

*****ATTACHMENTS*****

CITY OF SHEBOYGAN**COMMITTEE ON LAW AND LICENSING MINUTES****NOVEMBER 14, 2017**

MEMBERS PRESENT: Chair Alderperson Susan Holzschuh, Vice Chair Alderperson Mary Lynne Donohue, Alderperson Scott Lewandoske, Alderperson Ron Rindfleisch

MEMBERS EXCUSED: Alderperson Rosemarie Trester

STAFF/OFFICIALS PRESENT: City Attorney Charles C. Adams, Lt. William Adams, City Administrator Darrell Hofland, Licensing Clerk Melissa Clevenger, Legal Assistant Kathy Hoffman

OTHERS PRESENT: Michael B. Gaumer, Thomas E. Holtz, Christopher Soto

1. OPENING OF MEETING

1.1 Call to Order

Chair Alderperson Susan Holzschuh called the meeting to order at 2:30 p.m.

1.2 Pledge of Allegiance

The Pledge of Allegiance was recited.

1.3 Introduction of Committee members, staff and guests

2. MINUTES

2.1 Approval of Minutes - October 24, 2017

Motion by Alderperson Donohue, seconded by Alderperson Lewandoske, to approve the minutes of the previous meeting held October 24, 2017. Motion carried 4-0.

3. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

3.1 R.O. No. 187-17-18 (10-2-17) Submitting various license applications for the period ending December 31, 2017, June 30, 2018 and June 30, 2019. Taxicab Driver Lic. App. No. 5224 (Michael B. Gaumer)

Michael B. Gaumer appeared before the committee for a hearing on possible denial of his license application. The committee heard from Mr. Gaumer and his witness Alderperson Scott Lewandoske and also the City's witnesses Lt. Adams and Melissa Clevenger, and then deliberated regarding Mr. Gaumer's record and safety concerns.

Motion by Alderperson Holzschuh, seconded by Alderperson Donohue, to deny the license application based upon Mr. Gaumer's record of a violation related to the licensed activity and safety concerns. Motion carried 3-0-1 (Alderperson Lewandoske – abstain).

3.2 R.O. No. 201-17-18 (10-16-17) Submitting various license applications for the period ending December 31, 2017, June 30, 2018 and June 30, 2019. Taxicab Driver Lic. App. No. 1556 (Thomas E. Holtz); Bev. Op. Lic. App. Nos. 1920 (Brian C. Buszta), 1921 (Kennedi K. Watts)

Thomas E. Holtz appeared before the committee for a hearing on possible denial of his license application. The

committee heard from Mr. Holtz and his witness Christopher Soto, and also the City's witness Lt. Adams, and then deliberated regarding Mr. Holtz's record.

Motion by Alderperson Donohue, seconded by Alderperson Holzschuh, to deny the license application based upon Mr. Holtz's record of violations related to the licensed activity and his history as a habitual law offender. Motion carried 3-1 (Alderperson Rindfleisch – nay).

Brian C. Buszta failed to appear before the committee for a hearing on possible denial of his license application.

Motion by Alderperson Donohue, seconded by Alderperson Lewandoske, to deny the license application based upon Mr. Buszta's ineligibility for a beverage operator's license and his failure to cooperate with the committee. Motion carried 4-0.

Motion by Alderperson Donohue, seconded by Alderperson Lewandoske, to call in Bev. Op. Lic. App. No. 1921 (Kennedi K. Watts) for a hearing on possible denial of her license application. Motion carried 4-0.

3.3 R.O. No. 225-17-18 (11-6-17) Submitting various license applications for the period ending December 31, 2017, June 30, 2018 and June 30, 2019

Motion by Alderperson Donohue, seconded by Alderperson Rindfleisch, to hold Bev. Op. Lic. App. No. 0863 (Jamie L. Weaver). Motion carried 4-0.

Motion by Alderperson Donohue, seconded by Alderperson Rindfleisch, to grant the remainder of the license applications for individuals and entities listed on the above-referenced R.O. Motion carried 4-0.

3.4 Discussion and possible action regarding meeting dates in December conflicting with holidays

The second meeting of the Law and Licensing committee in December would fall on December 26th when City Hall is closed for Christmas. Following discussion regarding the schedules of the alderpersons, it was decided that the second Law and Licensing committee meeting in December will be held on Wednesday, December 20th, at 2:30 p.m. addressing only the new R.O.

4. NEXT MEETING DATE

4.1 Next meeting date will be November 28, 2017

The next committee meeting is scheduled to be held on November 28, 2017 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 Donohue, seconded by Alderperson Rindfleisch, to adjourn at 3:35 p.m. Motion carried 4-0.

