

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, December 21, 2015 at 5:15 pm, (Council Chambers)

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

Others Present: Alfonso, Hardel, Czarapata, Rayala, Goede, McKenzie Drengler, Baeten, Destinee Coenen, Jon Radtke, Ashlee Bishop, Amanda Hayes, Scott Liegl, Dick Holster, media

Minutes of previous meeting(s) (11/17/15)

Motion by Kellbach, second by Neal to approve the minutes of the previous meeting (11/17/15). Motion carried 5-0.0

Presentation: E-Cigarette Update (Destinee Coenen)

Rasmussen stated our school resource officers within the Police Department and the Marathon County Health Department in connection with the Healthy Marathon County's initiative has come to us and asked that we consider some sample legislation aligning e-cigarettes with our other indoor smoking clean air policies.

Destinee Coenen presented a PowerPoint on the use and health risks of E-Cigarettes (*copy on file*). She noted a resolution was passed on October 20, 2015 by the Marathon County Board of Supervisors which was two-fold in that it supports adding e-cigarettes to its clean indoor air law and supports local communities doing the same.

Joe Rolling, member of the Tri-County Tobacco Free Coalition, as well as a respiratory therapist, indicated research is starting to come out and there are some initial studies showing lung problems with inhalation of these products. He provided articles on the subject (*on file*).

Michelle Armstrong, 2173 Meadowbrook Way, spoke in support of adding e-cigarettes to the smoke free clean indoor air act in the City of Wausau.

Discussion and possible action on amending related ordinances sections of the WMC in reference to smoking and prohibition of e-cigarettes and related electronic delivery devices: §§ 9.04.010, 9.040.022, 2.90.010, 2.90.020, 17.36.010, 5.30.040, and 2.95.010

Rasmussen stated Tara Alfonso researched other communities and received sample copies of legislation through the Health Department and the Healthy Communities Initiative. These amendments are all inter-related to achieve the same end. Neal commented he fully supported this because there is too much unknown about its effects on the health of the user and those around them. Rasmussen indicated she has received a fair amount of feedback in emails and letters from the public supporting this as well.

Motion by Neal, second Kellbach to approve the ordinance amendments in reference to smoking and prohibition of e-cigarettes and related electronic devices. Motion carried 5-0.

Consider request for 90 day extension for good cause to open for business - Sweets on Third, 615 3rd Street (Val-Roc, LLC)

Rayala indicated she spoke with Tim Nawrocki and they are requesting the extension due to the fire in the Downtown Grocery which adjoins their business. They are waiting for insurance issues to be settled and the owner of the building move forward with the cleanup and restoration from the fire damage.

Wagner was concerned that 90 days may not be enough time. Rasmussen stated if the work is not complete after that period of time they can come back and request another extension.

Motion by Neal, second by Gisselman to approve the 90 day extension for Val-Roc, LLC. Motion carried 5-0.

Consider various license applications.

Rasmussen stated there was one recommendation for denial of an Operator's License for Amanda Hayes, who was present to address the committee.

Amanda Hayes acknowledged she has had four OWI convictions, but the last one was 10 years ago and was not a felony. She stated she has a job at a gas station which she likes and although her boss indicated they could work around it if she did not have a license; she was hoping they would consider granting her one so she could work alone. She commented she was not bartending, just working at a gas station. Rasmussen pointed out even though

she was working at a gas station now; the license is a portable city wide license which could be used for bartending as well. Neal requested they vote on this license separately from the list.

Rayala stated we received an application for a Temporary Class B Retailer's (picnic) license from Marathon County Youth Hockey for the Pond Hockey Tournament sponsored by Leinenkugel's, on January 15, 2015 at Marathon Park. Typically this event was held at Sunnysvale, but the warm weather has made the safety questionable. Scott Liegl, Wausau/Central Wisconsin Visitor's Bureau, stated this was a contingency plan or alternative and if the weather changed they would keep it at the original location.

Rayala stated Raj Bhandari was present to answer questions regarding his application for a Class B Beer license at 802 E. Wausau Avenue. Fast Fuel Mart, LLC (owner Raj Bhandari) currently holds a Class A Beer & Liquor license at 802 E. Wausau Avenue. There is a prohibition in the State Statutes against a person obtaining both a Class A and a Class B (or Class C Wine) license for the same or connecting premise.

