

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, January 18, 2021, at 5:15 pm, (Council Chambers)

Members Present: Lisa Rasmussen (C), Dawn Herbst, Pat Peckham, Jim Wadinski

Members Excused: Becky McElhaney

Others Present: Tara Alfonso, Ben Bliven, Mary Goede, Leslie Kremer, Bob Barteck, Katie Rosenberg, Mark Craig; and by *WebEx*: Maryanne Groat, Sarah Watson, Phil Rentmeester

Minutes of previous meetings. (12/21/20)

Motion by Herbst, second by Peckham to approve the minutes of the 12/21/20 meeting. Motion carried 4-0.

Consider approval or denial of various license applications.

Lisa Rasmussen stated the Liquor License Review Subcommittee met right before this meeting to consider the application of Jefferson Street Inn Rental Pool, LLP, for a Class B Beer & Liquor license for part of the hotel and the banquet space that is being sold to this entity. She noted this is a separate license from the one held by The City Grill on the main floor. The subcommittee has recommended approval of the license.

Rasmussen stated there was a denial recommendation for a Public Transport Driver License for Philip McClure. It was noted the Mr. McClure was not present to appeal.

Rasmussen stated the other denial for a Public Transport Driver License was for James Lake, which had been deferred from the last meeting. Chief Bliven reviewed the record and indicated he was staying with the denial recommendation. It was noted that Mr. Lake was not present.

Chief Bliven explained he reviewed the criminal history for Mr. Lake and also spoke with him on the phone. Lake believed he had been denied based on some “read in” charges from the early 90’s, which isn’t entirely accurate. Bliven stated there were felony forgery convictions from the early 90’s, as well as child sexual assault charges that were read in, but that wasn’t the only reason for the denial. He indicated the reason for the denial was due to numerous domestic battery convictions within the last few years in conjunction with the felony status, and pointed out that battery is an exempt offense.

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

Discussion and possible action on the prohibition of possession of firearms and weapons at polling places

Rasmussen stated the Mayor had issued an emergency proclamation right before the Presidential Election that precluded people from carrying weapons and firearms into the polling places. It was less of a concern in the past because a number of our polling locations were in schools which already had weapons/firearms bans. Now that a number of poll sites have changed and moved out of schools to churches and other venues, the Safe Elections Task Force has sent a recommendation to consider making the Mayor’s temporary order permanent for all future elections.

Motion by Herbst, second by Wadinski to approve the prohibition of firearms and weapons at poll sites. Motion carried 4-0.

Discussion and possible action on approval of agreement between the City of Wausau and Marathon County approving “Level B Hazardous Materials Response Agreement” (appointing City/Wausau Fire Department as local emergency response team County-wide).

Deputy Fire Chief Barteck stated this contract is different from our state contract as a Regional Team which provides a Type 2 Hazmat Team; this is a new contract we are entering with Marathon County. He explained all 72 counties in the State of Wisconsin are required to have a Level B Hazmat team at their disposal. Marathon County has had their own Hazmat Team for many years, but due to increasing demands for training, ongoing education, tools and equipment, personnel, and the low volume of calls, they are having difficulty keeping that team functioning. He indicated the county approached the Mayor and Wausau Fire Department this past fall regarding taking over the county’s Level B responsibilities. He noted this is actually a step lower than our regional responsibilities. He believed they can work cooperatively with Phil Rentmeester and the Emergency Management Office to come to an agreement to serve Marathon County and City of Wausau residents.

Rasmussen indicated Assistant Attorney Tara Alfonso was still finalizing some of the legal review and suggested approving the agreement contingent upon completion of that review. Alfonso indicated she sent it over to CVMIC for review regarding indemnification and is waiting for their response.

Motion by Peckham, second by Herbst to approve the Level B Hazardous Materials Response Agreement contingent upon completed legal review. Motion carried 4-0.

Discussion and possible action regarding COVID-19 related mask requirement city wide.

Rasmussen stated a resolution was passed in November to support mask use to lay behind and be subordinate to the Governor's statewide mandate. This resolution only extends the date from the end of January to the end of March because the Governor just extended his order.

