

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, April 21, 2014, at 5:15 pm, (Council Chambers)

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

Others Present: Alfonso, Bliven, Hebert, Rayala, media.

Select a Chairperson, Vice Chairperson and appoint two members to Liquor License Review Subcommittee for 2014-2016 term.

Withdrawn

Establish Regular Meeting Date and Time for 2014-2016 term.

There was consensus for the regular meeting to remain on the 3rd Monday of each month at 5:15 pm.

Ordinance Creating Section 8.01.011 Keeping of Honeybees.

Rasmussen explained the Bridge Community Clinic would like to raise honeybees to pollinate the Bridge Community Garden; however, our current ordinance regarding dangerous animals prevents them from doing so. She indicated Tara Alfonso researched the issue, talking with Milwaukee, Appleton, and Madison, as well as representatives from the Marathon County and Dane County Beekeepers Associations.

Laura Scudiere, Executive Director of Bridge Community Health Clinic, addressed the committee stating the community garden is a growing program from which we donated over a thousand pounds of fresh produce. They would like to have a couple of honeybee hives within the city limits. She noted they are not aggressive and would help pollinate the gardens. The community gardens would also like to sell the honey for sustainability. She indicated they supported the permit process for responsible beekeeping and thanked them for the consideration.

William Heipp, Vice President of the Marathon County Beekeepers Association, objected to the proof of formal education or sufficient practical experience requirement in the definition, stating it was too subjective. He did not believe a Humane Officer had the experience to make a decision on who does and does not have the qualifications to be a beekeeper. He disagreed with the definition of colony and hives and listed several other problems he had with the proposed ordinance which he felt had too many subjective terms. He questioned why it had to be an annual fee and felt it should be a one-time permit process. He indicated he would leave his notes with clerk for review by the committee and attorney. He believed the ordinance as written would expose the city to frequent and repeated lawsuits and asked that it be scrapped and they start over.

Bruce Paquette and Bob Bennis commented on the proposed ordinance. Bennis stated bees have different temperaments for different types. He felt lot size was important; the bigger the better to make sure the bees are far enough away from people and have a minimum amount of hives in town. He suggested going ahead and giving the ordinance a chance to work and amend it if necessary.

Wagner commented it is a very interesting thing to have bees in the city and it is important to give the beekeepers a chance. He did not want to put a financial burden on them, especially when he hears that a lot of bees die each year. He proposed trying it out with specific yard size and hive limits and go back and visit it after a season or two. He also proposed just a one-time fee to register the beekeepers, such as \$15. Rasmussen stated they could also consider something between an annual and a one-time fee, such as a five year permit as was done with the recreational fire pits.

Ben Bliven requested that the requirement in section d, number 2, to correct violations within 30 days be changed to 7 or 14 days because if we are receiving complaints it seems too long of a period to rectify a problem.

Motion by Neal, second by Gisselman to approve creating a Section for keeping of honeybees and revisit after one year and to amend section d(2) to 14 days. Motion carried 5-0.

Ordinance Amending Section 1.01.025(c)(1)(B) Schedule of cash deposits to include keeping of honey bees violations.

Rasmussen explained this ordinance deals with the penalties for violations, which was set at a flat \$100. Alfonso noted with court costs added it would be \$187.

Motion by Gisselman, second by Kellbach to approve the ordinance amending Section 1.01.025(c)(1)(B). Motion carried 5-0.

Resolution Authorizing the addition of fees to the City of Wausau Fees and Licenses Schedule adopted pursuant to Wausau Municipal Code §3.40.010(a).

Rasmussen stated this resolution is where we set the fee for the beekeeper permit.

Motion by Wagner, second by Neal to approve a one-time fee of \$20 which does not require renewal. Motion carried 5-0.

Motion by Neal, second by Kellbach to amend the beekeeper ordinance to remove the annual renewal provision. Motion carried 5-0.

Request to allow live outdoor music prior to Wisconsin Woodchucks games at Athletic Park (Mark Macdonald)

Rasmussen referred to the list of dates provided in their packets, noting the time for the music would be between 5:30 and 7:00 pm., before ballgames. Bliven did not feel there would be issues with noise since it is early evening. Rasmussen commented the neighborhood has been very supportive of Athletic Park and its activities overall.

Gisselman stated the music will be coming from the Neighborhood Park next to Athletic Park. He indicated he knew of one neighbor who was concerned about noise. Rasmussen noted they could try it and if it becomes a problem for the neighbors we can talk with Mark Macdonald to manage any issues.

Motion by Neal, second by Kellbach to approve the request for live music. Motion by 5-0.

