

**AGENDA**  
**COMMITTEE OF THE WHOLE MEETING**  
**BERLIN, WISCONSIN**  
**TUESDAY, NOVEMBER 7, 2017 - 7:00 P.M.**  
**COUNCIL CHAMBERS - BERLIN CITY HALL**

1. Call to order.
2. General Public Comments. Registration card required (located at podium in Council Chamber).
3. Emergency Medical Services Director Position. RECOMMENDATION: Recommend to Common Council to approve the proposed Emergency Medical Services Director Job Description and authorize staff to move forward with filling the position.
4. 2018 Ambulance Billing Fee Schedule. RECOMMENDATION: Review and recommend to Common Council to approve and adopt the 2018 Ambulance Billing Fee Schedule as presented.
5. Annual Review and Proposed Revisions to Weights & Measures Fee Schedule. RECOMMENDATION: Review proposed revision to Weights & Measures Fee Schedule as submitted by Appleton Health Department Chief Sealer and recommend approval and adoption to Common Council.
6. Farmland Preservation Ordinance Amendment. RECOMMENDATION: Review Farmland Preservation Ordinance, and if appropriate, recommend to Common Council to approve and adopt Ordinance #06-17 Further Amending the Provisions of Farmland Preservation Zoning Code.
7. Assessment Error Tax Refund for 274 N. Hunter Street. RECOMMENDATION: Recommend to Common Council approval of tax refund for 274 N. Hunter Street for 2016 Assessor error and approval of Resolution #17-07 to authorize the transfer of \$883.14 from Contingency Account#10-59-90000-390 to Illegal Taxes and Refunds Account #10-51-91000-390 for tax refund to Gordon H. Decker.
8. Dedication of Bus Shelter Structure from Boys & Girls Club to City of Berlin. RECOMMENDATION: Recommend to Common Council to approve Resolution #17-08 Accepting the Boys & Girls Club of the Tri-County Area Dedication of a Bus Shelter Structure on S. Washington Street Right-of-Way.
9. 2018 Budget. RECOMMENDATION: Discuss and action as appropriate.
10. Resolution Declaring 107 W. Huron Street an Emergency. RECOMMENDATION: Recommend to Common Council to approve Resolution #17-09 Determining that a Public Emergency Exists in Regard to the 107 W. Huron Street Property Bidding Procedures for Repairs.

11. Motion to convene into closed session pursuant to Sec 19.85(1)(e), of the WI Statutes, to deliberate or negotiate the purchase of public property, investment of public funds or conduct other specified public business, whenever competitive or bargaining reasons require a closed session. *(1) Discuss potential litigation and action relative to 107 W. Huron Street) & 2) Union and non-union health plan renewal/post-retirement health insurance benefits.*
12. Reconvene into open session and take appropriate action as a result of closed session discussion.
13. 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.*

DATE: November 2, 2017

TO: Mayor and Committee of the Whole

FROM: Jodie Olson

**RE: Updated Emergency Medical Services Director Job Description**

BACKGROUND: Lenny Langkau has been serving as the interim EMS Director since Dee Evans retired. Now that ThedaCare-CHN has terminated our contract to employ the director, we need to begin preparing for the search for a new director who will be employed by the City of Berlin. The first order of business will be approving an updated job description.

RECOMMENDATION: Review proposed updated Ambulance Director Job Description recommend approval to Common Council if appropriate.

