

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, December 21, 2020, at 5:15 pm, (Council Chambers)

Members Present: Rasmussen, Herbst, Peckham, Wadinski, McElhaney

Others Present: Alfonso, Bliven, Kremer, Barteck, Rosenberg

Minutes of previous meetings. (11/16/20)

Motion by Peckham, second by Herbst to approve the minutes of the 11/16/20 meeting. Motion carried 5-0.

Consider approval or denial of various license applications.

Rasmussen indicated there was a denial recommendation for James Lake for Public Transport Driver License.

James Lake, 325 ½ N 1st Ave, addressed the committee stating he was being denied for a crime that was “read in” 27 years ago and for which he was not actually convicted. He noted he was approved for Public Transport License 10 years ago in the City of Wausau and has been approved for a license recently in Stevens Point. He stated he needs the job to pay his bills because jobs were hard to find due to Covid. He asked for a license until the expiration in June in order to prove himself.

Chief Bliven stated when Mr. Lake’s record was reviewed he was out of the office and a different person reviewed it and made the recommendation for denial. He noted they don’t typically recommend denial for read in charges, however, based on the 2018 and 2019 denials he felt it was likely he would agree with the recommendation. He suggested the committee hold off on taking action on this license and he would review the record. Rasmussen indicated they would defer action on the application to the January meeting.

Rasmussen stated there was a denial recommendation for Jill Kreitzer for an Operator’s License. It was noted Ms. Kreitzer was not present to appeal.

Motion by Wadinski, second by McElhaney to approve or deny licenses as recommended by staff, with the exception of James Lake to be brought back to the January meeting. Motion carried 5-0.

Discussion and possible action concerning suspension of W.M.C. s.5.64.036 Drive-Up Sales relating to City liquor license holders

Rasmussen stated grocery store owners have requested a temporary provision to allow drive-up sales of alcohol along with grocery orders. She noted there were temporary provisions over the summer for restaurants allowing drive-up sales of closed containers with food orders.

Rasmussen indicated Tara Alfonso prepared a draft ordinance that has provisions that we can amend or approve as written. It allows for drive-up sales between 8AM – 8PM; orders after 2PM can’t be picked up until the following day; the sale would have to be accompanied by a \$15 food purchase, making the alcohol transaction a secondary purpose; a license operator must perform the sale; and if the purchaser is not the driver of the vehicle, the driver must be at least age 21.

Alfonso explained some of these restrictions included in the ordinance were things she saw in other communities that have allowed click & collect sales. She noted Deputy Chief Matt Barnes didn’t think we needed to be as strict from a law enforcement perspective. She questioned how long they would like this to be in effect so that it automatically sunsets, because the committee previously voted to prohibit these sales at the recommendation of the AODA Partnership. She pointed out this ordinance only applies to grocery stores and restaurants. *Discussion followed.*

Peckham suggested removing the provision that orders made after 2PM cannot be picked up until the next day and let the business decide how much time they want to require of a customer order. He also questioned the purpose of the four hour waiting period between the time of order and pickup. Rasmussen indicated Deputy Barnes had suggested enabling the provision to run the same hours as the retail business can legally sell alcohol, but the business can decide if they want earlier deadlines.

McElhaney agreed the 8AM - 8PM time period should be removed and that the four hour waiting period did not make sense. She understood the reasoning for the \$15 of food was to keep alcohol from being the primary sale, but it may be cumbersome for the establishments. Rasmussen stated they could eliminate the dollar total and just state it must be purchased in combination with a food order.

Rasmussen suggested removing the provision about “payment for the order cannot be consummated....” to state “the alcohol sale shall not be consummated and product delivered” until the seller has been able to verify the ID of the pick-up driver. She suggested having the ordinance sunset with the expiration of the liquor license on June 30, 2021 so that it is removed with the start of the 2021-2022 license year on July 1st.

