

****All present are expected to conduct themselves in accordance with the City's Core Values****



OFFICIAL NOTICE AND AGENDA

of a meeting of a City Board, Commission, Department, Committee, Agency, Corporation, Quasi-Municipal Corporation, or sub-unit thereof.

Meeting of the: **PUBLIC HEALTH & SAFETY COMMITTEE**
Date/Time: **Monday, February 15, 2016 @ 5:15 pm**
Location: **City Hall (407 Grant Street) - Council Chambers**
Members: Lisa Rasmussen {c}, Gary Gisselman, Karen Kellbach, Tom Neal, Romey Wagner

AGENDA ITEMS FOR CONSIDERATION

- 1 Minutes of previous meeting(s). (1/18/16)
 - 2 Consider various license applications.
 - 3 **HEARING:** Allen D. Hendricks/Allen D. Hendricks Revocable Trust, owner, appeal of chronic nuisance premises declaration for 902 3rd Street, #2, Wausau.
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.
RECONVENE IN OPEN SESSION, announce results of deliberations on appeal of chronic nuisance premises declaration.
 - 4 **HEARING:** Trolley Quarter Flats Limited Partnership, owner, appeal of chronic nuisance premises declaration for 1500 North 1st Street, #112, Wausau.
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.
RECONVENE IN OPEN SESSION, announce results of deliberations on appeal of chronic nuisance premises declaration.
 - 5 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.
 - 6 Discussion and possible action creating ordinance Section 8.08.05 Feral cat caregiver and TNR program requirements to enable implementation of Trap, Neuter, Release Program for Feral and Stray Cats.
 - 7 Discussion and possible action amending ordinance Section 8.08.001 Definitions (d) adding "domesticated cat or dog" and (f) amending "owner."
 - 8 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.
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 to determine whether probable cause exists that there has been a violation of W.M.C. ch. 9.32, Discrimination in Housing Accommodations
RECONVENE IN OPEN SESSION
 - 9 Operations Report from Fire Department for January 2016
 - 10 Tavern Activities / Compliance Checks / Law Enforcement Activities
 - 11 Communications
- Adjournment

Lisa Rasmussen, Chair

This Notice was posted at City Hall and faxed to the Daily Herald newsroom on 2/11/16 @ 3:30 pm.

****All present are expected to conduct themselves in accordance with the City's Core Values****

IMPORTANT: THREE (3) MEMBERS NEEDED FOR A QUORUM: If you are unable to attend the meeting, please notify Toni by calling (715)261-6620 or via email toni.rayala@ci.wausau.wi.us

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids & services. For information or to request this service, contact the City Clerk at (715) 261-6620.

Other Distribution: Media, Council (Nagle, Nutting, Winters, Oberbeck, Abitz, Mielke), Tipple, *Rayala, *Hardel, *Kujawa, *Alfonso, Jacobson, Hebert, Hite, Duncanson, Werth, Groat, Joan Theurer, Tim Thomas, Dick Holster

PUBLIC HEALTH & SAFETY COMMITTEE

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

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

Others Present: Alfonso, Hagenbucher, Rayala, Kujawa, Groat, Goede, Danielle Bailey, Mielke, Oberbeck

Minutes of previous meeting(s) (12/21/15)

Motion by Neal, second by Gisselman to approve the minutes of the previous meeting (12/21/15). Motion carried 4-0.

Consider various license applications.

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

Danielle Bailey, 212 ½ E Thomas St, stated the majority of her background is from 18 years ago, with one other conviction five years ago. She stated she has stayed out of trouble; she doesn't drink and doesn't drive; she is a single mother; and has been employed at the Eagle's Club since December 2014. She cooks there for the Friday fish fry and bingo. She indicated they need a backup bartender part-time and it is a low key establishment; she could use the extra hours.

Rasmussen noted the most recent violation was in 2013 and was a pretty serious one. She explained they had to look at the totality of the record because although the Eagle's Club is low key, the license is portable and can be used anywhere city wide. She pointed out she can still tend bar as long as another licensed bartender is present. Rayala noted the committee was given of a letter of support from the manager of the Eagle's Club tonight and Danielle's boss was present on her behalf.

Hagenbucher stated Chief Hardel recommended the denial; however, he reviewed the record and noted it is pretty substantial going back quite a few years. In 2013 there was a felony charge and two OWI's going back about 10 years. He believed the Chief was looking at the total record.

Rayala questioned the application of Susan Lecher who was revoked a little over a year ago for violation of the sober server ordinance. Goede stated Ms. Lecher contacted Chief Hardel directly by phone and then came in and re-applied. Goede indicated she sent Chief Hardel the minutes of the revocation hearing of Ms. Lecher's license along with her record and his recommendation was for approval.

Neal commented a couple of the special events on The 400 Block submitted by Wausau Events for the 2016 season, specifically Frontier Fest, indicated live music until 11:00 pm., which has been an issue in the past. Rasmussen stated they can require the music to stop at 10:30 pm.

Rasmussen suggested talking with the organizers in regard to the Balloon Rally – Rib Fest at the Airport. She stated last year she observed people walking out of the beer garden with beer to the food line and there was open consumption in the food line. It was a very busy night and they were a bit overwhelmed, but they should be reminded to have proper staff at the gates.

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

Discussion and possible action regarding participation of multi-use residential properties for the refuse & recycling contract.

Rasmussen explained when the committee originally looked at mixed use buildings that have a business in the bottom and apartments in the top; we found that many residential units were sharing the garbage pickup with the business below that had dumpsters. The problem we have now is that single family dwellings that have businesses in the front got excluded from garbage pickup. She indicated Nutting brought it to her attention due to a beauty salon in his district which has lost garbage pickup.

Maryanne Groat stated often times these multi-use properties are located in areas of high density, such as Third Street downtown. As we adopted the policy and ordinance on refuse and recycling there was a late amendment that excluded multi-use properties. She noted we also currently only provide refuse & recycling to buildings of four units or less and for condos of six units or less. She indicated there were approximately 300 residential units located

within the city that have four units or less in single commercial multi-use buildings. She estimated there have been about 20 complaints of people who say their residential unit used the service before and now don't have it. These are generally from places that have one residential unit and one business unit, such as a hair salon and are not from the downtown or high density commercial areas. Discussion took place regarding buildings with a single family dwelling unit combined with a single commercial business versus multiple residential and commercial and dealing with complaints on case by case basis.

Neal suggested after the first quarter is over that staff and the committee review any complaints, feedback, observations from Harter's, and things we are hearing and seeing in order to evaluate what may need to be changed.

Kay Paul, 307 Callon St, stated she and her husband have lived in their house for 30 years and she is a small business owner with a hair salon shop in the front of their house. She indicated that they did not receive any garbage bins and expressed frustration about the difficulty in getting someone to respond to her requests for garbage containers.

Motion by Wagner, second by Neal to amend the refuse & recycling ordinance to include multi-use buildings consisting of a single family residence and a business. Motion carried 5-0.

Communications:

Rayala stated there were some issues in District 1 with lot sizes where residents did not have room for the refuse & recycling containers and getting vehicles in and out of the driveways.

HEARING: Allen D. Hendricks, owner, appeal of chronic nuisance premises declaration for 902 3rd Street
Withdrawn and rescheduled to February 15, 2016.

Operations Report from Fire Department for December 2015

Chief Kujawa reported the EMS run total for the year is 4999, so we missed the 5,000 mark by one but had an increase of about 11% over last year's run volume. She indicated they were looking at it statistically to determine why that happened. She noted the new EMS Division Chief, Scott Habeck, started on January 4th and is working out very well. The Community Paramedicine program will not start until February 1st.

Tavern Activities / Compliance Checks / Law Enforcement Activities

Hagenbucher presented the Tavern Report for December 5, 2015 through January 5, 2016. (*See attached*)

Hagenbucher commented in about half of our responses to taverns in the past month, we were called by the bar owner or an employee of the establishment.

Neal questioned if we as a committee, with the Police Department's recommendation, could require either all bars or just the ones with concerns to have video surveillance. Rasmussen commented this was discussed a couple years ago when things were really bad with some establishments, but we held off taking any action at that time. She stated our new policies and subsequent revocations may have changed the climate enough that it may not be necessary anymore, but it is discussion we could take up again. Neal indicated he was interested in pursuing this requirement. Hagenbucher commented the Police Department is in favor of video. Rasmussen suggested bringing the topic to the March PH&S meeting.

Adjournment

Motion by Neal, second by Kellbach to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 6:25 pm.

Attachment

Wausau Police Department



James E. Tipple
Mayor

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

Date 01-05-16
To Chief Hardel
From Lt. Mike Felder

Subject TAVERN REPORT December 5, 2015 through January 5, 2016

ROUTINE TAVERN INSPECTIONS (No violations unless noted)

Malarkey's, 412 N. 3rd St.
M & R Station, 818 S. 3rd Ave,
North End Pub, 1002 N. 3rd Ave.
Oz, 320 Washington St.
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.
Whiskey River, 5512 Stewart Ave.

CONVENIENCE/GROCERY STORE INSPECTIONS (No violations unless noted)

None.

RESTAURANT INSPECTIONS (No violations unless noted)

BB Jack's, 900 Golf Club Rd.
Angelo's Pizza, 1206 N 6th St.
El Jalapeno's Mexican Restaurante & Bar, 300 N 3rd St. Ste. 101
The Mint Café, 422 3rd St.
New City Grill, 203 Jefferson St.
Peking Restaurant, 221 Scott St.
Polito's Pizza, 311 N 3rd St.
Red Eye Brewing Company, 612 Washington St.
Taqueria Tres Hermanos, 525 Fulton St.
Vino Latte, 700 Grand Ave.
Greenwood Hills, 2002 Poplar Ln.
Red Apple Social Club, 707 S 3rd Ave.
Applebee's, 2221 Stewart Ave.
Buffalo Wild Wings Bar & Grill, 1819 Stewart Ave.

