



City of New Berlin

Meeting Agenda

Committee of the Whole

New Berlin City Hall
3805 S. Casper Drive
New Berlin, WI 53151

(262) 786-8610
www.NewBerlin.org

Tuesday, January 10, 2023

6:00 PM

City Hall Council Chambers

CALL MEETING TO ORDER

ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

APPROVAL OF MINUTES

1. December 13, 2022 Committee of the Whole Meeting Minutes

UTILITIES & FINANCE

2. Recommend to Council approval of December 28, 2022 Water Utility claims in the amount of \$41,634.91, Sewer Utility claims in the amount of \$403,836.01 and General City claims in the amount of \$495,039.88. US Bank VISA EFT of \$24,223.05.

LICENSES & PERMITS

3. Discussion and possible action to approve the "Class B" liquor license application for FPG Krause, LLC located at W. National Avenue for the premises described in the application as presented. (Transfer of license from Krause Properties LLC. to FPG Krause, LLC).

MISCELLANEOUS

4. Recommend to the Common Council the approval of the Director of Finance to sign the Declaration of Official Intent for the 2023 Debt Issue in an amount not to exceed the approved 2023 CIP & TID Budget amounts plus projected issuance costs

DEFERRED, REFERRED & TABLED ITEMS

ADJOURN

PLEASE NOTE:

Any comments that the public wishes to make may be communicated to the city via email at citizencomments@newberlin.org and will be forwarded to the Mayor and Committee of the Whole.

It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order. It is also possible that members of and a possible quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact City Clerk Rubina R. Medina (262) 786-8610.



**CITY OF NEW BERLIN
COMMITTEE OF THE WHOLE - MINUTES
Tuesday, December 13, 2022**

Regular Meeting

Council Chambers

6:00 PM

Please note: Minutes are unofficial until approved by the Committee of the Whole at the next regularly scheduled meeting.

CALL MEETING TO ORDER

Mayor Ament called the meeting to order at 6:02PM.

ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

Present: Mayor Ament, Alderperson Hopkins, Garrigues, Maxey, Harenda, Stribl, Horbinski and Kroupa

Staff Present: City Attorney Mark Blum, Director of Public Works Josh Radomski, Finance Director Ralph Chipman, Police Department Deputy Chief of Operations Tony Pine, Police Captain Steven Thompson, Deputy Director of Community Development Nikki Jones, Code Compliance Specialist Dan Hogan, Deputy City Clerk Megan Godshall and Deputy City Clerk Sherri Hanson

Sherri stated a quorum has been established and the meeting was properly noticed.

APPROVAL OF MINUTES

ITEM: November 15, 2022 Committee of the Whole Meeting Minutes

MOTION: Motion to approve the November 15, 2022 Committee of Whole Minutes as presented

VOTE: Motion by: Alderman Horbinski
Second by: Alderman Maxey
Motion Passed: 7-0

UTILITIES & FINANCE

ITEM: Recommend to Council approval of the November 23, 2022 Water Utility claims in the amount of \$177,438.50, Sewer Utility claims in the amount of \$20,268.49 and General City claims in the amount of \$2,216,190.72

MOTION: **Motion to approve the Water Utility, Sewer Utility, General City Claims and WE Energies EFT as presented**

VOTE: Motion by: Hopkins
Second by: Garrigues
Motion Passed: 7-0

ITEM: Recommend to Council approval of the December 14, 2022 Water Utility claims in the amount of \$569,064.51, Sewer Utility claims in the amount of \$181,015.87 and General City claims in the amount of \$2,485,999.30. WE Energies EFT of \$65,872.41

MOTION: **Motion to approve the Water Utility, Sewer Utility, General City Claims and WE Energies EFT as presented**

VOTE: Motion by: Garrigues
Second by: Kroupa
Motion Passed: 7-0

LICENSES & PERMITS

ITEM: Discussion and possible action to approve the 2023 Rubbish/Garbage Hauler License applications per the list as presented

MOTION: **Motion to approve the 2023 Rubbish/Garbage Hauler License applications as presented**

VOTE: Motion by: Stribl
Second by: Hopkins
Motion Passed: 7-0

MISCELLANEOUS

ITEM: DPW Update by Josh Radomski, Director of Public Works

ITEM: Discussion and possible action to approve Resolution No. 22-29, A Resolution transferring funds from Contingency to the Streets Department budget for increased fuel costs

MOTION: **Motion to approve Resolution 22-29, transferring funds from contingency to the Streets Department budget for increased fuel costs**

VOTE: Motion by: Harenda
Second by: Stribl
Motion Passed: 7-0

ITEM: Discussion and Possible Action to approve Ordinance 2664, an Ordinance to create section 124-20 of the Municipal Code of the City of New Berlin concerning reimbursement for ambulance fees

