

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

Wednesday, February 5, 2020

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, February 5, 2020. 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. Tom Smith, Ald. Steven Nott,
6 Ald. Diane Wulf

7
8 Also Present: City Administrator Eric Rindfleisch, Mayor Kim Smith, City Clerk Cari
9 Burmaster, City Attorney Amanda Jackson, Planning Manager Katie Aspenson, Fire Chief Billy
10 Hayes, Firefighter/EMT Cory Taylor, Ald. Dan Stevens

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

13
14 Motion by Ald. T. Smith, second by Ald. Nott, to approve the minutes from the previous meeting
15 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. Wulf called for anyone wishing to provide public input.

22
23 **Dan Stevens, Second District Alderperson**
24 **1708 Jennifer Court**
25 **Onalaska**

26
27 “We had some outreach. It was a referral from Alder Nott that Alder Wulf and I had discussed
28 with a constituent who lives on the 100 block of 8th Avenue South. The concern that he had was
29 that there was a problem with not being able to get his mail during the nine months where school
30 is in session. [Here is] a little history on the matter: I think they used to have their mailbox
31 attached to the house, and the post office had to move it out to the street. He was not able to
32 have it within four feet of his driveway because there are gas lines there. As a consequence,
33 during the school year there are parents who are picking up their children from Irving Pertzsch
34 [Elementary] School. The mail comes at the same time, and he typically does not get his mail
35 several times a week. We checked into the ordinance, and I believe Onalaska does not have an
36 ordinance where there are any ramifications if somebody parks in front of your mail. As a one-
37 off thing, it’s not that big of a deal. But if it happens all the time, it would be kind of annoying.
38 I think this would be the appropriate committee to suggest that ... I’m not sure if there is a way
39 that we can get some feedback from the community to see if this is an issue that more people are
40 concerned about. There are cities that have mailbox parking ordinances, and others like
41 ourselves that do not. If we are able to obtain any information [regarding] whether the people
42 would be favorable to not have any people park in front of their mailboxes, allowing the Police
43 Department to ticket, I’m not sure what the right or wrong answer is. But I would be interested

Reviewed 2/6/2020 by Cari Burmaster

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

Wednesday, February 5, 2020

2

44 to know the answer, and if appropriate, maybe this committee could take action.”

45

46 **Diane Wulf, Second District Alderperson**

47 **910 Orchid Place**

48 **Onalaska**

49

50 “I also was contacted by Clint Kanieski at the 100 block of 8th Avenue South. I’ve also passed
51 out a handout. This would be an email that he sent to me in the last 24 hours. I’m not going to
52 read it because it was too long and I know I couldn’t get it within the three-minute time limit. ...
53 He has given some possible recommendations. When I did find the parking ordinance that we
54 currently have, it restricts individuals from parking within four feet of a driveway. The
55 unfortunate thing is that Mr. Kanieski’s mailbox is at 4 feet, 10 inches from the edge of the apron
56 of the driveway. He was willing to move the mailbox closer, then he remembered why he
57 couldn’t: I think there is gas and water there [and] he could not move it closer. In talking with a
58 few other constituents in the last week or so since talking with Mr. Kanieski, I’m hearing there
59 are other people who also have parking issues and getting mail and people blocking [driveways].
60 I’m certainly not advocating that we start taking away several feet permanently to lose even
61 more additional parking in front of people’s homes. But I would like for us to possibly look at,
62 what can we do? What would be reasonable? I have to honestly say that Mr. Kanieski was
63 probably one of the most reasonable constituents I have ever spoken with, and I think
64 Alderperson Stevens would concur. ... [Mr. Kanieski] is just looking for some relief to get his
65 mail. Dan Stevens and I will be working with staff to possibly get this [item] on [the
66 Administrative and Judiciary Committee meeting agenda] next month just to maybe talk more
67 about what we can do, what have other communities done, and what would be reasonable for the
68 City of Onalaska.”

69

70 Ald. Wulf called three times for anyone else wishing to provide public input and closed that
71 portion of the meeting.

