

## **PUBLIC HEALTH & SAFETY COMMITTEE**

Date and Time: Monday, September 19, 2016 at 5:15 pm, (Council Chambers)

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

Others Present: Rayala, Hardel, Bishop, Rentmeester, Kujawa, Goede, Mielke, Danielle Welter, Jennel Bronson, Chungsou Her.

### **Minutes of previous meeting(s). (6/15/16 & 7/18/16)**

Motion by McElhaney, second by Peckham to approve the minutes of the previous meetings (6/15/16 & 7/18/16).  
Motion carried 5-0.

### **Consider various license applications**

Rasmussen stated the Operator License application for Danielle Welter has been recommended for denial due to background information indicating four OWI convictions and a felony possession of THC.

Danielle Welter addressed the committee stating her first two OWIs were in 2009, her third in 2011 and her fourth in 2012. When she was stopped for her second OWI she was caught with a joint and that is where the possession charge came from. She indicated she served nine months in jail; completed three years of probation; attended Mothers against Drunk Drivers meetings; took the driver's safety plan; had intensive outpatient therapy at ATTIC as well as a Relapse Prevention Program. She stated she has had no other issues since all her trouble and has graduated from UW Stevens Point with a Bachelor's Degree in Psychology. She indicated she has held a manager's position at the Milwaukee Burger Company for the last two years and is also currently enrolled to obtain her Masters in Community Mental Health & Wellness. She understood that she did not make wise decisions in the past but is doing her best to do what she can to make up for them.

Wagner questioned if it was a condition of her manager's position to obtain an Operator's License. Welter stated it is needed because she could be the only one in the building and otherwise would have to have someone else stay with her. She would like to take over as bar manager.

Chief Hardel commended her for receiving the training and education that she has to make changes, but questioned what her personal alcohol use currently was. She stated she has learned a lot of tools to help her with healthy coping skills. She commented she may go home and have a glass of wine, but does not drink how she used to. Hardel felt it was fairly recent since the fourth OWI conviction and he still stood by his recommendation. He indicated he would have been more encouraged had she quit drinking completely.

Peckham commented he liked the fact that she went to college and that four years was a long time at her age; he requested Ms. Welter's application be removed from the list and considered separately.

Rasmussen stated there was also a denial recommendation by the Humane Officer for a Pet Fancier License for Jennel Bronson, due to some recent citations.

Jennel Bronson addressed the committee stating she went to court and assumed everything would be dismissed because she has now gotten her dogs licensed and all the paperwork in order. She indicated she has another court date coming up. She felt Officer Bishop was being vindictive because she wasn't feeling well when Bishop visited and she was not nice to her. She stated she does rescue pit bulls and has been for 18 years. She admitted she forgot to license her dogs on time, but has a learning disability which affects her memory.

Rasmussen pointed out she was not truthful on the application when she marked no for whether she had received any citations. She also was concerned about the fact that she is running a daycare out of her home and having rescue animals in the home. Bronson said the dogs are well behaved and not aggressive.

Officer Bishop stated the Humane Society provided her with information from a Facebook post made by Bronson that indicated she wanted to breed pit bulls. She pointed out Bronson is not registered for rescuing dogs.

Motion by Wagner, second by Peckham to approve or deny the licenses as recommended by staff, with the exception of Danielle Welter to be voted on separately. Motion carried 5-0.

Motion by Peckham, second by McElhaney to approve Danielle Welter for a one year Operator's License.

Rasmussen and Wagner stated they also would have been more inclined to grant a license if she was not drinking at all and that more time was needed before they could approve her for a license. Motion failed 1-4.

**Request for consideration of an adjustment and/or extension pertaining to pet licensing fees. (Doug & Patti Todd)**

Rayala explained the Todd's are applying for a pet fancier license for their dogs. The veterinarian is asking that they postpone the altering of the pets until they are older and has it scheduled for October 19th. If he pays now he has to pay the higher unaltered fees of \$120, but if he waits until they are fixed and microchipped to license, he will incur the late fees of \$360. He is requesting to be allowed to pay the altered/microchipped fees now and has a letter from his veterinarian stating he will not do the procedure at their current age. Rayala stated they could license for the lower fees now and have him to bring in the proof of altering and microchipping upon completion.

Motion by Wagner, second by Peckham to charge Doug & Patti Todd the lower fees for altered/microchipped pets and direct them to bring in proof of the procedures by November 1, 2016. Motion carried 5-0.

