

**PUBLIC SAFETY
COMMITTEE**

**Wednesday, October 10,
2018**

6:30 PM

McFarland Municipal Center
Conference Room A

AGENDA

1. CALL TO ORDER, ROLL CALL.
2. PUBLIC APPEARANCES.
3. APPROVAL OF MINUTES.
 - a. Approve the minutes of the August 8, 2018 meeting
4. BUSINESS.
 - a. Staff Reports
 - 1) Fire and Rescue Department
 - 2) Police Department
 - 3) Emergency Management
 - b. Discussion and recommendation on Class A alcohol licenses for J and B Ventures, Inc. d/b/a HWY 51 Liquor and Bait, 5716 HWY 51, for the period ending June 30, 2019.
 - c. Discussion and recommendation on a request from Roundy's Supermarkets, Inc. to modify Village code of ordinances 11-57(h)(1) as it pertains to the requirement that a licensed permit be for a structure.
 - d. License Hearing
 - 1) Conduct hearing on the recommendation from Chief Sherven to deny the issuance of an operator's license for Kristin Guimond for the period ending June 30, 2019.
 - 2) Discussion and recommendation on the operator's license for Kristin Guimond for the period ending June 30, 2019.
 - e. Discussion and recommendation on a request from Waubesa Shores Condominiums to grant a variance per section 26-183 of the Village Code of Ordinances in regard to section 26-82 regarding use and storage of grills and other outdoor stoves.
 - f. Discussion and recommendation on entering into an intergovernmental agreement for operation of a joint crowd control unit with the City of Monona, City of Stoughton, City of Verona, and Village of Oregon.

- g. Discussion and recommendation on a request to consider speed limit signs in the Glen Road neighborhood
- h. Discussion and recommendation on an ordinance amendment to sec. 35-159 of the Village ordinance regarding parking heavy vehicles, boats, trailers, and recreation vehicles on public streets and private property.

5. SCHEDULE NEXT MEETING DATE.

6. ADJOURNMENT.

This meeting notice constitutes an official meeting of the above referenced group and was posted in accordance with all applicable laws related to Open Meetings Law. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals. For additional information or to request this service, contact the McFarland Municipal Center at (608) 838-3153 or cassandra.suettinger@mcfarland.wi.us.

VILLAGE OF MCFARLAND
Public Safety Committee Minutes

Wednesday, August 8, 2018 - 6:30 PM

1. CALL TO ORDER, ROLL CALL.

Village Trustee Jerry Adrian called the regular meeting of the Public Safety Committee to order at 6:30 PM in Conference Room A.

Members present: Village Trustee Jerry Adrian, Tom Mooney, Ken Machtan, Tyler Mortenson, Rich Staley, Village Trustee Carolyn Clow

Members not present: Sandy Bakk, Kathryn Lyons

Staff Present: Police Chief Craig Sherven, Fire Chief Chris Dennis, Emergency Management Director Chuck Di Piazza

2. PUBLIC APPEARANCES.

Roxanne Hoks, 3404 Jenness Ave, addressed the Committee regarding a crosswalk on Siggelkow near Brandt Park and indicated that she was in support of adding one.

Rachel Fisher-Kay, 5121 Glen Rd, addressed the Board and requested 15 mph speed limit signs in her neighborhood.

3. APPROVAL OF MINUTES.

a. Motion to approve the minutes of the July 11, 2018 Public Safety Committee meeting.

Motion by Ken Machtan, second by Village Trustee Carolyn Clow, to Approve the minutes of the July 11, 2018 Public Safety Committee meeting. Motion carries 6 - 0 - 0 by acclamation.

4. BUSINESS.

a. Staff Reports

1) Fire and Rescue Department

Chief Dennis reviewed the monthly report.

2) Police Department

Chief Sherven reviewed the monthly report.

3) Emergency Management

Emergency Management Director Di Piazza reviewed the monthly report.

b. Discussion and recommendation on a request to consider safety upgrades to Siggelkow Road near Brandt Park.

The Committee discussed that the concerns and the problems with putting in a crosswalk mid-block. It was determined that the Committee could identify it as a problem and safety concern but Public Works would need to look at it to determine feasibility/solutions.

Motion by Village Trustee Carolyn Clow, second by Ken Machtan, to determine that there is a public safety concern at Siggelkow near Brandt Park and to refer the matter to the Public Works Committee. Motion carries 6 - 0 - 0 by acclamation.

- c. Discussion and recommendation on a special event license and a temporary class b beer license for the Friends of McFarland Library to hold a Beer & Ice Cream tasting on August 23, 2018 from 7 p.m. to 9 p.m.

Motion by Ken Machtan, second by Rich Staley, to Recommend Approval on a special event license and a temporary class b beer license for the Friends of McFarland Library to hold a Beer & Ice Cream tasting on August 23, 2018 from 7 p.m. to 9 p.m. Motion carries 6 - 0 - 0 by acclamation.

- d. License Hearing

- 1) Conduct hearing on the recommendation from Chief Sherven to deny the issuance of an operator's license for Joseph Stoflet for the period ending June 30, 2019.

A hearing on the recommendation to deny the issuance of an Alcohol Beverage Operator's License for Joseph Stoflet was conducted at 7:22 p.m. by the Public Safety Committee on August 8, 2018 in Conference Room A of the McFarland Municipal Center, 5915 Milwaukee Street, McFarland, Wisconsin.

The hearing was conducted per McFarland Village Ordinance 11-67(d).

Public Safety Committee members present were Trustees Jerry Adrian and Carolyn Clow and citizen members Ken Machtan, Tom Mooney, Rich Staley, and Tyler Mortenson. Staff present were Police Chief Craig Sherven, Emergency Management Director Charles Di Piazza, Fire Chief Chris Dennis, and Deputy Clerk O'Malley. Others present were applicant Joseph Stoflet and 5100 Manager, Damien Kraemer.

Deputy Clerk O'Malley swore in Chief Sherven, who provided the following exhibits:
Exhibit A. A copy of the initial "Application for an Alcohol Beverage Operator's License" and supporting materials completed by Joseph Stoflet.

Exhibit B. A copy of the July 10, 2018 memo to the Public Safety Committee from Chief Craig Sherven, apprising them of his recommendation of denial of the Alcohol Beverage Operator's License for Joseph Stoflet and the reasons for this recommendation.

Exhibit C. A copy of the July 11, 2018 letter to Joseph Stoflet from Village Clerk Cassandra Suettinger notifying him of the denial hearing process.

Chief Sherven presented the following testimony:

He indicated that Mr. Stoflet had a hearing before the Public Safety Committee in 2017 because the license was recommended for denial. At that time, the Committee recommended approval to the Village Board with the condition that any additional violations be reported within 30 days. Mr. Stoflet was convicted in March of 2018 for possession of marijuana and possession of paraphernalia and based on the Village's ordinance would be classified as a habitual law offender. Additionally, the violations that occurred in the past year were not reported as conditioned upon last year's license.

Based on this information, Chief Sherven recommended denial of the operator's license.

Deputy Clerk O'Malley swore in Joseph Stoflet, who provided the following testimony:

He indicated that he did not report the violations because sentencing was not completed until May, and he was hoping not to be charged. Additionally, there were a number of changes happening at 5100 and he was not sure if he would continue working there. He stated that he would not have requested this hearing if he were not making every effort to better his life. It was a friend who had the marijuana and paraphernalia in his car and the friend did not confess to having it. He took the fall for his friend who would not confess. He also indicated that it was just marijuana and it was only a small amount.

Deputy Clerk O'Malley swore in Damien Kraemer, who provided the following testimony:

He stated that he had been working with Mr. Stoflet on a regular, daily basis and had seen his character. He stated that Mr. Stoflet had earned his respect and thought it was important to convey to the committee. He indicated that he had seen Mr. Stoflet handle alcohol responsibilities in a legal and correct manner.

The hearing proceeded with discussion by the Committee.

2) Discussion and recommendation on the renewal of an operator's license for Joseph Stoflet for the period ending June 30, 2019.

Motion by Village Trustee Jerry Adrian, second by Village Trustee Carolyn Clow, to Recommend Denial to the Village Board on the renewal of an operator's license for Joseph Stoflet for the period ending June 30, 2019 based on the recommendation from Chief Sherven in the letter addressed to the Public Safety Committee dated July 10, 2018. Motion carries 6 - 0 - 0 by acclamation.

Information was provided about the Village Board meeting and the next steps and options for the applicant. The hearing was closed at 7:37 p.m.

e. Discussion and recommendation on an ordinance amendment to sec. 35-159 of the Village ordinance regarding parking heavy vehicles, boats, trailers, and recreation vehicles on public streets and private property.

Chief Sherven reported that the Village Attorney was still working on a draft amendment so there was nothing for the Public Safety Committee to review at this time.

5. SCHEDULE NEXT MEETING DATE.

The next meeting will be held September 12, 2018 at 6:30 p.m.

6. ADJOURNMENT.

Motion by Ken Machtan, second by Tom Mooney, to adjourn at 7:45 p.m.

Pursuant to law, written notice of this meeting was given to the public and posted on the public bulletin boards in accordance with Open Meetings Law.

Respectfully submitted,
Tanya O'Malley
Deputy Clerk



McFarland Fire & Rescue Department

5915 Milwaukee Street • PO Box 110 • McFarland, WI 53558-0110
(608) 838-3278 • Fax: (608) 838-3619

Emergency: 911

October 2018 Fire & Rescue Department Report For September 2018 Activity

- **General**

- We have been preparing and getting ready for fire prevention week that will be from October 7th through the 13th. We will have over 500 students visit, or we will visit during the week. The visit includes some education on fire safety. We will also have our annual open house on Wednesday, October 10th from 6:00 pm to 7:30 pm.
- We have worked with the McFarland School District to schedule a training session for Stop the Bleed and complete the requirements for the remaining schools to receive bleeding control bag from The South Central Regional Trauma Advisory Council (SCRTAC) for each of the schools. Each bag contains ten sets of bleeding control kits. We would ideally like to increase the program further to provide more kits to ensure the kits are near the students. The high school staff bag was delivered to the school.
- We have received an official notice we have not received the Assistance to Firefighter's Grant. We had requested funding for CPR assistance devices to aid in cardiac arrest survival. Chief Dennis has requested the Fire & Rescue Association to increase their support level to purchasing one of the devices. The Department would utilize funds from the State Funding Assistance Program for funding the second unit. The plan would still provide a means of obtaining a device for each ambulance while not impacting tax levy or borrowing.
- We have continued to monitor the lake levels throughout the Fire & Rescue Protection Area. Luckily the rain has reduced, and the levels are dropping. Lake Waubesa should be below the 100 year level in the coming days, and Lake Kegonsa is about six inches below the 100-year level.
- We have not received any additional information from the State of Wisconsin EMS section pertaining to the new legislation implementations.
- We experienced a natural gas leak incident that a landscaping company while mowing the grass struck the gas meters to an apartment building in the Village. We were able to turn off the gas supplying the meters within a few minutes of the engine arriving on the scene. We checked the building and confirmed no gas had entered the building. Alliant Energy arrived on location and repaired the gas meters.
- Chief Dennis attended the fall Wisconsin Fire Chief Education Associations Seminar in Fond du Lac. The conference covers many challenges and issues facing Fire Chiefs in Wisconsin.
- Chief Dennis assisted in the interviewing and recommended a consultant for the public safety analysis.

- We received a petition for variance to the Village's Fire Prevention Code for Waubesa Shores Condominiums to allow grills connected to the buildings natural gas supply. We are supportive of the variance due to the safety features of the building. We discovered the concern from advertising of the properties offering the connections. The situation is allowable by the building code but is not by the Village Ordinance and the State of Wisconsin's Fire Prevention Code. The difference is from the Fire Prevention Code being adopted from the National Fire Prevention Association and the Building code being adopted from the International Code Council. We are reviewing the possible impacts of recommending the Village to adopt the International Code Council's Fire Prevention Code.
- **Staffing**
 - Current Staffing Levels
 - Fulltime Fire Rescue Chief – 1
 - Fulltime Fire Inspector/Public Education Specialist – 1
 - Fulltime EMTs – 5
 - Fulltime Confidential Administrative Assistant (Shared w/Admin) - 1
 - Paid on Call – 59 (18 EMTs, 20 Firefighters (2 Active Retired), 10 EMR/Firefighter, & 11 EMT/Firefighters)
 - Total Staffing Level – 67
 - Ryan Allen and Travis Seeley completed the probation process.
 - Ryan Allen had been performing some fire duties while he was attending the firefighter recruit academy at Madison College. He has decided to become an EMT/Firefighter for the Department.
 - Travis Licht is no longer with the department. He was unable to keep the commitments up due to his work life.
- **Training Activity**
 - The month of September training included Psychiatric/Behavioral Emergencies and elevator emergencies. The month was shortened on training due to the Labor Day holiday.
 - We presented a program that EMT Tim Holzhauer developed for our training group with SSM and Oregon Fire/EMS. The training covered situations that included excited delirium or altered mental status due to drugs. We also had a McFarland Police attend the session for question and answer of working together in situations with patients that are having a psychiatric emergency.
 - We performed training elevator emergencies. A large portion of the department had not received training on elevators. The Schindler Elevator Company provided a simulator for our training.
 - October training will include medical documentation, station prep for fire prevention week, live car fire at Madison College and basic firefighter skills.

<u>Inspection/Prevention Activity</u>	<u>Completed</u>	<u>Year to Date Total</u>
Building Inspections	63	399
Fire Code Violations Identified	25	253
Re-Inspections	3	34
Corrections Noted	5	67
Plan Reviews	2	52
Acceptance Inspections/Test	3	24

Public Instruction

	<u>Completed</u>	<u>Year to Date Total</u>
CPR Certifications	37	148
First Aid Training	26	105
High School CPR (Hands Only)	0	0
Baby Sitters First Aid	48	48
Public Education Tours	2	10

- **Apparatus & Equipment**

- The 2015 Ambulance (Rescue 84) had the rear tires replaced due to wear. We had not forecasted the wear to occur in 2018. Fortunately, the ambulance maintenance budget had funds to cover the tires.
- The 2018 Pumper (Engine 2) has experienced a few warranty issues. The mechanical siren clutch is failing and will be replaced under warranty. The issues appear to be a nationwide problem for the siren manufacturer. The diesel exhaust fluid (DEF) system has developed a sensor failure and is also a national issue for the manufacturer of the DEF system. The truck has been placed as second due to have less usage until repaired. All repairs were completed under warranty.

Incident Summary

Incident Type	2018		2017	
	September	Year to Date Total	September	Year to Date Total
EMS – Falls	17	113	16	111
EMS – General Medical	35	310	38	327
EMS – Motor Vehicle Crash	5	53	4	36
EMS – Trauma Other	6	49	6	26
EMS – Other types	13	93	13	111
EMS – Total (+1%)	76	618	77	611
Fire – Building, vehicle or outside	1	26	3	24
Fire – Assist EMS Crew	14	84	10	94
Fire – Motor Vehicle Crash	4	34	1	24
Fire – Alarms	4	47	4	40
Fire – Other types	11	92	17	116
Fire – Total (-5%)	34	283	35	298

Significant Incidents

- On Wednesday, September 5th, we were requested to be part of a MABAS Engine Strike Team to assist Sauk County in flooding issues. McFarland Engine was sent with other engines from the Division. We were sent to North Freedom to assist in filling and moving sandbags to protect homes from the Baraboo River. Our crews were able to notice the river was rising several inches per hour. Additionally, the weather pattern shifted, and the rain threat was reduced. The strike team was released half-way through the planned operational period and a second strike team was canceled to relieve the original team.

