

AGENDA
CITY OF BERLIN
COMMON COUNCIL MEETING
TUESDAY, JULY 14, 2020 7:00 PM
COUNCIL CHAMBERS, BERLIN CITY HALL, 2ND FLOOR
MEETING IS OPEN TO THE PUBLIC & CITY HALL IS HANDICAPPED ACCESSIBLE

1. Call to order/Roll Call
2. General Public Comments. Registration card required (located at podium in Council Chamber).

CONSENT AGENDA: The Consent Agenda contains items which staff considers to be routine and have already been discussed and recommended by a committee, board or commission at a previous meeting. Staff recommends that Council act on all of these items on a single roll call vote. If any member of Council wishes to have any item removed from the Consent Agenda and discussed, the Council member may request that item be removed from the Consent Agenda prior to the adoption.

3. Waive the reading of ordinances and resolutions. RECOMMENDATION: Waive the reading of all ordinances and resolutions adopted at this meeting.
4. Written reports from the City Clerk, Treasurer, and Building Inspector.
RECOMMENDATION: Receive and place on file the written reports from the City Clerk, Treasurer, and Building Inspector.
5. Minutes from the June 9, 2020 Common Council Meeting. RECOMMENDATION: Approve the minutes.
6. Ordinance Amending the Code of Ordinance Related to Alcohol Beverage Licensing to Reflect Recent State Law Changes. RECOMMENDATION: Accept the Committee of the Whole recommendation to approve and adopt Ordinance #04-20 Amending the Code of Ordinance Related to Alcohol Beverage Licensing to Reflect Recent State Law Changes.
7. Discussion on Virtual Meetings. RECOMMENDATION: Accept the Committee of the Whole recommendation to form a task force to upgrade equipment for possible virtual meetings, which will be appointed by the Common Council.
8. Bills List. RECOMMENDATION: Approve the list of bills for payment.

END OF CONSENT AGENDA

9. Property and Liability Insurance Renewal. RECOMMENDATION: Accept and approve the renewal quote of \$179,736 from EMC Insurance for Property and Liability Insurance for policy year 7/23/20–7/23/21.
10. Acknowledgement of Jack Wahlers. RECOMMENDATION: No action required.

11. Temporary Ordinance Relating to Electronic or Virtual Meeting Attendance. RECOMMENDATION: Review and approve Ordinance #05-20 Relating to Electronic or Virtual Attendance or Conducting of Meetings of Governing Bodies.
12. Temporary Ordinance on Special Street Privilege Permit for Use of Sidewalks by Businesses. RECOMMENDATION: Review and approve Temporary Ordinance #06-20 Authorizing Issuance of Special Street Privilege Permits for Use of Sidewalks By Businesses.
13. Law Enforcement Support Proclamation. RECOMMENDATION: Mayoral reading of Proclamation Supporting Law Enforcement.
14. Media/Virtual Meeting Task Force Assignment. RECOMMENDATION: Action as appropriate.
15. Operator License Applications for License Year July 1, 2020- June 30, 2022.
Applications approved by the PD: Kara LeAnn Felcan, Tracy Lynn Moran, Karnpal Singh Cheema, Caitlin Marie Hilgart, Stacy Marie Zietlow, Mary L. Seaman, and Robert Joseph Dych. *Applications not approved by the PD*: Denise Renee Duty-Rumold, Tara Lynn Schwersenska, Felicia Ann Cain, James Paul Selsing and Patrick Michael Hatton.
RECOMMENDATION: Grant or deny the licenses.
16. Old Business (To be used to request items of old business be put on a future agenda for further discussion or action; or used to make a motion for reconsideration of an item from the current meeting or immediately previous meeting; or to make a motion to take items off the table which were laid on the table only during the current meeting.)
17. New Business (To be used to request items of new business be put on a future agenda)
18. Public Appearances
19. Motion to convene into closed session pursuant to Sec 19.85(1)(g) to confer 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. (*130 W. Berlin Street Raze or Repair Order*) and pursuant to WI §19.85(e) to deliberate or negotiate 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 (*Discussion on negotiations relating to Student Resource Officer contract with Berlin Area School District*)
20. Reconvene into open session and take appropriate action as a result of closed session discussion.
21. 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.

[illegible]

HONORABLE MAYOR AND COMMON COUNCIL OF THE CITY OF BERLIN, WISCONSIN:									
I herewith present my report as City Treasurer for the month ending		6/30/2020							
FUNDS	BEG BALANCE	ADJ/ VOIDS	RECEIPTS	DISBURSEMENTS	BALANCE	INVESTMENTS	TOTAL W/ INVESTMENTS		
GENERAL CITY	\$ 1,139,637.93		\$ 332,331.63	\$ 527,678.47	\$ 944,291.09	\$ 2,100,000.00	\$ 3,044,291.09		
TAX COLLECTION ACCOUNT	\$ 460.84		\$ -	\$ -	\$ 460.84	\$ -	\$ 460.84		
WATER INVESTMENTS	\$ 741,868.27		\$ 324,104.65	\$ 213,724.75	\$ 852,248.17	\$ 4,369,760.49	\$ 5,222,008.66		
SEWER INVESTMENTS					\$ -	\$ 2,242,788.52	\$ 2,242,788.52		
SEWER BOND & INT			\$ -		\$ -	\$ -	\$ -		
BOND & INT RESERVE	\$ -				\$ -		\$ -		
EQUIP REPLACEMENT FUND	\$ 39,098.77		\$ 5.14		\$ 39,103.91	\$ 1,255,000.00	\$ 1,294,103.91		
CAPITAL PROJECT BORROWING	\$ -			\$ -	\$ -		\$ -		
EMS ACCOUNT	\$ 125,689.07		\$ 22,346.38	\$ 130,035.00	\$ 18,000.45		\$ 18,000.45		
TOTAL OF ALL FUNDS	\$ 2,046,754.88		\$ 678,787.80	\$ 871,438.22	\$ 1,854,104.46	\$ 9,967,549.01	\$ 11,821,653.47		
FUNDS	BANK STATEMENT BALANCE	ADJUSTMENT	OUTSTANDING CHECKS	AVAILABLE BANK BALANCE					
GENERAL CITY	\$ 958,528.23		\$ 14,237.14	\$ 944,291.09					
TAX COLLECTION ACCOUNT	\$ 785.80		\$ 324.96	\$ 460.84					
WATER & SEWER	\$ 996,161.88		\$ 143,913.71	\$ 852,248.17					
SEWER BOND & INT			\$ -	\$ -					
EQUIP REPLACMT FUND	\$ 39,103.91		\$ -	\$ 39,103.91					
CAPITAL PROJECT BORROWING	\$ -		\$ -	\$ -					
EMS ACCOUNT	\$ 18,000.45		\$ -	\$ 18,000.45					
TOTAL OF ALL FUNDS	\$ 2,012,580.27	\$ -	\$ 158,475.81	\$ 1,854,104.46					
					RESPECTFULLY SUBMITTED,				
					<i>Alison M. Moe</i>				

[illegible][illegible]

CITY OF BERLIN BUILDING REPORT June 2020

TYPE OF PERMIT	MONTH			YEAR TO DATE			LAST YEAR TO DATE		
	No.	Estimated Value	Permit Cost	No.	Estimated Value	Permit Cost	No.	Estimated Value	Permit Cost
Single Family Residence	1	\$202,000.00	\$662.52	2	\$534,000.00	\$2,216.12	1	\$203,000.00	\$1,022.40
Multi-Family Residence	0			2	\$540,000.00	\$2,973.20	0	\$0.00	\$0.00
Residential Garage	0	\$0.00	\$0.00	1	\$12,295.00	\$205.00	1	\$61,000.00	\$412.00
Residential Garage Alteration	0	\$0.00	\$0.00	1	\$2,500.00	\$50.00	0	\$0.00	\$0.00
Residential Alteration	23	\$216,560.00	\$2,013.50	47	\$447,484.00	\$3,746.85	19	\$231,265.72	\$1,648.32
Commercial	0			0	\$0.00	\$0.00	0	\$0.00	\$0.00
Commercial Alteration	0	\$33,500.00	\$198.00	4	\$145,225.00	\$1,002.00	2	\$31,000.00	\$278.00
Industrial	0			0	\$0.00	\$0.00	0	\$0.00	\$0.00
Industrial Alteration	0			0	\$0.00	\$0.00	0	\$0.00	\$0.00
Signs	1	\$20,000.00	\$100.00	4	\$26,099.00	\$286.76	3	\$422.00	\$329.50
Miscellaneous	9	\$15,752.00	\$475.00	22	\$38,852.00	\$1,125.00	9	\$16,900.00	\$450.00
Demolition	0			1	\$6,000.00	\$100.00	0	\$0.00	\$0.00
Hospital	0			0	\$0.00	\$0.00	0	\$0.00	\$0.00
Church	0			0	\$0.00	\$0.00	0	\$0.00	\$0.00
School	0			0	\$0.00	\$0.00	0	\$0.00	\$0.00
Driveways	3	\$8,800.00	\$135.00	5	\$15,800.00	\$240.00	6	\$19,545.00	\$220.00
Trailer Homes	0			0	\$0.00	\$0.00	0	\$0.00	\$0.00
Total Building Permits	37	\$496,612.00	\$3,584.02	89	\$1,768,255.00	\$11,944.93	41	\$563,132.72	\$4,360.22
Commercial Plan Approval	0								
Plumbing Permits	3	\$28,026.00	\$225.20	17	\$127,838.00	\$902.99	7	\$36,157.00	\$365.00
Electrical Permits	5	\$18,750.00	\$317.96	17	\$71,820.00	\$829.56	16	\$20,100.00	\$888.00
Heating Permits	4	\$23,460.00	\$300.20	19	\$173,705.00	\$1,561.20	7	\$81,535.00	\$654.43
Total Permit Fees	49	\$566,848.00	\$4,427.38	142	\$2,141,618.00	\$15,238.68	71	\$700,924.72	\$6,267.65

ORDINANCE #04-20

AN ORDINANCE AMENDING THE CODE OF ORDINANCE RELATED TO ALCOHOL BEVERAGE
LICENSING TO REFLECT RECENT STATE LAW CHANGES

WHEREAS, Wisconsin 2019 Act 6 and 2019 Act 166 were recently adopted into law which give rise to certain required and permitted modifications to the City of Berlin Code of Ordinances related to alcohol beverage licensing.

