



Committee of the Whole MEETING AGENDA

July 23, 2024 - 6:00 PM
Council Chambers
3805 S. Casper Drive

Published: 7/19/2024

AGENDA

1. **CALL MEETING TO ORDER**
2. **ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE**
3. **APPROVAL OF MINUTES**
 - A. June 18, 2024 Committee of the Whole Meeting Minutes
4. **UTILITY & FINANCE**
 - A. Discussion and possible action to recommend to Common Council to approve the July 10th, 2024, Water Utility claims in the amount of \$23,538.58, Sewer Utility Claims in the amount of \$740,777.64, and General City Claims in the amount of \$1,279,678.72
 - B. Discussion and possible action to recommend to Common Council to approve the July 24th, 2024, Water Utility claims in the amount of \$150,259.68, Sewer Utility Claims in the amount of \$42,407.06, and General City Claims in the amount of \$375,477.76. US Bank EFT of \$39,666.79 and We Energies EFT of \$46,912.94
5. **LICENSES & PERMITS**
 - A. Discussion and possible action to recommend to Common Council approval for Kowalske Brewing, doing business as Component Brewing, to sell beer in Malone Park for the Color Clash Dash event on August 10th, 2024, from 10:00 am to 6:00 pm, as outlined in Form AB-105. The application, along with the Council's recommendation, will be forwarded to the Wisconsin DOR, Division of Alcohol Beverages, for final approval and issuance
 - B. Discussion and possible action to recommend to Common Council approval for Kowalske Brewing, doing business as Component Brewing, to sell beer in Malone Park for the beer garden event on September 7th, 2024, from 12:00 pm to 6:00 pm, as outlined in Form AB-105. The application, along with the Council's recommendation, will be forwarded to the Wisconsin DOR, Division of Alcohol Beverages, for final approval and issuance
 - C. Discussion and possible action to recommend to Common Council approval for Kowalske Brewing, doing business as Component Brewing, to sell beer at the New Berlin Historical Society for the Historical Day Event Open House and Beer Garden event on September 8th, 2024, from 1:00 pm to 4:00 pm, as outlined in Form AB-105. The application, along with the Council's recommendation, will be forwarded to the Wisconsin DOR, Division of Alcohol Beverages, for final approval and issuance
 - D. Discussion and possible recommendation to Common Council approval of a loudspeaker variance until 11 pm for St. Elizabeth Ann Seton Parish for their Seton Funfest on July 26th, 27th, and 28th, 2024

6. MISCELLANEOUS

- A. Human Resource Department Update
- B. Discussion and possible action to recommend to Common Council approval of Resolution 2024-18, a Resolution providing for the sale of approximately \$14,135,000 General Obligation Promissory Notes, Series 2024A
- C. Discussion and possible action to recommend to Common Council approval of Ordinance 2696, an Ordinance Amending Chapter 93 and Section 152-3(A) of the City of New Berlin Municipal Code regarding vaping devices
- D. Discussion and possible action to recommend to Common Council approval of Ordinance No. 2697, an Ordinance to amend Section 6-31, A of the City of New Berlin Municipal Code Regarding the Membership of the Recreation Commission
- E. Discussion and possible action to recommend to Common Council approval of eliminating large room rentals
- F. Discussion and possible action to recommend to Common Council approval of the public bids and CM related fees for Phase 1 of the Community Center at Hickory Grove Renovation Project
- G. Discussion and possible action to recommend to Common Council approval of service agreement with All Star Health Center
- H. Discussion and possible action to recommend to Common Council approval of Resolution No. 2024-19, a Resolution of the City of New Berlin releasing portions of Public Sewer, Water, Storm Sewer, and Access Easements as Depicted on CSM #12050, #6872, and #7554, which are no longer necessary on the Activity Recreation Center property. This action will facilitate the creation of a lot to sell to Nice Bites, LLC.
- I. Discussion and possible action to recommend to Common Council approval of the amendments to the City Clerk's Fee List as presented
- J. Discussion and Possible Action to approve or reject the use of the Ballot Drop Box in the City of New Berlin, as outlined in the Requested Action Statement by the Mayor and City Clerk

7. ADJOURN

Supplemental Information:

- The meeting agenda and agenda packet are available online at 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. 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 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.



Committee of the Whole MEETING MINUTES

June 18, 2024 - 6:00 PM
Council Chambers
3805 S. Casper Drive

Please note: Minutes are unofficial until approved at the next scheduled meeting.

MINUTES

1. CALL MEETING TO ORDER

Mayor Ament called the meeting to order at 6:00 pm

2. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

The City Clerk took the roll call as follows:

Present: Alderperson Kroupa, Alderperson Horbinski, Alderperson Hopkins, Alderperson Maxey, Alderperson Harenda, Alderperson La Fever

Excused: Alderperson Joseph Stribl

Staff Present: Mayor Ament, City Attorney Mark Blum, City Clerk Rubina R. Medina, Library Director Natalie Beacom

The City Clerk stated that there was a quorum and the meeting was properly noticed.

3. APPROVAL OF MINUTES

A. June 11, 2024, Committee of the Whole minutes

MOTION: Motion to approve

VOTE: Motion by: Horbinski
Second by: Kroupa
Motion 6-0

4. MISCELLANEOUS

A. Library Department Update

Natalie Beacom, Library Director, provided a brief overview of the New Berlin Public Library. After the conclusion of her overview, the Mayor and Council thanked her for all of her hard work.

B. Discussion and possible recommendation to Common Council approval of a Location Agreement between the City of New Berlin and Trivity Health Services, LLC. (i.e. Silver Sneakers)

MOTION: Motion to approve

VOTE: Motion by: Harenda
Second by: Horbinski
Motion 6-0

C. Discussion and possible recommendation to Common Council approval of an agreement between the City of New Berlin and Optum Health Care Solutions, LLC

MOTION: Motion to approve

VOTE: Motion by: Harenda
Second by: Hopkins
Motion 6-0

- D.** Discussion and possible recommendation to Common Council to approve Resolution 2024-13, a Resolution amending the 2024 Capital Projects Budget to increase that budget by \$1.3 million for the Community Center at Hickory Grove project

MOTION: Motion to Approve

VOTE: Motion by: Alderperson Harenda
Second by: Alderperson Hopkins
Motion Failed 2-4

Ald. Maxey spoke in opposition to increasing the budget by 1.3 million.

Mayor Ament stated that the project and financing have been approved by the Council. What we should be discussing is whether the Council wants to amend the CIP budget by 1.3 million for the Community Center at Hickory Grove project.

Ald. Kroupa spoke in opposition to increasing the budget by 1.3 million.

City Attorney Blum asked that the Council focus on this resolution that is on the agenda so that we are consistent with the open meetings law requirements.

Ald. Horbinski spoke in favor of the resolution and increasing the budget by 1.3 million.

Ald. Hopkins spoke in favor of the resolution and increasing the budget by 1.3 million.

Ald. La Fever spoke in opposition to increasing the budget by 1.3 million.

Ald. Harenda stated that he understands the support and opposition to increasing the budget by 1.3 million. He was undecided at that time.

Ald. Horbinski stated that we could revisit the project's scope and review the needs of the Recreation Department and food pantry.

- E.** Discussion and possible recommendation to Common Council approval of Resolution No. 2024-14, a Resolution amending the 2024 Capital Projects Budget to transfer \$557,000 from the 2024 DPW Garage CIP Account to the 2024 Community Center at Hickory Grove Account

MOTION: Motion to approve

VOTE: Motion by: Harenda
Second by: Maxey
Motion 6-0

- F.** Discussion and possible recommendation to set a date and time for a Special Common Council meeting to be held the last week of June, along with approval for the meeting to be held electronically

MOTION: Motion to approve a meeting to be held in person at City Hall on June 25, 2024 at 6 pm

VOTE: Motion by: Kroupa
Second by: La Fever
Motion 6-0

5. ADJOURN

MOTION: Motion to adjourn at 6:42 pm

VOTE: Motion by: Kroupa
Second by: La Fever
Motion 6-0

Save

Print

Clear

Form

AB-105

Producer Full-Service Retail Sales Application

Date

Part A: Producer Information

1. Business Legal Name (individual name if sole proprietor)

Kowalske Brewing

2. Business Name or DBA

Component Brewing

3. Agent Name

Ashley Schnering

4. FEIN

82 - 4547890

5. Wisconsin Seller's Permit Number

456 - 1030207982 - 06

6. Wisconsin Producer Permit Number

503439

7. Producer Type

☒ Brewery
 ☐ Winery
 ☐ Liquor Manufacturer/Rectifier

8. Contact Person's First Name

David

9. Last Name

Kowalske

10. M.I.

E

11. Contact Person's Phone

(262) 565-8782

12. Contact Person's Email

dj@componentbrewing.com

Part B: Production Quantity

Note: Check appropriate quantity for permit held (see instructions). If you hold more than one producer permit, check the total aggregate quantity produced for each type of permit. Enter the highest quantity produced in any of the last three calendar years.

Brewery

- ☐ Less than 250 barrels
☒ 250 - 2,499 barrels
☐ 2,500 - 7,499 barrels
☐ 7,500 or more barrels

Manufacturer/Rectifier

- ☐ Less than 1,500 liters
☐ 1,500 - 4,999 liters
☐ 5,000 - 34,999 liters
☐ 35,000 or more liters

Winery

- ☐ Less than 1,000 gallons
☐ 1,000 - 4,999 gallons
☐ 5,000 - 24,999 gallons
☐ 25,000 or more gallons

Calendar year: 2023

Quantity: 400

Calendar year:

Quantity:

Calendar year:

Quantity:

Complete only ONE of Part C, D or E.

Part C: Request for Full-Service Retail Sales at the Production Premises

1. Start Date

2. Production Premises Address

3. City

4. State

5. Zip Code

6. County

 7. Governing Municipality ☐ City ☐ Town ☐ Village
 of: _____

Part D: Request for Fixed Full-Service Retail Outlet

 1. Are you transferring one fixed full-service retail outlet to a new location? ☐ Yes ☐ No
 If yes, complete boxes 2 through 9.

2. Current Outlet Name

3. Current Outlet Premises Address

4. City

5. State

6. Zip Code

7. County

 8. Governing Municipality ☐ City ☐ Town ☐ Village
 of: _____

9. Premises Phone Number

Continued →

Part D: Request for Fixed Full-Service Retail Outlet (Cont.)**New Fixed Retail Outlet Information (complete boxes 10 through 23)**

10. Start Date	11. New Outlet Name		
12. New Outlet Premises Address			
13. City	14. State	15. Zip Code	
16. County	17. Governing Municipality ☐ City ☐ Town ☐ Village of: _____		18. Premises Phone Number
19. Premises Description - Describe the building or buildings and any outside areas where alcohol beverages are produced, sold, stored, or consumed, and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary.			
20. Will you operate a restaurant on the premises? ☐ Yes ☐ No			
21. What alcohol beverages will be offered for sale? (check all that apply) ☐ Beer ☐ Wine ☐ Intoxicating Liquor (other than wine)			
22. What alcohol beverages does the permittee produce? (check all that apply) ☐ Beer ☐ Wine ☐ Intoxicating Liquor (other than wine)			
23. How will customers be served? (check all that apply) . . . ☐ Samples ☐ On-premises consumption ☐ Off-premises consumption			

Part E: Request for Unlimited Transfer Full-Service Retail Outlet

1. Name of Event (if applicable) Color Clash Dash @ Malone Park		
2. Dates of Operation (attach a schedule, if necessary) August 10, 2024		3. Hours of Operation 10-6PM
4. Premises Address 16400 W Al Stigler Pkwy		
5. City New Berlin	6. State WI	7. Zip Code 53151
8. County Waukesha	9. Governing Municipality ☒ City ☐ Town ☐ Village of: New Berlin	
10. Organizer of Event (if not the named applicant) Katie Roth	11. Email and/or Phone Number for Organizer of Event kroth@newberlin.org	
12. Organizer Website N/A	13. Event Website N/A	
14. Premises Description - Describe the building or buildings and any outside areas where alcohol beverages are produced, sold, stored, or consumed, and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary. Beer trailer will be set up in Malone Park as part of the Color Clash Dash celebration and festivities.		
15. On-Site Contact (Last Name, First Name) Roth, Katie	16. On-Site Contact Phone (262) 797-2443	17. On-Site Contact Email kroth@newberlin.org
18. Will you operate a restaurant on the premises? ☐ Yes ☒ No		
19. What alcohol beverages will be offered for sale? (check all that apply) ☒ Beer ☐ Wine ☐ Intoxicating Liquor (other than wine)		
20. What alcohol beverages does the permittee produce? (check all that apply) ☒ Beer ☐ Wine ☐ Intoxicating Liquor (other than wine)		
21. How will customers be served? (check all that apply) . . . ☐ Samples ☒ On-premises consumption ☐ Off-premises consumption		

Part F: Attestation

Who must sign this application?

- sole proprietor
- general partner of a partnership
- corporate officer
- member of an LLC

READ CAREFULLY BEFORE SIGNING:

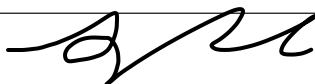
I understand and agree to the following:

- I will not operate this location outside of the dates and times approved by the municipality and Division of Alcohol Beverages.
- I will operate this location according to municipal ordinance and restrictions imposed as a condition of receiving this authorization.
- I will purchase alcohol beverages I do not produce from an authorized source, such as a Wisconsin-permitted wholesaler.
- I will operate this location according to Wisconsin law and administrative regulation including but not limited to: underage restrictions, closing hours, licensed operators, and record keeping requirements.

Further, 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 authorization. Further, I agree that the rights and responsibilities conferred by the authorization, if granted, will not be assigned to another individual or entity. I understand that lack of access to any portion of a premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this authorization. I understand that any authorization issued contrary to Wis. Stats. Chapter 125 shall be void under penalty of Wisconsin 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

David E. Kowalske



Date

07/03/2024

Last Name

Kowalske

First Name

David

M.I.

E

Title

Member

Email

dj@componentbrewing.com

Phone

(262) 565-8782

Part G: For Municipal Use Only (Complete if Requesting Authorization in Part D or E)1. Will the municipality limit the scope of alcohol beverages offered for sale? ☐ Yes ☐ No2. Will the municipality impose any requirements or restrictions for the full-service retail outlet? ☐ Yes ☐ No

3. Describe municipal restrictions indicated in questions 1 or 2 above.

4. Last Name of Municipal Official

5. First Name

6. M.I.

7. Signature of Municipal Official

8. Date

9. Date Application was Filed with Clerk

10. Date Full-Service Retail Outlet Approved by Governing Body

Form AB-105 Instructions

Producer Full-Service Retail Sales Application

Who may apply for full-service retail sales?

Producer permittees may apply for full-service retail sales on or off the production premises. Producer permittees include brewers, rectifiers, manufacturers, and wineries.

Who qualifies for full-service retail sales?

- A brewery that manufactures a minimum of 250 barrels of fermented malt beverages.
- A manufacturer/rectifier that produces a minimum of 1,500 liters of intoxicating liquor.
- A winery that produces a minimum of 1,000 gallons of wine.

What are full-service retail sales?

Permittees that are granted full-service retail sales privileges may:

- Sell fermented malt beverages and intoxicating liquor at retail for on- or off-premises consumption at their production premises and at one or more off-site full-service retail outlets.
- Provide taste samples of fermented malt beverages and intoxicating liquor.

What are full-service retail outlets?

Full-service retail outlets are authorized locations for full-service retail sales at places other than the permittee's production premises.

What is the difference between a fixed and unlimited transfer full-service retail outlet?

Fixed full-service retail outlets may be transferred from one location to another once per year. Unlimited transfer full-service retail outlets may be transferred an unlimited number of times in a year. Only one of a producer's full-service retail outlets may be transferred without limitation on frequency.

How many full-service retail outlets may I have?

The number of full-service retail outlets a producer qualifies for is determined by alcohol beverage production volume. Producers may have a maximum of three full-service outlets, regardless of the number or type of producer permits they hold.

Who approves full-service retail sales?

Full-service retail sales on the production premises need only be approved by the Division of Alcohol Beverages. Municipalities do not issue licenses for full-service retail sales outlets; however, municipalities must approve of the outlets. The applicant must forward the municipal approval to the Division of Alcohol Beverages for final granting of the authority for sales to commence on the premises.

Can a municipality limit authorized sales at a full-service retail outlet?

Yes, a municipality can limit authorized sales at a full-service retail outlet. Municipalities may limit the scope of alcohol beverages offered for sale by the permittee. Municipal approval of a full-service retail outlet must be based on the same standards and criteria, established by ordinance, for the evaluation and approval of retail licenses. A municipality may not impose any requirement or restriction in connection with the approval that the municipality does not impose on retail licensees.

How do I fill out Form AB-105 and begin the application process?

Authorizations requested on Form AB-105 must be applied for only one premises in one municipality at a time. To request multiple authorizations, submit a separate Form AB-105 for each location/premises.

Parts A, B, and F: Applicants must complete Parts A, B, and F.

Parts C, D, and E: Complete only one Part. Form AB-105 must be used to request only one authorization at a time.

Example: A producer applicant requesting full-service retail sales authorization on the production premises should complete Parts A, B, C, and F.

Example: A producer applicant requesting a fixed full-service retail outlet should complete Parts A, B, D, and F.

Example: A producer applicant requesting an unlimited transfer full-service retail outlet should complete Parts A, B, E, and F. Producer applicants requesting authorization in Part E must complete one Form AB-105 for each premises. Applicants may use the same Form AB-105 to request authorization for multiple dates and times occurring on the same premises.

Municipal approval is required for authorizations requested in Parts D and E. If a producer is applying for authorization in either of these sections, the completed application must first be submitted to the governing municipality.

After the municipality has granted approval by completing Part G, the applicant should submit AB-105 to the Division of Alcohol Beverages for final approval. If the applicant is only requesting authorization in Part C, the application does not require municipal approval and may be submitted directly to the Division of Alcohol Beverages.

Specific Instructions:

Part A: Producer Information

- Box 1: Enter the legal business name.
- Box 2: Enter the trade name or “doing business as” name, if different than the name in box 1.
- Box 3: Enter the name of the approved agent appointed for your producer permit.
- Box 4: Enter Federal Employer Identification Number (FEIN).
- Box 5: Enter Wisconsin seller’s permit number.
- Box 6: Enter the 15-digit Wisconsin Tax Account Number of the permit that these authorizations should be associated with.
- Box 7: Check the corresponding producer permit type.
- Box 8-10: Enter contact person’s name.
- Box 11: Enter contact person’s phone number.
- Box 12: Enter contact person’s email address.

Part B: Production Quantity

- Check the highest cumulative total of alcohol beverages produced in any one of the three preceding calendar years for each specific permit type held.
 - Do not include alcohol beverages produced under a contract production agreement.
- Enter the calendar year in which the highest cumulative total of alcohol beverages produced was met.
- Enter the exact quantity of alcohol beverages produced.
- If an applicant holds more than one type of permit or multiple permits of the same type, the aggregate number of full-service retail outlets that may be established is the maximum number authorized under their permit type, but not exceeding three full-service retail outlets.
 - Under these circumstances, each authorized full-service retail outlet shall serve as the full-service retail outlet associated with each applicable permit, regardless of whether permittee would otherwise be entitled to fewer full-service retail outlets when calculated under their other permit(s).

Part C: Request for Full-Service Retail Sales at the Production Premises

- Authorization under this portion does not require municipal approval. If the applicant is not seeking other retail authorizations on this form, it can be submitted directly to the Division of Alcohol Beverages.
- Box 1: Enter the date that you would like to begin full-service retail sales.
- Box 2-5: List the premises address for the permit identified in Part A, boxes 5 and 6.
- Box 6: Name the county where the production premises is located.
- Box 7: Name the governing municipality where the production premises is located.

Part D: Request for Fixed Full-Service Retail Outlet

- Authorization under this section must be approved by the municipality in which the retail outlet is located prior to submitting to the Division of Alcohol Beverages for final approval.
- Box 1: Check yes if you are applying to transfer a fixed full-service outlet from one location to another. Fixed Full-Service Retail Outlets may be transferred from place-to-place once per year with approval of the municipality that governs the new location.
- Boxes 2-9: Complete these boxes if you checked yes in box 1 to describe the current premises you are applying to transfer.

- Box 10: Enter the date that you would like to open the full-service retail outlet for business.
- Boxes 11-18: Complete these boxes to describe the location of your new premises.
- Box 19: Describe the premises in detail. Include outdoor spaces if the municipality allows it. Attach a floor plan if possible.

Example: The premises is located at 1234 Main St., Realtown, WI 12345 and includes only the first-floor bar room, dining room, kitchen, north storage room, and south office of the 5,000-square-foot building.

- Box 20: Producers may operate a restaurant on the premises of a full-service retail outlet with municipal and division approval.
- Box 21: Check all types of alcohol beverages that will be offered for sale at the full-service retail outlet, including beverages made by the producer or producer group.
- Box 22: Check all the alcohol beverages that are made by the producer under all their permits.
- Box 23: Check all types of service that apply to this full-service retail outlet.
 - Samples mean 3 oz. of beer, 3 oz. of wine, or 0.5 oz. of liquor provided free of charge to an individual.
 - On-premises consumption means alcohol beverages served by the glass to be consumed by the customer at the premises identified in Box 18.
 - Off-premises consumption means alcohol beverages sold in original, unopened containers for customers to consume away from the premises identified in Box 18.

Part E: Request for Unlimited Transfer Full-Service Retail Outlet

- Authorizations under Part E must be for dates of operation where the unlimited transfer location will be located at the same premises in the same municipality. You must use a new Form AB-105 to request authorization for each separate premises, regardless of whether the separate premises are in the same municipality.
- Box 1: If you are requesting authorization to initiate or move your unlimited transfer outlet to a specific event like a farmer's market, festival, or other community event, name it here.
- Box 2: List the requested dates of operation. Attach a schedule or calendar of events, if necessary.
- Box 3: List the requested hours of operation. If no hours are listed, the approving municipality and the Division will assume you are seeking authorization to operate during all hours allowed under Chapter 125, Wis. Stats.
- Box 4-9: Identify the premises address.
- Box 10-13: If you are requesting authorization to move your unlimited transfer outlet to a specific event, provide contact information for the event organizer, if not the named applicant.
- Box 14: Describe the premises in detail. Include outdoor spaces if the municipality allows it. Attach a floor plan if possible.

Example: The premises is located at 1234 Main St., Realtown, WI, 12345, and includes only the first-floor bar room, dining room, kitchen, north storage room, and south office of the 5,000 square foot building.

Example: The premises is the 1,000-square-foot tent within the southwest corner of the parking lot located at XYZ Church at 3456 Main St., Realtown, WI, 12345. All sales and storage of alcohol beverages and records will occur within the 1,000-square-foot tent in the southwest corner of the parking lot.

Example: The premises is located at PDQ Park (7890 Main St., Realtown, WI, 12345). A 5,000-square-foot tent will be constructed in the northeast corner of the park bordering the tree line and northern fence. All alcohol beverage sales and consumption will occur at this tent. Premises includes the adjacent north park office and the space between the tent and the office. Alcohol beverages and records will be securely stored in the north park office for the duration of the event.

- Box 15-17: Provide the name and contact information for a person who will be in control of the premises for the duration of the requested time.
- Box 18: Producers may operate a restaurant on the premises of a full-service retail outlet with municipal and Division of Alcohol Beverages approval.
- Box 19: Check all types of alcohol beverages that will be offered for sale at the full-service retail outlet, including beverages made by the producer under all their permits.
- Box 20: Check all the alcohol beverages that are made by the producer under all their permits.
- Box 21: Check all the types of service that apply to this full-service retail outlet.
 - Samples mean 3 oz. of beer, 3 oz. of wine, or 0.5 oz. of liquor provided free of charge to an individual.
 - On-premises consumption means alcohol beverages served by the glass to be consumed by the customer at the premises identified in Box 14.
 - Off-premises consumption means alcohol beverages sold in original, unopened containers for customers to consume

away from the premises identified in Box 14.

Part F: Attestation

- Read the attestation carefully, then sign and date.

Part G: For Municipal Use Only

- Box 1: Check yes or no to indicate if the municipality will limit the scope of alcohol beverages offered for sale at this full-service retail outlet.
- Box 2: Check yes or no to indicate if the municipality will impose other requirements or restrictions on the full-service retail outlet.
- Box 3: Describe any limitations the municipality has placed on the full-service retail outlet as indicated in questions 1 or 2. Some limitations may be: parking, zoning, or noise ordinance restrictions; not allowing sales of alcohol beverages for off-premises consumption.
- Box 4-10: The municipal official completing this part should fill in the information requested.