**Discussion & possible action on Reserve Class B Beer & Liquor license application for Van-Smiling Eyes, LLC dba WOW Family Entertainment Center, regarding the premise description and arcade area.**

Rasmussen noted our Class B quota has been met and all the available regular licenses are in use, so now any businesses that needs a Class B license applies for a reserve which carries a \$10,000 fee. Wagner questioned if any reserves had been issued. Rayala stated 3 out of the 11 reserves the City of Wausau is allowed are currently in use, so there are 8 available. Wagner questioned if the \$10,000 is ever refundable and Rayala stated the law does not permit a municipality to refund the money. Goede noted this applicant has not yet paid the fee and should a regular license become available before he obtains a license, he will apply for it instead. Rayala stated there is another recent application for a reserve coming forward and other businesses that would most likely compete for an available license. Rasmussen stated the Liquor License Review Subcommittee would make a recommendation to the full committee on who to award a regular available license.

Goede explained this was placed on the agenda for review of the premise description on the application so that they are aware that it includes an outdoor deck area as well as the bar/restaurant and entire arcade facility. Rasmussen noted when Mr. Greenwood presented this plan to the ED Committee, it included an outdoor beverage service area on his riverfront patio. She felt it will be important for him to have a plan to control the area to prevent minors from drinking. Hardel felt with proper management it will be fine. He questioned if there was going to be fencing of the outside area. Rasmussen stated some type of containment may be necessary to be fair to others who had restrictions on their outdoor areas.

**Discussion & possible action on ordinance or ordinance amendment permitting sale of fowl for food consumption purposes within city limits.**

Rasmussen stated we had Tara Alfonso research this because we wanted to know more about the potential for the World Market to offer the sale of live birds on set specific market days. In the packet is a draft ordinance which provides that the vendors would bring in the birds to sell and take what is not sold back with them; they would not be allowed to be housed on premise fulltime. She commented while this certainly adds to a robust marketplace environment, if we do it wrong there could be some serious pushback. She indicated a suggestion of Tara Alfonso and Dale Grosskurth, of the Health Department, is a site visit at the market to determine what Mr. Her is trying to do and where. She suggested that Wagner accompany them and help figure out a way to properly craft an ordinance.

Rasmussen stated the people that are purchasing live birds already are purchasing them from farmers and taking them to one of two sites to be processed. In the draft, rather than going to a farm to purchase, the farmers would bring them in on market day and sell them direct. Wagner felt it was a very good idea to involve the Health Department and questioned what the fee for the license should be and whether we should control the number of them issued in the city. Rasmussen pointed out that the sale would take place on site, but not the processing. Chungsou Her stated someone who lives in the country may want to purchase a bird to take it home and raise it, not always necessarily to process and eat right away.

Consensus was a site visit was necessary and Wagner agreed to go along and report back to the committee next month.

**Discussion & possible action regarding relocating Districts 3 and 10 polling place from Wisconsin National Guard Armory of Wausau back to Marathon Park East Gate**

Rayala stated we had to move the poll site from Marathon Park East Gate to the Armory for the August election and now we can get back into East Gate building. Since the Presidential turnout is so high we are splitting the districts between the Armory and the Marathon Park East Gate. She indicated she had everything ready to notify the voters of the districts.

Motion by Kellbach, second by Peckham to approve the poll place change. Motion carried 5-0.

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

Chief Kujawa stated last year she applied for an \$85,000 firefighter grant for technology in the fire vehicles, but unfortunately we did not receive it. She indicated she went to the Northcentral Fire Chiefs Association meeting last week and learned there were \$ 2.2 billion worth of applications, but the grant was funded at \$480 million. No one in north central Wisconsin received an AFG grant this year. The grant was high priority and written appropriately; the problem was they just ran out of money. She commented technology in the fire trucks has to happen soon because we are about 20 years behind that technology. *Report placed on file.*

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

Chief Hardel presented the Tavern Reports from August 10, 2016 through September 7, 2016 (*See attached.*)

Hardel stated there was a stabbing at the Cop Shoppe recently and he was very dissatisfied with the actions of the bartender. The incident occurred at approximately 2:50 a.m., but the conflict really started about 1:00 a.m., ongoing until 2:00 a.m., inside the bar; he felt the bartender should have contacted police during this time. The incident actually happened outside in the parking lot and the victim of the stabbing was let back in by the bartender who then locked the door. He indicated he was however, very pleased with the owner, Rod Carlson, who was unhappy about the actions of his bartender. Mr. Carlson came down to PD and turned over all the security cameras immediately, which provided the information we needed.

