

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, August 19, 2013, at 5:15 pm, (Council Chambers)

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

Others Present: Alfonso, Hardel, Buchberger, Tipple, Rayala, Goede, Mielke, Melissa Dotter, Kris Berge, Dave Dickinson, Angela Cooper, Deb Ryan

Minutes of previous meeting(s). (6/17/13, 7/15/13, 7/29/13)

Motion by Kellbach, second by Gisselman to approve the minutes of previous meetings (6/17/13, 7/15/13, & 7/29/13). Motion carried 4-0.

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. (Angela Cooper)

Angela Cooper stated she was recently hired at the RStore which requires an operator's license. (*Winters entered the meeting.*) Cooper stated she didn't realize she had outstanding fines of \$368 for driving without a license and insurance from 2009. She explained this will be the first job she has had in a while so she needs the license to keep the job to pay the fine. She indicated she would pay \$100 towards it now. Rasmussen questioned if she could pay it off before renewal time and Cooper indicated she could.

Motion by Gisselman, second by Kellbach to approve the waiver to obtain the license and for the fines to be paid off in three months. Motion carried 5-0.

Discussion and possible action on public intoxication ordinance.

Rasmussen stated the cities of LaCrosse and Menominee have public intoxication ordinances in effect and the proposed ordinance is modeled after Menominee's. It allows for a fine to be levied when people are publicly intoxicated to the point where they are not able to function and are a danger to themselves or others.

Alfonso explained Wisconsin Statutes Chapter 51 has a stated policy that individuals who have alcohol problems should get treatment and prohibits people from being put in jail for alcohol intoxication. This ordinance is set up so that we not only have alcohol covered, but also controlled substance abuse or a combination of the two. There are two categories: incapacitated and intoxicated persons. By definition an incapacitated person is unconscious or so impaired that they can't make rational decisions for themselves. An intoxicated person is substantially impaired. She noted you can't be cited just because you are intoxicated, you also have to be creating a public nuisance.

Rasmussen noted the ordinance is triggered by behaviors rather than a specific blood alcohol content level, because people with the same blood alcohol content can behave very differently depending on metabolic factors. She stated a first offense is \$150 plus court costs and subsequent offenses \$300 plus court costs.

Motion by Winters, second by Gisselman to approve the public intoxication ordinance. Motion carried 5-0.

Discussion and possible action on operation of guidelines and application documents regarding the Wausau Area Access Channels (referred back from Council on 7/9/13, file no. 01-1213)

Rasmussen stated the Council referred this back to us to analyze two things: whether the policy document and the forms that were created by public access staff are satisfactory; and whether or not we as a municipality want to charge for locally produced content, including churches. The method of operation of WAAC, the concept of outsourcing it to someone else to run is not under consideration because that question was not on the Council floor. She noted their operating budget is currently at \$47,190, which is essentially the cost to put everyone on for free because that is what they are doing now. Committee packets contained coverage maps; a list of local producers, churches, educational, government and message board users; programming schedule; and legal opinion from Anne Jacobson. She noted they source a fair amount of programming content from the Internet which they get for free.

Dave Dickinson and Kris Berge explained to the committee what they do for WAAC and about the programming. Berge indicated programming from the Internet is approximately 5-10%. Rasmussen stated the policy proposal would charge independent producers and churches for airtime, but educational, government and message board users would not. Dickinson talked about possible commercial sponsors, grants and a relationship with a 501C3 to help fund WAAC. The problem to consider with regard to 501C3 is the city no longer maintains control over the

channels. He felt they need to make money through production. Rasmussen suggested partnering with a 501C3 to write grants and help without giving up control of the channel. Wagner stated we can't charge only certain entities and everyone needs to be treated fairly. He felt an association with a formed 501C3 could be that arm that could bring the funding off the specific parishes and garner it through the 501C3 some way. Rasmussen questioned how much they would earn by charging the current local producers. Berge stated if they all stayed it would be approximately \$12,000 per year. Dickinson commented he would like to put music events that happen at churches on the channel and with 501C funding we could do that as well.

