

COMMITTEE OF THE WHOLE MEETING AGENDA
TUESDAY NOVEMBER 5, 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 October 1, 2024 Committee of the Whole meeting.
5. Berlin Aquatic Center discussion. RECOMMENDATION: Discussion and action as appropriate.
6. 2025 Budget Discussion. RECOMMENDATION: Listen to staff presentation with action to Common Council as appropriate.
7. Ordinance amending code to remove referendum and sunset as to designation of ATV and UTV routes on all city streets and to remove curfew for ATV and UTV operation.
RECOMMENDATION: Discussion and action as appropriate.
8. Vacation of S. Fox Alley between W Franklin Street and W Ceresco St. RECOMMENDATION: Discussion and action as appropriate.
9. Motion to convene into closed session pursuant to Sec 19.85(1)(c), to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility (*Employee compensation*).
10. 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, October 1, 2024 7:00PM
COUNCIL CHAMBERS, CITY HALL

Mayor Bruessel called the Committee of the Whole meeting to order at 7:00 p.m. Present: Ald Stobbe, Boeck, Nigbor, Burges, Durtschi. No Absences. Staff present: Attorney Matt Chier, Scott Zabel, and Caitlin Hilgart.

There were four public comment cards for item number 7.

Mary Lou Neubauer, 295 Forest St. Berlin WI. Neubauer is the Administrator for the City of Princeton stating that on September 28, 2024 there was two ATV rides in the City of Princeton and how smooth everything had gone. The ATVs have been a very good experience for the City of Princeton.

Stobbe made a motion to approve the minutes from the September 3, 2024 Committee of the Whole Meeting. Durtschi seconded the motion which passed on a voice vote.

Stobbe asked to have item number seven up next.

Item number 7 was the ATV / UTV Ordinance and Referendum. Attorney Chier explained that the ordinance sunset was set to expire as of November 30, 2024. The Council had required an advisory referendum be held at the presidential election in November. The legislature had since passed a state law that prohibits any advisory referendums, so the referendum can not be done. Tom Yancy, 159 S. Swetting St. Berlin WI. spoke on behalf of the of the ATV club working on 8 years now. Yancy asked to have the curfew removed from the ordinance. Explained what other local municipalities are doing. Zack Bays, W1428 County RD AA, Berlin WI. Asking for the curfew be removed also. Bays also explains that he uses his ATV as wind therapy to clear his mind. Curt Chier, 109 Jackson St. Berlin WI. Chier Stated that he lives by a very busy 4-Way enter section in Berlin and what he sees is very responsible driving from the ATV / UTV drivers. Also encouraging the curfew removed. Chief Pulvermacher explained that the enforcement actions in the last couple years. There were very few citations issued only six to be exact. There were verbal warnings and 1 written warning. Discussion was held. Burgess made a motion to direct Attorney Chier to draft the new revised ordinance for the ATV /UTV, lift the sunset as well as the curfew. Nigbor seconded that motion that passed on a voice vote.

Item number 5 was the 2025 Budget discussion on Capital Project including pool evaluation and street projects. Austin Nolden with Ramaker & Associates, Inc. was available on zoom to present the evaluation report on the Berlin Aquatic Center and answer any questions. Discussion was held. This item number was moved to next week's agenda, waiting for more burrowing information from Baird.

Item number 6. Burgess made a motion to approve Sara Rutkowski as an election worker. Stobbe seconded the motion that passed pm a voce vote.

Burgess made a motion to adjourn at 8:33pm. Nigbor seconded the motion that passed on a voice vote.

Caitlin Hilgart, Interim City Clerk

DATE: 10/30/2024

TO: Committee Of The Whole

FROM: Scott Zabel

RE: Berlin Aquatic Center

BACKGROUND: City staff is looking for guidance and direction from the city council as it pertains to the future of the Berlin Aquatic Center. Knowing that we are not in a position to borrow the funds for 2025 or possibly the foreseeable future. Staff is hoping to gain some insight as to how the city council would like to proceed with the future of the aquatic center.

