

MINUTES
CITY OF BERLIN
COMMON COUNCIL MEETING
TUESDAY, APRIL 12, 2022 AT 7:00 pm
COUNCIL CHAMBERS, BERLIN CITY HALL, 2ND FLOOR

Mayor Bruessel called the April 12, 2022 Common Council meeting to order at 7:00 pm. Roll Call present: Ald Boeck, Burgess, Erdmann, Lehr and Marks. Nigbor Absent: Staff present: Sara Rutkowski , Tim Ludolph, Scott Zabel, Randy Backhaus, Atty. Chier, and Midge Seaman.

There were no virtual attendees.

The Mayor began the meeting by Thanking the two members of the Council whose term is ending on 04/19/2022, Ed Marks, Alderperson Appointed to Ward 4 and Jim Lehr, long standing Alderperson for Wards 1 & 7. Lehr was also presented a plaque for 16 years of service to the Community.

Public Appearances: Neil Tettenborn, 355 SW Ceresco St. Police Department Complaints.; Bruce Tetske, 151 S Washington St; Comment regarding Logging on Hwy 49 North; Randy Francisco and Renae Krohn, 115 W Ceresco St. Problems with House and wished to speak to clear some things up.

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 for the City Clerk, Treasurer and Building Inspector; 3) Approve the minutes from March 08, 2022 Common Council meeting and 4) Accept the Committee of the Whole recommendation to Approve the list of bills for payment. Erdmann made a motion to approve the Consent Agenda as presented. Marks seconded the motion. A roll call resulted in five (5) ayes, zero (0) nays 1 Absent; Motion passed.

Item Number 8 on the Agenda was the ABC Group Fireworks Request. Sue Trampf, Vice President of the ABC Group requested the City of Berlin set their fireworks display off on July 3, 2022 at dusk to coincide with the ABC Group's annual July 3rd event as in years past. A motion was made by Marks to allow the City Fireworks to be displayed on July 3, 2022. Lehr Seconded the motion which carried by voice vote.

Sue Trampf remained at the podium for item #9 on the Agenda to present the Year-end report from the Travel and Tourism Group.

The next item on the agenda was the City Hall Boiler Bid. Street Superintendent Scott Zabel gave the report, indicating there was a solo bid from August Winter & Sons, Inc. and that bid came in at \$106,242.00 which was over the budgeted amount by \$26,242.00 but overall between all the 2022 budgeted City projects is still roughly \$20,000.00 under budget. Lehr asked for wording to be added to the contract that states the price is locked in at the bid rate. Erdmann made a motion to accept the City Hall Boiler bid from August Winter & Sons as presented. Marks seconded the motion which passed on a voice vote.

Item 11 the 107 W. Huron St Raze and Repair Order Update. Planning and Development Director, Tim Ludolph gave an update or rather lack of progress on the sale of the building as told by the owner of record for this property. The owner has gotten a month of daily citations and continues to receive daily citations which the property owner will be forced to make good on upon the sale of the building. Marks and Burgess agreed action should be taken because this has gone on a long time without any progress.

Lehr said it would cost hundreds of thousands of dollars to the taxpayers to take this building down and waiting three months would not hurt anyone. Rutkowski added that Santiago stated the closing was going to take place within a week or two. The Council members did not act at this time.

The next item is the 271 McKittrick St Raze and Repair Order Update. The Mayor began discussion with Public Comments card. First up was Larry Hall, 287 McKittrick St. He stated he was there to find out what was happening with the Raze and Repair Order for this property. Hall spoke in opposition to allowing this project to get delayed any further. Next up was Diane Hall, 287 McKittrick St. Diane Hall mimicked her husband's opposition to allowing this delay to go any further. Lastly, speaking on this property was Adam Gilmour of 261 McKittrick St. Gilmour asked if Council was going to stick to the deadlines given at the January Council Meeting. He too, opposed allowing this to drag out any further. The Owner of the property in question, Jerry Newton of 620 Hillcrest Dr. Oregon, WI., Provided an envelope to council members with what he called proof of what has been going on in his life that made it impossible to work steadily on this property in recent weeks. He pleaded with council to allow him the time left on his permit to complete the work. He stated it would be a shame at this point to just tear it down. It will become a nice property when done and he assures it can be done in whatever time the council allows. The next public speaker, Tanner from T and T Real Estate Services, 1322 Acewood Blvd, Madison, Wi. Stated they are here to assist Jerry in getting his property taken care of in a timely manner. Tanner stated they have a large network and the ability to expedite the work and get it taken care of. Next was Tanner Gibbs from T and T Real Estate of the same address. Gibbs also expressed the same sentiment as his partner.

