

COMMITTEE OF THE WHOLE MEETING AGENDA  
TUESDAY, MARCH 5 2024, 7:00 PM  
BERLIN COMMON COUNCIL CHAMBERS  
Zoom Meeting ID: 893 1930 8907 Password: 123456

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 February 6, 2024 Committee of the Whole meeting.
5. Liquor License Applications for 2024-2025 Term. RECOMMENDATION: Discussion and action as appropriate.
6. Bank Account Signer Change. RECOMMENDATION: Recommend to Common Council to approve removing Peggy LaBuda and Midge Seaman from the City Bank accounts and adding Susan Kiener and Debra Thiel to the appropriate accounts.
7. MOU for Advocap Retired and Senior Volunteer Program (RSVP) RECOMMENDATION: Recommend to Common Council to approve the appropriate signatures for the MOU with Advocap for RSVP.
8. Oak Street Renaming. RECOMMENDATION: Listen to presentation with discussion and action as appropriate.
9. If necessary, motion to convene into closed session pursuant to Wis Stat §19.85(1)(e) 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. (1. TID #16 Developer Agreements 2. City Attorney Contract)
10. Reconvene into open session and action as appropriate from closed session discussion.
11. 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, FEBRUARY 6, 2024 7:00PM  
COUNCIL CHAMBERS, CITY HALL**

Mayor Bruessel called the Committee of the Whole meeting to order at 7:00 p.m. Present: Ald Stobbe, Boeck, Nigbor, Burgess, Durtschi and Dretske. No Absences. Staff present: Sara Rutkowski, Scott Zabel and Midge Seaman.

No Public Comments or Attendees.

Dretske made a motion to approve the minutes from the December 5, 2023 Committee of the Whole Meeting. Nigbor seconded the motion which passed on a voice vote.

#5. Presentation on TID #16. Rutkowski presented all details of this TID complete with a timeline. This was information only. She included the timeline and all details in the agenda packet. Boeck questioned whether having two oak streets would cause a problem for emergency vehicles or any other problems. Renaming a portion of the street will be a consideration before we proceed. Rutkowski asked for guidance on two areas. One was the road construction project for the purpose of the developer to be able to build two of the housing units up this year. The opinion of the Committee was to go forward. The second consideration was how to fund the road project. The two options Rutkowski gave were to a. borrow or b. to cash in one of our investments. The Committee chose option b.

#6. 2024 DPW Equipment Purchase Bids. Zabel thanked the COTW on behalf of the DPW department, for considering the needs of his department while building the 2024 budget. Zabel proceeded to speak on all the bids gathered and included his choice for each piece of equipment with one pending to give time for the department employees to test two types of equipment. He stated the bids came in very close or better than what was budgeted. Durtschi made a motion to accept the bids as presented and recommend to Common Council to approve the purchase of equipment. Nigbor seconded the motion which passed on a voice vote.

#7. Rutkowski presented on the need to close TID#10. She stated the TID came to the end of its life and reported there was no surplus but a negative balance remains. Dretske made a motion to Recommend to Common Council to Approve Resolution 24-02 to terminate TID #10. The motion was seconded by Stobbe and passed on a voice vote.

Dretske moved to approve to convene into closed session for the purpose of the city administrator evaluation. Stobbe seconded the motion. A roll call vote resulted in six (6) ayes and zero(0) nays.

Discussion continued in Closed Session.

Dretske made a motion to reconvene in open session, with a second by Boeck. Motion carried via voice vote.

Boeck made a motion to adjourn at 9:20 pm with a second by Dretske. Motion carried via voice vote.

*Midge Seaman, Deputy Clerk*

To: Committee of the Whole

From: Sara Rutkowski

RE: Liquor License Term July 2024-June 2025

Date: March 5, 2024

Staff is beginning to prepare for the new Liquor License Term. Applications reminders are typically sent to businesses in March/April. Staff would like guidance as to the 150 day ordinance.

