



# Committee of the Whole MEETING AGENDA

September 26, 2023 - 6:00 PM  
Council Chambers  
3805 S. Casper Drive

Published: 9/22/2023

## AGENDA

1. **CALL MEETING TO ORDER**
2. **ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE**
3. **APPROVAL OF MINUTES**
  - A. August 29, 2023 Committee of the Whole Meeting
4. **UTILITY & FINANCE**
  - A. Discussion and recommendation to the Common Council approval of the September 13, 2023 Water Utility claims in the amount of \$535,678.37, Sewer Utility claims in the amount of \$417,687.66 and General City claims in the amount of \$866,783.41. US Bank VISA EFT of \$33,937 and WE Energies EFT of \$55,909.05
  - B. Discussion and recommendation to the Common Council approval of the September 27, 2023 Water Utility claims in the amount of \$436,477.38, Sewer Utility claims in the amount of 1,553,075.74 and General City claims in the amount of \$1,458,670.78. WE Energies EFT of \$58,425.46
5. **MISCELLANEOUS**
  - A. Information Technology Department Update by Director Alan Skornia
  - B. Discussion and recommendation to the Common Council approval of Ordinance No. 2681, an Ordinance to create chapter 67 of the municipal code of the City of New Berlin regarding municipal cemeteries
  - C. Discussion and recommendation to the Common Council approval of the City of New Berlin Cemetery Rules and Regulations
  - D. Discussion and recommendation to the Common Council approval of New Berlin Centre Cemetery Plat, Section "D"
  - E. Discussion and recommendation to the Common Council approval of Resolution 2023-23, a Resolution to transfer \$15,000 from the 2023 Contingency account to the Streets department - Signals and Streetlights account to purchase digital speed monitors
  - F. Discussion and recommendation to the Common Council approval of Ordinance No. 2682, an Ordinance to amend section 6-2, A, (1) and (2) of the City of New Berlin Municipal Code regarding membership of the Board of Review
  - G. Discussion and recommendation to the Common Council approval of Resolution No. 2023-24, a resolution of the City of New Berlin regarding the Official City newspaper
  - H. Discussion and recommendation to the Common Council approval of the creation of the Deputy Fire Chief position effective immediately
6. **ADJOURN**

**Supplemental Information:**

- *The meeting agenda and agenda packet are available online at [www.NewBerlin.org](http://www.NewBerlin.org). The minutes are published online and are approved at the next regularly scheduled meeting.*
- *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.*
- *You may provide comments to the City Clerk via email at [CitizenComments@NewBerlin.org](mailto:CitizenComments@NewBerlin.org). Comments will be forwarded to the Mayor and members of the governing body. Emailed comments are not read during the meeting.*
- *The City of New Berlin strives to host inclusive, accessible meetings that enable all individuals to engage and participate fully. Any person who has a qualifying disability under the Americans with Disabilities Act that requires that the meeting be accessible, please contact City Clerk Rubina R. Medina at (262) 786-8610 or via email at [CityClerk@NewBerlinWI.gov](mailto:CityClerk@NewBerlinWI.gov) at least 48 hours before the scheduled meeting time. Efforts will be made to accommodate the needs of disabled individuals through appropriate aids and/or services.*
- *It is also possible that members of and possibly 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 in the above notice.*



# Committee of the Whole MEETING MINUTES

August 29, 2023 - 6:00 PM  
Council Chambers  
3805 S. Casper Drive

*Please note: Minutes are unofficial until approved at the next regular scheduled meeting.*

## MINUTES

### 1. CALL MEETING TO ORDER

Council President Harenda called the meeting to order at 6:01 PM.

### 2. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

The City Clerk took the roll call as follows:

Present: Alderperson Hopkins, Alderperson Maxey, Alderperson Harenda, Alderperson Stribl, Alderperson Kroupa, Alderperson Horbinski, Alderperson La Fever

Excused: Mayor Ament

Staff Present: DCD Director Greg Kessler, Finance Director Ralph Chipman, City Attorney Mark Blum, City Clerk Rubina Medina

### 3. APPROVAL OF MINUTES

#### A. July 25th, 2023 Committee of the Whole Meeting Minutes

**MOTION:** Motion to Approve

**VOTE:** Motion by: Alderperson Horbinski  
Second by: Alderperson Kroupa  
Motion Passed 7-0

### 4. UTILITY & FINANCE

#### A. Discussion and recommendation to the Common Council approval of the August 9th, 2023 Water Utility claims in the amount of \$33,894.34, Sewer Utility claims in the amount of \$22,287.13 and General City claims in the amount of \$282,339.79

**MOTION:** Motion to Approve

**VOTE:** Motion by: Alderperson Stribl  
Second by: Alderperson Maxey  
Motion Passed 7-0

### 5. LICENSES & PERMITS

#### A. Discussion and recommendation to the Common Council approval of the new agent for Family Entertainment, LLC (dba: Ridge Cinema), Mark A. Peterson Sr., for the remainder of the licensing period expiring June 30th, 2024

**MOTION:** Motion to Approve

**VOTE:** Motion by: Alderperson Stribl  
Second by: Alderperson Maxey  
Motion Passed 7-0

- B.** Discussion and recommendation to the Common Council approval of a Loudspeaker Permit extension to 11:00 pm for Greg Westphal of 2369 S. 124th Street for a wedding to be held on September 16th, 2023  
**MOTION:** Motion to Approve  
  
**VOTE:** Motion by: Alderperson Kroupa  
Second by: Alderperson Horbinski  
Motion Passed 7-0
- C.** Discussion and recommendation to the Common Council approval of the Extension of Premise application for Baler's, located at 13327 W. Greenfield Avenue, for the parking lot area on September 9th, 2023 from 12pm to 9pm  
**MOTION:** Motion to Approve  
  
**VOTE:** Motion by: Alderperson Hopkins  
Second by: Alderperson La Fever  
Motion Passed 7-0
- D.** Discussion and recommendation to the Common Council approval of the Extension of Premise application for Baler's, located at 13327 W. Greenfield Avenue, for the parking lot area on September 23rd, 2023 from 1pm to 9pm  
**MOTION:** Motion to Approve  
  
**VOTE:** Motion by: Alderperson Hopkins  
Second by: Alderperson La Fever  
Motion Passed 7-0

## **6. MISCELLANEOUS**

- A.** Water Utility Update by Utility Manager Jim Hart  
Utility Manager Jim Hart provided a Water Utility update to the Council and members of the audience.
- B.** Presentation of 2022 Audit Report by Baker Tilly  
A presentation of the 2022 Audit Report was presented by Baker Tilly.
- C.** Discussion and recommendation to the Common Council approval of Resolution 23-20, a Resolution Authorizing the Issuance and sale of \$13,280,000 General Obligation Promissory Notes, Series 2023A  
**MOTION:** Motion to Approve \$13,150,000 General Obligation Promissory Notes, Series 2023A  
  
**VOTE:** Motion by: Alderperson Stribl  
Second by: Alderperson Horbinski  
Motion Passed 7-0
- D.** Discussion and recommendation to the Common Council approval of Resolution 23-21, a Resolution Awarding the Sale of \$6,240,000 General Obligation Community Development Bonds, Series 2023B  
**MOTION:** Motion to Approve \$6,150,000 General Obligation Community Development Bonds, Series 2023B  
  
**VOTE:** Motion by: Alderperson Kroupa  
Second by: Alderperson Stribl  
Motion 7-0
- E.** Discussion and recommendation to the Common Council approval of Resolution 23-19, a Resolution to Reallocate a portion of the 2023 CIP Budget to the New Berlin Activity and Recreation Center Phase II  
**MOTION:** Motion to Approve  
  
**VOTE:** Motion by: Alderperson Stribl  
Second by: Alderperson Hopkins  
Motion Passed 7-0
- F.** Discussion and recommendation to the Common Council granting authority to the City Clerk to enter into the Memorandum of Understanding with the Wisconsin Elections Commission for the 2023 Absentee Ballot Envelope Subgrant Reimbursement  
**MOTION:** Motion to Approve

- VOTE:** Motion by: Alderperson Maxey  
Second by: Alderperson Stribl  
Motion Passed 7-0
- G.** Discussion and possible action to provide direction to staff regarding the Block Party Permit  
City Attorney Mark Blum provided an overview of the RAS that was attached to the agenda packet and provided staff's recommendation. Council provided feedback on the RAS.  
  
