

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Tuesday, April 20, 2021 at 5:15 pm, (Council Chambers)

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

Others Present: Tara Alfonso, Ben Bliven, Leslie Kremer, Bob Barteck, Mary Goede, Nate Miller, Brad Lenz, Bill Hebert, Lou Larson

Minutes of previous meetings. (3/15/21)

Motion by Herbst, second by Peckham to approve the minutes of the 3/15/21 meeting. Motion carried 5-0.

Consider approval or denial of various license applications.

Lisa Rasmussen indicated there were no denial recommendations. She noted there are a number of Special Event applications on the license list. Also, an application for a "Class B" Liquor license from Gonzalo Ramirez for Tres Hermanos at 525 Fulton Street. This establishment currently holds a Class "B" Beer license and would like this added so Margaritas can served at the restaurant. The Liquor License Review Subcommittee met today preceding this meeting and recommended approval unanimously.

Motion by Peckham, second by Wadinski to approve the various licenses listed. Motion carried 5-0.

Consider request for outdoor music in the beer garden on Saturday, May 22, 2021 (M&R Station, 818 S 3rd Ave)

Rasmussen stated Rick & Mary Gordon of M&R Station have outdoor music events every year and to date have not had any issues or complaints. The event on May 22nd would be from 7pm – 10pm.

Motion by Herbst, second by Peckham to approve the outdoor music in the beer garden. Motion carried 5-0.

Discussion and possible action regarding designating the Month of May, 2021, as "No Mow May" and suspending enforcement of W.M.C. §6.48.010 Mowing Required and §6.48.040 Penalty from May 1, 2021 through May 31, 2021.

Lisa Rasmussen indicated this item was forwarded to the committee for consideration from the Sustainability, Energy & Environment Committee. The proposal is to allow people to not mow their lawns during the month of May in the city to assist with the early development of pollinating insects.

Brad Lenz noted the Sustainability Committee approved this recommendation unanimously at their March meeting. He indicated Dr. Israel Del Toro presented on his experiences with other communities at that meeting and is present by WebEx to speak on this subject.

Dr. Israel Del Toro stated he is Assistant Professor of Biology at Lawrence University where his research focus is primarily on data science and pollinator ecology, bringing numbers and ecological stories together. He stated last year when they attempted No Mow May in the City of Appleton they increased the abundance of pollinators fivefold in areas that were not mowed relative to areas that were mowed. They also increased pollinator diversity, or number of species, found in those un-mowed areas threefold. He explained if we leave our lawns to grow out just a little longer during the month of May, then we can actually promote a sustainable greener urban space for our bees and other pollinators to thrive. He stated participating in other ways is also encouraged, such as planting native wild flowers, increasing nesting habitat for bees, or reducing the chemicals applied to lawns.

Dr. Del Toro explained there is a Google form set up where people are asked to register their address and fill out a quick survey. Signage is provided at no cost to citizens that wish to participate in No Mow May. The benefit of the sign is to reduce the number of complaints due to long lawn ordinances and also provides the link for registration to increase community involvement.

Jim Wadinski questioned how citizens mow the lawn after a month of non-mowing. Del Toro stated in Appleton they partnered with Community Gardens for depositing and composting the grass clippings. The grass can also be mulched back into the lawn and/or raked into a composting pile.

Pat Peckham commented honey bees eat pollen and drink nectar and pollen is a great source of protein and energy for them. The bees love the dandelions which are often quickly mowed down. He noted if a person gets half way through the month and no longer wants to do this, nothing is stopping them from ending and mowing.

Rasmussen indicated in the feedback she received in her district two residents are in support, but there has been a volume of push back partially because most of the city is bordered by robust natural and rural areas. During the month of May people in both urban and rural settings are beginning to plant and put out flowering plants. There was concern about wood ticks increasing without mowing, as well as noxious weeds that have gone to seed being carried by the wind into other yards.