Courtyard by Marriott, 1000 S 22nd Ave.
Milwaukee Burger Company, 2200 Stewart Ave.
King Buffet, 358 S 18th 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.
Whiskey River Bar & Grill, 5512 Stewart Ave.
The Mandarin, 150 E Stewart Ave.
Sam's Pizza, 111 Elm St.
Sawadee Thai Restaurant, 1720 Merrill Ave. #500
The Plaza Hotel & Suites, 201 N 17th Ave.

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

Cop Shoppe Pub, 701 Washington Street

- (1) *Event #150150744, 12/20/15 at 9:12 PM:* Anonymous call of suspicious activity involving a white male in his 30s handing out in front of the bar. He was reportedly pulling on peoples' door handles and acting oddly. Officer responded and cleared five minutes later without entering any comment, making it likely that the male was not located.

El Jalapeno's Restaurant and Bar, 300 Washington Street #100

- (1) *Event #150144552, 12/06/15 at 1:05 AM:* Anonymous call received complaining about loud music coming from the tavern. Officer responded and noted in the call that the music was at a "lower" level, no louder than any other bar tonight. No further action taken.
- (2) *Case #16-0005, 01/01/16 at 3:01 AM:* Officers were dispatched to the bar at the request of the bouncer. The initial report was that the bouncer had detained a male that had reportedly "raped" a woman in the bathroom (which is in Washington Square). The male had walked through the bar and was about to leave when he was pointed out by the bouncer. During the investigation, the suspected "rapist" was intoxicated and became belligerent, yelling loudly while the Officers were attempting to ascertain what had happened. He was arrested for Disorderly Conduct as a result of those actions. No sexual assault victim was located by Officers at the scene, and there were no evidentiary items located in the bathroom that the assault was alleged to have taken place. The bouncer was referred for battery for injuring the male while detaining him ("slammed" him to the ground and pinned him there until Officers arrived).

Glass Hat Bar, 1203 N. 3rd Street

- (1) *Event #150144565, 12/06/15 at 2:14 AM:* An anonymous call was received that there was an underage drinking in Glass Hat and going between the Glass Hat and Polack Inn. A name of the underage person was provided, but no physical or clothing description given. Officers checked the area between the two bars and were not able to locate the underage person.
- (2) *Event #150152331, 12/25/15 at 12:39 AM:* Bartender called on behalf of a male that had slipped and fallen outside and possibly hurt himself. The male is one that has had numerous Police contact while intoxicated. Officers arrived and assessed him. Witnesses said he had been drinking at the bar for a couple of hours. He was taken by ambulance to Aspirus for medical treatment. No Law Enforcement action taken.
- (3) *Event #160000004, 01/01/16 at 12:16 AM:* Lieutenant responded to the tavern after a call was received from an employee about an inappropriately parked vehicle. A red Dodge Caravan had blocked another vehicle that had been parked in the handicap area. The vehicle that had parked in the handicap spot was an employee stopped there temporarily to unload ice at the delivery door, which is right behind the handicap stall. The driver of the caravan was a male that had cause problems for the business in the past. In the end, the male was advised to stay off the property and the vehicle belonging to the employee was not ticketed.

Hiawatha Restaurant and Lounge, 713 Grant Street

- (1) *Event #150149949, 12/18/15 at 7:05 PM:* **The bartender** called to asked for assistance with an older male that was at the tavern that was making the patrons concerned. They had attempted to contact responsible people to care for him, but the numbers he provided were unsuccessful. Officer responded and took the male to the warming center.

- (2) *Case #16-00150, 01/05/16 at 3:13 PM:* A citizen called to report the theft of a cellular phone. The Officer that met the citizen provided a self-report form for the citizen to complete.

Malarkey's Pub, 412 N. 3rd Street

- (1) *Event #150150085, 12/19/15 at 2:19 AM:* Officers were dispatched after a male called reporting that another male in the bar claimed he was 18 years old and getting drinks. The 18 year old male was described as being "unresponsive." Officers responded and located the unresponsive male. He was transported to the hospital for medical clearance and released to a responsible person. He was twenty-nine.

Oz Bar, 320 Washington Street

- (1) *Case #15-10598, 12/07/15 at 1:32 AM:* **Bar employee** called to report that there was a male in their tavern that was unresponsive after having been served only two beers. Officers located the male and found him to be highly intoxicated. He was also found to have prescription pills and a suspect marijuana pipe. He was taken to the hospital for medical clearance and then taken to jail.

Bull Falls Brewery, 901 E. Thomas Street

- (1) *Event #150153912, 12/29/15 at 12:27 PM:* Officers were sent to investigate a possible crash after a driver was observed driving recklessly in the parking lot for Classic Cleaners. The truck hit a snowbank and possibly damaged the fence and the stage for the brewery. An employee from the brewery was contacted and advised that the manager was not there at the time, and they would call back if there was any damage. There was no return call.

Christine's Bar, 936 S. 3rd Avenue

- (1) *Case #15-10734, 12/10/15 at 8:24 PM:* Officers conducted an alcohol compliance check with an underage volunteer. The bartender sold an alcoholic beverage to the underage volunteer and was issued a citation for serving and underage person. 25 Demerit Points assessed.
- (2) *Case #15-10861, 12/14/15 at 9:20 AM:* Citizen called to report her cellular phone as having been stolen. Officers plan on contacting the bar to check video to see if a suspect can be developed.
- (3) *Case #16-00007, 01/01/16 at 4:10 AM:* Officer stopped by the business to check on people outside in the parking lot. A security officer said everything was fine, but pointed out another male that was not allowed into the bar because he was highly intoxicated. Officers watched the male for a short time before making contact, until they saw him fall and not be able to get back up. The male was taken to the hospital for medical clearance while Officers attempted to obtain information from the male regarding a responsible person to care for him. He was not able to provide proper information due to his high intoxication. At the hospital, the male was vulgar and loud. He was arrested for disorderly conduct and resisting arrest.

Den Mar, 601 W. Thomas Street

- (1) *Case #16-00015, 01/01/16 at 6:16 PM:* Bartender called to report that someone had crashed into her truck. There was surveillance video of the crash but there was not enough identifying information visible to develop a suspect. A crash report was completed.

Eagle's Club, 1703 S. 3rd Avenue

- (1) *Event #150151253, 12/22/15 at 6:40 AM:* Officer was approached by an **employee** to report an attempted break-in to the business over the previous night. No entry was gained but three screens were removed from the windows. Extra patrol of the premises was requested.

Roc's Place, 810 S. 3rd Avenue

- (1) *Event #16-00090 and 16-00091, 01/01/16 at 4:01 AM:* **Bar management** requested Officers conduct a walk-through of the business as it was getting somewhat rowdy. Officers responded and noted nothing other than intoxicated patrons. At the same time, an anonymous complaint of noise coming from the bar was also received. The anonymous complaint mentioned people yelling outside the bar.
- (2) *Case #16-00006, 01/01/16 at 5:33 AM:* **Bartender** called to report a physical fight occurring in the bar. Officers arrived to find about twenty people pushing and yelling inside the bar. A male was pointed out as being the problem, and he was eventually arrested for disorderly conduct.
- (3) *Event #160001965, 01/05/16 at 11:05 PM:* Bartender called to report the male from the fight on New Year's Day had returned to the bar and wouldn't leave. When he told the male he had called Police, the male left. Officers were not able to locate the male.

Tremor's Bar, 516 W. Thomas Street

- (1) *Case #16-00076, 01/03/16 at 1:58 PM:* A citizen called to report that he had left his jacket at the bar the previous night, but they would not give it to him because they suspected him of damaging the bathroom, or knowing who did. Officers responded and mediated the return of the jacket and took the information on the criminal damage to property.

Day's Bowl-A-Dome, 1715 Stewart Avenue

- (1) *Event #150149325, 12/17/15 at 11:44 AM:* Officer was dispatched to contact a male that was reporting a hit and run crash that had happened the previous night in the parking lot of the bar. Since the vehicle had been removed and it was the next day, the male was instructed to complete a self-report form. There was no video available from the bar.

Campus Pub, 1110 W. Campus Drive

- (1) *Event #160000060, 01/01/16 at 2:14 AM:* Officers were dispatched to the bar for a report of a male that had entered the women's restroom and his hand was bleeding. Contact was made with the bartenders, who related that they had kicked out four people that had been causing a disturbance. One of the people kicked out had called because she reported getting assaulted by another female in the bar prior to getting kicked out. The reporting person would not identify a suspect, and felt others involved should also be removed from the bar. The bar employees said they were fine with the patrons that were still in the bar. Officers assured that the woman that had been asked to leave the bar did leave the property and then cleared. No Law Enforcement action taken.

North End Pub, 1002 N. 3rd Avenue

- (1) *Event #150144483, 12/05/15 at 9:08:* An anonymous call was received reporting that a drunk driver would be leaving the North End Pub, heading to Kannenberg Plaza, only a few blocks away. Officers responded, but were unable to locate the vehicle.

Showtime Gentlemen's Club, 1709 Merrill Avenue

- (1) *Event #150144884, 12/06/15 at 11:28 PM:* An **employee** called and requested a walk through by Officers after there was a scuffle at the bar, but the people involved had left by the time Officers arrived.
- (2) *Case #15-10668, 12/08/15 at 7:22 PM:* Officers responded to the bar for a standard bar check. On arrival, they noticed a person that had been standing near a vehicle. That person walked away from the car and into the bar upon seeing the Officers arrive. The vehicle was silver PT Cruiser, which another Officer had been looking for on another investigation. There was an infant left in the car. Officers were unable to locate the person that walked away from the vehicle, but located the child's mother, who was a dancer that was working inside the bar at the time. A report was left for Social Services on the issue. It was likely that the person that walked away from the vehicle was a person that had warrants and was the subject of the other Officer's investigation.
- (3) *Event #150151519, 12/22/15 at 8:21 PM:* Officers were requested to respond to the bar at the request of the Sheriff's Department in an attempt to locate a suspect of a retail theft from Walmart. It was believe the suspect worked there as a dancer. Manager advised that the suspect was fired about a month prior and no longer works there.
- (4) *Case #15-11255, 12/26/15 at 10:05 PM:* Officer received a complaint of possible child abuse from the father, complaining that the mother had physically abused their shared child. The female was reported to be working at Showtime as a dancer. Officers responded there to attempt to make contact with the female; however management told the Officer that they did not know the dancer's real names, only their stage names. The Officer noted that it was very busy in the bar at the time, so they did not press the issue. A short time after leaving the bar, the female called the Officer and they spoke. I intend to contact the management to assert the fact that, by Ordinance, they are to maintain a current list of all employees working at the premises which would be furnished to any Police Officer immediately upon request.

ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED

- **Pine Ridge Mobil, Bunker's, Christine's Bar and Red Eye Brewing Company** all received 25 Demerit Points for serving an underage person during Alcohol Compliance Checks. **Pine Ridge Mobil** is up to 50 Demerit Points. **The Bar & Grill, Wausau Curling Center, Oz Bar, Chatterbox Bar and Roc's Place** all denied the sale of an alcoholic beverage to the underage volunteer during Alcohol Compliance Checks.
- **Glass Hat** had 25 Demerit Point drop off due to time limit. They are down to 50 Demerit Points.
- (See attached report)

Respectfully submitted,
Lt. Michael Felder

CLERK'S REPORT TO PUBLIC HEALTH & SAFETY COMMITTEE

February 15, 2016 Meeting

AGENDA ITEM

Approve or deny various licenses as indicated on the attached summary report of all applications received.

ADDITIONAL INFORMATION

Applications as listed have or will have a background check run by staff and reviewed by the Police Chief or his designee. Applications marked pending will have a status update at the meeting. In accordance with city ordinance, **all permits approved are held for debts owed to the city until the debt is paid in full.**

1. Two Public Transport Driver License applications were recommended for denial by Chief Hardel: Nicholas Narlock - extensive record including felony convictions, OWI's and drug convictions; and Daniel Petroski - Felony convictions and 6 OWI convictions.
2. Public Transport Business application from Northwoods Cab, LLC, located at 5207 Scott St, Schofield, to conduct business in Wausau. Owner, Rochelle Rigney.
3. Downtown Grocery has filed an Alcohol Premise Transfer of the Class A Beer & Liquor license from 607 3rd Street to a temporary site at A168 Wausau Center Mall.
4. Two applications filed for Class B Beer/Class C Wine licenses allowed for restaurants: Golden Dragon Pho, LLC, in the Wausau World Market, 828 S 3rd Avenue; and John VanSlate, for 319 Bistro, 319 4th Street.
5. Fast Fuel Mart, LLC, 407 North 3rd Avenue, is applying to add a Class A Liquor license to the Class A Beer license currently held at this location.
6. There are several Temporary Class B Retailer (Picnic) License applications: Special Olympics Polar Plunge; St. Anne's Catholic Church Polka Festival, Wausau Events Balloon Rally-Rib Fest and Big Bull Falls Blues Fest.
7. ADCH LLC, dba Allister Deacon's, 300 3rd St, has submitted an application for a Sidewalk Café with alcohol service.

STAFF RECOMMENDATION

Staff recommendation is to approve or deny as indicated on the summary report including those that may be introduced at the meeting. Please let me know if you have any question regarding any license applications listed.

Mary Goede, Deputy Clerk

Date of Report: February 10, 2016

(715) 261-6620

HEALTH AND SAFETY LIST
 ALL LICENSES
 FEBRUARY 15, 2016

 REPORT ID: LRS530I
 RUN DATE: 2/11/16
 RUN TIME: 14:10:15

<u>NAME</u> <u>ADDRESS</u>	<u>RECORD</u> <u>YEAR</u>	<u>APPLICATION</u> <u>DATE</u>	<u>EVENT START</u> <u>DATE</u>	<u>EXPIRATION</u> <u>DATE</u>	<u>REVOCAATION</u> <u>DATE</u>	<u>BUSINESS NAME</u>	<u>LICENSE TYPE</u>	<u>APR</u>	<u>DEN</u>	<u>PEN</u>	<u>OWES</u> <u>DEBT</u>
DOWNTOWN GROCERY.COM LLC 607 3RD ST WAUSAU, WI 54403	2015	2/02/2016	7/01/2015	6/30/2016		DOWNTOWN GROCERY.COM	ALCOHOL PREMISE TRANSFER	✓			
GOLDEN DRAGON PHO, LLC 828 S 3RD AVE WAUSAU, WI 54401	2015	1/20/2016	3/09/2015	6/30/2016		GOLDEN DRAGON PHO	CLASS B BEER/CLASS C WINE	✓			
VANSLATE JOHN 319 4TH ST WAUSAU, WI 54403	2015	2/08/2016	7/01/2015	6/30/2016		319 BISTRO	CLASS B BEER/CLASS C WINE	✓			
FAST FUEL MART, LLC 407 N THIRD AVE WAUSAU, WI 54401	2015	2/08/2016	3/09/2015	6/30/2016		FAST FUEL MART #2	CLASS A LIQUOR	✓			
MID STATE SISTERS OF SKATE C/O KRISTIN CONWAY 222 RADTKE ST SCHOFIELD, WI 54476	2016	2/10/2016	4/09/2016	4/10/2016		ROLLER DERBY BOUT	TEMP CLASS B RETAILER	✓			
SPECIAL OLYMPICS WISNORTH CENT 2804 RIB MOUNTAIN DR #C WAUSAU, WI 54401	2016	1/28/2016	2/27/2016	2/27/2016		SPECIAL OLYMPICS POL	TEMP CLASS B RETAILER	✓			
ST ANNE'S CATHOLIC CHURCH 710 N 6TH AVE WAUSAU, WI 54401	2016	2/03/2016	6/17/2016	6/19/2016		ST ANNE'S CATHOLIC C	TEMP CLASS B RETAILER	✓			
WAUSAU EVENTS 316 SCOTT ST WAUSAU, WI 54403	2016	2/04/2016	7/07/2016	7/10/2016		BALLOON RALLY / RIB	TEMP CLASS B RETAILER	✓			
WAUSAU EVENTS 316 SCOTT ST WAUSAU, WI 54403	2016	2/04/2016	8/19/2016	8/20/2016		BIG BULL FALLS BLUES	TEMP CLASS B RETAILER	✓			
BASHIR, JASMIN K 914 GRAND AVE APT #17 WAUSAU, WI 54403	2015	1/26/2016		6/30/2016		WALGREEN'S STORE #07	OPERATOR NEW	✓			
BUETTNER, SARAH M 1828 N 10TH AVE WAUSAU, WI 54401	2015	2/05/2016		6/30/2016		TRIG'S WAUSAU	OPERATOR NEW	✓			
COPPOCK, EVAN G 1934 EVA RD APT #1 KRONENWETTER, WI 54455	2015	1/25/2016		6/30/2016		THE STORE #62	OPERATOR NEW	✓			
HAMILTON, ALISHA J 1300 N 9TH AVE APT 5E WAUSAU, WI 54401	2015	1/22/2016		6/30/2016		TRIG'S WAUSAU	OPERATOR NEW	✓			

HEALTH AND SAFETY LIST
ALL LICENSES
FEBRUARY 15, 2016REPORT ID: LRS530I
RUN DATE: 2/11/16
RUN TIME: 14:10:15

<u>NAME</u> <u>ADDRESS</u>	<u>RECORD</u> <u>YEAR</u>	<u>APPLICATION</u> <u>DATE</u>	<u>EVENT START</u> <u>DATE</u>	<u>EXPIRATION</u> <u>DATE</u>	<u>REVOCATION</u> <u>DATE</u>	<u>BUSINESS NAME</u>	<u>LICENSE TYPE</u>	<u>APR</u>	<u>DEN</u>	<u>PEN</u>	<u>OWES</u> <u>DEBT</u>
HER, DAMOON 3000 GOLDENROD RD WAUSAU, WI 54401	2015	1/25/2016		6/30/2016		KOHLMAN'S INC	OPERATOR NEW	✓			
HOLTZ, BETH M 1840 PARDEE STREET WAUSAU, WI 54401	2016	1/21/2016		6/30/2017		TREMOR'S BAR	OPERATOR NEW	✓			
JONES-TOVAR, SAMANTHA A 2700 5TH AVE APT 27 STEVENS POINT, WI 54481	2016	1/14/2016		6/30/2017		SHOWTIME	OPERATOR NEW	✓			
KUHNERT, SHEILA K 5302 FULLER ST SCHOFIELD, WI 54476	2015	1/20/2016		6/30/2016		THE STORE #62	OPERATOR NEW	✓			
LEE, AMANDA K 2415 GOWEN ST APT #3 WAUSAU, WI 54403	2015	1/27/2016		6/30/2016		WALGREEN'S STORE #07	OPERATOR NEW	✓			
MAGEE, CHAYSE R 423 N 6TH AVE WAUSAU, WI 54401	2015	1/28/2016		6/30/2016		R STORE #6	OPERATOR NEW	✓			
MICKE, SAMANTHA R P3721 EAU CLAIRE RIVER R ANIWA, WI 54408	2015	1/27/2016		6/30/2016		SHOPKO 079	OPERATOR NEW	✓			
MOUA, PA MEE 2301 OVERLOOK DR WAUSAU, WI 54401	2016	2/05/2016		6/30/2017		R-STORE #34	OPERATOR NEW	✓			
MUENCHOW, BRIANNA N 512 S 3RD AVE WAUSAU, WI 54401	2015	1/25/2016		6/30/2016		THE STORE #62	OPERATOR NEW	✓			
REISSNER, JODY M 2069 GARY LEE DR KRONENWETTER, WI 54455	2015	2/01/2016		6/30/2016		THE STORE #62	OPERATOR NEW	✓			
SALZMAN, RYAN A 1208 S 11TH AVE WAUSAU, WI 54401	2015	1/29/2016		6/30/2016		KRIST FOOD MART #89	OPERATOR NEW	✓			
SOMMERS, KRISTIN E 5303 SHERMAN ST #77 WAUSAU, WI 54401	2015	1/28/2016		6/30/2016		NOODLES & COMPANY	OPERATOR NEW	✓			
WHITE, LEAH A 714 STARK ST WAUSAU, WI 54403	2015	1/11/2016		6/30/2016		VARIOUS	OPERATOR NEW	✓			
WRIGHT, BRITTANY B 5003 ASPEN ST SCHOFIELD, WI 54476	2015	2/04/2016		6/30/2016		R STORE #8	OPERATOR NEW	✓			

