



OFFICIAL NOTICE AND AGENDA

Notice is hereby given that the Public Safety Committee of the City of Stoughton, Wisconsin will hold a regular or special meeting as indicated on the date, time and location given below.

Meeting of:

PUBLIC SAFETY COMMITTEE OF THE CITY OF STOUGHTON

Date /Time:

Wednesday, February 22, 2023 @ 6:00 p.m.

Location:

The meeting will be held virtually and in person.

Virtual: You can join the meeting from your computer, tablet, or smartphone via

[https://us06web.zoom.us/meeting/tZYofu6hrT8sGdd-lRtB6VBGTgNH0WYI-](https://us06web.zoom.us/join/https://us06web.zoom.us/meeting/tZYofu6hrT8sGdd-lRtB6VBGTgNH0WYI-tvd/ics?icsToken=98tyKuGqqzltE9eRthqERpwQGYr4KPPztildjadZ0TbXFwIFVCHRAuVsGuJIKfGd)

[tvd/ics?icsToken=98tyKuGqqzltE9eRthqERpwQGYr4KPPztildjadZ0TbXFwIFVCHRAuVsGuJIKfGd](https://us06web.zoom.us/join/https://us06web.zoom.us/meeting/tZYofu6hrT8sGdd-lRtB6VBGTgNH0WYI-tvd/ics?icsToken=98tyKuGqqzltE9eRthqERpwQGYr4KPPztildjadZ0TbXFwIFVCHRAuVsGuJIKfGd)

Meeting ID: 825 9793 4633

Passcode: 729218

One tap mobile

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+13092053325,,82597934633#,,,,*729218# US

In person: Council Chambers, (2nd Floor of Public Safety Building)

321 South Fourth Street, Stoughton, Wisconsin

Members:

Greg Jenson (Chair), Joyce Tikalsky, Jean Ligocki, Frank Raff, Tricia Suess Charleston, Eric Quam, Tim Swadley (ex-officio)

Item

AGENDA

1. Call to Order
2. Communication
3. Approval of the January 25, 2023 Public Safety Committee minutes

OLD BUSINESS

4. Operator's License Procedure Current and Proposed – policy + flowchart + draft of ordinance
5. EMS Year End Update (Schimelpfenig)
6. Proposed revisions to Ordinance – Graffiti
7. Updates – Outdoor Burning Ordinance (Alder Tikalsky)

NEW BUSINESS

FUTURE AGENDA ITEMS:

8. Adjournment

cc. Mayor Swadley, Department Heads, Council, Attorney Matt Dregne, Library Clerical Asst., Receptionists, Stoughton Newspapers/Wisc State Journal *Note: An expanded meeting may constitute a quorum of the Council. Meeting may close per Statutes 19.85 (1)(b) to consider the licensing of a person, then reopen for regular course of business.

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Meeting ID: 825 9793 4633

Passcode: 729218

Find your local number: <https://us06web.zoom.us/j/82597934633>

PUBLIC SAFETY COMMITTEE MEETING MINUTES

Wednesday, January 25, 2023

Hybrid meeting

Present: Chair Greg Jenson, Alderpersons Joyce Tikalsky, Jean Ligocki, Members; Tricia Suess Charleston, and Eric Quam.

Staff; Police Chief Dan Jenks, Mayor Tim Swadley (phone), Clerk Candee Christen, Officer Chad O'Neil

Excused: Frank Raff

Guests: Teresa Pellett, John Basco, Jim Baldauf, Attorneys Matt Dregne and Derek Punched

1. Call to Order: Chair Jenson called the meeting to order at 6:07 p.m.

2. Communications: Jenks reported that Officer Joe Fitters has joined the force, making 5 new officers with less than 1-year experience. 4th quarter statistics are up 15% over 1 year ago. PD has a new process for field reporting now.

Tikalsky mentioned a citizen had communicated the need for security cameras in city parking lots. This is an item for discussion on the agenda.

3. Approval of Minutes from November 16, 2022

Motion by Suess Charleston, and 2nd By Quam to approve the minutes. Motion carried 5-0.