Becky McElhaney stated it is an early spring and people are already moving lawns. Feedback she received about not mowing was regarding concern with an increase of ticks and deer ticks. She also felt if they did this people should be required to register for the program.

Dr. Del Toro stated they are strongly, strongly urging participating members to register and the city can have access to that data to know which homes have registered. He reiterated he will make signs available for yards so people know why a lawn isn't being mowed. He commented ticks were also a serious concern for Appleton and for himself, as someone who has had Lyme's Disease. They surveyed in Appleton and found there was no difference in terms of tick abundance between the mowed and un-mowed lawns.

Bill Hebert, Inspections, questioned whether the enforcement suspension would be city wide or if they are only going to allow that suspension for the people that register.

Tara Alfonso, Assistant City Attorney, stated the way the proposed ordinance is written it is a suspension of the current ordinance city wide, so, if a lawn is too long and there is a complaint the city won't enforce for that month.

Motion by Peckham, second by Wadinski to amend and approve the ordinance specifically for suspension of enforcement only for those that have registered to participate in No Mow May and it will sunset on May 31, 2021. Motion carried 4-1. (*Rasmussen was the dissenting vote.*)

Note: Committee consensus was for citizens to place the signs in the yards.

Consider the complaint filed regarding Timothy Nawrocki d/b/a Roc's Place and take possible action on issuance of a summons commanding Timothy Nawrocki d/b/a Roc's Place to appear before the Committee for a hearing pursuant to Wis. Stat. s. 125.12 and W.M.C. s. 5.64.076 to show cause why the Class "B" Beer & Liquor License issued should not be revoked or suspended.

Rasmussen stated their packets contain a complaint sworn out by the Police Department outlining the call history at Roc's since 2019. The owner has been before the committee a couple of times for a Formal Expression of Concern and the establishment now exceeds 100 demerit points again. She stated there is a firmly defined process under the State Statutes Chapter 125 that we must follow. There will not be any public comment, testimony or evidence taken tonight on any of the items listed in the complaint, all of that would be done at a formal hearing. She indicated the committee retains its own counsel, Nathan Miller, and the city has separate counsel, Tara Alfonso.

Police Chief Ben Bliven stated there has been a number of issues at Roc's place with some of them resulting in appearances before this committee. The complaint lays out a summary of the incidents over the last couple of years in regard to fights. He summarized it indicates 15 complaints concerning fights inside the premises or the parking lot, five of which involved weapons or threat of weapons. There also were issues with noise, liquor being outside the establishment and general unruly behavior. Most recently was an incident from February where there was a large fight in the parking lot and a firearm being involved. The PD obtained video from the establishment but there was a gap in the video where the fight actually occurred and they had to go back to get that piece, which indicated a lack of cooperation.

Attorney Nathan Miller explained if the committee wishes to go forward a summons will be served and the hearing must take place no sooner than three days and no longer than 10 days.

Motion by Herbst, second by Wadinski to move forward with a revocation/suspension hearing and direct the issuance of the summons on April 29, 2021. Motion carried 5-0.

(NOTE: *The hearing was subsequently scheduled for Wednesday, May 5, 2021 at 5:30 pm.*)

Operations Report from Fire Department for March 2021

Interim Chief Bob Barteck commented at end of the first quarter of 2021 we moved from our Firehouse software to Image Trend software, so the monthly report will be changing next month.

Tavern Activities / Compliance Checks / Law Enforcement Activities

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

Bliven commented they continue to receive complaints from neighbors. He noted Cpt. Baeten was speaking with one of the residents yesterday who indicated they are continuing to see violations from the patrons with alcohol outside, urinating, and littering. He stated PD will continue extra patrols of the bar due to these complaints. It was noted the establishment currently has 50 demerit points assessed. Rasmussen commented she also continues to receive complaints about After Shock and agreed extra patrols are needed.

Communications

None

Adjourn

Motion by Wadinski, second by Peckham to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 6:05 pm.