

**Administrative & Judiciary Committee
of the City of Onalaska**

Wednesday, January 3, 2018

1

1 The meeting of the Administrative & Judiciary Committee of the City of Onalaska was called to
2 order at 6:00 p.m. on Wednesday, January 3, 2018. It was noted that the meeting had been
3 announced and posted at City Hall.

4
5 Roll call was taken with the following members present: Ald. Jerry Every, Ald. Ron Gjertsen,
6 Ald. Bob Muth

7
8 Also Present: City Administrator Eric Rindfleisch, Mayor Joe Chilsen, Deputy City Clerk
9 JoAnn Marcon, Police Chief Jeff Trotnic, Planner/Zoning Inspector Katie Aspenson, Dave and
10 Barb Skogen

11
12 **Item 2 – Approval of minutes from the previous meeting(s)**

13
14 Motion by Ald. Gjertsen, second by Ald. Every, to approve the minutes from the previous
15 meeting as printed and on file in the City Clerk’s Office.

16
17 On voice vote, motion carried.

18
19 **Item 3 – Public Input (limited to 3 minutes/individual)**

20
21 Ald. Muth called three times for anyone wishing to provide public input and closed that portion
22 of the meeting.

23
24 **Consideration and possible action on the following items:**

25
26 **Administrative**

27
28 **Item 4 – Public Hearing – Approximately 6 p.m. (or immediately following public input)**
29 **for consideration of an application for an Outdoor Venue License for MAB Restaurants**
30 **d/b/a David Reay’s Modern Diner & Tavern, 214 Main Street, Onalaska for the 2017-2018**
31 **licensing year**

32
33 Ald. Muth opened the public hearing and called for anyone wishing to speak in favor of the
34 application for an Outdoor Venue License for MAB Restaurants d/b/a David Reay’s Modern
35 Diner & Tavern.

36
37 **Dave Skogen**

38
39 “Obviously it’s a big part of the restaurant piece. Matt Boshcka, who we’re leasing it to, wasn’t
40 able to attend tonight. He has interviews with his teammates that he’s going to have hired. Fifty
41 seats – approximately 140 inside, including the bar. It’s an all-season like deal. It’s very likely
42 with a mild winter that it will be open, but it won’t be open as it is in the summer where people

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43 can enter into the side of it from the outside. You sit down and get served. I'm not sure what the
44 exit plan is for that."

45

46 **Barb Skogen**

47

48 Barb said she does not believe customers can enter in from outside, noting that customers must
49 enter the establishment and be seated. Barb said, "That was just an emergency exit that's
50 required. I don't think Matt had any intention of letting people come in that way."

51

52 Ald. Muth called three times for anyone else wishing to speak in favor of the application for an
53 Outdoor Venue License for MAB Restaurants d/b/a David Reay's Modern Diner & Tavern and
54 closed that portion of the public hearing.

55

56 Ald. Muth called three times for anyone wishing to speak in opposition to the application for an
57 Outdoor Venue License for MAB Restaurants d/b/a David Reay's Modern Diner & Tavern and
58 closed the public hearing.

59

60 Motion by Ald. Muth, second by Ald. Every, to approve an application for an Outdoor Venue
61 License for MAB Restaurants d/b/a David Reay's Modern Diner & Tavern, 214 Main Street,
62 Onalaska for the 2017-2018 licensing year.

63

64 Ald. Every asked if this is for the outside only.

65

66 JoAnn said yes, noting that the committee will be discussing the liquor license under Item 6.
67 JoAnn also said the notice had been published and posted, and everyone residing within the 250-
68 foot radius of the restaurant was sent a notice.

69

70 City Administrator Rindfleisch said the restaurant was designed with an outdoor venue in mind
71 and stated, "If there is any outdoor venue that is appropriate, this is it."

