



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

Tuesday, June 14, 2022

6:00 PM

Zoom Meeting

<https://us02web.zoom.us/j/83919957888>

The Committee of the Whole has satisfied the requirements as directed by the Common Council on June 22, 2021 and Ordinance No. 2651 to hold this meeting via electronic means. The full text of this ordinance and the minutes from the above mentioned meeting can be viewed at www.newberlin.org

Any comments that the public wishes to make may be communicated to the city via email at citizencomments@newberlin.org and will be forwarded to the Mayor and City Council. Interested parties may also participate by:

- Downloading the ZOOM app located at <https://zoom.us/> and utilize this unique ID to join: 839 1995 7888
- Following this direct link to the meeting: <https://us02web.zoom.us/j/83919957888>
- Dial by phone: (312) 626-6799 and use Meeting ID: 839 1995 7888

AGENDA

CALL MEETING TO ORDER

ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

APPROVAL OF MINUTES

1. May 24, 2022 Committee of the Whole Meeting Minutes

UTILITIES & FINANCE

2. Approval of June 15th, 2022 Water Utility claims in the amount of \$877,103.59, Sewer Utility claims in the amount of \$11,003.63 and General City claims in the amount of \$1,075,417.36. US Bank VISA EFT of \$32,479.98.

LICENSES & PERMITS

3. Alcohol licenses for the licensing period of July 1, 2022 through June 30, 2023 per the list as presented and contingent upon applicants meeting all Statutory and Municipal rules/regulations.
4. Extension of Premise Application from Varsity Club located at 12400 W. Beloit Road for a music fest to be held in the establishment's parking lot on July 17th, 2022 from 2pm to 10pm
5. Loudspeaker Variance for Holy Apostles Catholic Parish & School located at 1600 W. National Avenue for their Family Festival to be held on June 24th and June 26th, 2022 until 10:30pm.

6. Loudspeaker Variance for St. Elizabeth Ann Seton located at 127900 W. Howard Ave. for the Fun Fest Celebration to be held on July 29th, 30th & 31st, 2022 until 11PM.

MISCELLANEOUS

7. Recommend the Common Council adopt Ordinance No. 2660, an Ordinance to Repeal Section 6.19 of the Municipal Code providing for the canvassing of absentee ballots for all elections in the City of New Berlin by the Municipal Board of Absentee Ballot Canvassers commonly referred to as Central Count. The process will be returned to the individual poll locations using absentee ballot processors assigned to the polls.

DEFERRED, REFERRED & TABLED ITEMS

ADJOURN

PLEASE NOTE:

- ✓ It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order. It is also possible that members of and possible a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.
- ✓ Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact City Clerk Rubina R. Medina (262) 786-8610.



**CITY OF NEW BERLIN
COMMITTEE OF THE WHOLE - MINUTES
Tuesday, May 24, 2022**

Regular Meeting

Zoom Meeting

6:00 PM

Please note: Minutes are unofficial until approved by the Committee of the Whole at the next regularly scheduled meeting.

The Committee of the Whole has satisfied the requirements as directed by the Common Council on June 22, 2021 and Ordinance No. 2651 to hold this meeting via electronic means. The full text of this ordinance and the minutes from the above mentioned meeting can be viewed at www.newberlin.org

To participate in the meeting, view the meeting, and/or ask questions, the public was able to do so by downloading the ZOOM app located at <https://zoom.us/> and utilize Meeting ID # 8611 542 1010 to join.

All votes were taken via a voice roll call vote.

CALL MEETING TO ORDER

Mayor Ament called the meeting to order at 6:01 PM.

City Clerk Rubina R. Medina read the rules as this meeting was held via zoom.

ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

Council Present: Hopkins, Maxey, Garrigues, Harenda, Stribl, Horbinski & Kroupa

Council Excused: None

City Clerk stated that a quorum has been established and the meeting was properly noticed.

