

COMMON COUNCIL MEETING AGENDA
TUESDAY, SEPTEMBER 13th, 2022 7:00 PM
COUNCIL CHAMBERS, BERLIN CITY HALL, 2ND FLOOR
MEETING IS OPEN TO THE PUBLIC & CITY HALL IS HANDICAPPED ACCESSIBLE
<https://us02web.zoom.us/j/85905140084>
Meeting ID: 859 0514 0084 Passcode: 123456
1 312 626 6799 US TOLL-FREE

1. Call to order/Roll Call
2. Seat Virtual Attendees (if necessary)
3. 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.

4. Waive the reading of ordinances and resolutions. RECOMMENDATION: Waive the reading of all ordinances and resolutions adopted at this meeting.
5. 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.
6. Minutes from the August 9th Common Council Meeting. RECOMMENDATION: Approve the minutes.
7. Bills List. RECOMMENDATION: Approve the list of bills for payment.
8. Resolution #22-05 Authorizing Execution of the Department of Natural Resources Principal Forgiven Financial Assistance Agreement. RECOMMENDATION: Accept the recommendation from Committee of the Whole to approve Resolution 22-05 Authorizing Execution of the Department of Natural Resources Principal Forgiven Financial Assistance Agreement and authorize signatures.
9. Memorandum of Understanding Between the City of Berlin and the Berlin Professional Police Association. RECOMMENDATION: Accept the recommendation from Committee of the Whole to approve the presented Memorandum of Understanding Between the City of Berlin and the Berlin Professional Police Association.
10. Resolution #22-06 Authorizing Extension of the Term of Revolving Loan Fund Loan to

GKM2 Berlin LLC. RECOMMENDATION: Accept the recommendation from the Berlin Economic Development Corporation to approve Resolution #22-06 Authorizing Extension of the Term of Revolving Loan Fund Loan to GKM2 Berlin LLC.

END OF CONSENT AGENDA

11. Introduction of Police Chief Brian Pulvermacher RECOMMENDATION: Listen to presentation.
12. Municipal Court Ordinance. RECOMMENDATION: Approve Ordinance #01-22 Establishing a Municipal Court for the Cites of Fond du Lac and Ripon, Towns of Auburn, Calumet, Empire, Fond du Lac, Friendship, Oakfield, Osceola, Ripon and Taycheedah in Fond du Lac County and Wilson in Sheboygan County, and the Villages of Brandon, Campbellsport, Fairwater, N. Fond du Lac, Oakfield and St. Cloud, in Fond du Lac County, and the City of Berlin in Green Lake and Waushara Counties, the Cities of Green Lake, Markesan and Princeton in Green Lake County.
13. Municipal Court Intergovernmental Agreement. RECOMMENDATION: Approve the Intergovernmental Agreement for North Fond du Lac to Provide Municipal Court Services to the Cites of Fond du Lac and Ripon, Towns of Auburn, Calumet, Empire, Fond du Lac, Friendship, Oakfield, Osceola, Ripon and Taycheedah in Fond du Lac County and Wilson in Sheboygan County, and the Villages of Brandon, Campbellsport, Fairwater, N. Fond du Lac, Oakfield and St. Cloud, in Fond du Lac County, and the City of Berlin in Green Lake and Waushara Counties, the Cities of Green Lake, Markesan and Princeton in Green Lake County to Commence on December 1st, 2022 and authorize the required signatures.
14. Resignation from Zoning Boards of Appeals. RECOMMENDATION: Accept the resignation of Robert Markofski from Zoning Board of Appeals effective immediately.
15. Resignation from Planning Commission and Zoning Boards of Appeals. RECOMMENDATION: Accept the resignation of Edmund Marks from Planning Commission and Zoning Board of Appeals effective immediately.
16. Resignation from Police & Fire Commission. RECOMMENDATION: Accept the resignation of Curtis Olson from Police & Fire Commission effective immediately.
17. Resignation from Zoning Boards of Appeals. RECOMMENDATION: Accept the resignations of Victoria Hill & Mary Kubiak from Zoning Board of Appeals effective immediately.
18. Appointment to Planning Commission. RECOMMENDATION: Accept the Mayoral appointment of Mike Hopkins to the Planning Commission for term ending May 1st, 2026.
19. Appointment to Police & Fire Commission. RECOMMENDATION: Accept the Mayoral appointment of Gary Knoke to the Police & Fire Commission for term ending May 1st, 2026.

20. Appointment to Planning Commission. RECOMMENDATION: Accept the Mayoral appointment of Carol Hughes to the Planning Commission for term ending May 1st, 2025.
21. Fox Cavern, LLC Class "B" Beer and "Class B" Liquor Retail License Application. RECOMMENDATION: Approve the Class "B" Beer and "Class B" Liquor Retail License Application from Fox Cavern, LLC contingent upon passing all inspections.
22. 107 W. Huron St Raze and Repair Order Update. RECOMMENDATION: Listen to presentation with discussion and action as appropriate.
23. 115 W. Ceresco Raze and Repair Order Update. RECOMMENDATION: Listen to presentation.
24. 580 S.W. Ceresco Property Nuisance Issue. RECOMMENDATION: Listen to presentation with action as appropriate.
25. City Comprehensive Plan Grant Applications. RECOMMENDATION: Allow Staff to begin applying for grants to update the City Comprehensive Plan.
26. UTV/ATV Ordinance. RECOMMENDATION: Discussion and action as appropriate.
27. 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.)
28. New Business (To be used to request items of new business be put on a future agenda)
29. If necessary, motion to convene into closed session pursuant to Wis. Stat §19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (*107 W Huron St, 115 W. Ceresco, 580 SW Ceresco*).
30. Reconvene into open session and action as appropriate from closed session discussion.
31. Adjourn.

Note: In adherence to the City of Berlin Public Meeting Participation Policy, public participation will be allowed under each agenda item at the discretion of the presiding officer, with the exception of the Consent Agenda. Attendees must register their intention to participate on either a general comments section or a specific agenda item prior to the meeting by filling out a Registration Card, which can be obtained from the Internet, City Clerk's office or in the City Hall Council Chambers at the podium. Registration Cards should be turned in prior to the meeting to either the presiding officer or City Clerk.

CITY OF BERLIN

PAYROLL FOR August - 2022

NET PAYROLL

	PAYDATE	Payroll #	PAYROLL TITLE	GENERAL CITY	UTILITY	AMBULANCE	
	8/5/2022	16.01	Ron	16.62			
	8/5/2022	16	General City	55,524.50			
	8/5/2022	16	Ambulance			34033.67	
	8/5/2022	16	Utility		11,970.14		
	8/17/2022	16.02	ELECTION PAY	1,659.60			
	8/19/2022	17	General City	58,868.99			
	8/19/2022	17	Utility		12,411.95		
	8/19/2022	17	Ambulance			35803.6	
			TOTAL MONTHLY PAYROLL	\$116,069.71	\$24,382.09	69837.27	

July 31, 2022

Month-End Balance to Bank Statement

	General City	Capital Project Bonding	EMS Account	Utility	Tax	ERE	SEWER B&I
City's Beginning Balance	1,332,963.47						
Deposits Auto fill	931,881.54	-	133,330.83	1,066,820.43	96.08	232,878.11	-
Deposit in Transit			41,980.44	255,513.18	-	27.75	-
Payroll Yellow sheet add GC & EMS	(192,688.17)			(22,535.17)			0.00
AP Payables Check Summary Print off	(216,298.12)			(56,682.13)			
Other Payments Pre Fill	(216,820.36)	0.00	(100,035.00)	(15,853.50)	0.00	-	0.00
TOTAL PAYMENTS	(645,806.65)	0.00	(100,035.00)	(95,070.80)	0.00	-	0.00
Outstanding Checks:							
Misc/Bank Error							
Voided Check							
Payroll	2,468.75						
AP CK recon. Not Cleared Back Page	93,050.28				196.28	-	0.00
TOTAL OUTSTANDING CHECKS	95,519.03				196.28		
Balance	1,674,557.39	-	75,276.27	1,238,246.43	291.36	232,905.86	-
Ending Bank Balance	1,674,557.39	-	75,276.27	1,238,246.43	291.36	232,905.86	-
ARPA FUNDS 1ST INST							
State of WI ACH	458,122.18		25.49				
TRANSFER EMS FUNDS	100,000.00						
WIDOT - TAXI GRANT							
GREEN LAKE CO LOTTERY CR							
Pool Concessions	11,292.29						
Pool Aquatic	14,129.24						
Monthly City Deposits	339,719.88			200,436.33			
ACH RETURN Krause H S A	125.00						
ACH RETURN Foss H S A	125.00						
ACH RETURN Christensen H S A	31.25						
Med B NGS HCCLAIM prints	4,674.43						
Customer ACH prints Direct Pay			14,913.49				
Pyment Srvc Netwr			27,041.46				
Merchant Bank Deposit	105.00						
36 TREAS 310 MISC PAY	3,396.00						
Tfr Between Accounts	4.00						
Accrued Checking Accl. Interest	157.27						
Payments:	931,881.54		41,980.44	133.95	-	27.75	0.00
Federal Payroll Tax Payments (IRS)	75,332.79			255,513.18	-	27.75	-
WI Payroll Tax Payments	14,206.34						
Northshore	720.00						
Great West/Wells Fargo	3,121.92						
WI TAX PAYMENT							
Cobra - Olson	1,606.03						
Marin Bank	1,023.19						
WRF Loan payment							
Service Charge-stop payment	10.00						
Direct Deposit Service Fee (ACH)	7,600.00		35.00	109.95			
Relainer	36,901.89			4.00			
Health Premium							
Returned checks							
Employee Trust Fund WRS	36,309.52						
Fund Tfr			100,000.00				
Credit Card Payment-Elan US Bank	9,327.60			642.12			
EMC INSURANCE CO INSURANCE							
Miscellaneous - Merchant Bank Depos	260.00						
Positive Pay	30.00						
Health Savings Acct EMPLOYER	3,281.25			750.00			
Health Savings Acct EMPLOYEE	7,123.38						
Alliant-Credit Card Payment	17,203.87			14347.43			
US Cellular	762.58						
Fleetcor - Condon							
	216,820.35	-	100,035.00	15,853.50	-	-	-

CITY OF BERLIN -- OFFICE OF THE TREASURER

CITY TREASURER REPORT
PERIOD ENDING 07/31/2022

#REF! #REF!

