



Minutes

Committee #3

Transportation, Construction, Public Safety and Traffic

Committee #3 met Tuesday, May 31, 2016 at 4:00 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: Mayor Hoffman, John Monarski, Rob Kiefer, and Paul Nadreau

Others present: Police Chief Matthew Kelm, Director of Chippewa Falls Main Street Teri Ouimette, Judy VanGuilder representing The Fill Inn Station, and City Clerk Bridget Givens.

The meeting was called to order at 4:00 pm.

- 1. Discuss protocol for licensing mobile food vendors in the City of Chippewa Falls including, but not limited to, locations where vendors may sell food and the current moratorium on mobile food vendors in the City. Possible recommendations to the Council.**

Clerk Givens indicated this item was brought back before Committee predicated upon the Park Board approving a mobile food vendor for Irvine Park during music in the park, every other Sunday. The previous Council had issued a moratorium on mobile food vendors, unless they are operating on private property with permission from the property owner and other limited exceptions as defined in the resolution.

With the new Chippewa Riverfront under construction, it is anticipated more requests for mobile food vendors will be made. Council President Kiefer, who is also a member of the Park Board, indicated the Park Board has been approving mobile food vendors for events in the park for quite some time. Councilor King questioned if the Council could take this authority away from the Park Board and if the moratorium would apply to the city parks.

The Committee directed Givens to obtain samples of mobile vending ordinances from other municipalities and to check with the City Attorney relative to the applicability of the moratorium in city parks and the authority of the Park Board.

**No action taken.**

- 2. Discuss the Outdoor Beer Garden Code Section, §12.03 (6) of the Chippewa Falls Municipal Code including, but not limited to, the draft ordinance amendment to allow for modifications of conditions by the Chippewa Falls City Council. Possible recommendations to Council.**

The Committee discussed the proposed amendment to the Outdoor Beer Garden ordinance as drafted by the City Attorney. The recent requests to deviate from the ordinance have been in regard to fencing height and the ability to have music in the beer garden. Discussion ensued on the ability to monitor noise complaints. Givens advised that there are currently 15 beer gardens in the City. Concern was expressed that the Council will have to make the decision on whether to approve or disapprove each variance requests.

Following further discussion, it was thought that the ordinance amendment allows for each request to be considered on its merits with the ability of the Council to revoke any approved modification if any issues should happen to arise.

**Motion by Ford/Olson** to recommend Council approve the draft ordinance entitled: An Ordinance Amending the Outdoor Beer Garden Code Section §12.03 (6) of the Chippewa Falls Municipal Code to Allow for Modifications of Conditions by the Chippewa Falls Common Council. **All present voting aye, except King who voted no, motion carried.**

- 3. Discuss and consider variance request from Judy Van Guilder (representing The Fill Inn Station) of Code Section, §12.03 (6) of the Chippewa Falls Municipal Code relative to music in Outdoor Beer Gardens. Possible recommendations to Council.**

**Motion by Ford/Olson** to recommend granting the variance request from Judy Van Guilder of Code Section, §12.03 (6) of the Chippewa Falls Municipal Code relative to music in Outdoor Beer Gardens subject to the limitations described in the letter dated April 25, 2016 (with a correction of time to 10:00 pm) and subject to Council adopting the ordinance amendment. **All present voting aye, motion carried.**

- 4. Discuss inquiries relative to the ability of restaurants in the City with current alcohol beverage licenses to serve alcohol on sidewalks directly adjacent to and as part of their licensed premises. Possible recommendations to Council.**

Chippewa Falls Main Street Director, Teri Ouimette indicated that Lucy's was interested being able to serve alcohol at the tables in front of their restaurant. Current city ordinances do not allow for consumption of alcohol on sidewalks. It was expressed that if more than one restaurant was interested in pursuing this, the Committee would be willing to hear them.

Ouimette will check with other restaurants to determine their interest.

No action taken.

- 5. Adjournment**

**Motion by Ford/King** to adjourn at 5:11 pm. **All present voting aye, motion carried.**

Minutes submitted by:  
Paul Olson, Chair

**RESOLUTION NO. 2014 - 33**

**RESOLUTION CONCERNING  
MOBILE VENDING**

WHEREAS, Mobile vending food trucks are an emerging industry and practice and are expanding;

WHEREAS, Mobile vending today is a substantial departure from the mobile food supplier of the past;

WHEREAS, there is a need to review and study the health and safety impacts of food preparation through mobile vending and to analyze the impact upon year – round merchants in the City of Chippewa Falls;

NOW THEREFORE, The City of Chippewa Falls does hereby declare a moratorium on mobile vending food trucks until such time as the Chippewa Falls common council, departments, and committees can fully investigate and analyze the emerging industry and practices with the following moratorium exceptions:

1. Vendors at the Wisconsin State Fairgrounds;
2. Vendors at Pure Water Days events with the permission of the operator(s) of the event;
3. Food delivery trucks such as Schwan's, etc.;
4. Ice cream trucks and hot dog carts;
5. Vendors set up in parking lots of retail establishments with the permission of the retail establishment; and
6. Other vendors with limited term permission of the City Council, or Mayor in the case of an emergency. The purpose of this moratorium is to continue the status quo and the intention is to continue existing practices and the enumeration herein may not cover all such existing practices.

