

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

Wednesday, April 3, 2019

1

1 The meeting of the Administrative & Judiciary Committee of the City of Onalaska was called to
2 order at 6:00 p.m. on Wednesday, April 3, 2019. It was noted that the meeting had been
3 announced and posted at City Hall.

4
5 Roll call was taken with the following members present: Ald. Jim Binash, Ald. Diane Wulf,
6 Ald. Ron Gjertsen

7
8 Also Present: City Administrator Eric Rindfleisch, Mayor Joe Chilsen, City Clerk Cari
9 Burmaster, City Engineer Jarrod Holter, Human Resource Director Hope Burchell, Planning
10 Manager Katie Aspenson, Police Chief Troy Miller

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

13
14 Motion by Ald. Gjertsen, second by Ald. Wulf, to approve the minutes from the previous
15 meeting as printed and on file in the City Clerk’s Office.

16
17 On voice vote, motion carried.

18
19 **Item 3 – Public Input (limited to 3 minutes/individual)**

20
21 Ald. Binash called three times for anyone wishing to provide public input and closed that portion
22 of the meeting.

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

25
26 **Administrative**

27
28 **Item 4 – Approval of Operator’s Licenses as listed on report dated April 3, 2019**

29
30 Cari noted she had distributed a new report this evening and said each applicant had undergone a
31 background check by the Police Department.

32
33 Motion by Ald. Binash, second by Ald. Gjertsen, to approve Operator’s Licenses as listed on
34 report dated April 3, 2019.

35
36 On voice vote, motion carried.

37
38 **Item 5 – Approval of Special Events Permit for Carry the Load Walk on May 4, 2019 for a**
39 **walking event through the City of Onalaska**

40
41 Cari told committee members this event will go through the City of Onalaska and noted all the
42 department heads have signed off on it. Cari noted she had received the Certificate of Insurance

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43 and said the Police Department has discussed the route with the event organizers.

44

45 Mayor Chilsen told committee members the Fire Department was disappointed it was not
46 informed of a past walk and its route, pointing out that firefighters take certain routes to fires and
47 medical calls.

48

49 Cari pointed out the Fire Department is one of the departments that signs off on events such as
50 this one and told Mayor Chilsen, “They see this entire packet.”

51

52 Mayor Chilsen noted a couple of firefighters had approached him.

53

54 Cari reiterated, “They do see this,” and she noted the Fire Department is the first department to
55 receive the packet.

56

57 Police Chief Miller told committee members Sergeant Tim Berg had gone through the route with
58 event organizers after they had submitted the initial route to the Police Department. Police Chief
59 Miller said, “They were very accommodating in changing it to eliminate intersection crossings.
60 The route they have now really stays out of the way of obstructing any traffic. It’s pretty much a
61 direct shot right through the city on [State Trunk] Highway 35. In the past, they were planning
62 to go over toward Sam’s Club. They removed that from their route now. This is a much better
63 route that they’re taking.”

64

65 Motion by Ald. Binash, second by Ald. Gjertsen, to approve a Special Events Permit for Carry
66 the Load Walk on May 4, 2019 for a walking event through the City of Onalaska.

67

68 Ald. Binash noted the estimated attendance is expected to be less than 300, and 24 booths are
69 expected at the event. Ald. Binash asked if the booths will be set up along the route.

70

71 Cari told Ald. Binash no booths will be set up in the City of Onalaska and said she assumes the
72 booths will be set up at the end of the route.

73

74 On voice vote, motion carried.

75

76 **Item 6 – Approval of Temporary Class “B” License for Explore La Crosse/Driftless**
77 **Outdoor Show at Omni Center, May 17-18, 2019**

78

79 Cari said the Temporary Class “B” License would allow the sale of fermented malt beverages
80 during the event. Cari also said the Police Department has reviewed the request.

81

82 Motion by Ald. Wulf, second by Ald. Gjertsen, to approve a Temporary Class “B” License for
83 Explore La Crosse/Driftless Outdoor Show at Omni Center, May 17-18, 2019.

84

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85 Ald. Binash asked if the event will be held outdoors, and if alcohol will be sold outside the Omni
86 Center.

