

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, July 20, 2020, at 5:15 pm, (Council Chambers)

Members Present: Rasmussen, Herbst, Peckham, Wadinski

Members Excused: McElhaney

Others Present: Alfonso, Kremer, Goede, Rosenberg, Barteck, Bliven, Ryan, Gisela Marks, Ashley Sampson

Minutes of previous meetings. (6/15/20 & 7/07/20)

Motion by Peckham, second by Herbst to approve the minutes of the previous meetings on 6/15/20 and 7/07/20.

Motion carried 4-0.

Consider approval or denial of various license applications.

Rasmussen reviewed the list and noted there were not any denials recommendations.

Motion by Peckham, second by Wadinski to approve the licenses as recommended by staff. Motion carried 4-0.

Request for permanent Amendment of Premise for outdoor beer garden - The Glass Hat, 1203 N 3rd St (Gisela Marks, owner)

Gisela Marks stated they did not re-open the bar when the stay-at-home order was lifted because they did not want to be the mask police and felt there was no clear direction, so she did not want to take any chances. She did not believe they can open the way they did before because they make the most money on weekends when the place is packed. If that is no longer an option, the only option left to enforce social distancing is to expand outside.

Rasmussen questioned if the building immediately next to them was a residence. Gisela explained a neighbor owns both but does not live in that one, it is just storage and she thought it was zoned commercial. Rasmussen questioned the zoning and if it required outdoor spaces to be 50 feet from a residential dwelling. Marks indicated she spoke with Inspections who stated they did not have any requirements. She noted there are fences on the property line and she proposed putting slats into the fence for privacy. She obtained permission for solar lights on the roof to light the area and a spotlight.

Marks indicated she would like to install a four foot fence so people can see into the area and convert a window inside the building into a door for the entry into the beer garden. She stated there will be security cameras outside.

Chief Bliven stated the biggest concern from the police perspective is noise complaints and although the immediate neighbors have been talked to, noise can carry beyond that. He suggested authorizing on a temporary basis instead of permanent to ensure there won't be any issues.

Tara Alfonso suggested doing the recently adopted temporary premise change first with some kind of temporary barrier to keep people in. She questioned if a conditional use permit would be necessary, which typically goes before Plan Commission for approval. Rasmussen agreed and explained since Marks wants a permanent beer garden we need to ensure everything is done correctly. Both Alfonso and Rasmussen felt they needed to consult with Bill Hebert of Inspections/Zoning first.

Marks felt the problem with waiting to try it temporarily was that the projected opening was sometime in September and she had to arrange for the asphalt and fencing and pay deposits down now. She did not want to start construction and invest the money and then have the permission pulled.

Rasmussen stated they would defer action on the item until the next meeting and directed Alfonso to discuss it with Bill Heber prior to the August meeting.

Request for outdoor service of beer and outdoor music for the "Fair State Brewing - Fair Event" on Friday, August 21, 2020, from 5-9PM, at Milwaukee Burger Company parking lot, 2200 Stewart Avenue.

Ashley Sampson, Milwaukee Burger Company, explained they would like to serve alcohol outside and host a fair style event in their parking lot. She indicated she worked with Fair State Brewing Company to distribute their specific products outside. Since the fair was canceled this would be a way citizens participate in a smaller event with their children to enjoy fair foods like cheese curds, funnel cakes, etc., and games. She stated she met with the Health Inspector regarding portable fryers for the food and also with the Fire Inspector for requirements, as well as

property management for obtaining orange fencing. They will ID and wrist band people and will have licensed people serving. There will be designated staff members working to ensure Covid protocol is followed.

Motion by Herbst, second by Wadinski to approve the outdoor event at Milwaukee Burger Company on August 21, 2020. Motion carried 4-0.

Discussion and possible action regarding Ordinance Repealing Section 9.04.032 Unnecessary blowing of railroad whistles and horns-Penalty and Section 12.44.030 Obstructions by railroads; and, amending Section 1.01.025(c)(1)(B) Schedule of cash deposits

Rasmussen stated they had originally envisioned making two changes, one that would allow the railroad to be potentially cited for blocking intersections for too long; the second is the train whistle issue, however, it may need to be left as is because it is a grandfathered provision. She explained there are “quiet zones” in the city where in exchange for an agreement with the railroad not to sound the train whistle at intersections in certain areas, the city had to invest in crossing arms to block the road. She noted there are crossing arms at intersections on S 1st Avenue and S 3rd Avenue.

Tara Alfonso indicated she reviewed city ordinances and found an existing train horn prohibition. She learned if there was an existing ordinance that pre-dated the final train whistle rule, it can be kept if force, so that will not be repealed. She noted the penalty for obstructing the intersection will need to be amended as well. Alfonso stated it has come out fairly clear from the appellate court decision in 2018 that the obstruction of the intersection by the railroad cannot be regulated. The court stated given the extensive regulations and the wording of the Federal Railroad Safety Act, municipalities cannot keep trains from blocking intersections.

Alfonso summarized she would remove the language that repealed Section 9.04.032 Unnecessary blowing of railroad whistles and horns from the ordinance presented in the packet and bring the corrected ordinance to Council. She noted this action is basically cleaning up our municipal code.

Motion by Wadinski, second by Peckham to approve an ordinance repealing Section 12.44.030 Obstruction of railroads and amends the schedule of cash deposits. Motion carried 4-0.

Operations Report from Fire Department for June 2020

Deputy Chief Barteck stated the biggest event last month was a transformer fire at Marathon Electric. Station #2's alerting system is being worked on to work out bugs. *Report placed on file.*

Tavern Activities / Compliance Checks / Law Enforcement Activities

Chief Bliven presented the Tavern Report from June 1, 2020 through June 30, 2020. *See attached*
No discussion, the report was placed on file.

