

**PUBLIC SAFETY
COMMITTEE**

Wednesday, July 8, 2020

6:30 PM

McFarland Municipal Center
Community Room

AGENDA

You are invited to this meeting through a Zoom webinar. The Public is strongly encouraged to watch and participate in these meetings remotely through either the Zoom meeting link or telephone options listed below.

Please click the link below to join the Zoom meeting:

<https://us02web.zoom.us/j/83499871300>

Or by Telephone:

Dial US: +1 (312) 626-6799

Webinar ID: 834 9987 1300

1. CALL TO ORDER, ROLL CALL.
2. PUBLIC APPEARANCES.
3. APPROVAL OF MINUTES.
 - a. Motion to approve the minutes of the 6/10/2020 Public Safety Committee meeting.
4. BUSINESS.
 - a. Staff Reports
 - 1) Fire and Rescue Department
 - 2) Police Department
 - b. License Hearing -
 - 1) Conduct hearing on the recommendation from Chief Sherven to deny the issuance of an operator's license for Aaron Nash for the period ending June 30, 2021.
 - 2) Discussion and recommendation on the operator's license for Aaron Nash for the period ending June 30, 2021.
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, June 10, 2020 - 6:30 PM

1. CALL TO ORDER, ROLL CALL.

Trustee Eric Kryzenske called the regular meeting of the Public Safety Committee to order at 6:40 PM in Conference Room A.

Members present: Ken Machtan, Stephanie Brassington, Eric Kryzenske, Sandy Bakk, Rich Staley

Members not present: Tyler Mortenson, Rick Hammond, Sean Braziel

Staff Present: Police Chief Craig Sherven, Fire/Rescue Chief Chris Dennis, Clerk/Treasurer Cassandra Suettinger

2. PUBLIC APPEARANCES.

None.

3. APPROVAL OF MINUTES.

a. Motion to approve the minutes of the May 13, 2020 Public Safety Committee meeting.

Motion by Ken Machtan, second by Rich Staley, to approve the minutes of the May 13, 2020 Public Safety Committee meeting. Motion carries 5 - 0 - 0 by acclamation.

b. Motion to approve the minutes of the May 20, 2020 Special Public Safety Committee meeting.

Motion by Ken Machtan, second by Rich Staley, to approve the minutes of the May 20, 2020 Special Public Safety Committee meeting. Motion carries 5 - 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.

- b. Discussion and recommendation on the expansion of premise for the Class "B" Beer and "Class B" intoxicating liquors license to add an approximately 1,100 square foot outdoor consumption area for Byrnes McFarland Tavern LLC D/B/A Byrnes McFarland Tavern, 5915 Exchange St..

Ashley Byrne, McFarland Tavern, was present to provide information and answer questions.

The Committee discussed concerns including glass, adequate lighting, and fencing/gate options.

Motion by Ken Machtan, second by Village Trustee Stephanie Brassington, to recommend approval to the Village Board on the expansion of premise for the Class "B" Beer and "Class B" intoxicating liquors license to add an approximately 1,100 square foot outdoor consumption area for Byrnes McFarland Tavern LLC D/B/A Byrnes McFarland Tavern, 5915 Exchange St with the provisions that a variance be granted, an outdoor camera be installed, and glass is prohibited. Motion carries 5 - 0 - 0 by acclamation.

- c. Discussion and recommendation on the renewal of the Class A Intoxicating Liquors and Class A Fermented Malt Beverage license for BP-Burma Road

Dan Loeder, BP, present to provide information and answer questions.

Chief Craig Sherven offered to be a resource for the establishment. Dan Loeder suggested the possibility of a police officer explaining to his staff the consequences of selling alcohol to minors.

- d. Discussion and recommendation on section 11-64(n)4 of the Village Code of Ordinances regarding limitations on proximity of residential dwellings to outdoor consumption areas.

Motion by Ken Machtan, second by Village Trustee Stephanie Brassington, to recommend approval to the Village Board on section 11-64(n)4 of the Village Code of Ordinances regarding limitations on proximity of residential dwellings to outdoor consumption areas. Motion carries 5 - 0 - 0 by acclamation.

- e. Discussion and recommendation to the Village Board on Resolution 2020-13: A resolution approving the renewal of applications for liquor and fermented malt beverage licenses for 2020-2021.

Motion by Village Trustee Eric Kryzenske, second by Ken Machtan, to recommend approval to the Village Board on Resolution 2020-13: A resolution approving the renewal of applications for liquor and fermented malt beverage licenses for 2020-2021. Motion carries 5 - 0 - 0 by acclamation.

- f. Discussion and recommendation on Ordinance 2020-19: an ordinance authorizing a partial refund for Class "B" and "Class B" License.

Motion by Village Trustee Eric Kryzenske, second by Village Trustee Stephanie Brassington, to recommend approval to the Village Board on Ordinance 2020-19: an ordinance authorizing a partial refund for Class "B" and "Class B" License. Motion carries 5 - 0 - 0 by acclamation.

- g. Discussion and recommendation on Class B license fees for the July 1, 2020-June 30, 2021 licensing period.

Board discussed reducing the Class B license for Beer to \$0 and liquor to \$50.

Motion by Village Trustee Eric Kryzenske, second by Ken Machtan, to recommend to the Village Board to reduce Class B license fees for the July 1, 2020-June 30, 2021 licensing period. Motion carries 5 - 0 - 0 by acclamation.

- h. Review and discussion regarding proposed installation locations of traffic and crosswalk safety enhancement devices.

Chief Sherven is looking for discussion and recommendations on placement of two RRFB crosswalk safety enhancement devices, two sets of solar-powered crosswalk safety devices, and two pole mounted radar/speed monitoring devices, which have arrived and are ready to be installed.

The committee was in favor of placing the RRFBs at the intersections of Marsh Road and Red Oak Trail and Exchange Street near Highland Avenue.

The committee was in favor of placing the solar powered blinking crosswalk safety devices at the intersections of Broadhead Street and Leanne Lane and Broadhead Street and Holscher Road.

The committee was in favor of placing the radar/speed monitoring devices at Siggelkow Road traveling west from Highway 51 and was in favor of getting Public Works input for the other speed monitoring device.

5. SCHEDULE NEXT MEETING DATE.

The next Public Safety Committee Meeting is scheduled for July 8, 2020, at 6:30 p.m.

