

## **PUBLIC HEALTH & SAFETY COMMITTEE**

Date and Time: Monday, October 15, 2018, at 5:15 pm, (Council Chambers)

Members Present: Rasmussen, Kellbach, Peckham, and McElhaney

Members Excused: Herbst

Others Present: Alfonso, Rayala, Bliven, Kujawa, Goede, Bishop, DeSantis, Czarapata, Jameson Diedrich, Eboni Smith, Daniel Bacholl.

### **Minutes of the previous meeting(s) (9/17/18, & 9/25/18)**

Motion by Kellbach, second by Peckham to approve the minutes of previous meeting (9/17/18 & 9/25/18). Motion carried 4-0.

### **Consider approval or denial of various license applications**

Rasmussen stated there were two denial recommendations for Operator's Licenses: Jameson Diedrich and Eboni Smith; and three denials for Public Transport Licenses: Daniel Bacholl, Dwaine C. Hammons II, and Samantha Williams.

1. Jameson Diedrich addressed the committee asking them to consider the fact that for the past three years he has re-applied once a year for his license. He stated he has not had any new charges for the past year and a half and obtained a bartender's license in Rib Mountain. He indicated he had a new position at Timekeeper Distillery and the owners were present with him in support of approval of a license. They would like him to be a key holder of the premises. He pointed out the OWI charge that was pending has been expunged and the two THC possession charges were for very small amounts and were more than three and four years old respectively.

Chief Bliven indicated he had a conversation with Mr. Diedrich about this application and explained our policy and although his record met the criteria for a denial recommendation, one of the charges is almost outside of the five year window. He noted he hasn't had a violation for two and half to three years, so the committee could take all of this into consideration in regard to his appeal.

Motion by McElhaney, second by Peckham to consider Jameson Diedrich separately from the batch and to grant the Operator's License. Motion carried 4-0.

2. Eboni Smith stated she recently had disorderly conducts and domestic related charges with her ex-boyfriend which happened at home. She indicated she also received a possession charge, but was trying to take responsibility for all of her actions to correct them to become a better person. She was trying make sure she has a job so as to keep busy and not to find herself in all this trouble. An Operator's License would give her opportunities for more jobs and responsibility.

Rasmussen was concerned because these violations were very recent and one was a 2018 felony charge for criminal damage to property. Chief Bliven clarified the felony was dismissed but read in. Rasmussen pointed out that one of the domestic charges had a notation for use of a weapon. She felt Ms. Smith needed some time to pass without any more charges before they could consider granting the license.

3. Daniel Bacholl appealed the denial of his Public Transport Driver License and submitted some letters from Corrections and Northcentral Health Care in support. His employment specialist through NCHC was present on his behalf, noting the crime was approximately 15 years ago and that he was one of their model clients in the community treatment program. She stated he had a good support team.

Rasmussen stated she had serious concerns with the charge of First Degree Intentional Homicide Felony A. Chief Bliven stated Mr. Bacholl was found Guilty but Not Guilty Due to Mental Disease/Defect. He felt the community would be concerned with a driver with that record so he confirmed his recommendation of denial.

It was noted that Dwaine C. Hammons II and Samantha Williams were not present to appeal.

Motion by Peckham, second by McElhaney to approve or deny licenses as recommended by staff. Motion carried 4-0.

**Discussion and possible action regarding an ordinance creating Section 5.64.036 Drive-up Sales**

Rasmussen stated a couple months ago Applebee's was seeking a premise amendment to allow the delivery of alcoholic beverages in their "Carside to Go" pick up spot. These type of requests are being test marketed in Wisconsin to see which communities will allow it. She noted the City of Neenah has already passed an ordinance which places a restriction on Drive-up alcohol sales, also called Click & Collect. She commented a Class B license premise can sell closed containers for carryout at any time, but they conduct that transaction face to face by a licensed server so they can determine if the person is overserved or underage. This type of premise amendment would allow Applebee's to sell alcohol and pass it through a car window with the food. She indicated through previous committee discussion there was a consensus that alcohol transactions should take place inside the licensed establishment where the bartender can see the person making the purchase.

Rasmussen indicated the ordinance under consideration is the same as the one adopted in Neenah. It adds to our licensing chapter that drive-up alcohol sales are prohibited. She referred to a couple of articles in support of regulation of Click & Collect alcohol sales from Marathon County AOD Partnership Council and the League of Wisconsin Municipalities.

Peckham commented he did not feel our community needed any more opportunities to buy alcohol, as there are already plenty. He felt it could pose potential problems and we have experts advising us to stay away from it.