ALTERNATIVES:

Below are scenarios of the pool as we know them to date.

1. Remain status quo and continue to operate the pool under the normal yearly budget knowing that there are no guarantees that it will remain operational for the duration of the season.
2. Fix the pool once funds become available. Scenarios for that could be:
 - a. Future borrowing depending on the city's financial position.
 - b. Referendum to determine public support and financial commitment to the investment.
 - c. Move forward with the planning and design phase as was outlined in the evaluation presented by Ramaker at a cost of \$80,000. This would require identification of funds.
3. Decommission the pool once it has been determined that the city can no longer fund the maintenance or repairs and replace it with another amenity.

RECOMMENDATION: Discussion and provide staff guidance for next steps.

**CITY OF BERLIN
COMMITTEE OF THE WHOLE MEETING
STAFF REPORT**

TO: City Council
From: Diane Wessel, Interim Administrator
RE: 2025 Budget
Meeting Date: November 5, 2024

10-51-30000-110 City Attorney Salaries: \$104,817

1. Change to 10-51-30000-210 to code as professional services: The city attorney is a contracted service not an employee. Accounts ending in 110 are salaried employees, 120 are hourly employees. Coding this as a city employee without FICA or WRS could raise a flag regarding why the City is not paying payroll taxes or retirement for a city employee. Coding it as contracted services clarifies that the city attorney is NOT a city employee.
2. Create account 10-51-20000-210 – Municipal Court Professional Services: Separating out municipal court legal expenses from general legal counsel increases transparency and helps to monitor costs.
3. Reduce budget: Historical and proposed budget of legal services per capita cost is extraordinarily high compared to other municipalities (\$1.93 - \$10.35 vs. Berlin at \$19.63). See below comparables.

		General		Municipal Court		Combined	
	Population	Annual	\$/capita	Annual	\$/capita	Total	\$/capita
Suamico	13,184	\$10,500	\$0.80	\$15,000	\$1.14	\$25,500	\$1.93
Bellevue	16,588	\$35,500	\$2.14	\$11,295	\$0.68	\$46,795	\$2.82
Seymour	3,513	\$12,000	\$3.42	\$8,000	\$2.28	\$20,000	\$5.69
Horicon	3,767	\$9,000	\$2.39	\$30,000	\$7.96	\$39,000	\$10.35
Berlin	5,623					\$110,385	\$19.63
Berlin Proposed	5,623	\$19,208	\$3.42	\$44,781	\$7.96	\$63,989	\$11.38

This high cost is due to the quantity of items reviewed by legal counsel. Staff feel that this cost can be reduced by eliminating legal counsel review of operational items such as event permits, liquor licenses, meeting agendas, meeting packets, meeting minutes, etc.

Recommended budget:

General legal counsel: \$19,208. Uses the highest per capita cost (\$3.42) for general counsel.

Municipal Court: \$44,781. Uses the highest per capita cost (\$7.96) for court counsel.

10-51-30000-330 City Attorney Conferences and Training \$1,200

10-51-30000-340 City Attorney Operating Supplies: \$5,375

These are common expenditures for municipal staff. However, for contracted professional services, such incidentals are overhead and factored in when establishing hourly rate. I recommend eliminating these line items. Eliminating these as line items and instead including these expenses in with the professional services account will eliminate processing expenditure reports and payments.

Total fiscal impact of above recommendations: \$47,403 reduction in expenditures.

10-51-10000-110 Council, Commissions, & Committee Salaries**10-51-41000-110 Mayor Salaries****10-51-41500-110 Administrator Salaries****10-56-70100—110 BCDC Salaries**

A portion of these expenditures and the associated employee benefits, payroll taxes, and WRS could be transferred off the general levy and charged to tax increment districts. Usually the percentage of time spent on allowable TID expenditures (i.e. developer agreement drafting and review, revolving loan fund or TID grant program application review and approval, negotiations regarding development in the TID) is estimated and budgeted and charged to the TID, and a portion of the annual audit is allocated to the TID instead of the general levy. Additionally, the City may charge the expenses associated with creating TIDs (i.e. Baird contract for TID creation) to the TID retroactively.

