

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, March 21, 2016 at 5:15 pm, (Council Chambers)

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

Members Not Present: Wagner

Others Present: Alfonso, Barnes, Bishop, Rayala, Hebert, Kujawa, Goede

In accordance with Chapter 19, Wisc. Statutes, notice of this meeting was posted and sent to the Daily Herald in the proper manner. It was noted that there was a quorum present and the meeting was called to order by Chairperson Rasmussen.

Consider various license applications.

Rasmussen stated there were five applications that were recommended for denial: Operator's Licenses for: Bobbie Jo Burk, Tara Hoppe and Leslie Ziegel; Public and Transport Driver Licenses for: Keion Jives and David Williams. It was noted that Ziegel, Jives and Williams were not present.

Bobbi Burk, 1002 N 2nd Ave, stated that her record was from seven years ago and she has not had any problems since then. She indicated she was trying to leave an abusive situation and the job was helping her to do that. She noted the position was for the closing hours and requires that she work alone and have a license. Rasmussen noted the offense was a felony conviction.

Tara Hoppe, 631 Nina Ave, indicated she has a Town of Berlin license and has worked at Schmidt's Ballroom for two years. She acknowledged she made mistakes and got into trouble, but it has been almost four years since then. She indicated she was still on probation and had to pay her restitution; she wanted an extra job to accomplish that. Rasmussen noted the City of Wausau had stricter criteria than the surrounding townships.

Rasmussen stated the Holy Name 2016 Summerfun event was requesting to be allowed to let the band play until 11:00 pm. She noted they have been doing this in the past and there have not been any complaints to her knowledge. Cpt. Barnes stated the most complaints received regarding noise were from events on The 400 Block. He confirmed there is no record of any complaint against the Holy Name Summerfun and historically they have played music until 11:00 pm. Consensus was to allow Holy Name Summerfun to let the music play until 11:00 pm., with the sound being turned down at 10:30 pm.

Goede indicated The 400 Block Party event was requesting an 11:00 pm stop time for music as well. Rasmussen stated this is the 2nd annual for The 400 Block Party event and Matt Paulson was present to speak to it. Paulson stated they played until 10:40 pm last year and he would agree to turn the volume down at 10:40 and end right at 11:00 pm. Rasmussen pointed out Lt Baeten objected to the 11:00 pm end time and suggested a 10:00 pm end time to mitigate further noise after the hours of amplified music. Gisselman felt that we have to be consistent with the time we expect bands to conclude the music on the 400 Block and that has been 10:30 pm. Consensus was the music must stop at 10:30 pm.

Neal requested that the license for Bobbi Jo Burk be voted on separately from the list.

Motion by Neal, second by Gisselman to approve or deny all licenses on the list as recommended by staff. Motion carried 4-0.

Neal asked for clarification as to the reason for denial by Chief Hardel. Barnes indicated it was for a felony conviction for manufacture/delivery of drugs, which is an automatic denial. Neal noted it was nine years ago so he was willing to give her a chance.

Motion by Neal, second by Gisselman to approve the Operator's License for Bobbi Jo Burk. Motion failed 2-2.

Discussion and possible action regarding Class B Retailer (Picnic) License application for Burns Post VFW Beer Garden at the Wisconsin Valley Fair 2016.

Rasmussen stated there were some issues with the VFW's beer garden failing compliance checks at the fair last year as well as some issues the year prior. She noted the VFW was also the only large beer garden at the fair that did not employ private security. The committee decided that before we license them for this year's fair that we would meet

with them in the spring to discuss their plan and possibility of hiring outside security to ensure underage people are not getting in and/or patrons are not exiting the garden with alcohol.

Dan Southworth and VFW Commander Jack Pettit were present to address the committee. Southworth apologized for the previous incidents and stated they want to make a new start. Pettit noted Dan Southworth was replacing Roger Sydow as agent for the license. Southworth indicated they will be hiring the private security company WISCO this year. There will be front and back gate guards from noon to 5:00 pm., and two in front and one in back from 5:00 pm., to close. He pointed out the front gate is now eight feet wide and will be narrowed down to at least half.

Discussion and possible action on Class B Beer license for United America, LLC d/b/a Pizza Bites

Rasmussen explained this was a Class B Beer license that we approved connected to a gas station contingent upon the premises being separate from the gas station and that it is a restaurant. Rayala stated the owner has separated the two businesses with a glass wall. The Inspections Department and Police Department have gone through the building and pictures were submitted that show only five gambling machines and a toaster oven. There were no sinks, equipment or, tables that would be needed to operate a restaurant. She asked for direction as to whether we should issue the license, as Raj Bhandari has been coming in and asking for it.

