

6. Approval of **Resolution 34-2020** to dissolve the Onalaska Arts Commission
7. Discussion on possible mailbox parking ordinance
8. Approval of Sidewalk Café Permit Application / Hold Harmless Agreement
9. Miscellaneous licensing reporting

Judiciary

10. **Ordinance 1670-2020** to amend Title 2 of the Code of Ordinances of the City of Onalaska relating to Government and Administration
11. **Ordinance 1675-2020** to Annex Land Located In The Northeast $\frac{1}{4}$ Of The Southwest $\frac{1}{4}$ In Section 29, Township 17 North, Range 7 West From The Town Of Onalaska To The City Of Onalaska (Leppert Annexation)
12. **Ordinance 1677-2020** to Rezone Parcel Located In Section 33, Township 17, Range 7 In The City Of Onalaska, La Crosse County Wisconsin From Agriculture (A-1) And Non- Designated To Mixed Use Community (MU-C) (Sand Lake Road)
13. **Ordinance 1678-2020** to Delete Title 12 Of The Code Of Ordinances Of The City Of Onalaska Relating To Parks And Recreation And Create Title 8 Of The City Ordinances Related To Parks And Recreation
14. **Ordinance 1679-2020** to Amend Chapter 4 Of Title 6 Of The Code Of Ordinances Of The City Of Onalaska Relating To Sidewalks
15. Adjournment



PACKET: 03274 License Packet OPERATORS AUG MTG

SEQUENCE: License #

ID	PERIOD	-----NAME-----		LICENSE CODE
01797	7/01/20- 6/30/22	GROSSELL	HEATHER	OPRATOR OPERATORS - 2 YEAR
01871	7/01/20- 6/30/22	CHAPMAN	SHANE	OPRATOR OPERATORS - 2 YEAR
04763	7/20/20- 6/30/22	TARKOWSKI	ERIC	OPRATOR OPERATORS - 2 YEAR
05201	7/01/20- 6/30/22	KRUTZA-GUTHRIE	DAWN	OPRATOR OPERATORS - 2 YEAR
05798	7/28/20- 6/30/22	CLEMENTS	LAURA	OPRATOR OPERATORS - 2 YEAR
06419	7/14/20- 6/30/21	BRENENGEN	NATHANIEL	OPRATOR OPERATORS - 2 YEAR
06425	7/16/20- 6/30/22	COOLEY	DANIEL	OPRATOR OPERATORS - 2 YEAR
06428	7/20/20- 6/30/22	CANDELL	CLAIRE	OPRATOR OPERATORS - 2 YEAR
06430	7/23/20- 6/30/22	SWIGGUM	LAWRENCE	OPRATOR OPERATORS - 2 YEAR
06431	7/23/20- 6/30/22	JOHNSON	ZOE	OPRATOR OPERATORS - 2 YEAR
06434	7/28/20- 6/30/22	FRUIT	ALISSA	OPRATOR OPERATORS - 2 YEAR



#5

CITY OF ONALASKA

415 Main Street • Onalaska, WI 54650-2953 • (608) 781-9530 fax (608) 781-9534 • www.cityofonalaska.com

SPECIAL EVENT PERMIT APPLICATION GENERAL EVENT INFORMATION

Official Name of Special Event: All in the Timing

Start Date: 9/7/20 (setup) 9/11/20 (show) End Date: 9/20/20

	MON	TUES	WED	THURS	FRI	SAT	SUN
Setup	8am - 6pm	8am - 6pm	8am - 6pm	8am - 6pm	8am-6pm		
Start				7pm	7pm	2 & 7 pm	2pm
End				8pm	8pm	3 & 8pm	3pm
Cleanup				8-9pm	8-9pm	8-9pm	3-4pm

Location of Event: Park/Public Property _____
 Public Street/Sidewalk/Alley/Right of Way _____
 Private Property 1700 Oak Forest Dr
 Other _____

Please List Streets (and include map) That May be Closed or Otherwise Affected by the Event:

Oak Forest Dr may have a slightly higher traffic rate as more cars will be pulling into Altra to park.

Location of Event Parking: Altra (Onalaska offices) parking lot

Estimated Attendance Per Day:
 0-299 300-499 500-999 1,000-4999 5,000+

Estimated Attendance Entire Event:
 0-299 300-499 500-999 1,000-4999 5,000+

Number of Booths:
 0-24 25-49 50-74 75-100 100+

Advertising Will Consist of:
 Pre-event advertising through yard or other signs
 Temporary directional / other signage during the event (no more than 24 hrs in advance)
 Promotional Brochure / Flyer – copy must be provided with application

Type of Event:

- Festival / Music Concert
- Rally / Memorial
- Parade
- Run / Walk Greater than 5K
- Public Assembly
(For political purposes)
- Other Theatre performance with drive-in seating
- Religious / Educational
- Street / Block Party
- Fun Run / Walk A Thon
- March Utilizing Public Property
- Sport (fishing, soccer, etc.)

Event Will Have:

- Bounce House
- Rock Wall
- Amplified Sound
- Vehicles
- Animals
- Other high-risk activity
- Bungee Jump
- Dunk Tank
- Marching Units
- Water Slides

Stage

Permit & Other Requirements:

<input type="checkbox"/> Alcohol will be served, sold, raffled, etc.	Class B Permit
<input type="checkbox"/> Food & Non Alcoholic Beverages	Health Permit
<input type="checkbox"/> Non-Food related sales and/or display booths	
<input type="checkbox"/> Tent and/or canopy	Fire Dept. Planning / Inspection Diggers Hotline must be contacted minimum of 3 days before digging
<input type="checkbox"/> Large Generator(s) requiring a separate Electric panel box to be wired off of it	Inspections permit
<input type="checkbox"/> Fires or candles	Fire Dept.
<input type="checkbox"/> Fireworks	Fire Dept.
<input type="checkbox"/> Activities in park outside normal operating hours	Waiver required by City Council
<input type="checkbox"/> Barricades / Detours (city streets, roads, etc.)	Approval by Police & Public Works
<input type="checkbox"/> State Hwy Closures	DOT permit required - organizer contracts with private company to install
<input type="checkbox"/> Cooking Equipment	Fire Dept.
<input type="checkbox"/> Solid Waste & Recycling	Disposal Containers & Haul Away

Arrangements Have Been Made For:

- | | |
|---|--|
| <input type="checkbox"/> Restrooms & Hand Washing | <input type="checkbox"/> Tent Heating |
| <input checked="" type="checkbox"/> Event Insurance | <input checked="" type="checkbox"/> Public Safety / EMS Services |
| <input checked="" type="checkbox"/> Fire Extinguishers | <input checked="" type="checkbox"/> Advertising Banners// Signs |
| <input type="checkbox"/> Drinking Water | <input type="checkbox"/> Grey Water & Grease Removal |
| <input checked="" type="checkbox"/> Weather Contingencies | <input type="checkbox"/> LP Gas |

In the Event of Severe Weather:

Open and Available Shelter Locations Will Include:

n/a

Identify Who Will Cancel the Event if Necessary: (name, title, phone number, and e-mail)

Dominique Luecke, Interim Director of La Crosse Community Theatre
608-784-9292 x4
dluecke@lacrossecommunitytheatre.org

Public Safety Site Plan:

Attach a schematic drawing of the event site location. The drawing must be legible and drawn to scale. The public safety plan must include the following items if they will be provided, or if they are required.

• Booths, stages and event structures
• First Aid Station(s)
• Information / Ticket Booths
• Fences
• Tents
• Boundaries of the Event
• Exits & Gates (gates must be numbered)
• Fire Extinguishers
• Severe Weather Shelters
• Fire / EMS access Road

• Security Staff
•
• Emergency Contact Event Personnel
• Assembly Area & Approximate Occupant Amounts
• Event Parking
• Barricades
• Generators
• Temporary Roadways
• Signed detour route per MUTCD

Provide any additional information the City should consider or may be relevant to a review of this application.

The performance will be completed in less than an hour. All guests will be advised to stay in their vehicles to watch the performance. They will be able to listen to the performance through their car radios. If there is a forecast for severe weather, the event for that day will be canceled. We will call/email people who have reserved a spot and post the cancellation on our website and social media.

The only additions made to the parking lot will be a stage at one end. There may also be a few yard signs showing people where to enter and exit, as well as banners around the stage to recognize sponsors. None of these items will permanently alter the parking lot.

We will have a first aid kit, portable AED, bottled water, and a fire extinguisher on site in case of an emergency.

Organization(s) Sponsoring Event:

Name: Altra
Address: 1700 Oak Forest Dr
City: Onalaska State WI Zip 54650

Check this box if this organization is tax exempt and provide proof with this application and include a copy of your organization's WI Sales and Use Tax Exempt Certificate.

Check this box to send invoices to this organization.

Name: La Crosse Community Theatre
Address: 428 Front St S
City: La Crosse State WI Zip 54601

Check this box if this organization is tax exempt and provide proof with this application and include a copy of your organization's WI Sales and Use Tax Exempt Certificate.

Check this box to send invoices to this organization.

CONTACT INFORMATION

****Primary and/or Secondary Contacts Must Be Onsite at All Times of the Event****

Primary Contact: Dominique Luecke
Daytime Phone: 608-784-9292 x4 Cell #: 920-585-4803
Email: dluecke@lacrossecommunitytheatre.org
Address: 428 Front St S
City: La Crosse State WI Zip 54601

Secondary Contact: Peter Suardi
Daytime Phone: 608-784-9292 Cell #: 314-277-9676
Email: psuardi@lacrossecommunitytheatre.org
Address: 428 Front St S
City: La Crosse State WI Zip 54601

EMERGENCY CONTACT INFORMATION

The public will be notified of a safety and/or security issue(s) in the following manner:

- Contacting Local Police and Fire Services
- Local Radio Station
- Other If it happens during a show, an announcement would be made from the stage
- Onsite PA System
- Word of Mouth

If a Private Security Firm has Been Contracted, List Their Information Below:

Security Provider: _____

Contact Person: _____ Phone Number: 608-784-9292 x4

Location of Provider at Event Site: _____

Location of Missing Persons Station: _____

EVENTS PERMIT FEE SCHEDULE

Permit fees shall be based upon the anticipated number of participants expected to attend the listed event, as determined by the City Clerk, and based upon the following fees. Permit fee is due when the application is submitted. Permit fee is nonrefundable if event is cancelled. If event is rescheduled for a date within 6-months, the permit fee would apply to the rescheduled date; if the event is rescheduled for a date later than 6-months of the original event date the permit fee is nonrefundable.

<u>PERMITTYPE</u>	<u>PERMIT FEE</u>
PARADES	\$0
SPECIAL EVENT	0 – 299 Participants = \$0 300 – 499 Participants* = \$250.00 500 – 999 Participants* = \$350.00 Over 1,000 Participants* = \$500.00 Events two (2) or more days: = \$100.00**

*Attendance shall be based on the highest attendance over the last two years of the event. New events with no prior participation shall automatically fall under subsection (c) 300 to 499 people unless event organizers anticipate 1,000 or more people in attendance.

**Multi day events (e) shall be in addition to the fee based on the number of attendees.

If the Event Takes Place on City Property (Parks, City Streets, or Other City Owned Facilities) in Whole or In Part:

I have reviewed the proposed location for the event and determined suitability for our proposed use.

There are no requested changes, upgrades or safety concerns identified
OR

I am requesting the following changes or upgrades:

I understand and acknowledge that it is the event organizer's responsibility to inspect the area the event is to take place and notify the City's Inspection Department (608.781.9541) of any safety concerns.

I have reviewed and have considered the Contingency Plan information provided by the City of Onalaska along with this application.

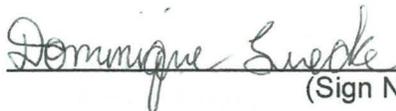
I have reviewed and understand the City's Insurance Requirements for Special Events as described in this document.

I have enclosed the event's Public Safety Site Plan.

I have enclosed other information that we believe is necessary or helpful to describe the planned event.

SIGNATURE

I am allowed to sign this application on behalf of the event sponsor. The information contained in this application for a Special Event permit is true, correct, and complete to the best of my knowledge. If there are any changes to the Special Event, I agree that I will promptly notify the City of Onalaska of these changes and request approval of them.



(Sign Name)

7/21/20

(Date)

Dominique Luecke

(Print Name)

Interim Director

(Print Title with Organization)

Return Completed Applications To:

Cari Burmaster, City Clerk

415 Main Street, Onalaska, WI 54650

(W) 608.781.9530 (F) 608.781.9534 cburmaster@cityofonalaska.com



CITY OF ONALASKA
INDEMNIFICATION, HOLD HARMLESS and REIMBURSEMENT AGREEMENT
(to be returned to City Clerk with Application Packet)

Special Event Name: All in the Timing

Special Event Location: 1700 Oak Forest Dr

Event Organizer(s):
La Crosse Community Theatre and Altra Federal Credit Union

The Event Organizer(s) (individually and collectively referred to as "Organizer") agree that said Organizer, not the City of Onalaska ("City"), shall be solely responsible for all incidents related to the Special Event, as named above. This responsibility of the Organizer to the City includes but is not limited to actions of the Organizer, its officers, employees, agents, and volunteers, along with event vendors, contractors, subcontractors, participants and visitors.

In consideration for the City's approval of the Special Event, except to the extent such claims arise from the negligence or misconduct of the City, the Organizer of the Special Event agrees to indemnify and hold harmless the City of Onalaska and its officers, council members, agents, employees and authorized volunteers, from, for, and against and agrees to defend the same from and against, any and all suits, claims, grievances, damages, costs, expenses, judgments and/or liabilities, including costs of defense and reasonable attorney fees, and further agrees to pay any settlement entered into or on behalf of, judgment entered against, the foregoing individuals and/or entities. The Organizer shall reimburse the City for costs incurred due to extraordinary damage to City property during the Special Event held by Organizer. Extraordinary damage shall be defined as damage to a City park or other City property in excess of normal wear and tear and which required repair in excess of routine maintenance. Request for Reimbursement for Extraordinary Damage shall be provided to the Organizer in the form of a detailed written accounting of the Extraordinary Damages and their repair cost as evidenced by written receipts or estimates. The accounting shall be submitted via first class mail, return receipt requested to the address Organizer provides on the Special Events Application. The Organizer shall remit payment no later than thirty (30) days from receipt of the accounting.

The Organizer shall abide by the City's insurance requirements for the event, including the addition of the City of Onalaska, and its officers, council members, agents, employees, and authorized volunteers as additional insured's for the event.

One or more waivers by either party of any provisions, terms or conditions of this Agreement shall not be construed by either party as a waiver of a subsequent breach of the same by the other party.

In the event any provisions of this Agreement shall be held to be invalid and unenforceable, the remaining provisions shall be valid and binding on the parties.

This Agreement shall be governed and construed in accordance with the laws of the State of Wisconsin.

This Agreement constitutes the entire Indemnification, Hold Harmless and Reimbursement Agreement between the parties and any change, amendment or modification must be made in writing and executed by both parties.

Form #407 (revised 10/11/16)

The individual(s) signing this Agreement has the authority to enter into this Agreement on behalf of the Organizer of the Special Event and have read and understand the Agreement.

EVENT ORGANIZER

CITY OF ONALASKA

7/21/2020
(date)

(date)

Dominique Luecke
(signature)

City Clerk

Dominique Luecke **Interim Director**
(print name) (title)

. Mayor

Mary Isaacs
(signature)

Mary Isaacs **Executive VP, CFO**
(print name) (title)

SPECIAL EVENT CONTINGENCY PLAN For Review Only

Event sponsors should review and consider the following issues when they are planning or preparing for an event. Many of these issues are required by one or more regulations, or are components of larger regulations. Considering other issues which may not be required should contribute to the planning and operation of the event. Developing responses to these questions should result in more productive and fruitful discussions with the various departments with the City during their review of the Special Events Application.

Weather related issues: rain, snow, severe storms, tornadoes, etc.

If the weather forecast includes bad weather, will the event be cancelled? If so, how will attendees be notified?
Develop a plan for the sudden onset of severe weather. Where will the people go and who is designated to assist in their safe arrival at the safe refuge place?
Is there an area of safe refuge in case of tornado?

Medical issues

Where will ambulance access to the event be in case one is needed? Who will conduct crowd control in the event of a medical emergency?
Will a first aid station, with trained first aid provider, be provided at the event? Where?
If applicable, is there adequate shade to prevent heat stroke? Will water be provided? Where?

Crowd Control

Who will monitor the barricades?
Who will work the entry gates? Maintain egress and access?
Who will patrol the area to prevent incidents from getting out of control?
Develop a plan for those patrolling the crowd of what to do if they encounter unruly behavior. Have communication equipment.

Security

Will there be Police Officers providing security? If so, contact the Police Department for applicable requirements or guidelines relating to the number necessary.
If volunteers or private agencies provide security, will they have appropriate phone numbers for EMS, Fire, and Police?
If applicable, what will security officials do if non-paying attendees breach the gate/perimeter? If a complaint is received, for example, for loud music, how and who will handle the complaint? Provide communications equipment. Portable radios, cell phones, and access to land lines.
If applicable, secure monies in an area not accessible to the attendees.

Logistics

Where will there be, or will there be, a staging area for support staff? What time will the crowd be disbursed and by whom?
Who will conduct clean up?
Remember to maintain fire lanes and access roads.
Appoint one person to oversee and take responsibility for the event. Who? Will an adequate amount of restroom facilities be provided? Where?
Is there adequate safe parking provided? Where?



CITY OF ONALASKA
Special Event Insurance Requirements.

(a) The applicant shall provide primary coverage insurance for the event. Any insurance or self-insurance maintained by the City of Onalaska, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. The applicant shall, no later than five (5) days prior to the start of the event, provide proof of insurance as follows:

1. General Liability Coverage. Coverage shall be occurrence coverage. Claims-made coverage is prohibited.

a. Commercial General Liability.

- (i) \$1,000,000 general aggregate – per event;
- (ii) \$1,000,000 products – completed operations aggregate;
- (iii) \$1,000,000 personal injury and advertising injury;
- (iv) \$1,000,000 each occurrence limit.

b. Insurance must include:

- (i) Premises and operations liability;
- (ii) Contractual liability, including coverage for the joint negligence of the City of Onalaska, its officers, council members, agents, employees, authorized volunteers and the named insured;
- (iii) Personal injury;
- (iv) Explosion, collapse and underground coverage;
- (v) Products and completed operations;
- (vi) The general aggregate must apply separately to the event and location.

2. Business Automobile Coverage. Such coverage is required if motor vehicles are used in relation to and before, during or after the event. This requirement does not apply to cover personal vehicles used by attendees or event personnel to arrive or depart from the event. Coverage limits shall be no less than \$250,000 each person, \$500,000 each accident for bodily injury, \$100,000 for property damage or \$500,000 combined single limit for bodily injury and property damage each accident.

3. Worker's Compensation and Employers Liability. Proof of such coverage shall be required consistent with Wis. Stats. Chap. 102 or any applicable Worker's Compensation Statutes of a different state. Coverage limits shall be no less than \$100,000 each accident, \$500,000 disease policy limit and \$100,000 disease per employee.
 4. Liquor Liability. If the event holder sells alcoholic beverages, liquor liability insurance with coverage limits of no less than \$500,000 each occurrence and \$500,000 aggregate.
 5. Fireworks Liability. If the event includes a firework display, then the event holder shall carry an additional \$1,000,000 in coverage.
- (b) All insurance shall be in full force prior to commencing the event and remain in force throughout the entire event, including the cleanup period after the event.
- (c) The City of Onalaska, and its officers, council members, agents, employees, and authorized volunteers shall be additional insureds on general liability, business automobile and liquor liability policies. The additional insured policy endorsement must accompany the certificate of insurance.
- (d) All policies shall require 30 day written notice to the City of Onalaska of cancellation, non-renewal or material change in the insurance coverage.
- (e) Insurance must be provided by an insurances carrier with the "Best" rating of "A-VII" or better. All carriers shall be admitted carriers in the State of Wisconsin.
- (f) All insurance must be primary and non-contributory to any insurance or self-insurance carried by the City of Onalaska.

