

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

Wednesday, October 7, 2020

1

1 The meeting of the Administrative & Judiciary Committee of the City of Onalaska was called to
2 order at 5:30 p.m. on Wednesday, October 7, 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. Diane Wulf,
6 Ald. Steven Nott

7
8 Also Present: City Administrator Eric Rindfleisch, Mayor Kim Smith, City Clerk JoAnn
9 Marcon, City Attorney Amanda Jackson, Planning Manager Katie Aspenson, Police Chief
10 Charles Ashbeck

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 October 7, 2020**

29
30 Motion by Ald. Wulf, second by Ald. Nott, to approve Operator’s Licenses as listed on report
31 dated October 7, 2020.

32
33 On voice vote, motion carried.

34
35 **Item 5 – Approval of Wrecker of the Week Agreements with the City of Onalaska**

36
37 Motion by Ald. Nott, second by Ald. Wulf, to approve Wrecker of the Week Agreements with
38 the City of Onalaska.

39
40 Police Chief Ashbeck told committee members representatives from five tow operating
41 companies had approached Police Sergeant Tim Berg, who coordinates the Wrecker of the Week
42 Program, and informed him it had been at least eight years since prices have changed in the

Reviewed 10/12/2020 by JoAnn Marcon

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

Wednesday, October 7, 2020

2

43 contract that allow the operators to charge slightly higher rates to keep up with inflation, current
44 prices, and wages. Police Chief Ashbeck said he wanted to bring forward the contract and noted
45 the Common Council approves the contract for the following year on a yearly basis. Police
46 Chief Ashbeck noted there were no other changes to the contract a year ago, and he said he
47 wanted to bring forward the contract and see if both the Administrative and Judiciary Committee
48 and the Common Council were open to increasing some of the prices the operators may charge
49 for some of the services. Police Chief Ashbeck told committee members he will be happy to
50 discuss suggestions on the various services, as well as the prices the operators currently charge.

51
52 Ald. Wulf noted the Wrecker of the Week Program has been a longstanding service, and she also
53 pointed out there were operators in the area who believed they were not receiving an equal share
54 of the work. Ald. Wulf said she believes it would be good for the city to revisit why it has this
55 agreement, and she noted this agreement was not approved last year. Ald. Wulf said she had
56 been told there possibly would be rate changes, and she said she would like to know what the
57 current rates are as well as what the rate proposals are.

58
59 Police Chief Ashbeck provided an overview of the Wrecker of the Week, explaining that officers
60 who respond to accidents or motorists whose vehicles have experienced mechanical failure are
61 the ones who frequently utilize this program. Officers ask motorists if they have a preference
62 regarding which operator they would like to utilize, and either the officer or dispatch will contact
63 that operator. Police Chief Ashbeck said in many instances motorists do not have a preference,
64 so the five operators rotate weeks where they are on call. The contract establishes parameters for
65 the operators, such as they must respond in a certain amount of time, and they are allowed to
66 charge certain rates for certain services. Police Chief Ashbeck said this makes the procedure
67 more efficient for the citizens, and it also provides protection in that operators must charge
68 consistent rates. Police Chief Ashbeck told committee members there are instances where the
69 Police Department might need to tow an abandoned vehicle. The vehicle is towed back to the
70 tow yard, and it is stored there. The owner of the vehicle is responsible for those charges. Police
71 Chief Ashbeck said the Police Department pays for the tow when it seizes a vehicle upon which
72 it wishes to serve a search warrant because it is related to a criminal case. The vehicle is towed
73 to the Police Department, where it is served a search warrant.

74
75 Ald. Wulf noted a copy of the 2019 agreement was included in committee members' packets,
76 and she also noted this is the current agreement. Ald. Wulf asked if the operators are looking to
77 the city to increase the amount, or if they are approaching the city with suggestions.

78
79 Police Chief Ashbeck said Sergeant Berg had surveyed all the tow companies this past spring
80 and obtained suggestions regarding what they would like to see. Police Chief Ashbeck said
81 Sergeant Berg had compiled a document for him detailing the current charges as well as a
82 recommendation based on the input from the tow companies:

- 83
84
- The current charge for the Police Department calling a regular wrecker for a citizen is

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

Wednesday, October 7, 2020

3

- 85 \$105, and the charge for a flatbed tow is \$116. The Police Department recommends that
86 these rates increase to \$120 and \$126, respectively.
- 87 • The charge to put a car on jacks or dollies is an additional \$38. This rate would remain
88 unchanged.
 - 89 • Operators may currently levy an additional labor charge of \$33 every 15 minutes, or \$132
90 per hour. Three of four operators found the charge to be satisfactory, so no change is
91 being recommended.
 - 92 • There currently is a \$50 fee for city-seized vehicles. Three of four operators found the
93 charge to be satisfactory, so no change is being recommended.
 - 94 • The daily storage rate is \$33 per day. The Police Department is recommending
95 increasing that amount to \$40 per day.
 - 96 • Sergeant Berg recommends retaining the \$33 charge for a Police Department tow if the
97 Police Department must store a vehicle. Police Chief Ashbeck said it is very rare that the
98 department does this and told committee members he would approve of an across-the-
99 board rate of \$40 for daily storage.

