

## **PUBLIC HEALTH & SAFETY COMMITTEE**

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

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

Others Present: Alfonso, Rayala, Kujawa, Goede, Dick Holster, Lindsey Lewitzke, Allen Hendricks, Jenna Heck, Aime Leanoff, Angie Livingstone, Christina Winterhoff

### **Minutes of previous meeting(s) (1/18/16)**

Motion by Neal, second by Kellbach to approve the minutes of the previous meeting (1/18/2016). Motion carried 5-0.

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

Rasmussen stated there were two denial recommendations for Public Transport Drivers: Nicolas Narlock and Daniel Petrowski. Neither was present.

Motion by Wagner, second by Neal to approve or deny licenses as recommended by staff. Motion carried 5-0.

### **HEARING: Allen D. Hendricks/Allen D. Hendricks Revocable Trust, owner, appeal of chronic nuisance premises declaration for 902 3rd Street, #2, Wausau.**

Hendricks, as landlord, appealed the designation of chronic nuisance for his property at 902 3<sup>rd</sup> Street #2. Officer Stetzer summarized the police reports that led to this designation.

Neal said that the landlord in this case has taken steps to remove the person that caused the police action.

Hendricks said the person who had caused the issues is currently in jail and is not welcome back to the apartment.

### **HEARING: Trolley Quarter Flats Limited Partnership, owner, appeal of chronic nuisance premises declaration for 1500 North 1st Street, #112, Wausau.**

Livingstone said that she wasn't there to appeal the designation of chronic nuisance, she was there as a representative of Trolley Quarter Flats and said that the management has terminated this tenants lease.

Motion by Neal, second by Kellbach to move 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 the subject of any judicial or quasi-judicial trial or hearing before the governmental body.

Roll call vote: Neal aye; Kellbach aye; Wagner aye; Gisselman aye; Rasmussen aye.

RECONVENE IN OPEN SESSION, announce results of deliberations on appeal of chronic nuisance premises declaration.

Rasmussen read into the record the findings of fact and conclusion of law in the following matter: Appeal of Chronic Nuisance premises declaration for 902 3<sup>rd</sup> Street #2, Allen D. Hendricks/Allen D. Hendricks Revocable Trust. This appeal was denied and the declaration as a chronic nuisance was affirmed.

Rasmussen read into the record the findings of fact and conclusion of law in the following matter: Appeal of Chronic Nuisance premises declaration for 1500 North 1<sup>st</sup> Street, #112, Trolley quarter Flats Limited Partnership. This appeal was denied and the declaration as a chronic nuisance was affirmed.

### **Consideration and possible action on complaint filed by Ashley Cole under W.M.C. Ch. 9.32, Discrimination in Housing Accommodations, Re. 730 Werle Avenue, Cosmos Properties, LLC respondent.**

Winterhoff was in attendance and was sworn in; however, Ashley Cole was not in attendance.

Wagner recused himself because Wagner has a working relationship and a friendship with Mr. Winterhoff.

Action was deferred on this complaint to the next Public Health and Safety meeting in March because the committee had requested additional information and the complainant was not there.

**Discussion and possible action regarding revisions to the Rental Licensing Ordinance to comply with Conclusions of Law and Order of Marathon County Circuit Court, Case No. 2014 CV533, BC II Properties LLC, et al. v. City of Wausau.**

Alfonso explained the City of Wausau and La Crosse were appealing at the same time, but the Appellate Court in La Crosse decided their case before the Appellate Court here decided ours. Based on the decision on the La Crosse case, the court here summarily dismissed the appeal pending in our case and remanded it back to the Circuit Court for findings consistent with the decision in the La Crosse case. The court determined that the state statute passed a couple of years ago prohibited municipalities from requiring landlords to provide information to tenants that were not required under state law. She explained the La Crosse case decided that by requiring landlords to notify tenants of rental inspections was not something already required under state law; therefore, that portion of the ordinance was preempted. They did not find that the rest of the city's ordinance was invalid in La Crosse, which is the exact same ordinance as ours. The attorney for the landlords here, who is the same attorney for the landlords in La Crosse, discussed it with us and there was a joint order in which we agreed to sever those portions of the ordinance relating to notice to tenants by landlords. She noted there is legislation pending that if passed, will effectively kill rental licensing, but she felt they should move forward with this revision anyway because there is a court order to do so.

