

COMMITTEE OF THE WHOLE MEETING AGENDA

AMENDED 4/1/2024 AT 4:30PM

TUESDAY, APRIL 2, 2024, 7:00 PM

BERLIN COMMON COUNCIL CHAMBERS

Zoom Meeting ID: 893 1930 8907 Password: 123456

1. Roll Call
2. Virtual Attendees Seated (if necessary)
3. General Public Comments. Registration card required (located at podium in Council Chambers).
4. Approval of Minutes. RECOMMENDATION: Approve the minutes from the March 5, 2024 Committee of the Whole meeting.
5. Motorcycle Parade for Veterans. RECOMMENDATION: Discussion and action as appropriate.
6. Liquor License Applications for 2024-2025 Term. RECOMMENDATION: Discussion and action as appropriate.
7. City commitment to Berlin Aquatic Center. RECOMMENDATION: Discussion and action as appropriate.
8. Request fee for 6-5(b) to be included on fee schedule 1-16. RECOMMENDATION: Discussion and action as appropriate.
9. Adjourn.

Note: In adherence to the City of Berlin Public Meeting Participation Policy, public participation will be allowed under each agenda item at the discretion of the presiding officer, with the exception of 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 COMMITTEE OF THE WHOLE MEETING MINUTES
TUESDAY, March 5, 2024 7:00PM
COUNCIL CHAMBERS, CITY HALL**

Mayor Bruessel called the Committee of the Whole meeting to order at 7:00 p.m. Present: Ald Stobbe, Boeck, Nigbor, Burges, Durtschi, and Dretske. No Absences. Staff present: Sara Rutkowski, Attorney Matt Chier, Rebecca Bays, and Caitlin Hilgart.

No Public Comments or Attendees.

Dretske made a motion to approve the minutes from the February 6, 2024 Committee of the Whole Meeting. Nigbor seconded the motion which passed on a voice vote.

Next item was the Liquor License Application for 2024-2025. Rutkowski presented that staff is getting ready to send out license applications for the next term. Rutkowski is looking to see what additional information the Council would be looking for with the license applications. Discussion was held. This item was moved to next weeks agenda with further research from other municipality's ordinances that require to be open 150 day or any other restrictions.

Item #6 was the recommendation to change Bank Account Signers. Stobbe made a motion to recommend to Common Council to approve removing Peggy LaBuda and Midge Seaman from the City Bank accounts and adding Susan Kiener and Debra Thiel to the appropriate accounts. Burgess seconded the motion which passed on a voice vote.

Item #7 was the Memorandum of Understanding for Advocap Retired and Senior Volunteer Program (RSVP). Bays presented that is was a program that the City use to have, explained what this program dose and she is working bringing it back. Nigbor made a motion to recommend to Common Council to approve the appropriate signatures for MOU with Advocap for the RSVP. Stobbe seconded the motion that passes on a voice vote.

Item #8 was the Oak Street Renaming. Rutkowski presented that this item went to the Planning Commission last week and the discussion was to name the U-Shape portion Riverview Drive. Riverview Court will be the name of the small cul-de-sac that would run directly to the south. Durtschi made a motion to recommend the approval to Common Council the renaming of Oak Street. Burgess seconded the motion which passed on a voice vote.

Burgess moved to approve to convene into closed session at 7:30PM for the purpose of the TID#16 Development Agreement and 2. City Attorney Contract. Stobbe seconded the motion. A roll call vote resulted in six (6) ayes and zero (0) nays.

Caitlin Hilgart, Deputy Clerk

CITY OF BERLIN PERMIT APPLICATION

Special Events on Streets, Highways, and Municipal Parking Lots

(Provisions of SEC. 18-331 thru SEC.18-337 Municipal Code Apply)

If you need additional space for any answers, attach additional sheets as necessary

18-333 Event On Street/Highway 18-333 Parade 18-333 Event on Municipal Parking Lot

Applicant's Name: Combat Veterans Motorcycle Assoc. of Wisconsin 45-3 Date of Application: 2/26/24

Applicant's Telephone Number: (202) 44-4847 Applicant's DOB/Organized: 10/02/2014

Applicant's Address: P.O. Box 96 Kimberling WI 54136

Purpose of Application Request: Parade for Veteran Benefit Motorcycle Ride

If applicant is an organization, provide the name(s), title(s) or position(s), address(es), and telephone number(s) of authorizing official(s) (for corporations, all officers and directors; for LLC's, all members and managers; for partnerships, all partners; for trusts, all trustees):

Name, Title, and Address	Telephone Number
<u>See attached Exhibit A</u>	

If applicant is an organization (corporation, LLC, partnership, trust, etc), provide the name(s), title(s), or position(s), address(es), and telephone number(s) of person(s) responsible for this request:

Name, Title, and Address	Telephone Number
<u>See attached Exhibit A</u>	

Details of Event: (For extended details, use the back of this form and include drawings of proposed event or route).

