

## **PUBLIC HEALTH & SAFETY COMMITTEE**

Date and Time: Monday, June 15, 2020, at 5:15 pm, (Council Chambers)

Members Present: Rasmussen, Herbst, Peckham, Wadinski, and McElhaney

Others Present: Alfonso, Kremer, Goede, Rosenberg, Barteck, Bliven, Tim Nawrocki & Jackie Stoehr., Rick Gordon, Newchee Lor, Mai Yang Lor, Steve Hutchison, Meryl Kelch Kelly Ballard & Leslie Patterson

### **Minutes of previous meetings. (5/18/20 & 6/04/20)**

Peckham requested a correction to the minutes of 6/04/20 on the last page referring to Jamie Polley's statement: "She did not believe ~~lack of~~ respect for social distancing rules will be present....." He noted he confirmed with Polley that the two words "lack of" should be removed.

Motion by Peckham, second by Herbst to approve the minutes of the previous meetings 5/18/20 and 6/04/20 as corrected. Motion carried 5-0.

### **Consider approval or denial of various license applications, including recommendations from the Liquor License Review Subcommittee regarding new applications.**

Rasmussen stated the Liquor License Review Subcommittee met prior to this meeting with both prospective owners, Steve Chaney, Chaney Hospitality LLC, dba as The Domino, 740 Washington Street and Casey Krahn, CKBar LLC, dba as Chellis St Pub, 265 Chellis Street (formerly Lumpy's) were recommended approval unanimously. She noted there were not any denial recommendations for this meeting.

Motion by Wadinski, second by Peckham to approve the licenses as recommended by staff. Motion carried 5-0.

### **Consider request for outdoor music (Whitewater Music Hall, 130 N 1st St)**

Rasmussen stated owners of Whitewater are requesting outdoor music of an acoustic variety, not heavily amplified, in their outdoor area.

Motion by McElhaney, second by Herbst to approve the outdoor music request. Motion carried 5-0.

### **Consider request for outdoor music and service of alcohol for events on June 27th, July 25th, and August 8th and 29th (Eagle's Club)**

Rasmussen stated the Eagle's Club holds events annually in their outdoor fenced area; there have been no incidents.

Motion by McElhaney, second by Wadinski to approve the outdoor music and service of alcohol for the dates requested. Motion carried 5-0.

### **Consider request Recreational Fire Permit for Monk Botanical Gardens**

Rasmussen noted Fire Marshall Dave DeSantis inspected the site and recommended approval for this permit. She commented there are a couple neighbors to the east of the gardens that are very sensitive to recreational fire smoke. She suggested if it is a particularly windy evening they may want to keep it under control or there will be complaints.

Motion by Herbst, second by Peckham to approve the Recreational Fire Permit for Monk Gardens. Motion carried 5-0.

### **Discussion and possible action regarding Formal Letter of Concern - Roc's Place, 810 S 3rd Ave, (Timothy Nawrocki)**

Rasmussen stated there are some issues occurring at Roc's that have drawn concern in regard to fights and/or weapons resulting in a number of demerit points. She questioned how he planned to improve things at the establishment.

Tim Nawrocki stated he has upgraded his cameras again and will put some more new ones in. Jackie Stoehr, Manager, read a letter explaining the steps they have taken, which include a meeting with bartenders to explain expectations; a new security system with 8 cameras to monitor inside and outside; weekend security has been given metal detecting wands; met with Chief Bliven and staff meeting with two Wausau PD officers; requested walkthrough's by officers; zero tolerance for trouble was posted on their Facebook Page; bartenders have a book with pictures of people banned from the bar; and put a light in the parking lot.

Chief Bliven commented they have taken steps and have done some good things, but felt it was important to recognize there is still a way to go yet. The weapons calls are a big concern and he pointed out Roc's, more than any other establishment, has large group fights. He stated it is important to get the police involved early before fights get out of hand. He indicated Lt. Felder recommended bouncers in the parking lot at both exit/entry points because the parking lot is where the fights occur.

**Discussion and possible action regarding Formal Letter of Concern - M&R Station, 818 S 3rd Ave, (Richard Gordon)**

Rick Gordon referred to the incident that generated 75 demerit points having to do with him being uncooperative in turning over video to police regarding an incident in the parking lot, and indicated he has now given it to them. Rasmussen questioned why he hesitated at all to turn the video over. He stated he thought about it overnight and then decided to turn it over. Rasmussen stated he needs to work on reducing the demerit points and cooperation with the police is key as well as train bartenders not to over serve. Gordon stated he will work on it and will be more cooperative with police.

Chief Bliven stated they made many attempts to try to get the video and it was 10 days later that Mr. Gordon brought it to the Police Department. He pointed out secondarily, the number of times Gordon has been confrontational with officers in his establishment is unacceptable. He stated if Gordon has an issue with how his officers are doing their job he should feel free to contact him rather than be confrontational with them.

