

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

Wednesday, May 6, 2015

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 6, 2015. 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. Harvey Bertrand, Ald. Barry  
6 Blomquist, Ald. Jim Binash

7  
8 Also Present: Deputy City Clerk Elizabeth Eklund, Ald. Bob Muth, Police Chief Jeff Trotnic,  
9 Land Use and Development Director Brea Grace, Ald. Jim Bialecki, Mayor Joe Chilsen

10  
11 **Item 2 - Approval of minutes from the previous meeting**

12  
13 Motion by Ald. Bertrand, second by Ald. Blomquist, 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. Bertrand called three times for anyone wishing to provide public input and closed that  
21 portion of the meeting.

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

24  
25 **Administrative**

26  
27 **Item 4 – Public Hearing – approximately 6 p.m. (or immediately following public input) –**  
28 **for Class B Liquor Outdoor Venue License for Angelini's Ristorante, LLC d/b/a Angelini's**  
29 **Ristorante and Lounge, 1427 State Highway 35, Onalaska**

30  
31 Ald. Bertrand opened the public hearing and called for anyone wishing to speak in favor of the  
32 Class B Liquor Outdoor Venue License for Angelini's Ristorante and Lounge.

33  
34 Ald. Bertrand called three times for anyone wishing to speak in favor of the Class B Liquor  
35 Outdoor Venue License for Angelini's Ristorante and Lounge and closed that portion of the  
36 public hearing.

37  
38 Ald. Bertrand called three times for anyone wishing to speak in opposition to the Class B Liquor  
39 Outdoor Venue License for Angelini's Ristorante and Lounge and closed the public hearing.

40  
41 Elizabeth said any restaurant that holds a Class B Liquor License and wishes to establish an  
42 outside area where patrons may take alcoholic beverages must apply for an Outdoor Venue

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43 License. There is a \$100 cost for the first time a restaurant wishes to have an outdoor venue, and  
44 the cost is \$15 in ensuing years. Elizabeth said the Inspection Department must visit the  
45 restaurant to ensure its owners have established an outdoor area with a fence. Elizabeth said  
46 restaurants that have an outdoor venue must adhere to the noise ordinances. Restaurants also are  
47 prohibited from having live bands at an outdoor venue, and hours of operations for a Class B  
48 with an outdoor venue are from 10 a.m. until 10 p.m. Elizabeth noted that most city  
49 establishments that have the availability to have an Outdoor Venue License already have one.

50

51 In response to a question by Ald. Bertrand, Elizabeth said approval is conditional upon the site  
52 plan being approved. However, the site plan is not yet available.

53

54 Brea referred to an aerial photograph in committee members' packets that includes a sketch of  
55 the proposed 16-by-40 foot concrete slab that would be placed on the north side of the restaurant.  
56 Three parking spots would be removed. Brea noted that State Trunk Highway 35 will be  
57 reconstructed in the summer of 2016 and said the Wisconsin Department of Transportation will  
58 utilize some of the property on a temporary basis during the reconstruction of STH 35. Brea said  
59 WisDOT recommends that a large patio expansion not be done at this time. A small patio area  
60 would be utilized in both 2015 and 2016, and a more permanent patio addition with block and  
61 landscaping will be completed once the reconstruction process is finished. Brea said a site plan  
62 permit will be required at that time, noting that no concrete will be added at this point. Brea said  
63 the site plan condition has been satisfied and noted that the other conditions of approval listed in  
64 committee members' packets are the requirement of a 42-inch guardrail fencing the area serving  
65 alcohol, and the posting of an occupancy sign.

66

67 Ald. Bertrand asked if liquor may be served once the business opens even if the conditions of  
68 approval are not met.

69

70 Brea said the 42-inch guardrail must be in place when the restaurant opens, as must the  
71 occupancy sign. Brea also noted that it is not necessary to have a site plan for 2015 and 2016.

72

73 Ald. Bertrand asked if Angelini's will need to return to the Administrative and Judiciary  
74 Committee for final approval once a site plan has been created.

75

76 Brea said yes, noting it will be considered a new construction project.

77

78 Elizabeth suggested that the committee move to approve this item with at least the two  
79 conditions of the guardrail and the occupancy sign.

80

81 Ald. Binash asked if there will be a separate smoking area, and also asked when Angelini's  
82 would begin to do this.