CITY OF BERLIN  
POSITION DESCRIPTION  
FOR  
**EMERGENCY MEDICAL SERVICES DIRECTOR**

<b>DEPARTMENT:</b>	Public Safety
<b>DIVISION:</b>	Ambulance Service - EMS
<b>SUPERVISORS:</b>	City Clerk/Administrator
<b>SHIFT/HOURS:</b>	24/7 via pager, as needed including weekends, nights and holidays
<b>CATEGORY:</b>	One (1)
<b>SALARY SCALE:</b>	Exempt Salaried Position – Salary per GOVHR Salary Schedule

**JOB SUMMARY**

The EMS Director is a managerial position that oversees, directs and manages the Emergency Medical Services (EMS) for the City of Berlin. The Director is responsible for ensuring that the City of Berlin EMS continually provides consistent, prompt, professional and effective emergency medical services to its service area. The Director supervises and coordinates the daily operations and personnel of the EMS organization. This position may require working weekends, nights and or holidays as needed to benefit the Berlin EMS. The Director must have a minimum of 5 years supervisory/administrative experience as well as hold a current Driver's License & Paramedic license with the State of Wisconsin with 5 years of paramedic experience.

**ESSENTIAL JOB FUNCTIONS**

1. Responsible to the city for the efficiency and general good conduct of the ambulance service and ambulance personnel.
2. Responsible for all property and equipment belonging to the ambulance service.
3. Shall be available 24 hours a day, 7 days a week via pager. In his absence, he will ensure that the assistant director or the Directors appointee is left in charge.
4. Responsible for submitting an annual budget and following the approved annual budget during the fiscal year.
5. Conduct regular meetings for the management team and monthly business/training meetings for Berlin EMS personnel.
6. Review QI/QA reports from the resource managers for the purpose of quality improvement in conjunction with the medical director.
7. Regularly meet and communicate with City Clerk, City Council or its agent as needed.
8. Maintain communication with other emergency and ancillary services in the community and county as well as participate in Fox Valley Regional Trauma

Advisory Committee and any other regional or state organizations which would benefit Berlin EMS.

9. Develop, maintain and implement all policies and procedures to be followed by EMS Personnel.
10. Oversee procurement of all EMS related purchases, along with timely processing all invoices and providing receipts for every purchase.
11. Accurate processing and submission of biweekly EMS payroll to the City Clerk.
12. Ensure ambulance billing service receives all pertinent and accurate run and patient data timely and ensure that proper and timely billing practices and procedures are followed by the billing service.
13. Fill unassigned shifts as needed to make sure 24/7 coverage. This may require working weekends and holidays as necessary.
14. Seek additional funding for City of Berlin EMS through grant application opportunities.
15. Positively promote Berlin EMS within the community, provide educational programs and speaking engagements.
16. Maintain residency within 15 miles of the City of Berlin.
17. Maintain Compliance with Wisconsin Statute 256 and Administrative DHS 110. This includes ensuring all elements of the EMS operation plan are kept current, the organization's State licensing, E-Licensing, and EMS personnel licensing and credentialing are current.
18. Any other duties as assigned or necessary for the service.

## **BEHAVIOR AND ATTITUDE**

The mission philosophy of Berlin Emergency Medical Service requires this position to be performed in both a professional and personable manner. The manner in which the employee relates to fellow employees and patients is considered equal in importance to technical knowledge and ability. Respect and consideration given to the dignity of each patient and fellow employees is a requisite of successful job performance. In addition, confidentiality of the City's business must be maintained and all HIPPA law requirements adhered to.

## **PHYSICAL & OTHER DEMANDS**

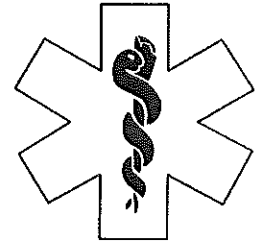
1. Ability to occasionally lift and carry heavy objects of 20-50 lbs.
2. Ability to sit continuously for long periods of time, and occasionally reach above shoulders and bend.
3. While performing the duties of this job, the employee is frequently required to talk or hear; use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is frequently required to stand and walk.

4. Eye-hand coordination is necessary to operate various pieces of equipment.
5. Task involves the regular, and at times sustained, performance of heavier physical tasks such as walking over rough or uneven surfaces, bending, stooping, working in confined spaces, and lifting or carrying moderately heavy (20-50 lbs.) items.
6. For the majority of tasks the work is performed in a controlled office environment. There are however exposures to adverse environmental conditions during emergency activities.
7. Requires color, sound, odor, depth, texture, and visual perception and discrimination and the ability to communicate effectively in oral and written form.