Old Business:

New Business

4. Operator's License Procedure Current and Proposed – flowchart

- Attorney Punched reviewed the proposed flow chart for Operator license applications by item
- Discussion held on the proposal
- Violations and rehabilitation are key components, remove/remain 5 years limit from all convictions as well as inattentive driving.
- The committee agreed that Chair Jenson should discuss a potential COW meeting with Council President Hirsch to discuss the proposed changes due to the lengthy discussion that may be involved.
- add this to the February agenda with changes to be made by Attorney Punched as discussed.

5. Dairyland Dessert Café alcohol license application

- Clerk Christen noted everything was in order for the application and recommended approval for Dairyland Dessert Café, 176 E. Main St.
- **Motion** by Ligocki, second by Quam to recommend approval of the license to Council on February 14. Motion carried 5-0.

6. Kwik Trip agent change

- **Motion** by Ligocki, second by Quam to approve the agent change of Scott Zietlow as the approved agent. Motion carried 5-0.

7. Mad Town Smoke Shop Cigarette and Tobacco License application

- Chair Jenson noted the amount of smoke shop/tobacco stores in the City
- Teresa Pellet mentioned that she is part of a Tobacco policy with the County and will have updates as the task force moves forward.
- **Motion** by Quam, second by Sues Charleston to recommend approval to Council on February 14. Motion carried 5-0.

8. Ordinance Proposal that addresses graffiti

- Attorney Dregne provided a background for the proposal but the item did not make the packet so will be on the February agenda

9. Security cameras for City parking lots

- Chief Jenks provided details of citizen concerns regarding vehicle damage in City parking lots
- Not all city lots have cameras but it is in the planning stages.

10. Speed limit – Rutland-Dunn Town Line Road

- Discussion followed to drop the speed limit to 35 in both directions for a distance of 1,900 feet of Rutland Dunn Town Line Road from the western edge of the USH 51 right-of-way. This is a joint recommendation from the DOT, the City of Stoughton, and Town of Rutland.
- This speed reduction is part of the USH 51 improvements by the DOT.
- **Motion** by Quam, second by Tikalsky to recommend to Council the speed limit reduction on Rutland Dunn Town Line road. Motion carried 5-0.

Future Agenda Items

- **Ordinance Proposal that addresses graffiti**
- **Operator License application updates to process**

Adjournment

- **Motion** Quam, second by Tikalsky to adjourn. The motion carried 5 -0, and the meeting adjourned. 7:46 p.m.

Respectfully Submitted,
Candee Christen, City Clerk

CITY OF STOUGHTON

POLICY REGARDING THE ISSUANCE OF ALCOHOL BEVERAGE OPERATOR'S LICENSES

Purpose. In order to provide an effective and consistent system of alcohol licensing that protects the public safety and is applied in a uniform and equitable manner, the City Council has adopted the following written policy to govern the issuance of alcohol beverage operator's licenses pursuant to Chapter 125 of the Wisconsin Statutes.

Procedure.

I. Intake

- A. The Clerk shall furnish applications for alcohol beverage operator's licenses to any interested applicant.
- B. If the Clerk receives an application that does not include any required information, the Clerk shall return the application to the applicant to correct any omissions or errors.
- C. Upon receipt of a complete license application, the Clerk shall forward the application to the Chief of Police or the Chief's designee (the "Chief") for review.

II. Investigation

- A. Upon receipt of a complete license application, the Chief shall conduct an investigation of the applicant's arrest and conviction history.
- B. The Chief shall prepare a report that contains the applicant's entire arrest and conviction history. The report shall not include the following:
 - 1. The applicant's arrest record history, except the report shall include information relating to a pending criminal charge for an "exempt offense" or a "violent crime against a child" listed under Appendix A.
 - 2. Information relating to any conviction for a non-felony offense, if the applicant has been convicted of not more than one non-felony offense within the last five (5) years, except the report shall include information relating to convictions for violations of Wis. Stat. ch. 125 (alcohol beverage violations), Wis. Stat. § 346.63 (operating while intoxicated), or any municipal ordinances adopted pursuant thereto.