**Discussion and possible action regarding Formal Letter of Concern - Newch's Eatery, 1810 Merrill Ave (Newchee Lor)**

Rasmussen stated when this license was originally approved the committee was under the assumption it would mainly be a restaurant that happened to have a liquor license; however, the event that drew the concern makes it appear to be a dance club that happens to sell food. She stated the report indicated the capacity for the building is 99, but over 240 wrist bands for a DJ event were sold and it was not cleared out fast enough when ordered by police. People were overserved and were throwing up in trash cans, neighbors complained about traffic, and people were over heated inside the building.

Newchee Lor stated they are not just a bar, they are an eatery and sales from food is 70% of the revenue. He clarified they are not a full club or dance club, they are a food eatery/restaurant and a bar. This was a one-time event and indicated he was trying to clear people out but some of his bouncers were letting people back in although he had told them not to. He noted he was unaware of what the capacity limit for the building was, but took responsibility for not knowing it. He stated he did turn off the music to get everyone to leave. Lor acknowledged he is new to the bar side of business, but is willing to learn.

Chief Bliven encouraged him to have Lt. Felder come to the establishment to discuss the expectations with him and how to run and manage things and be proactive. He noted there was a citation for open after hours for which he was not assessed points at the time, so there could be more on his record. There was also a fight there since opening.

Mai Yang Lor, owner, stated they did not intend to host DJ's or live music anymore. Newchee Lor agreed and stated they want to draw a different crowd.

**Discussion and possible action regarding Formal Letter of Concern - Hutch's Stumble Inn, 4411 Stewart Ave (Steve Hutchison)**

Rasmussen stated at times there has been a failure to close on time at his establishment, which was the cause of the demerit points.

Steve Hutchison stated the bar was actually closed but the bartender let people stay inside and play pool while he was closing up. There was another instance where the bartender allowed a woman in after hours that had been hit and was being pursued by her boyfriend. Hutchison acknowledged it was a violation and told his bartender he would rather he close earlier, if necessary. He stated he has added cameras that view the bar and he can watch from home on his phone.

**Discussion and possible action on an ordinance Amending 5.90.010 Purpose and intent; and creating temporary ordinance 5.90.060 Temporary outdoor operation for bars and taverns**

Rasmussen stated the Assistant City Attorney Alfonso was asked to come up with some criteria by which bars and taverns could request an outdoor area to assist in running their business during the COVID pandemic, similar to

what we have allowed restaurants to do temporarily. The committee reviewed and discussed the criteria in the draft included in the packet.

Rasmussen noted the draft refers to more than 100 feet from a residence, however, the new zoning code requires outdoor premises to be located more than 50 feet from a structure zoned for residential purpose. Establishments must maintain control of the premise and not operate outdoors after 10:00 p.m. Three or more substantiated noise complaints gives the committee the right to take it away. Demerit points assessed may not exceed 50 points at the time of application, with no look back. The ordinance will expire on October 31, 2020.

Motion by McElhane, second by Peckham to approve the ordinance with the changes outlined above. Motion carried 5-0.

#### **Operations Report from Fire Department for May 2020**

Deputy Chief Barteck reported the call volume is picking back up to normal levels from the dip they saw in March and April due to Covid-19. He explained the precautionary measures the EMTs are taking on calls due to Covid and noted things were going very well and they were not seeing a large number of transports of Covid positive patients. He indicated they have been following the state DHS, the County, and the CDC and have done well in staving off any infections in our staff.

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

Chief Bliven presented the Tavern Report from March 18, 2020 through May 30, 2020. *(See attached)*  
The report was placed on file.

#### **Communications**

None

#### **Adjourn**

Motion by Peckham, second by Wadinski to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 6:30 pm.

Attachment



Robert B. Mielke  
Mayor

Benjamin K. Bliven  
Chief of Police

Wausau Police Department

**Date:** 06/06/2020  
**To:** Chief Bliven  
**From:** Lt. Mike Felder

**Subject TAVERN REPORT March 18, 2020 through May 30, 2020**

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

None have been conducted up to this point as openings have been inconsistent. I intend to check more thoroughly in June or July, especially since the license turnover occurs at the end of June.

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

None.

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

None.

**ALCOHOL COMPLIANCE CHECKS**

None.

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

**Cop Shoppe Pub, 701 Washington Street**

- (1) *Event #20057553, 05/19/2020 at 11:41 PM:* A caller that refused to be identified called to complain about the loud music coming from the bar. On arrival, the officer did not think it was “out of the ordinary,” but still made contact with the bartender. The bar said she would have the DJ turn down the noise.
- (2) *Case #20003630, 05/29/2020 at 4:42 PM:* The bar owner called to report that there was a man in the tavern that was talking irrationally and scaring customers. He was refusing to leave. On arrival, it was learned the male had just left, but was at a nearby residence. Contact was made with the male. He told the officers he was the Son of God, and that there wasn’t any virus. The fact the officers were wearing masks and gloves angered the man. He was assessed for mental health and taken to the Health Care Center for an emergency detention.