Motion by Neal, second by Gisselman to approve the revision to the rental licensing ordinance. Motion carried 5-0.

**Discussion and possible action creating ordinance Section 8.08.05 Feral cat caregiver and TNR program requirements to enable implementation of Trap, Neuter, and Release Program for Feral and Stray Cats.**

Rasmussen stated she agreed at budget time to have the committee consider Trap-Neuter-Release as a parallel measure to the Humane Officer's efforts to control the stray cat population. Staff was directed to go back and confer with the Police Department and with Aime Leonoff from CCAT to determine if it would be possible to create an enabling ordinance to allow them to operate within the city. She noted the original ordinance that failed last summer included a clinical trial of the program in a trial zone. She felt that created some of the opposition because the most outspoken group against it was that neighborhood group.

Alfonso stated she met with Aime Leonoff, Lt. Todd Baeten, and Humane Ofc Ashlee Bishop to discuss whether CCAT would be willing to do TNR on a city wide basis. She noted that Leonoff indicated that CCAT is now acting more in a facilitator role rather than a group that runs the program. People that are interested in participating can call them to learn how to go about it.

Aime Leonoff, CCAT, explained if people call in stating that are caregivers and want to get the animals spayed or neutered and/or vaccinated, they are directed to call Terry and she will speak with them, find out the number of cats; bring out traps and educate them on how to use them; facilitates with making appointments for the low cost spay and neuter; and provide financial assistance, if needed. She indicated under this process they have had approximately 70 cats that they have helped fix and vaccinate, so far.

Alfonso explained she amended the ordinance to remove the pilot area and also to remove the requirement that a caregiver has to report to the animal control officer any cat that is ill or diseased. Another change was to remove the liability insurance requirement, because it was either not available to individuals or prohibitively expensive. She pointed out the original ordinance had requested that CCAT give us a list of all the people participating in this program, however, they are reluctant to provide this list for privacy and other reasons. If we do the program, CCAT will have a written contract with these people so the Humane Officer will know if someone is just a cat hoarder or a caregiver participating with the CCAT group. The contract could be provided to the officer upon request, rather than a whole list.

Wagner commented he liked the program the way it was before and did not like the idea of a letting anyone who wants to freelance and be feeding ten cats in their backyard. Leonoff stated there were not that many participating and they were not encouraging hoarding; there will be a contract between CCAT and the caregiver. She indicated they will address any complaints.

Gisselman indicated as a member of the Park Committee he would vote against the ordinance because it might jeopardize our "Bird City" designation.

Motion by Neal, second by Kellbach to approve the ordinance as amended. Motion carried 3-2.

**Discussion and possible action amending ordinance Section 8.08.001 Definitions (d) adding "domesticated cat or dog" and (f) amending "owner."**

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

**Operations Report from Fire Department for January 2016**

Kujawa commented that the Wausau Fire Department did go to other townships to assist with their fire calls. Kujawa shared the Wausau Fire Department and the City of Stevens Point Fire Department doing the CPR challenge; training as many people as they can. Community Paramedics started February 1, 2016.

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

Hardel presented the Tavern Report for January 5, 2016 through February 4, 2016 (*see attached*).

**Communications**

None.

**Adjournment**

Motion by Neal, second by Gisselman to adjourn.

Attachment

Wausau Police Department



James E. Tipple  
Mayor

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

**Date** 02-07-16  
**To** Chief Hardel  
**From** Lt. Mike Felder

**Subject TAVERN REPORT January 5, 2016 through February 4, 2016**

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

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**101 Pub**, 101 N. 3rd Ave.  
**6th Street Pub**, 2002 N. 6th St.  
**Baker's Retreat**, 1418 Lenard St.  
**The Bar**, 1025 S. 3<sup>rd</sup> Ave.  
**Bob & Randy's Bar**, 1515 N. 6th St.  
**Cabaret**, 204 E. Rib Mountain Dr.  
**Callon Street Pub**, 209 Callon St.  
**Campus Pub**, 1110 W. Campus Drive  
**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

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

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None.

