

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, March 30, 2021 at 9:00 am, Council Chambers, City Hall, 30 West Central Street, Chippewa Falls, WI. The Committee members, Mayor and other Council Members may not be physically present at the meeting but may attend remotely. The meeting may be viewed via livestream at the www.chippewafalls-wi.gov/council live stream link. To make arrangements to participate directly in the meeting, please contact the City Clerk at 715-726-2719 in advance of the meeting.

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

1. **Discuss request from the Leinie Lodge to occasionally operate a Utility Terrain Vehicle (UTV) on City streets/sidewalks adjacent to Jefferson Avenue between the lodge and brewery. Possible recommendations to the Council.**
2. **Discuss applicable offense criteria for Operators (Bartenders) and Taxi Cab Drivers. Possible recommendations to the Council.**
3. **Discuss Fire Department/DNR Memorandum of Agreement for Mutual Aid and Fire Suppression Services. Possible recommendations to the Council.**
4. **Discuss preliminary 2022 EMS per capita rates. 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.

TO MAKE ARRANGEMENTS TO PARTICIPATE DIRECTLY IN THE MEETING, PLEASE CONTACT THE CITY CLERK AT 715-726-2719 IN ADVANCE OF THE MEETING.

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 March 26, 2021 at 1:45 pm by BNG.

Bridget Givens

From: Matthew Kelm
Sent: Wednesday, March 17, 2021 10:50 AM
To: Bridget Givens
Cc: Bob Ferg; Rick Rubenzer
Subject: Committee #3 Agenda Item

Bridget,

This request comes from Leinies Lodge is for occasional use of a UTV on the sidewalk or street adjacent to Jefferson Ave between the lodge, and the brewery.

Potential use would be:

1. Mostly during the spring/summer/fall when the walking bridge is full.
2. The UTV will be street legal with headlights/taillights/brake lights/signal lights etc.
3. The UTV will be used to plow the walking bridge and other sidewalks/areas on their property during the winter.

CA Ferg recommended this go to Committee #3. I also included Mr. Rubenzer for roadway or sidewalk engineering or legal use concerns.

Thank you.

**CITY OF CHIPPEWA FALLS
APPLICABLE OFFENSE CRITERIA FOR
OPERATOR (BARTENDER/TAXI) LICENSE APPLICATION/RENEWAL**

The applicant may be denied if:

1. The applicant has been convicted of two (2) applicable offenses within thirty-six (36) months of the filing of the application;

AND

One (1) of the above convictions must have been committed within twelve (12) months of the date of application.

2. The applicant has been convicted of any one of the following offenses within thirty-six (36) months of the filing of the application: Obstructing/Resisting an Officer, Battery, Delivery of a Controlled Substance, or Maintaining a Drug House.
3. The applicant has been convicted of a felony that is substantially related to the licensed activity within 10 years of filing the application.
4. The applicant has ever been convicted or has a pending charge of an "Exempt Offense" or a "Violent Crime Against a Child" as defined by WI State Statute 111.335.

Historically the City has deemed these examples of offenses to relate to the licensed activity:

Licensed Premises Violations

No licensed bartender
Serving without a license
Permitting underage person on premises
Serving underage person
Open after hours
Possession of illegal stock
Gambling violations
Juvenile providing entertainment
Failure to allow inspection
Sale to an intoxicated person

Individual Alcohol Violations

Underage presence in place of sale
Underage consumption
OWI
Absolute sobriety
Open intoxicants in a motor vehicle
Transportation of alcohol by a minor
Falsely representing age
Furnishing alcohol to an underage person
Open container
Adult permitting or failing to take action

Other Violations

Drug possession
Possession of drug paraphernalia
Disorderly conduct
Obstructing an officer
Resisting an officer
Battery
Delivery of a controlled substance
Maintaining a drug house

Offences which allow denial of bartender licence (pending or conviction)

Exempt Offense

CHAPTER 940

CRIMES AGAINST LIFE AND BODILY SECURITY

	LIFE.		940.207	Battery or threat to department of commerce or department of workforce development employe.
940.01	First-degree intentional homicide.		940.21	Mayhem.
940.02	First-degree reckless homicide.		940.22	Sexual exploitation by therapist; duty to report.
940.03	Felony murder.		940.225	Sexual assault.
940.04	Abortion.		940.23	Reckless injury.
940.05	Second-degree intentional homicide.		940.24	Injury by negligent handling of dangerous weapon, explosives or fire.
940.06	Second-degree reckless homicide.		940.25	Injury by intoxicated use of a vehicle.
940.07	Homicide resulting from negligent control of vicious animal.		940.285	Abuse of vulnerable adults.
940.08	Homicide by negligent handling of dangerous weapon, explosives or fire.		940.29	Abuse of residents of penal facilities.
940.09	Homicide by intoxicated use of vehicle or firearm.		940.291	Law enforcement officer; failure to render aid.
940.10	Homicide by negligent operation of vehicle.		940.295	Abuse and neglect of patients and residents.
940.11	Mutilating or hiding a corpse.		940.30	False imprisonment.
940.12	Assisting suicide.		940.305	Taking hostages.
940.13	Abortion exception.		940.31	Kidnapping.
940.15	Abortion.		940.32	Stalking.
940.16	Partial-birth abortion.		940.34	Duty to aid victim or report crime.
	BODILY SECURITY.		940.41	Definitions.
940.19	Battery; substantial battery; aggravated battery.		940.42	Intimidation of witnesses; misdemeanor.
940.195	Battery to an unborn child; substantial battery to an unborn child; aggravated battery to an unborn child.		940.43	Intimidation of witnesses; felony.
940.20	Battery; special circumstances.		940.44	Intimidation of victims; misdemeanor.
940.201	Battery or threat to witnesses.		940.45	Intimidation of victims; felony.
940.203	Battery or threat to judge.		940.46	Attempt prosecuted as completed act.
940.205	Battery or threat to department of revenue employe.		940.47	Court orders.
			940.48	Violation of court orders.
			940.49	Pretrial release.

