

PUBLIC HEALTH & SAFETY COMMITTEE

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

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

Others Present: Alfonso, Rayala, Hardel, Kujawa, Duncanson, Peterson, McElhaney, Hebert, Yeng Her, Rod Carlson and Tami Ness.

Minutes of previous meeting(s). (10/17/16)

Motion by Peckham, second by Kellbach to approve the minutes of the previous meetings (10/17/16). Motion carried 5-0.

Consider various license applications

Rasmussen stated there was one denial recommendation on a Tavern Entertainment License pending a zoning change for Davahn Restaurant, LLC, 316 Sherman Street. She explained they are planning to have a dance hall or event venue in that building, which is zoned UDD and will require a zone change through the Plan Commission. She indicated they would vote on this item separately from the rest of the list.

Wagner questioned what municipalities are doing in regard to regulation or licensing of Uber drivers. Chief Hardel stated at this point there is no municipal control. They are restricted in other cities on where they can pick up and drop off, but they are not licensed through a municipality; it is a private contract. He offered to request the application packet and the background history that they use to hire a driver for him to see.

Motion by Kellbach, second by Peckham to approve the licenses on the list, with the exception of Davahn Restaurant, LLC. Motion carried 5-0.

Rasmussen noted Davahn Restaurant, LLC has also applied for a Class B Beer license, a Dance Hall license, as well as the Tavern Entertainment License for Karaoke and Bands with 3 musicians or more. She indicated this building is the site of the former Chungsou Her store on Sherman Street that moved to Wausau World Market.

Wagner indicated he toured the facility and talked to the business owners regarding the changes they plan on making. Hebert explained the property was zoned UDD with the Wausau World Market, which included some entertainment options, however; the property in question here was originally zoned B1, which has more restrictions on entertainment. He stated they did not necessarily need to change the zoning, but modify or amend the zoning and let the neighbors have some input regarding having bands of 3 or more musicians. Hebert noted he was not opposing the Class B Beer license, the issue was the entertainment.

Yeng Her, owner/agent for Davahn, indicated he would like to be approved for the beer license for the restaurant now and that he wanted to change the Tavern Entertainment application request from bands with 3 musicians or more to bands with 3 musicians or less.

Motion by Wagner, second by Peckham to approve the license for Class B Beer for Davahn Restaurant, LLC, and approve the Tavern Entertainment license contingent on Plan Commission approval of the zoning change. Motion carried 5-0.

Formal expression of concern - Cop Shoppe LTD, d/b/a Cop Shoppe Pub, 701 Washington Street.

Rasmussen stated on the last tavern activities report the Cop Shoppe, based on one serious incident, had surpassed 100 demerit points, requiring a formal expression of concern to discuss what measures are being taken to improve the situation.

Rod Carlson, owner of Cop Shoppe, and his manager Tami Ness, appeared before the committee. Carlson stated it was an unfortunate incident and they have taken steps to ensure nothing of that nature would happen again. He indicated they have implemented a new security system, panic buttons, a new camera system, and the employee that was working during this incident is no longer working for them. He stated they were in the process of hiring a new staff and implementing some pretty strict guidelines as to serving of alcohol in the establishment.

Chief Hardel indicated he has had numerous conversations with Mr. Carlson and has found him to be proactive in that neighborhood, which is a challenging neighborhood. Officers have communicated and worked with Mr. Carlson and Ms. Ness previously. He had confidence that they could work with them to be successful. Carlson

added that he owned a lot of the properties along that corridor and was working with WPS to put more lighting in the area, in the alleys, and to light up the back entryway to the tavern.

Discussion and possible action regarding ordinance repealing and recreating Section 16.04.030 Residential Rental Contact Registration.

Alfonso explained we currently have an ordinance that requires landlords who do not reside in the county to appoint an agent for due process of service and this would now be considered going a little too far under the changes the state law has made in the last couple years. This action would bring this in line with what the statute allows. She did not believe we can require out of county landlords to maintain an agent of a particular kind within the county or the city, but we can still require registration of landlords for contact information in emergencies. They could choose to appoint an agent, if they wish.