Request for permission to serve alcohol in the grandstand/food court area - Wausau Area 4th of July Celebration.

Rasmussen stated this is an annual request to allow alcohol in the grandstand and food court area. It has been allowed because the grandstand area is a fenced area.

Tim Madison indicated one of the things they were looking at doing different this year was to move the beer tent from the midway into the grandstand area and moving the food vendors out to the midway. This way they would not have to serve in two separate areas. The beer tent on the midway requires fencing and more security to keep beer from going out onto the midway. He felt that keeping it all in one area will be easier for them and for the police. He stated they will still be wrist banding and they have a paid security company. He noted they do not allow beer in the grandstands during the fireworks shows.

Motion by Wagner, second by Kellbach to approve the request to allow alcohol in the grandstand area. Motion carried 5-0.

Property Inspection Report (Bill Hebert)

Bill Hebert reviewed his report, noting 72% of the violations have been closed out after the initial notice. He was hoping to get that number a little higher, but felt that was a pretty good representation that people are trying to clean things up once they are notified. He indicated they just hired a second property inspector and he is experienced and is already out on his own. A trifold reminder on Housing/Property Maintenance Standards was sent out with the water bills to residents. Hebert indicated rental licensing applications and letters will be mailed out next week.

Neal stated he received some feedback from people regarding the brochure that was sent out. He suggested some language changes to add a little friendlier tone on the back panel, such as where to get questions answered rather than just where to put in a complaint; make it a bit more of a communication piece rather than focusing on violations. Also some of the language inside was somewhat legalese for some people. He suggested possibly rewriting and redistributing again at some point in the future. Hebert clarified that recreational equipment is allowed in the side yard; this was misreported in one of the local newspapers.

Wagner stated he would like to address the immediate citation ordinance on the next agenda and indicated he will be proposing adjusting where the trash cans are acceptable and the time that they are put out.

Discussion and Evaluation of Mobile Food Vendor Permit process and review of 2014 Mobile Vendor applications.

Rasmussen commented food vending is incredibly popular, whether it is during events or downtown. She indicated they had applications from CJ's and Urban Street Bistro before them tonight. Rayala stated one of the things she will be changing is when the renewal applications are sent out, as this year they went out a little late and will need an earlier renewal schedule than the other licenses.

Clint Schultz, Urban Street Bistro, commented for the first season everything went very well and they were thrilled with how it was received by the public in general. He anticipated there may be a few more applicants this year now that people are getting a feel for how it works. Gissleman questioned how the winter market went for him this year and Schultz stated it was fabulous and also established a presence for the farmers as a place to sell their goods in the winter.

Motion by Wagner, second by Gisselman to approve the Street Vendor renewal applications. Motion carried 5-0.

Ordinance amending Section 5.62.030 Exemptions, and Section 5.62.060 Restrictions on Vending.

Rasmussen explained the amendment changes some of the language to clarify when mobile vendors can vend without a license. Alfonso stated the second set of changes was proposed because some people seemed confused as to whether the ordinance applied to them when they were vending at a special event or private property. This clarifies that anyone vending is subject to these rules whether they do or don't have a license, are exempt, are on private property, or on The 400 Block.

Motion by Kellbach, second by Neal to approve the amendments to the ordinance on vending. Motion carried 5-0.

Ordinance Creating Chapter 5.19 Escorts and Escort Services, establishing licensing requirements.

Rasmussen stated this was introduced at a previous meeting by Lt Barnes as a tool for the police to use to address the proliferation of online solicitation. In a couple of other communities he located a mechanism like this where the burden of proof is less.

Gisselman questioned what the burden of proof issue was. Lt Barnes explained in criminal court a prostitution charge is a Class A Misdemeanor and the burden of proof is beyond a reasonable doubt. In municipal court, which is a civil court, it is clear and convincing, which is a lesser burden. He stated the escort ordinance and the citations that would be written for it is different from prostitution. It allows us to differentiate between those individuals using online mechanisms for advertising for prostitution versus those who use it to try to run a legal business. He noted he has not yet seen one that actually represents as a legal escort service. This will allow the city to say you can't advertise yourself as an escort unless we know who you are and that you are a legal business.

Lt. Barnes stated the fine of \$2,000 helps to pay for the investigations of prostitution which are very expensive. Alfonso pointed out that the criminal court could impose a fine for prostitution of up to \$10,000 for the Class A Misdemeanor for prostitution. They felt the fine was reasonable and justifiable in light of the significant cost the department incurs. Barnes guaranteed that this will make it a lot harder to hire a prostitute in the City of Wausau and the risk being taken in doing so will be much higher.

