

MINUTES
COMMITTEE OF THE WHOLE MEETING
CITY OF BERLIN
TUESDAY, May 05, 2020
DUE TO THE CONTINUED CONCERN SURROUNDING COVID-19, THE CITY OF
BERLIN IS TEMPORARILY TRANSITIONING THEIR PUBLIC MEETINGS TO A
TELECONFERENCE FORMAT, VIA ZOOM

Mayor Schramer called the May 5, 2020 Committee of the Whole Meeting to order at 7:00 p.m. Roll call present: Ald. Boeck, Bruessel, Harke, Lehr and Nigbor. Absent: Ald. Erdmann Staff present: Atty. Matt Chier, JD Lind, Lindsey Kemnitz, Scott Zabel, Jodie Olson and Midge Seaman.

Harke moved to approve the minutes from March 03, 2020 Committee of the Whole meeting. Lehr seconded the motion, which carried by voice vote.

The third item on the agenda was the potential land donation on Hwy 49 South. Community Development Director, Lindsey Kemnitz, gave an overview of the potential gift of 200+ acres to the City of Berlin. The Bohn Family is looking to sell the land to the Ducks Unlimited Organization, who is working with the DNR on a stewardship grant to purchase the property. If Ducks Unlimited is awarded the grant, they would purchase the property from Bohn and subsequently donate the land to the City of Berlin. Two questions that need answered at this time are: 1. Will the City of Berlin accept the donation if Ducks Unlimited receives stewardship funding and 2. Will the City of Berlin allow all types of hunting on the property minus the 20-25 acres that is currently deemed "no hunting". If the City accepts the criteria, an annexation of land and ordinance change would be necessary.

The Mayor vehemently opposed the land donation if it meant there would be more hunting taking place near his residence, as he lives across the river from the proposed land. Every plausible avenue to donate the land without allowing hunting near his residence was discussed with the end result bringing a motion by Lehr to recommend to the Common Council to indicate to the DNR that we are willing to accept the donation of land by the Ducks Unlimited Organization without hunting restrictions, but we request they look into a 100 ft buffer along the river to protect the residential area close by. The motion was seconded by Bruessel. The Mayor requested Kemnitz to reach out to the DNR to see if they can get an answer by next week's Council Meeting. A voice vote was taken with all in favor.

The next item was the Community Development Block Grant Revolving Loan Fund Close Program. City Administrator Olson gave an overview of the Federal program. Years back the City was awarded \$1.2M in CDBG federal grant money to establish a revolving loan fund for businesses. Due to administration issues across the nation, HUD has decided to close out the CDBG RLF grants, which will require municipalities to pay back their loan funds to the state. In order to close out these grants, a "close out" program has been developed by the state where municipalities are given an opportunity to "buy back" their loan programs. This is done by paying the entire balance of \$1.2M back to the state and the municipality subsequently asking for the money back in the form of a CDBG public facilities grant. The remaining \$700k in receivables that businesses would pay back over time would then belong to the City and would be defederalized. The RLF would have around \$500k in the bank when the payback to the

state would need to happen. That leaves the balance of the \$700k in receivables that the city would need to come up with to pay the \$1.2M back to the state.

If the city did not want to participate in the “buy back” program, the \$1.2 M would need to be paid back to the state anyway as the businesses paid back their loans. In this case, the city would not be eligible for the CDBG public facilities grant and would not be able to retain the receivables as they are paid back. Therefore, the city has two choices: 1) pay \$1.2M back to the state over time as loans are repaid and not be eligible for a CDBG grant 2) buy out the program, receive a \$1.2M public facilities grant and over time continue to be paid back by businesses for the loan receivable which will then be defederalized. As the money would be defederalized, the \$700k could be used for future businesses as an RLF or be utilized however Council saw fit.

Bruessel asked how we have been doing collecting the funds and Olson assured us, it has been very good. She explained the next couple of items on the agenda will show how we can leverage these funds to help pay for other projects if we utilized the buy back program. Olson indicated funds had to follow the rules of CBDG public facilities grant, which would require the money to be used on a qualified project. Olson said road projects are what is needed to be done anyway. Bruessel made a motion to recommend to the Council that we buy out the CBDG revolving loan fund. Lehr seconded the motion. It was agreed this would go back on the regular agenda for next week’s council meeting and not the consent agenda. Motion passed by voice vote.

Olson led the discussion on the next agenda item, which was the 2021 Capital Projects and Funding Options. Olson stated we have an opportunity to get \$1.2M from the CDBG closed funds (as discussed prior) plus an opportunity to leverage that against a \$1M Public Utilities CDBG Grant and a TAP grant for the pedestrian bridge. That would make available to us a total of \$2.4M. Olson stated that Water Street reconstruction from W. Park Ave to W. Cumberland St. was a priority due to the poor road condition, underground utility issues, infiltration issues and lead services. The project has been too costly to do for the city in the past; however, with this CDBG close-out program opportunity coupled with other grants, it is possible to get the project done in 2021 along with the pedestrian bridge. Olson presented four scenarios each providing different costs depending on which grant funding would be received and where the \$700k for buying out the CDBG RLF would come from. Olson suggested the best option would be to borrow the \$700k short term from the Utility and pay them back with interest once the grant money was received.

