) Maintain the building in a secure and closed condition until the building is again occupied or demolished.
- (3) Acquire or otherwise maintain liability insurance on the building in an amount not less than schedule for required insurance on file with the city clerk-treasurer, covering any damage to any person or any property caused by any physical condition of or in the building. Evidence of this insurance shall be available at the request of the building inspector.

(Ord. No. 04-18, 6-12-2018)

Sec. 14-145. - Minimum requirements for vacant buildings.

The owner of any vacant building for which registration is required by this article shall provide access to the building inspector and fire inspector to conduct an exterior and interior inspection of the building to determine compliance with this section, following reasonable notice. If any owner of a vacant building does not provide access to the property at the scheduled time, the building inspector and/or the fire inspector may apply for and obtain a special

inspection warrant pursuant to Wis. Stat. § 66.0119. In addition, failure to provide access to the property at the scheduled time shall subject the property owner to the fees specified in subsection 14-142(a)(4). In addition to any other applicable requirements required by this Code of Ordinances, vacant buildings shall comply with the following requirements:

- (1) *Lot maintenance standards.* The lot the building stands on and the surrounding public way and be maintained in such a condition so that it does not become a public nuisance, as such is defined in section 46-152.
- (2) *Exterior maintenance standards.* The exterior of the building shall be enclosed, secured and maintained in such a condition so that it does not become a public nuisance, as such is defined in section 46-152, and shall also meet the following requirements:
 - a. Foundations, basements, cellars and crawlspaces shall be maintained in sound and watertight condition adequate to support the building and protected against the entry of rodents or other animals.
 - b. Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or the interior spaces and shall be protected against the entry of rodents or other animals.
 - c. Exterior windows and doors shall be maintained in sound condition and good repair and prevent rain from entering the building. The windows and doors shall be equipped with hardware for locking and the locking mechanism shall be maintained in properly functioning condition. All points of possible ingress and egress shall be secured to prevent unauthorized entry.
 - d. The roof shall be adequately supported and maintained in weathertight condition; the gutters, downspouts, scuppers and appropriate flashing shall be in good repair and adequate to remove the water from the building.
 - e. Chimneys and flues shall be kept in sound, functional, weathertight condition and in good repair.
 - f. Every outside stair or step shall be maintained in sound condition and in good repair; every porch, stoop, deck, veranda, balcony and walk shall be maintained in sound condition for its purpose.
- (3) *Interior Maintenance Standards.* The interior of the building shall be maintained in such a condition so that it does not become a public nuisance, as such is defined in section 46-152, and shall also meet the following requirements:
 - a. Every foundation, roof, floor, wall, stair, ceiling or other structural support shall be safe and capable of supporting the loads associated with normal usage and shall be kept in sound condition and repair.
 - b. Any plumbing fixtures shall be maintained with no leaking pipes, and all pipes for water shall either be completely drained or heated to resist being frozen.
 - c. Every exit door shall be secured with an internal deadbolt lock, or with a locking mechanism deemed equivalent or better by the department, and every exit door shall be capable of being opened from the inside easily and without the use of a key or special knowledge.
 - d. Interior stairs shall have treads and risers that have uniform dimensions, are sound, securely fastened and have no rotting, loose or deteriorating supports.
 - e. Every owner shall be responsible for the extermination of insects, rodents and other vermin in or about the premises.
- (4) *Building security standards.* The following apply to the securing of vacant buildings:
 - a. All building openings shall be closed and secured.
 - b. If a building has been vacant for 6 months or longer, and the building inspector determines that the building is found to not be secure, the building inspector may send by first class mail a written notice of the violation to the owner of the building or to the authorized agent for service of process. Within 30 days of the mailing of the notice of violation, the owner shall be required to secure the building and install and maintain a working alarm system. The alarm system shall connect to all areas of the building subject to unauthorized human entry, including but not limited to, all exterior doors, windows or other readily accessible openings. The alarm system shall, upon detecting unauthorized entry, send an automatic signal to a licensed alarm business that has 24-hour live operators who will monitor the system and contact the building owner or designated agent.

(Ord. No. 04-18, 6-12-2018)

Sec. 14-146. - Issuance of variances.

Upon written application by an owner or an owner's agent, the common council may approve a variance from compliance with of any provision of this article, including the requirement for inspections and fees, provided the spirit and functional intent of the article will be observed and the public health, welfare and safety will be assured as to the building in question.

(Ord. No. 04-18, 6-12-2018)

Sec. 14-147. - Penalty.