Completion and Submission of Form AB-105

- The producer applicant should complete Parts A, B, and F completely, and either Part C, D, or E, depending on the type of authorization requested.
- If requesting only a Part C authorization, the application can be submitted directly to the Division of Alcohol Beverages. No municipal approval is required for Part C authorizations.
- If requesting a Part D or E authorization, provide the application to the municipality where the proposed full-service retail outlet will be located.
 - The municipality should complete Part G and return it to the producer applicant.
 - The producer applicant should provide the completed AB-105 to the Division of Alcohol Beverages for final approval.
- Sales of alcohol beverages at full-service retail outlets may not commence until the Division of Alcohol Beverages has provided final approval by way of issuing a printed authorization to the applicant to be posted at the retail premises identified in this application.

After Form AB-105 is completed by the producer and approved by the municipality in Part G, submit the form to the Division of Alcohol Beverages for final approval in one of two ways:

- Email: DORAlcoholPermits@wisconsin.gov
- Mail the form to the following address:

Wisconsin Department of Revenue
Division of Alcohol Beverages
P.O. Box 8934
Madison, WI 53708-8934

Assistance

This form is designed by the Department of Revenue. If you require assistance with this form, consider reaching out to the Division of Alcohol Beverages for assistance with submission of this application and associated forms.

If you have questions about alcohol beverage laws and regulations, you may contact the Division of Alcohol Beverages using the contact information below.

Website: [DOR Alcohol Beverage \(wi.gov\)](http://DORAlcoholBeverage.wi.gov)

Write: DORAlcohol@wisconsin.gov

Call: (608) 264-4573

Save

Print

Clear

Form

AB-105

Producer Full-Service Retail Sales Application

Date

Part A: Producer Information

1. Business Legal Name (individual name if sole proprietor)

Kowalske Brewing

2. Business Name or DBA

Component Brewing

3. Agent Name

Ashley Schnering

4. FEIN

82 - 4547890

5. Wisconsin Seller's Permit Number

456 - 1030207982 - 06

6. Wisconsin Producer Permit Number

503439

7. Producer Type



Brewery



Winery



Liquor Manufacturer/Rectifier

8. Contact Person's First Name

David

9. Last Name

Kowalske

10. M.I.

E

11. Contact Person's Phone

(262) 565-8782

12. Contact Person's Email

dj@componentbrewing.com

Part B: Production Quantity

Note: Check appropriate quantity for permit held (see instructions). If you hold more than one producer permit, check the total aggregate quantity produced for each type of permit. Enter the highest quantity produced in any of the last three calendar years.

Brewery

☐ Less than 250 barrels☒ 250 - 2,499 barrels☐ 2,500 - 7,499 barrels☐ 7,500 or more barrels

Manufacturer/Rectifier

☐ Less than 1,500 liters☐ 1,500 - 4,999 liters☐ 5,000 - 34,999 liters☐ 35,000 or more liters

Winery

☐ Less than 1,000 gallons☐ 1,000 - 4,999 gallons☐ 5,000 - 24,999 gallons☐ 25,000 or more gallons

Calendar year: 2023

Quantity: 400

Calendar year:

Quantity:

Calendar year:

Quantity:

Complete only ONE of Part C, D or E.

Part C: Request for Full-Service Retail Sales at the Production Premises

1. Start Date

2. Production Premises Address

3. City

4. State

5. Zip Code

6. County

7. Governing Municipality ☐ City ☐ Town ☐ Village
of: _____

Part D: Request for Fixed Full-Service Retail Outlet

1. Are you transferring one fixed full-service retail outlet to a new location? ☐ Yes ☐ No
If yes, complete boxes 2 through 9.

2. Current Outlet Name

3. Current Outlet Premises Address

4. City

5. State

6. Zip Code

7. County

8. Governing Municipality ☐ City ☐ Town ☐ Village
of: _____

9. Premises Phone Number

Continued →

Part D: Request for Fixed Full-Service Retail Outlet (Cont.)**New Fixed Retail Outlet Information (complete boxes 10 through 23)**

10. Start Date	11. New Outlet Name		
12. New Outlet Premises Address			
13. City	14. State	15. Zip Code	
16. County	17. Governing Municipality ☐ City ☐ Town ☐ Village of: _____		18. Premises Phone Number
19. Premises Description - Describe the building or buildings and any outside areas where alcohol beverages are produced, sold, stored, or consumed, and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary.			
20. Will you operate a restaurant on the premises? ☐ Yes ☐ No			
21. What alcohol beverages will be offered for sale? (check all that apply) ☐ Beer ☐ Wine ☐ Intoxicating Liquor (other than wine)			
22. What alcohol beverages does the permittee produce? (check all that apply) ☐ Beer ☐ Wine ☐ Intoxicating Liquor (other than wine)			
23. How will customers be served? (check all that apply) . . . ☐ Samples ☐ On-premises consumption ☐ Off-premises consumption			

Part E: Request for Unlimited Transfer Full-Service Retail Outlet

1. Name of Event (if applicable) Beer Garden		
2. Dates of Operation (attach a schedule, if necessary) September 7, 2024		3. Hours of Operation 12 - 6PM
4. Premises Address 16400 W Al Stigler Pkwy		
5. City New Berlin	6. State WI	7. Zip Code 53151
8. County Waukesha	9. Governing Municipality ☒ City ☐ Town ☐ Village of: New Berlin	
10. Organizer of Event (if not the named applicant) Katie Roth	11. Email and/or Phone Number for Organizer of Event kroth@newberlin.org	
12. Organizer Website N/A	13. Event Website N/A	
14. Premises Description - Describe the building or buildings and any outside areas where alcohol beverages are produced, sold, stored, or consumed, and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary. Beer trailer will be set up in Malone Park for an afternoon/evening beer garden with live music and a food truck.		
15. On-Site Contact (Last Name, First Name) Roth, Katie	16. On-Site Contact Phone (262) 797-2443	17. On-Site Contact Email kroth@newberlin.org
18. Will you operate a restaurant on the premises? ☐ Yes ☒ No		
19. What alcohol beverages will be offered for sale? (check all that apply) ☒ Beer ☐ Wine ☐ Intoxicating Liquor (other than wine)		
20. What alcohol beverages does the permittee produce? (check all that apply) ☒ Beer ☐ Wine ☐ Intoxicating Liquor (other than wine)		
21. How will customers be served? (check all that apply) . . . ☐ Samples ☒ On-premises consumption ☐ Off-premises consumption		

Part F: Attestation

Who must sign this application?

- sole proprietor
- general partner of a partnership
- corporate officer
- member of an LLC

READ CAREFULLY BEFORE SIGNING:

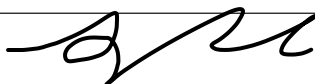
I understand and agree to the following:

- I will not operate this location outside of the dates and times approved by the municipality and Division of Alcohol Beverages.
- I will operate this location according to municipal ordinance and restrictions imposed as a condition of receiving this authorization.
- I will purchase alcohol beverages I do not produce from an authorized source, such as a Wisconsin-permitted wholesaler.
- I will operate this location according to Wisconsin law and administrative regulation including but not limited to: underage restrictions, closing hours, licensed operators, and record keeping requirements.

Further, 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 authorization. Further, I agree that the rights and responsibilities conferred by the authorization, if granted, will not be assigned to another individual or entity. I understand that lack of access to any portion of a premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this authorization. I understand that any authorization issued contrary to Wis. Stats. Chapter 125 shall be void under penalty of Wisconsin 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

David E. Kowalske



Date

07/03/2024

Last Name

Kowalske

First Name

David

M.I.

E

Title

Member

Email

dj@componentbrewing.com

Phone

(262) 565-8782

Part G: For Municipal Use Only (Complete if Requesting Authorization in Part D or E)1. Will the municipality limit the scope of alcohol beverages offered for sale? ☐ Yes ☐ No2. Will the municipality impose any requirements or restrictions for the full-service retail outlet? ☐ Yes ☐ No

3. Describe municipal restrictions indicated in questions 1 or 2 above.

4. Last Name of Municipal Official

5. First Name

6. M.I.

7. Signature of Municipal Official

8. Date

9. Date Application was Filed with Clerk

10. Date Full-Service Retail Outlet Approved by Governing Body

Form AB-105 Instructions

Producer Full-Service Retail Sales Application

Who may apply for full-service retail sales?

Producer permittees may apply for full-service retail sales on or off the production premises. Producer permittees include brewers, rectifiers, manufacturers, and wineries.

Who qualifies for full-service retail sales?

- A brewery that manufactures a minimum of 250 barrels of fermented malt beverages.
- A manufacturer/rectifier that produces a minimum of 1,500 liters of intoxicating liquor.
- A winery that produces a minimum of 1,000 gallons of wine.

What are full-service retail sales?

Permittees that are granted full-service retail sales privileges may:

- Sell fermented malt beverages and intoxicating liquor at retail for on- or off-premises consumption at their production premises and at one or more off-site full-service retail outlets.
- Provide taste samples of fermented malt beverages and intoxicating liquor.

What are full-service retail outlets?

Full-service retail outlets are authorized locations for full-service retail sales at places other than the permittee's production premises.

What is the difference between a fixed and unlimited transfer full-service retail outlet?

Fixed full-service retail outlets may be transferred from one location to another once per year. Unlimited transfer full-service retail outlets may be transferred an unlimited number of times in a year. Only one of a producer's full-service retail outlets may be transferred without limitation on frequency.

How many full-service retail outlets may I have?

The number of full-service retail outlets a producer qualifies for is determined by alcohol beverage production volume. Producers may have a maximum of three full-service outlets, regardless of the number or type of producer permits they hold.

Who approves full-service retail sales?

Full-service retail sales on the production premises need only be approved by the Division of Alcohol Beverages. Municipalities do not issue licenses for full-service retail sales outlets; however, municipalities must approve of the outlets. The applicant must forward the municipal approval to the Division of Alcohol Beverages for final granting of the authority for sales to commence on the premises.

Can a municipality limit authorized sales at a full-service retail outlet?

Yes, a municipality can limit authorized sales at a full-service retail outlet. Municipalities may limit the scope of alcohol beverages offered for sale by the permittee. Municipal approval of a full-service retail outlet must be based on the same standards and criteria, established by ordinance, for the evaluation and approval of retail licenses. A municipality may not impose any requirement or restriction in connection with the approval that the municipality does not impose on retail licensees.

How do I fill out Form AB-105 and begin the application process?

Authorizations requested on Form AB-105 must be applied for only one premises in one municipality at a time. To request multiple authorizations, submit a separate Form AB-105 for each location/premises.

Parts A, B, and F: Applicants must complete Parts A, B, and F.

Parts C, D, and E: Complete only one Part. Form AB-105 must be used to request only one authorization at a time.

Example: A producer applicant requesting full-service retail sales authorization on the production premises should complete Parts A, B, C, and F.

Example: A producer applicant requesting a fixed full-service retail outlet should complete Parts A, B, D, and F.

Example: A producer applicant requesting an unlimited transfer full-service retail outlet should complete Parts A, B, E, and F. Producer applicants requesting authorization in Part E must complete one Form AB-105 for each premises. Applicants may use the same Form AB-105 to request authorization for multiple dates and times occurring on the same premises.

Municipal approval is required for authorizations requested in Parts D and E. If a producer is applying for authorization in either of these sections, the completed application must first be submitted to the governing municipality.

After the municipality has granted approval by completing Part G, the applicant should submit AB-105 to the Division of Alcohol Beverages for final approval. If the applicant is only requesting authorization in Part C, the application does not require municipal approval and may be submitted directly to the Division of Alcohol Beverages.

Specific Instructions:

Part A: Producer Information

- Box 1: Enter the legal business name.
- Box 2: Enter the trade name or “doing business as” name, if different than the name in box 1.
- Box 3: Enter the name of the approved agent appointed for your producer permit.
- Box 4: Enter Federal Employer Identification Number (FEIN).
- Box 5: Enter Wisconsin seller’s permit number.
- Box 6: Enter the 15-digit Wisconsin Tax Account Number of the permit that these authorizations should be associated with.
- Box 7: Check the corresponding producer permit type.
- Box 8-10: Enter contact person’s name.
- Box 11: Enter contact person’s phone number.
- Box 12: Enter contact person’s email address.

Part B: Production Quantity

- Check the highest cumulative total of alcohol beverages produced in any one of the three preceding calendar years for each specific permit type held.
 - Do not include alcohol beverages produced under a contract production agreement.
- Enter the calendar year in which the highest cumulative total of alcohol beverages produced was met.
- Enter the exact quantity of alcohol beverages produced.
- If an applicant holds more than one type of permit or multiple permits of the same type, the aggregate number of full-service retail outlets that may be established is the maximum number authorized under their permit type, but not exceeding three full-service retail outlets.
 - Under these circumstances, each authorized full-service retail outlet shall serve as the full-service retail outlet associated with each applicable permit, regardless of whether permittee would otherwise be entitled to fewer full-service retail outlets when calculated under their other permit(s).

Part C: Request for Full-Service Retail Sales at the Production Premises

- Authorization under this portion does not require municipal approval. If the applicant is not seeking other retail authorizations on this form, it can be submitted directly to the Division of Alcohol Beverages.
- Box 1: Enter the date that you would like to begin full-service retail sales.
- Box 2-5: List the premises address for the permit identified in Part A, boxes 5 and 6.
- Box 6: Name the county where the production premises is located.
- Box 7: Name the governing municipality where the production premises is located.

Part D: Request for Fixed Full-Service Retail Outlet

- Authorization under this section must be approved by the municipality in which the retail outlet is located prior to submitting to the Division of Alcohol Beverages for final approval.
- Box 1: Check yes if you are applying to transfer a fixed full-service outlet from one location to another. Fixed Full-Service Retail Outlets may be transferred from place-to-place once per year with approval of the municipality that governs the new location.
- Boxes 2-9: Complete these boxes if you checked yes in box 1 to describe the current premises you are applying to transfer.

- Box 10: Enter the date that you would like to open the full-service retail outlet for business.
- Boxes 11-18: Complete these boxes to describe the location of your new premises.
- Box 19: Describe the premises in detail. Include outdoor spaces if the municipality allows it. Attach a floor plan if possible.

Example: The premises is located at 1234 Main St., Realtown, WI 12345 and includes only the first-floor bar room, dining room, kitchen, north storage room, and south office of the 5,000-square-foot building.

- Box 20: Producers may operate a restaurant on the premises of a full-service retail outlet with municipal and division approval.
- Box 21: Check all types of alcohol beverages that will be offered for sale at the full-service retail outlet, including beverages made by the producer or producer group.
- Box 22: Check all the alcohol beverages that are made by the producer under all their permits.
- Box 23: Check all types of service that apply to this full-service retail outlet.
 - Samples mean 3 oz. of beer, 3 oz. of wine, or 0.5 oz. of liquor provided free of charge to an individual.
 - On-premises consumption means alcohol beverages served by the glass to be consumed by the customer at the premises identified in Box 18.
 - Off-premises consumption means alcohol beverages sold in original, unopened containers for customers to consume away from the premises identified in Box 18.

Part E: Request for Unlimited Transfer Full-Service Retail Outlet

- Authorizations under Part E must be for dates of operation where the unlimited transfer location will be located at the same premises in the same municipality. You must use a new Form AB-105 to request authorization for each separate premises, regardless of whether the separate premises are in the same municipality.
- Box 1: If you are requesting authorization to initiate or move your unlimited transfer outlet to a specific event like a farmer's market, festival, or other community event, name it here.
- Box 2: List the requested dates of operation. Attach a schedule or calendar of events, if necessary.
- Box 3: List the requested hours of operation. If no hours are listed, the approving municipality and the Division will assume you are seeking authorization to operate during all hours allowed under Chapter 125, Wis. Stats.
- Box 4-9: Identify the premises address.
- Box 10-13: If you are requesting authorization to move your unlimited transfer outlet to a specific event, provide contact information for the event organizer, if not the named applicant.
- Box 14: Describe the premises in detail. Include outdoor spaces if the municipality allows it. Attach a floor plan if possible.

Example: The premises is located at 1234 Main St., Realtown, WI, 12345, and includes only the first-floor bar room, dining room, kitchen, north storage room, and south office of the 5,000 square foot building.

Example: The premises is the 1,000-square-foot tent within the southwest corner of the parking lot located at XYZ Church at 3456 Main St., Realtown, WI, 12345. All sales and storage of alcohol beverages and records will occur within the 1,000-square-foot tent in the southwest corner of the parking lot.

Example: The premises is located at PDQ Park (7890 Main St., Realtown, WI, 12345). A 5,000-square-foot tent will be constructed in the northeast corner of the park bordering the tree line and northern fence. All alcohol beverage sales and consumption will occur at this tent. Premises includes the adjacent north park office and the space between the tent and the office. Alcohol beverages and records will be securely stored in the north park office for the duration of the event.

- Box 15-17: Provide the name and contact information for a person who will be in control of the premises for the duration of the requested time.
- Box 18: Producers may operate a restaurant on the premises of a full-service retail outlet with municipal and Division of Alcohol Beverages approval.
- Box 19: Check all types of alcohol beverages that will be offered for sale at the full-service retail outlet, including beverages made by the producer under all their permits.
- Box 20: Check all the alcohol beverages that are made by the producer under all their permits.
- Box 21: Check all the types of service that apply to this full-service retail outlet.
 - Samples mean 3 oz. of beer, 3 oz. of wine, or 0.5 oz. of liquor provided free of charge to an individual.
 - On-premises consumption means alcohol beverages served by the glass to be consumed by the customer at the premises identified in Box 14.
 - Off-premises consumption means alcohol beverages sold in original, unopened containers for customers to consume

away from the premises identified in Box 14.

Part F: Attestation

- Read the attestation carefully, then sign and date.

Part G: For Municipal Use Only

- Box 1: Check yes or no to indicate if the municipality will limit the scope of alcohol beverages offered for sale at this full-service retail outlet.
- Box 2: Check yes or no to indicate if the municipality will impose other requirements or restrictions on the full-service retail outlet.
- Box 3: Describe any limitations the municipality has placed on the full-service retail outlet as indicated in questions 1 or 2. Some limitations may be: parking, zoning, or noise ordinance restrictions; not allowing sales of alcohol beverages for off-premises consumption.
- Box 4-10: The municipal official completing this part should fill in the information requested.

Completion and Submission of Form AB-105

- The producer applicant should complete Parts A, B, and F completely, and either Part C, D, or E, depending on the type of authorization requested.
- If requesting only a Part C authorization, the application can be submitted directly to the Division of Alcohol Beverages. No municipal approval is required for Part C authorizations.
- If requesting a Part D or E authorization, provide the application to the municipality where the proposed full-service retail outlet will be located.
 - The municipality should complete Part G and return it to the producer applicant.
 - The producer applicant should provide the completed AB-105 to the Division of Alcohol Beverages for final approval.
- Sales of alcohol beverages at full-service retail outlets may not commence until the Division of Alcohol Beverages has provided final approval by way of issuing a printed authorization to the applicant to be posted at the retail premises identified in this application.

After Form AB-105 is completed by the producer and approved by the municipality in Part G, submit the form to the Division of Alcohol Beverages for final approval in one of two ways:

- Email: DORAlcoholPermits@wisconsin.gov
- Mail the form to the following address:

Wisconsin Department of Revenue
Division of Alcohol Beverages
P.O. Box 8934
Madison, WI 53708-8934

Assistance

This form is designed by the Department of Revenue. If you require assistance with this form, consider reaching out to the Division of Alcohol Beverages for assistance with submission of this application and associated forms.

If you have questions about alcohol beverage laws and regulations, you may contact the Division of Alcohol Beverages using the contact information below.

Website: [DOR Alcohol Beverage \(wi.gov\)](http://DORAlcoholBeverage.wi.gov)

Write: DORAlcohol@wisconsin.gov

Call: (608) 264-4573

Save

Print

Clear

Form

AB-105

Producer Full-Service Retail Sales Application

Date

Part A: Producer Information

1. Business Legal Name (individual name if sole proprietor)

Kowalske Brewing

2. Business Name or DBA

Component Brewing

3. Agent Name

Ashley Schnering

4. FEIN

82 - 4547890

5. Wisconsin Seller's Permit Number

456 - 1030207982 - 06

6. Wisconsin Producer Permit Number

503439

7. Producer Type



Brewery



Winery



Liquor Manufacturer/Rectifier

8. Contact Person's First Name

David

9. Last Name

Kowalske

10. M.I.

E

11. Contact Person's Phone

(262) 565-8782

12. Contact Person's Email

dj@componentbrewing.com

Part B: Production Quantity

Note: Check appropriate quantity for permit held (see instructions). If you hold more than one producer permit, check the total aggregate quantity produced for each type of permit. Enter the highest quantity produced in any of the last three calendar years.

Brewery

☐ Less than 250 barrels☒ 250 - 2,499 barrels☐ 2,500 - 7,499 barrels☐ 7,500 or more barrels

Manufacturer/Rectifier

☐ Less than 1,500 liters☐ 1,500 - 4,999 liters☐ 5,000 - 34,999 liters☐ 35,000 or more liters

Winery

☐ Less than 1,000 gallons☐ 1,000 - 4,999 gallons☐ 5,000 - 24,999 gallons☐ 25,000 or more gallons

Calendar year: 2023

Quantity: 400

Calendar year:

Quantity:

Calendar year:

Quantity:

Complete only ONE of Part C, D or E.

Part C: Request for Full-Service Retail Sales at the Production Premises

1. Start Date

2. Production Premises Address

3. City

4. State

5. Zip Code

6. County

7. Governing Municipality ☐ City ☐ Town ☐ Village
of: _____

Part D: Request for Fixed Full-Service Retail Outlet

1. Are you transferring one fixed full-service retail outlet to a new location? ☐ Yes ☐ No
If yes, complete boxes 2 through 9.

2. Current Outlet Name

3. Current Outlet Premises Address

4. City

5. State

6. Zip Code

7. County

8. Governing Municipality ☐ City ☐ Town ☐ Village
of: _____

9. Premises Phone Number

Continued →

Part D: Request for Fixed Full-Service Retail Outlet (Cont.)**New Fixed Retail Outlet Information (complete boxes 10 through 23)**

10. Start Date	11. New Outlet Name		
12. New Outlet Premises Address			
13. City	14. State	15. Zip Code	
16. County	17. Governing Municipality ☐ City ☐ Town ☐ Village of: _____		18. Premises Phone Number
19. Premises Description - Describe the building or buildings and any outside areas where alcohol beverages are produced, sold, stored, or consumed, and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary.			
20. Will you operate a restaurant on the premises? ☐ Yes ☐ No			
21. What alcohol beverages will be offered for sale? (check all that apply) ☐ Beer ☐ Wine ☐ Intoxicating Liquor (other than wine)			
22. What alcohol beverages does the permittee produce? (check all that apply) ☐ Beer ☐ Wine ☐ Intoxicating Liquor (other than wine)			
23. How will customers be served? (check all that apply) . . . ☐ Samples ☐ On-premises consumption ☐ Off-premises consumption			

Part E: Request for Unlimited Transfer Full-Service Retail Outlet

1. Name of Event (if applicable) Historical Day Open House/Beer Garden		
2. Dates of Operation (attach a schedule, if necessary) September 8, 2024		3. Hours of Operation 1-4PM
4. Premises Address 19885 W National Ave.		
5. City New Berlin	6. State WI	7. Zip Code 53146
8. County Waukesha	9. Governing Municipality ☐ City ☐ Town ☐ Village of: New Berlin	
10. Organizer of Event (if not the named applicant) Katie Roth	11. Email and/or Phone Number for Organizer of Event kroth@newberlin.org	
12. Organizer Website N/A	13. Event Website N/A	
14. Premises Description - Describe the building or buildings and any outside areas where alcohol beverages are produced, sold, stored, or consumed, and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary. Beer trailer will be set up at the historical society campus in conjunction with the outdoor plan for the rest of the day's activities. Event will be primarily outside in the historical park on site, with the buildings on premises open for guests to enter and check out. No beer will be sold inside any of the historical buildings.		
15. On-Site Contact (Last Name, First Name) Roth, Katie	16. On-Site Contact Phone (262) 797-2443	17. On-Site Contact Email kroth@newberlin.org
18. Will you operate a restaurant on the premises? ☐ Yes ☒ No		
19. What alcohol beverages will be offered for sale? (check all that apply) ☒ Beer ☐ Wine ☐ Intoxicating Liquor (other than wine)		
20. What alcohol beverages does the permittee produce? (check all that apply) ☒ Beer ☐ Wine ☐ Intoxicating Liquor (other than wine)		
21. How will customers be served? (check all that apply) . . . ☐ Samples ☒ On-premises consumption ☐ Off-premises consumption		

Part F: Attestation

Who must sign this application?