Bhandari stated when he purchased the building it housed a Subway in the back portion which subsequently closed. He indicated he tried, but was unsuccessful, to get another food service for that space because there was a high demand for it. He stated if people were in the food area, they would not be able to come into the gas station because there is a gate between them. He pointed out he has applied for the Class B Beer license under a separate entity, United America, LLC.

Rasmussen stated there needs to be full separation between the two premises and that a gate would not be enough, there would need to be a wall. She questioned if there was separate access to the two businesses and separate restrooms. Bhandari stated there is a common restroom, but he is considering putting in another. He pointed out there is an entirely separate entrance door and parking for that part of the building. Rasmussen stated the license should be contingent upon the construction of the wall and an inspection for code compliance, as well as from police.

Motion by Wagner, second by Neal to approve or deny various licenses as recommended by staff, with the exception of Amanda Hayes and United America, LLC. Motion carried 5-0.

Motion by Neal, second by Kellbach to approve the Class B Beer License for United America, LLC, contingent upon construction of a wall to separate the premises and approval by the Inspections and Police Departments. Motion carried 5-0.

Motion by Wagner, second by Neal to approve the Operator's License for Amanda Hayes. Motion failed 1-4.

Discussion and possible action adopting resolution opposing proposed State of Wisconsin legislation prohibiting Municipal Rental Inspection Programs and other restrictions on municipal powers.

Rasmussen this legislation would essentially bar municipalities from restricting landlords in almost every way.

Richard Holster, 2808 Franklin St, stated they were obviously in favor of this legislation and he was asked to go down to Madison and speak to it. There are 18 pages to this Assembly Bill which addresses four or five different things, some of which are totally unrelated to rental licensing. He indicated there were things in it that he was strongly in favor of and other things that he thought should not go through. He asked the committee to take some time to read it through because there are some good things in it that they could support rather than be opposed to entire thing.

Rasmussen commented the legislation has been fast-tracked and it would be easier if these items were separated, but they pooled them all together. She stated the portion that includes landlord licensing and inspection is offensive enough to oppose it. She noted the League of Municipalities opposes it as well. Neal commented he hoped other municipalities would join us in vociferously opposing it.

Motion by Neal, second by Wagner to approve and forward to Council the resolution opposing the legislation AB 568. Motion carried 5-0.

Discussion and possible action on enabling ordinance surrounding Trap, Neuter, Return (TNR) Program and analysis of potential future cost savings for cat impoundment services.

Rasmussen stated during the budget process in trying to fund the cat sheltering, she promised the Council that this committee would undertake another discussion TNR rather than tie up the budget with policy decisions. She asked them to consider if they want to send the original TNR ordinance back to Council with the same small target zone and sunset or remove the target zone and let the volunteers operate city wide where they feel it is appropriate. She noted TNR costs the city nothing; the volunteers secure private funding. Committee discussion with Alfonso, Bishop and Baeten followed; the consensus was to obtain a better understanding of the TNR group's actual plan through staff research and bring it back to a future meeting.

Discussion and possible action on proactive ideas to improve pet licensing compliance.

Neal expressed his frustration with the problem of scofflaws that do not license their pets. He questioned if the police could approach people walking their dogs to check for a license and issue an immediate citation for those that are not; or seeing a cat in a window and placing a tag on the door for them to follow up with the Humane Officer as to licensing. Hardel stated there is a zero tolerance policy for not licensing a pet. Every time there is an animal complaint and a patrol officer is assigned, they check for licensing and if not, there is a citation. He stated they cannot stop people walking their pets without probable cause or reasonable suspicion.

Todd Baeten stated Ashlee Bishop receives data from the Humane Society regarding pet adoptions. For each of those adoptions she will send out a personal letter to that new pet owner congratulating them and providing specifics of our ordinances as it relates to licensing and vaccinations. He stated that she reports having approximately 75% compliance rate within 30 days of sending the letter. He suggested sending letters to the other list on hundreds that have not re-licensed as well, to determine if they have moved or no longer have the pet, etc. Rayala explained the current licensing process at City Hall. Holster suggested landlords and CSO's work together to encourage vaccination and licensing of the pets of tenants. Discussion followed.

Discussion and possible action adopting resolution supporting proposed State of Wisconsin legislation establishing Premier Economic Development Districts and permitting a municipality to purchase "Class B" liquor licenses from certain contiguous and noncontiguous municipalities.

Rasmussen stated we have issued all of the regular Class B Beer & Liquor licenses that are allowed for our quota based on population, and we have a few reserves left; but with the riverfront and near west side developing, it is possible that we could use those as well. There was a discussion in ED Committee regarding other municipalities to give back economic development grants for the \$10,000 reserve fee, however; this legislation prohibits that. She explained it would allow for some additional licenses to be available to us if we exhaust the reserves and have this Premier Economic Development District.

