



Minutes

Committee #3

Transportation, Construction, Public Safety and Traffic

Committee #3 met Monday, April 18, 2016 at 3:30 pm in the City Hall Council Chambers, 30 West Central Street, Chippewa Falls, WI.

Committee Members present: Paul Olson, CW King, and Brent Ford

Council Members present: John Monarski, Paul Nadreau, Mayor Hoffman

Others present: Police Lt. Brian Micolichuk; City Clerk Bridget Givens; Tourism Director Jackie Boos; and Mike, Connie, and Dan Olson of Micon Cinemas, Inc.

The meeting was called to order at 3:30 pm.

1. **Discuss and consider Sidewalk Use Permit Application from the Chippewa Falls Area Chamber of Commerce to utilize the sidewalk surrounding the Chamber on Bridge and Spring Streets for yard games to promote National Tourism Week on May 5, 2016. Possible recommendations to Council.**

**Motion by Ford/Olson** to recommend Council approve the Sidewalk Use Permit Application from the Chippewa Falls Area Chamber of Commerce to utilize the sidewalk surrounding the Chamber on Bridge and Spring Streets for yard games to promote National Tourism Week on May 5, 2016. **All present voting aye, motion carried.**

2. **Discuss and consider variance request from Hotels International, LLC (Cobblestone Hotel) of Code Section, §12.03 (6) of the Chippewa Falls Municipal Code relative to Outdoor Beer Gardens. Possible recommendations to Council.**

Cobblestone Hotel submitted a variance request relative to the City's Outdoor Beer Garden ordinance, asking for 5' high fencing as opposed to 8' high fencing. Lt. Micolichuk advised the Committee that he felt this request was different than a bar due to the fact that the primary focus is not the sale of alcohol; it is not a typical bar setting.

Councilor Olson was concerned we may get feedback from others that were required to comply with the fencing requirements. The history of the Outdoor Beer Garden ordinance was discussed, and it was noted the ordinance was put in place when the statewide smoking ban was passed. There was discussion by the Committee that they may want to amend the Outdoor Beer Garden ordinance in the future to allow more flexibility for those establishments where the sale of food is the predominant activity as opposed to the sale of alcohol.

**Motion by Ford/Olson** to recommend Council approve the variance request from Hotels International, LLC (Cobblestone Hotel) of Code Section, §12.03 (6) of the Chippewa Falls Municipal Code relative to Outdoor Beer Gardens approving a fence height of 5' as opposed to 8'. **All present voting aye, except King who voted nay, motion carried.**

3. **Discuss and consider Original Alcohol Beverage Retail License Application of Micon Cinemas, Inc. for a Class "B" Beer license for Micon Cinemas, 475 Chippewa Mall Drive. Possible recommendations to Council.**

Dan Olson of Micon Cinemas, Inc. addressed the Committee indicating they are attempting to offer something new for their customers by providing for the sale of appetizers and beer at the theatre.

Discussion was had regarding the safety measures that would be put in place to ensure alcohol was not provided to those who are underage. The following measures were noted:

- Infrared cameras will be installed in all theatres to monitor activity;
- Those 21 and over will receive a wristband;
- Alcoholic beverages taken out of the bar area will be poured into clear cups (no glass or aluminum will be allowed to leave the bar area);
- Licensed bartenders will be utilized and be trained to watch for over-intoxication;
- Only staff that is 18 or older will be authorized to work in the bar area;
- Ushers will periodically monitor activity; and
- Bar service will stop 45 minutes prior to the end of the final movie.

Councilor Ford indicated he had done research and many communities have theatres that are selling alcohol. The Olson's have also been operating the Downtown Budget Cinema in Eau Claire serving beer and wine; there have not been any issues.

Connie Olson also noted that a majority of people may have a drink or two and attend the movie. Most people will not want to get up to leave the movie to get another drink, or to use the restroom. Lt. Micolichuk approved the idea once he spoke with the agent and heard what types of safety measures would be put in place. He further noted that complaints of underage drinking ultimately would fall back on the licensee and would therefore be self-correcting.

