

AMENDED LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE AGENDA

July 26, 2023 at 4:15 PM

City Hall - Third Floor - Common Council Chambers, 828 Center Avenue, Sheboygan WI

It is possible that a quorum (or a reverse quorum) of the Sheboygan Common Council or any other City committees/boards/commissions may be in attendance, thus requiring a notice pursuant to State ex rel. Badke v. Greendale Village Board, 173 Wis. 2d 553,494 N.W.2d 408 (1993).

Persons with disabilities who need accommodations to attend this meeting should contact the City Attorney's Office at 828 Center Avenue, Suite 210, Sheboygan, Wisconsin, Ph. 920-459-3917. Persons other than committee members who wish to participate remotely shall provide notice to the City Attorney's Office at Ph. 920-459-3917 at least 24 hours before the meeting so that the person may be provided a remote link for that purpose.

OPENING OF MEETING

- Call to Order
- 2. Roll Call Alderperson Felde may attend the meeting remotely
- 3. Pledge of Allegiance
- Introduction of Committee members, staff and guests

MINUTES

5. Approval of Minutes - July 12, 2023

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- 6. Presentations by potential applicants for available "Class B" alcohol beverage license.
- 7. Discussion and action regarding granting opportunity to apply for available "Class B" alcohol beverage license.
- 8. R. O. No. 26-23-24 (7-17-23) by Chief of Police Christopher Domagalski pursuant to section 54-65 of the Municipal Code, submitting the quarterly report showing the Benchmark Measurements for the Police Department for the period commencing April 1, 2023 and ending June 30, 2023.
- 9. R. O. No. 27-23-24 (7-17-23) by Fire Chief pursuant to section 50-564 of the Municipal Code, submitting the quarterly report of Benchmark Measurements for the Fire Department, for the period commencing April 1, 2023 and ending June 30, 2023.
- 10. Gen. Ord. No. 13-23-24 (7-17-23) An Ordinance amending Chapter 14 of the City of Sheboygan Municipal Code so as to create Article 14-IX relating to Mobile Entertainment Providers.
- 11. R. O. No. 28-23-24 (7-17-23) by City Clerk submitting various license applications.

12. R. O. No. 29-23-24 (DIRECT REFERRAL) by City Clerk submitting a license application for a change of premise.

NEXT MEETING DATE

13. Next meeting date will be August 16, 2023

ADJOURN

14. Motion to adjourn

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

CITY OF SHEBOYGAN

LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE MINUTES

Wednesday, July 12, 2023

COMMITTEE MEMBERS PRESENT: Chair Alderperson Amanda Salazar, Vice Chair Alderperson Barb Felde, Alderperson Dean Dekker, Alderperson Joseph Heidemann

COMMITTEE MEMBERS EXCUSED: Alderperson Betty Ackley

STAFF/OFFICIALS PRESENT: Assistant City Attorney Liz Majerus, Lt. Matt Walsh, Paralegal

Marie Foss

OTHERS PRESENT: Dave Felde

OPENING OF MEETING

1. Call to Order

Chair Alderperson Amanda Salazar called the meeting to order at 4:15 PM.

- 2. Roll Call
- 3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. Introduction of Committee members, staff and guests

MINUTES

Approval of Minutes

MOTION TO APPROVE THE MINUTES OF THE PREVIOUS MEETING HELD JUNE 28, 2023.

Motion made by Alderperson Dekker, seconded by Alderperson Felde. Voting Yea: Chair Salazar, Vice Chair Felde, Alderperson Dekker, Alderperson Heidemann.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

6. R. O. No. 25-23-24 (7-3-23) by City Clerk submitting various license applications.

Attorney Majerus went through the different change of premise recommendations.

MOTION TO APPROVE ALL LICENSE APPLICATIONS PURSUANT TO STAFF RECOMMENDATIONS ON R.O. NO. 25-23-24.

Motion made by Alderperson Dekker, seconded by Alderperson Heidemann.

Voting Yea: Chair Salazar, Vice Chair Felde, Alderperson Dekker, Alderperson Heidemann.

NEXT MEETING DATE

7. The next committee meeting is scheduled to be held on July 26, 2023 at 4:15 p.m.

ADJOURN

8. Motion to adjourn

MOTION TO ADJOURN AT 4:17 PM.

Motion made by Alderperson Dekker, seconded by Alderperson Heidemann. Voting Yea: Chair Salazar, Vice Chair Felde, Alderperson Dekker, Alderperson Heidemann.



R. O. No. 26 - 23 - 24. By CHIEF OF POLICE CHRISTOPHER DOMAGALSKI. July 17, 2023.

Pursuant to section 54-65 of the Municipal Code, I herewith submit my quarterly report showing the Benchmark Measurements for my department for the period commencing April 1, 2023 and ending June 30, 2023.