Motion by Wadinski, second by Peckham to approve the extension to March 31, 2021. Motion carried 4-0.

Discussion and possible action recommending adoption of a City resolution in opposition to new, proposed state legislation allowing the sale of "cocktails-to-go."

Rasmussen explained this is new legislation that is currently circulating in Madison still looking for a co-sponsor. Alcohol licenses are controlled by state statute under Wisconsin Chapter 125, which gives municipalities the control to issue, suspend and revoke licenses, as well as create provisions within those licenses that allow businesses to function. She felt the local control is key so municipalities can work with the business community and react faster and more fully to the needs of the business than what a statewide order could.

Rasmussen noted the City of Wausau has already taken steps to help its businesses through a reduction in license fees; allowing grocers to deliver alcohol curbside with a food purchase; provisions for dining in the streets; amended premises for outside seating; etc. She stated as a municipality it does nothing for local control if we don't stand up and tell state legislators to let us manage this. *Discussion followed.*

Mayor Rosenberg commented she reached out to a couple people in the Assembly and they indicated this bill needs a lot of work and exacerbates some of the inequities between certain kinds of businesses.

Chief Bliven stated his concern was the safety issue by making it easier for people to drink and drive.

Motion by Peckham, second by Herbst to approve a resolution in opposition to the proposed legislation allowing the sale of "cocktails-to-go" to be sent to our state representatives. Motion carried 4-0.

Operations Report from Fire Department for October - December 2020

Deputy Barteck noted in the "Keep the Wreath Green" Program that ran from Thanksgiving to Christmas there were two red bulbs for two fires. *Report placed on file.*

Tavern Activities / Compliance Checks / Law Enforcement Activities

Chief Bliven presented the Tavern Report from December 1, 2020 through December 31, 2020. *(See attached)*

Rasmussen stated she continues to get reports about Aftershock from the neighbors in the area that surround it. They are concerned about everything from over-serving to underage access to alcohol outside to gambling. She noted the Police Department has stepped up with patrol in the area and had contact with the owner to try to find a proactive solution.

Chief Bliven noted the department will be going back to doing tavern checks which had been stopped as a result of Covid. He indicated those checks will be on the report next month. Rasmussen suggested there be a dialogue with Loppnow's that has reached 75 points.

Bliven stated he has looked at ways to make sure the committee is aware of law enforcement activities besides just the tavern report. He indicated he is working on developing a report that he hoped to have ready by the March meeting. It would include an updates from the Community Resource Unit regarding heroin overdoses; a high level overview of drug cases; other current projects, such as massage parlors; updates on traffic activity and statistics, major cases from the Investigative Bureau, School Resource Officers and Victim Resources Unit; an overtime report; citizen complaints and internal investigations; event planning for special events; homelessness and Crisis Assessment Response Team data; and general crime statistics.

Pat Peckham questioned the status on the massage parlor project and whether the establishments had been notified of the license requirements. Bliven indicated they sent a letter to all establishments and within the next couple of weeks they will make personal visits to the establishments to verify the licensing.

Communications

None.

Adjourn

Motion by Peckham, second by Wadinski to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 5:50 pm.



Wausau Police Department

515 Grand Ave

Wausau, WI 54403

Ph. 715-261-

Date 01/11/2021
To Chief Bliven
From Lt. Mike Felder

Subject TAVERN REPORT December 1, 2020 through December 31, 2020

ROUTINE TAVERN INSPECTIONS (No violations unless noted)

None have been conducted up to this point as openings have been inconsistent and COVID-19 concerns. Plans are to resume regular bar checks in January, 2021.

