

## Public Safety Committee

January 25, 2016

**Call to Order:** The meeting was called to order at 6:00pm by chairperson, Andy Ohlson.

**Roll Call of Officers:** Present were Chairperson Andy Ohlson and Trustee Wayne Lambrecht. Absent was Trustee Dale Pfeifer. Also in attendance were Village Marshal Jeff Burris, Deputy Marshal Leon Anzia, and Deputy Clerk/Treasurer Kelly Brinkman. A quorum was established.

**Open Meeting Law Compliance Check:** This meeting is in compliance with the Open Meetings Law of the State of Wisconsin.

**Pledge of Allegiance to the American Flag, Moment of Silence:** All in attendance stood for the Pledge of Allegiance and moment of silence.

### **Approval of Minutes:**

- a. **Public Safety – September 8, 2015** – A motion was made by Ohlson and seconded by Lambrecht to approve the Public Safety minutes of September 8, 2015. Ayes – Lambrecht; Noes – none; Abstain – Ohlson. Motion to be revisited as Pfeifer absent from today's meeting?

### **Agenda Items:**

- a. **Review Request to Extend Hours of Sales of Fermented Malt Beverages in Class "A" Premises in the Village of Belgium** – A letter to the Village of Belgium was received from S. Gill of Gill Plaza LLC requesting a review of Belgium Ordinance §162-13(L), which restricts sales of fermented malt beverages in Class "A" premises by prohibiting sales between the hours of 9:00pm and 8:00am, to instead prohibit sales of fermented beverages in Class "A" premises between the hours of 12:00am and 8:00am which would be more in line with current Wisconsin State Law. Currently Wisconsin State Statute §125.32(3)(b) prohibits sales of fermented beverages between 12:00am and 6:00am. Mr. Gill stated in his letter that the current ordinance affects many customers and their sales. Tom Gill and employee, Kelly Schroeder, were present at the meeting on behalf of Gill Plaza LLC. Schroeder stated that extended hours would bring more truckers and travelers to the hotel because they could purchase their beer and stay there instead of going on the road. She continued to say Kwik Trip in Saukville and Sheboygan County sell until 12:00am, so people skip Belgium due to 9:00pm restriction. If changed, more business would come into village and would go to other businesses as well. Additionally, Schroeder indicated that Packer game and Brewer game attendees don't get home until 9 or 10 pm. As sales end at 9:00pm, they'll go somewhere else or to bars and be on the street. Ohlson inquired if this was the first time they've requested the Village extend hours of sales. Gill responded the reason they requested the change is because Kwik Trip which opened a month ago sells until 12:00am, so they thought they could do so as well. They also thought it would bring more room taxes to the Village by getting more people to stay at the hotel. Gill pointed out that when people hear that they can't get beer after 9:00pm, they usually don't stay. Secondly most of the people who go to the BP Station come off the road. When they ask for beer after 9:00pm and can't get it, they go to a bar. If they go to a bar, they drink and then they drive. If they can buy it at the BP, they can go home and drink there. When they go to a bar, they can drink until 2:00am, but they can't buy from there. So if they wanted a 6-pack, they will drink it at the bar and drive, instead of buying at the store and drinking it at home. And Gill indicated that they get so many people at the BP requesting beer Friday and Saturday nights. Schroeder added that last summer at the Mobil many people said that Sheboygan still sells and questioned why they didn't. She stated that they've even had people yell at them about it. Gill continued to state that he had originally thought it was an Ozaukee County rule and that Sheboygan was different until Kwik Trip opened (in Saukville) and could sell until 12:00am. That's when he found out the municipality could change the hours. Lambrecht indicated to Gill and Schroeder that Saukville passed an ordinance to approve selling fermented beverages at Class "A" establishments until 12:00am within their village back in 2012 when state law changed. He indicated that the question for the Village of Belgium is if this is something that is beneficial to our municipality. Lambrecht continued that his thought on the example of truck drivers staying at the local hotel overnight, they probably shouldn't be

