

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, June 20, 2016 at 5:15 pm, (Council Chambers)

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

Others Present: Alfonso, Rayala, Barnes, Czarapata, Groat, Goede, Mielke, Randy & Tana Scobell, Deb Ryan, Dean Day, Jameson Diedrich, Payton Duberstein, Ryan Pecha, and other interested parties.

Minutes of previous meeting(s). (5/16/16)

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

Consider various license applications

Rasmussen indicated there were a number of license applicants who were recommended for denial by Chief Hardel: Patrick Ambriz, Jameson Diedrich, Ryan Pecha, Erin Sobjeck, and Shawn Perkins. Rayala stated Sarah Krause who was originally recommended for denial, was now recommended for approval as it was determined that the record generated was not hers; it was a case of mistaken identity. Patrick Ambriz and Shawn Perkins were not present.

Jameson Diedrich, 517 N 7th Ave, stated he was picked up in November and charged with OWI with a court date is in July. He stated he spoke with the District Attorney who indicated to him that the charge will be dismissed. He had a report of the BAC of .07 and no drugs in his system. Barnes pointed out the presumptive alcohol concentration in Wisconsin that is considered illegal is .08.

Payton Duberstein, 115 N 5th Ave, stated there are sexual assault charges against him that have not gone to court yet; his next meeting with his attorney the DA is July 7th. He stated his attorney has advised him not to speak about it until then. Barnes stated he understood these were still open cases, however, given the significance and seriousness of the charges, he assumed that was the reason for Chief Hardel's denial.

Ryan Pecha, 701 N 14th St, stated he received a second OWI conviction in January, but since then has completed everything the court has asked him to do. He is in counseling, sat five days in jail, has an IID (Ignition Interlock Device) installed in his car and has paid the fine. He questioned what he needed to do to get his license back in the future. Goede explained the denial criteria is two OWI's within the past five years, so once the first OWI falls out of the five years he could consider reapplying.

Erin Sobjeck's manager came forward stating Erin wasn't able to make the meeting so she was representing her. Rasmussen stated the committee would want to speak with the applicant, particularly in Ms. Sobjeck's case because the charge shows a pattern of behavior. Peckham requested clarification as to Sobjeck's previous denial. Rasmussen explained Sobjeck was recommended for denial in 2015 and upon a dialogue with the committee, she was given a chance and approved for a one year license. Since that time she received another OWI, so she has been recommended for denial again.

Rasmussen reviewed the special event applications. It was noted "Rock on the Block" must conclude the music by 10:30 PM.

Rayala stated the Liquor License Review Subcommittee approved the application of Mountain Lanes Family Fun Center, Inc., owner Kaileah Koehler.

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

Consider request to hold outdoor party, July 23, 2016, Bob & Randy's 6th Annual Saint Arnoul the Patron Saint of Brewers and Hops-Pickers, 515 N 6th Street.

Rasmussen noted we have not had any issues with this event. She questioned if there were any changes to the event this year. Tana Scobell indicated the time would be 1:00 PM – 6:00 PM and there will not be a polka band this year.

Motion by Wagner, second by Peckham to approve B&R's outdoor party on July 23, 2016. Motion carried 5-0.

Update on and discussion of new trash contract implementation and evaluation of feedback from service provider, staff, residents and alderpersons - Groat

Maryanne Groat stated one of the goals of the new program was to increase recycling and based on the first quarter numbers we increased our recycling just about 40%. She indicated the major complaints received as the program was implemented were missed stops, but that has now resolved itself. She commented we do still occasionally get calls of the “Goldilocks Syndrome” complaint, where people either feel their carts are too big or too small. She noted people can purchase or rent an additional cart from Harter’s or increase the size of the cart. She also suggested people working with their neighbors or can call Harter’s in advance to pick up extra bags for \$1 a bag. Yard waste service has continued to be very popular.