No motion.
- H.** Discussion and recommendation to the Common Council approval of Resolution 23-12, a Resolution of eligibility for exemption from the 2023 County Library Tax Levy for 2024 purposes  
**MOTION:** Motion to Approve  
  
**VOTE:** Motion by: Alderperson Kroupa  
Second by: Alderperson La Fever  
Motion Passed 7-0
- I.** Recommend to the Common Council that a joint public hearing be set for September 25, 2023 at 6:00 p.m. to be held before the Plan Commission to amend the Future Land Use Map within the City's Comprehensive Plan from Rural Commercial and Suburban Residential to Rural Commercial and Suburban Residential AND rezone from B-2 and R-3 to B-5 and R-3 for the properties located at 18335 W. National Ave (Tax Key #: 1262.961), Tax Key #: 1262.962 (located behind 18335 W. National Avenue) and 18395 W. National Ave (Tax Key #: 1262.963)  
**MOTION:** Motion to Approve  
  
**VOTE:** Motion by: Alderperson Stribl  
Second by: Alderperson Kroupa  
Motion Passed 7-0
- J.** Recommend to the Common Council that a joint public hearing be set for October 2, 2023 at 6:00 p.m. to be held before the Plan Commission to amend the Future Land Use Map within the City's Comprehensive Plan from Suburban Commercial to Institutional AND rezone from B-2 to I-1 for the property located at 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #: 1212-991-001)  
**MOTION:** Motion to Approve  
  
**VOTE:** Motion by: Alderperson Stribl  
Second by: Alderperson Maxey  
Motion Passed 7-0
- K.** Recommend to the Common Council that a public hearing be set for October 2, 2023 at 6:01 p.m. to be held before the Plan Commission to rezone the property located at 5751 S. Sunny Slope Road (Tax Key #: 1289.994.002) from A-2 to R-6  
**MOTION:** Motion to Approve  
  
**VOTE:** Motion by: Alderperson Stribl  
Second by: Alderperson Horbinski  
Motion Passed 7-0
- L.** Recommend to the Common Council that a public hearing be set for October 2, 2023 at 6:02 p.m. to be held before the Plan Commission to rezone the property located at 14011 S. Moorland Road (Tax Key #: 1161-995-001) from B-1/PUD & C-2 to B-2/PUD & C-2.  
**MOTION:** Motion to Approve  
  
**VOTE:** Motion by: Alderperson Stribl  
Second by: Alderperson Kroupa  
Motion Passed 7-0
- M.** Discussion and possible action regarding the Karen Freund claim  
The City Attorney stated that the claimant drove over a pot hole on Moorland Road. However, Moorland Road is not under the jurisdiction of the City, so the recommendation is to deny the claim.  
  
**MOTION:** Motion to Approve to deny the claim

**VOTE:** Motion by: Alderperson Stribl  
Second by: Alderperson Maxey  
Motion Passed 7-0

**7. ADJOURN**

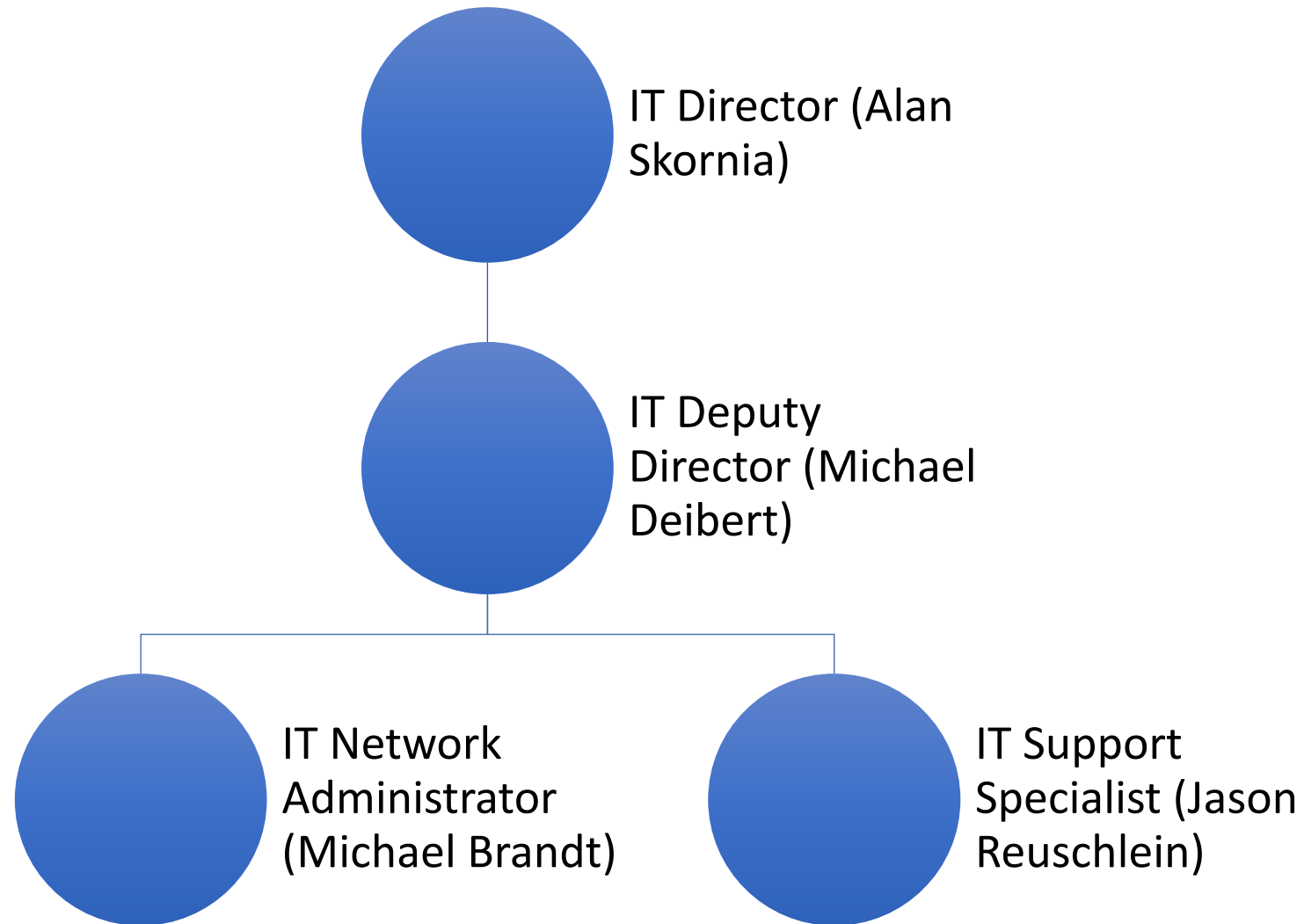
**MOTION:** Motion to Adjourn the COW meeting at 6:57PM

**VOTE:** Motion by: Alderperson Stribl  
Second by: Alderperson Kroupa  
Motion Passed 7-0

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

# IT Update

# IT Organization Chart



# Buildings that IT Supports

- We help support the following buildings
  - City Hall
  - Public Safety
  - Utilities
  - DPW (All 3 buildings on their campus)
  - Fire Stations
  - Rec Center
  - Maintenance
  - Historic Museum
  - Library (Phones)

# Last 365 Days

- Over the last year, we have done the following
  - Updated the wireless at Public Safety
    - This was to prepare for the body cameras and cameras in the Squads and meet new security guidelines for PD
  - Helped PD with the installation of new equipment in the squads
    - Worked with Axon on the installation of the squad cameras
    - Installed new laptops in the squads
    - Installed updated Cradlepoint routers
      - This allows faster and more stable internet connections
  - Updated the laptops and tablets in the Fire vehicles
  - Installed a new backup system
    - Provides better backup and recovery options
      - This would allow the city to recover quicker if something happened
    - Provides the City, a better offsite copy of the data
      - This provides the City better protection

# Last 365 Days Continued

- Installed wireless and cameras at the Museum
- Push out updates to all workstations and servers
  - This helps to keep the devices more secure
- Upgrading the email system from our current system onsite to the cloud (Office 365)
  - This will help make our email system more secure
  - This will allow the city more options for staff to connect to their email in the event of a disaster
  - Will help the city email system stay patched
  - Will allow us to keep the computers up to date with the latest versions of Microsoft Office
- Setup 2 Factor for email
  - This allows us to protect the City email system
  - This allows us to be compliant with our Cyber security insurance
- We worked with the Clerks to help setup and configure the Badger Books

# Last 365 Days Continued

- Working with Utilities on their fiber project
  - Configuring the IT equipment that will allow their locations to communicate back to their main system
- Worked with ATT to switch older style phone lines over to a new format
  - They are starting to disconnect old copper lines because it is too costly to maintain them
  - These lines are for fax machines, fire alarms, elevators, and alarms for Utilities
- Reconfigured current wireless at some of the buildings
  - This allowed maintenance to connect wireless thermostats to monitor their buildings
- Working with Recreation Staff and Dan on what technology is needed for the next phase
- Working with Recreation Staff and Finance on how they can take credit card payments at various events outside of city buildings
- Working on replacing laptops and desktops

# Projects working on the next year

- The following is a list of projects IT is working on over the next year
  - Continue to make sure that servers and workstations are patched
  - Replace computers
  - Cleanup with email migration to the cloud
  - Configure and install equipment at Utility locations
  - Make sure firewall is patched and updated
  - Install equipment at the Recreation Center
  - Install a switch at the Library
    - This will help make the Library a backup site in case of an event
  - Work with maintenance on installing some equipment at cold storage to monitor garage doors
  - Working with staff on website refresh
    - Will be changing URL from [www.newberlin.org](http://www.newberlin.org) to [www.newberlinwi.gov](http://www.newberlinwi.gov)
  - Support staff with software and hardware issues

Any questions?