drinking anyway due to state laws regarding the minimum amount of time required between their last drink and getting in their truck. It's Lambrecht's belief that a truck driver would not make a decision to stay based on not selling beer between 9:00pm and 12:00am. If they want it, they're going to pick it up and have it in their truck before 9:00pm and stay where they want to stay. Gill responded that the truck drivers shouldn't be drinking anyway and that they aren't coming to the BP for beer. He's talking about people on the road who go to the Packer game or go to the Brewer Stadium and then they skip Belgium and go to Sheboygan. Lambrecht's concern with a Packer game is there are 1,000s of people coming down I-43 heading back home. If it's 9:00pm, why would they need to stop and get more beer after a game when his concern is that they're intoxicated or had been drinking already; why would they need more. Lambrecht felt that if they want it, they'll plan ahead. Most people believe that 9:00pm is the cut-off time for buying alcohol, as most aren't aware of the 2012 change in state law. Gill indicated that they do know that because patrons state that Sheboygan and Saukville sell until 12:00am. Lambrecht reiterated that the decision to do so in those communities was made by their board. An ordinance change would be Village wide, and it's basically a philosophical decision to decide if we want to permit beer sales between 9:00pm and midnight. Lambrecht's personal opinion is that Belgium doesn't need to sell beer between 9:00pm and midnight. If people want beer, they need to be responsible enough to plan accordingly and buy it during the hours it's sold. He restated that this is only his opinion and he gave it serious thought, saying that it's not a knee jerk reaction. He feels there are a lot of things to consider in the decision such as kids, underage drinking, alcohol-related crashes, etc. The availability of alcohol which will always exist, but it's not necessary to have it available between 9:00pm and midnight. Gill conveyed that the reason they're asking is because the hotel told him they'd get more business along with other places which is why Saukville and Sheboygan allows it. He voiced that they never brought up changing the ordinance in the 15 years they've been in business with the gas station. The only problem this time, is on Fridays and Saturdays people who come in to buy told them that when Exxon came and Kwik Trip came, Saukville gave permission to them to sell until midnight. Lambrecht countered that those people's statement isn't true as Saukville passed an ordinance back in 2012 to allow all Class "A" establishments to sell fermented beverages until midnight. It has nothing to do with that particular store. Gill reported that the owner of the Exxon Mobil never knew about that. Lambrecht stated that he mustn't have made himself aware of village ordinances prior to starting his business there. Schroeder indicated that she knows the manager of the gas station in front of Walmart, and she told her they didn't know anything about it until Kwik Trip came. So she believes that's why everyone thinks it was changed because Kwik Trip came. Lambrecht reaffirmed that Saukville Village Board passed the ordinance back in 2012, and it had nothing to do with any particular establishment. He continued to say that he understands from their point as a business owner why they are asking for it, but as a trustee of the village it's his opinion that the village wouldn't benefit from it. Ohlson inquired about what the process would be for the Public Safety Committee to interact with the Village Board after reviewing the request. Lambrecht informed Ohlson that it would only go to the full board if the committee recommends it to the board for approval, and that both of them would have to agree to recommend it for consideration. If Lambrecht and Ohlson were not to agree to recommend it to the full board, the topic would die at the committee level. Ohlson then affirmed that his view was similar to that of Lambrecht's in that if we were to change the ordinance, there would be other risks that would come in to play, specifically the accessibility of alcohol. Ohlson continued by expressing his question would be "What's the benefit?", and he doesn't really see any benefit to the Village of Belgium and its residents by increasing the number of hours alcohol can be sold in a day, especially when it's available up until 9:00pm. Ohlson announced that he doesn't support a change and wouldn't recommend it to the Village Board. Without Pfeifer present, the committee has two (2) votes to not recommend it to the board. Lambrecht asked Gill if he had any questions regarding their decision. Gill clarified that it's not going to go to the board. Lambrecht asserted that indeed they would not recommend it to the board. Gill thanked the committee for considering their request.

- b. Review Procedures for Handling Snow Removal and Littering Ordinance Violations** – Ohlson stated this is on the agenda because as the Public Safety Committee chair, he was contacted by a couple of residents who didn't feel unshoveled snow was followed up on as quickly as it should've been. They didn't give particulars on where or how long the snow was there, but they brought it to his attention and therefore he wanted to bring it to the Marshal and Deputy Marshals' attention. Secondly, there has been problems with illegal dumping at the recycle center, and the committee would like to clarify what's in the ordinance in terms of how those are to be handled by the Marshal locally and what's the County's