What: Motor Cycle Parade for Veteran Benefit Ride

When: June 8th 2024 Start Time and Duration: 11:00 AM to 2:00 PM

Where: Start: VFW End: on Broadway If Parade, Assembly Area: VFW

Estimated number of units (if parade) or persons attending (if other event): 40 - 100 Bike

Does applicant claim exemption from liability insurance as a government agency, religious, fraternal, veterans, charitable, or service organization per Sec. 18-333(b)(2) and or (4). Yes No

If yes, explain: Veteran and Charitable
(Also submit any supporting documentation for this claim of exemption)

Applicant or Applicant's Agent's Name Signature: [Signature]

Name of Person Signing (please print): Wallace, Michael
Commander

For Office Use Only Include with Application:

X CH Fee Paid (or) Exempt from fee (governmental procession) _____ Yes _____ No

_____ Neighboring Consent Form (or) ✓ Not Applicable _____ Indemnification Form

_____ Liability Insurance (or) _____ Applicant is exempt and approved by City Attorney

Reviewed by: _____ City Attorney [Signature] Chief of Police [Signature] Street Superintendent

Common Council approval: _____ Yes _____ No _____ NA (Recurring)

Recommendation: Conditions for Approval or Reasons for Denial:

Exhibit A

First Name	Last Name	Address 1	State	Zip	Cell Phone	Position
Michael	Walner	4900 Thimbleberry Ln, Two Rivers	WI	54241	920-794-4847	Commander
Brandon	Shimek	3172 Windland Dr, Green Bay	WI	54311	920-645-7002	Executive Officer
John	McGuire	1013 E. Sylvan Ave, Appleton	WI	54915	715-305-5389	Sergeant At Arms
Benjamin	Young	3924 Sandhill Dr, Pulaski	WI	54162	920-241-2914	Treasurer
Jacob	Spangenberg	854 Maple St, Neenah	WI	54956	920-268-5311	Secretary
Jordan	Downey	1700 Humpty Dumpty Rd, Reedsville	WI	54230	920-445-5999	Public Relations Officer



City of Berlin

108 North Capron Street P.O. Box 272
Berlin, WI 54923
920-361-5400 Phone 920-361-5454 Fax

Indemnification, Defense, and Hold Harmless Agreement

The undersigned, as an applicant for a permit from the City of Berlin, hereby agrees to indemnify, defend, and hold harmless the City of Berlin and its employees and agents against all claims, liabilities, loss, damages, or expenses against or incurred by the City of Berlin on account of any injury to or death of any person, or any damage to property, caused by or resulting from the activities for which the permit was granted.

Specifically this Agreement applies to the following event:

Veteran Benefit Motorcycle Ride
(Description and location of event) 420 N. Wisconsin St
Berlin, WI 54923










On: June 8th 2024
(Date(s) of event)