	Y-T-D	Y-T-D	2023	2022	2021
Patrol and Investgations	6/30/23	6/30/22	Goals	Actual	Actual
Murder & Non-Negligent	0	0	0	0	1
Manslaughter	Ü	o .	J	O	1
Manslaughter by Negligence	0	0	0	0	0
Sex Offenses - Forcible	25	31	60	55	90
Sex Offenses - Non-Forcible	8	6	15	11	22.
Aggravated Assault	51	61	100	110	112
Select Crimes Against Persons Total	84	98	200	176	225
Robbery	6	5	10	11	. 5
Burglary	30	33	100	65	82
Theft/Larceny	275	280	800	597	563
Motor Vehicle Theft	8	14	30	29	34
Arson	0	1	10	10	5
Select Crimes Against Property Total	319	333	950	712	689
Percent of Offenses Cleared	64%	61%	70%	60%	47%
Value of Property Stolen	\$223,917	\$189,874	\$500,000	\$684,397	\$711,334
Value of Property Recovered	\$89,776	\$80,712	\$200,000	\$340,673	\$321,044
Percent of Stolen Recovered	40%	43%	40%	50%	45%
Accident Investigations	700	600	1 500	1 410	1 265
Traffic Stops	702	680	1,500	1,418	1,365
Traffic Arrests	2,639	2,987	No Goal	5,799	4,395
Other Arrests	1,941	1,801	No Goal	3,856	3,016
Speed Trailer Deployments	1,552	1,530	No Goal	3,074	2,810
HVEE Deployments	3	5	20	12	. 29
Parking Tickets Issued	38	37	12	68	65.
Bicycles Recovered	4,720	4,905	10,000	8,366	6,631
Involuntary Commitments	70	71 70	150	152	190
involuntary commitments	51	70	No Goal	138	144
Administration					
District Attorney Request					
for Digital Evidence	585	494	2,750	1,078	1,142
Open Records Requests	3,147	3,310	4,000	6,688	6,502
Nixle Messages Sent	36	49	250	92	78
Press Releases	9	11	50	23	18
Tweets	37	60	350	126	111
Facebook Followers*	17,911	17,096	18,000	17,515	16,749
Reported Crime Maps	52	42	104	87	98
Crime Comparison Reports	13	347-44717	C-874 267 1000		Y
crime comparison Reports	13	10	26	20	22

^{*}Facebook no longer reports likes which were previously tracked

LHPS

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CITY OF SHEBOYGAN

REQUEST FOR LICENSING, HEARINGS AND PUBLIC SAFETY COMMITTEE CONSIDERATION

ITEM DESCRIPTION: Report of Officer, submitting the Police Department Quarterly Report for the period commencing April 1, 2023 and ending June 30, 2023.

REPORT PREPARED BY: Christopher Domagalski, Chief of Police

REPORT DATE: July 20, 2023 **MEETING DATE:** July 26, 2023

FISCAL SUMMARY:

Budget Line Item: N/A Wisconsin N/A

Budget Summary: N/A Statutes:

Budgeted Expenditure: N/A Municipal Code: Sec. 54-65

Budgeted Revenue: N/A **STATUTORY REFERENCE:**

BACKGROUND / ANALYSIS:

The Quarterly Report of Benchmarks for the Police Department for the Period commencing April 1, 2023 and ending June 30, 2023 is presented for information and discussion as required by section 54-65 of the Municipal Code.

STAFF COMMENTS:

Highlights of the report are as follows:

- Part 1 Crime: There was a decrease in Part 1 crime year to date in comparison to the same period in 2022 (403 vs.431). This includes a decrease in both crimes against persons (84 vs. 98) and crimes against property (319 vs. 333).
- Traffic accidents year to date (702 vs. 680) were up slightly in comparison to 2022, but are trending down.
- There was a decrease in involuntary commitments year to date in comparison to the same period in 2022 (51 vs. 70).

ACTION REQUESTED:

Motion to recommend to Council to Approve the Report of Officer No. 26-23-24.

ATTACHMENTS:

I. R.O No. 26-23 - 24

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R. O. No. 27 - 23 - 24. By FIRE CHIEF. July 17, 2023.

Pursuant to section 50-564 of the Municipal Code, I herewith submit my quarterly report of Benchmark Measurements for the Fire Department, for the period commencing April 1, 2023 and ending June 30, 2023.