- sole proprietor
- general partner of a partnership
- corporate officer
- member of an LLC

READ CAREFULLY BEFORE SIGNING:

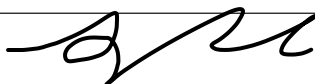
I understand and agree to the following:

- I will not operate this location outside of the dates and times approved by the municipality and Division of Alcohol Beverages.
- I will operate this location according to municipal ordinance and restrictions imposed as a condition of receiving this authorization.
- I will purchase alcohol beverages I do not produce from an authorized source, such as a Wisconsin-permitted wholesaler.
- I will operate this location according to Wisconsin law and administrative regulation including but not limited to: underage restrictions, closing hours, licensed operators, and record keeping requirements.

Further, 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 authorization. Further, I agree that the rights and responsibilities conferred by the authorization, if granted, will not be assigned to another individual or entity. I understand that lack of access to any portion of a premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this authorization. I understand that any authorization issued contrary to Wis. Stats. Chapter 125 shall be void under penalty of Wisconsin 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

David E. Kowalske



Date

07/03/2024

Last Name

Kowalske

First Name

David

M.I.

E

Title

Member

Email

dj@componentbrewing.com

Phone

(262) 565-8782

Part G: For Municipal Use Only (Complete if Requesting Authorization in Part D or E)1. Will the municipality limit the scope of alcohol beverages offered for sale? ☐ Yes ☐ No2. Will the municipality impose any requirements or restrictions for the full-service retail outlet? ☐ Yes ☐ No

3. Describe municipal restrictions indicated in questions 1 or 2 above.

4. Last Name of Municipal Official

5. First Name

6. M.I.

7. Signature of Municipal Official

8. Date

9. Date Application was Filed with Clerk

10. Date Full-Service Retail Outlet Approved by Governing Body

Form AB-105 Instructions

Producer Full-Service Retail Sales Application

Who may apply for full-service retail sales?

Producer permittees may apply for full-service retail sales on or off the production premises. Producer permittees include brewers, rectifiers, manufacturers, and wineries.

Who qualifies for full-service retail sales?

- A brewery that manufactures a minimum of 250 barrels of fermented malt beverages.
- A manufacturer/rectifier that produces a minimum of 1,500 liters of intoxicating liquor.
- A winery that produces a minimum of 1,000 gallons of wine.

What are full-service retail sales?

Permittees that are granted full-service retail sales privileges may:

- Sell fermented malt beverages and intoxicating liquor at retail for on- or off-premises consumption at their production premises and at one or more off-site full-service retail outlets.
- Provide taste samples of fermented malt beverages and intoxicating liquor.

What are full-service retail outlets?

Full-service retail outlets are authorized locations for full-service retail sales at places other than the permittee's production premises.

What is the difference between a fixed and unlimited transfer full-service retail outlet?

Fixed full-service retail outlets may be transferred from one location to another once per year. Unlimited transfer full-service retail outlets may be transferred an unlimited number of times in a year. Only one of a producer's full-service retail outlets may be transferred without limitation on frequency.

How many full-service retail outlets may I have?

The number of full-service retail outlets a producer qualifies for is determined by alcohol beverage production volume. Producers may have a maximum of three full-service outlets, regardless of the number or type of producer permits they hold.

Who approves full-service retail sales?

Full-service retail sales on the production premises need only be approved by the Division of Alcohol Beverages. Municipalities do not issue licenses for full-service retail sales outlets; however, municipalities must approve of the outlets. The applicant must forward the municipal approval to the Division of Alcohol Beverages for final granting of the authority for sales to commence on the premises.

Can a municipality limit authorized sales at a full-service retail outlet?

Yes, a municipality can limit authorized sales at a full-service retail outlet. Municipalities may limit the scope of alcohol beverages offered for sale by the permittee. Municipal approval of a full-service retail outlet must be based on the same standards and criteria, established by ordinance, for the evaluation and approval of retail licenses. A municipality may not impose any requirement or restriction in connection with the approval that the municipality does not impose on retail licensees.

How do I fill out Form AB-105 and begin the application process?

Authorizations requested on Form AB-105 must be applied for only one premises in one municipality at a time. To request multiple authorizations, submit a separate Form AB-105 for each location/premises.

Parts A, B, and F: Applicants must complete Parts A, B, and F.

Parts C, D, and E: Complete only one Part. Form AB-105 must be used to request only one authorization at a time.

Example: A producer applicant requesting full-service retail sales authorization on the production premises should complete Parts A, B, C, and F.

Example: A producer applicant requesting a fixed full-service retail outlet should complete Parts A, B, D, and F.

Example: A producer applicant requesting an unlimited transfer full-service retail outlet should complete Parts A, B, E, and F. Producer applicants requesting authorization in Part E must complete one Form AB-105 for each premises. Applicants may use the same Form AB-105 to request authorization for multiple dates and times occurring on the same premises.

Municipal approval is required for authorizations requested in Parts D and E. If a producer is applying for authorization in either of these sections, the completed application must first be submitted to the governing municipality.

After the municipality has granted approval by completing Part G, the applicant should submit AB-105 to the Division of Alcohol Beverages for final approval. If the applicant is only requesting authorization in Part C, the application does not require municipal approval and may be submitted directly to the Division of Alcohol Beverages.

Specific Instructions:

Part A: Producer Information

- Box 1: Enter the legal business name.
- Box 2: Enter the trade name or “doing business as” name, if different than the name in box 1.
- Box 3: Enter the name of the approved agent appointed for your producer permit.
- Box 4: Enter Federal Employer Identification Number (FEIN).
- Box 5: Enter Wisconsin seller’s permit number.
- Box 6: Enter the 15-digit Wisconsin Tax Account Number of the permit that these authorizations should be associated with.
- Box 7: Check the corresponding producer permit type.
- Box 8-10: Enter contact person’s name.
- Box 11: Enter contact person’s phone number.
- Box 12: Enter contact person’s email address.

Part B: Production Quantity

- Check the highest cumulative total of alcohol beverages produced in any one of the three preceding calendar years for each specific permit type held.
 - Do not include alcohol beverages produced under a contract production agreement.
- Enter the calendar year in which the highest cumulative total of alcohol beverages produced was met.
- Enter the exact quantity of alcohol beverages produced.
- If an applicant holds more than one type of permit or multiple permits of the same type, the aggregate number of full-service retail outlets that may be established is the maximum number authorized under their permit type, but not exceeding three full-service retail outlets.
 - Under these circumstances, each authorized full-service retail outlet shall serve as the full-service retail outlet associated with each applicable permit, regardless of whether permittee would otherwise be entitled to fewer full-service retail outlets when calculated under their other permit(s).

Part C: Request for Full-Service Retail Sales at the Production Premises

- Authorization under this portion does not require municipal approval. If the applicant is not seeking other retail authorizations on this form, it can be submitted directly to the Division of Alcohol Beverages.
- Box 1: Enter the date that you would like to begin full-service retail sales.
- Box 2-5: List the premises address for the permit identified in Part A, boxes 5 and 6.
- Box 6: Name the county where the production premises is located.
- Box 7: Name the governing municipality where the production premises is located.

Part D: Request for Fixed Full-Service Retail Outlet

- Authorization under this section must be approved by the municipality in which the retail outlet is located prior to submitting to the Division of Alcohol Beverages for final approval.
- Box 1: Check yes if you are applying to transfer a fixed full-service outlet from one location to another. Fixed Full-Service Retail Outlets may be transferred from place-to-place once per year with approval of the municipality that governs the new location.
- Boxes 2-9: Complete these boxes if you checked yes in box 1 to describe the current premises you are applying to transfer.

- Box 10: Enter the date that you would like to open the full-service retail outlet for business.
- Boxes 11-18: Complete these boxes to describe the location of your new premises.
- Box 19: Describe the premises in detail. Include outdoor spaces if the municipality allows it. Attach a floor plan if possible.

Example: The premises is located at 1234 Main St., Realtown, WI 12345 and includes only the first-floor bar room, dining room, kitchen, north storage room, and south office of the 5,000-square-foot building.

- Box 20: Producers may operate a restaurant on the premises of a full-service retail outlet with municipal and division approval.
- Box 21: Check all types of alcohol beverages that will be offered for sale at the full-service retail outlet, including beverages made by the producer or producer group.
- Box 22: Check all the alcohol beverages that are made by the producer under all their permits.
- Box 23: Check all types of service that apply to this full-service retail outlet.
 - Samples mean 3 oz. of beer, 3 oz. of wine, or 0.5 oz. of liquor provided free of charge to an individual.
 - On-premises consumption means alcohol beverages served by the glass to be consumed by the customer at the premises identified in Box 18.
 - Off-premises consumption means alcohol beverages sold in original, unopened containers for customers to consume away from the premises identified in Box 18.

Part E: Request for Unlimited Transfer Full-Service Retail Outlet

- Authorizations under Part E must be for dates of operation where the unlimited transfer location will be located at the same premises in the same municipality. You must use a new Form AB-105 to request authorization for each separate premises, regardless of whether the separate premises are in the same municipality.
- Box 1: If you are requesting authorization to initiate or move your unlimited transfer outlet to a specific event like a farmer's market, festival, or other community event, name it here.
- Box 2: List the requested dates of operation. Attach a schedule or calendar of events, if necessary.
- Box 3: List the requested hours of operation. If no hours are listed, the approving municipality and the Division will assume you are seeking authorization to operate during all hours allowed under Chapter 125, Wis. Stats.
- Box 4-9: Identify the premises address.
- Box 10-13: If you are requesting authorization to move your unlimited transfer outlet to a specific event, provide contact information for the event organizer, if not the named applicant.
- Box 14: Describe the premises in detail. Include outdoor spaces if the municipality allows it. Attach a floor plan if possible.

Example: The premises is located at 1234 Main St., Realtown, WI, 12345, and includes only the first-floor bar room, dining room, kitchen, north storage room, and south office of the 5,000 square foot building.

Example: The premises is the 1,000-square-foot tent within the southwest corner of the parking lot located at XYZ Church at 3456 Main St., Realtown, WI, 12345. All sales and storage of alcohol beverages and records will occur within the 1,000-square-foot tent in the southwest corner of the parking lot.

Example: The premises is located at PDQ Park (7890 Main St., Realtown, WI, 12345). A 5,000-square-foot tent will be constructed in the northeast corner of the park bordering the tree line and northern fence. All alcohol beverage sales and consumption will occur at this tent. Premises includes the adjacent north park office and the space between the tent and the office. Alcohol beverages and records will be securely stored in the north park office for the duration of the event.

- Box 15-17: Provide the name and contact information for a person who will be in control of the premises for the duration of the requested time.
- Box 18: Producers may operate a restaurant on the premises of a full-service retail outlet with municipal and Division of Alcohol Beverages approval.
- Box 19: Check all types of alcohol beverages that will be offered for sale at the full-service retail outlet, including beverages made by the producer under all their permits.
- Box 20: Check all the alcohol beverages that are made by the producer under all their permits.
- Box 21: Check all the types of service that apply to this full-service retail outlet.
 - Samples mean 3 oz. of beer, 3 oz. of wine, or 0.5 oz. of liquor provided free of charge to an individual.
 - On-premises consumption means alcohol beverages served by the glass to be consumed by the customer at the premises identified in Box 14.
 - Off-premises consumption means alcohol beverages sold in original, unopened containers for customers to consume

away from the premises identified in Box 14.

Part F: Attestation

- Read the attestation carefully, then sign and date.

Part G: For Municipal Use Only

- Box 1: Check yes or no to indicate if the municipality will limit the scope of alcohol beverages offered for sale at this full-service retail outlet.
- Box 2: Check yes or no to indicate if the municipality will impose other requirements or restrictions on the full-service retail outlet.
- Box 3: Describe any limitations the municipality has placed on the full-service retail outlet as indicated in questions 1 or 2. Some limitations may be: parking, zoning, or noise ordinance restrictions; not allowing sales of alcohol beverages for off-premises consumption.
- Box 4-10: The municipal official completing this part should fill in the information requested.

Completion and Submission of Form AB-105

- The producer applicant should complete Parts A, B, and F completely, and either Part C, D, or E, depending on the type of authorization requested.
- If requesting only a Part C authorization, the application can be submitted directly to the Division of Alcohol Beverages. No municipal approval is required for Part C authorizations.
- If requesting a Part D or E authorization, provide the application to the municipality where the proposed full-service retail outlet will be located.
 - The municipality should complete Part G and return it to the producer applicant.
 - The producer applicant should provide the completed AB-105 to the Division of Alcohol Beverages for final approval.
- Sales of alcohol beverages at full-service retail outlets may not commence until the Division of Alcohol Beverages has provided final approval by way of issuing a printed authorization to the applicant to be posted at the retail premises identified in this application.

After Form AB-105 is completed by the producer and approved by the municipality in Part G, submit the form to the Division of Alcohol Beverages for final approval in one of two ways:

- Email: DORAlcoholPermits@wisconsin.gov
- Mail the form to the following address:

Wisconsin Department of Revenue
Division of Alcohol Beverages
P.O. Box 8934
Madison, WI 53708-8934

Assistance

This form is designed by the Department of Revenue. If you require assistance with this form, consider reaching out to the Division of Alcohol Beverages for assistance with submission of this application and associated forms.

If you have questions about alcohol beverage laws and regulations, you may contact the Division of Alcohol Beverages using the contact information below.

Website: [DOR Alcohol Beverage \(wi.gov\)](http://DORAlcoholBeverage.wi.gov)

Write: DORAlcohol@wisconsin.gov

Call: (608) 264-4573



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: St. Elizabeth Ann Seton
Address: 12700 W. Howard Ave New Berlin WI 53151
Applicant representing this event:
Name: Jim Schutte Work Phone: () _____
Address: 10018 W. Wh. Hull Ed. Dr. Home Phone: () _____
Date of Birth: 7-25-1967 Cell Phone: (414) 339-1070

Jim Schutte @ yahoo.com

Event Information:

Name of Event: Funfest Celebration
Address of Event: 12700 W. Howard Ave New Berlin WI 53151

Dates of Event (no more than 3 days in a row): 7-26-7-27-7-28 2024

Estimated Number of Participants: 500

Hours of Loudspeaker Operation:

Start: 4:00 a.m./(p.m.)

Finish (no later than 10p.m.): 11:00 a.m./(p.m.)

Number of Loudspeakers to be used: 6-8

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, James K Schutte, 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: [Signature]

FOR OFFICE USE ONLY	
☒ Approved	☐ Not Approved Reason for denial:
Issued by: <u>[Signature]</u> <u>07/22/24</u>	

Human Resource Department

Common Council Update
Tuesday, July 23, 2024



The Team



- Alexis Holland
 - Human Resource Coordinator
 - Main focus: Hiring and onboarding

- Rebecca Freisleben
 - Benefit & Leave Specialist
 - Main focus: benefit administration and leave processing

- Melissa Beck
 - Human Resource Director
 - Main focus: Overall HR strategy to improve employee performance, employee engagement and employee retention

Department Vision



- Improve employee engagement through effective communication and education for all employees.
- Cultivate trust and respect to maintain positive interactions with employees.
- Fulfill statutory duties and maintain the highest standards of ethics and integrity.
- Position the Human Resource Department a Center of Excellence with a focus on initiatives to improve performance, growth and employee satisfaction.

HR Update



- New Time & Attendance System has been implemented for all non-represented employees
- We have received the live data for the Compensation Study
- Completed our first round of annual evaluations city wide
- Ongoing focus on employee retention

Hiring Update



- We have hired on 35 regular PT/FT employees so far to date in comparison to 44 new hires for all of 2023
- We have had 32 employees resign to date in comparison to 40 employees for all of 2023
- We have had 7 retirements to date in 2024 in comparison to 5 in 2023
- In addition to our regular hiring, we onboarded 141 Pollworkers and 35 Seasonal Staff so far this year

Hiring Update



Department	2023	2024	In Process
Assessors	0	1	0
City Clerk	0	1	0
DPW	10	7	3
DCD	1	0	2
Finance	1	0	1
Fire	11	4	3
IT	1	0	0
PD	10	4	1-4
HR	1	2	0
Library	11	5	2
Recreation	1	6	1
Utilities	1	3	1

Upcoming Items



- Analyze risk tolerance for moving to self-funding
- Implementation of Time & Attendance for Union Staff
- Review the use of our HRIS and Applicant tracking systems to improve efficiencies
- Create a compensation plan from the data compiled in the study
- Focus on Employee Retention

Thank you for all that you do!

QUESTIONS?

Resolution No. 2024-18

RESOLUTION PROVIDING FOR THE SALE OF APPROXIMATELY \$14,135,000
GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2024A

WHEREAS the City of New Berlin, Waukesha County, Wisconsin (the "City") is presently in need of approximately \$14,135,000 for public purposes, including paying the cost of the 2024 capital improvement projects, including the Hickory Grove building renovation (collectively, the "Project"); and

WHEREAS it is desirable to borrow said funds through the issuance of general obligation promissory notes pursuant to Chapter 67, Wisconsin Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Issuance of the Notes. The City shall issue its General Obligation Promissory Notes, Series 2024A in the approximate amount of \$14,135,000 (the "Notes") for the purposes above specified.

Section 2. Sale of the Notes. The Common Council hereby authorizes and directs that the Notes be offered for public sale. At a subsequent meeting, the Common Council shall consider such bids for the Notes as may have been received and take action thereon.

Section 3. Notice of Sale. The City Clerk (in consultation with Ehlers & Associates, Inc. ("Ehlers")) be and hereby is directed to cause notice of the sale of the Notes to be disseminated in such manner and at such times as the City Clerk may determine and to cause copies of a complete Notice of Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 4. Official Statement. The City Clerk (in consultation with Ehlers) shall cause an Official Statement to be prepared and distributed. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Official Statement, such certification to constitute full authorization of such Official Statement under this resolution.

Section 5. Reimbursement. The Common Council hereby officially declares its intent pursuant to Treasury Regulation Section 1.150-2 to reimburse any expenditures made in connection with the Project prior to the issuance of the Notes with the proceeds of the Notes in an amount not to exceed \$14,135,000.

Adopted, approved and recorded July 23, 2024.

David A. Ament
Mayor

ATTEST:

Rubina R. Medina
City Clerk

(SEAL)



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

July 17, 2024

VIA EMAIL

Mr. Ralph Chipman
Finance Director-Treasurer
City of New Berlin
3805 South Casper Drive
New Berlin, WI 53151

Scope of Engagement Re: Proposed Issuance of \$14,135,000 City of New Berlin (the "City") General Obligation Promissory Notes, Series 2024A (the "Securities")

Dear Mr. Chipman:

We are pleased to be working with you again as the City's bond counsel. Thank you for your confidence in us.

The purpose of this letter is to set forth the role we propose to serve and responsibilities we propose to assume as bond counsel in connection with the issuance of the above-referenced Securities. If you have any questions about this letter or the services we will provide, or if you would like to discuss modifications, please contact me.

Role of Bond Counsel

Our bond counsel engagement is a limited, special counsel engagement. Bond counsel is engaged as a recognized independent expert whose primary responsibility is to render an objective legal opinion with respect to the authorization and issuance of municipal obligations. If you desire additional information about the role of bond counsel, we would be happy to provide you with a copy of a brochure prepared by the National Association of Bond Lawyers.

As bond counsel we will: examine applicable law; prepare authorizing and closing documents; consult with the parties to the transaction, including the City's financial advisor or underwriter or placement agent, prior to the issuance of the Securities; review certified proceedings; and undertake such additional duties as we deem necessary to render the bond counsel opinion described below. As bond counsel, we do not advocate the interests of the City or any other party to the transaction. We assume that the parties to the transaction will retain such counsel as they deem necessary and appropriate to represent their interests in this transaction.

QB\91088708.1

Subject to the completion of proceedings to our satisfaction, we will render our opinion that:

- 1) the Securities are valid and binding general obligations of the City;
- 2) all taxable property in the territory of the City is subject to ad valorem taxation without limitation as to rate or amount to pay the Securities; and
- 3) the interest paid on the Securities will be excludable from gross income for federal income tax purposes (subject to certain limitations which may be expressed in the opinion).

The bond counsel opinion will be executed and delivered by us in written form on the date the Securities are exchanged for their purchase price (the "Closing") and will be based on facts and law existing as of its date.

Upon delivery of the opinion, our responsibilities as bond counsel will be concluded with respect to this financing; specifically, but without implied limitation, we do not undertake (unless separately engaged) to provide any post-closing compliance services including any assistance with the City's continuing disclosure commitment, ongoing advice to the City or any other party concerning any actions necessary to assure that interest paid on the Securities will continue to be excluded from gross income for federal income tax purposes, or participating in an Internal Revenue Service, Securities Exchange Commission or other regulatory body survey or investigation regarding or audit of the Securities.

In rendering the opinion, we will rely upon the certified proceedings and other certifications of public officials and other persons furnished to us without undertaking to verify the same by independent investigation.

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 or refinanced by the Securities, or any related matters.

A form of our opinion and a form of a Continuing Disclosure Certificate (which we may prepare) may be included in the Official Statement or other disclosure document for the Securities. However, as bond counsel, we will not assume or undertake responsibility for the preparation of an Official Statement or other disclosure document with respect to the Securities, nor are we responsible for performing an independent investigation to determine the accuracy, completeness or sufficiency of any such document. If an Official Statement or other disclosure document is prepared and adopted or approved by the City, we will either prepare or review any description therein of: (i) Wisconsin and federal law pertinent to the validity of the Securities and the tax treatment of interest paid thereon and (ii) our opinion.

Diversity of Practice; Consent to Unrelated Engagements

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 bond 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 bond 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 Securities and our role as bond counsel, we may have served as counsel to the financial institution that has or will underwrite, purchase or place the Securities or that is serving as the City's financial advisor. We may also be asked to represent financial institutions and other market participants, including the underwriter, purchaser or placement agent of the Securities or the City's financial advisor, in future transactions or matters that are not related to the issuance of the Securities or our role as bond counsel. By engaging our services under the terms of this letter, the City consents to our firm undertaking representations of this type.

Fees

Based upon: (i) our current understanding of the terms, structure, size and schedule of the financing, (ii) the duties we will undertake pursuant to this letter, (iii) the time we anticipate devoting to the financing, and (iv) the responsibilities we assume, we estimate that our fee will be \$27,500. Such fee and expenses may vary: (i) if the principal amount of Securities actually issued differs significantly from the amount stated above, (ii) if material changes in the structure of the financing occur, or (iii) if unusual or unforeseen circumstances arise which require a significant increase in our time, expenses or responsibility. If at any time we believe that circumstances require an adjustment of our original fee estimate, we will consult with you. It is our understanding that our fee will be paid out of proceeds of the Securities at Closing.

If, for any reason, the financing is not consummated or is completed without the rendition of our opinion as bond counsel, we will expect to be compensated at our normal hourly rates for time actually spent, plus out-of-pocket expenses. Our fee is usually paid either at the Closing out of proceeds of the Securities or pursuant to a statement rendered shortly thereafter. We customarily do not submit any statement until the Closing unless there is a substantial delay in completing the financing.

Terms of Engagement

Either the City or Quarles & Brady may terminate the engagement at any time for any reason by written notice, subject on our part to applicable rules of professional conduct. If the City terminates our services, the City is responsible for promptly paying us for all fees, charges, and expenses incurred before the date we receive termination. We reserve the right to withdraw from representing the City if, among other things, the City fails to honor the terms of this engagement letter – including the City's failing to pay our bills, the City's failing to cooperate or follow our advice on a material matter, or our becoming aware of any fact or circumstance that would, in our view, render our continuing representation unlawful or unethical.

Unless previously terminated, our representation will terminate when we send to the City (or its representative) our final bill for services rendered. If the City requests, we will promptly return the City's original papers and property to you, consistent with our need to ensure payment of any outstanding bills. We may retain copies of the documents. We will keep our own files, including attorney work product, pertaining to our representation of the City. For various reasons, including the minimization of unnecessary storage expenses, we may destroy or otherwise dispose of documents and materials a reasonable time after termination of the engagement.

City Responsibilities

We will provide legal counsel and assistance to the City in accordance with this letter and will rely upon information and guidance the City and its personnel provide to us. We will keep the City reasonably informed of progress and developments, and respond to the City's inquiries. To enable us to provide the services set forth in this letter, the City will disclose fully and accurately all facts and keep us apprised of all developments relating to this matter. The City agrees to pay our bills for services and expenses in accordance with this engagement letter. The City will also cooperate fully with us and be available to attend meetings, conferences, hearings and other proceedings on reasonable notice, and stay fully informed on all developments relating to this matter.

Limited Liability Partnership

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

Mr. Ralph Chipman
July 17, 2024
Page 5

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.

Conclusion and Request for Signed Copy

If the foregoing terms of this engagement are acceptable to you, please so indicate by returning a 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 looking forward to working with you and the City in this regard.