87

88 Anna Baughman of Explore La Crosse told Ald. Binash the event will only be in the Omni
89 Center arena space.

90

91 On voice vote, motion carried.

92

93 **Item 7 – Approval of change of agent for Olive Garden Italian Restaurant, 9413 State Road**
94 **16, Onalaska to Aaron M. Kasper**

95

96 Motion by Ald. Binash, second by Ald. Wulf, to approve change of agent for Olive Garden
97 Italian Restaurant, 9413 State Road 16, Onalaska to Aaron M. Kasper.

98

99 On voice vote, motion carried.

100

101 **Item 8 – Review and consideration of professional architecture services for Onalaska**
102 **Cemetery Master Plan**

103

104 Jarrod told committee members their packets include a copy of the Cemetery Master Plan
105 Memorandum. Jarrod said staff had consulted with the Cemeteries Association in an attempt to
106 find firms that could provide this service, and he noted there are few cemeteries within the state
107 seeking planning services. Jarrod said staff had contacted two that were listed, one of which was
108 Tribute Design Systems, which is based in Hartland and had submitted a proposal that is before
109 the committee this evening. Jarrod said staff also had spoken via telephone with representatives
110 from Ramaker & Associates, which is based in Sauk City, and they ultimately withdrew from
111 consideration when they contacted Tribute Design Systems and discovered city staff also had
112 contacted Tribute. Jarrod noted Ramaker & Associates' focus is the engineering aspect, and
113 Tribute Design Systems' focus is planning. Jarrod said the city is seeking planning services at
114 this time.

115

116 Jarrod said he had looked at some of Tribute's past work as well as its proposal, and he told
117 committee members, "I think it's going to be a very worthwhile project if you look at the
118 components that are given such as the signage and the roadway walkways. We're going to have
119 discussions with them. We also had an in-person presentation with public meetings, so we will
120 have input from the public. As you know, we have a citizens group that has been helping in the
121 cemetery to raise funds for some of the improvements you see out there. I'm sure we will have a
122 lot of public input with what they'd like to see with the future of the cemetery."

123

124 Jarrod said the cost is \$13,500 and noted \$20,000 was budgeted in the 2019 Capital
125 Improvements Budget. Jarrod said this would be for planning of the 2.3-acre site located south
126 of Hickory Street, Hickory Street, and also the back row of the cemetery that is not yet

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127 developed. Jarrod said, “Some of the things we’d be looking at is not only cemetery lots, but
128 possible mausoleum space or things we could do with more of the internments we’re seeing that
129 are cremates. I don’t have an exact timeline, but I would guess by the fall we’d have something
130 that we could present back to the committee.”

131
132 Ald. Binash asked Jarrod if he is seeking a motion to forward this item to the Common Council.

133
134 Jarrod said yes.

135
136 Motion by Ald. Wulf, second by Ald. Gjertsen, to approve the fee for services in the amount of
137 \$13,500 for Tribute Design Systems for professional architecture services for the Onalaska
138 Cemetery Master Plan.

139
140 Ald. Binash asked what will happen to the \$6,500 that was budgeted.

141
142 Jarrod told Ald. Binash that \$20,000 was budgeted in the 2019 CIB and was funded through the
143 General Fund. Jarrod said the funds still will be earmarked for something such as, for example,
144 engineering work, or for another function in the cemetery. Jarrod said, “It’s a designated fund
145 for this project.”

146
147 Ald. Binash inquired about the wooded lot located south of Hickory Street, asking if it also will
148 be included in the plan.

149
150 Jarrod told Ald. Binash it will be included in the plan, and he said possible options for the lot
151 include making it a typical cemetery as is the case on the north side of the road, or perhaps
152 making it a wooded section, as is suggested in the proposal. Jarrod said, “It’s kind of interesting
153 to plan a cemetery when you’ve got the vacant land and the topography we do have.”

154
155 Ald. Binash noted the veterans’ area is located on the southwest side of the cemetery, and he
156 asked Jarrod if this area would be included in any landscaping changes.

157
158 Jarrod said yes and told Ald. Binash, “That would be one of the citizen groups we would also
159 contact for public input to come to the meeting when we have a meeting. We would probably
160 also include the cemetery group and veterans’ group since they are impacted. That would
161 probably be one of the phone calls early in the process to get feedback from them to incorporate
162 before we get to the public meeting. That is one of the items: How do we incorporate the
163 veterans’ area into the new cemetery plan since it is an integral part and it is very close to the
164 area we have elected to develop.”

