

COMMITTEE OF THE WHOLE MEETING AGENDA

AUGUST 4, 2026 7:00PM

COUNCIL CHAMBERS, BERLIN CITY HALL, 2ND FLOOR

MEETING IS OPEN TO THE PUBLIC AND IS HANDICAPPED ACCESSIBLE

CITY MEETINGS CAN BE WATCHED LIVE OR RECORDED

ON THE CITY OF BERLIN YOUTUBE PAGE @CITYOFBERLIN5623

1. Call to order/Roll Call
2. Seat Virtual Attendees (if necessary)
3. Pledge of Allegiance
4. General Public Comments. Registration card required (located at podium in Council Chambers). Comments will be limited to **3 minutes** per registrant.
5. Approval of Minutes. RECOMMENDATION: Approve the minutes of the 7.7.2026 Committee of the Whole meeting.
6. Cemetery Board request to apply to ArbNet Arboretum Accreditation Program for Level I Arboretum status. RECOMMENDATION: Listen to presentation, discussion and action as appropriate.
7. Website updates and ADA compliance. RECOMMENDATION: Listen to presentation, discussion and action as appropriate.
8. Health Insurance Renewal. RECOMMENDATION: Listen to presentation, discussion and action as appropriate.
9. Special Event - Flannel Revival at Grizzly's Diner and Tavern from 6-9PM on August 14, 2026. Request for temporary extension of premises of Alcohol Beverage License at 186 Broadway Street to include fenced in outdoor area; Outdoor Activity Areas for Alcohol Beverage Licensed Establishment permit to allow live entertainment and serving of alcohol beverages; and Special Events on Street, Highways, and Municipal Parking Lots to allow use of City owned lots at 119 Commercial Street and 114 Pierce Street (Parcels 206015740000, 20615730000 and 206015720000) for parking. RECOMMENDATION: Review request and permit applications, discussion and action as appropriate.
10. Special Event – Jerry Unger Band at Grizzly's Diner and Tavern from 6-9PM on September 6, 2026. Request for temporary extension of premises of Alcohol Beverage License at 186 Broadway Street to include fenced in outdoor area; Outdoor Activity Areas for Alcohol Beverage Licensed Establishment permit to allow live entertainment and serving of alcohol beverages; and Special Events on Street, Highways, and Municipal Parking Lots to allow use of City owned lots at 119 Commercial Street and 114 Pierce Street (Parcels 206015740000, 20615730000 and 206015720000) for parking. RECOMMENDATION: Review request and permit applications, discussion and action as appropriate.
11. Bicycles, Electric Bicycles and Electric Scooters - proposed amendment to Chapter 70 Article III of Code of Ordinances. RECOMMENDATION: Review proposed ordinance amendment and action as appropriate.
12. Raze order process and status update for 127 W Berlin Street and 194 S Wisconsin Street. RECOMMENDATION: Listen to presentation, discussion and action as appropriate.
13. Residency Requirements of Committee, Board, and Commission Members.

RECOMMENDATION: Review and action as appropriate.

14. Recycling Fee Implementation process. RECOMMENDATION: Discussion and action as appropriate.
15. Ordinance #08-26 amending Chapter 52- Planning, formally adopting the document entitled "City of Berlin Comprehensive Plan 2046. RECOMMENDATION: Review proposed ordinance amendment and action as appropriate.
16. Resolution #26-07 to Accept the Bequest of the Fortnum Property (Parcel 206000680000) to the City of Berlin. RECOMMENDATION: Review proposed resolution and action as appropriate.
17. Resignation of Alderperson following August Common Council meeting.
RECOMMENDATION: Discuss options to fill vacancy on the Council and action as appropriate.
18. The Common Council may convene in closed session pursuant to Wis. Stat. §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, for purposes of discussing the Planning and Development Director position.
19. Immediately following the closed session, the City Council will reconvene into open session and may take such action as it deems appropriate regarding the matters discussed in closed session.
20. 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.

Please note, upon reasonable notice, efforts will be made to accommodate the needs of the disabled individuals through appropriate aids and services. For additional information to request services, contact the municipal Clerk at 920-361-5400.

Note: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance in the above stated meeting to gather information: no action will be taken by any other governmental body except by the governing body notified above.

COMMITTEE OF THE WHOLE MEETING MINUTES

July 7, 2026 7:00PM

1. Call to order at 7:00PM. Roll Call: Alderpersons Przybyl, Hill, Cauley, Stobbe, Klawitter and Sorenson were present. Staff in attendance: City Administrator Jessi Balcom, Deputy Clerk Treasurer Debra Thiel, Interim Police Chief Noah Knetzger and Street Superintendent Scott Zabel
2. Seat Virtual Attendees (if necessary) *None*
3. Pledge of Allegiance
4. General Public Comments. Registration card required (located at podium in Council Chambers). Comments will be limited to **3 minutes** per registrant. *None*
5. Approval of Minutes. RECOMMENDATION: Approve the minutes of the 6.2.2026 Committee of the Whole meeting. *Aldersperson Hill made a motion to approve the minutes of the June 2, 2026, Committee of the Whole meeting. Aldersperson Przybyl seconded the motion. Motion carried by voice vote.*
6. League of Wisconsin Municipalities Mutual Insurance Renewal. RECOMMENDATION: Listen to presentation by Baer Insurance Services (representing LWMMI) regarding renewal and proposed increased coverages for the City of Berlin (liability, property, crime, auto, workers compensation, cyber liability coverages) and recommend renewal of insurance coverages to the Common Council. *Ryan Burns of Baer Insurance was at the meeting to present the City's renewal and increased coverages. Property value increased by \$3M, which caused a renewal increase. We have received \$25,000 coverage without underwriting in the past for our Cyber Security. The LWMMI has recommended we go with a \$1M coverage for about \$400 more per year. Public Entities are main sources for Cyber threats to happen. The city has added more security which qualifies us for more coverage. The council was given an option to purchase a \$1M policy with a \$2500 deductible. Worker's Compensation increased a bit. There is still one open case. We have implemented Ready Rebound which will help us with the Worker compensation cases. Our experience MOD rate is our lost time and indemnity rate. We are in a good position by being under 1 at .89. Replacement cost buy back for the four EMS vehicles is an option for an additional \$2107 per year. Ryan also discussed adding a No-Fault sewer endorsement. It is about an additional \$10,000 per year. If something happened to a resident with their sewer/water the money would go to help pay their costs to fix the problem. The city has no obligation to offer this to our residents. It was suggested to ask Brian Malnory, Superintendent of Water & Sewer, how many calls he has received from residents having issues. This would be purely for the constituents working with a third party. It was decided not to move forward with this at this time. Aldersperson Hill made a motion to recommend to purchase the EMS vehicle to "Agreed Value" policy and the increase to \$1 million dollars in Cyber Security with a \$2500 deductible. Aldersperson Cauley seconded the motion. Roll Call: Aldersperson's Przybyl, Hill, Cauley, Klawitter and Sorenson, Aye's. Aldersperson Stobbe abstained.*
7. Bicycles, Electric Bicycles and Electric Scooters - proposed amendment to Chapter 70 Article III of Code of Ordinances. RECOMMENDATION: Review proposed ordinance amendment and act as appropriate. *Our ordinance is out of date on this and needs to be updated. City Administrator Balcom and Interim PD Chief Knetzger looked at other community ordinances. The main*

concerns discussed are speed and lack of education. Downtown businesses are concerned with doors opening and an e-bike flying by on the sidewalk. There are three different classes of e-bikes that are each regulated by state statutes. If we do pass something like this, we need to create an awareness campaign through the newspaper, social media, and work with the school system. Gas powered scooters typically do not have pedals, which are different from an e-bike. Licensing of bikes is very limited. It is in the ordinance that all bicycles need to be licensed, if this would apply to e-bikes it would be easier to see if they are licensed. There was also discussion on the wearing of helmets. There is no state statute that says helmets are mandatory for riding an e-bike, it is a recommendation. It was decided to reconvene next month with council members bringing some ideas with them about the ordinance.

8. Proposal for Real Estate Services for WIS 91, WIS 49 South to Berlin (Project I.D. 6540-01-03) RECOMMENDATION: Review and recommend approval of the proposal and authorize the contract with Corre Inc. for Real Estate Service for the WIS 91 Connecting Communities Road project. The city received ten proposals and staff is recommending Corre. Motion made by Alderperson Przybyl to recommend approval of the agreement to be drafted with Corre Inc., contingent on the approval of the contractor and agreement by the Wisconsin Department of Transportation. Alderperson Sorenson seconded the motion. Motion carried by voice vote.
9. Capital Equipment Bids for Capital Borrowing Projects. RECOMMENDATION: Review and recommend approval of the bids for the projects set forth in the Capital Borrowing plan including Library elevator, Public Works Dump Truck, Loader mounted 2 stage snowblower and mower for Oakwood Cemetery. Street Superintendent Scott Zabel spoke regarding the purchases to be made with our Capital Borrowing plan. The library elevator will be completed by the end of 2026. It should be noted that the library board will be paying \$12,000 towards the new elevator cab. The snowblower has been ordered and should be in the city by August. The cemetery mower has been ordered; the cemetery board will pay 50% and the capital borrowing will pay the remaining 50%. The estimated replacement cost for the capital borrowing was \$650,000; however, the actual replacement cost was \$615,395, and a savings of \$34,605. Alderperson Hill made a motion to recommend to approve the purchase of capital equipment as presented. Alderperson Przybyl seconded the motion. Motion carried by voice vote.
10. No Mow May discussion. RECOMMENDATION: Discussion and action as appropriate. Several complaints have come in the last couple of years. After some research it has been found that one month does not really make a difference for pollination. It was asked how many violation letters were sent out after May 31st to cut their grass. This year it appeared that 90% of lawns were cut by June 1st. Properties that need to be cut by the city take at least two cuts to get the lawn back to where it needs to be. Pollination can happen in more attractive ways than letting lawns grow with No Mow May. A motion was made by Alderperson Stobbe to recommend to council to discontinue no mow may. Alderperson Hill seconded the motion. Motion carried by voice vote.
11. Recycling Fee Implementation process. RECOMMENDATION: Discussion and action as appropriate. Balcom, Zabel and Deputy Clerk Majeskie have been working with Waste Management to make sure the list of residents is accurate as to who should be getting the waste management recycling pick-up and who should not be. A special charge of approximately \$70.80 per unit will be added to the tax bill as a "Recycling Fee". A letter will be sent to apartment units that have five or more units in them as well as commercial properties that will no longer be receiving the recycling service as of January 1, 2027, and will have to secure their own contract.

Mayor Burgess would like a number as to how many this will affect. All this information will be put out on our website and Facebook.

12. WisDOT STH 49 Project Coordination and Update. RECOMMENDATION: Discussions and action as appropriate. Zabel discussed the work being done starting with the change timing. *The first phase will be done in 2029, Spring Street, lights towards Oshkosh. Phase 2 will begin in 2030 and be completed in 2031. Phase 2 is the 49 project. Bump outs may take parking spaces in town. Bump outs will be placed in high pedestrian areas for safety such as Mound Street and Brooklyn. There will also be mandatory handicap parking spaces in areas which will impact the number of parking spaces because they are wider. Council asked if angle parking would give more space. Zabel said the state really doesn't like the angle parking. Any parking we want to maintain must be paid for by the municipality. Broadway street west by the bridge will be narrower and the city is recommending grass instead of concrete in the terrace areas. The council would like to see flashing lights by Mound Street as that is a very busy intersection. Zabel encouraged the council to look at other lighting options in other communities and get back to him with what they would like to see. Decorative lighting should be replaced from Mound Street to Spring Street.*
13. Residency Requirements of Committee, Board, and Commission Members. RECOMMENDATION: Review and action as appropriate. *The Sewer and Water Commission and the Police Commission recommend maintaining the residency requirement for their commissions. With some other boards such as Park & Rec, Travel & Tourism, Oakwood Cemetery, Committee on Aging and the Community Development Authority it would be beneficial to open to non-residents. A limit of two non-residents on each board would be acceptable. Balcom will revamp the Ordinance to include non-residents to be available to be on the boards mentioned above and bring back to the Council.*
14. Strategic Plan adoption. RECOMMENDATION: Review and recommend adoption of the City of Berlin Strategic Plan. *The Council has set the framework for the goals, now the city needs to start tackling the specifics. Staff are working on these goals and outcomes but will need guidance from council on how to move forward, what do they want to see. Alderperson Hill made a motion to recommend to the Common Council adoption of the Strategic Plan Summary Report. Alderperson Sorenson seconded the motion. Motion carried by voice vote.*
15. Employee Handbook. RECOMMENDATION: Review and recommend approval of the amended Employee Handbook section. *Balcom went over the couple of changes to the Compensation & Work Schedule of the Employee Handbook, recommending updating the Pay Schedule section to reflect current practices. Alderperson Sorenson made a motion to bring the amended Handbook to Council for approval. Alderperson Przybyl seconded the motion. Roll call was taken: Alderperson's Sorenson, Klawitter, Cauley, Hill & Przybyl were ayes with Alderperson Stobbe Abstaining.*
16. State and Local Fiscal Recovery Funds (SLFRF – ARPA funds grant) closeout. RECOMMENDATION: Receive notice that City has submitted for closeout of the SLFRF grant. *Balcom wanted the council to be aware that the close out of the ARPA has been submitted to the State and Local Fiscal Recovery Funds.*
17. Adjourn. *Alderperson Sorenson made a motion to adjourn at 8:53pm with a second by Alderperson Stobbe. Motion to adjourn carried by voice vote.*

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

TO: Common Council
FROM: Nancy Gimenez, Oakwood Cemetery Board President
AGENDA ITEM: Proposal for the Creation of Oakwood Cemetery Arboretum
MEETING DATE: August 4th, 2026

BACKGROUND

Oakwood Cemetery was Berlin's first cemetery, established around 1850. It contains a beautiful hilly landscape flanked by water filled quarries, and is home to much wildlife. There are approximately 500 trees currently. In the recent past, over 60 Ash trees died and needed to be removed because of the Emerald Ash Borer (EAB). Because of this significant loss and because the last tree survey was completed in 2005, the board decided to have the Ranger Services arborists update the tree survey in 2024. This included cataloging every tree and its species in the cemetery and much more including a plan to prioritize maintenance needs for the existing trees and a plan for planting more trees for long-term management.

The 2025 survey found that while there were about 500 trees, 87% were near mature, mature or over mature. At the time, there were 23 tree species, however 62% of the population was either maple or arborvitae. Ranger noted that diversity is key to a healthy population (the EAB shows how one disease can wipe out an entire species of tree in a short time). The survey also noted that while the trees were generally well maintained, there was some evidence of improper pruning which could become detrimental in the long run. They recommended a training class on proper pruning cuts to those who provide tree management in the cemetery.

While it is hard to assign a price to our collection of trees in the cemetery, in 2005 Ranger Services estimated the tree value to be \$576,500. This would likely be much higher today. More than monetary value though, is the value to the environment, wildlife and our own residents.

After the cemetery board reviewed the 2025 tree survey results, it became evident that with the loss of the ash trees and the extensive mature tree population, efforts were necessary to replenish trees that were lost and to diversify species. That is when the idea of becoming a level 1 arboretum was proposed.

An arboretum is a living museum of trees and woody shrubs grown and cared for by an organization committed to their stewardship. They not only serve as a beautiful place to explore and enjoy, but provide vital community resources for personal wellness, education, conservation and research. The following are specific benefits to the community:

- Provides a protected green space
- An optimal serene and beautiful location, ideal for relaxation, walking, and activities like bird watching
- Can be used as an outdoor classroom to educate students as well as offer other educational programming for adults
- Supports local wildlife
- More trees help clean our air and water and cool the environment
- Can be an ideal venue for homeowners to visualize mature tree specimens for planting on their property

- Cemeteries are ideal locations for arboreta because they allow trees to grow to their full size without the overhead encumbrances (like power lines) that city streets often contend with
- The beautiful, serene environment is ideal for grieving visitors, especially those with loved ones buried there.

Becoming a Level 1 Arboretum is a logical next step, as we are doing most of the work already and will continue even if not designated as an arboretum. There is no cost to becoming accredited. The tree survey has been completed, the arboretum plan is in place, trees are labeled, a brochure has been created, and the application is largely completed and just needs to be reviewed and submitted.

To become a Level 1 Arboretum, there needs to be a public dimension. Because our cemetery is open to the public and has a beautiful (largely unused, but functional) historic chapel, it lends itself to host talks and presentations about tree related subjects. We hope to provide at least one presentation per year, in addition to our self-guided walking tree tour.

This opportunity could help Berlin stand out in a unique way, as there are no accredited arboreta closer than Appleton or Milwaukee. Becoming accredited is an excellent way to potentially boost donations and bequests. It enhances visibility, opens opportunities for grant funding and builds trust with grant agencies and major donors. Becoming accredited demonstrates our commitment to professionalism.

If our cemetery board is allowed to move forward with this accreditation process, we will be accredited by the Morton Arboretum (located in Illinois) and will be only 1 of 12 accredited arboreta in the state of Wisconsin. For more information go to: www.arbnet.org. Arbnet accredits arboreta all over the world.

SUGGESTED MOTION

Motion to recommend to the Common Council to direct the Oakwood Cemetery Board and staff as to complete and submit the ArbNet application to create a level 1 arboretum within Oakwood Cemetery.

Motion to recommend to the Common Council approval of the Arboretum brochure.

Page 1 (Page 1 /9)

The ArbNet Arboretum Accreditation Program provides standards and guidelines for the establishment and development of an arboretum. The goals of the accreditation program are to:

1. *foster the establishment and professionalism of arboreta;*
2. *identify arboreta capable of participating or collaborating in certain scientific, collections, or conservation activities; and*
3. *advance the planting, study, and conservation of trees to improve the world.*

Arboreta that are accredited are encouraged to become leaders and serve as models to promote professional development and engagement with other arboreta.

Different levels of accreditation have been established to recognize arboreta at varying degrees of development, capacity, and professionalism. Accredited arboreta are encouraged to continue their growth and development to achieve higher professional standards and can apply to upgrade to a higher level when they are ready at any point after their initial accreditation. Accreditation must be renewed every five years and arboreta will receive a renewal reminder several months prior to the arboretum contact listed on this form.

Arboreta and public gardens are eligible to apply for accreditation by submitting this application along with supporting documentation to demonstrate their level of achievement according to the specified standards. All requirements for the accreditation level being applied for must already be implemented in the arboretum at the time of application submission (not a future plan). Once the application is submitted, a decision will usually be made within four weeks.

The ArbNet Arboretum Accreditation Program is sponsored and supported by The Morton Arboretum, Botanic Gardens Conservation International (BGCI), and the American Public Gardens Association (APGA).

For resources and information related to creating, running, and growing an arboretum, please see the ArbNet Resources pages, which include resources on Starting an Arboretum and Accreditation, among many other topics. Additionally, here are links to sample applications that will allow you to see the full application in its entirety, along with sample responses:

- Level I sample application
- Level II sample application
- Level III sample application
- Level IV sample application

If you have any concerns about being able to reach particular criteria, please reach out to us. For more information regarding specific accreditation requirements:

Visit: <https://www.arbnet.org/arboretum-accreditation-program>

Email: arbnet@mortonarb.org

Call: 630-310-7013

Arboretum Information

Name of Arboretum

Oakwood Cemetery Arboretum

Address or PO Box

455 E. Huron Street

City State/Province ZIP/Postal Code (If applicable)

Berlin WI 54923

Country

United States

Latitude and Longitude

N43.97220, W88.93060

For information on how to find your Latitude and Longitude see Google Maps Support Page

Acres Hectares
54.1

Is your mailing address different from above?
Yes

Mailing Address

Mailing Street Address

108 N. Capron Street, P.O. Box 272

City State/Province ZIP/Postal Code (If applicable)
Berlin WI 54923

Country

United States

Website

www.cityofberlin.net/oakwood-cemetery/

Type of Organization (REQUIRED)

Is acting as an arboretum and / or botanical garden the primary purpose of your organization?
No

What other roles does your organization have? Please check all that apply

- Cemetery
- Historical Site

Arboretum Contact (for ArbNet purposes)

Salutation/Prefix	First Name	Last Name	Title	Phone	Email Address
Mr	Scott	Zabel	Public Works Superintendent	xxx-xxxx	szabel@cityofberlin.wi.gov

I agree to be the primary contact for correspondence related to my organization's ArbNet accreditation and received the quarterly ArbNet newsletter and announcements.
- Yes

Is the person submitting this application different than the contact listed above?
Yes

Individual Submitting Application (If not Arboretum Contact)

Salutation/Prefix	First Name	Last Name	Title	Phone	Email Address:
Ms.	Nancy	Gimenez	Oakwood Cemetery Board President		

I would like to receive correspondence related to my organization's ArbNet accreditation.
- Yes

I would like to receive the ArbNet quarterly newsletter and announcements.
- Yes

Authorization and Verification

The chairperson or leader of the applicant arboretum's governing board, organizational group, or authority (corresponding to Section I. below) *must approve this application*, specifically verifying the accuracy and authenticity of the information it contains.

Approval is indicated by placement below of this individual's name, title or role at arboretum, and contact information.

Authorizing / Verifying Governance Leader (other than individual submitting application):

Salutation/Prefix	First Name	Last Name	Title	Phone	Email Address
Ms.	Jessi	Balcom	City of Berlin Administrator	920-361-5400	Jbalcom@cityofberlin.wi.gov

ArbNet may use the institutional information (not personal data) we provide for conducting sector-wide summary analyses for the purpose of research on institutional capacities, networking, and strengthening the garden and arboretum community (e.g. an ArbNet arboretum summary report)

- Yes

I would like to receive correspondence related to my organization's ArbNet accreditation.

- Yes

I would like to receive the ArbNet quarterly newsletter and announcements.

- Yes

How did you hear about ArbNet?

Check all that apply:

- Website

ARBORETUM ACCREDITATION STANDARDS

Accreditation standards are outlined on the ArbNet website and described in each of the following application sections.

FOUR LEVELS OF ACCREDITATION

Please use this chart as a reference. The levels of accreditation recognize arboreta with different degrees of development, capacity, and professionalism.

Arboretum accreditation level sought

Level I

	L-I	L-II	L-III	L-IV
Arboretum plan				
Organizational or governance group				
Labeled tree and woody plant taxa				
25+				
100+				
500+				
Staff or volunteer support				
Volunteer or paid				
Paid management				
Curator				
Scientific or conservation staff				
Public dimension				
Public access and at least one event per year				
Enhanced public and educational programs				
Substantial educational programming				
Collections policy				
Collaboration with other organizations				
Collections data sharing with networked collections				
Tree science, planting, and conservation activities				
Substantial and integrated woody plant conservation (ex situ and in situ)				

Page 2 (Page 2 /9)

If you wish to share additional arboretum planning or guiding documents, there will be the opportunity to attach more files at the end of the application, or you may email them to arbnet@mortonarb.org.

GENERAL ACCREDITATION REQUIREMENTS

1. Arboretum Plans

Documentation such as an organizational plan, strategic plan, site plan, or other, that defines the mission and purpose of the arboretum, its audience(s), the types of plants that are to be grown to achieve that purpose and serve those audiences, provisions for the maintenance and care of the plants, and provisions for the continuing operation of the organization through time with a clear succession plan. A sample organizational plan can be found here on ArbNet's website.

Provide the mission of your arboretum and a brief description or outline of the type and scope of the plan for your arboretum. Attach or link to the planning documents (organizational, management, comprehensive/site plan, strategic plan, sustainability plan/policy, etc.), if applicable.

Mission Statement

To preserve, protect and expand the collection of trees and woody plants within the premises of Oakwood Cemetery, in an effort to inspire, educate and promote a sense of community connectedness, while protecting valuable wildlife habitat.

Brief description of arboretum:

The arboretum is situated within Oakwood Cemetery, approximately 54 acres of hilly land. It is a city-owned cemetery and the first cemetery of Berlin, WI. It was established around 1850 and is situated on the edge of the city adjacent to two beautiful water-filled quarries. The entrance showcases a Gothic Tudor Chapel. The arboretum is home to approximately 500 trees, and many local wildlife (including whitetail deer and turkeys) consider it home. After the emerald ash borer desimated about 60 ash trees, the cemetery board decided to have the tree survey updated, as the last survey had been done in 2004. The survey showed that overall the trees were healthy and well maintained, with 87% of the trees being mature, approaching mature, or over mature. Oaks, maples and arborvitae are the most plentiful on the site, but efforts are made yearly to add and diversify species. Recent additions include, eastern redbud, ginkgo, cathedral elm, weeping white spruce, tamarack, and catalpa.

Brief description or outline of plan(s):

See attached Urban Forestry Management Plan completed by Ranger Tree Service in 2024

Optional: Attach your arboretum planning / guiding document or policy here (max individual file size 25MB; max aggregate / total file size for application 35MB):

Optional: Attach another planning/guiding document here (max individual file size 25MB; max aggregate / total file size for application 35MB):

Optional: Link to your arboretum planning / guiding document here:

Optional: Link to another planning/guiding document here:

2. Organizational or Governance Group

A governing board, group of people, or authority that is dedicated to the arboretum plan and its continuation beyond the efforts of a single individual. Such an organizational/governance group will affirm fulfillment of standards and authorize participation as an accredited arboretum.

Describe the nature of your governance board or authority.

Oakwood Cemetery Board is comprised of seven board members, and is overseen by the City Council of Berlin Wisconsin.

Optional: Number of people in your governing group:

7

Optional: Attach any relevant governing documents or policies (max individual file size 25MB; max aggregate / total file size for application 35MB).

Optional: Additional documents or policies relating to the Governance Group, if needed.(max individual file size 25MB; max aggregate / total file size for application 35MB)

Optional: Provide link to any relevant governing documents or policies

Optional: Additional link to your Governing Documents, if needed.

3. Arboretum Staff or Volunteer Support

Resources and examples about staff and volunteer management can be found on the Arboretum Management Resources page of the ArbNet website.

a. Level I

Employees or volunteers who ensure fulfillment of the arboretum plan and provide for the basic needs of the arboretum collection and functions of the arboretum.

Describe the scope of staff or volunteers engaged in or supporting the work of the arboretum.

One cemetery sexton, that is supported by the City of Berlin Public Works Department. 7 Cemetery board members willing to volunteer in various capacities.

Page 3 (Page 3 /9)

4. Arboretum Collections

Information and resources related to plant collections management and curation is available on the Tree Collections Resource page of the ArbNet website.

a. Collections Activities Checklist

Please check all activities that your arboretum participates in

b. Labeled Tree and Woody Plant Taxa

The number of species, subspecies, cultivars, varieties, etc. being grown as part of the collection in accordance with the arboretum plan. Plants in the arboretum's collection must be *currently* labeled (not a future plan) in some way (by physical or digital labels, and/or walking or website map with ID) to identify them taxonomically, including scientific name and cultivar if applicable. Plants must also be documented in some way (for example: species, year accessioned or added to database, source or origin, date of acquisition, location, diameter, height, etc. - note that these are suggestions and are not all required). Minimum numbers of ***labeled*** woody plant taxa (species, subspecies, cultivars, varieties, etc) are:

- 25+ (Level I)
- 100+ (Level II)
- 500+ (Levels III & IV)

Number of LABELED woody plant taxa in the collection:
25 to 99

c. Describe the method for labeling and documenting the number of trees/woody plant taxa
Following the Urban Forestry Management Plan completion, two board members identified the most desirable tree species to be tagged for public education. A spreadsheet was created with the common and scientific names, and was used to create tree tags which were applied to the trees. A brochure for the arboretum was created and the tagged trees were identified on a map by location and by species for the purpose of offering the public an option for self guided tours.

d. Woody Plant Taxa

Total number of woody plant TAXA - BOTH labeled and unlabeled - in your collections:
29

e. Optional: Individual Woody Plants

Total number of individual woody PLANTS in your collections:
0

f. Collections database

Provide the link to your collections database, if possible.

Is this a searchable, open access database (e.g., collection list uploaded to BGCI PlantSearch)?
No

If your collection species list is not shared or accessible online, please attach here: (optional, attachment)(max individual file size 25MB; max aggregate / total file size for application 35MB)

g. List any special taxonomic, geographic, ecological, or conservation collections of note (e.g. oaks; Acer; dwarf conifers; halophytes; woody plants of Madagascar; etc.):

NA

Page 4 (Page 4 /9)

If you wish to share additional arboretum planning or guiding documents, there will be the opportunity to attach more files at the end of the application, or you may email them to arbnet@mortonarb.org.

5. Public Dimension / Educational and Public Programming

Examples and resources are available on the Education and Public Engagement and Community and Urban Forestry resource pages of the ArbNet website.

a. Education & Community Engagement Tree Activities Checklist

Please check all activities that your arboretum participates in:

Open public access and events

- **Self-guided walking tours**

Recurring public programming

Extensive / enhanced educational programming

Urban & community forestry

Other

- **Other activities not listed that support education and engagement with trees and other woody plants (describe below)**

Please describe your educational and engagement activities not covered by the above checklist:

In addition to the self guided tour, our group plans to find at least one person or group to present on a tree-related topic annually. I have already reached out to the arborist that completed the tree survey in 2024 and they are available to do presentations. We have a lovely chapel on the premises that will be ideal for such presentations. If our application is approved we will start work to organize the first presentation.

If Level I accreditation is selected:

b. Arboretum Public Dimension

A public dimension that includes some level of public access, and at least one public event or educational program each year focused on trees, forest ecology, or arboretum purposes (for example, an Arbor Day observance).

Describe how the arboretum is open or accessible to the public, and name and describe the public events or programs offered.

The Oakwood Cemetery Arboretum is city-owned and therefore open to everyone. Hours are daily from 8 a.m. until dusk, and the cemetery is closed during the winter months.

Educational and public program file upload if applicable (max individual file size 25MB; max aggregate / total file size for application 35MB)

Additional educational and public program file upload if applicable (max individual file size 25MB; max aggregate / total file size for application 35MB)

Educational and public program document link if applicable

Additional educational and public program document link if applicable

(Page 8 /9)

Optional additional accreditation comments or explanation

Currently we have only included trees in our species list, because that is what the Ranger Service arborists assessed and cataloged. There are various shrubs that can be added once properly identified and tagged in the

next phase. Some of these include bridal wreath spirea, hydrangea, burning bush, and star magnolia to name a few.

Additional Attachments

If you wish to share additional arboretum planning or guiding documents, there will be the opportunity to attach more files at the end of the application, or you may email them to arbnet@mortonarb.org.

Additional Document 1 (max individual file size 25MB; max aggregate / total file size for application 35MB)

Additional Document 2 (max individual file size 25MB; max aggregate / total file size for application 35MB)

Photos

Please attach at least two photos of your arboretum (high resolution JPEG format in landscape/horizontal orientation) with your application for use on the ArbNet website.

