

PUBLIC HEALTH & SAFETY COMMITTEE

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

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

Others Present: Alfonso, Buchberger, Hardel, Rayala, Goede, Melissa Dotter, Kari Rasmussen, Timothy Madison

Minutes of a previous meeting. (2/18/13)

Motion by Gisselman, second by Winters to approve the minutes of the previous meeting (2/18/13). Motion carried 4-0.

Hazmat Contract Agreement (Buchberger)

Chief Buchberger stated the letter he was directed to write has been signed by the Council members and will be submitted. There has been no indication of any changes to the contract yet, so he expected it to be a two year contract with the same payment of approximately \$78,000 and have us working in conjunction with Oneida County. He recommended continuation of the contract, noting it has a 60 day option to terminate.

Request to serve alcohol in the grandstands at Marathon Park for the 2013 Wausau Area 4th of July Celebration.

Rasmussen stated this is an annual request because the grandstand area is fenced in. Timothy Madison, President of The Wausau Area 4th of July Celebration, indicated they have separated from the Wausau Area Jaycees and become their own organization although it is run by the same people and is the same event. He indicated they have not had any problems with the service of beer in the grandstands and they hire their own security to monitor it and check IDs. They require everyone of age to be wristbanded if they intend to drink. He noted they also have volunteers from their organization to walk through the grandstands to observe the crowd.

Motion by Wagner, second by Winters to approve the request. Motion carried 5-0.

Request for waiver of the prohibition of alcohol on city streets (9.04.025) for the Exhibitour on May 18, 2013 - Wausau Area Events

Rasmussen stated in 2012 the Wisconsin Economic Development Organization gave the Exhibitour an award for their event based on its popularity. This brought a lot of attention from other communities questioning how we were able to hold such an event. She indicated a legal opinion regarding the event permit and the waiver process was received today from the League of Wisconsin Municipalities. (*Copy of letter on file.*)

Anne Jacobson indicated she spoke with Roger Johnson, DOR Alcohol & Tobacco Enforcement, who referred her to Claire Silverman, legal counsel for the League regarding alcohol issues. She highlighted some of the points from Silverman's letter: with regard to our code Section 9.04.025 Possession of intoxicants on streets, Silverman points out that there is no exemption to 9.04.025(b) all liquor or fermented malt beverages have to be consumed on the licensed premises where served. Furthermore, Wausau Area Events has been obtaining a single picnic wine license for the entire event consisting of 26 locations, of which 9 were actually serving wine, but a picnic license is intended for one location. According to state law you may also only issue two picnic wine licenses to any club within any 12 month period. She also pointed out they are obtaining a license to allow the alcohol to be consumed on the premises of independent businesses that would not otherwise be eligible for a picnic license. Jacobson indicated that Silverman opined there was an issue with the event and that the waiver exemption to carry out contravenes state law.

Chief Hardel stated he strongly believed we should not allow intoxicants to leave any establishment. There is confusion downtown as evidenced last summer during the Pepsi Rocks The 400 Block and confusion during and concerts. He commented that although there have not been any problems with Exhibitour, he was concerned that should Council grant the waiver against legal counsel advice and something did happen the city would open to liability.

Rasmussen clarified the issue before the committee tonight is only the walking waiver that allows for the mobility of the wine because there is 60 day prior approval required. She noted the Class B picnic license application has not been submitted yet.

Motion by Wagner, second by Kellbach to approve the waiver request. Motion failed 0-5.

Consider ordinance amending Section 9.24.070 Chronic nuisance premises and 9.24.090 Penalties.

Rasmussen indicated this amendment came forward from the Housing Code Task Force after talking to some of the police officers who are enforcing the nuisance premise ordinance. She explained the original ordinance specified either 10% of the available premises that a landlord owns or three, whichever is greater. We found that for landlords who own dozens of properties, waiting to get to the 10% is way too many problem houses. The whole thing was designed to deal with the landlord with two properties that will never get to three. To make the language function for those that own less than three, it needs to be changed 10% of the available premises that a landlord owns or three, *whichever is less*. This still encompasses the two premise owner but doesn't lengthen the leash so far on the owner of dozens of properties. She indicated they also toughened up the penalties for maintaining a chronic nuisance premise.

Motion by Kellbach, second by Gisselman to approve the ordinance amending Section 9.24.070. Motion carried 5-0.

Presentation: Pushback Against Drug Abuse - AOD Partnership Council (Melissa Dotter)

Melissa Dotter, Alcohol and Other Drugs Partnership Council, conducted a PowerPoint presentation summarizing the marketing plan to engage Marathon County in efforts to reduce drug abuse. (*Summary of marketing plan is on file in Clerk's Office.*) The campaign theme is "Pushback against drug abuse."

Rasmussen questioned what promotion for the Pushback was taking place within the schools and at what age are they reaching those families. Dotter stated they will be focusing protective factors on elementary school kids and have a group of middle school and high school students called Youth for Youth.