HEALTH AND SAFETY LIST
ALL LICENSES
FEBRUARY 15, 2016REPORT ID: LRS5301
RUN DATE: 2/11/16
RUN TIME: 14:10:15

<u>NAME</u> <u>ADDRESS</u>	<u>RECORD</u> <u>YEAR</u>	<u>APPLICATION</u> <u>DATE</u>	<u>EVENT START</u> <u>DATE</u>	<u>EXPIRATION</u> <u>DATE</u>	<u>REVOCAION</u> <u>DATE</u>	<u>BUSINESS NAME</u>	<u>LICENSE TYPE</u>	<u>APR</u>	<u>DEN</u>	<u>PEN</u>	<u>OWES</u> <u>DEBT</u>
YARISH, ADAM W 216 N 4TH AVENUE WAUSAU, WI 54401	2015	1/26/2016		6/30/2016		RED EYE BREWING COMP	OPERATOR NEW	✓			
CONWAY, KRISTIN 222 RADTKE ST SCHOFIELD, WI 54476	2016	2/10/2016	4/09/2016	4/10/2016		ROLLER DERBY BOUT	OPERATOR TEMPORARY	✓			
LANG, CRAIG 2212 W WAUSAU AVE WAUSAU, WI 54401	2016	1/22/2016	6/03/2016	6/05/2016		HOLY NAME SUMMER FUN	OPERATOR TEMPORARY	✓			
LANG, KELLY J 2212 W WAUSAU AVE WAUSAU, WI 54403	2016	1/22/2016	6/03/2016	6/05/2016		HOLY NAME SUMMERFUN	OPERATOR TEMPORARY	✓			
HER, XENG 1917 N 10TH AVE #2 WAUSAU, WI 54401	2015	2/01/2016		6/30/2017		WALGREENS #13371	OPERATOR - LAPSED RENEWAL	✓			
KEEN, RANDAL 1006 PINE ST WAUSAU, WI 54401	2015	1/19/2016		6/30/2017		WALGREEN'S STORE #07	OPERATOR - LAPSED RENEWAL	✓			
LUEDTKE, NICOLE W 1309 MCINTOSH ST WAUSAU, WI 54403	2015	1/13/2016		6/30/2017		TREMOR'S BAR	OPERATOR - LAPSED RENEWAL	✓			
SMITH, EMILY A 1340 GRAND AVE SCHOFIELD, WI 54476	2015	1/20/2016		6/30/2017		DEN MAR TAVERN	OPERATOR - LAPSED RENEWAL	✓			
WAUSAU ELKS LODGE #248 414 SCOTT ST WAUSAU, WI 54403	2015	1/13/2016				WAUSAU ELKS CLUB 248	CHANGE OF AGENT / OFFICER	✓			
CZERWINSKI, DIANE J 907 BROWN STREET WAUSAU, WI 54403	2016	2/05/2016	1/01/2016	12/31/2017		DIANE CZERWINSKI	PET FANCIER PERMIT				
FERGUSON, KRISTIN M 3312 RIDGEWOOD DR WAUSAU, WI 54401	2016	1/25/2016	1/01/2016	12/31/2017		KRISTIN FERGUSON	PET FANCIER PERMIT				
JEWELL, COURTNEY L 1417 N 2ND AVE WAUSAU, WI 54401	2016	1/18/2016	1/01/2016	12/31/2017		COURTNEY JEWELL	PET FANCIER PERMIT				
MASEK, TINA M 1323 SUMNER ST WAUSAU, WI 54403	2016	1/20/2016	1/01/2016	12/31/2017		MOLLY MAE (36491)	LU PET FANCIER PERMIT				
SALAS, KRISTA 1236 SUMNER ST WAUSAU, WI 54403	2016	2/03/2016	1/01/2016	12/31/2017		KRISTA SALAS	PET FANCIER PERMIT				

HEALTH AND SAFETY LIST
ALL LICENSES
FEBRUARY 15, 2016

REPORT ID: LRS530I
RUN DATE: 2/11/16
RUN TIME: 14:10:15

<u>NAME</u> <u>ADDRESS</u>	<u>RECORD</u> <u>YEAR</u>	<u>APPLICATION</u> <u>DATE</u>	<u>EVENT START</u> <u>DATE</u>	<u>EXPIRATION</u> <u>DATE</u>	<u>REVOCATION</u> <u>DATE</u>	<u>BUSINESS NAME</u>	<u>LICENSE TYPE</u>	<u>APR</u>	<u>DEN</u>	<u>PEN</u>	<u>OWES</u> <u>DEBT</u>
TEREVICH, DAVID 1244 N 8TH AVE WAUSAU, WI 54401	2015	2/01/2016	1/01/2015	12/31/2016		DAVID TEREVICH	PET FANCIER PERMIT	___	___	___	___
ADCH, LLC 300 3RD ST STE 103 WAUSAU, WI 54403	2015	9/04/2015	2/16/2016	6/30/2016		ALLISTER DEACON'S CO SIDEWALK CAFE (ALCOHOL)		✓	___	___	___
BULL FALLS BREWERY LLC 2811 PARK RIDGE DR SCHOFIELD, WI 54476	2016	1/13/2016	3/19/2016	3/19/2016		BULL FALLS HONOR FLI SPECIAL EVENT CLASS II		✓	___	___	___
WAUSAU CONCERT BAND 626 FORET ST WAUSAU, WI 54403	2016	10/13/2015	7/28/2016	8/04/2016		BAND CONCERT	SPECIAL EVENT CLASS II	✓	___	___	___
DOUGLAS, JEREMIAH 721 1/2 S 3RD AVE WAUSAU, WI 54401	2015	1/22/2016	7/01/2015	6/30/2016		METRO CAB OF WAUSAU	PUBLIC TRANS DRIVER-RENEW	✓	___	___	___
SCHLOEMER, AARON M 5207 SCOTT ST SCHOFIELD, WI 54476	2015	2/08/2016	7/01/2015	6/30/2016		NORTHWOODS CAB	PUBLIC TRANS DRIVER-RENEW	✓	___	___	___
LANG, FRANK H 719 MCINTOSH ST WAUSAU, WI 54403	2015	1/28/2016	7/01/2015	6/30/2016		A-1 CAB & DELIVERY	PUBLIC TRANS DRIVER-NEW	✓	___	___	___
NARLOCK, NICHOLAS W 1209 AUGUSTA AVE WAUSAU, WI 54403	2016	1/19/2016	7/01/2016	6/30/2017		A-1 CAB & DELIVERY	PUBLIC TRANS DRIVER-NEW	X	___	___	DENIED
PETROSKI, DANIEL C 1211 N 9TH AVE WAUSAU, WI 54401	2015	1/15/2016	7/01/2015	6/30/2016		A-1 CAB & DELIVERY	PUBLIC TRANS DRIVER-NEW	X	___	___	DENIED
NORTHWOODS CAB LLC 5207 SCOTT ST SCHOFIELD, WI 54476	2015	2/08/2016	7/01/2015	6/30/2016		NORTHWOODS CAB	PUBLIC TRANSPORT BUSINESS	___	___	✓	___

TOTAL LICENSES

51



Anne L. Jacobson
City Attorney

Tara G. Alfonso
Assistant City Attorney

COMMENTS REGARDING
AMENDMENTS TO RESIDENTIAL RENTAL LICENSING,
W.M.C. §16.04.039

- The City's Residential Rental Licensing ordinance at W.M.C. §16.04.039 was challenged by certain landlords in a case brought in Marathon County Circuit Court, Case No. 2014 CV 533, *BC II Properties LLC, et al. v. City of Wausau*. Landlords challenged the ordinance arguing that the entire ordinance was preempted by §66.0104(2)(d)1.a, Wisconsin Statutes. The City prevailed in the Circuit Court and judgment was entered in favor of the City upon its motion for summary judgment. The Landlords appealed to the District III, Court of Appeals.
- During the time the appeal was pending, the Court of Appeals, District IV ruled in *Olson v. City of La Crosse*, 2015 WI App. 67, 364 Wis.2d 615, 869 N.W. 2d 537 that notice provisions set forth in a City of La Crosse rental registration and inspection program were preempted by Wis. Stat. §66.0104(2)(d)1.a. The provisions of the City's Residential Rental Licensing ordinance and the City of La Crosse rental registration and inspection program were nearly identical.
- Based upon the Court of Appeals, District IV decision in *Olson*, the Court of Appeals, District III, through summary disposition, summarily reversed and remanded *BC II Properties* for further proceedings in the Circuit Court.
- Based upon the decision in *Olson*, the City and the Landlords in *BC II Properties* submitted a joint Conclusion of Law and Order to the Marathon County Circuit Court. This order was approved by the Circuit Court and a copy is attached.
- The Conclusions of Law and Order provide, consistent with *Olson*, that the notice provision of W.M.C. §16.04.039(e)(3) and (e)(4)(B) are preempted by Wis. Stat. §66.0104(2)(d)1.a. and shall be severed from the City of Wausau ordinance.
- The remainder of the Circuit Court's original order was affirmed.
- The amendments to the Residential Rental Licensing ordinance under consideration at this time implement the Conclusions of Law and Order of the Circuit Court in Marathon County Circuit Court, Case No. 2014 CV 533, *BC II Properties LLC, et al. v. City of Wausau*. Essentially these amendments remove the provisions of the ordinance that require landlords to provide notice to their tenants of a mandatory rental inspection. The responsibility of communicating to tenants about the City's rental inspection program and the inspection falls upon the City.

