

## **PUBLIC HEALTH & SAFETY COMMITTEE**

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

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

Members Excused: Wagner

Others Present: Alfonso, Hardel, Kujawa, Rayala, Goede, Timothy Bishop, Gregory Bishop, Ofc Sara Bedish, CSO Jace Klemm

### **Minutes of previous meeting(s) (10/20/14)**

Motion by Neal, second by Kellbach to approve the minutes of the previous meeting (10/20/14). Motion carried 4-0.

### **HEARING: Timothy J. Bishop, owner, appeal of dangerous animal designation declaration – Rezin**

Rasmussen opened the hearing, explained the procedure and witnesses were sworn in by the clerk. CSO Jace Klemm and Ofc Sara Bedish gave testimony based on their police reports for the city followed by questions of Attorney Alfonso. Hardel explained he declared the dog dangerous after reading the report and seeing the nature of the injuries which he felt were unprovoked. There was also follow up investigation of other bites that had not been reported.

Timothy Bishop testified to the bite incident involving of his son Gregory, believing it was provoked because Gregory slapped the dog. He indicated he did not remember his other son's bite incident and that it was why it wasn't mentioned. In response to a neighbor that found Rezin running loose and was bitten when he returned it to the back yard to tie it back up, he believed it was provoked by his coming onto the property. He stated he could not afford to comply with the requirements of the dangerous animal ordinance and would have to put the dog to sleep. Gregory Bishop also provided his testimony.

### **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 the subject of any judicial or quasi-judicial trial or hearing before the governmental body**

Motion by Neal, second by Gisselman to convene into closed session. Roll Call Vote: Ayes: Neal, Gisselman, Kellbach, Rasmussen. Motion carried 4-0.

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

Motion by Neal, second by Gisselman to reconvene into open session. Motion carried unanimously.

Rasmussen announced the Findings of Fact and Conclusions of Law based upon the testimony of the parties and exhibits presented stating the committee upholds the designation of dangerous animal and compels the owner to comply by the end of November with the installation of a microchip in the animal for identification, the registration with the City of Wausau as a dangerous animal and neutering. The committee will extend the deadline to obtain the insurance to January 31, 2015.

### **Consider the complaint and take action on issuing a summons commanding the licensee/Susan Mae Lecher to appear before the committee for a hearing to show cause why the Operator's License issued to her on September 11, 2013 should not be revoked.**

Rasmussen noted this is the first impaired server violation since the ordinance was adopted, which provides for suspension or revocation for noncompliance.

Chief Hardel stated the officer was on a traffic stop outside of Roc's Place when he heard yelling from inside and was concerned there was going to be a fight. He went inside to find the bartender and a patron yelling and arguing. He waited for backup and the other officer arrived and investigated the intoxication of the bartender. The bartender, Susan Lecher, was uncooperative and argumentative and refused to submit a breath sample. Both officers observed obvious signs of intoxication. Hardel was concerned because the bartender is the one in control of the establishment and has to be able to keep control of the patrons. It is very concerning when the bartender is intoxicated and possibly starting the conflict. He recommended that the Operator License for Susan Lecher be revoked.

Rasmussen pointed out because it is midyear and so far from renewal time, revocation or suspension are the options. The license is what allows bartenders to work and serve alone and if her license is revoked or suspended, she can still work but another licensed bartender would have to be with her. She commented if they choose to do nothing,

she can continue to work alone and be the only employee on duty, which was the case when this happened. She asked the committee to decide if they wanted to proceed with a formal hearing for suspension or revocation.

Motion by Gisselman, second by Kellbach to continue forward with a hearing. Motion carried 4-0.

*The hearing was set for Monday, November 24, 2014 at 5:15 p.m.*

#### **Consider various license applications.**

Rasmussen requested that the pet fancier permits be taken separately from the other license applications. She requested an in-house search for any citations be done on all applicants. Gisselman asked the same of an applicant in his district. Hardel made the suggestion that the humane officer could do an additional step in the process to see if she could check further into the history of the applicants to see if there have been calls for service, citations, complaints from neighbors, etc. The humane officer has the capability to look up applicants by address and name. All of the pet fancier permits presented will be reconsidered at a Special Public Health & Safety meeting to be held on September 24, 2014.

Rayala stated a Special Event application from 89Q Radio was submitted today for a Christmas Music Skate on The 400 Block on December 13<sup>th</sup>, however, Ken Krueger of the Parks Department stated there is no guarantee the ice will be ready by then as the ground has not frozen yet due to snow cover. This event may possibly be postponed and rescheduled.

