

**Common Council
of the City of Onalaska**

Tuesday, April 10, 2018

1

1 The Meeting of the Common Council was called to order at 7:00 p.m. on Tuesday, April 10,
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, Human Resource Director Hope Burchell, Planner/Zoning Inspector Katie Aspenson,
10 Fire Chief Don Dominick, Acting Police Chief Troy Miller

11

12 **Item 2 – Pledge of Allegiance**

13

14 The Pledge of Allegiance was recited.

15

16 **Item 3 – Rules of the City of Onalaska Common Council and its Sub Committees –**
17 **Harassment Free Forum**

18

19 Mayor Chilsen read the following: “*City Council and Sub-Committee meetings shall be*
20 *conducted in a courteous manner. Citizens, Council and Committee members shall be allowed*
21 *to state their positions in an atmosphere free of slander, insults, obscene remarks, or threats of*
22 *violence. The use of the Council or Committee as a forum for politics is unwarranted. Sufficient*
23 *warnings may be given by the Sergeant of Arms at any time during the remarks, and in the event*
24 *that any individual shall violate the rules of decorum heretofore set forth, such person may then*
25 *be cut off from comment or debate.*”

26

27 **Item 4 – Public Input: (limited to 3 minutes/individual)**

28

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

30

31 **John Haese**
32 **N5415 Abbey Road**
33 **Onalaska**

34

35 “Behind me is a large group of residents from our subdivision of Strawberry Commons, a
36 neighborhood of 45, 54 modest family-designed homes where approximately 200 women,
37 children, and residents reside. Eighty-two residents have signed an advisory petition stating that
38 we oppose the annexation of Abbey Road and the possible opening of Abbey to through traffic.
39 To those of you who signed the petition, please hold up your hand. Thank you. There are issues
40 with the annexation request that need to be answered. The boundary agreement apparently
41 allowed the annexing of a road only. This was done with disregard for cooperation and good
42 faith that it was signed in. Second, the Wisconsin Department of Administration has rejected the

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43 Application of Annexation, citing ‘a balloon on a string.’ This decision has been upheld by The
44 Supreme Court and mitigated by the boundary agreement. These are legal matters we have no
45 control over, as none of us are lawyers. This is something that legal counsel for the city and the
46 town to deal with. We are not the enemy. When people ask us where we’re from, we don’t say,
47 ‘the Town of Onalaska.’ We say, ‘Onalaska.’ We have raised families here. Our children have
48 been educated here, and our grandchildren. We have paid Onalaska school taxes for decades,
49 and we have supported the city and think of it as our own. Our main issue with annexation is the
50 probable recommendation from the Director of Public Works that Abbey Road, when completed,
51 would be open to through traffic. Abbey Road, a remnant of the old Thomas Farm, has been a
52 dead-end cul-de-sac for over 40 years, averaging 30 to 40 vehicles a day. If opened to traffic,
53 your Director of Public Works, Jarrod Holter, projects daily vehicle counts of 2,000 to 2,500 a
54 day. You have to imagine what 2,000 vehicles a day looks like and feels like if you live on this
55 road. This greatly increased traffic flow would cause an estimated \$15,000 to \$20,000 property
56 loss for each of the 19 homes on Abbey Road. This amount of traffic will be very dangerous to
57 anyone walking or riding a bike on the road as there are no sidewalks in the subdivision. There
58 is also the matter of congestion at the very dangerous convenient corner of OT. We have sent
59 you information from the Highway Commissioner that should be helpful on that. We oppose the
60 annexation mainly because the opening of Abbey Road to through traffic would devastate our
61 subdivision. We are not naïve to the fact that we someday will be annexed into the city. We
62 believe we can work with the city to find solutions to these concerns. We also believe that given
63 factual information ...”

64

65 Cari informed John he had reached his three-minute speaking limit.

66

67 John said, “... this Council will make a decision that will benefit everyone. Too often in the past
68 government has failed ...”

69

70 Mayor Chilsen told John he had reached his three-minute speaking limit.

71

72 John concluded, “... to _____ represent. We believe this will not happen here now.”

73

74 **Kim Smith, Third District Alderperson-Elect**

75 **436 Mayfair Place**

76 **Onalaska**

77

78 “Tonight I would like to address you concerning the zoning request on County Road PH by Dr.
79 Leo Bronston. I’ve read through the [March 27] Plan Commission minutes and discussed with
80 Katie some of the details of the development, and I think it seems like a sound business plan. I
81 know that Dr. Bronston is a well-respected businessman in our community. However, I think
82 that his business plan could also be served by Transitional zoning, and that by putting it to a
83 Business zoning it opens it up to other opportunities that may not be Dr. Bronston expanding his
84 business. Once it’s changed we can’t change it back, so I would like to ask you to consider

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85 denying his request today, although I do support his business plan and hope that he will come
86 back moving forward with his development under the Transitional zoning. Thank you.”

87

88 **Dick McGarry**

89 **1220 County Road PH**

90 **Onalaska**

91

92 “I would like to address the issue of the property at 1204 PH. This piece of property has a lot of
93 history, as somebody who may know. Prior to annexation to the City of Onalaska, this area was
94 in the Town of Medary and was zoned A-1 Agricultural District. In 1980, the La Crosse County
95 Board changed the zoning of this property and surrounding land to R-1 Residential at the request
96 of the residents living there. In 1981, once the neighborhood was annexed to the City of
97 Onalaska the City Council supported not changing the zoning in order to protect the integrity of
98 the residential neighborhood. In 1982, the City of Onalaska Planned Commercial Development
99 Code was developed with attention to maintaining the integrity of neighborhoods. In 1992, AIG
100 Properties approached residents with offers to buy properties for commercial development; [in
101 this case], Sam’s Club. This fell through when Festival Foods allowed Sam’s to build at the
102 present site. In 1994, the Comprehensive Plan for the City of Onalaska was developed, and it
103 designated this property as R-1 Residential and noted a goal of reducing traffic disruptive to the
104 residential neighborhood. Along with the nearby commercial development along [State Trunk]
105 Highway 16 came traffic issues along County Road PH. In 1995, Commonweal Development
106 wanted to purchase this property and surrounding land and residences for a commercial
107 development, which fell through due to many reasons. In 1998, a Conditional Use Permit was
108 granted for the building of the River of Life Church on the land zoned R-1. In 1999, Walgreens
109 requested rezoning of 1202 PH, which was denied. In 2000, the Comprehensive Plan was
110 updated and the property and surrounding land maintained its designation of R-1 Residential. In
111 2001, First Federal requested rezoning of 1202 PH, which was denied. In 2002, Dr. Leo
112 Bronston requested rezoning of 1202 PH to Transitional Commercial, with Conditional Use
113 Permits for a clinic and a coffee shop, which was granted. In 2004, Dr. Bronston purchased
114 1204 PH and paved it for a parking lot. In 2015, The Comprehensive Plan was updated and this
115 property maintained its designation of R-1 Residential. In 2018, Dr. Bronston is now requesting
116 ...”

117

118 Cari informed Dick he had reached his three-minute speaking limit.

119

120 Dick concluded, “...the rezoning of 1202 [County Road PH] to ... I’ll end it there.”

121

122 **Marcia Horvath**

123 **1205 County Road PH**

124 **Onalaska**

125

126 “When we moved to the house at 1205 County Road PH it was a nice residential area with some

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127 small businesses on the corner. But they were separated from us by privacy fences and
128 landscaping. Then the house across the street from us got torn down, and a parking lot was put
129 in for the businesses on the corner. But it wasn't too bad; some landscaping, trees and bushes
130 were put in, respecting the fact this was a residential neighborhood. That's what we look at out
131 our front window. Now they want to change it to a B-1 Business zoning and put in more
132 businesses. If that is approved, we'll be looking at the back alley of the businesses with delivery
133 trucks going in and out all day. [It would] not [be] a very pleasant view from our front window.
134 The Commercial area across the street is encroaching on our residential neighborhood piece by
135 piece and disrupting the area. Who knows what sort of businesses will occupy these buildings as
136 time moves forward. Dr. Bronston has said the businesses that would go in there are family-
137 friendly. But if the property is sold to another owner, and if the expanded land uses of the B-1
138 Business zoning are in place, there could be businesses there that aren't appropriate for a
139 residential area, like bars and clubs. The landscaping setbacks and privacy fence requirements
140 that are in effect for the T-C zoning will no longer apply. Also, with the addition of more
141 businesses, an already complex traffic area will get even worse. In the [March 27] Plan
142 Commission meeting, it was said they didn't expect there would be all that much more traffic.
143 But obviously, the express purpose of a new business is to draw people in. And if the businesses
144 are successful, inevitably traffic will increase significantly. The house we live in is where we are
145 planning to spend our remaining years. We don't want to move again. But if we do, our house
146 will be worth less with a delivery access alley and bad view right across the street. My hope is
147 that this rezoning request will not be approved – especially not to B-1 zoning – and that our
148 residential neighborhood can be maintained. Thank you.”

149

150 **Betsy Stannard**

151 **1224 County Road PH West**

152 **Onalaska**

153

154 “This always brings lots of thoughts back to me when we come for this reason, and we've been
155 here a lot [regarding] this neighborhood. I thought it would be fun ... We moved there in 1972,
156 and I don't know if you feel this way, but when I used to come home from work I just sort of
157 thought, 'I'm going home.' There's nothing better than going home where it's kind of quiet and
158 you can kind of unwind from the day. That truly was the case when we lived there. As I drove
159 down Highway 16, turned left onto PH and went down my road, farmer Pralle was on the corner
160 with all of his cows and with his guinea hens that ran through our yard. My daughter could see
161 cows every day. They had vegetable gardens there. People would come to buy, and we would
162 see all these beautiful things in our backyard, which we're talking about tonight, with the
163 pumpkin patch. And alternating, some years it was a cornfield. Again, [there was] green space.
164 [It was] quiet. We had really escaped, and we were three miles from La Crosse. There were
165 farms across the street. The Johnsons were across [STH] 157. We had a farm on the corner,
166 where Kmart or whatever is over there now, used to be on that corner. We bought there not
167 knowing that we were going to be the center of attention and development. I think we've been
168 here a lot, and we've worked together to try to make that work for everybody. But I do think

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169 there is stress on our neighborhood a lot about how much we're impacted by everything going on
170 around us. That's my biggest concern. Our neighborhood is very tight. We found our house
171 because we were looking to go to a party at a house back there, and we got lost. There was a 'for
172 sale' sign in the yard, so we bought it. If you haven't been back there, it's a really nice
173 neighborhood and we all stick together. Our thought is ... I never had my mom and dad live
174 close. My neighbors were my family."

175

176 Cari informed Betsy she had reached her three-minute speaking limit.

177

178 **Julie McGarry**

179 **1220 County Road PH**

180 **Onalaska**

181

182 "My husband and I, as well as neighbors along PH and in the Mayfair Addition, have many
183 concerns about the rezoning of this property on the corner of PH and 157 to B-1. Ideally, we
184 would like to see no further Commercial encroachment on our neighborhood. Though I have to
185 say, Dr. Bronston has been a good neighbor and has abided by the T-C with conditional uses
186 zoning requirements. But, rezoning to B-1 is not necessary for what he wants to do. Transitional
187 Commercial with Conditional Use Permits would allow a clinic, a business office, and a
188 restaurant. It would also give the residents in the neighborhood some reassurance that the plans
189 would not change to allow businesses more disruptive to a neighborhood setting to come in in
190 the future. Transitional Commercial zoning was designed specifically with this in mind: to
191 protect the integrity of neighborhoods. I don't know if you received a handout ... If you would
192 take a look at the green sheet behind the purple neighborhood history sheet, you'll find a list of
193 Transitional Commercial permitted uses; Transitional Commercial with permitted conditional
194 uses; and B-1 permitted uses. Please compare them. Take a minute while I'm speaking to look
195 at that. Dr. Bronston seems to feel that Transitional Commercial with conditional uses is too
196 restrictive, though we believe he really does intend to expand his clinic and perhaps bring in a
197 financial advising business as well as a sub shop. B-1 zoning raises a concern for the future
198 development on that property. If rezoned to B-1, any of the uses listed could be built, including
199 a bar and a motel and the other things that you see there. Also, what is to prevent additional B-1
200 rezoning requests on the R-1 land that River of Life Church owns? That would allow further
201 encroachment onto our neighborhood – kind of one piece at a time. We have lived on PH for
202 over 40 years, and we would like to remain there during our senior years without worrying about
203 what is going to happen next. Please consider all the concerns voiced by the residents tonight
204 and deny the B-1 zoning. There were several people who had planned to come tonight, but due
205 to work or health issues ..."

206

207 Cari informed Julie she had reached her three-minute speaking limit.

208

209 Julie concluded, "...weren't able to come, so I'm speaking for them."

210

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211 **Dr. Leo Bronston**
212 **163 East Larkspur Lane**
213 **Onalaska**

214

215 “I’m speaking in favor of the zoning request as I had submitted for for B-1. I wish to comment
216 on two things. One, [this is] a comment on the traffic. The amount of square footage that I am
217 adding to this site – and you’ve all seen the Certified Survey Map – is not significant enough to
218 cause much of a change for the neighbors. This small impact is further minimized by the fact
219 that customers would be turning into the site before they reach any of the neighboring properties
220 as neighboring properties are located further down on PH from 157. Most importantly, I’m
221 creating better flow through the site by widening the front drive aisle, adding a second drive
222 aisle, an entrance through the lot where a garage is currently located I’ll be creating a loop
223 around both sides of the buildings. These factors combine to be more than enough to ensure that
224 traffic to the new building will have ample infrastructure to flow smoothly; in fact, better than
225 what it is now. Regarding the zoning application, Transitional Commercial and B-1 Commercial
226 are very similar. They both allow retail stores, professional services and financial institutions,
227 which are the likely types of businesses to lease space here, especially given the building
228 structure that you’ve seen. One of the main goals of the project is for me to have a clinic in the
229 new building, which is only part of the B-1 District. The uses that neighbors may take issue with
230 in B-1 are probably unlikely, and it could be argued that T-C has several allowed uses that would
231 garner just as much opposition from the neighborhood. T-C and B-1 have more differences in
232 terms of setbacks and building coverage, and with my current site plan the project would still be
233 well within T-C’s back or front yard and building coverage rules anyway. Consider the fact that
234 my entire current building has required a Conditional Use request for all current occupants – the
235 coffee shop, the medical clinic, the chiropractic clinic, and the dental office. And please reflect
236 that the current building has been a positive addition to the area, like you’ve heard.
237 Architecturally, the buildings are set up for professional and small retail space, and there have
238 never been any complaints from the neighborhood in 14 years. The comments I hear are positive
239 addition, especially the landscaping, and creates a community feel. [Regarding] the concern
240 expressed regarding a tavern or bar, the fact is my development is located farther away from
241 residents than the corner lot where Tobacco Outlet is located, which is zoned Commercial, is
242 located on PH across from my property. I would urge you to take these into consideration before
243 you act, and positively on my behalf [approve] the zoning request for B-1. Thank you.”

244

245 **Dave Guepfer**
246 **N5467 Penny Lane**
247 **Onalaska**

248

249 “I’m here to speak in opposition to the annexation of Abbey Road. As John said earlier when he
250 asked for a raise of hands, a large amount of people raised their hands. That’s only half of them
251 because the other half are at the Town of Onalaska township meeting that’s going on at the same
252 time. We’re just as passionate, but we wanted to limit the speakers so we didn’t take up your

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253 whole night. We have a very nice, quiet neighborhood, and we would like to keep it that way.
254 We just don't think it's good government to spend \$2 to \$3 million to annex a half-mile of road
255 so you can gain one property on your tax roll. Please vote against this annexation. Agree with
256 the State of Wisconsin Administration that turned this down, and protect our quiet little
257 neighborhood. Thank you for your time, and thank you for your service for the city."
258

259 **Diane Oldani Wulf, Second District Alderperson-Elect**
260 **910 Orchid Place**
261 **Onalaska**
262

263 "Tonight, I feel like it marks the end of the Council year. Next week is the [Common Council]
264 reorganizational meeting, which starts the new Council year. I would like to thank Mayor
265 Chilsen for his leadership that he has provided this past year. I also would like to thank the
266 sitting six alderpersons for your time. I would like to thank the department heads and the staff at
267 the City of Onalaska for their work this last year. I thank Eric, our City Administrator. I would
268 also like to thank Sean O'Flaherty for his legal counsel. It's an invaluable resource that he
269 provides to Council. I would also like to call out two alderpersons – Alderperson Muth and
270 Alderperson Bertrand – this evening. This is your last Common Council meeting. I'll start with
271 you, Mr. Muth. I want to thank you for your leadership that you have provided for your many
272 years of service – not only as a former police officer, but also on Council and [serving] as
273 Council President. [And I] also [want to thank you] for the time and energy and the countless
274 hours you spent when the city was going from a full-time mayor to a part-time mayor until we
275 hired a full-time administrator. The time that you spent filling in those gaps as Council
276 President, thank you for that. And Alderman Bertrand, I think many, many years ago when the
277 Marcou Road condominiums were coming in and you at that time represented your
278 neighborhood at Plan [Commission] and Council, I don't think that you at that time were
279 expecting a phone call from a then-sitting alderwoman calling you and saying, 'Harvey, there's
280 an opening. Would you ever consider running for Council?' I hope that you have never
281 regretted answering that call from me. I appreciate your service and your time also. Lastly, I
282 would like to thank Dan Stevens, who's in the audience tonight. He was my opponent on the
283 ballot. I did not know him before; I met him in January. This is my fifth race that I've run for
284 alderperson. Dan and I went through a primary together [and] a write-in candidate at the last
285 minute election together. And at the end of it all, I would like to consider him a friend now.
286 This is the result of keeping a nonpartisan race purely nonpartisan and not going partisan. Dan, I
287 thank you for that. Thank you to everyone, and I look forward to being sworn in a week from
288 tonight. Thank you."
289

290 **Don Dominick, City of Onalaska Fire Chief**
291 **1750 Pine Ridge Drive**
292 **Onalaska**
293

294 "I know how proud alderpersons are of their fire department. They're a well-trained group of
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295 professionals. Sixteen hundred-plus times a year they go out the door with maybe a little bit of
296 an idea what to expect. They're all trained and dedicated to this community to do what is right.
297 I would like to advise you of this afternoon two of those firefighters were called out on a medical
298 emergency: Firefighter/Paramedic Tony Hilton, and Firefighter/EMT Scott Weeks. When they
299 got into the house they realized the soon mother-to-be wasn't going to make it to the hospital.
300 They delivered a baby boy. I would like not only the alderpersons but also the residents to know
301 what a great group of men and women we have who are dedicated to make this a better place to
302 live. Thank you."

303

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

306

307 **Item 5 – REPORT FROM THE MAYOR:**

308

309 A. Proclamation for Arbor Day

310

311 Mayor Chilsen read the Proclamation for Arbor Day.

312

313 Motion by Ald. Muth, second by Ald. Olson, to approve the Proclamation for Arbor Day.

314

315 Mayor Chilsen read the Proclamation for Kids to Park Day.

316

317 Cari noted that the Proclamation for Kids to Park Day does not appear on this evening's agenda
318 and told Mayor Chilsen he may include it on the agenda either for the April 17 Common Council
319 Reorganizational Meeting or the May 8 Common Council meeting. Cari said the proclamation
320 cannot be approved this evening.

321

322 Mayor Chilsen said he will move the proclamation to the April 17 Common Council
323 Reorganizational Meeting.

324

325 B. Library Statistics

326

327 Mayor Chilsen reported that 28,333 individuals patronized the library in March. In addition,
328 more than \$1,000 has been generated in room rentals so far in 2018.

329

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

332

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

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337

338 **Item 6 – Consent Agenda**

339

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

341

342 **FINANCE COMMITTEE**

343

344 B. Accept Omni Center Financials for 2018

345 C. Accept General Fund Financials for 2018

346 D. Approval of allocation of additional funds received from the sale of Peterbilt fire engine:

347

1. Purchase of helmets with eye protection in the amount of \$9,250 (Cities and Villages Municipal Insurance Corporation (CVMIC) grant of 50%) with the City's 50% match of \$4,625

348

349

350 2. Authorization to purchase an exhaust system pending receipt of a federal grant for \$72,728 with the City's 10% match of \$7,272

351

352

3. Additional equipment toward new fire engine \$2,619

353

354 E. Approval of hardware and software needs for the City of Onalaska

355

1. Content Manager Software from Tyler Technologies [2018 JMC Budgeted – \$6,328]

356

2. Incode Scheduler Software from Tyler Technologies [2018 JMC Non-Budgeted – \$5,100] usage of restricted insurance funds and JMC

357

358

3. Updates to server infrastructure [2018 Non-Budgeted – not to exceed \$30,000] usage of general funds/enterprise funds/special revenue funds

359

360

4. Funding of non-budgeted hardware and software needs for the City of Onalaska not to exceed \$35,000

361

362

363

364 **PERSONNEL COMMITTEE**

365

366 F. Approval of changes to School Resource Officer Memorandum of Understanding for 2018-2019 school year

367

368 G. Approval of Safe Routes to School Overtime Patrolling Grant for 2018

369

370 H. Approval of changes to Adoni Contract for 2018

371

372 I. Approval of changes to Administrative Assistant – Fire Department Hours from 1,200 to 1,560

373

374

375 J. Approval of changes to job descriptions for:

376

1. GIS Technician to GIS Analyst

377

2. Public Works Operator to Public Works Technology Coordinator

378

3. Chief of Police

379

4. Fire Chief

380

381 K. Approval of authorization to replace, post, and advertise for:

382

1. GIS Analyst

383

2. Public Works Technology Coordinator

384

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379 3. Administrative Assistant – Parks & Recreation

380

381 **JUDICIARY COMMITTEE**

382

383 L. Approval of **Ordinance 1605-2018** to amend Section 1, Chapter 4 of Title 2 of the Code
384 of Ordinances of the City of Onalaska relating to Board of Review (First and Second
385 Reading)

386 M. Approval of **Ordinance 1606-2018** to rezone property located in Section 8 Township 16,
387 Range 7 in the City of Onalaska, La Crosse County, Wisconsin from Neighborhood
388 Business District (B-1) to Public and Semi-Public District (P-1) (Skogenheim Rezoning)
389 (First and Second Reading)

390

391 **ADMINISTRATIVE COMMITTEE**

392

393 N. Approval of Operator’s Licenses as listed on report dated April 4, 2018

394

395 **BOARD OF PUBLIC WORKS**

396

397 O. Addition of No Parking along the north side of Mason Street from 558 feet to 702 feet
398 west of the westerly right-of-way line of East Avenue

399 P. Denial of restricting two parking spaces along Main Street for handicap only parking

400 Q. Approval of:

401 1. Payment to Bernie Buchner, Inc. in the amount of \$1,612.00 for frozen
402 water lateral at 1612 Charles Avenue

403 2. Memo dated March 26, 2018 for policy on frozen water laterals

404 R. Approval of chemical storage tanks and pumping equipment for Wells #7, #8, #9, and
405 #10 by Hawkins, Inc. in the amount of \$30,225.00

406 S. Approval of bids received for four-wheel drive mower with cab from Tractor Central in
407 the amount of \$28,387.59

408 T. Approval of professional services for water system non-residential cross-connection
409 inspection by HydroCorp in the amount of \$17,112.00

410 U. Approval of bids received for 2018 Pavement Project by Mathy Construction in the
411 amount of \$1,184,065.45

412 V. Approval of bids received for equipment for Tandem Axle Truck by Universal Truck
413 Equipment, Inc., in the amount of \$110,076.00

414 W. Approval of Sodium Chloride (road salt) purchase through Wisconsin Department of
415 Transportation bid for 2018 budget year of 475 tons

416 X. Approval of Wisconsin Department of Natural Resources 2017 Storm Water Permit
417 Annual Report

418

419 **PLAN COMMISSION**

420

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- 421 Y. Approval of a rezoning request filed by Hans Zietlow of Luther High School Association,
422 1830 Alpine Place, Onalaska, WI 54650, on behalf of Marvin & Michelle Wanders of
423 Cedar Hill Multifamily Properties, LLC, 1243 Badger Street, La Crosse, WI 54601, to
424 rezone a parcel from Multifamily Residential District (R-4) to Public and Semi-Public
425 District (P-1) for the purpose of constructing tennis courts at 601-615 13th Avenue South,
426 Onalaska, WI 54650 (Tax Parcel #18-1756-0)
- 427 Z. Acceptance of Conditional Use Permit (CUP) filed by Jim Binash, 700 Westwood Drive,
428 Onalaska, WI 54650 on behalf of the American Legion Post #336, 731 Sand Lake Road,
429 Onalaska, WI 54650 to install an Electronic Message Center sign seventy-five (75) feet
430 from a residential parcel line at 731 Sand Lake Road, Onalaska, WI 54650 (Tax Parcel
431 #18-699-0)
- 432 AA. Acceptance of Conditional Use Permit (CUP) filed by Nathan Hilmer,
433 SmithGroupJJR, 44 East Mifflin Street, Madison, WI 53703 on behalf of David and
434 Barbara Skogen, 757 Sand Lake Road, Onalaska, WI 54650 for the purpose of
435 constructing an open air, steel-framed park structure at Dash Park, located at 200 Main
436 Street, Onalaska, WI 54650 (Tax Parcel #18-96-1)
- 437 BB. Approval of a Certified Survey Map (CSM) submitted by Leo Bronston, 1202
438 County Road PH, Suite 100, Onalaska, WI 54650, and on behalf of River of Life
439 Assembly of God, Inc., 1214 County Road PH, Onalaska, WI 54650 to reconfigure two
440 (2) parcels (2.69 acres) at 1204 County Road PH and 1214 County Road PH, Onalaska,
441 WI 54650 (Tax Parcels #18-3544-0 & 18-3542-0)

442
443 **UTILITIES COMMITTEE/MASS TRANSIT**

- 444
445 CC. Accept Shared Ride Transit Financials
446 DD. Accept draft of Public System Cost Efficiency Report

447
448 **PARKS & RECREATION**

- 449
450 EE. Approve change to May meeting date to May 21, 2018
451 FF. Approve Food Truck Policies and Procedures Manual

452
453 **GREAT RIVER LANDING COMMITTEE**

- 454
455 GG. Approval to pursue fundraising efforts with the Onalaska Hilltopper Rotary Club
456 for projects such as interpretive signage at the Great River Landing

457
458 Motion by Ald. Every, second by Ald. Gjertsen, to approve the Consent Agenda.

459
460 On voice vote, motion carried.

461
462 **Non-Consent Agenda**

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463

464

Item 7 – RECAP ITEMS PULLED FROM THE CONSENT AGENDA

465

466

- Item D: Finance Committee – Approval of allocation of additional funds received from the sale of Peterbilt fire engine: 2. Authorization to purchase an exhaust system pending receipt of a federal grant for \$72,728 with the City’s 10% match of \$7,272.

467

468

469

- Item E: Finance Committee – Approval of hardware and software needs for the City of Onalaska:

470

471

1. Content Manager Software from Tyler Technologies [2018 JMC Budgeted – \$6,328].

472

2. Incode Scheduler Software from Tyler Technologies [2018 JMC Non-Budgeted – \$5,100] usage of restricted insurance funds and JMC.

473

474

3. Updates to server infrastructure [2018 Non-Budgeted – not to exceed \$30,000] usage of general funds/enterprise funds/special revenue funds.

475

476

4. Funding of non-budgeted hardware and software needs for the City of Onalaska not to exceed \$35,000

477

478

- Item F: Personnel Committee – Approval of changes to School Resource Officer Memorandum of Understanding for 2018-2019 school year.

479

480

- Item G: Personnel Committee – Approval of Safe Routes to School Overtime Patrolling Grant for 2018.

481

482

- Item H: Personnel Committee – Approval of changes to Adoni Contract for 2018.

483

- Item CC: Utilities Committee – Accept Shared Ride Transit Financials.

484

485

Item 8 – FINANCE COMMITTEE

486

A. Vouchers

487

488

Motion by Ald. Muth, second by Ald. Gjertsen, to approve the vouchers expended since the last Common Council meeting on March 13, 2018, in the amount of \$1,982,226.99.

489

490

491

On voice vote, motion carried.

492

493

The following items were pulled from the Consent Agenda, to be addressed at this time in the Non-Consent Agenda.

494

495

496

- D. Approval of allocation of additional funds received from the sale of Peterbilt fire engine:
 2. Authorization to purchase an exhaust system pending receipt of a federal grant for \$72,728 with the City’s 10% match of \$7,272.

497

498

499

500

Motion by Ald. Muth, second by Ald. Bertrand, to approve authorization to purchase an exhaust system pending receipt of a federal grant for \$72,728 with the City’s 10% match of \$7,272.

501

502

503

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504 Ald. Every noted the Council is voting to authorize the purchase of an exhaust system pending
505 the receipt of a federal grant and said that while he intends to vote in favor of this item he objects
506 to approving something in advance even though the Fire Department likely will receive the
507 grant. Ald. Every stated that is his lone objection.

508

509 On voice vote, motion carried.

510

511 E. Approval of hardware and software needs for the City of Onalaska:

512

1. Content Manager Software from Tyler Technologies [2018 JMC Budgeted – \$6,328].

513

2. Incode Scheduler Software from Tyler Technologies [2018 JMC Non-Budgeted –
514 \$5,100] usage of restricted insurance funds and JMC.

515

3. Updates to server infrastructure [2018 Non-Budgeted – not to exceed \$30,000] usage
516 of general funds/enterprise funds/special revenue funds.

517

4. Funding of non-budgeted hardware and software needs for the City of Onalaska not
518 to exceed \$35,000.

519

520 Motion by Ald. Muth, second by Ald. Gjertsen, to approve hardware and software needs for the
521 City of Onalaska, Items 1, 2, 3, and 4.

522

523 Ald. Every said he intends to vote in favor of this item as the city must keep pace with the
524 expanding technological needs. However, Ald. Every also said he objects to spending
525 unbudgeted funds, stating, “I have questions where it comes from and why it’s being spent.
526 Unbudgeted causes some problems when you make the budget for the next year. Hopefully we
527 can take that up in coming Council sessions and see if we can find a different way of handling
528 that type of a purchase. That is my only objection.”

529

530 On voice vote, motion carried.

531

532 **The following items were pulled from the Consent Agenda, to be addressed at this time in**
533 **the Non-Consent Agenda.**

534

535 **PERSONNEL COMMITTEE**

536

537 F. Approval of changes to School Resource Officer Memorandum of Understanding for
538 2018-2019 school year.

539

540 Motion by Ald. Muth, second by Ald. Bertrand, to remove Item F from the agenda and send it
541 back to the Finance and Personnel Committee as there were some additional changes to the
542 MOU.

543

544 Ald. Every said, “The only objection I had there was to take a look at the resource officer
545 command and how they reach decisions between him and the administration. Then there’s a

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546 sentence that says he will attend any police training session. I would like you to consider
547 changing that to ‘all police training sessions.’ ”

548

549 On voice vote, motion carried.

550

551 H.Approval of changes to Adoni Contract for 2018.

552

553 Hope told the Council she had mistakenly placed this item on the Consent Agenda and said
554 Adoni Networks had been asked to put back the wording the way it had been under “Dispute
555 Resolution.” Hope said Adoni Networks had done so and therefore has complied with all the
556 city’s requests.

557

558 Motion by Ald. Every, second by Ald. Gjertsen, to approve changes to Adoni Contract for 2018.

559

560 On voice vote, motion carried.

561

562 G.Approval of Safe Routes to School Overtime Patrolling Grant for 2018.

563

564 Motion by Ald. Muth, second by Ald. Binash, to approve Safe Routes to School Overtime
565 Patrolling Grant for 2018.

566

567 Ald. Every noted the Safe Routes to School Overtime Program is a program where a police
568 squad car will patrol the neighborhood around a school for a period of time at the end of the
569 school day. Ald. Every said that while he believes this is a good program, he also said he
570 assumes the patrols would last between 60 and 90 minutes per evening and involve several
571 officers and several squad cars, adding the program calls for 66 days a year. Ald. Every noted
572 the pay is \$584 and said, “That didn’t seem like a good deal to me, but maybe I’m missing
573 something there, Bob.”

574

575 Acting Police Chief Miller noted he had addressed this at the April 4 Finance and Personnel
576 Committee meeting and told Ald. Every, “This is kind of new to me as well. I understand what
577 you’re reading, but if you read ‘Budget & Invoicing’ under ‘A,’ [it states], ‘The provider agrees
578 to provide the above services to a maximum amount of \$584.’ Once we hit that threshold we’re
579 essentially done. That is what we work up to. This would probably be in the form of an hour
580 here, an hour there on different days of the year. It wouldn’t be encompassing that whole period
581 of time every day. It would only be random periods, and I think the bulk of it is probably when
582 we do the ‘Walking School Bus.’ ... That’s really what our focus would be on. It would not
583 exceed the stated \$584 on here. Once we reach that threshold we are essentially done with it.”

584

585 Ald. Every said, “That’s too bad. It’s a good program.”

586

587 Acting Police Chief Miller said, “We would still be doing in in our everyday patrolling. We still

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588 enforce the school zones. This would just be on the overtime and bringing in additional
589 personnel.”

590

591 On voice vote, motion carried.

592

593 **Item 9 – PLAN COMMISSION**

594

595 A. Review and Consideration of rezoning request filed by Leo Bronston, 1202 County Road
596 PH, Suite 100, Onalaska, WI 54650, and on behalf of River of Life Assembly of God,
597 Inc., 1214 County Road PH, Onalaska, WI 54650 of a parcel from T-C (Transitional
598 Commercial District) to B-1 (Neighborhood Business District), and a portion of a parcel
599 from R-1 (Single Family Residential) to Neighborhood Business (B-1) to facilitate the
600 construction of a new commercial development on the properties located at 1204 County
601 Road PH and 1214 County Road PH, Onalaska, WI 54650 (Tax Parcels #18-3544-0 &
602 18-3542-0)

603

604 Motion by Ald. Muth, second by Ald. Every, to deny a rezoning request filed by Leo Bronston,
605 1202 County Road PH, Suite 100, Onalaska, WI 54650, and on behalf of River of Life Assembly
606 of God, Inc., 1214 County Road PH, Onalaska, WI 54650 of a parcel from T-C (Transitional
607 Commercial District) to B-1 (Neighborhood Business District), and a portion of a parcel from R-
608 1 (Single Family Residential) to Neighborhood Business (B-1) to facilitate the construction of a
609 new commercial development on the properties located at 1204 County Road PH and 1214
610 County Road PH, Onalaska, WI 54650 (Tax Parcels #18-3544-0 & 18-3542-0).

611

612 Ald. Gjertsen said, “I think my experience talking with the individuals [residing] on PH and PH
613 West, it’s been 100 percent against giving Leo Bronston a B-1. I kept track, and it was 36 up to
614 the point of the [March 27] Plan Commission meeting. I have not had any new contacts with
615 people on that, but it’s been 100 percent to not let him do it.”

616

617 Ald. Every addressed Dr. Bronston and said, “Thank you for being willing to spend money in
618 our community for new construction or anything else. We need more of that. But I have to side
619 with the people, and they have expressed what they want. I think that’s the way this system
620 should work.”

621

622 Ald. Muth said, “I still think this could be Traditional Commercial. It makes more sense to me
623 than the B-1. I’ve read all the minutes. I’ve gone to all the meetings. I’ve gone over this and
624 listened to what the citizens have had to say. For that reason, I think that’s why it should not go
625 to B-1.”

626

627 Sean told the Council as a point of order, “If you vote ‘no’ to this and you anticipate that Mr.
628 Bronston is going to file for a new rezoning, he would need to wait one year in order to do that
629 because the rezoning request would have been denied. You could refer it back to committee and

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630 have that reviewed and have him amend his application.”

631

632 Katie said, “When we were reviewing the code, it had appeared as though he couldn’t apply for
633 B-1 for one year. But if he came back as Transitional Commercial, because it would be a
634 different application, he would be allowed to apply at the next session.”

635

636 Sean said, “I think our code is very clear in that it states if a request for rezoning has been denied
637 by the Council, no person may again request the same zoning change for the same parcel until
638 the expiration of one year after the previous denial was made. It then says there’s an exception,
639 but if it’s for the same development the one year would stay in place even if you’re using a
640 different zoning code. In fact, [Section] 13-8-8(c) specifically says, ‘*Substantially different shall
641 be determined by the Plan Commission based primarily on change of use, density or
642 arrangement of developments.*’ If it’s the same development plan that is being presented, it
643 doesn’t matter what the zoning is that is being applied for. It could go back and be amended at
644 the Plan Commission. But if it is denied it would not be able to be refiled for.”

645

646 Motion and second withdrawn.

647

648 Motion by Ald. Muth, second by Ald. Every, to return to the Plan Commission for further review
649 and consideration of a rezoning request filed by Leo Bronston, 1202 County Road PH, Suite 100,
650 Onalaska, WI 54650, and on behalf of River of Life Assembly of God, Inc., 1214 County Road
651 PH, Onalaska, WI 54650 of a parcel from T-C (Transitional Commercial District) to B-1
652 (Neighborhood Business District), and a portion of a parcel from R-1 (Single Family Residential)
653 to Neighborhood Business (B-1) to facilitate the construction of a new commercial development
654 on the properties located at 1204 County Road PH and 1214 County Road PH, Onalaska, WI
655 54650 (Tax Parcels #18-3544-0 & 18-3542-0).

656

657 Ald. Gjertsen said his only concern is that it comes back as Traditional.

658

659 Ald. Binash noted that Dr. Bronston is requesting a rezoning request from Transitional
660 Commercial to B-1 Neighborhood Business District, and also that Dr. Bronston is attempting to
661 purchase land from River of Life Assembly of God that is presently not on the tax rolls and then
662 build upon the purchased site. Ald. Binash said according to the site plan the proposed structure
663 would be approximately 6,000 square feet and sit behind the present building and not infringe
664 upon residential housing or obstruct any views from the current residences. In addition, the
665 proposed structure may house additional medical facilities and possible several other businesses
666 that were mentioned earlier tonight. The construction at the site would include another exit, and
667 may make the site traffic neutral. This means there would be no added congestion to this site.

668 Ald. Binash said the primary source of traffic now comes off STH 157 and also turns left off
669 Jansen Place in the City of La Crosse. Ald. Binash said it is possible to perform an eventual
670 traffic analysis for this area. Ald. Binash noted the City of La Crosse is responsible for Jansen
671 Place, and also that the current zoning at the site is T-C.

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672
673 Ald. Binash said, “It should be noted that in 2015 this area was part of a comprehensive city plan
674 designated as Commercial. Should the property from the church be purchased and built upon,
675 said property would not be tax-exempt. Should the property owner seek to add businesses to this
676 property in a T-C zone, there are standards or rules that would have to be followed through the
677 site plan permitting process, and some of the businesses would need a Conditional Use Permit in
678 order to be allowed to exist on this site. The developer of this property may need a CUP for
679 different businesses uses to be established on this developed property. The developer has
680 concerns that any potential business may have reservations about zoning T-C and not B-1. It is
681 clear that from a business standpoint a B-1 District is more applicable to current concerns of the
682 developed property in question.

683
684 You need to keep this in mind. Recently the State Legislature passed Act 67. It possibly
685 establishes that the burden is on the Plan Commission and the city to show that the CUP has a
686 negative impact. The applicant before had to prove that their development proposal would not
687 have a negative impact on the neighborhood when making their plea for a CUP. With the
688 understanding that the site in question is zoned Commercial and does not appear to add to the
689 congestion, it does not appear to infringe upon the current residences. In looking at this
690 situation, I understand the concerns of the people [residing] on PH. The area is zoned
691 Commercial. There is Act 67 to deal with. And we also have to realize that we are going to be
692 redoing our zoning ordinances and codes. That may have an influence on what happens with this
693 particular property. Myself, I could see this being zoned B-1. But since we are going to be
694 moving this back for further discussion, I just wanted everyone to be aware that there are other
695 issues to be concerned about when we consider this property and rezoning it.”

696
697 On voice vote, motion carried, 5-1 (Ald. Binash).

698
699 B. Approval of an annexation filed by Kwik Trip, Inc., c/o Hans Zietlow, 1626 Oak Street,
700 La Crosse, WI 54603 for Abbey Road, W6782 Abbey Road & Abbey Road, and Abbey
701 Road Right-of-Way (Tax Parcels #10-2323-0, 10-2324-0, & 10-2325-0 (6.57 acres))

702
703 Motion by Ald. Binash, second by Ald. Gjertsen, to discuss approval of an annexation filed by
704 Kwik Trip, Inc., c/o Hans Zietlow, 1626 Oak Street, La Crosse, WI 54603 for Abbey Road,
705 W6782 Abbey Road & Abbey Road, and Abbey Road Right-of-Way (Tax Parcels #10-2323-0,
706 10-2324-0, & 10-2325-0 (6.57 acres)).

707
708 Ald. Bertrand asked City Administrator Rindfleisch to discuss this issue.

709
710 City Administrator Rindfleisch said, “The first question that comes up is the legal issues
711 regarding the status of the annexation. State Statute 66.0217(2) speaks to the direct annexation
712 ordinance. The ordinance may be enacted by this governing body. To quote, ‘*The governing*
713 *body shall review the advice of the Department of Administration.*’ I highlight that because it is
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714 advice that is not binding. The history behind the boundary agreement sections, which I'll get to
715 in a moment, is because more or less the DOA had some binding powers. Historically, they
716 found themselves being sued by either one side of a party on annexation or the other. They
717 removed themselves from that business and really focused on boundary agreements and
718 cooperative agreements. This is the communities, villages and towns working together to lay out
719 a systematic plan for boundary changes, including annexations down the road. The letter that
720 was sent from the Department of Administration indicates that in general the 'balloon on a
721 string' kind of development is something they would frown upon. The letter also indicates that
722 there are two boundary agreements that have been reached, with the City of Onalaska as a party
723 to, which allows for the development. The DOA acknowledges that the boundary agreements we
724 have reached historically allow for the development, and it's not a rejection of the annexation.
725 There is no state body saying you cannot do that.

726
727 Section 66.0301 is the language in State Statutes regarding boundary agreements. Again, it's for
728 the orderly and mutual agreement on adjusting boundaries, which is another way of saying
729 'annexations.' Then, Section 66.0307 is the language regarding cooperative agreements amongst
730 bodies. It's slightly different regarding boundary, but just more or less how governments
731 cooperate together. I bring up those last two sections because, as indicated, we do have two
732 boundary agreements dated March 24, 2016. The City of Onalaska, the Village of Holmen, and
733 the Town of Onalaska agreed upon the boundary agreements under Section 66.0301 of the
734 Wisconsin Statutes. Although I've only been here since May [2017], you who have been here
735 much longer know the history behind signing the cooperative agreements. I believe it reached
736 mediation, litigation. It was expensive when it came to paying for legal advice, and the output of
737 all of that is the agreement that all three parties have signed indicating that how transitions within
738 this area are to be handled. In that agreement, Section 1.2, allows [the parties] *'to prepare and*
739 *negotiate cooperative future municipal boundaries, including areas of the Town [of Onalaska]*
740 *that would and would not be subject to annexation by the City [of Onalaska] or Village [of*
741 *Holmen] during the term of this agreement.'* The language further describes the central corridor
742 as, *'The Village and City may annex land within those areas defined as the Central Corridor on*
743 *the map attached hereto'* – which the parcel in question is part of – *'in any legally permitted*
744 *manner of annexation under the laws of the State of Wisconsin.'* In addition, this is a sensitive
745 area within that corridor which includes annexation of public rights of way and does require the
746 unanimous consent as well.”

747
748 City Administrator Rindfleisch noted the City of Onalaska and the Village of Holmen reached a
749 cooperative boundary plan in September 2015 and said the goal of the cooperative boundary plan
750 is to establish a future boundary that is logical. City Administrator Rindfleisch said in this case it
751 is between the Village of Holmen and the City of Onalaska, and County Road OT serves as that
752 location. City Administrator Rindfleisch said there are exceptions and noted the property in
753 question is located south of that. City Administrator Rindfleisch said, “It's a long way of saying
754 that legally, the annexation is sound, the request from the owner. It meets previously mediated
755 and litigated boundary agreement issues. And to some degree, without accepting the annexation

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756 request right now, there was very little point in reaching agreements with all three parties. This
757 fits all the guidelines of that aspect. There was costly and combative litigation. These types of
758 agreements are used to avoid future litigation, so it's the opportunity to avoid future litigation by
759 following the guidelines established by those agreements.

760
761 The other issue I've heard is regarding property rights of the property owners and becoming
762 annexed in. The first thing to indicate for those who have not gone through an annexation
763 request before is the city is actually in the role of a passive action. It is to accept or not accept an
764 annexation request done by a property owner, so keep in mind the city is not reaching out to
765 extend its boundaries. It's either, do we accept or not accept the interest of the property owner
766 following the agreement who seeks to be annexed in for commercial reasons. Future
767 developments for the water and for the sewer, failing systems, would like to have the utilities in
768 the area, and there is reasoning behind it."

769
770 Mayor Chilsen distributed three maps for City Administrator Rindfleisch. The first map
771 encompasses Superior Street, which is located on the east side of US Highway 53. City
772 Administrator Rindfleisch noted the properties located on Superior Street are located in the
773 Town of Onalaska and said there is "a long string" attached from a property that runs first to the
774 north, across Windhill Street, then to the west to US Highway 53. City Administrator
775 Rindfleisch explained, "What that string is is if this was a city it would look like a balloon on a
776 string. But it's quite the opposite. It's the Town [of Onalaska] that has a balloon on a string.
777 Why does this exist? Because the City [of Onalaska] historically has taken the property owners'
778 interest to heart. Those who wanted to be annexed in were allowed in. All the surrounding
779 property and all the developers of those homes have those utilities and those services. Those
780 who wished not to be annexed were not, so we really cooperated with the property owners and
781 we cooperated with the Town to create these inverse balloon on a string properties there on
782 Superior Street."

783
784 City Administrator Rindfleisch addressed the second map and noted they show further balloons
785 on a string located along East Avenue and noted those who choose to be within the City of
786 Onalaska may do so, and those who choose not to be within the city also are allowed to do so.
787 City Administrator Rindfleisch referred to the third map, which shows the area that comes to a
788 point at Aspen Valley Drive and Green Coulee Road. City Administrator Rindfleisch said, "This
789 one is definitely longer than the annexation request that we are looking at today for the city.
790 Again, if it was inverted it would be a balloon on a string. But because it's the Town, it's an
791 inverted balloon on a string. It's created because of the desire of the property owners not to be in
792 the City. No one is forced in, but those property owners and developers who wish to be in the
793 City are allowed in. Another way of looking at the request today is looking at the property
794 owners along Abbey Road who do not wish to be in. No one is being forced in. There is not one
795 residential property that will be forced into the City unless they would desire to do so. None of
796 the commercial properties in that district to the north of where the residents live are being forced
797 in. The only one in is the Kwik Trip property as well as the access, which the agreement allows

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798 for, the street along Abbey Road. It's supporting the will of the property owner to be tied in,
799 which the agreement allows for. It clearly allows for and supports the property owners within
800 residential who do not wish to be annexed in. No one is being forced in. It's something we've
801 done in the past. It's kind of looking in an inverted direction, and it's something that I think
802 we'll continue to look forward to in the future – not forcing anybody in.

803
804 The third issue at hand is the development of commercial property. You've heard from the
805 neighbors regarding traffic flow there, but keep in mind what's being requested from a
806 commercial property owner is the annexation in. ... We've heard many requests for information
807 pending the outcome of tonight's action to either to accept or deny. If accepted, we would likely
808 get more annexation applications from the commercial properties north of where the residential
809 are. I think it's indicative of the fact that without water and sewer, the highest and best use of the
810 commercial properties probably is not being met. You have a lot of pole sheds and storage
811 buildings in that area. You have a lot of vehicles and dumpsters parked out there in the area.
812 [You have] materials for the roofing area stored out there. Without any water and sewer, that's
813 likely all you can use. With water and sewer in that area, the development opportunities for
814 those property owners increase substantially. Could you see a hotel out there? Could you see
815 office spaces out there? Could you see uses of the property that clean up that commercial area?
816 I believe you will based on the requests we've already obtained. Without this initial annexation,
817 none of that will come in. We will not have that opportunity. We do not have a farmer's field
818 on our boundary that is ready for future developments, so we do have to look at our infill
819 opportunities. It's not a brown field, per se, since there are structures currently being utilized.
820 It's the closest thing that we have within our areas that we can look at using for new
821 development. Keep in mind, as we approach the budget there are driving forces twofold.
822 Increasing tax base is certainly one of our key issues, but net new construction is the biggest
823 issue. Everything we have is driven by net new construction. Without the ability to acquire
824 commercial property and development to a higher and better net new construction and higher and
825 better use, we're going to be capped off here soon with our development. Budgets will become
826 tighter and tighter.

827
828 Finally, I think what you have heard is the street question. The opening or closing is the primary
829 concern of the residents, from what I have heard. I think it's likely that the street, as future
830 development occurs in the area, for safety issues – both in the Town and in the City – the street
831 will likely need to be opened one way or another. However, there are some fantastic options to
832 partner with the neighbors and the commercial businesses in the area to help design the future
833 road, be it sidewalks, pedestrians, bike lanes, parking areas, the kind of flow traffic they would
834 like to see. I think it certainly would be in the attention of the City to get that input for that area
835 there. As for real estate issues, a higher traffic road [and] the 2,000 [traffic count], we have
836 many residential streets that have that kind of traffic flow without negative impact. But I can
837 imagine the first thing a real estate agent would point out to me is there is water and sewer
838 outside of that street [and] it's the more valuable house. Quite frankly, I would see the opposite,
839 but I'll let a real estate agent speak to that effect. But again, we've been very cognizant

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840 historically of the desires of our neighbors – both commercial and residential properties – either
841 to be in the city or outside the city. And I think with the Kwik Trip property requesting to be
842 inside the city we can achieve that request as well as achieving the requests of the residents who
843 choose not to be annexed in.”

844

845 Ald. Binash asked how much weight the letter the Department of Administration had sent
846 regarding the potential annexation carries.

847

848 City Administrator Rindfleisch said, “In effect, zero because we have the boundary agreements
849 in place. ... The overriding law, in my opinion, will be the boundary agreements openly
850 negotiated and reached with all communities involved.”

851

852 Ald. Binash asked, “The 10-year issue that was brought up has to do with the agreement. It has
853 nothing do to with any type of annexation. Is that correct?”

854

855 City Administrator Rindfleisch told Ald. Binash he is correct and noted there are areas restricted
856 from annexation during the 10-year agreement. The City of Onalaska cannot annex anything
857 outside the central corridor. For example, Brice Prairie is located outside the annexation area.
858 City Administrator Rindfleisch said he believes the city may annex within the central corridor.

859

860 Ald. Bertrand asked, “What we’re suggesting is legal to do? Secondly, I believe you’re saying
861 that based on what we’ve seen on other streets in the city and what you anticipate will happen
862 there on this street concerning traffic volume that you don’t believe the impact will be as
863 negative as perhaps we’re seeing. Is that correct?”

864

865 City Administrator Rindfleisch responded, “To be clear, there will definitely be an impact.
866 There will be more traffic. The residents can be concerned about that, because there will be an
867 increase in traffic. In my personal opinion, I don’t think it’s as substantial as long as the road is
868 designed appropriately and meets the needs for residents, pedestrians, and the businesses to the
869 north.”

870

871 Ald. Bertrand asked City Administrator Rindfleisch if he believes annexation will provide a
872 substantial benefit to the City of Onalaska in terms of services and tax base.

873

874 City Administrator Rindfleisch said yes and stated, “The interest we’ve received from other
875 commercial properties in the area since this became noticed, pending the actions taken tonight, I
876 think indicates that it’s not just the city hoping there’s a higher and better use for it. [Rather],
877 there actually is. Without water and sewer, it’s not being developed to its full potential. The
878 boundary agreements indicate that the city is the one that can best provide water and sewer south
879 of OT. That’s why the agreements were reached. So by doing so to this one business, we’re
880 really opening up opportunities to the other businesses to grow and to expand upon annexation
881 themselves. So there is the increased tax base, and from a city standpoint you’re taking in the

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882 businesses as they exist with the hope that as they redevelop you have that higher net new
883 construction.”

884

885 Ald. Muth asked, “I think a lot of the concerns of the residents involve the traffic flow. If we
886 annex Abbey Road all the way up there, are we required to open it up to all traffic?”

887

888 City Administrator Rindfleisch said no and told Ald. Muth, “That’s a separate question which, if
889 there is no annexation, there’s no reason to answer the question. But if there is annexation,
890 _____ that question is to what degree the development in the area will require that. You can still
891 potentially keep it closed with the annexation. But in my opinion, you’ll need to increase it for
892 safety issues more than anything for the development to the north and the commercial district.
893 But that’s a decision that can be made by this body later.”

894

895 Ald. Muth said, “I’m torn with the agreements we have with the township and with developing
896 and the city growing. But I am also very concerned about the residents with this change, and the
897 change is going to be Abbey Road. We run our sewer and water up through that. But the traffic,
898 I’m sure this is for Council and committees in the future and what they’re going to do. I think
899 I’ve talked to Jarrod about this. There are different options, [such as] things we did on PH. ... I
900 would really like to listen to what the people want. But I’m also concerned about what the
901 agreements are and what the city needs to do. I’m just wondering about the traffic flow. When
902 that road has to open, can we restrict it in the future? Can we limit it to emergency vehicles
903 [and] maintenance vehicles?”

904

905 City Administrator Rindfleisch told Ald. Muth there are many possible options and said, “Even
906 keeping it open potentially with smart design features in the road to mitigate the harm of
907 increased traffic ... The question is, are you annexing it, or are you not accepting the annexation?
908 That’s the question at hand. What we do with the street later on, there are all kinds of options.
909 But there are no options if you don’t annex.” City Administrator Rindfleisch said he is speaking
910 on behalf of city staff when he says the residents’ concerns have been heard and staff is well
911 aware of them. However, City Administrator Rindfleisch also pointed out that citizens have
912 asked how to keep taxes as low as possible, and there also are questions regarding sensible
913 growth. City Administrator Rindfleisch said, “We need net new construction – plain and simple.
914 If there’s an opportunity to increase our tax base and grow net new construction, this is it.
915 Without the annexation, it won’t be. There are other constituents you need to listen to as well.
916 They may not be speaking this evening, but you will hear from them again come budget time.”

917

918 Jarrod said the traffic statistics he has given the elected officials represent the development that
919 will occur over the next five years, noting apartment complexes will be constructed along Abbey
920 Road. Jarrod said a decision will have to be made at a later date regarding the road design if
921 Abbey Road is “pushed through with sewer and water.” Jarrod said staff will have to examine
922 roadway widths and determine if it will be necessary to install curb and gutter and sidewalks, and
923 if the city will open the road to traffic. Jarrod said, “I look at areas within the city that, over the

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924 years, we have had annexations over the past 40 years within the city that have been large
925 annexations,” and he cited the Pines Addition as being one of them. Jarrod noted that Riders
926 Club Road came in as part of the Pines Addition annexation and said it did not go through at the
927 time. Jarrod said he cannot imagine not having Riders Club Road and the connection it provides,
928 noting that Riders Club Road carries more traffic than Abbey Road will in the future. Jarrod
929 said, “There are things we can do to look at the roadway when we design it to try to ensure that
930 traffic speeds stay lower and [also] post it no trucks. But in my position at looking at the
931 roadway system, it will be a future decision by the Board of Public Works whether the road will
932 go through.”

933
934 Ald. Every said it is his understanding the discussion pertains to annexing a portion of Abbey
935 Road and nothing else.

936
937 City Administrator Rindfleisch said, “Abbey Road from the northern boundary of the city all the
938 way up to the Kwik Trip. The annexation includes the Kwik Trip.”

939
940 Ald. Every asked if the “balloon on the string” concept has proved to be acceptable to the State
941 of Wisconsin, and he also asked if individuals may annex into the city if they so desire. Ald.
942 Every said, “I’ve seen this work before. I think we need to be proactive about any opportunities
943 like this that we might get. I just hate the thought of the citizens not being happy up there with
944 that. But also, I know that’s one of your goals, and I think it should be our goal to be proactive
945 when it comes to any place we can annex, but not be pushy about it. My question is, we have
946 these agreements in place. Does the Town of Onalaska know about all of this? Are they aware
947 of it?”

948
949 City Administrator Rindfleisch said yes.

950
951 Ald. Every asked, “And there have been no objections? I know there have been objections here
952 from citizens.”

953
954 City Administrator Rindfleisch said, “The Town is aware of it. I have not received any
955 objections, officially or unofficially, from the Town of Onalaska. The agreement also indicates
956 that they can’t refuse the annexation; that is the whole point of the agreements. We won’t accept
957 an annexation outside of the central corridor, if asked, and they won’t challenge an annexation
958 within the corridor. There is the give-and-take both entities have taken.”

959
960 Ald. Every said, “The traffic that is up there is heavy traffic – a lot of trucks and buses.”

961
962 City Administrator Rindfleisch said, “The occasional safety vehicle is definitely an option. The
963 businesses that utilize the access off [US Highway] 53 and the heavier vehicles, that could be
964 restricted to continue to use the county roads to access that area versus Abbey Road. There are
965 options to keep the trucks out.”

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966

967 Ald. Bertrand asked if property values likely will increase as the area develops.

968

969 City Administrator Rindfleisch said the value of a property is what someone is willing to pay for
970 it and stated, "I think from the city's standpoint, the development and annexation will increase
971 the value of the entire area – particularly the commercial districts. I anticipate the residential
972 will see growth over the next 10 to 15 years as well."

973

974 Ald. Binash noted there will be development along Abbey Road, including apartment complexes
975 and townhomes that will abut property owned by Town of Onalaska citizens. Ald. Binash said
976 there is "no question" Abbey Road eventually will be opened up and stated, "I understand your
977 concerns about the traffic and your way of life in that particular corner, but it's happened
978 throughout both the cities – Onalaska and La Crosse. Eventually it comes up."

979

980 Motion by Ald. Binash, second by Ald. Bertrand, to approve an annexation filed by Kwik Trip,
981 Inc., c/o Hans Zietlow, 1626 Oak Street, La Crosse, WI 54603 for Abbey Road, W6782 Abbey
982 Road & Abbey Road, and Abbey Road Right-of-Way (Tax Parcels #10-2323-0, 10-2324-0 & 10-
983 2325-0 (6.57 acres)).