Motion by Wagner, second by Kellbach to approve the ordinance creating Chapter 5.19 Escorts. Motion carried 5-0.

Ordinance Creating Section 9.04.135 Prostitution, adopting state prohibition and prohibiting other related conduct.

Rasmussen stated this is related to the escort ordinance and basically adopts state statutes onto the local level and imposes the same penalties.

Motion by Kellbach, second by Neal to approve the ordinance creating Section 9.04.135 Prostitution. Motion carried 5-0.

Ordinance Amending Section 1.01.025(c)(1)(B) Schedule of cash deposits to include violations of escort and escort services licensing requirements and prostitution violations.

Rasmussen noted this is for the penalties portion for the escort and prostitution violations. Wagner questioned how they chose the fine amounts. Barnes explained the fines are what are being used in the Village of Weston and City of Schofield and we want to be the same as them.

Motion by Kellbach, second by Wagner to approve the ordinance in reference to the schedule of cash deposits. Motion carried 5-0.

Resolution establishing and incorporating license, late, and registration fees for W.M.C. ch. 5.19 Escorts and Escort Services, into the City of Wausau comprehensive Fees and License Schedule at W.M.C. s.3.40.010.

Alfonso stated this is a resolution establishing the fees for the actual license for the escort services. She noted she called Grand Chute and Appleton to ask them what their fees were because although Schofield and Weston have passed the ordinance, they have not decided on their fees yet. She indicated Grand Chute and Appleton have \$500 for the escort service and \$500 for each employee that registers. She noted she informed Weston of the fee.

Motion by Wagner, second by Neal to approve the \$500 fee for licensing of escort services and escorts. Motion carried 5-0.

Pet licensing sales update.

Rasmussen referred to the spreadsheet that was in their packets and noted we are up 972 dog and cat licenses from last year. Report placed on file.

Consider various license applications.

Rasmussen reviewed the list of special event applications. Wagner commented that some signatures on the special event authorization forms were indistinguishable. He requested the form be modified to add a line to print the name and identify the department of the person reviewing the application.

Motion by Gisselman, second by Neal to approve or deny various applications as recommended by staff. Motion carried 5-0.

Tavern Activities / Compliance Checks / Law Enforcement Activities

Bliven presented the Tavern Report for March 7, 2014 to April 6, 2014. Report placed on file. *(See attached)*

Bliven commented on the noise complaint at The Intermission, noting the officer did not feel the music was excessively loud until the door opened when a patron left. He felt the establishment was doing everything they could and the complaint was unreasonable.

Communications

Gisselman requested an opportunity for public comment on agenda items be added to all future committee agendas. Rasmussen indicated it would be added as a standing item #1.

Adjournment

Motion by Neal, second by Kellbach to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:20 p.m.

Attachment

Wausau Police Department



James E. Tipple
Mayor

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

Date 04-13-14
To Chief Hardel
From Lt. Todd Baeten
Subject TAVERN REPORT March 07, 2014 through April 06, 2014

ROUTINE TAVERN INSPECTIONS (No violations unless noted)

Malarkey's, 412 N. 3rd St.

North End Pub, 1002 N. 3rd Ave.

Oz, 320 Washington St.

Paradox, 932 S. 3rd Ave.

Polack Inn, 1206 N. 3rd Ave.

Roc's Place, 810 S. 3rd Ave.

Showtime Gentlemen's Club, 1709 Merrill Ave.

Sidetracked Bar, 818 S. 3rd 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

101 Pub, 101 N. 3rd Ave., Case #14-2011, 03-09-14 at 1:05am: Officers responded to the 101 Pub for a report of a physical fight involving multiple individuals. Upon arrival officers made contact with several people, all of whom denied involvement and/or declined to pursue charges against others. During the course of the investigation, a female involved in the incident was observed operating a motor vehicle outside the tavern. The female was cited for OWI 1st offense. Video surveillance footage of the incident was later obtained and two adult females were mailed citations for Disorderly Conduct for their roles in the incident.

101 Pub, 101 N. 3rd Ave., Case #14-2247, 03-15-14 at 9:34pm: Officer on routine patrol was flagged down by a citizen outside the 101 Pub for an adult male that had fallen while exiting the tavern. The male was very intoxicated and hallucinating. He was treated by paramedics at the scene for injuries to his head, before being transported to the

hospital for medical clearance. Finally, the male was transported to HCC on an alcohol commitment.