FUNDS	BEGINNING BALANCE	ADJ/ VOIDS	RECEIPTS (Deposits)	DISBURSEMENTS (Total)	OUTSTANDING CHECKS	BANK BALANCE	INVESTMENTS	TOTAL W/ INVESTMENTS	
GENERAL CITY	\$ 1,332,963.47	\$ -	\$ 931,881.54	\$ (685,806.65)	\$ 85,519.03	\$ 1,674,687.38	\$ 3,100,000.00	\$ 4,774,667.38	10-11300
TAX COLLECTION ACCOUNT	\$ 95.08	\$ -	\$ -	\$ -	\$ 196.28	\$ 291.36	\$ -	\$ 291.36	FNB100026
CAPITAL PROJECT BORROWING	\$ 244,763.87	\$ -	\$ -	\$ -	\$ -	\$ 244,763.87	\$ -	\$ 244,763.87	FNB131024
EMS ACCOUNT	\$ 133,330.83	\$ -	\$ 41,950.44	\$ (100,035.00)	\$ -	\$ 75,278.27	\$ -	\$ 75,278.27	*2193
WATER & SEWER CHECKING	\$ 1,085,820.43	\$ -	\$ 285,513.18	\$ (85,070.80)	\$ 10,983.62	\$ 1,238,248.43	\$ -	\$ 1,238,248.43	
SEWER EQUIP REPLACEMENT FUND	\$ 232,878.11	\$ -	\$ 27.15	\$ -	\$ -	\$ 232,905.86	\$ 1,255,000.00	\$ 1,487,905.86	61-11362
WATER UTILITY	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,619,438.44	\$ 3,619,438.44	62-11361
SEWER UTILITY	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,171,988.19	\$ 1,171,988.19	62-11386
TOTAL OF ALL FUNDS	\$ 3,010,841.78	\$ -	\$ 1,229,402.91	\$ (680,812.45)	\$ 105,598.93	\$ 3,466,031.18	\$ 9,142,408.63	\$ 12,636,437.81	61-11361

SUBMITTED BY: Caitlin Hignart, DEPUTY CLERK

CITY OF BERLIN

09/08/22 8:10 AM

Page 1

*Check Summary Register©

AUGUST 31 2022

	Name	Check Date	Check Amt	
11100	Cash in Bank m FNB			
-494	POS August 5 2022	7/29/2022	(\$20,135.67)	2022 Boys & Girls Club Monarch Sign
-493	POS August 12 2022	8/8/2022	(\$9,499.33)	02022025 2022 Town of Warren 2021 Ambula
-492	POS AUG 19 2022	8/12/2022	(\$10,497.80)	02022081
-491	POS August 26 2022	8/22/2022	(\$134,223.88)	CREDIT ACCOUNT 10-55-42002-390 REIMBU
2034	Thom, Matthew	8/5/2022	\$666.24	
43007	Sobieski, Layten	8/5/2022	\$478.76	
43008	HERRADA, MARIBEL	8/5/2022	\$740.78	
43009	PACURAR, BRIANNA D	8/5/2022	\$498.92	
43010	Pulvermacher, Ella	8/5/2022	\$328.69	
43011	Sobieski, Claire	8/5/2022	\$308.49	
43012	ARMATOSKI, ARLYNN V	8/17/2022	\$62.34	
43013	BOECK, JULIANNE	8/17/2022	\$110.13	
43014	GUDEN, REBECCA A	8/17/2022	\$74.81	
43015	HODGE, LUANN L.	8/17/2022	\$54.02	
43016	HODGE, MARK N	8/17/2022	\$60.26	
43017	KNOKE, GARY L	8/17/2022	\$60.26	
43018	LICHTFUSS, GLORIA J	8/17/2022	\$78.96	
43019	LODHOLZ, LYNN M	8/17/2022	\$70.65	
43020	MLODZIK, INA M	8/17/2022	\$68.57	
43021	NELSON, DOROTHY A	8/17/2022	\$62.34	
43022	OLSON, DIANE S	8/17/2022	\$8.31	
43023	PESCHKE, SANDRA A.	8/17/2022	\$200.89	
43024	SHELLIN, DEBORAH A	8/17/2022	\$29.09	
43025	SHELLIN, SCOTT A	8/17/2022	\$29.09	
43026	SCHWARK, MARY A	8/17/2022	\$62.34	
43027	SPLITT, DEIDRE A	8/17/2022	\$62.34	
43028	THOM, DEBORAH J	8/17/2022	\$66.50	
43029	THOM, KATHLEEN A	8/17/2022	\$60.26	
43030	TORAASON, DIANE L	8/17/2022	\$216.10	
43031	ZUHLKE, THOMAS A	8/17/2022	\$97.66	
43033	HERRADA, MARIBEL	8/19/2022	\$564.31	
43034	PACURAR, BRIANNA D	8/19/2022	\$608.11	
43035	Pulvermacher, Ella	8/19/2022	\$210.77	
43036	Sobieski, Claire	8/19/2022	\$441.38	
43037	ARMATOSKI, ARLYNN V	8/23/2022	\$5.16	
43038	BOECK, JULIANNE	8/23/2022	\$9.12	
43039	GUDEN, REBECCA A	8/23/2022	\$6.19	
43040	HODGE, LUANN L.	8/23/2022	\$4.48	
43041	HODGE, MARK N	8/23/2022	\$4.99	
43042	KNOKE, GARY L	8/23/2022	\$4.99	
43043	LICHTFUSS, GLORIA J	8/23/2022	\$6.54	
43044	LODHOLZ, LYNN M	8/23/2022	\$5.85	
43048	NELSON, DOROTHY A	8/23/2022	\$5.16	
43049	OLSON, DIANE S	8/23/2022	\$0.69	
43050	PESCHKE, SANDRA A.	8/23/2022	\$33.11	
43051	SHELLIN, DEBORAH A	8/23/2022	\$2.41	
43052	SHELLIN, SCOTT A	8/23/2022	\$2.41	
43053	SCHWARK, MARY A	8/23/2022	\$5.16	
43054	SPLITT, DEIDRE A	8/23/2022	\$5.16	
43055	THOM, DEBORAH J	8/23/2022	\$5.50	
43056	THOM, KATHLEEN A	8/23/2022	\$4.99	
43057	TORAASON, DIANE L	8/23/2022	\$17.90	
43058	ZUHLKE, THOMAS A	8/23/2022	\$8.09	
43059	MLODZIK, INA M	8/23/2022	\$5.68	

CITY OF BERLIN

09/08/22 8:10 AM

Page 2

*Check Summary Register©

AUGUST 31 2022

Name	Check Date	Check Amt	
43060 Wiesmueller, Cody	8/24/2022	\$654.66	
67470 ACCURATE ALIGNMENT	8/12/2022	\$1,566.11	RIG 79 POWER STEERING LEAD FIX
67471 ACTION APPRAISERS & CONSU	8/12/2022	\$6,650.00	2022 MAINTENANCE ASSESSMENT SERVIC
67472 ALCIVIA	8/12/2022	\$14,326.07	2022 - JULY - GAS AND DIESEL USE
67473 AMAZON CAPITAL SERVICES, IN	8/12/2022	\$660.88	EMS JANITORIAL SUPPLIES
67474 APPLETON FINANCE DEPARTME	8/12/2022	\$483.25	2022 - AUGUST - WEIGHTS AND MEASURE
67475 BANYON DATA SYSTEMS INC	8/12/2022	\$975.00	FUND INVOICE BILL SUPPORT
67476 BELLA BY DESIGN	8/12/2022	\$402.00	32 OZ ENGRAVED WATER BOTTLES
67477 BERLIN FEED SERVICE, INC	8/12/2022	\$146.50	MADISON PARK FERTILIZER
67478 BERLIN HISTORICAL SOCIETY	8/12/2022	\$100.00	REFUND OF SHELTER HOUSE DEPOSIT 06/
67479 BERLIN JOURNAL NEWSPAPER	8/12/2022	\$536.75	PUBLIC TEST OF THE PRIMARY ELECTION
67480 BERLIN SENIOR CITIZEN CENTE	8/12/2022	\$39.03	REIMBURSEMENT FOR SPRING WATER FO
67481 BERLIN WATER & SEWER UTILI	8/12/2022	\$24,319.27	2022 - JULY - WATER & SEWER SERVICE
67482 CEDAR CREST ICE CREAM	8/12/2022	\$455.04	CONSESSIONS FOR BERLIN POOP
67483 CENTURYLINK	8/12/2022	\$40.30	2022 - JULY - LONG DISTANCE SERVICE
67484 CHARTER COMMUNICATION	8/12/2022	\$437.29	2022 - AUGUST - CHARTER COMMUNICATI
67485 COMPLETE OFFICE OF WI	8/12/2022	\$300.55	FOLDERS FOR GENERAL OFFICE USE
67486 CONVERGENT SOLUTIONS, INC	8/12/2022	\$700.32	1 YEAR OF AVAYA (FORMERLY ESNA) SOF
67487 CORPORATE NTRWK SOLUTION	8/12/2022	\$246.00	MISCROSOFT EXCHANGE SERVICE STAND
67488 CULLIGAN WATER	8/12/2022	\$33.75	50# SOLAR SALT
67489 CVIKOTA COMPANY INC	8/12/2022	\$3,344.45	2022 - JULY - BERLIN AND PRINCETON BILL
67490 DIAMOND VOGEL PAINT	8/12/2022	\$2,650.00	STREET PAINT
67491 EMC INSURANCE COMPANIES	8/12/2022	\$35,435.90	POLICY CHANGE ON INLAND MARINE INSU
67492 EMERGENCY MEDICAL PRODUC	8/12/2022	\$955.87	MEDICAL SUPPLIES FOR EMS
67493 FAITH COMMUNITY CHURCH	8/12/2022	\$100.00	REFUND OF DEPOSIT FOR SHELTER HOUS
67494 FIRE INSPECTION SERVICES IN	8/12/2022	\$1,543.67	2022 - JUNE - FIRE INSPECTION
67495 FOOSE, CHARLES	8/12/2022	\$114.23	REIMBURSEMENT FOR UNIFORM
67496 FORMILLER, JOSEPH	8/12/2022	\$100.00	REFUND FOR DEPOSIT ON SHELTER HOUS
67497 FRIENDS OF THE BERLIN SENIO	8/12/2022	\$100.00	REFUND OF DEPOSIT FOR SHELTER HOSU
67498 FRISON, CHARLES	8/12/2022	\$28.66	UNIFORM REIMBURSEMENT
67499 GFL SOLID WASTE MIDWEST LL	8/12/2022	\$648.55	2022 - AUGUST - GARBAGE AND RECYCLE
67500 GREAT LAKES COCA COLA DIST	8/12/2022	\$197.14	CONSESSIONS FOR BERLIN AQUATIC CEN
67501 HILGART, Caitlin	8/12/2022	\$241.28	REIMBURSEMENT FOR WMCA HOTEL ACC
67502 HOLIDAY WHOLESALE	8/12/2022	\$543.35	CONSESSIONS FOR BAC
67503 INTERSTATE BATTERY	8/12/2022	\$346.85	BATTERIES FOR DPW
67504 ITU ABSORBTECH, INC.	8/12/2022	\$90.30	2022 - JULY - UNIFORM SERVICE
67505 KRUTZ, SKYLER	8/12/2022	\$44.87	UNIFORM REIMBURSEMENT
67506 LORA, YASMIN	8/12/2022	\$100.00	REFUND OF DEPOSIT ON SHELTER HOUSE
67507 LUDOLPH, TIM	8/12/2022	\$102.00	CONNECT COMMUNITIES ORIENTATION
67508 MACQUEEN EQUIPMENT	8/12/2022	\$358.07	PARTS FOR DPW
67509 MGD INDUSTRIAL CORP	8/12/2022	\$102.90	PARTS FOR DPW
67510 MHS HEALTH WISCONSIN	8/12/2022	\$524.36	REFUND JULIE POWELL DUPLICATE PAYM
67511 OSHKOSH OFFICE SYSTEMS	8/12/2022	\$213.52	2022 - JULY - PHOTO COPIES 7040
67512 PLANTZ, DENNIS W	8/12/2022	\$242.06	2022 - AUGUST - PLANTZ REIMBURSEMENT
67513 PRINCETON UTILITIES	8/12/2022	\$350.04	2022 - MAY - UTILITIES FOR PRINCETON E
67514 QUICK TECHNOLOGIES	8/12/2022	\$150.00	SERVICE CALL TROUBLESHOOT AUDIO SY
67515 RED POWER DIESEL SERVICE	8/12/2022	\$582.20	AERIEL LADDER REPAIR
67516 RUNNING INC. TRANSIT SERVIC	8/12/2022	\$21,274.60	2022 - JULY - SHARED RIDE TAX SERVICE
67517 SASS BLUSTIN, CAROLINE	8/12/2022	\$100.00	REFUND OF DEPOSIT FOR PARK SHELTER
67518 SECURIAN FINANCIAL GROUP	8/12/2022	\$743.41	2022 - SEPTEMBER - EMPLOYER LIFE INSU
67519 SUPERHEAT AND COOLING	8/12/2022	\$19,000.00	INSTALLED THREE UNITS FOR CITY HALL
67520 SUPERIOR CHEMICAL CORP	8/12/2022	\$172.10	JANITORIAL PRODUCT FOR DPW
67521 TAPCO SAFE TRAVELS	8/12/2022	\$1,488.00	U CHANNEL POST
67522 TETZKE, SUSAN	8/12/2022	\$100.00	REFUND OF SHELTER HOUSE RENTAL DE
67523 US FISH & WILDLIFE SERVICE	8/12/2022	\$0.00	SHOOTING STAR NATIVE PLANTS