Gisselman questioned what it would take to have zero tolerance of drugs, such as heroin in Wausau. Chief Hardel stated it has to be attacked on all fronts, through the legislative body for grants, city policies, prevention and community effort neighbor to neighbor reporting activity. He stated law enforcement has to work together with neighboring law enforcement and state and federal agencies because the dealers are mobile and Wausau is becoming a distribution hub. Hardel stated this starts with the Pushback Campaign.

Consider various license applications.

Rasmussen reviewed the license list and noted all the licenses are recommended for approval.

Motion by Gisselman, second by Winters to approve the various licenses as recommended by staff. Motion carried 5-0.

Tavern Activities / Compliance Checks / Law Enforcement Activities

Hardel presented the Tavern Report from February 03, 2013 thru March 02, 2013. (*See attached.*) No discussion, report placed on file.

Update on animal license sales, vaccination reporting and follow up activity (Clerk's Office)

Rayala reviewed the handout 2013 Pet License Summary. Rasmussen noted we are currently about double for pet licenses purchased than we were at this time last year.

Report from Regional Animal Control Subcommittee on Implementation Phase (Winters)

Rasmussen explained a couple meetings ago Winters informed us that the communities who want to participate with us needed a conduit by which they could gather themselves around a table and figure out how they want to take stock of the effectiveness of the program and in what setting that should occur. The subcommittee was formed so they could get together and have that discussion. The feedback will be forwarded to the Mayor's Office so that if a commission or board needs to be appointed he can undertake that effort.

Winters reviewed statistics in Wausau based on population, noting we have licensed 2,343 dogs and cats, but the likely estimate is that there is somewhere around 23,800 pets, so this is very low compliance. He stated to date we have not received very much veterinarian data and he was concerned that people were not vaccinating their pets. Rasmussen felt this was a serious public health hazard which should garner the attention of the Health Department. Winters stated Wausau needs to come up with \$45,000 - \$52,000 to launch this program on time or \$36,000 - \$42,000 if we get the vehicle grants; currently we have \$7,000.

Winters stated the subcommittee indicated they would like to have a commission appointed and have it modeled after the Eastern Towns Association, so it would have one vote per municipality and elect their own chair. He noted each town would choose their representative. He felt it was important to remember this was not a policy making body, this group will make recommendations and create agreement that would have to go back to all the municipalities to approve individually. In addition to the voting members, they want two non-voting members, one representing the veterinary community and one representing the law enforcement community. He indicated he has since received a suggestion from the county that the chair of their Public Health & Safety Committee be a non-voting member of this commission as well.

Winters stated the subcommittee also discussed a letter from Brad Karger based on a proposal that came out of their Public Health & Safety Committee. The proposal was that they would provide a vehicle to this program in exchange for certain services: large animal services anywhere in the county; pick up of vicious dogs anywhere in the county and to be there in one hour no matter what time of day or night; and a 10 year commitment. Winters stated we don't have staffing for 24/7 model and the group felt that would be giving all the other townships in the county free dog pickup courtesy of our program. He indicated he would like to keep the window open on the letter, but the group felt the conditions in the letter were not conditions they could accept. We were being asked to provide 10 years of unlimited service anytime of the night or day for a \$35,000 vehicle.

Rasmussen indicated she would take his report from the subcommittee to the Mayor and ask him to make contact with the county to see if the terms are negotiable. Winters suggested the Chief reach out to the Sheriff's command staff to determine what was presented to them.

Dissolve Regional Animal Control Subcommittee

Rasmussen stated this committee established the subcommittee for the purpose of bringing the communities together for discussion and will be replaced with an appointed commission as they have recommended, so is no longer necessary.

Motion by Winters, second by Wagner to dissolve the Regional Animal Control Subcommittee. Motion carried 5-0.

Consider extension of amnesty window for licensing of excess pets due to delayed initial reporting from some vet clinics.

Rasmussen stated March 31, 2013 is the cutoff point for the amnesty window for people to come in and license their excess pets. She noted we are about a month and a half behind in the reporting process because a lot of vet clinics records were paper, slowing the process. She indicated the committee could extend the deadline if they wished. Wagner wasn't sure how we would get the information out and how effective it would be. He felt it would be more grief than it was worth. Rayala reviewed all the forms of notification that were being utilized and Hardel suggested that City Watch phone system of the Police Department be utilized to inform residents of the deadline. Alfonso pointed out we amended the pet limitation ordinance with the date, so if they decide to extend that deadline the ordinance would have to be amended again and go to Council.

Motion by Winters, second by Kellbach to extend the deadline to April 30, 2013. Motion fails 2-3.

Animal Control Grant Update (Winters)

Winters stated he wrote a grant for the Community Foundation and we will write a grant for the Greenheck Foundation, working with Bryan Hilts to get it sent in. The grant is for one vehicle and operating funds for two vehicles for one year. If we were to get the second vehicle from the county we will have the vehicle costs covered for one year; in the second year we would have to pick up the operating costs.

