

## **PUBLIC HEALTH & SAFETY COMMITTEE**

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

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

Others Present: Alfonso, Hardel, Buchberger, Nutting, Groat, Goede, Officer Yang, Officer St. Amand, Paris Wanta

### **Hearing: Appeal of dangerous animal designation assignment(s) (Wanta)**

Rasmussen opened the hearing for a dangerous animal designation assignment, the petitioner, Mr. Paris Wanta, 1411 Emter St. She explained following testimony the committee will convene into closed session to deliberate the merits of the hearing and reconvene into open session to read our decision. She stated the information presented by the petitioner must be relevant to the issue at hand as described in the police reports dated 1/17/13 and 5/25/13, for a male German Shorthair named Nitro and a female Husky named Pippa. The Deputy Clerk swore in the following individuals to give testimony: Officer Yang, Officer St. Amand, Chief Hardel, and Paris Wanta.

Officer Yang, indicated he responded to the event on 1/17/13, a woman was walking two small dogs in the area of the 1400 block when her dogs were attacked by two big dogs. He noted there were pictures of the injuries to the dogs. He stated he spoke with people in the neighborhood and they all had concerns because the dogs were outside without supervision or leashes. One neighbor was concerned about her young child getting on and off the school bus in the morning and afternoon.

Officer St. Amand responded to 1411 Emter Street on 5/25/13 for a report that Mr. Wanta's dogs had attacked some dogs in the neighborhood. He stated a witness to the attack told him he was outside and saw the dogs come from Wanta's residence, run straight at Courtney walking her two Shih Tzu's and attacked her dogs immediately without provocation. He indicated the white Husky was the more aggressive of the two dogs. Ofc St. Amand went over to the dog owner and looked at the injuries on the back left leg prior to her taking the animal to the veterinarian. Since this was the second time they had attacked, Mr. Wanta's dogs were taken to the Humane Society.

Alfonso questioned if the dogs being walked were on a leash and Ofc. St. Amand indicated the witness stated they were. Alfonso stated the witness indicated the Husky was more aggressive and questioned what the other dog's role in the attack was. St. Amand responded that Courtney stated the brown dog attacked first, but once it started the white dog became more aggressive than the other.

Hardel explained the factors he considered were that both dogs left their property, ran across the street and attacked the victim dog. The witness heard the victim dog yelping in pain from bites and that the witness had a puppy but feared for its safety because of Mr. Wanta's dogs, so he got rid of it. The neighborhood was canvassed and five of them expressed concern about the responsibility of the owner and that the dogs run loose on a regular basis. They were frustrated with the dog waste left on yards and with the lack of supervision. Some were concerned for the safety of their children. One neighbor didn't feel they would attack humans, but she has seen them be very aggressive towards other dogs.

Paris Wanta stated he had Cindy Steinke from K9 Elementary come over today and do an assessment on his dogs. She felt the dogs were protecting their property or were possibly provoked and could mail her assessment to them. He stated his dogs have never been aggressive toward humans and they were not normally aggressive toward other dogs; these were the only two incidences. He indicated the dogs were trained and there were no problems with the other dogs during training. Wanta stated his former roommate has taken full responsibility for letting the dogs roam the neighborhood and that he is no longer his roommate. He now lives on his own and is following the code. He read a letter from his doctor indicated he was suffering from mental health issues (bi-polar) and the dogs were both beneficial to his depression. He stated he has now installed an electronic lock on his door to automatically lock it and fixed the screens on the windows. He indicated he would be relocating to Ringle at the end of August to a house with a fenced in yard that his grandmother helped him purchase.

### **The committee may convene into Closed Session pursuant to Section 19.85(1)(a) of the Wisconsin Statutes for the purpose of considering the following: Deliberating concerning a case which was subject of any judicial or quasi-judicial trial or hearing before the governmental body.**

Motion by Winters, second by Kellbach to move into closed session. Roll Call Vote: Ayes: Wagner, Kellbach, Winters, Gisselman, Rasmussen. Noes: 0. Motion carried unanimously.

**Reconvene in Open Session, announce results of deliberations on appeal of dangerous animal designation.**

Rasmussen read the Findings of Fact, stating that the declaration of the dangerous dog(s) [Nitro and Pippa] made by the Chief of Police, Jeffrey Hardel, on May 30, 2013 is justified and upheld.

**Consider various license applications.**

None were recommended for denial.

