



LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE AGENDA

August 16, 2023 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 - Alderperson Felde may attend the meeting remotely
3. Pledge of Allegiance
4. Introduction of Committee members, staff and guests

MINUTES

5. Approval of Minutes - July 26, 2023

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

6. Res. No. 35-23-24 (8-7-23) A Resolution authorizing application for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program Fiscal Year 2023 Local Solicitation and entering into a Memorandum of Understanding with Sheboygan County.
7. Gen. Ord. No. 15-23-24 (8-7-23) An Ordinance amending section 52-401 so as to remove provisions related to nonpayment notices and administrative fees related thereto so as to have the penalties for bicycle, skateboard, and in-line skate violations be consistent with those for electric scooter violations, thereby allowing the use of citation writing software for such violations.
8. R. O. No. 33-23-24 (8-7-23) by City Clerk submitting various license applications.
9. R. O. No. 34-23-24 (DIRECT REFERRAL) by City Clerk submitting a license application for a change of premise.

NEXT MEETING DATE

10. Next meeting date will be August 30, 2023

ADJOURN

11. 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 26, 2023**

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

COMMITTEE MEMBERS EXCUSED: Alderperson Betty Ackley

STAFF/OFFICIALS PRESENT: City Attorney Charles Adams, Police Chief Christopher Domagalski, Fire Chief Eric Montellano, City Clerk Meredith DeBruin, Lt. Matt Walsh, Licensing Clerk Melissa Fassbender, Paralegal Kathy Hoffman

OTHERS PRESENT: David Engeldinger, Scott Wachowski

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

5. Approval of Minutes

MOTION TO APPROVE THE MINUTES OF THE PREVIOUS MEETING HELD JULY 12, 2023.

Motion made by Alderperson Dekker, seconded by Alderperson Heidemann.

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

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

6. Presentations by potential applicants for available "Class B" alcohol beverage license.

There is presently one "Class B" alcohol beverage license available. David Engeldinger and Scott Wachowski both appeared before the committee to present their cases regarding pre-application for the available license.

David Engeldinger spoke on behalf of the Historic Sheboygan Masonic Lodge Foundation. They are interested in a liquor license for their location at 1138 Union Avenue (former VFW Hall). Mr. Engeldinger noted that this is a charitable private foundation and

is only open to members and their guests, although they may occasionally open to public or host private dinners for fundraising. Their core group of members consists of approximately one dozen to two dozen people.

Scott Wachowski spoke on behalf of In The Bag located at 1501 Union Avenue. Mr. Wachowski recently purchased this business and also runs Frank’s Place and The Dog House. The previous owner let the license expire and did not take care of releasing the license. Mr. Wachowski is in the process of remodeling the bathrooms and kitchen and plans to be open within six months. They will be open seven days a week.

- 7. Discussion and action regarding granting opportunity to apply for available “Class B” alcohol beverage license.

MOTION TO INVITE IN THE BAG TO APPLY FOR THE AVAILABLE “CLASS B” ALCOHOL BEVERAGE LICENSE.

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

Vice Chair Felde’s remote connection ended.

- 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.

Chief Domagalski reviewed the Police Department’s report of Benchmark Measurements for the second quarter of 2023.

MOTION TO RECOMMEND THE COMMON COUNCIL RECEIVE AND FILE R.O. NO. 26-23-24.

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

- 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 showing the Benchmark Measurements for the Fire Department for the period commencing April 1, 2023 and ending June 30, 2023.

Chief Montellano reviewed the Fire Department’s report of Benchmark Measurements for the second quarter of 2023.

MOTION TO RECOMMEND THE COMMON COUNCIL RECEIVE AND FILE R.O. NO. 27-22-23.

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

- 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.

Vice Chair Felde’s remote connection returned.

City Attorney Adams explained that this new ordinance is designed to provide a process permitting and licensing mobile entertainment in City rights of way.

MOTION TO RECOMMEND THE COMMON COUNCIL ADOPT GEN. ORD. NO. 13-23-24.