Communications

Deb Ryan spoke regarding calls received from residents on S 14th Avenue regarding noise from the construction at the former Mountain Lanes site. The complaint is that they have been working every day from 6AM to 6PM. Residents would like a break in the noise on the weekends and holidays. There is also an issue with parking too many cars parked on the streets by the workers.

Adjourn

Motion by Wadinski, second by Herbst to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 6:00 pm.

Attachment



Wausau Police Department

Robert B. Mielke
Mayor

Benjamin K. Bliven
Chief of Police

Date: 07/17/2020

To Chief Bliven

From Lt. Mike Felder

Subject TAVERN REPORT June 1, 2020 through June 30, 2020

ROUTINE TAVERN INSPECTIONS (No violations unless noted)

None have been conducted up to this point as openings have been inconsistent and COVID-19 concerns.

CONVENIENCE/GROCERY STORE INSPECTIONS (No violations unless noted)

None.

RESTAURANT INSPECTIONS (No violations unless noted)

None.

ALCOHOL COMPLIANCE CHECKS

None.

NOTABLE INCIDENTS AT TAVERNS TO WHICH POLICE WERE DISPATCHED.

6th Street Pub, 2002 N. 6th Street

- (1) *Case #20004497, 06/28/2020 at 1:34 AM:* A **bartender** called to request Officers' assistance in removing an unwanted male from inside the bar. On arrival, the male was behind the bar. Officers escorted him outside. Witnesses reported that the male had been aggressive, and refusing to leave after having been asked several times. The male refused to accept the citation and referred to the Officers with the use of explicatives. He was released after being cited for Disorderly Conduct and advised not to return to the property.

Bob and Randy's Bar, 1515 N 6th Street

- (1) *Event #20070111, 06/15/2020 at 1:52 AM:* A citizen called to report that his wallet was stolen while he was at the bar. He had left in on the pool table while playing, and admitted to having gone to the bathroom and coming back to find it missing. No suspects were identified. The victim did not want to "press charges," however he wanted a report for banking purposes.

Intermission Bar, 325 N 4th Street

- (1) *Case #20003800, 06/05/2020 at 1:13 PM:* Officers responded to a commercial burglar alarm. The building was secure and a false alarm report was completed.
- (2) *Event #20069221, 06/13/2020 at 12:47 AM:* Bar management called to report the theft of some keys. They reviewed video and developed a suspect. The reporting Officer is still attempting to locate the suspect and attempt to get the keys back.

Loppnow's Bar, 412 N. 3rd Street

- (1) *Event #20076455, 06/27/2020 at 6:09 PM:* EMS and Officers responded to a report of a medical

emergency. There was a report of a male passed out on the sidewalk outside the bar and bleeding from the head. The male had been in the bar, walked out, bumped into some parked cars and fell into the street, hitting his head. The male was treated by EMS, and refused transport. He was released to a responsible person at the scene.

Bull Falls Brewery, 901 E. Thomas Street

- (1) *Event #20064524, 06/03/2020:* A **bar employee** called about someone riding a small mini-bike in the parking lot of the business. The Officer made contact with the rider, and advised that they did not want them riding in the lot during business hours for safety reasons. The rider agreed.
- (2) *Event #20069922, 06/14/2020 at 4:39 PM:* A **bar employee** called to report what appeared to be a couple of young people on the roof of nearby buildings. They then dropped into the bar property behind their fence. An Officer responded and located the youths skateboarding in the back area behind the bar. They were advised that they were not allowed on the roofs of buildings, or in the bar property. They were cooperative and moved on.

Jim's Corner Pub, 1244 S. 9th Avenue

- (1) *Event #20065265, 06/05/2020 at 6:05 AM:* Dispatch received a 9-1-1 hang-up that corresponded to the address. An Officer responded, found the business secure and had no answer at the door.

101 Pub, 101 N. 3rd Avenue

- (1) *Case #20004458, 06/27/2020 at 5:52 AM:* Officers responded to a commercial burglar alarm at the business. The building was found to be secure. The key holder did not respond, noting that cleaning personnel had recently finished and was likely the source for the alarm. A false alarm form was completed.

Aftershock Bar and Grill, 1418 Lenard Street

- (1) *Event #20066962, 06/08/2020 at 2:04 PM:* A woman called to report contact with an ex-boyfriend at the bar. He was mean to her, and has sent threatening text messages to her. The Officer made contact with the male and asked him to end all contact with the female. The male agreed and said there would be no need for further action.
- (2) *Event #20069200, 06/13/2020 at 12:01 AM:* A named citizen reported witnessing a male urinating outside the business. Before Officers could respond, the citizen called back to report that the urinating person had gone back into the bar. The caller asked for more extra patrol to try to prevent it in the first place.

Callon Street Pub, 209 Callon Street

- (1) *Event #20070491, 06/15/2020 at 8:09 PM:* Officers and EMS were called by a bar employee after a male had come into the bar and became "out of it." The male was not served at the bar. The male was observed to have been eating some type of leafy substance. An Officer obtained a PBT, which indicated an alcohol presence of .36% BrAC. The male was transported to Aspirus Wausau Hospital (AWH). The Officer was expecting to transfer the male to the Health Care Center, however AWH released the male approximately three hours later without notifying HCC or law enforcement.

ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED

- **Whiskey River** and **Days Bowl-A-Dome** had their Demerit Points fall to zero, due to time. They are at zero (0) Demerit Points.

Respectfully submitted,
Lt. Michael Felder