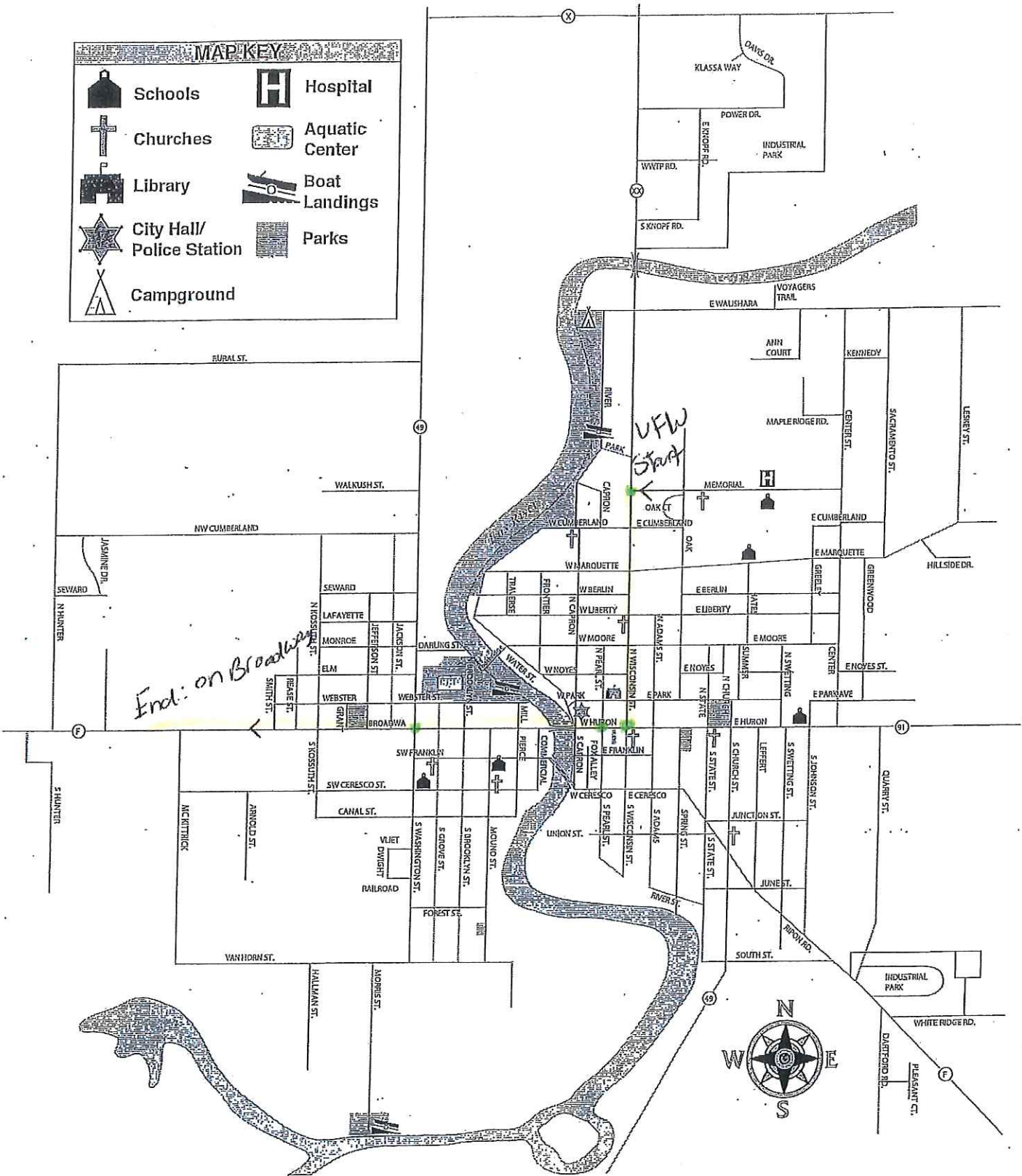
By: [Signature] Wallner, Michael
(Sign and Print Name)

OR On Behalf of:

Veteran
Combat ~~Motorcycle~~ Motorcycle Association of Wisconsin 45-3
(Name of Organization and Title if applicable)

If signing on behalf of an organization, you must have authority from the organization to sign an agreement like this. By signing this agreement, you are warranting to the City of Berlin that you have such authority.

MAP KEY			
	Schools		Hospital
	Churches		Aquatic Center
	Library		Boat Landings
	City Hall/ Police Station		Parks
	Campground		



● - Intersections that need controlled
Can provide Road Guards as needed

City of Berlin WI

108 N Capron Street

Berlin, WI 54923

920 361-5400

2/26/2024

RECEIPT # 175

<u>Cust #</u>	<u>Received From:</u>	<u>Payment Type</u>	<u>Check #</u>	<u>Amount Received</u>
Street	Street, Highway, Permit Application	Cash		20.00

Description:

2024 Zach Bay s 6/8/2024 Veteran Benifit Ride

To: Common Council

Date: 03/12/2024

RE: Liquor Licenses Ordinance Options/Update

From: Sara Rutkowski, City Admin

Background:

Council requested staff to look into other possible ordinance options concerning the limited Liquor Licenses the city has to award.

Attached:

- Ordinance 6-3: Revocation and suspension of licenses; nonrenewal
 - o I have highlighted the section stating the 150-day rule requiring the license to be operated for at least 150 days during the license term.
- Ordinance 6-45: Conditions for approval or denial
 - o This is what the Clerks, Matt and Inspectors do before applicants are brought to Council.
- The Liquor License Questionnaire that Council approved
- The updated Original Alcohol Beverage License Application for the Dept of Revenue (DOR)
- "Class B" quota information from the DOR

What we received from other municipalities that are different from ours:

- The subject premises must be open for business at least six (6) hours a day on fifty (50%) percent of the days within a sixty (60) day period, either within a licensing year, or overlapping two (2) licensing years
- Requires the business to be open for a period of 7 consecutive days
- Requires 180 days plus the licensed premises must be open for business a minimum of twenty (20) hours per week.
- Just requires days similar to ours with a range between 150-180 days

- Other municipalities also had ordinances relating to the business must be open and operating within so many days of the license being granted, with the range between 30 – 180 days.

