

MINUTES  
COMMITTEE OF THE WHOLE MEETING  
CITY OF BERLIN  
TUESDAY, NOVEMBER 5, 2019  
CITY HALL COUNCIL CHAMBERS

Mayor Schramer called the November 5, 2019 Committee of the Whole Meeting to order at 7:00 p.m. Roll call present: Ald. Boeck, Bruessel, Erdmann, Harke, Lehr and Nigbor. Staff present: Atty. Matt Chier, Jodie Olson, JD Lind, Lindsey Kemnitz, Scott Zabel and Susan Thom.

Erdmann moved to approve the minutes from the October 1, 2019 Committee of the Whole meeting. Bruessel seconded the motion, which carried by voice vote.

Next Lindsey Kemnitz provided an update on the discussion of whether Parcel 206-01031-0000 is no longer needed for park or public purposes. A timeline for the discussions on this parcel was provided with the Park & Recreation Commission meeting on November 6 and the Plan Commission on November 26, 2019. Kemnitz will update the Committee of the Whole at the December 3, 2019 meeting. Four members of the public spoke to the issue. Daniel Hoppa, 235 S Wisconsin St, business owner, spoke indicating he was in favor of doing nothing with the property and keeping it as a park. Phillip Pik, 577 N Wisconsin St, stated that he has brought a lawsuit against the City of Berlin regarding the dealing of the parcel in closed session and that it was done illegally. He also noted that he felt the closed session on this agenda is illegal as well. Catrina Burgess, 236 N Capron St, is against the sale of the property and stated that it should remain part of Riverside Park and green space for the future generation. Jeff Walker, N7294 State Hwy 49, Green Lake, WI 54941 is against the sale of the property. The parcel was given to the City as a gift and it should stay that way.

Next was discussion on the consideration of an ordinance to legalize cannabis in the City of Berlin. This item was brought forth at the request of Ald. Bruessel who indicated he is looking for alternative revenue sources for the City. He believes that although cannabis is illegal in WI, he believes we have the right to pass an ordinance on it and that may give Madison a push to legalize it. Bruessel suggested allowing sales and taxing those sales. Activist Jeremiah Selthofner W1684 County J Green Lake, WI 54941 representative of NORML, agreed with Bruessel and spoke in favor legalizing Cannabis and suggested the city decriminalize for possession of cannabis. Justin Lindahl, Police and Fire Commissioner, stated that the City of Berlin already has a marijuana ordinance as is being suggested, which does decriminalize the possession of marijuana under 25 grams. He further noted that the State of Wisconsin has not made a decision and cannabis is illegal by Federal law. Ed Marks, 269 Mound St spoke against the ordinance and that the City of Berlin should abide by the State of Wisconsin Law. Kris Teegardin, 4116 Wedgewood, Appleton, WI 54913 was the Mayor of Edgewater, CO and spoke in favor of legalizing Cannabis and encouraged Council to support this effort and go forward to impel the state government to move forward.

Attorney Chier indicated that by state law Cannabis is illegal to possess. He indicated that cities have a right under 66.0107(1)(bm) to *“Enact and enforce an ordinance to prohibit the possession of marijuana, as defined in s. 961.01 (14), subject to the exceptions in s. 961.41 (3g) (intro.), and provide a forfeiture for a violation of the ordinance; except that if a complaint is issued regarding an allegation of possession of more than 25 grams of marijuana, or possession of any amount of marijuana following a conviction in this state for possession of marijuana, the subject of the complaint may not be prosecuted under this paragraph for the same action that is the subject of the complaint unless the charges are dismissed or the district attorney declines to prosecute the case.”* He indicated that some cities have taken this approach where they will not issue forfeitures or have low fines for under 25 grams. This is largely due

to the fact that it takes so long for the booking process compared to an ordinance violation. However, he stated that Ald. Bruessel's ordinance goes further than what the law allows and we cannot tax something that is illegal to sell. Bruessel stated his goal is to push the state on this issue. Ald. Lehr voiced this is a waste of time, is aware of the social ills this has caused in Colorado and is not in favor.

Erdmann made a motion to postpone the discussion of an ordinance legalizing Cannabis in the City of Berlin, until the City of Berlin knows what the State of Wisconsin is doing. Lehr seconded the motion. A roll call resulted in four (4) ayes (Boeck, Erdmann, Harke, and Lehr), two (2) nays (Bruessel, Nigbor) and zero (0) absent. Motion carried.

Next was discussion on the raze or repair order for 130 W Berlin Street. Kemnitz stated the home was razed but the garage is still on the site. The neighbors adjacent to the property are interested in moving the shed. They are in the process of purchasing the parcel on December 9, 2019. Erdmann made a motion to postpone a decision on 130 W Berlin Street until the December 10, 2019 Common Council meeting. Harke seconded the motion, which carried by voice vote. Boeck abstained.

Next was discussion on the room tax. Kemnitz stated that 100% of the tax is given to the Berlin Chamber of Commerce. Kemnitz suggested the City of Berlin consider maintaining 30% of the room tax for marketing. Lehr made a motion to postpone the room tax discussion until next week Common Council meeting. Harke seconded the motion which carried by voice vote.

Next was action on the 2020 Polling Place. With City Inn for sale, Harke made a motion to recommend to Common Council to designate the Berlin Armory, 147 Memorial Drive, as the official City of Berlin polling place beginning January 1, 2020. Bruessel seconded the motion which carried by voice vote.

Next was the presentation of the 2020 Weights & Measures Fee Schedule. Erdmann made a motion to recommend to Common Council to approve the 2020 Weights and Measures Fee Schedule as presented. Lehr seconded the motion, which carried by voice vote.

Next, the review of the 2020 Uniform Deposit Schedule for the PD, item #10, was requested to be removed by Atty Chier.

Next Olson reviewed the proposed 2020 budget indicating that there needs to be more discussion on the room tax and debt service (borrowing or bonding) at the next budget meeting. The next budget workshop meeting will be Thursday November 14, 2019 at 5:00 p.m.

At 7:53 p.m. Erdmann made a motion 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) Discussion on Existing Developers Agreement with Johnson Street Development LLC for TID#02E; 2) Potential Developers Agreement with International Investment Group Corp. in regard to various parcels in the City and Parcel 206-01031-0000; 3) Discussion on negotiations for Paramedic Intercept Services Agreement with SGLC Ambulance Service; and 4) Discussion on individual employee work performance and related wage as it pertains to budgeting). Boeck seconded the motion. A roll call vote resulted in six (6) ayes, zero (0) nays and zero (0) absent. Erdmann made a motion to seat Kemnitz and Zabel. Lehr seconded the motion which carried by voice vote.

At 8:59 p.m. a motion to reconvene into open session was made by Jim Lehr and seconded by Joel Nigbor. Motion carried.

A motion was made by Erdmann to extend the due date for SGLC Ambulance Service for the Paramedic Intercept Service Agreement until the end of November. Bruessel seconded the motion which carried by voice vote.

On motion by Jim Lehr and seconded by Josh Nigbor the meeting was adjourned at 9:00 p.m.

Susan Thom, Deputy Clerk