83

84 Elizabeth said smoking is allowed outdoors if Angelini's chooses to have it.

Reviewed 5/8/15

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85

86 Elizabeth said Angelini's hopes to open by June 1.

87

88 Ald. Blomquist was told all property owners within 250 feet of the restaurant were notified. Ald.  
89 Blomquist asked if there are any houses located near the restaurant.

90

91 Police Chief Trotnic noted that the closest house located near the restaurant has been razed.

92 Police Chief Trotnic noted that La Crosse Radio Group is located to the south of the restaurant,  
93 and also noted that there is a business located across STH 35.

94

95 Motion by Ald. Bertrand, second by Ald. Blomquist, to approve a Class B Liquor Outdoor  
96 Venue License for Angelini's Ristorante, LLC d/b/a Angelini's Ristorante and Lounge, 1427  
97 State Highway 35, Onalaska, conditioned up the creation of a 42-inch guardrail fencing the area  
98 serving alcohol, and the posting of an occupancy sign.

99

100 On voice vote, motion carried.

101

102 **Item 5– Approval of Operator's Licenses as listed on report dated May 6, 2015**

103

104 Motion by Ald. Bertrand, second by Ald. Blomquist, to approve Operator's Licenses as listed on  
105 report dated May 6, 2015.

106

107 Ald. Binash inquired about the purpose of Operator's Licenses.

108

109 Elizabeth explained that anybody that is employed by an establishment that either sells or serves  
110 alcohol must have an Operator's License.

111

112 On voice vote, motion carried.

113

114 **Item 6 – Approval of request for burial of three sets of cremains on Block 157, Lot 7, Grave  
115 4 for Michael, Dean and Delpha Blumentritt**

116

117 Elizabeth explained that the current city ordinance allows one full body burial without approval,  
118 and it also allows burial of two sets of ashes without approval.

119

120 Motion by Ald. Blomquist, second by Ald. Bertrand, to approve a request for burial of three sets  
121 of cremains on Block 157, Lot 7, Grave 4 for Michael, Dean and Delpha Blumentritt.

122

123 On voice vote, motion carried.

124

125

126

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127 **Item 7 – Approval of 2014-2015 Class B Liquor License for the following applicants:**

128

129 A. Rohan Enterprises, LLC d/b/a Royal Thai and Indian Cuisine, 235 Sand Lake Road,  
130 Onalaska, Wisconsin 54650 (currently has Class B Beer License)

131

132 Motion by Ald. Bertrand, second by Ald. Blomquist, to approve 2014-2015 Class B Liquor  
133 License for Rohan Enterprises, LLC d/b/a Royal Thai and Indian Cuisine, 235 Sand Lake Road,  
134 Onalaska, Wisconsin 54650.

135

136 Ald. Blomquist asked Elizabeth to explain the difference between a Class B Liquor License and  
137 a Class B Beer License, and also asked if upgrading a license is normal procedure.

138

139 Elizabeth said yes, if one becomes available. Elizabeth noted that the owner of Royal Thai and  
140 Indian Cuisine had come forward after Angelini's decided to relocate to 1427 STH 35. It was at  
141 this point a Class B Liquor License became available, and the owner of Royal Thai and Indian  
142 Cuisine was the only applicant who had come forward. Elizabeth also noted that Angelini's new  
143 site, which formerly housed Marge's Lakeview, was a non-reserve license. Elizabeth said that as  
144 a result, the applicant does not have to pay the \$10,000 fee. Elizabeth noted that Marge's  
145 Lakeview license had come back to the city because the opening had not occurred within 30 days  
146 and the choice was made not to renew the license.

147

148 Ald. Blomquist inquired about the number of beer and liquor licenses available.

149

150 Elizabeth stated each community is limited to the number of Class B reserve liquor licenses  
151 based on population, but the City of Onalaska has a few available for anyone who pays the  
152 \$10,000 cost and is approved through the process.

153

154 Ald. Bertrand asked for definitions on both reserve and non-reserve licenses.

155

156 A reserve license is subject to the \$10,000 fee. Elizabeth explained that in the past, cities  
157 weren't limited to the number of liquor licenses they could have, once this law changed certain  
158 establishments were grandfathered in and do not count against new liquor licenses available.  
159 Elizabeth stated that there are some establishments in the City of Onalaska that were not required  
160 to pay the \$10,000 fee. If that establishment closes or chooses to not renew their license the  
161 liquor license reverts back to the city. At this time, a new applicant may go through the approval  
162 process to receive that non reserve license. When there are no none reserve licenses available  
163 the owner must pay the \$10,000 fee.

