

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

Wednesday, January 8, 2020

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1 The meeting of the Administrative & Judiciary Committee of the City of Onalaska was called to
2 order at 6:01 p.m. on Wednesday, January 8, 2020. It was noted that the meeting had been
3 announced and posted at City Hall.

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5 Roll call was taken with the following members present: Ald. Tom Smith, Ald. Diane Wulf

6
7 Also Present: City Administrator Eric Rindfleisch, Mayor Kim Smith, City Clerk Cari
8 Burmaster, Police Chief Charles Ashbeck, Ald. Dan Stevens

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

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12 Motion by Ald. T. Smith, second by Ald. Wulf, to approve the minutes from the previous
13 meeting as printed and on file in the City Clerk’s Office.

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15 On voice vote, motion carried.

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

18
19 Ald. Wulf called three times for anyone wishing to provide public input and closed that portion
20 of the meeting. Ald. Wulf said the committee will next address Item No. 7.

21
22 **Consideration and possible action on the following items:**

23
24 **Administrative**

25
26 **Item 7 – Discussion and action on issuance of Class “A” licenses to salons, spas,
27 barbershops, and similar establishments**

28
29 Cari said an individual who owns a nail salon is requesting a license so that he may serve wine to
30 his customers while they receive manicures and pedicures. Cari noted this is a license the city
31 has not issued before, and she also noted it is an allowable license issued by the State of
32 Wisconsin. Cari told committee members she had spoken with a state agent, who told her this
33 license “is a privilege, not a right.” Cari said the committee must decide whether or not to issue
34 these licenses and told committee members, “It’s not that we have to, but if you would like to do
35 this, you would be able to.” Cari said it would be included among Class “A” licenses, which
36 includes establishments such as Festival Foods and Kwik Trip that sell malt beverages and liquor
37 for offsite consumption. Cari noted sample tasting is allowable under Class “A” licenses and
38 said the following regulations apply:

- 39
40
- Customers are allowed to consume two samples of fermented malt beverages per person,
41 per day – not to exceed three fluid ounces per sample.
 - Samples must be provided between 11 a.m. and 7 p.m.
- 42

Reviewed 1/10/20 by Cari Burmaster

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- 43 • Samples may not be provided to underage persons.
44 • Samples must be served by licensed operators or servers under the immediate supervision
45 of a licensed operator, licensee, or agent of a retail corporation or LLC licensee.
46 • Samples must be free of charge.
47 • Fermented malt beverages provided as taste samples must be sold by a wholesaler and
48 invoiced to the retailer.

49

50 Cari said the difference between a Class “A” Malt Beverage License and a Class “A” Liquor
51 License is the liquor license includes beverages such as wine and champagne, and they would be
52 allowed under a Class “A” Liquor License. Further, a Class “A” Liquor License only would
53 allow one sample of distilled spirits per day, not to exceed one-half ounce. Cari said the two
54 available options are the malt beverage, and the wine and champagne. Cari said liquor could not
55 be sold because there is another business on premise. Cari said, “I think the big decision is
56 whether we want to get into this avenue of licensing or not, whether we want to have the City of
57 Onalaska be able to do this or say we don’t want to do this yet. We’re here to present you the
58 facts and the discussion and let you move forward.”

59

60 Ald. T. Smith asked if this type of licensing exists in the City of La Crosse.

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62 Cari told Ald. T. Smith she has spoken with City of La Crosse officials and said La Crosse has
63 not issued any of these licenses. Cari also told Ald. T. Smith the City of Eau Claire has issued
64 these licenses and said, “It’s municipality by municipality. It’s a choice made by the
65 municipality itself.”

66

67 Police Chief Ashbeck said he initially was concerned about the enforcement and compliance of
68 such licenses, noting the Police Department conducts annual compliance checks on licensed
69 establishments within the city. Police Chief Ashbeck told committee members that while one
70 establishment with this type of license would not add to the Police Department’s workload, more
71 such establishments would add to the department’s workload. Police Chief Ashbeck also said,
72 “Speaking with my staff overall, we don’t feel that it would be an overburden to our department.
73 Enforcement or compliance will be a little challenging in these kinds of scenarios as compared to
74 your typical establishment. But I assume under these rules their Operator’s License would have
75 to be posted in a public place just like other establishments.”

76

77 Cari told Police Chief Ashbeck he is correct, noting both the Class “A” License and the
78 Operator’s License would need to be posted in a public place.

79

80 Police Chief Ashbeck said the Police Department would perform random checks to ensure there
81 is a licensed operator on premise when beverages are being served. Police Chief Ashbeck noted
82 he had spoken with the Police Department’s supervisory staff and said the department’s position
83 is it likely would approve of the city issuing such a license.

