



PUBLIC SAFETY & WELFARE COMMITTEE MEETING AGENDA

WEDNESDAY, JULY 05, 2023 AT 6:15 PM

ROOM 2044, SECOND FLOOR, MUNICIPAL BUILDING, 106 JONES STREET, WATERTOWN, WI

By Phone or GoToMeeting: Please join my meeting from your computer, tablet or smartphone. <https://meet.goto.com/379651133> You can also dial in using your phone. (For supported devices, tap a one-touch number below to join instantly.) United States (Toll Free): 1 877 309 2073- One-touch: tel:+18773092073,,379651133# United States: +1 (571) 317-3129 One-touch: tel:+15713173129,,379651133#

Access Code: 379-651-133

1. CALL TO ORDER

2. RECEIVE COMMENTS FROM THE PUBLIC

Each individual who would like to address the Committee will be permitted up to three minutes for their comments

3. APPROVAL OF MINUTES

A. Public Safety and Welfare meeting minutes from June 7, 2023

4. BUSINESS

A. Review and take possible action: Ordinance to Amend 410-52(C)(2) Possession of Alcohol Beverage on Public Ways

5. ADJOURN

Persons requiring other reasonable accommodations for any of the above meetings, may contact the office of the City Clerk at mdunneisen@watertownwi.gov, phone 920-262-4006

A quorum of any City of Watertown Council, Committee, Board, Commission, or other body, may be present at this meeting for observing and gathering of information only

PUBLIC SAFETY & WELFARE COMMITTEE

June 7, 2023

1. Roll Call

Members Present	Also in Attendance	Citizens Present
<ul style="list-style-type: none"> Dana Davis Brad Blanke Eric Schmid 	<ul style="list-style-type: none"> Police Chief Robert Kaminski Assistant City Engineer Andrew Beyer 	<ul style="list-style-type: none"> Chris Lehne Shelley Lehne Lynly Gray

2. **Receive Comments from the Public** – No person chose to speak at this opportunity in the agenda.
3. **Approval of Minutes:** The minutes for the April 5, 2023 meeting have been presented to the Common Council without correction, so those minutes are simply noted at this point on this agenda.

Agenda item C, without objection, was moved up for the convenience of those attending the meeting.

4C. Review and take possible action: handicap parking space adjacent to 1502 N. Second Street.

The property owner of 1502 N. Second Street has requested that a temporary handicap parking space be designated adjacent to their property to accommodate a family member. The concerned citizen explained that their home has no driveway and their elderly mother has mobility issues. The mother needs to park on the street in front of the sidewalk leading to the front door of their home so that she can safely make her way into the home without assistance. If someone is already parking on the street in front of the sidewalk that leads to their front door, the mother has difficulty getting back to the house due to challenging hills, terrain, and distance.

The Engineering Division is recommending that the handicap parking space request be denied because sidewalk or curb ramps don't currently exist on the 1500 block of N. Second Street – a requirement of the Public Right-of-Way Accessibility Guidelines.

The citizen explained that this wouldn't be an issue if they had a driveway. They have explored that option, but according to the Zoning requirements, they can't put in a driveway without also being required to put in a sidewalk – which would make the project very expensive.

Alderman Blanke asked Assistant City Engineer Beyer if this would be something the citizen could bring before the Zoning Board of Appeals. Since there is currently no sidewalk on the 1500 block on N. Second Street, perhaps the Zoning Board would allow an exception so that they could put in a driveway without also putting in a sidewalk. Beyer agreed that this would be a good next step and explained that if they proved hardship, they may be granted a waiver. Beyer offered to connect the citizen with the Zoning administrator.

ACTION: None is required other than for Mr. Beyer to provide the citizen with the Zoning Administrator contact information. The committee may revisit this in the future if the homeowner is not able to find a positive resolution after pursuing the Zoning appeal process.

4A. Public hearing for proposed structure within N. Water Street public right-of-way.

Davis opened the hearing for public comment. There were no citizens present to comment on the proposed structure. The public hearing was closed.

4B. Review and take possible action: Proposed structure within N. Water Street public right-of-way.

Engineering received a request from the property owner of 200 W. Main Street to place a seating platform over an existing open staircase that encroaches within the N. Water Street public right-of-way. The property owner explained that they want to build the platform to provide their customers with a seating area. Because the seating platform will be built over an existing encroachment (the open staircase well), a variance is requested.