Staff Present: Mayor Ament, City Clerk Rubina R. Medina, Deputy Clerk Sherri Hanson, Police Chief Hingiss, Attorney Thomas Schmitzer and Finance Director Ralph Chipman

APPROVAL OF MINUTES

ITEM: May 10, 2022 Committee of the Whole Meeting Minutes

MOTION: Motion to approve the May 10, 2022 Committee of the Whole Meeting Minutes.

VOTE: Motion by: Horbinski
Second by: Kroupa
Vote: Passed 7-0

UTILITIES & FINANCE

ITEM: Approval of May 25th, 2022 Water Utility claims in the amount of \$17,694.42, Sewer Utility claims in the amount of \$18,443.14 and General City claims in the amount of \$1,507,945.22. WE Energies EFT of \$88,482.85

MOTION: Motion to approve the May 25th, 2022 Water Utility, Sewer Utility, General City Claims and We Energies EFT as presented.

VOTE: Motion by: Garrigues
Second by: Harenda
Vote: Passed 7-0

LICENSES & PERMITS

ITEM: Retail "Class B" License Transfer to John Martin Jr. due to the death of licensee, John Martin Sr. for Martin's Tap located at 19550 W. National Ave.

MOTION: Motion to approve the Retail "Class B" license transfer to John Martin Jr. due to the death of licensee, John Martin, Sr. for Martin's Tap located at 19550 W National Ave.

VOTE: Motion by: Harenda
Second by: Hopkins
Vote: Passed 7-0

ITEM: Operator (Bartender) license applications for the licensing period ending June 30, 2024 per the list as presented.

MOTION: Motion to approve the Operator License applications per the list as presented.

VOTE: Motion by: Garrigues
Second by: Kroupa
Vote: Passed 7-0

ITEM: Alcohol licenses for the licensing period of July 1, 2022 through June 30, 2023 per the list as presented and contingent upon applicants meeting all Statutory and Municipal rules/regulations.

MOTION: Motion to approve the alcohol license list as presented contingent upon applicants meeting all Statutory and Municipal rules/regulations.

VOTE: Motion by: Horbinski
Second by: Maxey
Vote: Passed 7-0

ITEM: Loudspeaker Variance for Rodd Szmania of 3045 S. Johnson Road for an Annual Pig Roast on June 18, 2022 until 11PM.

MOTION: Motion to approve the Loudspeaker Variance for Rodd Szmania of 3045 S. Johnson Road for an Annual Pig Roast on June 18, 2022 until 11PM.

VOTE: Motion by: Maxey
Second by: Stribl
Vote: Passed 7-0

MISCELLANEOUS

ITEM: Update from Police Chief Hingiss

Chief Hingiss gave a presentation to the Council

ITEM: Recommend to the Common Council that a Public Hearing be set for July 11, 2022 at 6:00 pm to be held before the Plan Commission to rezone the property located at Tax Key #: 1229.994.002 from A-2, C-2 & C-1 to R-1/R-2, C-2 & C-1.

MOTION: Motion to approve that a Public Hearing be set for July 11, 2022 at 6:00 PM to be held before the Plan Commission to rezone the property located at Tax Key # 1229.994.002 from A-2, C-2 & C-1 to R-1/R-2, C-2 & C-1.

VOTE: Motion by: Stribl
Second by: Garrigues
Vote: Passed 7-0

ITEM: Recommend the Common Council adopt Ordinance No. 2659, an Ordinance to Repeal and Replace Section 152-1(E) of the Municipal Code Pertaining to the Granting of Operator Licenses.

MOTION: Motion to approve the adoption of Ordinance No. 2659, an Ordinance to Repeal and Replace Section 152-1(E) of the Municipal Code Pertaining to the Granting of Operator Licenses.

VOTE: Motion by: Horbinski
Second by: Stribl
Vote: Passed 7-0

ITEM: Discussion and Possible Action re: Requested Action Statement for the Council to decide if the City should include street lighting in the median of Moorland Road as part of the multiphase redesign project by Waukesha County between National Avenue and Cleveland Avenue.