Runs by Dispatch Reason - MFR

Incident Complaint Reported By Dispatch (eDispatch.01)	Number of Runs	Percent of Total Runs
Falls	17	20.24%
Unconscious/Fainting/Near-Fainting	11	13.10%
Traffic/Transportation Incident	10	11.90%
Breathing Problem	6	7.14%
Fire	6	7.14%
Sick Person	6	7.14%
Abdominal Pain/Problems	4	4.76%
No Other Appropriate Choice	4	4.76%
Back Pain (Non-Traumatic)	3	3.57%
Hemorrhage/Laceration	3	3.57%
Chest Pain (Non-Traumatic)	2	2.38%
Convulsions/Seizure	2	2.38%
Heart Problems/AICD	2	2.38%
Stroke/CVA	2	2.38%
Traumatic Injury	2	2.38%
Allergic Reaction/Stings	1	1.19%
Diabetic Problem	1	1.19%
Overdose/Poisoning/Ingestion	1	1.19%
Stab/Gunshot Wound/Penetrating Trauma	1	1.19%
Total: 84		Total: 100.00%

Report Filters

Incident Date: is after 'Last Month'

****Note report is based on patient care reports. Incidents with multiple patients will cause additional runs. Total incidents will be less than total runs indicated on this report.**

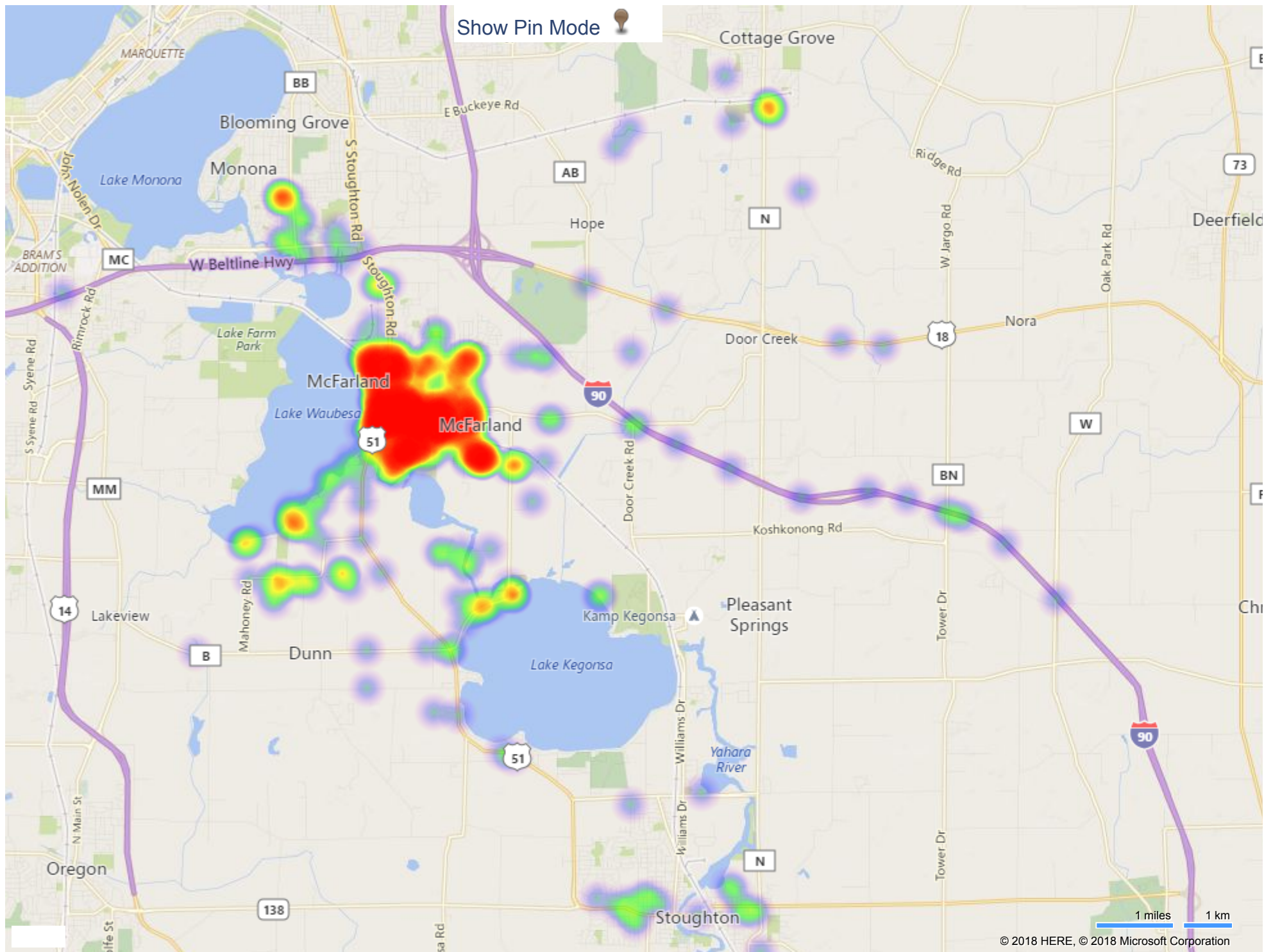
Runs by Dispatch Reason - MFR

Incident Complaint Reported By Dispatch (eDispatch.01)	Number of Runs	Percent of Total Runs
Falls	114	16.79%
Traffic/Transportation Incident	105	15.46%
Sick Person	89	13.11%
Unconscious/Fainting/Near-Fainting	76	11.19%
Fire	50	7.36%
Breathing Problem	41	6.04%
Hemorrhage/Laceration	18	2.65%
Heart Problems/AICD	17	2.50%
Chest Pain (Non-Traumatic)	16	2.36%
Convulsions/Seizure	16	2.36%
Carbon Monoxide/Hazmat/Inhalation/CBRN	13	1.91%
Stroke/CVA	13	1.91%
Overdose/Poisoning/Ingestion	12	1.77%
Abdominal Pain/Problems	11	1.62%
Back Pain (Non-Traumatic)	11	1.62%
Diabetic Problem	10	1.47%
No Other Appropriate Choice	10	1.47%
Standby	9	1.33%
Traumatic Injury	8	1.18%
Allergic Reaction/Stings	7	1.03%
Cardiac Arrest/Death	7	1.03%
Psychiatric Problem/Abnormal Behavior/Suicide Attempt	5	0.74%
Choking	4	0.59%
Assault	3	0.44%
Headache	3	0.44%
Transfer/Interfacility/Palliative Care	3	0.44%
Unknown Problem/Person Down	3	0.44%
Burns/Explosion	1	0.15%
Eye Problem/Injury	1	0.15%
Industrial Accident/Inaccessible Incident/Other Entrapments (Non-Vehicle)	1	0.15%
Pregnancy/Childbirth/Miscarriage	1	0.15%
Stab/Gunshot Wound/Penetrating Trauma	1	0.15%
Total: 679		Total: 100.00%

Report Filters

Incident Date: is between '1/1/2018' and '9/30/2018'

****Note report is based on patient care reports. Incidents with multiple patients will cause additional runs. Total incidents will be less than total runs indicated on this report.**



Village Of McFarland Fire EMS
Fire Incident Type Period Comparisons
Alarm Date Between {09/01/2018} and {09/30/2018}

Incident Type	09/01/2018 to 09/30/2018	09/01/2017 to 09/30/2017	09/01/2016 to 09/30/2016	09/01/2015 to 09/30/2015
111 Building fire	0	1	1	1
113 Cooking fire, confined to container	0	1	0	0
131 Passenger vehicle fire	0	0	1	0
138 Off-road vehicle or heavy equipment fire	1	0	0	0
140 Natural vegetation fire, Other	0	1	0	0
141 Forest, woods or wildland fire	1	0	0	0
142 Brush or brush-and-grass mixture fire	1	1	0	1
160 Special outside fire, Other	0	0	0	1
311 Medical assist, assist EMS crew	14	10	2	8
322 Motor vehicle accident with injuries	1	0	5	2
324 Motor Vehicle Accident with no injuries	2	0	1	1
352 Extrication of victim(s) from vehicle	0	0	0	1
365 Watercraft rescue	0	0	1	0
412 Gas leak (natural gas or LPG)	1	0	0	0
413 Oil or other combustible liquid spill	0	1	0	0
440 Electrical wiring/equipment problem, Other	0	2	1	0
444 Power line down	0	1	1	0
445 Arcing, shorted electrical equipment	0	0	1	0
463 Vehicle accident, general cleanup	1	1	0	0
551 Assist police or other governmental agency	0	0	0	1
552 Police matter	0	0	1	0
600 Good intent call, Other	0	1	0	0
611 Dispatched & cancelled en route	5	10	4	1
622 No Incident found on arrival at dispatch address	0	0	0	1
631 Authorized controlled burning	0	0	0	2
651 Smoke scare, odor of smoke	0	1	0	1
652 Steam, vapor, fog or dust thought to be smoke	0	0	1	1
671 HazMat release investigation w/no HazMat	1	0	0	0
700 False alarm or false call, Other	0	1	0	0
733 Smoke detector activation due to malfunction	0	0	1	0
735 Alarm system sounded due to malfunction	3	1	0	0
736 CO detector activation due to malfunction	0	1	2	0
744 Detector activation, no fire - unintentional	0	0	0	1
745 Alarm system activation, no fire - unintentional	1	1	2	1
815 Severe weather or natural disaster standby	1	0	0	0
900 Special type of incident, Other	1	0	0	0
Totals	34	35	25	24

Village Of McFarland Fire EMS
Fire Incident Type Period Comparisons
Alarm Date Between {01/01/2018} and {09/30/2018}

Incident Type	01/01/2018 to 09/30/2018	01/01/2017 to 09/30/2017	01/01/2016 to 09/30/2016	01/01/2015 to 09/30/2015
100 Fire, Other	0	0	0	1
111 Building fire	12	8	9	15
112 Fires in structure other than in a building	1	1	0	1
113 Cooking fire, confined to container	2	6	1	0
116 Fuel burner/boiler malfunction, fire confined	0	0	1	0
118 Trash or rubbish fire, contained	0	1	0	0
130 Mobile property (vehicle) fire, Other	0	0	1	1
131 Passenger vehicle fire	2	2	2	1
132 Road freight or transport vehicle fire	0	0	1	1
134 Water vehicle fire	0	1	1	0
137 Camper or recreational vehicle (RV) fire	0	0	0	1
138 Off-road vehicle or heavy equipment fire	1	0	0	0
140 Natural vegetation fire, Other	1	1	0	0
141 Forest, woods or wildland fire	1	0	0	1
142 Brush or brush-and-grass mixture fire	1	2	2	2
143 Grass fire	0	0	0	1
150 Outside rubbish fire, Other	1	0	0	0
151 Outside rubbish, trash or waste fire	0	0	1	1
154 Dumpster or other outside trash receptacle fire	0	3	0	1
160 Special outside fire, Other	1	0	0	1
171 Cultivated grain or crop fire	1	0	1	0
251 Excessive heat, scorch burns with no ignition	0	1	0	0
300 Rescue, EMS incident, other	0	0	1	0
311 Medical assist, assist EMS crew	84	92	67	70
322 Motor vehicle accident with injuries	19	14	15	13
323 Motor vehicle/pedestrian accident (MV Ped)	2	0	1	1
324 Motor Vehicle Accident with no injuries	9	3	2	2
331 Lock-in (if lock out , use 511)	0	3	1	0
341 Search for person on land	0	1	0	0
350 Extrication, rescue, Other	0	2	1	0
352 Extrication of victim(s) from vehicle	0	1	0	3
353 Removal of victim(s) from stalled elevator	2	1	0	0
357 Extrication of victim(s) from machinery	1	0	0	0
363 Swift water rescue	1	0	0	0
365 Watercraft rescue	1	1	2	0
381 Rescue or EMS standby	0	1	0	0
400 Hazardous condition, Other	0	0	1	0
411 Gasoline or other flammable liquid spill	3	3	0	0
412 Gas leak (natural gas or LPG)	4	4	4	2
413 Oil or other combustible liquid spill	0	2	0	0
420 Toxic condition, Other	1	0	0	0
424 Carbon monoxide incident	4	3	3	4
440 Electrical wiring/equipment problem, Other	0	7	1	1
441 Heat from short circuit (wiring), defective/worn	1	0	0	0
442 Overheated motor	1	0	0	3

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Village Of McFarland Fire EMS
Fire Incident Type Period Comparisons
Alarm Date Between {01/01/2018} and {09/30/2018}

Incident Type	01/01/2018 to 09/30/2018	01/01/2017 to 09/30/2017	01/01/2016 to 09/30/2016	01/01/2015 to 09/30/2015
444 Power line down	3	4	4	2
445 Arcing, shorted electrical equipment	1	4	1	1
451 Biological hazard, confirmed or suspected	0	1	0	0
463 Vehicle accident, general cleanup	4	6	1	0
500 Service Call, other	1	0	3	0
510 Person in distress, Other	1	1	1	0
511 Lock-out	0	0	1	0
520 Water problem, Other	0	1	1	1
522 Water or steam leak	1	2	1	0
531 Smoke or odor removal	1	1	0	0
542 Animal rescue	0	1	0	0
550 Public service assistance, Other	0	1	0	0
551 Assist police or other governmental agency	0	2	0	1
552 Police matter	0	0	1	0
553 Public service	0	0	1	0
561 Unauthorized burning	3	1	0	0
571 Cover assignment, standby, moveup	3	1	0	1
600 Good intent call, Other	3	10	1	2
611 Dispatched & cancelled en route	40	45	33	26
621 Wrong location	0	0	0	1
622 No Incident found on arrival at dispatch address	1	2	4	1
631 Authorized controlled burning	8	2	3	3
632 Prescribed fire	0	0	1	0
650 Steam, Other gas mistaken for smoke, Other	0	1	0	0
651 Smoke scare, odor of smoke	6	3	1	2
652 Steam, vapor, fog or dust thought to be smoke	0	1	1	1
653 Smoke from barbecue, tar kettle	0	1	0	0
661 EMS call, party transported by non-fire agency	0	1	0	0
671 HazMat release investigation w/no HazMat	3	1	0	1
700 False alarm or false call, Other	2	1	2	1
710 Malicious, mischievous false call, Other	1	0	1	1
714 Central station, malicious false alarm	3	0	1	0
715 Local alarm system, malicious false alarm	0	0	0	1
730 System malfunction, Other	0	0	0	1
731 Sprinkler activation due to malfunction	2	0	0	0
733 Smoke detector activation due to malfunction	3	0	5	3
735 Alarm system sounded due to malfunction	6	8	3	3
736 CO detector activation due to malfunction	3	6	5	8
740 Unintentional transmission of alarm, Other	3	2	0	2
741 Sprinkler activation, no fire - unintentional	0	1	0	0
743 Smoke detector activation, no fire - unintentional	3	5	1	2
744 Detector activation, no fire - unintentional	1	0	0	1
745 Alarm system activation, no fire - unintentional	10	12	8	3
746 Carbon monoxide detector activation, no CO	5	4	2	4
812 Flood assessment	1	0	1	0

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Village Of McFarland Fire EMS
Fire Incident Type Period Comparisons
Alarm Date Between {01/01/2018} and {09/30/2018}

Incident Type	01/01/2018 to 09/30/2018	01/01/2017 to 09/30/2017	01/01/2016 to 09/30/2016	01/01/2015 to 09/30/2015
815 Severe weather or natural disaster standby	2	2	0	0
900 Special type of incident, Other	1	0	2	0
Totals	<u>283</u>	<u>298</u>	<u>210</u>	<u>200</u>

MCFARLAND POLICE DEPARTMENT



September 2018 Monthly Report

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SEPTEMBER 2018 MONTHLY REPORT

As observed on the attached Call Summary Report, the McFarland Police Department logged 867 cases in September. This is compared to 521 cases during the previous year. Cases of interest for the month were: four intoxicated drivers, five domestic disturbances, three disturbances, six juvenile complaints, thirteen thefts, nine traffic accidents, and responded to fourteen alarms. Officers also logged 262 traffic incidents during the month.

Cases of interest for the month are as follows:

- 09/14/2018 Officers were dispatched to the 4800 block of Larson Beach Road for a burglary to a business. Officers arrived on scene and learned a subject had entered the business, by breaking a window, and stole several thousand dollars of cigarettes. The case is still under investigation.
- 09/16/2018 An officer attempted to stop a vehicle for failing to stop at a stop sign. The officer activated the squad's emergency lights and the vehicle continued to drive away from him onto Paulson Road. The vehicle continued into a driveway of a residence and the driver quickly exited the vehicle. The driver began to run toward the open garage door and attempted to enter the house. The officer was able to catch the driver and a short struggle ensued. The driver was detained and field sobriety tests were conducted. Probable cause was established to make an arrest for operating a motor vehicle while under the influence-3rd offense. The driver was also cited for failure to stop at a stop sign and charges were referred for resisting/obstructing an officer.

Staffing Report

- Our new Confidential Administrative Assistant, Tricia Reimer is transitioning nicely through the training process. She will continue training with various department members for a while, but has already taken solo responsibility of many of the aspects of the job.
- As was planned, our evening shift Police Clerk will likely transition out in the coming month or two. We remain in contact with a candidate that has expressed interest in that position, and hope for a smooth transition.
- The Department is now for the most part up to full staffing levels except for the part-time police clerk position. We intend to evaluate the continued need for this position in the coming weeks.
- No new police department staffing has been requested in the 2019 budget.

Equipment Report

- Our Care-Track equipment has been delivered, and the training conducted with selected staff. We are now in the process of taking over 4 McFarland clients from the Sheriff's Office that were previously serviced by their department, and ordering necessary supplies to accommodate those clients and also have extra on hand. A realistic go-live time frame is the first part of November.
- We continue to monitor the situation with Ford Motor Company as related to our squad car leases for 2019. We will complete our first round of squad leases at the end of 2018. We have been made aware that Ford will discontinue the current Police Utility product at the end of February, and after that will produce only 2020 models with a hybrid option. The cost of these vehicles ranges from \$4000-\$12000 per vehicle more than the 2019 version. Ford had indicated that all orders received prior to September 21, 2018 would be assured 2019 models at the lower cost threshold.

