



LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE AGENDA

August 10, 2022 at 4:15 PM

**City Hall - Conference Room 106, 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

1. Call to Order
2. Roll Call - Alderpersons Barb Felde, Betty Ackley, Dean Dekker, Joe Heidemann, and Amanda Salazar may be attending this meeting remotely
3. Pledge of Allegiance
4. Introduction of Committee members, staff and guests

MINUTES

5. Approval of Minutes - July 27, 2022

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

6. Res. No. 48-22-23 (8-1-22) A Resolution establishing a rotational dispatch contract for emergency securement and board-up after fire incidents.
7. Gen. Ord. No. 8-22-23 (8-1-22) An Ordinance expanding the Disorderly Conduct Ordinance so as to prohibit harassment of an individual on the basis of their status as an election official and requiring an increased forfeiture for violations of this nature, and clarifying that disorderly conduct may include harassment by the use of telecommunication devices.
8. Beverage Operator's License [RENEW] App. No. 7570 (Juan D. Coronado) - HEARING REGARDING NON-RENEWAL OF LICENSE.
9. R. O. No. 42-22-23 (7-18-22) by City Clerk submitting various license applications: Class "B" Beer Lic. App. No. 3519 (Lupita's Mexican Store LLC).
10. R. O. No. 51-22-23 (8-1-22) by City Clerk submitting various license applications.
11. Update regarding Alcohol Beverage License No. 2301 (One More Time, LLC - MOJO) - DISCUSSION ONLY

NEXT MEETING DATE

12. Next meeting date will be August 24, 2022

ADJOURN

13. 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 27, 2022**

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

STAFF/OFFICIALS PRESENT: City Attorney Charles Adams, Fire Chief Eric Montellano, Captain Kurt Zempel, Paralegal Kathy Hoffman

OTHERS PRESENT: Dave Felde

OPENING OF MEETING

1. Call to Order

Chair Alderperson Barb Felde 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

5. Approval of Minutes

MOTION TO APPROVE THE MINUTES OF THE PREVIOUS MEETING HELD JULY 13, 2022.

Motion made by Alderperson Dekker, seconded by Vice Chair Ackley.

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

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

6. R. O. No. 41-22-23 (7-18-22) 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, 2022 and ending June 30, 2022.

Captain Kurt Zempel reviewed the Police Department's report of Benchmark Measurements for the second quarter of 2022.

MOTION TO RECOMMEND THE COMMON COUNCIL RECEIVE AND FILE R.O. 41-22-23.

Motion made by Vice Chair Ackley, seconded by Alderperson Dekker.

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

7. R. O. No. 39-22-23 (7-18-22) 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, 2022 and ending June 30, 2022.

Chief Montellano reviewed the Fire Department's report of Benchmark Measurements for the second quarter of 2022.

MOTION TO RECOMMEND THE COMMON COUNCIL RECEIVE AND FILE R.O. 39-22-23.

Motion made by Vice Chair Ackley, seconded by Alderperson Salazar.

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

8. Presentation to the Committee regarding Live Burn Training - PRESENTATION ONLY

Chief Montellano gave a PowerPoint presentation and answered questions regarding the recent live burn training conducted by the Fire Department.

9. R. O. No. 42-22-23 (7-18-22) by City Clerk submitting various license applications.

MOTION TO HOLD THE APPLICATION ON R.O. NO. 42-22-23.

Motion made by Vice Chair Ackley, seconded by Alderperson Dekker.

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

10. R. O. No. 43-22-23 (7-18-22) by City Clerk submitting a license application.

MOTION TO GRANT THE APPLICATION ON R.O. NO. 43-22-23.

Motion made by Vice Chair Ackley, seconded by Alderperson Heidemann.

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

NEXT MEETING DATE

11. The next committee meeting is scheduled to be held on August 10, 2022 at 4:15 p.m.

ADJOURN

12. Motion to adjourn

MOTION TO ADJOURN AT 4:41 PM.

Motion made by Vice Chair Ackley, seconded by Alderperson Salazar.

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

III

Res. No. 48 - 22 - 23. By Alderpersons Felde and Ackley. August 1, 2022.

A RESOLUTION establishing a rotational dispatch contract for emergency securement and board-up after fire incidents.

WHEREAS, the City of Sheboygan Fire Department ("Department") routinely responds to fires and other incidents which, through initial damage or damage created during response, render buildings and/or properties insecure and susceptible to further damage; and

WHEREAS, the Department desires to establish a list of companies who may respond to secure these buildings and/or properties and who agree to follow terms and conditions intended to maintain order and limit interference with fire personnel.

NOW, THEREFORE, BE IT RESOLVED: That the Common Council hereby establishes an Emergency Securement and Board-Up Rotational Contract Program whereby qualified companies are requested to respond to incidents that render properties insecure in terms substantially similar to those set forth in the attached Emergency Securement & Board-Up Rotational Contract Application.

WHS

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
FIRE DEPARTMENT
1326 North 25th Street
SHEBOYGAN, WISCONSIN 53081
(920) 459-3327 OFFICE
(920) 459-0209 FAX**



Item 6.