## BERLIN EMERGENCY MEDICAL SERVICES

108 North Capron  
PO Box 272  
Berlin, WI 54923  
Lenny Langkau Director  
(920) 229-4295



November 1, 2017

Berlin City Council  
Berlin City Administrator

Re: Ambulance Fee Schedule

Council Members and City Administrator:

I have been in close contact with Joel Kent, who does our ambulance billing with Cvikota Billing. Over this past year we have seen some dramatic increases in expendables, including, but not limited to, the cost of medications.

There are many reasons for this. One reason is a shortage in medications. The last few hurricanes were very destructive, and many medications were diverted to those that were hardest hit. Examples include Normal Saline, which is our IV fluid, pain medications, such as Morphine, diabetic medications, such as Dextrose and antibiotics. All medications were affected, and as such the State EMS Department has worked with the FDA to increase the expiration dates on some of our more common medications. However, once used, they are also the hardest to replace. Another reason for an increase is supply and demand. Narcan, the drug used for narcotic overdose, is in great demand and has a limited supply. These reasons, and others, have generated an increase in our costs.

It is the recommendation from our billing company that we increase our costs to the patients as to offset the increase we have seen. The other recommendation was to increase our mileage charge and our ALS2 base rate, to be more in line with other EMS Agencies in our area. Finally, the recommendation is to make a complete cost increase of 5% starting January 1, 2017. He makes this recommendation to all his clients, stating that way there is no sudden increase after 2-3 years of no change.

I recommend that we adopt his proposal and go with the fee schedule increase he has proposed.

*Lenny Langkau*

Lenny Langkau, NREMT-P TEMS  
BEMS Interim Director

<u>Service/Supply</u>	<u>CURRENT</u>		<u>PROPOSED</u>	
	<u>Resident</u>	<u>Non-Resident</u>	<u>Resident</u>	<u>Non-Resident</u>
BLS Non-Emergent Base Rate	\$650.00	\$750.00	\$682.50	\$787.50
BLS Emergent Base Rate	\$650.00	\$750.00	\$682.50	\$787.50
ALS1 Non-Emergent Base Rate	\$775.00	\$875.00	\$813.75	\$918.75
ALS1 Emergent Base Rate	\$775.00	\$875.00	\$813.75	\$918.75
ALS2 Base Rate	\$950.00	\$1,050.00	\$1,102.50	\$1,207.50
BLS On-Scene Care	\$250.00	\$250.00	\$262.50	\$262.50
ALS On-Scene Care	\$450.00	\$450.00	\$472.50	\$472.50
Lift Assist	\$125.00	\$125.00	\$131.25	\$131.25
Loaded Mileage	\$15.00	\$16.00	\$15.75	\$16.80
Non-Covered Mileage	\$12.00	\$12.00	\$12.60	\$12.60
Activated Charcoal	\$43.50		\$45.68	
Adenosine (per mg)	\$20.00		\$21.00	
Amiodorone 150mg	\$43.00		\$45.15	
Ativan	\$17.80		\$18.69	
Atropine	\$30.00		\$31.50	
Atrovent	\$16.00		\$16.80	
Benadryl 25mg	\$7.50		\$7.88	
Benadryl 50mg	\$11.80		\$12.39	
Blood Glucose Test	\$15.00		\$15.75	
Burn Sheets	\$27.30		\$28.67	
Calcium Chloride	\$36.00		\$37.80	
Cardizem	\$36.00		\$37.80	
Chest Needle Decompression	\$150.00		\$157.50	
Combitube	\$135.50		\$142.28	
CPAP Kit	\$100.00		\$105.00	
Defib Pads/Supplies	\$100.00		\$105.00	
Dextrose 50% 25mg	\$39.30		\$41.27	
Dopamine	\$61.30		\$64.37	
Epi-Pen	\$330.00		\$346.50	
Epinephrine 1:1000	\$26.00		\$27.30	
Fentanyl	\$62.00		\$65.10	
Furosemide 30mg	\$39.80		\$41.79	
Glucagon	\$396.00		\$415.80	
IO Needle Kit	\$185.50		\$194.78	
IV Setup Kit	\$75.00		\$78.75	
JAWS Extrication	\$200.00		\$210.00	
Ketorolac 30mg	\$25.00		\$26.25	
Lactated Ringers 1000ml Bag	\$39.50		\$41.48	
Lidocaine	\$18.00		\$18.90	
Lorazepam	\$36.00		\$37.80	
Magnesium Sulfate	\$28.00		\$29.40	
Manitol	\$97.30		\$102.17	
Midazolam 5mg	\$30.00		\$31.50	
Morphine Sulfate	\$39.50		\$41.48	
Narcan	\$84.50		\$88.73	
Nitrostat	\$11.30		\$11.87	
Oxygen Admin and Supplies	\$50.00		\$52.50	
Pediatric Defib Pads	\$85.00		\$89.25	
Romazicon 0.5mg	\$143.00		\$150.15	
Sodium Bicarbonate	\$10.00		\$10.50	
SoluMedrol 125mg	\$41.30		\$43.37	
Spinal Immobilization	\$100.00		\$105.00	
Xopenex	\$32.00		\$33.60	
Zofran 4mg	\$22.00		\$23.10	
12 Lead ECG	\$100.00		\$105.00	
4 Lead ECG	\$50.00		\$52.50	



