

**COMMITTEE OF THE WHOLE MEETING AGENDA**  
**TUESDAY DECEMBER 3, 2024, 7:00 PM**  
**BERLIN COMMON COUNCIL CHAMBERS**  
**Zoom Meeting ID: 893 1920 8907 Password: 12345**

1. Roll Call
2. Virtual Attendees Seated (if necessary)
3. General Public Comments. Registration card required (located at podium in Council Chambers)
4. Approve meeting minutes – November 5, 2024 Committee of the Whole
5. Comprehensive Plan Update – Request for Proposals
6. Potential economic development opportunity for former Juliette Manor Site – Request for authorization of use of contracted professional services (engineering, legal).
7. Capron Corners LLC, Richard and Sharon Fortnum Revocable Trust Donation of real estate property to the City of Berlin (accept donation of parcel 206000680000).
8. Motion to convene into closed session pursuant to Wis. Stats. 19.85(1)(g) Conferring 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. *Wal-Mart Real Estate Business Trust vs. City of Berlin.*
9. 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 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 MINUTES  
TUESDAY NOVEMBER 5, 2024  
COUNCIL CHAMBERS, CITY HALL

1. Roll Call: Alderperson Pryzbyl, Durtschi, Boeck, Stobbe, Nighbor, Burgess
2. Virtual Attendees Seated (if necessary) *None.*
3. General Public Comments. Registration card required (located at podium in Council Chambers).  
*None.*
4. Approval of Minutes.  
*M/S by Niglibor/Durtschi to approve the minutes of the October 1, 2024 Committee of the Whole meeting. Motion passed unanimously.*
5. Berlin Aquatic Center discussion.  
*Mayor Bruessel stated that this will be on the November 12 council meeting with a private party to present a proposal. Public Works Superintendent Zabel reported that staff is looking for guidance and directions from the council as to the future of the Berlin Aquatic Center. Zabel identified the following alternatives: 1) Remain status quo and continue to operate the pool under the normal yearly budget knowing that there are no guarantees that it will remain operational for the duration of the season, 2) fix the pool when funds are available and borrow in the future if feasible; or conduct a referendum to determine public support and financial commitment to the facility, or move forward with the planning and design phase outlined in the evaluation that was completed and identify the source of the \$80K cost; and 3) decommission the pool once it is determined that the city can no longer fund the maintenance or repairs and replace with another amenity. General consensus was that this is postponed until the presentation on November 12.*
6. 2025 Budget Discussion.  
Interim Administrator identified the following items for consideration:
  - a) City Attorney Salaries: change from salary (inferring employee) to professional services, separate general counsel vs. municipal court counsel, reducing expenditures, eliminating separation of conferences, training, and operating supplies.
  - b) Transferring portions of salaries from general fund to tax increment district. This would result in all benefitting taxing bodies sharing in the cost of services to TID.
  - c) Administrator professional services: adding employee compensation study and plan, strategic plan, and comprehensive capital improvement plan. These items were identified as priorities by city council for the new administrator.
  - d) Administrator salaries: adjust administrator salary based on the advertised salary range in the administrator recruitment.
  - e) Sealer of weights and measures: increase from \$6,000 to \$6,900 based on the signed contract.
  - f) Land use planning professional services: increase from \$10K to \$30K for an updated of the city's comprehensive plan.
  - g) Shared revenue from the state: reduce by \$43,857 due to double counting utility aid.
  - h) Possible future revenue sources to reduce deficit:
    - a. Municipal vehicle registration fee
    - b. Transfer recycling and/or garbage from levy to direct bill.

- c. WI DOR Innovation grant
- d. Park impact fee
- e. Stormwater Utility

General consensus was to implement item d, e, f, and g and reflect in draft 2025 budget. Other items to be discussed at future meeting.

7. Ordinance amending code to remove referendum and sunset as to designation of ATV and UTV routes on all city streets and to remove curfew for ATV and UTV operation. M/S Catrina/Terry to recommend to common council recommended changes. Motion carried.
8. Vacation of S. Fox Alley between W Franklin Street and W Ceresco St. Community Development Director Ludolph presented on the vacation of Fox Alley. The proposal is to vacate the alley and become a private drive. The building is currently partially within the right of way of the alley. The general consensus is favorable to proceed with the vacation process. M/S Catrina/Terry to recommend to common council that the city attorney work with the developer for the vacation of South Fox Alley with costs to be reimbursed by the developer.
9. Motion to convene into closed session pursuant to Sec 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 (*Employee compensation*). M/S by Durtschi/Pryzbyl convene into closed session. Motion carried unanimously. Pryzbyl, Durtschi, Boeck, Nigbor, Burgess, Stobbe.

M/S by Boeck/Durtschi to reconvene into open session. Pryzbyl, Durtschi, Boeck, Nighbor, Burgess, Stobbe. Motion carried unanimously.

10. Adjourn. M/S Boeck/Pryzbyl to adjourn. Motion carried unanimously. Meeting adjourned at 8:29 PM.

*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.*

*Interim City Administrator, Diane Wessell*



**CITY OF BERLIN  
COMMITTEE OF THE WHOLE MEEETING  
STAFF REPORT**

TO: Committee Of The Whole  
FROM: Tim Ludolph  
AGENDA ITEM: RFP for Comprehensive Plan  
MEETING DATE: December 3<sup>rd</sup> 2024

**BACKGROUND:**

The Comprehensive Plan has countless benefits as the long-term vision document for the City of Berlin, allowing the intentions of the stakeholders to be recorded as policy for the next couple of decades. This Request for Proposal looks to take some feedback from the experience of the Housing and Economic Development Strategy and build on this to imagine then implement steps to grow the City of Berlin into a thriving community. You may note the RFP requests deliverables not currently present in the previous plans, allowing for this to be more of an easily revisable document and one that will allow the City to build on new features like Corridors to be planned, maps, graphics and tables.

**ANALYSIS**

City staff has prepared an RFP with notes of where dates may need to be shifted. If the Committee of the Whole finds this format to fit their general requirements, this could enable this long-range planning process to be under way in time to benefit the new City Administrator. Under the current assumption of this being released sooner than later, the evaluation and interviews would take place during February, allowing Common Council to approve the recommended proposal in March.

**TIMELINE**

Upon release of the RFP the hopes are the Comprehensive Plan could be completed within the calendar year, normal processes in peer communities allow 12-18 months. After the assumed short-term schedule above, this means the Plan could be published by April to October 2026.

**FISCAL IMPACT**

This should all fit within the allocated Budget items for Land Use Planning for Professional Services in 2025. As there would be required check-ins and updates, this would enable seamless communication of progress in time for 2026 Budget meetings.

**SUGGESTED DISCUSSION**

Discussion of understanding a RFP should be issued, thus effecting the timeline within the final draft.



## Request for Proposals Comprehensive Plan

RFP Issuance Date: Month Date 2025  
RFP Due Date: Month Date 2025

Commented [TL1]: TBD

Commented [TL2]: TBD

Table of Contents

Proposal Requested .....3

City History and Background .....3

Project Scope .....3

Deliverables .....5

RFP Submittal Requirements .....5

Evaluation and Selection .....7

    Minimum Qualifications .....7

    Terms and Conditions.....8

## Proposal Requested

The City of Berlin is seeking a consultant to update the Smart Growth- Comprehensive Plan to include updates to make the long-range plan relevant for the next 20 years. The City's existing Plans; including the current Comprehensive Plan, Housing and Economic Development Strategy, Market Studies, Open Space and Recreation, Current TID Plans (15,16,17), Downtown Development Plan, Hotel Feasibility Studies, etc. shall serve as a starting point. This project is being initiated upon the recent adoption of the 2023 Housing and Economic Development Strategy. The consultant will work with the City Administrator, Planning & Development Director, Plan Commission and ultimately Common Council to review the existing code and built environment, facilitate public engagement, and draft the proposed update for consideration by the Common Council.

See the Project Scope included within this RFP for complete details.

## City History and Background

Situated in the southern portion of central Wisconsin, the City of Berlin spans Green Lake and Waushara Counties and is 30 miles west of Oshkosh. Berlin is accessible via State Trunk Highways 49 and 91. The City, located along the Fox River, is rich in history. Once a highway for French fur traders, Jesuit missionaries, and various Native American tribes, the river later became a major waterway for residents, businesses, and visitors. Today, the river offers recreation and family fun in all four seasons.

The City's public park system is impressive with its eight beautiful parks that total over 107 acres. The park system has three shelter houses, two gazebos, a Frisbee golf course, three baseball diamonds, a basketball court, sand volleyball courts, horseshoe pits, several large play areas, a public campground on the banks of the Fox River, several boat launches and fishing piers, an outdoor aquatic center and much more. Hiking, biking, snowmobile and cross-country skiing trails wind near the city.

With its two National Register Historic Districts, Berliners appreciate their history. The Nathan Strong Park Historic District borders the park on Huron Street of the same name and includes block after block of lovingly cared for Victorian-style homes and 'painted ladies'. An active Farmer's Market and Free concerts are held in the Nathan Strong Park during the Summer months. The Huron-Broadway Street District, which is Berlin's 'Main Street', has many stores and buildings from the 19th century. The Berlin Area Historical Society maintains four museum buildings near this district.

## Project Scope

The City of Berlin is seeking a consultant to develop a Comprehensive Plan with corresponding maps, images, and graphs. A detailed schedule for the project shall be included in the consultant's proposal and should be limited to eighteen (18) months.

Wis Stat 66.1001 requires the following elements be incorporated into a Comprehensive Plan: Issues and Opportunities; Housing; Transportation; Utilities and Community Facilities; Agricultural, Natural, and Cultural Resources; Economic Development; Intergovernmental Cooperation; Land Use; and Implementation.

Phase 1: Demographics and Data Update



Berlin is a slowly growing community. From 2010 to 2024, the population of Berlin grew approximately 1.8%, following a decades-long growth trend. The selected Consultant shall update the Community Indicators data in a way that is visually appealing and easy to understand.

**Commented [TL3]:** .85% through 2020, the 2030 census will more likely than not be revised down to about that percentage. ~5618

The Consultant will also be responsible for updating data used throughout the Plan to inform goals, objectives, and implementation throughout each of the required elements.

#### Phase 2: Public Engagement

State statute requires a public participation plan be approved by the Common Council.

The City of Berlin is expecting robust public engagement to take place during the Comprehensive Plan project. This should include, but is not limited to: a dedicated website, a community survey, dedicated outreach to stakeholder groups, pop-up tables at community events, internal staff meetings, and working group meetings with Plan Commission.

The selected Consultant shall be responsible for plan engagement to gather input from the following:

- a. General Public.
- b. City Boards, Commissions, and Committees.
- c. Local Businesses.
- d. School District
- e. City Departments
- f. Underserved communities in the City, including but not limited to: seniors, disabled persons, youth, low-income individuals, and those with non-English native languages.
- g. Other Key Stakeholders

City staff will be available to coordinate meeting times and locations.

#### Phase 3: Plan Creation

**Commented [TL4]:** Took inspiration from Waunakee Format and previous RFP for PLNG Grant- albeit condensed significantly

The priorities for this project include, but are not limited to:

- Creation of a plan that is reasonably concise and user friendly,
- Development of a long-term vision for the City of Berlin,
- Incorporation of data-driven goals and objectives for each required element geared towards implementation,
- Compatibility with other City plans

The consultant team will work with the City's engineering consultant, Kunkle Engineering, city staff, and other organizations to analyze existing conditions and necessary improvements to accommodate future growth. These topics include: water and sewer utilities, road and mobility networks, floodplain, wetlands, and environmental corridors.



Special focus must be given to future land use mapping and transportation networks along the fringes of Berlin's corporate boundaries.

The City of Berlin is also interested in Sub-Area visioning and master plans for the following areas:

- Eastern gateway area (generally, the area surrounding the intersection of Quarry St, WIS 49 and to the east), and
- Central Business District (generally, the areas of Park Ave, Washington St, Spring St, and Ceresco St within 3 blocks of Huron Street to Broadway).

This includes corridor visioning and/or revitalization designs and recommendations consistent with public and staff input. The visioning process for these parts of the Plan will be done with the goal of uniting a community towards the overall goal of improving the community at its entrances and developing thriving business and mixed-use districts.

## Deliverables

The selected Consultant will be responsible for completing a final Comprehensive Plan document that contains a phased implementation schedule, relevant graphics and maps, supporting metrics and data points, estimated costs, narrative description of recommendations, and relevant additional narrative to present a complete document. A final presentation of the plan will be required once the document is complete to both the Plan Commission and Common Council. The Consultant should also budget for an appropriate number of meetings with the Plan Commission to develop the plan.

The final plan must be designed to integrate seamlessly with other plans and initiatives that the City has adopted. The selected Consultant shall provide the City with an electronic copy of the final plan in its original and pdf format; including all maps, graphics, or tables used to create the plan. Additionally, the selected Consultant shall provide the City with a pdf copy of the final plan and any relevant design, spreadsheets, and/or Geographic Information System files for future editing. Draft deliverables may be provided in pdf format.

Additionally, the Consultant shall provide:

1. Progress reports on a monthly to quarterly basis.
2. Executive summary of final plan for ease of reference by development community and interested members of the public
3. Written public input in searchable format such as PDF
4. Drafts of Comprehensive Plan to be provided at key phases in project as outlined in final scope of services

## RFP Submittal Requirements

### 1) Qualification Details consisting of:

- a. Cover Letter — Including, but not limited to a statement of understanding and approach to this project proposal.
- b. Experience — A list of specific project experience including completed, similar or relevant projects that the applicant has executed. Links to similar or relevant projects are encouraged.

c. References – Provide a minimum of three municipal client references for which the applicant has provided similar planning services within the last three to five years. Include the name and telephone number of the contact person and a description of services provided to that contact.

**2) Technical Proposal consisting of:**

a. Project Approach – A description of the approach to be taken toward completion of the project, an explanation of any variances to the proposed scope of work as outlined in the RFP, and any insights into the project gained as a result of developing the proposal.

b. Scope of Work – Scope of work that includes steps to be taken, including the products or deliverables that align with the requirements of the RFP.

c. Estimated Labor Hours – A summary providing a breakdown of the estimated hours needed for each task, clearly showing which team members are involved and how many hours each will contribute.

d. Key Personnel – List of personnel directly assigned to the project, detailing their roles and responsibilities, along with their resumes. An organizational chart will also be included to show the structure of the team. The Project Manager, who will oversee planning, coordination, and most of the work, including attending meetings with the Committee, must be clearly identified and committed to the project. The City has the right to approve the Project Manager and any changes to personnel or subcontractors throughout the project.

e. Project Schedule – This section will present a proposed timeline that highlights key milestones and the overall duration for completing the Plan.

f. Supplemental Information – Supplemental Information – Any additional information that is necessary to meet the requirements of this RFP will be included here.

**3) Cost Proposal consisting of:**

a. Cost – A fixed total amount to finish the project as outlined in the Scope of Work.

b. Additional Fees – An hourly rate for each employee and/or a set total to cover any extra tasks that weren't mentioned in the Scope of Work above.

**4) General requirements consisting of:**

a. Due Date – Due Date – All responses to the RFP need to be submitted by noon on the specified date. Any proposals that arrive late, for any reason, will not be accepted.

b. Location – RFP submissions should be sent to Berlin Planning and Development, Attention: Berlin Comprehensive Plan Proposal, 108 N Capron St, Berlin, WI 54923. You can also email your submissions to the Planning and Development Director at [tludolph@cityofberlin.wi.gov](mailto:tludolph@cityofberlin.wi.gov). Make sure to include "Berlin 2025 Comprehensive Plan Proposal" in the subject line of your email; otherwise, your proposal won't be considered

c. Format – Prospective consultants must provide one electronic copy of their proposal. You don't need to send hard copies of similar or relevant plans; they can be submitted electronically instead.

d. Property – All materials created as part of this RFP, including graphics and data, will belong to the City once the report is finished. All text should be submitted electronically in the most convenient way. Any original graphics made for the RFP must be provided to the City in both a hardcopy and an electronic format that is easy to reproduce, as needed.

## Evaluation and Selection

The proposals submitted will be evaluated based on the following criteria:

- Relevant experience and qualifications of key team members.
- Understanding of the project and depth of knowledge in the area or related technical experience.
- Track record of engaging a broad audience and integrating public feedback into the plan.
- Responsiveness in adhering to the schedule needed to finish the plan and deliverables.
- Ability to stay within budget and provide value concerning proposed and additional costs.
- Experience working with local government entities that are similar in size, structure, and complexity.
- Evidence of innovative methods specific to technical solutions.
- Overall quality, clarity, and completeness of the submission package.

## Minimum Qualifications

The City of Berlin Planning and Development Director along with the Chair of the Plan Commission, will start by reviewing the submissions and ranking them before sending them to the Plan Commission. This group is known as the Evaluation Team. They will set up 15-minute interviews with the top 3 to 5 consultants during the Plan Commission meeting in March 2025. After that, the Plan Commission will give a final recommendation to the Common Council to approve a proposal and its scope.

The following method and timeline will be utilized in order to select the desired proposal:

- **January 15, 2025 – RFP Issuance Date**
- **February 17, 2025 – RFP Due Date**
- **February 18, 2025 – Evaluation:** During this week, the Evaluation Team will review the proposals and decide which, in its sole discretion, it chooses to further consider via an in-person interview.
- **February 25, 2025 – Interviews:** During this meeting, the Plan Commission will host interviews of perspective Consultants, if necessary, in order to make a selection. Plan Commission will make a recommendation to Common Council.
- **March 11, 2025 – Common Council Approval:** The Council will take final action to consider acceptance of the recommended proposal and enter into a contract for this purpose.
- **March 12-24, 2025:** Staff will finalize the Scope of Services and contract for the project with the approved Consultant.
- **March 25, 2025:** Estimated Kickoff Meeting date with Plan Commission.

Estimated timeline from Kickoff to Completion: 12 to 18 months.

Commented [TL5]: Subject to change.



## Terms and Conditions

Each proposal will be evaluated to see if it meets the submission criteria outlined in this RFP. If a proposal does not fulfill these requirements, it may be rejected. The City has the authority to reject any proposal that is conditional, incomplete, has irregularities, or is deemed not to be in the City's best interest. While the City can overlook minor deviations in a proposal, this does not change the proposal document or excuse the Consultant from following the contract requirements if they are awarded a contract. The City may also request an interview with a potential Consultant at its discretion. The Common Council will select and approve the recommended Consultant.

The City is not obligated to reimburse any firms for costs incurred while preparing proposals in response to this request. Submitted materials will be available for public inspection according to Wisconsin law. Any attempt to make the entire proposal confidential or proprietary will not be recognized and will be ignored.

The City has the right to keep all submitted proposals and to use any ideas presented in them, regardless of whether the proposal is chosen. By submitting a proposal, the firm agrees to the conditions stated in the RFP, unless explicitly noted otherwise in the proposal and confirmed in the contract with the City.

All rights to property, including publication rights for any reports created by the selected firm in connection with the services provided under this agreement, will belong to the City. The City also reserves the right to reject any or all proposals received. The City reserves the right to reject any or all proposals submitted.

Questions about this RFP may be directed to:

Timothy Ludolph

Planning and Development Director

[tludolph@cityofberlin.wi.gov](mailto:tludolph@cityofberlin.wi.gov)

920-361-5156

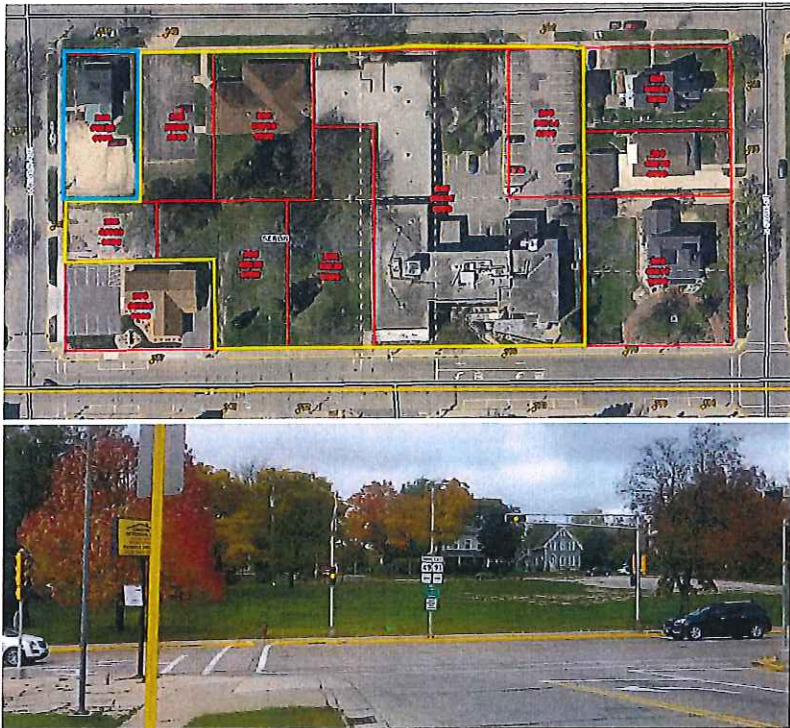
**CITY OF BERLIN**  
**COMMITTEE OF THE WHOLE MEETING**  
**STAFF REPORT**

TO: Committee Of The Whole  
FROM: Tim Ludolph  
AGENDA ITEM: Development at former Juliette Manor Site  
MEETING DATE: December 3<sup>rd</sup> 2024

**BACKGROUND:**

City staff received a communication from the Engineering and Design Firm assisting a developer in working through the steps needed to redevelop the former Juliette Manor Site. They have demonstrated an understanding of the subdivision chapter of the ordinance and the Zoning Code, and they have formulated a plan to adhere to these regulations.

This report aims to update the Committee of the Whole on the need for Legal Counsel and the City Engineer for this initiative, both of which are currently over budget. Should the Committee of the Whole grant approval, this development could be financed in a manner akin to the Environmental Review and the Closure of the Safeguard site. The difference is extra expenses should be for the short term, several months, preceding the development.



**ANALYSIS**

Recent talks have shown that this whole project is part of the Downtown TID (TID 15). The proposal aligns well with several planned projects outlined in the TID Plan, as this site has seen multiple development proposals since the TID's creation. This

effort would turn an empty lot into a fully developed commercial area, marking a significant long-term investment in downtown.

**TIMELINE**

The contact has expressed a wish to start the Plan Commission's reviews so that construction can begin as soon as possible. This is why it is being presented to the Committee of the Whole right away. The goal is to get the site ready for construction to begin at a good time and as quickly as possible.

**FISCAL IMPACT**

If this property is developed as planned, its minimum assessed value is expected to be around \$1.5 million. This figure comes from looking at the highest assessment values of similar properties in the area. One of these comparable properties had a net property tax of about \$46,000.

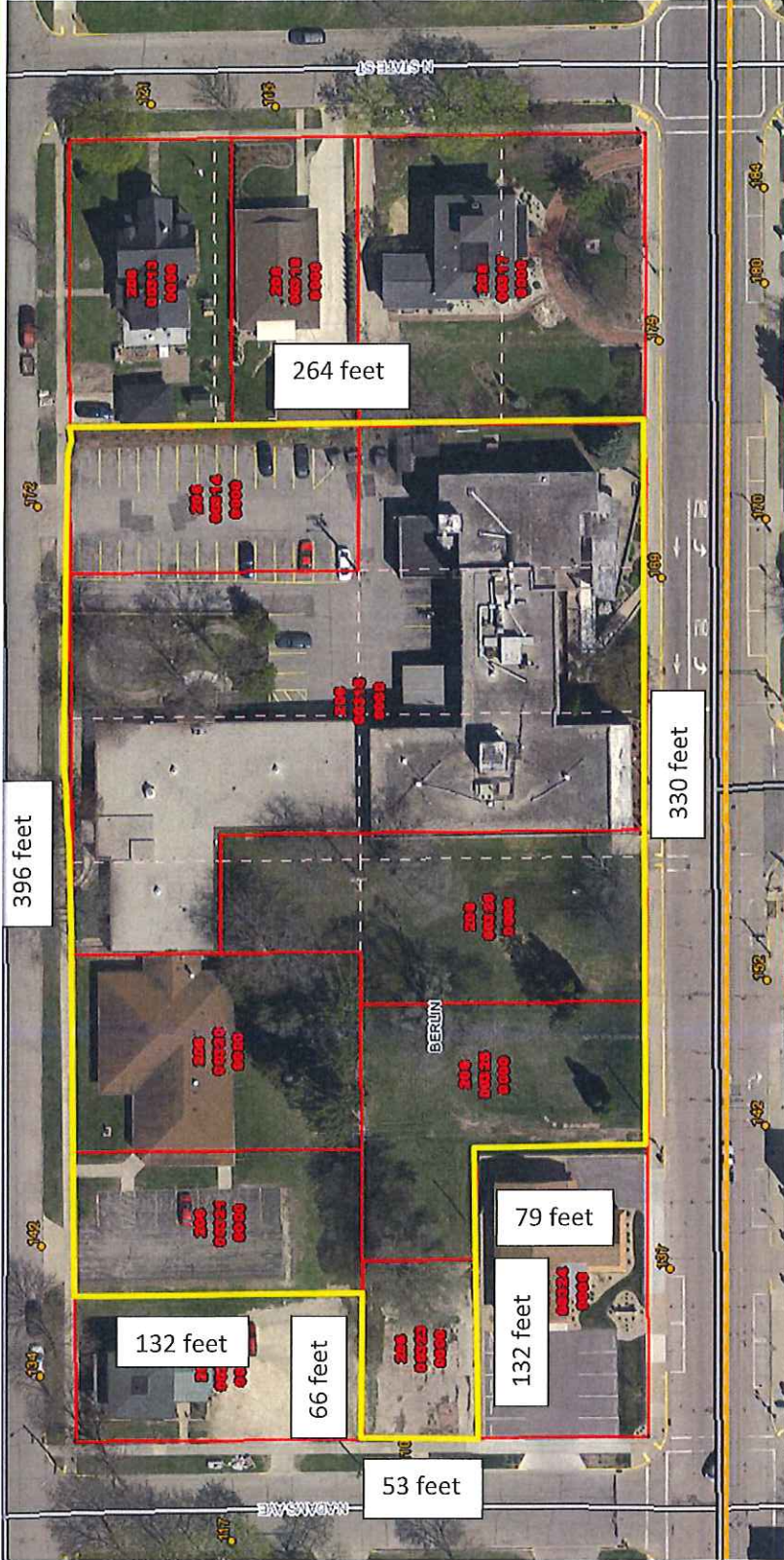
To make the most out of this development, it's crucial to have all the necessary review tools available and used properly. Without the right support, the project might not move forward as intended.

**SUGGESTED MOTION**

Staff should be authorized to charge additional expenses to the Downtown TID, including costs for Legal Counsel and Engineering, as needed to assist with subdivision reviews, plan evaluations, and the necessary ordinances.



## Berlin Site on HWY 91/HWY 49



Area: 102,828 sq. feet

Area: 2.36 acres

**CITY OF BERLIN**  
**COMMITTEE OF THE WHOLE MEETING**  
**DECEMBER 3, 2024**

**To:** Common Council  
**From:** Diane Wessel, Interim Administrator  
**RE:** Capron Corners LLC, Richard and Sharon Fortnum Revocable Trust Donation of property

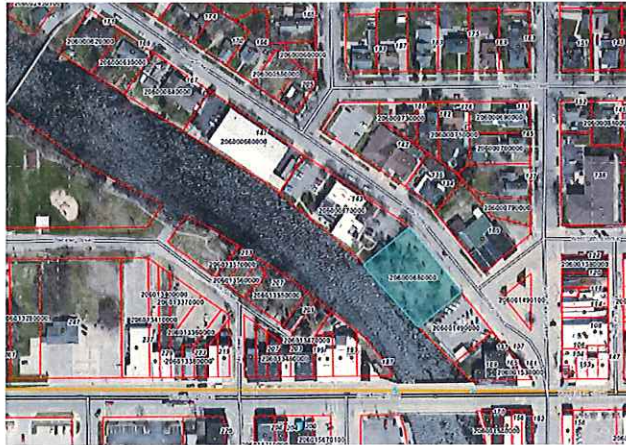
**Issue**

Does the City wish to accept the donation of real estate property and cash balance?

**Background**

The terms of the Richard and Sharon Fortnum Revocable Trust state *"The membership interests in Capron Corners, LLC shall be donated to the City of Berlin, Wisconsin, for its general purposes, if the membership interests are in the Trust."*

The interests in Capron Corners LLC include real estate property (parcel number 206000680000) with an assessed value of \$39,700 and a fair market value of \$62,600 (shown below) and a checking account with a balance of approximately \$700.



**Fiscal impact**

Public ownership of the parcel will remove it from the tax base. Past year's taxes were \$1,069.77 with \$355.34 Berlin City taxes. The transfer of property is expected to incur legal fees.

**Discussion**

The property is identified in the City of Berlin's Riverfront Master Plan (2009) as the location of a park including performance plaza and amphitheater seating, rip rap and native plantings, greenspace, and boat dock.

**Next Steps**

If the Common Council is generally in favor of accepting the donation, staff will request legal counsel to prepare the documents necessary for council approval in January. The representatives of the trust would like to complete the transaction by the end of January.