100

101 Ald. T. Smith told Police Chief Ashbeck it appears that Police Department staff has examined
102 the contract, and he said it also appears that the department is comfortable with the rates.

103

104 Police Chief Ashbeck told Ald. T. Smith he is correct.

105

106 Ald. Wulf referred to the agreement and noted it shows there are four operators who participate:
107 Craig's Towing, Don's Towing, Del's Towing, and Paul's Towing.

108

109 Police Chief Ashbeck told Ald. Wulf she is correct and said he had thought there were five
110 operators because there is a new company, J.J.'s, that wishes to join.

111

112 Ald. Wulf asked Police Chief Ashbeck if he is seeking the committee's approval of the fee
113 increases.

114

115 Police Chief Ashbeck told Ald. Wulf she is correct, and he said he welcomes any input from
116 committee members if they have different rates in mind for any of the categories.

117

118 Ald. Wulf said she appreciates the fact Sergeant Berg had polled the operators and obtaining
119 their feedback, adding she is very comfortable with what is being proposed.

120

121 Motion by Ald. Wulf to approve the Wrecker of the Week Agreements with the City of
122 Onalaska, with the fee for a normal wrecker increasing from \$105 to \$120; the fee for a flatbed
123 increasing from \$120 to \$126; and the daily storage fee for non-Police Department storage will
124 increase from \$33 to \$40 per day.

125

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

Wednesday, October 7, 2020

4

126 JoAnn noted Ald. Nott had made the original motion to approve.

127

128 Ald. Wulf said that is her clarification of a motion.

129

130 Ald. T. Smith asked Ald. Nott if he would agree to amend his motion.

131

132 Motion by Ald. Wulf, second by Ald. Nott, to amend the previous motion and approve the
133 Wrecker of the Week Agreements with the City of Onalaska, with the fee for a normal wrecker
134 increasing from \$105 to \$120; the fee for a flatbed increasing from \$120 to \$126; and the daily
135 storage fee for non-Police Department storage will increase from \$33 to \$40 per day.

136

137 Ald. Nott said he does not know if what has been presented is a competitive price, and he asked
138 if anyone knows if the insurance that promotes roadside assistance considers to be a competitive
139 rate for this area. Ald. Nott also asked, “Why don’t we compete this out for the best bargain for
140 our citizens? Most of these are for when they need help.”

141

142 Police Chief Ashbeck told Ald. Nott he can provide him with a general answer to his first
143 question regarding motor carrier insurance. Police Chief Ashbeck said a majority of tow
144 companies do not provide towing for those motor carrier insurance providers such as AAA
145 because AAA charges a minimal fee and the tow operators do not make a profit towing under
146 AAA. Police Chief Ashbeck said it is difficult and time-consuming to request a AAA wrecker in
147 this area. Police Chief Ashbeck said he thinks Del’s does it; however, he said a wrecker from the
148 City of Sparta was sent to the scene when he served as Village of West Salem Police Chief
149 because there were so few. Police Chief Ashbeck said, “I think it would really hurt the officers
150 and the amount of time they would sit waiting on the side of the road if we restricted it to those
151 lower fees that AAA charges.”

152

153 Ald. Nott asked, “Is there a reason we don’t compete this to see which of the tow carriers would
154 provide the best bargain for the citizen if they’re going to do this for the city with the police
155 making the call?”

156

157 Police Chief Ashbeck told Ald. Nott he cannot answer that question and said all he knows is that
158 this contract has been in place for at least 10 years. Police Chief Ashbeck told Ald. Nott he
159 believes the City of La Crosse bids out towing services in a similar situation about which he had
160 inquired. Police Chief Ashbeck added he is not opposed to that idea, and he asked if perhaps
161 Amanda could provide more feedback from a legal standpoint.

162

163 Amanda said the city could put out a Request for Proposals, and she told committee members the
164 City of Onalaska has always taken the position that it “spreads the wealth a little bit” and utilize
165 everyone. Amanda noted that in the past the city has bargained to keep rates rather low for its
166 consumers. Amanda also pointed out that, “No one is required to use this. But if that is the will
167 of the Council and [the Administrative and Judiciary Committee], we could look at putting out

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

Wednesday, October 7, 2020

5

168 an RFP. The risk of that is we may not get a lower rate.”

