

CITY OF SHEBOYGAN
BOARD OF POLICE AND FIRE COMMISSIONERS MINUTES
Tuesday, March 26, 2024

MEMBERS PRESENT: Kristin Blanchard Stearns, Corrado Cirillo (Arrived at 1:10 PM), Jerry Jones, Jeanne Kliejunas, Larry Samet.

STAFF/OFFICIALS PRESENT: Chief Christopher Domagalski, Assistant Chief Kurt Zempel, Chief Eric Montellano, Administrative Coordinator Karley Campbell.

OPENING OF MEETING

1. Roll Call

2. Call to Order

President Samet called the meeting to order at 1:05 P.M.

3. Pledge of Allegiance

MINUTES

4. Approval of Minutes - February 27, 2024

MOTION TO APPROVE MINUTES FROM FEBRUARY 27, 2024

Motion made by Jones, Seconded by Kliejunas.

Voting Yea: Blanchard Stearns, Jones, Kliejunas, Samet.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

5. Fire Department update

Chief Montellano provided an update regarding the purchase of land to replace the existing headquarters station, the upcoming promotion of two lieutenants to the rank of captain, and the ongoing recruitment process for three firefighter/paramedics.

CORRESPONDENCE FROM CITIZENS, OTHER AGENCIES, AND MEDIA

6. Discussion regarding policy and the unhoused

Commissioner Jones brought up concerns from a neighborhood near 14th St & Erie Avenue regarding unhoused individuals needing a place to go after the warming center and salvation army are full.

7. Correspondence from Judge George Limbeck

8. Discussion regarding February 13, 2024 Sheboygan Press article regarding DA protective order requests

CLOSED SESSION

9. Motion to convene in closed session under the exemption provided in Wisconsin State Statute §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility:

MOTION TO CONVENE IN CLOSED SESSION AT 1:31 P.M.

Motion made by Jones, Seconded by Cirillo.

Voting Yea: Blanchard Stearns, Cirillo, Jones, Kliejunas, Samet.

10. Fire Department personnel discussion
11. Police Department personnel discussion
12. Police Department promotions for lieutenant and sergeant
13. Police Department candidate interview(s) for police officer

RECONVENE IN OPEN SESSION

14. Motion to reconvene in open session

MOTION TO RECONVENE IN OPEN SESSION

Motion made by Blanchard Stearns, Seconded by Cirillo.

Voting Yea: Blanchard Stearns, Cirillo, Jones, Kliejunas, Samet.

15. Action regarding promotions in the Police Department to the rank of lieutenant of police and sergeant of police

MOTION TO APPROVE FOR PROMOTION:

Sergeant Andrew Kunding to rank of lieutenant

Officer Benjamin Woodward to rank of sergeant

Officer Sean Goffard to rank of sergeant

Motion made by Jones, Seconded by Kliejunas.

Voting Yea: Blanchard Stearns, Cirillo, Jones, Kliejunas, Samet.

MOTION TO APPROVE FOR PROMOTION:

Detective Rebecca Rupnick to rank of sergeant

Motion made by Jones, Seconded by Kliejunas.

Voting Yea: Cirillo, Jones, Kliejunas, Samet.

Blanchard Stearns abstained.

16. Action regarding Police Department candidate interview(s) for police officer

MOTION TO ADD TO SHEBOYGAN POLICE DEPARTMENT HIRING POOL:

Payton Danen

Ashli Gabrielse

Motion made by Blanchard Stearns, Seconded by Cirillo.

Voting Yea: Blanchard Stearns, Cirillo, Jones, Kliejunas, Samet.

NEXT MEETING

17. Next scheduled meeting: April 23, 2024

ADJOURN

18. Motion to Adjourn

No further business.

In compliance with Wisconsin's Open Meetings Law, this agenda was posted in the following locations more than 24 hours prior to the time of the meeting:

*City Hall • Mead Public Library
Sheboygan County Administration Building • City's website*

GEORGE A. LIMBECKSHEBOYGAN COUNTY CIRCUIT COURT JUDGE

Circuit Court Branch 5
615 N Sixth Street
Sheboygan WI 53081
(920) 459-3798

March 8, 2024

Justin Daniels
~~130 Wisconsin Street~~
Fredonia, WI 53021

Attorney Charles Adams
828 Center Avenue, Suite 210
Sheboygan, WI 53081

**RE: Justin Daniels vs City of Sheboygan Police and Fire Commission
Sheboygan County Case No. 23 CV 440**

Dear Attorney Adams & Mr. Daniels:

I have e-filed today the court's decision denying Mr. Daniels' Writ of Certiorari which I finalized January 3, 2024. I do not have an explanation for why it did not get e-filed then and apologize for the oversight. In light of the court's decision, please advise if the March 12, 2024 hearing is still necessary.

Thank you for your time and attention to this matter.



George A. Limbeck
Circuit Court Judge, Branch 5

GAL/amc

FILED

03-08-2024

Sheboygan County

Clerk of Circuit Court

2023CV000440

BY THE COURT:

DATE SIGNED: March 8, 2024

Electronically signed by George A Limbeck
Circuit Court Judge

STATE OF WISCONSINCIRCUIT COURTSHEBOYGAN COUNTY

JUSTIN DANIELS,

Plaintiff,

v.

Case No. 23CV440

CITY OF SHEBOYGAN POLICE AND FIRE COMMISSION,

Defendant.

ORDER

For the reasons stated herein, the Complainant's Petition for Writ of Certiorari in the above captioned matter is hereby **DENIED**.

In State ex rel. City of Waukesha v. City of Waukesha Board of Review, 201 WI 89, par. 18, 399 Wis.2d 696, 706-07, 967 N.W.2d 460, the Wisconsin Supreme Court gave its most recent affirmation of the legal standards for a circuit court in assessing a Petition for Writ of Certiorari:

On certiorari review, the reviewing court's inquiry is narrow. It is limited to the record before the board and addresses only whether the board's actions were: (1) within its jurisdiction; (2) according to law; (3) arbitrary, oppressive, or unreasonable and represented its will and not its judgment; and (4) supported by evidence such that the board might reasonably make the order or determination in question.

In applying the above standards to the case at bar:

First, was the Complaint brought by Petitioner within the jurisdiction of the City of Sheboygan Board of Police & Fire Commissioners (the “BOARD”)? The answer is yes. No one involved disputes this issue.

Second, did the Board proceed according to the law? The court answers this question in the affirmative and finds this issue to be dispositive. The Board followed all the procedural rules detailed in responding to a citizen’s complaint. The Board found that the Complainant filed 37 days after the deadline set by local rule. This finding is not disputed by the Complainant. The Complainant asks this court to interpret “SHALL be filed with the Board no later than ten (10) days following receipt of the written disposition” to “MAY be filed....” See the Board’s “Consolidated Decisions and Orders, page 2. Because there is no ambiguity in the Section 4 of the Board’s Policies and Procedures, the court cannot engage in statutory interpretation. Therefore, shall means shall and a 37 day violation of the 10 day rule is clearly grounds for the Board to dismiss the Complaint in its entirety.

Since the Board was well within its right to dismiss the Complaint in its entirety, the court need not address any other issues raised by the Complainant.¹

THIS IS A FINAL ORDER FOR PUPOSES OF APPEAL

¹ The court notes that the Board’s decisions relating to the John Doe proceeding leave open the Complainant’s right to bring a supplemental complaint depending upon the results of the John Doe proceeding. See Board’s “Consolidate Decisions and Orders”, p. 6 and 8.