

MINUTES
CITY OF BERLIN
COMMON COUNCIL MEETING
TUESDAY DECEMBER 14, 2021 7:00PM
COUNCIL CHAMBERS, BERLIN CITY HALL, 2ND FLOOR

Mayor Bruessel called the December 14, 2021 Common Council meeting to order at 7:00 pm. Roll call present: Ald. Boeck, Erdmann, Lehr, Burgess, Nigbor and Marks. Staff present: Atty. Matt Chier, Jodie Olson, Sara Rutkowski, Tim Ludolph and Midge Seaman

There were two people in attendance to speak on item # 12 of the agenda. There was one person attending the meeting virtually, Jerry Newton, who is the owner of the property being discussed on item #12. No need to seat.

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 November 9 and 16, 2021 Common Council meetings; 4) the Standardized Special Assessment Schedule; 5) 2022 Non-Union Employee Wage Adjustment Resolution; 9) Employee Leave of Absence Request; and the 7) Oakwood Cemetery Flower Bid. Erdmann requested to have Item #6 removed from the consent agenda. Erdmann made a motion to accept the Consent Agenda as presented. Marks made a motion to approve the consent agenda. A roll call resulted in six (6) ayes, zero (0) nays and zero (0) absent. Motion passed.

Erdmann made a motion on item #6 which was removed from consent agenda to accept the November 9 and November 16th minutes as amended. Burgess seconded the motion which carried on a voice vote.

The Mayor moved on to item #12, which was the Nuisance Property at 271 McKittrick Street. The recommendation was to Listen to the update and action as appropriate. He called on Jerry Newton, 620 Hillcrest Drive, Oregon, WI 53575, owner of the property at 271 McKittrick St property who was joining the meeting virtually to give an update on the status of the property. Newton reported he has been in the hospital with Covid and has not been able to get the property work completed to the point he would have liked to.

There were two public comment cards filled out on item #12. Larry Hall, 287 McKittrick Street, reported his disappointment with the lack of progress being made on the neighboring home at 271 McKittrick Street. He said the home being in disrepair is causing an animal issue, there are trees in front that are unsafe, there is debris blowing around in the front yard and road becoming a hazard. Further he stated the only time Newton works on the home is 1 or 2 days prior to a council meeting and then he has a flurry of activity. It is still a problem.

The second gentleman, Adam Gilmour of 261 McKittrick Street, stepped up to the microphone to speak on the property at 271 McKittrick Street. Gilmour moved into home in 2015. His wife's family owned the house in question and also Larry Hall's property. There have been strangers approaching them to ask if the house can be rented out. One recent time, a car in disrepair drove into driveway at 8:30pm. His kids were sleeping at the time, the number of people driving in and out of driveway, when kids are possibly playing outside is dangerous to him and his wife. There have been contractors looking at the house and then stops at our house to try to upsell things to them. The steel from the roofing is in the

yard and blowing all over the yard. I have kids playing and it is a dangerous situation. His wife is the one who keeps gathering and picking up debris so the kids stay safe. Wife called the police because it has become a hazard to the family.

Ludolph, Planning and Development Director, reported to Council, spoke to Mr. Newton and discussed with a clear understanding of Mr. Newton the need to take action by a certain deadline. Boeck asked if we issued any citations for this property. Olson reported there have been no citations issued. She stated there has been a couple postponements on this property by council, giving the owner the chance to make positive changes. No raise or repair order has been issued. Lehr stated he has asked repeatedly if there are any safety concerns and if Neighbors have complained. He said tonight it happened and now we need to move forward. Marks agrees with Lehr and expects the owner to come with a written proposal of what needs repair and clean up and the dates each will be complete. Discussion ensued with council members all agreeing we have given enough chances. Olson asked if what they are looking for is by the January meeting, the building inspector needs to have updated report on everything needing to be done to bring up to code and the owner have something in writing stating when each repair will be completed. Lehr stated that sounds like what we have already been doing. He would like to give the inspector the approval to begin writing citation now. If there are violations there, issue the citation now. Do not bring it back to us. If that doesn't send a message then we will have to get serious in January. Boeck asked when the building inspector was at the property lastly. Ludolph stated it was 08/30/2021.

Next up was the approval of Bijak's Culinary Café Liquor License. Erdman asked that staff remind Mr. Bijak, he has an awning up with the former owner's business name on it and as per Ordinance, he needs to take that awning off. Marks asked about a violation or offense on Mr. Bijak's application. Rutkowski stated that it was approved by the Chief and Attorney Chier. Lehr moved to approve the "Class B" Beer and "Class C" Wine license for Bijak's Culinary Café, LLC located at 219 Broadway, contingent upon Bijak's Culinary Café, LLC passing the required health, fire, police and building inspections. Burgess seconded the motion which carried on a voice vote.

Next the mayor introduced item 14. A Resolution Authorizing Execution of DNR Financial Assistance Agreement. Olsen explained the resolution will allow the City to be able to collect the funds to cover the cost of replacing lead lines during the 2021 Street and Utility projects. The grant allowed home owners on that project to be able to have their lines replaced at no cost to them. Erdmann made a motion to waive the Committee of the Whole discussion on this item, Nigbor seconded the motion. The motion was carried by voice vote. Erdmann then made a motion to Approve Resolution #21-19 Authorizing Execution of the DNR Principal Forgiven Financial Assistance Agreement. Marks seconded the motion. A roll call vote resulted in 6 ayes 0 Nays and 0 absent.

The Mayor brought the next item forward which was the Walmart Liquor License update. Walmart had a change in officers and following State Statute, updated the municipalities. Marks made a motion to approve the change in Walmart Stores East, LP, Inc. Officer from Assistant Secretary David Reading to Sarah Little. Burgess seconded the motion which carried by voice vote.

Next the Mayor introduced the Appointment of Election Officials for the term beginning January 1, 2022 to December 31, 2023. Burgess made a motion to Approve and appoint the list of election officials as presented. Marks seconded the motion which carried on a voice vote. .

There was no old business. Under New Business, Boeck asked to place on the COTW agenda to discuss Commercial Signs Removal on Vacant Properties and the plastic that has been hanging in the window at the old Dominoes property.

At 7: 40 pm, Lehr made a motion to convene in closed session pursuant to WI § 19.85 (1) (g), 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 Union Negotiations; 2) 107 W Huron Street Raze or Repair Order; and 3) EMS Contract with Green Lake County. Nigbor seconded the motion. A Roll Call Vote resulted in 6 Ayes 0 Nays and 0 Absent.

Marks moved to seat Olson, Rutkowski for closed session, Vanderlangenberg for item #3 and Ludolph for Item #2 Nigbor seconded the motion which carried on a voice vote.

Midge Seaman, Deputy Clerk

Marks motioned to reconvene into open session. Nigbor seconded and the motion carried on voice vote.

Burgess motioned to adjourn the meeting with a second from Nigbor. Motion carried by voice vote.

Sara Rutkowski, Deputy City Administrator