CITY OF BERLIN

09/08/22 8:10 AM

Page 3

*Check Summary Register©

AUGUST 31 2022

Name	Check Date	Check Amt	
67524 VALLEY AQUATIC SOLUTIONS, L	8/12/2022	\$2,836.37	CHEMICALS FOR BAC
67525 WASTE MANAGEMENT	8/12/2022	\$25,363.80	2022 - JULY - GARBAGE TRASH SERVICE
67526 WISCONSIN BIOMEDICAL SERVI	8/12/2022	\$1,000.00	EQUIPMENT SEMI ANNUAL MAINTENANCE
67527 WISCONSIN PROFESSIONAL PO	8/12/2022	\$297.50	2022 - JULY - POLICE UNION DUES
67528 WUSTRACK, YVONNE	8/12/2022	\$100.00	REFUND FOR SHELTER HOUSE RENTAL AT
67529 BAKER & TAYLOR	8/12/2022	\$2,447.51	2022 - JULY - CUSTOMER UNITS
67530 LISA OBRIST	8/12/2022	\$532.50	2022 - JULY - LIBRARY CLEANING
67531 MIDWEST TAPE	8/12/2022	\$455.75	2022 - JULY - DIGITAL MEDIA
67532 OSHKOSH OFFICE SYSTEMS	8/12/2022	\$62.46	2022 - JULY - COPIER 7293
67533 UNIQUE MANAGEMENT SERVIC	8/12/2022	\$104.85	2022 - JULY - PLACEMENTS
67534 WINNEFOX LIBRARY SYSTEM	8/12/2022	\$296.78	BOOKMARKS FROM DEMCO
67536 GREEN LAKE COUNTY TREASU	8/12/2022	\$5,356.32	ANNUAL SPILLMAN MAINTENANCE FEE
67537 HAMILTON'S SHOES	8/12/2022	\$139.00	C.KRAUSE UNIFORM BOOT
67538 SONDALLE FORD LINCOLN MER	8/12/2022	\$340.05	2019 FORD MAINTENANCE & REPAIR
67539 AMAZON CAPITAL SERVICES, IN	8/24/2022	\$13.99	Hot Spot Battery
67540 BAYCOM INC	8/24/2022	\$3,239.70	PORTABLE RADIOS AND MICROPHONE
67541 BELLA BY DESIGN	8/24/2022	\$38.00	ENGRAVED WATER BOTTLE
67542 BENNET, MICHAEL	8/24/2022	\$5,999.76	PRE-EMPLOYMENT SATISFACTION
67543 BENSON, BRIANNE	8/24/2022	\$100.00	2022 - TRAJA DOMESTIC VIOLENCE RUN S
67544 BERLIN JOURNAL NEWSPAPER	8/24/2022	\$42.00	ANNUAL SUBSCRIPTION - CLERK'S OFFICE
67545 CASWELL, ANNAMAE	8/24/2022	\$100.00	REIMBURSEMENT FOR DEPOSIT ON SHEL
67546 CEDAR CREST ICE CREAM	8/24/2022	\$201.42	ICE CREAM CONSESSIONS FOR BAC
67547 CenturyLink	8/24/2022	\$1,068.32	2022 - JULY - PHONE SERVICE
67548 CHRISTENSEN, DOUGLAS A	8/24/2022	\$395.21	2022 - SEPTEMBER - RETIREE HEALTH BE
67549 CONGDON, SHANNON	8/24/2022	\$100.00	REFUND OF SHELTER HOUSE RENTAL DE
67550 DECKER, GORDON	8/24/2022	\$5,000.00	256 N HUNTER ST BUILDING INCENTIVE
67551 DTN, LLC	8/24/2022	\$492.00	2022 - AUGUST - RADAR CONTROL
67552 ED'S TRACTOR REPAIR, LLC	8/24/2022	\$267.45	PARTS FOR DPW
67553 EICHSTEDT, MATT	8/24/2022	\$100.00	REFUND OF SHELTER HOUSE RENTAL DE
67554 EMERGENCY MEDICAL PRODUC	8/24/2022	\$1,203.24	MEDICAL SUPPLIES FOR BERLIN EMS
67555 ITU ABSORBTECH, INC.	8/24/2022	\$90.30	2022 - AUGUST - UNIFORM SERVICE
67556 MCCORMICK, HEATHER	8/24/2022	\$75.00	REIMBURSEMENT FOR LIFEGUARD CERTIF
67557 MODERN RENTALS INC	8/24/2022	\$1,049.40	STUMP GRINDER RENTAL FOR DPW
67558 MORIARTY REFRIGERATION	8/24/2022	\$677.91	INSTALL NEW COMPRESSOR
67559 PACKERLAND PORTABLES	8/24/2022	\$300.00	2 UNITS FOR BERLIN PARKS
67560 SEAMAN, MIDGE	8/24/2022	\$11.25	DELIVER ELECTION MATERIALS TO GL CO
67561 SKIPCHAK, ROBIN	8/24/2022	\$100.00	REFUND OF SHELTER HOUSE RENTAL DE
67562 SONDALLE FORD LINCOLN MER	8/24/2022	\$27.96	WIPER BLADES FOR EMS 2019 FORD ECO
67563 SUN LIFE FINANCIAL	8/24/2022	\$202.50	2022 - SEPTEMBER - EMPLOYER LIFE INSU
67564 TELECOM FITNESS	8/24/2022	\$3,240.96	2ND PHASE PHONE SAVINGS
67565 VALLEY AQUATIC SOLUTIONS, L	8/24/2022	\$823.30	POOL CHEMICALS
67566 VIERBICHER ASSOCIATES	8/24/2022	\$2,560.00	ECONOMIC DEVELOPMENT PLAN
67567 VILLAGE OF SISTER BAY	8/24/2022	\$10.00	MUNICIPAL TREASURERS ASSOCIATION O
67568 WE ENERGIES	8/24/2022	\$18.49	2022 - AUGUST UTILITIES FOR PRINCETON
67569 WISCONSIN PROFESSIONAL PO	8/24/2022	\$297.50	2022 - AUGUST - POLICE UNION DUES
67570 ZOLL MEDICAL CORP	8/24/2022	\$15,280.75	AUTOPULSE MULTI-CHEM BATTERY CHAR
67571 ACCURATE ALIGNMENT	8/29/2022	\$586.90	79 RADIATOR HOSE
67572 AMAZON CAPITAL SERVICES, IN	8/29/2022	\$37.37	HOT SPOT BATTERY/PAGER BATTERIES
67573 BANYON DATA SYSTEMS INC	8/29/2022	\$1,680.00	PAYROLL SUPPORT/FUND SUPPORT
67574 CHARTER COMMUNICATION	8/29/2022	\$89.99	2022 - 08/24/22-09/23/22 - CHARTER SERVIC
67575 COMPLETE OFFICE OF WI	8/29/2022	\$55.90	TOWES FOR SENIOR CENTER
67576 CONCENTRA MED COMPLIANCE	8/29/2022	\$60.00	PRE-EMPLOYMENT DRUG SCREEN HEATH
67577 GAGNE FORD, INC	8/29/2022	\$48.83	HEADLIGHT FOR RIG 79 EMS
67578 GFL SOLID WASTE MIDWEST LL	8/29/2022	\$436.35	2022 - AUGUST - TRANSH SERVICE - CITY
67579 HOLIDAY WHOLESALE	8/29/2022	\$156.20	CONSESSIONS AT THE BERLIN AQUATIC C

CITY OF BERLIN

09/08/22 8:10 AM

Page 4

***Check Summary Register©**

AUGUST 31 2022

	Name	Check Date	Check Amt	
67580	KRUTZ, SKYLER	8/29/2022	\$24.87	REIMBURSEMENT FOR SHIRTS FOR EMS
67581	SCHMIDT, JOSHUA	8/29/2022	\$54.47	REIMBURSEMENT FOR CLEANING SUPPLIE
67582	SHOOTING STAR NATIVE SEED	8/29/2022	\$2,000.00	PRAIRIE SEED FOR AG FIELD ON SOUTH E
67583	ZOLL MEDICAL CORP	8/29/2022	\$1,280.40	AUTO PULSE QUICK CASE
535359e	Ambulance ACH	8/5/2022	\$34,033.67	
535430e	General City ACH	8/5/2022	\$53,168.86	
535432e	General City ACH	8/5/2022	\$16.62	
535435e	General City ACH	8/17/2022	\$124.68	
535458e	Ambulance ACH	8/19/2022	\$35,803.60	
535547e	General City ACH	8/19/2022	\$57,044.42	
535550e	General City ACH	8/23/2022	\$10.32	
	Total Checks		\$246,502.17	

