

PUBLIC HEALTH & SAFETY COMMITTEE

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

Members Present: Lisa Rasmussen (C), Dawn Herbst, Pat Peckham, Jim Wadinski; *By WebEx:* Becky McElhaney

Others Present: Tara Alfonso, Ben Bliven, Leslie Kremer, Bob Barteck, Katie Rosenberg

Minutes of previous meetings. (2/15/21)

Motion by Peckham, second by Herbst to approve the minutes of the 2/15/21 meeting. Motion carried 5-0.

Consider approval or denial of various license applications.

Lisa Rasmussen indicated there were no denials recommended this month. She stated there is an application for a Class B Beer & Liquor license from Brewer Entertainment, LLC, Matt Brewer, to take over the bar 101 Pub, 101 N 3rd Ave, Cheryl Fehl, the current owner. The Plan of Operation was reviewed and the license recommended for approval by the Liquor License Review Subcommittee right before this meeting.

Rasmussen noted the ½ Year Class B Beer & Liquor License for Wisconsin College Baseball, dba the Woodchucks, at Athletic Park is renewing for the baseball season. Other miscellaneous licenses were noted.

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

Discussion and possible action on creating temporary ordinance Chapter 5.90 Relaxing Certain Code Requirements during COVID-19 Pandemic and Recovery for a period expiring on December 31, 2021, 11:59 pm to provide for COVID-19 temporary outdoor seating areas for restaurants, bars and taverns, authorize City staff review and approval of temporary outdoor seating areas and temporary expansion of licensed premises; temporarily amending Section 9.04.025 Consumption or possession of intoxicants on streets; temporarily amending Special Events Policies and Procedures

Lisa Rasmussen explained this is a continuance of all of the provisions implemented last summer to help the restaurants and bars by allowing outdoor dining and/or expanded outdoor dining onto sidewalks with alcohol service, and to facilitate the Dining in the Street event. Staff was allowed to issue the temporary licenses without waiting for a Public Health & Safety Committee meetings. She stated an end date of 12/31/2021 has been inserted to cover the entire summer and fall season with the hope that 2022 will be back to normal.

Motion by Wadinski, second by Peckham to approve the temporary ordinance to 12/31/2021. Motion carried 5-0.

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

Lisa Rasmussen stated the city's mask mandate has been extended a couple of times to sit behind the Governor's state wide mandate when there is one in effect. The time is approaching for the Governor's order, as well as the city mandate, to expire at the end of March. She asked the committee if they wanted to continue the city's mandate or let it go.

Rasmussen commented there is reason to be positive as it appears the pandemic is winding down, but it is still with us and health guidelines coming out indicate that even with the ramp up of vaccines we should continue to mask for a while yet. Dawn Herbst felt they should extend the mandate as long as they can; she did not want to concede and give in to early.

Becky McElhaney stated the resolution as written includes Public Transit and she pointed out public transit is under the TSA (Transportation Security Administration). Since it is federally mandated she did not feel Public Transit should be included in this resolution and asked for clarification of this by the City Attorney before it reached Council floor. She commented she had a problem with having a resolution because she found it to be moot. It is confusing to people with media calling it a mandate. She questioned what exactly a mandate is.

Tara Alfonso, Assistant City Attorney, stated the city's order would be subordinate to state and federal. To the second question she explained a resolution does not have the force and effect of an ordinance. If someone were to violate this resolution there is no citation or enforcement that the City of Wausau can take. It could be consider more like guidelines or urging from the city.

Mayor Rosenberg stated this is an official order from the City Council, which is a mandate, it just doesn't include punishment. Alfonso opined if it doesn't have a mechanism for enforcement then basically it is a strong request that is stating you "should" wear a mask, not you "shall" wear a mask.

Pat Peckham commented he saw no harm in continuing it and if the CDC or Marathon County Health Department guidelines change we back off, too.

Motion by Peckham, second by Herbst to approve the extension of the mask mandate to May 31, 2021. Motion carried 3-2. (*Wadinski and McElhaney were the dissenting votes.*)

Operations Report from Fire Department for October – February 2021

Deputy Chief Bob Barteck commented February was a tough month with a couple big fires. There was one on Kickbusch Street on a steep hill and when the crew arrived it was 18 below zero. He noted he learned the house was the first home of our first Mayor August Kickusch and unfortunately the structure sustained major losses. The other fire at 916 S 3rd Avenue resulted in an arrest and a charge of arson. The other fire of note was at Kocourek up against the building at which the crew made a quick stop of the fire to prevent a vehicle fire from spreading into their business. (*Report placed on file.*)

Tavern Activities / Compliance Checks / Law Enforcement Activities

Chief Bliven presented the Wausau PD Operations Report – March 2021. (*Report placed on file.*)

Chief Bliven reported on another fight at Roc's Place and the fact that there was not a lot of cooperation with the investigation. A video was requested, however, there was a two hour gap in the video, which seems clear they were intentionally not providing the footage needed. The PD obtained the missing footage that did show a fight and someone carrying a firearm, who was later identified as a convicted felon. Bliven reiterated the cooperation from the employees was very low and one individual was reluctant to give information out of fear of retribution. As a result of the incident Roc's Place will be back up to 100 demerit points.

Lisa Rasmussen noted the owner of Roc's has been before this committee regarding these issues at least twice, with the last one being in June. She stated since the committee has already expressed concern formally and things are not improving the next step would be to consider suspension of the license. She requested the City Attorney's Office and Police Chief gather reports from Roc's Place and to review Chapter 1.25 of the statutes in order to advise the committee at the next meeting of the process needed in order to consider suspension/revocation.

Dawn Herbst and Pat Peckham commended the Chief on the new Wausau PD Operations Report. Chief Bliven explained the reasons for this report is a comprehensive look at what is going on in law enforcement, whereas historically the report was just on tavern issues.

Communications

Lisa Rasmussen noted she has a scheduling conflict with the April 19th meeting, so it has been moved to Tuesday, April 20, 2021 at 5:15 pm.

Adjourn

Motion by Wadinski, second by Peckham to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 5:45 pm.