## PROPOSED REVISIONS TO WEIGHTS AND MEASURES FEE SCHEDULE

Base rates for Appleton Health Department Environmental Health and Weights & Measures fees were established in an independent Study authorized and funded by the Common Council in 1993. The final report was referred to as the Griffith Study.

Annually since 1993 we have evaluated the actual cost of services provided, reviewed our current fees for those services rendered, and made recommendations for increases where justified. The Board of Health has acted upon and approved these recommendations when submitted.

In recent years we have used the federally established and nationally recognized Consumer Price Index (CPI) as the factor in determining appropriate fee increases.

In 2003 we did an exhaustive study of the Weights and Measures Section to evaluate feasibility and costs of contracting with several area municipalities. From this study and with the assistance of John Hoft-March of our Finance Department, we recalculated our actual operating cost for operations within the City of Appleton. These figures are now updated annually.

Our device license fee rates are based upon the standardized, average amount of time spent to inspect, test and certify a device times the current operating cost per hour. With the new hourly rate and with special consideration to each fee I have developed the new Recommended Fees shown. Weights and Measures fees are calculated to the nearest whole dollar amount.

With the rate changes submitted we estimate a revenue increase of \$218.

Respectfully submitted,

APPLETON HEALTH DEPARTMENT

Eric Maggio, Chief Sealer  
Weights and Measures

## PROPOSED REVISIONS TO WEIGHTS AND MEASURES FEE SCHEDULE

NO. OF FEE	LICENSEABLE ITEM DESCRIPTION	CURRENT FEE	AVERAGE CITY LICENSE FEE 2017*	RECOMMENDED FEE	DOLLAR CHANGE	Number Of Device
1	Base Licensing Processing Fee	\$40.00	\$81.67	\$40.00	0	
2	Portion Scale – Low Capacity	\$10.00	\$17.50	\$10.00	0	
3	Scales 0 – 30 lbs	\$19.00	\$32.71	\$19.00	0	
4	Scales 31 – 1000 lbs	\$32.00	\$54.50	\$32.00	0	
5	Scales 1001 – 10,000 lbs	\$52.00	\$65.11	\$52.00	0	
6	Scales 10,001 – 20,000 lbs	\$70.00	\$76.13	\$70.00	0	
7	Point of Sale Systems	\$19.00	\$32.71	\$19.00	0	
8	Prepack Scale	\$19.00	\$32.71	\$19.00	0	
9	Person Weighing Scale	\$30.00	\$30.45	\$30.00	0	
10	High Accuracy Scale with Weights or Pill Counter System	\$40.00	\$56.19	\$40.00	0	
11	Hopper Scales	\$105.00	\$119.35	\$105.00	0	
12	Linear Meter	\$15.00	\$15.75	\$15.00	0	
13	Rules	\$3.00	\$3.15	\$3.00	0	