CITY OF BERLIN BUILDING REPORT August 2022

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	\$250,000.00	\$512.29	3	\$800,000.00	\$1,484.93	6	1,123,100.00	4,402.83
Multi-Family Residence				0	\$0.00	\$0.00	0	0.00	0.00
Residential Alteration	6	\$75,204.00	\$422.52	32	\$393,151.00	\$2,434.43	40	553,422.35	3,775.96
Residential Addition	3	\$4,400.00	\$240.00	5	\$4,400.00	\$240.00	2	12,308.00	180.00
Residential Garage	0	\$0.00	\$0.00	1	\$10,500.00	\$125.00	2	65,000.00	380.50
Residential Garage Alteration				0	\$0.00	\$0.00	0	0.00	0.00
Commercial Building				0	\$0.00	\$0.00	0	0.00	0.00
Commercial Alteration				0	\$0.00	\$0.00	5	700,679.00	4,415.44
Commercial Addition				0	\$0.00	\$0.00	0	0.00	0.00
Signs	0	\$0.00	\$0.00	3	\$30,000.00	\$258.00	10	115,139.00	2,569.08
Miscellaneous	2	\$700.00	\$75.00	14	\$41,600.00	\$660.00	6	30,550.00	640.00
Demolition	1		\$150.00	1	\$0.00	\$150.00	5	24,382.00	825.00
Hospital				0	\$0.00	\$0.00	0	0.00	0.00
Church				0	\$0.00	\$0.00	0	0.00	0.00
School				0	\$0.00	\$0.00	0	0.00	0.00
Driveways	1	\$8,102.00	\$10.00	3	\$22,902.00	\$70.00	8	183,100.00	435.00
Trailer Homes				0	\$0.00	\$0.00	0	0.00	0.00
Total Building Permits	14	\$338,406.00	\$1,409.81	62	\$1,302,553.00	\$5,422.36	84	2,807,680.35	17,623.81
Commercial Plan Approval				0	\$0.00	\$0.00	0	0.00	0.00
Plumbing Permits	4	\$20,014.00	\$242.19	17	\$94,695.00	\$913.54	23	564,532.00	1,805.96
Electrical Permits	5	\$24,930.00	\$292.17	19	\$543,182.00	\$2,001.84	23	194,384.00	2,344.62
Heating Permits	1	\$3,500.00	\$67.17	16	\$732,343.00	\$2,520.17	12	94,575.00	1,262.09
				0	\$0.00	\$0.00	0	0.00	0.00
Total Permit Fees	24	\$386,850.00	\$2,011.34	114	\$2,672,773.00	\$10,857.91	142	3,661,171.35	23,036.48

CITY OF BERLIN COMMON COUNCIL MEETING MINUTES
TUESDAY AUGUST 9, 2022 AT 7:00 PM
COUNCIL CHAMBERS, BERLIN CITY HALL, 2ND FLOOR

Mayor Bruessel called the August 9, 2022 Common Council meeting to order at 7:00 pm. Roll call present: Ald. Boeck, Dretske, Erdmann, Nigbor and Burgess. Excused: Stobbe. Staff present: Sara Rutkowski, Tim Ludolph and Atty Matt Chier.

There were no virtual attendees. All public comments were to be given at their requested agenda items.

The following items were listed on the Consent agenda for approval and adoption: 4) Waive the reading of all ordinances and resolutions adopted at this meeting; 5) Receive and place on file the written reports from the City Clerk, Treasurer and Building Inspector; 6) Approve the minutes from the July 12, 2022 Common Council Meeting 7) Approve the list of bills. 8) Accept the Recommendation from Committee of the Whole to receive the Weights & Measures Quarterly Report from the City of Appleton and place it on file 9) Accept the Recommendation from the Committee of the Whole to receive the 1st and 2nd Quarter Shared Taxi Service Reports from Running Inc and place them on file. Erdmann made a motion to approve the Consent agenda. Nigbor seconded the motion. A roll call resulted in five (5) ayes, zero (0) nays and one (1) absent. Motion carried.

Burgess made a motion to accept the resignation of Carol Mulder from the Cemetery Board with a second by Dretske. Motion carried via voice vote. Erdmann requested a card of thanks be sent.

Next was the Library Board Appointment. Boeck made a motion to accept the resignation of Dr. Carl Cartwright and accept the Mayoral Appointment of Dr. Emmett Durtschi to the Library Board as the Berlin Area School District Representative. Burgess seconded the motion which carried on a voice vote.

Erdmann made a motion to accept the Mayoral Appointment of Mike Hopkins to the Zoning Board of Appeals for a term expiring November 1, 2024. Second by Boeck and passed on a voice vote.

Nigbor made a motion to accept the Mayoral Appointment of Jane Waalkes to the Parks & Recreation Commission for a term expiring May 1st, 2023. Second by Dretske and motion carried by voice vote.

Rutkowski presented the quote for 2023 Employee Health Insurance Plan, with Cassie Bornick of Vizance answering questions. The quote came in lower than expected so no additional changes to deductibles or employee cost is required. Boeck made a motion to accept the health insurance renewal quote as presented from Vizance with a second from Erdmann. Motion carried via voice vote.

Robert Schrei presented on his two TID applications for the Building Improvement Program and Façade Improvement Program. Erdmann made a motion to approve the two applications as presented, with a second from Boeck. Motion carried via voice vote.

Josh Nigbor presented on his two TID applications for the Building Improvement Program and Façade Improvement Program. Attorney Chier mentioned he would like to do a little research as to whether Alderman Nigbor is allowed to benefit from the TID programs. Erdmann made a motion to postpone this TID application discussion until the next Common Council, with a second by Dretske. Motion carried by voice vote.

Item 17 was a presentation by Ludolph on 107 W Huron St. Raze and Repair Order. The property owner was called and connected via telephone. The owner stated the roof is priority before working on any other places in the building. They have a contract ready to go for the windows in the back room. Expected completion time was 3.5 weeks. Burgess commented keeping open communication with Council is important. Burgess made a motion that the owners report on any progress made to Council at next month's Council meeting. Dretske seconded the motion which passed on a voice vote.

Next was 271 McKittrick St Raze and Repair order. She stated the Building Inspector's report showed substantial progress on the property in one month. Rutkowski stated the Building Inspector does not feel this property qualifies as a Raze and Repair property any more due to all the progress. Boeck made a motion to remove the raze and repair order from 271 McKittrick, with a second by Dretske. Motion carried via voice vote.

Attorney Chier presented on the re-drafted Virtual Voting Resolution and made the suggested corrections from Council. Dretske commented this is important due to telecommuting. Burgess commented an OWL would be a good backup if the current virtual equipment continues to fail. Burgess made a motion to accept Resolution 22-04 Establishing Policy Related to Virtual, Electronic, and Remote Meetings of Governing Bodies, or Virtual, Electronic, or Remote Attendance by Governing Body Members with a second by Nigbor. A roll call resulted in five (5) ayes, zero (0) nays and one (1) absent. Motion carried.

The next item on the agenda was UTV/ATV Ordinance. Berlin residents Kimberly Francek, Kamie Jorgensen, Tracy Klawitter, Michelle Cassidy and Gage Lowden spoke in favor of the ordinance. Non-Residents Terry Przybyl, Ajshe Jecevicus, Gerald Downen and Dave Schmidt spoke in favor of the referendum. Berlin Resident Edmund Marks asked Council to consider a referendum to allow all Berlin residents to vote on the issue. Alderperson Burgess read a prepared statement outlining her support for the creation of an ordinance. Burgess made a motion to direct the City Attorney to draft an ordinance allowing the travel of UTVs/ATVs within the City of Berlin, adopting the statutory provisions of Wis Statutes Section 23.33 and Chapters 340-348 of Wisconsin code, establishing definitions and regulations with respect to UTVs and ATVs, with review of the ordinance required after one year with assistance by Berlin PD to assess concerns and/or traffic forfeitures with the possibility to reassess, adjust or suspend the ordinance at any time with a second by Boeck. Discussion continued before a vote. Clerk Rutkowski read a prepared statement from Alderperson Stobbe who was not in attendance due to the County election that evening outlining her disagreement with allowing ATV/UTV access to Berlin. Dretske asked questions of the City Attorney concerning the OWI regulations. Dretske requested wording in the ordinance that a valid driver's license be required before driving on Berlin's city streets. Erdmann voiced her disapproval of the ordinance creation and made a motion to amend the motion and have a referendum on the issue, motion failed due to lack of second. Boeck commented that business owners felt this was a need and any small amount of business ATV/UTVs could bring in could change that businesses month. Mayor called for a roll call vote on the motion by Burgess which resulted in four (4) ayes, one (1) nay and one (1) absent. Motion passed.

Berlin Resident Ron Harke spoke on the difficulty in putting in cameras is related to the wiring. Berlin Resident Bruce Tetzke spoke the difficulty of dealing with Spectrum and how the company is not worth it. Rutkowski presented on the final item of security systems. Rutkowski stated there are a few options for internet connection and a few options for cameras. Staff feels Hunter Security is the best option for cameras. Rutkowski recommended waiting until the final quote from Centurylink came through for

internet connection before making a final motion. Council directed staff to continue compiling information.

There was no Old Business, New Business or Public Appearances.

Burgess made a motion to adjourn at 8:41 pm with a second by Nigbor. Motion carried via voice vote.

Sara Rutkowski, City Clerk

DRAFT



RESOLUTION # 22-05

**Resolution Authorizing Execution of the Department of Natural Resources
Principal Forgiven Financial Assistance Agreement**

WHEREAS, the City of Berlin (the "Municipality") wishes to undertake a project to replace private lead service lines at residences, pre-k -12 schools and licensed and/or certified daycare centers, identified as DNR No. 5466-09 (the "Project"); and

WHEREAS, the Municipality has applied to the Safe Drinking Water Loan Program (the "SDWLP") for financial assistance in the form of a loan made by the SDWLP to the Municipality of which all the principal will be forgiven at the time that loan disbursements are made to the Municipality, pursuant to the DNR Financial Assistance Agreement; and

WHEREAS, the SDWLP has determined that it can provide a loan with principal forgiveness in an amount up to \$1,125,000 that it has identified as being eligible for SDWLP funding;

NOW, THEREFORE, the City Mayor and City Clerk are authorized by and on behalf of the Municipality to execute the Principal Forgiven Financial Assistance Agreement that contains the terms and conditions of the SDWLP award for the Project. The Principal Forgiven Financial Assistance Agreement is incorporated herein by this reference.

Passed, approved and adopted this 13th day of September, 2022.

ROLL CALL VOTE:

CITY OF BERLIN

_____ AYES

BY: _____
Joel Bruessel, Mayor

_____ NAYS

_____ ABSENT

ATTEST: _____
Sara Rutkowski
Administrator, Clerk/Treasurer



**Memorandum of Understanding
Between
The City of Berlin
and the
Berlin Professional Police Association**

This is a voluntary agreement between the **City of Berlin** and the **Berlin Professional Police Association, Wisconsin Professional Police Association/Law Enforcement Employee Relations Division**. The City and the Association are parties to a collective bargaining agreement ("CBA") expiring December 31, 2024.

WHEREAS the City of Berlin and members of the Berlin Professional Police Association are desirous of making a change to **APPENDIX A – CITY OF BERLIN - WAGES**.

THEREFORE, be it resolved that the parties do hereby agree to the following provisions and to modify the Collective Bargaining Agreement during the time period stated in the document:

PROVISIONS OF THE AGREEMENT

The purpose of this Memorandum of Understanding is to establish changes to the job titles listed in Appendix A and throughout the Collective Bargaining Agreement.

As of this date the job title of Investigator and Corporal will be removed from Appendix A. The job title of Corporal Detective will be added maintaining the same wage as the current Investigator. All references to "Investigator" within the CBA will be changed to Corporal Detective in the next updated CBA.

1. This represents the complete understanding of the parties on this issue. Any amendments or modifications to this agreement must be made in writing.
2. This agreement shall expire on date of ending of the collective bargaining agreement.
3. This agreement is effective on the last date signed below. Authentic fax or email signatures are as valid as an original.
4. All other provisions of the CBA shall remain in force, and the parties may renew this Agreement for the term of the successor CBA, or may incorporate the modifications herein in such successor CBA, or may terminate this Agreement by mutual consent of the parties.

