

## **PUBLIC HEALTH & SAFETY COMMITTEE**

Date and Time: Monday, August 17, 2015 at 5:15 pm, (Council Chambers)

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

Members Not Present: Neal

Others Present: Alfonso, Hardel, Kujawa, Rayala, Goede, Bishop, Ofc Peterson, Roger Sydow, Jack Pettit, Cassandra Scheffler, Jamie Duginski, Bryan Morel.

### **Minutes of previous meeting(s) (5/18/15 & 6/15/15)**

Motion by Kellbach, second by Gisselman to approve the minutes of previous meetings (5/18/15 and 6/15/15).  
Motion carried 5-0.

### **Consider request for waiver of 3.06.010(a) Payment of taxes, claims forfeitures, judgments prior to issuance of license or permit, due to extraordinary financial hardship. (Cassandra Scheffler)**

Cassandra Scheffler, 783 Cherry Dr, Eland, addressed the committee stating she was approved for a license in Wausau; however, it was put on hold for approximately \$525-\$600 in fines. She is moving back to the Wausau area and has obtained a job at The Plaza and needs the Operator's License. She indicated she was willing to set up a payment plan to pay off her fines. Rasmussen questioned if she could get them paid off by renewal time prior to July 1, 2015 and she indicated that she could.

Motion by Gisselman, second by Kellbach to approve the financial hardship waiver to release her license with a payment plan in which the debt is satisfied by renewal time. Motion carried 4-0.

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

Rasmussen stated there were two Operator's License applications recommended for denial by Chief Hardel for Jamie Duginski and Peter Rockman.

Jamie Duginski, 926 S 21<sup>st</sup> Ave, Wausau, addressed the committee asking for approval of his license to work at the Pine Ridge gas station. He noted everything on his record happened 12 years ago. He moved to Florida for four years and has moved back to Wisconsin, however, he has run into several instances since returning where his past has come back to haunt him.. He stated he helped raise a family for six and a half years and had a successful landscaping business in Florida for two years, through which he purchased all of his equipment and built a customer base of 86 good paying customers. He paid off all his equipment and sold his accounts to finance his move back home to Wisconsin. He wants to pursue and grow his landscaping business here during the day and has nine paying accounts currently, but needs the job at Pine Ridge to accomplish this.

Chief Hardel commended Duginski for making good decisions and changing his life around, however, he informed the committee the record includes a number of felony convictions. There were charges of 2nd Degree sexual assault of a child, which was dismissed but read in; possession of drug paraphernalia; possession of THC; and exposing genitals to a child. He noted some these charges did not show the disposition. Duginski explained the sexual assault charge had to do with a relationship with his girlfriend when they were underage that her mother did not want and the exposing genitals to a child was in reference to Playboy pictures on the wall where his underage girlfriend was present. Hardel stated there is also a felony charge of possession with intent to deliver THC; felony maintaining a drug trafficking place; felony arson; and habitual criminality. Duginski acknowledged he made a lot of bad choices back then and took responsibility for them and was not hiding anything. He indicated he completed a prison sentence, educated himself and put himself through college after he got out and has taken his life in a different direction from the past. Rasmussen stated she was concerned with the totality of the record and the portability of the license.

Gary Schwartz, N2751 Thiel Dr, Merrill, owner of Pine Ridge Wausau, LLC, spoke on Jamie Duginski's behalf. He knew of his background, was willing to stand behind him and asked the committee to give him a chance.

Wagner understood sometimes when people are young they make foolish mistakes and it takes something dramatic to turn around. He noted Duginski had a lot of felonies, which concerned him, but suggested a one year license.

Motion by Wagner, second by Gisselman to approve a One Year Restricted Operator's License for Jamie Duginski.  
Motion carried 3-1. (*Rasmussen was the dissenting vote.*)

Rasmussen noted Peter Rockman was not present to address the committee. She reviewed the special event applications on the list.

Motion by Kellbach, second by Gisselman to approve or deny the rest of the licenses as recommended by staff. Motion carried 4-0.

**Discussion and expression of concern for compliance issues at the VFW beer garden during the WI Valley Fair.**

Chief Hardel stated we had some concerns last year during the fair because the VFW allowed individuals to leave their stand with beer. He felt they did not take that responsibility serious and when confronted denied that it was from their tent even though it was witnessed by an officer. Hardel stated he had requested they obtain independent security for this year's fair, but it was not supported by the committee. There were meetings with the VFW and officers for this year, who came away with the impression that the VFW would hire security and the Fair Board also thought they would hire security; however, they did not.