Motion by Neal, second by Kellbach to approve and forward to Council the resolution supporting the proposed legislation regarding Class B liquor licenses. Motion carried 5-0.

Operations Report from Fire Department for November 2015

Paul Czarapata reported it was a quiet month, which is a good thing for the Fire Department. Report placed on file.

Tavern Activities / Compliance Checks / Law Enforcement Activities

Hardel presented the Tavern Report or November 5, 2015 through December 5, 2015 (*see attached*).

Hardel stated Lt Michael Felder organized a meeting with the Marathon County Tavern Association; however, there was only a small number in attendance. Felder worked with the Health Department to put on a presentation about serving size and bartender responsibility. Hardel indicated he also attended and talked about the expectations in the City of Wausau of the Public Health & Safety Committee as well as our expectations of bar owners and bartenders. He stated they will reach out to the association again to discuss the poor compliance rate for alcohol checks.

Communications: None

Adjournment

Motion by Neal, second by Kellbach to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:10 pm.

Attachment

Wausau Police Department



James E. Tipple
Mayor

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

Date 11-09-15
To Chief Hardel
From Lt. Mike Felder

Subject TAVERN REPORT November 5, 2015 through December 5, 2015

ROUTINE TAVERN INSPECTIONS (No violations unless noted)

Denmar Tavern, 601 W. Thomas St.

Domino Bar, 740 Washington St.

Eagle's Club, 1703 S. 3rd Ave.

The current entertainment license was not posted. One had been issued, however the expired one was still posted. The trustee advised they would get a copy of the current one and post it.

Glass Hat, 1203 N. 3rd St.

Hiawatha Restaurant & Lounge, 713 Grant St.

Intermission, 325 N. 4th St.

Jim's Corner Pub, 1244 S. 9th Ave.

Cruisin, 1724 Merrill Ave.

Labor Temple, 701 Washington St.

Limerick's Public House, 121 Scott St.

Loppnow's Bar, 1502 N. 3rd St.

Lumpy's, 265 Chellis St.

Whiskey River Bar and Grill, 5512 Stewart Ave

CONVENIENCE/GROCERY STORE INSPECTIONS (No violations unless noted)

None.

RESTAURANT INSPECTIONS (No violations unless noted)

None.

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

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

- (1) *Case #15-10249, 11/25/15 at 9:02 PM:* **Bartender called** to report the theft of money off of the bar. A suspect was developed and referred to the District Attorney's Office for theft.

Cop Shoppe Pub, 701 Washington Street

- (1) *Event #150132655, 11/07/15 at 9:52 PM:* **Bar employee** called for a medical emergency in which a male tried sitting on his stool, missed it and fell, hit his head on the coin tray of the pool table. No Police action taken.

- (2) *Case #15-9834 and -9835, 11/11/15 at 1:29 AM:* **Bar employee** called regarding customers having had their tires slashed on two separate occasions. No suspects.
- (3) *Event #150134829, 11/12/15 at 8:18 PM:* Anonymous report of a suspicious vehicle in the parking lot of the tavern in which the occupants were suspected of using drugs. The vehicle was gone upon Officers' arrival.

El Jalapeno's, 300 N 3rd Street

- (1) *Case #15-10137, 11/21/15 at 11:31 PM:* **Bouncer** called the Police reporting that two guys and girl were involved in threatening people in the bar and refusing to leave. On Officers' arrival, the problem people had left or were leaving the bar. One of them was urinating on the sidewalk outside the bar, in full view of the general public. Since they had left the bar, the employee declined to pursue charges. The male that had urinated outside was arrested for Disorderly Conduct.

Glass Hat Bar, 1203 N. 3rd Street

- (1) *Event #150135335, 11/14/15 at 1:42 AM:* Bar employee called to report a fight in progress. It was reported that there were two males fighting outside the tavern. All involved persons had left the scene by the time Officers arrived. No arrests made.
- (2) *Case #15-10197, 11/24/15 at 2:16 AM:* Officers checking the bar area located two males sitting in a running vehicle that was parked on the bar parking lot, next to the building. **The bar was closed at the time.** Both males admitted having been drinking in the tavern. One was on probation, with a rule against drinking alcohol. He was arrested for probation violation. He was also found to be in possession of a controlled substance (hydrocodone). The other male was release.