169

170 Mayor K. Smith said, “I think if we are thinking of deviating and maybe getting bids, we should
171 also think of our businesses in Onalaska, and if there is an RFP give preferential points to
172 businesses within Onalaska.”

173

174 Ald. Wulf asked Police Chief Ashbeck if the city would be open to allowing other operators to
175 participate in the agreement, or if the city will only utilize the four operators mentioned in the
176 agreement.

177

178 Police Chief Ashbeck said, “I don’t think we have any particular preference other than they have
179 to meet the requirements of the contract as far as being located within the vicinity enough to
180 respond in a 30-minute time window, having a storage facility, [and] a secure impound area.
181 There are certain restrictions that way, [including] providing an insurance certificate, [and] going
182 through the yearly tow operator training course that Sergeant Berg does with the tow companies.
183 There are certain restrictions like that that would be a requirement for any company to join on.
184 In full disclosure, there is [an operator] on here that is pressing us to move toward a sole
185 provider-type contract – a business strictly within Onalaska. But I guess that’s part of a larger
186 discussion that we would have to have.”

187

188 Ald. Nott said in that case the city would be trying to weigh the citizen versus the business, and
189 he stated, “If we decide we want to bid this, I think we would want to bid it out to the best
190 bargain for the city if the police need to impound, and the best bargain for the citizen when
191 they’re in trouble on the roadside and need a response. I don’t know if we’re going to be able to
192 do that here, so I’m certainly willing to let this go forward. [But] when this comes up again next
193 year, I’m wondering if maybe we can take a look at the pros and cons of maybe going into a bid
194 process for somebody locally. It doesn’t have to be Onalaska; we’d be wanting to get the best
195 bargain. I’m willing to let it go for this year, but I’d like to look at it next year.”

196

197 Police Chief Ashbeck told committee members he had failed to mention the following category:

198

- 199 • The contract currently states an operator may charge an additional \$11 per hour if it tows
200 between 10 p.m. and 6 a.m. The Police Department recommends increasing that amount
201 to \$15 per hour.

202

203 Ald. Wulf said she does not object to the increase.

204

205 Motion by Ald. Wulf, second by Ald. Nott, to amend the previous motion and include increasing
206 the rate to tow between 10 p.m. and 6 a.m. from \$11 per hour to \$15 per hour.

207

208 Vote on the amendment:

209

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

Wednesday, October 7, 2020

6

210 On voice vote, motion carried.

211

212 Vote on the amendment:

213

214 On voice vote, motion carried.

215

216 Ald. Wulf said the city would have to start earlier in the process if it decides to go out for RFPs
217 in 2021 for 2022.

218

219 JoAnn asked the committee to vote on the original motion.

220

221 Vote on the original motion, as amended:

222

223 On voice vote, motion carried.

224

225 **Item 6 – Miscellaneous licensing reporting**

226

227 Motion by Ald. Wulf, second by Ald. Nott, to place on file the miscellaneous licensing reporting.

228

229 On voice vote, motion carried.

230

231 **Judiciary**

232

233 **Item 7 – Approval of parking deposit schedule for Title 10 – Motor Vehicles and Traffic**
234 **Code**

235

236 Amanda told committee members this is a snapshot of what they will see in the future moving
237 forward and said, “Because we are updating all of the code, we also have to update the ordinance
238 numbers in our TraCS and TiPPS system, which our Police system and our Municipal Court
239 system so our citations correctly have the right citation ... We’re also putting together a schedule
240 of deposits, which is a schedule so that if you wanted you could look up what the penalty would
241 be for violating any city ordinance. That doesn’t exist right now. ... This is kind of a slice of that
242 document you’re viewing.” Amanda told committee members the reason they are seeing the
243 parking portion this evening is because alternate side parking season will soon begin. Amanda
244 said, “We would like to get these in there and updated prior to that starting November 15.”

245

246 Amanda asked that the committee make the following amendment:

247

- 248 • The version in the agenda does not have Section 10-1-35 (“Parking in a Tow-a-Way
249 Zone”) on the list. It should be included. The penalty is a \$15 parking citation.