Motion by Herbst, second by McElhaney to approve the ordinance with the following changes: remove ~~(i) Pick up hours are limited to 8:00 a.m. to 8:00 p.m. Orders placed after 2:00 p.m. may not be picked up until the following day;~~ and remove ~~(ii) There shall be a minimum 4 hour waiting period between the time of order and pick up time;~~ (iii) No drive-up or curb-side alcohol sale shall occur unless also accompanied by a food order totaling at least \$15.00; and change language to (vi) The alcohol sale cannot be consummated and product delivered until the purchaser or driver is at the licensed premises and identification and age has been verified; and to delegate the approval to staff once the criteria has been met with an automatic sunset of June 30, 2021. Motion carried 5-0.

Update - Discussion and possible action on public education efforts surrounding use of facial coverings to reduce spread of Covid-19, and discussion of alternatives for mask access by citizens in need

Mayor Rosenberg stated she has been working on a video campaign and a social media newsletter. She indicated they are working on a couple of concepts which should be coming out mid-January.

Operations Report from Fire Department for October - November 2020

No Discussion, placed on file.

Tavern Activities / Compliance Checks / Law Enforcement Activities

Chief Bliven presented the Tavern Report from November 1, 2020 through November 30, 2020. (*See attached*)

Chief Bliven indicated that he and Todd Baeten had a discussion with Sharon Kingston, owner of Aftershock to talk about the issues that have been occurring there. He felt it was less of an issue of the layout of the property and the lighting, as much as it was a disagreement between neighbors. An officer with training in environmental design was sent over to look at it and his report recommends a barrier be put up on the southeast part of the property between the neighbors and the bar door. The officer also made the comment that it is up to the ownership of the establishment to make sure that they are monitoring what is going on in the parking lot and how customers are behaving. There was also a concern that the owner and the neighbor do not get along very well.

Rasmussen indicated she was getting complaints from three or four homes, not just the one neighbor. She commented previous owners did not tolerate the behaviors from their patrons at that location. Chief Bliven stated there will be a law enforcement presence there in order to curb some of that behavior and the owner was informed that demerit points could be assessed if it continues to be a problem. *Discussion followed.*

Communications

None

Adjourn

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



Wausau Police Department

515 Grand Ave

Wausau, WI 54403

Ph. 715-261-

Date 12/06/2020
To Chief Bliven
From Lt. Mike Felder

Subject TAVERN REPORT November 1, 2020 through November 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.

Bob & Randy's Bar, 1515 N. 6th Street

- (1) *Event #20145864, 11/15/2020 at 4:15 PM:* The **bartender** called to report suspicious activity. He saw what he thought was a drug deal in their parking lot involving a black Toyota 4 Runner and a silver Silverado. The male from the Silverado got into the black Toyota, which was driven by an Asian female, for a short period of time. When he got out he was hauling cash in his hand. The male actually came into the bar, had a soda, and gambled on the machine for a little while. He seemed to figure out that the bartender was calling the police because he left in a hurry. Information on the suspects involved was provided to the Community Resource Unit (CRU).

Cop Shoppe Bar, 701 Washington Street

- (1) *Event #20143811, 11/10/2020 at 10:21 PM:* The **bartender** called to report a male refusing to leave the property. Within minutes, the male left the bar upon learning that the bartender had called the police. The bartender called back explaining this, and stated the Police were no longer needed.

El Jalapenos, 300 N. 3rd Street

- (1) *Event #20145679, 11/15/2020 at 1:51 AM:* A **bar employee** called to report a problem with three males in the bar trying to start fights and refusing to leave. The employee stated the males were kicked out of the bar but continued to walk back and forth near the bar. There was never a full-on fight, however there was some "bumping" due to the crowded bar. The males had taken this personally and attempted to escalate the situation. Another officer located the males walking away from the bar.

They were warned not to return to the bar for the remainder of the night. No further law enforcement action was taken.