2023 Second Quarter Benchmarks

	2021 EOY	2022 EOY	2022 YTD	2023 YTD	2023 Target
Incident Types					
Fires	87	92	44	41	< 90
Rescue & Emergency Medical Service	4,833	5,170	2,566	2,487	4,900
Non Fires	1,379	1,558	840	642	1,400
TOTAL	6,299	6,820	3,450	3,170	6,300
Station Incident Count Per Station					
Station 1	1.809	2,003	1,008	936	1,825
Station 2	1.239	1,229	581	571	1,225
Station 3	1,459	1,677	882	793	1,500
Station 4	1,163	1,171	615	505	1,150
Station 5	594	609	335	290	600
Mutual Aid Given	35	131	29	75	
Mutual Aid Received	N/A	54	N/A	26	
Overlapping Calls (Percentage)	N/A	64%	65%	62%	
Overlapping Calls (Count)	N/A	4,380	2,255	1,976.00	
,		.,,,,,,	2,200	1,010.00	
Fire Loss					
Number of Incidents	54	61	23	24	
Total Pre Incident Value	\$ 95,389,290	\$ 163,942,270	\$ 15,311,550	\$ 27,631,015	
Total Property Loss	\$ 538,550	\$ 887,790	\$ 324,500	\$ 367,460	
Total Content Loss	\$ 546,617	\$ 1,115,910	\$ 442,190	\$ 121,005	
Total Loss	\$ 1,085,167	\$ 2,003,700	\$ 766,690	\$ 488,465	
Average Loss	\$ 20,095.69	\$ 32,848	\$ 33,334	\$ 20,352.71	
Property Saved	\$ 94.304.123	\$ 161,938,570	\$ 14,544,860	\$ 27,142,550	
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Workload					
Inspections	2,267	2,742	763	2,141	2,300
School Safety Programs (Students)	3,148	3,122	0	0	3,200
Public Events	56	76	17	47	60
Station Tours	9	16	8	4	25
Non-Compliance/ Installed Smoke Alarms	63/82	78/94	12/10	16/24	
Fire Training Hours	4,981	6,279	3,475	9,715	8,000
EMS Training Hours	2,072	1,939	594	1,423	2,100
Investigations	84	89	42	34	
Efficiency					
Fire Average Response Time (380 Seconds)*	79%	77%	76%	86%	90%
Effectiveness					
ISO Rating	2	2	2	2	1
100 Natirity	2	2	2	2	T

Note: Resident Satisfaction rating was not a metric on the 2022 Baker Tilly Study. Therefore, there is no current data.

FIRE CHIEF

^{*} Fire response 380 seconds or less per NFPA standards

CITY OF SHEBOYGAN

REQUEST FOR LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE CONSIDERATION

ITEM DESCRIPTION: Report of Officer, submitting the Quarterly Report from the Sheboygan Fire Department for the period commencing April 1, 2023 and ending June 30, 2023.

REPORT PREPARED BY: Eric Montellano, Fire Chief

REPORT DATE: July 12, 2023 **MEETING DATE:** July 26, 2023

FISCAL SUMMARY: STATUTORY REFERENCE:

Budget Line Item: N/A Wisconsin Statutes: N/A Budget Summary: N/A Municipal Code: 50-564

Budgeted Expenditure: N/A Budgeted Revenue: N/A

BACKGROUND / ANALYSIS:

Quarterly Benchmarks from the Fire Department for the period commencing April 1, 2023 and ending June 30, 2023 is presented for information and discussion as required by section 50-564 of the Municipal Code.

STAFF COMMENTS:

Highlights of 2023 YTD are as follows:

- Call volume is on track for 6,300 by year-end
- Completed fire inspections for the first half of 2023 are almost three times higher than the first half of 2022
- Fire training hours are significantly higher as a result of new training software with more accurate documentation as well as additional emphasis on training. This training goal has been surpassed
- Fire average response time is up 10% as compared to the first half of 2022
- Mutual Aid Received for YTD 2022 was not reported until Quarter 3 of the same year.

ACTION REQUESTED:

A motion to recommend approval of the Report of Officer No. 27-23-24 to the Common Council.

ATTACHMENTS:

I. R.O. No. 27-23-24

CITY OF SHEBOYGAN GENERAL ORDINANCE X-23-24

BY ALDERPERSONS SALAZAR, PERRELLA, AND ACKLEY.

JULY 17, 2023.

AN ORDINANCE amending Chapter 14 of the City of Sheboygan Municipal Code so as to create Article 14-IX relating to Mobile Entertainment Providers.

