

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

Wednesday, November 6, 2019

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, November 6, 2019. 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. Diane Wulf, Ald. Tom Smith,  
6 Ald. Boondi Iyer

7

8 Also Present: City Administrator Eric Rindfleisch, City Clerk Cari Burmaster, Fire Chief Billy  
9 Hayes, Ald. Kim Smith, Ald. Dan Stevens

10

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

12

13 Motion by Ald. T. Smith, second by Ald. Iyer, to approve the minutes from the previous meeting  
14 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. Wulf 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 November 6, 2019**

28

29 Ald. Wulf noted Cari had distributed an updated report.

30

31 Cari noted there is a new license since the packet was prepared and said the applicants have  
32 undergone a background check by the Police Department.

33

34 Motion by Ald. Iyer, second by Ald. T. Smith, to approve the Operator’s Licenses as listed on  
35 report dated November 6, 2019.

36

37 On voice vote, motion carried.

38

39 **Item 5 – Approval of Class B Liquor License for Wisconsin Apple LLC, d/b/a Applebee’s**  
40 **Neighborhood Grill and Bar, 9364 State Road 16, Onalaska, WI for remainder of 2019-**  
41 **2020 licensing year**

42

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43 Cari said this is a change in corporation name for the establishment, noting it would be operating  
44 under the new name of Wisconsin Apple, LLC effective upon Common Council approval next  
45 week.

46

47 Motion by Ald. T. Smith, second by Ald. Iyer, to approve Class B Liquor License for Wisconsin  
48 Apple LLC, d/b/a Applebee's Neighborhood Grill and Bar, 9364 State Road 16, Onalaska, WI  
49 for remainder of 2019-2020 licensing year.

50

51 On voice vote, motion carried.

52

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

54

- 55 a. 2019 Turkey Trot on November 28, 2019 starting at 8 a.m. at the Omni Center, 255  
56 Riders Club Road, Onalaska

57

58 Cari noted this is a repeat event and told committee members each department has signed off on  
59 it. Cari said she also has obtained the Certificate of Insurance and placed it on file.

60

61 Motion by Ald. Iyer, second by Ald. T. Smith, to approve a Special Events Permit for the 2019  
62 Turkey Trot on November 28, 2019 starting at 8 a.m. at the Omni Center, 255 Riders Club Road,  
63 Onalaska.

64

65 On voice vote, motion carried.

66

- 67 b. 2019 Jingle Bell Run/Walk on December 14, 2019 starting at the YMCA, Onalaska

68

69 Cari said this also is a repeat event, and she told committee members the departments have  
70 signed off on it and she has received the Certificate of Insurance.

71

72 Motion by Ald. T. Smith, second by Ald. Iyer, to approve a Special Events Permit for the 2019  
73 Jingle Bell Run/Walk on December 14, 2019 starting at the YMCA, Onalaska.

74

75 On voice vote, motion carried.

76

77 **Item 7 – Approval of Secondhand Article Dealer/Pawn Broker Licenses:**

78

- 79 a. ecoATM, located at 3107 Market Place, Onalaska

- 80 b. Pawn America Minnesota, LLC, 1235 Crossing Meadows Drive, Onalaska

81

82 Cari said both ecoATM and Pawn America Minnesota, LLC are seeking approval of their annual  
83 licenses, which expire December 31. The new licenses would be effective January 1.

84

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85 Ald. Wulf asked Cari if ecoATM is a new business.

86

87 Cari said no and told Ald. Wulf that ecoATM is located inside Wal-Mart. Cari said she believes  
88 ecoATM has used electronics it collects and resells.

89

90 Motion by Ald. Iyer, second by Ald. T. Smith, to approve Secondhand Article Dealer/Pawn  
91 Broker Licenses for ecoATM, located at 3107 Market Place, Onalaska, and Pawn America  
92 Minnesota, LLC, 1235 Crossing Meadows Drive, Onalaska.

93

94 On voice vote, motion carried.

95

96 **Item 8 – Miscellaneous licensing reporting**

97

98 Motion by Ald. T. Smith, second by Ald. Iyer, to place on file the miscellaneous licensing report  
99 dated October 30, 2019.

100

101 On voice vote, motion carried.

102

103 **Item 9 – Discussion and possible action on adding a requirement to provide notice to**  
104 **neighbors as part of the application for a fireworks license**

105

106 Cari noted she had distributed to committee members a copy of the application the city has on  
107 file and said she utilizes this application form for selling or displaying. Cari said this would be  
108 considered displaying, and she referred to copies of an aerial map she had distributed to  
109 committee members. The map, prepared by GIS Analyst Caitlin Hagar, shows the closest  
110 residents to the La Crosse Country Club 9<sup>th</sup> tee box, where fireworks were set off as part of an  
111 October wedding. Cari noted Caitlin had to go out to 1,200 feet to include what is shown on the  
112 map. Cari said all the fireworks that were utilized met the necessary requirements and told  
113 committee members the wedding party had followed all the city's regulations.