NOW THEREFORE, the Common Council of the City of Berlin do ordain as follows:

Section 6-39(a) of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 6-39. - Retail "class B" intoxicating liquor licenses.

- (a) *Reserve* "class B" license. A reserve "class B" intoxicating liquor license is a license that was not granted or issued on December 1, 1997 and is counted under Wis. Stats. § 125.51(4)(br), which authorizes the holder of such license to sell, deal and traffic in intoxicating liquors and wine to be consumed by the glass only on the licensed premises and in the original package or container in multiples, ~~not to exceed four liters at any one time in any quantity~~, to be consumed off of the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off of the premises.

Section 6-49(a) of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 6-49. - Application for operator's licenses.

- (a) The common council ~~or the clerk-treasurer~~ may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the clerk-treasurer only to persons at least 18 years of age. Operator's licenses shall be valid only within the limits of the city.

Section 6-50 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 6-50. - Issuance or denial of operator's licenses.

- (a) After the common council ~~or the clerk-treasurer~~ approves the granting of an operator's license, the clerk-treasurer shall issue the license. Such license shall be issued and numbered in the order it was granted, and shall state the applicant's name and address and the date of the expiration of such license.
- (b)
 - (1) If the application is denied by the common council ~~or the clerk-treasurer~~, the clerk-treasurer shall in writing inform the applicant of the denial, the reasons

therefore, and of the opportunity to request a reconsideration of the application by the common council, or appeal to the common council if the denial was originally by the clerk-treasurer, in a closed session. Such notice shall be sent by registered mail to, or served upon, the applicant at least ten days prior to the common council's reconsideration of the application or appeal hearing as applicable. At such reconsideration or appeal hearing, the applicant may present evidence and testimony as to why the license should be granted.

- (2) If, upon reconsideration or appeal, the common council denies the application, the clerk-treasurer shall notify the applicant in writing of the reasons for such denial. An applicant who is denied a license upon reconsideration of the matter, may apply to circuit court pursuant to Wis. Stats. § 125.12(2)(d) for review.

- (c) Consideration for the granting or denial of an operator's license shall be based on:

...

- ~~(5) — If a licensee is convicted of an offense substantially related to the licensed activity, the common council may act to revoke or suspend the license.~~

- (d) An application for an operator's license may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony, unless duly pardoned, or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two offenses which are substantially related to the licensed activity within the five years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the common council or the clerk-treasurer, the common council, or the clerk-treasurer as applicable, reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the common council, or the clerk-treasurer as applicable, at its their discretion, may, based upon an arrest or conviction record of two or more offenses which are substantially related to the licensed activity within the five years immediately preceding the application, act to suspend such license for a period of one year or more.

Section 6-51 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 6-51. - Training course.

- (a) Except as provided in subsection (b) of this section, the common council or the clerk treasurer may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course as required under Wis. Stats. §125.17 (b).

...

- (c) The common council or the clerk-treasurer may not require that applicants for operator's licenses undergo training in addition to that set forth in subsection (a) of this section, but may require applicants to purchase, at cost, materials which deal with relevant local subjects not covered in the course set forth in subsection (a) of this section.

Section 6-54 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 6-54. - Operator's license fee.

...

- (b) The clerk-treasurer may issue provisional operator's licenses in accordance with Wis. Stats. § 125.17(5). The provisional operator's license shall expire 60 days after its issuance or when an operator's license is issued to the holder, whichever is sooner. The clerk-treasurer may, upon receiving an application for a temporary provisional license, issue such a license without requiring the successful completion of the approved program as set forth in section 6-51. However, such temporary license shall be used only for the purpose of allowing such applicant the privilege of being licensed as a beverage operator pending his successful completion of the approved program. A provisional license may not be issued to any person who has been denied an operator's license by the common council, or clerk-treasurer unless overturned on appeal by the common council, or who has had his operator's license revoked or suspended within the preceding 12 months. The clerk-treasurer shall provide an appropriate application form to be completed in full by the applicant. The clerk-treasurer may revoke the provisional license issued if ~~he~~ the clerk-treasurer discovers that the holder of the license made a false statement on the license application. Following completion of the bartender awareness course and notification from the school, the operator's license shall be issued. Only one provisional license shall be issued to a person within a one-year period.

This ordinance shall take effect the day after publication.

The numeric section numbers and headings of any portions of the Code of Ordinances affected by this Ordinance 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 14th day of July, 2020.

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

CITY OF BERLIN

PAYROLL FOR JUNE - 2020

NET PAYROLL

	PAYDATE	Payroll #	PAYROLL TITLE	GENERAL CITY	UTILITY		
	6/12/2020	12	General City	57,038.14			
	6/15/2020	12.01	Zabel Uniform	215.76			
	6/12/2020	12	Utility		11,374.81		
	6/19/2020	12.04	Horn	12.73			
	6/26/2020	13	General City	61,924.56			
	6/26/2020	13	Utility		11,506.77		
			TOTAL MONTHLY PAYROLL	\$119,191.19	\$22,881.58		

