



# Special Common Council MEETING AGENDA

June 25, 2024 - 6:00 PM  
City Hall Council Chambers

Amended: 6/24/2024 @ 12:00 pm

Published: 6/21/2024

## AGENDA

### 1. PRIVILEGE OF THE FLOOR

*Each speaker is limited to 3 minutes. The session will conclude at 6:30 pm.*

### 2. CALL TO ORDER, PLEDGE OF ALLEGIANCE

### 3. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

### 4. REPORTS

- A. City Clerk
- B. Council President
- C. Mayor

### 5. NEW BUSINESS

- A. Consideration of an Initial Resolution Regarding Industrial Development Revenue Bond Financing for Wenthe-Davidson Engineering Co. Project. Information with respect to the job impact of the project will be available at the time of consideration of the Initial Resolution
- B. Discussion and possible action to approve the June 26th, 2024, Water Utility Claims in the amount of \$151,825.70, Sewer Utility claims in the amount of \$61,800.73, and General City claims in the amount of \$884,426.75. Tax overpayment checks totaling \$7,509.52 were also generated. We Energies EFT of \$69,919.60 for the April 2024 energy usage
- C. Discussion and possible action to approve the renewal alcohol license applications for the licensing year of July 1st, 2024, to June 30, 2025, per the applications on file subject to meeting all requirements
- D. Discussion and possible action to approve Resolution 2024-15, a Resolution amending the 2024 Capital Projects Budget to increase that budget by \$850,000 for the Community Center at Hickory Grove project
- E. Discussion and possible action to approve the Extension of Premise application submitted by Michael Teipner of The Varsity Club for a special event on July 12th and 13th from 4:30 PM to 10:00 PM in the establishment's parking lot per the application on file

### 6. UTILITY COMMITTEE

- A. UT 07-24 Recommend to the Common Council to approve Resolution #24-12 Compliance Maintenance Annual Report (CMAR) for reporting year 2023.

- B. UT 08-24 Recommend to the Common Council to amend the 2024 Wastewater CIP Budget in the amount of \$69,750 to complete the Davit Lift Station Cranes project.
- C. UT 09-24 Recommend to the Common Council to award the construction contract for the Davit Lift Station Crane project to the lowest responsive bidder, Sackerson Construction Co. Inc. in the amount of \$132,500 with a ten percent (10%) contingency of \$13,250 for a total project cost not to exceed \$145,750.

**7. MAYORAL APPOINTMENTS**

- A. Discussion and Possible Action to approve the Mayoral Appointments per the list as presented

**8. ADJOURN**

**Supplemental Information:**

- *The meeting agenda and agenda packet are available online at [www.NewBerlinWI.gov](http://www.NewBerlinWI.gov)*
- *The minutes are published online and are approved at the next regularly scheduled meeting.*
- *Action may be taken on any of the agenda items and the agenda may be discussed in any order.*
- *You may email comments to the City Clerk at [CitizenComments@NewBerlinWI.gov](mailto:CitizenComments@NewBerlinWI.gov). The comments will be forwarded to the mayor and governing body members. The emailed comments are not read during the meeting.*
- *The City of New Berlin is committed to hosting inclusive, accessible meetings. We strive to enable all individuals, regardless of their abilities, to engage and participate fully. If you have a qualifying disability under the Americans with Disabilities Act that requires the meeting to be accessible, please contact the Office of the City Clerk at (262) 786-8610 or via email at [ClerksOffice@NewBerlinWI.gov](mailto:ClerksOffice@NewBerlinWI.gov) at least 48 hours before the scheduled meeting time. We will make every effort to accommodate your needs through appropriate aids and/or services.*
- *It is also possible that members of and possibly a quorum of other municipal governmental bodies may attend the above-stated meeting to gather information; any governmental body will take no action at the above-stated meeting other than the governmental body specifically referred to in the above meeting notice.*



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St. Louis  
Tampa  
Tucson  
Washington, D.C.

June 20, 2024

**VIA EMAIL**

Ms. Rubina R. Medina  
City Clerk  
City of New Berlin  
3805 South Casper Drive  
New Berlin, WI 53151

Re: Not to Exceed \$4,200,000 City of New Berlin Industrial Development Revenue Bonds, Series 2024 (Wenthe-Davidson Engineering Co. Project) (the "Bonds")

Dear Ms. Medina:

We appreciate the opportunity to serve as special issuer's counsel to the City of New Berlin, Wisconsin (the "City") in connection with the issuance of the Bonds by the City as industrial revenue bonds pursuant to Section 66.1103, Wisconsin Statutes. While we generally serve as the City's bond counsel in connection with its traditional municipal finance projects, we would not be serving as bond counsel in connection with the Bonds. The purpose of this letter is to set forth the role we would serve and responsibilities we would assume as special issuer's counsel in connection with the issuance of the Bonds.

Scope of Services. In our role as special issuer's counsel relating to the issuance of the Bonds, we will:

- examine the applicable law;
- review authorizing and closing documents such as the initial and final resolutions, the indenture, bond agreement or similar governing document, and closing certificates prepared by bond counsel and other counsel in the transaction;
- review the portions of the offering document, if any, for which the City assumes responsibility;
- consult, when necessary, with the parties to the transaction;
- attend meetings as requested by the City;
- review certified proceedings; and
- undertake such additional duties as requested by the City.

QB\90579039.1

Subject to the completion of the proceedings, we will advise the City as follows:

1. That the City has the authority to issue the Bonds contemplated in the proposed financing;
2. That the financing documents are in customary form for conduit municipal financings of the type being considered, including provisions regarding limitation of liability, indemnification and reimbursement of expenses; and
3. That the Bonds are payable solely from revenues or other collateral provided by or on behalf of Wenthe-Davidson Engineering Co., and/or one or more of its subsidiaries (the "Borrower") and do not constitute an indebtedness of the City within the meaning of any State constitutional provision or statutory limitation, nor give rise to a charge against the City's general credit or the City's taxing powers nor create a pecuniary liability of the City and that such limitation of liability is plainly stated on the face of each Bond issued.

