



Minutes
Committee #3

Transportation, Construction, Public Safety and Traffic

Committee #3 met on Tuesday, September 18, 2018 at 5:15 pm in the Council Chambers, City Hall, 30 West Central Street, Chippewa Falls, WI.

Committee Members present: Paul Olson, CW King, and Robert Hoekstra

Council Members present: Mayor Hoffman, Rob Kiefer, Paul Nadreau, and John Monarski

Others present: City Attorney Robert Ferg, Finance Manager/Treasurer Lynne Bauer, Director of Public Works/City Engineer/Utilities Manager Rick Rubenzer, Assistant City Engineer Bill McElroy, Street and Utilities Maintenance Manager Rick Ruf, Dwayne Lambert of 13th Step, and City Clerk Bridget Givens.

The meeting was called to order at 5:15 pm.

- 1. Discuss communication received from Dwayne Lambert concerning the intoxicating liquor license for 13th Step located at 1 E Canal Street. Possible recommendations to the Council.**

Dwayne Lambert appeared to discuss the status of his intoxicating liquor license. He is hoping to have the facility either leased or sold within 60-90 days.

This item was tabled until the Committee #3 Meeting on November 20, 2018.

- 2. Discuss changes to Occupational (i.e. Bartender, Taxi Cab Driver) Licensing due to Act 278. Possible recommendations to Council.**

Chief Kelm distributed handouts relative to Wisconsin Act 278, addressing its applicability to issuing licenses in the City. Details were discussed as to which offenses would allow immediate refusal of a Bartender license (whether pending or convicted) and offenses which may allow denial of a Bartender License upon conviction. The Committee also discussed the denial criteria that could be applied to Taxi Cab Drivers.

No action taken.

- 3. Discuss replacement of traffic signal controls in downtown locations. Possible recommendations to Council.**

Street and Utilities Maintenance Manager Ruf advised of the failure of the control signal at Bridge and Columbia. He indicated that nine other controllers in the downtown area are of similar age and are obsolete. Ruf would like to see the traffic signal controls on a replacement schedule, which would also need to be considered by Committee #1.

Motion by Hoekstra/King to recommend Council approve the purchase of a control signal from Tapco to replace the one that is down. **All present voting aye, motion carried.**

- 4. Adjournment.**

Motion by Hoekstra/King to adjourn at 5:45 pm. **All present voting aye, motion carried.**

Minutes submitted by:
Paul Olson, Chair

Date: 09 05 2018

TO: City of Chippewa Falls Common Council

FROM: Dwayne Lambert DBA 13th Step, 1 E Canal Street Chippewa Falls WI 54729

SUBJ: FUTURE USE OF CLASS B LIQUOR LICENSE ISSUED TO DWAYNE LAMBERT AND 1 E CANAL STREET

REF: Email and letter dated 08 23 2018 from Bridget Givens, City Clerk Chippewa Falls

1. Thank you for the opportunity to share with the council what my plan is for the future use of the class B liquor license granted to Dwayne Lambert and the property at 1 E Canal Street Chippewa Falls.
2. Future use of the license includes operation of the establishment to satisfy the weekly 20 per hour requirement (Chippewa Falls municipal code section 12.03)
 - a. The property is listed for lease
 - i. Currently working with 3 individual interested parties to establish agreeable terms
 - b. The property is listed for sale with Woods and Water Realty
 - i. MLS # 1516540
3. My request is for the location to remain closed and to retain possession of the class B liquor license until the property is sold or leased. The license is issued to both me and the property making the license an integral part of the valuation of the property. Without the license substantial changes to the zoning and physical layout of the property would be needed to maintain value in the property.

