

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, March 17, 2014, at 5:15 pm, (Council Chambers)

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

Others Present: Alfonso, Hebert, Borchardt, Rayala, Hardel, Barnes, Marquardt, Werth, Goede, Nagle, Oberbeck, Dick Holster, Johnathan Frost, Phil Valitchka, Jennifer Maerz, David Raab.

Minutes of previous meeting(s). (2/17/14)

Motion by Kellbach, second by Gissleman to approve the minutes of the previous meeting (2/17/14). Motion carried 5-0.

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. (Johnathan Frost)

Johnathan Frost addressed the committee indicating he recently set up a payment plan with the Judge for Municipal Court fines totaling \$1,556.80 and is current with his payments. He stated he was seeking a bartender's license in order to move up to management in his job at Applebee's.

Chief Hardel stated he had spoken with Mr. Frost on the phone regarding his previous alcohol and drug violations and indicated approval to him, however, he did not have his actual criminal history record in front of him at that time. He has since reviewed the record and found that there are significant entries dating back to 2005, with a couple felony convictions for theft, as well as misdemeanor criminal damage to property convictions, domestic abuse, habitual criminality, disorderly conduct in 2009; resisting and obstructing in 2012; and OAR and bail jumping in 2013. Hardel stated he is now recommending that the committee not approve the bartender's license application. He requested that Mr. Frost be refunded the license fee since he had applied and paid with the understanding that he would be approved.

Frost acknowledged that he had a bad criminal history but was trying to turn his life around; he was not looking to bartend, he just wanted to move up to management. He stated he just got his license back and has the I.I.D. in his car and is trying to do everything by the book now. He noted he had an Operator's license in Weston and had no issues with it. He questioned what he would have to do to get a license in the city. Hardel responded that he supported his initiative to get himself on the right track, but he would need him to go at least a couple years without any violations before he would consider approval for a license.

Motion by Winters, second by Kellbach to waive the requirement to hold the license for the payment of fines owed to the city by Johnathan Frost. Motion failed 0-5.

Rent Abatement Hearing (Jennifer Maerz)

Rasmussen explained the procedure for the hearing and the clerk swore in all that were to give testimony.

Jennifer Maerz, 158 Bertha St, testified to the issues beginning in October 2012 with a crack in the ceiling of the bathroom, leaking. A drop ceiling was installed, but leaking continued through it from the bathroom in the apartment above; a bucket was needed to be placed below the leak in order to use the bathroom and the ceiling eventually collapsed. She also stated there were electrical issues in the basement that appeared dangerous to her. She noted all the times she called the landlord for help and the difficulties she had in getting the issues fixed. *(Detailed report on file)*

Phil Borchardt, Inspector, indicated he made a number of inspections to the property following up on a complaint by the tenant. He determined there were not operable smoke detectors or carbon monoxide detectors; open electrical wiring hanging in the basement and an electrical box on the floor near sitting water; a water leak with sewage coming down from the apartment above into her bathroom. *(Photos on file)* He noted there was no progress at the follow-up inspection. The landlord was unresponsive to phone calls and letters listing the violations. He reviewed the dates when the corrections were completed.

David Raab, Landlord, stated he was on vacation when the tenant called and his cell phone was in his luggage which was lost and not delivered until five days after his arrival. He indicated when he returned from vacation he saw the letters from the Inspections Department and he contacted the tenant and went over with his maintenance man. He explained what he found and what repairs he did.

Following testimony and questions the committee deliberated. Winters felt the violations were egregious, the response was woefully inadequate, and our building inspectors made numerous observations to verify the facts. He stated the 95% abatement would be appropriated. Alfonso noted the abate-able rent goes back to the date of the initial inspection, which was December 31st until the date of correction. Rasmussen stated the maximum allowable in this instance is 90% of the rent.

Rasmussen stated the result of the hearing is rent abatement for 30 days at a rate of 90% of the rent. She noted Ms. Maerz will be refunded the application fee by the landlord as well. She indicated a letter will be sent out to both landlord and tenant with the determination.

