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

Committee #3 met Tuesday, April 18, 2017 at 4:45 pm in the City Hall Council Chambers, 30 West Central Street, Chippewa Falls, WI.

Committee Members present: Paul Olson, CW King, and Robert Hoekstra
Council Members present: Mayor Hoffman, Paul Nadreau, Rob Kiefer and John Monarski
Others present: Finance Manager/Treasurer Lynne Bauer, Police Chief Matthew Kelm, Police Officer Steve McMahon, City Clerk Bridget Givens, and Dawn and Michael Bye of Bye the Willow.

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

1. **Discuss Police Department proposal to add a K9 Unit. Possible recommendations to Council.**

   Chief Kelm distributed a memorandum in reference to the K9 Program Fundraising Campaign which was also shared with Committee #1 at their most recent meeting. In addition, he provided an overview of activity and statistics of K9 units in the surrounding area.

   Discussion ensued relative to the ongoing costs associated with implementing a K9, including overtime costs which are hard to estimate at this time. Chief Kelm was hopeful that ongoing costs could be offset through continuing donations for items such as lodging and vet costs. Additionally, there is federal grant money available to help offset the costs incurred by drug units.

   Finance Manager/Treasurer Bauer indicated that Committee #1 did not approve the Police Department to use proceeds from the sale of one CFPD vehicle annually to help offset ongoing K9 costs.

   Motion by King/Olson to recommend Council approve the Police Department to move ahead with their fundraising efforts for a K9 Unit with the understanding that #6 of the attached memorandum is not approved. **All present voting aye, except Hoekstra who voted no, motion carried.**

2. **Discuss regulation of commercial quadricycles (pedal pubs) in the City. Possible recommendations to Council.**

   Clerk Givens advised that this topic was brought up at a Committee #3 meeting last spring. The establishment that was initially interested in pursuing a pedal pub changed their mind; however, the City has no ordinances in place addressing commercial quadricycles. Givens distributed a handout showing communities that prohibit commercial quadricycles completely, prohibit consumption, or allow with them with consumption.

   Motion by Hoekstra/King to recommend Council prohibit commercial quadricycles in the City and authorize the City Attorney to draft an ordinance prohibiting their operation. Dawn Bye of Bye the Willow came forward and shared her feelings that the commercial quadricycles would be highly regulated and should be considered. Chief Kelm expressed concern with how they would impact traffic flow in the downtown area. **All present voting aye, except Olson who voted no, motion carried.**

3. **Adjournment**
   Motion by King/Hoekstra to adjourn at 5:20 pm. **All present voting aye, motion carried.**

Minutes submitted by:
Paul Olson, Chair

CHIPPEWA FALLS
POLICE
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MEMORANDUM

TO: Committee #1
FROM: Chief Kelm
DATE: March 28, 2016
REF: K9 Program Fundraising Campaign

The projected goal for the CFPD K9 Fundraising Campaign is $90,000 - $100,000. This is a conservatively high estimate. Several projected costs are anticipated to be negotiable or line item donated to this project. Upon approval we will actively seek these out and adjust the minimum amount needed to begin the program.

Donated funds will not be used for K9 purchases until we are confident the minimum amount needed to create and sustain the program has been obtained. Some funds may be used to further fundraising goals.

The proposed funding for the CFPD K9 Program has several facets.

1. The creation of an on-line donation site available for convenient donation at any time to the CFPD K9 Program*. Promotion of that option on social media and at events.

2. Meeting one-on-one with local businesses to seek donations to the program. Recognition of individual donations on a tiered plaque in the CFPD lobby.

3. Presentations to community groups about the K9 program and requests for fundraising campaigns on behalf of the program or straight donations to the program.

4. Special fundraising events in coordination with local businesses and media outlets.

5. The sale of clothing or other collectables with the CFPD K9 logo either directly by the city or through a 3rd party vendor.

6. A proposal that that the proceeds of the sale of one CFPD vehicle annually be used to fund ongoing costs to ensure the K9 program sustainability after implementation.

