

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

Wednesday, February 6, 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, February 6, 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, City Clerk Cari Burmaster, Police Chief Troy
9 Miller, Planning Manager Katie Aspenson, Parks and Recreation Board member Dan Stevens

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

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

15
16 On voice vote, motion carried.

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

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

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

24
25 **Administrative**

26
27 **Item 4 – Approval of Operator’s Licenses as listed on report dated February 6, 2019**

28
29 Cari noted she had distributed a new listing this evening and said each applicant had undergone a
30 background check by the Police Department.

31
32 Motion by Ald. Binash, second by Ald. Gjertsen, to approve Operator’s Licenses as listed on
33 report dated February 6, 2019.

34
35 On voice vote, motion carried.

36
37 **Item 5 – Approve codification date of 2/12/19 for Code of Ordinances for the City of**
38 **Onalaska**

39
40 Cari told committee members a sample page has been included in their packets. Cari said the
41 ordinances are the same, but a line stating “code in effect” and the date have been added after
42 each section. The date will change to the last date an ordinance was changed as ordinances are

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43 changed, and it will list the ordinance used to change them. Cari cited Section 7-1-8 (“Dogs and
44 Cats Restricted on Cemeteries”) as an example, telling committee members the code in effect
45 would change to a March date if it is changed next month. It also would include a comma and
46 the ordinance number utilized to change it would be referenced. Cari noted any date referenced
47 will be the day Common Council approval occurred.

48
49 Motion by Ald. Gjertsen, second by Ald. Wulf, to approve a codification date of 2/12/19 for
50 Code of Ordinances for the City of Onalaska.

51
52 Ald. Binash asked if the committee has the opportunity to make any additions or corrections at
53 this particular time.

54
55 Cari told Ald. Binash not to the ordinance, noting the ordinance change must go through the
56 ordinance process.

57
58 On voice vote, motion carried.

59
60 **Item 6 – Approval of Temporary Class “B”/“Class B” Retailer’s License for La Crosse**
61 **Area Builders Association (LABA) for the LABA Home Show, March 8-10, 2019 at the**
62 **Onalaska Omni Center, 255 Riders Club Road, Onalaska**

63
64 Cari told committee members the La Crosse Area Builders Association will be holding its annual
65 Home Show, which is a repeat event, at the Omni Center, and said LABA is seeking approval for
66 this license.

67
68 Motion by Ald. Binash, second by Ald. Gjertsen, to approve a Temporary Class “B”/“Class B”
69 Retailer’s License for La Crosse Area Builders Association (LABA) for the LABA Home Show,
70 March 8-10, 2019 at the Onalaska Omni Center, 255 Riders Club Road, Onalaska.

71
72 On voice vote, motion carried.

73
74 **Item 7 – Resolution 10-2019 – Resolution to approve Special Events Fee Schedule for 2019**

75
76 Cari said this resolution is done annually as it is necessary for the city to adjust the rate of pay it
77 will bill someone for services for a special event. Cari said she does not believe this has been
78 done before because there has not been an event the city could not accommodate. However, Cari
79 also said this resolution is in place if such a situation arises.

80
81 Motion by Ald. Binash, second by Ald. Gjertsen, to approve Resolution 10-2019 – Resolution to
82 approve Special Events Fee Schedule for 2019.

83
84 Ald. Wulf referred to Exhibit A (“2019 Special Events Fee Schedule”) and noted there are

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85 double asterisks on either side of “Admin fee is added on to the top of the rate.” Ald. Wulf asked
86 if this is a new fee that was added within the last couple of years, or if it always has been present.

87

88 Cari said the city has always had an administrative fee for transactions such as annexations,
89 noting the Finance Department levies a \$40 administrative fee.

90

91 Ald. Binash noted Exhibit A reads “*There shall be an administrative fee of 15 percent of the total*
92 *costs of the services and equipment used for the processing, review and invoicing of the special*
93 *event fees,*” and he asked if that also includes the permit fee.

94

95 Cari said the permit fee is separate.

96

97 On voice vote, motion carried.

98

99 **Item 8 – Miscellaneous licensing reporting**

100

101 Cari noted she had distributed to committee members a new document with additional
102 Recreational Burn Permits.

103

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

105

106 On voice vote, motion carried.

107

108 **Judiciary**

109

110 **Item 9 – Ordinance 1627-2019 – to annex land located in the Southwest ¼ of the Northeast**
111 **¼, Southeast ¼ of the Northwest ¼, Northeast ¼ of the Southwest ¼, Northwest ¼ of the**
112 **Southeast ¼, Southwest ¼ of the Southeast ¼, Southeast ¼ of the Southeast ¼ in section 29**
113 **and the Northwest ¼ of the Northeast ¼, Northeast ¼ of the Northeast ¼, Southeast ¼ of**
114 **the Northeast ¼ in Section 32, and the Southwest ¼ of the Northwest ¼ in Section 33, all in**
115 **the Township 17 North, Range 7 West from the Town of Onalaska to the City of Onalaska**
116 **(Highway 53 Right of Way Annexation) (Third and Final Reading)**

