

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

Monday, July 2, 2018

1

1 The meeting of the Administrative & Judiciary Committee of the City of Onalaska was called to
2 order at 5:00 p.m. on Monday, July 2, 2018. It was noted that the meeting had been announced
3 and posted at City Hall.

4

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

7

8 Also Present: City Administrator Eric Rindfleisch, City Clerk Cari Burmaster

9

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

11

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

14

15 On voice vote, motion carried.

16

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

18

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

21

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

23

24 **Administrative**

25

26 **Item 4 – Approval of Operator’s Licenses as listed on report dated July 2, 2018, with option**
27 **to leave the application process open until Monday, July 9, 2018 (day before the Common**
28 **Council meeting)**

29

30 Cari noted she had distributed a handout listing the applications received through Friday, June
31 29, and she said she will have a new listing prepared for the July 10 Common Council meeting.

32

33 Motion by Ald. Wulf, second by Ald. Gjertsen, to approve Operator’s Licenses as listed on
34 report dated July 2, 2018, with option to leave the application process open until Monday, July 9,
35 2018 (day before the Common Council meeting).

36

37 On voice vote, motion carried.

38

39 **Item 5 – Approval of Special Events Permits for:**

40

- 41 a. Taste of Summer Event at Clearwater Farms, 760 Green Coulee Road, Onalaska on
42 Saturday, September 8, 2018 from approximately 4-7 p.m.

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43

44 Motion by Ald. Wulf, second by Ald. Gjertsen, to approve Special Events Permit for Taste of
45 Summer Event at Clearwater Farms, 760 Green Coulee Road, Onalaska on Saturday, September
46 8, 2018 from approximately 4-7 p.m.

47

48 Ald. Wulf asked Cari if she has received the Certificate of Insurance.

49

50 Cari said she has the COI.

51

52 On voice vote, motion carried.

53

54 b. St. Patrick 5K/1-Mile Fun Run on Saturday, October 6, 2018 from approximately 9-11
55 a.m. starting at St. Patrick's Elementary School

56

57 Motion by Ald. Wulf, second by Ald. Gjertsen, to approve a Special Events Permit for St.
58 Patrick 5K/1-Mile Fun Run on Saturday, October 6, 2018 from approximately 9-11 a.m. starting
59 at St. Patrick's Elementary School.

60

61 On voice vote, motion carried.

62

63 c. Suburban Corvette Club of Minnesota Fall Color Run on Saturday, October 13, 2018
64 from approximately 10-10:45 a.m.

65

66 Motion by Ald. Wulf, second by Ald. Gjertsen, to approve a Special Events Permit for Suburban
67 Corvette Club of Minnesota Fall Color Run on Saturday, October 13, 2018 from approximately
68 10-10:45 a.m.

69

70 On voice vote, motion carried.

71

72 d. The Rugged Run on Saturday, August 4, 2018 from approximately 8:30-11 a.m. at Riders
73 Club Road area between Omni and Aquatic Center

74

75 Motion by Ald. Wulf, second by Ald. Gjertsen, to approve a Special Events Permit for The
76 Rugged Run on Saturday, August 4, 2018 from approximately 8:30-11 a.m. at Riders Club Road
77 area between Omni and Aquatic Center.

78

79 On voice vote, motion carried.

80

81 **Item 6 – Miscellaneous licensing reporting**

82

83 Cari noted she had distributed to committee members a new Recreational Burning Permit listing
84 as well as three Solicitor's Permits and a Parade Permit for Onalaska High School Marching

Reviewed 7/5/18 by Cari Burmaster

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85 Band practice.

86

87 Motion by Ald. Gjertsen, second by Ald. Binash, to approve the miscellaneous licensing
88 reporting.

89

90 On voice vote, motion carried.

91

92 **Judiciary**

93

94 **Item 7 – Ordinance 1612-2018 – to rezone property located in Section 11 Township 16**
95 **Range 7 in the City of Onalaska, La Crosse County Wisconsin from Single Family**
96 **Residential District (R-1) to Multifamily Residential District (R-4) (Roush Rezoning) (First**
97 **and Second Reading) – request to suspend the rules**

98

99 Motion by Ald. Wulf, second by Ald. Binash, to suspend the rules and give Ordinance 1612-
100 2018 its First, Second, Third and Final Reading.

