CITY OF CHIPPEWA FALLS, WISCONSIN

NOTICE OF PUBLIC MEETING

In accordance with the provisions of the Wisconsin State Statutes, Sec. 19.84, notice is hereby given that a public meeting of:

Committee #3
Transportation, Construction, Public Safety and Traffic
Will be held on Tuesday, February 3, 2015 at 5:00 pm in the City Hall Council Chambers, 30 W. Central Street, Chippewa Falls, WI

Items of business to be discussed or acted upon at this meeting are shown on the agenda below:

1. Discuss draft ordinance entitled: An Ordinance Amending and Clarifying the Operation of School Buses Code Section 7.11 of the Chippewa Falls Municipal Code. Possible recommendations to the Council.

2. Discuss draft ordinance entitled: An Ordinance Amending the Restrictions on Class "A" Intoxicating Liquors Code Section §12.03(4)(f) of the Chippewa Falls Municipal Code. Possible recommendations to the Council.

3. Discuss draft ordinance entitled: An Ordinance Amending a Part of the Disposition of Abandoned and Unclaimed Personal Property Code Section §§9.36 (1) - (3) of the Chippewa Falls Municipal Code. Possible recommendations to the Council.

4. Discuss what neighboring communities pay for ambulance services provided by the City. Possible recommendations to the Council.

5. Adjournment

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE CITY COUNCIL MAY BE PRESENT AT THIS MEETING TO GATHER INFORMATION ABOUT A SUBJECT OVER WHICH THEY HAVE DECISION MAKING RESPONSIBILITY.

NOTE: REASONABLE ACCOMMODATIONS FOR PARTICIPATION BY INDIVIDUALS WITH DISABILITIES WILL BE MADE UPON REQUEST. FOR ADDITIONAL INFORMATION OR TO REQUEST THIS SERVICE, CONTACT THE CITY CLERK AT 726-2719.

Please note that attachments to this agenda may not be final and are subject to change.
This agenda may be amended as it is reviewed.

CERTIFICATION OF OFFICIAL NEWSPAPER
I hereby certify that a copy of this notice has been posted on the City Hall bulletin board and a copy has been given to the Chippewa Herald on January 29, 2015 at 12:40 pm by BNG.

ORDINANCE 2015-_____

AN ORDINANCE AMENDING AND CLARIFYING
THE OPERATION OF SCHOOL BUSES CODE SECTION,
SECTION 7.11 OF THE CHIPPEWA FALLS MUNICIPAL CODE

THE CHIPPEWA FALLS COMMON COUNCIL DO ORDAIN AS FOLLOWS:

1. That § 7.11 of the Chippewa Falls Municipal Code, which presently provides as follows:

7.11 OPERATION OF BUSES.

(1) OPERATION OF BUSES. (Rn. #97-40) Buses shall take on and deliver all passengers at the curbs as close to the curb as possible and at least 5 feet distant from the nearest crosswalk. No operator of a bus shall stop the same on any street for longer than is necessary to take on and discharge passengers or to comply with traffic laws except at the bus depot.

(2) OPERATION OF SCHOOL BUS WARNING LIGHTS. (Cr. #90-21; Rn. #97-40) School buses which are loading or unloading pupil or other authorized passengers directly onto a school grounds shall be prohibited from the use of flashing red warning lights at Holy Ghost School and McDonell High School.

(3) All school buses shall use both flashing red warning lights and extended stop sign when picking up or discharging students, except as provided in subsection (2) above, and except in designated school loading zones. (Rn. #97-40)

That the above subsection should not apply to either side of State Street from the corner with East Grand Avenue south a distance of 330 feet. (CR. 95-34; Am. 95-42)

be amended to provide as follows:

7.11 OPERATION OF SCHOOL BUSES.

(1) Section 340.01(56) of the Wisconsin Statutes defining a "School bus" is hereby adopted, the same providing that "School bus":
   (a) Means a motor vehicle which carries 10 or more passengers in addition to the operator or a motor vehicle painted in accordance with § 347.44 (1) for the purpose of transporting:
      1. Pupils to or from a public school as defined in § 115.01 (1) or a private school as defined in § 115.001 (3r) or pupils to or from a technical college when required under § 118.15 (1).
      2. Pupils to or from curricular or extracurricular activities.
      3. Pupils to or from religious instruction on days when school is in session.