Landscape Image 1 (max individual file size 25MB; max aggregate / total file size for application 35MB)

Landscape Image 2 (max individual file size 25MB; max aggregate / total file size for application 35MB)

Landscape Image 3 (max individual file size 25MB; max aggregate / total file size for application 35MB)

(Page 9 /9)

Data Information for European Union Organizations

In compliance with the 2018 European Union (EU) "General Data Protection Regulations", ArbNet has to ensure that EU residents agree to ArbNet using your information provided for processing and evaluating your accreditation application. By instructing us to process your application, your data will be transferred outside of the European Economic Area to the United States, kept secure, and will not be shared with a third party. You have the right to revoke your consent at any time by contacting us at arbnet@mortonarb.org. If you chose to be reviewed for our reciprocal accreditation program with BGCI (BGCI Botanic Garden Accreditation), ArbNet will share your information with BGCI.

The uses of your information, dependent on the success of your accreditation application, are as follows:

If you are a successful applicant, any personal and institutional data you have provided will be kept by ArbNet for five years, the length of the accreditation period, so that we can contact you in relation to the set up and administration of your accreditation, to provide information useful to maintain and/or upgrade your accreditation (e.g., new resources, opportunities, etc.), and to provide information on the accreditation renewal process as you approach the five year limit of your accreditation. ArbNet will use the institutional data provided in your application to create a website listing in the Morton Register, and potentially to promote your institution on our website, in our newsletter, and through our social media channels. ArbNet may also use your arboretum's institutional (not personal) de-identified aggregate summary data for sector-wide reporting.

If you are an unsuccessful applicant, the personal and institutional information you have provided will be kept by ArbNet for five years, so that we can contact you to help you achieve accreditation at a future date.

Disclaimer

THE MORTON ARBORETUM EXPRESSLY DISCLAIM ANY RESPONSIBILITY WITH PERFORMING ANY OBLIGATIONS ON BEHALF OF THE MEMBER ORGANIZATION WHICH MAY BE REQUIRED HEREUNDER AND MEMBER ORGANIZATION RELEASES THE MORTON ARBORETUM FROM ANY LIABILITY IN CONNECTION WITH ANY SUCH OBLIGATIONS. MEMBER ORGANIZATION HEREBY ASSUMES ALL RISK IN CONNECTION WITH THE OBLIGATIONS REQUIRED OF MEMBER ORGANIZATION HEREUNDER AND MEMBER ORGANIZATION SHALL INDEMNIFY AND HOLD HARMLESS THE MORTON ARBORETUM AND EACH OF ITS OFFICERS, DIRECTORS, AGENTS, CONTRACTORS, LICENSEES, EMPLOYEES AND TRUSTEES AGAINST AND FROM ANY AND ALL THIRD PARTY CLAIMS, LIABILITIES AND DAMAGES ARISING OUT OF OR IN ANY WAY CONNECTED TO THE OBLIGATIONS OF MEMBER ORGANIZATION HEREUNDER.

TREE KEY BY LOT NUMBER/LOCATION

1. Basswood, White Oak
 2. Red Oak
 6. Pin Oak
 7. Norway Spruce, Cathedral Elm
 8. Ornamental Pear
 9. Elm, Hackberry, Yew
 10. Hackberry, Norway Spruce, Norway Maple
 11. Northern Catalpa
 13. Honeylocust, Eastern Redbud
 14. Weeping White Spruce, Norway Maple
 15. Magnolia
 16. Sugar Maple
 17. White Oak
 20. Arborvitae
 24. Red Maple
 25. Crabapple
 26. Northern Catalpa
 27. Swamp White Oak, Eastern Redbud, Silver Maple
 28. Tamarack
 29. Basswood
 30. Red Oak
 32. Silver Maple
 34. Sugar Maple, Yew
 36. Ginkgo
 37. Blue Spruce clump, Little Leaf Lindens (2)
 40. Red Maple
 42. Swamp White Oak, Japanese Lilac
- Chapel Kiosk: Honeylocust
Potters Field: Crabapple



Trees listed are tagged with both the common and scientific name

Please be Respectful

Remember that this is a cemetery. Some visitors may be grieving. Be respectful of them and their loved one's gravesites at all times.

Under no circumstance is anyone allowed to climb, hang on, or remove any part of the living trees and shrubs on the premises.

For more information or to make a donation or bequest
CONTACT US AT:

Visit our Website
www.cityofberlin.net/oakwood-cemetery/

Phone

(920) 361-5400

Email Address

cityadministrator@cityofberlin.wi.gov

In Person

City Clerk's Office
108 N. Capron St.
Berlin, WI 54923

Oakwood Cemetery Arboretum

455 E. Huron St. Berlin, WI.

Open 8 AM to Dusk, April 1st - November 30th

Closed December 1st - March 31st

OPEN TO THE PUBLIC

Oakwood Cemetery Arboretum

Self-Guided Walking Tour



Oakwood Cemetery Arboretum is a unique place. It is a living museum of trees and woody shrubs offering a serene environment to all who visit. Oakwood Cemetery Arboretum values preservation and expansion of its collection and serving as an educational venue for community members to connect and learn more about trees. Oakwood Cemetery Arboretum is also an important home to various local animal, bird and butterfly species.

Come Visit!

Find a Tree by Species

Arborvitae: 20

Basswood: 1 & 29

Blue Spruce: 37

Catalpa (Northern) 11 & 26

Cathedral Elm: 7

Crabapple: 25, Potters Field

Eastern Redbud: 13 & 27

Elm: 9

Ginkgo: 36

Hackberry: 9 & 10

Honeylocust: Chapel Kiosk & 13

Japanese Lilac: 42

Linden (Little leaf): 37 (x2)

Magnolia: 15

Maple (Norway): 10 & 14

Maple (Red): 24 & 40

Maple (Silver): 27 & 32

Maple (Sugar): 16 & 34

Norway Spruce: 7 & 10

Oak (Pin): 6

Oak (Red): 2 & 30

Oak (Swamp White): 27 & 42

Oak (White): 1 & 17

Ornamental Pear: 8

Tamarack: 28

Weeping White Spruce: 14

Yew: 9 & 34





← The Morton Register

Accreditation Morton Register Resources News and Events About ArbNet

LEVEL I ACCREDITED ARBORETUM

Riverside Cemetery and Arboretum



Address
214 N. Ovalista Street,
Appleton, Wisconsin,
54911, United States

Telephone
920-732-5629

Email Address
dabbie@riversidecemeteryappleton.com

Website
riversidecemeteryappleton.com

Historic Riverside Cemetery has served the community well for over 155 years. Founded in 1870, it is a not-for-profit, non-sectarian cemetery, owned and operated by the people it serves with a grove of over 800 trees on 90 acres, displaying the natural allure and charm of nearly 50 **Snipping Tool** re a tree walking map with signage that will help you identify this ____ rees.

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

TO: Common Council
FROM: Jessi Balcom, City Administrator
AGENDA ITEM: Website ADA compliance and development
MEETING DATE: August 4, 2026

BACKGROUND

The City's website must be ADA compliant by April 26, 2028. The Council agreed to work with Nathan Hess of FinishLine Studios to update the website and achieve/maintain ADA compliance.

Mr. Hess will present some options for the design/theme/look of the website to receive feedback from Council.

Welcome to Berlin, Wisconsin

Located in east-central Wisconsin, The City of Berlin offers a central location with proximity to the main regional and metropolitan areas of Wisconsin.

[LEARN MORE](#)



Events



Agendas,
Minutes, &
Notices



Garbage &
Recycling



Elections



Pet
Licensing



Oakwood
Cemetery



Municipal
Court



Pay
Utilities



Forms &
Permits



Contact Us

Berlin, Wisconsin

This city, located along the Fox River, is rich in history. Once the highway for French fur traders, Jesuit missionaries and a number of Indian tribes, the river later became a major waterway for residents, businesses and visitors. Today the river offers recreation and family fun in each of the four seasons. If you have some extra time watch this video from 1938 of Berlin, Wisconsin. Click here to watch.

Riverside Park boasts a boat launch and fishing piers, a campground along its shores, and a frisbee golf course among other things, in its 38 acres. It is one of eight parks within the city boundaries, which includes three along the river. In winter the river is part of the snowmobile trail through the area. Hiking, biking or cross-country skiing along the Mascoutin Trail takes you through part of Green Lake County. If golfing is your thing, the 27-hole Mascoutin Golf Course, home of the 2009 WI State Senior Open, is ready and waiting for you.

Once the fur and leather capital' and the home of the first commercial cranberry operations in the state, Berlin now boasts a good variety of nationally known and international industries.

Take a walking tour around the Nathan Strong Park Historic District and view the block after block of well-cared for Victorian homes. Berlin – a great place to live, work & play.



[Comprehensive Plan Update- Public Hearing](#)

[Winter Parking](#)

[Residential Services](#)

[DOT Projects Information](#)

[City Facebook Page](#)

[2025 Property Taxes](#)

[Ordinances and Resolutions](#)

[2025 Consumer Confidence Report](#)

[Preliminary Assessment Roll 2026](#)



Slide Tagline (optional)



Events



Agendas,
Minutes, &
Notices



Garbage &
Recycling



Elections



Pet
Licensing



Oakwood
Cemetery



Municipal
Court



Pay
Utilities



Forms &
Permits



Contact Us

Welcome to Berlin, Wisconsin

This city, located along the Fox River, is rich in history. Once the highway for French fur traders, Jesuit missionaries and a number of Indian tribes, the river later became a major waterway for residents, businesses and visitors. Today the river offers recreation and family fun in each of the four seasons. If you have some extra time watch this video from 1938 of Berlin, Wisconsin. Click here to watch.

Riverside Park boasts a boat launch and fishing piers, a campground along its shores, and a frisbee golf course among other things, in its 38 acres. It is one of eight parks within the city boundaries, which includes three along the river. In winter the river is part of the snowmobile trail through the area. Hiking, biking or cross-country skiing along the Mascoutin Trail takes you through part of Green Lake County. If golfing is your thing, the 27-hole Mascoutin Golf Course, home of the 2009 WI State Senior Open, is ready and waiting for you.

Once the fur and leather capital' and the home of the first commercial cranberry operations in the state, Berlin now boasts a good variety of nationally known and international industries.

Take a walking tour around the Nathan Strong Park Historic District and view the block after block of well-cared for Victorian homes. Berlin – a great place to live, work & play.

[Learn More About Berlin](#)



[Comprehensive Plan Update- Public Hearing](#)

[Winter Parking](#)

[Residential Services](#)

[DOT Projects Information](#)

[City Facebook Page](#)

[2025 Property Taxes](#)

[Ordinances and Resolutions](#)

[2025 Consumer Confidence Report](#)

[Preliminary Assessment Roll 2026](#)

Why Berlin



Located in east-central Wisconsin, The City of Berlin offers a central location with proximity to the main regional and metropolitan areas of Wisconsin... [READ MORE](#)

City History



Founded in 1847 by Nathan Strong, this community has depended on the river to move products, produce and people..... [LEARN MORE](#)

[Job Openings - click here](#)

Welcome to Berlin, Wisconsin

Why Berlin?

Located in east-central Wisconsin, The City of Berlin offers a central location with proximity to the main regional and metropolitan areas of Wisconsin.

[LEARN MORE](#)

Berlin, Wisconsin

This city, located along the Fox River, is rich in history. Once the highway for French fur traders, Jesuit missionaries and a number of Indian tribes, the river later became a major waterway for residents, businesses and visitors. Today the river offers recreation and family fun in each of the four seasons. If you have some extra time watch this video from 1938 of Berlin, Wisconsin. Click here to watch.

Riverside Park boasts a boat launch and fishing piers, a campground along its shores, and a frisbee golf course among other things, in its 38 acres. It is one of eight parks within the city boundaries, which includes three along the river. In winter the river is part of the snowmobile trail through the area. Hiking, biking or cross-country skiing along the Mascoutin Trail takes you through part of Green Lake County. If golfing is your thing, the 27-hole Mascoutin Golf Course, home of the 2009 WI State Senior Open, is ready and waiting for you.

Once the fur and leather capital and the home of the first commercial cranberry operations in the state, Berlin now boasts a good variety of nationally known and international industries.

Take a walking tour around the Nathan Strong Park Historic District and view the block after block of well-cared for Victorian homes. Berlin – a great place to live, work & play.

[Comprehensive Plan Update- Public Hearing](#)[Winter Parking](#)[Residential Services](#)[DOT Projects Information](#)[City Facebook Page](#)[2025 Property Taxes](#)[Ordinances and Resolutions](#)[2025 Consumer Confidence Report](#)[Preliminary Assessment Roll 2026](#)[Events](#)[Agendas,
Minutes, &
Notices](#)[Garbage &
Recycling](#)[Elections](#)[Pet
Licensing](#)[Oakwood
Cemetery](#)[Municipal
Court](#)[Pay
Utilities](#)[Forms &
Permits](#)[Contact Us](#)[Job Openings - click here](#)

City Hall is located at 108 N Capron St., P.O. Box 272, Berlin, WI 54923



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

TO: Common Council
FROM: Jessi Balcom, City Administrator
AGENDA ITEM: Health Insurance Renewal
MEETING DATE: August 4, 2026

BACKGROUND

Staff has been working with Vizance to find the most cost-effective health insurance renewal possible for the City. Our Employee Benefits Advisor continues to reach out to both our current carrier and others to find the best path forward.

Staff will present current proposals and the proposed strategy to try to curb current and anticipated future rate increases while continuing to offer quality insurance options to employees.

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

TO: Common Council
FROM: Brittani Majeskie, Deputy Clerk-Treasurer
AGENDA ITEM: Special Event - Flannel Revival at Grizzly's Diner and Tavern from 6-9PM on August 14, 2026
AND
Special Event – Jerry Unger Band at Grizzly's Diner and Tavern from 6-9PM on September 6, 2026
MEETING DATE: August 4, 2026

BACKGROUND

Colton Burt, Owner of Grizzly's at 186 Broadway St is requesting permission for two special live music events on Friday, August 14, and Friday, September 6, from 6-9PM. The bands will perform on an outdoor stage along the south end of the Grizzly's parking lot from 6:00-9:00PM (Mr. Burt needs to confirm the exact band performance time, and we assume there will be time before and after the performance for people to mingle/set-up/take-down). Alcohol beverages will be sold and consumed in a fenced area of the parking lot. Identification will be verified and wristbands will be issued to all attendees who are 21 years old or older. Use of the City owned parcels southwest of Grizzly's along Commercial St. and Pierce St. for event parking are requested.

Approval for these events require the temporary expansion of the area licensed for alcohol sales and consumption under the current alcohol beverage license. The requested expansion is into a designated fenced portion of the adjoining parking lot beginning south of the north restaurant doorway along the building to the south lot line, west along the lot line to the sidewalk, north along the sidewalk 80ft, and northeast through the parking lot 50ft back to the north restaurant doorway. Alcohol beverage sales and storage will occur at three drink stations along the building.

Consumption and sales will occur in the designated fenced boundaries. If a temporary premises expansion is granted, a supplemental alcohol beverage license will be issued stating the date, time, and location of the temporary expansion.

Staff asked Mr. Burt if it would be possible for someone to access the event area by walking through the restaurant patio area along the river, through the bar patio area into the event space without entering the building. Mr. Burt responded, "We have a gate that will be utilized that will not allow this and we will have additional staff this evening keeping an eye on all areas. This will not be an issue."

Approval for this event also requires an Outdoor Activity Areas at Alcohol Beverage Licensed Establishments permit application for both the live entertainment and consumption of alcohol per City Ordinance. See attached application.

A Special Event Permit would allow the temporary use of the City owned property across the street from Grizzly's. See attached application.

These event applications were also reviewed and approved, per ordinance, by the Interim Chief Police and Street Superintendent.

SUGGESTED MOTION

Recommend to the Common Council to approve the temporary expansion of the area licensed for alcohol sales and consumption under the current alcohol beverage license at 186 Broadway St. on August 14 and September 6, 2026 from 5:00PM to 10:30PM.

Recommend to the Common Council to approve the Outdoor Activity Areas at Alcohol Beverage Licensed Establishments permit for Grizzly's located at 186 Broadway St. on August 14 and September 6, 2026 from 5:00PM to 10:30PM.

Recommend to the Common Council to approve the Special Event Permit to allow temporary use of the City owned property for event parking on August 14 and September 6, 2026.

From: City Administrator
To: Colton Burt; Tim Ludolph
Cc: [REDACTED] Brittani Majeskie; Scott Zabel; Noah Knetzger
Subject: RE: Live music event
Date: Tuesday, July 21, 2026 1:43:45 PM

Good afternoon Colton,

Typically this type of request requires permit applications to be submitted 45 days prior to the event to allow for staff review and Council approval.

Staff is going to do our best to work with you on this event, but please work this timeline into future requests.

If you would like to move forward with your event all application materials must be submitted by the end of this week (end of business day Friday 7.24.26).

The applications will need to go to the Committee of the Whole (Common Council) for review and recommendation on Tuesday, August 4 at 7PM (your presence is requested) and then to the Council for final approval decision on Wednesday, August 12 at 7PM (your presence is required).

To move forward with the event the issuance of a Special Event Permit ([link to form](#)), an Outdoor Activity Areas at Alcohol Beverage Licensed Establishments permit ([link to form](#)) and a written request to temporarily expand the area licensed for serving and consuming alcohol are required.

The Special Event Permit would allow the temporary use of the City owned property across the street from Grizzys. (We are reaching out to the DNR to make sure that this temporary use is allowed on the property in its current state.) Please see the linked Permit Checklist and application– Please note that there is a requirement to get neighboring consent for use of the City lot. This permit requires neighboring consent of at least 75% of residents within 200 feet of the lot. Affected residents would be at 208 Broadway St. and 119, 136 and 152 Pierce St.

A request to temporarily expand the area licensed for alcohol sales and consumption under your current liquor license must be submitted in writing. This would include a Premise Description (including where alcohol will be sold, served and consumed). Please see [Retail Alcohol Beverage Licensing Guide for Municipalities \(WI Department of Revenue Publication 309 page 14-15\)](#). Per DOR guidance you must be present at the meeting the Council will review and act on this request.

You will need to submit the Outdoor Activity Areas at Alcohol Beverage Licensed Establishments permit application (see link), including a scale plan/drawing that shows the layout of the event, including required fencing (and note the type of fence material). Fencing (at least 4 feet high) will need to be placed all the way around the event area where alcohol

will be served and/or consumed. This permit is needed for both the live entertainment and consumption of alcohol.

Please reach out with any questions.

Thank you,

Jessi Balcom
City Administrator
City of Berlin

This message originates from Jessi Balcom. It contains information that may be confidential or privileged and is intended only for the individual named above. It is prohibited for anyone to disclose, copy, distribute or use the contents of this message without permission, except as allowed by the Wisconsin Public Records Laws. If this message is sent to a quorum of a governmental body, my intent is the same as though it were sent by regular mail and further distribution is prohibited. All personal messages express views solely of the sender, which are not attributed to the municipality I represent, and may not be copied or distributed without this disclaimer. If you receive this message in error, please notify me immediately.

From: Colton Burt <[REDACTED]>
Sent: Monday, July 20, 2026 8:41 AM
To: Tim Ludolph <TLudolph@cityofberlin.wi.gov>; City Administrator
<CityAdministrator@cityofberlin.wi.gov>
Cc: [REDACTED]
Subject: Live music event

Hi,

We're planning on hosting a larger outdoor live music event at Grizzys Diner & Tavern on Friday, August 14, with live music from 6:00-9:00 PM. Before we get too far into planning, I just wanted to reach out and make sure we understand everything the City would require from us.

A few things we're wondering about:

- Do we need any permits or approvals for an outdoor event like this?
- We'd like to have a couple outdoor drink stations (selling canned beer/seltzers and simple mixed drinks). Is that allowed under our current liquor license, or is there anything additional we need to do?

- Do those outdoor bar areas need to be fenced off or otherwise separated?
- Does the entire event area need to be fenced, or can people come and go freely?
- We plan on checking IDs and using wristbands for anyone drinking alcohol. Is there anything else you'd expect us to do regarding alcohol service?
- Are there any occupancy limits, security requirements, or other safety requirements we should be aware of?
- Are there any noise restrictions or specific times we need to have music shut down?
- Will portable restrooms be required, or are our existing restrooms sufficient?
- Is there anything else we're overlooking that the City typically wants to see for an event like this?

We just want to make sure we do everything the right way from the start.

Thank you,

Colton Burt
Grizzys Diner & Tavern

Thank you,

Colton Burt
Priority Fitness



Sent from iPhone - disregard any errors

City of Berlin - Special Event Permit Checklist

Name of Event:

18-333 Event on Street/Highway (5k Run/Walk, Car show, Non profit vendor sales event, Business open house etc.)

Use of City streets, sidewalks, street parking spaces

Parade (School Homecoming, Memorial Day, Pumpkins on Petunias tractor, Christmas Parade etc.)

Event on Municipal Parking Lot (Farmers Market, Fox River Days, Pumpkins on Petunias etc.)

Use of South Capron St Lot, Market Square Lot

- Date application submitted: 7/23/26 (incomplete)
- ☒ New Event or ☐ Recurring Event with without changes since prior event.
(Circle One)
Describe any changes in the Additional Details space.
- ☐ COMPLETE APPLICATION Submitted no less than 45 days prior to event if NEW EVENT
(45 days time period may be waived if the Event is Recurring)
- ☒ Description of event, sketch of location, or outlined map if needed (See email from Colton)
- ☒ NA Park and Recreation Commission Request Form completed for events in City Parks (including parking lots)
- ☒ CERTIFICATE OF LIABILITY INSURANCE (Unless Exempt) In the Amount of \$1,000,000 BODILY, \$500,000 PROPERTY for EACH OCCURRENCE with THE CITY OF BERLIN NAMED AS AN ADDITIONAL INSURER

Expiration date: 01/27/2027

- ☐ EXEMPTION FROM LIABILITY INSURANCE (Religious, charitable, service, fraternal, veterans, school)

Proof of exemption status required YES or NO

- ☒ SIGNED INDEMNIFICATION AGREEMENT (Required for all permits.)

- ☒ NEIGHBORING RESIDENT CONSENT (Not required for parades or 5k runs/walks. Street use requirement - at least 75% of named streets' residents, municipal parking lot requirement - at least 75% of residents within 200 feet of named lot.)

Affected addresses include 208 Broadway St and 119, 136, and 152 Pierce St. Two signatures from 208 Broadway and one signature from 119 Pierce St received 7/24/26 which is 50% of addresses. Ordinance required 50% of adults.

- ☒ FEE OF TWENTY DOLLARS (\$20.00) Date of payment: 7/24/26
- ☒ Reviewed by Chief of Police (New or change only, for recurring give FYI copy)
- ☒ Reviewed by Street Superintendent (New or change only, for recurring give FYI copy)
- ☐ Date of Council Meeting for new approvals: 8/4/26 and 8/12/26

NOTES:

complete 75% received
208 Broadway
119 Pierce
152 Pierce

CITY OF BERLIN PERMIT APPLICATION

Special Events on Streets, Highways, and Municipal Parking Lots

(Provisions of SEC. 18-331 thru SEC. 18-337 Municipal Code Apply)

If you need additional space for any answers, attach additional sheets as necessary

18-333 Event On Street/Highway

18-333 Parade ☒

18-333 Event on Municipal Parking Lot

Applicant's Name: Colton Burt

Date of Application: 07/22/2006

Applicant's Telephone Number: [REDACTED]

Applicant's DOB/Organized: [REDACTED]

Applicant's Address: [REDACTED]

Purpose of Application Request: TO have the ability to have live music outside of our establishment.

If applicant is an organization, provide the name(s), title(s) or position(s), address(es), and telephone number(s) of authorizing official(s) (for corporations, all officers and directors; for LLC's, all members and managers; for partnerships, all partners; for trusts, all trustees):

Colton Burt, Owner

Name, Title, and Address

Telephone Number

Garrett Burt, General Manager, i

If applicant is **NOT** an organization (corporation, LLC, partnership, trust, etc), provide the name(s), title(s), or position(s), address(es), and telephone number(s) of person(s) responsible for this request:

Name, Title, and Address

Telephone Number

Details of Event: (For extended details, use the back of this form and include drawings of proposed event or route).

What: Flannel Revival (Live music) at Grizzly's Diner and Tavern

When: 08/14/2006

Start Time and Duration: 6:00 - 9:00 pm

Where: 186 Broadway St, Berlin wi

If Parade, Assembly Area: -

Estimated number of units (if parade) or persons attending (if other event): 100-200

Does applicant claim exemption from liability insurance as a government agency, religious, fraternal, veterans, charitable, or service organization per Sec. 18-333(b)(2) and or (4). Yes ☒ No ☐

If yes, explain: -

(Also submit any supporting documentation for this claim of exemption)

Applicant or Applicant's Agent's Name Signature: Garrett Burt

Name of Person Signing (please print): Garrett Burt

Title of Person Signing (if applicant is an organization): General Manager

For Office Use Only Include with Application:

Fee Paid (or) Exempt from fee (governmental procession) Yes ☐ No ☐

Neighboring Consent Form (or) Not Applicable Indemnification Form

Liability Insurance (or) Applicant is exempt and approved by City Attorney

Reviewed by: Chief of Police Street Superintendent

Common Council approval: Yes ☐ No ☐ NA (Recurring)

Recommendation: Conditions for Approval or Reasons for Denial:



City of Berlin
108 North Capron Street P.O. Box 272
Berlin, WI 54923
920-361-5400 Phone 920-361-5454 Fax

Indemnification, Defense, and Hold Harmless Agreement

The undersigned, as an applicant for a permit from the City of Berlin, hereby agrees to indemnify, defend, and hold harmless the City of Berlin and its employees and agents against all claims, liabilities, loss, damages, or expenses against or incurred by the City of Berlin on account of any injury to or death of any person, or any damage to property, caused by or resulting from the activities for which the permit was granted.

Specifically this Agreement applies to the following event:

Flannel Revival at Grizzly's Diner and Tavern
(Description and location of event)

On: 08/14/2026

(Date(s) of event)

By: 
(Sign and Print Name)

COLTON BURT

OR On Behalf of:

Grizzly's Diner and Tavern

(Name of Organization and Title if applicable)

If signing on behalf of an organization, you must have authority from the organization to sign an agreement like this. By signing this agreement, you are warranting to the City of Berlin that you have such authority.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
07/22/2026

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Walker Agency Inc. 103 E Huron PO Box 271 Berlin, WI 54923	CONTACT NAME: Meghann Devlin	PHONE (A/C No. Exp): 920-361-4444	FAX (A/C No.): 920-361-1381
	E-MAIL ADDRESS: meghann@walkeragencyinc.com		
INSURED Grizzly's LLC 186 Broadway Street Berlin, WI 54923	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Mt. Morris Mutual Insurance Company		10831
	INSURER B: Middlesex Insurance Company		23434
	INSURER C:		
	INSURER D:		
	INSURER E:		
INSURER F:			

COVERAGES		CERTIFICATE NUMBER:		REVISION NUMBER:		
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.						
INSR LTR	TYPE OF INSURANCE	ADOL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER ☐ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER		CPP132734	01/27/2026	01/27/2027	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (EA occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 500,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (EA accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB ☐ EXCESS LIAB ☐ OCCUR ☐ CLAIMS-MADE ☐ DED ☐ RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR, PARTNER, EXECUTIVE, OFFICER, MEMBER EXCLUDED? (Mandatory in HI) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐	A0304183001	02/17/2026	02/17/2027	PER STATUTE OTH-ER E & L EACH ACCIDENT \$ 100,000 E & L DISEASE - EA EMPLOYEE \$ 100,000 E & L DISEASE - POLICY LIMIT \$ 500,000
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)						

CERTIFICATE HOLDER	CANCELLATION
CITY OF BERLIN 108 N CAPRON ST BERLIN, WI 549230000	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.

July 22, 26

Grizzly's has my
Permission to have a
band in their parking lot
on 8/14/26.

Name - Kim Kim

Address 208 Broadway

Sign - Kim Kim

Name ROBERT BUSSE

Address 208 Broadway AFB

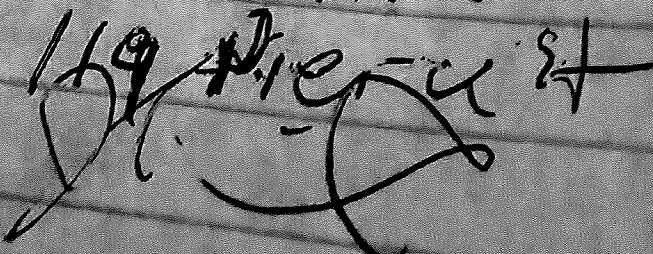
Sign - 

Name

Address

Sign

Lt Giebel

169 Pierce St


100'S

20 CLASS A C

NAME DAN FREIMAN
ADDRESS 1414 BRADY
SIGN-



This address is not within 200ft of the parking lot and is not affected by the event.

July 26, 2006

I have no objections to
Grizzly's having a band in their
parking lot on August 14 + Sept 6th.

X Daryl ~~Leah~~

152 Pierce St., Berlin

7/28

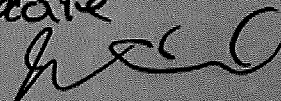
Grizzly's can have a
band 7/14, 8/6 and
any other date.

Kan

208 Broadway Apt D
Berlin, WI

119 Pierce St 54923

Grizzly's can have a
band 7/14, 8/6 and
any other date

Jeff Grabel 

From: Colton Burt <[REDACTED]>
Sent: Thursday, July 23, 2026 3:02 PM
To: City Administrator <CityAdministrator@cityofberlin.wi.gov>
Cc: Garrett Burt <[REDACTED]>
Subject: Fwd: Final Email - Live Music Approval

Hello - I am on the road currently out west! Planning to be back August 5th-7th somewhere in there. I had my brother help me prepare all of the required information - please review and let me know what we are missing :)

Thank you,

Colton Burt
Priority Fitness
[REDACTED]

Sent from iPhone - disregard any errors

----- Forwarded message -----

From: **Garrett Burt** <[REDACTED]>
Date: Thu, Jul 23, 2026 at 8:53 AM
Subject: Final Email - Live Music Approval
To: Colton Burt <[REDACTED]>

Good afternoon,

Grizzly's Diner & Tavern is requesting approval to temporarily expand our licensed liquor premises for a live music event featuring Flannel Revival on August 14, 2026, from 6:00 p.m. to 9:00 p.m.

The requested expansion would extend our current licensed premises from the restaurant, bar, and patio areas into a designated portion of the adjoining parking lot. An attached drawing shows the exact

boundaries of the requested expanded premises, including the areas where alcohol will be sold, served, and consumed.

The expanded area will be fully enclosed using snow fencing or a similar temporary barrier. Alcohol will only be permitted within the designated fenced boundaries.

All attendees who are at least 21 years old will be required to wear a wristband. Identification will be verified before wristbands are issued and before alcohol is served to help ensure that all alcohol sales and service are conducted legally and responsibly.

We respectfully request that this temporary expansion of the licensed premises be presented to the Common Council for consideration and approval.

Please let me know if any additional information, documentation, or revisions to the attached layout are required.