165
166 On voice vote, motion carried.

167
168 **Item 9 – Miscellaneous licensing reporting**

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Cari noted she had distributed a new report for the Recreational Burning Permits.

Motion by Ald. Binash, second by Ald. Wulf, to approve the miscellaneous licensing reporting.

On voice vote, motion carried.

Judiciary

Item 10 – Ordinance 1633-2019 – to amend Title 10 Chapter 1 Section 18 of the Code of Ordinances of the City of Onalaska relating to one-way streets and alleys (Third and Final Reading)

Motion by Ald. Binash, second by Ald. Wulf, to approve Ordinance 1633-2019 – to amend Title 10 Chapter 1 Section 18 of the Code of Ordinances of the City of Onalaska relating to one-way streets and alleys (Third and Final Reading).

On voice vote, motion carried.

Item 11 – Ordinance 1634-2019 – to amend Title 10 Chapter 1 Section 37 of the Code of Ordinances of the City of Onalaska relating to school zone parking (Third and Final Reading)

Motion by Ald. Binash, second by Ald. Wulf, to approve Ordinance 1634-2019 – to amend Title 10 Chapter 1 Section 37 of the Code of Ordinances of the City of Onalaska relating to school zone parking (Third and Final Reading).

Ald. Wulf mentioned a property owner she had discussed with Jarrod said she assumes a legal notice will appear in the Coulee Courier if the Common Council passes this ordinance April 9.

Cari said the wording on ordinances is that they take effect immediately, noting this ordinance will take effect and be enforced from and after its passage and publication. Cari told Ald. Wulf, “We do publish it. Then they in turn have to post signs, so it won’t happen immediately. But it will happen shortly after this has been passed.”

Jarrold told Ald. Wulf it is anywhere between two weeks and one month after the ordinance is passed and he receives the signed ordinance.

On voice vote, motion carried.

Item 12 – Ordinance 1635-2019 – to amend Title 11 Chapter 1 Section 1 of the City of Onalaska Code of Ordinances related to offenses against State Law subject to forfeiture

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211 **(Third and Final Reading)**

212

213 Motion by Ald. Wulf, second by Ald. Binash, to approve Ordinance 1635-2019 – to amend Title
214 11 Chapter 1 Section 1 of the City of Onalaska Code of Ordinances related to offenses against
215 State Law subject to forfeiture (Third and Final Reading).

216

217 On voice vote, motion carried.

218

219 **Item 13 – Ordinance 1636-2019 – to amend Chapter 1 of Title 10, Section 15 of the Code of**
220 **Ordinances of the City of Onalaska relating to controlled intersections designated (First**
221 **and Second Reading)**

222

223 Motion by Ald. Wulf, second by Ald. Binash, to approve Ordinance 1636-2019 – to amend
224 Chapter 1 of Title 10, Section 15 of the Code of Ordinances of the City of Onalaska relating to
225 controlled intersections designated (First and Second Reading).

226

227 On voice vote, motion carried.

228

229 **Item 14 – Ordinance 1637-2019 – to rezone property located in Section 11, Township 16,**
230 **Range 7 in the City of Onalaska, La Crosse County Wisconsin from Single Family**
231 **Residential District (R-1) to Community Business (B-2) (Phillips Outdoor Rezoning –**
232 **Parcel 1) (First and Second Reading)**

233

234 Motion by Ald. Binash, second by Ald. Wulf, to approve Ordinance 1637-2019 – to rezone
235 property located in Section 11, Township 16, Range 7 in the City of Onalaska, La Crosse County
236 Wisconsin from Single Family Residential District (R-1) to Community Business (B-2) (Phillips
237 Outdoor Rezoning – Parcel 1) (First and Second Reading).

238

239 Katie said a request has been made to suspend the rules and give both Ordinance 1637-2019 and
240 Ordinance 1638-2019 their First, Second, Third and Final Readings.

241

242 Motion and second withdrawn.

243

244 Motion by Ald. Wulf, second by Ald. Binash, to suspend the rules and give Ordinance 1637-
245 2019 its First, Second, Third and Final Reading.

