

# CITY OF ONALASKA MEETING NOTICE

**COMMITTEE/BOARD:** Common Council  
**DATE OF MEETING:** February 13, 2018 (Tuesday)  
**PLACE OF MEETING:** City Hall – 415 Main St. (Common Council Chambers)  
**TIME OF MEETING:** 7:00 P.M.

## PURPOSE OF MEETING

1. Call to Order and roll call.
2. Pledge of Allegiance.
3. **PUBLIC INPUT: (limited to 3 minutes/individual)**
4. **PUBLIC HEARING: Approximately 7:00 PM (or immediately following public input)** for consideration of an adoption of a resolution to vacate and discontinue a portion of the alley from Locust Street to King Street (between 4<sup>th</sup> Avenue North and 5<sup>th</sup> Avenue North) located in Section 5, Township 16, Range 7 (Resolution addressed under Non-Consent Agenda Item #13-A).
5. **REPORT FROM THE MAYOR:**
  - A. Library Statistics
  - B. Recognition of probation completion for the following City of Onalaska Firefighter/EMT's:
    1. Full Time: Jarod Benson & Scott Weeks
    2. Paid-On-Call: Erin Koller & Ty Edwards

## RECOMMENDATIONS FOR APPROVAL AND/OR POSSIBLE ACTION FROM THE FOLLOWING COMMITTEES/COMMISSIONS/BOARDS:

All items listed under the consent agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a council member requests removal, in which event the item will be removed from the consent agenda and considered in the order of business in the non-consent agenda.

## 6. **Consent Agenda**

- A. Approval of minutes from the previous meeting(s)

### FINANCE COMMITTEE

- B. Accept Omni Center Financials for 2017
- C. Accept General Fund Financials for 2017
  1. Authorization to approve transfer of funds within each department to comply with Government Accounting Standards Board (GASB)/Generally Accepted Accounting Principles (GAAP) as presented to Finance and Personnel on February 7, 2018

### NOTICES MAILED TO:

\*Mayor Joe Chilsen  
\_\_\_\_\_  
\*Ald. Jim Binash  
\_\_\_\_\_  
\*Ald. Jim Olson  
\_\_\_\_\_  
\*Ald. Jerry Every  
\_\_\_\_\_  
\*Ald Ron Gjertsen  
\_\_\_\_\_  
\*Ald. Bob Muth  
\_\_\_\_\_  
\*Ald. Harvey Bertrand  
\_\_\_\_\_  
City Attorney      City Administrator  
Dept Heads      La Crosse Tribune  
Coulee Courier      FOX  
WKTU WLXR WLAX WKBT WXOW

Tena Bailey  
\_\_\_\_\_  
Alex Deshler  
\_\_\_\_\_  
Cory Taylor  
\_\_\_\_\_  
Jeff Moorhouse  
\_\_\_\_\_  
Ralph Kloiber  
\_\_\_\_\_  
Kevin Fry  
\_\_\_\_\_  
Steve Bluske  
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\_\_\_\_\_  
Onalaska Public Library      Onalaska Omni Center

\*Committee Members

Date Mailed & Posted: 2-9-18

In compliance with the Americans with Disabilities Act of 1990, the City of Onalaska will provide reasonable accommodations to qualified individuals with a disability to ensure equal access to public meetings provided notification is given to the City Clerk within seventy-two (72) hours prior to the public meeting and that the requested accommodation does not create an undue hardship for the City.

- D. Approve Designated Fund Balance (DSFB) General Fund and/or Special Revenue Funds 2017
  - 1. Adjust Existing DSFB - 2017
  - 2. Establish new DSFB - 2017
- E. Approval of purchasing a drone not to exceed \$10,200 using \$5,000 of donated funds and using designed fund balance for the remaining \$5,200
- F. Approval of the 2018 contractual commercial appraisal services of Real Estate Appraisals, Inc.
- G. Accept Gundersen Health Systems Parking Ramp 4<sup>th</sup> Quarter and annual for 2017

**PERSONNEL COMMITTEE**

- H. Approval to post, advertise, and fill budgeted position Public Works Operator

**ADMINISTRATIVE COMMITTEE**

- I. Approval of Operator's Licenses as listed on report dated February 7, 2018
- J. Approval of Class B Picnic License for:
  - 1. La Crosse Area Builders Association, 816 2<sup>nd</sup> Avenue South, Onalaska for the La Crosse Area Builders Association Home Show, March 9-11, 2018 at the Omni Center, Onalaska.
- K. Approval of Special Event Permit for:
  - 1. Firehouse 5K for the Onalaska Fire Department on Saturday, April 14, 2018 from 6am-10am starting at Onalaska City Hall, 415 Main Street, Onalaska.
  - 2. Sole Burner – Coulee Region Run/Walk for the American Cancer Society, 2700 Midwest Drive, Onalaska on Sunday, April 22, 2018 from 6am – 2pm starting at 2700 Midwest Drive, Onalaska.

**BOARD OF PUBLIC WORKS**

- L. Approval of professional engineering services for the design of traffic signal upgrade project at 12<sup>th</sup> Avenue South/Sand Lake Road and Main Street by Strand Associates at a cost of \$27,900
- M. Approval of purchasing tandem axle cab and chassis from De Bauche Truck & Diesel at a cost of \$95,312
- N. Approval of purchasing traffic message boards from Work Area Protection Corporation at a cost of \$19,000
- O. Approval of 2018-2020 fire hydrant painting by Davies Water in the amount of \$15,750 per year
- P. Approval of purchasing Engineering Department survey equipment from Topcon Solutions Store in the amount of \$23,696.35
- Q. Approval of 2018-2020 sanitary sewer televising by Flow-Rite Pipe & Sewer Services at a yearly cost of \$24,500
- R. Approval of 2018 orthophotography flight by Ayres Associates at a cost of \$21,400
- S. Approval of purchasing water valve operator/exerciser from E.H. Wachs at a cost of \$23,100
- T. Approval of replacing current Public Works Department two-way analog radio equipment with digital equipment from P&H Services at a cost of \$25,199.85

**PLAN COMMISSION**

- U. Approval of a request by Ralph Kloiber of HOM Furniture to host two (2) thirty (30) day tent sale events in 2018 at 9519 State Road 16, Onalaska, WI (Tax Parcel #18-3625-4)
- V. Approval of a request to extend the Final Plat submittal requirement for one year, as requested by Kevin Fry, on behalf of Elmwood Partners, 1859 Sand Lake Road, Onalaska, for the 4th Addition to the Country Club Estates Plat (Tax Parcels #18-3566-100 & 18-4479-0)
- W. Approval of a request by Steve Bluske of Shopko to host an extended tent sale event in 2018 at 9366 State Road 16, Onalaska, WI (Tax Parcel #18-3589-9)

**UTILITIES COMMITTEE/MASS TRANSIT**

- X. Accept MTU Transit Financials
- Y. Accept Shared Ride Transit:
  - 1. Financials
  - 2. Policy regarding Public Comment Process for Fare and Service Changes
  - 3. Approval of Title VI Plan

## **PARKS & RECREATION**

- Z. Approve the leasing of the indoor space at the Great River Landing to Explore La Crosse
- AA. Award 2018 Summer Activity Guide printing bid to Crescent Printing at a cost not to exceed \$3,040
- BB. Award volleyball standard quote to Games People Play in an amount not to exceed \$12,159

## **Non-Consent Agenda**

### 7. **RECAP ITEMS PULLED FROM THE CONSENT AGENDA**

### 8. **FINANCE COMMITTEE**

- A. Vouchers
- B. Authorization to approve transfer of funds from Workers Compensation to Miscellaneous Expense in the amount of \$1,300 and Street Signals-Electrical to Street Signals-Contractual in the amount of \$2,500 to comply with Government Accounting Standards Board (GASB)/Generally Accepted Accounting Principles (GAAP)
- C. **Resolution 8-2018** - To Transfer Funds to/from various departments in the 2017 General Fund Budget
- D. **Resolution 9-2018** -To Transfer from the 2017 General Fund Budget to the Special Revenue Fund-Special Projects (DARE/GREAT - Onalaska Police Department) account in the amount of \$3,500
- E. **Resolution 10-2018** - To amend the 2017 General Fund Budget and transfer to Special Projects - Equipment Replacement Fund 2017
- F. City of Onalaska 2018 Capital Projects -General Obligation Corporate Purpose Bonds and Note Anticipation Notes:
  - 1. **Resolution 3-2018** - Initial Resolution Authorizing \$175,000 General Obligation Bonds for Parks and Public Grounds Projects.
  - 2. **Resolution 4-2018** - Initial Resolution Authorizing \$3,450,000 General Obligation Bonds for Street Improvement Projects.
  - 3. **Resolution 5-2018** - Resolution Directing Publication of Notice to Electors
  - 4. **Resolution 6-2018** -Resolution Providing for the Sale of \$3,625,000 General Obligation Corporate Purpose Bonds.
  - 5. **Resolution 7-2018** -Resolution providing the sale of \$1,570,000 Note Anticipation Notes

### 9. **PERSONNEL COMMITTEE**

- A. Review and consideration of authorization to replace a police officer position

### 10. **JUDICIARY COMMITTEE**

- A. **Ordinance 1604-2018** to amend Chapter 6 of Title 13, of the Code of Ordinances of the City of Onalaska relating to accessory uses and the sign ordinance (First and Second Reading)

### 11. **ADMINISTRATIVE COMMITTEE**

- A. Review of fees for mobile home parks

### 12. **BOARD OF PUBLIC WORKS**

- A. Review and consideration of Corrosion Control study for City water system including professional engineering and laboratory services

### 13. **PLAN COMMISSION**

- A. **Resolution 11-2018** - Final Resolution to vacate and discontinue a portion of the alley from Locust Street to King Street (between 4th Avenue North and 5th Avenue North), City of Onalaska, La Crosse County, WI

### 14. **REPORT FROM CITY ADMINISTRATOR**

- A. Discussion regarding Joint Municipal Court records

### 15. **REPORT FROM ALDERPERSON BINASH**

- A. Discussion on the possible sale/exchange of city property relating specifically to the land set aside at 13<sup>th</sup> Avenue South and Hickory Street for the expansion of the cemetery.

16. **REPORT FROM ALDERPERSON GJERTSEN**

- A. Discussion regarding Joint Municipal Court
- B. Discussion regarding Committee meeting times

17. **CLOSED SESSION**

To consider a motion to convene in Closed Session under Section 19.85(1)(c) of the Wisconsin Statutes for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility and under Section 19.85(1)(g) of the Wisconsin Statutes for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved:

- Review of Fire Department Personnel Related Matters

And to consider a motion to convene in Closed Session under Section 19.85(1)(e) of the Wisconsin Statutes for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session:

- Consideration, development and approval of negotiating strategy regarding  
Town of Medary Fire Contract

If any action is required in Open Session, the Council will reconvene in Open Session to take the necessary action and/or continue with the printed agenda.

**Adjournment**

PACKET: 02226 License Packet Feb Operators

SEQUENCE: License #

ID	PERIOD	-----NAME-----		LICENSE CODE
00211	1/05/18- 6/30/19	KUESTER	KENNETH	OPRATOR OPERATORS - 2 YEAR
01546	1/24/18- 6/30/19	TOOKE	TAMARA	OPRATOR OPERATORS - 2 YEAR
02404	1/04/18- 6/30/18	JENSEN	SAVANNA	OPRATOR OPERATORS - 1 YEAR
02405	1/05/18- 6/30/19	MUELLER	ERICH	OPRATOR OPERATORS - 2 YEAR
02406	1/05/18- 6/30/19	LEE	DYLAN	OPRATOR OPERATORS - 2 YEAR
02407	1/05/18- 6/30/19	BRISTOW	DANIEL	OPRATOR OPERATORS - 2 YEAR
02408	1/08/18- 6/30/19	BEHRINGER	NICHOLAS	OPRATOR OPERATORS - 2 YEAR
02418	1/12/18- 6/30/19	EZZELL	GAVIN	OPRATOR OPERATORS - 2 YEAR
02419	1/12/18- 6/30/19	HARRIMAN	JUSTIN	OPRATOR OPERATORS - 2 YEAR
02422	1/18/18- 6/30/19	HOELSCHER	JOHN	OPRATOR OPERATORS - 2 YEAR
02424	1/25/18- 6/30/19	NEUMANN	JENNIFER	OPRATOR OPERATORS - 2 YEAR
02427	1/29/18- 6/30/19	ROHDE	ALYSSA	OPRATOR OPERATORS - 2 YEAR
02428	1/30/18- 6/30/19	OLSON	KINSEY	OPRATOR OPERATORS - 2 YEAR
02429	1/30/18- 6/30/19	FROST	BRYN	OPRATOR OPERATORS - 2 YEAR
02430	1/30/18- 6/30/19	RAISBECK	TIFFANY	OPRATOR OPERATORS - 2 YEAR
02440	1/31/18- 6/30/19	NARDINI	SAMANTHA	OPRATOR OPERATORS - 2 YEAR
02442	1/31/18- 6/30/19	GARDNER	JENNA	OPRATOR OPERATORS - 2 YEAR
02443	2/01/18- 6/30/19	SCHLAPMAN	BROOKE	OPRATOR OPERATORS - 2 YEAR
02444	2/01/18- 6/30/19	HOFFMANN	KARL	OPRATOR OPERATORS - 2 YEAR
02445	2/01/18- 6/30/19	PEPELKA	JONATHAN	OPRATOR OPERATORS - 2 YEAR
02446	2/02/18- 6/30/19	DAHL	ANN MARIE	OPRATOR OPERATORS - 2 YEAR
02482	2/05/18- 6/30/19	LOEFFELHOLZ	NICOLE	OPRATOR OPERATORS - 2 YEAR
04608	1/30/18- 6/30/19	ROBBINS	VERNON	OPRATOR OPERATORS - 2 YEAR
05134	2/02/18- 6/30/19	CAIN	AMANDA	OPRATOR OPERATORS - 2 YEAR

Exh. 6-I

To: Finance and Personnel Committee  
 FROM: Finance Department  
 SUBJ: Payables and Approval

The following is a list of monies expended since the last Common Council meeting dated January 9, 2018  
 These payables include a percentage ( 25.7087% in 2017 compared to 27.7423% in 2016 ) of taxes collected  
 through January 31, 2018 to the taxing entities.

