

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

Wednesday, July 8, 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, July 8, 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. Steven Nott, Ald. Tom Smith,
6 Ald. Diane Wulf

7
8 Also Present: City Administrator Eric Rindfleisch, Mayor Kim Smith, City Clerk Cari
9 Burmaster (retiring), City Clerk JoAnn Marcon (new), City Attorney Amanda Jackson, Fire
10 Chief Troy Gudie, Omni Center Event Coordinator Justin Swartling, Ald. Dan Stevens

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

13
14 Motion by Ald. Wulf, second by Ald. Nott, to approve the minutes from the previous meeting as
15 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. T. Smith called three times for anyone wishing to provide public input and closed that
22 portion 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 July 8, 2020, with**
29 **permission to continue to accept all applications through Monday, July 13, 2020**

30
31 Cari noted she had sent out an updated listing Wednesday afternoon that had 49 applicants. Cari
32 also noted each applicant had undergone a background check.

33
34 Motion by Ald. Wulf, second by Ald. Nott, to approve Operator’s Licenses as listed on report
35 dated July 8, 2020, with permission to continue to accept all applications through Monday, July
36 13, 2020.

37
38 On voice vote, motion carried.

39
40 **Item 5 – Approval of Change of Agent for Kwik Trip #350, 9421 State Road 16, Onalaska**
41 **to Megan L. Giddings**

42

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43 Motion by Ald. Nott, second by Ald. Wulf, to approve Change of Agent for Kwik Trip #350,
44 9421 State Road 16, Onalaska to Megan L. Giddings.

45

46 On voice vote, motion carried.

47

48 **Item 6 – Approval of Special Events Permit for:**

49

50 A. Market in the Park Event, July 18, August 8, and September 12, 2020 from 8 a.m.-3 p.m.
51 at Van Riper Park Aquatic Center parking lot

52

53 Motion by Ald. Nott, second by Ald. Wulf, to approve Special Events Permit for Market in the
54 Park Event, July 18, August 8, and September 12, 2020 from 8 a.m.-3 p.m. at Van Riper Park
55 Aquatic Center parking lot.

56

57 Justin told committee members the July 18 event was going to be canceled due to the Coulee
58 COVID-19 Compass being in the “Severe Risk” category until the risk factor was downgraded
59 this week to the “High Risk” category. Justin said the first Market in the Park Event, which was
60 held June 13, had been successful, and he told committee members staff is looking forward to the
61 next event.

62

63 Ald. T. Smith told Justin he had heard positive feedback about the first Market in the Park.

64

65 On voice vote, motion carried.

66

67 **Item 7 – Discussion on possible mailbox parking ordinance**

68

69 Mayor K. Smith told committee members the contact person she had as Postmaster has retired,
70 and she said she was referred to another individual. Mayor K. Smith said the contact number she
71 has for that individual is a general number, and she has been unable to reach the Postmaster.

72

73 Cari asked committee members if they wish to have this item on the August 5 Administrative
74 and Judiciary Committee meeting agenda.

75

76 Mayor K. Smith and Ald. T. Smith both said yes.

77

78 Ald. Nott said the new Postmaster should be given an opportunity to respond. However, Ald.
79 Nott also said, “If that does not resolve the situation as far as abiding by their own policies, we
80 still have the option to get with our own representative from our own district at the federal level
81 to discuss with that individual, Representative Ron Kind, that we have an issue potentially with a
82 post office that isn’t abiding by its own policies. But I do think it would be wise to let the new
83 person be able to respond first before we do that.”

84

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85 **Item 8 – Miscellaneous licensing reporting**

86

87 Motion by Ald. Wulf, second by Ald. Nott, to place on file the miscellaneous licensing per the
88 handout dated July 8, 2020.

89

90 On voice vote, motion carried.

91

92 **Judiciary**

93

94 **Item 9 – Ordinance 1670-2020 – to amend Title 2 of the Code of Ordinances of the City of**
95 **Onalaska relating to Government and Administration**

96

97 Ald. Nott noted this item had appeared on the June 3 Administrative and Judiciary Committee
98 meeting agenda, and he also noted it has been updated based on the discussion that occurred at
99 that meeting.