3. Information relating to any conviction that occurred prior to the date of application, if the applicant produces, for each conviction, competent evidence of sufficient rehabilitation and fitness pursuant to Wis. Stat. § 111.335(d)(1).
 4. Information relating to any conviction for any violation under Wis. Stat ch. 346 or any municipal ordinance adopted pursuant thereto, except the report shall include violations of Wis. Stat. §§ 346.62 to 346.64 (reckless and drunken driving), Wis. Stat. §§ 346.93 and 346.935 (intoxicants in vehicle), or any municipal ordinances adopted pursuant thereto.
 5. Information relating to any conviction for violations of Wis. Stat. § 343.44(1)(a) and (b) (operating while suspended or revoked), or any municipal ordinances adopted pursuant thereto.
- C. Upon the request of the Chief, the Clerk may assist the Chief with the preparation of the report under this section.
- D. The Chief and/or Clerk may request that the applicant provide additional information relating to any conviction, including whether the applicant possesses competent evidence of sufficient rehabilitation and fitness pursuant to Wis. Stat. § 111.335(d)(1).
- E. The Chief shall transmit the report prepared under this section and any related information received from the applicant to the Clerk.

III. Review by Clerk

- A. If the report does not contain any arrest and conviction information, the Clerk shall issue the license to the applicant.
- B. If the report contains any arrest and conviction information, the Clerk shall forward the license application, report, and any related information to the Public Safety Committee (the “Committee”) for review. The Clerk shall provide notice to the applicant that they may appear before the Committee and that, under state law, the applicant has the right to present evidence of rehabilitation and fitness to the Committee.

IV. Review by Committee

- A. Upon receipt of the license application and report, the Committee shall consider the application at its next regularly scheduled meeting.
- B. In accordance with Wis. Stat. § 125.17, the Committee shall determine whether the applicant is qualified to hold an operator’s license under Wis. Stat. § 125.04(5) based on the following:

1. *Substantial Relationship Test.* The Committee shall determine by majority vote whether any violation listed on the applicant's report is substantially related to the licensed activity. If the Committee determines that no pending charge or prior conviction is substantially related, the Committee shall approve the application and direct the Clerk to issue the license.
 2. *Right to Present Evidence.* If the Committee finds that any pending charge or prior conviction is substantially related to the licensed activity, the Committee shall allow the applicant to present evidence that the applicant is rehabilitated and fit pursuant to Wis. Stat. § 111.335(4)(d).
 3. *Rehabilitation and Fitness.* The Committee shall determine by majority vote whether the applicant has presented competent evidence of sufficient rehabilitation and fitness for each pending charge or prior conviction that is substantially related to the licensed activity. If so, the Committee shall approve the application and direct the Clerk to issue the license. If the Committee determines that competent evidence of sufficient rehabilitation and fitness has not been demonstrated for any violation, the Committee shall deny the application for a license.
- C. If the Committee denies an application for a license, the Committee shall direct the Clerk to prepare a written notice of decision stating the reasons for the denial, including a statement of how the circumstances of the offense relate to the particular licensed activity. The Clerk shall provide such notice to the applicant within 10 calendar days of the date of denial.

