

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, May 16, 2022, at 5:15 pm, (Council Chambers)

Members Present: Lisa Rasmussen, Chad Henke, Becky McElhaney; Doug Diny, Lou Larson

Others Present: Nate Miller, Ben Bliven, Jeremy Kopp, Kaitlyn Bernarde, Mary Goede, William Hebert, Jamie Polley, Katie Rosenberg

The meeting was called to order at 5:15 pm, by the City Clerk, Kaitlyn Bernarde.

Select a Chairperson and Vice Chairperson for 2022-2024 term.

Becky McElhaney nominated Lisa Rasmussen for Chairperson.

McElhaney commented PH&S is different from any other committee in that there are a lot of processes that must be done correctly every time. There is a huge learning curve, and she felt it was important those processes stay in the hands of someone who knows them. There are quasi-judicial hearings for dangerous dog designations, rent abatement, and liquor license suspension/revocations that have specific protocols. She felt Lisa Rasmussen should continue to Chair this committee due to her experience.

Lisa Rasmussen nominated Becky McElhaney for Chairperson.

Lou Larson nominated Doug Diny for Chairperson.

Larson moved to close nominations, seconded by Diny and it was put to a vote by paper ballot. Lisa Rasmussen was elected at Chairperson for the 2022-2024 term by a vote of 3-2 and the clerk handed over the gavel.

Lou Larson nominated Doug Diny for Vice Chairperson. There being no further nominations a unanimous ballot was cast. Doug Diny was elected Vice Chairperson for the 2022-2024 term.

Establish Regular Meeting Date and Time for 2022-2024 term.

Regular meetings remain on the 3rd Monday of the month at 5:15 pm. It was noted the time can be adjusted if necessary.

Minutes of previous meeting. (4/18/22)

Motion by McElhaney, second by Henke to approve the minutes of the previous meeting. Motion carried 5-0.

Consider approval or denial of various license applications, including annual liquor licensed establishment renewals for 2022-2023.

Lisa Rasmussen stated there is a denial recommendation by Chief Bliven for Katrina Pelletier's application for an Operator's License.

Katrina Pelletier appealed to the committee stating she was contesting the current pending charge against her going to trial on September 14th and felt she had a very strong case. She stated she works as a bartender for the Eagles' Club which does a lot of charity events for good causes, and she loves to be a part of that. Rasmussen pointed out that she could still work there without a license if another licensed person was present with her. She also pointed out if denied, she can reapply after the court case concludes.

Chief Bliven indicated he recommended denial based on the total conviction history, which includes six drug convictions over the last five years, and even excluding the pending felony possession of methamphetamine, he would still recommend denial. Ms. Pelletier stated she has been clean for some time and has proof of rehabilitation in the form of a certificate completing rehab December 21, 2021. She indicated she was re-unified with her child, as well.

Rasmussen stated the other denial recommendation was for Patrick Lind for a Public Transport Driver License.

Patrick Lind addressed the committee stating he has been working as a driver for about a month servicing the Weston-Schofield-Rothschild-Mosinee and Rib Mountain area. He acknowledged his record is quite lengthy and was released from prison in 2013, did extensive supervision/probation and completed it with no violations at all during that time. In 2019 he had a relapsed and was in jail from January until June and has been out on bond since June 12, 2020. He has not had any new charges since then and is currently on supervision. He stated her respected

the Chief's decision and knew he had no basis for appeal because he still had two counties pending with burglaries, but he thought he'd ask for consideration on the progress he's made.

Chief Bliven stated based on Mr. Lind's burglary history and a recent conviction in 2020 for felon in possession of a firearm that he stood by the denial recommendation.

Motion by McElhaney, second by Larson to approve or deny licenses as recommended by staff. Motion carried 5-0.

Consider Central Business District Obstruction Permit (Oz Night Club, 320 Washington St)

Rasmussen noted this item was held over from last month to be able to have the owner present to answer questions and address concerns. It was noted there was no one present from Oz Night Club. Mary Goede, Deputy Clerk, indicated the Inspections Department was going to call him, but was unsure if that happened.

Lou Larson commented if the owner really wanted this he would be here. He was concerned how they would keep people from carrying drinks outside to these tables. Rasmussen agreed there are questions that remain unanswered. Becky McElhaney felt two tables and 10 chairs was excessive for just smoking, but because we are unsure if the owner was actually notified of the meeting, she didn't want to deny it.