100

101 Ald. Wulf asked if the committee had run out of time at the June 3 meeting and decided to skip
102 Title 2.

103

104 Ald. Nott said the committee had discussed several changes, but he also added it is possible the
105 committee had not gotten all the way through it.

106

107 Amanda told committee members she had submitted an updated version of this ordinance.

108

109 Ald. Nott said he had brought up certain areas for discussion at the June 3 meeting, including
110 filling an alderperson's vacant seat.

111

112 Ald. Wulf referred to the minutes of the June 3 Administrative and Judiciary Committee meeting
113 and noted she had stated she had several questions regarding the ordinance and asked that this
114 item (Item 13 on the June 3 agenda) be deferred. Ald. Wulf also pointed out Ald. Nott had stated
115 he also had several questions, and this item was deferred to the July 8 meeting. Ald. Wulf said
116 she believes committee members have since spoken with Amanda, and also possibly
117 administration, to iron out additional questions that evening. Ald. Wulf noted both she and Ald.
118 Nott have since followed up to reduce the number of questions.

119

120 Ald. Nott pointed out changes have been made based on those conversations, and he asked
121 committee members if there are any other issues they would like to discuss based on what is in
122 front of the committee this evening.

123

124 Ald. Wulf referred to Chapter 2 ("City Administration"), Division 1 ("Common Council"),
125 Section 2.02.11, Subsection B, which reads: *"The Common Council has the power to preserve
126 order at its meetings, compel attendance of Council members, and may fine or expel for neglect*

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127 *of duty.*” Ald. Wulf asked Amanda to expound on this, noting that while this has not been much
128 of an issue for the city, “there has been one glaring time when there was an issue, but nothing
129 was ever done.” Ald. Wulf said she does not want something included in the city’s ordinances if
130 it is not enforceable.

131
132 Amanda said it would be enforceable, but it would take action on the Common Council’s part.
133 Amanda said there are instances when it becomes necessary to be absent from a Council
134 meeting, and those absences are excused. However, if an alderperson has missed several
135 consecutive meetings with little communication or there is an ongoing issue in which the
136 individual fails to attend meetings and does not give any notice, Amanda said the Council has the
137 authority to adjourn the meeting and compel the absent alderperson’s attendance via a written
138 request. Amanda said if there is an ongoing issue the Council could, via a resolution, go on
139 record and state that the individual needs to attend meetings, or the Council could institute a fine
140 on that individual, which is allowed by statute. Amanda said there would have to be an extreme
141 circumstance and the Common Council would have to have the will to do it, but it is an option
142 and that is why it remains in the ordinance.

143
144 Ald. Wulf referred to Section 2.02.18 (“Vacancy in the Office of the Common Council”) and
145 asked to add the following at the end of No. 2: “*The City Clerk will schedule joint Mayor and
146 Common Council interviews with all eligible candidates in a timely fashion.*” Ald. Wulf noted
147 there currently is no reference to conducting interviews, and she said she would like the
148 committee to entertain the idea of making the interview process by the Mayor and the Common
149 Council part of an ordinance as well as part of the actual process. Ald. Wulf said, “I think it’s
150 worked for us very well the last couple times we’ve done it, and I for one would like to see it
151 continue.”

152
153 Motion by Ald. Wulf, second by Ald. T. Smith, to add the following verbiage to Section 2.02.18
154 (“Vacancy in the Office of the Common Council”), Subsection A, No. 2 of Title 2 of the Code of
155 Ordinances of the City of Onalaska relating to Government and Administration: “*The City Clerk
156 will schedule joint Mayor and Common Council interviews with all eligible candidates in a
157 timely fashion.*”

158
159 Ald. Wulf said there have been instances in the past when alderpersons have been appointed,
160 “and it’s been done very haphazardly.” Ald. Wulf noted she has both been in the audience and
161 serving as an alderperson when past mayors have made appointments, and she said, “It didn’t
162 feel very good, and it didn’t look very good to the public, either. I think if there is a very open
163 process it makes it more legitimate, and I think it makes the City of Onalaska look a lot more
164 professional doing it the proper way.”

165
166 On voice vote, motion carried.