V. Appeals

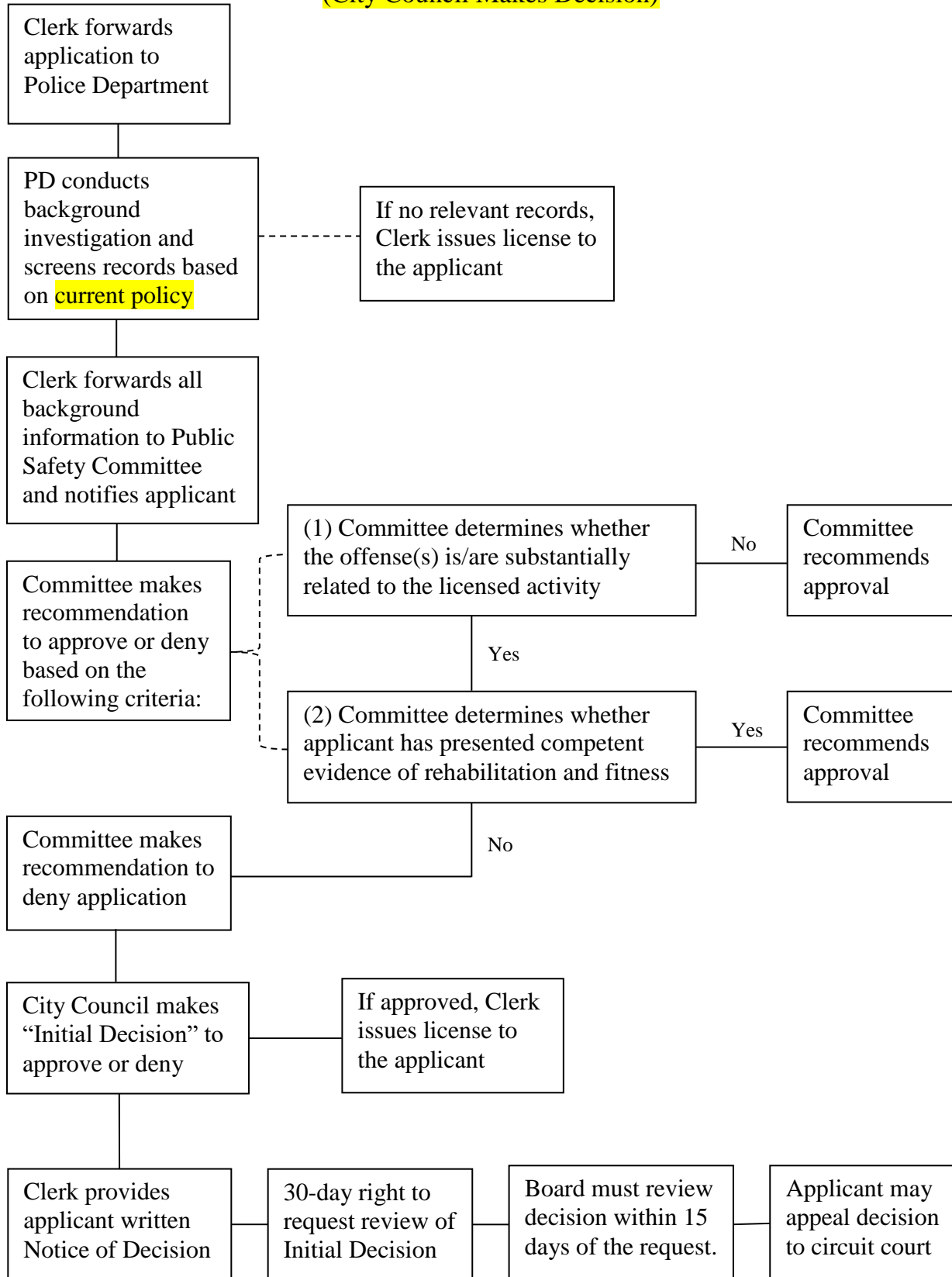
- A. Any applicant aggrieved by the denial of a license application may request that the Committee review that determination. The request for review shall state the reason or reasons upon which the applicant contends the decision should be modified or reversed. A request for review shall be submitted to the Clerk within 30 calendar days following the applicant's receipt of the written notice of decision.
- B. The Committee shall review the initial determination to deny the license application within 15 days of receipt of a request for review. Such time for review may be extended by mutual agreement with the applicant.
- C. The applicant may submit written materials and/or appear before the Committee to present evidence in support of the applicant's position. The Committee may affirm, reverse, or modify the initial determination. The Committee shall direct the Clerk to mail or deliver to the applicant a copy of the Committee's decision on review, which shall state the reasons for such decision and shall advise the applicant of the right to appeal the decision, the time within which appeal shall be taken and the office or person with whom notice of appeal shall be filed.