The total is:	<u>\$825,702.47</u>
01/16/2018 UB Packet 1414 - Refunds	\$665.13
01/17/2018 AP Packet 2031 - December 2017	\$1,325.25
AP Packet 2030 - Void	-\$200.00
AP Packet 2029 - January 2018	\$19,233.83
01/18/2018 AP Packet 2034 - January 2018	\$27.90
01/19/2018 AP Packet 2039 - December 2017 (includes ACH)	\$197,210.35
AP Packet 2040 - Void 2017	-\$2,472.96
AP Packet 2042 - December 2017	\$2,472.96
AP Packet 2041 - Void 2018	-\$8.72
AP Packet 2043 - January 2018	\$12.64
AP Packet 2036 - January 2018	\$13,090.72
01/19/2018 AP Packet 846 -City Payroll 01/19/18	\$141,633.55
AP Packet 846 -City Payroll drafts	\$91,641.08
AP Packet 1996 - Deferred Payables	\$14,050.36
01/22/2018 AP Packet 2044 - January 2018	\$612.12
01/25/2018 AP Packet 2047 - December 2017	\$1,584.54
AP Packet 2049 - January 2018	\$8,140.07
01/30/2018 AP Packet 2051 - December 2017	\$15,271.95
02/01/2018 AP Packet 2056 - Voids 2018	-\$100.00
AP Packet 2057 - December 2017	\$7,918.52
02/02/2018 AP Packet 852-City Payroll 02/02/18	\$142,393.01
AP Packet 693 - City bank drafts	\$94,958.17
AP Packet 1690 - Deferred payables	\$44,144.14
02/02/2018 UB Packet 1462 - Refunds	\$54.67
02/07/2018 AP Packet 2064 - December 2017	\$25,036.89
AP Packet 2061 - January 2018	\$2,714.30
02/08/2018 AP Packet 2065 - January 2018	\$800.00
02/14/2018 AP Packet - December 2017	\$3,492.00
AP Packet - February 2018 (including ACH)	<u>\$9,404,895.22</u>
<b>Total</b>	<b><u>\$10,230,597.69</u></b>

Finance Committee Signatures

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## OFFICE OF FINANCE DIRECTOR

City of Onalaska • 415 Main Street • Onalaska, WI 54650

Phone: 608-781-9530 • Fax: 608-781-9534

To: Common Council & City Administrator

From: Fred Buehler *FB*

Date: Feb. 8-2018

Subject: Two additional accounts to comply with GASB & GAAP

After the Finance and Personnel Committee, I had two additional accounts that require an adjustment, and they are as follows:

Misc. Expense 100-51900-397	+1,300
Workers Compensation 100-51939-510	-1,300
Street Signals-Contractual 100-53312-292	+2,500
Street Signals-Electrical 100-53312-221	-2,500

A motion to approve the above accounts would be appreciated.

Exh. 8-B

**RESOLUTION NO. 8-2018**  
**A RESOLUTION TO TRANSFER TO/FROM VARIOUS DEPARTMENTS IN THE 2017 GENERAL FUND BUDGET**

TO: HONORABLE MAYOR AND COMMON COUNCIL OF THE CITY OF ONALASKA, WISCONSIN

WHEREAS, The City of Onalaska budgeted in 2017 General Fund Budget for:

City Attorney	Contractual	100-51300-290	\$20,000
Assessor	Contractual	100-51530-290	\$7,000
Police	Wages Regular	100-52100-120	\$14,000
Fire	Wages-Regular	100-52200-120	\$20,200
<b><u>TOTAL</u></b>			<b>\$61,200</b>

WHEREAS, the above accounts are non-expended balances.

**THEREFORE BE IT FURTHER RESOLVED**, that the City of Onalaska Common Council hereby authorizes the above amounts to the following accounts:

Mayor	Wages –Perm PT	100-51410-124	\$1,800
Elections	Wages-Temp. Seasonal	100-51440-126	\$2,100
Audit	Other Contractual	100-51500-290	\$1,350
IT	Other Contractual	100-51540-290	\$12,200
Sick Leave Payout	Employee Benefits	100-51930-516	\$11,850
Uncollectable Accts.	Uncollectable Accts.	100-51980-398	\$31,900
<b><u>TOTAL</u></b>			<b>\$61,200</b>

Date this 13<sup>th</sup> day of February, 2018

City of Onalaska BY:

\_\_\_\_\_  
Joe Chilsen, Mayor

\_\_\_\_\_  
Caroline Burmaster, City Clerk

Passed:  
Approval:  
Published:

**RESOLUTION NO. 9-2018**

**A RESOLUTION TO TRANSFER FROM THE 2017 GENERAL FUND BUDGET TO  
THE SPECIAL REVENUE FUND – SPECIAL PROJECTS**

TO: HONORABLE MAYOR AND COMMON COUNCIL OF THE CITY OF ONALASKA,  
WISCONSIN

**WHEREAS**, The City of Onalaska budgeted in 2017 General Fund Budget for:

Fines/Forfeitures	Court Penalties/Deposit	100-45110	\$3,500
<b><u>TOTAL</u></b>			<b><u>\$3,500</u></b>

**WHEREAS**, the above account has exceeded projected revenue.

**THEREFORE BE IT FURTHER RESOLVED**, that the City of Onalaska Common Council hereby authorizes the above amount to the following account:

Donation – Misc. Dare/Great OPD	204-48514	\$3,500
<b><u>TOTAL</u></b>		<b><u>\$3,500</u></b>

Date this 13<sup>th</sup> day of February, 2018

**City of Onalaska**  
BY:

\_\_\_\_\_  
Joe Chilsen, Mayor

\_\_\_\_\_  
Caroline Burmaster, City Clerk

Passed:  
Approval:  
Published:

**RESOLUTION NO. 10-2018**

**A RESOLUTION TO AMEND THE 2017 GENERAL FUND BUDGET**

TO: THE HONORABLE MAYOR AND COMMON COUNCIL OF THE  
CITY OF ONALASKA, WI

**WHEREAS**, the City of Onalaska contains surplus funds in the 2017 General Fund Operating Budget of \$225,000,

**WHEREAS**, these funds are to be transferred to the Special Revenue Equipment Replacement Fund,

**NOW THEREFORE BE IT RESOLVED**, that the City of Onalaska, Common Council, hereby authorizes the transfer of the 2017 General Fund Budget by \$225,000,

**NOW THEREFORE, BE IT FURTHER RESOLVED**, the following Special Revenue Equipment Replacement Fund be increased by the following amount:

Transfer from General Fund	207-49210	\$225,000
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Dated this 13<sup>th</sup> day of February 2018.

**CITY OF ONALASKA**

**BY:** \_\_\_\_\_  
Joe Chilsen, Mayor

\_\_\_\_\_  
Caroline Burmaster, City Clerk

Passed:  
Approved:  
Published:

**Resolution No. 3-2018**

**INITIAL RESOLUTION AUTHORIZING  
\$175,000 GENERAL OBLIGATION BONDS  
FOR PARKS AND PUBLIC GROUNDS PROJECTS**

RESOLVED that the City of Onalaska, La Crosse County, Wisconsin, borrow an amount not to exceed \$175,000 by issuing its general obligation bonds for the public purpose of financing parks and public grounds projects.

Adopted, approved and recorded February 13, 2018.

CITY OF ONALASKA

\_\_\_\_\_  
Joe Chilsen  
Mayor

\_\_\_\_\_  
Caroline Burmaster  
City Clerk

(SEAL)

**Resolution No. 4-2018**

**INITIAL RESOLUTION AUTHORIZING  
\$3,450,000 GENERAL OBLIGATION BONDS  
FOR STREET IMPROVEMENT PROJECTS**

RESOLVED that the City of Onalaska, La Crosse County, Wisconsin, borrow an amount not to exceed \$3,450,000 by issuing its general obligation bonds for the public purpose of financing street improvement projects.

Adopted, approved and recorded February 13, 2018.

CITY OF ONALASKA

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Joe Chilsen  
Mayor

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Caroline Burmaster  
City Clerk

(SEAL)

**Resolution No. 5-2018**

**RESOLUTION DIRECTING PUBLICATION OF NOTICE TO ELECTORS**

WHEREAS initial resolutions authorizing general obligation bonds have been adopted by the Common Council of the City of Onalaska, Wisconsin ("City") and it is now necessary that said initial resolutions be published to afford notice to the residents of the City of their adoption;

NOW, THEREFORE, BE IT RESOLVED that the City Clerk shall, within 15 days, publish a notice to the electors in substantially the form attached hereto as Exhibit A in the official City newspaper as a class 1 notice under ch. 985, Wis. Stats.

Adopted, approved and recorded February 13, 2018.

CITY OF ONALASKA

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Joe Chilsen  
Mayor

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Caroline Burmaster  
City Clerk

(SEAL)

EXHIBIT A

NOTICE TO ELECTORS OF THE CITY OF ONALASKA, WISCONSIN

NOTICE IS HEREBY GIVEN that the following initial resolutions have been adopted at the meeting of the Common Council of the City of Onalaska held February 13, 2018:

**Resolution No. 3-2018**

**INITIAL RESOLUTION AUTHORIZING  
\$175,000 GENERAL OBLIGATION BONDS  
FOR PARKS AND PUBLIC GROUNDS PROJECTS**

RESOLVED that the City of Onalaska, La Crosse County, Wisconsin, borrow an amount not to exceed \$175,000 by issuing its general obligation bonds for the public purpose of financing parks and public grounds projects.

**Resolution No. 4-2018**

**INITIAL RESOLUTION AUTHORIZING  
\$3,450,000 GENERAL OBLIGATION BONDS  
FOR STREET IMPROVEMENT PROJECTS**

RESOLVED that the City of Onalaska, La Crosse County, Wisconsin, borrow an amount not to exceed \$3,450,000 by issuing its general obligation bonds for the public purpose of financing street improvement projects.

The Wisconsin Statutes (s. 67.05(7)(b)) provide that the initial resolutions need not be submitted to the electors unless within 30 days after adoption of the initial resolutions a petition is filed in the City Clerk's office requesting a referendum. This petition must be signed by electors numbering at least 10% of the votes cast for governor in the City at the last general election. A petition may be filed with respect to any one or more of the initial resolutions.

Dated February 13, 2018.

By Order of the Common Council  
City Clerk

**Resolution No. 6-2018**

**RESOLUTION PROVIDING FOR THE SALE OF \$3,625,000  
GENERAL OBLIGATION CORPORATE PURPOSE BONDS**

WHEREAS the Common Council of the City of Onalaska, La Crosse County, Wisconsin (the "City") has adopted initial resolutions authorizing the issuance of general obligation bonds for the following public purposes and in the following amounts:

\$175,000 to finance parks and public grounds projects; and

\$3,450,000 to finance street improvement projects.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. Combination of Issues. The issues referred to in the preamble hereof are hereby combined into one issue of bonds designated "General Obligation Corporate Purpose Bonds" (the "Bonds") and the City shall issue the Bonds in an amount not to exceed \$3,625,000 for the purposes above specified.

Section 2. Sale of Bonds. The Common Council hereby authorizes and directs that the Bonds be offered for public sale. At a subsequent meeting, the Common Council shall consider such bids for the Bonds as may have been received and take action thereon.

Section 3. Notice of Bond Sale. The City Clerk be and hereby is directed to cause notice of the sale of the Bonds to be disseminated in such manner and at such times as the City Clerk may determine and to cause copies of a complete, official Notice of Bond Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 4. Official Statement. The City Clerk shall cause an Official Statement concerning this issue to be prepared by Robert W. Baird & Co. Incorporated. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

Adopted, approved and recorded February 13, 2018.

CITY OF ONALASKA

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Joe Chilsen  
Mayor

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Caroline Burmaster  
City Clerk

(SEAL)

QB\49924232.1

**Resolution No. 7-2018**

**RESOLUTION PROVIDING FOR THE SALE OF \$1,570,000  
NOTE ANTICIPATION NOTES**

WHEREAS the Common Council of the City of Onalaska, La Crosse County, Wisconsin (the "City") is presently in the need of approximately \$1,570,000 for the public purposes including municipal equipment and improvements and various sanitary sewer, water system and storm sewer improvements; and

WHEREAS, it is desirable to borrow said funds through the issuance of note anticipation notes pursuant to Section 67.12(1)(b), Wis. Stats;

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. Issuance of Notes. The City shall issue its Note Anticipation Notes in the amount of approximately \$1,570,000 (the "Notes") for the purposes above specified.

Section 2. Sale of Notes. The Common Council hereby authorizes and directs that the Notes be offered for public sale. At a subsequent meeting, the Common Council shall consider such bids for the Notes as may have been received and take action thereon.

Section 3. Notice of Note Sale. The City Clerk be and hereby is directed to cause notice of the sale of the Notes to be disseminated in such manner and at such times as the City Clerk may determine and to cause copies of a complete, official Notice of Note Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 4. Official Statement. The City Clerk shall cause an Official Statement concerning this issue to be prepared by Robert W. Baird & Co. Incorporated. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

Adopted, approved and recorded February 13, 2018.

CITY OF ONALASKA

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Joe Chilsen  
Mayor

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Caroline Burmaster  
City Clerk

(SEAL)

**ORDINANCE NO. 1604 - 2018**

**AN ORDINANCE TO AMEND CHAPTER 6 OF TITLE 13,  
OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO ACCESSORY  
USES AND THE SIGN ORDINANCE**

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Title 13, Chapter 6, of the City of Onalaska Code of Ordinances related to Accessory Uses and Miscellaneous Standards is hereby divided into two parts, Sections 1 through 16 shall be known as Part 1 Accessory Uses and Miscellaneous Standards and Sections 17 through 31 are hereby deleted in their entirety and replaced as follows:

**Part 2 Sign Ordinance**

**Sec. 13-6-17 Statement of Purpose.**

The purpose of the Sign Ordinance is to create the legal framework of a comprehensive and balanced system of signage. The intent of this Sign Ordinance is to accomplish the following:

- (1) Encourage the effective use of signs as means of communication in the City while preserving the rights of free speech under the First Amendment to the United States Constitution;
- (2) Facilitate economic development by allowing signs that identify businesses on site, while promoting an attractive streetscape;
- (3) Reduce confusion and traffic hazards that result from excessive and prolific use of sign displays.
- (4) Permit signage that is designed, constructed, installed, and maintained in an aesthetically pleasing manner;
- (5) Encourage a positive business atmosphere;
- (6) Promote the health, safety, and general welfare of the citizens of Onalaska by ensuring that signs do not create a hazard by:
  - a. Collapsing, catching fire or otherwise deteriorating or decaying;
  - b. Confusing or distracting motorists; or
  - c. Impairing drivers' ability by obstructing the awareness or visibility of pedestrians, obstacles or other vehicles or to read traffic control devices.
- (7) Control the number, size, height, location, lighting and design characteristics of signs to avoid visual clutter which leads to decline in the community's appearance and property values and reduces the effectiveness of the signs;
- (8) Effectively regulate issues pertaining to the location, size, height, and lighting of signs in an effort to assure compatibility with adjoining land uses, architecture, and landscaping and compatibility with the City's Comprehensive Plan;
- (9) Provide for consistent and fair application and enforcement of regulations pertaining to signs; and
- (10) Address the latest and emerging technologies in the sign industries in a way that allows persons and businesses to convey and communicate.