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 Bar, 701 Washington Street

- (1) *Case #20009485, 12/06/2020 at 9:47 PM:* A patron called to report that she was assaulted, and thrown down to the ground. She went on to report that she was thrown down to the ground twice, hitting her head both times. She was also punched in the face by another trunk male was later identified by officers. Initial contact with the bartender indicated that the 2nd drunk male was simply trying to get between the female victim and the other male that was assaulting her. The bartender also identified the male that had been pushing the female to the ground. Female arranged her own transport to the emergency room for treatment. Officers were not able to initially locate the assaulting the male, and follow-up investigation continued. The assaulting male was identified as Timothy Nawrocki, who is the owner of another bar in the city. The bar had video available at the time, however the owner was not available to retrieve it. He did return one call to the officer, however it was to her voicemail. When she called him again, and left another message requesting the video, he never returned that call. The other officer that spoke with the bartender directly later added comments to the call noting that the female had fallen upon entering into the bar, and Nawrocki was simply trying to help her up. The investigating officer eventually did make contact with Nawrocki. He referred her to his lawyer, adding that he was only in the bar to get a sandwich and a soda, when the female entered the bar, "running her mouth." He denied ever laying a hand on the woman. Nawrocki was referred to the District Attorney's Office for charges of battery, disorderly conduct, and felony bail jumping. At the time of this report, the officer was still attempting to recover video from the bar.

- (2) *Event #20158948, 12/15/2020 at 5:20 PM:* A refused complainant called to report that Timothy Nawrocki was at the Cop Shoppe Pub, in violation of a “no drink.” The dispatch supervisor made the decision not to dispatch an officer, as it is not an offense that would result in custody, due to Covid-19.

El Jalapenos, 300 N. 3rd Street

- (1) *Event #20160928, 12/20/2020 at 1:31 AM:* A patron called to complain about having been kicked out the bar. The reporting party had been in the bar with her brother and his girlfriend. Another unknown woman started dancing with her brother which angered his girlfriend. They confronted the woman after repeated attempts to tell her to stop, at which point another male intervened, grabbing the brother’s girlfriend by the ribs and pushing her away. He started to push the male back, at which point the bouncers intervened and kicked the reporting party her brother and his girlfriend out of the bar. She called the police only to report how she felt it was inappropriate that they were the ones has to leave, and wanted no charges pressed. The officer did make contact with the male had grabbed the ribs of the other woman, and he stated he was simply trying to separate the parties that appear to be on the verge of getting into a fight.

Loppnow’s Sports Bar, 1502 N. 3rd Street

- (1) *Case #20009601 and 20009675, 12/12/2020 at 1:46 AM:* An officer made a traffic stop of a vehicle with defective brake lights. The driver was sober and claimed to have picked up the passenger from Loppnow’s. The passenger had been drinking and claimed to have turned 21 years old that night. He presented his identification which confirmed he was only 19 years old. He admitted he had been in the bar, showed his ID, and was still served. He submitted to a PBT, which indicated a .09% BrAC. The 19-year-old male was issued a citation for underage drinking. Officers later went to the bar and spoke with a licensed bartender. She remembered the male coming in and claiming that it was his 21st birthday, however she cannot remember who actually served him. The officer cited the licensed bartender by default. There was discussion about obtaining video from the bar, however it was not clear if that was ever obtained. I recommend **25 Demerit Points** issued to Loppnow’s for serving an underage person. There may have also been a bouncer that led the underage male into the bar, however that was not investigated by the officer.
- (2) *Event #20163590, 12/26/2020 at 4:07 PM:* A refused complainant reported observing a person driving a blue van with a handicap sticker going in and out of the bar, driving the vehicle, and then going back to the bar. The caller described the van as being parked with the back and hang out into traffic. An officer responded and located the male that had been associated with the vehicle. They also know that the vehicle was not in traffic and was parked on the side of the road. The male was drinking at the bar, but denied driving the vehicle. The male claimed he was going to be working on the vehicle where was parked for the registered owner. The officer warned the male not to operate the vehicle after he’s been drinking, if he was intoxicated, or if he did not have a valid driver’s license.
- (3) *Case #20009986, 12/27/2020 at 2:17 AM:* An Officer driving by witnessed a vehicle back into a light pole in the 200 block of DeKalb Street. Contact with the operator led to an OWI investigation. The operator, a 19 year old female, was subsequently arrested for OWI-1st Offense. During the OWI processing, the operator admitted to having been drinking at Loppnow’s. The officer asked her if she had been checked, and she admitted that the bar had checked her age, but she showed them a different identification. This information was obtained while the operator was under arrest, and prior to Miranda having been advised. The officer retained an identification that belonged to a sibling, which was likely used to misrepresent her age. Based on that information, I will not recommend Demerit Points be issued at this time against the bar. However, it appears this is the second time this month that underage drinking had been confirmed to be occurring at the bar.

