

## **PUBLIC HEALTH & SAFETY COMMITTEE**

Date and Time: Monday, January 21, 2013, at 5:15 pm, (Council Chambers)

Members Present: Rasmussen (C), Kellbach, Gisselman, Winters, Wagner

Others Present: Alfonso, Buchberger, Hardel, Rayala, Goede, Groat, Giese, Russ Mech – Health Dept, Aaron Ruff-AOD Partnership, Josh Zunker, Adam Veenstra, Anna Anderson

### **Minutes of a previous meeting. (12/17/12)**

Motion by Gisselman, second by Kellbach to approve the minutes of the previous meeting (12/17/12). Motion carried 4-0.

### **Various license applications**

(*Wagner entered the meeting.*) Rasmussen stated the list includes all the special event applications submitted by Wausau Area Events for 2013. She indicated there were two license applications recommended for denial by Chief Hardel: Adam Veenstra – Operator's License and Josh Zunker – Public Transport Driver.

Adam Veenstra, 6785 N 57<sup>th</sup> Street, stated he had a felony conviction in 2001 when he was 19 years old, but he was 31 years old now and has changed. He asked for an opportunity to prove himself with a shorter license period, if possible. Hardel confirmed that is was his recommendation to deny the application because the felony conviction was for a drug manufacturing charge and he has three OWI convictions in his past as well. Anna Anderson, manager at Hiawatha Lounge, stated Adam was a very good employee and she was hoping that he would be able to be licensed so that he can work alone. Veenstra stated his last OWI was in 2003 and he was asking for a chance to prove he's changed. Hardel commented it was his understanding from Attorney Jacobson that a felony manufacture conviction would make an individual ineligible to hold an Operator's License by state statute.

Josh Zunker, 3610 Sherman Road, indicated he had a few hit & runs on his record from eight or nine years ago, as well as quite a few possession of THC charges, but he has gone to the Nova Treatment Center in Oshkosh and has been clean for close to six years. He stated he has child support to pay and also has his son 35-40% of the time and driving cab helps him a lot and he needs it. He commented all his problems existed before from when he was drinking, but now he is sober and has completely changed. Hardel commended him for seeking the treatment and working on getting his life back on the right path, but stated he takes these licenses very seriously and needs to protect the community. He felt the two felony convictions of delivery of THC and a number of other possession convictions still met his criteria for denial. Zunker reiterated this all happened between age 18 to 21; he was 31 years old now with a nine year old son and had changed. Rasmussen noted that the applicants had a right to appeal the committee decision to the full Council.

Motion by Winters, second by Wagner to approve or deny various license applications as recommended by staff. Motion carried 5-0.

### **Discussion with owner regarding operation of establishment - Wausau Liquor Association, LLC, d/b/a Sidetracked, 818 S 3rd Ave.**

Rasmussen explained once a Class B Beer & Liquor license holder accumulates 100 demerit points they are asked to come before the committee to discuss how it happened and a plan to change the situation.

Phillip Harter, owner of Sidetracked, stated it was the result of misplaced trust in his manager. He explained he had a third child and was trying to spend more time at home with his family and had delegated more power to employees instead of overseeing it himself. He noted he leased out his other bar that was The Hideout and is now Lumpy's to give him more family time as well. He indicated he has since fired the manager and will be back taking over more of the day to day operations of the bar; he was going to restructure and bring it back to the good standing he had in the past. Rasmussen questioned if the bartender, Hilary Wilhite, that was given three different citations was also the manager that he was referring to. Harter responded that she was not, but that he has fired her as well. He acknowledged that the bar was his responsibility and he should have been more on top of the situation. He commented that it was a difficult part of town to run a tavern and it needs someone to be there to monitor the business.

Chief Hardel stated comments regarding the challenges of running a tavern in that area were very similar to what the committee heard from Tim Nawrocki, owner of Roc's Place, also on South 3<sup>rd</sup> Avenue. He indicated he also had

someone else managing and things got out of control, but has since put some things in place that has reduced service calls dramatically. He indicated a lot of that can be attributed to the private security that he hired for Friday and Saturday evenings. Hardel pointed out when there have been problems in the past at Sidetracked, Mr. Harter has contacted him a number of times to get copies of reports and to assure him that he would address the issues in the future. Harter indicated he also intended upgrade security by placing cameras and motion sensors on the outside of the building.