*Check Summary Register©

JUNE 30 2020

Name	Check Date	Check Amt	
11100 Cash in Bank m FNB			
Paid Chk# 064582	AMAZON CAPITAL SERVICES, IN	6/1/2020	\$102.04 Garage Door Opener
Paid Chk# 064583	ANTIQUE EQUIPMENT CLUB	6/1/2020	\$400.00 SHELTER HOUSE CANCELLATION FO
Paid Chk# 064584	BERLIN BOAT CLUB, INC.	6/1/2020	\$385.00 SHELTER HOUSE CANCELLATION FO
Paid Chk# 064585	BERLIN JOURNAL NEWSPAPER	6/1/2020	\$229.00 16" LIQUOR LICENSE AD
Paid Chk# 064586	BERLIN KIWANIS CLUB	6/1/2020	\$185.00 SHELTER HOUSE CANCELLATION FO
Paid Chk# 064587	BLOCK, KEVIN J	6/1/2020	\$7,282.13 RETIREE MEDICAL REIMBURSEMENT
Paid Chk# 064588	BRAASCH, JERRY	6/1/2020	\$180.00 SHELTER HOUSE CANCELLATION FO
Paid Chk# 064589	BREWER HEATING INC	6/1/2020	\$56.99 CONDENSER CAPACITOR REPLACEMEN
Paid Chk# 064590	CHARTER COMMUNICATION	6/1/2020	\$209.99 2020 - APRIL & MAY - INTERNET
Paid Chk# 064591	CITY OF GREEN LAKE	6/1/2020	\$102.99 2020 - MARCH - EMS TELEVISION
Paid Chk# 064592	CORPORATE NTWRK SOLUTION	6/1/2020	\$1,113.00 2020 - BARRACUDA RENEWAL
Paid Chk# 064593	EDS TRACTOR REPAIR, LLC	6/1/2020	\$148.78 PARTS FOR MOWER
Paid Chk# 064594	FINISHLINE STUDIOS	6/1/2020	\$40.00 2020 - JUNE - MONTHLY WEB HOST
Paid Chk# 064595	FIRE & SAFETY EQUIPMENT, IN	6/1/2020	\$63.96 FIRE EXTINGUISHER MAINTENANCE
Paid Chk# 064596	FORMILLER, JOSEPH	6/1/2020	\$200.00 SHELTER HOUSE CANCELLATION FO
Paid Chk# 064597	GARZA, MARIA TERESA	6/1/2020	\$87.50 2.50 HOURS OF TRANSLATION
Paid Chk# 064598	GRACE LUTHERAN CHURCH	6/1/2020	\$150.00 SHELTER HOUSE CANCELLATION FO
Paid Chk# 064599	NEUMAN, KAREN	6/1/2020	\$641.85 MEDICAL BILL AND COBRA REIMBUR
Paid Chk# 064600	OSHKOSH OFFICE SYSTEMS	6/1/2020	\$88.33 2020 - MAY - MONTHLY COPIES 61
Paid Chk# 064601	SEAMAN, MIDGE, PETTY CASH	6/1/2020	\$157.10 POSTAGE FOR CITY HALL
Paid Chk# 064602	STAHL PLUMBING & HEATING	6/1/2020	\$126.78 PARTS FOR TOILET REPAIR
Paid Chk# 064603	SUN LIFE FINANCIAL	6/1/2020	\$187.03 2020 - JUNE - EMPLOYEE LIFE IN
Paid Chk# 064604	TAPCO	6/1/2020	\$4,586.40 SIGNAL KNOCKDOWN E.HURON/SPRIN
Paid Chk# 064605	TRAMPF, SUE	6/1/2020	\$185.00 SHELTER HOUSE CANCELLATION FO
Paid Chk# 064606	TREDER, ART	6/1/2020	\$185.00 SHELTER HOUSE CANCELLATION FO
Paid Chk# 064607	TROCHINSKI, NANCY	6/1/2020	\$300.00 SHELTER HOUSE CANCELLATION FO
Paid Chk# 064608	WALKER, GREGORY & MICHELL	6/1/2020	\$355.00 SHELTER HOUSE CANCELLATION FO
Paid Chk# 064609	APPLETON FINANCE DEPARTM	6/5/2020	\$471.25 2020 - JUNE - WEIGHTS AND MEAS
Paid Chk# 064610	BALLWEG IMPLEMENT CO	6/5/2020	\$24.93 PARTS FOR BERLIN DPW
Paid Chk# 064611	BERLIN JOURNAL NEWSPAPER	6/5/2020	\$143.50 JUNE 9 HEARING BLOCK GRANT
Paid Chk# 064612	HAWKINS/ ASH CPAS	6/5/2020	\$840.00 FOR 1095 PREPARATION AND FILIN
Paid Chk# 064613	HEIDI A. HEATH FARMS, INC.	6/5/2020	\$2,200.00 2020 FLOWER BID CITY PARK SYST
Paid Chk# 064614	KUNKEL ENGINEERING GROUP	6/5/2020	\$8,929.34 PREP CDBG RESOLUTIONS-REVIEW F
Paid Chk# 064615	LANDMARK SERVICES COOPER	6/5/2020	\$2,618.00 2020 - MAY - FUEL SERVICE
Paid Chk# 064616	MULDER, DENNIS	6/5/2020	\$20.00 2020 BOARD OF REVIEW
Paid Chk# 064617	PAGE, FELICIA	6/5/2020	\$20.00 2020 BOARD OF APPEALS
Paid Chk# 064618	RAINBOTH, WALTER	6/5/2020	\$20.00 2020 - BOARD OF REVIEW
Paid Chk# 064619	ROETHEL, PAUL	6/5/2020	\$20.00 2020 BOARD OF REVIEW
Paid Chk# 064620	TAPCO	6/5/2020	\$693.31 STREET SIGNS, TRAFFIC SIGNS
Paid Chk# 064621	VIVIAL	6/5/2020	\$47.75 2020 - JUNE - CENTURYLINK ADV
Paid Chk# 064622	BAYCOM INC	6/5/2020	\$72.50 WIFI CONNECTIVITY - 2 SQUADS
Paid Chk# 064623	CCP INDUSTRIES INC.	6/5/2020	\$76.00 DISENFECTING WIPES
Paid Chk# 064624	MEDTOX LABORATORIES, INC	6/5/2020	\$19.04 DRUG SCREEN - J. SMITH
Paid Chk# 064625	SONDALLE FORD LINCOLN	6/5/2020	\$61.40 MAINTENANCE WORK 2015 FORD EXP
Paid Chk# 064626	THE UNIFORM SHOPPE	6/5/2020	\$284.85 SCHROEDER - PANTS
Paid Chk# 064627	ADVANCED DISPOSAL SERVICE	6/16/2020	\$24,324.19 2020 - MAY - TRASH AND RECYCLI
Paid Chk# 064628	AL SCHMUDE ELECTRIC LLC	6/16/2020	\$331.07 PARTS FOR SIREN SYSTEM
Paid Chk# 064629	BALLWEG IMPLEMENT CO	6/16/2020	\$11.87 GRASS DEFLECTOR
Paid Chk# 064630	BENEFIT ADVANTAGE	6/16/2020	\$64.00 2020-MAY COBRA - 32 COVERED LI
Paid Chk# 064631	BERLIN WATER & SEWER UTILI	6/16/2020	\$23,261.97 2020 - ANNUAL POLICE AND FIRE
Paid Chk# 064632	BIGNELL'S POWERSPORTS	6/16/2020	\$215.58 PARTS FOR MOWER
Paid Chk# 064633	BREWER HEATING INC	6/16/2020	\$253.20 REPAIRED DRAIN LINE
Paid Chk# 064634	CENTURYLINK	6/16/2020	\$103.64 2020 - MAY - LONG DISTANCE SER
Paid Chk# 064635	CenturyLink	6/16/2020	\$1,846.06 2020 - MAY - PHONE EXPENSE-SEN
Paid Chk# 064636	CERTIFIED RECOVERY, INC.	6/16/2020	\$4.20 DJ100983 AND LS122669
Paid Chk# 064637	CITY OF GREEN LAKE	6/16/2020	\$102.99 2020 - SPECTRUM CHARGES FOR TE
Paid Chk# 064638	COLE OIL & PROPANE	6/16/2020	\$1,316.78 PROPANE FOR CITY PARKS

*Check Summary Register©

JUNE 30 2020

	Name	Check Date	Check Amt	
Paid Chk# 064639	DIAMOND VOGEL PAINT	6/16/2020	\$5,311.20	YELLOW AND WHITE PAINT FOR DPW
Paid Chk# 064640	DIVISION OF UNEMPLOYMENT I	6/16/2020	\$389.66	2020 - MAY - UNEMPLOYMENT BEN
Paid Chk# 064641	DOBBERSTEIN, HEATHER	6/16/2020	\$99.98	UNIFORM FOR BEMS - PANTS DOBBE
Paid Chk# 064642	DTN, LLC	6/16/2020	\$486.40	2020 - JUNE - RADAR CONTROL
Paid Chk# 064643	ED'S TRACTOR REPAIR, LLC	6/16/2020	\$142.95	PARTS FOR DPW EQUIPMENT
Paid Chk# 064644	EMC INSURANCE COMPANIES	6/16/2020	\$19,329.77	2020 - MAY - GENERAL LIABILITY
Paid Chk# 064645	EMERGENCY MEDICAL PRODUC	6/16/2020	\$961.36	MEDICAL SUPPLIES
Paid Chk# 064646	FINK, DONALD	6/16/2020	\$200.00	REFUND ON SHELTER HOUSE RENTAL
Paid Chk# 064647	FIRE INSPECTION SERVICES IN	6/16/2020	\$1,497.83	2020 - MAY - FIRE INSPECTIONS
Paid Chk# 064648	GREEN LAKE AREA ANIMAL SHE	6/16/2020	\$562.50	DONATION TO THE GREEN LAKE ARE
Paid Chk# 064649	GREEN LAKE COUNTY CLERK	6/16/2020	\$1,965.28	2020 SPRING ELECTION & PRESIDE
Paid Chk# 064650	GREEN LAKE CO HUMAN SERVI	6/16/2020	\$90.00	PLEXI GLASS DUE TO COVID 19 FO
Paid Chk# 064651	GROFF, SHARON	6/16/2020	\$185.00	REFUND FORCANCELED SHELTER HO
Paid Chk# 064652	HAWKINS /ASH CPAs	6/16/2020	\$1,750.00	PROFESSIONAL SERVICES THROUGH
Paid Chk# 064653	HERBST, KRISTY	6/16/2020	\$185.00	REFUND FOR PARK SHELTER HOUSE
Paid Chk# 064654	MGD INDUSTRIAL CORP	6/16/2020	\$38.63	SHOP SUPPLIES FOR DPW
Paid Chk# 064655	MYER, MEGAN	6/16/2020	\$911.50	INITIAL EMT CLASS
Paid Chk# 064656	PENFLEX INC	6/16/2020	\$80.00	PREPARE 1099 PODOLL & PAUGELS
Paid Chk# 064657	PLANTZ, DENNIS W	6/16/2020	\$375.62	2020 - JUNE - HEALTH INSURANCE
Paid Chk# 064658	RED POWER DIESEL SERVICE	6/16/2020	\$1,589.93	PUMP & VACUUM TEST 1995 FORD L
Paid Chk# 064659	RUNNING INC. TRANSIT SERVIC	6/16/2020	\$12,368.85	2020 - MAY - SHARED TAXI SERVI
Paid Chk# 064660	SCHMIDT, JOSHUA	6/16/2020	\$72.99	2020 - UNIFORM FOR EMS
Paid Chk# 064661	SCHRADER, JOHN	6/16/2020	\$2,497.74	2020 - JUNE - HEALTH INSURANCE
Paid Chk# 064662	SECURIAN FINANCIAL GROUP	6/16/2020	\$718.32	2020 - JUNE - EMPLOYEE ADDITIO
Paid Chk# 064663	SONDALLE FORD LINCOLN MER	6/16/2020	\$68.89	OIL CHANGE 2019 FORD ECONOLINE
Paid Chk# 064664	TAPCO SAFE TRAVELS	6/16/2020	\$499.80	TRAFFIC SIGNAL BULBS
Paid Chk# 064665	THE CVIKOTA COMPANY INC	6/16/2020	\$2,230.20	2020 - MAY - AMBULANCE BILLIN
Paid Chk# 064666	VALLEY AQUATIC SOLUTIONS, L	6/16/2020	\$426.25	LEASED CONTROLLERS FOR BAC
Paid Chk# 064667	WIS DEPT OF TRANSPORTATIO	6/16/2020	\$2,806.04	DESIGN - RIPON ROAD PROJECT
Paid Chk# 064668	WIS STATE FIREFIGHTERS ASS	6/16/2020	\$525.00	2020-21 MEMBERSHIP CYCLE 21 ME
Paid Chk# 064669	WOBSCHALL, RUSSELL	6/16/2020	\$185.00	REFUND OF SHELTER HOUSE RENTAL
Paid Chk# 064670	YERK, MARY LOU	6/16/2020	\$185.00	REFUND ON DEPOSIT FOR SHELTER
Paid Chk# 064671	BAKER & TAYLOR	6/18/2020	\$1,141.81	1 UNIT FOR CUSTOMERS
Paid Chk# 064672	BERLIN OIL PRODUCTS	6/18/2020	\$46.00	23 NEWSPAPERS FOR BPL
Paid Chk# 064673	CINTAS CORPORATION	6/18/2020	\$38.68	2020 - MAY UNIFORM SERVICE - B
Paid Chk# 064674	COMPLETE OFFICE OF WISCON	6/18/2020	\$213.12	PAPER AND SUPPLIES FOR BPL
Paid Chk# 064675	Lewis, Chad	6/18/2020	\$175.00	ADULT SUMMER READING PROGRAM
Paid Chk# 064676	LISA OBRIST	6/18/2020	\$513.75	2020 - MAY - LIBRARY CLEANING
Paid Chk# 064677	OSHKOSH OFFICE SYSTEMS	6/18/2020	\$24.61	2020- MAY - PHOTO COPIES
Paid Chk# 064678	SUPERIOR CHEMICAL CORP	6/18/2020	\$74.68	WHITE PAPERTOWELS
Paid Chk# 064679	WINNEFOX COOPERATIVE TEC	6/18/2020	\$526.19	BOOKS FROM CLUE CLOUD
Paid Chk# 064680	WINNEFOX LIBRARY SYSTEM	6/18/2020	\$99.98	2 GALLONS OF HAND SANITIZER
Paid Chk# 064681	Void	6/18/2020	\$0.00	64681
Paid Chk# 064682	CHARTER COMMUNICATION	6/18/2020	\$103.04	2020 - JUNE - INTERNET/TV AT S
Paid Chk# 064683	CHIER LAW OFFICE LLC	6/18/2020	\$978.42	PHOTOCOPIES/SCANS/POSTAGE MARC
Paid Chk# 064684	CHRISTENSEN, DOUGLAS A	6/18/2020	\$744.37	2020 - JULY - HEALTH REIMBURSE
Paid Chk# 064685	COMPLETE OFFICE OF WISCON	6/18/2020	\$324.17	MAINTENANCE SUPPLIES
Paid Chk# 064686	CONVERGENT SOLUTIONS, INC	6/18/2020	\$69.45	REMOTE LABOR FOR BPD
Paid Chk# 064687	ITU ABSORBTECH, INC.	6/18/2020	\$88.32	2020 - JUNE - UNIFORM SUPPLIES
Paid Chk# 064688	J.F. AHERN COMPANY	6/18/2020	\$475.50	2020 - JUNE - ANNUAL FIRE EXTI
Paid Chk# 064689	JNB STUMP GRINDING LLC	6/18/2020	\$1,800.00	2020 - 18 STUMPS GROUND
Paid Chk# 064690	JON LUNDT ELECTRIC, INC	6/18/2020	\$1,387.25	HVAC PARTS AND LABOR AT CITY
Paid Chk# 064691	KNUTSON & SONS	6/18/2020	\$412.58	REMOVE AND REPLACE FLOORING IN
Paid Chk# 064692	NEUMAN, KAREN	6/18/2020	\$447.11	2020 - JULY - RETIREE HEALTH I
Paid Chk# 064693	PACKERLAND PORTABLES	6/18/2020	\$220.00	2 PORTABLE TOILETS AT PARK
Paid Chk# 064694	SMITS & BLAZEL LAW OFFICE	6/18/2020	\$653.55	RE: REECE MURKLEY CASE
Paid Chk# 064695	SPRAY PUMP REPAIR CENTER L	6/18/2020	\$132.86	PUMP SEAT # 244-199
Paid Chk# 064696	SUN LIFE FINANCIAL	6/18/2020	\$143.28	2020 - JULY - EMPLOYER LIFE IN