72

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

74

75 **Administrative**

76

77 **Item 4 – Approval of Operator’s Licenses as listed on report dated February 5, 2020**

78

79 Ald. Wulf noted she and the other committee members had received an updated list.

80

81 Cari noted the applicants have undergone background checks with the Police Department.

82

83 Motion by Ald. T. Smith, second by Ald. Nott, to approve the Operator’s Licenses as listed on
84 report dated February 5, 2020.

85

86 On voice vote, motion carried.

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

Wednesday, February 5, 2020

3

87

88 **Item 5 – Approval of Temporary Class “B”/ “Class B” Retailer’s License for St. Patrick’s**
89 **Church for Friday evenings only from February 28-April 3, 2020 for Friday Fish Fry at**
90 **1031 Main Street, Onalaska**

91

92 Cari said St. Patrick’s Church holds this event annually during the Lent season.

93

94 Ald. Nott noted he is a St. Patrick’s Church employee and will abstain from voting.

95

96 Motion by Ald. T. Smith, second by Ald. Wulf, to approve Temporary Class “B”/ “Class B”
97 Retailer’s License for St. Patrick’s Church for Friday evenings only from February 28-April 3,
98 2020 for Friday Fish Fry at 1031 Main Street, Onalaska.

99

100 On voice vote, motion carried, 2-0, with one abstention (Ald. Nott).

101

102 **Item 6 – Approval of Special Event Permit for Firehouse 5K on April 11, 2020 starting at**
103 **approximately 6 a.m. at the Fire Department parking lot**

104

105 Cari noted the Certificate of Insurance is on file, and also that the department heads have signed
106 off on the event.

107

108 Motion by Ald. Nott, second by Ald. T. Smith, to approve Special Event Permit for Firehouse
109 5K on April 11, 2020 starting at approximately 6 a.m. at the Fire Department parking lot.

110

111 On voice vote, motion carried.

112

113 **Item 7 – Approval of Resolution 12-2020 – To approve Special Events Fee Schedule for**
114 **2020**

115

116 Cari said this is an annual resolution and noted the fees have been increased annually due to the
117 increase in wages city employees have received.

118

119 Motion by Ald. T. Smith, second by Ald. Nott, to approve Resolution 12-2020 – To approve
120 Special Events Fee Schedule for 2020.

121

122 On voice vote, motion carried.

123

124 **Item 8 – Miscellaneous licensing reporting**

125

126 Ald. Wulf noted she and the other committee members had received a list of Recreational
127 Burning Permit applicants.

128

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

Wednesday, February 5, 2020

4

129 Motion by Ald. T. Smith, second by Ald. Nott, to place on file the miscellaneous licensing
130 reporting.

131

132 On voice vote, motion carried.

133

134 **Judiciary**

135

136 **Item 9 – Ordinance 1659-2020 – to amend Title 14 of the Code of Ordinances of the City of**
137 **Onalaska relating to signs**

138

139 Motion by Ald. Wulf, second by Ald. Nott, to approve Ordinance 1659-2020 – to amend Title 14
140 of the Code of Ordinances of the City of Onalaska relating to signs.

141

142 Ald. Nott suggested perhaps combining Subparagraph 2 (*“Facilitate economic development by*
143 *allowing signs that identify businesses on site, while promoting an attractive streetscape”*) and
144 Subparagraph 5 (*“Encourage a positive business atmosphere”*) under Section 14.01.11
145 (“Statement of Purpose”) as they are very similar. Ald. Nott also asked if Subparagraph 10
146 under Section 14.01.32 (“Signs Not Requiring a Permit”) specifically addresses election signs.

147

148 Katie said it cannot be called an election sign.

149

150 Ald. Nott next addressed Subparagraph A (“Awning and Canopy Signs”) under Section 14.02.11
151 (“Awning and Canopy Signs”) and Subparagraph F (“Allowable Number of Signs”) under
152 Section 14.01.34 (“General Provisions, Design and Maintenance Standards”). Ald. Nott pointed
153 out that Subparagraph A under Section 14.02.11 states, *“There is no limit to the number of*
154 *awning/canopy signs on a property,”* while Subparagraph F under Section 14.01.34 states that no
155 more than two signs of any type are allowed. Ald. Nott asked if there is a conflict.