Violent Crime Against a Child

948.02	Sexual Assault of a Child
948.025	Engaging in repeated acts of sexual assault of the same child
948.03	Physical abuse of a child
948.05	Sexual exploitation of a child
948.051	Trafficking of a child
948.055	Causing a child to view or listen to sexual activity
948.06	Incest with a child
948.07	Child enticement
948.075	Use of a computer to facilitate a child sex crime
948.08	Soliciting a child for prostitution
948.085	Sexual assault of a child placed in substitute care
948.095	Sexual assault of a child by a school staff person/person who works or volunteers with children

111.335 Arrest or conviction record; exceptions and special cases.

(1m) DEFINITIONS. In this section:

111.335(1m)(a) (a) "Educational agency" means a school district, a cooperative educational service agency, a county children with disabilities education board, a state prison under s. 302.01, a juvenile correctional facility, as defined in s. 938.02 (10p), a secured residential care center for children and youth, as defined in s. 938.02 (15g), the Wisconsin Center for the Blind and Visually Impaired, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, the Mendota Mental Health Institute, the Winnebago Mental Health Institute, a state center for the developmentally disabled, a private school, a charter school, a private, nonprofit, nonsectarian agency under contract with a school board under s. 118.153 (3) (c), or a nonsectarian private school or agency under contract with the board of school directors in a 1st class city under s. 119.235 (1).

(b) "Exempt offense" means any of the following:

1. A violation specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.051, 948.055, 948.06, 948.07, 948.075, 948.08, 948.085, or 948.095.

2. A violation of the law of another jurisdiction that would be a violation described in subd. 1. if committed in this state.

(c) "State licensing agency" means a licensing agency that is an agency, as defined in s. 227.01 (1).

(d) "Violent crime against a child" means any of the following:

1. A violation of s. 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055, 948.07, 948.08, 948.085, 948.095, or 948.30 (2).

2. A felony violation of s. 948.03 (3) or (5) (a) 4.

3. A violation of the law of another jurisdiction that would be a violation described in subd. 1. or 2. if committed in this state.

(2) DISCRIMINATION BECAUSE OF ARREST RECORD; EXCEPTIONS.

(a) Employment discrimination because of arrest record includes, but is not limited to, requesting an applicant, employee, member, licensee or any other individual, on an application form or otherwise, to supply information regarding any arrest record of the individual except a record of a pending charge, except that it is not employment discrimination to request such information when employment depends on the bondability of the individual under a standard fidelity bond or when an equivalent bond is required by state or federal law, administrative regulation or established business practice of the employer and the individual may not be bondable due to an arrest record.

(b) Notwithstanding s. 111.322, it is not employment discrimination because of arrest record to refuse to employ or license, or to suspend from employment or licensing, any individual who is subject to a pending criminal charge if the circumstances of the charge substantially relate to the circumstances of the particular job or licensed activity, except as provided in sub. (4) (a).

(3) DISCRIMINATION BECAUSE OF CONVICTION RECORD; EXCEPTIONS.

(a) Notwithstanding s. 111.322, it is not employment discrimination because of conviction record to refuse to employ or license, or to bar or terminate from employment or licensing, any individual if any of the following applies to the individual:

1. Subject to sub. (4) (b) to (d), the individual has been convicted of any felony, misdemeanor, or other offense the circumstances of which substantially relate to the circumstances of the particular job or licensed activity.

2. The individual is not bondable under a standard fidelity bond or an equivalent bond where such bondability is required by state or federal law, administrative regulation, or established business practice of the employer.

(b) Notwithstanding s. 111.322, it is not employment discrimination because of conviction record to refuse to employ a person in a business licensed under s. 440.26 or as an employee specified in s. 440.26 (5) (b) if the person has been convicted of a felony and has not been pardoned for that felony.

(c) Notwithstanding s. 111.322, it is not employment discrimination because of conviction record to refuse to employ as an installer of burglar alarms a person who has been convicted of a felony and has not been pardoned for that felony.

(d) Notwithstanding s. 111.322, it is not employment discrimination because of conviction record to refuse to employ in a position in the classified service a person who has been convicted under 50 USC 3811 for refusing to register with the selective service system and who has not been pardoned.

(e) Notwithstanding s. 111.322, it is not employment discrimination because of conviction record for an educational agency to refuse to employ or to terminate from employment an individual who has been convicted of a felony and who has not been pardoned for that felony.

(f) Notwithstanding s. 111.322, it is not employment discrimination because of conviction record to refuse to employ or license, or to bar or terminate from employment or licensure, any individual who has been convicted of any offense under s. 440.52 (13) (c).

(4) DISCRIMINATION IN LICENSING.

(a) It is employment discrimination because of arrest record for a licensing agency to refuse to license any individual under sub. (2) (b) or to suspend an individual from licensing under sub. (2) (b) solely because the individual is subject to a pending criminal charge, unless the circumstances of the charge substantially relate to the circumstances of the particular licensed activity and the charge is for any of the following:

1. An exempt offense.

2. A violent crime against a child.

(b) It is employment discrimination because of conviction record for a licensing agency to refuse to license any individual under sub. (3) (a) 1. or to bar or terminate an individual from licensing under sub. (3) (a) 1. because the individual was adjudicated delinquent under ch. 938 for an offense other than an exempt offense.

