

TOWN COUNCIL WORKSHOP
APRIL 14, 2008
5:15 P.M.

The Town Council of the Town of Wheatland held a workshop at 5:15 P.M. in the Council Room of the Town Hall to discuss a concern the bar owners have with the Police Department.

Members present were: Mayor Dean Hensel, Councilmen Madsen and Evans, Councilwoman Allen, Police Chief, Randy Chesser, Town Attorney, Doug Weaver, Clerk/Treas. Cindy Kahler and Deputy Clerk/Treasurer, Sandy Lipps. Also present were bar owners, Heidi Rothenbueler, Rick Bowen, Tana Cole and Don Farrier (Vimbo's). And other interested parties, Ken Hurlbert (Moose Lodge), Pete Delgado (Lucky 13 Club),

Town Attorney, Doug Weaver discussed the "Governor's Initiative on Drunk Driving" and the legislative action that was taken this year for enforcement, such as awards presented by the Governor and grants for enforcement to law enforcement agencies. He stated that the Wheatland Police Dept. has taken a pro-active policy to traffic enforcement that has led to more DUI's than in the past. Heidi R. asked "who" sets the policies such as "proactive" by the Police Dept. and Councilman Evans stated that it is a management call by the Chief and his staff. The Town Council does not micro-manage to that level, in fact the Council can not tell the Department "not" to do their job in the most effective way they see fit.

Rick Bowen asked Chief Chesser why DUI's have doubled over 2006 at this time and the Chief responded by saying they have adopted the "pro-active" policy for traffic enforcement which has resulted in more citations for DUI's. Chief Chesser stated that he wants his officers on the streets and not in the office playing games on the computer. Rick asked how many officers he has and he stated that it is an eight man department and there are one to two officers on the street each shift. Rick asked about grant funding and Chief Chesser stated that there are grants for education of our children, in particular teenagers and he explained the new training car that simulates drunk driving. He stated that the Police Department presently has a state grant in the amount of \$11,000.00 to be used for enforcement, with the purchase of equipment or extra time spent on enforcement by the officers. He stated that it is a one year grant with the possibility of extension for another two years. Rick stressed concerns about the Town or the County getting all the money from the DUI conviction and asked if this is a money driven issue and Chief Chesser stated that none of the money goes to the Town or the County, it all goes to the State and is placed in the State Education Fund for schools.

Councilman Evans stated that he had "scraped 17 year old kids off the pavement" and he didn't want to do it again and if increased traffic enforcement would stop it he was all for it.

Chief Chesser stated that not all DUI convictions are alcohol as there are 10-15% that are drug related and he stated that his officers have been getting better trained to recognize impaired drivers.

Heidi R. asked why officers follow people all the way across Town before they stop them and Chief Chesser stated that they may be videotaping or just observing the drivers. He stated that every stop is videotaped. Heidi R. asked what the proper following distance is and Chief Chesser stated two seconds, but it may vary with weather conditions.

Rick Bowen stated that they were just asking Chief Chesser to have his officer use some common sense. Councilman Evans asked Mr. Bowen what percentage of his patrons were being stopped and Rick stated at least 50%. Chief Chesser stated that the Department is not arbitrarily stopping people, there has to be a traffic violation, equipment failure or erratic behavior.

There was a discussion concerning the Officers giving rides to people that were blowing between a .08 and .10. Heidi stated that Officers Karr and Otte had stated to her that they were not allowed to give rides. Chief Chesser stated that the average breath test is showing .13 when they are sited and the portable breathalyzer has nothing to do with the actual arrest.

There was a discussion on “implied consent” when and if it is legal and when someone has the right to have an attorney present.

Don Farrier stated that obviously the drunk driving policy is not necessarily being set by the local department, it appears to be coming from the State and the Federal Government. He stated that he felt general economics (people can not afford to drink) is a problem and Mothers Against Drunk Drivers is a driving force against drunk drivers. He stated that he did not have any real answers for bar owners and operators at this time particularly with the economy as it is.

Alan Madsen stated that the economy is probably going to get worse before it gets better.

Town Attorney, Doug Weaver stated that Workers Compensation is pushing employers to not allow employees that smell like alcohol or have been out the night before to work or drive as it becomes too high risk. There was a discussion concerning officers running plates in bar parking lots that have set there for awhile and the Mayor stated he didn't know if that was necessary. Attorney Weaver stated that the Police Officers should make themselves more aware of regular designated drivers, so they aren't stopping them multiple times

Chief Chesser stated that he has not even started to use the extra time the enforcement grant pays for, all the stops are being done on regular time right now.

There was a discussion concerning citing people for “public intoxication” when they are walking home from the bar. Chief Chesser stated that there have been two public intox tickets issued since the first of the year and to his knowledge the “drunks” were laying in the street.

Don Farrier stated that there seems to be a lot of “media hype” concerning bars and drinking and that also deters business. Rick Bowen stated they are controlling drinking as much as possible while serving and requiring designated drivers in some cases, but they need help. Heidi R. asked

if the Town would provide a taxi service and Attorney, Weaver stated that the insurance and hiring people to run it is cost prohibitive.

Kenny Hurlbert stated he was there representing the Moose and he would request that the Police Department use some common sense, but he did not see an easy solution to the problem.

Pete Delgado stated that he did not like the Police Department setting across the street to the north of his building and videotaping his patrons. He stated that the Police Dept. was certainly not intimidating his members or his guests, in particular other motorcycle clubs such as the "Hell's Angels" when they are there if that was there intent.