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85 City Administrator Rindfleisch noted such establishments have been present in other
86 municipalities in which he has been and told committee members he has found that
87 establishments that offer what is being proposed have provided patrons with “a premier
88 experience” and “another level of customer care.”

89
90 John Hoang, the owner of Legend Nails Spa, which recently opened in the City of Onalaska, told
91 committee members establishments in other states offer wine samples to their customers, and he
92 said he wishes to provide the same service to his customers. John also told committee members
93 bridal parties who patronize salons would like to enjoy wine with their friends.

94
95 Ald. T. Smith inquired about underage employees at Legend Nails Spa.

96
97 John told Ald. T. Smith underage customers patronize his salon and assured him he understands
98 the law regarding serving alcohol and obtaining the proper licenses. John also noted all his
99 employees are older than 21.

100
101 Ald. T. Smith asked John what type of alcoholic beverages he would serve.

102
103 John said he would serve customers wine.

104
105 Cari noted the annual fee for a Class “A” License would be \$425, plus \$10 for publication.

106
107 Police Chief Ashbeck reiterated his only concern is if other similar businesses follow suit and
108 create an extra workload for the Police Department. However, Police Chief Ashbeck also said
109 he would not anticipate that happening.

110
111 Cari reiterated the cautionary statement from the state agent, who told her, *“It’s a privilege, but
112 once you issue it you have to issue it to the other establishments. You can’t discriminate and say
113 this one can have one and that one can’t.”*

114
115 Ald. T. Smith asked if the license could be rescinded if it is abused.

116
117 Cari said, “If there are problems and we have issues, there is a process we could go to revoke the
118 license if they’re abusing it. But that would be an individual establishment, not the licensing
119 issue for everybody. ... The one unique thing with a license like this is the bigger license is your
120 business. [John] can’t make money on this license. His moneymaker is the nail license.”

121
122 Ald. Wulf asked if John would lose the Class “A” Liquor License or have his business shut down
123 if he ever is found in violation.

124
125 Cari told Ald. Wulf it depends on the violation and said the state liquor agents have the authority
126 to close down the business if there are violations.

Reviewed 1/10/20 by Cari Burmaster

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Motion by Ald. T. Smith, second by Ald. Wulf, to proceed with the issuance of Class “A” licenses to salons, spas, barbershops, and similar establishments.

Ald. T. Smith said he supports proceeding with this because both City Administrator Rindfleisch and Police Chief Ashbeck are in favor of proceeding.

On voice vote, motion carried.

Item 4 – Approval of Operator’s Licenses as listed on report dated January 8, 2020

Ald. Wulf noted both she and Ald. T. Smith had received a new handout this evening.

Motion by Ald. T. Smith, second by Ald. Wulf, to approve the Operator’s Licenses as listed on report dated January 8, 2020.

On voice vote, motion carried.

Item 5 – Approval of Temporary Class “B”/ “Class B” Retailer’s License for the La Crosse Area Builders Association (LABA) for March 27-29, 2020 for LABA Home Show at the Omni Center, 255 Riders Club Road, Onalaska

Cari noted the Certificate of Insurance is on file.

Motion by Ald. T. Smith, second by Ald. Wulf, to approve Temporary Class “B”/ “Class B” Retailer’s License for the La Crosse Area Builders Association (LABA) for March 27-29, 2020 for LABA Home Show at the Omni Center, 255 Riders Club Road, Onalaska.

On voice vote, motion carried.

Item 6 – Approval of Special Events Permit for Sole Burner for American Cancer Society on Sunday, April 26, 2020 from approximately 6 a.m.-2 p.m. starting at 2700 Midwest Drive, Onalaska, WI

Cari noted this is a repeat event and told committee members the city has not yet received payment for the \$250 invoice it had sent to the American Cancer Society. Cari also noted she does not have the Certificate of Insurance on file, and she told committee members she would like to have those two conditions as part of the motion of approval.

Motion by Ald. T. Smith, second by Ald. Wulf, to approve Special Events Permit for Sole Burner for American Cancer Society on Sunday, April 26, 2020 from approximately 6 a.m.-2 p.m. starting at 2700 Midwest Drive, Onalaska, WI, contingent upon receiving payment for the

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169 application as well as the Certificate of Insurance.

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171 On voice vote, motion carried.

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173 **Item 8 – Miscellaneous licensing reporting**

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175 Motion by Ald. Wulf, second by Ald. T. Smith, to place on file the miscellaneous licensing
176 reporting.

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178 On voice vote, motion carried.

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180 **Judiciary**

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182 No report.

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184 **Adjournment**

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186 Motion by Ald. Wulf, second by Ald. T. Smith, to adjourn at 6:23 p.m.

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188 On voice vote, motion carried.

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191 Recorded by:

192

193 Kirk Bey