Motion by Wagner, second by Kellbach to approve the ordinance. Motion carried 5-0.

Discussion and possible action regarding ordinance creating Section 12.56.115 Prohibiting dead, dying or diseased trees on private property

Rasmussen indicated William Duncanson and Blaine Peterson from the Parks Department were present to address this item. She noted this issue has come to our attention because the Forest Park area is experiencing sick, dead or dying trees, and/or partially storm damaged trees that could fall on neighboring homes, cars or garages. Today there is no enforcement mechanism for the city to keep that from happening and we can do nothing with trees on private property. We are not in the tree removal business; we don't want the liability for it or to perform the service. She explained this ordinance allows for some citation power and the Parks Department would make the decision as to whether a ticket is issued or if they can work with the individual.

McElhaney indicated she has received numerous complaints from constituents in regard to this issue. She felt some people just don't understand what a dead tree is and they think as long as it is still standing it is okay. She suggested a letter go out from the city to inform a property owner of a problem and how to handle it. We need something for people to use to deal with these issues.

Duncanson stated the proposed ordinance is a bit of a duplication of what is already in our city code. There are already definitions of nuisance trees, diseased trees, or infested with injurious insects and direction on how to treat them on private property. The notification has to do with the City Forester and allowance for appeals with the Park & Rec Committee and Council. The city, by ordinance, can order it be done, charge the individual or put it on their taxes. He commented it is a terribly long drawn out process that absorbs a huge amount of time and is really not that effective, and frankly, is somewhat ignored because it is such a bad ordinance as far as effectiveness. He saw this as almost expanding the realm of potential issues, whereby the City Forester is going to be asked to have the final say, and it was not quite clear as to whether there was an appeal process.

Rasmussen stated we don't know yet how much time it would take because we don't know what kind of complaint volume we will get. In some ways it is preventative and it could be complaint-response driven. She questioned if there were some hybrid approach where we could create a tool that is useful to the Parks Department that doesn't include all of the red tape. Either simplify the other ordinance or take a blend of the two to create something they can actually work with.

Duncanson had concerns on two levels, the higher level was whether the ordinance puts the city in the position of having to defend itself for any tree that falls and injures anybody/anything on private property because we didn't see it and act on it. He felt if it can be made to operate on a complaint basis without the liability of those claims, then he could see going forward, but we need a straight forward process without weeks and weeks of appeals. He acknowledged within our street tree ordinances there are things that can be improved whether we do this or not.

Alfonso explained there is a difference between going on to someone's property and actually doing the work yourself versus simply citing someone. In the abatement process there is a need for an appeal process to give some minimum due process before you issue an order and then go in and take a tree down. She stated that is not what she was directed to draft; this is notice to inform of a complaint about a tree and that it needs to come down within a certain timeframe or you will be cited. There is no appeal process because no action has been taken, it is just a letter. Once a citation is issued, people have the due process of coming into court and fighting the citation. Rasmussen commented the proposed ordinance is geared to get the attention of a property owner that action is necessary and the only consequence for not taking action is the ticket, which then proceeds through the court. It is much like a housing violation, but not severe enough that someone is going to come and take down their tree and

charge it to their taxes. She stated we are looking for a tool that is versatile and useful and not so cumbersome that no one uses it. Wagner felt we should let neighbors settle this between themselves and the city should not get involved in these disputes.

Following further discussion, the committee suggested Parks Department staff put additional information out on the website as a resource for homeowners regarding options of what to do when they have issues with either street trees or a neighbor's tree.

Discussion and possible action regarding ordinance amending Section 1.01.025(c)(1)(B) Schedule of cash deposits - Withdrawn, not applicable.