Council had asked staff to reach out to July 1<sup>st</sup>, 2022 – June 30<sup>th</sup>, 2023 Class B Liquor license holders about the 150-day requirement rule listed in our City Ordinances.

Of the 12 businesses that were reached out to, staff heard back from all of them. At this time, six business has submitted paperwork that staff has deemed sufficient to prove what days they were open during the last license term. The other 6 are still working on it.

Of the remaining six:

- 1) One submitted paperwork with the wrong dates, it is expected they will be able to provide the correct information.
- 2) One had several family medical emergencies. We have not pushed too hard with them on this issue.
- 3) One was informed that what was submitted was sufficient and the response back to staff was that is the best they were willing to do.
- 4) The other three had reached out and asked clarifying questions about what was needed, which staff answered, but no further documentation has been provided.

I am not comfortable sharing business names – no need to shame – but can provide those if requested.

Staff requested guidance:

- As we prepare paperwork for the next license term, should we be asking for proof of the 150 days ordinance requirement ahead of time?

To: Committee of the Whole  
Date: March 5, 2023  
RE: Bank Account Signer Change  
From: Sara Rutkowski, City Admin

**Background:**

We need to update the signers on our bank accounts due to two staff members retiring and two new staff members being added.

**RECOMMENDATION:** Motion to Common Council to approve removing Midge Seaman and Peggy LaBuda as signers on the bank accounts, and add Susan Kiener and Debra Thiel to the appropriate bank accounts.

DATE: February 28, 2024  
TO: Common Council  
FROM: Rebecca Bays  
RE: MOU for ADVOCAP Retired and Senior Volunteer Program (RSVP)

**Background:** Ann Stiefvater, the volunteer development specialist with ADVOCAP reached out to the Senior Center to see if we would be interested in re-joining the RSVP program. Currently, the Senior Center uses volunteers to help answer phones, makes birthday calls, help guests that come in and set the dining room for lunch. Volunteers also maintain the library and run programs/classes. We do our best to recruit our own volunteers through marketing and word of mouth, but the RSVP program will help recruit volunteers for the Senior Center. RSVP will also provide benefits once enrolled in the program. Volunteers will have the ability to enroll in mileage reimbursement, liability and accident coverage, and recognition programs. All of these will be provided by ADVOCAP RSVP without any cost to the Senior Center. The Senior Center would have to provide in-kind paperwork to RSVP as well as a documentation of a safe facility (emergency evacuation signs, clearly marked exit signs, fire extinguishers).

**Recommendation:** Recommend to Common Council to accept ADVOCAP MOU for RSVP.



- 11 Coordinate with other volunteer and aging programs in the area to foster effective communication and avoid duplication.
- 12 Reimburse RSVP volunteers for transportation costs between their home and volunteer station in accordance with RSVP policies and availability of funds.
- 13 Provide identification for volunteers if not provided by the station including name tag identification.

### **Volunteer Station Responsibilities**

- 1 Interview and make final decision on assignments of volunteers in the RSVP program.
- 2 Perform, if required for a particular assignment, background or other screenings.
- 3 Implement orientation, in service instruction, and/or special training of volunteers.
- 4 Furnish volunteers with materials required for assignment. May include uniform and photo I.D..
- 5 Provide supervision of volunteers on assignments. (Supervisor name and contact information on next page).
- 6 Provide volunteer assignment descriptions for each volunteer opportunity at the Station.
- 7 Provide for adequate safety of volunteers and submit an annual assurance email upon request by ADVOCAP, Inc.
- 8 Investigate and report any accidents and injuries involving RSVP volunteers immediately to the RSVP office. All reports will be submitted in writing.
- 9 Specify, either by written information or verbally, that RSVP volunteers are participants in the Station's programming in publicity featuring such volunteers. Display an RSVP placard where it may be viewed by the public if possible.
- 10 Reports: The Station Representative shall:
  - \* Timesheets: Report volunteer hours on a monthly basis if needed on or before 10th of the following month. (Insurance coverage is only effective with verified records of hours served).
  - \* Addendum: Stations are requested to complete an addendum when needed, documenting the impacts of services provided by RSVP volunteers.
  - \* In-Kind Documentation: Provide documentation of in-kind contributions (meals, uniforms, mileage reimbursement, training expenses) and verification to help RSVP meet its local match of 30%.

