

MINUTES  
CITY OF BERLIN  
COMMON COUNCIL MEETING  
TUESDAY, JUNE 8, 2021 7:00 PM  
COUNCIL CHAMBERS, BERLIN CITY HALL, 2<sup>ND</sup> FLOOR

Mayor Bruessel called the June 8, 2021 Common Council meeting to order at 7:00 pm. Roll call present: Ald. Boeck, Erdmann, Lehr, Burgess and Nigbor. 4<sup>th</sup> Ward is Vacant. Staff present: Lindsey Kernitz, Atty Chier, Jodie Olson, Scott Zabel and Midge Seaman

There were no virtual attendees.

Under public comments the Mayor called resident Dick Schramer to the podium. Schramer requested the Council Members remove Item 15 and 16 from the Consent Agenda and discussed as they do not include Van Horn Road, which he felt should have been grandfathered in as a city street in the 1970's.

Next the Nomination for 4<sup>th</sup> Ward Council Vacancy was discussed. It was noted there was only one application turned in by Mr. Ed Marks. Erdmann acknowledged Mr. Marks has served on Councils, Commissions and Committees over the years and is well respected and objective, therefore, she nominated Mr. Marks for the 4<sup>th</sup> Ward Alderman position. A voice vote unanimously supported Erdmann's nomination. Mr. Marks was sworn in by City Administrator Jodie Olson. Boeck made a motion to seat Marks, which was seconded by Nigbor and carried by voice vote.

Erdmann motioned to approve the Consent Agenda as presented. Boeck requested Items #15 and 16 be removed from the Consent Agenda. Erdmann withdrew her motion. Boeck motioned to approve the consent agenda as presented with the removal of items #15 The Official City Map and #16 the Comprehensive Smart Growth Plan Update for further discussion. The following items were listed on the Consent agenda for approval and adoption: 1) Waive the reading of all ordinances and resolutions adopted at this meeting; 2) Receive and place on file the written reports from the City Clerk, Treasurer, and Building Inspector; 3) Approve the minutes from the May 11, 2021 Common Council meetings; 4) Accept the Water & Sewer Commission recommendation to Approve the 2020 Compliance Maintenance Annual report Resolution #21-07; 5) Accept the Committee of the Whole recommendation to approve resolution #21-08 Terminating TIF District #9 and Authorizing the City Treasurer to Transfer All Remaining debts to the Municipality; 6) Accept the Committee of the Whole Recommendation to issue a raze or repair order for the property at 271 McKittrick street; 7) Accept the Committee of the Whole recommendation to approve Resolution #21-09 for Authorized Representative to File Applications for Financial Assistance from the State of Wisconsin Environmental Improvement Fund; 8) Accept the Committee of the Whole Recommendation to approve resolution #21-10 Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing; 9) Accept the Committee of the Whole recommendation to approve Resolution #21-11 Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing. & 10) Approval of the May bill list. Burgess seconded the motion. A roll call vote resulted in 5 ayes 1 Nay (Erdmann) Motion carried.

At this time, The Mayor opened the discussion on Items #15 & 16 of the Consent Agenda. Stating we would combine the two items and vote on it as one motion. Kernitz provided an overview of the two maps included in the packet and the history behind the Planning Commissions' decisions for omitting the privately owned Van Horn Road from becoming an official City Street. Attorney Chier weighed in on the legalities and what would need to happen should the Council decide to make Van Horn Road an

official City of Berlin Street. Schramer, who owns the private road, again stepped up to the podium to make his final pleas. *(Note: Schramer provided written copy of his statements-see attached)* Schramer admitted the home owners living on Van Horn Road were not willing to pay the money to have the road brought up to standards. Several Alderpersons spoke out against spending the taxpayer's money to include Van Horn Rd. Boeck made a motion to accept the Plan Commission recommendation to approve the Official city map and the Comprehensive Smart Growth Plan update of the future street map and adopt Resolution #21-12 Amending the Official City Map of the City of Berlin and Ordinance #10-21 to Adopt the Amended Comprehensive Plan of the City of Berlin, Wisconsin. Erdmann seconded the motion which passed with 5 ayes and 1 nay (Nigbor).

Next on the Agenda was the Berlin Fire Department request to sell Beer at the Car Show in August. Doug Dewhurst of the Berlin Fire Department gave an overview of how the funds are used. Lehr stated we have done this for years, there has never been a problem and it helps the Fire Department get much needed training and equipment that is not covered in the budget, therefore, he made a motion to approve the fire Department request to sell beer at 2021 Car Show event. Burgess seconded the motion which carried by voice vote.

