

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

Wednesday, March 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, March 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, City Engineer
9 Jarrod Holter, Ald. Jerry Every

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 March 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. Wulf, second by Ald. Gjertsen, to approve Operator’s Licenses as listed on
33 report dated March 6, 2019.

34
35 On voice vote, motion carried.

36
37 **Item 5 – Approval of Special Events Permit for:**

- 38
39 a. Fleis Nightfall Frolic, April 26, 2019 starting at Rowe Park, Onalaska, WI from
40 approximately 5:30 p.m.-9 p.m.

41
42 Cari said the Parks and Recreation Department has submitted this request for a Special Events

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

Wednesday, March 6, 2019

2

43 Permit.

44

45 Motion by Ald. Wulf, second by Ald. Gjertsen, to approve a Special Events Permit for the Fleis
46 Nightfall Frolic, April 26, 2019 starting at Rowe Park, Onalaska, WI from approximately 5:30
47 p.m.-9 p.m.

48

49 On voice vote, motion carried.

50

51 **Item 6 – Resolution 14-2019 – To Utilize Committee of the Whole**

52

53 Ald. Every said he was unaware that the Committee of the Whole he had proposed would be on
54 this evening's agenda. Ald. Every said, "Needless to say, it's here, and I do appreciate that you
55 will listen to me one more time. The Committee of the Whole would work much the same way
56 on this night as any other night. In other words, it would meet on Wednesday. The same
57 committees would be meeting. The only thing that would change would be the time. It would be
58 one specific time. All the committees would sit in their normal positions in the Council
59 Chamber, and our [Council] President [Ald. Binash] would preside. Each individual chairman of
60 a committee would present his own portion, just like we do now. Nothing else would change –
61 no committees, no nothing. To me, it's just another tool that we could use where we would all
62 be able to ask questions of everything that comes up on the agenda. We don't get that chance the
63 way it works now. Some committee chairmen are more open to doing that and letting people
64 speak at their meetings than others. But the committee system we have is set up so that there are
65 no questions by an alderman who is not on that committee. But that being aside, if that works,
66 that's fine. I'm fine with that. It's just another tool that we could use if not now, maybe
67 sometime down the road. Think about it. If it fits better at a better time, so be it."

68

69 Motion by Ald. Gjertsen, second by Ald. Binash, to discuss Resolution 14-2019 – To Utilize
70 Committee of the Whole.

71

72 Ald. Gjersten said there will be times when it is useful to have a Committee of the Whole, and
73 that it is like any other meeting in that "once the meetings start happening, they probably make
74 more sense to the people who are participating. Again, it's another opportunity and another tool,
75 but I can think of a couple of things lately, and even Diane had mentioned [an item regarding]
76 Dave Skogen asking about a drive-through for alcohol. That would be one that I would think of
77 lately that would have probably fit at that type of meeting. We're not going to handle it here.
78 We're going to want to handle it at that level, maybe doing reviews of people for their positions
79 and how they're doing on that. I can see some things where that would make sense to have it."

80

81 Ald. Binash said, "As far as I'm concerned, I appreciate the commitment to wanting to make
82 things a little bit more transparent. However, I do feel that the system we have right now allows
83 everybody to participate. You can certainly take things off the agenda if it's on the [Common
84 Council's] Consent Agenda to talk about. The committees, as they work, it's to reduce the load

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

Wednesday, March 6, 2019

3

85 that everybody might have. And it allows everybody to also read the notes if you have the
86 opportunity to read the notes or come to the meetings. You get a real good flavor for what it's
87 all about, or whatever that particular issue is at that particular meeting or commission or board.
88 Personally, I don't think it's necessary to have a Committee of the Whole right now, although I
89 do understand the reasoning behind it. But I would not be in favor of it. I just don't think it's
90 necessary right now, in my opinion."

91
92 Ald. Wulf said, "For me personally, I feel like I'm already attending kind of a Committee of the
93 Whole. In the last 10 months since I've come back on Council ... After this meeting, I either
94 stay at City Hall or take a break, and I've typically come back all but one month. I have attended
95 Finance and Personnel and Utilities, and I typically stay for Closed Session. I kind of feel like
96 I'm already personally attending a Committee of the Whole. Everyone has an opportunity to do
97 that, just like I choose to attend Board of Public Works. You and I see each other a lot on
98 Tuesday and Wednesday nights, and we stay for the committees that we are not assigned to. For
99 me, that's my information gathering, and any of the six Council members are able to do that. I
100 guess if there were ever a time when we have the four standing committees where I personally
101 felt there was someone who was chairing a meeting that they did not allow one of us six to
102 speak, I would have an issue with that.

103
104 I think the one specific one that Alderman Every refers to was Board of Zoning Appeals. As
105 someone who chaired that [board] 13 of 14 years I was on that committee – and I went back on it
106 again – that is a very specific committee that rules cannot be broken. That is just the way it is.
107 It's very specifically run for a reason by state statute. I would have an issue if any one of us
108 chairing a committee would not allow one of us to ask a question. As it stands right now, I am
109 perfectly fine with the way we are doing business at Onalaska City Hall. After knocking on
110 1,100 doors last spring, I never had a single person say that maybe we need to be doing business
111 differently. If I had constituents telling me, 'We don't think it's transparent. We think you
112 should be doing something different,' I might take a different look at it. But I don't hear public
113 outcry to do something different. I would not be in support of this at this time. But if something
114 changed, I would be willing to listen to it again."