Rasmussen felt the committee was clear in that it was never our goal to license something that looks like a gambling room. Following discussion, consensus was to inform Bhandari it must be functioning as a restaurant and bring this issue back to the next meeting for review.

Central Business District Obstruction Permit - Kurt Kraimer (Location: 408 3rd St, Malarkey's Pub and Townies Grill)

Tyler Vogt, owner of Malarkey's, stated he would like to install windows that would provide open air to the outside but would extend a couple inches into the right-of-way. He indicated he could put concrete planters or signs beneath them.

Motion by Neal, second by Kellbach to approve the permit for Malarkey's Pub/Townies Grill. Motion carried 4-0.

Central Business District Obstruction Permit - Wausau River District

Rasmussen stated Elizabeth Field, of the River District, was requesting an obstruction permit to put out a sandwich board sign for events. Gisselman indicated he was on the board for the River District and would abstain from voting.

Motion by Neal, second by Kellbach to approve the permit for Wausau River District. Motion carried 3-0-1.

Central Business District Obstruction Permit - Wausau/Central Wisconsin CVB, 219 Jefferson St

Rasmussen stated the Visitor's Center would like to put out a sign on the sidewalk when they are open.

Motion by Neal, second by Gisselman to approve the permit for CVB. Motion carried 4-0.

Discussion and possible action on request of Bridge Street Clinic for waiver of subsection (c)(1) of Section 8.08.011 Keeping of honey bees, to permit the keeping of 3 hives on the premises

Rasmussen explained the Bridge Street Clinic had two hives at two different sites, one at the Community Garden and one at the Bridge Clinic, but because one site was not doing well, they were requesting permission to combine them. Katie O'Connor, Wausau Community Garden, stated they were asking for additional beehive located at the Bridge Clinic garden, so we would have three there and none at the other. She noted they are in the back of the clinic out and not noticeable.

Motion by Kellbach, second by Neal to approve the request for waiver to permit three hives on the premises. Motion carried 4-0.

HEARING on Rent Abatement Application of Maareeny Edwards concerning 1015 N 5th Street. (Nou Vang Thao and Eileen Thao - Landlords)

Rasmussen stated this hearing is deferred to the next meeting in April, as the landlord was unable to attend.

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.

Rasmussen stated the complainant indicated she had a recording of a voicemail that was left for her by the landlord's office and we had directed the Assistant City Attorney to attempt to obtain it as admissible evidence. She noted Ashley Cole was not present; and Mr. Winterhoff, representative of Cosmos Properties was present. Alfonso indicated she only had a written transcription of the voicemail and there was really no way to authenticate it. Rasmussen stated they would convene in closed session for further discussion following the next couple reports on the agenda.

Operations Report from Fire Department for February 2016

Chief Kujawa reported that the Wausau Fire Department and Stevens Point challenged each other in a CPR challenge. She explained one of the components of it is to see how many people we can train in CPR. She indicated Wausau is at approximately 1600 and Stevens Point has not hit the 500 mark yet.

Kujawa noted Common Council approved us to move forward with succession planning and Pat Lynch will be coming in April 18-21, 2016, to help with that project. She invited anyone else who would like to be involved as an external stakeholder in that process.

Tavern Activities / Compliance Checks / Law Enforcement Activities

Barnes presented the Tavern Report for February 7, 2016 through March 15, 2016 (*see attached*). He noted everyone passed the compliance check this month.

Communications

None.

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

AND

CLOSED SESSION pursuant Wis. Stat. §19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved relating to W.M.C. §16.04.039, Residential Rental Licensing and 2015 Act 176.

Motion by Neal, second by Gisselman to convene in closed session. Roll Call Vote: Ayes: Gisselman, Neal, Kellbach, Rasmussen. Noes: 0. (Wagner was not present.) Motion carried 4-0.

RECONVENED back into Open Session to take action on closed session items at 6:45 pm.

Motion by Neal, second by Gisselman to take no further action on the discrimination claim of Ashley Cole against Cosmos Properties, LLC, due to not receiving any compelling evidence. Motion carried 4-0.

Rasmussen stated the committee has opted not to action on the Residential Rental Licensing pending further research and observation.

Adjourn

Motion by Neal, second by Gisselman to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 6:50 pm.