Wausau on the Water (WOW), 1300 N. River Drive

- (1) *Case #20009614, 12/12/2020 at 7:24 PM:* An employee called to report that there was a male refusing to wear a mask and causing a disturbance, yelling and threatening staff. On arrival officers located two males that were arguing outside in front of the business. 1 of the males had been cut off from the bar after the girlfriend reported to the bartender that he was getting verbally abusive. The two males initially refused to leave until a larger group of employees gathered together to escort them out. They were both issued citations for municipal disorderly conduct and release at the scene, with a warning not to return to the business.

Big Bull Falls Brewery, 901 E. Thomas Street

- (1) *Event #20163584, 12/26/2020 at 3:42 PM:* An employee called complaining about a male loitering on

the property. An officer located the male inside you the door. Reporting party claimed the males asking for money and they just wanted him to leave. Suspect cooperated without issue and left the area. According to comments entered by the officer, the male was a known drug user and was possibly under the influence.

The Bar and Grill, 1025 S. 3rd Avenue

- (1) *Event #20157701, 12/12/2020 at 10:20 PM:* A citizen called police after being yelled at from a patron that was leaving the bar. The male patron started yelling at the reporting person while she was out on her balcony of her residence grabbing some pressure. No direct threats were made and she could not understand what he was saying. She provided a description of the vehicle at the male left in however he was unable to be located. No further action was taken.

Roc's Place Bar, 810 S. 3rd Avenue

- (1) *Event #20160507, 12/19/2020 at 1:05 AM:* A refused complainant reported a bunch of people fighting in the parking lot. The caller claimed that up to thirty people were involved and that it was physical. It was unknown what weapons were involved. On arrival the officer observed no active altercation going on. He talked to a couple of patrons, who stated it had been two females fighting, and both had left on his arrival. No further action was taken.

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

- (1) *Event #20157213, 12/11/2020 at 6:44 PM:* A refused complainant called to report that there was a male and female with 3 children sitting in a booth in the bar. The female had been crying in the mail had been yelling at her. The caller claimed that the male seemed to be drinking a lot, and the female hadn't even ordered a water. The male gave the kids money to go "gamble" with. Harsher responded and made contact with the female. She appeared to be alright, and did not want to speak with the police. She claims she was having an "off night" with her partner and that she and the kids were okay.

Hutch's Bar, 4411 Stewart Avenue

- (1) *Case #20009676, 12/14/2020 12:45 AM:* Officers responded to a commercial burglar alarm. They found the building secure and they were unable to reach a key holder to check the building. A false alarm report was mailed to the business.
- (2) *Case #20009747, 12/17/2020 at 5:10 AM:* Officers responded to a commercial burglar alarm. They found the building secure and they were unable to reach a key holder to check the building. A false alarm report was mailed to the business.
- (3) *Case #20009765, 12/18/2020 at 3:43 AM:* Officers responded to a commercial burglar alarm. They found the building secure and they were unable to reach a key holder to check the building. A false alarm report was mailed to the business.

Whiskey River Bar & Grill, 5512 Stewart Avenue

- (1) *Event #20154184, 12/05/2020 at 2:43 AM:* A male patron called the police after leaving the bar and returning home. He claimed he was concerned that someone from the bar was going to come to his residence and accost him. He commented that he got into a confrontation with a male that he felt was mistreating a woman in the bar. He claimed it was not a physical altercation, but described a point at which he had his arm around the male's neck. It was also an allegation made that he was racist, based on a comment about the other male being of Middle Eastern descent. The officer made contact with the bartender, who noted that the male is a regular, however he was more intoxicated than usual. She confirmed that there was some type of strife between the male and some other patrons but never saw him put his arm around someone's neck. There was some reference to the male lying to "stab" someone, however no knife was displayed in the bartender knows male only carries a small pocket knife. After everybody left, one of the customers from the group returned to the bar looking for the male, however the bartender told him to go home. There were no other problems.