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(262) 786-8610  
Fax (262) 786-6121

## **REQUESTED ACTION STATEMENT**

**DATE:** September 15, 2023  
**TO:** Committee of the Whole, Common Council  
**FROM:** Josh Radomski, DPW Director  
**ISSUE:** New Berlin Centre Cemetery Plat, Ordinance and Rules

### **REQUESTED:**

This Requested Action Statement relates to three separate approvals that are requested at this time. These are:

- Approval of the New Berlin Centre Cemetery Plat, Section "D".
- Approval of Ordinance No. 2681. Ordinance to create chapter 67 of the Municipal Code of the City of New Berlin Regarding Municipal Cemeteries
- Approval of the City of New Berlin Cemetery Rules and Regulations 2023

### **FISCAL IMPACT:**

Approval of these items will allow the City to establish a cemetery fund which can be used to help offset the costs associated with operating and maintaining the New Berlin Centre Cemetery. The approval of these items would allow the City to sell the 383 cemetery plots that are currently available within Section "D" which would help to offset the operating costs of maintaining this cemetery. The City will set the initial cost of the individual plots to be \$1800. The cost for the plots will be updated by staff as needed.

### **RATIONALE:**

In fall of 2021, the City of New Berlin was requested to take over the operation and maintenance of the New Berlin Centre Cemetery as the previous owners were no longer able to properly maintain the cemetery. Rather than allowing the cemetery to default and sit unmaintained for 5 years, the City agreed to take over the responsibility of maintaining and operating the active cemetery. The City conducted survey work, including ground penetrating radar, and determined that the lots in "Section D" of the cemetery were the most capable of being sold without potential ownership or burial issues.

On October 11, 2022, the Common Council approved the New Berlin Cemetery Certified Survey Map which was the first step in allowing the City to eventually sell plots within the cemetery. By approving the Plat for Section "D" of the cemetery, we will then be able to legally sell plots within this area of the cemetery. By establishing the Cemetery Ordinance and Cemetery Rules, we are able to finalize the final rules and regulations for allowing people to purchase lots and will standardize our burial requirements. By being able to sell cemetery plots, we will then be able to fund the maintenance of this cemetery out of a special New Berlin Centre Cemetery fund, instead of the general fund.

After approval of the cemetery plat, it will need to go to Waukesha County for their approval before any plots can be sold.

**RECOMMENDATION:**

Recommend the Committee of the Whole and Common Council approve the following three items:

- Approval of the New Berlin Centre Cemetery Plat, Section "D".
- Approval of Ordinance No. \_\_\_\_, Ordinance to create chapter 67 of the Municipal Code of the City of New Berlin Regarding Municipal Cemeteries
- Approval of the City of New Berlin Cemetery Rules and Regulations 2023

**ORDINANCE NO. 2681**

**ORDINANCE TO CREATE CHAPTER 67  
OF THE MUNICIPAL CODE OF THE CITY OF NEW BERLIN  
REGARDING MUNICIPAL CEMETERIES**

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The Common Council of the City of New Berlin do ordain as follows:

**SECTION I**

Sections 67-1, of the Municipal Code of the City of New Berlin, are hereby created to read as follows:

**Section 67-1. Ownership and Operations**

- A. State Statutes Adopted. Wis. Stats. § 157.50, describing and defining regulations with respect to the platting and operation of municipal cemeteries, is hereby adopted by reference and made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter.
- B. Common Council to be Cemetery Board. Pursuant to Wis. Stats. § 157.50, the Common Council is vested with control of all properties owned by the City for cemetery purposes and shall provide in perpetuity for the management, care, and operation of said cemeteries.
- C. Care Funds. All care funds held by or transferred to the City shall be deposited into the City's cemetery fund. An accounting of funds utilized for the management, care, and operation of cemeteries controlled by the City shall be provided and reviewed as part of the City's annual budgeting process.
- D. Management and Operation. Rules for the management and operation of said cemetery, shall be adopted and amended from time to time by resolution of the Common Council. Use of the cemetery shall be in compliance with the approved rules.
- E. Fee Schedule. Any fees related to the management and operation of City cemeteries shall be established from time to time by Staff with the approval of the Mayor. The fees for the sale of graves shall include a 15% endowment care fee.

**SECTION II**

Sections 67-2, of the Municipal Code of the City of New Berlin, shall be created to read as follows:

**67-2. Ownership of Grave Space.**

- A. The City shall maintain cemetery records regarding individuals to whom graves have been sold in the past, as well as specific records of burial.
- B. Any conveyance of cemetery lots shall conform to Section 157.08 of the Wisconsin Statutes, as it may be amended from time to time.
- C. The owner of the cemetery lot shall be the person identified in the Cemetery Deed or other conveyance, their heirs, successors or assigns. Owners of cemetery lots shall advise the City of any change in ownership as a result of conveyance or transfer through a probate proceeding. No conveyance shall be effective for a lot in which remains are buried without the consent of the City.
- D. The owner of the grave shall have the right to bury human remains in the cemetery lot in accordance with applicable Wisconsin Statutes and the terms of this City Ordinance and applicable City Cemetery Rules.

- E. Pursuant to Wisconsin Statute Section 157.10(4), as may be amended from time to time, any person who receives a cemetery plot by way of the statutory line of descent must obtain the consent of the City before conveying the grave plot to any other person.
- F. In case of death of the lot owner, when the cemetery lot is disposed of through a probate proceeding, a certified copy of the final court document assigning the lot shall be filed with the City of New Berlin. If there is an un-probated will, a certified copy of the will and such other documents as the City may deem necessary shall be delivered to the City of New Berlin before the City of New Berlin will recognize change of ownership. If the deceased lot owner left no will and there is no probate, satisfactory and sufficient proof of descent must be provided. It is recommended that the lot owner, in making their will, include a provision addressing the cemetery lot(s) and devise to one person. The City of New Berlin will not accept a transfer of interment space after interment of the original purchaser(s) unless all lineal descendants have agreed to the transaction. In the case of joint ownership, the interment rights shall pass to the surviving spouse. Lineal descendants shall have equal rights of interments. In case that there are no lineal descendants then the nearest relative of the purchaser(s) shall have the right of interment.
- G. The owner may grant permission in a form acceptable to the City, which must be notarized and placed on file with the City of New Berlin, for burial of other persons not related by lineage. No corpse shall be interred in a grave space except the corpse of one having an interest therein, or a relative, or spouse of such person, except by the consent of all persons having an interest in ownership of interment rights to such lot or grave space.
- H. All ownership of interments for lots and grave spaces is exempt from taxation and cannot be seized for debt, except those owned by the City of New Berlin, nor can they be mortgaged. All repossessed vacant grave spaces shall be subject to the same fees and charges.
- I. Persons of all denominations, of all religions are allowed burial in any City-owned cemetery.

### **SECTION III**

Sections 67-3, of the Municipal Code of the City of New Berlin, is hereby created to read as follows:

#### **67-3. Interment.**

- A. All interments shall be made in accordance with the laws of the State of Wisconsin.
- B. At least three full working days' notice is necessary whenever interments are to be made. Notice is to be made to the City of New Berlin or designee. The family of the deceased or those persons representing the deceased shall be directly responsible for making arrangements for and paying any and all applicable fees for the preparation, opening and closing of the grave and the purchase and placement of a burial vault, as well as for replacing sod, and seeding of the grave space. The contractor(s) performing such services must be approved by the City and payments to said contractor(s) must be made prior to performance of the service. The City of New Berlin assumes no responsibility for the services provided by said contractor(s) or for the protection of or the prevention of damage, or vandalism to flowers, wreaths, or any other item used in such funeral or interment proceedings.
- C. No burial will be permitted unless and until a legal report of final disposition burial transit permit has been presented to the City or its designee. The interment of bodies of persons who have died of contagious disease shall be made in strict accordance with the rules of the Wisconsin State Board of Health. Further, the following guidelines shall apply:
  - i. Only human remains may be interred in any City-owned cemetery.
  - ii. Orders for burial given by the undertaker having charge of the burial of any person will be construed by the City of New Berlin as orders from the lot owners themselves and, after interment; no changes in the location of graves will be made except at the expense of the lot owners.

