

COMMITTEE OF THE WHOLE MEETING AGENDA

TUESDAY, FEBRUARY 7th, 2023, 7:00 PM

BERLIN COMMON COUNCIL CHAMBERS

<https://us02web.zoom.us/j/89148709007>

Meeting ID: 891 4870 9007

1 312 626 6799 US TOLL-FREE

1. Roll Call
2. Virtual Attendees Seated (if necessary)
3. General Public Comments. Registration card required (located at podium in Council Chambers).
4. Approval of Minutes. RECOMMENDATION: Approve the minutes from the January 3rd, 2023 Committee of the Whole meeting.
5. Safeguard Property Update. RECOMMENDATION: Listen to staff presentation with action as appropriate.
6. Parking Request from Farmer's & Merchant's Bank. RECOMMENDATION: Discussion and action as appropriate.
7. Parking Request from Tbird Aircraft LLC. RECOMMENDATION: Discussion and action as appropriate.
8. Delta 8 / Vaping Device Ordinance RECOMMENDATION: Listen to presentation with action as appropriate.
9. Sirrell Property 123 E Park Avenue Discussion RECOMMENDATION: Listen to presentation with action as appropriate.
10. If necessary, motion to convene into closed session pursuant to Wis. Stat §19.85(1)(c) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. (*Sirrell Property Discussion*).
11. Reconvene into open session and action as appropriate from closed session discussion.
12. Adjourn.

Note: In adherence to the City of Berlin Public Meeting Participation Policy, public participation will be allowed under each agenda item at the discretion of the presiding officer, with the exception of the Consent Agenda. Attendees must register their intention to participate on either a general comments section or a specific agenda item prior to the meeting by filling out a Registration Card, which can be obtained from the Internet, City Clerk's office or in the City Hall Council Chambers at the podium. Registration Cards should be turned in prior to the meeting to either the presiding officer or City Clerk.

CITY OF BERLIN COMMITTEE OF THE WHOLE MEETING MINUTES
TUESDAY, January 3, 2023 7:00 PM
COMMON COUNCIL CHAMBERS

Mayor Bruessel called the Committee of the Whole meeting to order at 7:00 p.m. Present: Ald Boeck, Burgess, Nigbor, Dretske, and Stobbe. Erdmann absent. Staff present: Sara Rutkowski, Caitlin Hilgart, Scott Zabel, Tim Ludolph, Rebecca Bays, and Chief Brian Pulvermacher.

There were no virtual attendees or public comments.

Stobbe moved to approve the minutes from the December 6, 2022 Committee of the Whole meeting. Nigbor seconded the motion, which carried a voice vote.

The next item brought forward was the Alliant Easement Request for Fiber Optic Cable. Nigbor made a motion to recommend to Common Council to approve Alliant Easement Request for burying Fiber Optic Cable at 730 N Wisconsin St property. Boeck seconded the motion and it passed via voice vote.

Mayor Bruessel moved to the next item on the agenda concerning Safeguard Property. The Department of Natural Resources is suggesting additional soil sampling on the north side of the city property to better define the extent of the CVOC contamination. There was discussion held on Sigma and DNR reports that were presented. Rutkowski is going to look into a quote as to what needs to be done to close the site. The discussion was moved to next month's agenda.

Item #7 was the Security Camera Update. Bays presented a proposal from Hunter Security and the reason behind the need for the cameras. Discussion was held and the Council did agree that there is a need for the cameras, but asked for a few additional quotes and will address this item next month. There was additional discussion on the extra security cameras at the pool after recent vandalism. Stobbe made a motion to recommend to Common Council to approve purchasing the additional camera from Hunter Security for the pool. Dretske seconded the motion that passed with a voice vote.

Next on the agenda was a presentation from Chief Pulvermacher on the Uncontrolled Intersections. There was a PowerPoint with a very lengthy discussion held on the points and opinions concerning the different intersections on the list. Burgess made a motion to recommend to Common Council to approve all recommended intersectional changes as agreed upon. Dretske seconded that motion that passed via voice vote.