4. Children with disabilities, as defined under § 115.76 (5), to or from an educational program approved by the department of public instruction.

(am) Means a motor vehicle which is painted in accordance with § 347.44 (1) and is used for the purpose of transporting disabled persons as defined in § 85.21 (2) (cm) or elderly persons as defined in § 85.22 (2) (b) in connection with any transportation assistance program for elderly or disabled persons.

(b) Does not include:

1. A motor vehicle owned or operated by a parent or guardian transporting only his or her own children, regardless of whether a school has made a contract with or paid compensation to such parent or guardian for such transportation.
2. A motor vehicle operated as an alternative method of transportation under § 121.555.
3. A motor bus operated for purposes specified in par. (a)2.
4. A motor vehicle operated in an urban mass transit system as defined in § 85.20 (1) (e) and (L).

(2) OPERATION OF SCHOOL BUSES. School buses shall take on and deliver all passengers at the curbs as close to the curb as possible and at least 5 feet distant from the nearest crosswalk. No operator of a school bus shall stop the same on any street for longer than is necessary to take on and discharge passengers or to comply with traffic laws, except at the bus depot.

(3) OPERATION OF SCHOOL BUS WARNING LIGHTS. School buses which are loading or unloading pupils or other authorized passengers directly onto a school grounds shall be prohibited from the use of flashing red warning lights at Holy Ghost School and McDonell High School. All school buses shall use both flashing red warning lights and extended stop sign when picking up or discharging students, except as provided above, and except in designated school loading zones. This subsection does not apply to either side of State Street from the corner with East Grand Avenue south a distance of 330 feet.

(4) PARKING SCHOOL BUSES.

(a) School buses may be operated in the Central Business District, as defined in Chapter 17 of the Chippewa Falls Code, for the purposes set forth in the preceding subsections. School buses shall not be parked in the Central Business District except in public parking lots and private property, whether or not open to the public.

(b) On all other public city streets school buses shall not be parked, when not in normal business or school use, including extracurricular activities and events, except at the school bus depot and within 50 feet of the school bus depot premises. They may park in any public or private lots and on private property.

(c) School buses may be parked on city streets when not in normal business use or school use upon receipt of a special parking privilege from City of Chippewa Falls Committee No. 3. Committee No. 3 shall establish such time frames under which it will consider requests for

special parking privileges as it deems appropriate but not greater than annually. The operator seeking special parking privileges shall pay for any notification to neighbors which Committee No. 3 deems necessary in the request process. The request for a special parking privilege shall specifically identify the area of parking. Committee No. 3 may grant a parking privilege for a different area than requested after consideration of the request. Any special parking privilege granted may be revoked by Committee No. 3 if, in the sole judgment of Committee No. 3, the special parking privilege is being abused. The holder of the special parking privilege shall be notified and be given an opportunity to be heard before any revocation is exercised. Committee No. 3 is empowered to, but is not required to, set a fee for the special parking privilege.

Dated this _____ day of _____, 2015

ALDERPERSON: _____

FIRST READING: _____

SECOND READING: _____

APPROVED: _____
Gregory S. Hoffman, Mayor

ATTEST: _____
Bridget Givens, City Clerk

PUBLISHED: _____

ORDINANCE 2015-_____

AN ORDINANCE AMENDING THE RESTRICTIONS
ON CLASS "A" INTOXICATING LIQUORS CODE
SECTION, SECTION §12.03(4) (f) OF THE
CHIPPEWA FALLS MUNICIPAL CODE

THE CHIPPEWA FALLS COMMON COUNCIL DO ORDAIN AS FOLLOWS:

1. That §12.03(4) (f) OF THE CHIPPEWA FALLS MUNICIPAL CODE, which presently provides as follows:

12.03 INTOXICATING LIQUOR, FERMENTED MALT BEVERAGES AND TOBACCO.

●●●

(4) LICENSE RESTRICTIONS.

