

*****ATTACHMENTS*****

CITY OF SHEBOYGAN**LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE MINUTES****AUGUST 14, 2019**

MEMBERS PRESENT: Chair Alderperson Ryan Sorenson, Vice Chair Alderperson Trey Mitchell, Alderperson Dean Dekker, Alderperson Mary Lynne Donohue, Alderperson Barbara Felde

STAFF/OFFICIALS PRESENT: City Attorney Charles C. Adams, Police Chief Christopher Domagalski, Fire Chief Eric Montellano, Lt. William Adams, Director of Planning and Development Chad Pelishek, Licensing Clerk Julie Wieck, Legal Assistant Kathy Hoffman

OTHERS PRESENT: Robert Heimerl, Kristi Heimerl, Latesha Manns, Clint Wills, Todd Winkler

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 - July 24, 2019

Motion by Alderperson Donohue, seconded by Alderperson Dekker, to approve the minutes of the previous meeting held July 24, 2019. Motion carried 5-0.

3. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

3.1 Presentations by potential applicants for available "Class B" alcohol beverage licenses

There is presently one "Class B" alcohol beverage license available. Robert and Kristi Heimerl, Jovada's Place, and Fairfield Inn all appeared before the committee to present their cases regarding pre-applications for the available licenses.

Robert and Kristi Heimerl spoke on behalf of Abacus Architects, the owner of 1133/1135 Michigan Avenue (former Bar Code tavern). Abacus is searching for a tenant for the property but potential tenants would prefer that a liquor license go with the property since the property will most likely be used as a tavern.

Latesha Manns spoke on behalf of Jovada's Place. This restaurant is located at 1210 Michigan Avenue and has been open for approximately one year. She claimed their hours are 9:00 a.m. to 1:00 p.m. and 5:00 p.m. to 10:00 p.m. six days a week. They presently have a beer and wine license.

Clint Wills and Todd Winkler spoke on behalf of Fairfield Inn located at 4117 S. Taylor Drive. The anticipated

opening date is February 1, 2020 and there will be 108 guest rooms. Marriott is adding a bar at this location to enable guests to be social and not have to drive to another location. The bar will seat approximately 46 people and would be open from 5:00 p.m. to 11:00 p.m. Monday through Saturday with small appetizers available.

3.2 Discussion and action regarding granting opportunity to apply for available "Class B" alcohol beverage licenses

Motion by Alderperson Donohue, seconded by Alderperson Mitchell, to invite Fairfield Inn to apply for the available "Class B" alcohol beverage license within one week. Motion carried 5-0.

3.3 R.C. 348-18-19 (4-15-19) [see also R.O. No. 168-18-19 (11-5-18)] Submitting various license applications for the period ending December 31, 2018, June 30, 2019 and June 30, 2020. Bev. Op. Lic. App. No. 2489 (Angelica M. Adams)

City Attorney Adams informed the committee that staff is now recommending that Ms. Adams' license be granted.

Motion by Alderperson Mitchell, seconded by Alderperson Felde, to grant license to Bev. Op. Lic. App. No. 2489 (Angelica M. Adams). Motion carried 5-0.

3.4 R.O. No. 24-19-20 (5-20-19) Submitting various license applications [BUSINESSES] for the period ending June 30, 2019, December 31, 2019, June 30, 2020 and June 30, 2021. "Class B" Liquor Lic. [renewal] App. No. 2301 (Mojo)

City Attorney Adams informed the committee that this application has been withdrawn in favor of a new application.

Motion by Alderperson Mitchell, seconded by Alderperson Donohue, to accept the withdrawal of the application of "Class B" Liquor Lic. [renewal] App. No. 2301 (Mojo) and file the application. Motion carried 5-0.

3.5 R.O. No. 58-19-20 (8-5-19) Submitting various license applications for the period ending December 31, 2019, June 30, 2020 and June 30, 2021

Motion by Alderperson Mitchell, seconded by Alderperson Felde, to grant all license applications for individuals and entities listed on the above-referenced R.O. Motion carried 5-0.

