

MINUTES
CITY OF BERLIN
COMMON COUNCIL MEETING
TUESDAY AUGUST 10, 2021 AT 7:00 PM
COUNCIL CHAMBERS, BERLIN CITY HALL, 2ND FLOOR

Mayor Bruessel called the August 10, 2021 Common Council meeting to order at 7:00 pm. Roll call present: Ald. Boeck, Erdmann, Lehr, Burgess, Nigbor and Marks. Staff present: Evan Vandenlangenberg, Atty. Matt Chier, Sara Rutkowski, Jodie Olson and Susan Thom

There were no public comments.

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 July 13, 2021 Common Council meeting; 4) Accept the Committee of the Whole recommendation to approve Resolution #21-13 Changing the Authorized Representative on Recycling Grant Reports; 5) Accept the Committee of the Whole recommendation to approve and authorize the Mayor to sign the 2021 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 2021, including the Federal Certifications and Assurances; 6) Accept the Police & Fire Recommendation for weapons equipment purchase out of prior year committed funds (15-34157) up to \$7,875 minus trade-in value of old rifles; 7) Approve the list of bills for payment. Erdmann made a motion to approve the consent agenda. Marks seconded the motion. A roll call resulted in six (6) ayes, zero (0) nays and zero (0) absent. Motion passed.

Next was Update on Green Lake County Ambulance Service Discussions. Vandenlangenberg reviewed that the County ADHOC committee approved a resolution that would establish a county-wide ambulance service. Green Lake County will be voting on the Resolution on Tuesday August 17, 2021 at 6:00 pm. Vandenlangenberg will keep us informed of the results.

Next was City Attorney Retainer Overage. Erdmann made a motion to bypass Committee discussion on this item. Lehr seconded the motion, which carried by voice vote. Olson reviewed that the City of Berlin budgeted for 600 hours annually for City Attorney salaries plus expenses for approximately \$72,000. The total hours for the contract year ended up at 1084.4 so an additional 484.4 hours are owed to Chier Law LLC which equates to \$70,444.40. Olson stated that the largest contributing factors were an increase in municipal court, nuisance violations and number of ordinance changes. There is not nearly enough in contingency to cover such a significant overage. Therefore, the option is to adjust the budgeted expenditure line item and hope that the actual expenditures in the other overall line items in the budget can make up the \$70,000 when all is said and done at year end. Lehr made a motion to approve Resolution #21-13 Authorizing 2021 Budget Adjustment for Legal Expenses Exceeding City Attorney Retainer for Contract Year 2020-2021. Marks seconded the motion. A roll call vote resulted in six (6) ayes, zero (0) nays and zero (0) absent. Motion passed.

Next was Nuisance and Clean up 356 S Church Street. Atty. Chier reviewed that Mr. Abitz was ordered by the court to have the property cleaned up by July 6, 2021. Since that has not happen, there is an order on file determining continued Noncompliance and authorizing City Cleanup. Decision was made to wait until the next meeting to determine the next step.

Erdmann made a motion to accept the resignation of Becky Jenkinson from the Park & Recreation Commission effective immediately. Marks seconded the motion, which carried by voice vote.

There was no or new old Business.

At 7:38 pm, Burgess made a motion to convene into closed session pursuant to WI §19.85 (1)(g) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (*Discuss strategy regarding Walmart assessment objection claim*) and pursuant to 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 staffing vacancies*). Nigbor seconded the motion. A roll call vote resulted in six (6) ayes, zero (0) nays and zero (0) absent. Erdmann made a motion to seat Jodie Olson and Sara Rutkowski and Evan Vandenlangenberg for item 2. Marks seconded the motion, which carried by voice vote.

At 8:08 pm, Marks moved to reconvene into open session. Burgess seconded the motion which carried by voice vote.

There was no action taken as a result of closed session.

Nigbor moved to adjourn. Burgess seconded the motion, which carried by voice vote.

Susan Thom, Deputy Clerk