- (2) *Case #20009293, 11/29/2020 at 2:26 AM:* Police were called at the request of the **bar employee** for a large fight involving several people. Information obtained from people that were involved in the fight indicated that there was a dispute between patrons of Mexican descent and patrons of Puerto Rican descent. There were some reports of a male having been armed with a gun, however officers were unable to substantiate those reports. Video surveillance was observed from the bar, and also one citizen, that indicated some of the main perpetrators. A total of three people were cited for disorderly conduct at the scene.

Loppnow's Bar, 1502 N. 3rd Street

- (1) *Case #20009291, 11/29/2020 at 1:54 AM:* A call was received reporting that there was a couple people fighting outside of the bar. Further information from the caller stated that they had been fighting inside the bar, then went outside and continued fighting. It was reported that the males both took their shirts off and were fighting. One male was detained as officers arrived. That male was later pointed out by the bartender as being the "instigator." This male was issued a citation for disorderly conduct based on the description given by the bartender.

Denmar Tavern, 601 W. Thomas Street

- (1) *Event #20141980, 07/06/2020 at 10:53 PM:* An officer respond to the bar after dispatch received a 911 open line call from a cell phone that tracked back to the bar location. Contact was made with the owner of the phone who voluntarily showed the officer his call log. It appeared there were approximately 10 recent "901" calls. The owner of the phone told the officer's phone is new and calling 911 was an accident, so there is no emergency.

Roc's Place Bar, 810 S. 3rd Avenue

- (1) *Event #20139124, 11/01/2020 at 1:59 AM:* The **bartender** called to report a fight involving several people in the bar. The fight continued outside the bar. Investigation determined that two males began fighting physically inside the bar, and the remainder of the patrons formed them in an attempt to stop the fight at the time the call for follow-up was to be done including getting video from the bar. Video was later obtained however no further evidence supported any enforcement action.
- (2) *Event #20141480, 11/06/2020 at 1:08 AM:* An officer stopped by the bar to speak to the bartenders regarding a previous incident from earlier in the evening, which was determined to be an unreported altercation that occurred in the parking lot. The officer was outside the bar, talking with two bartenders in the parking lot. The bartenders had close the bar because they were able to anticipate that a problem was going to occur. Once everybody was outside the bar a fight erupted. The people involved in the fight moved over to M & R Station, where another fight ensued. While talking about this chain of events with two of the bartenders, one of the bartenders reported to the officer that a male was beating up a female in the back of the parking lot by picnic table. The officer moved to that location and observed a female getting up from the ground next to a male who was hunched over her. Both parties denied that altercation had taken place. Eventually the woman claimed that she threw herself onto the ground in order to get the males attention after he had been looking at other women in the bar. The bartender that originally witnessed the incident was no longer as enthusiastic to provide information about what she observed. The other bartender that was there, had not seen what was happening, but told the officer that it wasn't fair because, "... when you work here, you can't say things." The male and female that were involved in the incident were released. I did not find indication that the male had been identified. The female was identified, although the officers did not check her record while on scene. Although the officer ascertained that the female was not injured, felt safe, and did not admit to having been assaulted in any way, to my knowledge they did not address the fact that she was on probation and should not have been drinking.
- (3) *Event #20145682, 11/15/2020 at 2:10 AM:* An officer driving by the bar observed an extremely irritated male being restrained by another in front of the bar. Upon stopping and assessing what was occurring, he learned the agitated male was intoxicated after celebrating his birthday, and was having an argument with his girlfriend. The other male was his sober driver and was trying to take care of him. Officers remained in the area until the bars had closed and cleared out.

Treu's Tic Toc Club, 1201 W. Thomas Street

- (1) *Case #20008789, 11/08/2020 at 9:19 AM:* Officers responded to a commercial burglar alarm. Officers discovered an exterior door unsecured. The building was cleared and nothing was found to be amiss. The manager responded and checked the videos just to be certain. False alarm report was completed.
- (2) *Case #20008877, 11/12/2020 at 8:29 PM:* The **manager/owner** called to report that he suspected two males in the bar that were stealing from the entertainment machines. The suspects had left the bar by the time officers arrived. Surveillance was utilized to put out a notification of the suspects to neighboring jurisdictions. Eventually the same two were apprehended in the Upper Peninsula of Michigan. An admission was made of their involvement in the theft at this establishment, and an attempt at another, Aftershock.
- (3) *Case #20009057, 11/19/2020 at 2:32 PM:* The **bar owner** called to report that they received two counterfeit \$20 bills during the previous evening's business. Bills were collected and a report was completed by the investigating officer. It is not likely that their video system would have been able to tell which patron passed those \$20 bills.