**EMERGENCY SECUREMENT & BOARD-UP
ROTATIONAL CONTRACT APPLICATION**

Business Name: _____

Business Address: _____

Mailing Address (if different): _____

Business Phone: ____ (____) _____

Phone Number to be Used for Dispatching: ____ (____) _____

Business Agent Name and Title: _____

Please submit the following documents with the signed application:

- Certificate of Insurance evidencing the following minimum limits:
 - o Workers' Compensation: Statutory Limits
 - o General Liability: \$1,000,000 occurrence/ \$2,000,000 aggregate
 - o Automobile Liability & Property Damage: \$1,000,000 combined single limit
 - o Umbrella Liability: \$5,000,000 per occurrence and aggregate
 - o Note: If application is approved, Business will be required to provide an updated certificate of insurance identifying the "City of Sheboygan" as additional insured and granting the City 30 days' notice of cancellation, non-renewal or expiration.
- Company Response Policy
- Company Board-Up Policy

By signing below, the above-identified business agrees to follow the terms and conditions for inclusion in the rotational program located on the following page. Business further agrees to indemnify, defend, and hold harmless the City, its officials, officers, agents, employees, and consultants from and against all suits, claims, damages, losses and expenses, direct, indirect or consequential arising out of or resulting from the performance of the work, provided that any such claim, damage, loss or expense: (a) is attributable to bodily injury, sickness, disease, death, personal injury, or to injury to or destruction of tangible property (other than the work itself) including the loss of use resulting therefrom and, (b) is caused in whole or in part by any negligent act or omission of Business, any subcontractor, any person or organization directly or indirectly employed by any of them to perform or furnish any of the work or anyone for whose acts any of them may be liable, regardless of whether it is caused in part by a party indemnified hereunder or arises by or is imposed by law regardless of the negligence of any such party. By signing below, the business agent attests to be authorized to enter into contract on behalf of the business.

Signature: _____ Date: _____



**City of Sheboygan
FIRE DEPARTMENT
1326 North 25th Street
SHEBOYGAN, WISCONSIN 53081
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TERMS & CONDITIONS

The City of Sheboygan Fire Department Emergency Site Securement & Board-Up Services Rotational Contract Program is available to qualified businesses ("Participants") who agree to follow each of the terms and conditions noted below:

1. Rotational Dispatch & Response. Participants will be notified by the Sheboygan Fire Department ("SFD") or the Sheboygan County Dispatch Center when an incident occurs within the City of Sheboygan that requires property securement and/or board-up. Participants shall not arrive to an incident scene unless they have been requested. Response time shall be within forty-five (45) minutes of the request for services. If a timely response is not possible or if the contractor otherwise declines a call for service, such advisement shall be made to dispatch at the time of call or not later than ten (10) minutes after the call.

Upon arrival, Participant shall park away from the incident and report to the Incident Commander. Vehicles and personnel shall stay clear of the scene until authorized by the Incident Commander. Personnel shall not gather information or speak with property owners until authorized by the Incident Commander and after the fire investigation personnel have completed their duties. Site security measures shall not commence until authorized by the homeowner or insurance company, if applicable.

2. Identification. All vehicles and personnel responding to an incident shall be marked with company logo or name. If personnel do not customarily wear uniforms, personnel shall wear some identifier such as an I.D. badge or vest.
3. Equipment and Materials. Participants are solely responsible for supplying the materials, equipment and labor necessary to safely complete each board-up. Participants shall fully comply with all safety requirements set forth under state and federal law, including OSHA standards.
4. Minimum Site Security Requirements. Buildings shall be sufficiently secured to prevent unauthorized access and to minimize weather-related damage. Access points shall be locked and means of entry shall be provided to the property owner.
5. Billing. Invoices for emergency board-up and securement services shall be sent to the homeowner or insurance company, if applicable. Participant will not submit an invoice to the City of Sheboygan for these activities.
6. Noncompliance Penalty and Appeal. Violations with the terms and conditions set forth in this Agreement may result in suspension, disqualification or termination. The Fire Chief shall have the authority to enforce penalties for noncompliance and to otherwise terminate this Agreement. Factors that the Chief may consider include but are not limited to the participant's timeliness and performance; professional service and attitude; ability to perform the necessary services in a safe manner; customer satisfaction; and accurate record-keeping.

Aggrieved participants may appeal the Chief's decision within 15 days of the mailing of the Notice of Suspension, Disqualification or Termination by filing a written appeal to the City Clerk. Such appeal shall set forth the reason(s) for the appeal. Within 30 days, the Licensing, Hearings & Public Safety Committee shall hold a hearing at which the parties may offer testimony and documents. Within 20 days of the hearing, the committee shall affirm, modify, or reverse the Chief's decision.

CITY OF SHEBOYGAN

REQUEST FOR LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE
CONSIDERATION

ITEM DESCRIPTION: Res. No.48-22-23 by Alderpersons Chair Felde and Vice Chair Ackley authorizing the Fire Chief to implement a Board-up program for securing structures after an emergency incident.