Appendix A
Exempt Offenses and Violent Crimes against Children

Wis. Stat.	Description
940.01	First-degree intentional homicide.
940.02	First-degree reckless homicide.
940.03	Felony murder.
940.04	Abortion.
940.05	Second-degree intentional homicide.
940.06	Second-degree reckless homicide.
940.07	Homicide resulting from negligent control of vicious animal.
940.08	Homicide by negligent handling of dangerous weapon, explosives or fire.
940.09	Homicide by intoxicated use of vehicle or firearm.
940.10	Homicide by negligent operation of vehicle.
940.11	Mutilating or hiding a corpse.
940.12	Assisting suicide.
940.13	Abortion exception.
940.15	Abortion.
940.16	Partial-birth abortion.
948.02	Sexual assault of a child.
948.025	Engaging in repeated acts of sexual assault of the same child.
948.03	Physical abuse of a child.
948.05	Sexual exploitation of a child.
948.051	Trafficking of a child.
948.055	Causing a child to view or listen to sexual activity.
948.06	Incest with a child.
948.07	Child enticement.
948.075	Use of a computer to facilitate a child sex crime.
948.08	Soliciting a child for prostitution.
948.085	Sexual assault of a child placed in substitute care.
948.095	Sexual assault of a child placed by a school staff person or a person who works or volunteers with children.
948.30(2)	Abduction of another's child

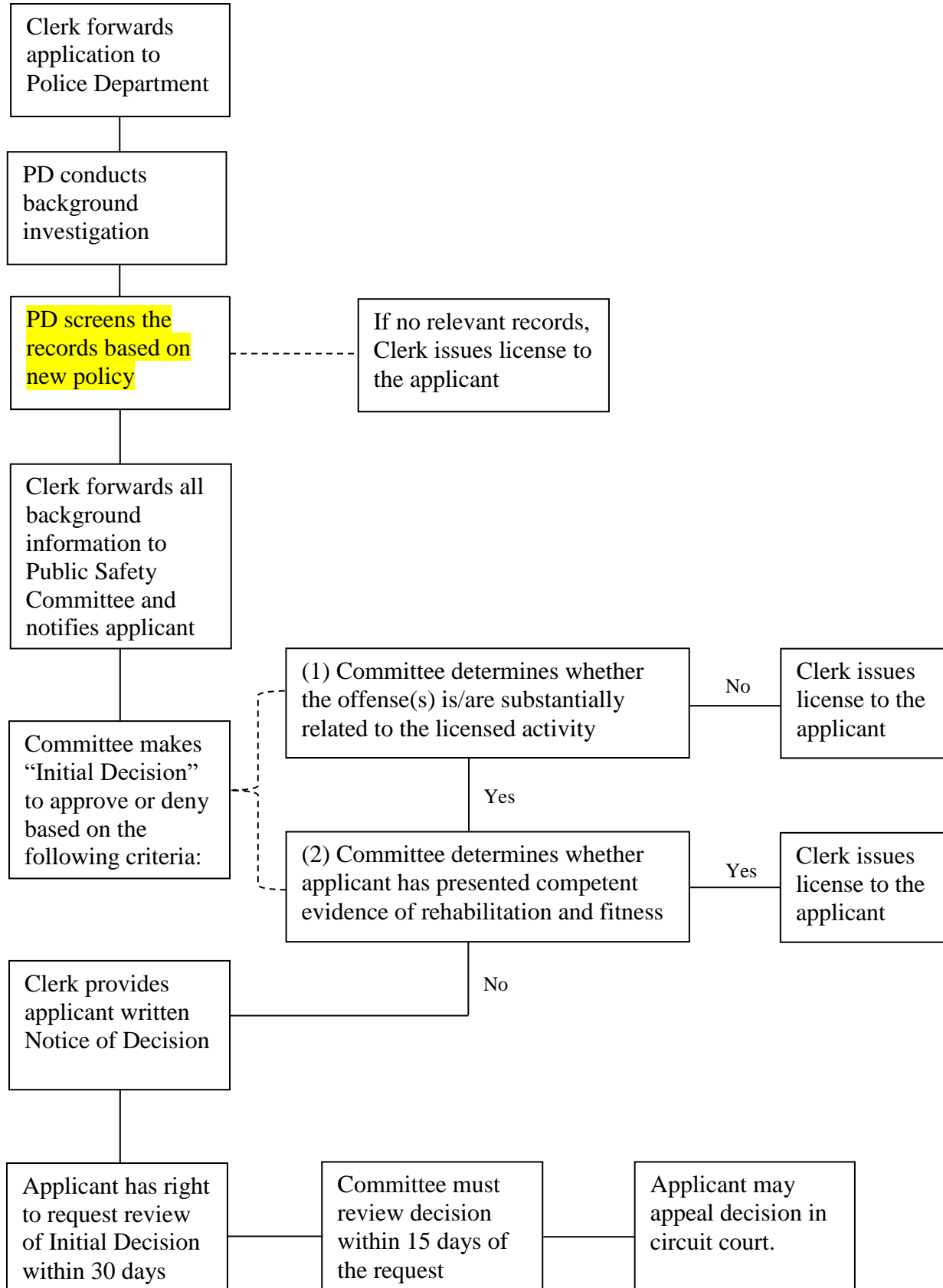
Current Procedure for Issuance of Operator's License