164

165 Ald. Binash asked for the difference between a Class B Liquor License and a Class B Beer  
166 License.

167

168 Elizabeth said the owner of Royal Thai and Indian Cuisine currently can only sell beer (malt

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169 liquor beverages). Elizabeth explained that the owner is taking advantage of Marge's Lakeview  
170 closing by obtaining the Class B Liquor License.

171

172 On voice vote, motion carried.

173

174 B. Angelini's Ristorante, LLC d/b/a Angelini's Ristorante and Lounge, 1427 State Highway  
175 35 – transfer to new location

176

177 Motion by Ald. Bertrand, second by Ald. Blomquist, to approve 2014-2015 Class B Liquor  
178 License to Angelini's Ristorante, LLC d/b/a Angelini's Ristorante and Lounge, 1427 State  
179 Highway 35 – transfer to new location.

180

181 Elizabeth noted that Angelini's had paid a \$10 transfer fee.

182

183 Ald. Binash asked if the city returns the \$10,000 fee to the restaurant owner when he/she closes.

184

185 Elizabeth said the City of Onalaska does not return the \$10,000.

186

187 On voice vote, motion carried.

188

189 **Item 8 – Approval of request for TGI Fridays to amend Class B Liquor License to include**  
190 **outside grounds for Thursday, June 18, 2015 for Summer Block Party event**

191

192 Motion by Ald. Bertrand, second by Ald. Blomquist, to approve a request for TGI Fridays to  
193 amend Class B Liquor License to include outside grounds for Thursday, June 18, 2015 for  
194 Summer Block Party event.

195

196 Ald. Binash asked if any other business located in the vicinity of TGI Fridays object to this  
197 request.

198

199 Elizabeth said she is unaware of any concerns.

200

201 Police Chief Trotnic asked if this event lasts until 11 p.m.

202

203 It was noted the event runs from 6 p.m. until 11 p.m.

204

205 In response to a question by Ald. Blomquist, Elizabeth said she assumes this event will take  
206 place in TGI Fridays' parking lot. Elizabeth noted the request asks that the license include the  
207 grassy area on the southwest side of the building.

208

209 Police Chief Trotnic referred to a past event that was very similar to this one at Blue Moon and  
210 said his department had made it clear that the event must cease at precisely 11 p.m. (this did not  
211 happen). Police Chief Trotnic said his department takes into account the amount of noise an

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212 event such as this creates and noted there is no residential property in the vicinity of TGI Fridays.  
213 Police Chief Trotnic noted that noise ordinance variances had been permitted for events such as  
214 Community Days and “Celebrate Onalaska” and added that he generally does not approve of  
215 requests such as this one before the committee this evening. Police Chief Trotnic noted that TGI  
216 Fridays could be cited if this event extends past 11 p.m. and said his department waits out a  
217 complaint in situations such as this one. Police Chief Trotnic said that in situations such as this  
218 one he weighs quality of life issues for residents against best practices for businesses.

219

220 In response to a question by Ald. Blomquist, Police Chief Trotnic said it appears as if TGI  
221 Fridays is hosting a summer party and stated the restaurant would have to make a strong  
222 argument to extend the party to 11 p.m.

223

224 Ald. Binash noted that TGI Fridays plans to block off the area with a 20-by-60 foot vinyl fence.  
225 There also will be a door leading from the establishment to the outside area. A beanbag  
226 tournament is scheduled.

227

228 Police Chief Trotnic noted that the Blue Moon party had included a band playing on the patio  
229 and said he does not take issue with this party if it only involves having individuals outside.

230

231 Elizabeth noted that the hours for an outdoor venue typically run from 10 a.m. until 10 p.m.  
232 Elizabeth also noted that TGI Fridays is asking for an extension until 11 p.m.

233

234 Police Chief Trotnic said TGI Fridays’ primary request is to extend the liquor license from inside  
235 the restaurant to the outside. Police Chief Trotnic also referenced the 10 p.m. ending point,  
236 stating this is an ideal ending time due to community expectations. Police Chief Trotnic said  
237 requests such as this one are viewed differently because citywide functions such as Community  
238 Days celebrate a cause and pointed out that TGI Fridays’ proposed event could occur several  
239 times a year if requests are made and a precedent is set. Police Chief Trotnic also pointed out  
240 that other establishments such as Applebee’s and Buffalo Wild Wings could begin holding  
241 similar events.