Very truly yours,

QUARLES & BRADY LLP

Bridgette Keating /TAB

Bridgette Keating

BJK:FCD:TAB
#690094.00058

cc: Rubina R. Medina (via email)
Greg Johnson (via email)
Harry Allen (via email)
Kathy Myers (via email)
Sue Porter (via email)
Frank DeGuire (via email)
Tracy Berrones (via email)
bondsale@ehlers-inc.com

Accepted and Approved:

CITY OF NEW BERLIN

By: _____

Its: _____
Title

Date: _____

REQUESTED ACTION STATEMENT

DATE: July 5, 2024

TO: New Berlin Common Council

FROM: Mark G. Blum, City Attorney

REQUESTED ACTION: Discussion and possible action to approve the Ordinance to amend Chapter 93 and Section 152-3(A) of the New Berlin Municipal Code to define and include electronic vaping devices.

FISCAL IMPACT: Minimal.

RATIONALE: Prior Wisconsin law which required sellers of cigarette and tobacco products to obtain a municipal retail license was modified with the passage of 2023 Wis. Act 73. It is now required that, in addition to the previous requirements, sellers of electronic vaping devices also obtain a municipal retail license. The new licensing requirements went into effect March 6, 2024, and this ordinance will ensure the New Berlin Municipal Code is consistent with those changes. Specifically, the proposed amendment to Chapter 93 would repeal the “vaping products” definition and replace it with the “electronic vaping devices” definition that was created by 2023 Wis. Act 73. The new definition would encompass arguably the same products as the previous definition, while improving consistency between the New Berlin Municipal Code and the State statutes. Additionally, the proposed amendment to Section 152-3(A) would clarify that the section is applicable to sellers of electronic vaping devices. Because Section 152-3(A) is written to adopt future modifications to Wis. Stat. § 134.65, it now encompasses the new licensure requirements for sellers of electronic vaping devices.

The City no longer issues soda water licenses. Thus, the reference to such licenses can be removed from Section 152-3(A).

Thank you for your consideration to these comments.

Respectfully Submitted,

/s/ Mark G. Blum

Mark G. Blum

ORDINANCE NO. 2696**ORDINANCE AMENDING CHAPTER 93 AND SECTION 152-3(A) OF THE
CITY OF NEW BERLIN MUNICIPAL CODE**

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

SECTION I

Chapter 93 of the New Berlin Municipal Code is hereby amended as follows:

The term and definition of “Vapor Products” is hereby repealed and replaced with the following:

Electronic vaping device: A device that may be used to deliver any aerosolized or vaporized liquid or other substance for inhalation, regardless of whether the liquid or other substance contains nicotine, including an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. “Electronic vaping device” includes a component, part, or accessory of the device, and includes a liquid or other substance that may be aerosolized or vaporized by such device, regardless of whether the liquid or other substance contains nicotine. “Electronic vaping device” does not include a battery or battery charger when sold separately. “Electronic vaping device” does not include drugs, devices, or combination products authorized for sale by the U.S. food and drug administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

All uses of the term “vapor products” within Chapter 93 of the New Berlin Municipal Code are deemed repealed and replaced with the term “Electronic vaping device” as defined herein.

SECTION II

Section 152-3(A) of the New Berlin Municipal Code is hereby amended as follows:

§ 152-3 Cigarette and electronic vaping device licenses.

A. License.

The statutory provisions of § 134.65, with § 66.0433, Wis Stats., describing and defining licensure with respect to cigarettes and electronic vaping devices, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a term of imprisonment, are hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this section in order to secure uniform statewide regulation of the licensure of cigarettes and electronic vaping devices.

SECTION III

All ordinances or parts of ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.

SECTION IV

The several sections of this ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the ordinance.

SECTION V

This ordinance shall take effect upon passage and publication as approved by law, and the City Clerk shall so amend the Code of Ordinances of the City of New Berlin, and shall indicate the date and number of this amending ordinance therein.

PASSED AND ADOPTED by the Common Council this _____ day of _____, 2024.

APPROVED:

David Ament, Mayor

Countersigned:

Rubina R. Medina, City Clerk

REQUESTED ACTION STATEMENT

DATE: July 17, 2024

TO: Mayor Dave Ament
Fellow Alderpersons

FROM: Kenneth A. Harenda II
District #4 Alderman
Common Council President
Recreation Commission - Chairman

ISSUE: **REQUEST APPROVAL FOR A CHANGE TO SECTION 6-31 OF THE CITY CODE REGARDING THE COMPOSITION OF THE RECREATION COMMISSION.**

REQUESTED ACTION: Request that the New Berlin Common Council approve Ordinance #
??? to Amend Section 6-31, Of The City of New Berlin Municipal Code Regarding The
Membership of The Recreation Commission.

FISCAL IMPACT: None

RATIONALE: The City of New Berlin and the New Berlin Athletic Association (NBAA) are in the processing of folding programing and operations of current NBAA Youth Recreation Activities into the Recreation Department. The NBAA has been a proud sponsor and originator of youth recreation programs in the City of New Berlin for 50 years. As this transition takes place and for the future of youth recreation sports in the City of New Berlin, the NBAA membership representation on the Recreation Commission would offer a wealth of knowledge to the City of New Berlin, Recreation Commission and youth recreation sports going forward.

ORDINANCE NO. 2697

**ORDINANCE TO AMEND SECTION 6-31, A
OF THE CITY OF NEW BERLIN MUNICIPAL CODE
REGARDING THE MEMBERSHIP OF THE RECREATION COMMISSION**

WHEREAS, the City Recreation Commission currently consists of five (5) members, including a Council representative appointed by the Council President; one (1) representative from the New Berlin School District; and three (3) citizen members appointed by the Mayor and confirmed by the Council; and

WHEREAS, the City would like to have two (2) representatives from the New Berlin Athletic Association be part of the Recreation Commission, increasing the size of the Commission to seven (7) members.

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

SECTION I

Section 6-31, A of the Municipal Code of the City of New Berlin is hereby repealed and recreated to read as follows:

6-31 A Membership

The Recreation Commission shall report to the Common Council and shall consist of seven (7) members: one (1) being a Common Council member who shall be appointed annually by the Common Council President, commencing May 1st of each year; one (1) New Berlin School District representative; and five (5) citizen members. Three (3) of the citizen members shall be appointed by the Mayor and confirmed by the Common Council; two (2) citizen members shall be nominated by the New Berlin Athletic Association, which appointments shall be brought forward by the Mayor and confirmed by the Common Council. The terms for these appointees shall be three (3) years, except that when the initial appointments are made, one member shall be appointed for 1 year, one member for 2 years and one member for 3 years. The initial appointment for the two members being nominated by the New Berlin Athletic Association in 2024, shall be three year terms.

SECTION II

All Ordinances or parts of Ordinances contravening the terms and conditions of this Ordinance are hereby to that extent repealed.

SECTION III

The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the Ordinance.

SECTION IV

This Ordinance shall take effect upon passage and publication as approved by law, and the City Clerk shall so amend the Code of Ordinances of the City of New Berlin, and shall indicate the date and number of this amending ordinance therein.

PASSED AND ADOPTED by the Common Council this _____ day of _____, 2024.

APPROVED:

Countersigned:

David Ament, Mayor

Rubina R. Medina, City Clerk



REQUESTED ACTION STATEMENT

TO: Common Council
Mayor Dave Ament

FROM: Gregory Kessler, AICP – Director of Community Development 

RE: Requested Action Statement to eliminate large room rentals from the City's portfolio of services.

DATE: July 12, 2024

REQUESTED ACTION: Requested Action Statement to eliminate large room rentals from the City's portfolio of services.

FISCAL IMPACT: See chart below for revenue and expense projections for the previous 3 ½ years.

SOURCE OF FUNDS: Not applicable

RATIONALE / BACKGROUND:

For many years, when the City's Community Center is not being utilized for City-sponsored activities, several rooms are made available for rentals to both resident and non-resident community organizations and citizens. These events have included meetings, weddings, family reunions, and birthday parties.

In reviewing previous revenue and cost projections, it is clear that the City loses money with these rentals. The numbers below do not identify the costs associated with post-event cleanup and repairs to the room(s) themselves. These rooms have experienced damage done to them from previous events such as the flooding of bathrooms and damage to paint and drywall aside from excessive garbage and debris strewn about.

Lastly, these rentals also require a city staff person to be on-call and/or available during after-hours or weekend times to respond to emergency or to be available to clean up the room and get it ready for quick turnaround should another event have the room rented.

Due to the aforementioned reasons our department is recommending that the City no longer provide large room rentals except for city of New Berlin civic groups. If this RAS is approved, the City would no longer rent any rooms from any of its buildings for weddings, parties, meetings, etc...for non-city, civic group entities or persons.

YEAR	# OF RESERVATIONS	TOTAL REVENUE	APPROX. STAFF COST \$30/HR	APPROX. STAFF COST \$92/HR
2021	76	\$20,172.20	\$13,680	\$41,952
2022	81	\$21,084.10	\$14,580	\$44,712
2023	85	\$16,043.30	\$15,300	\$46,920
2024- Until May	34	\$7356.60	\$6,120	\$18,768

Assumptions: Approx. Staff Cost- 2 DPW Staff 1.5 hours each to set up, 1.5 hours to take down and clean @ \$30/HR. 3 Hours Total X 2 Staff = 6 Hours per rental @ \$30/HR (\$180/Rental to set up and take down)

\$92 (\$552/Rental (6 Hours X \$92)), provided by DPW for the staff cost from past events

New Berlin Community Center

14750 W. Cleveland Ave. | New Berlin, WI | 53151

WELCOME!

Welcome to the New Berlin Community Center which is also known to many of the locals as the "Old Library." The Center is owned and operated by the City of New Berlin and provides key spaces for a variety of programs, activities, and events sponsored by the Recreation Department. The New Berlin Senior Citizens' Club and New Berlin Food Pantry also operate out of this facility on a year-round basis.

When the Community Center is not being utilized for City-sponsored activities, several rooms are made available for rentals to both resident and non-resident community organizations and citizens. Meetings, weddings, family reunions, and birthdays are just a few of the many occasions that the facility accommodates. The location is conveniently located within 10 minutes of two major freeways and sits adjacent to Lions Park and its many amenities which include: walking paths, picnic shelters, tennis/pickleball courts, a fishing pond, ball diamond, newly renovated playground, and much more!

Included in this rental information packet you will find the rules and regulations that govern the rental usage of the New Berlin Community Center, hours of operation, rooms available for rent and the corresponding fees, space capacities, etc.

How To Reserve a Space

- Contact the Recreation Dept. to check room availability **(262) 797-2443** or **recreation@newberlin.org**
- **Reservations are only accepted in-person** at the New Berlin Activity and Recreation Center on a first come, first served basis. Full payment, including deposit, is due at the time of booking.



Contact Information

NEW BERLIN RECREATION DEPARTMENT

15321 W. National Ave.
New Berlin, WI 53151

OFFICE HOURS

Monday-Friday 7:00am-7:00pm
Saturday 9:00am-5:00pm

Hours subject to change by season

RECREATION PHONE

(262) 797-2443

EMAIL

recreation@newberlin.org

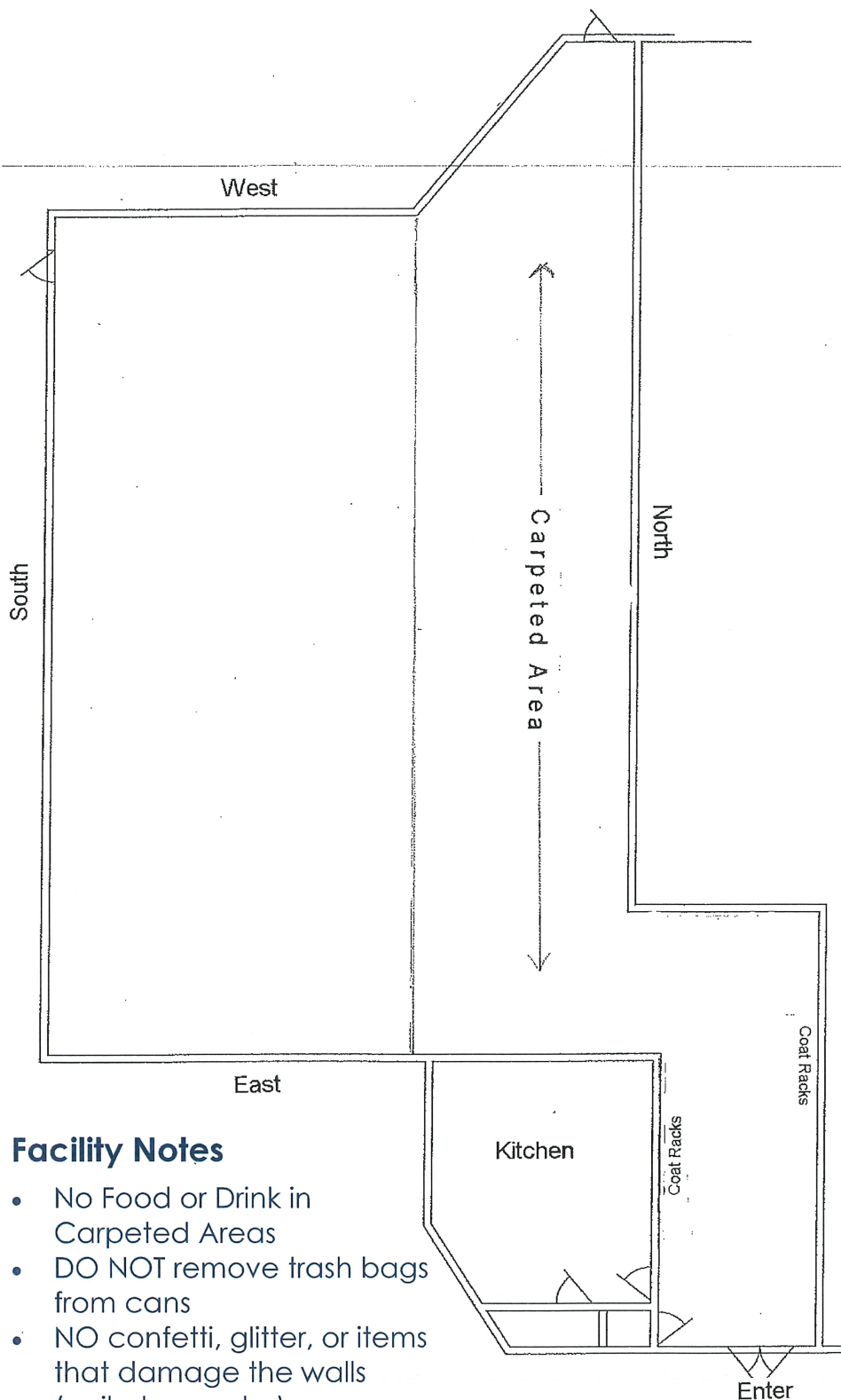
ONLINE

www.newberlinwi.gov



New Berlin Community Center

Cleveland Room with Kitchen



Facility Notes

- No Food or Drink in Carpeted Areas
- DO NOT remove trash bags from cans
- NO confetti, glitter, or items that damage the walls (nails, tape, etc.)

Cleveland Room

SQUARE FOOTAGE

4,687

CAPACITY

176 people

MINIMUM RENTAL HOURS

Monday-Thursday: 3 Hours

Friday-Sunday: 5 Hours

HOURLY FEE:

Residents: \$100 per Hour

Non-residents: \$140 per Hour

SECURITY DEPOSIT:

\$500 (due at time of booking)

INCLUDED WITH RENTAL:

- Basic Kitchen Space
 - Refrigerator
 - Microwave

TABLES & CHAIRS AVAILABLE:

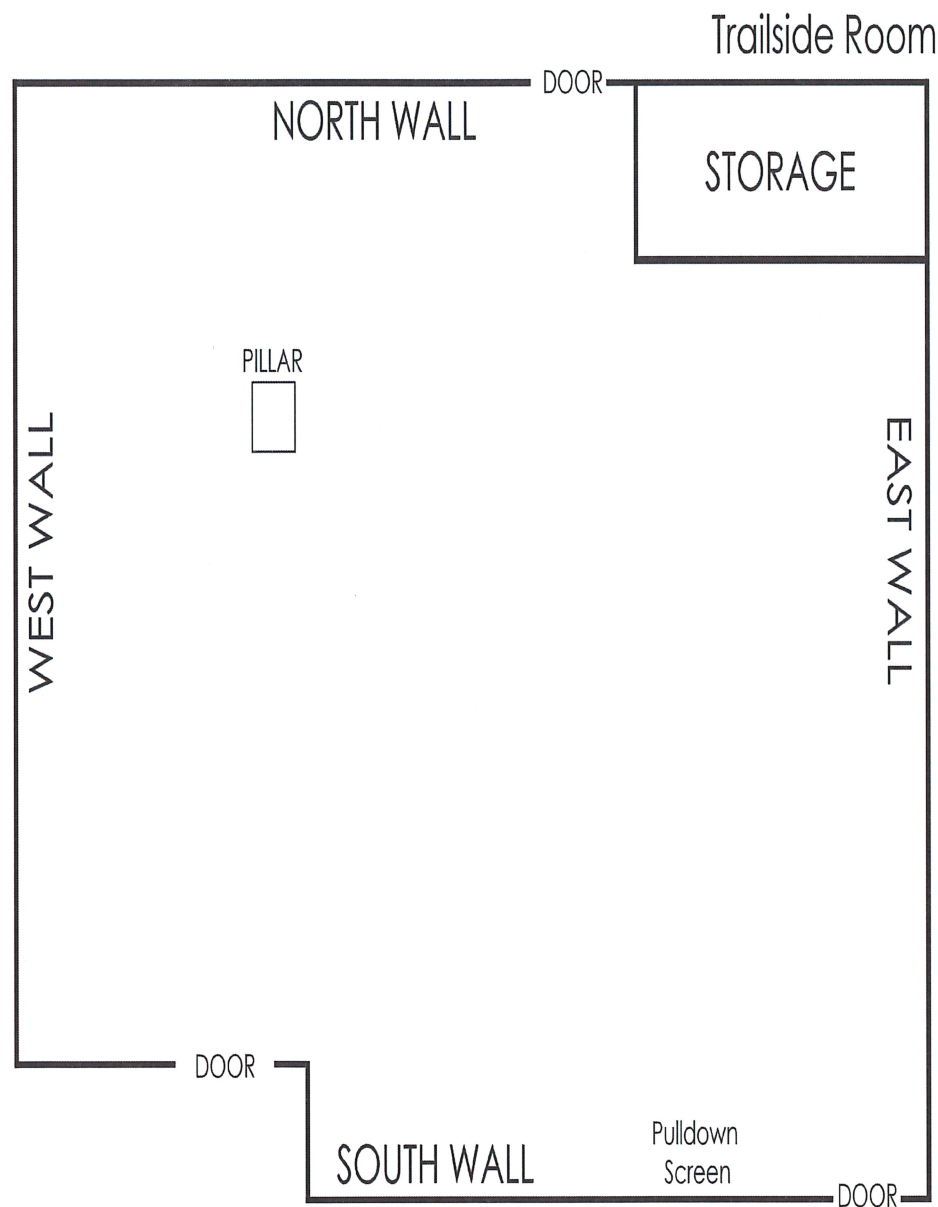
- 17—6 foot round tables with 8 chairs each
- 7—5 foot round tables with 6 chairs each
- 5—6ft rectangle tables for food, gifts, drinks, etc.

ROOM SET-UP

The Renter Applicant is responsible for choosing a room set-up configuration no later than two weeks prior to the rental. If no room set-up configuration is submitted, staff will set-up a general configuration according to the number of guests listed on the permit.

New Berlin Community Center

Trailside Room with Kitchen



Facility Notes

- Trailside Room Kitchen is kitty-corner to southeastern wall of the Trailside Room (not shown in diagram)
- No Food or Drink in Carpeted Areas
- DO NOT remove trash bags from cans
- NO confetti, glitter, or items that damage the walls (nails, tape, etc.)

Trailside Room

SQUARE FOOTAGE

1,614

CAPACITY

80 people

MINIMUM RENTAL HOURS

Monday-Thursday: 2 Hours
Friday-Sunday: 4 Hours

HOURLY FEE:

Residents: \$70 per Hour
Non-residents: \$100 per Hour

SECURITY DEPOSIT:

\$500 (due at time of booking)

INCLUDED WITH RENTAL:

- Deluxe Kitchen Space
- Refrigerator/Freezer
- Microwave & Stove/Oven

TABLES & CHAIRS AVAILABLE:

- 16—6 foot rectangle tables with 4 chairs each (for groups of 80 2 tables will be pushed together with 10 chairs each)
- Additional 6 foot rectangle tables for food, gifts, drinks, etc.

ROOM SET-UP

The Renter Applicant is responsible for choosing a room set-up configuration no later than two weeks prior to the rental. If no room set-up configuration is submitted, staff will set-up a general configuration according to the number of guests listed on the permit.

NEW BERLIN COMMUNITY CENTER APPLICATION FORM

New Berlin Recreation Department - Phone (262) 797-2443

15321 W National Ave, New Berlin, WI 53151

Email: recreation@newberlin.org Website: www.newberlinwi.gov

APPLICANT NAME: _____ GROUP/COMPANY: NAME _____

ADDRESS: _____ CITY: _____ ZIP: _____

PHONE (Home): _____ (Work): _____ (Cell): _____

EMAIL: _____

ALTERNATE CONTACT NAME: _____

PHONE (Home): _____ (Work): _____ (Cell): _____

EVENT DESCRIPTION: _____

EVENT DATE: _____

EVENT START TIME: _____ EVENT END TIME: _____ ESTIMATED ATTENDANCE: _____

ROOM(S) REQUESTED:

CLEVELAND COMMUNITY ROOM

☐ Capacity 176 (includes use of Kitchen)

Use of Kitchen will be needed:

☐ Yes ☐ No

Food will be served:

☐ Yes ☐ No

If yes, will this be a Catered event?

☐ Yes ☐ No

TRAILSIDE ROOM

☐ Capacity 80 Banquet (includes use of Kitchen)

Use of Kitchen will be needed:

☐ Yes ☐ No

Food will be served:

☐ Yes ☐ No

If yes, will this be a Catered event?

☐ Yes ☐ No

Other Options:

Alcohol (Beer/Wine/Liquor)

☐ Yes ☐ No

Are you charging for alcohol?

☐ Yes ☐ No

Are you charging an entrance fee?

☐ Yes ☐ No

Amplified Music (more than Bluetooth speaker)

☐ Yes ☐ No

Other Options: Please enter the number of items you need:

_____ Food & Beverage Tables _____ Display/Gift Tables _____ Seating Tables _____ Diagram Attached

Any changes to the rental application (less than 5 business days prior to event) will not be granted!

The undersigned applicant agrees on behalf of him or herself and all users of the New Berlin Community Center under the auspices of this application to indemnify and hold harmless and release the City of New Berlin its officers, elected officials, agents and insurers as and against any and all actions, demands, damages, causes of actions and claims of any kind or nature, including actual attorney's fees arising from, or in any way attributed to, in whole or in part, the granting of this application and/or the use of the New Berlin Community Center by the applicant or anyone participating in or involved with the event which is the subject of the application. Notwithstanding the foregoing the applicant shall not be required to indemnify the City against the City's own negligent or intentional conduct. By signing this agreement I/we acknowledge that I/we have read it (& Policies & Procedures) in its entirety, have given its terms due consideration, understand said terms and understand that I/we are freely and voluntarily giving up certain rights. I/we further intend that this agreement shall be binding upon all of our heirs' successors and assigns.

SIGNATURE OF APPLICANT: _____ DATE: _____

Updated 11-30-23

NEW BERLIN COMMUNITY CENTER BUILDING PROCEDURES & CLEANUP

- The Community Center doors are operated on an electronic locking system. Doors will automatically unlock at the start time listed on your permit, and automatically lock at the end time listed on your permit.
- You may enter the Main entrance at the North side or South side of the building.
- As you enter your designated room, turn on the lights. Please make sure to turn off lights when your rental/meeting has concluded.
- Upon conclusion of your meeting, make sure that all areas you have utilized have been cleaned up. Each kitchen has cabinets marked with cleaning supplies for your use.
- If you are leaving more than **1 hour earlier** than the times listed on your rental, **please contact: Facilities Management: (Mon-Fri 8:00 am-3:00 pm at 262-797-2471) or (Nights & Weekends Cell at 262-527-4843).**
- Upon conclusion of your rental/meeting, please make sure all doors to rooms that you have utilized are shut.
- Make sure all outside doors are shut.

CLEAN-UP POLICIES

The policies listed below will serve to identify the responsibilities on the part of both the City of New Berlin staff and the Permit Holder.

STAFF

The Primary function of City staff is to set up all tables and chairs **prior** to an event and to remove tables and chairs if necessary for the next event. The Community Center will have clean-up materials available on the premises to aid **PERMIT HOLDERS** in cleaning, such as mops and trash bags.

PERMIT HOLDER

The renter bears the responsibility of leaving the facility in the same condition as it was found. Failure to comply will lead to forfeiture of ALL or part of the permit holder's security deposit.