250

251 Amanda noted the parking fees will increase slightly, and she told committee members a

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

Wednesday, October 7, 2020

7

252 decision had been made a few years ago to increase alternate side parking fees to \$15. However,
253 the rest of the parking citations were not increased at that time. Amanda said, “When we were
254 looking at these with the Police Department, it didn’t seem to make a lot of sense that you could
255 get a ticket for alternate side parking that was \$15, but a 24-hour parking ticket, which is a very
256 similar ticket, would be \$10. We felt that it would be best to have the parking fees be consistent
257 across the parking structure. That’s what drove that increase. If we were going to charge \$15 for
258 alternate side parking tickets, we felt that that should be the base level parking ticket.”

259

260 Motion by Ald. Nott, second by Ald. Wulf, to approve parking deposit schedule for Title 10 –
261 Motor Vehicles and Traffic Code, with the addition of Section 10-01-35 (“Parking in a Tow-a-
262 Way Zone”), which carries a \$15 fine.

263

264 Ald. Wulf noted Amanda had sent committee members the current rates earlier Wednesday, and
265 she said she struggled with what they had received when she attempted to match it up because it
266 is not an equal match. Ald. Wulf said, “If something is in front of us that is proposed, it’s
267 extremely helpful to know when reviewing and being expected to vote on [items] what it
268 currently is.” Ald. Wulf stated she cannot vote for this item until she understands what the
269 current citations rates are, and she said, “I see what is being proposed as far as Attachment No. 7,
270 but I’m not finding all of them on what’s in our packet compared to what [Amanda] sent me
271 today.”

272

273 Amanda shared on her screen the current list of parking violations and fees as well as what is
274 being proposed and noted the following:

275

- 276 • Section 10-1-20 (“Posted limitations”) has become Section 10-01-31(B). The citation
277 will increase from \$10 to \$15.
- 278 • Twenty-four hour parking limitations, which was part of Section 10-1-20, will become its
279 own section (Section 10-01-31(A)) and will carry a \$15 citation.
- 280 • Section 10-01-31(D)(1)(a) (“Parking Restrictions on School Grounds”) addresses school
281 zone parking. The citation will increase from \$10 to \$15.
- 282 • Section 10-01-31(D)(1)(b) (“Parking in Bus Lane”) was formerly part of school parking.
283 This citation has decreased from \$20 to \$15. Amanda said there was confusion as some
284 school zone parking violations carried a \$20 fine, while others carried a \$10 fine.
- 285 • Section 10-01-31(E) (“Alternate Side Parking Restrictions”) still will carry a \$15 citation.
- 286 • Section 10-01-31(F) (“Parking Reserved for Disabled Parking Permits”) still will carry a
287 \$250 fine.
- 288 • Section 10-01-31(G) (“Unlawful Removal of Parking Citations”) carries a \$124 fine.
289 There is a base forfeiture of \$50. There is a 26-percent penalty assessment that carries a
290 \$13 cost. Court costs total \$38. There is a \$10 jail assessment. There also is a \$13 crime
291 lab fee. Those all are costs that are attributed to all ordinance violations.
- 292 • Both Section 10-01-32(A) (“Temporary Parking Restrictions”) and Section 10-01-32(B)

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

Wednesday, October 7, 2020

8

- 293 (“Temporary Parking Restrictions for Special Events”) carry a \$15 fine. This is an
294 increase from \$10.
- 295 • Section 10-01-33(E) (“Angle Parking”) carries a \$25 fine. Amanda noted this could have
296 an impact on traffic.
 - 297 • Section 10-01-34(A) (“Leaving Keys in Vehicle”) carries a \$25 fine.
 - 298 • Section 10-01-36 (“Parking Vehicles of 12,000 lbs. or 18 feet Restricted”) carries a \$25
299 fine, which is an increase of \$5.
 - 300 • Section 10-01-36 (B) (“Parking Recreational Vehicle or Trailer on Street”) is new and
301 carries a \$25 fine.
 - 302 • Section 10-01-37 (“Operation of Unlicensed Operator in Public Parking Lot/Ramp”) is
303 proposed to remain at \$187.

304
305 Ald. Nott addressed Section 10-01-34(B) (“Parking Motor Vehicle with Motor Running”) and
306 asked if there is a time associated with this. Ald. Nott noted remote starting devices are standard
307 in many new automobiles, and he asked if this section addresses vehicles that are left running for
308 more than five minutes, or if someone is fined \$187 if his/her vehicle is running and he/she is not
309 present.

310
311 Amanda told Ald. Nott the ordinance states that no one shall park or leave standing any motor
312 vehicle with the motor or refrigerator unit running for more than 30 minutes within 300 feet of
313 any residence within the city between 10 p.m. and 7 a.m.

314
315 On voice vote, motion carried.