Hardel commented the Wausau Police had an appreciation picnic on The 400 Block that was very well attended and exceeded his expectations. It was our way of thanking the community and we intend to make it an annual event.

**Communications**

Rasmussen stated the Police Department will be hosting the Council and the Mayor in the Community Room at PD on Thursday at 4:30 pm., starting with a meal followed by a program.

Phil Rentmeester, Director of Emergency Management, Marathon County, stated he would like to be placed on the next agenda to talk to them about emergency managers and emergency response plans.

Wagner stated he wanted to remind everyone in the community and on the committee about the dedication of the Hmong soldier's war memorial statue on Saturday, at 10:00 a.m., at the Courthouse.

**ADDENDUM ITEM: Discussion and possible action of revocation, refusal to issue or non-renewal of Class B Beer and Liquor license for Val-Roc LLC, d/b/a Sweets on Third, located inside the Dudley Tower, pursuant to Wis. Stats. 125.12 and W.M.C. s. 5.64.160 Abandonment of Premises, following expiration of allotted time extension to open for business in new location. (Valerie Charneski - agent)**

Rasmussen reviewed we have extended the time period for Val-Roc, LLC, dba Sweets on Third, to be open business a couple of times since it was unable to open in the original location that was next to Downtown Grocery. The license was granted by Council in October of 2015, but never issued due to a fire and two 90 day extensions were subsequently granted. Ms. Charneski was then allowed until the end of the license year, June 30, 2016, to get back into the building and begin operating, however, due to a landlord and building owner dispute, that did not happen. Charneski approached the committee for more time with a plan to move to the Dudley Tower and at the last meeting indicated the health inspection would take place August 26<sup>th</sup> and that stock had been ordered. Rasmussen stated a police officer went the Dudley Tower on Friday to determine the status of the space and reported that nothing is ready to start there.

Rasmussen stated Ms. Charneski indicated at the subcommittee meeting in May that she would voluntarily surrender the license if she were unable to get into operation. This would allow the city to make the license available to several other businesses that are waiting and are ready. She explained the “Abandonment or Non-Use of License” ordinance was written to prevent entities from sitting on a license. This license has been tied up for nearly a year. Ms. Charneski can reapply for a license in the future when she is operating the sweets and coffee business in a premise. The committee can direct the Attorney’s Office to request the surrender of the license and if she refuses we will have to hold a revocation hearing.

Wagner commented he was sympathetic through the issue with the fire and disputes regarding the re-entry to the building, but we are a year into this now and he was not in favor of extending any more time. Rasmussen noted she is now in violation of the ordinance to be open for business. McElhaney commented the last update implied she was nearly ready to open and was only awaiting an inspection. She felt now that we find out nothing has been done in the space in the tower that the committee has been misled.

Motion by Wagner, second by McElhaney to request the voluntary surrender of the Class B Beer & Liquor license granted to Val-Roc, LLC and if refused, begin the revocation process. Motion carried 5-0.

**Adjourn**

Motion by McElhaney, second by Peckham 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** 09/08/16  
**To** Chief Hardel  
**From** Lt. Mike Felder

**Subject TAVERN REPORT August 10, 2016 through September 7, 2016**

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

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

Bartender Eric Den Otter was found to be the sole bartender even though his bartender's license had been expired since 06/30/16. He and the registered agent were cited for no Licensed Bartender on Premises. Demerit Point were assessed.

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

**None.**

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

**None.**

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

**Bob and Randy's (B&R) Bar**, 1515 N. 6<sup>th</sup> Street

- (1) *Case #16-7860, 08/16/16 at 9:00 PM:* A male patron reported that his bike was stolen while it was parked outside the tavern. No suspects were developed.

**Domino Bar**, 740 Washington Street

- (1) *Event #160105620, 08/24/16 at 9:00 PM:* The bar owner called to report finding some abandoned backpacks on their property.
- (2) *Case #16-8525, 09/04/16 at 2:11 AM:* Dispatch received a 9-1-1 call with an open line. Loud music was heard, and then the phone hung up. During a call back, a bar employee admitted that there had

been a “small altercation,” but those involved had left the bar. Officers responded to investigate the call and made contact with the bartender, who pointed them to a male patron that was found to be suicidal. He was taken for evaluation to HCC.

