

MINUTES
COMMITTEE OF THE WHOLE MEETING
CITY OF BERLIN
TUESDAY, September 1, 2020
CITY HALL COUNCIL CHAMBERS

Chairperson Boeck called the September 1, 2020 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: Attorney Matt Chier, Jodie Olson, Lindsey Kemnitz and Scott Zabel

Ald. Harke moved to seat Mayor Schramer virtually. Nigbor seconded the motion. Lehr stated in the past few weeks he had been inundated with calls from constituents and people in other wards who are stating they are disgusted with the council meetings and the way they are being handled. They are having a hard time following the meetings, the TV has been dark because of the set up for virtual meetings and for that reason he is not going to be voting to seat anyone who is not physically present. Motion passed by voice vote 5-1, Lehr opposed.

Boeck noted that there were two public comment cards to speak on the issue of residency requirements.

Erdmann moved to accept the minutes from the August 4, 2020 Committee of the Whole meeting. Lehr seconded the motion which carried by voice vote.

Next on the agenda was discussion on employee residency requirements. Olson stated there was a discussion regarding the residency policy at the Police and Fire commission and there was a request for the Committee of the Whole to review the current policy. Members of the Police & Fire Commission feel the requirement to live within 15 miles of the City of Berlin, is impacting the pool of applicants for the police department.

Justin Lindahl, Chairman of the Police and Fire Commission, 163 E Noyes St., indicated the pool of applicants for police positions has been decreasing over the years. He stated in the past they made residency exceptions for some and instead of doing that now, they would like to change the policy all together.

Sheriff Mark Podoll, 203 McKittrick St. Berlin spoke in favor of eliminating employee residency requirements. Being in law enforcement with the sheriffs department, he has also seen a decrease in applicants for law enforcement and is in favor of eliminating residency requirements. He noted that there are officers in bigger cities fleeing to other communities.

Lehr indicated that as liaison to the Police and Fire Commission, he had recommended the Commission speak to the Council about this. If we go any route, he would like it to be uniform for all emergency personnel in the City. There is a bigger picture than just the Police and Fire departments.

Harke asked attorney Chier if the city is liable for officers on their drive to work? Chier stated they typically are not, but it might be an issue to litigate in specific circumstances. If they are "on call" that could change things.

Erdmann spoke about a letter sent to the members of the Committee of the Whole from Vicky Murphy, the former police secretary, who was opposed to changing the residency requirement. She stated she would like the letter to be entered into record and part of any discussion on the matter. Erdmann voiced that the Chief and Emergency Personnel should live within the residency requirements in the handbook. She gave a couple of examples of emergency situations that occurred in Berlin's history and stated it was very important for the Chief to be close by to respond and be on hand for important decisions. She stated communication is not always 100% reliable. She also indicated that employees who live in the area and get involved in the community and it is very important for the overall care and compassion they show to our citizens.

Bruessel stated he disagreed with Erdmann and thought it best to look forward to the future and not behind to the past. Work can be handled from afar with the use of modern technology. He stated it will definitely open up the candidate pool so we are able to get the best person for the job.

Boeck stated she thought it was important for all department heads to be a part of the community.

Lehr again stated he was torn on this issue. He understands the struggles and knows the anguish of trying to hire quality individuals but he has always been a big proponent of the residency policy. He stated he believed the Department Heads should bear the same burden of paying taxes in the City that employs them, yet understands that times are changing. He believes if the policy changed for one it should be for all heads of departments.

Erdmann stated optional powers for the P&F Commission were first put in place as a knee jerk reaction to a situation, and just because there is a dwindling number of applicants right now, it doesn't mean it will continue to be that way in the future. She stated as Podoll said, Police officers want to leave big cities, perhaps one of them will be the person who comes to Berlin.

The Mayor stated one of the things he noticed when the past Chief was given a waiver to move 25 miles away, there was a definite decrease in his community involvement and he was rarely in the community after the move. He asked Lindahl what kind of requirement he was looking for and Lindahl responded that was hard to answer.

Lehr asked Chier because of the optional powers of the Police and Fire Commission does the Council need to vote on this residency requirement. Chier stated that the Council is the only power that can make a structural change to the eligibility requirements.

Bruessel made a motion to recommend to council to eliminate the residency requirement for all emergency departments in the City of Berlin. Boeck asked for a second. Motion died for lack of a second.

The next item on the agenda was a request by city administrator Olson to spend \$12,000 of the \$30,000 contingency monies set aside for the 2020 budget to be used for aging and soon to be obsolete Police Radios. There was discussion on the radios ages and condition. Lehr motioned to spend \$12,000 out of the contingency budget to replace the Police radios. Erdmann seconded the motion and it passed by voice vote.

Next on the Agenda was a request by the Mayor to discuss Virtual Meetings. The Mayor stated the reason he put the item back on is for the sole purpose that if the virus was to hit several members and could cause the Committee of the Whole to not have a quorum, he would be in favor of virtual attendance. He made it clear he was not promoting going total virtual but only in case of quarantine or health. Lehr motioned to conduct meetings as we have been and not authorize this. Boeck seconded the motion. A voice vote resulted in three (3) in favor (Lehr, Boeck and Erdmann) and three (3) opposed (Nigbor, Harke and Bruessel) with the Mayor breaking the tie voting nay. Motion failed.

More discussion ensued with Lehr asking the members to put this issue to rest once and for all. Boeck asked if several members are quarantined are we still able to hold a meeting? The Mayor answered not if they are not seated. Lehr pointed out that we don't need to bring this up at every meeting and motioned to move onto item eight to convene into closed session pursuant to WI §19.85 to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (*MOU for Student Resource Officer (SRO) Contract with the Berlin Area School District and 2)Amendment to Police Dept Union Contract relating to SRO position*). The motion was seconded by Boeck. At 7:43 p.m. roll call vote resulted in six (6) Ayes, zero (0) Nays and zero (0) absent. Lehr made a motion to seat Jodie Olson for closed session discussion. Erdmann seconded the motion, which carried by voice vote.

Discussion continued in closed session.

At 7:48pm Erdmann made a motion to reconvene into open session. Bruessel seconded the motion which carried by voice vote.

Bruessel made a motion to recommend to common council to sign the Memorandum of Understanding for the Student Resource Officer (SRO) contract with the Berlin Area School District and Amend the Police Department Union Contract relating to the SRO position. Harke seconded the motion which carried by voice vote.

At 7:50pm a motion was made by Nigbor to adjourn seconded by Lehr. Motion carried by voice vote.

Midge Seaman, Deputy Clerk