

PUBLIC HEALTH & SAFETY COMMITTEE

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

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

Others Present: Alfonso, Hebert, Rayala, Bliven, Goede, Daniel Olszewski, Ofc Schremp, Ashlee Bishop, Adam Willhite.

Hearing: Appeal of dangerous animal designation assignment (Olszewski)

Mr. Olszewski agreed that he received copies of the dangerous animal provision in Chapter 8 of the Wausau Municipal Code, the police report, and a notice of the review hearing. Ofc. Shremp spoke first regarding the day of the event which occurred on July 13th on Wyatt St on a report of a dog bite. The victim noticed an unidentified male trespassing on his property the victim then followed the unidentified person through his back yard out onto Imm Street. A dog jumped on the unknown male then it ran towards the victim circled him growled, showed his teeth, and bit the victim in the arm. The owner, Mr. Olszewski, came and grabbed the dog and took it into his house. Ofc. Shremp spoke with the owner about the dog. Pictures of dog and injuries were taken. The dog was unleashed, and unlicensed, but Mr. Olszewski believed he was update with rabies. The previous owner was called but was unavailable. Ofc. Shremp gave him one hour to get an answer, the answer came back that the dog was not up to date with the rabies vaccine. The dog was quarantined at the Humane Society. Mr. Olszewski was given 3 citations: Dog at large, Dog not licensed and Dog not properly vaccinated for rabies.

Ashlee Bishop the Animal Control Officer spoke next. She did a follow up visit with the dog and with Mr. Olszewski on October 23rd. Mr. Olszewski brought the dog (Klause) out with him, the dog was barking, staring intensely at her, while jumping and height seeking, the dog also muzzle punched her to show dominant behavior. Ofc. Bishop felt that the owner would not be able to control the dog if she went farther. The dog had also been spotted off leash by a neighbor since the original incident. Another citation was issued to the dog owner at this time as he had not yet gotten the dog licensed in the city of Wausau.

Mr. Olszewski had a question/comment for Ofc. Bishop regarding the muzzle punch, saying that she was squatted down and that all the dog had to do was lift its' head to bump her, how was that a muzzle punch.

Ofc. Bliven reviewed the report of the incident and spoke with Ofc. Bishop, and issued the declaration of dangerous animal designation.

Mr. Olszewski stated he lives at 204 Imm Street and the dog is a male German Shorthair named Klause. He had owned the dog about 6 weeks when the incident happened. He stated he believed it was the 2 year rabies shot however, it was found out to be only a 1 year vaccination after contacting the previous owner. The dog was then taken out to the Humane Society and there were no issues in doing so with the dog and the workers at the Humane Society. Mr. Olszewski stated that no indication was given by the officers that the dog would be considered a dangerous animal since it was an isolated incident, and he is keeping the dog leashed. The 2nd time it was reported that the dog was loose to the humane officer by the neighbor, the Olszewski children had left the door open, and it was a pizza delivery driver. The dog did not bother the pizza delivery person, he just ran outside. Mr. Olszewski expressed that he has 2 small children that play with the dog and the dog is good with them and the neighbor, has since met the dog again and has had no problem. The neighbor also said that in first incident the one person was intoxicated and barking back at the dog, also the dog is having follow up training in obedience and hunting.

Rasmussen asked if the dog was licensed at this time. Mr. Olszewski said no that he is waiting for medical records and was not aware that the license is state wide when informed that by Clerk Rayala. Rasmussen asked about the visit from Ofc. Bishop and if the dog was able to be controlled, Olszewski stated the dog is very strong. Winters asked if Mr. Olszewski had witnessed the incident, Olszewski said no, that all of his statements regarding that are hearsay. When asked by Rasmussen how he found out about the neighbor being bitten, Olszewski said he heard the neighbor yelling at the dog, and came out of the house at that time. The neighbor is not at this meeting. Ofc. Bishop stated when she stopped the second time to give the dangerous animal declaration the dog was friendly and ran out of the house but stayed in the yard.

Motion made to convene to closed session by Wagner, 2nd by Kellbach. Roll call vote all yes.