(c)

1. If a licensing agency refuses to license an individual under sub. (3) (a) 1. or bars or terminates an individual from licensing under sub. (3) (a) 1., the licensing agency shall, subject to subd. 2., do all of the following:

a. State in writing its reasons for doing so, including a statement of how the circumstances of the offense relate to the particular licensed activity.

b. Allow the individual to show evidence of rehabilitation and fitness to engage in the licensed activity under par. (d). If the individual shows competent evidence of sufficient rehabilitation and fitness to perform the licensed activity under par. (d), the licensing agency may not refuse to license the individual or bar or terminate the individual from licensing based on that conviction.

2. The requirements under subd. 1. a. and b. do not apply if a conviction is for an exempt offense.

(d)

1. Competent evidence of sufficient rehabilitation and fitness to perform the licensed activity under par. (c) 1. b. may be established by the production of any of the following:

a. The individual's most recent certified copy of a federal department of defense form DD-214 showing the person's honorable discharge, or separation under honorable conditions, from the U.S. armed forces for military service rendered following conviction for any offense that would otherwise disqualify the individual from the license sought, except that the discharge form is not competent evidence of sufficient rehabilitation and fitness to perform the licensed activity if the individual was convicted of any misdemeanor or felony subsequent to the date of the honorable discharge or separation from military service.

b. A copy of the local, state, or federal release document; and either a copy of the relevant department of corrections document showing completion of probation, extended supervision, or parole; or other evidence that at least one year has elapsed since release from any local, state, or federal correctional

institution without subsequent conviction of a crime along with evidence showing compliance with all terms and conditions of probation, extended supervision, or parole.

2. In addition to the documentary evidence that may be provided under subd. 1. to show sufficient rehabilitation and fitness to perform the licensed activity under par. (c) 1. b., the licensing agency shall consider any of the following evidence presented by the individual:

- a. Evidence of the nature and seriousness of any offense of which he or she was convicted.
- b. Evidence of all circumstances relative to the offense, including mitigating circumstances or social conditions surrounding the commission of the offense.
- c. The age of the individual at the time the offense was committed.
- d. The length of time that has elapsed since the offense was committed.
- e. Letters of reference by persons who have been in contact with the individual since the applicant's release from any local, state, or federal correctional institution.
- f. All other relevant evidence of rehabilitation and present fitness presented.

(e) A state licensing agency that may refuse to license individuals under sub. (3) (a) 1. or that may bar or terminate an individual from licensure under sub. (3) (a) 1. shall publish on the agency's Internet site a document indicating the offenses or kinds of offenses that may result in such a refusal, bar, or termination.

(f)

1. A state licensing agency that may refuse to license individuals under sub. (3) (a) 1. or that may bar or terminate individuals from licensing under sub. (3) (a) 1. shall allow an individual who does not possess a license to, without submitting a full application and without paying the fees applicable to applicants, apply to the agency for a determination of whether the individual would be disqualified from obtaining the license due to his or her conviction record.

2. A state licensing agency shall make a determination under subd. 1. in writing and send the determination to the applicant no later than 30 days after receiving the application for a determination.

3. A determination made under subd. 1., with respect to convictions reviewed by the state licensing agency as part of the determination, shall be binding upon the agency if the individual subsequently applies for the applicable license, unless there is information relevant to the determination that was not available to the agency at the time of the determination.

4. A state licensing agency may require a fee to be paid to the agency for a determination issued under subd. 1. of an amount necessary to cover the cost of making the determination.

5. A state licensing agency described in subd. 1. shall create a form on which an individual applying for a determination under subd. 1. may do all of the following:

- a. State whether he or she has ever been convicted of a crime.
- b. Identify the date of conviction for any crime described under subd. 5. a. and describe the nature and circumstances of the crime.
- c. Sign his or her name to attest to the accuracy and truthfulness of the information under subd. 5. a. and b. and, if applicable, to acknowledge the agency's authority to conduct an investigation of the individual.

6. A state licensing agency described in subd. 1. shall promulgate rules to implement this paragraph, except that the department of safety and professional services may promulgate rules defining uniform procedures for making such determinations to be used by the department, the real estate appraisers board, and all examining boards and affiliated credentialing boards attached to the department or an examining board.

(h) Notwithstanding s. 111.322, it is not employment discrimination because of conviction record to revoke, suspend or refuse to renew a license or permit under ch. 125 if the person holding or applying for the license or permit has been convicted of one or more of the following:

1. Manufacturing, distributing or delivering a controlled substance or controlled substance analog under s. 961.41 (1).
2. Possessing, with intent to manufacture, distribute or deliver, a controlled substance or controlled substance analog under s. 961.41 (1m).
3. Possessing, with intent to manufacture, distribute or deliver, or manufacturing, distributing or delivering a controlled substance or controlled substance analog under a federal law that is substantially similar to s. 961.41 (1) or (1m).
4. Possessing, with intent to manufacture, distribute or deliver, or manufacturing, distributing or delivering a controlled substance or controlled substance analog under the law of another state that is substantially similar to s. 961.41 (1) or (1m).
5. Possessing any of the materials listed in s. 961.65 with intent to manufacture methamphetamine under that section or under a federal law or a law of another state that is substantially similar to s. 961.65.

