

## **PUBLIC HEALTH & SAFETY COMMITTEE**

Date and Time: Monday, May 20, 2013, at 5:15 pm, (Council Chambers)

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

Others Present: Alfonso, Buchberger, Hardel, Hebert, Jacobson, Groat, Loy, Giese, Rayala, Goede, Melissa Dotter, Dawn Follendorf, Randy & Tana Scobell- B & R's

### **Minutes of a previous meeting. (3/18/13 & 4/15/13)**

Motion by Kellbach, second by Gisselman to approve the minutes of the previous meetings on 3/18/13 and 4/15/13. Motion carried 4-0.

### **Discussion of local statistics surrounding drugs and related criminal activity and update on emerging community initiatives to address same. (Melissa Dotter- AOD Partnership Council)**

Melissa Dotter presented an update on the Push Back Against Drug Abuse Campaign. (*Winters entered the meeting.*) She highlighted the three pillars that are key to the campaign to raise awareness on the scope of the issue; to make sure that we have funding available for prevention, treatment and enforcement; and to engage the community in the work.

Hardel commented on City of Wausau statistics relative to heroin, noting there have been 89 heroin and 55 meth incidents reported in the last 18 months, which is very high.

Dotter invited the committee to the next meeting of the AOD Partnership Council on June 4, 2013, at 212 River Drive, Room 5, 11:30 a.m. – 1:00 p.m. She noted they will be meeting with the neighborhood groups as well.

### **Central Business District Obstruction Permit - The Mint Café, 422 N 3rd St.**

Rasmussen indicated The Mint would like to place a sandwich board sign outside in front of the business.

Motion by Wagner, second by Gisselman to approve the Obstruction Permit for The Mint Café. Motion carried 5-0.

### **Central Business District Obstruction Permit - Sweet Lola's, 303 N 3rd St.**

Rasmussen stated Sweet Lola's has the same type of request as well as to place some bistro tables and benches outside. Buchberger's only concern was a question of how narrow the walkway becomes once the tables and benches are placed. He indicated he would like someone from the Fire Department to provide advice on the placement. Hebert questioned if they wanted to limit the number of tables and/or benches. Wagner suggested Inspections work with the Fire Department to inspect them on site to determine the number and placement.

Motion by Wagner, second by Kellbach to approve the Obstruction Permit for Sweet Lola's contingent upon Fire Department and Inspections Department review. Motion carried 5-0.

### **Request to hold a onetime outdoor party on July 13, 2013 - Bob & Randy's Bar, 1515 6th Street.**

Rasmussen stated Bob & Randy's are planning to rent a tent and comply with enclosure requirements for outdoor alcohol in their parking lot to celebrate 25 years in business. Tana Scobell stated alcohol will not be allowed to be carried out of the bar; beer would have to be purchased and consumed inside the tent. Hardel questioned the status of having a polka band. Randy Scobell stated there is an older gentleman who is a patron that is part of a small polka band who wants to play from 3:00 pm – 5:00 pm. The entire event will be concluded by 8:00 pm. Hardel suggested notifying the neighborhood and keep music at a reasonable level. Tana stated the music would not be amplified. Buchberger indicated the owners discussed requirements with one of the Inspectors from the Fire Department already and we will do a final inspection once the tent is up.

Motion by Gisselman, second by Wagner to approve the onetime outdoor party on July 13, 2013 at Bob & Randy's Bar. Motion carried 5-0.

### **Consider Amendment to Section 5.63 Obstructions within the Central Business District Public Right-of-Way.**

Rasmussen stated the ordinance would allow us to approve sidewalk café dining on a case by case basis for local businesses downtown. She noted these outdoor tables or dining areas would also allow the controlled service of alcoholic beverages. Anne Jacobson explained this is an amendment to the Obstruction Permit chapter to include the sidewalk café issue and the part relating to the alcohol license and the premise change would be put under

Section 5.64. Rasmussen noted this will also be considered by the Economic Development Committee. She explained it is being considered jointly because PH&S Committee is looking at the obstruction of the sidewalk or right-of-way for the seating areas and the amendment of an alcohol premises to allow outdoor service; the ED Committee is looking at it from the Downtown Business District perspective.

