

**\*\*\*ATTACHMENTS\*\*\***

## CITY OF SHEBOYGAN

## LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE MINUTES

NOVEMBER 13, 2019

**MEMBERS PRESENT:** Chair Alderperson Ryan Sorenson, Vice Chair Alderperson Trey Mitchell, Alderperson Dean Dekker, Alderperson Barbara Felde

**MEMBERS EXCUSED:** Alderperson Mary Lynne Donohue

**STAFF/OFFICIALS PRESENT:** City Attorney Charles C. Adams, Lt. William Adams, City Clerk Meredith DeBruin, Fire Chief Eric Montellano, Licensing Clerk Julie Wieck, Legal Assistant Marie Stefancin

**OTHERS PRESENT:** None

**1. OPENING OF MEETING**

1.1 Roll Call

1.2 Call to Order

Chair Alderperson Ryan Sorenson called the meeting to order at 4:00 p.m.

1.3 Pledge of Allegiance

The Pledge of Allegiance was recited.

1.4 Introduction of Committee members, staff and guests

**2. MINUTES**

2.1 Approval of Minutes - October 30, 2019

Motion by Alderperson Mitchell, seconded by Alderperson Dekker, to approve the minutes of the previous meeting held October 30, 2019. Motion carried 4-0.

**3. ITEMS FOR DISCUSSION AND POSSIBLE ACTION**

3.1 R.O. No. 101-19-20 (11-4-19) by Fire Chief submitting the Fire Department's quarterly report of Benchmark Measurements for the period commencing July 1, 2019 and ending September 30, 2019.

Fire Chief Eric Montellano reviewed the Fire Department's quarterly report for the fourth quarter of 2019. He indicated that the department's call volume is 7% higher than last year but anticipates that the end of the year numbers will be similar to last year's totals. He reported that the department has completed their school programs and continues to administer the fire detector program which has been well-received in the community.

Motion by Alderperson Mitchell, seconded by Alderperson Felde, to approve R.O. No. 101-19-20. Motion carried 4-0.

3.2 Gen. Ord. No. 34-19-20 (11-4-19) – An Ordinance amending Gen. Ord. No. 83-11-12, passed by Council on April 4, 2012, in order to update the polling locations for the thirty-one (31) wards relating to Section 38-3 of the Municipal Code regarding wards and aldermanic districts

City Clerk Meredith DeBruin reported that this ordinance will update the polling location of Ward 24 from the Senior Activity Center to Bethany Reformed Church. This location is within closer proximity to Ward 24.

Motion by Alderperson Dekker, seconded by Alderperson Felde, to recommend the Common Council adopt Gen. Ord. No. 34-19-20. Motion carried 4-0.

3.3 R.O. No. 94-19-20 (10-21-19) – Various License Applications: Bev. Op. Lic. App. No. 9148 (Christina M. Hephner) submitting various license applications for the period ending June 30, 2020 and June 30, 2021.

City Attorney Charles Adams informed the committee that Christina Hephner had failed to contact the City Attorney's office regarding a hearing on possible denial of her license application. A brief hearing was held.

Motion by Alderperson Mitchell, seconded by Alderperson Dekker, to accept all facts presented by staff as true and to deny the license application of Christina Hephner based upon her record of violations related to the licensed activity, her ineligibility for the license due to one of those conditions, and her failure to cooperate with staff for the committee. Motion carried 4-0.

3.4 R.O. No. 102-19-20 (11-4-19) – Various License Applications Submitting various license applications for the period ending June 30, 2020 and June 30, 2021.

Motion by Alderperson Felde, seconded by Alderperson Dekker to hold Bev. Op. Lic. App. No. 3000 (Christopher Nagle) for a hearing on possible denial of his license application, to hold Taxi Cab Lic. App. No. 2996 (Steven Peters) and Taxi Cab Lic. App. No. 2994 (Cearra Warne) to an undetermined future date and to grant the remainder of the license applications for individuals listed on the above-referenced R.O. Motion carried 4-0.

#### **4. NEXT MEETING DATE**

4.1 The next committee meeting is scheduled to be held on November 27, 2019 at 4:00 p.m. in Conference Room 106 on the first floor of City Hall, 828 Center Avenue.

#### **5. ADJOURN**

5.1 Motion to Adjourn

Motion by Alderperson Dekker, seconded by Alderperson Mitchell, to adjourn at 4:11 p.m. Motion carried 4-0.

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6.2

Gen. Ord. No. 33-19-20. By Alderpersons Donohue, Ackley, Felde, Savaglio, and Sorenson.  
November 4, 2019.

AN ORDINANCE amending Section 70-251 of the Municipal Code so as to ban the carry, possession, or control of any firearm, facsimile firearm, or concealed weapon in City buildings upon which such ban is posted and to provide certain definitions of terms contained in the ordinance.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Division 2 of Article VII of Chapter 70 of the Municipal Code entitled "Weapons" is hereby repealed and recreated so as to read as follows:

"Sec. 70-251. - Discharging and Carrying Weapons.

(a) *Definitions.*

- (1) *Firearm* means a weapon that acts by force of gunpowder.
- (2) *Facsimile firearm* means any replica, toy, starter pistol, or other object that bears a reasonable resemblance to or that reasonably can be perceived to be an actual firearm, but is not an actual firearm.
- (3) *Law enforcement officer* means a person who is employed by a law enforcement agency as defined in §175.49(1)(f), Wis. Stats., for the purpose of engaging in, or supervising others engaging in, the prevention, detection, investigation or prosecution of, or the incarceration of any person for, any violation of law and who has statutory powers of arrest.
- (4) *Weapon* means a handgun, an electronic weapon as defined in §941.295 (1c)(a), Wis. Stats., a knife, or a billy club.

(b) *Prohibited.* No person, except an authorized police officer, shall discharge any firearm, spring gun, or air gun within the City. This prohibition shall not apply to a shotgun, muzzle loader, bow, crossbow, or other like weapons or instruments, air rifle, pellet gun, or like instruments, provided the use thereof complies with the requirements of subsections (e)(1) through (3) below.

(c) *Permitted.* Any person may possess, carry, or bear any weapon, firearm or facsimile firearm, or have under his or her control

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any weapon, firearm or facsimile firearm, on any public street, sidewalk, boulevard, boardwalk, alley, public parking lot, or park if he or she complies with this section or the Wisconsin Statutes and Administrative Code sections specifically adopted under this section, with the exception of the following:

- (1) In addition to the provisions of §175.60(16), Wis. Stats., enumerating places where the carrying of a weapon or firearm is prohibited, including exceptions thereto, no person other than a law enforcement officer may possess, carry, or have under his or her control any firearm, facsimile firearm, or concealed weapon within any posted building or portion of a posted building owned, occupied, or controlled by the City. Signs meeting the requirements of §943.13(2)(b)1, Wis. Stats., shall be posted in prominent places near all entrances of such buildings regarding such restriction.
- (2) The City Administrator shall cause all buildings or portions of buildings owned, occupied, or controlled by the City to be posted pursuant to this subsection; except that he or she may determine that particular buildings or portions of building should not be posted. The City Administrator shall maintain a list of all non-posted buildings or portions of buildings, and shall report to the common council his or her determination that a building or portion of a building not be posted.
- (3) Any person who enters or remains in any City building contrary to subsection (1) above shall be considered a trespasser, subject to penalty as proscribed under sec. 70-183 of this Code. If the individual refuses to leave the building, the individual may be removed against his or her will.
- (4) No person may possess, carry, or bear any weapon, firearm, or facsimile firearm, or have under his or her control any weapon, knife, firearm, or facsimile firearm within any public building or athletic field owned by the Sheboygan Area School District, unless such person is permitted to do so pursuant to the provisions and exceptions contained in §948.605, Wis. Stats., and §948.61, Wis. Stats.
- (5) No person may possess, carry, or bear any weapon, firearm, or facsimile firearm, or have under his or her control any weapon, firearm, or facsimile firearm within any premises for which a Class "B" or "Class B" license or permit has

been issued by the City pursuant to Ch. 125, Wis. Stats. This subsection shall not apply to a peace officer, a Wisconsin CCW licensee, a qualified out-of-state licensee, a qualified out-of-state law enforcement officer, or other person specifically excepted by the provisions of §941.237(3), Wis. Stats., so long as said person does not consume alcohol on the Class "B" or "Class B" premises. Active and former officers may consume alcohol on Class "B" or "Class B" premises if they are not under the influence and if the premise is not posted otherwise.

- (6) No person may possess, carry, or bear any weapon, firearm, or facsimile firearm, or have under his or her control any weapon, firearm, or facsimile firearm in or on school grounds or within 1,000 feet from the grounds of a school, if doing so is a violation of §948.605, Wis. Stats.
  - (7) No person may possess, carry, or bear any weapon, firearm, or facsimile firearm, or have under his or her control any weapon, firearm, or facsimile firearm while any such person is under the influence of an intoxicant or a detectable amount of a restricted controlled substance.
  - (8) If the firearm is a facsimile firearm, no person may openly possess, carry, or display any facsimile firearm under circumstances that could reasonably be expected to alarm, intimidate, threaten or terrify another person.
  - (9) Notwithstanding the provisions of this section, no person may possess, carry, or bear any weapon, firearm, or facsimile firearm, or have under his or her control any weapon, firearm, or facsimile firearm in violation of any state statute.
- (d) *Removal from Property.* If a property owner or tenant objects to any individual carrying a weapon, firearm, or facsimile firearm and does not wish to allow individuals to exercise the right to carry weapons, firearms, or facsimile firearms within his or her establishment, said individual shall be considered a trespasser, subject to penalty as proscribed under sec. 70-183 of this Code. If the property owner or tenant makes a complaint to the Police Department to remove the individual from the property and the individual refuses, the individual may be removed against his or her will.
- (e) *Conditions of Discharge Within the Boundaries of the City.* A shotgun, muzzle loader, bow or crossbow, or other like weapon or

instrument may be discharged within the boundaries of the City, but only under the following conditions and regulations:

- (1) Shotguns, muzzle loaders, or like weapons or instruments designed and used to propel a single slug, multiple pellets or "shot" may only be discharged in the City where not prohibited by this ordinance, and then according to the following regulations. No such weapons or instruments shall be discharged on or onto lands less than 200 yards from the boundary of an adjacent platted subdivision. In addition, no such weapons or instruments shall be discharged within 100 yards from a habitable building on any other adjacent property, unless the owner of such adjacent property or habitable building has given written permission to be closer. In no case shall such weapons or instruments be discharged in a direction that could result in the projectile landing on or flying over any adjacent properties unless the owner(s) of such adjacent properties have given written permission to do so.
  - (2) Bows, crossbows, or other like weapons or instruments designed and used to propel an arrow, dart or other similar missiles may only be discharged in the City where not prohibited by this section, and then only within the following regulations. No such weapons or instruments shall be discharged on or onto land less than 100 yards from the boundary of an adjacent platted subdivision. In addition, no such weapons or instruments shall be discharged within 100 yards from a habitable building on any other adjacent property, unless the owner of such adjacent property or habitable building has given written permission to be closer. In no case shall such weapons or instruments be discharged in a direction that could result in the projectile landing on or flying over any adjacent properties unless the owner(s) of such adjacent properties have given written permission to do so.
  - (3) Prohibited Areas. No instrument referred to in subsections (1) and (2) above shall be discharged on parkland, or on land not owned by the person unless written permission has been obtained.
- (f) *Possession of Firearms and Weapons by Minors Prohibited.* No parent, guardian, or other adult person having legal custody of a child under the age of 16 years shall permit such minor to have in his/her possession and control for use within the City

any firearm or other dangerous weapon as enumerated in subsection (b).