Thank you,

Colton Burt
Grizzly's Diner & Tavern

--

Thank you,

Garrett Burt

Grizzly Fitness

230 E Main St
PO Box 1209
Wautoma, WI 54982

fitnessgrizzly.com



Permit Application for Outdoor Activity Areas at Alcohol Beverage Licensed Establishments

Permit application requirements. All outdoor activity area permit applications shall include the following:

1. The name and address of the applicant, which must match the name and address stated on the applicant's corresponding alcohol beverage license.

Name: Colton Burt

Address: [REDACTED]

2. The address of the premises upon which the outdoor activity area is located, which must match the address of the premises stated on the applicant's corresponding alcohol beverage license.

Address: 186 Broadway St, Berlin Wi, 54923

3. A description of the proposed outdoor activity area, which shall, at a minimum, include the following information:

- a. A description of all intended activities to occur in the outdoor activity area.

Listening to the band, "Flannel Revival,"
Sales of water, soda + beer + liquor. Also
food sales of brats + burgers.

- b. A description of all plans for live or recorded entertainment proposed to occur in the outdoor activity area.

Flannel Revival, a band, will begin playing
at appr 6:00pm + end at appr 10:00pm.

- c. Proposed hours that the outdoor activity area will be open for use.

Band starts at 6:00pm, but people
will start coming before 6pm.
Est. hours 5:00pm - 10:30

- d. A description of any sound amplification devices intended to be used in the outdoor activity area.

Band will have a small stage including
speakers

- e. A description of all lighting intended to be used in the outdoor activity area.

Band has their own sound + lighting
stage

- f. A description of all efforts planned to be taken to mitigate the potential for unwanted light or sound to travel to neighboring properties. The common council may require the applicant to present technical drawings or plans of the sound and lighting system as part of the application.

The band will be under a large tent.

- g. A description of all efforts planned to be taken to mitigate the possibility of unauthorized underage persons gaining access to the premises, including any special devices to be used (such as, fencing or security cameras) and any special policies to be implemented (such as utilizing extra security personnel).

Having fencing, only 1 entry and anyone
entering bar will need proof of age + get a
wristband.
No one will be served without a wristband.
Security personnel on site

- h. A description of all efforts planned to be taken to keep the outdoor activity area clean.

Several garbage cans in tent area, no
glass will be served. Have staff cleaning
area throughout concert.

- i. The capacity of persons able to use the outdoor activity area.

200

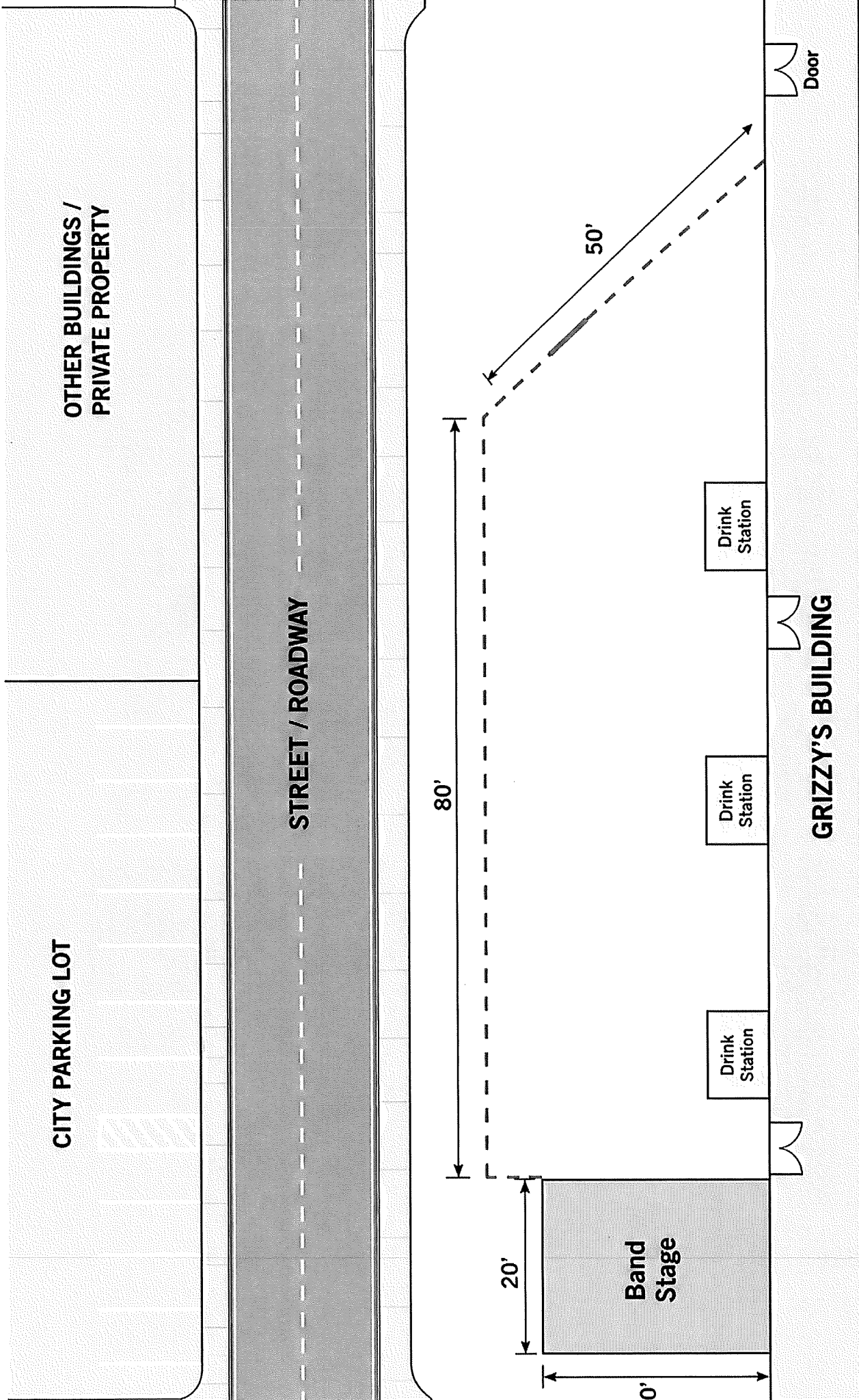
- j. Any planned increase or decrease in off street parking for the lot.

We are anticipating an increase for the
lot across the street. Having multiple staff
directing traffic in and out of lot.

4. A scale drawing shall accompany each application, showing all of the following:

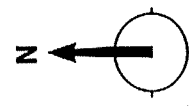
- a. The proposed size of the outdoor activity area.
- b. The proposed location on the lot and dimensional relationship to the principal structure and all other existing improvements.
- c. All boundary lines of the subject lot, and the dimensional relationship of such boundaries to each lot line.
- d. Proposed locations of prominent fixtures intended for the outdoor activity area, including but not limited to, bars or serving areas, restrooms, entrances and exits, music amplification devices, stages, dancing areas, eating areas, sporting activity areas, sporting activity apparatus, and gaming device areas.

paid 7/24/26 5. A \$10.00 nonrefundable annual fee to cover the costs of processing and investigation of the application. The fee amount for each type of permit shall be according to the fee schedule on file in the clerk-treasurer's office, which may be changed from time to time by resolution of the common council. Code Section 6-47.



LEGEND

- Fence
- Entry
- Drink Station
- Band Stage



All dimensions are approximate

Broadway Street

Commercial Street

50 ft

206015750000

186

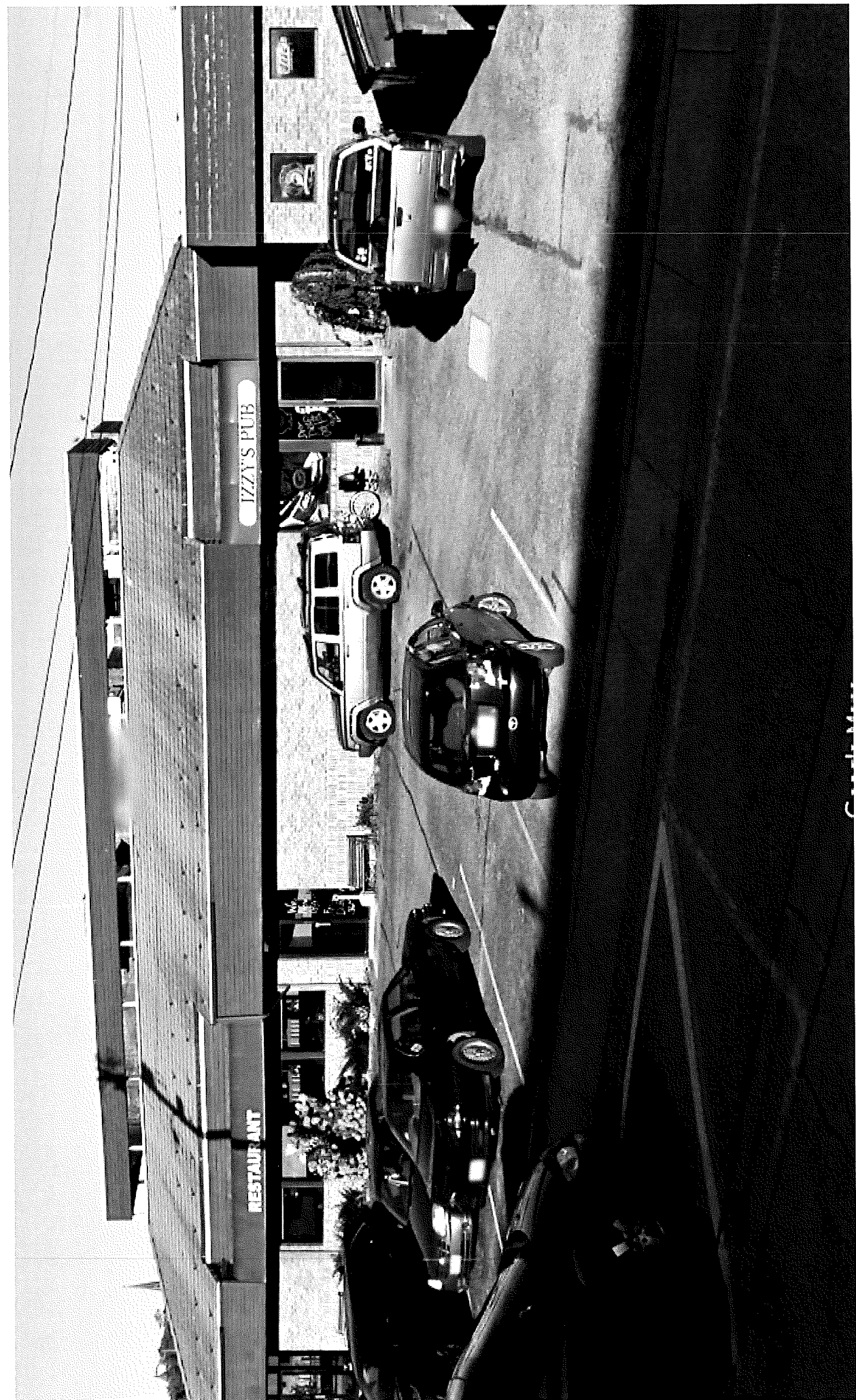
09

80 ft

30 ft

2014 Stage

Con





City of Berlin –Special Event Permit Checklist

Name of Event: _____

18-333 Event on Street/Highway (5k Run/Walk, Car show, Non profit vendor sales event, Business open house etc.)

Use of City streets, sidewalks, street parking spaces

Parade (School Homecoming, Memorial Day, Pumpkins on Petunias tractor, Christmas Parade etc.)

Event on Municipal Parking Lot (Farmers Market, Fox River Days, Pumpkins on Petunias etc.)

Use of South Capron St Lot, Market Square Lot

- Date application submitted: 7/28/26 - incomplete
- _____ COMPLETE APPLICATION Submitted no less than 45 days prior to event if NEW EVENT (45 days time period may be waived if the Event is Recurring)
- _____ Description of event, sketch of location, or outlined map if needed not submitted - similar to 8/14 event? tent added
- X CERTIFICATE OF LIABILITY INSURANCE (Unless Exempt) In the Amount of \$1,000,000 BODILY, \$500,000 PROPERTY for EACH OCCURRENCE with THE CITY OF BERLIN NAMED AS AN ADDITIONAL INSURER

Expiration date: _____

Or

- _____ EXEMPTION FROM LIABILITY INSURANCE (Religious, charitable, service, fraternal, veterans, school)

Proof of exemption status required YES or NO

- X SIGNED INDEMNIFICATION AGREEMENT (Required for all permits.) ^{received} Need ~~Colton's~~ signature
- X NEIGHBORING RESIDENT CONSENT (Not required for parades or 5k runs/walks. Street use requirement – at least 75% of named streets' residents, municipal parking lot requirement – at least 75% of residents within 200 feet of named lot.) This date has one signature out of the four affected addresses
^{received}

- _____ FEE OF TWENTY DOLLARS (\$20.00) Date of payment: _____
- ✓ Reviewed by Chief of Police (New only, for recurring give FYI copy)
- ✓ Reviewed by Street Superintendent (New only, for recurring give FYI copy)
- _____ Date of Council Meeting for new approvals: COTW 8.4.26 / CC 8.12.26

NOTES:

CITY OF BERLIN PERMIT APPLICATION

Special Events on Streets, Highways, and Municipal Parking Lots

(Provisions of SEC. 18-331 thru SEC. 18-337 Municipal Code Apply)

If you need additional space for any answers, attach additional sheets as necessary

18-333 Event On Street/Highway _____ 18-333 Parade X 18-333 Event on Municipal Parking Lot _____
Applicant's Name: Colton Burt Date of Application: 01/27/2026

Applicant's Telephone Number: _____

Applicant's DOB/Organized: _____

Applicant's Address: _____

Purpose of Application Request: To have the ability to have live music outside of our establishment.

If applicant is an organization, provide the name(s), title(s) or position(s), address(es), and telephone number(s) of authorizing official(s) (for corporations, all officers and directors; for LLC's, all members and managers; for partnerships, all partners; for trusts, all trustees):

Name	Title and Address	Telephone Number
<u>Colton Burt, owner,</u>	_____	_____
<u>Garrett Burt, general Manager,</u>	_____	_____
<u>Eve Frank, general manager</u>	_____	_____

If applicant is **NOT** an organization (corporation, LLC, partnership, trust, etc), provide the name(s), title(s), or position(s), address(es), and telephone number(s) of person(s) responsible for this request:

Name, Title, and Address

Telephone Number

Details of Event: (For extended details, use the back of this form and include drawings of proposed event or route).

What: Jerry Under Band (live music) at Grizzys Diner and Tavern

When: 09/06/2026

Start Time and Duration: 6:00pm - 9:00pm

Where: 186 Broadway St, Berlin WI

If Parade, Assembly Area: -

Estimated number of units (if parade) or persons attending (if other event): 100-200

Does applicant claim exemption from liability insurance as a government agency, religious, fraternal, veterans, charitable, or service organization per Sec. 18-333(b)(2) and or (4). Yes ☒ No ☐

If yes, explain: _____

(Also submit any supporting documentation for this claim of exemption)

Applicant or Applicant's Agent's Name Signature: Eve Frank

Name of Person Signing (please print): Eve Frank

Title of Person Signing (if applicant is an organization): General Manager

For Office Use Only Include with Application:

Fee Paid (or) Exempt from fee (governmental procession) Yes ☐ No ☐

Neighboring Consent Form (or) Not Applicable ☐ Indemnification Form ☐

Liability Insurance (or) Applicant is exempt and approved by City Attorney ☐

Reviewed by: _____ Chief of Police _____ Street Superintendent

Common Council approval: Yes ☐ No ☐ NA (Recurring) ☐

Recommendation: Conditions for Approval or Reasons for Denial: _____



City of Berlin
108 North Capron Street P.O. Box 272
Berlin, WI 54923
920-361-5400 Phone 920-361-5454 Fax

Indemnification, Defense, and Hold Harmless Agreement

The undersigned, as an applicant for a permit from the City of Berlin, hereby agrees to indemnify, defend, and hold harmless the City of Berlin and its employees and agents against all claims, liabilities, loss, damages, or expenses against or incurred by the City of Berlin on account of any injury to or death of any person, or any damage to property, caused by or resulting from the activities for which the permit was granted.

Specifically this Agreement applies to the following event:

Jerry Unger Band at Grizzly's Diner and Tavern
(Description and location of event)

On: 09/06/2026
(Date(s) of event)

By: Eve Frank - Eve Frank
(Sign and Print Name)

OR On Behalf of:

Grizzly's Diner and Tavern
(Name of Organization and Title if applicable)

If signing on behalf of an organization, you must have authority from the organization to sign an agreement like this. By signing this agreement, you are warranting to the City of Berlin that you have such authority.



City of Berlin
108 North Capron Street P.O. Box 272
Berlin, WI 54923
920-361-5400 Phone 920-361-5454 Fax

Indemnification, Defense, and Hold Harmless Agreement

The undersigned, as an applicant for a permit from the City of Berlin, hereby agrees to indemnify, defend, and hold harmless the City of Berlin and its employees and agents against all claims, liabilities, loss, damages, or expenses against or incurred by the City of Berlin on account of any injury to or death of any person, or any damage to property, caused by or resulting from the activities for which the permit was granted.

Specifically this Agreement applies to the following event:

JERRY UNGER AT GRIZZY'S DINER & TAVERN

(Description and location of event)

On: 09/06/2026

(Date(s) of event)

By: 

COLTON BURT

(Sign and Print Name)

OR On Behalf of:

Grizzly's Diner and Tavern

(Name of Organization and Title if applicable)

If signing on behalf of an organization, you must have authority from the organization to sign an agreement like this. By signing this agreement, you are warranting to the City of Berlin that you have such authority.



Permit Application for Outdoor Activity Areas at Alcohol Beverage Licensed Establishments

Permit application requirements. All outdoor activity area permit applications shall include the following:

1. The name and address of the applicant, which must match the name and address stated on the applicant's corresponding alcohol beverage license.

Name: Colton Burt

Address: [REDACTED]

2. The address of the premises upon which the outdoor activity area is located, which must match the address of the premises stated on the applicant's corresponding alcohol beverage license.

Address: 186 Broadway St, Berlin WI, 54923

3. A description of the proposed outdoor activity area, which shall, at a minimum, include the following information:

- a. A description of all intended activities to occur in the outdoor activity area.

Listen to the band "Jerry Unger Band", sales
of water, soda & beer & liquor. Also food sales
of brats & burgers.

- b. A description of all plans for live or recorded entertainment proposed to occur in the outdoor activity area.

Jerry Unger Band, a band, will begin playing
at appr 6:00pm & end at appr 6:00pm

- c. Proposed hours that the outdoor activity area will be open for use.

Band starts at 6:00pm, but people will start
coming before 6:00pm.
Est. hours 5:00pm - 10:30pm

- d. A description of any sound amplification devices intended to be used in the outdoor activity area.

Band will have a small stage including
speakers.

- e. A description of all lighting intended to be used in the outdoor activity area.

Band has their own sound & lighting stage.

- f. A description of all efforts planned to be taken to mitigate the potential for unwanted light or sound to travel to neighboring properties. The common council may require the applicant to present technical drawings or plans of the sound and lighting system as part of the application.

The band will be under a large tent.

- g. A description of all efforts planned to be taken to mitigate the possibility of unauthorized underage persons gaining access to the premises, including any special devices to be used (such as, fencing or security cameras) and any special policies to be implemented (such as utilizing extra security personnel).

Having fencing, only 1 entry and anyone entering bar will need proof of age & get a wristband. No one will be served without a wristband. Security personnel on site.

- h. A description of all efforts planned to be taken to keep the outdoor activity area clean.

Several garbage cans in tent area no glass will be served. Have staff cleaning area throughout concert.

- i. The capacity of persons able to use the outdoor activity area.

200

- j. Any planned increase or decrease in off street parking for the lot.

We are anticipating an increase for the lot across the street. Having multiple staff directing traffic in and out of lot.

4. A scale drawing shall accompany each application, showing all of the following:
 - a. The proposed size of the outdoor activity area.
 - b. The proposed location on the lot and dimensional relationship to the principal structure and all other existing improvements.
 - c. All boundary lines of the subject lot, and the dimensional relationship of such boundaries to each lot line.
 - d. Proposed locations of prominent fixtures intended for the outdoor activity area, including but not limited to, bars or serving areas, restrooms, entrances and exits, music amplification devices, stages, dancing areas, eating areas, sporting activity areas, sporting activity apparatus, and gaming device areas.
5. A \$10.00 nonrefundable annual fee to cover the costs of processing and investigation of the application. The fee amount for each type of permit shall be according to the fee schedule on file in the clerk-treasurer's office, which may be changed from time to time by resolution of the common council. Code Section 6-47.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
07/22/2026

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Walker Agency Inc. 103 E Huron PO Box 271 Berlin, WI 54923	CONTACT NAME: Meghann Devlin	PHONE: 920-361-4444	FAX: 920-361-1361
	E-MAIL ADDRESS: meghann@walkeragencyinc.com		
INSURED Gnazy's LLC 186 Broadway Street Berlin, WI 54923	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Mt. Morris Mutual Insurance Company		10831
	INSURER B: Middlesex Insurance Company		23434
	INSURER C:		
	INSURER D:		
	INSURER E:		
INSURER F:			

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR	POLICY NO	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER POLICY ☐ PRO- ☐ REC- ☐ LOC OTHER ☐		CPP132734	01/27/2026	01/27/2027	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (EA OCCURRENCE) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 500,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY HYBRID AUTOS ONLY SCHEDULED AUTOS NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (EA ACCIDENT) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB EXCESS LIAB DED ☐ RETENTION \$ ☐	☐ OCCUR ☐ CLAIMS-MADE				EACH OCCURRENCE \$ AGGREGATE \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR, PARTNER, EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in WI) If yes, describe under DESCRIPTION OF OPERATIONS below	☐ T.I.M. ☐ N/A	AQ304183001	02/17/2026	02/17/2027	PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
	DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)					

CERTIFICATE HOLDER

CANCELLATION

CITY OF BERLIN 108 N CAPRON ST BERLIN, WI 549230000	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

© 1998-2015 ACORD CORPORATION. All rights reserved.

July 26, 2006

I have no objections to
Grizzly's having a band in their
parking lot on August 14 + Sept 6th.

X ~~Dan L~~

152 Pierce St., Berlin

7/28

Grizzly's can have a
band 7/14, 8/6 and
any other date.

Kan

208 Broadway Apt D
Berlin, WI

119 Pierce St 54923

Grizzly's can have a
band 7/14, 8/6 and
any other date

Jeff Grabel 

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

TO: Common Council
FROM: Jessi Balcom, City Administrator
AGENDA ITEM: Bicycles, Electric Bicycles and Electric Scooters
MEETING DATE: August 4, 2026

BACKGROUND

The City's Municipal Code does not address the use of electric bicycles and scooters. Many communities are working to address this issue as people of all ages are utilizing these devices. It is important the City update the code to improve public safety, encourage responsible use of shared space, and communicate rules and expectations.

Much of the proposed language shared with Council at the July 7 COTW meeting comes from the ordinance recently passed in the City of Neenah (Chapter 16 ARTICLE IV Street Operations of Bicycles and Electric Shooters), which is attached for your information. Also included for your information are codes from Ashwaubenon and Omro.

The proposed language currently requires the use of a helmet for riders under the age of 16.

It is anticipated Council will discuss the desired parameters of the ordinance and direct staff to revise as appropriate. The ordinance can then be brought back for further consideration or sent to the City Attorney for review and preparation for adoption by the Council.

SUGGESTED MOTION

Motion to direct staff to send the proposed ordinance to the City Attorney for review and preparation for consideration of adoption by the Common Council.

ARTICLE III. BICYCLES AND PLAY VEHICLES

DIVISION 1. GENERALLY

Secs. 70-96

The purpose of this ordinance is to promote the safe and enjoyable use of sidewalks, trails, and bicycle ways within the City of Berlin by restricting the use and prohibiting reckless or unsafe operation of bicycles, electric bicycles, electric scooters, inline skates and play vehicles.

Secs. 70-97—70-112. Reserved.

DIVISION 2. BICYCLES, ELECTRIC BICYCLES (E-BIKES), AND ELECTRIC SCOOTERS (E-SCOOTERS)

Sec. 70-113. Definitions

As used in this chapter:

- (1) "Bicycle" means every device propelled by feet or hands acting upon pedals or cranks and having wheels, any two of which are not less than 14 inches in diameter.
- (2) "Electric bicycle" (e-bike), as defined by WI S.S. 340.01(15ph) means a bicycle that is equipped with fully operative pedals for propulsion by human power and an electric motor of 750 watts (1 horsepower) or less and that meets the requirements of any of the following classifications:
 1. "Class 1 e-bike" is an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
 2. "Class 2 e-bike" is an electric bicycle that may be powered solely by the motor and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
 3. "Class 3 e-bike" is an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.
- (3) "Electric scooter" (e-scooter), as defined by WI S.S. 340.01(15ps) means a device weighing fewer than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not greater than 20 miles per hour on a paved level surface when powered solely by the electric motor. "Electric scooter" does not include an electric personal assistive mobility device, motorcycle, motor bicycle, electric bicycle, or moped.

PART II - CODE OF ORDINANCES
Chapter 70 - TRAFFIC AND VEHICLES
ARTICLE III. - BICYCLES AND PLAY VEHICLES
DIVISION 2. BICYCLES

- (4) "Helmet" means a properly fitted and fastened protective head covering designed for bicycle safety that meets or exceeds the impact standards set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation.

Sec. 70-114. Regulations

- (a) State laws applicable. Every person using a bicycle, e-bike or e-scooter upon a public roadway shall be subject to the provisions of all ordinances and state laws applicable to the operator of any vehicle, except the provisions thereof applicable to the equipment of vehicles and other provisions that, by their nature and context, would have no application.
- (b) Where prohibited and Restricted. No bicycles, e-bikes or e-scooters shall be operated on any public sidewalks, in any roadway, trail, path or property where a sign is erected indicating that bicycles and/or e-bikes and/or e-scooters are prohibited or otherwise restricted.
- (c) Riding on roadway. Every person using a bicycle, e-bike or e-scooter upon a two-way public street shall ride as near as practicable to within five feet of the right curb or edge of the roadway, except when passing another vehicle or making a left-hand turn; and when riding in groups, users shall ride in single file, except on residential streets which are not divided by painted or other marked extra lines where they may ride two abreast. On one-way roads, the user may ride as near as practicable to within five feet of the left-hand or right-hand curbs or edges of the roadway.
- (d) Bicycle ways. Operation of bicycles, e-bikes and e-scooters shall be permitted on any ways, lanes, trails, paths, or other property designated for the use and operation of bicycles.
- (e) Observance of traffic regulations and speed limits. Every person using a bicycle, e-bike or e-scooter upon a public roadway shall obey all the instructions of official traffic-control devices, signs, and signals applicable to motor vehicles and shall not operate a bicycle, e-bike or e-scooter at a speed greater than the posted or otherwise applicable speed limit.
- (f) Yielding to traffic. The operator of a vehicle shall yield the right-of-way to a person using a bicycle, e-bike or e-scooter in the same manner as bicyclists and pedestrians. When using a bicycle, e-bike or e-scooter, every person shall, upon entering a public roadway, yield the right-of-way to motor vehicles, except to a person using a bicycle, e-bike or e-scooter shall be subject to the same regulations as bicyclists and pedestrians. Operators of e-bikes or e-scooters shall offer the right-of-way to bicycles in bike lanes, ways, trails, and on bike paths.
- (g) Age limits. No person less than eight years of age shall operate an e-bike or e-scooter on City roadways, except those persons six or seven years of age may do so during daylight hours if accompanied by an adult capable of remaining close enough to ensure the safe operation of the e-bike or e-scooter by the six- or seven-year-old rider, such as by walking or running alongside, using their own bicycle, e-bike or e-scooter, or engaging in similar proximal activity. This subsection is intended to permit usage of e-bikes and e-scooters by families and intentional groups of riders.

PART II - CODE OF ORDINANCES
Chapter 70 - TRAFFIC AND VEHICLES
ARTICLE III. - BICYCLES AND PLAY VEHICLES
DIVISION 2. BICYCLES

- (h) Equipment regulations; lamps and reflectors. Every person using a bicycle, e-bike or e-scooter between one-half hour after sunset and one-half hour before sunrise shall be equipped with a lamp firmly attached to the front of such electric scooter exhibiting a white light to the front, and with a reflector or lamp mounted on the rear of the vehicle visible at a distance of 500 feet. The reflector shall not be less than two inches in diameter.
- (i) Special events regulations. By the authority of the Berlin Police Department, or the Senior Center and Recreational Facilities Director or the Street Superintendent, any area of the City whereupon a special event is present, signage may be temporarily placed to further restrict or prohibit bicycles, e-bikes and/or e-scooters from being ridden, operated or present in such designated areas for reasonable periods of time before, during or after such special events.
- (j) Operation of gas-powered bicycles and scooters is prohibited in and throughout the City of Berlin.

Sec. 70-115. Mandatory Helmet Use for Persons Under 16 Years of Age

The purpose of this section is to promote public safety, reduce the risk of head injuries, and establish clear guidelines for mandatory use of helmets by individuals under the age of 16 who are involved in the operation of bicycles, e-bikes, e-scooters, inline skates and play vehicles under the jurisdiction and control of the City of Berlin.

- (a) Helmet required. Any person less than 16 years of age operating or riding on a bicycle, e-bike, e-scooter, inline skates or play vehicle on a public roadway, public sidewalk, public bicycle path, trail, public bicycle way, public park or any other public right-of-way under the jurisdiction and control of the City of Berlin shall wear a properly fitted and securely fastened helmet.
- (b) Responsibility of Parent or Guardian. No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of this section.
- (c) Enforcement. This section shall be enforced by the City of Berlin Police Department. Enforcement shall emphasize education and awareness in addition to violations.
 - (1) Except as provided herein, violation of this section is punishable by a forfeiture as set forth in the fee schedule adopted by the Common Council on file in the City Clerk-Treasurer's office.
 - (1) The court may waive any forfeiture for such person found guilty of violating the provisions of this section if the person supplies the court with proof that between the date of the violation and the appearance date for such violation the person purchased or otherwise obtained a helmet that meets the requirements of this ordinance.