●●●

(f) Restriction on Class "A" Licenses. It is the intent of the City Council and purpose of this provision to provide for a high level of supervision and security in the storage and retail sale of intoxicating beverages under a Class A Intoxicating Liquor license and Class A Fermented Malt Beverage license. Purposes include, but are not limited by enumeration, to restrict access of minors, prevent shoplifting, provide for only licensed clerks or those directly under the supervision of the licensee, to supervise checkout areas so that proper identification and age of purchaser is made by sales clerks. Grocery stores, if otherwise properly licensed, may sell such beverages for consumption away from the premises only on the following conditions:

1. Retail sales are contained in separate secure portion of the facility which has a separate public access door to the outside. There may be only one lockable customer entrance, not to exceed 10 feet in width, between secured portion and the rest of the grocery store.

2. Separate checkout facilities are used in the area specified in 1. above.

3. Properly licensed salespeople only are operating and supervising sales and checkouts.

4. Storage of such beverages, if not in the separate, secured portion itself, may be in another portion of the licensed premises which is not accessible to the public. Such storage must be in a locked, secured area and be accessible only by the licensee or under the licensee's supervision. Any transfer from storage to retail areas must be conducted under the supervision of licensee and in such person's immediate possession.

5. Premises which hold a combination Class "A" (beer) and "Class A" (liquor) license may display and sell alcoholic beverages outside of the secured and separate area if the following restrictions and limitations are met:

    a. Less than 50% of total gross sales from the secured portion and the off-secured portion combined are registered in the off-secured portion. The licensee must maintain a secure portion or area consistent with the ordinance. This secure portion must serve as the primary area for alcohol sales and the majority of alcoholic beverages displayed and sold on the entire premises must be from the secure portion area.

    b. The primary alcohol sales area, the secure portion, must be locked and secure when alcohol sales are prohibited by ordinance or state law to prevent the public from entering during those hours.

    c. Coolers used for the sale and/or display of alcoholic beverages which are located outside of the secured area must be securely locked during all hours in which such products are prohibited from sale. Alcoholic beverages not secured in coolers must have notices prominently and unmistakably displayed to notify customers and patrons of prohibited sales times and hours.

    d. Any alcoholic beverages which are displayed or offered for sale outside of the secured portion may not be located or displayed within 50 feet of any entry or exit door which is used by the public.

    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 operation 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 for a minimum of 21 calendar days. The recordings required hereunder shall be made available to law enforcement at any time.

f. Cash register system requirements must be met. All cash registers must be set up in an operation mode which:

1. Prompts employees to check and/or determine the appropriate age of the customer/buyer/procurer during the transaction process;

2. Requires age verification to complete the transaction; and

3. Prevents all underage employees from completing alcohol beverage transactions by requiring a person of legal age to complete the transaction.

g. Retailers must file a formally documented procedure that includes a progressive discipline procedure for employees that unlawfully sell fermented malt beverages to underage persons. This policy shall be part of the application and taken into consideration by the Council in determining whether or not to grant a license(s).

6. The following restrictions shall apply to anyone applying for a Class A Fermented Malt Beverage License.

a. Cold beer must be sold out of coolers and coolers must be locked from 9:00 p.m. to 8:00 a.m.

b. Warm beer cannot be displayed on the sales floor, in bulk or otherwise, but can be sold on request from secure back area of store.

c. No sales of single or loose container alcoholic beverages are allowed unless from a secure room according to restrictions listed above in subsection 12.03 (4)(f).

d. Only properly licensed salespeople shall operate and supervise sales and checkouts.

e. Advertising of alcoholic beverages shall be only allowed in the nonsecured portion of the grocery store to the following extent:

1. Weekly grocery newspaper ad with liquor ad included can be posted in-store, one location at front of store and/or these can be available to customers.