FOR OFFICE USE ONLY

City Clerk	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DENIED	Reason: _____	Date: <u>7/22/2020</u>
Fire Dept	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DENIED	Reason: _____	Date: <u>7/24/20</u>
Police Dept	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DENIED	Reason: _____	Date: <u>7-28-20</u>
Public Works	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DENIED	Reason: _____	Date: <u>7-28-20</u>
Planning	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DENIED	Reason: _____	Date: <u>7-29-20</u>
Parks & Rec	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DENIED	Reason: _____	Date: <u>7/29/2020</u>
Site Diagram Sketch Attached: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				Date: _____
GIS Dept.	Map Prepared: ____/____/____			
Insurance Required: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Certificate of Insurance on File: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		COI Expires: <u>1/4/2021</u>
Special Class B License Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Date of Special Class B Application: ____/____/____		
Approved By A&J: ____/____/____		Date License Issued: ____/____/____		
License No: _____				



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

07/10/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Wisconsin Insurance Center 3167 Berlin Drive La Crosse WI 54601	CONTACT NAME: PHONE (A/C No, Ext): (608) 781-6733 FAX (A/C No): (608) 781-6785 E-MAIL ADDRESS:														
	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC#</th> </tr> </thead> <tbody> <tr> <td>INSURER A: Society Insurance</td> <td>15261</td> </tr> <tr> <td>INSURER B: West Bend Mutual Insurance Com</td> <td>15350</td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </tbody> </table>		INSURER(S) AFFORDING COVERAGE	NAIC#	INSURER A: Society Insurance	15261	INSURER B: West Bend Mutual Insurance Com	15350	INSURER C:		INSURER D:		INSURER E:		INSURER F:
INSURER(S) AFFORDING COVERAGE	NAIC#														
INSURER A: Society Insurance	15261														
INSURER B: West Bend Mutual Insurance Com	15350														
INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															
INSURED (608) 784-9292 La Crosse Community Theatre, Inc 428 Front St S La Crosse WI 546014012															

COVERAGES

CERTIFICATE NUMBER: Cert ID 2104

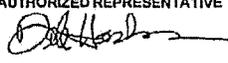
REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSP WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	1816957	01/04/2020	01/04/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000 \$
B	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY	Y	1816957	01/04/2020	01/04/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTIONS	Y	1816957	01/04/2020	01/04/2021	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000 \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	WC 476479	04/02/2019	04/02/2020	<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
B	Property - Commercial		1816957	01/04/2020	01/04/2021	\$ \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 The City of Onalaska, and its officers, council members, agents, employees, and authorized volunteers shall be additional insureds on the general liability, business automobile and liquor liability policies. All policies will have a 30 day written notice of cancellation, non-renewal or material change in the insurance coverage. The insurance policy is primary and non-contributory.

CERTIFICATE HOLDER**CANCELLATION**

City of Onalaska 415 Main St Onalaska WI 54650	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
--	---

© 1988-2015 ACORD CORPORATION. All rights reserved.

LA CROSSE COMMUNITY THEATRE PRESENTS

ALL IN THE TWMMING



FREE!

DRIVE-IN
LIVE
THEATRE

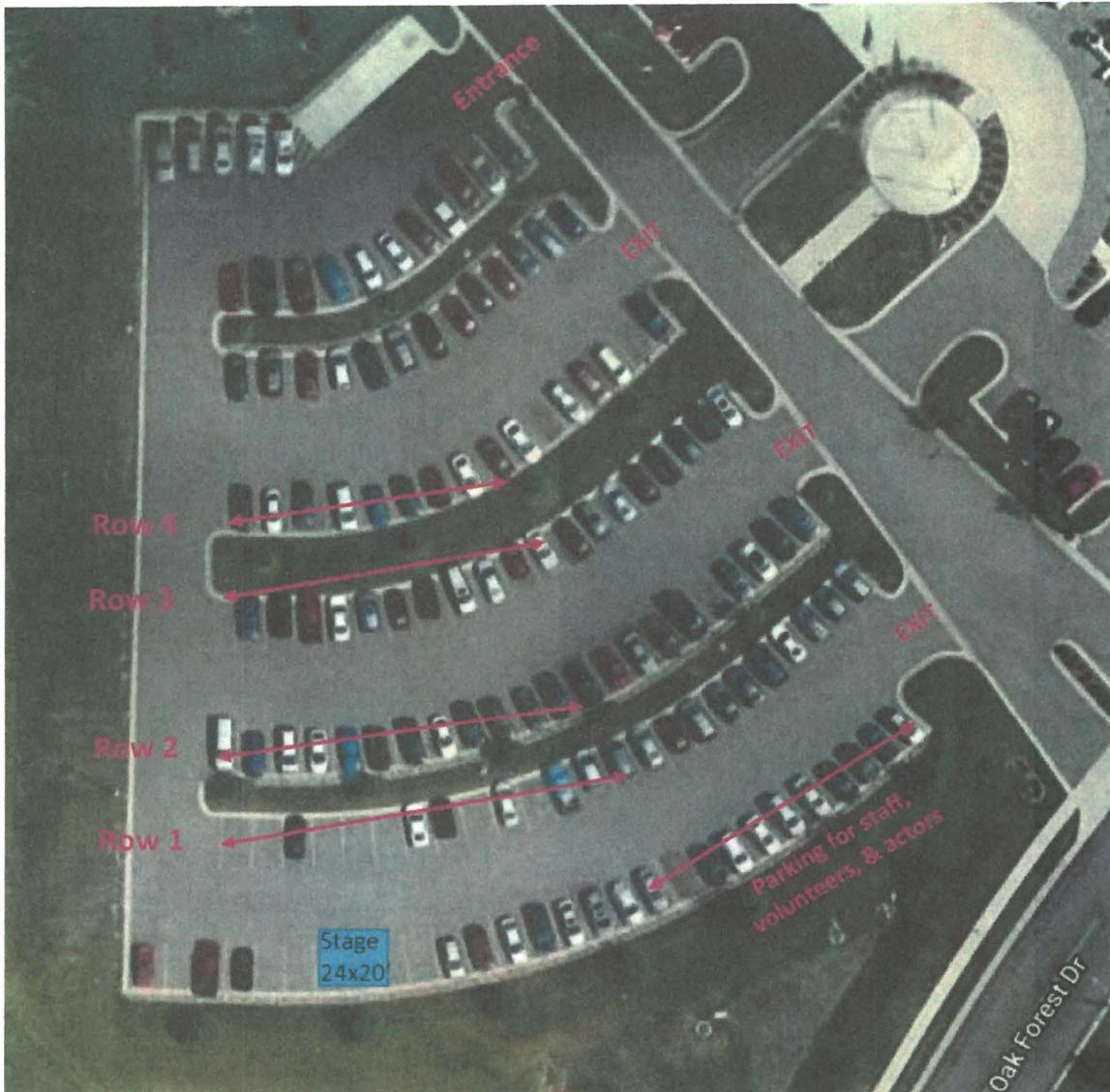
SEPT 11-20

THURS - SAT 7 PM | SAT & SUN 2 PM

1700 OAK FOREST DR, ONALASKA
ALTRA FEDERAL CREDIT UNION PARKING LOT

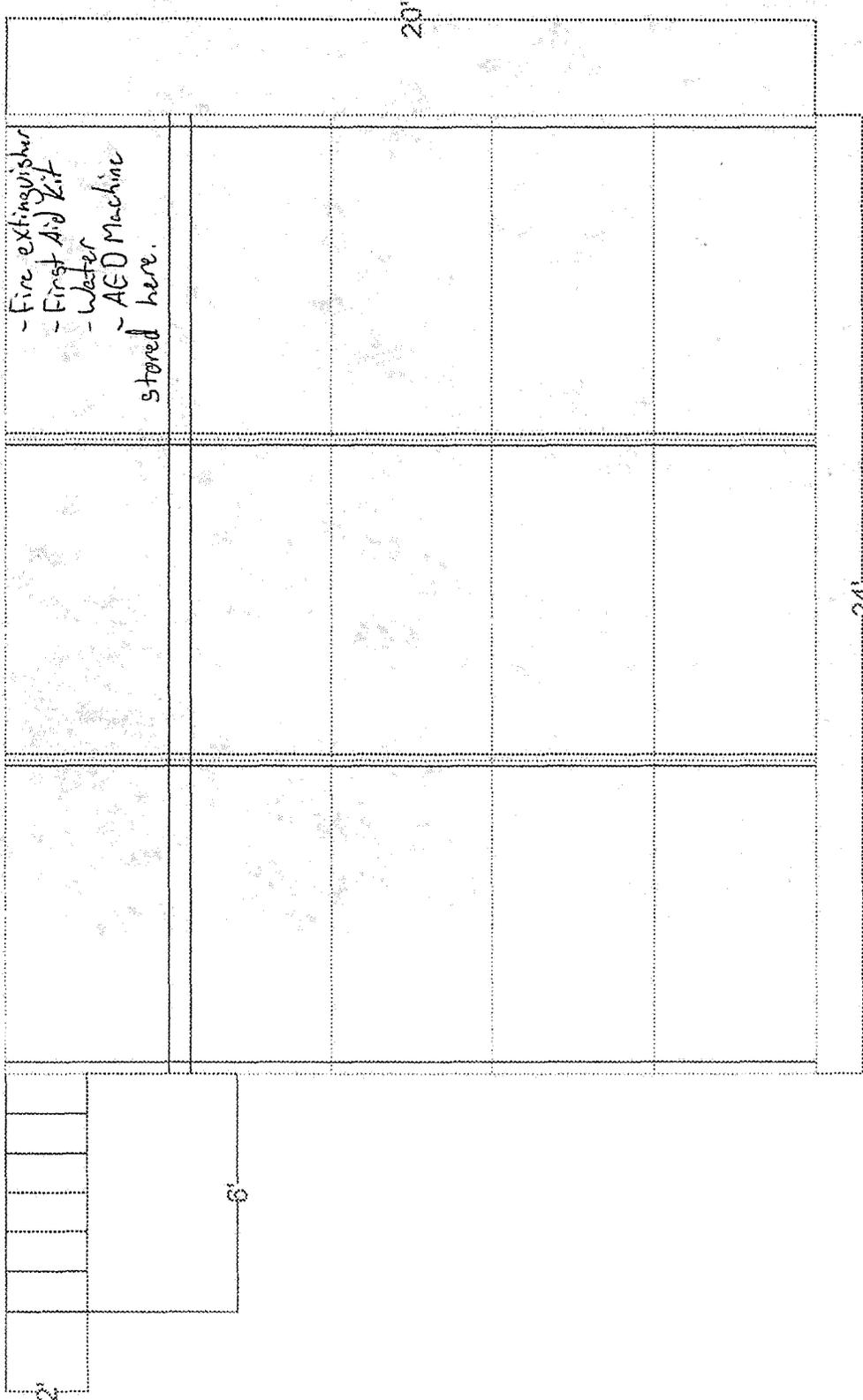
RESERVE YOUR SPOT!

 lacrossecommunitytheatre.org | 608.784.9292



Notes:

- A fire extinguisher, first aid kit, bottled water, and a portable AED machine will be located in the backstage area.
- The above listed rows indicate where the attendants will park to view the show. Attendants will be asked to remain in their vehicles throughout the show. The actors' microphones will be wired to a radio frequency so that the audience can listen from their car radio.
- Yard signs will be placed indicating the rows. Each row will also have an usher to help guide traffic.
- Ushers will stand at each of the exits as people arrive, directing them towards the entrance. At the entrance, the usher will check their reservation and let them know in which row to park.



WISCONSIN SALES AND USE TAX EXEMPTION CERTIFICATE

Check One Single Purchase Continuous

Purchaser's Business Name LA CROSSE COMMUNITY THEATRE	Purchaser's Address 428 FRONT STREET SO, LA CROSSE, WI 54601
--	---

The above purchaser, whose signature appears on the reverse side of this form, claims exemption from Wisconsin state, county, baseball or football stadium, local exposition, and premier resort sales or use tax on the purchase, lease, license, or rental of tangible personal property, property under s.77.52(1)(b), items under s.77.52(1)(c), goods under s.77.52(1)(d), or taxable services, as indicated by the box(es) checked below.

I hereby certify that I am engaged in the business of selling, leasing, licensing, or renting: _____

THEATRE PRODUCTION

(Purchaser's description of property, items, goods, or services sold by purchaser.)

Purchaser's description of property or services purchased (itemize property, items, or goods purchased if "single purchase"):

SUPPLIES

Seller's Name ALTRA FEDERAL CREDIT UNION	Seller's Address 1700 OAK FOREST DR ONALASKA, WI 54650
---	---

REASON FOR EXEMPTION

Resale (Enter purchaser's seller's permit or use tax certificate number) _____

Manufacturing and Biotechnology

- Tangible personal property (TPP) or item under s.77.52(1)(b) that is used exclusively and directly by a manufacturer in manufacturing an article of TPP or items or property under s.77.52(1)(b) or (c) that is destined for sale and that becomes an ingredient or component part of the article of TPP or items or property under s.77.52(1)(b) or (c) destined for sale or is consumed or destroyed or loses its identity in manufacturing the article of TPP or items or property under s.77.52(1)(b) or (c) destined for sale.
- Machines and specific processing equipment and repair parts or replacements thereof, exclusively and directly used by a manufacturer in manufacturing tangible personal property or items or property under s.77.52(1)(b) or (c) and safety attachments for those machines and equipment.
- The repair, service, alteration, fitting, cleaning, painting, coating, towing, inspection, and maintenance of machines and specific processing equipment, that the above purchaser would be authorized to purchase without sales or use tax, at the time the service is performed. Tools used to repair exempt machines are not exempt.
- Fuel and electricity consumed in manufacturing tangible personal property or items or property under s.77.52(1)(b) or (c) in this state.
 Percent of fuel exempt: _____ % Percent of electricity exempt: _____ %
- Portion of the amount of fuel converted to steam for purposes of resale. (Percent of fuel exempt _____ %)
- Property used exclusively and directly in qualified research, by persons engaged in manufacturing at a building assessed under s. 70.995, by persons engaged primarily in biotechnology in Wisconsin, or a combined group member conducting qualified research for another combined group member that meets these requirements.

Farming

(To qualify for this exemption, the purchaser must use item(s) exclusively and directly in the business of farming, including dairy farming, agriculture, horticulture, floriculture, silviculture, or custom farming services.)

- Tractors (except lawn and garden tractors), all-terrain vehicles (ATV) and farm machines, including accessories, attachments, and parts, lubricants, nonpowered equipment, and other tangible personal property or items or property under s.77.52(1)(b) or (c) that are used exclusively and directly, or are consumed or lose their identities in the business of farming. This includes services to the property and items above.
- Feed, seeds for planting, plants, fertilizer, soil conditioners, sprays, pesticides, and fungicides.
- Breeding and other livestock, poultry, and farm work stock.
- Containers for fruits, vegetables, grain, hay, and silage (including containers used to transfer merchandise to customers), and plastic bags, sleeves, and sheeting used to store or cover hay and silage. Baling twine and baling wire.
- Animal waste containers or component parts thereof (may only mark certificate as "Single Purchase").
- Animal bedding, medicine for farm livestock, and milk house supplies.

Federal and Wisconsin Governmental Units

Enter CES No., if applicable
8293

- The United States and its unincorporated agencies and instrumentalities and any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States.
- Any federally recognized American Indian tribe or band in this state.
- State of Wisconsin or any agency thereof; Local Exposition District, Professional Baseball Park District, or Professional Football Stadium District.
- Wisconsin county, city, village, or town, including public inland lake protection and rehabilitation district, municipal public housing authorities, uptown business improvement districts, local cultural arts district, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Fox River Navigational System Authority, and the Wisconsin Economic Development Corporation.
- Wisconsin public schools, school districts, universities, and technical college districts.
- County-city hospitals or UW Hospitals and Clinics Authority.
- Sewerage commission, metropolitan sewerage district, or a joint local water authority.

Other

- Containers and other packaging, packing, and shipping materials, used to transfer merchandise to customers of the purchaser.
- Trailers and accessories, attachments, parts, supplies, materials, and service for motor trucks, tractors, and trailers which are used exclusively in common or contract carriage under LC or IC No. (if applicable) _____.
- Items or services purchased directly by and used by religious, charitable, educational, scientific, or other organizations holding a Wisconsin Certificate of Exempt Status. CES No. 8293.
- Tangible personal property and items, property and goods under s.77.52(1)(b), (c), and (d) to be resold by _____ on my behalf where _____ is registered to collect and remit sales tax to the Department of Revenue on such sales.
- Tangible personal property, property, items and goods under s.77.52(1)(b), (c), and (d), or services purchased by a Native American with enrollment # _____, who is enrolled with and resides on the _____ Reservation, where buyer will take possession of such property, items, goods, or services.
- Tangible personal property and items and property under s.77.52(1)(b) and (c) becoming a component of an industrial or municipal waste treatment facility, including replacement parts, chemicals, and supplies used or consumed in operating the facility. Caution: Do not check the "continuous" box at the top of page 1.
- Portion of the amount of electricity or natural gas used or consumed in an industrial waste treatment facility. (Percent of electricity or natural gas exempt _____ %)
- Electricity, natural gas, fuel oil, propane, coal, steam, corn, and wood (including wood pellets which are 100% wood) used for fuel for residential or farm use.

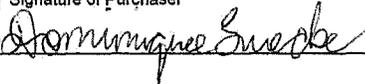
	% of Electricity Exempt	% of Natural Gas Exempt	% of Fuel Exempt
<input type="checkbox"/> Residential	_____ %	_____ %	_____ %
<input type="checkbox"/> Farm	_____ %	_____ %	_____ %

Address Delivered: _____

- Percent of printed advertising material solely for out-of-state use. _____ %
- Catalogs, and the envelopes in which the catalogs are mailed, that are designed to advertise and promote the sale of merchandise or to advertise the services of individual business firms.
- Property used exclusively and directly in raising animals sold for use in qualified research or manufacturing.
- Other purchases exempted by law. (State items and exemption). _____

(DETACH AND PRESENT TO SELLER)

I hereby certify that if the item(s) being purchased are not used in an exempt manner, I will remit use tax on the purchase price at the time of first taxable use. I understand that failure to remit the use tax may result in a future liability that may include tax, interest, and penalty.

Signature of Purchaser 	Print or Type Name DOMINIQUE LUECKE	Title INTERIM DIRECTOR	Date 7/21/20
---	--	---------------------------	-----------------



RESOLUTION NO. 34-2020

A RESOLUTION TO DISSOLVE THE ONALASKA ARTS COMMISSION

WHEREAS, the City of Onalaska Art Commission was formed by Resolution 28-19 and

WHEREAS, the purpose of the Arts Commission was to serve as liaison between the City and local interest in Arts projects; and

WHEREAS, there is interest in establishing a less formal group of Friends of the Arts which would have a greater community reach and allow a larger member base; and

WHEREAS, the Onalaska Arts Commission feels that their needs would be met through a less formalized structure;

THEREFORE, BE IT RESOLVED, by the Common Council of the City of Onalaska that the Onalaska Arts Commission shall be dissolved.

CITY OF ONALASKA

BY:

Kim Smith, Mayor

JoAnn Marcon, City Clerk

Passed:
Approved:
Published:



**CITY OF ONALASKA
CLERK'S DEPARTMENT**
415 Main Street, Onalaska, WI 54601
Tel: (608) 781-9530 Fax: (608) 781-9534
WWW.CITYOFONALASKA.COM

#8
OFFICE USE ONLY

Clerk Initials _____
Date _____

SIDEWALK CAFÉ PERMIT APPLICATION

- Complete application must be submitted to the Clerk's Office with full payment and all required items listed on checklist.
- All applications must be approved by the applicable Departments before a permit is issued.
- Each permit shall be effective for one year from January 1st to December 31, 2020.
- Sidewalk cafés may operate; serve food or non-alcoholic beverages, until 11:00 pm Sunday thru Thursday and until midnight Friday & Saturdays.
- Onalaska Code of Ordinances Sec. 6.04.13.B regulates Outdoor Dining Areas on Public Property (Sidewalk Cafés).