City of Berlin

By _____

Date _____

By _____

Date _____

Kevin R Sorenson

Kevin R Sorenson, Business Agent
For the WPPA/LEER

Berlin Professional Police Association

By _____

Date _____

By _____

Date _____

Date _____

APPENDIX A

CITY OF BERLIN

WAGES (modify the 2021 wages below as follows)

	(2.00%) 2022 Jan. 1	(3.00%) 2023 First Pay Period of July	(3.00%) 2024 First Pay Period of July
PATROL OFFICERS:			
Starting	26.68	27.48	28.31
After 1 year	27.67	28.50	29.36
After 3 years	29.70	30.59	31.51
After 5 years	30.33	31.24	32.18
After 7 years	30.92	31.84	32.80
After 15 years	31.69	32.64	33.62
CORPORAL:	32.64	33.62	34.63
After 15 years	33.36	34.37	35.40
INVESTIGATOR:	32.64	33.62	34.63
After 15 years	33.37	34.38	35.41
SERGEANT:	33.52	34.52	35.56
After 15 years	34.27	35.30	36.36

RESOLUTION # 22-06

**A RESOLUTION AUTHORIZING EXTENSION OF THE TERM OF
REVOLVING LOAN FUND LOAN TO GKM2 BERLIN LLC**

WHEREAS, GKM2 BERLIN LLC ("GKM2") has requested an extension of the term of its loan dated March 15, 2013, from the City of Berlin CDBG Industrial Revolving Loan Fund in the original amount of \$400,000.00 (the "LOAN"); and

WHEREAS, the Berlin Community Development Corporation (Administrator of the City's CDBG Industrial Revolving Loan Fund) has thoroughly reviewed the request and approved the request at its meeting on June 28, 2022; and

WHEREAS, the Common Council has duly considered the request and approves the request under the following terms and conditions.

NOW, THEREFORE, BE IT RESOLVED, that the City of Berlin may extend the term of the LOAN upon the following terms:

1. The interest rate shall be increased from 1% to 2% per annum, effective at the beginning of the extension period.
2. The term of the LOAN shall be extended for period of 5 years, with the unpaid balance being re-amortized at the beginning of the extension period to reflect payment of the entire unpaid balance and accrued interest in full at the end of such 5-year extension period.
3. The LOAN shall be subject to all other terms and conditions as stated in the City of Berlin Revolving Loan Fund Manual, including all job creation or retention requirements, and the requirement for reimbursement of all City expenses related to the extension, including but not limited to attorney fees for the preparation of necessary documentation.
4. The security for the LOAN shall remain unchanged.
5. The City Attorney shall prepare the necessary documentation consistent with this Resolution accordingly.

Passed, approved and adopted this ____ day of _____, 2022.

ROLL CALL VOTE:

CITY OF BERLIN

____ AYES
____ NAYS
____ ABSENT

BY:

Joel E. Bruessel, Mayor

APPROVED AS TO FORM:

ATTEST:

Sara L. Rutkowski,
City Administrator/City Clerk

Matthew G. Chier, City Attorney

ORDINANCE #01-22

**AN ORDINANCE ESTABLISHING A MUNICIPAL COURT
FOR THE**

**CITIES OF FOND DU LAC AND RIPON, TOWNS OF AUBURN, CALUMET, EMPIRE, FOND DU LAC,
FRIENDSHIP, OAKFIELD, OSCEOLA, RIPON AND TAYCHEEDAH IN FOND DU LAC COUNTY AND
WILSON IN SHEBOYGAN COUNTY, THE VILLAGES OF BRANDON, CAMPBELLSPORT, FAIRWATER,
NORTH FOND DU LAC, OAKFIELD AND ST. CLOUD IN FOND DU LAC COUNTY
AND**

**THE CITY OF BERLIN IN GREEN LAKE AND WAUSHARA COUNTIES, THE CITIES OF GREEN LAKE,
MARKESAN AND PRINCETON IN GREEN LAKE COUNTY**

SECTION I

1) Municipal Court Created

Court Established: Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a joint municipal court to be designated Lakeside Municipal Court shall take effect and be in full force and effect from and after its passage by the municipalities that are party to the agreement and publication as required by law.

2) Municipal Judge

Qualifications: The joint court shall be under the jurisdiction of and presided over by a municipal judge who resides in one of the municipalities that is a party to the agreement forming this joint court.

Oath and Bond: The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in §757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$1,000, or an appropriate insurance policy of not less than \$20,000 as prescribed in §66.0609(4), Wis. Stats. The judge shall not act until the oath and bond or appropriate insurance policy have been filed as required by §19.01(4)(c), Wis. Stats., and the requirements of §755.03(2), Wis. Stats., have been complied with.

Salary: The salary of the municipal judge shall be fixed by the Village Board of Village of North Fond du Lac which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or appropriate insurance policy and/or official oath, as required by §755.03, Wis. Stats., and filed pursuant to §19.01(4)(c), Wis. Stats.

3) Elections

Term: The municipal judge shall be elected at large in the spring election for a term of four years commencing on May 1. All candidates for the position of municipal judge shall be nominated by nomination papers as provided in §8.10, Wis. Stats., and selection at a primary election if such is held as provided in §8.11, Wis. Stats. The Fond du Lac County Clerk shall serve as filing officer for the candidates.

Electors: Electors in all municipalities that are parties to the agreement shall vote for judge.

4) Jurisdiction

The municipal court shall have jurisdiction over incidents occurring on or after December 1, 2022 as provided in Article VII, §14 of the Wisconsin Constitution, §755.045 and §755.05, Wis. Stats., and as otherwise provided by State Law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.

The municipal judge may issue civil warrants to enforce matters under the jurisdiction of the municipal court under §755.045(2), §66.0119, Wis. Stats.

The municipal court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of §938.17(2)(cm), Wis. Stats.

Court authority to impose alternative juvenile dispositions and sanctions.

- (1) For a juvenile adjudged to have violated an ordinance, a court is authorized to impose any of the dispositions listed in §938.343 and §938.344, Wis. Stats., in accordance with the provisions of those statutes.
- (2) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under §938.343 or §938.344, Wis. Stats., the municipal court is authorized to impose any of the sanctions listed in §938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.

5) Municipal Court

Hours: Lakeside Municipal Court shall be open as determined by order of the Municipal Judge.

Employees: The Judge shall, in writing, appoint such an Administrator, clerks, deputy clerks and assistants as are authorized by the Village Board of North Fond du Lac.

Location: The Municipal Judge shall keep his/her office at a location provided by the Board of Trustees of the Village of North Fond du Lac and shall hold court at locations agreed to by members of Lakeside Municipal Court. The Municipal Judge may issue, process and perform ministerial functions any place in the State of Wisconsin.

6) Collection of Forfeitures and Costs

Collection of Forfeitures and Costs: The Municipal Judge may impose punishment and sentences as provided by Wis. Stats. Chapters 800 and 938 and as provided in ordinances of the municipalities that are parties to the agreement. All forfeitures, fees, assessments, surcharges and costs shall be paid to the treasurer of the Village of North Fond du Lac in accordance with State Statute. At such time, the Municipal Court shall report to the treasurer the title, nature of offense and total amount of judgments imposed in actions and proceedings in which such monies are collected.

7) Contempt of Court

Contempt of Court: The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may punish for contempt as provided in §800.12, Wis. Stats., and impose a forfeiture and/or a jail sentence in accordance with State Statute.

8) Stipulations and/or Deposits

Deposits for Ordinance Violations: The Municipal Judge shall establish and submit to the City Councils or Town or Village Boards of the member municipalities for approval in accordance with §800.037, Wis. Stats., a schedule of deposits for violations of each ordinance, resolutions and by-laws.

Deposits for Traffic and Boating Violations: The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chapters 23 and 345, Wis. Stats., shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with §345.11, Wis. Stats., and boating regulations enacted in accordance with §30.77, Wis. Stats.

Stipulations and Deposits in Lieu of Court Appearance: Persons cited for violations of the member municipalities ordinances, resolutions or by-laws or violations of traffic or boating regulations for which a deposit has been established, shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in §800.035, Wis. Stats., §800.045, Wis. Stats., §800.09, Wis. Stats., unless personal appearance is required.

9) Abolition

The Municipal Court hereby established shall not be abolished while the §755.01(4), Wis. Stats., agreement is in effect.

SECTION II

All ordinances or parts of ordinances contravening or inconsistent with the provisions of this ordinance be and are hereby repealed.

This ordinance shall take effect December 1, 2022, and be in full force and effect from and after its passage by the municipalities that are party to the agreement and publication as required by law.

Passes, approved and adopted this _____ day of _____, 20 _____.

ROLL CALL VOTE:

____ AYES
____ NAYS
____ ABSENT

APPROVED AS TO FORM:

CITY/TOWN/VILLAGE:

BY: _____

ATTEST:

Attorney for City/Town/Village

City/Town/Village Clerk

**INTERGOVERNMENTAL AGREEMENT FOR NORTH FOND DU LAC
TO PROVIDE MUNICIPAL COURT SERVICES
TO THE
CITIES OF FOND DU LAC AND RIPON, TOWNS OF AUBURN, CALUMET, EMPIRE, FOND DU LAC,
FRIENDSHIP, OAKFIELD, OSCEOLA, RIPON AND TAYCHEEDAH IN FOND DU LAC COUNTY AND
WILSON IN SHEBOYGAN COUNTY, AND THE VILLAGES OF BRANDON, CAMPBELLSPORT,
FAIRWATER, NORTH FOND DU LAC, OAKFIELD AND ST. CLOUD IN FOND DU LAC COUNTY
AND
THE CITY OF BERLIN IN GREEN LAKE AND WAUSHARA COUNTIES, THE CITIES OF GREEN LAKE,
MARKESAN AND PRINCETON IN GREEN LAKE COUNTY**

I. PREAMBLE

This Intergovernmental Agreement is entered into, pursuant to Section 66.0301 of the Wisconsin Statutes by the Cities of Berlin, Fond du Lac, Green Lake, Markesan, Princeton and Ripon, the Towns of Auburn, Calumet, Empire, Fond du Lac, Friendship, Oakfield, Osceola, Ripon, Taycheedah and Wilson and the Villages of Brandon, Campbellsport, Fairwater, North Fond du Lac, Oakfield and St. Cloud (together, the "municipalities") for the provision of Municipal Court services by the Village of North Fond du Lac to the Cities of Berlin, Fond du Lac, Green Lake, Markesan, Princeton, and Ripon, the Towns of Auburn, Calumet, Empire, Fond du Lac, Friendship, Oakfield, Osceola, Ripon, Taycheedah and Wilson and the Villages of Brandon, Campbellsport, Fairwater, North Fond du Lac, Oakfield and St. Cloud.

II. SERVICES TO BE PROVIDED FOR MUNICIPAL COURT BY NORTH FOND DU LAC

A. Operational Court Services

The Village of North Fond du Lac shall provide municipal court services as required by law and subject to the ordinances of the municipalities.

B. Personnel

The Village of North Fond du Lac shall employ sufficient staff to perform the municipal court services required by the Agreement and by Wisconsin State Statute.

C. Location and Equipment

The Village of North Fond du Lac shall provide sufficient court office space, as required pursuant to Section 755.09, Wis. Stats. and storage, as well as computers, up-to-date programs and software and other office equipment as deemed necessary to provide court services to member municipalities.

D. Cooperation

The Village of North Fond du Lac shall cooperate with the Court Executive Committee.

