

MINUTES

COMMON COUNCIL MEETING

TUESDAY, SEPTEMBER 11, 2018

COUNCIL CHAMBERS, BERLIN CITY HALL, 2ND FLOOR

Mayor Schramer called the Common Council meeting to order at 7:00 p.m. Roll Call Present: Ald. Boeck, Erdmann, Harke, Lehr, Przybyl and Secora. Staff present: Jodie Olson, Scott Zabel, Matt Chier, Lindsey Kemnitz, Gary Podoll.

Under Public Comments the Mayor stated since all the public comments were there for the UTV/ATV item #13 on the agenda, he would call on all those who signed in to speak during that item discussion.

The following items were listed on the Consent Agenda for approval and adoption: 1)Waive the reading of ordinances and resolutions adopted at this meeting; 2) Review and place on file, the written reports from the City Clerk, Treasurer and Building Inspector; 3) Approve the minutes from the August 14, 2018 Common Council Meeting; 4)Accept the Committee of the Whole recommendation to approve the Special Agreement and Amendment to Collective bargaining Agreement relating to post-retirement health insurance issues; 5)Accept the Plan Commission recommendation of the Conditional Use Permit for a six (6) foot fence in the front yard to extend 6 feet from the front of the house for duration of one year at 327 SW Franklin Street, owner TCG Holdings 5 LLC, subject to possible renewal; 6) Accept the Plan Commission recommendation to approve the Certified Survey Map for 537 E. Marquette Street, owner Richard Hayes; 7)Accept the ETZA Plan Commission recommendation to approve the Certified Survey Map for N8720 Willard Road-Owners Wesley and Douglas Bratley; 8) Accept the ETZA Plan Commission recommendation to approve the Certified Survey Map for the Melissa Zamzow property at County Road X and XX; 9)Accept the Oakwood Cemetery Board recommendation to approve and adopt the revised Oakwood Cemetery Rules and Regulations & Fee Schedule and approve and adopt Resolution #18-12 Adopting the Oakwood Cemetery Fee Schedule Changes; 10) Approve the list of bills for payment. Erdmann made a motion to accept the consent agenda as presented. Secora Seconded the motion. A roll call vote resulted in 5 ayes with 1 abstention from item #10 on the Consent Agenda , zero (0) nays and zero (0) absent. Motion carried.

First on the regular agenda was the ATV/UTV Ordinance request. The Mayor thanked the AdHoc committee. Boeck gave an overview of the findings of this meeting, stating that all members of the Committee anonymously voted they would recommend to Council that an Advisory Referendum be held in 2019 for this issue. The Committee also recommends that the referenda questions be designed to ask the citizens if they are in favor of all streets being used or if they are in favor of designated streets to be

used. Boeck read off five (5) points the Adhoc committee would like to be considered for the referenda question or discussion of establishing the "Route" ATV/UTVs could potentially travel on.

At this time Mayor Schramer called Public Participants one by one. Mike Russell, Dorene Raabe, Rick Lambert and Selma Ceman all spoke in opposition to allowing ATV/UTV usage in the City of Berlin. Several stated that IF the Common Council were to vote today that at the very least they would like to see this as a Referenda item on the Spring election. Ed Marks, adhoc committee member spoke as well, he stated at first he was very much against this in the City of Berlin and after listening to all the speakers and experts, he definitely believes the citizens should have their say via referendum. Lastly, Charlie Beard also from the Adhoc Committee spoke against the ATV/UTV Citing growth and economics issues with ATV/UTVs. Ald Secora, also on the AdHoc Committee spoke stating towns already adopting ATV/UTV Ordinances did not cite any issues against ATV/UTVs, however, he did agree there was little to no economic impact reported. Attorney Chier stated the Council could make any recommendation they wished but suggested perhaps the Council members should direct Jodie and Matt to come back to the Council with a list of questions that other communities may have asked stating the questions and phrasing of them is important. It was determined that the end of January would be the deadline for getting it in the election as a referenda. Secora made a motion to direct staff to evaluate referenda questions that have been posed by other communities and to research this and come back to us at the next meeting of the Common Council. Boeck seconded the motion.

Lehr asked for a clarification of the motion Secora made that staff should look into this and come back to us but his motion in no way recommended or approved a referendum at this time. The Mayor confirmed this. Lehr stated he talked to a couple of citizens in his ward that were for this but dozens that were against this. He stated our community is peaceful and quiet and would like to keep it this way. We want families to come and live here, he stated he didn't think this was the way to go for a city on the rise.

