

PUBLIC HEALTH & SAFETY COMMITTEE

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

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

Others Present: Alfonso, Rayala, Hardel, Kujawa, Klein, Hagenbucher, Mielke, Neal, and Lindsey Lewitzky

Minutes of previous meeting(s). (11/21/16)

Motion by Peckham, second by McElhaney to approve the minutes of the previous meetings (11/21/16). Motion carried 5-0.

Consider various license applications

Rasmussen noted there were no denial recommendations this month. Wausau Events 2017 special event applications were included on the list, as well as various license renewals.

Motion by Wagner, second by Kellbach to approve the licenses as recommended. Motion carried 5-0.

Update from CCITC and Wausau PD on replacement of Tiburon software system.

Gerald Klein updated the committee through a PowerPoint presentation on how they selected the software system. (*Presentation in committee packet online.*)

Discussion and possible action on adoption of guidelines/policy related to issuance of Operator's Licenses (Bartender's Licenses).

Rasmussen stated historically for the last six or more years applicants recommended for denial have had the option to come before the committee and the council to appeal. We have not had an actual process for the appeal and it can be daunting for individuals to pour out their stories in front of the committee and audience. She indicated Alfonso researched the law as to what it takes to legally possess a license and/or to deny one. The goal was to come up with a consistent appeal policy which lays out the criteria the chief has been using for his denial recommendations.

Alfonso stated the issuance of alcohol related licenses is governed by state statute; there are provisions in the statutes that set forth specific requirements for holding licenses. She pointed out in the statutes it states individuals may not be a convicted felon where the circumstances of the conviction are substantially related to the activity/job. They also may not be a habitual offender where the offenses are substantially related to the job. She stated we should not be giving licenses out to people who have felony convictions substantially related and the only exception is where a person has received a pardon by the Governor. She noted our policy has been OWI and drug convictions are substantially related. She went into more detail regarding the statutes and similar case law.

Rasmussen felt there has been some confusion on the criteria for denial and although the chief, clerk's office and the committee know what it is, it has not been published where the public, employers and the council can see it. Chief Hardel agreed the criteria needs to be publicly accessible instead of just telling individuals verbally. Rasmussen commented too many times decisions to overturn a denial recommendation have been made on an emotional basis. If they have a felony conviction that is substantially related to the activities of bartending the state statutes says they cannot legally hold a bartender's license.

Peckham felt we need to continue to legitimately hear an appeal of a denial when someone feels their life situation has changed and he did not see that the form proposed provided that option. Rasmussen stated we can consider overturning a recommendation where there is a record of misdemeanor convictions and the individual can convince the committee of a direction change, but not with substantially related felony convictions unless there was a pardon. Neal commented they should be careful not go too broad in what they consider substantially related and become too restrictive. Peckham requested they amend the appeal form by adding a check box that states: "I believe the felony I have been convicted of is not substantially related to the service of alcohol beverages and is not contained within the policy as previously published." *Discussion followed.* Peckham also asked for a checkbox with the word "other" and "attach separate sheet if needed."

Motion by Wagner, second by McElhaney to approve the policy and add the two revisions to the appeal form as stated above. Motion carried 5-0.

Operations Report from Fire Department for November 2016

No comments. Report placed on file.

Tavern Activities / Compliance Checks / Law Enforcement Activities

Hardel presented the Tavern Report for November 7, 2016 through December 4, 2016 (*See attached*)

Hardel commented the committee had requested that they keep track of bartenders that have repeated violations. He indicated that Lt. Mike Felder now has a spreadsheet that he keeps with the bar report and anytime a bartender is cited, he enters the name into the spreadsheet. In the event a bartender has multiple violations of selling to underage individuals, this can be considered as a reason for non-renewal of the Operator's License.

Communications

None.

Adjourn

Motion by Peckham, second by Kellbach to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:05 pm.

Attachment

Wausau Police Department



James E. Tipple
Mayor

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

Date 12/06/16
To Chief Hardel
From Lt. Mike Felder

Subject TAVERN REPORT November 7, 2016 through December 4, 2016

ROUTINE TAVERN INSPECTIONS (No violations unless noted)

Denmar Tavern, 601 W. Thomas St.
Domino Bar, 740 Washington St.
Eagle's Club, 1703 S. 3rd Ave.
Glass Hat, 1203 N. 3rd St.
Hiawatha Restaurant & Lounge, 713 Grant St.
Intermission, 325 N. 4th St.
Jim's Corner Pub, 1244 S. 9th Ave.
Cruisin, 1724 Merrill 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.