McElhaney noted she has seen more and more carts over-filled which contributes to spilling and blowing away. She noticed trucks going too fast and complaints from her neighborhood group that the recycling trucks have sometimes come through at 4:30 – 5:00 a.m., which is too early. Rasmussen suggested putting something in the newsletter for fall to remind customers not to overfill the carts. Wagner commented we should also remind them they can upgrade to a larger cart, as well. One change he wanted to stress is the position of the empty containers on people’s yards; we need to come up with an agreed upon placing of the containers for year round.

Deb Ryan, 702 Elm Street, Westies Neighborhood Group, stated there are a number of seniors that live in her neighborhood who are having trouble managing the big carts. She felt the city was not following the American Disabilities Act of 1990 to allow people to have the size containers that they want. She felt all instructions for garbage collection and recycling should be bi-lingual for the Hmong and Spanish speaking people.

Ron Aderholdt, Facilities Manager at People’s State Bank, commented Harter coming to town implemented competition in the city in the refuse business and consequently PSB is saving several thousand a year for our in-town branches.

Discussion and possible action to amend, prohibit or limit open intoxicant/alcohol consumption policy and ordinances related to The 400 Block

Rasmussen indicated she and the Mayor recently facilitated a stakeholders meeting with a number of non-profit organizations, local business owners and representatives of Main Street to talk about this issue. There is a group of individuals who have been regularly excessively consuming alcohol on The 400 Block leading to a litany of complaints from residents, park users and business owners surrounding the block. She commented the Mayor would like to solve this problem in a way that is not intended to create a negative impact to users of the park who aren’t part of the problem, but gets the job done. We have tried park bans and enforcement of the public intoxication ordinance which imposes a fine, but have had limited results because they either won’t pay the fines or have no ability to pay.

The stakeholder meeting brought forward a couple of options: Option #1: Limiting open intoxicant consumption on The 400 Block to only after 4:00 pm. This would not impact the events taking place on the block and would mitigate the all-day consumption that is taking place, beginning at 8:00 - 10:00 am. Feedback at the meeting showed some skepticism that this would work and some felt the party would just begin at 4:00 pm. Others felt 4:00 pm. could work, however, it would just shift the problem all day drinkers to another location. This 4:00 pm. time would be easy to understand and enforce. Rasmussen noted PD suggested limiting alcohol in all parks within the city except for organized events.

Rasmussen suggested instead of just a monetary fine being imposed that the police department be given the ability to confiscate the alcohol. Peckham did not agree with confiscating property and felt the solution was just to have the police make them leave the block. He liked the 4:00 pm., time during the week, or business days, but felt holidays should be excluded from the restriction.

Rayala stated some of impact of the restriction that should be considered is regarding the weddings on The 400 Block which typically are before 4:00 pm. Also Concerts on the Square brings people to the block earlier in the day to reserve their spots. If they have coolers with wine or whatever, will they have to watch a clock to know when it is legal to drink? Alfonso stated they could make exceptions for certain things, such as weddings.

Barnes stated the Police Department's stance is preferably to have no drinking on The 400 Block with the exception of special events authorized by this committee. Wagner agreed and felt it was time to take a stand and take back The 400 Block by eliminating alcohol consumption except during special events.

Mayor Mielke commented he was tired of what he has been seeing happening by this group on the block and how it was ruining the image of our city. He was in favor of the 4:00 pm., time restriction and would prefer it to be every day of the week. Peckham suggested a restriction on all week days, but not on weekends or holidays because visitors will be in town and may want to use the park for picnics.

Motion by Wagner, second by Kellbach to not allow the consumption of alcohol on The 400 Block anytime, except for approved organized Class I, II or III special events. Motion carried 4-1.

Alfonso indicated she would provide an alternate ordinance with the 4:00 pm - 11:00 pm restriction on consumption of alcohol for the Council packet.

Discussion and possible action on amending Section 9.04.025, Consumption or possession of intoxicants on streets and amending Section 9.20.020, Regulation of persons.