Sec. 70-116. ~~Trick riding.~~ Unsafe Operation

No person shall **unsafely** operate a bicycle, e-bike or e-scooter within the city. **Unsafe operation includes but is not limited to:** ~~in any manner which necessitates the element of unusual extraordinary skill, and involves~~

unnecessary risk. As used in this section, "trick riding" may include, but shall not be limited to, any of the following bicycle operations:

- (1) — Operating a bicycle without manual steering control of the handlebars;
 - (2) — Operating a bicycle without manual control of the hand or foot braking system;
 - (3) — Operating a bicycle without manual control of the foot pedals;
 - (4) — Operating a bicycle in any manner which causes either wheel to leave the ground; and
 - (5) — Any unnecessary weaving or jumping of any curb, ramp or other object.
- (a) Clinging to other vehicles. No person using a bicycle, e-bike or e-scooter shall cling to, attach themselves to, or in any manner permit themselves to be pulled or towed by any moving vehicle.
 - (b) Towing of persons, vehicles, trailers. No person using a bicycle, e-bike or e-scooter shall tow, drag, or cause to be drawn behind the bicycle, e-bike or e-scooter any coaster wagon, sled, toy vehicle or any similar vehicle, trailer, person on in-line or roller skates, or any other type of conveyance.
 - (c) Contests with other electric devices or vehicles. No person using a bicycle, e-bike or e-scooter shall participate in any race, speed or endurance contest with any other e-scooter or e-bike or moving vehicle on city roadway.
 - (d) Stunt riding. No person using a bicycle, e-bike or e-scooter shall practice any fancy or acrobatic riding, wheelies, or other stunts, while operating such bicycle, e-bike or e-scooter.
 - (e) Trick riding. No person shall operate a bicycle, e-bike or e-scooter without having manual control of the handlebars, hand or foot braking system, and foot pedals. Operation which necessitates the element of unusual extraordinary skill and/or involves unnecessary risk is prohibited.
 - (f) Carrying of passengers. No person shall operate a bicycle, e-bike or e-scooter with another person upon said bicycle, e-bike or e-scooter unless the bicycle, e-bike or e-scooter is so designed and equipped to carry more than one person.
 - (g) Speed. No person shall operate a bicycle, e-bike or e-scooter at a speed greater than 20 MPH within city limits or that is reasonable and prudent under existing conditions or in excess of any posted speed limit.

(Code 1989, § 10-2-5(b))

Sec. 70-117. Parking.

No person shall leave a bicycle, e-bike or e-scooter at a place or in such a way as to create a hazard to pedestrians, automobile operators or to another person. Bicycles, e-bikes and e-scooters shall be parked either upon the roadway against the curb, in bicycle racks or, if parked on the sidewalk, in such a manner as to afford the least obstruction to pedestrian traffic, and not in such a manner as to obstruct the ingress and egress to buildings used by the public. If there is no bicycle rack or other facility intended to be used for the parking of bicycles in the vicinity, the operator of the bicycle, e-bike or e-scooter may park the bicycle on the sidewalk in an upright position, parallel to, and within 24 inches of, the curb.

(Code 1989, § 10-2-3)

Sec. 70-118. Inspection and registration.

- (a) *Registration required.* No person shall operate a bicycle, e-bike or e-scooter customarily kept within the city upon any street, sidewalk, public property, including the city school district grounds, bicycle pathway or public highway within the city unless the bicycle, e-bike or e-scooter shall first have been properly registered under the terms of this section, and an identification tag is attached as provided in subsection (b)(2) of this section.
- (b) *Form of registration.*
- (1) *Application.* Applications for registration of bicycles, e-bikes, and e-scooters shall be in such form as the police department shall adopt. Such application form shall include the name, address and telephone number of the applicant, the name of the owner of the bicycle, e-bike and e-scooter and the serial number of the bicycle, e-bike or e-scooter. The owner of a bicycle, e-bike or e-scooter which does not have a serial number stamped upon it shall cause such a number to be stamped on the bicycle, e-bike or e-scooter prior to filing the application for registration. The application fee shall be as set forth in the fee schedule adopted by the common council on file in the city clerk-treasurer's office, and shall be the maximum rate allowed by state statutes.
 - (2) *License plate or tag.* On receipt of payment of the bicycle, e-bike or e-scooter registration fee as provided in subsection (b)(1) of this section, the police department shall provide a suitable identifying license decal tag or plate, serially numbered to correspond with the registration number of the bicycle, e-bike or e-scooter. The bicycle owner shall affix the license decal or plate to a location as specified by the police department on the frame of the bicycle, e-bike or e-scooter for which the license decal or plate is issued.
 - (3) *Term of registration.* Once a bicycle, e-bike or e-scooter is registered, such registration shall not expire, except upon transfer of ownership as set forth in subsection (e) of this section. Further, if a registered owner changes his or her address or telephone number, or makes any substantial modifications to the bicycle, e-bike, or e-scooter, including but not limited to a color change, the registered owner shall be required to notify the police department of such change, within five days of the change, and such change shall be made to the bicycle registration by the police department for no additional fee.
- (c) *Records and transmittal fees.*
- (1) The police department shall keep at its office a suitable book and duplicate record of bicycle, e-bike and e-scooter applications and registrations.
 - (2) A complete report shall be made to the clerk-treasurer by the chief of police of funds received for bicycle, e-bikes and e-scooters registration fees, and all such fees shall be paid to the clerk-treasurer for deposit as city revenues.
- (d) *Bicycles, e-bikes and e-scooters to be kept in safe condition.* No bicycle, e-bike or e-scooter shall be registered in the city which is in an unsafe mechanical condition. Before any bicycle, e-bike or e-scooter shall be registered, the mechanical condition of such bicycle, e-bike or e-scooter shall be examined by the police department. If the police department finds such bicycle, e-bike or e-scooter to be in an unsafe mechanical condition, the police department may refuse to issue such license until such bicycle, e-bike or e-scooter is placed in a proper mechanical condition. The chief of police shall have authority to suspend the registration of and remove the identification tag from any bicycle, e-bike or e-scooter, or to impound any bicycle, e-bike or e-scooter operated contrary to law or ordinance, or which is being operated in an unsafe mechanical condition. The registration shall not be reinstated or such identification tag replaced while such bicycle, e-bike or e-scooter is in an unsafe condition. Such suspension and removal shall be in addition to other penalties provided in this division.

-
- (e) *Change of ownership.* Within ten days after a bicycle, e-bike or e-scooter registered under this section shall have changed ownership or been dismantled and taken out of operation, such information shall be reported to the police department by the person in whose name the bicycle, e-bike or e-scooter was registered. In the event of the sale or other transfer of a bicycle, e-bike or e-scooter which is registered in the city, the new owner of the bicycle shall, within five days after the sale or transfer of such bicycle, e-bike or e-scooter, make application for registration, and a new registration and tag shall be issued for the bicycle, e-bike or e-scooter. The fee for such change of ownership and registration shall be as set forth in the fee schedule adopted by the common council on file in the city clerk-treasurer's office.
- (f) *Registration to be displayed.* The identification tag issued under this section shall be affixed to the registered bicycle, e-bike or e-scooter in such a manner as to be plainly seen and read, and shall remain affixed in such manner until it is ordered to be removed by the police department, for cause, or until expiration of the registration. In the case of theft or loss of the bicycle, e-bike or e-scooter, a replacement tag shall be issued upon payment of a fee, which shall be as set forth in the fee schedule adopted by the common council on file in the city clerk-treasurer's office.
- (g) *Exemption from registration.* A nonresident may operate a bicycle, e-bike or e-scooter which is duly registered in any municipality without obtaining local registration if a valid identification tag is attached to such bicycle, e-bike or e-scooter.
- (h) *Removal and alteration of identification tags.*
- (1) No person shall remove an identification tag from a bicycle, e-bike or e-scooter during the period for which such tag is issued except upon a transfer of ownership of the bicycle, or when the bicycle, e-bike or e-scooter is dismantled and no longer operated upon any highway within the city.
 - (2) No person shall alter or counterfeit a bicycle, e-bike or e-scooter identification tag.

(Code 1989, § 10-2-7; Ord. No. 12-06, 5-9-2006)

Sec. 70-119. Violation; penalties.

- (a) *Forfeiture penalty.* The penalty for violation of any provision of this division shall be a forfeiture as provided in this subsection, together with all applicable court costs, fees, penalty assessments and driver improvement surcharges as prescribed by state statutes. Failure to pay forfeitures, and applicable court costs, fees, penalty assessments and driver improvement surcharges, shall be subject to penalties provided by the state statutes and particularly, but not limited to, Wis. Stats. ch. 345.
- (b) *Forfeitures for violation of uniform moving traffic regulations.* Forfeitures for violations of any moving traffic regulation set forth in a statute adopted by reference in section 70-2 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable statute, including any variations or increases for subsequent offenses.
- (c) *Non-statutory adoption provisions.* The penalty for a violation of any non-statutory adoption provision of this division shall be as provided in section 70-20(d). The enforcement procedure for the provisions of this division shall be as provided for in section 70-19.

(Code 1989, § 10-2-8)

Secs. 70-120—70-150. Reserved.

PART II - CODE OF ORDINANCES
Chapter 70 - TRAFFIC AND VEHICLES
ARTICLE III. - BICYCLES AND PLAY VEHICLES
DIVISION 3. INLINE SKATES

DIVISION 3. INLINE SKATES

Sec. 70-151. State laws applicable.

Each person using inline skates upon a public roadway within the city shall be subject to the provision of all ordinances and laws applicable to the operator of a vehicle, except those provisions with reference to equipment of vehicles and those provisions which, by their nature, would have no application.

(Code 1989, § 10-2-10(a))

Sec. 70-152. Sidewalks or walkways.

Each person using inline skates upon a sidewalk or walkway within the city shall yield the right-of-way to any pedestrian, and shall exercise due care when passing any other person proceeding in the same direction.

(Code 1989, § 10-2-10(b))

Cross reference(s)—Streets, sidewalks and other public places, ch. 58.

Sec. 70-153. Cling to moving vehicles.

It shall be unlawful for any person using inline skates within the city to cling or attach to any bicycle, e-bike, e-scooter, play vehicle or other moving vehicle upon a public roadway.

(Code 1989, § 10-2-10(d))

Sec. 70-154. Skating two abreast.

Each person when using in-line skates upon a public roadway within the city shall proceed in single file only.

(Code 1989, § 10-2-10(g))

Sec. 70-155. Yielding to traffic.

The operator of a vehicle shall yield the right-of-way to a user of inline skates within the city in the same manner as for bicyclists and pedestrians as set forth in Wis. Stats. §§ 346.23, 346.24, 346.37 and 346.38. When using inline skates, each person shall, upon entering a public roadway, yield the right-of-way to motor vehicles, except that a person using inline skates shall be subject to the same regulations as bicyclists and pedestrians as set forth in Wis. Stats. §§ 346.23, 346.24, 346.37 and 346.38.

(Code 1989, § 10-2-10(h))

Sec. 70-156. Violation; penalty; enforcement.

The penalty for a violation of any provision of this division shall be as provided in section 70-20(d). The enforcement procedure for the provisions of this division shall be as provided for in section 70-19.

(Code 1989, § 10-2-10(i))

Secs. 70-157—70-180. Reserved.***DIVISION 4. PLAY VEHICLES*****Sec. 70-181. Where prohibited.**

- (a) *Sidewalks.* No person shall operate or make use of a play vehicle on any sidewalk in the city in a block where a business, industry, church, school, library, swimming pool or park is located.
- (b) *Public areas.* No person shall operate or make use of a play vehicle upon any public parking lot, city school district grounds, private parking lot held out for public use, or private driveway or private property, without the owner's consent.

(Code 1989, § 10-2-6(b),(c))

Sec. 70-182. Operation.

Except on private property with the owner's consent, operation of play vehicles within the city shall be during daylight hours.

(Code 1989, § 10-2-6(d))

Sec. 70-183. Violation; penalties.

- (a) *Forfeiture penalty.* The penalty for violation of any provision of this division shall be a forfeiture as provided in this subsection, together with all applicable court costs, fees, penalty assessments and driver improvement surcharges as prescribed by state statutes. Failure to pay forfeitures, and applicable court costs, fees, penalty assessments and driver improvement surcharges, shall be subject to penalties provided by the state statutes and particularly, but not limited to, Wis. Stats. ch. 345.
- (b) *Forfeitures for violation of uniform moving traffic regulations.* Forfeitures for violations of any moving traffic regulation set forth in a statute adopted by reference in section 70-2 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable statute, including any variations or increases for subsequent offenses.
- (c) *Non-statutory adoption provisions.* The penalty for a violation of any non-statutory adoption provision of this division shall be as provided in section 70-20(d). The enforcement procedure for the provisions of this division shall be as provided for in section 70-19.

(Code 1989, § 10-2-9)

Secs. 70-184—70-215. Reserved.



AN ORDINANCE: Public Services and Safety
Re: Repealing and Replacing Chapter 16 Article IV
Operation of Bicycles and Electric Scooters and
Bicycles.

ORDINANCE NO. 2026-07

Introduced: _____

Committee/Commission Action: _____

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, does ordain as follows:

Section 1. Chapter 16 ARTICLE IV STREET Operations of Bicycles and Electric Scooters, of the Code of Ordinances of the City of Neenah are repealed and replaced in its entirety.

ARTICLE IV. Operation of Bicycles and Electric Scooters and Bicycles.

Sec. 16-160 Electric scooter, electric bicycle and bicycle regulations.

(a) *Purpose.* The purpose of this ordinance is to promote the safe and enjoyable use of sidewalks, trails, and bicycle ways within the City of Neenah by restricting the use and prohibiting reckless or unsafe operation of bicycles, electric bicycles, and electric scooters.

(b) *Definitions.*

As used in this chapter:

- (1) "Bicycle" means every device propelled by feet or hands acting upon pedals or cranks and having wheels, any two of which are not less than 14 inches in diameter.
- (2) "Electric bicycle" (e-bike) means a bicycle that is equipped with fully operative pedals for propulsion by human power and an electric motor of 750 watts (1 horsepower) or less and that meets the requirements of any of the following classifications:
 1. "Class 1 e-bike" is an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
 2. "Class 2 e-bike" is an electric bicycle that may be powered solely by the motor and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
 3. "Class 3 e-bike" is an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

- (3) "Electric scooter" (e-scooter) means a device weighing fewer than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not greater than 20 miles per hour on a paved level surface when powered solely by the electric motor. "Electric scooter" does not include an electric personal assistive mobility device, motorcycle, motor bicycle, electric bicycle, or moped.
- (c) *State laws applicable.* Every person using an e-scooter or e-bike upon a public roadway shall be subject to the provisions of all ordinances and state laws applicable to the operator of any vehicle, except the provisions thereof applicable to the equipment of vehicles and other provisions that, by their nature and context, would have no application.
- (d) *Where prohibited and Restricted.* No e-scooters or e-bikes shall be operated on any public sidewalks, any City-owned parking ramps, or any roadway, trail, path, or property where a sign is erected indicating that bicycles and/or e-scooters and/or e-bikes are prohibited or otherwise restricted. Notwithstanding the provisions of subsection "f" hereof, at the locations indicated below, in subsections (1) and (2) hereof, e-scooters and e-bikes must be walked, with the rider off the device, guiding it along by hand while walking along side.
- (1) Main Street and Wisconsin Avenue from W. Doty Avenue to S. Commercial Street.
- (2) Any other bicycle way, location or place where regulatory signage so indicates.
- (e) *Riding on roadway.*
- (1) Every person using an e-scooter or e-bike upon a two-way public street shall ride as near as practicable to within five feet of the right curb or edge of the roadway, except when passing another vehicle or making a left-hand turn; and when riding in groups, users of e-scooters or e-bikes shall ride in single file, except on residential streets which are not divided by painted or other marked extra lines where they may ride two abreast. On one-way roads, the user may ride as near as practicable to within five feet of the left-hand or right-hand curbs or edges of the roadway.
- (2) Persons using e-scooters or e-bikes shall not impede the normal movement of motor vehicle traffic.
- (f) *Bicycle ways.* Operation of e-scooters or e-bikes shall be permitted on any ways, lanes, trails, paths, or other property designated for the use and operation of bicycles.
- (g) *Unsafe operation.* No person shall unsafely operate an e-scooter or e-bike in the City of Neenah. Unsafe operation includes but is not limited to the following:
- (1) Clinging to other vehicles. No person using an e-scooter or e-bike shall cling to, attach themselves to, or in any manner permit themselves to be pulled or towed by any moving vehicle.
- (2) Towing of persons, vehicles, trailers. No person using an e-scooter or e-bike shall tow, drag, or cause to be drawn behind the e-scooter or e-bike any coaster wagon, sled, toy vehicle or any similar vehicle, trailer, person on in-line or roller skates, or any other type of conveyance.
- (3) Contests with other electric devices or vehicles. No person using an e-scooter or e-bike shall participate in any race, speed, or endurance contest with any other e-scooter or e-bike or moving vehicle on a city roadway.
- (4) Stunt riding. No person using an e-scooter or e-bike shall practice any fancy or acrobatic riding, wheelies, or other stunts, while operating such e-scooter or e-bike.

- (5) Trick riding. No person shall operate an e-scooter or e-bike without having manual control of the handlebars or in any other manner which necessitates the element of unusual extraordinary skill and involves unnecessary risk.
- (6) Carrying of passengers. No person shall operate an e-scooter or e-bike with another person upon said e-scooter or e-bike unless such e-scooter or e-bike is so designed and equipped to carry more than one person.
- (7) Speed. No person shall operate an e-scooter or e-bike at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit.
- (h) *Observance of traffic regulations and speed limits.* Every person using an e-scooter or e-bike upon a public roadway shall obey all the instructions of official traffic-control devices, signs, and signals applicable to motor vehicles and shall not operate an e-scooter or e-bike at a speed greater than the posted or otherwise applicable speed limit.
- (i) *Yielding to traffic.* The operator of a vehicle shall yield the right-of-way to a person using an e-scooter or e-bike in the same manner as for bicyclists and pedestrians. When using an e-scooter or e-bike, every person shall, upon entering a public roadway, yield the right-of-way to motor vehicles, except a person using an e-scooter or e-bike shall be subject to the same regulations as bicyclists and pedestrians. Operators of e-scooters or e-bikes shall offer the right-of-way to bicycles in bike lanes, ways, trails, and on bike paths.
- (j) *Age limits.* No person less than eight years of age shall operate an e-scooter or e-bike on City roadways, except that persons six or seven years of age may do so during daylight hours if accompanied by an adult capable of remaining close enough to ensure the safe operation of the scooter by the six- or seven-year-old rider, such as by walking or running alongside, using their own e-scooter, e-bike, or bicycle, or engaging in similar proximal activity. This subsection is intended to permit usage of e-scooters and e-bikes by families and intentional groups of riders.
- (k) *Equipment regulations; lamps and reflectors.* Every person using e-scooters or e-bikes between one-half hour after sunset and one-half hour before sunrise shall be equipped with a lamp firmly attached to the front of such electric scooter exhibiting a white light to the front, and with a reflector or lamp mounted on the rear of the vehicle visible at a distance of 500 feet. The reflector shall not be less than two inches in diameter.
- (l) *Special Events regulations.* In addition to the restrictions of subsection (d) hereof, by the authority of the Neenah Police Department or the Director of Parks and Recreation, any area of the City whereupon a special event is present, signage may be temporarily placed to further restrict or prohibit e-scooters and e-bikes from being ridden, operated or present in such designated areas for reasonable periods of time before, during or after such special events.
- (m) *Penalties.* For a violation of any provision of this section the offender shall pay a forfeiture, exclusive of court costs, in the amount \$50 for a first offense, and \$100 for any second and subsequent violations.

Sec. 16-161 Mandatory Helmet Use for Persons Under 16 Years of Age

(a) *Purpose.* The purpose of this ordinance is to promote public safety, reduce the risk of head injuries, and establish clear guidelines for the mandatory use of helmets by individuals under the age of 16 who are involved in the operation of bicycles, electric bicycles (e-bikes) or electric scooters (e-scooters) under the jurisdiction and control of the City of Neenah.

(b) *Definitions.*

As used in this section:

- (1) "Helmet" means a properly fitted and fastened protective head covering designed for bicycle safety that meets or exceeds the impact standards set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation.
- (2) "Bicycle" means every device propelled by feet or hands acting upon pedals or cranks and having wheels, any two of which are not less than 14 inches in diameter.
- (3) "Electric bicycle" (e-bike) means a bicycle that is equipped with fully operative pedals for propulsion by human power and an electric motor of 750 watts (1 horsepower) or less and that meets the requirements of any of the following classifications:
 1. Class 1 e-bike is an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
 2. Class 2 e-bike is an electric bicycle that may be powered solely by the motor and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
 3. Class 3 e-bike is an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.
- (4) "Scooter" means a device powered by human effort or by an electric motor, having a handlebar, deck, and wheels, that is designed to be stood upon or sat upon by the operator.

(c) *Helmet required.* Any person less than 16 years of age operating or riding on an e-bike or scooter on a public roadway, public sidewalk, public bicycle path, trail, bicycle way, or any other public right-of-way under the jurisdiction and control of the City of Neenah shall wear a properly fitted and securely fastened helmet.

- (1) A person under 16 years of age shall not operate a bicycle, unicycle, skateboard, or scooter, nor shall any person wear in-line or roller skates, nor ride upon a bicycle, unicycle, skateboard, scooter, in-line or roller skates as a passenger, at a public skate park under the jurisdiction and control of the City of Neenah unless that person is wearing a properly fitted and fastened protective helmet.

(d) *Responsibility of Parent or Guardian.* No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of this section.

(e) *Enforcement.* This ordinance shall be enforced by the City of Neenah Police Department. Enforcement shall emphasize education and awareness in addition to violations.

(f) *Penalty.* Except as provided herein, violation of this section is punishable by a forfeiture of not more than \$50. The parent or legal guardian having control or custody of the minor whose conduct violates this section shall be jointly and severally liable with the minor for the amount of a forfeiture imposed pursuant to this subsection.

- (g) The court may waive any forfeiture for such person found guilty of violating the provisions of this section if the person supplies the court with proof that between the date of the violation and the appearance date for such violation the person purchased or otherwise obtained a helmet that meets the requirements of section 16-161(b)(1).

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Replaced and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

Approved:

Brian D. Borchardt, Mayor

Attest:

Charlotte Nagel, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney David C. Rashid
211 Walnut Street
Neenah, WI 54956
State Bar No. 1056542

Village Of Ashwaubenon

Municipal Code Book

Wednesday, May 27, 2026 7:40 AM



Article 7-7

Municipal Code Book

Chapter 7 - Traffic and Vehicles	3
Article 7 - Bicycles, Motorbikes and Similar Vehicles	3
7-7-235 Definitions	3
7-7-236 Regulation of Bicycles and Electric Bicycles	3
7-7-237 Regulation of Electric Scooters	5
7-7-238 Regulation of Motorized Bicycles, Electric Personal Assistive Devices, All-Terrain Vehicles, and Other Vehicles	5
7-7-239 Regulation of Neighborhood Electric Vehicles and Low-Speed Vehicles	6
7-7-240 Helmets	6
7-7-241 Enforcement Procedures and Penalties	6
7-7-242 Penalties	7

Chapter 7 - Traffic and Vehicles

Article 7 - Bicycles, Motorbikes and Similar Vehicles

7-7-235 Definitions

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

All-terrain vehicle, as defined in Wis. Stats. § 340.01 (2g).

Bicycle, as defined in Wis. Stats. § 340.01 (5).

Commercial Quadricycle, as defined in Wis. Stats. § 340.01 (8m)

Electric bicycle, as defined in Wis. Stats. § 340.01 (15ph).

Electric personal assistive mobility device, as defined in Wis. Stats. § 340.01 (15pm).

Electric scooter, as defined in Wis. Stats. § 340.01 (15ps).

Golf cart, as defined in Wis. Stats. § 23.33(1)(fm)

Low-speed vehicle, as defined in Wis. Stats. § 340.01 (27h).

Moped, as defined in Wis. Stats. § 340.01 (29m).

Motor bicycle, as defined in Wis. Stats. § 340.01 (30).

Motorcycle, as defined in Wis. Stats. § 340.01 (32).

Neighborhood electric vehicle, shall have the same meaning as a low-speed vehicle.

Off-road utility vehicle, as defined in Wis. Stats. § 340.01 (38m)

Play vehicle, as defined in Wis. Stats. § 340.01 (43m).

Snowmobile, as defined in Wis. Stats. § 340.01 (58a).

Ord. No. O7-1-25, 7-22-2025

7-7-236 Regulation of Bicycles and Electric Bicycles

- (A) *Registration—Required.* No person shall operate a bicycle or electric bicycle customarily kept within the village upon any street of the village without having a village registration tag therefor, and unless such bicycle or electric bicycle is properly registered and has displayed thereon its registration. Registration tags shall be provided for a fee by the village.

- (1) *Application.* Applications for registration shall be made by the owner on forms provided by the Public Safety Department. Such application shall contain owner and bicycle or electric bicycle information as the Chief of Public Safety deems pertinent.
- (2) *Tag.* Upon such application and payment of a registration fee, which is on file at the office of the Village Clerk, the Public Safety Department shall issue to the applicant a registration tag for such bicycle or electric bicycle. Such registration shall be permanent, lasting the lifetime of the bicycle or electric bicycle or until ownership is transferred. The Public Safety Department shall keep a record of the date of issuance of such registration tag, to whom issued and the number thereof. A copy of such application shall be filed with the Public Safety Department.
- (3) *Affixing registration tag to bicycle or electric bicycle.* No bicycle or electric bicycle shall be considered registered until a registration tag is affixed to the bicycle or electric bicycle. The registration tag must remain so affixed until the bicycle or electric bicycle is taken out of operation, sold by the owner or removed by the Public Safety Department upon direction of the municipal judge.
- (4) *Transfer or cancellation.* Within ten days after any bicycle or electric bicycle registered hereunder shall have changed ownership or be dismantled and taken out of use, the person in whose name the bicycle or electric bicycle has been registered shall report such information to the Public Safety Department. In the case of change of ownership, the registration shall thereupon be cancelled and a new license issued to the new owner upon proper application and payment by the new owner of a registration fee which is on file with the village clerk's office. In the case of dismantling and taking out of operation or use, the registration shall be cancelled by the Public Safety Department.
- (5) *Lost registration tag.* In the case of theft, loss, mutilation or defacing of such license, a new license shall be issued by the department for a fee which is on file at the village clerk's office. No person shall willfully remove, deface or destroy a license.

(B) *Operation*

- (1) No person shall operate a bicycle or electric bicycle in the village without the consent of the registered owner.
- (2) Every license issued hereunder shall be deemed to be granted, subject to the following conditions:
 - (a) Every person propelling or riding a bicycle or electric bicycle upon a public roadway shall be subject to the provisions of all ordinances and state laws applicable to the operator of any vehicle, except those provisions with reference to equipment of vehicle and except those provisions which by their nature would have no application. Wis. Stats. §§ 346.77 to 346.82, and § 347.489 are adopted by reference as part of this section.
 - (b) Bicycles or electric bicycles will be allowed to be ridden on public sidewalks within the village, provided the operator of a bicycle or electric bicycle upon the sidewalk shall yield the right-of-way to any pedestrian and shall exercise due care and give an audible signal when passing a bicycle rider or pedestrian proceeding in the same direction.

7-7-237 Regulation of Electric Scooters

- (A) *Limitations of use on highways, streets or other roadways.* As authorized pursuant to Wis. Stats. § 349.237 (1), No person shall operate or ride upon any electric scooter on public roads and highways within the village having a speed limit of more than 30 miles per hour, unless the street or road has a designated bicycle lane. No person shall operate or ride upon any electric scooter on Oneida Street or Holmgren Way.
- (B) *Use on sidewalks, bicycle ways, and trails.* A person may operate an electric scooter upon any sidewalk, bicycle way, walking or recreational trail except as otherwise allowed by state law or this Chapter. Every person operating an electric scooter upon a sidewalk, bicycle way, walking or recreational trail shall yield the right-of-way to any pedestrian or bicyclist and shall exercise due care and give an audible signal when passing a bicycle or other electric scooter or a pedestrian proceeding in the same direction.
- (C) *Parking restricted.* As authorized pursuant to Wis. Stats. § 349.237 (3), no person shall park or cause to be parked electric scooters on roadways, sidewalks, bicycle lanes or bicycle ways in the village.
- (D) *Short-term commercial rental.* As authorized pursuant to Wis. Stats. § 349.237 (4), short-term commercial rental of electric scooters is prohibited in the village.
- (E) *Single Rider Requirement.* It shall be unlawful for more than one person to ride on a single electric scooter at any time, regardless of the scooter's design or capacity. No operator of an electric scooter shall permit another person to ride on the scooter with them, whether standing, sitting, or otherwise positioned on the device.

Ord. No. 07-1-25, 7-22-2025

7-7-238 Regulation of Motorized Bicycles, Electric Personal Assistive Devices, All-Terrain Vehicles, and Other Vehicles

- (A) *Limitations of use on sidewalks, bicycle ways, trails, or Village owned property.* No person shall operate or ride upon any Motor-bicycle, Motorcycle, Moped, Electric Personal Assistive Mobility Device, All-Terrain or Utility Vehicle, Snowmobile, Commercial Quadricycle, Golf Cart, Go Cart, or any other such motor vehicle or vehicle, on any part of a sidewalk, walking or recreational trail, Ashwaubenon Park or any Village owned property except as otherwise allowed by state law or this Chapter.
- (B) *Restricted on highways, streets or other roadways.* No person shall operate or ride upon any Motor-bicycle, Electric Personal Assistive Mobility Device, All-Terrain or Utility Vehicle, Commercial Quadricycle, Scooter, Golf Cart, Go Cart, Play Vehicle, Toy Vehicle or any other such motor vehicle or vehicle that is not registered for use on Highways with the Wisconsin Department of Motor Vehicles, on any highway, roadway, or street within the Village of Ashwaubenon except as otherwise allowed by state law or this Chapter.

Ord. No. 07-1-25, 7-22-2025; Ord. No. 06-6-06, § 1(7.05), 6-27-2006

7-7-239 Regulation of Neighborhood Electric Vehicles and Low-Speed Vehicles

- (A) *Restricted from operation.* As authorized pursuant to Wis. Stats. § 349.26 (1m), neighborhood electric vehicles and low-speed vehicles shall not be allowed to operate on public roads and highways within the village.

Ord. No. 07-1-25, 7-22-2025; Ord. No. 1-3-25, 1-28-2025; Ord. No. 8-3-17, 10-24-2017

7-7-240 Helmets

- (A) Any person less than 16 years of age operating or riding on a bicycle, electric bicycle or electric scooter on a public roadway, bicycle way, or any other public right-of-way under the jurisdiction and control of the Village shall wear a protective helmet designed for bicycle safety. Such helmets shall meet or exceed the impact standards for protective bicycle helmets set by the United States Consumer Product Safety Commission under CPSC 1203 (16 CFR Part 1203).
- (1) A person under 16 years of age shall not operate a bicycle, unicycle, skateboard or scooter, nor shall he or she wear in-line or roller skates, nor ride upon a bicycle, unicycle, skateboard, scooter, or in-line or roller skates as a passenger, at a public skateboard recreation facility under the jurisdiction and control of the Village unless that person is wearing a properly fitted and fastened protective helmet that meets or exceeds the impact standards for bicycle helmets set by the United States Consumer Product Safety Commission under CPSC 1203 (16 CFR Part 1203).
- (B) No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of this section.
- (C) This section applies to a child seated in an auxiliary child's seat or trailer designed for attachment to a bicycle.