2. In-store hand bill with liquor ad may be available for customer pickup at courtesy counter area only.

3. Signs in liquor window adjoining nonsecured area. Limited to neon only without price marque, ie. no pricing information in or on window.

4. Sign in liquor entrance. Limited to one 18" X 36".

f. Retailer must file formally documented procedure that includes a progressive discipline procedure for employees that unlawfully sell fermented malt beverages to underage persons. This policy shall be part of the application and taken into consideration by the Council in determining whether or not to grant a Class A fermented malt beverage license.

be amended to provide as follows:

12.03 – INTOCICATING LIQUOR, FERMENTED MALT BEVERAGES AND TOBACCO.

●●●

(4) LICENSE RESTRICTIONS.

●●●

(f) Restrictions on Class "A" Licenses. It is the intent of the City Council and purpose of this provision to provide for a high level of supervision and security in the storage and retail sale of intoxicating beverages under a Class A Intoxicating Liquor license and Class A Fermented Malt Beverage license. Purposes include, but are not limited by enumeration, to restrict access of minors, preventing shoplifting, provide for only licensed clerks or those directly under the supervision of the licensee, to supervise checkout areas so that proper identification and age of purchaser is made by sales clerks. Grocery stores, if otherwise properly licensed, may sell such beverages for consumption away from the premises only on the following conditions:

1. Properly licensed salespeople only are operating and supervising sales and checkouts.

2. Storage of such beverages must be in a locked, secured area and be accessible only by the licensee or under the licensee's supervision. Any transfer from storage to retail areas must be conducted under the supervision of licensee and in such person's immediate possession.

3. Premises which hold a combination Class "A" (beer) and "Class A" (liquor) license may display and sell alcoholic beverages if the following restrictions and limitations are met:

   a. There shall be no sales of intoxicating liquor or fermented malt beverages when alcohol sales are prohibited by ordinance or state law.

   b. Coolers used for the sale and/or display of alcoholic beverages must be securely locked during all hours in which such products are prohibited from sale. Alcoholic beverages not secured in coolers must have notices prominently and unmistakably displayed to notify customers and patrons of prohibited sales times and hours.

   c. Any alcoholic beverages which are displayed or offered for sale may not be located or displayed within 50 feet of any entry or exit door which is used by the public.

d. Camera and recording equipment is required. All check-out and register areas together with all areas where alcoholic beverages are displayed for sale 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 recording 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.

e. Cash register system requirements must be met. All cash registers must be set up and in an operational mode which:

1. Prompts employees to check and/or determine the appropriate age of the customer/buyer/procurer during the transaction process;

2. Requires age verification to complete the transaction; and

3. Prevents all underage employees from completing alcohol beverage transactions by requiring a person of legal age to complete the transaction.

f. Retailers must file a formally documented procedure that includes a progressive discipline procedure for employees that unlawfully sell fermented malt beverages to underage persons. This policy shall be part of the application and taken into consideration by the Council in determining whether or not to grant a license(s).

g. Cold beer must be sold out of coolers and coolers must be locked from 9:00 p.m. to 8:00 a.m.

h. Warm beer cannot be displayed on the sales floor, in bulk or otherwise, but can be sold on request from secure back area of store.

i. No sales of single or loose container alcoholic beverages are allowed unless from a secure room.

j. Advertising of alcoholic beverages shall be only allowed in the grocery store to the following extent:

1. Weekly grocery newspaper ad with liquor ad included can be posted in-store, one location at front of store and/or these can be available to customers.

2. In-store hand bill with liquor ad may be available for customer pickup at courtesy counter area only.

3. If there is a separate liquor section with a window, neon sign may be placed on the window but without pricing information.