In order to ensure a FULL reimbursement of the security deposit, the user must meet the following criteria:

- _____ All bottles, cans, cups, tableware, etc. placed into proper trash containers.
Remember, NO tableware or silverware is provided by the City of New Berlin.
- _____ Tables and chairs wiped clean of food and beverage spills
- _____ Any "wet spills" on floor mopped (wet spills must be addressed at the time they occur). If you have a wet spill, there is a mop, pail, and wet sink located in the closet inside of the men's bathroom.
- _____ Trash is bagged and placed in wastebaskets. **Do not remove plastic bags from garbage receptacles!**
- _____ Kitchen area clean and cleared of any food or debris.
- _____ All decorations taken down and discarded properly or removed from the building. No confetti, glitter, or other lingering decorations are used.

IMPORTANT!!

Events must conclude at the time specified on the Facility Agreement. The City of New Berlin does not permit adding additional time to an event the day of the event. If for any reason the allotted time exceeds the designated departure times, the Permit Holder's deposit will be forfeited and the Police Department may be dispatched. As noted above, the Community Center has a building computer system that will identify whether the building is being used past the designated time of the facility agreement.

COMMUNITY CENTER FACILITY RESERVATION INFORMATION

To reserve a room at the New Berlin Community Center, please contact:

New Berlin Recreation Department
15321 W National Ave
New Berlin, WI 53151-0921
262-797-2443

City of New Berlin Recreation Department programs and other City of New Berlin events have first priority in scheduling use of rooms in the Community Center. The City of New Berlin reserves the right to limit the size of groups or available rooms based upon the capacity of the facilities, available parking, and to protect the public health and safety.

Facility Application:

Rooms at the Community Center may not be rented in advance of the following dates:

- **January 2024-May 2024 Reservations:** Begin Accepting in late November 2023
- **June 2024-August 2024 Reservations:** Begin Accepting in late March 2024
- **September 2024-December 2024 Reservations:** Begin Accepting in late July 2024

This ensures all City of New Berlin events are scheduled before accepting private rentals.

Commercial solicitation and transactions are prohibited. When facilities are not in use for scheduled City of New Berlin activities, and are available to the public for rent, then use of facilities is available on a first come, first served basis. The Applicant must be at least 21 years of age. The person or organization to whom the permit is issued assumes all responsibility for use of the facility. Permits cannot be transferred, assigned, or sublet. The rooms reserved for your activity are included on your permit. All other rooms in the facility are off limits.

Reservations:

Reservations are only accepted in-person at the Recreation Department office located at 15321 W. National Ave.). Hours are Monday-Friday, 8 AM – 4:30 PM.

Reservation Status:

A rental reservation is considered binding after the Facility Rental Agreement has been signed by the rental applicant and approved by City personnel. Rental applicants may not advertise any event until this time. Reservations will be confirmed and considered complete only after all required forms are signed and submitted and applicable fees and deposits are paid. The Recreation Department does not hold dates for any individual, businesses, groups, or organizations.

Rental Security Deposits and Payment Information:

ALL Rentals must be paid for in full at time of booking.

1. Rental Fee:

- a. Rental payment must be made in full at the time of the facility application approval.

2. Security Deposit:

- a. The security deposit fee for all rentable rooms is \$500. A credit or debit card will be required to cover the Security Deposit. The Security Deposit is due when booking the event. The deposit is refundable if the conditions of the rental are met (processed within one week following event). If damage occurs, the refund can be delayed.
- b. Conditions which lead to withholding part or all of the Security deposit include, but are not limited to, the following:
 - 1) Clean-up is not completed as outlined in the facility rules and regulations.
 - 2) Use of the room exceeds the scheduled rental time.
 - 3) The number of persons attending the event exceeds the number of participants listed in the agreement.
 - 4) New Berlin Recreation Department equipment or the Community Center facility is damaged during rental period.
 - 5) If damage occurs and the cost of the damage exceeds the amount of the deposit, the rental applicant will be billed for any additional expense. Damages could lead to losing future facility use privileges. The decision of whether the deposit shall be refunded is solely up to the Recreation Department and will not be refunded until the facility has been inspected by City personnel.
 - 6) Additional staff time charge required for special services or items not included in prepaid facility charge, but used by renter during the rental period.

Cancellation/Refund Policy:

- a. For cancellation requests received at least 60 days prior to the event date for all available rooms, all (100%) of the rental fees will be refunded plus the Security Deposit.
- b. For cancellation requests received less than 60 but more than 30 days prior to the event date for all available rooms, one-half (50%) of the rental fees will be refunded plus the full Security Deposit.
- c. For cancellation requests received less than 30 days prior to the event date, only the security deposit will be refunded. None (0%) of the rental fees will be refunded.
- d. Renter shall be liable for all costs of any additional services already performed.
- e. The person who signed the contract must submit the request for cancellation to the New Berlin Recreation Department.

Available Rental Hours:

Sunday: 10:00 AM - 10:00 PM

Monday through Thursday: 8:00 AM - 10:00 PM

Friday: 8:00 AM - 12:00 Midnight

Saturday: 10:00 AM - 12:00 Midnight

Facility will be closed on all major holiday weekends and election weekends.

New Berlin Community Center Fee Schedule Category Definitions:

Resident:

- a. Any New Berlin resident, individual residing within New Berlin city limits, resident business renting for non-commercial use, or resident group. To be considered a resident business, both the principal office and place of business must be located within the corporate limits of the city.
- b. New Berlin public or private elementary, middle school and high schools located within the corporate limits of the city.

Non-Resident:

- a. Any individual, business, non-profit, or for-profit group residing outside the New Berlin city limits.

Fee Waiver Policy:

- a. Please contact the Recreation Department to request the facility fee waiver policy.

Fundraising Activities:

- a. Fundraisers are only permitted on behalf of Community Based Non-Profit Organizations, or on behalf of benevolent, philanthropic, patriotic, or charitable organizations.
- b. Every charitable organization intending to conduct a fundraising activity must provide to the Department the following:
 - 1. Name under which the charitable organization intends to solicit contributions.
 - 2. Names and addresses of officers, directors, trustees, and executive personnel.
 - 3. Names and addresses of any professional fundraiser or professional solicitors.
 - 4. General purpose for which the charitable organization is organized and purpose for which the contributions to be solicited will be used.
 - 5. Where and when the organization was established and evidence of tax-exempt status.
 - 6. Whether the organization has ever been banned by any court from soliciting contributions or lost its authorization to solicit contributions.

NEW BERLIN COMMUNITY CENTER
2024 DATES UNAVAILABLE FOR RENTALS

2024 Holiday & Seasonal Closures

- Friday, December 29th, 2023 thru Tuesday, January 2nd, 2024
New Year's Holiday
- Friday, March 29th thru Sunday, March 31st
Easter Holiday
- Friday, May 24th thru Thursday, August 22nd
Summer Day Camp
- Friday, August 30th thru Monday, September 2nd
Labor Day Holiday
- Wednesday, November 27th thru Sunday, December 1st
Thanksgiving Holiday
- Monday, December 23rd thru Wednesday, December 25th
Christmas Holiday
- Monday, December 30th, 2024 thru Thursday, January 2nd, 2025
New Year's Holiday

2024 Election Closures

- Friday, February 16th thru Wednesday, February 21st
Spring Primary
- Friday, March 29th thru Wednesday, April 3rd
Spring General
- Friday, August 9th thru Wednesday, August 14th
Fall Primary
- Friday, November 1st thru Wednesday, November 6th
Fall General

Please note that additional "Unavailable Dates" may be added throughout the year. Contact the Recreation Department for the most up-to-date schedule.



REQUESTED ACTION STATEMENT

TO: Mayor Dave Ament
Common Council

FROM: Gregory Kessler, AICP - Director of Community Development 

RE: Requested Action Statement for approval of the public bids and CM related fees for Phase 1 of the Community Center at Hickory Grove Renovation Project.

DATE: July 16, 2024

REQUESTED ACTION:

- 1) The approval of a contract between the City of New Berlin and Moore Construction for the construction management for the Community Center at Hickory Grove project subject to review and approval by the City Attorney.
- 2) The approval of public base bids, as well as the CM related fees and accepting no alternates totaling \$7,077,000 for Phase 1 of the Community Center and Hickory Grove project. The City shall direct that pursuant to our contract with our Construction Manager Moore Construction Services they award contracts to the lowest responsive, responsible bidders for each bid package.

FISCAL IMPACT:

The funds to be used are from CIP account Community Center at Hickory Grove CIP account, 04252900 61103 C2024 and a donation from the New Berlin Food Pantry. The total budget for these bids in addition to Moore Construction Services fees and insurance is \$7,077,000.

The city anticipates, through value engineering, that there will be additional savings via change orders to reduce costs in 2024. Those have yet to be finalized and are not currently reflected in the overall bid package number.

SOURCE OF FUNDS:

1)	Community Center at Hickory Grove; Account: 04252900 61103 C2024	\$6,827,000
2)	Food Pantry Donation	\$250,000

RATIONALE/BACKGROUND: Phase 1 of this project will allow for the city to start work as soon as possible and to work towards gaining a functional and occupiable

building in the second quarter of 2025. The city anticipates that work can commence in late summer of 2024. Construction will continue through the winter months.

The direction of the Mayor and Common Council is to continue to work with our Architect and Construction Manager to find ways to cut costs and bring the overall budget of the project down. Staff has already identified areas within the scope that will allow us to save significant dollars by either opting for an alternative product, reducing the scope of the project, or delaying portions of the project to a future phase.

New Berlin
Community Center at Hickory Grove



YOUR CONSTRUCTION PARTNER

Project: New Berlin Community Center at Hickory Grove		ALT #1	ALT #2	ALT #3	ALT#4
#1 ASBESTOS ABATEMENT		ADD PERFORMANCE BOND	LEAVE BUILT-UP ROOF IN PLACE	NEW HANDRAIL AND GUARDRAILS	ADD CUBBIES TO HALLWAY 103
CONTRACTOR	BASE BID AMOUNT				
BALISTRIERI GROUP	\$ 178,775.00	\$ 7,151.00			
HOGAN ENVIRONMENTAL CLEAN	\$ 271,000.00	\$ 7,200.00			
THE MRD GROUP	\$ 118,300.00	\$ 2,000.00			
ROBINSON BROTHERS	\$ 218,705.00	4,375			
INTEGRITY ENVIRONMENTAL	\$ 99,318.00	2,454			
INTEGRITY ENVIRONMENTAL	\$ 99,318.00	2,454	0	0	0
#2 EARTHWORK & MASS BUILDING DEMOLITION		ADD PERFORMANCE BOND	LEAVE BUILT-UP ROOF IN PLACE	NEW HANDRAIL AND GUARDRAILS	ADD CUBBIES TO HALLWAY 103
CONTRACTOR	BASE BID AMOUNT				
D&L GRADING	\$ 505,650.00				
RIDGE EXCAVATING	\$ 239,421.00	11,401			
VEIT	\$ 692,150.00	6,922			
WOLVERINE	\$ 393,900.00	11,790			
RIDGE EXCAVATING	\$ 239,421.00	11,401	0	0	0
#3 TRENCH FILLING (ABANDONED MECHANICALS BELOW SLAB)		ADD PERFORMANCE BOND	LEAVE BUILT-UP ROOF IN PLACE	NEW HANDRAIL AND GUARDRAILS	ADD CUBBIES TO HALLWAY 103
CONTRACTOR	BASE BID AMOUNT				
ELASTIZELL	\$ 41,421.60	\$ 1,242.65			
ELASTIZELL	\$ 41,421.60	1,243	0	0	0
#4 CONCRETE		ADD PERFORMANCE BOND	LEAVE BUILT-UP ROOF IN PLACE	NEW HANDRAIL AND GUARDRAILS	ADD CUBBIES TO HALLWAY 103
CONTRACTOR	BASE BID AMOUNT				
NO BIDS RECEIVED					
NO BIDS RECEIVED	\$ -	0	0	0	0
#5 MASONRY		ADD PERFORMANCE BOND	LEAVE BUILT-UP ROOF IN PLACE	NEW HANDRAIL AND GUARDRAILS	ADD CUBBIES TO HALLWAY 103
CONTRACTOR	BASE BID AMOUNT				
PAUN CONSTRUCTION	\$ 376,200.00	\$ 7,151.00			
PAUN CONSTRUCTION	\$ 376,200.00	7,151	0	0	0
#6 STRUCTURAL & MISCELLANEOUS STEEL		ADD PERFORMANCE BOND	LEAVE BUILT-UP ROOF IN PLACE	NEW HANDRAIL AND GUARDRAILS	ADD CUBBIES TO HALLWAY 103
CONTRACTOR	BASE BID AMOUNT				
ACE IRON & STEEL	\$ 278,100.00	\$ 2,800.00		\$ 9,600.00	
CARDINAL FABRICATING CORP	\$ 249,000.00	\$ 3,100.00			
METRO WELDING	\$ 239,500.00	\$ 3,100.00		\$ 9,475.00	
METRO WELDING	\$ 239,500.00	3,100	0	9,475	0
#7 CARPENTRY & GENERAL TRADES		ADD PERFORMANCE BOND	LEAVE BUILT-UP ROOF IN PLACE	NEW HANDRAIL AND GUARDRAILS	ADD CUBBIES TO HALLWAY 103
CONTRACTOR	BASE BID AMOUNT				
JC BUILDING	\$ 1,383,545.00	\$ 12,000.00			\$ 25,000.00

New Berlin
Community Center at Hickory Grove



YOUR CONSTRUCTION PARTNER

MRD GROUP	\$ 2,615,200.00	\$ 40,000.00			\$ 7,000.00
JC BUILDING	\$ 1,383,545.00	12,000	0	0	25,000
#8 ROOFING & SHEET METAL		ADD PERFORMANCE BOND	LEAVE BUILT-UP ROOF IN PLACE	NEW HANDRAIL AND GUARDRAILS	ADD CUBBIES TO HALLWAY 103
CONTRACTOR	BASE BID AMOUNT				
DIALED IN ROOFING	\$ 398,880.00	\$ 7,978.00	\$ 17,500.00		
NATIONS ROOF	\$ 461,300.00	7,000			
DIALED IN ROOFING	\$ 398,880.00	7,978	17,500	0	0
#9 ALUMINUM COMPOSITE PANEL SYSTEM		ADD PERFORMANCE BOND	LEAVE BUILT-UP ROOF IN PLACE	NEW HANDRAIL AND GUARDRAILS	ADD CUBBIES TO HALLWAY 103
CONTRACTOR	BASE BID AMOUNT				
SRS ROOFING	\$ 392,500.00	\$ 7,900.00			
NATIONS ROOF	\$ 203,900.00	\$ 3,100.00			
NATIONS ROOF	\$ 203,900.00	3,100	0	0	0
#10 METAL STUD FRAMING & DRYWALL		ADD PERFORMANCE BOND	LEAVE BUILT-UP ROOF IN PLACE	NEW HANDRAIL AND GUARDRAILS	ADD CUBBIES TO HALLWAY 103
CONTRACTOR	BASE BID AMOUNT				
DAVCO	\$ 482,600.00	\$ 12,100.00			
OLYMPIC	\$ 414,350.00	\$ 4,560.00			
OLYMPIC	\$ 414,350.00	4,560	0	0	0
#11 ELEVATOR		ADD PERFORMANCE BOND	LEAVE BUILT-UP ROOF IN PLACE	NEW HANDRAIL AND GUARDRAILS	ADD CUBBIES TO HALLWAY 103
CONTRACTOR	BASE BID AMOUNT				
OTIS	\$ 110,750.00	1,108			
SCHINDLER	\$ 118,000.00	1,700			
OTIS	\$ 110,750.00	1,108	0	0	0
#12 FIRE PROTECTION		ADD PERFORMANCE BOND	LEAVE BUILT-UP ROOF IN PLACE	NEW HANDRAIL AND GUARDRAILS	ADD CUBBIES TO HALLWAY 103
CONTRACTOR	BASE BID AMOUNT				
BLAIR FIRE PROTECTION	\$ 88,500.00	\$ 1,650.00			
AUTOMATIC FIRE SYSTEMS INC	\$ 109,216.00	\$ 1,100.00			
TOTAL MECHANICAL	\$ 324,340.00	\$ 4,800.00			
BLAIR FIRE PROTECTION	\$ 88,500.00	1,650	0	0	0
#13 PLUMBING		ADD PERFORMANCE BOND	LEAVE BUILT-UP ROOF IN PLACE	NEW HANDRAIL AND GUARDRAILS	ADD CUBBIES TO HALLWAY 103
CONTRACTOR	BASE BID AMOUNT				
BRADEN PLUMBING	\$ 324,500.00	\$ 12,000.00			
JOE DEBELAK	\$ 340,672.00	\$ 3,877.00			
SOUTHPORT	\$ 397,967.00	\$ 16,000.00			
BRADEN PLUMBING	\$ 324,500.00	12,000	0	0	0
#14 HVAC		ADD PERFORMANCE BOND	LEAVE BUILT-UP ROOF IN PLACE	NEW HANDRAIL AND GUARDRAILS	ADD CUBBIES TO HALLWAY 103
CONTRACTOR	BASE BID AMOUNT				
PURE MECHANICAL	\$ 614,000.00				

New Berlin
Community Center at Hickory Grove



SOUTHPORT	\$	582,363.00	24,000			
SOUTHPORT	\$	582,363.00	24,000	0	0	0
#15 ELECTRICAL, LOW VOLTAGE, SECURITY			ADD PERFORMANCE BOND	LEAVE BUILT-UP ROOF IN PLACE	NEW HANDRAIL AND GUARDRAILS	ADD CUBBIES TO HALLWAY 103
CONTRACTOR	BASE BID AMOUNT					
CIRCLE ELECTRIC	\$	1,097,575.00	\$ 15,585.00			
NSI	\$	1,350,000.00	\$ 15,000.00			
CIRCLE ELECTRIC	\$	1,097,575.00	15,585	0	0	0
#16 SITE UTILITIES			ADD PERFORMANCE BOND	LEAVE BUILT-UP ROOF IN PLACE	NEW HANDRAIL AND GUARDRAILS	ADD CUBBIES TO HALLWAY 103
CONTRACTOR	BASE BID AMOUNT					
BV TETZLAFF	\$	390,100.00	\$ 4,000.00			
JOE DEBELAK	\$	207,126.00	2,474			
JOE DEBELAK	\$	207,126.00	2,474	0	0	0
#17 ASPHALT PAVING			ADD PERFORMANCE BOND	LEAVE BUILT-UP ROOF IN PLACE	NEW HANDRAIL AND GUARDRAILS	ADD CUBBIES TO HALLWAY 103
CONTRACTOR	BASE BID AMOUNT					
JOHNSON AND SONS	\$	205,382.00				
PAYNE & DOLAN	\$	176,958.00	\$ 1,769.00			
PLM	\$	283,100.00				
PAYNE & DOLAN	\$	176,958.00	1,769	0	0	0
#18 SITE CONCRETE			ADD PERFORMANCE BOND	LEAVE BUILT-UP ROOF IN PLACE	NEW HANDRAIL AND GUARDRAILS	ADD CUBBIES TO HALLWAY 103
CONTRACTOR	BASE BID AMOUNT					
JOHNSON AND SONS	\$	182,823.00				
STARK	\$	145,000.00	\$ 1,450.00			
STARK	\$	145,000.00	1,450	0	0	0



REQUESTED ACTION STATEMENT

TO: Common Council
Mayor Dave Ament

FROM: Gregory Kessler, AICP – Director of Community Development 

RE: Requested Action Statement to approve a services agreement with All Star Health Center.

DATE: July 15, 2024

REQUESTED ACTION: Requested Action Statement to approve a services agreement with All Star Health Center.

FISCAL IMPACT: Fee structure is outlined, per class, in Exhibit 'A' attached.

SOURCE OF FUNDS: Not applicable

RATIONALE / BACKGROUND:

All Star Health Center's mission is to expand the opportunities involving wellness for individuals with disabilities. Based in Thiensville, WI, All Star Health Center has contacted the City of New Berlin regarding developing a partnership in that some of their classes would be offered at the Activity and Recreation Center (ARC) started in the Fall of 2024. All Star Health Center seeks to create an inclusive and caring community for individuals with disabilities through various programs and classes. Initially, the proposed classes include martial arts, nutritional coaching/cooking class, personal training and dance class. Class sizes would be adjusted based upon participant skill level(s) and instructor-to-student ratios. The mission of All Star Health Center is directly in-step and compliments one of Recreation's nine (9) core program areas which is "Adaptive and Inclusion."

We have identified that our Adaptive and Inclusion Programs should do the following:

- Increase community recognition and value of all individuals through adaptive and inclusion programs.
- Make lasting friendships and create memorable experiences.
- Learn life skills and give back to their community through service-based programs and projects.
- Gain confidence through experiences and exploring new interests.

This would be an on-going agreement, unless terminated per the terms outlined by either party, and the revenue reimbursement rate would be 75% (for All Star Health Center) and 25% (for City of New Berlin) of the class registration fees.



NEW!

ADAPTIVE PROGRAMS

The New Berlin Recreation department is pleased to announce it's partnership with All Star Health Center. All Star Health Center is dedicated to assisting individuals with disabilities to live a healthy lifestyle. All Star Health Center supports and facilitates the mental, physical, and emotional well-being of individuals with diverse needs through various exercise means. Join us for a fun filled class!

Individuals who wish to register for All Star Health's adaptive programs must contact info@allstarhealthcenter.org prior to registering. This initial contact ensures that we can assess specific needs and determine the best fit for our programs.

Martial Arts

Exploring the possibilities of martial arts and self-defense through different techniques desired to build confidence, self control, block and defend. Tailored to accommodate all abilities and desires. **Price includes 4 sessions.**

Ages: 5+ Years Old

Dates: 9/21/24, 10/19/24, 11/16/24, and 12/21/24

Location: New Berlin ARC, Cedar Room

Enrollment: Min. 5 Max 12

Time: 10:00am-11:00am

Class #

Fee: Resident \$100, Non-resident \$136

Nutritional Coaching/Cooking Class

A fun way to learn about fueling your body correctly. Our nutrition coach will guide and support individuals towards a healthier lifestyle while making delicious, nutritious food. Individuals will learn kitchen skills, cooking skills and their abilities in the kitchen will continue to grow as they develop a healthy relationship with food and develop an important life skill.

Must schedule at least 3 weeks in advanced by emailing and confirming with Info@AllStarHealthCenter.org.

Price includes 1 session.

Ages: 12+ Years Old

Dates: Wednesdays Sept 25-December 20

Location: New Berlin ARC, Cedar Room

Enrollment: Min. 1 Max 4

Time: 10:00am-11:00am

Class #

Fee: Resident \$100 Resident, Non-resident \$136

Personal Training

A personal exercise plan customized to the desires of the participant. We value and strive for our participants to accomplish their target goals. Sessions consist of cardio, weights, core work, stretching, and more. **These sessions will be a on one to one basis or a two to one basis. Must schedule at least 3 weeks in advanced by emailing and confirming with Info@AllStarHealthCenter.org. Price includes 1 session.**

Ages: 12+ Years Old

Dates: Wednesdays, 11:30am - 12:30pm and Fridays, 12:30 pm to 1:30 pm

Location: New Berlin ARC, Wellness Mezzanine & Track

Enrollment: Min. 1 Max 4

Class #

Fee: Resident \$100 , Non-resident \$136

Dance

A fun, energetic dance class filled with great moves and music. Express yourself through music and move your body in a rhythmic way. A great opportunity to be social, and have fun while exercising! **Price includes 12 sessions.**

Ages: 5+ Years Old

Dates: Friday, September 27 – December 20 (No 11/29)

Location: New Berlin ARC, Wellness Mezzanine & Track

Enrollment: Min. 13 Max 20

Time: 11:00am-12:00pm

Class #

Fee: Resident \$100, Non-resident \$136



All Star Health Center is dedicated to assisting individuals with disabilities live a healthy lifestyle. All Star Health Center supports and facilitates the mental, physical, and emotional well-being of individuals with diverse needs through various exercise means. Join us for a fun filled class!

Martial Arts – Exploring the possibilities of martial arts and self-defense through different techniques desired to build confidence, self control, block and defend. Tailored to accommodate all abilities and desires.

Dates – 9/21/24, 10/19/24, 11/16/24, 12/21/24

Time 10:00 am – 11:00 am

Fee – Resident - \$80.00

Minimum age – 5 years old

Nutritional Coaching / Cooking class – A fun way to learn about fueling your body correctly. Our nutrition coach will guide and support individuals towards a healthier lifestyle while making delicious, nutritious food. Individuals will learn kitchen skills, cooking skills and their abilities in the kitchen will continue to grow as they develop a healthy relationship with food and develop an important life skill.

Dates – Wednesday, September 25th through December 20th

Time – 10:00 am – 11:00 am

Fee – \$

Minimum age – 12 years old

Personal Training – A personal exercise plan customized to the desires of the participant. We value and strive for our participants to accomplish their target goals. Sessions consist of cardio, weights, core work, stretching, and more.