SCANNED

BC II PROPERTIES LLC;
L&L PROPERTIES LLC;
RIVERBEND DEVELOPMENT; AND
WAUSAU AREA APARTMENT
ASSOCIATION;

Plaintiffs,

v.

CITY OF WAUSAU, WISCONSIN;
Defendant.

Case No. 14-CV-533
Court of Appeals Case No. 15-AP-135

Declaratory Judgment: 30701
Other Injunction or Restraining Order 30704

THIS IS AN AUTHENTICATED
COPY OF PLEADINGS FILED
ON THIS DATE

16 JAN - 6 PM 4:30

OFFICE OF CIRCUIT CLERK
MARATHON COUNTY - 6

CONCLUSIONS OF LAW AND ORDER

HERE ARE THE CONCLUSIONS OF LAW AND ORDER by the Court upon remand by the Court of Appeals:

CONCLUSIONS OF LAW

1. The Court of Appeals, District IV ruled in *Olson v. City of La Crosse*, 2015 WI App. 67, 364 Wis. 2d 615, 869 N.W. 2d 537 that the notice provisions set forth in the City of La Crosse’s rental registration and inspection program at La Crosse Muni. Code §§ 8.06(E)(3) and 8.06(E)(4)(c) were preempted by Wis. Stat. § 66.0104(2)(d)1.a.
2. The Court of Appeals, District IV in *Olson* agreed with the City of La Crosse that remainder of the City’s registration and inspection program should stand because the notice provisions of its ordinance set forth above were severable.
3. The Circuit Court in this action, *BC II Properties LLC, et al. v. City of Wausau*, granted summary judgment in favor of the City of Wausau after the parties filed cross-motions for summary judgment. *BC II Properties LLC, et al.* (“Landlords”) appealed. The Court of Appeals, District III, based upon the published opinion involving La Crosse’s rental registration and inspection program in *Olson*, through summary disposition, summarily reversed and remanded this cause for further proceedings.
4. The provisions of the City of Wausau’s rental licensing ordinance at W.M.C. §16.04.039(e)(3) and (e)(4)(B) are nearly identical to the provisions of the City of La Crosse’s rental registration and inspection program at La Crosse Muni. Code §§ 8.06(E)(3) and 8.06(E)(4)(c).
5. The first part of WAUSAU, WIS. MUNICIPAL CODE § 16.04.039(e)(3) states:

JB

The owner shall arrange for access to the dwelling unit and all portions the property affected by the rental of the dwelling unit and shall notify all tenants of the inspection in accordance with Wisconsin law and the lease agreement between the owner and the tenant...

6. The City of Wausau is prohibited from requiring landlords to notify tenants of a mandatory rental inspection by either written or oral communication.
7. As the Court of Appeals, District III stated in the Plaintiffs' appeal in this case, "[a]s we emphasized in *Olson*, the responsibility for communicating to tenants about the City's program falls on the government under WIS. STAT. § 66.0104(2)(d)1.a."

ORDER

The Court, having reviewed the opinion from the Court of Appeals, District IV ruling in *Olson* HEREBY ORDERS that:

- (1) The notice provision of W.M.C. §16.04.039(e)(3) and (e)(4)(B) are preempted by Wis. Stat. §66.0104(2)(d)1.a. based upon the holding of the Court of Appeals, District IV in *Olson* and shall be severed from the City of Wausau ordinance.
- (2) The City of Wausau is prohibited from requiring landlords to provide notice to their tenants of a mandatory rental inspection. The City of Wausau will not impose re-inspection fees upon a landlord as a result of a tenant's refusal to permit access to a dwelling or dwelling unit.
- (3) The remainder of the Circuit Court's Order in this matter, including the granting of Summary Judgment to the City of Wausau, is affirmed. There is nothing in the *Olson* holding that invalidates or prohibits any other provision of the City of Wausau rental licensing ordinance.
- (4) This is a final order for purposes of appeal pursuant to Wis. Stat. § 808.03.

Dated this 6 day of Jan, 201~~8~~⁶.

BY THE COURT:



Hon. Jill N. Falstad
Circuit Court Judge

ORDINANCE OF PUBLIC HEALTH AND SAFETY COMMITTEE	
Amend Section 16.04.039 Residential Rental Licensing removing landlord notice requirements	
Committee Action:	Ordinance Number:
Fiscal Impact:	
File Number:	Date Introduced:

The Common Council of the City of Wausau do ordain as follows:

Add ()
Delete (—)

Section 1. That Section 16.04.039 Residential Rental Licensing, is hereby amended to read as follows:

16.04.039 Residential Rental Licensing.

...

(e) Inspection.

...

(1) Upon receipt of an application and payment of the required fee, the ~~department~~ Department will conduct an inspection of the dwelling or dwelling unit for compliance with the provisions of the municipal code. If a provisional license is not issued for a dwelling unit, the Department shall make the inspection within 30 days of the date of the completed application unless another date is mutually agreed upon by the ~~Department and owner.~~

(2) Appointments for inspections shall be scheduled by the ~~department~~ Department. The Department shall provide notice of the time and date of the inspection by first class mail to the ~~address provided in the application~~ at least 21 days before the scheduled inspection date.

(3) The owner shall arrange for access to the dwelling unit and all portions of the property affected by the rental of the dwelling unit ~~where a dwelling unit is vacant and currently not under lease~~ and shall notify all tenants of the inspection in accordance with Wisconsin law and the lease agreement between the owner and the tenant. Failure to provide access to the property and dwelling unit on the agreed inspection date ~~for a dwelling unit which is vacant and currently not under lease~~ may

will subject the owner to the fees specified in section 16.04.025 and denial of the residential rental license.

(4) Inspections shall not be conducted:

...

(B) Without prior notice to the tenant ~~by the owner as required by state law or the lease agreement.~~

...

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect on the day after its publication.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk



Anne L. Jacobson
City Attorney

Tara G. Alfonso
Assistant City Attorney

COMMENTS REGARDING PROPOSED
ORDINANCE TO ENABLE IMPLEMENTATION OF
TRAP, NEUTER, RELEASE PROGRAM FOR FERAL AND STRAY CATS

- In 2015, the City of Wausau considered allowing a pilot trap, neuter, release program for feral and stray cats. The implementation of this program required certain proposed changes to chapter 8 of the Wausau Municipal Code governing the care and control of animals. The proposed pilot program failed the Common Council July 14, 2015, on a 7 – 3 vote.
- Subsequently, at its December 21, 2015 meeting, the Public Health & Safety Committee agreed to revisit the trap, neuter, release program, but this time on a City wide basis.
- Lt. Todd Baeten, Ashlee Bishop, and Tara Alfonso met with Aime Leonoff in January, 2016, to see whether the Community Cat Action Team was still interested in conducting a program in the City of Wausau, and if so, whether it was able to conduct such program “city wide” rather than in the original, smaller, pilot area first considered by the City.
- The ordinances being considered at this time contain certain changes from the original proposed ordinances for a trap, neuter and release program considered by the Common Council last year.
- Changes made to the proposed ordinances from last year’s version include:
 1. Removal of the restriction of the program to a “pilot area” allowing it to proceed on a “City wide” basis.
 2. Removal of the requirement that a caregiver report to the City Animal Control Officer any cat that appears to be ill or diseased. The requirement to report a cat that appears to have been exposed to or potentially suffering from rabies remains.
 3. Removal of the requirement that the CCAT organization maintain liability insurance.
 4. Removal of the expiration date for the authorization of the program. This can be included again, as and if desired.
- Regarding the requirement of liability insurance, CCAT has advised that it has reformatted its program. It is now only facilitating trap, neuter, and release activities among individuals who are interested in engaging in this activity. This apparently involves CCAT training interested individuals on how to trap cats and where to bring them for neutering. It has advised it will have/or does have written agreements or other documentation with individuals it has facilitated in performing this function. Therefore, it does not believe that liability insurance is necessary in this facilitating capacity, and further, that insurance proved expensive, difficult or near impossible for it to obtain.

- In the event the City approves changes to ordinances, it is still also strongly recommended that the City condition its approval upon CCAT providing the City with an indemnification and release in the following form through a separate document:

CCAT shall defend, indemnify and hold harmless City, its employees, agents, and elected and appointed officials from and against all liabilities, losses, judgments, actions, suits, obligations, debts, demands, damages, penalties, claims, costs, charges and expenses, including reasonable attorneys' fees, of any kind or of any nature whatsoever which may be imposed, incurred, sustained or asserted against the City, its employees, agents, and/or elected or appointed officials by reason of any injury or death to any person, or loss, damage, or destruction of any property or loss of use thereof, or otherwise arising directly or indirectly as a result of the acts or omissions of CCAT, its agents, employees, or volunteers under its trap, neuter, release program within the City of Wausau.

CCAT hereby releases the City, its employees, agents, and elected and appointed officials from and against all liabilities, losses, judgments, actions, suits, obligations, debts, demands, damages, penalties, claims, costs, charges and expenses, including reasonable attorneys' fees, which may arise as a result of the acts or omissions of CCAT, its agents, employees, or volunteers under its trap, neuter, release program within the City of Wausau.