Ord. No. 05-1-26, 5-26-2026; Ord. No. 07-1-25, 7-22-2025

7-7-241 Enforcement Procedures and Penalties

- (A) *Juveniles under 14 years of age.* The following enforcement procedure shall apply to violations committed by juveniles under 14 years of age:
- (1) *First Offense.* For a first offense, a bicycle violation warning ticket is issued. The child is released. Parents are notified by the public safety officer.
- (2) *Second Offense.* For a second offense, a bicycle violation warning ticket is issued. The child is released. Parents are notified by the designated safety officer. Parents are advised that they are responsible for their child's action and that future violations could result in the parent being cited into court under Wis. Stats. § 346.77.
- (3) *Third Offense.* For a third offense, a bicycle violation ticket is issued. Parents are notified by the public safety officer.

- (B) *Juveniles 14—18 Years of Age.* The following enforcement procedure shall apply to violations committed by juveniles 14—18 years of age:
- (1) The officer may issue a warning.
 - (2) The officer may issue a municipal citation ordering the offender into municipal court.
 - (3) In the case of offenders having a valid state-issued driver's license, the officer may issue a traffic citation.
- (C) *Adults over 18 Years of Age.* Officers may issue warnings, municipal or traffic citations, as deemed necessary, for violations committed by adults 18 years of age or older.
- (D) *Public Safety Officer to Use Best Judgment.* It is understood that situations differ and a public safety officer must use their best judgment as the occasion warrants.
- (E) *Records of Violations.* Records of violations will be kept by the department and will be used to determine whether the current offense is a first, second or third offense.

Ord. No. 07-1-25, 7-22-2025

7-7-242 Penalties

- (A) In the case of municipal or traffic citations, penalties will be determined by using the Uniform State Traffic Deposit Schedule or the bond amount set by the village for municipal ordinance violations.
- (B) Except as provided herein, violation of this section is punishable by a forfeiture of not more than \$50. The parent or legal guardian having control or custody of a minor whose conduct violates this section shall be jointly and severally liable with the minor for the amount of a forfeiture imposed pursuant to this section.

Ord. No. 07-1-25, 7-22-2025



City of Omro
Administration

Ordinance

11.a

205 S Webster Ave
Omro, WI 54963
www.omro-wi.com

Barbara J Van Clarke
(920) 685-7000

Tuesday, July 21, 2026

7:00 PM

Council Chambers

Waive the First Reading of ORD: 260721-C#514 An Ordinance Creating Section 7.25 of the Omro Municipal Code Regulating the Operation of Electric Bicycles and Electric Scooters Within the City of Omro

Vote Record

First Reading: Referred to: Tabled: Withdrawn: Defeated:	Second Reading: Referred to: Tabled: Withdrawn: Defeated:	Adoption: Referred to: Tabled: Withdrawn: Defeated:
Motion: Second:	Motion: Second:	Motion: Second:
Yes/Aye: No/Nay: Motion Result:	Yes/Aye: No/Nay: Motion Result:	Yes/Aye: No/Nay: Motion Result:

WHEREAS, the Common Council of the City of Omro recognizes that electric bicycles and electric scooters have become increasingly common modes of transportation and recreation throughout Wisconsin and within the City of Omro; and

WHEREAS, the City of Omro has invested substantial public resources in streets, sidewalks, bicycle facilities, parks, recreational trails, and pedestrian infrastructure intended to provide safe and accessible transportation and recreational opportunities for residents and visitors; and

WHEREAS, the Common Council finds that the operation of electric bicycles and electric scooters presents unique public safety concerns involving pedestrians, school zones, parks, recreational facilities, public events, and vehicular traffic; and

WHEREAS, the Common Council desires to encourage the responsible use of electric bicycles and electric scooters while protecting the health, safety, and welfare of residents, visitors, children, pedestrians, bicyclists, and motorists; and

WHEREAS, the Common Council is authorized pursuant to Wis. Stats. §§ 62.11(5), 340.01, 346.78, 346.79, 347.489, 349.06, 349.18, and related provisions of Wisconsin law to regulate the operation of bicycles and electric mobility devices upon public highways and municipal property;

NOW, THEREFORE, the Common Council of the City of Omro, Winnebago County, Wisconsin, does ordain as follows:

SECTION 1 CREATION OF SECTION 7.25 – ELECTRIC BICYCLES AND ELECTRIC SCOOTERS

Section 7.25 of the Omro Municipal Code is hereby created to read as follows:

7.25.010 Purpose

The purpose of this Chapter is to promote the safe and responsible operation of electric bicycles and electric scooters within the City of Omro; protect public health, safety, and welfare; reduce conflicts among pedestrians, bicyclists, motorists, and electric mobility device operators; preserve public infrastructure and recreational facilities; and establish local regulations consistent with Wisconsin law.

7.25.015 Legislative Intent

A. The Common Council finds that electric bicycles and electric scooters are capable of greater speeds, acceleration, and weight than traditional bicycles and present unique safety concerns when operated upon public streets, sidewalks, bicycle lanes, bicycle paths, multi-use trails, parks, and other public property. The Council further finds that younger operators may lack the maturity, judgment, and experience necessary to safely operate such devices in areas shared with pedestrians and motor vehicle traffic. Accordingly, the following age restrictions are adopted to promote the health, safety, and welfare of the public and to supplement applicable provisions of Wisconsin Statutes.

7.25.020 Definitions

1. Class 1 Electric Bicycle. An electric bicycle as defined in Wis. Stat. § 340.01(15ph) that provides assistance only when the rider is pedaling and ceases assistance at twenty (20) miles per hour.
2. Class 2 Electric Bicycle. An electric bicycle as defined in Wis. Stat. § 340.01(15ph) that may be propelled solely by the motor and ceases assistance at twenty (20) miles per hour.
3. Class 3 Electric Bicycle. An electric bicycle as defined in Wis. Stat. § 340.01(15ph) that provides assistance only while the rider is pedaling, ceases assistance at twenty-eight (28) miles per hour, and is equipped with a speedometer.
4. Electric Scooter. A device meeting the definition contained in Wis. Stat. § 340.01(15ps), as amended.
5. Shared Mobility Device. Any electric bicycle or electric scooter made available for rental, lease, or shared use.
6. Minor. Any person under eighteen (18) years of age.
7. Sidewalk. Any public pedestrian walkway owned or maintained by the City or State of Wisconsin Department of Transportation on a bridge
8. Trail. Any paved or improved pathway intended for pedestrian, bicycle, or recreational use.

7.25.030 Applicability

1. This Chapter shall apply to all electric bicycles and electric scooters operated upon:

1. Public streets;

2. Alleys;
3. Sidewalks;
4. Public trails;
5. Parks;
6. Public parking lots; and
7. Other public property owned, controlled, or maintained by the City.

7.25.040 Compliance with Traffic Laws

1. Operators shall comply with all applicable provisions of Wisconsin Statutes Chapters 340 through 349 and all City ordinances. All statutes in those chapters not already adopted by the Omro Municipal Code are hereby adopted.
2. Operators shall obey all traffic control devices and lawful directions of law enforcement officers.
3. Electric bicycles and electric scooters shall be subject to bicycle regulations under Wisconsin law unless otherwise provided herein.

7.25.045 Electric Off-Highway Vehicles Prohibited

1. Except as expressly authorized by this Code or Wisconsin Statutes, no person shall operate or ride an electric off-highway motorcycle, electric dirt bike, electric mini-bike, electric trail bike, electric motocross motorcycle, or any other electric-powered motor vehicle that is not an electric bicycle or electric scooter as defined by Wisconsin Statutes upon any street, sidewalk, bicycle path, multi-use trail, park, or other public property owned or controlled by the City.
2. For purposes of this section, an electric off-highway vehicle means an electric-powered motor vehicle designed or manufactured primarily for off-road or recreational use and not meeting the statutory definition of an electric bicycle under Wis. Stat. § 340.01(15ph) or an electric scooter under Wis. Stat. § 340.01(15ps). This includes, but is not limited to, electric dirt bikes, electric motocross motorcycles, electric pit bikes, and similar vehicles.
3. Nothing in this section shall prohibit the lawful operation of:
 1. Electric bicycles as authorized by this chapter and Wisconsin Statutes;
 2. Electric scooters as authorized by this chapter and Wisconsin Statutes; or
 3. Mobility devices used by persons with disabilities or emergency, law enforcement, or City- owned vehicles operated in the course of official duties.

7.25.050 General Rules of Operation

1. No person shall operate an electric bicycle or electric scooter:
 1. In a careless, reckless, or negligent manner;
 2. While under the influence of intoxicants or controlled substances;
 3. In a distracted manner that creates an unreasonable risk to persons or property;
 - or
 4. In a manner endangering persons or property.
2. Operators shall maintain at least one hand on the handlebars while operating.
3. No person shall carry more passengers than the manufacturer designed the device to accommodate.

7.25.055 Passengers on Electric Bicycles and Electric Scooters

1. Electric Bicycles.

1. No person shall operate an electric bicycle while carrying or transporting more persons than the number for which the electric bicycle was designed and equipped by the manufacturer.
2. A passenger may be carried only upon a permanent seat specifically designed for carrying a passenger and equipped with appropriate footrests when required by the manufacturer.
3. Nothing in this section prohibits the transportation of a child in a securely attached child safety seat or bicycle trailer designed for use with bicycles and installed in accordance with the manufacturer's instructions.
4. Operators and passengers shall comply with all applicable provisions of Wisconsin Statutes §§
5. 346.79 and 346.806, as amended.

2. Electric Scooters.

1. No person shall operate an electric scooter while carrying or transporting another person.
2. No passenger shall ride upon an electric scooter unless the scooter has been specifically designed, manufactured, and equipped by the manufacturer to safely carry more than one person.
3. A person shall not ride as a passenger upon an electric scooter by standing on the operator platform, handlebars, frame, or any portion of the scooter not intended by the manufacturer for passenger use.
4. Violation of this subsection shall constitute a traffic ordinance violation subject to the penalties provided in this chapter.

100. General Safety.

No operator of an electric bicycle or electric scooter shall permit any passenger to ride in a manner that interferes with the safe operation or control of the vehicle.

7.25.060 Speed Regulations

1. No person shall operate an electric bicycle or electric scooter at a speed greater than is reasonable and prudent under existing conditions.
2. No electric scooter shall be operated at a speed exceeding twenty (20) miles per hour.
3. No electric bicycle or electric scooter shall be operated on a sidewalk at a speed exceeding ten (10) miles per hour.
4. No person shall operate an electric bicycle or electric scooter at a speed greater than ten (10) miles per hour within:
 5. School zones;
 6. School crossings;
 7. Playground areas;
 8. Areas supervised by a crossing guard; or
 9. Special event areas designated by the City.

7.25.070 Operation on Streets

1. Operators shall ride as near as practicable to the right-hand edge of the roadway except when:

1. Passing another vehicle;
2. Preparing for a left turn;
3. Avoiding hazards; or
4. Operating in a lane too narrow for safe side-by-side travel.

2. Electric bicycles and electric scooters may utilize bicycle lanes where available.

7.25.080 Operation on Sidewalks

1. Electric bicycles and electric scooters may be operated on sidewalks except where prohibited by this Chapter or by posted signage.

Operators shall:

1. Yield the right-of-way to pedestrians;
2. Give an audible signal before overtaking a pedestrian; and
3. Exercise due care to avoid collisions.

7.25.085 Class-Specific Operational Restrictions

1. Class 1 electric bicycles may be operated wherever conventional bicycles are permitted unless otherwise prohibited.
2. Class 2 electric bicycles shall not be operated:
 1. On any sidewalk within the City;
 2. Within playground areas; or
 3. On trails where motorized devices are prohibited by posted signage.
3. Class 3 electric bicycles shall not be operated:
 1. On any sidewalk within the City;
 2. Within playground areas;
 3. Upon school grounds except designated bicycle access routes; or
 4. On trails where prohibited by posted signage.
4. Class 3 electric bicycles shall primarily operate on streets, bicycle lanes, and designated bicycle routes.
5. Electric scooters shall not be operated:
 1. On sidewalks within the Central Business District;
 2. Within playground areas;
 3. Inside park shelters;
 4. On athletic fields; or
 5. On natural surface trails unless authorized.
6. The Director of Public Works may, by written order and appropriate signage, restrict or prohibit the operation of specific classes of electric bicycles or electric scooters where necessary to protect public safety or municipal property.

7.25.090 Central Business District Restrictions

1. Class 1 electric bicycles, Class 2 electric bicycles, Class 3 electric bicycles, and electric scooters are prohibited on sidewalks within the Central Business District.
2. The Central Business District shall include:

3. East and West Main Street corridors;
4. East and West Huron Street corridors;
5. Webster Avenue between Main Street and Larrabee Street; and
6. Other areas designated by Common Council resolution and identified by map or signage.

7.25.100 Parks and Recreational Areas

1. Class 1 electric bicycles are permitted on paved trails, multi-use paths, and park roadways unless otherwise posted.
2. Class 2 electric bicycles are permitted on paved trails and park roadways but prohibited within playground areas, athletic facilities, and designated natural areas.
3. Class 3 electric bicycles are permitted only on paved trails designated for bicycle use and park roadways.
4. Electric scooters are permitted only on paved trails and park roadways designated by the Director of Public Works.
5. Electric bicycles and electric scooters are prohibited from:
 1. Athletic fields;
 2. Ball diamonds;
 3. Playgrounds;
 4. Park shelters;
 5. Natural resource areas;
 6. Landscaping beds; and
 7. Areas closed by written order of the Director of Public Works.

7.25.110 Electric Bicycles and Electric Scooters During Closed Park Hours

1. No person shall operate an electric bicycle or electric scooter within any City park between the hours of 12:00 a.m. and 6:00 a.m., except as otherwise permitted under this chapter.
 2. This section shall not apply to:
 1. Persons lawfully present in a City park during otherwise closed hours for fishing or any other activity specifically authorized by this chapter or by Wisconsin Statutes;
 2. City employees, law enforcement officers, emergency responders, or contractors acting within the scope of their official duties; or
 3. Persons specifically authorized by written permit or approval issued by the City.
100. Any person operating an electric bicycle or electric scooter pursuant to an exception under this section shall travel only by the most direct route reasonably necessary to access or depart the authorized activity and shall otherwise comply with all provisions of this chapter.

7.25.115 Operation on Pedestrian Bridges

1. No person shall ride or operate an electric bicycle or electric scooter upon any pedestrian bridge, footbridge, or walkway bridge located within any City park or upon any bridge or structure designated by the City for pedestrian use only.
2. An individual operating an electric bicycle or electric scooter shall dismount prior to entering a pedestrian bridge and shall walk the electric bicycle or electric scooter across the bridge.
3. This section shall not apply to City employees, law enforcement officers, emergency personnel, or other persons acting within the scope of their official duties when operation

of an electric bicycle or electric scooter is necessary to perform those duties.

7.25.120 Equipment Requirements

1. All electric bicycles and electric scooters operated between sunset and sunrise shall be equipped with:
2. A white front light visible from at least 500 feet; and
3. A red rear reflector or rear light visible from at least 500 feet.
4. All devices shall have functioning brakes and manufacturer-installed safety equipment maintained in working order.

7.25.130 Age Restrictions

1. No person under fourteen (14) years of age shall operate an electric scooter on public property at a speed exceeding 15 mph.
2. No person under sixteen (16) years of age shall operate a Class 3 electric bicycle except as otherwise authorized by Wisconsin Statutes.
3. No person under twelve (12) years of age shall operate a Class 2 electric bicycle upon a public street unless accompanied by a parent or guardian or an adult designated by the parent or legal guardian.
4. Children under ten (10) years of age shall not operate any electric bicycle or electric scooter upon a public street or public property except under direct parental supervision.

7.25.135 Helmet and Safety Equipment Requirements

1. Legislative Intent. The Common Council finds that the use of properly fitted protective helmets and safety equipment significantly reduces the risk of serious head injuries and other bodily injuries resulting from accidents involving electric bicycles and electric scooters. The Council further finds that minors are at greater risk of injury due to their age, judgment, and experience. Accordingly, the following safety requirements are adopted to protect the health, safety, and welfare of the public.
2. Helmet Required for Minors. Every person under eighteen (18) years of age operating or riding as a passenger upon an electric bicycle or electric scooter on any public street, sidewalk, bicycle lane, bicycle path, multi-use trail, park, or other public property within the City shall wear a properly fitted and securely fastened bicycle helmet meeting the standards of the United States Consumer Product Safety Commission (CPSC) or other nationally recognized safety standard approved by the Chief of Police.
3. Passenger Requirement. No operator of an electric bicycle shall knowingly permit a passenger under eighteen (18) years of age to ride unless the passenger is wearing a helmet as required by this section.
4. Parent or Guardian Responsibility. A parent, legal guardian, or other person having custody or control of a minor shall not knowingly permit the minor to operate or ride upon an electric bicycle or electric scooter in violation of this section.
5. Safety Equipment. Every electric bicycle and electric scooter operated within the City shall be equipped with all lighting, reflectors, brakes, bells, and other safety equipment required by this chapter and applicable Wisconsin Statutes.
6. Effect on Civil Liability. Failure to wear a helmet as required by this section shall constitute a violation of this Code but shall not be construed as evidence of negligence or comparative fault in any civil action.

7.25.140 Operators Safety

1. No person shall:
2. Ride on one wheel;
3. Perform stunts or tricks;
4. Jump curbs, benches, retaining walls, or public improvements;
5. Race another bicycle, scooter, or motor vehicle; or
6. Operate in a manner causing pedestrians to take evasive action.
7. No person shall operate an electric bicycle or electric scooter upon school property contrary to school district regulations.

7.25.145 Education and Safety Program

1. The City recognizes that education is an essential component of promoting the safe and responsible operation of electric bicycles and electric scooters. The Omro Police Department is authorized to develop, coordinate, or partner with schools, community organizations, bicycle safety organizations, local businesses, and other governmental agencies to provide public education and safety awareness programs.
2. Educational programs may include, but are not limited to, instruction regarding:
 1. Applicable Wisconsin traffic laws and City ordinances governing the operation of electric bicycles and electric scooters;
 2. The proper use, fitness, and importance of protective helmets and other recommended safety equipment;
 3. Safe riding practices, including speed management, yielding to pedestrians, maintaining safe following distances, and operating in a predictable manner;
 4. Proper trail, sidewalk, and shared-use path etiquette, including courteous interaction with pedestrians, bicyclists, and other lawful users;
 5. Visibility and nighttime safety, including the use of required lights, reflectors, and brightly colored or reflective clothing;
 6. Safe crossing of intersections, driveways, and railroad crossings;
 7. Recognition of roadway hazards, weather conditions, and other circumstances affecting the safe operation of electric bicycles and electric scooters;
 8. The dangers of distracted or impaired operation, including the use of handheld electronic devices while riding;
 9. Passenger restrictions, age requirements, bridge restrictions, and other operational requirements established by this chapter; and
 10. Respect for public parks, trails, natural resources, and private property while operating electric bicycles and electric scooters.
3. The Police Department is encouraged to promote voluntary compliance through public education, community outreach, safety demonstrations, bicycle rodeos, school presentations, informational materials, and other educational activities before or in conjunction with enforcement efforts whenever appropriate.
4. Nothing in this section shall be construed to limit the authority of any law enforcement officer to enforce the provisions of this chapter or other applicable laws.

725.150 Responsibility of Parents and Guardians

1. No parent, legal guardian, or other person having custody or control of a minor shall knowingly permit, authorize, or allow the minor to operate an electric bicycle or electric scooter in violation of any provision of this chapter.

2. A parent, legal guardian, or other person having custody or control of a minor shall exercise reasonable supervision to ensure that the minor complies with the requirements of this chapter, including, but not limited to, applicable age restrictions, helmet requirements, passenger limitations, operating restrictions, and other safety provisions.
3. A violation of this section shall not be construed to impose strict liability upon a parent, legal guardian, or other person having custody or control of a minor. A violation shall require proof that the parent, guardian, or custodian knowingly permitted, authorized, or allowed the conduct constituting the violation.
4. Any civil or forfeiture liability imposed upon a parent, legal guardian, or other person having custody or control of a minor under this chapter shall be limited to the extent authorized by Wisconsin Statutes and other applicable law.
5. Nothing in this section shall be construed to relieve a minor from responsibility for his or her own violation of this chapter where such responsibility is otherwise provided by law.

7.25.160 Parking Regulations

1. No person shall park an electric bicycle or electric scooter:
 1. In a manner obstructing pedestrian travel;
 2. Within ADA-accessible routes;
 3. Within a crosswalk;
 4. In front of a fire hydrant;
 5. In a traffic lane; or
 6. In a manner creating a public nuisance or safety hazard.

7.25.170 Shared Mobility Devices

No person or entity shall operate a shared electric bicycle or electric scooter program within the City without prior approval of the Common Council.

7.25.180 Accident Reporting

Any operator involved in an accident resulting in injury, death, or otherwise required to be reported under Wisconsin law shall immediately notify the Omro Police Department.

7.25.190 Temporary Restrictions

1. The Chief of Police, Director of Public Works, Mayor, or Common Council may temporarily restrict operation during:
 1. Parades;
 2. Festivals;
 3. Community events;
 4. Construction projects;
 5. Emergencies; or
 6. Public safety incidents.
2. Such restrictions shall be implemented by written order and appropriate signage whenever practicable.

7.25.220 Penalties

1. First Offense:

\$25.00 to \$250.00 forfeiture.

2. Subsequent Offenses:
\$50.00 to \$500.00 forfeiture.

100. Court costs and statutory assessments shall be added.

SECTION 2. SEVERABILITY

If any provision of this ordinance is declared invalid, the remaining provisions shall remain in full force and effect.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4. EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as re

Attest:

Mary B. Berndt, Mayor

Samuel Mingo, Interim City Administrator

Barbara J. Van Clake, City Clerk / Deputy Treasurer

(City Seal)

To: Mayor & Common Council

From: Tim Ludolph

Subject: 127 W Berlin Street Raze or Repair Order

Background:

A property experienced a long history of code violations related to refuse, overgrown vegetation, and vermin breeding. After persistent warnings and notices failed to resolve the issues, the County Health Department became involved and determined the property was both a public health nuisance and structurally unsafe. This led to formal condemnation (placing a placard) and ongoing issues with animals housed inside the condemned property.

Phase 1: Initial Warnings (2021)

- (2021): The homeowners were first warned and cited several times (starting in 2021) for accumulating refuse, excessive personal property, and creating breeding grounds for pests (vermin). Despite numerous calls associated with this property, there were none related to the current public nuisances prior to 2021 and that was the isolated incident prior to 2024.

Phase 2: Escalating Warnings & Persistent Issues (2024)

- Early 2024 (May): Neighbors started complaining. Planning and Development Director found significant trash in the front yard. The first violation notice was sent.
- June 2024: Planning and Development Director checked again (from Berlin Street) and found the issues *still* existed. A second notice was sent.
- July 2024: Planning and Development Director checked again and found the issues *still* existed. A final warning notice was sent.
- August 2024: Recheck showed much of the trash in front of the house had been removed. No request for PD to cite at the time.

Phase 3: Health Department Involvement & Unsafe Conditions (2025-2026)

- March 2025: A neighbor complained again (off Marquette St.). PDD and PD Officer visited, gave a verbal warning, and found the yard extremely unsanitary and smelly.
- April 2025: The property was cited by the PD for vermin breeding and refuse accumulation.
- May 2026 (Note: The photos were from April 15, 2026, to Health Department): Homeowner sent photos to the health department showing *worse* conditions inside.

Mid-2026 (May-June): The County Health Department became heavily involved:

- May 28th: They planned to condemn the house. Photos confirmed it needed an abatement order. They also addressed issues like a tent dwelling and animal limits.
- June 1st: Health department shared photos with the building inspector about electrical, fire, and structural dangers.

- June 5th: Building inspectors were scheduled for June 8th inspection to assist County Health Department.
- June 8th: Building inspectors confirmed the house was unsafe for occupation (overwhelmingly unsanitary). A report was issued.
- June 9th: The Planning and Development Director (PDD) was informed about the building inspection findings.
- June 10th: The County Health Department drafted and sent a letter condemning the house.
- June 15th: The final condemnation placard was placed on the house.
- June 16th & 17th: Health department updated the homeowner about animals and confirmed the house was sold (though they reiterated the condemnation).
- June 22nd: Animals were temporarily housed inside the condemned property.
- July 8th: The homeowner reported arranging permanent housing for the animals.
- July 13th: The Planning and Development Director (PDD) received a complaint about animals still in the house and contacted County Health.
- July 16th: County Health department asked PD about animal placement and potential citations.
- July 21st: Title search completion date – Note: If sold new owners not confirmed as of this date
- July 27th: A potential flipper called the Building Inspector about this property.
- July 29th: As of today, property still listed under previous owner of record.

Note:

Current ownership of the house is still being determined.

Recommendation:

Consider resuming Raze or Repair Order process or give staff additional clarification of expectations.

Property Summary & Exterior Inspection Report

Property Address: 127 W Berlin St, Berlin, WI 54923

Inspection Date: June 8, 2026

Inspector: Building Inspector Matthew Kelly

Authority & Regulatory Basis

This inspection was conducted in reference to the **City of Berlin Municipal Code** (including Chapter 46, Article V regarding Public Nuisances, Blight, and Property Maintenance standards). Property owners are required to maintain structures and premises in a safe, sanitary, and structurally sound condition, free from the accumulation of debris, rank vegetation, and deteriorating building elements.

Overall Property Evaluation

NOTICE: The exterior of this property exhibits widespread, severe, and compounding maintenance violations. There are far too many individual safety, and sanitation issues to exhaustively itemize in this summary report. The structural envelope, surrounding premises, and accessory zones show systemic neglect, presenting clear code compliance failures under local property maintenance guidelines.

Primary Material Deficiencies & Code Violations

1. Glazing & Window Openings (Critical Enforcement Item)

- **Deficiency:** Widespread broken, cracked, and completely missing window panes (glazing) across multiple facades of the primary structure.
- **Code Implication:** Missing or compromised glazing fails to maintain a weather-tight envelope, permits moisture intrusion leading to accelerated structural rot, and presents immediate physical safety and security hazards. All windows must be fully glazed and free of fractures.

2. Structural Envelope & Exterior Wall Conditions

- **Deficiency:** Widespread failure of exterior surface protections. This includes decaying, rotted, or detached siding, exposed framing elements, and severe paint/protective coating failure.
- **Code Implication:** Exterior walls must be maintained weather-tight and free from structural deterioration to prevent moisture damage and vermin infestation.

3. Roof, Gutters, and Drainage Systems

- **Deficiency:** Noticeable deterioration of the roofing system, including sagging structural lines, lifting/missing shingles, and failing or completely absent gutter and downspout systems.
- **Code Implication:** Runoff is not being directed safely away from the foundation, actively accelerating the deterioration of both the primary structure and adjacent soil stability.

4. Porches, Decks, and Means of Egress

- **Deficiency:** Exterior stairways, steps, and porch platforms show advanced structural decay, bowing supports, unlevel surfaces, and absent or non-compliant guardrails/handrails.
- **Code Implication:** These areas constitute immediate life-safety hazards for anyone attempting to access or egress the property.

5. Premise Sanitation & Accessory Areas

- **Deficiency:** Severe accumulation of outdoor refuse, trash, scrap material, rotting lumber, and excessive personal property stored outside of an enclosed structure. Additionally, the premises exhibit uncontrolled rank vegetation and noxious weed growth.
- **Code Implication:** Per Berlin Code Chapter 46, the outdoor accumulation of trash, rubbish, and rotting materials constitutes a public nuisance by creating potential breeding grounds for vermin and insects, while causing visual and economic deterioration to the surrounding neighborhood.

Public Nuisance List from PD

Incident	Nature	Area	Agency	Reported	Summary
218PD2753	PUBLIC NUISANCE	CBER	BLPD	12:57:54 12/10/21	Current homeowners warned for public nuisance violations, eventually cited for Accumulation of Refuse, Accumulation of excessive personal property, and breeding places for vermin Ludolph identified violations related to breeding places for vermin, accumulation of refuse, accumulation of excessive personal property, outside storage of junk. PD ultimately issued citations for breeding places for vermin and accumulation of refuse Current public nuisance case
258PD0434	Public Nuisance	CBER	BLPD	13:02:28 03/18/25	
268PD0899	Public Nuisance	CBER	BLPD	15:34:50 05/27/26	

All Agencies Contacts for 127 W Berlin St

8/2/2014
PD Noted previous homeowner was warned for accumulation of refuse, grass and weeds. Compliant after
12/10/2021
PD Noted current homeowners warned then cited for Accumulation of Refuse, Accumulation excessive personal property and breeding places for vermin.
Note: PD had 48 calls for service from 2006-2026, ths timeline has just specifics on ones coded as Public
5/13/2024
Neighbors behind and to west complained by phone early May 2024. PDD Inspected and found trash all over
6/22/2024
PDD reinspected from Berlin Street, issues remain. Letter 2 "Second Notice" sent.
7/24/2024
PDD reinspected from Berlin Street, issues remain. Letter 3 "Final Warning" sent.
8/23/2024
PDD Observed progress from the Public Way. Still a nuisance but less than the previous month(s).
3/18/2025
Verbal complaint from neighbor behind off Marquette St. Visited with Officer Krause 3-18-25 given one week verbal warning to clean up front yard before citations. Smelled terrible.
3/25/2025
PD Cited for breeding places for vermin and accumulations of refuse.
4/15/2026
Photos taken by homeowner and sent to county health, showing the conditions had been worse. Note, sent on
5/27/2026
PD Noted Current Public Nuisance Case
Health Department's first documented note about a house in Berlin in unsanitary contition with no running
5/28/2026
County Health Department planning to condemn the home. Received photos of the inside of the house and had sufficient information to warrant an abatement order. Also advised no dwelling in a tent on property and animal
6/1/2026
County Health emailed the Berlin Building inspector photos and description regarding electrical, fire and
6/5/2026
County Health called the Buiding Inspectors to arrange inspection on 6/8/26
Complaint from neighbor behind off Marquette St. Included written complaint in file also verbal over phone
6/8/2026
Following complaint Inspectors performed an inspection and found the house to be unsafe for human habitation, occupancy, or use. Overwhelmingly unsanitary. Report to follow.
PDD informed about the findings by PD and Building Inspectors.
6/9/2026
PDD forwarded assessment from Building Inspector.
County Health Department stopped at the propety and informed homeowner they are condemning the house, instructed that the final placard would be place 6/15.
6/10/2026
Letter condemning the house drafted, signed, and sent certified by County Health.
6/15/2026
County Health placed the final placard on the front door.
6/16/2026
County Health updated owner about animals.
6/17/2026

All Agencies Contacts for 127 W Berlin St

Homeowner updated County Health stating they sold the house.
County Health reiterated to homeowner about Condemnation.
6/22/2026
Animals temporarily being housed in the home.
7/8/2026
Homeowner stated they have arranged for permanent housing.
7/13/2026
PDD Received complaint about animals residing in the house. Reached out to County Health.
County Health updated PD.
PDD called the number for the homeowner provided by County Health, leaving several messages inquiring about
7/16/2026
County Health inquired with PD about placement of the animals and potential citations.
7/22/2026
PDD Received county health notes.
7/23/2026
Received Title Report. Confirmed ownership and responsible party.