MOTION: Motion to deny the street lighting in the median of Moorland Road as part of the multiphase redesign project by Waukesha County between National Avenue and Cleveland Avenue

VOTE: Motion by: Stribl Joseph
Second by: Horbinski Dennis
Vote: Passed 7-0

ITEM: Discussion and Possible Action re: Requested Action Statement to withdraw the motion to include decorative street lighting in the median of Moorland Road as part of the redesign project by Waukesha County between National Avenue and Beloit Road but include pedestrian lights along sidewalks from Howard Avenue to Coffee Road.

MOTION: Motion to withdraw the motion to include decorative street lighting in the median of Moorland Road as part of the redesign project by Waukesha County between National Avenue and Beloit Road but include pedestrian lights along sidewalks from Howard Avenue to Coffee Road.

VOTE: Motion by: Horbinski
Second by: Maxey
Vote: Passed 7-0

ITEM: Discussion and Possible Action re: Requested Action Statement for the Common Council to decide whether or not to include sidewalks in the Moorland Road redesign project by Waukesha County between National Avenue and Cleveland Ave. If the Common Council decides to include sidewalks the Council will need to decide which of the three options on the RAS should be utilized.

MOTION: Motion to deny to include sidewalks in the Moorland Road redesign project by Waukesha County between National Avenue, Cleveland Avenue and Greenfield Avenue.

VOTE: Motion by: Harenda
Second by: Stribl
Vote: Passed 7-0

ITEM: Set goals and directives for 2023 Budget, including tax levy target. Suggest any changes for format, method, or presentation of the budget

Finance Director Ralph Chipman gave a brief introduction of the goals and directives for the 2023 budget.

ADJOURN

MOTION: To adjourn the Committee of the Whole meeting at 6:52 PM.

VOTE: Motion by: Garrigues
Second by: Horbinski
Vote: Passed 7-0

*Respectfully Submitted,
Rubina R. Medina, City Clerk*

CITY OF NEW BERLIN LIQUOR LICENSE APPLICATIONS

"CLASS A" FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR LICENSES:

Jay & Sons Inc. (New Berlin Mobil), 17145 W Greenfield Ave., Jayesh Patel, Agent

CLASS "B" FERMENTED MALT BEVERAGES:

Ethic Indoor, LLC (Ethic Indoor), 5330 S Racine Ave., Kim Cook, Agent

"CLASS B" FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR LICENSES:

Martin's Tap, LLC (Martin's Tap), 19550 W. National Ave., John Schober, Agent

Deer Haven Golf Course, Inc. (Deer Haven Golf Club & Banquets), 19180 W Cleveland Ave., Jeffrey Kemen, Agent

Hoepfner-Horn Bros. (VFW Post 5716), 17980 W Beloit Rd., David Chappell, Agent

Blazin Wings Inc. (Buffalo Wild Wings), 15306 W Beloit Rd., Debra Stephen, Agent

Bluemound Lanes Inc.(New Berlin Ale House), 16000 W Cleveland Ave., Tracy Posnanski, Agent

Tail Spin LLC (Greenfield pub), 16461 W Greenfield Ave., Jennifer Halverson, Agent

Prospect Hill Pub and Eatery LLC, (Prospect Hill Pub), 19745 W National Ave., Kimberly Mathy,

Fee: \$50

(Office use) License #: _____



City of New Berlin
Clerk's Office/Community Relations Dept.
3805 South Casper Drive
New Berlin, WI 53151-0921
262-786-8610

**CITY OF NEW BERLIN
EXTENSION OF PREMISE APPLICATION**

1. First name: Josh Last name: Teuteberg Middle initial: J
2. Phone number: 262-797-6400 E-mail: jtoots007@yahoo.com
3. Business name: Varsity Club
4. Business address: 12400 W. Beloit Rd, New Berlin, WI 53151
5. License number for which you wish to temporarily extend premise: 2021 15
6. Name of event or function for which the temporary extension is sought: Music Fest
7. Date(s) and time frame of event(s) for which the temporary extension is sought (*All Temporarily Extensions are required to be approved by the Common Council of the City of New Berlin. Applications must be completed in its entirety and to the Clerk's office 15 days before the event.*): July 17th 2pm - 10pm
8. Specific description of the site for which the temporary extension is sought, including dimensions of the area and where beer/liquor is to be served from: It will all be held in our parking lot. Same set up as the last couple years
9. List the location of all exits: In parking lot, outdoors, so many exits available
10. How will licensed premise area be restricted and screened for underage people? Employees will card everyone that comes in
11. Have you obtained liability coverage for the event of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate, naming the City of New Berlin as an additional insured?

