



Minutes

Committee #3

Transportation, Construction, Public Safety and Traffic

Committee #3 met Tuesday, June 3, 2014 at 10:30 am in the City Hall Council Chambers, 30 West Central Street, Chippewa Falls, WI.

Council/Committee Members present: Mike Hanke, Bill Hicks, and Rob Kiefer.

Others present: Finance Manager/Treasurer Lynne Bauer, Utilities Office Manager Connie Freagon, Police Chief Wendy Stelter, Sgt David BeBeau, Director of Public Works/City Engineer/Utilities Manager Rick Rubenzer, City Clerk Bridget Givens, and Street Superintendent Rick Ruf.

The meeting was called to order at 10:30 am.

1. Discuss draft ordinance entitled: An Ordinance Expanding The Camera Monitoring Requirement from Just Grocery Stores to Include "Class B" and Class "B" Licensed Premises –§12.03(14) of the Chippewa Falls Municipal Code. Possible recommendations to the Council.

Sgt BeBeau briefed the Committee on several investigations where if operable cameras were in use in local taverns, cases would have been solved much more expeditiously. He also provided an example of a tavern that had operable monitoring equipment which aided in the apprehension of an individual who had committed robberies in several different counties. Sgt BeBeau further advised that numerous cities already have ordinances to this effect in place, it is not uncommon.

Councilor Hanke indicated he has spoken with Wesley Partlo, who is the Chippewa County Tavern League President, to get his feedback on this proposed ordinance. Mr. Partlo did not seem to object, but was concerned about the potential cost to tavern owners. Sgt. BeBeau stated he was made aware of an eight-camera, high-definition system which could be purchased for around \$300-\$500.

Hanke further indicated he does not necessarily have issue with doing something in this regard, but feels the ordinance should be revised to remove the provision which reads: "the recordings required hereunder shall be made available to law enforcement at any time" and instead defer to Wisconsin Statutes. He would like Attorney Ferg to review this section.

Councilor Hicks indicated his support, but he would like to see "all areas open to the public" be further defined and questioned if beer gardens would fall under this requirement.

Following additional discussion, the Committee would like the following addressed:

1. The minimum ranges in quality of a system identified, i.e. night vision, color, etc.
2. The statutory language for subpoenaing video camera footage from Attorney Ferg.
3. The possibility of expanding the deadline for camera installation.
4. Further clarification regarding "all areas open to the public".

Sgt. BeBeau will meet with Mr. Partlo to address potential concerns, make the revisions suggested by the Committee, and bring the draft ordinance back to Committee #3 for consideration.

No action taken.

2. Discuss possibility of installing a yield sign at the intersection of Terrill Street and Bel Air Boulevard. Possible recommendations to the Council.

Chief Stelter distributed a document entitled Bel Air and Terrill Traffic Crash Report and provided the details thereon. Chief Stelter advised that she observed this intersection yesterday from about 7:15 – 8:30 am. She felt on this particular morning, traffic appeared to be proceeding accordingly. She thinks this intersection is safe and gave the recommendation that perhaps the crosswalks could be refreshed with paint. The Committee members felt that a yield sign should not be pursued at this time and thought other areas may be more of a safety concern, such as the following:

- Installing a turn lane at Coleman & Wheaton, or possibly a roundabout;
- Installing a turn lane at Coleman & Terrill;
- Installing additional speed zones and flashing lights at school crossings;
- Creating more space to drive in and drop off students at Hillcrest; and
- Reviewing safety concerns at all elementary schools in the City.

City Engineer Rubenzer advised the Committee of the DOT's Safe Routes to School program and possible grant opportunities. Rubenzer will contact Eric Anderson of the Western Wisconsin Regional Plan Commission who submitted a grant on our behalf to check on the status and determine what type of work is allowable with the grant funds.

Hicks would like follow-up discussions on a monthly basis regarding the traffic issues in school zones.

No action taken.

3. Discuss bicycle/pedestrian path in front of the Sunbeam Tavern at the Northeast corner of Park Avenue and Peterson Lane. Possible recommendations to the Council.