Below is an example (Bellevue, WI) of a TID budget that is fully utilized to account for expenditures attributable to the TID that in Berlin appear to be supported by general levy.

BUDGET	2022 ACTUAL	2023 ACTUAL	BUDGET	ACTUAL THRU 08/31	2024 PROJECTED YEAR END	2025 BUDGET
TID #1 EXPENDITURES						
Street Outlay	2,124,515	1,175,696	-	146,381	-	-
Admin Salaries	22,037	24,000	24,975	16,645	24,975	29,301
FICA	1,690	1,807	1,911	1,265	1,911	2,241
Pension Benefits	1,390	1,505	1,656	1,068	1,656	1,794
Employee Benefits	2,223	2,041	4,177	745	2,000	2,317
Audit & Accounting	390	364	364	527	364	501
Engineering Fees	5,100	500	26,000	-	2,500	2,500
Finance Consultants	380	1,212	380	-	380	1,380
Bank Fees	135	240	150	1,217	150	-
Legal Notices	142	30	50	-	50	50
Publication, Subscriptions, Dues	180	-	180	-	-	-
Marketing/Travel/Mileage	1,392	-	60,000	2,941	60,000	55,055
Application/Amend Fees	1,150	150	150	-	150	150
Water TIF #1	656,201	-	-	-	-	-
Stormwater TIF #1	657,723	-	-	-	-	-
Sewer TIF #1	475,846	-	-	-	-	-
Principal on Debt	315,000	325,000	450,000	450,000	450,000	605,000
Interest on Debt	140,104	303,061	273,973	273,973	273,973	260,416
Debt Issuance Costs	71,450	-	-	-	-	-
Transfer to Stormwater	-	-	-	-	-	-
Total	\$ 4,477,198	\$ 1,835,607	\$ 846,466	\$ 894,761	\$ 818,109	\$ 961,705

Total fiscal impact of above recommendations: estimated \$10,000 in expenditures transferred off general levy to TID.

10-51-41500-210 Administrator Professional Services: The City Council identified the key opportunities and challenges for the next administrator as

1. Managing the development, implementation, and monitoring of a Strategic Plan;
2. Creating a comprehensive capital improvement plan;
3. Developing an employee retention and attraction plan;
4. Leading city rebranding and marketing efforts; and
5. Coordinating with the Wisconsin Department of Transportation on the planned Huron Street infrastructure renovation.

Because item 4 above would be in coordination with item 5 which is occurring 2027 or later, I assumed items 1-3 were higher priority for fiscal year 2025. Therefore, I propose creating the administrator professional services line item to include some or all of the following:

1. Employee compensation study and plan: \$15,000
2. Strategic plan: \$12,500
3. Comprehensive Capital Improvement Plan: \$8,000

I am with the belief that item 1 may be earmarked to be paid for with ARPA funds. If that is the case, then it should be budgeted for as an expenditure and the associated revenue account created (10-49-21310 ARPA).

Total fiscal impact of above recommendations: undetermined, depends on what council decides to move forward with and if ARPA funds are used.

10-51-41500-110 Administrator Salaries The draft budget presented to counsel appears to be based on an administrator salary of \$100,693; which is the 2024 salary plus 3%. However, the administrator recruitment advertised the position at \$95K - \$110K. It is likely that the selected candidate will negotiate a salary higher than \$100,693. Usually when replacing a vacancy, especially one that is anticipated to begin very near the start of the year, the budget accounts for the high end of the hiring range. Since it is anticipated that the new administrator would start in the first two weeks of January, I recommend budgeting no less than \$107K, which is approximately 50 weeks at a salary of \$110K, and adjust FICA and WRS accordingly.