LETTER REPORT

BY

GUARANTY CLOSING & TITLE SERVICES, INC.

509 South Street, PO Box 565

Green Lake, WI 54941

Phone: (920) 294-3500 Fax: (920) 294-6088

Email: gtsgreenlake@titleservice.com

FILE NUMBER: 2026-49736-11

PREPARED FOR: City of Berlin

1. **EFFECTIVE DATE:** July 21, 2026 at 7:30 AM
2. **RECORD TITLE TO THE FEE SIMPLE ESTATE OR INTEREST IN THE LAND:**
Linda Warner and Rebekah Dubois
3. **THE LAND IS DESCRIBED AS FOLLOWS:**
Lot number Fourteen (14) of Block number Fifty (50) of the Second Addition to the City of Berlin, according to the recorded plat thereof in the records of Green Lake County, Wisconsin.

For Informational Purposes Only:
Tax Parcel No. 206-00542-0000
4. **PROPERTY ADDRESS:** 127 W. Berlin Street, Berlin, WI 54923
5. **OUTSTANDING MORTGAGES, LIENS AND JUDGMENTS**
 1. Taxes and assessments, general or special, for the year 2026, not now due or payable, or the lien of any special taxes, special charges or special assessments, if any.
 2. Delinquent real estate taxes for the year 2025 in the amount of \$1,789.46. Penalty and interest are not included in this amount.
 3. Mortgage from Linda Warner and Rebekah Dubois to DTH REO, Inc., in the originally stated amount of \$52,000.00, dated May 2, 2017, recorded February 25, 2025, as Document No. 425546.

Please note that this report is not a Title Insurance Commitment or Policy, an Abstract Extension, or an Opinion of Title. Accordingly, our liability is limited to the actual damages that you might incur, up to a maximum of \$5,000.00, which results from our negligence in preparing this report and is contingent on full payment of all Guaranty Closing & Title Services fees. Should you desire more liability coverage than we are offering by this report, please cancel your order for this report and order Title Insurance.

Please note further that this report does not determine ownership, and we also have not checked to determine the validity, correctness, or enforceability of the instruments cited herein. Also, we have not checked to determine whether Mortgages, Security Agreements, or Financing Statements remain open prior to anyone taking title. This report does not show easements, restrictions, errors, or disputes regarding boundary lines or legal descriptions, zoning ordinances, or legal actions. The information contained herein should not be used for due diligence inquiry under CERCLA or other environmental legislation.

GUARANTY CLOSING & TITLE SERVICES, INC.

Notes from Rachel Prellwitz RN - Green Lake County Health Officer

127 W. Berlin St- [REDACTED]
[REDACTED]
[REDACTED]

ADVOCAP- Alyssa [REDACTED]

Case Notes by Rachel Prellwitz, Health Officer

06/05/2026-

Phone call to Matthew Kelly, residential building inspector, for City of Berlin regarding email sent to him by Kyle discussing need for urgent inspection of this property. Matthew states that him and Jon Lust, commercial building inspector, will be going to this property on Monday to do their inspection.

06/08/2026-

Phone call received from BPD Officer Chad Krause regarding concerns he had surrounding this property and what the plan is for the family, animals and who is all involved in this case. Awaiting building inspector report. Officer Krause connected with me with Tim Ludolph with City of Berlin via email to get update on building inspector's report.

06/09/2026-

Received full building inspector's report from Matthew Kelly which states: 127 W Berlin Street presents severe, immediate life-safety and environmental hazards. Physical entry into the structure without specialized personal protective equipment (PPE) poses an acute, high-risk threat to health and physical safety. (see full report for details)

Therefore, property will be condemned as unfit for human habitation.

Phone call with Officer Krause who states that GLAAS was going to the home today to remove some of the cats and that he was available to come to the home with me when I went to place placards.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

1230: went to 127 W. Berlin St. to placard the home as unsafe for human habitation. Family was very upset and emotional as GLAAS had just been there to remove around 24 cats. Was able to provide Rebecca and family with resources and gave them until Monday June 15th to vacate the property. [REDACTED]

[REDACTED]. Also, ok'd for animals to remain in the home until GLAAS can find alternate placements for remaining animals (although, they are planning to keep maximum number of animals as allowable by City of Berlin ordinance). Family is allowed to care for the animals but are not allowed to reside there until corrective actions are taken to address problems identified in the building inspectors report.

Also spoke to Katrina with GLAAS who states she has reached out to numerous other shelters to help with taking the additional cats. She states that she plans to touch base with the family tomorrow (6/10/2026) to get a headcount on the number of cats left and need placement.

Phone call made to Register of Deeds as there is confusion regarding the property and if Rebecca owns the property or not. According to Pam Weber with ROD, both Rebecca DeBois and Linda Warner are listed as owners [REDACTED]
[REDACTED] This information left as a voicemail to Rebecca and that she can contact ROD for a copy of the deed.

06/15/2026 15:30

Home visit to property to place final placard on front door of home [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

1515: Rebecca texted stating she has not heard from Alyssa regarding the hotel room. Told her to call hotel to see when they can check in. Rebecca texted back that she got into the hotel, but dogs are not allowed. She states that Kara (Matthew) was going to be staying at the home until midnight, then come to hotel and that Alex (Anna) would be going back in the morning. Told Rebecca that we will connect regarding this tomorrow. Will reach out to Jeff Mann regarding enforcement parameters about vacating the home and care of the animals.

06/16/2026 at 12:49, following text sent to Rebecca (Bekah)

Hi Bekah- just wanted to check in to see how the night went at the hotel? I also checked with our Corporation Council on the animals & he said that even though our ordinance is for humans.....he still wants the animals to be removed in a timely manner as its not safe for them to remain there. (For example, because of bad wiring....we wouldn't want a fire to start and them be trapped in there). I did explain that you are working with the humane society for the cats. Now we just need to work on the dogs as we cant have people staying at the house for an extended period of time anymore. Only to take care of the animals and/or cleaning.....but not living or hanging out there. Thoughts on having the dogs go temporarily to a boarding facility if we can help with funds?

Rebecca texted back that she was heading into work and that she would call me the next day in the morning.

6/17/2026 11:55am- Spoke to Rebecca via telephone. States that she has sold her house for \$5,000.00, was preapproved for a home loan and is working with a realtor to find a new home. Spoke to her at length about not residing at the home and to only go there to take care of the animals and/or clean/pack up her things. She states that she understands the risks and that they don't stay long at the property but that the animals are having "anxiety attacks" when they aren't there. Encouraged her to find alternate placement for the dogs as soon as she's able to. She refuses offer for boarding the dogs at this time. Also encouraged Rebecca to decide which cats are left to go to the humane society and to touch base with them about dropping the cats off instead of having the humane society come to the home to get them. I told Rebecca that I would follow up with her on Monday morning to see if she was able to find somewhere for the dogs to go.

06/22/2026 13:45 [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] The dogs and cats are still residing in the home. They did have a place for the dogs to go to, but that person is now being evicted. She will continue to try to find a place for the dogs to go to until permanent housing is secured.

07/01/2026: Text message to Rebecca, no answer

07/08/2026: Text message to Rebecca, answered on July 8th that she needed to come up with \$2220.00 to secure an apartment in Fond du Lac. Spoke to Stephanie Good who states that Rebecca was able to secure funding and will be moving into apartment with Kara (Matthew). [REDACTED]

7/13/2026: See email from Tim Ludolph

Text to Rebecca to get update on how many animals are left in the house and plan for them. (7/14/26) Rebecca states they are working to get them out this weekend, but she has to work. I also asked about the sale of her home and number of animals still in the home but received no response. Also provided Salvation Army as a resource for furniture.

Text message sent to Alex (Anna). Alex states that him and Natalie are still residing in the motel and that their apartment will now not be ready until August 10th. They plan to have cats spayed/neutered through GLAAS. Alex states that he doesn't know the status of the house or Rebecca's plan for the animals. Asked him to notify me when they are fully in their apartment. Also received text from Alex's girlfriend Natalie to direct any further questions to her or Rebecca.

Spoke to Katrina at GLAAS who states after talking with Alex (Anna) she believes there to be about 13 cats, 2 dogs and 2 rats still in the home. GLAAS does not have any more capacity to take in additional animals at this time and has not had any luck with other shelters helping them out. Approximately 10 cats will be going in for spay/neutering and then returned to the home on July 31st.

Email update sent to BPD Officer Chad Krause regarding enforcement options on animals.

7/16/2026- Spoke to BPD Officer Chad Krause regarding current situation at 127 W. Berlin St. Officer Krause to touch base with GLAAS, Alex and Rebecca regarding possible enforcement/citations. See emails with Stephanie Good, GLAAS and BPD.

Notes from Kyle Alt - Environmental Health Specialist - Green Lake County Health

Health Officer Rachel Prellwitz informed me of a house in Berlin that is in unsanitary condition with no running water. [REDACTED]

[REDACTED] We planned to condemn the house due to the lack of water, and also include the sanitary problem within the order.

5/28/2026 I stopped at 127 W Berlin Street. I was planning to condemn the home due to no potable water supply. While there, I found out that they have some plumbing issues, but they do have potable water in the home. They told me the two sinks on the first floor are out of order due to plumbing issues. The sink upstairs is working but sometimes deals with low pressure. The shower upstairs is working but has very low pressure. (She would not let me inside to see for myself, so I had her go take a video on her phone and show it to me). The outside tap provides water at full pressure.

Although they did not allow me inside, I had received photos of the inside of the home prior to coming. The photos I received are enough to warrant an abatement order. I told them that I will be sending an order to clean up the garbage and animal waste within the home. They understood.

They told me that they have 44 cats. I informed them that the City of Berlin will be enforcing their cat limit ordinance.

I also informed them that they are not allowed to reside in a tent on the property.

5/28 After the inspection, [REDACTED] emailed me photos of the state of the house. I asked when they were taken, and she told me April 15th, 2026.

These photos from April 15th showed the house in far worse condition than the photos from [REDACTED]. The progress shown led me to believe they are capable of getting into compliance.

On 5/30 [REDACTED] emailed me additional concerns she had about the structure of the house and electrical hazards. She included photos with that email as well. I asked her if I could send the photos to the Berlin Building Inspector. She agreed.

6/1 I emailed the Berlin building inspector at mkelly@kunkelengineering.com. I sent the photos and description from [REDACTED] regarding the electrical / fire / structural concerns.

6/8 Berlin Building inspectors visited the property and emailed us the inspection summary. The report indicates immediate health hazards including:

- **Atmospheric & Respiratory Hazards:** The interior exhibits overwhelming, toxic air quality resulting from extreme ammonia accumulation, rotting garbage, and decomposing organic material.

- **Biological Contamination:** Widespread biohazards are present throughout the structure, including extensive animal and organic fecal matter heavily coating floors, countertops, and food preparation areas.
- **Structural & Physical Threats:** On-site navigation and emergency egress are severely compromised by waist-high debris piles, exposed and hanging live electrical wiring, and areas of advanced structural decay.

6/9 Rachel stopped at the property and told Rebecca that we are condemning the home. She put placards up on the home, but not on the front side. She instructed Rebecca that on Monday, June 15th she will be returning to put the final placard on the front door. They must be out of the home by the end of the day on June 15th.

6/10 I wrote a letter condemning the home. Rachel signed it, and then I sent a copy through certified mail. Rachel will also hand deliver a copy when she placards the home.

6/15 Rachel stopped at the property and placed the final placard on the front door. I believe she also hand delivered the letter.

Emails regarding 127 W Berlin Street

From: Noah Knetzger <NKnetzger@berlinpd.wi.gov>
Sent: Tuesday, July 28, 2026 11:04 AM
To: Tim Ludolph <TLudolph@cityofberlin.wi.gov>
Subject: RE: 127 W Berlin St

Tim,

17BPD1562 Animal Problem – One of the residents was scratched by one of their cats. (Prompts law enforcement to do a report for rabies tracking purposes)

18BPD1841 Animal Problem – One of the residents was bitten by a dog from *another* house.

19BPD1734 Animal Problem – One of the residents reported finding a loose dog on the property – dog owner did not reside at 127 W. Berlin St

22BPD0262 Animal Problem – Residents were warned regarding dog feces and uncleared snow on the sidewalk along with vehicles blocking the sidewalk.

Thank you,

Interim Chief Noah Knetzger #234

Berlin Police Department

108 N. Capron St

Berlin, WI 54923

From: Noah Knetzger
Sent: Wednesday, July 22, 2026 11:15 AM
To: Tim Ludolph <TLudolph@cityofberlin.wi.gov>
Subject: 127 W Berlin St

Tim,

Attached are all the police calls we have had at 127 W. Berlin St that I can find, I believe the current owners were in the house below the yellow highlight.

Thank you,

Interim Chief Noah Knetzger #234

Berlin Police Department

108 N. Capron St

Berlin, WI 54923

From: Noah Knetzger <NKnetzger@berlinpd.wi.gov>
Sent: Friday, July 17, 2026 11:43 AM
To: Tim Ludolph <TLudolph@cityofberlin.wi.gov>
Cc: City Administrator <CityAdministrator@cityofberlin.wi.gov>
Subject: Requested Information

James L. Olson Sr

Phone# [REDACTED]

Address should be: [REDACTED]

I have included a history report for 127 W Berlin St – I parsed it out to only contain public nuisance type complaints.

I have not attached a report for 194 S. Wisconsin St as the only public nuisance type offense I can find is for the current animal problem/nuisance case that is being actively worked through.

Let me know if you need anything else,

Interim Chief Noah Knetzger #234

Berlin Police Department

108 N. Capron St

Berlin, WI 54923

From: Tim Ludolph <TLudolph@cityofberlin.wi.gov>

Sent: Monday, July 13, 2026 2:40 PM

To: Noah Knetzger <NKnetzger@berlinpd.wi.gov>; Chad Krause
<crkrause@berlinpd.wi.gov>

Subject: FW: 127 W Berlin St

Hello

Could we talk about this in the next day?

Thank you,

Timothy Ludolph

City of Berlin

Planning and Development Director

Phone: 920-361-5156

108 N Capron St.

Berlin, WI 54923

From: Prellwitz, Rachel <rprellwitz@greenlakecountywi.gov>

Sent: Monday, July 13, 2026 2:35 PM

To: Tim Ludolph <TLudolph@cityofberlin.wi.gov>

Cc: Matthew Kelly (mkelly@geo-logic.com) <mkelly@geo-logic.com>; John Lust
<jlust@geo-logic.com>; crkrause@berlinpd.wi.gov; Brittani Majeskie
<BMajeskie@cityofberlin.wi.gov>; Alt, Kyle <kalt@greenlakecountywi.gov>
Subject: RE: 127 W Berlin St

This is from Stephanie Good, APS worker: I believe Alex and his partner are moving somewhere soon. Rebecca and Kara should be in FDL in the new apartment and Linda is at Barrett House. The dogs are Alex's I believe.

I will check with Alex (Anna) on the status of the dogs.

Rachel Prellwitz, RN

Green Lake County Health Officer

Phone: 920-294-4070

Fax: 920-294-4139

Tell us how we did!

Click below to take our survey

<https://forms.gle/5LpwG1fyGpz5crEs9>



From: Prellwitz, Rachel

Sent: Monday, July 13, 2026 2:27 PM

To: Tim Ludolph <TLudolph@cityofberlin.wi.gov>

Cc: Matthew Kelly (mkelly@geo-logic.com) <mkelly@geo-logic.com>; John Lust
<jlust@geo-logic.com>; crkrause@berlinpd.wi.gov; Brittani Majeskie

<BMajeskie@cityofberlin.wi.gov>; Alt, Kyle <kalt@greenlakecountywi.gov>

Subject: RE: 127 W Berlin St

Hello-

Thank you for passing this along to us. I will check in with Rebecca to see what is going on. The animals are allowed to be there as they are working with the Green Lake Area Animal Shelter for placement. And the family members are also allowed to come and go from the property per our order to clean and/or move stuff out, but they may not live there. I believe that all family members have been able to find permanent housing and Rebecca stated previously that the house was going to be sold.

Please feel free to pass along our phone number for any future concerns/questions!

Thank you!

Rachel Prellwitz, RN

Green Lake County Health Officer

Phone: 920-294-4070

Fax: 920-294-4139

Tell us how we did!

Click below to take our survey

<https://forms.gle/5LpwG1fyGpz5crEs9>



From: Tim Ludolph <TLudolph@cityofberlin.wi.gov>
Sent: Monday, July 13, 2026 2:18 PM
To: Prellwitz, Rachel <rprellwitz@greenlakecountywi.gov>
Cc: Matthew Kelly (mkelly@geo-logic.com) <mkelly@geo-logic.com>; John Lust
<jlust@geo-logic.com>; crkrause@berlinpd.wi.gov; Brittani Majeskie
<BMajeskie@cityofberlin.wi.gov>
Subject: FW: 127 W Berlin St

[CAUTION: EXTERNAL SENDER This email originated from outside Green Lake County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Hello

I am passing this along because I believe the previously mentioned issues regarding this property, which led to the placarding, indicate that it should not be inhabited by people or domesticated animals.

Thank you,

Timothy Ludolph

City of Berlin

Planning and Development Director

Phone: 920-361-5156

108 N Capron St.

Berlin, WI 54923

From: Brittani Majeskie <BMajeskie@cityofberlin.wi.gov>

Sent: Monday, July 13, 2026 2:13 PM

To: Tim Ludolph <TLudolph@cityofberlin.wi.gov>

Subject: 127 W Berlin St

Hello,

A resident called to report that there are two dogs and some cats at 127 W Berlin. The caller noticed that the house has notices that it is uninhabitable and was concerned to see animals there. She walks by daily and said the dogs there are new since last night as she hasn't heard dogs barking before this. She also noticed some open windows which were not open before.

Sincerely,

Brittani Majeskie

Deputy Clerk Treasurer

City of Berlin

108 N Capron Street

Berlin, WI 54923

BMajeskie@cityofberlin.wi.gov

920-361-5400 

^Emails regarding 127 W Berlin St.



City of Berlin

108 North Capron St • P.O. Box 272 • Berlin, Wisconsin 54923-0272
(920) 361-5400

OFFICIAL COMPLAINT FORM

Date Submitted: 6/5, 2026

Complainant's Name: [REDACTED]

First, Middle Initial, Last

Address: [REDACTED]

City: Berlin State: WI Zip: 54923

Phone: [REDACTED] Email: [REDACTED]

Nature of Complaint:

- ☐ Action of City Employee(s): Name: _____
- ☐ City of Berlin Policy: _____
- ☒ Condition of City Property: Lawn, garbage, smell - see below
- ☐ Other: _____

Complaint: (please be as specific as possible; names, dates, locations)

This is an ongoing issue. I've complained for a couple of years, and police have been involved when tenants threw broken glass bottles over the fence into my yard and threatened to shoot me when I complained. I don't know if the same tenants remain, but the lawn is still not being mowed, there is garbage in the back and front yards, the house/property has an odor of sewage or barnyard coming from it, doors to the house are constantly open, and someone is living in the back yard in a tent for over a week now. I don't believe there is any clean-up of the two dogs' waste. I'd like

For Department Use Only – To Be Completed by Records Custodian or Designee

- ☐ Complaint Reviewed by City Administrator
- ☐ Complaint Reviewed by City Mayor
- ☒ Complaint Forwarded to Department Head

Notes: Forwarded to Scott Zabel, Tim Ludolph, and Brian Pulvermacher via email on 6/5/26.

the landlord held accountable and the property cleaned up.
Thank you!

Completed By: Brittani Majeskie
Date Completed: 6/5/26

Title: Dep. Clerk-Treas.
Complaint #: 2026-003

Municipal LAW

& LITIGATION GROUP

DALE W. ARENZ (1935-2022)
DONALD S. MOLTER, JR. (Retired)
JOHN P. MACY
H. STANLEY RIFFLE (Court Commissioner)
ERIC. J. LARSON
REMZY D. BITAR

730 N. GRAND AVENUE
WAUKESHA, WISCONSIN 53186
Telephone (262) 548-1340
Facsimile (262) 548-9211
Email: elarson@ammr.net

PAUL E. ALEX
MATTEO REGINATO
LUKE A. MARTELL
SAMANTHA R. SCHMID
CHRISTOPHER R. SCHULTZ
LUCAS C. LOGIC
GREG M. PROCOPIO
BENJAMIN T. CROCKETT
ADAM J. MEYERS
SAVANNA M. GAIN
JAIME L. STAFFARONI

STEPHEN J. CENTENARIO
MICHAEL J. MORSE
JAMES P. WALSH

March 6, 2025

Timothy Ludolph, City Planner
City of Berlin
108 N. Capron St.
Berlin, WI 54923

**Re: Raze Order Procedure
Legal Review**

Dear Mr. Ludolph,

You have requested that I review and comment on the City's raze process and procedures and provide recommendations for best practices. I have had an opportunity to carefully consider this matter.

Based on my review, I note the following comments, concerns and recommendations in this regard:

The sample raze order you provided is generally fine as to form and contains the appropriate statutory language, however, I have concerns with the supporting inspection report. To proceed with a raze and remove order under Wis. Stats. § 66.0413(c), there must be specific cost estimates and calculations, including actual bids for the proposed work if needed. I can provide examples of inspection reports we have used in the past, if desired. I discuss this process further below.

You have also asked that I provide my recommendations for the City's raze process and procedures. Generally, a structure can be ordered to be razed if it meets these two elements: if it is (1) Old, dilapidated or out of repair, and (2) Consequently dangerous, unsafe, unsanitary or otherwise unfit for human habitation. There are additional special provisions that apply to nuisance properties (Wis. Stat. s. 66.0413(2)); historic buildings (Wis. Stat. s. 66.0413(3)); and insured dwellings (Wis. Stat. s. 66.0413(5)).

There are two different types of raze orders:

- **Raze or Repair Order** - if the structure can be made safe by reasonable repairs, order the owner to either make the building safe and sanitary or to raze the building, at the owner's option.

- **Raze and Remove Order** – if the structure is unreasonable to repair, order the owner of the building to raze the building. The structure is presumed unreasonable to repair if the costs of repairs “would exceed 50 percent of the assessed value of the building divided by the ratio of the assessed value”.

“Cost of repairs” under sub. (1) (c) is not defined, but logically it refers to the cost to remedy all conditions that render the building deficient under sub. (1) (b) 1., including not only those that render the building “out of repair,” but also those that affect the suitability of the building for human habitation. *Auto-Owners Insurance Co. v. City of Appleton*, 2017 WI App 62, 378 Wis. 2d 155, 902 N.W.2d 532.

My recommended raze or repair process is as follows:

RAZE OR REPAIR PROCEDURE

1. Common Council Authorization. Sec. 14-6 of the City code gives the Common Council the authority to order property owners to raze or repair structures within the City. This is consistent with Wis. Stats. § 66.0413, which allows for “the governing body, building inspector or other designated officer of a municipality” to do so. The Common Council should also be made aware that litigation will be required if this proceeds further, and give specific authorization for commencing the remaining aspects of the process including litigation.
2. Comprehensive Building Report. Building Inspector Lust should complete a comprehensive report on the status of the Property after a thorough inspection. If a property owner does not allow us entry, we will need to obtain a special inspection warrant, which is not a complicated process. This is a very important aspect of this issue, to ensure that we have the evidence that we need when this gets to court. This inspection will also allow us to include more detailed information to include with our code violation references in the final Raze Order.
3. Finding Required. To proceed with a Raze and Remove order, the Building Inspector must make a finding that the building “is old, dilapidated or out of repair and consequently dangerous, unsafe, unsanitary or otherwise unfit for human habitation and unreasonable to repair.” This finding must follow a determination of the Building Inspector that the cost of repairs would exceed 50% of the assessed value of the building divided by the ratio of the assessed value to the recommended value as last published by the Department of Revenue. I can provide samples from other communities to outline how this issue should be analyzed, including specific cost estimates and calculations. Unless this type of analysis is done, I recommend against using this “no repair” procedure.
4. Notice of Unfitness for Occupancy or Use. If proceeding with a Raze and Remove order notice must be prepared and posted on the building to say “This building may not be used for human habitation, occupancy or use,” as described in Section 66.0413(br), Wisconsin Statutes.

This notice is significant in that it may trigger litigation, especially if the building is currently occupied and we force the occupant out of the building. This underscores that this “no repair” procedure should only be followed when we are very sure that the costs of repair exceed 50% of the assessed value, and for that matter, it should exceed that number by a significant margin, in my opinion due to the severity of the remedy.

5. Title Opinion. We will obtain a title report from a title company, to ascertain the owner(s) and the holder(s) of any encumbrance(s) affecting the property.
6. Draft a Notice. A Notice of Raze Order will be finalized that describes each defect in the building that constitutes a public nuisance as defined by the statute. The Notice will also cite the authority for claiming it is a defect (e.g. cite code provisions that are being violated). The Notice should also specify what must be done to remedy the defect. The Notice shall direct the owner to remedy each such defect within 30 days following the service of the Notice. The Notice will be for the signature of the Common Council.
7. Serve Notice. The building inspector or other designated officer (or process server) must serve the Notice, as follows:
 - a. *Owner.* The Notice must be served on the owner of record of the building, or the owner's agent, in the same manner as a summons is served in circuit court. If the owner or owner's agent cannot be found, notice may be served by posting it on the main entrance of the building and by publishing it as a class 1 notice.
 - b. *Encumbrance holder.* The Notice must be served on the holder of an encumbrance of record by 1st class mail, and by publication of a class 1 notice.
8. Draft Petition. In the event voluntary compliance does not follow from the Notice, the next step is to prepare a Petition that will initiate the litigation. The Petition, generally, should recite that the building constitutes a public nuisance, that the foregoing statutory notice and service requirements have been satisfied, and that the owner failed to remedy the defect(s).
9. Draft Lis Pendens. A notice of court action should be prepared, to ensure that the court action binds not only the current owner of the property, but also anyone who might acquire ownership of the property as the matter proceeds.
10. File and Serve Documents. If the structure is not razed or the defect is not remedied within 30 days of the service of the Notice, the building inspector or other designated City officer may file the Petition in Circuit Court, record the Lis Pendens in the office of the Register of Deeds, and serve copies of the Petition upon the owner and the holder of an encumbrance in the same manner as was done with the Notice, as described in paragraph 5, above. The owner then has 20 days to respond.
11. Hearing. The Circuit Court sets the matter for hearing. Testimony may be taken. If the property owner fails to respond to the petition, we will seek default judgment.
12. Court Order to Remedy or Raze. If the court finds that the building constitutes a public nuisance, the court may order that repairs and alterations be made, and the court shall set a reasonable time for doing so. The order shall state, in the alternative, that if the repairs and alterations are not made as required, the court will appoint a receiver or authorize the building inspector or other designated officer to raze the building.
13. Service of Court Order. The court's order shall be served in the same manner as described in paragraph 7, above.
14. Court Order to Raze. If the repairs are not timely made the matter should return to court for the court to formally order the razing of the property, or the appointment of a receiver.

- a. *Receiver*. If a receiver is appointed, that person is empowered to collect rents, make the repairs, sell the building, and attempt to resolve the issue as described in the statute.
 - b. *City Razing*. If the building inspector or other City officer is authorized to raze the building, the City may need to publicly bid the project. Razing the building includes also restoring the site to a dust-free and erosion-free condition.
15. Costs. The cost of razing the building and restoring the site to a dust-free and erosion-free condition may be charged in full or in part against the real estate upon which the building is located, and these costs become a lien upon the real estate and may be assessed and collected as a special charge. These costs are likely to be limited to the costs of physically removing the building and restoring the site, and are unlikely to include the legal, engineering and administrative costs of the action, though we would seek recovery of such costs.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Yours very truly,

MUNICIPAL LAW & LITIGATION GROUP, S.C.

Eric J. Larson

Eric J. Larson

EJL/LAM/jd

cc: Jessi Balcom, City Administrator

To: Mayor & Common Council

From: Tim Ludolph

Subject: 194 S Wisconsin Street Raze and Remove Order

Background:

The property experienced multiple violations despite initial fixes, leading to escalating enforcement actions by various agencies (Building, County Public Health, Police, Probation) until the decision was made to condemn the structure due to its unsafe condition.

This timeline details the investigation, compliance actions, and eventual resolution concerning the unsafe conditions at 194 S Wisconsin St. between April 2025 and August 2026. It should be noted, no agency had any documented issues with this property prior to April 2025.

1. Initial Complaints & Inspections (April - July 2025):

- A neighbor filed a written complaint about the house's condition.
- A building inspector inspected the exterior and took photos.
- An anonymous neighbor reported potentially unsafe living conditions.
- Building Inspector and The Planning and Development Director (PDD) confirmed the house was uninhabitable and advised the homeowner on necessary repairs.
- The homeowner was notified by the Building Inspector about what was required for occupancy.
- Inspector contacted the Health Department to share findings the property should be condemned.

2. First Compliance Notice (October 2025):

- Based on the July findings, a written warning and required compliance steps was said to the homeowner. On October 16th, a written public nuisance notice was sent, and the homeowner was given a deadline to comply.

3. Reroofing Without Permits & Escalation (August - October 2025):

- Reroofing work began (the permit application was prepared)
- Probation inquired about the property.

4. Failure to Comply & Further Action (October - April 2026):

- Inspectors verified the property condition and stated findings to PDD. (Oct 17th).
- Reroofing was completed (Nov 23rd), but without any inspection requested.
- Inspectors rechecked the premises and verbally warned the homeowner about the non-Code Compliant Stove (Mar 4th).
- A nuisance abatement warning and the stop work notice were sent as certified letters. (April 15th).

- Inspectors rechecked the property to follow up on previous warning and stop work order (Apr 29th).
 - Inspectors prepared documents for potential citation (Apr 30th).
5. Final Determinations and Condemnation (May - August 2026):
- Police inspection confirmed the home was uninhabitable (May 13th).
 - Health Department confirmed the home was unfit and issued abatement orders placarding the house (May 13th).
 - Planning and Development presented a request to the Common Council (June 9th).
 - A timeline was prepared for the Committee of the Whole (Aug 4th).
 - A representative from AIS discussed the house with the Inspectors, inquiring about hypothetical sale or repair and contact for Advocap. (July 2026)

Recommendation:

The Raze and Remove procedure is still ongoing. As no notice has been sent with certified mail and no Lis Pendens, this could be amended to be a Raze or Repair at this point.

