

## **PUBLIC HEALTH & SAFETY COMMITTEE**

Date and Time: Monday, July 20, 2015 at 5:15 pm, (Council Chambers)

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

Others Present: Alfonso, Hardel, Kujawa, Rayala, Goede, Stratz, Groat, Randy & Tana Scobel, Richard & Mary Gordon, Patricial Alalawneh, Rod Carlson, Tami Ness, Susan Green, Kevin Rutkowski

### **Minutes of previous meeting(s) (6/15/15)**

*Withdrawn*

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

Rasmussen indicated there were several Operator's License applications that were recommended for denial, including Susan Green, Jordan Nead, Kevin Rutkowski, Desmareigh Meyer, and Rebecca Weber.

Kevin Rutkowski addressed the committee stating he understood the severity of his crime and has done a lot since then to better his life. The accident happened 13 years ago and since then he has gone back to school and earned a couple of degrees and now has an opportunity for promotion to manager at his job which requires the Operator's License. He stated he has not had alcohol since the night of his accident in 2003. Chief Hardel noted the accident resulted in a 2005 felony conviction of Homicide by Intoxicated Use of a Motor Vehicle. He and Alfonso interpreted the statutes to provide that a felony conviction which substantially relates to the licensed activity (bartending) would preclude an individual from holding an Operator's License. Rutkowski commented he wouldn't actually be bartending, he just needed to have the license to be the manager.

Susan Green addressed the committee stating she has held a bartender license in the Town of Stettin for the last two years. She indicated she had a misdemeanor possession of THC in 2001 due to circumstances with her husband, but she has never smoked pot herself. The other charges were for worthless checks and welfare fraud which was back in the 1980's and she has had a clean record since. She stated she was a Criminal Justice student and worked for Human Services. Hardel stated Ms. Green has two felony convictions of public assistance fraud and worthless checks, as well as the possession conviction.

It was noted that Rebecca Weber, Desmareigh Meyer and Jordan Nead were not present.

Rasmussen reviewed the list of special event applications, noting many of the authorization forms had not yet come back at the time of the packet mailing. Goede indicated many are coming back in now and are approved.

Rasmussen suggested approval contingent upon the return of the authorization forms. Wagner requested a letter be sent to event organizers to ensure they apply in a timely manner and meet the deadlines.

Neal requested that Kevin Rutkowski and Susan Green be voted on separately from the license batch.

Motion by Neal, second by Gisselman to approve or deny various license applications as recommended by staff and that special events be approved contingent upon departmental review. Motion carried 5-0

Motion by Neal, second by Gisselman to approve the Operator's License for Susan Green. Neal felt that Ms. Green has gone 20 years without any charges and therefore should be given consideration. Gisselman asked Alfonso for an opinion and she explained the statutes in terms of what may be considered substantially related. Motion failed 2-3.

Motion by Neal, second by Gisselman to approve the Operator's License for Kevin Rutkowski. Neal wanted to give him an opportunity to move forward from this one incident. Motion failed 1-4.

#### **Request for permission to hold outdoor party, July 25, 2015 (Bob & Randy's Bar)**

Rasmussen noted the committee has approved this outdoor party the last couple years and the owners have been very good about notifying neighbors. Tana Scobel stated they are proposing to start about 2:00 pm and will have a polka band and food. They will wrist band for alcohol and she would personally be present. There were no problems with the previous events.

Motion by Neal, second by Kellbach to approve the outdoor party at Bob & Randy's Bar. Motion carried 5-0.

**Request for Premise Amendment for Outdoor Beer Garden & possible occasional outdoor entertainment (M&R Station)**

Richard Gordon, owner, provided pictures of the enclosed fenced beer garden and indicated there would be security out there. He indicated they would like to eventually have music out there once or twice a month which would be done by 8:00 or 9:00 in the evening. Kujawa questioned if the garden had appropriate exits and Gordon indicated there was a gate on the north side. Hardel suggested they meet with Lt. Matt Barnes to discuss how the Police Department handles noise complaints.

Motion by Neal, second by Kellbach to approve the premise amendment and outdoor entertainment for M&R Station. Motion carried 5-0.

**Consideration and possible action on complaint filed by Patricia Alalawneh under W.M.C. ch. 9.32, Discrimination in Housing Accommodations, Re: 1320 N 3rd Street, respondent Anna Mae Buttke.**

Rasmussen stated the respondent landlord, Anna Mae Butke, was out of town and unable to attend the meeting. She noted this item does not include sworn testimony or witnesses. She invited the complainant, Patricia Alalawneh, to come forward to make remarks to the committee before they go into deliberation.

Patricia Alalawneh indicated she believed she was being discriminated by the landlord because she is black and told her side of the issue.

**The Committee may convene into 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 subject of any judicial or quasi-judicial trial or hearing before the governmental body to determine whether there is probable cause exists that there has been a violation of W.M.C. ch. 9.32, Discrimination in Housing Accommodations.**

Motion by Neal, second by Gisselman to move into closed session. Roll Call Vote. Motion carried unanimously.

**Reconvened back into Open Session**

Rasmussen stated after deliberation the majority of the committee agrees that it finds none of the information presented provides proof or probable cause that discrimination occurred or that the dispute between the parties is any different than what would occur between landlords and tenants of any race.

Motion by Neal, second by Gisselman to defer a decision to the next meeting in order to hear from both parties. Motion failed 2-3.

Motion by Wagner, second by Kellbach for a finding of no probable cause. Motion carried 3-2.

**Property Maintenance and Rental Inspection Report**

Rasmussen stated Bill Hebert was called away unexpectedly and was unable to attend to present the report. She stated in excusing him from the meeting, she indicated to him if anyone had questions regarding the report in the packet she would get those to him after the meeting and he would answer them directly. Rasmussen noted they have been inspecting rental units almost full-time all summer. They schedule the inspections three weeks in advance and have been having some issues with cancellations. Report was placed on file.

Alfonso stated the decision regarding rental inspections came out of the Appellate Court in the La Crosse area. She explained the landlords there never raised an argument that rental licensing is beyond the authority of the Council to pass. Their issue was that the city cannot make the landlord give notice to the tenants that an inspection of the property is going to occur. The Appellate Court found in favor of the landlords and overturned the Circuit Court's decision in that regard, so that provision must be taken out. She noted our decision is still pending and she indicated she disagreed with that opinion.

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

Hardel presented the Tavern Report for May 11, 2015 through June 3, 2015 (*See attached*). Report placed on file.

Hardel stated they are continuing to investigate the shooting that took place at Its Our Clubhouse and sent out the video to all Council members. He commented it was very serious in nature and we are happy no one was injured. He indicated they are canvassing the neighborhood and will have a report for the committee soon.

Ann Applegate, 709 Werle Avenue, stated there are many people in the neighborhood who are very concerned about the activity at this bar and don't feel safe. She commented the street the gun fire took place on is the street she drives home on. She encouraged the committee to consider the neighborhood in their deliberations.

#### **Operations Report from Fire Department for June 2015**

Kujawa stated on July 6<sup>th</sup> they hired four new firefighter/medics that will do their three week academy and then go for one month as a third on the ambulance and then they are put on shift, so by August we should be on full staff. She reported they are partnering with the American Red Cross for a smoke alarm event. One of the Red Cross initiatives within the next five years is to decrease fire deaths and injuries by 25% and they are partnering with fire departments throughout the United States. She indicated we did our campaign on June 20, 2015 installing 105 smoke detectors. We are second in the state only to Milwaukee for smoke detector installations. Kujawa stated they partnered with EFI Global again this year as well for fire investigation. We received quite a few grants in the past month, including one for \$140,000. Lastly, she reported there were only 32 hours of sick leave used in the month of June for the department.

#### **Discussion and Possible action on Ordinance Repealing Chapter 9.40 Smoking prohibited inside restaurants and related Ordinances Amending Section 1.01.025(c)(1)(B) Schedule of cash deposits to include prohibition against smoking and chronic nuisance (1st Offense only) and 9.04.010 State statutes adopted to include prohibition against smoking.**

Alfonso explained the police went to the Cabaret bar where a patron was smoking and wanted to issue a citation for violating the indoor smoking ordinance, but upon closer look, found that the city ordinance only prohibits smoking in restaurants. The state has since passed indoor smoking prohibition which is more encompassing than ours. In order for us to give a municipal citation for indoor smoking we need an ordinance to cover all of these places. She spoke with Nate Pekarski and they decided the best thing to do was repeal our current ordinance and simply adopt the state law in its entirety and assign the fine. This would allow us to enforce it; otherwise currently we have to refer it to the District Attorney's Office.

Alfonso explained in regard to the chronic nuisance, our ordinance has a range of fines of \$1000-\$2500 but because there is no bond amount, it requires the person to show up for court. We are proposing to set a bond amount at \$1300 so if people are inclined to just pay a fine without going to court they could do so.

Motion by Neal, second by Kellbach to approve the proposed repeal of and amendments to the ordinances. Motion carried 5-0.

#### **Discussion and Possible action on Repealing and Recreating Section 6.44.010 Definitions, and Amending Sections 6.44.020 Collection, 6.44.030 Separation, 6.44.040 Solid waste containers, 6.44.050 Draining and wrapping solid waste, 6.44.060 Location of waste and recycling containers for collection, 6.44.070 Certain disposal and removal prohibited, 6.44.080 Noncollectible materials, 6.44.090 Storing of refuse, 6.44.100 Enforcement and penalties**

Maryanne Groat explained the ordinances are basically to reflect what our RFP was for automated services. It would mandate the use of the contractor provided cart for refuse and recycling; restrict participation in the curbside pickup to single family duplexes, triplexes, fourplexes, mobile homes and residential condominium units located in a structure that contains no more than eight units; establishing single stream recycling; establishing that each residential unit will receive one 65 gallon refuse cart and one 95 gallon recycling cart (residents will be restricted from making a change to the cart size for the first 90 day implementation period); carts must be spaced four feet apart and away from obstructions; and prohibited from putting things outside the carts. Groat indicated the educational material was being created for the public.

Alfonso noted she just needs to add the words "solid waste" to the second line of Section 6.44.070(c).

Motion by Neal, second by Kellbach to approve the ordinance as presented. Motion carried 5-0.

**Communications**

None.

**Adjournment**

Motion by Neal, second by Gisselman to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:10 p.m.

Attachment

Wausau Police Department



James E. Tipple  
Mayor

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

**Date**                **06-05-15**  
**To**                    **Chief Hardel**  
**From**                **Lt. Mike Felder**  
**Subject:**            **TAVERN REPORT for May 11, 2015 through June 3, 2015**

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

**Denmar Tavern**, 601 W. Thomas St.  
**Domino Bar**, 740 Washington St.  
**Eagle's Club**, 1703 S. 3<sup>rd</sup> Ave.  
**Glass Hat**, 1203 N. 3<sup>rd</sup> St.  
**Hiawatha Restaurant & Lounge**, 713 Grant St.  
**Intermission**, 325 N. 4<sup>th</sup> St.  
**Jim's Corner Pub**, 1244 S. 9<sup>th</sup> Ave.  
**Cruisin**, 1724 Merrill Ave.  
**Labor Temple**, 701 Washington St.  
**Limerick's Public House**, 121 Scott St.  
**Loppnow's Bar**, 1502 N. 3<sup>rd</sup> St.  
**Lumpy's**, 265 Chellis St.  
**Whiskey River Bar and Grill**, 5512 Stewart Ave.

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

**Domino Bar**, 740 Washington St.

- 1) *Case #15-4135, 05-18-15 at 4:45 PM:* Officers responded to an anonymous report of drug dealing activity in the parking lot of the bar. One vehicle involved was a Pontiac. Officers responding observed a similar vehicle in the lot, and observed it leave. A traffic stop of the vehicle shortly thereafter led to a K-9 sniff and subsequent alert. A twenty-three year old male was arrested for Possession of Drug Paraphernalia and a Probation Violation. A twenty-four year old female was arrested for Possess Drug Paraphernalia.

**Its Our Clubhouse and Yours**, 738 S. 3<sup>rd</sup> Ave.

- 1) *Case #15-4322, 05-24-15 at 2:28 AM:* Victim called dispatch to report that during an argument with an ex-boyfriend in the parking lot of the bar, he pulled a handgun and threatened to shoot her with it. While taking the report, the victim mentioned that the same suspect had also pulled a gun on someone in the bar the previous weekend, that was not reported to Police. A bouncer (Dennis Pliske) and a bartender (Kasey Schill, who is also the suspect's girlfriend) also confirmed this past incident with the Officer. Mr. Morel claimed no knowledge of the previous incident, and was working with Officers to provide video footage of the more recent incident. The suspect was later arrested at a residence in Rothschild, with assistance from the Marathon County SWAT team.

**CONVENIENCE/GROCERY STORE INSPECTIONS (No violations unless noted)**

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None

**RESTAURANT INSPECTIONS (No violations unless noted)**

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None

**ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED**

- **Kwik Trip #601** (6<sup>th</sup> St/Marquardt Rd), **Pine Ridge Mobil**, **Crossroads County Market**, **Tobacco Outlet Plus #501** (17<sup>th</sup> Ave), **Thrive Foodery**, **Cruisin**, **North End Pub** and **Jim's Corner Pub** all assessed points after serving underage person during May Alcohol Compliance checks (May, 20, 2015)
- (See attached report)

Respectfully submitted,  
Lt. Michael Felder