Although the steps have been removed, there is still an exit door from the basement into the staircase well. Davis asked if that has been inspected and met Fire Code. The property owner said that the building was inspected before it was purchased, but to her knowledge the door has not been opened. The basement is not currently being used.

Blanke spoke enthusiastically about the creative use of space. Blanke made a motion, seconded by Schmid, to approve the project with the following stipulations:

1. The applicant work with the Engineering Division on the drafting of a revocable occupancy permit. The applicant will have the permit recorded with the Jefferson County prior to the issuance of a building permit.
2. City of Watertown to be named as additional insured on contractor's certificate of insurance.
3. The City's Historic Preservation Committee review the project and issue a certificate of appropriateness per Section 324-7A of the City's Code
4. A building permit be issued with the structure by the City's Building, Safety & Zoning Division.
5. Request that the Fire Department weigh in on fire code.
6. Optional: Consider getting guidance from the Licensing Board as to what your business is permitted to serve on the deck and what customers are permitted to drink on the deck.

Motion was passed unanimously.

ACTION: No further action is required of the Committee. The Engineering Division will meet with the property owner to complete and file the revocable occupancy permit.

There being no additional business to come before the Committee, a motion was made by Alderperson Blanke, seconded by Alderperson Schmid, to adjourn. The motion carried unanimously.

Respectfully Submitted - Dana Davis, Chairperson

MEMO

TO: Public Safety & Welfare Committee
FROM: Atty. Steven T. Chesebro
DATE: June 29, 2023
RE: Permitting Alcohol at Town Square

INTRODUCTION

The Bentzin Family Town Square (hereinafter “Town Square”) grand opening occurred on May 20, 2023, and is intended to host several events for the public such as Sounds of Summer Concert Series. A request has been made to permit alcohol to be sold and consumed at the Town Square during some of the events. As the City of Watertown does not prohibit alcohol in its public parks, the City has focused on ensuring any vendor of alcohol has a permissible license to dispense or sell alcohol at the park. One proposed vendor was Brewfinity, which was eligible for a brewer’s permit under Wis. Stat. § 125.29. Prior to approving this vendor, a question arose as to whether Watertown Ordinance § 410-52 (B) prohibited any person from possessing alcohol at the Town Square. A copy of Watertown Ordinance § 410-52 is included in the packet. Watertown Ordinance § 410-52 (B) specifically prohibits any person from possessing an open intoxicant or drinking an intoxicant on the Watertown Riverwalk, the contiguous public property between Cady Street Bridge and the Milwaukee Street Bridge along both the east side and west side of the Rock River.

There are two exceptions incorporated into Watertown Ordinance § 410-52. The first applies only to events for which a Class “B” picnic license has been obtained under Watertown Ordinance Chapter 220. The second exception only applies to public right of way areas and parking lots.

The Public Safety & Welfare Committee has been asked to provide a recommendation on modifying Watertown Ordinance § 410-52 to allow for the Town Square to host events which may serve alcohol in a safe and responsible manner. This matter is potentially complicated as the Wisconsin Legislature is in the process of revising Wis. Stat. Ch. 125 which addresses the licensing and permitting of the dispensing and sale of alcohol.

PROPOSED MODIFICATIONS

The two current proposals for modifying Watertown Ordinance § 410-52 are:

106 Jones Street • P.O. Box 477 • Watertown, WI 53094-0477 • Phone 920.262.4060 • Fax:
920.262.4042

Opportunity Runs Through It

1. Revise §410-52 (C)(1) so that it reads:

“This section shall not apply to such events for which an appropriate license to dispense or sell alcohol under Wis. Stat. Ch. 125 has been obtained and approved by the City or where the City is distributing malt beverages pursuant to Wis. Stat. Sec. 125.06(6).”

2. Revise §410-52 (C)(2) so that it reads

“This section shall not apply to those areas that may be temporarily closed for a City-approved event.”