Establishment & Owner Information

Trade Name of Establishment _____
Address _____
Phone Number _____ Website _____
Name of Owner or Agent _____
Phone Number _____ Email _____

Permit Fees

Check One: First Time Application (\$100) Renewal Applicant (\$20)

TOTAL DUE: _____

Checklist of Additional Items Required with Application

- Completed application with fee made payable to *City of Onalaska*
- Site plan layout that accurately depicts the dimensions of the existing sidewalk area or other public property and adjacent private property, the proposed location of the sidewalk café, the size and number of tables, chairs, steps, planters, location of doorways, trees, parking meters, sidewalk benches, trash receptacles, heaters, light poles and any other obstructions, either existing or proposed.
 - Site plan must depict 4 feet of unobstructed sidewalk for public use.
 - Site plan must depict method of delineating the corners of the sidewalk café area with semi-permanent markings.
 - Site plan must be to scale.
- Photographs, drawings or manufacturer's brochures fully describing the appearance and dimensions of all proposed tables, chairs, umbrellas, fencing or other objects related to the sidewalk café.
Note: Molded plastic tables and chairs are not permitted.
- Copy of current valid restaurant license issued by La Crosse County, State of Wisconsin.
- Signed Indemnification Agreement
- A current copy of the Certificate of Commercial Liability Insurance including:
 - City of Onalaska named as additional insured
 - Minimum of \$1,000,000.00 per occurrence
 - Coverage must extend to the area used for the sidewalk café

Owner/Agent Signature

I hereby make an application for a Sidewalk Café Permit as detailed above. I agree to abide by the requirements of all City ordinances and State laws. I understand that the approval of a sidewalk café permit is conditional at all times. I further understand that the permit can be revoked or suspended at any time. Lastly, I understand issuance of this permit is a privilege, not a right.

Signature _____ Date _____

FOR OFFICE USE ONLY			
<input type="checkbox"/> Police _____	<input type="checkbox"/> Planning Department _____	<input type="checkbox"/> Public Works _____	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Clerk Processing Permit _____	Date _____

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

In consideration of the issuance of a Sidewalk Cafe Permit and pursuant to the provisions of section 6.04.13.B of the City of Onalaska Municipal code, the undersigned _____ (“Applicant”), hereby agrees to indemnify and hold harmless the City of Onalaska, its officers, employees, agents and other contractors from and against all claims, demands, costs, judgments, losses, liabilities and/or damages of any kind or nature, including actual attorney fees, arising out of or relating to any activity or incident arising in connection with or in any way incident to the use of the public right of pursuant to the issuance of a Sidewalk Cafe Permit.

The undersigned warrants and represents specific authority to enter in to this agreement on behalf of the Applicant.

Dated this _____ day of _____, _____.

Print Name

Title

Signature

7/29/2020 1:22 PM

L I C E N S E M A S T E R R E P O R T

LICENSES: ALL

SORTED BY: LICENSE NUMBER

EFFECTIVE

LICENSE CODES: Include: RECBURN-E , RECBURN-O

EXPIRATIO

CLASSES: All

COMMENT:

STATUS: ACTIVE

PAY STATU

CITY LIMITS: INSIDE, OUTSIDE



ID	CODE	NAME/ PROPERTY ADDRESS		STATUS	CLASS/ REPORT	ORIG/ RENEW	TERM/ PRINTED
04818	RECBURN-E	SHILTS 1925 SANDALWOOD DR	JOE	ACTIVE	REC BURN REC BURN	8/15/2016	7/20/2020
05261	RECBURN-E	KLATT 718 DUTTON STREET	MATT	ACTIVE	REC BURN REC BURN	7/27/2018	7/09/2020
06426	RECBURN-E	HELIXON 415 MAIN ST	CHRIST	ACTIVE	REC BURN REC BURN	7/16/2020	7/29/2020
06427	RECBURN-E	SWENSON 415 MAIN ST	BRANDO	ACTIVE	REC BURN REC BURN	7/17/2020	7/29/2020

REPORT TOTALS: 4 LICENSES

7/29/2020 1:51 PM

L I C E N S E B A L A N C E R E P O R T

LICENSES: THRU ZZZZZZZZZZ

-- ALL BALANCES --

LIC CODES: Include: SOLICITOR

EFFECTIV

SORTED BY: LICENSE CODE

EXPIRATI

LICENSE	PERIOD	ISSUED TO	LICENSE CODE	CHARGES
06433	A 7/27/20-10/25/20	FESTAVAN	VALE SOLICITOR	40.00
REPORT TOTALS :		LICENSES	1	40.00

**AN ORDINANCE TO AMEND TITLE 2 OF THE CODE
OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO GOVERNMENT AND
ADMINISTRATION**

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Title 2 Government and Administration is hereby deleted in its entirety and replaced as follows:

Title 2 Government and Administration

Chapter 01 City Government; Elections

Division 1 Authority

2.01.11 City Government

- A. **Mayor-Council Government.** The City of Onalaska is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chs. 62 and 66, Wis. Stats., laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin. The City of Onalaska operates under the Mayor-Council form of government under Ch. 62, Wis. Stats.
- B. **Division of Responsibilities.**
1. **Legislative Branch.** The Common Council is the legislative branch of City Government. Its primary business is the passage of laws in the form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The Common Council shall fix the salaries of all officers and employees of the City, and be charged with the official management of the City's financial affairs, its budget, its revenues and the raising of funds necessary for the operation of the City.
 2. **Executive Branch.** The Mayor shall be the chief executive officer. They shall take care that all City ordinances and state laws are observed and enforced and that all City officers, boards, committees and commissions discharge their duties.

2.01.12 Official Newspaper

- A. The official newspaper of the City of Onalaska shall be the Coulee Courier.

2.01.13 Aldermanic District Boundaries

- A. **Number of Aldermanic Districts.** The City of Onalaska shall be divided into three (3) Aldermanic Districts.
- B. **Boundaries.** The Aldermanic Districts shall be numbered and bounded as shown on the City of Onalaska Aldermanic District and Ward Map on file in the office of the City Clerk. The Common Council shall modify the City of Onalaska Aldermanic District and Ward Map when required by Sec. 5.15(2), Wis. Stats.

2.01.14 Appointment of Election Officials

- A. There shall be a minimum of three (3) election inspectors for each polling place at each election. Additional election inspectors may be appointed to serve at any poll where election day registration makes it necessary. Pursuant to Sec. 7.30 Wis. Stats., the City Clerk or their designee may allow for the selection of two (2) or more sets of officials to work at different times on election day and permit the City Clerk or their designee to establish different working hours for different election officials assigned at the same polling place.

2.01.15 Elections

- A. **Annual City Election.** The annual City election shall be held on the first Tuesday in April or such day as otherwise set forth by the Wisconsin Legislature for the spring election.
- B. **Polling Hours.** The polls for all elections shall open at 7:00 a.m. and close at 8:00 p.m.
- C. **Polling Places.** The designated polling place for all Wards and Council Member Districts of the City of Onalaska shall be at City Hall, and such sites as designated by the Common Council.

- D. **Combining Wards.** Wards may be combined for voting purposes if the Electors in the combined wards vote for the same offices, per Sec. 5.15(6)(b), Wis. Stats.

2.01.16 Non-Partisan Primary for City Offices

- A. Whenever three (3) or more candidates file nomination papers, candidates for elective City offices shall be nominated by a non-partisan primary conducted pursuant to Sec. 8.11, Wis. Stats. Such candidate shall file with their nomination papers a declaration that they will qualify for the office to which they may be elected.

2.01.17 Severability

- A. Should any section, subsection, clause, or provision of this Title be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Title in whole or in any part thereof other than the part so declared to be invalid.

Chapter 02 City Administration

Division 1 Common Council and Committees

2.02.11 Common Council

- A. The Council Member(s) of the City shall constitute the Common Council. The Common Council shall be vested with all the powers of the City not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.
- B. The Common Council has the power to preserve order at its meetings, compel attendance of Council Members and may fine or expel for neglect of duty. The Common Council shall be judge of the election and qualification of its members.

2.02.12 Council Members

- A. **Election, Term, Number.** The City shall have six (6) Council Members in addition to the Mayor, who is a member of the Common Council by virtue of their office as Mayor. The six (6) Council Members shall constitute the Common Council. Two Council Member(s) shall be elected from each Council Aldermanic District. One (1) Council Member(s) from each of the three (3) Council Aldermanic Districts shall be elected at the annual City election in the even-numbered years, and one (1) each of said Council Members shall be elected at the City election in the odd-numbered years, all to hold office for a period of two (2) years.
- B. **Appointment as Mayor.** A Council Member shall be eligible for appointment as Mayor to fill an unexpired term.

2.02.13 President of the Council

- A. The Common Council at its first meeting subsequent to the regular election and qualification of new members shall, after organization, annually choose from its members a President of the Council ("Council President") who, in the absence of the Mayor, shall preside at meetings of the Council and, during the absence or inability of the Mayor, shall have the powers and duties of the Mayor, except that they shall not have power to approve an act of the Common Council which the Mayor has disapproved, by filing objections with the City Clerk. When so officiating, the Council President shall be referred to as "Acting Mayor." The Council President shall be elected for a one (1) year term of office.

2.02.14 Standing Committees; Action on Committee Reports

- A. **Standing Committees.** At the organizational meeting of the Common Council in each year following the annual election, the Mayor shall appoint three (3) Council Members to each of the following committees, subject to Council confirmation, the respecting general duties of which shall be as follows, and to make whatever recommendations to the Council as they deem appropriate or as may be directed by the Council:
1. **Administrative Committee** (licenses, administrative regulations and functions, recreation, City Cemetery).
 2. **Finance and Personnel Committee** (personnel administration, compensation, bond programs, risk management, financial claims against the City).
 3. **Utilities Committee** (light, power, water, transportation, sewer).
 4. **Judiciary Committee** (ordinances, resolutions, legal claims against the City).

- B. **Committee Chairpersons.** The chairperson of each committee shall be designated by the Mayor. No Council Member shall serve more than two (2) consecutive years as a chairperson of a standing committee. Each member shall serve as appointed unless excused by a majority of the members of the Council. All Council Members shall serve on at least one (1) standing committee. The Mayor shall be an ex-officio member of each standing committee.
- C. **Committee of the Whole; Special Committees.**
 - 1. If any issue requires committee review by more than one (1) committee, this issue may be referred to the entire Common Council meeting as a "Committee of the Whole."
 - 2. The Mayor may declare the entire Council a Committee of the Whole for informal discussion at any meeting or for any other purpose, and shall ex-officio be chairman of the same.
 - 3. The Mayor may, from time to time, appoint such special committee or committees as may deem advisable or as provided for by motion or resolution stating the number of members and object thereof to perform such duties as may be assigned to them.
- D. **Reference and Reports.**
 - 1. The Mayor may refer new business coming before the Common Council to the appropriate committee, unless otherwise referred or disposed of by motion of the Council.
 - 2. Formal committee recommendations will be placed on the agenda for Council action only if they are submitted to the City Clerk within the deadlines set forth by the Clerk's office and a minimum of thirty six (36) hours prior to the meeting at which action is requested.
- E. **Cooperation of City Officers.** All City officers shall, upon request of the chairman of the committee, confer with the committee and supply to it such information as may be requested in connection with any matter pending before the committee.

2.02.15 Powers of the Common Council

- A. **General.** The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the City, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, forfeiture, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- B. **Construction of Powers.** Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.

2.02.16 Cooperation with Other Municipalities

- A. The Common Council, on behalf of the City, may join with other villages, towns, cities, counties or other governmental entities in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees and joint purchasing programs.

2.02.17 Rules of the Common Council and its Sub-Committees

- A. The Common Council and members of its sub-committees shall follow the "Rules of the Common Council and its Sub-Committees" as adopted by the Common Council and as may be amended from time to time.

2.02.18 Vacancy in the Office of the Common Council

- A. In the event of a vacancy in the office of the Common Council such vacancy shall be filled pursuant to Sec. 17.23 Wis. Stats. Where the Common Council appoints a successor, the procedure for appointment of a successor shall be as follows:
 - 1. The Mayor shall provide notice to the Common Council that a vacancy has occurred at the first meeting after the Mayor is informed or provided notice of the vacancy. At the time of the decision to fill a vacancy in the Common Council, the Common Council shall determine whether the appointed successor shall serve until the end of the current term or whether a special election shall occur pursuant to Secs. 8.50 and 17.23, Wis. Stats.
 - 2. Upon the Common Council voting to fill the vacancy by appointment, the Council may direct the medium used to publicize the vacancy. The Mayor will announce that resumes and letters of interest from individuals interested in filling the vacancy shall be accepted in the office of the City Clerk for twenty-one (21) days following the meeting ("Application Period").

3. Following the 22nd day after the Mayor's announcement of the vacancy, the City Clerk shall make all resumes received from individuals interested in the vacancy available to the Common Council and the Mayor following the closure of the Application Period. The City Clerk will schedule joint Mayor and Common Council interviews with all eligible candidates in a timely fashion.
4. The Mayor shall recommend an individual to fill the vacancy in the Common Council at the first Common Council meeting following the closure of the Application Period.
5. The Common Council shall vote in a public ballot on the approval of the appointment of the individual recommended by the Mayor.
6. If the Common Council does not approve the appointment of the individual recommended by the Mayor, the Mayor shall recommend an alternate candidate. This process shall continue until a successor is approved by majority vote.

2.02.19 Salary and Expenses

- A. **Salary.** Commencing on April 20, 2021, upon election alderpersons shall be compensated Four Thousand Eight Hundred Dollars (\$4,800.00) per calendar year paid monthly while holding office. At the beginning of each term thereafter, the compensation shall increase by the same percentage as approved by the Council for the full-time non-union positions for the preceding two years. The Common Council President, upon election, shall receive an additional salary of One Hundred Dollars (\$100.00) per month for the execution of their duties as Council Presidents. At the beginning of each election as Common Council President thereafter, the compensation shall increase by the same percentage as approved by the Council for the full-time non-union positions for the preceding year.
- B. **Expenses.** Commencing on April 20, 2021, upon election alderpersons shall receive One Thousand Two Hundred Dollars (\$1,200.00) per year paid monthly for general un-itemized expenses. Commencing the third Tuesday of each of each April thereafter, the expenses shall increase by the same percentage as set forth by Council for the full-time non-union positions for that year. Covered expenses include those expenses not authorized through the Common Council budget to be used for standard business expenses as authorized under IRS guidelines incurred in representing the Alderperson's district.

Division 2 Mayor

2.02.21 Mayor

- A. **Election.** The Mayor shall be elected in even-numbered years for a term of four (4) years.
- B. **Duties.**
 1. The Mayor shall be the Chief Executive officer of the City. They shall take care that City ordinances and the State Statutes are observed and enforced.
 2. The Mayor shall, from time to time, provide the Council such information and recommend such measures as they may deem advantageous to the City. When present, they shall preside at the meetings of the Council.
 3. The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes.
 4. The Mayor shall vote in the event of a tie vote by the Common Council.
- C. **Signatory for Grants-In-Aid.** The Mayor is authorized without approval of the Common Council to execute applications to State or Federal agencies for financial grants-in-aid for lawful purposes. This shall be done on the condition that such applications shall not bind the City to an expenditure of funds and a report that such an application, including the reasons therefor, shall be made to the Common Council within thirty (30) days after execution by the Mayor. The Council, within thirty (30) days of the receipt of the report, may, upon majority vote of all members, cause the application to be withdrawn.
- D. **Veto Power.** The Mayor shall have the veto power as provided by State law as to acts of the Council. All Council acts shall be submitted to the Mayor by the City Clerk, and shall be in force upon their approval, evidenced by their signature, or upon their failing to approve and disapprove within five (5) days, which fact shall be certified thereon by the City Clerk. If the Mayor disapproves, they shall file their objection with the City Clerk, who shall present it to the Council at its next meeting. A two-thirds (2/3) vote of all the members of the Council shall be necessary to make the act effective, notwithstanding the objection of the Mayor.

2.02.22 Salary

- A. **Salary.** Commencing on April 16, 2024, the Mayor shall be compensated Twenty Thousand Dollars (\$20,000.00) per calendar year paid monthly while holding office. Commencing with each new term, the compensation shall increase by the same percentage as approved by the Council for the full-time non-union positions for the four years prior.

- B. **Expenses.** Commencing on April 20, 2021, the Mayor shall receive Two Thousand Four Hundred Dollars (\$2,400.00) per year paid monthly for general un-itemized expenses. Commencing the third Tuesday of each April thereafter, the expenses shall increase by the same percentage as set forth by Council for the full-time non-union positions for that year. Covered expenses include those expenses not authorized through the Common Council budget to be used for standard business expenses as authorized under IRS guidelines incurred in representing the City of Onalaska.

Division 3 Meetings

2.02.31 Meetings of the Common Council

- A. **Annual Organization Meeting.** Following a regular City election, the Common Council shall meet on the third Tuesday of April for the purpose of organization.
- B. **Regular Meetings.** Regular meeting of the Common Council shall be held on the second Tuesday of each calendar month, at the hour of 7:00 p.m. for each month of the year. Any regular meetings falling upon a legal holiday shall be held on the next following secular day, at the same hour and place, or as otherwise designated by majority vote of the Common Council. All meetings of the Council shall be held in the Onalaska City Hall when practicable, including special meetings, unless another location is designated by the Common Council at a previous meeting. Meetings may be held telephonically or via videoconference subject to open meetings law when necessitated by an emergency declared under Title 5 of the City Ordinances.

2.02.32 Special Meetings

- A. Special meetings may be called by the Mayor or by two (2) Council Members upon notice of the time and purpose thereof being delivered at least twenty-four (24) hours before the meeting to each member of the Council by written electronic notice delivered personally to each member or left at the member's usual abode at least twenty-four (24) hours before the meeting unless an affirmative waiver of notice has been received. Any special meeting attended by all Council Members shall be a regular meeting for the transaction of any business that may come before such meeting.
- B. The Mayor may call a special meeting, without notice, at a regularly convened Council meeting if all members are present. A special meeting may also be called if all members consent in writing to the holding of such a meeting. If written consent is obtained, it shall be filed with the City Clerk before the commencement of the meeting.
- C. Non-governmental parties requesting a special meeting of the Council shall pay a fee as set forth on the City of Onalaska Fee Schedule for such a meeting.

2.02.33 Open Meetings

- A. Except as provided in Sec. 19.85, Wis. Stats., all meetings of the Common Council, committees thereof, and boards, committees and commissions, shall be open to the public.

2.02.34 Quorum

- A. Two-thirds (2/3) of all members of the Common Council shall constitute a quorum, but a lesser number may adjourn if two-thirds (2/3rds) is not present or compel the attendance of absent members. The Mayor shall not be counted in computing a quorum. No action shall be taken unless a quorum is present.
- B. The Council may, by a majority vote of those present, adjourn to a specific date and hour.
- C. When the Council is required to take action at a regularly scheduled or special Council meeting and cannot defer such action to the next regularly scheduled Council meeting, and it is known that the number of the Council members required to establish a quorum or take such action cannot be physically present at the meeting any such absent member may be present at and participate in the meeting via teleconference or videoconference as if the member were present in person. When it appears to the City Clerk that the requisite number of Council members will not be physically present at a meeting where such action is required, the City Clerk shall notify those members who will not be present to ascertain whether they wish to be present via teleconference or videoconference. The City Clerk or their designee shall then make all necessary arrangements to enable member(s) who wish to be present via teleconference or videoconference to do so.

2.02.35 Presiding Officers

- A. **Presiding Officer.** The Mayor shall preside over all meetings of the Common Council. In the absence of the Mayor, the President of the Council shall preside. In case of absence of the Mayor and President of the Council, the City Clerk shall call the meeting to order and the senior Council Member present shall be the president pro tem.

- B. **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in the current edition of Robert's Rules of Order, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. An appeal shall be sustained by a two-thirds (2/3) vote of the members present excluding the Mayor. In the absence of the City Clerk, the presiding officer shall appoint a Clerk pro tem.