In anticipation of that, in early September I requested and was granted Village Board approval to order our 2019 vehicles early so as to meet that deadline, which we did by a full week. Subsequently, Ford issued a memo indicating that due to the high volume of orders they are receiving, departments across the country may or may not receive the 2019 models even if they met the established deadline.

At this point, it is unknown what we will receive. Regardless of whether we receive 2019 or 2020 models, I will not be ordering the hybrid versions, as I would prefer to wait until the technology has been vetted by other departments in a law enforcement application before committing to it.

- The Department has selected three officers to be trained as pilots for the UAV Program.

Training Report

- Officers Bryant, Miller, Towns, and Schroeckenthaler attended training to deploy the newly purchased Care Track equipment.
- Officer Craft and Officer Onken attended 16 hours of Adaptive FTO training at Fox Valley Technical College in Appleton, WI.
- Officer Wallace attended 32 hours of RADAR/LIDAR training at Waukesha County Technical College in Pewaukee, WI.

Budget Report

- The department is currently working on the 2019 Annual Budget.

Other Information

- Regarding the Work to Learn program, we have officially put this on ice for the 2018-2019 school year, as Monona was unable to reach agreement with their school district and subsequently withdrew, and sufficient time to re-tool the program to a solo-department venture simply did not exist prior to the beginning of the school year. We will revisit the concept for the 2019-2020 school year.
- The 2nd Annual McFarland-Monona Citizen's Police Academy kicks off on Thursday, October 4th.
- The Department is in the process of entering into a mutual aid agreement with our training consortium partners (Monona, Stoughton, Verona and Oregon) for the purposes of establishing our own SET Team (Special Events and Crowd Management). We jointly received grant funding to cover the costs of training and most of the equipment.

The Departments will now have officers properly trained and equipped to assist with situations like the Act 10 demonstrations, demonstrations that have occurred in the City of Madison and surrounding areas, and also our own resources from which to draw in the event of situations occurring within our own jurisdictions.

Each department will provide 2 -3 officers to be trained and equipped, and the team will train together a few times each year.



Incident Analysis Report Summary By Incident Type

McFarland Police Department
Official Case Report

Do Not Re-Release

Print Date/Time: 10/04/2018 11:28
Login ID: mcbgr
Incident Type: All
Call Source: All

From Date: 09/01/2018 00:00
To Date: 09/30/2018 23:59

McFarland Police Department
ORI Number: WI0137300

Officer ID: All
Location: All

Incident Type	Number of Incidents
911 Abandoned Call	10
911 Call Question	3
911 Call Silent	7
911 Call Unintentional	7
911 Disconnect	6
911 Misdialed Call	2
Accident Hit and Run	1
Accident Mv/Deer	1
Accident Private Property	1
Accident Property Damage	4
Accident Unknown Injuries	1
Accident w/Injuries	1
Adult Arrested Person	1
Alarm	14
Animal Stray	5
Annoying/Obscene Phone Call	1
Assist Citizen	39
Assist EMS/Fire	53
Assist KB	9
Assist Police	19
ATL Person	4
Battery	1
Burglary Non-Residential	1
Burglary Residential	4
Check Person	22
Check Property	168
Civil Dispute	2
Damage to Property	4
Disturbance	3
Domestic Disturbance	5
Drug Incident/Investigation	2
Follow-Up	15
Foot Patrol	5
Found Person	1
Fraud	6
Information	40
Juvenile Complaint	6
Liquor Law/Bar Check	1

Page: 1 of 2



Incident Analysis Report Summary By Incident Type

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Official Case Report

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From Date: 09/01/2018 00:00

To Date: 09/30/2018 23:59

McFarland Police Department

ORI Number: W0137300

Officer ID:

All

Location:

All

Incident Type	Number of Incidents
Neighbor Trouble	1
Noise Complaint	2
OMVWI Arrest/Intoxicated Driver	4
Parking Complaint On Street	33
Phone	14
Preserve the Peace	2
Problem Solving Person	5
Property Found	5
Safety Hazard	15
Sexual Assault	1
Special Event	2
Stalking Complaint	1
Stolen Auto	1
Suspicious Person	6
Suspicious Vehicle	17
Test 911 Call	2
Theft	10
Theft from Auto	2
Theft Retail	1
Threats Complaint	2
Traffic Complaint/Investigation	66
Traffic Incident	2
Traffic Stop	194
Trespass	1
Weapons Offense	1
Worthless Checks	2
Total:	867

PUBLIC SAFETY COMMITTEE

EMERGENCY MANAGEMENT REPORT

October 2018 Report

Update on outdoor warning siren:

Outdoor warning sirens are activated country wide at 12:00 PM on the 1st Wednesday of the month, sirens are operating properly.

Emergency Management Committee Meeting:

The most recent meeting was held on September 27, 2018 at 2:00 PM with 5 members in attendance.

Storm Activity:

There has been heavy rainfall and some flooding since our last meeting. The Village has distributed sandbags to those in need and areas were closely monitored with some road closing at the lakeshore. My participation in the daily conference calls through Dane County Emergency Management has kept all informed of the concerns of our lake levels and flowage as an issue with the situation. Department heads, Public Safety Committee Members, Emergency Management Committee Members and Village Board Members shall continue to be supplied with weather briefings as I participate in the weather briefing webinars and telephone conferences when they are held. Further, weather briefings and posts are being placed on Social Media for the Village.

Emergency Response Manual Update:

Our emergency services department heads have been addressed with 2 additional scenarios, one being the collapse of bleachers at the high school and the other a large structure fire to review and gather information from them to add protocols to our Emergency response Manual, although we have experienced busy times with the heavy rainfall and flooding situations. Therefore, we will review the scenarios prior to the next Emergency Management Committee Meeting on November. 29th

Training:

We are still working on a final policy for the UAS, addressing waivers, and preparing operational logs and information for the program. I completed the FAA test for the UAS and am currently a certified and licensed pilot. In addition, Public Works Employee and Firefighter John Venturino has joined the UAS team and is currently studying the materials for his exam to be taken in the near future. Emergency services department heads have been requested to submit their choices of personnel to become licensed pilots in the near future. Our trainer, Scott Miller has been, and shall be available for our training needs with the UAS as personnel become members of the team.

Webinars from Emergency Government Technology as well as other affiliations and organizations for Emergency Management programs are attended to assist in my role regarding training and updates, etc.

Community Awareness:

We set up our annual Village of McFarland booth at the Family Festival, this year assisted by the police department where Officer Joel Zietsma spoke to attendees and had additional educational handouts, John Venturino as we put on a UAS presentation and demonstration, and Lori Anderson with the Senior Outreach Program. Again, we had several interested residents stop by and speak to those at the booth.

Articles and graphs have been submitted for social media regarding the high waters and flash flooding, and will continue to be submitted for inclement weather, storm watches and warnings, and other pertinent information and literature for public awareness.

Submitted by: Chuck Di Piazza



PUBLIC SAFETY COMMITTEE SUMMARY SHEET

MEETING DATE: Wednesday, October 10, 2018

SECTION: Business

DEPARTMENT: Administration

CONTACT: Cassandra Suettinger, Village Clerk/Treasurer

AGENDA ITEM: Discussion and recommendation on Class A alcohol licenses for J and B Ventures, Inc. d/b/a HWY 51 Liquor and Bait, 5716 HWY 51, for the period ending June 30, 2019.

PREVIOUS ACTION:

ISSUE SUMMARY:

J and B Ventures has applied for a Class A liquor license to sell liquor and beer 5716 Hwy 51. This location was previously J & B Liquor. This is a new license application before the Committee for recommendation.

FINANCIAL/BUDGET IMPACT:

Additional License Revenue

VILLAGE PLAN REFERENCE:

N/A

ORDINANCE REFERENCE:

Section 11-56 through 11-60.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

The Police Department, Building Inspector, and Fire Inspector have performed all applicable inspections and background checks and recommend approval of the Class A license for J and B Ventures.

ATTACHMENTS:

1. HWY 51 Liquor Recommendation
2. HWY 51 Liquor Application



Village of McFarland Police Department

5915 Milwaukee St. • P.O. Box 110 • McFarland, WI 53558 • 608/838-3151 • Fax 608/838-7954

Craig J. Sherven • Chief of Police

DATE: September 14, 2018

TO: Public Safety Committee/Village Board

FROM: Craig J. Sherven, Chief of Police

REFERENCE: Original Alcohol Beverage License Application for Brian W. Shorey, J&B Ventures, INC.

This letter is to advise that I have conducted the necessary criminal records check in reference to this application. I have discovered no information that would disqualify the applicant.

Should you have any questions regarding this communication, feel free to contact me at 608-838-3151.

Respectfully,

Craig J. Sherven

Craig J. Sherven
Chief of Police

Original Alcohol Beverage Retail License Application

Submit to municipal clerk.

For the license period beginning _____ 20 _____ ;
ending _____ 20 _____

TO THE GOVERNING BODY of the: ☐ Town of
☒ Village of } **MC FARLAND**
☐ City of }

County of **DANE** Aldermanic Dist. No. _____ (if required by ordinance)

1. The named ☐ Individual ☐ Partnership ☐ Limited Liability Company
☒ Corporation / Nonprofit Organization

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): **J AND B VENTURES INC**

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title	Name (Last, First, M.I.)	Home Address	Post Office & Zip Code	
President/Member	PRESIDENT	SHOREY, BRIAN, W	4712 BURMA ROAD	MCFARLAND 53558
Vice President/Member				
Secretary/Member				
Treasurer/Member				
Agent	OWNER	SHOREY, BRIAN, W	4712 BURMA ROAD	MCFARLAND 53558
Directors/Managers				

3. Trade Name **HWY 51 LIQUOR AND BAIT** Business Phone Number _____

4. Address of Premises **5716 HWY 51** Post Office & Zip Code **MCFARLAND 53558**

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? ☒ Yes ☐ No

6. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☒ No

7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? ☐ Yes ☒ No

8. (a) **Corporate/limited liability company applicants only:** Insert state **WISCONSIN** and date **07/29/14** of registration.

- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? ☐ Yes ☒ No

- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☐ Yes ☒ No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) **RETAIL SPACE WITH ONE ROOM AND WALK IN COOLER**

10. Legal description (omit if street address is given above): _____

11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☒ Yes ☐ No

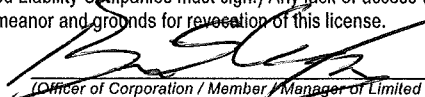
- (b) If yes, under what name was license issued? **J AND B LIQUOR**

12. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277]. ☒ Yes ☐ No

13. Does the applicant understand they must hold a Wisconsin Seller's Permit? ☒ Yes ☐ No
[phone (608) 266-2776].

14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.


(Officer of Corporation / Member / Manager of Limited Liability Company / Partner / Individual)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



PUBLIC SAFETY COMMITTEE SUMMARY SHEET

MEETING DATE: Wednesday, October 10, 2018

SECTION: Business

DEPARTMENT: Administration

CONTACT: Cassandra Suettinger, Village Clerk/Treasurer, Craig Sherven, Chief

AGENDA ITEM: Discussion and recommendation on a request from Roundy's Supermarkets, Inc. to modify Village code of ordinances 11-57(h)(1) as it pertains to the requirement that a licensed permit be for a structure.

PREVIOUS ACTION:

ISSUE SUMMARY:

On August 31, 2018, the Village received an application from Roundy's Supermarket to expand their licensed premise for the sale of liquor and beer to include the parking lot. Roundy's is rolling out an online application called "Clicklist" that allows shoppers to order groceries ahead of time online and pick them up at the store. They would also like to also make cigarettes and alcohol available through the online order program.

Staff reviewed the application and forwarded it on to the Village Attorney for review. After review, the Village Attorney reported the application does not meet the requirements of section 11-57(h)(1) which requires that a licensed premise be for a structure. Based on the Village's Attorney's opinion, staff rejected Roundy's application as it did not meet the requirements of the ordinance.

On September 11, the Village received a letter from Roundy's requesting the Village change the ordinance to allow designated parking stalls to be included in a licensed premise. The request is now before the Public Safety Committee to make a recommendation regarding a change to the ordinance. It is important to note, this item is **not** consideration of the expansion of a licensed premise for Roundy's. An expansion of a licensed premise for Roundy's could only be considered if the ordinance were changed.

FINANCIAL/BUDGET IMPACT:

No financial impact as there are no additional revenues or expenses from an expansion of a licensed premise.

VILLAGE PLAN REFERENCE:

N/A

ORDINANCE REFERENCE:

11-57(h)(1)

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:



ATTACHMENTS:

1. Roundy's Clicklist Ordinance Request
2. 09.24.18 Memo to PSC Clicklist

ROUNDY'S SUPERMARKETS, INC.

PICK 'N SAVE • COPPS • METRO MARKET • MARIANO'S

PO Box 473
Milwaukee, WI 53201

414-231-5000

September 11, 2018

VIA ELECTRONIC MAIL

Cassandra Suettinger
Village Clerk/Treasurer
Village of McFarland
5915 Milwaukee Street
McFarland, WI 53558

Dear Ms. Suettinger:

Based on our previous application dated August 31, 2018, Roundy's Supermarkets is interested in implementing Clicklist, our online ordering program, at our McFarland Pick n' Save store located at 5709 Hwy 51. ClickList is our popular ecommerce service allowing customers to order their groceries on-line and pick them up curbside.

The initial application was to request the extension of our Licensed Premises to include the designated Clicklist parking spaces. This modification would allow Roundy's to fully implement the Clicklist program and include alcohol in the offerings. However, you informed us that that this request is precluded by the McFarland ordinance code section 11-57(h)(1) which limits Licensed Premises to structures.

Roundy's would like to respectfully request the Village consider modifying this section of the ordinance to allow for designated parking stalls to be included in Licensed Premises. This modification would thereby allow for a full e-commerce experience for the residents of McFarland.

Customer satisfaction surveys have indicated the Clicklist initiative ranks high in approval ratings and is very popular with customers. The primary reason for this is convenience and accessibility. Customers with young children are highlighting the fact they don't have to leave their cars to get their groceries. Elderly customers who can no longer navigate the store as they once did are finding Clicklist a great benefit to them as well.

It is important to note that Roundy's has strict policies and procedures in place for the handling of alcohol through ClickList. Customers must show an appropriate ID proving they are of legal age to purchase alcohol and, the employee handling the transaction, is required to have a valid operator's license.

Since starting the program Roundy's has received approval to include alcohol in Clicklist sales in approximately 35 municipalities, including Middleton, Monona, Fitchburg, and Madison. In Madison, Roundy's worked successfully with the city council to draft and gain approval for a "Clicklist and Collect" ordinance.

Roundy's welcomes the opportunity to partner with the Village to work toward a solution to this matter and asks for your thoughtful consideration of amending the above stated ordinance.

Cordially,



Brianna Cotten
Assistant Real Estate Manager
Roundy's Division- The Kroger Co.



memo

McFarland Police Department

To: McFarland Public Safety Committee
From: Craig Sherven, Chief of Police
CC: Cassandra Suettinger, Village Clerk
Date: 8/24/2018
Re: Comments from area Police Chiefs regarding "Clicklist" Experiences

Background:

In preemption of the discussion related to Pick 'n' Save's ordinance change request regarding their planned "Clicklist" service, I took some time to get comments from area police chiefs whose communities currently have stores with similar operations. Please see the below comments.

Comments:

Fitchburg Police Chief Chad Brecklin

"Craig,

The service at the Fitchburg store is pretty new (within the last few months or so) and I'm not aware of any issues. I'll check and see if we've had any and let you know if we do.

We approached this approval pretty cautiously and I requested our Clerk to contact the State to see if this program met their alcohol licensing guidelines. She was informed this program meets their guidelines, so ultimately we approved it.

Chad"

Madison Police Chief Mike Koval

"Good afternoon, Craig.

I have included the entire narrative for this recently enacted ordinance. Thus far, we have not encountered any difficulties. Good luck, my friend!"

memo

Monona Police Chief Walter Ostrenga

"Craig,

They extended their licensed premise to include the 3 parking spaces for grocery pickup and a licensed operator has to personally deliver the alcohol after checking the subjects ID.

So far, we've had no reports of any issues.

Wally"



PUBLIC SAFETY COMMITTEE SUMMARY SHEET

MEETING DATE: Wednesday, October 10, 2018

SECTION: Business

DEPARTMENT: Administration

CONTACT: Craig Sherven, Chief

AGENDA ITEM: Conduct hearing on the recommendation from Chief Sherven to deny the issuance of an operator's license for Kristin Guimond for the period ending June 30, 2019.