Attach a copy of policy endorsement along with application

Received: Yes : 4771836
Clerk: : 9740csh2
Paid By: : JOSH TEUTEBERG/MLUE
on file

12. Will the event encroach upon any public property or public right-of-way? Yes

No

13. Have you obtained a use approval for the special event from the Planning Department?

Yes

No

Must include proof of approval with application

doing at same time

14. Application must be accompanied by a diagram that outlines where extension will be located in reference to currently licensed premise, service area, exits and any fences or barricades that will be utilized during special event.

15. All Temporarily Extensions are required to be approved by the Common Council of the City of New Berlin. Applications must be completed in its entirety and to the Clerk's office 15 days before the event.

To the Common Council of the City of New Berlin, Wisconsin:

I hereby apply for a License to extend the premise of the alcohol beverage license at the premises described above, in the City of New Berlin, subject to the limitations imposed by Wisconsin Statutes and acts amendatory hereof and supplementary thereto, and hereby agree to comply with all laws, resolutions, ordinances and regulations affecting the sale of such beverages if a license be granted me.

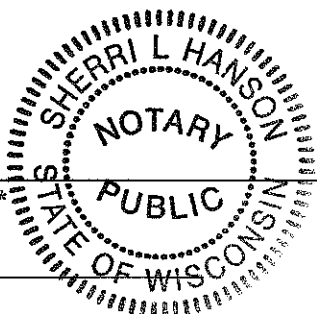
I acknowledge that all additional city and state permits required for this event have been applied for and copies of said permits have been provided to the New Berlin City Clerk's Office.

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 24th DAY OF May, 2022

Sheri L. Hanson
(Clerk/Notary Public)

My commission expires: 3/22/2025



[Signature]
(Officer of Corporation/Member/Manager of LLC/Partner/Individual)

(Officer of Corporation/Member/Manager of LLC/Partner/Individual)