Jacobson explained under 5.63 the intent and purpose was changed slightly and expanded; the definitional section is expanded to clarify what the Central Business District encompasses; and a definition of a sidewalk café and a full service restaurant. She indicated there would be two permits: 1) Central Business District Obstruction Permit for a sandwich board sign, art, planters, etc.; or a 2) Sidewalk Café Permit. She noted the sidewalk sales will be an exception from the permit. The permit can be transferred, but only for the same premises and for the remainder of the permit year for which a full permit fee has been paid. The application will still be made to the Inspections Division of DPW and additionally the Sidewalk Café Permit would require a valid restaurant license and an application fee \$45 without alcohol or \$80 with alcohol; renewals will be \$20 and \$40 respectively. Rayala noted there is currently an additional fee of \$150 to amend the alcohol premise.

Jacobson reviewed some of the standards, noting no barriers are required for the sidewalk café. Rasmussen stated she would like to see repeal provisions in which persons holding the permit would appear before the committee if they are not complying with the standards. Groat noted there is no change to the Obstruction Permit regarding revocation which gives the authority to the Director of Public Works. Rasmussen commented since in some cases we will be allowing alcohol service this takes it to a whole different level.

Jacobson stated additional provisions of a sidewalk café include: no smoking will be allowed, unless they want to allow designation within a reasonable distance from the door; hours are 6:00 am to 10:00 pm; PH&S has 30 days to approve an application; no penalty section was put in yet.

Gisselman felt he wasn't ready to take action on the item until he saw the final draft. Rasmussen indicated a special meeting is coming up at which the final draft could be brought back to.

#### **Pet licensing update – Clerk**

Rayala reviewed reports of data provided by PetData, noting the net revenue is just over \$14,000. The late fees have been implemented and we have received \$2,000 in late fees just from dog licenses.

#### **Discussion of the PetData system success and possible suggestions to streamline licensing further for 2014.**

Maryanne Groat indicated she participated in a phone conference with Village of Weston officials. She noted Weston did not accept pet license renewals at their counter this year and they were satisfied with the results. They indicated that it allowed the process for tax payments to go quicker because issuing pet licenses is a little more time consuming. She stated they set up a kiosk in their lobby and someone would come out help individuals with questions. She was not convinced that was the right approach for the City of Wausau because we have an elderly population and it would be easier for some of them to come into City Hall for their pet licenses. She felt that next year it should go smoother with renewal notices going out sooner. Rasmussen felt a kiosk in City Hall and/or at the Humane Society might be good idea for those that would like to use it. Wagner suggested placing kiosks in the lobby of the police department or the library or the Tech rather than at City Hall. He felt customers would appreciate still having the option to pay at City hall. Rasmussen suggested they be at places having to do with animals, such as pet shops. Winters stated he wanted PetData to maximize the number that they are handling since we are paying them \$3 per license. He agreed with considering a kiosk policy and encouraging people to go electronic as much as possible.

Wagner stated we need to make it more costly not to license a pet than to do so. He suggested taking the vaccination costs for the two shots and the license cost and then double or triple that for a fine. The first offense could allow for compliance in a couple days before imposing. We stated we need to be proactive because we have provided every opportunity to get legal.

#### **Consider various license applications and renewals, including the 2013-2014 Liquor License applications for establishments.**

Rasmussen stated there are no denial recommendations for this meeting. She noted all the alcohol establishment licenses are included in the list. Rayala noted the Criminal Justice System site was down for several days over the past week and therefore we were unable to complete the background checks for the Operator 2 Year renewals. She

asked the committee to approve the list contingent upon the completion of the checks and approval of the Police Chief.

Rasmussen requested that the application for a 2<sup>nd</sup> Hand Dealer submitted by WeBuy LLC, as well as the Special Event application for the Summer Race Series submitted by Wausau Kayak & Canoe Corporation be considered separately from the rest of the applications.

Motion by Kellbach, second by Winters to approve the licenses as recommended contingent upon the completion of background checks and approval of the Police Chief; with the exception of WeBuy LLC and Summer Race Series. Motion carried 5-0.

Rasmussen stated there have been some issues with the WeBuy business on 17<sup>th</sup> Avenue due to opening for business prior to obtaining a 2<sup>nd</sup> Hand Dealer license. Rayala stated the owner of WeBuy LLC is actually Jackie Corvino, girlfriend of David Rietz, who is running the business. She indicated Ms. Corvino was in attendance earlier and had to leave, but Mr Rietz was present.