Buchberger noted that there isn't a certificate of insurance for the dance event of the Wausau Academy of Dance special event application. Goede commented that insurance is not always necessary for a Class III event. The need for that insurance can be waived. Goede indicated that event organizer said she has the insurance and can provide it. Rasmussen said if she has it, have her submit the proof.

Kellbach stated that there was an issue last year about the start time of the Susan G. Komen run with the local churches and parking. There were elderly that couldn't get into their own church parking lots on Sunday and had to walk several blocks to get to church and were 20 minute late for services. Rasmussen said that we can cover this with them for next year. Hardel said that he will talk to Lt. Pekarske to see what can be done to work this out.

Motion by Wagner, second by Gisselman to approve the various license applications as recommended by staff. Motion carried 5-0.

**Discussion regarding processing and approval of Special Event Applications**

Rasmussen requested of staff ways to streamline those event applications that come in late and the smaller events that don't disrupt traffic, don't need city services. One recommendation would be to delegate the approval of class III events to staff because they are so small: i.e., weddings, press conferences, blessing of pets. Another recommendation is the Class III events could be approved by the chair of this committee or the council president.

Groat shared that in her research the process of special event applications varies from community to community. Larger cities like Madison don't take any special events to council; they are handled at the committee level. A reoccurring theme was found that many of these events were approved at the staff level and/or at the committee level. However the committee could step into this slowly by having the chairperson of the PH&S committee do the approvals initially.

Rasmussen said that she supports either option, but she's unsure about delegating it completely because of issues involving alcohol. Wagner commented that it sounds like it's a scheduling thing and it doesn't merit anyone else digging into it; Mary and Toni can do it. Gisselman agreed, of course with the approval of the police and fire department. Rasmussen added that all applications will still go through the routing process.

Groat noted that when the City Attorney had done some research she found that there actually is nothing requiring committee and council approval; it is basically just a historical process. She stated they could adopt a policy if they wished. Staff was directed to bring back a policy draft next month that would state Class I and II events would continue to be approved as they are now, but Class III will be reviewed and issued by staff.

**Amend Ordinance 8.08.170 to require pets to display their license tags on their collars when outdoors.**

Rasmussen said this ordinance requires pets to be licensed but does not require the license to be on the pet, so there is no way to reunite this pet with its owner.

Motion by Gisselman, second by Kellbach to approve the amendment to 8.08.170 to require pets to display their license tags when outdoors. Motion carried 5-0.

**Discussion and possible action on pet license fees for 2014 and fines for animal related violations.**

Rasmussen said that now the City has one year of experience with PetData and licensing. We tripled our licensing. The question is should there be an increase or change in price for the 2014 license year (beginning in December) or animal related fines. Wagner felt that the fee for licensing should be doubled. He gave the reasoning that other cities pay five, six, seven times more than we do. He felt that paying \$20.00 to \$30.00 for a pet license isn't out of line; charge the people that use the service. Rasmussen mentioned a previous discussion at a council meeting in 2012 about penalizing those that do comply by increasing the fees.

Groat shared information about her meeting with the county regarding whether they would reconsider funding cats at the shelter, but they told us no. Their goal was to assist all the communities to develop a standard contract with the Humane Society that they could use to provide support for cats. They also had indicated that they would provide funding for that \$60,000 to try to encourage communities to contract with the Humane Society for cats in this next year.

Winters shared his research of increasing the price of pet licenses. PetData's average fee is \$15.00 and \$40.00. Groat felt it is good to have a difference between fees for fixed or non-fixed pets. Rasmussen noted our current fees are \$10 and \$20. Groat suggested an increase to \$15 and \$35. Wagner felt there should be communication with Weston before going forward with an increase. Groat indicated she would reach out to Weston officials to have a conversation as to what they felt would be a reasonable increase and report back to the committee.

**Amend Section 5.64.078(b) Point values for alcohol beverage violations and revocations and suspensions.**

Rasmussen stated sidewalk café provisions needs to be added to the point values. Hardel felt 50 points was reasonable.

Motion by Kellbach, second by Winters to approve. Motion carried 5-0.

**Amend Section 9.24.070(c)(5) Nuisance Activity.**

Rasmussen this came to the committee from the community resource officers. They request the Nuisance Activity ordinance include Social Hosting activity and underage drinking.

Motion by Kellbach, second from Wagner to approve. Motion carried 5-0.