(City Council Makes Decision)



Proposed Procedure for Issuance of Operator's License

(Public Safety Committee Makes Decision)



DRAFT OPERATOR’S LICENSE ORDINANCE

I. Section 14-7(c) of the Stoughton Municipal Code is amended to read as follows:

Sec. 14-7. Authority to grant licenses.

...

(c) The following licenses and permits may be granted by the city clerk only upon approval of the city council:

(1) Intoxicating liquor and fermented malt beverages.

~~(2) Beverage operator's licenses.~~

(23) Public amusements.

II. Section 14-7(e) of the Stoughton Municipal Code is created to read as follows:

(e) The city clerk may issue alcohol beverage operator’s licenses only upon approval of the public safety committee, except the clerk may issue such licenses if no violation is reported by the chief of police pursuant to section 14-36(e).

III. Section 14-36(a) of the Stoughton Municipal Code is amended to read as follows:

Sec. 14-36. Application.

(a) Except as provided under par. (am), the application for ~~such~~ all alcohol beverage licenses shall be in writing on forms furnished by the state department of revenue and shall contain the following information verified under oath by the applicant:

IV. Section 14-36(am) of the Stoughton Municipal Code is created to read as follows:

(am) The application for alcohol beverage operator’s licenses shall be in writing on forms furnished by the city clerk and shall contain the following information:

(1) The applicant’s name, address, phone number, date of birth, and driver license number.

(2) A statement indicating whether the applicant has successfully completed a responsible beverage server training course.

(3) A statement indicating whether the applicant has ever been convicted of a felony, misdemeanor, or other offense and whether the applicant has any pending criminal charges.

(4) Any other information required by the city council.

V. Section 14-36(e) of the Stoughton Municipal Code is amended to read as follows:

- (e) As a part of the operator's license review process, the chief of police will conduct ~~a records check~~ an investigation of the applicant's ~~adult criminal arrests~~ arrest and conviction history through the Wisconsin Crime Identification Bureau, ~~and~~ the police department records of the applicant. The chief of police shall report only those records for violations identified in any written policy adopted by the city council. ~~This record will be attached to the application~~ for review by the city clerk and, if necessary, the public safety committee.

VI. Section 14-38(a) of the Stoughton Municipal Code is amended to read as follows:

Sec. 14-38. Issuance of license.

- (a) The public safety committee shall give any person the opportunity to be heard for or against the issuance of any license. Upon the receipt of a timely application received by the city clerk, approval of the application as provided under section 14-7 ~~by the city council~~ and after payment of license fee, the city clerk shall issue the applicant a license. Each license shall be numbered in the order in which issued and shall specifically state the premises for which issued, the date of issuance, fee paid and the name of the licensee. All licenses shall remain in force until June 30 following the issuance thereof, unless revoked or suspended in the manner provided by statute or this chapter. Renewal license applications are due by April 15 and shall be issued a late fee of \$25.00 for each day after April 15 that the application is received. Payment of the application fee is due in full by June 15 and shall be issued a late fee of \$25.00 for each day later than June 15 that the application fee is received. Payments received after June 25 shall be made by cash, money order or bank cashiers check only. If necessary, the city clerk may issue a 60-day provisional retail license to late filing applicants, subject to report and approval of the chief of police.