2.02.36 Order of Business

- A. **Order of Business.** At all regular meetings, the order of business shall be according to the tentative agenda prepared by the City Clerk and distributed to the Mayor and the members of Common Council no later than the Monday preceding the regular meeting. Members of the Council and City officers desiring a matter to be placed on the agenda shall submit the same to the City Clerk in a timely fashion. Generally, the following order may be observed in the conduct of all meetings of the Council.
1. Call to Order/Roll Call.
 2. Pledge of Allegiance.
 3. Public Input.
 4. Report from the Mayor.
 5. Consent Agenda.
 6. Recap of Items Pulled from the Consent Agenda.
 7. Business from committees, boards and commissions.
 8. Finance & Personnel Committee
 9. Judiciary & Administrative Committees
 10. Board of Public Works
 11. Plan Commission
 12. Utilities Committee
 13. Parks, Recreation and Library Board
 14. Other sub-committees, boards and commissions which shall be listed in alphabetical order.
 15. Reports by City Administrator, City Clerk, City Attorney, Officers and Departments.
 16. Any Items for Closed Session.
 17. Any other business permitted by law.
 18. Adjournment.
- B. **Order to be Followed; Citizen Comments.** No business shall be taken up out of order unless by unanimous consent of all Council Members and in the absence of any debate whatsoever. The Mayor or presiding officer may impose a time limit on the length of time citizens may address the Council.
- C. **Roll Call; Procedure When Quorum Lacking.** As soon as the Council shall be called to order, the City Clerk shall proceed to call the names of the members, noting who are present and who are absent and record the same in the proceedings of the Council. If it shall appear that there is not a quorum present, the fact shall be entered on the record and the Council shall adjourn.

Division 4 Robert's Rules and Meeting Conduct

2.02.41 Conduct of Deliberations

- A. A roll call shall be used with all questions, upon request of a Council Member or as required by law.
- B. A voice vote shall be used with all motions not requiring a roll call.
- C. All aye and nay votes shall be recorded in the official minutes.
- D. Except as provided below, the Common Council shall in all other respects determine the rules of its procedure, which shall be governed by the current edition of Robert's Rules of Order, Revised, which is hereby incorporated by reference, unless otherwise provided by ordinance or Statute, except when otherwise limited or modified by this Code of Ordinances;
1. No Council Member shall address the Council until they have been recognized by the presiding officer. They shall thereupon address themselves to the presiding officer and confine their remarks to the question under discussion.
 2. When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
 3. No person other than a Council Member shall address the Council except under order of business, except that citizens may address the Council with the permission of the presiding officer as to matters which are being considered by the Council at the time.
 4. No motion shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.

5. The Mayor shall not vote except in the case of a tie. When the Mayor does vote in case of a tie, their vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure. A majority vote of all members of the Council in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by ordinance or State Statute. Except as otherwise provided, a majority vote of those present shall prevail in other cases.
6. Any member of the Council may demand a roll call vote. On confirmation of appointments and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the City or any fund thereof, the vote shall be by roll call. A member of the Council may not change their vote on any question after the result has been announced.
7. When a question is under discussion, the following motions shall have precedence in the order listed:
 - a. To adjourn.
 - b. To recess.
 - c. To lay on the table.
 - d. To move the previous question.
 - e. To postpone to a day certain.
 - f. To refer to a committee.
 - g. To amend.
 - h. To postpone indefinitely.

2.02.42 Reconsideration and Rescission of Questions

- A. **Reconsideration.** It shall be in order for any member, if in the majority, to move for the reconsideration of any vote in question at the same meeting or at the next succeeding regular adjourned meeting. A motion to reconsider being put and lost shall not be renewed. If the motion for reconsideration is brought at the succeeding Council meeting, it must appear on the agenda, due to open meeting law requirements.
- B. **Rescission.** A motion for rescission may be heard at the next succeeding regular meeting of the Council or the Sub-Committees which undertake the action proposed for rescission provided that such motion is on the Agenda for such meeting and specifies exactly what action the Council or Sub-Committee will be asked to take. A motion for rescission requires a two-thirds (2/3rds) vote. After the Council action in question has been published it cannot be rescinded.

2.02.43 Call for the Previous Question

- A. Any member desirous of terminating the debate may call the previous question when the question announced by the Mayor shall be "call the main question." If a majority of the members present vote in the affirmative, the main question shall be put to a vote without further debate, and its effect shall be to put an end to all debate and bring the Council to a direct vote, first upon the pending amendment and then upon the main question.

2.02.44 Amendment of Rules

- A. The rules of this Chapter shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds (2/3) of all the members of the Council.

2.02.45 Suspension of Rules

- A. Any of the provisions of Divisions 3-5 of this Chapter, may be suspended temporarily by a recorded vote of two-thirds (2/3) of the Council members present at any meeting.

Division 5 Ordinances

2.02.51 Introduction of Business, Resolutions and Ordinances; Disposition of Communications

- A. **Ordinances to be in Writing.** All ordinances submitted to the Council shall be in writing and shall begin with a title introducing the same. Any written material introduced may be referred to the appropriate committee pursuant to Sec. 2.02.14. Any member of the Council may require the reading in full of any Ordinance or resolution at any time it is before the Council.
- B. **Subject and Numbering of Ordinances.** Each Ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- C. **Notice.**

1. The Common Council may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.

2.02.52 Publication and Effect of Ordinances

- A. All general ordinances of the City and all regulations imposing any penalty shall be published in the official paper of the City and shall be immediately recorded, with the affidavit of publication, by the City Clerk. A printed copy of such ordinance or regulation and published or purporting to be published therein by direction of the Common Council shall be prima facie proof of due passage, publication and recording thereof.
- B. All ordinances shall take effect and be in force from and after passage and publication, unless otherwise provided and published copies thereof shall have appended the date of first publication.

Chapter 03 Municipal Officers and Employees

Division 1 General Provisions

2.03.11 General Provisions

- A. **General Powers.** Officers shall have the powers and duties prescribed for like officers of cities, towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Mayor, shall perform such duties as shall be required of them by the Council. Officers whose powers and duties are not enumerated in Ch. 62, Wis. Stats. shall have such powers and duties as are prescribed by law for like officers or as are directed by the Council.
- B. **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- C. **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to City officers.
- D. **Legal Representation.** Whenever any City official in their official capacity proceeded against or obliged to proceed before any Civil Court, Board, Committee or Commission, to defend or maintain their official position, or because of some act arising out of the performance of their official duties, and they have prevailed in such proceedings, or the Council has ordered the proceedings discontinued, the Council may provide for payment to such official such sum as it sees fit, to reimburse them for the expenses reasonably incurred for costs and attorney's fees.
- E. **Comptroller, Street Commissioner and Constable Eliminated.** As provided in Sec. 62.09(1)(b), Wis. Stats., the offices of Comptroller, Street Commissioner and Constable are hereby eliminated.

2.03.12 Eligibility for Office

- A. No person shall be elected by the people to a City office who is not, at the time of their election, a citizen of the United States and of this State, and an elector of the City, and in case of a ward office, of the ward, and actually residing therein or is not eligible by State Statute to hold office.
- B. An appointee by the Mayor, requiring to be confirmed by the Council, who shall be rejected by the Council, shall be ineligible for appointment to the same office for one (1) year thereafter.
- C. No member of the Common Council shall, during the term for which they are elected, be eligible for an office or position which, during such term, has been created by, or the selection to which is vested in, the Council, provided that the Council may be represented on City boards or commissions where no additional remuneration is paid such representative except as otherwise provided by the laws of the State of Wisconsin.

2.03.13 Removal from Office

- A. **Elected Officials.** Elected officials may be removed by the Common Council as provided in Secs. 9.10, 17.12 and 17.16, Wis. Stats.
- B. **Appointed Officials.** Appointed officials may be removed as provided in Secs. 17.12, and 17.16, Wis. Stats.

2.03.14 Custody of Official Property

- A. City officers must observe the standards of care imposed by Sec. 19.21, Wis. Stats., with respect to the care and custody of official property.

2.03.15 Oath of Office; Bonds/Insurance of Officers

- A. **Oath.** Every person elected or appointed to any statutory office shall take and file their official oath within ten (10) days after the notice of their election or appointment.
- B. **Bonds.** The City Clerk, and such other statutory officers as the laws of Wisconsin or the Common Council may direct, shall execute and file an official bond in such form as the Council may determine. The Council may at any time require new or additional bonds of any officer. All official bonds must be approved by the Mayor and, when so approved, then be filed within ten (10) days after the officer executing the same shall have been notified of this election or appointment. Official bonds shall be filed with the City and shall be recorded in a book kept for that purpose. Such bonds shall be paid for by the City. If the Council does not require any or all of these officials to execute and file an official bond, the council shall obtain a dishonesty insurance policy or other appropriate insurance policy that covers such officials, in an amount determined by the council, in lieu of the bond requirement.

2.03.16 Procedure-Making Authority

- A. **Authorization for Department Heads.** Heads of departments of the City including, without limitation by enumeration, the City Administrator, City Attorney, City Clerk, City Treasurer, Chief of Police, Director of Public Works, Fire Chief, Human Resources Director, Parks and Recreation Director, and Zoning Administrator, may make procedures, regulations or directives for the administration of their departments in line with the policies of the Council, but not for the conduct of the general public.
- B. **Approval of Rules.** Any proposed departmental procedures, regulation or directive other than those proposed by the Police or Fire Department, shall be referred to the City Administrator for review. The Police and Fire Departments shall report to the Mayor utilizing the subsequent process. The City Administrator or Mayor shall either approve the proposed rule, or return the proposed rule to the Department along with suggested revisions in a reasonable amount of time, not to exceed two (2) weeks. All rules shall be consistent with City Ordinances, resolutions and applicable City Personnel Rules, Policies and Regulations. Any rule or part thereof returned by the Mayor or City Administrator to the Department Head shall be deemed to be unacceptable and not in force.
- C. **Time of Taking Effect.** All proposed procedures, regulations or directives shall be effective at the direction of the Department Head, unless returned by the City Administrator or Mayor, or the Common Council acts by resolution to nullify such procedures. In emergency situations requiring immediate action, procedures may become effective immediately; but all procedures so enacted shall be reported to the City Administrator or Mayor within twenty-four (24) hours, with the reasons for the necessity for the immediate implementation. All emergency procedures are temporary in nature and must be formally presented to become permanent.

Division 2 Officers

2.03.21 Officers

- A. **Appointment by Council.** The City of Onalaska, pursuant to Sec. 62.09 and 66.01, Wis. Stats., hereby elects not to be governed by those portions of Ch. 62, Wis. Stats., which are in conflict with this Section. The following offices shall be filled by appointment by a majority vote of the Common Council for an indefinite term, subject to removal by a two-thirds (2/3rd) vote of the Common Council for incompetency, misconduct, inefficiency or failure to perform duties:
 - 1. Attorney
 - 2. City Clerk
 - 3. Engineer
 - 4. Financial Services Director
 - 5. Treasurer
 - 6. Public Works Director
 - 7. Director of Parks & Recreation
 - 8. Zoning Administrator
 - 9. Director of Inspections
- B. **Duties.** The holder of any City office may be assigned additional duties or appointed to additional offices as the Common Council may direct from time to time. Any reference in this Code of Ordinances to a particular office shall be construed to refer to the holder of that office regardless of whether that individual also has been assigned additional duties or also holds additional duties.
- C. **Compensation.** Compensation of each office shall be determined by the City's current wage scale.
- D. **Deputies.** City officers may appoint Deputies subject to confirmation by a majority of all the members of the Common Council. Deputies shall act under the respective City Officer and shall during the temporary absences or disability of the City Officer or during a vacancy in such office, perform the duties of said City Officer.

- E. **Other Officials.** The Mayor shall have the authority to appoint such other officials as are created from time to time by law or by the Common Council, whose appointments shall be confirmed by a majority vote of the Common Council and whose terms of office and compensation, if any, shall be prescribed by the Council.

2.03.22 Chief of Police

A. **Appointment.**

1. The Chief of Police shall be appointed by the Police and Fire Commission and shall hold the office, subject to suspension or removal by the Police and Fire Commission for cause. The Chief of Police shall within six (6) months after commencement of employment, or following any required probationary period, whichever is later, establish and maintain residence at a distance not greater than fifteen (15) miles from the nearest corporate boundary of the City.
2. The compensation to be paid the Chief of Police for their services, the hours of active duty, rest days, vacation periods and any such similar benefits shall be determined by the Common Council from time to time.

- B. **Duties.** The Chief of Police shall be responsible for performing the duties required under State law and the job description for the position of Chief of Police adopted by Common Council and as may be amended from time to time.

2.03.23 Fire Chief

A. **Appointment.**

1. The Fire Chief shall be appointed by the Police and Fire Commission and shall hold the office, subject to suspension or removal by the Police and Fire Commission for cause. The Fire Chief shall within six (6) months after commencement of employment, or following any required probationary period, whichever is later, establish and maintain residence at a distance not greater than fifteen (15) miles from the nearest corporate boundary of the City.
2. The compensation to be paid the Fire Chief for their services, the hours of active duty, rest days, vacation periods and any such similar benefits shall be determined by the Common Council from time to time.

- B. **Duties.** The Fire Chief shall be responsible for performing the duties required under State law and the job description for the position of Fire Chief adopted by Common Council and as may be amended from time to time.

2.03.24 Assessor

A. **Appointment.**

1. The City of Onalaska hereby elects not to be governed by those portions of Sec. 62.09(3)(b) Wis. Stats. relating to the method of selection of the City Assessor which are in conflict with this Section.
2. The City Assessor, or assessing firm, shall be appointed by the Mayor, subject to confirmation by the Council. The Assessor's term shall commence on the first day of the month succeeding their appointment. The City Assessor shall have an indefinite term of office, subject to removal for cause by a two-thirds (2/3rds) vote of the Common Council.
3. A corporation or an independent contractor may be appointed as Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats.
4. No Assessor shall be appointed unless said Assessor is certified by the Wisconsin Department of Revenue as qualified to perform the functions of the office of Assessor.

- B. **Duties.** The Assessor shall perform all duties required of such office as provided by law and such other duties as are requested to be executed by such person by the Common Council from time to time.

- C. **Definition.** For purposes of this Section, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

D. **Confidentiality of Information.**

1. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Sec. 70.47(7)(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Sec. 70.47(7)(af), unless a

court determines that it is inaccurate, is, per Sec. 70.47(7)(af), not subject to the right of inspection and copying under Sec. 19.35(1), Wis. Stats.

2. The several sections of the ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

2.03.25 Weed Commissioner

- A. The Weed Commissioner shall be appointed by the Mayor, subject to Council confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following their appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the office of the City Clerk, and shall hold office for one (1) year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

2.03.26 City Administrator

- A. **Office and Purpose.** The office of City Administrator is created, to be an officer of the City, pursuant to Sec. 62.09(1)(a), Wis. Stats. The City Administrator shall be the chief operating officer of the City, shall administer City departments to implement the policies set by the Council, and be responsible for the efficient coordination of all City departments, boards and commissions. The Common Council may adopt a job description for the City Administrator and amend it from time to time, and the City Administrator shall substantially comply with the requirements of the job description. It is the intent that the City Administrator shall have the clear authority to coordinate and administer the day-to-day operations of municipal government as specified in this Section.
- B. **Appointment and Termination.** At any time there is a vacancy in the office of City Administrator, a nominee for the office shall be selected by a selection committee. The selection committee may delegate any duties of the selection process to City staff or working groups and may appoint nominating committees or interview panels as necessary. The selection committee shall negotiate the basic terms of the nominee's employment contract, and the final contract shall contain such additional provisions as are determined by the Common Council, City Attorney and Human Resources. The nominee and the proposed terms of the employment contract shall be presented to the Council, which shall then confirm or reject the nominee and the proposed terms of the nominee's employment contract. Confirmation shall be by simple majority vote. Upon confirmation by the Council, the Mayor shall execute the employment contract and the nominee shall assume the office. If the Common Council does not confirm either the nominee or the proposed terms of the employment contract, then the selection committee shall either begin searching for another nominee or attempt to re-negotiate the terms of the employment contract to which the Council objects, and shall continue until a nominee and a contract have been confirmed by the Council and an employment contract has been executed by the Mayor on behalf of the City. Selection and confirmation of the City Administrator shall be based solely on merit, including education, training, general fitness for office and experience in municipal administration.
- C. **Term.** The City Administrator shall hold office for an indefinite term, subject to removal at any time by a two-thirds (2/3rds) vote of the Council.
- D. **Contract.** The City Administrator's employment contract shall be in writing and shall specify that employment is at-will.
- E. **Organizational Level.** The City Administrator, as chief operating officer, is delegated the Mayor's executive authority to administer independently the operations of certain City departments, as defined below, and is therefore subordinate to, and performs duties at the request of, the Common Council. The City Administrator is superior to, and has direct authority over, the heads of the City departments which are under the City Administrator's direction.
- F. **Specific Duties.** The City Administrator shall perform the following duties, in addition to the duties attendant to the office and as specified in the City Administrator's job description:
 1. Administer the operations of, and have direct authority over the heads of the following City departments: Assessor; Finance; Information Technology; Planning; Parks and Recreation; Public Works; and all other City departments and offices the oversight of which is not given to other City officials.
 2. Coordinate the operations of, and facilitate the cooperation of all City departments, commissions and boards to maximize the efficiency of implementation of policies set by the Council, regardless of whether the City Administrator has direct authority over the departments, commissions or boards.
- G. **Annual Review.** The City Administrator shall undergo an annual performance review consistent with the review cycle for all exempt employees. The review shall be conducted by the Common Council President

and Finance & Personnel Chair; if they are one and the same, then another Council member, other than the Council President shall be chosen by the Council President. The Mayor and Human Resources Director will serve as advisors during the review. The Council President shall request input from the remaining Council members for the review committee one (1) month prior to the review being completed. The Council President shall prepare a report to the Council of the results of the review, identify specific goals to address performance deficiencies, and recommend other appropriate actions to be taken, including salary adjustments.

- H. **Acting City Administrator.** The City Administrator may designate a City officer to act as City Administrator in the City Administrator's absence from office for reasons of illness, vacation, business or any other reason for a period of more than three (3) days. The City Administrator may appoint a Deputy City Administrator subject to confirmation by a majority of all the members of the Common Council. The Deputy Administrator shall act under the City Administrator and shall during the temporary absences or disability of the City Administrator or during a vacancy in such office, perform the duties of City Administrator.

Division 3 Joint Municipal Court

2.03.31 Joint Municipal Court

- A. **Established.** Pursuant to Ch. 755 Wis. Stats., there is hereby created and established a municipal court designated "Joint Municipal Court" for the City of Onalaska, Town of Campbell, Town of Holland Town of Shelby, Village of Bangor, Village of Holmen, Village of Rockland and the Village of West Salem, (hereinafter referred to individually as "Member Municipality" and collectively as "Member Municipalities").
- B. **Municipal Court Committee.** There is hereby created a Municipal Court Committee. The Municipal Court Committee shall be comprised of one representative of each member municipality who shall be appointed by the Mayor, President or Chair of the member municipality, subject to confirmation by the respective governing body, and in addition, one (1) member who shall be a Police Chief of a member municipality. The Chief's position shall be replaced on a yearly basis by means of rotation among the chiefs. Chiefs will rotate as follows: Onalaska, Campbell, Shelby, Bangor, Holmen, and West Salem. In the event a Member Municipality not listed above has a Police Chief, they shall be added to the rotation. In order to assure participation and continuity of representation, each member municipality may appoint an alternate representative who shall act on committee matters in the absence of the representative. The term for each municipal member representative, other than Chief, shall be for two (2) years.
- C. **Creation and Qualification of the Position of Municipal Judge.** Pursuant to Ch. 755, Wis. Stats., the office of Municipal Judge is hereby created. Eligibility for the office of Municipal Judge shall be as follows: To be eligible for the office of Municipal Judge a person must be a qualified elector of a Member Municipality.
- D. **Election and Term of Municipal Judge.** The position of the municipal judge shall be by election. The municipal judge shall be elected at large at the spring election, for a four (4) year term, commencing on May 1st succeeding their election. Electors of the Member Municipalities shall be eligible to vote for the municipal judge of the Joint Municipal Court.
- E. **Creation of the Position of Clerk of the Municipal Court.** Pursuant to Ch. 755, Wis. Stats., the office of the Clerk of the Joint Municipal Court is hereby created. Said Clerk shall take the position upon hire by the City of Onalaska and written appointment by the municipal judge. One member of the Joint Municipal Court Committee, selected by the Chair, shall participate in the interviews for the hiring of the Municipal Court Clerk. Training and compensation of said clerk shall be as determined by the City of Onalaska after consideration of any recommendation by the Municipal Court Committee.
- F. **Salary of Municipal Judge.** The municipal judge shall receive a fixed salary and municipal judge's training pursuant to Sec. 755.18, Wis. Stats., the salary to be determined by the City of Onalaska after consideration of the recommendation of the Municipal Court Committee, subject to Sec. 755.04, Wis. Stats., which shall be in lieu of fees and costs. The salary may be increased for a new term prior to the beginning of the term of the judge or for the second year of the term of the judge, but shall not be decreased during the term of the judge. The salary shall be paid in monthly installments. No salary shall be paid to the municipal judge for any time during their term for which they have not executed and filed the official bond and oath as required by this Section.
- G. **Bond and Oath of Municipal Judge.** The municipal judge shall, after election to fill a vacancy, take and file the official oath as prescribed in Sec. 755.03, Wis. Stats., with the City Clerk of the City of Onalaska. In lieu of an official bond, the Member Municipalities shall collectively maintain the Municipal Court Judge on a dishonesty insurance policy or other appropriate insurance policy that covers the judge and a copy of the policy shall be provided yearly to the Joint Municipal Court Committee.