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.

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

Having heard the testimony of the parties the committee finds there was no substantial testimony that the dog was provoked, and that the designation of Klause as a dangerous animal as defined in the Wausau Municipal Code 8.80.200 is justified and upheld.

Minutes of previous meeting(s). (10/21/13)

Motion by Gisselman, second by Winters to approve the minutes of the previous meeting (10/21/13). Motion carried 5-0.

Property Maintenance and Housing Code Violation Enforcement Report - Inspections (Bill Hebert)

Hebert states that with the resources they have they are focusing on some of the major issues and have doubled the orders in 2012-2013 on accessory buildings, exterior buildings and interior buildings. Hebert noted on a table/chart provided, that with the addition of 2 more employees in these inspections, they are seeing more compliance with the personal contact but the contact does take more time. Wagner inquired about the number of citations issued, and the amount of time given to correct violation issues and issuing fines. Hebert stated they are in the process of coordinating with the police dept. to focus on these issues, and looking at the zoning ordinance to remove the written warning notice on some of the issues which are just taking care of the property. Wagner noted a lot of the issues to him are just fineable issues and in doing so the repeat offenders would stop because they will be fined. Rasmussen feels in her district they are making progress both on exterior issues as well as parking, garbage etc. Hebert is hopeful that a change in zoning codes will go through the Planning Commission.

Consider various license applications.

Rasmussen indicated there were two Operator licenses applications recommended for denial by Cpt Bliven for Dane Bjorklund and Adam Willhite. It was noted that Dane Bjorklund was not present.

Rayala explained Mr. Willhite called today and indicated the information found in his background check was incorrect because he has not had any charges since 2007. She noted his name had been misspelled when initially entered, but upon searching under the correct spelling the record came back the same.

Adam Willhite stated he had an OWI in 2007 and has not had anything, even a parking ticket, since that time. Rasmussen stated the record shows an OWI in 2010 as well. Willhite stated this was related to the 2007 incident. Capt Bliven stated he ran a separate background check at the police department today. It came back for Adam Douglas Willhite, DOB 03/30/1981, with his picture, arrested and convicted for an OWI and fleeing an officer in 2010; this also shows up on his driver's license record. Bliven stated this is a separate offense from the 2007 OWI and he was also arrested for fleeing an officer in 1999. Wagner questioned Bliven if he was still recommending denial and Bliven indicated that was correct. Rasmussen informed Mr. Willhite that he has the right to appeal to the full Council on December 10, 2013.

Rasmussen stated prior to this meeting the Liquor License Review Subcommittee met to consider the application of Hudson Burger, LLC, d/b/a Milwaukee Burger Company, 2200 Stewart Avenue. The subcommittee unanimously approved the application and it is included on the license list.

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

Consider ordinance amending Section 6.48.010 Mowing required - exempting Tribute Golf Course.

Motion by Wagner second by Winters to discuss this. Winters has not had any complaints regarding the golf course which is in his district. Rasmussen stated one of the neighbors talked to her about the scruffiness of the golf course. Gisselman asked is there any recourse if the golf course is not mowing or being taken care of very well in the light of this action. Rasmussen said that the Public Health and Safety Committee would have to come back to repeal this. Wagner said there has to be guidelines as to what grasses can be planted, that it has to be professionally maintained. Rasmussen suggests that at this time it be differed and that we get a more defined list of grass etc. when it is ready.

Tavern Activities / Compliance Checks / Law Enforcement Activities

Captain Bliven was present to answer questions regarding the Tavern Report from October 4, 2013 thru November 5, 2013. (*On file in Clerk's office*) Intermission was awarded another 25 points for liquor on the street. Rasmussen stated it is within the scope of the ordinance to consider a suspension if the committee wants to do that.

Bliven said the owner has been cooperative in trying to remedy this issue, the committee directed the police to have a conversation with the owner again.

Communications

Wagner would like an update on the cellphone use to be put on next months' agenda. Rasmussen would like a monthly report on pet license regarding volume and numbers.

Adjournment

Motion by Winters, second by Gisselman to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 6:28 pm