**Discussion regarding creation of vending permit ordinance.**

Alfonso explained the city is looking at creating a license to allow vending and selling on public streets or right-of-way and the initial thought is to restrict what happens in the central business district. She indicated the City of Madison was looked at as a model and one of the things they do is assign a location to the vendors where they can vend and when a special event is taking place, they have an alternate place that they can go to so that they are not competing with the special events. Discussion at a previous staff meeting regarding creation of an ordinance included: having a distinction between truck, trailer, or push cart operators; hours of operation of 7:00 AM – 3:00 AM; distance from certain established businesses; juried selection of vendor types; annual licenses; license fees and penalties; appeals and appeal process; and issues regarding parks.

Rasmussen asked the committee to consider whether they want mobile sales, diversity of selections and offerings as well as aesthetics. Rayala noted Madison ranks the vendors based on food quality (40%), aesthetics of the cart (20%), etc., and if they fell below a certain standard they were weeded out. Wagner indicated he was in favor of a mobile cart type license, but he was concerned about fixing them to a certain location rather than allowing them to actually be mobile. Alfonso indicated there will be more internal meetings with staff before a draft ordinance is presented to the committee. She questioned if they wanted to hold a public hearing as well.

Maryanne Groat commented there can be conflicts between those businesses that are in fixed locations downtown and those that are mobile. She indicated there were some recent problems with a mobile vendor locating in front of The Mint, Ebert & Gerbert's, and The Fillmor, all of whom objected. In her research, she found that most communities restrict vendors from being in front or in close proximity to competing businesses. She felt a public hearing would be a way of giving both the businesses downtown and vendors a way to vet some of their concerns before the committee. Groat noted another important point they learned from Madison was that when special events had exclusive use of the facility the vendors had to abandon that area during the event, including across the street. Madison also created an alternate map for vendors to move to during events.

Consensus of the committee was to direct the Attorney's Office to bring a draft ordinance back to the February Public Health & Safety Committee meeting for consideration and schedule a public hearing between the February and March meetings. Rasmussen requested that maps of the central business district be brought to the February meeting.

**Discussion and possible action Amending Section 8.08.200, Dangerous Animals, including but not limited to defining "prohibited dangerous animals" and establishing procedures for prohibiting from the city limits; revising procedures for declaring dangerous animals; and amending restrictions imposed upon such animals.**

Rasmussen explained this relates to an animal and what takes place following a bite or an attack. She referred to an incident reported by Chief Hardel that took place recently where a pit bull inflicted a fairly serious bite on an 11 year old child after it snapped its chain. There was some dialogue between the police and the humane society as far as quarantining the animal and an investigation that would result and it was determined that our interoperations had a bit of a disconnect. She indicated Hardel researched other communities and found out that some handle these things better than we do. She stated that Tara Alfonso, Assistant City Attorney, has compiled that research and put together the proposed ordinance for us to manage vicious dangerous animals after they have offended.

Alfonso explained the current ordinance defines a dangerous animal. Following a bite or an attack the owner receives a summons and complaint and if the judge makes the determination "dangerous animal" they are subject to a lot of restrictions or the animal could be ordered to be put down. One issue is that this whole process takes a lot of time. The current ordinance also states the animal shall be impounded; however, there have been issues with the humane society regarding this. She stated the proposed ordinance would let the police department make the determination rather than the court as to whether or not an animal is dangerous. The chief or his designee would have the option to impound or not impound and/or allow the dog to be impounded at home if appropriate.

Alfonso stated a new section added would be a designation of “prohibited dangerous animal” defined as any animal that has killed another domestic animal without provocation; inflicts bodily harm on a person while on public or private property; an animal brought from another community that has been declared dangerous or vicious by that jurisdiction; a designated dangerous animal that is not in compliance with the restrictions; and animals trained primarily for the purpose of fighting. This designation would result in the animal being ordered out of our community and would have to be gone in five days or the owner would be cited until they get it out. She noted these animals could be impounded while this process is going on.

Alfonso noted she included a provision that would allow a person to have the dangerous animal declaration removed if the owner can show a change in circumstances and that they have mitigated the risk to public safety; the owner demonstrates there are no additional instances of the dangerous behavior within a 36 month period and they go to training classes. The police chief or his designee would also make this decision.