Dates – Wednesday, 11:30am - 12:30pm and Friday, 12:30 pm to 1:30 pm.

Fee- \$80 per session

Minimum age – 10 years old

These sessions will be a on one to one basis or a two to one basis.

Dance Class – A fun, energetic dance class filled with great moves and music. Express yourself through music and move your body in a rhythmic way. A great opportunity to be social, and have fun while exercising!

Dates – Friday, September 27th – December 20th

Time – 11:00 am to 12:00 pm

Fee – Resident - \$80.00

Minimum age – 5 years old

Number of people per class.

martial arts : minimum = 5 people, maximum = 12 people

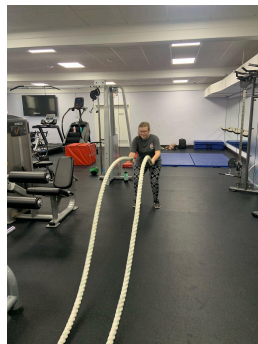
Nutrition coaching : maximum = 4 people

Dance – minimum = 13 people, maximum number = 20 people

All Star Health Center

To all Participants:

All Star Health Center creates an inclusive and caring community for individuals with disabilities so they are able to explore what it means to live a healthy lifestyle. By creating an engaging and welcoming environment with strong, professional role models, participants will experience the joy and happiness they deserve from exercise, nutrition, and other stimulating activities.



Mission:

Our mission is to expand the opportunities involving wellness for individuals with disabilities. The goal of All Star Health Center is to facilitate the mental, emotional, and physical health of individuals with disabilities while empowering each person to become a star.



Services Provided:

Personal Training: A personal exercise plan customized to the desires of the participant. We value and strive for our participants to accomplish their target goals. Sessions consist of cardio, weights, core work, stretching, and more.

Nutrition coaching: A fun way to learn about fuelling your body correctly. The coach will guide and support individuals towards a healthier lifestyle while making delicious, nutritious food.

Taekwondo: Exploring the possibilities of martial arts and self-defense through different techniques designed to block and defend. Tailored to accommodate all abilities and desires.

Dance: A fun dance class filled with great moves and music. Express yourself through music and move your body in a rhythmic way.

Yoga: Experience a mind- body connection through various physical poses and techniques to help bring the mind and body to a state of relaxation.

And so much more!

Contact:

138 Buntrock Ave

Thiensville, WI 53092

info@allstarhealthcenter.org

262.240.0249

For all inquiries on scheduling or to learn more about All Star please contact us using the information above.

SERVICES AGREEMENT



This Services Agreement (“Agreement”) is made and entered into this _____ day of _____, 2024 by and between the CITY OF NEW BERLIN, a Wisconsin municipal corporation, with its principal office located at 3805 South Casper Drive, New Berlin, Wisconsin, 53151 (hereinafter referred to as the “City”) and All Star Health Center, Inc. (hereinafter referred to as “Instructor”).

WHEREAS, the City offers recreational classes to the public; and

WHEREAS, Instructor provides special needs youth and adult martial arts, cooking, and athletic training programs; and

WHEREAS, the parties are desirous of establishing the relationship where Instructor provides classes to the City during 2024.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties do hereby covenant and agree as follows:

1. Instructor holds itself out as being qualified to provide cooking, martial arts and athletic training to special needs individuals as described in the attached exhibit A. The City does hereby retain the Instructor to perform instruction in the aforementioned areas as provided for hereunder.

2. All classes are to be held at New Berlin Activity and Recreation Center in the City of New Berlin in spaces to be assigned by the City. The specific class schedule shall be established, occurring from time to time, by the parties. Instructor agrees to work with the City to develop class offerings and scheduling.

3. Instructor agrees to provide City with a rate they would like to collect per participant before seasonal activity guides are finalized. City may then charge participants any amount at or above what Instructor receives. The Instructor agrees all non-residents will be charged at the resident rate and the City keeps the non-resident fees. The Instructor will provide City with an invoice after classes. Payment of services shall follow City Finance Department policies. The Instructor agrees to provide the City with a signed IRS W9 form.

4. City will provide Instructor with a class participant list. City acknowledges if participant has registered for the designated classes before the class has begun, but they are not on the class participant list, then that participant may present a receipt at the class as proof of registration.

5. The Instructor is solely responsible for and shall have sole control of the performance of the services. The parties acknowledge that the Instructor is not an employee of the City of New Berlin and is responsible to determine the instruction methods and performance of the instruction provided for in this Agreement.

6. Instructor acknowledges that neither he, nor his employees, are employees of the City for purposes of income tax retirement system or social security withholding.

7. Instructor accepts liability for damage to participant's equipment that occurs from Instructor's instruction during class. City acknowledges Instructor is only responsible for the area of the building the class is programmed in during the time the class advertised. Instructor will check the building area upon leaving, turn off lights, and restore the room to previous set-up. Instructor is not liable for damage to building after the class has ended and participants have left.

8. Either party may terminate this contract, in whole or in part, for the convenience of the parties at such time as either party determines that the continuation of the work is not in the best interests of said party upon thirty (30) days written notice to the other.

9. Instructor will defend and hold harmless the City as and against any and all claims, demands, actions or causes of action brought by a third party for damages or losses arising solely out of the Instructor's performance of the services under this Agreement. Said indemnification shall include the City's actual attorney fees. Notwithstanding the foregoing, the obligation to indemnify shall not exist to the extent of the City's gross negligence or intentional conduct. The Instructor's obligation to indemnify shall include its employees and/or agents.

10. The Instructor agrees to maintain supervision of class participants who are minors until the minor is picked up by a parent, guardian or authorized adult. The Instructor agrees not to permit minor class participants to wander about the ARC outside of the class schedule.

11. The Instructor warrants and represents that all staff are trained and experienced in working with special needs individuals and that all staff to student ratios and curriculum will meet accepted standards for such instruction.

12. This Agreement represents the complete understanding of the parties with respect to the subject matter herein and may only be modified in a subsequent agreement executed by each party.

13. This Agreement shall be governed and construed in accordance with the laws of the State of Wisconsin.

CITY:

INSTRUCTOR:

City of New Berlin

All Star Health Center, Inc.

By: _____

By: _____

REQUESTED ACTION STATEMENT

To: New Berlin Common Council

From: City Attorney Mark Blum and Director of Community Development Greg Kessler

Date: June 7, 2024

Requested Action:

Approval of Easement Release to remove unnecessary Public Sewer, Water, Storm Water and Access Easements which are no longer necessary on the Activity Recreation Center property, which action will facilitate the creation of the Lot to sell to Nice Bites, LLC.

Financial fiscal impact:

None.

Background/Rationale:

Since construction at the ARC has been completed and since utilities have now been extended to the property Nice Bites, LLC site, there are portions of the Sewer, Water, Storm Water and Access Areas which are no longer necessary as protected public easements. Therefore, the purpose of the Release is to release those portions of said Easements to facilitate the creation of a new Certified Survey Map which will create the Lot to be potentially sold to Nice Bites, LLC.

Respectfully Submitted,

Mark Blum & Greg Kessler

MGB/jb

RESOLUTION NO. 2024-19**RESOLUTION OF THE CITY OF NEW BERLIN
RELEASING PORTIONS OF PUBLIC SEWER, WATER,
STORM SEWER AND ACCESS EASEMENTS AS
DEPICTED ON CSM #12050, #6872 AND #7554**

WHEREAS, the City of New Berlin entered into a Reciprocal Easement, Party Wall and Maintenance Agreement, which document was recorded with the Waukesha County Register of Deeds on August 24, 2020 as Document No. 4504051, which identified certain public utility easements for water, sewer, storm water and public access; and

WHEREAS, since the completion of construction of the Activity and Recreation Center, portions of these Easements are no longer needed and thereby can be vacated; and

WHEREAS, attached hereto as Exhibit A is a Release which identifies the specific portions of the sewer, water, storm water and access Easements which are to be released in order to clean up the anticipated Certified Survey Map for the creation of the Lot necessary to sell a portion of said Lot 1 to Bill and Allison Spindler for Nice Bites, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of New Berlin does hereby approve the Release of Water, Sewer, Storm Water and Access Easements as depicted on the attached Exhibit A.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute said Release and the City Staff are directed to record said Release with the Waukesha County Register of Deeds.

Dated at New Berlin, Wisconsin this _____ day of June, 2024.

APPROVED:

David Ament, Mayor

Countersigned:

Rubina R. Medina, City Clerk

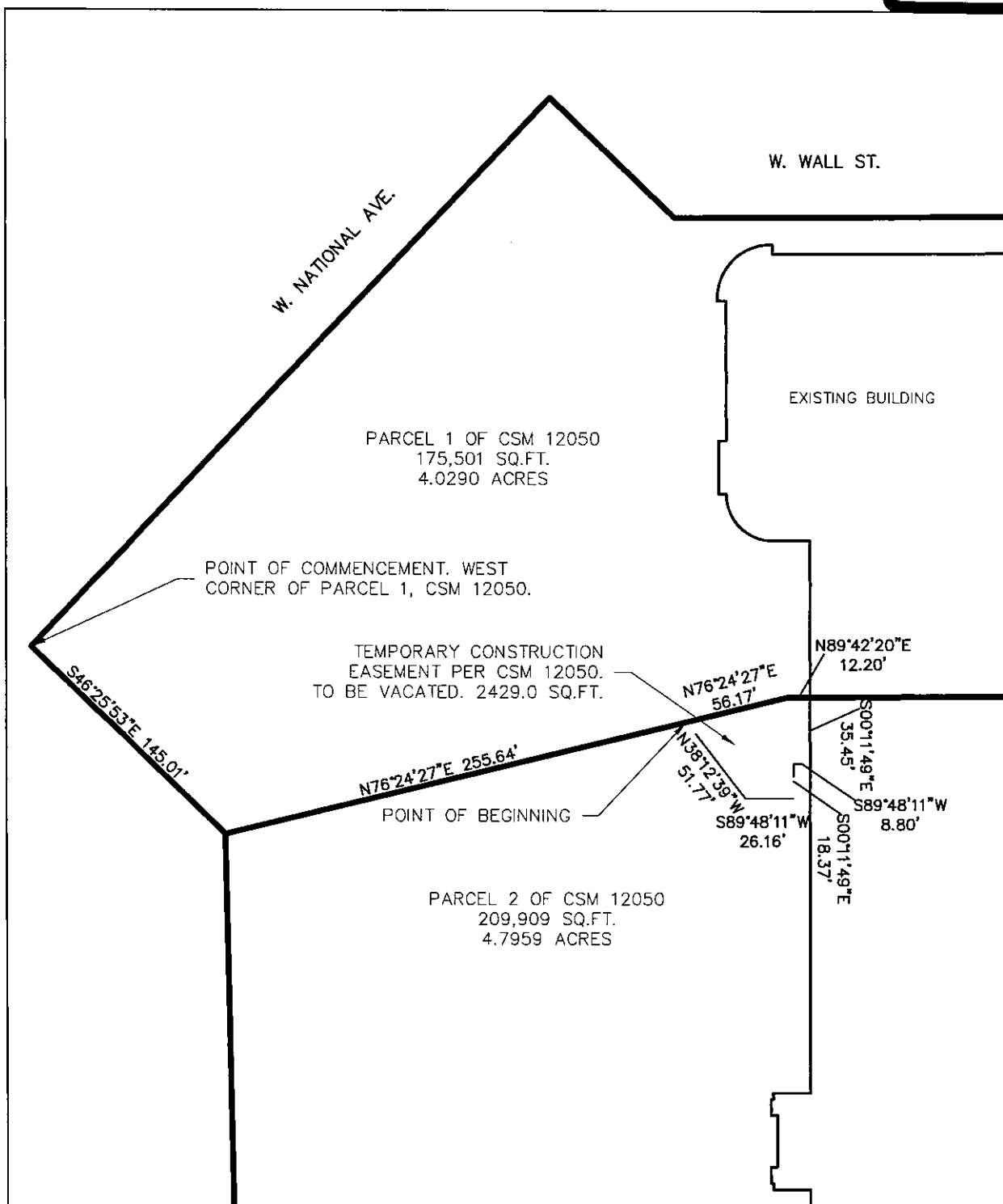
TEMPORARY CONSTRUCTION EASEMENT VACATION EXHIBIT

CITY OF NEW BERLIN, WI

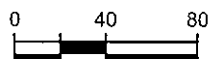
PENGAD 800-631-6969

EXHIBIT

A



GRAPHIC SCALE



(IN FEET)

raSmith

CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000

rasmith.com

TEMPORARY CONSTRUCTION EASEMENT VACATION EXHIBIT

CITY OF NEW BERLIN, WI

LEGAL DESCRIPTION OF VACATION:

Being a part of Parcel 2 of CSM 12050, recorded in the Waukesha County Register of Deeds in book 122, pages 329-336 as Document No. 4501130 dated August 13, 2020, being a division of a part of Parcel Two (2) of Certified Survey Map No. 7554, being a redivision of Parcel Two (2) of Certified Survey Map No. 6872, being in the Northwest one-quarter (1/4) and the Southwest one-quarter (1/4) of the Southwest one-quarter (1/4) of Section Fourteen (14), in Township Six (6) North, Range Twenty (20) East, in the City of New Berlin, County of Waukesha, State of Wisconsin. More particularly described as follows: Commencing at the West corner of Parcel 1, thence S 46°25'53" E along the Southernly line of Parcel 1, 145.01 feet to a point; thence N 76°24'27" E along the Northernly line of said Parcel 2, 255.64 feet to the point of beginning of the lands to be described; thence continuing N 76°24'27" E along the said Northernly line of Parcel 2, 56.17 feet to a point; thence N 89°42'20" E along the said Northerly Parcel line 12.20 feet to a point; thence S 00°11'49" E 35.45 feet to a point; thence S 89°48'11" W 8.80 feet to a point; thence S 00°11'49" E 18.37 feet to a point; thence S 89°48'11" W 26.16 feet to a point; thence N 38°12'39" W 51.77 feet to the point of beginning.

raSmith

CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000
rasmith.com

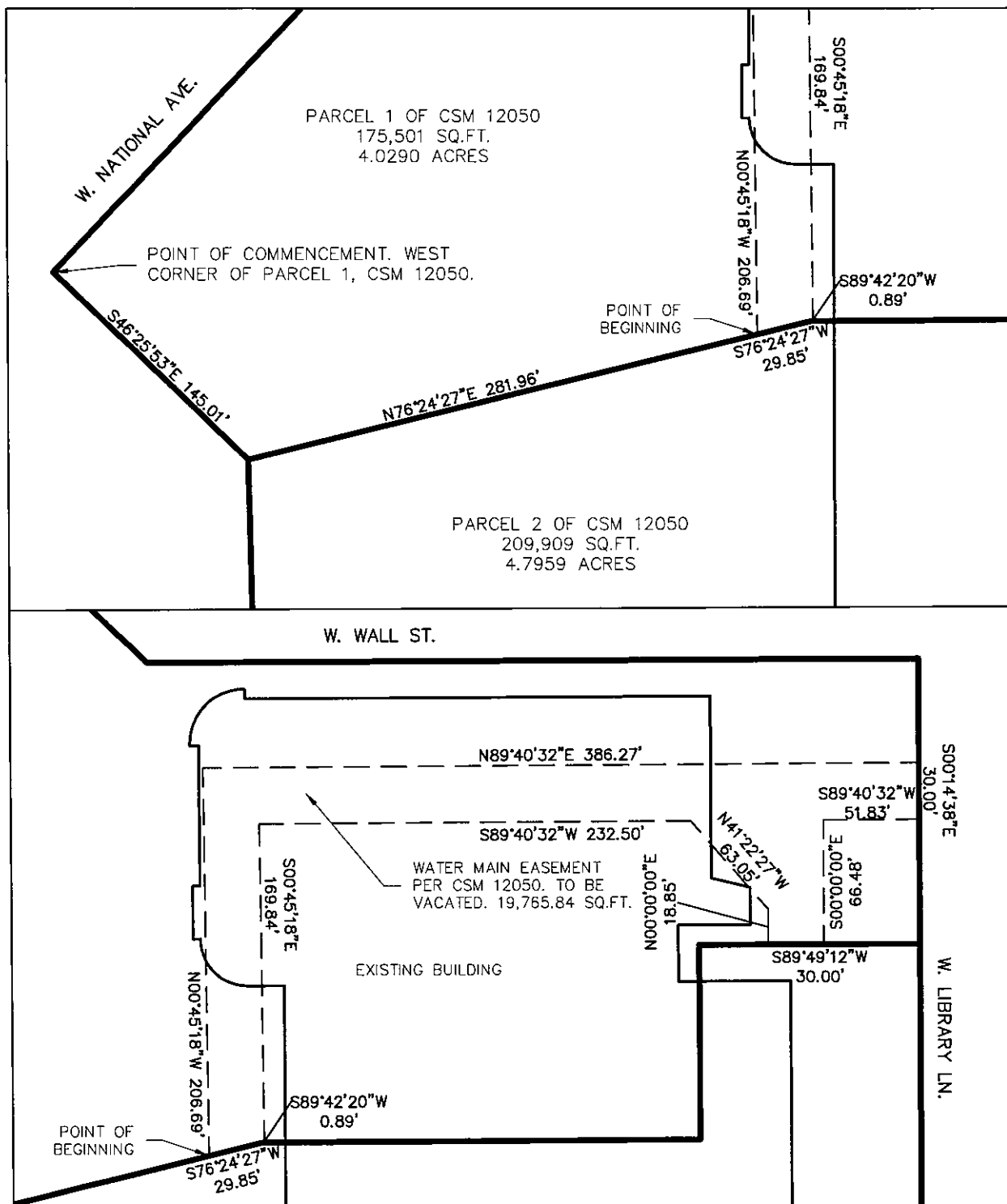
WATER MAIN EASEMENT VACATION

CITY OF NEW BERLIN, WI

EXHIBIT

B

PENGAD 800-631-6888



GRAPHIC SCALE



(IN FEET)

raSmith

CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000

rasmith.com

SHEET 1 OF 2

WATER MAIN EASEMENT VACATION EXHIBIT

CITY OF NEW BERLIN, WI

LEGAL DESCRIPTION OF VACATION:

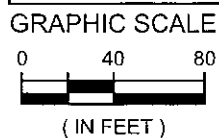
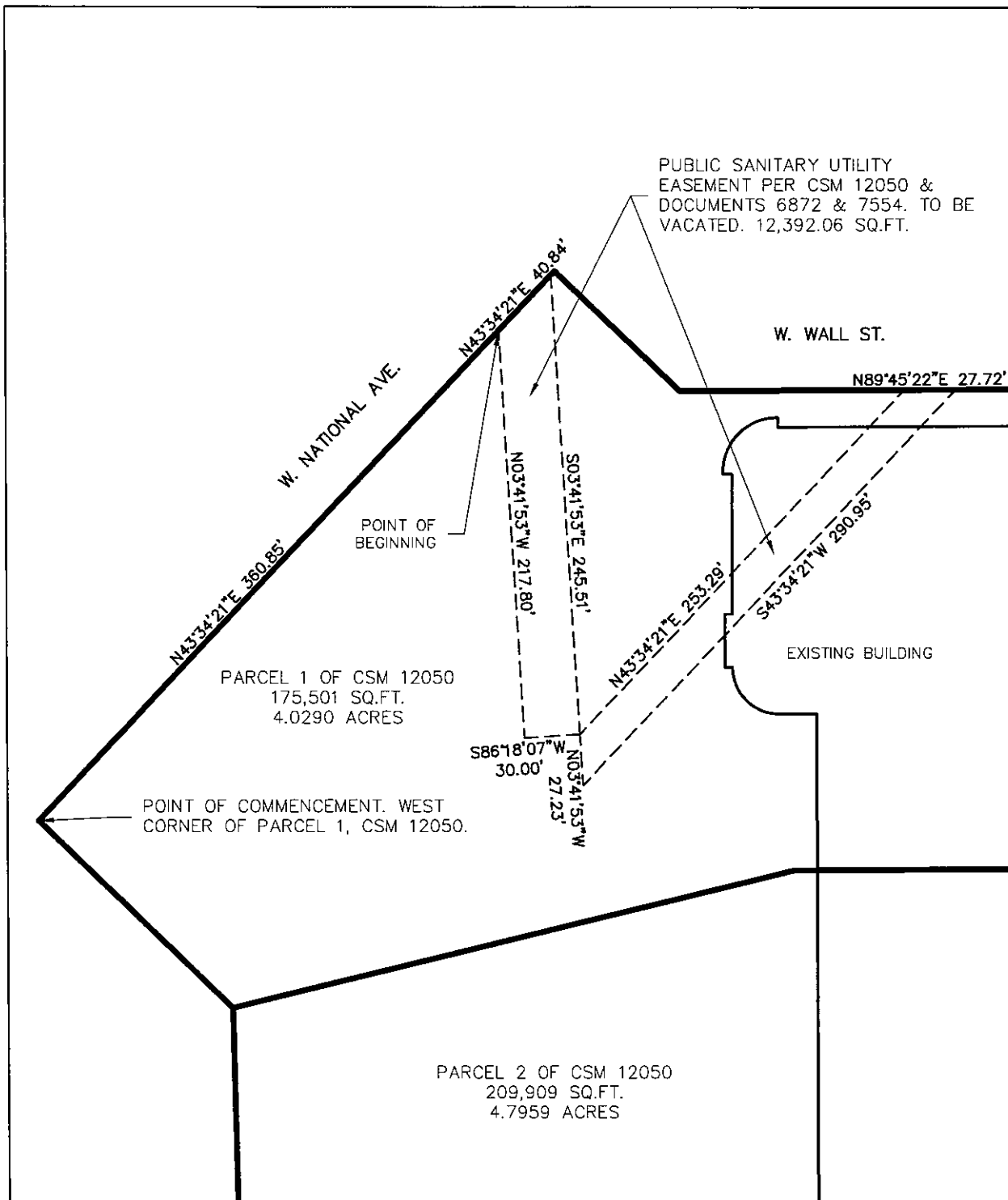
Being a part of Parcel 1 of CSM 12050, recorded in the Waukesha County Register of Deeds in book 122, pages 329-336 as Document No. 4501130 dated August 13, 2020, being a division of a part of Parcel One (1) of Certified Survey Map No. 7554, being a redivision of Parcel One (1) of Certified Survey Map No. 6872, being in the Northwest one-quarter (1/4) and the Southwest one-quarter (1/4) of the Southwest one-quarter (1/4) of Section Fourteen (14), in Township Six (6) North, Range Twenty (20) East, in the City of New Berlin, County of Waukesha, State of Wisconsin. More particularly described as follows: Commencing at the West corner of said Parcel 1, thence S 46°25'53" E along the Southernly line of said Parcel 1, 145.01 feet to a point; thence N 76°24'27" E along said Southernly Parcel line 281.96 feet to the point of beginning of the lands to be described; thence N 00°45'18" W 206.69 feet to a point; thence N 89°40'32" E 386.27 feet to a point; thence S 00°14'38" E along the West right of way of West Library Lane, 30.00 feet to a point; thence S 89°40'32" W 51.83 feet to a point; thence South (S 00°00'00" E) 66.48 feet to a point; thence S 89°49'12" W along the Southernly line of said Parcel 1, 30.00 feet to a point; thence North (N 00°00'00" E) 18.85 feet to a point; thence N 41°22'27" W 63.05 feet to a point; thence S 89°40'32" W 232.50 feet to a point; thence S 00°45'18" E 169.84 feet to a point; thence S 89°42'20" W along the Southernly line of said Parcel 1, 0.89 feet; thence S 76°24'27" W along the Southernly line of said Parcel 1, 29.85 feet to the point of beginning.

raSmith
CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road
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(262) 781-1000
rasmith.com

SANITARY SEWER EASEMENT VACATION

CITY OF NEW BERLIN, WI



raSmith
CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000
rasmith.com

SHEET 1 OF 2

SANITARY SEWER EASEMENT VACATION EXHIBIT

CITY OF NEW BERLIN, WI

LEGAL DESCRIPTION OF VACATION:

Being a part of Parcel 1 of CSM 12050, recorded in the Waukesha County Register of Deeds in book 122, pages 329-336 as Document No. 4501130 dated August 13, 2020, being a division of a part of Parcel One (1) of Certified Survey Map No. 7554, being a redivision of Parcel One (1) of Certified Survey Map No. 6872, being in the Northwest one-quarter (1/4) and the Southwest one-quarter (1/4) of the Southwest one-quarter (1/4) of Section Fourteen (14), in Township Six (6) North, Range Twenty (20) East, in the City of New Berlin, County of Waukesha, State of Wisconsin. More particularly described as follows: Commencing at the West corner of said Parcel 1, thence N 43°34'21" E along the South right of way of West National Avenue, 360.85 feet to the point of beginning of the lands to be described; thence continuing along said right of way, N 43°34'21" E 40.84 feet to a point; thence S 03°41'53" E 245.51 feet to a point; thence N 43°34'21" E 253.29 feet to a point on the South right of way of West Wall Street; thence along said South right of way, N 89°45'22" E 27.72 feet to a point; thence S 43°34'21" W 290.95 feet; thence N 03°41'53" W 27.23 feet; thence S 86°18'07" W 30.00 feet; thence N 03°41'53" W 217.80 feet to the point of beginning.