Rasmussen stated this was related to the last item relative to the sidewalks around The 400 Block.

Motion by Wagner, second by McElhaney to approve with the same restrictions. Motion carried 4-1.

Operations Report from Fire Department for May 2016

Paul Czarapata reported we are on pace to add approximately a thousand ambulance calls on top of what we did last year and probably a couple hundred fire runs, as well. He noted they took possession of the new rescue truck and we are in the process of getting it in service. He invited them to come and take a look at it.

Tavern Activities / Compliance Checks / Law Enforcement Activities

Cpt. Barnes presented the Tavern Report for May 9, 2016 thru June 13, 2016. (*See attached.*)

Barnes noted they partnered with the Tavern League and Lt. Felder has met with them to do some educational presentations regarding compliance checks.

Communications

None.

Adjourn

Motion by Peckham, second by Kellbach 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 06/13/16
To Chief Hardel
From Lt. Mike Felder
Subject TAVERN REPORT May 9, 2016 through June 12, 2016

ROUTINE TAVERN INSPECTIONS (No violations unless noted)

Denmar Tavern, 601 W. Thomas St.
Domino Bar, 740 Washington St.
Glass Hat, 1203 N. 3rd St.
Hiawatha Restaurant & Lounge, 713 Grant St.
Intermission, 325 N. 4th St.

05/10/16 Bar check discovered that the bartender on duty was new, and “thought” she had an operator’s license from a previous job. Records check through clerk’s office confirmed that she did not have a current operator’s license. Bartender cited (Katherine C. Hoenisch) and owner cited (James W. Kruesel). Demerit Points assessed.

Jim’s Corner Pub, 1244 S. 9th 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.
Eagles’ Club and Cruisin 1724

These taverns were either closed on the occasions that checks were completed or not checked due to call volume of the Officer assigned.

CONVENIENCE/GROCERY STORE INSPECTIONS (No violations unless noted)

None.

RESTAURANT INSPECTIONS (No violations unless noted)

None.

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

Bob and Randy’s (B&R) Bar, 1515 N. 6th Street

(1) *Event #160059739, 05/18/16 at 1:48 AM:* A named complainant called in suspicious activity in the parking lot of the tavern. The caller reported seeing males sitting in a vehicle with the dome light on for about five minutes. Officers responded and made contact with two males in a vehicle. No enforcement action was taken, however there were no further comments to explain the activity.

Cop Shoppe Pub, 701 Washington Street

- (1) *Event #160072032, 06/12/16 at 3:15 AM:* An intoxicated citizen called Dispatch and complained that he had called six cab companies and no one would pick him up. Dispatch was able to call one company, who said they had not received a pick up request, and arranged a ride for the citizen. No Officers were dispatched, since the call was completed without the need of an Officer.

Domino Bar, 740 Washington Street

- (1) *Event #160063082, 05/24/16 at 8:40 PM:* A caller that refused to identify themselves reported that there were two males that were physically fighting in the middle of Jefferson Street. On the arrival of Officers, one Officer reported seeing a “bunch of people” jumping the fence on the north side of the tavern parking lot. In the end, Officer noted in the call that all of the parties involved in the fight reported left. An Officer talked to a group of people outside the bar who described hearing the fight in the bar parking lot from inside the bar. Once Police started to arrive, they all left. One person claimed there were twenty people involved, including African American and Caucasian men and women. One group left in a Dodge Durango. The fight did not occur IN the bar, and nothing on the property was damaged. The Officers checked the area and we not able to locate anyone involved. No further documentation was completed and no further Law Enforcement action was taken.
- (2) *Event #160068303, 06/13/16 at 2:37 AM:* Dispatch received a 9-1-1 open line call from between 730 and 740 Washington Street. Officer responded and found nothing amiss.
- (3) *Case #16-5416, 06/06/16 at 5:07 PM:* A woman called to report a male was at the tavern drinking, which was a violation of the male’s felony bond. The male was located a short distance away from the tavern and admitted having been there. He was arrested for violating his bond by drinking alcohol (.278% BrAC PBT result).