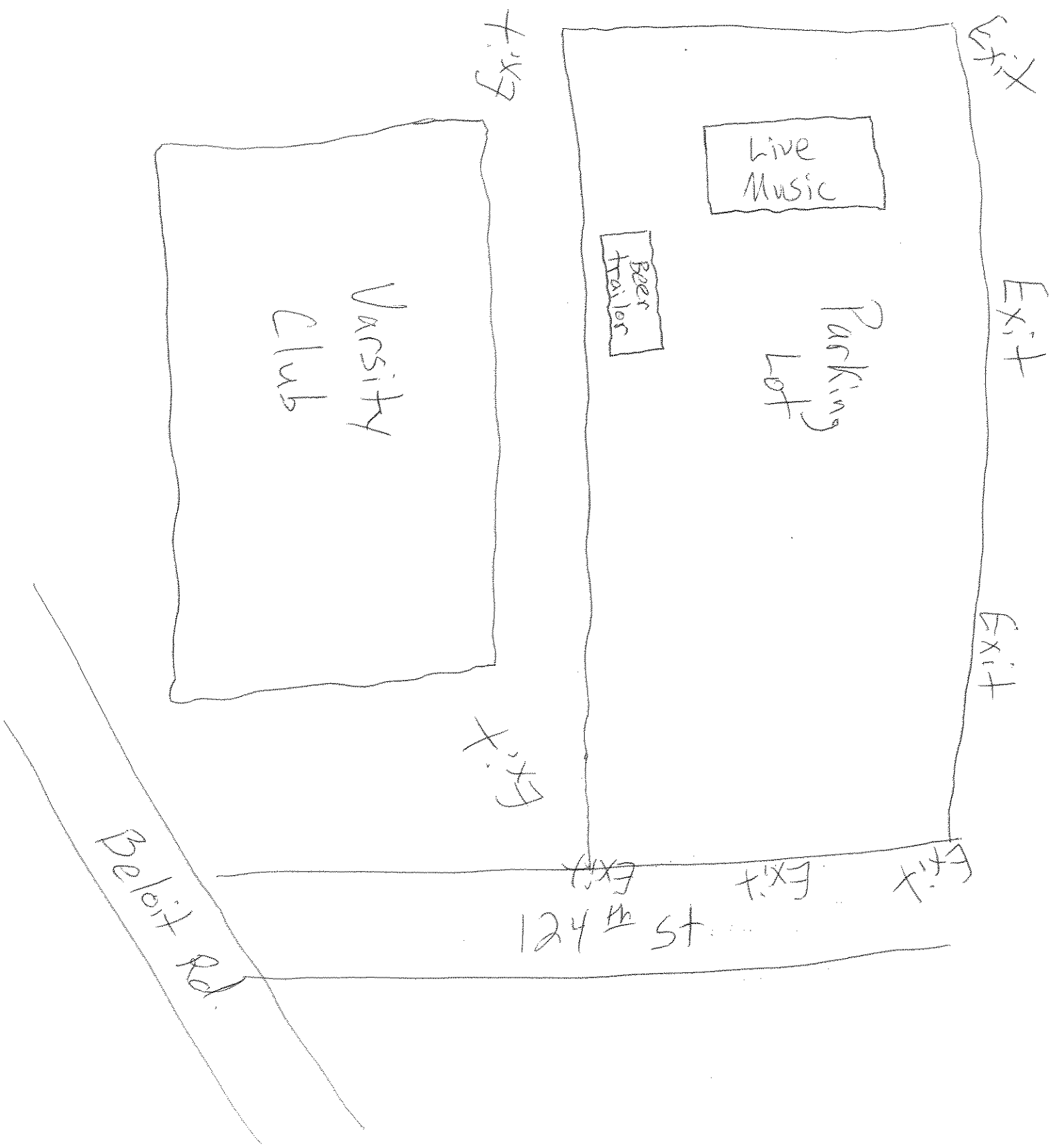
(Officer of Corporation/Member/Manager of LLC/Partner/Individual)

(If owner of property is different from licensee, owner of property must also sign.)

Office use only

Date received: _____

Notes (past citations, complaints, etc.):



Fee: \$50

(Office use) License #: _____



City of New Berlin
Clerk's Office/Community Relations Dept.
3805 South Casper Drive
New Berlin, WI 53151-0921
262-786-8610

**CITY OF NEW BERLIN
EXTENSION OF PREMISE APPLICATION**

1. First name: Josh Last name: Teuteberg Middle initial: J
2. Phone number: 262 797-6400 E-mail: jtoots07@yahoo.com
3. Business name: Varsity Club
4. Business address: 12400 W. Beloit Rd, New Berlin, WI 53151
5. License number for which you wish to temporarily extend premise: 2021 15
6. Name of event or function for which the temporary extension is sought: Music Fest
7. Date(s) and time frame of event(s) for which the temporary extension is sought (*All Temporarily Extensions are required to be approved by the Common Council of the City of New Berlin. Applications must be completed in its entirety and to the Clerk's office 15 days before the event.*): September 17th 2-10 pm
8. Specific description of the site for which the temporary extension is sought, including dimensions of the area and where beer/liquor is to be served from: It will all be held in our parking lot. Same set up as the last couple years.
9. List the location of all exits: In parking lot, outdoors, so many exits available.
10. How will licensed premise area be restricted and screened for underage people? Employees will card everyone that comes in.
11. Have you obtained liability coverage for the event of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate, naming the City of New Berlin as an additional insured?
Attach a copy of policy endorsement along with application