Winters questioned how web streaming worked and how they could make money on it. Dickinson stated currently we are on demand, not streaming. He explained streaming is a little more expensive and they would have to get a website for it. He stated he was personally a fan of on demand over streaming, which was kind of an old school concept that says when an event is happening you get to see it now. Winters suggested charging a subscription for on demand. Dickinson stated they could, but he felt the right way to go was in the direction of getting advertising or sponsors, as well as going after more public programming, such as the arts and non-profits. Winters also suggested selling the dvd's of the on demand programming for those that might want to keep it to watch whenever they wanted.

Dickinson stated local producers are bringing us a fully packaged production that can go right out on air for free and meets our mandate for providing local programming. He stated to start charging them and have some of them go away because of it would bother him. Rasmussen commented we have to decide as a municipality if we are in public access to succeed or not and then create a funding mechanism to make that happen.

Rev Oliver Burrows stated they could try to develop a hybrid model of government and private or a 501C3, which he has been working on, but did not feel the employees working 15 hours a week was enough. He was trying to develop a marketing plan and felt we need to look at other vehicles to bring in grant monies for seed money.

Bruce Olbrantz indicated he has written up a proposal for a 501C3 to contract with the city for public access television and has been working with Rev Burrows. He stated they are open to trying to set up a nonprofit which could work with the city; they were not trying to take over the actual broadcasting and the city would still own the channels. They want to create more diverse programming and find different channels of revenue. He felt more programming should be put on the air to promote the City of Wausau and publicize tourism.

Motion by Winters, second by Gisselman approve the policy of operation documents with the deletion of Section 3(d)8 as well as the reference to charging on the application. Motion carried 5-0.

Discussion and possible action on policy for review and approval of Class III event permits.

Rasmussen stated the committee directed staff to come up with an internal policy that we can use to approve the smallest events. Rayala stated the timing is exacerbated by having only one Council meeting in the summer months which has resulted in the events that have occurred before ever getting to committee and/or Council. She explained the proposed policy would give the clerk or deputy clerk the authority to issue Class III event permits contingent upon departmental approvals and fees paid.

Motion by Wagner, second by Winters to approve the policy for Class III events. Motion carried 5-0.

Discussion and possible action on amendments to 8.08.200, Dangerous Animals, including amendments to dangerous animal restrictions and other subsections.

Alfonso explained these small changes were the result of things we've learned as we've gone through the process. It clarifies when people have to comply with the ordinance; five days to comply with 6b in reference when they have to have a kennel on their property. They must have a kennel regardless of muzzling and/or leashing. Clarification was made on number of days to file an appeal and the scheduling of meetings. The provision for impounding at a local humane society rather than a veterinarian's office is added and a reference to opting out of Chapter 68 Administrative Procedure Appeal.

Motion by Winters, second by Kellbach to approve the amendments to 8.08.200. Motion carried 5-0.

Consider various license applications.

Rasmussen stated the application of Nerissa Baumann has been recommended for denial and asked if she was present. Goede explained the letter regarding the denial recommendation and appeal to the committee was returned by the postal service and the phone number was disconnected. Ms. Baumann called last week and was informed of the denial due to an OWI conviction in 2010 that along with convictions 2004 and 2005 met the criteria of three within ten years. Goede indicated that Ms. Baumann elected not to have another letter sent to her or to attend the meeting to appeal. She was told that in a year or two when the older convictions fell out of the ten year span she could reapply.

Rasmussen stated CVS Pharmacy was applying for a Class A Beer license for the new store. Goede noted CVS called today and asked that the application be amended to a Class A Beer & Liquor because they intended to sell wine as well. She noted they have paid for a 60 day Provisional Retail License in order to open on August 25th.

Rayala explained the Mobile Vendor applications, noting that T'Xer Zhon Kha has a vending truck but has not completed all the requirements of the application and has now indicated he will wait until next year. Rasmussen suggested pulling Kha's application from the list.

Rasmussen stated the Oktoberfest Brew Lovers event is asking for the closure of 4th Street and will need to submit a waiver request if they want to allow beer on the street. She also requested that St. Paul's United Church of Christ provide insurance for the Applefest event because they indicated on the application that it wasn't needed. (Note: *St. Paul's UCC subsequently withdrew their application for Applefest.*)

Motion by Wagner, second by Winters to approve or deny license applications as recommended by staff, with the exception of T'Xer Zhon Kha, Mobile Vendor. Motion carried 5-0.