114

115 Fire Chief Hayes agreed with Cari that the wedding party had followed the proper procedures  
116 and shot the fireworks from the 9<sup>th</sup> tee box, which is a higher point farther away from the La  
117 Crosse Country Club Clubhouse. However, the wedding was held on a windy day (October 12),  
118 and Fire Chief Hayes told committee members the contractor should have been more cognizant  
119 of where the location was, and where the fallout zone would be. Fire Chief Hayes said the  
120 fireworks had gone higher in the air, and the wind had pushed the fallout zone to the French  
121 Road area. Fire Chief Hayes said the Fire Department went to this area and recovered pieces of  
122 the shell off decks and yards. Neighborhood residents informed the Fire Department the shell  
123 pieces were still burning as they were laying in yards and decks, and this could have presented a  
124 fire hazard. Fire Chief Hayes reiterated the contractor should have been more knowledgeable of  
125 where the fallout zone would be and said, "Even though they fell within the distance proximity  
126 of where they were shooting from, it was the fallout zone that really got them." Fire Chief Hayes

Reviewed 11/8/19 by Cari Burmaster

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127 also told committee members the residents along French Road had not been notified even though  
128 they were within legal distance (560 feet). Fire Chief Hayes noted some of the shells were 5-  
129 inch shells and said the shells are the same as those that are shot for an event held at the YMCA.  
130 Fire Chief Hayes said the fireworks had awakened the residents in the neighborhood and told  
131 committee members, "They just didn't know about it." Fire Chief Hayes said some of the  
132 residents told him they would not have minded had they known that fireworks would be shot off.

133  
134 Fire Chief Hayes said he had gone to the La Crosse Country Club several times and informed  
135 General Manager Steve Watson, who was out of town the weekend of the wedding, that what  
136 had occurred was unacceptable. Fire Chief Hayes said there had been a breakdown in  
137 communication on the La Crosse Country Club's part as it had not notified the neighborhood  
138 residents, and there also had been a breakdown on the contractor's part as they had not  
139 considered that the windy conditions would alter the fallout zone. Fire Chief Hayes told  
140 committee members someone had asked why the Fire Department had not staged at the location,  
141 and he said the wedding was a private event. Fire Chief Hayes also expressed uncertainty about  
142 the city getting into the practice of sending public service to private events to stand by. Fire  
143 Chief Hayes said the Common Council would have to make such a decision, and he noted the  
144 Fire Department is there to respond should there be an emergency. Fire Chief Hayes said Steve  
145 Watson has hand-delivered notices to the residents along the affected area, and Fire Chief Hayes  
146 also has requested a copy of the letter. Fire Chief Hayes said he was told another wedding at  
147 which fireworks could be utilized potentially could be held in spring 2020 at the La Crosse  
148 Country Club. Fire Chief Hayes voiced his opposition to fireworks, stating he believes they are a  
149 danger and should be banned, but he said it is a topic the city would have to address.

150  
151 Cari noted the city had issued a Fireworks Display Permit in 2013 to the Onalaska American  
152 Legion for Community Days, and in October 2019 for the wedding held at the La Crosse  
153 Country Club. The city typically only issues a Fireworks Display Permit is for Celebrate  
154 Onalaska.

155  
156 Ald. Wulf asked what the city can do better, and she also asked if the applicant should bear the  
157 notification burden.

158  
159 Cari said there would be a substantial fee involved if the city is to be responsible for notifying  
160 individuals who reside within the notification area. Cari expressed her desire to see the burden  
161 placed on the applicant or the location that is hosting the event. Cari also said she believes it  
162 would be necessary to add a box on the permit, and she told committee members staff is seeking  
163 direction regarding the range and the number of days prior to an event the public needs to be  
164 notified.

165  
166 Ald. T. Smith said he believes residents should be notified at least one week before the event.

167  
168 Cari suggested perhaps bringing this item back before the committee at its December 4 meeting

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169 as she does not think committee members want to make a decision this evening. Cari said  
170 committee members would have time to think about what needs to be done.

171  
172 City Administrator Rindfleisch said he agrees with Cari about the burden of notification falling  
173 on the applicant, and he suggested including this as part of the sign-off box on the application if  
174 the committee agrees with that stipulation. City Administrator Rindfleisch suggested adding a  
175 requirement that an applicant has a minimum of seven days to inform property owners located  
176 within 1,200 feet of where fireworks will be set off.

177  
178 Cari asked City Administrator Rindfleisch if he would be willing to also have that requirement  
179 for the annual Celebrate Onalaska fireworks event, which is held in a closely-populated  
180 residential area.