Hardel stated the Police Department conducted a compliance check sending in underage individuals to the VFW tent as well as all of the other beer tents at the fair. He noted they were informed in advance there was to be a compliance check and explained they had to check IDs. The VFW sold to the underage person upon the first compliance check and officers met with them the next day to advise them they failed and that we would be checking again. The next night the second check was done and they failed again. He had the same concerns as last year that they do not take the responsibility serious and recommended the committee not allow them to have a picnic license for next year. If the committee chooses to grant them one he requested they mandate that they hire security.

Jack Pettit, VFW Post Commander, and Roger Sydow, Chairman for the VFW for the fair were present. Sydow commented on last year stating he did not deny the incident and the person at the gate was removed at that time. Hiring guards was discussed with the committee last year, but his understanding of the requirements was to meet with police in the spring of the year, which was done with Cpt Barnes. He stated we were to provide our security plan and at that time we had contacted a security company as backup in the event our plan was not approved. He changed the guards for this year and attempted to schedule them appropriately and he thought this was acceptable. He acknowledged they were informed that the compliance checks were going to be done and the entire process was explained to them. Signs were also placed as requested and he thought they had complied with the committees requests for this year. He commented he had no explanation for the compliance failures under the circumstances, but it was one individual both times, which wasn't even one of our members. He indicated the individual was removed and there were no further incidents. He commented they do take this very seriously.

Rasmussen stated the issue is that it keeps happening at the fair as well as at the VFW Lounge, showing a pattern of behavior. She noted the other two organizations at the fair use private security and wristbands and they pass these compliance checks. She questioned why there was an issue with hiring private security. Sydow indicated the main issue was the cost of approximately \$20 per hour.

Rasmussen stated it was not necessary to take action for the 2016 fair tonight; we had it on the agenda for discussion and to express our concerns. The committee will consider requiring private security for next year and they could impose that contingency in the spring when the picnic license comes before us for approval. Wagner suggested they bring their plan in writing to the meeting in the spring along with their picnic license application. Rasmussen recommended he meet with the police department on this plan before it comes to committee. Pettit ensured the committee there will be some changes.

**Consider the Complaint filed regarding Its Our Clubhouse LLC (d/b/a Its Our Clubhouse) and take possible action on issuance of a summons commanding it to appear before the Committee for a hearing to show cause why the Class "B" Beer & Liquor License issued should not be revoked.**

Chief Hardel described the "shoot out" incident that occurred which was the impetus to this revocation request on the Police Department's behalf. He indicated they conducted a neighborhood survey and 80-90% of the people in that area stated the decline of the neighborhood and the loss of safety is a result of the activity at this bar. He stated it is the department's opinion that the owner, Mr. Morel, has provided an environment at his bar where people feel comfortable and are not being held accountable for their behavior in the bar and therefore, he should not be holding a liquor license.

Bryan Morel addressed the committee stating he felt things had improved since the suspension ended and debated some of the police service calls as incidental or made by bar staff. He stated neither he nor his employees had anything to do with the shooting. He requested the address of the complainant that was filed because he wanted proof that he was a resident.

Motion by Wagner, second by Kellbach to move forward with a formal revocation hearing. Motion carried 4-0. Rasmussen stated he would be notified within 10 days of the hearing date.

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

Chief Kujawa reported there was a fire today at the Ponderosa Motel and quick response contained it to one room. She reiterated her need for support from this committee and the Common Council moving forward on accreditation. It will require a lot of work from the department and there is some cost associated with it. The registration fee is \$500 and they were planning on registering in September. The applicant status will happen in 2016 at a cost of approximately \$6,500 and then the candidate agency status, which means a peer group, comes in for an onsite assessment in 2018 is about \$7,500. There will be additional cost to send our people to present to the accreditation agency at the conference in 2018. It is a long process with a total cost of \$16,000 - \$18,000. She noted there has been some suggestion that in future years Medicare and Medicaid are looking at not paying agencies that are not accredited. They are looking at an accreditation standard so that they know you are performing at a very high level. Motion by Gisselman, second by Kellbach to place this item on the agenda for next month so that we can take official action in promoting this both for Finance Committee and to the City Council. Motion carried unanimously.

#### **HEARING: Gayle Pankow, owner, appeal of dangerous animal designation declaration - Rascal**

Rasmussen opened the hearing and the clerk swore in the witnesses to give testimony. Rasmussen explained the process of the hearing and opened the floor for testimony.