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

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None.

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

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**6<sup>th</sup> Street Pub**, 2002 N. 6<sup>th</sup> Street

- (1) *Event #160006144, 01/15/16 at 4:56 PM:* Anonymous report of suspicious activity. The caller reported seeing a woman walking in circles and falling down. She was supposed to be associated with a white Pontiac that was parked on the west side of the road in the middle of Park Avenue. Officers responded within about five minutes and were not able to locate the woman.

**Bob & Randy's Bar**, 151 N. 6<sup>th</sup> Street

- (1) *Event #160007208, 01/18/16 at 8:32 AM:* **Bar owner** caller to report a vehicle parked in their parking lot with the engine running and no one around. Officer responded and made contact with the registered owner, who said her son had the car. She was not able to locate him, so she eventually responded to take custody of the vehicle. Just prior to leaving, the son walked up. The mother took custody of the vehicle and the son.

- (2) *Case #16-747, 01/22/16 at 1:20 AM:* Citizen called to report a theft of a cellular phone that he had plugged in along the back wall. Officer eventually checked surveillance from the bar and is attempting to identify the suspect seen on the video taking the phone.

**Cop Shoppe Pub, 701 Washington Street**

- (1) *Event #160004231, 01/11/16 at 11:11 AM:* An alarm was received from the business. Officers responded and found an employee that was opening the business having trouble with the code. A false alarm form was issued.
- (2) *Case #16-1028, 01/30/16 at 11:57 PM:* **Bar employee** called to report criminal damage to their property. Someone shot a BB through the front door window panel. There were several reports of similar damage in the area around that time.

**Domino Bar, 740 Washington Street**

- (1) *Event #160006249, 01/15/16 at 8:02 PM:* An anonymous call was received reporting that there was a woman at the bar that had a warrant for her arrest. Dispatch checked the woman's name and found no warrant. No Officers responded to the bar and the call was cancelled.
- (2) *Case #16-847, 01/24/16 at 6:07 PM:* Officers responded to a report of a male that had lost control of himself. He was yelling for help and flailing about. An ambulance was also called for the male. He admitted he was a "junky," using methamphetamine and heroin. He also had a warrant for his arrest. The Jail requested medical clearance prior to being transported/arrested for the warrant. The male was taken to Aspirus and admitted for observation. Upon his release, he was arrested for the warrant and taken to Jail.
- (3) *Case #16-992, 01/29/16 at 10:27 PM:* Bartender called to report a male that matched the description of a wanted person was in the bar (James Begay). Officer responded and located the person the bartender called about. It was not the person originally suspected; however the male also had warrants for his arrest and was in violation of a felony bond by drinking and being at a tavern. In addition, Officers located a second male that could have been Begay. This was also found to be someone else. This male had warrants for his arrest and was in violation of a misdemeanor bond by drinking and being at a tavern.
- (4) *Event #160012923, 01/31/16 at 10:13 PM:* Dispatch received a call from a local cab company owner, who was at the tavern when he observed what appeared to be a non-licensed cab come to the tavern to pick up a fare. It was determined that the owner of Northwoods Cab company had been stopped earlier in the day and advised of the licensing requirements.

**El Jalepeno's Restaurant and Bar, 300 N. 3<sup>rd</sup> Street**

- (1) *Case #16-552, 01/16/16 at 2:32 PM:* Officers responded to a complaint that employees of the restaurant had gotten into a fight. One employee was arrested for battering another. This incident occurred outside of regular business hours.
- (2) *Event #160009627, 01/23/16 at 11:10 PM:* Officers were flagged down outside the business by a male. He reported that another male in the tavern "may have pulled a knife" on him because he was dancing near the other male's girlfriend. He never saw or felt the knife, and the male did not say anything threatening, it was just a feeling. No arrests were made from that information. Officer also had contact with some individuals that were under 21 years old, although it is unclear if they were on the premises or not. They were given breath tests, which showed that they had not been drinking. They were sent on their way.