167
168 Ald. Wulf next addressed Section 2.02.19 (“Salary and Expenses”), Subsection A (“Salary”),

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169 which currently reads in part as follows: “*Commencing on April 20, 2021, upon election*
170 *alderpersons shall be compensated \$4,800 per calendar year paid monthly while holding office.*”
171 Ald. Wulf next addressed Subsection B (“Expenses”), which reads in part as follows:
172 “*Commencing on April 20, 2021, upon election alderpersons shall receive \$1,200 per year paid*
173 *monthly for general un-itemized expenses.*” Ald. Wulf noted that the alderpersons currently are
174 paid \$500 per month via resolution through December 31, 2020. Ald. Wulf said come January 1,
175 2021, unless something is done otherwise, there will be a gap between January 1 and April 20
176 where the payments will revert back to \$400 per month based on the way the ordinance is
177 currently written. Ald. Wulf also noted the individuals who either were elected or appointed in
178 2020 will see their salary reduced by 20 percent, and those salaries will remain at that level from
179 January 1, 2021 until the April 2022 elections. Ald. Wulf stated she takes issue with that, and
180 she said, “As this reads right now, I cannot support this.”

181
182 Ald. Nott said he remembers from past discussions that the extra \$100 was to offset any
183 additional expenses the alderpersons needed to incur due to complying with COVID-19-related
184 restrictions (e.g. Zoom meeting access). Ald. Nott said it was his understanding per the past
185 discussions the increase was specific to a temporary issue and was not to be a permanent fix.

186
187 City Administrator Rindfleisch said that as part of the budget process the Administrative Budget
188 included some expense increases, and he noted the elected officials had not had an increase in
189 expenses or wages in several years. City Administrator Rindfleisch said he believed it was
190 appropriate to increase the expenses for all the elected officials, stating the funds had been
191 budgeted for that amount as part of the budget process. City Administrator Rindfleisch said,
192 “Then comes the question of expenses. The challenge then came for what I attempted to
193 accomplish was not allowable under state statute because unless the expenses are directly tied to
194 an actual expense that would likely be considered to be income, and state statute regulations are
195 elected officials can’t vote for their own income increase. They can only do that after their next
196 election cycle. Down the road, as Alder Nott pointed out, the likelihood of increased expenses
197 occurring for the elected officials due to the response to COVID-19 and meeting remotely, we
198 went back to the opportunity to increase expenses on a temporary basis for the elected officials
199 as originally planned for.

200
201 The money is available and budgeted. The challenge is that what I hoped to accomplish and
202 transfer that, unless we tied it directly to an actual expense, it would be considered income,
203 which the elected officials would be put in danger of ethical challenges if they approved that.
204 That led to the opportunity because expenses did go up and could be identified as expenses for
205 telework to put that in on a temporary basis.”

206
207 Ald. T. Smith asked City Administrator Rindfleisch if that was through the end of the year.

208
209 City Administrator Rindfleisch and Amanda both said yes.

210

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211 Amanda told committee members an elected official's salary may not be adjusted midterm, and
212 she said any increase in salary has to go into effect at the time of the next election for an elected
213 official's position. Amanda said, "Any time you increase the salary for an alderperson or the
214 Mayor, it essentially is increasing the salary either for your future self or potentially your
215 successor because that is the check and balance the statute has put in place so that you can't get
216 elected and then systemically increase your salary. On the flip side, expenses can be adjusted
217 midterm. But expenses have to be tied to actual expenses. If we receive a request, we have to be
218 able to justify your expenses. We have to tie them to a breakdown of actual expenses you are
219 incurring for the role. The point of that – and there is case law out there on this – is because they
220 don't want you to essentially circumvent the salary requirement and then pay yourself higher
221 expenses midterm because you can increase expenses midterm, but you can't increase salary.
222 That's the conundrum we have. We have expenses that are actually fairly high right now, so we
223 don't have a lot of room to justify an increase to our expenses. Our salary probably should be
224 increased, so what we tried to do – at least in the ordinance – was to rectify that moving forward
225 by putting the bulk of the money in a salary with a small expense amount. However, we can't do
226 that this midcycle. It wouldn't go into effect until a future election term."