### **Sec. 13-6-18 Applicability.**

- (1) **Generally.** The provisions contained in this Sign Ordinance shall be binding alike upon every owner, every lessee and every person in charge or responsible for or who causes construction, repair, relocation or alteration of any outdoor sign or other advertising structures in the City of Onalaska. Signs may be erected, placed, established, painted, created or maintained only in conformance with the provisions of this Sign Ordinance.
- (2) **No Restriction on Content.** This Sign Ordinance regulates only the sign structure or copy design, and not the sign's content. Despite any other provision of this Sign Ordinance, no sign is subject to any limitation based on the content of its message.
- (3) **Exemptions.**
- a. **Addressing.** Because address signs further compelling governmental interest of assisting emergency service personnel, law enforcement, fire protection and other public safety officials in identifying locations needing emergency assistance, numbers and letters for addressing are exempted from this Sign Ordinance, provided that such street addresses shall be posted as required under City Ordinances.
  - b. **Subordination.** City of Onalaska is subordinate to the laws of the Federal Government and State of Wisconsin, except under home rule powers, this Sign Ordinance does not prohibit signs, require sign or regulate sign locations or sign characteristics to the extent that they are required to be permitted by State or Federal Law or allow signs that are prohibited by State of Federal law.
  - c. **Government Signs.** In order to promote the compelling interest of the City, State and Federal governments in managing traffic; protecting against public hazards and nuisances; and announcing the location of government facilities, infrastructure, rights-of-way and other public areas, government signs are exempt from this Sign Ordinance.

### **Sec. 13-6-19 Substitution.**

Subject to the property owner's consent, noncommercial speech of any type may be substituted for any duly permitted or allowed commercial speech; provided, that the structure or mounting device is legal without consideration of message content. Such substitution or message may be made without additional approval or permitting. This provision prevails over any provision to the contrary in this Sign Ordinance. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted. The term "commercial speech" means any sign, wording, logo or other representation advertising a business, profession, commodity, goods, services, or entertainment for business purposes. The term "noncommercial speech" means any message that is not commercial speech, including without limitation, messages concerning political, religious, ideological, public service and information topics.

### **Sec. 13-6-20 Definitions.**

The following definitions are used in this Sign Ordinance:

- (1) **Awning.** A cloth, plastic, or other non-structural covering that is permanently

attached to a building or can be raised or retracted to a position against the building when not in use.

- (2) **Billboard.** A permanent sign in a fixed location advertising products not made, sold, used or served on the premises where the sign is located or which provides a non-commercial or informational message.
- (3) **Blanketing.** The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (4) **Canopy.** A structure other than an awning made of cloth, metal or other material with frames affixed to a building and carried by a frame that may extend into a setback or over the public sidewalk.
- (5) **Changeable copy.** Copy that changes at intervals [of more than once every six (6) seconds].
- (6) **Commercial.** Proposing or otherwise encouraging one or more commercial transactions.
- (7) **Community Event.** An advertised event held open to the public.
- (8) **Day.** A day shall be designated as a period of time in terms of calendar days.
- (9) **Digital Billboard.** Any billboard sign utilizing LCD, LED or similar electronic technology, capable of changing the static message or copy on the sign electronically.
- (10) **Dynamic element.** Any characteristic of a sign that appears to have movement or that appears to change, caused by any method other than physically removing and replacing the sign face or its components, whether the apparent movement or change is in the sign, the sign structure itself, or any component of the sign. This definition includes a display that incorporates a technology or method allowing the sign face to change the image without having to replace the sign face or its components physically or mechanically. This definition also includes any graphic that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.
- (11) **Electronic Message Center Sign.** Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale.
- (12) **External illumination.** Illumination of a sign that is affected by an artificial source of light not contained within the sign.
- (13) **Façade.** The side of a building below the eaves.
- (14) **Flag.** Flag means any fabric, banner or bunting containing distinctive colors, patterns or symbols and is attached to a pole and which is intended to be permanently affixed to the ground or attached to a building.
- (15) **Ground/Freestanding Sign.** A sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building. It includes "pole" graphics and "monument" graphics.
- (16) **Government Sign.** A sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.
- (17) **Height.** The vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the sign. (The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height.)
- (18) **Illumination.** A source of any artificial or reflective light, either directly from a

source of light incorporated in or indirectly from an artificial source, so shielded that no direct illumination from it is visible elsewhere than on and in the immediate vicinity of the sign.

- (19) **Indirect Illumination.** A source of external illumination, located away from the sign, that lights the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk, or adjacent property.
- (20) **Integral Sign.** A sign that is embedded, extruded or carved into the material of a building wall façade.
- (21) **Internal Illumination.** A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface.
- (22) **Marquee.** A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from the elements.
- (23) **Monument Graphic.** A ground/freestanding sign permanently affixed to the ground at its base, supported entirely by a base structure made of a decorative feature of brick, wood, metal or other material which is intended to serve as an entry feature or focal point.
- (24) **Multi-Tenant Complex.** A grouping of two or more business establishments that either share common parking on the parcel where they are located or that occupy a single structure or separate structures that are physically or functionally related or attached. Multi-tenant signs are encouraged to market shopping center destinations rather than individual businesses. Sign regulations are based upon the applicable zoning district in which they are located.
- (25) **Nit.** A photometric unit of measurement referring to luminescence. One nit is equal to one cd/m<sup>2</sup> (candela per square meter).
- (26) **Nonconforming Sign.** Any sign that was lawfully established or installed prior the adoption of amendment of this Sign Ordinance and was in compliance with all of the provisions of this Sign Ordinance then in effect, but which does not presently comply with this Sign Ordinance.
- (27) **Occupant.** A use/business establishment located in a multi-tenant building or complex.
- (28) **Parcel.** A lot, tract, plot or portion of a subdivision or other parcel of land in single ownership and not divided by a public right-of-way, so long as such area of land complies with the City of Onalaska Code of Ordinances. The terms lot or tract may also refer to a parcel.
- (29) **Peak.** The highest point on a roof or the highest point on another architectural element that blocks the rear view of a sign.
- (30) **Pole Sign.** A freestanding sign that is permanently supported in a fixed location by a structure of poles, uprights, or braces from the ground and not supported by a building or base structure.
- (31) **Portable Sign.** A structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.
- (32) **Projecting Sign.** A sign attached to and projecting from the wall of a building.
- (33) **Right-of-Way (ROW).** A sidewalk, curb, street, alley, bike path or lane, or other similar public improvement located in a public right-of-way normally used for the travel of pedestrians, motor vehicles, bicycles or like vehicles.
- (34) **Roof Sign.** A sign that is displayed above the eaves and under the peak of a building.
- (35) **Shopping Center.** A commercial development under unified control consisting of two or more separate commercial establishments sharing a common building, or

which are in separate buildings that share a common entranceway or parking area.

- (36) **Signable Area for Projecting Signs, Awnings, Roof Signs, and Wall Signs.** One area enclosed by a box or outline or within a single continuous perimeter enclosing the extreme limits of characters, letters, illustrations, ornamentations, or other figures.
- (37) **Size.** The total area of the face that is used to display a sign not including its support poles or structures.
- (38) **Sign.** Any structure that has a visual display of a name, identification, description or illustration, visible from a public right-of-way, which is affixed to, painted, or represented directly or indirectly upon a building or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building and not exposed to view from a street shall not be considered a sign.
- (39) **Structure.** Anything built that requires a permanent or temporary location. This term includes a building.
- (40) **Temporary Sign.** A sign intended to be displayed for a transitory or temporary period that are portable or not permanently embedded in the ground or not permanently affixed to a building or sign structure and are constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials.
- (41) **Traffic Control Device.** A sign, signal, marking or other device placed on or adjacent to a public right-of-way or private street, parking lot or highway to regulate, warn or guide traffic.
- (42) **Wall Sign.** A sign painted on or attached to a wall of a structure and in the same plane as the wall and presented in an orientation that is parallel to the roadway projecting.
- (43) **Window Sign.** A sign applied, painted, or affixed to the exterior window of a building.

### **Sec. 13-6-21 Administration and Sign Permits – Application, Enforcement, and Revocation.**

- (1) **Administration.** The Zoning Administrator or Designated Authorized Agent shall be responsible for administering and enforcing the provisions of this Sign Ordinance. The Zoning Administrator or Designated Authorized Agent shall examine all sign permit applications, issue permits and denials, authorize the continued use of signs that conform with the requirements of this Ordinance, record and file all applications for permits with any accompanying plans and documents, and inspect signs in the City of Onalaska. A sign shall also meet all other structural requirements of other applicable codes and Ordinances of the City of Onalaska.
- (2) **Permits Required.** It shall be unlawful for any person to locate, erect, move, reconstruct, extend, enlarge, convert or structurally alter a sign, canopy, awning, or billboard without a sign permit and without being in conformity with the provisions of this Sign Ordinance or cause the same to be done in the City of Onalaska without first obtaining a sign permit for each such sign from the Inspection Department, except those specified in Section 13-6-22 or as otherwise noted. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance. Any sign permit granted hereunder may not be assigned or transferred to any other sign or sign structure. Each individual sign shall require an individual sign permit.

- (3) **Required Information.** Application for a sign permit shall be made in writing upon forms furnished by the Inspection Department which contain the following information about the sign: dimensions, including display surface; materials; illumination; wiring; height above grade; distance from parcel lines; and the person, firm or corporation erecting or altering the sign.
- (4) **Granting and Issuance.** The Zoning Administrator or Designated Authorized Agent shall review the application to ensure it is complete per the requirements of Section 13-6-21 (3) above. The Zoning Administrator or Designated Authorized Agent shall have a maximum of thirty (30) days to approve or deny a sign permit.
- a. **Basis for Granting a Sign Permit.** In deciding whether to grant a sign permit, the Zoning Administrator or Designated Authorized Agent shall determine whether the proposed sign(s) is in compliance with the provisions of this Sign Ordinance. In such review, the Zoning Administrator or Designated Authorized Agent may also consider the following factors:
- i. Whether the sign is designed, constructed, installed or maintained in such a manner that it does not endanger public safety or traffic safety.
- ii. Whether the sign is in compliance with all provisions of the City of Onalaska Code of Ordinances, including those related to traffic safety, traffic visibility, sign setbacks, and structural integrity.
- (5) **Enforcement and Revocation of a Sign Permit.**
- a. A sign permit may be revoked if the applicant has failed to comply with the provisions of this Sign Ordinance or any conditions that may have accompanied the permit at the time of issuance. Revocation requires written notice by either the Zoning Administrator or Designated Authorized Agent for Zoning Ordinance violations.
- b. In the event that construction, installation, or manufacture of a sign for which a permit has been issued has not commenced within 180 days, six (6) months, from the date of the issuance of such permit, said permit shall be null and void and automatically revoked. If work authorized by such permit is suspended or abandoned for a period of ninety (90) days any time after the work is commenced, the original permit shall become null and void. In such cases a new permit shall be obtained to complete the work and a new permit fee shall be required.
- c. Any sign subject to a revoked permit shall be removed by the licensee, sign owner, or property owner within forty-five (45) days of such revocation. Revocation shall not result in reimbursement of permit fees paid.
- (6) **Fee.** The fee for each sign permit shall be set forth on the City's Fee Schedule.
- (7) **Insurance.** Any person, firm or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of Three Hundred Thousand Dollars (\$300,000.00) for bodily injury and One Million Dollars (\$1,000,000.00) aggregate and One Hundred Thousand Dollars (\$100,000.00) property damage. Proof of insurance shall be presented to the Inspection Department before the sign permit is granted.
- (8) **Sign Permit Appeal.** Any person, firm or corporation aggrieved by any sign permit denial or decision by the Inspection Department relative to the provisions of these sign regulations may appeal and seek review of such decision to the Board of Zoning Appeals.
- (9) **Alterations.** For signs erected before the adoption of this Sign Ordinance, said signs shall be rebuilt or relocated to conform to this Sign Ordinance if the cost of

reconstruction or relocation is fifty percent (50%) or more of its replacement value.

(10) **Violations of Sign Ordinance.** Any person, firm or corporation who begins, erects or completes the erection or construction of any sign controlled by this Sign Ordinance prior to the granting of a sign permit shall pay a penalty of Fifty Dollars (\$50.00) for the first offense, with the penalty for each subsequent offense increasing by Fifty Dollars (\$50.00). Any person, firm or corporation who violates any provision of this Sign Ordinance shall be subject to the penalties prescribed in the Unified Development Ordinance. Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

(11) **Removal of Signs in Violation of this Sign Ordinance.**

- a. If the Zoning Administrator or Designated Authorized Agent determines that any sign exists in violation of this Sign Ordinance are hereby declared public nuisances within the meaning of this Code of Ordinances, the Zoning Administrator or Designated Authorized Agent shall notify the sign permit holder or the owner of the property on which the sign is located. Said notification shall indicate that such violation shall be corrected within sixty (60) days of receipt of said notice on penalty of automatic revocation of any sign permit and that removal of the sign by the City may occur at the expense of the owner of the property in the manner set forth in the Wisconsin Statutes.
- b. If notification is sent and the violation is not corrected within sixty (60) days, the Zoning Administrator or Designated Authorized Agent shall revoke the associated sign permit that is in violation of this Sign Ordinance. It shall be the duty of the Zoning Administrator or Designated Authorized Agent to cause removal of such signs.
- c. The expense of removing such sign and all sign support structures shall be charged to the owner of the property on which the sign is located. If the owner fails to pay such expense within thirty (30) days of being billed therefore, or has not made arrangements for payment satisfactory to the Finance Director, then such expense shall become a lien on the property and shall be placed upon the tax roll.
- d. Any sign illegally placed in a public right-of-way shall be subject to immediate removal and confiscation without notice by the Zoning Administrator or Designated Authorized Agent.