4. If there is a separate entrance to a liquor section a sign maybe placed in the liquor entrance but limited to one.

DATED this ___ day of _____, 2014

ALDERPERSON: _____

FIRST READING: _____

SECOND READING: _____

APPROVED: _____
Gregory S. Hoffman, Mayor

ATTEST: _____
Bridget Givens, City Clerk

PUBLISHED: _____

ORDINANCE 2015-_____

AN ORDINANCE AMENDING A PART OF THE DISPOSITION
OF ABANDONED AND UNCLAIMED PERSONAL
PROPERRY CODE SECTION §§ 9.36 (1)-(3) OF
THE CHIPPEWA FALLS MUNICIPAL CODE

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

1. That §§ 9.36 (1)-(3) of the Chippewa Falls Municipal Code, which presently provides as follows:

9.36 - <u>DISPOSITION OF ABANDONED AND UNCLAIMED PERSONAL PROPERTY.</u>

(1) AUTHORITY.

(a) It shall be the duty of the Chief of Police to dispose of all personal property which has been abandoned or which remains unclaimed for 60 days after having come into the possession of the Police Department. Such disposal shall be by means of a public sale or auction, whose dates and regularity shall be determined by the Chief of Police or his designee.

(b) The Chief of Police shall keep accurate and up-to-date records which inventory the property in the Police Department's possession, record the owners or supposed owners, if known, the person from whom the property was taken or received, the date and place of acquisition by the Police Department, and shall describe the disposition of property returned to its rightful owner, or disposed of in other manners prescribed by this section. Such inventory shall be kept as a public record for a period of not less than 2 yrs. from the date of disposal of the property.

(2) METHOD OF DISPOSITION OF PROPERTY AND PROCEEDS.

(a) The property shall be sold to the highest cash bidder at a public sale to be held at such place as the Chief of Police may designate. Notice of such public sale shall be given by publication at least once in the official newspaper of the City and by posting notice of such sale on official City bulletin boards. The notice shall state the date, time and place of sale, a description of the property and a statement that if the property is not claimed by the lawful owner prior to the sale it will be sold to the highest cash bidder.

(b) Any person claiming property shall produce proof of ownership and pay a proportionate share of the cost of publishing the notice of public sale.

(c) Property remaining unsold may be retained for another public sale, disposed of by private sale for the best price obtainable or may be summarily disposed of.

(d) After deducting the necessary expenses of keeping the property and conducting the sales, all receipts from the sales shall be paid into the City treasury.

(3) UNLAWFULLY TAKEN PROPERTY. Except upon an order of a court or as otherwise provided, stolen or wrongfully taken property, or property which may be required in any civil or criminal proceedings shall not be delivered to any claimant or sold until all prosecutions or proceedings involving such property shall have been finally disposed of, including appeals and until the time has expired within which appeals may be lawfully taken.

Be amended to provide for online sales and returning property as follows:

9.36 - DISPOSITION OF ABANDONED AND UNCLAIMED PERSONAL PROPERTY.

(1) AUTHORITY.

(a) It shall be the duty of the Chief of Police to dispose of all personal property which has been abandoned or which remains unclaimed for 60 days after having come into the possession of the Police Department. Such disposal shall be by means of a public sale or auction, whose dates and regularity shall be determined by the Chief of Police or the Chiefs designee, or such disposal may be by means of sales through an online auction or sales site selected by the Chief of Police or Chief's designee.

(b) The Chief of Police shall keep accurate and up-to-date records which inventory the property in the Police Department's possession, record the owners or supposed owners, if known, the person from whom the property was taken or received, the date and place of acquisition by the Police Department, and shall describe the disposition of property returned to its rightful owner, or disposed of in other manners prescribed by this section. Such inventory shall be kept as a public record for a period of not less than 2 yrs. from the date of disposal of the property.

(2) METHOD OF DISPOSITION OF PROPERTY AND PROCEEDS.