242

243 Ald. Blomquist asked how TGI Friday would react if the committee approved this item, but  
244 asked that it end at 10 p.m. Ald. Blomquist said another establishment will request an 11 p.m.  
245 ending point if TGI Fridays is allowed to end the event at 11 p.m.

246

247 Police Chief Trotnic said this is where questions arise as to whether variances should only be  
248 given for specific events such as Community Days and “Celebrate Onalaska.” Police Chief  
249 Trotnic said events such as this one can have an impact on quality of life (e.g., the noise factor).

250

251 Ald. Blomquist said he shares Police Chief Trotnic’s concerns and stated he is concerned about  
252 altering the ending time for everyone who applies. Ald. Blomquist said TGI Fridays’ will be  
253 held to the same rules as other establishments must follow during the week if the committee

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254 approves an ending time of 10 p.m.

255

256 Ald. Binash said he views this as “a special instance” that is a one-time event. Ald. Binash said  
257 he does not believe the committee will be setting a precedent by allowing the 11 p.m. ending  
258 time, noting that the committee must approve future requests such as this one. Ald. Binash said  
259 TGI Fridays would be given the opportunity to show how it handles events such as this one and  
260 noted that the city can deny future requests.

261

262 Police Chief Trotnic reiterated that there will not be a band at the event and said TGI Fridays  
263 should not place speakers outdoors.

264

265 Elizabeth noted TGI Fridays is requesting that liquor be taken outside. Elizabeth said that the  
266 purpose of an outdoor venue is to block it off and noted it is closely monitored. Elizabeth also  
267 said the city can send TGI Fridays a letter explaining exactly what was approved if the  
268 committee approves this item.

269

270 Police Chief Trotnic reiterated that he does not object to this event as long as there is no outdoor  
271 amplification. Police Chief Trotnic also stated that TGI Fridays needs to be made aware the  
272 event is expected to end at precisely 11 p.m. or receive a citation.

273

274 Motion and second withdrawn.

275

276 Motion by Ald. Bertrand, second by Ald. Binash, to approve a request for TGI Fridays to amend  
277 Class B Liquor License to include outside grounds from 6 p.m. until 11 p.m. on Thursday, June  
278 18, 2015 for Summer Block Party event, conditioned upon no outdoor amplification equipment  
279 being utilized.

280

281 On voice vote, motion carried.

282

283 **Item 9 – Approval of change of agent for:**

284

285 a. Festival Foods, 1260 Crossing Meadows Drive, to Kevin Schnell

286 b. Kwik Trip, Inc., 408 Sand Lake Road, to Joann Ward

287

288 Motion by Ald. Bertrand, second by Ald. Binash, to approve change of agent for Festival Foods,  
289 1260 Crossing Meadows Drive, to Kevin Schnell, and for Kwik Trip, Inc., 408 Sand Lake Road,  
290 to Joann Ward.

291

292 On voice vote, motion carried.

293

294

295

296

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297 **Item 10 – Miscellaneous licensing reporting**

298

299 Elizabeth noted she had distributed a new list of recreational burn permits.

300

301 Motion by Ald. Bertrand, second by Ald. Binash, to approve the miscellaneous licensing.

302

303 On voice vote, motion carried.

304

305 **Judiciary**

306

307 **Item 1 – Ordinance No. 1497-2015 – to amend Title 6 Chapter 2 of the City of Onalaska**  
308 **Code of Ordinances related to snow and ice removal (Third and Final Reading)**

309

310 Brea said this is “cleaning up” an existing ordinance that requires individuals to shovel sidewalks  
311 and not push snow into roadways. Brea explained that citizens are notified if there is snow on a  
312 sidewalk and told they must shovel within 24 hours of a snow event. If the sidewalk is not  
313 shoveled, city staff typically will send a second letter stating the individual must clear his/her  
314 sidewalk by a specified date or staff will clear the sidewalk and send the individual an invoice.  
315 Brea noted the ordinance previously stated that an invoice had to go before the Board of Public  
316 Works before a property was cleaned up and said the purpose of amending this ordinance is to  
317 send citizens a letter stating staff will clean their sidewalk if they do not and then send an  
318 invoice. Any invoices that are not paid will be placed on the tax roll.

