

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, October 17, 2016 at 5:15 pm, (Council Chambers)

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

Others Present: Alfonso, Rayala, Bliven, Rentmeester, Kujawa, Goede, Mielke, Neal

Minutes of previous meeting(s). (8/15/16 & 9/19/16)

Motion by Peckham, second by McElhane to approve the minutes of the previous meetings (8/15/16 & 9/19/16).

Motion carried 5-0.

Consider various license applications

Rasmussen stated there were three Operator's License applications recommended for denial by Chief Hardel: Ashley Miller, Khamthaneth Rattanasack, and Andrea Schroeder. It was noted that none of these persons were present.

Rasmussen stated the Liquor License Review Subcommittee met today at 3:30 pm., to review plans and hear testimony for each of the establishments that applied for the available regular Class B Beer & Liquor License. She noted there was no representative in attendance from AMG-American Management Group, LLC, dba Rosati's. Representatives appeared from Van-Smiling Eyes, LLC, dba WOW Family Entertainment Center; MASA WI, Inc., dba MASA; and Third Peak Hospitality, LLC, dba Crostini Bar. Following deliberations in open session the subcommittee recommends to this committee that the license be awarded to Third Peak Hospitality, LLC, dba Crostini Bar, located at 307 N 3rd Street.

Rasmussen noted Mr. Greenwood will need to consult with the Police Department and the Clerk's Office to ensure the premise description for WOW Family Entertainment Center is indicated correctly, because if it is his intention to serve alcohol throughout the entire establishment, he will not be able to admit unaccompanied minors.

Peckham questioned whether the liquor license for WOW Family Entertainment Center will be allowed under the same exception as a bowling alley. Alfonso explained there were two issues; one having to do with allowing underage persons on premise, the other is whether we consider them a recreation premises for purposes of conducting more than one business on the premise. Rasmussen stated Mr. Greenwood clarified in the subcommittee meeting that he is one business operation without separate entities, so we feel it meets the definition of a "recreation center." The business is approved for a reserve license, but the delineation of the premise is in the description. Alfonso clarified if he licenses the entire premise he may not allow in any minors unaccompanied by parent or guardian into the facility. If he only licenses the bar and restaurant/deck, then underage persons can come into the arcade and laser tag portion of the building but alcohol would not be permitted in those areas. Bliven indicated he would work with the owner and Clerk's Office to determine the premise description.

Motion by Kellbach, second by McElhane to approve or deny licenses as recommended by staff. Motion carried 5-0. *Rasmussen indicated Third Peak Hospitality LLC would be voted on separately.*

Discussion on Emergency Management and Emergency Response Plans (Presented by Phil Rentmeester, Director of Marathon County Emergency Management)

Phil Rentmeester reviewed the documents from their packets, the first being State Statute 323 outlining requirements for all municipalities to have emergency managers and emergency response plans. The second document was a Wausau Municipal ordinance dealing with civil defense, however, it appoints and designates the Marathon County Emergency Management Director as the emergency manager for the city. This was a joint ordinance with the county from 1977. The third document is a repeal and recreate of the Marathon County ordinance for emergency management, effectively repealing the one from 1977. The final document is the emergency management ordinance for Marathon County. He asked the committee to take action to appoint an emergency manager to begin working on the emergency response plan, which will have to be approved by the City Council and the Marathon County Board.

Wagner questioned why the ordinance was repealed. Rentmeester responded because it was out of date, referencing many documents out of State Statutes 166 that dealt with civil defense and emergency management, but that was recreated about four or five years ago with State Statute 323.

Rasmussen questioned if there was a template or draft ordinance that could be adopted by municipalities. Rentmeester indicated he could provide the one the county has. Kujawa questioned if there would be a cost to this agreement with the county. Rentmeester was not aware of any cost. Consensus was for Rentmeester to work with Alfonso on the ordinance and cooperative agreement and bring this back to committee for formal action.

Discussion and possible action regarding recommendation of the Liquor License Review Subcommittee for the available Class B Beer & Liquor License # 28

Rasmussen stated Third Peak Hospitality LLC, dba Crostini Bar, was the applicant chosen by the subcommittee for the available regular Class B Beer & Liquor license based on a number of screening criteria.

Wagner indicated he would abstain from voting because the applicant was one of his clients and he wrote his business plan.