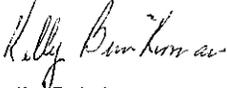
involvement. Village Marshal Burris replied that for the last one he had handled, the violator lived in Port Washington, so he couldn't go in to Port with no jurisdiction and go knock on his door; that's crazy. He stated that he then took it to the Ozaukee County Sheriff's Department and gave it to them, and whatever they do with it from there is up to them. So he gave them the detailed report, pictures and license plate number. Lambrecht then questioned how the violator got in the recycle center. Burris responded that he's guessing that he was either from Belgium originally or knew somebody. He then recalled that he was told the violator was moving from Belgium to Port. Lambrecht then replied that the Sheriff's Department probably didn't do anything with it because the County cannot enforce a village ordinance. He asked Burris if he had the violator's name, to which Burris responded that he had a Port Washington address and that again he was not going to go there. Lambrecht reaffirmed that he was correct in not going there and he would never be expected to. He let Burris know that if it happens again to come to him or the committee for a recommendation. He then asked Burris if the gentleman came back to pick up what he had illegally dumped, and if there was any contact with him at all. Burris reported that after he gave the report to the Sheriff's Department he didn't know what they did with it, and that they didn't follow up with him. Deputy Marshal Leon Anzia stated that prior to the access cards going into effect, a gentleman dropped off a TV at the recycle center. The DPW staff had a photo of him, his car, and his license plate, and he ended up getting a fine. Lambrecht clarified that ultimately that would've been the recourse for the scenario with the gentleman who moved to Port Washington, because the Marshal certainly would never be asked to go to Port Washington to talk with someone. If we have a plate identified, the Sheriff's Department will give you the registration information. Deputy Marshal Anzia said the Sheriff's Department is very quick at getting the information back to the requestor. Then Lambrecht said, it would be as simple as calling the violator and telling them they dumped an illegal item in the village recycle center, and the two ways to resolve it are either the violator comes and picks the item(s) up, or a fine will be mailed to them. At that point, they usually will come pick up whatever they dumped and then the issue is done and over with. Burris added that you can get the person to whom you mail a ticket and get a letter back telling you to get bent. You never know who you're going to get. Lambrecht responded that at that point it doesn't matter because the fine is already in the system, and if he doesn't show up to court, it's a default judgment and it goes on his record. Deputy Marshal Anzia concurred that if they don't pay the fine, they will not be able to renew his license. Lambrecht added if you do get a letter back like that, it's important to keep it and document it. If the matter goes to court and a default judgment, and the violator tries to reopen the case, you will be able to inform the judge that he didn't show up to his court date and that you have this letter from him telling me off. It will then be up to the judge or the court commissioner to hear it. The main thing the committee wants to address is if something like this happens in the future, what to do and how to deal with it. The Sheriff's Department will take the information you give them, but nothing will happen. Burris explained that he didn't know what else to do because his hands were pretty tied. Ohlson asked Lambrecht if he would be available for a phone call if a question should arise. Lambrecht confirmed that indeed he'd be available and willing to make recommendations on their options. Deputy Marshal Anzia added that since the access cards were enacted, there have been fewer issues with illegal dumping. Prior to that we would get people from the township dumping at the village center, and others dumping items off at various hours. Ohlson continued to follow up on the snow removal issues by restating that he doesn't have any particulars or specific examples. Deputy Marshal Anzia reported that residents have 24 hours after the end of a snowfall to get their sidewalks cleared. He said it's usually difficult to see if the sidewalks were shoveled over the bank of plowed snow. However, when he turns the corner, he can look up and down the street and see if someone didn't shovel. He informed the committee that he has two places where he dropped off notices on the residents' front doors with the violator's address, date and time noted on each form, giving them a warning. Burris interjected that he handed out 3 notices the other week. Lambrecht asked the Marshals if they find residents are cleaning up the snow right way after receiving the notices. Deputy Marshal Anzia responded that one couple didn't because they were away on vacation, and they just happened to get back three days later. Anzia saw light on in the house, so he stopped by to talk with them about it, and they got the sidewalk cleaned up right away. Anzia continued to explain that he gets some complaints on sidewalks out at the Heritage Park subdivision. However, the situation often involves a house with an unshoveled sidewalk, but two empty lots on either side of their property. The sidewalk doesn't continue through, so why shovel their sidewalk in front of their house if no one will be walking through anyway. Lambrecht said his thought is that the main thoroughfares, not locations where there is a house, empty lot, and then a house again, are most