319

320 Ald. Bialecki noted that the Board of Public Works already has seen this policy and is  
321 comfortable with it.

322

323 Motion by Ald. Blomquist, second by Ald. Bertrand, to approve Ordinance No. 1497-2015 – to  
324 amend Title 6 Chapter 2 of the City of Onalaska Code of Ordinances related to snow and ice  
325 removal (Third and Final Reading).

326

327 Ald. Muth referred to Subsection ‘d’ [“Enforcement”] and noted it states the Inspection  
328 Department is authorized and directed to enforce the provisions of Section 6-2-8. Ald. Muth  
329 noted that past practice has included police officers warning citizens who throw snow in the  
330 street and asked if perhaps the Police Department should be included under Subsection ‘d.’

331

332 Brea noted that the Police Department, the Public Works Department and the Parks and  
333 Recreation Department all have assisted the Inspection Department and said she would speak to  
334 City Attorney Sean O’Flaherty to see if the ordinance’s current language limits the city with  
335 enforcement. Brea said any changes will be brought forward at the May 12 Common Council  
336 meeting.

337

338 Ald. Bertrand said the police are not able to enforce every ordinance, and also said there are  
339 many instances where the Utility Department must enforce ordinances.

Reviewed 5/8/15

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340  
341 Police Chief Trotnic said the police have the authority to enforce any ordinance, and also said  
342 that certain individuals cannot enforce ordinances. Police Chief Trotnic said he does not believe  
343 every ordinance the city passes must state that the Police Department has the ability to enforce it.  
344 Police Chief Trotnic noted and added he believes it is wise to have Sean examine this further.

345  
346 On voice vote, motion carried.

347  
348 **Item 2—Ordinance No. 1498-2015 – to amend Title 2 Chapter 4 of the City of Onalaska**  
349 **Code of Ordinances related to the City Plan Commission (First and Second Reading)**

350  
351 Brea referred to “Miscellaneous Powers” under Subsection 2 (3) and noted the following  
352 sentence has been added: “*The Plan Commission exercises final review and approval of site*  
353 *development plans and requests for Conditional Use Permits.*” Brea said staff had examined the  
354 city’s Conditional Use Permit process and noted the Zoning Code states the Plan Commission  
355 has the final approval authority for CUPs. However, Brea pointed out that the City of Onalaska  
356 has not historically operated in this way as CUPs have been coming before the Plan Commission,  
357 which recommends approval before sending them to the Common Council. Brea reiterated the  
358 Zoning Code states the Plan Commission has the final decision on CUPs and said the Common  
359 Council is the appellate body. Individuals who wish to file an appeal of a Plan Commission  
360 decision regarding a CUP must do so within 10 days so it may appear on the Common Council’s  
361 agenda. Brea said the Common Council no longer serves as the appellate body if it either  
362 approves or denies a CUP. Brea said she is requesting that the ordinance be changed so it  
363 clarifies that the Plan Commission will make the final decision regarding CUPs.

364  
365 Brea referred to site development plans and noted that currently staff reviews all new  
366 commercial development, which means residential developments that are three units or larger as  
367 well as all commercial developments. Site plans are reviewed internally with a majority of the  
368 department heads, and decisions are rendered internally by city staff. Brea noted that the Zoning  
369 Code allows the Land Use and Development Director to advance a site plan to the Plan  
370 Commission, and also noted that this does not occur frequently. Brea said the change to the  
371 ordinance would state that the Plan Commission would have final approval authority over any  
372 site plans brought before its members.

373  
374 In response to a question by Ald. Bertrand, Brea reiterated the Zoning Code states that the  
375 Common Council serves as the appellate body. Brea noted that historically the Common  
376 Council has been serving as the approval authority.

377  
378 Motion by Ald. Blomquist, second by Ald. Bertrand, to approve Ordinance No. 1498-2015 – to  
379 amend Title 2 Chapter 4 of the City of Onalaska Code of Ordinances related to the City Plan  
380 Commission (First and Second Reading).

381  
382 On voice vote, motion carried.

Reviewed 5/8/15

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383

384 **Adjournment**

385

386 Motion by Ald. Blomquist, second by Ald. Bertrand, to adjourn at 7:03 p.m.

387

388 On voice vote, motion carried.

389

390

391 Recorded by:

392

393 Kirk Bey