- H. **Oath of Municipal Court Clerk.** The Municipal Court Clerk shall, before entering upon the duties of the office take and file the official oath as prescribed in Sec. 19.01 Wis. Stats., with the City Clerk of the City of Onalaska. The City of Onalaska shall provide a copy of the sworn oath to the other Member Municipalities.
- I. **Jurisdiction of Municipal Judge.** The municipal judge shall have jurisdiction as provided in Article VII, Secs. 755.045 and 755.05, Wis. Stats., and as otherwise provided by state law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement and seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.
- J. **Joint Municipal Court.**
1. **Location.** The Joint Municipal Court's location shall be the City of Onalaska City Hall. The time(s) of the municipal court shall be determined by the municipal judge and the Municipal Court Committee.
 2. **Vacancies.** If the municipal judge is temporarily absent, sick or disabled, the provisions of Sec. 800.06(1), Wis. Stats., shall apply, and if the municipal judge becomes incompetent, unable or fails to act, or in the event of a vacancy, the provisions of Sec. 800.06(2), Wis. Stats., shall apply. Any substitute municipal judge designated or assigned hereunder shall be compensated as authorized by Sec. 800.065(3), Wis. Stats.
 3. The municipal judge shall satisfy all continuing education requirements for municipal judges.
 4. Upon the proper and timely written request for substitution of the municipal judge, the provisions of Sec. 800.05, Wis. Stats., shall apply.
 5. The procedures of the Joint Municipal Court shall be in accord with the applicable Wisconsin Statutes, this Chapter and the Joint Municipal Court Agreement entered into between the Member Municipalities. The Joint Municipal Court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic Deposit Schedule. In non-traffic matters, each Member Municipality shall draft a bond schedule, which shall become effective upon approval by the Member Municipality's governing body. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation.
- K. **Fees and Costs.**
1. The municipal judge may impose punishment and sentences as provided by Ch. 800 and 938 Wis. Stats., and as provided in the ordinances of the Member Municipalities that are parties to the agreement. The Treasurer of the City of Onalaska and the Municipal Court Clerk certifies the monthly accounting with the State of Wisconsin. Such reports are available by request to each Member Municipality.
 2. The municipal judge shall collect a fee for Court Costs on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons or the action is tried as a contested matter. For the purposes of this section, the "Court Costs" for matters adjudicated by the Coulee Region Joint Municipal Court shall be at the maximum rate allowed pursuant to Sec. 814.65, Wis. Stats., or its successor or replacement.
- L. **Withdrawal from Joint Municipal Court.** Any member municipality may withdraw from this Agreement by giving notice in writing to the Municipal Court Committee no later than September 30th of any year. Upon giving such notice, the member municipality's participation in the joint municipal court shall terminate on December 31st of said year.
- M. **Statutes Adopted by Reference.** Chs. 755 and 800, Wis. Stats. as may be amended, are hereby adopted by reference.
- N. **Contempt of Court.** The municipal judge, after affording an opportunity to the person accused to be heard in defense, may impose as sanction authorized under Sec. 800.12, Wis. Stats., and may impose a forfeiture therefore not to exceed Two Hundred Dollars (\$200.00) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.

Chapter 04 Boards and Commissions

Division 1 General Provisions for Boards

2.04.11 Board of Review

- A. **Composition.** The Board of Review shall consist of the Mayor, City Clerk, and three (3) Council Members appointed by the Mayor. The Board of Review members, except members who are full-time employees or officers of the City of Onalaska, shall receive such compensation as shall be fixed by the Common Council.
- B. **Duties.** The duties and functions of the Board of Review shall be as prescribed in Secs. 70.46 and 70.47, Wis. Stats.

- C. **Board's Duty.** The Board shall carefully examine the assessment roll and correct all apparent errors in description or computation. It shall add all omitted property but shall not raise or lower the assessment of any property except after hearing, as provided by the Statutes.
- D. **Confidentiality.** Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Sec. 70.47(7)(af), Wis. Stats. or any successor statute thereto, then, such income and expense information may be revealed to and used by such persons: in the discharging duties imposed by law; in the discharge of duties imposed by office (including but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Sec. 70.47(7)(af), Wis. Stats., unless a court determines that it is inaccurate, is, per Sec. 70.47(7)(af), Wis. Stats. confidential and not a public record and therefore is not subject to the right of inspection and copying under Sec. 19.35(1), Wis. Stats.
- E. **Severability.** The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

2.04.12 Board of Public Works

- A. The Board of Public Works shall consist of the Director of Public Works, the Mayor, the Financial Services Director, and two (2) Council Members along with an alternate Council Member. The two (2) Council Members shall be annually appointed by the Mayor, subject to confirmation by the Council at the organizational meeting. The alternate Council Member shall serve when either of the regular Council Members are absent or must withdraw on grounds of conflict of interest. The Board of Public Works shall perform those duties prescribed in this Code of Ordinances and Sec. 62.14, Wis. Stats.

2.04.13 Board of Zoning Appeals

- A. **Establishment.** A Board of Zoning Appeals shall be appointed as specified in Sec. 62.23(7)(e), Wis. Stats. The Board of Zoning Appeals shall consist of five (5) members, appointed by the Mayor, subject to confirmation by the Common Council. The member of the Common Council who serves on the Plan Commission shall serve as an alternate member. The Mayor shall designate one (1) of the members chairperson.
- B. **Powers.** The Board of Zoning Appeals shall have the following powers:
 1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the City's Unified Development Code and Building Code.
 2. To hear and decide special exceptions to the terms of City Unified Development Code, Floodplain Regulations, and Building Code upon which the Board of Zoning Appeals is required to pass.
 3. To authorize, upon appeal in specific cases, such variance from the terms of the City's Unified Development Code as described in Section 13.05.23.
 4. The Board of Zoning Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made regarding the premises. The concurring vote of four (4) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the City's Unified Development Code and Building Codes.
- C. **Meetings and Rules.** All meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this Section or with applicable Wisconsin Statutes.

2.04.14 Parks, Recreation & Library Board

- A. **Appointments.** The Parks, Recreation & Library Board shall consist of seven (7) members including six (6) citizens from the City of Onalaska and one (1) Council Member. The members of this Board shall be appointed for terms of three (3) years, except that the Council Member shall be annually appointed by the Mayor subject to confirmation by the Council. Any Board member may be reappointed and may serve an unlimited number of consecutive terms. In addition to the members set forth above, a student

recommended by the Onalaska High School administration may be appointed to the Board in an advisory, non-voting capacity for a term of one (1) year.

- B. **Compensation; Oaths.** No compensation shall be paid for service on the Board. Members shall take an official oath as prescribed by Sec. 19.01, Wis. Stats., to be filed with the City Clerk.
- C. **Powers and Duties.** The Board shall have all the powers conferred by law under Sec. 27.08, Wis. Stats. and Sec. 43.54, Wis. Stats. and shall be charged with all the duties so required such as recommend, oversee work, and oversee funds of all parks, park and recreational facilities, playgrounds, and recreational activities as part of properties within the City. The Parks, Recreation & Library Board is specifically empowered and directed:
 - 1. To govern, manage, control, improve and care for all public parks located within, or partly within and partly without, the corporate limits of the City and secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote these purposes.
 - 2. To acquire in the name of the City for park purposes by gift, purchase, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property, or any incorporeal right or privilege, provided gifts to the City of money or other property, real or personal, either absolutely or in trust, for park purposes shall be accepted only after they have been recommended by the Board to the Common Council and approved by said Common Council by resolution.
 - 3. With prior Council approval, to buy or lease lands in the name of the City for park purposes within or without the City and, with the approval of the Common Council, to sell or exchange property no longer required for its purpose.
 - 4. To serve as liaison between the City and the County library system library board.
 - 5. To have the powers necessary and convenient for the effective and efficient management, control, supervision and operation of the City park system, park and recreation facilities and recreation programs, subject to budgetary approval by the Common Council.
 - 6. To coordinate library related activities of the City and the County library system and ensure the City's responsibility for the operation and maintenance of the library is carried out in the manner which best serves the interest of the residents of the area.
 - 7. To have jurisdiction of the parks and playgrounds throughout the City and assume full responsibility for the equipping, developing and maintaining the physical facilities of the park system.
 - 8. To establish such rules and regulations to promote the quiet, orderly and suitable use of the City parks and playgrounds as the Board shall deem necessary.
 - 9. And such other and further duties as may be necessary for the proper carrying out of the purposes of said Board.
- D. **Public Recreation Program.** The Parks, Recreation & Library Board shall determine the recreational needs and shall have jurisdiction over the public recreation program of the City.
- E. **Record.** The Parks, Recreation & Library Board shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the office of the City Clerk.
- F. **Finance.**
 - 1. **Budget.** The Board shall assist in preparing an annual budget for submission to the Common Council, which budget shall reflect the Board's recommendations as to maintenance or acquisition of City parks, open spaces, park and related facilities, recreation programs and equipment, summer or seasonal employees, etc. Said annual budget request shall contain estimates as to revenues to be derived from recreation programs or activities as well as estimated expenditures for operating the parks and recreation system.
 - 2. **Deposits.** All revenues and income from the operation of Park and Recreation Programs shall be deposited with the City Treasurer.
 - 3. **Monetary Contributions.** All moneys donated to the City specifically for park or recreation use shall be deposited in City accounts as a non-lapsing fund or reserve for such specific use.

2.04.15 Community Development Authority

- A. **Findings and Declaration of Necessity.** The Common Council hereby finds and declares that a need for blight elimination, community development, housing programs and projects exist in the City and that a community development authority functioning within the City constitutes an effective and efficient means for carrying out such programs and projects. The necessity in the public interest for the provisions of this Section is also declared as a matter of legislative determination.
- B. **Creation of Community Development Authority; Status as Public Body.** Pursuant to Sec. 66.1335 Wis. Stats. (entitled "Housing and Community Development Authorities"), there is hereby created a community development authority, which shall be known as the "Community Development Authority of the City of Onalaska." The Community Development Authority (the "CDA") is deemed a public body and a body corporate and politic, exercising necessary public powers, and having all the powers, duties and functions conferred on redevelopment authorities, community development authorities, housing authorities and housing authorities for elderly persons by applicable law.

- C. **Composition of Governing Body; Powers Vested in Commissioners; Compensation.** The CDA shall consist of seven (7) resident persons having sufficient ability and experience in the field of urban renewal, community development, and housing, who shall serve as the governing body (the "Commissioners") of the CDA. In addition to the members set forth above, a student recommended by the Onalaska High School administration may be appointed to the Commission in an advisory, non-voting capacity for a term of one (1) year. The powers of the CDA shall be vested in, and exercised by, the Commissioners in office from time to time.
- D. **Compensation; Oaths.** No compensation shall be paid for service on the CDA. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the City Clerk.
- E. **Appointment, Confirmation and Term of Commissioners; Vacancies.** The Commissioners of the CDA shall be appointed by the Mayor and confirmed by the Common Council as follows:
1. Two (2) of the Commissioners shall be members of the Common Council, one (1) of which shall be a member of the Finance and Personnel Committee and the other shall not be a member of the Finance and Personnel Committee. Each of the Common Council Commissioners shall serve with full voting rights. The remaining five (5) Commissioners of the CDA shall be selected with preference to the following qualifications: (1) background in finance, banking, accounting, financial investments or any combination thereof, (2) legal, paralegal or real estate law background or any combination thereof, (3) background in either real estate, real estate development, commercial and residential construction or property management or any combination thereof, (4) background in the Onalaska business community and Onalaska community organizations and (5) background in either manufacturing, business start-ups or other related background.
 2. All Commissioners who are not members of the Common Council shall be appointed for terms of four (4) years. A Commissioner who is not a member of the Common Council shall hold office until their successor has been appointed and qualified, unless such Commissioner's term is vacated earlier because of their change or residence, removal, resignation, incapacity or death.
 3. Vacancies occurring during any term shall be filled for the unexpired portion of the term and new appointments or reappointments of Commissioners shall be made, in the same manner in which the original appointments were made.
 4. The Mayor of the City of Onalaska shall be a non-voting ex-officio member of the Community Development Authority.
- F. **Evidence of Appointment.** The records maintained in the office of the City Clerk reflecting that the City Clerk administered the oath of appointment of the Commissioner. Such record shall be conclusive evidence of the due and proper appointment of the Commissioner if such Commissioner has been duly confirmed as herein provided and has duly taken and filed the official oath before entering upon their office.
- G. **Removal of Commissioners.** A Commissioner may be removed from office by the Mayor by incompetency, inefficiency, neglect of duty or misconduct in office, but such Commissioner shall be removed only after they shall have been given a copy of the charges at least ten (10) days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any Commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the City Clerk. To the extent applicable, the provisions of Sec. 17.16, Wis. Stats., relating to removal for cause shall apply to any such removal.
- H. **Meetings; Quorum; Bylaws.** All meetings of the CDA shall be held in compliance with the provisions of Subch. IV of Ch. 19, Wis. Stats. and this Code of Ordinances. Four (4) Commissioners shall constitute a quorum of the CDA for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the CDA upon the affirmative vote of a majority of the Commissioners present at any meeting of the CDA at which a quorum is present. No vacancy in the membership of the CDA shall impair the right of a quorum to exercise the powers and perform the functions of the CDA. The CDA may adopt and from time to time amend or repeal such bylaws and other rules and regulations not inconsistent with applicable law as it deems necessary in the performance of its functions.
- I. **Selection of Officers, Agents and Employees.**
1. The CDA shall annually elect a Chairperson and Vice Chairperson from among the Commissioners. Vacancies occurring in the office of Chairperson or Vice Chairperson shall be filled from among the Commissioners for the unexpired portion of the term.
 2. The CDA may employ technical experts and such other officers, agents and employees, permanent and temporary, as it may require from time to time in the performance of its duties and functions, within the limits of the funds available for such purpose. The CDA may delegate to one (1) or more of its agents or employees such powers or duties as may deem proper.
 3. The employees of the CDA shall be selected and serve under the provisions of the City's civil service system and shall be subject to pertinent civil service and personnel policies established for City employees with equivalent duties and responsibilities unless the CDA:
 - a. Adopts and approves hiring, personnel and employment policies;

- b. Resolves to apply and maintain hiring, personnel and employment policies; and
 - c. The CDA provides sixty (60) days' notice of the adoption of the policies and resolutions set forth above.
4. The CDA may call upon the City Attorney for such legal services as it may require, and may also retain specialists to render legal services as required by the CDA from time to time. The CDA may also contract with the City or any other agency or entity, public or private, for the provision of any necessary staff services associated with or required by the CDA in the performance of its duties or functions which could be performed by the staff of the CDA.
- J. **City Assistance to CDA.**
1. The CDA is authorized to call upon any department, board, commission or agency of the City for assistance and cooperation in the performance of CDA's duties and functions. All City departments, boards, commissions and agencies are hereby authorized and directed to cooperate with, and furnish assistance to, the CDA in the performance of the CDA's duties and functions to the extent that such cooperation does not interfere with or disrupt the priorities and work programs of the City agency.
 2. In the event that any department or commission or agency shall have good cause for failing to comply with the request of the CDA for assistance, the matter shall be referred to the Mayor's office and, if deemed necessary, to the Common Council for adjudication.
 3. In addition, the CDA may contract with the City of Onalaska for performance of such services as may be required by the authority in the performance of its functions. In the event assistance is provided by the department, board, commission or agency of the City, whether by contract or not, the CDA shall agree to compensate the City of Onalaska for all services rendered to the authority.
- K. **Interested Commissioners or Employees.** No Commissioner or employee of the CDA shall acquire any direct or indirect interest in any project or in any property included or planned to be included in any such project, nor shall they have any direct or indirect interest in any contract or proposed contract for insurance, materials or services to be furnished or used in any such project. If any Commissioner or employee of the CDA owns or controls a direct or indirect interest in any property included or planned to be included in any such project, they shall immediately disclose the same in writing to the CDA and such disclosure shall be entered upon the minutes of the CDA, and such Commissioner or employee shall not participate in any action by the CDA relating to such property. Failure to so disclose such interest shall constitute misconduct in office.
- L. **Powers and Duties of CDA.**
1. The CDA shall have all powers, duties and functions set out in Secs. 66.1201, 66.1213 and 66.1333 Wis. Stats. for housing and redevelopment authorities and as to all housing projects initiated by the CDA it shall proceed under Secs. 66.1201 or 66.1213, Wis. Stats. as applicable and as to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs, it shall proceed under Secs. 66.1301 to 66.1327, 66.1333, 66.1337 or 66.1105, Wis. Stats., as determined appropriate by the Common Council on a project by project basis.
 2. The CDA may, upon the direction of the Common Council, act as agent of the City in planning and carrying out community development programs and activities funded under the Federal Housing and Community Development Act of 1974, as amended, and any or all community development programs and activities initiated by the CDA and approved by the Mayor and Common Council shall be undertaken and carried out pursuant to such Act and other applicable law.
 3. The CDA may, upon the direction of the Common Council, act as agent of the City in performing any or all acts, except the development of the general plan of the City, which may otherwise be performed by the Plan Commission under Secs. 66.1301 to 66.1327, 66.1333, 66.1337 or 66.1105 Wis. Stats.
 4. In addition to the foregoing powers, duties and functions, the CDA shall have such other powers, duties and functions related to community development as are conferred on it by the Common Council from time to time.
- M. **Annual Budget.** An annual budget shall be established by the CDA, which budget shall be subject to approval of the Finance and Personnel Committee and the Common Council.
- N. **Annual Report.** The CDA shall coordinate with City Staff to include a summary of their yearly activities in the annual Planning Department report.
- O. **Evidence of Authority.** A certified copy of this Section shall be filed with the City Clerk and shall be prima facie evidence of the CDA's right to transact business, and such ordinance shall not be subject to challenge because of any technicality. In any suit, action or proceeding commenced against the CDA, a certified copy of such ordinance shall be deemed conclusive evidence that the CDA is established and authorized to transact business and exercise its powers hereunder and pursuant to Sec. 66.1335, Wis. Stats.
- P. **Construction.** All powers, duties and functions of a community development authority, as set forth in Sec. 66.1335, Wis. Stats., are deemed to have been granted to the CDA as though set forth in this Section, except as to those powers, duties and functions which are subject to further authorization and direction of the Common Council, as set forth herein.

- Q. **Committees.** The CDA shall create related committees and boards on an as needed basis to assist in the implementation of the powers and duties of the CDA as set forth above including but not limited to those powers conferred to a redevelopment authority as set forth in Sec. 66.1335, Wis. Stats. and such other duties, powers and functions related to community development as are conferred on it by the Common Council.

Division 2 General Provisions for Commissions

2.04.21 Police and Fire Commission

- A. The Board of Police and Fire Commissioners shall consist of five (5) citizens who are residents of the City, three (3) of whom shall constitute a quorum. The Mayor shall annually appoint at the organizational meeting one (1) member for a term of five (5) years, subject to confirmation by the Council. No appointment shall be made which will result in more than three (3) members of the board belonging to the same political party. The Commission shall keep a record of its proceedings. The Board of Police and Fire Commissioners shall have the power and authority prescribed by Sec. 62.13, Wis. Stats., and this Code of Ordinances.