As special issuer's counsel, we do not undertake to review or opine as to other matters relating to the financing, such as the validity and enforceability of the Bonds, the creditworthiness of the Borrower, the security for the Bonds or feasibility of the project(s) being financed by the Bonds, the adequacy of the revenues or other collateral for the Bonds, compliance by the City with the procedural requirements of Section 66.1103 of the Wisconsin Statutes, the adequacy of disclosure with respect to the sale of the Bonds, compliance with any federal or state securities laws, or any related matters. We assume that these matters will be the responsibility of other professionals and counsel to the transaction, including, but not limited to, the bond counsel selected by the Borrower (Husch Blackwell LLP), purchaser's or underwriter's counsel, the Borrower's counsel and bank counsel (if any).

In delivering any requested written opinion as special issuer's counsel, we will rely upon facts certified as true in the certified transcript of the proceedings or represented to us as true by officers of the City, and will not undertake to verify any fact by independent investigation.

As you are aware, the Internal Revenue Service has in recent years substantially increased its audit activity of conduit financings. In an audit, the issuer of a conduit bond financing, and not the borrower, is treated as the issuer and therefore the City, as issuer, would become directly involved in the audit process, incurring potentially significant staff costs and legal expenses if the financing were to be selected for an audit and the Borrower does not comply with its contractual obligations to reimburse the City for such costs. Please be aware that the IRS would impute knowledge of such matters as, for example, the nature of the project, the investment and expenditure of Bond proceeds, and the structure of the financing, to the City as issuer of the Bond, even though the City may not have any actual knowledge or involvement in or control over those matters.

The services we will provide under this engagement are strictly limited to legal services. We are neither qualified nor engaged to provide financial advice and we will make no representation about the desirability of the proposed plan of finance, the feasibility of the projects financed by the Bond, or any related matters.

Conclusion of Engagement. Our representation of the City as special issuer's counsel in connection with the Bonds will be concluded on the closing of the Bonds; specifically, but without implied limitation, we do not undertake (unless separately engaged) to provide continuing advice to the City or to represent the City in an Internal Revenue Service, SEC, or other regulatory survey or audit of the Bonds.

Staffing and Fees. Our services as special issuer's counsel will be billed on an hourly basis at our customary rates. I would expect to perform the majority of the work on this matter with the assistance of Thomas Cameron, an associate in the Public Finance Group. My current hourly rate is \$615 and Thomas's hourly rate is \$475. Our rates are adjusted annually on October 1. For informational purposes only, it is our experience that fees incurred in this type of representation may range from \$15,000 to \$18,000, but this amount could vary significantly depending upon individual circumstances and actual time spent. For example, this amount will be significantly higher if we are asked to attend meetings of the Common Council or participate in weekly working group calls for an extended period of time, extensive conference calls, or if there are significant changes to the structure of the Bonds requiring significant redrafts of documents in the course of the financing. It is our understanding that, as is customary, our fees, together with any out-of-pocket expenses, will be the responsibility of the Borrower, and we will provide a letter to the Borrower outlining these fees and their responsibility for them. At the conclusion of our engagement as special issuer's counsel, we will send our statement for services rendered directly to the Borrower.

Potential Unrelated Matters Involving the City. Because of the diversity of practice of our firm, the firm may be asked to represent other clients in matters adverse to the City, for example, in zoning, licensing, land division, real estate, property tax or other matters which are unrelated to our issuer's counsel work. Ethical requirements require that we obtain the City's consent to such representations. We do not represent you in legal matters regularly, although we may be called upon for special representation occasionally, and our issuer's counsel work does not usually provide us information that will be disadvantageous to you in other representations. We do not believe that such representations of others would adversely affect our relationship with you, and we have found that local governments generally are agreeable to the type of unrelated representation described above. Your approval of this letter will serve to confirm that the City consents and agrees to our representation of other present or future clients in matters adverse to the City which are not substantially related to the borrowing and finance area or any other area in which we have agreed to serve it. We agree, however, that your prospective consent to conflicting representation contained in this paragraph shall not apply in any instance where, as a result of our representation of the City, we have obtained proprietary or other confidential information, that, if known to the other client, could be used by that client to your material disadvantage. We will not disclose to the other client(s) any confidential information received during the course of our representation of the City. If you have any questions or would like to discuss this consent further, please call us.

We also want to advise you that from time to time we represent underwriters and purchasers of municipal obligations, as well as other bond market participants. In past transactions or matters that are not related to the issuance of the Bonds and our role as issuer's counsel, we may have served as counsel to the financial institution that has or will underwrite, purchase or place the Bonds. We may also be asked to represent financial institutions and other market participants, including the underwriter, purchaser or placement agent of the Bonds, in future transactions or matters that are not related to the

issuance of the Bonds or our role as issuer's counsel. By engaging our services under the terms of this letter, the City consents to our firm undertaking representations of this type.

Organization of Firm; Malpractice. Our firm is a limited liability partnership ("LLP"). Because we are an LLP, no partner of the firm has personal liability for any debts or liabilities of the firm except as otherwise required by law, and except that each partner can be personally liable for his or her own malpractice and for the malpractice of persons acting under his or her actual supervision and control. As an LLP we are required by our code of professional conduct to carry at least \$10,000,000 of malpractice insurance; currently, we carry coverage with limits substantially in excess of that amount. Please call me if you have any questions about our status as a limited liability partnership.

If the foregoing terms of this engagement are acceptable to you, please so indicate by returning the enclosed copy of this letter dated and signed by an appropriate officer, retaining the original for your files. If we do not hear from you within thirty (30) days, we will assume that these terms are acceptable to you, but we would prefer to receive a signed copy of this letter from you.

We are proceeding with our work as special issuer's counsel to the City and will review documents provided to us and provide written opinions as requested.

If you have any questions, please do not hesitate to call me at any time.

Very truly yours,

QUARLES & BRADY LLP

*Bridgette Keating* (TDC)

Bridgette J. Keating

BJK:TDC

cc: Ralph Chipman (via email)  
Mark Blum (via email)  
Thomas Cameron (via email)

Accepted and Approved:

CITY OF NEW BERLIN, WISCONSIN

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_



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San Diego  
St. Louis  
Tampa  
Tucson  
Washington, D.C.