227

228 Ald. Nott asked Ald. Wulf if that had addressed her concern.

229

230 Ald. Wulf said no.

231

232 Ald. Nott noted this was a short-term change to offset expenses, adding, "It wasn't to change
233 salary."

234

235 Ald. Wulf said, "It was a temporary fix to get us through to the end of the year to resolve an
236 issue that we thought we had taken care of. The money is budgeted. It's not like it was
237 unbudgeted. It's just that through whatever number of years we didn't realize it needed to be
238 part of our ordinances instead of just handled at budget time. Now that we're doing it the proper
239 way, quite frankly I don't think it's fair that ... I think if you ask any City Hall employee if they
240 would like to have their salary reduced by 20 percent for the next year and a half, they would say
241 no. I won't speak on behalf of anyone else, but I know the tremendous amount of work I put in
242 for my job at City Hall. I don't do it to make money, but quite frankly, after the years the wages
243 have not been increased, \$100 is not a whole lot of money. But to me, it's the principle of the
244 matter. The money is there. It has been budgeted. And that's why I'm going to be talking about
245 the Mayor part next. I'm not just talking about my salary. I fight for City Hall salaries, and I'm
246 going to fight for the next thing, [which is] for the Mayor, because for me it's a matter of
247 principle and I'm going to fight for what I think is fair.

248

249 I think that there should be a way to resolve this. I would be fine if we had to do something with
250 expenses because I can very easily come up with expenses to make up the difference, whether
251 we put a cap on maximum amount of expenses or whatever. But I think that employees should
252 need to be made whole, because that's what the intent of Council was when we passed this for

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253 the year 2020. Alderpersons – whichever pot [or] whatever you want to call it ... expenses,
254 salary – that was the intent of budget. It was in the books. It was actually at the public hearing,
255 and it is in the minutes. That was what the intent was: \$500 a month. However we get there, I
256 don't really care. But at the end of the day, I think employees and Council need to be made
257 whole.”

258
259 Ald. Nott said, “It's very important that this is clarified. When this occurred a couple months
260 back, it specifically was to offset expenses in order to continue our city business within the
261 COVID-19 restrictions. This was not a salary increase. That is why it also was temporary, and
262 the city has constraints legally on what they can and can't do without incurring significant
263 liability. I think that's what Eric was saying, too. I'll go back to him when I'm done here, but
264 going through with a permanent change on this would be very shaky ground to claim this was
265 just for expenses now and not for an actual salary increase when the temporary constraint and
266 being able to get internet access or better internet access and any other automation we needed to
267 do the remote meetings, obviously that's already met, and through December that additional
268 expense – I guess reimbursement – certainly should be paying for that. Again, what Eric was
269 saying was we can go ahead and vote for a change that's permanent, but it can't take effect until
270 after the next election cycle. That's all he's saying.” Ald. Nott asked City Administrator
271 Rindfleisch if he had accurately interpreted his comments.

272
273 City Administrator Rindfleisch said, “In my opinion that's correct. I'll let Amanda as the City
274 Attorney determine if the interpretation is correct or not, but that's my impression of that. ... I
275 think Alder Wulf had brought up some ideas I know we talked about but turned away from the
276 last time around was the submittal of expenses and reimbursements for that. Would there
277 potentially be a resolution to this if we set a cap of a certain dollar amount and a budgeted
278 amount for expense reimbursement per elected official, and then they could submit up to that
279 point in time? Let's put the challenge of saying what's an approved expense and what's not an
280 approved expense to staff. I think that's what we're trying to avoid, but it may be a solution.”

281
282 Ald. Nott said he believes an elected official would be standing on firm ground to receive
283 reimbursement if he/she is able to show his/her expenses exceed the additional \$100 per month
284 through December, and if he/she also is able to annotate and itemize it and provide it to the city.

285
286 Amanda said the city would need to follow the Internal Revenue Service's guidelines related to
287 business expenses, but she said the city could state any councilmember who exceeds the set
288 monthly reimbursement for expenses may submit those expenses above and beyond to the
289 Finance Department for review and payment. Amanda said the city may establish a cap or allow
290 all authorized expenses.

291
292 Ald. Nott noted there currently is an allowance for expenses, and he said he sees no reason why
293 the city could not reimburse an alderperson if he/she has additional expenses that can be itemized
294 and documented.

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295

296 Ald. T. Smith asked if perhaps the committee could bring back this item for further discussion,
297 and also to determine if perhaps there is another alternative. Ald. T. Smith said it is his
298 understanding Ald. Wulf would like to see if there are other options, adding, "I know we're
299 constrained legally, but is there a creative way we can make it work?"