El Jalapenos, 300 Washington Street #100

- (1) *Event #160061633, 05/21/16 at 8:30 PM:* **The owner** called to report “a customer overdid it” and the customer’s friend took off. The owner described the male as bumping into tables and falling down. Officers responded and located the male. The male was taken to the hospital for medical clearance prior to completing an alcohol detention on the male. By the time the clearance was complete (approximately two hours later), the male was no longer incapacitated, so he was taken home and released.

Glass Hat Bar, 1203 N. 3rd Street

- (1) *Case #16-4374, 05/09/16 at 6:32 AM:* A named citizen called to report that there was a male and a female hanging around the back door of the bar, pacing back and forth. The caller thought the pair was suspicious. Officer located the two, and found that they each had warrants for their arrest. Both were taken to jail. **The tavern was closed at the time and the incident had nothing to do with the bar itself.**
- (2) *Event #160063201, 05/25/16 at 5:32 AM:* A citizen wished to have an Officer stand by with her while she retrieved her vehicle after it had been left parked from the previous night. This was related to an incident reported as a strong armed robbery that took place at the Plaza Hotel, in which the victims and the suspects had gone to the tavern the night before. **There was no other involvement of the tavern with the robbery complaint.**

Hiawatha Lounge, 713 Grant Street

- (1) *Event #160066631, 06/01/16 at 3:52 PM:* Officers were requested to check the tavern for an employee that was supposed to have an Onieda County warrant. The male was not working at the time. He reported to the Police Department the following day and the warrants were found to be quashed.
- (2) *Event #160070000, 06/07/16 at 9:08 PM:* A citizen called to report that there was a band playing in the exterior fenced in area outside the bar and that it was too loud. The reporting party went to the bar and complained about the noise, but was told they could play until 10:00 PM. About twelve minutes later, the reporting person called back to report that the music had stopped. No Officers responded to the tavern and no enforcement action was taken.

Intermission Bar, 325 N. 4th Street

- (1) *Case #16-4443, 05/10/16 at 10:39 PM:* Officers were at the tavern conducting a “bar check.” They found that the bartender on duty had no operator’s license and was serving alcoholic beverages. The usual employees were having an “employee appreciation” night off and the bartender that was there was filling in. Another bartender that was properly licensed was called in and arrived in short order. Unlicensed operator (Katherine Hoenisch) and Owner (James Kreusel) were cited for No Licensed Bartender. Fifty (50) Demerit Points were assessed.

The Bar, 1025 S. 3rd Avenue

- (1) Event #160065048, 05/2/16 at 11:43 PM: An anonymous caller reported suspicious activity in the parking lot off from S. 1st Avenue, which is the lot typically used for the tavern. The caller said there was a vehicle parked in the lot for two hours, with two people inside of it. The windows were steamed up. Officer responded and located the vehicle. The occupants told the Officer they were waiting to meet someone from out of town. No enforcement action was taken.

Cabaret Bar, 204 E. Rib Mountain Drive

- (1) Event #160065095, 05/29/16 at 2:42 AM: Officers stopped by the bar since there were several cars still in the lot and a group of people outside, concerned that it was open after hours. The tavern was found to be closed and several people were waiting for a cab. One couple was seated in a car, but assured the Officers they would not be driving. They were warned by the Officer that she would be remaining in the area, so they should not drive (the male did not have a valid driver's license). A short time later, the Officer observed the vehicle being operated by the male. The vehicle was stopped. In the end, the male was arrested for Possession of THC and Drug Paraphernalia.