**Sec. 13-6-22 Signs Not Requiring a Permit.**

The following is a list of signs that do not require an issued sign permit. If a sign similar in nature to those listed below is proposed, the Land Use and Development Director or Designated Authorized Agent shall determine if the proposed sign requires a permit.

- (1) City Banners on City-owned Utility Poles.
- (2) On-site Directional Signs on private property that includes a directional arrow or symbol that directs people to a specific destination within a development or site. Signs may also include either the name, logo, or symbol of the destination, provided that the name, logo, or symbol is less than two (2) square feet. Institutional signs erected to display facility/campus locations, building identification, transportation routes, or similar signs that are not visible or intended to be visible from public street rights-of-way or non-adjacent parcels.
- (3) On-site Directional Signs as mandated by a government entity.
- (4) Building Management Identification Sign which indicates the name and/or address of the property owner, tenant, and/or manager of a property not to exceed thirty-

two (32) square feet.

- (5) On-Site Warning Sign that indicates a warning from the property owner related to conditions on-site and/or that cites a City, State, or Federal law, order rule or regulation. Such signs shall contain no commercial message. Examples include signs listing parking hours, "No Trespassing," "No Loitering," "Customer Parking Only," "Handicap Parking," or signs indicating danger or aids to service or safety.
- (6) Traffic Control Signs/Devices erected for control of traffic and other regulatory purposes, direction signs, railroad crossing signs.
- (7) Memorial signs, plaques, tablets, names of buildings, dates of erection, etc. that are cut into a masonry surface or inlaid so as to be a part of the building or when constructed of bronze or other non-combustible material not more than twenty-four (24) square feet of area shall be allowed without a sign permit.
- (8) Public notices posted by Authorized Designated Agents of the City or other official Governmental Agencies.
- (9) Signs on trucks, buses, trailers or other vehicles while operating in the course of normal business, which is not primarily the display of signs.
- (10) Signs may be installed no earlier than sixty (60) days prior to an election and shall be removed within ten (10) days following said election. Signs shall be placed on private property and with the consent of the property owner. Each sign shall not exceed four (4) square feet on residential properties or thirty-two (32) square feet on non-residential properties. No more than five (5) such signs may be allowed at a single time on a single property to allow for pedestrian and vehicular safety. Signs shall not be placed in public rights-of-ways and if found in this area, the City of Onalaska has the authority to remove such signs without notice.

#### **Sec. 13-6-23 Prohibited Signs.**

- (1) **Prohibited Sign Area.** No signage shall be permitted on the west side of Second Avenue North (State Highway 35) from John Street to Sunset Vista Road.
- (2) **Signs with Flashing, Blinking, or Traveling Lights.** No signs, billboards or other advertising media which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to an adjoining residential property shall be permitted in any district.
- (3) **Signs on Public Rights-of-Way.** Signs shall not be permitted on public rights-of-way, except for municipal traffic control devices and as otherwise specified in this Sign Ordinance, or be located within five (5) feet of a parcel line.
- (4) **Signs at Intersections.** Signs at intersections shall comply with traffic visibility standards in Chapter 7: Mobility Standards.
- (5) **Traffic Interference.** Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.
- (6) **Blanketing.** Blanketing of signs shall not be allowed.
- (7) **Signs on City Property/Rights-of-Way.** No person shall: paste, tape, staple, or other affix/fasten any paper or similar material to, nor paint, stencil or otherwise write or color any object, vegetation or pavement located within any street right-of-way or on City property; including, but not limited to trees, lamp posts, utility poles, fire hydrants, or similar features, nor shall any of such object, vegetation or

pavement be defaced in any manner. The only two (2) exceptions to these restrictions are that the painting may be allowed on curbs when approved by the Common Council upon receiving a favorable recommendation from the Director of Public Works after their investigation of a written request or that painting may be allowed in right-of-way in conjunction with a registered Community Event.

- (8) **Human Signs.** Human signs that (a) are located in or within 10 feet of the public right of way; (b) carry or operate flashing or illuminated objects, or (c) operate after daytime.
- (9) **Vehicular Signs.** Signs placed on semi-trailers, pull-behind trailers, vehicles, shipping containers or portable storage units, unless: (a) the trailers, containers or portable storage units are functional, used for their primary storage propose, and if subject to registration, have current registration and tags; (b) the signs are subordinate to the use for temporary storage, pick-up, or delivery, and (c) the semi-trailer is parked in a designated loading area or on a construction site at which is being used for deliveries or storage.
- (10) **Any sign not expressly permitted.** Any sign not expressly permitted by this Sign Ordinance and constructed pursuant to the standards set forth in this Sign Ordinance shall be prohibited.

#### **Sec. 13-6-24 General Provisions, Design, and Maintenance Standards.**

- (1) **Compatibility.** To the maximum extent practical, signs shall be compatible and complimentary to their surroundings in terms of size, shape, color, texture and lighting. Buildings and sites shall be designed so that the signs are an integral part of the building and/or site. Signs shall not visually detract from other conforming signs.
- (2) **Protection of First Amendment rights.** Any sign under this Sign Ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business, activity conducted, or product sold or offered at a location.
- (3) **Sign Measurements:** Sign area and sign height measurements shall be calculated as follows:
  - a. **Signable Area for Projecting Signs, Awnings, Roof Signs, and Wall Signs.** The sign copy and graphic area shall be calculated by means of the smallest four-sided figure (such as a rectangle) that encompasses the extreme limits of characters, writing, representation, emblem, ornamentation, illustrations or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign and copy graphic area from the structure.
  - b. **Sign Structure Area.** Where a maximum allowable sign structure is specified in this Sign Ordinance, the sign structure area shall include the sign copy and graphic area as well as the structure on which the sign copy and graphic are placed. The sign structure area generally applies to ground/freestanding signs.
  - c. **Sign Structure Height.** The height of a ground/freestanding sign shall be measured from the average grade of the adjacent street to the top of the sign structure.
- (4) **Buildings with a secondary public entrance at the rear or side of the building.** In addition to the allowable signage with a use in a particular district, commercial, public and institutional uses that have a secondary entrance for the public that does not front a public right-of-way, may have, at the secondary entrance, one (1) sign

not to exceed thirty-two (32) square feet.

**(5) Placement of Ground/Freestanding Signs.** The placement of such signs shall comply with the following standards:

- a. Minimum required distance from parcel lines. All ground/freestanding signs shall be placed at least five (5) feet from all parcel boundaries.
- b. Outside the required vision triangle. No sign shall obstruct the required vision triangle as specified in Chapter 7: Mobility Standards.
- c. Outside drainage and utility easements. No sign shall be placed in a drainage, utility or other easement without first obtaining all applicable authorizations and a copy of said authorizations provided to the City.
- d. The distance between ground/freestanding signs shall be a minimum of two hundred (200) feet throughout the street frontage in order to prevent congestion and maintain traffic visibility. Ground/freestanding signs may be placed at less than two hundred (200) feet where the street frontage of the parcel and adjacent parcels is less than two hundred (200) feet and does not permit the minimum spacing. Where this condition exists, the maximum spacing available must be maintained and such ground/freestanding signs shall be monument style only and not exceed fifteen (15) feet in height and sixty (60) square feet per side in area. Notwithstanding any other provision of this Sign Ordinance, in no case may a ground/freestanding sign be placed at less than one hundred (100) feet from another ground/freestanding sign on the same street frontage.

**(6) Allowable Number of Signs.** No more than two (2) signs of any type are allowed on a single parcel, unless the parcel has multiple street frontages which shall allow two (2) sign types for each street frontage, excluding canopies and/or awnings and additional signage may be allowed as otherwise noted in specific zoning district regulations or through an approved overlay district (Planned Commercial Industrial District, Planned Unit Development, etc.).

- a. Any signs exempt from sign permits are not considered in determining the allowable number of signs, and shall be in addition to the allowable number of signs under this Sign Ordinance.

**(7) Design and Construction Standards.** All signs shall comply with the following construction standards:

- a. All signs shall be constructed in a safe structural manner in accordance with the National Building Code and National Electrical Code with fireproof and fire-resistant materials and the Wisconsin State Codes, if more restrictive. All signs shall be fastened, supported and maintained so as to withstand a wind load pressure of thirty (30) p.s.f. per American Society of Engineering.
- b. All signs shall be constructed of durable, weather-resistant materials.
- c. Electrical service to signs shall comply with applicable electrical codes. No sign shall have exposed electrical wires and electrical service to signs shall be concealed wherever possible to preserve aesthetic values. Contractors to apply for Electrical Permits when installing new electric services to signs or modifying services (new technology, etc.) to signs.
- d. The use of unshielded lighting, including exposed light bulbs hung or strung on poles, wires or other support intended to illuminate a sign or other advertising device is prohibited. All sign lighting shall be so designed, located, shielded, or hooded to prevent the casting of glare or direct illumination upon adjacent roadways, surrounding properties or into the sky.
- e. All signs in newly annexed areas shall comply with this Sign Ordinance

within five (5) years of annexation.

(8) **Installation and Maintenance.** All signs shall be installed and maintained as follows:

- a. **Safety.** All signs shall be installed and maintained in a workmanlike manner using equipment that is adequate and safe for the task.
- b. **Indemnification for sign installation and maintenance.** All persons engaged in the business of installing or maintaining signs that involves in whole or in part, the erection, alteration, relocation, or maintenance of a sign or other sign work in, over, or immediately adjacent to a public right-of-way or public property that is used or encroached upon by the sign contractor, shall hold the City of Onalaska harmless and indemnify the City of Onalaska, its officers, agents and employees from any and all claims for bodily injury or property damage resulting from the erection, alteration, relocation, or maintenance of a sign or any sign work.
- c. All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Inspection Department.
- d. All signs, including supports and attachments, shall be properly maintained in good repair in accordance with all applicable building codes, be kept clean, and protected from the elements to prevent decay and rust by the periodic application of weather-coating material. The immediate surrounding premises of signs shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.

(9) **Illumination of Signs.** The following illumination requirements apply to all signs for which illumination is allowed including, but not limited to, freestanding signs and other similar signs.

- a. **Compliance with the Electrical Code.**
- b. **Hazards.** Artificial light used in conjunction with the lighting of any sign shall not be directed or reflected onto any structure or constitute a hazard to the safe and efficient operation of vehicles upon a street or highway.
- c. **Shield the Light Source.** The light source, whether internal or external, shall be shielded from view or directed so that the light intensity or brightness is directed away from the public right of way or boundary of any residential zoning district or residentially-used property. Ground mounted external flood lighting shall be shielded and properly placed and directed to avoid direct visibility of the directed light to passing motorists.
- d. **Light Trespass.** No sign or associated luminaire shall create light spillover of more than 0.1 foot-candles at any property line within or bounding a residential use or district.
- e. **Use of a Projected Light Source.** Illumination by a projected light shall be an indirect spotlight or gooseneck down light. External lighting fixtures shall not cast light or glare in any direction other than on the elements of the sign. Such lighting shall be placed so as to provide even illumination to the signage and to avoid hot spots or dark areas on the signage.
- f. **Prohibited Illumination.** A sign shall not:
  - i. Be illuminated by flashing, intermittent or moving lights;
  - ii. Contain or display animated, moving video or scrolling advertising;
  - iii. Display messages for a period of less than eight seconds and use

- transitions or frame effects with an interval of more than two seconds;
  - iv. Include audio, pyrotechnic, or bluecasting (Bluetooth advertising) components;
  - v. Consist of a static image projected upon a stationary object; or
  - vi. Be a mobile sign located on or attached to a truck or trailer.
- g. Luminosity.**
- i. Daytime. During the daytime, based on normal daytime illumination, a maximum limit of 5,000 nits is permitted to keep luminous signage balanced with the surrounding landscape.
  - ii. During nighttime hours, a maximum luminosity is limited to 350 nits.
  - iii. If the nighttime luminance setting and limit is based on the sign in question being set to display full white, full brightness field, a limit as high as 400 nits for this method of calibration and testing is suitable.
  - iv. Incremental luminance limits between the nighttime limit and the full sunlight shall require automatic luminance controls for overcast or foggy days and for dawn and dusk hours by means of automatically controlling sign luminance based on the ambient lighting conditions, to restrict luminance between the sunny-day and night maximum luminosity range.
  - v. Surface luminosity measurements should be made directly with a calibrated luminosity meter, following the instruments manufacturer's instructions. Readings should be taken from the area where the sign in question will be visible from, and which is closest to being directly in front of the sign (where the luminosity output is most focused).
- h. Safety.** Electronic Message Centers and Digital Billboards shall:
- i. Include systems and monitoring to either turn the display off or show "full black" on the display and contain a default mechanism that freezes the sign in one (1) position at the maximum illumination in the event of malfunction; and
  - ii. Be designed so if a catastrophic power surge occurs, the sign will go dark or it will have maximum brightness limitations in place; and
  - iii. Automatically adjust the intensity of its display according to natural ambient light conditions.

**Sec. 13-6-25 General Standards for Specific Types of Signs.**

This subsection specifies general standards for specific types of signs. Refer to Section 13-6-24 for additional requirements.

**(1) Awning and Canopy Signs.** All awning and canopy signs require a sign permit and shall comply with the following requirements and conform to the regulations of the zoning district in which they are to be located. If any sign is suspended or projects above a right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner agreeing to hold the City of Onalaska harmless, and obtaining and maintaining in force liability insurance for such a sign in such form and such amount as the City of Onalaska may reasonably from time to time determine, provided that the amount of such liability insurance shall be as noted below in 13-6-25 (1) e.

- a. **Support.** Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback. The

structural support of all canopies shall be designed by a licensed professional engineer and approved by the Inspection Department for compliance with the Building Code of the City. All frames and supports shall be of metal and designed to withstand a wind pressure as provided in Section 13-6-24. All canopies shall be attached to a building and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.

