

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, May 17, 2021, at 5:15 pm, (Council Chambers)

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

Others Present: Leslie Kremer, City Clerk; Mary Goede, Deputy Clerk; Mayor Katie Rosenberg, Sharon Kingston, Owner of After Shock

Chairperson Lisa Rasmussen noted a quorum was present and called the meeting to order.

Consider request for outdoor fundraiser for the Human Society on Saturday, May 22, 2021, 2pm - 6pm (After Shock Bar & Grill, 1418 Lenard St)

Sharon Kingston, owner of After Shock, explained there will be orange temporary fencing in the back of the parking lot next to the outdoor deck/patio, as shown on the diagram, to keep it contained. It was noted the outdoor deck/patio is part of the licensed premise. Kingston stated there will be a grill for brats and burgers and food tent in the fenced area and requested that patrons be able to carry their drinks back and forth into that area to get their food.

Rasmussen indicated she has heard from a number of residents that have concerns about the event and that she also had concerns about enlarging the size of the serving premise. There has been complaints about open intoxicants outside the premise, disorderly conduct by patrons, littering and antagonistic behavior toward the neighbors. Kingston clarified she did not want people congregating in the outside area drinking. She intended for them to be in the bar and banquet area, but wanted to be covered if someone goes outside to that area with a beer in their hand just to get a burger. Rasmussen questioned the issue of noise if there is music. Kingston stated the music will be inside in the banquet hall instead of outside and during a 2pm – 4pm timeframe with the event wrapping up by 6pm. She commented she wants to get along with the neighbors and this event is for a good cause and not intended to be a wild party.

Motion by Peckham, second by McElhaney to approve the event on May 22, 2021 from 2pm-6pm to temporarily expand the premise to an outdoor fenced overflow area no larger than 30' x 40'. Motion carried 4-1. (*Rasmussen was the dissenting vote.*)

Discussion and possible action on the issuance of notice pursuant to Wis. Stat. s. 125.12(3) to Brandenburg's Wagon Wheel Inc. d/b/a/ Wagon Wheel Supper Club/Gary L. Brandenburg, Agent, 3901 N. 6th St. Wausau, WI of the City's intention not to renew its Class B Beer and Liquor License for failure to be open in violation of Wausau Municipal Code s. 5.64.160 Abandonment of premises, and possible selection of hearing date

Rasmussen explained the Municipal Code states holders of Class B Beer & Liquor licenses have to remain open and if they are closed for a period of more than 30 days they are in violation of the abandonment provision. She stated it has been brought to her attention the establishment has not been open for several months, possibly a couple years.

Motion by McElhaney, second by Wadinski to schedule a non-renewal hearing and directed staff to draft the appropriate documentation. Motion carried 5-0. (**NOTE:** *The hearing was subsequently scheduled for Wednesday, June 9, 2021 at 5:15 pm.*)

REVOCATION/SUSPENSION HEARING

Pursuant to Wis. Stat. s. 125.12(2) on Complaint to revoke or suspend the Class B Beer & Liquor License of Timothy A. Nawrocki, Timothy A. Nawrocki d/b/a/ Roc's Place at 810 S. 3rd Avenue, Wausau, WI.

Others Present: Attorney Nathan Miller, representing the Public Health & Safety Committee; Attorney Daniel Cveykus, representing Timothy Nawrocki; Attorney Tara Alfonso, representing the City of Wausau, Timothy Nawrocki, licensee and owner, Roc's Place; Kim Lentz, Court Reporter

NOTE: Transcript of the hearing is the property of Esquire Deposition Solutions, LLC

Lisa Rasmussen convened the hearing noting a summons and complaint has been filed and read into record a summary of the procedure for the proceedings. She stated if a charge or charges are proven, the committee may recommend to the Common Council that the license be either suspended or revoked and that the Common Council may accept or reject such recommendation and may determine upon such recommendation whether the license should not be suspended or revoked.

OPENING STATEMENTS:

Attorney Tara Alfonso made an opening statement indicating Cpt. Todd Baeten filed the summons and complaint consisting of two counts: 1) pursuant to State Statutes, for operating a riotous and disorderly house; and 2) pursuant to the Wausau Municipal Code, 150 demerit points assessed against the establishment. The city will have to prove one or both of those counts. She stated the evidence will show not only are there numerous instances of fights occurring at the bar, but also weapons threats as well as actual display or discharge of a weapon at the location over a 20 month period. It will also show employees are fearful of retaliation and do not wish to cooperate or speak with officers on scene. She noted other bars nearby to Roc's do not have the same issues as Roc's.

Attorney Daniel Cveykus made an opening statement that the evidence will show the fact that almost 95% of these incidences did not occur at Roc's Place, but that they occurred on a public street or sidewalk. Testimony will show that Roc's Place has been compliant with trying to protect its patrons by establishing protocol, talking with police to conduct walk-throughs, installing even more surveillance cameras, and a desire to make it safer establishment and friendlier to the police.

COMPLAINANT'S CASE: <https://www.youtube.com/watch?v=F41pgADFO5E> (Part 1)

Attorney Alfonso questioned the following witnesses followed by cross examination by Attorney Cveykus:

Patrol Captain Todd Baeten provided testimony regarding the incidents reported at Roc's from January 1, 2019 thru March 4, 2021.

<https://www.youtube.com/watch?v=GBt5HoP0M5U> (Part 2)

Police Officer Mason Hagenbucher testified regarding his responses to Roc's Place for incidents regarding fights. Video clips were shown and explained.

Police Officer Aaron Karlen testified regarding his responses to Roc's Place for incidents regarding fights. Video clips were shown and explained.

Police Detective Jim Martin provided testimony on his investigation and video clips were shown and explained.

Police Chief Benjamin Bliven provided testimony of his interactions with the owner and manager of Roc's Place and on the expectations of the Police Department of establishments and demerit points.

RESPONDENT'S CASE: <https://www.youtube.com/watch?v=DvOZx8R2qDg> (Part 3)

Attorney Cveykus questioned the following witnesses followed by cross examination by Attorney Alfonso

Jacquelyn Stoehr, General Manager of Roc's Place, provided testimony on protocol for Roc's Place and management of the bar and the employees.

Timothy Nawrocki, owner of Roc's Place, provided testimony regarding his operation of the bar, security plans and the incidents at the establishment regarding weapons or threats of weapons.

CLOSED SESSION Pursuant to Section 19.85(1)(a), (b) of the Wisconsin Statutes Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body

Motion by Peckham, second by Herbst to move into closed session. Roll Call Vote: Ayes: Wadinski, Herbst, Peckham, McElhaney, and Rasmussen. Motion carried unanimously.

Reconvened into Open Session: <https://www.youtube.com/watch?v=CfgszvvqkJo> (Part 4)

Rasmussen read into record the Findings of Fact and Conclusions of Law. The Public Health & Safety Committee made the following recommendation that the Class B Beer & Liquor license held by Timothy Nawrocki be revoked.

The license is recommended for revocation based on the following reason: the licensee has violated Wisconsin Statutes 125.12(2)(ag1), 125.12(2)(ag2) as adopted by WMC 5.64.010 and that the licensee keeps or maintains a disorderly or riotous, indecent or improper house.

The revocation recommendation will go forward to the May 25, 2021 Common Council.

Adjournment

Motion by Peckham, second by Wadinski to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 11:58 pm.