- There were also ordinances that stated if a business closed for a certain number of days in a row, with a range from 90-180, they would lose their license. This was to deter seasonal businesses from getting a license over year-round operations.

Items to note:

- We believe one business in the community may qualify as a "over-quota" exemption, but will need to do inspections first. This could possibly free up one license for use in our community.
- We have two new businesses that we are aware of that are interested in licenses.

Sec. 6-1. - State statutes adopted.

The provisions of Wis. Stats. chs. 125 and 139, relating to the sale of intoxicating liquor and fermented malt beverages, except provisions therein relating to penalties to be imposed, are adopted by reference and made a part of this section as if fully set forth in this section. Any act required to be performed or prohibited by any statute incorporated in this section by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the statutes incorporated in this section are intended to be made a part of this section in order to secure uniform statewide regulation of alcohol beverage control.

(Ord. No. 172-99, § 7-2-1, 5-11-1999)

Sec. 6-2. - Definitions.

As used in this chapter the terms "alcohol beverages," "club," "fermented malt beverages," "intoxicating liquors," "legal drinking age," "operators," "person," "premises," "principal business," "restaurant," "retailers," "sale," "sell," "sold" and "wholesalers" shall have the meaning given to such terms in Wis. Stats. ch. 125.

(Ord. No. 172-99, § 7-2-2, 5-11-1999)

Cross reference— Definitions generally, § 1-2.

~~Sec. 6-3. - Revocation and suspension of licenses; nonrenewal.~~

- (a) When the holder of any license under this chapter violates any portion of this chapter or applicable state statutes, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by the applicable provisions of Wis. Stats. ch. 125.
- (b) Any licensee holding a license to sell alcohol beverages who abandons such business shall forfeit any right of preference the licensee may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The closing of the licensed premises for at least six months shall be prima facie of abandonment, unless extended by the common council. ~~All persons issued a license to sell alcohol beverages in the city for which a quota exists limiting the number of such licenses that may be issued by the city shall cause such business described in such license to be operated on the premises described in such license for at least 150 days during the term of such license, unless such license is issued for a term of less than 180 days, in which event this subsection shall not apply.~~

(Ord. No. 172-99, § 7-2-17, 5-11-1999)

Sec. 6-4. - Nonalcohol events for underage persons on licensed premises.

Special events, where the presence of underage persons on a premises licensed under this chapter shall be allowed as provided under Wis. Stats. § 125.07(3)(a)(10), and shall be subject to the following:

- (1) The licensee or agent of a corporate licensee shall notify the police department at least 48 hours in advance of the date of an event at which underage persons will be present on the licensed premises. Each such nonalcohol event notice shall specify the dates on which the event is to occur and the time of commencement. All notices shall be filed with the police department during normal working hours (7:00 a.m.—4:00 p.m., Monday through Friday) and shall be given on forms prescribed by the police department. After a nonalcohol event notice has been given, the licensee may cancel such event only by giving like notice to the police department in accordance with the provisions of this subsection. Regardless of the date given, all notices shall expire and be deemed canceled no later than the date of expiration or revocation of the applicable retail class "B" or "class B" license.
- (2) During the period of any nonalcohol event a notice card prescribed by the police department shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be available from the police department to a requesting licensee.
- (3) Once a nonalcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing hours of the licensed premises.
- (4) During the period of any nonalcohol event all alcohol beverages shall be stored in a locked portion of the licensed premises in a secure place, out of the sight and physical reach of any patron present, and shall be under the direct and immediate control and supervision of the licensee or a licensed bartender in the employ of the licensee. All beer taps and automatic dispensers of alcohol beverages (speed guns) shall be either disconnected, disabled or made inoperable.

1

(Ord. No. 172-99, § 7-2-18, 5-11-1999)

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

- (a) No license or renewal of a license under this article shall be granted for operation on any premises or with any equipment for which taxes or assessments or other financial claims of the city are delinquent and unpaid.
- (b) No license or renewal of a license under this article shall be issued unless the following conditions are met:
 - (1) The premises conform to the sanitary, safety and health requirements of the state building code, and the regulations of the state and local boards of health applicable to restaurants.
 - (2) The premises must be properly lighted and ventilated, equipped with separate sanitary toilet and lavatory facilities which are equipped with running water for each sex, and must conform to all city ordinances.
- (c) Prior to the issuance of a new license and renewal thereof, the chief of police, fire inspector, building inspector, and county health officer shall conduct an on-premises inspection of each premises applying for or holding a license under this article. The license shall not be issued or renewal granted until any violations discovered as a result of such inspections are corrected. Such inspections shall be conducted in sufficient time to allow for a written report to be given to the common council no later than the meeting of the common council at which the license will be acted upon.
- (d) Consideration for the granting or denial of a license under this article shall be based on the:
 - (1) Arrest and conviction record of the applicant, subject to the limitations imposed by Wis. Stats. §§ 111.321, 111.322 and 111.335;
 - (2) Financial responsibility of the applicant;
 - (3) Appropriateness of the location and premises where the licensed business is to be conducted; and
 - (4) Applicants fitness for the trust to be reposed.
- (e) An application for a license under this article may be denied based on the applicant's arrest and conviction record if the applicant has been convicted of a felony, unless duly pardoned, or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two offenses which are substantially related to the licensed activity within the five years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the common council, the common council reserves the right to consider the severity and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. The common council, at its discretion, may, based upon an arrest or conviction