- b. **Height.** All awnings and canopies shall be constructed and erected so that the lowest portion thereof shall be a minimum of eight (8) feet above the level of the public sidewalk or public thoroughfare.
- c. **Setback from Curb Line.** No awning shall extend beyond a point four (4) feet into the right-of-way and no canopy shall extend beyond four (4) feet from the face of a wall or building.
- d. **Text and Copy Size Limitations:**
  - 1. Awnings. Text, copy and characters shall not exceed eight (8) inches in average height on the front and side edges.
  - 2. Canopies. Text, copy and characters shall not exceed twenty-four (24) inches in average height on the front and side edges.
- e. **Insurance and Release Requirements.** Every applicant for a sign permit for an awning and/or canopy which will overhang a public street or sidewalk shall, before the sign permit is granted, file with the Inspection Department an indemnification and hold harmless agreement for the sign and a liability insurance policy with minimum limits of Fifty Thousand Dollars (\$50,000.00) for personal injury to any person and One Hundred Thousand Dollars (\$100,000.00) for any one (1) accident and Ten Thousand Dollars (\$10,000.00) for property damage which shall indemnify and save harmless the City of Onalaska from any and all damages, judgments, costs or expense which the said City may incur or suffer by reason of the granting of said sign permit.

(2) **Electronic Message Center Signs.** All electronically or mechanically energized/digital signs shall comply with the following standards:

- a. **Message Timing.** Segmented messages must be displayed for not less than one-half (1/2) second and more than ten (10) seconds.
- b. **Dimmer Control.** Electronic Message Center Signs shall have an automatic dimmer control such as a photocell or other ambient light sensing mechanism that automatically adjusts the sign's brightness in direct correlation with the natural ambient light conditions.
- c. **Light Sensor Required.** All Electronic Message Center Signs that are directly illuminated shall include a sensor or other device that automatically determines ambient illumination and is programmed to automatically dim according to ambient light conditions or that can be adjusted to comply with the foot-candle requirements set out below without human assistance.
- d. **Brightness.** Electronic Message Center Signs shall not exceed a brightness level of 5,000 nits (candela per square meter) during daylight hours and 500 nits between sunset and sunrise and at no time exceed 0.3 footcandles above natural ambient light conditions. Such measurements shall be taken using a footcandle (Lux) meter at a preset distance depending on the sign area, measured as follows in the table below. Signs found to exceed the brightness levels shall be adjusted to meet the below standards after notification by the City of Onalaska.

Area of Sign (SF)	Measurement Distance (FT)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100

- e. **Certification Required.** Prior to the issuance of a sign permit for an Electronic Message Center Sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed 5,000 nits and that the intensity level is protected from end-user manipulation by password-protected software or other method that will effectively deter end-user manipulation and that the Electronic Message Center Sign includes a sensor or similar device in compliance with Subsections (d) & (e) above.
- f. **Additional Location and Size Requirements shall be as follows:**
  - 1. Electronic Message Center Signs are not permitted within one hundred (100) feet of a residential district parcel line, except with the issuance of a Conditional Use Permit by the Plan Commission and the Plan Commission may determine the square footage of the Electronic Message Center Sign, however no larger than thirty-two (32) square feet per side or sixty-four (64) square feet for both sides.
  - 2. All Electronic Message Center signs within three hundred (300) feet of a residential district parcel line shall not exceed thirty-two (32) square feet per side or sixty-four (64) square feet for both sides. Such Electronic Message Center Signs may only be operational between 7:00A.M. and 10:00P.M. to preserve the integrity of the surrounding neighborhood.
  - 3. Electronic Message Center Sign faces shall not exceed one hundred (100) square feet per side and a total of two hundred (200) square feet total on both sides when located beyond three hundred (300) feet from a residential district parcel line.

(3) **Ground/Freestanding Signs.** For the purpose of this Sign Ordinance, a monument sign, multiple pole sign, or single pole sign shall be considered a ground/freestanding sign. Unless specified elsewhere in this Sign Ordinance, all ground/freestanding signs shall comply with the following standards:

- a. **Allowable sign area and sign height.** The allowable sign area and sign height shall be as specified in the applicable zoning district.

- b. **Monument sign base.** In the case of a ground/freestanding monument sign, the width of the base of the sign shall be at least sixty (60) percent the width of the sign.
  - c. **Materials.** Ground/freestanding signs shall be constructed of durable and quality materials that are compatible with surrounding development. In the case of a monument sign, the base and exposed foundation shall be covered with a finished material such as brick, stone, metal or wood.
- (4) **Signs Adjacent to Drive-Thrus.** Signs adjacent to drive-thrus where allowed pursuant to this Sign Ordinance shall be subject to the following conditions:
- a. **Allowable sign area and sign height.** The sign shall have a maximum sign copy of fifty (50) square feet.
  - b. **Orientation.** The sign shall be single-sided and oriented in such a manner so that the signs are directly visible to the patrons using a drive-thru facility only.
- (5) **Billboards.** All Billboard signs shall be permitted subject to the following standards:
- a. **Location Requirements:** all Billboard signs must be:
    1. A minimum of one hundred (100) feet from a residential district parcel line for Billboards. A minimum of seven hundred fifty (750) feet from a residential district parcel line for Digital Billboards.
    2. A minimum of one hundred (100) feet from an intersection.
    3. A minimum of three hundred fifty (350) feet from a church and/or school parcel line.
    4. A minimum of one thousand (1,000) feet from another Billboard. Digital Billboards must be at least five thousand two hundred eighty (5,280) feet from another Digital Billboard.
    5. A minimum of five (5) feet from right-of-way and parcel lines.
    6. Erected in a ground/freestanding design and without back-bracing or guy wires.
    7. Further than three hundred fifty (350) feet of the east and west rights-of-way of STH 157 and/or US 53 from Federal Interstate 90 to CTH OT.
      - a. A Digital Billboard may be allowed not less than two hundred fifty (250) feet and not more than three hundred fifty (350) feet of the east and west rights-of-way of US 53 from Federal Interstate 90 to CTH OT provided that all other setback requirements listed in Section 13-6-25(5)(a)(1-6) above are met through the issuance of a Conditional Use Permit by the Plan Commission. Application for the Conditional Use Permit shall include notification of a public hearing mailed to all property owners within five hundred (500) feet of the proposed Digital Billboard and any residential property owners within seven hundred fifty (750) feet and one thousand (1,000) feet of the proposed Digital Billboard. Notification of the public hearing and proof of mailing shall be provided by the Sign Applicant.
    8. Further than three hundred fifty (350) feet of the east and west rights-of-way of Sand Lake Road (STH S) from Main Street to CTH OT.
  - b. **Allowable sign area and sign height.** The maximum size of a Billboard sign shall be three hundred (300) square feet per side of a sign structure. The height of the Billboard shall not exceed 30 feet above the ground at the site of the sign and in no event shall the maximum height exceed 45 feet above the adjacent road centerline.
  - c. **Digital Billboards.**

1. Digital Billboards may be allowed to up to three hundred seventy eight (378) square feet per side and a total of seven hundred fifty six (756) square feet total on both sides through the issuance of a Conditional Use Permit by the Plan Commission and include a notification of a public hearing mailed to all property owners within five hundred (500) feet of the proposed Digital Billboard location and any residential property owners within seven hundred fifty (750) feet and one thousand (1,000) feet of the proposed Digital Billboard location. Notification of the public hearing and proof of mailing shall be provided by the Sign Applicant.
  2. Technology. Any technology that complies with the performance standards including maximum brightness as set forth in this Sign Ordinance is permitted.
  3. Public Service Announcement. Digital Billboards shall display up to ten (10) holds/flip messages annually, each hold/flip to occur once per minute for one (1) week prior to an event requested by the City of Onalaska free of charge.
  4. Digital billboards images and messages must be static and each display/message must be maintained for a minimum of seven and one-half (7.5) seconds. The transition from one static display/message on a digital billboard to another display/message must be instantaneous and without special effects or video.
  5. Brightness. Signs found to be too bright shall be adjusted to meet the standards set forth in Section 13-6-24(9) and Section 13-6-25 (2) (d) above upon notification by the City of Onalaska.
  6. Each image and message shall be complete and self-contained.
  7. Height. The height of the Digital Billboard shall not exceed 30 feet above the ground at the site of the sign and in no event shall the maximum height exceed 45 feet above the adjacent road centerline.
  8. A Digital Billboard, existing or for which a permit has been issued for prior to the adoption of this ordinance, must still meet the above requirements for brightness as set forth herein.
- d. **Compliance.** Billboards and Digital Billboards shall meet all federal, state and local requirements prior to issuance of a sign permit.
- (6) **Projecting Signs.** Unless specified otherwise in this Sign Ordinance, all projecting signs shall comply with the following standards. If any sign is suspended or projects above a right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner agreeing to hold the City of Onalaska harmless, and obtaining and maintaining in force liability insurance for such a sign in such form and such amount as the City of Onalaska may reasonably from time to time determine, provided that the amount of such liability insurance shall be as noted in Section 13-6-25 (1) e above.
- a. **Allowable sign area and sign height.** Projecting signs fastened to, suspended from or supported by structures shall not exceed twenty-four (24) square feet in an area for any one (1) premises and not exceed a height of twenty (20) feet above the mean centerline street grade. Projecting signs must be of a scale consistent with and appropriate for the building to which they are affixed.
  - b. **Allowable extension from building.** Projecting signs shall not extend closer than six (6) feet to the edge of the public right-of-way or extend closer than ten (10) feet to a side parcel line. Properties located along Main Street between State Highway 35 and 4<sup>th</sup> Avenue and located along State Highway

35 from Quincy Street to Oak Forest Drive shall be allowed to install a sign where the lowest portion thereof is a minimum of ten (10) feet above the level of the public sidewalk or public pedestrian thoroughfare or extend beyond four (4) feet over the public sidewalk or public pedestrian thoroughfare.

- c. **Clearance above grade.** All projecting signs shall maintain a minimum of ten (10) foot vertical distance between the bottom of the sign and the grade immediately below the sign.

**(7) Wall Signs.**

- a. **Allowable Sign Area.** The allowable sign area is specified in the applicable zoning districts.
- b. **Sign Placement.** Where feasible, wall signs shall be placed in the traditional sign band above the entrance to the building and shall not exceed the height of the wall for which it is displayed, depending upon the height of the wall as specified in the applicable zoning districts. In no case shall a sign be placed higher than the cornice.
- c. **Attachment to Building/Structure.** Wall signs placed against the exterior of a buildings shall not extend more than sixteen (16) inches out from a building wall's surface.

**(8) Roof Signs.** Roof signs shall comply with the following standards:

- a. No sign shall be located so as to project above the parapet line of a roof, unless approved by the Plan Commission through issuance of a Conditional Use Permit.
- b. **Allowable Sign Height.** In no case shall a roof sign exceed fifteen (15) feet in height above the parapet line or higher than thirty (30) feet above the mean grade of the centerline of the street from which access to the premises is obtained.
- c. Roof sign structures shall be constructed entirely of steel or aluminum and all faces shall be constructed of fire-resistant materials and shall withstand a wind pressure of thirty (30) p.s.f. per American Society of Engineering.

**Sec. 13-6-26 Allowable Signs in R-1 (Single Family Residential), R-160 (Special Single-Family Residential), R-2 (Single Family and/or Duplex Residential), R-4 (Multi-Family), and R-MMH (Residential Manufactured and Home Home) Zoning Districts.**

1. **Intent.** The R-1, R-160, R-2, R-4, and R-MMH Zoning Districts accommodate primarily residential uses and a limited amount of other compatible non-residential uses. The signage in these districts is intended to relate to the predominately residential character of the districts.
2. **Allowable signs.** The following are the only types of signs allowed:
  - a. **Ground/Freestanding sign.** Ground/freestanding signs shall comply with the standards specified in Section 13-6-25 (3). In addition, the following standards shall apply:
    1. One (1) ground/freestanding sign shall be allowed per primary entrance of subdivisions containing at least: (a) six (6) single-family residential parcels or (b) at least twelve (12) two-family dwelling units in the subdivision;
    2. One (1) ground/freestanding sign shall be allowed per primary entrance of a multi-family development that has three (3) or more dwelling units.
    3. The maximum height of the ground/freestanding sign structure shall not

- exceed eight (8) feet.
4. The maximum total area of the ground/freestanding sign structure shall not exceed seventy-five (75) square feet (including base).
  5. Signs for properties with conditional uses in these districts may have one (1) ground/freestanding sign per public road frontage a maximum of four (4) square feet per side. However, the ground/freestanding sign provisions for a conditional use may be modified pursuant to the conditions of approval for the use.
  6. Permitted home occupations are allowed one (1) sign up to four (4) square feet.
  7. Signs shall not be internally illuminated. However, the ground/freestanding sign provisions for a conditional use may be modified pursuant to the conditions of approval for the use.
- b. **Wall sign.** Wall signs shall comply with the standards specified in Section 13-6-25 (7). In addition, the following standards shall apply:
    1. Multi-family uses. One (1) wall sign per building wall fronting a public street shall be allowed for a multi-family use that is a permitted or conditional use in the district, with a maximum sign square footage of thirty-two (32) square feet and shall not be illuminated.
    2. Signs with properties with conditional uses in the district, may have one (1) wall sign per premise, not exceeding four (4) square feet in area. Sign shall be a permanent sign and not illuminated. However, the wall sign provisions for a conditional use may be modified pursuant to the conditions of approval for the use.
  - c. **Government Signs.**
  - d. **Traffic Control Devices.**
  - e. **Flags.** Provided that such flags shall not exceed twenty-five (25) square feet per face. The maximum flagpole height shall be twenty-five (25) feet and no more than two (2) flagpoles shall be allowed per parcel. The minimum setback for flagpoles shall be one (1) foot for every one (1) foot of flagpole height. Flags that meet these requirements shall not count toward any maximum sign provisions. A flag that has been adopted by the federal government, this State or the local government may be displayed as provided under the law that adopts or regulates its use.