300

301 Mayor K. Smith said, "Many years ago, the councilmembers and Mayors did have expenses. It
302 was eliminated because it became very cumbersome for staff to have to monitor that, and as well
303 for the elected officials to keep track of it. It was decided intentionally to not have to itemize and
304 submit receipts. ... It's changed over time, but way back when ... there was a base salary, and
305 then there was the expenses that people could choose to or not choose to submit. They figured
306 out an average, and I think at that time it was based on a newspaper subscription, which was
307 important, and whatever the other items were, were deemed legitimate expenses for alders. Over
308 time, because of the rule where the salary can't be increased unless it's an election year and then
309 it would just be half the alders, it was always easier to just keep increasing the expenses. I think
310 several years ago we tried to correct that and to increase the salary without increasing the
311 expenses. That's how we got into this pickle where it wasn't done correctly, and now we're in a
312 stuck spot.

313

314 I don't know the answer. I do know it's hard to find good people to run. None of the elected
315 officials are doing it for the money, but we talk about opportunities in our community. I was a
316 young mother when I started serving on Council, and it was hard for my family. Families need
317 childcare and different things in order for them to be able to have someone in their household
318 participate in local government. I think even though for the average alderperson the wage is not
319 really an issue, we need to keep in mind that isn't the case for all people who may be considering
320 running for elected office."

321

322 Ald. Nott thanked Mayor K. Smith and said, "All of those are great points. However, we still
323 have statutory constraints, which is what I think Amanda and Eric are referring to. We have an
324 expense allowance. Maybe that can be expanded sometime in the future, but if it would be
325 something we could stand on legally to do that, because if we were challenged it has to stand up
326 in a court. Or we can go to all submission of expenses like we did in the past, which you already
327 mentioned was too much work for the staff to do. Or we have our expense allowance, and as I
328 stated earlier if you believe in any given month you are possibly exceeding that because of some
329 circumstance or event, you could itemize that and maybe submit that to see if you can get for that
330 one month, as needed, an additional expense reimbursement. It's a real fine line between an
331 expense allowance and a salary. That's a legally tenuous line that we have to be very, very
332 aware of as we go down this discussion."

333

334 Amanda said she agrees with Ald. Nott that it is a fine line, and she noted expenses have come
335 closer to salaries over the years. Amanda told committee members the goal is to have higher
336 salaries and lower expenses, "otherwise you create that room for a challenge, and it begins to

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337 look like your expense is really your salary. From a legal standpoint, we could sit down and
338 justify the higher expense amount, but it's not good long term to have a high expense and a low
339 salary because then it looks like we're essentially justifying expenses as salary. Ultimately the
340 goal is to have something like what is proposed here where your salary is the bulk of the
341 compensation you're receiving, and your expense is lower. If we could sit down and break
342 something down where, to Kim's point, a newspaper subscription used to be this much. Maybe
343 that's not a good base plan in 2020 for your expenses. Maybe we could look at a reasonable
344 amount toward a mobile phone, home internet, some mileage, [and] figure out general IRS
345 authorized expenses and come up with a bulk number that we could use until we move toward
346 this. That might be one option. But I would want it spelled out what that expense money is
347 reimbursing."

348

349 Ald. Nott said he recommends that the committee continue the discussion regarding Ordinance
350 1670-2020, and also take this evening's conversation regarding salaries and expenses into the
351 August meeting cycle as a standalone agenda item. Ald. Nott said the committee can pass the
352 ordinance and still end up having a discussion and an ordinance change that addresses any type
353 of expense or salary change afterward.

354

355 Amanda asked committee members if it would be logical to engage in a discussion at the July 14
356 Common Council meeting as a separate agenda item. Amanda expressed concern that an entire
357 month will be lost if the Administrative and Judiciary Committee approves the amended
358 ordinance, but the will of the Council is different.

359

360 Ald. Nott said he believes the committee should consider the ordinance separate from this,
361 suggesting that the committee pass it as amended, including the previous amendment that passed
362 as well as any further conversations committee members have. Ald. Nott said the committee
363 would delay the conversation regarding salary and expenses to another time, and separate from
364 this. Ald. Nott said the committee always can make changes at a later date.