156

157 Katie told Ald. Nott there is no conflict as it is specific to that type of sign. Katie said, “You are
158 only allowed additional because multiple businesses will have two, three, or four awnings. So
159 instead of preventing them from only allowing them to put a design on two, we’re letting them
160 do it on all four.”

161

162 Amanda and Katie both said awning is the exception to the rule.

163

164 Ald. Nott addressed Subparagraph B (“No Restrictions on Content”) under Section 14.01.12
165 (“Applicability”) and said that while he understands the aspect of this as it pertains to the First
166 Amendment, he assumes topics such as pornography and incitements to violence would be
167 forbidden.

168

169 Amanda told Ald. Nott that is a gray area and it would depend on the content, and she said, “I’m
170 not going to say it’s an absolute carte blanche on content, but I also don’t know that we want to

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

Wednesday, February 5, 2020

5

171 put a caveat in there for illegal content.”

172

173 Katie added, “Especially since the direction for this is coming from the Supreme Court, and
174 they’re somewhat divided on it. By writing in this language, we’re more protected than less.”

175

176 Amanda said, “If it’s not under this Sign Code, it probably would be a violation. It would be
177 enforced under a different code. If you read it in its context, this Sign Ordinance will only
178 regulate sign structure and copy design, and not the sign’s content.”

179

180 Ald. Wulf asked if this pertains to the case of Reed v. Town of Gilbert, Arizona, which the
181 Supreme Court decided in June 2015.

182

183 Katie said yes.

184

185 Ald. Wulf asked Katie to define a ground/freestanding sign.

186

187 Katie said it is the type of sign that is constructed and based in the ground, and she cited as an
188 example a pole sign located along a highway that contains a digital message center sign.

189

190 Ald. Wulf asked, “It’s not a monument?”

191

192 Katie said a monument is another type of a ground sign, noting there are multiple types of
193 ground signs.

194

195 Ald. Wulf asked Katie how an election sign that has wires and is planted would be defined.

196

197 Katie said it is considered a temporary sign.

198

199 Ald. Wulf noted she had read the ordinance several times and said it is her understanding the
200 setback rule had been removed.

201

202 Katie told Ald. Wulf it had been changed last autumn as part of the previous iteration.

203

204 Ald. Wulf asked if it is part of the Sign Code, or if it is in the ordinance.

205

206 Katie said a rule stating that all temporary signs had to be set back five feet originally was part of
207 the Sign Code, and she told Ald. Wulf that rule had been removed last autumn. Thus, that rule
208 has not been in effect. Katie said, “You don’t see it in here because we don’t regulate it any
209 longer.”

210

211 Ald. Wulf noted the signs are not allowed to be in the right-of-way.

212

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

Wednesday, February 5, 2020

6

213 Katie said the signs are not allowed to be in the right-of-way.

214

215 Ald. Wulf asked if that has been included in the ordinance.

216

217 Katie said yes.

218

219 Ald. Wulf asked where it can be found.

220

221 Amanda said it can be found under Subparagraph C (“Signs on Public Rights-of-Way”) of
222 Section 14.01.33 (“Prohibited Signs”).

223

224 Ald. Wulf asked if garage sale signs are addressed.

225

226 Katie told Ald. Wulf garage sale signs are regulated, noting they also are part of the Unified
227 Development Code.

228

229 Ald. Nott asked if garage sale signs would fall under the general guidelines for temporary signs
230 for residential areas (Subsection 2 under Section 14.02.19 – “Temporary Signs”).