6. ADJOURNMENT.

Motion by Ken Machtan, second by Village Trustee Stephanie Brassington, to adjourn at 8:30 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,

Tricia Reimer
Administrative Assistant



McFarland Fire & Rescue Department

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

Emergency: 911

July 2020 Fire & Rescue Department Report For June 2020 Activity

- **Operations**

- In May, we have seen the call volume returning closer to normal. The fire incidents are still at a four-year low, and medical calls are higher than in 2019 and lower than in 2018. Our transports from medical calls remain similar to previous years.
- We have placed Ketorolac (Toradol) on to the ambulances. Ketorolac is a nonsteroidal anti-inflammatory drug (NSAID). Ketorolac works by reducing hormones that cause inflammation and pain in the body. We are hoping to provide pain relief to patients without the additional delay and cost of requesting paramedics to administer narcotics.
- We received a concern about open burning in the Village from a citizen. The citizen wanted to discuss increasing the restrictions on open burning in the Village. We made contact with the citizen and explained the restrictions are based on the ordinance, and we would need to update the ordinance to increase restrictions. The individual initially wanted to not permit any open burning in the Village. Based on the nuisance they experience during the summer with burning and smoke entering their home. We reviewed the current ordinance and explained the issue appeared to be a violation already. We requested several times to be made aware of any locations of concern so we could address the topic with the party that was burning. The individual did not wish to provide further details. Additionally, after reviewing the ordinance, the individual stated they felt the current ordinance was acceptable.
- COVID-19 has delayed the Utility as Ford shut down the production line to build medical equipment. The truck is tentatively scheduled for delivery in quarter 3 of 2021.

- **COVID-19**

- The following initiatives were implemented and continue:
 - We have closed the Fire & Rescue area to non-essential people, including village and department staff. Only the required staff may be present in our area of the building.
 - We have implemented daily cleaning within the Fire & Rescue area for high contact and high traffic areas.
 - Shift changes are performed with social distancing and are required to be completed in ten minutes or less.
 - The 2018 pick-up has been equipped as the fire support vehicle for medical calls. We have added isolation gowns, N-95 masks, surgical masks, garbage bags, and hand sanitizer to the truck.
 - Increased the cleaning and disinfecting of the vehicles in the fleet and then leaving the vehicles open to allow air circulation.
 - Department training and meetings are being conducted online for groups larger than ten. Ten or less may be scheduled in person.
 - Social distancing is used among staff during the day.
 - Surgical masks and safety glasses are utilized on every medical call during training, performing fire inspections, and interacting with the public when possible.
 - N95 masks, isolation gowns, and safety glasses are used on any patient contact that has been tested positive, suspected of COVID-19, or a higher risk procedure is performed (nebulizer, high flow oxygen, CPAP, CPR, etc.)
 - Firefighters are released immediately upon determination that any additional staff isn't required. The firefighters are limited to the apparatus bay area. The sign-in process for firefighters is completed in the laundry area, where firefighters are required to wash hands after signing in for a call.
 - The career staff is conducting weekly equipment checks usually performed by the paid-on-call staff.
 - Our PPE supplies remain sufficient.
 - We are participating in N95 mask decontamination with the State EOC with the Battelle System.
 - The staff is performing daily monitoring and logging of any symptoms.
- We have seen a reduction in transport revenue during March and April. CARES stimulus funds have been requested from the state to help offset.

- We have provided an estimated 50 birthday parades.
- **Staffing**
 - Current Staffing Levels
 - Fulltime Fire Rescue Chief – 1
 - Administrative Captain – 1
 - Fulltime Fire Inspector/Public Education Specialist – 1
 - Fulltime EMTs – 6
 - Fulltime Confidential Administrative Assistant - 1
 - Paid-On-Call – 60 (12 EMTs (1 on military leave), 25 Firefighters (1 Active Retired), 9 EMR/Firefighter, & 13 EMT/Firefighters(1 on medical leave and 1 on military leave)
 - Total Staffing Level – 70
 - Overtime for June was at 30 hours for shift coverage due to a career staff member on medical restrictions from work.
 - We have two members attending EMT Basic Class this summer and two additional members looking to participate in the fall.
 - We are reviewing applications to hire a couple of additional paid-on-call staff. However, locker space and turnout gear (firefighters) are currently limiting factors.

<u>Inspection/Prevention Activity</u>	<u>Completed</u>	<u>Year to Date Total</u>
Building Inspections	58	144
Fire Code Violations Identified	23	66
Re-inspections Completed	3	11
Corrections Noted	3	19
Building Plan Reviews	0	3
Development Reviews	3	11
Acceptance Test/site visits	5	10
Fire Drills	0	0
AHA-CPR Classes	0	8
AHA Attendance Total	0	85
Public Education	0	5
Public Education Attendance	0	130
Home Prevention Installations	0	3

Many fire prevention activities are suspended due to COVID-19

- **Apparatus & Equipment**
 - The annual DOT inspections are continuing by the Village Mechanic. During the inspection of the 1997 Aerial (Ladder 8), the radiator was found to be leaking and ball joints needing replacement. We are hoping

the radiator stop leak will address the radiator leak as the replacement would not be easy. The mechanic will replace the ball joints in the coming weeks.

- The 2018 Pumper (Engine 2) oil sample returned with high levels of moisture. A second sample was taken, and if it is determined to have high levels, still the EGR system would be of concern due to the failure with it last year.
- The 2004 Boat (Water 10) experienced oil pressure loss during a search. The boat was placed out of service and is awaiting repair at a local vendor. The oil pump will need to be replaced.