101 Pub, 101 N 3rd Avenue

- (1) *Event #20158106, 12/13/2020 at 10:34 PM:* A passerby reported seeing some sort of verbal argument outside the bar. 2 males appeared to be pulling on each other, but the caller couldn't understand what they're saying. He described it as seemingly confrontational. Officers responded and observed no signs of any altercation. He also did not see anyone matching the description given by the caller. No further action was taken.

Aftershock Bar, 1418 Lenard Street

*** It should be noted that due to numerous complaints officers conducting very frequent extra patrols of the business. Although I will only reference some of the calls here, there were a total of 19 calls for service at this location. Many of those were extra patrols. ***

- (1) *Event #20157673, 12/12/2020 at 9:01 PM:* A caller that refused to find themselves reported that people drinking outside the bar, and that someone threw a beer at the side of the building. After drove past the business to and did not observe anyone drinking any beverages outside. The officer attempted to call the owner, and was hung up on twice. The officer noted in the car that extra patrols would continue for the evening.
- (2) *Event #20157680, 12/12/2020 at 9:22 PM:* What appeared to be the same anonymous caller made another complaint. People were again outside the bar drinking and that someone urinated on the sidewalk. An officer return to the bar and made contact with the bartender, explaining all of the complaints that were being received. The officer described the bartender as being cooperative but advised that she was unaware of these issues tonight. The bartender was instructed to make sure patrons were not committing these violations. He also suggested a 2nd bartender when it was so busy.
- (3) *Event #20159319, 12/16/2020 at 3:12 PM:* An officer responded to the bar to conduct a security survey with the staff.
- (4) *Case #20010063, 12/30/2020 at 9:30 PM:* A citizen who provided their name, but wished to remain anonymous, reported coming across a male leaving the bar that was so drunk he had difficulty walking. The citizen assisted the male home out of fear that he would've passed out and frozen to death in the elements. The citizen noted several of the ongoing problems with the bar, including auto urination and open intoxicants outside. In addition expressed concern regarding a "gambling operation" based on observing people bringing in poker tables and chips on Saturdays around 1:00 PM. The officers made contact with the bartender who admitted serving the male described by the citizen. The bartender claimed it was difficult to determine if the male was intoxicated since he sits by himself quietly, and then these after an hour. The bartender admitted serving approximately 3 to 4 drinks to the male. Based on the description by the citizen and the admission by the bartender of serving the subject, a citation was issued to the bartender for serving an intoxicated person. As such, I recommend the assessment of **twenty-five (25) Demerit Points**.

Showtime Gentlemen's Club, 1709 Merrill Ave

- (1) *Event #20165611, 12/30/2020 at 8:25 PM:* The bar manager called to report a patron had skipped out on his tab of \$370.00. The suspect was known to the employees and the credit card showed that the transactions had been canceled, and that there was a further declination due to lack of funds. The bar wished to pursue charges of theft. The officer eventually made contact with the suspect who claimed ignorance regarding the cancellation of the transactions and agreed to pay the outstanding balance. The bar manager was agreeable to this arrangement. No criminal charges were filed.

ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED

- **Loppnow's Sports Bar** is recommended to be assessed **fifty (50) Demerit Points** for Serving an Underage Person on two separate occasions. Their total is **seventy-five (75)**. Aftershock Bar and Grill is recommended to be assessed **twenty-five (25) Demerit Points** for Serving an Intoxicated Person. Their total is **twenty-five (25)**.
- **Hutch's Bar** had twenty-five (25) points drop off due to time, and have a current total of **seventy-five (75)**.

Respectfully submitted,
Lt. Michael Felder