The Committee discussed the different options for parking at the Sunbeam Tavern in the interest of maintaining safety and eliminating wear and tear on the bike trail. Attorney Ferg had previously opined that parallel parking on Park Avenue was not an option, but that opinion could not be located. Following additional discussion, the Committee thought that installing bollards around the bike path to prohibit parking would be a viable alternative.

Motion by Hicks/Hanke to recommend the installation of bollards around the bike trail at the Sunbeam Tavern and to add parallel parking on Park Avenue. Clerk Givens questioned if the reason parallel parking is prohibited on Park Avenue is because it is also County Highway J. **Motion by Hicks/Hanke** to amend the previous motion to recommend the installation of bollards around the bike trail at the Sunbeam Tavern and direct Attorney Ferg to find the statutory language regarding parking on a County Highway. **All present voting aye, motion carried.**

4. Discuss the possibility of amending Section 23.09 of the Chippewa Falls Municipal Code relative to Solid Material Heating Systems. Possible recommendations to the Council.

Givens advised that the current ordinance dictates appeals must be made to the Gas Appeal Board. The Gas Appeal Board currently has no members appointed, and they have not met since approximately 2005.

Motion by Hicks/Hanke to recommend Attorney Ferg revise Section 23.09 to change from the Gas Appeal Board to Committee #3. **All present voting aye, motion carried.**

5. Adjournment

Motion by Hicks/Hanke to adjourn at 11:56 am. **All present voting aye, motion carried.**

Minutes submitted by:
Mike Hanke, Chair

ORDINANCE 2014-_____

AN ORDINANCE EXPANDING THE CAMERA
MONITORING REQUIREMENT FROM JUST
GROCERY STORES TO INCLUDE “CLASS B”
AND CLASS “B” LICENSED PREMISES –
§12.03(14) OF THE CHIPPEWA FALLS MUNICIPAL CODE

THE COMMON COUNCIL OF THE CITY OF CHIPPEWA FALLS, WISCONSIN,
DO ORDAIN AS FOLLOWS:

Under §12.03(14)(f) 5.e. of the Chippewa Falls Municipal Code grocery stores, if otherwise properly licensed, may sell alcoholic beverages for consumption away from the premises if they meet certain enumerated conditions, which include:

- e. Camera and recording equipment is required. All check-out and register areas together with all areas where alcoholic beverages are displayed for sale outside of the secured portion must be monitored by an electronic camera with all activities recorded; and
 - 1. Such equipment must be operational at all times during which the business is open and provide a clear view of the area and the activity within the area with sufficient detail to aid in an investigation; and
 - 2. All digital recordings required under this section shall be retained a minimum of 21 calendar days. The recordings required hereunder shall be made available to law enforcement at any time.

1. In order to aid law enforcement and expand required camera monitoring coverage to taverns and like establishments the Common Council of the City of Chippewa Falls does hereby create §12.03(14) of the Chippewa Falls Municipal Code to provide as follows:

- (14) RESTRICTIONS ON “CLASS B” AND CLASS “B” LICENSES. It is the intent of the City Council and purpose of this section to provide for a high level of supervision and security in the retail sale and safe consumption of intoxicating beverages under “Class B” and Class “B” intoxicating liquor licenses. Purposes include, but are not limited to, providing a safe environment for the consumption of alcohol, assisting in the apprehension of suspects involved in violent crimes, restricting access of minors and others prohibited from consuming alcohol, limiting liability for tavern owners by helping to prevent false claims, preventing shoplifting, providing for only licensed bartenders, or those directly under the supervision of the licensee, to supervise sales areas so that proper identification and age of the purchaser is made by the licensee. In furtherance thereof, as respects any “Class B” or Class “B” licensed premise:

- (a) Camera and recording equipment is required. All areas open to the public including any entrance doors as well as all check out and register areas must be monitored by an electronic camera with all activities recorded; and
- (b) Such equipment must be operational and recording at all times during which the business is open. Cameras should be mounted at a height of 9'-12' to reduce the chance of vandalism to the camera while providing a clear view of the area and the activity within the area with sufficient detail to aid in the investigation; and
- (c) All digital recordings required under this section shall be retained for a minimum of 21 calendar days. The recordings required hereunder shall be made available to law enforcement at any time.
- (d) The camera system must produce a clear image which can identify persons of interest in an investigation. Video surveillance equipment shall be recorded in a digital High Definition (HD) format.
- (e) Camera systems as defined in this section must be operational by January 1, 2015.
- (f) A violation of this section is subject to a municipal forfeiture of not less than \$300.00 and not more than \$500.00 plus any applicable court costs and taxable costs. A violation of this section may also be a basis for revocation or nonrenewal of a license.

DATED this ___ day of _____, 2014

ALDERPERSON: _____
William Hicks, Council President

FIRST READING: _____

SECOND READING: _____

APPROVED: _____
Gregory S. Hoffman, Mayor

ATTEST: _____
Bridget Givens, City Clerk

Bel Air and Terrill Traffic Crash Report

June 3, 2014

1. 11/2005- One Motorcycle Crash @ 1237 Hours. On Bel Air, braked to make left turn onto Terrill. M/C tipped and operator went down. No injury. (Speed was a factor-No Citations Issued).
2. 5/2006- Three M/V Crash.-On Bel Air @ 1538 Hours. Three m/v's in-line at Terrill. Unit #3 rear-ended Unit #2 in front, which was pushed into back of Unit #1. (Roads were wet and a citation for Inattentive Driving was issued).
3. 3/2009- Two M/V Crash-On Bel Air @ 1745 Hours. Unit #1 slides into Unit #2 who was stopped on Bel Air at Terrill. (Roads were ice covered-No Citations Issued).
4. 11/2011- Two M/V Crash-On Terrill @ 0740 Hours. Unit #1 was traveling NB on Terrill. Unit #2 was on Bel Air and failed to yield to Unit #1, while making left (north) hand turn. Unit #2 struck Unit #1. (Roadway dry-Citation for FYR).
5. 1/2012- Two M/V Crash-On Bel Air @ 1740 Hours. Unit #1 stopped at intersection waiting for traffic on Terrill. Unit #2 slid into Unit #1. (Roads were wet and slushy-No Citations Issued).

Five traffic crashes since November 2005.

- Crashes 3 & 4 occurred during drop off and pick up times.
- One crash caused by traffic on Bel Air for Failing to Yield Right Away.
- Three crashes caused by rear-ends on Bel Air.
- One crash caused by speed on Bel Air.
- Total of 14 people involved, including operators.
- One with minor apparent injury (M/C)-transported by EMS.
- One with possible injury-no transport.

23.09 APPEALS.

Any person directly interested who is aggrieved by any decision of the Inspector, or any requirement resulting from the enforcement of this chapter, may appeal such decision to the Gas Appeal Board. The appeal shall be made by the person aggrieved upon service of a written notice of such an appeal to the Inspector within 48 hours after the decision appeal is made. The Gas Appeal Board shall meet within 48 hours after service of such notice, and shall render its decision as soon as practical. The aggrieved party may present his own case to the Board or may have the assistance of legal counsel. An appeal from the decision of the Board to the Council may be made within 10 days thereafter upon written notice served upon the City Clerk.

AN ORDINANCE CREATING THE SOLID FUEL-BURNING OUTDOOR HEATING APPLIANCES CODE SECTION - SECTION 23.08(5) OF THE CHIPPEWA FALLS MUNICIPAL CODE.