It is anticipated fundraising will take up to 12-18 months before the minimum amount is reached to begin purchasing.

Fundraising efforts will continue after implementation to cover annual ongoing costs as well as replacement costs and/or future program expansion costs.

*If after 24 months the minimum fundraising goal is not reached, donations will be returned to the donating individual or business. If the donation was anonymous then the funds will be disposed as City Council determines.

Surrounding Area K9 numbers for 2016-Current

Dunn County:

For 2016 they had 68 K9 incidents. For 2017 they already have 33 K9 incidents and they anticipate to be on pace for 132 incidents for 2017. Dunn County advised there "find" percentage for tracks is approximately 40%. This percentage is in line with the national average.

Village of Lake Hallie:

March of 2015 thru March of 2016 Kita had 36 drug arrests and 4 tracked and located persons. From March of 2016 thru March of 2017 Kita had 67 drug arrests and 2 tracked subjects. Sgt. Sokup advised he trains with an 8 person K9 unit and currently Kita has more finds then the other 8 combined. 3-4 drug offences per month before they started a K9 to around 15 a month now. Approximately 1 in 5 vehicles "sniffed" get a positive hit from Kita. Sgt. Sokup works rotating schedule.

Eau Claire Police Department:

Sgt. Omalley advised it is difficult to show the true numbers for their K9 unit. Sgt. Omalley advised the reason for this is because there are many times just the presence of the K9 has led individuals to tell the truth about drugs in their vehicles or homes without the K9 ever being deployed. Sgt. Omalley advised last year according to their numbers Duke was deployed 36 times. Duke had numerous tracks including finding a dementia patient who walked away in sub-zero temperatures. Duke also had 4 apprehensions of suspects. Two of the apprehensions involved subjects who had fled after vehicle pursuits. The third was a suspect who had fled from a stolen vehicle. The fourth was a violent suspect who after a violent domestic fled into the woods and was tracked by Duke and subsequently apprehended.

PEDAL PUBS	
Prohibit Completely	
City of Eau Claire	67,545
City of Monona	7,745
City of Superior	26,869
City of Waupaca	6,069
Prohibit Consumption	
City of Fond du Lac	43,021
City of La Crosse	51,522
City of Marinette	10,930
Village of Grafton	11,459
Allow with Consumption	
City of Madison	243,344

Municipalities Can Regulate Newly Authorized "Pedal Pubs"

Question: What has a driver, four wheels, operates in a manner similar to a bicycle, has at least 12 passenger seats with fully operative pedals for propulsion by human power, and allows passengers to consume beer as they pedal along enjoying the sights in your community and perhaps stopping at various locations? Answer: A commercial quadricycle.

Commercial quadricycles, defined in Wis. Stat. sec. 340.01(8m) and regulated by sec. 346.94(23), were the subject of news stories following enactment of 2013 Wis. Act 106, which became effective January 1, 2014. If you haven't seen a commercial quadricycle in your community yet, it's possible you may see one soon. Commercial quadricycles where fermented malt beverages are consumed are often referred to as "pedal pubs."

Governing bodies can and will disagree regarding the wisdom of pedal pubs. But whether your municipality thinks pedal pubs are an economic boon or a disaster waiting to happen, here are some important things to know about the new law:

- Alcohol is NOT sold on the commercial quadricycle.
- No person may drive a commercial quadricycle on which any alcohol beverages other than fermented malt beverages (beer) are carried or consumed; No person may possess on, or carry onto, a commercial quadricycle more than 36 fluid ounces of fermented malt beverages.
- No driver of a commercial quadricycle may drive with an alcohol concentration of more than 0.02, or consume alcohol while the quadricycle is occupied by passengers.
- 2013 Wis. Act 103 created sec. 125.10(5)(a) which allows municipalities to prohibit the consumption of fermented malt beverages on commercial quadricycles by ordinance. However, a municipal ordinance regulating possession or consumption of open containers of alcohol beverages in public places and enacted before January 1, 2014 may not prohibit the possession or consumption of alcohol beverages by passengers on a commercial quadricycle. Furthermore, an ordinance inconsistent with sec. 125.10(5)(b) may not be enforced. Therefore, **municipalities will need to amend their existing ordinance or enact a new ordinance in order to regulate commercial quadricycles.**
- No person may drive a commercial quadricycle occupied by passengers after 10:30 p.m. or after any earlier time established by ordinance under sec. 349.18(1)(d), which grants additional traffic authority to local governments in specific areas.
- A commercial quadricycle driver convicted for violating sec. 346.94(23) is subject to forfeitures. Upon conviction, the law requires the court to enter an order permanently prohibiting the person from driving a commercial quadricycle, and the law prohibits a person from driving a commercial quadricycle in violation of such an order.