10-52-4000-210 Sealer of Weights & Measures: should be \$6,900 based on signed contract. Proposed was \$6,000. **Fiscal impact: increase expenditures by \$900 to reflect the contract amount.**

10-56-90002-210 Land Use Planning Professional Services: recommend increasing from \$10K (standard annual budget) to \$30,000 for an update to the City's Comprehensive Plan. The existing plan has had minor amendments throughout the years, but the amendments have not been incorporated into the master document, and there hasn't been a comprehensive update in over 10 years. State Statutes require an update at least every 10 years and the need for an update has been discussed at the PC. At a minimum, the housing element of the plan should be updated along with code revisions so that the City and/or Developers will meet the eligibility requirements of the WHEDA low interest loan programs (Vacancy to Vitality, Restore Main Street, and Infrastructure Access) in spring 2025.

Revenues: 10-43-41000 Shared Revenue From State: it appears that the October 18 draft budget included Shared Revenue Utility Aid (10-43-41001) resulting in \$43,857 in revenue being double counted, once in each of the above accounts. Therefore, Shared Revenue from State should be \$2,111,962 which is county and municipal aid plus supplemental county and municipal aid. Utility aid of \$43,587 is in 10-43-41001. This will result in a decrease of \$43,857 in revenue from the October 18 draft budget.

		October 18 draft	Correction
10-43-41000	Shared Revenue from the state	\$ 2,155,819.00	\$ 2,111,962.00
10-43-41001	Shared Revenue Utility Aid	\$ 43,857.00	\$ 43,857.00
10-43-41010	State Personal Property Aid	\$ 19,174.72	\$ 19,174.72
10-43-41500	Exp. Restraint Revenue	\$ 2,218,850.72	\$ 2,174,993.72
	Amount over:	\$ 43,857.00	

Below is the Notice of Shared Revenue from Wis. DOR.

Notice of Shared Revenue – 2025 Original Estimate

Notice Information

The Wisconsin Department of Revenue (DOR) is providing the **estimated** shared revenue amounts your local government will receive in 2025 under current state law for county and municipal aid, supplemental county and municipal aid, utility aid and the expenditure restraint incentive program. This does not include adjustments, shown on the July and November payment notices.

District	CITY OF BERLIN	County	GREEN LAKE	Co-muni code	24-206
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Estimate Information

For an explanation of each aid payment listed below, review the additional information in this notice.

2025 Original Estimate	
1. County and municipal aid	\$1,720,525.32
2. Utility aid	\$43,857.33
3. Supplemental county and municipal aid	\$391,436.43
4. Expenditure restraint incentive program	\$19,174.72
5. Total Estimated 2025 Payments (sum of Lines 1-4)	\$2,174,993.80

Considerations of revenue sources that could be implemented in 2025 to reduce/eliminate the deficit and/or establish a fund for road capital projects:

1. **Municipal vehicle registration fee (AKA Wheel tax):** to implement a wheel tax, the municipality passes an ordinance. WisDOT begins collecting fees about 90 days later. The City could start collecting revenue in spring 2025. Spring months are when the highest number of vehicle registrations are renewed. DOT retains \$0.17 per registration the rest is deposited into a City account. There is no administrative burden on the City. Based on the number of vehicles registered in Berlin that are eligible for the wheel tax according to DMV records (5,741) the revenue could be:

Wheel Tax	Annual Revenue
\$10	\$57,410
\$15	\$86,115
\$20	\$114,820
\$25	\$143,525

2. **Transfer recycling and/or garbage collection off the levy and direct bill:** <https://www.lwm-info.org/DocumentCenter/View/4506/Garbage-Collection-and-Recycling-FAQs>
 - a. **Recycling: \$141,754.** Wisconsin's levy limit law does not require a reduction in levy for transferring recycling fees off the levy and charging a fee and adding to the property tax bill.
 - b. **Garbage: \$63,592 estimated based on current contract of \$243,498 and estimating the 2013 levy for this service was \$179,906 using reverse inflation calculator.** Garbage collection may be transferred off the levy and added to the property tax bill. However, unlike recycling, levy limit law requires a reduction in levy equivalent to the amount levied for garbage collection in 2013.