231

232 Katie said there is some leniency and told Ald. Nott it had been left more open as it cannot be
233 called a garage sale sign “because then we’re telling you what’s on the sign.” Katie said, “When
234 you look at these, we have rewritten them to essentially say things like, ‘*One sign on the owner’s*
235 *property,*’ where you’re opening it to the public; however, not more than four days in a year, up
236 to four square feet in size. We can say how often you can have it, where it can be located,
237 illumination, how big – all of those – but we can’t say anything about the sign. We essentially
238 tried to craft what was originally very content-based for temporary sign policies, and then had to
239 creatively come up with a way to center it around a time of year or an event.”

240

241 Katie noted staff had received questions related to Onalaska High School Hilltopper signs and
242 other signage, and she said, “If it doesn’t follow the code, you can’t do it. We added one
243 temporary sign up to three square feet, which is your average size of a yard sign, allowed at all
244 times. Everyone gets one. You can do with that sign whatever you like. It can be an election
245 sign. It can be a ‘for sale’ sign. ... Whatever you want, you get one year-round, per frontage. If
246 you’re on a corner, you get two.”

247

248 On voice vote, motion carried.

249

250 **Item 10 – Ordinance 1660-2020 – to amend Chapter 4 of Title 2 of the Code of Ordinances**
251 **of the City of Onalaska relating to Boards, Commissions and Committees**

252

253 Motion by Ald. Wulf, second by Ald. Nott, to approve Ordinance 1660-2020 – to amend Chapter
254 4 of Title 2 of the Code of Ordinances of the City of Onalaska relating to Boards, Commissions

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

Wednesday, February 5, 2020

7

255 and Committees.

256

257 Ald. Wulf addressed Section 2-4-5(c) under “City Plan Commission,” which states, “*The Mayor*
258 *shall appoint a presiding officer each year, which can be the Mayor or any member of Plan*
259 *Commission and the Commission shall select by election a vice-chairman, secretary and such*
260 *other officers as may be in their judgment be necessary.*” Ald. Wulf noted the Mayor currently
261 serves as the presiding officer, and she asked Amanda about the proposed revision.

262

263 Amanda told Ald. Wulf this is an ordinance that was “a ripple effect” of the UDC, and she said
264 some items had not been in the proper location. Amanda cited the example of the Historic
265 Preservation Commission, noting it has been included in the ordinance. Amanda also noted
266 several committees and commission sit outside of this chapter and are “strewn through random
267 chapters.” Amanda said, “We were looking to clean that up and to put Historic Preservation
268 Commission in this. Then it was one of those waterfall effects where since I was in Chapter 4, I
269 decided to go through all of Chapter 4. What I’ve been doing is any time I touch a chapter, I go
270 through and double-check all the statutory references. The vast majority of the changes in here
271 are to make the language in our ordinance match the language in the statute. The statute for the
272 Plan Commission states that the Mayor basically appoints somebody to be the Chair of the Plan
273 Commission. It can be the Mayor or any member of the Plan Commission. It’s up to the
274 purview of this committee and the Council if they would like to revert back to it always being the
275 Mayor. I simply changed it to mirror what the statute said.”

276

277 Amanda highlighted the following changes:

278

- 279 • The Parks and Recreation Board has been changed to the Parks, Recreation & Library
280 Board. The Common Council had voted to dissolve the Library Commission. However,
281 Amanda said there are statutory duties the Library Commission possesses the city wishes
282 to retain the rights to as a municipality, and thus the Library Commission’s duties have
283 been placed under the Parks and Recreation Board.
- 284 • There is a proposal to reduce the size of the Plan Commission from eight members to
285 seven.