important to be cleared. Most likely issues such as the ones at the Heritage Park subdivision were not brought up to Chairman Ohlson, because it's common sense. Deputy Marshal Anzia reported that in the Ardennes subdivision, sidewalks were put in throughout the subdivision, and they hire someone to come in and clear the sidewalks of the empty lots. Lambrecht clarified the main concern is with kids walking to the bus stops on Main St, for example. We don't want kids walking down Main Street because the sidewalks aren't cleared. Lambrecht asked Marshal Burris that if he puts a warning notice on a property, is there a way for Deputy Marshal Anzia to know. Burris reported that they have a log on the desk with the addresses, and he puts that information in his monthly marshal's report. Ohlson inquired if the notice slip is followed up with a citation if the sidewalk is not cleared within a certain amount of time. Anzia stated that he usually goes back to the residence and follows up with them instead of giving them a citation to tell them that they will get a ticket if they don't get it done. He usually gives them an extra day, and they usually get it done. Lambrecht informed the Marshals that he's glad to have open dialogue with them so that the committee knows what is going on with these matters. Ohlson agreed with Lambrecht as he was not made aware that the violator with the recycle center issue moved to Port Washington. Lambrecht then referred to Marshal Burris stating that he knows that he passed the documentation for the gentleman in Port Washington who illegally dumped on to the Sheriff's Department, but he can contact them to check the status and then pick the documentation up from them. They still have time to follow up on it with the person. Lambrecht affirmed that he wouldn't hand out a citation for a first offense. He understands that there have been issues with illegal dumping at the recycle center, but if you call them to come pick their items up, and they do, the situation is taken care of. Chances are, if they don't and a citation is issued, Danny will put it aside for the e-cycling event. Deputy Marshal Anzia stated that the DPW crew regularly checks the dumpsters. And if they find something that doesn't belong there, they check the cameras to find out exactly who dumped it, as they are running 24 per day. And if they do find something, they get a license plate and a time, and give the Marshal a call. Lambrecht added with the license plate number, there's a 99.9% chance that the registered owner, their spouse or someone closely associated with them is the one doing the dumping. He states that he's surprised that they don't just leave the stuff at the gate. But Anzia informed him that they'd still be on camera even if they dumped it at the gate. Lambrecht thought that was great. Brinkman added that Danny was unable to make the meeting, but over the summer he had reported at a staff meeting that over the summer there were a lot of problems with sofas being left at the curb in the owners' lawns, that literally sat there for months. The DPW crew ended up having to pick up 3 of them because they had literally sat there for 2 to 3 months. Lambrecht added that a lot of people in the village seem to think that Advanced Disposal is going to pick it up and dispose of it for them. But Advanced will not pick up anything outside of the garbage carts. So instead of the residents taking the sofa to the recycle center, they leave it there. Brinkman stated that if they don't have a way to get it to the recycle center, they must call Advanced Disposal to make a large item pick-up request for a fee. As most don't want to pay a fee, they leave it sit in the yard for months and months and months. Village ordinance chapter 176 is all about littering and dumping, with 176.5 being specific to refrigerators while 176.6 is specific to storage of junk or discarded property. It's considered littering and a public health issue due to the creation of a place for rodents to breed and nest. Marshal Burris responded that it's all fine to know this, but why did they sit on this for 4 months before they told us. Lambrecht reported it was brought up at a village board meeting back in fall. Burris stated it's the first he's hearing of it. Lambrecht responded that why the committee is sitting down with the Marshals and having a conversation about it. Deputy Marshal Anzia questioned if the village has an ordinance against a large 30-ft camper trailer parked out on the street in the summer, plugged in for 3-4 days. Brinkman informed Anzia that when she was checking through ordinances for him regarding the camper in another resident's driveway on Main Street, she found that per ordinance, a resident can only leave a camper 18 ft. or longer in the roadway to load or offload, and it's not supposed to be left there longer than that. Deputy Marshal Anzia had encountered one in the village last year, and wanted to know about it in case he should come across it again next summer. Brinkman told the Marshals that they can find more details in the ordinance books they were issued, but she recommended the ordinance search online on the Village's website as key words can be easily typed and searched. She informed them that is how she found the information for Anzia regarding the camper issue on Main Street, because she doesn't work with ordinances often. Once residents are made aware of ordinance violations, they are often compliant because there was no intention to be in violation in the first place. Lambrecht pointed out that these are some of the ordinance reminders put in the quarterly newsletters which apparently don't get

read. They're always in there along with parking ordinance reminders among others. Brinkman offered assistance to the Marshals if they needed help locating the ordinance files on the village website.

**Motion to Adjourn:** A motion to adjourn at 6:34pm was made Ohlson and seconded by Lambrecht. Ayes – Ohlson, Lambrecht; Noes – none; Abstain – none. Motion carried.

Respectfully submitted,



Kelly Brinkman

Treasurer/Deputy Clerk

Approved joint Public Safety/Finance and Personnel Committee 5-9-2016