

## PUBLIC SAFETY & WELFARE COMMITTEE

November 16, 2023

5:00 p.m.

### 1. CALL TO ORDER

Members Present	Also in Attendance	Citizens Present
<ul style="list-style-type: none"><li>Dana Davis, Chair</li><li>Brad Blanke</li><li>Steve Board</li><li>Eric Schmid</li></ul>	<ul style="list-style-type: none"><li>Attorney Steven Chesebro</li><li>Mason Becker</li></ul>	<p>Shelley Kassabe Darlene Mondl Louise Genge Stacy Estudillo Pat Forehand Steve Kauffeld Sue Chrisian Linda Kauffeld Sarana Stolar Christine Wishart Lori Rue Laurence Adams Mary Schultz</p> <p>The names of those attending online were not recorded.</p>

### 2. RECEIVE COMMENTS FROM THE PUBLIC

There were no comments from the public at this time.

### 3. BUSINESS

#### A. Review and take possible action: Special Event Permit Ordinance Draft

Changed to 50% of cost of Extraordinary Services up front.

Board: Asks if staff feels 30-day timeline is realistic for staff.

Schmid: Asks about how fees will be totaled. Feels fee schedule should accompany ordinance. Debate if that should be included.

City Atty suggests a separate fee schedule could be drafted, but could be adopted alongside this ordinance. Could go on parallel paths to council.

- Consensus seems to be to keep separate but run parallel.

Blanke: Feels that if applicant doesn't pay, it should automatically be cancelled. Change "may" to "shall".

Board suggests changing from 10 calendar days to 10 business days.

City Atty suggests using "voids".

Discussion on Page 6 and public health provisions:

- Board asks about point 9. Carol Quest had asked this be included.
- Second sentence could be struck.
- Consensus seems to be to strike second sentence.
- Blanke: "shall" should be changed to "will"
- City Atty suggests using "must"

Re: Background Checks:

- Davis: explains intent of these provisions.

- Board suggest providing information at time of application. Info on personal data of board members, etc.
- City Atty clarifies that is already required.
- Blanke: "shall" appears often. Change wording to "must" or "will".
  - o For applicant "must", for city staff "will"

Re: Vendor contact info:

- Davis: Explains much of these recommendations came from the city clerk.
- No other questions on these.

Re: Child protection plan

- This was largely struck through, and replaced with overall Emergency Action Plan
  - o Fire, emergencies, lost child, etc.
  - o Davis explains check against national sex offender registry.
  - o Applicant should consider anyone who has duties relating to contact with children.
  - o Schmid: Should we swap "child" for "minor". Should be kept consistent with state definitions etc.
  - o Board: Brings up Lampe comments re background checks. Revise timing piece?
    - Davis agrees that can be looked at.

Re: Animal permits

- Had been added by Health Department.
- Board asks about use of horse drawn wagons, etc.
  - o Look into animals provision, proximity to food. Would be tough at BFTS.

Re: denial by police chief after results of investigation

Blanke: Should be sent by certified mail

Schmid: What is appeal process for something similar, like denial of liquor license

- Atty explains that ordinance later covers appeal process. Potential circuit court review.
- Board: concerned about open-endedness of 14. Seems "onerous" to police department. Effectively giving strongest authority to policy chief.
  - o Blanke feels this is fine
  - o Schmid feels there needs to be checks and balances. Needs to be risk assessment or reasoning for cancellation.
  - o Atty points out this point specifically applies to the applicant(s)
    - Some info may need to be withheld if relating to an ongoing investigation
  - o Blanke asks about outside threats

Public comment:

- Linda Kauffeld(missed name of resident): Who pays for cost of extraordinary services if applicant fails to pay?
- Stacy Estudillo: Who would designee be? Which events would go to PS&W committee?
- Mike Cederberg: re: 14.2 page 7: Maybe switch last two sentences? Also, may want to expand police chief threat assessment to cover any other participants, etc.
- Dr. Dave Madenberg: If applicants pass background checks, what if org. itself is known for harming children, child grooming, etc.

2.c., page 8:

- Davis explains rationale for having PS&W review. May require some short notice committee meetings to address timing issues for events.

Schmid: Asks about 2/3 board to deny permit. Atty Chesebro clarifies.

Blanke feels short notice meetings aren't an issue.

Board feels this may cause unnecessary delays to special events and approval process.