June 20, 2024

**VIA EMAIL**

Michael T. Kruck  
Chief Financial Officer  
Wenthe-Davidson Engineering Co.  
16300 West Rogers Drive  
New Berlin, WI 53151  
[mkruck@wenthe-davidson.com](mailto:mkruck@wenthe-davidson.com)

Re: Not to Exceed \$4,200,000 City of New Berlin, Wisconsin Industrial Development Revenue Bonds, Series 2024 (Wenthe-Davidson Engineering Co. Project) (the "Bonds")

Dear Michael:

We are serving as special issuer's counsel to the City of New Berlin, Wisconsin (the "City") in connection with the proposed issuance of the Bonds by the City as industrial revenue bonds pursuant to Section 66.1103, Wisconsin Statutes. In that capacity, we will be reviewing the financing documents and providing advice to the City in accordance with the terms of our engagement letter with the City. Although the City is our client, we understand that Wenthe-Davidson Engineering Co., as the Borrower, will be responsible for payment of our fees. Accordingly, the purpose of this letter is to provide you with information regarding those fees.

Our services as special issuer's counsel will be billed on an hourly basis at our customary rates. Our applicable hourly rates range from \$450 to \$475 for associates and \$600 to \$800 for partners. I would expect the majority of the work on these matters to be performed by me and Thomas Cameron, an associate in the Public Finance Group. My hourly rate is \$615. Thomas' hourly rate is \$475. Our rates are adjusted annually on October 1. For informational purposes only, it is our experience that fees incurred as special issuer's counsel in similar transactions generally range from \$15,000 to \$18,000, but this amount could vary depending upon individual circumstances and actual time spent. For example, this amount will be higher if we are asked to attend meetings of the City or participate in weekly working group calls for an extended period of time or extensive conference calls, or if there are significant changes to the structure of the Bonds requiring significant redrafts of documents in the course of the financing.

Michael T. Kruck

June 20, 2024

Page 2

At the conclusion of our engagement as special issuer's counsel (whether or not the financing is consummated) we will send a statement for services rendered directly to you.

Good luck to you with the project. If you have any questions regarding our role in the financing or our fees, please let me know.

Very truly yours,

QUARLES & BRADY LLP



Bridgette J. Keating

BJK:TDC

cc: Rubina R. Medina (via email)  
Ralph Chipman (via email)  
Mark Blum (via email)  
Katie Norris (via email)  
Lynda R. Templen (via email)  
Adam Roundy (via email)  
Kate Albrecht (via email)  
Thomas Cameron (via email)

## RENEWAL ALCOHOL LICENSE APPLICANTS

Special Council Meeting Date: June 25, 2024

The individuals below hereby apply to the City of New Berlin Common Council for an Alcohol License as described below, subject to Wisconsin Statutes and City of New Berlin Ordinances, for the period ending June 30, 2025. Licenses are issued by the City Clerk pending all requirements being met, inspections passed and fees paid.

Page: 1

| Trade Name                                                                      | Agent                                                                 | Applying for License                                                                                 |
|---------------------------------------------------------------------------------|-----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| 1. Armeli's Of New Berlin, Inc.<br>16201 W National Ave<br>New Berlin, WI 53151 | Anthony Armeli<br>N53 W34468 Road Q<br>Okauchee, WI 53069             | "Class B" - Combo<br><b>Armeli's Restaurant</b>                                                      |
| 2. Blazin Wings Inc.<br>3 Glenlake Pkwy, Floor 5<br>Atlanta, GA 30328           | Justina Bransted<br>S75 W16665 Jacob Court #33<br>Muskego, WI 53150   | RESERVE "Class B" - Combo<br><b>Buffalo Wild Wings</b><br><b>*Establishment must pass Inspection</b> |
| 3. Bobbleheads Pub, LLC<br>12785 W Janesville Road<br>New Berlin, WI 53150      | Daniel W. Petrie<br>S73 W14596 Woods Road<br>Muskego, WI 53150        | "Class B" - Combo<br><b>Bobbleheads</b><br><b>*Establishment must pass Inspection</b>                |
| 4. Brunchberry LLC<br>4900 S. Moorland Road<br>New Berlin, WI 53151             | Driton Sabani<br>S59 W29822 Preserve Ct<br>Waukesha, WI 53189         | "Class B" - Combo<br><b>Brunchberry Restaurant</b><br><b>*Establishment must pass Inspection</b>     |
| 5. China Dragon LLC<br>15820 W. National Ave.<br>New Berlin, WI 53151           | Xiao H. Huang<br>13438 W. Kirkwood Dr.<br>New Berlin, WI 53151        | "Class B" - Combo<br><b>China Dragon Restaurant</b>                                                  |
| 6. Cool Golf LLC<br>4285 S Sunnyslope Rd<br>New Berlin, WI 53151                | John Bauer<br>1394 Bludbird Drive<br>Oconomowoc, WI 53066             | "Class B" - Combo<br><b>Sunnyslope Golf Course</b><br><b>*Establishment must pass Inspection</b>     |
| 7. FPG Krause, LLC<br>12401 W National Ave.<br>New Berlin, WI 53151             | Mark J. Krause<br>20565 Chadwick Lane<br>Brookfield, WI 53045         | RESERVE "Class B" - Combo<br><b>Krause Funeral Home</b>                                              |
| 8. Jay & Sons, Inc.<br>17145 W. Greenfield Ave<br>New Berlin, WI 53151          | Jayesh V. Patel<br>10701 W. Grange Ave #28<br>Hales Corners, WI 53130 | "Class A" Retail - Combo<br><b>New Berlin Mobil</b>                                                  |
| 9. Joons, LLC<br>20101 W. Cleveland Ave<br>New Berlin, WI 53151                 | Kristin Renee Robran<br>W25456620 Ridge Road<br>Waukesha, WI 53189    | Class "B" - Beer<br><b>Tee It Up</b>                                                                 |