- **Budget**

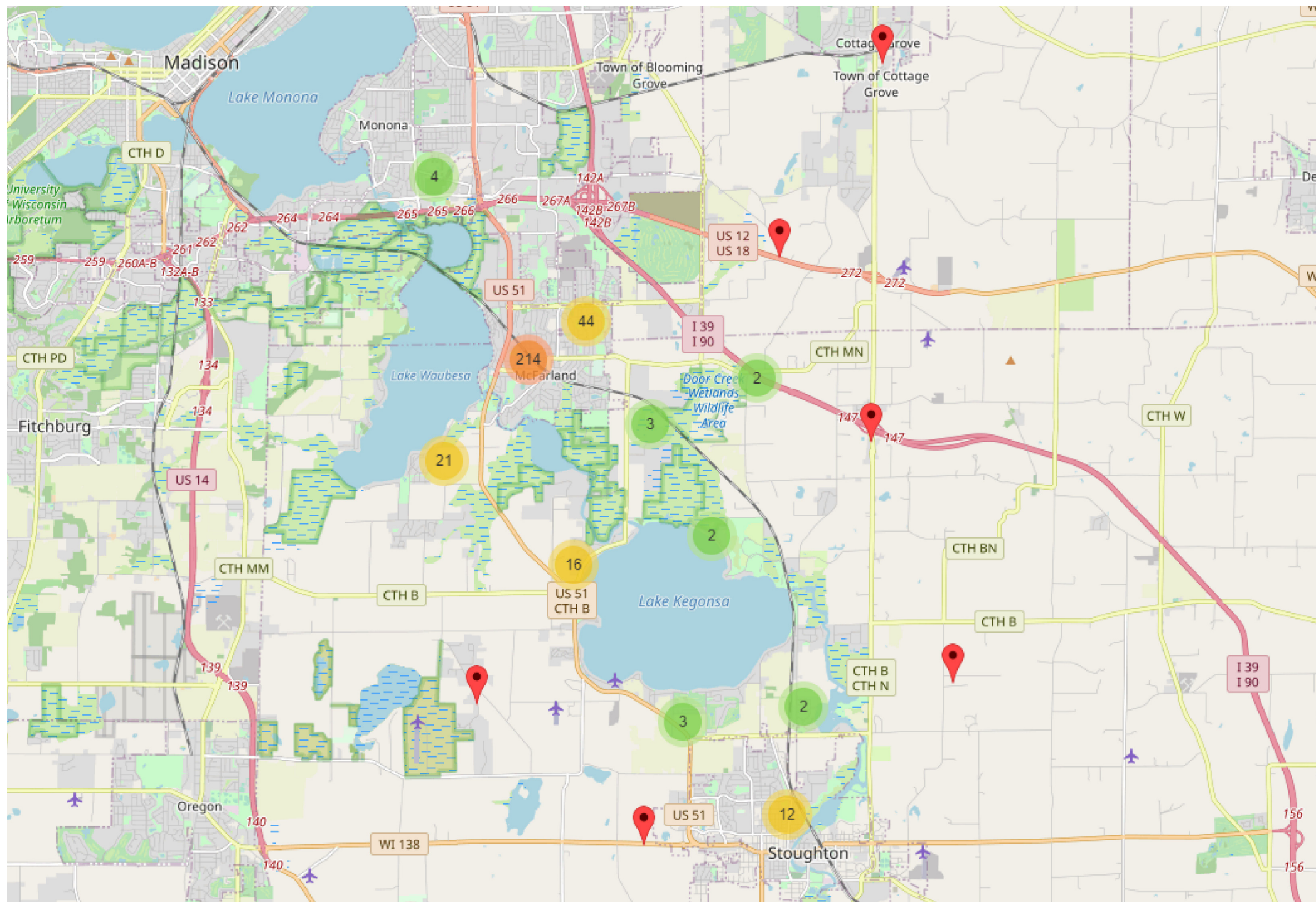
- We have completed 50% of the budget year and have expended 89% of our vehicle maintenance budget. We are currently projected to exceed that by \$7,400. The overall budget was performing well and planned to be within budget. The overage in vehicle maintenance should be able to be absorbed with payroll savings from COVID-19 reductions.
- The replacement radio project has begun. We have received the portable radios. We are waiting on final quotes for the mobile radios. The project is tracking to be within budget.
- Fire equipment and EMS equipment purchasing will begin in the next couple of months. Purchasing was delayed due to COVID-19. We were hoping to reduce restrictions on interactions with vendors.