Motion by Peckham, second by Kellbach to approve the ordinance prohibiting Drive-up alcohol sales. Motion carried 4-0.

**HEARING: Appeal of Revocation of Recreational Fire Permit - Jesse and Nicole Schellinger, 1760 Cherry St.**

Rasmussen explained the procedure for the quasi-judicial hearing and the witnesses to give testimony were sworn in by the clerk: Police Chief Ben Bliven, Fire Marshall David DeSantis, Fire Battalion Chief Paul Czarapata, and property owners Nicole and Jesse Schellinger. (Full testimony can be accessed on the city's website by viewing the meeting.)

Testimony was given by Nicole and Jesse Schellinger explaining each incident reported at their property and indicated that they felt a neighbor was targeting them. Questions followed by the committee members and Attorney Alfonso.

Testimony by the Fire Department was given by Paul Czarapata and Dave DeSantis, as well as Police Chief Bliven. A body camera video was shown to the committee. Alfonso followed up with questions and showed a body-cam video of the September 2<sup>nd</sup> response to the property.

**CLOSED SESSION** pursuant to Section 19.85(1)(a) of the Wisconsin Statutes for the purpose of considering the following: Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before the governmental body

Motion by Peckham, second by Kellbach to convene in Closed Session. Roll Call Vote: Ayes: McElhaney, Kellbach, Peckham and Rasmussen. (Herbst not present). Noes: 0. Motion carried 4-0.

**RECONVENED into OPEN SESSION** and announce results of deliberations on appeal of revocation of Recreational Fire Permit.

Rasmussen read the Findings of Fact and Conclusions of Law upholding the revocation of the recreational fire permit held by Jesse & Nicole Schellinger, issued by Fire Chief Tracey Kujawa on September 7, 2018.

**HEARING: Cameron Mayotte, owner, appeal of dangerous animal declaration dated October 8, 2018 – Dog: Capone**

Rasmussen stated Cameron Mayotte was not present, therefore the decision dangerous animal declaration is upheld.

**Operations Report from Fire Department for September 2018**

Peckham questioned what a "good intent call" was noted in the report. Czarapata explained these were calls they receive from cell phones that are not fires or car accidents, but someone is calling with good intent that there may be an issue which they have observed. *Report placed on file.*

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

Chief Bliven presented the Tavern Report for September 1, 2018 through September 30, 2018. *(See attached)*

McElhaney commented on the many incidents on the report of both Christine's and Roc's Place and asked the Chief to address it. Chief Bliven stated staff has a good rapport with the staff at Christine's. He indicated Roc's Place is heavily patrolled on a nightly basis and mitigating as much as we can. *Report placed on file*

**Communications**

None

**Adjourn**

Motion by Kellbach, second by Peckham to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:10 pm.

Attachment



Wausau Police Department

Robert B. Mielke  
Mayor

Benjamin K. Bliven  
Chief of Police

**Date:** 10/09/18  
**To** Chief Bliven  
**From** Lt. Mike Felder

**Subject TAVERN REPORT September 1, 2018 through September 30, 2018**

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

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**Malarkey's**, 412 N. 3rd St.  
**M & R Station**, 818 S. 3<sup>rd</sup> Ave,  
**North End Pub**, 1002 N. 3rd Ave.  
**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.  
**Treu's Tic Toc Club**, 1201 W. Thomas St.  
**Wanda's Chapter Two**, 1810 Merrill Ave.

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

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None.

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

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None.

**ALCOHOL COMPLIANCE CHECKS**

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None.

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

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**6<sup>th</sup> Street Pub**, 2002 N. 6<sup>th</sup> Street

- (1) Event #180118335, 09/24/18 at 1:26 AM: An **employee** called to report a stray dog. The dog had no tags and no chip. It was taken to the Humane Society.

**Cop Shoppe Pub**, 701 Washington Street

- (1) *Event #180113918, 09/14/18 at 2:05 AM:* An anonymous complaint was received about a fight at the bar. The fight was described as involving five (5) people, in which a male hit a female. The fight must have happened outside or moved outside, as the woman was said to have gone back inside the bar. Some of the males were said to have taken off their shirts. Officers responded and saw people running. One male was caught. The male that was caught and witnesses spoken to at the scene denied that there was a physical altercation. Officers did not obtain enough information to substantiate an arrest. The bartender was not aware that there had been an altercation.