## **RENEWAL ALCOHOL LICENSE APPLICANTS**

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Page: 2

|     | <b>Trade Name</b>                                                                 | <b>Invited Agent</b>                                               | <b>Applying for License</b>                                                                         |
|-----|-----------------------------------------------------------------------------------|--------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| 10. | NFS2, LLC.<br>12940 W. National Ave.<br>New Berlin, WI 53151                      | Dalip Singh<br>N56 W15743 Scott Ln.<br>Menomonee Falls, WI 53051   | "Class A" Retail - Combo<br><b>New Berlin Liquor</b>                                                |
| 11. | Prospect Hill Pub & Eatery, LLC<br>19745 W. National Ave.<br>New Berlin, WI 53146 | Kimberly M. Mathy<br>W198S8456 Bendingbrae Dr<br>Muskego, WI 53150 | "Class B" - Combo<br><b>Prospect Hill Pub &amp; Eatery</b>                                          |
| 12. | Sunny Side Up Cafe LLC<br>15744 W. National Ave<br>New Berlin, WI 53151           | Lee C. Chiroff<br>15365 W. Mark Dr.<br>New Berlin, WI 53151        | RESERVE "Class B" - Combo<br><b>Sunnyside Up Cafe</b><br><b>*Establishment must pass inspection</b> |
| 13. | Walgreen Co.<br>P.O. Box 901<br>Deerfield, IL 60015                               | Linda M. Wasiak<br>W158 S7286 Martin Rd<br>Muskego, WI 53150       | "Class A" Retail - Combo<br><b>Walgreens</b>                                                        |



### **REQUESTED ACTION STATEMENT**

**TO:** Common Council  
Mayor Dave Ament

**FROM:** Joe Stribl, Alderperson 5<sup>th</sup> District

**RE:** Requested Action Statement to increase funding for the Community Center at Hickory Grove renovation project.

**DATE:** June 25, 2024

**REQUESTED ACTION:** To amend and increase the 2024 CIP budget in the amount of \$850,000

**FISCAL IMPACT:** The funds will be transferred to the Community Center at Hickory Grove CIP account, 0425290061103 C2024

**SOURCE OF FUNDS:** 2024 CIP Budget

**RATIONALE/BACKGROUND:** Staff has provided information that an additional \$850,000 would provide funding to cover the received bids from the June 5<sup>th</sup>, 2024 bid opening for the Hickory Grove renovation project. Staff can alter this project and move certain items such as but not limited to the full build out of the parking lot and build out of the internal storage and interior finishes, to Phase II for a future date.

For this project to not exceed the budget with this additional funding, I have requested staff make significant cuts where possible to each bid scope. This additional funding will keep this project on track for its start date in 2024. This should also allow for Phase I of this project to open next year and for the City to continue with its overall facilities improvement plan, which includes demolishing the existing Community Center building in 2025.

## RESOLUTION NUMBER 2024-15

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A RESOLUTION AMENDING THE 2024 CAPITAL PROJECTS BUDGET

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**WHEREAS**, the bids for Community Center at Hickory Grove project came in over the initial budgeted project estimate. It was determined that to avoid additional price increases, material availability delays and to stay on schedule with the previous plan discussed with the Mayor and Common Council in early 2024 it is critical that this project be done this year. To this end, the 2024 CIP Budget would need to be amended accordingly (which is the purpose of this resolution) and these funds be reallocated to the Community Center at Hickory Grove renovation account.

**WHEREAS**, It was determined that the Capital Projects Budget had to be amended to accomplish these goals.

**NOW THEREFORE BE IT RESOLVED**, by the Common Council of the City of New Berlin that the Capital Projects Fund Budget be amended as follows:

REVENUES - Increase

**Account Number** (to be established by Director of Finance) BOND PROCEEDS \$850,000

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to publish this resolution in the Waukesha County NOW within 10 days of adoption by the Common Council.

**RESOLUTION ADOPTED** by the New Berlin Common Council this 25th day of June 2024.

---

David Ament, Mayor

Countersigned:

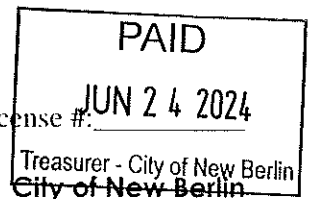
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Rubina R. Medina, City Clerk

Fee: \$50



(Office use) License #:



Clerk's Office/Community Relations Dept.  
3805 South Casper Drive  
New Berlin, WI 53151-0921  
262-786-8610

**CITY OF NEW BERLIN  
EXTENSION OF PREMISE APPLICATION**

1. First name: Michael Last name: Turner Middle initial: J  
2. Phone number: (414) 339-5952 E-mail: Varsityservices@turner.com  
3. Business name: THE VARSITY CLUB  
4. Business address: 12400 W. BLUNT RD  
5. License number for which you wish to temporarily extend premise: \_\_\_\_\_  
6. Name of event or function for which the temporary extension is sought: MUSIC FEST JULY

7. Date(s) and time frame of event(s) for which the temporary extension is sought (All Temporarily Extensions are required to be approved by the Common Council of the City of New Berlin. Applications must be completed in its entirety and to the Clerk's office 15 days before the event.): JULY 12 & 13 2024  
4:30-10:00PM

8. Specific description of the site for which the temporary extension is sought, including dimensions of the area and where beer/liquor is to be served from: PARKING LOT AREA  
NORTH OF BUILDING

9. List the location of all exits: SOUTH EAST CORNER OF LOT  
NORTH SIDE OF LOT

10. How will licensed premise area be restricted and screened for underage people? Security People  
AT Entry Gate - COLORED WEAVE BANDS  
CHECK ALL I.D.'S

11. Have you obtained liability coverage for the event of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate, naming the City of New Berlin as an additional insured? Yes ☒ No ☐

\*Attach a copy of policy endorsement along with application\*

12. Will the event encroach upon any public property or public right-of-way?

Yes ☐

No ☒

13. Have you obtained a use approval for the special event from the Planning Department?

Yes ☒

No ☐

*\*Must include proof of approval with application\**

14. Application must be accompanied by a diagram that outlines where extension will be located in reference to currently licensed premise, service area, exits and any fences or barricades that will be utilized during special event.

15. All Temporarily Extensions are required to be approved by the Common Council of the City of New Berlin. Applications must be completed in its entirety and to the Clerk's office 15 days before the event.