09/24/2022
Receipt Yes
Clerk 1
Paid By on file
Paid \$ 789.00
N621836
9740ceh2
JOSH TEUTEBERG/BLUE

12. Will the event encroach upon any public property or public right-of-way? Yes No
13. Have you obtained a use approval for the special event from the Planning Department? Yes No

Must include proof of approval with application

doing at same time

14. Application must be accompanied by a diagram that outlines where extension will be located in reference to currently licensed premise, service area, exits and any fences or barricades that will be utilized during special event.
15. All Temporarily Extensions are required to be approved by the Common Council of the City of New Berlin. Applications must be completed in its entirety and to the Clerk's office 15 days before the event.

To the Common Council of the City of New Berlin, Wisconsin:

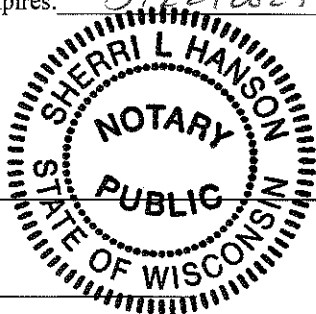
I hereby apply for a License to extend the premise of the alcohol beverage license at the premises described above, in the City of New Berlin, subject to the limitations imposed by Wisconsin Statutes and acts amendatory hereof and supplementary thereto, and hereby agree to comply with all laws, resolutions, ordinances and regulations affecting the sale of such beverages if a license be granted me.

I acknowledge that all additional city and state permits required for this event have been applied for and copies of said permits have been provided to the New Berlin City Clerk's Office.

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 29th DAY OF May, 2022
Sherril L Hanson
 (Clerk/Notary Public)

My commission expires: 3/22/2025



[Signature]
 (Officer of Corporation/Member/Manager of LLC/Partner/Individual)

 (Officer of Corporation/Member/Manager of LLC/Partner/Individual)

 (Officer of Corporation/Member/Manager of LLC/Partner/Individual)

(If owner of property is different from licensee, owner of property must also sign.)

Office use only

Date received: _____

Notes (past citations, complaints, etc.):

Exit
Exit
Exit

Live
Music

Parking
Lot

Beer
trailer

Exit

Exit

Varsity
Club

Exit
Exit
Exit
+5 whel

Boyle Rd.



City of New Berlin Loudspeaker Permit Application



Submit this application to the New Berlin Police Department, 16300 W. National Ave., New Berlin, WI 53151, not less than 14 days prior to the event. If you have any questions, call the New Berlin Police Department at (262)782-6640.

Background Information:

Organization/Individual Name: Holy Apostles Catholic Parish & School
Address: 16000 W National Ave. New Berlin, WI 53151

Applicant representing this event:

Name: JESS Makuck Work Phone: (2) 754-0171
Address: 1063 Westport Dr. Apt 248 Home Phone: () N/A
Date of Birth: 8/17/1990 Cell Phone: (414) 643-9016
Email Address: festival@hanb.org

Event Information:

Name of Event: Family Festival
Address of Event: 16000 W National Ave. New Berlin, WI 53151

Dates of Event (no more than 3 days in a row): June 24, 25, & 26

Estimated Number of Participants: _____

Hours of Loudspeaker Operation: _____
Start: 9:00 a.m./(p.m.) (June 26 11am-4pm)

Finish (no later than 10p.m.): 10:30 a.m./(p.m.) * All city parks with the exception of Malone Park close at dusk*

Number of Loudspeakers to be used: _____

Please check the type of sound to be emitted:

☐ Speech ☐ Recorded Music ☒ Live Music ☐ Other _____

Applicant's Statement of Agreement:

I hereby affirm that the above information is true and correct in describing the intent of this application. I, JESS Makuck, the undersigned, agree to use the loudspeaker in a careful and prudent manner so as not to cause complaints from neighbors and I agree to lower or terminate the amplification levels when requested by neighbors or police.