PREVIOUS ACTION:

ISSUE SUMMARY:

Chief Sherven has reviewed the new operator's license application from Kristin Guimond and based on the Village's Operator License Approval policy has recommended denial. Attached is Chief Sherven's letter outlining his reasoning for recommending denial. Pursuant to Village policy, the application has been referred to the Public Safety Committee for further review and a recommendation to the Village Board. This item is to conduct a hearing on the issuance of the license. Once the hearing is concluded the Public Safety Committee will move on to the next agenda item to make their official recommendation to the Village Board.

FINANCIAL/BUDGET IMPACT:

N/A

VILLAGE PLAN REFERENCE:

Village Operator's License Review Policy

ORDINANCE REFERENCE:

Village Ordinance 11-74

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Chief Sherven has recommended denial of the new operator's license for Kristin Guimond.

ATTACHMENTS:

1. Guimond Exhibits
2. Operator License policy Version - UPDATE - 7-23-18

11853

Application for an Alcohol Beverage Operator's License

To Serve Fermented Malt Beverages and Intoxicating Liquors

☒ New ☐ Renewal

McFarland, WI AUGUST 31, 2018

Fee Paid: ☒ \$35.00 (1 yr) ☐ \$50.00 (1 yr plus Provisional @ \$15.00) ☒ Cash ☐ Check # _____
☐ \$35.00 additional application

Name of employer for which license is intended: Green Lantern Restaurant

I, the undersigned, make application to the Village Board of the Village of McFarland, County of Dane, Wisconsin for a License to serve, from date hereof to June 30, 2017, inclusive (unless sooner revoked), Fermented Malt Beverages and Intoxicating Liquors, subject to the limitations imposed by Section 125.32 (2) and 125.68 (2) of the Wisconsin Statutes; Chapter 11, Article II of the McFarland Municipal Code, and all acts amendatory thereof and supplementary thereto, and hereby agree to comply with all laws, resolutions, ordinances and regulations, Federal, State or Local, affecting the sale of such beverages and liquors if a license be granted to me.

(PLEASE PRINT)

Name of Applicant: Kristin Ashley Guimond Home phone: [REDACTED]
first middle last Work phone: [REDACTED]

Complete Address: [REDACTED]

Date of Birth: [REDACTED] Gender: ☐ male ☒ female

Soc. Sec. # [REDACTED] D.L. # [REDACTED]

• • • • •

****This application must be completed in its entirety or it will be returned as incomplete and you will be required to complete a new application at an additional fee of \$35.00. ****

1. As required by Wis. Stats. Section 125.17 (6), have you completed a Responsible Beverage Server Training Course? ☒ yes ☐ no

If so, where and when? Madison Area Technical College April 5, 2001

(A copy of the certificate indicating course completion must be attached to this application unless applicant is renewing an active Operator's License.)

2. Have you held an Operator's License within the last 2 years? ☐ yes ☐ no

(If not in McFarland, attach a copy of the license or a letter from the Clerk of the municipality.)

3. Have you been fined/arrested for and/or convicted of violating any law of the State of Wisconsin or of the United States (including traffic violations)? ☒ yes ☐ no (The following websites provide

information on your records: www.dot.wisconsin.gov/drivers/drivers/points/abstract.htm www.wi-recordcheck.org)

Date of arrest	Date of conviction (if applicable)	Name of court	Nature of offense
* Please see attached documents			

Please continue by completing the reverse side of this form.

OVER →

4. Have you ever had a license to serve alcohol beverages suspended or revoked, or surrendered the license in lieu of suspension or revocation? ☐ yes ☒ no

If yes, provide the place and date _____

5. Have you been hospitalized or treated in the last five years for drug abuse or alcoholism? ☐ yes ☒ no

If yes, explain and give dates. _____

6. Are you a citizen of the United States? ☒ yes ☐ no

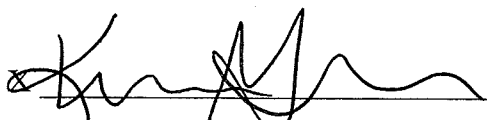
7. Since when have you been a resident of the State of Wisconsin? _____

8. List addresses and dates of residency for the past 5 years. _____

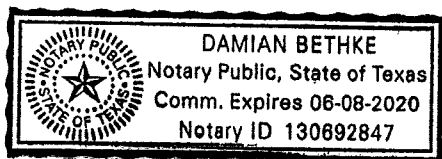
I understand that the fee is not refundable should this application be denied.

STATE OF WISCONSIN)
) SS
DANE COUNTY)

I, DAMIAN BETHKE, being first duly sworn on oath says that (s)he is the
(printed name of Notary Public)
person who made and signed the foregoing application for an operator's license; that all the statements made
by the applicant in the foregoing application are true.


(Applicant sign here)

Subscribed and sworn to before me this 30
day of AUGUST, 2018



Notary Public, DANE County, Wisconsin

My commission ☐ is permanent

☒ expires 06-08-2020

Recommendation by McFarland Police Department:

Approval ☐ Denial ☐

Craig Sherven, Chief of Police

_____(Date)

To whom it may concern,

Attached is my criminal record to the best of my knowledge. I used the links provided on the application; [wi-record check.org](http://wi-record.check.org), dot.wisconsin.gov, and CCAP.

As you can see, I have a lengthy arrest record. All of my offenses were in direct relation to drug addiction. After being arrested July 16, 2012, I decided it was time to grow up and get my life together, and I have remained drug free since then. I also completed the Drug Court Program through Dane County (received 2 awards while doing so), completed 3 years of probation without any violations, paid all court costs and fees, and maintained full time employment. I also began, and continue to, see a therapist every two weeks and a psychiatrist every four weeks. Both of whom, if needed, are willing to convey their agreement for a license approval.

I generally feel that I have paid back my debt to society. Obtaining a license will enable me to work day shifts and more shifts altogether, thus a huge step forward. Bartending and waitressing are the only skill set I have that allow me to make a livable wage and support myself. I am asking you to please take into consideration the amount of time that I have clean and out of trouble.

Thank you for your time and consideration.

Sincerely,

Kristin Guimond

CCAP Records

8-22-01 Resisting or Obstructing an officer Party to a crime. Misdemeanor A. **Guilty/No contest**

10-15-2003 Possession of Cocaine. Misdemeanor U. **Dismissed**. Possess Drug Paraphernalia. Misdemeanor U. **Dismissed**.

2-12-04 Manufacture/Deliver Cocaine (<=1g). Felony G. **Guilty/No contest**. Bail Jumping. Misdemeanor A. **Guilty/No contest**. Bail Jumping. Misdemeanor A. **Dismissed**. Bail Jumping. Misdemeanor A. **Dismissed**.

6-18-04 Possess with intent Cocaine (>15-40g) Party to a crime. Felony D. **Guilty/No contest**. Bail Jumping. Felony H. **Guilty/No contest**. Possess with Intent THC (>=200g) Party to a crime. Felony I. **Dismissed**. Bail Jumping. Felony H. **Dismissed**. Possess with intent/deliver prescriptions Party to a crime. Felony H. **Dismissed**. Bail Jumping. Felony H. **Dismissed**.

8-3-04 Bail Jumping. Felony H. **Dismissed**.

8-18-04 Forgery- uttering Party to a crime. Felony H. **Guilty/No contest**. Bail Jumping. Felony H. **Guilty/No contest**. Bail Jumping. Felony H. **Dismissed**.

6-23-06 Harboring/Aiding a felon. Felony I. **Guilty/No contest**.

3-20-08 Possession of Cocaine. Misdemeanor U. **Guilty**. Possess drug paraphernalia. Misdemeanor U. **Dismissed**.

4-28-08 Operating after revocation (1st- rev due to OWI/PAC). Misdemeanor U. **Guilty/No contest**.

1-4-11 Resisting or Obstructing an officer. Misdemeanor A. **Guilty/No contest**.

6-16-11 Possession of Narcotic drugs. Felony I. **Dismissed**. Possess with intent THC (<=200g). Felony I. **Dismissed**. Possess Illegally obtained prescription. Misdemeanor U. **Dismissed**. Retail Theft- Intentionally take (<=\$2500). Misdemeanor A. **Dismissed**.

7-26-12 Manufacture/Deliver Heroin (<3g). Felony F. *Guilty*. Possession of Narcotic drugs. Felony I. **Dismissed**. Bail Jumping. Felony H. **Guilty**. Bail Jumping. Felony H. **Dismissed**.

6-11-13 (the actual date this occurred was in May 2012) Manufacture/Deliver Heroin (<3g). Felony F. **Dismissed**. Bail Jumping. Felony H. **Guilty**.



COPY

September 17, 2018

Kristin Guimond
 [REDACTED]
 [REDACTED]

Dear Ms. Guimond,

Your application for an alcohol operator's license for the period through June 30, 2019 was received. A review of your application criminal history, and arrest records, as maintained by the State of Wisconsin, has resulted in a recommendation by the Public Safety Committee and Police Chief Craig Sherven for further review and possible denial of your renewal application for an Operator's License. (Please see enclosed copy of Chief Sherven's memo to the Public Safety Committee).

You have 30 days from receipt of this letter to request a hearing before the Public Safety Committee to discuss the matter. During the hearing the committee will review your record, and you will be provided the opportunity to present any records of information you may have explaining the violation, present arguments on your own behalf, and/or bring a lawyer or other person to assist you.

Please contact me directly at 608-838-3153 or via email at Cassandra.suettinger@mcfarland.wi.us to request a hearing before the Public Safety Committee. Failure to request a hearing by the deadline, will result in an automatic recommendation for denial of your operator's license.

Sincerely,

Cassandra Suettinger
 Clerk/Treasurer



Village of McFarland Police Department

5915 Milwaukee St. • P.O. Box 110 • McFarland, WI 53558 • 608/838-3151 • Fax 608/838-7954

Craig J. Sherven • Chief of Police

DATE: September 17, 2018

TO: Public Safety Committee

FROM: Craig J. Sherven, Chief of Police

REFERENCE: Alcohol Operators License for Kristin Guimond

On this date I reviewed a new application for an Alcohol Operator's License submitted by the above applicant. Having completed my review of her application, my recommendation is that of denial.

I base my decision on two sections of Village Ordinance and the McFarland Alcohol Licensure Policy, as follows.

1. Village Ordinance 11-74 (c) (2), Guideline 2 (b) and (c) which states, in part:

"Provided the circumstances of the offense substantially relate to the circumstances of the job or licensed activity, any person who has been convicted of or has a current charge pending, for (1) or more offenses within the last five (5) years or for two (2) or more offenses, arising out of separate incidents, within the last ten (10) years in the following subcategories, does not qualify for an operator's license:

(b) Crimes involving cooperation (or lack thereof) with law enforcement officials, including but not limited to, resisting or obstructing a police officer, bribery of public officers/employees, eluding police, bail jumping, hit and run, perjury, or acts/threats of terrorism.

(c) Manufacturing, distributing, delivering a controlled substance or a controlled substance analog; maintaining a drug trafficking place; possessing with intent to manufacture, distribute, or deliver a controlled substance or a controlled substance analog. Sec. 111.335(1)(cs), Wis. Stats."

In reviewing Ms. Guimond's criminal history, four such convictions were observed over the prior 10 year period:

- Conviction on 04-28-11 for Resisting or Obstructing a Police Officer, Misdemeanor

- Conviction on 09-10-13 for Bail Jumping, Felony
- Convictions on 01-18-13 for:
 - Manufacturing Heroin, Felony
 - Bail Jumping, Felony

2. Village Ordinance 11-74 (c) (3), Guideline 3 which states, in part:

“An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender.”

In reviewing Ms. Guimond’s criminal history, eight felony convictions were observed, as follows:

- Convicted of the following felonies on 10-20-04:
 - Forgery
 - Bail Jumping
 - Possession of Cocaine With Intent to Deliver
 - Manufacturing / Delivering Cocaine
- Convicted of Harboring a Felon on 08-29-06
- Convicted of the following (aforementioned) felonies on 01-18-13:
 - Manufacturing Heroin, Felony
 - Bail Jumping, Felony
- Convicted of Bail Jumping, felony (aforementioned) 09-10-13:

This is a very straightforward denial recommendation, in that Ms. Guimond has been convicted of four related violations, arising from three separate incidents, within a ten year period and therefore does not qualify for licensure as indicated by Village Ordinance.

Additionally, Ms. Guimond has been convicted of eight felony offenses arising from four separate incidents. The ordinance language provides clear guidance regarding the Village’s ability to deny the application for this reason, and requires only one felony conviction to do so.

Respectfully,

Craig J. Sherven

Craig J. Sherven
Chief of Police

Operator License Approval Policy – Approved 07/23/18

SECTION 1: Policy Purpose

In order to provide for an effective and consistent system of alcohol licensing that protects the public safety and is applied in a uniform and equitable manner, the Village Board has adopted the following written policy to govern the granting of operators' licenses pursuant to Chapter 125 of the Wisconsin Statutes, and Chapter 11, Article II of the Village ordinances.

SECTION 2: Acknowledgment of Duties.

The Village of McFarland acknowledges and recognizes the responsibility operators have to keep the public safe in their duties. An operator's license will enable operators to sell beer or liquor on a Class A premise (alcohol is carried off the premise. Examples include: a gas station, liquor store, or grocery store.) or a Class B premise (alcohol consumed on the property such as a tavern or bar). A liquor license holder, an agent, or a licensed operator must be on the premises at all times the business is open and alcohol is being sold. The licensed operator is in charge of the premise, and has certain responsibilities that include, but are not limited to:

- A. Preventing the sale of alcohol to minors. The legal drinking age is 21, and sales of alcohol to underage patrons is prohibited.
- B. Prohibiting the service or sale of alcohol to a person who is intoxicated. Operator's are legally entitled, and required, to refuse to serve any person whom they feel has had too much to drink.
- C. Ensuring open intoxicants do not leave the property.
- D. Class "B" premises must be closed between 2:00 am and 6:00 am Mon-Friday, and 2:30 am and 6:00 am Sat. & Sun (there are no closing hours on January 1). Everyone except employees on duty must be out of the store or bar by closing time. Private parties, friends or spouses are not allowed to stay on the premises while staff completes cleaning duties.
- E. Class "A" premises may not sell fermented malt beverages and intoxicating liquors between the hours of 9:00 p.m. and 6:00 a.m.

SECTION 3: Process.

- A. The Clerk's office shall take the application and fee. The office shall do an initial review of the application to ensure the application is complete pursuant to the requirements in 11-71(1)-(12) of the Village Code of ordinances. A notary is available in the Village's administration office if required. The fee collected is non-refundable. Incomplete applications will not be accepted.
- B. The Police Department will conduct a records check, including criminal and traffic, of all applicants for operators' licenses. If necessary, the records check may include an interview with the applicant or contact with other jurisdictions or third parties to verify or investigate information obtained in the records check. Applications with missing information or incomplete information regarding arrests or convictions shall be rejected. Rejected applications shall be re-assessed the application fee.

- C. The Chief of Police, or the Police Chief's designee, shall provide a recommendation for approval or denial using the criteria listed in section 4.
- D. All recommendations for approval will be placed on the next available Village Board meeting for approval. Licenses will be available for pickup by noon the day following Village Board approval.
- E. All recommendations for denial will be referred to the Public Safety Committee. The Clerk shall forward the license application and any related materials to the Committee. The Clerk shall provide notice to the applicant in writing that he or she should appear before the Committee for individual review of the application. The Public Safety Committee shall provide a review of the application as listed in Section 5.
- F. The committee shall, after interview of the applicant, make a recommendation to either grant or deny an operator's license to the Village Board.
- G. The Village Board shall review the application and recommendation from the Public Safety Committee and make a final determination of granting or denying the license.
- H. If the application is denied by the Village Board, the Village Clerk shall, in writing, inform the applicant of the denial, the reasons therefore, and provide an opportunity for the applicant to request a reconsideration of the application by the Village Board.
- I. If the application is denied again, the Village Clerk shall notify the applicant in writing of the reasons therefor. An applicant who is denied any license may apply to the Circuit Court pursuant to WI Statutes 125.12(2)(D).

SECTION 4: Criteria for Denial

The Chief of Police, or designee, shall provide a review of the criminal history of the applicant, and refer any of the following to the Public Safety Committee for further review and possible recommendation for denial. Due to the discretionary nature of the alcohol beverage license process, it is not possible to state every circumstance that may result in denial of a license application and what circumstances will result in approval of a license application. However, it is possible to enumerate what the PSC will consider in making its recommendation and what circumstances are more likely to result in a denial of a license application. It is also important to note denying an operator's license does not prohibit the employee from serving/selling alcohol; however, it does require that they serve/sell with a licensed operator on the premise.

Guideline 1: 11-74 (c) (1): Arrest and conviction record of the applicant, subject to the limitations imposed by Wis. Stats. §§ 111.321, 111.322, and 111.335, and Wis. Stats. § 125.12(1)(b).

