

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, February 18, 2013, at 5:15 pm, (Council Chambers)

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

Others Present: Alfonso, Buchberger, Hardel, Rayala, Goede, Groat, Loy, Marquardt, Oberbeck, Nutting, Kari Rasmussen, Dawn Folenberg, Mark MacDonald, Brian Treu, Larry St John, Tyler Vogt, Brian Seehafer, Karla & J.W. Van Wagner, Jim Rosenberg, Clint Schultz

Minutes of a previous meeting. (1/21/13)

Motion by Winters, second by Gisselman to approve the minutes of the previous meeting (1/21/13). Motion carried 5-0.

Consider request for waiver of 3.06.010(a) Payment of taxes, claims forfeitures, judgments prior to issuance of license or permit, due to extraordinary financial hardship. (Larry St John - Public Transport Driver)

Goede indicated Mr. Stroh's application was approved but put on hold for a Municipal Court fine in the amount of \$664.85. Larry St John addressed the committee stating he needed to the license to afford to live, noting he was a single parent of a 16 year old son. He indicated he started a second job today and this would help him to get back and forth to work for gas. He stated he is currently on a payment plan of \$65 per month for the fine and could have it paid off in 11 months. Rasmussen questioned what the fine was for. St John indicated it was for an OWI fine from 1999 which he thought was paid and would like to get taken care of. He pointed out he has been clean and sober for 12 years.

Motion by Gisselman, second by Wagner to approve the waiver for Larry St John. Motion carried 5-0.

Discussion and possible action regarding creation of vending permit ordinance.

Rasmussen indicated an internal group on staff has been working on an ordinance for the committee to consider. Wagner summarized the discussion at the last internal meeting, noting other communities that were researched found it was better to assign specific locations. The Parks Department suggested having five locations on the terrace portion of The 400 Block and to only allow vending of food rather than non-consumable products. It was also determined that around The 400 Block, food wagons, food trucks, and mobile kitchens should not be included. The sidewalk is the sidewalk and there would be restrictions for the restaurants not to make cafés onto the sidewalk. He stated it was suggested that the decision on who would get these five sites would be made through an RFP or a bid system based on the value of the site and qualifications of the vendor. Vendors or people with food trucks can continue to vend on private property. The vendors in the five spots around The 400 Block would not be allowed there during specific special events. Wagner indicated the group discussed assigning the five spots on a contractual basis rather than creating an ordinance permitting vending.

Rasmussen felt we need to be careful in how far we restrict mobile vendors because they represent an arm of free market commerce. Even though they are not paying property tax like the brick and mortar businesses, they can bring a distinct different feel to our downtown. Winters questioned why it would be limited only to food and why not something such as cut flowers or plants.

Dave Oberbeck, Chair of Park & Rec Committee, explained they felt that wanted to first try it out with food rather than wares and look at alternatives in the future. Discussion also was that food should be a concession to the park since it is within park boundaries and do it through contractual service with the Park Department. He indicated there was a concern it may be too much too fast for our storefronts.

Wagner stated the five locations is meant to be a starting point and we may need to consider providing alternate spots for the vendors to move to during special events. He clarified that we will need to create an ordinance to control the street vendors because right now they can go anywhere because we don't have one.

Jim Rosenberg, 1806 Plato St, encouraged that if they want to do it on a trial basis that it is done with less regulation versus starting out with right regulation and trying to do more. He felt they should be very careful about saying that no one can vend while there is a special event going on because those are the best times to vend and when they will have the best opportunity to make a profit. He stated that this is not primarily a Public Health & Safety issue, it is an Economic Development issue and he hoped that when they completed the draft ordinance they would send it to the ED Committee where the real responsibility for something like this should lie. He pointed out the public health and

safety aspects of this are pretty much handled by licensing from the Health Department. Rasmussen indicated she would have no problem forwarding it as a joint ordinance. She agreed that if they need to leave whenever something is going on in which they can make money, she didn't know if a lot of people would want even want to do it, but she was also sensitive to the vendors who may have paid fees to be part of an event. Rayala pointed out a vendor can contact the event organizer and ask to be a part of the event and pay the fees required if they so choose.