record of two or more offenses which are substantially related to the licensed activity within the five years immediately preceding such license application, act to suspend such license for a period of one year or more.

- (f) All retail class "A," class "B," "class A" and "class B" licenses granted under this article shall be granted subject to the following conditions, and all other conditions of this article, and subject to all other ordinances and regulations of the city which are applicable thereto:
- (1) *Consent to entry.* Every applicant procuring a license under this article consents to the entry of police or other duly authorized representatives of the city at all reasonable hours for the purpose of inspection and search, and consents to the removal from such premises of all things and articles in violation of ordinances or law, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
 - (2) *Employment of minors.* No retail "class B" or class "B" licensees shall employ any underage person, as defined in statute, but this shall not apply to hotels and restaurants. Underage family members may work on the licensed premises, but are not permitted to sell or dispense alcohol beverages.
 - (3) *Disorderly conduct prohibited.* Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
 - (4) *Licensed operator on premises and immediate supervision.* The licensee, members of the licensee's immediate family who have attained the legal drinking age and/or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any intoxicating liquor or fermented malt beverages to customers, shall be, at all times, upon the premises operated under a "class B," class "B" or "class C" license, and shall be within sight of all persons serving such alcohol beverages. No person other than the licensee shall serve any intoxicating liquor or fermented malt beverages in any place operated under a "class B", class "B" or "class C" license unless he possesses an operator's license, or there is a person with an operator's license upon the premises at the time of such service.
- (g) The rules and regulations of the state board of health governing sanitation in restaurants shall apply to all "class B" liquor licenses issued under this article. No "class B" or "class C" license shall be issued unless the premises to be licensed conform to such rules and regulations.
- (h) No retail class "A" or "class B" license shall be issued for a premises whose main entrance is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises. This subsection shall not apply to any premises licensed as such on June 30, 1999, nor

to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school building, hospital building or church building, nor a restaurant located within 300 feet of a church or school. This subsection applies only to restaurants in which the sale of alcohol beverages accounts for less than 50 percent of their gross receipts.

- (i) No club shall sell or give away any intoxicating liquors except to bona fide members and guests invited by members.
- (j) Except as authorized by law, no gambling or game of chance of any kind shall be permitted in any form upon any premises licensed under this article or the laws of the state.
- (k) No retail class "A," class "B," "class A," "class B" or "class C" licensee shall sell or offer for sale any alcohol beverages to any person by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such licensee or permittee to sell alcohol beverages to any person on a passbook or store order, or to receive from any person any goods, wares, merchandise or other articles in exchange, for alcohol beverages.
- (l) No patron, entertainer, guest or any person except the licensee and on-duty employees shall be permitted to remain in a licensed premises during required closing hours. Hotels and restaurants whose principal business is the furnishing of food or drinks or lodging to patrons, and bowling alleys and golf courses may remain open for the conduct of their regular business, and patrons and guests may remain in the licensed premises, but no intoxicating liquors or fermented malt beverages may be sold, given away or dispensed during prohibited hours.

(Ord. No. 172-99, §§ 7-2-9, 7-2-14, 5-11-1999)



CITY OF BERLIN - LIQUOR LICENSE QUESTIONNAIRE

The City of Berlin City Council makes the final determination of the recipient of “Class B” Intoxicating Liquor Licenses. The goal of the City Council in choosing the recipient of a “Class B” license is to encourage private investment and garner the greatest economic impact for the City.

Please provide as much detail as possible to each of the criteria and comment if an item does not pertain to your business. You are welcome to attach additional sheets or documentation.

Name (individual / partners / corporations / limited liability companies):

Trade Name d/b/a:

Address / Location where license will be used:

If the location of your establishment has a current liquor license under a different legal entity, please list that entity’s name and business:

Below or on an additional page, please quantify the anticipated economic impact of your business to the City of Berlin. Include your business plan, proposal and why your application should be recommended for approval. Attachments are acceptable.

If this is an existing business in the City of Berlin, please continue to **Part A**.