- (a) *Failure to register.* Any property owner or entity functioning as a trustee of an owner that fails to register a vacant building as required under section 14-143 shall, upon conviction, be subject to a penalty as provided in section 1-16, and shall be held responsible for the cost of the action, and in default of payment thereof may be imprisoned in an appropriate county facility as allowed by law.
- (b) *Failure to secure and maintain.* Any property owner or entity functioning as a trustee of an owner having a duty to register a vacant building that fails its duty to secure and maintain the property as required under section 14-144 or section 14-145 shall, upon conviction, be subject to a penalty as provided in section 1-16, and shall be held responsible for the cost of the action, and in default of payment thereof may be imprisoned in an appropriate county facility as allowed by law.

(Ord. No. 04-18, 6-12-2018)

Sec. 14-148. - Maintenance or securing of vacant building by city.

- (a) *Summary abatement.* If the inspecting officer shall determine that a violation of this article exists and that there is great and immediate danger to the public health, safety, peace, morals or decency, the inspecting officer may cause such public nuisance to be abated, and shall charge the cost of such abatement to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- (b) *Abatement after notice.* If the inspecting officer shall determine that a public nuisance, described in this article, exists within the city, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, such officer shall serve notice on the owner or to the authorized agent for service of process to abate the violation within 30 days from the date of service. If such violation is not abated within such 30 day period, the city shall cause the nuisance to be abated. Service of notice hereunder may be made by personal service or U.S. First Class Mail to the owner's address listed in the county tax records department.
- (c) *Other methods not excluded.* Nothing in this article shall be construed as prohibiting the abatement of public nuisances or razing of buildings by the city or its officials in accordance with other ordinances or as otherwise allowed by law.
- (d) *Injunctive or equitable relief.* Violations of this article may also be abated by injunctive or other equitable relief, for which conviction will include a right to collect reasonable attorney's fees for the city prosecuting attorney and a right to an award of damages for the city. The imposition of a penalty does not prevent injunctive relief.
- (e) *Cost of abatement.* In addition to any other penalty imposed by this article, the cost of abating any violation of this article by the city shall be collected as a debt from the owner of the building. The rates charged for such city abatement shall be at the rates set forth on the fee schedule on file in the city clerk-treasurer's office, if applicable, but shall otherwise be at actual cost (which may include but not be limited to actual out of pocket costs, expert consultant and legal costs, actual staff compensation costs and expenses, and/or administrative fees for services rendered). The charges shall be set forth in a statement to the clerk-treasurer who, in turn, shall mail the statement to the owner, occupant or person in charge of the premises. If the statement is not paid in full within 30 days thereafter, such cost of abatement shall be assessed against the real estate as a special charge pursuant to Wis. Stats. § 66.0627.

(Ord. No. 04-18, 6-12-2018)

Sec. 14-149. - Charge for public safety services.

- (a) *Charges.* Any property owner or entity functioning as a trustee of an owner that fails to comply with any provision of this article shall be charged for any public safety services rendered to the property by the police department or fire department while non-compliant with this article. The chief of police and fire chief shall provide a record of each service rendered to the property and the costs of services, investigation, administration and enforcement to the city clerk-treasurer. The costs of the services, investigation, administration and enforcement by any police or fire personnel may be charged to the owner or entity functioning as a trustee of an owner and in whole or in part. Appeal of the determination of the chief of police or fire chief imposing costs against the owner or entity functioning as a trustee of an owner may be made solely to the common council by requesting a hearing. Notice of appeal must be in writing and submitted to the common council in care of the clerk-treasurer, with a copy submitted to the chief of police or fire chief as applicable. Chapter 68 of the Wisconsin Statutes does not apply to this article.
- (b) *Cost recovery.* Upon receipt of a cost referral letter from the chief of police or fire chief pursuant to section 14-149(a), the city clerk-treasurer shall charge any premises owner or entity functioning as a trustee of an owner found to be in violation of this article the costs of enforcement, including administrative costs, in full or in part. A notice of intent to charge shall be issued to the premises owner or entity functioning as a trustee of an owner along with notice that, if the property is brought into compliance with the vacant building registration program within 30 days of the notice, the public safety service charge shall not be issued. If the property is not brought into compliance within 30 days, all costs shall be charged as a lien upon such premises and may be assessed and collected as a special charge pursuant to Wis. Stats. § 66.0627. The city clerk-treasurer, upon consultation with the chief of police and fire chief, shall establish reasonable rates for charges for the costs of administration and enforcement of this section.

