

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, February 16, 2015, at 5:15 pm, (Council Chambers)

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

Others Present: Alfonso, Hardel, Kujawa, Rayala, Bishop, Goede, Orval Quamme, Milton Giese, Donald Manke

Minutes of previous meeting(s) (1/19/15)

Motion by Neal, second by Kellbach to approve the minutes of the previous meeting (1/19/15). Motion carried 5-0.

Consider various license applications.

Rasmussen indicated there were three denial recommendations for Public Transport Driver Licenses: Milton Giese, Dwaine Hammons, and Donald Manke.

Milton Giese, 1228 Cherry St, addressed the committee acknowledging he has charges pending against him but he has pled not guilty and did not feel these charges would hinder him from driving a taxi. He stated he has an excellent driving record and has not had any accidents. He indicated that he cannot stand for prolonged periods of time due to knee problems, so driving a taxi is something he could do.

Rasmussen stated because the felony charges were serious, she would like to see the result of the case before she would approve a license. Neal noted Mr. Giese had no prior record to the currently pending charges. Chief Hardel stated he based his decision on the severity of the charges: Felony Manufacturing & Delivery of THC, Felony Possession with Intent to Deliver, Felony Maintaining a Drug Trafficking Place. He commented it is not just simple possession and he felt if someone is involved in this type of activity, what better way to transport the goods than to drive a cab. He did not believe it was safe for our citizens or for the city to approve a license with charges of this nature. Wagner wanted more information because he wasn't convicted yet and questioned if it should be removed and brought back.

Motion by Neal, second by Wagner to approve the Public Transport License for Milton Giese. Motion failed 2-3.

Donald Manke, 136 Williams St, stated he wasn't sure why he was being denied although he did have a past including a felony conviction in 1997 for party to the crime of forgery. The majority of his past record was from back in 1997 and he has now been married for 13 years with four children. He commented taxi driving can be worked around his kid's schedules so he doesn't have to put them in daycare.

Rasmussen commented the record was quite lengthy including habitual criminality which concerned her. Hardel stated the accumulation of the record back to 1997 and including: 2001- two obstructing & resisting; 2003- three counts of theft; 2004 - possession of THC; 2011- disorderly conduct; and 2013- theft.

Rasmussen noted that Dwaine Hammons was not present to appeal. She also indicated the Event for Equality Special Event application was pulled from the list because the organizer was unable to attend tonight. This application will be brought back in March for discussion due to issues with the event last year.

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

Sidewalk Café (including Alcohol) and update regarding premise expansion - Jalapeno's Mexican Restaurant & Bar LLC, 300 N 3rd Street

Rasmussen stated Jalapeno's is remodeling and expanding the premise from the lower level of Washington Square up to the second floor. They would like a sidewalk café permit for summer on the Washington Street side of the building.

Motion by Neal, second by Wagner to approve the Sidewalk Café with Alcohol permit and premise expansion. Motion carried 5-0.

Application for Apiary (Beekeeper) Permit with request for variance.

Rasmussen indicated Mr. Quamme applied for a beekeeper permit but was looking for some exemptions to fencing.

Orval Quamme, 817 Becher Drive, stated he was previously a beekeeper in southern Wisconsin and had at one time 150 hives. He bought and sold bees to other beekeepers in the area as well. He explained he would like to have two hives again and they would be located approximately 35 feet from the lot line. It is approximately 175 feet to one residence and about 200 feet to the other and to the north and south there are no residences at all and on the other side is the river. It would be difficult to put a fence around the bees in a wooded area. It is also isolated from city water requiring him to drill a well to put water there. He did not believe the hives would impact anyone directly because there were no sidewalks or roadways.

Alfonso stated when we created the beekeeper ordinance we did not provide for any process for a variance or a waiver of the requirements. She recommended they amend the ordinance to allow some sort of process to get a waiver. Neal suggested that the verbiage be prepared for such an amendment. Ashlee Bishop stated she has been to Mr. Quamme's residence and viewed the area where he would have the hives and indicated she was comfortable with him doing so without the fence or water requirements.