*To the Common Council of the City of New Berlin, Wisconsin:*

I hereby apply for a License to extend the premise of the alcohol beverage license at the premises described above, in the City of New Berlin, subject to the limitations imposed by Wisconsin Statutes and acts amendatory hereof and supplementary thereto, and hereby agree to comply with all laws, resolutions, ordinances and regulations affecting the sale of such beverages if a license be granted me.

I acknowledge that all additional city and state permits required for this event have been applied for and copies of said permits have been provided to the New Berlin City Clerk's Office.

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 24th DAY OF June, 2024

[Signature]  
(Clerk/Notary Public)

My commission expires: November 25, 2025

[Signature]  
(Officer of Corporation/Member/Manager of LLC/Partner/Individual)

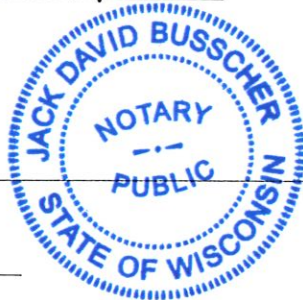
Michael S. Terence

(Officer of Corporation/Member/Manager of LLC/Partner/Individual)

Heide, Marybeth

(Officer of Corporation/Member/Manager of LLC/Partner/Individual)

(If owner of property is different from licensee, owner of property must also sign.)