Attachment

Wausau Police Department



James E. Tipple
Mayor

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

Date 03-15-16
To Chief Hardel
From Lt. Mike Felder
Subject TAVERN REPORT February 7, 2016 through March 15, 2016

ROUTINE TAVERN INSPECTIONS (No violations unless noted)

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

- Susan Green did not have her Operator's License on premises, but it was verified as valid through in-house records.

CONVENIENCE/GROCERY STORE INSPECTIONS (No violations unless noted)

Krist Food Mart #89, 301 W. Thomas St.

- (1) *Case #16-1905, 02/27/16 at 9:08 AM:* A citizen walked up to an Officer to report the possibility that a clerk was working by herself at the store and did not have an operator's license to allow her to sell alcohol. The Officer responded and met with employee AMANDA HAYES, who was the only employee working at the time. HAYES told the Officer that she did not have her license, and that she was "fighting to get it at the moment." The manager, who is licensed, TRACY LAST, was contacted and responded to the store. We have no evidence that HAYES actually sold any alcohol. According to in-house records, HAYES was approved for an operator's license by the Council on 01/12/16, due to expire on 06/30/16. However, in the notes section it lists that she was denied as a result of the background check.
- (2) *Event #160025400, 03/01/16 at 7:35 PM:* I responded to the store to check the status of the clerk working at the time. I noted that there were neon signs on in the windows advertising the sale of beer. When I went in, all coolers were unsecured and accessible by the public. I identified the clerk as JAMIE MEADE with a Wisconsin photo ID. She stated he had paid the fee for her operator's license,

and showed me a receipt from the City of Wausau that was dated 02/22/16. In-house records checked that night confirmed the application. I allowed her to remain as the clerk based on that paperwork.

RESTAURANT INSPECTIONS (No violations unless noted)

None.

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

Bob & Randy's Bar, 151 N. 6th Street

- (1) *Event #160029274, 03/10/16 at 1:54 AM:* An Officer driving by observed two males standing face-to-face about to begin fighting. The two separated when the Officer pulled into the lot, and both said it was a verbal argument. Both parties separated for the night.
- (2) *Case #16-1264, 02/05/16 at 7:06 PM:* Citizen called to report a theft of tungsten barrel bar darts. He had no suspects and wanted a report and would check the pawn stores. No arrest made.

El Jalepeno's Restaurant and Bar, 300 N. 3rd Street

- (1) *Case #16-1486, 02/15/16 at 2:35 PM:* **Bar employee** called in reference to an intoxicated male walking by the business, intoxicated, pulling his pants down and urinating on the sidewalk. The male was located in the mall and arrested.
- (2) *Event #160021423, 02/21/16 at 2:33 AM:* An intoxicated patron called Police, stating that the bouncer wanted to fight with the reporting person. The bouncer reported that he had to push two heavily intoxicated males out of the bar. One of the patrons claimed the bouncer had used too much force in getting him to leave, pushing him down as he was pushed out of the bar. Officers spoke with the other employees, who denied that the bouncer had done anything wrong. No arrest made.

Glass Hat, 1203 N. 3rd Street

- (1) *Event #160027542, 03/06/16 at 1:56 AM:* **Bar employee** called the police regarding a report of a male in the bar wanting to fight everyone. On Officers' arrival, the male was escorted from the bar and sent on his way. No arrest made.

Hiawatha Restaurant & Lounge, 713 Grant Street

- (1) *Case #16-150, 03/09/16 at 5:03 PM:* Citizen reported a theft of a vehicle from the parking lot of the bar. The Officer investigating developed suspects, but when the complainant learned of the suspect's identity, the victim refused to press any charges. No arrests made. The vehicle was recovered.

Loppnow's Bar, 1502 N 3rd Street

- (1) *Event #160030196, 03/11/16 at 11:58 AM:* Officer driving past the tavern witnessed a patron outside with an open intoxicant. Both the patron and the bartender were warned about the citations that could be issued.

Malarkey's Pub, 412 N. 3rd Street

- (1) *Event #160027527, 03/06/16 at 1:04 AM:* Officer driving by observed two women sitting outside the bar. The Officer stopped and made contact with the women to check their welfare, and make certain they were not incapacitated.
- (2) *Event #160030249, 03/12/16 at 02:14 AM:* Dispatch received several 9-1-1 calls from a cellular phone at the tavern. The owner of the phone was tracked down. It was determined the phone was damaged and that it was inadvertently calling 9-1-1.

