

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, May 18, 2015, at 5:15 pm, (Council Chambers)

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

Others Present: Alfonso, Hardel, Kujawa, Groat, Rayala, Goede, Deb Ryan, Milton Giese, Lindsey Lewitzky, Elizabeth Field, Vernon Sugimoto, Amy Frolick, Matt Paulsen, Amie Leanoff.

Minutes of previous meeting(s) (3/16/15 & 4/20/15)

Motion by Neal, second by Gisselman to approve the minutes of the previous meetings (3/16/15 and 4/20/15).
Motion carried 5-0.

Consider various license applications and renewals, including the Retail Liquor Licenses for the 2015-2016 license year.

Rasmussen indicated there was a denial recommendation for Milton Giese for a Public Transport Driver license. Mr. Giese addressed the committee stating that he originally applied for this license back in February and was denied by the Chief and the committee due to three pending felony charges, of which he had not yet been convicted. He indicated he has since gone to court on April 8, 2015 and pled guilty to Manufacture of THC / Possession of Drug Paraphernalia and is currently on electronic monitoring and will be on probation for the next three years.

Hardel stated his recommendation of denial has not changed because his conviction includes a felony of Manufacture/Delivery THC. He did not feel it was safe for our taxi drivers to have a history of drug involvement especially Manufacture/Delivery. Neal commented Mr. Giese understands one false step will land him in jail and he needs a job that he can do with his disability. He noted he had no previous record before this incident, felt he could be trusted and wanted to give him a chance. Wagner felt he should serve out his probation and get the ankle bracelet off before he could see licensing him. Giese commented the reason he started growing marijuana is because his wife had terminal cancer, but he understands he should have stopped when she passed away.

Motion by Neal, second by Gisselman to approve the Public Transport Driver license for Milton Giese. Motion failed 2-3.

Lindsey Lewitzke spoke regarding Chalkfest requesting the closure of Jefferson Street for extra space for overflow of pedestrians from the sidewalks that will have the chalk art. Rasmussen stated there is a wedding at the Grand that day and this could be an issue for them. Amy Frolick, Chalkfest Committee member, stated they would like to move the vendors to the Jefferson Street side and close the parking spaces for people to walk. She suggested they could close one lane of Jefferson Street and leave one lane open.

Matt Paulsen, organizer of a new event, The Wausau 400 Block Party on August 1st, was present to answer questions. Wagner stated he was concerned because it is already being advertised on Facebook that music will be playing until 11:30 pm, which would not be allowed. Paulsen apologized and stated this is his first time doing this and he was bound to make mistakes. Rasmussen stated typically we ask the music to stop at 10:30 pm because of the residential area. Paulsen indicated he has revised the event plan to have the music end at 10:40 pm., and a radio announcer will help disperse the crowd by 11:00 pm.

Rasmussen stated there were two applications from 80 Proof Mgt LLC, Vernon Sugimoto, one is for a Class B Beer & Liquor license for Third Avenue Café, formerly the Paradox. She explained no license can be issued for the Paradox premise until August due to revocation. The city has an ordinance that provides for a 6 month cooling off period for a premise that has been revoked. The second application is for a Class A Beer license for a store. Alfonso stated it appears that Mr. Sugimoto was not truthful on the auxiliary questionnaire in regard to disclosure of any convictions of offenses to any federal, state or municipal laws. He marked no to the question, however, he was found guilty on 9/25/2013 by the City of Marshfield Municipal Court for selling or dispensing alcohol to underage persons. She noted the committee can deny the application for nondisclosure. Rasmussen stated this committee expects business owners to be honest and to commit to high standards in serving alcohol.

Vernon Sugimoto addressed the committee stating he was not trying to hide anything, he did not know the citation was part of his record. He stated he was caught in a "sting" and did not intentionally serve a minor and did not check the ID. He pled no contest and paid the fine and thought that was the end of it and not a part of his record. He stated it was not an attempt to deceive the committee, more an oversight on his part.

Motion by Wagner second by Kellbach to approve the application for a Class A Beer License submitted by Vernon Sugimoto for 80 Proof Mgt, LLC, dba Triple 8, 1819 Rosecrans St. Motion failed 0-5.

Rayala stated JK Gumbo submitted a letter to her office requesting an extension to open for business due to a delay in construction. Rasmussen indicated the extension will be approved along with the renewal of the license.

Motion by Neal, second by Kellbach to approve or deny the licenses all the other licenses on the list as recommended by staff. Motion carried 5-0.

Project update on the implementation of the 2016 automated refuse and recycling contract.

Maryanne Groat stated they are working on contract development which is scheduled to go to the Finance Committee. She suggested going to a 10 year and 3 month contract because January 1st is a difficult time to switch contractors and/or programs for our residents. An extra three months will take us into spring and make an easier transition. She indicated the cart sizes for recycling will be 95gallon and the refuse will be 65gallon. People will have an option to either size up their cart or obtain an additional cart for a fee. The carts are going to be blue with a black top for refuse and a green top for recycling. She shared the current collection schedule with Harter's and they indicated that same schedule will work for an automated system. There will be a bar code on each one of the containers and we will have a comprehensive list of all of those bar codes, so if carts go missing we will be able to do some tracking. Cart delivery is expected between Thanksgiving and Christmas. She indicated she received a call from Advance Disposal expressing some concern that people will start using those before the first of the year. This will be one of the educational things we will be focusing on with the residents, not to use the cart until January 1.

Groat stated there will be some scheduling for one way streets because the trucks are set with the arm to go in one direction, so they will not be able to pick up garbage on one side and all the garbage will have to be placed on the same side of the street. This has not proposed a problem in other communities that have more one way streets than we do and a large portion of the one way streets here are in highly commercial areas. She indicated they will be working with Advance to pick up their existing carts. She noted they will be researching whether to deliver carts to vacant homes or not. She stated the next big push will be to focus on the educational needs for residents.

Deb Ryan, representing Westies Neighborhood Group, commented the senior residents are saying the carts are too big for the size of their yard and for what they want to handle. She felt they should offer something smaller for those that want smaller containers.

Ordinance Creating Section 8.08.05 Feral cat caregiver and TNR program requirements.

Rasmussen stated some representatives of the Community Cat Action Team (CCAT) program would like to work with our Humane Officer to try Trap- Neuter- Return (TNR) in a targeted trial area where there is known to be a presence of feral cats.

Alfonso stated rather than make changes to all the references to owner of an animal in the Municipal Code, she proposed a separate feral cat TNR ordinance as well as a change to the definition of owner. This way if the program does not continue it would be easy to put the code back the way it was and if it does continue we can add to it if necessary. She explained a person who is helping out or giving care to a colony or feral or stray cats can do it provided they are a part of an authorized TNR program. For purposes of this ordinance, the CCAT will be the authorized TNR program. It would have to remain a non-profit animal rescue or welfare group; qualify as an exempt organization; and have as one of its purposes the rescue and placement of cats that cannot be kept or placed by a humane society type of organization. A caregiver has to be trained and designated by the authorized TNR program as a person to do this. This is an attempt to distinguish people who want to have 30 cats from people who are participating in a TNR program. She noted this is just for the particular target test area.

Deb Ryan, 702 Elm St, commented that she felt representatives of CCAT should speak to her neighborhood group and provide information of the precise pilot area.

Motion by Neal, second by Wagner to approve the ordinance as presented and contingent upon delineation of the pilot area. Motion carried 5-0.

Ordinance Amending Section 8.08.001 Definitions adding (e) “Domesticated cat or dog” and (f) amending “owner.”

Rasmussen indicated this ordinance is related to the previous ordinance creating a TNR program to amend the definitions.

Motion by Neal, second by Wagner to approve the ordinance amendment. Motion carried 5-0.

Resolution Urging the Wisconsin State Legislature to Enact Additional Amendments to Chapter 125, Wisconsin Statutes to Enable the Issuance of “Class C” Liquor Licenses to Painting Studios.

Rasmussen explained the State Legislature has allowed an exception for painting studios to hold a liquor license and serve on premises. She commented most really only want to serve wine but the state is allowing the full Class B Beer & Liquor license which has a quota based on population. Once the quota of regular licenses are in use, additional reserve licenses are available but come with an upfront fee of \$10,000. Currently the city has only a couple of regular licenses available. We are in the process of developing our riverfront into an entertainment and dining venue, so if we give all those licenses out we will only have the \$10,000 reserves left. There is a Class C Wine license that does not have a quota but is currently for restaurants only. She stated we are proposing to ask our legislators to make an exception for painting studios under the Class C Wine license so that we have an alternative for those that only want to serve wine.

Wagner commented this could potentially explode for us; he indicated he has had been approached by four individuals at the Entrepreneurial Center to write business plans for more paint studios. He felt the resolution was extremely important. Rayala agreed and noted the Clerk’s Office has already received three inquiries and if we give them to the paint studios it will totally wipe us out of regular liquor licenses. Rasmussen stated it is possible that many other communities will be in this same situation so she has asked the Assistant City Attorney to share it with the League of Municipalities and perhaps we can get support from other communities as well.

Motion by Neal, second by Gisselman to approve the resolution urging the state to enable the issuance of Class C Wine licenses to paint studios. Motion carried 5-0.

Rasmussen turned control of the meeting over to Vice Chair Wagner and exited the meeting.

Resolution Authorizing City Participation in the Marathon County Restorative Justice Teen Traffic Violation Program.

Alfonso explained this was discussed at the last meeting and this is the resolution for Council consideration to formalize the committee consensus to continue the program.

Motion by Gisselman, second by Neal to approve the resolution. Motion carried 4-0.

Operations Report from Fire Department for April 2015

Chief Kujawa commented there were several significant fire events during the month of April, specifically noting if there had not been quick response to the fires on Chellis Street and on 3rd Avenue they could have spread to other buildings. She noted there were also a couple unusual wild land fires during April and they were called in to help with fires in Brokaw and Mosinee. Kujawa stated EMS Week is from May 17-23, 2015 and they all deserve recognition and praise. The Wausau Fire Department received this week the Mission Lifeline EMS Silver Award which is given to pre-hospital care providers that meet certain standards for pre-hospital care when it comes to heart attacks or mild cardiac infarctions.

Tavern Activities / Compliance Checks / Law Enforcement Activities

Hardel presented the Tavern Report for March 7, 2015 through April 9, 2015. The report was placed on file. (See attached)

Hardel noted the Glass Hat received 100 demerit point against their liquor license, whereby normally the owner would be requested to come before Public Health & Safety, however, they had the 100 points for only one month and in May it dropped down to 75 points. He indicated they felt because they run a good business and are cooperative we will not call them in unless they go back up to 100 points.

Communications

Rayala presented the report for pet licensing and pointed out it shows we are down 111 licenses in March 2015 compared to 2014.

Adjournment

Motion by Neal, second by Kellbach to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 6:30 pm.

Attachment

Wausau Police Department



James E. Tipple
Mayor

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

Date **04-09-15**
To **Chief Hardel**
From **Lt. Mike Felder**
Subject TAVERN REPORT March 7, 2015 through April 9, 2015

ROUTINE TAVERN INSPECTIONS (No violations unless noted)

Malarkey's, 412 N. 3rd St.
North End Pub, 1002 N. 3rd Ave.
Oz, 320 Washington St.
Our Clubhouse, 738 S. 3rd Ave.
Player's, 4411 Stewart Ave.
Polack Inn, 1206 N. 3rd Ave.
Roc's Place, 810 S. 3rd Ave.
Showtime Gentlemen's Club, 1709 Merrill 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.

- 03-11-15 Event #150028588 Report made that there was no licensed bartender on the premises. Officers responded and found that there was a licensed bartender on scene. Bar check completed at that time.

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

Cop Shoppe, 701 Washington St.

- 1) *Event #150029420, 03-13-15 at 8:03pm:* Officers were dispatched for a report of possible methamphetamine use in a car parked behind the bar. Officers made contact with two people in a car. K-9 alerted to the car and a search located small particles of marijuana in the vehicle. Owner attributed it to the previous owner. Not enough to arrest. Neither person had a valid driver's license, and waited for a licensed driver.

Glass Hat, 1203 N. 3rd Ave.

- 1) *Event #150032786, 03-21-15 at 10:48 PM:* Male came out of crowd in front of bar, stood in the middle of the road and "flipped off" passing Officer. Officer knew male and thought him to be on Probation. Male was located, had cleared Probation and was released.
- 2) *Case #15-2316, 03-21-15 at 2:26 AM:* Officer flagged down by BOUNCER, who advised of a fight having been stopped in the bar. The suspect was located by Officer and arrested for Probation hold and Disorderly Conduct. A 4th degree sexual assault was also reported and is currently being investigated. Bar employees are assisting as they can.

Intermission, 325 N 4th St.

- 1) *Case #15-1924, 03-09-15 at 11:51 PM:* Refused RP report of a woman at the bar with warrants. The woman was located and arrested on the warrants.
- 2) *Event #150030780, 03-17-15 at 1:43 AM:* Report that there was a male at the bar “trying to fight everyone.” A male was located outside the bar and was upset and emotional, but not causing any more problems. No one wished to pursue any charges, so the male was released to a responsible person.

Pollock Inn, 1206 N 3rd St.

- 1) *Event #150038011, 04-03-15 at 11:29 PM:* Officer called out with a heated argument in front of the tavern. Officer reported that there was no problem (parties separated).

VFW Burns Post #388, 388 River Dr.

- 1) *Case #15-1856, 03-07-15 at 10:23 PM:* Anonymous complaint that there were underage people being served in the tavern. It was discovered that there was a private party being held. K-9 sniff of vehicles in the parking lot alerted to one vehicle. A male was found passed out in the vehicle. Marijuana was located in the vehicle and also in possession of the male. Bar was checked and no underage persons located.
- 2) *Event #150028588, 03-11-15 at 9:10 PM:* Received a report that there was no licensed operator at the tavern. Officers responded and the complaint was unfounded. There was a licensed operator at the tavern.
- 3) *Event #150032221, 03-20-15 at 4:42 PM:* Tavern called requesting assistance in removing an employee they had just fired. She was “stubborn” but left at Officer’s direction.
- 4) *Event #150033873, 03-24-15 at 9:04 PM:* Report of a male in a vehicle in the parking lot of the tavern “messed up on pills.” Officers were unable to locate.
- 5) *Case #15-2537, 03-28-15 at 2:11 PM:* Report that male from #5 was going to be at the tavern, dropping off a family member that works there. The male reportedly had warrant for his arrest. The male was located at arrested prior to making it to the tavern.

Jim’s Corner Pub, 1244 S 9th Ave.

- 1) *Event #150035866, 03-29-15 at 4:48 PM:* A patron called to report that an ex-spouse had come to the tavern and taken her vehicle. Vehicle was registered in the “suspect’s” name, so complainant was advised that it was a civil matter.

Lumpy’s, 265 Chellis St.

- 1) *Event #150032305, 03-20-15 at 8:42 PM:* Anonymous report that a male was at the tavern drinking in violation of Probation rules. Officers responded but were unable to locate the male.

It’s Our Clubhouse and Yours, 738 S. 3rd Ave.

- 1) *Event #150028401, 03-11-15 at 4:47 PM:* OWNER CALLED, reporting a customer that broke items in the tavern. Owner just wanted patron talked to, no charges pressed, but was unable to identify the suspect at the time.
- 2) *Event #150028610, 03-11-15 at 11:11 PM:* OWNER CALLED, reporting an intoxicated out of control male outside the bar. When Officers arrived, OWNER reported that a male was confrontational with OWNER after he was asked to leave. The male had brought a liquor bottle into the tavern. He left prior to Officers arrival. However, once Officers were in the bar, odor of marijuana was detected. OWNER cooperated with clearing out the entire bar while K-9 went through. Container that had residual marijuana in it was located on the floor. OWNER allowed Officers to observe surveillance, which showed the patron drop the container on the floor while Officers were at the tavern. Male was confronted but not arrested as there was so little of the substance in the container.
- 3) *Event #150031194, 03-18-15 at 2:05 AM:* OWNER CALLED to report receiving threats from the boyfriend of a patron. Due to an uncooperative witness, account could not be substantiated.
- 4) *Case #15-2193, 03-18-15 at 4:13 AM:* Report of a hit and run that occurred in the parking lot. It was later determined that the suspect driver was a woman under 21 that had been in the tavern after hours. She denied having been drinking in the tavern after hours.
- 5) *Event #150040153, 04-09-15 at 3:38 PM:* OWNER CALLED to report a patron threatening to beat up the OWNER. A patron had been kicked out of the bar for urinating on the property on previous

occasions. A friend of the patron threatened owner. Both subjects were located and were warned not to return to the bar under threat of trespass.

Roc's Place, 810 S 3rd Ave.

- 1) *Event #150037220, 04-01-15 at 11:34 PM*: Anonymous report of 4-5 black males walking up and down the street, talking loudly and exchanging stuff with cars in the area. Officers located two black males that were in front of Roc's Place and admitted having been in the bar, but said nothing of the described activity was happening.
- 2) *Event #150037447, 04-02-15 at 3:27 PM*: A report was received that a male had been a patron at the bar the previous night and was selling marijuana, pills and methamphetamine. It was entered as an informational only. No follow-up completed.

Treu's Tic Toc Club, 1201 W Thomas St.

- 1) *Event #150033150, 03-22-15 at 10:12 PM*: Male called to report that he had been kick out of the tavern and wanted to know why. Operator stated male was intoxicated and took back the last pitcher of beer the male had ordered and did not charge him. Male disagreed with the decision to stop serving him. Officer explained to male that the business has the right to do that under these circumstances.

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

- 1) *Event #150032669, 03-21-15 at 6:11 PM*: Medical Emergency called for a woman that had been drinking and fell while dancing on the bar.

101 Pub, 101 N 3rd Ave.

- 1) *Case #15-2495, 03-26-15 at 10:25 PM*: A male patron was cited after he was yelling profanities from the front of the bar at Officers conducting a traffic stop nearby.

Campus Pub, 1110 W Campus Dr.

- 1) *Event #15-1825, 03-07-15 at 2:23 AM*: BUSINESS CALLED in reference to a fight occurring in the tavern. Male suspect left the scene prior to arrival. He was eventually identified and arrested for Substantial Battery and other charges.
- 2) *Case #15-2748, 04-04-15, at 2:15 AM*: Patron called to initially complain that someone backed into his truck (hit and run) and also slashed one of his tires. No suspects were developed and the male was given a self-report form to complete.

Showtime Gentlemen's Club, 1709 Merrill Ave.

- 1) *Event #150035989, 03-29-15 at 11:28 PM*: MANAGER CALLED requesting that an employee be searched for drugs. Supervisor on duty attempted phone contact with manager, however no answer or call back contact made. Officer did not respond.
- 2) *Event #150038260, 04-04-15 at 3:27 PM*: Female called reporting that she suspected that she had been drugged while at the tavern the previous night. Officer advised to contact the Department after getting a blood test and finding something suspicious. No further comments entered.

RESTAURANT INSPECTIONS (No violations unless noted)

2510 Restaurant , 2510 Stewart Ave.	Not Checked
Allister Deacon's , 300 N. 3 rd St. Ste. #103	Checked
Angelo's Pizza/Tuesday's Bar , 1206 N. 6 th St.	Not Checked
Applebee's , 2221 Stewart Ave.	
License was in back room; Advised to place in public view (Amanda S. Clark)	
Back When Café , 606 N. 3 rd St.	Not Checked
BB Jack's , 900 Golf Club Rd	Checked
Buffalo Wild Wings Bar & Grill , 1819 Stewart Ave.	Checked
Bunkers Bar & Grill , 1001 Golf Club Rd.	
Advised to have licenses in public view and framed (Stephanie Smith)	
Chang Garden , 102 Jefferson St.	Checked

Courtyard by Marriot , 100 S. 22 nd Ave.	Not Checked
El Jalapeno Bar & Grill , 300 N. 3 rd St. Ste. #101	Checked
Great Dane Pub & Brewing , 2305 Sherman St.	Checked
Greenwood Hills , 2002 Poplar Ln.	Checked
King Buffet , 358 S. 18 th Ave.	Not Checked
Mandarin , 150 E. Stewart Ave.	Not Checked
Milwaukee Burger Company , 2200 Stewart Ave.	
No license on premises, and no operator's license on premises; Both confirmed valid through City Hall.	
Advised manager and GM of need to have both on the premises (Christian Alwin)	
Mint Café , 422 N. 3 rd St.	Not Checked
New City Grill , 203 Jefferson St.	
Operator's license not on property; Confirmed valid through City Hall. Advised to have license on premises(Christopher Dennison)	
Noodles & Company , 1800 Stewart Ave.	
Found to be open and operating under (valid) Class B license with no licensed operators on the premises (Christin Riemer and Bobby Smith); Manager arrived w/in 15 minutes (Elizabeth Umnus).	
Peking Chinese Restaurant , 221 Scott St.	Checked
Plaza Hotel & Suites , 201 N. 17 th Ave.	Not Checked
Polito's Pizza , 311 N. 3 rd St.	
Operator's license was not on property; Confirmed valid through City Hall; Advised to have on premises (Dan Sosnowski – GM)	
Red Apple Social Club , 707 S. 3 rd Ave.	Not Checked
Red Eye Brewing Company , 612 Washington St.	Not Checked
Sam's Pizza , 111 Elm St.	Not Checked
Sawadee Thai Restaurant , 1720 Merrill Ave #500	Not Checked
Taqueria Tres Hermanos , 525 Fulton St.	Not Checked
Vino Latte , 700 Grand Ave.	Checked
Wausau Mine Company , 3904 W. Stewart Ave.	Not Checked
Whiskey River Bar & Grill , 5512 Stewart Ave.	Not Checked

ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED

- VFW, Great Dane and Downtown Grocery all assessed points after serving underage person during March Alcohol Compliance checks
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Respectfully submitted,
Lt. Michael Felder