**Motion by Ford/Olson** to recommend Council approve the Original Alcohol Beverage Retail License Application of Micon Cinemas, Inc. for a Class "B" Beer license for Micon Cinemas, 475 Chippewa Mall Drive. **All present voting aye, except King who voted nay, motion carried.**

#### **4. Adjournment**

**Motion by Ford/King** to adjourn at 4:21 pm. **All present voting aye, motion carried.**

Minutes submitted by:  
Paul Olson, Chair



# SIDEWALK USE PERMIT APPLICATION

Name Of Applicant: CF Chamber/ Visitor Center	Address Of Applicant: 1 N Bridge Street CF 54729
Telephone Number: 715.723.0331	Date And Length Of Time Requested For Use Of Sidewalk: 5/5/16 11:00am - 2:00pm
Description Of The Portion Of Sidewalk To Be Used: Corner of Bridge and Spring, as well as Bridge street next to Chamber building	
Describe In Detail The Purpose For Which the Sidewalk Will Be Used: Yard games - bean bag toss & putting greens. Promotion of "fun" for National Tourism week	

The applicant agrees to indemnify, defend and hold the City and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the City on account of any injury to, or death of, any person or any damage to property caused by or resulting from the activities for which the permit is granted.

This Sidewalk Use Permit may be revoked by the City Council for any violation of any condition of such permit as set out in Ordinance 94-13, passed on May 17, 1994. Such revocation shall be after affording the permit holder a hearing before the City Council after service on the permit holder of notice of hearing at least 3 days but not more than 30 days from the date and service of the notice and a detailed statement of the facts alleged to constitute any such violation.

Certificate of liability and sketch of area to be used must be attached.

Signature of Business Owner \_\_\_\_\_

*Jackie Bora*  
Tourism Director

Date Signed \_\_\_\_\_

4/4/16

Date of Council Approval \_\_\_\_\_

## Bridget Givens

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**From:** Stephanie Brooks <sbrooks@whgco.com>  
**Sent:** Monday, April 11, 2016 12:19 PM  
**To:** Bridget Givens  
**Subject:** Hotels International  
**Attachments:** Chippewa Restaurant.pdf  
  
**Importance:** High

Bridget

We checked out the fences in town, and the Fill in Station like you had suggested. With Talking with Brian on this, we feel we do want to proceed with an appeal on "beer garden" requirements if possible.

As we had discussed, this is an innovative concept for the city. This isn't a Beer Garden so much as this is an outside area of the restaurant for people to eat. With having a higher end steak house, The focus with our restaurant isn't so much for the beverages as it is for the food.

I have attached the picture that we had discussed during our meeting as well. We will have garage doors that open on the side of the building, opening the patio up to the restaurant as well. Having an 8 foot tall fence will hinder the view of this. Our whole vision for this is something that is open and viewable from the street, not only for people to enjoy the site and sounds of downtown, but also to help draw people in seeing the restaurant from the street. This dining patio will be in the front of the building, on the main road. This also brings us to the size of our patio. It is 12 foot by 23 foot. We fear having an 8 foot tall fence will be very enclosing on the space and take away from the atmosphere we are trying to create. We are hoping that a variance can be issued for us to do a 5ft tall wrought iron fence like is pictured in our renderings.

I also just wanted some clarification on the meeting on the 19<sup>th</sup> of April. I know that the approval for the liquor license for 2016 & the renewal for 2017 will be at this meeting, but will they also be discussing our appeal and request for a variance on the fence issue? Brian will be traveling during this time and will be able to be in the area to attend the meeting if it is, as he has interest in being there for it.

Appreciate your help and look forward to hearing from you on this, and if I need to change anything in how I am submitting this appeal.

Thanks,

Steph Brooks  
WHG Companies  
980 American Drive  
Neenah, WI 54956  
(920)237-0233 ext 104  
F 866-403-7287



• (6)

OUTDOOR BEER GARDENS. (Rep. & recr. #09-12) Retail Class "B" Fermented Malt Beverage Licenses shall permit the sale of such beverages in outdoor beer gardens provided:

(a)

Access to the outdoor beer garden shall be solely through the main (indoor) entrance to the Class "B" licensed premises.

(b)

The outdoor beer garden shall be enclosed by a wall or fence not less than 8 feet in height.

(c)

No music or dancing shall be permitted in the outdoor beer garden. Amplified sound or music is permitted within the enclosed licensed premises only.

(d)

Bartenders shall be responsible for policing the outdoor beer garden at all times that it is open for operation.

(e)

No permit may be issued for an outdoor beer garden if any part of the outdoor beer garden is within 100 feet of a structure used for residential purposes, except residential uses located in the same structure as the licensed premises. This requirement may be waived at the discretion of the Chippewa Falls Common Council after a public hearing. An applicant who requests a public hearing shall supply to the City Clerk the names of all property owners within 100 feet of the licensed premises and the property owners shall be notified of the public hearing by first class mail. The applicant shall pay a \$20 fee to defray the costs of mailing and any property ownership search to confirm that the applicant has given accurate information.