**Hiawatha Restaurant & Lounge, 713 Grant Street**

- (1) *Case #16-150, 01/05/16 at 3:13 PM:* Citizen reported a theft of a cellular phone. He was able to trace it to the area of Townline Road and 25<sup>th</sup> Street. The Officer that responded provided the male with a self-report form, completed it and turned it in.

**Intermission Bar, 325 N. 4<sup>th</sup> Street**

- (1) *Case #16-943, 01/28/16 at 1:28 PM:* Officers responded for a burglar alarm at the tavern. An employee was on scene, but was having problems with the alarm. A False Alarm form was completed.

**Malarkey's Pub, 412 N. 3<sup>rd</sup> Street**

- (1) *Event #160010799, 01/27/16 at 1:00 AM:* Officer was **flagged down by bar owner** in reference to an unruly male that refused to leave the bar. The Officer escorted the male off the property. No arrest made.

**Oz Bar, 320 Washington Street**

- (1) *Case #16-1175, 02/04/16 at 9:06 PM:* Officers responded to the tavern for a report of a fight. The Dispatcher noted that there was a female screaming in the background while taking the call. Officers responded and made contact with the bar owner, who had been following a female that he had removed

from the tavern. That female was advised that she was “banned” from the tavern. Another woman was also contacted a short distance away. She was taken to Jail on a warrant.

**Christine’s Bar**, 936 S. 3<sup>rd</sup> Avenue

- (1) *Event #160006380, 01/16/16 at 12:46 AM:* Officer initiated a check of suspicious activity. There aren’t many details in the call, other than: “Brothers are there with him and working on getting him home.” Officers cleared shortly thereafter with no arrest made.
- (2) *Event #160012618, 01/31/16 at 1:58 AM:* An anonymous caller reported seeing a female and another person leaving the tavern in a silver sedan. The caller described the two as barely being able to walk. The caller was unable to provide a license plate number, but said the vehicle left going south on 3<sup>rd</sup> Avenue. Officers and Deputies checked the area but were unable to locate the vehicle.

**Denmar Tavern**, 601 W. Thomas Street

- (1) *Case #16-930, 01/28/16 at 1:23 AM:* **Bartender called** to report that two customers had an argument. Investigation by Officers determined that one of the two customers had a folding knife that he had opened and was holding down by his leg. The male never made any threats or threatening motions with the knife. The male with the knife was pushed out of the bar and left. Officers checked the area and were unable to locate the male. If he is identified and located, he would be charged with Disorderly Conduct.

**Lumpy’s Bar**, 265 Chellis Street

- (1) *Case #16-694, 01/20/16 at 8:22 PM:* An alcohol compliance check was conducted at the tavern. The bartender sold an alcoholic beverage to the underage volunteer. The bartender was cited and Demerit Points were assessed to the tavern.

**Roc’s Place**, 810 S. 3<sup>rd</sup> Avenue

\*\*NOTE: The owner contacted the Police Department and requested frequent walk-throughs of the tavern. He opined that the “bad crowd” that had been frequenting It’s Our Clubhouse now patronize his bar, and he wants to prevent problems.

- (1) *Event #160001965, 01/05/16 at 11:07 PM:* **Bartender called** to report that a male that had caused a fight on a previous occasion was in the bar and wouldn’t leave. When told the Police had been called, the patron left. The bartender did not want a report, other than a computer entry to document the incident. No charges from this incident.
- (2) *Case #16-513, 01/12/16 at 4:01 PM:* **Tavern called** the Police in reference to a vehicle left in the parking lot of the business with the keys in it. Officer responded, secured vehicle and keys and attempted to locate the registered owner. After about three days, the owner still had not come forward, so the vehicle was ticketed and towed.
- (3) *Event #160011631, 01/28/16 at 1128 PM:* **Bartender called** to request assistance in removing a patron that was not following the rules (i.e. taking her drink outside to smoke). Officers made contact with the woman and she left the bar at their direction.
- (4) *Event #160012606, 01/31/16 at 1:12 AM:* Anonymous caller reported seeing two males walking from car to car in the parking lot with money in their hands. The caller was concerned that it appeared the males were dealing drugs. Officers responded and located one male that matched the description provided by the caller. The male consented to a search, but no contraband was located. Nothing else was located in the area. No charges developed from this incident.
- (5) *Event #160012610, 01/31/16 at 1:47 AM:* Officers responded with EMS to a report of a male patron that was having a seizure. The male was transported to the hospital by ambulance. No further Police action taken.