CITY OF BERLIN

07/01/20 11:29 AM

Page 3

***Check Summary Register©**

JUNE 30 2020

	Name	Check Date	Check Amt	
Paid Chk# 064697	SUPERIOR CHEMICAL CORP	6/18/2020	\$245.55	SILICONE FOR BDPW
Paid Chk# 064698	TAPCO	6/18/2020	\$113.40	STREET SIGNS FOR DPW
Paid Chk# 064699	THOM, SUSAN	6/18/2020	\$10.44	PICK UP BALLOTS AND MACHINES G
Paid Chk# 064700	VONBRIESEN & ROPER, SC	6/18/2020	\$684.00	PROFESSIONAL SERVICES THROUGH
Paid Chk# 064701	WI COUNCIL 32 PER CAP TAX T	6/18/2020	\$305.40	2020 - JUNE - UNION DUES
Paid Chk# 064702	BERLIN WATER & SEWER UTILI	6/18/2020	\$87,271.33	2019 PARTIAL TAX ROLL DEL DUE
	Total Checks		\$244,346.82	

CITY OF BERLIN

07/01/20 11:29 AM

Page 1

*Check Summary Register©

JUNE 30 2020

Name	Check Date	Check Amt	
11161 UTILITY CASH - FNB			
Paid Chk# 015235	AUTO BODY SPECIALISTS	6/4/2020	\$195.00 PAINT ELECTRICAL CABINET AND 3
Paid Chk# 015236	BERLIN CITY TREASURER 1015	6/4/2020	\$425.02 MAY 2020 UTILITY GAS & DIESEL
Paid Chk# 015237	FERGUSON WATER WORKS #14	6/4/2020	\$348.00 CLOW EDDY HYD OP NUT
Paid Chk# 015238	GRAINGER	6/4/2020	\$615.50 PRESSURE REGULATOR
Paid Chk# 015239	HAWKINS/ ASH CPAS	6/4/2020	\$2,170.00 PSC REPORT PROGRESS BILL FOR 1
Paid Chk# 015240	INTERSTATE BATTERY	6/4/2020	\$29.85 ADRV0070, ADRV0075
Paid Chk# 015241	KUNKEL ENGINEERING GROUP	6/4/2020	\$10,210.00 2020 STREET & UTILITY IMPROVEM
Paid Chk# 015242	LINCOLN CONTR SUPPLY INC	6/4/2020	\$478.76 50 - 3 LAYER PREMIUM FACE MASK
Paid Chk# 015243	RIESTERER & SCHNELL, INC	6/4/2020	\$409.00 2020 HONDA HRN 216VKA LAWN MOW
Paid Chk# 015244	SUPERIOR CHEMICAL CORP	6/4/2020	\$137.33 AERO HAND SANITIZER
Paid Chk# 015245	UNITED COOPERATIVE	6/4/2020	\$292.50 STRUJE 3 4X1 GAKM EOA /314774-
Paid Chk# 015246	UNITED STATES POSTAL SERVI	6/4/2020	\$672.87 POSTAGE MAY 2020 BILLING
Paid Chk# 015247	USA BLUEBOOK	6/4/2020	\$704.24 REELCRAFT HEAVY DUTY HOSE REEL
Paid Chk# 015248	WALTCO INC	6/4/2020	\$578.02 PICK UP SAMPLES FOR BADGER LAB
Paid Chk# 015249	WSI WATER	6/4/2020	\$52.65 FREIGHT CHARGE FOR POLYCLEAR
Paid Chk# 015250	ADVANCED DISPOSAL SERVICE	6/12/2020	\$227.53 GARBAGE/RECYCLING 6/1/20-6/30/
Paid Chk# 015251	CINTAS CORPORATION	6/12/2020	\$177.96 MAY 2020 MAT CLEANING
Paid Chk# 015252	CRANE ENGINEERING SALES IN	6/12/2020	\$2,812.20 REBUILD NASH METHANE GAS COMPR
Paid Chk# 015253	INTERSTATE BATTERY	6/12/2020	\$97.95 MT-26
Paid Chk# 015254	LINCOLN CONTR SUPPLY INC	6/12/2020	\$203.17 WATER BASED MARKING PAINT, FOL
Paid Chk# 015255	MARTELLE WATER TREATMENT	6/12/2020	\$4,439.44 LIQUID ALUMINUM SULFATE
Paid Chk# 015256	UNITED STATES POSTAL SERVI	6/12/2020	\$75.00 PO BOX 272 RENTAL FEE
Paid Chk# 015257	USA BLUEBOOK	6/12/2020	\$144.05 2 1/2' LIQUID FILLED GAUGE
Paid Chk# 015258	BERLIN CITY TREASURER 1015	6/18/2020	\$558.39 CENTURYLINK MAY 2020 BILLING
Paid Chk# 015259	CENTURYLINK *	6/18/2020	\$50.32 SERVICE 06/09/2020-07/06/2020
Paid Chk# 015260	COUNTY MATERIALS CORPORA	6/18/2020	\$1,041.00 ADJ RING 24X4, ADJ RING 24X3,
Paid Chk# 015261	CYPRESS FARMS LLC	6/18/2020	\$1,750.00 JUNE 2020 UTILITY LANDSPREADIN
Paid Chk# 015262	JON LUNDT ELECTRIC, INC	6/18/2020	\$1,816.75 REINSTALL DOO/CONTROLS ON BLOW
Paid Chk# 015263	LANDMARK SERVICES COOPER	6/18/2020	\$116.70 DIESEL TRUCK #9483
Paid Chk# 015264	MARTELLE WATER TREATMENT	6/18/2020	\$189.00 SODIUM HYPOCHLORITE BULK
Paid Chk# 015265	SCHUSTER OVERHEAD DOOR	6/18/2020	\$425.00 PAIR 283 WIRE, 2" I.O, 59" LUN
Paid Chk# 015266	CHIER LAW OFFICE LLC	6/25/2020	\$23.85 FLUORIDE-REC OF EMAIL FROM JOD
Paid Chk# 015267	DON E. PARKER EXCAVATING, I	6/25/2020	\$121,845.00 2019 STREET & UTILITY PROJECT
Paid Chk# 015268	FERGUSON WATER WORKS #14	6/25/2020	\$140.00 EXT VEHICLE ANTENNA
Paid Chk# 015269	HORST DISTRIBUTING INC.	6/25/2020	\$419.02 SPINDLE ASSY, TURFCAT DECK PUL
Paid Chk# 015270	JON LUNDT ELECTRIC, INC	6/25/2020	\$85.00 PLANT GENERATOR-TROUBLESHOOT F
Paid Chk# 015271	WSI WATER	6/25/2020	\$1,671.19 POLYCLEAR
Paid Chk# 015272	BERLIN CITY TREASURER 1015	6/30/2020	\$21,478.55 PAYROLL JUNE 2020
Total Checks			\$177,105.81

DATE: July 9, 2019

TO: Mayor and Common Council

FROM: Jodie Olson

RE: Property and Liability Insurance Renewal

BACKGROUND: The City currently carries \$6 million in P&L coverage through EMC Insurance with the Diedrich Agency here in Berlin. Our annual property and liability insurance renewal is due 7/23/20. The 7/23/19-7/23/20 premium bid with EMC was \$211,165 with a 20% workman's comp dividend. Approximately 20% of the annual P&L insurance bill is passed onto the Water and Sewer Utility.