(i)

1. Notwithstanding s. 111.322, it is not employment discrimination because of conviction record to deny or refuse to renew a license or permit under s. 440.26 to a person who has been convicted of a felony and has not been pardoned for that felony.
2. Notwithstanding s. 111.322, it is not employment discrimination because of conviction record to revoke a license or permit under s. 440.26 (6) (b) if the person holding the license or permit has been convicted of a felony and has not been pardoned for that felony.

(j) Notwithstanding s. 111.322, it is not employment discrimination because of conviction record for the board of nursing to refuse to license an individual in accordance with s. 441.51 (3) (c) 7. and 8.

History: 1981 c. 334; 1991 a. 216; 1993 a. 98; 1995 a. 448, 461; 1997 a. 112; 2001 a. 16; 2003 a. 33; 2005 a. 14; 2009 a. 300; 2011 a. 32, 83; 2013 a. 20 ss. 2365m, 9448; 2017 a. 59, 135, 278; s. 35.17 corrections in (4) (f) 5. b., c.

A rule adopted under s. 165.85 properly barred a nonpardoned felon from holding a police job. *Law Enforcement Standards Board v. Lyndon Station*, 101 Wis. 2d 472, 305 N.W.2d 89 (1981).

A conviction for armed robbery in and of itself constituted circumstances substantially related to a school bus driver's licensure. *Gibson v. Transportation Commission*, 106 Wis. 2d 22, 315 N.W.2d 346 (1982).

An employer's inquiry is limited to general facts in determining whether the "circumstances of the offense" relate to the job. It is not the details of the criminal activity that are important, but rather the circumstances that foster criminal activity, such as opportunity for criminal behavior, reaction to responsibility, and character traits of the person. *County of Milwaukee v. LIRC*, 139 Wis. 2d 805, 407 N.W.2d 908 (1987).

There is no requirement that an employer take affirmative steps to accommodate individuals convicted of felonies. *Knight v. LIRC*, 220 Wis. 2d 137, 582 N.W.2d 448 (Ct. App. 1998), 97-1606.

When evaluating an individual for the position of reserve officer, a sheriff's department may consider information in its possession concerning the individual's juvenile record, subject to prohibitions against arrest record and conviction record discrimination contained in the WFEA. 79 Atty. Gen. 89.

Race, Crime, and Getting a Job. Pager. 2005 WLR 617.

Discrimination in employment on the basis of arrest or conviction record. *Mukamel*. WBB Sept. 1983.



**WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO**

2017 Wisconsin Act 278 [2017 Assembly Bill 829]	Criminal History as a Bar to Professional Licensure
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Subject to certain exceptions, it is generally an unlawful act of employment discrimination for a state or local agency that has the authority to grant or deny professional or occupational licenses to refuse to license an individual on the basis of the individual's arrest or conviction record. 2017 Wisconsin Act 278 makes various changes to the circumstances under which a licensing agency may base its decisions on an individual's criminal history.

PRIOR LAW

Under prior law, it was not unlawful for an agency to deny a license to an individual who was subject to a pending criminal charge if the circumstances of the charge substantially related to the circumstances of the particular licensed activity. It was also not unlawful employment discrimination to deny a license to an individual who had been convicted of any felony, misdemeanor, or other offense the circumstances of which substantially related to the circumstances of the particular licensed activity.

THE ACT

The Act retains the standard described above, except as follows. First, in addition to requiring that the circumstances of an arrest or conviction substantially relate to the circumstances of the licensed activity, the Act also prohibits a licensing agency from:

- Refusing to license an individual, or suspending an existing license, based on a substantially related pending criminal charge, unless the charge is for one of certain specified crimes against a child or life and bodily security, or a violent crime against a child.
- Refusing to license an individual, or barring or terminating an individual from licensing because the individual was adjudicated delinquent of an offense under the

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>.

Juvenile Justice Code, unless the offense was one of certain specified crimes against a child or life and bodily security.

Second, except in the case of certain exempt offenses, the Act requires a licensing agency that denies or terminates a license based on a prior conviction to state in writing its reasons for doing so and allow the individual to show evidence of rehabilitation and fitness to engage in the licensed activity. The licensing agency must consider a list of factors, such as the seriousness of the crime and relevant mitigating circumstances. In addition, either of the following must be accepted as competent evidence of sufficient rehabilitation and fitness: (1) documentation showing that the person was honorably discharged or separated under honorable conditions from the military and had no subsequent criminal convictions; or (2) documentation showing that the person completed his or her probation, extended release or parole and, if the person served time in a correctional institute, that one year has passed since his or her release without subsequent conviction of a crime.

Third, the Act allows an individual to obtain a predetermination from a state licensing agency regarding whether he or she would be disqualified from obtaining a license due to a prior conviction before submitting a full license application. Each state licensing agency must also publish a document on its website indicating the offenses or kinds of offenses that may cause the agency to refuse or bar a person from licensure or terminate an existing license.

Finally, the Act grants state licensing agencies authority to promulgate emergency rules necessary to implement the Act.

Effective date: The Act generally takes effect on August 1, 2018.