Discussion and possible action on immediate enforcement of certain property violations including amending, repealing and creating sections of the Wausau Municipal Code to implement enforcement program for certain minor, non-structural property code violations

Alfonso indicated she set some fines at \$30 and junk vehicles at \$50, but they were free to change it if they wish.

Dave Oberbeck questioned to what extent this was an issue, as far as garbage cans being left out, that we are actually going to fine people for it. Someone may be working and unable to put it away and will get cited for \$30. He had an issue with penalizing everyone and not solving the problem. He felt we seem to be creating more and more ordinances lately.

Lt Barnes clarified that currently citizens of Wausau receive \$124 citation for not having their refuse containers brought back in; that's assuming they are issued a citation for it. He explained one of the reasons we wanted this type of fine structure is because it is far more reasonable to issue a \$30 citation than one for \$124, which is very high. The \$30 citation allows the CSO's to have a conversation and not have people so upset with them that they are refusing to listen. He stated part of the plan is to work with these residents to make sure that these issues no longer exist, but at some point there has to be some type of punitive forfeiture available as part of that process.

Barnes indicated there will be a lot of time spent training the CSO's on when and how to use discretion in writing citations. The intention is to change behaviors, not just to punish and fine people. Wagner felt this is exactly what we as a community need because the face-to-face communication and educational elements are what have been missing. Barnes noted the CSO's have the option, depending on how egregious or repetitive the situation is, to choose between the \$30 ticket and a municipal citation for \$135 with court costs associated with it.

Rasmussen questioned if we can have the communication with residents without the fines. She was concerned about new residents who may not be aware of all the regulations. Oberbeck stated ordinance is for an "immediate citation," so if you don't write the citation you are selectively enforcing. He felt the ordinance should provide for a certain amount of direct contacts and then a citation, rather than picking and choosing. Barnes stated he had faith in his CSO's ability and sometimes the citation will be immediate. Winters stated he was very comfortable with this as presented and with the discretion.

Winters stated the violations on this list make up about 70% of the warning letters that were issued by the Inspections staff in 2013. If we are able to hire CSO's for neighborhood patrols, this is going to be a significant lifting of work load for the Inspections staff and free them up to work on the program for landlord licensing. He commented hiring temporary employees and an additional clerical employee will cost money and he would rather it came from the people causing the problems before going to the general tax payer.

Motion by Winters, second by Wagner to approve ordinances on immediate enforcement of certain property violations. Motion carried 4-1 (*Rasmussen was the dissenting vote.*)

Discussion of domestic animal microchip identification, possible future ordinance requirements, microchip reader technology options for humane officer and related costs, and ideas to increase use of microchip ID technology by pet owners.

Dave Oberbeck felt we could save money for the city if we just made pet owners a little bit more responsible. He suggested when a stray animal is brought to the Humane Society and the owner is contacted that they become responsible for boarding costs from that point on. He also suggested holding occasional pet clinics to provide micro-chipping at a reduced cost. If an owner can provide proof of micro-chipping, perhaps we could give a

discount on licensing for one year to encourage it. Wagner was concerned that many people can't afford to have the micro-chipping done at the veterinary office. Chief Hardel noted the Humane Officer is working on a program whereby she obtains some sponsors for a "pet rodeo" at which they will be able to register and micro-chip pets at a very cheap fee.

Rasmussen stated with dog licenses we have a statutory obligation to turn part of the revenue over to the county, so we can't just give that license away. Another thing pointed out to her by the Finance Director is that a portion of our license revenue is going to support the cost of Petdata and the rest of it for animal control, so we may not be able to afford to give them a free pass if they bring in a micro-chipped animal. Oberbeck commented if we don't micro-chip, it will cost us \$200 per cat to the Humane Society. He felt that \$10 incentive is still providing savings to the city if these pets get micro-chipped.

Pet licensing sales update.

Rayala presented a report of sales data. Chief Hardel recommended they request from the Finance Director the amount of money that has come from Municipal Court fines into animal control, because he was not sure that mechanism was in place. Rasmussen indicated she would obtain that information and bring it to the update next month. Oberbeck requested seeing some statistics on the success of the animal control officer. Barnes indicated he could provide the information he presented to committee last month to the Council via the minutes.

