

*****ATTACHMENTS*****

CITY OF SHEBOYGAN**COMMITTEE ON LAW AND LICENSING MINUTES****JANUARY 23, 2018**

MEMBERS PRESENT: Chair Alderperson Susan Holzschuh, Alderperson Ron Rindfleisch, Alderperson Rosemarie Trester

MEMBERS EXCUSED: Vice Chair Alderperson Mary Lynne Donohue, Alderperson Scott Lewandoske

STAFF/OFFICIALS PRESENT: City Attorney Charles C. Adams, Lt. William Adams, Mayor Michael J. Vandersteen, Deputy City Clerk Melissa Clevenger, Licensing Clerk Julie Wieck, Legal Assistant Kathy Hoffman

OTHERS PRESENT: Elizabeth Wieland, Cate Bayles, Hang Li, Cynthia Yue, Rob Novak, Francisco Lira, Asher Heimermann

1. OPENING OF MEETING

1.1 Roll Call

1.2 Call to Order

Chair Alderperson Susan Holzschuh called the meeting to order at 2:30 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 - January 9, 2018

Motion by Alderperson Trester, seconded by Alderperson Rindfleisch, to approve the minutes of the previous meeting held January 9, 2018. Motion carried 3-0.

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. Bookworm Gardens, Umi Sushi and Steak House, Marcus Theatres, and 2 Amigos all appeared before the committee to present their cases regarding pre-applications for the available license.

Elizabeth Wieland and Cate Bayles spoke on behalf of Bookworm Gardens. They indicated that Bookworm Gardens presently has a beer and wine license, but having a full liquor license would help to generate additional revenue for this non-profit botanical garden. Bookworm Gardens is open from May 1 to October 1 and last year had 80,000 visitors.

Cynthia Yue spoke on behalf of Umi Sushi and Steak House. This restaurant is located on the first floor of the Econo Lodge on 8th Street and will be opening next week for lunch and dinner following a \$400,000 renovation

project.

Rob Novak spoke on behalf of Marcus Theatres. Mr. Novak indicated that the Marcus Theatre in Sheboygan has a beer and wine license, but they would like to have a full liquor license. He indicated that the other Marcus Theatres that have a full liquor license haven't had any problems.

Francisco Lira spoke on behalf of 2 Amigos (1119 Michigan Avenue). Mr. Lira indicated that their restaurant opened in August 2017 and serves Mexican food. They presently have a beer license, but would like to have a full liquor license.

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

Motion by Alderperson Trester, seconded by Alderperson Rindfleisch, to invite Umi Sushi and Steak House to apply for the available "Class B" alcohol beverage license within ten (10) days. Motion carried 3-0.

3.3 R.O. No. 261-17-18 (1-2-18) Submitting various license applications for the period ending December 31, 2018 and June 30, 2019. Massage Establishment Lic. [RENEW] App. No. 3306 (Best Asian Massage I)

Motion by Alderperson Trester, seconded by Alderperson Rindfleisch, to hold Massage Establishment Lic. [RENEW] App. No. 3306 (Best Asian Massage I). Motion carried 3-0.

3.4 R.O. No. 268-17-18 (1-15-18) Submitting various license applications for the period ending December 31, 2018 and June 30, 2019

Motion by Alderperson Trester, seconded by Alderperson Rindfleisch, to grant all license applications for individuals and entities listed on the above-referenced R.O. Motion carried 3-0.

4. NEXT MEETING DATE

4.1 Next meeting date will be February 13, 2018

The next committee meeting is scheduled to be held on February 13, 2018 at 2:30 p.m. in the Common Council Chambers located at City Hall, 828 Center Avenue.

5. ADJOURN

5.1 Motion to adjourn

Motion by Alderperson Trester, seconded by Alderperson Rindfleisch, to adjourn at 3:01 p.m. Motion carried 3-0.

R. O. No. 261-17-18. By CITY CLERK. January 2, 2018.

Submitting various license applications for the period ending December 31, 2018 and June 30, 2019.