Baker's Retreat, 1418 Lenard St., Case #14-2501, 03-23-14 at 1:05am: Officers responded for a noise complaint, and a report of a patron urinating outside the building. It was noted that the music was loud due to a birthday party. The music was turned off by bar staff, and an adult male was cited for urinating outside.

Callon Street Pub, 209 Callon St., Event #140035947, 3-30-14 at 1:05am: Officers responded to the tavern for a report that there might be some kind of fight there. An adult male with a facial injury was located there. Investigation revealed the male had likely fallen in the parking lot.

Callon Street Pub, 209 Callon St., Case #14-2772, 4-01-14 at 7:43pm: Officer responded to the Callon Street Pub for a report of a male that was threatening the bartenders. Upon arrival, officers made contact with the male, who walking away from the tavern. The male resisted officers' attempts to restrain him and he eventually was taken into custody and transported to jail for Bail Jumping, Disorderly Conduct, and Resisting.

Callon Street Pub, 209 Callon St., Case #14-2923, 4-07-14 at 8:47am: Officer responded to Callon St. Pub for a report of a burglary to the business. Investigation revealed that there were no signs of forced entry to the business. Once inside, access was gained to the juke box, removing all cash from inside it; money kept behind the bar was also taken. No suspects.

Denmar Tavern, 601 W. Thomas St., Event #140032384, 03-21-14 at 12:05am: Officer responded to Denmar for a report of an intoxicated male that had come into the bar requesting someone to call 911 for him. He was requesting to go to HCC. Upon officer arrival, the male PBT'd a 0.29BrAC. He then opted to go to a friend's house instead of HCC.

Glass Hat, 1203 N. 3rd St., Event #140030460, 03-16-14 at 2:16am: Officer had contact with two males who were shouting profanities just south of the Glass Hat. One of the males was very intoxicated, and stated he had been "assaulted" by a bouncer at the tavern. Contact was made with security personnel at the Glass Hat. They advised that the male had been escorted out of the tavern after making racial comments and taking a swing at one of the bouncers. They did not want to pursue charges, rather just wanted the male to leave.

Glass Hat, 1203 N. 3rd St., Event #140032756, 03-22-14 at 12:23am: Officers responded to the Glass Hat after a male had complained about being harassed by a female in a dispute over money. The female was talked to, and she agreed to stay away from the male.

Glass Hat, 1203 N. 3rd St., Case #14-2498, 03-22-14 at 11:49pm: Officers responded to Glass Hat for a report of a physical fight between several people. Investigation showed that an altercation had started inside the tavern and those involved were told to leave. The fight then escalated outside the tavern, resulting in two males and two females being arrested for Disorderly Conduct.

Intermission, 325 N. 4th St., Case #14-2305, 03-18-14 at 1:53am: Officer on patrol observed what appeared to be a physical altercation between multiple people in front of Intermission. Contact was made with the individuals involved, and a male became verbally abusive and resistive with officers. This male was arrested for Resisting and a probation violation. Two other males involved were arrested for Disorderly Conduct.

Intermission, 325 N. 4th St., Event #140035491, 03-28-14 at 11:05pm: Officer responded to Intermission for a complaint of loud noise. Officer observed that the windows were opened. Bar staff was asked to close the windows, which they did. Complainant called back a short time later to report the noise was still too loud. Officer observed the tavern for approximately 20 minutes and commented that the music seemed to be at a reasonable level. The music would be loud for a moment as the door was opened to patrons to come and go, but would then be quiet again.

Mountain Lanes, 1401 Elm St., Event #140034594, 03-26-14 at 11:12pm: Officers responded to Mountain Lanes for a report of possible drug activity in the tavern. Contact was made with a male who consented to a search of his person. No contraband was located. The reporting party, the bartender, declined to have the male removed. The bartender later called back to complain that officers had compromised her safety by talking to the male inside the tavern. She expressed concern that the male would know she was on who had called. Officers assured her that her

identify was not shared during their contact with the male.

Paradox, 932 S. 3rd Ave, Event #140030406, 03-15-14 at 11:06pm: Officers were dispatched to Paradox for a report of an intoxicated male that had been refused service and had then walked into a neighbor's residence. The male was assisted with getting a cab to his residence in Weston.

Roc's Place, 810 S. 3rd Ave., Case #14-2219, 03-15-14 at 2:27am: Officer responded to Roc's Place for a report of a battery. Upon arrival officers learned that two females had been struck by a male. One of the females required medical attention. Further investigation showed that the females had first attacked the male, causing injury to his mouth, and the male had been acting in self-defense. This account was corroborated by the bartender. The male declined to pursue charges against the females.