Operations Report from Fire Department for October 2016

Chief Kujawa reported the department responded to a car fire. They turned east to go over the bridge the responders could see a column of black smoke coming from that area. At the scene, one car was fully involved and a second car starting to be involved. Two people had pulled the victim from the burning car and employees from Eastbay administered CPR until the ambulance got there. The EMS responders were able to get a pulse back, however, he had serious burns and did not survive his injury. Several people had come to this gentleman's rescue and risked their lives; the two pulling him from the vehicle suffered some significant burns on their hands and arms.

Kujawa stated October was Fire Prevention Month where we do eight or nine school programs a day. Rasmussen felt this was a very important service for children to learn what to do in an emergency and so that they are not afraid of a fireman in turnout gear.

Kujawa referred to a handout "Brains on Bikes" 2016 Recap Report, explaining that North Central Regional Trauma Advisory Council gave us 225 bike helmets and they were given out to kids in need that rode their bikes to school and didn't have a helmet. They will be providing another 250 helmets for the spring to go to the rest of elementary schools in the area. Peckham noted the Bike & Ped Advisory Committee will be considering ways to get more lights on bicycles for adults riding at night without them and suggested partnering with the Fire Department in a cooperative effort. He indicated 30 sets of lights were given away by police officers to people found riding at night illegally.

Kujawa stated the department participated in the NTC Wausau Science and Engineering Festival on October 14th & 15th which focuses on grade school children. (*Handout on file*)

Kujawa reported the Police & Fire Commission swore in our Chaplain, Donald G. Ryder, who has been an integral part of the department.

Kujawa indicated proposed increases in our ambulance rates and inspection fees will be going to Finance Committee tomorrow night. She noted inspections will have an escalating fee for re-inspections.

Tavern Activities / Compliance Checks / Law Enforcement Activities

Hardel presented the Tavern Report – October 9, 2016 through November 6, 2016 (*See attached*)

Chief Hardel stated the conversation with the owners of Mountain Lanes Family Fun Center went well. It was initially challenging because their feeling was that they should take care everything themselves and not call police because they did not want squad cars in the lot and officers in the building. After discussion, he felt they now understood the value of getting us involved early on.

Hardel reported that our on-site accreditation evaluation is set for December 7-9, 2016, which was an immense project taking at least three years and took the whole department.

Communications - None

Motion by Peckham, second by Kellbach to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:00 pm.

Attachment

Wausau Police Department



James E. Tipple
Mayor

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

Date 11/07/16
To Chief Hardel
From Lt. Mike Felder
Subject TAVERN REPORT October 9, 2016 through November 6, 2016

ROUTINE TAVERN INSPECTIONS (No violations unless noted)

101 Pub, 101 N. 3rd Avenue
6th Street Pub, 2002 N. 6th Street
Baker's Retreat, 1418 Lenard Street
The Bar, 1025 S. 3rd Avenue
Bob & Randy's Bar, 1515 N. 6th Street
Cabaret, 204 E. Rib Mountain Drive
Callon Street Pub, 209 Callon Street
Campus Pub, 1110 W. Campus Drive
The Chatterbox Bar, 102 S. 2nd Avenue
Cheers Bar, 101 E. Thomas Street
Cop Shoppe Pub, 701 Washington Street
Day's Bowl-A-Dome, 1715 Stewart Avenue
Bull Falls Brewery, 901 E. Thomas Street

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) *There were no specific incidents that required Police response; however Officers conducted three extra patrols at the tavern due to some of the more recent past calls at this location. Those extra patrols did not lead to any other activity.*

Cop Shoppe Pub, 701 Washington Street

- (1) *Event #160126107, 10/09/16 at 11:57 PM: Officers responded to a call from a patron about a verbal argument. Officers spent time speaking with the caller, who got into an argument with the bar manager and his girlfriend. The male had some questionable conduct inside the bar and went outside to smoke. The female went out to speak with him and an argument ensued. The manager then also came out and from that point denied the male entry back into the bar. Officers were able to get the patron to leave after bargaining for the male to get a \$1 refund for the soda he had bought and not finished. Officers attempted to counsel the manager and his girlfriend (who is also a bartender), but it was contentious to begin with. In the end, the manager expressed his willingness to work with the*

Police even though he doesn't want the Police at his bar every night because it is bad for business.

