

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, April 25, 2016 at 5:15 pm, (Council Chambers)

Members Present: Rasmussen, Wagner, Peckham, Kellbach, McElhaney

Others Present: Alfonso, Rayala, Hardel, Kujawa, Groat, Goede, Mielke, Ambriz, Maareeny Edwards, NouVang & Eileen Thao, Amanda Hayes, Tim Schertz, Jim Huber, John Fischer, Deb Ryan.

It was noted that there was a quorum present and the meeting was called to order by Toni Rayala, City Clerk. Members of the committee were introduced and new members welcomed.

Select Chairperson and Vice Chair; and appoint two members to the Liquor License Review Subcommittee for the 2016-2018 Term.

Wagner nominated Lisa Rasmussen for Chair, seconded by Kellbach. Nominations closed. Motion carried unanimously. Rayala passed the gavel to Rasmussen to preside over the meeting.

Kellbach nominated Romey Wagner for Vice-Chair, seconded by Peckham. Nominations closed. Motion carried unanimously.

Rasmussen explained the duties of the Liquor License Review Subcommittee. Kellbach nominated Rasmussen and Wagner. Wagner questioned if a new member would like to volunteer; Peckham indicated he was willing. Motion by Kellbach, second by Wagner to appoint Rasmussen and Peckham to the subcommittee. Carried unanimously.

Minutes of previous meeting(s). (2/15/16)

Motion by Kellbach, second by Wagner to approve minutes of a previous meeting (2/15/16). Motion carried 5-0.

Consider various license applications, including the 2016-2017 liquor licenses for business establishments.

Rasmussen stated the list this month includes all the renewals of Class A, Class B, and Class C liquor licenses for the establishments in the city. Goede noted there was one new application for Class A Beer & Liquor for the Holiday gas station under construction near County Market.

Goede stated that Val-Roc, LLC was granted a 90 day extension in which to begin operating, which has now expired and is requesting another extension. Rasmussen indicated she spoke with Valerie Charneski who has been having issues with getting back in business due to the slowness of repairs following the fire to the building next door. There appears to be some forward motion on getting something to happen there, however, so she may be able to open her business. Wagner did not feel we should allow them to sit on the license for a long period of time when there are other entities currently seeking licenses that are ready to go.

Rasmussen stated there were two denial recommendations, a Public Transport Driver license for Gregory Bowan and an Operator's License for Amanda Hayes. Mr. Bowan was not present. She stated that Ms. Hayes has been previously denied by the committee and Council and was found working alone at Krist after the denial.

Amanda Hayes explained she was supposed to be working with another person who was licensed that day, who did not show up for work. She indicated she called her boss to come in when the officer came in. She stated her boss and supervisor were present with her tonight to support her. She stated it has been 10 years since her last OWI and she has a six year old daughter to support. She really likes her job at Krist and it is not a bar. Wagner questioned if she would have continued working if the officer had not come in. Robert Johnson, Iron River, Michigan, stated he runs 15 Krist Oil stations and it is his policy to have a licensed person working always. He commented she was an excellent employee and he wanted to give her more hours if she had a license. Hardel explained he recommended denial because she had four OWI convictions and a drug possession charge.

Motion by Peckham, second by McElhaney to consider Ms. Hayes application separate from the list. Motion carried 5-0.

Motion by Wagner, second by Peckham to approve the Operator's license for Amanda Hayes. Motion carried 4-1.

Rayala suggested they send Val-Roc, LLC to the Liquor License Review Subcommittee to discuss the extension. Rasmussen agreed and then we could then bring in the owner to show a detailed plan for opening since she is not here tonight to speak to it.

Motion by Peckham, second by Kellbach to refer the license extension for Val-Roc, LLC to the Liquor License Review Subcommittee for consideration. Motion carried 5-0.

Motion by Kellbach, second by Peckham to approve or deny all the other licenses on the list as recommended by staff. Motion carried 5-0.

Update on Class B Beer license for United America, LLC d/b/a Pizza Bites

Goede stated Raj Bhandari submitted pictures with the tables and equipment in place and indicated he would like to open on May 1st. Rayala stated Bill Hebert from Inspections Department left her a message recommending we do not release the license until he does a final inspection.

Discussion and possible action regarding the implementation of automated refuse and recycling collection of the downtown trash containers. (Groat)

Rasmussen stated we learned the trash containers that we have downtown in the River District are not able to be picked up by the automated arm of the trucks, so Maryanne Groat has been doing some research on finding a containers that work.