Respectfully submitted,



09 05 2018

Offences which allow refusal of bartender licence (pending or conviction)

CHAPTER 940

CRIMES AGAINST LIFE AND BODILY SECURITY

LIFE.	
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.
BODILY SECURITY.	
940.19	Battery; substantial battery; aggravated battery.
940.195	Battery to an unborn child; substantial battery to an unborn child; aggravated battery to an unborn child.
940.20	Battery; special circumstances.
940.201	Battery or threat to witnesses.
940.203	Battery or threat to judge.
940.205	Battery or threat to department of revenue employe.
940.207	Battery or threat to department of commerce or department of workforce development employe.
940.21	Mayhem.
940.22	Sexual exploitation by therapist; duty to report.
940.225	Sexual assault.
940.23	Reckless injury.
940.24	Injury by negligent handling of dangerous weapon, explosives or fire.
940.25	Injury by intoxicated use of a vehicle.
940.285	Abuse of vulnerable adults.
940.29	Abuse of residents of penal facilities.
940.291	Law enforcement officer; failure to render aid.
940.295	Abuse and neglect of patients and residents.
940.30	False imprisonment.
940.305	Taking hostages.
940.31	Kidnapping.
940.32	Stalking.
940.34	Duty to aid victim or report crime.
940.41	Definitions.
940.42	Intimidation of witnesses; misdemeanor.
940.43	Intimidation of witnesses; felony.
940.44	Intimidation of victims; misdemeanor.
940.45	Intimidation of victims; felony.
940.46	Attempt prosecuted as completed act.
940.47	Court orders.
940.48	Violation of court orders.
940.49	Pretrial release.

- 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 by a school staff person/person who works or volunteers with children

No further explanation is needed for the license refusal other than a listing of the statute.

Offences which may allow denial of bartender licence upon conviction

Other felonies or misdemeanors may allow a refusal to license if the circumstances of the offense relate to the particular licensed activity.

Historically the City has deemed these offences to relate to the licensed activity:

1. The applicant has been convicted of two (2) applicable offenses within thirty-six (36) months of the filing of the application; **AND**
2. One (1) of the above convictions must have been committed within twelve (12) months of the date of application; **OR**
3. The applicant has been convicted of any one of the following offenses within thirty-six (36) months of the filing of the application: Obstructing/Resisting an Officer, Battery, Delivery of a Controlled Substance, or Maintaining a Drug House.

Licensed Premises Violations

No licensed bartender
Serving without a license
Permitting underage person on premises
Serving underage person
Open after hours
Possession of illegal stock
Gambling violations
Juvenile providing entertainment
Failure to allow inspection
Sale to an intoxicated person

Individual Alcohol Violations

Underage presence in place of sale
Underage consumption
OWI
Absolute sobriety
Open intoxicants in a motor vehicle
Transportation of alcohol by a minor
Falsely representing age
Furnishing alcohol to an underage person
Open container
Adult permitting or failing to take action

Other Violations

Drug possession
Possession of drug paraphernalia
Disorderly conduct
Obstructing an officer
Resisting an officer
Battery
Delivery of a controlled substance
Maintaining a drug house

The applicant may request to show evidence of rehabilitation and fitness to engage in the licensed activity. If the individual shows competent evidence of sufficient rehabilitation and fitness to perform the licensed activity the licensing agency may not refuse to license the individual or bar or terminate the individual from licensing based on that conviction.

- Competent evidence of sufficient rehabilitation and fitness to perform the licensed activity may be established by the production of any of the following:
 - 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.
 - 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 licensing agency shall consider any of the following evidence presented by the individual:
 - Evidence of the nature and seriousness of any offense of which he or she was convicted.
 - Evidence of all circumstances relative to the offense, including mitigating circumstances or social conditions surrounding the commission of the offense
 - The age of the individual at the time the offense was committed
 - The length of time that has elapsed since the offense was committed
 - 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
 - All other relevant evidence of rehabilitation and present fitness presented

To: Mayor Greg Hoffman and Council Members
From: Police Chief Matthew Kelm
Date: Date
Subject: Applicant

The following is the result of a records check with this Department and recommendation for original/renewal of the above applicant's operator's license. Records check is based on date of conviction for offenses.

X DENIED

Chippewa Falls Police Department policy concerning the denial of operator's licenses fall under the following criteria:

The list of applicable felonies, misdemeanors, and other offences that allow refusal to license is attached. It has been determined that the circumstances of these offenses relate to the particular licensed activity.

1. The applicant has been convicted of two (2) applicable offenses within thirty-six (36) months of the filing of the application; **AND**
2. One (1) of the above convictions must have been within twelve (12) months of the date of application; **OR**
3. The applicant has been convicted of any one of the following offenses within thirty-six (36) months of the filing of the application: Obstructing/Resisting an Officer, Battery, Delivery of a Controlled Substance, or Maintaining a Drug House, or any other serious offense that substantially relates to the license applied for.
4. Any felony conviction that substantially relates to the license applied for.