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

ORDINANCE OF PUBLIC HEALTH AND SAFETY COMMITTEE	
Creating Section 8.08.05 Feral cat caregiver and TNR program requirements	
Committee Action:	Ordinance Number:
Fiscal Impact: None	
File Number:	Date Introduced:

The Common Council of the City of Wausau do ordain as follows:

Section 1. That Section 8.08.05 Feral cat caregiver and TNR program requirements, is hereby created to read as follows:

8.08.05. Feral cat caregiver and TNR program requirements. (a) Definitions. For purposes of this section, the following definitions shall apply:

- (1) “Authorized TNR program” means a TNR program directed and coordinated by the Community Cat Action Team, Inc., a Wisconsin corporation, provided it remains a non-profit animal rescue or welfare group and has as at least one of its purposes, the rescue and placement of cats which cannot be kept or placed by public animal control agencies or humane shelters.
- (2) “Caregiver” means any person trained and designated by an authorized TNR program as a caregiver, who in accordance with a good faith effort to trap, neuter, vaccinate and return a feral or stray cat to a feral cat colony, provides food, water or shelter to or otherwise cares for a feral or stray cat.
- (3) “Ear-tipped” means a straight line cut of the tip of the ear on a cat, typically the left ear, performed by a licensed veterinarian when a cat is under anesthesia and identifies a cat as sterilized.
- (4) “Feral cat” means a cat that is wild, untamed, or unsocialized.
- (5) “Feral cat colony” means a group of cats that congregates, more or less, together as a unit. Although not every cat in a colony may be feral, any nonferal or free-roaming cats that congregate with a colony shall be deemed to be a part of it.

(6) “Free-roaming cat” means a cat that is regularly off the property of the owner and is not under the physical control or restraint of the owner.

(7) “Stray cat” means a cat that is socialized to humans and does not have an owner.

(8) “TNR” means a trap, neuter and return program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped and returned to the original location where they live.

(b) Caregivers shall be entitled to maintain feral cat colonies upon strict compliance with the terms and conditions of this section.

(1) Registration of the feral cat colony with the authorized TNR program.

(2) Taking reasonable steps to obtain the vaccination of the colony population for rabies and making reasonable efforts to update the vaccinations on cats that can be recaptured.

(3) Taking reasonable steps to result in the spay/neuter, by a licensed veterinarian, of the colony population.

(4) Taking reasonable steps to find permanent, inside homes for colony cats that exhibit the potential for acclimating to such a placement.

(5) Providing adequate containment and disposal of excrement. Caregivers shall be subject to the provisions of section 8.08.220 notwithstanding any provision of section 8.08.001(f).

(6) Taking reasonable steps to prevent feral colony cats from creating a nuisance on adjacent properties.

(7) In the event that kittens are born to a colony cat, the caregiver shall take reasonable steps likely to result in the removal of the kittens from the feral cat colony after they have been weaned, and obtain placement of the kittens in homes, foster homes or animal rescue facilities.

(8) Immediately report to the City Animal Control Officer any cat that appears to have been exposed to, or potentially suffering from rabies. Caregivers shall be subject to the provisions of section 8.08.240 notwithstanding any provision of section 8.08.001(f).

(c) The authorized TNR program shall comply with the provisions of this subsection.

(1) Review and approve caregivers.

(2) Help to resolve complaints over the conduct of a feral cat colony caregiver or of cats within a colony.

(3) Provide the City Animal Control Officer on an annual basis, or upon other reasonable request, with information relating to the authorized TNR program including number of cats and kittens spayed and neutered, number of cats and kittens placed in permanent homes.

(d) It shall be an affirmative defense to prosecution under sections 8.08.030, Dognapping and catnapping; 8.08.120, Number of dogs and cats limited; 8.08.170, Licenses; and, 8.08.190, Animals not to run at large, that the animal is a feral or stray cat provided care by a Caregiver approved by the authorized TNR program. It shall be a condition of this provision that a Caregiver display a copy of his/her contract or other written agreement with the authorized TNR program to City officials upon request to verify approved participation in the authorized TNR program.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

ORDINANCE OF PUBLIC HEALTH AND SAFETY COMMITTEE	
Creating Section 8.08.05 Feral cat caregiver and TNR program requirements	
Committee Action:	Ordinance Number:
Fiscal Impact: None	
File Number:	Date Introduced:

The Common Council of the City of Wausau do ordain as follows:

Section 1. That Section 8.08.05 Feral cat caregiver and TNR program requirements, is hereby created to read as follows:

8.08.05. Feral cat caregiver and TNR program requirements. (a) Definitions. For purposes of this section, the following definitions shall apply:

- (1) “Authorized TNR program” means a TNR program directed ~~and operated~~ and coordinated by the Community Cat Action Team, ~~Inc., a Wisconsin corporation,~~ provided it remains a non-profit animal rescue or welfare group and has as at least one of its purposes, the rescue and placement of cats which cannot be kept or placed by public animal control agencies or humane shelters.
- (2) “Caregiver” means any person trained and designated by an authorized TNR program as a caregiver, who in accordance with a good faith effort to trap, neuter, vaccinate and return a feral or stray cat to a feral cat colony, provides food, water or shelter to or otherwise cares for a feral or stray cat.
- (3) “Ear-tipped” means a straight line cut of the tip of the ear on a cat, typically the left ear, performed by a licensed veterinarian when a cat is under anesthesia and identifies a cat as sterilized.
- (4) “Feral cat” means a cat that is wild, untamed, or unsocialized.
- (5) “Feral cat colony” means a group of cats that congregates, more or less, together as a unit. Although not every cat in a colony may be feral, any nonferal or free-roaming cats that congregate with a colony shall be deemed to be a part of it.

(6) “Free-roaming cat” means a cat that is regularly off the property of the owner and is not under the physical control or restraint of the owner.

~~(7) “Pilot area” means that portion of the City bounded by east side of Third Avenue, the west side of Sixth Avenues, the north side of Stewart Avenue and the north side of Spruce Street.~~

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(87) “Stray cat” means a cat that is socialized to humans and does not have an owner.

(89) “TNR” means a trap, neuter and return program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped and returned to the original location where they live.

(b) ~~Feral cat colonies shall be permitted within the pilot area only, and~~ Caregivers shall be entitled to maintain ~~such feral cat colonies~~ colonies ~~in such pilot area~~ upon strict compliance with the terms and conditions of this section.

(1) Registration of the feral cat colony with the authorized TNR program.

(2) Taking reasonable steps to obtain the vaccination of the colony population for rabies and making reasonable efforts to update the vaccinations on cats that can be recaptured.

(3) Taking reasonable steps to result in the spay/neuter, by a licensed veterinarian, of the colony population.

(4) Taking reasonable steps to find permanent, inside homes for colony cats that exhibit the potential for acclimating to such a placement.

(5) Providing adequate containment and disposal of excrement. Caregivers shall be subject to the provisions of section 8.08.220 notwithstanding any provision of section 8.08.001(f).

(6) Taking reasonable steps to prevent feral colony cats from creating a nuisance on adjacent properties.

(7) In the event that kittens are born to a colony cat, the caregiver shall take reasonable steps likely to result in the removal of the kittens from the feral cat colony after they have been weaned, and obtain placement of the kittens in homes, foster homes or animal rescue facilities.

(8) Immediately report to the City Animal Control Officer any cat that appears ~~to be ill, diseased, or to~~ have been exposed to, ~~or~~ potentially suffering from rabies. Caregivers shall be subject to the provisions of section 8.08.240 notwithstanding any provision of section 8.08.001(f).

(c) The authorized TNR program shall comply with the provisions of this subsection.

- (1) Review and approve caregivers.
- (2) Help to resolve complaints over the conduct of a feral cat colony caregiver or of cats within a colony.
- (3) Provide the City Animal Control Officer on an annual basis, or upon other reasonable request, with information relating to the authorized TNR program including number of cats and kittens spayed and neutered, number of cats and kittens placed in permanent homes, ~~a list of the names and addresses of approved caregivers, and the number of colonies and number of cats in each feral cat colony.~~

~~(4) — Maintain liability insurance for all activities, actions and work performed under in connection with the authorized TNR program with a minimum combined single limit in an amount not less than Five Hundred Thousand Dollars (\$500,000.00) of liability per occurrence for bodily injury and property damage and furnish the City with a Certificate of Insurance naming the City, its employees, agents, representatives, and elected and appointed officials as additional insureds. The policy of insurance shall state that coverage shall not be cancelled by the insurer in less than thirty (30) days after the insured and the City have received written notice of such cancellation~~

(d) It shall be an affirmative defense to prosecution under sections 8.08.030, Dognapping and catnapping; 8.08.120, Number of dogs and cats limited; 8.08.170, Licenses; and, 8.08.190, Animals not to run at large, that the animal is a feral or stray cat provided care by a ~~e~~Caregiver ~~in the pilot area approved by through~~ the authorized TNR program. It shall be a condition of this provision that a Caregiver display a copy of his/her contract or other written agreement with the authorized TNR program to City officials upon request to verify approved participation in the authorized TNR program.

~~(e) — The authorization of this program and ordinance and designation of the authorized TNR program shall expire on July 1, 2018, unless reauthorized by the common council.~~

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Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk

Community Cat Action Team

Who We Are

Community Cat Action Team (CCAT) is a group of concerned community members working to substantially and humanely reduce the number of community cats, sometimes called feral cats, and their associated costs. The current practice of trapping and housing community cats is costly and has not reduced overpopulation.

The TNR Model

The Trap/Neuter/Return (TNR) model is a standard protocol endorsed by the ASPCA and numerous other animal care organizations and is used in hundreds of communities across the country to control free-roaming cat populations.

How TNR Works

- Current caregivers are trained to humanely trap feral cats.
- The cats are provided with a basic health exam, rabies vaccination, spay or neuter surgery, and post-surgical care. The tip of the left ear is clipped for future visual identification.
- The cats are returned to their home territory and allowed to live out their lives with caregivers who feed, shelter, and facilitate any additional needs including neighborhood concerns.
- The breeding cycle is interrupted, resulting in a decrease in feline population over time through natural attrition.