Our Workman's Compensation modification factor decreased from a 1.12 to a .74 from last year, which creates an automatic decrease of \$42,003 in our WC premium no matter who we are with. WC was \$108,390 last renewal and is \$66,387 this renewal.

We received two quotes for this year's renewal for 7/23/20-7/23/21:

- *EMC* quoted a renewal for \$179,736 with a 20% flat Workman's Comp dividend. This includes all lines of coverage. Auto deductible is \$500 and Property deductible is \$1,000. Although we saw a 39% decrease in WC premium, I was disappointed to see an overall average increase of 9% across the other lines of coverage, as those have typically remained fairly stable. I do not see where our claims history justifies an increase; however, I am told this is where the insurance industry is at currently. The bid is very competitive with Travelers.
- Travelers Insurance quoted \$180,309 with a 17% Workman's Comp dividend for the same coverage. Auto deductible is \$1,000 and Property deductible is \$2,500.

My recommendation is to renew with EMC through our local agent. We have been with EMC since 2006, and I have been very pleased with EMC's handling of our claims and am extremely satisfied with the service received from our local Diedrich Agency.

RECOMMENDATION: Recommend to Common Council to accept and approve the renewal quote of \$179,736 from EMC Insurance for Property and Liability Insurance for policy year 7/23/20-7/23/21.

City of Berlin

PREMIUM SUMMARY

<u>DESCRIPTION</u>	<u>2019-20 PREMIUM</u>	<u>2020-21 PREMIUM</u>	
Property	\$47,141.00	\$52,211.00	10%
General Liability	\$11,581.00	\$12,178.00	5%
Crime	\$368.00	\$370.00	
Inland Marine	\$1,866.00	\$1,861.00	
Automobile	\$28,560.00	\$31,716.00	11%
Linebacker	\$4,116.00	\$4,116.00	
Data Compromise/Cyber Coverage	\$992.00	\$992.00	
Law Enforcement Liability	\$3,029.00	\$3,414.00	12%
Umbrella	\$6,184.00	\$6,491.00	4%
<i>Sub-Total</i>	<i>\$103,837.00</i>	<i>\$113,349.00</i>	9%
Workers Compensation	\$108,390.00	\$66,387.00	<38%>
Total	\$212,227.00	\$179,736.00	

City of Berlin Premium Summary Page 2

	2019-20	2020-21
Property –		
Blanket buildings, personal property & property in the open	\$50,690,357	\$50,690,357
General liability –		
Sewer miles	61	61
Town liability population	5,524	5,524
Employee benefit employees	164	164
Water companies payroll	\$223,500	\$223,500
Swimming Pool	1	1
Emergency Medical Services	94	94
114 Pierce St, Vacant Land	Incl	Incl
119 Commerce St, Vacant Land	Incl	Incl
Worker's compensation –		
Code 5507 – Street or Road Construction	If Any	If Any
Code 7720 – Police Officers	\$867,000	\$867,000
Code 8810 – Clerical	\$295,800	\$295,800
Code 8810 – Public library	\$194,820	\$194,820
Code 9412 – Municipal operations	\$933,300	\$933,300
Code 7710 – Civil defense workers	\$522,750	\$522,750
Code 7520 – Waterworks operations	\$227,970	\$227,970
Code 7709 – Fire Department-Volunteer	9,000	9,000
Experience modification	1.12	.74
Dividend	20% Flat	17% Flat



Premium Schedule

Coverage	Gross Premium
Deluxe Property	\$38,487
Crime	\$1,741
Inland Marine	\$2,393
General Liability	\$7,984
Employee Benefits Liability	\$192
Law Enforcement Liability	\$7,015
Public Entity Management Liability	\$3,017
Public Entity Employment-Related Practices Liability	\$6,995
CyberFirst	\$2,303
Auto Liability	\$24,223
Auto Physical Damage	\$10,656
Umbrella Excess Liability	\$9,114
Workers' Compensation	\$66,189
Total	\$180,309
Taxes & Surcharges	\$0

Note: The estimated premium shown in the Premium Schedule and Quote Options, if any, may differ from actual premiums shown on the policies and installment bills due to installment charges, estimated taxes and surcharges, as well as rounding. Estimated taxes and surcharges may differ depending on selection of Quote Options, if any.

IMPORTANT NOTE REGARDING ACCOUNT MINIMUM PREMIUM

The lines of business shown in the Premium Schedule and Quote Options, if any, are subject to a \$5,000 account minimum premium. If the line(s) of business selected for binding do not total at least \$5,000, then the premiums shown for those lines of business will be adjusted to total \$5,000.

Consult Policy for Actual Terms and Conditions

TRAVELERS 

Page 41

Date of Proposal:

Print Date: 07/01/20



EMC Insurance Companies
PO Box 327
Brookfield, WI 53008-0327
www.emcins.com

CITY OF BERLIN
PO BOX 272
BERLIN, WI 54923-0272
07/23/2020 to 07/23/2021
Prepared on 06/09/2020
Quote Valid Through 07/23/2020

Account Summary
Quote Account Number: X235099
Option 001
Prior Account Number: 3X42482

Commercial Property (A-02)	\$	52,211.00	<i>Travelers</i> \$38,487
General Liability (Occurrence) (D-03)	\$	12,178.00	\$7,984
Linebacker - Claims Made (K-01)	\$	4,116.00	\$3,017
Law Enforcement Liability (G-03)	\$	3,414.00	\$7,015
CyberSolutions (Q-01)	\$	992.00	\$2,303
Data Compromise and Identity Recovery Premium		736.00	
Cyber Premium		256.00	
Govt Crime/Fidelity ISO Package (F-02)	\$	370.00	\$1,741
Commercial Inland Marine (C-01)	\$	1,861.00	\$5,393
Business Auto (E-03)	\$	31,716.00	\$34,879
Workers Compensation (H-01)	\$	66,387.00	\$66,189
Commercial Umbrella (J-04)	\$	6,491.00	\$9,114
Total Account Premium Estimate	\$	179,736.00	\$480,309

This proposal is offered through EMC Insurance Companies. EMC offers customizable insurance products to meet your unique needs and expert safety resources to help your business prevent claims. As your independent agent, we are here to offer you personalized service.

*The premium reflects the rates as of the date shown above and assumes the information provided is accurate.**

Please review the following pages for coverage details. To discuss the advantages of insuring your business with EMC, contact us at the number listed below or visit www.emcins.com.

Thank you,

Tricor Inc
1370 N Water St
Platteville, WI 53818-1452
877-468-7426

**This proposal does not guarantee the policy will be accepted or that coverage will be provided in the company selected or at the premium quoted. Due to periodic rate changes, a change to the policy's effective date may result in a different premium.*



COVERAGE COMPARISON

FOR

City Of Berlin

	EMC	Travelers
Property Values/Deductible	\$50,690,357/\$1,000	\$51,690,357/\$2,500
General Liability	\$2,000,000 Occ/\$4,000,000 Agg	\$1,000,000 Occ/\$3,000,000 Agg
Crime – Employee Dishonesty/Deductible	\$250,000/\$25,000	\$250,000/\$2,500
Crime – Forgery & Alteration/Deductible	\$5,000/\$250	\$250,000/\$2,500
Crime – Money & Securities/Deductible	\$40,00/\$500	\$250,000/\$2,500
Inland Marine/Deductible	\$706,734/\$500	\$689,200/\$1,000
Employee Benefits/Deductible	\$2,000,000 Emp/\$4,000,000 Agg/\$1,000 Under General Liability Section	\$1,000,000 Emp/\$3,000,000/\$1,000
Law Enforcement/Deductible	\$2,000,000/\$2,000,000/\$2,500	\$2,000,000/\$2,000,000/\$25,000
Public Entity/Deductible	Linebacker \$2,000,000/\$2,000,000/\$3,000	\$2,000,000/\$2,000,000/\$2,500
Employee Practices Liability	\$2,000,000/\$2,000,000/\$3,000 Coverage under Linebacker	\$2,000,000/\$2,000,000/\$2,500
Cyber/Deductible	\$100,000/\$1,000	\$100,000/\$5,000

Auto Liability	\$2,000,000	\$1,000,000
Uninsured/Underinsured	\$500,000	\$500,000
Auto Physical Damage	\$500 Comprehensive/Collision	\$1,000 Comprehensive/Collision
Umbrella/Excess	\$4,000,000 Umbrella	\$8,000,000 Excess
Workers Compensation	Bodily Injury by Accident \$100,000	Bodily Injury by Accident \$1,000,000
	Bodily Injury by Disease \$100,000/Employee	Bodily Injury By Disease \$1,000,000/Employee
	Bodily Injury by Disease \$500,000/Policy Limit	Bodily Injury by Disease \$1,000,000/Policy Limit
Work Comp Dividend	20%	17.5%

ORDINANCE #05-20

A TEMPORARY ORDINANCE RELATING TO ELECTRONIC OR VIRTUAL ATTENDANCE OR
CONDUCTING OF MEETINGS OF GOVERNING BODIES

WHEREAS, the Common Council acknowledges that some members of the City's various governing bodies still have legitimate concerns regarding attending meetings in person due to concerns over contracting or spreading the novel strain of the coronavirus now named Coronavirus Disease 2019 (COVID-19); and

WHEREAS, the Common Council accordingly wishes to authorize the electronic or virtual meeting attendance of members of governing bodies and electronic or virtual conducting of meetings of governing bodies for a temporary period, subject to the terms and conditions of this Ordinance.