117

118 Motion by Ald. Binash, second by Ald. Wulf, to approve Ordinance 1627-2019 – to annex land
119 located in the Southwest ¼ of the Northeast ¼, Southeast ¼ of the Northwest ¼, Northeast ¼ of
120 the Southwest ¼, Northwest ¼ of the Southeast ¼, Southwest ¼ of the Southeast ¼, Southeast ¼
121 of the Southeast ¼ in section 29 and the Northwest ¼ of the Northeast ¼, Northeast ¼ of the
122 Northeast ¼, Southeast ¼ of the Northeast ¼ in Section 32, and the Southwest ¼ of the
123 Northwest ¼ in Section 33, all in the Township 17 North, Range 7 West from the Town of
124 Onalaska to the City of Onalaska (Highway 53 Right of Way Annexation) (Third and Final
125 Reading).

126

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127 On voice vote, motion carried.

128

129 **Item 10 – Ordinance 1628-2019 – to amend Article E of Chapter 1 of Title 10 of the Code of**
130 **Ordinances of the City of Onalaska relating to Enforcement and Penalties (First and**
131 **Second Reading)**

132

133 Motion by Ald. Binash, second by Ald. Wulf, to approve Ordinance 1628-2019 – to amend
134 Article E of Chapter 1 of Title 10 of the Code of Ordinances of the City of Onalaska relating to
135 Enforcement and Penalties (First and Second Reading).

136

137 Ald. Wulf said she believes committee members had asked at the January 2 Administrative and
138 Judiciary Committee meeting to put this item back on this evening’s agenda. Ald. Wulf also said
139 she believes committee members asked that a Police Department representative attend this
140 evening’s meeting. Ald. Wulf referred to Ordinance 10-1-23 (“Parking Reserved for Vehicles
141 Disabled”) and asked if there is a request to increase the citation to \$250 for violating this
142 ordinance.

143

144 Police Chief Miller told Ald. Wulf she is correct.

145

146 Ald. Wulf asked if the fine is currently \$100.

147

148 Police Chief Miller said he believes the fine is currently \$150, and he also said City Attorney
149 Sean O’Flaherty recommended increasing the fine to \$250 to keep it consistent with the state
150 bond book, which outlines the fees assessed for violations regarding motor vehicles.

151

152 Ald. Wulf said it is her understanding the fine is currently \$100.

153

154 Police Chief Miller said the fine still could be \$100, adding there had been past discussions about
155 increasing the fine to \$150.

156

157 Ald. Gjertsen asked if \$250 would be the maximum amount.

158

159 Police Chief Miller told Ald. Gjertsen he is correct.

160

161 Ald. Wulf said she believes the committee had discussed at the January 2 meeting if a suggestion
162 had been made to increase the fine from \$100 to \$250 because perhaps individuals were not
163 complying with the ordinance, and perhaps the increase would assist with compliance. Ald.
164 Wulf asked if there is an obvious issue in the City of Onalaska with non-compliance, or if it is
165 sporadic.

166

167 Police Chief Miller said it is an ongoing issue and told Ald. Wulf he is unable to tell her if the
168 same individuals are habitual offenders without looking up license plate numbers. Police Chief

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169 Miller said the Police Department receives calls for services as citizens will report vehicles
170 parked in a handicapped zone without displaying the placard. Police Chief Miller said the Police
171 Department responds to these calls and deals with them appropriately.

172

173 City Administrator Rindfleisch said the issue of increasing the fine to be in line with the state
174 bond book is conflicting prosecutions in the court system because there are low rates in the City
175 of Onalaska and a higher rate at the state level. City Administrator Rindfleisch said, “By being
176 consistent, it will be consistently applied through Municipal Court.”

177

178 Ald. Gjertsen asked Police Chief Miller how many on-street handicapped parking spots there are
179 in the city.

180

181 Police Chief Miller told Ald. Gjertsen he does not know.

182

183 Katie told committee members City Engineer Jarrod Holter had told her there are no
184 handicapped parking spaces on public streets.

185

186 Ald. Binash noted the committee also had discussed issuing citations on private property for
187 handicapped parking, and he asked Police Chief Miller what the Police Department’s position is
188 regarding issuing citations to individuals who park on private property such as a grocery store
189 and it is handicapped-accessible only.