Oz, 320 Washington Street

- (1) *Event #160017061, 02/10/16 at 9:15 PM:* A transgender citizen (born female, identifies male) called to file a complaint against the bar after the manager banned the citizen from the bar after using the male restroom. The citizen further complained that the manager was threatening the citizen. The threats turned out to be the manager telling the citizen that he would pursue trespassing charges should the citizen return. Officer determined that the citizen's complaint was best handled civilly if there were actual damages suffered. No arrest.

VFW Burns Post 388, 388 River Drive

- (1) *Case #16-2078, 03/03/16 at 10:48 AM:* **Bar employee** called to report some graffiti sprayed on the outside of the building similar to "Bernie = (heart)". There have been several instances of similar graffiti in the downtown area.

Bulls Falls Brewery, 901 E. Thomas Street

- (1) *Case #16-1844, 02/25/16 at 9:33 PM:* **Brewery employee** called to report that there was an intoxicated customer that refused to leave. On Officers' arrival, they determined the male was incapacitated by alcohol, and taken to the Health Care Center for an alcohol commitment. It is not known if the person had done all their drinking at the brewery.
- (2) *Event #160029349, 03/10/16 at 8:45 AM:* **Brewery owner** called to report criminal damage to their fence. There are no known suspects, and it has happened once before. Extra patrol of the property was requested.

Christine's Bar, 936 S. 3rd Avenue

- (1) *Event #160021391, 02/21/16 at 12:28 AM:* Unknown caller reported a fight at the bar. Officer arrived and spoke with a patron that indicated they had a problem with the bouncer, but did not want to make any kind of report. Nothing further was done.
- (2) *Event #160027545, 03/06/16 at 2:31 AM:* Officers checked out at the bar at bar-time, due to a large number of people still loitering around outside but on the bar property (parking lot and walkway/deck leading up to the front door). People were ushered on their way without a problem.

Denmar Tavern, 601 W. Thomas Street

- (1) *Case #16-1308, 02/09/16 at 4:22 PM:* **Tavern employee** called the Police after finding a woman in the bathroom that was deceased. The death was later determined to be drug related.

Lumpy's, 265 Chellis Street

- (1) *Event #160017077, 02/10/16 at 10:04 PM:* Dispatch received a call from a citizen reporting that there was a woman at the bar with her 16 yo son. The caller was concerned that the intoxicated woman would drive with her son. The woman was eventually located and given a ride home by the Officer.
- (2) *Case #16-1387, 02/12/16 at 12:21 AM:* **Bar employee** called reporting that a male that was cut off from the bar went outside and started damaging her car with a hammer. The male suspect left the scene, but was located and arrested.

Roc's Place, 810 S. 3rd Avenue

- (1) *Case #16-1246, 02/07/16 at 1:54 AM:* Anonymous caller reported a fight in the tavern. Officers responded and requested assistance. The tavern was extremely busy. Two men were fighting and resisting Officers. A taser was deployed on one of the subjects. Both were arrested. Officers from EMPD and MNSO responded to assist. Officers remained on the property until the crowd dispersed.
- (2) *Case #16-1778, 02/23/16 at 6:58 PM:* Bar patron called to report the theft of her wallet from the bar at closing time the night before. Officer made contact and collected information, but no report was filed.
- (3) *Event #160024362, 02/28/16 at 2:39 AM:* A caller claiming to be "the owner of the bar" called saying there was a fight at the tavern. Officers responded and found no evidence of a fight. The owner of a neighboring bar reported seeing a group of women seeming to have an issue in the middle of the street, but no one else could be found to have observed the same thing. No arrests made.

M&R Station, 818 S. 3rd Avenue

- (1) *Case #16-1712, 02/21/16 at 6:52 PM:* An anonymous complaint was received about a male that was on probation with a no-drink rule was at the bar drinking. Officers responded and located the male. He was arrested for violating probation.
- (2) *Event #160024300, 02/27/16 at 11:36 PM:* Bar employees called about a woman that had fallen over and hit her head. Officers responded and learned from this bar and the neighboring bar that she had only been served two drinks. EMT staff observed symptoms similar to a seizure as well. She was taken to the hospital for medical clearance. The woman's boyfriend took responsibility for her.