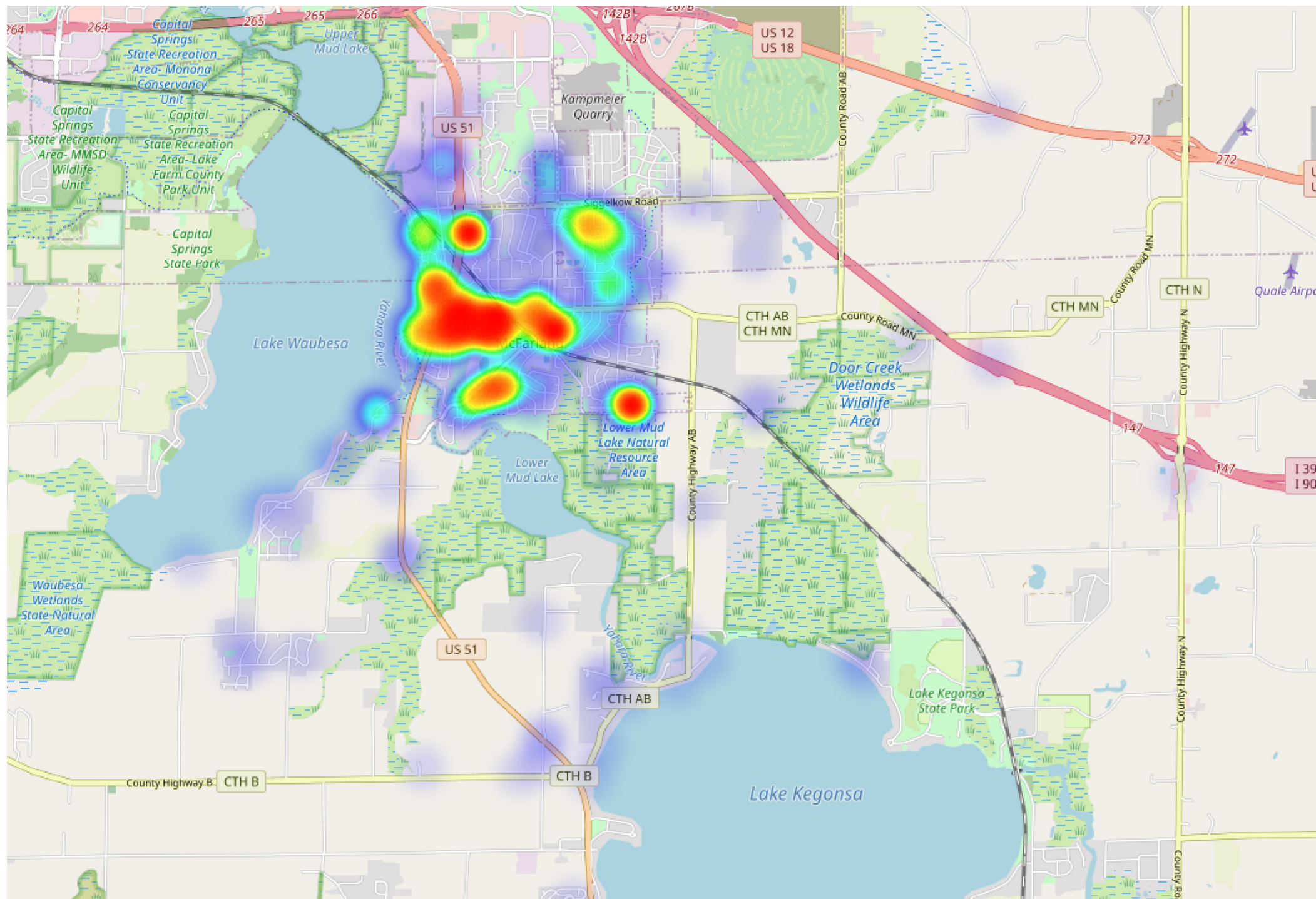
Ambulance Runs By Dispatch Reason

Incident Complaint Reported By Dispatch	06/01/20 - 06/30/20		06/01/19 - 06/30/19		06/01/18 - 06/30/18	
Abdominal Pain/Problems	2	2.82%	1	1.23%	3	3.95%
Allergic Reaction/Stings	0	0.00%	1	1.23%	0	0.00%
Animal Bite	0	0.00%	0	0.00%	0	0.00%
Assault	3	4.23%	1	1.23%	0	0.00%
Automated Crash Notification	0	0.00%	1	1.23%	0	0.00%
Back Pain (Non-Traumatic)	0	0.00%	3	3.70%	2	2.63%
Breathing Problem	1	1.41%	5	6.17%	2	2.63%
Burns/Explosion	0	0.00%	1	1.23%	1	1.32%
Carbon Monoxide/Hazmat/Inhalation/CBRN	0	0.00%	0	0.00%	3	3.95%
Cardiac Arrest/Death	2	2.82%	1	1.23%	2	2.63%
Chest Pain (Non-Traumatic)	4	5.63%	2	2.47%	1	1.32%
Choking	1	1.41%	1	1.23%	0	0.00%
Convulsions/Seizure	1	1.41%	1	1.23%	1	1.32%
Diabetic Problem	1	1.41%	0	0.00%	0	0.00%
Drowning/Diving/SCUBA Accident	1	1.41%	0	0.00%	0	0.00%
Electrocution/Lightning	0	0.00%	0	0.00%	0	0.00%
Eye Problem/Injury	1	1.41%	0	0.00%	0	0.00%
Falls	13	18.31%	17	20.99%	9	11.84%
Fire	4	5.63%	0	0.00%	4	5.26%
Headache	1	1.41%	2	2.47%	1	1.32%
Heart Problems/AICD	2	2.82%	2	2.47%	2	2.63%
Heat/Cold Exposure	0	0.00%	0	0.00%	0	0.00%
Hemorrhage/Laceration	4	5.63%	4	4.94%	1	1.32%
Industrial Accident/Inaccessible Incident/Other Entrapments (Non-Vehicle)	0	0.00%	0	0.00%	0	0.00%
Medical Alarm	0	0.00%	0	0.00%	0	0.00%
No Other Appropriate Choice	0	0.00%	0	0.00%	2	2.63%
Overdose/Poisoning/Ingestion	0	0.00%	1	1.23%	2	2.63%
Pregnancy/Childbirth/Miscarriage	0	0.00%	0	0.00%	0	0.00%
Psychiatric Problem/Abnormal Behavior/Suicide Attempt	2	2.82%	2	2.47%	0	0.00%
Sick Person	11	15.49%	12	14.81%	9	11.84%
Stab/Gunshot Wound/Penetrating Trauma	0	0.00%	0	0.00%	0	0.00%
Standby	0	0.00%	0	0.00%	0	0.00%
Stroke/CVA	3	4.23%	2	2.47%	3	3.95%
Traffic/Transportation Incident	2	2.82%	8	9.88%	18	23.68%
Transfer/Interfacility/Palliative Care	0	0.00%	0	0.00%	0	0.00%
Traumatic Injury	4	5.63%	3	3.70%	3	3.95%
Unconscious/Fainting/Near-Fainting	8	11.27%	8	9.88%	7	9.21%
Unknown Problem/Person Down	0	0.00%	2	2.47%	0	0.00%
Total	71		81		76	