Alderman Bruessel asked whether there would be legal issues with a private corporation lending us \$700K. Olson responded she did her due diligence in checking this specifically and there were no issues. They will get paid back; it is a loan on the books. Public Utilities can legally do this, and it is very short term. Additionally, we applied for a loan through the “Safe drinking Water” for the Utility. They would get 30% principal forgiveness on their loan, which would be a \$275K grant to the utility for their portion of the project.

In addition to funding Water Street and the pedestrian bridge, the scenarios proposed could potentially finance an additional \$500k in projects. Olson noted that mill and overlay projects do not qualify under

CDBG, but Zabel explained the storm sewer on Forest St. is very shallow, causing the road to raise in that area and lower in other areas and that is a possible project. There is an outfall that is east of the River that would all need to be reconstructed, potentially alleviating storm sewer issues in that neighborhood. Olson stated we could also look at other street projects, but they would have to be in certain areas to meet CDBG requirements. The project list is up in the air right now, but Council can choose those at a different time. There is a timeline in which we have to use the funds. Projects need to start in 2021 and be complete in 2022. Zabel clarified the problems we are currently having with storm sewers all begin with the outfall, which is why the Water Street project is a good starting point. He stated Public Utility has some of those same issues. Olson is seeking an okay to go ahead with Water Street due to the grant needing specific projects listed in order to complete the application. Lehr made a motion to recommend to Common Council to direct staff to proceed with Scenario #1-Water Street- and the go ahead with other projects to follow at a later date and approach the Utility with a request to borrow the \$700K with an understanding we would pay them back. Harke seconded the motion. Motion passed on a voice vote.

The next item on the agenda is related to the previous items authorizing a resolution to submit a CBDG application to move forward with a project. Olson explained the resolution 20-07 is somewhat generic, allowing us to submit for a project we titled "City of Berlin 2021 Street and utility Project Improvements" because we need to fill in the blanks a little later. These would all constitute our 2021 Capital Improvement budget as well. Harke made a motion to recommend to Common Council to authorize the resolution 20-07 and submission for CBDG grant application. Nigbor seconded the motion. Motion carried by voice vote.

Next was a request to recommend to Common Council to Adopt resolution 20-08 the Residential Anti-Displacement and Relocation Assistance Plan or RADPRAP for CBDG Programs. Olson explained having this resolution in place is a requirement of the CBDG in order to apply for a grant. Bruessel made a motion to recommend to Common Council to adopt resolution 20-08. Lehr seconded the motion. Motion passed by voice vote.

Next is a request to recommend to Common Council to adopt a resolution updating the Policy to Prohibit the Use of Excessive Force and to Enforce the Applicable State and Local Laws Prohibiting Physically Barring Entrances/Exits for Non-Violent Civil Rights Demonstrations. Olson explained this too is a requirement of the CBDG grant application. She explained the City already has a "Use Force" policy in place however, does not have anything specifically for non-violent demonstrations. Police Chief J.D. Lind was present and had created a draft to include the correct wording in the request to amend the current policy to include the proper "use force" phrasing, which will be brought before the Police and Fire Commission for approval. Harke made a motion to recommend to Common Council to approve the resolution to Adopt the Policy to Prohibit the Use of Excessive Force and to Enforce the Applicable State and Local Laws Prohibiting Physically Barring Entrances/Exits for Non-Violent Civil Rights Demonstrations. Lehr seconded the motion and passed by voice vote.

Next was a review of the State of Emergency Declaration Status. Lehr requested this be put on the agenda and delivered a pre-written statement to the members of the Committee of the Whole. Lehr

made a motion to postpone this action until May 12, 2020. Bruessel seconded the motion and passed by voice vote.

The last item on the agenda was the 2020 Taxi Grant. Olson explained that we had applied for the State and Federal Taxi Grants and received them both again. Due to CARES act funding, we are being funded at 100%. Normally it is 60-65% so our funding is for the whole \$284K dollars for our Taxi program. Bruessel inquired as to why the Taxi delivers groceries during Covid 19 but not medication. He asked if we could see if that is something they can add to their Taxi service during the "Safer at Home" order. Olson replied they could check to see if possible. Bruessel moved to recommend to Common Council to approve and authorize the Mayor to sign the 2020 85.20 Urban Mass transit Assistance Agreement (State) and Section 5311 Federal grant Agreement Between the City of Berlin and the WI Department of Transportation for calendar Year 2020, Including the Federal Certifications and Assurances. Lehr seconded the motion. Motion passed by voice vote.

The Mayor asked for a motion to adjourn. Boeck requested to add to new business to discuss if we are able to meet at the Council Chambers versus having Zoom meetings, even if it were to be set up 6 feet apart.

Bruessel made a motion to adjourn the meeting. Boeck seconded the motion which passed by voice vote. Meeting was adjourned at 8:40PM.

Midge Seaman, Deputy Clerk