Rasmussen stated they would defer action on the application to the March 16th meeting and take it to Council along with the revisions to the ordinance on March 24th.

Operations Report from Fire Department for January 2015

No discussion, report placed on file.

Tavern Activities / Compliance Checks / Law Enforcement Activities

Hardel presented the Tavern Report for January 5, 2015 thru February 5, 2015: (*See attached.*)

Wagner questioned the status of Its Our Clubhouse since reopening. Hardel commented things were going well with Its Our Clubhouse and Mr. Morel has been very cooperative, allowing officers into the bar when needed.

Alfonso questioned the status of the Paradox closing. Hardel stated Mr. Kurzynski had reported that all of the alcohol has been removed from the premises as of Friday. He indicated that the PD will go over to inspect the premises on Monday. The Tavern Report was placed on file.

Communications

Chief Hardel thanked the Public Health & Safety Committee on behalf of the Wausau Police Department for their support in the revocation of the liquor license of the Paradox. He felt we need to set the standard that if any bar owner that holds a liquor license is dealing drugs or allows drugs to be sold in their establishment, they should not have a license.

Adjournment

Motion by Neal, second by Kellbach to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 6:00 p.m.

Attachment

Wausau Police Department



James E. Tipple
Mayor

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

Date **02-05-15**
To **Chief Hardel**
From **Lt. Todd Baeten**

Subject TAVERN REPORT January 5, 2015 through February 05, 2015

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.
Callon Street Pub, 209 Callon St..
Campus Pub, 1110 W. Campus Drive
Chapter Two, 1810 Merrill Ave.
The Chatterbox Bar, 102 S. 2nd 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. 3rd Ave, Event #150013770, 02-03-15 at 4:25pm: Officer was dispatched for report of a female refusing to leave the bar. She was reportedly screaming inside the bar and bothering other patrons. Female was intoxicated and was transported to her residence by an officer after being told she was no longer welcome at 101 Pub.

Bob & Randy's Bar, 1515 N. 6th St., Case #15-486, 01-18-15 at 11:20pm; Officers were dispatched for a minor traffic accident in the parking lot at Bob & Randy's. The driver of one of the vehicles was intoxicated and arrested for OWI 1st offense.

Cabaret, 204 E. Rib Mountain Dr., Case #15-453, 01-16-15 at 11:36pm: Officers conducting routine tavern check observed a thick haze of cigarette smoke upon entering. Several cigarettes were dropped to the floor by patrons, and the floor was littered with old cigarette butts. Bartender admitted to being aware that some patrons had been smoking. She was issued a written warning for permitting smoking on the premises.

Chapter Two, 1810 Merrill Ave., Event #150007121, 01-17-15 at 11:03pm: Officer conducted routine tavern check and touched base with bar owner regarding report of there having been male strippers at the bar several weeks ago. Bar owner stated he was aware he needed a special license for that entertainment. Officer warned him that future events could result in enforcement action. Owner was cooperative and said he understood.

Domino Bar, 740 Washington St., Case #15-951, 02-04-15 at 10:07pm: Officers conducting routine tavern check encountered a female with a valid warrant for her arrest through Marathon County Sheriff's Department. She was transported to jail without issue.

Glass Hat, 1203 N. 3rd St., Case #15-659, 01-25-15 at 1:02am: Officers were dispatched to Glass Hat for a criminal damage to property complaint. A patron had reportedly become angry after losing a game of pool and then punched a hole in a wall. He was arrested for Criminal Damage to Property and two counts of Bail jumping.

Hiawatha Restaurant and Lounge, 713 Grant St., Case #15-719, 01-27-15 at 11:10pm: Officers were dispatched to Hiawatha for a report of a family disturbance. The involved parties were reported to be leaving in a gray vehicle as officers arrived. The vehicle was stopped and the female advised she and her boyfriend had started arguing inside Hiawatha and the argument continued outside. The female stated she was battered by her boyfriend. He was arrested and transported to corrections.