246

247 On voice vote, motion carried.

248

249 Motion by Ald. Wulf, second by Ald. Binash, to approve Ordinance 1637-2019 – to rezone
250 property located in Section 11, Township 16, Range 7 in the City of Onalaska, La Crosse County
251 Wisconsin from Single Family Residential District (R-1) to Community Business (B-2) (Phillips
252 Outdoor Rezoning – Parcel 1) (First, Second, Third and Final Reading).

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253

254 On voice vote, motion carried.

255

256 **Item 15 – Ordinance 1638-2019 – to rezone property located in Section 11, Township 16,**
257 **Range 7 in the City of Onalaska, La Crosse County Wisconsin from Single Family**
258 **Residential District (R-1) to Community Business (B-2) (Phillips Outdoor Rezoning –**
259 **Parcel 2) (First and Second Reading)**

260

261 Motion by Ald. Wulf, second by Ald. Binash, to suspend the rules and give Ordinance 1638-
262 2019 its First, Second, Third and Final Reading.

263

264 On voice vote, motion carried.

265

266 Motion by Ald. Wulf, second by Ald. Binash, to approve Ordinance 1638-2019 – to rezone
267 property located in Section 11, Township 16, Range 7 in the City of Onalaska, La Crosse County
268 Wisconsin from Single Family Residential District (R-1) to Community Business (B-2) (Phillips
269 Outdoor Rezoning – Parcel 2) (First, Second, Third and Final Reading).

270

271 On voice vote, motion carried.

272

273 **Item 16 – Ordinance 1639-2019 – to annex land located in the Northeast ¼ of the Northwest**
274 **¼ in Section 29, Township 17 North, Range 7 West from the Town of Onalaska to the City**
275 **of Onalaska (Abbey Road Annexation) (First and Second Reading)**

276

277 Motion by Ald. Binash, second by Ald. Wulf, to approve Ordinance 1639-2019 – to annex land
278 located in the Northeast ¼ of the Northwest ¼ in Section 29, Township 17 North, Range 7 West
279 from the Town of Onalaska to the City of Onalaska (Abbey Road Annexation) (First and Second
280 Reading).

281

282 Ald. Binash noted this item had gone before the Plan Commission and said, “We are aware of
283 the area that is being annexed. That area is going to be under construction for a road. I’ve also
284 looked at the type of businesses that are coming into the city, and I think it would be a nice
285 addition.”

286

287 On voice vote, motion carried.

288

289 **Item 17 – Ordinance 1640-2019 – to amend Article E of Chapter 1 of Title 10 of the Code of**
290 **Ordinances of the City of Onalaska Relating to Winter Alternate Parking (First and**
291 **Second Reading)**

292

293 Motion by Ald. Wulf, second by Ald. Binash, to approve Ordinance 1640-2019 – to amend
294 Article E of Chapter 1 of Title 10 of the Code of Ordinances of the City of Onalaska Relating to

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295 Winter Alternate Parking (First and Second Reading).

296

297 Ald. Wulf asked why this ordinance has come before the committee.

298

299 Cari told Ald. Wulf this ordinance had been passed recently and said it included a line that
300 referred to a \$10 fee the city does not have. Cari said the sentence mentioning the \$10 fee had
301 been removed.

302

303 On voice vote, motion carried.

304

305 **Item 18 – Ordinance 1641-2019 – to amend Section 23 of Chapter 1 of Title 7 of the Code of**
306 **Ordinances of the City of Onalaska relating to limitation of number of dogs and cats (First**
307 **and Second Reading)**

308

309 Motion by Ald. Wulf to approve Ordinance 1641-2019 – to amend Section 23 of Chapter 1 of
310 Title 7 of the Code of Ordinances of the City of Onalaska relating to limitation of number of
311 dogs and cats (First and Second Reading).

312

313 Katie said city staff is requesting that the rules be suspended and Ordinance 1641-2019 be given
314 its First, Second, Third and Final Reading.

315

316 Motion withdrawn.

317

318 Motion by Ald. Wulf, second by Ald. Binash, to suspend the rules and give Ordinance 1641-
319 2019 its First, Second, Third and Final Reading.