**Sec. 13-6-27 Allowable Signs in B-1 (Neighborhood Business), B-2 (Community Business), M-1 (Light Industrial), M-2 (Industrial), and M-3 (Heavy Industrial) Zoning Districts.**

1. **Intent.** The B-1, B-2, M-1, M-2, and M-3 Zoning Districts accommodate primarily commercial and industrial uses. The signage in these districts is intended for vehicular traffic moving at speeds ranging from twenty-five (25) to forty-five (45) miles per hour.
2. **Allowable signs.** The following are the only types of signs allowed:
  - a. **Ground/Freestanding Sign.** Ground/freestanding signs shall comply with the standards specified in Section 13-6-25 (3). In addition, the following standards shall apply:
    1. Ground/freestanding signs may have a maximum of two hundred (200) square feet per side for any one (1) premise.
    2. Ground/freestanding sign structure shall not exceed a height of thirty (30) feet above the centerline of the grade of the street from which

- access to the premises is obtained.
3. A Electronic Message Center Sign may be permitted pursuant to the standards in Section 13-6-25 (2).
  4. Ground/freestanding signs shall be setback a minimum of five (5) feet from parcel boundaries and shall follow traffic visibility standards found in Chapter 7: Mobility Standards.
  5. Properties in the M-1 District that front a Federal Aid Primary (FAP) Highway are allowed a maximum of three hundred (300) square feet per side and the sign structure shall not exceed a height of forty-five (45) feet above the centerline of the grade of the street from which access to the premises is obtained.
- b. **Wall Sign.** Walls signs shall comply with the standards specified in Section 13-6-25 (7). In addition, the following standards shall apply:
    1. Wall signs are allowed up to a maximum of five hundred (500) square feet in area or forty percent (40%) of the wall surface (whichever is smaller), per wall for any one (1) premise and such sign(s) shall not exceed the height of the wall for which it is displayed.
    2. For multi-tenant facilities and/or businesses requiring more than one (1) wall sign per distinct and unrelated service, per street frontage, a property owner may apply for a Conditional Use Permit issued by the Plan Commission.
  - c. **Billboards.** Billboard and Digital Billboard signs shall comply with the standards specified in Section 13-6-25 (5) as applicable. Billboards and Digital Billboards are allowed only in B-1, B-2, M-1, M2, and M-3 Districts.
  - d. **Roof Sign.** Roof signs shall comply with the standards specified in Section 13-6-25 (8). Roof signs require the issuance of a Conditional Use Permit as approved by the Plan Commission.
  - e. **Projecting Sign.** Projecting signs shall comply with the standards specified in Section 13-6-25 (6).
  - f. **Sign Adjacent to Drive Thrus.** Signs adjacent to drive-thrus shall comply with the standards specified in Section 13-6-25 (4).
  - g. **Awning/Canopy Sign.** Awning/Canopy Signs shall comply with the standards specified in Section 13-6-25 (1).
  - h. **Window Sign.** Window signs shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed.
  - i. **Government Sign.**
  - j. **Traffic Control Devices.**
  - k. **Entrance Sign.** A property owner may place a sign no larger than four (4) square feet adjacent to the main entrance of a building or structure.
  - l. **Flags.** Provided that such flags shall not exceed one hundred (100) square feet per face. The maximum flagpole height shall be forty-five (45) feet for flags that are sixty (60) square feet or smaller and the maximum flagpole height shall be fifty (50) feet for flags larger than sixty (60) square feet. No more than two (2) flagpoles shall be allowed per parcel. The minimum setback for flagpoles shall be one (1) foot for every one (1) foot of flagpole height. Flags that meet these requirements shall not count toward any maximum sign provisions. A flag that has been adopted by the federal government, this State or the local government may be displayed as provided under the law that adopts or regulates its use.

**Sec. 13-6-28 Allowable Signs in T-C (Transitional Commercial) and TMD (Traditional/Mixed Neighborhood) Zoning Districts.**

1. **Intent.** The T-C and TMD Zoning Districts accommodate a mixture of residential and commercial uses. The signage in this district is intended for vehicular traffic moving at speeds ranging up to twenty-five (25) miles per hour.
2. **Allowable signs.** The following are the only types of signs allowed:
  - a. **Ground/Freestanding Sign.** Ground/freestanding signs shall comply with the standards specified in Section 13-5-25 (3). In addition, the following standards shall apply:
    1. Ground/freestanding signs may have a maximum of sixty (60) square feet per side.
    2. Ground/freestanding sign structure shall not exceed a height of fifteen (15) feet above the centerline of the grade of the street from which access to the premises is obtained.
    3. Ground/freestanding sign structure shall be setback a minimum of ten (10) feet from parcel boundaries and shall follow traffic visibility standards found in Chapter 7: Mobility Standards.
    4. A Electronic Message Center Sign may be permitted pursuant to Section 13-6-25 (2).
    5. Properties in the T-C District that front on a Federal Aid Primary (FAP) Highway may have a sign with a maximum of one hundred and fifty (150) square feet per side and the sign structure shall not exceed a height of thirty (30) feet above the centerline of the grade of the street from which access to the premises is obtained.
  - b. **Wall Sign.** Walls signs shall comply with the standards specified in Section 13-6-25 (7). In addition, the following standards shall apply:
    1. Wall signs are allowed a maximum of one (1) sign up to forty (40) square feet of signage per building wall per approved use within the structure and such signs shall not exceed the height of the wall for which it is displayed.
    2. For multi-tenant facilities and/or businesses requiring more than one (1) wall sign per distinct and unrelated service, a property owner may apply for a Conditional Use Permit issued by the Plan Commission.
  - c. **Entrance Sign.** A property owner may place a sign no larger than four (4) square feet adjacent to the main entrance of a building or structure.
  - d. **Projecting Sign.** Projecting signs shall comply with the standards specified in Section 13-6-25 (6).
  - e. **Sign Adjacent to Drive-Thrus.** Signs adjacent to drive-thrus shall comply with the standards specified in Section 13-6-25 (4).
  - f. **Awning/Canopy Sign.** Awning/Canopy Signs shall comply with the standards specified in Section 13-6-25 (1).
  - g. **Window Sign.** Window signs shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed.
  - h. **Government Sign.**
  - i. **Traffic Control Devices.**
  - j. **Flags.** Provided that such flags shall not exceed twenty-five (25) square feet per face. The maximum flagpole height shall be twenty-five (25) feet. No more than two (2) flagpoles shall be allowed per parcel. The minimum setback for flagpoles shall be one (1) foot for every one (1) foot of flagpole height. Flags that meet these requirements shall not count toward any

maximum sign provisions. A flag that has been adopted by the federal government, this State or the local government may be displayed as provided under the law that adopts or regulates its use.

**Sec. 13-6-29 Allowable Signs in P-1 (Public and Semi-Public) and A-1 (Agricultural) Zoning Districts.**

1. **Intent.** The P-1 and A-1 Zoning Districts are intended for public and semi-public uses and agricultural uses. These districts accommodate a variety of uses including parks, governmental and cultural uses, schools, places of worship and farming/agricultural uses. The signage in these districts is intended for vehicular traffic moving at speeds ranging from twenty-five (25) to forty-five (45) miles per hour.
2. **Allowable signs.** The following are the only types of signs allowed:
  - a. **Ground/Freestanding Sign.** Ground/freestanding signs shall comply with the standards specified in Section 13-6-25 (3). In addition, the following standards shall apply:
    1. Ground/freestanding signs are allowed up to a maximum of up to sixty-four (64) square feet per side.
    2. Ground/freestanding sign structure shall not exceed a height of fifteen (15) feet above the centerline of the grade of the street from which access to the premises is obtained.
    3. Ground/freestanding signs shall be setback a minimum of five (5) feet from parcel boundaries and shall follow traffic visibility standards found in Chapter 7: Mobility Standards.
    4. A Electronic Message Center Sign may be permitted pursuant to Section 13-6-25 (2).
    5. Signs for properties with conditional uses in these districts may have one (1) ground/freestanding sign per public road frontage a maximum of thirty-two (32) square feet per side. However, the ground/freestanding sign provisions for a conditional use may be modified pursuant to the conditions of approval for the use.
  - b. **Wall Sign.** Walls signs shall comply with the standards specified in Section 13-6-25 (7). In addition, the following standards shall apply:
    1. Wall signs are allowed an aggregate of up to three hundred (300) square feet, with a maximum of one hundred (100) square feet per wall façade.
    2. Signs for properties with conditional uses in the district, may have one (1) wall sign per public road frontage and shall be a permanent sign and not illuminated. However, the wall sign provisions for a conditional use may be modified pursuant to the conditions of approval for the use.
  - c. **Entrance Sign.** A property owner may place a sign no larger than four (4) square feet adjacent to the main entrance of a building or structure.
  - d. **Projecting Sign.** Projecting signs shall comply with the standards specified in Section 13-6-25 (6).
  - e. **Awning/Canopy Sign.** Awning/Canopy signs shall comply with the standards specified in Section 13-6-25 (1).
  - f. **Window Sign.** Window signs shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed.
  - g. **Government Sign.**
  - h. **Traffic Control Devices.**
  - i. **Flags.** Provided that such flags shall not exceed one hundred (100) square feet per face. The maximum flagpole height shall be forty-five (45) feet for

flags sixty (60) square feet or smaller and the maximum flagpole height shall be fifty (50) feet for flags larger than sixty (60) square feet. No more than two (2) flagpoles shall be allowed per parcel. The minimum setback for flagpoles shall be one (1) foot for every one (1) foot of flagpole height. Flags that meet these requirements shall not count toward any maximum sign provisions. A flag that has been adopted by the federal government, this State or the local government may be displayed as provided under the law that adopts or regulates its use.

**Sec. 13-6-30 Allowable Signs in Special Overlay Districts (BP: Bluff Protection, WHP: Municipal Well Recharge Area, PUD: Planned Unit Development, TND: Traditional Neighborhood Development, CCD: Conservation/Cluster Development, I-90 EO: I-90 Economic Overlay, MCD: Medical Campus District, and F/OD: Form Overlay District).**

(1) **Intent.** Signs within the BP, WHP, PUD, TND, CCD, I-90 EO, MCD, and F/OD Overlay Districts are intended to have a unified appearance that is integral to the design concepts. Signs should generally comply with the sign standards associated with the underlying districts or uses that most reflect the proposed uses in the Overlay Districts, but may deviate from those standards pursuant to approved plans.

**Sec. 13-6-31 Temporary Signs.**

The following temporary signs shall be allowed with a temporary sign permit issued by the City of Onalaska's Inspection Department as required below, provided they are not located over, on or in a public road right-of-way or in, on or over public water. Temporary signs may not be illuminated and for purposes of the following sections, the length of time is measured within a calendar year. The City of Onalaska Inspection Department or their designee may remove any temporary sign which does not meet the requirements of this Sign Ordinance without notice. For purposes of this Sign Ordinance, the lessor of a property is considered the property owner, as to the property the lessor holds a right to use exclusive of others. If there are multiple lessors of a property, then each lessor shall have the same rights and duties as the property owner as to the property the lessor leases, and has the sole right to occupy and the size of the property shall be deemed to be the property that the lessor has the sole right to occupy under the lease.

(1) **Non-Residential Districts.** Temporary Signs Allowed Generally. The below temporary signs do not require a Temporary Sign Permit unless as noted.

- a. One (1) temporary sign per street frontage, up to thirty-two (32) square feet in size, may be located on a parcel when that property is being offered for sale.
- b. One (1) temporary sign up to thirty-two (32) square feet may be located on the property for a period of fifteen (15) days following the date on which a contract of sale has been executed by a person purchasing the property.
- c. One (1) temporary sign up to thirty-two (32) square feet may be located on the owner's property when the property owner is opening the property to the public; provided, however, that this type of sign may not be used for more than fourteen (14) days in a calendar year.
- d. Up to three (3) temporary signs may be located on a property in which an active construction site of a new building or substantial remodel for which a building permit exists provided such temporary signs are attached to

fencing, construction trailers or are free standing. Signs may not be installed until after issuance of a Site Plan Permit. Parcels are allowed up to an aggregate of one hundred (100) square feet of such temporary signage. For parcels abutting I-90, the sign face may be up to seventy-two (72) square feet provided that approval is granted by the Wisconsin Department of Transportation. The signs shall be confined to the construction/development site and shall be removed within thirty (30) days of completion of prior to issuance of a Final Occupancy, whichever is sooner.

- e. One (1) temporary sign up to thirty-two (32) square feet may be located on the owner's property when that property is being offered for rent at the time of a known vacancy.
- f. Up to three (3) temporary signs may be located on a property for a seven (7) day period immediately after construction work has been completed by a licensed contractor. Signs may be up to thirty-two (32) square feet in area (per side).
- g. One (1) temporary sign, per street frontage, up to thirty-two (32) square feet in size may be located on a property up to 14 days in advance of a registered Community Event. Such signs shall be removed within 24 hours of the community event. If included on an electronic message center sign, the electronic message center sign shall be at least one hundred (100) feet from any residential district line and may only be illuminated from 6:00A.M. until 10:00P.M.
- h. Two (2) temporary signs, up to thirty-two (32) square feet in area (per side) may be located on a parcel if a temporary outdoor displays, sales area, or tent event is taking place on the property throughout the duration of said event. A Temporary Sign Permit is required prior to installation approved by the Inspection Department.
- i. A property owner may place one (1) temporary sign with a sign face no larger than thirty-two (32) square feet on the property at any time for up to ninety (90) days in a year. A Temporary Sign Permit for the calendar year is required prior to installation approved by the Inspection Department.
- j. Sidewalk sign. Each parcel is allowed (1) sidewalk sign per street frontage, up to twelve (12) square feet in size. A sidewalk sign shall have a professional designed appearance and be constructed of durable, weather-resistant materials (cardboard, paper, fabric, and other similar materials are prohibited). Sidewalk signs shall be constructed in a workmanlike manner that is consistent with all applicable codes. A sidewalk sign shall have no moving parts, except for wheels to move the sign to and from a display location and shall not be electric or illuminated. Sidewalk signs may be located at the subject parcel, unless a structure has been constructed in a manner where no street yard setback exists. In these instances, a sidewalk sign may be placed immediately adjacent to the subject parcel in a manner that does not present a pedestrian safety issue or vehicle hazard. Under no circumstances shall a sidewalk sign obstruct vehicular parking stalls, bus stops, benches, fire hydrants, or other features located legally in the public right-of-way. A sidewalk sign shall be located closer to the building face, rather than the curb. A sidewalk sign shall not be located closer than five (5) feet to an adjacent parcel line or located in the required vision triangle as specified in Chapter 7: Mobility Standards.

**(2) Residential Districts.** Temporary Signs Allowed Generally. The below temporary signs do not require a Temporary Sign Permit unless as noted.

- a. One (1) temporary sign per street frontage, up to four (4) square feet in size, may be located on a parcel when that property is being offered for sale.
- b. One (1) temporary sign may be located on the property for a period of fifteen (15) days following the date on which a contract of sale has been executed by a person purchasing the property, up to four (4) square feet in size.
- c. One (1) temporary sign may be located on the owner's property when the property owner is opening the property to the public; provided, however, that this type of sign may not be used for more than four (4) days in a year, up to four (4) square feet in size.
- d. One (1) temporary sign may be located on the owner's property when that property is being offered for rent, up to four (4) square feet in size.
- e. Up to three (3) temporary signs may be located on a property in which an active construction site of a new residence or substantial remodel for which a building permit exists provided such temporary signs are attached to fencing, construction trailers or are free standing. The maximum size of any one sign shall be nine (9) square feet for a single parcel.
- f. Up to three (3) temporary signs may be located on a property for the seven (7) day period immediately after construction work has been completed by a licensed contractor. Individual signs may be up to three (3) square feet in area (per side).
- g. One (1) temporary sign, per street frontage, up to four (4) square feet in size, may be located on a property up to fourteen (14) days in advance of a registered Community Event. Such signs shall be removed within twenty-four (24) hours of the community event.
- h. One (1) temporary sign, per street frontage, up to four (4) square feet in area (per side) may be located on a parcel for the seventy-two (72) hours prior to a time when the owner of the parcels holds the property open to the public for a garage or alley sale and for up to twenty-four (24) hours afterwards.
- i. A property owner may place one (1) sign with a sign face no larger than two (2) square feet on the property at any time for up to ninety (90) days in a calendar year.
- j. Up to three (3) temporary signs may be located on a new subdivision in which an active construction site of new residences exists provided such temporary signs are attached to fencing, construction trailers or are free standing. Installation of the signs may not occur until after the approval of a Final Plat. The maximum size of any one (1) sign shall be thirty-two (32) square feet for a single parcel. A Temporary Sign Permit is required prior to installation approved by the Inspection Department.
- k. Sidewalk signs are allowed for conditional uses in Residential Districts and conditional and permitted uses, in the Multi-Family Residential District, up to twelve (12) square feet in size. Each parcel is allowed one (1) sidewalk sign per street frontage. A sidewalk sign shall have a professional designed appearance and be constructed of durable, weather-resistant materials (cardboard, paper, fabric, and other similar materials are prohibited). Sidewalk signs shall be constructed in a workmanlike manner that is consistent with all applicable codes. A sidewalk sign shall have no moving parts, except for wheels to move the sign to and from a display location and shall not be electric or illuminated. Sidewalk signs shall be located at the subject parcel. Under no circumstances shall a sidewalk sign obstruct vehicular parking stalls, bus stops, benches, fire hydrants, or other features located legally in the public right-of-way. A sidewalk sign shall be located

closer to the building face, rather than the curb. A sidewalk sign shall not be located closer than five (5) feet to an adjacent parcel line or located in the required vision triangle as specified in Chapter 7: Mobility Standards.

**Sec. 13-6-32 Landscape Features.**

Landscape features such as plant materials, berms, boulders, fencing, masonry columns and similar design elements unincorporated or in conjunction with the freestanding signs are encouraged and shall not be counted as allowable sign area.

**Sec. 13-6-33 Variances or Exceptions.**

Variances or exceptions to these sign regulations may be granted by the Board of Zoning Appeals.

**Sec. 13-6-34 Nonconforming Signs.**

(1) **Signs Eligible For Characterization as Legal Nonconforming.** Any permanent existing sign located within the City of Onalaska of the date of adoption of this Sign Ordinance hereafter which does not conform with the provisions of this Sign Ordinance, is eligible for characterization as a legal nonconforming sign and is permitted, providing it meets the following requirements:

- a. The sign was covered by a proper sign permit prior to the date of adoption of this Sign Ordinance; and
- b. If no permit was required under the applicable law for the sign in question and the sign was, in all respects, in compliance with applicable law on the date of adoption of this Sign Ordinance.

**1. Continuation of Legal Nonconforming Signs.**

- a) Nonconforming signs shall be maintained and repaired in a manner so as to comply with safety standards within this Sign Ordinance.
- b) Nonconforming signs shall not be altered or moved to a new location without being brought into compliance with the requirements of this Sign Ordinance. See Section 13-6-34 (2)(a), below, for what would constitute an alteration of a sign.

**2. Alteration of Nonconforming Signs.**

- a) For the purpose of this Sign Ordinance, alteration of a sign is considered to be any change to the sign's frame, supporting structure, lighting, material, height, location, or any other alterations as determined by the Zoning Administrator or Designated Authorized Agent.
- b) Altering a sign does not include maintaining the existing appearance of the sign face; replacing the sign face or the supporting structure with identical materials, colors, and messages, or changing the sign face.

**3. Loss of Legal Nonconforming Status.** A sign loses its nonconforming status if one (1) or more of the following occurs:

- a) If said sign is damaged by fire, flood, explosion, earthquake, war, riot or act of God; or structurally altered as noted in Section 13-6-34 (2)(a) above, except for activities noted in Section 13-6-34 (2)(b) above. The sign may be reconstructed and used as before if

it is reconstructed within three (3) months after such calamity, unless the damage to the sign is fifty percent (50%) or more of its replacement value, in which case, the sign shall be brought into compliance with the requirements of this Sign Ordinance. If the sign is not reconstructed within three (3) months, the sign shall be removed.

- b) The sign is relocated so as to be a minimum of five (5) feet from a parcel line (off the right-of-way) and is outside the required vision triangle as specified in Chapter 7: Mobility Standards.
- c) The sign fails to conform to the City requirements regarding maintenance and repair, abandonment or dangerous or defective signs.
- d) On the date of occurrence of any of the above activities, the sign(s) shall be immediately brought into compliance with this Sign Ordinance with a new sign permit secured therefore or shall be removed.

**Sec. 13-6-35 Abandoned Signs and their Structures where a Business is no Longer in Operation.**

(1) Vacation of a building, portion of a building, structure or site shall have the following effect:

- a. At ninety (90) days, nonconforming signs shall lose their legal nonconforming status.
- b. At ninety (90) days, the owner of the property shall take action regarding any signage/signage structures, associated with the vacancy and either removal all such signage and structures associated with the vacancy or replace the face of such signage with a blank sign face (no sign permit required).
- c. Sign structures that have been left without modifying the sign face for a continuous period of ninety (90) days, shall be deemed abandoned and shall be removed by the owner of the sign structure in accordance with the standards set forth in Section 13-6-21(11): Removal of Signs.

**Sec. 13-6-36 Severability and Conflict.**

The provisions of this ordinance are severable. If any provision, section, subsection, sentence, clause, phrase or portion of this Sign Ordinance is found to be unlawful or unenforceable, such portion shall be deemed a separate, distinct and independent provision and such holding shall not the affect the validity of the remaining portions. If any part of this ordinance is found to be in conflict with any other ordinance or with any other part of this ordinance, the most restrictive or highest standard shall prevail. If any part of this ordinance is explicitly prohibited by federal or state statute that part shall not be enforced.

**Sec. 13-6-37 through Sec. 13-6-40**

**Reserved for Future Use.**

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2018.

CITY OF ONALASKA

By: \_\_\_\_\_  
Joe Chilsen, Mayor

By: \_\_\_\_\_  
Caroline Burmaster, Clerk

PASSED:  
APPROVED:  
PUBLISHED:

FISCAL IMPACT OF ORDINANCE 1604 – 2018

Please route in this order

Eric Rindfleisch, Administrator  
(let Joe Barstow review all annexation ordinances)

[Signature]  
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

Jarrod Holter, City Engineer

[Signature] 1-25-18  
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

Jeff Trotnic, Chief of Police

[Signature] 1-25-18  
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

Fred Buehler, Financial Services Director

[Signature] 1-25-18  
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

**RESOLUTION NO. 11 -2018**

**FINAL RESOLUTION TO VACATE AND DISCONTINUE  
A PORTION OF THE ALLEY FROM LOCUST STREET TO KING STREET BETWEEN  
4<sup>TH</sup> AVENUE NORTH & 5<sup>TH</sup> AVENUE NORTH  
CITY OF ONALASKA, LA CROSSE COUNTY, WISCONSIN**

**WHEREAS** on December 12, 2017 the Common Council of the City of Onalaska approved and passed Preliminary Resolution 33-2017 to vacate and discontinue a portion of the alley from Locust Street to King Street between 4<sup>th</sup> Avenue North & 5<sup>th</sup> Avenue North, particularly described in Exhibit A, as attached, in the City of Onalaska;

**AND, WHEREAS**, a notice of public hearing concerning said vacation and discontinuance was published and provided in accordance with Sec. 66.1003, Stats.;

**AND, WHEREAS**, a public hearing was held on February 13, 2018 at 7:00 p.m. regarding said vacation;

**AND, WHEREAS**, the vacation of a portion of the alley from Locust Street to King Street between 3<sup>rd</sup> Avenue North & 4<sup>th</sup> Avenue North is in the public interest as the vacation enable the abutting property owner to better utilize the vacated land;

**NOW, THEREFORE BE IT RESOLVED**, that the Common Council of the City of Onalaska, La Crosse County, Wisconsin does hereby vacate that portion of the alley from Locust Street to King Street between 4<sup>th</sup> Avenue North & 5<sup>th</sup> Avenue North, which is more particularly described on Exhibit A which is attached hereto and incorporated herein.

**BE IT FURTHER RESOLVED**, that a certified copy of this Final Resolution together with a map showing the location of the vacated road shall be recorded in the Office of the Register of Deeds for La Crosse County, Wisconsin.

Dated this 13<sup>th</sup> day of February, 2018

**CITY OF ONALASKA**

**BY:** \_\_\_\_\_  
Joe Chilsen, Mayor

\_\_\_\_\_  
Caroline Burmaster, City Clerk

Passed:  
Approved:  
Published:



## **CITY OF ONALASKA**

**Eric C. Rindfleisch, City Administrator**  
E-Mail: [erindfleisch@cityofonalaska.com](mailto:erindfleisch@cityofonalaska.com)

415 Main Street • Onalaska, WI 54650 • (608) 781-9530 • fax (608) 781-9534 • [www.cityofonalaska.com](http://www.cityofonalaska.com)

### MEMO

TO: Common Council  
FROM: Eric C. Rindfleisch, City Administrator  
DATE: February 13, 2018  
RE: Municipal Court – Agenda Item #14

For agenda item #14, I have been asked to review the number of “boxes” involved with the recent review of the Coulee Region Joint Municipal Court. Attached please find a memo from City Attorney Sean O’Flaherty whom I asked to provide his information regarding this issue as well. Additionally, I reviewed his memo with Hildie McIntyre of the Court for her verification. The issue appears to be the growing number of boxes involved in the review.

As Sean points out in his Section A., Ms. Lynch brought to our attention in June her concern of tickets not entered properly and which were several years old. At this time, the total volume was unknown but was generally communicated as several boxes and a drawer in the office. The issue of addressing these old tickets continued through August when Ms. Lynch indicated she had more boxes of things she did not know how to address, and stated the amount was six to eight. I account for the increase in boxes due to Ms. Lynch going through already “filed” records and discovering items that were out of place or irregular. This continues in September when seven boxes were removed from by Sean’s office for his review and 10 were in the office with up to 20 more downstairs in dead records. By October, all the boxes, which have been stated as “around 30”, were found, accounted for, and re-organized by Ms. McIntyre.

The 30 or so boxes contained many files which no longer needed to be kept. Around 20 boxes or so are old cases or just junk that were set aside to be shredded. It is due to the disorganization and misfiling that led to the old cases being intermingled in the files with those which needed to be stored.

MEMO

TO: Mr. Eric Rindfleisch  
FROM: Sean O'Flaherty   
DATE: February 12, 2018  
RE: Municipal Court "Box" History

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A. June 2017. Following the dismissal of Amber Jolly, Mary Lynch raised an issue with respect to numerous tickets that were not entered appropriately. The tickets fell into items that were not put into INCODE and items that were not entered into COWS. Information was provided to our office by Mary Lynch that some of the unentered tickets were several years old. We wrote a memo to you dated June 19, 2017, a copy of which is attached with suggestions to begin a discussion about how to handle the old tickets. At the time the volume was not known. Judge Brinckman received a copy of my June 19, 2017 memo and responded with a memo dated June 24, 2017 indicating that he is addressing issues on a case by case basis.

B. July/Early August. Following a Joint Municipal Court meeting at which the old citations were referenced, Brian Weber of the Village of Holmen wrote a letter with concerns regarding what was happening with the large number of citations and were jurisdictions being treated unfairly. Judge Brinckman wrote an email dated August 4, 2017, a copy of which is attached about how he was addressing the large number of citations.

C. August 2017. In early August 2017 acting Municipal Court Clerk Mary Lynch indicated that there were boxes of things, initially she said six to eight, that she did not know how to address. Ms. Lynch described the boxes as more voluminous than she was originally aware. On August 14, 2017 we made a proposal to you (a copy of which is attached) to take a sample of the boxes and provide a matrix of what was in the boxes so as to form a recommendation as to how to move forward. That proposal was discussed at the Joint Municipal Court Committee Meeting on August 17, 2017 where a more comprehensive partial audit was suggested. As you are aware the audit did not necessarily move forward.

D. September 2017. Pursuant to our August 14, 2017 memo we picked up seven boxes. Of the seven boxes we picked up, six came from the Judge's office and one came out of the Municipal Court office. At the time that we picked them up there were at least ten more unprocessed boxes in the Judge's office, at least one drawer in the Municipal Court office and at least twenty boxes in the basement – some of which had been placed there for shredding although it appears that some of the items had not been properly handled.

E. October. After Hildie started as Municipal Court Supervisor the first thing that she did was begin to organize the items that were at the Court. Hildie went through and properly filed the unfiled items in the Municipal Court office, then properly filed the items that were in the Judge's office and, finally, properly filed the items that were in the boxes downstairs. The items that were more than ten years old she worked to discard. The Judge made calls as to whether items should be entered into COWS or not depending upon their age. We returned the boxes from our office to Hildie.