II

DIRECT REFERRAL TO LAW AND LICENSING COMMITTEE

R. O. No. 105 - 17 - 18. By DIRECTOR OF PLANNING & DEVELOPMENT.
August 15, 2017.

Submitting an Appeal regarding the park impact fee for Tax Parcel No. 59281435811 (2521 Creekview Court) and the recommendation of Chad Pelishek, Director of Planning & Development.

Director of Planning & Development

JUL 21 '17 AM 10:18

APPEAL

I hereby file an appeal for the impact fee imposed in the amount of \$547 for tax parcel #59281435811 located at 2521 Creekview Court in the City of Sheboygan. The amount was paid on 7/19/2017.

Per WI statute 66.0617 (6) (d) which states: Impact fees shall be reduced to compensate for other capital costs imposed by the municipality with respect to land development to provide and pay for public facilities... The developer paid for all of the improvement costs related to the road, sanitary sewer, water, storm sewer, which are dedicated to the public as public facilities and are to be credited against any impact fee per WI statute. The amount was in the hundreds of thousands of dollars for these public improvements so therefore more than the \$547 impact fee imposed was already paid by the Developer.

Submitted to the City of Sheboygan this 21st day of July, 2017.



Robert J Werner
President-Lee Realty of Sheboygan, Inc. d/b/a Werner Homes
President of Member-Stonebrook Crossing LLC

4539 South Taylor Drive
SHEBOYGAN, WI 53081

MISCELLANEOUS PAYMENT, RECEIPT# 53656
CITY OF SHEBOYGAN
828 CENTER AVENUE
SHEBOYGAN WI 53081

DATE: 07/19/17 TIME: 10:33
CLERK: hermann DEPT: BUILDIN
G INSPECTION
CUSTOMER#: 10635
CUSTOMER NAME: WERNER, ROBERT J.
COMMENT: 2521 CREEKVIEW CT

CHARGES:
X0024 BI - IMPACT FEE PARK IMPA
CT FEE 547.00

AMOUNT PAID: 547.00
PAID BY: WERNER HOMES
PAYMENT METHOD: CHECK
26191

REFERENCE: HERMANN

AMT TENDERED: 547.00
AMT APPLIED: 547.00
CHANGE: .00



MEMO

TO: Law and Licensing Committee

FROM: Chad Pelishek, Director of Planning & Development

RE: Appeal for Impact Fee in the amount of \$547

The Department of Planning and Development has received an appeal of a \$547.00 park impact fee imposed upon property located at 2521 Creekview Court, filed by Robert Werner on July 21. (Attached as Exhibit A.) The grounds for the appeal are Werner's statement that "[t]he developer paid for improvement costs related to the road, sanitary sewer, water, [and] storm sewer[;] which are dedicated to the public as public facilities and are to be credited against any impact fee per WI statute." [sic]

Chapter 74, Article III, of the Sheboygan Municipal Code imposes impact fees in accordance with section 66.0617, Wis. Stats. However, said impact fees are limited, and are designed only to pay for park and recreation facilities required to serve new development

Section 66.0617(6)(d), Wis. Stats. provides that impact fees "[s]hall be reduced to compensate for other capital costs imposed by the municipality with respect to land development to provide or pay for public facilities, including special assessments, special charges, land dedications or fees in lieu of land dedications under ch. 236 or any other items of value." However, the only public facilities covered by the impact fee ordinance are park and recreation facilities. The city has not imposed any capital costs upon Werner with respect to paying for park and recreation facilities. The fact that he has paid for improvement costs unrelated to parks is irrelevant.

Therefore, as director of the Department of Planning and Development, I hereby recommend that the appeal be resolved by denying the appeal. I request that the Law and Licensing committee hold a hearing within 15 days of receipt of this recommendation and hire outside legal counsel to represent the City of Sheboygan during the hearing process.

DEPARTMENT OF
PLANNING AND
DEVELOPMENT

828 Center Avenue,
Suite 104
Sheboygan, WI 53081

920-459-3377 (Phone)
920-459-7302 (Fax)

II

5.13

R. O. No. 220-17-18. By CITY CLERK. November 6, 2017.

Submitting a communication from Justin Vannieuwenhoven to propose a new ordinance regarding commercial quadricycles in the City of Sheboygan.