Prepared by: Andrea Brauer, Staff Attorney

April 27, 2018
(Revised May 29, 2018)

CITY OF CHIPPEWA FALLS LICENSE FEE: \$25.00
**APPLICATION FOR LICENSE TO SERVE FERMENTED MALT BEVERAGES
AND INTOXICATING LIQUORS**

PROVISIONAL _____ REGULAR NEW _____ RENEWAL _____ TEMPORARY _____ APPROVED _____ DENIED _____
Date Issued: _____ Prov'l License Number _____ /Regular License Number _____

TO THE COMMON COUNCIL OF THE CITY OF CHIPPEWA FALLS, WISCONSIN:

I, hereby apply for a license to serve, from date hereof to **JUNE 30, 2021** inclusive (unless sooner revoked), fermented malt beverages and intoxicating liquors, subject to the limitations imposed by Section 125.17(1) of the Wisconsin State Statutes and all acts amendatory thereof and supplementary thereto, and hereby agree to comply with all laws, resolutions, ordinances and regulations, Federal, State, or local, affecting the sale of such beverages and liquors if a license is granted to me.

I certify to the following information: Driver License No. _____

Full name of applicant: _____ (_____)
First MI Last (Maiden name/other last names used)

Male _____ Female _____ Birthdate: _____ Telephone no. _____

Address/City/State _____

I am a resident of the (circle) CITY TOWN VILLAGE OF _____ Since (year) _____

* (Previous address if less than one year) _____

Place of employment (*Tavern/Event*): _____

***POLICE DEPT APPLICABLE OFFENSE CRITERIA I RECEIVED/OFFERED A COPY _____**

A records check will be conducted for violations of any law or ordinances during the past 10 years that substantially relate to the license applied for. Those convictions are considered by the City of Chippewa Falls in determining whether a license will be granted. You will be notified by the Chippewa Falls Police Department if your application is recommended for denial to the City Council.

STATE OF WISCONSIN/CHIPPEWA COUNTY

By signing below, I certify that I am the person who made and signed the foregoing application for an operator's license and that all the statements made by me are true.

X

City Clerk/Deputy City Clerk Signature of Applicant

POLICE DEPARTMENT RECOMMENDATION: APPROVED _____ DENIED _____
APPLICANT RECORDS CHECK MEETS CRITERIA FOR: APPROVAL _____ DENIAL _____

Date: ____/____/____

Chief of Police Matthew Kelm

Note: If you have not held an Operator (Bartender) license within the last two years prior to this date or completed a training course within the last two years prior to this date, then according to Section 125.17(6) Wisconsin Statutes, you must successfully complete a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course, which may include computer-based training and testing, that is approved by the department or the educational approval board.

Date of Provisional license Issued: ____/____/____ to ____/____/____ Date of Regular license Issued: ____/____/____

CHIPPEWA FALLS POLICE DEPARTMENT
APPLICABLE OFFENSE CRITERIA FOR
OPERATOR (BARTENDER) LICENSE APPLICATION/RENEWAL

The applicant will be denied if:

1. The applicant has been convicted of two (2) applicable offenses within thirty-six (36) months of the filing of the application; AND
2. One (1) of the above convictions must have been committed within twelve (12) months of the date of application; OR
3. The applicant has been convicted of any one of the following offenses within thirty-six (36) months of the filing of the application: Obstructing/Resisting an Officer, Battery, Delivery of a Controlled Substance, or Maintaining a Drug House.

Licensed Premises Violations

No licensed bartender
Serving without a license
Permitting underage person on premises
Serving underage person
Open after hours
Possession of illegal stock
Gambling violations
Juvenile providing entertainment
Failure to allow inspection
Sale to an intoxicated person

Individual Alcohol Violations

Underage presence in place of sale
Underage consumption
OWI
Absolute sobriety
Open intoxicants in a motor vehicle
Transportation of alcohol by a minor
Falsely representing age
Furnishing alcohol to an underage person
Open container
Adult permitting or failing to take action.

Other Violations

Drug possession
Possession of drug paraphernalia
Disorderly conduct
Obstructing an officer
Resisting an officer
Battery
Delivery of a controlled substance
Maintaining a drug house

Notice: Collection of this information is authorized pursuant to s. 26.145, Wis. Stats.; Chapter NR 47, subch. I and VIII, Wis. Adm. Code; Cooperative Forestry Assistance Act of 1978, Section 10(b)2 as amended; and 16 U.S.C. 2101-2114. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records laws (ss. 19.32-19.39, Wis. Stats.).

Fire Department Information			
Fire Department Name			Check one <input type="checkbox"/> In DNR Fire Protection Area <input type="checkbox"/> In Cooperative Area
Address			Phone Number (include area code)
City	State	ZIP Code	Tax ID #

Agreement

THIS AGREEMENT is entered into by and between the above-listed fire department (the Fire Department), and the State of Wisconsin Department of Natural Resources (DNR), for the suppression of forest fires within each party's respective jurisdiction in DNR Protection Area and/or on land owned by the DNR (DNR Land) in Cooperative Area.

WHEREAS, s 26.11, Wis. Stats., vests the DNR with the power, authority, and jurisdiction in all matters relating to prevention, detection, and suppression of forest fires outside the limits of incorporated villages and cities and s. 23.09(4), Wis. Stats., and s. NR 1.23, Wis. Adm. Code, authorize the DNR to render assistance in case of emergencies.