14	Timing Device	\$7.00	\$16.43	\$8.00	0	
15	Petroleum Pump	\$18.00	\$34.40	\$20.00	\$2.00	109
16	Vehicle Tank and Bulk Meter	\$40.00	\$81.00	\$40.00	0	
17	Postal Scales	\$6.00	\$15.00	\$10.00	0	
18	Estimating Dough Scale and Weights	\$13.00	\$32.71	\$13.00	0	
19	Firewood Dealer	\$20.00	No Others	\$20.00	0	
20	Retail Price Scanner	1 – 8 \$60.00 9 or more \$7.50 each	\$22.00 Each	1 – 8 \$60.00 9 or more \$7.50 each	0	
21	Unclassified Devices and Consultations to Government and Industry	\$52.00 Per Hour	Not Available	\$52.00 Per Hour	0	
22	Late Payment Fee	\$60.00	\$94.33	\$60.00		
23	Penalty Fee for Nonregistration	Triple the Per Device Fee	Not Available	Triple the Per Device Fee	0	
24	Taxi Meters	\$19.00	\$18.90	\$19.00	0	
25	Farm Market Scale	No Charge	\$32.71	\$19.00	0	
26	Reinspection Fee	\$50.00	\$100.00	\$58.00	0	
27	Reinspection Fee 2 <sup>nd</sup> Visit	N/A	N/A	\$100.00	0	
28	Reinspection Fee 3 <sup>rd</sup> Visit	N/A	N/A	\$150.00	0	

Note: Last fee increase was in September 2015

\*Cities (Green Bay, Madison, Menasha, Milwaukee, and Oshkosh)

DATE: October 31, 2017

TO: Common Council

FROM: Lindsey Kemnitz

RE: Farmland Preservation Ordinance Amendment

BACKGROUND:

Recently I had to submit the zoning ordinance to the Department of Agriculture, Trade and Consumer Protection (DATCP) to get the final approval for the farmland preservation ordinance for the ETZA. After review, the underlined portion had to be added to Section 82.254(b)(2) to receive approval from DATCP for the farmland preservation.

RECOMMENDATION:

Recommend to Common Council for approval

AN ORDINANCE FURTHER AMENDING THE PROVISIONS OF FARMLAND PRESERVATION ZONING CODE

The Common Council of the City of Berlin do ordain as follows:

Sec. 82.254 of the Code of Ordinances shall be amended as follows:

Sec. 82.254 – Permitted Uses.

...

b. Accessory Uses, subject to the following limitations:

- (1) Target shooting with a bow or crossbow in the city limits shall require a permit granted under section 46-31(f).
- (2) Kennels described under section 10-7(b), meeting the definition of an "Accessory Use" under Wis Stat. §91.01(1), shall be permitted only as a conditional use under section 82-255(9).

For

...

This ordinance shall take effect the day after publication. The numeric section numbers and headings shall be subject to modification in the discretion of the codifier, and the approval of the city attorney, during codification into the city's current code of ordinances.

Passed, approved and adopted this \_\_\_\_ day of \_\_\_\_\_, 2017.