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 Bar, 1515 N. 6th Street

- (1) *Event #160140445, 11/12/16 at 7:33 PM:* An anonymous caller reported that they felt there was drug activity occurring in the alley behind the bar. The caller reported seeing a white Mercedes enter the alley and saw a male walk up to the car. The caller did not specifically say that the people observed had come from the tavern itself. This information was passed on to the drug unit.

Cop Shoppe Pub, 701 Washington Street

- (1) *Event #160139295, 11/09/16 at 11:36 PM:* **Bartender called** to request assistance with a male that was refusing to leave after having been told to do so. She had requested he leave because he was "hitting on" the bartender three hours. Officers made contact with the male, who had been asked to leave earlier. The male denied having been asked to leave, but left without any problem. He was advised that if he returned to the property that night, he would be cited or arrested for trespassing.

- (2) *Event #160142356, 11/17/16 at 10:40 AM:* A **bar employee** flagged an Officer down after a woman that was walking by had thrown her bottle of soda against the outside wall of the bar. The Officer made contact with the woman, who was known to the Officer as often being intoxicated. He warned her regarding her behavior, as there was no damage to the bar.

Glass Hat Bar, 1203 N. 3rd Street

- (1) *Event #160138362, 11/07/16 at 6:21PM:* The **bar owner** called to report finding a lost wallet. The wallet was returned to the owner at the Police Department.
- (2) *Case #16-11386, 11/21/16 at 9:16 PM:* A **bar employee** called to turn in a WI driver's license that was confiscated after the ID's owner had given it to another (presumably underage) person to use for ID to get into the bar. The employee contacted us after the fact, so I was unable to determine who had presented the ID for the second time. I returned the ID to the original owner, who tried to claim it stolen. I warned him that giving his ID to another to use is a misdemeanor crime, and only the specific circumstances of the way it was turned over to me prevented that from happening.

Intermission, 325 N. 4th Street

- (1) *Case #16-11503, 11/25/16 at 10:02 PM:* Officers were called to the tavern in reference to an intoxicated patron that had been removed from the bar after hitting several people inside. The woman fled the scene upon Officers' arrival, however her identity is known (she left her purse behind) and charges were referred to the District Attorney's Office.

Loppnow's, 1502 N. 3rd Street

- (1) *Case# 16-11389, 11/21/16 at 11:53 PM:* Officers responded to the property for a commercial burglar alarm. The business was secured and appeared closed. A false alarm report was completed.

Malarkey's, 412 N. 3rd Street

- (1) *Event #160145774, 11/26/16 at 1:45 AM:* A patron called to report the theft of a pager. The patron later called back to report that it was found. No Law Enforcement action needed.
- (2) *Event #160149003, 12/04/16, at 5:11 AM:* A caller who refused to identify themselves reported a male passed out in a vehicle directly in front of the tavern. Officers (night shift) and EMS responded and found the man sleeping, after having vomited out the window of the driver's door. The vehicle was not running, and the male refused to identify himself fully. WIDOT records were down at the time, so vehicle registration information was not available. He declined any and all medical attention offered. He was warned against driving the vehicle based on his current condition and allowed to remain there. There is no indication, other than the location the vehicle was parked, that indicated the male had been at Malarkey's during the night.
- (3) *Event #160149011, 12/04/16 at 7:19 AM:* Another call is received regarding the male in the vehicle in front of Malarkey's. The male is now vomiting again. A day shift Officer responds and determines that the male will be transported to Aspirus ER by his mother for an evaluation, possibly from intoxicants.

Cheer's Bar, 101 E. Thomas Street

- (1) *Case #16-11695, 11/30/16 at 9:20 PM:* A bar employee called to report that a male patron had gone behind the bar and stolen money, while the employee had stepped into a back room to put a broom back. There are no definitive suspects at this point, although some trace evidence was collected. Just over \$1000.00 was taken.