Next item was the Bid Award for Ultra-Violet Anti-Bacterial Lights for the CDBG-CV Grant . The recommendation included a Motion to bypass Committee discussion on this item and Review the bids received. Zabel gave a brief overview of the bids received and stated the low bid was Superheat and Cooling at \$5525.00. Erdmann made a motion to bypass Committee discussion on this item and accept the low bid from Superheat and Cooling Inc. for \$5525.00. Marks seconded the motion which passed on a voice vote.

Item 20 on the agenda was the Raze or Repair Order for 107 W Huron St. Kemnitz explained the former owner, Ramon, was interested in buying back the building from the current owner. Kemnitz was asking for a hold on the Raze or Repair order to see if Ramon was indeed going to buy back the building. She stated we would know by the next Committee of the Whole Meeting and would be able to discuss at that time. Lehr made a motion to put the Raze of Repair order for 107 W Huron St. on hold until we could get additional information on the building from staff at our next meeting. Burgess seconded the motion which passed on a voice vote.

Next the Mayor called on Zabel to discuss the Pedestrian Bridge Replacement Construction Contract Award. Zabel discussed a couple of bids he received on the bridge, explained a bit about the materials being used and the alternatives given. He went on to say, In the end the low bidder is also upgrading the load capacity without an upcharge for materials. The company recommended by Zabel is Kraemer North American LLC. Erdmann made a motion to bypass Committee discussion on this item and Award the Pedestrian Bridge Replacement Construction Contract to Kraemer North American, LLC for the Base Bid and Alternate #3 in the amount of \$339,000. Lehr seconded the motion which passed by voice Vote.

Item #22 on the Agenda was Action on Annual License: Class "a" & Class "B" Beer and/or Intoxicating Liquor Licenses, Outdoor Activity, Cigarette, & Amusement Devices for License Year July 1, 2021-June 30, 2022. Seaman reported to the Council all License Applicants have met the required approvals and passed the required inspections with no contingencies to report. Nigbor made a motion to grant the 2021-2022 licenses presented. Marks seconded the motion which passed by voice vote with Boeck abstaining from the Driftwood only.

Next the Mayor brought forward the Independence Day Celebration Parade Permit for Achieving A Better Community, Inc. Lehr eagerly made a motion to approve the Parade Permit Application and alternate parade route for July 3, 2021. Burgess seconded the motion which passed by voice vote.

Item #24 Was an Appointment of Gloria Lichtfuss to the Oakwood Cemetery Board. Erdmann made a motion to accept the Mayoral appointment of Gloria Lichtfuss to the Oakwood Cemetery Board for the term expiring April 30, 2024. Lehr seconded the motion which passed on a voice vote.

Next the Mayor asked the board to accept the resignation of Police and Fire Commission member Justin Lindahl effective May 13, 2021. Marks made a motion to accept Lindahl's resignation from the Police and Fire Commission. Nigbor seconded the motion. Marks asked members of the Council to keep Lindahl in their thoughts as he struggles with some health issues.

The final item on the Agenda was the recommendation from the Police & Fire Commission to Accept the Mayoral Appointment of Chad Martin to the Police & Fire Commission for a term expiring May 1, 2023. Marks made a motion to accept the mayoral appointment of Chad Martin to the Police & Fire Commission for a term expiring May 1, 2023. Boeck seconded the motion which passed on a voice vote.

There was no old business.

There was no new business

Boeck moved to adjourn at 7:50pm. Marks seconded the motion, which carried by voice vote.

Midge Seaman, Deputy Clerk

## Council Meeting 6/8/21 – Future roads and city street map

I am requesting that items 15 and 16 be removed from the consent agenda and discussed as they do not include Van Horn Road that should have been grandfathered in as a city street back in the 1970's. Back then, there were seven homes already built on Van Horn Road with city issued building permits, then the new subdivision code was put in to place and from that point on the city continuously ignored these homes. They have been left off the future street map and official city street map. The city has named the Van Horn Road without permission, erected a city street sign at the south end of Mound Street showing addresses on Van Horn Road, sell city street maps at the city clerk's window showing Van Horn Road, and the County GIS system shows Van Horn Road and it's on GPS. There is \$1.1 million dollars of assessed valuation on Van Horn Road and the residents pay the same tax rate as any other property in Berlin, yet we have to do our own road maintenance and snow removal. Hallman street was a private driveway and was made into a city street just before the subdivision code was enacted. Why wasn't Van Horn Road with seven homes taken care of at the same time as Hallman Street was with only with three homes? They are both the same length and neither has a cul-de-sac for turning around.

By not acknowledging Van Horn Road on the future street map or official city map is continuing 50 years of neglect. Once again, I urge you to remove items 15 and 16 from the consent agenda and discuss what can be done as far as grandfathering in these homes and making Van Horn Road a category I street. I will remain if there are any questions.

Thank you,

Dick Schramer, 426 Van Horn Road.