Groat stated it is very inefficient to do the manual pick up of the refuse and recycling. There are about 80 garbage cans in the downtown and it took the DPW workers over a day to collect it manually because most of them have cumbersome tops on them that must be removed to get the bag out. The bag is taken to the truck and then a new liner has to be put into the container. They have also been tracking how full they were on collection weeks and came up with recommendations on the frequency.

Groat stated she was able to find at least two companies that manufacture these kinds of carts. There is some weight to them and the top is breakaway top that will separate from the cart so the container can be emptied into the truck. She indicated we would go out for a bid on them, but one quote she got, with shipping was \$415 for one container. Some carts will be eliminated and 72 in total would be disbursed throughout the downtown; however, they are recommending we purchase 80 so that we have some extras. They come in a variety of colors and she indicated she'd work with Main Street to choose the colors. We can also put the City of Wausau logo on them, as well as a different color top to designate recycling versus refuse. She noted the City of Oshkosh has implemented them and have had nothing but compliments from people in their downtown. The existing inventory of carts that we have on hand will used in other locations that are not adaptable to curbside pickup and any unable to be used would be put in the auction.

Deb Ryan, 702 Elm St, stated she talked to one of the DPW staff who indicated they have been picking up 58 of them since January 1st twice a week and at times, have been finding shovels full of syringes on the street. She questioned if they were going to train all staff on how to handle this type of waste safely. She suggested they look at different designs of trash cans for safety features.

Motion by Peckham, second by Kellbach to approve the implementation of automated refuse and recycling collection of the downtown trash containers contingent upon the bid receipt and to authorize staff (Groat) to work with Main Street to choose a color scheme. Motion carried 5-0.

Consider request for outdoor bands for summer season at Athletic Park (Wisconsin Woodchucks - Mark Macdonald)

Rasmussen this is essentially a renewal; on game days we have allowed the Woodchucks to have bands in their new mezzanine terrace area. She commented they have been very responsible in managing the time of the performances during the day before the games.

Request for three bands: Wednesday, June 29, 2016, Jamaican Steel Drum Band, before game start of 6:35 pm.; Thursday, July 14, 2016, Bucket Ruckus, before and after game, but stopping by 10:00 pm.; and Sunday, August 7, 2016, Christian Folk Group, before and after the 3:00 pm game, music ending by 7:00 pm.

Hardel indicated Mark MacDonald meets with the PD annually in reference to the baseball season. He stated MacDonald hires CSO's to patrol and he had no problem with allowing the bands.

Motion by Kellbach, second by Peckham to approve the request. Motion carried 5-0.

Consider request to hold outdoor event - The Wausau Eagles Club 1st Annual Corn Roast Fundraiser, Saturday, August 13, 2016. (Tim Schertz, Co-chair)

Tim Schertz explained the Eagles Club would like to have a corn roast in the late afternoon/early evening, with proceeds to go to the charities that the Eagles Club supports. He indicated he started “Corn on the Curb” in Stevens Point 14 years ago and it is still operational today. The difference is that Stevens Point was a for-profit event and this is a non-profit fundraiser. Rasmussen questioned if there would be outdoor music and Schertz indicated that there would be. He anticipated the event ending between 10:30 – 11:00 pm. Hardel recommended that music stop by 10:00 pm., in residential areas; Schertz agreed to 10:00 pm. Hardel questioned if there would be fencing and if there would be wrist bands and Schertz confirmed that. Hardel suggested the Fire Department inspect for proper ingress and egress.

Motion by Wagner, second by McElhaney to approve the Corn Roast Fundraiser, August 13, 2016, at the Eagles Club, contingent upon review of the Fire Department. Motion carried 5-0.

Discussion and possible action on resolution accepting and supporting Wausau Fire Department Strategic Plan. (Kujawa)

Rasmussen stated she participated in the process with a group of external stakeholders and they conducted a series of meetings at the Fire Department. She commented rather than hire a consultant to come in and create a canned strategic plan, this plan was created by our firefighters, of which they are very proud.

Kujawa explained they undertook this venture over a year ago starting with a committee that planned how we were going to go about creating the strategic plan. There were six sessions with 19 employees that volunteered to step up to the plate and create it, as well as six external stakeholders. Don Ryder was the facilitator of the strategic planning process. She believed that strategic planning helps an organization avoid waste and misdirection and it is very easy for management to make decisions with a plan. She asked them to support the document and Fire Department in their mission and their future vision.