ROLL CALL VOTE:

CITY OF BERLIN

\_\_\_\_\_ AYES  
 \_\_\_\_\_ NAYS  
 \_\_\_\_\_ ABSENT

BY: \_\_\_\_\_  
Richard D. Schramer, Mayor

APPROVED AS TO FORM:

ATTEST: \_\_\_\_\_  
Jodie Olson  
City Clerk

\_\_\_\_\_  
Matthew G. Chier  
City Attorney

DATE: October 30, 2017

TO: Mayor and Committee of the Whole

FROM: Jodie Olson

**RE: Assessment Error Tax Refund for 274 N. Hunter Street**

BACKGROUND: Per the attached e-mail from the Assessor, there was an assessment error of \$35,900 for 2016 for the property at 274 N. Hunter, which is owned by Gordon Decker.

This is a palpable error and the owner, Gordon Decker, is due a refund. Based on the revised assessment, I have calculated out the total refund amount to be \$883.14. The City is required to pay the entire portion back to the property owner, and then can submit a charge back to the other taxing entities.

This was not budgeted for; therefore, we need to budget transfer \$883.14 from Contingency to the Tax Refund account to make this payment.

RECOMMENDATION: Recommend to Common Council approval of tax refund for 274 N. Hunter for 2016 Assessor error and approval of Resolution #17-07 to authorize the transfer of \$883.14 from Contingency Account #10-59-90000-390 to Illegal Taxes and Refunds Account #10-51-91000-390 for tax refund to Gordon H. Decker.

**RESOLUTION # 17-07**

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**A RESOLUTION AUTHORIZING TRANSFER OF  
BUDGET FUNDS (REFUND OF TAXES to Gordon Decker)**

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WHEREAS, Action Appraisers, the City Assessor, did present the City of Berlin with a palpable error on the 2016 assessment of parcel 24-206-03241-0000, which requires the assessment to be modified from \$176,700 to \$140,800; and

WHEREAS, the City of Berlin is required to refund the difference between the 2016 taxes paid and the modified tax amount based on the new assessment;

NOW THEREFORE, BE IT RESOLVED that the amount of \$883.14 shall be transferred from the 2017 budget expense account 10-59-90000-390 Contingency to the 2017 budget expense account 10-51-91000-390 Illegal and Refunded Taxes for the purpose of refunding taxes for parcel 206-03241-0000, (274 N. Hunter Street, property owner: Gordon H. Decker) as per Wisconsin State Statute 74.33(b).

Passed, approved and adopted this \_\_\_\_ day of \_\_\_\_\_, 2017.

ROLL CALL VOTE:

CITY OF BERLIN

\_\_\_\_\_ AYES

BY: \_\_\_\_\_  
Richard D. Schramer, Mayor

\_\_\_\_\_ NAYS

\_\_\_\_\_ ABSENT

APPROVED AS TO FORM:

ATTEST: \_\_\_\_\_  
Jodie Olson  
Administrator, Clerk/Treasurer

\_\_\_\_\_  
Matthew G. Chier  
City Attorney

## Jodie Olson

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**From:** Amy Zacharias <amy@actionappraisersinc.com>  
**Sent:** Friday, October 06, 2017 1:56 PM  
**To:** Jodie Olson  
**Subject:** Gordon Decker, parcel 206-03241-0000

Hi Jodie,

I'm just giving you a summary of what occurred with the regarding the Mr. Gordon Decker's property at 274 N. Hunter St

In 2015 Mr Decker took out a building permit and built a ranch home. We stopped at the property on 4/11/2016 to view the new home. At that time the home was complete, but no one was home to discuss date of completion and we did not get a response to the letter we mailed on 5/12/2016, so we valued the home as 100% complete as of 1/1/2016.

Mr Decker called our office on 1/12/2017 to notify us that the home in fact was not complete as of 1/1/16. Troy had a conversation with the building inspector and found out that the home was 76% complete as of 1/1/2016.

The value was as follows;

Land - \$27,200    Improvements - \$149,500    Total - \$176,700

The correct value should have been;

Land - \$27,200    Improvements - \$113,600    Total - \$140,800

The difference is \$35,900, which Mr. Decker has requested a refund of taxes for.