- a) Convictions of two or more misdemeanor crimes in a five year period preceding the date of application.

- b) Conviction of one misdemeanor crime in combination with four ordinance violations egregious traffic violations of public safety concern in the five year period preceding the date of application.

Guideline 2: 11-74 (c) (2): If a licensee is convicted of an offense substantially related to the licensed activity.

Provided the circumstances of the offense substantially relate to the circumstances of the job or licensed activity, any person who has been convicted of or has a current charge pending, for (1) or more offenses within the last five (5) years or for two (2) or more offenses, arising out of separate incidents, within the last ten (10) years in the following subcategories, does not qualify for an operator's license:

- (a) Violent crimes against the person of another, including but not limited to battery, disorderly conduct, sexual assault, injury by negligent use of a vehicle, intimidation of victim or witness.
- (b) Crimes involving cooperation (or lack thereof) with law enforcement officials, including but not limited to, resisting or obstructing a police officer, bribery of public officers/employees, eluding police, bail jumping, hit and run, perjury, or acts/threats of terrorism.
- (c) Manufacturing, distributing, delivering a controlled substance or a controlled substance analog; maintaining a drug trafficking place; possessing with intent to manufacture, distribute, or deliver a controlled substance or a controlled substance analog. Sec. 111.335(1)(cs), Wis. Stats.

Guideline 3: 11-74 (c) (3): An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender.

Provided the circumstances substantially relate to the circumstances of the job, any person who has been convicted of or has a current charge pending, for two (2) or more offenses, arising out of separate incidents, within the last five (5) years immediately preceding the license application in the following subcategories does not qualify for an operator's license:

- (a) Alcohol beverage offenses (under Wis. Stat. Ch. 125 or McFarland Ordinance Ch. 11 - excluding administrative violations such as "failure to post license under glass").
- (b) Operating a motor vehicle with a prohibited alcohol concentration (PAC) in excess of .08% by weight.
- (c) Open intoxicants in public places or in a motor vehicle.

- (d) Possessing a controlled substance, controlled substance analog without a valid prescription, or possessing drug paraphernalia.
- (e) Operating a motor vehicle while under the influence of intoxicants or drugs.
- (f) Disorderly conduct, criminal damage to property, solicitation of prostitution or other prostitution related offenses, wherein the offense involves an incident at a place that is, or should have been licensed under Wis. Stat. Ch. 125.

Additionally, because a license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Village Board, at its discretion, may, based upon an arrest or conviction record of two or more offenses that are substantially related to the licensed activity within the five years immediately preceding, act to suspend such license for a period of one year or more.

Section 5: Public Safety Committee Review of Applications.

The Public Safety Committee shall be responsible for conducting further review of operator's license applications that have criteria from Section 4 as recommended for denial. The committee shall be expected to thoroughly and conscientiously review license applications and consistently apply pertinent laws and ordinances.

The Public Safety Committee may recommend approval of an operator's license application if the applicant presents the PSC with substantial evidence in the form of credible documentation of rehabilitation. Such evidence could include letters of recommendation from Alcohol and Other Drug ("AODA") counselors, probation agents, or other relevant service providers, other professional counselors, certificates and/or letters confirming satisfactory completion of an AODA or other relevant counseling program. Any such letters shall be on the letterhead of the agency offering the recommendation in order for the letter to be considered credible evidence of rehabilitation.

Pursuant to Wis. Stats. § 111.335(4)(d), competent evidence of rehabilitation and fitness to perform the licensed activity may be established by production of any of the following:

- (a) The individual's most recent certified copy of a federal department of defense form DD-214 showing the person's honorable discharge, or separation under honorable conditions, from the U.S. armed forces for military service rendered following conviction for any offense that would otherwise disqualify the individual from the license sought, except that the discharge form is not competent evidence of sufficient rehabilitation and fitness to perform the licensed activity if the individual was convicted of any misdemeanor or felony subsequent to the date of the honorable discharge or separation from military service.
- (b) A copy of the local, state, or federal release document; and either a copy of the relevant department of corrections document showing completion of probation, extended supervision, or parole; or other evidence that at least one year has elapsed since release

from any local, state, or federal correctional institution without subsequent conviction of a crime along with evidence showing compliance with all terms and conditions of probation, extended supervision, or parole.

In addition to the documentary evidence that may be provided above to show sufficient rehabilitation and fitness to perform the licensed activity, the Committee shall consider any of the following evidence presented by the applicant:

- (a) Evidence of the nature and seriousness of any offense of which he or she was convicted.
- (b) Evidence of all circumstances relative to the offense, including mitigating circumstances or social conditions surrounding the commission of the offense.
- (c) The age of the individual at the time the offense was committed.
- (d) The length of time that has elapsed since the offense was committed.
- (e) Letters of reference by persons who have been in contact with the individual since the applicant's release from any local, state, or federal correctional institution.
- (f) All other relevant evidence of rehabilitation and present fitness presented.

The Committee shall decide how much weight and credibility to assign to any evidence of rehabilitation, including but not limited to, whether a record is certified, whether evidence has been corroborated or verified, documentary proof of completion of any counseling or other relevant treatment, and the credibility of statements by the applicant or any witness. In determining the credibility of any statement made by the applicant or any witness, the Committee should consider, among other things, the reasonableness of the statement, possible motives for providing false statements or withholding information, the applicant or witness's conduct and demeanor, the clearness or lack of clearness of the statement, and the cooperation of the applicant or witness in answering any questions posed by the Committee or Village Staff.

For license renewals, a previous determination by the Committee that an applicant has been rehabilitated from certain offenses carries forward; however, these offenses may be re-considered if the applicant has also committed a new offense substantially related to the licensed activity during the current license period.

The Committee shall state reasons for approval or denial for the record.

Possible outcomes include but are not limited to:

1. Recommend approval of the license based on the applicant providing credible evidence of rehabilitation
2. Recommend conditional approval of the license based on the applicant providing substantial, credible evidence of rehabilitation with the following conditions:

- a. There be no more subsequent substantially related offenses for the remainder of the licensing period.
 - b. The applicant be required to pay \$15 dollars, to submit to quarterly background checks to ensure compliance.
3. Recommend application be tabled for a period of XX days. Committee will re-review application at that time. Applicant should be prepared to provide substantial evidence of rehabilitation.
4. Recommend application be denied based on violation of guideline (insert relevant guideline and corresponding ordinance reference).
5. If the applicant fails to appear: recommend the application be placed on file without prejudice (meaning the application can be brought back at any time before the expiration of the license period)



PUBLIC SAFETY COMMITTEE SUMMARY SHEET

MEETING DATE: Wednesday, October 10, 2018

SECTION: Business

DEPARTMENT: Administration

CONTACT: Cassandra Suettinger, Village Clerk/Treasurer

AGENDA ITEM: Discussion and recommendation on the operator's license for Kristin Guimond for the period ending June 30, 2019.

PREVIOUS ACTION:

ISSUE SUMMARY:

This item is the second part of the license hearing process. After conducting the hearing on the recommendation for denial of the license, the Public Safety Committee will make an official recommendation to the Village Board on a new operator's license for Kristin Guimond.

Pursuant to section 5 of the Village Operator's License approval policy the Committee may only recommend approval of an operator's license application if the applicant presents the PSC with substantial evidence in the form of credible documentation of rehabilitation. The committee shall state reasons for approval or denial for the record.

FINANCIAL/BUDGET IMPACT:

N/A

VILLAGE PLAN REFERENCE:

Village Operator's License Review Policy

ORDINANCE REFERENCE:

11-74

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

The Public Safety Committee will make a recommendation to Village Board based on the hearing held in the previous item.

ATTACHMENTS:

None



PUBLIC SAFETY COMMITTEE SUMMARY SHEET

MEETING DATE: Wednesday, October 10, 2018

SECTION: Business

DEPARTMENT: Administration

CONTACT: Chris Dennis, Chief

AGENDA ITEM: Discussion and recommendation on a request from Waubesa Shores Condominiums to grant a variance per section 26-183 of the Village Code of Ordinances in regard to section 26-82 regarding use and storage of grills and other outdoor stoves.

PREVIOUS ACTION:

N/A

ISSUE SUMMARY:

See attached letter from Fire/EMS Chief Chris Dennis

FINANCIAL/BUDGET IMPACT:

N/A

VILLAGE PLAN REFERENCE:

N/A

ORDINANCE REFERENCE:

Village Ordinance 26-82

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

See attached letter from Fire/EMS Chief Chris Dennis.

ATTACHMENTS:

1. Waubesa Shores Waiver Request
2. 20181002 Waubesa Shores Grill Variance

August 28, 2018

The Village of McFarland Public Safety Committee
C/O Chief Chris McDonald
5915 Milwaukee Street
P.O. Box 110
McFarland, WI 53558

Dear Mr. Chris McDonald,

We are requesting a variance per section 26-183 to the ordinance "26-82 Use and storage of grilles and other outdoor stoves" prohibiting grilles on balconies in the Village of McFarland for the Waubesa Shores condominiums. We feel it is a hardship for owners of these units not to be able to grille outdoors on their balconies of their units. It is also a hardship as this has been marketed to buyers with this feature with the understanding that Wisconsin Act 270 established a uniform building code in Wisconsin, and that only ordinances that were grandfathered and passed the State requirements were allowed. Per the list of grandfathered ordinances on the state website there is none listed under the Village of McFarland. This marketing and sales of units were done in good faith that the current 2015 IBC building code allowed grilles on decks with certain conditions which we have met and exceeded. We feel as it is allowed under the IBC 2015 building code (IFC 2015) and with the unique construction of this facility and an automatic sprinkler system there would not be any safety hazard especially with the shut off timers proposed below.

We feel the grilles should be allowed for the following reasons:

1. The entire building including the decks have an automatic sprinkler and the building has a fire alarm system.
2. The ceilings of the decks are 10'-0" high.
3. The balcony walls exterior facing materials are noncombustible of either $\frac{3}{4}$ " thick stone veneer over $\frac{1}{2}$ " cement board, cement siding, glass railing w/ metal supports or glass sliding patio doors.
4. We are not storing gas cylinders but providing a gas line to each deck.
5. We will also be installing fire magic auto safety shut off valves which automatically shuts off the gas flow at a maximum preset one hour time period for additional safety.

Grilles on decks are permitted in the building code per the NFPA 1- 2015 and the IFC 2015

Per the International Fire Code 2015 edition, Section 308, paragraph 308.1.4 Open flame cooking devices: Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet of combustible materials. But is permitted under exception 2: Where buildings, Balconies and decks are protected by an automatic sprinkler system.

And per NFPA 1 (2015 edition)

10.10.6 Cooking Equipment, Section 10.10.6.3: Listed equipment permanently installed in accordance with its listing, applicable codes and manufacturer's instructions shall be permitted.

Sincerely,



Jeff Maertz, Architect, Project Manager
Bouril Design Studio, LLC

Architecture

Interior Design

Master Planning

Design Consultation

Page 1 of 1



McFarland Fire & Rescue Department

5915 Milwaukee Street • PO Box 110 • McFarland, WI 53558-0110
(608) 838-3278 • Fax: (608) 838-3619

Emergency: 911

Date: October 2, 2018

To: McFarland Village Board / Public Safety Committee

From: Chris Dennis, Fire & Rescue Chief

Reference: Variance Request for Waubesa Shores Condominiums

We received information that Waubesa Shores Condominiums advertisement included the units would be provided with a gas grill hook-up on the balconies. We contacted the construction manager and confirmed the advertisement was accurate and advised him of a concern with the local ordinance. McFarland Fire Prevention Ordinance section 26-82 is provided below as reference:

Sec. 26-82. - Use and storage of grills and other outdoor cooking stoves.

- (a) Location of use regulated. No person shall light or otherwise ignite any barbecue grill, hibachi or other stove designed for outdoor use, whether powered by charcoal, liquid propane gas or any other heating source, at any location less than 15 feet from any exterior wall of any structure containing three or more residential dwelling units.
- (b) Storage of grills and other outdoor cooking stoves. The following regulations shall apply to the storage of grills and other outdoor cooking stoves within any structure containing three or more residential dwelling units or any accessory building thereto. No grill powered by liquid propane gas shall be placed inside a garage, basement or any other indoor location unless the liquid propane gas supply source is disconnected from the heat and/or flame producing portion of the grill. No person shall knowingly place a grill containing smoldering charcoal or hot ashes inside a garage, basement or other indoor location.
- (c) Storage of LP gas containers. The standards set forth in NFPA 58-3-4.9.2 are hereby adopted by reference. Containers having water capacities greater than 2½ pound (1Kg) (nominal one pound (0.5 Kg)) LP-gas capacity shall not be placed on a balcony, patio, or any other location less than 15 feet from any exterior wall of any structure containing three or more residential dwelling units.

In the attached letter, it is noted the building is provided with fire sprinklers including the balconies, the balconies have non-combustible finishes, and an automatic shut off valve will be provided. With the features being provided I am able to support a variance being provided to ordinance section 26-82.

Also noted in the letter is the building is in compliance with the building code, and the provision for gas grills does meet the building code. We concur the installation does comply with the Wisconsin Building Code. The Village Fire Prevention Ordinance is not intended to modify the building code and is intended to modify the State of Wisconsin Fire Prevention Code. Additionally, the State of Wisconsin Fire Prevention Code is provided by the Department of Safety and Professional Services (SPS) and is administrative code SPS 314. SPS 314 adopts the National Fire Protection Association Fire Code (NFPA 1) 2012 edition for the inspection, testing, and maintenance of the fire safety features for buildings. NFPA 1 section 10.11.6 prohibits hibachi, grill, or other similar devices from use or storage on any balcony, under any overhanging portion or within 10 feet of any structure that is not a one or two-family dwelling. 10.11.6.3 of NFPA 1 – 2012 does provide an exemption for listed equipment permanently installed in accordance with its listing, applicable codes, and manufacturer's instructions shall be permitted. We have been working with the architect and owner on complying with NFPA 1 – 2012.

In summary, the building will comply with the State of Wisconsin Building code, but will not comply with the Village Fire Prevention Ordinance without a variance being granted and will require permanently installed cooking equipment to comply with the State of Wisconsin Fire Prevention Code. If the conditions aren't met the building can receive a certificate occupancy, but would be required to be cited after the certificate of occupancy is issued if grills are present and the variance is not granted or compliance with NFPA 1 – 2012 is not performed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christopher C. Dennis', with a stylized flourish at the end.

Christopher C. Dennis, Chief
Fire & Rescue Department
Village of McFarland



PUBLIC SAFETY COMMITTEE SUMMARY SHEET

MEETING DATE: Wednesday, October 10, 2018

SECTION: Business

DEPARTMENT: Administration

CONTACT: Craig Sherven, Chief

AGENDA ITEM: Discussion and recommendation on entering into an intergovernmental agreement for operation of a joint crowd control unit with the City of Monona, City of Stoughton, City of Verona, and Village of Oregon.

PREVIOUS ACTION:

ISSUE SUMMARY:

See attached materials. Chief Sherven will report on this item at the meeting.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

ATTACHMENTS:

1. 2018 Crowd Control TaslForceAgreement (002)
2. SET Team Grant Document

**INTERGOVERNMENTAL AGREEMENT
FOR OPERATION OF A JOINT CROWD CONTROL UNIT**

This Intergovernmental Agreement ("Agreement") is made by and between the City of Monona, City of Stoughton, City of Verona, Village of McFarland, and Village of Oregon;

WHEREAS, each of the Parties is a Wisconsin governmental entity having a law enforcement agency as defined in §165.83(1) (b), Wis. Stats.; and

WHEREAS, §66.0301, Wis. Stats., authorizes the Parties to enter into agreements for the provision of services and the joint exercise of governmental powers; and

WHEREAS, §66.0313, Wis. Stats., provides for law enforcement agencies to provide mutual assistance to one another in law enforcement efforts; and

WHEREAS, the Parties have each determined that it is in the public interest to; provide joint services for controlling crowds during events that could adversely affect the safety of persons and properties;

WHEREAS, the Parties have determined that a task force consisting of law enforcement officers from each of the Parties' law enforcement agencies working in concert to carry out those enforcement efforts will provide the most efficient means to undertake such efforts while maintaining adequate general law enforcement services within their respective jurisdictions; and

WHEREAS, the Parties have reached agreement on the terms and conditions under which such a task force will be organized and operated, and intend to memorialize that agreement by this writing;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, the undersigned Parties agree as follows:

1. INTENT. The parties intend by this Agreement to create a task force consisting of two or more law enforcement officers employed by each Party to periodically operate as a single unit for purposes of providing intensive and highly visible crowd control enforcement efforts at a location within the jurisdiction of one or more of the Parties for a designated period of time. The task force will generally concentrate on providing officers that are equipped and trained specifically on maintaining order and safety during crowd events, and may be directed toward other types of law enforcement action if deemed necessary by the Party within whose jurisdiction the task force is operating from time to time. The task force will be supervised by a member of one of the parties as mutually agreed upon by the member agencies.