Motion made by Alderperson Dekker, seconded by Alderperson Heidemann. Before action was taken,

MOTION TO AMEND SEC 14-372(g) TO REDUCE THE ANNUAL LICENSE FEE TO \$250 INSTEAD OF \$500.

Motion made by Chair Salazar, seconded by Alderperson Dekker.

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

On motion to recommend the common council adopt Gen. Ord. No. 13-23-24 as amended,

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

- 11. R. O. No. 28-23-24 (7-17-23) by City Clerk submitting various license applications.

MOTION TO APPROVE CHANGE OF PREMISE APPLICATIONS CONTINGENT UPON APPROVAL OF PREMISE DESCRIPTIONS, AND APPROVAL OF BLUE HARBOR'S USE OF PROPERTY, IF NECESSARY.

Motion made by Alderperson Dekker, seconded by Alderperson Heidemann.

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

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

MOTION TO APPROVE CHANGE OF PREMISE APPLICATION CONTINGENT UPON APPROVAL OF PREMISE DESCRIPTION.

Motion made by Alderperson Dekker, seconded by Alderperson Heidemann.

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

NEXT MEETING DATE

- 13. The next committee meeting is scheduled to be held on August 16, 2023 at 4:15 p.m.

ADJOURN

- 14. Motion to adjourn

MOTION TO ADJOURN AT 4:48 PM.

Motion made by Alderperson Heidemann, seconded by Alderperson Dekker.

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

**CITY OF SHEBOYGAN
RESOLUTION 35-23-24**

BY ALDERPERSONS SALAZAR AND FELDE.

AUGUST 7, 2023.

A RESOLUTION authorizing application for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program Fiscal Year 2023 Local Solicitation and entering into a Memorandum of Understanding with Sheboygan County.

WHEREAS, the City of Sheboygan and Sheboygan County have the opportunity to obtain a federal local solicitation grant in the total amount of \$19,026 funded through the Edward Byrne Memorial Justice Assistance Grant Program, which is the primary provider of federal criminal justice funding to state and local jurisdictions; and

WHEREAS, in order to obtain the grant in the amount of \$19,026, it is necessary for the County to submit an application through the Justice Assistance Grant Award Program to be used for law enforcement equipment or resources and for the County to enter into a Memorandum of Understanding with the City of Sheboygan for the sharing of grant proceeds and the equipment purchase therewith under terms similar to previous memoranda of understanding with the City of Sheboygan for previous similar grant award sharing; and

WHEREAS, the funding received would be 100% from federal sources with no state or local match requirement.

NOW, THEREFORE, BE IT RESOLVED: That the City of Sheboygan Common Council authorizes the Mayor and Chief of Police to execute the 2023 Justice Assistance Grant Program Award Memorandum of Understanding between the City of Sheboygan and the County of Sheboygan, for the funds and equipment purchased therewith to be shared with the County of Sheboygan, a copy of which is attached hereto, under terms similar to previous memoranda of understanding with Sheboygan County for previous similar grant award sharing.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan

CITY OF SHEBOYGAN

**REQUEST FOR LICENSING, HEARINGS and PUBLIC SAFETY COMMITTEE
CONSIDERATION**

ITEM DESCRIPTION: Resolution to Authorize Application for the 2023 Justice Assistance Grant Program Award.

REPORT PREPARED BY: Christopher Domagalski, Chief of Police

REPORT DATE: August 9, 2023

MEETING DATE: August 16, 2023

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 Edward Byrne Memorial Justice Assistance Grant (JAG) Program is a provider of federal criminal justice funding to state and local jurisdictions. The JAG Program provides local units of government with critical funding necessary to support a range of program areas. Funds are awarded on a formula basis and eligible applicants are limited to units of local government that appear on the allocations list. The City of Sheboygan and Sheboygan County are eligible to obtain a grant in the amount of \$ 19,026. To obtain the funds the City and County must enter into a Memorandum of Understanding and share the proceeds.