Motion by Peckham, second by Kellbach to approve the available regular Class B Beer & Liquor license (#28) for Third Peak Hospitality LLC. Motion carried 4-0, with one abstention.

Discussion and possible action regarding ordinance amending Section 8.08.001 Definitions (f) adding "Market place" and amending Section 8.08.010 Certain creatures forbidden

Rasmussen reviewed that the World Market on occasion would like to conduct market days whereby they could sell live fowl (poultry) on site brought in by local farmers. The operation is conducted outside and any unsold fowl are taken back to the farm. She noted that Peckham, Wagner and a Health Department representative surveyed the location.

Motion by Wagner, second by Peckham to approve the ordinance amending 8.08.001 and 8.08.019 enabling the sale of live fowl. Motion carried 5-0.

Discussion and possible action on a resolution authorizing the addition of fees to the City of Wausau Fees and Licenses Schedule (Permits for sale of live poultry or farm raised game birds at a marketplace)

Rasmussen stated this is related to the previous ordinance and now the committee will need to set the fee. Typically the fee is set to reasonably cover the cost of issuing the permit. Alfonso stated the license period would be from April 1st – November 1st with an annual renewal. Rayala suggested a fee of \$25 to cover costs of administering the permit.

Motion by Wagner, second by Peckham to approve a fee of \$25 and authorize the addition of the fee to the City of Wausau Fees and License Schedule. Motion carried 5-0.

Operations Report from Fire Department for September 2016

Following discussion regarding the report it was placed on file.

Tavern Activities / Compliance Checks / Law Enforcement Activities

Cpt. Bliven presented the Tavern Report – September 8, 2016 – October 8, 2016. (*See attached*)

Rasmussen commented there seemed to a lot of police activity at Mountain Lanes Family Fun Center and questioned whether we are to the point of having a discussion with the new owners. Bliven stated there has been a number of calls there over the past month or so, however, the employees have done a good job of contacting us when we need to be contacted. He also pointed out the owners hired private security to try to help minimize the issues they have been having. He commented they had a pretty good rapport with them and they are doing a good job. He indicated he could ask Lt. Mike Felder to have a conversation with the owners to make sure they understand the concerns and report back next month.

Rasmussen stated the Cop Shoppe Pub, based on the incident in September, as accumulated 125 demerit points. She explained when an establishment gets to 100 points within a 12 month period we summon the owner before the committee for a formal expression of concern. We have a dialogue with the management of the tavern and allow them to talk with us about the incidents and what they plan to do to make things better.

Communications

Rasmussen indicated Chief Hardel has requested some research be done on the criteria for denial recommendations and to meet with him and Alfonso to discuss them. There have been a number of appeals in committee that were upheld and were subsequently overturned at Council. If the Chief feels we need to have a larger discussion to review and/or amend the criteria, it will come to the committee at a future meeting.

Adjourn

Motion by Peckham, second by McElhaney to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 6:00 pm.

Attachment

Wausau Police Department



James E. Tipple
Mayor

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

Date 10/11/16
To Chief Hardel
From Lt. Mike Felder

Subject TAVERN REPORT September 8, 2016 through October 8, 2016

ROUTINE TAVERN INSPECTIONS (No violations unless noted)

Malarkey's, 412 N. 3rd St.
M & R Station, 818 S. 3rd Ave,
North End Pub, 1002 N. 3rd Ave.
Mountain Lanes/Jump On It, 1401 Elm St.
Oz, 320 Washington St.
Player's, 4411 Stewart Ave.
Polack Inn, 1206 N. 3rd Ave.
Roc's Place, 810 S. 3rd Ave.
Showtime Gentlemen's Club, 1709 Merrill Ave.

Officers located an expired license, and were questioning the bartender about it. The bartender went to a back office to see if she could locate a more recent license. While in the back, she called the owner, who became upset with Officers over having been contacted, even though the Officers hadn't requested it. Upon looking at the license more closely, the expired license was an Entertainment License for a jukebox, which the bar no longer had. In the end, there was no violation, but the owner was very unpleasant with the Officers over the phone. The bartender was described as being very cooperative and understanding. The Officers were also hassled by one of the "entertainers," who complained about the Officers not having anything better to do.

Tremor's Sports Bar, 516 W. Thomas St.
Treu's Tic Toc Club, 1201 W. Thomas St.
VFW Post 388, 388 River Dr.
Not open.

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.