Kujawa added that there many departments that actually hire outside people to do their plan for them and it can cost upwards of \$10,000. This is also a very important step in our accreditation process.

Motion by Kellbach, second by McElhaney to approve the Wausau Fire Department Strategic Plan. Motion carried 5-0.

Operations Report from Fire Department for March 2016

No discussion, report placed on file.

Tavern Activities / Compliance Checks / Law Enforcement Activities

Hardel presented the Tavern Report for March 15, 2016 through April 5, 2016 (*see attached*).

Hardel explained the process of the tavern inspections and the report, how compliance checks are conducted, as well as the handling of noise complaints, to the new members of the committee. Rasmussen explained demerit points.

Communications

Rasmussen indicated we received a letter from a concerned resident regarding the Honor Flight Fun Run that takes place at Bull Falls Brewery. This particular event happens during the day with the run and then a live band. This resident was very concerned with the volume of the band and the length of time it played. She noted she attended this event and she did observe the band to be very, very loud. Discussion followed. Rasmussen suggested there be a dialogue with the organizers of the event next year when they submit their application.

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

The clerk swore all of the witnesses under oath that were present to give testimony.

Maareeny Edwards presented her case in which there was a leak from the ceiling into the cupboard. She stated it took the landlords two months to come and look at it. She presented pictures and stated it continued leaking off and

on the two years of their tenancy. She also stated there were bedbugs from the upstairs tenant's apartment that moved down into hers and the basement was always wet. She stated they were evicted after turning the landlord in to the Inspections Department. Alfonso questioned the complainant regarding rent payments. Cliff Ambriz, Inspections Department, reported his findings upon an inspection of the apartment. He observed water damage to the ceiling above the cupboard and a wet basement but he did not observe any live bedbugs.

Nou Vang Thao and Eileen Thao, Landlords, responded to the complaint stating the leak may have been caused by the upstairs tenant overflowing the tub. He indicated he checked the upstairs apartment and could not find any leak and did not know where it could be coming from. He stated the water in the basement was her fault. He stated he tried to do his best to take care of his apartments. He indicated he asked her to move so he could find the problem by cutting the ceiling. Eileen Thao stated an exterminator did not find any bedbugs. Nou Thao stated Ms. Edwards did not want to move and quit paying the rent and was subsequently evicted in court for nonpayment of three months' rent. Alfonso followed up with questions of the landlords and Ambriz.

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 Kellbach, second by Peckham to convene into closed session. Roll Call Vote: Ayes: Peckham, McElhaney, Wagner, Kellbach, Rasmussen. Motion carried 5-0.

RECONVENED back into Open Session at 8:00 pm.

Rasmussen read the findings of fact and conclusions of law indicating that the committee found the tenant was not eligible for rent abatement and is denied.

Adjourn

Motion by Kellbach, second by Peckham to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:10 pm.

Attachment

Wausau Police Department



James E. Tipple
Mayor

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

Date **04/07/16**
To **Chief Hardel**
From **Lt. Mike Felder**

Subject TAVERN REPORT March 15, 2016 through April 5, 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.

RESTAURANT INSPECTIONS (No violations unless noted)

None.

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

Coppe Shoppe Pub, 701 Washington Street

- (1) *Event #160035961, 03/24/16 at 7:32 PM:* Anonymous caller reported seeing a male that was "very intoxicated" and had fallen into a snowbank. Officers arrived and made contact with a male who was uncooperative with them. He refused to identify himself, and was intoxicated, but not incapacitated. The male was released on his own accord.

Loppnow's Bar, 1502 N 3rd Street

- (1) *Event #160033809, 03/20/2016:* Officer driving past the tavern witnessed a female patron push a male patron outside the bar. Officer stopped both and they asserted that it was a verbal argument only, and that their relationship did not fit a domestic abuse category. Both the patrons were released on their own recognizance.

Malarkey's Pub, 412 N. 3rd Street

- (1) *Event #160033838, 03/20/16 at 2:14 AM:* Officer driving by observed several people outside the bar, near the parking area, arguing loudly. It turned out that a cab was backing out of a parking stall next to another vehicle whose occupants were exiting. One male kicked the door of the cab because he thought it was going to hit some of the people getting out of the adjacent vehicle. Yelling ensued between all involved. In the end, no one wanted any charges pressed and there were no arrests. This did not have anything else to do with the bar other than they likely had been patrons or were about to be patrons of the bar.