III. RESPONSIBILITIES OF MEMBER MUNICIPALITIES

- A. Each member municipality shall provide to the court electronic data in a form compatible with the court computer software.
- B. Each member municipality where court services are held shall provide armed court security for the times during which court is in session.
- C. Member municipalities shall cooperate in the collection of forfeitures by the court. The collection of penalties and surcharges will be in accordance with the requirements of Section 757.05(1)(c), (2), Wis. Stats.

IV. FINANCES

- A.** Each member municipality agrees that the Village of North Fond du Lac may retain court fees collected for each citation disposed of by the court as allowed by the State of Wisconsin to offset operating expenditures. No court fees shall be collected from member municipalities in cases where a forfeiture has been assessed against a defendant in which the court has been unable to collect said forfeiture.
- B.** It is agreed that funds in excess of operating expenses will be retained by the Village of North Fond du Lac and that any expenditures exceeding expenses will be absorbed by the Village of North Fond du Lac. The budget of the municipal court shall be separate from or contained on a separate line from, the budget or line items of all other North Fond du Lac Departments as required under Section 755.01(1), Wis. Stats.
- C.** All forfeitures collected by the court for member municipalities shall be remitted to the municipalities in accordance with state statute.
- D.** The court agrees to vigorously attempt to collect all outstanding forfeitures utilizing statutorily permitted means available to the court.

V. LOCATIONS OF COURT SESSIONS

- A.** Locations for court sessions shall be mutually agreed upon by the municipality and the court.

VI. COURT EXECUTIVE COMMITTEE

- A.** The Lakeside Municipal Court Executive Committee shall be composed of one (1) representative from each member municipality. Each of these members may appoint, at their discretion, an alternate to serve in their place or absence. Members or alternates may not be employees of the municipality's police department.
- B.** The membership shall elect from its members a chairperson to preside at its meetings and a vice-chair to act in the absence of the chair and shall designate a recording secretary. Terms shall be two years. Chair and vice-chair may serve two consecutive terms.
- C.** The Court Executive Committee shall hold annual meetings at a place and time to be fixed by the committee for the purpose of reviewing functions of the court. Special meetings may be held whenever called by its Chair or, on written request of two (2) members of the municipalities. The clerks of the municipalities and the members of the Executive Committee shall be notified at least seven (7) days prior to any regular or special meetings. The Court Executive Committee shall keep a written record of its proceedings. Meeting records shall be kept in the Municipal Court office.
- D.** A majority of the members of the Court Executive Committee at a meeting shall constitute a quorum for all purposes.
- E.** In order for a motion to be adopted or for any recommendations to be made to the court or the Village of North Fond du Lac, a simple majority vote of all members of the committee at the meeting is required.
- F.** The Court Executive Committee may adopt rules, policies, and/or by-laws as it deems necessary.

This Agreement shall commence December 1, 2022. Any party may, with 180 days written notice and at the end of the judge's term, provide notice of termination of its participation in this Agreement. Notice of termination must be in writing and delivered by personal service or by certified mail, return receipt requested, to the clerk of the other municipalities and to the court.

Adopted this _____ day of _____, 20____

City / Village / Town Official

Attest: _____
Clerk

August 16, 2022

To: Hon. Joel Bruessel, Mayor, City of Berlin

From: Robert Markofski

Re: Resignation

Dear Mayor Bruessel,

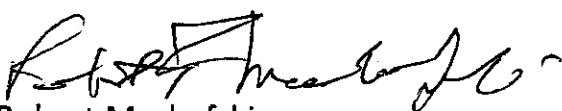
This letter is to submit my resignation from the Board of Appeals, effective Sept 1, 2022.

After reading last week's Berlin Journal, and speaking with other Berlin residents on the issue of the ATVs being allowed on the streets of Berlin, I cannot, in good conscience, continue to serve on the Board.

I was dismayed by the action on the issue by the Council and you. It appears the Council has NO concern for the majority opinion on the matter, (as voted in a referendum in 2018), and instead bowed to the "vocal minority" who favor the change. (The "squeaky wheel syndrome") It also appears certain Council members were "predisposed" to force the issue through at the Council meeting, rather than having another referendum. Obviously, they feared the referendum would fail again.

In speaking with other residents of Berlin, it is obvious you and your present administration are at odds with many of these people, and I include myself in this number. You seem to have a different vision for the future of the city than many of us residents foresee. (The enclosed "sound off" excerpt, which I agree with, points out some of the differences.) I would be pleased to have a discussion with you on our city's future, and further explore your views on this.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Markofski", with a stylized flourish at the end.

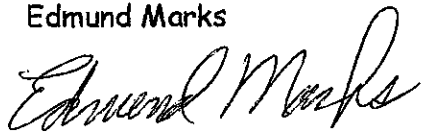
Robert Markofski

August 12, 2022

I Edmund Marks, 269 Mound Street, am resigning from the Plan Commission and Board of Appeals effective September 13, 2022, for personal reasons.

Thank You,

Edmund Marks

A handwritten signature in cursive script that reads "Edmund Marks".

8-12-2022

Sara Rutkowski

08/29/2022

City of Berlin

Mayor and City Council

It has been an honor to serve on the Police and Fire Commission for the City of Berlin.

Due to recent developments in my life, I feel it necessary to give my resignation on the Commission at this time. It will be effective September 1st, 2022.

I wish the City of Berlin, the Berlin Fire Department, and Police Department all my best.

A handwritten signature in black ink, appearing to read "Sara Rutkowski", with a long horizontal flourish extending to the right.

CITY OF BERLIN
BOARD, COMMITTEE, COMMISSION & COMMON COUNCIL
APPLICATION FORM

Name: Mike Hopkins
Address: 485 Hillside Dr
Phone: Day 414-313-7747 Evening 414-313-7747

City residency is required for appointment to a City board, committee or commission. Other eligibility requirements may also exist.

Area of Interest:

<input type="checkbox"/> Board of Review	<input type="checkbox"/> Oakwood Cemetery Board
<input type="checkbox"/> Parks & Recreation Commission	<input type="checkbox"/> Zoning Board of Appeals
<input type="checkbox"/> Committee On Aging	<input checked="" type="checkbox"/> Plan Commission
<input type="checkbox"/> Sewer & Water Commission	<input type="checkbox"/> Police & Fire Commission
<input type="checkbox"/> Library Board	<input type="checkbox"/> Common Council Vacancy, Ward # <u> </u>
<input type="checkbox"/> Other <u> </u>	

Applicant Questions: Please return only Page one for consideration.

1. Please indicate why you are interested in serving on any of the above Board, Committee or Commission: I have been a Wisconsin attorney for the last 41 years, practicing in the area of civil litigation. I have been involved in several zoning matters for clients over the years, and have enjoyed that work.
2. What knowledge, experience, or abilities do you have that would make you an effective board member: I previously served on the traffic safety committee for the Village of Shorewood, WI, for 2 terms.
3. Do you have any issues with attending meetings at the specified times? (See Meeting Schedule)
No. I am semi-retired and would have no problem attending meetings.
4. Please provide any additional information for consideration:
We moved to Berlin in December 2021, and I would like to get involved in the community.

CITY OF BERLIN
BOARD, COMMITTEE, COMMISSION & COMMON COUNCIL
APPLICATION FORM

Name: GARY KNOKE
Address: 176 SUMNER BERLIN
Phone: Day 920 361-3670 Evening 920 361 3670

City residency is required for appointment to a City board, committee or commission. Other eligibility requirements may also exist.

Area of Interest:

<input type="checkbox"/> Board of Review	<input type="checkbox"/> Oakwood Cemetery Board
<input type="checkbox"/> Committee On Aging	<input type="checkbox"/> Parks & Recreation Commission
<input type="checkbox"/> Common Council, Ward # <u> </u>	<input type="checkbox"/> Plan Commission
<input type="checkbox"/> Community Development Authority	<input checked="" type="checkbox"/> Police & Fire Commission
<input type="checkbox"/> Housing Advisory	<input type="checkbox"/> Sewer & Water Commission
<input type="checkbox"/> Library Board	<input type="checkbox"/> Zoning Board of Appeals

Applicant Questions (attach additional sheets if necessary)

1. Do you have any issues with attending meetings at the specified times? (See Meeting Schedule)

NO

2. Please indicate why you are interested in serving on any of the above Board, Committee or Commission: WILLING TO SERVE COMMUNITY

3. What knowledge, experience, or abilities do you have that would make you an effective board member: TAUGHT H.S. CLASS ON CRIMINAL
JUSTICE SYSTEM FOR DECADES

4. Please provide any additional information for consideration: RESIDENT BERLIN OVER 50 YEARS

CITY OF BERLIN
BOARD, COMMITTEE, COMMISSION & COMMON COUNCIL
APPLICATION FORM

Name: Carol Hughes
Address: 116 S. State St Berlin, WI 54923
Phone: Day 920-290-3227 Evening 920-290-3227

City residency is required for appointment to a City board, committee or commission. Other eligibility requirements may also exist.

Area of Interest:

<input type="checkbox"/> Board of Review	<input type="checkbox"/> Oakwood Cemetery Board
<input type="checkbox"/> Parks & Recreation Commission	<input type="checkbox"/> Zoning Board of Appeals
<input type="checkbox"/> Committee On Aging	<input checked="" type="checkbox"/> Plan Commission
<input type="checkbox"/> Sewer & Water Commission	<input type="checkbox"/> Police & Fire Commission
<input type="checkbox"/> Library Board	<input type="checkbox"/> Common Council Vacancy, Ward # <u> </u>
<input type="checkbox"/> Other <u> </u>	

Applicant Questions: Please return only Page one for consideration.

1. Please indicate why you are interested in serving on any of the above Board, Committee or Commission: I would like to be more involved with the community and make a contribution to it.

2. What knowledge, experience, or abilities do you have that would make you an effective board member: I have no knowledge or experience in this area, but am a good listener, logical, and will give my opinions.

3. Do you have any issues with attending meetings at the specified times? (See Meeting Schedule)
No

4. Please provide any additional information for consideration: After living in another area, I may have some fresh ideas that are consistent with the values of Berlin.

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: Oct 15th 2022 ending: June 30th 2023
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: ☐ Town of ☐ Village of ☒ City of Berlin

County of Green Lake Aldermanic Dist. No. _____
(if required by ordinance)

Check one: ☐ Individual ☒ Limited Liability Company
☐ Partnership ☐ Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number <u>456-1031145703-02</u>	
FEIN Number <u>88-3548852</u>	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ <u>100.00</u>
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input checked="" type="checkbox"/> Class B liquor	\$ <u>400.00</u>
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee <u>TBD</u>	\$
TOTAL FEE	\$
<u>Pro-rated amt \$</u>	

100% AMW

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
Fox Cavern, LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Nigbor</u>	<u>Josua</u>	<u>James</u>	<u>273 N. Washington St Berlin WI 54923</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Fox Cavern Business Phone Number 920-229-6012

2. Address of Premises 124 E. Huron St Berlin WI 54923 Post Office & Zip Code 54923

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

1st and 2nd floors, all areas.