If this is a new/proposed business in the City of Berlin, please continue to **Part B**.

PART A: EXISTING BUSINESS

Date business opened: _____

Hours of operation:

Current number of full-time staff: _____

Current number of part-time staff: _____

Do you anticipate hiring additional staff should you be issued license: YES NO

If yes, how many and please indicate if full-time or part-time:

If you serve food, please attach a menu to your submission.

Number of Interior Seating: _____ Number of Exterior Seating: _____

Square footage of interior: _____

Parking Availability: ON-SITE/PRIVATE PUBLIC STREET / PUBLIC LOT

Number of parking stalls available: _____

Do you own or lease the property: OWN LEASE

PART B: NEW / ANTICIPATED BUSINESS

Anticipated opening date: _____

Anticipated hours of operation:

Estimated number of full-time staff: _____

Estimated number of part-time staff: _____

Do you anticipate serving food? YES NO

If yes, please provide details on menu options or attach a draft menu:

Number of Interior Seating: _____ Number of Exterior Seating: _____

Square footage of interior: _____

Parking Availability: ON-SITE/PRIVATE PUBLIC STREET / PUBLIC LOT

Number of parking stalls available: _____

Do you own or lease the property: OWN LEASE

Staff Section:

Date of initial Application: _____
Date Application approved by City Attorney and City Staff: _____
Additional Notes: _____

Attach Liquor License Application ____

Form
AT-106

Original Alcohol Beverage License Application

FOR CLERKS ONLY	
Municipality	
License Period	

License(s) Requested

- | | |
|--|---|
| <input type="checkbox"/> Class "A" Beer \$ _____
<input type="checkbox"/> Class "B" Beer \$ _____
<input type="checkbox"/> "Class C" Wine \$ _____
<input type="checkbox"/> Reserve "Class B" Liquor \$ _____ | <input type="checkbox"/> "Class A" Liquor \$ _____
<input type="checkbox"/> "Class B" Liquor \$ _____
<input type="checkbox"/> "Class A" Liquor (Cider Only) \$ _____
<input type="checkbox"/> "Class B" (Wine Only) Winery \$ _____ |
|--|---|

License Fees	\$
Publication Fee	\$
Background Check	\$
Total Fees	\$

Part A: Premises/Business Information		
1. Legal Business Name (registered entity name or individual's name if sole proprietorship)		
2. Trade Name or DBA		
3. Premises Address		
4. County	5. Municipality	6. Aldermanic District
7. Mailing Address (if different from premises address)		
8. FEIN	9. Wisconsin Seller's Permit Number	
10. Premises Phone	11. Premises Email	
12. Entity Type (check one) <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation <input type="checkbox"/> Nonprofit Organization		
13. Premises Description - Describe the building or buildings where alcohol beverages are to be sold and stored. Describe 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 in this application. Attach additional sheets if necessary.		

Part B: Questions
1. Have the partners, agent, or sole proprietor satisfied the responsible beverage server training requirement for this license period? Submit a copy of Responsible Beverage Server Training Course Certificate <input type="checkbox"/> Yes <input type="checkbox"/> No
2. Does the applicant business or its partners, officers, directors, managing members, or agent hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain using the space below. Attach additional sheets if necessary.

Part C: For Corporate/LLC Applicants Only		
1. State of Registration		2. Date of Registration
3. Is the applicant business owned by another corporation or LLC? If yes, please provide the name and FEIN of the parent company below, include parent company members in Part D, and attach Form AT-103 for all of the parent company's principal members, managers, officers, or directors <input type="checkbox"/> Yes <input type="checkbox"/> No		
Name of Parent Company		FEIN of Parent Company
4. Does the parent company or any of its officers, directors, managing members, or agent hold any direct or indirect interest in any other alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain using the space below. Attach additional sheets if necessary.		
5. Agent's Last Name	Agent's First Name	Phone

Part D: Individual Information
A Supplemental Questionnaire, Form AT-103, must be completed and attached to this application for each person involved in the applicant business and any parent company as indicated in Part C. Persons in the applicant business include: sole proprietor, all officers, directors, and agent of a corporation or nonprofit organization, all partners of a partnership, and all managing members and agent of a limited liability company.

List the full name, title, and phone number for each person below. Attach additional sheets if necessary.