raSmith

CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000

rasmith.com

SHEET 2 OF 2

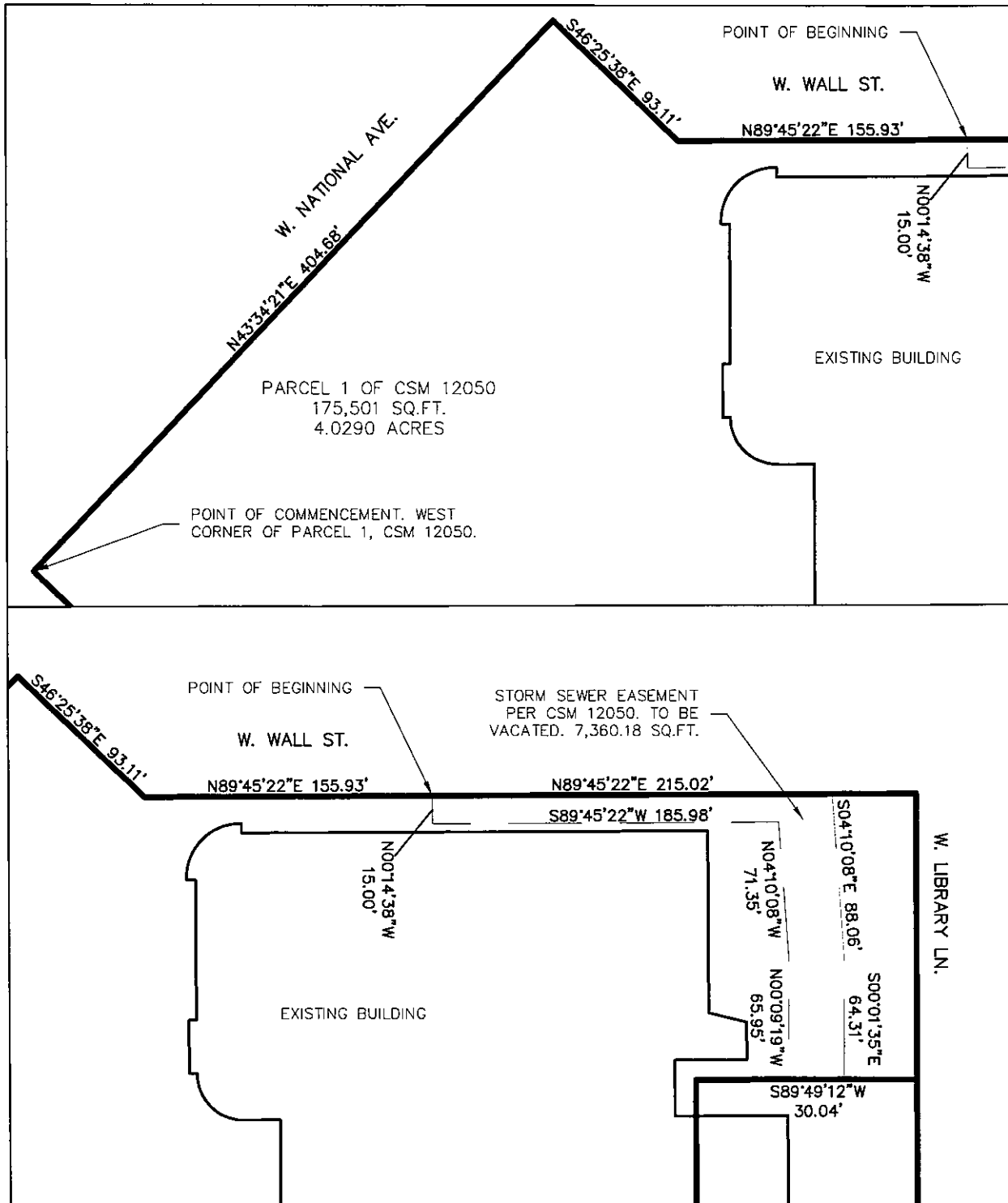
STORM SEWER EASEMENT VACATION

CITY OF NEW BERLIN, WI

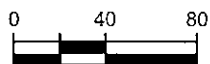
EXHIBIT

D

PENGAD 800-631-6989



GRAPHIC SCALE



(IN FEET)

raSmith

CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000

rasmith.com

SHEET 1 OF 2

STORM SEWER EASEMENT VACATION EXHIBIT

CITY OF NEW BERLIN, WI

LEGAL DESCRIPTION OF VACATION:

Being a part of Parcel 1 of CSM 12050, recorded in the Waukesha County Register of Deeds in book 122, pages 329-336 as Document No. 4501130 dated August 13, 2020, being a division of a part of Parcel One (1) of Certified Survey Map No. 7554, being a redivision of Parcel One (1) of Certified Survey Map No. 6872, being in the Northwest one-quarter (1/4) and the Southwest one-quarter (1/4) of the Southwest one-quarter (1/4) of Section Fourteen (14), in Township Six (6) North, Range Twenty (20) East, in the City of New Berlin, County of Waukesha, State of Wisconsin. More particularly described as follows: Commencing at the West corner of said Parcel 1, thence N 43°34'21" E along the South right of way of West National Avenue, 404.68 feet to a point; thence S 46°25'38" E along the South right of way of West Wall Street, 93.11 feet to a point; thence N 89°45'22" E continuing along said right of way 155.93 feet to the point of beginning of the lands to be described; thence continuing along said right of way bearing N 89°45'22" E 215.02 feet to a point; thence S 04°10'08" E 88.06 feet to a point; thence S 00°01'35" E 64.31 feet to a point; thence S 89°49'12" W 30.04 feet to a point; thence N 00°09'19" W 65.95 feet to a point; thence N 04°10'08" W 71.35 feet to a point; thence S 89°45'22" W 185.98 feet to a point; thence N 00°14'38" W 15.00 feet to the point of beginning.

raSmith
CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road
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[262] 781-1000
rasmith.com

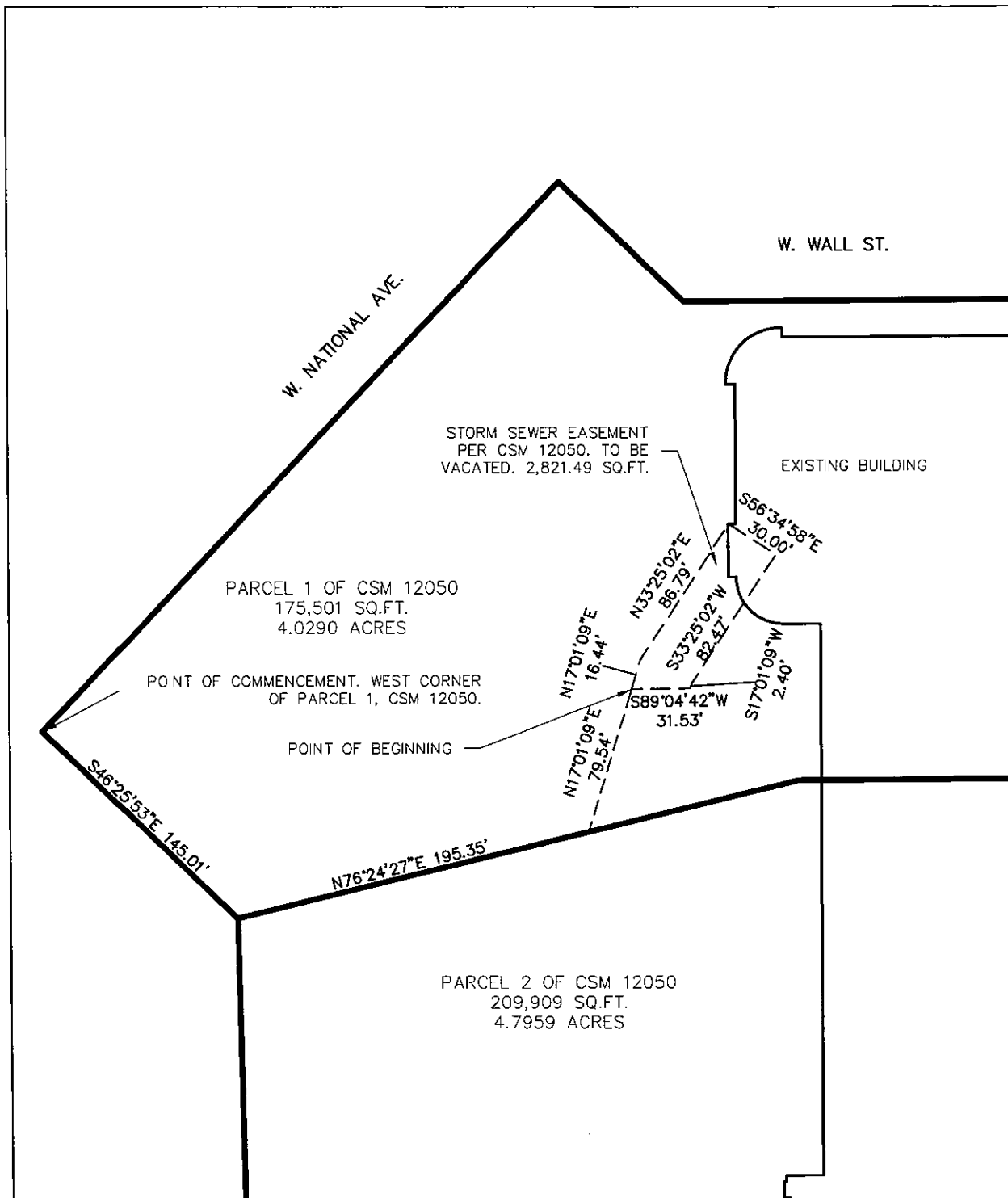
STORM SEWER EASEMENT VACATION

CITY OF NEW BERLIN, WI

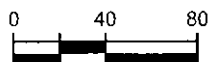
EXHIBIT

E

PENGAD 800-631-6088



GRAPHIC SCALE



(IN FEET)

raSmith

CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000

rasmith.com

SHEET 1 OF 2

STORM SEWER EASEMENT VACATION EXHIBIT

CITY OF NEW BERLIN, WI

LEGAL DESCRIPTION OF VACATION:

Being a part of Parcel 1 of CSM 12050, recorded in the Waukesha County Register of Deeds in book 122, pages 329-336 as Document No. 4501130 dated August 13, 2020, being a division of a part of Parcel One (1) of Certified Survey Map No. 7554, being a redivision of Parcel One (1) of Certified Survey Map No. 6872, being in the Northwest one-quarter (1/4) and the Southwest one-quarter (1/4) of the Southwest one-quarter (1/4) of Section Fourteen (14), in Township Six (6) North, Range Twenty (20) East, in the City of New Berlin, County of Waukesha, State of Wisconsin. More particularly described as follows: Commencing at the West corner of said Parcel 1, thence S 46°25'53" E 145.01 feet along the Southernly line of said Parcel 1 to a point; thence N 76°24'27" E 195.35 feet along the Southernly line of said Parcel 1 to a point; thence N 17°01'09" E 79.54 feet to the point of beginning of the lands to be described; thence continuing along the bearing N 17°01'09" E 16.44 feet to a point; thence N 33°25'02" E 86.79 feet to a point; thence S 56°34'58" E 30.00 feet to a point; thence S 33°25'02" W 82.47 feet to a point; thence S 17°01'09" W 2.40 feet to a point; thence S 89°04'42" W 31.53 feet to the point of beginning.

raSmith
CREATIVITY BEYOND ENGINEERING

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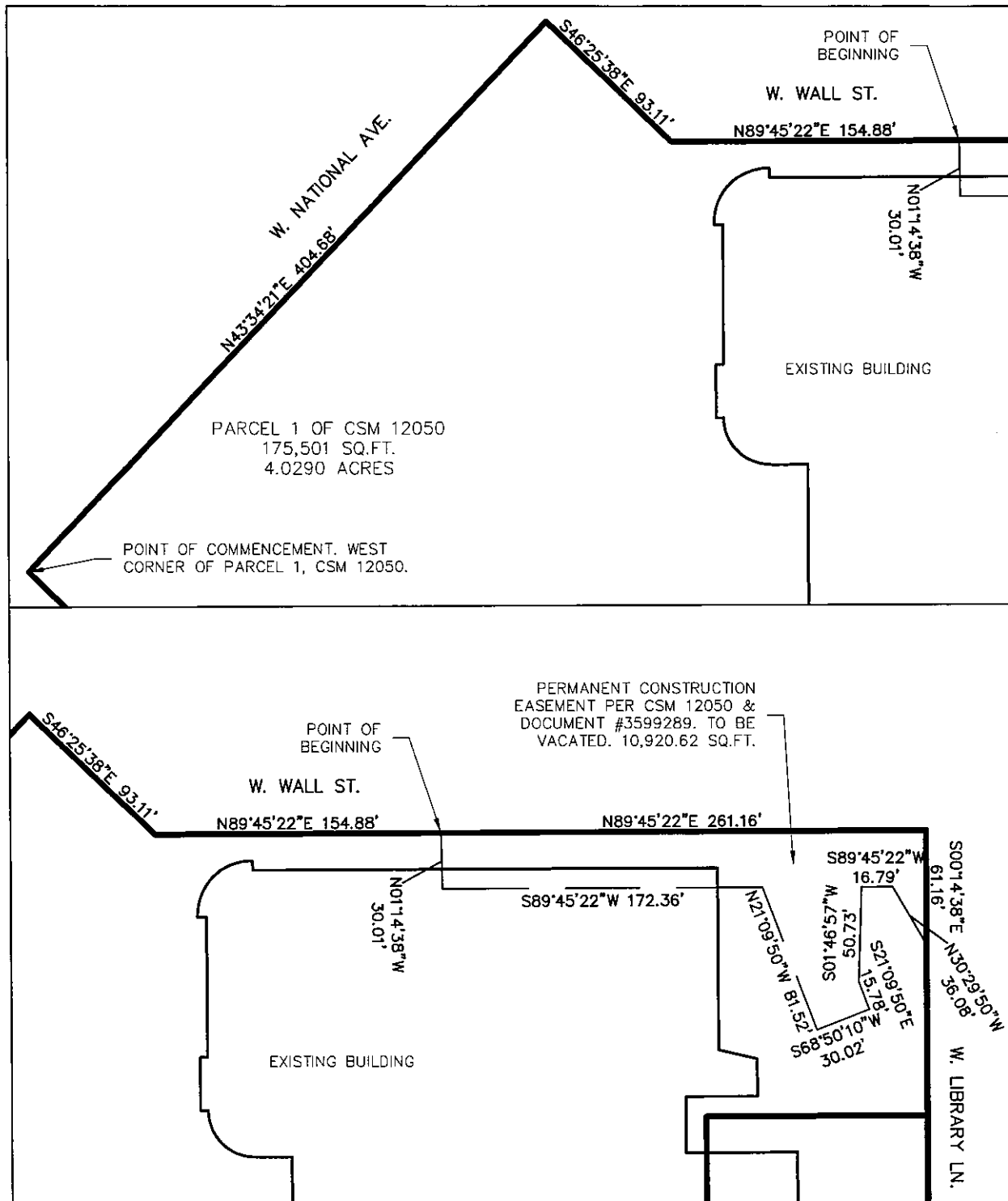
PERMANENT CONSTRUCTION EASEMENT VACATION

CITY OF NEW BERLIN, WI

PENGAD 800-631-6888

EXHIBIT

F



GRAPHIC SCALE



(IN FEET)

raSmith

CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000

rasmith.com

PERMANENT CONSTRUCTION EASEMENT VACATION EXHIBIT

CITY OF NEW BERLIN, WI

LEGAL DESCRIPTION OF VACATION:

Being a part of Parcel 1 of CSM 12050, recorded in the Waukesha County Register of Deeds in book 122, pages 329-336 as Document No. 4501130 dated August 13, 2020, being a division of a part of Parcel One (1) of Certified Survey Map No. 7554, being a redivision of Parcel One (1) of Certified Survey Map No. 6872, being in the Northwest one-quarter (1/4) and the Southwest one-quarter (1/4) of the Southwest one-quarter (1/4) of Section Fourteen (14), in Township Six (6) North, Range Twenty (20) East, in the City of New Berlin, County of Waukesha, State of Wisconsin. More particularly described as follows: Commencing at the West corner of said Parcel 1, thence N 43°34'21" E along the South right of way of West National Avenue, 404.68 feet to a point; thence S 46°25'38" E along the South right of way of West Wall Street, 93.11 feet to a point; thence N 89°45'22" E along the South right of way of West Wall Street, 154.88 feet to the point of beginning of the lands to be described; thence N 89°45'22" E continuing along the said South right of way, 261.16 feet to a point; thence S 00°14'38" E along the West right of way of West Library Lane, 61.16 feet to a point; thence N 30°29'50" W 36.08 feet to a point; thence S 89°45'22" W 16.79 feet to a point; thence S 01°46'57" W 50.73 feet to a point; thence S 21°09'50" E 15.78 feet to a point; thence S 68°50'10" W 30.02 feet to a point; thence N 21°09'50" W 81.52 feet to a point; thence S 89°45'22" W parallel with the South right of way of West Wall Street, 172.36 feet to a point; thence N 01°14'38" W 30.01 feet to the point of beginning.

raSmith

CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road
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rasmith.com

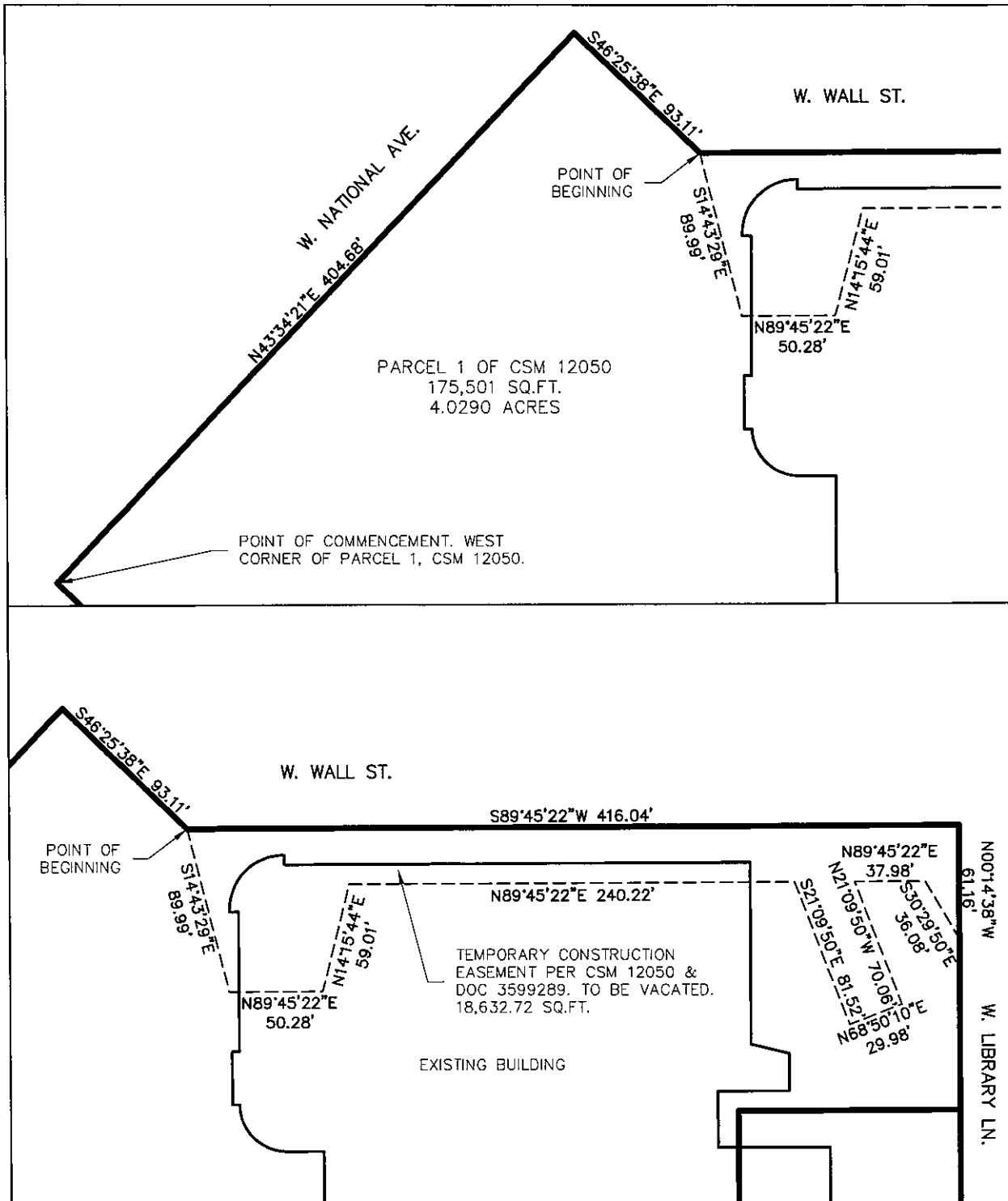
TEMPORARY CONSTRUCTION EASEMENT VACATION

CITY OF NEW BERLIN, WI

PENGAD 800-631-6989

EXHIBIT

G



raSmith

CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000

rasmith.com

SHEET 1 OF 2

C:\TEMP\AcPublish_14980\

TEMPORARY CONSTRUCTION 2 TO BE VACATED.dwg \ TEMP CONSTRUCTION EXHIBIT

TEMPORARY CONSTRUCTION EASEMENT VACATION EXHIBIT

CITY OF NEW BERLIN, WI

LEGAL DESCRIPTION OF VACATION:

Being a part of Parcel 1 of CSM 12050, recorded in the Waukesha County Register of Deeds in book 122, pages 329-336 as Document No. 4501130 dated August 13, 2020, being a division of a part of Parcel One (1) of Certified Survey Map No. 7554, being a redivision of Parcel One (1) of Certified Survey Map No. 6872, being in the Northwest one-quarter (1/4) and the Southwest one-quarter (1/4) of the Southwest one-quarter (1/4) of Section Fourteen (14), in Township Six (6) North, Range Twenty (20) East, in the City of New Berlin, County of Waukesha, State of Wisconsin. More particularly described as follows: Commencing at the West corner of said Parcel 1, thence N 43°34'21" E along the South right of way of West National Avenue, 404.68 feet to a point; thence S 46°25'38" E along the South right of way of West Wall Street, 93.11 feet to the point of beginning of the lands to be described; thence S 14°43'29" E 89.99 feet; thence N 89°45'22" E 50.28 feet; thence N 14°15'44" E 59.01 feet; thence N 89°45'22" E parallel with the said South right of way, 240.22 feet; thence S 21°09'50" 81.52 feet; thence N 68°50'10" E 29.98 feet; thence N 21°09'50" W 70.06 feet; thence N 89°45'22" E 37.98 feet; thence S 30°29'50" E 36.08 feet; thence N 00°14'38" W along the West right of way of West Library Lane, 61.16 feet; thence S 89°45'22" W along the South right of way of West Wall Street, 416.04 feet to the point of beginning.

raSmith
CREATIVITY BEYOND ENGINEERING

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**RELEASE OF WATER, SEWER,
STORM WATER AND ACCESS
EASEMENTS**

Document Number

Title of Document

Please see the attached Release of Water, Sewer, Storm Water and Access Agreements.

Legal descriptions for the lands described in this Release are attached as Exhibits.

Record this document with the Register of Deed.

Name and Return Address

Attorney Mark G. Blum
720 Clinton Street, P.O. Box 766
Waukesha, WI 53187

(Parcel Identification Number)

Drafted By:

New Berlin City Attorney Mark G. Blum
Hippenmeyer, Reilly, Blum,
Schmitzer & Fabian, S.C.
720 Clinton St., PO Box 766
Waukesha, WI 53187-0766
Phone: (262) 549-8181
Email: mgbлум@hrblawfirm.com

RELEASE OF WATER, SEWER, STORM WATER AND ACCESS EASEMENTS

The undersigned, CITY OF NEW BERLIN, hereinafter referred to as the City, is the holder of certain Public Utility and Access Easements as are more specifically described herein. It is the desire of the City to release portions of these easements as are further described below.

1. That portion of Lot 2 designated as a Temporary Construction Easement on Certified Survey Map No. 12050 located in the City of New Berlin, Waukesha County, Wisconsin. Said area is depicted on Page 4 of said CSM which is attached hereto and marked Exhibit A.
2. Those portions of Lot 1 designated as a 30' Public Water Main Easement created as part of Certified Survey Map No. 12050 located in the City of New Berlin, Waukesha County, Wisconsin, which portion of said Water Main Easement is described as Area 1B on said CSM showing the portion of the Public Water Main Easement to which the City of New Berlin is relinquishing its rights, said CSM is attached as Exhibit B.
3. Those portions of Lot 1 designed as a Sanitary Easement per Certified Survey Map Nos. 6872 and 7554 located in the City of New Berlin, Waukesha County, Wisconsin. The portion of said Sanitary Sewer and Public Utility Easements to which the City is relinquishing are noted in Exhibit C.
4. Those portions of the Permanent Storm Sewer Easement recorded with the Waukesha County Register of Deeds as Document No. 3599289, which lands are located in the City of New Berlin, Waukesha County, Wisconsin. The portions of said Storm Sewer Easement to which the City of New Berlin is relinquishing its rights are described in the attached map, Exhibit F.
5. Those portions of Lot 1 of the Certified Survey Map No. 12050 designated as a Storm Sewer Easement located in the City of New Berlin, Waukesha County, Wisconsin, which area is more specifically described as Area 3D2 on the attached Map, Exhibit E.
6. Those portions of Lot 1 of Certified Survey Map No. 12050 designated as a Storm Sewer Easement located in the City of New Berlin, Waukesha County, Wisconsin, which area is the attached Exhibit D.
7. Those portions of Lot 1 of Certified Survey Map No. 12050, located in the City of New Berlin, Waukesha County, Wisconsin, references a Construction Easement, which area is depicted and more specifically described in the attached Exhibit G.

This Release was approved by the Common Council of the City of New Berlin by Resolution No. _____, on _____, 2024.

Dated this _____ day of _____, 2024.

CITY OF NEW BERLIN

David Ament, Mayor

STATE OF WISCONSIN)
) ss.
COUNTY OF WAUKESHA)

Personally came before me, this _____ day of _____, 2024, the above-named David Ament to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission is permanent/expires: _____

CERTIFICATION

I, RUBINA MEDINA, the duly appointed as the City Clerk of the City of New Berlin, do hereby certify that the attached description and map are a true and correct copy of the original and to the extent they are not legible or readable, a copy of the original is available from the City of New Berlin City Clerk's Office.

Dated this _____ day of _____, 2024

CITY OF NEW BERLIN

Rubina Medina, City Clerk

This Certification relates to the Release of Water, Sewer, Storm Water and Access Easements as described on Certified Survey Map Nos. 12050, 6872 and 7554 and located in the City of New Berlin, Waukesha County, Wisconsin.

REQUESTED ACTION STATEMENT

DATE: July 22, 2023
TO: Common Council
FROM: City Clerk Rubina R. Medina



REQUESTED ACTION:

Agenda Item:

- *Discussion and Possible Action to recommend to Common Council approval of the amendments to the City Clerk's Fee List as presented*

**Approval of these amendments is contingent on Chapter 152 amendments being approved by the Council.*

ISSUE:

In preparation for the Common Council's anticipated approval of amendments to Chapter 152, we have identified the need to update the City Clerk's Fee List accordingly. The proposed amendments, highlighted in red on the attached fee list, introduce new fees to accommodate yearly and monthly license fees for direct sellers and direct seller/mobile food vendors.

Furthermore, based on feedback from the Fourth of July Coordinator and input from applicants, it has come to our attention that direct sellers and mobile food vendors often incur high costs to participate in City-sponsored events such as the Fourth of July Family Festival. To address this concern and support these vendors, we propose waiving the fees for all direct sellers invited to participate in City-sponsored events, including the Fourth of July Festival and Winterfest.

Additionally, we have established a structured fee schedule for various special event categories to enhance the organization and management of events within the City. These categories are classified as Class I, II, III, and IV events, each representing a different level of event complexity and resource requirements.

Thank you for your attention to these proposed amendments.

ATTACHMENTS:

1. Proposed City Clerk Fee List – amendments in red font with yellow background

OFFICE OF THE CITY CLERK FEE LIST



License Type	Comments	Fee
Adult-Oriented		
Adult-Oriented Establishment	<i>Per license year</i>	\$ 250.00
Adult-Oriented Establishment - late renewal penalty	<i>If filed after the deadline</i>	\$ 100.00
Alarm System License		
Alarm System License - Commercial	<i>One-time fee</i>	\$ 100.00
Alarm System License - Residential	<i>One-time fee</i>	\$ 50.00
Alcohol License		
Class "A" (beer)	<i>Per license year</i>	\$ 300.00
"Class A" (liquor)	<i>Per license year</i>	\$ 500.00
Class "B" (beer)	<i>Per license year</i>	\$ 100.00
"Class B" (liquor)	<i>Per license year</i>	\$ 500.00
"Class B RESERVE (limited to quota)	<i>One-time fee</i>	\$ 10,000.00
"Class C" (Wine)	<i>Per license year</i>	\$ 100.00
Alcohol - Extension of Premise	<i>Per event</i>	\$ 50.00
Alcohol - Change of Agent	<i>Must also pay background check fee</i>	\$ 10.00
Alcohol - Temporary Retail (often referred to as picnic license)	<i>Per event</i>	\$ 10.00
Publication Fee (for all liquor applications)	<i>Per publication</i>	\$ 35.00
Late Renewal Penalty	<i>If filed after the deadline</i>	\$ 100.00
Amusement		
Amusement Device (pool table, juke box, electronic games, etc.)	<i>Per device, per license year</i>	\$ 35.00
Amusement Vendor	<i>Per license year</i>	\$ 150.00
Archery Range	<i>Per license year</i>	\$ 50.00
Background Check		
Background Check Fee - In State	<i>Per license year</i>	\$ 10.00
Background Check Fee - Out of State	<i>Per license year</i>	\$ 18.00
Burn Permit Fee		
Burn Permit	<i>per calendar year</i>	\$ 10.00
Animal License		
Cat - Neutered Male / Spayed Female	<i>per license year</i>	\$ 10.00
Cat - Non-neutered male / non-spayed female	<i>per license year</i>	\$ 15.00
Dog - Dangerous Yearly Admin Fee	<i>per license year</i>	\$ 50.00
Dog - Late Applicant Fee	<i>per license year</i>	\$ 5.00
Dog - Neutered Male / Spayed Female	<i>per license year</i>	\$ 10.00
Dog - Non-neutered male / non-spayed female	<i>per license year</i>	\$ 15.00
Dog - Potentially Dangerous Yearly Admin Fee	<i>per license year</i>	\$ 50.00
Cigarette / Tobacco / Vape		
Cigarette/Vape Products	<i>per license year</i>	\$ 100.00
City Map / Computer Generated / Copies		
City Map	<i>per map</i>	\$ 10.00
Computer Generated Data - CDRom	<i>per cd-rom</i>	\$ 15.00
Computer Generated Data - DVD	<i>per dvd</i>	\$ 15.00
Computer Generated Data - Labels	<i>per label</i>	\$ 0.08
Computer Generated Data - USB	<i>per usb</i>	\$ 10.00
Computer Generated Data - WisVote Data Reports	<i>\$25 plus \$5 per 1,000 voters</i>	\$ 25.00
Copy Fee - Black and white	<i>each page copied</i>	\$ 0.25
Copy Fee - Color	<i>each page copied</i>	\$ 0.50

License Type	Comments	Fee
Direct Seller		
Direct Seller - Mobile Food Vendor	Per year, per mobile food unit	\$ 300.00
Direct Seller - Mobile Food Vendor	Per month, per mobile food unit	\$ 50.00
Direct Seller - Mobile Food Vendor	Fee waived if part of a city-sponsored event (i.e. 4th of July Festival, Winter Fest, etc.)	\$ -
Direct Seller	Per year, per person	\$ 100.00
Direct Seller	Per month, per person	\$ 20.00
Direct Seller	Fee waived if part of a city-sponsored event (i.e. 4th of July Festival, Winter Fest, etc.)	\$ -
Entertainment - Dance		
Entertainment (Dancing)	Per license year	\$ 25.00
Escort License		
Escort License (per applicant)	Per license year	\$ 250.00
Fireworks		
Fireworks		\$ 125.00
Massage		
Massage Establishment License	Per license year	\$ 150.00
Massage Technician/Therapist	Applicant must be licensed with the State of WI. Fee is waived, but application material must be completed and background check fee must be paid	\$ -
Massage Establishment Admin/Transfer Fee	For applicant that wishes to surrender license mid-year so another applicant can apply	\$ 100.00
Operator / Bartender		
Operator/Bartender License - Regular	2 year license - must also pay background check fee	\$ 60.00
Operator/Bartender License - Provisional	(must apply for the Regular license to qualify)	\$ 15.00
Operator/Bartender License - Temporary	2 week license	\$ 15.00
Rubbish		
Rubbish Collection - includes 1 vehicle	Per license year	\$ 75.00
Rubbish Collection - each vehicle over one	Per license year	\$ 25.00
Secondhand Article Dealer		
Secondhand Article Dealer	Per event	\$ 50.00
Special Council Meeting		
Special Council Meeting to consider Late Filing Applicant	For applicants that fail to apply by the deadline and need their application to be approved by Council.	\$ 350.00
Special Events		
Class I	more than 5,000 people	\$ 500.00
Class II	501-5,000 people	\$ 300.00
Class III	151-500 people	\$ 100.00
Class IV	150 people or less	\$ 20.00
Taxi		
Taxi Cab Business	Per license year	\$ 125.00
Taxi Cab Driver	Per license year	\$ 25.00

License Type	Comments	Fee
Theatre		
Theatres - 1201 or more seats	<i>Per license year</i>	\$ 200.00
Theatres - 1-700 seats	<i>Per license year</i>	\$ 100.00
Theatres - 701 - 1200 seats	<i>Per license year</i>	\$ 125.00
Transient Lodging		
*Transient Lodging/Short Term Lodging License	<i>Per calendar year</i>	\$ 200.00
Trapshooting		
Trapshooting	<i>Per license year</i>	\$ 50.00
Weights & Measures		
Weights & Measures License	<i>Per license year</i>	\$ 25.00

**Transient Lodging/Short Term Lodging License fee was approved by Council on 6/27/2023*

**Fee Chart approved by Council on 11/15/2022*

REQUESTED ACTION STATEMENT

DATE: July 18, 2024
TO: Common Council
FROM: Mayor Ament and City Clerk Rubina R. Medina



REQUESTED ACTION:

Agenda Item:

- *Discussion and Possible Action to approve or reject the use of the Ballot Drop Box in the City of New Berlin, as outlined in the Requested Action Statement by the Mayor and City Clerk.*

ISSUE:

On July 5th, 2024, the Wisconsin Supreme Court overruled its prior decision, in part, in *Teigen v. WEC*, and held that secure drop boxes were permitted under state law as a valid method of absentee ballot return. The decision is binding on all lower Wisconsin courts. However, the use of drop boxes is not mandatory.

On July 11th, 2024, the Wisconsin Elections Commission held a public meeting to review and issue guidance to Municipal Clerks following the Wisconsin Supreme Court's decision. The guidance provided by the Wisconsin Elections Commission is attached to this RAS.

BACKGROUND:

In 2020, the City of New Berlin installed one ballot drop box to offer a safe and accessible voting option during the coronavirus pandemic. This measure enabled voters to submit their ballots without the need to mail them or enter City Hall, thereby reducing potential exposure to COVID-19 for themselves and others.

The drop box was strategically installed in front of City Hall. This location was carefully evaluated for multiple factors, including security, lighting (ensuring it was well-lit 24 a day), high visibility, and surveillance by security cameras. Additionally, the site was chosen for its accessibility, voter convenience, and available parking or drive-through options. While municipalities could install multiple drop boxes throughout their communities, the City of New Berlin opted to have one single, well-monitored drop box to ensure maximum security and oversight.

The drop box was secured with a lock and a tamper-evident security seal and monitored by a 24-hour video surveillance camera. Access was restricted to the City Clerk and Deputy City Clerks to ensure the highest level of security and integrity. The Clerk's Office also implemented rigorous checks and balances, including a detailed chain of custody log maintained each time ballots were collected. This log was signed by the clerks collecting the ballots, recording the date and time, the security seal number at the time of opening, and the security seal number when the box was locked and resealed.

In July 2022, the Wisconsin Supreme Court ruled to prohibit ballot drop boxes. Consequently, the Clerk's Office promptly complied by removing the drop box. Since the 2022 ruling, the City of New Berlin has not utilized a ballot drop box for approximately six elections.

The Mayor and City Clerk believe the Common Council should decide whether to use the ballot drop box.

ATTACHMENTS:

1. Communication from the City Clerk
2. Litigation Update FAQ from the Wisconsin Elections Commission



Communication from the City Clerk

In the interest of transparency, the Office of the City Clerk wanted to share the feedback we received from New Berlin voters regarding the ballot drop box.

As stated in the RAS, the ballot drop box was first installed during the COVID-19 pandemic, providing absentee voters with a no-contact method to deliver their ballots to the City Clerk without entering City Hall. Absentee voters appreciated this alternative during the pandemic. Some voters expressed concerns about the postal process, fearing their ballots might be lost or tampered with, and therefore preferred using the drop box. Additionally, voters valued the convenience of the drop box being available 24/7.

We also received feedback from voters who strongly opposed the ballot drop box. Some absentee voters were concerned about the possibility of individuals tampering with the drop box or the ballots inside, such as pouring a liquid substance into the ballot insertion slot. They also expressed that absentee voters should be able to return their ballots through the mail or personally deliver them to the Clerk's Office. That said, those opposed to the ballot drop box appreciated that the New Berlin drop box was under 24-hour surveillance and were reassured that only City Clerk personnel had access to remove ballots. They also appreciated that New Berlin had one single drop box rather than multiple boxes scattered throughout the community.

Additional comments from the City Clerk

- The City of New Berlin received numerous public records requests for the chain of custody log used for the ballot drop box during the 2020 Presidential Election.
- The ballot drop box purchased in 2020 is small for a municipality of our size.



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: July 11, 2024

TO: Wisconsin Municipal Clerks
Wisconsin County Clerks
City of Milwaukee Election Commission
Milwaukee County Election Commission

FROM: The Wisconsin Elections Commission

SUBJECT: **Litigation Update: *Priorities USA v. WEC*¹**
RE: Unstaffed drop boxes; municipal clerk discretion; *Teigen v. WEC*²

ATTACHMENTS: **Attachment A** - Drop Box Resources from the United States Election Assistance Commission

On July 11, 2024, the Wisconsin Elections Commission (“the Commission”) held a public meeting to review and issue guidance following the Wisconsin Supreme Court’s decision in *Priorities USA v. WEC*. The Commission passed the following motion unanimously:

The Wisconsin Elections Commission approves and issues the Clerk Communication and FAQ in Attachment A, including questions 1-16, as amended by discussion. The Commission directs staff to make edits to the *Election Administration* and *Election Day* manuals consistent with its discussion, and to bring revised pages back for Commission approval at a future meeting.

The Commission is issuing this guidance in the interest of answering common questions it has received from clerks, voters, and the media since the decision was published by the Wisconsin Supreme Court. The Commission may issue additional guidance in the future to address new questions or aspects of drop box administration and policy ahead of the November 2024 General Election.

Priorities USA v. WEC **Frequently Asked Questions** **July 11, 2024**

Decision Issued: On July 5, 2024, the Wisconsin Supreme Court overruled its prior decision, in part, in *Teigen v. WEC*, and held that secure drop boxes were permitted under state law as a valid method of absentee ballot return. The decision is binding on all lower Wisconsin courts. The use of drop boxes is not mandatory and is at the discretion of the municipal clerk.

¹ 2024 WI 32. Wisconsin Supreme Court Number: 2024AP000164; Dane County Circuit Court Number: 2023CV1900

² 2022 WI 64, 403 Wis. 2d 607; 976 N.W.2d 519.

Wisconsin Elections Commissioners
Ann S. Jacobs, chair | Marge Bostelmann | Don M. Millis | Carrie Riepl | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

1. Does the decision affect all municipal clerks?

Yes. The decision permits all municipal clerks to choose to use secure absentee ballot drop boxes in their jurisdiction if they wish, starting immediately.

2. What does the decision say?

The Wisconsin Supreme Court determined that the statute that permits voters to return their absentee ballots “to the municipal clerk issuing the ballot or ballots” refers to a person, not a location. The court asserted that this interpretation of state law is consistent with Wisconsin’s highly decentralized system whereby municipal clerks have broad statutory discretion to administer elections in their jurisdiction. Accordingly, since voters may return their absentee ballots to the municipal clerk, or his or her authorized representatives, they may do so via drop box, if that’s a method the municipal clerk chooses to utilize.

3. Does the decision change any established practice?

Yes. The decision reverses a prior Wisconsin Supreme Court decision, in part, and holds that secure drop boxes are a legal method of absentee ballot return under Wisconsin law.

4. Do clerks have to use drop boxes?

No. The decision explicitly states that it does not require clerks to use drop boxes, it just says that the law permits clerks to utilize them if they choose. So if a municipal clerk decides not to use drop boxes in an exercise of clerk election administration discretion, they will not be violating the *Priorities USA* decision. Clerks should note, however, that choosing not to use drop boxes because of a belief that they are not legal is likely inconsistent with the reasoning of the decision, and raises the risk of a legal challenge.

5. Can a clerk be successfully sued if he or she chooses not to utilize drop boxes?

Likely not. If a clerk chooses not to use drop boxes in upcoming elections, it is very unlikely that a challenger would be successful in arguing that *Priorities USA* requires them to be used.

6. Are the Commission’s previous memos related to drop boxes prior to the *Teigen* decision back in effect?

No. The Commission withdrew memoranda dated March 31 and August 19, 2020 relating to drop boxes as part of the *Teigen* litigation on February 16, 2022. The *Priorities USA* decision does not mean either of those memoranda are back in effect.

This memorandum, dated July 11, 2024, is the Commission’s sole issued guidance document related to drop boxes as of this date.

7. Did the decision discuss where drop boxes may be located and who can set them up?

Yes. The decision stated that drop boxes are set up, maintained, secured, and emptied by the municipal clerk, which includes their authorized representatives. A single person need not set up, maintain, secure, and empty all drop boxes in a municipality. The drop boxes may be placed in a location other than the municipal clerk’s office, and may be placed in any location that the municipal clerk, within his or her statutory discretion, designates.

8. Do drop boxes need to be secure? What should clerks consider when examining drop box security?

Yes. The decision held that state law permits clerks to lawfully utilize secure drop boxes in an exercise of their statutorily conferred discretion. The decision did not provide guidance on what it means for a drop box to be “secure.” The Commission recommends that clerks keep the following non-exhaustive security considerations in mind when planning to utilize drop boxes, which are consistent with guidance from the U.S. Election Assistance Commission (EAC) and the U.S. Cybersecurity and Infrastructure Security Agency (CISA). These considerations are merely a starting point—the Commission recommends that clerks thoroughly complete a security assessment for each intended drop box location prior to deployment. The Commission recommends the following best practices:

Best Practices: Physical Security of the Drop Box Itself

- The drop box be securely affixed to the ground or the side of the building, or secured such that the drop box cannot be removed or tampered with.
- If located outside, the drop box be sturdy enough to withstand the elements so the ballots inside will remain unspoiled.
- The drop box be secured against unlawful access or emptying.
- The slot of the drop box be appropriately sized so that only an absentee ballot can be deposited and not other objects or liquids.
- Any damage to or tampering with the drop box be documented and the drop box be inspected to ensure that it remains secure for the purpose of depositing absentee ballot envelopes.
- The drop box be clearly marked or labeled that the drop box is for the purpose of collecting absentee ballots in return envelopes.
- The time of final retrieval of ballot return envelopes be clearly marked on or near the drop box. After the time of final retrieval, the drop box be secured to prevent the submission of absentee ballot return envelopes.

Best Practices: Security of the Drop Box Surroundings

- The drop box be located in a safe location with adequate parking and safe access for pedestrians.
- The drop box be located in a well-lit area.
- The drop box be clearly visible, and the path to the drop box be accessible with clear and level ground space in front.

Best Practices: Security of Ballot Retrieval/Emptying

- The drop box be emptied often enough to avoid the box from being filled with ballots, and a record of the times and dates of retrieval, number of ballots retrieved and the person or persons participating in the retrieval be maintained.
- Ballots retrieved from a drop box be securely transported to the office of the clerk.
- The drop box be equipped with unique locks or seals to secure ballots.

- Absentee ballots that are returned via drop box be secured and transported in the same manner as all other absentee ballots received by clerks. Please refer to page 104 of the Election Administration Manual for guidance on how to secure and transport voted absentee ballots.

The Commission recommends that clerks review the following resources from the EAC and CISA as a starting point for procedures on the secure administration of drop boxes:

- EAC Quick Start Guide on Drop Boxes (PDF)
 - https://www.eac.gov/sites/default/files/electionofficials/QuickStartGuides/Ballot_Drop_Boxes_EAC_Quick_Start_Guide_508.pdf
- EAC Election Management Guidelines, Pages 53, 80, 100 (PDF)
 - https://www.eac.gov/sites/default/files/electionofficials/EMG/EAC_Election_Management_Guidelines_508.pdf
- EAC Sample FAQ Language for How Drop Boxes Work that Can be Adapted for Wisconsin
 - <https://www.eac.gov/how-do-drop-boxes-work>
- CISA Drop Box Considerations
 - https://www.cisa.gov/sites/default/files/2023-07/Ballot_Drop_Box.pdf

9. Does the governing body of the municipality need to be the one to designate drop box locations?

No. The governing body of the municipality designates the location of alternate absentee voting sites under Wis. Stat. § 6.855. The *Priorities USA* decision clearly states that state law “...requires only that the ballot be delivered to a location the municipal clerk, within his or her discretion, designates.”³ The municipal clerk has the authority to designate drop box locations.

10. Who can return a ballot to a drop box?

A voter may return his or her own ballot. An individual may also return the ballot of anyone he or she is lawfully assisting, such as a voter with a disability or a hospitalized voter. An individual is permitted to provide assistance to more than one disabled or hospitalized absentee voter. These principles were issued in Commission guidance following the litigation in *Carey v. WEC*, and are unchanged by the *Priorities USA* decision.⁴

The decision does not say that drop boxes need to be staffed, nor does the decision require a clerk to ask any questions of a voter who is attempting to return a ballot to a drop box.

11. What steps should clerks take if they want to display their drop box locations on MyVote ahead of the August 13, 2024 election?

Once implemented, clerks will be able to add drop box locations and information to WisVote under Election Specific Absentee Options, which will make the drop box locations viewable to voters in their municipality on MyVote. Registered voters in these municipalities will be able to see the information under “Find My Local Absentee Options” button from the Vote Absentee section (<https://myvote.wi.gov/en-us/VoteAbsentee>). Clerks will receive detailed instructions when this functionality becomes available again.

Clerks are encouraged to communicate to voters as to the dates, times, and locations of drop boxes, as well as final retrieval dates and times.

³ *Priorities USA v. WEC*, 2024 WI 32, P26. The *Priorities USA* decision also states that Wis. Stat. § 6.855 “...simply does not apply to drop boxes.” *Id.* at P29.

⁴ Available at: <https://elections.wi.gov/memo/guidance-absentee-ballot-return-options-under-federal-voting-rights-act>.

12. Does the decision require clerks to track which ballots are received by drop box?

No. Nothing in the decision requires clerks to track, mark, or otherwise separate or indicate which returned absentee ballots were received via secure drop box.

13. May a clerk place an insert informing voters of the availability of drop boxes?

Yes. Clerks may place an insert informing voters of the availability of drop boxes for the return of absentee ballot envelopes. Those inserts are recommended to include the locations of the drop boxes, dates and times of availability, and date and time of final retrieval of absentee ballot envelopes. Such an insert would be considered additional administrative or logistical instructions pursuant to administrative rule EL § 6.05(2).

14. Will there be additional training on drop boxes?

Yes. Commission staff intend to provide training to clerks in ElectEd that will be consistent with the Commission's guidance.

15. Are private citizens permitted to watch drop boxes if they are located in public?

Yes, but not if the watching interferes with voting. Whoever “interrupt[s] or disturb[s] the voting...proceedings” may be fined not more than \$1,000, or imprisoned not more than 6 months or both.⁵ Additionally, anyone who “by abduction, duress, or any fraudulent device or contrivance, impede[s] or prevent[s] the free exercise of the franchise at an election” is guilty of a Class I felony.⁶

Clerks immediately contact law enforcement if anyone tampers with, defaces, destroys, unlawfully empties, or interrupts, impedes, or prevents the use of a drop box.

16. What should I do if I still have questions?

If you have additional questions, please email elections@wi.gov.

⁵ See Wis. Stat. §§ 12.13(3)(x), 12.60(1)(b).

⁶ See Wis. Stat. §§ 12.09(2), 12.60(1)(a).