4. Legal description (omit if street address is given above): _____

5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☐ Yes ☒ No

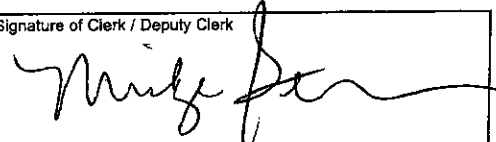
(b) If yes, under what name was license issued? _____

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** ☐ Yes ☒ No
7. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☒ No
If yes, explain.
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** ☐ Yes ☒ No
9. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 8/2/22 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** ☐ Yes ☒ No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.** ☐ Yes ☒ No
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] ☒ Yes ☐ No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] ☒ Yes ☐ No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.) <u>Nybor, Joshua, J</u>	Title/Member <u>Agent/Member</u>	Date <u>8/29/22</u>
Signature 	Phone Number <u>920-229-6012</u>	Email Address <u>carsb1ife@gmail.com</u>

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>8/29/2022</u>	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk 
Date license granted	Date license issued	License number issued	

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: ☐ Town ☐ Village ☒ City of Berlin County of Green Lake

The undersigned duly authorized officer/member/manager of Fox Cavern, LLC
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as

Fox Cavern
(Trade Name)
located at 124 E. Auron Berlin WI 54923

appoints Joshua James Nygbor
(Name of Appointed Agent)
273 N. Washington St Berlin WI 54923
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

☐ Yes ☒ No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? ☐ Yes ☒ No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 42 years

Place of residence last year 273 N. Washington St Berlin WI 54923

For: Fox Cavern, LLC
(Name of Corporation / Organization / Limited Liability Company)

By: Joshua James Nygbor
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, Joshua James Nygbor, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Joshua James Nygbor 8/3/22 Agent's age 42
(Signature of Agent) (Date)
273 N. Washington St Berlin WI 54923 Date of birth 10/4/79
(Home Address of Agent)

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on 08-29-22 by Samuel Title Police Chief
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Nigbor		Joshua		James	
Home Address (street/route)		Post Office	City	State	Zip Code
273 N. Washington St			Berlin	WI	54923
Home Phone Number		Age	Date of Birth	Place of Birth	
920-229-6012		42	10/4/79	Wild Rose WI	

The above named individual provides the following information as a person who is (check one):

- ☐ Applying for an alcohol beverage license as an individual.
- ☐ A member of a partnership which is making application for an alcohol beverage license.

☒ Agent of Fox Cavern, LLC
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? 42 years
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☒ Yes ☐ No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
2/21/03 Obstructing an Officer - \$395.00 fine
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ☐ Yes ☒ No
 If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ☐ Yes ☒ No
 If yes, identify.
- Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ☐ Yes ☒ No
 If yes, identify.

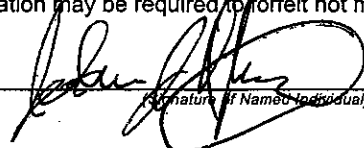
(Name of Wholesale Licensee or Permittee)

(Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
West Side Garage	822 Broadway St, Berlin WI 54910	11/2020	Present
Bergstrom Buick	7005 Nicolet Rd Appleton WI 54914	6/2020	11/2020

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.


(Signature of Named Individual)

APPLICATION FOR AMUSEMENT DEVICE LICENSE
For License Year Ending June 30, 2023

State of Wisconsin
County of Green Lake
City of Berlin

TO: Sara Rutkowski
Berlin, WI 54923

I, the undersigned hereby apply for a license to maintain or permit maintenance of amusement or music device(s) on my premises. As a condition of the granting of such license, I agree that during the period of such license, the Chief of Police, police officers, or any other duly authorized officials of the City may at all reasonable hours enter into and upon the licensed premises for the purpose of inspecting the premises to ascertain if all City Ordinances and State Laws are being obeyed, and shall also consent to the removal from the premises, without warrant, of all things and articles there and in violation of City Ordinances or State Laws and to the introduction and receipt of such things and articles in any prosecution or proceedings for violation of City Ordinances or State Laws.

NAME OF OWNER OR MANAGER OF BUSINESS: Dorcas James Nybor

ADDRESS OF PREMISES TO BE LICENSED: 124 E. Huron St Berlin WI 54928

RESIDENCE OF OWNER OR MANAGER: 273 Washington St Berlin WI 54923

DESCRIPTION OF DEVICES:

1. Juke Box
2. Pull Tab Machine
3. 8 video games
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

DATE OF APPLICATION: 8/3/22

RECEIPT NUMBER: _____

LICENSE FEE: \$10.00 PER DEVICE


SIGNATURE OF APPLICANT

Raze and Repair Orders/ Nuisance Complaints

Address of Property: 107 W Huron St.

Property Owner Name: Israel Barraza

Basic Information:

Parcel Number:	206-01758-0000
Assessed Property Value:	\$74,600.00
Est. Fair Market Value	\$95,900.00
Occupancy?	No, Two Apartments and one Retail Space
Taxes paid?	No, 2021 has \$ 2,197.74 owed
Construction in Progress?	TBD

Neighbor complaints:

- On July 2016 Initial complaint to Community Development Director with report of extensive water damage to the interior of the property.
- November-December 2021 numerous complaints to Planning and Development Director from neighbors.

Contact with Owner:

-Previous-

- On August 25th 2016 a Letter was sent to property owner at the time, GARANA LLC, requesting entry to inspect property.
- Between March of 2018 and January 2020 Ramon Velez Aleman acquired the property and began repair of the rear roof as well as completing a new roof over the front 2/3 of the building. The Raze Order was terminated on May 2nd 2018 and he intended to have the work completed by summer 2020.
- December 14th 2020 John Ovalle was mailed a letter communicating the need for an inspection and determining this property uninhabitable.
- During December 2021 the Building Inspector and Planning & Development Director tried to talk John Ovalle into permitting an inspection and discussing plans for the property, these talks yielded nothing from him.
- From January 2022 through March 2022 John Ovalle was called monthly to inquire about his plans, of which he reiterated each time the intent to sell by the end of the contract on March 31st 2022.

-Current-

- On April 26 2022 the new owner contacted the Planning and Development Director to discuss permitting.
- It was stated on July 1st 2022, Israel Barraza intends to have the building secure and safe as soon as possible; to facilitate a desirable income generating apartment and have a second phase for the interior alterations needed to allow the storefront to be developed.
- On July 25th 2022 both the Planning and Development Director then Building Inspector spoke with Santiago Barraza- the only reliable owner contact, to schedule the monthly inspection and communicate the need for a permit for the entirety of the 12-31-21 inspection required repairs. This resulted in no permission for access and no planned additional permit and/or amendment to the roofing permit.
- On September 7th 2022 the PDD called Santiago Barraza to discuss any updates. Santiago stated the sealing of the roof to mitigate future damage has been completed and he intends to follow up this with structural work, repair of the back porch including windows, electrical and heat with forthcoming permit (s).
- The owner stated to Council on 8/9/22 the roof is priority before working on any other places in the building. They have a contract ready to go for the windows in the back room. Expected completion time was 3.5 weeks.

Extent of repairs needed vs completed (outside visibility vs inside):

- On all respective inspections below the Building Inspector communicated the necessity of repairing the structure and rear roof portion as well as removing the back porch.

Inspections:

- April 30 2021 the Building Inspector performed a complete inspection and drafted the progress report.
- July 28 2021 the Building Inspector performed an inspection finding no progress.
- November-December 2021 Planning and Development Director performed exterior inspections.
- On December 31 2021 the Building Inspector executed the special inspection and examined the entirety of the structure.

Permits pulled:

- On June 15th 2022 a permit was pulled for the installation of the rubber roof for the area of issue on the property, to result in the completion of a water-tight and structurally sound roof.
- Santiago Barraza has stated the remainder of the work on the 12-31-22 report will have a follow up permit pulled, depending on how the roof replacement goes, as this could reveal issues they may not know about yet.
- Roofing permit slated to expire 6/15/2023

Council Motions:

- From 2016-2018 Council motioned to ultimately record a raze order until agreeing to dismiss the raze order in March of 2018. Council had asked for periodic updates including October 2018 and January 2019.
- On December 7th 2021 COW instructed staff to do what it takes to get access for an inspection.
- On December 14th 2021 Council motioned to issue citations upon witnessing public nuisances.
- On January 11th 2022 Council updated their motion to recommend daily citations.
- On June 14, 2022 Council motioned to give 107 W Huron St until the next committee of the whole meeting to pull a permit as well as give a timeline to Common Council.
- On July 5th 2022 COW motioned to have the building inspector track the progress completed based off the last building inspection report as of 12/31/2021 at 107 W Huron St and have a written report presented once a month at common council meetings going forwarded.
- On August 9th 2022 Council made a motion that the owners report on any progress made to Council at next month's Council meeting. Added keeping open communication with Council is important.

Additional Relevant Information:

- Ramon Valez-Aleman sold the property around April 2020 before completing repairs. He had health issues and reached an impasse with fixing the property.
- Ramon Valez-Aleman had expressed interest in buying back the property multiple times between April 2020 and April 2022.
- On April 19th 2022 Green Lake County received a quit claim deed with Israel Barraza as the recipient of 107 W Huron.
- As of May 6th 2022, there has not been a permit pulled for the work to be done at this property.
- As of July 1st 2022 Santiago Barraza stated they expect to be able to address the walls, flooring, ceilings and porch within the next year, with time and scope depending on how the re-roofing goes. These could be within the next year, and hopefully sooner.

Date	Note:
7/5/2016	Initial complaint to Community Development Director with report of extensive water damage to the interior of the property.
8/25/2016	Letter sent to property owner at the time, GARANA LLC, requesting entry to inspect property.
10/31/2016	Special Inspection Warrant filed to Green Lake County Circuit Court; endorsed 12-1-2016.
12/7/2016	Building Inspector Inspected property and noted substantial roof structure problems and water damage.
-	
1/9/2020	Building inspector performed a roof inspection and found the front 2/3 complete though the rear still needed further repairs.
4/1/2020	Property sold and new owner instructed to continue work of previous owner or a Raze order would be considered.
12/14/2020	Property sold to John Ovalle who was mailed a request for inspection and informed of outstanding work for occupancy.
-	
4/30/2021	First interior inspection by Building Inspector
7/28/2021	Second Interior Inspection by Building Inspector
10/1/2021	Raze or Repair Order filed with Register of Deeds.
12/3/2021	PDD called owner of record who would not provide access or pledge action.
12/6/2021	Building Inspector discussed the need for an inspection with the Owner of record.
12/7/2021	PDD reached realtor who was unable to provide access. Owner of record would not provide access.
12/7/2021	COW motioned to recommend citations and pursuing the Special Inspection Warrant.
12/14/2021	Request for Special Inspection Warrant Filed
	Council motioned to issue citations upon witnessing public nuisances.
12/31/2021	Special Inspection executed with findings recorded.
-	
1/11/2022	Council given update of the inspection performed on 12-31-2022.
1/18/2022	PDD received a call from two prospective buyers inquiring about condition of roof.
1/27/2022	Building Inspector discussed property with a prospective buyer- not the same as the previous one.
2/9/2022	Default judgement based on evidence from Special Inspection Warrant from 12-31-21 and daily citations.
2/14/2022	Notification of default judgement and daily citation from City Attorney's office.
3/1/2022	Owner of Record stated property would be deeded over by end of month.
4/1/2022	Owner of Record had not deeded over the property.
4/4/2022	Purchaser discussed violations at property with PDD and explained effort to purchase property.
4/19/2022	Green Lake County received a quit claim deed with Israel Barraza as the recipient of 107 W Huron.
4/26/2022	New owner contacted Planning and Development Director to discuss permitting.
5/10/2022	Council motioned to give 107 W Huron St until the next common council meeting to pull the necessary permits as well as give a timeline to Common Council.
6/6/2022	Contact (owner's father) has indicated a permit would be acquired as soon as possible and took issue with the motion from council.
6/15/2022	Handson Enterprises LLC pulled permit #22-83-0613 for Installation of Rubber Roof.
7/1/2022	Santiago Barraza stated they expect to be able to address the walls, flooring, ceilings and porch within the next year.
7/1/2022	Israel Barraza intends to have the building secure and safe as soon as possible; to facilitate a desirable income generating apartment
7/1/2022	Israel Barraza intends to have a second phase for the interior alterations needed to allow the storefront to be developed following the completion of the apartment.
7/5/2022	COW motioned to have the building inspector track the progress completed based off the last building inspection report as of 12/31/2021 at 107 W Huron St and have a written report presented once a month at common council meetings going forwarded.
7/25/2022	Planning and Development Director then Building Inspector discuss with Santiago Barraza the order from Council. He would not provide possible dates to obtain permit for remainder of work and did not answer the request for access. This may require another special inspection permit to accomplish.
8/9/2022	The owner stated to Council the roof is priority before working on any other places in the building. They have a contract ready to go for the windows in the back room. Expected completion time was 3.5 weeks.
8/9/2022	On August 9th 2022 Council made a motion that the owners report on any progress made to Council at next month's Council meeting. Added keeping open communication with Council is important.
9/7/2022	PDD called Santiago Barraza to discuss any updates. Santiago stated the sealing of the roof to mitigate future damage has been completed and he intends to follow up this with structural work, repair of the back porch including windows, electrical and heat with forthcoming permit (s).
6/15/2023	Roofing Permit Expires