316
317 **Item 8 – Ordinance 1682-2020 – to Correct the Zoning of a Parcel Located in Section 32,**
318 **Township 17, Range 7 in the City of Onalaska, La Crosse County, Wisconsin from Low**
319 **Density Residential (R-1) to High Density Residential (R-4)**

320
321 Katie said this property is formally known as the “Mink Farm,” and she noted the property has
322 been annexed. Katie said the issue is that it was incorrectly shown in this ordinance as Single
323 Family Residential. When the annexation was approved, one of the conditions of approval noted
324 it was to be zoned Multifamily upon annexation. Katie said the purpose of this ordinance is to
325 correct the error in the ordinance that was previously approved.

326
327 Motion by Ald. T. Smith, second by Ald. Wulf, to approve Ordinance 1682-2020 – to Correct
328 the Zoning of a Parcel Located in Section 32, Township 17, Range 7 in the City of Onalaska, La
329 Crosse County, Wisconsin from Low Density Residential (R-1) to High Density Residential (R-
330 4).

331
332 On voice vote, motion carried.

333

334 **Item 9 – Ordinance 1683-2020 – to Amend Title 13 of the Code Of Ordinances of the City**
335 **Of Onalaska Relating to Surfacing and Parking**

336

337 Katie said the purpose of this ordinance is to make it clear that all parking spaces must be clearly
338 marked. That is the paragraph related to surfacing. Staff added a statement that reads “*Parking*
339 *stalls for inventory only are not required to be individually striped, but shall be delineated in a*
340 *way to demonstrate compliance with parking stall minimums.*” This is only with automotive
341 dealerships. Katie noted the Plan Commission had unanimously approved this item at its
342 September 22 meeting.

343

344 Motion by Ald. T. Smith, second by Ald. Wulf, to approve Ordinance 1683-2020 – to Amend
345 Title 13 of the Code Of Ordinances of the City Of Onalaska Relating to Surfacing and Parking.

346

347 On voice vote, motion carried.

348

349 **Item 10 – Ordinance 1684-2020 – to Amend Title 13 of the Code Of Ordinances of the City**
350 **Of Onalaska Relating to District Specific Standards Open Space Standard**

351

352 Katie said the purpose of this ordinance is to ensure that not only R-4, but also R-3 (Medium to
353 High-Density Residential Districts) are required to have a 25-percent gross green space area.
354 The setback areas are allowed to be included in this, and Katie said this is correcting an error in
355 the ordinance. Katie said the open space standard is making sure that if a developer were to
356 construct a multifamily project in one of the city’s mixed-use districts, the developer also would
357 be required to adhere to this minimum open space standard. The Plan Commission unanimously
358 approved this item at its September 22 meeting.

359

360 Motion by Ald. Wulf, second by Ald. T. Smith, to approve Ordinance 1684-2020 – to Amend
361 Title 13 of the Code Of Ordinances of the City Of Onalaska Relating to District Specific
362 Standards Open Space Standard.

363

364 On voice vote, motion carried.

365

366 **Item 11 – Ordinance 1685-2020 – to Amend Title 16 of the Code of Ordinances of the City**
367 **of Onalaska Relating to Property Maintenance, Public Nuisances and Vacant Building**
368 **Code and Renumber Title 16 to Title 12**

369

370 Katie noted the city previously had a Title 12 vacated due to the reorganization of its codes, and
371 she said the primary purpose of this ordinance is to reorder this from Title 16 to Title 12. Katie
372 noted additions had been made, and staff also included garage sales with clearer standards into
373 the Property Maintenance Ordinance. Katie noted this had been taken out of Title 7
374 (“Licensing”) and said staff believes this is a more appropriate location. Staff also cleared up
375 standards related to maintenance of vehicles and how people may utilize recreational vehicles on

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

Wednesday, October 7, 2020

10

376 their site. Individuals who are changing the oil on a vehicle may work on their own vehicles on
377 their own property.

378

379 Amanda told committee members the language under “Recreational Vehicles” is being changed
380 to be more consistent with the code prior to the rewrite.

381

382 Motion by Ald. T. Smith, second by Ald. Wulf, to approve Ordinance 1685-2020 – to Amend
383 Title 16 of the Code of Ordinances of the City of Onalaska Relating to Property Maintenance,
384 Public Nuisances and Vacant Building Code and Renumber Title 16 to Title 12.

385

386 Ald. Wulf thanked Amanda and Katie for the assistance they had given her earlier Wednesday.

387

388 On voice vote, motion carried.

389

390 **Adjournment**

391

392 Motion by Ald. Wulf, second by Ald. T. Smith, to adjourn at 6:17 p.m.

393

394 On voice vote, motion carried.

395

396

397 Recorded by:

398

399 Kirk Bey