Ambulance Runs By Dispatch Reason

Incident Complaint Reported By Dispatch	01/01/20 - 6/30/20		01/01/19 - 6/30/19		01/01/18 - 6/30/18	
Abdominal Pain/Problems	12	2.90%	8	1.93%	6	1.37%
Allergic Reaction/Stings	1	0.24%	1	0.24%	4	0.91%
Animal Bite	1	0.24%	0	0.00%	0	0.00%
Assault	9	2.17%	3	0.72%	3	0.68%
Automated Crash Notification	0	0.00%	1	0.24%	0	0.00%
Back Pain (Non-Traumatic)	3	0.72%	5	1.20%	5	1.14%
Breathing Problem	41	9.90%	30	7.23%	29	6.62%
Burns/Explosion	0	0.00%	1	0.24%	1	0.23%
Carbon Monoxide/Hazmat/Inhalation/CBRN	3	0.72%	3	0.72%	7	1.60%
Cardiac Arrest/Death	7	1.69%	3	0.72%	6	1.37%
Chest Pain (Non-Traumatic)	21	5.07%	28	6.75%	10	2.28%
Choking	2	0.48%	6	1.45%	4	0.91%
Convulsions/Seizure	6	1.45%	6	1.45%	10	2.28%
Diabetic Problem	4	0.97%	7	1.69%	8	1.83%
Drowning/Diving/SCUBA Accident	1	0.24%	0	0.00%	0	0.00%
Electrocution/Lightning	1	0.24%	0	0.00%	0	0.00%
Eye Problem/Injury	1	0.24%	0	0.00%	0	0.00%
Falls	81	19.57%	84	20.24%	72	16.44%
Fire	24	5.80%	15	3.61%	30	6.85%
Headache	5	1.21%	3	0.72%	2	0.46%
Heart Problems/AICD	8	1.93%	9	2.17%	12	2.74%
Heat/Cold Exposure	0	0.00%	1	0.24%	0	0.00%
Hemorrhage/Laceration	14	3.38%	15	3.61%	10	2.28%
Industrial Accident/Inaccessible Incident/Other Entrapments (Non-Vehicle)	0	0.00%	0	0.00%	0	0.00%
Medical Alarm	0	0.00%	0	0.00%	0	0.00%
No Other Appropriate Choice	1	0.24%	1	0.24%	4	0.91%
Overdose/Poisoning/Ingestion	8	1.93%	10	2.41%	6	1.37%
Pregnancy/Childbirth/Miscarriage	1	0.24%	0	0.00%	1	0.23%
Psychiatric Problem/Abnormal Behavior/Suicide Attempt	6	1.45%	10	2.41%	3	0.68%
Sick Person	60	14.49%	59	14.22%	60	13.70%
Stab/Gunshot Wound/Penetrating Trauma	1	0.24%	0	0.00%	0	0.00%
Standby	1	0.24%	0	0.00%	7	1.60%
Stroke/CVA	7	1.69%	10	2.41%	9	2.05%
Traffic/Transportation Incident	23	5.56%	34	8.19%	75	17.12%
Transfer/Interfacility/Palliative Care	0	0.00%	1	0.24%	3	0.68%
Traumatic Injury	9	2.17%	13	3.13%	0	0.00%
Unconscious/Fainting/Near-Fainting	51	12.32%	45	10.84%	49	11.19%
Unknown Problem/Person Down	0	0.00%	3	1.07%	2	0.35%
Well Person Check	1	0.24%	0	0.00%	0	0.00%
Total	414		415		438	





McFarland Fire & Rescue Dept.
Fire Incident Type Period Comparisons
Alarm Date Between {06/01/2020} and {06/30/2020}

Incident Type	06/01/2020 to 06/30/2020	06/01/2019 to 06/30/2019	06/01/2018 to 06/30/2018	06/01/2017 to 06/30/2017
111 Building fire	1	2	0	0
112 Fires in structure other than in a building	0	0	0	1
113 Cooking fire, confined to container	1	0	0	0
131 Passenger vehicle fire	0	0	1	0
134 Water vehicle fire	0	0	0	1
154 Dumpster or other outside trash receptacle fire	0	0	0	1
311 Medical assist, assist EMS crew	9	17	12	6
322 Motor vehicle accident with injuries	0	5	5	5
324 Motor Vehicle Accident with no injuries	1	1	0	0
352 Extrication of victim(s) from vehicle	1	0	0	0
357 Extrication of victim(s) from machinery	0	0	1	0
361 Swimming/recreational water areas rescue	1	0	0	0
365 Watercraft rescue	1	0	1	0
411 Gasoline or other flammable liquid spill	1	0	0	0
412 Gas leak (natural gas or LPG)	0	1	0	0
413 Oil or other combustible liquid spill	0	0	0	1
424 Carbon monoxide incident	0	0	1	0
440 Electrical wiring/equipment problem, Other	0	0	0	2
444 Power line down	0	0	2	2
445 Arcing, shorted electrical equipment	2	3	0	1
463 Vehicle accident, general cleanup	0	0	1	2
510 Person in distress, Other	0	0	1	0
553 Public service	0	2	0	0
561 Unauthorized burning	0	0	1	0
600 Good intent call, Other	0	0	2	1
611 Dispatched & cancelled en route	2	5	4	4
6111Cancelled en route - Auto Aid Fire	1	0	0	0
6113Dispatched & cancelled en route - Mutual Aid	1	0	0	0
631 Authorized controlled burning	0	0	1	1
733 Smoke detector activation due to malfunction	0	2	1	0
735 Alarm system sounded due to malfunction	0	1	0	1
736 CO detector activation due to malfunction	0	0	1	0
743 Smoke detector activation, no fire - unintentional	0	0	0	1
744 Detector activation, no fire - unintentional	0	1	0	0
745 Alarm system activation, no fire - unintentional	5	1	1	0
746 Carbon monoxide detector activation, no CO	0	0	1	1
812 Flood assessment	0	0	1	0
815 Severe weather or natural disaster standby	0	0	0	1
Totals	27	41	38	32

McFarland Fire & Rescue Dept.
Fire Incident Type Period Comparisons
Alarm Date Between {01/01/2020} and {06/30/2020}

Incident Type	01/01/2020 to 06/30/2020	01/01/2019 to 06/30/2019	01/01/2018 to 06/30/2018	01/01/2017 to 06/30/2017
111 Building fire	11	12	8	5
112 Fires in structure other than in a building	0	0	0	1
113 Cooking fire, confined to container	2	2	1	2
115 Incinerator overload or malfunction, fire confined	0	1	0	0
118 Trash or rubbish fire, contained	1	0	0	1
131 Passenger vehicle fire	2	0	2	1
134 Water vehicle fire	0	0	0	1
140 Natural vegetation fire, Other	0	0	1	0
142 Brush or brush-and-grass mixture fire	2	0	0	1
150 Outside rubbish fire, Other	0	0	1	0
151 Outside rubbish, trash or waste fire	0	1	0	0
154 Dumpster or other outside trash receptacle fire	0	1	0	2
160 Special outside fire, Other	0	0	1	0
162 Outside equipment fire	0	1	0	0
171 Cultivated grain or crop fire	0	0	1	0
223 Air or gas rupture of pressure or process vessel	0	1	0	0
251 Excessive heat, scorch burns with no ignition	0	0	0	1
311 Medical assist, assist EMS crew	61	69	56	58
322 Motor vehicle accident with injuries	6	15	15	10
324 Motor Vehicle Accident with no injuries	2	2	6	2
331 Lock-in (if lock out , use 511)	0	0	0	2
341 Search for person on land	0	1	0	0
350 Extrication, rescue, Other	0	0	0	1
351 Extrication of victim(s) from building/structure	0	1	0	0
352 Extrication of victim(s) from vehicle	1	1	0	1
353 Removal of victim(s) from stalled elevator	0	0	1	1
357 Extrication of victim(s) from machinery	0	0	1	0
361 Swimming/recreational water areas rescue	1	1	0	0
363 Swift water rescue	0	1	0	0
365 Watercraft rescue	1	1	1	0
381 Rescue or EMS standby	0	0	0	1
411 Gasoline or other flammable liquid spill	3	2	3	2
412 Gas leak (natural gas or LPG)	0	3	2	3
413 Oil or other combustible liquid spill	0	1	0	1
420 Toxic condition, Other	0	0	1	0
421 Chemical hazard (no spill or leak)	1	0	0	0
424 Carbon monoxide incident	0	1	2	3
440 Electrical wiring/equipment problem, Other	0	0	0	2
442 Overheated motor	1	0	1	0
444 Power line down	1	0	3	2
445 Arcing, shorted electrical equipment	2	3	1	3
451 Biological hazard, confirmed or suspected	0	0	0	1