Tavern Activities / Compliance Checks / Law Enforcement Activities

Hardel presented the Tavern Report from July 5, 2013 thru August 4, 2013. (*See attached.*)

Rasmussen questioned what was going on at Intermission. Hardel stated most of the incidents reported at Intermission were for open intoxicants outside in the back of the bar. He indicated he met with the owner and management and they have agreed to help us rectify the issue of people going out in the alley behind Intermission to smoke and taking alcohol with them. One of their ideas was to place an emergency exit only door in the back so they can't go in and out from there.

Communications

Rayala stated that Maryanne Groat wanted the committee to know that she has been trying to meet with Dan Guild of Weston regarding raising pet fees but they have not yet had an opportunity.

Rasmussen distributed packets for the Push Back Against Drugs Campaign left by Melissa Dotter which are being passed out in neighborhood walks and groups.

Wagner requested that the cell phone ban while driving issue be brought back to the next committee meeting.

Adjournment

Motion by Kellbach, second by Gisselman to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 6:55 p.m.

Attachment

Wausau Police Department



James E. Tipple
Mayor

Jeffrey G. Hardel
Chief of Police
(715) 261-7801

Date 08-04-13
To Chief Hardel
From Lt. Todd Baeten

Subject TAVERN REPORT July 05, 2013 thru August 04, 2013

ROUTINE TAVERN INSPECTIONS (No violations unless noted)

101 Pub, 101 N. 3rd Ave.

6th Street Pub, 2002 N. 6th St..

Baker's Retreat, 1418 Lenard St..

The Bar, 1025 S. 3rd Ave.

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

Bull Falls Brewery, 901 E. Thomas St.

Cabaret, 204 E. Rib Mountain Dr. (case # 13-7481 municipal citation for No Licensed Bartender on Premises)

Callon Street Pub, 209 Callon St.

Campus Pub, 1110 W. Campus Dr.

The Chatterbox Bar, 102 S. 2nd Ave.

Cheers Bar, 101 E. Thomas St.

Cop Shoppe Pub, 701 Washington St.

Day Bowl-A-Dome, 1715 Stewart Ave.

NOTABLE INCIDENTS THAT OCCURRED AT TAVERNS THAT POLICE WERE DISPATCHED TO

Cabaret, 204 E. Rib Mountain Dr., Case #13-7481, 07-15-13 at 1:04am: Officer conducting routine tavern check discovered there was not a licensed bartender on scene. Bartender was the owner's daughter, but does not live with the owner. Bartender and owner were both issued municipal citations for violation of 5.64.010 / 125.68(2) "No Licensed Bartender on Premises."

Cop Shoppe Pub, 701 Washington St., Case #13-7475, 07-14-13 at 9:23pm: Officers were dispatched to Cop Shoppe Pub for a report of a man on a bicycle near the back door shouting at people. The male was transported to HCC for an alcohol detention after registering 0.33BrAC on a preliminary breath test.

The Fillmor, 310 N. 4th St., Case #13-7427, 07-13-13 at 1:40am: Officers observed a male fall on the sidewalk near the Fillmor Bar and hit his head on the group. It was reported that the male had been walking around downtown for some time, and was recently refused entrance to Fillmor. The male was arrested for Disorderly Conduct, Lewd and Lascivious Behavior, and Throwing Bodily Fluids at a Public Safety Officer. The male was also held in jail on a probation hold.

Intermission, 325 N.4th St., Case #13-7304, 07-09-13 at 1:23am: Officers responded to the area behind Intermission Bar for a report of people outside possibly drinking. A male leaving the bar was recognized by an officer as being out of jail on bond. A check of CCAP records confirmed this, and the male was confronted. He admitted to drinking a couple of beers. He was transported to the ER for a blood draw before being taken to jail for felony bail jumping.

Intermission, 325 N.4th St., Case #13-7478, 07-15-13 at 1:25am: Officer observed a male outside Intermission Bar drinking from an open bottle of beer. Male was contacted and cited for Liquor On Street.