320

321 Ald. Gjertsen inquired about the purpose of the ordinance.

322

323 Katie said previously the city required a Conditional Use Permit if someone wanted to have a
324 kennel operation in a residential area. Katie said the change for this ordinance is to tie to more to
325 what the city's Zoning Code is today, citing the example of Pet Me Scratch Me Dog Daycare.
326 Katie said, "You would just have to follow the code, and it would be for non-residential. We're
327 taking out the Conditional Use Permit application, which, due to Act 67, has tied the city, and
328 it's not the protection that neighborhoods used to have."

329

330 Ald. Gjertsen said that in essence, the change in the ordinance is due to the state changing its
331 approach to CUPs.

332

333 Katie said yes and told Ald. Gjertsen this is one impact based upon that. Katie said, "It's no
334 longer a protection that the city used to have."

335

336 On voice vote, motion carried.

Reviewed 4/5/19 by Cari Burmaster

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337
338 Motion by Ald. Wulf, second by Ald. Binash, to approve Ordinance 1641-2019 – to amend
339 Section 23 of Chapter 1 of Title 7 of the Code of Ordinances of the City of Onalaska relating to
340 limitation of number of dogs and cats (First, Second, Third and Final Reading).

341
342 On voice vote, motion carried.

343
344 **Item 19 – Ordinance 1641-2019 – to amend Section 23 of Chapter 1 of Title 7 of the Code of**
345 **Ordinances of the City of Onalaska relating to limitation of number of dogs and cats (First**
346 **and Second Reading)**

347
348 This item was duplicated in error on the agenda.

349
350 **Item 20 – Ordinance 1642-2019 – to amend Section 14 of Chapter 3 of Title 2 of the Code of**
351 **Ordinances of the City of Onalaska relating to the City Administrator (First and Second**
352 **Reading)**

353
354 Motion by Ald. Wulf, second by Ald. Binash, to approve Ordinance 1642-2019 – to amend
355 Section 14 of Chapter 3 of Title 2 of the Code of Ordinances of the City of Onalaska relating to
356 the City Administrator, with the following modification under Subparagraph ‘g’ – Annual
357 Review: “*The City Administrator shall undergo an annual performance review consistent with*
358 *the review cycle for all exempt employees.*” (First and Second Reading).

359
360 Ald. Wulf noted she had met earlier Wednesday with City Administrator Rindfleisch and Hope,
361 and she said she thought it might be beneficial to have an actual timeline for that. Ald. Wulf said
362 both City Administrator Rindfleisch and Hope agreed, and the three had crafted the
363 aforementioned language.

364
365 Hope said, “If we’re going to be consistent with what the rest of our staff are currently doing ...
366 if we put very specific language in [the ordinance] that says we’re going to do it at a specific
367 time or we’re going to do it this specific way, then if we make a change to when we’re going to
368 do our reviews or how we’re going to do the reviews for the rest of our staff, then we’d have to
369 go into this language and change it again. I think just making it broad to say we’re going to
370 comply with what the rest of the staff have makes more sense in the fact that it’s being consistent
371 with what we’re doing for them and doing their annual review at the end of the year so that we’re
372 not having to do one in the middle of the year [and] kind of all over the place. Looking at that
373 language makes sense. ... If we change it for other staff, this would automatically change as
374 well.”

375
376 City Administrator Rindfleisch said, “At this point, it would be by the end of the year in 2019
377 that dictates any step increases for 2020. Right now, I’m the only employee who is off that
378 cycle. Technically, we’re doing right now the review for the 2020 potential step increase versus

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379 2019. By delaying this, it goes on the same cycle as all the other employees. It's not a special
380 case of the [City] Administrator versus everybody else. I'm very comfortable with that."

381
382 Ald. Wulf noted this is the First and Second Reading, and that this ordinance would be approved
383 during the May cycle of meetings (May 8 Administrative and Judiciary Committee meeting, May
384 14 Common Council meeting). Thus, the ordinance would go into effect the following year.

385
386 Ald. Binash asked if the committee must vote on the motion because it might change and then
387 restate another motion.

388
389 Cari told Ald. Binash he may amend the motion and see if the amendment passes or fails.