Last on the agenda was the Levy Referendum. Rutkowski had presented different possible options of increase amounts and purpose language to be used. A lengthy discussion was held. The Council asked Rutkowski to draft the increase amount for \$250K along with the purpose language of option #3. This agenda item was moved to next week's agenda with staff direction.

Boeck moved to adjourn the meeting at 9:07 pm, which was seconded by Nigbor and passed on a voice vote.

Caitlin Hilgart, Deputy Clerk

January 18, 2023

Project Reference #19228

Ms. Sara Rutkowski
City of Berlin
108 N. Capron Street
P.O. Box 272
Berlin, WI 54923

Via email: srutkowski@cityofberlin.wi.gov

**Subject: Proposal for Additional Soil Sampling
Former Safeguard Property
114 Pierce Street and 119 Commercial Street, Berlin, Wisconsin**

Dear Ms. Rutkowski:

The Sigma Group, Inc. (Sigma) has prepared this proposal to conduct additional soil sampling near the north property line of the former Safeguard property located at 114 Pierce Street and 119 Commercial Street, Berlin, Wisconsin (hereinafter the "Site"). This proposal is based upon the City of Berlin, Sigma, and Wisconsin Department of Natural Resource (WDNR) virtual meeting on December 2, 2022 during which this topic was discussed. Additionally, the WDNR's December 16, 2022 Site Investigation approval letter¹ reiterated that additional soil sampling could be performed near the north property line of the Site to better define the horizontal extent of chlorinated volatile organic compounds (CVOCs) in this area. The recommended activities are summarized below.

SCOPE OF WORK

In consideration of the WDNR December 2, 2022 meeting and the WDNR's December 16, 2022 letter, Sigma recommends the following scope of work:

- Submit a brief Site Investigation work plan to the WDNR project manager (Roxanne Chronert) to describe the proposed soil sampling work. We recommend that this work plan consist of an email summarizing the work tasks below and include the figure attached with this proposal that depicts the proposed soil boring locations.
- Contact Diggers Hotline to locate subsurface utilities within the proposed area of exploration. Soil boring locations may be adjusted slightly to accommodate underground or overhead utility lines.
- Advance three direct-push (Geoprobe®) soil borings at the locations depicted on **Figure 1**. Each soil boring will be advanced to a depth of approximately 8 to 10 feet below ground surface (bgs). During the soil boring advancement, soil samples will be collected on a continuous basis and described on the basis of color, texture, grain size, and/or plasticity, and classified in general accordance with the Unified Soil Classification System (USCS). Soil samples will be screened in the field using a photoionization detector (PID).

¹ Site Investigation Complete, Old Safeguard Property - LGU, 114 Pierce St & 119 Commercial St, Berlin, WI, WDNR BRRS #02-24-563323 letter by WDNR (dated December 16, 2022)

- Collect two soil samples per borehole for laboratory analysis of CVOCs, including tetrachloroethene, trichloroethene, cis-1,2-dichloroethene, trans-1,2-dichloroethene, and vinyl chloride. As shallow groundwater has been located at approximately 5 to 6 feet bgs in this portion of the Site, soil samples will be selected from unsaturated soil intervals of approximately 1 to 3 feet bgs and 3 to 5 feet bgs, or possibly 2 to 4 feet bgs and 4 to 6 feet bgs, and submitted for laboratory analysis of CVOCs by EPA Method 8260. A methanol blank will also be analyzed for CVOCs for quality assurance / quality control (QA/QC) purposes.
- Abandon the boreholes with bentonite chips up to the ground surface in accordance with NR 141 regulations.
- Complete a location and elevation survey of each of the new soil borings so they can be accurately illustrated on updated environmental figures.
- Prepare a letter report to document the additional soil sampling work activities and results. The report will be submitted to the WDNR without a review fee.

ESTIMATED PROJECT COSTS

Sigma will conduct the above scope of work and invoice the City of Berlin on a time and materials basis. Estimated costs are based on our understanding of current Site information and experience with similar projects. The estimated cost to conduct the scope of work is as follows:

• WDNR work plan, project coordination	\$700
• Field services, including materials and equipment	\$1,550
• Subcontractor drilling	\$2,000
• Subcontractor laboratory	\$500
• <u>Documentation report</u>	<u>\$2,400</u>
Subtotal:	\$7,150

Changes and/or additions to the scope will be discussed with the City of Berlin prior to implementation.