All Agencies Contacts for 194 S Wisconsin St

4/30/2025
Neighbor Mailed written complaint about house condition.
4/30/2025
Building Inspector, Inspected exterior and took photos
7/2/2025
Phone call complaint from a neighbor who wanted to remain anonymous. Stated someone may be living in the unsafe house.
Building Inspector and PDD performed informal exterior inspection and talked with homeowner. Advised the house was not habitable and what steps must be taken to make it safe for habitation.
PDD talked with PD Officer
7/9/2025
Buliding Inspector prepared permit application for reroof, appears paid.
8/20/2025
PDD Contacted Kyle Alt of the Health Department and communicated 7/2 exterior findings.
9/18/2025
Green Lake County Probation inquired with the County Health Department about 194 S Wisconsin St.
10/16/2025
PDD sends a notice of public nuisance and steps to come into compliance.
10/17/2025
Green Lake County Probation called the Building Inspector to inquire about the condition of 194 S Wisconsin St.
10/23/2025
Reroofing took place
3/4/2026
Building inspectors peformed an exterior inspection.
4/13/2026
Building inspectors peformed an exterior inspection. Found work had been done without a permit.
4/15/2026
Building Inspectors issued a stop work order.
Buliding Inspectors issued a nuisance abatement warning. Certified Letters.
4/29/2026
Building Inspectors rechecked to follow up from the nuisance abatement warning.
4/30/2026
Building Inspectors and PDD prepare Raze or Repair documents and to send warning to PD for citation.
5/13/2026
PD performs inspection and finds the premises to be uninhabitable.
Dispatch referred issues found and requested by PD to declare the home unfit for human habitation.
County Health Department traveled to the home and inspected the first floor, finding the home unfit for human habitation and issued abatement orders.
5/14/2026
County Health attempted to reach homeowner.
5/15/2026
County Health established contact with homeowner and read through the condemnation letter. Determined the homeowner has residence elsewhere.
6/9/2026
Raze and Remove process requested presented to Common Council.
7/20/2026
A representative from AIS discussed the house with the Inspectors, inquiring about hypothetical sale or repair and if Advocap may help.
8/4/2026
Update with timeline to be presented to Committee of the Whole.





DO NOT REMOVE THIS PLACARD
UNDER PENALTY OF LAW

GREEN LAKE COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT

CONDEMNATION NOTICE

THIS PREMISES SHALL NOT BE USED FOR HUMAN HABITATION,
OCCUPANCY, OR OTHER USE

REFERENCE GREEN LAKE COUNTY ORDINANCE, CHAPTER 154

ADDRESS: 194 S. Wisconsin St. Berlin, WI 54923

Date: 05/13/2026

Rachel Preheltz
Rachel Preheltz, Health Officer

GREEN LAKE COUNTY HEALTH &
HUMAN SERVICES
571 COUNTY RD A
GREEN LAKE, WI 54941
(920) 254-4070

STATE OF WISCONSIN
CIRCUIT COURT
GREEN LAKE COUNTY

STATE OF WISCONSIN } ss. In the Circuit Court of the fourth Judicial District of Wisconsin
GREEN LAKE COUNTY }

The State of Wisconsin, to any Sheriff, or any Law Enforcement officer of the State of Wisconsin:

WHEREAS, Corporal Detective Alexander Schmidt, has this day presented, by affidavit, to the Circuit Court,

showing probable cause that on May 13, 2026 in the County of Green Lake, there is now located and concealed in and

upon certain premises, 194 S Wisconsin St, located within the City of Berlin, in Green Lake County, and more

particularly described as follows:

DESCRIBE PREMISES: I know that 194 S. Wisconsin St is in the City of Berlin and County of Green Lake, State of Wisconsin, and is more particularly described as follows: A multi-story house with green siding and white window trim. The front door is a white storm door, and a brown wooden door behind it. To the right of the storm door is a rusted mailbox, and a building permit is posted in the window above the rusted mailbox. The house has a detached garage with white siding and a brown garage door.

certain goods and property, to-wit:

DESCRIBE OBJECTS OF SEARCH:

Evidence pertaining to and supporting violations of WI SS 951.02 mistreating animals, WI SS 951.13 Failing to provide an animal with sufficient food and water, and 951.15 abandoning animals. Evidence to include dead animals, cages, photograph of the living conditions of the home, take custody of any living animal and transport them to a local animal shelter.

which thing(s) may constitute evidence of a crime, to-wit:

DESCRIBE CRIME OR CRIMES:

1. WI SS 951.02 mistreating animals,
2. WI SS 951.13 Failing to provide an animal with sufficient food and water,
3. WI SS 951.15 abandoning animals

committed in violation of the Wisconsin Statutes, respectively.

Now, THEREFORE, in the name of the State of Wisconsin, you are commanded forthwith to search the said premises and/or the said person(s) for said things, and take possession thereof, if found.

You are further commanded to return this warrant within forty-eight hours before the Green Lake County Clerk of the Circuit Court or a designee, to be dealt with according to law.

Witness, the Honorable John M Blaze, Circuit Court Commissioner of the second Judicial District of Wisconsin, at Green Lake, Wisconsin, at 7:45 PM on May 13, 2026

(Hour, AM/PM) (Month, Day)

John M Blaze
Circuit Court Commissioner

LETTER REPORT

BY

GUARANTY CLOSING & TITLE SERVICES, INC.

509 South Street, PO Box 565

Green Lake, WI 54941

Phone: (920) 294-3500 Fax: (920) 294-6088

Email: gtsgreenlake@titleservice.com

FILE NUMBER: 2026-49732-11

PREPARED FOR: City of Berlin

1. **EFFECTIVE DATE:** July 21, 2026 at 7:30 AM
2. **RECORD TITLE TO THE FEE SIMPLE ESTATE OR INTEREST IN THE LAND:**
James Olson
3. **THE LAND IS DESCRIBED AS FOLLOWS:**
The North Half (N1/2) of Lots Eight (8) and Nine (9), Block Twelve (12) in the First Addition to Strongsville n/k/a City of Berlin, Green Lake County, Wisconsin.

For Informational Purposes Only:
Tax Parcel No. 206-00451-0000
4. **PROPERTY ADDRESS:** 194 S. Wisconsin Street, Berlin, WI 54923
5. **OUTSTANDING MORTGAGES, LIENS AND JUDGMENTS**
 1. Taxes and assessments, general or special, for the year 2026, not now due or payable, or the lien of any special taxes, special charges or special assessments, if any.
 2. Delinquent real estate taxes for the year 2025 in the amount of \$660.60. Penalty and interest are not included in this amount.

For Informational Purposes: The above judgment and/or lien, appears of record against the name of James Olson or a person of the same or similar name and will be shown unless previously satisfied or unless we are furnished with an acceptable affidavit.

Please note that this report is not a Title Insurance Commitment or Policy, an Abstract Extension, or an Opinion of Title. Accordingly, our liability is limited to the actual damages that you might incur, up to a maximum of \$5,000.00, which results from our negligence in preparing this report and is contingent on full payment of all Guaranty Closing & Title Services fees. Should you desire more liability coverage than we are offering by this report, please cancel your order for this report and order Title Insurance.

Please note further that this report does not determine ownership, and we also have not checked to determine the validity, correctness, or enforceability of the instruments cited herein. Also, we have not checked to determine whether Mortgages, Security Agreements, or Financing Statements remain open prior to anyone taking title. This report does not show easements, restrictions, errors, or disputes regarding boundary lines or legal descriptions, zoning ordinances, or legal actions. The information contained herein should not be used for due diligence inquiry under CERCLA or other environmental legislation.

GUARANTY CLOSING & TITLE SERVICES, INC.

NOTICE OF ORDINANCE VIOLATION

DATE: April 15, 2026

PROPERTY ADDRESS: 194 S. Wisconsin St., Berlin, WI

OWNER/RECIPIENT: James Olson Sr.

OFFICIAL NOTICE OF VIOLATION

An inspection of the property located at **194 S. Wisconsin St.** has revealed violations of the City of Berlin Code of Ordinances regarding property maintenance and building regulations. You are hereby notified to bring the property into compliance by the deadline stated below.

VIOLATIONS OBSERVED:

1. **Accumulation of Garbage and Debris:** There is an accumulation of refuse, scrap materials, and miscellaneous debris located on the exterior of the premises. This constitutes a public nuisance and a violation of local health and safety ordinances.
2. **Work Without Permit:** Exterior siding work is being performed without the required municipal building permit.

REQUIRED CORRECTIVE ACTIONS:

- **Remove all garbage, scrap siding, and debris** from the yard and exterior areas. All waste must be disposed of at a licensed disposal facility.
- **Apply for a Siding Permit** with the Building Inspection Department.
- **Cease all siding installation** until the permit is approved and physically posted on-site.

COMPLIANCE DEADLINE:

All violations must be corrected no later than **April 29, 2026**.

FAILURE TO COMPLY:

A follow-up inspection will be conducted on or after the compliance deadline. Failure to remedy these violations may result in the issuance of municipal citations with daily fines, or the City may authorize the removal of debris at the owner's expense.

ISSUED BY:

Building Inspector

Kunkel Engineering Group
Serving the City of Berlin, WI

Matthew Kelly | Building Inspector | Kunkel Engineering Group
107 Parallel Street, Beaver Dam, WI 53916 | P: 920.763.4018 mkelly@kunkelengineering.com
| mkelly@geo-logic.com

STOP WORK ORDER**DATE:** April 15, 2026**PROPERTY ADDRESS:** 194 S. Wisconsin St., Berlin, WI**OWNER/RECIPIENT:** James Olson Sr.

**OFFICIAL NOTICE: STOP WORK ORDER
PURSUANT TO MUNICIPAL CODE:**

You are hereby directed to **STOP WORK IMMEDIATELY** at the above-referenced location. This order is issued due to construction activity being performed in violation of local ordinances and state building codes.

NATURE OF VIOLATION:

Installation of exterior siding is currently underway without the required building permits.

REQUIRED ACTION:

1. **Cease all construction activity** related to the siding installation immediately upon receipt of this notice.
2. **Apply for and obtain a Building Permit** through the Building Inspection Department.
3. **Pay all applicable fees**, which may include double permit fees for work started without prior authorization.

FAILURE TO COMPLY:

Failure to comply with this order may result in municipal citations, daily fines, or further legal action as authorized by the City of Berlin and the State of Wisconsin. No further work shall proceed until the necessary permits are issued and posted at the job site.

ISSUED BY:

Building Inspector

Kunkel Engineering Group *On behalf of the City of Berlin, WI***Matthew Kelly** | Building Inspector | Kunkel Engineering Group107 Parallel Street, Beaver Dam, WI 53916 | P: 920.763.4018 mkelly@kunkelengineering.com| mkelly@geo-logic.com

Notes from Kyle Alt - Environmental Health Specialist - Green Lake County Health

8/20/2025 I received a call and follow up emails from Tim Ludolph, City of Berlin planning and development coordinator. He said that there is a property (194 S Wisconsin) with a hole in the roof. The city doesn't want people living in it. An officer stopped and talked to people there in July who said they were just working on it, not living in it. They want me to condemn it so that the police can trespass anyone who lives inside.

I sent the following email to Tim Ludolph and Chad Krause: "Hello, Tim with the City of Berlin informed me about 194 S Wisconsin St. Do you know if it's the owner who is living there? Or is it a renter? Typically, we are more likely to get involved with abatement orders or condemnation if it's a rental property.

We only condemn properties in the most serious of circumstances because when we do condemn a house, we are not offering them an alternative. The most common causes of condemning a property are lacking potable water or access to a septic system. What is the extent of the hole in the roof? Does anyone have any photos?"

8/20/2025

[REDACTED] The house leaked water in the rain. There are litterboxes that aren't being cleaned. Cat and dog feces throughout the house. I told him adults can live in poor conditions as sad as it is. I asked if there are any children there because that would get us involved. He said no. I asked if they rent or own the home, he was unsure. These are adults and they are choosing to live like this, so I will not be getting involved for now. If it involved children or was affecting the neighbors, we would look into it further.

I spoke to Rachel to confirm no action is the right move currently. She agreed.

9/18/2025 Haley from Green Lake County Probation called. She was wondering if I know about condemned houses in the county. I told her yes, if it was condemned by the county I should have a file on it. She asked about 194 S Wisconsin Street in Berlin. I told her that I was reached out to by the city to condemn that property. I told them the general requirements to condemn, and they never responded to me. I suggested she reach out to them to find out more info on if they are pursuing anything on the house. She said she will contact the city of Berlin. She told me that the house is owner occupied. Someone on probation wants to move into it, and she doesn't think it's a great fit, but she can't deny it because the home meets the basic needs. I told her I'm in the same situation in that I can't condemn it because it sounds like it fits the basic needs. She said she will contact the city and then call me if she has any more questions.

She called me back later and told me she called the city of Berlin. She spoke to Tim at first and then he transferred her to John Lust building inspector. John told her that nobody is supposed to be living there. Haley confirmed to John that she knows people are living there. John said windows are broken and there's a hole in the roof. He said that it's not condemned, but they can't live there for health reasons. He said now that Haley called, they will move forward with it. (My thoughts are move forward with what? Will they be condemning it themselves or trying to get me involved?). Haley said that she told them that I'm waiting to hear back from the email I sent them. They told Haley that they will contact me.

May 2026: Rachel got called to the house from BPD during the night. House trashed, no running water, [REDACTED] dogs. She condemned the house and is handling this one due to me being busy with other EH and FSRL busy season.

Notes from Rachel Prellwitz RN - Green Lake County Health Officer

194 S. Wisconsin St. Berlin WI 54923

Home owner: James Olson, Sr.

05/13/2026 at 2017:

Received call from Dispatch to speak to Cpl. Alex Schmidt regarding property located at 194 S. Wisconsin St in Berlin for being uninhabitable. Cpl. Schmidt stated that 3 deceased animals were found at the home, 2 alive dogs, and 1 alive cat. He also stated that there was no running water, no electricity, and it was extremely dirty with garbage and feces located throughout the home. Occupants were not currently there, and they have been unable to make contact with owner James Olson, Sr. [REDACTED], phone number: [REDACTED]

[REDACTED] It is unclear if anyone is currently living in the home with other possible occupants being [REDACTED]. Cpl. Schmidt asking for Health Department to declare the home unfit for human habitation and to placard the home.

I traveled to the home and met with Cpl. Schmidt, Officer Fox and Officer Johnson from BPD. I was able to observe the first floor of the home and observed no running water, no electricity, 3 deceased animals, and garbage and animal waste throughout the first floor. Officer Johnson states the upstairs is worse with feces. He states that he has video and photos that he will email to me. Will placard the house as unfit for human habitation as there is no running water and no electricity to the home. Will also issue abatement orders for the garbage and feces.

5/14/2026 at 0915:

Email to BPD to see if any contact had been made with either James [REDACTED]. No contact to either but case given to Waushara county to make contact as it is believed that they are residing in Redgranite.

Phone call to Waushara Dispatch at 1154. Contact attempted last night, but unsuccessful. Officer to attempt contact at Redgranite address again.

05/15/2026 at 11:00:

Contact made with [REDACTED] and James. Read through the condemnation letter with both of them and they verbalized understanding of the orders. They are currently living at a

residence located at [REDACTED]. Will also send the letter via certified mail, with copies to Jeff Mann and Kyle Alt.

GREEN LAKE COUNTY

DEPARTMENT OF HEALTH & HUMAN SERVICES

HEALTH & HUMAN SERVICES

571 County Road A
Green Lake WI 54941

VOICE: 920-294-4070

FAX: 920-294-4139

Email: glcdhhs@greenlakecountywi.gov



FOX RIVER INDUSTRIES

222 Leffert St.

PO Box 69

Berlin WI 54923-0069

VOICE: 920-361-3484

FAX: 920-361-1195

Email: fri@greenlakecountywi.gov

JAMES OLSON SR.
194 S. WISCONSIN ST
BERLIN, WI 54923

May 14, 2026

Re: Designation of unfit buildings or structures
Parcel number: 206-00451-0000

On May 13, 2026, Green Lake County Health and Human Services was notified by City of Berlin Police Department for a property with no running water, unhealthy or unsanitary conditions, unburied carcasses, garbage and feces. On the evening of May 13th, a representative from the Green Lake County Health and Human Services stopped at the property located at 194 S. Wisconsin St. There was observed to be no running water, non-functioning public sewage system, no electricity, 3 deceased animals, garbage/waste/refuse not located within proper receptacles, and animal and/or human feces located throughout the home. Prior to leaving, two placards were posted stating the property is condemned as unfit for human habitation. The placards are not to be removed.

The following conditions on your property are declared to be human health hazards by the Green Lake County Code of Ordinances, Chapter 154-8(A):

- (1) Food and breeding places for vermin, insects, etc. Accumulations of decayed animal or vegetable matter, trash, rubbish, garbage, rotting timber, bedding, packing materials, scrap metal, abandoned structures, animal and human fecal matter or any other substance or condition which promotes flies, mosquitoes, lice, disease-carrying insects, rats or other vermin or their reproduction and including areas in which such pests can live, nest or seek shelter.
- (3) Noxious odors. Any negligent use of property, substance or device within the County which emits or causes any foul, offensive, noxious or disagreeable odor deemed repulsive to the physical senses of ordinary persons or to the public as a whole.
- (5) Animal waste. Accumulations of the bodily waste from all domestic animals and fowl that are handled, stored or disposed of in a manner that creates a health hazard to any person within the County.

(9) Unfit building or structure. All buildings or structures so old, dilapidated, neglected or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for use.

(11) Unburied carcasses. The carcasses of any animals or fowl not intended for human consumption or food which are not buried or otherwise properly disposed of within a reasonable time period.

(12) Unhealthy or unsanitary conditions. Any condition or situation which renders a structure or any part of a structure unsanitary, unhealthy or unfit for human habitation, occupation or use or renders any property unsanitary or unhealthy.

(13) Garbage. Failure to keep waste, refuse, or garbage in an enclosed building or properly contained in a closed container designed or reasonably adapted for such purposes.

The property at parcel number 206-00451-0000 is condemned as unfit for human habitation. This order starts immediately.

Green Lake County Ordinance, Chapter 154 Health and Sanitation follows the direction of Wisconsin State Statutes, Chapter 254 regarding human health hazards and unfit dwellings. Section 22-38, Designation of Unfit Dwellings, states: Any dwelling or dwelling unit found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the health officer:

- One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.
- One which lacks a potable water supply, a properly functioning public or private sanitary sewer system, or a functioning heating system adequate to protect the health or safety of the occupants or of the public.
- One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.

The following conditions must be met prior to anyone residing in this home:

- 1. Eliminate all food waste and habitat for vermin within the home.**
- 2. All garbage must be disposed of and contained in appropriate receptacles.**
- 3. Repair and restore potable water systems.**
- 4. Repair and restore utilities (electric and gas) to the home.**
- 5. Maintain property in sanitary condition.**
- 6. Properly dispose of all animal waste & carcasses.**
- 7. Call the Green Lake County Health department to schedule an inspection.**

Failure to cooperate with any of the orders may result in a circuit court action to seek an injunction to abate the violation and/or to correct damage created by the violation. In case of conviction for a violation of the provisions of the Ordinance, judgment may be entered against you for a forfeiture of not more than \$300.00 for the first violation offense, and not more than \$500.00 for all subsequent offenses together with applicable court costs and penalty

assessments. The court may also grant injunctive relief. Failure to comply with an Order for Abatement issued under the Ordinance in the time allowed shall constitute a separate violation of this ordinance, and each day of continued violation shall constitute a separate offense. In addition, the Health Officer or designated agent may enter upon the property and abate and correct the hazard or cause such action to be taken as set forth in Sec. 254.59 of the Wisconsin Statutes. The cost of such abatement and correction will be recovered either directly from you or as a special tax assessment. See Code of Ordinances of Green Lake County Chapter 154-12(D-G)

No building or structure which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Health Officer. The Health Officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.

No person shall deface or remove the placard from any building or structure which has been condemned as unfit for human habitation.

Any person affected by any notice or order relating to the condemning or placarding of a building or structure as unfit for human habitation may request and shall be granted a hearing in the matter before the Green Lake County Health and Human Services Board.

If you have any questions regarding this Order, feel free to contact me at (920) 294-4070 or rprellwitz@greenlakecountywi.gov

Sincerely,

Rachel Prellwitz
Health Officer
Green Lake County DHHS
Cc: Green Lake County EH Specialist
Cc: Green Lake County Corporation Counsel

Emails regarding 194 S Wisconsin St

From: Noah Knetzger <NKnetzger@berlinpd.wi.gov>
Sent: Friday, July 24, 2026 3:17 PM
To: Tim Ludolph <TLudolph@cityofberlin.wi.gov>
Subject: RE: 194 S Wisconsin Street

Hi Tim,

Please see attached.

Interim Chief Noah Knetzger #234

Berlin Police Department

108 N. Capron St

Berlin, WI 54923

From: Tim Ludolph <TLudolph@cityofberlin.wi.gov>
Sent: Friday, July 24, 2026 12:46 PM
To: Noah Knetzger <NKnetzger@berlinpd.wi.gov>
Subject: FW: 194 S Wisconsin Street

Hello

Could you send me the history of Public Nuisances at this address and incidents like for 127 W Berlin St.?

Thank you,

Timothy Ludolph

City of Berlin

Planning and Development Director

Phone: 920-361-5156

108 N Capron St.

Berlin, WI 54923

From: Noah Knetzger <NKnetzger@berlinpd.wi.gov>
Sent: Friday, July 17, 2026 11:43 AM
To: Tim Ludolph <TLudolph@cityofberlin.wi.gov>
Cc: City Administrator <CityAdministrator@cityofberlin.wi.gov>
Subject: Requested Information

James L. Olson Sr

Phone# [REDACTED]

Address should be: [REDACTED]

I have included a history report for 127 W Berlin St – I parsed it out to only contain public nuisance type complaints.

I have not attached a report for 194 S. Wisconsin St as the only public nuisance type offense I can find is for the current animal problem/nuisance case that is being actively worked through.

Let me know if you need anything else,

Interim Chief Noah Knetzger #234

Berlin Police Department

108 N. Capron St

Berlin, WI 54923

From: Chad Krause <crkrause@berlinpd.wi.gov>
Sent: Thursday, August 14, 2025 11:02 AM
To: Tim Ludolph <TLudolph@cityofberlin.wi.gov>

Cc: Brian Pulvermacher <bpulvermacher@berlinpd.wi.gov>
Subject: RE: 194 S Wisconsin Street

I'm not sure there is anything we can do. My past experience with something similar, house owned by an acquaintance of James, we got the County Health Dept. involved and they placarded the residence, not fit for human habitation. Once that is done it may provide a basis for us to issue trespassing citations. For a building code situation, it seems that this may be one to start moving toward a raze order on.

Chad

From: Tim Ludolph <TLudolph@cityofberlin.wi.gov>
Sent: Thursday, August 14, 2025 10:27 AM
To: Chad Krause <crkrause@berlinpd.wi.gov>
Cc: jlust@kunkelengineering.com
Subject: 194 S Wisconsin Street

Hello

I am in receipt of a complaint from a neighbor across the street ([REDACTED]) alleging 194 S Wisconsin Street is being lived and slept in. We had received the attached on July 2nd and investigated, being told they were fixing up the house and not living there. The people who were there were advised they would need to get occupancy before anyone could live there. On July 30th a Permit was submitted for the reroofing though it appears unpaid.

My questions is if people are living there, and this is evident outside of business hours, how should a Building Code violation be navigated?

From the permit log:

7/30/25	25-82-	James Olson	194 S Wisconsin	reroofing	11,000.00	Owner	66.00	66.00
---------	--------	-------------	-----------------	-----------	-----------	-------	-------	-------

	7B	SR	St	home						0000
--	----	----	----	------	--	--	--	--	--	------

Thank you,

^Emails regarding 194 S Wisconsin St

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

TO: Common Council
FROM: Jessi Balcom, City Administrator
AGENDA ITEM: Residency Requirements of Commission Members
MEETING DATE: August 4, 2026

BACKGROUND

The question of which commissions, boards and committees in the City require members to be residents of the City was discussed at the April, May and July Committee of the Whole meetings.

A memo from the City Attorney which reviews the State Statutes and the City's municipal code to determine which committees, boards and commissions allow members that are not residents of the City is attached.

The City's current municipal code, with some exceptions, does not allow for non-residents to serve on committees, boards and commissions of the City.

The Common Council asked for a recommendation from the Police & Fire Commission and the Sewer & Water Commission as to whether or not residency should be required of their members. Both Commissions recommended that residency continue to be a requirement for membership/appointment to the Commission.

The Council asked staff to prepare ordinance amendments to allow up to two non-resident members to serve on each on the following Boards: Community Development Authority, Parks and Recreation Commission, Travel and Tourism Commission, Cemetery Board, and Committee on Aging.

Staff has prepared amendment language for Code sections 2-327 Residency required for service; exemption.; 2-401 Composition; and 2-536 Appointment, term of office. Following any revisions made by Council the amendments may be sent to the City Attorney for preparation of adoption by the Council.

Chapter 2 is the City's Charter ordinance and an amendment will require a 2/3's vote of the Council, publication in the paper, and a 60-day waiting period (to allow residents to file a petition requiring the amendment to go to referendum prior to implementation), and then implementation.

Municipal LAW

& LITIGATION GROUP

DALE W. ARENZ (1935-2022)
DONALD S. MOLTER, JR. (Retired)
JOHN P. MACY
H. STANLEY RIFFLE (Court Commissioner)
ERIC J. LARSON
REMZY D. BITAR

730 N. GRAND AVENUE
WAUKESHA, WISCONSIN 53186
Telephone (262) 548-1340
Facsimile (262) 548-9211
Email: elarson@ammr.net

PAUL E. ALEXY
LUKE A. MARTELL
SAMANTHA R. SCHMID
CHRISTOPHER R. SCHULTZ
LUCAS C. LOGIC
GREGORY M. PROCOPIO
ADAM J. MEYERS
SAVANNA M. GAIN
JAIME L. STAFFARONI
HAILEY R. LIPINSKI
SAVANNAH H. ZUZICK

STEPHEN J. CENTINARIO, JR.

March 20, 2026

Jessi Balcom, City Administrator
City of Berlin
108 N. Capron Street
P. O. Box 272
Berlin, WI 549223

**Re: Residence Requirements for Committees, Boards and Commissions
Legal Review**

Dear Ms. Balcom:

I received your request to outline which boards and commissions have state law residency requirements and which have local ordinance requirements. I have had an opportunity to carefully consider this matter.

Based upon my review, I note the following issues and my comments, questions, concerns and recommendations in this regard:

1. **Question:** by what criteria would we use for eligibility, if not business/property ownership?

Response: Instead of using language that permits only business owners to be eligible for Boards/Committees/Commissions, I recommend using more expansive language such as the definition used in Wis. Stat. § 62.23(1)(a) that identifies citizen members as "persons of recognized experience and qualifications." Thus, more "citizens" may qualify for these Boards/Committees/Commissions.

2. Below I have identified the City's Boards, Committees, and Commissions along with the applicable State and City residency requirements.

Board/Committee	State Law Residency Requirement	City Code Residency Requirement
City Council	Wis. Stat. § 62.09(2)(a) : No person shall be elected by the people to a city office who is not at the time of election a citizen of the United States and of this state, and an elector	City Code § 2-6(a) : No person shall be elected by the people to a city office who is not, at the time of his election, a citizen of the

MUNICIPAL LAW & LITIGATION GROUP, S.C.

Jessi Balcom
March 20, 2026
Page 2

	of the city, and in case of an aldermanic district office, of the aldermanic district, and actually residing therein.	United States and this state, and an elector of the city, and in case of a ward office, of the ward, and actually residing in such ward.
Board of Appeals	No	City Code § 2-327 : Except as otherwise specifically authorized by any ordinance hereunder, no person not a resident of and not residing in the city shall be appointed in a voting capacity to any city board or commission... Any board or commission member who moves from the city shall immediately be removed from such board or commission.
Board of Review	Wis. Stat. § 70.46(1) : The board of review may by ordinance in lieu of the foregoing consist of any number of town, city or village residents.	See City Code § 2-327 :
Library Board	Wis. Stat. § 43.54(1)(a) : Members shall be residents of the municipality, except that not more than 2 members may be residents of other municipalities.	City Code § 2-327 : The library board, pursuant to state law, may have up to two members who reside in towns adjacent to the city.
Oakwood Cemetery Board	No.	City Code § 2-401 : All appointees shall be residents of the city.
Committee on Aging	No.	City Code § 2-536 : The committee on aging shall consist of seven persons, five of which shall be residents of the city. 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.
Community Development Authority	No.	See City Code § 2-327 :
Parks and Recreation Commission	No.	See City Code § 2-327 :
Plan Commission	Wis. Stat. § 62.23(1)(a) :	City Code § 2-506 :

MUNICIPAL LAW & LITIGATION GROUP, S.C.

Jessi Balcom
March 20, 2026
Page 3

	The commission shall always have at least 3 citizen members who are not city officials. Citizen members shall be persons of recognized experience and qualifications.	The plan commission shall consist of seven voting members...four of which are citizens of the city.
Police and Fire Commission	Wis. Stat. § 62.13(1) : Each city shall have a board of police and fire commissioners consisting of 5 citizens, 3 of whom shall constitute a quorum.	City Code § 2-481 : Shall consist of five citizens who are residents of the city, three of whom shall constitute a quorum.
Travel and Tourism Commission	No.	See City Code § 2-327 :
Sewer and Water Commission	No.	See City Code § 2-327 :

If you should have any questions or concerns regarding these matters, please do not hesitate to contact me.

Yours very truly,

MUNICIPAL LAW & LITIGATION GROUP, S.C.

Eric J. Larson

Eric J. Larson

EJL/SHZ/jd
cc: Brittani Majeskie, Deputy Clerk

Sec. 2-327. - Residency required for service; exemption.

Except as otherwise specifically authorized by any ordinance hereunder, no person not a resident of and not residing in the city shall be appointed in a voting capacity to any city board, committee or commission, except that the library board, pursuant to state law, may have up to two members who reside in towns adjacent to the city. Any board, committee or commission member who moves from the city shall immediately be removed from such board or commission unless specifically authorized by any ordinance hereunder.

The Community Development Authority, the Parks and Recreation Commission and the Travel and Tourism Commission shall each consist of seven members who shall be appointed by the mayor, and such appointment shall be confirmed by the common council. No Less than five (5) appointees for each shall be residents of the city, no more than two (2) appointees may be non-residents of the city that are persons of recognized experience and qualifications.

Sec. 2-401. - Composition.

(a) *Size.* The cemetery board shall consist of seven members who shall be appointed by the mayor, and such appointment shall be confirmed by the common council. All No less than five (5) appointees shall be residents of the city; no more than two (2) appointees may be non-residents of the city that are persons of recognized experience and qualifications.

(b) *Term.* The terms of all members of the cemetery board shall be for three years.

(c) *Eligibility of city electors.* Any elector of the city, whether or not he holds a public office, shall be eligible to be appointed as a member of the cemetery board.

Sec. 2-536. - Appointment, term of office.

The committee on aging shall consist of seven persons, five of which shall be residents of the city. 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. No less than five (5) appointees shall be residents of the city; no more than two (2) appointees may be non-residents of the city that are persons of recognized experience and qualifications. All members must be representative of community interests and have demonstrated concern in the field of aging. All members shall be appointed by the mayor and confirmed by the common council. The common council liaison shall not be considered a member of the committee. Each committee

Formatted: Font: (Default) Open Sans, 10.5 pt, Font color: Custom Color(RGB(49,51,53)), Expanded by 0.1 pt, Ligatures: None

on aging member shall hold such 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.