365

366 Ald. Wulf reiterated she will not support this tonight and said, "It's easy to say we can pass this
367 now and make changes later. But once something is passed it's a lot harder to get something
368 changed later. ... I would prefer that we talk about this more and instead of it going to Council
369 that maybe we talk more or Amanda can do more work on this or Amanda and Eric can do more
370 work on this and bring something back to A&J next month. That's just my suggestion."

371

372 Ald. Nott said, "As far as the difficulty of bringing up the salaries and expenses at a later time
373 after we consider the ordinance as is with the amendment, all that is is an agenda item. I don't
374 see that as being a difficult process at all." Ald. Nott told Ald. Wulf she is welcome to make an
375 amendment proposal if she wishes to do so.

376

377 Ald. Wulf told Ald. Nott she is not prepared to do that at this time because she needs to confer
378 with Amanda and bring forth something that is legal and attainable. Ald. Wulf told Ald. Nott she

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379 does not have that at this time. Ald. Wulf noted she remembers when previous Mayors were
380 required to turn in reimbursements to the Finance Department, and she said she is not looking to
381 burden the Finance Department. Ald. Wulf said, "I'm just looking at councilmembers being
382 made whole. This is what the intent was. This is what was originally passed, and I'm not
383 looking for councilmembers to have to go backwards. That's my whole point."

384
385 Ald. T. Smith asked Amanda if this item may be moved to the August 5 Administrative and
386 Judiciary Committee meeting.

387
388 Amanda told Ald. T. Smith she does not object moving this item to the August 5 meeting.
389 However, Amanda also asked that the salary and expense issue be an independent item on the
390 July 14 Common Council meeting if the committee chooses to move this item to August.
391 Amanda said, "My concern is if you pass something in August at A&J and then Council
392 ultimately doesn't agree with that, we've held up the entire Title 2 now three-plus months. We
393 are on a bit of a time crunch to get this done in order to start the recodification yet this year. I'd
394 rather have that discussion preliminary, come up with some ideas between now and next week,
395 talk about them, and hopefully have something that works for August."

396
397 Ald. T. Smith told Amanda he believes that is a good way to approach it and said he believes the
398 Common Council will have to provide its input. Ald. T. Smith noted there will be different
399 opinions and said the Council should bring them forward and reduce that time.

400
401 Ald. Wulf said she agrees with Ald. T. Smith.

402
403 Cari asked Amanda if she is seeking something pertaining to recommendations for salary and
404 expenses for both the alderpersons and the Mayor as a separate line item referencing the
405 ordinance.

406
407 Amanda told Cari, "If we could do that, that language works. We'll take these two sections out
408 of the ordinance and put those as the attachment."

409
410 Cari said, "What we reference is the salary and expenses there."

411
412 Amanda said yes and told Cari she will send her the sections.

413
414 Ald. Wulf referred to Section 2.03.24 ("Assessor"), Subsection A(2) ("Appointment"), which
415 reads, "The City Assessor or the assessing firm shall be appointed by the Mayor subject to
416 confirmation by the Council." Ald. Wulf asked why this was changed from the Common
417 Council to the Mayor, noting the city goes out for bid for the City Assessor every few years and
418 the Common Council approves it.

419
420 Amanda told Ald. Wulf there is a statutory position much like most of the rest of the city offices,
421 and she said this is a strange situation for any municipality that goes out to bid. Amanda said she

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422 had worded it the way she did to keep it in line with that standard appointment, noting that even
423 though the city has a contract with an assessor, it has appointed separate assessors under that
424 general appointment. Amanda said that in theory, approving the contract is not the same as
425 appointing unless the city already has utilized the words it is appointing an assessor by way of
426 approving the contract. Amanda said, “This just gives you a cleaner way to do it – just add them
427 to the list that you appoint yearly.”

428
429 Ald. Wulf asked if this is similar to the yearly appointments made at the Common Council
430 Reorganizational Meeting held every April, and she asked if the Council still is awarding a
431 contract to the assessor.

432
433 Amanda said yes.