Glass Hat Bar, 1203 N. 3rd Street

- (1) *Case #16-10341, 10/21/16 at 11:58 PM:* Two women were arrested after causing a disturbance inside and outside the bar. From the manner in which the call was entered, it appears the Officer came across the incident while patrolling the area. The Officer noted that the bartenders and bouncers were very cooperative with the Officers.
- (2) *Case #16-10573, 10/29/16 at 2:13 AM:* Officer observed a male urinating into a storm drain outside the front of the bar (just to the south and east of the main entrance, on Langsdorf St.-the bouncer was inside the doorway and could not observe the location the male was standing) while conducting a random check of the business due to the busy Halloween weekend. The male was issued a citation.
- (3) *Event #160134201, 10/29/16 at 2:22 AM:* Officers were still in the area from the previous incident when they observed a male outside the business in the back parking lot with an open cup of an alcoholic beverage. The male was counseled regarding open intoxicant laws and released with a warning.

Hiawatha Lounge, 713 Grant Street

- (1) *Case #16-10153, 10/17/16 at 10:04 PM:* A **bar employee** called to report an unruly patron that was refusing to leave. Officers arrived to witness the male touch another patron, who protested. The male's response was to stand up and act aggressively in a posture likely to induce a fight. Officers escorted the male from the premises and arrested him for Disorderly Conduct.
- (2) *Case #10-10496, 10/26/16 at 6:38 PM:* Officers conducted an alcohol compliance check at the bar. The bartender sold an alcoholic beverage to the underage volunteer and was issued a citation.

Twenty-five (25) Demerit Points were assessed to the bar for this violation.

Intermission, 325 N. 4th Street

- (1) *Event #160133670, 10/27/16 at 11:49 PM:* Officer was patrolling the area when he observed what appeared to be a fist fight ongoing on the sidewalk just south of the bar. Three male were detained and questioned, however they only admitted to being involved in an overly aggressive water fight with each other. They were released with no Law Enforcement action taken.

Limerick's Public House, 121 Scott Street

- (1) *Event #160128232, 10/15/16 at 12:27 AM:* A **bar employee** called to report a person outside the bar that was staggering and appeared to need assistance. The male was taken to the Health Care Center for observation.
- (2) *Event #160134121, 10/28/16 at 10:09 PM:* A bar employee called to report witnessing four girls outside the bar in the construction area messing around with the barrels. Officers located the girls and could not find any crime or other violation and they were released.

Loppnow's, 1502 N. 3rd Street

- (1) *Event# 160131708, 10/22/16 at 9:00 PM:* An anonymous caller reported suspicious activity after seeing a male walking around outside the bar, looking into parked vehicles. Officers responded and located a male that matched the description given. He denied looking into any cars and claimed it could have been his ex-girlfriend calling in a hoax complaint, since he had just seen a few minutes prior to the being stopped by Police. No Law Enforcement action was taken.

Malarkey's, 412 N. 3rd Street

- (1) *Event #160131825, 10/23/16 at 4:41 AM:* **Bar owner** called after locating a jacket with a pistol in it. Officers responded and collected the jacket and the gun. The gun was not stolen. Later the next day, the owner (who DOES have concealed carry permit) explained that he had left his gun and the jacket in a friend's car. The friend left before he did, and unbeknownst to the owner, brought the jacket with the gun into the bar. The owner left the bar not knowing that the jacket was in the bar. Officers were unable to prove that anyone intentionally brought the weapon into the bar while drinking. Although incredibly careless, no criminal charges were filed.

Oz, 320 Washington Street

- (1) *Event #160133325, 10/27/16 at 1:42 AM:* A male patron called the Police, requesting extra patrol because of several issued he had. He only wanted an Officer in the area. No Law Enforcement action was taken.
- (2) *Case #16-10857, 11/06/16 at 8:24 PM:* A male called to report his cell phone had been stolen at either the Grand Theater or the Oz bar. The phone was later located and turned in to Sprint.