Advantages

- Euthanasia and disposal rates are reduced, resulting in cost savings.
- Fixed cats who are returned to their location discourage other cats from moving in.
- Neutering cats significantly reduces their fighting, territory marking, and other mating-related behaviors, resulting in decreased nuisance calls to law enforcement and city officials.
- TNR is a way of managing community cat populations without the public relations difficulties related to a trap/kill program.
- Free-roaming community cats who are part of the TNR program would receive at least one rabies vaccination (rather than none, as they currently do) and TNR cats in organized colonies are fed and cared for, reducing incidence of disease.

What You Can Do

- **If you're feeding community cats and want to know how to trap them for low-cost spay/neuter and vaccination, contact CCAT Vice President Terry Carroll at 715-212-8568.**
- Contact your municipal leaders to tell them you oppose killing of healthy community cats and support TNR as a humane and effective alternative.
- To learn more about TNR, email us at wausaucat@gmail.com or visit one of the links listed on back.
- Donate to CCAT. Donated funds go directly to support spay/neuter of community cats.

Frequently Asked Questions About TNR:

Why don't we just round up and euthanize these cats? Trap-Kill is a temporary solution. There is a documented phenomenon called the vacuum effect- other cats move into the vacated area. Furthermore, there is still significant cost, and most people do not support the killing of healthy cats.

Doesn't TNR make cats feral? TNR doesn't turn cats feral. TNR is a program for dealing with cats that are already feral. Adoptable cats and kittens can still be brought to HSMC.

I've heard that feral cats kill a lot of birds. Feral cats can kill small numbers of birds, but are much more likely to go after rodents. Also, remember that the goal of TNR is to reduce the number of community cats over time. Under the current plan, these numbers are growing.

Won't these cats starve to death? Compassionate people in our community are already feeding many of these cats and would continue to care for them after surgery.

Who would pay for TNR services? CCAT has received donated funds to get started and there are grants available through various organizations for TNR programs.

Why does HSMC have to hold cats for 7 days? Why can't they just euthanize them right away? Law requires that they be held so that if someone's beloved pet gets out and is trapped, they have time to claim it before it is euthanized.

What if someone's pet is inadvertently trapped? It's best to keep pet cats indoors, but if a pet is not wearing identification and is trapped, it will be fixed, vaccinated, and returned to the area where it came from. Unless cats are being used for breeding, they should be spayed or neutered anyway.

What about feral cats that are causing problems in their neighborhoods? Most of the problematic behaviors, such as yowling, spraying, and fighting, are related to mating. These are drastically reduced once cats are fixed. If other problems exist, such as cats going into neighbors' yards, CCAT can offer support and practical solutions. Use of law enforcement would be a last resort.

TNR Resources

Alley Cat Allies

<http://www.alleycat.org/tnrstudies>

Neighborhood Cats TNR Handbook

<http://www.neighborhoodcats.org/uploads/File/Resources/NC%20TNR%20Handbook WEB v5-4.pdf>

Maddie's Fund

<http://www.maddiesfund.org/million-cat-challenge-five-initiatives.htm>

Operation Catnip Gainesville

<http://ocgainesville.org/>

ORDINANCE OF PUBLIC HEALTH AND SAFETY COMMITTEE

Amend Section 8.08.001 Definitions adding “Domesticated cat or dog” and amending “owner.”

Committee Action:

Ordinance Number:

Fiscal Impact: None

File Number:

Date Introduced:

The Common Council of the City of Wausau do ordain as follows:

Add ()
Delete (———)

Section 1. That Section 8.08.001 Definitions, is hereby amended to read as follows:

8.08.001 Definitions.

...

(d) “Domesticated cat or dog” means a cat or dog that is socialized to humans and is appropriate as a companion for humans.

(d)(e) “Farm animal/poultry” means any warmblooded animal/fowl . . .

(e)(f) “Owner” means any individual, partnership or corporation that has the right of property in an animal or who keeps, harbors, cares for, acts as its custodian, or who knowingly permits an animal to remain on or about his/premises/property for five or more consecutive days. For purposes of this chapter, any individual designated in writing by an authorized TNR program, who acts as a caregiver for a feral or stray cat that has been ear tipped and neutered as part of a TNR program shall not be deemed to be an Owner of such feral or stray cat; provided however, that such individual complies with the provisions of Section 8.08.05 and provides a copy of the written designation to appropriate City officials upon request.

(f)(g) “Pet” means and animal kept for pleasure rather than utility, which may/may not be susceptible to rabies.

(g)(h) “Temporary foster care” means the care of a dog or cat by a person residing in a single or two family dwelling unit for 6 months or less and where such animal has been placed in the care of such person by a non-profit animal rescue, shelter, or welfare group qualifying as an exempt organization under section 501(c)(3) of the Internal Revenue Code.

(i) “Unprovoked bite” means not stimulated to produce an angry or vexed reaction.

(j) “U.S.D.A. approved rabies vaccine” means rabies vaccine for dogs, cats, horses, cows or sheep only.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect on the day after its publication.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk

Summary of Fire and EMS Events
For January 2016

1. Significant City Fire Events:

Date	Address	Type
01/01/16	1815 Rosecrans Street (0003)	Building Fire
01/06/16	1500 N. 1 st Street (0043)	Building Fire
01/15/16	1209 Gilbert Street (0086)	Outside Rubbish, trash or waste fire
01/17/16	1506 Pine View Lane (0095)	Water vehicle fire
01/19/16	808 Turner Street (0108)	Cooking fire, confined to container
01/26/16	221 Scott Street (0145)	Cooking fire, confined to container
01/30/16	1205 N. 3 rd Avenue (0160)	Passenger vehicle fire

2. Township Fire Calls:

Date	Township	Address	Type
01/01/16	Texas	180 N. County Rd WW (0005)	Dispatched and cancelled enroute – Tanker only
01/07/16	Merrill	402 Mill Street (0048)	Building Fire
01/12/16	Merrill	1900 E. 6 th Street (0074)	Building Fire
01/14/16	Texas	Int. of Green Valley Rd & N. 57 th Street (0083)	Extrication of victim from vehicles
01/14/16	Wausau	2403 E. Wausau Avenue (0081)	Medical assist
01/16/16	Maine	Int. of County Rd K & Decator Dr. (0093)	Motor vehicle accident w/injuries
01/20/16	Maine	Int. of Naugart Dr. & S. County Rd K (0111)	Dispatched and cancelled enroute
01/24/16	Wausau	2905 Valley View Road (0133)	Chimney or flue fire, confined – Tanker only
Total Mutual Aid Given			8
Tanker Response Only			2

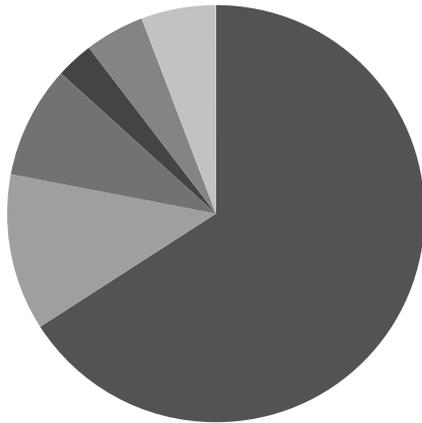
3. Significant EMS Events:

City	# of Runs	% of Runs	# of Runs - YTD
Berlin (Town of)	2	0.42%	2
Brokaw (Village of)	0	0.00%	0
Hewitt (Town of)	1	0.21%	1
Maine (Town of)	8	1.67%	8
Texas (Town of)	5	1.04%	5
Schofield (City of)	0	0.00%	0
Stettin (Town of)	0	0.00%	0
Wausau (City of)	453	94.57%	453
Wausau (Town of)	8	1.67%	8
Weston (Village of)	0	0.00%	0
Other	2	0.42%	2
Interfacility	0	0.00%	0
Total	479	100.00%	479

4. Fire Department Activities

NFIRS Incidents (Engine)	250.32 Hours
WARDS Incidents (Ambulance)	655.06 Hours
Non-Incident Activities (Station Maintenance/Wellness, Vehicle Check-off/Fire Pre-plan, Hazmat Outreach, Administration duties, Public Education, Committee and Staff Meetings)	1,047.33 Hours
Training	1,023.54 Hours

5. Other Fire Incident Responses:



- Rescue & Emergency Medical Service Incident (114)
- False Alarm & False Call (21)
- Good Intent Call (15)
- Service Call (5)
- Hazardous Condition (No Fire) (8)
- Fire (10)

CODE	DESCRIPTION	FREQ.	FREQ. %	EXPs	TOTAL MAN HOURS	AVERAGE RESPONSE TIME (min)
111	Building fires	2	1.20 %	0	18.32	3.00
113	Cooking fire, confined to container	2	1.20 %	0	10.23	3.00
114	Chimney or flue fire, confined to chimney or flue	0	0.00 %	0		
131	Passenger vehicle fire	1	0.60 %	0	11.90	3.00
134	Water vehicle fire	1	0.60 %	0	6.00	10.00
151	Outside rubbish, trash or waste fire	1	0.60 %	0	0.92	5.00
311	Medical assist, assist EMS crew	101	60.84 %	0	97.62	3.88
322	Vehicle accident with injuries	3	1.81 %	0	3.52	1.67
324	Motor vehicle accident with no injuries	2	1.20 %	0	5.25	3.00
352	Extrication of victim(s) from vehicle	3	1.81 %	0	10.63	5.67
360	Water & ice related rescue, other	1	0.60 %	0	1.00	8.00
381	Rescue or EMS standby	1	0.60 %	0	1.77	4.00
400	Hazardous condition, other	1	0.60 %	0	5.33	5.00
412	Gas leak (natural gas or LPG)	2	1.20 %	0	3.18	5.00
424	Carbon monoxide incident	1	0.60 %	0	0.97	3.00
440	Electrical wiring/equipment problem, other	2	1.20 %	0	3.57	4.00
442	Overheated motor	1	0.60 %	0	3.67	4.00
445	Arcing, shorted electrical equipment	1	0.60 %	0	0.30	3.00
510	Person in distress, other	1	0.60 %	0	0.77	7.00
511	Lock-out	4	2.41 %	0	3.32	2.25
531	Smoke or odor removal	1	0.60 %	0	7.80	5.00
611	Dispatched & canceled en route	11	6.63 %	0	2.35	
622	No incident found at dispatch address	1	0.60 %	0	1.75	3.00
671	Hazmat release investigation w/ no hazmat	1	0.60 %	0	1.00	5.00