Please let me know if you require any additional information regarding this matter. Thank you.

## MEMO

TO: Mr. Eric Rindfleisch  
CC: Ms. Hope Burchell  
FROM: SOF  
DATE: June 19, 2017  
RE: Municipal Court Recommendations

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Over the past two weeks it has been brought to the attention of the City Administration that there are a multitude of tickets (adjudicated and non-adjudicated) that have not been entered into the Department of Motor Vehicles ("DMV") or other required databases. Mary Lynch has indicated that the responsibility to enter the tickets into the appropriate databases rested with Amber Jolly, the former Municipal Court Supervisor, who recently resigned her position with the Municipal Court. You have requested that we provide a recommendation as how to address the tickets that have not been properly addressed over the past number of years.

We will provide a response in light of the information in which we have been provided by you and by Mary Lynch. My understanding is that Mary Lynch is gathering the tickets as she reviews/organizes the filing system. Even though the tickets originated from multiple municipalities, we believe that the manner of addressing the tickets should be consistent by the Joint Municipal Court as the City of Onalaska has the responsibility for administering the Joint Municipal Court. Nevertheless, once a full report has been completed each of the members of the Joint Municipal Court should be informed of any issues effecting their municipal organization.

We suggest breaking the tickets into three categories which all will be handled in a specific manner. The following are the categories and our recommendations:

- A. Un-entered, Non-adjudicated Tickets. My understanding is that there are un-entered tickets that were written but never set for trial for up to six years. Our recognition is that any ticket that has not been entered into the City's system or set for adjudication which originated on or before January 1, 2017 be dismissed unless there is a stated rationale for not entering the ticket. The process for dismissing the tickets should be to enter the tickets into the system and then officially dismiss the tickets in that way so there will be a proper paper trails between the tickets written by the issuing municipalities Police Department and the Joint Municipal Court. While this may cause additional short term work, this process should not take more than one month.
- B. Adjudicated Tickets, with no Open Balance. We are informed that some of the tickets are adjudicated tickets, specifically operating OWI tickets, for which all payments have been made, but which were never entered with the DMV. Consequently the additional consequence of the OWI ticket was never applied by the DMV on the defendant. For defendants who have made all payments and otherwise fully satisfied the ticket it would be inequitable to now contact the DMV and have a penalty assessed so far out of turn. My recommendation is that all of the tickets should be deemed satisfied without entry into the DMV database. This can be done by placing a memo or note in each file or by

having the Judge sign a blanket order which references each ticket of that type with respect to the change in the penalty assessed.

- C. Adjudicated Tickets with Open Balances. These tickets are in the same state as the tickets referenced in Section B except that defendant has not paid or completed some other type of requirement due related to the adjudication of the ticket. In such case, the defendant is on notice that additional penalties or consequences may be forthcoming. With respect to these tickets we recommend that all such tickets promptly be entered in the DMV database and any other databases pursuant to regular practice.

Please contact me with any questions or comments regarding this matter. Thank you.

## Sean O'Flaherty

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**From:** Brinckman, John <jbrinckman@cityofalaska.com>  
**Sent:** Saturday, June 24, 2017 1:06 PM  
**To:** Sean O'Flaherty  
**Cc:** Burchell, Hope; Rindfleisch, Eric  
**Subject:** Your Memo of June 19th, 2017

Sean,

I am in receipt of your MEMO dated June 19<sup>th</sup>, 2017. I have a question regarding your background information.

Your memo states "Mary Lynch has indicated that the responsibility to enter the tickets into the appropriate database rested with Amber Jolly, the former Municipal Court Supervisor,..." Of course I'm concerned as to where you received that information. But more importantly, this is a gross oversimplification of the process and it's not true.

Entering tickets into the appropriate database basically falls into two distinct categories, INCODE and COWS. Incode was a divided responsibility between Amber and Mary in which Amber would originally input citations as they arrived from the various police departments. After Amber entered the initial input, Mary would then correct for forfeiture amounts (which varied from department to department and depending on 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> offense) and other corrections such as case number.

One of the problems occurring in INCODE dealt with when a defendant didn't pay in a timely fashion. Amber would enter the code SU for suspension when a delinquency exceeded 60 days. Thereafter, if it became necessary for a 30 day notice that the defendant would be referred to the State Debt Collection, when that information was entered into INCODE, the program would automatically override the SU with a "30" for 30 day notice letter. When this occurred, Mary would check in the S Drive to make sure that after payments came in, suspensions were lifted. Mary and Amber would frequently discuss these problems and Mary would request that Amber provide a written copy of the list of recent payments, but that was not always practical. Mary did have access to the payments on the S Drive. During the course of the day, if a defendant came into the office to make a payment, then either Amber or Mary would check into COWS to insure that if appropriate, the suspension was lifted.

Entering data into COWS was primarily Mary's responsibility after May 23<sup>rd</sup>, 2016 when Amber no longer acted as Supervisor. On Tuesday mornings after Monday evening Court, Mary would enter the initial batch of guilty pleas or defaults into COWS. If a case was continued for some reason by the prosecution or defense, then those citations would later be entered by either Amber or Mary, depending on who received the information. However, with respect to lifting a suspension, after Amber entered the financial information into Incode, Mary would check for lifting suspensions. If Mary was not available, Amber would check and lift the suspension.

There were other variances in who might enter data at any specific time under certain circumstances, but the above is a rough outline.

I am not sending you this email in an attempt to re litigate issues involving Amber's departure. I agree that Amber's departure will be a positive step for the Court. However, I am wondering where you received the above information as to whose responsibility the entering of tickets into the appropriate databases came from. Did you have a meeting with Mary Lynch? If Ms. Lynch in fact said these things, then I have other issues to deal with.

As for the handling of citations which have been misplaced or not properly closed, I have reviewed your suggestions. I am personally reviewing each file individually since they deserve individual attention. As is often the case, these cases don't fit neatly into 2 or 3 categories. However, I am dismissing cases when appropriate and when, for example, the non-closure of a case is dependent upon extraneous factors such as Prosecutors or Defense seeking multiple continuances on a case, I am dealing with those appropriately likewise.

## Sean O'Flaherty

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**From:** Brinckman, John <jbrinckman@cityofonalaska.com>  
**Sent:** Friday, August 04, 2017 3:15 PM  
**To:** brian@johnsflaherty.com  
**Cc:** City Attorney  
**Subject:** Dismissals of Old Citations

Brian,

I am in receipt of your letter to Sean O'Flaherty as well as myself regarding concerns of "a large number of citations" that were never entered into the system or that have been or might be dismissed. Not sure where you received the impression that there were a large number, but I will discuss each one. For purposes of this inquiry, I'm assuming that you are not referring to the citations that I may routinely dismiss during court on Mondays for various reasons such as the office suggesting reasons for dismissing, providing proof of reinstatement in an OAS when all matters affecting a suspension were resolved at the time of the stop and the defendant reinstated shortly after the citation, a defendant receiving duplicitous citations and I dismiss one or two... These types of dismissals occur regularly during Monday evening Court.

There were a number of boxes of old citations that were never sorted by jurisdiction or year. In a number of cases, convictions were never entered into INCODE by the Clerks. In a few cases, they remained open despite prior findings of guilt. Those cases were closed by entering the convictions. In a couple of those cases, I made inquiries with the DOT to determine whether entering the conviction at this time might have an adverse consequence on their license, but that was found to never be the case.

I dismissed a total of ten cases among all 7 jurisdictions found in four or five full file boxes which spanned over an 8 year period that remained open. (There are still a few other boxes that need to be reviewed by the clerks when matters are caught up and we have a new Assistant Clerk.) I will address the six that pertain to Holmen and Campbell:

N4118391 -01 11-01986 Last Letter: None Fine Due: 0.00  
Def.: MOREHOUSE, BARBRA ANN Cost Due: 0.00  
Off.: VIOL SAFETY BELT - CHILD UNDER 4 YEARS OLD Totl Due: 0.00  
Ofcr: HPD 7052 CODY SPEARS DL St: WI  
Stat: DISMISSED BY JUDGE Date due: 6/26/2017  
Bond: Set: 0.00 Posted: 0.00 Time due: 5:45 PM  
Calendar Type: Court Location: COULEE REGION JOINT  
Filed Date: 5/25/2011

N4118380 -01 11-01986 Last Letter: None Fine Due: 0.00  
Def.: MOREHOUSE, BARBRA ANN Cost Due: 0.00  
Off.: OPERATING AFTER SUSPENSION Totl Due: 0.00  
Ofcr: HPD 7052 CODY SPEARS DL St: WI  
Stat: DISMISSED BY JUDGE Date due: 6/26/2017  
Bond: Set: 0.00 Posted: 0.00 Time due: 5:45 PM  
Calendar Type: Court Location: COULEE REGION JOINT  
Filed Date: 5/25/2011

15699194 -01 13-01617 Last Letter: None Fine Due: 0.00  
Def.: THINGVOLD, NORMAN D Cost Due: 0.00  
Off.: C RESISTING/OBSTRUCTING AN OFFICER Totl Due: 0.00  
Ofcr: CPD 9056 ADAM BREIDEL DL St: WI  
Stat: DISMISSED BY CITY/TWNSHP/VILL Date due: 6/23/2017  
Bond: Set: 0.00 Posted: 0.00 Time due: 5:30 PM  
Calendar Type: Court Location: COULEE REGION JOINT  
Filed Date: 5/22/2013

S5372673 -01 14-00512 Last Letter: None Fine Due: 0.00  
Def.: KANDIL AHMED, AHMED T J Cost Due: 0.00  
Off.: DRIVING TOO FAST FOR CONDITIONS Totl Due: 0.00  
Ofcr: CPD 9068 NATHAN CASPER DL St: MN  
Stat: DISMISSED BY JUDGE Date due: 6/23/2017  
Bond: Set: 0.00 Posted: 0.00 Time due: 5:30 PM  
Calendar Type: Court Location: COULEE REGION JOINT  
Filed Date: 2/28/2014

15632865 -01 14-01564 Last Letter: LOD Fine Due: 0.00  
Def.: BILSKEMPER, ANGELEA R Cost Due: 0.00  
Off.: O UNDERAGE CONSUMPTION(17-20) 1ST OFFENSE Totl Due: 0.00  
Ofcr: CPD 9041 JACOB HANSON DL St: WI  
Stat: DISMISSED BY JUDGE Date due: 6/15/2017  
Bond: Set: 0.00 Posted: 0.00 Time due: 5:30 PM  
Calendar Type: Court Location: COULEE REGION JOINT  
Filed Date: 6/01/2014

15632864 -01 14-01564 Last Letter: LOD Fine Due: 0.00  
Def.: BILSKEMPER, DYLYN J Cost Due: 0.00  
Off.: O UNDERAGE CONSUMPTION(17-20) 1ST OFFENSE Totl Due: 0.00  
Ofcr: CPD 9041 JACOB HANSON DL St: WI  
Stat: DISMISSED BY JUDGE Date due: 6/15/2017  
Bond: Set: 0.00 Posted: 0.00 Time due: 5:30 PM  
Calendar Type: Court Location: COULEE REGION JOINT  
Filed Date: 6/01/2014

I note that the last two dockets relating to the Bilskimpers were pre-trialed by Atty. Rick Niemeier and held open presumably at the request of Niemeier. As for the one Holmen defendant with two open citations from 2011, I am not so certain that the error of failing to prosecute the 2011 case isn't a Holmen issue. But I am assuming that each prosecutor keeps a list of their pending cases.

If there is anything else you would like to discuss regarding these citations, contact me at your convenience. In the scheme of things, I would never consider these actions to constitute a large number. It is not unlikely that on any given Monday night in Court, I might dismiss 10 citations for various reasons such as the reasons I provided above.

Yours,

JMB

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SEAN O'FLAHERTY  
[soflaherty@lacrosselaw.com](mailto:soflaherty@lacrosselaw.com)  
(608) 785-3255

August 14, 2017

EMAILED

Via Email: [erindfleisch@cityofonalaska.com](mailto:erindfleisch@cityofonalaska.com)  
Mr. Eric Rindfleisch

Re: *Municipal Court Follow-up*

Dear Mr. Rindfleisch:

Pursuant to our discussion last week I have attached a proposed memo to the Municipal Court staff with respect to our investigation of the tickets. Based upon the rationale that we discussed last week, our firm would take possession of the boxes for up to one week and create a matrix of the types of tickets, the timeframe for the tickets, and the potential financial impact on the City. Based upon that initial review, our office would make recommendations as to any additional action. We will keep the files for no more than one week and then return them for processing by the Municipal Court. The primary person working on this project from our office will be Brigid Bush whose billable rate is \$40/hour. I will provide a preliminary report within two days of our having the records in order that you can give any additional updates you may need.

Please confirm that you will be authorizing us to move forward and when you will be delivering the memo to the Municipal Court. If you would like us to deliver the memo when we go pick up the records that would be fine.

Thank you for your attention to this matter.

Sincerely,

O'FLAHERTY HEIM BIRNBAUM  
KIRCHNER & CURTIS, LTD.



Sean O'Flaherty

SOF/bjb

Attachments

O'Flaherty, Heim, Birnbaum, Kirchner, & Curtis, S.C.  
201 Main Street ■ Suite 1000 ■ La Crosse ■ Wisconsin ■ 54601 ■ p 608.784.1605 ■ f 605.785.1303

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ATTORNEY CLIENT CONFIDENTIAL  
MEMO

TO: Municipal Court  
FROM: Mr. Eric Rindfleisch  
DATE: August 14, 2017  
RE: Past Due Tickets That Were Not Entered

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In the late spring the City of Onalaska became aware that there were many unentered items within the Municipal Court. The items that have not been entered are both original tickets that were never prosecuted and convictions that were never entered into the system. I have been informed that Mary Lynch has been collecting these as she has been reviewing the files. We also have been informed that the Municipal Court has been separating the tickets by municipality.

Due to the great number of tickets related to the City of Onalaska about which I have been informed, I have requested a review of the records by the City Attorney. I have authorized the City Attorney to remove the records related to the City of Onalaska tickets that have not been entered from City Hall for one week in order to review and catalog the same. Please cooperate with the delivery of the records to the City Attorney.