Intermission, 325 N.4th St., Case #13-7650, 07-19-13 at 11:17pm: Officer observed a male standing outside Intermission Bar drinking from an open bottle of beer. Male said he usually keeps the beer in his pocket. Male was cited for Liquor On Street.

Intermission, 325 N.4th St., Case #13-7697, 07-21-13 at 2:20pm: Officer responded to the Intermission Bar for a report stolen purse. No suspects.

Intermission, 325 N.4th St., Case #13-7806, 07-24-13 at 7:35pm: Officer observed two females with open alcohol containers on the sidewalk in front of Intermission Bar. The females indicated they purchased the alcohol in closed containers from another location and had been watching the band on the 400 Block before moving to the area in front of Intermission. Both females were cited.

Jim's Corner Pub, 1244 S. 9th Ave., Event #13-82378, 07-14-13 at 7:49pm: Officers responded along with Wausau Fire personnel to Jim's Corner Pub for a report of a diabetic male experiencing some medical problems.

Malarkey's, 412 N. 3rd St., Event #13-85106, 07-21-13 at 1:35am: Officers stopped at Malarkey's after observing an intoxicated male fall in front of the bar. He denied medical attention and was released to another male who agreed to take him home.

Mountain Lanes, 1401 Elm St., Event #13-78565, 07-05-13 at 9:03pm, Officers were dispatched for a report of a fight involving a vehicle chasing people around. The vehicle and all involved were gone prior to officer arrival. There was no known direction of travel and no further description.

Mountain Lanes, 1401 Elm St., Case #13-7233, 07-06-13 at 8:30pm: Officers were dispatched for a report of a possible drug deal occurring in the parking lot. Further investigation revealed this was an incident involving a violation of a no-contact order. A male was arrested for misdemeanor bail jumping and transported to jail.

Paradox, 932 S. 3rd Ave, Case #13-7457, 07-14-13 at 1:40am: Officers responded to Paradox for a report of several people fighting. A 27 year old female was arrested for disorderly conduct and transported to jail. A 23 year old male and a 27 year old male were arrested for disorderly conduct; however, they were both transported to the hospital for injuries they sustained from the fight. Ultimately, both male parties were admitted to Aspirus Hospital; therefore, they were both referred to the Marathon County District Attorney's Office for disorderly conduct.

Paradox, 932 S. 3rd Ave, Case #13-7611, 07-19-13 at 12:05am: Officers were sent to Paradox for an anonymous complaint of underage persons in the bar. A 19 year old female was arrested for obstructing, and the bartender was cited for serving an underage person (#145015154).

Polack Inn, 1206 N. 3rd Ave., Event #13-84126, 07-18-13 at 11:30pm: Officers were dispatched to the area of Polack Inn for a complaint of loud noise. Officers discovered the loud noise was due to a live band playing. The windows were closed, and the noise was reduced significantly.

Roc's Place, 810 S. 3rd Ave, Event #13-85896, 07-22-13 at 11:57pm: Officer were sent to Roc's Place for a suspicious activity complaint. An intoxicated female was escorted to a friend's house a couple of buildings away. A sober friend agreed to care for her.

Showtime Gentlemen's Club, 1709 Merrill Ave., Case #13-8921, 08-02-13 at 11:24pm: Officers responded for a report of an altercation between a male and female. As a result of the investigation, the female was cited for Underage Alcohol Consumption (she had consumed off-site), and the Showtime staff member working the door was cited for Allowing an Underage Person on Premises.

CONVENIENCE AND GROCERY STORE CHECKS (no violations unless noted)

Townline Market, 916 Townline Rd. 07-29-13 at 4:55pm: License was not posted in area where business is conducted. Officer offered counseling on this, and was advised the license will be moved.

R Store #6, 103 N. 6th St., 07-29-13: License was not properly posted. Officer instructed proper posting to ensure compliance.

Crossroads County Market, 220 S. 18th Ave, 07-29-13 at 9:40pm ; One of the managers had just left for the evening, not realizing he had been the only one in the store with a license. Alcohol sales were temporarily suspended until a second manager arrived a short time later.

ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED

Respectfully submitted,

Lt. Todd A. Baeten