434
435 Ald. Wulf addressed Section 2.04.24 (“Historic Preservation Commission”), Subsection B
436 (“Term Limits”), which reads, “*Term limits for appointed members shall be three years,*” and
437 she said she believes this insinuates commission members may no longer serve after three years.
438 Ald. Wulf noted all the other appointments for committees, commissions and boards reference
439 the length of one’s term, and she suggested that Subsection B be rephrased so that it reads similar
440 to the other sections for committees, commissions and boards.

441
442 Ald. Nott said he does not see any verbiage that states Historic Preservation Commission
443 members cannot be reappointed for another three years.

444
445 Amanda said she sees Ald. Wulf’s point of view, and that she would not object to removing the
446 word “limits” so that Subsection B reads, “*Term for appointed members shall be three years.*”

447
448 Ald. Wulf noted the Historic Preservation Commission appears to be the only committee,
449 commission or board that says “term limits,” stating she believes “term limits” is more of a
450 partisan term and has no place in the city’s ordinances.

451
452 Ald. Nott asked if the recommendation is to delete the word “limits.”

453
454 Ald. Wulf said she is suggesting that Amanda incorporate language so that it more mirrors any
455 other section that talks about the length of time a term is. Ald. Wulf suggested that it instead be
456 called “Appointments,” adding she believes it needs to be rephrased and not be called a term
457 limit.

458
459 Motion by Ald. Nott, second by Ald. Wulf, to change Section 2.04.24 (“Historic Preservation
460 Commission”), Subsection B, No. 2 of Title 2 of the Code of Ordinances of the City of Onalaska
461 relating to Government and Administration from “Term Limits” to “Appointments,” and to
462 rephrase Subsection B to read as follows: “*Appointed members shall serve for three years.*”

463
464 On voice vote, motion carried.

Reviewe 7/13/2020 by JoAnn Marcon

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

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12

465
466 Ald. Nott said he still is confused about the conversation related to salaries versus
467 reimbursements, asking if the committee may make a motion to pass Title 2 with the two
468 amendments, and the August 5 Administrative and Judiciary Committee meeting agenda will
469 include an item pertaining to salaries and reimbursements. Ald. Nott also asked, “Did we say
470 we’re going to delay this with the amendments?”

471
472 Amanda said she believes the will was to refer this item to the August 5 Administrative and
473 Judiciary Committee meeting, and the July 14 Common Council meeting agenda will include an
474 item pertaining to a discussion on recommendations for salaries for the Common Council and the
475 Mayor.

476
477 Motion by Ald. Wulf, second by Ald. T. Smith, to refer to the August 5 Administrative and
478 Judiciary Committee meeting Ordinance 1670-2020 – to amend Title 2 of the Code of
479 Ordinances of the City of Onalaska relating to Government and Administration, including the
480 two amendments passed July 8. A discussion on recommendations for salaries for the Common
481 Council and the Mayor will be included as an item on the July 14 Common Council meeting
482 agenda.

483
484 On voice vote, motion carried.

485
486 **Item 10 – Ordinance 1673-2020 – to rezone parcel located in Section 02, Township 16,**
487 **Range 7 in the City of Onalaska, La Crosse County Wisconsin from High Density**
488 **Residential (R-4) to Low Density Residential (R-1)**

489
490 Motion by Ald. T. Smith, second by Ald. Wulf, to approve Ordinance 1673-2020 – to rezone
491 parcel located in Section 02, Township 16, Range 7 in the City of Onalaska, La Crosse County
492 Wisconsin from High Density Residential (R-4) to Low Density Residential (R-1).

493
494 On voice vote, motion carried.

495
496 **Item 11 – Ordinance 1674-2020 – to amend Title 5 of the Code of Ordinances of the City of**
497 **Onalaska relating to Public Safety**

498
499 Ald. Nott addressed Section 5.01.18 (“Civilians to Assist”), Subsection A, which reads, “*All*
500 *persons in the City, when called upon by any police officer or peace officer, shall promptly aid*
501 *and assist them in the execution of their duties and whoever shall neglect or refuse to give such*
502 *aid or assistance shall be subject to the general penalty as provided in Title 1 of this Code of*
503 *Ordinances.*” Ald. Nott said he is seeking clarification as to what this means.

504
505 Amanda said she believes citizens would be required to aid and assist an officer when directed.

506
507 Ald. Nott asked if citizens are protected by qualified immunity in this case.