This error falls under Wis Stats. 70.43 Correction of Errors by Assessors, palpable error, and can be corrected by Wis Stats 74.41 Charging Back Refunded or Rescinded Taxes. Form PC - 201 needs to be submitted by Oct 1, 18 for a refund of taxes. under these stats.

Kind Regards,

Amy Zacharias, VP  
Action Appraisers & Consultants, Inc  
Phone 920-766-7323

**RESOLUTION # 17- 08**

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**A RESOLUTION ACCEPTING THE BOYS & GIRLS CLUB OF THE TRI-COUNTY  
AREA DEDICATION OF A BUS SHELTER STRUCTURE ON S. WASHINGTON  
STREET RIGHT-OF-WAY**

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WHEREAS on May 9, 2017, the City of Berlin Common Council did adopt Resolution #17-03 "A Resolution to Memorialize and Confirm the Understanding Between the Boys & Girls Club of the Tri-County Area and the City of Berlin on the Construction, Dedication, and Future Maintenance & Responsibility of a Bus Shelter on S. Washington Street Right-of-Way"; and

WHEREAS the Boys & Girls Club (BGC) did cause the bus shelter structure to be constructed and completed to the satisfaction of the Street Superintendent at no cost to the CITY; and

WHEREAS the BGC now wishes to dedicate the bus shelter structure to the CITY; and

WHEREAS, upon such dedication, the BGC agrees that all future routine and non-routine maintenance responsibilities and associated costs would be the responsibility of the BGC. This would include structural or condition repairs, clean-up or repairs from vandalism, maintaining appearance and cleanliness, keeping in safe and usable condition for the public, snow shoveling, removing garbage, etc; and

WHEREAS the BGC agrees to routinely inspect and maintain the overall condition and appearance of the bus shelter structure at all times in the future, with all concerns being addressed in a timely manner;

NOW THEREFORE BE IT RESOLVED that based on the above the City of Berlin Common Council hereby accepts dedication of the bus shelter structure on the S. Washington Street Right-of-Way with the understanding that all future maintenance or repairs and related costs for the structure will be the responsibility of the BGC.

Passed, approved and adopted this 14th day of November, 2017.

ROLL CALL VOTE:

\_\_\_\_\_ AYES  
\_\_\_\_\_ NAYS  
\_\_\_\_\_ ABSENT

CITY OF BERLIN

BY: \_\_\_\_\_  
Richard D. Schramer, Mayor

APPROVED AS TO FORM:

ATTEST: \_\_\_\_\_  
Jodie Olson  
Administrator/Clerk-Treasurer

\_\_\_\_\_  
Matthew G. Chier  
City Attorney



RESOLUTION # 17- 03

**A RESOLUTION TO MEMORIALIZE AND CONFIRM THE UNDERSTANDING BETWEEN THE BOYS & GIRLS CLUB OF THE TRI-COUNTY AREA AND THE CITY OF BERLIN ON THE CONSTRUCTION, DEDICATION, AND FUTURE MAINTENANCE & RESPONSIBILITY OF A BUS SHELTER ON S. WASHINGTON STREET RIGHT-OF-WAY**

WHEREAS the Boys & Girls Club of the Tri-County Area ("BGC) did come before the Common Council on April 4, 2017 proposing to provide shelter for area children waiting for buses, by constructing a bus shelter in the City of Berlin ("CITY") right-of-way along S. Washington Street terrace area; and

WHEREAS the BGC proposed that the bus shelter would be constructed at no cost to the CITY; and

WHEREAS the BGC proposed that all future routine and non-routine maintenance responsibilities and associated costs would be the responsibility of the BGC. This would include structural or condition repairs, clean-up or repairs from vandalism, maintaining appearance and cleanliness, keeping in safe and usable condition for the public, snow shoveling, removing garbage, etc; and