Applicant Signature: Jess Makuck

FOR OFFICE USE ONLY	
☐ Approved	☐ Not Approved. Reason for denial: _____
Issued by: _____	

Jim.Schutte@yahoo.com



City of New Berlin

Loudspeaker Permit Application



Submit this application to the New Berlin Police Department, 16300 W. National Ave., New Berlin, WI 53151, not less than 14 days prior to the event. If you have any questions, call the New Berlin Police Department at (262)782-6640.

Background Information:

Organization/Individual Name: St. Elizabeth Ann Seton

Address: 12700 W. Howard Ave. New Berlin WI 53151

Applicant representing this event:

Name: Jim Schutte Work Phone: () _____

Address: 10018 W. Whitnell Edge Pr Home Phone: () _____

Date of Birth: 7-25-1967 Cell Phone: () 414-339-1070

Event Information:

Name of Event: Fundays Celebration

Address of Event: 12700 W. Howard Ave. New Berlin WI 53151

Dates of Event (no more than 3 days in a row): 7-29-22 - 7-30-22 - 7-31-22

Estimated Number of Participants: 500

Hours of Loudspeaker Operation:

Start: 5 a.m./(p.m.)

Finish (no later than 10p.m.): 11 a.m./(p.m.)

Number of Loudspeakers to be used: 6-8

Please check the type of sound to be emitted:

☒ Speech

☐ Recorded Music

☒ Live Music

☐ Other _____

Applicant's Statement of Agreement:

I hereby affirm that the above information is true and correct in describing the intent of this application. I, Jim Schutte, the undersigned, agree to use the loudspeaker in a careful and prudent manner so as not to cause complaints from neighbors and I agree to lower or terminate the amplification levels when requested by neighbors or police.

Applicant Signature: Jim Schutte

FOR OFFICE USE ONLY	
☐ Approved	☐ Not Approved: Reason for denial: _____
Issued by: _____	



City of New Berlin

City of New Berlin ▪ 3805 S. Casper Drive ▪ New Berlin, Wisconsin 53151-0921 ▪ (262)786-8610 ▪ www.newberlin.org

REQUESTED ACTION STATEMENT

June 10, 2022

TO: Mayor Ament
Common Council

FROM: Rubina R. Medina, City Clerk

ISSUE:

The main issue with the Central Count process is the conflict between the right to a secret ballot, as set forth in Article III, Section 3 of the Wisconsin Constitution and the statutory requirement to write the voter number on the back of the ballot per Wis. Stat. Sec. 7.52(3)(a). Some individuals have raised that the central count process violates the constitution. Several municipalities that utilize central count have received a "Notice of Claim" as the first step in bringing forth a lawsuit. There have been many central count municipalities that have repealed their Ordinance and returned to processing absentee ballots at the polling locations.

Additional Issues are as follows:

1. Central Count utilizes the DS450 tabulation machine. Each individual polling places utilize the DS200 tabulator machine. The City of New Berlin has one DS450 machine that processes all absentee ballots. If this machine were to malfunction on Election Day, there is no back-up plan. The DS450 memory device is not compatible with the DS200 machine.
2. The DS450 tabulation machine utilized at central count does not have a modem. Once the election has closed and all absentee ballots have been processed, the memory device must be removed from the DS450 and driven to the Waukesha County Clerk's Office that same night. The DS200 machines utilized at the individual polling locations modem the results directly to Waukesha County.
3. When the DS200 tabulators (at the individual polling locations) modem the results at the end of the night, the news reports 100% reporting when in fact those results could drastically change once absentee ballots are processed and the memory device from the DS450 is driven to the County. This causes much confusion among voters and candidates when they see vote totals at the end of the night reporting 100% only to see different vote totals in the morning. We have seen instances where vote totals drastically change the results of an election once absentee ballots are counted and reported.
4. During the last presidential election, we had approximately 24 teams of 2 people that processed absentee ballots. The actual polling locations were finished and modemed by approximately 9 PM and Central Count

was still processing absentee ballots well after 1 AM. The memory device was driven to the County after 1:30 AM and vote totals were updated after 2:00 AM.