Davis notes application window is 45 days before event and fee doubles if they don't get in within time frame.

Blanke asks for clerk to provide special event report detailing list of events, time frames. Feels most give ample time to approve.

Schmid notes some events will need to get more punctual.

Davis says most events generate no additional costs/assistance from city.

- Davis says she will follow up with clerk.

Schmid: we may need to make sure points are not too open ended with time frames.

- Blanke agrees

Re: list of reasons for denial, 2.e.

- Blanke: notes this only mentions applicants and not outside threats

#### I. Event Cancellation page 10

- Regarding who should have authority to cancel event.
- Davis not sure if realistic to mobilize council on short notice.
- Mentions Madion provisions about cancelling ahead of time and middle of an event.
- Give authority to clerk or mayor or police chief?

Blanke goes back to denial of permit

- Feels should be able to deny on grounds that possible threat
- Schmid: Feels like we shouldn't be able to deny before completed plan has been returned re: environmental impact.
  - o An antagonistic group could cause event of a group they don't like to be canceled
  - o Atty: discourages City to have official policy to cancel a threat to cancel threat because of a third party.
    - Heckler Veto: can be seen govt acting on intent of a speech etc which could be violation of First Amendment.
  - o Board concerned about possible inconsistent application.

Re: cancellation of event

- Schmid feels burdensome to have council meet on short notice to cancel an event.
- Blanke: Three separate categories seem to exist: Acts of God, blatant violation of agreement before event, and same day cancellations due to health department violations, etc.
  - o Could designate different authorities under each situation.
  - o Davis: seems like should agree this goes back to the drawing board. Come up with a different approach.
  - o Schmid feels we need to insert clause regarding war, natural disasters, etc
  - o Board: Mayor or mayor's designee should be designated
  - o Atty: there are certain events where fire chief is highest official in certain triggering events, or in some instances possibly the police chief
  - o Schmid: Would we have prorated refunds for canceled events.
  - o Davis: We can revisit this.
  - o Blanke: we need to make sure we understand differences between weather and natural disasters

#### J. Appeal of application denial or modification

- Board asks about appeal process
- Atty: Initial decision was that it would go to PS&W instead of Common Council
  - Blanke: Why not have it start at PS&W, and then could be appealed to Common Council
- Schmid: Feels appeal should go directly to full Common Council. Avoids going to court right away.

Blanké: A four-person board is more flexible than full Council.

Atty. Clarifies licensing board appeal process.

- There are instances where a modification over a denial would be appropriate.

#### K. Enforcement

- Language from previous ordinance
- Schmid: Is this civil or criminal forfeiture?
  - Atty: Civil. Tied to ordinance that would create civil forfeiture amount.

Schmid: Concerned about high amount...should be tied to unpaid bill amount.

Parades, etc.

- Can be created as a separate chapter.
- Davis: We can review organization.
- Blanke: Prefer it be parallel, not part of same ordinance
- Noted this applies to city sponsored parades
- Blanke: not necessarily practical for parade organizer to supply handwashing stations, etc.

#### Public comments:

- Stacy Estudillo: question on cancellation process. Re: police chief asked for cancellation five days before event.
- Mike Cederberg: Page 7, para 14. Suggests inserting list of legal given and surnames including any all aliases. E.g. Bozo the Clown, Capt. Kangaroo
- Mike Powers: Page 7. When entity is providing type of event. Under Public Peace and Order ordinance, regulation of sexually oriented conduct. Feels this should be covered. Concerned about proximity to minors.
- Molly Kopplin: Would like links to websites of other communities being referenced. Likes idea of having one point person, likes idea of the mayor being able to make that decision. Concerned about incentive for antagonistic groups online being able to get events cancelled. Re: Background checks, what level of criminality is being covered? What standard is being used?
- Steve Kauffeld: serves as a Dodge Co. Supervisor. Speaks about children being like sponges. What is purpose of a drag queen event and what are they teaching?
- Tienn: Pointed comments toward Pride in the Park. Threats to public safety, etc. Having an event for a queer group of people is not inherently a threat. Opposing protests, etc are common right now. Not controlled by event organizers.

**MOTION:** Board moves to make necessary revisions and table to next meeting. Seconded by Blanke.

4. **ADJOURNMENT:** There being no additional business to come before the Committee, a motion was made by Schmid to adjourn and seconded by Blanke. The motion carried unanimously.

Respectfully Submitted - Dana Davis, Chairperson