Hardel explained Detective Strobach visited the business on March 6<sup>th</sup> because it appeared to be open with people going in and out. Strobach talked to Mr. Rietz and told him he needed to register and get a license with the city. Hagenbucher then visited on March 8<sup>th</sup> and again doors were open, sign was on, and people appeared to be going in and out. At that time Rietz stated he wasn't open for business yet. Hagenbucher again explained the procedure for getting a license; however, on April 30<sup>th</sup> Hagenbucher noticed the business was still open although the Clerk's Office did not have an application from them. On May 2<sup>nd</sup> a letter was written stating he could not open for business until he obtained a license. Capt. Hagenbucher contacted Everest Metro PD and learned he had a business in their jurisdiction named Northwoods Pawn and had the same problems with him not getting licensed. Hardel was concerned that although we were very clear on what he needed to do, he did not follow through in a timely fashion. Rasmussen questioned if he had subscribed to Leads Online for reporting purposes and Hardel indicated that was explained to him.

Rietz indicated he just received the letter last Friday and that he called Hagenbucher today to tell him he would be getting Leads Online either today or tomorrow. He stated he was never the owner of Northwoods Pawn, which was a complicated situation, because he took over for the person that owned it but had health issues and had to leave immediately. Rietz indicated the owner had a license under his own name and once notified Rietz eventually got one for himself. Rasmussen questioned why he was not the license holder for WeBuy. Rietz explained he had financial problems from a former landscaping business. Rayala noted he has filed a bond with the Clerk's Office. Rasmussen questioned why he didn't get licensed back in March. Rietz apologized and indicated there were issues as to who would be the owner as well as his father had health issues that delayed him taking care of it. Rasmussen questioned if there were any issues with stolen property at Northwoods Pawn. Rietz stated that is why they changed locations and the name and are no longer a pawn shop and don't borrow money. He indicated they sell a lot online and there isn't much in the retail store.

Hardel stated if the committee chooses to approve the license and we find down the road that he is not putting his entire inventory online then the license should be revoked. Wagner indicated he was uncomfortable with this applicant because he opened a business two or three times without a license and did not appear to be forthright about the Northwoods Pawn. Rietz stated he was new to all this and would like a chance to prove himself as he is just trying to work.

Alfonso stated Hagenbucher would like to know if Jackie Corvino understands the ordinance and the liability of being the owner and would like to verify her signature on the application.

Motion by Winters, second by Kellbach to table the application until there is an appearance of the signatory on the application.

Hardel pointed out he currently has temporary license that was issued May 16<sup>th</sup> and expires June 30<sup>th</sup> which should perhaps be suspended. Rietz questioned if he got Leads Online right away in the morning and had Jackie meet with them if they would let him operate because he had invested money and needed to work. Wagner did not want to suspend if the only reason was to verify a signature. He suggested Ms. Corvino get together with Hardel or someone from PD for verification. Hardel stated he could have Hagenbucher go meet with both Rietz and Jackie

Corvino to identify her, go over the ordinance, get Leads Online and then report back to the committee at the next meeting. Rietz reiterated he would be willing to do whatever was necessary to continue doing business.

Vote on the motion to table carried 4-1. Rasmussen indicated she voted no because she didn't feel he was completely honest with them and she may also vote no on the license depending on the outcome of the things he is required to do. She indicated it will be brought back to the June 17<sup>th</sup> meeting to determine if they will be grant a longer term license.

Rasmussen stated the Electrical Inspector requested when approving the permit for the Summer Race Series for Wausau Canoe & Kayak Corp., that a contingency be added to the approval that if they do electrical work, it be done by a licensed contractor. Apparently last year at one of the events they had quite a bit of cords cobbled together across the kayak area that he had issues with.

Motion by Wagner, second from Gisselman to approve the special event application for the Summer Race Series, Wausau Kayak & Canoe Corp. contingent upon any electrical work being done by a licensed Electrical Contractor.

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

Hardel presented the Tavern Report from March 3, 2013 thru April 6, 2013. (*See attached.*)

Hardel commented we have been experiencing some very large crowds on the 400 Block at bar closing downtown recently. He noted one night it was estimated to be 400 - 500 people and there were noise complaints from the Landmark residents.

Hardel stated he has declared five vicious dogs in the last month and commented the ordinance is outstanding and has really helped them deal with them in a timely fashion.

**Communications**

None

**Adjournment**

Motion by Winters, second by Gisselman to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:25 p.m.