72

73 Dave Skogen asked if there is a separate licensing fee for the outdoor venue.

74

75 JoAnn said yes and noted the \$100 fee for the initial application already has been paid. JoAnn
76 added she believes it is \$10 a year after that. JoAnn also noted the city's Outdoor Venue License
77 runs from 10 a.m. until 10 p.m.

78

79 On voice vote, motion carried.

80

81 **Item 5 – Approval of Operator's Licenses as listed on report dated January 3, 2018**

82

83 JoAnn noted she had distributed a new list this evening with one additional applicant who was
84 not on the previous list included in committee members' packets. JoAnn said all the applications

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85 have been reviewed and approved by the Police Department.

86

87 Motion by Ald. Every, second by Ald. Gjertsen, to approve the Operator's Licenses as listed on
88 report dated January 3, 2018.

89

90 On voice vote, motion carried.

91

92 **Item 6 – Approval of Class B Liquor License for MAB Restaurants d/b/a David Reay's**
93 **Modern Diner & Tavern, 214 Main Street, Onalaska for 2017-2018 licensing year**

94

95 Motion by Ald. Muth, second by Ald. Gjertsen, to approve a Class B Liquor License for MAB
96 Restaurants d/b/a David Reay's Modern Diner & Tavern, 214 Main Street, Onalaska for 2017-
97 2018 licensing year.

98

99 Ald. Every asked if this is the indoor license.

100

101 JoAnn said yes, noting there is a one-time \$10,000 fee for a reserve license. JoAnn said all fees
102 have been paid.

103

104 On voice vote, motion carried.

105

106 **Item 7 – Resolution 2-2018 – to approve Special Events Fee Schedule for 2018**

107

108 Motion by Ald. Muth, second by Ald. Gjertsen, to approve Resolution 2-2018 – to approve
109 Special Events Fee Schedule for 2018.

110

111 Ald. Every asked if this will be applied retroactively to anything that might have been permitted
112 for 2018.

113

114 JoAnn said this applies to events such as 5-kilometer road races, noting that none have been held
115 so far in 2018. JoAnn said, "It would be after this resolution is enacted going forward. It would
116 be effective after it's approved by the Common Council."

117

118 On voice vote, motion carried.

119

120 **Item 8 – Review of Fees for:**

121

122 a. Mobile Home Parks

123

124 JoAnn said the fees have been the same for at least the last 15 years. JoAnn said, "If the
125 committee wishes to increase the fees tonight, the only thing we need to be aware of is staying
126 within the statutory requirement. That gives us authority to collect an annual license fee of not

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127 less than \$25 and not more than \$100 for each 50 spaces, or a fraction of 50 spaces. There is
128 definitely room to increase it, but we have to stay within those restrictions.”

129

130 Ald. Muth said it is his understanding that State of Wisconsin Statute limits how much the fee
131 may be increased.

132

133 The current rates are as follows:

134

135 • **1-25 lots:** \$25

136 • **25-50 lots:** \$50

137 • **51-100 lots:** \$75

138 • **Over 100 lots:** \$100

139

140 Ald. Muth noted the committee had discussed this topic at its December 6 meeting and said
141 committee members wanted to know the last time the fees had been examined. Ald. Muth said
142 that while he believed the \$100 fee for more than 100 units was low, he also noted that mobile
143 home owners also pay property taxes to cover that. Ald. Muth said, “With that in mind, I don’t
144 really see an increase of that little an amount is going to make a difference.”

145

146 Ald. Gjertsen asked Ald. Muth, “What were you thinking?”

147

148 Ald. Muth said, “I was thinking that if this was some ordinance from 1851 we should take a look
149 at it. It’s not often that staff will look at those fees for that particular ... I thought it was kind of
150 low, so I wanted the research on it. JoAnn did the research for us and found out it was state
151 statute, which limits us what amounts.”

152

153 Ald. Gjertsen said he believes the rates are fine as is, but he also asked if perhaps the fees should
154 increase by 10 percent.

155

156 JoAnn reiterated the rates have been the same for at least the last 15 years.

157

158 Ald. Gjertsen said a 10-percent increase would mean having unusual fees. For example, lots of
159 one to 25 homes would be charged \$27.50.