**Domino Bar**, 740 Washington Street

- (1) *Event #180111303, 09/08/18 at 1:39 AM:* An Officer called out at the bar because he heard people yelling. Two cousins were spoken to after they admitted they were arguing because one wanted the other to leave the bar because he had too much to drink. They were both put in a cab and left.
- (2) *Event #180115568, 09/17/18 at 7:04 PM:* Officers responded to the bar for a call of a male that was in the parking lot of the bar who was described as acting as if he was “on something.” Officers located the intoxicated male in the west parking lot, and were familiar with him as a local veteran with severe PTSD. The Officers assisted him in returning home.
- (3) *Case #18-11315, 09/26/18 at 8:13 PM:* An Officer observed a vehicle arrive at the bar that he thought had occupants with warrants. The Officer approached the driver of the vehicle after he had gotten into the bar. The male lied about his identity; however the Officer discerned the male’s true identity. The male was arrested for several warrants for failure to pay.

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

- (1) *Event #180114468, 09/15/18 at 1:43 AM:* An Officer was waived down by a **bouncer** and advised of a person that had been at the bar with stun gun. The male had not threatened anyone with the stun gun, but the bouncer had asked the male to leave. The male left without an issue. He was last seen walking to the west. Officers checked the area but were not able to locate the male.
- (2) *Event #180117980, 09/23/18 at 2:05 AM:* An Officer was driving by the bar when he heard a male yelling into the bar, “Don’t put your hands on me!” The Officer spoke with the male, who said he was upset that a female was touching him. He said he had no issues and was alright. The Officer also spoke with the bouncer, who also said everything was alright.
- (3) *Event #180121065, 09/30/18 at 3:34 PM:* A citizen reported that his jacket “went missing” the prior night. An Officer spoke with the male and advised him that he could fill out a self-report form online, if he was not able to obtain any suspect information.

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

- (1) *Event #180117500, 09/22/18 at 2:25 AM:* A call was received reporting that there was a fight in front of the building. Weapon involvement and the number of people involved were unknown. Officers responded and spoke with several people. One person saw people fighting, but saw them all “take off.” One woman reported that she was trying to stop a male from driving drunk, when he grabbed her arm. She did not want to pursue any charges. A bartender was contacted and they reported seeing fists being thrown, but didn’t know where everyone went. One Officer reported seeing a black Crown Victoria leaving the area at a high rate of speed, but the vehicle was not pursued. No arrests were made.
- (2) *Case #18-11197, 09/23/18 at 2:32 AM:* Officers were called to a report of a fight in the back parking lot of the bar. The report included a description that someone in a green plaid shirt had hit a female. Officers responded and located a large group in the parking lot behind the bar. Two women were interviewed who stated they were trying to break up a fight. One was shoved, the other was elbowed in the face (received a bloody lip and nose). A male suspect was identified, arrested and taken to Jail.

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

- (1) *Case #18-11478, 09/30/18 at 1:07 AM:* An Officer driving by observed two males engaged in a fist fight behind the bar. The Officer stopped and learned that the two were roommates, and would only say that they were fighting over “roommate issues.” Since they lived together, both were arrest and charged with domestic disorderly conduct and taken to Jail.

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

- (1) *Event #180111274, 09/08/18 at 12:14 AM:* A person who refused to be identified called to complain about the noise from the bar. There were no comments entered into the call by any Officers.
- (2) *Event #180111288, 09/08/18 at 12:41 AM:* A second call from a person who refused to be identified called to complain about the music. They mentioned that it went down for a bit, but then started up loud again. Officers noted that they spoke with bar employees and advised them that two complaints had been received about the noise. The bar employee noted that there was a live band and that it was almost done. The door was closed for the remainder of the night.

**Wausau On the Water**, 1300 N. River Drive

- (1) *Event #180110758, 09/06/18 at 9:51 PM:* A person that refused to be identified called to report that there was a person that had been drinking at WOW, and then left. People had tried to keep the person from driving, but were unsuccessful. An Attempt to Locate (ATL) was broadcasted.

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

- (1) *Event #180111718, 09/09/18 at 1:38 AM:* A **bar employee** called 9-1-1 to report a fight. The dispatcher noted that she could hear a female yelling to get off the property, and people fighting. Officers responded, but saw no fight. The bartender told Officers that a fight had started outside the

bar, but all the involved people left when she told them she was calling the Police. Officers noted that the bar was starting to clear out.