101

102 On voice vote, motion carried.

103

104 Motion by Ald. Wulf, second by Ald. Binash, to approve Ordinance 1612-2018 – to rezone
105 property located in Section 11 Township 16 Range 7 in the City of Onalaska, La Crosse County
106 Wisconsin from Single Family Residential District (R-1) to Multifamily Residential District (R-
107 4) (Roush Rezoning) (First, Second, Third and Final Reading).

108

109 On voice vote, motion carried.

110

111 **Item 8 – Ordinance 1613-2018 – to amend Title 10 Chapter 1 Section 27 of the Code of**
112 **Ordinances of the City of Onalaska relating to Parking Restrictions (Main Street) (First**
113 **and Second Reading)**

114

115 Motion by Ald. Binash, second by Ald. Wulf, to approve Ordinance 1613-2018 – to amend Title
116 10 Chapter 1 Section 27 of the Code of Ordinances of the City of Onalaska relating to Parking
117 Restrictions (Main Street) (First and Second Reading).

118

119 On voice vote, motion carried.

120

121 **Item 9 – Ordinance 1614-2018 – to rezone property located in Section 15 Township 16**
122 **Range 7 in the City of Onalaska, La Crosse County Wisconsin from Single Family**
123 **Residential District (R-1) to Transitional Commercial (T-1) (Bronston Rezoning) (First and**
124 **Second Reading) – request to suspend the rules**

125

126 Motion by Ald. Wulf, second by Ald. Binash, to suspend the rules and give Ordinance 1614-

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127 2018 its First, Second, Third and Final Reading.

128

129 On voice vote, motion carried.

130

131 Motion by Ald. Wulf, second by Ald. Binash, to approve Ordinance 1614-2018 – to rezone
132 property located in Section 15 Township 16 Range 7 in the City of Onalaska, La Crosse County
133 Wisconsin from Single Family Residential District (R-1) to Transitional Commercial (T-1)
134 (Bronston Rezoning) (First, Second, Third and Final Reading).

135

136 Ald. Binash noted that Transitional Commercial was labeled T-C and he inquired about the T-1
137 labeling.

138

139 Cari noted this had come from city legal counsel and told Ald. Binash she will clarify this by the
140 July 10 Common Council meeting.

141

142 City Administrator Rindfleisch said the T-1 label might be a typographical error.

143

144 Cari said she will have a correction included in the July 10 Common Council meeting agenda.

145

146 City Administrator Rindfleisch said the official title is Transitional Commercial.

147

148 On voice vote, motion carried.

149

150 **Item 10 – Ordinance 1615-2018 – to amend Title 10 Chapter 1 Section 27 of the Code of**
151 **Ordinances of the City of Onalaska relating to Parking Restrictions (Horman Boulevard)**
152 **(First and Second Reading)**

153

154 Motion by Ald. Wulf, second by Ald. Binash, to suspend the rules and give Ordinance 1615-
155 2018 its First, Second, Third and Final Reading.

156

157 On voice vote, motion carried.

158

159 Motion by Ald. Wulf, second by Ald. Gjertsen, to approve Ordinance 1615-2018 – to amend
160 Title 10 Chapter 1 Section 27 of the Code of Ordinances of the City of Onalaska relating to
161 Parking Restrictions (Horman Boulevard) (First, Second, Third and Final Reading).

162

163 Ald. Wulf said she is representing the following Second District constituents who had attended
164 the June 5 Board of Public Works meeting: Rita Myers, who resides at 314 Horman Boulevard;
165 Bill and Ann Sandstrom, who reside at 317 Horman Boulevard; and Derek Martin, who resides
166 at 320 Horman Boulevard. Ald. Wulf said, “They have asked me, due to a neighborhood
167 situation, that we suspend the rules on this agenda item.”

168

169 On voice vote, motion carried.

Reviewed 7/5/18 by Cari Burmaster

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170

171 **Item 11 – Ordinance 1616-2018 – to amend Title 10 Chapter 1 Section 18 of the Code of**
172 **Ordinances of the City of Onalaska relating to One-Ways (Horman Boulevard) (First and**
173 **Second Reading)**

174

175 Motion by Ald. Wulf, second by Ald. Gjertsen, to suspend the rules and give Ordinance 1616-
176 2018 its First, Second, Third and Final Reading.

177

178 On voice vote, motion carried.

179

180 Motion by Ald. Wulf, second by Ald. Binash, to approve Ordinance 1616-2018 – to amend Title
181 10 Chapter 1 Section 18 of the Code of Ordinances of the City of Onalaska relating to One-Ways
182 (Horman Boulevard) (First, Second, Third and Final Reading).

