



LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE AGENDA

September 11, 2024 at 4:30 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
3. Pledge of Allegiance
4. Introduction of Committee members, staff and guests

MINUTES

5. Approval of Minutes - August 28, 2024

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

6. Gen. Ord. No. 17-24-25 (9-3-24) An Ordinance amending various sections of the Sheboygan Municipal Code so as to improve clarity and interpretation.
7. Res. No. 67-24-25 (9-3-24) A Resolution authorizing the creation of a temporary Designated Outdoor Refreshment Area during Riverfest on September 21, 2024.
8. R. O. No. 53-24-25 (9-3-24) by City Clerk submitting license applications.

NEXT MEETING DATE

9. Next meeting date will be September 25, 2024

ADJOURN

10. 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, August 28, 2024**

COMMITTEE MEMBERS PRESENT: Chair Alderperson Zach Rust, Vice Chair Alderperson Robert La Fave, Alderperson Joseph Heidemann, Alderperson Grazia Perrella, Alderperson Daniel Peterson

STAFF/OFFICIALS PRESENT: City Attorney Charles Adams, Police Chief Christopher Domagalski, Fire Chief Eric Montellano, City Clerk Meredith DeBruin, Finance Director Kaitlyn Krueger, Assistant Fire Chief Michael Lubbert, Assistant City Attorney Audrey Kratz, Alderperson Dean Dekker, Paralegal Kathy Hoffman

OTHERS PRESENT: None

OPENING OF MEETING

1. Call to Order

Chair Alderperson Zach Rust called the meeting to order at 4:30 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 AUGUST 14, 2024.

Motion made by Vice Chair La Fave, seconded by Alderperson Peterson.

Voting Yea: Chair Rust, Vice Chair La Fave, Alderperson Heidemann, Alderperson Perrella, Alderperson Peterson.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

6. R. O. No. 36-24-25 (8-5-24) by Police Chief Christopher Domagalski pursuant to section 30-50 of the Municipal Code, submitting the quarterly report showing the Benchmark Measurements for the police department, for the period commencing April 1, 2024 and ending June 30, 2024.

Chief Domagalski reviewed the Police Department's report of Benchmark Measurements for the second quarter of 2024 and answered questions from the Committee.

MOTION TO RECOMMEND THE COMMON COUNCIL ACCEPT AND FILE R. O. NO. 36-24-25.

Motion made by Alderperson Perrella, seconded by Vice Chair La Fave.
Voting Yea: Chair Rust, Vice Chair La Fave, Alderperson Heidemann, Alderperson Perrella, Alderperson Peterson.

- 7. R. O. No. 38-24-25 (8-5-24) by Fire Chief Eric Montellano pursuant to section 24-459 of the Municipal Code, submitting the quarterly report showing the Benchmark Measurements for the fire department, for the period commencing April 1, 2024 and ending June 30, 2024.

Chief Montellano reviewed the Fire Department’s report of Benchmark Measurements for the second quarter of 2024 and answered questions from the Committee.

MOTION TO RECOMMEND THE COMMON COUNCIL ACCEPT AND FILE R. O. NO. 38-24-25.

Motion made by Vice Chair La Fave, seconded by Alderperson Peterson.
Voting Yea: Chair Rust, Vice Chair La Fave, Alderperson Heidemann, Alderperson Perrella, Alderperson Peterson.

- 8. Res. No. 62-24-25 (8-19-24) A Resolution authorizing the Fire Chief to accept and expend funds received from the U.S. Department of Homeland Security – Federal Emergency Management Agency (“FEMA”) in the amount of \$361,739.89 from the Assistance to Firefighters Grants (AFG) program to purchase six Cardiac Monitors.

Assistant Fire Chief Lubbert spoke regarding these grant funds and the cardiac monitors.

MOTION TO RECOMMEND THE COMMON COUNCIL ADOPT RES. NO. 62-24-25.

Motion made by Alderperson Peterson, seconded by Alderperson Perrella.
Before action was taken,

MOTION TO AMEND THIS RESOLUTION AS FOLLOWS: “to purchase seven Cardiac Monitors” and to amend the funding section to read as follows:

INCREASE:

Capital Fund – Public Safety – Other Operating Equipment (Acct. No. 400200-651700)	\$397,913.88
Capital Fund – Federal Other Grants (Acct. 400-433000)	\$361,739.89
Capital Fund – Property Tax Levy (Acct. No. 400-411100)	\$ <u>36,173.99</u>

DECREASE:

General Fund – Fire & EMS - Full-Time Regular Salaries (Acct. No. 101220-510110)	\$ <u>36,173.99</u>
General Fund – Property Tax Levy (Acct. No. 101-411100)	\$ <u>36,173.99</u>

Motion made by Vice Chair La Fave, seconded by Alderperson Peterson.
Voting Yea: Chair Rust, Vice Chair La Fave, Alderperson Heidemann, Alderperson Perrella, Alderperson Peterson.

On motion to recommend the common council adopt Res. No. 62-24-25 as amended,

Voting Yea: Chair Rust, Vice Chair La Fave, Alderperson Heidemann, Alderperson Perrella, Alderperson Peterson.

