

MINUTES
COMMITTEE OF THE WHOLE MEETING
CITY OF BERLIN
TUESDAY, APRIL 6, 2021, 7:00 PM
CITY HALL COUNCIL CHAMBERS

Mayor Schramer called the April 6, 2021 Committee of the Whole meeting to order at 7:00 p.m. Roll call present: Ald. Lehr, Boeck, Nigbor, Erdmann, Bruessel and Harke. Staff present: Jodie Olson, Scott Zabel, Lindsey Kemnitz, Sara Rutkowski and Evan Vandenlangenberg.

There were no virtual attendees to seat and no general public comments.

Ald. Bruessel moved to approve the minutes from the March 2, 2021 Committee of the Whole meeting. Ald. Erdmann seconded the motion which carried by voice vote.

Scott Zabel reviewed the 2021 Street and Utility Project Construction Contract bids. Ald. Lehr moved to recommend to Common Council to accept the recommendation from Kunkel Engineering to award the 2021 Street & Utility Construction Contract to Don E. Parker Excavating, Inc. for a total of \$3,580,392.65. Ald. Bruessel seconded the motion which carried by voice vote.

The next agenda item was a request from the Berlin Boat Club for a fee waiver for campground sites for their next event in Riverside Park. Mayor Schramer, Josh Nigbor and Ron Harke recused themselves from being a Committee member for the discussion as Josh Nigbor and Dick Schramer were officers of the Berlin Boat Club and Ron Harke was past commodore. Josh Nigbor spoke from the audience on behalf of the BBC and requested that the six camping sites along the boat slip be provided free of charge for the event. He noted all of donations that the BBC has given to the city for the park over the years and the people that the event brings to the community. Sara Rutkowski explained the history with the BBC including prior agreements from 2003. She explained the BBC had come before the P&R in 2013 to negotiate a different agreement but that agreement was stalled and never came before the Council for approval. Discussion surrounded if waiving campground fees is done for other clubs or events held at the park, which Sara Rutkowski indicated there was not. It was noted that the campgrounds do not make money and the fees do not cover the actual costs to maintain them. Erdmann recognized and appreciated the BBC for their endeavors and support of the community, but she voiced concern that most people know they have to pay for camping and with 19 events already scheduled in the park for 2021, approving this request will cause precedent and open the door for future event holders to expect the same. Also noted by members was the fact that \$25/night for a campsite with electrical and showers is very reasonable and this is an opportunity to make some money for the campgrounds. It was concluded that the BBC will pay for any campground sites they use and no motion was made.

Next was a request from All Saints Church to waive campground fees for an upcoming concert in Riverside Park. Sara Nigbor indicated she had been working with Greg Walker on this request and he had indicated he would attend the meeting but was not present. Mayor Schramer

abstained from the discussion because he is a member of All Saints Church. Rutkowski provided what information she could from her conversations with Walker. Members indicated for the same reasons that they did not approve the Berlin Boat Club request, they would not honor this request either and all fees for campground sites would remain for this event as well.

Next Olson noted that the City had been awarded both COVID-CV grants that had been applied for which included a microbusiness grant of \$150k and a \$12,430 grant for ultra-violet anti-bacterial lights for the ventilation ductwork at City Hall, Senior Center and Library. Ald. Lehr moved to recommend to Common Council to accept the CDBG-CV Grant award of \$162,430 and authorize the Mayor and City Clerk to sign the Award Acceptance Acknowledgement and grant documents. Ald. Rutkowski seconded the motion which carried by voice vote.

The temporary ordinance relating to virtual and telephone meetings of governing bodies expires April 30, 2021, therefore the committee discussed a potential extension. The virtual meeting equipment was almost all installed and training sessions were getting lined up. Committee members discussed the need for a few months of working with the new system before having a policy in place. Bruessel moved to extend ordinance #05-20 (original), #16-20 (extension), for an additional 90 days. Harke seconded the motion. Lehr amended the motion that staff was to come up with a sample policy for council to start looking at. Bruessel seconded the amendment. A vote on the amendment passed unanimously. A voice vote on the main motion as amended passed unanimously.

Next was discussion on continuing to extend ordinance #06-20 which expired December 31, 2020 which allows businesses expanded use of public sidewalks adjacent to their business under certain circumstances. This was done to accommodate businesses during the COVID-19 pandemic. Atty. Chier indicated that the statute only allows the right-of-way to be used for 90 days at a time and permanent use cannot be granted. Therefore, although the extension can extend the use of sidewalks for businesses other than restaurants, the permit still needs to comply with 90 days. Lehr moved to recommend to Common Council to extend ordinance #06-20 Special Street Privilege Permits for Use of Sidewalks by Businesses for another year and then review again at that time. Bruessel seconded the motion which carried by voice vote.

With expenses all paid and expenditure period soon expiring, Ald. Boeck moved to recommend to Common Council to approve and adopt Resolution Terminating TIF District #14 and Authorizing the City Treasurer to Distribute Excess Increment to Overly Taxing Districts. Ald. Rutkowski seconded the motion which carried by voice vote.

Lindsey Kemnitz explained that Ducks Unlimited wants the Bohn property to be open for the public now and to do that the city needs to own, lease or be under control of the City. A proposed lease for \$1 was presented. It is anticipated that in summer 2021 the property will be donated to the city. The parcel descriptions in the proposed lease need to be updated from Town of Berlin descriptions to City of Berlin descriptions now that the parcels are annexed. Erdmann moved to recommend to Common Council approve the Lease Agreement with Wetlands American Trust Inc. Lehr seconded the motion which carried by voice vote.

Next was discussion on an ordinance to create a City of Berlin Wildlife Area. Chier explained he incorporated lots of language for state lands and the ordinance put the Common Council in control of the Wildlife area. There needs to be a correction regarding the parcel descriptions and further consideration for mud runners and hovercrafts on navigable and non-navigable waters. Bruessel moved to recommend to Common Council to approve the Ordinance Creating City of Berlin Wildlife Area with the noted changes. Rutkowski seconded the motion which carried by voice vote.

Jodie Olson brought forth a resolution supporting a strong state and local partnership. The League of Wisconsin Municipalities recommends that each municipality pass a resolution to be sent on to legislators to support increasing shared revenue with the next state budget. Erdmann moved to recommend to Common Council to approve the Resolution Supporting a Strong State and Local Partnership where shared revenue funds critical municipal services. Bruessel seconded the motion which carried by voice vote.

Olson provided an update on potential funding coming to the City of Berlin from the American Rescue Plan Act. The City of Berlin is slated to receive approximately \$534k; however, the parameters on which the funding can be used for are still under discussion. More will come forward when additional information is determined and released.

Ald. Bruessel 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) Discussion on EMS contracts with townships and related assets*) and pursuant to Sec 19.85(1)(c), to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility (Discussions regarding City Administrator retention and/or recruitment). Ald. Boeck seconded the motion. A roll call vote resulted in six (6) ayes, zero (0) nays and zero (0) absent. Motion carried. Ald. Erdmann moved to seat Evan Vandenlangenberg and Jodie Olson for the discussion on EMS contracts. Ald. Boeck seconded the motion which carried by voice vote.

Discussion continued in closed session. Olson and Vandenlangenberg left the closed session prior to any discussion on the City Administrator position.

Ald. Bruessel moved to reconvene into open session. Harke seconded the motion which carried by voice vote. No action was taken as a result of closed session.

Ald. Bruessel moved to adjourn. Rutkowski seconded the motion which carried by voice vote.

Jodie Olson, City Clerk