Considerations of revenue sources that could be implemented in 2026 to reduce/eliminate the deficit and/or establish a capital fund for park projects:

1. **WI DOR Innovation grant:** Under state law (sec. 79.038(1), Wis. Stats.), a county, municipality, or tribe (transferor) can apply for an Innovation Grant to support the implementation of a transfer of an allowable service/duty (listed above) to another county, municipality, tribe, nonprofit organization, or private entity (transferee). The innovation plan must realize a cost savings of at least 10%.
 - FAQ: <https://www.revenue.wi.gov/DOR%20Publications/ig-factsheet.pdf>
 - Project examples: <https://www.revenue.wi.gov/DOR%20Publications/ig-examples.pdf>
2. **Park impact fee:** fees that are collected from developers to pay for capital costs to construct, expand or improve public park facilities to accommodate development in the city. The imposition of impact fees is intended to ensure that public park facilities are adequate to meet the development needs of the City and that new development pays a proportionate share of new, expanded or improved facilities required by such development. Park impact fees may not be used to repair or maintain existing parks. But it can pay to add amenities (i.e. restrooms) in an existing park where the amenity does not currently exist. Impact fees require a needs assessment on which to base the fees and implementation requires passage of a park impact fee ordinance. For more information: https://www3.uwsp.edu/cnr-ap/clue/Documents/PlanImplementation/Impact_Fees.pdf
3. **Stormwater utility:** Currently, the City spends between \$10K - \$20K annually on storm sewers. A stormwater utility is an enterprise fund and is paid for by revenues generated from billing users through the sewer and water bill. Wisconsin requires a reduction in the levy for the amount that was on the levy in 2013. There is an upfront cost and administrative burden on the municipality.

Upcoming contracts

The audit contract is for fiscal years 2022, 2023, & 2024. The City will need to contract for future year audits. I recommend requesting a 1-year extension with the current auditors for 2025. This would enable the council and new administrator to wait until the administrator is more settled before deciding to enter into a longer-term contract.

The items below are to conform to the uniform chart of accounts and for consistency only and would not have a fiscal impact. These are recommendations for future years, not to implement for 2025 due to time constraints.

- **10-51-42000-110 City Clerk:** All employees in this category are hourly employees and are eligible for overtime. Therefore, the account should be replaced by 10-51-42000-120 City Clerk Wages.
- **10-52-10001-110 Police Salaries:** Only the Police Chief is a salary employee. Therefore, this should be \$97,072 which is 3% over the 2024 salary. All other employees are hourly employees.
- **10-52-10001-120 Police Wages:** this account should be created for all hourly police department wages. Which would be \$786,821 (proposed total salaries minus police chief salary).
- **10-53-31100-110 Public Works Streets Salaries:** this should be created because public works superintendent is a salaried employee. Move 77% of public works superintendent from 10-53-31100-210.
- **10-53- 31101-110 Parks Maintenance Salaries** this should be created because public works superintendent is a salaried employee. Move 2% of public works superintendent from 10-53-31101-210.
- **10-53-31200-110 Snow & Ice Control Salaries** this should be created because public works superintendent is a salaried employee. Move 6.5% of public works superintendent from 10-53-31200-210.
- **10-53-44100-110 Sidewalk Salaries:** this should be created because public works superintendent is a salaried employee. Move 1% of public works superintendent from 10-53-44100-210.
- **10-53-44100-110 Storm Sewer Salaries:** this should be created because public works superintendent is a salaried employee. Move 1% of public works superintendent from 10-53-44100-210.
- **10-53-60004-110 Buildings and grounds salaries:** this should be created because public works superintendent is a salaried employee. Move 3.5% of public works superintendent from 10-53-60004-210.
- **10-53-62000-110 Garbage & refuse:** this should be created because public works superintendent is a salaried employee. Move 2% of public works superintendent from 10-53-62000-210.
- **10-53-64000-110: Weed & Nuisance:** this should be created because public works superintendent is a salaried employee. Move 5% of public works superintendent from 10-53-64000-210.
- **10-53-42001-510 Street Lights Insurance Premiums:** the new insurance itemizes insurance premiums for street lights. For 2025, this amount is \$1,700. This account should be created moving forward. This would reduce insurance premiums elsewhere in the budget by an equal amount.
- **10-55-11001-120 Library Wages:** this should be created because only the Library Director, Adult Librarian, and Children's Librarian are salaried, the rest are hourly.
- **10-55-20005-110 Parks Salaries:** should be created and account for Parks Director Salary.
- **10-56-50001-110 Public Housing Salaries:** should be a -120 account for wages because employee doing this work is hourly and eligible for overtime.