City Clerk

CHANGE OF AGENT

Jane M. Peters is replacing Kristal Kay Sullivan as agent effective immediately for Kwik Trip 873 located at 625 S. Taylor Dr.

FERMENTED MALT BEVERAGE LICENSE (June 30, 2018) (NEW)

<u>No.</u>	<u>Name</u>	<u>Address</u>
3304	Rocky Rococo	3740 S. Taylor Drive

BEVERAGE OPERATOR'S LICENSE (NEW) (June 30, 2019)

<u>No.</u>	<u>Name</u>	<u>Address</u>
1997	Coates, Harrison L.	2402B Calumet Drive
2002	De Oliveira Marc, Vinicius	620 S. 8 th St. Apt. 213
8362	Drews, Barry R. (Club)	2335 N. 15 th Street
7662	Hartman, Lisa M.	3306 Mueller Road
1998	Hoefer, Kesha L.	1217 Kentucky Avenue
1995	Hoffman, Arianna J.	906 N. 17 th Street
1999	Holzman, Ashton M.	705 Morning Dove Dr., Howards Grove
1996	Kanz, Diane E.	1003 Falls Park Dr., Sheb. Falls
1989	Milligan, Nicole	2430 S. 8 th Street
1994	Zolp, Jacquelyn A.	W4194 Sumac Road, Plymouth

TAXICAB BUSINESS LICENSE (December 31, 2018)

3215	Two Guys Taxi Service	1229 Erie Avenue
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TAXICAB DRIVERS LICENSE (December 31, 2018) (NEW)

<u>No.</u>	<u>Name</u>	<u>Address</u>
9948	Hernickle, Pamela A.	3145 Calumet Drive
1991	Lovegrove, Lori	1134 Erie Avenue

TAXICAB DRIVERS LICENSE (December 31, 2018)

<u>No.</u>	<u>Name</u>	<u>Address</u>
1895	Avina Reyes, Silvia	1603 N. 20 th Street

Law + Licensing

8863 Castillo, Ivan V.
1577 Derosier, Kelly R.
5170 Gilbertson, Stephen J.
0256 Krueger, Mark A.
1626 Oliver II, Jimmie A.
1776 Washington, Tommy Dell

1415 S. 17th Street
738 Forest Blvd., Sheb. Falls
1216 N. 29th Street
13 S. Hiawatha Circle
2531 Calumet Drive
1613 N. 17th Street

MASSAGE ESTABLISHMENT LICENSE (RENEW) (December 31, 2018)

No. Name

Address

3101 Alan Vodicka Massage & Energy
3305 Applied Reflexology
3306 Best Asian Massage I
2868 Intouch
3303 Mustard Seed Hair Co.
3302 Tangerine Salon

1327 N. 8th Street
604 Erie Avenue
1226 N. 8th Street
314 Niagara Avenue
2209 S. Memorial Place
1213 Superior Avenue

6.3



Gen. Ord. No. 37 - 17 - 18. By Alderpersons Wolf, Draughon, and Donohue. February 5, 2018.

AN ORDINANCE repealing and recreating various sections of the Municipal Code so as to further implement the provisions of Res. 141-16-17 implementing changes to the City of Sheboygan committee, commission, and board structure, effective April 2017 and April 2018.

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

Section 1. Section 1-16 of the Municipal Code entitled "Suspension and revocation of licenses and permits" is hereby repealed and recreated in subsection (b) (2) thereof to read as follows:

"Sec. 1-16. Suspension and revocation of licenses and permits.

. . .

(b) Except as otherwise specifically prescribed by this Code, the procedure for revocation of any license, permit, or registration issued in accordance with this Code shall be as follows:

. . .

(2) The licensee shall be given notice of the reasons for the suspension or revocation and an opportunity to be heard before the common council or the licensing, hearings, and public safety committee for the purpose of determining whether such suspension shall be imposed or whether the license shall be revoked. Upon sworn, written complaint of any city resident filed with the city clerk alleging that a person holding a license under this Code has violated this Code, the common council or the committee may issue a summons signed by the clerk and directed to any peace officer in the city. The summons shall command the licensee or permittee complained of to appear before the common council or committee on a day and place named in the summons, not less than three days and not more than ten days from the date of issuance, and show cause why his license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least three days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under W.S.A. § 801.01 et seq., for service in civil actions in circuit court.

