STATE OF WISCONSIN CITY OF BERLIN GREEN LAKE COUNTY & WAUSHARA COUNTY

RESOLUTION NO. S&W 26-01

A RESOLUTION DECLARING A STATE OF EMERGENCY FOR THE SEWER & WATER UTILITY OF THE CITY OF BERLIN, WISCONSIN DUE TO IMPENDING SEVERE WEATHER

WHEREAS, the Waste Water Treatment Plant experienced a failure and collapse of a digester cover; and

WHEREAS, the cover must be removed prior to experiencing significant winter conditions to allow plumbing repairs or winterization to occur prior to excessive weight (snow) and freezing, which could result in total functional loss of the digester; and

WHEREAS, replacement of the cover is not anticipated to be possible for several months; and

WHEREAS, removal of the cover is necessary to mitigate the risks of further damage; and

WHEREAS, Wisconsin Statute § 62.15 generally requires public construction contracts to be let by contract to the lowest responsible bidder subject to certain exceptions including for public emergencies pursuant to Wisconsin Statutes §62.15(1b); and

WHEREAS, immediate action is necessary to promptly repair public facilities that are damaged or threatened due to impending winter weather (snowfall and freezing temperatures) and to prevent further damage to public infrastructure and ensure continued access for residents, businesses, and emergency services.

NOW, THEREFORE, BE IT RESOLVED, that the Sewer & Water Commission of the City of Berlin hereby declares a State of Emergency within the City of Berlin due to impending winter weather and the damage that will result and impact public infrastructure; and

BE IT FURTHER RESOLVED, that such declaration and this Resolution shall remain in effect while the emergency conditions exist and until the emergency conditions have been sufficiently mitigated and normal conditions restored and this Resolution is rescinded by the Sewer & Water Commission, unless earlier rescinded by the Common Council; and

BE IT FURTHER RESOLVED, that pursuant to the emergency powers of Wisconsin Statutes § 62.15(1b) City staff, including Sewer & Water Utilities, Public Works, Emergency Management, Administration and all appropriate departments, are hereby authorized and directed to take all necessary and appropriate actions to respond to the emergency, including but not limited to:

- Immediate repair, and stabilization of the digester infrastructure;
- Procurement of materials, equipment, contractors and services necessary to address the emergency without delay;

- Coordination with insurance, county, state, and federal agencies for assistance and resources; and

BE IT FURTHER RESOLVED, that all emergency procurements shall, to the extent practicable under the circumstances, be made with consideration of cost-effectiveness and accountability, and documented appropriately for subsequent review by the Sewer & Water Commission; and

BE IT FURTHER RESOLVED, that this Resolution shall be effective immediately upon adoption.

Passed and Adopted by the Sewer & Water Commission of the City of Berlin this 28th day of October 2026.

Berlin Sewer and Water Commission
President

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