2.04.22 Plan Commission

- A. **Composition.** The Plan Commission shall consist of seven (7) members as follows: the Mayor, one (1) Council Member, Director of Public Works, and four (4) citizens.
- B. **Appointment.** The Common Council member shall be appointed by the Mayor each April and confirmed by the Common Council for a period of one (1) year and the four (4) citizen members shall be appointed by the Mayor for a term of three (3) years.
- C. **Organization of Commission.** The Mayor shall appoint a presiding officer each year, which can be the Mayor or any member of Plan Commission and the Commission shall select by election a vice-chairman, secretary and such other officers as may in their judgement be necessary.
- D. **Record.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the office of the City Clerk. Four (4) members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.
- E. **Duties.**
1. **The Master Plan.**
 - a. The Plan Commission may make, adopt and, as necessary, amend, extend or add to the master plan, subject to Common Council confirmation, for the physical development of the City including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the City. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.
 - b. The Plan Commission may adopt the master plan as a whole by a single resolution, or as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Common Council. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the Mayor and the City Clerk, and a copy of the plan or part thereof shall be certified to the Common Council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Plan Commission and the Common Council in the performance of their duties.
 2. **Mandatory Referrals to Commission.** The Common Council or officer of the City having final authority thereon shall refer to the Plan Commission, for its consideration and report before final action is taken by the Council, public body or officer, the following matters: the location, acceptance, extension, alteration, vacation, abandonment, sale, acquisition of land for or lease of land for any

street, alley or other public ways (along with other appropriate City boards or commissions), park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the City or within the territory over which the City is given platting jurisdiction by Ch. 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within thirty (30) days, or such longer period as may be stipulated by the Common Council, the Council or other public body or officer may take final action without it.

3. **Miscellaneous Powers.** The Plan Commission exercises final review and approval of site development plans and requests for conditional use permits and has the authority to make those decisions which the City of Onalaska Unified Development Code (Title 13) has given the Plan Commission the authority to make. The Plan Commission may make reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Common Council programs for public improvements. All public officials shall, upon request, furnish to the Plan Commission, within a reasonable time, such available information as it may require for its work. The Plan Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Common Council.
- F. **Vacancies.** Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.
- G. **Compensation; Oaths.** No compensation shall be paid for service on the Commission. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the office of the City Clerk.

2.04.23 Room Tax Commission

- A. **Membership and Organization.** The Room Tax Commission shall consist of five (5) members who shall be selected as follows: One (1) member of the Common Council; one (1) member shall be a representative of the Wisconsin hotel and motel industry; three (3) members shall be citizens residing in the City of Onalaska. All members shall be appointed by the Mayor subject to Common Council approval. Strong consideration shall be given to citizens members who are business owners or have experience in tourism and hospitality industries. All members of the Commission shall serve for a one (1) year term from the date of appointment. Any vacancies occurring on the Room Tax Commission shall be filled by appointment by the Mayor, subject to confirmation by the Common Council. Any person so appointed shall serve the balance of the term of the person causing the vacancy. The Commission shall choose a Chairperson, Vice-Chairperson and such other officers as it deems appropriate.
- B. **Meetings.** Meetings may be held under call of the Chairperson of the Commission or if requested in writing by three (3) members of the Commission filed with the City Clerk in which event, the City Clerk shall notify all members of the coming meeting. At least twenty-four (24) hours' notice shall be allowed under this procedure. The City Clerk shall give written notice of each meeting to the Mayor and to all members of the Room Tax Commission. Three (3) members shall constitute a quorum. Such regular meetings shall be open to the public.
- C. **Powers.** The Room Tax Commission shall require for all organizations, whether private or governmental, who receive funds hereunder, an annual accounting of the application of all room tax funds designated for tourism development and tourism promotion ("Tourism Funds"). The Room Tax Commission shall designate the use of all Tourism Funds of the City of Onalaska.
- D. **Statutory Authority.** The Room Tax Commission shall be the entity in which room tax is allocated for the City of Onalaska pursuant to Sec. 66.0615, Wis. Stats., as may be amended.
- E. **Compensation; Oaths.** No compensation shall be paid for service on the Commission. Members shall take an official oath as prescribed by Sec. 19.01, Wis. Stats., to be filed with the office of the City Clerk.
- F. **Annual Budget.** An annual budget shall be established by the Room Tax Commission in conjunction with the Financial Services Director, which budget shall be subject to approval of the Finance and Personnel Committee and the Common Council.

2.04.24 Historic Preservation Commission

- A. **Composition and Appointment.** A Historic Preservation Commission is hereby created, consisting of up to eight (8) members but no less than seven (7) members. The membership shall consist of one (1) Council Member; and up to seven (7) citizen members. Where possible, preference shall be given to have three (3) of the citizen members have one (1) or more of the following backgrounds: real estate, property

development or construction, attorney, architecture, land use or planning, history or local historian. In addition, the Common Council may appoint an ex-officio member of the Ho Chunk Nation or other Native American Nation having cultural history in Onalaska. The ex-officio member shall serve a three (3) year term. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The Mayor shall appoint the Commissioners subject to confirmation by the Common Council.

- B. **Appointment, Confirmation and Term of Commissioners; Vacancies.** The Commissioners of the MHC shall be appointed by the Mayor and confirmed by the Common Council for three year terms.
1. A Commissioner shall hold office until their successor has been appointed and qualified, unless such Commissioner's term is vacated earlier because of their change of residence, removal, resignation, incapacity or death.
 2. Vacancies occurring during any term shall be filled for the unexpired portion of the term, and new appointments or reappointments of Commissioners shall be made, in the same manner in which the original appointments were made.
- C. **Powers and Duties of Historic Preservation Commission.** The Commission shall have the power, subject to the procedures set forth Section 13.02.45, to designate structures and historic sites and to recommend designation of Historic Districts within the City limits.
- D. **Compensation; Oaths.** No compensation shall be paid for service on the Commission. Members shall take an official oath as prescribed by Sec. 19.01, Wis. Stats., said oath to be filed with the office of the City Clerk.

2.04.25 Municipal Harbor Commission

- A. **Creation.** Pursuant to a resolution by the City of Onalaska Common Council, there shall be a Municipal Harbor Commission (the "MHC") pursuant to Sec. 30.37, Wis. Stats.
- B. **Composition of Governing Body.** The MHC shall consist of seven (7) resident persons who shall serve as the governing body (the "Commissioners") of the MHC.
- C. **Appointment, Confirmation and Term of Commissioners; Vacancies.** The Commissioners of the MHC shall be appointed by the Mayor and confirmed by the Common Council, as follows:
1. The appointments of the seven (7) Commissioners shall be made for terms of three (3) years. A Commissioner shall hold office until their successor has been appointed and qualified, unless such Commissioner's term is vacated earlier because of their change of residence, removal, resignation, incapacity or death.
 2. Vacancies occurring during any term shall be filled for the unexpired portion of the term, and new appointments or reappointments of Commissioners shall be made, in the same manner in which the original appointments were made.
- D. **Compensation; Oaths.** No compensation shall be paid for service on the Commission. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the office of the City Clerk.
- E. **Filing of Certificate of Appointment.** A certificate of the appointment or reappointment of any Commissioner shall be filed with the office of the City Clerk. Such certificate shall be conclusive evidence of the due and proper appointment of the Commissioner if such Commissioner has been duly confirmed as herein provided and has duly taken and filed the official oath before entering upon their office.
- F. **Meetings; Quorum; Bylaws.** All meetings of the MHC shall be held in compliance with the provisions of Subch. IV of Ch. 19, Wis. Stats. and this Code of Ordinances. Four (4) Commissioners shall constitute a quorum of the MHC for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the MHC upon the affirmative vote of a majority of the Commissioners present at any meeting of the MHC at which a quorum is present. No vacancy in the membership of the MHC shall impair the right of a quorum to exercise the powers and perform the functions of the MHC. The MHC may adopt and from time to time amend or repeal such bylaws and other rules and regulations not inconsistent with applicable law as it deems necessary in the performance of its functions.
- G. **Selection of Officers, Agents and Employees.**
1. The MHC shall annually elect a Chairperson and Vice-Chairperson from among the Commissioners. Vacancies occurring in the office of Chairperson or Vice-Chairperson shall be filled from among the Commissioners for the unexpired portion of the term.
 2. The MHC may employ technical experts and such other officers, agents and employees, permanent and temporary, as it may require from time to time in the performance of its duties and functions, within the limits of the funds available for such purpose. The MHC may delegate to one (1) or more of its agents or employees such powers or duties as may deem proper.
 3. The MHC may call upon the City Attorney for such legal services as it may require, and may also retain specialists to render legal services as required by the MHC from time to time. The MHC may also contract with the City or any other agency or entity, public or private, for the provision of any necessary staff services associated with or required by the MHC in the performance of its duties or functions which could be performed by the staff of the MHC

- H. **Duties and Powers.** The purpose of the MHC is to provide for the development and operation of harbors and the preservation of navigable waterways within the City of Onalaska. The City of Onalaska Municipal Harbor Commission has the powers and shall perform all duties set forth in Secs. 30.37 and 30.38, Wis. Stats., which are hereby incorporated by reference.
- I. **Relationship to Other Municipal Board and Commissions.** The MHC shall make recommendations to the Onalaska Common Council. The MHC shall function independently from the Onalaska Common Council except when incurring debt, obtaining real property, selling real property or taking any action requiring Common Council approve pursuant to Sec. 30.38, Wis. Stats.

Division 3 Meetings; Public Notices; and Residency Requirements

2.04.31 General Provisions Regarding Meetings and Public Notices

- A. **Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the ordinances of the City shall:
 - 1. Fix a regular date, time and place for its meeting;
 - 2. All meeting notices shall be filed with the office of the City Clerk who shall cause the notice to be published and posted in full compliance with the Open Meeting Law Requirements.
 - 3. Post, at the City Hall, an agenda of the matters to be taken up at such meeting.
 - 4. Record all proceedings conducted in meeting.
- B. **Special Meetings.** Nothing shall preclude the calling of a special meeting or with dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Secs. 19.81 to 19.89, Wis. Stats.

2.04.32 Residency Required for Service on Boards or Commissions

- A. No person not a resident of and not residing in the City of Onalaska shall be appointed in a voting capacity to any City board or commission. Any board or commission member who moves from the City shall immediately be removed from such board of commission. This residency requirement shall not apply to any City of Onalaska employees who hold a seat on any City board or commission as a result of their employment with the City.

Chapter 05 Ethical Standards

Division 1 Administration

2.05.11 Declaration of Policy

It is declared that high ethical standards among City officers and employees are essential to the conduct of good representative government and that a code of ethics for the guidance of public officers and employees will help them avoid conflicts with improved standards of public service and will promote and strengthen the confidence of the residents of the City in their public officers and employees. The purpose of this Chapter is to establish guidelines for ethical standards of conduct for all such City officers and employees by setting forth those acts or actions that are incompatible with the public interest and which compromise, or appear to compromise, public trust in the fairness, independence and integrity of City officers and employees and their official actions.

2.05.12 Statutory Standards of Conduct

- A. The provisions of the following Sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Chapter and shall apply to all public officers and public employees whenever applicable, to wit:
 - 1. Sec. 946.10. Bribery of Public Officers and Employees.
 - 2. Sec. 946.11. Special Privileges from Public Utilities.
 - 3. Sec. 946.12. Misconduct in Public Office.
 - 4. Sec. 946.13. Private Interest in Public Contract Prohibited.

2.05.13 Definitions

- A. **Anything of value.** Any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the city, fees, and expenses which are permitted and reported under Sec. 19.56 Wis. Stats., political contributions which are reported under Ch. 11, Wis. Stats., or hospitality extended for a purpose unrelated to state business by a person other than an organization.

- B. **Associated.** When used with reference to an organization, includes any organization in which a person or a member of their immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least ten percent (10%) of the outstanding equity.
- C. **Gift.** The payment or receipt of anything of value without valuable consideration.
- D. **Organization.** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust.
- E. **Public Officer.** Those persons serving in statutory elected or appointed offices provided for in Ch. 62, Wis. Stats., and all members appointed to boards, committees and commissions established or appointed by the Mayor, Chairperson and/or Common Council, whether paid or unpaid.
- F. **Public Employee.** Any person excluded from the definition of a public officer who is employed by the City.

Division 2 General Provisions

2.05.21 Specific Conflicts of Interest

- A. **Use of Public Property.** No public officer or employee shall use or permit the use of City vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as City policy for the use of such officer or employee in the conduct of official business, as authorized by the Common Council or authorized board, commission or committee.
 - B. **Conflicts of Interest.** Except as provided herein, no public officer or public employee shall engage in any business transaction with the City, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties or will tend to impair their independence or judgment or action in the performance of their official duties.
 - C. **Disclosure of Interest.** Any public officer or employee who has a substantial financial interest, including employment, in any business entity entering into, proposing to enter into or bidding on any transaction with the City, or as part of their official duties will be making an official decision or recommendation significantly affecting a business competitor, client or regular customer, shall disclose such interest to the membership of the Common Council (or committee, board or commission thereof, as appropriate) to be recorded in the minutes of that body. Upon such disclosure, it is advised that the public officer or employee abstain from voting on the matter and from participating in the discussion of the matter.
 - D. **Representing Private Interests before the Common Council or City Agencies.** No public officer or employee, including persons or firms engaged to provide professional services to the City, shall represent, for compensation, private interests before the Common Council or any City board, commission or committee without disclosure of the private business relationship and explicit consent of the Common Council.
 - E. **Disclosure of Confidential Information.** No public officer or employee shall, without proper authorization of the Common Council, disclose confidential information concerning the property, government or affairs of the City, nor shall they use such information to advance the financial or other private interest of themselves or others.
 - F. **Gifts and Favors.** No public officer or employee shall accept anything of value whether in the form of a gift, service loan or promise from any person, who, to their knowledge, has a direct financial interest in any transaction or official business with the City, which may tend to impair their independence of judgment or action in the performance of their official duties. However, it is not a conflict of interest for any public officer or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value, such as a meal, up to Twenty-Five Dollars (\$25.00) in value, and that is not intended to influence the official or employee.
- Disclosure of Interest in Legislation.** To the extent that a member of the Common Council or any public officer or employee of the City of Onalaska, whether paid or unpaid, participates in the discussion of or gives official opinion to the Council on any legislation before the Council, they shall publicly disclose the nature and extent of any direct or indirect financial or other private interest they have in such legislation.

2.05.22 Nepotism

- A. **Public Officers.**
 1. A public officer may not use their public office to obtain employment of the officer's spouse or a dependent relative (Sec. 19.5(2); 19.59(1)(a), Wis. Stats.). However, if the officer is not involved in the hiring, promotion or conditions of employment, a qualified spouse or dependent may be hired or promoted.
 2. The State Board of Ethics recommends that officers do not advocate for or hire or promote, or exercise jurisdiction, supervision or direction over someone the officer is related to as a parent, grandparent, child, grandchild, sibling, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, niece, nephew, or spouse.

B. Public Employees.

1. The City of Onalaska permits members of the same family to work for the City. The City will not, however, consider or accept employment applications from individuals whose employment would result in a supervisor/subordinate relationship or a possible conflict of interest.
2. Relatives are defined as: parent, spouse, child, sibling, grandparent, grandchild, aunt, uncle, cousin, in-law or step-relative, or any person with whom the employee has a close personal relationship, such as a domestic partner, romantic partner, or co-habitant.
3. If a conflict develops during the course of employment, Human Resources will evaluate the situation on a case by case basis. If needed, supervision may be shifted to another supervisor to eliminate the conflict and/or one (1) employee may have to transfer to another department or resign.

2.05.23 Confidentiality of Public Officers or Employees

- A. Confidential information is, at the time of a proposed disclosure, information where the City's interests in its confidentiality or in the City's effective functioning outweigh an interest in free speech to disclose same. Confidential information includes but is not limited to information where the disclosure is prohibited by common law, or state or federal law or statute unless the release of same is ordered pursuant to a lawful order of a court or the informed consent of the subject, as applicable; and, information that is subject to the exemptions of a governmental body to meet in open session under Sec. 19.85, Wis. Stats., unless release is authorized by the legal custodian or other proper legal authorization is given. For purposes of this Section information shall include knowledge imparted orally, recordings, and written documents or records marked confidential.
- B. No officer or employee may intentionally use or intentionally disclose confidential information concerning the property, government or affairs of the City gained in the course of or by reason of their official position or activities, nor shall such officer or employee use such information to advance the financial or other private interests of such officer or employee or others.

2.05.24 Advisory Opinions

- A. Any individual, either personally or on behalf of an organization or governmental body, may request of the office of the City Attorney, an advisory opinion regarding the propriety of any matter to which the person is or may become a party. Any appointing officer, with the consent of a prospective appointee, may request of the City Attorney an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party. The City Attorney shall review a request for an advisory opinion and may advise the person making the request. Advisory opinions and requests therefore shall be in writing. It is prima facie evidence of intent to comply with this Section when a person refers a matter to the City Attorney and abides by the advisory opinion, if the material facts are as stated in the opinion request. Except as provided below, the City Attorney may not make public the identity of an individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion.
- B. The City Attorney replying to a request for an advisory opinion may make the opinion public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested and may make public a summary of an advisory opinion issued under this subsection after making sufficient alterations in the summary to prevent disclosing the identities of individuals involved in the opinion. A person who makes or proposes to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person waives the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the office of the City Attorney in connection with the request for an advisory opinion.

Division 3 Enforcement

2.05.31 Sanctions

- A. A determination that a public official or public employee's actions constitute improper conduct under the provisions of this Section may constitute a cause for removal from office, termination of employment, suspension, reprimand, removal from committee assignment, sanctioning or other appropriate disciplinary action as permitted by law subject to any collective bargaining agreements or meet and confer resolution. As an alternative or in addition to the sanctions imposed herein, any person violating the provisions of this section shall be subject to a non-reimbursable forfeiture of no less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each violation.

2.05.32 Enforcement and Collective Bargaining Agreements

- A. Any person having concerns or complaints related to these Ethical Standards can bring their concern or complaint to the office of the Human Resources Department. Upon receipt of a concern or complaint, the

Human Resources Director, the City Administrator and/or the Mayor and the applicable Department Head or in the case of a concern or complaint with respect to a committee or committee member, the applicable Committee Chairman, shall meet to investigate and make a determination with respect to the concern or complaint and if necessary determine the appropriate level of disciplinary action. In the event that an employee, covered under a collective bargaining agreement, is allegedly involved in a violation of these Ethical Standards, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of this Ethical Standards Chapter.

Chapter 06 Review of Administrative Determinations

Division 1 Authority

2.06.11 Adoption by Reference

- A. The provisions of Wis. Stats. §§ 68.01—68.03, 68.05—68.14, commonly known as the "Municipal Administrative Procedure" laws, which govern the review of administrative determinations by a municipality, or its governing body, boards, commissions, officers or employees, are hereby adopted by reference and made applicable to the review of administrative determinations by the city, or its governing body, boards, commissions, officers or employees, except as such are in conflict or inconsistent with the provisions of this chapter and as are inapplicable by their nature.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this ____ day of _____, 2020.

CITY OF ONALASKA

By: _____
Kim Smith, Mayor

By: _____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

FISCAL IMPACT OF ORDINANCE 1670 – 2020

Please route in this order

~~Dahl Rezoning~~

Eric Rindfleisch, Administrator



(signature)

- No Fiscal Impact
- Budgeted Item
- Will need \$ _____ for _____ to meet the requirements of this ordinance.

Jarrod Holter, City Engineer

 5-5-20

(signature)

- No Fiscal Impact
- Budgeted Item
- Will need \$ _____ for _____ to meet the requirements of this ordinance.

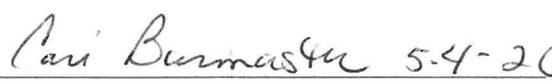
Charles Ashbeck, Chief of Police

 5-7-20

(signature)

- No Fiscal Impact
- Budgeted Item
- Will need \$ _____ for _____ to meet the requirements of this ordinance.

Cari Burmaster, City Clerk

 5-4-20

(signature)

- No Fiscal Impact
- Budgeted Item
- Will need \$ _____ for _____ to meet the requirements of this ordinance.

Dan Wick, Parks & Rec Director

 5-4-2020

(signature)

- No Fiscal Impact
- Budgeted Item
- Will need \$ _____ for _____ to meet the requirements of this ordinance.

Fred Buehler, Financial Services Director

 5-4-2020

(signature)

- No Fiscal Impact
- Budgeted Item
- Will need \$ _____ for _____ to meet the requirements of this ordinance.