Communications

Rasmussen stated the Economic Development Committee will be discussing mobile food vendors on March 26th as it relates to business development and the downtown.

Adjournment

Motion by Winters, second by Kellbach to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:10 p.m.

Attachment

Lieutenant Todd A. Baeten
WAUSAU POLICE DEPARTMENT
515 GRAND AVENUE, WAUSAU WI, 54403
Office (715) 261-7811 FAX (715) 261-7888

Date **03-02-13**

To **Chief Hardel**

Subject **TAVERN REPORT February 03, 2013 thru March 02, 2013**

ROUTINE TAVERN INSPECTIONS (No violations unless noted)

Baker's Retreat, 1418 Lenard St

Cheers Bar, 101 E. Thomas St

Cop Shoppe Pub, 701 Washington St

Days Bowl A Dome, 1715 Stewart Ave

Domino Bar, 740 Washington St

Kruse In, 1724 Merrill Ave (*Instruction given to post current license*)

Labor Temple, 318 S. 3rd Ave

Malarkey's, 412 N 3rd St

North End Pub, 1002 N 3rd Ave

Oz, 320 Washington St (*Instruction given to post current license*)

Showtime Gentlemen's Club, 1709 Merrill Ave

Tremor's Sport's Bar, 516 W Thomas St

Treu's Tic Toc Club, 1201 W Thomas St

ALCOHOL COMPLIANCE CHECKS

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

ESTABLISHMENTS THAT WERE NON-COMPLIANT

Quality Mobil Mart, 802 E. Wausau Ave., 02-09-13, 8:37P.M., Case #13-1586: An underage male volunteer entered the store, selected and purchased a 24oz can of Busch Light beer. He stated his ID was not checked. The clerk, Sandra A. Sann, stated she checked the ID and thought the male was 21. Sann was issued a citation for Sell Alcoholic Beverage to an Underage Person.

Clark Station, 102 N.3rd Ave., 02-09-13, 9:29P.M., Case # 13-1587: An underage male volunteer entered the store, selected and purchased a can of Busch Light beer. The clerk, Tiffany R. Newbury, stated she did not check the

male's ID as she thought she had seen the male in the store before. Newbury was issued a citation for Sell Alcoholic Beverage to an Underage Person.

The Store, 308 Stewart Ave., 02-09-13, 9:35P.M., Case # 13-1588: A 20 year-old male volunteer entered the store, selected and purchased a can of Bud Light beer. The clerk, Matthew A. Neu, confirmed he did not check the male's ID, and said he knew he should checked. Neu was issued a citation for Sell Alcoholic Beverage to an Underage Person.

ESTABLISHMENTS THAT WERE COMPLIANT WHEN CHECKED

Kwik Trip, 3853 N. 6th St

Kwik Trip, 1500 Grand Ave.

Mega Express, 207 Central Bridge St.

Pine Ridge Mobil, 1205 Merrill Ave.

R Store, 2300 Grand Ave.

R Store, 103 N. 6th St.

R Store, 1511 N. 3rd St.

NOTABLE INCIDENTS THAT OCCURRED AT TAVERNS THAT POLICE WERE DISPATCHED TO

Loppnow's Bar, 1502 N. 3rd St., Event # 13-16342, 02-10-13, 12:02am: Male party fell and was bleeding from head. Several individuals reported the intoxicated male had been disruptive in the bar. He was touching and grabbing a female and took her chair out from underneath her. Female's boyfriend admitted to "taking the guy outside." Intoxicated male was uncooperative and did not want to pursue any charges. Other patrons declined to pursue charges as well. Intoxicated male was transported Aspirus for injuries.

Paradox, 932 S 3rd Ave., Case #13-1333: On 02-03-13 at approximately 12:36am officers responded to a reported fight at Paradox Bar. The fight was reported to be "very loud and very verbal." Officer attempted to stop a vehicle leaving the scene. Vehicle did not immediately stop and when it did the driver fled on foot. The 29 yr old male driver was located on foot in the area between the scene of the stop and his residence. It was determined the male was not involved in the fight, and the responsible parties had left the scene prior to officer arrival. The male was charged with OWI (4th Offense), Obstructing an Officer and a Probation Violation. He was transported to Corrections.

Paradox, 932 S 3rd Ave., Event #13-13439: On 02-03-13 at 02:34am: Report of a fight. There was not a fight visible upon officer arrival. Owner, Scott Kurzynski, said some unknown males from Minnesota had been trying to fight the whole bar. He said the fight happened in the parking lot and they broke it up prior to everyone leaving in vehicles. Scott said he did not know the names of anyone involved and he was unable to describe any vehicles.

ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED

Respectfully submitted,

Lt. Todd A. Baeten