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

TO: Common Council
FROM: Brittani Majeskie, Deputy Clerk-Treasurer
AGENDA ITEM: Recycling Fee Update
MEETING DATE: August 4, 2026

BACKGROUND

In the summer of 2025, Waste Management (WM) provided a list of addresses that were understood to be included in the City contract. In discussions with WM it was discovered that this list was given to WM as legacy data from Advanced Disposal. The list was not intended to be an all-inclusive list of those serviced by City contract garbage/recycling pick-up but was intended to be used by the landfill to determine residency within the City of Berlin on the bulk item drop off days. Therefore, the list contained many addresses that did not meet the requirements of the contract including some commercial addresses and multi-family addresses with more than 4 residential units.

The list differentiated the addresses by residential, multi-family, and commercial, and the addresses were sorted by type. Next the list of addresses was compared to the City tax records to obtain the parcel number so that fees could eventually be added onto the tax bills. If parcel numbers did not auto-populate, then the addresses were looked at individually to determine eligibility. The multi-family and commercial addresses, especially those with combined commercial and residential units, were looked at very carefully to determine eligibility.

Staff created two lists, "Keep" and "Remove." The keep list contains residential addresses with structures containing 4 or less residential units. Note that this could mean there is a commercial unit as part of the structure, although the commercial unit WILL NOT be serviced under the City contract. The remove list contains addresses with vacant lots, commercial units only, or structures with 5 or more residential units.

In the meantime, WM completed a service audit using GPS and the GIS maps to determine which addresses were receiving services under the City contract. This data was shared with staff, but this was not extremely helpful as not all carts are picked up exactly at the service/mailing address and the service pick-up could ping slightly off, thus creating inaccurate data.

After their audit, WM shared another list, which Staff understood to be a list of addresses that were currently being serviced under the City Contract. Staff compared the "Keep" and "Remove" list to the new WM list. It was discovered that WM had addresses on this list that Staff knew were not being serviced, such as vacant lots, a razed lot, and new builds not completed. This caused concern for Staff. These addresses were added to the "Remove" list and clarification on which addresses on this "Remove" list are actually being serviced under the City contract has been requested from WM.

Staff is currently working through verifying whether the 127 addresses on the "Remove" list are being serviced. If they're not being serviced, nothing needs to be done. If they are being serviced, then a letter will be sent to that parcel owner letting them know that as of January 1, 2027, they will no longer be serviced and to obtain a hauler of their choice.

Staff is hopeful of getting any letters to parcel owners soon to give the owners time to bring corrections if needed to the Clerk's Office and allow owners time to obtain a hauler of their choice. In addition, Staff has discussed getting a final list of addresses under the City contract published on the City website with the parcel number, the site address and the number of residential units/recycling fee charges that apply so that anyone inquiring how they will be charged can look it up. Staff have discussed putting information about the recycling charge on the website, social media, and on the flyers that go out with tax bills as well. Staff have discussed the process by which any errors on tax bills may be fixed as well.



City of Berlin, WI

Planning + Development Department
108 N Capron St. • Suite 200

Berlin, WI 54923

Planning and Development Director

Timothy Ludolph

Briefing Report

TO: Committee of the Whole

FROM: Timothy Ludolph, Planning & Development Director

For: Regular Meeting of August 4th 2026

Subject: Discussion of Chapter 52 (Planning) Update

DATE: August 4th 2026

ATTACHMENTS: Attorney Cover Letter and Ordinance

BACKGROUND:

When the Comprehensive Plan was adopted, Staff inquired with the City Attorney about the update of Chapter 52 to complete needed steps to make it known the 2026 Comprehensive Plan is the official master plan of the City of Berlin. In response to a request for advice on adopting the City of Berlin Comprehensive Plan, the City Attorney provided options including an update to amend Chapter 52. The Amendment to Chapter 52 is designed to formally incorporate the recently adopted Comprehensive Plan into the City's Code. This Ordinance would update the municipal code to include the Plan as a specific chapter or section, making it a fully legally enforceable document within the City's codified ordinances.

RECOMMENDATION:

Recommend to Common Council to adopt the Amended Chapter 52 as prepared by the City Attorney.

WHEREAS, the Common Council of the City of Berlin assigned the Plan Commission to prepare an update to the City's Comprehensive Plan. The Plan Commission worked closely with its professional consultant, MSA Professional Services, along with the Village Zoning Administrator and Village Administrator/Clerk-Treasurer;

WHEREAS, the Plan Commission has recommended the 2046 Comprehensive Plan for adoption by the Common Council;

WHEREAS, the Plan Commission of the City of Berlin has adopted a resolution recommending the Common Council adoption of the document entitled "City of Berlin Comprehensive Plan 2046," containing all the elements specified in section 66.1001(2) of the Wisconsin Statutes;

WHEREAS, the Common Council of the City of Berlin adopts the "City of Berlin Comprehensive Plan 2046," pursuant to section 66.1001(4)(c) of the Wisconsin Statutes; and

WHEREAS, Chapter 52 of the City of Berlin Municipal Code must be amended to reflect the adoption of the 2046 Comprehensive Plan.

NOW, THEREFORE, The City of Berlin Common Council, Green Lake and Waushara Counties, Wisconsin do hereby ordain as follows:

SECTION 1: Chapter 52 of the City of Berlin City Code entitled "Planning," Section 52-1 entitled "Comprehensive plan adopted," is hereby repealed and recreated as follows:

(a) Pursuant to Wis. Stats. § 62.23(2) and (3), the City of Berlin, is authorized to prepare and adopt a comprehensive plan as defined in Wis. Stats. § 66.1001(1)(a) and 66.1001(2).

(b) The Common Council of the City of Berlin, Wisconsin, has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by Wis. Stats. § 66.1001(4)(a).

(c) The Plan Commission of the City of Berlin, by a majority vote of the entire commission recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the document entitled "City of Berlin Comprehensive Plan 2046", and Revised November 29, 2011 through May 25th, 2021, Public Hearing May 25th, 2021, City Council Approved June 8th, 2021", pursuant to Wis. Stats. § 66.1001(4)(c).

(d) The City Plan Commission has held at least one public hearing on the subject matter of this ordinance on May 26, 2026 in compliance with the requirements of Wis. Stats. § 66.1001(4)(d).

(e) The Common Council of the City of Berlin, Wisconsin, does, by enactment of this ordinance, formally adopt the document entitled ds, "City of Berlin Comprehensive Plan 2046, and Revised November 29, 2011 through May 25th, 2021, Public Hearing May 25th, 2021, City Council Approved June 8th, 2021" pursuant to Wis. Stats. § 66.1001(4)(c), by separate Ordinance duly adopted on June 10, 2026. Such duly adopted Comprehensive Plan is hereby codified and incorporated herein by reference.

SECTION 2: SEVERABILITY. The several sections of this ordinance to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE. This is a charter ordinance and shall take effect sixty (60) days after its passage and publication, unless within such sixty (60) days after its passage and publication a referendum petition shall be filed as provided in § 66.0101 of the Wisconsin Statutes, in which event this ordinance shall not take effect until it shall have been submitted to a referendum of the electors and approved by a majority of the electors voting thereon.

Adopted this ____ day of _____, 2026

Mayor Catrina Burgess: _____

(Published/Posted):

(Approved, Vetoed):

Attest, Jessi Balcom, City Administrator/Clerk-Treasurer: _____

Municipal LAW

& L I T I G A T I O N G R O U P

DALE W. ARENZ (1935-2022)
DONALD S. MOLTER, JR. (Retired)
JOHN P. MACY
H. STANLEY RIFFLE (Court Commissioner)
ERIC J. LARSON
REMZY D. BITAR

730 N. GRAND AVENUE
WAUKESHA, WISCONSIN 53186
Telephone (262) 548-1340
Facsimile (262) 548-9211
Email: elarson@ammr.net

PAUL E. ALEXY
LUKE A. MARTELL
SAMANTHA R. SCHMID
CHRISTOPHER R. SCHULTZ
LUCAS C. LOGIC
GREGORY M. PROCOPIO
ADAM J. MEYERS
SAVANNA GAIN
JAIME L. STAFFARONI
HAILEY R. LIPINSKI
SAVANNAH H. ZIEGLER
ANDREW F. PIETROSKE

STEPHEN J. CENTINARIO, JR.

June 26, 2026

Timothy Ludolph, City Planner
City of Berlin
108 N. Capron St.
Berlin, WI 54923

**Re: Comprehensive Plan Adoption
Ordinance to Amend Chapter 52
First Draft**

Dear Mr. Ludolph:

I am in receipt of your request to advise the City regarding the procedures necessary to adopt the City of Berlin Comprehensive Plan. I have had an opportunity to carefully consider this matter.

Enclosed please find a draft Ordinance for your consideration in this regard. This Ordinance incorporates the recently adopted Comprehensive Plan into your municipal code and updates your code in that regard. As I mentioned, the Comprehensive Plan does not need to be codified, so an alternative to the enclosed could be to simply repeal the existing Section 52-1, if that is preferred as a policy matter.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Yours very truly,

MUNICIPAL LAW & LITIGATION GROUP, S.C.

Eric J. Larson

Eric J. Larson

EJL/SHZ/jd
Enclosure

- Ordinance to Amend Chapter 52
cc: Jessi Balcom, City Administrator

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

TO: Common Council
FROM: Jessi Balcom, City Administrator
AGENDA ITEM: Resolution 26-07 to Accept the Bequest of the Fortnum Property (Parcel 206000680000) to the City of Berlin
MEETING DATE: August 4, 2026

BACKGROUND

The Fortnum's have bequeathed to the City Parcel 206000680000. The Common Council directed staff to apply for a WAMS grant through the Wisconsin Department of Natural Resources to perform a Phase I/II Environmental Site Assessment as due diligence prior to determining whether or not to accept the generous bequest.

The Phase I environmental assessment was completed and no Recognized Environmental Conditions (RECs) were found. Due to the fact that no RECs were identified by the Environmental Professional contracted to do the Phase I assessment, the DNR did not move forward with the Phase II environmental assessment.

The Council adopted a resolution declaring the parcel to be blighted. The resolution was filed with the DNR and a Liability Clarification Letter was issued to the City regarding the Fortnum parcel. This letter notes exemption to pre-existing contamination on the property for hazardous substance discharge. The exemption applies only to the investigation and clean-up of contaminated property and solid waste management.

With the environmental assessment complete and a Liability Clarification Letter issued by the DNR, following this due diligence, Council may now wish to determine whether or not to accept the generous bequest of the Mr. Fortnum. Proposed Resolution #26-07 would accept the bequest and the parcel would become property of the City of Berlin.

SUGGESTED MOTIONS

Motion to recommend approval of Resolution 26-07 to Accept the Bequest of the Fortnum Property (Parcel 206000680000) to the City of Berlin.



RESOLUTION # 26-07

RESOLUTION TO ACCEPT THE BEQUEST OF THE FORTNUM PROPERTY (PARCEL 206000680000) TO THE CITY OF BERLIN

WHEREAS, per the final wishes of Richard N. Fortnum, as stated in the Fortnum Joint Revocable Trust dated 2.20.2020 as amended 4.23.2020, the membership interests of Capron Corners, LLC shall be donated to the City of Berlin, Wisconsin, for its general purposes; and

WHEREAS, the Common Council, by approval of Resolution 26-04 declared the Fortnum Property (Parcel 206000680000) to be a blighted area and declared that the City may proceed to take title of the blighted property for purposes of blight elimination consistent with Wis. Stat. § 66.1331 by means of bequest; and

WHEREAS, The State of Wisconsin Department of Natural Resources issued a Local Governmental Unit (LGU) Liability Clarification Letter – Fortnum Property, Berlin Wisconsin 54923 Parcel #206000680000 BRRTS Activity Name: Fortnum Property Capron Corners BRRTS #: 07-24-598611 on July 7, 2026. The letter clarifying that the City of Berlin meets the definition of a “local government unit” and is eligible to obtain the LGU environmental liability exemption authorized by Wis. Stat. § 292.11(9)(e) and that the City acquiring the property for the purpose of blight elimination makes the City eligible for the LGU environmental liability exemption.

BE IT RESOLVED that the Common Council of the City of Berlin accepts the Bequest of Capron Corners, LLC of the Fortnum Property (Parcel 206000680000) for the City’s general purposes and specifically for the purpose of blight elimination.

Adopted this 12th day of August, 2026.

ROLL CALL VOTE:

_____ AYES

_____ NAYS

_____ ABSENT

CITY OF BERLIN

BY: _____
Catrina Burgess, Mayor

ATTEST: _____
Jessi Balcom
Administrator, Clerk/Treasurer

Exhibit B



State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Tony Evers, Governor
Karen Hyun, Ph.D., Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



July 7, 2026

Jessi Balcom
City Administrator
108 N Capron Street
City of Berlin, WI 54923
Via Email Only to cityadministrator@cityofberlin.wi.gov

Subject: Local Governmental Unit (LGU) Liability Clarification Letter
Fortnum Property, Berlin, Wisconsin 54923
Parcel #: 206000680000
BRRTS Activity Name: Fortnum Property Capron Corner
BRRTS #: 07-24-598611

Dear Ms. Balcom:

The Wisconsin Department of Natural Resources (DNR) received a request for a liability clarification letter from you on behalf of the city of Berlin on May 27, 2026 (Request). The Request was submitted with the appropriate review fee under Wisconsin Administrative (Wis. Admin.) Code § NR 749.04(1). It is the DNR's understanding, based on the documents submitted, that the city of Berlin intends to acquire the property identified above (the Property). The purpose of this letter is to provide the city of Berlin with clarification of environmental liabilities associated with the Property. Wisconsin Statutes (Wis. Stat.) § 292.55(1)(d)4. authorizes the DNR to issue a letter to a person seeking assistance concerning the liability for environmental pollution at a property. The DNR based this letter on review of environmental reports and other documents that were provided in the Request:

- Liability clarification letter request, completed Form 4400-237, signed May 18, 2026
- Resolution 26-04, Declaration of Blight, Adopted and Signed on May 12, 2026
- Phase I Environmental Site Assessment prepared for the DNR and the city of Berlin by Ramboll Americas Engineering Solutions, Inc, Fortnum Property, Berlin, WI, March 2026

The city of Berlin's application requests a determination from the DNR on whether the city of Berlin is eligible for the local government unit (LGU) environmental liability exemption identified in Wis. Stat. § 292.11(9)(e), with respect to the Property.

Property Use

The 0.49-acre Property along the Fox River in Berlin was used as a lumber yard, hardware and building supply store and a car sales lot until approximately 2006. The Property has been vacant since around 2008 and is currently owned by Capron Corner, LLC. The city of Berlin is planning to acquire ownership of the Property. The adopted municipal resolution submitted with the Request indicates that the city determined that Property is blighted and that the city intends to acquire the Property for blight elimination. The trust that has a membership interest in Capron Corners, LLC plans to bequest the Property to the city of Berlin.

Background and Environmental Summary

The city of Berlin applied for assistance through the DNR Wisconsin Assessment Monies (WAM) program in 2025. In 2026, the DNR's contractor, Ramboll Americas Engineering Solutions, Inc. (Ramboll) conducted a Phase I Environmental Site Assessment (ESA) for the Property. The Phase I ESA identified that the Property was historically used for industrial and commercial purposes. From at least 1884 through the 1950s the Property operated as a lumber yard with warehouses and boat dock structures. Through the 1960s the Property was operated as a building supply and hardware store until the Property was sold in 1969. Between 1969 and 1975 all remaining structures on the Property were razed to convert the Property into a car lot, which operated until approximately 2006. The Property has been vacant and overgrown with vegetation since approximately 2008. The current owner is Capron Corner, LLC. The Property is bound to the northeast by Water Street, to the southeast by a parking lot owned by the City of Berlin, to the southwest by the Fox River, and an apartment building to the northwest.

The Phase I ESA further identified that the area surrounding the Property has been used for heavy industrial purposes since at least the 1880s through the mid-20th century. No subsurface investigations are known to have been conducted at the Property or the adjacent properties. The possibility that inadvertent unreported spills occurred, given the historical industrial use of the Property and surrounding properties, could not be ruled out. Because Ramboll's review did not identify a known release, a likely release, or a material threat of a release of a hazardous substance or petroleum product, the Phase I ESA did not identify any Recognized Environmental Conditions (RECs) or controlled RECs (CRECs) associated with the Property.

Local Government Liability Exemption

Under Wis. Stat. § 292.11, a person who "possesses, controls or causes" a hazardous substance discharge is liable for taking necessary investigative and cleanup actions. Wis. Stat. § 292.11(9)(e) provides a liability exemption for LGUs.

When applicable at a specific property, Wis. Stat. § 292.11(9)(e) exempts an LGU from the following responsibilities of owners of property with environmental contamination:

- The responsibility to take actions necessary to restore the environment and minimize harmful effects of hazardous substance discharges to soil, sediment, groundwater, surface waters and air of the state.
- The responsibility to comply with DNR orders to take action to prevent hazardous substance discharges.
- The responsibility to reimburse the DNR for activities it takes on the property to identify, locate, monitor, contain, remove, or dispose of hazardous substances.

The primary practical impact of an LGU exemption from these legal responsibilities is that an exempt LGU is not required to complete a Wis. Admin. Code. ch. NR 716 site investigation or a remedial response action. An exempt LGU can voluntarily move forward with site investigation and cleanup efforts but is not required to do so.

Wis. Stat. § 292.11(9)(e)2. provides that the LGU exemption does not apply to hazardous substance discharges caused by the LGU. In addition to directly spilling or dumping hazardous substances on a property before or after acquisition, demolition and soil disturbing activities on a property with environmental contamination have the potential to make pre-existing contamination worse. These types

of activities should be discussed with the DNR before they occur, to prevent the inadvertent cause of other contamination.

Wis. Stat. § 292.11(9)(e)2. also states that an LGU will not be exempt from legal responsibility for any contamination caused by the following LGU actions or inactions:

- A failure to take appropriate action to restrict access to the property to minimize costs or damages that may result from unauthorized persons entering the property.
- A failure to sample and analyze unidentified substances in containers stored aboveground on the property.
- A failure to remove and properly dispose of, or to place in a different container and properly store, any hazardous substance stored aboveground on the property in a container that is leaking or is likely to leak.

The LGU exemption is only available to local units of government as defined in Wis. Stat. § 292.11(9)(e)1. The LGU exemption is not transferrable from the exempt LGU to future property owners, except to other eligible LGUs. Nonexempt LGU owners and responsible parties are subject to full environmental responsibility and regulation by, at a minimum, Wis. Stat. ch. 292 and the Wis. Admin. Code chs. NR 700-799.

Wis. Stat. § 292.23 authorizes an LGU exemption from certain solid waste management requirements for pre-existing unlicensed solid waste disposal sites. The above-mentioned conditions and limitations of the Wis. Stat. § 292.11(9)(e) exemption apply to the solid waste exemption, along with others that are specific to solid waste. Wis. Stat. § 292.23 should be reviewed and consulted if any unlicensed solid waste disposal areas exist on the Property.

Determinations

As described above, hazardous substance discharges have not been identified on the Property at this time. If hazardous substances are discovered on the Property that were discharged to the environment before the city of Berlin acquired the Property and all the conditions of Wis. Stat. § 292.11(9)(e) are met, the DNR determined that city of Berlin will qualify for an LGU environmental liability exemption under Wis. Stat. § 292.11(9)(e), for the following reasons:

- The city of Berlin meets the definition of a "local governmental unit" as described in Wis. Stat. § 292.11(9)(e)1. and is eligible to obtain the LGU environmental liability exemption authorized by that statute.
- If the city of Berlin acquires the Property, the DNR determines that the city of Berlin will obtain the Wis. Stat. § 292.11(9)(e) local governmental unit liability exemption because the property is being acquired for the purpose of blight elimination which is one of the property acquisition methods listed in Wis. Stat. § 292.11(9)(e)1m. that makes an LGU eligible for the LGU environmental liability exemption.

Ongoing, Non-Exempt Responsibilities of a Local Governmental Unit at the Property

Wis. Admin. Code Ch. NR 706 Notification: Neither Wis. Stat. § 292.11(9)(e)1m. or Wis. Stat. § 292.23 exempt an LGU from Wis. Stat. § 292.11(2), titled "Notice of Discharge." Therefore, all LGUs must notify the DNR immediately of any known and newly discovered discharge of a hazardous substance to the environment at the Property. See DNR publication *Immediate Reporting Required for*

Hazardous Substance Spills (RR-560), available online at dnr.wi.gov, search "RR-560" for additional information about spill and discharge reporting.

Demolition: Before beginning any demolition work at the Property, a pre-inspection is required, along with filing of *Notification for Demolition* (Form 4500-113). See DNR publication *Planning Your Demolition of Renovation Project: A Guide to Hazard Evaluation, Recycling and Waste Disposal* (WA-651), available online at dnr.wi.gov, search "RR-651" for additional information about demolition activities. Storm water management permits may also be necessary for demolition and construction activities. All LGUs must comply with these requirements.

Federal and State underground storage tank (UST) Regulations: The LGU exemption does not exempt USTs on the Property from compliance with federal and state requirements, including Wis. Admin. Code ch. ATPC 93. If you have questions about UST requirements, contact the Wisconsin Department of Agriculture, Trade and Consumer Protection (Bureau of Weights and Measures) directly. Wis. Admin. Code ch. ATPC 93 is available at https://docs.legis.wisconsin.gov/code/admin_code/atcp/090/93.

Use of the Property

As described above, there are not known hazardous substance discharges on the Property. If in the future, hazardous substance discharges are discovered on the Property and the city of Berlin intends to use or redevelop the Property, the city of Berlin should discuss proposed Property uses and improvements with the DNR prior to taking any actions in order to maintain the LGU exemption. Wis. Stat. § 292.11(9)(e)4. requires exempt LGUs to take actions the DNR determines are necessary to reduce to acceptable levels any substantial threat to public health or safety when the Property is developed or put into its intended use to maintain the LGU exemption.

It is especially important to consult with the DNR before and during any demolition, excavation, and/or other development work on the Property. The LGU exemption can be lost if significant public health or safety threats exist as a result of the use. Wis. Admin. Code § NR 708.17 describes types of protective actions that DNR may request when a new use is planned for a property owned by an LGU with the exemption.

Federal Liability Protections

In addition to state liability protections, an LGU may also be eligible for the federal CERCLA liability protection in certain situations. To determine what specific actions would satisfy the federal liability requirements under CERCLA, contact Ariel MacMillan-Sanchez at (312) 353-9351 and macmillansanchez.ariel@epa.gov at the U.S. Environmental Protection Agency (U.S. EPA). The mailing address is U.S. EPA REGION 5, Office of Regional Counsel (C-14J), 77 W. Jackson Blvd., Chicago, IL 60604-3590. The U.S. EPA may be able to provide you with guidance on whether your current and proposed actions concerning the Property are consistent with federal CERCLA requirements.

This Letter is Based on Information Provided to DNR

Any determinations made by the DNR in this letter are based specifically on the information made available to the DNR as part of the Request and are subject to change if other information arises. If contamination is discovered at the Property in the future, the LGU is required to notify the DNR in accordance with Wis. Stat. § 292.11(2). The LGU environmental liability exemption under Wis. Stat. § 292.11(9)(e) is not transferable from the LGU to future owners, except to another eligible LGU.

Additional Information

The DNR maintains a database and an integrated Geographic Information System (GIS) mapping application to provide public information about reports of potential contamination, properties with contamination, cleanup activities and redevelopment activities in Wisconsin.

- Access the Remediation and Redevelopment Tracking System (BRRTS) by going to dnr.wi.gov and searching "BRRTS." Use the BRRTS ID # found at the top of this letter for additional information and documents associated with this location.
- Access the GIS map by going to dnr.wi.gov and searching "RRSM."

Submittals to the DNR

Correspondence, submittals and notifications may be submitted to the DNR using the RR Program Submittal Portal. To access the portal, go to dnr.wi.gov and search "RR program submittal portal."

Closing

If you have questions regarding this letter, please contact Michael Prager at (608) 225-7950 or Michael.Prager@wisconsin.gov. Additional contacts for DNR staff members within the Remediation and Redevelopment Program may be found by going to dnr.wi.gov and searching "RR program staff contacts."

Sincerely,



Christine Sieger
Program Director
Remediation and Redevelopment Program

cc:

Tauren Beggs, DNR, Remediation and Redevelopment Program – Tauren.Beggs@wisconsin.gov
Karen Campoli, DNR, Remediation and Redevelopment Program – Karen.Campoli@wisconsin.gov
Michael Prager, DNR, Remediation and Redevelopment Program – Michael.Prager@wisconsin.gov

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

TO: Common Council
FROM: Jessi Balcom, City Administrator
AGENDA ITEM: Resignation of Alderperson following August Common Council meeting.
MEETING DATE: August 4, 2026

BACKGROUND

Alderperson Stobbe has tendered her resignation and will be stepping down from Council on August 13, 2026. The August 12 Regular Common Council meeting will be her last meeting as an Alderperson.

Per the "Policy on Filling Mayor and Common Council Vacancies" (enclosed for your information), the Council may move to appoint a successor to fill the seat until the regular election in April of 2027.

Staff is looking for direction to put together materials for review and approval by the Council at the August meeting to move forward with the process to fill the vacancy. Because Chapter 2 was recently amended to provide At Large representation, rather than representation by Ward (implementation took place 60 days following publication of the Ordinance on May 21, 2026 as no petition for referendum was filed), qualified applicants may reside anywhere within the City limits (rather than solely within Ward 4).

Where and when should the process notification be posted/published?
On the City Website, in the Berlin Journal, other suggestions.

Application process?
Submittal of the Board, Committee & Commission Council Application Form and resume to the City Administrator. Other needed materials?

Timeframe?
When will applications be due and when will the nomination meeting be held?

Interview questions?
Should the Council wish to interview the applicants at the Nomination Meeting, the questions must be established in advance. The questions used at the Nomination Meeting in May of 2026 are below.
Why did you apply to be an Alderperson?
What do you see as the City's greatest strength and weakness?
What would you bring as a member of the Common Council?

CITY OF BERLIN

Policy on Filling Mayor and Common Council Vacancies

(Updated January 15, 2019)

According to Wisconsin State Statutes Sec. 17.23(1)(a), vacancies in the office of mayor and alderperson in second, third and fourth class cities are filled by appointment by the common council. In the office of mayor, the person appointed to fill a vacancy shall serve for the residue of the unexpired term unless a special election is ordered by the common council, in which case the person appointed shall serve until his or her successor is elected and qualified. In the office of alderperson, the person appointed shall hold office until a successor is elected and qualified. Unless otherwise ordered by the common council, a successor shall be elected for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens, in case it happens no later than December 1 preceding the first Tuesday in April, but if the vacancy happens after December 1 preceding the first Tuesday in April and before that day, then the successor shall be elected on the first Tuesday in April of the next ensuing year. See the following examples for illustration purposes:

- Example 1: Alderperson's term expires in April, 2021 and vacancy occurs on October 13, 2019 (i.e. prior to December 1), and that vacancy is filled by appointment. The person so appointed shall hold office until a special election to fill the remainder of the term is held in April, 2020; meaning the person so elected would then serve until April, 2021 which is when the original term expired.
- Example 2: Alderperson's term expires in April, 2021 and vacancy occurs on December 13, 2019 (i.e. after December 1), and that vacancy is filled by appointment. The person so appointed shall hold office until April, 2021 which is when the original term expired. There is no need for a special election.
- Example 3: Alderperson's term expires in April, 2020 and vacancy occurs on October 13, 2019, and that vacancy is filled by appointment. The person so appointed shall hold office until April, 2020 which is when the original term expired. There is no need for a special election.
- Example 4: Alderperson's term expires in April, 2020 and vacancy occurs on December 13, 2019, and that vacancy is filled by appointment. Even though the vacancy occurred after December 1, the person so appointed shall hold office until April, 2020 which is when the original term expired. There is no need for a special election.

The common council may, if a vacancy occurs before June 1 in the year preceding expiration of the term of office, order a special election to fill a vacancy to be held on the Tuesday after the first Monday in November following the date of the order. A person so elected shall serve for the residue of the unexpired term.

The statutes do not set forth a specific procedure by which appointments of the common council must be made. Since no method of appointment is prescribed in the statutes, municipal governing bodies may determine their own procedure for nominating candidates and selecting a person to fill the vacancy.

The following policy is established as a set procedure for the Berlin common council to use in filling mayoral and aldermanic vacancies. This policy is adopted by resolution by the common council, and may be reviewed and revised at the discretion of the common council. Once a vacancy occurs, the following process will be followed:

1. **Nomination Process.** Nominations will be received from the floor of the common council at the nomination meeting, and will be only from the pool of eligible applicants who timely submit an application under paragraph 3 below.
2. **Public Notification.** The vacancy will be noticed in the Official City Newspaper requesting applications for the position via a Class 1 notice. The vacancy will also be noticed in a minimum of three public places as well as on the City's designated cable channel. This notice will include a deadline date for applications, which will be at least one week prior to the nomination meeting.
3. **Nomination and Application Requirements.** Applicants will be required to submit a completely filled out Board, Committee, Commission & Common Council Application Form, which is on file at the Clerk's office. A resume will also be requested as part of the application. The application deadline will be one week prior to the nomination meeting. Only applications received by the published deadline will be considered for common council nomination. Nominations will be based on these applications. No nominations will be considered that have not gone through the appropriate application process.
4. **Multiple Nominations.** In the case of more than two nominations, if after a vote of the common council no applicant receives the requisite majority to be elected, the two highest vote getters will be automatically nominated for a final election of the common council.
5. **Selection Process.** Applicants will be notified of the nomination meeting and requested to attend. During the nomination and selection process, the common council may interview applicants at its discretion. Interview questions will be established by the common council in advance, and will be the same for all applicants. The common council shall then vote on the nominations. If a nominee receives a vote representing a majority of the entire common council (currently 4 votes), then that nominee shall be the newly elected alderperson. If a nominee receives a vote of less than a majority of the entire common council, but a majority of those members present, or by virtue of a tie breaker vote by the mayor (assuming the office of mayor is not the vacant position being filled), then that nominee shall become the final candidate, whereby a final vote shall be held to approve or disapprove of that final candidate. To become elected, the final candidate must receive a final approval vote of majority of the entire common council.

NOTICE OF NOMINATION/SELECTION PROCESS

CITY OF BERLIN ALDERPERSON SELECTION PROCESS

Samantha Stobbe has stepped down as Alderperson effective August 13, 2026. Qualified residents of the City of Berlin wishing to be considered for the position of At Large Alderperson, must submit an application (Board, Committee, Commission & Common Council Application Form -available on the City's website or at City Hall) and resume to the City Administrator no later than TIME on DATE. Applications & resumes may be submitted at City Hall (Clerk's Office), by mail (PO Box 272, Berlin WI 54923) or by email (to: cityadministrator@cityofberlin.wi.gov).

The Common Council will hold the Nomination Meeting at TIME on DATE in the Council Chambers of City Hall (108 N. Capron Street). Applicants will be interviewed and the Common Council may vote to appoint the Alderperson.