McFarland Fire & Rescue Dept.
Fire Incident Type Period Comparisons
Alarm Date Between {01/01/2020} and {06/30/2020}

Incident Type	01/01/2020 to 06/30/2020	01/01/2019 to 06/30/2019	01/01/2018 to 06/30/2018	01/01/2017 to 06/30/2017
463 Vehicle accident, general cleanup	0	2	1	4
500 Service Call, other	0	0	1	0
510 Person in distress, Other	0	0	1	1
521 Water evacuation	0	1	0	0
522 Water or steam leak	1	2	1	2
531 Smoke or odor removal	2	0	1	1
542 Animal rescue	0	0	0	1
551 Assist police or other governmental agency	0	1	0	1
553 Public service	4	4	0	0
555 Defective elevator, no occupants	1	0	0	0
561 Unauthorized burning	5	0	3	0
571 Cover assignment, standby, moveup	1	5	1	0
600 Good intent call, Other	0	0	3	3
611 Dispatched & cancelled en route	23	27	26	26
6111Cancelled en route - Auto Aid Fire	3	0	0	0
6113Dispatched & cancelled en route - Mutual Aid	1	0	0	0
621 Wrong location	0	1	0	0
622 No Incident found on arrival at dispatch address	3	3	0	1
631 Authorized controlled burning	0	3	5	2
650 Steam, Other gas mistaken for smoke, Other	0	0	0	1
651 Smoke scare, odor of smoke	0	4	4	1
652 Steam, vapor, fog or dust thought to be smoke	1	0	0	1
661 EMS call, party transported by non-fire agency	0	0	0	1
671 HazMat release investigation w/no HazMat	0	2	1	1
700 False alarm or false call, Other	0	0	2	0
710 Malicious, mischievous false call, Other	0	0	1	0
711 Municipal alarm system, malicious false alarm	0	1	0	0
713 Telephone, malicious false alarm	0	1	0	0
714 Central station, malicious false alarm	0	1	3	0
731 Sprinkler activation due to malfunction	0	3	1	0
733 Smoke detector activation due to malfunction	1	4	2	0
735 Alarm system sounded due to malfunction	3	3	1	3
736 CO detector activation due to malfunction	2	6	2	4
740 Unintentional transmission of alarm, Other	0	0	3	2
741 Sprinkler activation, no fire - unintentional	1	1	0	0
743 Smoke detector activation, no fire - unintentional	2	2	2	3
744 Detector activation, no fire - unintentional	0	1	1	0
745 Alarm system activation, no fire - unintentional	9	3	5	6
746 Carbon monoxide detector activation, no CO	1	6	4	4
812 Flood assessment	0	0	1	0
815 Severe weather or natural disaster standby	0	0	0	1

Totals

162

208

184

178



PUBLIC SAFETY COMMITTEE SUMMARY SHEET

MEETING DATE: Wednesday, July 8, 2020

SECTION: Business

DEPARTMENT: Administration

CONTACT: Craig Sherven, Police Chief

AGENDA ITEM: Conduct hearing on the recommendation from Chief Sherven to deny the issuance of an operator's license for Aaron Nash for the period ending June 30, 2021.

PREVIOUS ACTION:

On March 11, 2020 the Public Safety Committee conducted a hearing on the recommendation from Chief Sherven to deny issuance of an operator's license to Aaron Nash for the period ending June 30, 2020. On March 23, 2020 the Village Board discussed the recommendation from the Public Safety Committee and Chief Sherven for denial. The Board discussed the recommendation at great length, and ultimately voted to deny the issuance of an operator's license for Aaron Nash for the period ending June 30, 2020. They did however provide Mr. Nash that the operator's license approval policy states that approval of an application may be considered if the applicant provides the PSC substantial evidence in the form of credible documentation of rehabilitation, and that there would be nothing to preclude him from applying again in the new license year with such documentation for reconsideration.

ISSUE SUMMARY:

Chief Sherven has reviewed the operator's license application from Aaron Nash 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 operator's license for Aaron Nash.



ATTACHMENTS:

1. Exhibit A
2. Exhibit B
3. Exhibit C
4. Operator License Policy Version - UPDATE - 04.13.2020

**Operator's License**

To Serve Fermented Malt Beverages and Intoxicating Liquors

License Type:☒ New ☐ Renewal**To Be Issued:**☒ As soon as approved OR ☒ At the beginning of the next license year (July 1)**Fees:**☐ 1 year License - \$35☒ 1 year License + Provisional* - \$50☐ Duplicate License - \$5/each - Number Requested: _____

*Provisional Licenses are only issued between May 1 and June 30 and cover a new applicant until the beginning of the new license year (July 1)

This application must be completed in its entirety or it will be rejected as incomplete. This application will also be rejected for any omissions. The fee is not refundable should this application be rejected or denied. For rejected applications should the applicant wish to reapply, the applicant will be required to complete a new application at an additional fee of \$35.00.

The Village of McFarland Operator License Approval Policy can be found on the Village website at <https://www.mcfarland.wi.us/licensepermits> under Alcohol Beverage Licenses for Operators.

Applicant Information

Place of Employment:

Spartan Bowl

Last Name:

Wash

First Name:

Aaron

Middle Initial:

T.