Intermission Bar, 352 N. 4th Street

- (1) *Event #150138344, 11/20/15 at 11:34 PM:* Officers were called to the bar in reference to a homeless male that needed assistance. The male was taken to the Salvation Army.

Malarkey's Pub, 412 N. 3rd Street

- (1) *Event #150135780, 11/15/15 at 12:41 AM:* Officer observed an obviously intoxicated woman (26yo) being helped as she left the bar by "several other women that did not know her." Officer stopped to check on the woman's welfare. She PBT'd a .162% BrAC, and was turned over to her grandmother for care.

Oz, 320 Washington Street

- (1) *Event #150135315, 11/13/15 at 12:53 AM:* Officers received an anonymous tip that a particular woman was in the tavern and on probation, not supposed to be there. She left the tavern prior to Officers' arrival and wasn't located thereafter.
- (2) *Case #15-9937, 11/14/15 at 5:08 PM:* Officers received a call from the bar owner, who reported getting accosted by a male the previous night after closing the bar. After investigation, a suspect was developed, however based on the information provided, there was not enough evidence to charge the suspect. There was no arrest made, however and informational report was completed.
- (3) *Event #150138685, 11/21/15 at 9:20 PM:* Officers received an anonymous complaint that there were underage people in the bar. Officers went to the bar and conducted a walk-through inspection. They did check some IDs, but located no one underage. They did have an employee at the door checking IDs and collecting a cover charge.

VFW Burns Post #388, 388 River Drive

- (1) *Event #150139544, 11/24/15 at 3:00 AM:* Officer came upon a male that was lying face-down on the boulevard near River Drive. **The tavern was closed and there was no indication that the male had been there.** The male was taken to the hospital and eventually admitted due to his level of intoxication. No arrest was made during this incident.

Christine's Bar, 936 S. 3rd Avenue

- (1) *Case #15-9749, 11/08/15 at 12:46 AM:* An anonymous call was received complaining about the noise coming from the tavern. Officers responded and were able to hear the music from the bar from the parking lot at 925 S. 3rd Avenue. It was worse when the door was opened to come in/out. The owner, YER VANG (aka "Christine") was **issued a written warning for Disturbing the Peace.** The music was subsequently turned down.
- (2) *Event #150135801, 11/15/15 at 1:45AM:* An anonymous call was received stating that there was a patron in the bar that was being "rude" and that he would be leaving the bar soon, "drunk driving." Officers responded and made contact at the tavern with the bouncer. The bouncer said there was no problem with anyone, and was not familiar with the name provided by the caller. The Officers were unable to locate the male the caller was talking about.
- (3) *Case #15-10198, 11/24/15 at 2:37 AM:* An Officer driving by the tavern observed two males standing

in the parking lot directly in front of the bar. They were pointing their fingers at each other in what appeared to be an argument. The Officer stopped to check on the males. The males indicated they were both waiting for the bartender. One of the males lied about his identity, and resisted Officers' attempts to detain him. That male was arrested for resisting. The bartender at the establishment claimed not to know the males as anything other than customers. It was later discovered that the arrested male and the bartender were boy/girlfriend that had recently been involved and arrested for a domestic abuse incident. They were both prohibited by conditions of bond from having any contact with each other, and by serving the male and having allowed him to stay in the bar were both violations of their bonds. She did not share with Law Enforcement their true relationship. She was later charged with Obstructing an Officer as a result. Contact was made with the bar owner to discuss the incident. She had already questioned the bartender about the incident, was willing to cooperate with Law Enforcement's investigation of the incident, and had already fired the bartender. **Due to the fact that the owner was willing to work with Law Enforcement and had taken the steps to remove the problem by firing the bartender involved, no demerit points were assessed for this incident.**

Den Mar, 601 W. Thomas Street

- (1) *Event #1501356693, 11/14/15 at 9:24 PM:* An anonymous call was received reporting suspicious activity occurring between three vehicles. The caller thought the occupants were fighting or "being erratic," possibly involving road rage. Officers responded and did not locate anything.