- iii. The interment of two bodies in one grave will not be allowed except in the case of a parent and infant (stillborn and up to the age of two), two small children buried in one casket, a full-size burial with one cremation above, or two cremation burials.
  - iv. All interments shall be made in a permanently sealed outer burial container or sealed vault that is not constructed of wooden material.
  - v. All graves shall be excavated by a designated contractor of the City of New Berlin.
  - vi. Spreading or burying ashes on the surface of any grave will not be permitted.
- D. The City of New Berlin or its designated contractor will be responsible for restoring the lawn on new graves and for filling sunken graves and re-establishing the lawn. The lawn will be restored with topsoil, seed, and mulch.

#### **SECTION IV**

Sections 67-4, of the Municipal Code of the City of New Berlin, is hereby created to read as follows:

##### **67-4. Disinterment.**

- A. No disinterment and removal of a human body or cremains shall be made without the written consent of the owner or owners of the lot or grave space and that of any surviving spouse, children, or parents of the deceased or pursuant to the order of a court with jurisdiction.
- B. A disinterment permit shall be obtained from the county coroner by the person requesting the disinterment of a human body or cremains, and all requirements of applicable Wisconsin law shall be followed.
- C. All costs associated with the disinterment are the responsibility of the person requesting the disinterment.

#### **SECTION V**

Sections 67-5, of the Municipal Code of the City of New Berlin, is hereby created to read as follows:

##### **67-5. Monuments and Markers.**

- A. Only one upright type monument will be allowed on one grave space or portion thereof, with a maximum stone size of 36-inch length by 16-inch width.
- B. Only one upright type monument will be allowed on two adjoining lots deeded to the same owner(s), with a maximum stone size of 54-inch length by 16-inch width.
- C. All monuments must be placed at the end of the grave space adjacent to the designated walkway aisle, in the center, unless specific permission is given by the Common Council or designated official for placing it otherwise.
- D. Veterans graves are provided the right to place their bronze veteran's plaque provided by the government by either bolting it the back of their existing monument, or by requesting an additional foundation to be poured for the setting of the plaque on the grave. This additional foundation shall be at the expense of the lot owner(s).
- E. All upright monuments will be set on a concrete slab type foundation that must be flush at ground level with a border measurement of not less than three inches. The concrete foundation shall be no less than four inches in thickness.
- F. No monument or marker may be erected until the foundation therefore has been approved by the City of New Berlin. Each metal grave marker placed as a temporary marker by the funeral home or other person shall be removed as soon as a monument or permanent marker is installed or one year after the date of the burial, whichever comes first.
- G. The installation of any foundation for any monument will be scheduled and completed by an authorized contractor at the expense of the owner of the grave.

## SECTION VI

Sections 67-6, of the Municipal Code of the City of New Berlin, is hereby created to read as follows:

### 67-6. Privileges and Restrictions for the Lot Owner.

- A. Perpetual care of the cemetery which includes lawn care, tree care, spring and fall clean up, snow removal, and capital improvements will be assumed by the City of New Berlin employees or a City authorized contractor. Monument and marker maintenance shall be the responsibility of the Lot Owner.
- B. City employees or a City authorized contractor reserve the right to enter any lot for the purpose of trimming or removing any tree or shrub, if necessary. Trees will be removed when they are deemed dead, diseased, or detrimental to any adjacent lot, monument, marker, walkway, or driveway because of roots, branches, etc.
- C. No persons, except City of New Berlin employees or City authorized contractors, will be allowed to disturb any grave marker or sod on any lot or grave.
- D. No trees or shrubs shall be planted without the written permission of the City (or designee).
- E. All lot or grave owners wishing to make improvements to their lots must get written permission from the City of New Berlin before improvements are made.
- F. A lot owners may not plant annuals, perennials, or bulbs without the written permission of the City.
- G. A lot owner may place authorized decorations upon graves within the owner's lot or upon the owner's grave site, but any such decoration is done at the risk of the owner and the City assumes no responsibility therefor.
- H. All grave coverings of any sort placed upon any lot or grave site by the owner shall be removed by the owner no later than April 1.
- I. Artificial flowers are permitted if displayed in a permanent monument mounted vase. Should the flowers begin to degrade or become a nuisance; the City reserves the right to remove them. Natural flowers are not permitted.
- J. At no time will jars of any material, tin cans, boxes, freestanding vases, unsightly plastic containers, food and/or beverages, shells, signage or similar items, wire stands, furniture, or clothing be allowed in the cemetery. Other personal effects are also prohibited, as are knick-knacks, solar lights and lanterns, wind chimes, etc. that are not incorporated into a monument.
- K. At no time will fences, barriers, retaining walls, or any other obstructions be allowed in the cemetery.
- L. Easel decorations are allowed for the following observed holidays: Memorial Day, July 4, Labor Day, and Veteran's Day. Decorations will be allowed to be up seven calendar days before the holiday and seven days after the holiday.
- M. Decorations for personally observed days including birthdays, Mother's Day, Father's Day, anniversaries, religious holidays, and such shall be allowed. These decorations are allowed to be up seven calendar days before the observance and seven days after the holiday.
- N. The cemetery does not permit the use of biodegradable burial containers or green burials without sealed vaults.

## SECTION VII

Sections 67-7, of the Municipal Code of the City of New Berlin, is hereby created to read as follows:

### 67-7. Definitions.

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

*Block* means a designated area within a range, containing sections of a specific number of lots or grave sites.

*Cemetery* means as herein used shall refer to all cemetery property, grounds, equipment, and structures both privately and publicly owned within the City of New Berlin.

*Cemetery deed* means the official document produced by the City of New Berlin for the conveyance of ownership of interment rights to a designated grave space(s) located within a City-owned cemetery.

*Contractor* means any person, firm, or corporation other than a City employee that is engaged in placing, erecting, or repairing any memorial or monument, excavating and preparing grave sites for interments or performing any other work on the cemetery grounds.

*Corpse* means the deceased body of a human being.

*Cremains* means the incinerated remains of a corpse.

*Disinterment* means the removal of remains of a human corpse from their original place of interment.

*Disposition permit* means as used in these rules, regulations, and policies shall mean a legal "report of final disposition of a human corpse burial transit permit" issued by the State of Wisconsin.

*Foundation* means a concrete base placed flush with the ground of a grave site, on which to erect monuments, headstones, markers, or memorials.

*Grave space* means a single interment area within a plotted cemetery section. With rights of interment as described otherwise herein.

*Interment* means ground burial or other permanent disposition of the remains of a deceased person.

*Lot* means a designated area within a range, containing a specific identifying number.

*Marker/monument* means any headstone, memorial marker, or structure placed upon any lot or grave space, for the purpose of identification or memory of the interred.

*Owner* means the owner of the rights of interment to a specific lot or grave space of which the owner has an official cemetery deed on file at the City of New Berlin.

*Perpetual care* means the obligation of the City of New Berlin to maintain and care for City-owned cemetery sites for perpetuity.

*Remains* means those parts that remain of a corpse after the ravages of time, weather, or destruction.

*Sealed vault* means an outer burial container or permanently sealed container that surrounds a casket, which should be constructed of a non-wood durable substance such as concrete.

*Section* means a designated area within a range, specifically a block, containing a specific number of lots or grave sites.

*Urn* means a closed vessel used for the preservation of cremains.

## **SECTION VIII**

Sections 67-8, of the Municipal Code of the City of New Berlin, is hereby created to read as follows:

Visitors are reminded that the cemetery grounds are considered sacred and strict observance of accepted decorum shall always be required. Cemetery management may order the removal of individuals who are acting inappropriately or otherwise conducting themselves in a manner that may be deemed to be offensive. It shall be unlawful for any person to interfere with the proper conduct of a funeral with the burying or exhuming of a body in the cemetery without legal cause.

Visitors will use the walks and roads provided. Walking off the roadways or walkways is permitted, but those doing so shall assume the risk since, due to the nature of a cemetery, the ground may be uneven and depressions may develop and obstacles may be present.

It should be unlawful for any person to desecrate or damage the cemetery or any plot, grave or gravestone. No excavation is permitted within a cemetery except as authorized by the City.

The placing or disposing of any debris in the cemetery is prohibited. Any violations of this ordinance shall be subject to forfeiture and penalty, in accordance with Section 1-18 of the City Code of the City of New Berlin.

## **SECTION IX**

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

## **SECTION X**

The several 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 XI**

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 26th day of September, 2023.