WHEREAS, the DNR and the Fire Department pursuant to ss. 23.09(1)(2), 23.11 and 26.11(4), Wis. Stats., desire to cooperate in the suppression of fires; it is agreed by and between the DNR and the Fire Department as follows:

1. DEFINITIONS

- a. "Cooperative Area" means the areas of the State outside the DNR Protection Areas where Fire Departments have primary forest fire initial attack responsibilities.
- b. "DNR Protection Area" are the areas of the state defined by ss. NR 30.01 and NR 30.02, Wis. Adm. Code, as intensive or extensive.
- c. "Extended Attack" occurs when resources beyond those designated for initial attack must be dispatched to an incident or when extensive mop-up is required. This is generally when suppression efforts exceed one hour.
- d. "Forest Fire" means an uncontrolled, wild or running fire occurring on a forest, marsh, field, cutover or other lands or involving farm, city, or village property and improvements incidental to the uncontrolled, wild or running fire occurring on forest, marsh, field, cutover or other lands (as defined in s. 26.01(2), Wis. Stats.).
- e. "Incident Command System" means a set of personnel, policies, procedures, facilities, and equipment, integrated into a common organizational structure designed to improve emergency response operations of all types and complexities. ICS is a subcomponent of the National Incident Management System (NIMS), as released by the U.S. Department of Homeland Security in 2004.
- f. "Initial Attack" is defined as the first hour when suppression efforts are needed.
- g. "Non-reportable Fires" include incidents involving:
 - i. Burning activity that does not spread from predetermined limits
 - ii. Fires that cannot be located
 - iii. False alarms
 - iv. Structural fires
 - v. Vehicular or equipment fires
- h. "Project fire" means an extended attack forest fire requiring state-wide resource deployment by the DNR
- i. "Reportable Fires" are all fires not listed in section. 1.g.
- j. "Suppression" means the action of the responding agency(ies) beginning with initial attack and continuing through control of the forest fire, mop-up, and until the forest fire is out.
- k. "Unified Command" means a system of command that enables institutions and agencies with different legal, geographic, and functional responsibilities to coordinate, plan, and interact effectively
- l. "ATV" (all-terrain vehicle) and "UTV" (utility terrain vehicle) include equipment that is a manufactured motor driven device capable of off-road use. Vehicles cannot meet the federal motor vehicle safety standards.

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2. RESPECTIVE RESPONSIBILITIES

- a. The DNR is responsible for the suppression of all forest fires and protection and suppression of any improvements threatened by forest fires as defined previously in s. 26.11, Wis. Stats.
- b. DNR may assist the Fire Department when resources are available, as authorized by s. NR 1.23, Wis. Adm. Code and s. 26.11(1), Wis. Stats
- c. Within DNR Protection Areas, the DNR may request the assistance of the Fire Departments to provide forest fire suppression, as well as structural protection.
- d. Outside of DNR Protection Areas, in the Cooperative Areas, the Fire Departments may request the assistance of the DNR to provide additional resources and support in forest fire suppression and Fire Departments have been delegated the authority on DNR-owned lands for fire suppression actions by virtue of this Agreement.
- e. Structural and vehicular fires are the responsibility of the Fire Department, but the Fire Department may request DNR equipment and personnel to assist with the structural and vehicular fire or when there is danger of a forest fire being caused by the structural or vehicular fire.

3. REPORTING FIRES

- a. The Fire Department agrees to make every effort to immediately notify the DNR of forest fires, or fires which may become forest fires that are burning or threatening DNR protection areas or DNR Lands. If immediate notification cannot be made, the Fire Department shall report the location of the fires, and the action taken, to the DNR as soon as possible, but no later than 24 hours from its knowledge of the forest fires.
- b. If the Fire Department is unable to contact the DNR, it shall take immediate, independent action to effectively suppress the forest fire.
- c. If it is uncertain whether a reported forest fire is within a DNR protection area or on DNR land due to the fire's proximity to the boundary line, the Fire Department or DNR shall notify the other party. If the Fire Department or DNR is unable to contact the other party, it shall take immediate, independent action to effectively suppress the forest fire, as soon as practicable. Thereafter, it shall notify the other party and report the location of the fire and the action that was taken.
- d. The DNR agrees to notify the Fire Department through County Dispatch if they become aware of a structure or vehicular fire within the Fire Department's jurisdiction.

4. COMMAND AT FIRES

The Incident Command System will be used at all forest fires. When the Fire Department is the first to arrive at the scene of a forest fire within a DNR protection area or on DNR land, the Fire Department shall establish incident command and begin initial attack. Command of the incident may be transferred to a qualified DNR incident commander upon arrival. A Unified Command structure is encouraged when deemed appropriate. If DNR does not arrive on scene, or is called to another incident, the Fire Department shall maintain command of the forest fire until out.

5. OUTSIDE ASSISTANCE

A DNR designated employee shall be consulted when in attendance by the chief officer of the Fire Department before calling in additional crews and equipment or outside fire departments for forest fires originating and occurring in DNR protection areas or on DNR lands. The incident commander is responsible for releasing the additional crews or equipment as soon as possible.

6. EQUIPMENT AND PERSONNEL REQUIREMENTS

- a. The DNR and the Fire Department agree to have available and utilize firefighting units suitable for suppressing forest fires. Responding units should be equipped with forest fire fighting hand tools and equipment. All responding units shall be equipped with a radio that contains a common frequency with the local DNR fire units, such as "Fire-ground Blue."
- b. It is recommended that Fire Departments respond to forest fires with firefighters that have successfully completed **INTRODUCTION TO WILDLAND FIRE SUPPRESSION FOR WI FIRE DEPARTMENTS** in accordance with NFPA 1051 standards, which is an 8-hour course taught by DNR personnel and available to all Fire Departments.
- c. Firefighters shall wear protective clothing on all forest fires. It is recommended that protective clothing meets the 1977 NFPA standard on protective clothing and equipment for forest fire fighting including, as a minimum, Nomex shirts, pants or coveralls, boots, hardhat or helmet, and leather gloves. Use of web belts and fire shelters are also recommended for additional protection. Structural turnout gear should be available on each unit for every firefighter in the event there is a structural fire.