Christine's Bar, 936 S. 3rd Avenue

- (1) Event #160058535, 05/15/16 at 1:33 AM: A named complainant called Dispatch reporting that there was a fight involving about ten people outside the tavern. Officers arrived and located a group of people who claimed that it was only a verbal argument and everything was over, and they were all leaving. No further enforcement action was taken.
- (2) Event #160066844, 06/02/16 at 2:03 AM: Officers conducted extra patrol of the tavern as there was a large crowd loitering outside the tavern after bar close. They dispersed after the extra attention.

Denmar Tavern, 601 W. Thomas Street

- (1) Event #160061785, 05/22/16 at 2:44 AM: **Bar Employee** called about a male and two females outside because the male was yelling. It was called in as a possible domestic abuse incident. Officer arrived and determined that the male was just intoxicated and talking loudly. They were all waiting for a cab, which arrived while the Officer was still there. No Law Enforcement action taken.
- (2) Event #160063129, 05/24/16 at 11:30 PM: Bar Employee called to report that there were two people still in the parking lot of the tavern after having been kicked out. The employee said the two were kicked out after trying to cash out the "gambling machine" and not having any IDs. Officer arrived and observed a vehicle leaving the area that was registered to a twenty year old, however she saw the vehicle before making contact with the bartender and learning any further information. Extra patrol was conducted for the rest of the evening.

Eagle's Club, 1703 S. 3rd Avenue

- (1) Case #16004377, 05/09/16 at 8:38 AM: Officers were dispatched to the bar for a burglar alarm. They found an open door. A key holder responded and thought the employee from the previous night likely used the emergency door as an exit, which doesn't always close. Nothing was found to be disturbed or missing. A False Alarm report was completed.
- (2) Event #160062645, 05/24/16 at 4:08 AM: A refused complainant called to report suspicious activity. A vehicle was stuck on some rocks at the south end of the parking lot of the bar. Officers located the vehicle, and made contact with the ninety-one year old operator. She reported visiting a friend in Schofield earlier in the day, but not knowing how she ended up hung up on the rock. Her license had already been canceled. The vehicle was towed from the property and family members were contacted.
The tavern did not appear to have any involvement in this incident.
- (3) Event #160064389, 05/27/16 at 2:23 PM: A bar employee called to report harassment by an ex-boyfriend. Contact with the boyfriend was made by phone, and he was warned not to continue the harassment. His Probation agent was also advised.

Lumpy's Bar, 265 Chellis Street

- (1) Case #16-4501, 05/12/16 at 11:30 PM: Officers received a report of a fight in progress. After investigation, a thirty-nine year old female, a thirty-six year old male and a forty-five year old male were all arrested for charges related to being involved in a physical fight.
- (2) Event #160059657, 05/17/16 at 8:14 PM: Officer was responding to the tavern for follow up investigation when he was approached by a neighbor from across the street, who made a comment about wanting to burn the place down and then laughed it off. The owner of the tavern heard the comment and did not take it as a joke, noting that they have had problems with this neighbor in the past. The owner simply wanted the exchange documented in computer entry.

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 #160060707, 05/20/16 at 12:18 AM:* A refused complainant called to complain about loud noise. They described the noise as "people yelling and screaming...loud music...people tearing in and out with cycles." Officers responded and warned the bar to keep the side door closed and the group outside down. The cycles had left prior to Officers' arrival.
- (2) *Event #160061236, 05/20/16 at 12:13 AM:* A refused complainant called about a woman that was at the bar and was not supposed to be drinking. Officers responded to the tavern and located the woman. She had been drinking; however they located nothing that prevented her from drinking, as long as she wasn't driving. She was told to leave the bar and did so.
- (3) *Event #160067331, 06/03/16 at 1:51 AM:* A refused complainant called to report seeing a blue BMW park in front of the bar. The operator "stumbled" out and walked into the bar. The caller was concerned that the apparently intoxicated operator would drive away. An Officer responded to the area and was not able to locate the vehicle.