APPROVED:

Countersigned:

\_\_\_\_\_  
David Ament, Mayor

\_\_\_\_\_  
Rubina Medina, City Clerk



**City of New Berlin**  
3805 South Casper Drive P.O. Box 510921  
New Berlin, Wisconsin 53151-0921

(262) 786-8610  
Fax (262) 786-6121

## **REQUESTED ACTION STATEMENT**

**DATE:** September 15, 2023  
**TO:** Committee of the Whole, Common Council  
**FROM:** Josh Radomski, DPW Director  
**ISSUE:** New Berlin Centre Cemetery Plat, Ordinance and Rules

### **REQUESTED:**

This Requested Action Statement relates to three separate approvals that are requested at this time. These are:

- Approval of the New Berlin Centre Cemetery Plat, Section "D".
- Approval of Ordinance No. 2681. Ordinance to create chapter 67 of the Municipal Code of the City of New Berlin Regarding Municipal Cemeteries
- Approval of the City of New Berlin Cemetery Rules and Regulations 2023

### **FISCAL IMPACT:**

Approval of these items will allow the City to establish a cemetery fund which can be used to help offset the costs associated with operating and maintaining the New Berlin Centre Cemetery. The approval of these items would allow the City to sell the 383 cemetery plots that are currently available within Section "D" which would help to offset the operating costs of maintaining this cemetery. The City will set the initial cost of the individual plots to be \$1800. The cost for the plots will be updated by staff as needed.

### **RATIONALE:**

In fall of 2021, the City of New Berlin was requested to take over the operation and maintenance of the New Berlin Centre Cemetery as the previous owners were no longer able to properly maintain the cemetery. Rather than allowing the cemetery to default and sit unmaintained for 5 years, the City agreed to take over the responsibility of maintaining and operating the active cemetery. The City conducted survey work, including ground penetrating radar, and determined that the lots in "Section D" of the cemetery were the most capable of being sold without potential ownership or burial issues.

On October 11, 2022, the Common Council approved the New Berlin Cemetery Certified Survey Map which was the first step in allowing the City to eventually sell plots within the cemetery. By approving the Plat for Section "D" of the cemetery, we will then be able to legally sell plots within this area of the cemetery. By establishing the Cemetery Ordinance and Cemetery Rules, we are able to finalize the final rules and regulations for allowing people to purchase lots and will standardize our burial requirements. By being able to sell cemetery plots, we will then be able to fund the maintenance of this cemetery out of a special New Berlin Centre Cemetery fund, instead of the general fund.

After approval of the cemetery plat, it will need to go to Waukesha County for their approval before any plots can be sold.

**RECOMMENDATION:**

Recommend the Committee of the Whole and Common Council approve the following three items:

- Approval of the New Berlin Centre Cemetery Plat, Section "D".
- Approval of Ordinance No. \_\_\_\_, Ordinance to create chapter 67 of the Municipal Code of the City of New Berlin Regarding Municipal Cemeteries
- Approval of the City of New Berlin Cemetery Rules and Regulations 2023

## **CITY OF NEW BERLIN CEMETERY RULES AND REGULATIONS 2023**

### **A. Introduction.**

The following rules and regulations have been established by the Common Council of the City of New Berlin for the operation of cemeteries for which it is responsible.

### **B. Pricing.**

The fee for graves shall be established from time to time by staff with the approval of the Mayor and shall include a 15% endowment care fee. The fees for the opening and closing of cemetery lots shall be the responsibility of the lot owner, which shall be performed by a contractor authorized by the City. The lot owner shall be responsible for making the arrangements for the lot opening and closing. Notwithstanding the foregoing, the lot owner shall be required to confirm ownership of the lot and the authorization for the opening by contacting the City, not less than three (3) working days prior to the opening of the grave.

### **C. Disclaimer of Warranties.**

The City does not extend any warranties for products supplied by or services performed by any outside vendor.

### **D. General Care.**

The City shall take reasonable precautions to protect the lot owners and their property rights within the cemetery from any loss or damage. However, it disclaims all responsibility for the loss or damage from causes beyond its reasonable control, especially damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief-makers, unavoidable accidents, insurrections, riots, or any other order of military or civil authority, whether the damage be direct or collateral. The City reserves the right to correct any errors that may be made by it regarding the confirmation of ownership of lots, including but not limited to authorizing internments, disinterments, and removals without incurring liability of any kind whatsoever. The City shall not be held liable for errors or damages arising from its reasonable reliance upon representations made by the lot owner, their representatives, or funeral directors acting on behalf of the lot owner, or his or her heirs. The City shall have the right to enlarge, reduce, re-plat, or change the boundaries or grading of the cemetery or sections therein from time to time.

If any memorial or inscription thereon shall be determined by the City to be offensive. They shall have the right to remove, change or correct the offensive object or objects. Should such actions be required, the City may charge the current lot owner the cost of restoration and removal. It is the duty of the property owner to notify the City of any changes due to marriage, divorce, changes in heirship, or changes in mailing address for the lot owner.

#### E. Cemetery Grounds.

1. No person shall be permitted or leave the City cemeteries except through the designated public access points. Decorations that become unsightly or are inappropriate by the judgment of the City may be removed and disposed of by the cemetery personnel at any time.
2. Cemetery Spring clean-up shall occur beginning March 1<sup>st</sup> of each year and run through April 14<sup>th</sup>. No decorations are allowed during that time. Summer decorations may be posted between April 15<sup>th</sup> and October 15<sup>th</sup>. All summer decorations or any other left-over decorations shall be disposed of by the City at the commencement of the Fall clean-up which shall run between October 15<sup>th</sup> and November 17<sup>th</sup>. Cemetery Fall clean-up shall commence on October 15<sup>th</sup> and will continue until November 17<sup>th</sup>, weather permitting, of each year. Items placed on graves or elsewhere on the grounds prior to this time will be collected and disposed of at that time.
3. Wreaths and/or evergreen crosses may be permitted as a grave decoration only during the non-growing season, November 17<sup>th</sup> through February 1<sup>st</sup>. All wreaths will need to be removed beginning in early February and disposed of. Any wreath or winter season plant placement that is in poor condition or is deteriorated may be removed at the discretion of the City at any time. Grave blankets are prohibited and will be removed by cemetery or City personnel at the lot owner's expense. Any planting, decoration or other object or objects placed on or above the grave shall be removed when, in the judgment of the City, such action is warranted. No enclosure of any kind, such as a fence, coping, hedge or ditch shall be permitted around any grave or lot. Grave mounds are not allowed and no lot shall be raised above the established grade.
4. The City is not responsible for the theft or damage to anything placed on a grave.
5. Dogs and other domestic animals will not be allowed in the cemetery unless leashed and properly restrained. Animal handlers and/or owners are required to clean up after their pets.
6. The consumption of alcoholic beverages, as well as rollerblading, hunting, fishing, trapping, or participation in a sporting event or activity will be prohibited within the cemetery grounds.

#### F. Memorials and Foundations.

1. Only one stone or marker is allowed to be placed on each grave space. In those instances where a second or multiple internments occurred on a grave, mid-grave flush memorials will be permitted, space permitting. In the event a family monument is placed at the head of a lot, an individual marker may be placed at the foot of a grave or individual graves. Said installation or placement shall be at the sole discretion of the City.
2. The City is not responsible for the preservation or care of any memorials installed in the cemetery or for grave markers or foundations.

3. Any contractors performing work in the cemetery must provide evidence to the City of worker's compensation and comprehensive general liability coverage with limits acceptable to the City.
4. The City reserves the right to stop all work of any nature within the cemetery whenever, in its opinion, proper preparations have not been made, or when tools or equipment are insufficient or defective when work is being executed in such a manner to threaten life or property, or when the contractor has been guilty of misrepresentation, or when any reasonable request on the part of the City has been disregarded, or when the work violates any rules of the cemetery or the City Cemetery Ordinance.
5. Public cemetery access shall be permitted from sunrise to sunset each day.



**City of New Berlin**  
3805 South Casper Drive P.O. Box 510921  
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(262) 786-8610  
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## **REQUESTED ACTION STATEMENT**

**DATE:** September 15, 2023  
**TO:** Committee of the Whole, Common Council  
**FROM:** Josh Radomski, DPW Director  
**ISSUE:** New Berlin Centre Cemetery Plat, Ordinance and Rules

### **REQUESTED:**

This Requested Action Statement relates to three separate approvals that are requested at this time. These are:

- Approval of the New Berlin Centre Cemetery Plat, Section "D".
- Approval of Ordinance No. 2681. Ordinance to create chapter 67 of the Municipal Code of the City of New Berlin Regarding Municipal Cemeteries
- Approval of the City of New Berlin Cemetery Rules and Regulations 2023

### **FISCAL IMPACT:**

Approval of these items will allow the City to establish a cemetery fund which can be used to help offset the costs associated with operating and maintaining the New Berlin Centre Cemetery. The approval of these items would allow the City to sell the 383 cemetery plots that are currently available within Section "D" which would help to offset the operating costs of maintaining this cemetery. The City will set the initial cost of the individual plots to be \$1800. The cost for the plots will be updated by staff as needed.