190

191 Police Chief Miller said statute allows the Police Department to issue a citation on such
192 locations.

193

194 On voice vote, motion carried.

195

196 **Item 11 – Ordinance 1629-2019 – to rezone property located in Section 12, Township 16,**
197 **Range 7 in the City of Onalaska, La Crosse County, Wisconsin from Light Industrial (M-1)**
198 **with I-90 Economic Development Overlay to Light Industrial (M-1) (Kenworth Rezoning)**
199 **(Third and Final Reading)**

200

201 Motion by Ald. Wulf, second by Ald. Binash, to approve Ordinance 1629-2019 – to rezone
202 property located in Section 12, Township 16, Range 7 in the City of Onalaska, La Crosse
203 County, Wisconsin from Light Industrial (M-1) with I-90 Economic Development Overlay to
204 Light Industrial (M-1) (Kenworth Rezoning) (Third and Final Reading).

205

206 On voice vote, motion carried.

207

208 **Item 12 – Ordinance 1630-2019 – to amend Section 10 of Chapter 2 of Title 11 of the Code**
209 **of Ordinances of the City of Onalaska relating to Disorderly Conduct (First and Second**
210 **Reading)**

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211
212 Motion by Ald. Binash, second by Ald. Wulf, to approve Ordinance 1630-2019 – to amend
213 Section 10 of Chapter 2 of Title 11 of the Code of Ordinances of the City of Onalaska relating to
214 Disorderly Conduct (First and Second Reading).

215
216 Ald. Wulf asked Police Chief Miller if this is a new ordinance.

217
218 Police Chief Miller said this is an adjustment, noting the actual disorderly conduct portion of the
219 ordinance is being removed. Police Chief Miller told Ald. Wulf disorderly conduct already was
220 adopted into the city’s ordinances under Section 11-1-1 and said, “It was kind of in there twice.
221 We’re removing it out of this one, and we’re going to be covering it under [Section] 11-1-1
222 under the adopted state statutes.”

223
224 Ald. Binash asked Police Chief Miller if someone still could be charged with disorderly conduct
225 should he/she fall under Section 11-2-10.

226
227 Police Chief Miller told Ald. Binash no, and he asked if there is a title change to the ordinance as
228 well.

229
230 Police Chief Miller was told no.

231
232 Police Chief Miller said Section 11-2-10 will still stand, but will be separate from disorderly
233 conduct. Police Chief Miller said it is his understanding defecating or urinating in public places
234 does not necessarily fit under the disorderly conduct statute.

235
236 On voice vote, motion carried.

237
238 **Item 13 – Ordinance 1631-2019 – to amend Section 6 and 7 of Chapter 3 of Title 2 of the**
239 **Code of Ordinances of the City of Onalaska relating to Police and Fire Chiefs (First and**
240 **Second Reading)**

241
242 Motion by Ald. Wulf, second by Ald. Binash, to approve Ordinance 1631-2019 – to amend
243 Section 6 and 7 of Chapter 3 of Title 2 of the Code of Ordinances of the City of Onalaska
244 relating to Police and Fire Chiefs (First and Second Reading).

245
246 City Administrator Rindfleisch said the intent of the ordinance is to equalize the language
247 between the Police Chief and the Fire Chief.

248
249 Ald. Wulf asked if this has to do with the residency.

250
251 Ald. Wulf was told yes.

252
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253 On voice vote, motion carried.

254

255 **Item 14 – Ordinance 1632-2019 – to amend Sections 7 and 9 of Chapter 4 of Title 2 of the**
256 **Code of Ordinances of the City of Onalaska relating to Room Tax Commission and Board**
257 **of Electrical Examiners (First and Second Reading)**

258

259 Motion by Ald. Binash, second by Ald. Wulf, to suspend the rules and give Ordinance 1632-
260 2019 its First, Second, Third and Final Reading.

261

262 Ald. Binash said there will be an upcoming vacancy on the Room Tax Commission and he
263 would like to expedite the process so that a new member may join by April.

264

265 On voice vote, motion carried.

266

267 Motion by Ald. Binash, second by Ald. Wulf, to approve Ordinance 1632-2019 – to amend
268 Sections 7 and 9 of Chapter 4 of Title 2 of the Code of Ordinances of the City of Onalaska
269 relating to Room Tax Commission and Board of Electrical Examiners (First, Second, Third and
270 Final Reading).

271

272 On voice vote, motion carried.

273

274 **Adjournment**

275

276 Motion by Ald. Wulf, second by Ald. Binash, to adjourn at 6:22 p.m.

277

278 On voice vote, motion carried.

279

280

281 Recorded by:

282

283 Kirk Bey