- (2) *Event #180114460, 09/15/18 at 1:14 AM:* Officers responded to a report of a fight. On arrival, the investigation led to the removal of several people from the bar. It was learned that a female had gone up to a male in the bar and either punched or slapped him in the forehead. When asked about it, the female said that the male had sexually assaulted her, although she had not reported it. When they saw each other in the bar, he smiled at her, which led to her confrontation of him. He admitted that it hurt, but did not want to pursue charges against the woman for hitting him. The woman was encouraged to come to the Police Department the following day to report the sexual assault. They all left the bar without issue.
- (3) *Case #18-10921, 09/16/18 at 2:14 AM:* Officers were at the bar conducting extra patrol when they came across one person that was drinking outside, and another that urinated off of the front porch of the bar. The male that had the drink outside was initially cited for the violation, but it was later voided. It was not noted as to why the citation was voided. The male that was urinating was issued a citation for Disorderly Conduct.
- (4) *Case #18-11255, 09/24/18 at 11:26 PM:* Officers were called to the bar for what started as an argument that escalated to a physical altercation involving several people. On arrival, some people fled. Others refused to cooperate with the investigation by saying nothing happened. One Asian woman reported that she came to the bar with two white male friends. She made it into the bar, but an Asian male in a Packer's shirt closed the door behind her, preventing her friends from coming in. The male holding the door allegedly said they weren't allowed in because they were not the right race. The reporting woman was able to push the door open, and saw that people were swinging at her two friends. She was punched twice by a male in the crowd. Officers were not able to locate the reporting woman's friends to corroborate the complaint. They were also not able to locate the male that had struck the reporting woman. The male in the Packer's shirt was located and identified. He claimed he was also struck by a woman, but declined to pursue charges. The reporting woman stated she wished to pursue charges against the male that hit her, however she did not know him, and he was not located at the scene. Officers were hoping to review surveillance video to possibly identify that suspect. No arrests were made at the scene.
- (5) *Event #180120406, 09/29/18 at 12:21 AM:* A person who refused to identify themselves called to report that there was a male in the bar that was on Probation and not supposed to be in the bar. Officers responded, but did not locate the male. Probation and Parole was advised of the information. As of late, Probation and Parole has not been authorizing holds for people violating *only* the drinking restrictions on their Probation records.

**Denmar Tavern, 601 W. Thomas Street**

- (1) *Event #1801085565, 09/02/18 at 1:49 AM:* Officers responded to a report of a found dog. A roommate of the dog owner came and collected the dog. The Officer noted that the dog appeared somewhat skinny, and dirty, so the Humane Officer was advised in hopes of conducting follow up with a welfare check on the dog's living conditions.

**Eagle's Club, 1703 S. 3<sup>rd</sup> Avenue**

- (1) *Event #180108327, 09/01/18 at 4:03 PM:* An Officer responded to the bar for a vehicle lock-out. The vehicle was opened without issue.
- (2) *Event #180108456, 09/01/18 at 9:27 PM:* An Officer responded to the bar with the Fire Department for a fire alarm. No fire was located.
- (3) *Case #18-10446, 09/04/18 at 12:51 AM:* Officers responded to the bar for a commercial burglar alarm. A cleaning person was found inside. A false alarm report was completed.

**Roc's Place, 810 S. 3<sup>rd</sup> Avenue**

- (1) *Event #180108548 and 180108552, 09/02/18 at 1:12 and 1:34 AM:* A person that refused to be identified reported that there was a woman in the bar that had a "no drink" clause on her bond conditions. Due to call volume, to include a "shots fired" call, Officers were unable to check the bar for her.
- (2) *Event #180110794, 09/06/18 at 11:34 PM:* A person that wished to remain anonymous reported that there was a woman attempting to enter the bar with a "work ID." The woman was stopped by the security of the bar, but continued to try to get in. Officer responded, and made contact with the bartender, who was not aware of anyone presenting a work ID for proof of age. He did recall denying people earlier in the night that did not have proof of age. The security was not present when the Officers were there. The Officers reported seeing no one that appeared to be underage.
- (3) *Event #180111232, 09/07/18 at 10:19 PM:* Officers stopped at the bar to attempt to locate a frequent customer that had a warrant. He was not located.

- (4) *Event #180114942, 09/16/18 at 2:18 AM:* The **bartender** called to report a woman that would not leave the parking lot. She was arguing with others in the lot. Officers responded and detained a woman that was causing a disturbance after being asked to leave. She was detained, identified and released after she calmed down.
- (5) *Event #180120384, 09/28/18 at 11:24 PM:* The **security** called about a woman that was “getting into people’s faces.” Officers responded and spoke with security. The woman had left. They did not know who she was, but had pushed one of the security guards. They declined further prosecution since she had left and caused no injury.
- (6) *Case #18-11481, 09/30/18 at 1:36 AM:* Officers were conducting extra patrol at the bar when they observed people sitting in a parked car in the lot. In checking those people, they were found to be underage and in possession of an open bottle of alcoholic beverage. Right in the middle of that, while Officers were in the back end of the parking lot, with a marked squad, a fight broke out on the sidewalk in front of the bar. Officers left the underage people to address the fight, which was involving a crowd of people. One woman got upset when an off-duty bouncer grabbed a cup from her hand just before she walked out of the bar with it. The patron spit in the direction of the bouncer, and several people started getting involved, pushing and shoving. No one was injured. The woman who spit towards the bartender was arrested for Disorderly Conduct. During the disturbance, the car that had the underage people in it left, with the underage people. It was never determined that the underage people had been in the bar.