(Ord. No. 04-18, 6-12-2018)

To: Common Council

RE: Safe Streets 4 All Grant Application

Background:

In March, Council had discussed the need for more street safety in our community. I applied for and received a grant of technical assistance to apply for the Federal Safe Streets for All Planning and Demonstration Grant.

Because the City does not already have an Action Safety Plan, we must create a plan first. Then we will be able to apply for funds (Implementation Grant) to actual build or put in physical items.

The final deadline to apply for a Planning and Demonstration grant is August 29, 2024.

This grant does require a 20% match.

Recommendation: Direct staff to apply for Planning and Demonstration Safe Streets and Roads for All Grant.

S | S Safe Streets and Roads for All 4 | A (SS4A) Program Facts



The U.S. Department of Transportation (USDOT) **Safe Streets and Roads for All (SS4A)** program provides grants to local, regional, and Tribal communities for implementation, planning, and demonstration activities as part of a systematic approach to prevent deaths and serious injuries on the nation's roadways.

This roadway safety program was created by the **Bipartisan Infrastructure Law** and provides \$5 billion over 5 years. The funding helps communities address the preventable crisis of deaths on our nation's roads, streets, and highways through safer people, roads, and vehicles; appropriate vehicle speeds; and improved post-crash care.

The SS4A program funds two types of grants:

- **Planning and Demonstration Grants** for Comprehensive Safety Action Plans, including supplemental safety planning and demonstration activities to inform an Action Plan.
- **Implementation Grants** to implement strategies or projects identified in an existing Action Plan.

SS4A is exclusively designed to help local communities. There are three remaining funding rounds, including the round currently open in 2024.

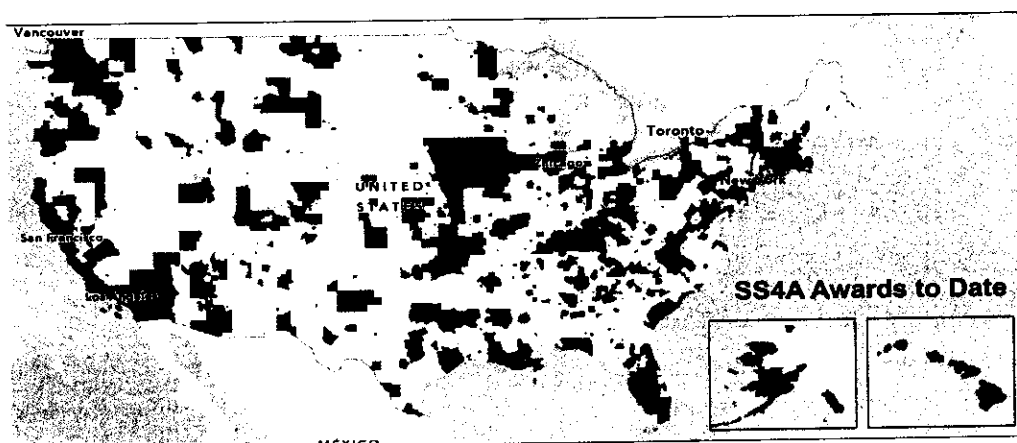
For more information, use the QR code above or visit the [SS4A website](#).

SS4A grants are already making an impact nationwide

- In the first two years of funding, USDOT awarded **\$1.7 billion** to over **1,000 communities** across all **50 states and Puerto Rico**.
- Awarded communities comprise about **70% of the nation's population**.
- SS4A funds to improve roadway safety planning have been awarded to localities that make up 61% of all roadway fatalities.
- Projects and activities will significantly **improve safety for all people using the road** in those communities, including drivers, passengers, pedestrians, bicyclists, people using transit, and people with disabilities.

Awards reach communities of all different sizes and safety needs:

- **Rural communities** comprise around half of all grant award recipients to date.
- 465 communities (41% of award recipients) have **populations under 50,000**.
- 382 award recipients (75%) in the first year were **new direct Federal funding recipients to USDOT**.
- Over half of funds will **benefit underserved communities**, providing equitable investment to places that need funding the most.



SS4A amplifies our impact by working across government and with external partners

The SS4A program collaborates within USDOT, and with outside organizations that are committed to roadway safety, to disseminate program information and build capacity to help communities apply for grants and successfully implement grant activities.