The Mayor again reminded the council that there is a motion on the table. Boeck asked if she was able to make a motion regarding the referendum. Erdmann stated that there is a motion on the floor and we would need to vote on that first. Chier stated, if someone were to make an amended motion then that would be voted first.

Boeck stated she would like to make an amendment to have a vote on whether to have a referendum or not. Harke seconded the motion.

Secora asked for a restate of the amendment. Chier stated that your vote on this amendment does not mean there will be a referendum; it means that you want that decision as part of the main motion. So you are deciding whether or not to amend the main motion to include the requirement that we actually go forward with the referendum.

The amendment had 3 ayes (Harke, Pryzybyl and Boeck) 3 nays (Erdmann, Secora and Lehr) The Mayor voted Nay to the amendment to allow the proper time for staff to research.

The vote to allow the staff to come back to the next Council Meeting with a list of questions was passed by voice vote 4 to 2 with Erdmann and Lehr opposing.

Lehr stated, he would like special consideration be given to protect the parks and make sure these ATVs are not traveling anywhere near our beautiful parks.

Next on the Agenda, Lindsey Kemnitz gave an update on the Hotel project stating little to no changes since the last update. Kemnitz will give another update at the next Council meeting.

Next on the Agenda, was a motion made by Lehr to ratify the September 7, 2018 Mayoral Disaster Declaration Proclamation due to the flooding of the Fox River. The motion was seconded by Przybyl and carried by voice vote.

Emergency Director Gary Podoll spoke about the Flood and explained this is something new for us having a flood at this time of year and why that could be significant going forward. He gave an outlook on the days and weeks to come. Podoll gave high respect to the citizens of Berlin, working together to keep the water at bay by putting sandbags where they are truly needed. He gave high praise to the Berlin Fire Department and the Public Works department, working together to fill sandbags and to help the citizens to give them peace of mind. The water level gauge is now at 15.1 feet and when the water crests on Friday it should be at 15.3 feet.

Lehr added his kudos to all the City workers and volunteers and Gary Podoll for all the hard work they have been doing to keep the flooding under control as much as it is possible.

Next a motion was made by Secora to approve the following bartenders license applications; Sabeena Kaur Cheema, Evelyn June Yahr, Calvin L. Vesley, Jenna K. Liebe, Shanna E. Deffibaugh, Linda Diane Davidenko, Metin Dzelil, Timothy John Rusch, Kari A. Rusch, and Dava LeAnna Hoffman, which were approved by the Berlin Police Department. The motion was seconded by Harke and passed by voice vote.

There was no old business to discuss.

Under new business, a request was made by Boeck to put on the next agenda a discussion to review our Sidewalk café permit and our ordinance to consider allowing alcohol consumption with a Sidewalk café permit. She stated this was a request by Benjamin Cloyd, the owner of a new business in town.

Erdmann had a request from the Berlin Historical Society and asked Scott Zabel, director of the Public Works department to ring the bell on 11/11 in honor of Armistice day, stating this is a request from the WWI Centennial Commission they are asking municipalities to do this Nationwide. This is the 100 year anniversary of the war ending. Zabel asked Erdmann to get the details to him and he would determine if there is anything standing in the way of making her request happen. The Mayor stated they will discuss further at the next Committee of the Whole Meeting if necessary.

At 7:40 p.m. Przybyl moved to convene into closed session pursuant to Sec 19.85 (1)(e), of the WI Statutes, to deliberate or negotiate the purchase of public property, investment of public funds or

conduct other specified public business, whenever competitive or bargaining reasons require a closed session. (1) EMS Contract with ThedaCare-CHN. Secora seconded the motion. A roll call vote resulted in six (6) ayes, zero (0) nays and zero (0) absent. Motion carried. Erdmann moved to seat Jodie Olson, City administrator for the discussion of the item on the closed meeting agenda. Lehr seconded the motion, which carried by voice vote.

Discussion continued in closed session.

Secora moved to reconvene into open session at 7:54 p.m. Lehr seconded the motion which carried by voice vote.

At 7:55 Secora made a motion to adjourn. Lehr seconded the motion, which carried by voice vote.

Midge Seaman, Deputy Clerk