CITY OF STOUGHTON, 207 S. Forrest Street, Stoughton, WI 53589

ORDINANCE OF THE COMMOM COUNCIL	
To revise Section 50-4 of the Stoughton Municipal Code Chapter 50 Relating to Offenses and Miscellaneous Provisions	
Committee	Public Safety Committee
Action:	
Fiscal Impact:	0
File Number:	O-O-2022
Date Introduced:	

The City Council of the City of Stoughton, Dane County, Wisconsin, ordains as follows:

- Chapter 50, Section 50-4(a) of the Stoughton Municipal Code is amended as follows:

Sec. 50-4. Offenses against public and private property.

- (a) *State laws adopted by reference.* The following statutes, excluding penalties for violation thereof, as amended, are adopted by reference in this section as if fully set forth and any violation of such statutes shall constitute a violation of this section:

Wis. Stats. § 943.01(1)	Criminal Damage to Property
Wis. Stats. § 943.017	Graffiti
Wis. Stats. § 943.11	Entry Into Locked Vehicle
Wis. Stats. § 943.125	Entry Into Locked Coin Box
Wis. Stats. § 943.13	Trespass to Land
Wis. Stats. § 943.14	Criminal Trespass to Dwellings
Wis. Stats. § 943.15	Entry Onto a Construction Site or Into a Locked Building, Dwelling or Room
Wis. Stats. § 943.20	Theft (Value Less Than \$500.00)
Wis. Stats. § 943.21	Fraud on Hotel or Restaurant Keeper (Value Less Than \$1,000.00)
Wis. Stats. § 943.23	Operating Vehicle Without Owner's Consent
Wis. Stats. § 943.32	Robbery

Wis. Stats. § 943.34	Receiving Stolen Property (less than \$1,000.00)
Wis. Stats. § 943.37	Alteration of Property Identification Marks
Wis. Stats. § 943.38(3)	Forgery
Wis. Stats. § 943.46	Theft of Cable Television Service (Exclusive of Penalty Provision)
Wis. Stats. § 943.50	Shoplifting (Value Less Than \$500.00)
Wis. Stats. § 943.55	Removal of Shopping Cart
Wis. Stats. § 943.61	Theft of Library Material (Value Less Than \$1,000.00)
Wis. Stats. § 945.02	Gambling
Wis. Stats. § 948.63	Receiving Property From Children

This ordinance shall be in full force and effect from and after its date of publication.

Dates

Council Adopted: _____

Mayor Approved: _____

Tim Swadley, Mayor

Published: _____

Attest: _____

Candee Christen, City Clerk

From: [Isaac S. Brodkey](#)
To: [Candee Christen](#)
Cc: [Greg Jenson](#); [Matthew Dregne](#)
Subject: FW: Proposed Ordinance for Public Safety Committee
Date: Thursday, January 26, 2023 4:30:35 PM
Attachments: [3W04216-Proposed Revisions to Section 50-4 of Stoughton Municipal Code.doc](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon Candee and Alderperson Jenson,

Matt and Derek informed me the Public Safety Committee did not have the attached "graffiti" ordinance in its packet last night. I am reattaching the proposed ordinance to this email and forwarding the original email which provides some context for the proposed ordinance. Please let me know if you need anything else.

Best,
Isaac

**STAFFORD
ROSENBAUM**

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From: Isaac S. Brodkey
Sent: Monday, December 5, 2022 10:53 AM
To: Candee Christen <CChristen@ci.stoughton.wi.us>; gjenson@ci.stoughton.wi.us
Cc: Matthew Dregne <MDREGNE@staffordlaw.com>
Subject: Proposed Ordinance for Public Safety Committee

Good morning Candee and Alderperson Jensen,

As you may know, I prosecute ordinance violations on behalf of the city. During this time, I have run into a series of graffiti incidents that have been cited as criminal damage to property contrary to City Ordinance Section 50-4(a) adopting Wis. Stat. § 943.01(1). Several accused offenders have asked why they have been cited for criminal damage to property when they are accused of spray painting. The answer is that the City does not have an ordinance that addresses graffiti directly and the criminal damage to property ordinance is the closest violation. I would like to put the attached ordinance for discussion before the public safety committee. I believe adoption of the ordinance may be a valuable tool to reaching amicable resolutions with offenders.

Best,
Isaac

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