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

- (1) *Event #20035864, 03/21/2020 at 8:10 PM:* A caller that refused to be identified complained that Christine’s was open in violation of the Safer-At-Home orders. An officer responded and observed that there were take-out (food) customers coming and going. No violation appeared to be occurring. They were reminded not to allow patrons to remain in the business to eat or drink.
- (2) *Event #20036131, 03/22/2020 at 4:50 PM:* A citizen called, complaining that the business was open. An officer responded and checked it again. The same type of activity was occurring and appeared to be in compliance with the order.

**Den Mar, 601 W. Thomas Street**

- (1) *Event #20059651, 05/24/2020 at 10:35 AM:* A neighbor of the bar called to complain of trash in the

street from bar patrons. The manager was contacted and the trash located outside did not come from the bar. The neighbor admitted that it was on the boulevard on the east side of S. 6<sup>th</sup> Avenue, but added that he was tired of picking up other people's trash. The manager emphasized that they watch closely that no one leaves with alcoholic beverages. This also seemed to be an ongoing disputed between the neighbor and the manager's father.

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

- (1) *Event #20056262, 05/16/2020 at 3:51 PM:* The **bar manager** called because there was a group of people gathered fishing and drinking from the Club's docks. The manager asked that we ask them to leave due to the liability of the drinking outside on the bar property, and the use of the docks while drinking. The group was understanding, and moved into the park.

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

- (1) *Case #20035472, 03/20/2020 at 7:48 PM:* Officers stopped to do a bar check, as they noticed a large number of cars parked at the location. They found that the bar was in compliance with the Safer-At-Home orders, serving only take-out food. The seating area was blocked off.
- (2) *Case #20003275, 05/11/2020 at 9:38 AM:* Officers responded to a commercial burglar alarm. The owner was located on scene, and had forgotten that his son had changed the alarm code. A false alarm code was completed.

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

- (1) *Event #20061723, 05/28/2020 at 11:04 PM:* A citizen called to report that a speeding vehicle had travelled southbound on S. 3<sup>rd</sup> Avenue and pulled into the parking lot of M&R Station. The caller did not get a look at the driver. Officers made contact with a male that was observed getting his cell phone out of the interior of the suspect vehicle in the parking lot. The male denied driving the vehicle, knowing who drove the vehicle and denied knowing the owner of the vehicle. He was verbally uncooperative with the officer, continually asking for a lawyer and eventually admitted that he hated police officers. The male did provide his identification, was checked for warrants and released.

**Day's Bowl-a-Dome, 1715 Stewart Avenue**

- (1) *Case #20003648, 05/30/2020 at 10:16 PM:* An officer responded to the bar to take a complaint of a stolen bicycle. There were no suspects. A report was completed.

**Hutch's Bar, 4411 Stewart Avenue**

- (1) *Case #20002840, 04/01/2020 at 4:12 PM:* Officers responded to the bar for a commercial burglar alarm. The business was found to be secure. There was a building permit in the window, and the responding officer remembered seeing someone working on the business earlier. No key holder responded. A false alarm report was completed.

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

- (1) *Event #20057512, 05/19/2020 at 9:43 PM:* A bartender called to report that there was a male patron that was becoming belligerent, pushing patrons and bartenders. On arrival, officers located the male. The bar staff simply wanted him removed from the property. The male was cooperative with officers, and not too intoxicated to safely walk from the location. He was released at the scene.

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

- (1) *Event #20062686, 05/30/2020 at 10:05:* A person that refused to identify themselves complained that the music from the bar was so loud they couldn't sleep, and they were "far away" from it. Officers responded and spoke with the owner, who was at the door. They were able to hear music on their arrival. The owner said they had a live band, but it had stopped earlier. They had to hang their licenses up, since they had done some remodeling during the shut-down. The officer observed signs that the owner had been drinking. There were three bartenders working, but they were not able to produce any licenses. Since the owner was on site, it was not pursued any further, however in writing this, I suspect the owner would not have been able to properly monitor anyone behind the bar from his position at the door. A verbal warning was issued for the noise complaint.

**Labor Temple, 318 S. 3<sup>rd</sup> Avenue**

- (1) *Event #20049553, 04/29/2020 at 6:43 PM:* An officer conducted extra patrol of the establishment based on the bar lights being on and several cars parked in the lot. Upon inspection, the bar was

compliant with the orders and conducting carry out operations. The officer spoke with the manager and felt they were managing well.

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

- (1) *Case #200062114, 05/29/2020 at 7:46 PM:* Officers responded to the bar in reference to a report of a medical emergency. Officers located a male sitting in his car in the parking lot of the bar. He had vomited on himself, and admitted that he had a lot to drink. He said he felt like he was going to die. The male had not operated his vehicle in any way. He was taken to the hospital for medical treatment.

**ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED**

- **Showtime Bar** had their Demerit Points fall to zero in the first week of June, due to time. They are at zero (0) Demerit Points.

Respectfully submitted,  
Lt. Michael Felder