MOTION: **Motion to approve Ordinance 2664, an Ordinance to create section 124-20 of the Municipal Code of the City of New Berlin concerning reimbursement for ambulance fees**

VOTE: Motion by: Hopkins
Second by: Garrigues
Motion Passed: 7-0

ITEM: Discussion and Possible Action on the Proposed 2023 CIP Budget

MOTION: **Motion to approve the proposed 2023 CIP Budget**

VOTE: Motion by: Stribl
Second by: Hopkins
Motion Passed: 7-0

ITEM: Discussion and possible action on the proposed TID #3 and TID #5 Capital Borrowings

MOTION: **Motion to approve the proposed TID #3 and TID #5 Capital Borrowings**

VOTE: Motion by: Maxey
Second by: Garrigues
Motion Passed: 7-0

ITEM: Discussion and possible action to approve a MOU to amend Section 15.01 of the 2021-2022 Collective Bargaining Agreement between the NBPPA and the City of New Berlin

MOTION: **Motion to approve Memorandum of Understanding to amend Section 15.01 of the 2021-2022 Collective Bargaining Agreement between the NBPPA and the City of New Berlin**

VOTE: Motion by: Hopkins
Second by: Maxey
Motion Passed: 7-0

ITEM: Discussion and possible action to approve the RAS to pre-hire one sworn police officer in January 2023 in anticipation of at least one retirement in 2023

MOTION: **Motion to approve RAS to pre-hire one sworn police officer in January 2023 in anticipation of at least one retirement in 2023**

VOTE: Motion by: Hopkins
Second by: Maxey
Motion Passed: 7-0

ITEM: Discussion and possible action to approve the RAS regarding the outlined additions/clarifications to the Memorandum of Understanding between the City of New Berlin Police Department and the School District of New Berlin

MOTION: **Motion to approve RAS regarding the outlined additions/clarifications to the Memorandum of Understanding between the City of New Berlin Police Department and the School District of New Berlin**

VOTE: Motion by: Maxey
Second by: Harenda
Motion Passed: 7-0

ITEM: Discussion and possible action regarding the Requested Action Statement from Ald. Stribl directing staff to amend the City's Zoning Code to prohibit short-term rentals as permitted under Section 66.1014 of the Wisconsin Statutes.

MOTION: **Motion to approve Requested Action Statement from Ald. Stribl directing staff to amend the City's Zoning Code to prohibit short-term rentals as permitted under Section 66.1014 of the Wisconsin Statutes**

VOTE: Motion by: Stribl
Second by: Horbinski
Motion Passed: 6-1 with Alderman Maxey Opposing

DEFERRED, REFERRED & TABLED ITEMS

ADJOURN

MOTION: **Motion to adjourn at 6:41PM**

VOTE: Motion by: Kroupa
Second by: Garrigues
Motion Passed 7-0

*Respectfully Submitted,
Sherri L Hanson, Deputy City Clerk*

December 8, 2022

VIA E-MAIL: rmedina@newberlinwi.gov
& FED-EX

Rubina R. Medina, WCMC
New Berlin City Clerk
City of New Berlin
3805 S. Casper Dr.
New Berlin WI 53151

FPG Krause, LLC Licensing

Dear Ms. Medina:

We represent FPG Krause, LLC, and submit this alcohol beverage license application on its behalf. Accordingly, please find attached:

- Form AT-106, Alcohol Beverage Retail License Application
 - AT-103, Auxiliary Questionnaire
 - AT-104, Schedule for Appointment of Agent by Corporation/Nonprofit Organization or Limited Liability Company
 - Check in the amount of \$615 for License Fee
 - Check in the amount of \$17 for background check fee

The proposed licensed premises is a portion of the Krause Funeral Home & Cremation Service facility located at 12401 W. National Avenue, New Berlin, WI 53151. Currently, Krause Properties, LLC (“Krause Food Service”) holds Class B retail licenses for this same premises, operating separately from Krause’s death services business. Krause Food Service has held these licenses for over a decade but will surrender these licenses if FPG Krause is granted the licenses applied for herein.

Generally, Krause Food Service provides food and drink for funeral attendees. Krause Food Service limits its operation to the licensed premises which only includes the lower level two dining areas (lower lounge and dining room) and storage in a locked liquor cabinet area. In other words, while funeral attendees generally have access to all public areas within the facility, alcohol beverage service and consumption is strictly limited to Krause Food Service’s licensed premises.

FPG Krause intends to operate identically to Krause Food Service. FPG Krause will be operated by Mark J. Krause, who has operated Krause Food Service for over a decade. And, like Krause Food Service has, FPG Krause will limit its operations to *only* the licensed premises, ensuring that alcohol beverage service and consumption is limited to that premises.

December 8, 2022

Page 2

A change in ownership structure and licensed entity necessitates this application. Again, FPG Krause will not make any operational changes. Further, FPG Krause does not intend to make any personnel changes.