Last Name	First Name	Title	Phone

Part E: Attestation		
Who must sign this application? • sole proprietor • one general partner of a partnership • one corporate officer • one managing member of an LLC		
READ CAREFULLY BEFORE SIGNING: Under penalty of law, I have answered each of the above questions completely and truthfully. I agree that I am acting solely on behalf of the applicant business and not on behalf of any other individual or entity seeking the license. Further, I agree that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another individual or entity. I agree to operate this business according to the law, including but not limited to, purchasing alcohol beverages from state authorized wholesalers. I understand that lack of access to any portion of a licensed premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this license. I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.		
Signature		Date
Name (Last, First, M.I.)		
Title	Email	Phone

Part F: For Clerk Use Only		
Date application was filed with clerk	Date reported to governing body	Date provisional license issued (if applicable)
Date license granted	License number	Date license issued
Signature of Clerk/Deputy Clerk		

B. "Class B" Quota

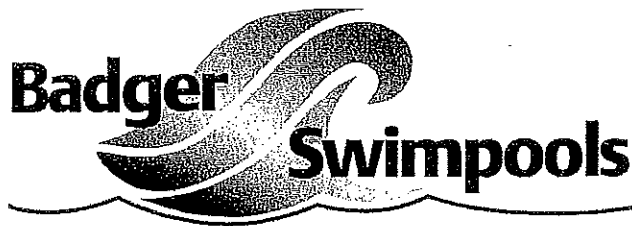
- State law restricts the number of "Class B" (liquor) licenses each municipality may issue.
- A municipality's quota is the number of "Class B" liquor licenses granted or issued in good faith and in force on December 1, 1997, plus the number of reserve "Class B" liquor licenses the municipality is otherwise authorized to issue.
- Reserve "Class B" licenses are similar to regular "Class B" licenses but include an initial issuance fee of no less than \$10,000 and may not be transferred from place to place.
 - The reserve license calculation includes factors such as population growth, annexations, detachments, and license transfers. Sec. 125.51(4) describes the full calculation.
- "Class B"(liquor) licenses cannot be issued beyond a municipality's quota, except to:
 - A full-service restaurant with interior, permanent seating capacity of 300 or more persons
 - A hotel with at least 50 rooms and either a 150-seat restaurant or a 400-person banquet room
 - An opera house or theater for the performing arts operated by a nonprofit organization
 - A location specifically listed in sec. 125.51(4)(w)(sec. 125.51(4))

C. Beer Licenses

- Retail beer licenses cannot be issued to an applicant indebted for beer purchases for more than 15 days. (sec. 125.33(7)(b))
- Class "A" and Class "B" (beer) licenses cannot be issued to brewers or beer wholesalers or to anyone who has ownership interest in a premises operating under a brewer's or beer wholesaler's permit. (secs. 125.26(2), 125.28(2)), and 125.29(2))
- Class "A" or Class "B" (beer) licenses cannot be issued to a person acting as an agent in the employ of another. (sec. 125.25(2)(a) and 125.26(2))
- A Class "B" license or permit cannot be granted for any premises where any other business is conducted in connection with the premises

Exception: The restriction does not apply to a:

- premises where other business conducted is connected only by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class "B" premises
- hotel
- restaurant, whether it is a part of or located in any mercantile establishment
- combination grocery store and tavern
- combination sporting goods store and tavern in towns, villages, and 4th class cities
- combination novelty store and tavern
- bowling center or recreation premises
- club, society, or lodge that has been in existence for 6 months or more prior to the date of application filing
- movie theater
- painting studio



CONSTRUCTING INNOVATIVE AQUATIC FACILITIES

September 27, 2022

Berlin Aquatic Center
Mr. Scott Zabel
255 Webster Street
Berlin WI 54923

Re: Pool Renovation budget proposal for the Berlin City Aquatic Center, Berlin, WI

We are pleased to provide a proposal for renovation work for the outdoor activity pool at the Berlin City Aquatic Center located in the Berlin, WI. This proposal is based upon my site visit and conversation. All work will be completed according to Wisconsin building and swimming pool codes. The scope of work for this proposal is as follows:

We propose to furnish all materials, labor, and equipment necessary to complete the following work:

Pool Renovation:

- Furnish 30" Tailwind portable lifeguard chairs. **\$ 1,190/each**
- Replace 8" check valves. **\$ 720/each**
- Replace the 2" Cla-Val. **\$ 3,954**
- Pressure Test piping **\$ 4,200**
- Repair suspected broken gutter pipe near stairs close to the waterslide. **\$ 18,000 +/-**
- Replace twelve (12) 36" diameter high rate sand filters with two (2) Stark 48" diameter horizontal high rate sand filters. Price includes: state submittal, demolition, installation of filters, face-piping, sand, and incidentals. **\$ 143,780**
- Remove: deck tile adjacent to gutter, gutter grating, hand hold, and waterline tile. Install: broom-finished Elite Crete at back of gutter, new PVC grating with PVC handhold, and new 6" band of waterline tile. **\$ 138,200**
- Sandblast and pain the pool. **\$ 144,535**
- Spray down floor covering with substrate prep for the bathhouse. **\$ 9.25/s.f.**