Karla Van Wagner, Yo Chubby Gringo Tamales, stated they are currently the only vendors downtown that are a cart. She felt being stuck in one spot would not benefit them because part of the allure is that they offer food up and down the streets to people working in businesses that may not be able to leave for lunch. She felt this brought energy to the downtown. She suggested adding a clause that would approve mobile carts on a case by case basis. Rayala noted that there have been some complaints from the restaurants downtown who are in competition with them and most other communities don't allow the food vending carts within anywhere from 50 to 100 feet of the established restaurants. Van Wagner indicated they are sensitive to that and stay away during lunch hours. She questioned why they wouldn't be allowed to be around an event where food is not served as part of the event.

Tyler Vogt, Malarkey's & Townies Grill, commented there was nothing to stop the vendors from renting The 400 Block and starting their own event, such as "Vending Cart Sunday." He indicated he did not object to the mobile carts outside his bar at night and after 10:00 p.m., most restaurants are closed.

Rasmussen suggested the internal group go back and keep working on an ordinance that manages the public right-of-way. Wagner agreed they need to discuss how to handle the mobile carts as well.

Dawn Follendorf, Director of Main Street, urged the committee to hold a public hearing where more opinions and ideas can be shared before going into the phase of trying to draft an ordinance. Rasmussen felt we need to have something, at least the core of a policy, to provide the public in advance of the hearing so that they can give us feedback. Winters questioned if citizens could be added to the subcommittee. Rasmussen explained an official subcommittee has not been formed, but that an internal group of staff and Wagner as a committee representative has been working on it. She did feel that formal of a structure, which can be a very time consuming process, was needed and as soon as a skeleton of the ordinance was put together a public hearing can be scheduled, possibly in conjunction with our next meeting.

Brian Seehafer, Polito's Pizza, commented he agreed with Tyler Vogt's comments and he requested that the brick and mortar businesses not be excluded from the bidding process for vending downtown.

Winters indicated he would vote no to send this to the work group because he was uncomfortable with it continuing as an internal process. He wanted to see a citizens committee formed and get input from people all through the downtown and see if there are some community champions for doing this. He wanted to find out what the public wants before sinking any more staff time into it.

Motion by Wagner, second from Kellbach to move it back to the work group for additional review and analysis and bring back to the next meeting. Motion carried 4-1.

PetData update - Clerk's Office

Discussion and possible action on amending Section 8.08.160(c) Duties of Veterinarian-Certificate and Tag.

Rayala reviewed a report of revenue data and number of licenses sold through January 31, 2013 as well as 2012 comparison information. Rasmussen commented we were well ahead of 2012 in terms of revenue and licenses sold.

Winters stated the ordinance requires vaccination data from 2010, 2011 and 2012. He commented we are not concerned with just licensing those pets which are current on their vaccinations; but primarily concerned of getting the people whose pets were vaccinated in 2010 and haven't been since.

Rasmussen stated the on-time licensing window for animal licenses ends of March 31st by state statute. The late fees kick in on April 1st and we do not have the ability to grant extensions. The amnesty window for excess pets also closes on March 31, 2013 and as of April 31, 2013, without intervention from us; those households that have excess pets and have not licensed them are subject to full enforcement. By receiving the data from the veterinarians, now we know where they live.

Wagner suggested an ad campaign to boost the licensing in order to raise the money for the humane officer. Rasmussen stated it was in the newsletter and is on our website. Rayala indicated brochures were sent out to all the vet clinics and pet shops in the county. Wagner suggested having the TV stations put out a public service announcement. Nutting felt the only real way for everyone to get the message is through a post card to their mailbox. He stated there are also many marquis signs throughout the city, such as the one by Marathon Park that might be used. Hardel indicated they could utilize the City Watch phone system at PD that accesses all land line phones.