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13

508

509 Amanda told Ald. Nott she will need to look into that.

510

511 Ald. Nott said, “We don’t want to put our own citizens at risk in Civil Court.”

512

513 Ald. Wulf addressed Section 5.03.15 (“Charges for Fire Department Services and Calls”), noting
514 this is a new addition and asking Fire Chief Gudie for his input regarding this section.

515

516 Fire Chief Gudie said there had been a discussion regarding having service fees for going out and
517 performing acceptance testing of new fire alarm systems and new fire sprinkler systems. Fire
518 Chief Gudie said the fee probably would bring the city on track with what some other fire
519 departments are doing, noting there is a cost when the Fire Department is spending time on site
520 with contractors. Fire Chief Gudie noted no charge is currently levied every time the Fire
521 Department is doing preplanning for a structure and performing walk-throughs. Fire Chief
522 Gudie said, “Specifically when we are doing a fire suppression system for a kitchen [or] a fire
523 alarm system verification test that everything is working properly and monitored. That’s pretty
524 much what we’re looking at with those specific fees.”

525

526 Ald. Wulf referred to the Fee Schedule that is mentioned in Section 15.03.15 and asked if it is
527 forthcoming, or if it is already developed.

528

529 Fire Chief Gudie told Ald. Wulf he believes the Fee Schedule is forthcoming and said he and
530 Amanda had done some preliminary work with a \$50 fee structured to perform inspections for
531 alarm systems. Fire Chief Gudie said what type of process that would be involved with the other
532 fees that would be imposed still must be identified.

533

534 Amanda told committee members the Fee Schedule is forthcoming, and she said her goal was to
535 pass the ordinance and examine the fees in August. Amanda said she can bring forward the fees
536 to the Common Council if that is the committee’s wish, but she also told committee members
537 there are challenges involved with doing things simultaneously. Amanda reiterated her wish is
538 to pass the ordinance and then examine the fees; however, they can be addressed at the same
539 time. Amanda noted the City of Onalaska does not charge for in-depth services while other
540 municipalities do, and she said the fees would cover some of the Fire Department’s testing
541 expenses.

542

543 Fire Chief Gudie noted the Fire Department participates in acceptance tests that can have
544 firefighters on site between one to two hours.

545

546 Ald. T. Smith asked Amanda if the fees will be added to the city’s standard fee sheet once they
547 are completed.

548

549 Amanda said yes.

550

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14

551 Ald. Wulf said she is content to wait until August to see the fees and stated she believes the city
552 should be looking at recouping some of its expenses.

553

554 Motion by Ald. Nott to refer to the August 5 Administrative and Judiciary Committee meeting
555 Ordinance 1674-2020 – to amend Title 5 of the Code of Ordinances of the City of Onalaska
556 relating to Public Safety to allow time to resolve qualified immunity for citizens who are called
557 upon by any police officer or peace officer to aid or assist.

558

559 Amanda asked that the committee send this item to the Common Council and give her a week to
560 have the answer Ald. Nott is seeking. Amanda said, “That is verbatim what is in our ordinance
561 right now. That’s not a change. We’re not really changing anything by not passing this. Just in
562 an effort to keep things moving, I would like to try to get that answer for you by next week. If
563 you want to remove that, then we could make that amendment at Council.”

564

565 Motion withdrawn.

566

567 Ald. Nott asked that this be discussed at the July 14 Common Council meeting.

568

569 Cari referred to Section 5.04.27 (“Permits for Private Alarm Systems”) and said Financial
570 Services Director/Treasurer Fred Buehler had asked if the annual fee is a one-time fee.

571

572 Amanda told Cari she will need to speak with Police Chief Charles Ashbeck.

573

574 Ald. Nott asked that this item be placed on the Non-Consent Agenda for the Common Council
575 meeting if the committee passes it.

576

577 Motion by Ald. Nott, second by Ald. T. Smith, to approve Ordinance 1674-2020 – to amend
578 Title 5 of the Code of Ordinances of the City of Onalaska relating to Public Safety.

579

580 On voice vote, motion carried.

581

582 **Adjournment**

583

584 Motion by Ald. Wulf, second by Ald. T. Smith, to adjourn.

585

586 On voice vote, motion carried.

587

588

589 Recorded by:

590

591 Kirk Bey