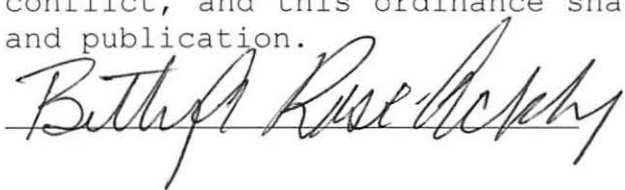
(g) *Sale of Firearms and Weapons.*

(1) *Sale to Minors.* No person shall sell or give away to any child under the age of 16 any sling shot, blow gun, bean shooter, air gun, pellet gun, dart gun, or bow and arrow.

(2) *Records.* Any person selling firearms or other deadly weapons shall keep a record of the sale thereof, and such list shall be open to inspection by the Police Department. Such record shall include the name, address, age and birth date of the purchaser and the article purchased.

(h) *State Provisions Adopted.* The City adopts those provisions of the Wisconsin Statutes and the Administrative Code related to dangerous weapons and concealed weapons, as well as such provisions of the Wisconsin Statutes and the Administrative Code enumerated under and within subsection (b) above, as from time to time amended by the Wisconsin Legislature, together with all definitions of relevant terms and all exceptions contained in such provisions, as if fully set forth at length in this section."

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

  
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I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Dated \_\_\_\_\_ 20\_\_\_\_, \_\_\_\_\_, City Clerk

Approved \_\_\_\_\_ 20\_\_\_\_, \_\_\_\_\_, Mayor

III

Res. No. 115 - 19 - 20. By Alderpersons Wolf and Donohue.  
November 18, 2019.

A RESOLUTION authorizing the mayor to sign a letter to the United States Secretary of State consenting to continued initial refugee resettlement in Sheboygan pursuant to Executive Order 13888.

WHEREAS, the City of Sheboygan has a long history of participating in refugee resettlement with widespread community support for that participation; and

WHEREAS, refugee resettlement has significantly enriched our community, state, and nation, both culturally and economically; and

WHEREAS, the President has issued an Executive Order directing that within 90 days of the date of the order, the Secretary of State and the Secretary of Health and Human Services shall resettle refugees only in areas where both state and local governments consent in writing to the resettlement of refugees in their respective areas; and


WHEREAS, the State of Wisconsin has consented to resettlement, and Sheboygan County is also being requested to so consent; and

WHEREAS, authorizing the mayor to sign a letter consenting to continued initial refugee resettlement in no way represents an opinion by the council or any city official regarding the validity of Executive Order 13888 as a lawful exercise of Presidential authority in light of federal legislation governing refugee resettlement, specifically Title 8, Chapter 12, Subchapter IV of the United States Code.

NOW THEREFORE BE IT RESOLVED that the Mayor is hereby authorized to consent to continued initial refugee resettlement in Sheboygan per the terms of Executive Order 13888 and sign the attached letter expressing such consent.

JHP

BE IT FURTHER RESOLVED that the Common Council hereby encourages the Sheboygan County Board of Supervisors to authorize its County Administrator to also consent to continued initial refugee resettlement in Sheboygan County and instructs the Clerk to send a copy of this resolution and the attached letter to the County Administrator and the Chair of the County Board.



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I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Dated \_\_\_\_\_ 20\_\_\_\_. \_\_\_\_\_, City Clerk

Approved \_\_\_\_\_ 20\_\_\_\_. \_\_\_\_\_, Mayor

Secretary Michael R. Pompeo  
U.S. Department of State  
2201 C Street NW  
Washington DC, 20520

December 3, 2019

Dear Secretary Pompeo:

This letter is in reference to Executive Order 13888, "*On Enhancing State and Local Involvement in Resettlement.*"

As Mayor of the City of Sheboygan, and with the support of the City of Sheboygan Common Council, I consent to initial refugee resettlement in Sheboygan as per the terms of the Executive Order.

Sincerely,

Michael Vandersteen, Mayor

CC:  
Principal Deputy Assistant Secretary Carol T. O'Connell  
Bureau of Population, Refugees, and Migration  
U.S. Department of State

R. O. No. 102 - 19 - 20. By CITY CLERK. November 4, 2019.

Submitting various license applications for the period ending December 31, 2019, December 31, 2020, June 30, 2020 and June 30, 2021.