☒ Male
☐ Female

Home Address:

City, State and Zip Code:

Date of Birth:

Social Security Number:

Wisconsin Driver License/ID:

E-mail address:

Home/Cell Phone Number:

Work Phone Number:

Notification

Provide the e-mail address we should use for notification when the license is ready:

Prior ResidencesWithin the past five years, have you lived at any address other than the one listed above? ☒ yes ☐ no

If yes, please list all additional addresses. Attach additional pages, if necessary

Address, including City and State

Dates

Questionnaire	Additional Information
1. Have you completed a WI-approved Responsible Beverage Server Course? ☒ - Yes ☐ - No	If yes, when and where: <i>2016 online</i>
2. Have you held an Operator's License within the last 2 years? ☒ - Yes ☐ - No	If yes, when and where: <i>2016 - Current straighten</i>
3. 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, when and where:
4. Have you ever been convicted of a felony substantially related* to the licensed activity? ☒ - Yes ☐ - No	If yes, please complete Appendix A
5. Have you been arrested for and/or convicted of violating any law or ordinance in the last 10 years substantially related* to the license activity? ☒ - Yes ☐ - No	If yes, please complete Appendix A
6. Do you have any pending charges, including criminal and ordinance violations substantially related* to the license activity? ☐ - Yes ☒ - No	If yes, please complete Appendix A

*Examples of "substantially related" might include, but are not limited to: underage drinking, OWI/DUI, selling to a minor, overserving, etc.

Required Documentation
If the application is a renewal application, no additional documentation is required.
If the application is a new application, one of the following must be provided: ☐ - A copy of the certificate indicating completion of a Wisconsin-approved Responsible Beverage Server Course, valid within the two years prior to the date of this application OR ☒ - A copy of an Operator's license from a Wisconsin municipality, valid within the two years prior to the date of this application

Certification
I hereby apply for a license to serve Fermented Malt Beverages and Intoxicating Liquors, subject to the limitations imposed by Chapter 125 of the Wisconsin Statutes, Chapter 11 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 is granted to me.
I certify that I am the applicant in the foregoing application and any attachments thereto, that I have read and made complete answers to each question, and that my answers in each instance are true and correct.
Signature of Applicant:  Date: <i>5/18/2020</i>

FOR OFFICE USE ONLY
RECOMMENDATION FROM MCFARLAND POLICE DEPARTMENT ☐ - Approved ☒ - Denied ☐ - Rejected - Incomplete Application
Signature of Police Chief:  Date: <i>06-10-20</i>



Operator's License – Appendix A
Arrest and Conviction Record

Appendix A only needs to be completed if an applicant answered "Yes" to questions 4, 5, and/or 6 on the Operator's License Application.

Any omissions from this Appendix will result in the rejection of the Operator's License Application. The fee is not refundable should this application be rejected. For rejected applications should the applicant wish to reapply, the applicant will be required to complete a new application at an additional fee of \$35.00.

The following websites, provided as a courtesy, may provide information on your records:
<https://recordcheck.doj.wi.gov/> <https://wcca.wicourts.gov/> <https://www.dmv.us.org>

Date of Arrest	Date of Conviction	Specific Offense	Name and Location of Court	Describe the nature and circumstances of the offense	Were you consuming alcohol or drugs at the time of the incident?	Did the incident occur in or around a facility that serves alcohol?	Were alcohol or drugs involved in the incident in any way?
5/3/17	5/3/17	OWI	Rock County	1st Offense OWI	☒ - Yes ☐ - No	☒ - Yes ☐ - No	☒ - Yes ☐ - No
10/25/18	10/25/18	Sell to Underage	Stoughton WI	underage compliance check (for sale)	☐ - Yes ☒ - No	☒ - Yes ☐ - No	☒ - Yes ☐ - No
					☐ - Yes ☐ - No	☐ - Yes ☐ - No	☐ - Yes ☐ - No
					☐ - Yes ☐ - No	☐ - Yes ☐ - No	☐ - Yes ☐ - No
					☐ - Yes ☐ - No	☐ - Yes ☐ - No	☐ - Yes ☐ - No
					☐ - Yes ☐ - No	☐ - Yes ☐ - No	☐ - Yes ☐ - No
					☐ - Yes ☐ - No	☐ - Yes ☐ - No	☐ - Yes ☐ - No
					☐ - Yes ☐ - No	☐ - Yes ☐ - No	☐ - Yes ☐ - No

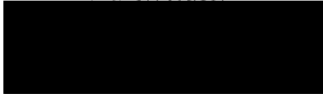
You may submit evidence of rehabilitation and fitness to perform the licensed activity.

**City of Stoughton
Operator's License**

License No: OP 2018 101

WHEREAS, the local governing body of the City of Stoughton, County of Dane, Wisconsin, has, upon application duly made, granted and authorized the issuance of an "Operator's" License to:

Aaron Nash



AND WHEREAS, the said applicant has paid to the Treasurer the sum of \$50.00 for a one year; \$75.00 for a two year license, \$75.00 as required by the Municipality ordinances and has complied with all requirements

NOW THEREFORE, An "Operator's" License, pursuant to Sections 125.32(2) and 126.68(2) of the Wisconsin Statutes, and local ordinances, is hereby issued to said applicant,

for the period from 7/01/2018 to 6/30/2020.

Given under my hand and the Great Seal of the City of Stoughton, County of Dane, this 14th day of June, 2018.



Holly Licht

**City of Stoughton
Operator's License
License No: OP 2018 101
License Fee \$75.00**

WHEREAS, the local governing body of the City of Stoughton, County of Dane, Wisconsin, has, upon application duly made, granted and authorized the issuance of an "Operator's" License to:

Aaron Nash

AND WHEREAS, the said applicant has paid to the Treasurer the sum of \$50.00 for a one year; \$75.00 for a two year license, \$75.00 as required by the Municipality ordinances and has complied with all requirements necessary for obtaining a license;

NOW THEREFORE, An "Operator's" License, pursuant to Sections 125.32(2) and 126.68(2) of the Wisconsin Statutes, and local ordinances, is hereby issued to said applicant,

for the period from 7/01/2018 to 6/30/2020.

Given under my hand and the Great Seal of the City of Stoughton, County of Dane, this 14th day of June, 2018.



Holly Licht



444 Grand Canyon Dr.
Madison, WI 53719
Phone: (608) 831-2185
Fax: (608) 833-8650
www.kpmwi.com

Re: Aaron Nash – General Manager, Spartan Bowl

To Whom It May Concern:

Aaron Nash worked for Viking Lanes, our bowling center in Stoughton, for the last two years.