9. Discussion regarding possible changes to Short Term Rental regulations in the City. (DISCUSSION ONLY)

There was a discussion regarding possible changes to the short-term rental regulations in the City, including minimum night stay requirements. Attorney Kratz will continue to gather information regarding regulations in various tourist communities in Wisconsin. Finance Director Krueger indicated that Sheboygan already does require a permit and collects room tax.

10. Discussion regarding establishing regulations for all bars in the City. (DISCUSSION ONLY)

Aldersperson Heidemann led a discussion regarding placing restrictions on bars and bartenders, including banning bartenders from drinking while on duty. Assistant City Attorney Kratz indicated we can place restrictions as long as the legislature has not already legislated about the specific topic. Attorney Kratz will research whether or not any communities in Wisconsin have sober server ordinances. Aldersperson Heidemann stated we should obtain some feedback from the Tavern League and bar owners and perhaps the Chamber of Commerce. Chair Rust stated that the ordinance that was proposed quite a few years back could possibly be resurrected with a few revisions.

11. R. O. No. 50-24-25 (8-19-24) by City Clerk submitting various license applications.

MOTION TO APPROVE ALL APPLICATIONS ON R.O. NO. 50-24-25, WITH THE APPROVAL OF THE AL & AL'S (LJGREASIECOOK LLC) APPLICATIONS BEING CONTINGENT UPON THE APPLICANT CORRECTING ALL NECESSARY APPLICATION PAPERWORK.

Motion made by Vice Chair La Fave, seconded by Aldersperson Heidemann.

Voting Yea: Chair Rust, Vice Chair La Fave, Aldersperson Heidemann, Aldersperson Perrella, Aldersperson Peterson.

NEXT MEETING DATE

12. The next committee meeting is scheduled to be held on September 11, 2024 at 4:30 p.m.

ADJOURN

13. Motion to adjourn

MOTION TO ADJOURN AT 5:49 PM.

Motion made by Aldersperson Perrella, seconded by Vice Chair La Fave.

Voting Yea: Chair Rust, Vice Chair La Fave, Aldersperson Heidemann, Aldersperson Perrella, Aldersperson Peterson.

14. **NOTE:** THE FIRE DEPARTMENT'S NEW VEHICLE "RESCUE 1862" WAS PARKED OUTSIDE OF CITY HALL FOLLOWING THIS MEETING SO THAT THE ALDERPERSONS AND COMMITTEE COULD DO A WALK-THROUGH. THERE WAS NO DISCUSSION OR ACTION TAKEN DURING THIS WALK-THROUGH.

**CITY OF SHEBOYGAN
ORDINANCE 17-24-25**

BY ALDERPERSONS RUST AND LA FAVE.

SEPTEMBER 3, 2024.

AN ORDINANCE amending various sections of the Sheboygan Municipal Code so as to improve clarity and interpretation.

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

SECTION 1: AMENDMENT “Sec 1-12 Repeal” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 1-12 ~~Repeal~~Conflict of Provisions

~~All sections, articles, chapters or other provisions of this Code desired to be repealed should be specifically repealed by section number, article number, chapter number or other number, as the case may be. If the provisions of different chapters of this Code conflict with, or contravene each other, the provisions of each individual chapter shall control as to all issues and questions arising out of the events and persons intended to be governed by that chapter. If the provisions of different sections of the same chapter conflict with each other, the provision that is more specific in its application to the events or persons raising the conflict shall control over the more general provision. To the extent that the provisions of this Code conflict with Wisconsin Statutes or federal regulations, said statutes and regulations shall control.~~

(Code 1975, § 2-99; Code 1997, § 1-22)

SECTION 2: AMENDMENT “Sec 1-13 Effect Of Repeals” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 1-13 ~~Effect Of~~ Repeals

- (a) All sections, articles, chapters or other provisions of this Code desired to be repealed should be specifically repealed by section number, article number, chapter number or other number, as the case may be.

- (b) No ordinance or part of any ordinance repealed by a subsequent act of the common council is revived or affected by the repeal of the repealing act.
- (c) The repeal of the whole or part of an ordinance shall not remit, defeat or impair any civil liability for offenses committed, penalties or forfeitures incurred or rights of action accrued under such ordinance before the repeal thereof, whether or not in course of prosecution or action at the time of such repeal; but all such offenses, penalties, forfeitures and rights of action created by or founded on such ordinance, liability wherefor shall have been incurred before the time of such repeal thereof, shall be preserved and remain in force notwithstanding such repeal, unless specially and expressly remitted, abrogated or done away with by the repealing ordinance.