Roc's Place, 810 S. 3rd Avenue

- (1) *Event #15135339, 11/14/15 at 1:50 AM:* An anonymous call was received complaining about people outside the bar yelling. Officers arrived to learn the problem had moved to M & R Station, where a fight had broken out.
- (2) *Event #150135730, 11/14/15 at 10:45 PM:* Owner called and requested Officers walk through the tavern. The previous night there had been some difficult patrons that left Roc's Place and went to M & R Station, where they got into a fight.
- (3) *Case #15-10092, 11/18/15 at 3:37 PM:* A patron called to report a crash that her vehicle was involved in while it was in the parking lot of the tavern. She called several days after the incident to report it. A crash report was eventually completed.
- (4) *Case #15-10337, 11/29/15 at 1:35 AM:* Officer stopped a vehicle after it had left Roc's Place for operating with suspended registration plates. The operator was arrested for OWI. Search incident to his arrest located suspected cocaine on his person. While being questioned about the suspect cocaine, the operator admitted that he had purchased the cocaine from another patron inside Roc's Place.
- (5) *Case #15-10338, 11/29/15 at 2:22 AM:* Officer observed a vehicle leaving the bar parking lot that matched the description of a vehicle in which a person with a warrant could be in. The male had also committed other crimes earlier in the day. The vehicle was stopped and the male was located inside and arrested. Also in the vehicle were two underage females. Both admitted to being inside Roc's Place, where they had been drinking alcoholic beverages. One of the underage females was with her parent, who was also now in the vehicle. The other underage female was not with her parent/guardian/spouse of legal drinking age. They were both issued citations for underage drinking. The following day, contact was made with the bartender that had been working at the time. He claimed to have checked "everyone's" IDs, and that there were no underage people in the bar. There is no surveillance at this tavern to support or refute the incident. The underage female that claimed to have been on the property could not be relied upon to appear as a witness in any action against the bar. Officers only witnessed the vehicle leaving the property and could not corroborate that the underage female was actually in the tavern drinking. **As a result, the tavern was not issued a citation for allowing an underage person on premises, and no demerit points were assessed.**

Tremor's Sports Bar, 516 W. Thomas Street

- (1) *Event #150140720, 11/26/15 at 10:53 PM:* Dispatch received a 9-1-1 hung-up call from the tavern. Officer made contact with the bartender, who advised they had been having phone problems all day. Officers verified that there was no problem. No report.

Treu's Tic Toc, 1201 W. Thomas

- (1) *Event #150129520, 11/24/15 at 1:03 AM:* **Bartender called** to request an extra patrol as she was closing up, after having issues with a patron that had been removed from the bar twice during the night. Officers escorted the bartender out without incident.

M & R Station, 818 S. 3rd Avenue

- (1) *Case #15-9921, 11/14/15 at 1:50 AM:* Officers responded to the tavern for a report of a fight. Officers

learned that a woman was pushed from behind, and fell into the bar as a result, injuring her back. After investigation, it was determined that the suspect was a young woman that had been asked to leave the bar after not having identification/proof of age when asked. She and her friends had not immediately left the bar, and the victim advised the owner and the bartender of that fact, so they went out to ask them, again, to leave property. It was directly after this that the victim had been pushed. The actual suspect was a sixteen year old girl. She was referred to Juvenile Court Services for Disorderly Conduct.

- (2) *Event #150138752, 11/22/15 at 12:46 AM:* **Bar employees** called to request a walk- through of both M & R and Roc's Place, citing suspicious people on the premises. Officer checked both locations and everything was fine.

Whiskey River Bar & Grill, 5512 Stewart Avenue

- (1) *Event #150132734, 11/08/15 at 1:36 AM:* Bar called to report a group of rowdy patrons that had left in a cab after breaking glasses and decorations in the parking lot. They also stole some Packer hats. Officers attempted to track the group down through the cab company, but were unable to identify any suspects.

Campus Pub, 1110 W. Campus Drive

- (1) *Event #150135331, 11/12/15 at 1:18 AM:* Patron called Police to report her ID had been taken from her jacket while she was at the tavern. Officer responded, however, the patron called back after finding the ID in her bra.

Cruisin 1724, 1724 Merrill Avenue

- (1) *Event #150135692, 11/14/15 at 10:14 PM:* An anonymous call was received complaining about loud music from the tavern. An Officer was nearby, and stopped in the lot of the bar. He was unable to hear any music from his vantage point. No enforcement action taken.

Labor Temple, 318 S. 3rd Avenue

- (1) *Event #150136312, 11/16/15 at 12:28 PM:* A male called (on Monday) to report a crash that had happened the Saturday before in the bar parking lot. The caller was advised by Officer that since Officers weren't called to the scene at the time, the caller would have to contact the DOT to complete a self-report.

ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED

- There were no changes to the Demerit Point Record

Respectfully submitted,
Lt. Michael Felder