- Coordinated technical assistance and promotion efforts focus on advancing roadway safety in rural areas, Tribal communities, and places in the Thriving Communities network. **In the past 2 years, USDOT staff directly reached communities in every state.**
- USDOT works with **trusted non-governmental organizations and partners** that understand communities' roadway safety challenges and needs. These partners include organizations such as the Local Infrastructure Hub, National League of Cities, National Association of County Engineers, League of American Bicyclists, Vision Zero Network, Rural Partners Network, Urban Sustainability Directors Network, and Emergency Medical Services groups, and events like the National Transportation in Indian Country Conference.

SS4A helps applicants compete for funding based on merits, not technical capacity

Applying for Federal discretionary grants is new for some communities—many of which may not have a team of grant writers on their staff. The SS4A program works with applicants throughout the evaluation process to ensure that they have complete and accurate information and are not disqualified due to an administrative error during the submission process.

- In the second funding year (FY23), SS4A conducted **follow-up outreach to 85% of applicants (roughly 600 communities)** to provide opportunities to address missing application elements and program requirements. As a result, **almost no applicant was turned away** because of an incomplete application.
- For those who are unsuccessful, SS4A offers a detailed debrief to help applicants develop more successful applications in future rounds. SS4A conducted approximately **130 debrief interviews** in January and February of 2024.

SS4A award recipients receive extra support to ensure successful grant administration

After awards are made, the SS4A program continues to help communities be successful in developing, executing, and administering grant agreements.

- A streamlined grant process was developed to help finalize and sign grant agreements as quickly as possible, even for communities that have never received grant funding from USDOT. **Of the 511 award recipients** in the first round announced in February of 2022, **over 90% have executed grant agreements** in place and initial **funding amounts obligated.**
- A Technical Assistance Center was established to support grant recipients with training and technical assistance, including how to comply with Federal requirements and how to develop Comprehensive Safety Action Plans.
- A Community of Practice was created to help grant recipients learn from each other across the 1,000+ communities that have received awards to date.

The next funding opportunity is open now!

The fiscal year (FY) 2024 Notice of Funding Opportunity (NOFO) for Safe Streets and Roads for All grants opened in February 2024. The FY 2024 NOFO has multiple deadlines, depending on the grant type:

- **April 4, 2024**, 5 p.m. (EDT): Deadline #1 for Planning and Demonstration Grants.
- **May 16, 2024**, 5 p.m. (EDT): Deadline for Implementation Grants. Deadline #2 for Planning and Demonstration Grants.
- **August 29, 2024**, 5 p.m. (EDT): Deadline #3 for Planning and Demonstration Grants. NOFO closes.

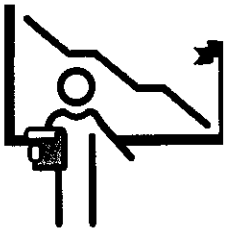




Safe Streets and Roads for All Action Plan Components

This document is not meant to replace the NOFO. Applicants should follow the instructions in the NOFO to correctly apply for a grant. See the SS4A website for more information: <https://www.transportation.gov/SS4A>

Leadership Commitment and Goal Setting



An official public commitment (e.g., resolution, policy, ordinance, etc.) by a high-ranking official and/or governing body (e.g., Mayor, City Council, Tribal Council, MPO Policy Board, etc.) to an eventual goal of zero roadway fatalities and serious injuries. The commitment must include a goal and timeline for eliminating roadway fatalities and serious injuries achieved through one, or both, of the following:

- (1) the target date for achieving zero roadway fatalities and serious injuries, OR
- (2) an ambitious percentage reduction of roadway fatalities and serious injuries by a specific date with an eventual goal of eliminating roadway fatalities and serious injuries.



Planning Structure

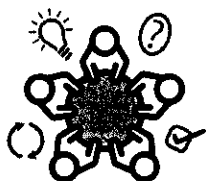
A committee, task force, implementation group, or similar body charged with oversight of the Action Plan development, implementation, and monitoring.



Safety Analysis

Analysis of existing conditions and historical trends that provides a baseline level of crashes involving fatalities and serious injuries across a jurisdiction, locality, Tribe, or region. Includes an analysis of locations where there are crashes and the severity of the crashes, as well as contributing factors and crash types by relevant road users (motorists, people walking, transit users, etc.). Analysis of systemic and specific safety needs is also performed, as needed (e.g., high-risk road features, specific safety needs of relevant road users, public health approaches, analysis of the built environment, demographic, and structural issues, etc.). To the extent practical, the analysis should include all roadways within the jurisdiction, without regard for ownership. Based on the analysis performed, a geospatial identification of higher-risk locations is developed (a High-Injury Network or equivalent).