115
116 Ald. Gjertsen said, "I've been at meeting where it's happened, and I've felt the same way Diane
117 does. It's not good business practice to take that alderman out of the equation. It was this
118 [committee] where it happened. It happened several times. You may not have been there,
119 Diane. You were sitting in retirement at the time or whatever you would call that. I'll come
120 right out and say it: It was [former Second District Alderperson] Bob Muth – several times. I
121 didn't appreciate it then, but that's not what this is about. As far as it fitting somebody
122 personally, I could really care less. This is not about us. This is about being able to get the
123 information out to the people. The one thing that I would say that Jerry had in there that I would
124 see a little bit different is he's making it up as a monthly meeting. I would probably look at it as
125 needed. An example would be if we were doing an evaluation of somebody, or if we were taking
126 an item from, let's say the Skogen deal over there. If it's front of us we would say, 'This should

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

Wednesday, March 6, 2019

4

127 go over here,' and we could have a motion and we would vote on that, and then it would happen.
128 That would be the way I would envision it working. There again, this is for discussion matter
129 tonight. The other thing I will add to that is, we're sitting here with this group of people at this
130 time. We're not necessarily trying to fit things for us. We're trying to look down the range and
131 say, 'What's going to work? What are we seeing?' Listening to the dialogue amongst ourselves,
132 we once in awhile will say, 'We need to get that over there.' It's a process and a tool we can use
133 if we get there someday."

134

135 Ald. Binash said if there is no motion for the resolution, then there is no further action.

136

137 Cari said the committee may make a motion to send the resolution to the Common Council.

138

139 Ald. Gjertsen said such a motion would not pass this evening.

140

141 Ald. Binash said the committee is deciding whether Resolution 14-2019 will appear on the
142 March 12 Common Council agenda, and he stated it will not appear on that agenda if the
143 committee does not take action on it this evening. Ald. Binash noted the Common Council
144 already has discussed the Committee of the Whole several times, and he said the Administrative
145 and Judiciary Committee has discussed the topic and it is now on the record. Ald. Binash also
146 said this topic may be brought up again.

147

148 Ald. Gjertsen said he believes this item would receive the same treatment from the Common
149 Council as it has in the past if it were to go before the Council again March 12.'

150

151 Ald. Binash asked if there will be a motion to approve Resolution 14-2019, or if the committee
152 will state the topic has been discussed.

153

154 Motion by Ald. Gjertsen to approve Resolution 14-2019 – To Utilize Committee of the Whole.

155

156 Motion dies for lack of a second.

157

158 **Item 7 – Appointment of agent for Kwik Trip 350, 9421 State Road 16, Onalaska to Sara**
159 **Gilman**

160

161 Motion by Ald. Gjertsen, second by Ald. Wulf, to approve an appointment of agent for Kwik
162 Trip 350, 9421 State Road 16, Onalaska to Sara Gilman.

163

164 On voice vote, motion carried.

165

166 **Item 8 – Miscellaneous licensing reporting**

167

168 Cari noted she had distributed a new report listing four Recreational Burning Permits.

Reviewed 3/8/19 by Cari Burmaster

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

Wednesday, March 6, 2019

5

169
170 Motion by Ald. Gjertsen, second by Ald. Wulf, to approve the miscellaneous licensing reporting.

171
172 On voice vote, motion carried.

173
174 **Judiciary**

175
176 **Item 9 – Ordinance 1628-2019 – to amend Article E of Chapter 1 of Title 10 of the Code of**
177 **Ordinances of the City of Onalaska relating to Enforcement and Penalties (Third and Final**
178 **Reading)**

179
180 Motion by Ald. Binash, second by Ald. Wulf, to approve Ordinance 1628-2019 – to amend
181 Article E of Chapter 1 of Title 10 of the Code of Ordinances of the City of Onalaska relating to
182 Enforcement and Penalties (Third and Final Reading).

183
184 On voice vote, motion carried.

185
186 **Item 10 – Ordinance 1630-2019 – to amend Section 10 of Chapter 2 of Title 11 of the Code**
187 **of Ordinances of the City of Onalaska relating to Disorderly Conduct (Third and Final**
188 **Reading)**

189
190 Motion by Ald. Wulf, second by Ald. Binash, to approve Ordinance 1630-2019 – to amend
191 Section 10 of Chapter 2 of Title 11 of the Code of Ordinances of the City of Onalaska relating to
192 Disorderly Conduct (Third and Final Reading).

193
194 On voice vote, motion carried.

195
196 **Item 11 – Ordinance 1631-2019 – to amend Section 6 and 7 of Chapter 3 of Title 2 of the**
197 **Code of Ordinances of the City of Onalaska relating to Police and Fire Chiefs (Third and**
198 **Final Reading)**

199
200 Motion by Ald. Binash, second by Ald. Wulf, to approve Ordinance 1631-2019 – to amend
201 Section 6 and 7 of Chapter 3 of Title 2 of the Code of Ordinances of the City of Onalaska
202 relating to Police and Fire Chiefs (Third and Final Reading).