Motion by Diny, second by McElhaney to table the request to the next meeting to take final action. Motion carried 5-0.

Consider request for outdoor party May 21, 2022 (Matt's 101 Pub)

Matt Brewer, owner, explained the proposed event will be from 12 noon to 4:00 pm in the east parking lot and there will also be a one-person band inside the bar. The area in the lot will be roped off and there will be a tent with table and chairs. He indicated he intended to partner with a local food truck to manage the food.

Rasmussen questioned if he was still working on a permanent outdoor service area. Brewer confirmed that he was approved for the premise amendment last year and has been working on the design, but it has become much more extensive than anticipated. What was originally expected to be about \$11,000 has become an over \$100,000 investment. He indicated he is going to Plan Commission for a conditional use tomorrow night.

Motion by Larson, second by Henke to approve the outdoor party. Motion carried 5-0.

Consider request for outdoor summer entertainment (The Glass Hat)

Mary Goede indicated she had spoken with the owner, Gisela Marks, who sent the list of dates she'd like to have outdoor music and that she may not get bookings for every date but would like to have the option.

Motion by McElhaney, second by Diny to allow outdoor entertainment for the following dates: June 11, 18, & 25; August 6, 13 & 19; September 10; with a condition that music stop at 10:00 pm. Motion carried 5-0.

Discussion and possible action on Presentation from Wausau Police Department on status of homelessness outreach and interactions <https://www.youtube.com/watch?v=G1fDIWW9kpo>

Rasmussen stated Chief Bliven and Deputy Barnes prepared a presentation which talks about the outreach work that Officer Lemirand was doing with the homeless, which is now void for part of the year. A staffing request is anticipated from the department to convert that position to a civilian social work type outreach specialist

Chief Ben Bliven presented a PowerPoint on the issues they are experiencing in the downtown area and the amount of time the department is spending on them. He noted the Human Resources Committee has approved the Community Outreach Specialist position to replace the work that Officer Eric Lemirand was doing. *A video was shown to the committee and discussion followed.*

Discussion and possible action regarding Central Business District / Obstruction in Right- of-Way canopy ordinance change (Bill Hebert)

Bill Hebert, Inspections & Zoning Director, indicated he worked with Assistant City Attorney Nate Miller to draft the ordinance change. He explained they were approached by Mark Craig and the owners of Lemongrass to consider canopies that are a greater distance into the right-of-way. In the downtown area we allow sidewalk cafes if they maintain a clearance. The difference between a canopy and an awning is that an awning is retractable, and a canopy is permanent. In either case, the Municipal Code allows 7-foot obstruction over the right-of-way, must be 8

feet above the sidewalk and 14 feet above the road. He stated Lemongrass would like to do some type of an enclosure and referred to the pictures of the front and side views in the packet.

Mark Craig, Compass Properties, stated the request is to allow a canopy to extend into the right-of-way more than 7 feet. The structure would stay up for about six months of the year and be taken down in the fall. He introduced Rob Eriksen, from Wausau Canvas and Tuan Bao Uong, owner of Lemongrass. Craig commented outdoor dining has become important everywhere around the country since Covid. Lemongrass is trying to do an extension to create the atmosphere you see inside on the outside on a seasonal basis May to October. It creates some weatherproofing with screening and with a clear panel on the top.

Rob Eriksen, Wausau Canvas, explained there is a metal frame structure set into a concrete area below the bricks or could be ballasted. This supports minimal frame around the perimeter and the fabric attaches at the back and carries to the front with a truss system. The front panels are retractable with separate curtain systems that can go up or down if there is inclement weather. He noted since the mall has been demolished there is a lot of wind coming through that area and this would also create some windbreak. Eriksen indicated that Bill Hebert had suggested that they not make it in such a way that someone did not feel they were intruding in a space when they walked in there. Eriksen stated with the clear top panel and an open air feel over the sidewalk, a pedestrian should be able to walk through without feeling they were interrupting something.

Tuan, owner of Lemongrass, explained his brother has a restaurant in California where due to Covid they would not allow people to eat inside, so they built something similar there and people love it and enjoy it. He stated he would like to bring it to Wausau for something different in the downtown area. He noted during the lunch hour the sun is an issue, so we had umbrellas but with the wind they were getting knocked down.