Gayle Pankow, owner of Rascal, relayed the dog bite incidents from her perspective. She indicated a veterinarian suggested anxiety medication may help Rascal. She requested they repeal the dangerous animal designation and she will keep him on a leash. Rasmussen questioned where she was with complying with the restrictions of the dangerous animal designation to date. She stated she is on disability with a fixed income and is going to save money to have him neutered and was willing to microchip him.

Testimony was taken from Humane Officer Ashlee Bishop and Officer Peterson.

#### **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 Wagner, second by Gisselman to move into closed session. Roll Vote was taken; motion carried unanimously.

#### **Reconvened back into Open Session**

Rasmussen read the Findings of Fact and Conclusions of Law upholding the dangerous animal declaration of the Chief of Police and that the owner must comply with the requirements set forth in the ordinance. Hardel noted the dog is currently being held at the Humane Society because the owner is not in compliance and he will be kept there until she comes into compliance with at least most of those requirements.

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

Hardel presented the Tavern Report for July 3, 2015 through August 3, 2015. (*See attached.*)

Hardel reported the last few compliance checks that were conducted received very poor compliance of 40-50%. He indicated the department has a plan and we are discussing internally as to what we can do to help educate and we also plan to set up a meeting with Tavern League President, Tim Thomas.

#### **Communications**

The committee scheduled the revocation hearing for Its Our Clubhouse for Monday, August 31, 2015 at 5:15 pm.

**Adjournment** Motion by Wagner, second by Kellbach to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:30 pm.

Attachment

Wausau Police Department



James E. Tipple  
Mayor

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

**Date** 08-09-15  
**To** Chief Hardel  
**From** Lt. Mike Felder  
**Subject** TAVERN REPORT July 3, 2015 through August 3, 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.

**Bob & Randy's Bar**, 1515 N. 6th St.

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

Patron was observed to be smoking on Officers' arrival. Tavern Inspection sheet lists tavern license to have expired on 06/30/15. In-house records checked showed a valid license expiring on 06/30/16.

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

Bartender, Tracy Nelson, advised she had not gotten her renewed operator's license in the mail as of yet. In-house records indicated she had been approved for a new operator's license, expiring 06/30/17.

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

All licenses were kept in a folder. They were advised to post the tavern license properly.

**The New Chapter Two**, 1810 Merrill Ave.

Is now closed.

**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.**

**Loppnow's Bar**, 1502 N 3<sup>rd</sup> St.

(1) *Case # 15-6180, 07-18-15 at 1:15 AM:* Officer was driving by Loppnow's on patrol when she observed a male standing on the sidewalk outside the front entrance, yelling something at her. The male was holding what appeared to be a bottle of Coors Light. Officer made contact with the male, who said he was not aware that he could not have a beer outside the bar. The male was issued a citation for Liquor on Street. Demerit points assessed.

(2) *Case #15-6782, 08-05-15 at 9:19 PM:* An Alcohol Compliance check conducted with an underage volunteer. Bartender sold to underage volunteer after checking her ID. He was cited for Serving Underage Person. Demerit Points assessed.

**Malarky's Pub**, 412 N 3rd St.

- (1) *Case #15-6420, 07-26-15 at 2:44 AM:* Two males were observed by a passing officer to be involved in a fist fight in the street outside the bar. One underage male was apprehended. It was reported that the male had entered the bar, yelled for someone to fight him, and then exited the bar. No disturbance or other activity took place in the tavern.
- (2) *Case #15-6779, 08-05-15 at 8:54 PM:* An Alcohol Compliance check was conducted with an underage volunteer. The bartender (co-owner Todd Link) sold alcoholic beverage to underage volunteer. He was cited for Serving Underage Person. Demerit Points assessed.

**VFW Burns Post 388, 388 River Dr.**

- (1) *Event # 150083518, 07-19-15 at 12:15 AM:* Call received from bartender, Brian, about a large fight (approx. 25 people) that was ongoing. Dispatcher could hear yelling and slapping in the background of the call. Several Officers arrived and located a large crowd outside in the parking lot, but no active fighting. Crowd was dispersed and no cooperative witnesses were located to point out who was the problem. No arrests made. A second call had also been received from a citizen that was camping in the farmer's market next door.
- (2) *Case # 15-6610, 07-31-15 at 9:20 PM:* A woman reported being physically assaulted (grabbed by the arm, thrown to the floor and punched) by another woman at the bar. The initial victim showed evidence of having been grabbed and had a lump on her head. The suspect had left, and had been an employee until this incident, but was not working on the night of this incident. Management advised that after this incident, the woman can no longer come onto the property. The suspect later called the Police to report having been hit by "the boss's girlfriend." However, Officers had not been able to locate the suspect to question her about the incident or her counter-complaint.