NOW, THEREFORE, the Common Council of the City of Berlin do ordain that, notwithstanding any contrary provision in the Municipal Code of the City of Berlin, the City Common Council, Committees, Boards, and/or Commissions may, on a meeting by meeting basis, by majority vote of those present assuming a quorum is present (which vote must be held prior to the participation of any member participating electronically or virtually at a meeting), allow any or all members of such body to attend such meeting electronically or virtually, so long as the meeting is consistent with the requirements of open meetings laws. Further, the City Common Council, Committees, Boards, and/or Commissions may, by majority vote, authorize any specific future meeting of that governing body to be conducted electronically or virtually, or to allow specific members of such governing body to attend such future meeting electronically or virtually, so long as the meeting is consistent with the requirements of open meetings laws.

This ordinance shall take effect the day after publication but shall expire on December 31, 2020 and shall only apply to meetings held prior to such date. This ordinance shall not be codified into the Municipal Code of the City of Berlin because of its temporary effective period.

Passed, approved and adopted this ____ day of _____, 2020.

ROLL CALL VOTE:

____ AYES

____ NAYS

____ ABSENT

CITY OF BERLIN

BY _____
Richard D. Schramer, Mayor

APPROVED AS TO FORM:

Matthew G. Chier
City Attorney

ATTEST: _____
Jodie Olson
City Clerk

ORDINANCE #06-20

A TEMPORARY ORDINANCE AUTHORIZING ISSUANCE OF SPECIAL STREET
PRIVILEGE PERMITS FOR USE OF SIDEWALKS BY BUSINESSES

WHEREAS, the Common Council acknowledges that local businesses are subject to recommended social distancing and other safety guidelines to prevent the spread of the novel strain of the coronavirus now named Coronavirus Disease 2019 (COVID-19); and

WHEREAS, the Common Council accordingly wishes to authorize the issuance of special street privilege permits for use of sidewalks by businesses in the City of Berlin for a temporary period, subject to the terms and conditions of this Ordinance.

NOW, THEREFORE, the Common Council of the City of Berlin do ordain that, notwithstanding any contrary provision in the Municipal Code of the City Berlin, the Clerk-Treasurer shall be authorized to issue special street privilege permits under Sec. 18-401 for the use by any business lawfully operating within the City of public sidewalks immediately adjacent to that business' facility for any lawful purpose related to the operation of that business, including but not limited to dining and drinking, display of merchandise, and conducting business transactions. All application requirements and the approval process for such applications and all operational rules and regulations for license holders shall be the same as set forth in Sec. 18-401, except as follows:

1. Committee of the Whole review and Common Council approval of the initial application shall not be required, and such permits may be issued directly by the Clerk-Treasurer acting in the stead of such governing bodies under Sec. 18-401. However, any denial of a permit by the Clerk-Treasurer hereunder shall be subject to the same appeal rights to the Common Council as described in Sec. 18-401(c) for an applicant denied a renewal sidewalk café permit.
2. The holder of a special permit granted hereunder shall not be required to maintain a minimum width of 4 feet for uninterrupted pedestrian traffic, but shall be required to maintain only that minimum width necessary to comply with any Americans with Disabilities Act requirements.
3. All permitted obstructions by a permit holder hereunder, such as tables, chairs, merchandise, signs, and other items, shall be removed from the sidewalk during hours when the adjoining permit holder's business is closed. Permit holders hereunder shall not otherwise be limited to any hourly limitations for operation in the permitted sidewalk area, except the Clerk-Treasurer, or Common Council upon appeal, may prohibit or impose hourly limitations on lighting and sound amplification in the permitted sidewalk area.
4. All permit holders hereunder serving food shall comply with all applicable state and county regulations governing health and sanitation for food handling establishments and dining areas, and any other applicable city regulations. All food and beverages served by permit holders hereunder must be served on or in dishes, cups and/or

receptables which are made of plastic or other materials which are designed to be shatterproof.

5. Permit holders hereunder shall be permitted to prohibit use of any permitted obstructions, such as chairs or tables, by persons who are not the permit holder's patrons.
6. Permit holders hereunder may serve alcohol in the permitted sidewalk area under the following conditions:
 - a. The permit holder must have a separate alcohol beverage license for the permit holder's adjoining business issued by the city pursuant to chapter 6, article II, and the permitted sidewalk area must be included in the premises description of such separate alcohol beverage license and such permit holder must otherwise be in compliance with the conditions of such separate alcohol beverage license and all alcohol beverage licensing laws, regulations and ordinances.
 - b. Consumption of alcohol beverages must be only at tables owned and controlled by the permit holder and must be under the general supervision of the permit holder. The permit holder shall be responsible for the supervision and control of the permitted sidewalk area and for preventing unauthorized or underage consumption of alcoholic beverages in the permitted sidewalk area.
 - c. There shall be no requirement that a permit holder hereunder be a restaurant or that the permit holder's adjoining business be in a B-1 zoning district as required for sidewalk café permit holders.

This ordinance shall take effect the day after publication but shall expire on December 31, 2020. This ordinance shall not be codified into the Municipal Code of the City of Berlin because of its temporary effective period.

Passed, approved and adopted this _____ day of _____, 2020.

ROLL CALL VOTE:

CITY OF BERLIN

_____ AYES

BY _____
Richard D. Schramer, Mayor

_____ NAYS

_____ ABSENT

APPROVED AS TO FORM:

ATTEST: _____
Jodie Olson
City Clerk

Matthew G. Chier
City Attorney



Proclamation

Supporting Law Enforcement

July 14, 2020

WHEREAS, from the beginning of this Nation, law enforcement officers have played an important role in safeguarding the rights and freedoms which are guaranteed by the Constitution and in protecting the lives and property of our citizens; and

WHEREAS, Law Enforcement Officers serve with courage, dedication, and strength while fearlessly enforcing our laws, safeguarding our property, our liberty, and our lives even at the risk of personal peril. During uncertain times, law enforcement officers bravely face challenges and continue to protect our communities; and

WHEREAS, the brave men and women of our local, state and national law enforcement agencies selflessly confront danger to protect our families and defend our communities while continually summoning the courage to fulfill their solemn oath to protect and serve. They steadfastly ensure the safety of our communities, providing a much needed sense of security for our citizens; and

WHEREAS, we pause to honor those in law enforcement who have sacrificed their lives and who have suffered permanent disabilities defending their communities and the rule of law; and

WHEREAS, we must continue working toward a time when all people respect and understand the problems, duties and responsibilities that encompass the important work that law enforcement officers do in maintaining law and order. Unfortunately, our law enforcement officers do not always receive the respect they deserve. These dedicated men and women must bravely operate in an environment where their moral and legal authority is constantly being scrutinized and challenged, and they undertake the critical yet difficult task of addressing the actions of those affected by addiction, homelessness, and mental illness. Their ability to work well in the face of these and other challenges is extraordinary, and we have incredible appreciation for their public service and selflessness;

THEREFORE BE IT PROCLAIMED that it is fitting and proper that we express our gratitude for the dedicated service and courageous deeds of law enforcement officers and for the contributions they have made to the security and well-being of all our people. The City of Berlin proudly recognizes the sworn members of law enforcement for their resolve and dedication in the face of dangerous uncertainty. Our thoughts and prayers are with them and their families, and we will always owe them our appreciation and support.

Passed by the Common Council this 14th day of July 2020.

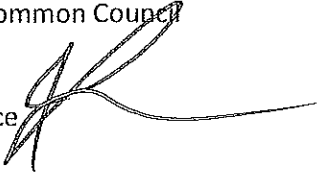
Richard D. Schramer, Mayor

Attest: _____
Jodie K. Olson, City Admin/Clerk-Treasurer

MEMO

TO: City of Berlin Common Council

From: J.D. Lind
Chief of Police



Subject: City of Berlin 2020-2022 Operator License Application Summary of denials

During my review of applications received by the following individuals, I would recommend to the Common Council denial of an Operator's License to dispense alcohol based on the following:

Denise Renee Duty-Rumold - The first application submitted by Denise was on June 20, 2020. She answered "No" to the question on the application which states; "Do you presently have any overdue or outstanding forfeitures, fines or court ordered payments resulting from a violation of any state, county, city, village, or town?" An internal check on CCAP revealed she in fact has unpaid judgements in three counties in Wisconsin. I contacted Denise by phone to inform her of the reason for denial relating to unpaid judgements. She told me she only had a judgement pending in Fond du Lac County and that she would take care of it. On July 2, she submitted another application in which she did indicate she has outstanding judgements. She noted on the application that she sent "\$50.00" to Fond du Lac County. She failed to disclose that she also owes judgments to Sauk County and Winnebago County.

I don't feel it is prudent to recommend the issuance of an Operator's License until Denise is forthcoming with all of the required application information and arranges appropriate restitution.

Tara Lynn Schwersenska – Tara was arrested two times (6/06/2019 and 09/12/2019) for operating a vehicle while intoxicated and on 11/14/2019 for operating a motor vehicle with a revoked driver's license.

My recommendation is not to issue an Operator's License to Tara at this time.

Felicia Ann Cain - Felicia has an outstanding judgement with Winnebago County. She was cited on May 21, 2020 for a 4th Offense OAR (Operating After Revocation).

I recommend not approving this application until financial restitution is made to Winnebago County.