DenMar Bar, 601 W. Thomas Street

- (1) *Case #16-11421, 11/23/16 at 5:20 AM:* Officers responded to a commercial burglary alarm. The business was secure on arrival. An employee responded and was unable to determine the cause for the alarm. A false alarm report was completed.

Treu's Tic Toc Club, 1201 W. Thomas Street

- (1) *Event #160139711, 11/10/16 at 10:35 PM:* A citizen called to report that there was a male named "Kurt" in the bathroom, banging his head against the wall. There was also third-hand information that he was going to shoot himself. Officers responded and did not locate anyone in the bathroom. They did locate a male named "Kurt" in the bar. He was there with his wife, and denied having been hitting his head on the wall or being suicidal. There was no one else in the bar that indicated they were in distress. No action was taken.
- (2) *Case #16-11404, 11/22/16 at 1:28 PM:* Officers responded to a panic alarm from the tavern. Contact was made with the bartender on duty and no problem was noted. A false alarm report was completed.

Tremor's Sports Pub, 516 W. Thomas Street

- (1) *Event #160144303, 11/22/16 at 9:33 AM:* A citizen filed a report with an Officer that she believed her underage (19yo) daughter was being served in the bar when she went there with her 23 yo boyfriend. There were screen shots on Facebook that showed her there. Officer made contact with the complainant, who stated she had already talked to the bar manager. The manager said they were

working on training their bartenders on reading identifications. The investigating Officer examined the pictures and was not able to match them to the interior of the bar with enough confidence to confirm they were in Tremors. The manager claimed not to recognize the woman in the pictures. We were not able to say definitively that the underage woman was in Tremors with the information that was provided. The Officer also spoke with the bar manager and warned them to be extra diligent. The young woman is not from the area and has no local address or contact information.

M & R Station, 818 S. 3rd Avenue

- (1) *Event #160138656, 11/08/16 at 12:44 PM:* An anonymous caller reported that there were two “girls” that came into the bar with a five year old, and left a sleeping infant locked in the car outside while they were in the bar. Officers, who were on scene in about three minutes, were unable to locate any vehicles with infants inside.
- (2) *Event #160144271, 11/22/16 at 6:08 AM:* An Officer noticed two males run from the back of the bar upon seeing the Officer. They initially ran into the fenced in area around the back of the bar. By the time the Officer got there, the two said something about getting a shoe and climbed the fence to get away. The Officer was unable to locate them again. The Officer saw no damage to the property and took no further action.
- (3) *Case #16-11532, 11/26/16 at 3:33 PM:* A citizen called to report that they were a victim of a hit and run property damage crash, while their car was parking in the bar parking lot the previous night. The bar owners provided video footage that assisted the Officer in locating the suspect. The suspect received a citation for hit and run.
- (4) *Event #160146831, 11/28/16 at 8:24 PM:* A caller who refused to identify themselves reported that there was a woman in the bar that was not supposed to be drinking. The dispatcher provided a name that was given by the caller, however, it was likely incorrect. Officers responded to the bar and were not able to locate anyone by the name provided by dispatch, and when asked, no one at the bar heard of the person or anyone similar. No further action was taken.

Days Bowl-A-Dome, 1715 Stewart Avenue

- (1) *Event #160145487, 11/25/16 at 11:31 AM:* Officer took a walk-in complaint at the PD in reference to harassment that the complainant had gotten by her ex-boyfriend while she had been at Day’s the previous night. The Officer detailed the information on CAD comments, and provided direction on obtaining a restraining order.
- (2) *Case #16-11850, 12/03/16 at 10:54 PM:* Officers responded to a minor parking lot crash. A non-reportable crash report was completed. No citations were issued due to it being on private property.

Players, 4411 Stewart Avenue

- (1) *Case #16-11547, 11/26/16 at 11:04 PM:* Officer took a complaint from a citizen regarding a theft from her purse. The complainant had left her purse at the bar the night before. She sent her son to retrieve in the following day, and when he returned, the wallet was missing. Officer will be checking with the bar surveillance system, but as of now there is no viable suspect.

