

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

Wednesday, May 2, 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, May 2, 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. Jim Binash, Ald. Diane Wulf,
6 Ald. Ron Gjertsen

7
8 Also Present: City Administrator Eric Rindfleisch, Mayor Joe Chilsen, City Clerk Cari
9 Burmaster, Fire Chief Don Dominick

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

12
13 Motion by Ald. Gjertsen, second by Ald. Wulf, to approve the minutes from the previous
14 meeting as printed and on file in the City Clerk’s Office.

15
16 On voice vote, motion carried.

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

19
20 Ald. Binash called three times for anyone wishing to provide public input and closed that portion
21 of the meeting.

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

24
25 **Administrative**

26
27 **Item 4 – Approval of Operator’s Licenses as listed on report dated May 2, 2018**

28
29 Motion by Ald. Wulf, second by Ald. Gjertsen, to approve the Operator’s Licenses as listed on
30 report dated May 2, 2018.

31
32 On voice vote, motion carried.

33
34 **Item 5 – Approval of request to amend David Reay’s Class B Liquor License to include the**
35 **Dash-Park area during the spring/summer concert series every Tuesday evening from 5**
36 **p.m.-8 p.m., June through October, 2018**

37
38 Motion by Ald. Wulf, second by Ald. Gjertsen, to bring to the floor for discussion approval of a
39 request to amend David Reay’s Class B Liquor License to include the Dash-Park area during the
40 spring/summer concert series every Tuesday evening from 5 p.m.-8 p.m., June through October,
41 2018.

42

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43 Ald. Wulf asked Cari about David Reay's current license.

44
45 Cari said the current license for anyone holding a regular liquor license is "basically inside the
46 four walls of the building." Cari told Ald. Wulf that David Reay's also possesses an Outdoor
47 Venue License, which includes the restaurant's outdoor area. Cari said it is within the license
48 area and stated, "They are going beyond that area, and because this is privately owned property
49 and not city-owned property at this time, we would be able to allow them the use of that. I might
50 also request that it would be allowable to have this amended until the point in time when, if the
51 land would change hands, it would turn into public property and then the rules would be
52 different. The way things are established right now, this would be an allowable use."

53
54 Ald. Wulf asked if liquor would be allowed to be served in the rest of Dash-Park in addition to
55 outside of David Reay's and the restaurant's patio area.

56
57 Cari said, "It would be required to be fenced in. They would have to have something to control
58 the drinking. They would not be able to take those drinks outside of that area – not out to the
59 street. They would be allowed to have them there, or obviously to go back into David Reay's
60 property with them."

61
62 Ald. Gjertsen asked if the property to which Cari had referred will be transferred in seven years.

63
64 Cari told Ald. Gjertsen it will be transferred "at some point in time," adding that she does not
65 have a definite time.

66
67 Ald. Wulf asked that someone possible review the pending land transfer.

68
69 City Administrator Rindfleisch said, "First, regarding the use of the license on that premises, the
70 request of what we would do for special events currently, the same requirements would be that it
71 is fenced off, it's located, it's secure, the responsibility is on the person getting the permit to
72 make sure that there is no underage drinking, and that the alcohol is consumed in an appropriate
73 manner. The request is not anything unusual, except for the fact that what is destined to become
74 a city park down the road, when it does become a city park the rules will change. A permit could
75 still be pulled, but it would not be subject to this particular permit for a different kind of special
76 event, to some degree. But carry-ins in a park are allowed, whereas carry-ins are not allowed in
77 a privately held park. Someone is not allowed, under this current status, to carry in a beverage
78 and watch the concert series. This is one methodology of getting around the ability to enjoy a
79 concert with an adult beverage. I would anticipate the turnover to be this year, so I would
80 anticipate this request to be a matter for a few months versus a long time."

81
82 Ald. Wulf noted that during her past terms as an alderperson there typically would be a police
83 presence at events such as this one.

84

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85 Cari asked Matt Boshcka, who owns David Reay's, to address the committee.