AUTHORIZATION & SCHEDULE

Following acceptance of the attached Work Authorization form, Sigma will proceed with the Scope of Work. The following approximate schedule is expected:

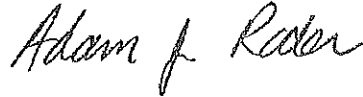
- Week 1: Prepare the Site Investigation work plan and submit to WDNR via email; coordinate the subcontractor driller (assuming the Site is free of obstructions / snow piles). Leads times for drillers are currently approximately 3 to 4 weeks.
- Week 2 - 3: Contact Diggers Hotline after WDNR acknowledgement and comment on the Site Investigation work plan.
- Week 4 - 5: Perform drilling work and submit the soil samples to the subcontractor laboratory for analysis. Standard laboratory turnaround time (approximately two weeks) will be requested.
- Week 8: Prepare the letter report and submit a draft to City of Berlin for review before finalizing for submittal to the WDNR.

City of Berlin
January 18, 2023
Page 3

Please contact us if you have any questions about this proposal or to return the Work Authorization page as our notice to proceed. We look forward to continue helping the City of Berlin with this project.

Sincerely,

THE SIGMA GROUP, INC.



Adam J. Roder, P.E., P.G.
Geoscience Group Leader



Kristin Kurzka, P.E., P.G.
Vice-President

Attachments

Figure 1 - Proposed Soil Boring Location Map
Work Authorization #3

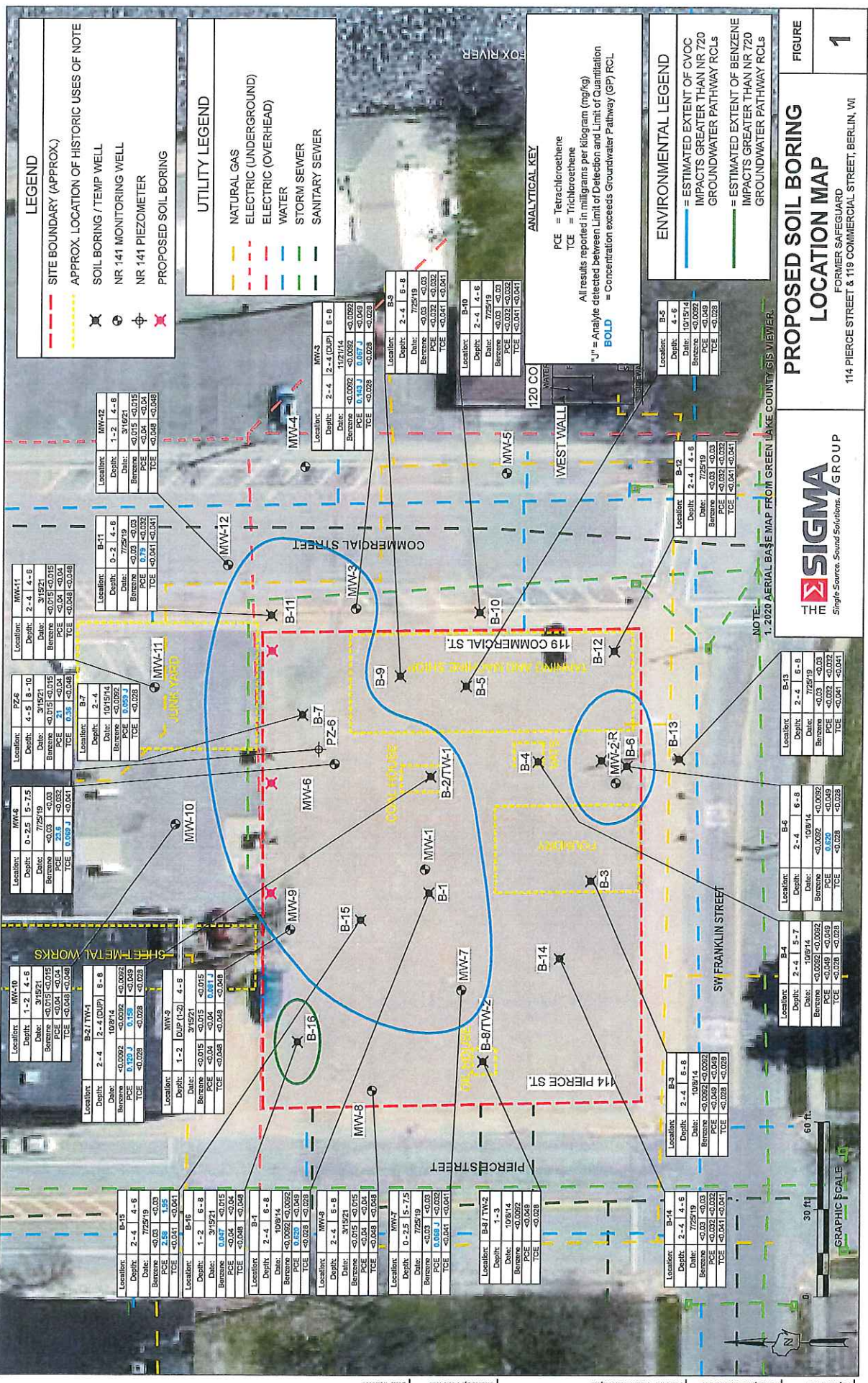


EXHIBIT A
WORK AUTHORIZATION NO. 3

Project Reference No.: 19228

This Work Authorization is entered into by and between The Sigma Group, Inc. ("Sigma") and City of Berlin ("Client"). This Work Authorization incorporates by reference the Agreement entered into by the Parties dated August 19, 2020 (the "Agreement"). The Agreement is hereby amended and supplemented as follows:

Site: Former Safeguard Property - 114 Pierce Street and 119 Commercial Street, Berlin, WI

General Description of Basic Services.

Client hereby authorizes Sigma to perform and complete the following Service(s):

1. Those Services contained in Sigma's proposal dated January 18, 2023, which is attached hereto and incorporated herein by this reference# 19228.

2. _____

Compensation.