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

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**Date**           **04-06-13**

**To**               **Chief Hardel**

**Subject TAVERN REPORT   March 03, 2013 thru April 06, 2013**

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

**101 Pub**, 101 N. 3<sup>rd</sup> St.

**Callon Street Pub**, 209 Callon St.

**Denmar Tavern**, 601 W. Thomas St.

**Eagle's Club**, 1703 S. 3<sup>rd</sup> Ave.

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

**Players**, 4411 Stewart Ave.

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

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

**101 Pub**, 101 N. 3<sup>rd</sup> Ave., Case #13-2357, 03-04-13, 8:54pm: Male came into the bar and vomited. He was then escorted outside, where he continued to vomit and was unable to answer medical personnel's questions. Male was transported to the hospital for medical clearance, and was then committed on a 51.15. The male was transported to the North Central Health Care Center, and was also arrested for discharging bodily fluids (spitting) at a public safety worker.

**Campus Pub**, 1110 W. Campus Dr., Event #13-33584, 03-2-13, 2:07am: Officers responded for a report of a fight inside the bar. Upon being interviewed, the bartender had someone call the police while Campus Pub staff broke up a fight between patrons. All involved parties were gone prior to officer arrival.

**Domino Bar**, 740 Washington St., Case #13-3345, 03-30-13, 1:21am: Bar patron reported his jacket stolen. Officer investigating viewed surveillance video showing a male suspect taking the jacket and leaving the bar with another individual. Investigation continues.

**Fillmor**, 310 N. 4<sup>th</sup> St., Event #13-24601, 03-01-13, 10:29pm: Officers responded for an anonymous report of three males displaying guns on the dance floor. Approximately 100 patrons were present, with several matching the description of the suspects. Officers received consent to conduct pat-down searches of several individuals. All were cooperative, and no weapons were found. Fillmor owner and staff were advised of the complaint. No further information was able to be gathered due the information having been provided anonymously.

**Fillmor**, 310 N. 4<sup>th</sup> St., Case #13-2764, 03-15-13, 12:57am: Officer observed two males urinating in the alleyway next Fillmor. When confronted, they were initially dishonest, but then admitted responsibility. When Fillmor staff

came out to advise them they were no longer welcome back in, one of the males became disorderly. He was shouting profanities and banging on the glass window front of Fillmor. He resisted officers' efforts to restrain him, and was eventually handcuffed and transported to corrections for Disorderly Conduct.

**Fillmor**, 310 N. 4<sup>th</sup> St., Event #13-36811, 03-31-13, 1:06am: Officer observed a female vomiting in the street in front of Fillmor. Officer arranged for taxi to respond to bring the female to her Kronenwetter residence. While standing by with 15-20 individuals present, officers heard a male talking very loudly and using profanity to speak negatively about law enforcement. Male was very intoxicated, and was cautioned about the language. He was then escorted back inside by his girlfriend.

**Lumpy's**, 265 Chellis St., Case #13-2345, 03-01-13, 12:00am: Male reported he was at Lumpy's on this date and time when he was struck in the face by another male. Victim stated this attack was unprovoked. He later went to the dentist and learned his jaw was broken and some of his teeth were displaced. Suspect was later located and admitted to having been very drunk that night and remembering he had hurt somebody. Suspect was arrested for Substantial Battery and Strangulation. He was then transported to jail.

**Malarkey's**, 412 N. 3<sup>rd</sup> St., Case #13-2533, 03-09-13, 2:11am: Officer was driving past Malarkey's and observed two males swinging at each other. Several bystanders were trying to break up the fight. Both males were very intoxicated. One of the males became uncooperative with officers and needed to be restrained. He was arrested for Disorderly Conduct and Obstructing. The other male was only 20 years old, and was cited for Underage Alcohol Consumption and was also arrested for Disorderly Conduct. Bystanders stated that the males had not been drinking inside Malarkey's, and had come from another location before starting to fight in front of Malarkey's.

**Mountain Lanes**, 1401 Elm St., Event #13-24631, 03-02-13, 12:04am: Bartender at Mountain Lanes called for police assistance, reporting she was being harassed by approximately 15 males. The males were upset that the bartender had carded one of them, and were now refusing to leave. Officers arrived on scene and escorted the males off the property.

**Paradox**, 932 S. 3<sup>rd</sup> Ave., Case #13-2526, 03-08-13, 10:35pm: Officers investigating a report of a verbal altercation between a male and a female made contact with the male. He was intoxicated and underage. He advised he had been drinking inside Paradox after having been invited there by the bartender. He identified the bartender by name and said he had met her online a couple of months ago. Contact with the bartender at Paradox confirmed this account. Bartender claimed she did not know the male was only 19 years old. Bartender was cited for Selling Alcohol to Underage Persons.

Respectfully submitted,

Lt. Todd A. Baeten