Intoxicating Liquor 947
Intoxicating Liquor 948
Traffic Regulation 430

WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO

2013 Wisconsin Act 106 [2013 Assembly Bill 169]	Consumption of Fermented Malt Beverages on Commercial Quadricycles

2013 Wisconsin Act 106 relates to the consumption of fermented malt beverages on commercial quadricycles. A quadricycle is a four-wheeled vehicle with seats for at least 12 passengers and an operator. The passenger seats are equipped with pedals connected to the vehicle's drive train, such that the vehicle is powered entirely by the passengers, while the operator controls steering and braking.

In general, an owner or operator of a public place may not permit the consumption of alcohol beverages at that place unless it has been issued a retail alcohol license. There are various exceptions to this rule, including for county parks, athletic fields and stadiums, school buildings, and churches. A municipality may enact ordinances regulating alcohol beverages, so long as the ordinances do not conflict with state law.

2013 Wisconsin Act 106 adds commercial quadricycles to the list of unlicensed public places where alcohol beverages may be consumed. This exemption applies only to the consumption of fermented malt beverages, and only in municipalities that have not adopted an ordinance to prohibit the practice. The Act authorizes a municipality to adopt an ordinance to prohibit the consumption of fermented malt beverages on a quadricycle, but a municipality may not enforce such a prohibition in a previously existing ordinance. (The practical effect of this is that a municipality must re-enact any previously existing ordinance to make the ordinance enforceable.)

The Act creates the following prohibitions:

- No driver of a commercial quadricycle may consume alcohol while the commercial quadricycle is occupied by passengers or drive a commercial quadricycle while the person has an alcohol concentration of more than 0.02.
- No person may drive a commercial quadricycle occupied by passengers after 10:30 p.m. or after any earlier time established by a local ordinance.
- No person may drive a commercial quadricycle on which any alcohol beverages other than fermented malt beverages are carried or consumed. No person may drive a commercial

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.

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http://www.legis.wisconsin.gov/lc

(OVER)

quadricycle on which any alcohol beverages are sold, including delivery on the commercial quadricycle of alcohol beverages previously sold by a caterer.

- No person may possess on, or carry onto, a commercial quadricycle more than 36 fluid ounces of fermented malt beverages.

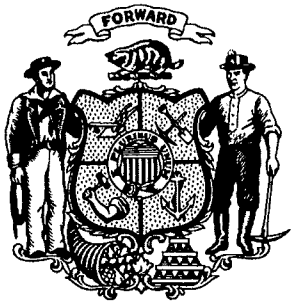
The penalty for violating any of these prohibitions, on first offense, is a forfeiture of not less than $200 nor more than $400; for a second-offense violation, the forfeiture is not less than $500 nor more than $1,000. A driver who is convicted of violating any of these prohibitions is permanently barred from driving a commercial quadricycle. A person who drives a commercial quadricycle after being barred from doing so may be required to forfeit not less than $1,000 nor more than $2,000.

Effective date: January 1, 2014.

Prepared by: David L. Lovell, Principal Analyst December 18, 2013

DLL:jb;jal

State of Wisconsin



Date of enactment: **December 13, 2013**
2013 Assembly Bill 169 Date of publication*: **December 14, 2013**

2013 WISCONSIN ACT 106

AN ACT *to amend* 125.09 (1); and *to create* 125.02 (4m), 125.10 (5), 340.01 (8m), 346.94 (23), 346.95 (12) and 349.18 (1) (d) of the statutes; **relating to:** the possession and consumption of alcohol beverages on, and operation of, commercial quadricycles and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 125.02 (4m) of the statutes is created to read:

125.02 **(4m)** "Commercial quadricycle" has the meaning given in s. 340.01 (8m).