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

SECTION 1: <u>AMENDMENT</u> Article 14-IX of the Sheboygan Municipal Code entitled "Mobile Entertainment Providers" is hereby *created* to read as follows:

AMENDMENT

ARTICLE 14-IX MOBILE ENTERTAINMENT PROVIDERS

Sec 14-370 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mobile entertainment vehicle means a motor vehicle, as defined in Wis. Stat. § 340.01(35), or a trailer, as defined in Wis. Stat. § 340.01(71), which is equipped so as to provide commercial diversions and entertainment activities. Commercial diversions and entertainment activities include, without limitation, axe-throwing, video and virtual reality gaming, karaoke, and games of chance and skill.

Mobile entertainment provider means any owner or operator of a mobile entertainment vehicle; hereinafter in this Article referred to as "provider."

Sec 14-371 Restrictions

- (a) It shall be unlawful for any person to use or permit the use of a mobile entertainment vehicle for any commercial diversion or entertainment activity by any person, whether for free or for a charge, within a public right of way or on public property in the City of Sheboygan without first having obtained a valid mobile entertainment license as prescribed in this Article.
- (b) All providers shall abide by all parking and traffic laws, ordinances, statutes, rules, and regulations at all times, except that a mobile entertainment vehicle that is of such a length that it occupies all or a portion of two marked parking spaces may park in said spaces so long as it abides by all other parking restrictions, including depositing required coins in both parking meters, when applicable.

- (c) The mobile entertainment vehicle shall be operable at all times. If the vehicle is a trailer, it shall be hooked up to a vehicle capable of towing at all times.
- (d) A person with a valid driver's license of such a classification to allow the operation of the mobile entertainment vehicle shall be with the vehicle at all times that any activity is taking place in the mobile entertainment vehicle. The provider is liable for any violation of this subsection.
- (e) No person shall park, stop, or operate a mobile entertainment vehicle, nor shall any provider permit any person to park, stop or operate a mobile entertainment vehicle in a location within five hundred feet (500') of the boundary line of any property upon which a fair, farmer's market, festival, carnival, circus, special event, or civic event licensed or sanctioned by the city is occurring, except when the provider has obtained a permit or otherwise properly obtained permission to do so.
- (f) All signage must be permanently affixed to the mobile entertainment vehicle. No accessory signage shall be placed outside or around the mobile entertainment vehicle.
- (g) No person shall serve, sell, or distribute food or drink from a mobile entertainment vehicle.
- (h) All activity connected with a mobile entertainment vehicle shall be contained within the vehicle, with the following restrictions and exceptions:
 - (1) A provider may accept payment for the activity associated with the mobile entertainment vehicle immediately adjacent to the vehicle in the area between the street and the sidewalk.
 - (2) The provider shall be responsible for ensuring that the adjacent sidewalk is kept clear for the use of the public, including maintaining a 5-foot wide aisle as required by the Americans with Disabilities Act.
- (i) No music or amplified sound that can be heard outside of the mobile entertainment vehicle is permitted. The provider is liable for any violation of this subsection.
- (j) Each and every mobile entertainment provider shall at all times keep a "measuring wheel" with a measuring capacity of no less than 500 feet with the mobile entertainment vehicle. The measuring wheel shall be available for use by any person operating or working with the mobile entertainment vehicle and by any police officer or other municipal official tasked with enforcing the provisions of this Article.
- (k) Nothing in this Article shall be deemed to supersede or repeal any ordinance relating to noise, park closing hours, or parking, except as specifically provided in the Article. Providers shall take every precaution to ensure that their operation does not materially affect the peace and welfare of the general public nor cause any unreasonably loud, disturbing, and unnecessary noise or any noise of such character, intensity, or duration as to be detrimental to the life or health of any individual or which is in the disturbance of public peace and welfare.

Sec 14-372 License Required; Application; Regulation

- (a) Any person desiring to operate a mobile entertainment vehicle shall make written application for a mobile entertainment license to the city clerk's office. The application for such license shall be on forms provided by the city clerk's office and shall include the following:
 - (1) The name, signature, and address of each applicant and of each member or officer of a corporate applicant.
 - (2) A description, including make, model, VIN number, and license plate, of the mobile entertainment vehicle.
 - (3) A clear description of the activities to be associated with the mobile entertainment vehicle.
 - (4) A valid copy of all necessary licenses, permits, or certificates required by the County of Sheboygan, the State of Wisconsin, or any subsidiary enforcement agencies or departments thereof, including but not limited to valid proof of registration for the vehicle and driver's licenses for all operators and employees.
 - (5) A signed statement that the mobile entertainment provider shall hold harmless the City and its officers and employees, and shall indemnify and hold harmless the City and its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license. The mobile entertainment provider shall furnish and maintain such liability insurance as will protect vendor and the City from all claims for damage to property or bodily injury, including death, which may arise from the operations under the license or in connection therewith. Such insurance shall provide coverage of not less than one million dollars (\$1,000,000) per occurrence. The policy shall further provide that it may not be cancelled except upon thirty (30) days written notice served upon the city clerk. A license issued pursuant to the provisions of this section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with the city clerk.
 - (6) Any additional information deemed necessary by the city clerk to determine if issuance of a mobile entertainment vehicle license to a particular applicant would be in the best interest of the public.
- (b) Upon receipt of an application for a mobile entertainment vehicle license, the clerk may conduct a background check and may refer it as soon as practicable to the chief of police who may make and complete an investigation of the statements made in such registration. Any such investigation should be completed within ten days of the referral. The clerk should refuse to register the applicant if it is determined that:
 - (1) The application contains any material omission or materially inaccurate statement;