Polack Inn, 1206 N. 3rd Street

- (1) *Case #16-10048, 10/15/16 at 12:44 AM:* Officers responded to a report made by a female patron about a male that was harassing and possibly threatening her. Officers learned that the female was on probation and wasn't supposed to be drinking or be at a bar. No foundation was found for her complaint (bartenders were asked and did not corroborate her description of suspect or events), and she

was arrested for violating her conditions of probation.

Bull Falls Brewery, 901 E. Thomas Street

- (1) *Event #160131730, 10/22/16 at 9:56 PM:* A business employee called about a suspicious male walking around in the parking lot. Officers responded and located some people matching the description in the nearby laundromat. They were advised to stay away from the Brewery.
- (2) *Case #16-10600, 10/29/16 at 5:34 PM:* A patron called to report a hit and run crash that occurred in the parking lot. A crash report was completed. No suspects were developed.

Christine's Bar, 936 S. 3rd Avenue

- (1) *Event #160137189, 11/05/16 at 2:32 AM:* Officer observed a disturbance involving several people in the parking lot of Baesman's, which is used as a parking lot for bar patrons. Officers attempted to stop, and everyone started leaving. Officers were able to stop and question some. None of them related anything criminal and refused to pursue anything against anyone else. All were released and no Law Enforcement action was taken other than to get the rest of the people to leave peacefully.

Lumpy's Bar, 265 Chellis Street

- (1) *Event #160132100, 10/23/16 at 10:55 PM:* A bar employee called to report seeing a suspicious vehicle circling the block and stopping outside the bar. Officers responded and located the vehicle. In questioning the operator about his action, he was initially not truthful. He eventually admitted he was there to meet someone else, who happened to owe him \$10.00. A consent search of the van and the operator located no weapons or contraband, and no other crime could be attributed to the male, so he was advised to leave the area. 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) *Case #16-9826, 10/09/16 at 12:57 AM:* An anonymous caller reported that there was a male in the bar that was drinking in violation of his rules of probation. Officers responded and located a male in the bar that was drinking and was on probation. The male was arrested for probation violation.
- (2) *Case #16-9998, 10/14/16 at 1:12 AM:* A bar employee called to report a male being violent in the bar and provided a description. Officers arrived and observed a male matching that description walking up the sidewalk throw a beer bottle towards a woman that was walking ahead of him. The male was not very cooperative during questioning, but was found to have a warrant for his arrest. The bar employees confirmed that the male that was stopped was the same male that was causing problems. They also attempted to keep him from leaving the bar with the beer, which is why he threw it. The male was found to have a valid warrant for his arrest. The male was issued a citation for having liquor on the street, and arrested for the warrant.
- (3) *Case #16-10000, 10/14/16 at 2:24 AM:* While Officers were at the bar investigating the above complaint, they heard a crash in the parking lot. The striking vehicle left the scene and Officers were not able to stop the correct vehicle. A crash report was completed.
- (4) *Event #160131810, 10/23/16 at 2:16 AM:* An anonymous call was received reporting that there was a fight in the parking lot. On arrival of Officers, it was learned that the responsible persons had already left and that it was a verbal dispute only. No further Law Enforcement action was taken. ****See note below w/ M & R Station.**
- (5) *Case #16-10500, 10/26/16 at 7:28 PM:* Officers conducted an alcohol compliance check at the bar. The bartender served an alcoholic beverage to the underage volunteer. The bartender was issued a citation. **The bar has been assessed twenty-five Demerit Points for this violation.**

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) *Event #160128309, 10/15/16 at 4:09 AM:* An anonymous caller reported that there was a black male outside the bar pounding on the door and yelling. Officers responded but were unable to locate anyone in the area.
- (2) *Case #16-10614, 10/30/16 at 2:07 AM:* An anonymous caller reported that there was a woman at the bar that was not supposed to be drinking. Officers located a woman that was on criminal bond, with a restriction that she was not supposed to be drinking. She was arrested for Bail Jumping.