2. STATUTORY AUTHORITY. This Agreement is entered into by the Parties pursuant to §§66.0301 and 66.0313, Wis. Stats. Except to the extent modified by the terms of this Agreement, the provisions of §66.0313, Wis. Stats. shall govern the relationship between the task force members and the Party within whose jurisdiction the task force is operating at a given time.

3. DEFINITIONS. As used in this Agreement, the following terms, when capitalized, shall have the meaning assigned to them in this section:

(a) **“Agency”** shall mean a law enforcement agency, as defined by §165.83(1)(b), Wis. Stats., created and operating under the authority of a Party to this Agreement;

(b) **“Chief”** shall mean the appointed Chief of Police of each Party, the individual acting as the chief in the event of a vacancy in that position, or a supervisory law enforcement officer employed by a Party who has been delegated by the Chief of that Party with the authority to render all decisions and take all actions delegated to the Chief under this Agreement. Any such delegation shall be effective only when made in writing and delivered to the Chief of each Agency, and may be terminated in like manner by the delegating authority at any time.

(c) **“Employing Agency”** shall mean the Agency regularly employing a particular law enforcement officer who participates in the activities governed by this Agreement.

(d) **“Officer”** shall mean a duly qualified law enforcement officer regularly employed on a full-time or part-time basis, by an Agency, who is serving as a member of the Task Force from time to time.

(e) **“Task Force”** shall mean the multijurisdictional law enforcement team organized and operated under this Agreement.

4. TASK FORCE ORGANIZATION AND OPERATION.

(a) **Assignment of Members.** The Chief of each Agency shall assign at least two Officers to participate as a member of the Task Force for all scheduled operations. All members assigned to the Task Force shall be non-probationary Officers in good standing within the assigning Agency.

(b) **Powers and Duties.** The Task Force shall be assigned to provide intensive enforcement efforts focused on controlling crowds and civil unrest within the jurisdiction of one of the Parties from time to time, as provided in §5, below. While performing services as a member of the Task Force, each Officer shall have full authority to make arrests, issue citations and take other actions with the same authority and legal effect as an officer employed by the Host Agency under this Mutual Aid agreement.

(c) **Command.** The Task Force shall operate under the direction and supervision of the Chief of the Host Agency, or of such supervisory officer of the police department of the Host Jurisdiction designated by the Chief. Notwithstanding the foregoing, any matter of discipline shall be referred to the Chief of the Employing Agency. The Chief/subordinate supervisor of the Host Jurisdiction shall, however, have full authority to immediately terminate the participation of any Officer in operations occurring for any reason, in his or her sole discretion.

5. Mutual Aid Requests. The Chief of each Agency may request Task Force operations within the jurisdiction of his or her on its behalf. All Task Force operations authorized or consented to by the Chief of the Host Agency shall be deemed to be undertaken in response to a mutual aid request pursuant to §66.0313(2), Wis. Stats. Each Chief may, without further authorization from his or her governing body, provide one or more Officers in response to such a request.

6. Governing Board.

(a) Membership. The Governing Board shall be comprised of the Chiefs of five (5) of the Agencies participating in this agreement. The members of the Board shall select one of the members as its chairperson. The chairperson shall schedule a meeting of the Chiefs as deemed necessary to discuss any other business relevant to the Task Force or this Agreement.

(b) Powers and Duties. The Governing Board shall have the authority to coordinate the scheduling and activation of Task Force based on the response need of the unit. The Parties anticipate that most scheduling of training arrangements will be determined by mutual agreement among the Chiefs, but the decision of the Governing Board shall control in the event of a dispute. The Governing Board shall also mediate disputes concerning the interpretation of this Agreement, and make recommendations to the Chiefs on behalf of the Parties for amendments to this Agreement.

7. COMPENSATION OF OFFICERS.

All Officers participating in Task Force activities in a Host Jurisdiction shall be entitled to the same wage, salary, pension, worker's compensation and all other service rights as for services rendered for the Employing Agency within its home jurisdiction. All wages and disability payments, pension and worker's compensation claims, damages to equipment and clothing, and medical expenses arising out of services rendered by an Officer on behalf of the Task Force shall be paid by the Employing Agency unless covered by an applicable insurance policy. The Employing Agency shall indemnify and hold harmless the Host Jurisdiction of and from any and all claims under §66.0513, Wis. Stats. for reimbursement of such expenditures.

8. CLAIMS AND DEFENSE COSTS.

(a) Civil Claims and Liabilities. In the event any Officer is named as a defendant in any action or special proceeding in his or her official capacity, or in his or her individual capacity because of acts committed while carrying out his or her duties as a member of the Task Force, and the court or jury shall find that the Officer was acting within the scope of employment, then the Employing Agency shall pay any judgment for damages and costs entered against the Officer to the extent not covered by insurance, and shall indemnify and hold harmless the Host Jurisdiction from any claims or liability therefor. The Host Jurisdiction shall promptly notify the Employing Agency of the receipt of any notice of circumstances of claim or claim served pursuant to §893.80, Wis. Stats. with respect to any circumstances to which this paragraph applies, and shall cooperate with the Employing Agency in responding to the claim. Any amounts paid by or on behalf of the Host Jurisdiction in compromise or settlement of such claim prior to judgment, or in excess of the amount adjudged due, without the consent of the Employing Agency, shall be deemed a waiver of any right to reimbursement from the Employing Agency for such amounts.

(b) Civil Defense Costs. In any circumstances described in par. (a), regardless of the outcome of the litigation, the Host Agency shall reimburse the Officer for all reasonable attorney fees and costs incurred in defending the action unless one of the following applies:

- i. the Officer has failed to give notice of the action or special proceeding to the Chief of his or her department as soon as reasonably possible;

- ii. the court or jury shall determine that the Officer was not acting within the scope of his or her employment at the time of the acts upon which the claim of liability is based occurred;
- iii. the Host Agency has offered the Officer a legal defense and the offer was declined; or
- iv. the fees and/or costs are paid through an applicable insurance policy.

The Employing Agency, or its insurer, shall have the right to offer and provide, at its sole expense, legal counsel to the Officer on behalf of the Host Jurisdiction. If the Employing Agency shall fail to do so for any reason, it shall reimburse the Host Jurisdiction for all attorney fees and costs paid pursuant to this paragraph upon receipt of an invoice therefor. Prior to making any payment under this paragraph, the Host Jurisdiction shall provide reasonable notice to the Employing Agency of the amount claimed, and shall cooperate with the Employing Agency in any dispute over the reasonableness or necessity of such fees or costs and the obligation to pay such fees and costs under §895.35(2)(b), Wis. Stats. In any case, in which the Employing Agency is responsible for providing a defense or defense costs under this paragraph, any award of costs to the Officer in the action shall be paid to the Agency that paid the costs.

(c) Disciplinary and other Defense Costs. In any case where, as a result of actions by an Officer while participating in Task Force operations, the Officer shall become the subject of any filed charges, or shall be named in an action in his or her official capacity or which may subject the Officer to personal liability, and the Officer shall be entitled to reimbursement of expenses incurred in responding to such charges pursuant to §895.35(1), Wis. Stats., the Employing Agency shall make such payment directly to or on behalf of the Officer, or shall reimburse the Host Jurisdiction in the event the Host Jurisdiction is required to make such payment. Prior to making any payment under this paragraph, the Host Jurisdiction shall provide reasonable notice to the Employing Agency of the amount claimed, and shall cooperate with the Employing Agency in any dispute over the reasonableness or necessity of such fees or costs and the obligation to pay such fees and costs under §895.35(1), Wis. Stats. This paragraph shall not apply to any expenses paid through applicable insurance coverage.

(d) Criminal Defense Costs. The Employing Agency shall promptly reimburse the Host Jurisdiction for any amounts the Host Jurisdiction is required to pay to reimburse an Officer pursuant to §895.35(2), Wis. Stats. for attorney fees in defending criminal charges arising out of services performed in the Host Jurisdiction under this Agreement. Prior to making any such payment under §895.35(2), the Host Jurisdiction shall provide reasonable notice to the Employing Agency of the amount claimed, and shall cooperate with the Employing Agency in any dispute over the reasonableness or necessity of such fees or costs and the obligation to pay such fees and costs. This paragraph shall not apply to any attorney fees paid through applicable insurance coverage.

9. WITHDRAWAL. Any Party may withdraw from this Agreement at any time, provided that withdrawal from further participation in the Task Force activities is consistent with the requirements of any grant funding such participation.

10. ADDITION OF PARTIES. Any municipality, as defined by §66.0301(1)(a), Wis. Stats. may become a party to this Agreement upon approval by the Governing Board. The

governing body of such municipality shall approve, and its appropriate officers shall execute, a counterpart to this Agreement and deliver a copy thereof to all Parties, and shall be deemed a Party hereto upon such delivery.

11. MISCELLANEOUS PROVISIONS.

(a) Governing Law. This Agreement shall be governed by, and construed according to, Wisconsin Law.

(b) Entire Agreement. This Agreement contains the entire understanding of the Parties with respect to the subject matter hereof. This Agreement supersedes all prior negotiations, agreements and undertakings relating thereto.

(c) No Third Party Beneficiaries. This Agreement is intended solely to regulate the obligations of the parties hereto with respect to one another. Nothing in this Agreement is intended to create, admit or imply any liability to any third party or to provide any benefit to any person, firm, corporation or governmental or non-governmental entity not a party to this Agreement.

(d) Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original. Facsimile and e-mail signatures shall be deemed original signatures for all purposes.

(e) Severability. If any one or more of the provisions contained in this Agreement is held to invalid, illegal or unenforceable, such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement.

(f) Sovereign Immunity. This Agreement is intended to facilitate the joint exercise of police powers on behalf of the Parties hereto. Nothing in this Agreement is intended to, nor shall be construed as, a waiver of any governmental or other immunity, or any applicable limitation on damages, available to any Party in an action involving any third party.

(g) Amendments. This Agreement may be amended only by a written instrument executed by all Parties. Notwithstanding the foregoing, the rights and obligations as between any two or more Parties may be modified by a written agreement signed by those Parties, but no such modification shall affect any Party not a party to such modification agreement.

(h) Neutral Construction. The parties acknowledge that this Agreement is the product of negotiations between the parties and that, prior to the execution hereof, each party has had full and adequate opportunity to have this Agreement reviewed by, and to obtain the advice of, its own legal counsel with respect hereto. Nothing in this Agreement shall be construed more strictly for or against, any party because that party's attorney drafted this Agreement or any part hereof.

12. TERM AND TERMINATION. This Agreement shall take effect on the date of the last signature in the signature blocks below, and shall terminate upon the effective date of withdrawal by any Party, as provided in section 9 hereof of, if such withdrawal shall result in the number of Parties hereto being reduced to less than five (5), or on December 31, 2020, whichever occurs first.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the dates listed in the signature blocks below.

CITY OF STOUGHTON

By: _____

Timothy Swadley, Mayor (date)

By: _____

Gregory Leck, Chief of Police (date)

VILLAGE OF MCFARLAND

By: _____

Brad Czebotar, President (date)

By: _____

Craig Sherven, Chief of Police

VILLAGE OF OREGON

By: _____

Steve Staton, President (date)

By: _____

Brian Uhl, Chief of Police

CITY OF VERONA

By: _____

Luke Diaz, Mayor (date)

By: _____

Bernie Coughlin, Chief of Police (date)

CITY OF MONONA

By: _____

Mayor, Mary O'Connor

By: _____

Walter Ostrenga, Chief of Police

10-01-18



STATE OF WISCONSIN
DEPARTMENT OF MILITARY AFFAIRS
DIVISION OF EMERGENCY MANAGEMENT

Brian M. Satula
Administrator

Scott Walker
Governor

August 29, 2018

Gregory Leck, Police Chief
Stoughton Police Department
321 South 4th Street
Stoughton, WI 53589

RE: Emergency Police Services/Mobile Field Force
WEM Grant Number: 2018-MFF-01-11175

Dear Chief Leck:

Congratulations! I have approved a grant award to City of Stoughton in the amount of \$11,697. These funds are from WEM's Emergency Police Services Program available through the State of Wisconsin WI Stat § 323.62. This grant supports the City of Stoughton Emergency Police Services/Mobile Field Force project.

As Project Director, you will be responsible for seeing that funds are administered according to the approved application materials in Egrants and the agreement and assurances submitted as part of the application process. You are also responsible for all reporting requirements outlined in the funding announcement and the Equipment Grant Summary Sheet enclosed with this letter.

Please feel free to reach out to the Program Manager or Fiscal Contact with any questions regarding your grant and responsibilities. If for any reason, you no longer wish to receive this grant, please contact the Program Manager as soon as possible.

We look forward to a collaborative working relationship with you.

Sincerely,

Brian M. Satula, Administrator
Wisconsin Emergency Management

**WISCONSIN EMERGENCY MANAGEMENT
Mobile Field Force (MFF)
Equipment Grant Summary Sheet**

Date: August 29, 2018

Grantee: City of Stoughton State ID: 323.62

Project Title: Emergency Police Services/Mobile Field Force

Grant Period: From September 1, 2018 To December 13, 2018

Grant no. : 2018-MFF-01-11175 Award amount: \$11,697

Grantee Contact Information:

Project Director: **Gregory Leck, Police Chief**

Phone number: **608-873-4057**

Address: **Stoughton Police Department
321 South 4th Street
Stoughton, Wisconsin 53589**

Signing Official: **Mayor Timothy Swadley, Mayor
City of Stoughton
381 East Main Street
Stoughton, Wisconsin 53589**

Grantor Contact Information:

Name of Program Manager: **Dallas Neville**

Phone number: **(608) 444-0003**

Email: Dallas.Neville@wisconsin.gov

Name of Fiscal Contact: **Becky Thompson**

Phone number: **608-242-3236**

Email: Rebecca2.thompson@wisconsin.gov

WISCONSIN EMERGENCY MANAGEMENT
Mobile Field Force (MFF)
Equipment Grant Summary Sheet continued

Grantee:	City of Stoughton	Date:	August 29, 2018
Project Title:	Emergency Police Services/Mobile Field Force		
Grant No.	2018-MFF-01-11175		

APPROVED BUDGET

State Share of Equipment

Items >\$5,000 and therefore applies to State Procurement Rules

State Share of Supplies & Operating Expenses

Items ≤\$5,000 not requiring a Purchase Order

\$11,697.00

TOTAL STATE BUDGET (80%)

\$11,697.00

Local Share (20%)

\$2,924.25

Total Approved Budget

\$14,621.25

AWARD GENERAL CONDITIONS

- Grant funds cannot be used to supplant local funds. They must increase the amount of funds that would otherwise be available from local resources.
- To be allowable under a grant program, costs must be obligated (purchase order issued) or incurred during the grant performance period. If obligated by the end of the grant period, payment must be made within 30 days of the grant period ending date.
- Any changes to the grant require **prior** approval from WEM through a modification submitted and approved in Egrants. Changes requiring a modification may include but are not limited to Budget, Scope of Project, Period of Performance, Project Director, Fiscal Manager, and/or Performance Measures.
- Funds for equipment will be disbursed at no more than eighty (80) percent of actual costs and not to exceed the maximum award granted.
- Grant funds will be disbursed by WEM upon completion of approved Program Report(s), Fiscal Report(s) and proper supporting documentation.
 - Copies of legal agreements as deemed necessary which may include Contracts, Interdepartmental Agreements and Memorandums of Understanding (MOU) among collaborating agencies.
 - A Request for Reimbursement Form (G-2) completed and signed by the Project Manager and Fiscal Manager listed in Egrants for your agency. The G-2 form may be found at:
<http://emergencymanagement.wi.gov/egrants/forms.asp>.
 - Proof of payment and actual expenses which include but are not limited to paid vendor invoices and receipts. Taxes are not allowable.
- Recipients and subrecipients shall use their own procurement procedures and regulations, provided that the procurement conforms to applicable state law and procurement standards.
- All income generated as a direct result of a grant-funded project shall be deemed program income. Program income must be used for the purpose and under the conditions applicable to the award. Program income should be used as earned and accounted for in your reimbursement request.



STATE OF WISCONSIN
DEPARTMENT OF MILITARY AFFAIRS
DIVISION OF EMERGENCY MANAGEMENT

Brian M. Satula
Administrator

Scott Walker
Governor

August 29, 2018

Gregory Leck, Police Chief
Stoughton Police Department
321 South 4th Street
Stoughton, WI 53589

RE: Emergency Police Services/Mobile Field Force Training
WEM Grant Number: 2018-MFF-02-11197

Dear Chief Leck:

Congratulations! I have approved a grant award to City of Stoughton in the amount of \$4,901. These funds are from WEM's Emergency Police Services Program available through the WI Stat § 323.62. This grant supports the City of Stoughton Emergency Police Services/Mobile Field Force Training project.