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

- (1) *Case #16-7801, 08/14/16 at 1:32 AM:* A large fight was called in by a patron. Several Officers responded, including Officers/Deputies from assisting agencies. The report was that there were glasses and bottles being thrown. The fight was over when Officers arrived, and no one was able to provide enough information regarding the suspect(s) to make any arrests. A total of six people were injured as a result of this incident. The fight began in the bar when one male patron accused another male patron of watching him dance. The instigating group of patrons was described as “Puerto Rican.” This specific group of people has been in the bar in the past and caused problems before. To my knowledge, no employee of the bar contacted the Police. At least two employees, to include a bouncer, attempted to intervene and remove the fight from the bar. It then continued outside the bar on the sidewalk parallel to Washington Street.

**Glass Hat Bar, 1203 N. 3<sup>rd</sup> Street**

- (1) *Event #160100630, 08/13/16 at 2:11 AM:* **Bouncer** contacted Police to complain about a patron that would not leave the bar when asked. He had been harassing the bartender the entire time he had been in there, and she did not feel safe. The male left before the Officers arrived, and the bar staff was told to call back if he returned. A bartender came to the Department later in the day to report that the male was an ex-boyfriend and has been harassing her (Event #160100800).
- (2) *Case #16-8268, 08/28/16 at 2:45 AM:* A bar patron called to report that his vehicle that was parked behind the bar had been damaged. A side mirror had been broken and the car was keyed. It was believed to have been done by a disgruntled patron that had been denied service after closing time. A male suspect was identified and referred to the District Attorney’s Office for a charge of Criminal Damage to Property.

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

- (1) *Event #160105487, 08/24/16 at 4:57 PM:* **Bar employee** called to report that they had an unruly customer that they removed from the tavern. He left, but threatened to come back and kill the bartender. The male was not known to the employees and described as possibly homeless. Extra patrol was requested by the bar. It was later believed that the male was identified and arrested on another matter. Extra patrol of the bar was conducted regardless.

**Limerick’s Public House, 121 Scott Street**

- (1) *Event #160105396, 08/24/16 at 12:40 PM:* Bar employee called to report that they had a patron that was cheating on the entertainment machines. They did not want an actual police report taken, however wanted to attempt to identify the suspect in order to prevent future loss.

**Loppnow’s, 1502 N. 3<sup>rd</sup> Street**

- (1) *Event #160108402 and #160108796:* Officers responded to two false alarms, one on 08/30/16 at 11:59 PM and on 09/01/16 at 12:14 AM. On both occasions the building was found to be secure.

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

- (1) *Event #160103969, 08/20/16 at 10:55 PM:* Officer called out with an intoxicated female that he had located outside behind the business. The woman was not incapacitated, but was ill. A male that was with her was more sober and willing to care for the woman. No Law Enforcement action taken.

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

- (1) *Event #160110665, 09/05/16 at 2:07 AM:* Officer on patrol noticed that the bar was still open for business after the 2 AM closing time. Upon going into the bar, the Officer observed people still being served when he entered at approximately 2:10 AM. The bartender stated she was confused about whether or not Sunday was included in the weekend closing hours. She started removing people immediately and was very cooperative. There were about ten people in the bar area and about fifteen in the lower pool hall area. All left cooperatively. I spoke with the owner on 09/08/16. She was very concerned about the problem and promised to address it with her employees and emphasize the closing hours. **Twenty-five (25) Demerit Points were issued as a result of the violation.**

**Roc’s Place, 810 S. 3<sup>rd</sup> 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 #160101028, 08/14/16 at 2:31 AM:* A call from an unknown source was received that reported that it was “going nuts fighting.” When Officers arrived, they saw no one leaving, the parking lot was empty and the bouncer and bartender had no idea of any problems. No Law Enforcement action taken.
- (2) *Case #16-8497, 09/03/16 at 2:06 AM:* A male patron called to report being hit with a bottle by a female patron. Officers made contact with the male, who identified the woman that hit him with the bottle. The bartender on duty confirmed the events as described. The woman was arrested for battery.
- (3) *Case #16-8522, 09/04/16 at 1:30 AM:* Officers were conducting extra patrol of the bar and property when they located a male urinating outside. The male was arrested for Disorderly Conduct and Probation Violation.

**Treu’s Tic Toc Club**, 1201 W. Thomas Street

- (1) *Event #160109315, 09/02/16 at 1:53 AM:* Bartender called for extra patrol/security while she closed the bar at the end of the night. She had to remove some male patrons earlier in the night that she described as “really aggressive.” Officers watched the area so she could close and leave safely.