984

985 On voice vote, motion carried, 5-1 (Ald. Gjertsen).

986

987 C. Approval of a request to extend the Final Plat submittal requirement for one year, as
988 requested by Dr. Leo Bronston, on behalf of French Valley, LLC, 1202 County Road PH,
989 Suite 100, Onalaska, WI 54650 for the French Valley Neighborhood Plat (Tax Parcels
990 #18-4480-0, 18-4481-0, 18-4482-1, 18-4485-0)

991

992 Motion by Ald. Binash, second by Ald. Muth, to approve a request to extend the Final Plat
993 submittal requirement for one year, as requested by Dr. Leo Bronston, on behalf of French
994 Valley, LLC, 1202 County Road PH, Suite 100, Onalaska, WI 54650 for the French Valley
995 Neighborhood Plat (Tax Parcels #18-4480-0, 18-4481-0, 18-4482-1, 18-4485-0).

996

997 On voice vote, motion carried.

998

999 **The following item was pulled from the Consent Agenda, to be addressed at this time in the**
1000 **Non-Consent Agenda.**

1001

1002 **UTILITIES COMMITTEE**

1003

1004 CC. Accept Shared Ride Transit Financials

1005

1006 Ald. Every said that while he intends to vote to approve this item, he also noted ridership in the
1007 City of Onalaska continues to decline and suggested that a future Council should examine this

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1008 situation. Ald. Every said, “We need to provide this service for our people. Maybe there’s some
1009 other way we could do it.”

1010

1011 Motion by Ald. Binash, second by Ald. Every, to accept the Shared Ride Transit Financials.

1012

1013 On voice vote, motion carried.

1014

1015 **Item 10 – ALDERPERSON BOB MUTH**

1016

1017 A. Parting Comments

1018

1019 Ald. Muth said, “This is my final meeting for the end of my term. I’ve been honored to serve the
1020 City of Onalaska. Diane must have peeked at this speech before I had it written because she
1021 quoted a bunch of stuff out of it. She kind of stole my thunder. I’ve been honored to serve the
1022 City of Onalaska as a police officer for 28 years, as a county deputy for 14, and as a member of
1023 this Common Council for six years. Now, at the age of 68, I’m ready to play more golf with my
1024 family and friends, and to travel with my wife. I’m sure some troublemaker will say it’s for
1025 some other reasons, that it’s political, but it’s not. It’s the truth. I’m ready to play more golf. I
1026 leave the Council with a clear conscience that I’ve done everything possible for my home and
1027 my community with the best interests of our citizens. Onalaska’s population is 18,694 people.
1028 And of that population we have 0.0001 percent that, no matter what you do, it’s wrong. That
1029 comes to a total of about four people. They live their life complaining and doing everything they
1030 can to cause trouble. Their goal is to never be happy. I’ve tried to work for the 99.999 percent
1031 of the citizens who live their life in our community and work to make things better, and who are
1032 proud of Onalaska. I wish the next Council all the luck in the world and pledge my support.
1033 There is no way that you will make everybody happy. In so many ways it’s a thankless job, and
1034 if you ask the average citizen, ‘Who are your Council representatives?’, they won’t be able to tell
1035 you. Citizens are raising families, working at their careers, and are busy with family and friends,
1036 which they should be. I’m very proud of the things that we’ve accomplished working with our
1037 Council, committees and city staff, and most importantly, our citizens. I wish to thank Jim
1038 Olson, Mayor Chilsen, Jim Binash, Harvey Bertrand, our City Attorney, our City Administrator,
1039 and all of our city staff over the years working with them many hours and trying to do the best
1040 thing for our community. I want to thank the department heads and city staff that work every
1041 day to keep our city safe and be a model for other communities everywhere. I look forward to
1042 discussing the weather, Green Bay Packers, our health issues, and where is the best place to eat.
1043 I’ll keep an eye on what’s going on, and if anyone attacks our community I will take time to
1044 defend it. We are truly blessed by living where we live. Thank you for your past support, and I
1045 hope to see you on the golf course. God bless Onalaska. Thank you.”

1046

1047 **Item 11 – ALDERPERSON BINASH**

1048

1049 A. Words of thanks and gratitude for the service of Alderpersons Harvey Bertrand and Bob
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26

1050 Muth

1051

1052 Ald. Binash said, “Gentlemen, members of the audience, John F. Kennedy stated, ‘*Ask not what*
1053 *your country can do for you, but what you can do for your country.*’ To me, this quote also
1054 applies to the communities we live and work in. Bob Muth distinguished himself as the combat
1055 Marine in Vietnam, and among his medals is a Purple Heart. Bob later became a police officer
1056 for the City of Onalaska with the rank of Sergeant. He has served as an Alderperson for six
1057 years. Bob, in addition to assigned committees and boards, took on extra duties while we
1058 searched for a City Administrator. Harvey Bertrand served as an Alderperson for five years. He
1059 has a Master’s Degree in Civil Engineering. He was commissioned as a Naval Officer. Harvey
1060 is also a patron of the arts, and as we know he’s a bit of an adventurer as he has climbed
1061 mountains all over the globe. Both men have diversified backgrounds to call upon when
1062 deciding city business. We may not have always agreed on the issues, but never lost sight of its
1063 purpose. I have appreciated the respect you’ve shown me for my opinions, and debating any
1064 differences in a professional manner. You both have shown what it means to serve your country
1065 and your community. It is not always understood or appreciated when making decisions on
1066 behalf of others, and sometimes results are subject to criticism. Still, despite some negative
1067 perceptions, the positive and unselfish acts of service to the community by yourselves
1068 demonstrates your ethical resolve to see the task done in the best interest of the city. On behalf
1069 of the city, I would like to thank you for your efforts to maintain and enhance the quality of life
1070 for the City of Onalaska. And one last quote from Grant Fairley: ‘*A positive attitude may not*
1071 *solve every problem. But it makes solving any problem a more pleasant experience.*’ Thank
1072 you.”

1073

1074 **Item 12 – ALDERPERSON OLSON**

1075

1076 A. Message of appreciation to the City of Onalaska voters

1077

1078 Ald. Olson said, “I would like to thank the voters of the First District for allowing me to serve
1079 them again. It is a distinct honor, and I’m humbled by that. I also wish to thank Mr. Muth. It’s
1080 been an absolute pleasure serving with you, and you do have a good sense of humor. And Mr.
1081 Binash, thank you. It’s been a pleasure. Harvey, best wishes to you. It’s been nice. You’re a
1082 sweet guy. You’ve done a lot for this community, and the people of this community should be
1083 very grateful for your honesty and forthright unselfishness. Thank you so much. I wish the very
1084 best to both of you gentlemen.”

1085

1086 **Item 13 – CLOSED SESSION**

1087

1088 To consider a motion to convene in Closed Session under Section 19.85(1)(c) of the Wisconsin
1089 Statutes for the purpose of considering employment, promotion, compensation or performance
1090 evaluation data of any public employee over which the governmental body has jurisdiction or
1091 exercises responsibility:

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1092

- 1093 • Review of City Administrator Performance

1094

1095 And to consider a motion to convene in Closed Session under Section 19.85(1)(e) for the purpose
1096 of deliberating or negotiating the purchasing of public properties, the investing of public funds,
1097 or conducting other specified public business, whenever competitive or bargaining reasons
1098 require a closed session:

1099

- 1100 • City of Onalaska Unified Development Code/Zoning Ordinance Rewrite Project

1101

1102 And to consider a motion to convene in Closed Session under Section 19.85(1)(g) of the
1103 Wisconsin Statutes for the purpose of conferring with legal counsel for the governmental body
1104 who is rendering oral or written advice concerning strategy to be adopted by the body with
1105 respect to litigation in which it is or is likely to become involved:

1106

- 1107 • City of La Crosse/Town of Medary Fire/Emergency Medical Services Agreement

1108

1109 If any action is required in Open Session, the Council will reconvene in Open Session to take the
1110 necessary action and/or continue on with the printed agenda.

1111

1112 Motion by Ald. Bertrand, second by Ald. Olson, to convene in Closed Session.

1113

1114 On roll call vote: Ald. Harvey Bertrand – aye, Ald. Ron Gjertsen – aye, Ald. Bob Muth – aye,
1115 Ald. Jim Olson – aye, Ald. Jim Binash – aye, Ald. Jerry Every – aye. Motion carried. In Closed
1116 Session.

1117

1118

1119 Recorded by:

1120

1121 Kirk Bey