

**Common Council
of the City of Onalaska**

Tuesday, May 8, 2018

1

1 The Meeting of the Common Council was called to order at 7:00 p.m. on Tuesday, May 8, 2018.
2 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. Kim Smith, Ald. Diane Wulf

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, Police Chief Troy Miller, Planner/Zoning Inspector Katie Aspenson

10
11 **Item 2 – Pledge of Allegiance**

12
13 The Pledge of Allegiance was recited.

14
15 **Item 3 – Rules of the City of Onalaska Common Council and its Sub Committees –**
16 **Harassment Free Forum**

17
18 Mayor Chilsen read the following: *“City Council and Sub-Committee meetings shall be*
19 *conducted in a courteous manner. Citizens, Council and Committee members shall be allowed*
20 *to state their positions in an atmosphere free of slander, insults, obscene remarks, or threats of*
21 *violence. The use of the Council or Committee as a forum for politics is unwarranted. Sufficient*
22 *warnings may be given by the Sergeant of Arms at any time during the remarks, and in the event*
23 *that any individual shall violate the rules of decorum heretofore set forth, such person may then*
24 *be cut off from comment or debate.”*

25
26 **Item 4 – Public Input: (limited to 3 minutes/individual)**

27
28 Mayor Chilsen called for anyone wishing to provide public input.

29
30 **Jason Stanton**
31 **142 Fairway Court**
32 **Onalaska**

33
34 “On behalf of the faith community in Onalaska, I would like to invite anyone who would like to
35 join me into a time of prayer: *‘Holy One, you’ve given each and every person here a heart to*
36 *love their community. We thank you for calling people to public service. Thank you for the*
37 *variety of experiences, backgrounds, and perspectives represented here. Many of them have*
38 *been using their gifts already today in other work, other relationships, and other concerns, and*
39 *so we pray that amidst any fatigue they may know and any frustration that they bring here that*
40 *you would grant all of us a sense of peace amidst the purpose that you call all of us to now. And*
41 *in that peace, help each person here to listen well as they consider how to lead our city. Grant*
42 *them wisdom to know what is right, vision for what serves the most people, and give them the*
43 *courage they need to lead well. We pray in your holy name, Amen.’ ”*

Reviewed 5/11/18 by Cari Burmaster

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**Pam Krogness
208 Marcou Road
Onalaska**

“Before I start, I would like to say that I’ve gotten a lot of really good information from the Roads Department and the Plan Commission, and I thank you very much for that. Even though I live at 208 Marcou Road, I guess I’m over 250 feet according to the state legislation bills passed to get notice of the new Honda dealership going in. I just wanted to come here tonight hoping that you will give thoughtful consideration to a couple of concerns and things to be considered. Now, I have to preface this by saying my husband and I have lived here for six years. We just bought our third Honda from Honda Motorwerks, so we love Hondas and it’s not about the dealership. I’m concerned about the additional traffic congestion at that four-way light at Main [Street] and Marcou Road. The light timing, which I’ve heard has been set by the DOT, that might in the future be something to talk to them about. The four-way light is quite long, but I timed it the other day and it’s really not as long as I thought. But it’s a long light with short turning times coming off of Main into Marcou or going out of Marcou Road. I was also concerned about the heavy vehicle transport trucks and the business traffic because we all know everybody loves Hondas and there is going to be a lot of people coming in to buy and to get service. I was concerned that Mr. Schneider will be mindful of the procedures and times where those transport trucks come in and unload because I’ve heard everything comes in on Marcou Road because there is no access from [State Trunk Highway] 16. I think it was Jarrod that I talked with who said they have less turning radius than a fire truck. Anybody who comes out of that dealership and makes a right-hand turn into our neighborhood has to realize that there is no way out. It’s a neighborhood with no outlets. I just want us to be good neighbors. We want to be good neighbors. In fact, most of my neighbors in the six townhouses where I live, we all drive Hondas. Also, the light pollution is something that has been a problem ever since I’ve moved into my townhouse. The HOM Furniture store across [STH 16] ... It’s really funny. I lay in bed at night and see the half moon on the sign, and it says ‘Sleep Express.’ That shines into my bedroom every night, and there are three other ...”

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

Pam said, “... and the light on the front of the HOM Furniture store. Then the furthest north entrance, I don’t know what it’s used for. It’s not for pickup or to go into Woodman’s. It’s a double door with a [inaudible]. That shines bright every night.”

Mayor Chilsen asked Pam to wrap up her comments.