Law +
Licensing

DeBruin, Meredith

From: Richards, Susan
Sent: Wednesday, November 01, 2017 12:43 PM
To: Clerks Dept
Subject: FW: Commercial Quadricycle Ordinance Proposal

From: Justin Vannieuwenhoven [<mailto:3in1holders@gmail.com>]
Sent: Wednesday, November 1, 2017 12:30 PM
To: Mayor Vandersteen; Richards, Susan; Adams, Charles; Hofland, Darrell; Alderperson Ryan Sorenson; Alderperson Markus Savaglio
Subject: Commercial Quadricycle Ordinance Proposal

City officials,

I'm writing to propose a new ordinance regarding commercial quadricycles in the city of Sheboygan. I've been advised that commercial quadricycles in Sheboygan would fall under a "taxi cab" however state law allows the commercial quadricycles to be operated without these restrictions. Mayor Chris Meyer of Marshfield told the council, "If the city hadn't taken action, the vehicles would have been allowed by state law anyway" in a recent article in the Marshfield Harold. In addition, 2013 Act 106 was passed which allows fermented malt beverages to be consumed on them.

Although state law allows the operation of the commercial quadricycles, the city may implement an ordinance that can deny or allow the operation. I'd like to get the blessing of the city prior to starting this venture and believe the ordinance would bring a whole new way to experience Sheboygan. Sheboygan can be added to the list of progressive cities which have already implemented ordinances such as Green Bay, Milwaukee, and Madison. This ordinance will provide a great way for tourists and residents to explore our downtown district and riverfront like they never have before.

Below are links of the Green Bay ordinance, 2013 Act 106, and the referenced Marshfield Harold article.

<http://greenbaywi.gov/wp-content/uploads/GO-4-17-Amend-6.215-Commercial-Quadricycle.pdf>

<https://docs.legis.wisconsin.gov/2013/related/acts/106>

<http://www.marshfieldnewsherald.com/story/news/2017/05/30/marshfield-sets-rules-pedal-pubs/347394001/>

Thank you for taking the time to review,
I look forward to your response,

Justin Vannieuwenhoven

[920.676.3289](tel:920.676.3289)

3in1holders@gmail.com

II

Other Matters

11.3

R. O. No. 225-17-18. By CITY CLERK. November 6, 2017.

Submitting various license applications for the period ending December 31, 2017, June 30, 2018 and June 30, 2019.

City Clerk

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

<u>No.</u>	<u>Name</u>	<u>Address</u>
1685	Robyn Bonelli	1812 Superior Ave.
2586	In Balance Therapeutics, LLC	832 N. 6 th St.

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

<u>No.</u>	<u>Name</u>	<u>Address</u>
0891	Bower, Steven J.	2921 Whispering Winds Dr.
1929	Budnik, Kathleen	2432 Cross Creek Dr.
1934	Dubois, Julia A.	1447 S. 11 th St.
2968	Feudner, Kenneth R.	3303 Hickory Cir.
1931	Franzen Jr., Russell F.	813 St. Clair Apt. 1
1937	Haag, Lisaann	1840 N. 23 rd St.
2533	Hietala, Vanessa G.	725 Pine St., Sheb. Falls
1936	Knaub, Christine A.	400 Riverview Ln.
1939	Kolb, Kenneth A.	2511 S. 7 th St.
0619	Manier, Cole W.	1438 S. 9 th St.
1940	Miller, Destiny	603 Petra Lane
1943	Nytes, Katy	2413 Calumet Dr.
8054	Perce Jr., Charles M.	810 Mayflower Ave.
1938	Schoerner, Andrea	2532 Elizabeth St.
1941	Seefeldt, Lisa M.	2313 Karoos Ct.
6693	Sprecher, Kara D.	1031 Lincoln Ave.
9916	Wagner, Brenda L.	2207 N. 8 th St.
0863	Weaver, Jamie L.	412 Johnson Dr., Cascade
9312	Zelko, Jeffrey D.	2016 N. 21 st St.

TAXICAB DRIVERS LICENSE (NEW) (December 31, 2017)

<u>No.</u>	<u>Name</u>	<u>Address</u>
1935	Cuadras, Jose J.	920 S. 14 th St.
1942	Redman, Daniel	519 Cardinal Lane, Howards Grove

Law+ Licensing

TAXICAB DRIVERS LICENSE (December 31, 2018)

<u>No.</u>	<u>Name</u>	<u>Address</u>
1133	Butler, Eva M.	1921 Garfield Ave.
1116	Feigum, Winston L.	639 Monroe St. #307, Sheb. Falls

CITY OF SHEBOYGAN

REQUEST FOR LAW & LICENSING COMMITTEE CONSIDERATION

ITEM DESCRIPTION: Quarterly Performance Report for City Attorney's Office

REPORT PREPARED BY: Charles C. Adams, City Attorney

REPORT DATE: November 22, 2017

MEETING DATE: November 28, 2017

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 City Administrator asks departments to present a quarterly performance report to their oversight committees. The report is to include year-to-date numbers related to workload and effectiveness and any additional narrative as may be helpful to the committee members.