As Project Director, you will be responsible for seeing that funds are administered according to the approved application in Egrants which includes the signed agreement and assurances submitted as part of the application process. You are also responsible for all reporting and requirements outlined in the funding announcement as well as the Grant Summary Sheet and General Conditions enclosed with this letter. Please review these documents and contact the Program Manager or Fiscal Contact with any questions regarding your grant and responsibilities.

If for any reason, you no longer wish to receive this grant, please contact the Program Manager as soon as possible.

We look forward to a collaborative working relationship with you.

Sincerely,

Brian M. Satula, Administrator
Wisconsin Emergency Management

**WISCONSIN EMERGENCY MANAGEMENT
Mobile Field Force (MFF)
Training Grant Summary Sheet**

Date: August 29, 2018

Grantee: City of Stoughton State ID: 323.62

Project Title: Emergency Police Services/Mobile Field Force Training

Grant Period: From September 1, 2018 To March 31, 2019

Grant Number: 2018-MFF-02-11197 Award: \$4,901

Grantee Contact Information:

Project Director: **Gregory Leck, Police Chief**

Phone number: **608-873-4057**

Address: **Stoughton Police Department
321 South 4th Street
Stoughton, Wisconsin 53589**

Signing Official: **Mayor Timothy Swadley, Mayor
City of Stoughton
381 East Main Street
Stoughton, Wisconsin 53589**

Grantor Contact Information:

Program Manager: **Dallas Neville**

Phone number: **608-444-0003**

Email: Dallas.Neville@wisconsin.gov

Fiscal Contact: **Becky Thompson**

Phone number: **608-242-3236**

Email: Rebecca2.thompson@wisconsin.gov

WISCONSIN EMERGENCY MANAGEMENT
Mobile Field Force (MFF)
Training Grant Summary continued

Grantee:	City of Stoughton	Date:	August 29, 2018
Project Title:	Emergency Police Services/Mobile Field Force Training		
Grant no.	2018-MFF-02-11197		

APPROVED BUDGET

Travel (Including Training)	\$2,080.00
Supplies & Operating Expenses	
Consultants	\$2,821.00
Total State Budget (100%)	\$4,901.00
Local Share (0%)	0.00
Total Approved Budget	\$4,901.00

AWARD GENERAL CONDITIONS

1. Grant funds cannot be used to supplant local funds. They must increase the amount of funds that would otherwise be available from local resources.
2. To be allowable under a grant program, costs must be obligated (purchase order issued), or paid for services provided, during the grant performance period. If obligated by the end of the grant period, payment must be made within 30 days of the grant period ending date.
3. Any changes to the grant require prior approval from WEM through a modification submitted and approved in Egrants. Changes requiring a modification may include but are not limited to Budget, Scope of Project, Period of Performance, Project Director, Fiscal Manager, and/or Performance Measures.
4. Grant funds will be disbursed by WEM upon completion of approved Program Report(s), Fiscal Report(s) and proper supporting documentation.
 - a. Copies of legal agreements as deemed necessary which may include Contracts, Interdepartmental Agreements and Memorandums of Understanding (MOU) among collaborating agencies.
 - b. Training rosters (Must reflect all participants as it will be used to verify head count for meal items submitted for reimbursement)
 - c. Training agendas (Should reflect whether lunch/meals were provided)
 - d. A Request for Reimbursement Form (G-2) completed and signed by the Project Manager and Fiscal Manager listed in Egrants for your agency. The G-2 form may be found at:
<http://emergencymanagement.wi.gov/egrants/forms.asp>.
 - e. Proof of payment and actual expenses which include but are not limited to paid vendor invoices and receipts. Taxes are not allowable.
5. Recipients and subrecipients shall use their own procurement procedures and regulations, provided that the procurement conforms to applicable State law and Procurement Standards.
6. All income generated as a direct result of a grant-funded project shall be deemed program income. Program income must be used for the purpose and under the conditions applicable to the award. Program income should be used as earned and expended as soon as possible. If the cost is allowable under the Federal grant program, then the cost would be allowable using program income. All program income must be reported to WEM on the G-2 form.



PUBLIC SAFETY COMMITTEE SUMMARY SHEET

MEETING DATE: Wednesday, October 10, 2018

SECTION: Business

DEPARTMENT: Administration

CONTACT: Craig Sherven, Chief

AGENDA ITEM: Discussion and recommendation on a request to consider speed limit signs in the Glen Road neighborhood

PREVIOUS ACTION:

At the August 8th Public Safety Committee meeting Rachel Fischer-Kay, appeared before the Committee to request a 15 mph speed limit sign for her neighborhood.

ISSUE SUMMARY:

This item is to formally take up the request from Ms. Fischer-Kay to provide a 15 mph speed limit sign for her neighborhood.

FINANCIAL/BUDGET IMPACT:

N/A

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

Sec. 35-97. - Speed limits modified.

With the approval of the Wisconsin Department of Transportation, the speed limits set forth in Wis. Stats. § 346.57(4)(e), (f) and (g), are decreased as hereinafter set forth upon the following streets or portions thereof:

- (a) Fifteen miles per hour on the one way alley known as Card Avenue.
- (b) Fifteen miles per hour on Lake Edge Road from South Court northeasterly to Severson Street and 15 miles per hour on the remainder of the street up to Larson Beach Road.
- (c) Fifteen miles per hour on Beckler Street.
- (d) Fifteen miles per hour on Field Avenue.
- (e) Fifteen miles per hour on Larson Street.
- (f) Fifteen miles per hour on Glen Road.
- (g) Fifteen miles per hour on Lakeview Street.
- (h) Fifteen miles per hour on Wisconsin Avenue.
- (i) Fifteen miles per hour on Bellevue Court.
- (j) Fifteen miles per hour on Ivywood Trail.



BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

ATTACHMENTS:

None



PUBLIC SAFETY COMMITTEE SUMMARY SHEET

MEETING DATE: Wednesday, October 10, 2018

SECTION: Business

DEPARTMENT: Administration

CONTACT: Craig Sherven, Chief

AGENDA ITEM: Discussion and recommendation on an ordinance amendment to sec. 35-159 of the Village ordinance regarding parking heavy vehicles, boats, trailers, and recreation vehicles on public streets and private property.

PREVIOUS ACTION:

N/A

ISSUE SUMMARY:

We are continuing to look into updating our ordinances pertaining to street parking of trailers. The Village Attorney has reviewed current Village Ordinance and put forth two versions of revisions related to street parking, including vehicles. The intent of the drafted ordinance is to amend the ordinances to reflect how the Village enforces the issue.

There are two versions attached for consideration.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

ATTACHMENTS:

1. Version 1- Full Changes to Parking Code 9-25-18
2. Version 2- Limited Changes to Parking Code 9-25-18

NOTE ON CHANGES. The following ordinance combines current sections 35-149, general parking restrictions, and 35-159, parking restrictions concerning heavy vehicles. These changes are not redlined because most of ordinance is rewritten. Paragraphs (f) and (g) below remain substantially unchanged from current restrictions in section 35-149. This new ordinance increases the time vehicles, boats and campers may be parked in front of an owner's residence. Non-commercial trailer parking has been reduced to eight hours, to prohibit overnight parking. A conflict between the current version of sections 35-149 and 35-159 has also been removed by these revisions, specifically the different times vehicles and trailers may be parked. Section 35-159 is eliminated since its restrictions are now incorporated into 35-149, and section 35-362, which concerns abandoned vehicles, is amended to reflect that a vehicle may be parked up to seven days in front of its owner's residence.

Sec. 35-149. – Parking Restrictions.

(a) As used in this Section:

(1) The term "vehicle" means all automobiles, motorcycles, mopeds, sports utility vehicles, vans, pickup trucks weighing 12,000 pounds or less and recreational vehicles weighing 12,000 pounds or less and not exceeding 18 feet in length.

(2) The term "commercial vehicle" means all commercial freight trailers, semi-trailers, tractor-trailers, truck tractors, tow trucks, motor trucks, semi-trucks, buses, dump trucks, delivery vehicles, auto-wreckers, road equipment, pickup trucks exceeding 12,000 pounds and recreational vehicles weighing over 12,000 pounds or exceeding 18 feet in length.

(b) *Street parking of vehicles and commercial vehicles.* No person, firm or corporation owning or having control of any vehicle or commercial vehicle shall park the same on any highway, street, or public right-of-way in the Village in violation of this Subsection.

(1) Vehicles may be parked on a highway or street only under the following conditions:

a. Vehicles may not be parked in a manner that interferes with the free flow of traffic or creates any obstruction that constitutes a safety hazard. A vehicle may not exceed 8 feet in height or width, including any attachments such as roof carriers.

b. Vehicles may not be parked in one location for more than 24 hours, except that in residential districts a vehicle may be parked up to seven (7) days in front of the vehicle owner's residence and on his or her side of the street, or in front of another residence with written permission from that residence's owner or tenant.

c. Vehicles must be parked in a safe manner to prevent rolling.

d. Cargo attached to a vehicle must be properly secured.

e. Vehicles must be kept locked when unoccupied.

f. Vehicles must be in a good state of repair and in operating condition. Vehicles must be resting upon all factory intended tires and rims that are properly inflated, attached and secured to the vehicle, and may not be resting upon any type of jack, jack-stand, block, or suspended from the ground by any means. This paragraph does not preclude the temporary parking of a vehicle while a flat tire is actively being repaired or while the operator is waiting for the vehicle to be towed.

g. Vehicles must be parked in compliance with all other laws, ordinances and regulations, including alternate side parking and snow emergency regulations, and in compliance with any direction or order of the Police Department or Public Works Department.

h. Vehicles may not be parked in a manner that blocks access to any mailbox, driveway, sidewalk or sidewalk access ramp, designated bike lane, fire hydrant, or utility access point.

(2) Commercial vehicles may be parked up to two (2) hours in a 24-hour period on any highway or street, subject to the following restrictions:

a. Commercial vehicles may not be parked in a manner that interferes with the free flow of traffic or creates any obstruction that constitutes a safety hazard.

b. Commercial vehicles must be parked in a safe manner to prevent rolling.

c. Commercial vehicles must be kept locked when unoccupied.

d. Commercial vehicles must be parked in compliance with all other laws, ordinances and regulations, including alternate side parking and snow emergency regulations, and in compliance with any direction or order of the Police Department or Public Works Department.

e. Commercial vehicles may not be parked in a manner that blocks access to any mailbox, driveway, sidewalk or sidewalk access ramp, designated bike lane, fire hydrant, or utility access point.

f. Commercial vehicles may not be parked in any area zoned residential between the hours of 6:00 p.m. and 7:00 a.m.

Nothing in this paragraph shall be deemed to prohibit the lawful parking of commercial vehicles for the actual loading or unloading of goods, wares or merchandise, providing, however, the loading and unloading, as used in this paragraph, shall be limited to the actual time consumed in such operation.

(c) Street parking of Boats, Camper Trailers, Trailers and Off-Road Vehicles.

(1) *General restrictions.* No person, firm or corporation owning or having control of any boat, trailer, camper trailer, snowmobile or other off-road vehicle shall park the same upon any highway, street or public right-of way in the Village unless otherwise authorized in this Subsection.

(2) *Residential Parking Permitted for Boats and Camper Trailers.* Boats and camper trailers may be parked upon a highway or street in the Village zoned residential only under the following conditions:

a. Boats and camper trailers may not be parked in a manner that interferes with the free flow of traffic, or blocks access to any mailbox, driveway, sidewalk or sidewalk access ramp, designated bike lane, fire hydrant, or utility access point. Boats and camper trailers may not be parked directly across the street from another boat or camper trailer unless at least 50 feet of space exists between them.

c. Boats and camper trailers may not be parked in one location for more than 24 hours, except that the same may be parked up to seven (7) days in front of its owner's residence and on his or her side of the street, or in front of another residence with written permission from that residence's owner or tenant.

d. Boats and camper trailers may not be parked during the time period commencing December 1st and ending March 30th.

e. Boats and camper trailers must have a wheel chock or other suitable blocking to prevent rolling.

f. Boats and camper trailers may not exceed 8 feet in height or 8 feet in width, or exceed 12,000 pounds in weight, including any load on the camper trailer.

g. Boats and camper trailers may not exceed 18 feet in length, or 21 feet in length for boats when including an outboard motor and ball mount of the boat trailer.

h. Boats must be covered with a taut boat cover, with no visible loose gear, including seating, fishing equipment, life preservers and coolers.

i. Camper trailers must be kept locked. Pop-up camper trailers must be kept closed.

j. Boats and camper trailers must be parked in compliance with all applicable parking regulations and in compliance with any direction or order of the Police Department or Public Works Department.

k. Boats and camper trailers must display current registration and/or licensure plates or tags whenever applicable.

l. Boats and camper trailers must be in a good state of repair and in operating condition, and must not be rusted, unpainted, covered in grime, dirt, mud, algae, seaweed, or other filth. Boat and camper trailers must be resting upon all factory intended tires and rims that are properly inflated, attached and secured, and may not be resting upon any type of jack, jack-stand, block, or suspended from the ground by any means. This paragraph does not preclude the temporary parking of the same while a flat tire is actively being repaired or while the operator is waiting for towing.

m. No boat or camper trailer shall be left connected to a tow vehicle for more than 24 hours.

Nothing in this paragraph shall be deemed to prohibit the temporary parking of a boat or camper trailer while the owner is actively loading and unloading the same.

(3) *Temporary Trailer Parking.* Trailers that are not commercial vehicles may be parked up to eight (8) hours in a 24-hour period on any highway or street, subject to the following restrictions:

a. Trailers may not be parked in a manner that interferes with the free flow of traffic or creates any obstruction that constitutes a safety hazard.

b. Trailers must be parked in a safe manner to prevent rolling.

c. Trailers must be parked in compliance with all other laws, ordinances and regulations, including alternate side parking and snow emergency regulations, and in compliance with any direction or order of the Police Department or Public Works Department.

d. Trailers may not be parked in a manner that blocks access to any mailbox, driveway, sidewalk or sidewalk access ramp, designated bike lane, fire hydrant, or utility access point.

e. Trailers may not be parked in any area zoned residential between the hours of 6:00 p.m. and 7:00 a.m.

Nothing in this paragraph shall be deemed to prohibit the temporary parking of a trailer while the owner is actively loading and unloading the same.

(4) *Snowmobile and Off-Road Vehicle Parking Prohibited.* No snowmobile or other off-road vehicle may be parked upon any street or highway.

(d) *Storage on private property.* No person, firm or corporation shall park, keep or maintain on private property in the Village zoned residential any commercial vehicle. No person, firm or corporation shall park, keep or maintain on private property in the Village zoned residential any boat, trailer or camper trailer in excess of 12,000 pounds gross weight, or over 18 feet in length (over 21 feet in length for boats when including the outboard motor and ball mount of the boat trailer). The restrictions of this paragraph apply whether or not the item is parked in an enclosed building on the premises. Nothing in this paragraph prevents the temporary parking of a commercial vehicle, boat, trailer or camper on private property while the same is being actively loaded or unloaded, or while the premises are being serviced by the commercial vehicle's owner.

(e) *Removal.* Any vehicle, commercial vehicle, boat, trailer, camper trailer, snowmobile or other off-road vehicle unlawfully parked on any street, avenue or public right-of-way in the Village may be removed by order of a law enforcement officer, pursuant to Section 35-163, and the expense of so moving and storing such item shall be paid by the operator or owner of said item, in addition to the penalties hereafter prescribed.

(f) *Posted limitations.*

(1) The Village Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Village shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Wis. Stats. § 349.13.

(2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, no person shall stop or park a vehicle or commercial vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle or commercial vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code.

(3) The Chief of Police is hereby granted the authority, within the reasonable exercise of police power to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles and commercial vehicles beyond the provisions of Wis. Stats. Ch. 346. The Director of Public Works shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.

(4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.

(5) After the parking limitations on any given street have expired, any change of location of not more than one stall following expiration of the parking period allowed shall be and constitute a violation of this Chapter.

(g) *Unregistered vehicles.* Pursuant to the authority granted under Wis. Stats. § 341.65(2)(a), no person, firm or corporation shall park or leave standing any vehicle or commercial vehicle on any public highway that is not displaying valid registration plates, a temporary operation plate or other evidence

of valid registration as provided under Wis. Stats. § 341.18(1) for the vehicle's current registration period or for a registration period for the vehicle that expired within the immediately preceding 31 days.

Sec. 35-159 is repealed.

Section 35-362 is amended as follows:

Section 35-362. - Abandoned vehicles; procedures.