### **RATIONALE:**

In fall of 2021, the City of New Berlin was requested to take over the operation and maintenance of the New Berlin Centre Cemetery as the previous owners were no longer able to properly maintain the cemetery. Rather than allowing the cemetery to default and sit unmaintained for 5 years, the City agreed to take over the responsibility of maintaining and operating the active cemetery. The City conducted survey work, including ground penetrating radar, and determined that the lots in "Section D" of the cemetery were the most capable of being sold without potential ownership or burial issues.

On October 11, 2022, the Common Council approved the New Berlin Cemetery Certified Survey Map which was the first step in allowing the City to eventually sell plots within the cemetery. By approving the Plat for Section "D" of the cemetery, we will then be able to legally sell plots within this area of the cemetery. By establishing the Cemetery Ordinance and Cemetery Rules, we are able to finalize the final rules and regulations for allowing people to purchase lots and will standardize our burial requirements. By being able to sell cemetery plots, we will then be able to fund the maintenance of this cemetery out of a special New Berlin Centre Cemetery fund, instead of the general fund.

After approval of the cemetery plat, it will need to go to Waukesha County for their approval before any plots can be sold.

**RECOMMENDATION:**

Recommend the Committee of the Whole and Common Council approve the following three items:

- Approval of the New Berlin Centre Cemetery Plat, Section "D".
- Approval of Ordinance No. \_\_\_\_, Ordinance to create chapter 67 of the Municipal Code of the City of New Berlin Regarding Municipal Cemeteries
- Approval of the City of New Berlin Cemetery Rules and Regulations 2023

NEW BERLIN CENTRE CEMETERY  
SECTION "D"

BEING PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 12416, LOCATED IN THE NORTHWEST 1/4 OF THE  
NORTHEAST 1/4, AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 06 NORTH,  
RANGE 20 EAST, CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

I, John M. Schulz, Ruekert & Mielke, Inc., Professional Land Surveyor, do hereby certify that at the direction of the City of New Berlin Cemetery Commission, that I have surveyed, divided and mapped part of Lot 1 of Certified Survey Map No. 12416, located in the Northwest 1/4 of the Northeast 1/4, and the Northeast 1/4 of the Northwest 1/4 of Section 28, Town 06 North, Range 20 East, City of New Berlin, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of the NE 1/4 of said Section 28; thence S00°34'07"E, along the West line of said NE 1/4, a distance of 375.64 feet; thence N89°25'53"E, a distance of 78.40 feet to the Northeast corner of Lot 1 of Certified Survey Map 12416, thence S05°35'07"E along the East line of said Lot 1, a distance of 207.22 feet; thence S89°43'22"W, a distance of 199.49 feet to the Easterly Right-of-Way (ROW) line of West National Avenue; thence N40°55'02"E along said line, a distance of 265.39 feet; thence N39°32'23"E along said line, a distance of 8.63 feet to the Point of Beginning.

Containing 0.47 acres (20,553 Sq. Ft.) more or less of land. Subject to covenants, conditions, restrictions and easements of record.

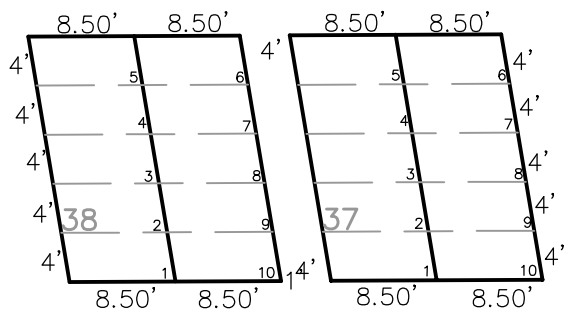
That I have made this survey, land division and map by the direction of the City of New Berlin Cemetery Commission.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the division thereof made.

That I have fully complied with the provisions of Chapter 157.07 or the Wisconsin Statutes in surveying, dividing and mapping of same.

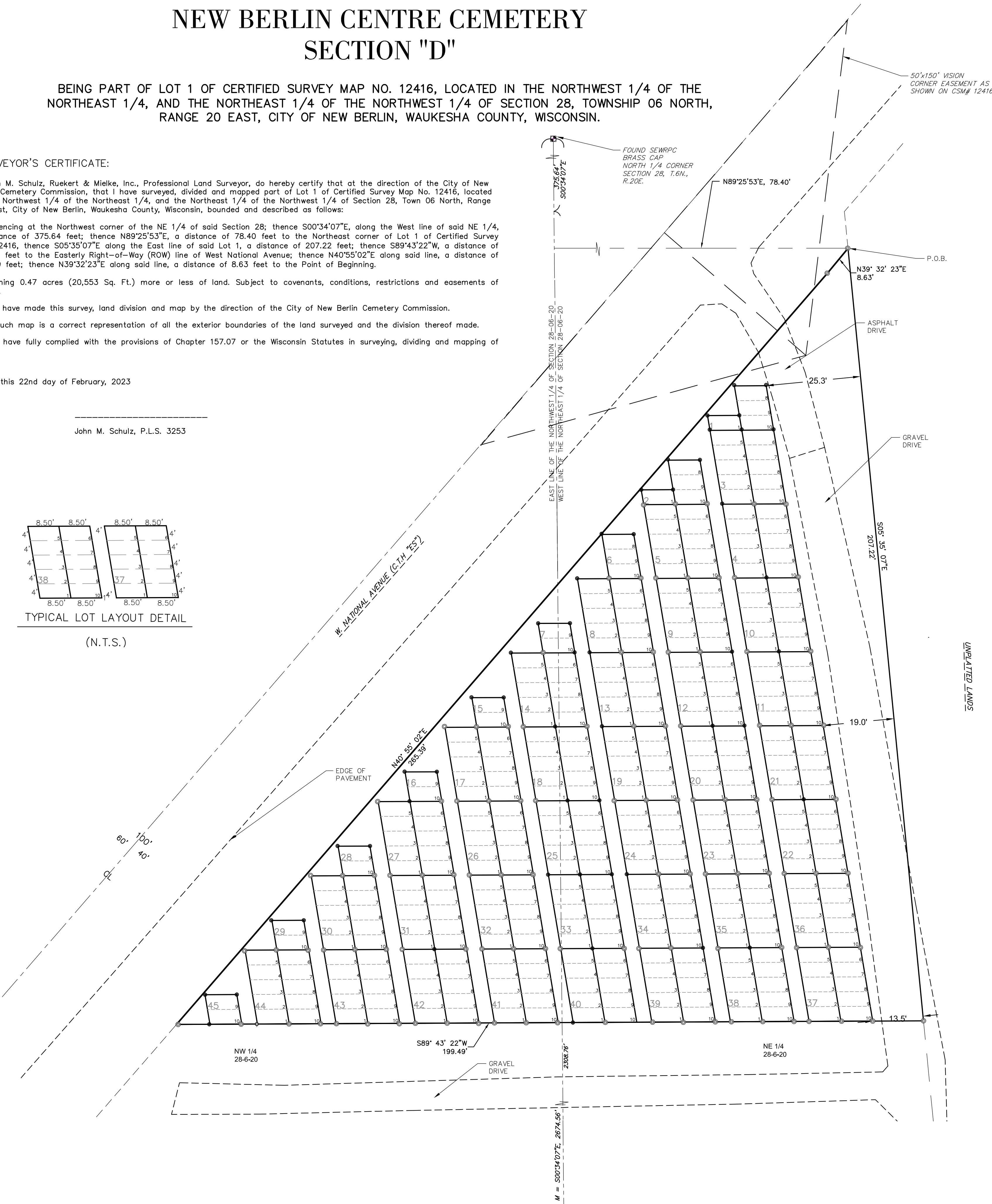
Dated this 22nd day of February, 2023

John M. Schulz, P.L.S. 3253



TYPICAL LOT LAYOUT DETAIL

(N.T.S.)



CITY OF NEW BERLIN CEMETERY COMMISSION CERTIFICATE OF DEDICATION:

Per City Ordinance, the Common Council is now the acting Cemetery Commission. As duly appointed custodians, we hereby certify that said City of New Berlin Cemetery Commission, caused the lands on this map to be surveyed, divided, mapped, and dedicated as represented.

WITNESS the hands of said custodians this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
David Ament, Mayor

\_\_\_\_\_  
Rubina Medina, City Clerk

STATE OF WISCONSIN } SS  
COUNTY OF WAUKESHA }

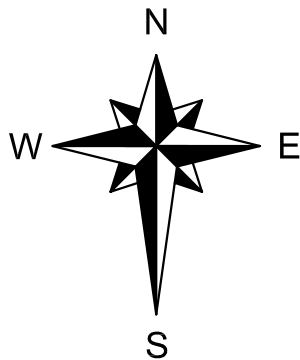
Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

the above named David Ament, and Rubina Medina, Custodians for the City of New Berlin Cemetery Commission, to me known to be the person(s) who executed the foregoing instrument as duly appointed custodians of the City of New Berlin Cemetery Commission, and acknowledged the same.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County, Wisconsin.