SECTION 2. 125.09 (1) of the statutes is amended to read:

125.09 **(1)** PUBLIC PLACE. No owner, lessee, or person in charge of a public place may permit the consumption of alcohol beverages on the premises of the public place, unless the person has an appropriate retail license or permit. This subsection does not apply to municipalities, buildings and parks owned by counties, regularly established athletic fields and stadiums, school buildings, campuses of private colleges, as defined in s. 16.99 (3g), at the place and time an event sponsored by the private college is being held, churches, premises in a state fair park or clubs. This subsection also does not apply to the consumption of fermented malt beverages on commercial quadricycles except in municipalities that have adopted ordinances under s. 125.10 (5) (a).

SECTION 3. 125.10 (5) of the statutes is created to read:

125.10 **(5)** FERMENTED MALT BEVERAGES ON COMMERCIAL QUADRICYCLES. (a) A municipality may, by ordinance, prohibit the consumption of fermented malt beverages by passengers on a commercial quadricycle within the municipality.

(b) Notwithstanding sub. (1), an ordinance enacted before the effective date of this paragraph .... [LRB inserts date], regulating the possession or consumption of open containers of alcohol beverages in public places may not prohibit the possession or consumption of alcohol beverages by passengers on a commercial quadricycle. An ordinance that is inconsistent with this paragraph may not be enforced.

SECTION 4. 340.01 (8m) of the statutes is created to read:

340.01 **(8m)** "Commercial quadricycle" means a vehicle with fully operative pedals for propulsion entirely by human power, that has 4 wheels and is operated in a manner similar to a bicycle, that is equipped with at least 12 seats for passengers, that is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle, that is used for commercial purposes, and that is operated by the vehicle owner or an employee of the owner.

SECTION 5. 346.94 (23) of the statutes is created to read:

346.94 **(23)** COMMERCIAL QUADRICYCLES.

(a) In this subsection:

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

1. "Alcohol beverages" has the meaning given in s. 125.02 (1).

2. "Fermented malt beverages" has the meaning given in s. 125.02 (6).

(b) No driver of a commercial quadricycle may consume alcohol while the commercial quadricycle is occupied by passengers.

(c) No person may drive a commercial quadricycle while the person has an alcohol concentration of more than 0.02.

(d) No person may drive a commercial quadricycle occupied by passengers after 10:30 p.m. or after any earlier time established by ordinance under s. 349.18 (1) (d).

(e) No person may drive a commercial quadricycle on which any alcohol beverages other than fermented malt beverages are carried or consumed. No person may drive a commercial quadricycle on which any alcohol beverages are sold, including delivery on the commercial quadricycle of alcohol beverages previously sold by a caterer.

(f) No person may possess on, or carry onto, a commercial quadricycle more than 36 fluid ounces of fermented malt beverages.

(g) Upon conviction of a driver of a commercial quadricycle for a violation of this subsection, the court shall enter an order permanently prohibiting the person from driving a commercial quadricycle. No person may drive a commercial quadricycle in violation of such an order.

SECTION 6. 346.95 (12) of the statutes is created to read:

346.95 **(12)** (a) Any person violating s. 346.94 (23) (b), (c), (d), (e), or (f) may be required to forfeit not less than $200 nor more than $500.

(b) Any person violating s. 346.94 (23) (g) may be required to forfeit not less than $1,000 nor more than $2,000.

SECTION 7. 349.18 (1) (d) of the statutes is created to read:

349.18 **(1)** (d) Establish a time earlier than that specified in s. 346.94 (23) (d) after which a person may not drive a commercial quadricycle occupied by passengers within the city, village, or town.

SECTION 8. Effective date.

(1) This act takes effect on the first day of the month beginning after publication.