### **Other provisions:**

- 1 **Separation from Volunteer Service:** The volunteer station may request the removal of an RSVP volunteer at any time. The RSVP volunteer may withdraw from service at the Volunteer Station or from RSVP at any time. Discussion of individual separations will occur among RSVP staff, Volunteer Station staff, and the volunteer to clarify the reasons, resolve conflicts, or take remedial action, including placement with another Volunteer Station.
- 2 **Letters of Agreement:** When in home assignments of volunteers are made, a letter of agreement will be signed by the parties involved. The document will authorize volunteer service in the home and identify specific volunteer activities, periods, and conditions of service. A general letter of agreement shall be signed with an organization which has already obtained Letters of Agreement, or equivalent written agreements with their individual participants.
- 3 **Religious/Political Activities:** The Volunteer Station will not request or assign RSVP volunteers to conduct or engage in religious, sectarian, political activities.
- 4 **Displacement of Employees:** The Station will not assign RSVP volunteers to any assignment which would displace employed workers or impair existing contracts for services.
- 5 **Compensation:** Neither the station or ADVOCAP RSVP will request or receive compensation from the beneficiaries of RSVP Volunteers. RSVP volunteers will not receive a fee for service from beneficiaries.
- 6 **Labor & Anti-Labor Activity:** The Station will not request or assign RSVP volunteers to support labor or anti-labor organization or related activity.

7 **Accessibility and Reasonable Accommodation:** The Volunteer Station will maintain the programs and activities to which RSVP volunteers are assigned accessible to persons with disabilities (including mobility, hearing, vision, mental, and cognitive impairments or addictions and diseases) and/or limited English language proficiency **when possible** and provide reasonable accommodation to allow persons with disabilities to participate in programs and activities.

8 **Prohibition of Discrimination:** The Volunteer Station will not discriminate against RSVP volunteers or in the operation of its program on the basis of age, race, creed, religion, color, sex, physical condition, handicap or disability, developmental disability, association with a person with a disability, sexual orientation, national origin, ancestry, political affiliation, marital, parental or familial status, pregnancy, arrest record, citizenship status, veteran status, limited English proficiency or any other characteristic protected by law.

9 **Volunteer Status:** RSVP volunteers are not employees of ADVOCAP, the volunteer station, CNCS or the Federal Government.

10 **Termination of MOU:** This MOU may be terminated at any time by either party by sending written notice of termination of the MOU to the other party.

11 **If meals are provided by the Station to RSVP volunteers, please complete this portion:**

**Contributed meals are Federally Funded under:**

Title III of the Older Americans Act

Other (federal) funding source

**Contributed meals are NOT provided by Federal Funds**

Meals will be provided to RSVP volunteers at a free or reduced price of \$

The value of the meal provided is \$

(RSVP will utilize this information to meet its local in-kind match.)

**For All Stations**

**Volunteer Supervisor**

Name \_\_\_\_\_ Title \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**Signatures:** By signing this MOU, the Station, through its authorized representative, self-certifies that it meets the requirements necessary to become a RSVP Station. By signing this MOU, the Station, through its authorized representative also agrees to all responsibilities and provisions as described.