When the general manager position opened up at Spartan Bowl, I immediately thought of Aaron as someone who had the ability to fill the role. Over the last few years, he has gained the necessary knowledge in all areas of our business: bartending, cooking, bowling and machine maintenance. He has also shown growth in his personality, his professionalism and his understanding of the laws that govern the bar/restaurant industry.

We are very excited about the remodeling that is currently in progress at Spartan Bowl, and we need a great person and manager to keep the business on its upward trend, someone who will give their all to both the business and the community. I have no doubt that Aaron fits that bill!

If anyone should have any questions about Aaron or Spartan Bowl in general, please feel free to contact me at the number below.

Thank you,

A handwritten signature in black ink, appearing to read "Robert Bloxham".

Robert Bloxham
Regional Supervisor
King Pin Management
608.228.6930



1410 Hwy 51 PO Box 89
Stoughton, WI 53589
(608) 873-5959
www.vikinglanes.com

Re: Aaron Nash – General Manager, Spartan Bowl

To Whom It May Concern:

Before recently being promoted as general manager of Spartan Bowl, Aaron Nash worked for me at Viking Lanes for two years.

Over the last year in particular, I have seen Aaron evolve as both a person and an employee. He truly cares about the well-being of the customers and of the business. Throughout his employment, Aaron took the initiative to learn all facets of the business: bowling, machine maintenance, cooking and bartending. Additionally, he truly cares about the well-being of the customers and of the business.

Though I had to lose a great employee at Viking Lanes, I can wholeheartedly say that Spartan Bowl has gained a very valuable new team member in Aaron Nash, and I see him having nothing but success there.

Sincerely,

Ken Kidder
General Manager
Viking Lanes

VICTIM IMPACT PANEL REGISTRATION FORM

Date: 12/10/19 Referred by: IDP
 Name: Aaron Nash DOB: 12/14/95
 Phone Number: [REDACTED] Requested date for VIP: 12/21/19

Reviewed with caller

- ☒ Any problems reading/writing: Y ☒ N Problem: _____
- ☒ Payment of \$50.00 cash only is expected at time of program. No cash refunds will be given. A voucher will be issued if you are unable to complete the program.
- ☒ Location and time of program: Mercy Center.
Registration 9:30-10:00am
- ☒ No one will be admitted after the program begins.
- ☒ No cell phones or pagers allowed.
- ☒ Program to fulfill Driver's Safety Plan requirements of anyone convicted of an OWI.
- ☒ Please bring photo identification.

Client acknowledgements

- ☒ I acknowledge that I have no problems reading or writing.
- ☒ I understand that if I am suspected of alcohol use, staff at Mercyhealth Behavioral Health will request a Breathalyzer. If it is positive, I acknowledge that I will be asked to leave the program. If intoxicated I will not be allowed to drive and the police will be contacted if I attempt to drive.
- ☒ I understand that it will be my responsibility to be prompt when returning from a break or lunch. I know the program is time limited and if I return late, I will not be allowed to complete the program.
- ☒ I understand that all cell phones and pagers are prohibited.
- ☒ I agree to be courteous during the presentation and will not talk to others or sleep during the presentations. If this becomes an issue, I will be requested to leave by Staff.

I am aware that I am responsible for providing verification to IDP of attendance. Mercyhealth Behavioral Health will not issue copies. They can be mailed to IDP PO Box 1649 Janesville, WI 53547-1649.

[Signature] 12-21-19
 Client's Signature Date

Amy Allen
 Witness

Aaron Nash attended the Victim Impact Panel on 12/21/19
 Client's Name Date
 and is paid in full Attendance # 7728
[Signature]
 Staff Signature

Mercyhealth
 8703435 - N2 W/Y
 Rev 03/27/19

Victim Impact Panel Registration Form



www.mcfarland.wi.us | 5915 Milwaukee St, McFarland, WI 53558 | 608.838.3153

COPY

June 11, 2020

Aaron Nash



Dear Mr. Nash,

Your application for a provisional alcohol operator's license and an alcohol operator's license for the period through June 30, 2021 was received. A review of your application, criminal history, and arrest records, as maintained by the State of Wisconsin, has resulted in a recommendation from Police Chief Craig Sherven for denial pursuant to the Village's operator license approval policy. Attached is a copy of Chief Sherven's memo to the Public Safety Committee.

You have 30 days from receipt of this letter to exercise your right to request a hearing before the Public Safety Committee to discuss the matter. If a hearing is requested, the Public Safety Committee will review your record, along with the recommendation from Chief Sherven and you will have the opportunity to provide the Committee with substantial evidence in the form of credible documentation of rehabilitation. Attached is section 5 of the operator's license approval policy which outlines the process and acceptable forms of credible documentation. Please be advised the hearing will be held as part of a public meeting.

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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cassandra Suettinger', written over a circular stamp.

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: June 10, 2020

TO: Public Safety Committee

FROM: Craig J. Sherven, Chief of Police

REFERENCE: Alcohol Operators License for Aaron Nash

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

I base my decision on the following section of Village Ordinance and the McFarland Alcohol Licensure Policy:

1. Village Ordinance 11-74 (c) (3), Guideline 3 (a) and (b), which state, 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.

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.

Mr. Nash's pertinent records show:

- a conviction for Operating with a Prohibited Alcohol Concentration on June 17, 2017.
- A conviction for serving alcohol to minors in August of 2019.

Both convictions are substantially related to the licensed activity and are within the five-year period preceding the date of application. Thus, Pursuant to Village Ordinance Mr. Nash is disqualified under this section as a habitual law offender.

The ability to use sound judgement in the personal use of alcohol, as well as the service of alcohol to others, are critical skills for an individual entrusted with the responsibility of serving and overseeing the service of alcohol. Convictions and charges of these types bring the applicant's ability to exercise those skills into serious question, and thus are substantially related to the licensed activity.

Respectfully,

Craig J. Sherven

Craig J. Sherven
Chief of Police

Operator License Approval Policy – Approved 04/13/2020

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 routed back to the administration office to be issued by the Clerk.
- 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, July 8, 2020

SECTION: Business

DEPARTMENT: Administration

CONTACT: Cassandra Suettinger, Village Clerk/Treasurer

AGENDA ITEM: Discussion and recommendation on the operator's license for Aaron Nash for the period ending June 30, 2021.

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 an operator's license for Aaron Nash.

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

ATTACHMENTS:

None