GENERAL EX GENERAL EXCLUSIONS/NOTES

Our proposal does NOT include the following:

- Permits
- Engineering and state submittal (included for the filter replacement item)
- Dewatering, soil remediation, and any/all work associated with unforeseen subterranean encumbrance. Soil is to be dry and stable before work can begin. We do not include any soil/concrete testing.
- Deck and deck furniture

- All play features, slides, and special pool constructions including feature foundations and piping are by others unless specified in the scope of work.
- Handicap lift and all lift accessories
- All conventional plumbing work such as storm/sanitary sewer, potable water, and gas piping. All geothermal work, boilers, heat exchangers, and any HVAC work is by others.
- Pool mechanical work (unless specified above)
- Ozone, UV, or saltwater sanitizing systems
- Brine chlorine system
- All conventional electrical work including power wiring, VFD's, lighting, low-voltage, connections, motor starters, disconnects and electrical bonding:
- Water, chemicals, and other incidental items needed for start-up.
- Performance/payment bonds, liquidated damages and any insurances exceeding our standard which is:
 - General Liability:
 - \$1,000,000 general liability (per occurrence)
 - \$500,000 damage to rented premises
 - \$10,000 medical expense (any one person)
 - \$1,000,000 personal & adv. Injury
 - \$2,000,000 general aggregate
 - \$2,000,000 products – comp/op aggregate
 - \$1,000,000 employee benefits
 - Automobile Liability:
 - \$1,000,000 combined single limit (each accident)
 - Excess/Umbrella Liability:
 - \$4,000,000 each occurrence
 - \$4,000,000 aggregate
 - Workers Compensation and Employers Liability:
 - \$500,000 employer liability - each accident
 - \$500,000 employer liability - each employee
 - \$500,000 employer liability – policy limit
- Winter weather provisions including temporary enclosures, fuel/heat, schedule delays/extensions.
- This proposal is valid only for 30 days from the above date. All clerical errors in this proposal are subject to correction by Badger Swimpools, Inc.

All standard general requirements and administration is included in the costs above. This proposal is valid for 30 days from the above date. Please contact our office at (608) 643-6440 with any questions or if you wish to proceed. We look forward to working with you and thank you for the opportunity to provide this proposal.

Sincerely yours,

BADGER SWIMPOOLS, INC.

Robert E. Jelinek, P.E.

bjelinek@badgerswimpools.com

Badger Swimpools, Inc. • N789 Golf Road, Prairie du Sac, WI 53578 • Ph: 608-643-6440; Fx: 608-643-3732

Ongoing maintenance once all of the other concerns are met under the \$2,000,000.00 umbrella would for the most part fit within the yearly pool budget. Keeping in mind that the longer things are pushed down the line because it is not a priority at budget time the more costly they are to repair or replace.

Priorities:

Outlined under pool renovation at a cost of \$502,500.00.

Replace electrical panel – no cost available at this time, upfront engineering costs and state approved plans would need to be in place.

Replace diving board apparatus - \$12,000.00

Replace the drop slide \$12 -15,000.00

Replace chemical system with a brine system (less corrosive and safer for the staff) – cost not available at this time because of engineering.

Other items include:

Bathhouse roof, siding, windows, plumbing and lighting.

Rework all pumps, motors, plumbing and mounting pads in the mechanical room.

Refinish the water slide.

Replace the mushroom and octopus water features.

I have been discussing the condition of the aquatic center with Horizon Commercial Pools. They are a full service company that can perform all the aspects of a pool renovation top to bottom. They are able to provide estimates, engineering and perform all the necessary repairs.

Berlin Police Department



April 1, 2024

Berlin City Ordinance 6-5(b) requires a licensed bartender on premises if alcoholic beverages are being served. It also facilitates penalty via the fee schedule (under ordinance 1-16) for a person violating that ordinance.

Currently, we do not have 6-5(b) in in our approved 1-16 (fee schedule). The violation has not previously been cited and to begin doing so, we need an approved bond or fee for the violation. I propose:

<u>Offense</u>	<u>Deposit</u>	<u>Total with Court costs</u>
1	\$100	\$187
2	\$200	\$313
3	\$300	\$439

The fee schedule does have an approved bond for City Ordinance 6-45(f)(4), which can be issued to the bar (or the license holder)—a bond amount for the above violation would facilitate our ability to cite the person (not licensed as a bartender) instead of the bar owner.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Pulvermacher".

Brian Pulvermacher
Chief of Police
Berlin Police Department
920-361-0444 x5441
bpulvermacher@berlinpd.wi.gov