THE COMMON COUNCIL OF THE CITY OF CHIPPEWA FALLS, WISCONSIN,
DOES ORDAIN AS FOLLOWS:

1. That Chapter 23.08(5) Solid Fuel-Burning Outdoor Heating Appliances shall be created as follows:

(1) PURPOSE. The Common Council of the City of Chippewa Falls has the authority to exercise its police powers for the general health, welfare and safety of the residents of the City. It is recognized and found that the type of fuel used by and the scale and duration of the burning by solid fuel-burning outdoor heating appliances and the smoke and particulate emissions emanating therefrom create noxious and hazardous smoke, soot, fumes, odors and air pollution that can be detrimental to citizens' health and can deprive neighboring property owners/users of the enjoyment of their property or premises when such appliances are located in an urban setting. Such appliances are hereby declared to be a public nuisance.

(2) DEFINITION. Solid fuel-burning outdoor heating appliance means any equipment, device or apparatus, or any part thereof, which is installed or constructed for the purpose of combustion of fuel to produce heat, hot water and/or energy that is used as a component of a heating system providing heat for the interior of a building or a pool, where the equipment, device or apparatus is located outside of the building or pool for which the heat, hot water and/or energy is to be generated. Said appliance shall be deemed to be outdoors, even if it is located in another separate building.

(3) PROHIBITION OF SOLID FUEL-BURNING OUTDOOR HEATING APPLIANCES. It shall be unlawful for any person to install, construct, operate, or use a solid fuel-burning outdoor heating appliance in the City of Chippewa Falls, except as set forth at subsection (4).

(4) NON-CONFORMING USE.

(a) The lawful use or operation of any solid fuel-burning outdoor heating appliance, existing as of the effective date of this section, may be continued, subject to the requirements of this subsection.

(b) The property owner and any solid fuel-burning outdoor heating appliance existing as of the effective date of this section shall, within six (6) months of the effective date of this section, register said appliance with the City of Chippewa Falls building inspector and receive a permit evidencing its status as a non-conforming use under this section.

(c) No non-conforming solid fuel-burning outdoor heating appliance shall hereafter be extended, enlarged or expanded.

(d) Any solid fuel-burning outdoor heating appliance existing as of the effective date of this section, which use has been discontinued for a period of twelve (12) consecutive months, shall not be permitted to be re-established as a non-conforming use, cannot be used or operated, and must be immediately removed by the property owner from the subject premises. If the property owner fails to remove the solid fuel-burning outdoor heating appliance at the end of said twelve (12) months, the City shall give written notice by certified mail or personal service. Such notice shall provide that such person shall remove the solid fuel-burning outdoor heating appliance within fifteen (15) days of the notice.

(e) Solid fuel-burning outdoor heating appliances permitted to be used or operated pursuant to subsection (4)(a) shall be required to use clean wood or wood specifically permitted by the manufacturer as fuel. Clean wood is defined as natural wood which has not been painted, varnished or coated with a similar material, has not been pressure-treated with preservatives and does not contain resins or glues as in plywood or other composite wood products. The use of the following materials as fuel is strictly prohibited:

1. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
2. Kerosene, gasoline or other petroleum products.
3. Asphalt and products containing asphalt.
4. Wood or wood products, other than clean wood.
5. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane form synthetic fabrics, plastic films and containers.
6. Rubber including tires and synthetic rubber-like products.
7. Newspaper, corrugated cardboard, container board and office paper.

(5) ENFORCEMENT. The fire chief, police chief, public works director, building inspector or their subordinates are authorized to enforce the provisions of this section.

(6) SEVERABILITY. The provisions of this section are severable. If any provision or subsection is held to be invalid or unconstitutional or if the application of any provision or subsection to any person or circumstance is held to be valid or unconstitutional, such holding shall not affect the other provisions, subsections or applications. It is hereby declared to be the intent of the common Council that this section would have been adopted had any invalid or unconstitutional provision or application not been included herein.

2. That this Ordinance shall take effect immediately upon adoption, publication and placement of signs according to law.

DATED this 20th day of May, 2014.

COUNCIL PRESIDENT: /s/ William Hicks

FIRST READING: May 6, 2014

SECOND READING: May 20, 2014

APPROVED: /s/ Gregory Hoffman
Gregory S. Hoffman, Mayor

ATTEST: /s/ Bridget Givens
Bridget Givens, City Clerk

PUBLISHED: _____