(f)

The additional license shall be issued only in conjunction with a retail Class "B" fermented malt beverage license.

(g)

The premises shall conform to the rules of the State Department of Industry, Labor and Human Relations and the State Department of Health and Social Services.

(h)

Every permittee under this section shall comply with and enforce all provisions of ch. 125, Wis. Stats., applicable to Class "B" licensed premises, except insofar as such provisions are clearly inapplicable. Violation of the provisions of ch. 125, Wis. Stats., shall be grounds for revocation or suspension of the outdoor beer garden permit by the Chippewa Falls Common Council. By accepting a permit every permittee agrees that the permit is a privilege in which no rights vest and therefore may be revoked or suspended by the Chippewa Falls Common Council pursuant to State Statutes, or shall otherwise expire on June 30 of each year.

**ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION**

Submit to municipal clerk.

For the license period beginning \_\_\_\_\_ 20\_\_\_\_  
ending \_\_\_\_\_ 20\_\_\_\_

TO THE GOVERNING BODY of the:  Town of  
 Village of } Chippewa Falls  
 City of

County of Chippewa Falls Aldermanic Dist. No. \_\_\_\_\_ (if required by ordinance)

1. The named  INDIVIDUAL  PARTNERSHIP  LIMITED LIABILITY COMPANY  
 CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): **Micon Cinemas, Inc.**

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

	Title	Name	Home Address	Post Office & Zip Code
President/Member	<del>President</del>	Michael Olson	2821 13 <sup>th</sup> St.	Eau Claire WI 54603
Vice President/Member	Vice President	Constance Olson	2821 13 <sup>th</sup> St.	Eau Claire WI 54603
Secretary/Member				
Treasurer/Member				
Agent		Daniel M. Olson		
Directors/Managers				

3. Trade Name **Micon Cinemas 8** Business Phone Number **715-720-3291**  
4. Address of Premises **475 Chippewa Mall Dr. Ste. 215** Post Office & Zip Code **Chippewa Falls WI 54724**

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period?  Yes  No  
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant?  Yes  No over  
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business?  Yes  No  
8. (a) Corporate/limited liability company applicants only: Insert state WI and date April 2004 of registration.  
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company?  Yes  No  
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin?  Yes  No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) inside lobby and upstairs storage. Consumed in lobby area and auditoriums.  
10. Legal description (omit if street address is given above):  
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year?  Yes  No  
(b) If yes, under what name was license issued?  
12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864]  Yes  No  
13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776]  Yes  No  
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs?  Yes  No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