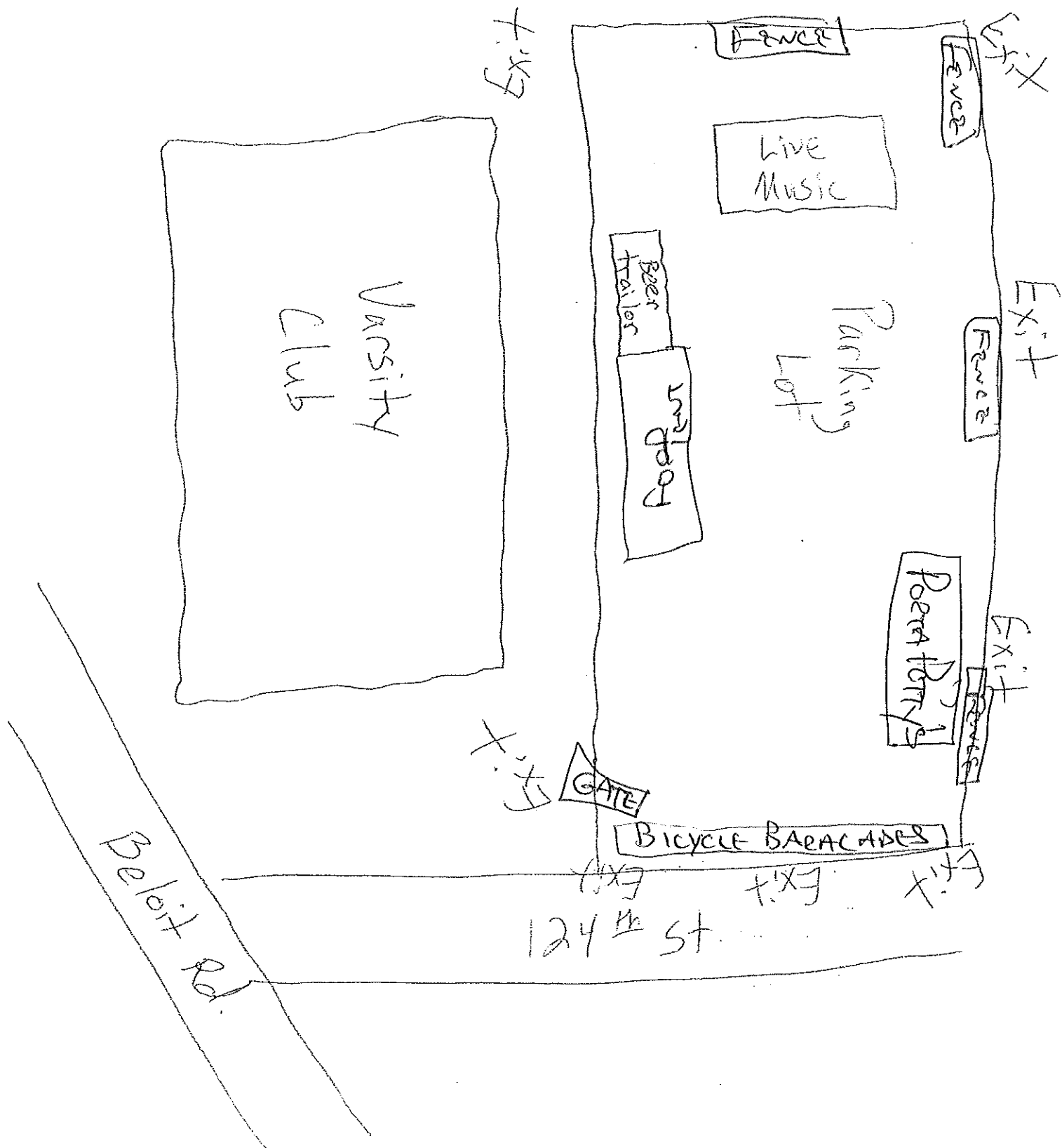


\*\*\*Office use only\*\*\*

Date received: \_\_\_\_\_

Notes (past citations, complaints, etc.):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
06/19/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| <b>PRODUCER</b><br>MM Insurance Associates<br>15350 W. National Ave.<br>Suite 212<br>New Berlin WI 53151                        |                              | <b>CONTACT NAME:</b> Molly Hartman<br><b>PHONE (A/C, No, Ext):</b> (262) 754-4736<br><b>E-MAIL ADDRESS:</b> molly@mminsurancessociates.com<br><b>FAX (A/C, No):</b> (262) 754-4739                                                                                                                                                                                                                                                                                                                                                          |                               |  |        |            |                             |       |            |                              |       |            |                   |       |            |                           |       |            |  |  |            |  |  |
|---------------------------------------------------------------------------------------------------------------------------------|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|--|--------|------------|-----------------------------|-------|------------|------------------------------|-------|------------|-------------------|-------|------------|---------------------------|-------|------------|--|--|------------|--|--|
| <b>INSURED</b><br>Blue Moon Enterprises, LLC<br>dba Varsity Club, dba Alumni Club<br>12400 W Beloit Road<br>New Berlin WI 53151 |                              | <table border="1"><thead><tr><th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A:</td><td>TRAVELERS INDEMNITY COMPANY</td><td>25682</td></tr><tr><td>INSURER B:</td><td>NATIONWIDE INSURANCE COMPANY</td><td>23779</td></tr><tr><td>INSURER C:</td><td>BERKLEY SPECIALTY</td><td>31295</td></tr><tr><td>INSURER D:</td><td>ILLINOIS CASUALTY COMPANY</td><td>15571</td></tr><tr><td>INSURER E:</td><td></td><td></td></tr><tr><td>INSURER F:</td><td></td><td></td></tr></tbody></table> | INSURER(S) AFFORDING COVERAGE |  | NAIC # | INSURER A: | TRAVELERS INDEMNITY COMPANY | 25682 | INSURER B: | NATIONWIDE INSURANCE COMPANY | 23779 | INSURER C: | BERKLEY SPECIALTY | 31295 | INSURER D: | ILLINOIS CASUALTY COMPANY | 15571 | INSURER E: |  |  | INSURER F: |  |  |
| INSURER(S) AFFORDING COVERAGE                                                                                                   |                              | NAIC #                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                               |  |        |            |                             |       |            |                              |       |            |                   |       |            |                           |       |            |  |  |            |  |  |
| INSURER A:                                                                                                                      | TRAVELERS INDEMNITY COMPANY  | 25682                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                               |  |        |            |                             |       |            |                              |       |            |                   |       |            |                           |       |            |  |  |            |  |  |
| INSURER B:                                                                                                                      | NATIONWIDE INSURANCE COMPANY | 23779                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                               |  |        |            |                             |       |            |                              |       |            |                   |       |            |                           |       |            |  |  |            |  |  |
| INSURER C:                                                                                                                      | BERKLEY SPECIALTY            | 31295                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                               |  |        |            |                             |       |            |                              |       |            |                   |       |            |                           |       |            |  |  |            |  |  |
| INSURER D:                                                                                                                      | ILLINOIS CASUALTY COMPANY    | 15571                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                               |  |        |            |                             |       |            |                              |       |            |                   |       |            |                           |       |            |  |  |            |  |  |
| INSURER E:                                                                                                                      |                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                               |  |        |            |                             |       |            |                              |       |            |                   |       |            |                           |       |            |  |  |            |  |  |
| INSURER F:                                                                                                                      |                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                               |  |        |            |                             |       |            |                              |       |            |                   |       |            |                           |       |            |  |  |            |  |  |

## COVERAGES

CERTIFICATE NUMBER: CL2141302249

REVISION NUMBER:

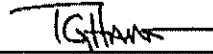
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE                                                                                         | ADDL INSD | SUBR WVD                                  | POLICY NUMBER    | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                          |              |    |
|----------|-----------------------------------------------------------------------------------------------------------|-----------|-------------------------------------------|------------------|-------------------------|-------------------------|---------------------------------------------------------------------------------|--------------|----|
| C        | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY                                          |           |                                           | CGL 0229573-20   | 06/17/2024              | 06/17/2025              | EACH OCCURRENCE                                                                 | \$ 1,000,000 |    |
|          | <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR                            |           | DAMAGE TO RENTED PREMISES (Ea occurrence) |                  |                         |                         | \$ 300,000                                                                      |              |    |
|          |                                                                                                           |           | MED EXP (Any one person)                  |                  |                         |                         | \$ 10,000                                                                       |              |    |
|          |                                                                                                           |           | PERSONAL & ADV INJURY                     |                  |                         |                         | \$ 1,000,000                                                                    |              |    |
|          | GEN L AGGREGATE LIMIT APPLIES PER:                                                                        |           |                                           |                  |                         |                         | GENERAL AGGREGATE                                                               | \$ 2,000,000 |    |
|          | <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC |           |                                           |                  |                         |                         | PRODUCTS - COMP/OP AGG                                                          | \$ 2,000,000 |    |
|          | OTHER:                                                                                                    |           |                                           |                  |                         |                         |                                                                                 |              | \$ |
| B        | <input checked="" type="checkbox"/> AUTOMOBILE LIABILITY                                                  |           |                                           | ACPBAL3009705882 | 05/15/2024              | 04/15/2025              | COMBINED SINGLE LIMIT (Ea accident)                                             | \$ 1,000,000 |    |
|          | <input checked="" type="checkbox"/> ANY AUTO                                                              |           | BODILY INJURY (Per person)                |                  |                         |                         | \$                                                                              |              |    |
|          | <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS                        |           | BODILY INJURY (Per accident)              |                  |                         |                         | \$                                                                              |              |    |
|          | <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY                   |           | PROPERTY DAMAGE (Per accident)            |                  |                         |                         | \$                                                                              |              |    |
|          |                                                                                                           |           |                                           |                  |                         |                         |                                                                                 | \$           |    |
|          | <input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR                                     |           |                                           |                  |                         |                         | EACH OCCURRENCE                                                                 | \$           |    |
|          | <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE                                 |           | AGGREGATE                                 |                  |                         |                         | \$                                                                              |              |    |
|          |                                                                                                           |           |                                           |                  |                         |                         | \$                                                                              |              |    |
|          |                                                                                                           |           |                                           |                  |                         |                         | \$                                                                              |              |    |
| A        | <input type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY                                    |           |                                           | UB-8P332834      | 04/15/2024              | 04/15/2025              | <input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER |              |    |
|          | <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)      | Y/N       | E.L. EACH ACCIDENT                        |                  |                         |                         | \$ 500,000                                                                      |              |    |
|          | <input type="checkbox"/> If yes, describe under DESCRIPTION OF OPERATIONS below                           |           | E.L. DISEASE - EA EMPLOYEE                |                  |                         |                         | \$ 500,000                                                                      |              |    |
|          |                                                                                                           |           | E.L. DISEASE - POLICY LIMIT               |                  |                         |                         | \$ 500,000                                                                      |              |    |
| D        | LIQUOR LIABILITY                                                                                          |           |                                           | LL112646         | 04/15/2024              | 04/15/2025              | EACH COMMON CAUSE                                                               | \$500,000    |    |

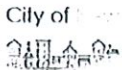
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

## CERTIFICATE HOLDER

## CANCELLATION

|                    |                                                                                                                                                                |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| City of New Berlin | SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. |
|                    | AUTHORIZED REPRESENTATIVE<br>                                             |

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City of New Berlin

**Loudspeaker Permit Application**



Submit this application to the New Berlin Police Department, 16300 W. National Ave., New Berlin, WI 53151, not less than 14 days prior to the event. If you have any questions, call the New Berlin Police Department at (262)782-6640.