160

161 JoAnn said the city cannot charge less than the \$25 it already is charging, but it may only go as
162 high as \$100 for up to 50 spaces. JoAnn said the city could charge up to \$200 if there are more
163 than 50 lots.

164

165 Ald. Gjertsen noted the city’s administrative fees have increased over the last 15 years, and he
166 said, “What is appropriate? Keep it so we’re paying our people to do the work without going the
167 wrong way on the numbers.”

168

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169 Ald. Muth suggested asking Financial Services Director/Treasurer Fred Buehler to examine this
170 item “and see what’s the appropriate amounts he would suggest for the time amount involved in
171 processing these fees so the city is not losing money for having them so the other taxpayers
172 aren’t paying for this.”

173

174 JoAnn noted that licenses do not renew until July 1.

175

176 Ald. Every asked if the city plows trailer courts.

177

178 Ald. Muth said no, noting that trailer courts are private property and are maintained by the
179 owner.

180

181 Ald. Every asked Police Chief Trotnic if incidents in trailer courts are more numerous.

182

183 Police Chief Trotnic said he believes the city’s properties are well-maintained, noting that while
184 officers respond periodically in trailer courts, he would not say it is any higher than normal.

185

186 City Administrator Rindfleisch noted that trailer parks pay general property taxes and said, “The
187 general direction of the state is that fees applied by municipalities should be in line with the cost
188 of the service provided. In this case, it is by providing the fee. In general, that’s why they have
189 the cap and restrictions on there that fees aren’t meant to be large scale revenue generators. It’s
190 only meant to offset the cost of utilizing covering that.” City Administrator Rindfleisch said the
191 city could charge \$200 for 100 spaces, adding he believes it is logical for Fred to perform an
192 analysis on the amount of time it takes staff to process the mobile home fees and determine if
193 adjustments need to be made.

194

195 b. Bicycle Licenses

196

197 Ald. Muth, a retired City of Onalaska police officer, noted the city charged \$2 for bicycle
198 licenses and said the idea was that if a citizen’s bicycle was stolen and abandoned, the Police
199 Department could retrieve it, examine the license and return it to the owner. Ald. Muth noted he
200 had spoken with Police Chief Trotnic and said, “Now that fees are paid up front [because] money
201 can’t go across the counter at the Police Department, the process would be they would have to
202 apply for a license, fill out the paperwork, go back up front and pay the \$2.” Ald. Muth said it is
203 his understanding that there is now no cost for bicycle licenses.

204

205 Police Chief Trotnic said that when all cash payments were consolidated, the \$2 fee for a bicycle
206 license had been discussed at the city level. Police Chief Trotnic said, “I felt at the time that
207 when you’re collecting the \$2, when they’re coming in to do everything in one location, it’s
208 really not that big of a deal. When you look at the coming in and causing the inconvenience to
209 the person trying to get a bicycle license for \$2, I look at two things: the convenience, and is
210 there any type of deterrent to keep somebody from coming in and registering their bike?” Police

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211 Chief Trotnic said a \$10 charge for five bicycle licenses is more than some families can afford.
212 Therefore, the \$2 fee was waived. Police Chief Trotnic noted that approximately 1,500 bicycle
213 licenses (an average 80 per year) have been issued since 1998. Only 38 bicycle licenses were
214 issued in 2017, and only 71 were issued in 2016. Police Chief Trotnic noted the city was
215 collecting only \$160 in bicycle license fees during an average year and said that is why the
216 decision was made to waive the \$2 fee.

217
218 City Administrator Rindfleisch suggested incentivizing citizens to obtain a bicycle license by
219 perhaps partnering with the local bicycle shops to distribute and keep lists of licenses.

220
221 Police Chief Trotnic said it still would be necessary for the Police Department to permit bicycles
222 that are not purchased at local bicycle shops. Police Chief Trotnic suggested speaking to the
223 owner of River Trail Cycles.

224
225 Katie noted that over the last four years the Police Department, as part of the incentive for
226 Onalaska's Bicycle-Friendly Community Challenge, has been waiving the \$2 fee. Katie said it is
227 possible that of the statistics Police Chief Trotnic had discussed, the city has not been collecting
228 fees. Katie said this was an incentive to entice more citizens to ride bicycles and be more active.

229
230 Police Chief Trotnic noted Katie had spoken to him about the plan and said a decision was made
231 to waive the \$2 fee altogether if the Police Department already was waiving the fee as part of the
232 Onalaska Bicycle-Friendly Community Challenge.

233
234 Ald. Every noted that some bicycles being sold today range in price from \$5,000 to \$15,000 and
235 said the bicycle can be returned to its owner if it is licensed and recovered. Ald. Every said it
236 might be worth putting a license on a high-priced bicycle so that if possible the Police
237 Department can recover a lost or stolen bicycle.

238
239 Police Chief Trotnic said the Police Department takes a lot of bicycle thefts and has several
240 bicycle recoveries. Police Chief Trotnic also noted that there currently are several bicycles in the
241 city's shed located on 2nd Avenue.

242
243 JoAnn referred to Wisconsin State Statute 349.18, which states that any city, town or village, by
244 ordinance, may require registration of any bicycle, including the payment of a registration fee.
245 JoAnn said she was concerned about whether this is a license or a registration fee the city is
246 charging. JoAnn noted that cities and villages cannot license bicyclists, create bicycle courts or
247 impound bicycles in the absence of expressed legislative authority. JoAnn said City Attorney
248 Sean O'Flaherty must determine whether the city is charging a registration fee, or if this actually
249 is a license.

250
251 Ald. Muth noted the form JoAnn had obtained from staff simply says "license" on the top of the
252 application.

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253
254 Police Chief Trotnic said it basically is a registration fee, adding he looks at licensing as “almost
255 giving you something.” Police Chief Trotnic noted that individuals are given a sticker; however,
256 he does not necessarily call it a license.

257
258 Ald. Muth said a thief will remove a sticker from an expensive bicycle. However, the serial
259 number is present if the owner completed the paperwork.

260
261 Ald. Muth said, “The reason I put that on, the bicycle license, is I was trying to figure out, first of
262 all, the money no longer being paid down at the Police Department – it’s all up front – the \$2,
263 and then I found out we’re giving the licenses away. Can’t we just change this to, there is no fee
264 for a bicycle license?”

265
266 Ald. Every said, “I have no objection to that. I can’t see a good reason not to.”

267
268 City Administrator Rindfleisch noted a county may require a fee for bicycles and said, “We can
269 license it and we can charge a fee. It doesn’t mean we have to charge a fee. The answer to the
270 initial question, and what I have seen before, is you may reduce the fee to zero. You still
271 requiring the licensing and the ordinance, but reduce the fee to zero.” City Administrator
272 Rindfleisch also said the operator of a bicycle cannot be licensed.

273
274 Ald. Muth asked if it would be easier to change the fee from \$2 to \$0.

275
276 Ald. Gjertsen suggested changing the fee to \$0 and calling it a permit. Doing so will give the
277 city the information it seeks, and a citizen will have a sticker for his/her bicycle.

278
279 City Administrator Rindfleisch said a bicycle sticker says “license,” but technically it is a
280 registration, adding, “The act is you’re registering your bicycle and getting a license for it.”

281
282 Ald. Every said he does not object to not charging to register bicycles and suggested not
283 charging citizens for fire permits or other permits.

284
285 Police Chief Trotnic told Ald. Every that while he understands his point of view, he also said,
286 “We’re talking about a \$2 fee versus a \$40 fee or whatever the fee is. I looked at that as a trivial
287 fee. That may not be right for me to do. I know that when you’re going through different types
288 of licensing, like the fire permit, for example, they file it with the Clerk’s Office. They forward
289 it to the Fire Department, and they forward it to the Police Department. Then we forward it back
290 to the Clerk’s Office for them to process it. There is a multilayer that goes through much more
291 of this permitting process. If it would not have been the trivial amount to it I would not have
292 proposed that.”