Pam said, “I’m worried about the light pollution. I would just like people at the Honda dealership to be concerned about any noise like music or the intercom. Thank you very much.”

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3

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

88

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

90

91 A. Swearing in of Troy Miller as Chief of Police for the City of Onalaska

92

93 Cari asked Police Chief Miller to raise his right hand and repeat the following: *“I, Troy Miller,
94 having been appointed to the Office of Chief of Police, swear that I will support the Constitution
95 of the United States and the Constitution of the State of Wisconsin, and will faithfully and
96 impartially discharge the duties of said office to the best of my ability, so help me God.”*

97

98 B. Appointments to standing committees, boards, commissions, and other committees

99

100 Mayor Chilsen noted that an amended list of appointments had been included in Council
101 members’ packets.

102

103 Motion by Ald. Every, second by Ald. Olson, to approve the amended appointments to standing
104 committees, boards, commissions, and other committees.

105

106 On voice vote, motion carried.

107

108 C. Library Statistics

109

110 Mayor Chilsen noted that Council members had been given copies of the library statistics and
111 reported that total circulation through April was 65,793.

112

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

115

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

120

121 **Item 6 – Consent Agenda**

122

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

124

125 **FINANCE COMMITTEE**

126

127 B. Accept Omni Center Financials for 2018

128 C. Accept General Fund Financials for 2018

Reviewed 5/11/18 by Cari Burmaster

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- 129 D. Accept Gundersen Health System Parking Ramp Financials for 1st Quarter for 2018
130 E. Approval of lunch/workroom renovations at the City of Onalaska Public Works Facility
131 and funding for the project not to exceed \$13,840
132 F. Approval of maintenance agreement with Tierney Brothers, Inc. for Audio Equipment in
133 the amount of \$3,250
134 G. Approval of changing date for July Finance & Personnel Committee meeting to
135 Thursday, July 5th at 7:15 P.M. (no earlier than 7:15 P.M. or immediately following the
136 Utilities Committee Meeting)
137

138 **PERSONNEL COMMITTEE**

- 139
140 H. Approval of Alcohol Compliance Enforcement Memorandum of Understanding for 2018
141 I. Approval of changes to School Resource Officer Memorandum of Understanding for
142 2018-2019 school year
143 J. Approval of changes to policy 3.07 Uniform & Clothing Reimbursement Policy
144 K. Authorization to replace, post, and advertise for Assistant Police Chief
145

146 **JUDICIARY COMMITTEE**

- 147
148 L. Approval of **Ordinance 1605-2018** to amend Section 1, Chapter 4 of Title 2 of the Code
149 of Ordinances of the City of Onalaska relating to Board of Review (Third and Final
150 Reading)
151 M. Approval of **Ordinance 1606-2018** to rezone property located in Section 8 Township 16,
152 Range 7 in the City of Onalaska, La Crosse County, Wisconsin from Neighborhood
153 Business District (B-1) to Public and Semi-Public District (P-1) (Skogenheim Rezoning)
154 (Third and Final Reading)
155 N. Approval of **Ordinance 1607-2018** to amend Title 10 Chapter 1 Section 27 of the Code
156 of Ordinances of the City of Onalaska relating to Parking Restrictions (Mason Street)
157 (First and Second Reading)
158 O. Approval of **Ordinance 1608-2018** to rezone property located in Section 9 Township 16,
159 Range 7 in the City of Onalaska, La Crosse County, Wisconsin from Multifamily
160 Residential District (R-4) to Public and Semi-Public District (P-1) (Luther High Tennis
161 Rezoning) (First and Second Reading)
162 P. Approval of **Annexation Ordinance 1609-2018** to annex land located in the Southeast ¼
163 of the Northwest ¼ in Section 29, Township 17 North, Range 7 West from the Town of
164 Onalaska to the City of Onalaska (Kwik Trip Annexation) (First and Second Reading)
165 Q. Approval of changing date for July Administrative & Judiciary Committee meeting to
166 Monday, July 2nd at 5:00 P.M.
167

168 **ADMINISTRATIVE COMMITTEE**

- 169
170 R. Approval of Operator's Licenses as listed on report dated May 2, 2018

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5

- 171 S. Approval of Special Events Permits for:
172 1. Celebrate Onalaska from June 22-24, 2018 at Van Riper Park
173 2. Koelbl, Melby, Zumach Graduation Party/Block Party on May 25, 2018
174 from 4-10 p.m. (setup from 9 a.m.)
175 3. American Legion for Memorial Day Parade on May 28, 2018 starting at
176 American Legion, Sand Lake Road to Onalaska Cemetery from
177 approximately 9:30-10 a.m.
178 4. Luther High School for marching band practice on 4/14-5/28/18 from 8-
179 9 a.m., 7/16-7/20/18 from 9 a.m.-4 p.m. (summer band camp), and 8/18-
180 10/10/18 from 8-9 a.m.
181 5. Three Rivers Roleo from July 13-15, 2018 at the Waterfront, with event
182 starting at 11 a.m. 7/14/18 – 4 p.m. 7/15/18 (setup and teardown before
183 and after these times)
184 T. Approval of request for variance to the noise ordinance June 23, 2018 until 11:30 p.m. for
185 Celebrate Onalaska
186 U. Approval of Fireworks Permit – Selling for Michael Callaway/R and M Enterprises, Inc.
187 d/b/a Snap Fireworks at East Towne Plaza from June 14-July 6, 2018
188

189 **BOARD OF PUBLIC WORKS**

- 190
191 V. Approval of lowering speed limit to 35 MPH along East Main Street from 300 East of
192 Theater Road to Market Place
193 W. Approval of Amendment #1 for East Main Street traffic/speed study with Short Elliott
194 Hendrickson in the amount of \$3,400
195 X. Approval of utilizing Great Hamilton Associates for traffic count data collection at Green
196 Coulee Road and East Main Street in the amount of \$2,880
197 Y. Approval of lunch/workroom renovations at the City of Onalaska Public Works Facility
198 not to exceed \$13,840
199 Z. Main Street & 12th Avenue South/Sand Lake Road traffic report
200 1. Denial of installing southbound left turn protected phase (left-turn
201 arrow)
202 2. Approval of four-way stop control during construction and use of
203 monetary incentives for project completion schedule
204 AA. Approval of bid received from Phillips Fencing in the amount of \$55,535 for 2018
205 Cemetery Fence Project
206 BB. Approval of changing date for July Board of Public Works meeting to Monday,
207 July 2nd at 6:30 P.M.
208

209 **PLAN COMMISSION**

- 210
211 CC. Acceptance of a Conditional Use Permit (CUP) filed by Curt Fossum, 324 6th
212 Avenue North, Onalaska, WI 54650 to allow the conversion of existing commercial space

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- 213 into a one (1) bedroom apartment at 513 2nd Avenue South, Onalaska, WI 54650 (Tax
214 Parcel #18-68-0)
- 215 DD. Acceptance of a Conditional Use Permit (CUP) filed by Mitch Lown of Ironside
216 Properties, LLC, 1220 Oak Forest Drive, Onalaska, WI to allow the operation of a child
217 care center at 980 12th Avenue South, Onalaska, WI 54650 (Tax Parcel #18-3131-2)
- 218 EE. Acceptance of a Conditional Use Permit (CUP) application to allow the construction of
219 an automotive dealership/vehicle sales/repairs facility at 207 Marcou Road, Onalaska, WI
220 54650 submitted by Paul Borsheim of Borton Construction, Inc., 2 Copeland Avenue,
221 Suite 201, La Crosse, WI 54601 on behalf of Marvin Wanders of Stizo Development,
222 LLC, PO Box 609, La Crosse, WI 54602-0606 (Tax Parcel #18-3627-2)
- 223 FF. Approval of a rezoning request filed by Terry Weiland, 600 L Hauser Road, Onalaska,
224 WI 54650 to rezone a parcel from Single Family Residential (R-1) District to Multi-
225 Family Residential (R-4) District for the purpose of constructing a four (4) unit
226 townhome/row house at 2201 Abbey Road, Onalaska, WI 54650 (Tax Parcel #18-4511-
227 301)
- 228 GG. Approval of a Final Implementation Plan (FIP) for Phases 1 & 2 of a Downtown
229 Planned Unit Development (D-PUD) filed by Jeffrey Moorhouse, of Onalaska United
230 Methodist Church, 212 4th Avenue North, Onalaska, WI 54650 for the purpose of
231 expanding United Methodist Church utilizing a three-phased approach which include the
232 following parcels located at 212 4th Avenue North, 222 4th Avenue North, 412 Locust
233 Street, 418 Locust Street, 213 5th Avenue North, and 415 King Street, Onalaska, WI
234 54650 (Tax Parcel #s 18-229-0, 18-228-0, 18-233-0, 18-234-0, 18-232-0, & 18-231-0)
- 235 HH. Approval of a non-substantial change to the Theater Road Center Planned
236 Commercial Industrial District (PCID) filed by Paul Borsheim of Borton Construction,
237 Inc., 2 Copeland Avenue, Suite 201, La Crosse, WI 54601, on behalf of Time
238 Enterprises, Inc., PO Box 155, West Salem, WI 54669 (building addition) located at 531
239 Theater Road, Onalaska, WI 54650 (Tax Parcel #18-3580-5)