- (2) The applicant was convicted of a crime, statutory violation, or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling or the licensed activity; or
- (3) The applicant failed to comply with any requirement of subsection (a).
- (c) Each mobile entertainment vehicle license shall expire on April 1st of each year.
- (d) A mobile entertainment vehicle license is not transferrable from person to person.
- (e) A mobile entertainment vehicle license is valid for one vehicle only.
- (f) The mobile entertainment vehicle license shall be permanently and prominently affixed to the mobile entertainment vehicle.
- (g) All mobile entertainment providers licensed under this section shall pay an annual license fee of five hundred dollars (\$500.00).

Sec 14-373 Suspension And Revocation

- (a) A mobile entertainment vehicle license may be suspended or revoked by the licensing, hearings, and public safety committee of the common council after notice and hearing, if the license holder made any material omission or materially inaccurate statements in the license application, or if the license holder violates any provision of this article, if there are noise complaints related to the mobile entertainment vehicle or the operation thereof, or if the license holder is convicted of any crime or ordinance or statutory violation directly related to direct sales or the licensed activity. Written notice of the hearing shall be served personally (or if personal service cannot be made, via certified mail) upon the registrant at least 72 hours prior to the time set for the hearing. Such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.
- (b) Any person denied a mobile entertainment vehicle license may appeal the denial to the common council by filing a written statement therewith within 14 days after the date registration was denied, setting forth the grounds for appeal. The common council shall notify the applicant, at least 48 hours prior to the hearing date, of the time and place set for the hearing, such notice to be sent to the address given by the appellant in his statement of appeal or served personally on the appellant.

Sec 14-374 Penalties

Any violation of the provisions of this ordinance shall subject the violator to a forfeiture of not less than \$100 nor more than \$1,000, together with the cost of the action. In default of payment thereof, the violator may be imprisoned in an appropriate county facility as allowed by law.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 3: <u>EFFECTIVE DATE</u> This Ordinance shall be in effect from and after its passage and publication according to law.

PASSED AND ADOPTED BY THE CIT'	Y OF SHEBOYGAN COMMON COUNCIL
Presiding Officer	Attest
Ryan Sorenson, Mayor, City of Sheboygan	Meredith DeBruin, City Clerk, City of Sheboygan

Item 11.

R. O. No. 28 - 23 - 24. By CITY CLERK. July 17, 2023.

Submitting various license applications.

0:4	011-	
City	Clerk	

CHANGE OF PREMISE

No. Name

2805 Blue Harbor Resort

Address

725 Blue Harbor Drive - Four day event to be held on 8/10/2023 8/13/2023 to include tent measuring 30'x60' just outside of the entrance to the Peninsula Room of the Blue Harbor Resort. The tent will be 88' due east of the farthest northwest corner of the Blue Harbor Resort Conference Center building, also a City of Sheboygan owned property and currently leased by the hotel. The tent will extend southeast 60' with the southwest corner of the tent located 64' due east of the existing hotel patio terrace railing. The combined/extended premises, which includes the Peninsula Room and City property described above, and the walkway between the hotel/building and the tent, will be cordoned off by rope stanchions indicating the perimeter of the combined/extended space and will include signage clearly identifying the event as private. To include current premise.

3576 Driftwood

518/510 S. Pier Drive - Three day event to be held on 8/11/2023 - 8/13/2023 to include current premises and the greenspace to the east of 510 S. Pier Drive.

CITY OF SHEBOYGAN DIRECT REFERRAL R. O. 29-23-24 TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

BY CITY CLERK.

JULY 26, 2023.

Submitting a license application for a change of premise.

<u>No.</u>	Name	Address
3117	Harbor Lights	434 Pennsylvania Avenue – One day event to be held on 8/19/2023 to include current premises and 5 th Street from Pennsylvania Avenue to Franklin Road.