The City of Berlin Building Inspector, Randy Backhaus, was called upon to give an update on the property. Backhaus stated there was no progress on the property since his last update. There was much back and forth between council members, Backhaus and Newton regarding the current condition of the home, the question of when the Building Permit expires and what the actual motion was in the January Council Meeting. Lehr was agitated there was absolutely nothing done since the deadline given at the January Council Meeting, especially for the sake of the neighbors who have had to endure living amongst this decrepit property. He adamantly stated for our sake and the neighbor's sake he did not want to "kick this can down the road again, we gave him a hard deadline and he did nothing", Lehr also stated his disapproval with Backhaus and Ludolph for not being properly prepared with pertinent information regarding the permit dates. Boeck supported giving Newton a chance to make good on his commitment to hiring T and T Real Estate Services to expedite the remaining work, stating "I would rather see work done and not tear it down at the taxpayer's expense". After more questions by council members it was determined T and T had not actually been hired by Newton yet to do the work. Chier stated that even if the Council made a motion at this meeting to have him go forward with the Raze or Repair order, just by virtue of the process of getting the paperwork filed with the court and the Judge to schedule the hearing, there would be some time. Rutkowski stepped up to the podium to clarify the January motion as stated by the minutes passed by Council in February which was within 90 days Newton had to have an Occupancy Permit or the City Attorney would move forward with the Raze order. Upon Hearing this, Lehr was even more adamant than before stating "Lets go with the 90 days then. 90 days ago, we issued him 90 days. Time is up and he has done absolutely nothing! are we to believe that if we give him another 40 days now he'll take care of it? I just don't buy it and for the neighbor's sake we have to stick to our hard deadline. He (Newton) should have reached out to T and T 90 days ago and did not." Lehr made a motion which was seconded by Marks then after more discussion rescinded by Marks. Lehr made another motion, which led to more discussion between him and the City Attorney. Lehr amended his motion stating, I make a motion to stick with the motion and resolution passed in January with regards to the property and whatever the expiration is per the

wording in the minutes with the raze order per the motion of January's Common Council Meeting. Rutkowski asked Atty Chier if a clearer motion was needed. Chier stated, since the Occupancy Permit had not been complied with then direct me to take court action to enforce the raze order. Lehr Stated, I direct the City Attorney to proceed with the Raze order per the Month of January's Common Council Meeting. Marks seconded the motion. Boeck asked for a role call vote. There were (3) three Ayes, (1) One Abstain (Erdmann), (1) One No (Boeck) and (1) One Absent (Nigbor). Motion passed.

Item number 13 on the Agenda was the Virtual Equipment update. Rutkowski stated there is no update. After a bit more explanation, Rutkowski asked the Council to make a motion to allow her to confer with Counsel regarding a potential breach of contract. Erdmann made that motion which was seconded by Burgess and carried on a voice vote.

Next on the Agenda was the EMS Service Contracts. Rutkowski reported to council that our current contract only covers areas of Green Lake County and we have always had three additional areas outside of Green Lake County, those being the towns of Nepeuskun, Warren and Aurora. Rutkowski explained she greatly simplified the contract process and made it so that all municipalities were charged a flat, per person rate, versus a complicated formula, this is more in line with what Waushara County does. Erdmann made the motion to Accept the three Contracts that were presented. Marks seconded the motion which carried on a voice vote.

There was no old business. Under new business, Boeck stated she has taken a couple complaints about the old Dominoes Building downtown and would like to discuss what should be done with it so it does not look like an eye sore.

Lastly, the item that was to be discussed in closed session became an open session item when the owner of 115 W Ceresco wished to speak with council on the impending raze or repair order on his home. The owner took the podium stated his name as Randy Francisco of 115 W Ceresco St. He stated that after listening to the previous raze or repair discussion, he assures the council he will NOT just ignore what needs to be done to his home. He spoke about the hardships he has had and current obstacles he faces and pleaded with the council to not immediately put a raze order on his home. Francisco asked if the council would allow him the time and give him a continuance, he will come to the next meeting to show his progress. The council asked Randy when he is going to do an interior inspection of the home so he can make a list of items needing repair. Randy stated he had an appointment on Monday morning. Francisco stated he is still trying to clean up the inside and the Mayor told him we understand that but the house repairs need to get started immediately. Burgess made a motion to delay the Raze and Repair order on 115 W Ceresco St until next Month's Common Council meeting as long as a building permit gets pulled by Mr. Francisco, for the future work that needs to be done, and that Mr. Francisco attend the Common Council Meeting on May 10, 2022 to give a timeline of the work to be done and when it will be done. Boeck seconded the motion which passed on a voice vote.

At the End of the meeting Marks thanked the Members of the Council for their service and Lehr for all the years of service he gave for the City of Berlin. Jim thanked each and every member and stated how much he appreciated working with them all.

At 8:40pm Lehr made a motion to adjourn the meeting and Marks seconded it. The motion passed on a voice vote.

Midge Seaman, Deputy Clerk