6th Street Pub, 2002 N 6th Street

- (1) *Event #160112878, 09/10/16 at 12:55 AM:* A named, citizen reporting person called to complain that there were people outside the bar that were urinating. Officers responded and the reporting person pointed out one of the patrons that had been urinating. The male denied it, and claimed the reporting person had recently been kicked out of the bar and was trying to get people in trouble. The suspect was warned about that activity. Officer also noted that the reporting person was intoxicated.
- (2) *Event #160123087, 10/03/16 at 1:42 AM:* An anonymous caller reported there were two people that kept getting out of a truck parked in the bar parking lot. They had been there for hours, and had urinated in the neighbor's yard. The caller alleged that they may have been minors. Officers did make contact with a reporting party, who further complained that one of the males in the truck had urinated by his wife's car, so he went out and yelled at him. He requested extra patrol. Officers spoke with the bartender, who admitted to kicking out an intoxicated male, but said there was no disturbance that he was aware of. The intoxicated male and a friend of his were both of legal drinking age.
- (3) *Event #160123517, 10/04/16 at 12:23 AM:* Officers responded to the bar to speak with the bartender about the recent calls for service and complaints. The bartender did mention that he had recently kicked out the neighbor, and guessed that would be the reason for the uptick in nuisance calls. The bartender assured the Officers that he would monitor the noise levels, make sure he is not over-serving, and try to monitor the activity outside the bar.

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

- (1) *Event #160112366, 09/08/16 at 11:51 PM:* The **bartender** called to report a theft of a patron's money by another patron. When Officers arrived (within four minutes) the suspects and the victim had left, so no one was there to file the complaint. In the meantime, the bartender also reported someone pulling the pipes for a urinal out of the wall. Upon inspection, the piping was repaired, leaving only some screw holes in the drywall to fix. They were advised to call for a formal report if they wanted and had developed a suspect from video surveillance.

Cop Shoppe Pub, 701 Washington Street

- (1) *Case #16-8746, 09/10/16 at 3:01 AM:* Officers were called to the Cop Shoppe Pub in reference to a report of a stabbing. Officers made contact with an on-duty bartender, an off-duty bartender and a stabbing victim through their response. The suspect was arrested the following day. Officers/Detectives investigating the incident developed a timeline of events that indicated the patrons were in the bar a minimum of a half-hour after bar closing time. Furthermore, it was obvious that there was sufficient time for the on-duty bartender to call the Police regarding a difficult patron, long before the situation devolved into a stabbing incident. As a result, the bartender received a citation for being open after hours. **The tavern will be assessed Demerit Points for both being open after hours (25 Demerit Points), and failing to summon Police (with the enhancer for conduct which results in Bodily Harm to Any Individual and Involves the Use of a Dangerous Weapon; 100 Demerit Points).**
- (2) *Case #16-8879, 09/13/16 at 11:40 PM:* Officers responded to a call from a family member that there was a person at the bar that was feeling depressed. Officers responded and arrangements were made to have the male seek treatment from a mental health facility. This incident **did not involve the bar**, other than it was where the male was when he decided to call.

Domino Bar, 740 Washington Street

- (1) *Case #16-9462, 09/29/16 at 7:12 PM:* An Alcohol Compliance Check was conducted at the tavern. The bartender sold an alcoholic beverage to the underage person and was cited for the violation. Furthermore, the bartender had a warrant for her arrest and was taken into custody. The owner was on scene and took control of the tavern so it was not necessary to close it. **The bar was assessed 25 Demerit Points for Sell to Underage Person.**

Glass Hat Bar, 1203 N. 3rd Street

- (1) *Case #16-9247, 09/24/16 at 6:36 PM:* A bar patron called reporting that he had left the bar the previous night and left his car parked in the parking lot. Upon returning the next day to pick it up, the vehicle was gone. On 10/06/16, the vehicle was located in the parking area of the Dudley Building and returned to the owner. No suspect had been developed.
- (2) *Case #16-9263, 09/25/16 at 1:33 AM:* A **bouncer, employed by the bar**, reported being injured the night before while attempting to stop a patron from leaving the bar with an open alcoholic beverage. A suspect was developed and the investigation is ongoing.

Limerick's Public House, 121 Scott Street

- (1) *Event #160116051, 09/16/16 at 11:03 PM:* A **bar employee** called to report a suspicious person outside the bar. At the same time, the suspicious person saw an Officer driving by and flagged him down. The bartender reported the male had been riding a bicycle passed the bar several times. He also stopped and peered in. This behavior was disturbing the people inside the bar, and the employees, as they did not know the male's intentions. The male was questioned, and said he was just riding around at night. He admitted to looking into the bar, but that he was just curious. He was willing to leave the area.