My commission expires \_\_\_\_\_

FOUND SEWRPC  
BRASS CAP  
CENTER SECTION  
28, T.6N., R.20E.



SCALE IN FEET

SURVEY LEGEND

- ☒ PUBLIC LAND CORNER AS NOTED
- ⊙ FOUND 1 1/2" O.D. IRON PIPE
- SET 1 1/2" O.D. IRON PIPE 18" LONG AND 1.13 LBS. / PER FOOT

CITY COMMON COUNCIL APPROVAL:

The above cemetery plat of New Berlin Centre Cemetery, Section "D", located in the City of New Berlin this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
David Ament, Mayor

\_\_\_\_\_  
Rubina Medina, City Clerk

WAUKESHA COUNTY BOARD APPROVAL:

The above cemetery plat of New Berlin Centre Cemetery, Section "D", located in the City of New Berlin, Waukesha County, Wisconsin is hereby approved by the County Board of Waukesha County, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Paul Decker, Waukesha County Board Chair

\_\_\_\_\_  
Meg Wartman, Waukesha County Clerk

## REQUESTED ACTION STATEMENT

**DATE:** September 26, 2023

**TO:** Mayor Dave Ament  
Fellow Aldermen

**FROM:** Charlotte Kroupa  
District #7 Alderperson

**ISSUE:** **REQUEST TRANSFER OF \$15,000 FROM 2023  
CONTINGENCY (16000000-56120) TO  
STREETS DEPARTMENT – SIGNALS & STREETLIGHTS (15620000-  
54432) FOR DIGITAL SPEED MONITORS**

**REQUESTED ACTION:** Recommend to the New Berlin Common Council the approval to purchase Digital Speed Monitors which were approved by a vote of 7-0 by the Safety Committee on September 13<sup>th</sup>, 2023. .Request to the New Berlin Common Council to approve the transfer of \$15,000 from the 2023 Contingency account to the Streets Department – Signals & Streetlights account.

**FISCAL IMPACT:** \$15,000.00

**RATIONALE:** The transfer is to cover the cost of Digital Speed Monitors needed to help enforce the speed limits in the City of New Berlin.

## RESOLUTION NUMBER 2023-23

**A RESOLUTION TRANSFERRING FUNDS FROM CONTINGENCY TO THE STREETS  
DEPARTMENT BUDGET TO PURCHASE SPEED MONITORS**

---

**WHEREAS**, the safety commission is recommending the purchase of 2 digital speed monitors to address the concerns about speeding in the Regal Manors East subdivision. The monitors will be used in various locations throughout the city in the future.

**WHEREAS**, it was determined that \$15,000 was the amount needed to purchase the requested speed monitors.

**NOW THEREFORE BE IT RESOLVED**, by the Common Council of the City of New Berlin supports the streets department purchasing the speed monitors.

TRANSFER FROM

|                |             |          |
|----------------|-------------|----------|
| 16000000-56120 | CONTINGENCY | \$15,000 |
|----------------|-------------|----------|

TRANSFER TO

|                |                                  |           |
|----------------|----------------------------------|-----------|
| 15620000-54432 | STREETS – SIGNALS & STREETLIGHTS | \$ 15,000 |
|----------------|----------------------------------|-----------|

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to publish this resolution in the City's Official Newspaper within 10 days of adoption by the Common Council.

**RESOLUTION ADOPTED** by the New Berlin Common Council this 26th day of September 2023.

---

David Ament, Mayor

Countersigned:

---

Rubina R. Medina, City Clerk

## **REQUESTED ACTION STATEMENT**

To: New Berlin Common Council

From: City Attorney Mark Blum

Date: August 29, 2023

Requested Action:

To review and take action on proposed amended to Sections 6-2 (A)(1) and 6-2 (A)(2) of the City Code dealing with the composition of the Board of Review. (Proposed Ordinance is attached.)

Financial fiscal impact:

None.

Background/Rationale:

It has come to my attention that there have been issues with establishing a quorum for the Board of Review and as a result, Staff would like to see modifications made to the Ordinance to deal with that subject and more specifically, how alternates are utilized. In the past, alternates have been identified in terms of the priority by which they are asked to serve rather than simply being considered a class, any one of whom could be asked to hear a specific objection. In addition, the changes would allow for the Chair of the Board of Review to appoint a City Staff member upon nomination by the Mayor and approval by the Board of Review so we can establish a quorum when needed. These changes will facilitate the Board of Review being able to take action on matters as are necessary without needing to adjourn by virtue of a lack of quorum.

Respectfully Submitted,

Mark G. Blum

MGB/jb

**ORDINANCE NO. 2682**

**ORDINANCE TO AMEND SECTION 6-2,A, (1) AND (2)  
OF THE CITY OF NEW BERLIN MUNICIPAL CODE  
REGARDING MEMBERSHIP OF THE  
BOARD OF REVIEW**

---

The Common Council of the City of New Berlin do ordain as follows:

**SECTION I**

Section 6-2, A, (1) of the Municipal Code of the City of New Berlin is hereby amended to read as follows:

6-2, A. Board of Review; Membership; appointment; Secretary.

- (1) **Membership.** The Board of Review shall consist of five members and three alternate members, each of whom shall be residents of the City, none of whom shall occupy any public office or be publicly employed. The alternate members shall serve at the direction of the Chairperson of the Board of Review whenever any of the regular members are absent, refuse or are otherwise unavailable or ineligible to hear an objection. The Chairperson of the Board of Review shall be nominated and appointed by action of the Board of Review at its first meeting of the year. In the event there are insufficient members of the Board of Review present, eligible or otherwise available to hear any objection and none of the alternates are able or eligible to hear an objection, then and only in that event, a City employee or employees may be appointed by nomination of the Mayor and ratified by action of the Board of Review. Said City employee(s) must be a resident of the City of New Berlin.

**SECTION II**

Section 6-2, A, (2) of the Municipal Code of the City of New Berlin is hereby amended to read as follows:

6-2, A. Board of Review; Membership; appointment; Secretary.

- (2) One member shall be appointed annually by the Mayor, subject to the confirmation of the Council, for a term of five years, provided that initially five members shall be appointed for terms of one, two, three, four and five years, respectively. The Mayor shall appoint, subject to the confirmation of the Council, three alternate members to serve as provided for in Subsection (1) above. The terms of alternate members shall be for five years, unless that term shall be reduced by one or more years at the time of appointment to ensure no two alternate members' terms end in the same year.

### **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 several 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 \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED:

Countersigned:

\_\_\_\_\_  
David Ament, Mayor

\_\_\_\_\_  
Rubina R. Medina, Clerk

**RESOLUTION NO. 2023-24**

**RESOLUTION OF THE CITY OF NEW BERLIN  
REGARDING OFFICIAL CITY NEWSPAPER**

---

WHEREAS, the City of New Berlin is a Third Class City and as such, is required (pursuant to Wisconsin Statute Sec. 985.06) to advertise for bids from eligible newspapers to become the official newspaper for the City; and

WHEREAS, the City has followed the process under Wisconsin Statute Sec. 986.0601; however, no bids have been received; and

WHEREAS, the City has previously determined that the Milwaukee Journal Sentinel meets the requirements of Section 985.03 and has published notices requiring publication in that publication; and

WHEREAS, the City Clerk has determined that the Waukesha Freeman also meets the requirements of Wisconsin Statute Sec. 985.03 and due to their more competitive rates for publication, it is the City's intention effective with the date of this Resolution, to utilize the Waukesha Freeman as its official City newspaper pursuant to Wisconsin Statute Sec. 985.06(4).

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of New Berlin does hereby designate the Waukesha Freeman as its official newspaper for the publication of official notices as required by law pursuant to Wisconsin Statute Sec. 985.06(4) effective upon the passage of this Resolution.

BE IT FURTHER RESOLVED that the Mayor and the City Clerk are directed to take such actions as may be necessary to effectuate the intention of these resolutions.

Dated at New Berlin, Wisconsin this \_\_\_\_\_ day of September, 2023.

APPROVED:

\_\_\_\_\_  
David Ament, Mayor

Countersigned:

\_\_\_\_\_  
Rubina R. Medina, City Clerk



**DATE:** September 26, 2023

**TO:** Common Council

**FROM:** Mayor Ament  
Melissa Beck, Human Resource Director  
Mark Polzin, Fire Chief

**REQUESTED ACTION:**

Recommendation to Council to authorize the creation of the Deputy Fire Chief position effective immediately.

**FISCAL IMPACT:**

This position will be added to Range 15 (\$96,573-\$130,374) of the current salary table. The salary is based on experience but the total cost with benefits is anticipated to be approximately \$181,096. This cost is covered within the budget.