- (a) *Definitions.* The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Subsection, except where the context clearly indicates a different meaning:
- (1) *Street.* Any public highway or alley and the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular traffic.
 - (2) *Unattended.* Unmoved from its location with no obvious sign of continuous human use.
 - (3) *Vehicle.* A motor vehicle, trailer, semitrailer or mobile home, whether or not such vehicle is registered under Wisconsin law.
- (b) *Abandonment of vehicles prohibited.* No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Village for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any such vehicle has been left unattended on any street or highway in the Village or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than 72 hours, or more than seven (7) days if left in front of the vehicle owner's residence, the vehicle shall be deemed abandoned and constitutes a public nuisance. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view or when designated as not abandoned by the Chief of Police or the Building Inspector or their designees.
- (c) *Presumptions.* For purposes of this Section, the following irrebuttable presumptions shall apply: Any vehicle left unattended for more than 72 hours, or more than seven (7) days if left in front of the vehicle owner's residence, on any public street or public ground or left unattended for more than 72 hours on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance; provided, that the vehicle shall not be deemed abandoned under this Subsection if left unattended on private property and is enclosed within a building, or if designated as not abandoned by the Chief of Police.
- (d) *Enforcement procedures.* Any vehicle that qualifies as abandoned under Subsection (b) of this Section shall first be placarded with a notice indicating the abandonment of the vehicle. Thereafter, the Chief of Police or designee shall send a notice of abandonment by mail to the owner and lienholders of record as reflected by the registration records of the Wisconsin Department of Transportation. If the vehicle remains in approximately the same location for at least 72 hours after placarding and 48 hours after the mailing of notice of abandonment, the Police Department may issue a vehicle abandonment citation and tow the vehicle.
- (e) *Exception for emergencies.* The procedure in Subsection (d) of this Section shall not apply if the vehicle in question is blocking a driveway, in a posted tow away zone, blocking traffic or is impeding snow plowing operations during a snow emergency. In such situations, the vehicle may be issued a citation and towed immediately, and the vehicle shall be returned to the owner upon the owner's application without being cited under this Section.
- (f) *Exception for deserted vehicles.* The procedure in Subsection (d) of this Section shall not apply if the vehicle in question both:
- (1) Is in disrepair (including, but not limited to, incapable of present locomotion, lack of engine, on blocks, without tires); and

- (2) Lacks valid registration plates.

Then the vehicle may be issued a citation and towed without the pre-seizure notice required in Subsection (d) of this Section, and the post-seizure procedures set forth in this Section shall apply.

- (g) *Deposit; release of vehicle.* All vehicle abandonment citations shall be retained by the Police Department for personal service on the owner or lienholder of record when such person appears at the Police Department. At the time of personal service, the individual requests a court date, the individual shall deposit such individual's valid Wisconsin operator's license or money in the citation amount with the Police Department, and the procedures in Wis. Stats. §§ 345.34 to 345.47 shall apply. In either case, the vehicle shall be released to the individual.
- (h) *Disposal of abandoned vehicle.*
- (1) If no one appears to reclaim the towed vehicle within ten days after the vehicle is towed, the vehicle shall be appraised. If the vehicle's value is appraised at or at less than \$100.00 or if the vehicle is in excess of 19 model years of age, or it is deemed by the Police Department that the cost of towing and storage charges would exceed the value of the vehicle, the Police Department shall send a registered mail notice to the owner and lienholder informing them that if the vehicle is not reclaimed within ten days of the date of receipt of the notice, the vehicle will be junked or sold. If the vehicle's value is appraised at more than \$100.00, the Police Department shall send registered mail notice to the owner and lienholder, informing them that, upon their failure to reclaim the vehicle within ten days, such failure is construed as a waiver of all right, title and interest in the vehicle and a consent to the sale of the vehicle. Such sale shall be by sealed bid and shall conform substantially to the procedure set forth in Wis. Stats. § 342.40(3)(c). In either case, if an individual does appear to reclaim the vehicle, the deposit and release procedure set forth in Subsection (g) of this Section shall apply.
- (2) The notice sent under Subsection (h)(1) of this Section shall notify the owner of record of the right to reclaim personal property contained in the towed vehicle without payment of any kind upon proof of identification and ownership.
- (3) If a person reclaiming the vehicle does not pay the forfeiture at that time and fails to appear in court at the time specified in the citation, the procedure set forth in Wis. Stats. § 345.28(4), and Section 35-248 shall apply.
- (i) *Violations.* Any person violating this Section shall forfeit not less than \$20.00 nor more than \$100.00 for each violation. The forfeiture for violation of this Section shall be in addition to any other nonmoving traffic violations assessed to the vehicle. The Village shall not separately charge the owner for any costs attributable to towing or storing the vehicle.
- (j) *Collector vehicle exception.* The procedure in Subsection (d) of this Section shall not apply to vehicles owned by individuals holding licenses from the Wisconsin Department of Transportation as a collector pursuant to Wis. Stats. § 341.266, or as a hobbyist pursuant to Wis. Stats. § 341.268, provided the licensed collector or hobbyist stores the vehicle on such licensed collector or hobbyist's property and the vehicle and outdoor storage area are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means.

(Code 1998, § 10-5-1)

State Law reference— Abandoning vehicles prohibited, Wis. Stats. § 342.40.

NOTE ON CHANGES. The following ordinance keeps current sections 35-149, general parking restrictions, and 35-159, parking restrictions concerning heavy vehicles, as separate ordinances. The proposed changes are redlined. These proposed changes are not comprehensive as compared with the alternative ordinance, most notably there are fewer regulations concerning vehicle parking. Trailer parking is permitted up to 24 hours, but camper trailers and boats may be parked up to seven days in front of the owner's residence.

A conflict between the current version of sections 35-149 and 35-159 has also been removed by these revisions, specifically the different times a vehicle or trailer may be parked. Section 35-362, which concerns abandoned vehicles, is amended to reflect that a vehicle may be parked up to seven days in front of its owner's residence.

Sec. 35-149. - Restrictions on parking; posted limitations.

- (a) ~~Twenty-four-hour~~General limitation. No person, firm or corporation shall park or leave standing any automobile, truck, tractor, ~~trailer~~ or vehicle of any description on any public street or public parking lot in the Village for a period of 24 or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established the more restrictive limits shall apply. Notwithstanding the foregoing, automobiles, including SUVs, vans, and non-commercial trucks of 12,000 pounds or less, may be parked in residential areas up to seven (7) days in front of the vehicle owner's residence and on his or her side of the street, or in front of another residence with written permission from that residence's owner or tenant.
- (b) *Posted limitations.*
 - (1) The Village Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Village shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Wis. Stats. § 349.13.
 - (2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code.
 - (3) The Chief of Police is hereby granted the authority, within the reasonable exercise of police power to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of Wis. Stats. Ch. 346. The Director of Public Works shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.
 - (4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.
 - (5) After the parking limitations on any given street have expired, any change of location of not more than one stall following expiration of the parking period allowed shall be and constitute a violation of this Chapter.
- (c) *Unregistered motor vehicles.* Pursuant to the authority granted under Wis. Stats. § 341.65(2)(a), no person, firm or corporation shall park or leave standing any motor vehicle on any public highway that is not displaying valid registration plates, a temporary operation plate or other evidence of valid

registration as provided under Wis. Stats. § 341.18(1) for the vehicle's current registration period or for a registration period for the vehicle that expired within the immediately preceding 31 days.

(Code 1998, § 10-1-20; Ord. No. 2014-19, § 1, 12-8-2014)

Sec. 35-159. - Parking of vehicles over 12,000 pounds or 18 feet restricted; storage of heavy vehicles on private property; boat, camper trailer and trailer parking.

(a) *Street parking.*

- (1) No person owning or having control of any truck, trailer, truck power unit, tractor, bus or recreation vehicle in excess of 12,000 pounds gross weight, or over 18 feet in length, or having an enclosed area of a height of more than eight feet from the roadway, shall park the same upon any street, avenue-highway or public right-of-way in the Village zoned residential between the hours of 6:00 p.m. and 7:00 a.m. Two-hour parking will be allowed in residential areas between 7:00 a.m. and 6:00 p.m. The provisions of this Subsection shall not be deemed to prohibit the lawful parking of such equipment upon any street, avenue-highway or public way in the Village for the actual loading or unloading of goods, ware or merchandise, providing, however, the loading and unloading, as used in this Section, shall be limited to the actual time consumed in such operation. The Village Board may, however, designate specific truck parking zones.
- (2) Boats, boat trailers, animal trailers, camper trailers, snowmobiles, snowmobile trailers and other unmotorized trailers, or off-road motor vehicles shall not be parked upon any street or highway, avenue, or public right-of-way for more than 72-24 hours. Notwithstanding the foregoing, boats and camper trailers may be parked on residential streets up to seven (7) days in front of its owner's residence and on his or her side of the street, or in front of another residence with written permission from that residence's owner or tenant. No boat, trailer, camper trailer, snowmobile or other off-road vehicle may be parked on any street or highway unless parked in compliance with the following:
 - a. Snowmobiles and other-off road vehicles may not be parked directly on a street but must be kept on a trailer.
 - b. Boats, trailers, and camper trailers may not be parked in a manner that interferes with the free flow of traffic, or blocks access to any mailbox, driveway, sidewalk or sidewalk access ramp, designated bike lane, fire hydrant, or utility access point. Boats, trailers, and camper trailers may not be parked directly across the street from another boat, trailer or camper unless at least 50 feet of space exists between them.
 - c. Boats, trailers, and campers may not be parked during the time period commencing December 1st and ending March 30th.
 - d. Boats, trailers and campers must have a wheel chock or other suitable blocking to prevent rolling.
 - e. Boats, trailers and campers may not exceed 8 feet in height or 8 feet in width, or exceed 12,000 pounds in weight, including any load on the trailer or camper.
 - f. Boats, campers and trailers may not exceed 18 feet in length, or 21 feet in length for boats when including an outboard motor and ball mount of the boat trailer.
 - g. Boats must be covered with a taut boat cover, with no visible loose gear, including seating, fishing equipment, life preservers and coolers.

h. Campers and enclosed trailers must be kept locked. Pop-up campers must be kept closed.

i. Boats, trailers and campers must be parked in compliance with all applicable parking regulations and in compliance with any direction or order of the Police Department or Public Works Department.

j. Boats, trailers and campers must display current registration and/or licensure plates or tags whenever applicable.

k. Boats, trailers and campers must be in a good state of repair and in operating condition, and must not be rusted, unpainted, covered in grime, dirt, mud, algae, seaweed, or other filth. Trailers and campers must be resting upon all factory intended tires and rims that are properly inflated, attached and secured, and may not be resting upon any type of jack, jack-stand, block, or suspended from the ground by any means. This paragraph does not preclude the temporary parking of a trailer or camper while a flat tire is actively being repaired or while the operator is waiting for the camper or trailer to be towed.

l. No boat, trailer, camper, or off-road vehicle shall be left connected to a tow vehicle for more than 24 hours.

- (b) *Storage of truck tractors and road machinery on private property.* No person, firm or corporation shall park, keep or maintain on property in an urban residential district for residential use the following types of vehicles: trucks, truck tractors, tractor-trailers, semi-tractors, dump trucks, auto wreckers and road machinery in excess of 12,000 pounds gross weight, or over 18 feet in length, or having an enclosed area of a height of more than eight feet. Said vehicles may not be kept or parked on said premises whether or not they are in enclosed buildings, except temporarily for the purposes of unloading or servicing the premises.
- (c) *Removal.* Any vehicle unlawfully parked under Subsection (a) or (b) of this Section may be removed from the street by order of a law enforcement officer, pursuant to Section 35-163, and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a forfeiture in addition to the penalties hereafter prescribed.

(Code 1998, § 10-1-29; [Ord. No. 2018-01](#), § 15, 3-26-2018)

Sec. 35-362. - Abandoned vehicles; procedures.

- (a) *Definitions.* The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Subsection, except where the context clearly indicates a different meaning:
- (1) *Street.* Any public highway or alley and the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular traffic.
 - (2) *Unattended.* Unmoved from its location with no obvious sign of continuous human use.
 - (3) *Vehicle.* A motor vehicle, trailer, semitrailer or mobile home, whether or not such vehicle is registered under Wisconsin law.
- (b) *Abandonment of vehicles prohibited.* No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Village for such time and under such circumstances as to cause the vehicle to reasonably appear to have

been abandoned. Whenever any such vehicle has been left unattended on any street or highway in the Village or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than 72 hours, or more than seven (7) days if left in front of the vehicle owner's residence, the vehicle shall be deemed abandoned and constitutes a public nuisance. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view or when designated as not abandoned by the Chief of Police or the Building Inspector or their designees.

- (c) *Presumptions.* For purposes of this Section, the following irrebuttable presumptions shall apply: Any vehicle left unattended for more than 72 hours, or more than seven (7) days if left in front of the vehicle owner's residence, on any public street or public ground or left unattended for more than 72 hours on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance; provided, that the vehicle shall not be deemed abandoned under this Subsection if left unattended on private property and is enclosed within a building, or if designated as not abandoned by the Chief of Police.
- (d) *Enforcement procedures.* Any vehicle that qualifies as abandoned under Subsection (b) of this Section shall first be placarded with a notice indicating the abandonment of the vehicle. Thereafter, the Chief of Police or designee shall send a notice of abandonment by mail to the owner and lienholders of record as reflected by the registration records of the Wisconsin Department of Transportation. If the vehicle remains in approximately the same location for at least 72 hours after placarding and 48 hours after the mailing of notice of abandonment, the Police Department may issue a vehicle abandonment citation and tow the vehicle.
- (e) *Exception for emergencies.* The procedure in Subsection (d) of this Section shall not apply if the vehicle in question is blocking a driveway, in a posted tow away zone, blocking traffic or is impeding snow plowing operations during a snow emergency. In such situations, the vehicle may be issued a citation and towed immediately, and the vehicle shall be returned to the owner upon the owner's application without being cited under this Section.
- (f) *Exception for deserted vehicles.* The procedure in Subsection (d) of this Section shall not apply if the vehicle in question both:
 - (1) Is in disrepair (including, but not limited to, incapable of present locomotion, lack of engine, on blocks, without tires); and
 - (2) Lacks valid registration plates.

Then the vehicle may be issued a citation and towed without the pre-seizure notice required in Subsection (d) of this Section, and the post-seizure procedures set forth in this Section shall apply.

- (g) *Deposit; release of vehicle.* All vehicle abandonment citations shall be retained by the Police Department for personal service on the owner or lienholder of record when such person appears at the Police Department. At the time of personal service, the individual requests a court date, the individual shall deposit such individual's valid Wisconsin operator's license or money in the citation amount with the Police Department, and the procedures in Wis. Stats. §§ 345.34 to 345.47 shall apply. In either case, the vehicle shall be released to the individual.
- (h) *Disposal of abandoned vehicle.*
 - (1) If no one appears to reclaim the towed vehicle within ten days after the vehicle is towed, the vehicle shall be appraised. If the vehicle's value is appraised at or at less than \$100.00 or if the vehicle is in excess of 19 model years of age, or it is deemed by the Police Department that the cost of towing and storage charges would exceed the value of the vehicle, the Police Department shall send a registered mail notice to the owner and lienholder informing them that if the vehicle is not reclaimed within ten days of the date of receipt of the notice, the vehicle will be junked or sold. If the vehicle's value is appraised at more than \$100.00, the Police Department shall send registered mail notice to the owner and lienholder, informing them that, upon their failure to reclaim the vehicle within ten days, such failure is construed as a waiver of all right, title and interest in the vehicle and a consent to the sale of the vehicle. Such sale shall

be by sealed bid and shall conform substantially to the procedure set forth in Wis. Stats. § 342.40(3)(c). In either case, if an individual does appear to reclaim the vehicle, the deposit and release procedure set forth in Subsection (g) of this Section shall apply.

- (2) The notice sent under Subsection (h)(1) of this Section shall notify the owner of record of the right to reclaim personal property contained in the towed vehicle without payment of any kind upon proof of identification and ownership.
 - (3) If a person reclaiming the vehicle does not pay the forfeiture at that time and fails to appear in court at the time specified in the citation, the procedure set forth in Wis. Stats. § 345.28(4), and Section 35-248 shall apply.
- (i) *Violations.* Any person violating this Section shall forfeit not less than \$20.00 nor more than \$100.00 for each violation. The forfeiture for violation of this Section shall be in addition to any other nonmoving traffic violations assessed to the vehicle. The Village shall not separately charge the owner for any costs attributable to towing or storing the vehicle.
 - (j) *Collector vehicle exception.* The procedure in Subsection (d) of this Section shall not apply to vehicles owned by individuals holding licenses from the Wisconsin Department of Transportation as a collector pursuant to Wis. Stats. § 341.266, or as a hobbyist pursuant to Wis. Stats. § 341.268, provided the licensed collector or hobbyist stores the vehicle on such licensed collector or hobbyist's property and the vehicle and outdoor storage area are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means.

(Code 1998, § 10-5-1)

State Law reference— Abandoning vehicles prohibited, Wis. Stats. § 342.40.