Date of Conviction	Charge
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(This License to Serve application will be addressed at the City Council meeting on Tuesday, September 4, 2018 at 6:30 pm. The Council meetings are held on the second floor of City Hall, 30 W. Central Street, Chippewa Falls. You are welcome to attend this meeting and speak to the Council members on your own behalf.)

**CHIPPEWA FALLS POLICE DEPARTMENT
APPLICABLE OFFENSE CRITERIA FOR
BARTENDER LICENSE APPLICATION/RENEWAL**

Licensed Premises Violations

No licensed bartender
Serving without a license
Permitting underage person on premises
Serving underage person
Open after hours
Possession of illegal stock
Gambling violations
Juvenile providing entertainment
Failure to allow inspection
Sale to an intoxicated person

Individual Alcohol Violations

Underage presence in place of sale
Underage consumption
OWI
Absolute sobriety
Open intoxicants in a motor vehicle
Transportation of alcohol by a minor
Falsely representing age
Furnishing alcohol to an underage person
Open container
Adult permitting or failing to take action

Other Violations

Drug possession
Possession of drug paraphernalia
Disorderly conduct
Obstructing an officer
Resisting an officer
Battery
Delivery of a controlled substance
Maintaining a drug house



**WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO**

2017 Wisconsin Act 278
[2017 Assembly Bill 829]

**Criminal History as a Bar to
Professional Licensure**

Subject to certain exceptions, it is generally an unlawful act of employment discrimination for a state or local agency that has the authority to grant or deny professional or occupational licenses to refuse to license an individual on the basis of the individual's arrest or conviction record. 2017 Wisconsin Act 278 makes various changes to the circumstances under which a licensing agency may base its decisions on an individual's criminal history.

PRIOR LAW

Under prior law, it was not unlawful for an agency to deny a license to an individual who was subject to a pending criminal charge if the circumstances of the charge substantially related to the circumstances of the particular licensed activity. It was also not unlawful employment discrimination to deny a license to an individual who had been convicted of any felony, misdemeanor, or other offense the circumstances of which substantially related to the circumstances of the particular licensed activity.

THE ACT

The Act retains the standard described above, except as follows. First, in addition to requiring that the circumstances of an arrest or conviction substantially relate to the circumstances of the licensed activity, the Act also prohibits a licensing agency from:

- Refusing to license an individual, or suspending an existing license, based on a substantially related pending criminal charge, unless the charge is for one of certain specified crimes against a child or life and bodily security, or a violent crime against a child.
- Refusing to license an individual, or barring or terminating an individual from licensing because the individual was adjudicated delinquent of an offense under the

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

Juvenile Justice Code, unless the offense was one of certain specified crimes against a child or life and bodily security.

Second, except in the case of certain exempt offenses, the Act requires a licensing agency that denies or terminates a license based on a prior conviction to state in writing its reasons for doing so and allow the individual to show evidence of rehabilitation and fitness to engage in the licensed activity. The licensing agency must consider a list of factors, such as the seriousness of the crime and relevant mitigating circumstances. In addition, either of the following must be accepted as competent evidence of sufficient rehabilitation and fitness: (1) documentation showing that the person was honorably discharged or separated under honorable conditions from the military and had no subsequent criminal convictions; or (2) documentation showing that the person completed his or her probation, extended release or parole and, if the person served time in a correctional institute, that one year has passed since his or her release without subsequent conviction of a crime.

Third, the Act allows an individual to obtain a predetermination from a state licensing agency regarding whether he or she would be disqualified from obtaining a license due to a prior conviction before submitting a full license application. Each state licensing agency must also publish a document on its website indicating the offenses or kinds of offenses that may cause the agency to refuse or bar a person from licensure or terminate an existing license.

Finally, the Act grants state licensing agencies authority to promulgate emergency rules necessary to implement the Act.

Effective date: The Act generally takes effect on August 1, 2018.