183

184 Ald. Wulf said the aforementioned Horman Boulevard residents have asked that the rules be
185 suspended on this agenda item.

186

187 On voice vote, motion carried.

188

189 **Item 12 – Ordinance 1617-2018 – to amend Chapter 6 of Title 13 of the Code of Ordinances**
190 **of the City of Onalaska relating to the Sign Ordinance (First and Second Reading)**

191

192 Motion by Ald. Wulf, second by Ald. Binash, to suspend the rules and give Ordinance 1617-
193 2018 its First, Second, Third and Final Reading.

194

195 On voice vote, motion carried, 2-1 (Ald. Gjertsen).

196

197 Motion by Ald. Wulf, second by Ald. Binash, to approve Ordinance 1617-2018 – to amend
198 Chapter 6 of Title 13 of the Code of Ordinances of the City of Onalaska relating to the Sign
199 Ordinance (First, Second, Third and Final Reading).

200

201 Ald. Wulf noted she had spoken with Planner/Zoning Inspector Katie Aspenson on June 29 and
202 said Katie had asked that the committee suspend the rules. Ald. Wulf said, “This sign ordinance
203 is tightening up some of the loopholes [and] just trying to get ahead of everything.”

204

205 Ald. Gjertsen asked, “When we are redoing our zoning ordinances, is this part of what they are
206 looking at?”

207

208 City Administrator Rindfleisch said no and explained, “This has already been redone.”

209

210 Ald. Gjertsen asked, “If we are doing this now, how long have we known that we needed to do
211 this? How long have we been working on redoing this ordinance?”

Reviewed 7/5/18 by Cari Burmaster

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212
213 City Administrator Rindfleisch addressed Reed v. Town of Gilbert, a case in which the United
214 States Supreme Court clarified when municipalities may impose content-based restrictions on
215 signage, and he said it has expedited this. City Administrator Rindfleisch said, “Without that
216 case, there would no sense in really redoing the ordinance because you don’t know how it’s
217 going to be read. A lot of work has been done in the last several years – particularly the last year
218 – regarding redoing the ordinance to be content-neutral. The focus has been on the content of the
219 signs and what type of signs.” City Administrator Rindfleisch cited the example of a real estate
220 sign as being a temporary sign and said, “Some of the ordinance has been changed here. With
221 that change, some of the things that had been previously not identified as a problem going into it
222 became a problem. The big one is the 5 feet setback from the right-of-way. With the previous
223 election, it is not efficient use of staff time to go measure 5 feet from the right-of-way. That’s an
224 example where it’s probably always been there, but it’s never been an issue because it was a
225 political sign. Now that political signs have been [inaudible] as a temporary sign, now the
226 setback became an issue. That’s the biggest change we’re making here: to eliminate that. It’s a
227 better, efficient use of our time, and it gets out of policing where we don’t need any policing.”

228
229 On voice vote, motion carried, 2-1 (Ald. Gjertsen).

230
231 **Item 13 – Ordinance 1618-2018 – to amend Section 11 of Chapter 8 of Title 13, Part D of**
232 **the Code of Ordinances of the City of Onalaska relating to Conditional Uses (First and**
233 **Second Reading)**

234
235 Motion by Ald. Wulf, second by Ald. Binash, to suspend the rules and give Ordinance 1618-
236 2018 its First, Second, Third and Final Reading.

237
238 On voice vote, motion carried, 2-1 (Ald. Gjertsen).

239
240 Motion by Ald. Wulf, second by Ald. Binash, to approve Ordinance 1618-2018 – to amend
241 Section 11 of Chapter 8 of Title 13, Part D of the Code of Ordinances of the City of Onalaska
242 relating to Conditional Uses (First, Second, Third and Final Reading).

243
244 Ald. Wulf told committee members this is the second ordinance Katie had asked her to suspend
245 the rules for this ordinance this evening and said, “I believe her reasoning was that in light of Act
246 67, [this is] to get ahead of that.”

247
248 Ald. Gjertsen said that while he has not seen Act 67, he has heard it read enough times that he
249 understands “it’s supposed to read the burden of proof falls onto the city. Did we use that state
250 statute to draft this? Or did we draft this with just with our attorney’s direction?”