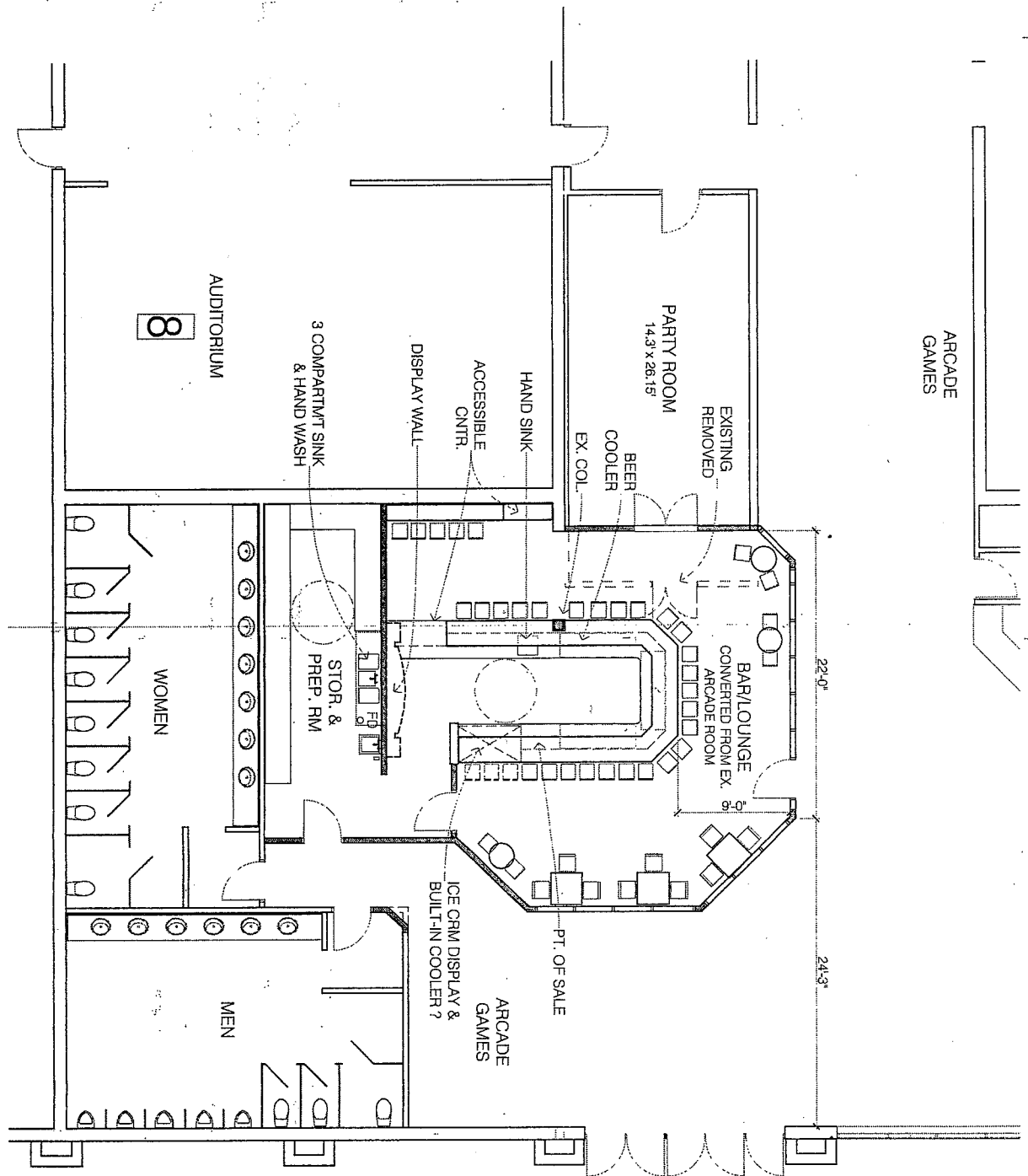
SUBSCRIBED AND SWORN TO BEFORE ME  
this \_\_\_\_\_ day of \_\_\_\_\_, 2016

Julie Marshall  
(Clerk/Notary Public)  
My commission expires \_\_\_\_\_

Michael Olson  
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)  
Constance M. Olson  
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)  
  
(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

**TO BE COMPLETED BY CLERK**

Date received and filed with municipal clerk <u>3-15-16</u>	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



# MICON CINEMAS - CHIPPEWA FALLS

475 Chippewa Mall Drive, Chippewa Falls, WI 54729  
 Contact: Dan Olson

SCHEME '5' - BAR/LOUNGE PLAN  
 Printed: 03.11.2016

Studio 3 Design - Architecture  
 507.259.5578



Thank you Chippewa Falls

Mike and Connie Olson were very fortunate twelve years ago when they were able to make their dream of owning their own movie theatre in the great town of Chippewa Falls a reality. The people of Chippewa Falls were extremely welcoming and because of this great town we have been able to run a successful movie theatre.

In that twelve years we have worked hard at keeping the theatre up-to-date with the newest equipment and innovations in the theatre business. We're excited to once again to offer a new experience to the people of the Chippewa Valley. We are hoping to make the theatre in Chippewa Falls the "premiere theatre destination in the Chippewa Valley" by adding a new food and refreshment option in a specially built area in our lobby as well as expanding the number of screens in the near future.

The idea of having food and beverages in a theatre is not a new one. Other examples in the state of Wisconsin include, the Rivoli Theater in La Crosse, The Sundance Theater in Madison, IPic Theatre in Glendale, The Fox Bay Cinema Grill in Milwaukee and even our own Downtown Budget Cinema in Eau Claire. These theaters have found that people are drawn to the new concept, because it presents a great new alternative to "movies as usual."

Today, with the advent of HD TVs, NetFlix, and easily accessible media via the internet, theaters have had to find new ways to attract theatergoers. We feel this can be accomplished by enhancing the movie going experience with comfortable seating, great food and more refreshment options. We believe by adding the new refreshment and food option in our lobby it will be just one more reason to come check out Chippewa Falls and our theatre.

We have included drawings that will show where we plan on building this area in our lobby. We will also be building a secure site upstairs in the booth that will store the extra product if necessary. The sale of the beer will be done only from those 18 years or older with everyone working there obtaining their responsible beverage serving license. Everyone will be checked to make sure that only those of drinking age are consuming the product.

If you have any questions about the location of the new area or the storage of the product, etc. please feel free to contact us.

Thanks



Mike and Connie Olson

715-720-2291 (W)