Various license applications

Rasmussen indicated Wausau's Amazing Race is a new special event; Bull Falls Honor Flight Run is included in the events as well as Gus Macker and Why Not Wausau. She stated along with all the licenses is the request by Wisconsin College Baseball, LLC, d/b/a Wisconsin Woodchucks, for a Class B Beer & Liquor license so that they can serve wine at Athletic Park during the games. She noted they currently have a Class B Beer license. The Liquor License Review Subcommittee met regarding this application just before tonight's meeting and recommended approval. The license period will run six months from April to October.

Motion by Gisselman, second by Wagner to approve or deny various licenses as recommended. Motion carried 5-0.

Informational discussion regarding mobile phone use while operating a motor vehicle in the city limits.

Rasmussen indicated a citizen following a Council meeting requested discussion on this item and it was directed to this committee by Wagner. She noted the City of Marshfield has an ordinance prohibiting it and a copy was in their packets.

Chief Hardel agreed from a safety standpoint, people should not be using their phone while driving unless they are hands free; however, it would be difficult to enforce in City of Wausau if we are the only one in the metro area that prohibits it. He felt this issue would be best handled by the state, as it did with the no texting law.

Gisselman questioned to what extent cell phone use was the cause or part of the cause of accidents within the city. Hardel did not have that statistic, but estimated 20% - 30% of the accidents have some type of inattentive driving factor, whether it is changing the radio station, putting on makeup, eating, or using a cell phone. Oberbeck felt we need to figure out how to make it safer in traffic and hoped we start moving toward getting people off their phones in their vehicles. Winters commented inattentive driving is illegal already; the question is what the level of public interest in this issue was, because he has not seen a push for doing this. Gisselman indicated he has been hearing from citizens about moving toward some type of controls on cell phones and it is a safety issue. He commented we have Welcome to Wausau signs at all entrances to the city and we could have them say "Welcome to Wausau, Don't Use Your Cell Phone." Oberbeck stated we try to enforce the seatbelt law for people's safety and he saw no difference in this from cell phone use.

Consider New Hazmat Contract Agreement Request (Buchberger)

Buchberger stated the current contract we have with Wisconsin Emergency Management (WEM) will expire on June 30, 2013. WEM has indicated they would like us to sign another contract beginning July 1, 2013 but there have been some changes, including another reduction in money they will provide us. We dropped from \$95,000 to approximately \$78,000 with this new contract and it has reached a point where it will definitely be a requirement for the city to augment additional funds to some degree if we are to maintain a Regional Level Team. He indicated he put this on the agenda for informational purposes and that he will need direction in the coming months as to what they want him to do. He recommended continuing the contract because some money was better than none and noted historically the number of calls they have had outside the city have been minimal.

Oberbeck commented at Finance Committee we have looked at this and every year it continues to go further and further down. He felt we need to make a full statement because the state has a surplus in the budget that they are looking at spending \$113 million for economic development. Rasmussen agreed a letter could be written to the state to be signed by the full Council about emergency preparedness and how important the regional team is. Buchberger indicated he would be willing to work with the Mayor to put a letter together. She stated this would be placed back on the March PH&S agenda and Oberbeck indicated he would send the letter to all the representatives.

Tavern Activities / Compliance Checks / Law Enforcement Activities

Hardel presented the Tavern Report from January 3, 2013 thru February 2, 2013. (See attached.)

Communications

Rayala indicated she sent letters to veterinarians in the area regarding reporting information deadlines. She also sent out letters regarding the dangerous animals and prohibited dangerous animals ordinance that was adopted to the surrounding communities for consideration. Rasmussen hoped for some regional collaboration to come out of this.

Adjournment

Motion by Winters, second by Kellbach to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:00 p.m.