(Code 1975, § 1-16; Code 1997, § 1-23)

SECTION 3:AMENDMENT “Sec 2-799 Duty To Maintain Records” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 2-799 Duty To Maintain Records

- (a) Except as provided under section 2-804, each officer and city employee shall safely keep and preserve all records received from their predecessor or other persons and required by law to be filed, deposited or kept in their office or which are in the lawful possession or control of the officer or employee or the officer or employee's deputies or to the possession or control of which they may be lawfully entitled as such officers or employees.
- (b) Upon the expiration of an officer's term of office or an employee's term of employment or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to the officer or employee's successor all records then in the officer or employee's custody, and the successor shall deliver to the officer or employee's successor all records then in the officer or employee's custody and the successor shall receipt therefor to the officer or employee, who shall file the receipt with the city clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.
- (c) Whenever in this Code any standard code, rule, regulation, statute, or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein and the city clerk shall maintain in their office a copy of any such material as adopted and as amended from time to time. Materials on file at the city clerk's office shall be considered public records open to reasonable examination by any person during the office hours of the city clerk, subject to such restrictions on examination as the city clerk imposes for the preservation of the material.

(Code 1975, § 32.5-2; Code 1997, § 2-837)

SECTION 4: **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 5: **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
RESOLUTION 67-24-25**

BY ALDERPERSONS RUST AND LA FAVE.

SEPTEMBER 3, 2024.

A RESOLUTION authorizing the creation of a temporary Designated Outdoor Refreshment Area during Riverfest on September 21, 2024.

WHEREAS, the Common Council, by Ordinance 11-24-25 adopted on August 5, 2024, modified section 38-59 of the Sheboygan Municipal Code to allow for the creation of a Designated Outdoor Refreshment Area (“DORA”) to permit the carrying of open containers and consumption of alcoholic beverages within the DORA boundaries during such times and under such conditions as the Council may specifically permit by authorizing resolution; and

WHEREAS, the City desires to support local business and nonprofits during Riverfest by creating a temporary Designated Outdoor Refreshment Area (“DORA”) encompassing portions of the Riverview Park Boardwalk and portions of the parking lot and drive lane immediately north of Parker John’s restaurant.

NOW, THEREFORE, BE IT RESOLVED: That pursuant to section 38-59 of the Sheboygan Municipal Code, there is hereby created a DORA permitting the carrying and consumption of alcoholic beverages with the following conditions:

- The DORA boundaries shall be defined as shown on the attached Exhibit, “Temporary Riverfest DORA.”
- The carrying and consumption of alcoholic beverages within the Temporary Riverfest DORA District (“TRDD”) shall be limited to September 21, 2024 during the hours of 11:00 a.m. to 5:00 p.m.
- The TRDD shall terminate at 5:00 p.m. on September 21, 2024.
- The carrying and consumption of alcoholic beverages within the TRDD is limited to the alcohol service area, sidewalks, and other portions of the right-of-way not open to vehicular traffic including crosswalks or other pedestrian crossing areas while persons are lawfully crossing the street, and to pedestrian ways and grassy areas unless otherwise marked. Portions of parking areas that are incorporated into the TRDD shall be fenced or otherwise barricaded or marked to prohibit vehicular access.
- The carrying and consumption of alcoholic beverages shall not be permitted on boat slips abutting the TRDD, in parking lots or premises held out to the public for use of motor vehicles, nor on any private property without permission of the owner or occupant.

- The exception shall not permit the possession or consumption of any intoxicating liquor or fermented malt beverages in violation of the provisions of state statutes or other municipal codes, including, but not limited to the possession or consumption of alcoholic beverages on a licensed premises which were not purchased at that premises, possession or consumption of alcoholic beverages on premises without a license that are open to the public, possession or consumption by underage persons or any other violation.
- All alcoholic beverages sold by individuals servings for removal from a licensed premise for consumption with the TRDD shall be served in unbreakable, transparent or semi-transparent containers, except that beverages may be served in their original packaging if such packaging is plastic or aluminum. Beverages sold or possessed in glass containers shall not be permitted to be opened or consumed within the TRDD.
- Only alcohol served within the DORA is permitted to be carried within the DORA. No carry-ins will be allowed.
- The City shall retain the right to suspend or terminate the TRDD at any time when, in the judgment of the Police Chief, Mayor, or City Administrator, such action is necessary in the interest of public safety or to address issues and concerns that may arise in relation to the TRDD, including but not limited to non-compliance of businesses/patrons with the conditions of this resolution, trash or debris or disorderly conduct associated with the TRDD.
- The Riverfest organizers shall clearly mark the TRDD boundaries in accordance with any direction given by City staff or law enforcement.

- Common Council approval of this resolution is contingent upon a timely submission of a complete contingency plan and approval of the same by the Police Chief, Fire Chief, and City Administrator. The contingency plan shall include, but is not limited to, the following plans and provisions: crowd control plans, how event staff to enforce the DORA boundaries, how alcohol servers will be trained, how alcohol servers will be checking for IDs, and how alcohol servers will be checking for over intoxication.

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. 53-24-25**

BY CITY CLERK.

September 3, 2024.

Submitting various license applications.

CLASS “B” BEER LICENSE (June 30, 2025) (NEW)

<u>No.</u>	<u>Name</u>	<u>Address</u>
3678	1211 Indiana Laundromat LLC (Avon Laundromat)	1211 Indiana Avenue

“CLASS B” LIQUOR LICENSE (June 30, 2025)(NEW)

<u>No.</u>	<u>Name</u>	<u>Address</u>
3672	Spices of Sheboygan Downtown, LLC (Spices Restaurant & Bar - Downtown)	1132 N. 8 th Street