Motion by Neal, second by Gisselman to approve or deny licenses as recommended by staff. Motion carried 4-0.

#### **Operations Report from Fire Department for October 2014**

Kujawa commented there were some fairly significant fire events, one of which is suspicious in nature and is under investigation. She noted they had two cardiac arrest saves this month as well, and Wausau has a very high save rate in the mid to high 40's; the average cardiac arrest save rate throughout the country is 7%

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

Chief Hardel presented the Tavern Report from October 8, 2014 through November 9, 2014 (*See attached report.*)

Hardel stated Lt. Baeten and himself met with a number of bar owners last week at their request to talk about the reasons that we do bar compliance checks and how often. He indicated one of their concerns if their calls to police for assistance will be held against them. He felt the meeting went well and they were very supportive. He commented there was a lot of discussion and surprise from bar owners that the Paradox was still open considering the recent drug activity. Rasmussen explained part of the delay in reference to scheduling the special meeting for the Paradox was in coordinating witnesses and reports with the criminal case.

#### **Communications**

Rayala indicated she will be making changes to the special event policy in reference to Class I event announcements that alcohol cannot be taken off the block, as well as that bike racks can be installed temporarily for special events if requested.

#### **Adjournment**

Motion by Neal, second by Kellbach to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:00 pm.

Attachment

Wausau Police Department



James E. Tipple  
Mayor

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

**Date** 11-09-14  
**To** Chief Hardel  
**From** Lt. Todd Baeten  
**Subject** TAVERN REPORT October 08, 2014 through November 09, 2014

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

**101 Pub**, 101 N. 3<sup>rd</sup> Ave.

**6<sup>th</sup> Street Pub**, 2002 N. 6<sup>th</sup> St.

**Baker's Retreat**, 1418 Lenard St.

**The Bar**, 1025 S. 3<sup>rd</sup> Ave.

**Bob & Randy's Bar**, 1515 N. 6<sup>th</sup> St.

**Bull Falls Brewery**, 901 E. Thomas St.

**Cabaret**, 204 E. Rib Mountain Dr.

**Callon Street Pub**, 209 Callon St..

**Campus Pub**, 1110 W. Campus Drive

**Chapter Two**, 1810 Merrill Ave.

**The Chatterbox Bar**, 102 S. 2<sup>nd</sup> Ave.

**Cheers Bar**, 101 E. Thomas St.

**Cop Shoppe Pub**, 701 Washington St.

**Day's Bowl-A-Dome**, 1715 Stewart Ave.

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

**101 Pub**, 101 N. 3<sup>rd</sup> Ave., Event #140123718, 10-18-14 at 1:14am: Officers were dispatched to 101 Pub for a report of a female on the property refusing to leave. The female had reportedly been banned from the establishment. Upon

officer arrival, it was learned the female had already left. No further issue was reported.

**Callon Street Pub**, 209 Callon St., Event #140124340, 10-19-14 at 8:07pm: Officers were dispatched for a report of a female selling drugs inside the bar. An anonymous party reported seeing an exchange of a plastic baggie and some money. This information was unable to be substantiated.

**New Chapter Two**, 1810 Merrill Ave., Event #140127047, 10-26-14 at 3:36am: Officers were dispatched for a report of people still drinking at the bar and tires squealing as vehicles leave. Officers observed multiple vehicles in the lot and a few people outside. An SUV with a trailer was having things packed away into it. There were only two people inside the bar – the owner and a band member packing things away. Bar owner stated the vehicles were left in the lot due to patrons getting sober rides home.

**Cheers Bar**, 101 E. Thomas St., Event #140121102, 10-11-14 at 7:23pm: Officers conducted a routine tavern check at Cheers Bar learned the bartender working did not have her current license on scene. The owner arrived on scene to take over bartending duties. No further issues.

**Denmar Tavern**, 601 W. Thomas St., Case #14-9802, 11-08-14 at 9:09pm: Officers responded to Denmar along with personnel from Wausau Fire Dept. for a report of a male that had fallen down inside the tavern and was being combative. The male was treated at the scene and then transported to the ER for medical clearance prior to being transported to jail for a probation violation.