Winters commented we have a 20% penetration of the 11,000 dogs; however, the cat numbers are really pretty scary because there are approximately 12,000 cats in the city, so that is only a 7% penetration. We will be expected to do something about the cat issues, yet cat owners have thrown nothing into the game. (*Winters exited the meeting.*)

Consider various license applications.

Rasmussen referred to the list of license applications before the committee and noted that the Operator's license for Johnathan Frost has been recommended for denial.

Motion by Gisselman, second by Kellbach to approve or deny the various applications as recommended by staff.
Motion carried 4-0

Tavern Activities / Compliance Checks / Law Enforcement Activities

Hardel presented the Tavern Report for February 03, 2014 through March 06, 2014. Report placed on file. (*See attached*)

Hardel noted at one of the public meetings held for the impaired server ordinance there was discussion about how many times police department does bar inspections. He stated they do inspections four times a year, so every bar can expect an inspection quarterly. Grocery stores and service stations can expect inspections three times a year. Compliance checks is where an underage person is sent in to an establishment to see if they can purchase alcohol and although he indicated his goal was to do them three times a year, last year it was only once and we haven't done it this year yet.

Communications

Richard Holster, 2808 Franklin Street, requested the committee consider two items on a future agenda; one was the use of Community Service Officers with inspections. Rasmussen indicated they already are able to call CSOs, if necessary. Holster questioned if there was some way to keep a property from being designated a nuisance property if people have made a reasonable effort to cooperate and solve the issue.

Adjournment

Motion by Kellbach, second by Gisselman to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:05 pm.

Attachment

Wausau Police Department



James E. Tipple
Mayor

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

Date **03-06-13**
To **Chief Hardel**
From **Lt. Todd Baeten**

Subject TAVERN REPORT February 03, 2014 through March 06, 2014

ROUTINE TAVERN INSPECTIONS (No violations unless noted)

Denmar Tavern, 601 W. Thomas St.

Domino Bar, 740 Washington St.

Eagle's Club, 1703 S. 3rd Ave.

The Fillmor, 310 N. 3rd St.

Glass Hat, 1203 N. 3rd St.

Hiawatha Restaurant & Lounge, 713 Grant St.

Intermission, 325 N. 4th St.

Jim's Corner Pub, 1244 S. 9th Ave.

Kruse In, 1724 Merrill Ave.

Labor Temple, 318 S. 3rd Ave.

Limerick's Public House, 121 Scott St.

Loppnow's Bar, 1502 N. 3rd St.

Lumpy's, 265 Chellis St.

NOTABLE INCIDENTS THAT OCCURRED AT TAVERNS THAT POLICE WERE DISPATCHED TO

101 Pub, 101 N. 3rd Ave., Case #14-1052, 02-08-14 at 12:45am: Officers and EMS personnel from Wausau Fire Department responded to the 101 Pub for a report of a male that was struck by a vehicle. It was learned that a highly intoxicated male had left the 101 Pub with his girlfriend. He was standing behind her vehicle as she was backing it away from the curb. The vehicle bumped into the male. He was not injured, but was transported to corrections on a probation hold.

Bob & Randy's, 1515 N. 6th St., Case #14-1167, 02-11-14 at 10:08pm: Officer took a complaint of a stolen cell phone from Bob & Randy's The reporting party said he had left his phone near a machine in the bar and walked away, and the phone was gone when he returned. No suspects.

Campus Pub, 1110 W. Campus Dr., Case #14-790, 01-30-14 at 11:44pm: Officers responded for a report of an individual violating a no-contact order. A male was located there, and found to be in violation of a court order. He was arrested and transported to jail.

Cop Shoppe Pub, 701 Washington St., Case #14-1239, 02-14-14 at 7:28 pm: Officers were dispatched for a report of a male inside the bar with a concealed weapon. The male was located. No weapon was found. The male was intoxicated and discovered to be on probation. He was transported to corrections on a probation hold.