286

287 Amanda said, “That is what it is statutorily. But more so than anything, it’s making it somewhat
288 difficult for the Parks, Recreation & Library Board to have somebody be the Chair of it because
289 it’s an added commitment that maybe they are not necessarily interested in. Perhaps people
290 would really enjoy being the Parks and Recreation Chair, but the Plan Commission is a very
291 different commission, and so they may not want to do that. We’re kind of curtailing that option.
292 This is something that [Parks and Recreation Director] Dan Wick was very supportive of. It also
293 opens up that, if needed, the councilperson could serve as the Chair of the Parks, Recreation &
294 Library Board, if that is something that would be desirable. The history from that person being
295 on Plan Commission was when we were going through our rapid-growth period, it was an added
296 member of the Plan Commission to address when we were taking in large subdivisions and

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

Wednesday, February 5, 2020

8

297 platting subdivision and looking at getting major parks planned from developers. There was a
298 time it made sense to have somebody from Park and Rec on the Plan Commission. We're not
299 doing that anymore. We're not in a period of rapid growth. Staff does a lot of that work now on
300 a much smaller scale. If it can help the Parks and Recreation Board and not really hurt the Plan
301 Commission, we thought we would include that in these edits."

302

303 Ald. Nott said he always will lean toward more flexibility rather than less, and he stated, "As
304 written, it actually grants more flexibility – it's the Mayor or someone else."

305

306 Ald. Wulf addressed the Municipal Harbor Commission under Section 2-4-9, stating that while
307 to the best of her knowledge it has not met, she understands why it needs to exist. Ald. Wulf
308 addressed Section 2-4-9(h)(1), which reads in part, "*The MHC shall annually elect a*
309 *Chairperson and Vice-Chairperson from among the Commissioners,*" asking if the word "shall"
310 means the Municipal Harbor Commission may meet, or if it means it must meet.

311

312 Cari told Ald. Wulf she believes the Municipal Harbor Commission met once or twice when the
313 commission was first organized. However, the commission has not recently met.

314

315 Ald. Wulf asked if the Municipal Harbor Commission needs to meet on a yearly basis to select
316 officers. Ald. Wulf said she believes there is no buy-in if a committee either never or seldom
317 meets, adding that she is not advocating holding a meeting simply to hold a meeting.

318

319 Amanda told Ald. Wulf she had not made any changes to the section pertaining to the Municipal
320 Harbor Commission and said the only reason it has been redlined is because she had moved it.

321

322 Ald. Nott suggested perhaps holding biannual elections and also holding Municipal Harbor
323 Commission meetings every other year.

324

325 Amanda told committee members she will provide them with an answer at the February 11
326 Common Council meeting.

327

328 Ald. Wulf next addressed Section 2-4-10(k)(4) ("Community Development Authority"), which
329 reads in part, "*The CDA shall for a period of five years be the city's exclusive agent to operate,*
330 *manage and supervise the City of Onalaska Omni Center through oversight of the Omni Center*
331 *Management Committee created by the City of Onalaska Common Council.*" Ald. Wulf asked
332 when this had begun.

333

334 Amanda told Ald. Wulf that k4 under "Powers and Duties of CDA" can be removed as it is
335 outdated.

336

337 On voice vote, motion carried.

338

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

Wednesday, February 5, 2020

9

339 Amanda asked committee members if they want to make an amendment with the aforementioned
340 change.

341

342 Motion by Ald. Nott, second by Ald. Wulf, to delete (k)(4) under Section 2-4-10 – Community
343 Development Authority – under Ordinance 1660-2020 – to amend Chapter 4 of Title 2 of the
344 Code of Ordinances of the City of Onalaska relating to Boards, Commissions and Committees.

345

346 On voice vote, motion carried.

347

348 **Item 11 – Ordinance 1661-2020 – to amend Title 13 of the Code of Ordinances of the City**
349 **of Onalaska relating to Zoning. (<https://tinyurl.com/OnalaskaUDC-FinalDraft>)**

350

351 Motion by Ald. Nott, second by Ald. Wulf, to approve Ordinance 1661-2020 – to amend Title 13
352 of the Code of Ordinances of the City of Onalaska relating to Zoning.
353 (<https://tinyurl.com/OnalaskaUDC-FinalDraft>).

354

355 On voice vote, motion carried.

356

357 **Adjournment**

358

359 Motion by Ald. Wulf, second by Ald. Nott, to adjourn at 6:37 p.m.

360

361 On voice vote, motion carried.

362

363

364 Recorded by:

365

366 Kirk Bey