WHEREAS the BGC proposed to dedicate the completed bus shelter structure to the CITY;

NOW THEREFORE BE IT RESOLVED that based on the above the City of Berlin Common Council hereby:

1. Will allow the Street Superintendent to work with the BGC to construct a mutually agreed upon shelter in the terrace area of S. Washington Street as it has public benefit.
2. Upon satisfactory completion of the shelter, as determined by the Street Superintendent, will accept the dedication of the bus structure from the BGC.
3. Recognizes and understands that all future maintenance or repairs and related costs for the structure will be the responsibility of the BGC. The BGC will routinely inspect and maintain the overall condition and appearance at all times in the future, with all concerns being addressed in a timely manner.

Passed, approved and adopted this 9th day of May, 2017.

ROLL CALL VOTE:

6 AYES  
0 NAYS  
0 ABSENT

CITY OF BERLIN

BY: Richard D. Schramer  
Richard D. Schramer, Mayor

APPROVED AS TO FORM:

Matthew G. Chler  
Matthew G. Chler  
City Attorney

ATTEST: Jodie Olson  
Jodie Olson  
Administrator/Clerk-Treasurer

RESOLUTION #17-09

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**A RESOLUTION DETERMINING THAT A PUBLIC EMERGENCY EXISTS IN  
REGARD TO THE 107 W. HURON STREET PROPERTY BIDDING  
PROCEDURES FOR REPAIRS**

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WHEREAS, the Common Council has previously authorized the commencement of bidding procedures for repair work to be conducted at the property located at 107 W. Huron Street in the City of Berlin, pending and conditioned upon the City's acquisition of such property; and

WHEREAS, normal bidding procedures as required by Wis. Stat. §62.15 would cause significant delays in the commencement of the repair work necessary to correct the building deficiencies at such property; and

WHEREAS, the deficiencies at the 107 W. Huron Street property include an unstable roof, water leakage, rodent infestation, and other issues, all of which present an immediate endangerment to the public's health and welfare, and such issues will only be exacerbated by snow falling on the property; and

WHEREAS, pursuant to Wis. Stat. §62.15(1b), compliance with the public bidding requirements of Wis. Stat. §62.15(1) are not mandatory for the repair and reconstruction of public facilities when damage or threatened damage thereto creates an emergency, as determined by the Board of Public Works, in which the public health or welfare of the City is endangered; and

WHEREAS, the City of Berlin does not have a Board of Public Works; the statutory duties and powers of which are exercised by the Common Council.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The deficiencies at the 107 W. Huron Street property, as described in the recitals above, constitute an emergency in which the public's health and welfare is endangered. Accordingly, the bidding requirements set forth Wis. Stat. §62.15(1) is not mandatory, and the following bidding procedures shall be used for this project:
  - a. City staff in cooperation with Kunkel Engineering Group shall send out at least six (6) Requests For Proposals to reputable contractors that are suitable for performing the repairs needed at 107 W. Huron St property.
  - b. A scope of the project shall also be posted on the City website.

c. Publication in the newspaper shall not be required.

2. For clarity, the City of Berlin does not have a Board of Public Works, and, pursuant to Wis. Stat. §62.14(1), the Common Council exercises all statutory duties and powers of the Board of Public Works, including but not limited to the authority to adopt this Resolution.

Passed, approved and adopted this \_\_\_\_ day of \_\_\_\_\_, 2017.

ROLL CALL VOTE:

CITY OF BERLIN

\_\_\_\_\_ AYES

BY: \_\_\_\_\_

Richard D. Schramer, Mayor

\_\_\_\_\_ NAYS

\_\_\_\_\_ ABSENT

APPROVED AS TO FORM:

ATTEST: \_\_\_\_\_

Jodie Olson

Administrator, Clerk/Treasurer

\_\_\_\_\_  
Matthew G. Chier  
City Attorney

DRAFT 10-15-2017