**Background Information:**

Organization/Individual Name: The Varsity Club  
 Address: 12400 W. Stewart RD New Berlin  
 Applicant representing this event:  
 Name: Michael Teipner Work Phone: (414) 797-6400  
 Address: 4450 So Delphine Dr Home Phone: \_\_\_\_\_  
 Date of Birth: 03/08/1964 Cell Phone: (414) 339-5952  
 Email Address: \_\_\_\_\_

**Event Information:**

Name of Event: Varsity Fest July  
 Address of Event: 12400 W. Stewart RD

Dates of Event (no more than 3 days in a row): July 12-13

Estimated Number of Participants: 500

Hours of Loudspeaker Operation:

Start: 6:00 pm a.m./p.m.

Finish (no later than 10p.m.): 10:00 a.m./p.m.

\*All city parks with the exception of Malone Park close at dusk\*

Number of Loudspeakers to be used: 6

Please check the type of sound to be emitted:

☐ Speech

☐ Recorded Music

☒ Live Music

☐ Other \_\_\_\_\_

**Applicant's Statement of Agreement:**

I hereby affirm that the above information is true and correct in describing the intent of this application. I, Michael Teipner, the undersigned, agree to use the loudspeaker in a careful and prudent manner so as not to cause complaints from neighbors and I agree to lower or terminate the amplification levels when requested by neighbors or police.

Applicant Signature: \_\_\_\_\_

Date: 6/10/24

FOR OFFICE USE ONLY

☒ Approved

☐ Not Approved. Reason for denial: \_\_\_\_\_

Issued by: \_\_\_\_\_

6/11/24

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# UTILITY STAFF REPORT EXECUTIVE SUMMARY

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**CUSTOMER/PROJECT:** 2023 Compliance Maintenance Annual Report

**LOCATION:** N/A

**REQUEST:** Resolution #24-12

**UTILITY MANAGER RECOMMENDATION:**

Recommend to the Common Council to approve Resolution #24-12 Compliance Maintenance Annual Report (CMAR) for reporting year 2023.

**DETAILS IN ATTACHED STAFF REPORT**

**CITY OF NEW BERLIN  
UTILITIES DEPARTMENT  
STAFF REPORT**

---

**RISK & RESILIENCE ASSESSMENT**

---

**DATE STAFF REPORT CREATED:** June 12, 2024

**CUSTOMER/PROJECT NAME:** Compliance Maintenance Annual Report (CMAR)

**ISSUE/DESCRIPTION OF PROJECT:** Approve Resolution #24-12

**DATE OF COMPLETENESS DETERMINATION:** Due by June 30, 2024

**REQUESTED ACTION:** Recommend to the Common Council to approve Resolution #24-12. Compliance Maintenance Annual Report (CMAR) for reporting year 2023.

**FISCAL IMPACT:** N/A

**SOURCE OF FUNDS:** N/A

**RATIONALE:**  
The CMAR report needs to have the City of New Berlin Common Council approval annually by June 30th of the following year to be accepted by the Wisconsin Department of Natural Resources (WDNR) for 2023.

**UTILITY MANAGER RECOMMENDATION:**  
Recommend to the Common Council to approve Resolution #24-12 Compliance Maintenance Annual Report (CMAR) for reporting year 20223.

**ATTACHMENTS:** UT Resolution #24-12 Resolution Accepting the Compliance Maintenance Annual Report for the City of New Berlin Wastewater Utility.

**RESOLUTION NO. 2024-12**

**A RESOLUTION ACCEPTING THE COMPLIANCE MAINTENANCE ANNUAL REPORT FOR THE  
CITY OF NEW BERLIN WASTEWATER UTILITY**

---

**WHEREAS**, the City of New Berlin has fully completed and compiled the data for the 2023 Wastewater Utility Compliance Maintenance Annual Report per the State of Wisconsin Department of Natural Resources requirement, and;

**WHEREAS**, the City of New Berlin Common Council is required to approve this report and all of its contents as related to the City's Wastewater Utility.

**NOW THEREFORE BE IT RESOLVED THAT**, the City of New Berlin Common Council approves and accepts the Compliance Maintenance Report as related to the City's Wastewater Utility for the 2023 year.

Passed and adopted by the Common Council this \_\_\_\_\_ day of June, 2024

APPROVED:

\_\_\_\_\_  
David A. Ament, Mayor

Countersigned/Certified:

\_\_\_\_\_  
Rubina Medina, City Clerk

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# UTILITY STAFF REPORT EXECUTIVE SUMMARY

---

**CUSTOMER/PROJECT:** Davit Lift Station Cranes

**LOCATION:** Regal Manor West Lift Station  
Westward Manor Lift Station

**REQUEST:** Amend the 2024 Sewer CIP Budget

**UTILITY MANAGER RECOMMENDATION:**

Recommend to the Common Council to amend the 2024 Wastewater CIP Budget in the amount of \$69,750. The additional funds will be used to offset an increase in labor, materials for the installation of the Davit Lift Station Cranes, with a total project cost not to exceed \$145,750.

**DETAILS IN ATTACHED STAFF REPORT**

**CITY OF NEW BERLIN  
UTILITIES DEPARTMENT  
STAFF REPORT**

---

**DAVIT LIFT STATION CRANES**

---

**DATE STAFF REPORT CREATED:** June 18, 2024

**CUSTOMER/PROJECT NAME:** Davit Lift Station Cranes

**ISSUE/DESCRIPTION OF PROJECT:** Recommend to the Common Council to amend the 2024 Wastewater CIP Budget in the amount of \$69,750 to complete the Davit Lift Station Cranes project.