**Den Mar, 601 W Thomas St.**

- (1) *Event #150080492, 07-12-15 at 11:39 AM:* Calls were received by both a neighbor and the bartender regarding a patron that had left the bar, discovered that the air had been let out of his bike tires, and came back into the bar threatening to kill the person he thought had done it. All involved were gone by the time Officers arrived. Neighbor complained about frequent unruly behavior.

**Eagle's Club, 1703 S 3<sup>rd</sup> Ave.**

- (1) *Case #15-6778, 08-05-15 at 8:31 PM:* An Alcohol Compliance check was conducted with an underage volunteer. Bartender Rebecca Volm was cited for Serving an Underage Person. Demerit Points assessed.

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

- (1) *Case # 15-5881, 07-08-15 at 1:31 AM:* Bartender called to report an incident with a gun in which she heard two shots fired outside of the tavern. Subsequent investigation indicated that two males were involved in shooting at each other, with several shots fired by each. The shooting took place just outside the door to the tavern, and ranged across the street and slightly down the block. An occupied vehicle passed between the two males as they were shooting at each other. No injuries were sustained. The two males were later identified and arrested. Both are facing several counts of Recklessly Endangering Safety. Demerit points assessed for Failure to Maintain an Orderly Premises, with an enhancer for severe offense (creates substantial risk of death or bodily harm/firearm involved).
- (2) *Case #15-6108, 07-16-15 at 1:46 AM:* Bartender called to report a fight that had occurred. On arrival of Officers, few people remained on scene and those that were either claimed they didn't see anything, or were not cooperative. On review of the surveillance, it was the Officer's opinion that the bartender could have notified Police of the active altercation 1-2 minutes earlier than when she actually called. No arrests made as of this writing.
- (3) *Case#15-6389, 07-25-15 at 3:04 AM:* Owner called to report that a male was outside the bar and wouldn't leave. Officers responded and took a male into custody for possession of suspected cocaine and a probation violation.

**M& R Station, 818 S 3<sup>rd</sup> Ave.**

- (1) *Case# 15-6785, 08-05-15 at 9:50 PM:* Received a report that a male with several warrants was in the tavern. Officer responded in plain clothes and confirmed the report. James Powell was taken into custody without incident. There had been reported sightings at this tavern and other nearby taverns of Powell in the past. When arrested, Powell also had a quantity of crack cocaine on his person (charged with Possession of Cocaine Base with Intent to Deliver).

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

- (1) *Case #15-6008, 07-12-15 at 2:42 AM:* Officers on patrol reported hearing a disturbance in the parking lot of the tavern (north side of building). Investigation determined that a male was struck in the face by a beer mug or pint glass from the bar. Surveillance from the bar and information from the bartender confirmed that there was an argument involving the victim in the bar, but the employee did not think it was to the point that intervention was necessary. A suspect has been developed, but no arrest made as the investigation is ongoing.

**Campus Pub, 1110 W Campus Dr.**

- (1) *Case #15-6784, 08-05-15 at 9:43 PM:* An Alcohol Compliance check was conducted with an underage volunteer. Bartender Nicole Anderson was cited for Serving an Underage Person. Demerit Point assessed.

**Labor Temple, 318 S 3<sup>rd</sup> Ave.**

- (1) *Event # 150083576, 07-19-15 at 3:00AM:* An anonymous report was received that there were people in the outside parking lot on the north side of the building drinking and being loud. Officers located four individuals that were in the lot listening to music. A few had open beers and were just waiting for their ride home. Three out of the four were cooperative and one was sarcastic. They were on the Labor Temple softball team.

**Milwaukee Burger Company, 2200 Stewart Ave.**

- (1) *Case #15-6584, 07-31-15 at 6:49 AM:* Officers came across a male sleeping in a running car in the parking lot. The male was wearing a uniform from the business. He was woken up by Officers and identified an Andrew Sorenson (possibly a manager). The male was intoxicated from having been drinking the previous night. Since the vehicle was running, he was processed and eventually arrested for suspicion of OWI. While the male was in the back of the squad, he admitted to the arresting Officer that he is the night manager, and that he and another manager were drinking in the business after they were closed. Demerit Points assessed.