1.	Additional soil borings along north property line	\$7,150
2.	_____	
3.	_____	
4.	_____	
5.	_____	
6.	_____	
7.	_____	
8.	_____	
9.	_____	
10.	_____	

Other Terms. [Insert any other terms specific to the work authorization, i.e., dates of performance.]

1. _____

Firm: City of Berlin

Signature: _____

Name (please print): _____

Title (please print): _____

Date: _____

THE SIGMA GROUP, INC.

Signature: _____

Name (please print): _____

Title (please print): _____

Date: _____

To: Committee of the Whole

From: City Administrator

Date: 01/26/2023

RE: Parking Requests

We have received two parking requests in our downtown area. One on W Huron St, and one on Broadway St.

1) Farmer's & Merchant's Bank request for a Handicap Parking Stall on W. Huron St.

Please see the following Map A for current handicap spots and the proposed location. The closest current handicap parking spots have been marked – at the library and in the parking lot by the Post Office. There are no handicap spots located on West Huron Street. Staff agrees that due to no close Handicap parking spots on the downtown street, the addition of this spot would be a benefit to the community.

2) Downtown business request for three 15 minutes parking spots and two additional handicap spots.

Please see Map B for current handicap spots and the proposed location. I have also attached the letter and map from Mr. Shubat. In response to Mr. Shubat's comments, there already are handicap spots on both sides of Broadway. The PD does as much parking monitoring as they can with their other duties. Staff has a concern of eliminating 5 spots downtown, where there already is limited parking in that area in relation to the number of businesses.

Items to consider for both locations:

- We cannot create a new stall due to space/safety requirements of the street, so any would have to be current parking spots that we would turn into handicap spots/15 minute parking.
- I have reached out to the DOT to make sure we are following all necessary regulations for putting in a new Handicap Spot. There are road grade requirements, access space requirements for both side and rear loading handicap vans, and curb height requirements.