Motion by Winters, second by Kellbach to approve the ordinance amending Section 8.08.200, Dangerous Animals. Motion carried 5-0

**Discussion and possible action on creation of a short term stakeholder subcommittee during implementation of the regional animal control program.**

Rasmussen stated we have come to the point where we have enrolled enough communities with us in our regional animal control plan that we need to start to talk about the logistics of managing the plan. She indicated that Keene Winters received concerns from the outlying communities as to whether or not they would get a seat at the table because of a perception that the City of Wausau was taking over the animal control. Winters felt it would be advantageous to form a short term committee with representatives from all of the communities involved to discuss how the plan will work and function. He noted there are currently 10 communities and a couple that are still thinking about it. He indicated the county has offered to donate a vehicle worth \$36,000 to the program in exchange for us making our humane officer available to consult with the County Sheriff on large animal issues throughout the county. He felt that everyone who is putting money into the program ought to have a say in whether we accept that offer. Winters offered to chair a subcommittee for one or two meetings to accomplish this. He suggested an official letter be sent from the clerk to the representatives inviting them.

**Report and update on current status of pet license sales - Clerk's Office**

Rayala distributed information noting she compared where we are now to where we were this time last year, which is 649 dogs and cats licensed compared to 464 of last year. She commented people have called to inquire if they can really license more than the allowed number of pets and the feedback from people was that they were very happy with the amnesty program.

**AOD Partnership Council 2012 Highlights**

Aaron Ruff, Health Department, shared the successes of the Alcohol and Other Drugs (AOD) Partnership Council in 2012. He provided a brief background and makeup of the organization and reviewed initiatives. He noted the social host ordinance has also been passed in Weston, Kronenwetter, Rothschild, Schofield, as well as by the County Board.

Ruff stated this year marks the 3<sup>rd</sup> Annual January Celebration where we highlight the successes over the previous year as well as recognized community partners that help us achieve our mission with our “Spotlight Award.” Previous winners of the Spotlight Award include Lisa Rasmussen, Chief Hardel and Anne Jacobson for their work on the social host ordinance in 2011. He announced the 2012 Spotlight Award winners will include Karen Kellbach, for her work with the west side neighborhood group and the Police Department; and Pat Peckham, City Pages, for his continuing coverage of the AOD Partnership Council. He invited the committee to join in the celebration on February 21, 2013 and thanked them for their help in moving forward with the social host ordinance.

**Approve temporary relocation of District 3 & District 10 polling place from the Rose Garden Banquet Hall to Marathon Park East Gate Hall for the 2013 Spring Elections.**

Rasmussen explained the Rose Garden has closed and will no longer be able to be used for a poll site. Rayala indicated the use of Marathon Park will be a temporary site until we can find a new permanent site. She felt Marathon Park would be adequate to handle the additional districts because a low turnout was anticipated for the spring elections. She noted postcards will be mailed to all residents of District 3 and District 10 informing them of the temporary change, as well as a notice in the Wausau Daily Herald and the city website.

Motion by Wagner, second by Kellbach to approve temporary relocation of District 3 & District 10 poll site.  
Motion carried 5-0.

**Tavern Activities / Compliance Checks / Law Enforcement Activities**

Hardel presented the Tavern Report for December 08, 2012 thru January 02, 2013. (*Attached*)

Hardel reported there were 75 bow hunters registered during the archery season which closed January 6<sup>th</sup>; 39 of those 75 bow hunters registered for the undeveloped city owned industrial park; 14 deer reported killed, 8 bucks and 6 does; and Lt Kolb indicated there was probably about 5 to 10 deer that were killed but not registered. He noted there were no complaints, injuries or accidents.

**Communications**

Wagner stated a few meetings ago an individual, David Lemay, requested the committee discuss cell phone bans in motor vehicles in Wausau similar to Marshfield's ordinance.

**Adjournment**

Motion by Kellbach, second by Gisselman to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:20 p.m.

**Lieutenant Michael Juedes**  
**WAUSAU POLICE DEPARTMENT**  
515 GRAND AVENUE, WAUSAU WI, 54403  
Office (715) 261-7811 FAX (715) 261-7888

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**Date**            **01-03-13**

**To**                **Chief Hardel**

**Subject TAVERN REPORT    December 08, 2012 thru January 02, 2013**

**ROUTINE TAVERN INSPECTIONS** *(No violations unless noted)*

**101 Pub**, 101 N 3<sup>rd</sup> Ave

**Baker's Retreat**, 1418 Lenard St

**Campus Pub**, 1110 W. Campus Dr

**Fillmor**, 310 N 4<sup>th</sup> St

**Hiawatha Restaurant & Lounge**, 713 Grant St

**Intermission**, 325 N 4<sup>th</sup> St

**Jim's Corner Pub**, 1244 S 9<sup>th</sup> Ave

**Labor Temple**, 318 S rd Ave

**Lumpy's**, 265 Chellis St

**Players**, 4411 Stewart Ave

**Sixth Street Pub**, 2002 N 6<sup>th</sup> St

**VFW Burns Post 388**, 388 River Dr

**ALCOHOL COMPLIANCE CHECKS**

*(Procedure: Police officers send one or two underage volunteer(s) into taverns & other businesses that are licensed to sell/serve alcoholic beverage to test for compliance with the law).*