(a) If disposal is by public sale or auction, the property shall be sold to the highest cash bidder at a public sale to be held at such place as the Chief of Police

may designate. Notice of such public sale shall be given by publication at least once in the official newspaper of the City and by posting notice of such sale on official City bulletin boards. The notice shall state the date, time and place of sale, a description of the property and a statement that if the property is not claimed by the lawful owner prior to the sale it will be sold to the highest cash bidder. If disposal is by sales through an online auction or sales site, the Chief of Police or the Chief's designee shall post on the Police Department website the property picked up by or to be picked up by the online auction or sales site and provide such other information as it may have concerning sale and shall provide the name of the website through which there will be a sale.

(b) Any person claiming property shall produce proof of ownership and pay a proportionate share of the cost of publishing the notice of public sale.

(c) Property remaining unsold may be retained for another public sale, disposed of by private sale for the best price obtainable or may be summarily disposed of.

(d) After deducting the necessary expenses of keeping the property and conducting the sales, all receipts from the sales shall be paid into the City treasury.

(3) UNLAWFULLY TAKEN PROPERTY. Except upon an order of a court or as otherwise provided, stolen or wrongfully taken property, or property which may be required in any civil or criminal proceedings shall not be delivered to any claimant or sold until all prosecutions or proceedings involving such property shall have been finally disposed of, including appeals and until the time has expired within which appeals may be lawfully taken. If the substance, material, or device appears to be or is reported stolen, an attempt shall be made to return the substance, material, or device to the rightful owner.

Dated this _____ day of _____, 2015

ALDERPERSON: _____

FIRST READING: _____

SECOND READING: _____

APPROVED: _____
Gregory S. Hoffman, Mayor

ATTEST: _____
Bridget Givens, City Clerk

Minutes
Committee #3
Transportation, Construction, Public Safety and Traffic

Committee #3 met Monday, December 1, 2014 at 4:45 pm in the City Hall Council Chambers, 30 West Central Street, Chippewa Falls, WI.

Council/Committee Members present: Mike Hanke, Amy Mason, Paul Olson, Mayor Hoffman.
Others present: Police Chief Wendy Stelter, Fire Chief Mike Hepfler, and City Clerk Bridget Givens.

The meeting was called to order at 4:45 pm.

1. **Discuss school bus parking on residential streets in the City. Possible recommendations to the Council.**

   Clerk Givens advised she received a phone call from Kurt Nelson from Chippewa Yellow Bus indicating he was cleaning up after a minor accident and would not be able to make the meeting.

   This item was previously discussed in a meeting on July 21, 2014 at which time it was agreed that the issue should be handled on an employer/employee basis. As complaints have persisted, the Committee brought this item back for additional consideration. Discussion ensued regarding the safety of vehicles of this type parking on residential streets, cosmetic concerns, and enforcement issues based upon our current ordinance.

   Motion by Mason/Hanke to table this item until such time as Attorney Ferg can review and draft an ordinance or amend current ordinances to address the issue. **All present voting aye, motion carried.**

2. **Discuss issue of cigarette butts and broken glass in the parking lots on Spring Street. Possible recommendations to the Council.**

   Police Chief Stelter has assigned an officer to address this concern directly with the tavern owner. Since this item was brought forward, roughly six open container citations have been issued. It was questioned if complaints of this type come in from any other establishments in the City, and it appears this is an isolated issue with this particular tavern. the Committee suggested the Police Department continue to issue citations for open containers, and hopefully this will help correct the issue. Chief Stelter will provide periodic status updates to the Committee.

   No action taken.

3. **Discuss what neighboring communities pay for ambulance services provided by the City. Possible recommendations to the Council.**

   Council Hanke requested this item be added to the agenda as he wants to ensure residents of outlying communities are not paying less than City residents for ambulance services. Discussion ensued regarding the contracted per capita rates charged to neighboring communities, resident rates, and non-resident rates.

   The Committee directed Fire Chief Hepfler to compile a report including the per capita rates, number of trips made to the neighboring communities, and a resident/nonresident rate study to determine if our rates could be adjusted. This will be revisited in mid-January.

No action taken.

4. **Adjournment**

Motion by Mason/Olson to adjourn at 5:27 pm. **All present voting aye, motion carried.**

Minutes submitted by:
Mike Hanke, Chair