. . ."

Public Safety + Law + Licensing.

Section 2. Section 2-72 of the Municipal Code entitled "Standing committees" is hereby repealed and recreated to read as follows:

"Sec. 2-72. Standing committees.

- (a) The following standing committees of the council shall be appointed by the mayor, subject to confirmation of the council, on the third Tuesday of April of each year, or as soon thereafter as may be possible:
 - (1) Finance and personnel committee; five aldermen.
 - (2) Licensing, hearings, and public safety committee; five aldermen.
 - (3) Public works committee; five aldermen.
- (b) Each alderman shall be appointed to at least one but not more than two of the standing committees. Each committee shall consist of five members, which shall include a chairman and a vice-chairman. The chairman and vice-chairman for each committee shall be designated by the mayor. No alderman shall chair more than one committee.
- (c) A quorum for each committee shall consist of three members."

Section 3. Section 2-558 of the Municipal Code entitled "Composition; appointment; terms" is hereby repealed and recreated in subsection (a) thereof to read as follows:

"Sec. 2-558. Composition; appointment; terms.

- (a) The transit commission shall consist of nine commissioners. Six of the members shall be the mayor, a member of the finance and personnel committee of the common council, a member of the licensing, hearings, and public safety committee of the common council, a member of the public works committee of the common council, the chief of police and the director of city development, who shall be members by virtue of their office. The other commissioners shall be three citizen members.

..."

Section 4. Section 10-103 of the Municipal Code entitled "Retail "Class B" Licenses" is hereby repealed and recreated in subsection (g) thereof to read as follows:

"Sec. 10-103. - Retail "Class B" licenses.

. . . .

(g) The fee for an initial issuance of a reserve "Class B" license, as defined in §125.51(4)(a)4, Stats., shall be \$10,000.00, except that the fee for an initial issuance of a reserve "Class B" license to a bona fide club or lodge situated and incorporated in Wisconsin for at least six years is the fee established under section 10-104 for such a club or lodge. The fee under this subsection is in addition to any other fee required under this chapter. The annual fee for renewal of a reserved "Class B" license, as defined in §125.51(4)(a)4, Stats. is the fee established in subsection (d) above.

. . . ."

Section 5. Section 18-1 of the Municipal Code entitled "Adoption of state law provisions; abatement orders" is hereby repealed and recreated in subsection (b) thereof to read as follows:

"Sec. 18-1. - Adoption of state law provisions; abatement orders.

. . . .

(b) Abatement orders.

- (1) The licensing, hearings, and public safety committee of the common council is hereby designated and authorized, pursuant to W.S.A., § 173.03(2), to affirm, modify, or withdraw abatement orders issued under W.S.A., § 173.11, by any humane officer or law enforcement officer.
- (2) Any person named in an abatement order may appeal such order to the licensing, hearings, and public safety committee within ten days of service of the order. The notice of appeal shall be served upon the city clerk and must state the grounds for the appeal with specificity. The licensing, hearings, and public safety committee shall schedule a hearing to be held within ten days of the receipt of the notice of appeal, unless the appellant agrees to a later date. The licensing, hearings, and public safety committee shall make reasonable efforts to notify

the appellant, the officer issuing the abatement order, and any other interested party of the hearing and the opportunity to present evidence and testimony at the hearing. The hearing shall be informal in nature. Within ten days after the hearing, the licensing, hearings, and public safety committee shall determine whether to affirm, modify and affirm, or withdraw the abatement order and shall issue their decision in writing and serve it upon the appellant and other interested parties.

- (3) Any person adversely affected by a decision under subsection (2) may seek judicial review by commencing an action in circuit court within 30 days after the date of the decision."

Section 6. Section 18-47 of the Municipal Code entitled "Dangerous and vicious dogs" is hereby repealed and recreated in subsection (i)(3) thereof to read as follows:

"Sec. 18-47. Dangerous and vicious dogs.

. . . .

- (i) Declaration of vicious or dangerous dog; notification and hearing.