251
252 City Administrator Rindfleisch said that because Act 67 has been passed and signed into law by
253 Wisconsin Governor Scott Walker, “that directed the City Attorney to draft legislation that aligns

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254 us with the intent of Act 67. There is specific language that is directed the cities to do. Our
255 language here ties into our current ordinances to align ordinances with Act 67. It is not a cookie-
256 cutter, boiler plate language like they passed. There is intent that they passed, and we have to
257 match their intent.”

258
259 Ald. Gjertsen asked, “Are we enforcing that state statute the way they intended it to be?”

260
261 City Administrator Rindfleisch said, “I believe once this is passed, we will be, yes.”

262
263 Ald. Binash, who also sits on the Plan Commission, noted he is familiar with Act 67 and said, “I
264 think the biggest cause was you have to have substantial evidence to show that the Conditional
265 Use Permit applied for may not be granted based on substantial evidence. That is a big change,
266 and we have to institute that with the Plan Commission. With this particular ordinance, it gives
267 the city the necessary language to work with Act 67 as it has been presented to the municipalities
268 throughout the state.”

269
270 Ald. Gjertsen said, “I’ve been questioned on it. I got this packet basically Friday afternoon, and
271 I haven’t had time ... If this would have been a normal meeting date I would have had time to
272 cover it. I don’t feel like I’m in a position to vote on that regarding that. I can tell you what’s
273 going to happen. If we go ahead and we pass this tonight it’s going to get pulled out of the
274 Consent Agenda, so we’re going to have to deal with it. What I would ask is to be guided
275 through this so we can ... We’re not killing it, but [rather] bringing it back so we can have more
276 time to discuss it before it gets to Common Council.”

277
278 Ald. Binash said, “Perhaps I’ve had more opportunity to work with this being on the Plan
279 Commission Subcommittee and the Plan Commission. I don’t know what more we can do other
280 than, if Planning/Zoning recommends that we move this along because we need to clean up our
281 language within the ordinance, I’m not sure what the Administrative and Judiciary Committee
282 can really do to change any of the ordinance structure – especially if it’s been reviewed by [city
283 legal] counsel. I might suggest that if you want to pull it next week [at the July 10 Common
284 Council meeting] to have further discussion, [you may]. But I don’t see the necessity to have it
285 come back to our committee.”

286
287 Cari noted Ordinance 1618-2018 will appear on the Non-Consent Agenda at the July 10
288 Common Council meeting.

289
290 Ald. Gjertsen said he has been contacted by constituents who have raised concerns regarding the
291 burden of proof.

292
293 Ald. Wulf noted this evening’s meeting agendas were in the alderpersons’ mailboxes
294 Wednesday, adding she believes they also had been emailed to the alderpersons Wednesday.

295
296 On voice vote, motion carried, 2-1 (Ald. Gjertsen).

Reviewed 7/5/18 by Cari Burmaster

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297

298 **Item 14 – Ordinance 1619-2018 – to amend Title 10 Chapter 1 Section 12 of the Code of**
299 **Ordinances of the City of Onalaska relating to Through Streets Designated (Abbey Road)**
300 **(First and Second Reading)**

301

302 Motion by Ald. Binash, second by Ald. Wulf, to approve Ordinance 1619-2018 – to amend Title
303 10 Chapter 1 Section 12 of the Code of Ordinances of the City of Onalaska relating to Through
304 Streets Designated (Abbey Road) (First and Second Reading).

305

306 City Administrator Rindfleisch noted there are other through streets in the city that are not
307 necessarily connected and said, “It’s a designation of the type of road that it is. It doesn’t
308 necessarily designate that it will actually open up the road yet. That has not been determined
309 yet.”

310

311 Ald. Binash asked if the intent is to remove a cul-de-sac, which would allow for more
312 opportunity to construct in the area.

313

314 City Administrator Rindfleisch said that is not the case with this ordinance, noting the Common
315 Council had taken action on what Ald. Binash had described at its June 12 meeting. City
316 Administrator Rindfleisch said, “This one is for Abbey Road, from East Avenue just north of LB
317 White all the way through Commerce. It’s the designation of the road as a through street.” City
318 Administrator Rindfleisch reiterated this is a designation of the type of road and it is not yet
319 opening up the road.

320

321 On voice vote, motion carried.

322

323 **Adjournment**

324

325 Motion by Ald. Gjertsen, second by Ald. Binash, to adjourn at 5:27 p.m.

326

327 On voice vote, motion carried.

328

329

330 Recorded by:

331

332 Kirk Bey