Loppnow's, 1502 N. 3rd Street

- (1) *Event# 160120802, 09/27/16 at 11:09 PM:* Bar owner called reporting that there was a fight between three males and a female outside the bar. One male had a bloody head. Officers responded and located all but one male, who left the scene when he saw Officers arriving. Everyone denied a physical altercation, and no one, including the bartender wanted any charges pursued. All information gathered indicated that there was nothing that happened inside the bar. No further Law Enforcement action was taken.

Malarkey's, 412 N. 3rd Street

- (1) *Case #16-9371, 09/27/16 at 3:00 PM:* Bar owner called about two males that were trying to scam the gaming machines with a \$20.00 bill with tape on it. The males were stopped and identified, but the bar owner did not want to pursue any charges. One male was issued a traffic citation. They were warned about their activities and banned from the bar. No further Law Enforcement action was taken.

Christine's Bar, 936 S. 3rd Avenue

- (1) *Case #16-9052, 09/19/16 at 1:08 AM:* A refused complainant called the Police to report that there was yelling outside the bar about a gun. Officers responded and made contact with patrons and a bartender. The reporting person called back and said a "Wong" or "Long" was supposed to have the gun. The caller reported only hearing this information, not actually seeing a weapon. When questioned, the bartender reported that a male named "Long" had been causing a disturbance because his wife was there with younger men. The suspect pushed some people, then left with the threat that he would return with his gun. Officers located the suspect at his residence and he was arrested for a domestic incident. The bartender was advised that she should be calling the disturbance in to Police. She was the only employee working at the time and the likelihood that she would have been able to control a larger disturbance would dictate that she should have called the Police sooner.

Den Mar, 601 W. Thomas Street

- (1) *Case #16-9531, 09/30/16 at 9:47 PM:* A bar patron called to report a harassment type situation. She saw him at one bar, so she left. He then followed her to this bar, at which time she called. The male actually has a restraining order against the female, but was warned not to follow her around town. An informational report was going to be completed by the Officer for the sake of documenting the contact between the two.
- (2) *Event #160124469, 10/06/16 at 3:21 AM:* **Bartender** called after closing to report that there had been a male walking around the bar, knocking on the windows. The male was gone by the time Officers arrived. No further Law Enforcement action taken.

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 #160119118, 09/24/16 at 1:20 AM:* Bartender called to report the need for an ambulance. An intoxicated female had come to the bar and went into the bathroom, where she fell and hit her face. She was bleeding from the nose. The bartender said she had not been served at the bar. Officers were unable to locate anything further that would indicate a fight or that she had been assaulted. The woman received medical treatment. No Law Enforcement action was taken.
- (2) *Event #1601195827, 09/25/16 at 12:53 AM:* A caller who refused to identify themselves called to report that a woman that was on probation, and not to be drinking, was at the tavern. Officers responded and were not able to locate her. A second call was received, reporting that she was supposed to be leaving in a particular vehicle; however Officers, who were nearby, were not able to locate the described vehicle. No further Law Enforcement action was taken.
- (3) *Event #160122677, 10/02/16 at 1:45 AM:* A caller who refused to identify themselves called to report underage people in the bar. Officers responded and were not able to locate anyone who appeared

underage in the bar. The bartender stated he had just kicked some people out and it was believed that they may have called in retaliation.

Tremor's Sports Pub, 516 W. Thomas Street

- (1) *Event #160115609, 09/16/16 at 12:33 AM:* A caller that refused to identify themselves reported that there were "kids" coming in and out of the bar "acting strange." The caller said there were two males and a female, and that one had lights on his pedal bike. Officers responded and made contact with a male and female who were adjusting the lighting on their bikes. Both were of legal drinking age, and were released shortly after contact had been made. No further Law Enforcement action was taken.

M & R Station, 818 S. 3rd Avenue

- (1) *Case #16-8820, 09/12/16 at 1:02 PM:* **Bar owner** called to report the theft of a patron's purse. An Officer responded and took the complaint.
- (2) *Event #160125707, 10/08/16 at 10:06 PM:* **Bar owner** called to complain about a female patron that was starting fights, pushed another female patron down, and was yelling and screaming. Officers made contact with the woman, after which the bar only wanted her removed. The woman was escorted from the property and told not to return under threat of arrest.