North end = 15 spots + 1 handicap

South end = 20 spots + 1 handicap

MAP B

Berlin Common Council
108 N Capron Street
Berlin, WI 54923

XXXX XX, 2023

Dear Berlin Common Council Members,

We would like to request the following proposal be put on the agenda and presented to the Council at the next meeting in 2023.

Fifteen to Twenty Minute Parking Spots and Handicap Parking Along Broadway Street

Background of issue

- Limited available parking for customers wanting to quickly pick up food or items for sale at businesses, receive services, drop off pick up UPS/FedEx, and to visit businesses at several locations on Broadway, including 217 Broadway and where there are a dense amount of businesses operating along the street
- Appears bar customers along the street are parking for several hours and/or overnight on Broadway, not utilizing parking behind the buildings, and not abiding by the 2 hour rule
- No designated Handicap Parking along Broadway Street other than one near Advocap.

Alternatives to solve the problem

- Provide some 15-20 minute parking signs and painted curbs along Broadway in locations where customers need to visit for a short period of time and so business owners can offload items
- Provide one handicap parking spot each side of the street on each block with blue painted curb
- Berlin Police or a Designated City Employee regularly monitor customer violating the parking ordinance and enforce the 2 hour ordinance

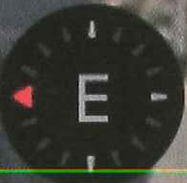
Benefits of Proposed Ordinance

- Parking violation tickets would be revenue for the city
- Convenience to customers visiting businesses, encourage growth, and increase revenue for the businesses and the city

- Health and welfare of handicap customers for handicap parking spots, and also for elderly as parking would be more available to them as well if there is parking limited by time and enforced
- Presents good will to visitors and those conducting business in Berlin
- Presents high regard/consideration for customers, business owners, handicapped, and elderly

Sincerely,

Matthew Shubat (owner of Tbird Aircraft & 217 Broadway St building)
217 Broadway Street
Berlin, WI 54963
(920) 509-7013



PI

DWAY ST



LL ST

Tbird 217 Broadway
Bisaks
15 Min
Handicap



Handicap

15 Min

24°

AQI 28

SUPPORT PETITION FOR BROADWAY ST PARKING ORDINANCE 2023

	BUSINESS NAME	NAME STREET # EMAIL	PHONE SIGNATURE
1	Bijak's Culinary Cafe	219 Broadway	chaf6jnh@mr.com
2	Matt Shubat	217 Broadway	920 509 7013
3	The Pet Puddle	227 Broadway	920-290-3630
4	HAMILTON'S	105 W. Huron St	920-290-2205
5	Rock n Resale	208 Broadway	920-410-1923
6	Bretchen Willis Photo	203 Broadway	608 566 9070
7	Patricia Day	221 Broadway	920-228-4235
8			
9			
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To: Committee of the Whole
From: Sara Rutkowski
Date: 02/02/2023
RE: Sirrell Property – 123 E. Park Avenue

BACKGROUND: In 2003, Tami & Ed Sirrell purchased the old senior center at 123 E. Park Avenue from the City for \$65,000 on a five-year land contract. The agreement stipulated that monthly payments would be made with a balloon payment at the end of five years.

In 2008, the Sirrells could not make the balloon payment. Council discussed this in October of 2008. The Council then directed staff at that time to work with Farmer's & Merchant's Bank to come up with an agreement where we both shared the risk. The result was that F&M paid all of the back taxes on the property and assumed half of the remaining loan balance for a total of \$38,000, while the City retained the other half of the loan balance of \$32,373.73. In return, the City agreed to allow F&M to have first position on the property. Payments to the city continued at that time.

In 2012, the Sirrell's were unable to continue payments on the property due to unforeseen difficulties. As of today, the remaining principal balance on the City Loan is \$23,746.75. Staff has calculated the interest from the last payment to January of 2023 as \$22,496.11.

The Sirrell's are trying to sell the property and have a buyer interested. They still have a balance owing at F&M.

RECOMMENDATION: Listen to the presentation by Tami Sirrell and have Closed Session discussion concerning the contract.