240
241 **UTILITIES COMMITTEE/MASS TRANSIT**

242
243 II. Accept Shared Ride Transit Financials

244 JJ. Approval of changing date for July Utilities Committee meeting to Thursday, July 5th at 7
245 P.M.

246
247 **PARKS & RECREATION**

248
249 KK. Approve the idea of a potential park in Abbey Road Development

250 LL. Approve Blufflands Coalition Memorandum of Understanding

251 MM. Approve Grazing Lease Agreement with Clearwater Farms

252 NN. Approve Lease Agreement with La Crosse Convention and Visitors Bureau

253

254 Motion by Ald. Binash, second by Ald. Wulf, to approve the Consent Agenda.

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255

256 On voice vote, motion carried.

257

258 **Non-Consent Agenda**

259

260 **Item 7 – RECAP ITEMS PULLED FROM THE CONSENT AGENDA**

261

- 262 • Item LL: Parks and Recreation Board – Approve Blufflands Coalition Memorandum of
263 Understanding (Ald. Binash asked that this item be completely removed from the
264 agenda).
- 265 • Item EE: Plan Commission – Acceptance of a Conditional Use Permit (CUP) application
266 to allow the construction of an automotive dealership/vehicle sales/repairs facility at 207
267 Marcou Road, Onalaska, WI 54650 submitted by Paul Borsheim of Borton Construction,
268 Inc., 2 Copeland Avenue, Suite 201, La Crosse, WI 54601 on behalf of Marvin Wanders
269 of Stizo Development, LLC, PO Box 609, La Crosse, WI 54602-0606 (Tax Parcel #18-
270 3627-2).
- 271 • Item N: Judiciary Committee – Approval of **Ordinance 1607-2018** to amend Title 10
272 Chapter 1 Section 27 of the Code of Ordinances of the City of Onalaska relating to
273 Parking Restrictions (Mason Street) (First and Second Reading).
- 274 • Item Z: Board of Public Works – Main Street & 12th Avenue South/Sand Lake Road
275 traffic report
 - 276 1. Denial of installing southbound left turn protected phase (left-turn
277 arrow)
 - 278 2. Approval of four-way stop control during construction and use of
279 monetary incentives for project completion schedule
- 280 • Item II: Utilities Committee – Accept Shared Ride Transit Financials

281

282 **Item 8 – FINANCE COMMITTEE**

283

284 A. Vouchers

285

286 Motion by Ald. Smith, second by Ald. Gjertsen, to approve the vouchers expended since the last
287 Common Council meeting on April 10, 2018, in the amount of \$1,171,254.14

288

289 On voice vote, motion carried.

290

291 **Item 9 – ADMINISTRATIVE COMMITTEE**

292

- 293 A. Approval of request to amend David Reay’s Class B Liquor License to include the Dash-
294 Park area during the spring/summer concert series every Tuesday evening from 5 p.m.-8
295 p.m., June through October, 2018

296

Reviewed 5/11/18 by Cari Burmaster

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297 Motion by Ald. Gjertsen, second by Ald. Binash, to approve a request to amend David Reay's
298 Class B Liquor License to include the Dash-Park area during the spring/summer concert series
299 every Tuesday evening from 5 p.m.-8 p.m., June through October, 2018.

300

301 Ald. Wulf said she had asked at the May 2 Administrative and Judiciary Committee meeting to
302 place this item on the Council's Non-Consent Agenda because Ald. Every, Ald. Olson and Ald.
303 Smith were not at that meeting and she wanted to give them the opportunity to ask questions
304 should they have any.

305

306 Ald. Binash, who chairs the Administrative Committee, said the committee had agreed that the
307 concert series would begin June 1 and end October 31. Ald. Binash noted the committee agreed
308 that David Reay's staff would police the area, and it would be sectioned off. Ald. Binash also
309 noted he had expressed concerns over concertgoers walking from Dash-Park, across State Trunk
310 Highway 35, and to the Great River Landing. Ald. Binash said, "However, if it's going to be
311 policed by David Reay's and they're going to have a fence of a kind around the area, I think that
312 should be secure enough. We can look at this year by year to see how it goes."