- (3) *Case #16-10862, 11/06/16 at 11:25 PM:* A caller who refused to identify themselves reported that there was a couple that had been asked to leave the bar were refusing to leave and verbally arguing. Officers located the couple and after investigating the incident, decided to arrest the male for Domestic Battery and Domestic Disorderly Conduct. The male had allegedly pushed the woman and dragged her around the parking lot, injuring her hands and elbows.

****NOTE:** On 10/23/16, Officers had responded to Roc's Place for a report of a fight. During the investigation of that incident, Officers had contact with the owner of M & R Station, Rick Gordon. Mr. Gordon was upset that Officers were talking to him and was very confrontational. He also appeared to be intoxicated (he apparently had someone else tending bar).

101 Pub, 101 N. 3rd Avenue

- (1) *Event #160126021, 10/09/16 at 7:05 PM:* An anonymous call was received reporting that there was a male there that had way too much to drink and was verbally accosting people. Officers located the male and made sure a safe ride was arranged for him to leave.
- (2) *Event #160127223, 10/12/16 at 6:38 PM:* A citizen called to report that an intoxicated male had just parked his car and staggered into the bar. Officers responded but were unable to locate the vehicle. It had apparently left prior to their arrival in the area.

Mountain Lanes/Jump On It, 1401 Elm Street

- (1) *Case #16-10620, 10/30/16 at 9:00 AM:* An alarm was received from the security company. Officers responded and located a male claiming to be one of the owners locked out of the business. A false alarm form was completed.
- (2) *Case #16-10638, 10/30/16 at 9:02 PM:* Another alarm was received from the alarm company, reported to be a panic alarm. Contact was made with an employee who reported that it was accidental. Another false alarm report was completed.
- (3) *Case #16-10659, 10/31/16 at 2:23PM:* The **owners** contacted the Police to report a fraud. I have no details on this incident as there were no comments entered into the call and the report had not yet been completed.
- (4) *Case #16-10675, 11/01/16 at 3:23 AM:* Another alarm was received for the business. Officers responded and documented that there was a broken window located, but thought it to be old damage. The rest of the building was secure, and the listed key holders did not answer phone calls or respond to the location. Another false alarm report was completed.
- (5) *Case #16-10691, 11/01/16 at 11:18 AM:* A **bar employee** called to report a burglary to the business. All the cash registers and game machines had been broken into. A report was completed and evidence was collected. No named suspects have been developed as of yet.

Showtime Gentlemen's Club, 1709 Merrill Avenue

- (1) *Event #160134608, 10/30/16 at 2:58 AM:* An anonymous call was received reporting that there was an intoxicated woman staggering with a male. The caller thought it seemed that the woman did not want to be with the male while he was trying to keep her walking. They were last seen across the street from Showtime, walking towards Briq's. Officers responded and made contact with the couple, who were husband and wife. The woman was intoxicated and had fallen, injuring her head. She refused any medical treatment, but a cab would not take them because of the injury. Officers gave them a ride home and the husband assured Officers that he would monitor the intoxicated woman. There was no real indication that this had to do with the bar, other than a landmark for their location and that the woman was described as wearing lingerie-type clothing.

ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED

- **101 Pub, Buffalo Wild Wings, and Player's** dropped Points, down to 0, as a time drop off.
- An Alcohol Compliance Check was conducted on 10/26/16. The results are as follows:
 - Passed: **Tremor's, Applebee's, Cabaret, Cop Shoppe, Loppnow's, and Wausau Mine Company**
 - Failed: **Kohlman and Lee's IGA, Walgreen's #13371 (17th Avenue), Hiawatha, and Roc's Place**
 - Failing businesses were issued citations and twenty-five (25) Demerit Points

Respectfully submitted,
Lt. Michael Felder