STAFF COMMENTS:

The City and the County have a long history of entering into a Memorandum of Understanding and sharing the proceeds of this grant. Application for this grant will allow the Police Department to leverage federal resources to purchase equipment for the emergency response team.

ACTION REQUESTED:

Motion to recommend to the council to approve and authorize the Chief of Police and Mayor to execute the 2023 Justice Assistance Grant Program Award Memorandum of Understanding between the City of Sheboygan and the County of Sheboygan.

ATTACHMENTS:

- I. Res. No. 35-23-24

FISCAL YEAR 2023 JUSTICE ASSISTANCE GRANT (JAG)
PROGRAM AWARD
MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF SHEBOYGAN AND
THE COUNTY OF SHEBOYGAN
(Local Solicitation)

THIS AGREEMENT is made and entered into this _____ day of July, 2023, by and between the City of Sheboygan, acting by and through its governing body, and the County of Sheboygan, by and through its governing body (hereinafter referred to as CITY and COUNTY, respectively), both of Sheboygan County, State of Wisconsin,

WITNESSETH

WHEREAS, this Agreement is made under the authority of the intergovernmental cooperation statute, Wis. Stat. § 66.0301; and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of both parties and that the undertaking will benefit the public; and

WHEREAS, CITY agrees COUNTY will be the fiscal agent for the fiscal year 2023 Justice Assistance Grant (“JAG”) Program funds (local solicitation) award; and

WHEREAS, CITY and COUNTY believe it to be in their best interests to allocate the JAG funds for certain equipment for the City Police Department and the County Sheriff’s Department, respectively.

NOW, THEREFORE, CITY and COUNTY agree as follows:

Section 1. CITY agrees COUNTY will be the fiscal agent for the fiscal year 2023 JAG program funds (local solicitation) and COUNTY shall be responsible for providing results measuring data as required under the Government Performance and Results Act of 1993 (GPRA), and the GPRA Modernization Act of 2010, P.L. 111-352. CITY will cooperate with COUNTY in protecting such data in its possession to allow COUNTY to fulfill these requirements.

Section 2. COUNTY and CITY agree to split the grant funds as follows and share the equipment purchased therewith as mutually agreed between the City Police Department and the County Sheriff’s Department for law enforcement equipment:

Grant Total	\$19,026.00
City Portion	9,513.00
County Portion	9,513.00

Section 3. CITY and COUNTY agree to defend, hold harmless, and indemnify the other against any and all claims, liabilities, damages, judgments, causes of action, costs, loss and expense, including reasonable attorneys’ fees, imposed upon or incurred by the other party arising from or related to the negligent or intentionally tortuous acts or omissions of the indemnifying party’s officers, employees, or agents in performing the

services pursuant to this agreement including any liability arising as a result of a failure to comply with the legal requirements the parties agreed to adhere to upon acceptance of an award, all as summarized at www.ojp.usdoj.gov/funding/otherrequirements.htm. Each party shall promptly notify the other of any claim arising under this provision and each party shall fully cooperate with the other in the investigation, resolution, and defense of such claim.

Section 4. Each party to this Agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 5. By entering into this Agreement, the parties do not intend to create any obligations, express or implied, other than those set out herein and, further, this Agreement shall not create any rights in any party not a signatory hereto.

APPROVED by the parties through signature of the following officials:

CITY OF SHEBOYGAN:

Ryan J. Sorenson, Mayor

Date

Christopher Domagalski, Chief of Police

Date

COUNTY OF SHEBOYGAN:

Vernon Koch, County Board Chair

Date

Steve Steinhardt, Emergency Management Director

Date

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**CITY OF SHEBOYGAN
ORDINANCE 15-23-24**

BY ALDERPERSONS SALAZAR AND FELDE.

AUGUST 7, 2023.

AN ORDINANCE amending section 52-401 so as to remove provisions related to nonpayment notices and administrative fees related thereto so as to have the penalties for bicycle, skateboard, and in-line skate violations be consistent with those for electric scooter violations, thereby allowing the use of citation writing software for such violations.