313

314 Ald. Gjertsen noted he shares Ald. Binash's concerns regarding public safety at activities held
315 within the city, including those at the Great River Landing. Ald. Gjertsen noted the river's flood
316 stage at the Great River Landing had been "beyond belief" due to the melting snow from the
317 north, and he said, "These are concerns that you're going to be hearing from me on a regular
318 basis – the water condition, the railroad tracks, and the traffic out there."

319

320 Ald. Wulf said that while she believes David Reay's wants to be a good neighbor, she also said,
321 "I think that our Park and Rec staff is already stretched to the max, and I do have a possible
322 concern. I understand that the refreshments will be in throwaway containers. I just don't want to
323 see those containers become litter at the park across the street. I did express my concern at A&J,
324 and I'm just expressing that again tonight. I really don't want to see Park and Rec staff having to
325 start doing more cleanup at a park that they have not brought upon themselves."

326

327 On voice vote, motion carried.

328

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

331

332 **UTILITIES COMMITTEE**

333

334 II. Accept Shared Ride Transit Financials

335

336 Ald. Every said committee members would like to see a cost-benefit study performed regarding
337 the Shared Ride Transit financials. Ald. Every said, "We tax our [citizens] \$186,000 a year for
338 this. The ridership in Onalaska is drastically down and has been down."

Reviewed 5/11/18 by Cari Burmaster

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339
340 As a point of order, Ald. Smith said she does not believe a motion has been brought to the floor.

341
342 Mayor Chilsen said a motion needs to be on the floor.

343
344 Motion by Ald. Every, second by Ald. Olson, to accept the Shared Ride Transit Financials.

345
346 Ald. Every said, "My concern was, starting from the beginning, we levy a tax of \$186,000 a year
347 for this Shared Ride Program. Ridership is down, drastically down, continues to go down, has
348 been down. I think we need to take a look at the cost benefit of even having this program if
349 we're going to continue it. I thought it might be beneficial if we could get some kind of
350 information from Fred, and we talked about it and decided that it might be something to take a
351 look at. I'm going to follow through on that. I just wanted to let you know. That was my only
352 concern."

353
354 On voice vote, motion carried.

355
356 **JUDICIARY COMMITTEE**

357
358 N. Approval of **Ordinance 1607-2018** to amend Title 10 Chapter 1 Section 27 of the
359 Code of Ordinances of the City of Onalaska relating to Parking Restrictions (Mason Street) (First
360 and Second Reading)

361
362 Motion by Ald. Every, second by Ald. Gjertsen, to approve Ordinance 1607-2018 to amend Title
363 10 Chapter 1 Section 27 of the Code of Ordinances of the City of Onalaska relating to Parking
364 Restrictions (Mason Street) (First and Second Reading).

365
366 Ald. Every said, "I don't see it front of me now, but there was a sentence on there about the
367 attendance of the alderpersons at meetings. I was wondering what the inclusion of that was for.
368 Can anybody tell me?"

369
370 Ald. Binash said, "I'm not sure what that is in reference to."

371
372 Cari said she believes the sentence to which Ald. Every had referred, which reads "*The Common
373 Council has the power to preserve order at its meetings, compel attendance of Council Members
374 and punish nonattendance,*" can be removed.

375
376 Sean asked Ald. Every if he would like to amend his motion to approve the ordinance without
377 the sentence to which he had referred.

378
379 Motion by Ald. Every, second by Ald. Gjertsen, to amend the previous motion and delete the
380 sentence "*The Common Council has the power to preserve order at its meetings, compel*

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381 *attendance of Council Members and punish nonattendance”* from Ordinance No. 1607-2018.

382

383 Ald. Binash said he does not understand how the aforementioned sentence pertains to parking
384 restrictions along Mason Street.

385

386 Sean told Ald. Binash the sentence had mistakenly been included in the ordinance.

387

388 Ald. Every said, “More to the point of that, I don’t think we have any power whatsoever to
389 remove any Council member for poor attendance. We are elected people.”