Day's Bowl A Dome, 1715 Stewart Avenue

- (1) *Event #160025893, 03/02/16 at 9:39 PM:* An anonymous caller reported seeing a male and female involved in a dispute. The caller said it was a heated argument, and that a glass from inside the bar had been broken outside. Officers made contact with the male and female, who weren't arguing when Officers arrived. They admitted they were having a verbal argument. The male claimed other people from inside the bar had thrown the glass at them. The couple was allowed to leave the scene to call a cab.

101 Pub, 101 N. 3rd Avenue

- (1) *Case #16-1435, 02/13/16 at 2:47 PM:* Officer received information that there was a male patron of the bar drinking, in violation of his probation rules. The male was found not to be on probation, but on bond, which also had an absolute sobriety requirement. The male was located and arrested for bail jumping.
- (2) *Event #160025911, 03/02/16 at 10:45 PM:* Bartender called after coming across what appeared to be a

drug deal in the bar between several patrons. The suspects left the bar just as Officers entered. They were not subsequently located.

- (3) *Event #160026440, 03/03/16 at 11:26 PM:* Bartender called to report a suspicious vehicle outside the bar, and described the same suspects from the previous incident (possible interrupted drug deal). Officers responded, but did not find a vehicle matching the description provided (red van). Officer noted seeing a red SUV leave just as he had arrived, but by the time he was done looking for a van, the SUV had left the area.

Campus Pub, 1110 W. Campus Drive

- (1) *Case #16-1996, 02/29/16 at 10:13 PM:* An anonymous call was received reporting that there was an underage person on the premises. The caller provided the name of the underage person, and it was confirmed that person was only twenty years old. Officers were able to locate the woman, who provided someone else's identification that was of legal drinking age. The woman was issued a citation for Underage Drinking and the identification was confiscated.
- (2) *Case #16-2409, 03/12/16 at 1:03 AM:* A female patron called to report that her wallet was stolen from her purse. She had left the wallet in the purse inside while she went outside to smoke. Other friends were supposed to be watching it. A report was taken and follow up is ongoing.
- (3) *Event #160030221, 03/12/16 at 1:24 AM:* Officers were at the bar to take a theft complaint. While on scene, they noticed that people were taking drinks outside. Once the Officers were done taking the theft complaint, the patrons that were outside had gone back inside. Officer and Supervisor spoke with bar manager and issued a warning regarding allowing the alcoholic beverages outside in the parking lot. No citations were issued, and no Demerit Points were assessed.
- (4) *Case #16-2432, 03/12/16, at 12:18 PM:* Another female patron reported having her purse stolen. It appears there were at least two wallets/purses stolen from the tavern from the night of 03/11-03/12/16. There were no immediate suspects, and the investigation was ongoing.

Showtime Gentlemen's Club, 1709 Merrill Avenue

- (1) *Event #160015507, 02/07/16 at 2:35 PM:* Supervisors responded to the tavern after closing to have a discussion with the manager about having a list of employees available to Officers, based on a previous call in which Officers had some difficulty with obtaining the identities of the dancers at the bar. The manager was given a copy of the ordinance detailing the requirements of an employee list. They were cooperative during the contact.
- (2) *Event #160020329, 02/18/16 at 9:08 PM:* An anonymous call was received claiming that there was a dancer working there that is on probation and also prostituting herself. Officers responded and learned that she was not working at the time.
- (3) *Event #160020740, 02/19/16 at 7:16 PM:* Same call as above. The dancer was not working this night either.
- (4) *Event #160022848, 02/24/16 at 6:03 PM:* HCC called to report that they had a patient that was supposed to be under commitment, but hadn't showed. She was supposed to start working at Showtime as dancer. Officers were unable to locate her at the time.

ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED

- **6th Street Pub, Whiskey River Bar and Grill, Player's, Jim's Corner Pub, Milwaukee Burger Company, Great Dane Pub, CVS Pharmacy, Pick N Save (Bridge Street), R Store #7 (2007 Stewart Avenue), and Kwik Trip #601 (3800 blk 6th Street)** all denied the sale of an alcoholic beverage to the underage volunteer during Alcohol Compliance Checks (100% Compliance).
- **Lumpy's** had 25 Demerit Points drop off due to time limit. They are down to 25 Demerit Points.
- **R Store #5** (2300 Grand Avenue) had 25 Demerit Points drop off due to time limit. They are down to 0 Demerit Points.
- **R Store #31** (207 Central Bridge Street) had 25 Demerit Points drop off due to time limit. They are down to 0 Demerit Points.

Respectfully submitted,
Lt. Michael Felder