3.6 Gen. Ord. No. 15-19-20 (8-5-19) An Ordinance repealing and recreating Section 26 393 of the Municipal Code relating to the permit fee for fences, so as to increase the permit fee from \$25.00 to \$40.00

Director of Planning and Development Chad Pelishek indicated that the proposed ordinance would increase the fence permit fees from \$25.00 to \$40.00 to be more consistent with the actual costs of regulating fences in the city.

Motion by Alderperson Mitchell, seconded by Alderperson Donohue, to recommend the Common Council adopt Gen. Ord. No. 15-19-20. Motion carried 5-0.

3.7 Res. No. 64-19-20 (8-5-19) A Resolution declaring the City of Sheboygan's intent to continue to perform electrical inspections

Director of Planning and Development Chad Pelishek informed the committee that the State is taking over electrical inspection, but is allowing municipalities that already have inspection programs to continue to do so if they declare their intent to do so.

Motion by Alderperson Donohue, seconded by Alderperson Felde, to recommend the Common Council approve Res. No. 64-19-20. Motion carried 5-0.

3.8 Quarterly Performance Report for the Department of City Development: Building Inspection Department (discussion only)

Director of Planning and Development Chad Pelishek reviewed the Building Inspection Department's quarterly performance report for the second quarter of 2019.

3.9 R.O. No. 56-19-20 (8-5-19) by Fire Chief Eric Montellano submitting the Fire Department's quarterly report of Benchmark Measurements for the period commencing April 1, 2019 and ending June 30, 2019.

Chief Montellano reviewed the Fire Department's report of Benchmark Measurements for the second quarter of 2019.

Motion by Alderperson Donohue, seconded by Alderperson Felde, to recommend the Common Council receive and file R.O. No. 56-19-20. Motion carried 5-0.

3.10 R.O. No. 57-19-20 (8-5-19) by Chief of Police Christopher Domagalski submitting the Police Department's quarterly report of Benchmark Measurements for the period commencing April 1, 2019 and ending June 30, 2019.

Chief Domagalski reviewed the Police Department's report of Benchmark Measurements for the second quarter of 2019.

Motion by Alderperson Dekker, seconded by Alderperson Felde, to recommend the Common Council receive and file R.O. No. 57-19-20. Motion carried 5-0.

3.11 Quarterly Performance Report for City Attorney's Office (discussion only)

City Attorney Charles Adams reviewed the City Attorney's Office quarterly performance report for the second quarter of 2019.

4. NEXT MEETING DATE

4.1 Next meeting date will be August 28, 2019

The next committee meeting is scheduled to be held on August 28, 2019 at 4:00 p.m. in the Rocca Meeting Room at the Mead Public Library, 710 North 8th Street, Sheboygan.

5. ADJOURN

5.1 Motion to adjourn

Motion by Alderperson Donohue, seconded by Alderperson Felde, to adjourn at 5:00 p.m. Motion carried 5-0.

III

4.3

Res. No. 70 - 19 - 20. By Alderpersons Sorenson and Mitchell.
August 19, 2019.

A RESOLUTION authorizing application for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program Fiscal Year 2019 Local Solicitation and entering into a Memorandum of Understanding with Sheboygan County.

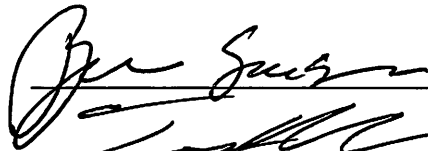
WHEREAS, the City of Sheboygan and Sheboygan County have the opportunity to obtain a federal local solicitation grant in the total amount of \$14,670 funded through the Edward Byrne Memorial Justice Assistance Grant Program, which is the primary provider of federal criminal justice funding to state and local jurisdictions; and

WHEREAS, in order to obtain the grant in the amount of \$14,670, it is necessary for the County to submit an application through the Justice Assistance Grant Award Program to be used for law enforcement equipment or resources and for the County to enter into a Memorandum of Understanding with the City of Sheboygan for the sharing of grant proceeds and the equipment purchase therewith under terms similar to previous memoranda of understanding with the City of Sheboygan for previous similar grant award sharing; and

WHEREAS, the funding received would be 100% from federal sources with no state or local match requirement.