**REQUESTED ACTION:** Amend the 2024 Wastewater CIP Budget

**FISCAL IMPACT:** \$69,750

**SOURCE OF FUNDS:** Wastewater Reserves

**RATIONALE:**

The need for additional funds is due to the increased cost of the Davit Lift Station Cranes, labor and materials for installation. These cranes are needed at each site to raise/lower pumps and mixers from wet wells. In the past, we have used a truck with a crane to raise/lower the pumps, but with new equipment in the wet wells, access to the hatches is more difficult. Permanent cranes will make it easier and safer to remove and reinstall equipment after inspection and repairs.

**ATTACHMENTS:**

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# UTILITY STAFF REPORT

## EXECUTIVE SUMMARY

---

**CUSTOMER/PROJECT:** Davit Lift Station Cranes

**LOCATION:** Regal Manor West Lift Station  
Westward Manor Lift Station

**REQUEST:** Award construction contract for the Davit Lift Station Cranes to the lowest responsible bidder William Sackerson Construction Company

**UTILITY MANAGER RECOMMENDATION:**

Recommend to the Common Council to award the construction contract for the Davit Lift Station Cranes to the lowest responsive bidder, William Sackerson Construction Company in the amount of \$132,500 with a ten percent (10%) contingency of \$13,250 for a total project cost not to exceed \$145,750.

**DETAILS IN ATTACHED STAFF REPORT**

1. In June 2024, the City of New Berlin Utility solicited bids for the Davit Lift Station Cranes installation project.
2. On June 18, 2024, the Utility received one (1) bid for the Davit Lift Station Cranes installation project. Staff reviewed the bid and determined William Sackerson Construction Company was the lowest responsive bidder.
3. A bid award recommendation and summary of the bid job is attached to this staff report.

**CITY OF NEW BERLIN  
UTILITIES DEPARTMENT  
STAFF REPORT**

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**DAVIT LIFT STATION CRANES**

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|                                      |                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>DATE STAFF REPORT CREATED:</b>    | June 18, 2024                                                                                                                                                                                                                                                                                                                                                               |
| <b>CUSTOMER/PROJECT NAME:</b>        | Davit Lift Station Cranes                                                                                                                                                                                                                                                                                                                                                   |
| <b>ISSUE/DESCRIPTION OF PROJECT:</b> | This project consists of installing the Davit Lift Station Cranes to Regal Manor West Lift Station and Westward Manor.                                                                                                                                                                                                                                                      |
| <b>REQUESTED ACTION:</b>             | Recommend to Common Council to award the construction contract for the Davit Lift Station Cranes to the lowest responsive bidder William Sackerson Construction Company in the amount of \$132,500 with a ten percent (10%) contingency of \$13,250, for a total project cost not to exceed \$145,750.                                                                      |
| <b>FISCAL IMPACT:</b>                | \$145,750                                                                                                                                                                                                                                                                                                                                                                   |
| <b>SOURCE OF FUNDS:</b>              | Wastewater CIP 80-107000                                                                                                                                                                                                                                                                                                                                                    |
| <b>RATIONALE:</b>                    | <p>These cranes are needed at each site to raise/lower pumps and mixers from wet wells. In the past, we have used a truck with a crane to raise/lower pumps, but with new equipment in the wet wells, access to/through the hatches is more difficult. These permanent cranes will make it easier for removing and reinstalling equipment after inspection and repairs.</p> |
| <b>ATTACHMENTS:</b>                  | Award Recommendations                                                                                                                                                                                                                                                                                                                                                       |



June 19, 2024

Joe Graser  
City of New Berlin  
4000 S. Casper Drive  
New Berlin, WI 53151

Re: Lift Station Cranes

Dear Joe,

We have reviewed the bid received from William Sackerson Construction Co., Inc. of Cudahy, Wisconsin for the Lift Station Cranes project. The bid amount received is as follows:

**William Sackerson Construction Co., Inc. \$ 132,500.00**

Clark Dietz recommends that the City award a contract to **William Sackerson Construction Co., Inc.** for the bid amount of **\$132,500.00**.

If you have any questions or require additional information regarding this matter, please contact our office.

Sincerely,

Diane L. Thoune, PE  
Project Manager  
Clark Dietz, Inc.



DATE: June 20, 2024

TO: Rubina Medina  
City Clerk

FR: Mayor Dave Ament

RE: Mayoral Appointments for the June 25, 2024 Common Council Mtg

**Golf Course Commission**

Joe Dallman  
3980 S Stonewood Road  
New Berlin, WI 53151  
262-613-2130  
[joedallman32@yahoo.com](mailto:joedallman32@yahoo.com)  
(Re-Appointment)

**Expiration Date**

7/27/2027

| For Office Purposes Only |    |    |       |    |      |   |
|--------------------------|----|----|-------|----|------|---|
| T                        | Em | We | Provo | Lt | Ethc | H |
| T                        | I  | b  | x     | r  | s    | B |
|                          |    |    |       |    |      |   |

**Golf Course Commission**

Eugene Wicihowski  
13505 Pleasant View Court  
New Berlin, WI 53151  
262-844-5939  
[wicig41@gmail.com](mailto:wicig41@gmail.com)  
(Re-Appointment)

**Expiration Date**

7/27/2027

| For Office Purposes Only |    |    |       |    |      |   |
|--------------------------|----|----|-------|----|------|---|
| T                        | Em | We | Provo | Lt | Ethc | H |
| T                        | I  | b  | x     | r  | s    | B |
|                          |    |    |       |    |      |   |

**Parks, Buildings & Grounds Commission**

Eugene Wicihowski  
13505 Pleasant View Court  
New Berlin, WI 53151  
262-844-5939  
[wicig41@gmail.com](mailto:wicig41@gmail.com)  
(Re-Appointment)

**Expiration Date**

7/27/2027

| For Office Purposes Only |    |    |       |    |      |   |
|--------------------------|----|----|-------|----|------|---|
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