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

- (1) *Event #160006817, 01/17/16 at 2:32 AM:* **Bartender called** about a patron that was belligerent and almost violent. Officers responded and made contact with the male, who was actually an off-duty employee. Bartender did not want any charges pressed, just to have the male leave. The male was intoxicated, but not incapacitated, and insisted on walking from the scene, which he was allowed to do.

**Baker’s Retreat**, 1418 Lenard Street

- (1) *Case #16-692, 01/20/16 at 7:29 PM:* An alcohol compliance check was completed. The on-duty bartender sold an alcoholic beverage to the underage volunteer. The bartender was cited and the tavern was assessed Demerit Points.

**Chatterbox Bar**, 102 S. 2<sup>nd</sup> Avenue

- (1) *Case #16-639, 01/18/16 at 11:55 PM:* Dispatch received an anonymous call that there was a male that had a warrant for his arrest at the tavern. Officers responded and located the male. He had a valid warrant for his arrest. He was taken into custody and taken to Jail without incident.

**Cruisin 1724**, 1724 Merrill Avenue

- (1) *Event #160013370, 02/01/16 at 7:43 PM:* **Tavern employees called** in reference to a report of a woman at the business that was acting strangely. They did not think she was intoxicated, but had cognitive, emotional or behavioral problems. Officers responded and made contact with the woman. There was not sufficient cause to commit the woman to HCC, but she indicated she wanted to go there voluntarily. She would not cooperate with a medical clearance, so she was not allowed to go to HCC. The Officer eventually transported the woman to the Warming Shelter.

**Showtime Gentlemen's Club**, 1709 Merrill Avenue

- (1) *Event #160005924, 01/15/16 at 1:46 AM:* Bartender called to request assistance with an unruly patron. The male left prior to Officers' arrival. He left his phone at the bar after one of the dancers had held on to it. They did not know the male's identity, and would call back if they had further problems. No Police action taken.
- (2) *Event #160012085, 01/29/16 at 10:26 PM:* An anonymous caller reported that one of the dancers was "drugged up," "spaced out," and "out of control." The caller provided the dancer's stage name, but didn't know her real name. Officers responded and made contact with the dancer, who refused to identify herself beyond her stage name. Officers evaluated her condition and determined that she was "noticeably intoxicated," but not under the influence of drugs. The management was aware of her condition and was accepting of her condition. Manager claimed not to know the dancer's real name. The manager was going to "address the situation in-house." On 02-07-16, I made contact with a manager, who said they do keep a list of employees, including the dancers. I showed her the ordinance and expressed that the list needs to be available for Officers, even if she isn't the one working at the time.

**ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED**

- **Baker's Retreat, Trig's and Lumpy's** all received 25 Demerit Points for serving an underage person during Alcohol Compliance Checks. **Lumpy's** and **Trig's** are up to 50 Demerit Points. **Polack Inn, Wagner Shell (Stewart Ave), R Store #5 (Grand Ave), VFW, The Store #62 (3<sup>rd</sup> Ave/Stewart Ave), Callon Street Pub and Fast Break Mobil (4<sup>th</sup> Ave/W Thomas St)** all denied the sale of an alcoholic beverage to the underage volunteer during Alcohol Compliance Checks.
- **Whiskey River** had 25 Demerit Point drop off due to time limit. They are down to 0 Demerit Points.

Respectfully submitted,  
Lt. Michael Felder