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

- (1) *Event #180109786, 09/04/18 at 10:36 PM:* The **bartender** called to report two suspicious males, after she saw them walking around the bar, looking in windows and coming in and out of the bar. She locked the bar doors after they left. Officers responded and were not able to locate anyone she described.
- (2) *Event #180110684, 09/06/18 at 6:35 PM:* The **bartender** called to request a welfare check of a male acting strangely outside the bar, noting that he shouldn’t drive. Officers responded and were on scene within five minutes of being dispatched. The vehicle left the scene before they got there, last seen heading westbound on Thomas Street. Officers checked parks and other taverns in the area, but were not able to locate the vehicle.
- (3) *Event #180117931, 09/22/18 at 11:59 PM:* The **bartender** called because a male that she had stopped serving refused to leave when asked. Officers responded and arrived within two minutes of being dispatched. The male was apparently gone. Officers spoke with the bartender, who said the male was staring at girls, and was afraid a fight would start because of it. The male had left.

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

- (1) *Event #180109839, 09/05/18 at 1:36 AM:* A person that refused to be identified reported that there was an intoxicated woman at the tavern that was about to leave and drive drunk. The caller reported that the woman’s car was parked in the Oriental Market parking lot. Officers responded and located the car, however the woman never left by driving the vehicle.
- (2) *Case #18-10920, 09/16/18 at 3:05 AM:* The bar owner called to report that there was a woman pounding on the door to the bar. She was yelling about a phone charger and wanting to be served a drink. Officers responded and took the complaint from the owner. The woman was located while still speaking with the owner. She was arrested for Disorderly Conduct and Bail Jumping.
- (3) *Event #180120899, 09/30/18 at 2:18 AM:* A citizen called to report the possible abduction of a woman from the bar. He reported seeing a woman being taken against her will from the bar, while she was saying, “Don’t hurt me.” The reporting person did not call until he had left and gotten home. Officers responded and spoke with several patrons at the back of the bar. It was a woman that was intoxicated, being taken from the bar by friends because she had too much to drink. She was a little upset because she didn’t want her night to end.

**Day’s Bowl-A-Dome**, 1715 Stewart Avenue

- (1) *Event #180113480, 09/13/18 at 7:22 AM:* An employee called to report that there was a male there that was walking in the area and thought he was being followed by a silver van. An Officer responded and was unable to locate the male.

**Hutch’s Bar**, 4411 Stewart Avenue

- (1) *Case #18-11373, 09/27/18 at 10:54 PM:* Officers responded to the tavern for a commercial burglar alarm. On arrival, the front door was not secured. Officers cleared the interior, but no key holder responded. The Officers were able to secure the door. A false alarm report was completed.

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

- (1) *Event #180109803, 09/05/18 at 12:04 AM:* A citizen called to report that there was a white pickup truck that had been doing “donuts” at a different location, but parked in the parking lot of the 101 Pub.

An Officer responded, and monitored the vehicle, but never saw it move again.

- (2) *Event #180113110, 09/12/18, at 2:19 PM:* The bar owner called to speak with an Officer regarding a threat that was left in note form, attached to a fence on the property. An Officer called the owner, but she didn't answer. A message was left, but no other comments were noted in the call.
- (3) *Event #180114889, 09/15/18 at 11:42 PM:* A person that refused to be identified reported seeing a highly intoxicated woman get into a vehicle. She was sitting in the car looking for her purse. She told the reporting person that she was a bartender at Chatterbox (just not working that night). Officers responded and located the woman as she was re-entering the bar. The reporting person said she had been laying on the sidewalk/curb. The woman was belligerent with Officers and other bar patrons. A male friend of the woman agreed to take her home safely. She was denied entry back into the bar.

#### **ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED**

- **Hmong Eggroll Restaurant** was assessed **twenty-five (25) Demerit Points**, for having a gathering after closing hours in which cases of beer were readily observed, back in July, 2018. They were very uncooperative when trying to make contact and discuss the matter at the time. The entry was back-dated to the date of the incident. **VFW Burns Post** had their points drop off to **zero (0)** due to time.

Respectfully submitted,  
Lt. Michael Felder