**ESTABLISHMENTS THAT WERE NON-COMPLIANT**

**Fast Break Mobile**, 320 W Thomas St., Case #12-14804, 12-29-12, 9:06 P.M.: A 19 year old volunteer entered the store and selected a 24 oz can of Budlight beer. The volunteer brought it to the counter to purchase it. Sacha Vujnovich (licensed) was the cashier. Vujnovich asked for an ID. The volunteer presented her ID. Vujnovich looked at the ID and then sold the can of beer to the volunteer. The volunteers ID is a Wisconsin DL issued to persons who are the age of 21. The DL states, "UNDER 21 UNTIL \*\*/\*\*/2014". Vujnovich was issued a citation for Sell Alcohol to Underage Person. Citation #14547141

**Pine Ridge Mobil, 1205 Merrill Ave.**, Case # 12-14801, 12-29-12, 8:40 P.M.: A 19 year old volunteer entered the store and selected a 24 oz can of Budlight beer. The volunteer brought it to the counter to purchase it. Heather R. Habeck (licensed) was the cashier. Habeck asked for an ID. The volunteer presented her ID. Habeck looked at the

ID and then sold the can of beer to the volunteer. The volunteer's ID is a Wisconsin DL issued to persons who are the age of 21. The DL states, "UNDER 21 UNTIL \*\*/\*\*/2014". Habeck was issued a citation for Sell Alcohol to Underage Person. Citation #14547140. This is Habeck's second such violation within four months.

#### **ESTABLISHMENTS THAT WERE COMPLIANT WHEN CHECKED**

**Citgo Quik Food Mart**, 1122 Merrill Ave

**Kohlman's IGA**, 725 S 3<sup>rd</sup> Ave.,

**Kwik Trip #728**, 1500 Grand Ave

**Pick N Save River Edge**, 205 Central Bridge St

**Quality Foods**, 730 E Wausau Ave

**R Store #5**, 2300 Grand Ave

**R Store #6**, 103 N 6th St

**R Store #8**, 1511 N 3rd St

**The Store**, 308 Stewart Ave

**Trigs Food and Drug**, 110 S 17th Ave

**Wagner Shell**, 4611 Stewart Ave

**Walgreen's Store #07009**, 105 Central Bridge St

**Wausau BP**, 802 E Wausau Ave

#### **The NOTABLE INCIDENTS THAT OCCURRED AT TAVERNS THAT POLICE WERE DISPATCHED TO**

**Callon Street Pub**, 209 Callon St., Case # 12-14158: On Tuesday 12-11-12 at approximately 6:56 P.M., an officer was dispatched to the Callon Street Pub in reference to a male that was having a medical issue. As a result of officer's investigation, a 35 year old male was arrested and transported to the Marathon County Jail for a probation hold. The male was cooperative and there are no other charges as a result of this incident.

**Chatterbox Bar**, 102 S 2<sup>nd</sup> Ave., Event 120143811, 12-19-12, 9:15 P.M.: A fight was reported at the tavern. A male that was unknown to the bartender entered the tavern and after some time a second male said something derogatory to him and the unknown male punched the second male in the face. The police were contacted immediately. The male left the tavern and the officers were unable to locate him. The victim didn't want to press charges.

**Fillmor**, 310 N 4<sup>th</sup> St, Event #120139358, 12-09-12, 1:55 A.M.: It was reported that an intoxicated male was found unconscious on the floor of the male restroom. Officers were asked to assist the Paramedics. The male was revived and a responsible party took custody of him.

**Fillmor**, 310 N 4<sup>th</sup> St, Event #120141034, 12-12-12, 11:35 P.M.: An anonymous person reported that there was a "pounding noise in the area & it's upsetting him." An officer went to the area and heard a loud bass sound coming from Fillmor. He also noticed that 5 or 6 passenger vans with enclosed trailers were parked along 4<sup>th</sup> St, one which was doubled parked and blocking the street. Band members that played at the Fillmor were loading equipment. The officer told them they needed to move the vehicle to allow traffic to move. Band member became argumentative, but submitted afterward. Officer spoke to the bartender about the situation. Fillmor was hosting a nationwide tour of 6 bands (one playing at a time) and they had their own sound equipment. Bartender was apologetic and

cooperative and said he would get the bands to keep the bass volume lower. The officer added that before he left, the bass volume was lower and the parking was being monitored by the bar staff.