. . . .

- (3) The hearing shall be held within fifteen days of receipt of the request for hearing before the licensing, hearings, and public safety committee of the common council. The chief of police shall serve the appellant with notice of such hearing by mail or personal service at least ten days before such hearing. Any interested party may present evidence as to whether the dog is dangerous or vicious. At such a hearing, the determination of the police officer shall be termed an initial determination.

. . . ."

Section 7. Section 26-46 of the Municipal Code entitled "Vacant building registration" is hereby repealed and recreated in subsection (h) thereof to read as follows:

"Sec. 26-46. Vacant building registration.

. . . .

(h) Charge for public safety services. Any property owner or entity functioning as a trustee of an owner that fails to comply with any provision of this section shall be charged for any public safety services rendered to the property by the police department or fire department while noncompliant with this section. The city shall charge the cost thereof to the owner and, upon notice to the owner, such cost shall be assessed against the real estate as a special charge. Appeal of any determination of the chief of police or fire chief imposing costs against the owner may be submitted for a hearing to the licensing, hearings, and public safety committee of the common council. Chapter 68 of the Wisconsin Statutes shall not apply to such an appeal."

Section 8. Section 30-64 of the Municipal Code entitled "Revocation" is hereby repealed and recreated in subsection (b) thereof to read as follows:

"Sec. 30-64. Revocation.

. . .

(b) Notification of licensee or permit holder; right of hearing. No license and/or user's permit shall be revoked until a written notice is received by the licensee or permit holder from the chief of police. Those so notified shall then have ten days to request, in writing, a hearing before the next meeting of the licensing, hearings, and public safety committee, who shall then rule on the revocation request by the chief of police or his authorized representative.

. . ."

Section 9. Section 50-630 of the Municipal Code entitled "Breach of agreement; cessation of service" is hereby repealed and recreated in subsection (c) thereof to read as follows:

"Sec. 50-630. Breach of agreement; cessation of service.

. . .

(c) Notice of disconnection/cessation of services. No monitoring service shall be disconnected or agreement declared severable until a written notice sent by certified letter is received by the alarm user from the supervisor of the city public safety communications center. A person so notified shall then have 14

days to request in writing a hearing before the next meeting of the licensing, hearings, and public safety committee, who shall rule on the request by the supervisor of the city public safety communications center.

. . ."

Section 10. Section 54-73 of the Municipal Code entitled "Appointment of adult school crossing guards" is hereby repealed and recreated in subsection (c)(4) thereof to read as follows:

"Sec. 54-73. Appointment of adult school crossing guards.

. . .

(c) Conditions of employment. All school crossing guards shall be employed subject to the following conditions:

. . .

(4) The chief of police shall assign school crossing guards to such localities as shall be best suited to afford protection to those persons attending school in the city.

. . ."

Section 11. Section 66-154 of the Municipal Code entitled "Appeal" is hereby repealed and recreated to read as follows:

"Sec. 66-154. Appeal.

Appeal of any determination of the chief of police pursuant to this article may be submitted for a hearing to the licensing, hearings, and public safety committee of the common council. Wis. Stats. Ch. 68 shall not apply to such an appeal."

Section 12. Section 70-265 of the Municipal Code entitled "Appeal" is hereby repealed and recreated to read as follows:

"Sec. 70-265. Appeal.

(a) The above 1,500-foot requirements may be waived upon approval of the licensing, hearings, and public safety committee through appeal by the affected party. Such appeal shall be made in writing to the city clerk's office, who shall forward the request to the common council for referral to the committee, which shall receive reports from the police department on such appeal. The committee shall convene and consider the public

interest as well as the affected party's presentation and concerns. After deliberation, the committee shall forward its decision in writing via the minutes or otherwise to the City of Sheboygan Police Chief for their information and action. A written copy of the decision shall be provided to the affected party.

(b) The committee may reject a waiver request when the request is filed with the city clerk's office within 90 days of denial by the committee of a prior identical waiver request of the requester, absent a change in circumstances."