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

Hardel presented the Tavern Report from June 4, 2013 thru July 4, 2013. (*See attached.*)

Hardel stated officers have been working the downtown area more heavily in the past few weeks because there has been a lot of activity between Malarkey's, the Intermission, Fillmor and the Oz Night Club. Large groups of people have been gathering on 4<sup>th</sup> Street, spilling over onto The 400 Block. Officers observed an individual coming out of the front door of the Intermission onto 4<sup>th</sup> Street with an open container and also found approximately 20 people behind the bar outside with open containers. The manager on site was spoken to, but she didn't feel it was her responsibility to keep the open containers inside and that the people should be cited. A week later officers found another group of individuals in that same location drinking. The owner has been contacted and a letter will be sent with our expectations of the bar and the responsibilities we feel the bar needs to have in helping resolve this issue and also will inform them of the demerit point system that we can and will use, if necessary.

**Communications**

Winters requested clarification regarding the legality of holding licenses for delinquent property taxes that have been turned over to the county. Rasmussen suggested hardship waivers be placed on a future agenda for discussion. Groat suggest the clerk send out and email on the Clerk's network to find out if other communities are withholding licenses even if they have been settled with the county. Rasmussen asked that a report come back in a month or two.

**Adjournment**

Motion by Kellbach, second by Wagner to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:05 p.m.

Attachment

**Lieutenant Todd A. Baeten**  
**WAUSAU POLICE DEPARTMENT**

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515 GRAND AVENUE, WAUSAU WI, 54403  
Office (715) 261-7812 FAX (715) 261-7888

**Date**           **05-02-13**

**To**               **Chief Hardel**

**Subject TAVERN REPORT   June 04, 2013 thru July 04, 2013**

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

**Lumpy's**, 265 Chellis St.

**Malarkey's**, 412 N. 3<sup>rd</sup> St.

**Mountain Lanes**, 1401 Elm St.

**North End Pub**, 1002 N. 3<sup>rd</sup> Ave.

**Oz**, 320 Washington St. (municipal citation #145504306 for No Licensed Bartender)

**Paradox**, 932 S. 3<sup>rd</sup> Ave.

**Players**, 4411 Stewart Ave.

**Polack Inn**, 1206 N. 3<sup>rd</sup> St.

**Roc's Place**, 810 S. 3<sup>rd</sup> Ave.

**Showtime Gentlemen's Club**, 1709 Merrill Ave.

**Sidetracked Bar**, 818 S. 3<sup>rd</sup> Ave.

**Tremor's Sports Bar**, 516 W. Thomas St.

**Treu's Tic Toc Club**, 1201 W. Thomas St.

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

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

**Cabaret**, 204 E. Mountain Dr., Case #13-6123, 06-05-13 at 1:50pm: Officers were dispatched to the 100 block of S. 2<sup>nd</sup> Ave. after a report of a male in a vehicle following a female there from the Cabaret. A male was arrested for OWI following an investigation.

**Days Bowl-A-Dome**, 1715 Stewart Ave., Case #13-6501, 06-15-13 at 6:37pm: Officers were dispatched to a possible domestic disturbance, in which a male threw a drink at his girlfriend. The male was later arrested for Felony Bail Jumping.

**Denmar Tavern**, 601 W. Thomas St., Event #13-76082, 06-03-13 at 2:38am: Officers were dispatched to the Denmar Tavern for a report of a female that had bruising on her face and was very intoxicated. The female reported to have been “jumped” by some “Asians.” She denied medical treatment and said the suspects were unknown to her and she did not want to pursue charges. The assault was unable to be substantiated at this time.

**Domino Bar**, 740 Washington St., Case #13-6244, 06-08-13 at 1:25am: Officers were dispatched to Domino Bar after the bartender called about an intoxicated female harassing customers outside. Officer located the female. She was intoxicated and admitted to being on probation. She was arrested for a probation violation and transported to jail.

**Glass Hat**, 1203 N. 3<sup>rd</sup> St., Event #13-65699, 06-06-13 at 1:56am: Officers were dispatched to Glass Hat for a report of a fight. Responding officers located no sign of an altercation; rather the bartender said people were being very loud as they were leaving.

**Intermission**, 325 N. 4<sup>th</sup> St., Event #13-69446, 06-14-13 at 11:36pm: Officer on patrol observed a male on the sidewalk in front of Intermission with an open can of beer. Male was warned and advised to keep the alcohol in the bar.