**ORDINANCE AMENDING CODE TO REMOVE REFERENDUM AND SUNSET
AS TO DESIGNATION OF ATV AND UTV ROUTES ON ALL CITY STREETS, AND
TO REMOVE CURFEW FOR ATV AND UTV OPERATION**

The CITY OF BERLIN Common Council do ordain as follows:

Subsection 70-65(c) of the CITY OF BERLIN Code of Ordinances is repealed.

Section 70-67 of the CITY OF BERLIN Code of Ordinances is repealed.

This Ordinance shall take effect the day after publication.

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 ORDINANCE AMENDING CODE TO REMOVE REFERENDUM AND SUNSET AS TO DESIGNATION OF ATV AND UTV ROUTES ON ALL CITY STREETS, AND TO REMOVE CURFEW FOR ATV AND UTV OPERATION passed, approved, and adopted on November 12, 2024.

ROLL CALL VOTE:

_____ AYES

_____ NAYS

_____ ABSENT

CITY OF BERLIN

BY: _____
JOEL E. BRUESSEL
Mayor

ATTEST: _____
CAITLIN M. HILGART
Interim City Clerk

APPROVED AS TO FORM:

MATTHEW G. CHIER
City Attorney

**CITY OF BERLIN
COMMITTEE OF THE WHOLE MEETING
STAFF REPORT**

TO: Committee Of The Whole

FROM: Tim Ludolph

AGENDA ITEM: Vacation of Fox Alley

MEETING DATE: November 5th 2024

BACKGROUND: City staff received a call from the general contractor from Ellis Construction, working with the Lion Group (owners of 150 W Franklin St-Formerly Berlin Glove) to facilitate legal access to their building. They have determined they have no way to create the access with the current footprint and believe the only way to create what ADA/State Building Codes mandate is to build on Fox Alley where the property is already in the Right of Way.

ANALYSIS

A preliminary review of the files indicates that there is an established precedent for the Vacation of Streets, as referenced in Ordinance 82-152 and Statute 66.1003.. It is necessary for all adjacent property owners to formally request the vacation of any public thoroughfare, accompanied by a Class A notice that must be published. This notice allows neighboring property owners a period of 30 to 45 days to voice any objections. Following this, the Plan Commission will evaluate the request, during which the applicant(s) will need to present a Large-Scale Certified Survey Map to support their proposal. If the case is effectively made, the request will be forwarded to the Common Council, which must include provisions for utility easements and a covenant in the title to safeguard the interests of all affected property owners. Should the Common Council agree, a Resolution for the Discontinuance of the Street will be prepared and recorded.

TIMELINE

When the Foundry had submitted a similar request, the proposal took approximately three months to complete. However, it seems that this timeline was quite ambitious our file does not have the original Class A notice drafted, meaning it would be safe to assume this took about four months.

FISCAL IMPACT

This is where both the Streets Department and the Fire Department may be positioned to provide realistic estimates The associated notice and legal costs involve the city, Lion Group, and potentially Fortifi Bank, ensuring that all necessary procedures are managed as required by law. Should the city determine that it is appropriate to consider this request, it would reflect a commitment to exploring innovative avenues for supporting the retention and growth of a local employer. This employer has shown a strong interest in making a significant investment in their facility, which would lead to job creation. This investment pertains to a parcel in the hard of the downtown and would enhance the site's potential for development, regardless of varying future scenarios.