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

SECTION 1: AMENDMENT “Sec 52-401 Forfeitures For Bicycle, Skateboard And In-Line Skate Violations” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 52-401 Forfeitures For Bicycle, Skateboard And In-Line Skate Violations

- (a) The forfeitures for violations of this article shall be \$25.00 for ages 12 years and up. No court costs or witness fees shall be assessed unless the violator desires to appear at a court hearing on such violation.
- (b) Upon receipt from a police officer or parking monitor of a notice of a violation of this article, the violator may:
 - (1) Stipulate guilt and deliver in person or mail the notice of violation together with the forfeiture payment to the city finance department; or
 - (2) Contest the notice of violation by contacting the police department.
- ~~(c) Failure to make payment of the forfeiture or to contest the notice of violation within ten days of issuance shall result in the generation of a first notice of nonpayment. With generation of such notice, a \$10.00 administrative fee shall be assessed. Failure to make payment of the forfeiture and administrative fee as assessed or to contest the notice of violation within 21 days of issuance shall result in the generation of a second and final notice of nonpayment. With generation of the second notice, an additional administrative fee of \$10.00 shall be assessed. Failure to make payment of the forfeiture and administrative fees as assessed or to contest the notice of violations within 31 days of issuance shall result in assessment of the administration fees related to collection via the state debt collection program, if any. No notice of violation may be contested if more than 31 days has passed since issuance thereof.~~

(Code 1997, § 118-447; Ord. No. 127-95-96, § 1(38-130(a)), 4-15-1996; Ord. No. 33-97-98, § 1, 7-7-1997; Ord. No. 101-05-06, § 24, 3-20-2006)

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: EFFECTIVE DATE This Ordinance shall be in effect from and after its passage and publication according to law.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

_____.

Presiding Officer

Attest

Ryan Sorenson, Mayor, City of Sheboygan

Meredith DeBruin, City Clerk, City of Sheboygan

**CITY OF SHEBOYGAN
R. O. 33-23-24**

BY CITY CLERK.

AUGUST 7, 2023.

Submitting various license applications:

CHANGE OF AGENT

Samuel David Ames is replacing Jennifer L. Waning as agent effective immediately for Kwik Trip 780 located at 2622 S. Business Drive.

CHANGE OF AGENT

Jennifer Lynn Waning is replacing Melissa A. McGraw as agent effective immediately for Kwik Trip 1138 located at 1526 Broadway Avenue.

CHANGE OF PREMISE

<u>No.</u>	<u>Name</u>	<u>Address</u>
3574	Turk's & Timber's Bar & Grill	1022 Michigan Avenue – Three day event to be held on 9/1/2023 – 9/3/2023 to include current premises, and the parking lot on the north side of the building.
1040	Brennan's	1101 Michigan Avenue – Two day event to be held on 9/30/23 – 10/1/23 to include west and south parking lot in addition to the current premises.
3445	J & J's Hotspot	1823 N. 12 th Street – One day event to be held on 9/30/23 to include entire parking lot on the southside of building to include current premise.

CIGARETTE/TOBACCO (June 30, 2024) (NEW)

No. Name

Address

3613 Sheboygan Smoke and Vape Inc.

2610 Calumet Drive

CLASS "B" BEER LICENSE (June 30, 2024) (NEW)

No. Name

Address

2633 Sheboygan Blue Line
 Association, Inc.
 (Sheboygan Lakers Ice Center)

1202 S. Wildwood Avenue

**CITY OF SHEBOYGAN
DIRECT REFERRAL R. O. 34-23-24
TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE**

BY CITY CLERK.

AUGUST 16, 2023.

Submitting a license application for a change of premise.

<u>No.</u>	<u>Name</u>	<u>Address</u>
2207	The Silver Fern	2538 N. 15 th Street – One day event to be held on 8/27/2023 to include Division Avenue from the stop sign to the end of The Silver Fern property and current premises.