Mark Craig pointed out Lemongrass is not able to do a parklet on its side of the street, so this is a great compromise and a great look.

Nate Miller stated each restaurant that may want to do this would have to bring a plan for approval on a case-by-case basis. Bill Hebert pointed out businesses zoned Downtown Highrise District are eligible for this, but businesses zoned Downtown Historic District have a conflict. Many of the businesses along the 300, 400, and 500 block of North 3rd Street are in the Historic District and therefore would not be eligible to put this outside.

Becky McElhane requested they check with Engineering to ensure the installation is acceptable before it goes to the Council meeting.

Motion by Larson, second by Diny to approve the canopy ordinance change and the proposed canopy for Lemongrass, and review the results at the November PH&S Committee meeting before making it permanent.. Motion carried 5-0.

Discussion and possible action on request to permanently amend Section 8.08.010 certain creatures forbidden (subsection (d) Exceptions). (Goats)

Jamie Polley, Parks Director, explained last year this was allowed as a temporary change to the ordinance for one year and we felt that it was fairly successful. She indicated a lot of the invasive vegetation had been cut down the winter before so we didn't see as much impact from the goats as we normally would have had we left it, but management needed to be done ahead of time because it was way out of control. She commented in talking with our farmers and city foresters, they do feel it has been successful and this year we will have more vegetation coming up. She noted in discussion with other communities she learned this is a multi-year thing because invasive species are very hard to get rid of. It may not happen every year, but the request before them is to make the change permanent so that they can continue it when we feel the need for Barker Stewart Island or other possible areas. In addition, the change to the ordinance is also about the petting zoo portion of it. She explained when we have the goats there it is nice to have a day where the community can come to see them.

Rasmussen commented the feedback she received was that it was unique and different, but also liked the fact that we were able to make an impact on invasive species without the aggressive use of pesticides/herbicides.

Motion by Diny, second by Larson to approve the request to permanently amend Section 8.08.010. Motion carried 5-0.

Discussion and possible action approving updates to City of Wausau's Americans with Disabilities Act Title II Policy, Accommodation Request, Notice, Grievance Procedure, and Complaint Form (Nathan Miller)

Assistant City Attorney Nathan Miller explained these forms were approved by Council in 2018, but since then the City of Wausau has engaged a service to have all its parks and buildings assessed to see if there are any ADA barriers that need to be addressed to ensure compliance. He indicated they have been meeting quarterly since 2018 and are making progress and CIVMC recommended we update our policies and forms. He noted the City Clerk used to be the ADA Coordinator, but now he is the coordinator, so that information was updated as well.

Motion by McElhaney, second by Henke to approve the updates to the policy and forms. Motion carried 5-0.

Select two members to serve on the Liquor License Review Subcommittee

Rasmussen explained the subcommittee consists of representatives from the Fire Department, Police Department, Clerks Office, City Attorney's Office and two members of the PH&S Committee. This subcommittee only meets as needed to review new license applications for Class B Beer & Liquor as well as change of ownership of establishments.

Lou Larson and Lisa Rasmussen volunteered to serve on the subcommittee and a unanimous ballot was cast to appoint them.

Mary Goede stated a subcommittee meeting needed to be scheduled. Gerald Herzog, owner of Callon Street Pub, wished to retire and had a buyer for his businesses. An application for a regular Class B Beer & Liquor license and the Plan of Operation has been filed by the potential buyer. The sale is anticipated to take place around July 8, 2022.

The Liquor License Review Subcommittee meeting was set for Tuesday, June 14, 2022 at 4:30 pm, followed by a Special Public Health & Safety Committee meeting at 5:00 pm.

Operations Report from Fire Department April 2022

Deputy Chief Jeremy Kopp explained the reason for the report for the new committee members. *No discussion, report placed on file.*

Tavern Activities Report - April 1, 2022 through April 30, 2022

Lou Larson requested information regarding the Demerit Points. Rasmussen quickly reviewed reasons for demerit points and suggested a presentation be brought to the next meeting to explain the Demerit Point System which was adopted by ordinance, Section 5.64.078.

Communications

None

Adjourn

Motion by Henke, second by Larson to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:20 pm.