

**Common Council
of the City of Onalaska**

Tuesday, January 9, 2018

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1 The Meeting of the Common Council was called to order at 7:00 p.m. on Tuesday, January 9,
2 2018. It was noted that the meeting had been announced and a notice posted at City Hall.

3
4 Roll call was taken, with the following members present: Mayor Joe Chilsen, Ald. Jim Binash,
5 Ald. Jerry Every, Ald. Ron Gjertsen, Ald. Jim Olson, Ald. Harvey Bertrand, Ald. Bob Muth

6
7 Also Present: City Administrator Eric Rindfleisch, City Clerk Cari Burmaster, City Attorney
8 Sean O’Flaherty, City Engineer Jarrod Holter, Financial Services Director/Treasurer Fred
9 Buehler, Planner/Zoning Inspector Katie Aspenson, Parks and Recreation Director Dan Wick

10

11 **Item 2 – Pledge of Allegiance**

12

13 The Pledge of Allegiance was recited.

14

15 **Item 3 – Public Input: (limited to 3 minutes/individual)**

16

17 Mayor Chilsen called for anyone wishing to provide public input.

18

19 **Jacob Wallace**

20 **1330 Ridgeway Avenue**

21 **Onalaska**

22

23 “The church that I’m representing tonight is River of Life Church, and I’m the senior pastor. I’m
24 honored to open tonight’s meeting with a word of prayer, and I want to thank each one of you
25 personally for the opportunity to do so. So if you don’t mind, let’s pray: *‘Heavenly Father, we
26 want to take a moment to say first that we love you. Thank you for your blessings upon our lives,
27 this Council, and the City of Onalaska. Tonight, we ask that your hand and wisdom will guide
28 and direct every decision that is made tonight. We ask that you continue to bless this great
29 community with Godly leadership and direction from heaven. Continue your protection over our
30 policemen and women as they serve this community. And also, continue to protect our firemen
31 and women, and our first responders. Bless the schools and leadership from elementary to high
32 school. Again, we thank you for your blessings and protection over our city. In the name of
33 Jesus we pray, Amen.’* Thank you.”

34

35 **Greg Luce**

36 **120 Fairway Court**

37 **Onalaska**

38

39 “First, I would like to talk about this audit or investigation of the Coulee Region Joint Municipal
40 Court. According to their report, the Onalaska City Council is responsible for the financial
41 management of the Coulee Region Joint Municipal Court. The investigation they conducted
42 stated that one-third of the financial reports they sampled were wrong or fraudulent. For some

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43 reason, prior to October of 2017 we allowed the Court Clerk to reconcile these reports and file
44 them to the state. I understand now the Finance Director is going to do that. I talked to some
45 people in Madison today at the DOJ [Department of Justice], and they were pretty interested in
46 the fact we filed inaccurate or fraudulent financial reports. Concerning the investigation, the
47 CPA firm reported about 10 percent of the citations they sampled were unprocessed or not in one
48 of the systems. I haven't inspected the records myself, but when I do I'm going to try and tally
49 some of the amounts of the citations to determine how much money the city has come up short
50 by not following through on these citations. The other thing, the miscarriage of justice in not
51 following through on these citations, is hard to quantify. You can't put a dollar amount on that.
52 Another major problem exposed by that investigation was the judge's conduct. I'm sure you all
53 read the report. The auditor found that his lack of oversight was a concern. State statutes say
54 that records are the judge's responsibility. Wisconsin Act 402 says that after January 1, 2009
55 court records must be kept in the clerk's office or another secure space where access can be
56 restricted to court personnel and other persons authorized by law or the judge. Apparently these
57 boxes of citations were not stored in a secure area. I read the minutes from the [Finance and
58 Personnel Committee] meeting last week [January 3] where Alderman Muth claimed that
59 nothing new was uncovered by this investigation. I don't know what report he read or what he
60 was listening to when the representative was testifying, but there was plenty of new content
61 raised by the investigation. I'm wondering what you're trying to cover up or sweep under the
62 rug. Hopefully when the DOJ Judicial Commission conducts its investigation we'll find out. I
63 think the Coulee Region [Joint] Municipal Court Commission is going to be responsible for
64 having their staff go through every one of those citations and making sure they're followed
65 through on. I'm sure if we do collect on these citations it's going to amount to a lot more than
66 the \$8,000 that you were complaining about spending for the investigation."
67

68 Cari told Greg he had reached his three-minute time limit.
69

70 **Kim Smith**
71 **436 Mayfair Place**
72 **Onalaska**
73

74 "I just wanted to take a minute to use this opportunity to introduce myself to the Council. There
75 are a lot of new faces on the Council since I last served [as a Third District Alderperson]. I'm
76 currently running for Third District Alderperson in the upcoming election. I previously served
77 three terms on the Onalaska [Common] Council, spanning from 2005 to 2013. Most of my life
78 I've lived in the City of Onalaska. My husband of 30 years and both of my children graduated
79 from Onalaska High School. I have deep roots here. I have a lot of care for this community and
80 pride in it. Besides my past experience in the community and [serving on the Common] Council,
81 some of my other credentials include I have a Bachelor of Science Degree from UW-L as well as
82 a Master's Degree from Viterbo University. I have a Graduate Certificate in Ethical Leadership
83 for Organizations. I'm currently the Quality Assurance Coordinator at City Brewery. I just
84 wanted to take this time to introduce myself. I'll be hoping to get to know more of you that I

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85 haven't met previously in the upcoming months, and renewing acquaintances with old friends.

86 Thank you.”

87

88 Mayor Chilsen called three times for anyone else wishing to provide public input and closed that
89 portion of the meeting.

90

91 **Item 4 – REPORT FROM THE MAYOR:**

92

93 A. Appointment of Deb Carlson to Room Tax Commission

94

95 Mayor Chilsen noted former Room Tax Commission member Dustin Hundt has moved from the
96 City of Onalaska, and he asked Deb Carlson to share her background with the Council. Mayor
97 Chilsen also noted that a copy of Deb's résumé has been included in their packets.

98

99 Deb told the Council she and her husband have been City of Onalaska residents since 1990, and
100 they have a daughter who is an Onalaska High School graduate. Deb said she had a 25-year
101 career in retail management, working for Dayton Hudson and Kohl's. Deb said she also was
102 employed in the hospitality industry for eight years, and she said she currently is working in a
103 sales and marketing position with La Crosse Media Group.

104

105 Motion by Ald. Binash, second by Ald. Olson, to appoint Deb Carlson to the Room Tax
106 Commission.

107

108 On voice vote, motion carried.

109

110 **RECOMMENDATIONS FOR APPROVAL AND/OR POSSIBLE ACTION FROM THE**
111 **FOLLOWING COMMITTEES/COMMISSIONS/BOARDS:**

112

113 All items listed under the consent agenda are considered routine and will be enacted by one
114 motion. There will be no separate discussion of these items unless a council member requests
115 removal, in which event the item will be removed from the consent agenda and considered in the
116 order of business in the non-consent agenda.

117

118 **Item 5 – Consent Agenda**

119

120 A. Approval of minutes from the previous meeting(s)

121

122 **FINANCE COMMITTEE**

123

124 B. Accept Omni Center Financials for 2017

125 C. Accept General Fund Financials for 2017

126 D. Accept the 2018 Summary of Financing Plan for the upcoming capital projects

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PERSONNEL COMMITTEE

- E. Approval of renewal of Gundersen Health System Lutheran Hospital Agreement for 2018
- F. Approval of renewal of Gundersen Health System Occupational Health Service Agreement for 2018

JUDICIARY COMMITTEE

- G. Approval of **Ordinance 1602-2018** to amend Title 6, Chapter 2 Section 11 through 14 of the Code of Ordinances of the City of Onalaska relating to Pools, Home Occupations, Garage Sales and Outdoor Displays, Tents and Storage (Third and Final Reading)

ADMINISTRATIVE COMMITTEE

- H. Approval of Outdoor Venue License for MAB Restaurants, LLC d/b/a David Reay's Modern Diner & Tavern, 214 Main Street, Onalaska for the 2017-2018 licensing year
- I. Approval of Operator's Licenses as listed on report dated January 3, 2018
- J. Approval of Class B Liquor License for MAB Restaurants, LLC d/b/a David Reay's Modern Diner & Tavern, 214 Main Street, Onalaska for 2017-2018 licensing year
- K. Approval of **Resolution 2-2018** to approve Special Events Fee Schedule for 2018

BOARD OF PUBLIC WORKS

- L. Approval of 2018 street light painting projects by Davies Water in the amount of \$26,950
- M. Accept and place on file 2017 Sanitary Survey of the Onalaska Waterworks by the Wisconsin Department of Natural Resources
- N. Approval of professional engineering services for the design of 6th Street and Quincy Street Lift Station Project by Strand Associates at a cost of \$59,900
- O. Approval of Irvin Street parking lot project costs and reimbursements to SkogenHeim, LLC in the amount of \$204,160
- P. Approval of Miscellaneous Engineering Services with Strand Associates, Inc. for 2018 at a cost of \$5,000

PLAN COMMISSION

- Q. Approval of an amendment to the Unified Development Code (UDC) regarding the Sign Ordinance Sections 13-6-18 to 13-6-31

UTILITIES COMMITTEE/MASS TRANSIT

- R. Accept Shared Ride Transit Financials

169
170 Motion by Ald. Binash, second by Ald. Every, to approve the Consent Agenda.
171
172 On voice vote, motion carried.

173
174 **Non-Consent Agenda**

175
176 **Item 6 – RECAP ITEMS PULLED FROM THE CONSENT AGENDA**

177
178 As there were no items removed from the Consent Agenda, Item 7 was addressed next.

179
180 **Item 7 – FINANCE COMMITTEE**

181
182 A. Vouchers

183
184 Motion by Ald. Muth, second by Ald. Olson, to approve the vouchers expended since the last
185 Common Council meeting on December 12, 2017, in the amount of \$12,255,957.38.

186
187 On voice vote, motion carried.

188
189 B. Review and consideration of findings regarding the agreed-upon procedure report from
190 Hawkins Ash CPAs for the City’s portion of the Joint Municipal Court

191
192 Motion by Ald. Muth, second by Ald. Binash, to accept the findings regarding the agreed-upon
193 procedure report from Hawkins Ash CPAs for the City’s portion of the Joint Municipal Court.

194
195 Ald. Muth said the agreed-upon procedure report from Hawkins Ash CPAs repeats Sean’s
196 findings.

197
198 Ald. Every noted the letter in the Hawkins Ash CPAs report states that the Onalaska Common
199 Council is responsible for the financial management of the Coulee Region Joint Municipal Court,
200 and he asked Sean if that is an accurate statement.

201
202 Sean said it is an accurate statement.

203
204 Ald. Every asked, “Is that by the contract that we signed?”

205
206 Sean responded, “It’s by the contract that the city signed. The city provides administrative
207 oversight, including the financial oversight for the Joint Municipal Court. When the Joint
208 Municipal Court budget is reviewed, you’ll notice that there are certain departments from the
209 City of Onalaska that are charged to the Joint Municipal Court. One of those is the Finance
210 Department.”

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211
212 Ald. Every asked, “We are responsible for all of those citations that are incomplete or not done?”
213

214 Sean responded, “The city is responsible for the administrative oversight, and for the budgeting
215 process. With respect to tickets that were mishandled, there’s not a duty that the city has with
216 respect to it on a ticket-by-ticket basis.”
217

218 Ald. Every asked, “Would that be the responsibility of the Joint Municipal Court Committee?”
219

220 Sean responded, “That would be the responsibility the court itself. Both the Joint Municipal
221 Court Committee and the city have oversight over that court.”
222

223 Ald. Every said, “As I understand it, we have very little leverage on the judge. Is that correct?
224 Being an elected person, we have very little we can do about his behavior, which is painted with
225 a pretty broad, bad brush here.”
226

227 Sean said, “The city does not have much direct authority over the judge. That is correct,
228 pursuant to the state statute.”
229

230 Ald. Every said, “I was looking at the report, and it struck me that of the tested citations that they
231 used, in November of 2015 there were 151 citations that they tested, and 65 of those either had a
232 discrepancy or inconsistencies. That’s 43 percent of the ones they tested – not the ones left in a
233 box somewhere. In May of 2016 they tested 250 citations, and 130 of those had discrepancies or
234 inconsistencies. That’s all in their letter. That’s 52 percent of the ones they tested. In February
235 2017 there were 153 citations tested from TraCS, and 78 had inconsistencies. That’s 51 percent.
236 I know that we have little consequences as far as how we can handle the judge. But people have
237 entrusted us, and other municipalities’ residents have trusted the Municipal Court to process
238 these things. I would hate to see these just get kicked down the road again. We started with nine
239 boxes that Eric found in the basement. All of a sudden it was 13 boxes, and now it’s 30 boxes.
240 You can’t tell me this thing is getting any better. I agree that we have made some wonderful
241 progress in what we’ve done. The problem remains, though, that some of these things are still
242 not accomplished – we just kicked them down the road. We lost more money by not processing
243 these things. We put our people in harm’s way writing these tickets and making these arrests,
244 and we haven’t done anything with them. I think we probably lost close to \$100,000 just on the
245 ones we didn’t process in the 30 boxes, so I hate to see this just kicked down the road. I would
246 hope maybe we could, if nothing else, refer this to our City Attorney for some kind of direction
247 and background on what we can do going forward, up to and including cancelling our contract
248 with the Municipal Court in September when it’s up. I would think that that’s the least we could
249 do and take it for what it is. They did some hard work. They did some good work. But believe
250 me, if you read the general comments, they didn’t come up with too much too good. I would
251 hope we could see our way to maybe pass this on to our City Attorney and give us some more
252 information.”

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253
254 Ald. Binash said, “First of all, the Common Council doesn’t necessarily have oversight of the
255 Municipal Court. And I will personally state that there is no malfeasance or any dropping of the
256 ball here by the Council by anybody who makes that allegation. They’re wrong. Secondly, it’s
257 an administrative oversight. The court is responsible for what happens in the court – not the
258 Council. Now, after this occurred and became available, our City Attorney looked into this.
259 And at the Finance and Personnel Committee, when the person who did the audit was standing
260 up here, she stated that there was nothing more found than what our City Attorney found. We
261 have made changes. Our Finance Director has made changes. Our City Administrator has made
262 changes. We have a new [Municipal Court] Supervisor. I think it’s disrespectful to say that the
263 Council is responsible. We are responsible in some ways in that this matter has been brought to
264 our attention, and we are taking action. Now, do we need our Common Council to do anything
265 more? I don’t think so. And if you really want to look into it, I think you’ll find that they’re
266 doing a very good job as it stands. Yes, there is more that has been found, and people may have
267 a personal agenda involved in this, and that may be their own issue. But for my purposes, I think
268 this Council is doing a fine job, and so are the people who are associated with our legal
269 department, the City Administrator, and the Finance Director.”

270
271 Ald. Every said, “I think that isn’t quite true. No one is casting any aspersions on anyone. What
272 I’m hoping for is that as a Council we could come to some agreement as to what we want to do
273 about this instead of kicking it farther down the road. In fact, Hawkins Ash Baptie says: ‘*We*
274 *were not engaged to and did not conduct an audit, the objective of which would be the*
275 *expression of an opinion on the financial management.*’ Nobody is saying there was anything
276 fraudulent – thank God there was not. We’ve been through that, and we don’t want to go
277 through it again. But had we performed additional procedures, other matters might have come to
278 our attention that would have been reported to you. I think that’s the thing we want to know
279 about. That’s all I’m saying – nothing more.”

280
281 Ald. Gjertsen asked Sean, “As far as traffic citations, moving or nonmoving violations, those are
282 also covered under the state. And the state takes a percentage of those fines?”

283
284 Sean told Ald. Gjertsen he is correct.

285
286 Ald. Gjertsen asked, “Has the state taken a position on these citations that it would be
287 encompassed into moving or nonmoving violations? Have they been aware of this problem that
288 is within this court?”

289
290 Sean responded, “The state is aware of the issue. The state’s general position has been that the
291 reports are based upon the tickets which are either paid or prosecuted. Those amounts are paid
292 upon collection. As you know, for people who are found guilty but don’t pay in a timely
293 manner, we actually use the State Debt Collection process in order to collect that. Then when
294 those come in, we make those payments. It’s based on collection rather than on anything else.”

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295
296 Ald. Gjertsen asked, “If the case has not been entered, there’s no way they would know that there
297 are monies they potentially would be out?”

298
299 Sean responded, “Correct. It takes entry of the case. It takes either a guilty plea or someone
300 being found guilty and having that be entered in order to inform the state. For instance, the state
301 is not informed of tickets where a ticket is dismissed because of lack of evidence. A ticket being
302 written isn’t what triggers it. It is either the guilty plea or someone being found guilty at trial.”

303
304 Ald. Gjertsen said, “Within the confines of City Hall, which includes the Police Department, we
305 put a lot work on these people – the expectations for them to complete their tasks in a timely,
306 expeditious fashion. When we don’t follow through on boxes and boxes and boxes down in
307 storage that were not followed through on, I know how I would feel if every day I came into the
308 office and everything I accomplished days and weeks before was thrown into a heap. In order to
309 come to work the next day and face that and face that again knowing what’s going on, it’s
310 troubling to me. I have not sat down and talked with [Police] Chief [Jeff] Trotnic on the morale
311 of the Police Department, but I’ve heard that the morale is not good. I’m wondering – this has
312 gone on since, let’s say 2011 – if this isn’t part of the problem that we have over there. When
313 you have people who are dedicated to their jobs and do a very good job, if things aren’t getting
314 followed through on it’s going to be troubling. I’m troubled with it with the fact that there are so
315 many things in this report that indicate things weren’t done right, at the very least, time and
316 again. [Monica Hauser of Hawkins Ash CPAs] also made a mention that in her time in the office
317 there was no cooperation ... That’s what I got out of it. The judge [was not] there. The judge
318 not following through. That’s current stuff. I’m fully with you, Jim, on fixing things. That’s
319 our job. That’s what we do up here. But in order to fix things you have to identify the problem.
320 Have we done that? That’s where I’m at.

321
322 I don’t know that we know what’s going on. Do I think we have theft or embezzlement? I said
323 it a long time ago: I hope not. I don’t think we do. But we have monies that were supposed to
324 go to all the municipalities out here. It’s not going there if we don’t process this or figure out
325 what went wrong. The state is another player in this. We’ve referred to the state many, many
326 times up here. We do things because the state requires us to do them. We’re failing at that level
327 if we don’t figure out is there a possibility that these tickets can be processed correctly. I’m not
328 an attorney, so I don’t know if there is a statute of limitations on these tickets. Would it be worth
329 doing? Are we going to have more in it than we could get out of it? But there is another thing
330 regarding Bob at the [Finance and Personnel Committee meeting]. Eight thousand dollars ... I
331 don’t like to blow money, Bob. I’m just one of those people who doesn’t like to blow money.
332 But at the same rate, to do justice to all the men and women out there who have traveled the
333 streets and gotten in and out of their squad cars and done the due diligence on their end of the
334 paperwork, I feel like we’re obligated to them. Then we have all the people who have paid
335 property taxes over all the years here. Their expectations are high and consistent, and they
336 should be. I’m not comfortable just saying, ‘We’re done here.’ I’m comfortable with what

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337 [Monica] said on some of the stuff. But there are so many numbers that don't ... We're so far
338 away from knowing what really happened. And the one thing that I think came out of it, at least
339 from my perspective, at the [Finance and Personnel Committee] meeting was that it doesn't look
340 like there is any criminal activity [or] any theft [or] any embezzlement. But when ineptitude
341 comes to the point that we're at with the way that court was functioning at the time, it does sound
342 to me like they're not getting what they want done in there right now with the judge. We almost
343 have to look at, what are we doing housing that here? What are we doing still part of it? I do
344 realize that there is an amount of time from year to year that we are obligated to be in there. I
345 have no problem having a court system here. I think we should have something here that we
346 have a better handle on. The people in and out of it, as far as the judge, can be limited. But
347 getting the right people in it is important. I think waiting around for an election for the
348 Municipal Court Judge is bad for everybody involved. I'm basing part of that on what I know
349 before, and part of it on what I've read."

350

351 Ald. Bertrand said, "To use present tense in terms of what is being done in that court system as
352 opposed to what has happened in the past, it appears to me that we have made changes in terms
353 of our procedures. We're going to have a great deal more oversight. And of course having
354 brought this to the forefront, it seems inevitable that we're going to have adequate systems to
355 determine if there are any problems in the future. So when you use the present tense to say that
356 we're not doing anything, I don't understand what you're going for. And I'll also say that, OK,
357 there are citations. It's hard to say how much money it would take to go after each citation if we
358 don't know how much it is. There might be court costs associated with it. To me, I think we just
359 need to move forward and accomplish the work that we, the Council, are charged to do."

360

361 Ald. Muth, a retired City of Onalaska police officer, addressed Ald. Gjertsen's comments
362 pertaining to law enforcement and morale based on unpaid citations, stating, "I guess I can fall
363 back on my 43 years as a police officer. I was concerned to do my job as a sworn police officer,
364 and that included traffic. At a certain point, once the arrest is made it's turned over to the court
365 system. Now it's the court system's responsibility to follow through. It's no longer the
366 responsibility of the law enforcement officer. It is not he or she's responsibility to tell the court
367 what to do. They do their job to the best of their ability and then it moves on to the court, which
368 is supposed to do certain duties. If they do or not do that, that is not the responsibility of the
369 police officers. I also know all the police officers in the Police Department. I've never heard a
370 single word about they're concerned about this issue, just to let you know. Is it an issue? Is it a
371 problem? Absolutely. Are we doing everything we can to rectify that and straighten it out? You
372 bet. As a matter of fact, it's the actions of this Council that got the ball rolling. There was no
373 secret, hidden anything. We found out. It was brought to our attention. We took the proper
374 action. We got the guidance of our City Attorney, who tells us what we can and can't do.
375 We've done everything we can on our side to rectify and try to straighten this out. The process,
376 as far as I know, is still going on to straighten out the activities and any shortcomings. And the
377 process hasn't stopped. I'm kind of confused on what further action we're supposed to do. And
378 there still is a separation of that court and this Council. We've made recommendations. We've

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379 noted things that are wrong and we want things straightened out, up to what our authority entitles
380 us to do. Our City Administrator has done everything he is supposed to do to try to rectify this
381 and bring this to the attention of everybody. Nothing is being hidden. [There have been] no
382 secret meetings. [There has been] no secret anything. Everything is being done above board,
383 and to say we're doing anything but that is irresponsible and uninformed."

384
385 Ald. Every said, "The question was asked of the person who presented the audit to us at the
386 Finance and Personnel Committee [meeting] – a question about tracking. It is on record – and
387 you can go listen to it and check it – her answer was the new system made it hard to track what
388 happened. I don't know if that means the system we put in place or that was in place, but she
389 said the new system made it hard to track what happened. That's all I'm saying."

390
391 Ald. Gjertsen noted he also had attended the January 3 Finance and Personnel Committee
392 meeting and said he remembers Monica saying what Ald. Every had just told the Council. Ald.
393 Gjertsen said, "What it actually meant, I wasn't in a position to ask her what she meant by it. [It
394 was] no doubt a daunting task, even the small segments that they did analyze. I wouldn't have
395 wanted to do it. As far as the Police Department's separation from the judicial department, I'm
396 fully aware of the way they operate, Bob. I think the police officers do their job correctly, and
397 no fault to them whatsoever. If there was an impression that I put that out there, it was mistook,
398 because I think those guys are doing what they need to do all the time. And I feel for people who
399 do workmanship. I don't care what you're doing. When it gets downplayed, destroyed [or]
400 misplaced, it doesn't do any good. It doesn't do any good for us either. It's just a bad
401 impression on everybody. It doesn't feel good. None of this feels good to me. I wish I had an
402 answer, and I don't. I've talked to enough people up here about it, and we all come up with the
403 same thing over and over and over. Yes, we can sit here and fix it. I'm disturbed that [Monica]
404 said at the Finance and Personnel meeting that she had problems getting information due to the
405 fact that we had put a system in place. I have no idea what that meant, if it was the system or the
406 misunderstanding on how to use it. It complicated the issues for her somehow. I don't think the
407 audit they did did what we asked them to do. They found inconsistencies, and really, what it
408 comes down to, in my opinion, is a lack of concern for your position [and] a lack of concern for
409 the people you represent. And I don't think that has anything to do with anybody sitting up here.
410 It has nothing to do with the people sitting out there. It has nothing to do with our Police
411 Department. It boils down to one individual.

412
413 I'm in a position right now where I feel like we need to look closely at the system – the way it
414 worked and the way it didn't work. Moving forward, we've made good, solid steps to make it
415 better. I'm not going to go into this report, but I did read it several times. [Monica] said the
416 atmosphere within the judge's chambers was not positive. [There were] piles of workmanship
417 laying around. This is how this whole thing got going to start out with. It's disorganization
418 [and] a lack of follow-through. Can that be helped by the new employees? I would think. But if
419 you don't have him overseeing what's going on, we're going to wind up in the same mess again.
420 That's what I'm afraid of. That's what I'm trying to stop. We're tied as a Council up here

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421 because we have limited oversight over the judge and the Municipal Court.”

422
423 City Administrator Rindfleisch said, “It’s a specific question I hope I can provide some clarity to
424 regarding the systems and the inability to balance that system. I did speak with Monica from
425 Hawkins Ash prior to the meeting regarding her report. That was a question I posed as well, so
426 some clarity there. And I think the minutes will also show this. What is referred to is the state
427 report that on a monthly basis was presented to the city and [the] Finance [Department] to be
428 filed. Under the new system, they could always get the report to balance. There was nothing
429 ever missing. Again, as Sean pointed out, any monies collected would balance. That’s why
430 we’re very confident there is no missing money from monies that were collected. What this
431 couldn’t do on the new system is back-end our way into whatever system was being used prior to
432 generate those numbers. It was always the starting number that we couldn’t do. That’s my
433 understanding from what Monica said. The system in place does balance out. What we couldn’t
434 necessarily do was identify what their starting numbers were last year, two years ago and three
435 years ago for those particular months we had done. That’s what the new system is – because it
436 didn’t exist in the past, we don’t have the data that we can have a starting basis point. We can
437 still get those reports to balance. That’s my understanding.”

438
439 Motion restated:

440
441 To accept the findings regarding the agreed-upon procedure report from Hawkins Ash CPAs for
442 the City’s portion of the Joint Municipal Court.

443
444 On voice vote, motion carried.

445
446 **Item 8 – PERSONNEL COMMITTEE**

447
448 A. Review and consideration of new policy 4.13 Unmanned Aerial Devices Policy

449
450 Motion by Ald. Muth, second by Ald. Bertrand, to approve new policy 4.13 Unmanned Aerial
451 Devices Policy.

452
453 On voice vote, motion carried.

454
455 **Item 9 – JUDICIARY COMMITTEE**

456
457 A. **Ordinance 1603-2018** – to amend Part 5 of Chapter 3 of Title 13 of the Code of
458 Ordinances of the City of Onalaska relating to Special Districts (First and Second
459 Reading)

460
461 Motion by Ald. Every, second by Ald. Gjertsen, to suspend the rules and give Ordinance 1603-
462 2018 its First, Second, Third and Final Reading.

Reviewed 1/11/18 by Cari Burmaster

463
464 On voice vote, motion carried.

465
466 Motion by Ald. Every, second by Ald. Binash, to approve Ordinance 1603-2018 – to amend Part
467 5 of Chapter 3 of Title 13 of the Code of Ordinances of the City of Onalaska relating to Special
468 Districts (First, Second, Third and Final Reading).

469
470 On voice vote, motion carried.

471
472 **Item 10 – ADMINISTRATIVE COMMITTEE**

473
474 A. Review and consideration of updating the listed fee for bicycle licenses from \$2 to \$0

475
476 Motion by Ald. Muth, second by Ald. Bertrand, to approve updating the listed fee for bicycle
477 licenses from \$2 to \$0.

478
479 Ald. Muth said he, Ald. Every and Ald. Gjertsen had discussed this topic with Police Chief
480 Trotnic, and he noted the Police Department currently provides bicycle licenses at no cost. Ald.
481 Muth said, “The purpose of a bicycle license, which is just a sticker and not a license [but rather]
482 a number, is that if a bike is stolen and it’s recovered by the Police Department they can look up
483 the number, look up the owner and return the bike. That’s the purpose behind it. The fee is so
484 nominal and so small that if a person comes in and wants to get a bicycle license they go to the
485 Police Department and fill out the front. Then they have to go up to the front and pay the \$2
486 because no money is taken at the Police Department now. Then they have to go back to get the
487 license. I think we want to be a bicycle-friendly community, so for the little money we’re
488 getting, the \$0 makes sense. There’s a change in the dollar amount, so that way we don’t have to
489 change any other wording in the ordinance. The dollar amount is the simplest way to change this
490 and make it easy.”

491
492 On voice vote, motion carried.

493
494 **Item 11 – BOARD OF PUBLIC WORKS**

495
496 A. **Resolution 1-2018** – Final Resolution regarding assessments for curb & gutter
497 installation in the Holiday Heights area along Hoffman Place, East Young Drive, West
498 Young Drive and Medary Lane

499
500 Jarrod said the Board of Public Works had voted to approve Resolution 1-2018 at its January 2
501 meeting.

502

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503 Motion by Ald. Every, second by Ald. Gjertsen, to approve Resolution 1-2018 – Final
504 Resolution regarding assessments for curb & gutter installation in the Holiday Heights area along
505 Hoffman Place, East Young Drive, West Young Drive and Medary Lane.

506
507 On voice vote, motion carried.

508
509 B. Review and consideration of professional engineering services for speed and vehicle use
510 study along East Main Street by Short Elliott Hendrickson in the amount of \$3,900

511
512 Jarrod said the Board of Public Works had voted 4-1 to move this item forward and proceed with
513 the study.

514
515 Motion by Ald. Every, second by Ald. Muth, to approve professional engineering services for
516 speed and vehicle use study along East Main Street by Short Elliott Hendrickson in the amount
517 of \$3,900.

518
519 Ald. Binash said the residents in this area had registered complaints regarding speed and trucks,
520 and how it was affecting their residences. Ald. Binash said he believes a citizen had noted that
521 his house rattles when large trucks pass it. Ald. Binash also said the citizen had asked if there is
522 a way to alleviate the problem.

523
524 On voice vote, motion carried.

525
526 **Item 12 – GREAT RIVER LANDING COMMITTEE**

527
528 A. Consideration of the installation of Public Art at the Great River Landing

529
530 Katie referred to a memo included in Council members' packets both she and Dan Wick had
531 written regarding the Great River Landing and public art. Katie noted there are individuals in
532 attendance this evening who have inquired if there is another way to attract citizens and tourists
533 to the Great River Landing. Katie said a motion was brought forward at the December 14 Great
534 River Landing Committee meeting to bring to the Common Council a request to do a public art
535 program. The intention of the motion is to determine if there is interest in the installation of
536 public art at the Great River Landing, and also to determine which committee/board (Great River
537 Landing Committee, Parks and Recreation Board, and/or a new committee that responds to the
538 previously mentioned) would be in charge of the public art project and report to the Common
539 Council. Katie said, "We just want to make sure we're not moving too far ahead and then two
540 months down, 10 months down we find out that we don't want to see public art down there.
541 We're essentially trying to test the pulse of the Council." Katie noted that Great River Landing
542 Committee Chair and former First District Alderperson Erik Sjolander is in attendance this
543 evening, as is Joyce Diveley, who is leading an ad-hoc group that is interested in placing art at
544 the Great River Landing.

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545
546 Mayor Chilsen asked Katie if there is a specific committee she believes should be in charge of
547 the public art project.

548
549 Katie noted that the Great River Landing is one of the City of Onalaska's parks and said, "I think
550 that's a question we have from the staff: who is in charge of the Great River Landing? Is it that
551 committee? Is it the Parks and Recreation Board? That's one thing we're looking at. That's the
552 purpose of the two questions as they're posed to you tonight: essentially to give us some
553 direction and tell us where to go from here."

554
555 Ald. Binash, who also sits on the Room Tax Commission, noted he had attended the December
556 14 Great River Landing Committee meeting, and he said one of the items that was discussed
557 pertained to the Room Tax Commission's willingness to fund any art to be placed at the Great
558 River Landing. Ald. Binash said, "In answer to that, we've committed some of our money to
559 possibly redoing the building that is to the west of the railroad tracks. But there are two
560 conditions before we would commit to anything to that building. One, can we get insurance for a
561 building that is in the floodplain? And two, what would be the use for that particular building?
562 Just so you know, if that building gets torn down, the [Wisconsin] DNR is not going to allow us
563 to put up another building, so we're still looking into that. The other issue is art. It would be my
564 opinion that the Park and Rec would have to take care of anything that would be put up in there.
565 It may be that the Great River Landing would have excellent suggestions, [but] ultimately it
566 comes down to the Park and Rec has to take care of whatever gets put down there. As far as
567 another committee, I think Miss Diveley has spearheaded some good talk. But it's my opinion I
568 don't think we really need another committee. Maybe [we could have] a charrette to see if
569 people really want any public art down there. I think what we have going right now is adequate
570 to take care of anything that we might want to put down there.

571
572 As far as I'm concerned, until we get an opportunity to really find out what the uses are down at
573 the Great River Landing and Dash-Park and what kind of interest we get from the general public,
574 putting art down there right now might be a little bit premature until we really find out what we
575 really want to do [and] what kind of art. People have a different opinion as to what is art. Do we
576 want a sculpture? If you get something too big down there, is it really going to take away from
577 what we already have down there? There are some questions to be answered. I think the Great
578 River Landing [Committee], with the people who are already there, is an excellent source. If
579 they feel a charrette is necessary, then we can get the public's opinion. If the public says, 'I
580 don't think so. Where are you going to get the money?', I think that's a legitimate concern."

581
582 Ald. Bertrand said, "I think what Miss Diveley is suggesting – please correct me if I'm wrong –
583 is an approach to find out if in fact what makes sense there, including any of the aspects of what
584 you just discussed. Of course, you know what my opinion is. We even show in the artist
585 rendering of the park as it was shown initially that a sculpture is shown there. I believe that it
586 adds a great deal to a park to have such a feature. But regardless, whether it is or it isn't, I think

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587 it really needs to be studied. And I don't think we need to call it an ad-hoc committee. We don't
588 have to officially assign an ad-hoc status to her or any [individuals] that she assembles to lead an
589 effort to see what makes sense down there. Isn't there a mechanism by which she can continue
590 her efforts to study the correct ... and continue moving along without an ad-hoc committee?"

591
592 Mayor Chilsen said it would be a subcommittee of the Parks and Recreation Board.

593
594 Ald. Bertrand asked what the next step would be, also asking if the Parks and Recreation Board
595 must vote on how to proceed.

596
597 Mayor Chilsen said the Parks and Recreation Board would have to approve it. Mayor Chilsen
598 said, "This body could designate it as a subcommittee of the Park Board."

599
600 Ald. Bertrand asked if it can be done this evening.

601
602 Mayor Chilsen said yes.

603
604 Ald. Bertrand told Erik he believes he had expressed some "pretty concise thoughts" at the
605 December 14 Great River Landing Committee meeting regarding how a subcommittee should
606 function, and he asked Erik to share those thoughts with the Council.

607
608 Erik said, "My approach to this is, we wanted to try to keep this as simple as possible. We don't
609 need to make this as complex as it could be made out to be. Ultimately it's just a matter of trying
610 to figure out the right avenues to get this discussion started. Whether that's through the Great
611 River Landing Committee or if that goes through the Parks and Rec Board is really just a focus
612 point. There can be direction from both committees in discussion. It's just figuring out who is
613 going to take the primary responsibility for pursuing this. Going back through some of the
614 things that have happened in recent years, I kept referring back to how the beautification of the
615 cemetery took place and how a group got together to make that happen and then found the right
616 time to present that to the city, and then the city took action on it to make it happen. How I
617 looked at this is the same way. If there's a group of people who have an interest in putting
618 something in that park, there's no harm in them having that discussion and seeing what they can
619 come up with. But when it comes time to present that information, who should be the one that
620 either says yes or no? Before we do all that work, it really comes down to, again, does the
621 Common Council want to have some form of art, whether that be a sculpture or some kind of
622 mural or whatever that may be? That's ultimately why we're asking the Council tonight what
623 kind of direction with those two questions. What is the wish of the Council?"

624
625 Ald. Gjertsen said he agrees with Ald. Binash that there is no need for another committee,
626 stating, "You [Great River Landing Committee] can do pretty much what you want, when you
627 want, where you want and bring it to us anytime as citizens. We're always here once a month.
628 The cemetery issue is something completely different than the Great River Landing. You most

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629 certainly could follow their lead. There are some concerns with what that real estate was once
630 down there, and I'm one of the people who has those concerns in reference to [Native American]
631 bones found down there as artifacts. It's disturbing to me. I have a problem with it. I don't
632 think anybody is paying attention to what that real estate really was. I don't hear you guys
633 talking about it that way. I have a problem with it. You want to put whatever it is on there, but I
634 don't hear anybody referring to what that property once was, and truly what it did. I'm not
635 happy about it. Sitting in a Great River Landing Committee meeting and hearing [Native
636 American] bones being referred to as artifacts disturbs me, and I will tell you that personally. It
637 disturbs me. What reminded me of it is you brought up the cemetery. Otherwise I probably
638 would have forgotten about it. As I said, you're entitled to do anything you need to do and bring
639 it to us anytime. Do you need a committee to do it? I'm going with Jim Binash [and saying] no.
640 We can approve or disapprove it."

641
642 Ald. Bertrand said, "First of all, in terms of the Native American artifacts, the ground on which
643 we could put the art would likely – or at least we could make sure it does – not disturb
644 undisturbed ground. I don't think that would be an issue if we're not going to disturb
645 undisturbed ground in whatever we suggest. And yes, maybe we don't need an official
646 committee. On the other hand, I think we [as] the Council need to say, 'Yes, we're willing to
647 entertain art down there or we're not.' I would really hate for Miss Diveley and others putting a
648 lot of work into coming up with a recommendation and all of a sudden we say, 'No, we don't
649 want to see anything down there.' I think we at least need to say, 'Yes, we're willing to consider
650 what could be put down there in terms of art.' In terms of the committee that would handle this,
651 I just can't imagine why it wouldn't be the Great River Landing Committee because just like
652 what we have down there now, it's been handled with the oversight of the Great River Landing
653 Committee. And Dan Wick has had his input as time went on. I'm not sure we need to move it
654 out of the purview of the Great River Landing Committee."

655
656 Joyce Diveley said, "I just wanted to clarify one thing as I'm listening to this. The project that
657 we're talking about is not public art all over the city. It is one specific thing, and that was the
658 concept of a sculpture in the plaza behind or near the planter that says "Experience, Explore,
659 Enjoy" – that area right there. I don't know if that is any burial area, but it has cement over it, so
660 I'm assuming that that probably wasn't an area of consideration. At one time it had a building
661 over it. That's the area we're talking about – not down near the waterfront, not down to the little
662 building that's down there. Just basically in the plaza. And I personally would really appreciate
663 it if we would keep it very simple and get a, 'Yes, maybe we would consider something like
664 that,' or, 'No, we really don't want to deal with public art in Onalaska.' I had to laugh today
665 because as I'm listening to all things going on in La Crosse – that they're fighting over
666 sculptures and all that – art is objective and not everyone is going to love every single thing that
667 happens in your city. But one of the criteria that we did have is that we would make sure that
668 whatever was proposed would not be offensive, controversial or anything like that. What we had
669 hoped to do – and I won't go into any detail – but create a pallet on a sculpture where we would
670 tell stories of things that were important to Onalaska. One of the stories was the story of Tom

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671 Monsoor. [Another story would be] of the shootings at St. Pat's [St. Patrick's Church in 1985].
672 [They would be] little pieces of history that would go on to the sculpture that could be
673 remembered so that when people came it would tell the story of our city. Back to the thing, it's
674 just the city plaza and not down near the water and not anywhere else. That was our focus."

675
676 Ald. Every said, "I certainly am interested in seeing some artwork in the City of Onalaska – not
677 only at the Great River Landing, but all over. I think art is just part of us, one way or another.
678 We all have some type of artistry in us, and we should appreciate good art. I think it should be
679 handled by the Great River Landing Committee; I agree with that. Ultimately, the decision will
680 rest with us at any rate. I'm in favor of it, and I think you should go full speed ahead."

681
682 Ald. Bertrand said, "I want to make sure it's understood that it's not necessary for the City of
683 Onalaska to pay anything. I don't think that should be considered in any motion tonight to go
684 forward. A lot of the sculptures, or most that I know of, are actually funded through private
685 funds. I hope we don't let that be a stumbling block to our saying, 'Yes, we would like to see art
686 be constructed down there.' That money can be raised through private funds."

687
688 Ald. Muth said he agrees with Ald. Gjertsen about not establishing another committee, adding he
689 is leaning toward the Parks and Recreation Board handling public art. Ald. Muth said, "Those
690 people are really heavily involved in the community. I think if there are a group of people who
691 want to get some type of art specifically down at the waterfront, they can present projects to the
692 Parks and Recreation Board. They can always forward it on to the Common Council. In the
693 small community where I grew up, they had art put in the town square. And for about three
694 years there were nothing but letters to the editor that everybody hated it. No matter what you put
695 down there, there's going to be somebody who doesn't like it, somebody who is going to take
696 offense, somebody who is going to think their great-grandmother is insinuated to have wrecked a
697 train down there. You're not going to get 100 percent everybody is going to love it. But I agree
698 with Ron. We don't need another committee. I think anybody who wants to get together and
699 come up with that idea can present it to the Parks and Recreation Board. If they think it's
700 feasible or makes sense, then they can forward it on to the Common Council. Most importantly,
701 we get the input from the community. What do they want? What they want us to do, and if they
702 want us to go forward. I'm all for art. I don't think art should just be strictly at the waterfront. I
703 think all of our parks can incorporate some type of art. I've seen art that actually was a
704 children's play center where the kids can do something, but the theme was children and it was
705 artistic things where the kids could play on it. It can be multipurpose. It doesn't have to be just
706 strictly the waterfront, but I like the idea of the Parks and Recreation Board being responsible for
707 it and let anybody come forward with any ideas."

708
709 Ald. Olson said, "My personal opinion is that Joyce and Erik are excellent people to handle this.
710 Joyce has had this community at the forefront of her thought process ever since I've known her,
711 which is a couple years down the line. Frankly, I read the minutes of when you were discussing
712 this, and I thought, 'My God, how much time do I have here?' It's like a Common Council

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713 meeting; it's frustrating. First of all, I think your heart is in the right place, and that's the
714 important thing. Erik, I also believe that about you. I think you can come to a decision or get
715 enough input from people and bring back what you guys work on to us, if that's the procedure
716 you want to use. I trust you explicitly to do that. Are we going to make everyone happy? No.
717 But the idea is about the community in general, and does it behoove us to enhance that image of
718 what this city means to us who live here? For what it's worth, thank you for all the hard work
719 that you do."

720

721 Ald. Binash said, "It was my understanding when the Great River Landing was getting built that
722 we were going to have some type of art down there. That was my understanding even before the
723 place was built. We had talked about a fountain, [but] it got to be kind of expensive. But the
724 idea of some type of art, some type of sculpture, was going to be down there. I think that's a
725 good idea. Art, like it's been said, is subjective – what is it going to be? To me, the Park and
726 Rec is something that would take care of it after it's done. The Great River Landing was
727 responsible for bringing this to the public, the charrettes – everything else. I think it should
728 continue to be with the Great River Landing, getting the input, getting an idea of what people
729 would like, present it, and then we can take it from there. As Harvey said, we don't have to
730 worry about the finances right so much now as let's see what's out there and what the general
731 public might like to do. Then we can take it from there."

732

733 Mayor Chilsen asked if the Common Council is in favor of having some type of art at the Great
734 River Landing.

735

736 Motion by Ald. Bertrand, second by Ald. Binash, for the Common Council to state it is in favor
737 of installing public art at the Great River Landing.

738

739 On voice vote, motion carried.

740

741 Mayor Chilsen asked both Joyce and Erik to return before the Common Council and share their
742 ideas with the Council.

743

744 City Administrator Rindfleisch said staff wants to know to which body (Great River Landing
745 Committee, Parks and Recreation Board) information should be directed.

746

747 Motion by Ald. Binash, second by Ald. Bertrand, to designate the Great River Landing
748 Committee as the lead committee regarding public art at the Great River Landing.

749

750 Ald. Gjertsen said it is logical for the Great River Landing to continue serving in that capacity.

751

752 On voice vote, motion carried.

753

754 **Item 13 – REPORT FROM ALDERPERSON BERTRAND**

Reviewed 1/11/18 by Cari Burmaster

755
756 A. Announcement of Non-Candidacy

757
758 Ald. Bertrand said, "It's been great serving the City of Onalaska for 4½ years. I felt it was time
759 to give somebody else a chance. My wife, daughter and I have been here roughly 15 years, and I
760 tell people it's my hometown now. ... People say, 'You're in a cold place,' and I say, 'I haven't
761 seen a bad day yet. It's 15 degrees out there and I love it. There are 2 inches a rain an hour and I
762 love it. I even like green grass. I really thank the City of Onalaska's residents for allowing me
763 to serve them. The staff here are just wonderful to work with, and [so are] the Common Council
764 members; Eric, the new City Administrator; and Sean, the legal counsel. I just want to pass that
765 on to you. It's been a privilege indeed to work with all of you."

766
767 **Item 14 – REPORT FROM ALDERPERSON BINASH**

768
769 A. Update on La Crosse County Convention and Visitors Bureau's (LCCVB) plans for the
770 City of Onalaska

771
772 Ald. Binash referred to the copy of the LCCVB's impact review of Explore La Crosse promotion
773 and marketing of the City of Onalaska included in Council members' packets. Ald. Binash said
774 he asked to include this information so that the Council could see what the LCCVB is doing and
775 how the City of Onalaska is involved. Ald. Binash also said, "This is still a work in progress.
776 You can see how we're trying to promote the city as well as all of our partners in this particular
777 convention and visitors' bureau that are around us."

778
779 Ald. Binash noted he serves on the LCCVB as well as the Location Committee, and he said there
780 have been discussions pertaining to whether the LCCVB will remain at its present location in
781 Riverside Park or perhaps move to a different site. Ald. Binash said, "We're looking at several
782 possibilities. One might be the La Crosse Center. There might be something at a different
783 location, places that are going to be built or possibly built, or looking into moving off of
784 [Interstate 90] Exit 3 or Exit 5. There is one other thing that I'll be bringing up at the Parks and
785 Recreation Board [meeting on January 22], which will be the Great River Landing. We do have
786 space there. I've broached the subject with the [LCCVB] about possibly working in that space
787 or having something to do with that space. Whether it's feasible of having an interactive
788 machine in there that would tell people about the things that are going on within the La Crosse
789 area, having somebody man that, probably on a volunteer basis, seasonal basis." Ald. Binash
790 said he will seek feedback from the Parks and Recreation Board, adding the LCCVB's budget for
791 many things is not very large. Ald. Binash said, "It may be a use of that particular facility. I
792 know we've also talked about that room – it's about 240 square feet in that particular building –
793 and having other uses for it."

794
795 **Item 15 – CLOSED SESSION**

796
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797 To consider a motion to convene in Closed Session under Section 19.85(1)(e) of the Wisconsin
798 Statutes for the purpose of deliberating or negotiating the purchasing of public properties, the
799 investing of public funds, or conducting other specified public business, whenever competitive or
800 bargaining reasons require a closed session:

801

- 802 • Consideration, development and approval of negotiating strategy regarding Town of
803 Medary Fire Contract

804

805 If any action is required in Open Session, as the result of the Closed Session, the Common
806 Council will reconvene in Open Session to take the necessary action and/or continue on with the
807 printed agenda.

808

809 Motion by Ald. Olson, second by Ald. Gjertsen, to convene in Closed Session.

810

811 On roll call vote: Ald. Jerry Every – aye, Ald. Ron Gjertsen – aye, Ald. Jim Olson – aye, Ald.
812 Jim Binash – aye, Ald. Bob Muth – aye, Ald. Harvey Bertrand – aye. Motion carried. In Closed
813 Session at 8:17 p.m.

814

815

816 Recorded by:

817

818 Kirk Bey