

AGENDA
COMMITTEE OF THE WHOLE MEETING
CITY OF BERLIN
TUESDAY, JULY 6, 2021, 7:00 PM

1. Roll Call.
2. General Public Comments. Registration card required (located at podium in Council Chamber).
3. Approval of Minutes. RECOMMENDATION: Approve the minutes from the June 1, 2021 Committee of the Whole meeting.
4. Amendment to Street Privilege Permit Ordinance. RECOMMENDATION: Review draft amendment to ordinance and if appropriate recommend to Common Council to approve and adopt Ordinance Amending the Code Relating to Street Privilege Permits Primarily for the Purpose of Extending the Term of Such Permits.
5. Raze or Repair Order Action for 218 S. Grove Street. RECOMMENDATION: Listen to update and action as appropriate.
6. Raze or Repair Order Action for 107 W. Huron Street. RECOMMENDATION: Listen to update and action as appropriate.
7. American Rescue Plan Act Funding. RECOMMENDATION: Listen to update. No action required.
8. Motion to convene into closed session pursuant to Wis. State Statutes 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 (*Discussion and consideration of handling various staffing vacancies*)
9. Reconvene into open session and take action as a result of closed session discussions.
10. Adjourn.

Note: Public participation will be allowed under each agenda item at the discretion of the presiding Officer. Attendees must register their intention to participate on either a general comments section or a specific agenda item prior to the meeting by e-mailing Mayor Bruessel at mayor.bruessel@gmail.com or by filling out a public comment card located on the podium in the Council Chambers.

**AN ORDINANCE AMENDING THE CODE
RELATING TO STREET PRIVILEGE PERMITS PRIMARILY FOR THE PURPOSE OF
EXTENDING THE TERM OF SUCH PERMITS**

The Common Council of the City of Berlin do ordain as follows:

Sec. 18-401 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 18-401. - Street privilege permit.

(a) *When required.* Permits for obstruction or excavation beyond a private lot line and within a public street, alley, sidewalk or other public way or place of the city shall be granted pursuant to ~~Wis. Stats. § 66.0425, only for the following purposes as follows:~~

...

(3) *Automobile sale terrace displays.* The display of automobiles, as defined in Wis. Stats. § 340.01(4), for sale in terrace areas adjacent to or fronting the applicant's duly licensed or authorized automobile sale facility or dealership located within the city's business improvement district created under Wis. Stats. § 66.1109, or if such business improvement district has been terminated, then the area contained within such business improvement district at the time of its termination, provided the applicant has complied with the requirements of this section. If the city's business improvement district is ever terminated, then permits hereunder shall be limited to applicants with duly authorized licensed or authorized automobile sale facilities or dealerships located within the area formerly designated as the city's business improvement district on the date of the district's termination. Applicants applying for a permit under this subsection shall be referred to as "automobile sale terrace display applicants." No permits may be granted hereunder for the display of automobiles during the winter parking restriction periods designated in section 70-458.

...

(e) *Conditions of license.* In addition to any other conditions imposed by the common council, all permittees under this section shall fully comply with the following requirements:

...

(4) *Area of obstruction.* Temporary construction applicants shall not obstruct more than one-third of any street or alley within the city. Sidewalk café applicants may only encumber upon sidewalks or other public areas that have no effect on vehicular traffic areas or ways. Temporary construction applicants and sidewalk café applicants shall not interrupt sidewalk pedestrian traffic, and must allow a minimum width as required by the Americans with Disabilities Act or any Wisconsin disability related law or regulation of four feet of remaining sidewalk for uninterrupted pedestrian traffic. Temporary construction applicants, if necessary, may construct a temporary sidewalk of such width, but such temporary sidewalk must be guarded by a closed fence at least four feet high on both sides, which may be maintained during the period of obstruction.

...

(10) *Automobile sale terrace display applicants—General conditions.* Automobile sale terrace display applicants shall comply with the following conditions:

...

c. The display of automobiles must have no effect on vehicular traffic areas or ways, and shall not interrupt sidewalk pedestrian traffic. A minimum width as required by the Americans with Disabilities Act or any Wisconsin disability related law or regulation of remaining sidewalk for pedestrian traffic must be maintained.

...

(h) ~~*Termination*~~ *Term of permits.* Except for temporary construction permits, all street privilege permits shall have a term commencing on the date specified in the permit and shall continue through the following June 30 shall automatically terminate at the end of three months from the date of issuance of such permit, unless an earlier termination date is specified on the permit at the direction of the common council. The term for temporary construction permits shall commence on the date specified in the permit and shall continue for a period of 90 days, unless an earlier or later termination date is specified on the permit at the direction of the common council, but in any event shall not be longer than one year.

(j) The street privilege permits issued under this Section are pursuant to and compliant with Wis. Stats. §66.0425 except that obstructions or excavations for less than 90 days shall still require a permit under this Section.

This ordinance shall take effect the day after publication.

The term for all street privilege permits issued by the City pursuant to Sec. 18-401 of the Code of Ordinances after April 1, 2021, but prior to the effective date of this Ordinance, shall be automatically extended through June 30, 2022.

The numeric section numbers and headings of any portions of the Code of Ordinances affected by this Ordinance shall be subject to modification in the discretion of the codifier, and the approval of the City Attorney, during codification into the City's current Code of Ordinances.

Passed, approved and adopted this ____ day of _____, 2021.

ROLL CALL VOTE:

CITY OF BERLIN

____ AYES
____ NAYS
____ ABSENT

BY: _____
Joel E. Bruessel, Mayor

APPROVED AS TO FORM:

ATTEST: _____
Jodie Olson, City Clerk

Matthew G. Chier, City Attorney

To: Mayor & Common Council

From: Lindsey Kemnitz

Subject: 218 S. Grove Street Raze or Repair Order

Background:

In August of 2020, the Common Council approved the raze or repair order for 218 S. Grove Street. At the January Council meeting an extension was granted for six months as building permits were issued for the garage addition and remodel. The new garage has since been built and the roof has been replaced on the existing structure. The property owner also worked on demolition of the interior during the winter months. The next steps are to pour the concrete garage floor and wrap up the exterior upgrades that are needed.

Recommendation:

Extend the raze or repair order for an additional 6 months and provide Council an update at that time.



DATE: June 30, 2021

TO: Committee of the Whole

FROM: Jodie Olson, City Administrator

RE: American Rescue Plan Act Funding

BACKGROUND: I applied for American Rescue Plan Act (ARPA) funding on behalf of the City of Berlin. The first portion of the ARPA federal funding has arrived in the amount of \$281,820.08. The second and final round will come in summer 2022. The total funding that the City of Berlin will receive is \$563,640.16. I have set up a separate fund on the ledger for this grant funding to ensure it is separated and accounted for. There will be future reporting as well as a single audit required.

There is a growing list of questions about the use of these funds and the Treasury is updating a FAQ list regularly and webinars are periodically available. The Treasury currently has an Interim Final Ruling out on the use of the funds, but more guidance will come forward as well as clarifications. We have been advised to not be in a hurry to spend these dollars until all of the information is available. **These funds do not have to be expended until December 31, 2024.**

We do know for sure that generally speaking the funds cannot be used for pension funds, cut taxes, debt service, general economic development or workforce development, roads or build reserves. As with the Routes to Recovery funding, allowable uses for the funding changed over time allowing for more flexibility, so I advise Council wait a bit yet before committing these dollars to anything. Staff will continue to look into what opportunities are available and continue to bring the issue forth to Council for future action.

RECOMMENDATION: Listen to update. No action required.