Engagement and Collaboration

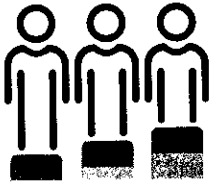


Robust engagement with the public and relevant stakeholders, including the private sector and community groups, that allows for both community representation and feedback. Information received from engagement and collaboration is analyzed and incorporated into the Action Plan. Overlapping jurisdictions are included in the process. Plans and processes are coordinated and aligned with other governmental plans and planning processes to the extent practical.





Safe Streets and Roads for All Action Plan Components



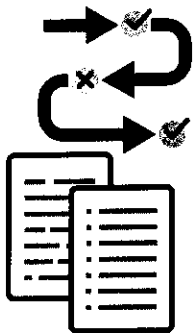
Equity Considerations

Plan development using inclusive and representative processes. Underserved communities* are identified through data and other analyses in collaboration with appropriate partners. Analysis includes both population characteristics and initial equity impact assessments of the proposed projects and strategies.



Policy and Process Changes

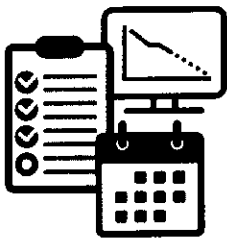
Assessment of current policies, plans, guidelines, and/or standards (e.g., manuals) to identify opportunities to improve how processes prioritize transportation safety. The Action Plan discusses implementation through the adoption of revised or new policies, guidelines, and/or standards, as appropriate.



Strategy and Project Selections

Identification of a comprehensive set of projects and strategies, shaped by data, the best available evidence and noteworthy practices, as well as stakeholder input and equity considerations, that will address the safety problems described in the Action Plan. These strategies and countermeasures focus on a Safe System Approach, effective interventions, and consider multidisciplinary activities. To the extent practical, data limitations are identified and mitigated.

Once identified, the list of projects and strategies is prioritized in a list that provides time ranges for when the strategies and countermeasures will be deployed (e.g., short-, mid-, and long-term timeframes). The list should include specific projects and strategies, or descriptions of programs of projects and strategies, and explains prioritization criteria used. The list should contain interventions focused on infrastructure, behavioral, and/or operational safety.



Progress and Transparency

Method to measure progress over time after an Action Plan is developed or updated, including outcome data. Means to ensure ongoing transparency is established with residents and other relevant stakeholders. Must include, at a minimum, annual public and accessible reporting on progress toward reducing roadway fatalities and serious injuries, and public posting of the Action Plan online.

* An underserved community as defined for this NOFO is consistent with the Office of Management and Budget's Interim Guidance for the Justice40 Initiative <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf> and the Historically Disadvantaged Community designation, which includes U.S. Census tracts identified in this table <https://datahub.transportation.gov/stories/s/tsyd-k6ij>; any Tribal land; or any territory or possession of the United States.



DATE: August 6 2024
TO: Committee of the Whole
FROM: City Administrator
RE: **Budget Adjustment Resolution 24-08**

BACKGROUND:

I made a mistake when creating the budget. I only put \$25,000 in for professional services, when the expenses will be much higher this year due to the revaluation.

There is no need to worry about the funds, as we have already set aside \$96,500 to assist with covering costs of the revaluation. I only need the budget adjusted as we are not allowed to go that far over budget due to statutory constraints.

RECOMMENDATION: Recommend to Common Council to approve Resolution 24-08 to allow for budget adjustment of Assessment Professional Services.



RESOLUTION #24-08

A RESOLUTION AUTHORIZING 2024 BUDGET ADJUSTMENT FOR ASSESSMENT SERVICES DUE TO REVALUATION YEAR

WHEREAS, the 2024 Assessment Budget for Professional Services is budgeted for \$25,000; and

WHEREAS, due to 2024 being a revaluation year, Assessment Professional Services is expected to exceed \$100,000 based on contract language with Associated Appraisal;

IT IS HEREBY RESOLVED that the Committed Reassessment Funds of \$96,500 will be applied to cover the increase; and

IT IS HEREBY FURTHER RESOLVED that the 2024 budgeted line item 100-10-51530-210 Assessment Professional Services be increased by \$96,500.

PASSED, ADOPTED, AND APPROVED, this 13 day of August 2024.

Roll Call Vote:

___ Ayes
___ Nays
___ Absent

CITY OF BERLIN

Approved as to form:

Joel Bruessel, Mayor

City Attorney

Attest:

Sara Rutkowski, City Clerk