5. Voters who showed up at their polling location to return an absentee ballot were told to bring their ballot to the City Clerk's Office or the Central Count location. This creates voter confusion and frustration.
6. The Central Count process creates additional reporting requirements and a great deal of paperwork for each ward. This is eliminated when absentee ballots are processed at the individual polling locations.

REQUESTED:

Recommend the Common Council adopt Ordinance No. 2660, an Ordinance to Repeal Section 6.19 of the Municipal Code providing for the canvassing of absentee ballots for all elections in the City of New Berlin by the Municipal Board of Absentee Ballot Canvassers commonly referred to as Central Count. The process will be returned to the individual poll locations using absentee ballot processors assigned to the polls starting with the Fall Partisan Primary Election.

FISCAL IMPACT:

We will explore selling the DS450 back to ES&S or another municipality.

RATIONALE:

The principal purpose of this amendment is to eliminate the statutory requirement to write the voter number on the ballot which is required when processing absentee ballots by central count. This will further eliminate the argument that some individuals have raised that the central count process violates the constitution. Based on the information provided in this RAS, I respectfully request to repeal Central Count and return the absentee ballot processing to the polling place locations commencing with the August 9th Partisan Primary Election and continuing thereafter.

ORDINANCE NO. 2660

**ORDINANCE TO REPEAL SECTION 6.19
OF THE CITY OF NEW BERLIN MUNICIPAL CODE PERTAINING TO
BOARD OF ABSENTEE BALLOT CANVASSERS
COMMONLY REFERRED TO AS CENTRAL COUNT FOR ALL ELECTIONS
IN THE CITY OF NEW BERLIN.**

WHEREAS, Section 6.19 of Boards, Commission and Committees was first adopted to provide for the canvassing of absentee ballots by the municipal board of absentee ballot canvassers designated under Wis Stat Sec. 7.53(2m); and

WHEREAS, in 2008, there was a need to centralize the counting of absentee ballots for all wards within the City of New Berlin as it was becoming increasingly difficult to efficiently process absentee ballots while also handling the high number of voters at the polls; and

WHEREAS, the City of New Berlin and municipalities across the State of Wisconsin have seen a significant decline of voters going to the polls on Election Day as absentee voting has become increasingly popular; and

WHEREAS, Central Count utilizes the DS450 tabulation machine which requires the memory stick to be driven to the Waukesha County Clerk's Office at the end of the night as the DS450 does not have modem capabilities; and

WHEREAS, returning the processing of absentee ballots to the polls on Election Day will allow the absentee ballots to be processed using the DS200 tabulation machine which has modem capabilities; and

WHEREAS, results reporting at the end of the night will truly be 100% reporting as it will include totals from both absentee and polling locations which eliminates voter and candidate confusion; and

WHEREAS, the requirement to write the voter number on the ballot will be eliminated and will further eliminate the argument that some individuals have raised that the central count process violates the constitution; and

WHEREAS, additional reporting requirements for absentee ballots processed by Central Count will be eliminated.

NOW THEREFORE, the Common Council of the City of New Berlin do hereby ordain as follows:

SECTION I

Section 6.19 of the Municipal Code providing for the canvassing of absentee ballots for all elections in the City of New Berlin by the Municipal Board of Absentee Ballot Canvassers is repealed in its entirety.

SECTION II

The processing of absentee ballots will be returned to the polling locations to be processed by election officials commencing with the August 9th Partisan Primary Election and will continue thereafter.

SECTION III

All Ordinances or parts of Ordinances contravening the terms and conditions of this Ordinance are hereby to that extent repealed.

SECTION IV

The sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the Ordinance.

SECTION V

This Ordinance shall take effect upon passage and publication as approved by law, and the City Clerk shall so amend the Code of Ordinances of the City of New Berlin, and shall indicate the date and number of this amending ordinance therein.

PASSED AND ADOPTED by the Common Council this 14th day of June, 2022.

APPROVED:

David Ament, Mayor

Countersigned:

Rubina R. Medina, City Clerk