James Paul Selsing – James is not recommended for approval based on City Ordinance Section 6-45 (e) which states; "An applicant for a license under this article may be denied based on the applicant's arrest and conviction record if the applicant has been convicted of a felony, unless duty pardoned, or if the applicant has been habitually a law offender."

Patrick Michael Hatton – Patrick was arrested in 2019 for Possession of Drug Paraphernalia. He has an outstanding judgement to Winnebago County related to his arrest.

125.12 Revocations, suspensions, refusals to issue or renew.

(1) REVOCATION, SUSPENSION, NONISSUANCE OR NONRENEWAL OF LICENSE.

(a) Except as provided in this subsection, any municipality or the department may revoke, suspend or refuse to renew any license or permit under this chapter, as provided in this section.

(b)

1. In this paragraph, "violation" means a violation of s. 125.07 (1) (a), or a local ordinance that strictly conforms to s. 125.07 (1) (a).

2. No violation may be considered under this section or s. 125.04 (5) (a) 1. unless the licensee or permittee has committed another violation within one year preceding the violation. If a licensee or permittee has committed 2 or more violations within one year, all violations committed within one year of a previous violation may be considered under this section or s. 125.04 (5) (a) 1.

(c) Neither a municipality nor the department may consider an arrest or conviction for a violation punishable under s. 101.123 (8) (d), 945.03 (2m), 945.04 (2m), or 945.05 (1m) in any action to revoke, suspend, or refuse to renew a Class "B" or "Class B" license or permit.

(2) REVOCATION OR SUSPENSION OF LICENSES BY LOCAL AUTHORITIES.

(ag) *Complaint.* Any resident of a municipality issuing licenses under this chapter may file a sworn written complaint with the clerk of the municipality alleging one or more of the following about a person holding a license issued under this chapter by the municipality:

1. The person has violated this chapter or municipal regulations adopted under s. 125.10.
2. The person keeps or maintains a disorderly or riotous, indecent or improper house.
3. The person has sold or given away alcohol beverages to known habitual drunkards.
4. The person does not possess the qualifications required under this chapter to hold the license.
5. The person has been convicted of manufacturing, distributing or delivering a controlled substance or controlled substance analog under s. 961.41 (1); of possessing, with intent to manufacture, distribute or deliver, a controlled substance or controlled substance analog under s. 961.41 (1m); or of possessing, with intent to manufacture, distribute or deliver, or of manufacturing, distributing or delivering a controlled substance or controlled substance analog under a substantially similar federal law or a substantially similar law of another state.
- 5m. The person has been convicted of possessing any of the materials listed in s. 961.65 with intent to manufacture methamphetamine under that subsection or under a federal law or a law of another state that is substantially similar to s. 961.65.
6. The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture, distribute or deliver, or to manufacture, distribute or deliver a controlled substance or controlled substance analog.
- 6m. The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess any of the materials listed in s. 961.65 with the intent to manufacture methamphetamine.
7. The person received the benefit from an act prohibited under s. 125.33 (11).

(ar) *Summons.* Upon the filing of the complaint, the municipal governing body or a duly authorized committee of a city council shall issue a summons, signed by the clerk and directed to any peace officer in the municipality. The summons shall command the licensee complained of to appear before the municipal governing body or the committee on a day and place named in the summons, not less than 3 days and not more than 10 days from the date of issuance, and show cause why his or her license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least 3 days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under ch. 801 for service in civil actions in circuit court.

(b) Procedure on hearing.

1. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the municipal governing body or the committee finds the allegations sufficient, the license shall be revoked. The clerk shall give notice of the revocation to the person whose license is revoked.
 2. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. If the hearing is held before the municipal governing body and the complaint is found to be true, the license shall either be suspended for not less than 10 days nor more than 90 days or revoked, except that, if a complaint under par. (ag) 4. is found to be true with respect to a license issued under s. 125.51 (4) (v), the license shall be revoked.
 3. If the hearing is held before a committee of a city council, the committee shall submit a report to the city council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the city council should take with respect to the license. The committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the city council. The city council shall determine whether the arguments shall be presented orally or in writing or both. If the city council, after considering the committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked as provided under subd. 2.
 4. The municipal clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.
 5. If the municipal governing body finds the complaint untrue, the proceeding shall be dismissed without cost to the accused. If the municipal governing body finds the complaint to be malicious and without probable cause, the costs shall be paid by the complainant. The municipal governing body or the committee may require the complainant to provide security for such costs before issuing the summons under par. (ar).
- (c) *Effect of revocation.* When a license is revoked under this subsection, the revocation shall be recorded by the clerk and no other license issued under this chapter may be granted within 12 months of the date of revocation to the person whose license was revoked. No part of the fee paid for any license so revoked may be refunded.
- (d) *Judicial review.* The action of any municipal governing body in granting or failing to grant, suspending or revoking any license, or the failure of any municipal governing body to revoke or suspend any license for good cause, may be reviewed by the circuit court for the county in which the application for the license was issued, upon application by any applicant, licensee or resident of the municipality. The procedure on review shall be the same as in civil actions instituted in the circuit court. The person desiring review shall file pleadings, which shall be served on the municipal governing body in the manner provided in ch. 801 for service in civil actions and a copy of the pleadings shall be served on the applicant or licensee. The municipal governing body, applicant or licensee shall have 20 days to file an answer to the complaint. Following filing of the answer, the matter shall be deemed at issue and hearing may be had within 5 days, upon due notice served upon the opposing party. The hearing shall be before the court without a jury. Subpoenas for witnesses may be issued and their attendance compelled. The decision of the court shall be filed within 10 days after the hearing and a copy of the decision shall be transmitted to each of the parties. The decision shall be binding unless it is appealed to the court of appeals.
- (3) **REFUSALS BY LOCAL AUTHORITIES TO RENEW LICENSES.** A municipality issuing licenses under this chapter may refuse to renew a license for the causes provided in sub. (2) (ag). Prior to the time for the renewal of the license, the municipal governing body or a duly authorized committee of a city council shall notify the licensee in writing of the municipality's intention not to renew the license and provide the licensee with an opportunity for a hearing. The notice shall state the reasons for the intended action. The hearing shall be conducted as provided in sub. (2) (b) and judicial review shall be as provided in sub. (2) (d). If the hearing is held before a committee of a city council, the committee shall make a report and recommendation as provided under sub. (2) (b) 3. and the city council shall follow the procedure specified under that subdivision in making its determination.

(3m) REFUSALS BY LOCAL AUTHORITIES TO ISSUE LICENSES. If a municipal governing body or duly authorized committee of a city council decides not to issue a new license under this chapter, it shall notify the applicant for the new license of the decision not to issue the license. The notice shall be in writing and state the reasons for the decision.

(4) SUSPENSION OR REVOCATION OF LICENSES ON COMPLAINT OF THE DEPARTMENT.

(ag) Complaint. A duly authorized employee of the department may file a complaint with the clerk of circuit court for the jurisdiction in which the premises of a person holding a license issued under this chapter is situated, alleging one or more of the following about a licensee:

1. That the licensee has violated this chapter.
2. That the licensee keeps or maintains a disorderly or riotous, indecent or improper house.
3. That the licensee has sold alcohol beverages to known habitual drunkards.
4. That the licensee has failed to maintain the premises in accordance with the standards of sanitation prescribed by the department of health services.
5. That the licensee has permitted known criminals or prostitutes to loiter on the licensed premises.
6. That the licensee does not possess the qualifications required under this chapter to hold the license.
7. That the licensee has been convicted of manufacturing, distributing or delivering a controlled substance or controlled substance analog under s. 961.41 (1); of possessing, with intent to manufacture, distribute or deliver, a controlled substance or controlled substance analog under s. 961.41 (1m); or of possessing, with intent to manufacture, distribute or deliver, or of manufacturing, distributing or delivering a controlled substance or controlled substance analog under a substantially similar federal law or a substantially similar law of another state.
- 7m. That the licensee has been convicted of possessing any of the materials listed in s. 961.65 with intent to manufacture methamphetamine under that section or under a federal law or a law of another state that is substantially similar to s. 961.65.
8. That the licensee knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture, distribute or deliver, or to manufacture, distribute or deliver a controlled substance or controlled substance analog.
- 8m. That the licensee knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess any of the materials listed in s. 961.65 with the intent to manufacture methamphetamine.

(ar) Summons. Upon the filing of the complaint, the clerk of the court shall issue a summons commanding the licensee to appear before the court not less than 20 days from its date of issuance and show cause why his or her license should not be revoked or suspended. The summons and a copy of the complaint shall be served at least 20 days before the date on which the person is commanded to appear. Service shall be in the manner provided in ch. 801 for civil actions in circuit court.

(b) Procedure on hearing. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the court finds the allegations sufficient, it shall order the license either suspended for not more than 90 days or revoked, except that, for allegations under par. (ag) 6. with respect to a license issued under s. 125.51 (4) (v), it shall order the license revoked. The clerk of the court shall give notice of the suspension or revocation to the person whose license is suspended or revoked. If the licensee appears and answers the complaint, the court shall fix a date for the hearing not more than 30 days after the return date of the summons. The hearing shall be had before the court without a jury. If upon the hearing the court finds the allegations of the complaint to be true, it shall order the license either suspended for not more than 90 days or revoked, except that, if upon the hearing the court finds allegations under par. (ag) 6. to be true with respect to a license issued under s. 125.51 (4) (v), the court shall order that license revoked. If the court finds the allegations of the complaint to be untrue, the complaint shall be dismissed.

(c) *Effect of revocation or suspension.* When a license is revoked or suspended under this subsection, the clerk of court shall notify the authority which issued the license. If the license is revoked, no other license may be issued under this chapter to the person whose license was revoked or to any person related to him or her as owner, lessor, bailor or lender, within the 12 months after the date of revocation and no other license may be granted for the premises covered by the revoked license within 60 days of the date of revocation. The findings and order of the court shall be filed within 10 days after the hearing and the order shall be final unless appeal is taken to the court of appeals. If an appeal is taken from a revocation, any period during which the order is stayed shall be added to the 12 months and 60 days, respectively. No part of the fee paid for any license which is revoked may be refunded. Whenever any court has revoked or suspended any license under this subsection, no further proceedings shall be commenced under this subsection except upon grounds arising after the original revocation or suspension.

(5) REVOCATIONS OR SUSPENSIONS OF, OR REFUSALS TO RENEW, PERMITS BY THE DEPARTMENT. The department may, after notice and an opportunity for hearing, revoke, suspend or refuse to renew any retail permit issued by it for the causes provided in sub. (4) and any other permit issued by it under this chapter for any violation of this chapter or ch. 139, except that, for a violation of sub. (4) (ag) 6. with respect to a license issued under s. 125.51 (4) (v) or a violation of s. 125.535 or 139.035, the department shall revoke the license or permit. A revocation, suspension or refusal to renew is a contested case under ch. 227.

(6) REVOCATION OR SUSPENSION OF INTOXICATING LIQUOR WHOLESALERS' PERMITS FOR CERTAIN VIOLATIONS.

(a) Any person may file a sworn written complaint with the department alleging that an intoxicating liquor wholesaler has violated s. 125.54 (7) (a). The complaint shall identify the specific legal basis for the complaint and sufficient facts for the department to determine whether there is cause to find that a violation has occurred. The department shall provide a copy of the complaint to any wholesaler against whom allegations are made, along with notice of the time period under par. (b) to show cause why the wholesaler's permit should not be revoked or suspended or to request a hearing.

(b) Within 30 days of receiving a copy of the complaint under par. (a), any wholesaler against whom allegations are made may file a sworn written response or a written request for an evidentiary hearing before the department under s. 227.44.

(c) Subject to pars. (d) 1. and (dm), if no request for an evidentiary hearing is made under par. (b), within 60 days of receiving any response under par. (b) or, if no response is made, within 60 days of the date on which a response or request for hearing is due under par. (b), the department shall make a written decision as to whether a violation has occurred and either dismiss the complaint or take action under par. (e). Any decision under this paragraph shall include findings of fact and conclusions of law and shall state all reasons for the decision. The department shall provide a copy of the decision to the complainant and to any wholesaler against whom allegations are made.

(cm) Subject to pars. (d) 2. and (dm), if a request for an evidentiary hearing is made under par. (b), the hearing shall be conducted in the manner specified for a contested case under ss. 227.44 to 227.50, except that the hearing shall be conducted within 45 days of receiving the request for hearing under par. (b) and the department shall make its written decision, including whether a violation has occurred and whether the complaint is dismissed or action is taken under par. (e), within 15 days after the hearing. In addition to service of the decision as provided under s. 227.48, the department shall provide a copy of the decision to the complainant.

(d)

1. If no request for an evidentiary hearing is made under par. (b), within 60 days of receiving any response under par. (b) or, if no response is made, within 60 days of the date on which a response or request for hearing is due under par. (b), the department may extend the time period for making a decision under par. (c) by an additional 60 days if the department provides notice within the time period specified in par. (c) that an additional 60 days is necessary for investigation.

2. If a request for an evidentiary hearing is made under par. (b), within 45 days of receiving the request for hearing under par. (b), the department may extend the time period for conducting the hearing by an additional 45 days if the department provides notice within 45 days of receiving the request for hearing under par. (b) that an additional 45 days is necessary for investigation.
- (dm) Within 45 days of receiving any response or request for hearing under par. (b) or, if no response or request for hearing is made, within 45 days of the date on which a response or request for hearing is due under par. (b), the department may elect to file a complaint in circuit court under sub. (4) that includes all allegations of the complaint under par. (a) for which the department determines there is cause to find that a violation of s. 125.54 (7) (a) has occurred. If the department files a complaint in circuit court as provided under this paragraph, the department shall not conduct a hearing under par. (cm) or make a written decision under par. (c), but shall proceed with the matter as provided under sub. (4).
- (e) If the department finds the allegations under par. (a) true and sufficient, the department shall either suspend for not less than 10 days nor more than 90 days or revoke the wholesaler's permit, and give notice of the suspension or revocation to the wholesaler.
- (f) A revocation or suspension proceeding under this subsection is a contested case under ch. 227, except that ss. 227.44 to 227.50 apply to a proceeding under this subsection only if a request for an evidentiary hearing is made under par. (b).

History: 1981 c. 79; 1983 a. 516; 1987 a. 93; 1993 a. 98; 1995 a. 27 s. 9126 (19); 1995 a. 417, 448; 1997 a. 27, 35, 166, 187; 1999 a. 9; 2005 a. 14, 25, 442; 2007 a. 20 s. 9121 (6) (a); 2007 a. 85; 2009 a. 12.

Due process and equal protection rights of licensees are discussed. *Tavern League of Wisconsin v. City of Madison*, 131 Wis. 2d 477, 389 N.W.2d 54 (Ct. App. 1986).

A license never should have been issued when a notice of application had not been published as required under s. 125.04 (3) (g), and a license issued without publication is void under s. 125.04 (2). Selling liquor under a void license constitutes a violation of s. 125.66 (1). Under s. 125.12, a renewal licensee, if refused, is guaranteed a right to be heard by the municipality, and the municipality must show cause for refusal, but a new licensee, if refused, has no such guarantee. When an original license is void, the applicant is a new licensee. *Williams v. City of Lake Geneva*, 2002 WI App 95, 253 Wis. 2d 618, 643 N.W.2d 864, 01-1733.

Notices sent by the city did not violate the requirement in sub. (3) that the "council shall notify the licensee in writing of the municipality's intention not to renew the license" because they stated that "there is a possibility that your application may be denied." As the matter cannot be affirmatively decided before the hearing, it is of course only a possibility that the applicant's license will not be renewed at the time the notice is sent. *Questions, Inc. v. City of Milwaukee*, 2011 WI App 126, 336 Wis. 2d 654, 807 N.W.2d 131, 10-0707.

A town must renew a license, if the proper application is made and the fees are paid, unless it revokes, suspends, or non-renews the license, following the procedures outlined in this section. Section 125.10 (1) does not give towns the authority to unilaterally modify the described premises in an individual license upon renewal of that license. A town must either pass a regulation or an ordinance under s. 125.10 or it must find grounds for revocation or nonrenewal under this section. *Wisconsin Dolls, LLC v. Town of Dell Prairie*, 2012 WI 76, 342 Wis. 2d 350, 815 N.W.2d 690, 10-2900.

Acting upon a citizen complaint to revoke a liquor license that was not sworn, as required under sub. (2) (ag), constituted a fundamental error that deprived the licensing committee of jurisdiction over the matter. *Park 6 LLC v. City of Racine*, 2012 WI App 123, 344 Wis. 2d 661, 824 N.W.2d 903, 11-2282.

Certiorari is the correct standard of review for a court to apply when, pursuant to sub. (2) (d), it reviews a municipal decision not to renew an alcohol license. *Nowell v. City of Wausau*, 2013 WI 88, 351 Wis. 2d 1, 838 N.W.2d 852, 11-1045.

Sub. (2) (a) 2.'s prohibition of operating a disorderly house was not unconstitutionally vague as applied in this case. The statute's legislative purpose concerns the health and safety of the public and its enforcement is aimed at public health. There was no doubt that the conduct cited in this case was disorderly, riotous, indecent, or improper. Such behavior falls squarely within the ambit of the statute, particularly given the public health and safety concerns involved. *Scott Hegwood v. City of Eau Claire*, 679 F.3d 600 (2012).

Sec. 6-45. - Conditions for approval or denial.

SHARE LINK TO SECTION
PRINT SECTION
DOWNLOAD (DOCX) OF SECTION
EMAIL
SECTION

(a)

No license or renewal of a license under this article shall be granted for operation on any premises or with any equipment for which taxes or assessments or other financial claims of the city are delinquent and unpaid.

(b)

No license or renewal of a license under this article shall be issued unless the following conditions are met:

(1)

The premises conform to the sanitary, safety and health requirements of the state building code, and the regulations of the state and local boards of health applicable to restaurants.

(2)

The premises must be properly lighted and ventilated, equipped with separate sanitary toilet and lavatory facilities which are equipped with running water for each sex, and must conform to all city ordinances.

(c)

Prior to the issuance of a new license and renewal thereof, the chief of police, fire inspector, building inspector, and county health officer shall conduct an on-premises inspection of each premises applying for or holding a license under this article. The license shall not be issued or renewal granted until any violations discovered as a result of such inspections are corrected. Such inspections shall be conducted in sufficient time to allow for a written report to be given to the common council no later than the meeting of the common council at which the license will be acted upon.

(d)

Consideration for the granting or denial of a license under this article shall be based on the:

(1)

Arrest and conviction record of the applicant, subject to the limitations imposed by Wis. Stats. §§ 111.321, 111.322 and 111.335;

(2)

Financial responsibility of the applicant;

(3)

Appropriateness of the location and premises where the licensed business is to be conducted; and

(4)

Applicants fitness for the trust to be reposed.

(e)

An application for a license under this article may be denied based on the applicant's arrest and conviction record if the applicant has been convicted of a felony, unless duly pardoned, or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two offenses which are substantially related to the licensed activity within the five years immediately preceding

the license application. Because a license is a privilege, the issuance of which is a right granted solely to the common council, the common council reserves the right to consider the severity and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. The common council, at its discretion, may, based upon an arrest or conviction record of two or more offenses which are substantially related to the licensed activity within the five years immediately preceding such license application, act to suspend such license for a period of one year or more.