<u>Date</u>	<u>Note:</u>
5/3/2021	Complaint about debris and garbage outside the property.
5/12/2021	Water department informed Community Development there was no running water at the house.
5/28/2021	First exterior inspection was performed by building inspector and raze order recommended. Declared unsafe for occupancy because the water had been shut-off.
7/26/2021	Second exterior inspection performed with no changes made to property condition.
9/14/2021	CC motioned for City Attorney to go forward with Raze/Repair order.
2022	
2/25/2022	Randall Francisco served a raze or repair order.
2/28/2022	Certificate of service received by City Attorney.
3/2/2022	City attorney received the recorded Raze or Repair order.
3/27/2022	30 day waiting period completed.
3/31/2022	Property owners paid water bill balance and had water turned back on. Access was not granted to water department. PDD called by Renee Krohn who claimed the roof was replaced and work to begin on siding.
4/1/2022	Owners requested water shut back off.
4/4/2022	Building inspector performed an informal exterior inspection and validated the roof had been installed and some vinyl siding was being placed over the previously deemed rotten materials, this would not be up to code.
4/5/2022	Renee Krohn at Committee of the Whole. Presented Insurance and Roofing paperwork and given a week to obtain all necessary Building Permits and schedule all required inspections.
4/12/2022	Property was discussed at Common Council, given a month extension to get all permits.
4/18/2022	Building Inspector performed a complete inspection. Findings counter with the discussion at Common Council 4-12-2022; recommendation proceed with raze and should not be occupied.
5/3/2022	Property to be discussed at Committee of the Whole
5/10/2022	CC motion was made to direct staff to proceed with raze and repair order on 115 W. Ceresco.
	County Health Department worked on the water and trash issues at this property.
7/12/2022	CC motion was made to direct City Attorney Chier to proceed with the raze and repair lawsuit located at 115 W Ceresco.
8/9/2022	Filed Summons and complaint with Circuit Courts
8/16/2022	Amended Summons filed with Circuit Court
8/29/2022	Answer by Randall Francisco filed with Circuit Court

★ ★ ★

115 W. Ceresco.

**AN ORDINANCE ESTABLISHING NEW REGULATIONS FOR
ALL-TERRAIN VEHICLES AND OFF-ROAD MOTOR VEHICLE OPERATION**

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

Chapter 70, Article II of the Code of Ordinances of the City of Berlin is hereby repealed and readopted as follows:

**ARTICLE II. - ALL-TERRAIN VEHICLES, UTILITY TERRAIN VEHICLES AND OFF-ROAD
MOTOR VEHICLE OPERATION**

Sec. 70-61. -- Purpose and Intent

The City of Berlin adopts the following all-terrain vehicle trails and routes and restrictions for the operation of all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) on roadways and city-owned property throughout the City of Berlin. Following due consideration of the recreational value to connect trail opportunities, and weighed against the possible dangers, public health, liability issues, terrain, traffic density and history of vehicular traffic, these routes and trails have been established

Sec. 70-62. -- State Laws Adopted

Except as otherwise specifically provided in this Code, the statutory provisions in Wis. Stats. § 23.33, describing and defining regulations with respect to vehicles, traffic and powers of state and local authorities, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are adopted and by reference made a part of this section as if fully set forth in this section. Any act required to be performed or prohibited by any regulation incorporated in this section by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the statutory regulations in Wis. Stats. § 23.33 incorporated in this section are intended to be made part of this section in order to secure, to the extent legally practicable, uniform statewide regulation of all-terrain vehicle operation in the state. Any person who shall, within the city, violate any provision of any statute incorporated by reference in this section shall be deemed guilty of an offense under this section.

Sec. 70-63. -- Definitions

The following definitions shall apply with respect to this ordinance:

- (a) "Off road vehicles" shall include, without limitation, off-highway motorcycles and minibikes, all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs).
- (b) All applicable words and phrases defined in Wis. Stats. § 23.33 and § 340.01 of the Wisconsin Statutes are incorporated by reference in this Article.

Sec. 70-64. – Designation of ATV and UTV Routes

No person shall operate an off-road vehicle on any City street, alley, park or parking lot, on any public lands or parking lots held open to the public, except as provided below:

- (a) In accordance with Wis Stats. § 23.33(8)(b)2 of the Wisconsin Statutes and unless otherwise posted, all streets, roads and public alleys within the City are designated ATV and UTV routes, including all state trunk highways or connecting highways if the Wisconsin Department of Transportation approves such a designation as required pursuant to Wis Stats. § 23.33(8)(b)3.
- (b) In accordance with Wis. Stats. § 23.33(11)(am)(4), the City authorizes the operation of ATVs and UTVs on all approved ATV and UTV routes within the City as identified in the above subsection.
- (c) The City or its designee reserves the right to close or modify ATV and UTV routes within its jurisdiction at any time.
- (d) All ATV and UTV routes shall be signed in accordance with Wis. Stats. § 23.33(8)(e) and Wis. Admin. Code NR § 64.12 and NR § 64.12(7)(c). The City or its designee shall maintain all ATV and UTV route signs within the City, including without limitation, on state trunk highways within the City which have been approved as routes by the Wisconsin Department of Transportation pursuant to Wis Stat. § 23.33(8)(b)3.

Sec. 70-65. – Conditions and Restrictions on Operation

In addition to the provisions contained in Wis. Stats. § 23.33 and Chapters 340 to 348, and as a condition for the use of ATV and UTV routes designated and authorized herein, the following conditions and restrictions shall apply to all ATV and UTV operators and passengers, as applicable.

- (a) All ATV and UTV units shall be registered for public use in accordance with Wisconsin Department of Natural Resources (hereinafter referred to in this section as "DNR") regulations, and proof of registration shall be displayed as required by statute during all times of operation.
- (b) All ATV and UTV operators shall observe all applicable rules of the road governing motorized vehicles operating on municipal streets in accordance with Wis. Stats. § 23.33 and Chapter 346.
- (c) No person shall operate an ATV or UTV within the City from 10:00 p.m. to 6:00 a.m., except as permitted in Wis. Stats. § 23.33, or as otherwise authorized in writing by the City or its designee on a temporary basis.
- (d) No ATV or UTV shall be operated on any trail or route at a speed greater than the maximum permitted speed limit for motor vehicles on that trail or route, except if the maximum permitted speed limit for motor vehicles on a trail or route exceeds 35 miles per hour, then the maximum speed at which an ATV or UTV may be operated on that trail or route shall be 35 mile per hour.

- (e) All ATV and UTV operators are subject to and shall abide by applicable provisions of the Wisconsin Statutes and DNR regulations pertaining to age, safety and safety certificate requirements.
- (f) No person shall operate an ATV or UTV on any trail or route without fully functional headlights, taillights and brake lights. All operators shall display a lighted headlight and taillight at all times while on the trail or route.
- (g) No person shall operate an ATV or UTV on any trail or route where the vehicle does not meet state or municipal noise and exhaust restriction requirements.
- (h) No person shall operate an ATV or UTV within any municipal park or on any sidewalk, designated bicycle or pedestrian lane, gravel shoulder, ditch or other area of any street right-of-way other than on the paved roadway, unless specifically designated and posted otherwise by the City or its designee.
- (i) No person shall leave or allow any ATV or UTV owned or operated by that person to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.
- (j) No person shall operate an ATV or UTV on any trail or route unless the owner or operator has in effect at the time a liability policy insuring operation of the ATV or UTV which meets the same carrier and coverage requirements specified for operators of motor vehicles under Wis. Stats. § 344.61. No person shall operate an ATV or UTV without having proof of such liability insurance coverage readily available.
- (k) No person who is under 16 years of age may operate or ride upon an ATV or UTV on any trail or route unless the person is wearing protective headgear of a type which meets the standards established for motorcycle operation in 49 CFR 571.218 and the chin strap is properly fastened.
- (l) No person may operate an ATV or UTV on any trail or route when carrying a passenger under 13 years of age unless the passenger is wearing protective headgear of a type which meets the standards established for motorcycle operation in 49 CFR 571.218 and the chin strap is properly fastened.
- (m) No person shall operate an ATV or UTV on any trail or route unless that person is 16 years of age or older and holds a valid driver's license issued by the Wisconsin Department of Transportation, or another state driver's licensing authority.
- (n) No person may operate or ride upon an ATV or UTV on any trail or route in possession of an open intoxicant while the ATV or UTV is in operation.
- (o) No person shall operate an ATV or UTV while under the influence of an intoxicant, a restricted controlled substance, a controlled substance analog, or any combination of these elements, to a degree which renders the person incapable of safely operating the ATV or UTV.

Sec. 70-66. – Enforcement

The penalty for any violation identified in Section 23.33(13) or Chapters 340 through 347 of the Wisconsin Statutes shall be as set forth in the Wisconsin Statutes. Deposit amounts for such violations shall be as set forth in the current Revised Uniform State Traffic Deposit Schedule. The penalty for any violation of this article not addressed in Wis. Stats. § 23.33(13) or Chapters 340 through 347 shall be subject to the general penalty provisions in section 1-16 of this Code.

Secs. 70-67—70-95. - Reserved.

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 ____ day of _____, 20__.

ROLL CALL VOTE:

CITY OF BERLIN

____ AYES
____ NAYS
____ ABSENT

BY:

Joel E. Bruessel, Mayor

APPROVED AS TO FORM:

ATTEST:

Sara L. Rutkowski,
City Administrator/City Clerk

Matthew G. Chier, City Attorney