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City Clerk

BEVERAGE OPERATOR'S LICENSE (NEW) (June 30, 2021)

<u>No.</u>	<u>Name</u>	<u>Address</u>
0749	Adamavich, Brooke A.	3823 S. 11 <sup>th</sup> Street
0887	Bauer, Kathleen M.	1030 Pershing Avenue
2997	Ehler, Lauren A.	2419 Calumet Drive
2102	Gonzalez, Brigitte A.	1334 Annie Court
5319	Kober, Jennifer M.	1238 Main Avenue
3002	Licari, Lori Ann	3908 State Highway 42
3000	Nagle, Christopher M.	2003 S. 8 <sup>th</sup> Street
2990	Pierce, Jessica L.	716 Bluff Avenue
2998	Pierceall, Jeanette	916 Huron Avenue Apt. 519
1409	Schmitz, Joel P.	4001 N. 51 <sup>st</sup> Street

CHANGE OF AGENT

Mark Aschenbach is replacing Sean Webb as agent effective immediately for Pick 'N Save #432 located at 1317 N. 25<sup>th</sup> Street.

CLASS "B" BEER LICENSE (NEW) (June 30, 2020)

<u>No.</u>	<u>Name</u>	<u>Address</u>
3430	Board and Brush	528 N. 8 <sup>th</sup> Street

TAXICAB BUSINESS LICENSE (RENEW) (December 31, 2020)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2997	The Best Taxi	1937 S. Business Drive

LHPS

TAXICAB DRIVERS LICENSE (NEW) (December 31, 2019)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2996	Peters, Steven A.	1909 N. 23 <sup>rd</sup> Street
2994	Warne, Cearra R.	1012 Lincoln Avenue
2991	Warne, Dorthy R.	2332 Carmen Avenue #2C

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Other Matters

R. O. No. 109 - 19 - 20. By CITY CLERK. November 18, 2019.

Submitting various license applications for the period ending December 31, 2020, June 30, 2020 and June 30, 2021.

\_\_\_\_\_  
City Clerk

BEVERAGE OPERATOR'S LICENSE (NEW) (June 30, 2021)

<u>No.</u>	<u>Name</u>	<u>Address</u>
4688	Allen, William R.	620 Center Avenue, Oostburg
3007	Clark, Debra L.	2709 Main Avenue
3005	Goettl, Francis A.	1817 N. 1 <sup>st</sup> Street
3009	Khang, May X.	1407 N. 13 <sup>th</sup> Street
3008	Lewandoske, Amy M.	2411 N. 29 <sup>th</sup> Street
3010	Lewis, Quiana M.	929 N. 8 <sup>th</sup> Street Apt. 2
3003	Pribbernow, Grace S.	2123 Woodglen Drive #3D
1288	Sohre, Jayme L.	1718A S. 10 <sup>th</sup> Street
3006	Thompson, Lisa M.	919 Geele Avenue

"CLASS B" LICENSE (RESERVE) (NEW) (June 30, 2020)

<u>No.</u>	<u>Name</u>	<u>Address</u>
3434	John Michael Kohler Art Preserve	3636 Lower Falls Rd

TAXICAB BUSINESS LICENSE (RENEW) (December 31, 2020)

<u>No.</u>	<u>Name</u>	<u>Address</u>
3023	Yellowcab	2917 N. 15 <sup>th</sup> Street

TAXICAB DRIVERS LICENSE (RENEW) (December 31, 2020)

<u>No.</u>	<u>Name</u>	<u>Address</u>
9660	Johnson, Charleen M.	1424 S. 9 <sup>th</sup> Street
9846	Waraich, Celia M.	N6233 Woodland Road
0142	Waraich, Jesse S.	N6233 Woodland Road

AHPS

QUADRICYCLE DRIVER LICENSE (RENEW) (December 31, 2020)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2148	Vannieuwenhoven, Justin	2205 S. 8 <sup>th</sup> Street

QUADRICYCLE LICENSE (RENEW) (December 31, 2020)

<u>No.</u>	<u>Name</u>	<u>Address</u>
3321	Shebikin' Pedal Tours	2205 S. 8 <sup>th</sup> Street