203
204 On voice vote, motion carried.

205
206 **Item 12 – Ordinance 1633-2019 – to amend Title 10 Chapter 1 Section 18 of the Code of**
207 **Ordinances of the City of Onalaska relating to one-way streets and alleys (First and Second**
208 **Reading)**

209
210 Motion by Ald. Binash, second by Ald. Wulf, to approve Ordinance 1633-2019 – to amend Title

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

Wednesday, March 6, 2019

6

211 10 Chapter 1 Section 18 of the Code of Ordinances of the City of Onalaska relating to one-way
212 streets and alleys (First and Second Reading).

213

214 Ald. Binash asked Jarrod how much of an issue this will create for the Public Works Department
215 by making this a one-way street. Ald. Binash also asked Jarrod how many parking spaces might
216 be created.

217

218 Jarrod told committee members Assistant City Engineer Kevin Schubert has finalized the design,
219 and he said staff is working with the electrical consultant on the final electrical design going out
220 for bid. Jarrod said he believes there will either be 25 or 26 total stalls. Jarrod also said there
221 would have to be proper signage, and that signage would come at a cost. Jarrod said the area
222 likely will have to be maintained with a pickup truck or a loader for snowplowing, telling
223 committee members it will not be possible for a large truck to go down the center if parking in
224 the area is at capacity. Jarrod said parking likely will not be allowed from 2 a.m. to 6 a.m., and
225 he suggested first installing it and seeing how it operates. This will allow city staff to plow the
226 area when the Great River Landing and City Hall are being plowed. Jarrod said that while he is
227 concerned about plowing and circulation of traffic, he believes the design will work.

228

229 On voice vote, motion carried.

230

231 **Item 13 – Ordinance 1634-2019 – to amend Title 10 Chapter 1 Section 37 of the Code of**
232 **Ordinances of the City of Onalaska relating to school zone parking (First and Second**
233 **Reading)**

234

235 Ald. Wulf asked Jarrod if both he and First Lutheran Church approve of the First and Second
236 Reading occurring this evening, and the Third and Final Reading occurring at the April 3
237 Administrative and Judiciary Committee meeting.

238

239 Jarrod said the signage could be posted on temporary barricades if the city wishes to enact the
240 ordinance immediately. Jarrod said First Lutheran Church representatives still were attempting
241 to work with some of the homeowners on various locations. Jarrod also said that while he does
242 not believe First Lutheran Church representatives had asked to expedite the process, they also
243 had been making this request “for a few months now.”

244

245 Ald. Wulf asked Jarrod about measuring for the 141 feet.

246

247 Jarrod said it would be in an easterly direction from the easterly right-of-way of 4th Avenue.
248 Jarrod also noted it would be back 141 feet from where 4th Avenue and Irvin Street meet. This
249 would leave approximately three to four parking spots left from the Irving Pertzsch Elementary
250 School side to the curb.

251

252 Ald. Wulf asked Jarrod how measurements are taken.

Reviewed 3/8/19 by Cari Burmaster

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

Wednesday, March 6, 2019

7

253
254 Jarrod said he took the measurement on a computer, but staff will wheel it off when the sign is
255 installed.

256
257 Motion by Ald. Wulf, second by Ald. Binash, to approve Ordinance 1634-2019 – to amend Title
258 10 Chapter 1 Section 37 of the Code of Ordinances of the City of Onalaska relating to school
259 zone parking (First and Second Reading).

260
261 On voice vote, motion carried.

262
263 **Item 14 – Ordinance 1635-2019 – to amend Title 11 Chapter 1 Section 1 of the City of**
264 **Onalaska Code of Ordinances related to offenses against State Law subject to forfeiture**
265 **(First and Second Reading)**

266
267 Motion by Ald. Binash, second by Ald. Wulf, to approve Ordinance 1635-2019 – to amend Title
268 11 Chapter 1 Section 1 of the City of Onalaska Code of Ordinances related to offenses against
269 State Law subject to forfeiture (First and Second Reading).

270
271 Ald. Binash asked if all the items on the list included in committee members' packets are all
272 referenced to the State of Wisconsin Statute, and if they will be incorporated into the city's
273 ordinances.

274
275 Cari told Ald. Binash she had received an email from city legal counsel Amanda Jackson and
276 said "a major overhaul" had occurred in this section in mid- to late-2017. Adjustments were
277 made to the list of offenses subject to forfeitures, as appropriate, as the last adjustments occurred
278 several years ago. Cari said city legal counsel was awaiting approval to go forward with the
279 agenda, "so they're bringing it in line with those statutory references." Cari said this is a city
280 ordinance, but the state statutes are being referenced.

281
282 On voice vote, motion carried.

283
284 **Adjournment**

285
286 Motion by Ald. Wulf, second by Ald. Binash, to adjourn at 6:23 p.m.

287
288 On voice vote, motion carried.

289
290
291 Recorded by:

292
293 Kirk Bey