

CITY OF BERLIN COMMON COUNCIL MEETING MINUTES  
Tuesday December 10, 2024 7:00 PM  
COUNCIL CHAMBERS, BERLIN CITY HALL, 2ND FLOOR

Mayor Bruessel called the Common Council meeting to order at 7:00 p.m. Present: Ald Boeck, Burgess, Durtschi, Nigbor, Przybyl, and Stobbe. Staff present Caitlin Hilgart, Tim Ludolph, Attorney Matt Chier. Evan Vandenlangenberg, and Diane Wessel, Interim Administrator joined on zoom.

No Virtual Attendees. There was no public comment.

No old or new business

The following items were listed on the Consent Agenda for approval and adoption: 4) Waive the reading of all ordinances and resolutions adopted at this meeting; 5) Receive and place on file the written reports for the City Clerk, Treasurer and Building Inspector; 6) Approve the Bills List; 7) Approve the minutes from August 13, October 8 and November 12, 2024 Regular Common Council meeting; August 15 & 29; and November 5, 12, 16, and 26, 2024 Special Common Council meeting; 8) Adopt Ordinance 11-24 Establishing Zoning Regulations Prohibiting Landings or Takeoffs of Manned Aircraft or Large Unmanned Aircraft in Residential Districts; 9) Adopt Ordinance 12-24 An Ordinance Rezoning a Parcel of Land from B-2 (Business) to R-1 (Residential) City of Berlin. Parcel # 206-00822-0100. Nigbor made a motion to accept the Consent Agenda. Przybyl seconded the motion and it passed on a roll call vote of six (6) ayes.

Item 10 Nigbor made a motion to accept the resignation of Amy Reese from the Parks and Recreation Commission. Durtschi seconded the motion that passed on a voice vote.

Item 11 Przybyl made a motion to accept the resignation of Dennis Mulder and Paul Roethel from the Board of Review. Burgess seconded the motion that passed on a voice vote.

Item 12 was the Resolution 24-12 Resolution Extending Expiration Date of Resolution #24-09 Authorizing Revolving Loan Fund Loan up to the amount of \$200,000 to Lion Group, Inc. Nigbor made a motion to accept Resolution 24-12 Resolution Extending Expiration Date of Resolution #24-09 for the amount of \$200,000 to the Lion Group, Inc. Stobbe seconded the motion that passed on a roll call vote of six (6) ayes.

Item 13 Waive prior submission to Committee of the Whole for items 14, 15, 16, & 19. Burgess made a motion to waive submission to Committee of the Whole for item 14, 15, 16, & 20. Number 19 is new business, that was a typo. Durtschi seconded the motion that passed on a voice vote.

Item 14 was Comprehensive Plan update. Ludolph presented a little background and an update on the item. Burgess made a motion approve the request for the proposal for the City of Berlin Comprehensive Plan. Przybyl seconded the motion that passed on a voice vote.

Next item was the potential economic development opportunity for former Juliette Manor Site – Request for authorization of use of contracted professional services (engineering, legal). Ludolph presented information that a developer has reached out to him expressing interest on the property. Nigbor made a motion to authorize staff to charge additional legal expenses to the Downtown TID. Stobbe seconded the motion that passed on a voice vote.

Item 16 was the Capron Corners LLC, Richard and Sharon Fortnum Revocable Trust Donation of real estate property to the City of Berlin (accept donation of parcel 206000680000). Attorney Matt Chier gave background information on this item. Chier explained the conflict of interest he had, but he would recommend seeking legal advice and recommending soil testing. Interim Administrator Wessel explained that there are some different grants available to look in to for this property. Durtschi made a motion to recommend to the city to pursue one of these grants, to work with the owners of the property to look for next steps to assess the interest of the city to receive the donation. Nigbor seconded this motion that passed on a voice vote.

Item number 17 Ambulance Service Provider Agreement between Green Lake County and Berlin Emergency Medical Service. Vandenlangenberg stated that the county approved all the changes that had been made and extended the agreement to a three (3) year contract. Przybyl made motion to accept the Ambulance Service Provider Agreement. Burgess seconded the motion and passed on a voice vote.

There was no Old or New Business.

Burgess made a motion to convene into closed session pursuant to Wis. Stats. 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business, whenever competitive or bargaining reasons require a closed session. *Discuss enforcement options as to Special Covenant arising out of sale transaction with Northern Express Bus Service, LLC in relation to vacant land on County Road XX and Power Drive.* AND 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.* Nigbor seconded the motion that passed on a roll call vote of six (6) ayes.

Nigbor made a motion to seat Hilgart, Ludolph, and Interim Administrator Wessel. Stobbe seconded the motion that passed on voice vote.

Motion to reconvene into open session by Burgess, with a second by Stobbe. Motion passed on a roll call vote of six (6) ayes.

Stobbe made a motion to accept the BCDC recommendation to enter into a transaction to settle the Second Amendment to Covenant by accepting the parcel back, less the eastern 50 feet for no compensation to either side and northern express will need to pay all transaction costs. Przybyl seconded the that passed on a voice vote.

Nigbor made a motion to adjourn at 7:52PM, seconded by Stobbe. Motion carried on a voice vote.

Caitlin Hilgart, Interim City Clerk