Volunteer Station Primary Type: To qualify as a RSVP Station, and agency/office/department must self-certify that it is one of the following:

\_\_\_\_\_ Public Non-Profit                      \_\_\_\_\_ Proprietary Health Care Agency  
\_\_\_\_\_ Private Non-Profit                      \_\_\_\_\_ Governmental Agency

**Authorized Signatures**



\_\_\_\_\_  
Authorized Station Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
RSVP Project Director

\_\_\_\_\_  
Date

02/01/22

**CITY OF BERLIN PLAN COMMISSION  
MINUTES FEBRUARY 27<sup>th</sup> 2024.  
CITY OF BERLIN, WISCONSIN**

PRESENT: Chair Joel Bruessel, Luke Dretske, Paul Hanan, Victoria Hill, Carol Hughes and Mary Kubiak

ALSO PRESENT: Attorney Matthew Chier, Tim Ludolph, Andi and Chris Rogers, Adam Ruechel - Baird

The February 27<sup>th</sup> 2024 City of Berlin Plan Commission meeting was called to order at 6:02 p.m. by Chair Bruessel.

The Minutes of the January 30<sup>th</sup> Plan Commission meeting were approved on a motion by Hill as presented. Dretske seconded the motion, which was carried by a voice vote.

The next item of discussion was Renaming of a portion of Oak Street. Administrator Rutkowski summarized the direction from council and Dretske elaborated on the primary issue being future Oak Street would never be thru to current Oak Street. Hill discussed the Commission ought to take the Ordinance standards into account and that this should be the regular practice, regardless of past practices.

The next item was the public hearing on the creation of the TID #16. Bruessel opened the public hearing at 6:16 PM. Adam Ruechel explained the background for the TID noting it is an important tool for prospective developers. The relevant taxing agencies had been notified and participated in February 22 Joint Review Board. He thoroughly explained every element of the plan in order of the sections. This TID fits under the Mixed-Use definition with 27 acres of newly platted single and multifamily housing.

Discussion then took place regarding delineation of the boundaries. The blocks as outlined on the map in the packet will have to be changed as they exceed the allowable valuation. DOR requires values cannot exceed 12 % of total city value. However, Ruechel noted if an area amendment could be considered in the future as boundaries can be amended four times.

Bruessel asked three times for anyone to speak in favor of the TID Plan and three times for anyone to speak against the TID plan. No one spoke in favor or against the TID Plan. The public hearing was closed at 6:33pm.

Discussion took place for clarification of the working definitions of increment, what constitutes newly platted, and what significance may exist for projects within the 1/2-mile buffer as opposed to within the boundaries.

Being there were no further questions, Hill made the motion to recommend the borders as presented on the included Exhibit C Boundary Legal Description sheet to Common Council; approving the Planning Commission Resolution 24-01 creating TID #16 as presented. The motion was seconded by Bruessel. 6 Ayes 0 Nays 0 Absent. Motion carried.

Dretske motioned to have the U-Shaped portion connecting with Waushara Street to be renamed Riverview Drive and Dretske motioned to have the remaining stub southward from this portion, currently future Oak St, to be renamed as Riverview Court. Hill seconded this motion, which was carried by a voice vote.

The next item was the Public Hearing for the Ordinance Amendment to allow certain types of Urban Agriculture in the B-1, B-2 and M-1 districts.

Bruessel opened the public hearing at 6:45 PM. Bruessel asked three times for anyone to speak in favor of the amendment Alexandria Rogers spoke in favor of the ordinance. Bruessel asked three times for anyone to speak against the amendment. No one spoke against the ordinance Amendment. The public hearing was closed at 6:47pm.

Hill motioned to Recommend the Amendment to Common Council for approval of the Proposed Ordinance Amendment. Dretske seconded the motion, which was passed by voice vote.

The next item was the preliminary discussion on the rezoning of 567 E Marquette St from A-1 to R-1. Dretske motioned to Schedule a Public Hearing on Tuesday, March 2024 to review the rezone request for the parcel known as 567 E Marquette St. from A-1 to R-1.

No Old Business was brought up for discussion at the next meeting.

No New Business was brought up for discussion at the next meeting.

Next meeting date is Tuesday March 26<sup>th</sup> 2024

Hill moved to adjourn at 6:52 pm. Dretske seconded the motion, which carried by voice vote.

*Respectfully Submitted by Timothy Ludolph, Planning and Development Director*