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7. FIRE SUPPRESSION SERVICES AND COMPENSATION

- a. The Fire Department agrees to provide suppression services on forest fires, if its resources are available, whenever it is requested to respond by DNR or through established dispatch procedures. The DNR agrees to provide suppression services on forest fires, when resources are available, if requested by the Fire Department or through established dispatch procedures.
- b. In DNR Protection Areas, Fire Department suppression services compensation applies to all forest fires occurring outside the limits of incorporated villages and cities.
- c. In Cooperative Areas, Fire Department suppression services compensation **only** applies to forest fires originating on DNR owned lands.
- d. On all State lands and lands under DNR management, Fire Department compensation for invited assistance for prescribed burning on DNR managed lands.

8. COMPENSATION

The Fire Department must choose one compensation option from each of the following response categories below. **Choose an option from each response category and check the selected option box.**

NOTE: The person(s) responsible for causing the forest fire may be billed by DNR for all suppression costs, including those incurred by the Fire Department, that are billed to DNR:

a. INITIAL ATTACK:

Compensation for providing **initial attack** forest fire suppression, (including building protection) on forest fires within the Fire Department's area of jurisdiction. Initial attack is defined as the first hour of forest fire suppression services (choose one).

Option 1. No payment for providing forest fire suppression on all initial attack forest fires.

Option 2. Receive payment for providing forest fire suppression on all initial attack forest fires.

b. EXTENDED ATTACK:

Compensation for providing **extended attack** forest fire suppression, (including building protection) on forest fires either in or outside the Fire Department's own area of jurisdiction. Extended attack is defined as forest fire suppression on an incident where services exceed one hour (choose one).

Option 1. No payment for providing forest fire suppression on all extended attack forest fires.

Option 2. Receive payment for providing forest fire suppression on all extended attack forest fires.

c. PRESCRIBED BURNING:

Compensation for assistance with DNR for prescribed burning activities (choose one).

Option 1. No payment for providing prescribed burn assistance on prescribed burns on DNR managed lands.

Option 2. Receive payment for providing prescribed burn assistance on prescribed burns on DNR managed lands.

9. BILLING PROCEDURE

- a. Fire Dept, township, or governing body agrees not to directly bill any landowner, responsible party or governmental body for forest fire suppression service costs paid by the DNR for services consistent with this Agreement.
- b. If the Fire Department bills the DNR for fire suppression costs; (a) the bill shall be prepared on the appropriate form, and (b) the bill shall be presented no later than 14 days following the date on which the fire suppression was completed. Failure to meet this deadline may jeopardize the payment of the bill.
- c. If the Fire Department submits a bill for services rendered in suppressing a forest fire it shall be paid by the DNR subject to the following limitations.
 - i. No payment will be made by DNR for runs on or associated with non-reportable fires. Examples include, but are not limited to:
 - Burning activity covered by a legal burning permit.
 - Burning activity not covered by a legal burning permit but has not escaped control.
 - Cannot be located.
 - False alarms.
 - Structural fires.
 - Vehicle fires.
 - Cooking or warming fires.

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- ii. No payment will be made by DNR for forest fire suppression actions where the Fire Department provides no suppression services.

10. RECOMMENDED STAFFING

- a. The recommended staffing and equipment for initial attack forest fire suppression operations is as follows:
 - 1 4x4 brush rig (ICS Type 5-7 Engine);
 - 1 engine (or a tender (tanker) with pumping capabilities, ICS Type 1-4 Engines);
 - 6 forest fire trained firefighters
- b. During periods of very high or extreme fire danger, more personnel and equipment than listed above may be required for the initial response.
- c. Should the Fire Department respond with more than the recommended or requested dispatch, only that equipment and personnel needed and actually used for suppression will be compensated at the predetermined rate. Compensation for additional equipment and personnel may not be made to the Fire Department unless the DNR agrees it was reasonably necessary for suppression.

11. STAFFING FOR STRUCTURAL PROTECTION

Staffing and equipment dispatched for structural protection on project fires is Fire Department specific.

12. PAYMENT

- a. SCHEDULE - Payment for engines and personnel used in forest fire suppression or prescribed burning shall be made according to the following schedule:
 - (i) Engines that pumped for active forest fire suppression or prescribed burning **\$100/hour.**
 - (ii) ATVs, UTVs and similar equipment that pumped for active forest fire suppression or prescribed burning **\$50/hour.**
 - (iii) Fire Department personnel that provide suppression assistance on the forest fire or prescribed burning **\$12.25/hour.**
- b. CALCULATION OF PAYMENT - Following the first hour of suppression service, bills submitted shall be calculated to the nearest ½ hour. Service begins when the engine leaves its station, and continues until it returns to its station when suppression action was taken by the Fire Department.

13. LIABILITY

The Fire Department, its employees, agents, and members, shall not be deemed employees or agents of the DNR for any purpose, including worker's compensation. Worker's compensation coverage for the employees, agents, and members of the Fire Department shall be provided by the Fire Department in accordance with s. 102.07(7), Wis. Stats. In addition, the DNR shall not be liable for any damage to, or destruction of, vehicles or suppression equipment beyond that liability established in ss. 893.82 or 895.46, Wis. Stats., or as otherwise established by the State Claims Board and approved in accordance with statutes.