Please let us know if you have any questions or would like to discuss. Zach Bemis can be reached at (608) 284-2224 or zbemis@gklaw.com, and Parker Conover can be reached at (608) 284-2624 or pconover@gklaw.com.

GODFREY & KAHN, S.C.

A handwritten signature in blue ink, appearing to be 'ZB' followed by a long horizontal flourish.

Zachary Bemis
M. Parker Conover

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 07/01/2022 ending: 06/30/2023
(mm dd yyyy) (mm dd yyyy)To the Governing Body of the: ☐ Town of }
☐ Village of } NEW BERLIN
☒ City of }County of WAUKESHA Aldermanic Dist. No. _____
(if required by ordinance)Check one: ☐ Individual ☒ Limited Liability Company
☐ Partnership ☐ Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number 456103118400002	
FEIN Number 88-4247712	
TYPE OF LICENSE REQUESTED	FEE
☐ Class A beer	\$
☒ Class B beer	\$ 100
☐ Class C wine	\$
☐ Class A liquor	\$
☐ Class A liquor (cider only)	\$ N/A
☒ Class B liquor	\$ 500
☐ Reserve Class B liquor	\$
☐ Class B (wine only) winery	\$
Publication fee	\$ 15
TOTAL FEE	\$ 615

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

FPG KRAUSE, 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)
KRAUSE	MARK	J	20565 CHADWICK LANE, BROOKFIELD 53045
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name FPG KRAUSE, LLC Business Phone Number 414-354-94002. Address of Premises 12401 W. NATIONAL AVE Post Office & Zip Code NEW BERLIN 53151

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.)

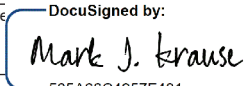
THE SERVICE OF ALCOHOL BEVERAGES WILL TAKE PLACE IN THE LOWER LEVEL OF THE FACILITY. THIS INCLUDES TWO DINING AREAS (LOWER LOUNGE & DINING ROOM).THE PREMISES IS ONLY THESE LOCATIONS AND DOES NOT INCLUDE THE ENTIRE FACILITY.STORAGE WILL BE IN A LOCKED ALCOHOL BEVERAGE CABINET AREA IN THAT LOWER LEVEL.

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? KRAUSE PROPERTIES LLC D/B/A KRAUSE FOOD

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
AGENT HAS COMPLETED THE RESPONSIBLE BEVERAGE SERVER TRAINING COURSE
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 11/30/22 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** ☒ Yes ☐ No
FPG KRAUSE, LLC, IS WHOLLY OWNED BY FPG WISCONSIN, LLC.
- (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? ☒ Yes ☐ No
If yes, explain.
MARK KRAUSE (AGENT) IS CURRENT AGENT/OWNER OF KRAUSE PROPERTIES LLC.
KRAUSE PROPERTIES LLC WILL SURRENDERS ITS CURRENT LICENSES UPON FPG
KRAUSE LLC BEING ISSUED LICENSES.
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.) KRAUSE, MARK J.	Title/Member AGENT	Date 12/5/2022 6:17 AM PST
Signature  505A66C4957F401...	Phone Number 414-464-4640	Email Address

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

DECLARATION OF OFFICIAL INTENT

This is a Declaration of Official Intent of the City of New Berlin, Wisconsin (the “Issuer”) to reimburse expenditure with proceeds of a borrowing or borrowings authorized by the Issuer. This Declaration is made under and pursuant to Treas. Reg Section 1.150-2. The undersigned has been designated as an official or employee authorized by the Issuer to make this Declaration of Official Intent pursuant to a Resolution adopted on January 27, 1998. This Declaration of Official Intent is a public record maintained in the files of the Issuer and is available for public inspection pursuant to Subchapter II of Chapter 19 of the Wisconsin Statutes.

The undersigned hereby declares that it is the reasonable expectation of the Issuer to use proceeds of a borrowing or borrowings to be incurred by the Issuer to reimburse expenditures fund(s)/account(s) described below:

1. Project description 2023 Capital Improvement Program & TID Borrowings

The maximum principal amount of the borrowing or borrowings to be incurred to reimburse expenditures for the above-described purposes is reasonably expected, on the date hereof, to be \$ 19,400,000.00.

The Issuer intends to reimburse itself from borrowed funds within eighteen (18) months, 3 years if the Issuer is a “small issuer” after the later of (a) the date the expenditure is paid or (b) the date the facility is placed in service, but in no event more than 3 years after the expenditure is paid.

No money from sources other than the anticipated borrowing or borrowings is, or is reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Issuer with respect to the expenditure, pursuant to the budgetary and financial circumstances of the Issuer as of the date of this Declaration.

Dated this 10th day of January, 2023

By: _____

City Finance Director