**Glass Hat Bar**, 1203 N. 3<sup>rd</sup> St., Event #140129898, 11-02-14 at 12:56am: Officers were dispatched to Glass Hat for a report of patrons snorting cocaine in the male restroom. Upon arrival, officers were advised that the individual that allegedly witnessed the activity had already left the scene. Officers contacted two males that had been pointed out as being involved. They consented to a search of their persons, which resulted in a straw and prescription medications being located. One of the males admitted to crushing and snorting one of his prescription pills. Bar staff requested the males be escorted off the property for the night. A cab was contacted for the males, and they left without further incident.

**It's Our Clubhouse**, 738 S. 3<sup>rd</sup> Ave., Event #140120331, 10-09-14 at 11:22pm: Officers were dispatched to Our Clubhouse for a report of a fight involving several people. No altercation was observed by officers. Attempts to gain further information from the reporting party proved unsuccessful, and unable to substantiate the report of a fight.

**Labor Temple**, 318 S. 3<sup>rd</sup> Ave., Event #140131047, 11-05-14 at 12:00am: Officers responded to Labor Temple for a report of an intoxicated male refusing to leave. The male had reportedly brought alcohol into the bar and was asked to leave multiple times. Upon officer arrival, the male was escorted from the property and he was told he was no longer welcome at Labor Temple. The male demanded a ride from officers after his cab left as they were speaking with him. A ride was not provided due to the male's uncooperative attitude and his comments of wanting to fight officers.

**Loppnow's Bar**, 1502 N. 3<sup>rd</sup> St., Event #140126555, 10-25-14 at 12:53am: Officers were dispatched for a report of two males and a female arguing and starting to get into a physical altercation outside the bar. Officers were unable to locate anyone outside. The bartender advised that two males had been arguing inside the bar so she told them to leave. She further stated that nothing really happened. The involved parties were not located.

**Paradox**, 932 S. 3<sup>rd</sup> Ave., Event #140120623 (MSNO Case #14-6442), 10-10-14 at 4:29pm: Officers participated in executing a search warrant at the tavern in conjunction with an ongoing investigation being conducted by the MSNO Special Investigations Unit.

**Paradox**, 932 S. 3<sup>rd</sup> Ave., Case #14-9207, 10-19-14 at 12:42am: Officers were dispatched for a report of a male and female fighting on the property. A male who matched the provided description was located. He attempted to walk away from officers when he was contacted. He then became resistive with officers when they attempted to stop him. The male was eventually arrested for Resisting and Disorderly Conduct and transported to jail.

**Paradox**, 932 S. 3<sup>rd</sup> Ave., Case #14-9552, 10-30-14 at 10:33pm: Officer made contact with a male who believed he had received a counterfeit \$10.00 bill from Paradox when he received change there several days earlier. Bill was

seized and placed into evidence. Investigation continues.

**Paradox**, 932 S. 3<sup>rd</sup> Ave., Event #140129917, 11-02-14 at 1:10am: Officers were dispatched for a report of a fight at Paradox. Upon arrival in the area, officers located two males walking in the area of S. 4<sup>th</sup> Ave. and Rosecrans St. One of the males was bleeding from a cut on his chin. He claimed he had fallen in the street. Both males denied having been involved in an altercation.

**Paradox**, 932 S. 3<sup>rd</sup> Ave., Event #140129913, 11-02-14 at 1:57pm: Officers were dispatched to Paradox for an anonymous complaint of people screaming and using bad language. Upon arrival, officers observed people outside speaking loudly. Contact was made inside the bar, and officers were advised the bar was shutting down for the night. No further issues.

**Roc's Place**, 810 S. 3<sup>rd</sup> Ave., Event #140124431, 10-20-14 at 1:34am. Officers were dispatched for report of a male on the property who has tried to drugs to patrons in the past. The bartender was contacted and advised the male was not welcome on the property due to past issues. The male had left, but was later located and advised not to return to Roc's Place. He indicated he understood.

**Showtime Gentlemen's Club**, 1709 Merrill Ave., Case #14-9432, 10-25-14 at 11:49pm: Offices responded to Showtime for a report of an individual there with a warrant for her arrest. A female with a valid warrant was located, and she was transported to jail without incident.

**Tremors Sports Bar**, 516 W. Thomas St., Event #140123703, 10-18-14 at 12:18am: Officer responded to an anonymous report of a fight between several individuals outside Tremors. Officers learned there was no actual altercation. People were just talking loud outside and had been told to lower their voices. Bartender said she did not see any altercation.

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

Respectfully submitted,  
Lt. Todd A. Baeten