86

87 **Matt Boshcka, Owner of David Reay's Modern Diner + Tavern**
88 **214 Main Street**
89 **Onalaska**

90

91 "The question was to just elaborate a little bit on what I'm looking to achieve with this. It's very
92 similar to what you would see at Moon Tunes in downtown La Crosse that has worked so well
93 here in the last few years. I really wasn't thinking about liquor, to be honest with you. I was
94 more around the wine and beer aspect of it. We might have Pearl Street Brewery come in and do
95 samplings or something like that in the park during the concert series. We are kind of trying to
96 deter people from bringing in coolers full of beer and just drinking it like in a park. We would
97 rather control it. We would rather make a little bit of money off of it. As far as a track record on
98 controlling things like that, you can take a look at my record with Dublin Square and Burger
99 Fusion. I've never had any violations with it. We do a good job of bouncing it and monitoring
100 it. I don't know if there would be police there, but I don't know what the regulations are on that.
101 I know there aren't any police at Moon Tunes at Riverside Park in downtown La Crosse on
102 Thursday nights. I've worked many of those events with the Central Rotary Interact High
103 School Club, and we're right next to Pearl Street Brewery and a couple other vendors. It's
104 controlled, and it works well. I don't think they even fence it in, to be honest with you. They
105 might fence in the area where you can buy the beer, but people are walking around and drinking
106 beers throughout the entire Riverside Park for the three to four hours that that concert series goes
107 on. Preferably I would rather have them in David Reay's drinking and spending money, but I
108 also would rather control the amount of beer that's being brought to the park as well. We would
109 probably just have a little David Reay's tent there where we might have one or two tap beers, or
110 even just cans of beer and some house wines."

111

112 Ald. Gjertsen asked if public input is typically taken for requests such as this one as the event
113 will be held in a residential area.

114

115 Cari said a public hearing is not required for this particular item. Cari said that while the event
116 will be held in a residential area, it is not outside the hours for noise.

117

118 Ald. Binash asked if there is legal precedence to allow this event to occur if it is approved.

119

120 City Administrator Rindfleisch said yes.

121

122 Ald. Binash asked Matt when the concert series will begin and end.

123

124 Matt said he would approve of the series beginning June 1 and ending October 31. Matt also
125 said that while he does not believe the concerts will go to October 31, he would like to have a
126 "safety net" in the event a concert is postponed due to inclement weather and must be

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127 rescheduled.

128

129 Ald. Binash said he believes it should be stated that the concert series begins June 1 and ends
130 October 31. Ald. Binash also inquired about the possibility of the concert series beginning June
131 1 and ending October 1.

132

133 Matt said he would prefer to have it end October 31.

134

135 Motion by Ald. Gjertsen, second by Ald. Binash, to approve a request to amend David Reay's
136 Class B Liquor License to include the Dash-Park area during the spring/summer concert series
137 every Tuesday evening from 5 p.m.-8 p.m., June 1 through October 31, 2018.

138

139 Ald. Binash said he would like to ensure that the area is fenced off due to the close proximity of
140 State Trunk Highway 35, stating he is concerned about concertgoers throwing objects into the
141 road as automobiles pass. Ald. Binash said that while he doubts that would happen, he wants to
142 see precautions taken to avoid such incidents. Ald. Binash said he also is concerned about
143 concertgoers not utilizing the crosswalk and instead walking out into the middle of STH 35.

144

145 Ald. Wulf asked Matt if patrons will be served alcohol in disposable containers.

146

147 Matt said yes and told Ald. Wulf there would be no bottles. Matt said beer would be served in
148 cans and David Reay's staff would pour wine into plastic wine glasses.

149

150 Ald. Wulf asked if the parking lot located across STH 35 from Dash-Park is owned by the city.

151

152 Ald. Binash said it is.

153

154 Ald. Wulf said her lone concern is cleanup.

155

156 Ald. Binash noted the Parks and Recreation Department maintains the grounds at the Great River
157 Landing, and he said that if David Reay's will be fencing in this area he believes restaurant
158 employees also would be responsible for cleanup as it is private property.

159

160 On voice vote, motion carried.

161

162 Ald. Wulf asked that this item be placed on the Non-Consent Agenda at the May 8 Common
163 Council meeting as she assumes other individuals will wish to discuss this item.

164

165 **Item 6 – Approval of Special Events Permits for:**

166

167 a. Celebrate Onalaska from June 22-24, 2018 at Van Riper Park

168

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169 Motion by Ald. Binash, second by Ald. Wulf, to approve a Special Events Permit for Celebrate
170 Onalaska from June 22-24, 2018 at Van Riper Park.

171

172 Ald. Binash said event organizers are attempting to attract 32 teams for a softball tournament,
173 which will increase attendance.

174

175 On voice vote, motion carried.

176

177 b. Koelbl, Melby, Zumach Graduation Party/Block Party on May 25, 2018 from 4-10 p.m.
178 (setup from 9 a.m.)

179

180 Motion by Ald. Binash, second by Ald. Gjertsen, to approve a Special Events Permit for Koelbl,
181 Melby, Zumach Graduation Party/Block Party on May 25, 2018 from 4-10 p.m. (setup from 9
182 a.m.).

183

184 On voice vote, motion carried.

185

186 c. American Legion for Memorial Day Parade on May 28, 2018 starting at American
187 Legion, Sand Lake Road to Onalaska Cemetery from approximately 9:30-10:00 a.m.

188

189 Motion by Ald. Binash, second by Ald. Wulf, to approve a Special Events Permit for American
190 Legion for Memorial Day Parade on May 28, 2018 starting at American Legion, Sand Lake
191 Road to Onalaska Cemetery from approximately 9:30-10:00 a.m.

192

193 On voice vote, motion carried.

194

195 d. Luther High School for marching band practice on 4/14-5/28/18 from 8-9 a.m., 7/16-
196 7/20/18 from 9 a.m.-4 p.m. (summer band camp) and 8/18-10/10/18 from 8-9 a.m.

197

198 Motion by Ald. Binash, second by Ald. Gjertsen, to approve a Special Events Permit for Luther
199 High School for marching band practice on 4/14-5/28/18 from 8-9 a.m., 7/16-7/20/18 from 9
200 a.m.-4 p.m. (summer band camp), and 8/18-10/10/18 from 8-9 a.m.

201

202 Ald. Wulf asked Cari if she is still waiting for documentation as she had not yet approved it.

203

204 Cari said, "We're all signed off on it."

205

206 On voice vote, motion carried.

207

208 e. Three Rivers Roleo from July 13-15, 2018 at the Waterfront, with event starting at 11
209 a.m. 7/14/18 – 4 p.m. 7/15/18 (setup and teardown before and after these times)

210

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211 Motion by Ald. Binash, second by Ald. Gjertsen, to approve a Special Events Permit for Three
212 Rivers Roleo from July 13-15, 2018 at the Waterfront, with events starting at 11 a.m. 7/14/18 – 4
213 p.m. 7/15/18 (setup and teardown before and after these times).

214

215 Ald. Wulf asked Cari if she needs a Certificate of Insurance for the event.

216

217 Cari said the Special Events Permit will not be issued until the COI has been received and told
218 Ald. Wulf the applicant has been informed of this.

219

220 On voice vote, motion carried.

221

222 **Item 7 – Request for variance to the noise ordinance June 23, 2018 until 11:30 p.m. for**
223 **Celebrate Onalaska**

224

225 Cari said the variance will be until 11:30 p.m.

226

227 Motion by Ald. Binash, second by Ald. Gjertsen, to approve a request for variance to the noise
228 ordinance June 23, 2018 until 11:30 p.m. for Celebrate Onalaska.

229

230 Cari noted the noise ordinance goes into effect at 10 p.m. and said the ordinance is typically
231 waved on the nights there is live entertainment at special events such as Community Days and
232 Celebrate Onalaska. Cari noted this variance has been in place for Celebrate Onalaska events
233 and said there have been no issues.

234

235 On voice vote, motion carried.

236

237 **Item 8 – Approval of Fireworks Permit – Selling for Michael Callaway/R and M**
238 **Enterprises, Inc., d/b/a as Snap Fireworks at East Towne Plaza from June 14-July 6, 2018**

239

240 Motion by Ald. Binash, second by Ald. Gjertsen, to approve a Fireworks Permit – Selling for
241 Michael Callaway/R and M Enterprises, Inc., d/b/a as Snap Fireworks at East Towne Plaza from
242 June 14-July 6, 2018.

243

244 Ald. Gjertsen noted the committee granted a Fireworks Permit to Snap Fireworks in 2017.

245

246 Fire Chief Dominick said the Fire Department will ensure that Snap Fireworks does not exceed
247 the permissible limit of explosives at delivery time.

248

249 On voice vote, motion carried.

250

251 **Item 9 – Miscellaneous licensing reporting**

252

253 Cari said there is a solicitor's permit for the individual selling fireworks, and she referred to a list

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254 of recreational burning permits.

255

256 Motion by Ald. Wulf, second by Ald. Gjertsen, to approve the miscellaneous licensing reporting.

257

258 On voice vote, motion carried.

259

260 **Judiciary**

261

262 **Item 10 – Ordinance 1605-2018 – to amend Section 1, Chapter 4 of Title 2, of the Code of**
263 **Ordinances of the City of Onalaska relating to Board of Review (Third and Final Reading)**

264

265 Motion by Ald. Wulf, second by Ald. Binash, to approve Ordinance 1605-2018 – to amend
266 Section 1, Chapter 4 of Title 2, of the Code of Ordinances of the City of Onalaska relating to
267 Board of Review (Third and Final Reading).

268

269 Ald. Wulf inquired about the main gist of the changes.

270

271 Cari told Ald. Wulf there are no changes and said the city must have an ordinance on file for
272 confidentiality for the Board of Review for items that are presented to the board.

273

274 On voice vote, motion carried.

275

276 **Item 11 – Ordinance 1606-2018 – to rezone property located in Section 8 Township 16,**
277 **Range 7 in the City of Onalaska, La Crosse County, Wisconsin from Neighborhood**
278 **Business District (B-1) to Public & Semi-Public District (P-1) (Skogenheim Rezoning)**
279 **(Third and Final Reading)**

280

281 Motion by Ald. Wulf, second by Ald. Binash, to approve Ordinance 1606-2018 – to rezone
282 property located in Section 8 Township 16, Range 7 in the City of Onalaska, La Crosse County,
283 Wisconsin from Neighborhood Business District (B-1) to Public & Semi-Public District (P-1)
284 (Skogenheim Rezoning) (Third and Final Reading).

285

286 On voice vote, motion carried.

287

288 **Item 12 – Ordinance 1607-2018 – to amend Title 10 Chapter 1 Section 27 of the Code of**
289 **Ordinances of the City of Onalaska relating to Parking Restrictions (Mason Street) (First**
290 **and Second Reading)**

291

292 Motion by Ald. Binash, second by Ald. Wulf, to approve Ordinance 1607-2018 – to amend Title
293 10 Chapter 1 Section 27 of the Code of Ordinances of the City of Onalaska relating to Parking
294 Restrictions (Mason Street) (First and Second Reading).

295

296 On voice vote, motion carried.

Reviewed 5/4/18 by Cari Burmaster

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297

298 **Item 13 – Ordinance 1608-2018 – to rezone property located in Section 9, Township 16,**
299 **Range 7 in the City of Onalaska, La Crosse County, Wisconsin from Multifamily**
300 **Residential District (R-4) to Public and Semi-Public (P-1) (Luther High Tennis Rezoning)**
301 **(First and Second Reading)**

302

303 Motion by Ald. Binash, second by Ald. Wulf, to approve Ordinance 1608-2018 – to rezone
304 property located in Section 9, Township 16, Range 7 in the City of Onalaska, La Crosse County,
305 Wisconsin from Multifamily Residential District (R-4) to Public and Semi-Public (P-1) (Luther
306 High Tennis Rezoning) (First and Second Reading).

307

308 On voice vote, motion carried.

309

310 **Item 14 – Annexation Ordinance 1609-2018 – to annex land located in the Southeast ¼ of**
311 **the Northwest ¼ in Section 29, Township 17 North, Range 7 West from the Town of**
312 **Onalaska to the City of Onalaska (Kwik Trip Annexation) (First and Second Reading)**

313

314 Motion by Ald. Binash, second by Ald. Gjertsen, to approve Annexation Ordinance 1609-2018 –
315 to annex land located in the Southeast ¼ of the Northwest ¼ in Section 29, Township 17 North,
316 Range 7 West from the Town of Onalaska to the City of Onalaska (Kwik Trip Annexation) (First
317 and Second Reading).

318

319 Ald. Wulf asked City Administrator Rindfleisch if the committee may suspend the rules and give
320 Annexation Ordinance 1609-2018 its First, Second, Third and Final Reading this evening, or if
321 the ordinance will come back before the committee for its Third and Final Reading on June 6.

322

323 City Administrator Rindfleisch said the committee may suspend the rules, noting the Common
324 Council already had taken action to accept the annexation and this would be for the approval of
325 the ordinance itself. City Administrator Rindfleisch told committee members the work to be
326 performed on the street will not occur until 2019.

327

328 Cari told committee members that if they suspend the rules and pass Annexation Ordinance
329 1609-2018 this evening, it still will not take effect because Section IV of the ordinance states it
330 shall take effect and be in force July 1, 2018. Cari said this is due to licensing, noting that all the
331 annual renewals will come before the committee on June 6. Cari noted they take effect July 1
332 and run through June 30, and she said Kwik Trip may be licensed through the Town of Onalaska
333 through June 30 before the City of Onalaska would start July 1.

334

335 Ald. Binash asked if the road will have to be annexed separately, or if it is automatically part of
336 this annexation.

337

338 City Administrator Rindfleisch said the road is part of the exhibit and the annexation, noting that

Reviewed 5/4/18 by Cari Burmaster

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339 the land is the parcels of Kwik Trip and Abbey Road.

340

341 Ald. Gjertsen asked if there will be public input for this item.

342

343 City Administrator Rindfleisch noted there was public input for accepting the annexation
344 occurred at the April 10 Common Council meeting.

345

346 On voice vote, motion carried.

347

348 **Item 15 – Change date for July Administrative and Judiciary Committee meeting**
349 **(regularly scheduled meeting falls on July 4, 2018)**

350

351 Cari noted the Board of Public Works changed its July meeting date from July 3 to July 2, and
352 the Finance and Personnel Committee and the Utilities Committee are considering items this
353 evening to move their July meetings to July 5. Cari told committee members they either can
354 meet July 2 or July 5.

355

356 Motion by Ald. Gjertsen, second by Ald. Binash, to change the date of the July Administrative
357 and Judiciary Committee meeting from Wednesday, July 4 to Monday, July 2.

358

359 Ald. Gjertsen said the time will have to be adjusted. The Board of Public Works is meeting at
360 6:30 p.m. on July 2.

361

362 Cari said the Administrative and Judiciary Committee could meet at 5:45 p.m. on July 2, noting
363 that Ald. Gjertsen also sits on the Board of Public Works.

364

365 Ald. Wulf told committee members she is not available July 2 as she has a 6 p.m. meeting
366 scheduled in La Crosse. Ald. Wulf said she is available July 5.

367

368 Ald. Gjertsen said he would like to see the committee meet early in the week and told Ald. Wulf
369 he sees no reason why the committee cannot adjust the starting time of the Administrative and
370 Judiciary Committee meeting on July 2.

371

372 Ald. Binash said he would be available at 5 p.m. that day.

373

374 Ald. Wulf said she also would be available at 5 p.m. that day.

375

376 Cari confirmed that the Administrative and Judiciary Committee will meet at 5 p.m. on Monday,
377 July 2.

378

379 On voice vote, motion carried.

380

Reviewed 5/4/18 by Cari Burmaster

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381 **Adjournment**

382

383 Motion by Ald. Wulf, second by Ald. Gjertsen, to adjourn at 6:30 p.m.

384

385 On voice vote, motion carried.

386

387

388 Recorded by:

389

390 Kirk Bey