101 Pub, 101 N. 3rd Avenue

- (1) *Event #160140805, 11/13/16 at 5:44 PM:* Officers responded to the bar after a patron called to complain that there was a woman there that was causing problems and “needed to leave.” Officers made contact with the bartender, who admitted he hadn’t called. He stated the woman was a bit boisterous, but that she could stay. The woman said she would stay, but wouldn’t be returning to the bar in the future. No further Law Enforcement action was taken.
- (2) *Event #160142898, 11/18/16 at 3:49 PM:* A citizen called to report that a patron had brought in a dog with them that appeared to be scared. The Humane Officer responded with an Officer and located the dog. The dog’s owner was holding it, and it was in fine health. No action was taken.

Baker’s Retreat, 1418 Lenard Street

- (1) *Case #16-10909, 11/08/16 at 5:30 AM:* Officers responded to a report of a commercial burglar alarm. The key holder responded and the building was found to be secure. A false alarm report was completed.
- (2) *Event #160147499, 11/30/16 at 1:57 PM:* **Bar owner** called the Police in reference to suspicious activity. She reported that there was a car parked in the parking lot with two males sitting in it (bar was not open at the time). An Officer responded and made contact with the vehicle and two occupants. Their identities were confirmed and they said they were waiting for the bar to open. No further action was taken.

Chatterbox Bar, 102 S. 2nd Avenue

- (1) *Event #160143313, 11/19/16 at 3:44 PM:* Officers and EMS responded to the bar for a report of a male that was passed out. They were able to wake the male, who PBT’d at a .31% BrAC. They were able to contact his wife, who took custody of him.

Cruisin1724, 1724 Merrill Avenue

- (1) *Event #160148973, 12/04/16 at 1:43 AM:* Officers responded to an anonymous complaint of loud music coming from the bar. Officers drove through the area, including right next to the bar, and heard no noise to substantiate a complaint.

Labor Temple, 318 S. 3rd Avenue

- (1) *Event #160140142, 11/11/16 at 10:57 PM:* An Officer responded to the bar parking lot for a request to open a locked vehicle.
- (2) *Case #16-11446, 11/23/16 at 11:23 PM:* Officers responded to a report of a male being loud and abusive with his wife. Further information was received that the male had a loaded rifle in his vehicle with him, while the wife was still in the bar. The male was threatening to hurt himself and his wife. The male was taken into custody without incident and charged with Domestic DC. A rifle was located and secured at the Police Department.
- (3) *Event #160148550, 12/03/16 at 12:10 AM:* A patron called Police to report being harassed by other bar patrons, making reference to his race and sexuality. The patrons he accused denied the allegation, the bartender just wanted the male to pay his tab and leave, and another neutral couple described the male as a constant “complainer.” In the end, his complaint was unsubstantiated and no Law Enforcement action was taken.

Mountain Lanes/Jump On It, 1401 Elm Street

- (1) *Event #160143486, 11/20/16 at 2:02 AM:* A patron called the Police to complain that he was having problems with his girlfriend. Officers responded and made contact with the caller and his girlfriend. It was determined that, although they were having a verbal argument, nothing occurred that rose to the level of a crime. They were separated for the night. No further Law Enforcement action was taken.
- (2) *Event #160143489, 11/20/16 at 2:26 AM:* While on the above reported call, Officers noted a woman “stumbling” from the bar to her car and get in to leave. Officers made contact with the woman and had a conversation with her about driving after she had been drinking. She submitted to a PBT, which registered .161% BrAC. She was turned over to a friend that had much less to drink.

Showtime Gentlemen’s Club, 1709 Merrill Avenue

- (1) *Event #160139290, 11/09/16 at 11:10 PM:* Officers received a call from a complainant the refused to identify themselves about a woman who was working at the tavern as a dancer, but was on criminal probation. Officers responded and located the person the caller was referring to, and confirmed that she was on the premises. Officers contacted the after-hours probation/parole office, who decided not to place a probation hold on the woman since she was actually working and had not been drinking any alcohol. They advised Officers to have her report to her probation agent the following day and she was escorted from the property.

ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED

There were no additional points assessed during the past month. Due to scheduling conflicts, Alcohol Compliance checks were not conducted. A compliance check is already scheduled for the next period.

Respectfully submitted,
Lt. Michael Felder