Dated this 1<sup>st</sup> day of July, 2014

Council Vote: Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

COUNCIL PRESIDENT: \_\_\_\_\_

William Hicks

APPROVED: \_\_\_\_\_

Gregory S. Hoffman, Mayor

ATTEST: \_\_\_\_\_

Bridget Givens, City Clerk

• (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.

AN ORDINANCE AMENDING THE OUTDOOR  
BEER GARDEN CODE SECTION, §12.03(6)  
OF THE CHIPPEWA FALLS MUNICIPAL CODE  
TO ALLOW FOR MODIFICATIONS OF CONDITIONS  
BY THE CHIPPEWA FALLS COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF CHIPPEWA FALLS, WISCONSIN, DO ORDAIN AS FOLLOWS:

1. That § 12.03(6)(i) of the Chippewa Falls Municipal Code be created to allow for modifications of the requirements and conditions for an outdoor beer garden permit by the Chippewa Falls Common Council and which shall provide as follows:

“(6) OUTDOOR BEER GARDENS ...

( i ) In any individual case, either originally or during the holding of a valid permit, the requirements and conditions of any subsection set forth above may be altered, waived, modified, or otherwise changed upon the recommendation of Committee No. 3 and the approval of the Chippewa Falls Common Council and a permit issued or amended based thereon. This may include such conditions, restrictions, or requirements as are deemed appropriate by the Chippewa Falls Common Council in the individual case before it. The permittee, in seeking such alteration, waiver, modification, or other change, agrees and consents that any such alteration, waiver, modification, or other change with any included conditions, restrictions or requirements is a privilege in which no rights vest and the Chippewa Falls Common Council retains the right to repeal, cancel, revoke, suspend, modify, amend or otherwise change the alteration, waiver, modification or other changes at any time without hearing but with notice to the permittee.

Dated this \_\_\_\_\_ day of June, 2016.

ALDERPERSON: \_\_\_\_\_  
Rob Kiefer, Council President

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
Gregory S. Hoffman, Mayor

ATTEST: \_\_\_\_\_  
Bridget Givens, City Clerk

Judy VanGuilder  
802 Bridgewater Ave  
Chippewa Falls, WI 54729  
715-896-0907

April 25, 2016

Dear Chippewa Falls Board and Committee 3,

I am writing to request a variance from the city ordinance that eliminates the possibility of offering acoustic musical entertainment on the patio at The Fill Inn Station at 104 W. Columbia Street, Chippewa Falls, WI. I am working with the co-owner of The Fill Inn Station, Kara Goosens, to bring people back into the venue and to the downtown Chippewa Falls area during the summer months. What we have seen in past summers, is that during this time people leave the downtown, going to their campers early and/or to other venues outside of the city limits that offer this kind of family entertainment.

We are requesting that The Fill Inn Station be allowed to have acoustic music on the patio on Thursday evenings throughout the summer. The summer music series would run June through August, no later in the evening than 8<sup>10</sup> PM and would be acoustic music only, which tends to be calm and soothing by nature. No full bands would be part of this music series.

By allowing The Fill Inn Station to have live outdoor acoustic music on the patio during this limited time frame, it brings along with it new life and revenue to the downtown area. Chippewa Falls is progressive and having added a new distillery, expansion of restaurants, a new hotel and the park expansion project, live outdoor acoustic music on the patio is just another way thing that can bring revenue to the downtown and only add to the progress that the city has been working to create. Please consider this variance and allow The Fill Inn Station to offer something to not only help the downtown revenue stream but to help bring people back into the business during the summer months.

I truly appreciate the consideration,

Judy VanGuilder  
Chippewa Falls Resident

- **9.32 - CONSUMPTION OR POSSESSION OF INTOXICANTS ON STREETS PROHIBITED. (Am. #83-23)**

Unless the City Council shall exempt certain celebrations or activities, the following provisions shall apply:

(1)

No person shall consume alcohol beverages, as defined by §125.02, Wis. Stats., which are incorporated herein by reference, while in or upon any public street, alley, sidewalk, public parking lot or other public way.

(2)

All purchases of alcohol beverages by the glass or in open containers shall be consumed on the licensed premises where served and shall not be removed to any public street, alley, sidewalk, public parking lot or other public way.

(3)

No person shall be in possession of any glass or open container containing an alcohol beverage on any public street, alley or sidewalk, public parking lot or other public way.