It's Our Clubhouse, 738 S. 3rd Ave., Event #150004143, 01-11-15 at 12:56am: Officers were dispatched along with paramedics from Wausau Fire Department to assist a very intoxicated male that had fallen while entering the bar. The male was escorted to his residence a short distance away.

Labor Temple, 318 S. 3rd Ave., Case #15-23, 01-01-15 at 2:58 am: Officers were dispatched for a report of a fight between two males. Officers made contact with the males, who advised they had been pushed down by another unknown male. Another male who was in the company of the first two, was found to have a warrant for his arrest. He was arrested and transported to jail.

Oz, 320 Washington St., Case #15-789, 01-29-15 at 10:13pm: Officers were dispatched to Oz for a report that a male was drinking in the bar contrary to the rules of his probation. The male was located in the bar and admitted to drinking alcohol. A probation hold was authorized, and the male was transported to corrections without incident.

Paradox, 932 S. 3rd Ave., Case #15-864, 02-02-15 at 1:50am: Officers responded to Paradox for a report of a fight. Several intoxicated patrons had become upset after not being permitted to finish their pitchers of beer due to closing time. The patrons attempted to force their way back into the bar and damaged the front entry door in the process. Two males and two females were arrested for Disorderly Conduct and Criminal Damage to Property.

Tremor's Sports Bar, 516 W. Thomas St., Case #15-284, 01-11-15 at 9:52pm: Officer responded to Tremor's for a report of a fight in progress. A vehicle leaving the scene with involved parties was stopped for a traffic violation. It was learned the incident had consisted of a verbal argument only. This information was confirmed by the reporting party. The driver of the vehicle was cited for Operating While Suspended, and a passenger was arrested for a probation warrant and transported to jail.

VFW Burns Post 388, 388 River Dr., Event #150009484, 01-24-15 at 7:16pm: Officers were contacted by a reporting party wanting to express concern over some comments made by a VFW staff member to her 15 year-old son who works there. Below are the officer comments as typed into the CAD system:

Spoke to [RP] and his son was sleeping... [RP] was advised by his son that the manager told him and another boy that when the lights go out people get raped...[RP] was concerned and contacted his sons manager and the manger didn't seem to care.. [RP] will call back tomorrow and we will speak to his son...nothing further at this time...3121

(01-30-15)

RP called back and advised the cops had went and talked to the suspect. when the RP's son went to work tonight, he got there and the suspect said since you called the cops on me and they came and talked to me here, "you can get your ass out of here" RP states his son was fired for this and that he just wanted the info added to the original call. Also stated that he will contact his attorney to speak about the situation as he feels this was wrongful termination. I advised him if he needed to speak to officers again to let us know

Whiskey River, 5512 Stewart Ave., Case #15-664, 01-25-15 at 3:30am: Officer on patrol observed several vehicles in the parking lot and the “open” sign was lit. There were also lights on inside the building. Officer stopped to investigate and made contact with the owner inside. There were seven people gathered at the bar with water being poured into glasses. The owner advised that everyone present was an employee, and they were being trained on mixing drinks. As officer spoke with the owner, a male was observed ducking down and running toward the door to the kitchen. The male was located hiding in the cooler in the kitchen. The male (Scot) was found to be underage. He admitted to drinking alcohol at another location. It was learned that the male was the bartender’s boyfriend, and the bartender was the owner’s daughter. Officer cited the owner and bartender for permitting underage person on premises. The male was cited for obstructing and underage alcohol consumption.

(It should be noted that officers had responded to Whiskey River on 01-23-15 for a report of a fight, in which a patron was fighting with another “regular” customer named “Scot.” Neither party was on scene at the time. It is unknown if “Scot” from this incident is the same from the above incident.)

ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED

Respectfully submitted,
Lt. Todd A. Baeten