Roc's Place, 810 S. 3rd Ave., Case #14-2719, 03-30-14 at 8:07pm: Officers were dispatched to Roc's Place for a report of a fight in the parking lot. An intoxicated female reported she had been struck by a vehicle in the parking lot following a verbal altercation. The female refused to answer officers' questions about the incident, and became combative with officers and paramedics. She was eventually transported to the hospital, where she continued to cause a disturbance. The female was arrested for Disorderly Conduct and Resisting. The striking vehicle and its driver were not located. There are no suspects at this time.

Roc's Place, 810 S. 3rd Ave., Case #14-2749, 04-01-14 at 1:22am: Officer responded to Roc's Place for a report of a fight. A vehicle description was given and further information provided that the occupants of the vehicle were intoxicated. The vehicle was observed leaving the area as officers arrived. A traffic stop was conducted and the female occupant denied being involved in an altercation. She had not been drinking, but was operating on a revoked driver's license. She was cited for OAR and released. The people involved in the alleged fight were not located.

Showtime Gentleman's Club, 1709 Merrill Ave., Case #14-2496, 03-22-14 at 11:14pm: Officers were dispatched to Showtime for a report of a patron in the tavern who had a warrant for their arrest. A female located inside was found to have an unconfirmed warrant for her arrest. The warrant was confirmed valid, and the female was transported to jail.

Showtime Gentleman's Club, 1709 Merrill Ave., Case #14-2634, 03-28-14 at 1:47am: Officer on patrol noticed a vehicle behind the tavern after it was closed. There were several people around the vehicle. Officers learned that two females present were on probation and had been drinking contrary to their rules of supervision. Probation and parole office was contacted and authorized probation holds for both females.

Sidetracked Bar, 818 S. 3rd Ave., Case #14-2276, 03-17-14 at 12:00am: Officers were dispatched for a report of a possible fight involving a knife. Upon arrival it was learned that an intoxicated male was refused service at Sidetracked. The male had then pulled out a box-cutter style knife and cut his hand. Officers located the male a short distance away. The male became combative during a pat-down for weapons. The box-cutter was located and the male was arrested for Disorderly Conduct.

Sidetracked Bar, 818 S. 3rd Ave., Case #14-2334, 03-19-14 at 12:46am: Offices responded to Sidetracked after a male called 911 to say he had been struck in the head. Officers learned that the reporting person had had his beer poured out by another male as he sat at the bar. The other male then threw the bottle and hit the reporting person on the head. This other male was located and arrested for Disorderly Conduct.

Tremor's Sports Bar, 516 W. Thomas St., Event #140035455, 03-28-14 at 9:28pm; Officers were dispatched for a report of a fight on the sidewalk in front of the tavern. Reportedly, the bartender said she had told a couple of people to leave the tavern. The people called her a couple of derogatory names and left. A few minutes later, the bartender was told people were fighting outside. Officers were unable to locate anybody fighting.

CONVENIENCE / GROCERY STORE INSPECTIONS (No violations unless noted)

Kwik Trip #601, 3853 N 6th St

Kwik Trip #735, 2203 N 6th St

Wausau BP, 802 E Wausau Ave
Kwik Trip #728, 200 E. Kent St.
Fast Break Mobil, 320 W Thomas St
BMW Fuel Mart LLC, 102 N 3rd Ave
Kwik Trip #322, 1400 W Campus Drive
Pine Ridge Mobil, 1205 Merrill Ave
Quality Foods, 730 E Wausau Ave
Downtown Grocery, 607 3rd St
R Store #6, 103 N 6th St
R Store #8, 1511 N 3rd St
R Store #5, 2300 Grand Ave
Townline Market, 916 Townline Rd
Kohlman's IGA, 725 S 3rd Ave
Tobacco Outlet Plus #559, 1041 S 3rd Ave
Crossroads County Market, 220 S 18th Ave
R Store #7, 2007 W Stewart Ave
Trigs Food and Drug, 110 S 17th Ave
Wagner Shell, 4611 Stewart Ave
Walgreen's Store #07009, 105 Central Bridge St
Citgo Quik Food Mart, 1122 Merrill Ave
CVS Pharmacy, 102 Central Bridge St
Pick N Save River Edge, 205 Central Bridge St
R Store #31, 207 Central Bridge St
R Store # 34, 2601 N 20th Ave
The Store #62, 308 Stewart Ave
Tobacco Outlet Plus #501, 109 S 17th Ave
Walgreen's Store #13371, 504 S 17th Ave

Respectfully submitted,
Lt. Todd A. Baeten