REPORT PREPARED BY: Eric Montellano, Fire Chief

REPORT DATE: August 5, 2022

MEETING DATE: August 10, 2022

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 Sheboygan Fire Department is seeking approval to institute a Board-up program with companies that are willing to meet the City requirements. Board-up/Restoration companies are often needed to secure properties that the fire department damaged in the process of mitigating the emergency.

STAFF COMMENTS:

- Interested companies would fill out an application
- All applicants (if they meet the requirements) will be placed on a call-list
- Dispatch will maintain the list and rotation for callouts
- Fire Chief has the authority to remove companies from the list if they fail to adhere to the City's requirements
- All companies will need to apply annually

ACTION REQUESTED:

A Motion to recommend that the Council adopt Res. No. 48-22-23.

ATTACHMENTS:

- I. Emergency Securement & Board-up Rotational Contract Application
- II. Res. No. 48-22-23

Gen. Ord. No. 8 - 22 - 23. By Alderpersons Ackley, Dekker, and Perrella.
August 1, 2022.

AN ORDINANCE expanding the Disorderly Conduct ordinance so as to prohibit harassment of an individual on the basis of their status as an election official and requiring an increased forfeiture for violations of this nature, and clarifying that disorderly conduct may include harassment by the use of telecommunication devices.

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

Section 1. Section 70-151 of the Municipal Code entitled "Disorderly Conduct" is hereby repealed and recreated to read as follows:

"Sec. 70-151. - Disorderly conduct.

- (a) No person shall in a public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance.
- (b) No person shall, with intent to harass, annoy, or offend another, send a telecommunication message to a telecommunication device and use any violent, abusive, indecent, profane, or otherwise disorderly language or image, or any other message which tends to cause or provoke a disturbance.
- (c) No person shall engage in any of the behavior outlined in subsections (a) or (b) of this section directed at an individual working in their capacity as an election official or based on their position as an election official.
- (d) Definitions.
 - (1) *Election official* has the same definition provided in Wis. Stat. § 5.02(4e), meaning an individual who is charged with any duties related to the conduct of an election.
 - (2) *Telecommunication device* means any instrument, equipment, machine or other device that facilitates telecommunication, including but not limited to, a computer, computer network, computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal communications device, radio, transponder, receiver, modem or device that enables the use of a modem.

- (3) *Telecommunication message* means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature."

Section 2. Section 70-5 of the Municipal Code entitled "Penalties for certain enumerated sections of this chapter" is hereby amended in subsection (3) thereof to read as follows:

"Sec. 70-5. - Penalties for certain enumerated sections of this chapter.

. . .

- (3) A forfeiture of not less than \$75.00 or more than \$500.00, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 60 days for a violation of any of the following sections: 70-42, 70-151(a), 70-151(b), 70-183, 70-251 - 253, and 70-256 - 70-258.

. . ."

Section 3. Section 70-5 of the Municipal Code entitled "Penalties for certain enumerated sections of this chapter" is hereby amended so as to add a new subsection (6) thereof to read as follows:

"Sec. 70-5. - Penalties for certain enumerated sections of this chapter.

. . .

- (6) A forfeiture of not less than \$300.00 or more than \$1,000.00, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 90 days for a violation of any of section 70-151(c)."

Section 4. The Bond Schedule adopted by the City of Sheboygan shall be modified so as to provide that the bond amount for a violation of section 70-151 (a) and (b) shall remain as previously provided: \$150.00 plus costs (totaling \$250.00) except in aggravated circumstances where it shall be \$250.00 plus costs (totaling \$376.00).

Section 5. The Bond Schedule adopted by the City of Sheboygan shall be modified so as to provide that the bond amount for a violation of section 70-151 (c) shall be \$500.00 plus costs (totaling \$691.00).

Section 6. 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.

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

R. O. No. 42 - 22 - 23. By CITY CLERK. July 18, 2022.

Submitting various license applications.

City Clerk

CLASS "B" BEER LICENSE (June 30, 2023) (NEW)

<u>No.</u>	<u>Name</u>	<u>Address</u>
3519	Lupitas Mexican Store LLC (Fast Taco by Lupitas Mexican Store)	2139 S. Business Dr.

LHPS

II

R. O. No. 51 - 22 - 23. By CITY CLERK. August 1, 2022.

Submitting various license applications.

City Clerk

CHANGE OF PREMISE

No. Name

Address

2921 The Walkabout

2401 Calumet Avenue - To include the grass area north of the bar, and also the area in front of the garage for three-day event 8/26/22 - 8/28/22.

2921 The Walkabout

2401 Calumet Avenue - To include the grass area north of the bar, and also the area in front of the garage for four-day event 9/2/22 - 9/5/22.

UHS

2742 8th Street Ale Haus

1132 N. 8th Street - Current premises and 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 west of the Ale Haus that abuts the parking lot. The parking lot is on 8th Street and starts at the southern edge of the building located at 1122 N. 8th (the Gaming Generations business). This is a space of approximately 110ft by 45ft. On the southern end is the alleyway that intersects with 8th and 9th Street and is between Erie and St Clair Ave. We also request a portion of said alleyway from the 8th Street entrance to approximately 130 ft. west for use of the event.