CITY OF ONALASKA

ATTORNEY'S OFFICE

415 Main Street | Onalaska, WI 54650 | p: (608) 392-0235 | www.cityofonalaska.com

MEMO

Date: August 4, 2020
To: Administrative & Judiciary
From: City Attorney Amanda Jackson
Re: Title 2

City Clerk JoAnn Marcon brought two items to my attention in Title 2 that I thought were worth noting prior to the A&J meeting. The first is under 2.02.36.A, which allows any Common Council member desiring an item to be placed on the agenda to submit it to the Clerk. Currently, City Ordinances requires two Council Members to ask for something to be placed on the agenda. I take no position on whether it should be one or two, but if the desire of the Committee is to continue with past practice, I would recommend the following change:

2.02.36 Order of Business.

A. **Order of Business.** At all regular meetings, the order of business shall be according to the tentative agenda prepared by the City Clerk and distributed to the Mayor and the members of Common Council no later than the Monday preceding the regular meeting. *The Mayor, City Officers or any two Members of Council may elect to place something on the agenda. Any items being placed on the Agenda shall be submitted to the City Clerk in a timely fashion.* Generally, the following order may be observed in the conduct of all meetings of the Council.

The second item is under the Residency Requirement. On occasion, a representative on a City Board or Commission may be a representative from another third-party entity. For example on Room Tax there is a member of the Hotel and Motel Industry. This person is not currently a City resident but is a representative of an Onalaska Hotel. In these cases it makes sense to carve an exemption to the residency requirement. As such, I would propose the following change:

2.04.32 Residency Requirement for Service on Boards or Commissions

A. No person not a resident of and not residing in the City of Onalaska shall be appointed in a voting capacity to any City board or commission. Any board or commission member who moves from the City shall immediately be removed from such board or commission. This residency requirement shall not apply to any City of Onalaska employees who hold a seat on any City board or commission as a result of their employment with the City *or any individual who sits on a board or commission as a result of their seat with a third-party organization or as representative of a particular industry located in Onalaska.*

ORDINANCE NO. 1675 - 2020

AN ORDINANCE TO ANNEX LAND LOCATED IN THE NORTHEAST ¼ OF THE SOUTHWEST ¼ IN
SECTION 29, TOWNSHIP 17 NORTH, RANGE 7 WEST
FROM THE TOWN OF ONALASKA TO THE CITY OF ONALASKA

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Proper petition for direct annexation by unanimous approval, signed by all the owners of all real property in such territory and all of the electors residing in such territory, having been presented to the Common Council of the City of Onalaska, requesting the annexation of the territories described in Exhibit A which is attached hereto and incorporated herein to the City of Onalaska, Wisconsin from the Town of Onalaska, La Crosse County, Wisconsin. The population of the area annexed is four (4).

IT IS HEREBY ORDAINED that the above-described property and the same is hereby annexed to the City of Onalaska, Wisconsin, and it is further ordained that the corporate limits of the City of Onalaska are hereby amended to include the above-described property within the corporate limits of the City of Onalaska, Wisconsin.

SECTION II. Sec. 2.01.13 of the Code of Ordinances of the City of Onalaska entitled Aldermanic District Boundaries is hereby amended to include the above-described properties within the boundaries of the First Aldermanic District, Ward One.

SECTION III. The properties are hereby zoned Low Density Residential (R-1) and all of the provisions of the Code of Ordinances of the City of Onalaska governing said zoning classification shall apply hereto.

SECTION IV. This Ordinance shall take effect and be in force from and after its passage.

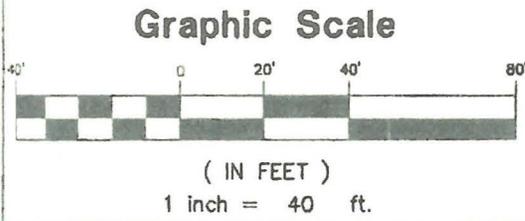
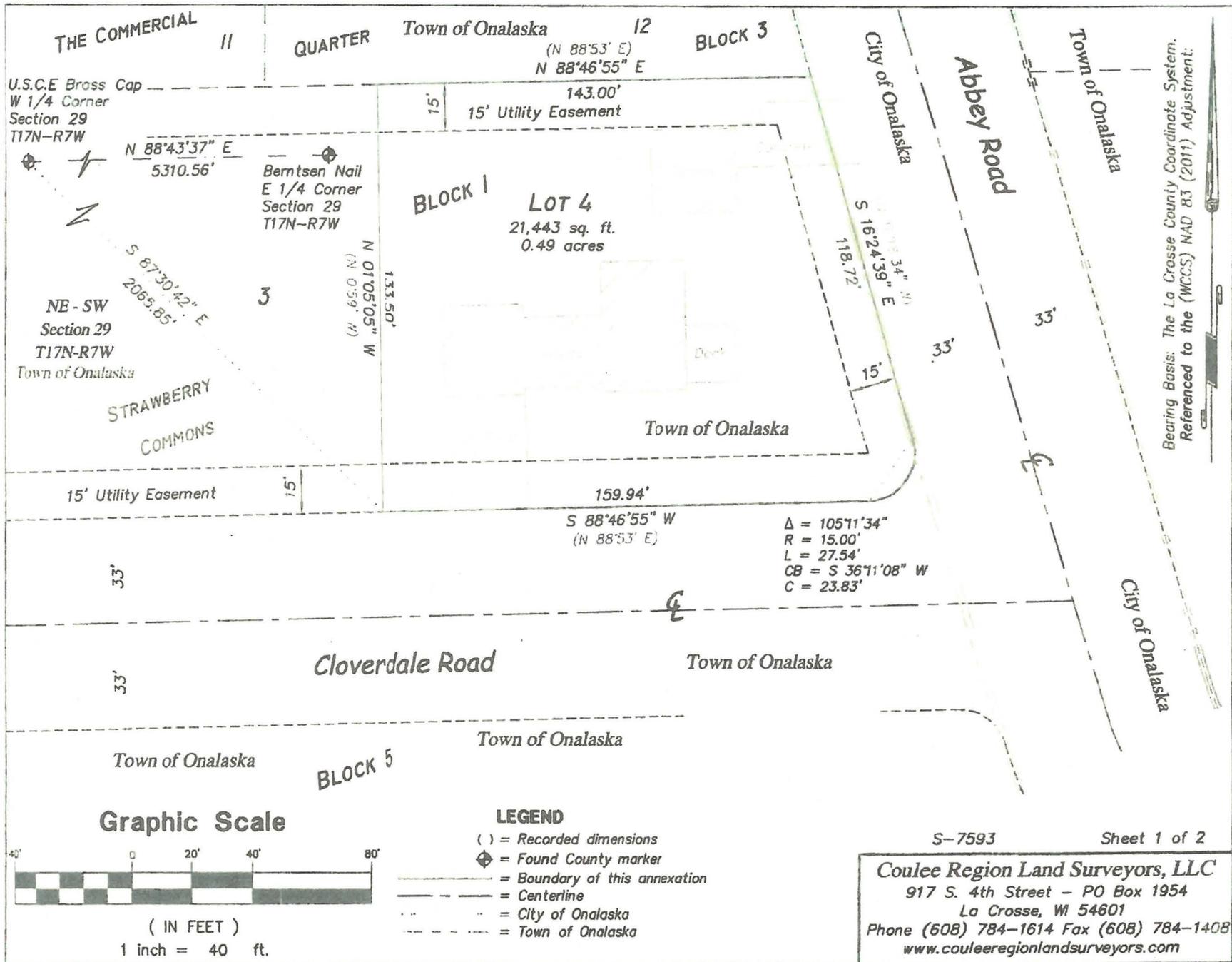
Dated this ____ day of _____, 2020.

CITY OF ONALASKA

By: _____
Kim Smith, Mayor

By: _____
JoAnn Marcon, Clerk

PASSED:
APPROVED:
PUBLISHED:



- LEGEND**
- () = Recorded dimensions
 - ⊕ = Found County marker
 - = Boundary of this annexation
 - - - = Centerline
 - = City of Onalaska
 - - - = Town of Onalaska

S-7593 Sheet 1 of 2

Coulee Region Land Surveyors, LLC
917 S. 4th Street - PO Box 1954
La Crosse, WI 54601
Phone (608) 784-1614 Fax (608) 784-1408
www.couleeregionlandsurveyors.com

Legal Description for Annexation

All of Lot 4, Block 1, Strawberry Commons, located in the NE 1/4 of the SW 1/4, Section 29, T17N-R7W, Town of Onalaska, La Crosse County, Wisconsin described as follows:

Commencing at the West 1/4 corner of Section 29, thence S 87°30'42" E 2065.85 feet to the southwest corner of Lot 4, Block 1, Strawberry Commons, the North right-of-way line of Cloverdale Road and the point of beginning of this description:

thence N 01°05'05" W 133.50 feet to the northwest corner of said Lot 4;

thence N 88°46'55" E 143.00 feet to the northeast corner of said Lot 4 and the West right-of-way line of Abbey Road; thence, along said West right-of-way line, S 16°24'39" E 118.72 feet;

thence, continuing along said West right-of-way line, on the arc of a 15.00 foot radius curve, concave to the northwest, the chord of which bears, S 36°11'08" W 23.83 feet to said North right-of-way line of Cloverdale Road;

thence S 88°46'55" W 159.94 feet to the point of beginning of this description.

Subject to any easements, covenants and restrictions of record.

S-7593

Sheet 2 of 2

Coulee Region Land Surveyors, LLC
917 S. 4th Street - PO Box 1954
La Crosse, WI 54601
Phone (608) 784-1614 Fax (608) 784-1408
www.couleeregionlandsurveyors.com

ORDINANCE NO. 1677 - 2020

AN ORDINANCE TO REZONE PARCEL LOCATED IN SECTION 33, TOWNSHIP 17, RANGE 7 IN THE CITY OF ONALASKA, LA CROSSE COUNTY WISCONSIN FROM AGRICULTURE (A-1) AND NON-DESIGNATED TO MIXED USE COMMUNITY (MU-C)

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. The zoning map which is adopted as part of Section 13.02.12 of the Unified Development Code of the City of Onalaska is hereby amended to rezone the parcels described below from Agricultural (A-1) and non-designated to Mixed Use Community (MU-C).

Parcel Address: Sand Lake Road
Computer Number: 18-4515-0
Section 33, Township 17, Range 07

NW-NE EX PRT TAKEN FOR SAND LAKE RD AS ON SMALL PLAN & AS IN V788 P536 & AS ON PLAN 112Z & AS IN DOC NO. 1569662 & EX PRT TAKEN FOR CTH-S AS ON SMALL PLAN & AS IN V788 P536 & EX PRT TAKEN FOR RD AS DESC IN V804 P801

Parcel Address: 1500 Sand Lake Road
Computer Number: 18-4516-0
Section 33, Township 17, Range 07

SW-NE EX PRT TAKEN FOR SAND LAKE RD AS ON PLAN NO. 112Z & AS IN DOC NO. 1569662

Parcel Address: Sand Lake Road
Computer Number: 18-4521-0
Section 33, Township 17, Range 07

N 35AC OF SE-NW EX LOST LAKE ADDN & EX PRT IN V501 P376 & V537 P484 & EX MEIER FARM ADDN TWO & EX PRT TAKEN FOR SAND LAKE RD AS ON PLAN NO. 112Z & AS IN DOC NO. 1569662

SECTION II. The office of the City Engineer is hereby directed to make the above-described zoning changes on the official City of Onalaska zoning map.

SECTION III. This Ordinance shall take effect and be in force from and after its passage and publication.

Dated this _____ day of _____, 2020.

CITY OF ONALASKA

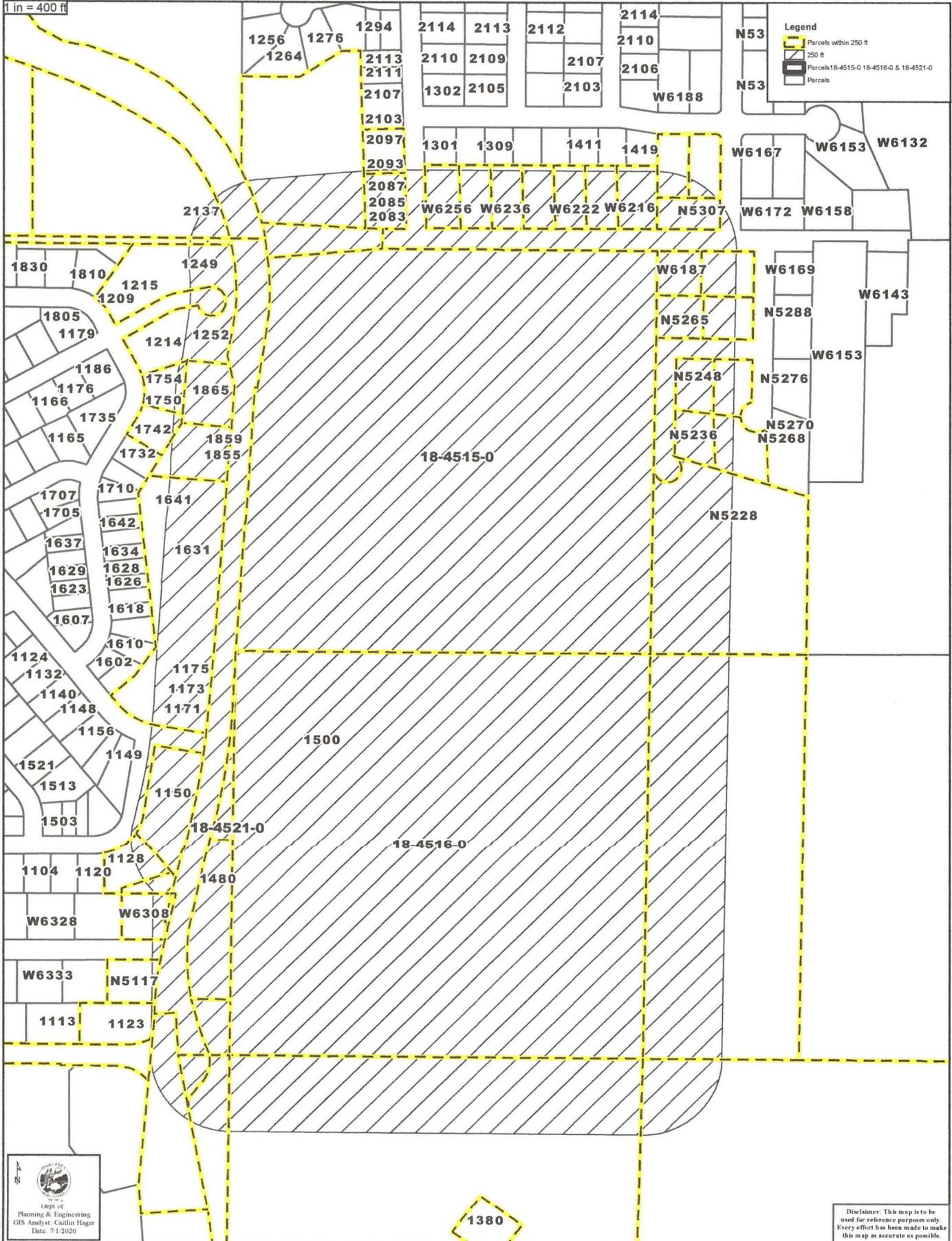
By: _____
Kim Smith, Mayor

By: _____
JoAnn Marcon, Clerk

PASSED:
APPROVED:
PUBLISHED:

Properties within 250 ft of 18-4515-0, 18-4516-0 & 18-4521-0

1 in = 400 ft




 Dept of
 Planning & Engineering
 GIS Analyst: Caitlin Hegar
 Date: 7/1/2020

Disclaimer: This map is to be
 used for reference purposes only.
 Every effort has been made to make
 this map as accurate as possible.

**AN ORDINANCE TO DELETE TITLE 12 OF THE CODE
OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO PARKS AND
RECREATION AND CREATE TITLE 8 OF THE CITY ORDINANCES RELATED TO PARKS
AND RECREATION**

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Title 12 of the City of Onalaska Ordinances is hereby deleted in its entirety and Title 8 is hereby created as follows:

Title 8 Parks and Recreation

Chapter 01 Parks

Division 1 Park Regulations

8.01.11 Generally

- A. **Purpose.** In order to protect the parks, parkways, recreational facilities and conservancy areas within the City from injury, damage or desecration, these regulations are enacted.
- B. **Park.** The term "park" as hereinafter used in this Chapter shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility or conservancy district in the City.

8.01.12 Park Regulations

A. **Specific Regulations.**

1. **Littering & Dumping Prohibited.** No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park. No person shall dispose of trash not generated incidental to park usage in a dumpster or other refuse container located in or upon park property unless specific written authority is first obtained from the Parks and Recreation Director.
2. **Sound Devices.** No person shall operate or play any amplifying system after 9:00 p.m. unless specific authority is first obtained from the Parks, Recreation & Library Board.
3. **Bill/Flyer Posting.** No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Parks and Recreation Director or their designee.
4. **Removal of Park Equipment Prohibited.** No person shall remove benches, seats, tables or other park equipment from any park.
5. **Trapping.** No person shall trap in any park unless specific written authority is first obtained from the Parks, Recreation & Library Board.
6. **Making of Fires.** No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
7. **Protection of Park Property.** No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park, except as permitted by this Chapter. No person shall climb any tree or remove flowers, break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park. Edible fruits, edible nuts, wild mushrooms, wild asparagus, and watercress may be sustainably harvested by hand for the purpose of personal consumption by the collector. The collection of seeds from herbaceous plants such as grasses and wildflowers is not allowed without written authorization from the Parks, Recreation & Library Board.

8. **Motorized Vehicles & Snowmobiles.** Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle or snowmobile outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have a Parks, Recreation & Library Board authorization for shows, rides or exhibits and then only for the purpose of loading and unloading.
9. **Glass Beverage Bottles in Parks Prohibited.** No person shall bring into, carry onto or possess while in any public park glass bottles or glass containers, including those containing or normally used for containing soda water, fermented malt beverages or alcohol.
10. **Reckless Driving in Parks Prohibited.** No person shall operate a motor vehicle in a reckless manner in any of the public parks of the City.
11. **Parking in Parks.** No person shall park any motor vehicle in any park in the City except in a designated parking area. No overnight shall be allowed in any public park, including the OMNI Center, without approval of the Parks and Recreation Director or their designee.
12. **Horse and Carriages.** No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, and where approval of the Parks and Recreation Director is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others.
13. **Removing Tree Protectors.** No person shall remove any device for the protection of trees or shrubs.
14. **Golfing and Sporting Activities.** No golfing or practicing golf in City parks or recreation areas shall be allowed, unless specific written authority is first obtained from the Parks and Recreation Director or Parks, Recreation & Library Board.
15. **Arrows.** No person shall use or shoot any bow and arrow in any City park except as may be allowed as part of a managed hunt through the Onalaska Urban Deer Management Program.
16. **Fees and Charges.** The Common Council, upon the recommendation of the Parks, Recreation & Library Board, shall have the authority to establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.
17. **Pets.**
 - a. No person shall permit any dog, cat or other pet owned by, or under the care or control of them to run at large in any park, except that dogs are permitted in designated dog exercise areas. Pets shall be allowed on leash, no longer than six (6) feet, or in a stroller or bag/carrier made for the purposes of carrying pets, on trails and pathways only. All pet waste must be picked up and disposed of off park property. Bags, scoops or other appropriate implements for the removal of pet waste must be carried by any person, bringing a pet onto park property.
 - b. No person in any park shall train or exhibit animals without written approval by the Parks and Recreation Director.
 - c. Owners of any pet or animal whether legally or illegally in any park are responsible for the immediate removal and disposal of fecal matter deposited by the animal.
 - d. Service dogs assisting persons with disabilities and which are controlled by the use of a harness or other restraint are exempt from this Section.
18. **Firearms; Hunting.** Discharging of any firearm or weapon is prohibited in all City parks. A person who complies with state law regarding the possession of firearms may have in their possession or under their control a firearm in City parks unless there is a special event as defined by Sec. 943(1e)(h), Wis. Stats. and the person has been notified not to enter or remain at the special event in the City park while carrying a firearm.
19. **Fish Cleaning.** Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all City parks.
20. **Controlled Substances.** Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all City parks.
21. **Camping.** Overnight camping is not permitted in any City park. Notwithstanding this prohibition, however, the Parks and Recreation Director or their designee may permit individual persons or groups of persons having a common purpose to remain in one (1) or more designated area/s of a park for some or all of the hours between 11:00 p.m. and 6:00 a.m., during recognized special events open to the general public such as, but not limited to, Fishing Tournaments, Farmer's Markets and/or Craft Markets and Shows, subject to the terms and conditions which the City deems necessary and/or desirable.
22. **Utility Installation and Construction.** Any private construction which may in any manner encroach upon or affect the parks and parkways shall be under the direction and jurisdiction of Parks, Recreation & Library Board and no such installation, repair or construction shall commence without the written permission therefor from the Board. All public works, including construction and installation

of power lines, hydrants, sewers and the like shall be commenced only after notice to the Board of the City's intention so to do. Where practicable, such construction and installation shall be performed pursuant to recommendations by the Board.