NOW, THEREFORE, BE IT RESOLVED: That the City of Sheboygan Common Council authorizes the Mayor and Chief of Police to execute a 2019 Justice Assistance Grant Program Award Memorandum of Understanding between the City of Sheboygan and the County of Sheboygan, for the funds and equipment purchased therewith to be shared with the County of Sheboygan under terms similar to previous memoranda of understanding with Sheboygan County for previous similar grant award sharing.

JHB



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

CITY OF SHEBOYGAN

**REQUEST FOR LICENSING, HEARINGS and PUBLIC SAFETY COMMITTEE
CONSIDERATION**

ITEM DESCRIPTION: Resolution to Authorize Application for the 2019 Justice Assistance Grant Program Award.

REPORT PREPARED BY: Christopher Domagalski, Chief of Police

REPORT DATE: August 26, 2019

MEETING DATE: August 28, 2019

FISCAL SUMMARY:

Budget Line Item: N/A
Budget Summary: N/A
Budgeted Expenditure: N/A
Budgeted Revenue: N/A

STATUTORY REFERENCE:

Wisconsin Statutes: N/A
Municipal Code: N/A

BACKGROUND / ANALYSIS:

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is a provider of federal criminal justice funding to state and local jurisdictions. The JAG Program provides local units of government with critical funding necessary to support a range of program areas including technology improvement. Funds are awarded on a formula basis and eligible applicants are limited to units of local government that appear on the allocations list. The City of Sheboygan and Sheboygan County are eligible to obtain a grant in the amount of \$ 14,670. To obtain the funds the City and County must enter into a Memorandum of Understanding and share the proceeds.

STAFF COMMENTS:

The City and the County have a long history of entering into a Memorandum of Understanding and sharing the proceeds of this grant. Application for this grant will allow the Police Department to leverage federal resources to purchase crime analysis software and interfaces, which will assist us with pattern identification, data mining, analysis and prediction of serial events, as well as communicating vital information more efficiently.

ACTION REQUESTED:

Motion to recommend to the council to approve and authorize the Chief of Police and Mayor to execute the 2019 Justice Assistance Grant Program Award Memorandum of Understanding between the City of Sheboygan and the County of Sheboygan.

ATTACHMENTS:

- I. Res. No. 70-19-20

III

Other Matters

7.2

Res. No. 73 - 19 - 20. By Alderpersons Sorenson and Mitchell.
August 19, 2019.

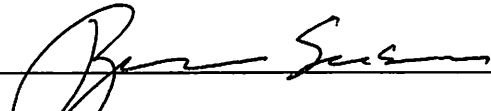
A RESOLUTION rescinding Resolution No. 41-03-04.


WHEREAS, on June 6, 2003, the City of Sheboygan passed Resolution No. 41-03-04, accepting the deputization of Sheboygan police officers by the Sheboygan County Sheriff and accepting liability for acts the officers perform pursuant to their deputization, including worker compensation, unless mutual aid has been requested and utilized; and

WHEREAS, this deputization was in place until December 27, 2018; and

WHEREAS, the Sheriff has significantly restricted the deputization of municipal officers to very specific situations, none of which are presently occurring, all of which can be better dealt with on a case-by-case basis.

NOW, THEREFORE, BE IT RESOLVED: That Resolution No. 41-03-04 is hereby rescinded.





ALPS

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

Res. No. 41 - 03 - 04. By Alderpersons Warner, Doyle, Moody, VanderWeele,
and Wangemann. June 2, 2003.

A RESOLUTION regarding deputization of City law enforcement officers by the Sheboygan County Sheriff and accepting certain liability therefor.

WHEREAS, it is advantageous for the City of Sheboygan to have some or all of its law enforcement officers deputized by the Sheboygan County Sheriff, and

WHEREAS, the City of Sheboygan has requested such deputization of its police officers from the Sheboygan County Sheriff, and

WHEREAS, the City believes that, in circumstances where Sheboygan officers use deputization to assist them in acts within their scope of employment as a Sheboygan officer, liabilities rising from those acts properly lies with the City insofar as it is the City who maintains the authority and responsibility over training for and supervision over those matters, and

WHEREAS, in circumstances where Sheboygan police officers are assigned in joint initiatives with the Sheboygan County Sheriff's Department, such as the Multi-jurisdictional Enforcement Group, liability for acts taken by Sheboygan officers in such assignments shall continue to be governed by the interagency agreements governing such initiatives, and

WHEREAS, secs. 66.0313 and 66.0513, Wis. Stats., dictate liability responsibilities for the acts of police officers acting under a request for mutual aid in accordance with our statutory sections.

NOW, THEREFORE, BE IT HEREBY RESOLVED: That the City of Sheboygan Common Council approves of the deputization of its law enforcement officers by the Sheboygan County Sheriff and accepts liability for and holds Sheboygan County harmless for liability arising from all acts of officers performed pursuant to and within their scope of employment as Sheboygan police officers, including worker's compensation, unless such officers' actions are taken pursuant to secs. 66.0313 and 66.0513, Wis. Stats., or unless such actions are taken in the performance of their assignment as a member of a county-wide task force effort such as the Multi-jurisdictional Drug Enforcement Unit.

SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT
OFFICE OF THE SHERIFF

Cory L. Roeseler, Sheriff
James A. Risseuw, Inspector

Phone: (920) 459-3112 FAX: (920) 459-4305

December 27, 2018

Chief Christopher Domagalski
Sheboygan Police Department
1315 North 23rd Street, #101
Sheboygan, WI 53081

Dear Chief Domagalski:

On June 6, 2003, the City of Sheboygan passed Resolution #41-03-04, accepting the deputization of Sheboygan Police Officers by the Sheboygan County Sheriff. The City has indicated it will accept liability for acts these officers perform pursuant to their deputization, including worker compensation, unless mutual aid has been requested and utilized.

Please advise your officers that they have been deputized for the sole purpose of participating in a Traffic Enforcement action during which officers from multiple agencies will cooperate in a joint effort to detect serious crimes on the highways and develop prosecutable cases against the offenders.

If, during the period of my appointment, you discover a crime in progress which is outside your employing law enforcement agency's jurisdiction but within the jurisdiction of the Sheboygan County Sheriff's Office and which falls outside the specific task for which this appointment was made, they agree that they shall not act in the capacity of a Deputy Sheriff unless requested to do so by the Sheriff of Sheboygan County or his designees, unless the incident presents immediate danger to the safety of a person or persons, in which case they may act without further authorization in their capacity as a Deputy Sheriff.

Based on the passage of this resolution by the City of Sheboygan, I hereby deputize the sworn officers of the Sheboygan Police Department throughout the term of my office, ending the first Monday of January 2023, unless this agreement is otherwise cancelled previous to that date.

Sincerely,



Cory L. Roeseler
Sheriff
Sheboygan County

CITY OF SHEBOYGAN

**REQUEST FOR LICENSING, HEARINGS AND PUBLIC SAFETY COMMITTEE
CONSIDERATION**

ITEM DESCRIPTION: Resolution No. 73-19-20 rescinding Resolution No. 41-03-04

REPORT PREPARED BY: Christopher Domagalski, Chief of Police

REPORT DATE: August 26, 2019

MEETING DATE: August 28, 2019

FISCAL SUMMARY:

Budget Line Item: N/A
Budget Summary: N/A
Budgeted Expenditure: N/A
Budgeted Revenue: N/A

STATUTORY REFERENCE:

Wisconsin Statutes: N/A
Municipal Code: N/A

BACKGROUND / ANALYSIS:

On June 6, 2003 the Sheboygan Common Council passed Resolution No. 41-03-04 accepting the deputization of Sheboygan Police Officers by the Sheboygan County Sheriff and accepting liability for acts the officers perform pursuant to their deputization, including worker compensation, unless mutual aid has been requested and utilized.

On December 27, 2018 Sheboygan County Sheriff Cory Roeseler notified Chief Christopher Domagalski by letter to advise the Sheboygan Police Department Officers that they have been deputized for the sole purpose of participating in a Traffic Enforcement action during which officers from multiple agencies will cooperate in a joint effort to detect serious crimes on the highways and develop prosecutable cases against the offenders.

As the agencies are not currently engaged in any such activities and the Sheriff has significantly restricted the deputization to very specific situations, which are not presently occurring and can be better dealt with on a case-by-case basis, it is recommended that Resolution No. 41-03-04 be withdrawn.

STAFF COMMENTS:

Sheriff Roeseler's letter veers significantly from the intent of the original agreement, which was put in place to encourage increased interoperability, interagency cooperation and efficiency and is not consistent with the content of Resolution No. 41-03-04.

ACTION REQUESTED:

Motion to recommend to Council to Approve Resolution No. 73-19-20.

ATTACHMENTS:

- I. Res. No. 73-19-20
- II. Res. No. 41-03-04
- III. Letter from Sheriff Roeseler

II

DIRECT REFERRAL TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

R. O. No. 67 - 19 - 20. By CITY CLERK. August 28, 2019.

Submitting license application.

City Clerk

CHANGE OF PREMISE

No. Name

Address

3257 J & R Bar & Grill

1823 N. 12th Street - One day event to be held 09/14/19. Current premises description including parking lot south of building.

LHPS

R. O. No. 66 - 19 - 20. By CITY CLERK. AUGUST 19, 2019.

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

City Clerk

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

<u>No.</u>	<u>Name</u>	<u>Address</u>
5631	Banko, Tiffany M.	133 York Street, Sheboygan Falls
2900	Boettcher, Gary D.	W2643 Miley Road, Sheboygan Falls
8962	Brauer, Jean M.	2328 Sunflower Avenue
0177	Champeau, Larissa M.	620 Broughton Drive
0590	Cobb, Mary C.	3201 N. 27 th Street
1848	Compton, Kimberly A.	1638 Saemann Avenue
7900	Komoroski, Mary J.	2508 N. 28 th Street
2910	Lafave, Andrew J.	1601 N. 9 th Street
2921	Mccune, Patricia M.	616 N. 14 th Street
2922	Mena, Julio I.	413 Erie Avenue
2905	Nelson, Michael A.	5103 Whitefox Trail
1723	Phillips, George M.	526 St. Clair Avenue
2917	Pocian, Crystal L.	810 S. Wisconsin Dr, Howards Grove
2908	Ramos, Michelle M.	16226 Lax Chapel Road, Kiel
8862	Roelse, Julie L.	W2595 Cty Rd N, Sheboygan Falls
2909	Rohr, Gina M.	2914 Garfield St. Apt. D, Two Rivers
2902	Taylor, William A.	830 N. Water Street #324
2911	Thao, Pakou	1404 Greenfield Avenue
2920	Torbeck, Ashlee R.	1021 Huron Avenue
2923	Wesley, Eric J.	1324 N. 6 th Street
1994	Zolp, Jacquelyn A.	W4194 Sumac Road, Plymouth

CHANGE OF PREMISE

<u>No.</u>	<u>Name</u>	<u>Address</u>
3389	Al and Al's I	1502 S. 12 th Street - Two day Event to be held 10/04/19 & 10/05/19 - current premises description with addition of 12 th & Clara west 90' and 75' on S. 12 th St.

AAPS

2742 8th Street Ale Haus

1132 N. 8th Street - Two day Event to be held 09/13/19 & 09/14/19 - the entire current Premises description and also the parking lot south of the Holman Building and part of the alleyway south of said parking lot. The entire 8th Street Ale Haus parking lot up to and including a portion of the alleyway that abuts it on its southern end. The Parking lot is on 8th Street and starts at the southern edge of the building located at 1122 N. 8th Street (the Gaming Generations business). This is a space of approximately 110ft by 45ft. On the southern end is the alley way that intersects with 8th and 9th Street and is between Erie and St. Claire Ave. We also request a portion of said alleyway from the 8th Street entrance to approximately 130 ft. west for use of the event.

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

<u>No.</u>	<u>Name</u>	<u>Address</u>
3416	New China Buffet I	544 Audubon Road, Kohler

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

<u>No.</u>	<u>Name</u>	<u>Address</u>
2918	Bueno, Oscar Jr.	1424 Indiana Avenue
2906	Forss, Brian J.	3416 Pinewood Drive