**Jim’s Corner Pub**, 1244 S. 9<sup>th</sup> Ave., Event #13-69424, 06-14-13 at 10:45pm: Officers responded to Jim’s Corner Pub for an anonymous report of loud noise, including loud talking and partying. Upon arrival, officers were not able to substantiate the complaint as there was no noise at the time. It was reported that this is an ongoing issue.

**Loppnow’s**, 1502 N. 3<sup>rd</sup> St., Case #13-6728, 06-21-13 at 12:38am: Offices were dispatched to the area in front of Loppnow’s for a report of a verbal argument between a couple of males. One of the males was discovered to have a warrant for his arrest. He was transported to corrections.

**Lumpy’s**, 265 Chellis St., Case #13-6581, 06-18-13 at 2:10am: Officer investigated incident of people still drinking in the tavern after hours. The bartender and bar owner were cited.

**Malarkey’s**, 412 N. 3<sup>rd</sup> St., Case #13-6282, 06-09-13 at 2:16am: Officer on bike patrol observed a male behind Malarkey’s with an open container of alcohol in his hand. A records check through MNSO dispatch revealed an unconfirmed warrant for the male’s arrest. Warrant was confirmed valid and he was transported to corrections.

**Oz**, 320 Washington St., Case #13-6315, 06-10-13 at 12:09am: Officer responded to Oz for a scheduled tavern check. Bartender working did not have license or ID on her person. There was no record in-house of her having an operator’s license. The manager was contacted and responded within minutes. Municipal citations issued to bartender and owner.

**Oz**, 320 Washington St., Event #13-73324, 06-23-13 at 10:37pm: Officer was dispatch to the Oz to speak with a female regarding possible stalking complaint. Upon investigation, the female told the officer that her ex-boyfriend had followed her and friend to the tavern. She said she just wanted the officer to contact the ex-boyfriend and advise him to leave her alone.

**Paradox**, 932 S. 3<sup>rd</sup> Ave, Case #13-6245, 06-08-13 at approximately 2:15am: Officers conducting extra patrol in the 900 block of S. 3<sup>rd</sup> Ave. observed what appeared to be a physical altercation between a few patrons outside of Paradox. Upon being contacted, the males advised they were all friends, and were just horseplaying. A records check through MNSO dispatch indicated there were unconfirmed warrants for the arrest of two of the males. The warrants were confirmed to be valid, and the males were transported to corrections.

**Paradox**, 932 S. 3<sup>rd</sup> Ave, Event #13-66980, 06-09-13 at approximately 2:00am: Officer heard loud swearing and yelling he drove by Paradox. Officer parked his squad across the street to monitor the area. The crowd of people dispersed and went back inside.

**Paradox**, 932 S. 3<sup>rd</sup> Ave, Event #13-77769, 07-04-13 at 1:36am: Tavern owner requested extra patrol in the area at bar close, as he had heard rumors of a possible fight to occur involving out of town individuals. No fight observed.

**Polack Inn**, 1206 N. 3<sup>rd</sup> Ave., Event #13-69901, 06-16-13 at 2:17am: Officer responded to the Polack Inn for an anonymous report of loud music that could be heard several blocks away. Upon arrival, the officer was unable to substantiate the complaint, as the music was unable to be heard outside of the establishment.

**Roc's Place**, 810 S. 3<sup>rd</sup> Ave, Event #13-67317, 06-10-13 at 2:08am: Officers were sent to Roc's Place for a report of a fight outside. Investigation revealed that a male had located a pool cue in the grass next to Roc's Place and put it next to Sidetracked Bar because he thought it belonged there. Some shouting occurred when someone identified the cue as belonging at Roc's Place. The owner of Roc's Place came out and claimed the cue. Everyone denied that a fight had occurred.

**Showtime Gentlemen's Club**, 1709 Merrill Ave., Event #13-70626, 06-17-13 at 7:30pm: Officers responded for a report of a fight in the parking lot between two females, in which one of the females had left the scene. The fight was reportedly an extension of an incident the day before. The remaining female denied injuries. The female that fled was identified, and her probation agent was contacted. The investigation is continued.

**Tremor's Sport Bar**, 516 W. Thomas St., Case #13-6284, 06-09-13 at 2:27am: Officers were dispatched for a report of a fight at Tremor's. As a result, two adult males were arrested and jailed for Disorderly Conduct. A third male was referred to the District Attorney's Office on a charge of Disorderly Conduct.

#### **ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED**

Respectfully submitted,

Lt. Todd A. Baeten