293
294 Motion by Ald. Muth, second by Ald. Gjertsen, to update Bicycle Licenses from the listed fee of
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295 \$2 to \$0.

296

297 Ald. Every said he plans to vote no, stating he is doing so because while he does not think it is a
298 bad idea to waive the \$2 fee for bicycles, he also believes the city should examine the process it
299 utilizes for all its permits. Ald. Every said, "People are complaining about the fees and permits
300 they have to pay. Maybe we should look at all of them."

301

302 Ald. Muth noted the only item on tonight's agenda is bicycle licenses, and he reminded Ald.
303 Every that the committee cannot discuss other fees.

304

305 On voice vote, motion carried, 2-1 (Ald. Every).

306

307 **Item 9 – Miscellaneous licensing reporting**

308

309 JoAnn noted she had handed out a list of six recreation burn permits that were approved after the
310 packets were put together. All have been approved by both the Police Department and the Fire
311 Department.

312

313 Motion by Ald. Muth, second by Ald. Every, to approve the miscellaneous licensing reporting.

314

315 On voice vote, motion carried.

316

317 **Judiciary**

318

319 **Item 10 – Ordinance 1602-2018 – to amend Title 6, Chapter 2 Section 11 through 14 of the**
320 **Code of Ordinances of the City of Onalaska relating to Pools, Home Occupations, Garage**
321 **Sales and Outdoor Displays, Tents and Storage (Third and Final Reading)**

322

323 Motion by Ald. Muth, second by Ald. Every, to approve Ordinance 1602-2018 – to amend Title
324 6, Chapter 2 Section 11 through 14 of the Code of Ordinances of the City of Onalaska relating to
325 Pools, Home Occupations, Garage Sales and Outdoor Displays, Tents and Storage (Third and
326 Final Reading).

327

328 Katie said the ordinance has been amended to increase the height of pool walls from 3 feet to 4
329 feet.

330

331 Ald. Gjertsen noted concerns had been raised about rummage sale signs and asked if they had
332 been addressed.

333

334 Ald. Muth said yes, noting it will be covered under the Sign Ordinance and adding, "This is
335 fine."

336

337 On voice vote, motion carried.

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338

339 **Item 11 – Ordinance 1603-2018 – to amend Part 5 of Chapter 3 of Title 13 of the Code of**
340 **Ordinances of the City of Onalaska relating to Special Districts (First and Second Reading)**

341

342 Motion by Ald. Muth, second by Ald. Every, to approve Ordinance 1603-2018 – to amend Part 5
343 of Chapter 3 of Title 13 of the Code of Ordinances of the City of Onalaska relating to Special
344 Districts (First and Second Reading).

345

346 Katie asked if it would be possible to suspend the rules and give Ordinance 1603-2018 its First,
347 Second, Third and Final Reading. Katie said there is a development waiting on this particular
348 ordinance to be adopted. Thus, she is bringing that request before the committee.

349

350 Motion by Ald. Muth, second by Ald. Every, to suspend the rules and give Ordinance 1603-2018
351 its First, Second, Third and Final Reading.

352

353 On voice vote, motion carried.

354

355 Motion by Ald. Muth, second by Ald. Every, to approve Ordinance 1603-2018 – to amend Part 5
356 of Chapter of Title 13 of the Code of Ordinances of the City of Onalaska relating to Special
357 Districts (First, Second, Third and Final Reading).

358

359 On voice vote, motion carried.

360

361 **Adjournment**

362

363 Motion by Ald. Muth, second by Ald. Gjertsen, to adjourn at 6:35 p.m.

364

365 On voice vote, motion carried.

366

367

368 Recorded by:

369

370 Kirk Bey