711	Municipal alarm system, malicious false alarm	1	0.60 %	0	2.93	6.00
735	Alarm system sounded due to malfunction	3	1.81 %	0	8.82	4.33
736	CO detector activation due to malfunction	3	1.81 %	0	2.92	4.00
741	Sprinkler activation, no fire - unintentional	1	0.60 %	0	2.67	3.00
743	Smoke detector activation, no fire - unintentional	3	1.81 %	0	3.58	4.00
744	Detector activation, no fire - unintentional	3	1.81 %	0	6.68	4.67
745	Alarm system sounded, no fire - unintentional	4	2.41 %	0	32.93	4.75
746	Carbon monoxide detector activation, no CO	3	1.81 %	0	1.17	2.33
Totals		166	100.00%	0	262.85	3.94
Total Mutual Aid Received - Fire		1				
Total Mutual Aid Received - EMS		1				

6. Personnel Hours off due to:

Catastrophic	0.00 Hours
Family Leave	21.5 Hours (.89 days)
Medical Leave	240 Hours (10 days)
Sick Leave	137.25 Hours (5.71 days)
Worker's Compensation	0.00 Hours

7. Fire Inspection Events

Inspections Completed	Monthly	Year to Date
Inspections w/ no violations	130	130
Re-inspections Completed		
1 st Re-inspection	5	5
2 nd Re-inspection	14	14
3 rd Re-inspection	11	11
4 th Re-inspection	2	2
5 th Re-inspection	1	1
6 th Re-inspection	1	1
7 th Re-inspection	0	0
Varied Inspections		
Plan Review – General	0	0
Plan Review – Site	0	0
Plan Review – Sprinkler System	0	0
Plan Review - Architectural	1	1
Inspection – General	0	0
Inspection – Site	0	0
Inspection – Fire Protection	0	0
Inspection – Fire Alarm	0	0
Inspection – Sprinkler System	2	2
Inspection – Permit	0	0
Inspection – Hazardous Operations	0	0
Inspection – License	0	0
Inspection – Electrical	0	0
Inspection – Special Event	0	0
Inspection – Tank	1	1
Investigation – Other	1	1
Referral/Complaint – Citizen	0	0
Referral/Complain – Building	0	0
Consultation – Assembly	0	0

Consultation – Site	0	0
Consultation – Building	0	0
Consultation – General	0	0
Consultation – Fire Protection	0	0
Consultation – Fire Alarm	0	0
Consultation – Hazardous Operations	0	0
Consultation – Sprinkler System	0	0
Consultation – Permit	0	0
Consultation – License	0	0
Consultation – Knox Box	1	1
Consultation – Other	0	0
Legal Preparation	0	0
Total Inspections	170	170
Fire Investigations	0	0
Inspection Department Activities	Staff Count	YTD Staff
Elderly Fire Safety Programs	0	0
Parade	0	0
School Programs	0	0
Smoke Detector/CO Programs	0	0
Public Education (tours, lectures, etc.)	0	0
Open Burn Complaints	0	0
Fire/EMS Presentation	0	0
Fire Drills/Pool Drills	0	0
Job Fairs	0	0
Inspections 1 & 2 Family Dwellings	1	1
CPR Training for Outside Agency	5	5
Special Event Inspections or Plan Meetings	5	5
Juvenile Fire Setter Intervention	0	0

8. Agenda Topics

- a.
- b.
- c.
- d.



James E. Tipple
Mayor

Jeffrey G. Hardel
Chief of Police

Wausau Police Department

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)

101 Pub, 101 N. 3rd Ave.

6th Street Pub, 2002 N. 6th St.

Baker's Retreat, 1418 Lenard St.

The Bar, 1025 S. 3rd 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)

None.



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RESTAURANT INSPECTIONS (No violations unless noted)

None.

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

6th Street Pub, 2002 N. 6th 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. 6th 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.



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- (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. 3rd 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 25th Street. The Officer that responded provided the male with a self-report form, completed it and turned it in.



Wausau Police Department

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Chief of Police

Intermission Bar, 325 N. 4th 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. 3rd 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. 3rd 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 3rd 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.



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Jeffrey G. Hardel
Chief of Police

Wausau Police Department

Roc's Place, 810 S. 3rd 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. 3rd 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.



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Chatterbox Bar, 102 S. 2nd 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.

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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 (3rd Ave/Stewart Ave), Callon Street Pub and Fast Break Mobil (4th 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.
- (See attached report)

Respectfully submitted,
Lt. Michael Felder

ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED TO TAVERNS/STORES

Establishment	Defendant/Relationship	Date of Violation	Ord. Section/Statute Number	Type of Violation	Point Value*	Case #
101 Pub	Stephanie LNU/Bartender	09/08/2015		Fail to Summon Police	50	15-7863
101 Pub	Stephanie Hale/Bartender	10/28/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-9452
				Total	75	
Baker's Retreat	Greg Atchinson/Bartender	01/20/2016	5.64.010/125.07(1)	Sell to Underage Person	25	16-692
				Total	25	
Applebee's Restaurant	Brenna Spoehr/Bartender	09/30/2015	5.64.010/125.07(1)	Sell to Underage Person	25	
				Total	25	
Buffalo Wild Wings	Deanna Kielman/Operator	10/28/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-9443
				Total	25	
Bunker's	Sheila Koth/Waitress	12/10/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-10729
				Total	25	
Campus Pub	Nicole Anderson/Bartender	08/05/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-6784
				Total	25	
Cheers Bar	Brian Felhaber/Bartender	06/11/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4950
				Total	25	
Christine's Bar	Mai Xiong/Bartender	12/10/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-10734
				Total	25	
Crossroad's County Market	Matthew Vehlow/Operator	05/20/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4209
				Total	25	
Cruisin 1724	Jeffrey Otto/Bartender	05/20/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4210
				Total	25	
Days' Bowl-a-Dome	Sara Huber/Bartender	09/30/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-8581
				Total	25	
Eagle's Club	Rebecca Volm/Bartender	08/05/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-6778
				Total	25	
Glass Hat	Donna L. Meyer/Bartender	04/22/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-3382
Glass Hat	Donna L. Meyer/Bartender	06/13/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-5054
				Total	50	
Intermission Bar	Joshua Dirks/Bartender	09/30/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-8586
				Total	25	
It's Our Clubhouse and Yours	Mai Moua/Bartender	06/11/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4948
It's Our Clubhouse and Yours	Brian Morel/Owner	07/08/2015	941.30(1)	Recklessly Endangering Safety	100	15-5881
				Total	125	
Jim's Corner Pub	Christine Weber/Bartender	05/20/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4216
				Total	25	

Kohlman and Lee's IGA	Kionchee Xiong/Operator	04/22/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-3377
				Total	25	
Limmerick's	Jody L. Cunningham/Bartender	04/22/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-3383
				Total	25	
Loppnow's Bar	Nicholas Meuret/Patron	07/18/2015	9.04.025	Liquor on Street	25	15-6180
Loppnow's Bar	Paul Loppnow/Bartender	08/05/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-6782
				Total	50	
Lumpy's	Michelle Raatz/Bartender	02/25/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-1541
	Jennifer Knies/Bartender	01/20/2016	5.64.010/125.07(1)	Sell to Underage Person	25	16-694
				Total	50	
M & R Station	Nerissa Baumann/Bartender	09/30/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-8584
				Total	25	
Malarky's Pub	Todd Link/Bartender	08/05/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-6779
				Total	25	
Milwaukee Burger Company	Jeremiah Burns/Bartender	06/11/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4943
Milwaukee Burger Company	Andrew Sorenson	07/31/2015	5.64.010/125.68(4)(c)(3)	Sell Intoxicating Liquor After Hours	25	15-6584
				Total	50	
North End Pub	Michael Woller/Bartender	05/20/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4213
				Total	25	
Pick N' Save #6405	Alex Mumford/Manager	09/30/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-8577
				Total	25	
Pine Ridge Mobil	Kaleb Rice/Operator	05/20/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4207
Pine Ridge Mobil	Jamie Duginski/Operator	12/10/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-10732
				Total	50	
Player's	Michael J Pliskie/Bartender	10/28/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-9448
				Total	25	
R Store #5	Devan K. Kranz/Operator	02/25/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-1539
				Total	25	
R Store #34	Lisa Babock/Operator	06/11/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4939
				Total	25	
R Store #31	Joshua J. Schwie/Operator	02/25/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-1540
				Total	25	
Red Eye Brewing Company	Leng Vue/Operator	12/10/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-10727
				Total	25	
Thrive Foodery	Chomeng Xiong/Bartender	05/20/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4205
				Total	25	
Tobacco Outlet Plus #501	Raquel Springfield/Operator	05/20/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4206
				Total	25	

Trig's Wausau	Halsey M. Henkins/Operator	04/22/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-3378
	Melissa Denfeld/Operator	01/20/2016	5.64.010/125.07(1)	Sell to Underage Person	25	16-691
				Total	50	
Wausau BP	Nicholas Saindon/Operator	09/30/2015	5.64.010/125.07(1)	Sell To Underage Person	25	15-8574
				Total	25	
Walgreen's #07009	Joshua J. Woller/Operator	04/22/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-3379
				Total	25	
Wausau Labor Temple	Darlene Marlow/Operator	06/11/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4944
				Total	25	
Wausau Mine Company	Jocelyn Gaboury/Operator	06/11/2015	5.64.010/125.07(1)	Sell to Underage Person	25	15-4941
				Total	25	