Days Bowl-A-Dome, 1715 Stewart Ave., Event #140022356, 02-24-14 at 2:57pm: Officers were dispatched to the parking lot of Days Bowl-A-Dome for a report of someone burning garbage behind the building. Officers were advised by staff that they were not aware of the ordinance prohibiting burning, and they would not do it again.

Days Bowl-A-Dome, 1715 Stewart Ave., Case #14-1609, 02-26-14 at 7:37pm: Officer had contact with a male who reported he had been contacted by a female while at Day's Bowl-A-Dome who offered him money to kill her boyfriend. The information was passed along to the detective bureau and the investigation progressed, resulting in the arrest of the female for Solicitation for Murder.

Denmar Tavern, 601 W. Thomas St., Event #140021831, 02-23-14 at 1:45am: Officers responded to Denmar for a report of a fight. Investigation showed that three people were involved with pushing and shoving each other during a misunderstanding. Everybody was separated and sent on their way after they declined to pursue charges.

Domino Bar, 740 Washington St., Event #140018153, 02-14-14 at 4:40pm: Officer responded to Domino Bar for a report of a fight between two males. One of the males had left prior to officer arrival. The remaining male was intoxicated and advised to come to the police department to provide a statement when he was sober. Investigation continues.

Domino Bar, 740 Washington St., Case #14-1492, 02-23-14 at 9:30am: Officer took a complaint of a theft from motor vehicle that had been parked at Domino Bar. The victim reported that his vehicle window had been broken and items taken out of his vehicle, including a dash mounted GPS unit. No suspects.

Glass Hat, 1203 N. 3rd St., Case #14-1490, 02-23-14 at 1:52am: Officer on patrol observed what appeared to be a struggle outside of the Glass Hat. Further investigation showed that bar staff had directed a male outside after he had acted disorderly and broke a cue stick. The male was arrested and transported to corrections for Disorderly Conduct and Criminal Damage to Property.

Glass Hat, 1203 N. 3rd St., Event #140024283, 02-28-14 at 10:52: Officers were dispatched to the Glass Hat for a report of a male that had been causing a disturbance inside the bar. It was reported he had been attempting to pick fights with other patrons. He had left the area prior to officer arrival. Bouncers at Glass Hat stated the male had arrived intoxicated and was not served there.

Intermission, 325 N. 4th St., Case #14-1392, 02-20-14 at 12:02pm: Officer took a complaint of a purse stolen from Intermission the previous night. The officer's investigation was able to develop a suspect, who admitted to having been in the bar but denied taking the purse. The suspect was transported to corrections for violating probation. Investigation continues.

Labor Temple, 318 S. 3rd St., Case #14-1251, 02-15-14 at 4:13pm: Officers responded to Labor Temple for a report of a male that had entered and passed out at the bar. The male was found to be on probation. He was transported to corrections on a probation hold and bailjumping charge.

Malarkey's, 412 N. 3rd St., Case #14-1758, 03-02-14 at 1:53am: Officer on patrol observed a male holding an open alcohol container (a glass) while on the sidewalk in the 300 block of N. 4th St. The male was contacted and stated he had just come from Malarkey's Pub. The male was cited for Liquor on the Street, and the glass was returned to Malarkey's. 25 demerit points are assessed to Malarkey's.

Showtime Gentlemen's Club, 1709 Merrill Ave., Event #140025890, 03-05-14 at 2:35am: Officer responded for a report of a stolen vehicle. It was later determined that the vehicle was not stolen, rather taken by the owner's boyfriend. The vehicle was located at McDonald's.

Tremor's Sports Bar, 516 W. Thomas St., Event #140015121, 02-06-14 at 11:24pm: Officers responded along with EMS personnel from Wausau Fire Department for a report of a male passed out on the floor after falling off his stool. Two of the male's friends agreed to take him home and care for him.

VFW, 388 River Dr., Case #14-1240, 02-14-14 at 9:30pm: Officer responded for a report of a male who had been kicked out of the bar by staff. The male was now requesting the bar be shut down. He said another patron in the bar had been harassing him over Facebook. Contact was made with the VFW agent, who advised the male was not welcome in the bar because he had been causing a disturbance. The male was sent on his way.

ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED

Respectfully submitted,
Lt. Todd A. Baeten