**M & R Station**, 818 S. 3<sup>rd</sup> Avenue

- (1) *Case #16-7922, 08/18/16 at 2:13 AM:* An anonymous call was received reporting that there was a couple fighting in front of the bar. It was described as the two of them screaming at each other, and that the male may have hit the female earlier. The male suspect was described as wearing a pink shirt. Officers responded and made contact with several people, to include a male in a pink shirt that was hiding behind a tree in the back of the property. That male was arrested for a Probation Violation. Another woman that Officers made contact with was arrested for a valid warrant.
- (2) *Event #160108387, 08/30/16 at 11:34 PM:* **Bartender** called to complain about a female patron that would not leave the bar. The woman left before Officers arrived (about three minutes after being dispatched). The bartender did not want anything criminally pursued, and would call if she returned.

**Player’s Bar**, 4411 Stewart Avenue

- (1) *Event #160110294, 09/04/16 at 2:51 AM:* A male patron called the Police after noticing damage to his car. The patron learned from other patrons that a scuffle had erupted in the parking lot, and those involved had inadvertently bumped into his car, causing a dent in the driver’s door. One of the males involved was named by another patron. As is was accidental, and not intentional damage, the patron was advised to consider it a civil issue that his insurance can assist him with.
- (2) *Event #160111737, 09/07/16 at 3:45 PM:* A citizen called to inquire about having “some issues with a Wausau bar. The bartender is intoxicated at times and wants to know their options.” The Officer that responded did not enter any further comments as to which bar was being talked about.

**Whiskey River Bar & Grill**, 5512 Stewart Avenue

- (1) *Event #160106946, 08/27/16 at 10:05 PM:* Dispatch received a 9-1-1 call with an open line that sounded like a bar scene. Contact was made with the owner of the cellular phone, who said he had recently dropped it and has been having problems with it. No Law Enforcement action taken.
- (2) *Case #16-8513, 09/03/16 at 6:46 PM:* Officer conducted a bar check at the business and discovered that there was no licensed bartender on the premises. The bar was given an opportunity to contact someone with a valid bartender’s license; however the bartender was unable to. He and the owner were both issued citations for no licensed bartender on premises. The bar was closed for the night. Fifty (50) Demerit Points were assessed to the tavern.

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

- (1) *Event #160101295, 08/14/16 at 6:04 PM:* An anonymous call was received about a male patron that has been drinking but would not “give his keys up.” He was reported to be leaving the bar soon, and a description of the vehicle was given. The license plate provided by the caller did not match the vehicle description. An Attempt to Locate (ATL) was given out; however no Officers were able to locate the vehicle.
- (2) *Event #160110175, 09/03/16 at 9:00 PM:* Another call regarding what was likely the same vehicle and operator from 08/14/16. Officers responded, but found the vehicle after it had already made it home and parked.

**Campus Pub**, 1110 W. Campus Drive

- (1) *Event #160107025, 08/28/16 at 2:12 AM:* A called that declined to identify themselves reported hearing loud people that were arguing, but not yelling at each other. Officers responded and located some people outside waiting for a cab, but they were not loud. The cab pulled up shortly after the Officers had arrived. No Law Enforcement action was taken.

**Mountain Lanes/Jump On It**, 1401 Elm Street

- (1) *Case #16- 8526, 09/04/16 at 4:45 AM:* A citizen reported seeing a vehicle crashed in the parking lot.

Officers responded and located the driver at the scene. During the investigation, the operator admitted to having been drinking in the Mountain Lanes, celebrating a friend's birthday. She was eventually arrested for OWI, and the vehicle was towed from the scene.

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

- (1) *Case #16-7841, 08/15/16 at 2:07 PM:* **Bar employee** called to report damage that had occurred on the previous Friday night. The Officer did not enter any comments, and there was no ARS report, so I concluded that the business was given a self-report form. It is unknown what was damaged and there are likely no suspects.

**ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED**

- **101 Pub** dropped fifty (50) points, down to 25, as a time drop off.
- **Cabaret Bar** was issued fifty (50) Demerit Points for Failing to Notify the Police. This was mentioned in the last Bar Report, and subsequent to that report, the decision was made to assess the Demerit Points.
- **Whiskey River Bar & Grill** was found to be operated by a bartender with an expired bartender's license. The bartender and the registered agent were issued citations for No Licensed Bartender on Premises. Fifty (50) Demerit Points were assessed.
- **Christine's Bar** was found being operated after closing hours on September 4<sup>th</sup> (early morning of the 5<sup>th</sup>). The Officer used discretion in not issuing a citation to the bartender or owner. However, twenty-five (25) Demerit Points were assessed.

Respectfully submitted,  
Lt. Michael Felder