390
391 Ald. Binash referred to Subparagraph 'b' – Appointment and Termination, which reads in part
392 "*At any time there is a vacancy in the office of City Administrator, a nominee for the office shall*
393 *be selected by a selection committee,*" and he noted the selection committee is not defined. Ald.
394 Binash said that wording troubles him, adding he does not know what that means. Ald. Binash
395 next referred to Subparagraph 'c' – Term, which reads in part "*The City Administrator shall hold*
396 *office for an indefinite term,*" and he said he thought the City Administrator was under contract
397 for the number of years decided upon by the Common Council. Ald. Binash next referred to
398 Subparagraph 'd' – Contract, which reads "*The City Administrator's employment contract shall*
399 *be in writing and shall specify that employment is at-will,*" and he said he believes that should be
400 explained. Ald. Binash next referred to Subparagraph 'g' – Annual Review, which Ald. Wulf
401 had discussed previously, and he noted it reads in part "*The Council President shall prepare a*
402 *report to the Council of the results of the review, identify specific goals to address performance*
403 *deficiencies, and recommend other appropriate actions to be taken, including salary*
404 *adjustments.*" Ald. Binash said, "In my opinion, it's not the Council President, but it should be
405 the Council that has the input to give the Council President. I'm just a little bit concerned about
406 that particular paragraph and how it relates to how this annual performance review will be done.
407 Those are the concerns I have with that particular paragraph."

408
409 Ald. Gjertsen said he believes the Common Council should be giving the Common Council
410 President the information, adding, "That's been something that I've heard in [the Common
411 Council] Chambers many times."

412
413 Ald. Binash said, "If this is going to be the First and Second Reading, maybe this should go back
414 for further review. And maybe with the new Council members and an opportunity to review
415 today's notes or suggestions, maybe it can be rewritten. But again, that's just my opinion."

416
417 Ald. Gjertsen told Ald. Binash he agrees that he does not believe the ordinance is worded
418 correctly and said the new Common Council should address it in May.

419
420 Ald. Wulf asked Hope if there is a pressing timeline for this ordinance.

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421
422 Hope told Ald. Wulf there is not and said it was city legal counsel's understanding the
423 ordinance's wording reflected the Common Council's wishes. Hope said, "If there's something
424 different, we need to get that wording to the [City] Attorney. ... I think the intent is the direction
425 is coming from the committee and it's really Council direction. But maybe it's just not worded
426 correctly." Hope next addressed Ald. Binash's concerns regarding a selection committee and
427 said, "The selection committee really is kind of how we developed it at the Council meetings
428 when we looked at recruiting for a City Administrator and who is going to sit on the committee.
429 That is decided by the Council, and working with staff. That's my understanding of what that
430 means."

431
432 Mayor Chilsen suggested taking time to do the ordinance correctly and address every concern.

433
434 City Administrator Rindfleisch echoed Mayor Chilsen's thoughts that there is no need to rush the
435 ordinance, and he next addressed Ald. Binash's comments regarding the selection committee,
436 stating the ordinance, as it is written, will give the Common Council the ability to decide the
437 makeup of the selection committee. City Administrator Rindfleisch addressed Subparagraphs 'c'
438 and 'd' and said if a City Administrator does not have a contract or it is invalid, Subparagraph 'c'
439 defines the City Administrator's role. The position also is at-will, as stated under Subparagraph
440 'd.' City Administrator Rindfleisch said no City Administrator may ever claim a full, in
441 perpetuity position due to the language in the ordinance.

442
443 On voice vote, motion failed, 3-0.

444
445 Motion by Ald. Binash, second by Ald. Wulf, to place on the May 8 Administrative and
446 Judiciary Committee meeting agenda for further review Ordinance 1642-2019 – to amend
447 Section 14 of Chapter 3 of Title 2 of the Code of Ordinances of the City of Onalaska relating to
448 the City Administrator (First and Second Reading).

449
450 Ald. Wulf asked for a definition of "further review."

451
452 Cari said this item will be placed on the May 8 agenda as a First and Second Reading. Cari said
453 the committee will see the ordinance with the agreed-upon changes based on the discussion the
454 committee has had this evening.

455
456 On voice vote, motion carried.

457
458 **Adjournment**

459
460 Motion by Ald. Wulf, second by Ald. Binash, to adjourn at 6:36 p.m.

461
462 On voice vote, motion carried.

Reviewed 4/5/19 by Cari Burmaster

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464

465 Recorded by:

466

467 Kirk Bey