Attachment

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

Date **02-03-13**

To **Chief Hardel**

Subject **TAVERN REPORT January 03, 2013 thru February 2, 2013**

ROUTINE TAVERN INSPECTIONS (No violations unless noted)

The Bar, 1025 S 3rd Ave

Bob & Randy's Bar, 1515 N 6th St

Cabaret, 204 E Rib Mountain Dr

Campus Pub, 1110 W Campus Dr

Chatterbox Bar, The, 102 S 2nd Ave

Eagle's Club, 1703 S 3rd Ave

Glass Hat, 1203 N 3rd St

Limerick's Public House, 121 Scott St

Loppnow's Bar, 1502 N 3rd St

Mountain Lanes, 1401 Elm St

Paradox, 932 S 3rd Ave

Polack Inn, 1206 N 3rd Ave

Sidetracked Bar, 818 S 3rd Ave

NOTABLE INCIDENTS THAT OCCURRED AT TAVERNS THAT POLICE WERE DISPATCHED TO

Cabaret, 204 E Rib Mountain Dr., Event #13-7500, 01-19-13, 6:11 P.M.: Officers responded to the tavern to investigate a report that an intoxicated male was going to attempt to drive home. When Officers entered the tavern, they saw several people smoking cigarettes in the tavern including the owner, Brenda Calhoun. She was issued a citation for the smoking violation. The intoxicated male was not present.

Glass Hat, 1203 N 3rd St., Event # 13-2111, 01-06-13, 2:33 A.M.: An anonymous person reported that they heard people talking about starting a fight. When officer arrived they found that there was an argument between two males. One of the males was confrontational with officers. Involved persons were separated, which helped to diffuse the situation.

Great Dane, Case # 13-750: On 01/18/2013 at approx. 11:27 P.M. Officers were dispatched to the Great Dane in reference a male party who was preventing two females from leaving. Through investigation it was determined a 41

yoa male caused a disturbance involving his wife, tried to prevent her and a friend from leaving, broke a window on a vehicle before leaving the scene. The 41 yoa male was later located at his residence, and arrested for CDTP (misd), DC (domestic), and cited for Reckless driving. Case is marked as cleared by arrest.

Hiawatha, 713 Grant St., Case # 13-954: On 01/24/2013 at approx. 8:07 P.M. Officers were dispatched to the 700 blk of Grant St. for a male at a business causing a disturbance and damaging property. Through investigation it was determined a 33 yoa male had damaged an outside light fixture without permission. The male was arrested for CDTP (misd), resisting an officer, disorderly conducted, and cited for liquor on the street. Case is marked as cleared by arrest.

Loppnows Bar, 1502 N 3rd St., Event # 13-3283, 01-08-13, 11:28 P.M.: Bartender called and requested help removing a male who refused to leave. The bartender refused to serve the male any more alcohol. Officers arrived and spoke to the male. He lived one block away and was able to walk to his home.

Paradox, 932 S 3rd Ave., Event #13-7688, 01-20-13, 1:54 A.M.: The owner reported that a male was causing a disturbance in the tavern and was asking for police assistance in removing the male. The male was outside when the police arrived and took off running. He was not located or known to the owner.

Roc's Place, 810 S 3rd Ave., Event # 13-7694, 01-20-13, 2:09 A.M.: The bartender of the tavern reported that there was a fight involving 8-10 people. Officers found a male with a bloody nose on scene. He said that he was inadvertently struck as he was standing near where the fight occurred. He didn't want to press charges, nor did he know where those who were involved went.

Showtime Gentlemen's Club, 1709 Merrill Ave., Case # 13-1332: On 02/02/2013 at approx. 11:50 P.M., Officers were dispatched to the area of Showtime Gentlemen's Club reference a fight. Through investigation a 29 yoa male was believed to have been involved, but was not located at the time of this report. Case is marked as inactive.

ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED

(See attached report) None in January 2013

Respectfully submitted,

Lt. Michael L. Juedes