Prepared by: Andrea Brauer, Staff Attorney

AB:mcm;jal

April 27, 2018
(Revised May 29, 2018)



SALES QUOTE

Customer Copy

Number	Q1816486
Date	9/13/2018
Page	1

5100 West Brown Deer Road • Brown Deer, WI 53223
 Phone (800) 236-0112 • tapconet.com • Fax (800) 444-0331

Sell To Cust. C59	City Of Chippewa Falls Rick Ruf 5 Riverside Drive Chippewa Falls, WI 54729 USA	Ship To Cust.	City Of Chippewa Falls Rick Ruf 5 Riverside Drive Chippewa Falls, WI 54729 USA		
Customer PO #	Expires	Slsp	Terms	Freight	Ship Via
BRIDGE COLUMBIA REPLACEMENT	10/13/2018	Signal Service	Net 30 DAYS	PREPAY/ADD	TECH

Item	Description	Quantity	UM	Price	Extension
373-01416	Controller Equipment	1	EA	11,149.00	\$11,149.00
122-EL702RAW	Cabinet,EL-702 Unpainted 51"Hx30"Wx17"D	1	EA		
122-TF5012	Terminal Facility TF-5012	1	EA		
122-TF4050	Terminal Facility,TF4050 Power	1	EA		
122-TF4001A	Terminal Facility,TF4001A	1	EA		
750-00001	Connector, NEMA A KPT06B22-55S	1	EA		
129710	EPAC M62 ATC Lite with Latest SEPAC/ Latest NTCIP	1	EA		
395-MMU216LEIP	Malfunction Management Unit,MMU2-16LEip use with traffic controller	1	EA		
220-00002	Rack,Pre-Empt,CR-20X,Wired for 2 Optical Detectors	1	EA		
102-00003	Grounding Lug PRESS.CONN. SLUH35 ILSCO	3	EA		
100102001	Fan & Thermostat Kit 00100102001	1	EA		
122-CPS102	Power Supply For TS2 Cabinet CPS105	1	EA		
395-00700	BIU700 EDI	2	EA		
122-EF20325	Cord,Hand Coiled PBW05492P001	1	EA		
367-00003	Breaker 15 AMP QC1015	1	EA		
068-00006	Switch DPDT O4M4777 Manu # 7565K5	5	EA		
068-00007	Switch 3PDT 21F910 7702K1	1	EA		
068-00008	Switch, DPDT Center Off Manu # 7563K4	1	EA		
122-00021	TS2 SDLC Hookup Panel AAD14753P003	1	EA		
122-04153	BIU Cable Milwaukee Co ABW14652P060	5	EA		
373-1ST	Loadswitch Discrete Nema WisDOT Model# SSS-86-3	8	EA		
373-2ST	Flasher Discrete Nema WisDot Model# SSF-86-3	1	EA		

Shipment within _____
 Acceptance By _____
 Date _____
 By _____

Merchandise	Freight	Tax	Total
\$12,109.00	\$0.00	\$0.00	\$12,109.00

For terms and conditions, please visit: <http://www.tapconet.com/terms-and-conditions>



SALES QUOTE

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Number	Q1816486
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	Customer PO #	Expires	Sisp		Terms	Freight
BRIDGE COLUMBIA REPLACEMENT		10/13/2018	Signal Service	Net 30 DAYS	PREPAY/ADD	TECH

Item	Description	Quantity	UM	Price	Extension
122-PAR2018	Relay Flash Transfer PAR 2018 W21ACPX-2 / 21XBXP	4	EA		
373-77772	Turn-On	1	EA	960.00	\$960.00

Shipment within _____
 Acceptance By _____
 Date _____
 By _____

Merchandise	Freight	Tax	Total
\$12,109.00	\$0.00	\$0.00	\$12,109.00

For terms and conditions, please visit: <http://www.tapconet.com/terms-and-conditions>

LOCATION	NUMBER OF	CONST.
	HEADS	YEAR
BRIDGE & COLUMBIA	12	1983
BRIDGE & GRAND	12	1983
BRIDGE & CENTRAL	12	1983
BRIDGE & SPRING	12	1983
BAY & RIVER	9	1983
BAY & SPRING	9	1983
BAY & CENTRAL	9	1983
BAY & GRAND	9	1983
RUSHMAN & GRAND	9	1983
BRIDGE & WILLOW	12	1990