Tremor's Sports Bar, 516 W. Thomas Street

- (1) *Event #160059703, 05/17/16 at 10:59 PM:* A refused complainant called to report a noise complaint. The caller reported a loud stereo from a vehicle parked on the east side of S. 6th Avenue, north of the bar, and people outside of it yelling and screaming. Officers responded and located a vehicle matching the given description, but it was quiet and there was no one around. It was not determined that the people were from the bar. No Law Enforcement was action taken.

M&R Station, 818 S. 3rd Avenue

- (1) *Event #160064680, 05/28/16 at 2:36 AM:* A refused complainant called to report "two black males" in front of the tavern, arguing. Officers responded and found nothing. No Law Enforcement action was taken.
- (2) *Event #160065428, 05/29/16 at 11:29 PM:* **The owner** called to request assistance from Police in removing a customer. The customer was not causing a problem, but would not leave. Officers responded, however the male had left prior to their arrival. No Law Enforcement action was needed.
- (3) *Event #160065840, 05/30/16 at 10:50 PM:* A refused complainant called about underage drinking occurring in the tavern. Officers responded and spoke with the owner. He mentioned that there had been a father and his son on the premises, who had purchased some beer. Officers walked through and found no one of suspicion. No further enforcement action was taken.
- (4) *Event #160069009, 06/05/16 at 11:47 PM:* **The owner** called to request assistance in removing a customer that would not leave the property. Officers were assigned but were cancelled prior to responding. There were no comments indicating what happened, but likely the offending person left.

Whiskey River Bar & Grill, 5512 Stewart Avenue

- (1) *Event #160060242, 05/19/16 at 2:29 AM:* Officers were dispatched to the tavern for a burglar alarm. The building was found to be secure and a False Alarm Report was completed.

101 Pub, 101 N. 1st Avenue

- (1) *Event #160070666, 06/09/16 at 10:47 AM:* A refused complainant called to report that there is a bartender working there with no operator's license. Officer responded and located a license operator on the premises. Another call came in later in the day saying the same unlicensed operator tends bar daily from 8-11 AM. This information will be checked on in the future.

Campus Pub, 1110 W. Campus Drive

- (1) *Event #160060725, 05/20/16 at 2:10 AM:* A complainant that wanted to remain anonymous, but was willing to talk to Officers, reported that there was an intoxicated male that was dropped off from a Brewers bus trip and was hanging around the tavern in a suspicious manner. He was last seen walking towards the tree line behind the bar. Officers responded but were unable to locate the male and continued to check the area for the remainder of the shift. No other enforcement action taken.

Chatterbox Bar, 102 S. 2nd Avenue

- (1) *Event #160071810, 06/11/16 at 7:08 PM:* A named citizen called to report suspicious activity. The caller reported seeing "suspicious looking native Hawaiian guys might have had weapons." Officer responded and did not locate any suspicious people. No further enforcement action was taken.

Showtime Gentlemen's Club, 1709 Merrill Avenue

- (1) *Case #16-5288, 06/03/16 at 1:04 AM:* A bar employee (bouncer) called the Police to report that a

male they were trying to remove from the tavern was fighting with employees. Officer arrived and arrested the male, who was still fighting. The forty-nine year old male was taken to Jail and charged with Disorderly Conduct, Resisting an Officer and Illegal Possession of Prescription Drugs.

ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED

- There were no compliance checks in the month of May.
- Intermission received an addition of fifty (50) Demerit Points during the month of May, due to serving with no licensed bartender on the premises. Several establishments had Points fall off last month (**Milwaukee Burger Company** and **Trig's Pine Ridge Mobil** dropped down to 25, **Cheers Crossroads, County Market, Cruisin 1724, Jim's Corner Pub, North End Pub, R Store #34, Thrive Foodery, Tobacco Outlet Plus #501, Wausau Labor Temple** and **Wausau Mine Company** all dropped down to 0).

Respectfully submitted,
Lt. Michael Felder