**Fillmor**, 310 N 4<sup>th</sup> St, Case #12-14774, 12-29-12, 1:59 A.M.: An officer made contact with a male who he thought had urinated on the sidewalk in front of the Fillmor. The officer discovered that this was not the case, however the male had an open beer bottle with him. The male admitted to exiting Fillmor with the open container. He was issued a citation for Liquor on the Street.

**Glass Hat**, 1203 N 3<sup>rd</sup> St., Event #12-144328, 12-21-12, 1:55 A.M.: A male took the cell phone of another male and ran. Police were called. The suspect called the tavern and told them he would return the phone. The phone was brought back to the tavern and given to a female to take inside. The victim was glad that his phone was returned and didn't want to press charges.

**Kruse In**, 1724 Merrill Ave., Event #120138945, 12-08-12, 1:14 A.M.: We received a complaint that the music was too loud at Kruse In. Officer arrived in the area and could hear the music one block away (at the reporting person's location). Officer went to Kruse In and spoke to the bartender. The band was now done playing for the night. Bartender was warned about the excessive noise and said he would take note for tomorrow night.

**Kruse In**, 1724 Merrill Ave., Case #12-14057, 12-08-12, 10:32 P.M.: We received a complaint that the music was too loud at Kruse In. Officers arrived and could hear the music one block away. The establishment was just warned last night about the music volume being too loud. A citation was issued for Disturbing the Peace.

**Malarkeys Pub**, 412 N 3<sup>rd</sup> St., Case # 12-14607: On 12/23/12 at 1:31 A.M., officer was dispatched to a business in the 400 block of N. 3rd Street in reference to a missing person. During the investigation, an adult male was arrested and jailed for Disorderly Conduct. The female was in fact not missing and had left the bar due to an incident with the arrested male.

**Oz**, 320 Washington St., Event # 120147273, 12-29-12, 2:11 A.M.: Officers responded to the tavern after an employee requested that police remove a disruptive male. The male wanted to enter the tavern but didn't have an ID, so the staff wouldn't allow him in. Officers spoke to the male and advised that the tavern was refusing him service because he had no proof that he was 21. He walked on his way.

**Oz**, 320 Washington St., Event # 120148468, 12-31-12, 9:05 P.M.: It was reported that a group of people were involved in an anti-gay protest and blocking people from entering OZ tavern. Officers made contact with two males in the 300 block of 4<sup>th</sup> St who had signs of a religious nature. The males denied blocking the sidewalk and said they were preaching the Gospel.

**Paradox**, 932 S 3<sup>rd</sup> Ave., Case # 12-14333: On 12/16/12 at about 1:38 A.M. officers responded to the Paradox for a male grabbing girls. Upon arrival officer witnessed a male who wasn't involved in the original complaint push another person and attempt to strike a male. The 22 year old male was cited for disorderly conduct. The 24 year old suspect of the original complaint was arrested for 4th degree sexual assault and disorderly conduct.

**Paradox**, 932 S 3<sup>rd</sup> Ave., Event # 13-33, 01-01-13, 1:26 A.M.: The owner of Paradox reported a fight. The suspect left prior to the officers arriving and was not located. The victim had minor injury and did not wish to pursue charges.

**Showtime Gentlemen's Club**, 1709 Merrill Ave., Case # 12-14165, 12-11-12, 11:13 P.M.: A male reported that his wallet and a large sum of money was stolen while he was in a room with female employee of the club. A female was referred on a felony theft charge as she was unable to be located.

**Showtime Gentlemen's Club**, 1709 Merrill Ave., Case # 12-14600: On 12-22-12, at approximately 10:54 P.M., officers responded to the Showtime regarding suspicious activity inside of the establishment. As a result, a 27 year old male was apprehended due to a valid probation warrant. He was transported to MNSO jail without incident.

**Sidetracked Bar**, 818 S 3<sup>rd</sup> Ave., Event # 120142707, 12-17-12, 2:04 A.M.: Officer observed several vehicles in the parking lot of Sidetracked. He looked through a window and observed 5 people in the tavern not including the

bartender. No drinks were on the bar. Officer cleared the tavern and warned the bartender about having people in the tavern after hours.

**VFW**, 388 River Dr., Case # 12-14814: On 12/30/12 at 12:41 A.M., officer was dispatched to VFW in reference to a stolen wallet. WPD case is inactive. It was found that the stolen credit cards were used at various locations in Weston and Rib Mountain. Report referred to those agencies for additional follow up.

Respectfully submitted,

Lt. Michael L. Juedes