M & R Station, 818 S. 3rd Avenue

- (1) *Case #20008741, 11/06/2020 at 12:44 AM:* The **bartender** called to report an active fight following 10 to 15 people at the bar. He stated most of it was occurring inside the bar, and they had just showed up and started fighting. An update provided by the bartender noted that all the people had moved outside, and they were locking the bar up to keep them out. The bartender reported getting hit in the chest by a pool ball. On arrival, officers found no one outside the bar there was glass in the roadway from bottles that had been thrown, and other patrons and neighbors were interviewed but did not provide any meaningful information. The bar owner was on scene, however he was intoxicated. He stated that the fight had started at Roc's Place and moved to his bar and exploded. Hauser advised the owner that he would have to review the video from the bar to further investigate the incident. The owner agreed and said he would work on getting it to him. The officer attempted contact at the bar three days later, however it was closed. The next chance the officer got to inquire about the video was seven days later. He was advised that the footage had overridden itself and was no longer available. As a result, no further investigation took place. Refer to incident #2 at Roc's Place, as listed above, for further reference of this rolling fight incident.
- (2) *Case #20008739, 11/06/2020 at 1:21 AM:* A patron of the bar reported that his phone had been stolen during the above noted fight. When trying to call the phone, a female answered it and offered to return the phone if paid money. Also as noted above, the video footage of who might have taken the phone was eventually unavailable.

Aftershock Bar, 1418 Lenard Street

- (1) *Event #20148201, 11/21/2020 at 7:51 PM:* An officer stopped by the bar for follow-up investigation regarding a theft of money. 2 males had been implicated in stealing money from entertainment machines in local bars. The bartender noted that the males had been in the bar, but had not gotten any payout from machines. This was part of a larger investigation, including Treu's Tic Toc, which had been victimized by the same suspects. They were arrested in the Upper Peninsula of Michigan, and admitted to going to bars in Wausau to commit the same crime.
- (2) *Event #20151124, 11/28/2020 at 1:29 AM:* A refused complainant called to report that a patron from the bar had urinated on their driveway. While the caller was talking to dispatch, the person left the area (not back to the bar). An officer responded but could not locate anyone in the area and did not make contact with any bar employees regarding the complaint.

Labor Temple, 318 S. 3rd Avenue

- (1) *Case #20009257, 11/28/2020 at 2:14 AM:* An officer on patrol driving past the bar observed a female fall onto the ground and flail about violently. Officers attempted to stabilize her, although it seemed that she intentionally made it difficult to do so. When she had been in the bar, she started out relatively normal, according to the bartender. She started falling down inside the bar, so the bartender asked her to step outside. She was transported to the hospital by ambulance. While the woman was at the hospital, she became disruptive and officers were required to return and stabilize her again, and sedated by the hospital staff. In the end, she was referred for disorderly conduct and bail jumping. She was released from the hospital to the care of her mother.

Showtime Gentlemen's Club, 1709 Merrill Ave

- (1) *Event #20148273, 11/20/2020 at 11:43 PM:* A patron called requesting a lockout from a local tow company. The tow company requested an officer respond as well, in the event that the caller was intoxicated. An officer responded and made contact with the owner of the car and the tow company. It was determined that the owner of the car was not intoxicated, and in fact, had an IID installed in the car. The vehicle was opened for the owner.

ALCOHOL BEVERAGE DEMERIT POINTS ASSESSED

- Newch's Eatery dropped 50 (Fifty) Demerit Points, to move down to 75 (Seventy Five) Demerit Points.

Respectfully submitted,
Lt. Michael Felder