14. COORDINATION

- a. A written outline of routine communication procedures, notification procedures, together with maps and rosters of on-call personnel, should be jointly prepared by and between the Fire Department and the DNR.
- b. A current contact list of the names, addresses and telephone numbers of the DNR's Forestry personnel for the area described in the Agreement shall be developed.

15. TERMINATION

This Agreement shall be binding upon the parties hereto until six months following written notice of termination by either party. Either party reserves the right to cancel this Agreement in whole or in part without penalty. The DNR reserves the right to cancel this Agreement in whole, or in part, without penalty, due to non-appropriation of funds or failure of the Fire Department to comply with the terms, conditions, or specifications described.

16. NONDISCRIMINATION

The Fire Department agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability, as described in s. 51.01(5), Wis. Stats., sexual orientation or national origin. This provision shall include, but not be limited to, the following; employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Fire Department agrees to post in conspicuous places, availability for employees and applications for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

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17. ASSIGNMENT

This Agreement may not be assigned or subcontracted in part or in whole without written approval from the DNR and may only be changed or amended in writing.

18. PARTIES

- a. In this Agreement, the DNR and the Fire Department includes its successors, their respective officers, employees, agents, directors, subcontractors, assignees, partners, and representatives.
- b. This Agreement and its referenced parts and attachments, shall constitute the entire Agreement and previous Agreements, whether written or oral, are hereby superseded.

19. AMENDMENT

Any revisions must be made by an amendment to this Agreement or other written documentation, and signed by both parties. This Agreement shall commence upon its signing by both parties and continue until termination under paragraph 15.

20. AUTHORIZATION

Each person signing this agreement, personally warrants and represents that he or she is authorized by his or her principal to bind the party for whom he or she is signing.

DEPARTMENT OF NATURAL
RESOURCES for the Secretary

Signature of DNR Area Forestry Leader		Date Signed
Signature of Fire Chief	Fire Department	Date Signed
Signature of Other Authorized Representative		Date Signed

Bridget Givens

From: Lee J. Douglas
Sent: Thursday, March 25, 2021 8:47 AM
To: Bridget Givens
Subject: FW: [EXTERNAL] DNR MOU update
Attachments: DNR4300-061FDMOU_0221.pdf

Here is the proposed changes from the DNR. I am seeing that the main thing would be that they would compensate us after the "first hour" instead of after the "second hour" if that makes sense. Kind of seems like a better deal for the City should we be called upon.

Lee J. Douglas, Fire Chief
Chippewa Falls Fire & Emergency Services Department
Chippewa Crossing Blvd.
Chippewa Falls, WI
Office: 1.715.723.5710
Mobile: 1.715.226.0624
ldouglas@chippewafalls-wi.gov

From: Marinello, Tony B - DNR <Tony.Marinello@wisconsin.gov>
Sent: Wednesday, March 24, 2021 11:40 AM
To: Lee J. Douglas <ldouglas@chippewafalls-wi.gov>
Cc: Hutchison, Dennis R - DNR <Dennis.Hutchison@wisconsin.gov>
Subject: [EXTERNAL] DNR MOU update

***** [CAUTION - EXTERNAL EMAIL] DO NOT reply, click links, or open attachments unless you have verified the sender and know the content is safe *****
Hi Lee,

Our lawyers have recently interpreted some language in our DNR MOUs differently than they have in the past which effects how we are allowed to compensate fire departments for suppression services under the current MOUs. Only FDs that chose no payment for initial attack and payment for extended attack are affected by this language change; of which Chippewa Falls Fire and Emergency Services is one of them. We've updated our MOU language to ensure fire departments get fully compensated for their extended attack services. Basically, in the past if an extended attack call lasted two hours we'd pay for the full two hours. Both the initial attack and extended attack portions of the call. The lawyers have interpreted that we only need to pay for the extended attack portion since the first hour is initial attack and you've chosen not to be paid for that.

Take a look at our "official" explanation below and let me know if you have any questions. If you could fill out an updated DNR MOU at your earliest convenience and return it to me it would be much appreciated. Sorry for the hassle of having to fill this out again. Thanks!

Tony

Your fire department (FD) has a Memorandum of Understanding (MOU) signed with the DNR for forest fire suppression services. This MOU explains the options that your FD has elected for payment for forest fire suppression. The MOU has two options for payment:

1) **initial attack** fire suppression which is the first hour of forest fire suppression from the time your FD leaves the fire station to the time of return.

2) **extended attack** fire suppression which is forest fire suppression on suppression calls that take longer than one hour from the time leaving the fire station to time of return.

FDs that choose no payment for initial attack receive an extra 10 of a total of 50 points when the DNR funds the last category of the Forest Fire Protection (FFP) annual grant program.

A recent interpretation of the MOU by our legal staff has initiated us to update the MOU to make sure that your FD can be fully compensated for your extended attack fire suppression services. The language in the past MOU as written (para 8) states that extended attack fires are those **after the first hour** of suppression. The interpretation would exclude us from compensating your FD for the first hour. We have updated the new MOU dated 02/2021 to read that extended attack fires are those **incidents where services exceed one hour**.

To ensure that the DNR can fully compensate your FD for fire suppression services, we are asking you to sign a new revised MOU. All current MOUs are still valid until signed by both parties. Only FDs that chose no payment for initial attack and payment for extended attack are affected by this language change.

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Tony Marinello

Cooperative Fire Ranger

Wisconsin Department of Natural Resources

Baldwin Service Center

890 Spruce St

Baldwin, WI 54002

Cell Phone: 715-928-3487

Fax: 715-684-5940

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dnr.wi.gov