STAFF COMMENTS:

The report for the third quarter of 2017 is attached.

ACTION REQUESTED:

No action; for discussion only.

ATTACHMENTS:

- I. City Attorney's Office Quarterly Performance Report, 3rd Quarter of 2017

QUARTERLY PERFORMANCE REPORT

CITY ATTORNEY'S OFFICE

Third Quarter of Fiscal Year 2017 (through September 30, 2017)

	2017 Goal	2017 as of 9/30
<u>Workload Measurement</u>		
Municipal Court cases prosecuted	840	600
Circuit Court cases prosecuted	5	8
Abatements	4	1
Inspection Warrants	4	2
Raze Orders	4	1
Business Development Loans	12	0
Real estate closings	15	7
Lawsuits against City	6	4
Foreclosures	15	4
Bankruptcies	24	10
<u>Effectiveness</u>		
Departments indicating a positive response to promptness	80%	91%
Departments indicating a positive response to court as an approachable service	80%	94%
Resident Satisfaction Rating	80%	83%

R. O. No. 235- 17 - 18. By CITY CLERK. November 20, 2017.

Submitting various license applications for the period ending December 31, 2017, June 30, 2018 and June 30, 2019.

City Clerk

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

<u>No.</u>	<u>Name</u>	<u>Address</u>
3299	In The Bag	1501 Union Avenue

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

<u>No.</u>	<u>Name</u>	<u>Address</u>
1952	Arndt, Joshua R.	1242 Main Avenue
1953	Bloedorn, Shannon M.	502 Superior Avenue
1960	Burley, Myra	1310 N. 26 th Street
1971	Butler, Charles E.	713 Fairway Drive
1951	Cordes, Ariel	1411 Union Avenue
1959	Hess, Tammy L.	1530 N. 22 nd Street
1949	Hinze, Susan	1740 S. 13 th Street
4019	Humphrey, Jennie L.	1608 Michigan Avenue
1947	Kather, Emilee	1222 N. 29 th Street
1958	Knudson, Rocky	1820 N. 7 th Street
1966	Kohls, Samantha	1512 Kentucky Avenue Apt. A
1944	Menzer, Taylor J.	5017 Green Meadow Place
1948	Ramminger, Fatoulee J.	2332 Carmen Avenue #2J
7181	Repinski, Dawn M.	3830 Koehn Avenue
1961	Walker, Dana	802 B Settlers Lane, Sheb. Falls

TAXICAB BUSINESS LICENSE (RENEW) (December 31, 2018)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2509	Santanas Limo	2724 Main Avenue
3023	Yellow Cab Of Sheboygan, LLC	2917 N. 15 th Street

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

<u>No.</u>	<u>Name</u>	<u>Address</u>
1965	Barbe, Chris A.	2810 S. 10 th Street
4702	Berg, Larry D.	2611 N. 9 th Street
1972	Burt, Justin L.	2127 Main Avenue

Law + Licensing

TAXICAB DRIVERS LICENSE (December 31, 2018)

<u>No.</u>	<u>Name</u>	<u>Address</u>
1373	Allee, William David	4454 S. 8 th Street
1413	Brotz, James E.	2403 S. 8 th Street
0093	Butler Jr., James D.	1630 S. 8 th Street #A
0836	Calderon Rivera, Amalio	1428 S. 8 th Street
8112	Gohr, Trevor M.	4213 Autumn Court
1509	Gordon, Jody Lynn	741 Acacia, Sheb. Falls
0536	Hendrikse, Randall D.	3746 N. 14 th Street
6913	Rios, Ricardo	2619A N. 8 th Street
7731	Santana, Reynel	2724 Main Avenue
8860	Santana, Susan M.	2724 Main Avenue
1477	Shaffer, David C.	2407 S. 8 th Street
1149	Stewart, Harvey L.	1416 Illinois Avenue
9814	Torres Maldonad, Silvestre	1833 N. 20 th Street
0142	Waraich, Jesse Singh	N6233 Woodland Road

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

<u>No.</u>	<u>Name</u>	<u>Address</u>
2792	Integrated Health Therapies	833 Pennsylvania Avenue
2804	Reflections Spa	725 Blue Harbor Drive