23. **Tennis and Pickle Ball Courts.** It shall be unlawful for any person to operate, ride or use a skateboard, bicycle, tricycle or other similar device, or roller skates or rollerblades on any public tennis or pickle ball courts.
24. **Swimming or Bathing.**
 - a. No person shall swim or bathe in any lake, river, lagoon, beach or public swimming pool under the jurisdiction of the City Parks and Recreation Department except at such places and at such times as the Parks, Recreation & Library Board may direct.
 - b. No person shall swim or bathe in any detention or retention pond under the jurisdiction of the City.
25. **Bicycles, Electric Personal Assistive Mobility, Electric Scooters and Motor Bicycles.** Bicycles, electric personal assistive mobility devices, electric scooters and motor bicycles shall be defined as set forth in Sec. 340.01, Wis. Stats., and may be ridden on trails and pathways only. Motor bicycles shall not be operated with the motor in use. The Parks, Recreation & Library Board may designate certain trails or pathways as off limits for bicycles, electric personal assistive mobility devices, electric scooters and motor bicycles and no person shall ride a bicycle or any such vehicle on such trails or pathways. Bicycles, electric personal assistive mobility devices, electric scooters and motor bicycles shall be parked only in areas so designated. Electric personal assistive mobility devices, electric scooters and motor bicycles are prohibited within the Onalaska Skate Park. Any Person with a disability that limits or impairs the ability to walk as defined in Sec. 340.01(43g), Wis. Stats., is exempt from this Ordinance section. Statutory Reference Secs.340.01, 349.23 and 349.237 Wis. Stats.
26. **Smoking Prohibited.** Smoking is prohibited in specified outdoor areas. No person may smoke in the following areas of a City park or outdoor areas of City property:
 - a. Playgrounds;
 - b. Sports fields and sports field seating areas;
 - c. Swimming pools and inside the fenced area of all swimming pools;
 - d. Onalaska Skate Park;
 - e. Within fifty (50) feet of the areas listed in Subsection a.-d. above;
 - f. Within the fenced area of tennis or pickle ball courts;
 - g. Those park areas posted as no smoking by the Parks and Recreation Director or their designee;
 - h. Those areas posted no smoking during an approved Special Event held in such park and which is open to the public with no admission charge and for which no smoking has been requested by the event permit holder;

Upon written request of a special event applicant, the prohibition of this section may be waived by the Parks, Recreation & Library Board and Common Council for specified designated areas for those events where admission is restricted by the event organizer through the sale of tickets. A request for a waiver must be submitted at least sixty (60) days in advance of the event. Signs prohibiting smoking in designated outdoor areas shall be of sufficient size and placed so that the general public has reasonable notice of the prohibition.

8.01.13 Radio-Controlled Model Airplanes and Drones Prohibited in Parks

- A. No person shall launch or land a drone, radio-controlled model airplane or helicopter in any park in the City except as authorized by the Parks and Recreation Director. City of Onalaska employee(s) may launch or land a drone in a City park with the approval of the Parks and Recreation Director.

8.01.14 Turf Protection on Public Property

- A. Except as authorized by the Parks, Recreation & Library Board, no person shall dig into the turf of any City-owned property for any purposes whatsoever or remove any trees or flowers.

8.01.15 Park Hours

- A. **Park Hours.** Subject to certain exceptions listed below, all City parks shall be closed from 11:00 p.m. to 6:00 a.m. Persons launching or transporting watercraft from park property may do so only within park hours.
- B. **Exceptions to Closing Hours.** A person driving through a park on a public road; however, stopping shall not be permitted within a park. The Common Council may modify closing hours for particular events.
- C. **Park Closing and Opening Dates.** The Parks, Recreation & Library Board will have full authority to open and close any park, beach, facility or area because of season, condition, construction or when, in the interest of public safety, it is deemed necessary.

8.01.16 Ultra-light Aircraft Regulated

- A. **Definition.** An ultra-light aircraft, vehicle or hang glider is an unpowered or powered aircraft which is not subject to extensive regulation by the Federal Aviation Administration by virtue of its characteristics and which is defined as an ultra-light vehicle by 14 C.F.R. Sec. 103.1 and which is defined as an ultra-light aircraft by Sec. 114.195, Wis. Stats.
- B. **Regulations Regarding Use.**
1. No person shall operate any ultra-light aircraft within the City in such a manner or in such a location as to endanger or injure any person or property. No person shall operate an ultra-light aircraft in the City in violation of any applicable state and federal regulations and standards. No person shall cause an ultra-light aircraft to land or to take off from any property without permission of the owner or occupant of said property, provided that an emergency landing may be made to prevent a catastrophe. In the case of landing or taking off from a City public park or other City property, the operator of such ultra-light aircraft shall first obtain a permit from the Parks, Recreation & Library Board. No fee shall be charged by the Board for such permit which may be issued for a period up to thirty (30) days nor shall the Board sponsor such activity.
 2. Any person desiring to land or to take off from any property owned by the City of Onalaska shall, prior to receiving a permit, procure evidence of insurance providing for not less than One Million Dollars (\$1,000,000.00) of coverage for each occurrence for damage to property or personal injury. Evidence of such insurance shall include a certificate of insurance naming the City of Onalaska as an additional insured, and said certificate shall be filed with the City Clerk at the time the applicant seeks a permit.

8.01.17 Reservation of Park Space

- A. **Policy on Reservation.** The City-owned parks and park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the City. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This Section is intended to regulate exclusive use of municipally-owned parks, park facilities, park shelters or parts thereof in the City to the end that the general welfare of the City is protected.
- B. **Reservation of Park Space.** A person or group, firm organization, partnership or corporation may reserve the use of a park facility or a park shelter by application filed with the Parks and Recreation Department for a permit for exclusive use of the same, provided all of the requirements on the application have been met and the appropriate fee has been paid.
- C. **Fee and Deposit.** The Common Council shall establish a schedule of fees for park space and shelter use. In addition to any required fee, all applicants for reservation or use of park space or shelters for which a permit is required shall also be required to pay a deposit as set forth on the City's Fee Schedule to insure compliance with the permit's terms and to pay for the City's maintenance and clean-up expenses. Applications for reservations or use of park space or shelters shall not be accepted unless accompanied by the non-refundable park fee and a signed agreement for such reservation and/or use. The deposit can be paid at the time of the reservation or when the key is picked up prior to the rental and shall be returned after the use if clean-up or repair by the City is not required and if all terms of the permit have been fully complied with. Keys are available for pick up at the Parks and Recreation Department one (1) or two (2) day(s) prior to the event. Weekend rentals should pick up on Thursday or Friday prior to the event.
- D. **Reasons for Denial.** Applicants may be denied for any of the following reasons:
1. If it is for a use which would involve a violation of Federal or State law or any provision of this Chapter.
 2. If the granting of the permit would conflict with another permit already granted or for which application is already pending.
 3. If the Applicant does not fully complete the Application.
 4. The application is made less than the required days in advance of the scheduled exclusive use.
 5. If it is for a use of the park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park or park facility is expected and would be seriously adversely affected.
 6. If the law enforcement requirements of the exclusive use will require so large a number of persons as to prevent adequate law enforcement to the park, park facility or shelter area involved or of the rest of the City.
 7. The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.
 8. The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- E. **Indemnification.** Prior to granting any permit for exclusive use of the park, the City may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the City and such other third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the

exclusive use sufficient to indemnify the City and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.

- F. **Permit Not Required For City Activity.** A permit is not required for exclusive use of the park or a park facility sponsored by the City.
- G. **Permit Revocation.** The Common Council, Parks, Recreation & Library Board, Parks and Recreation Director and/or the Chief of Police or their designee(s) after granting a permit may revoke a permit already issued if it is deemed that the terms of the permit are not being complied with, or that such action is justified by an actual or potential emergency due to weather, fire, riot, health emergency, catastrophe or by a major change in the condition forming the basis of the permit.
- H. **Form of Permit.** Each permit shall be in a form prescribed by the Parks and Recreation Department and shall designate the park, park facility or shelter area involved, date, hours of the exclusive use, purpose of the exclusive use and the name of the person, group, firm, organization, partnership or corporation to which the permit is issued.
- I. **Class B Fermented Malt Beverage Licenses.** When fermented malt beverages are sold at any event authorized by this Section, a valid Fermented Malt Beverage license shall be obtained and the provisions of Titles 7 and 11 shall be fully complied with. Said license must be held by the person who filed the original license and shall be presented to any law enforcement officer upon request.
- J. **Violation of Terms of Permit.** It shall be unlawful for any person, organization or other entity to which a permit is issued for a specific park, park area or shelter to use or occupy a park, park area or shelter other than that for which the permit is issued. Any person, organization, or other entity violating this Section shall be subject to immediate revocation of their permit and removal from the park, park area or shelter, forfeiture of the deposit paid, together with forfeiture as provided in Title 1 of the Code of Ordinances.

8.01.18 Penalty

- A. Any person who shall violate a provision of this Chapter shall, upon conviction shall be subject to a penalty of not more than One Thousand Dollars (\$1,000.00) per offense, and in addition, shall pay the costs and expense of prosecution. Failure to promptly pay such forfeiture shall subject the violator to be sentenced to the County Jail for a period not to exceed sixty (60) days.

Chapter 02 Regulation of Boating

Division 2 Authority

8.02.11 State Boating Laws Adopted

- A. The statutory provisions describing and defining regulations with respect to boating in the following- enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said Statutes, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any Statute incorporated herein by reference is required or prohibited by this Chapter:

30.50	Definitions.
30.501	Capacity plates on boats.
30.505	Certificate of number system to conform to federal system.
30.51	Certificate of number and registration; requirements; exemptions.
30.52	Certificate of number and registration; application; certification and registration period; fees; issuance.
30.523	Certification or registration card to be on board; display of stickers or decals and identification number.
30.525	Voluntary contributions for non-motorized boats.
30.53	Certificate of origin; requirement; contents; guaranteed asset protection waivers.
30.543	Report of stolen or abandoned boats.
30.549	Transfer of ownership of boats with a certificate of number or registration.
30.55	Notice of abandonment or destruction of boat or change of address.
30.60	Classification of motorboats.
30.61	Lighting equipment.
30.62	Other equipment.
30.63	Sale and use of certain outboard motors restricted.
30.635	Motorboat prohibition.
30.64	Patrol boats.
30.65	Traffic rules.

30.66	Speed restrictions.
30.67	Accidents and accident reports.
30.675	Distress signal flag.
30.678	Boating safety certificates, requirements; exemptions; operation by minors.
30.68	Prohibited operation.
30.681	Intoxicated boating.
30.682	Preliminary breath screening test.
30.683	Implied consent.
30.684	Chemical tests.
30.686	Report arrest to department.
30.687	Officer's action after arrest for violating intoxicated boating law.
30.69	Water skiing.
30.70	Skin diving.
30.71	Disposal of waste from boats equipped with toilets.
30.742	Water exhibitions and races; rules.
30.75	Service of process on nonresident.
30.77	Local regulation of boating.
30.772	Placement and use of moorings; restrictions; permits.
30.773	Designated mooring areas.
30.78	Municipal regulation of seaplanes.
30.79	Municipal water safety patrols; state aids.
30.80	Penalties.
30.81	Local regulations on icebound inland waters.
30.99	Parties to a violation.

8.02.12 No Wake Restriction

- A. No person shall operate a motor boat in the canal within the First Addition to Lauderdale Addition to the City of Onalaska at a speed greater than five (5) miles per hour (MPH) (no wake) and shall not create a washing situation.

8.02.13 Penalties

- A. Any person violating any section of this Chapter shall be subject to the penalties as set forth on the City of Onalaska Schedule of Deposits in accordance with Sec. 30.80, Wis. Stats.

Chapter 03 Bulkhead Lines

Division 1 Authority

8.03.11 Bulkhead Lines Established

- A. The City of Onalaska, La Crosse County, Wisconsin, has established in the interest of the public and pursuant to Sec. 30.11, Wis. Stats., a new bulkhead line along a part of the shore of the Black River, La Crosse County, as hereinafter described: That the bulkhead line of that part of the east shore of the Black River, hereinafter described and more particularly shown by the map on file with the City Clerk, is established and determined as set forth in the following description, subject to the approval of the Department of Natural Resources, namely:
1. Commencing at the Southeast corner of Government Lot 1, Section 8, T16N, R7W, City of Onalaska, Wisconsin; thence S89°43'W along the North line of Lauderdale Place and said North line extended West 1733.16 feet to the meander line of First Addition to Lauderdale Addition; thence continuing S89°43'W 22 feet to the starting point of the bulkhead line; thence along a line parallel to and 22 feet from said meander line to its intersection with a line 22 feet North of the North line of Lauderdale Place, said meander line described as N9°16'E 113.68 feet, N87°30'24"E 395.44 feet, S88°48'38"E 704.24 feet, S25°46'E 76.71 feet and S39°48"E 51.85 feet to the North line of Lauderdale Place; thence N89°43'E along a line parallel to and 22 feet from said North line of Lauderdale Place 208.35 feet; thence NO°21'W 369.91 feet; thence N89°59'50"E 330.35 feet to the West line of Outlot 163, Assessor's Plat of Onalaska; thence south 0'21'20" east along said west line 390.30 feet; thence north 88°31'28" east 343.00 feet; thence north 13°30'28" east 682.28 feet to the south line of outlot 92, assessor's plat of Onalaska; thence south 88°34'07" west along said south line 506.52 feet to the southwest corner of said outlot 92; thence north 0'21'20" west along the west line of said outlot 92 a distance of 563.57 feet; thence N89°31'40"E 304.55 feet; thence N5°11'40"W 331.97 feet; thence N76°30'20"E 421.04 feet to a point on the Burlington and Northern Railroad R-O-W and the terminus of said bulkhead line.

FISCAL IMPACT OF ORDINANCE 1678 – 2020
Title 8 Parks & Recreation

Please route in this order

Eric Rindfleisch, Administrator



(signature)

No Fiscal Impact

Budgeted Item

Will need \$ _____ for _____ to meet the requirements of this ordinance.

Dan Wick, Parks & Rec Director



(signature)

No Fiscal Impact

Budgeted Item

Will need \$ _____ for _____ to meet the requirements of this ordinance.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this ____ day of _____, 2020.

CITY OF ONALASKA

By: _____
Kim Smith, Mayor

By: _____
JoAnn Marcon, Clerk

PASSED:
APPROVED:
PUBLISHED:

AN ORDINANCE TO AMEND CHAPTER 4 OF TITLE 6 OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO SIDEWALKS

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Section 6.04.13 of Chapter 4 of Title 6 related to Sales, Display of Merchandise within Public Right-of Way is hereby deleted in its entirety and hereby replaced as follows:

6.04.13 Sales, Café Seating or Display of Merchandise within Public Right-of-Way

- A. Right-of-Way Sales Prohibited Except by Permit.** No person shall display, sell or offer to sell on any street, sidewalk, alley or other public place within the City any goods, wares, foodstuffs or anything of value or service of any kind by putting up a booth or stopping a vehicle or person on foot or in any other manner attempting to publicly sell or offer for sale any such articles, unless such person shall have first applied for and obtained a special event permit as set forth in Title 7 of this Code of Ordinances from the City Clerk. Where a special event permit is open, sidewalks must remain open and an accessible with a minimum of a four (4) foot wide unencumbered path at all times.
- B. Outdoor Dining Areas on Public Property (Sidewalk Cafes).**
1. **Purpose.** To encourage revitalization and growth of downtown and other areas of the City of Onalaska, including the development of social and economic activities and to encourage enhanced use of available public rights-of-way to complement restaurants while still encouraging the free and safe flow of pedestrians. To establish safety standards for sidewalk cafés is necessary to protect and promote public health, safety and welfare.
 2. **Sidewalk Café Defined.** Sidewalk Café shall mean an expansion of a restaurant or coffee shop creating an outdoor dining facility on part of the public property that immediately adjoins the licensed premises for the purpose of consuming food or non-alcoholic beverages to the patrons of the business.
 3. **Permit Required.** An establishment may apply for a permit from the City's Clerk's office to allow for a sidewalk café. The Clerk's office may approve or deny a permit where necessary to maintain the public health, safety or welfare, to prevent a nuisance from developing or continuing or due to violation of this section, the City Code of Ordinances or applicable State or Federal Law. A Sidewalk Café permit shall be issued where the application is filled out in its entirety, the fee as set forth in the City Fee Schedule is paid and the application meets the standards set forth in Section 4. below.
 4. **Permit Standards.**
 - a. No portion of any sidewalk café may encroach on the sidewalk adjacent to any other property other than the property that is licensed in this Chapter.
 - b. The Applicant shall maintain a four (4) foot wide unencumbered, open and accessible portion of the sidewalk for pedestrian traffic safety and accessibility at all times.
 - c. Sidewalk cafes may operate; serve food or non-alcoholic beverages, until 11:00 p.m. Sunday through Thursday and until midnight Friday and Saturday, meaning all patrons must vacate the sidewalk café by those times.
 - d. The Applicant shall provide for removal of garbage and is responsible for the cleanliness of the sidewalk café area.
 - e. The use of the portion of public property as a sidewalk café shall not be an exclusive use. All public improvements, including but not limited to, trees, light poles, traffic signals, manholes or any public initiated maintenance procedures shall take precedence over said use at all times. The City Administrator, Chief of Police, Zoning Administrator, Public Works Director or their designees may temporarily order the termination of sidewalk cafes for the following reasons, but not limited to, special events, including but not limited to, construction, parades, sponsored runs or walks, or for any reason to maintain the health, safety, and welfare of the public.
 - f. Semi-permanent markings will delineate the corners of the sidewalk café area, as illustrated in the approved site plan required for permit.
 - g. Molded plastic tables and chairs will not be permitted.
 - h. Applicant shall secure tables and chairs nightly.
 5. **Liability and Insurance.** By obtaining a Sidewalk Café Permit, the applicant agrees to indemnify, defend, save and hold harmless the City, its officers and employees, from any and all claims, liability,

lawsuits, damages, and causes of action, which may arise out of the permit or the permittee's activity at the sidewalk café. Permittee shall provide commercial liability insurance in the amount of at least One Million Dollars (\$1,000,000.00) per occurrence and name the City of Onalaska as additional insured and show how the coverage extends to the area used for the sidewalk café. Applicant shall execute an indemnification agreement approved by the City Attorney and submit an original certificate of insurance as required in the application prior to operation of the sidewalk café.

6. **Revocation of Suspension.** The approval of a Sidewalk Café Permit is conditional at all times. The City Administrator, Chief of Police, Zoning Administrator, Public Works Director or their designees may temporarily order the termination of sidewalk cafes' at any time. Issuance of this permit under this ordinance is a privilege, not a right, to use the public right of way.
7. **Appeal.** A revocation, suspension, or denial of a permit may be appealed by the applicant or permit holder to the Common Council or designated Committee of the Council, which shall hold a hearing and either grant, grant with conditions, or deny the permit. The permit holder or applicant shall be notified and shall have the right to be heard prior to a decision.
8. **Penalty.** The penalty for violation of this section shall be a forfeiture of not less than Fifty Dollars (\$50.00) or more than Two-Hundred Dollars (\$200.00) per day for each violation, together with the costs of prosecution.

Dated this ____ day of _____, 2020.

CITY OF ONALASKA

By: _____
Kim Smith, Mayor

By: _____
JoAnn Marcon, Clerk

PASSED:
APPROVED:
PUBLISHED: