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OFFICIAL NOTICE AND AGENDA

of a meeting of a City Board, Commission, Department, Committee, Agency, Corporation, Quasi-Municipal Corporation, or sub-unit thereof.

Meeting of the: **PUBLIC HEALTH & SAFETY COMMITTEE**
Date/Time: **Monday, June 15, 2020 @ 5:15 pm**
Location: **City Hall (407 Grant Street) - Council Chambers**
Members: Lisa Rasmussen, Dawn Herbst, Becky McElhane, Pat Peckham, Jim Wadinski

AGENDA ITEMS FOR CONSIDERATION / ACTION

- 1 Minutes of previous meetings (5/18/20 & 6/04/20).
- 2 Consider approval or denial of various license applications, including recommendations from the Liquor License Review Subcommittee regarding new applications.
- 3 Consider request for outdoor music (Whitewater Music Hall, 130 N 1st St)
- 4 Consider request for outdoor music and service of alcohol for events on June 27th, July 25th, and August 8th and 29th (Eagle's Club)
- 5 Consider request Recreational Fire Permit for Monk Botanical Gardens
- 6 Discussion and possible action regarding Formal Letter of Concern - Roc's Place, 810 S 3rd Ave, (Timothy Nawrocki)
- 7 Discussion and possible action regarding Formal Letter of Concern - M&R Station, 818 S 3rd Ave, (Richard Gordon)
- 8 Discussion and possible action regarding Formal Letter of Concern - Newch's Eatery, 1810 Merrill Ave (Newchee Lor)
- 9 Discussion and possible action regarding Formal Letter of Concern - Hutch's Stumble Inn, 4411 Stewart Ave (Steve Hutchison)
- 10 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
- 11 Operations Report from Fire Department for May 2020
- 12 Tavern Activities / Compliance Checks / Law Enforcement Activities
- 13 Communications
Adjourn

*Due to the COVID-19 pandemic, this meeting is being held in person and via teleconference. Members of the media and the public may attend in person, subject to the social distancing rules of maintaining at least 6 feet apart from other individuals, or by **calling 1-408-418-9388. The Access Code is: 146 987 9926 . The Password is: BUhhNTQY362**

Individuals appearing in person will either be seated in the Council Chambers or an overflow room, subject to the social distancing rules. Space available will be on a first come, first served basis. All public participants' phones will be muted during the meeting. Members of the public who do not wish to appear in person may view the meeting live over the internet by <https://waam.viebit.com/?folder=ALL> , on the City of Wausau's YouTube Channel <http://www.tinyurl.com/WAAMedia>, live by cable TV, Channel 981, and a video is available in its entirety and can be accessed at <https://tinyurl.com/WausauCityCouncil>. Any person wishing to offer public comment who does not appear in person to do so, may e-mail leslie.kremer@ci.wausau.wi.us with "PH&S public comment" in the subject line prior to the meeting start. All public comment, either by email or in person, will be limited to items on the agenda at this time. The messages related to agenda items received prior to the start of the meeting will be provided to the Chair.

This Notice was posted at City Hall and faxed to the Daily Herald newsroom on 6/12/20 @ 12:45 PM

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the City of Wausau will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities. If you need assistance or reasonable accommodations in participating in this meeting or event due to a disability as defined under the ADA, please call the ADA Coordinator at (715) 261-6590 or ADAServices@ci.wausau.wi.us to discuss your accessibility needs. We ask your request be provided a minimum of 72 hours before the scheduled event or meeting. If a request is made less than 72 hours before the event the City of Wausau will make a good faith effort to accommodate your request.

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, May 18, 2020, at 5:15 pm, (Council Chambers)

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

Others Present: Alfonso, Kremer, Goede, Rosenberg, Barteck, Bliven, Hebert, Polley, Fitzgerald, Neal, Tyler Vogt, Mark Craig, Kelly Ballard & Leslie Patterson

Being the first meeting of the 2020-2022 term, the meeting was called to order by City Clerk, Leslie Kremer.

Select Chairperson and Vice Chairperson for the 2020-2022 term.

Herbst nominated Lisa Rasmussen for Chairperson, seconded by Peckham. Lisa Rasmussen was selected as Chair for the 2020-2022 term by unanimous consent. The clerk turned the meeting over to the chair.

McElhaney nominated Dawn Herbst for Vice Chairperson, seconded by Peckham. Dawn Herbst was selected as Vice Chair for the 2020-2022 term by unanimous consent.

Minutes of previous meetings. (4/20/20)

Motion by Peckham, second by McElhaney to approve the minutes of the previous meeting on 4/20/20. Motion carried 5-0.

Consider approval or denial of various license applications, including annual renewals of establishment liquor licenses for the 2020-2021 license year.

Rasmussen stated this is annual renewal time for liquor license establishment licenses which expire June 30th. She pointed out the Clerk's Office has indicated the paperwork for many of them is coming in late due to the pandemic and asked the committee to approve them contingent upon completed paperwork and background checks. If something is found in the background that would bring a denial recommendation from the Chief, they will be brought back.

Rasmussen noted a few months ago the committee held of establishment warnings to a few license holders and we will be bringing in those license holders for the June meeting. The establishments meeting a formal expression of concern are: Roc's Place, M&R Station, Newch's Eatery, and Hutch's Stumble Inn. She noted they will be approved for renewal, however, if there are continued issues it could result in possible suspension or revocation.

Motion by McElhaney, second by Herbst to approve or deny various licenses as recommended by staff and contingent upon background checks. Motion carried 5-0.

Consider amendment to premise to include outdoor seating and alcohol service area. (Whitewater Music Hall)

Rasmussen stated the owners are proposing an outdoor area in their south parking lot. There are some natural boundaries that should enable them to control the area. She noted they are looking for outdoor music, as well.

Motion by Peckham, second by Herbst to approve the premise amendment for an outdoor area at Whitewater Music Hall. Motion carried 5-0.

Discussion and possible action to repeal and replace subsections (a) and (b) of Section 15.24.010 Boundaries (Bill Hebert)

Rasmussen explained there is a downtown fire district that governs properties that are sharing walls or are constructed in close proximity allowing fire to hop from one building to another easily. This amendment would exempt a couple of buildings that are not setup that way but are in the confines of the district. She referred to the map in their packet on the proposed exemptions which would redraw that boundary. This will allow more standard construction practices to be used in reconstruction or remodeling.

Hebert stated they have been with the Fire Department to discuss the rationale to these areas and primarily the biggest one was on the west side, which is the old Rainbow Laundry site. He indicated a proposal will be coming later this summer and with modern building codes it will be sufficiently safe. There will be a fire sprinkler system and access on all four sides of the building. They also looked at the vacant land by the former St. James School that are currently parking lots north of the Dudley Tower. Modern building codes will require safe construction.

Motion by McElhaney, second by Peckham to approve the changes to 15.24.010 Boundaries. Motion carried 5-0.

Discussion and possible action on expanding outdoor food and alcohol service and seating options for a temporary and expressly limited time period as a result of the COVID-19 pandemic upon relaxation or cessation of Governor Ever’s Safer at Home Order, including:

Rasmussen commented they are looking what can be done city wide to help restaurants and establishments that need additional outdoor seating, however, it is important to understand what we can and cannot do with regard municipal ordinance and state liquor laws. Temporary adjustments can be made to municipal ordinance and there are a few options to consider.

(a) Possible amendments to ordinances related to sidewalk café permits, standards, and requirements

Mark Craig, Compass Properties, stated there are going to be some real restrictions on restaurants as they reopen in terms of capacity and seating while practicing social distancing, so they want to do what they can to extend the boundaries for seats outside the doors of the physical premises. He suggested looking at café seating and how to take the sidewalks and utilize more tables and chairs directly in front of the building and possibly in front of the neighboring sites if they are non-restaurant and are agreeable. He stated on the 300 block of 3rd Street, after converting from the pedestrian mall back to street, there were left a lot of four foot bollards that restrict the ability to put tables and chairs between the planters where they could and should be. He suggested removing the bollards so more space could be used on both sides of 3rd Street. He noted the 300 block is unique in that it has four restaurants in that one block area with limited parking (Ciao, Jalapeno’s, Lemongrass and Polito’s.) The 400 block of 3rd Street has Malarkey’s (Townie’s Grill) and The Mint, who are questioning if they can utilize the patio area across the street that is part of The 400 Block. Craig felt the Legislature should make some adjustments on liquor laws more broadly for the state to help businesses survive.

Craig proposed that since Concerts on the Square is not happening this year, to have “Dining in the Street” on Wednesday evenings. He asked if this was something that could be done on the street weekly in the 300 and 400 blocks of 3rd Street.

Craig stated curbside pickup and delivery is going to continue to be important going forward. In the 300 block there are two 15 minute stalls on the north and south ends. He questioned if they could have three pick up stalls in front of Ciao and eliminate the one on the north end. Parklets was another idea some cities are looking at.

Jamie Polley, Parks Director, indicated she took a tour with Mark Craig downtown and took a look at the bollards and learned that DPW can remove them fairly easily.

Rasmussen stated the businesses with Sidewalk Café Licenses could amend their application with a diagram of the larger area and placement of table and chairs.

Motion by Peckham, second by Herbst to allow Sidewalk Café License holders to request expansion of their areas by submitting an amended application to the Clerk’s Office; to delegate authority by the Clerk’s Office to issue them; and for DPW to remove the bollards. Motion carried 5-0.

Motion by McElhaney, second by Herbst to direct the Assistant City Attorney to make the appropriate modifications to the Sidewalk Café ordinance to temporarily delegate authority to the Clerk’s Office to issue the permits that meet the criteria. The amended permits will sunset on October 31, 2020. Motion carried 5-0.

(b) Consumption or possession of intoxicants on streets and in The 400 Block

and

(c) Possible use of all or a portion of the 400 Block and/or 400 Block patio for outdoor food and alcohol service by restaurants

Rasmussen stated a few establishments that are adjacent to The 400 Block patio which would like use it as an expanded seating area. She questioned if they could make a temporary amendment to the premises description to include that area, but need to be fair because it is a public space and other establishments may wish to use it.

Jamie Polley stated there is still one Concert of the Square scheduled for June 28th and another in August. She believed there were four large reservations of The 400 Block still on the books for the summer. The Parks Department had canceled everything through the month of June, but after that it is up to the organization whether or not to hold their event. Health recommendations will be given to the event organizers. She indicated she can put more tables and chairs on the patio as long as they are spaced 6 feet or more apart.

Rasmussen commented there are still those who may not be comfortable sitting inside a restaurant yet. The 400 Block is a public space and she did not think it was right to assign that space to a couple of private businesses. She felt people should be able to purchase a takeout meal from the restaurant of their choice and carry it to The 400 Block to sit in that public space to eat.

Tyler Vogt, owner of Malarkey's/Townie's, stated they were just trying to figure out a way to expand tables outside the restaurants. He liked the idea of adding more picnic tables to increase the social space that anyone could use for any reason. He was in favor of using The 400 Block and keeping the tables far enough apart where people can enjoy part of the summer. He stated food trucks may want to use 4th Street and take advantage of the park as well. Vogt noted some tavern owners have indicated they may want to have expanded outdoor service, too. Rasmussen stated that will be a separate discussion for taverns.

Craig questioned if they could add more picnic tables to The 400 Block and spread them beyond the patio onto the grassy area. Polley stated this was something that could work.

Rasmussen stated "Dining in the Streets" would need to be applied for through a Special Event application for a serial type event, similar to Concerts on the Square. She suggested the River District could submit the event application for every Wednesday through the summer until October and request closure of 3rd Street.

Mayor Rosenberg stated she did not believe liquor laws would permit service of alcohol from these businesses into the street. Alfonso stated they could temporarily amend the premises to that specific time and date. They would need to designate what area in the street would be assigned to that restaurant and sign a consent in advance that states it is for this specific time and when it is over their premises are going to revert back to the original premise description. Alfonso pointed out there will need to be some sort of access for emergency vehicles.

Deputy Fire Chief Barteck stated their main concern is access. When you talk about occupation of a street for a venue party, liking eating and drinking in the street, we need to define that and have a clear fire lane. The tables and chairs should be located in the parking areas leaving the main thoroughfare clear to only pedestrian traffic. As we come in to respond to an emergency there needs to be a simple barricade that can be removed by a single person.

Motion by Peckham, second by Herbst to direct the Assistant City Attorney to draft temporary provisions in response to COVID-19 that shortens the Special Event application submission window under the 60 day deadline and allow for a Special Event permit for Wednesday night outdoor dining during specific hours to include the closure of the 300 and 400 blocks of 3rd Street; to include a waiver of the ordinance prohibiting open intoxicants on streets during those hours; and temporary premises amendments be allowed for the Class B license holders adjacent to the event to serve outdoors. If there is interest from the other businesses on the 500 and 600 blocks the territory can be expanded. Motion carried 5-0.

Consensus of the committee was to consider outdoor seating for taverns on a case-by-case basis. Chief Bliven agreed and stated there are a lot of factors with each of the establishments as to whether outside seating may or may not be a good idea. Noise is one of the more significant complaints the department receives about taverns. Alfonso recommended having a set standard of criteria for making these decisions. This will be discussed at the next meeting.

Discussion and possible action on amending Section 5.04.030 Investigation of certain applicants.

Rasmussen explained this has to do with delegating our authority to issue Operator's Licenses that the Police Chief has recommended for approval to the Clerk's Office, rather than having to wait to go through committee and Council. Any denial recommendation would come through the committee and Council in order to allow for the ability to appeal.

Alfonso commented in researching this she found city ordinance actually already gives the clerk that authority to issue the Operator's licenses, but it also gives authority to issue Class A and Class B Liquor licenses. She explained this ordinance amendment leaves in place the authority for the clerk to approve, but takes away the authority to issue the establishment licenses.

Motion by Peckham, second by Wadinski to approve the amendment to 5.04.030. Motion carried 5-0.

Operations Report from Fire Department for April 2020

Deputy Chief Barteck commented there was a 20-25% decrease in call volume which he believed was directly correlated to the COVID-19 and Stay at Home orders. He reported one significant fire on 56th Avenue was responded by Station #2 with a quick arrival holding the fire mainly to the garage.

Tavern Activities / Compliance Checks / Law Enforcement Activities

Chief Bliven presented the Tavern Report from March 1, 2020 through March 18, 2020.

Chief Bliven indicated Cop Shoppe Pub is now down to zero demerit points because they have gone 12 months without violations.

Bliven stated Hutch's Stumble Inn had a violation in January where they were issued 25 demerit points and in March they had an incident in which they refused cooperate and were open after hours and so they were issued 75 demerit points, bringing them to 100.

Bliven stated Newch's Eatery had a large event in March that was way over capacity and took a long time to clear out. There were a lot of issues with the capacity so they were issued 75 demerit points and are now up to 125 total. He noted this brings us to four establishments that are at or over 100 demerit points requiring a formal letter of concern from the committee.

Rasmussen commented somehow Newch's Eatery has changed from a restaurant to a dance club and that is a problem with 300 people inside the building. Bliven agreed noting there were traffic issues, extremely intoxicated people outside urinating, vomiting, and a total lack of control in the establishment. He commented he has met with Newchee a couple times and he appears to be willing to abide by regulations, but now this has happened.

Rasmussen directed the clerk to send the Formal Letters of Concern to call the owners in for the June meeting.

Discussion and possible action to extend expired Executive Declaration No. 3 - Suspending WMC 5.64.036, to permit carry-out sales of alcohol beverages in original, sealed containers

Rasmussen explained at the end of his term Mayor Mielke had allowed licensed establishments to sell sealed, closed containers of alcohol for curbside collection. The ordinance was originally adopted to address Click & Collect and prohibit or drive-up alcohol sales. This will extend that suspension although we don't want it to be permanent, so a sunset date should be inserted. Alfonso clarified the order still requires a face-to-face sale to check the ID.

Motion by McElhaney, second by Peckham to approve extending the suspension of WMC 5.64.036 with a sunset date of 10/31/2020. Motion carried 5-0.

Communications

None

Adjourn

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

SPECIAL PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Thursday, June 4, 2020, at 4:00 pm, (Council Chambers)

Members Present: Rasmussen (C), Herbst, Peckham, Wadinski, and McElhaney

Others Present: Alfonso, Kremer, Rosenberg, Polley, Groat, Polley, Ryan, Dale Grosskurth, Rebecca Mroczenski

Discussion and possible action on opening Wausau's public pools on July 1.

Rasmussen explained that this committee is tasked with looking at the opening of pools from a health and safety perspective. The recommendation from the CDC was that the pools stay closed. This committee will weigh in and the Council will have two perspectives to review to make a decision. You have the minutes from the Park and Rec Committee meeting in your packet. The Park and Rec Committee received a lot of public comment on this issue. It is a mixed bag of concerns. Different Alderpersons are receiving different requests and feedback from residents depending upon location in the City.

Rasmussen asked Jamie Polley, Parks Director, to speak about what the pool opening plan would look like. Polley spoke about the Park and Rec Committee's request to put a plan together on what pools opening would look like. Polley advised that she presented to the Parks and Rec on Monday and with their desire to now open only two pools, some modifications to the original plan were necessary. A decision on which two pools to open has not been made yet.

Polley discussed that some of the plans for opening safely include reducing hours by one hour each day. Hours would be 11-7 on weekends and 1-7 on weekdays. There would be eight guards on deck; four guards would be tasked with solely enforcing social distancing, one guard for admittance and one guard strictly for cleaning. She stated although this will assist us, no matter how many staff we place, we will have difficulty with maintaining social distancing. She indicated the staff may receive a lot of pushback from residents in the pool. The capacities will be reduced to one third and social distancing markings placed at the front gate and on the slide. Signage would be placed for recognizing symptoms, social distancing capacity, disinfecting activities and any new rules necessary.

Polley indicated they are working on a plan for reducing cash transactions. She noted Weston is going to registration system, but we do not have that option in Wausau. Masks required for staff not in guard chairs. Patron amenities would be reduced by reducing lounge chairs by 50% on the deck, try to tape off 6 ft. sections to enforce social distancing. The changing areas of locker rooms will be closed and only have restroom facility open, so people come dressed to swim and not change at the pool. Personal life jackets and goggles would be allowed and we would not provide life jackets as we have in the past.

Polley stated staff would not allow staff to congregate in staff room and would put things in place to keep staff separated. There will be staff training on all guidelines of CDC. She recommended not allowing agency and daycare groups to come in because it is harder to manage large child groups. She also recommended no free days this summer to keep attendance down. We have never reached capacity but the daytime capacity from past years would exceed what we could allow this year under social distancing guidelines. She indicated they will still offer scholarships to people who could not afford to pay to use the pool.

Polley stated if they were to open two of the three pools there is currently just enough staff, but she did not think there was enough staff to open three. If recommendation is to open all three, they would try to recruit extra staff.

Rasmussen felt that opening three would help to spread people out and control social distancing better. She indicated feedback from the public who favor opening, is to open all three and the reverse is true for people who feel they should keep closed. Polley reiterated they likely could get a couple extra people so they could staff all three if that is the decision.

Rasmussen said we could monitor attendance and close one pool with low capacity to free up staff for the other pools if we find that to be efficient. Rasmussen further explained that we are trying to make a decision for what is best for the health of our community. She felt they should take a cautious approach, but also didn't want to be so overly cautious by regulating something that isn't as big a risk as first thought.

Rasmussen question if Polley believed they can offer a safe swimming experience for the public or if she feels it is too risky. Polley explained that she has a hard time answering this because the CDC states that children can be carriers of COVID without showing symptoms and she fears the social distancing will be very difficult to handle. Polley stated that she feels we have the staff to provide the best experience we can.

Rasmussen asked Dale Grosskurth, of Marathon County Health Department, to come forward to speak. Grosskurth indicated he was present along with Becky Mroczenski, Epidemiologist, to help answer questions.

Rasmussen commented the CDC recommends we be at a higher benchmark before opening a public pool. She questioned whether we would be at the set benchmark to open a pool if we were going to use the Badger Bounce Back plan benchmarks to make this decision. Grosskurth said we can't say where we are locally as data on Bounce Back plan is a county metric. He stated the CDC guidance is advising against opening pools. He reiterated, as Polley explained, social distancing standards are the highest risk to manage. He commented we are getting close to doubling our positive cases of COVID in the county, but still have quite low numbers when compared to other communities. Grosskurth stated it is quite hard to predict what COVID numbers will be in a few weeks or a month. The incubation period can take up to 14 days to show up so it is very difficult to make these types of decisions like opening a pool. The biggest issue is that children may be at low risk, but are carriers of the disease, and after leaving the pool these kids will be visiting grandparents, etc. that are in the high risk population for COVID.

Grosskurth felt following CDC and Health Department guidelines are the best guidance we can follow to do our best to mitigate the risk. He advised against opening pools to be on the side of caution, but if a pool is opened, they wouldn't shut down the pool because they do not have the authority to enforce that.

Rasmussen pointed out that some people will be reluctant to come to the pool, so that will keep numbers down. She hoped that if contact tracing showed increase in cases came from our facility, we would agree to close immediately.

Rasmussen stated yesterday Channel 9 reported that we are demanding masks for all people who visit the pool. She clarified that was incorrectly reported and the committee had not discussed that at all. She wanted to set the record straight on that so the public is aware that we are not requiring masks for the public if the pools open.

Polley noted if we were to open all three pools with the modified staffing from July 1 – August 9 there would be a budget shortfall of \$15,000. If we only open two pools, we would not have to ask for additional funds. We would keep one pool open one week longer and would still have enough in the budget for that if only two of the pools open.

Deb Ryan came forward with public comment. Discussed that she is a regular user of the warm pool. The old pool capacity was 250. The number allowed now is 10 in the whole warm pool. At the YMCA, they are only allowing swimming by reservation and there is a time limit. She was concerned about distancing for children and thinks it will be very difficult to maintain. Rasmussen questioned what Ryan is hearing in her district. Ryan indicated she only heard from one resident and the request was not to open.

Rasmussen said that her district input is primarily to keep pools closed, and if the pools open, residents will stay home. She asked committee to comment on their districts. Pat Peckham stated most of the comments that came to him were against the closure of pools. He stated at Parks & Rec Committee meeting Polley and her staff came with a plan to manage the risks of transmission. He stated that having a plan made him think that we could open in a safe way. Peckham commented he received an email today that we shouldn't decide on basis of fear. He explained that he is not deciding on fear, but felt with the plan we have in place, we could open safely.

Jim Tipple, 314 Gerald's Court, came forward with public comment. He suggested limiting pools to City of Wausau residents. He felt that it is also the responsibility of the parents, babysitters and community to keep social distancing standards in check, not just be the Parks department's responsibility. Tipple believed opening all three pools will help with social distancing, instead of downsizing to two pools.

McElhaney discussed that part of her reason for not wanting to open the pools is that she worries about people coming from other communities to use our pools. She worries about how kids are supposed to get to another pool if

the pool in their district is not one to be opened. She expressed concern of our young staff getting push back from the public. She questioned where they draw the line to say someone should leave when people don't or won't adhere to the social distancing rules. She felt we need to protect our staff as well as our residents.

Wadinski commented on what a great asset the pools are to the community. He also expressed concern on people pushing back on rules and how/if we are allowed to deal with these people who won't listen.

Dawn Herbst concerned with how we control who comes to the pool and how would we manage contact tracing if we had an outbreak because we wouldn't know where the people traveled from.

Epidemiologist Becky Mroczenski stated if we needed to do contact tracing due to an outbreak at pool, we would not be able to pick up asymptomatic individuals. If we could identify, the Parks Department would be notified.

Polley spoke about how to deal with uncooperative people coming to the pool. She did not believe lack of respect for social distancing rules will be present because the people visiting the pool will likely be people who are not as concerned about the virus and may be more likely to not want to follow social distancing rules. She indicated she needed to discuss with Chief Bliven and his staff about what their enforcement ability would be as there really isn't a law that you must social distance in any area.

Rasmussen explained that we need to discuss having social distancing as a "pool rule" and the pool management team should have the authority to put rules and enforcement in place without direct oversight of government body.

Polley discussed there would not be swim lessons offered due to too many obstacles with social distancing standards. Kids learning to swim spit out water, touch each other and the instructor, etc. and it would be too hard to maintain social distancing for instructors and kids. As staff, we do not feel we could offer lessons safely.

Polley explained that the committee did not recommend to allow only City residents use the pool because we offer the scholarship to all Wausau School District students and also checking residency takes extra time, which would cause a buildup of people waiting. Also, if restricting to residency and a child doesn't have proof, CIVMIC advice was that we should not turn away, so it would be very hard to restrict to only residents.

Peckham said that restricting to residents also creates issues with situations where parents drop a car load of kids off and leave and it is then found that some are not residents. That would create issues with what to do with those children. Peckham indicated he does not support restricting to residents only.

Motion by Peckham, second by McElhaney to open up to three pools as of July 1st with the plan that has presented by Polley.

McElhaney explained that she seconded the motion to get this issue to come before the Council, but it does not necessarily mean that she will vote yes at Council. She advised that as a nurse, she has big concerns with going against CDC guidelines. She indicated she also wants to gather more information from her residents over the weekend. Rasmussen agreed she would also be looking for more feedback before the Council meeting.

A vote on the motion was taken. Motion failed 1-4 with Peckham being the only one to vote in the affirmative.

Adjourn

Motion by Peckham, second by Herbst to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 5:07 p.m.

CLERK'S REPORT TO PUBLIC HEALTH & SAFETY COMMITTEE

June 15, 2020 Meeting

AGENDA ITEM # 2

Approve or deny various licenses as indicated on the attached summary report of all applications received.

ADDITIONAL INFORMATION

Applications as listed have or will have a background check run by staff and reviewed by the Police Chief or his designee. Applications marked pending will have a status update at the meeting. In accordance with city ordinance, **all permits approved are held for debts owed to the city until the debt is paid in full.**

1. No denial recommendations for this meeting.
2. The Liquor License Review Subcommittee will be reviewing two applications for Class B Beer & Liquor licenses just prior the PH&S meeting. Two businesses are changing hands:
 - 1) Surrender of "Class B" Beer and Liquor License by Domino Bar LLC (Daniel Baur, owner) dba The Domino Bar, 740 Washington Street and recommendation of application for "Class B" Beer and Liquor License for Chaney Hospitality, LLC, (Steve Chaney, owner), dba Domino Bar.
 - 2) Surrender of "Class B" Beer & Liquor License by TRC Bar LLC (Trent & Renee Clark) dba Lumpy's, 265 Chellis Street and recommendation of application for "Class B" Beer & Liquor License for CKbar LLC, (Casey Krahn, owner), dba Chellis St Pub
3. Other miscellaneous new and renewing licenses: Public Transport Drivers, Temporary Class B Retailer (picnic)

STAFF RECOMMENDATION

Staff recommendation is to approve or deny as indicated on the summary report including those that may be introduced at the meeting. Please let me know if you have any question regarding any license applications listed.

Mary Goede, Deputy Clerk
Date of Report: June 12, 2020
(715) 261-6621



PHS Date 06/15/2020

| License ID | License Typ | Name | Address | Details | Business | Begin Dt | End Dt | Police | PHS | Council |
|------------|--|---------------------------|--|---------|-------------------------------|------------|------------|--------|-----|---------|
| 135151 | 9020 - Public Transport Driver Renewal | ADAMS, ISAAC | 745 IMM ST WAUSAU WI 54401 | | NORTHWOODS CAB | 05/27/2020 | 06/30/2020 | | | |
| 135159 | 9020 - Public Transport Driver Renewal | BARTASZEWICZ, CHRISTOPHER | 1416 N 1ST AVE WAUSAU WI 54401 | | ALL AMERICAN TAXI | 05/27/2020 | 06/30/2020 | | | |
| 135143 | 9020 - Public Transport Driver Renewal | EICH, DWIGHT | N10828 CHERRY RD BIRNAMWOOD WI 54414 | | ALL AMERICAN TAXI | 05/29/2020 | 06/30/2020 | Yes | | |
| 135117 | 9020 - Public Transport Driver Renewal | SCHLOEMER, AARON | 5207 SCOTT ST SCHOFIELD WI 54476 | | NORTHWOODS CAB | 05/25/2020 | 06/30/2020 | | | |
| 135129 | 9020 - Public Transport Driver Renewal | SCHREIBER, SCOTT | 5207 SCOTT ST WESTON WI 54476 | | NORTHWOODS CAB | 05/25/2020 | 06/30/2020 | Yes | | |
| 135118 | 9020 - Public Transport Driver Renewal | SCHWARTZ, JEROME | 234233 JIM MOORE CREEK RD WAUSAU WI 54403 | | ALL AMERICAN TAXI | 05/29/2020 | 06/30/2020 | | | |
| 135110 | 9020 - Public Transport Driver Renewal | WOOD, CHRISTOPHER | 529 1/2 N 3RD ST #3 WAUSAU WI 54403 | | NORTHWOODS CAB | 05/29/2020 | 06/30/2020 | Yes | | |
| 135686 | 9064 - Class B Beer & Liquor | CHANEY, STEVE | 1710 PATRIOT DR WAUSAU WI 54403 | | DOMINO BAR | | | | | |
| 135781 | 9064 - Class B Beer & Liquor | KRAHN, CASEY | 151630 ROBIN LN WAUSAU WI 54401 | | CHELLIS ST PUB | | | | | |
| 135524 | 9069 - Temporary Class B Retailer (Picnic) | , | 518 S 7TH AVE WAUSAU WI 54401 | | MONK BOTANICAL GARDENS | | | | | |
| 135294 | 9069 - Temporary Class B Retailer (Picnic) | LIEGL, SCOTT | 219 JEFFERSON ST WAUSAU WI 54403 | | WAUSAU CENTRAL WI SPORTS AUTH | | | | | |
| 135278 | 9080 - Public Transport Driver New | GREER, TIMOTHY | 1305 FOOTHILL AVE APT D SCHOFIELD WI 54476 | | NORTHWOODS CAB LLC | 05/21/2020 | 06/30/2020 | Yes | | |



PHS Date 06/15/2020

| License ID | License Typ | Name | Address | Details | Business | Begin Dt | End Dt | Police | PHS | Council |
|------------|------------------------------------|-----------------|--------------------------------------|---------|----------------|------------|------------|--------|-----|---------|
| 135175 | 9080 - Public Transport Driver New | HAINES, DOUGLAS | 929 S 13TH AVE WAUSAU WI 54401 | | NORTHWOODS CAB | 05/18/2020 | 06/30/2020 | Yes | | |

Total Licenses

11

AGENDA ITEM #3

MEMO

To: Public Health & Safety Committee
From: Kelly Ballard, Whitewater Music Hall
Subject: Outdoor Music in Beer Garden
Date: June 12, 2020

I am writing to ask for a music permit for our outdoor space at Whitewater Music Hall. Our performances will be acoustic and low amplification events for entertainment by singer-songwriter performers for guests. We have no homes nearby or close business neighbors.

Thank you!
Kelly Ballard

AGENDA ITEM #4

MEMO

To: Public Health & Safety Committee
From: Meryl Kelch, Eagles Club (Fraternal Order of Eagles)
Subject:

| |
|---------------------|
| Outdoor events 2020 |
|---------------------|

Date: June 12, 2020

We would hold all events inside our fenced ball field with security and covid protocols. We would like to serve beer and mixed drinks.

Our dates would be as follows:

June 27th, July 25th, Aug 29th

Our “moonshine bingo” which is music, black lights, gags and fun while playing bingo. Generally ends @ 10:15- 10:30 pm

August 8th our 2nd annual Rock in the water. Several rock bands throughout the day ending between 10-19:30 pm.

Thank you,
Meryl Kelch

AGENDA ITEM #5

MEMO

To: Public Health & Safety Committee
From: Dave DeSantis, Wausau Fire Department
Subject:

| |
|---|
| Recreational Burn Permit (Monk Botanical Gardens) |
|---|

Date: June 12, 2020

I did a site inspection today at Monk Gardens. They want to install a recreation fire pit north of the picnic shelter. They have plenty of space and a water source for extinguishment. They are planning on using it June 9th for a limited number of member donors. They would like to use it once a week after that. We have approved permits for business occupancy on a case by case approval of the department and the Public Health and Safety. I would propose a onetime permit for the 9th of June and support approval for a 5 year permit after review of public health and Safety.

Leslie Kremer – City Clerk
Mary Goede – Deputy City Clerk



TEL: (715) 261-6620
FAX: (715) 261-6626

CITY CLERK – CUSTOMER SERVICES

VIA CERTIFIED MAIL/RETURN RECEIPT

June 2, 2020

Roc's Place
Attn: Timothy Nawrocki
718 McClellan Street
Wausau, WI 54403

RE: Letter of Concern for Roc's Place

Dear Mr. Nawrocki,

As you know, earlier this year, the Public Health & Safety Committee had given me the directive to write to you expressing their concern regarding the operation of your establishment, and we had requested you to appear before the Committee in March. However, due to the COVID pandemic, that meeting was cancelled.

Now that the Governor's Safer At Home Order has been lifted, I am again writing to you in regard to those incidents at your establishment that have caused concern among the Public Health & Safety Committee and the police department. Pursuant to the City of Wausau Municipal Code, the Committee shall call before it the licensee for purposes of a formal expression of concern. Therefore, the Committee has requested your in-person attendance at the next regularly scheduled Public Health & Safety meeting set for **Monday, June 15, 2020, at 5:15 PM** at City Hall in Council Chambers. At this meeting, the Committee will be expecting dialogue from management and a summary of not only the incidents that have occurred, giving rise to the Committee's concerns, but also a summary of the steps you have taken or plan to take to prevent further incidents from occurring. Please call my office at 715-261-6620 to confirm your planned attendance. Lastly, know that continued violations could result in non-renewal or revocation of your license.

Sincerely,

Leslie Kremer
Wausau City Clerk

Enclosures: Excerpt from City ordinance & Tavern Activity report of January and March, 2020

cc w/o Enc: PH & S Committee Members
Tara Alfonso, Assistant City Attorney
Ben Bliven, Chief of Police
Timothy Nawrocki, 810 S. 3rd Avenue, Wausau, WI 54403 *via regular U.S. Mail*



CITY CLERK – CUSTOMER SERVICES

Excerpt from Tavern Activity Report:

Date 02/05/2020
To Chief Bliven
From Lt. Mike Felder
Subject TAVERN REPORT January 1, 2020 through February 1, 2020

NOTABLE INCIDENTS AT TAVERNS TO WHICH POLICE WERE DISPATCHED.

Roc's Place, 810 S. 3rd Avenue

- (1) *Case #20000168, 01/06/2020 at 1:04 AM:* A **bartender** called reporting that a male they had kicked out of the bar threatened to “strap up” and return with his gun. While Officers were responding, the caller reported that the male had returned. The workers had locked the doors, and were reporting that he was checking the front and back doors. Officers arrived and located the male after he had returned to his vehicle and was starting to leave. The male was arrested for OWI and Open Intoxicants, Disorderly Conduct and a Probation Violation. No weapon was located.
- (2) *Case #20000391, 01/12/2020 at 12:00 AM:* A refused caller reported hearing a gunshot outside and in front of Roc's Place bar. The caller did not see anyone that may have shot a gun. Officers observed someone leaving as they were arriving, and later located a shell casing at the location. Through interviews at the scene, a suspect was developed. That suspect was initially interviewed, and denied involvement. Investigators later observed surveillance video provided by bar management, and were able to observe the incident started with an altercation outside the bar. They were able to confirm their initial suspect had been the one to fire a gun. Contact was made with that suspect again some time later, and he was arrested.

Excerpt from Tavern Activity Report:

Date 03/29/2020
To Chief Bliven
From Lt. Mike Felder
Subject TAVERN REPORT March 1, 2020 through March 18, 2020

NOTABLE INCIDENTS AT TAVERNS TO WHICH POLICE WERE DISPATCHED.

Roc's Place, 810 S. 3rd Avenue

- (1) *Case #20002616, 03/15/2020 at 1:47 AM:* A person that refused to be identified called to report that there was a large group of people involved in a fight. On arrival, Officers did not



Leslie Kremer – City Clerk
Mary Goede – Deputy City Clerk

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CITY CLERK – CUSTOMER SERVICES

observe anything physical going on. On investigation, including watching surveillance of the incident, it was determined that it was a verbal argument, and the people involved had left the scene. Two people were cited for open intoxicants, however the Officers did not determine where the drinks had come from (Roc's or M&R Station), so citation and demerit points were not issued regarding those violations.

Chapter 5.64

ALCOHOLIC BEVERAGES⁴Sections:

| | |
|----------|---|
| 5.64.010 | State statutes adopted. |
| 5.64.020 | When license required. |
| 5.64.030 | Separate license required for each place of sale. |
| 5.64.034 | Restriction on servers. |
| 5.64.035 | Alcohol licensing and serving of alcoholic beverages – sidewalk cafes |
| 5.64.036 | Drive-up Sales. |
| 5.64.040 | Hearing. |
| 5.64.050 | License fees. |
| 5.64.055 | Late filing fees. |
| 5.64.060 | Restrictions generally. |
| 5.64.065 | Sale of Class "B" packaged goods. |
| 5.64.070 | Corporations. |
| 5.64.075 | Violations by agents and employees. |
| 5.64.076 | Revocation and suspension of licenses. |
| 5.64.077 | Nonrenewal of licenses. |
| 5.64.078 | Point values for alcohol beverage violations and revocations and suspensions. |
| 5.64.080 | Effect of revocation of license. |
| 5.64.084 | Provisional retail licenses. |
| 5.64.085 | Provisional operator's licenses. |
| 5.64.090 | Inspection of application and premises. |
| 5.64.110 | Health and sanitation. |
| 5.64.120 | Tax delinquencies. |
| 5.64.130 | Obstructing view of premises. |
| 5.64.140 | Closing hours. |
| 5.64.150 | Enclosure required—Picnic license. |
| 5.64.160 | Abandonment or Non-use of License. |
| 5.64.170 | Repossession of license or permit. |
| 5.64.180 | Penalty for violation. |

5.64.010 State statutes adopted. All provisions of Chapter 125 of the Wisconsin Statutes relating to the sale, regulation and licensing of alcoholic beverages, as they are now written or may be subsequently amended, repealed, created, or recreated or renumbered, except sections 125.09(6), 125.14(2), (3), (4), 125.56(2), 125.60, 125.61, 125.62, and 125.66(3), exclusive of any provisions relating to the penalty to be adopted or the punishment for violation of such statutes, are adopted and made a part of this section by reference. Sections 125.07(4)(c), (cd), (cg), (cm), (d) providing penalties for violations of sections 125.07(4)(a) and 125.07(4)(b) are specifically adopted as they are

⁴ For statutory provisions regulating intoxicating liquor generally, see §125, Wis. Stats.

| Type of Violation | Point Value |
|---|-------------|
| Unauthorized transfer or use of license | 75 |
| Owner or employee selling controlled substances on premises | 75 |
| Illegal drug paraphernalia on premises | 50 |
| Failure to maintain orderly premises, disorderly conduct within premises, failing to summon police or intervene to prevent future violations, subject of noise complaints | 50 |
| Penalty enhancer for severe offenses: Enhanced penalty for conduct which results in <ol style="list-style-type: none"> 1) Bodily harm to any individual 2) Creates a substantial risk of death or bodily harm 3) Involves the use of a firearm or other dangerous weapon | 50 |
| Demonstrates an ongoing disregard for the requirements of state law or municipal ordinances | |

(c) Violations, how calculated. In determining the accumulated demerit points against a license within twelve (12) months, the City shall use the date each violation was committed as the basis for the determination.

(d) Suspension or revocation of license.

(1) The Public Health and Safety Committee shall call before it for purposes of a revocation or suspension hearing all licensees who have accumulated 100 points in a twelve-month period as a result of court imposed convictions or who have had referred to it reports from the City Attorney which, if believed, would result in 100 demerit points in twelve (12) months.

(A) Formal expression of concern. In those instances in which a licensee has accumulated less than 100 demerit points as determined by the City Attorney, and additional violations on one date would result in the accumulation of at least 100 points but not more than 200 points, the Public Health and Safety Committee shall call before it the licensee for purposes of a formal expression of concern. If the licensee appears, no discussion of the alleged facts underlying the assessment of demerit points shall be permitted unless the licensee requests such discussion but only if the licensee is advised that any statements made by the licensee and/or her/his representatives regarding the alleged facts may be considered by the Public Health and Safety Committee in any subsequent suspension/revocation hearing which may result from the alleged violations which are the subject of the formal expression of concern. If the licensee fails to appear after service of the notice to appear, the matter shall be scheduled for a suspension/revocation hearing. Service of the notice to appear shall be by first class mail sent to the agent, if the licensee is a corporation or a limited liability company, to the

licensee if an individual, or to any partner if the licensee is a partnership. If the notice is returned by the Post Office as undeliverable, the notice may be left with any employee found on the licensed establishment at least 24 hours before the date and time of the scheduled appearance before the Public Health and Safety Committee. A formal expression of concern in lieu of the assessment of demerit points may only occur once within a one-year period.

This ordinance amendment shall apply only to violations that would trigger a formal expression of concern which occur after this ordinance is adopted.

(B) Any alcohol beverage violation not enumerated herein may still subject the license holder to suspension or revocation of the license pursuant to Wis. Stat. 125.12 procedure.

(C) Any suspension or revocation longer than ten (10) days shall result in a license eligible for immediate reissuance.

(2) If the demerit point accumulation, calculated from the date of violation, meets or exceeds: 150 points in a 12-month period, the suspension shall be for three (3) business days; 175 points in a 12-month period, the suspension shall be for seven (7) business days; 200 points in a 12-month period, the suspension shall be for twelve (12) months. If the license(s) is revoked, no other license shall be granted to such licensee for a period of twelve (12) months from the date of revocation. The period of suspension shall be the number of days the establishment is regularly open for business.

(3) Pursuant to Wis. Stat. 125.12 procedure, the license or permit issued under this chapter to a person for:

(A) bartending, shall be suspended for 14 days, if the committee finds that the person committed a violation within 6 months after committing one previous violation;

(B) bartending, shall be suspended for 12 months, if the committee finds that the person committed a violation within 12 months after committing 2 other violations;

(C) operating, shall be suspended for 3 days, if the committee finds that the person committed a violation within 6 months after committing one previous violation.

(4) Only once in each 12-month period, for any violation of 50 points, 25 points can be earned back if the tavern owner at his/her expense sends the offending bartender to responsible beverage course and the bartender completes the course; however, upon appeal, the committee may reduce points after a public hearing before the Public Health and Safety Committee.

Leslie Kremer – City Clerk
Mary Goede – Deputy City Clerk



TEL: (715) 261-6620
FAX: (715) 261-6626

CITY CLERK – CUSTOMER SERVICES

VIA CERTIFIED MAIL/RETURN RECEIPT

June 2, 2020

Richard/Mary Gordon DBA M&R Station
Attn: Richard Gordon- Agent
818 S 3rd Avenue
Wausau, WI 54401

RE: Letter of Concern for M&R Station

Dear Mr. Gordon,

As you know, earlier this year, the Public Health & Safety Committee had given me the directive to write to you expressing their concern regarding the operation of your establishment, and we had requested you to appear before the Committee in March. However, due to the COVID pandemic, that meeting was cancelled.

Now that the Governor's Safer At Home Order has been lifted, I am again writing to you in regard to those incidents at your establishment that have caused concern among the Public Health & Safety Committee and the police department. It has come to the Committee's attention that your establishment may be at or nearing assessment of 100 demerit points for violations, which as you know, could result in non-renewal or revocation of your license. Additionally, the Committee is concerned with what appears to be an overall continuum of lacking cooperation on your part with police officers who respond to and/or investigate reports of incidents that have occurred at your establishment.

The above issues cause concern among the Public Health & Safety Committee and the police department. Pursuant to the City of Wausau Municipal Code, the Committee shall call before it the licensee for purposes of a formal expression of concern. The Committee has requested your in-person attendance at the next regularly scheduled Public Health & Safety meeting set for **Monday, June 15, 2020, at 5:15 PM** at City Hall in Council Chambers. At this meeting, the Committee will be expecting dialogue from management on the issues identified above and what steps are being taken to remedy these issues. Please call my office at 715-261-6620 to confirm your planned attendance. Lastly, know that continued violations could result in non-renewal or revocation of your license.

Sincerely,

Leslie Kremer
Wausau City Clerk

Enclosures: Excerpt from City ordinance & Tavern Activity report

cc PH & S Committee Members
Tara Alfonso, Assistant City Attorney
Ben Bliven, Chief of Police
Mary Gordon, Partner/Member #2



Leslie Kremer – City Clerk
Mary Goede – Deputy City Clerk

TEL: (715) 261-6620
FAX: (715) 261-6626

CITY CLERK – CUSTOMER SERVICES

Excerpt from Tavern Activity Report:

Date 02/05/2020
To Chief Bliven
From Lt. Mike Felder
Subject TAVERN REPORT January 1, 2020 through February 1, 2020

NOTABLE INCIDENTS AT TAVERNS TO WHICH POLICE WERE DISPATCHED.

M & R Station, 818 S. 3rd Avenue

- (1) ~~Case #20000094, 01/03/2020 at 6:27 PM:~~ The **owner** called, requesting assistance with a female that came into the bar in a highly intoxicated state. She arrived with a male, but the male left and the female was not cooperating in getting a ride home. She was described as not being able to walk or stand, and wanted to sleep on the floor. Officers arrived, and requested an ambulance, as the female became unresponsive. She became combative during the ride to the hospital and required restraint. She was able to provide a weak breath test sample, which registered .309% BrAC. After medical clearance, she was taken to the jail for six counts of misdemeanor bail jumping.

Chapter 5.64

ALCOHOLIC BEVERAGES⁴Sections:

| | |
|----------|---|
| 5.64.010 | State statutes adopted. |
| 5.64.020 | When license required. |
| 5.64.030 | Separate license required for each place of sale. |
| 5.64.034 | Restriction on servers. |
| 5.64.035 | Alcohol licensing and serving of alcoholic beverages – sidewalk cafes |
| 5.64.036 | Drive-up Sales. |
| 5.64.040 | Hearing. |
| 5.64.050 | License fees. |
| 5.64.055 | Late filing fees. |
| 5.64.060 | Restrictions generally. |
| 5.64.065 | Sale of Class "B" packaged goods. |
| 5.64.070 | Corporations. |
| 5.64.075 | Violations by agents and employees. |
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| 5.64.120 | Tax delinquencies. |
| 5.64.130 | Obstructing view of premises. |
| 5.64.140 | Closing hours. |
| 5.64.150 | Enclosure required—Picnic license. |
| 5.64.160 | Abandonment or Non-use of License. |
| 5.64.170 | Repossession of license or permit. |
| 5.64.180 | Penalty for violation. |

5.64.010 State statutes adopted. All provisions of Chapter 125 of the Wisconsin Statutes relating to the sale, regulation and licensing of alcoholic beverages, as they are now written or may be subsequently amended, repealed, created, or recreated or renumbered, except sections 125.09(6), 125.14(2), (3), (4), 125.56(2), 125.60, 125.61, 125.62, and 125.66(3), exclusive of any provisions relating to the penalty to be adopted or the punishment for violation of such statutes, are adopted and made a part of this section by reference. Sections 125.07(4)(c), (cd), (cg), (cm), (d) providing penalties for violations of sections 125.07(4)(a) and 125.07(4)(b) are specifically adopted as they are

⁴ For statutory provisions regulating intoxicating liquor generally, see §125, Wis. Stats.

| Type of Violation | Point Value |
|---|-------------|
| Unauthorized transfer or use of license | 75 |
| Owner or employee selling controlled substances on premises | 75 |
| Illegal drug paraphernalia on premises | 50 |
| Failure to maintain orderly premises, disorderly conduct within premises, failing to summon police or intervene to prevent future violations, subject of noise complaints | 50 |
| Penalty enhancer for severe offenses: Enhanced penalty for conduct which results in <ol style="list-style-type: none"> 1) Bodily harm to any individual 2) Creates a substantial risk of death or bodily harm 3) Involves the use of a firearm or other dangerous weapon | 50 |
| Demonstrates an ongoing disregard for the requirements of state law or municipal ordinances | |

(c) Violations, how calculated. In determining the accumulated demerit points against a license within twelve (12) months, the City shall use the date each violation was committed as the basis for the determination.

(d) Suspension or revocation of license.

(1) The Public Health and Safety Committee shall call before it for purposes of a revocation or suspension hearing all licensees who have accumulated 100 points in a twelve-month period as a result of court imposed convictions or who have had referred to it reports from the City Attorney which, if believed, would result in 100 demerit points in twelve (12) months.

(A) Formal expression of concern. In those instances in which a licensee has accumulated less than 100 demerit points as determined by the City Attorney, and additional violations on one date would result in the accumulation of at least 100 points but not more than 200 points, the Public Health and Safety Committee shall call before it the licensee for purposes of a formal expression of concern. If the licensee appears, no discussion of the alleged facts underlying the assessment of demerit points shall be permitted unless the licensee requests such discussion but only if the licensee is advised that any statements made by the licensee and/or her/his representatives regarding the alleged facts may be considered by the Public Health and Safety Committee in any subsequent suspension/revocation hearing which may result from the alleged violations which are the subject of the formal expression of concern. If the licensee fails to appear after service of the notice to appear, the matter shall be scheduled for a suspension/revocation hearing. Service of the notice to appear shall be by first class mail sent to the agent, if the licensee is a corporation or a limited liability company, to the

licensee if an individual, or to any partner if the licensee is a partnership. If the notice is returned by the Post Office as undeliverable, the notice may be left with any employee found on the licensed establishment at least 24 hours before the date and time of the scheduled appearance before the Public Health and Safety Committee. A formal expression of concern in lieu of the assessment of demerit points may only occur once within a one-year period.

This ordinance amendment shall apply only to violations that would trigger a formal expression of concern which occur after this ordinance is adopted.

(B) Any alcohol beverage violation not enumerated herein may still subject the license holder to suspension or revocation of the license pursuant to Wis. Stat. 125.12 procedure.

(C) Any suspension or revocation longer than ten (10) days shall result in a license eligible for immediate reissuance.

(2) If the demerit point accumulation, calculated from the date of violation, meets or exceeds: 150 points in a 12-month period, the suspension shall be for three (3) business days; 175 points in a 12-month period, the suspension shall be for seven (7) business days; 200 points in a 12-month period, the suspension shall be for twelve (12) months. If the license(s) is revoked, no other license shall be granted to such licensee for a period of twelve (12) months from the date of revocation. The period of suspension shall be the number of days the establishment is regularly open for business.

(3) Pursuant to Wis. Stat. 125.12 procedure, the license or permit issued under this chapter to a person for:

(A) bartending, shall be suspended for 14 days, if the committee finds that the person committed a violation within 6 months after committing one previous violation;

(B) bartending, shall be suspended for 12 months, if the committee finds that the person committed a violation within 12 months after committing 2 other violations;

(C) operating, shall be suspended for 3 days, if the committee finds that the person committed a violation within 6 months after committing one previous violation.

(4) Only once in each 12-month period, for any violation of 50 points, 25 points can be earned back if the tavern owner at his/her expense sends the offending bartender to responsible beverage course and the bartender completes the course; however, upon appeal, the committee may reduce points after a public hearing before the Public Health and Safety Committee.

Leslie Kremer – City Clerk
Mary Goede – Deputy City Clerk



TEL: (715) 261-6620
FAX: (715) 261-6626

CITY CLERK – CUSTOMER SERVICES

VIA CERTIFIED MAIL/RETURN RECEIPT

June 2, 2020

Newch's Eatery LLC
Attn: NewChee Lor
1751 Cherry Street
Wausau, WI 54401

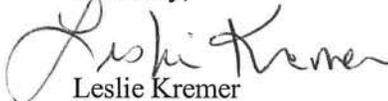
RE: Letter of Concern for Newch's Eatery, LLC

Dear Mr. Lor,

The Public Health & Safety Committee has given me the directive to write to you expressing their concern regarding the operation of your establishment. Based upon the tavern activities report from the Wausau Police Department, Newch's Eatery was flagged due to an incident that involved your allowance of extreme overcapacity of people inside your establishment, as well as a lack of cooperation with law enforcement to bring the crowd down to capacity. The Committee has also been informed that your establishment may be at or nearing assessment of 100 demerit points for violations, which as you know, could result in non-renewal or revocation of your license.

The above issues cause concern among the Public Health & Safety Committee and the police department. Pursuant to the City of Wausau Municipal Code, the Committee shall call before it the licensee for purposes of a formal expression of concern. The Committee has requested your in-person attendance at the next regularly scheduled Public Health & Safety meeting set for **Monday, June 15, 2020, at 5:15 PM** at City Hall in Council Chambers. At this meeting, the Committee will be expecting dialogue from management on the issues identified above and what steps are being taken to remedy these issues. Please call my office at 715-261-6620 to confirm your planned attendance. Lastly, know that continued violations could result in non-renewal or revocation of your license.

Sincerely,



Leslie Kremer
Wausau City Clerk

Enc. Excerpt from City ordinance & Tavern Activity report of January and March, 2020

cc w/enc. Mai Yang Lor
cc w/o enc. PH & S Committee Members
Tara Alfonso, Assistant City Attorney
Ben Bliven, Chief of Police



CITY CLERK – CUSTOMER SERVICES

Excerpt from Tavern Activity Report:

Date 02/05/2020
To Chief Bliven
From Lt. Mike Felder
Subject TAVERN REPORT January 1, 2020 through February 1, 2020

NOTABLE INCIDENTS AT TAVERNS TO WHICH POLICE WERE DISPATCHED.

Newch's Eatery, 1810 Merrill Avenue

- (1) *Event #20003390, 01/08/2020 at 10:27 PM:* Officers were called to a report of a verbal altercation taking place. Officers responded and confirmed it was a verbal argument involving two different people that were arguing about relationship problems. The situation was diffused and no arrests were made.

Excerpt from Tavern Activity Report:

Date 03/29/2020
To Chief Bliven
From Lt. Mike Felder
Subject TAVERN REPORT March 1, 2020 through March 18, 2020

NOTABLE INCIDENTS AT TAVERNS TO WHICH POLICE WERE DISPATCHED.

Newch's Eatery, 1810 Merrill Avenue

- (1) *Event #20030074, 03/07/2020 at 11:53 PM:* Officers had prior knowledge of advertisement that there was going to be a DJ at the bar that night. A call was received regarding the road being difficult to navigate because of the number of cars parked all over the place. Supervisors made contact with management to discuss the issues with a large crowd prior to the event. Officers responded as a result of the traffic complaint. On arrival, Officers immediately came across a male urinating outside. The road was down to one lane, due to cars parked on both sides. Inside the bar, it was totally packed, basically shoulder to shoulder, and very warm. Many people were sweating profusely. A male was seen throwing up in a trash can. Officers estimated there was 300 people in the bar. The owner did not know the capacity, but admitted to selling two packs of 120 wrist bands. According to the Fire



CITY CLERK – CUSTOMER SERVICES

Department, the capacity is 99. After the owner was advised of being over the capacity, he did not take immediate action to remove people. Officers gave him a few minutes to begin to take action, and did not notice anyone really leaving. In fact, some people went back into the bar. Officers went back inside, and no action had been taken. The owner was hesitant to ask people to leave since they had paid to come in. After approximately forty five minutes of no action, the Supervisors gave the bar five minutes to take action, or they would close the bar. Once given that warning, the workers went to the DJ booth, and announced that the bar was closing. Officers left once the crowd was down close to the 99 capacity. As a result of exceeding capacity by more than 30%, and the lack of response by management when asked to bring the crowd down to capacity, I recommend **seventy-five (75) Demerit Points** be assessed.

- **Newch's Eatery** is recommended to be assessed seventy-five (75) Demerit Points for being over capacity by more than 30%. They are up to 125 Demerit Points.

Chapter 5.64

ALCOHOLIC BEVERAGES⁴Sections:

| | |
|----------|---|
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| 5.64.077 | Nonrenewal of licenses. |
| 5.64.078 | Point values for alcohol beverage violations and revocations and suspensions. |
| 5.64.080 | Effect of revocation of license. |
| 5.64.084 | Provisional retail licenses. |
| 5.64.085 | Provisional operator's licenses. |
| 5.64.090 | Inspection of application and premises. |
| 5.64.110 | Health and sanitation. |
| 5.64.120 | Tax delinquencies. |
| 5.64.130 | Obstructing view of premises. |
| 5.64.140 | Closing hours. |
| 5.64.150 | Enclosure required—Picnic license. |
| 5.64.160 | Abandonment or Non-use of License. |
| 5.64.170 | Repossession of license or permit. |
| 5.64.180 | Penalty for violation. |

5.64.010 State statutes adopted. All provisions of Chapter 125 of the Wisconsin Statutes relating to the sale, regulation and licensing of alcoholic beverages, as they are now written or may be subsequently amended, repealed, created, or recreated or renumbered, except sections 125.09(6), 125.14(2), (3), (4), 125.56(2), 125.60, 125.61, 125.62, and 125.66(3), exclusive of any provisions relating to the penalty to be adopted or the punishment for violation of such statutes, are adopted and made a part of this section by reference. Sections 125.07(4)(c), (cd), (cg), (cm), (d) providing penalties for violations of sections 125.07(4)(a) and 125.07(4)(b) are specifically adopted as they are

⁴ For statutory provisions regulating intoxicating liquor generally, see §125, Wis. Stats.

| Type of Violation | Point Value |
|---|-------------|
| Unauthorized transfer or use of license | 75 |
| Owner or employee selling controlled substances on premises | 75 |
| Illegal drug paraphernalia on premises | 50 |
| Failure to maintain orderly premises, disorderly conduct within premises, failing to summon police or intervene to prevent future violations, subject of noise complaints | 50 |
| Penalty enhancer for severe offenses: Enhanced penalty for conduct which results in <ol style="list-style-type: none"> 1) Bodily harm to any individual 2) Creates a substantial risk of death or bodily harm 3) Involves the use of a firearm or other dangerous weapon | 50 |
| Demonstrates an ongoing disregard for the requirements of state law or municipal ordinances | |

(c) Violations, how calculated. In determining the accumulated demerit points against a license within twelve (12) months, the City shall use the date each violation was committed as the basis for the determination.

(d) Suspension or revocation of license.

(1) The Public Health and Safety Committee shall call before it for purposes of a revocation or suspension hearing all licensees who have accumulated 100 points in a twelve-month period as a result of court imposed convictions or who have had referred to it reports from the City Attorney which, if believed, would result in 100 demerit points in twelve (12) months.

(A) Formal expression of concern. In those instances in which a licensee has accumulated less than 100 demerit points as determined by the City Attorney, and additional violations on one date would result in the accumulation of at least 100 points but not more than 200 points, the Public Health and Safety Committee shall call before it the licensee for purposes of a formal expression of concern. If the licensee appears, no discussion of the alleged facts underlying the assessment of demerit points shall be permitted unless the licensee requests such discussion but only if the licensee is advised that any statements made by the licensee and/or her/his representatives regarding the alleged facts may be considered by the Public Health and Safety Committee in any subsequent suspension/revocation hearing which may result from the alleged violations which are the subject of the formal expression of concern. If the licensee fails to appear after service of the notice to appear, the matter shall be scheduled for a suspension/revocation hearing. Service of the notice to appear shall be by first class mail sent to the agent, if the licensee is a corporation or a limited liability company, to the

licensee if an individual, or to any partner if the licensee is a partnership. If the notice is returned by the Post Office as undeliverable, the notice may be left with any employee found on the licensed establishment at least 24 hours before the date and time of the scheduled appearance before the Public Health and Safety Committee. A formal expression of concern in lieu of the assessment of demerit points may only occur once within a one-year period.

This ordinance amendment shall apply only to violations that would trigger a formal expression of concern which occur after this ordinance is adopted.

(B) Any alcohol beverage violation not enumerated herein may still subject the license holder to suspension or revocation of the license pursuant to Wis. Stat. 125.12 procedure.

(C) Any suspension or revocation longer than ten (10) days shall result in a license eligible for immediate reissuance.

(2) If the demerit point accumulation, calculated from the date of violation, meets or exceeds: 150 points in a 12-month period, the suspension shall be for three (3) business days; 175 points in a 12-month period, the suspension shall be for seven (7) business days; 200 points in a 12-month period, the suspension shall be for twelve (12) months. If the license(s) is revoked, no other license shall be granted to such licensee for a period of twelve (12) months from the date of revocation. The period of suspension shall be the number of days the establishment is regularly open for business.

(3) Pursuant to Wis. Stat. 125.12 procedure, the license or permit issued under this chapter to a person for:

(A) bartending, shall be suspended for 14 days, if the committee finds that the person committed a violation within 6 months after committing one previous violation;

(B) bartending, shall be suspended for 12 months, if the committee finds that the person committed a violation within 12 months after committing 2 other violations;

(C) operating, shall be suspended for 3 days, if the committee finds that the person committed a violation within 6 months after committing one previous violation.

(4) Only once in each 12-month period, for any violation of 50 points, 25 points can be earned back if the tavern owner at his/her expense sends the offending bartender to responsible beverage course and the bartender completes the course; however, upon appeal, the committee may reduce points after a public hearing before the Public Health and Safety Committee.

Leslie Kremer – City Clerk
Mary Goede – Deputy City Clerk



TEL: (715) 261-6620
FAX: (715) 261-6626

CITY CLERK – CUSTOMER SERVICES

VIA CERTIFIED MAIL/RETURN RECEIPT

June 2, 2020

Hutch's Stumble Inn, LLC
Attn: Steve Hutchison
5506 Linda Street
Weston, WI 54476

RE: Letter of Concern for Hutch's Stumble Inn, LLC

Dear Mr. Hutchison,

The Public Health & Safety Committee has given me the directive to write to you expressing their concern regarding the operation of your establishment. It has come to the Committee's attention that your establishment may be at or nearing assessment of 100 demerit points for violations, which as you know, could result in non-renewal or revocation of your license. Additionally, the Committee is concerned with what appears to be a continuing disregard of the regulations for establishment hours of operation.

The above issues cause concern among the Public Health & Safety Committee and the police department. Pursuant to the City of Wausau Municipal Code, the Committee shall call before it the licensee for purposes of a formal expression of concern. The Committee has requested your in-person attendance at the next regularly scheduled Public Health & Safety meeting set for **Monday, June 15, 2020, at 5:15 PM** at City Hall in Council Chambers. At this meeting, the Committee will be expecting dialogue from management on the issues identified above and what steps are being taken to remedy these issues. Please call my office at 715-261-6620 to confirm your planned attendance. Lastly, know that continued violations could result in non-renewal or revocation of your license.

Sincerely,



Leslie Kremer
Wausau City Clerk

Enc. Excerpt from City ordinance & Tavern Activity report of January and March, 2020

cc w/o enc. PH & S Committee Members
Tara Alfonso, Assistant City Attorney
Ben Bliven, Chief of Police



CITY CLERK – CUSTOMER SERVICES

Excerpt from Tavern Activity Report:

Date 02/05/2020
To Chief Bliven
From Lt. Mike Felder
Subject TAVERN REPORT January 1, 2020 through February 1, 2020

NOTABLE INCIDENTS AT TAVERNS TO WHICH POLICE WERE DISPATCHED.

Hutch's Bar, 4411 Stewart Avenue

- (1) *Case #20000631, 01/19/2020 at 4:55 AM:* At 4:55 AM, a 9-1-1 call was received from the bartender at the bar, reporting that there was a male trying to drive his vehicle through the front door of the bar. The caller said the male was trying to get back in the bar, but was denied. The vehicle left the scene but was stopped a short distance away. The driver was arrested for hit and run, and OWI. An interview of the bartender revealed that the suspect, the bartender and the suspect's girlfriend were all in the bar after closing time, "hanging out." The suspect went outside to start his car, and when he returned to the bar, found the bartender and his girlfriend kissing each other. The result was the suspect punching the woman, smashing into the front of the bar, and the bartender's car with his own car before fleeing the scene. The suspect was cooperative with the arrest. The bartender and the owner were cited for Tavern Open After Hours, and **Twenty-five (25) Demerit Points** were assessed to the bar.

Excerpt from Tavern Activity Report:

Date 03/29/2020
To Chief Bliven
From Lt. Mike Felder
Subject TAVERN REPORT March 1, 2020 through March 18, 2020

NOTABLE INCIDENTS AT TAVERNS TO WHICH POLICE WERE DISPATCHED.

Hutch's Bar, 4411 Stewart Avenue

- (1) *Event #20034287, 03/17/2020 at 6:54 PM:* Officers found that the bar was still open and serving after the ordered shut-down time. The management was cooperative, closed the bar and patrons left.
- (2) *Event #20035471, 03/20/2020 at 7:35 PM:* Officers stopped at the bar for an extra patrol, as he observed several vehicles in the lot. The doors were locked (Governor's Orders), however the Officer could see six to eight people apparently drinking bottles of beer and glasses of mixed drinks. When the Officer shined his flashlight into the bar, he was able to hear someone inside say that it was the Police. The bartender looked at the Officer, grabbed her



CITY CLERK – CUSTOMER SERVICES

phone and then went to the back kitchen area of the bar out of sight. After about five minutes, the bartender reappeared, and allowed Officers inside. She admitted everyone had been drinking, and she did not come to the door because she didn't want the Police inside. The supervisor had a conversation with the owner, who said his daughter was working, and that they had a work meeting earlier in the afternoon. Based on the bartender's behavior, and the recent history of a relatively serious violation, I recommend the assessment of **seventy-five (75) Demerit Points** for failure to cooperate with the Police Chief designee.

- **Hutch's Bar** is recommended to be assessed seventy-five (75) Demerit Points for refusing to cooperate with the Chief of Police or designee. They are up to 100 Demerit Point.

Chapter 5.64

ALCOHOLIC BEVERAGES⁴

Sections:

- 5.64.010 State statutes adopted.
- 5.64.020 When license required.
- 5.64.030 Separate license required for each place of sale.
- 5.64.034 Restriction on servers.
- 5.64.035 Alcohol licensing and serving of alcoholic beverages – sidewalk cafes
- 5.64.036 Drive-up Sales.
- 5.64.040 Hearing.
- 5.64.050 License fees.
- 5.64.055 Late filing fees.
- 5.64.060 Restrictions generally.
- 5.64.065 Sale of Class “B” packaged goods.
- 5.64.070 Corporations.
- 5.64.075 Violations by agents and employees.
- 5.64.076 Revocation and suspension of licenses.
- 5.64.077 Nonrenewal of licenses.
- 5.64.078** Point values for alcohol beverage violations and revocations and suspensions.
- 5.64.080 Effect of revocation of license.
- 5.64.084 Provisional retail licenses.
- 5.64.085 Provisional operator's licenses.
- 5.64.090 Inspection of application and premises.
- 5.64.110 Health and sanitation.
- 5.64.120 Tax delinquencies.
- 5.64.130 Obstructing view of premises.
- 5.64.140 Closing hours.
- 5.64.150 Enclosure required—Picnic license.
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| Type of Violation | Point Value |
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| Failure to maintain orderly premises, disorderly conduct within premises, failing to summon police or intervene to prevent future violations, subject of noise complaints | 50 |
| Penalty enhancer for severe offenses: Enhanced penalty for conduct which results in <ol style="list-style-type: none"> 1) Bodily harm to any individual 2) Creates a substantial risk of death or bodily harm 3) Involves the use of a firearm or other dangerous weapon Demonstrates an ongoing disregard for the requirements of state law or municipal ordinances | 50 |

(c) Violations, how calculated. In determining the accumulated demerit points against a license within twelve (12) months, the City shall use the date each violation was committed as the basis for the determination.

(d) Suspension or revocation of license.

(1) The Public Health and Safety Committee shall call before it for purposes of a revocation or suspension hearing all licensees who have accumulated 100 points in a twelve-month period as a result of court imposed convictions or who have had referred to it reports from the City Attorney which, if believed, would result in 100 demerit points in twelve (12) months.

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licensee if an individual, or to any partner if the licensee is a partnership. If the notice is returned by the Post Office as undeliverable, the notice may be left with any employee found on the licensed establishment at least 24 hours before the date and time of the scheduled appearance before the Public Health and Safety Committee. A formal expression of concern in lieu of the assessment of demerit points may only occur once within a one-year period.

This ordinance amendment shall apply only to violations that would trigger a formal expression of concern which occur after this ordinance is adopted.

(B) Any alcohol beverage violation not enumerated herein may still subject the license holder to suspension or revocation of the license pursuant to Wis. Stat. 125.12 procedure.

(C) Any suspension or revocation longer than ten (10) days shall result in a license eligible for immediate reissuance.

(2) If the demerit point accumulation, calculated from the date of violation, meets or exceeds: 150 points in a 12-month period, the suspension shall be for three (3) business days; 175 points in a 12-month period, the suspension shall be for seven (7) business days; 200 points in a 12-month period, the suspension shall be for twelve (12) months. If the license(s) is revoked, no other license shall be granted to such licensee for a period of twelve (12) months from the date of revocation. The period of suspension shall be the number of days the establishment is regularly open for business.

(3) Pursuant to Wis. Stat. 125.12 procedure, the license or permit issued under this chapter to a person for:

(A) bartending, shall be suspended for 14 days, if the committee finds that the person committed a violation within 6 months after committing one previous violation;

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(4) Only once in each 12-month period, for any violation of 50 points, 25 points can be earned back if the tavern owner at his/her expense sends the offending bartender to responsible beverage course and the bartender completes the course; however, upon appeal, the committee may reduce points after a public hearing before the Public Health and Safety Committee.



Office of the City Attorney

TEL: (715) 261-6590
FAX: (715) 261-6808

Anne L. Jacobson
City Attorney

Tara G. Alfonso
Assistant City Attorney

Nathan Miller
Assistant City Attorney

COMMENTS REGARDING PROPOSED ORDINANCE FOR TEMPORARY
EXPANSION OF ALCOHOL SERVICE INTO OUTDOOR AREAS FOR
BARS AND TAVERNS DURING COVID-19 PANDEMIC AND RECOVERY PERIOD

- The Public Health & Safety Committee provided it would consider entertaining criteria for permitting local bars and taverns to apply for temporary sidewalk café permits and/or temporarily expanded licensed premises to serve alcohol outdoors during the period of COVID-19 pandemic and recovery.
- Recognizing there are different considerations to be evaluated relating to the outdoor operation of bars and taverns given the nature of their primary business focus on the consumption and service of alcohol beverages, the proposed ordinance is different in a number of respects to that previously passed by the Common Council for temporary outdoor seating and service for restaurants. The significant highlights of the ordinance proposed for consideration are:
 - All provisions expire automatically on October 31, 2020, at 11:59 pm without further action by the Common Council. The Common Council may consider extending or adding additional provisions as that time approaches.
 - The ordinance makes it clear that any temporary expansion of licensed premises, permitting the service of alcohol beverages is in fact, *temporary*. At the end of the designated time period, all licensed premises revert back to those identified and approved as part of the original license application authorizing the service of alcohol beverages.
 - Unlike the temporary ordinance provisions governing outdoor seating for restaurants, approval of temporary sidewalk café permits and temporary amendment of licensed premises for bars and taverns lies with the Public Health & Safety Committee, rather than being delegated to the City Clerk.
 - Criteria for granting temporary permission for outdoor operation include a requirement that the proposed outdoor premises must be located more than 100 feet from a structure zoned for residential purposes (or consent of the residential neighbors must be obtained); the proposed outdoor area cannot be greater than 50% of the indoor licensed premises; the establishment cannot have more than 25 demerit points assessed against it on the date of application or within a two year period preceding the application; and the licensee or licensed establishment can have no convictions for noise disturbances within 1 year.
 - Among other standards or requirements to be followed, a bar or tavern provided the opportunity to temporarily expand its premises outdoors may

only operate that outdoor area between the hours of 12:00 p.m. and 10:00 p.m. and the outdoor area must be designated by an enclosure.

- Three or more substantiated noise complaints against the outdoor premises constitutes sufficient grounds to proceed to revoke the temporary outdoor premises amendment under Wis. Stat. §125.12.

Items the Committee may wish to give special consideration to at its meeting are:

- The number of demerit points an applicant is permitted to have in order to qualify for temporary outdoor seating
- Whether it wishes to be more specific regarding the type of enclosure required for the outdoor space
- The limit on the size of the outdoor area (the proposal is that it cannot be greater than 50% of the inside licensed premises)
- Limit on the proximity to residential properties/uses.

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

ORDINANCE OF THE PUBLIC HEALTH & SAFETY COMMITTEE

Amending 5.90.010 Purpose and intent; and creating temporary ordinance 5.90.060 Temporary outdoor operation for bars and taverns.

Committee Action:

Ordinance Number:

Fiscal Impact: None

File Number:

Date Introduced:

The Common Council of the City of Wausau do ordain as follows:

Add ()

Delete ()

Section 1. That the Section 5.09.010 Purpose and intent is hereby amended to read as follows:

5.90.010 Purpose and intent. The Common Council recognizes the need to continue to prevent exposure to and spread of the COVID-19 coronavirus by maximizing social distancing during the COVID-19 pandemic and recovery. It further recognizes that restaurants within the City may have particular difficulty providing recommended social distancing while still being able to operate profitably especially given the large amounts of space typically reserved within restaurant establishments for food preparation areas, the need to maintain diner waiting areas, and to permit the operation of serving stations. The Common Council also recognizes that local bars and taverns additionally may struggle to provide recommended social distancing within their licensed establishments during the COVID-19 pandemic and recovery period. Accordingly, the The Common Council wishes to provide temporary relief to restaurants by relaxing certain local code requirements during the COVID-19 pandemic and recovery period to allow those businesses to utilize public sidewalks, parking areas, and open spaces during this limited time period to maximize their service area. The Common Council also wishes to provide similar temporary relief to bars and taverns in accordance with the criteria set forth in section 5.90.060 of this chapter, recognizing that unique considerations with respect to the nature of such businesses that focus primarily on the service and consumption of alcohol beverages and the potential impact their outdoor operation may have on neighboring properties requires consideration of separate guidelines and a need for regulation different than that of restaurants. Therefore, notwithstanding any provision contained within the City of Wausau Municipal Code, during the period of emergency and recovery in response to COVID-19 and expiring on October 31, 2020, 11:59 pm, the Common Council implements the temporary rules contained in this chapter. Nothing in this temporary ordinance purports to alter state law respecting alcohol beverages set forth in ch. 125, Wisconsin Statutes. Outdoor seating area desired for permanent or long term use must be applied for pursuant to the existing and established municipal code provisions.

Section 2. That Section 5.90.060 Temporary outdoor operation for bars and taverns is hereby created to read as follows:

5.90.060 Temporary outdoor operation for bars and taverns. (a) Operation on public sidewalk. Any bar or tavern located within the City seeking to utilize the public sidewalk for additional seating for its establishment, that holds a valid alcohol beverage license, may apply for a temporary sidewalk café permit following the procedure set forth in subsections 5.63.040(a) and (b) of this Code and supplying the documents required therein. The sidewalk café standards of section 5.63.060 shall apply to all such temporary sidewalk operations. No application for outdoor seating under a temporary sidewalk café permit shall be approved in the absence of an approved temporary amendment to the licensed premises; the application for the temporary sidewalk café permit may be submitted at the same time as the application for temporary amendment of licensed premises. Applications may be approved or denied by the Public Health & Safety Committee. Any person aggrieved by the decision of the Public Health & Safety Committee may appeal to the Common Council. A temporary sidewalk café permit may be suspended or revoked as set forth in section 5.63.100 of this Code.

(b) Temporary amendment of licensed premises.

(1) Application. Any bar or tavern may submit an application to temporarily expand the area identified as the licensee's "licensed premises" to include an area for which it intends to seek a sidewalk café permit, or an outdoor space located on their premises which is adjacent to the licensed bar or tavern such as a parking lot or other open area. The application for temporary amendment of licensed premises may be submitted at the same time as the application for the temporary sidewalk café permit. Applications may be approved or denied by the Public Health & Safety Committee. Any person aggrieved by the decision of the Public Health & Safety Committee may appeal to the Common Council.

(2) Criteria for granting temporary amendment of licensed premises. No temporary amendment of licensed premises for outdoor seating under this section will be approved unless the applicant meets or supplies all of the following:

(i) Submits a site plan showing the size of the proposed temporary outdoor premises, ingress/egress to building, lot lines, setback and location of tables and identifies all structures zoned for residential purposes within one hundred (100) feet of the proposed temporary outdoor premises.

(ii) The proposed temporary outdoor premises must be contiguous to the licensed premises approved as part of the applicant's original, annual license.

(iii) The proposed temporary outdoor premises must be entirely visible at all times from the indoor licensed premises or must have licensed bartender located within and supervising the temporary outdoor premises during its operation.

(iv) The proposed temporary outdoor premises cannot be greater than fifty (50) percent of the gross floor area of the applicant's licensed premises approved as part of the applicant's original, annual license.

(v) The proposed temporary outdoor premises must be located more than one hundred (100) feet from a structure zoned for residential purposes, unless the applicant provides the

written consent of all of the owners or tenants residing in such structure(s) to the operation of the proposed temporary outdoor premises.

(vi) The licensee or licensed establishment may not have more than 25 demerit points on the date of application and no more than a total of 25 demerit points assessed within the two (2) years preceding the application pursuant to section 5.64.078.

(vii) The licensee or licensed establishment shall have no convictions under this Code for noise disturbance within one (1) year preceding the application.

(viii) If located on the City right of way, the applicant must agree to indemnify and hold the City harmless with respect to its activities on the right of way, provide the City with a certificate of insurance, name the city as an additional insured, and meet all other requirements of section 5.63.070.

(3) Expiration of temporarily expanded area. The temporarily expanded licensed premise area shall be effective only for a time period expiring October 31, 2020 at 11:59 pm or while the licensee holds a valid temporary sidewalk café permit under this chapter, whichever occurs first. Upon termination, relinquishment, revocation or suspension, or other expiration of the temporary sidewalk café permit or at 11:59 pm on October 31, 2020, whichever occurs first, the licensed premise area shall automatically return to the area identified and approved as part of the licensee's annual license application without further action required upon the part of the licensee or Common Council. The application for a temporary amendment of licensed premises shall include an acknowledgement and consent of the applicant to the automatic reversion of the temporary expansion as set forth herein in the form supplied by the city clerk. Further, the licensee's application for and acceptance of the temporarily expanded licensed premises area shall further demonstrate the licensee's consent to the automatic reversion of the licensed premises as provided herein.

(4) Standards and requirements. Any bar or tavern granted a temporary expansion of its licensed premises under this section shall comply with the following additional standards and requirements:

(i) The temporary outdoor premises shall only be permitted to be operated from 12:00 p.m. to 10:00 p.m.

(ii) The temporary outdoor premises shall be defined by an enclosure designed to separate and distinguish the outdoor area in such a way that patrons can be easily identified from passersby and other foot or vehicle traffic in order to ensure alcohol is not served to underage individuals.

(iii) Patrons must be seated unless engaged in entering or exiting the temporary outdoor premises.

(iv) Alcohol must be dispensed from service stations or areas located within the premises identified and approved as part of the licensee's annual license application; no service stations for alcohol may be established in the temporary outdoor premises.

(v) No part of the temporary outdoor premises may be utilized for recreational activities, including darts or card games.

(vi) Outdoor premises shall be further operated in accordance with the sidewalk café standards of W.M.C. §5.63.060(b)(1), (b)(4), (d) through (h) and (l).

(vii) Three or more substantiated noise complaints against the temporary outdoor premises during the period for which the temporary expansion is granted shall be sufficient grounds to revoke the temporary outdoor premises amendment subject to the provisions of Wis. Stat. §125.12.

Section 3. All provisions of City ordinances not specifically altered by this temporary ordinance shall remain in effect.

Section 4. This ordinance shall be in full force and effect on the day after its publication.

Section 5. This ordinance shall automatically repeal on October 31, 2020 at 11:59 pm; no further action shall be required.

Adopted:
Approved:
Published:
Attest:

Approved:

Katie Rosenberg, Mayor

Attest:

Leslie Kremer, Clerk

Summary of Fire and EMS Events For May 2020

1. Significant City Fire Events:

| Date | Address | Type |
|------------|---|-----------------------------|
| 05/09/2020 | 411 Westwood Dr, Wausau (10598) | Special Outside Fire, other |
| 05/14/2020 | 704 Washington St., Wausau (10621) | Water vehicle fire |
| 05/20/2020 | Int. of N. 10 th St & Townline Rd. (10657) | Grass Fire |
| 05/21/2020 | 1599 Curling Way, Wausau (10659) | Rail vehicle fire |
| 05/24/2020 | 100 E. Randolph St., Wausau (10690) | Building Fire |

2. Township Responses:

| Date | Township | Address | Type |
|------------|------------------|--|--|
| 05/02/2020 | Maine | 5475 N. 28 th Ave, Wausau (1699) | EMS Call, excluding vehicle accident with injury |
| 05/03/2020 | Weston (Village) | 3308 Horizon Ct, Weston (1710) | EMS Call, excluding vehicle accident with injury |
| 05/05/2020 | Hatley (Village) | Int. of E State Highway 29 and N County Rd Y, Hatley (1731) | EMS Call, excluding vehicle accident with injury |
| 05/07/2020 | Hamburg | 138095 County Road L, Athens (1748) | EMS Call, excluding vehicle accident with injury |
| 05/11/2020 | Wausau | 155450 Restlawn Rd, Wausau (1793) | EMS Call, excluding vehicle accident with injury |
| 05/12/2020 | Wausau | 236033 Del Rio Rd, Wausau (1814) | EMS Call, excluding vehicle accident with injury |
| 05/15/2020 | Wausau | Int. of State Highway 52 and County Rd J, Wausau (10627) | Motor vehicle accident with injuries |
| 05/15/2020 | Wausau | 158587 Granite Rd, Wausau (1856) | EMS Call, excluding vehicle accident with injury |
| 05/16/2020 | Berlin | 141560 Naugart Dr, Athens (1869) | EMS Call, excluding vehicle accident with injury |
| 05/16/2020 | Maine | 12181 N. 12 th Ave., Merrill (1867) | Dispatched & cancelled en route |
| 05/16/2020 | Texas | 154678 Goetsch Rd, Wausau (1871) | EMS Call, excluding vehicle accident with injury |
| 05/21/2020 | Maine | 247848 US 51 MM 204, Wausau (10661) | Motor vehicle accident with injuries |
| 05/25/2020 | Texas | 153178 Granite Heights Rd, Wausau (2008) | EMS Call, excluding vehicle accident with injury |
| 05/27/2020 | Texas | 241889 County Rd WW, Wausau (2038) | EMS Call, excluding vehicle accident with injury |
| 05/28/2020 | Berlin | 240124 N. 72 nd Ave, Wausau (2043) | EMS Call, excluding vehicle accident with injury |
| 05/28/2020 | Mosinee (Town) | 145900 Moon Rd, Mosinee (2056) | EMS Call, excluding vehicle accident with injury |
| 05/28/2020 | Texas | 154564 Goetsch Rd, Wausau (2049) | EMS Call, excluding vehicle accident with injury |
| 05/28/2020 | Wausau | 160743 Mercedes Rd, Wausau (2053) | EMS Call, excluding vehicle accident with injury |
| 05/29/2020 | Berlin | 139302 County Road L, Athens (2068) | EMS Call, excluding vehicle accident with injury |
| 05/29/2020 | Rib Falls (Town) | 236642 Grass Creek Ln, | EMS Call, excluding vehicle |

| | | |
|--|---------------|----------------------|
| | Athens (2059) | accident with injury |
| Total Mutual Aid Given | | 3 |
| Total Automatic Aid Given | | 13 |
| Total Non-Aid Incidents (no response from other agency) | | 4 |

3. Significant EMS Events:

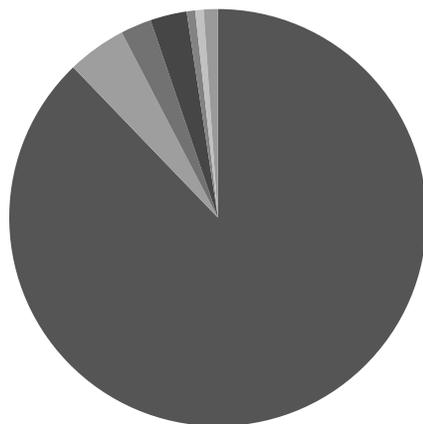
| City | # of Runs | % of Runs | # of Runs - YTD |
|---------------------|------------|----------------|-----------------|
| Berlin (Town of) | 4 | 0.98% | 11 |
| Hewitt (Town of) | 0 | 0.00% | 9 |
| Maine (Village of) | 3 | 0.73% | 35 |
| Texas (Town of) | 4 | 0.98% | 17 |
| Stettin (Town of) | 0 | 0.00% | 0 |
| Wausau (City of) | 389 | 95.11% | 1,971 |
| Wausau (Town of) | 5 | 1.22% | 36 |
| Weston (Village of) | 1 | 0.24% | 4 |
| Other | 0 | 0.00% | 4 |
| Interfacility | 0 | 0.00% | 1 |
| Intercept | 3 | 0.73% | 3 |
| Total | 409 | 100.00% | 2,091 |

| Type | # of Runs | # of Runs - YTD |
|------------------------|-----------|-----------------|
| Community Paramedicine | 0 | 0 |

4. Fire Department Activities

| | |
|--|--------------|
| NFIRS Incidents (Engine) | 410.06 Hours |
| EMS Incidents (Ambulance) | 784.93 Hours |
| Non-Incident Activities (Station Maintenance/Wellness, Vehicle Check-off/Fire Pre-plan, Hazmat Outreach, Administration duties, Public Education, Committee and Staff Meetings) | 914.89 Hours |
| Training | 974.09 Hours |

5. Other Fire Incident Responses:



- Rescue & Emergency Medical Service Incident (403)
- False Alarm & False Call (21)
- Good Intent Call (11)
- Service Call (13)
- Hazardous Condition (No Fire) (3)
- Special Incident Type (3)
- Fire (5)

| CODE | DESCRIPTION | FREQ. | FREQ. % | EXPs | TOTAL MAN HOURS | AVERAGE RESPONSE TIME (min) |
|------|--------------------|-------|---------|------|-----------------|-----------------------------|
| 111 | Building fires | 1 | 0.23 % | 0 | 60.00 | 5.00 |
| 133 | Rail vehicle fire | 1 | 0.23 % | 0 | 15.30 | 4.00 |
| 134 | Water vehicle fire | 1 | 0.23 % | 0 | 8.53 | 3.00 |
| 143 | Grass fire | 1 | 0.23 % | 0 | 1.53 | 3.00 |

| | | | | | | |
|---|--|------------|----------------|----------|---------------|-------------|
| 160 | Special outside fire, other | 1 | 0.23 % | 0 | 1.07 | 6.00 |
| 243 | Fireworks explosion (no fire) | 1 | 0.23 % | 0 | 6.23 | 4.00 |
| 311 | Medical assist, assist EMS crew | 6 | 1.35 % | 0 | 9.53 | 3.83 |
| 321 | EMS call, excluding vehicle accident with injury | 369 | 83.30 % | 0 | 382.03 | 5.50 |
| 322 | Vehicle accident with injuries | 5 | 1.13 % | 0 | 23.63 | 3.40 |
| 323 | Motor vehicle/pedestrian accident (MV Ped) | 1 | 0.23 % | 0 | 1.70 | 3.00 |
| 324 | Motor vehicle accident with no injuries | 2 | 0.45 % | 0 | 8.10 | 4.50 |
| 353 | Removal of victim(s) from stalled elevator | 2 | 0.45 % | 0 | 2.00 | 5.50 |
| 357 | Extrication of victim(s) from machinery | 1 | 0.23 % | 0 | 5.00 | 8.00 |
| 381 | Rescue or EMS standby | 1 | 0.23 % | 0 | 2.87 | 0.00 |
| 412 | Gas leak (natural gas or LPG) | 2 | 0.45 % | 0 | 2.10 | 5.00 |
| 463 | Vehicle accident, general cleanup | 1 | 0.23 % | 0 | 2.50 | 6.00 |
| 500 | Service Call, other | 3 | 0.68 % | 0 | 1.97 | 2.67 |
| 511 | Lock-out | 3 | 0.68 % | 0 | 1.27 | 3.33 |
| 542 | Animal rescue | 3 | 0.68 % | 0 | 1.83 | 7.67 |
| 553 | Public service | 1 | 0.23 % | 0 | 0.67 | 8.00 |
| 561 | Unauthorized burning | 3 | 0.68 % | 0 | 1.97 | 5.00 |
| 600 | Good intent call, other | 1 | 0.23 % | 0 | 1.33 | 6.00 |
| 611 | Dispatched & canceled en route | 6 | 1.35 % | 0 | 4.05 | |
| 622 | No incident found at dispatch address | 1 | 0.23 % | 0 | 0.40 | 6.00 |
| 651 | Smoke scare, odor of smoke | 1 | 0.23 % | 0 | 0.80 | 5.00 |
| 671 | Hazmat release investigation w/ no hazmat | 1 | 0.23 % | 0 | 0.93 | 6.00 |
| 700 | False alarm or false call, other | 3 | 0.68 % | 0 | 1.07 | 4.00 |
| 710 | Malicious, mischievous false call, other | 1 | 0.23 % | 0 | 0.80 | 7.00 |
| 735 | Alarm system sounded due to malfunction | 2 | 0.45 % | 0 | 16.00 | 7.00 |
| 736 | CO detector activation due to malfunction | 2 | 0.45 % | 0 | 0.83 | 6.00 |
| 743 | Smoke detector activation, no fire - unintentional | 2 | 0.45 % | 0 | 3.60 | 3.00 |
| 744 | Detector activation, no fire - unintentional | 2 | 0.45 % | 0 | 8.37 | 5.00 |
| 745 | Alarm system sounded, no fire - unintentional | 8 | 1.81 % | 0 | 38.10 | 6.00 |
| 746 | Carbon monoxide detector activation, no CO | 1 | 0.23 % | 0 | 0.43 | 6.00 |
| 911 | Citizen complaint | 3 | 0.68 % | 0 | 1.13 | 4.67 |
| Totals | | 443 | 100.00% | 0 | 617.68 | 5.39 |
| Total Mutual Aid Received - Fire | | 0 | | | | |
| Total Mutual Aid Received - EMS | | 0 | | | | |

6. Personnel Hours off due to:

| | |
|-----------------------|-------------------------|
| Catastrophic | 0.00 Hours |
| Family/Medical Leave | 24 Hours (1 day) |
| Sick Leave | 101.5 Hours (4.22 days) |
| Worker's Compensation | 0.00 Hours |

7. Fire Inspection Events

| Inspections Completed | Monthly | Year to Date |
|-------------------------------------|----------------|---------------------|
| Inspections w/ no violations | 179 | 1,031 |
| Re-inspections Completed | | |
| 1 st Re-inspection | 4 | 107 |
| 2 nd Re-inspection | 5 | 29 |
| 3 rd Re-inspection | 3 | 9 |
| 4 th Re-inspection | 0 | 3 |
| 5 th Re-inspection | 0 | 2 |
| 6 th Re-inspection | 0 | 1 |
| 7 th Re-inspection | 0 | 1 |
| 8 th Re-inspection | 0 | 2 |
| 9 th Re-inspection | 0 | 1 |
| 10 th Re-inspection | 0 | 1 |
| 11 th Re-inspection | 0 | 0 |
| Varied Inspections | 191 | 1,187 |
| Plan Review – General | | 0 |
| Plan Review – Mechanical | 0 | 1 |
| Plan Review – Site | 0 | 0 |
| Plan Review – Sprinkler System | 0 | 0 |
| Plan Review - Architectural | 0 | 0 |
| Plan Review – Other | 0 | 0 |
| Inspection – General | 0 | 0 |
| Inspection – Site | 0 | 4 |
| Inspection – Fire Protection | 8 | 18 |
| Inspection – Fire Alarm | 1 | 3 |
| Inspection – Sprinkler System | 0 | 3 |
| Inspection – Permit | 5 | 10 |
| Inspection – Hazardous Operations | 0 | 1 |
| Inspection – License | 1 | 2 |
| Inspection – Electrical | 0 | 0 |
| Inspection – Special Event | 0 | 0 |
| Inspection – Tank | 0 | 0 |
| Investigation – False Alarm | 0 | 0 |
| Investigation – Hazardous Materials | 0 | 0 |
| Investigation – Other | 0 | 0 |
| Investigation – General | 0 | 0 |
| Referral/Complaint – Citizen | 0 | 1 |
| Referral/Complaint – Building | 0 | 0 |
| Referral/Complaint – Housing Safety | 0 | 2 |
| Consultation – Assembly | 0 | 0 |
| Consultation – Site | 0 | 0 |
| Consultation – Building | 1 | 3 |
| Consultation – General | 0 | 0 |
| Consultation – Fire Drill | 0 | 0 |
| Consultation – Fire Protection | 1 | 3 |
| Consultation – Fire Alarm | 0 | 0 |
| Consultation – Hazardous Operations | 0 | 1 |
| Consultation – Sprinkler System | 0 | 4 |
| Consultation – Permit | 0 | 1 |
| Consultation – License | 0 | 0 |
| Consultation – Knox Box | 2 | 10 |
| Consultation – Other | 0 | 0 |
| Legal – General | 0 | 0 |
| Legal Preparation | 0 | 0 |
| Legal – Court Appearance | 0 | 0 |
| Property Evaluation Reviews | 5 | 28 |

| | | |
|---|--------------------|------------------|
| Total Inspections | 24 | 1,282 |
| Fire Investigations | 1 | 4 |
| Inspection Department Activities | Staff Count | YTD Staff |
| Elderly Fire Safety Programs | 0 | 3 |
| Parade | 0 | 0 |
| Big Brothers Big Sisters | 0 | 0 |
| SAFE Kids Coalition | 0 | 1 |
| School Programs | 0 | 0 |
| Smoke Detector/CO Programs | 0 | 5 |
| Public Education (tours, lectures, etc.) | 0 | 15 |
| Open Burn Complaints | 2 | 3 |
| Fire/EMS Presentation | 0 | 4 |
| Fire Drills/Pool Drills | 0 | 4 |
| Job Fairs | 0 | 2 |
| Inspections 1 & 2 Family Dwellings | 0 | 1 |
| CPR Training for Outside Agency | 0 | 0 |
| Special Event Inspections or Plan Meetings | 1 | 1 |
| Juvenile Intervention Programs (Traffic/Fire) | 0 | 2 |



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.



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Christine's, 936 S. 3rd 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. 6th 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. 3rd 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.



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M&R Station, 818 S. 3rd 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. 3rd 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. 3rd 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.

Wausau Police Department



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Labor Temple, 318 S. 3rd 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.
- See attached report.

Respectfully submitted,
Lt. Michael Felder

ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED TO TAVERNS/STORES

| Establishment | Defendant/Relationship | Date of Violation | Ord. Section/Statute Number | Type of Violation | Point Value* | Case # |
|---------------------------|-----------------------------|-------------------|-----------------------------|---------------------------------------|--------------|----------------|
| 6th Street Pub | Allen Woller/Owner | 7/19/2019 | 5.64.010/125.04(10) | Fail to Frame/Post Liscense | 25 | 19006757 |
| | | | | | Total | 2 |
| 101 Pub | | | | | Total | |
| After Shock Bar & Grill | | | | | Total | |
| Applebee's Restaurant | | | | | Total | |
| Buffalo Wild Wings | | | | | Total | |
| Bunker's | | | | | Total | |
| Cabaret | | | | | Total | |
| Callon Street Pub | | | | | Total | |
| Campus Pub | | | | | Total | |
| Cheers Bar | | | | | Total | |
| Christine's Bar | Yer Vang/Corporation Agent | 7/11/2019 | 125.69(6) | Fail to Obtain Liquor from Wholesaler | 50 | WI Dept Rev. |
| | | | | | Total | 50 |
| Cop Shoppe Pub | | | | | Total | |
| Crossroad's County Market | | | | | Total | |
| Cruisin 1724 | | | | | Total | |
| Den Mar | | | | | Total | |
| Days' Bowl-a-Dome | Jasmine M. Koskey/Bartender | 6/18/2019 | 5.64.010/125.07(1) | Serve Underage Person | 25 | Case #19005679 |
| | | | | | Total | 25 |
| Domino Bar | | | | | Total | |
| Eagle's Club | | | | | Total | |
| Glass Hat | | | | | Total | |

| Hiawatha | | | | | Total | |
|--------------------------|-----------------------------|------------|--------------------|--|-------|-----------------|
| Hmong Eggroll Restaurant | | | | | Total | 0 |
| Hutch's Bar | Kelly L. Reiger/Bartender | 1/19/2020 | 5.64.010 | Tavern Open After Hours | 25 | Case #20000631 |
| | Steven M. Hutchison/Owner | 1/19/2020 | 5.64.01 | Tavern Open After Hours | | |
| | Christy E. Beyer/Bartender | 3/20/2020 | | Fail to Cooperate with Police | 75 | Event #20035471 |
| | | | | | Total | 100 |
| Intermission Bar | | | | | Total | 0 |
| Jalapeno's | Dustin M. Behr/Patron | 8/10/2019 | 9.04.025 | Leaving With Open Container | 25 | Case #19007624 |
| | Kole T. Packard/Patron | 9/28/2019 | 9.04.025 | Leaving With Open Container | 25 | Case #19009357 |
| | | | | | Total | 50 |
| Jim's Corner Pub | | | | | Total | 0 |
| Labor Temple | Randy M. Olmsted/Agent | 8/17/2019 | 5.64.010/125.68(2) | No Licensed Bartender | 50 | Case #19007850 |
| | | | | | Total | 50 |
| Limmerick's Public House | | | | | Total | 0 |
| Loppnow's Bar | | | | | Total | 0 |
| Lumpy's | | | | | Total | 0 |
| Kohlman and Lee's IGA | | | | | Total | 0 |
| Krist Food Mart #89 | | | | | Total | 0 |
| M & R Station | Shaila K. Herbig/Bartender | 9/15/2019 | 5.64.140 | Open After Hours | 25 | Event #19123541 |
| | Rick Gordon/Owner | 2/16/2020 | | Refusal to Cooperate w/ Police Chief or Designee | 75 | Case #20001572 |
| | | | | | Total | 100 |
| Malarkey's Pub | Tanner E.M. Carlson/Patron | 8/3/2019 | 9.04.025 | Leaving With Open Container (Citation) | 25 | Case #19007325 |
| | Samantha E. Fischer/Patron | 8/9/2019 | 9.04.025 | Leaving With Open Container (Warning) | 25 | Case #19007552 |
| | Three underage people cited | 8/9/2019 | 5.64.010/125.07(3) | Underage Persons (3) on Premises | 25 | Case #19007590 |
| | Robert Stonick/Patron | 8/17/2019 | 9.04.025 | Leaving With Open Container (Citation) | 25 | Case #19007819 |
| | Jason C. Grezenski/Patron | 8/17/2019 | 9.04.025 | Leaving With Open Container (Citation) | 25 | Case #19007823 |
| | Gene P. Delsing/Patron | 8/17/2019 | 9.04.025 | Leaving With Open Container (Citation) | 25 | Case #19007824 |
| | | | | | Total | 150 |
| Milwaukee Burger Company | | | | | Total | 0 |
| Newchee's Eatery | Newchee Lor/Owner | 11/17/2019 | 5.64.078 | Failure to Maintain an Orderly Premise | 50 | Case #1901088 |
| | Newchee Lor/Owner | 3/7/2020 | | Exceed Capacity by More Than 30% | 75 | Event #20030074 |
| | | | | | Total | 125 |

North End Pub

Total

Pick N' Save #6405

Total

Pine Ridge Mobil

Total C

Player's

Total C

R Store #31

Total

R Store #34

Total

Red Eye Brewing Company

Total

Roc's Place

Total

Showtime Gentlemen's Club

Total

The Store #62

Total

Thrive Foodery

Total

Treu's Tic Toc

Total

Tobacco Outlet Plus #501

Total

Trig's Wausau

Total

VFW Burns Post 388

Total C

Wausau BP

Total

Walgreen's #13371

Total C

Wausau Labor Temple

Total

Wausau Mine Company

Total

Total

:

