

**Common Council
of the City of Onalaska**

Tuesday, March 13, 2018

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1 The Meeting of the Common Council was called to order at 7:00 p.m. on Tuesday, March 13,
2 2018. It was noted that the meeting had been announced and a notice posted at City Hall.

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4 Roll call was taken, with the following members present: Ald. Jim Binash, Ald. Jerry Every,
5 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, Human Resource Director Hope Burchell, Robert W. Baird Managing Director Brad
10 Viegut

11
12 Excused Absence: Mayor Joe Chilsen

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14 **Item 2 – Pledge of Allegiance**

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16 The Pledge of Allegiance was recited.

17
18 **Item 3 – Public Input: (limited to 3 minutes/individual)**

19
20 Ald. Muth called for anyone wishing to provide public input.

21
22 **Diane Oldani Wulf**

23 **910 Orchid Place**

24 **Onalaska**

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26 “First of all, I would like to thank the current Onalaska Common Council members who serve.
27 As someone who has been in your shoes in the past, I know the job you do. It’s also a job I want
28 to do again. I can honestly say that in my 58 years, being on Council and representing my
29 Second District constituents and working with the fine women and men at Onalaska City Hall is
30 the best job I’ve ever had. I am running for Second District Alderperson. I recently came out on
31 top in the February primary, garnering almost 60 percent of the vote in a three-way race. I am
32 working hard toward the April 3 election. I always say I may be outvoted, but I’ll never be
33 outworked. [Here is] a little background on me for those who don’t know me. As a past
34 Common Council member I served from 2003 through 2007, and again from 2012 through 2014.
35 I currently chair the Technology Advisory Committee, which I’ve served on for 14 years. I’m a
36 proud Midwesterner, having been raised on a dairy farm in Illinois. I’ve also lived in the state of
37 Minnesota, and now Wisconsin. I’ve called Onalaska my home for the past 26 years. My
38 husband and I have raised our daughter here, where she was so fortunate to attend our nationally
39 recognized, blue-ribbon public district, Pre-K through 12. I’ll be married 30 years next month.
40 I’ve been involved with a number of projects with the City of Onalaska. I’m also the former
41 President of the Welcome Wagon Club; former board member and officer of the Fauver Hill
42 PTO and Irving Pertzsch PTA for five years; founder of the Onalaska Schools Food Pantry;
Reviewed 3/15/18 by Cari Burmaster

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2

43 former board member of both the Da Capo Band and the Onalaska Marching Hilltoppers Band
44 Boosters; and a lead volunteer of the recent Onalaska School Board Recall. Why did I just tell
45 you those things? Because I want you to know I have an investment in this community. I just
46 don't show up when it's convenient. I'm occasionally asked why I volunteer, and why I want to
47 serve as an elected official. To me, it's simple: I want to play a small role in something bigger. I
48 want to try to make a difference in people's lives. It sounds like a lofty aspiration, but I find it
49 quite simple. It simply takes listening to people. Since I was first appointed to the Pool
50 Committee in 2000 I've been bitten by the municipality bug to serve. I have continuously served
51 on a committee since that time. I feel honored that three different mayors have had the
52 confidence in me to place me on various committees. I have been a part of the acquisition of the
53 waterfront property; had a lead role in the planning and the construction of the Aquatic Center;
54 supported the library expansion and the Gundersen parking ramp; and the list goes on and on. I
55 look forward to the possibility of being able to serve my former Second District constituents
56 once again. When people hear the word 'Onalaska,' I want them to know it's a great place to
57 work, live, play, and retire. I'm Diane Wulf, and I'm running for Second District Alderperson. I
58 thank you."

59

60 **Harvey Bertrand, Third District Alderperson**

61 **3334 Augusta Lane**

62 **Onalaska**

63

64 "If you will turn your hymnals [Common Council packets] to Item No. 9D, it's the cemetery
65 matter. My sister and I would claim that we grew up in a cemetery in central Texas. We hoed
66 and mowed and fought rattlesnakes and occasionally fell into a grave where the casket gave way.
67 I've literally spent a lot of time in a cemetery, and my sister and I have three generations buried
68 in the cemetery back in central Texas. It overlooks land that my relatives homesteaded in 1885.
69 My point is that every surviving person who is a relative to someone in a cemetery has a story.
70 We consider a cemetery very sacred, and in terms of the one down the street we know that it was
71 sold to us in 2012 by Ray, now deceased, and Margaret Pelishek. It's widely understood that this
72 was going to be for expanding our existing cemetery. I would say that it would be a breach of
73 trust for us to sell that property now. Again, to a lot of people the cemetery and the vision of it is
74 a temple and a sacred property. It represents an incredible investment of time and energy. At a
75 time where government is not trusted greatly, this would be an example to unfortunately support
76 their issues. Item [No.] 2, it is not a financially sound idea. Every grave that is opened finances
77 the service of the existing cemetery. And one final thing, where would we go for a cemetery?
78 Do we build an island out in Lake Onalaska? Where would it go? Where would we build?
79 Maybe [we would have to] go to La Crescent or whatever. The point is, in 2012 we had six
80 Council members say yes to the purchase of that [property]. Are we going to say that six people
81 who are now on the Council are going to [approve] the sale of it? It seems like it would be very
82 unwise. I don't know if you saw 'The Karate Kid' back in 1984 – I think most of you probably
83 have – you might remember Mr. Miyagi. He told Daniel ..."

84

Reviewed 3/15/18 by Cari Burmaster

85 Cari informed Ald. Bertrand he had reached his three-minute speaking limit.

86

87 Ald. Bertrand concluded, “ ‘Put passion before principle, and if you win, you lose.’ I think that
88 applies here. Thank you.”

89

90 **Tom Kennedy**

91 **2841 Prairie Clover Place**

92 **Onalaska**

93

94 “I’m here tonight to speak against the sale of the property on Hickory Street and 13th Avenue
95 South, [which is] just south of our cemetery. We, the Cemetery Committee – which we have
96 four of them here with us tonight – raised over \$162,000 to make the cemetery look nice. We
97 were told at that time that that area was reserved for the cemetery so it would absorb any growth
98 that we had. The [February 13] Common Council minutes indicate there could be anywhere
99 between 15 and 30 years of use of the existing cemetery because of the increase in the number of
100 cremations, and three cremains could be interred in one plot. Thirty years is not a long time, at
101 least for some of us – or most of us, as I look around. It goes by pretty fast. I would like to take
102 you back about 70 years ago when our city fathers made a poor decision as far as I’m concerned.
103 The [Onalaska] School District at that time was governed by our city fathers. It wasn’t a school
104 district; it was City of Onalaska. They determined that the school district was too large, so they
105 gave away the land in the northern part of our city to the Holmen School District not thinking of
106 what the ramifications of that would be someday. Well, it’s a big ramification because as that
107 part of Onalaska started to develop, the families wanted to send their children to the Onalaska
108 School District. They’re in the City of Onalaska. They were forced to go to the Holmen School
109 District even though they lived in the city. Parents can attempt to get their children in the
110 Onalaska School District, but through school choice it’s not a guaranteed thing that their children
111 will be accepted. They could be denied. If they do get in through school choice, there is no bus
112 transportation for those kids. Even though they live in the City of Onalaska, all the buses
113 coming in in their area are taking those kids to Holmen. When there is a snow or ice day like
114 there was a few weeks ago and they cancel school midday [as was the case March 5], these
115 working parents have no way to go and get their children without leaving work. We’ve been
116 forced to live with that decision for [the last] 70 years. I tried to make a correction to that when I
117 was President of the [Onalaska] School Board in the 1990s, and Holmen kept voting it down.
118 Both districts had to approve it; our district approved it, and Holmen voted it down. I think
119 we’re pretty much stuck with that. We don’t want to be stuck with this decision to sell the
120 property. That decision 25 or 30 years from now ...”

121

122 Cari informed Tom he had reached his three-minute speaking limit.

123

124 Tom concluded, “... will cause us to look for property within the city. If there is any, it’s going
125 to be very expensive. Where is our next cemetery going to be? Holmen? West Salem? Or
126 Brice Prairie? Thank you.”

Reviewed 3/15/18 by Cari Burmaster

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**Park Hunter, Pastor of Onalaska United Methodist Church
212 4th Avenue North
Onalaska**

“I’m delighted to be here with you tonight, but I’m also going to be slipping out pretty soon [because] I’m doing double duty this evening. We are hosting the Bethel University Wind Symphony over at the church right now, and this actually happened pretty recently. They are on tour, and they stopped and were visiting with our high school band kids today and teaching them some things. They wanted to give a concert in the evening. There was no space available at the school, so as good neighbors we offered our sanctuary, and we’re very glad to do that. It reminds me of Psalm 133, [which states]: *‘Behold how good and pleasant it is when neighbors dwell together in peace and unity.’* I think that’s one of the things I appreciate about the Onalaska community. For those who would like to pray, I am going to offer a short prayer: *‘God, we are grateful that we live in a city and a community where we are neighbors. We don’t always agree on everything, but we do live together in unity. Lord, we are blessed by the good people of this community – those who serve us in our Fire and Police and EMT Departments; those who serve in city leadership; and those who serve in our schools and our businesses. Lord, we ask that you would continue to watch over this community. Bless us, continue us on a path of growth, and help us to watch out for those who are less fortunate that all may benefit from the blessings that you have shared with us. We ask these things in your name, Amen.’* Thank you.”

**Chris Muller
538 6th Avenue North
Onalaska**

“I’m the write-in candidate for the Second District Common Council seat. I just wanted to take this opportunity to introduce myself to those of you who may not know me yet. I know you have some very important issues to talk about this evening, so I will be respectful of your time and I will be brief. I’ve been visiting with many voters in the district these past few weeks, and there are two themes that keep coming up again and again. One is the safety of our community, and the other is concerns about how city government is currently being conducted. We are incredibly blessed here in Onalaska, and I thank [Pastor Hunter] for those wonderful words that he said. This community is filled with remarkable citizens, and they go out of their way to help a neighbor and strengthen our neighborhoods. It will be an honor to serve them and bring renewed enthusiasm and fresh ideas to their city government. In my day job as a professional software developer and technology consultant, I work with diverse teams of organizations in all types of organizations, and we find 21st Century solutions that help their operations become more efficient and effective. I look forward to the opportunity to bring that same approach to the City of Onalaska. To my new friend Shirley on 4th Avenue, who is concerned about rising property assessments, and my friends Wanda and Terry, who live down the street from her and are

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169 concerned about crime spilling over from nearby communities, and my new friends on Oak
170 Avenue, who are concerned about the turmoil within this building, I will work tirelessly to help
171 build up this community. And I will resist all efforts to try to tear it down. Thanks for your
172 time. Please remember to write in Chris Muller on election day. Take care, and God bless.”

173
174 **Amy Twitchell**
175 **1200 Pioneer Drive**
176 **Holmen**
177

178 “I’m just here to introduce myself. I am one of the candidates for La Crosse County Treasurer’s
179 Office. To give you a history of what has occurred, Shawn Handland was the previous treasurer,
180 and he resigned as of September 2017. His deputy was appointed as Interim [County Treasurer].
181 The Executive Board took to [La Crosse] County on what they would like to do – if they would
182 like to appoint or have a special election. The [La Crosse] County Board chose to have a special
183 election so the voters could choose who they would like to have as a county treasurer. The
184 interim chose not to run. She is actually planning to retire the Friday after the election, which is
185 April 3. I am currently the Assistant Deputy. Shawn did hire me. I have been with the county
186 for 10 years now. I started with the Register of Deeds, and then was the Deputy County Clerk
187 for Ginny Dankmeyer. When the opportunity arose for me to take the position in the treasurer’s
188 office, I was able to take that position. Prior to working for the county I worked for the banking
189 industry since I was in high school. I know a lot of people think the treasurer’s office just
190 handles taxes, but we also handle a lot of the banking, transferring the wiring of the county. It’s
191 not just taxes. I am married; I will be married 20 years in September. We have two daughters, a
192 [high school] junior and a seventh-grader. I graduated from UW-Eau Claire with a degree in
193 Administrative Management. I’m just getting out and introducing myself to make people aware
194 of the election on April 3, and I am running for County Treasurer. Thank you for your time.”

195
196 Cari read into the record the following letter from Greg Luce, 120 Fairway Court, Onalaska: “*I*
197 *really wanted to attend tonight’s Common Council meeting, but had to be out of town for*
198 *business. I was most interested to hear discussion of Judge [John] Brinckman’s performance*
199 *and behavior as our Municipal Court Judge. I was out campaigning Sunday and heard some*
200 *interesting stories about our failing and embarrassing city government. At one house I heard*
201 *from a resident that a family member of his received an OWI a couple of years ago, paid his fine,*
202 *and the OWI was never prosecuted and it’s not on his record. This is completely unacceptable.*
203 *I’m sure this is just one of the hundreds of cases that got stuck in a box and ignored. At another*
204 *house I was told that Judge Brinckman had an inappropriate sexual relationship with his former*
205 *court clerk whom he now blames for the court’s problems, and the city is being sued for sexual*
206 *harassment because we fired her. I have talked to the State Department of Workforce*
207 *Development Equal Rights Division about this, and they are looking into the matter. I think it’s*
208 *important to note that in the city’s recent rash of scandals that Mayor Chilsen and Councilman*
209 *Bob Muth have known about these issues for a long time and did nothing. In the case of [former*
210 *Police] Chief [Jeff] Trotnic’s misconduct I believe they were both legally obligated to bring it to*
Reviewed 3/15/18 by Cari Burmaster

211 *the Police and Fire Commission's attention. In the case of Judge Brinckman having*
212 *inappropriate sexual relations with his clerk, we should expect Muth and Chilsen as elected*
213 *officials to handle this sort of misconduct swiftly to protect the city. It is clear to me that Mayor*
214 *Chilsen and Councilman Muth have been derelict in their duties. Along with the Council just*
215 *taking a vote of no confidence in Judge Brinckman, I am requesting that you also take a vote of*
216 *no confidence in the Mayor and Councilman Muth. If it passes, we should demand that they both*
217 *resign. Thank you."*

218

219 **John Brinckman, Municipal Court Judge**
220 **258 Coachlite Court South**
221 **Onalaska**

222

223 "I've been the judge for about 30 years here in Onalaska. I did not plan on speaking tonight.
224 However, in light of a letter that was just written – and on behalf of who I would consider to be
225 another victim of that letter – I want to state unequivocally to this Common Council tonight that
226 at no time ever have I had a sexual relationship with an employee of the City of Onalaska who is
227 mentioned in that letter. One of my clerks, it never happened. Again, I did not plan on speaking
228 tonight, but I believe that since I'm here if I remained quiet or absent I feel that my absence
229 would be misunderstood. There have been a few allegations that have been made. I have not
230 received anything in writing, so I'm not here tonight to defend my character. In general, I have
231 always presented myself ... If there are some specific concerns, I would address them. I would
232 appreciate them if they would be in writing. I've heard some concerns through the [La Crosse]
233 Tribune, through the TV stations and through the radio stations – different concerns on different
234 media. I would gladly address those, but I would like them to be in some kind of a written
235 format so that I can actually know what it is that the concerns really are. In my 30 years that I've
236 been a part-time judge, some of the concerns I've heard would literally require not only a full-
237 time judge, but I've spoken with the head of the Wisconsin Municipal Court Association, and
238 part-time municipal judges simply do not get involved in the financial aspects – taking care of
239 and making sure that everything is entered properly. That is what a clerk is for. The clerk that
240 we have had, basically from a payroll point of view, has received more than twice the salary that
241 I have as judge. Typically I would come to court, I would hold the court matters, and I would
242 dictate to the clerks what I want entered into the record. Speaking on behalf of the other
243 municipal judges I have spoken with ..."

244

245 Cari informed Judge Brinckman he had reached his three-minute speaking limit.

246

247 Judge Brinckman concluded, "I'll just sum it up. I think that some of the accusations that are
248 being made are unfair. Again, I would gladly speak to all of your concerns, but it would really
249 be a lot easier if they were in writing so that I could address them all, and they would be some
250 consistency. But I have always strived to do the best job I can for the City of Onalaska in those
251 30 years. I am a member of Onalaska, and I have treated everyone ..."

252

253 Ald. Muth thanked Judge Brinckman and told him he cannot allow him to continue speaking.

254

255 **Carl Wiggert**
256 **2716 Bayshore Drive**
257 **Town of Campbell**

258

259 “I’m not a paid liar. There was a case where we were holding American flags and an 8-foot
260 wooden cross, and we got tickets for that for Freedom of Speech on a public sidewalk. I think
261 the judge could have stopped that. It’s against everything America stands for, and the case is
262 still going on. We won some of it. You can’t have a Freedom of Speech zone within so many
263 feet. I disdain my government. You guys live off the backs of the hard-working people. The
264 amount of corruption that is being shown up in this area is terrible. I expect more from my
265 money. I think you ought to get out of the grave business. I don’t think you should be
266 competing with other businesses. Not only do I not have confidence in the government in
267 Onalaska, but I certainly do not have confidence in the judge. Thank you.”

268

269 Ald. Muth called three times for anyone else wishing to provide public input and closed that
270 portion of the meeting.

271

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

273

274 A. No report

275

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

278

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

283

284 **Item 5 – Consent Agenda**

285

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

287

288 **FINANCE COMMITTEE**

289

290 B. Accept Omni Center Financials for 2018

291 C. Accept General Fund Financials for 2018

292

293 **PERSONNEL COMMITTEE**

294

**Common Council
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- 295 D. Approval of out-of-state travel for Wayne Nagy, Andrew Barnhardt, and Jameson Rau to
296 attend Crude by Rail and Emergency Response Training from May 21 through May 23,
297 2018 in College Station, Texas
298 E. Approval of changes to the Family Medical Leave Act Policy 7.02
299 F. Approval of stipend for Assistant Police Chief for Interim duties related to turnover in the
300 Police Department
301 G. Approval of changes to the following job descriptions:
302 1. Administrative Manager
303 2. Assistant Police Chief
304 3. Professional Standards Sergeant
305 4. Sergeant
306 5. School Liaison Officer
307 6. DARE/GREAT Officer
308 7. Administrative Secretary – Police Department
309

310 **ADMINISTRATIVE COMMITTEE**

- 311
312 H. Approval of Outdoor Venue License for Morsal Foods, LLC d/b/a Senor Villa, 425 2nd
313 Avenue South, Onalaska for the 2017-2018 licensing year
314 I. Approval of Operator's Licenses as listed on report dated March 7, 2018
315 J. Approval of Class B Liquor License for Morsal Foods, LLC d/b/a Senior Villa, 425 2nd
316 Avenue South, Onalaska, WI starting when final inspections are completed
317 K. Approval of amendment to Class B Liquor License for American Legion Post 336, 731
318 Sand Lake Road, Onalaska for June 15-16, 2018 for Onalaska Community Days to
319 include outside grounds
320 L. Approval of amendment to the noise ordinance for American Legion Post 336, 731 Sand
321 Lake Road, Onalaska for June 15-16, 2018 for Onalaska Community Days until 11:30
322 p.m. each evening
323 M. Approval of Special Event Permit for Fleis Nightfall Frolic on Friday, April 20, 2018
324 from 3-9 p.m. starting at Rowe Park
325 N. Approval of Fee Schedule
326

327 **BOARD OF PUBLIC WORKS**

- 328
329 O. Approval of Altra Federal Credit Union fiber optic cable installation within City right-of-
330 way along Oak Forest Drive and East Main Street with conditions outlined in memo from
331 Jarrod Holter, City Engineer/Director of Public Works, dated March 7, 2018
332 P. Approval of 2018 pavement maintenance:
333 1. Purchase of fiber patching material from Sherwin Industries in the
334 amount of \$19,687.50
335 2. Installation of fiber patching material by Fahrner Asphalt Sealers, Inc.,
336 in the amount of \$71,500

Reviewed 3/15/18 by Cari Burmaster

- 337 3. Asphalt pavement expansion joint installation by Fahrner Asphalt
338 Sealers, Inc., in the amount of \$40,630
339 4. Chip seal project by La Crosse County Highway Department in the
340 amount of \$191,748
341 5. Centerline painting by Twin City Striping in the amount of \$10,980
342 6. North Kinney Coulee joint repair project to Fahrner Asphalt Sealers,
343 Inc., in the amount of \$34,910
344 Q. Approval of professional engineering services for 2018 Supervisory Control and Data
345 Acquisition (SCADA) system upgrades by Strand Associates in the amount of \$19,000
346 R. Approval of professional forestry services for updating Urban Forest Management Plan
347 by Bluestem Forestry Consulting, Inc., in the amount of \$11,500
348 S. Approval of professional engineering services for French Road/Crestwood Lane area
349 Preliminary Report/Feasibility Study for water booster station by Davy Engineering in
350 the amount of \$7,500
351

352 **PLAN COMMISSION**

- 353
354 T. Approval of a rezoning request filed by Skogenheim, LLC, 3800 Emerald Drive East,
355 Onalaska, WI 54650 to rezone parcels at 209 Irvin Street and 2nd Avenue South from
356 Neighborhood Business (B-1) District to Public and Semi-Public (P-1) District for the
357 purpose of expanding Dash Park and constructing related amenities (Tax Parcel #18-100-
358 0 & 18-98-1)
359 U. Approval of a General Development Plan (GDP) for a Downtown Planned Unit
360 Development (D-PUD) application filed by Jeffrey Moorhouse of Onalaska United
361 Methodist Church, 212 4th Avenue North, Onalaska, WI 54650 for the purpose of
362 expanding United Methodist Church utilizing a three-phased approach which includes the
363 following parcels located at 212 4th Avenue North, 222 4th Avenue North, 412 Locust
364 Street, 418 Locust Street, 213 5th Avenue North, and 415 King Street (Tax Parcel #18-
365 229-0, 18-228-0, 18-233-0, 18-234-0, 18-232-0, & 18-231-0)
366 V. Approval of a request by Pete Quackenboss of Home Depot to host an extended tent sale
367 event in 2018 at 2927 Market Place, Onalaska, WI (Tax Parcel #18-3635-4)
368

369 **UTILITIES COMMITTEE/MASS TRANSIT**

- 370
371 W. Accept Shared Ride Transit Financials
372

373 **PARKS & RECREATION**

- 374
375 X. Approve Youth T-shirt Printing to Games People Play at a cost of \$6.50 per shirt
376 Y. Approve 72" Zero Turn Lawn Mower bid to Bobcat of the Coulee Region at a cost not to
377 exceed \$10,283.00
378 Z. Approve Omni Center sport court flooring cover to Keifer USA at a cost not to exceed

- 379 \$40,000
380 AA. Approve Hilltopper Heights Playground Project to Miller and Associates at a cost
381 of \$59,900 for equipment and \$5,885 for wood mulch
382 BB. Approve Meier Farm Playground Project to Miller and Associates at a cost of
383 \$65,000 for equipment and \$7,060 for wood mulch
384 CC. Approve Omni Center Mezzanine Project to Cary Specialized Services at a cost
385 not to exceed \$16,589
386

387 Motion by Ald. Binash, second by Ald. Olson, to approve the Consent Agenda.

388

389 On voice vote, motion carried.

390

391 Ald. Every asked if the Council has the option to remove items from the Consent Agenda.

392

393 Ald. Muth told Ald. Every he had asked the Council if there were any items to be removed from
394 the Consent Agenda and there was no response.

395

396 Ald. Every said, "I would like to back up on that and offer ..."

397

398 Sean said, "It would only be if there is a reconsideration of the previous motion to approve the
399 Consent Agenda. Otherwise the meeting would move forward."

400

401 Motion by Ald. Gjertsen, second by Ald. Every, for a reconsideration of approval of the Consent
402 Agenda.

403

404 On voice vote, there was a 3-3 tie.

405

406 Sean asked the Council to take a roll call vote.

407

408 On roll call vote: Ald. Jerry Every – aye, Ald. Bob Muth – nay, Ald. Jim Olson – nay, Ald.
409 Harvey Bertrand – nay, Ald. Ron Gjertsen – aye, Ald. Jim Binash – aye. Vote ends in a 3-3 tie.

410

411 Sean told the Council the motion failed because there was no majority.

412

413 **Non-Consent Agenda**

414

415 **Item 6 – RECAP ITEMS PULLED FROM THE CONSENT AGENDA**

416

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

418

419 **Item 7 – FINANCE COMMITTEE**

420

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11

421 A. Vouchers

422

423 Motion by Ald. Every, second by Ald. Gjertsen, to approve the vouchers expended since the last
424 Common Council meeting on February 13, 2018, in the amount of \$2,583,949.38.

425

426 On voice vote, motion carried.

427

428 B. **Resolution 12-2018** – Awarding the sale of \$3,625,000 General Obligation Corporate
429 Purpose Bonds

430

431 Motion by Ald. Every, second by Ald. Binash, to approve Resolution 12-2018 – Awarding the
432 sale of \$3,625,000 General Obligation Corporate Purpose Bonds.

433

434 Brad Viegut noted that the Council had been given a packet summarizing the results of the bond
435 sale. Brad said the city was in the bond market until 10 a.m. Tuesday soliciting bids for the
436 \$3,625,000 General Obligation Corporate Purpose Bonds. The following four bids were
437 received:

438

Bidder	True Interest Cost
439 BOK Financial Securities, Inc.	3.0980 percent
440 Dougherty & Company LLC	3.1684 percent
441 Northland Securities, Inc.	3.1916 percent
442 Bernardi Securities, Inc.	3.3566 percent

444

445 Brad said BOK Financial Securities' bid of 3.0980 percent is in line with the 3.11 percent
446 estimate he had provided to the Finance and Personnel Committee at its January 3 meeting. Brad
447 next addressed the Note Anticipation Notes and told the Council the city had solicited bids for
448 the NANs until 10 a.m. Tuesday. The following two bids were received:

449

Bidder	True Interest Cost
450 BOK Financial Securities, Inc.	2.0729 percent
451 Northland Securities, Inc.	2.4392 percent

453

454 Brad noted BOK Financial Securities' bid of 2.0729 percent was less than the projection of 2.27
455 percent he had presented to the Finance and Personnel Committee at its January 3 meeting. Brad
456 said page 3 of the packet provides a summary of both Resolution 12-2018 and Resolution 13-
457 2018. Brad said the information is consistent with what he already had provided, but he also
458 pointed out the Corporate Purpose Bonds now have a first call date of October 1, 2026, which is
459 two years earlier than what he had told the Finance and Personnel Committee in January. Brad
460 said this is to the city's benefit as it provides additional flexibility. In addition, there was no
461 additional cost to provide this flexibility. Brad noted that BOK Financial Securities is based in
462 Dallas, Texas, and he said he had updated the financing plan to show that the total cost is less

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463 than what was discussed in January. Brad also said the combined debt service is structured to
464 allow room to layer in future financings. Brad next addressed Moody's Investors Service
465 complete rating report and highlighted the following:

- 466
- 467 • Moody's affirmed the city's Aa2 bond rating.
 - 468 • Moody's assigned a rating of MIG1 (Municipal Investment Grade 1) for the NANs. This
469 is the highest bond rating Moody's assigns for this type of debt.
 - 470 • Credit strengths include the city's expanding tax base, and strong financial operations
471 characterized by trend of surplus operations and healthy reserves.
- 472

473 On roll call vote: Ald. Ron Gjertsen – aye, Ald. Jim Olson – aye, Ald. Harvey Bertrand – aye,
474 Ald. Bob Muth – aye, Ald. Jerry Every – aye, Ald. Jim Binash – aye. Motion carried
475 unanimously.

476

477 C. **Resolution 13-2018** – Authorizing the Issuance of \$1,570,000 General Obligation
478 Promissory Notes and the Issuance and Sale of \$1,570,000 Note Anticipation Notes in
479 Anticipation Thereof

480

481 Motion by Ald. Gjertsen, second by Ald. Olson, to approve Resolution 13-2018 – Authorizing
482 the Issuance of \$1,570,000 General Obligation Promissory Notes and the Issuance and Sale of
483 \$1,570,000 Note Anticipation Notes in Anticipation Thereof.

484

485 On roll call vote: Ald. Jerry Every – aye, Ald. Ron Gjertsen – aye, Ald. Jim Olson – aye, Ald.
486 Jim Binash – aye, Ald. Bob Muth – aye, Ald. Harvey Bertrand – aye. Motion carried
487 unanimously.

488

489 **Item 8 – PERSONNEL COMMITTEE**

490

491 A. Review and consideration of changes to the Adoni Networks contract for 2018
492

493 Ald. Muth said there has been a request to remove Item 8A from tonight's agenda and noted it
494 will be discussed during the April meeting cycle.

495

496 B. Review and consideration of authorization to replace, post, and advertise for:

- 497 1. Administrative Manager position
- 498 2. Police Chief position
- 499 3. Fire Chief position

500

501 Motion by Ald. Olson, second by Ald. Binash, to approve authorization to replace, post, and
502 advertise for the Administrative Manager, Police Chief, and Fire Chief positions.

503

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504 Ald. Every said, “About these position moves, first of all, I think it’s untimely to be doing this. I
505 think we should wait until the new chief comes in. The second thing is, I’m not clear as to what
506 the money consequence is. I didn’t see anything in there about what this would cost us. The
507 other thing is, is this going to involve hiring more FTEs, more full-time equivalent people? I
508 didn’t see anything in there about that. I’m reluctant to approve this, not because of any other
509 reasons. Those are the ones, and I think they are important reasons.”

510
511 Hope said, “Typically for the recruitment cost, it may vary and we won’t have the actual cost of
512 that. We always try to stay in budget with the vacated salaries and those kinds of things, so it’s
513 usually not an issue. What I have found more and more so is that the advertising for new
514 positions – these are replacements – we’re getting more traffic from online systems instead of
515 actually putting it in the newspaper. That’s something that the Police and Fire Commission
516 would need to make for the Police Chief and the Fire Chief, then we would work with the acting
517 department head in the Police Department to determine where they would want to post that.”

518
519 Ald. Every said he is not concerned about the Police Chief and the Fire Chief because their
520 positions have been budgeted into 2018.

521
522 Hope told Ald. Every the Police Chief, Fire Chief, and Administrative Manager positions are
523 budgeted. Hope also noted the Administrative Manager position has come open due to a
524 retirement.

525
526 Ald. Every asked Hope if duties were added or subtracted, or if the positions were realigned.

527
528 Hope told Ald. Every the job descriptions were changed “based on what the job duties felt that
529 they needed to be. Some of the things that were added were more of the open records requests
530 items under the Administrative Manager.”

531
532 Ald. Every asked if the Police and Fire Commission had reviewed this item and the unions.

533
534 Hope said, “[The] Police and Fire [Commission] does not make approval for ... Basically it’s a
535 non-sworn position. This is just the Administrative Manager position. If it were a police officer
536 or a firefighter they would have some say in that. They don’t with the Administrative Manager
537 position because it’s not a sworn position. They don’t have purview over that position.”

538
539 Ald. Gjertsen asked, “Is it the same for the Professional Standards Sergeant [and] we have
540 money budgeted?”

541
542 Hope told Ald. Gjertsen all the positions are currently in the budget. It was just a matter of
543 making some changes as to supervision. With the Administrative Manager position, [it was a
544 matter of] making some changes to that job description and then ironing out those concerns at the
545 Finance and Personnel Committee meeting. That position is not being advertised for; it is filled.

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546 We're not asking to fill those positions.”

547

548 On voice vote, motion carried.

549

550 **Item 9 – BOARD OF PUBLIC WORKS**

551

552 A. Review and consideration of bids received for 2018 Utility Project

553

554 Jarrod noted he had distributed the bids opened Tuesday morning for the 2018 Utility Project.
555 There were five responsive bidders, and Jarrod said staff recommends awarding the 2018 Utility
556 Project to Gerke Excavating, which submitted a total bid of \$1,708,611. The base bid is
557 \$1,643,880.50; Bid Alternate No. 1 is \$34,900.50; and Bid Alternate No. 2 is \$29,830. Jarrod
558 noted \$1,925,000 was budgeted for this project in the 2018 Capital Improvements Budget.

559

560 Motion by Ald. Bertrand, second by Ald. Gjertsen, to award the 2018 Utility Project to Gerke
561 Excavating for a total bid of \$1,708,611.

562

563 On voice vote, motion carried.

564

565 B. Review and consideration of bids received for 2018 Miscellaneous Concrete Project

566

567 Jarrod noted he had distributed the bids opened Tuesday morning for the 2018 Miscellaneous
568 Concrete Project. There were three responsive bidders, and Jarrod said Steiger Construction was
569 the low bidder at \$85,087.50. Jarrod noted \$120,000 was budgeted for this project through the
570 Stormwater Operating Budget and the 2018 CIB.

571

572 Motion by Ald. Gjertsen, second by Ald. Bertrand, to award the 2018 Miscellaneous Concrete
573 Project to Steiger Construction at a cost of \$85,087.50.

574

575 Ald. Gjertsen asked Jarrod if the city has utilized Steiger Construction in the past, and if he has
576 been satisfied with the results.

577

578 Jarrod said yes, noting that Steiger Construction has submitted multiple bids over the last 20
579 years. Jarrod also noted that all three bidders (Steiger Construction, Fowler & Hammer, Pember
580 Companies) have been awarded bids in the past.

581

582 On voice vote, motion carried.

583

584 C. Review and consideration of bids received for 2018 Urban Forestry Project

585

586 Jarrod noted he had distributed the bids opened Tuesday afternoon for the 2018 Urban Forestry
587 Program. There were two responsive bidders, and Jarrod said Hoffman & McNamara Co. had
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588 submitted the lowest bid at \$36,889. Jarrod said this item was budgeted through the 2018
589 Stormwater Budget; the 2017 CIB, which had unused Urban Forestry funding in 2017; and the
590 2017 Utility Project. Jarrod said trees will be planted along the project that was constructed in
591 the summer of 2017.

592
593 Motion by Ald. Gjertsen, second by Ald. Bertrand, to award the 2018 Urban Forestry Project to
594 Hoffman & McNamara Co. at a cost of \$36,889.

595
596 Ald. Every asked Jarrod how much he had taken from 2017 to add to the bid by Hoffman &
597 McNamara Co.

598
599 Jarrod said \$49,300 was in the original budget, noting \$10,500 came from the 2017 Utility
600 Project; \$9,800 from 2017 Urban Forestry; \$7,000 from the 2018 Stormwater Utility Budget; and
601 \$22,000 from the 2017 Emerald Ash Borer Tree Replacement.

602
603 Ald. Every inquired about a \$2,500 grant.

604
605 Jarrod said, "We had a grant to pay for the urban forestry update, and then for some EAB work
606 on some city park trees. That is not part of this contract."

607
608 On voice vote, motion carried.

609
610 D. Review and consideration of City-owned lands at 300 13th Avenue South designated for
611 future cemetery expansion

612
613 Ald. Binash said, "Since I brought this up, the whole idea behind it was to see if we could
614 increase the tax base. Obviously the citizen input is very important to what is going on. If the
615 citizens of Onalaska want to continue to expand the cemetery beyond its useful life, which may
616 be 20 to 25 years, that's fine. The intent was never to do anything with the current cemetery
617 because that holds the history, and it's a park. The idea of an expansion to the cemetery was
618 more in line with what may be happening in the future. If the citizens of Onalaska don't want to
619 sell the land and they want to keep the land for possible use as a cemetery, so be it. I guess it
620 will be up to the citizens to decide if they want to sell it or they don't want to sell it. It's not up
621 to this body. We're here to take the comments and then use them toward constructive use of the
622 city property. That's all it was."

623
624 Ald. Olson said, "I echo Jim's comments. That's the way it should be."

625
626 Ald. Every said, "I do believe the cemetery should be a separate entity out of the city's control,
627 and I have always believed that. But this property should remain, as far as I'm concerned, with
628 the cemetery just for the purpose of the things we've heard tonight. This is a piece of ground
629 that is hallowed by everyone up here, and it would be a travesty to sell that piece off, even if we

630 don't seem to need it for another 30 years. I think we should keep it.”

631
632 Ald. Muth said, “I appreciate Jim Binash bringing up the idea to take a look at that, but I’m
633 afraid I’m going to have to go along with some of our comments. I want to see that remain
634 cemetery. The Council that bought that land for that purpose back then, I agree with. I would
635 like our cemetery ... It’s only going to survive another 25, 30 years, and that’s a short period of
636 time. I think the expansion just sort of fits right in with everything that’s already there. That’s
637 just my opinion, but I think the Council is correct in getting the land for future expansions for the
638 cemetery, and to keep it a cemetery.”

639
640 **Item 10 – PLAN COMMISSION**

641
642 A. **Resolution 11-2018** – Final Resolution to vacate and discontinue a portion of the alley
643 from Locust Street to King Street (between 4th Avenue North and 5th Avenue North), City
644 of Onalaska, La Crosse County, WI (this Resolution will replace in entirety the
645 Resolution adopted at the February 13, 2018 meeting)

646
647 Motion by Ald. Gjertsen, second by Ald. Every, to approve Resolution 11-2018 – Final
648 Resolution to vacate and discontinue a portion of the alley from Locust Street to King Street
649 (between 4th Avenue North and 5th Avenue North), City of Onalaska, La Crosse County, WI (this
650 Resolution will replace in entirety the Resolution adopted at the February 13, 2018 meeting).

651
652 On voice vote, motion carried.

653
654 **Item 11 – DISCUSSION ON JOINT MUNICIPAL COURT**

655
656 A. Report from City Administrator – Discussion on Joint Municipal Court Agreement and
657 Ordinance

658
659 City Administrator Rindfleisch referred to two documents included in Council members’
660 packets: “Agreement for the Establishment and Operation of a Joint Municipal Court,” and
661 Ordinance 1164-2003. City Administrator Rindfleisch said, “The purpose of this conversation is
662 to highlight some of the language within those agreements, and the ordinance that would impact
663 some of the conversation we’ve heard about, first and foremost, removing the city from the
664 court. ... If you look through the agreements, there are multiple places where the City of
665 Onalaska is identified by name within the agreements. As one possibility of removing ourselves
666 from the court, the language still would exist.” City Administrator Rindfleisch cited the example
667 of Section 3b under the “Agreement for the Establishment and Operation of a Joint Municipal
668 Court,” which states the City of Onalaska has final authority to choose the Clerk of Court and
669 other court employees. City Administrator Rindfleisch said this practice would continue even if
670 the City of Onalaska removed itself from the Joint Municipal Court. City Administrator
671 Rindfleisch noted Section 3b also states the City of Onalaska “shall cause appropriate accounts

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672 to be established for the deposit of all fees, forfeitures, assessments and costs paid into the court
673 and shall adopt appropriate accounting procedures to insure the proper handling of said funds.”
674 City Administrator Rindfleisch referred to Section 4 of the agreement, which states the City of
675 Onalaska, “after consideration of the recommendation from the Municipal Court Committee,
676 shall determine the wages and benefits of such clerk.” Section 5 states the City of Onalaska,
677 “after consideration of the recommendation of the Municipal Court Committee, shall set the
678 salary of the judge.” Section 6 states, “All forfeitures, penalty assessments, and costs shall be
679 collected by the City of Onalaska.” Section 8 states, “The affirmative vote of a majority of all
680 member-governing bodies shall be required to adopt any resolution pertaining to the operation of
681 the court, or amending this agreement.” Section 9 states, “Any member municipality may
682 withdraw from this agreement by giving notice, in writing, to the Municipal Court Committee no
683 later than September 30 of any year. Upon giving such notice, the member municipality’s
684 participation in the Joint Municipal Court shall terminate on December 31 of said year. No
685 member, pursuant to Sec. 755.01(2) of the State of Wisconsin Statutes may abolish the Joint
686 Municipal Court.”

687
688 City Administrator Rindfleisch next addressed Ordinance 1164-2003 and said he found the
689 following three sections to be “basically new:”
690

- 691 • Section 2-3-13(e), which states, “Pursuant to Chapter 755 of the State of Wisconsin
692 Statutes, the office of the Clerk of the Joint Municipal Court is hereby created. Said
693 Clerk shall take the position upon hire by the City of Onalaska after consideration of any
694 recommendation from the Municipal Court Committee and written appointment by the
695 Municipal Judge. Training and compensation of said Clerk shall be as determined by the
696 City of Onalaska after consideration of any recommendation by the Municipal Court
697 Committee.”
- 698 • Section 2-3-13(k)(1), which states, “The Joint Municipal Court’s location shall be the
699 City of Onalaska City Hall. The time(s) of the Municipal Court shall be determined by
700 the Municipal Judge and the Municipal Court Committee.”
- 701 • Section 2-3-13, Section III, which states, “All member municipalities shall enter into a
702 mutually acceptable agreement for the operation of the Joint Municipal Court.”
703

704 City Administrator Rindfleisch returned to the agreement and noted the following:
705

- 706 • Section 2 reads, “Except for matters required by statute to be determined by the
707 respective governing bodies or member municipalities, the general operation of the court
708 shall be by the judge and the Municipal Court Committee.”
- 709 • Section 3b reads, “The Municipal Court Committee shall have general control over the
710 operation of the court, except where such control is specifically granted to the judge or
711 the governing bodies by statute, in which case the Municipal Court Committee shall be a
712 recommending body to the judge or governing bodies.”

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- 713 • Section 4 reads, “Pursuant to Section 755.10 of the State of Wisconsin Statutes, the judge
714 shall, in writing, appoint such clerk and deputy clerks as employed by the Municipal
715 Court Committee. The City of Onalaska, after consideration of the recommendation from
716 the Municipal Court Committee, shall determine the wages and benefits of such clerk.”
717

718 Ald. Every said it is his understanding that, per Section 9 of the agreement, any member
719 municipality may withdraw from this agreement by giving written notice to the Municipal Court
720 Committee no later than September 30 of any year.

721
722 Ald. Every was told he is correct.

723
724 B. Report from Finance Director – Financial Analysis of Joint Municipal Court
725

726 Fred told Council members he had included four exhibits in their packets and said he had gone
727 back five years to provide this data. Exhibit No. 1 shows that from 2013 to 2017 the City of
728 Onalaska collected an average of 56 percent of the revenues brought in by the participating
729 towns, cities and villages. Specific data is as follows:
730

731 **2013:** The City of Onalaska collected \$150,997.74 of the total revenue of \$267,894.91.

732 **2014:** The City of Onalaska collected \$148,273.52 of the total revenue of \$275,017.91.

733 **2015:** The City of Onalaska collected \$142,762.64 of the total revenue of \$248,401.41.

734 **2016:** The City of Onalaska collected \$131,382.66 of the total revenue of \$233,866.95.

735 **2017:** The City of Onalaska collected \$144,271.71 of the total revenue of \$249,125.23.
736

737 C. Report from City Attorney – Cost and Procedure of Circuit Court Alternative
738

739 Sean noted Cari is distributing a two-page handout and said he was asked to address two
740 questions: one with respect to either withdrawing from or disbanding Municipal Court, and one
741 related to the financial effect of transferring jurisdiction to Circuit Court. Sean said the
742 Municipal Court only can be disbanded at the conclusion of Judge Brinckman’s term in 2020.
743

744 Ald. Every asked, “So the court itself can continue. It’s just that we would not be a member?”
745

746 Sean told Ald. Every he is correct.
747

748 Sean next addressed the financial effect of transferring jurisdiction to Circuit Court and
749 summarized the second page of the handout as follows:
750

- 751 • The City of Onalaska will receive \$5 less per ticket toward the General Fund. Sean cited
752 the example of a 1- to 10-mph over speeding ticket, noting the City of Onalaska receives
753 \$30 of the \$98.80 citation. Thirty-three dollars is applied to the Joint Municipal Court.

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19

- 754 Sean said if the city withdraws from Municipal Court and the Circuit Court takes care of
755 the citation, the cost increases to \$172.80. The city would only collect \$25.
- 756 • The City of Onalaska would be required to have a police officer deliver all tickets to La
757 Crosse County Clerk of Court. A police officer also would need to be available for every
758 court appearance, including every initial appearance. Sean noted that all the initial
759 appearances in Municipal Court are bunched together and able to occur at one time. Sean
760 said, “That is not what happens in Circuit Court. In Circuit Court, they’re whenever they
761 get scheduled. There is a discernable cost to police costs – and frankly, to attorney costs
762 – for moving from Municipal Court to Circuit Court.
 - 763 • Even if the Municipal Court were to be disbanded, the city would need to continue
764 administering the collection of parking citations as it would be cost prohibitive to have
765 the Circuit Court do this. Parking citations are treated differently than general municipal
766 citations and traffic violations. Consequently, the city Police Department and Finance
767 Department would not be relieved of these duties.
- 768

769 Ald. Gjertsen asked, “If in 2020 we decided to disband at that time, we could set the court
770 system up to reflect the dollars that we are doing right now?”

771
772 Sean asked Ald. Gjertsen to repeat his question.

773
774 Ald. Gjertsen asked, “The way we’re collecting our dollars now, if we disbanded in 2020 would
775 we be able to reform a court that would give us the same dollars?”

776
777 Sean said, “If the Joint Municipal Court was to be disbanded, then the city could adopt a
778 Municipal Court for just the City of Onalaska. That is allowable.”

779
780 Ald. Every asked if the city would recoup its 60 percent of the \$39,000 that is being paid to the
781 judge, noting that the city would not be paying it to the Municipal Court.

782
783 Sean said, “Right now, it is very clear that is covered by the court costs. The city does not pay
784 any General Fund money to the Municipal Court.”

785
786 Ald. Every said, “Wherever it comes from, we’re not paying the municipal judge. We’re paying
787 somebody else, so the final figure should reflect ... What would your expected total income be if
788 you went to your own court, if you went to Circuit Court, or if you stayed with this court? I
789 would think those are the things we would want to know.”

790
791 Sean said, “The only thing that affects the city’s bottom-line budget is the amount which goes to
792 the General Fund. The difference will be 5 dollars per ticket, and the reason why I say that is the
793 city currently does not pay anything from the General Fund to support Municipal Court.”

794

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20

795 City Administrator Rindfleisch referred to Exhibit No. 4 (“City General Fund Court Revenue”)
796 and noted the city’s General Fund received \$92,540 from the Municipal Court in 2017.

797

798 Ald. Every asked, “Based on the same number of tickets, what would we receive from the
799 Circuit Court?”

800

801 Sean responded, “It would be five-sixth of the \$92,540. ... Yes, we would receive less, and we
802 would incur costs we don’t have now from the General Fund.”

803

804 Ald. Muth asked Sean to explain why all the municipalities came together and formed the Joint
805 Municipal Court. Ald. Muth also asked, “It was to save money, wasn’t it? Wasn’t it because
806 more funds would go back to the jurisdictions and also reduce the amount of activity down at the
807 Circuit Courts?”

808

809 Sean said, “That predates me, but I do know that both what I have been told and in speaking to
810 other joint municipal courts throughout the state – which is somewhat the standard in the state –
811 is that the two main reasons are, from a cost perspective each of the participating governmental
812 agencies does better with the Joint Municipal Court because the overall cost is lower and they
813 tend to have higher collections. A greater issue is the timeliness. In municipal court, every
814 ticket that comes in has a priority to it. In the Circuit Court, the tickets are of the lowest priority.
815 They get scheduled last. They get bumped the most. I represent some municipalities north of
816 here that are in a different county, and our normal time period for dealing with a speeding ticket
817 is eight months. That is the initial appearance.”

818

819 Ald. Every said, “So the bottom line, as you just said, is if you’re not collecting the money it
820 doesn’t make any difference. There’s a significant amount of money now that we’re not
821 collecting is what I’m saying. Collections do make a difference. The timeliness is fine, but I’ve
822 also heard the municipal court system is on the decline in the state. Is that true?”

823

824 Sean said, “I have spoken to a number of people who are involved in municipal courts, and they
825 do keep track of that. That’s not what they told us. In fact, when we asked them some questions
826 to get ready for this they asked us if we do disband to tell them because they track that. They
827 don’t have a large record of that happening.”

828

829 Ald. Gjertsen said, “You said that the tickets are more collectible in a joint municipal court. In
830 our case here we have a number of boxes that they weren’t collected. I realize that has all been
831 worked out to a certain degree, but the reality is it wasn’t perfect. And I realize now looking at
832 the figures that the Circuit Court is not the way to fix this problem. I would also say that one of
833 the problems that we have keeps going back to the same spot. It’s an office area that is not
834 running well. I’m pretty disappointed yet, but I thank you for the information. It helped me out
835 immensely.”

836

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837 **Item 12 – REPORT FROM COUNCIL PRESIDENT**

838

839 A. Public Comments Made by Individual Council Members

840

841 Ald. Muth said, “I brought this on board because I noted a news release that was on Channel 8
842 [WKBT-TV] in which Alderman Gjertsen was interviewed, and he made some statements that
843 were not correct. In the news report you commented, ‘Speaking for the entire Common Council,
844 referenced the Joint Municipal Court.’ First, you do not have the authority to speak for the entire
845 Council. If you want to speak for yourself that’s certainly OK. But when you went on the news
846 media you spoke for the Council. Unless the Council authorizes to do so, you cannot. The news
847 report said a survey of Joint Municipal Court records discovered dozens of boxes of citations that
848 were never processed. This is false. That is not correct. Also, if Judge Brinckman doesn’t
849 resign or if there is no recall election, Onalaska says it will leave the Joint Municipal Court
850 system. That action was never approved by this Council. No one from this Council ever brought
851 up the idea that we were going to leave. Finally, in your interview, at the end of 2018 you said,
852 ‘If we choose as a body we would choose not to re-up. At least the City of Onalaska would be
853 out of it, and then it would be up to the other municipalities to figure out what they want to do
854 with Judge Brinckman.’ Again, this was not a decision by the Common Council. That statement
855 was not true. It’s misleading, and I think it made a lot of people – I know it made the news
856 media – assume that we were preparing to leave Joint Municipal Court and that decision had
857 been made when in fact it had not. And it’s not a discussion.”

858

859 B. Discuss City Administrator/City Attorney Report from February 13, 2018 Common
860 Council meeting regarding Joint Municipal Court

861

862 Ald. Muth said this item ties into what the Council already has discussed this evening and stated,
863 “The report by our City Administrator was handed out. Every Council member had that report
864 of what was going on. And I’m still disturbed with the fact that we keep getting a report that
865 there are 30, 40, dozens and dozens of boxes of citations that were never processed and never
866 covered. That is not true. What happened was those were boxes, 20 of which were dead files.
867 They were files being ready to be disposed of that were down there. Other boxes contained
868 material that was just thrown into boxes from the former clerk. It included everything from
869 Tupperware items to calendars. It was all thrown into one box. Our current staff has now gone
870 through all of that material, separated it, found the materials that were handled improperly, and
871 we came up with, as I understand, 177 cases of citations where we either don’t have a disposition
872 or we have some problems with. That is a 10-year span. I keep seeing this exaggeration and
873 citizens coming to the podium claiming we have dozens and dozens of boxes and thousands of
874 citations that were never handled properly. That is not true. We have gone through that.
875 [Municipal Court Clerk] Hildie [McIntyre] is still continuing and finishing up with that. All
876 those 117 will still be addressed and taken care of. The public has been given an image that is
877 way beyond what is in reality.”

878

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879 Ald. Every said, "It is a difficult decision that is coming down the line, but it's one we're going
880 to have to make. Hopefully we can keep looking at that. Sometimes I think we put the almighty
881 dollar ahead of what's good for our almighty citizens. I don't want that to happen. I thank you
882 for the information."

883
884 Ald. Gjertsen addressed Ald. Muth and said, "What it boils down to is leadership here. This
885 information has been getting toyed around since July. I do not understand how we can be sitting
886 here in March of 2018 and find out we have Tupperware in our boxes. It's to the point where I
887 find that really hard to believe. We're coming down ... We have you sitting here chairing the
888 meeting. Our Mayor is absent tonight. I honestly believe that this discussion would have been
889 much different with somebody else sitting there in that seat. I have a major problem with the
890 leadership here. If we knew this information, when did we know it and why are we finding it out
891 tonight?"

892
893 Ald. Muth said, "It was me who talked to the City Administrator to look into this, and it's been a
894 long process. We had to go through these boxes to find out what's going on. What the problem
895 is it's a lack of organization, a lack of filing, a lack of keeping track of things. That's been an
896 ongoing thing that I think we've seen for a long time. And I think it's gotten to the point where
897 our City Administrator looked into it and we've gone from there. That's why it got going. It's
898 not that we ignored it, and I'm profoundly disgusted with the letter we received tonight. It was
899 totally uncalled for, and false. This group here did look into it. We have gone after it. We are
900 doing everything possible to straighten this all out, and to have such a letter is disgusting."

901
902 Ald. Bertrand said, "I don't understand where you stand on it. We've been beating this thing to
903 death. We've talked about the boxes. We've talked about what's in the boxes. To go on and on
904 and on is not going to be fruitful."

905
906 Ald. Muth said, "I think we're resolving the problem. That's what's going on, and we're just
907 coming to the end. The City Administrator and the current staff over there have cleaned up the
908 mess. [They are] getting it up to date. Between the Finance Department and the City Clerk's
909 Office, with the group of people in there now, this is all getting straightened out. And shortly it's
910 going to be doing what it's supposed to do. It's doing what it's supposed to do right now. But I
911 guess I'm just sick and tired of these false accusations and these exaggerations. It's
912 disheartening to hear some of the comments based on no facts whatsoever. It's just gotten to the
913 point I'm glad we're coming to the end."

914
915 Ald. Binash said, "It has been quite a while that we've come to the understanding that there was
916 a problem with the Joint Municipal Court. I know for myself that at a young age we're all taught
917 to accept responsibility for our own actions. You take those responsibilities with you when you
918 get into a leadership role, and with that leadership role comes criticism. There has been
919 constructive criticism about how things should be handled in the Joint Municipal Court. I hope
920 the judge takes that to heart. Now, the personnel that are there have been given instructions and
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921 the tools necessary to improve how the Joint Municipal Court works. The other thing we're still
922 waiting on is to improve it with software. I think that software is going to help the paper flow in
923 the process. Those are things that are going to help that Joint Municipal Court improve. There
924 was a statement made about a recall. It's useless if you don't have a viable candidate. There
925 isn't one. As far as the Joint Municipal Court, I would not approve of us leaving the Joint
926 Municipal Court. You're going to have to make up that money somehow. And for those of you
927 who don't want to raise your taxes and you want this to go into another venue, it's not going to
928 help. And in all likelihood if the other communities decide to stay in the Municipal Court, it's
929 going to be held right here anyway. We just won't have any control over it. In my opinion, any
930 measure, symbolic or otherwise, won't solve anything. And tonight we're going to be having
931 this no-confidence vote. I'm thinking of the people who work at the Joint Municipal Court, and
932 I'm thinking about the people who are also in the Joint Municipal Court system with us,
933 [meaning] the other municipalities. They're waiting for us to make some kind of resolution to
934 this issue. The judge is very much aware of what is expected, and he's going to have to
935 supervise. I think he is aware of that as well. As far as I'm concerned, I'm not interested in
936 leaving the Joint Municipal Court. The conversation should end this evening. We need to see
937 how things work. Everything is going to be well-scrutinized. Everybody knows about it, so I
938 guess we just need to go on to the next part."

939

940 **Item 13 – ALDERPERSON EVERY AND ALDERPERSON GJERTSEN**

941

942 A. **Resolution 14-2018** – Resolution of No Confidence – Coulee Region Joint Municipal
943 Court Judge

944

945 Ald. Every read the following sections of Resolution 14-2018:

946

- 947 • Whereas, city staff has raised concerns with the management and responsibilities of the
948 Municipal Court Clerk's office throughout the past 12 years and were met with an
949 unwillingness to discuss the issues related to the Municipal Court Clerk's job
950 performance and job functions.
- 951 • Whereas, recent events, including but not limited to the termination of the long-standing
952 Municipal Court Clerk, assessment and review of various Municipal Court financial and
953 court records have solidified the city's concerns with respect to the management of
954 records and the ability of the Coulee Region Municipal Court to function.
- 955 • Whereas, the failure of the Municipal Court Judge to supervise the Municipal Court Clerk
956 personnel and to engage in a cooperative management effort with the City of Onalaska
957 has resulted in harm to the safety and security of City of Onalaska residents, financial and
958 economic harm to the participating municipalities and has resulted in poor quality of
959 service by the Coulee Region Joint Municipal Court.
- 960 • Now, therefore, be it resolved that the City of Onalaska gives the Coulee Region Joint
961 Municipal Court Judge a vote of no confidence with respect to his commitment to his

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24

962 duties under Wisconsin Statutes and to upholding the responsibilities of his role as
963 Municipal Judge and that the city formally requests his resignation.

964

965 Ald. Every said, “Hopefully, hopefully, this will spur some action. Hopefully we can have a
966 meeting to discuss the things that the judge wants to tell us. I for one am interested in knowing
967 and trying to better understand the problems. The finger-pointing has to stop. We need to know
968 who was responsible – all of us, none of us, or some of us. Let’s correct what’s wrong, move on,
969 and do this right so that we don’t have to have this conversation again. It’s really easy to avoid
970 confrontation if you don’t like what comes out of it. But we should not be doing that. We need
971 to take this on. I’m sorry we have to move along with this type of action. But at any time, any
972 time, the judge would want to meet with us, I’m sure we would be willing to sit and listen to
973 what he has to say. But for now, for me, there is no confidence in this system, and I assume
974 some others here. We’ll soon find out.”

975

976 Motion by Ald. Every, second by Ald. Gjertsen, to approve Resolution 14-2018 – Resolution of
977 No Confidence – Coulee Region Joint Municipal Court Judge.

978

979 Ald. Bertrand noted he was one of the individuals who had brought up the no-confidence issue
980 and said, “However, I think we have been working with the clerk. I have talked with Eric many
981 times about how he is overseeing what goes on there. I am afraid that to pursue this whole issue
982 of no confidence and the judge’s departure, given that we’ve beaten this thing to death, I’m not
983 sure that we would be benefitting ourselves if we further requested the judge’s departure. I’m
984 not for a no-confidence. I’ve reversed my position on the no-confidence vote.”

985

986 Motion by Ald. Binash, second by Ald. Every, to call the question.

987

988 Sean noted the call the question motion, meaning discussion will end and a vote on Resolution
989 14-2018 will be taken, requires a two-thirds vote to pass.

990

991 On roll call vote: Ald. Ron Gjertsen – nay, Ald. Jim Olson – nay, Ald. Harvey Bertrand – aye,
992 Ald. Bob Muth – aye, Ald. Jerry Every – nay, Ald. Jim Binash – aye. Vote ends in a 3-3 tie.
993 Discussion continues.

994

995 Ald. Gjertsen asked that Mayor Chilsen be contacted by telephone.

996

997 Ald. Binash said, “Point of order. We’re not talking about that. The issue is a Resolution of No
998 Confidence. That’s what we’re discussing.”

999

1000 Ald. Muth said, “We have to stick to what is on the agenda.”

1001

1002 Ald. Every asked Sean how the Council can return to the vote on Resolution 14-2018.

1003

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1004 Sean said the Council could have voted on Resolution 14-2018 had four Council members voted
1005 yes to call the question. Sean said the Council can vote on Resolution 14-2018 if no one else
1006 wishes to discuss it.

1007

1008 Cari told Council members they will be voting on Resolution 14-2018 and reminded them a
1009 motion and second was made to approve Resolution 14-2018.

1010

1011 On roll call vote: Ald. Ron Gjertsen – aye, Ald. Jim Olson – nay, Ald. Harvey Bertrand – nay,
1012 Ald. Bob Muth – aye, Ald. Jerry Every – aye, Ald. Jim Binash – nay. Vote ends in a 3-3 tie.
1013 Motion failed.

1014

1015 **Item 14 – CLOSED SESSION**

1016

1017 To consider a motion to convene in Closed Session under Section 19.85(1)(g) of the Wisconsin
1018 Statutes for the purpose of conferring with legal counsel for the governmental body who is
1019 rendering oral or written advice concerning strategy to be adopted by the body with respect to
1020 litigation in which it is or is likely to become involved:

1021

- Water damage at residence at 789 St. Paul Street, Onalaska, WI

1023

1024 And to consider a motion to convene in Closed Session under Section 19.85(1)(e) of the
1025 Wisconsin Statutes for the purpose of deliberating or negotiating the purchasing of public
1026 properties, the investing of public funds, or conducting other specified public business, whenever
1027 competitive or bargaining reasons require a closed session:

1028

- Consideration, development and approval of negotiating strategy regarding Town of
1030 Medary Fire Contract

1031

1032 If any action is required in Open Session, the Council will reconvene in Open Session to take the
1033 necessary action and/or continue on with the printed agenda.

1034

1035 Motion by Ald. Olson, second by Ald. Bertrand, to convene in Closed Session.

1036

1037 On roll call vote: Ald. Harvey Bertrand – aye, Ald. Ron Gjertsen – aye, Ald. Bob Muth – aye,
1038 Ald. Jim Olson – aye, Ald. Jim Binash – aye, Ald. Jerry Every – aye. Motion carried. In Closed
1039 Session.

1040

1041

1042 Recorded by:

1043

1044 Kirk Bey

Reviewed 3/15/18 by Cari Burmaster