181  
182 Ald. T. Smith noted he used to live on East Avenue and told committee members the fireworks  
183 from the event used to land on his property.

184  
185 Ald. Iyer said she believes there are two different issues at hand: fire hazards and notifying the  
186 public. Ald. Iyer said the community is aware that Celebrate Onalaska is occurring, and she  
187 stated she believes the public must be notified when fireworks will be utilized at private events.

188  
189 City Administrator Rindfleisch noted Celebrate Onalaska is the only recurring event, and he said  
190 it technically is not a city event, nor is the goal to make it a city event due to liability. City  
191 Administrator Rindfleisch said there is almost no difference between a private event such as the  
192 wedding held at the La Crosse Country Club or Celebrate Onalaska. City Administrator  
193 Rindfleisch said, "If we're differentiating between the two, we'd really have to figure out what  
194 makes them different."

195  
196 Ald. Iyer asked if the events may be differentiated based on community events and private  
197 events.

198  
199 City Administrator Rindfleisch said that in theory it would be possible to go to French Road,  
200 which is a public right-of-way, and watch fireworks regardless of whether an event is private or  
201 public. City Administrator Rindfleisch said it will be necessary to develop standards that will  
202 apply to everyone if fireworks will be allowed.

203  
204 Ald. Iyer said she agrees with Fire Chief Hayes about banning fireworks because they are  
205 hazardous and a nuisance, and they create pollution.

206  
207 Ald. T. Smith asked if the party shooting fireworks would be liable if one of the fireworks struck  
208 the roof of a house and started a fire.

209  
210 Fire Chief Hayes said individuals are required to carry liability insurance.

Reviewed 11/8/19 by Cari Burmaster

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211  
212 City Administrator Rindfleisch said the city asks to be on the additionally insured.  
213  
214 Fire Chief Hayes said he believes there should be specifications regarding wind direction and  
215 proximity, stating he believes individuals should accept some liability if they are shooting off  
216 fireworks in extreme wind and humid conditions.  
217  
218 Ald. Iyer suggested implementing a condition about not allowing fireworks to be shot off if  
219 winds exceed a certain speed.  
220  
221 Cari asked which direction committee members wish to take – either not to allow fireworks at  
222 private events, or to allow fireworks, with controls, at private events – and which direction they  
223 want staff to bring back December 4.  
224  
225 Ald. T. Smith said he would support not allowing fireworks at private events.  
226  
227 Cari said controls could be instituted – at least seven days are needed to notify neighbors, no  
228 fireworks allowed during certain weather conditions – if City Attorney Amanda Jackson tells her  
229 the city cannot restrict fireworks at private events, which is the committee’s first choice.  
230  
231 Ald. Wulf asked if the fireworks display that is part of Celebrate Onalaska would be affected.  
232  
233 Cari said, “We’d have to see if we can do that.”  
234  
235 Ald. Wulf asked if Celebrate Onalaska would be part of the first option.  
236  
237 Cari said it probably would.  
238  
239 City Administrator Rindfleisch said a determination would need to be made regarding what  
240 makes an event public versus private.  
241  
242 Cari said, “We might be able to find some wording that would adequately do that, but I think we  
243 need to do some research and talk to [Amanda].”  
244  
245 Ald. Wulf and Ald. T. Smith both stated they do not want to eliminate the fireworks that are part  
246 of Celebrate Onalaska.

247  
248 **Judiciary**

249  
250 **Item 10 – Ordinance 1654-2019 – to annex land located in the Southeast ¼ of the Southeast**  
251 **¼ in Section 2, Township 16 North, Range 7 West from the Town of Medary to the City of**  
252 **Onalaska (Phillips Annexation)**

Reviewed 11/8/19 by Cari Burmaster

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253

254 Motion by Ald. Wulf, second by Ald. Iyer, to approve Ordinance 1654-2019 – to annex land  
255 located in the Southeast ¼ of the Southeast ¼ in Section 2, Township 16 North, Range 7 West  
256 from the Town of Medary to the City of Onalaska (Phillips Annexation).

257

258 On voice vote, motion carried.

259

260 **Item 11 – Ordinance 1657-2019 – to create Chapter 2 of Title 16 of the Code of Ordinances**  
261 **of the City of Onalaska relating to vacant buildings**

262

263 Motion by Ald. Wulf, second by Ald. Iyer, to approve Ordinance 1657-2019 – to create Chapter  
264 2 of Title 16 of the Code of Ordinances of the City of Onalaska relating to vacant buildings.

265

266 On voice vote, motion carried.

267

268 **Adjournment**

269

270 Motion by Ald. T. Smith, second by Ald. Iyer, to adjourn at 6:29 p.m.

271

272 On voice vote, motion carried.

273

274

275 Recorded by:

276

277 Kirk Bey