Cabaret Bar, 204 E Rib Mountain Drive

- (1) *Case #16-3011, 03/29/16 at 2:03 AM:* Officers stopped at the bar to conduct a bar check. They discover the bartender and one patron smoking inside the business. Both were issued written warnings.
- (2) *Event #160039805, 04/03/16 at 2:48 AM:* Officers were at the bar for a bar check, and a patron pointed out some used hypodermic needles that someone had thrown down in the parking lot. The Officer collected the needles and disposed of them properly.

Denmar Tavern, 601 W. Thomas Street

- (1) *Case #16-2613, 03/17/16 at 2:06 PM:* Patron called to report criminal damage to her vehicle that had occurred the previous night while her vehicle was parked in the bar parking lot. Tavern management provided surveillance video and a suspect was observed committing the crime, however attempts to identify the suspect were not fruitful. No arrest was made in this incident.
- (2) *Case #16-2803, 03/22/16 at 12:10 AM:* Anonymous caller reported that there was a customer in the bar that was threatening to kill other patrons. The male left the bar prior to Officers' arrival, but was located a short distance away. The male was arrested and taken to Jail for a Probation Violation and Resisting an Officer.

Roc's Place, 810 S. 3rd Avenue

****NOTE:** Management at Roc's Place has asked Officers to conduct regular walk-throughs of the business in an attempt to prevent problems. This heightened awareness has led to Officers contacting people without the bar calling. There were also several walk-throughs conducted in which there were no problems at all.

- (1) *Event #160032864, 03/18/16 at 1:47 AM:* Officer driving by heard loud shouting coming from a crowd outside the bar. The Officer drove into the parking lot, and the crowd quickly went into the bar. The Officer stayed in the area, and the crowd came back outside at bar time. Officer walked into the parking lot, and the crowd dispersed quickly. The Officer reported smelling the odor of marijuana in the air (while in the parking lot). There was a single bartender working and the Officer had a conversation with him about the possibility of having a second person working at bar time.

M&R Station, 818 S. 3rd Avenue

- (1) *Case #16-3036, 03/30/16 at 1:13 AM:* Officers had been at a nearby tavern conducting a walk-through, when they heard yelling coming from behind M&R Station. Officer walked over to investigate the yelling. Officers attempted to make contact with the male that was yelling (he was yelling at the Officers, saying something similar to "Do it right!"), however he started walking into the bar. Bar owner, Richard Gordon, attempted to stop Officers from following the male into the bar. Mr. Gordon actually grabbed the uniform of one of the Officers in an attempt to stop her. Officers went past Mr. Gordon, and made contact with the male that had been yelling. He calmed down and apologized for yelling. No further action was taken against that male. While there, Officers encountered another male for which there was an arrest warrant. While taking the second male into custody, Mr. Gordon continued to badger Officers and was threatened with being arrested for obstructing an Officer. Officers described Mr. Gordon as extremely intoxicated, however he was not tending bar at the time. The only arrest made from this incident was for the warrant. Officers made a point to advise me of Mr. Gordon's behavior so as to note it in this forum.

Day's Bowl A Dome, 1715 Stewart Avenue

- (1) *Event #160039665, 04/07/16 at 7:57 PM:* A caller reported seeing a male and female involved in a dispute. The caller reported seeing the male "take a swing" at the female. Officers eventually made contact with the male and female, who only admitted to having a verbal argument. The couple was allowed to leave the scene.

Callon Street Pub, 209 Callon Street

- (1) *Case #16-2922, 03/25/16 at 9:16 PM:* **Bar employee** called to report criminal damage to the business. Suspect(s) unknown smashed out the front window. They were not sure how it happened, or who could have done it. No arrests have been made in this incident.

Campus Pub, 1110 W. Campus Drive

- (1) *Event #160033366, 03/19/16 at 2:29 AM:* An Officer stopped a vehicle for a field interview in the bar parking lot. While there, Officers heard yelling coming from the opposite side of the building. They discovered a male and female who claimed not to know each other, arguing. They were sent on their separate ways. Another male was observed to be intoxicated and getting into the driver's seat of a vehicle. Officer contacted that male and discovered he had lost his keys, so he wasn't going to be driving anyway. He took a cab from the tavern. Officer noted that there were other minor verbal "squabbles," however everyone seemed to calm down and left without any further problems.

ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED

- There were no compliance checks in the month of March.
- There were no other changes in the Demerit Point list this month, however several establishments will be having Points fall off during the next month.

Respectfully submitted,
Lt. Michael Felder