Both of these proposals would permit the Town Square to host events which may serve alcohol. Both proposals would prohibit an individual from possessing an open intoxicant or drinking alcohol at the Town Square when no special event is in progress. The main difference is that under the first proposal possessing an open intoxicant or drinking alcohol at a special event would be prohibited unless the event sponsor obtains a license or permit or contracts with the City to serve alcohol as permitted by Wis. Stat. § 125.06(6). During such an event it would be the responsibility of the party dispensing or selling the alcohol to ensure individuals do not bring alcohol into the licensed area. It should be noted that the City is not currently able to serve alcohol at the Town Square as Wis. Stat. § 125.06(6) requires a resolution or ordinance authorizing the City to dispense malt beverages and the City does not currently have staff who would be able to fulfill that position.

The second proposal is broader than the first and would potentially permit individuals attending a special event to bring their own alcohol to the Town Square if the event holder does not hold a license or permit under Wis. Stat. Ch. 125, similar to if they are hosting a special event at another Park within the City. This could mean graduation parties, birthday parties or other private special events at the Town Square may consume alcohol.

The proposals provided are two examples of what the Public Safety & Welfare Committee could recommend. Some communities have adopted designated open container areas within the City limits permitting private consumption of alcohol at any time. Others have a strict prohibition against open intoxicants. This is purely a policy choice that you should determine and balance against any potential risk. Regardless of the restrictions placed on the Town Square by this ordinance, there are some other restrictions that will always apply. A few examples of those restrictions are:

1. All City Parks are closed from 11:00 p.m. – 5:00 a.m. Anyone in the park after that time would be in violation of the law, so no legal consumption of alcohol could occur within the Town Square after 11:00 p.m. or before 5:00 a.m.
2. Individuals under the age of 21 are not permitted to consume alcohol unless in the presence of their parent guardian or spouse of legal drinking age.
3. Selling alcohol requires compliance with Wis. Stat. Ch. 125.
4. Disorderly Conduct, Noise Restrictions and other laws under Watertown Code Chapter 410 would still prohibit improper conduct.

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Opportunity Runs Through It

City of Watertown, WI
Thursday, June 29, 2023

Chapter 410. Peace and Good Order

Article IX. Gambling, Tobacco, Alcohol and Drugs

§ 410-52. Possession of alcohol beverages on public ways.

[Amended by Ord. No. 09-33]

- A. No person shall have in his possession any open can, bottle or other receptacle containing alcohol beverages or drink from the same on any public street, sidewalk, boulevard, boardwalk, alley or public parking lot or on or in any vehicle parked on a public street, alley or public parking lot. "Public parking lot" shall include all premises held out to the public for use of their motor vehicles, whether such premises are publicly or privately owned, and whether or not a fee is charged for the use thereof.
- B. No person shall have in his possession any open can, bottle or other receptacle containing alcohol beverages or drink from such can, bottle or receptacle on the Watertown Riverwalk and the contiguous public property between the Cady Street Bridge and the Milwaukee Street Bridge along both the east side and west side of the Rock River.
- C. Exceptions.
 - (1) This section shall not apply to such events for which a Class "B" picnic license has been obtained under Chapter **220** of this Code.
 - (2) This section shall not apply to those areas designated in Subsection **A** of this section that may be temporarily closed for a City-approved event.

[Added by Ord. No. 05-19]

**ORDINANCE TO
AMEND SECTION 410-52(C)(2), POSSESSION OF ALCOHOL
BEVERAGES ON PUBLIC WAYS OF THE CITY OF WATERTOWN
GENERAL ORDINANCES**

**SPONSOR: ALD. DANA DAVIS
FROM: PUBLIC SAFETY & WELFARE COMMITTEE**

THE COMMON COUNCIL OF THE CITY OF WATERTOWN DOES ORDAIN AS FOLLOWS:

SECTION 1. Watertown General Ordinance Section 410-52(C)(2), Possession of Alcohol Beverages on Public Ways is hereby amended to read as follows:

C. Exceptions.

(2) This section shall not apply to those areas that may be temporarily closed for a City-approved event.

SECTION 2. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 3. This ordinance shall take effect and be in force the day after its passage and publication.

DATE:	<i>First meeting date</i>		<i>Second meeting date</i>	
READING:	1ST		2ND	
	YES	NO	YES	NO
DAVIS				
LAMPE				
BOARD				
BARTZ				
BLANKE				
SMITH				
SCHMID				
WETZEL				
MOLDENHAUER				
MAYOR MCFARLAND				
TOTAL				

ADOPTED August 1, 2023

CITY CLERK

APPROVED August 1, 2023

MAYOR