Cruisin1724, 1724 Merrill Avenue

- (1) *Event #160119560, 09/24/16 at 11:33 PM:* A caller that refused to identify themselves called to complain about the noise from the live band playing at the bar. An Officer responded and listened/monitored the noise level for a period of time, including in the nearby blocks (which was stated in the complaint) and could not hear the music unless he was directly in front of the bar. No action was taken at the time.

Labor Temple, 318 S. 3rd Avenue

- (1) *Event #160116107, 09/17/16 at 2:36 AM:* A caller that refused to identify themselves called to report suspicious activity. The caller said there were sounds coming from a van in the parking lot that was either two people having sex, or a sexual assault in progress. Officers made contact with the two occupants of the van and found the activity, although inappropriate, consensual. The two intoxicated individuals were given a ride to one of their residences.

Mountain Lanes/Jump On It, 1401 Elm Street

- (1) *Event #160112961, 09/10/16 at 8:45 AM:* A **bar employee** called to request extra patrol. She stated there had been a verbal argument in the early morning hours (from the previous night). The Officer provided the employee with the non-emergency number for her convenience.
- (2) *Event #160116057, 09/16/16 at 11:30 PM:* A caller that refused to identify themselves called to report a "big fight...gang related...no weapons...Asians." Several Officers responded, but nothing was located. A bar employee stated that a verbal argument had started, but all involved people left when asked to do so.
- (3) *Event #160122263, 10/01/16 at 2:16 AM:* A 9-1-1 call was received reporting that there was a fight. Again, several Officers and Deputies responded and found no active fight. The discovered that the bar has hired private security to assist in controlling the property. Officers were advised that there had been a verbal altercation, however the involved people left.
- (4) *Case #16-9778, 10/07/16 at 9:27 PM:* A **bar employee** called to report that there was a man in the bar that was trying to sell drugs. The bouncers were trying to remove him from the premises, and he was fighting with them. Officer arrived and with assistance from the bouncers, took the male into custody. A bag of suspected methamphetamine was located and purported to have been left in a pocket of the pool table. The substance was recovered and turned over to the Officers. The substance later field-tested positive for methamphetamine. The male was arrested and taken to Jail.

Showtime Gentlemen's Club, 1709 Merrill Avenue

- (1) *Event #160113662, 09/11/16 at 9:19 PM:* Dispatch requested Officers to check the bar for a suspect that may have been working there. An outside Law Enforcement Agency had requested the check for a woman that was suspected in stealing a car. She may have been employed as a dancer. Officers checked the bar and were unable to locate the vehicle or the suspect.
- (2) *Case #16-9228, 09/24/16 at 2:39 AM:* A named citizen reported witnessing a hit and run crash in the parking lot of the bar. Officers responded and investigated the crash. Contact was made with both the victim and suspect, and a crash report was completed.
- (3) *Event #160120792, 09/27/16 at 10:19 PM:* The bar manager called to report that two dancers were fighting. On arrival, the offending dancer had left the property. The victim and bar did not want to pursue charges. The suspect was later contacted and advised that she was no longer allowed on the property. No further Law Enforcement action was taken.

ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED

- **Applebee's, Day's Bowl-A-Dome, M & R Station, Pick N Save and Wausau PB** dropped Points, down to 0, as a time drop off.
- **Intermission** dropped down to fifty (50) Demerit Points after a time fall off for 25 other Points.
- **Cop Shoppe Pub** had an incident that involved an altercation in which a patron was stabbed, after closing hours. The bar was **assessed 125 Demerit** Points for Open After Hours and Fail to Summon Police for Conduct that Resulted in Injury to Any Person and a Dangerous Weapon.
- An Alcohol Compliance Check was conducted on 09/29/16. The results are as follows:
 - Passed: **Christine's Bar, Wausau Labor Temple, 101 Pub, Cruisin 1724, Pine Ridge Mobil, Bob & Randy's Bar, Kwik Trip #735** (6th/E Wausau).
 - Failed: **Domino Bar**
 - Domino Bar bartender also had a warrant for her arrest; however the owner was present and able to keep the bar open. Demerit Points (25 Demerit Points) are assessed for the sale to the underage person.

Respectfully submitted,
Lt. Michael Felder