**RATIONALE:**

The Fire Department has been operating without any 40 hour a week Command Staff to support the Chief with daily operations. The goal is to create opportunities for growth within the Department and fulfill the critical need for a succession plan. Filling this position would help align the City of New Berlin Fire Department with other Departments which will allow us to attract and retain top talent to best serve and protect the community.

**ATTACHMENTS:**

Deputy Chief Job Description



**JOB TITLE:** Deputy Chief of Administration  
**DEPARTMENT:** Fire & EMS  
**CLASSIFICATION:** Full-time  
**FLSA STATUS:** Exempt

## **JOB DESCRIPTION**

### **NEW BERLIN FIRE DEPARTMENT**

### **DEPUTY CHIEF OF ADMINISTRATION**

#### **POSITION SUMMARY**

The Deputy Chief of Administration is a key member of the Fire Department Command Staff, this position functions as second-in-command of the fire department and acts on behalf of the Fire Chief in the Chief's absence or at the Chief's direction. Assist in the overall leadership, management, administration, and operation of the Fire Department. The Deputy Chief of Administration is responsible for developing and administering departmental programs and processes in alignment with the vision, mission and values set forth by the Fire Chief. The Deputy Chief of Administration performs highly accountable and technical work to facilitate departmental operations; including short and long-term planning; budget administration; personnel management; emergency services delivery; community risk reduction; and community engagement activities. Responds to emergencies as a command officer. Performs other duties consistent with achieving organizational excellence.

#### **HOURS OF WORK**

The Deputy Chief of Administration will be assigned to a 40-hour work week, generally scheduled Monday through Friday. Flexibility to this schedule will be necessary to accommodate meetings, departmental business, schedule substitutions, and emergency recalls that occur outside normal business hours. The schedule for this position may be altered by the Fire Chief.

#### **REPORTING RELATIONSHIPS**

Reports to the Fire Chief

#### **SUPERVISION EXERCISED**

Direct supervision over Battalion and Division Chiefs, indirect supervision of Company Officers and line personnel.

#### **MINIMUM QUALIFICATIONS, CERTIFICATIONS AND EDUCATION**

Five (5) years of experience in the rank of Company Officer or above with the New Berlin Fire Department or similar sized department.

The ability to communicate effectively, both orally and in writing. Computer literacy in Microsoft Office programs as well as Fire and EMS reporting software systems.

Skills in establishing and maintaining effective working relationships with various external agencies, other city departments, NBFD personnel and the public.

All "Minimum" requirements as listed in the Station Captain Job Description.

## **PREFERRED**

Credentialed Chief Fire Officer (Center for Public Safety Excellence)

Executive Fire Officer (National Fire Academy)

Master's Degree

## **ESSENTIAL FUNCTIONS**

The Deputy Chief of Administration will be required to:

### **General**

Responsible for the overall administration, supervision, leadership, and coordination of departmental divisions, including policies and procedures, performance management, employee relations, customer service, prioritizing and assigning work, and all other related activities.

Successfully leads and manages personnel while maintaining a positive attitude and work environment; champions a culture of excellence that encourages and embraces new ideas, develops department personnel, and welcomes diverse perspectives.

Ensures behavior and actions, and those of department personnel, align with the city and departmental vision, mission, and values; directs and oversees the implementation of and compliance with city and fire department policies.

Performs analyses by utilizing organizational performance measures and data reporting tools to identify trends, opportunities, or other information to enhance service delivery.

Function as the Fire Chief in their absence.

### **Field Work**

Act in accordance to the City of New Berlin Employee Handbook, the New Berlin Fire Department Policies and Procedures and the current version of the IAFF Local 4724 Collective Bargaining Agreement.

Respond to all-hazards incidents as needed, and perform within the Incident Command System (ICS) structure as appropriate and necessary.

Perform other duties as assigned.

### **Station Work**

Complete documentation and data entry into the department's RMS software programs related to all assigned functions including employee recognition; training; inspections; attendance; evaluation and review; and corrective action.

Perform basic office work functions, such as copying, scanning, typing, filing, writing memos and sorting.

Research, review and recommend equipment and programs that will improve the effectiveness and efficiency of the delivery of services. Prepare purchase orders and/or budget requests as necessary.

Facilitate shift meetings with command staff, company officers and line personnel regarding department activities.

Conduct employee performance evaluations and recommend discipline and commendations when warranted.

Support and uphold Continuous Improvement Processes (CIP) for all department programs to maintain a high level of service to the community.

Assist with the development of short and long-term planning strategies.

Perform other administrative duties as assigned.

## **WORK EXPECTATIONS**

### **Work Ethic**

Must have self-motivation and enthusiasm.

Must have pride in the organization and self.

Consistently displays honesty, trustworthiness and accountability.

Maintain high ethical and moral standards.

Must work well with other City of New Berlin Departments and various external county and state agencies.

Must continually deliver a high level of customer service to internal and external customers.

Must exhibit fair and non-judgmental treatment when coaching and disciplining personnel.

Successfully manage difficult, and sensitive issues using tact and diplomacy, taking into account the organizational culture, climate and/or politics.

Uphold a high level of accuracy and confidentiality concerning personnel matters.

Must maintain personal health and wellness, encouraging an atmosphere of physical and psychological fitness amongst members of the department.

### **Time Management**

Must be punctual for work and scheduled appointments.

Adapt to a variable schedule, as often as necessary in responding to emergencies or details with very short, or no notice.

Must be able to set and meet deadlines, as well as manage the time of others as needed to support the mission at hand.

### **Teamwork and Customer Relations**

Interact with the public in a positive and professional manner.

Create ideas that improve production, organizational performance or result in cost or time-savings for the department. Use critical thinking to identify the strengths and weaknesses of alternative solutions, conclusions or approach to problems.

Develop strategies to cope with stressful situations involving various personality types and expectations.

Develop and maintain cooperative and professional relationships with internal employees and external county and state agencies and organizations.

### **Professional Development**

Actively participate in ongoing education that is offered by the department and outside training that is requested or required.

Maintain licenses and certifications.

Continuously seek education to develop and enhance personal executive leadership, knowledge, skills and abilities.

Research and recommend educational offerings for the various levels of the department that will assist with the professional and personal development of its members.

Consider working towards a credential designation as a Chief Fire Officer by the Center for Public Safety Excellence and/or the Executive Fire Officer Program offered by the National Fire Academy.

### **WORKING CONDITIONS AND PHYSICAL DEMANDS**

The work environment characteristics described below are representative of those an employee may encounter while performing the essential functions of this job.

While performing the duties of this position, the employee is frequently required to: stand, walk, balance, sit, kneel, crouch, stoop, climb, bend, crawl; use hands to finger, handle, feel or operate objects, tools or controls; reach with hands and arms; climb stairs and ladders; and be able to traverse unstable surfaces. The position requires mobility in residential, commercial, and industrial facilities as well as outdoor environments.

Duties involve moving materials weighing up to 100 pounds on a regular basis, such as boxes, office equipment, specialized medical equipment, etc., and occasionally weighing over 100 pounds.

Manual dexterity and coordination are required approximately 90% of the work period while operating equipment such as computer keyboard, telephone, and motorized vehicles.

At times the employee will be required to operate in conditions where noise levels are elevated and hearing protection may be required. The noise level in the work environment is typical of most office environments.

In the course of duties, the employee may encounter hazardous materials, blood-borne pathogens, and/or other hazardous environments.

Part of the work period may be spent in other environments which may expose the employee to inclement weather, hazardous materials and other extreme and/or dangerous environments where personal protective equipment may be required.

Specific vision abilities required by this job include close vision, distance vision, peripheral vision, depth perception and the ability to adjust focus with or without corrective measures.

## **TOOLS AND EQUIPMENT**

This position requires the ability to utilize and operate the following types of specialized equipment. This list should not be considered “all-inclusive”, as other specialized types of equipment may be required, but will include all equipment carried on NBFD fire and EMS apparatus.

Firefighting, specialty, medical transport vehicles and staff cars

Firefighting and rescue tools and equipment to provide service, mitigate emergencies and protect the public

Department issued Personal Protective Equipment and accessories

Portable and/or mobile radios

Computers: Mobile Data Terminals, patient care reporting laptop, desktops and tablets

Patient transport devices – cot, stair chair, etc.

Basic and advanced life support equipment

Other department issued equipment related to the position

## **DISCLAIMER**

*The information provided in the job description is intended to indicate the general nature and level of work performed by an incumbent within this position. It is not to be interpreted as a comprehensive inventory of all functions, responsibilities, duties, qualifications, working conditions and physical demands required of employees assigned the position. Management has the sole discretion to add, modify and/or designate functions, responsibilities, duties, qualifications, working conditions and physical demands at any time. All job descriptions will be reviewed annually and adjusted as needed in accordance with the department's vision, mission and values.*