Section 13. Section 110-504 of the Municipal Code entitled "Revocation; penalties" is hereby repealed and recreated in subsection (a) thereof to read as follows:

"Sec. 110-504. Revocation; penalties.

(a) A sidewalk café permit may be revoked by the common council, prior to expiration, upon notice to the holder of an opportunity to be heard on the matter, as a result of any violation of the provisions of this article or of violation of the provisions of any city ordinance or state or federal statute relating to activity occurring within the sidewalk café. Said hearing shall be before the licensing, hearings, and public safety committee of the common council.

. . . ."

Section 14. Section 138-13 of the Municipal Code entitled "Suspension or revocation" is hereby repealed and recreated in subsection (c) thereof to read as follows:

"Sec. 138-13. Suspension or revocation.

. . . .

(c) Hearings. The hearings provided for in this section shall be conducted by the licensing, hearings, and public safety committee at a time and place designated by the committee chairperson. Based upon the record of such hearing, the building inspection department shall be charged with enforcing the decisions of the committee with the assistance of such other government official as necessary. A written report of the hearing decision shall be furnished to the license holder by the committee chairperson."

Section 15. 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 and as of April 17, 2018.







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

II

Other Walkers.

7.1

R. O. No. 285 - 17 - 18. By CITY CLERK. February 5, 2018.

Submitting various license applications for the period ending June 30, 2018, December 31, 2018 and June 30, 2019.

City Clerk

"CLASS B" LIQUOR LICENSE (June 30, 2018) (NEW)

<u>No.</u>	<u>Name</u>	<u>Address</u>
3307	Umi Sushi & Steak House	519 N. 8 th Street

FERMENTED MALT BEVERAGE LICENSE (June 30, 2018) (NEW)

<u>No.</u>	<u>Name</u>	<u>Address</u>
3312	Toys Thai Laos	1229 N. 8 th Street
3022	Paradigm	1202 N. 8th Street

CLASS "C" BEER LICENSE (June 30, 2018) (NEW)

<u>No.</u>	<u>Name</u>	<u>Address</u>
3022	Paradigm	1202 N. 8th Street

BEVERAGE OPERATOR'S LICENSE (NEW) (June 30, 2019)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2036	Castillo, Edward R.	307 N. 11 th Street, Oostburg
2025	Chaudhary, Prem Lal	916 Mulberry Lane, Kohler
0231	Ciotola, Bryan T.	1534 Blocki Court
9560	Cisler, Ashley M.	1125 Lincoln Avenue
2009	Even, Megan R.	608 Detroit Street, Sheb. Falls
9969	Horness, Katheryn J.	824 Roosevelt Road, Howards Grove
2034	Knapp, Brittany L.	1418 Meadow Lane Apt. E, Oostburg
2047	Kobes, Laura L.	1117 S. 16 th Street
2031	Kosaric, Ermin M.	1224 St. Clair Avenue
2032	Martinez, Cesar J.	3431 N. 10 th Street Apt. 131
2029	Puls, Andrew W.	324 Center Avenue Apt. 3
2037	Ramos, Draven C.	4011 Oakdale Court D107
2030	Repinski, Douglas S. (Club)	1527 Georgia Avenue
2042	Scheidt, Jeremiah	W2756 Huibregtse Lane, Oostburg

Last Licensing

2035 Schleicher, Shelby
2039 Stauber, Abbey L.
2033 Swart, Heather L.
2043 Vongpanya, Brandy J.

436 Prospect Avenue, Sheb. Falls
1538 N. 20th Street
1119 S. 17th Street
3613 S. 10th Street

TAXICAB DRIVERS LICENSE (December 31, 2018) (NEW)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2041	Davis, Iesha Shontia	320 Center Ave #3
0597	Justus, Jordan A.	2337 Skyline Dr. 2D
2024	Klahn, Sheridan R.	328 Wisconsin Avenue
0677	Perez-Velo, Erik Francisco	1623 Saemann Avenue

MASSAGE ESTABLISHMENT LICENSE (December 31, 2018)

<u>No.</u>	<u>Name</u>	<u>Address</u>
3313	Pamela Jankoski	2808 Kohler Memorial Drive