

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, July 18, 2022, at 6:00 pm, (Council Chambers)

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

Members Excused: Becky McElhaney

Others Present: Nathan Miller, Robert Barteck, Ben Bliven, Jeremy Kopp, Mary Goede, Ashlee Bishop, Melinda Pauls

Minutes of previous meetings. (6/14/22 & 6/20/22)

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

Consider approval or denial of various license applications

Lisa Rasmussen noted there were not any denial recommendations.

Rasmussen stated there was an application for a Class A Beer License for Modern Gents of Wausau, Inc., which is a barbershop and men's spa. This is actually a retail license as is typically granted to grocery and convenience stores, which allows for limited samples of 3 ounces during certain hours of the day.

Mark Craig, Compass Properties, Landlord for Modern Gents, indicated Jose Seve Fuste (owner) was trying to get a men's barbershop spa open for many years. They looked at the Cobblery location and others. It will be in the west wing of Washington Square and brings that high-end feel. He felt they should support it as a community and attract that caliber of a tenant to our downtown. He commented this would be helpful for him to be able to offer this as part of the spa and hoped they'd support it.

Rasmussen stated the Clerk's Report noted there was an application for a Class B Beer & Liquor License for Thirsty's on 3rd LLC, Nathan Woller, at the prior Roc's Premise, 810 S 3rd Ave. The Liquor License Review Subcommittee met immediately before this meeting and discussed the Plan of Operation with the proposed owner but did not recommend a license for that establishment. This item will be withdrawn from the license batch.

Motion by Diny, second by Larson to approve the various license applications as recommended. Motion carried 4-0.

Consider request for waiver of WMC Section 3.06.010(a) Payment of taxes, claims, forfeitures, judgments prior to issuance of license, due to extraordinary financial hardship. (Jalapeno's of Wausau LLC, Jose Medellin)

Rasmussen stated Jalapeno's owes for the business Personal Property Taxes from 2020 and 2021 but has made a partial payment towards the debt. The city holds licenses for money owed, however, it is difficult to pay the debt if the business is not open. She indicated the business was issued a temporary 60-day Provisional License in order to be able to operate until he could address the committee.

Jose Medellin, owner of Jalapeno's, stated he hoped to be able to pay off the balance in six months. He commented business was difficult since Covid and he has had difficulty hiring employees, but felt things were finally starting to get better. He believed the worst was over and he and his team were trying to turn it around, but he needs the license to continue business.

Mark Craig, Landlord (Compass Properties), stated he has known Jose for several years and of all the restaurants that sought relief during Covid, he did not receive any. He commented Jose works very hard and he hoped they would approve the waiver.

Rasmussen noted the business has nearly accumulated enough points to be issued a Formal Expression of Concern to be called before the committee. Mr. Medellin stated through Covid he lost a lot of his team members that helped him run the business and he was occupied with trying to learn to run the restaurant, manage the office paperwork, and the bar business on nights and weekends. He indicated he is going work with staff to solve some of the recent problems. He stated he fired some of the employees that were responsible for the events that resulted in demerit points. He indicated he has been physically present every night during weekends since the incident.

Police Chief Bliven reviewed details of the incident on record from January at Jalapeno's and noted they recently received another 100 points for a similar incident to the first, open after hours and serving underage people in the lower level.

Rasmussen questioned if the upstairs level with the 3rd Street entry was open. Medellin stated the upstairs has been modified to be more of a dessert bar. Medellin explained he moved the bar business downstairs because he thought he'd have better control over who was coming in by having only one entrance instead of two. He indicated he took full responsibility for his team and the situation and he will do everything he can to improve the situation. He stated he was willing to receive training from the police department.

Motion by Diny, second by Larson to approve a waiver of 3.06.010(a) for Jalapeno's. Motion carried 4-0.

HEARING: Erin Adams, owner, appeal of Dangerous Animal Declaration dated July 1, 2022 of dog - Hank

Lisa Rasmussen called forward all the witnesses to be sworn in for testimony by the clerk. Erin Adams, Susan Adams, Kate Lassa, Samantha McBride, Humane Officer Ashlee Bishop, and Cpt. Melinda Pauls were sworn in. Rasmussen proceeded with instructions for the hearing and both sides provided testimony.

Humane Officer Ashlee Bishop and the victim's mother Samantha McBride testified.

Erin Adams & Susan Adams provided testimony, followed by questions and answers from Attorney Nathan Miller and the committee.

Video Part 1 with full testimony: <https://www.youtube.com/watch?v=3ZRSYZ-XrIY>

Motion by Larson to convene in **CLOSED SESSION** pursuant to Section 19.85(1)(a) of the Wisconsin Statutes for the purpose of considering the following: Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before the governmental body, second by Diny. Roll Call Vote was taken:

Ayes: Larson, Henke, Diny and Rasmussen. Motion carried 4-0.

The committee adjourned to the Maple Room for closed session discussion.

RECONVENED OPEN SESSION

Lisa Rasmussen read the Findings of Fact and Conclusions of Law into the record. The committee upheld the Dangerous Dog Declaration of the Chief of Police on June 30, 2022, constituting a dangerous animal as defined in WMC Section 8.08.200 (b), and must comply with the requirements of the declaration. She stated if they wish to further contest this determination, they may within 5 days seek a review of the decision in Marathon County Circuit Court. Video Part 2 with full results: <https://www.youtube.com/watch?v=m02Ify9iNw4>

Presentation of Report - Facility Assessment for Wausau Fire Department - Central Station (Chief Barteck)

Deferred to future meeting.

Discussion and possible action regarding ordinance amending Section 8.08.120 Number of dogs and cats limited

Rasmussen stated the city has a limit on how many animals a resident may possess. The Police Department owns canines and when they retire the animals they remain with their handler for the remainder of their lives, even though they are no longer working. The situation we have experienced is when a canine handler retires and keeps an animal, they may also possess a domestic pet and a replacement canine, so they are asking for us to create an enabling provision in the animal ordinance that would waive the Pet Fancier permit requirement for law enforcement officers who are keeping the city's animals. She noted the city retains ownership of those animals throughout their life.

Nathan Miller clarified once the animal is retired the city is no longer paying for the veterinarian bills or paying the officer additional compensation to care for it. Rasmussen stated the amendment would just exempt them from having to get a Pet Fancier permit if they have other pets at home.

Motion by Henke, second by Diny to approve amending the ordinance. Motion carried 4-0.

Operations Report from Fire Department June 2022

Chief Barteck noted another record was set with June being the busiest month in the department history and anticipate that July will hit another record. He noted they are seeing this across the fire service in Wisconsin. *Report placed on file.*

Wausau PD Operations Report - 2nd Quarter 2022 and the Tavern Activities Report – June 1, 2022 through June 30, 2022

Lou Larson commented he supported the success of Jalapeno's business, but pointed it now has 175 Demit Points and that they recently called in Newch's before the committee for less points. *Discussion followed.*

Attorney Nathan Miller stated for purposes of consistency he recommended they issue a Formal Expression of Concern. Consensus of the committee was to proceed and direct the City Clerk to send a Formal Expression of Concern for Jalapeno's to ask him to appear at the August meeting.

Communications

None

Adjourn

Motion by Henke, second by Larson to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:30 pm.