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

None.

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

**BB Jack's, 900 Golf Club Rd.**

**Bunkers Bar & Grill, 1001 Gold Club Rd.**

- Expired license was still posted; New one on premises and will be posted.

**Angelo's Pizza, 1206 N 6<sup>th</sup> St.**

**Chang Garden, 102 Jefferson St.**

**Jalapeno's Mexican Restaurant & Bar, 300 N 3<sup>rd</sup> St. Ste. 101**

**The Mint Café, 422 3<sup>rd</sup> St.**

- Expired license still posted; New one put up while Officer was present.

**New City Grill, 203 Jefferson St.**

- Expired license still posted; New one put up while Officer was present.

**Peking Restaurant, 221 Scott St.**

**Polito's Pizza, 311 N 3<sup>rd</sup> St.**

- Daniel Sosnowski's license had expired. No alcohol was being served at the time. Daniel went straight to City Hall. He was advised that no alcohol could be served until license was up to date.

Business license up to date (in-house record verification). Mr. Sosnowski's license has been applied for and approval is pending.

**Red Eye Brewing Company**, 612 Washington St.

**Taqueria Tres Hermanos**, 525 Fulton St.

- Expired license still posted; Current license was mailed according to Mary Goede. Owner was advised to pick up a copy at City Hall.

**Vino Latte**, 700 Grand Ave.

**Greenwood Hills**, 2002 Poplar Ln.

- License was posted, but not framed. Officer advised Brittany Parkma that it needed to be framed.

**Red Apple Social Club**, 707 S 3<sup>rd</sup> Ave.

**Applebee's**, 2221 Stewart Ave.

- License not posted in public view. Manager Adam M. Daniek was working. He was advised that the business had been warned on 03-04-15 about having the license posted (warning given to Amanda S. Clark). Officer was advised to issue citation for not posting the license (25 Demerit Points).

**Buffalo Wild Wings Bar & Grill**, 1819 Stewart Ave.

**Courtyard by Marriott**, 1000 S 22<sup>nd</sup> Ave.

**Milwaukee Burger Company**, 2200 Stewart Ave.

**King Buffet**, 358 S 18<sup>th</sup> Ave.

**Noodles & Company**, 1800 Stewart Ave.

**The Great Dane Pub & Brewing**, 2305 Sherman St.

**2510 Restaurant**, 2510 Stewart Ave.

**Wausau Mine Company**, 3904 Stewart Ave.

**Westwood Conference Center**, 1800 W Bridge St.

**Whiskey River Bar & Grill**, 5512 Stewart Ave.

**The Mandarin**, 150 E Stewart Ave.

**Pizza Hut**, 306 S 17<sup>th</sup> Ave.

- Their license has lapsed. Their new location no longer serves alcohol.

**Sam's Pizza**, 111 Elm St.

- License was not posted. This was their first violation, so a warning was issued to have it posted.

**Sawadee Thai Restaurant**, 1720 Merrill Ave. #500

- Expired license still posted; They advised that the new license will be posted once the owner returns. Current license is on file in-house.

**The Plaza Hotel & Suites**, 201 N 17<sup>th</sup> Ave.

## **ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED**

- **Loppnow's, Malarky's, Campus Pub, VFW Beer Tent and Eagle's Club** all sold to underage volunteers during August Alcohol Compliance checks (August 5, 2015). 25 Demerit Points each. **Quality Foods IGA** (E. Wausau Ave.), **CVS Pharmacy, Walgreen's** (S. 17<sup>th</sup> Ave.), **Roc's Place, Wausau Noon Optimists Beer Tent and Lion's Club Beer Tent** all successfully denied sales to the underage volunteers.
- **It's Our Clubhouse and Yours** was assessed 100 points for Failure to Maintain an Orderly Premises (50) with the enhancer that it was a severe offense (50, substantial risk of death or bodily harm and involved the use of a firearm). They currently have 175 Demerit Points.
- **Applebee's** failed to have their license posted for the second time checked. Citation to be issued to manager. 25 Demerit points assessed.
- **Loppnow's** assessed points for allowing open alcohol container to leave the premises. 25 Demerit Points, for a current total of 50.
- **Milwaukee Burger Company** had an employee/manager admit he had been drinking with another manager after closing time. He was found in the parking lot sleeping in a running vehicle, and arrested for suspicion of OWI. 25 Demerit Points assessed for Sell Intoxicating Liquor After Hours.
- (See attached report)

Respectfully submitted,

Lt. Michael Felder