390

391 As a point of order, Ald. Binash told Ald. Every, “That’s not on the agenda.”

392

393 Ald. Every said, “That is germane.”

394

395 Mayor Chilsen told Ald. Every, “We’re voting a motion to take that out, so it’s no longer an
396 agenda item.”

397

398 Vote on the amendment:

399

400 On voice vote, motion carried.

401

402 Vote on the original motion, as amended:

403

404 On voice vote, motion carried.

405

406 **BOARD OF PUBLIC WORKS**

407

408 Mayor Chilsen handed the Chair over to Ald. Binash.

409

410 Z. Main Street & 12th Avenue South/Sand Lake Road traffic report

411

412 1. Denial of installing southbound left turn protected phase (left-turn

413 arrow)

414

415 Motion by Mayor Chilsen, second by Ald. Gjertsen, to deny the installation of a southbound left
416 turn protected phase (left-turn arrow) at Main Street & 12th Avenue South/Sand Lake Road.

417

418 Ald. Every said that while he will not vote against the denial, he would like an explanation for
419 the reasoning behind it. Ald. Every said, “During the campaigning that I did, and several of you
420 have done, that was a key item for every person I talked to, and now we’re pulling that out. I
421 thought we had that included in the Capital Improvements Budget – and it was, with good
422 reason. Like I said, I will support your denial, but I need to know why, and it had better be damn
good.”

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423
424 Jarrod said, “As discussed at the Board of Public Works meeting on Tuesday, May 1, we went
425 through the report and findings that were provided by Strand Associates regarding the
426 intersection. On page 5 of that report, I’ll go through some of the ideas that went through their
427 recommendations and was presented at the Board of Public Works. On page 5, I’ll read the
428 quote from the report: *‘With the southbound left turn protected phase, the intersection operates*
429 *at a Level of Service ‘C’ overall during P.M. peak hour. The northbound right-through*
430 *movement operates at a Level of Service ‘D’ with queues of 540 feet compared to a Level of*
431 *Service ‘B’ with queues of 360 feet without the southbound left-turn protected phase.’* What
432 they’re trying to say is, if we add the left-turn phase at 12th and Main that you see out there today
433 we will get about three more cars through with the left-turn arrow. But the intersection as a
434 whole will not operate as efficiently with that left-turn phase. What you’ll see is actually the
435 northbound traffic that’s heading from 12th Avenue to Sand Lake Road will be delayed another
436 200 feet, so it will stack 200 more feet of cars. It will actually make the intersection as a whole
437 work less efficiently with that left-turn arrow. As part of this project, we are not only
438 [addressing] just the left-turn arrow, we are also updating the wiring, the signal heads, the
439 controller in the cabinet – a variety of things. We are going to wire the cabinet and make sure
440 the controller is adequately sufficient to add that left-turn phase if things would change in the
441 future. But the report and the consultant are giving us the recommendation that we should not be
442 installing the left-turn phase at this time.”

443
444 Ald. Gjertsen asked, “The infrastructure is installed so that we can go ahead and do that at a
445 future time, right?”

446
447 Jarrod said, “It will be on completion of the project.”

448
449 Ald. Every told Jarrod that while he will not deny what he is saying, “The problem that I have is,
450 we’re listening to a consultant and we’re listening to somebody else, the DOT or somebody else.
451 We’re not listening to our constituents. They want this left turn. I don’t care if it’s three cars,
452 six cars, or nine cars. They want it, and I think it’s wrong when we said we were going to do it
453 and then we’re not going to do it. Maybe we will do it in the future, and that’s what I’ve heard
454 before. [I’ve heard], ‘We’re waiting for the DOT. We’re waiting for Mayo Clinic to decide
455 what they want to do with 12th Avenue.’ We should be done waiting for that. We got out to
456 serve our constituents.”

457
458 Jarrod said, “When I look at the intersection, this is the third time in my over 20-plus years here
459 that we’ve studied that intersection and looked at the addition of a left-turn arrow. Will the
460 intersection still function with the addition of a left-turn arrow? It will still function. I believe,
461 being your City Engineer, that it will not operate as efficiently as it would with it. Will it make it
462 more convenient for a few people making a left-hand turn at times? It will. But I think the
463 operation of the intersection will not perform as well without it. Will it still perform? It will still
464 perform, and it will work. But overall, it will not work as efficiently as without it.”

Reviewed 5/11/18 by Cari Burmaster

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465
466 Motion restated:

467
468 To deny installing a southbound left turn protected phase (left-turn arrow) at Main Street & 12th
469 Avenue South/Sand Lake Road.

470
471 On voice vote, motion carried.

472
473 2. Approval of four-way stop control during construction and use of
474 monetary incentives for project completion schedule

475
476 Motion by Mayor Chilsen, second by Ald. Gjertsen, to approve four-way stop control during
477 construction at Main Street & 12th Avenue South/Sand Lake Road and use of monetary
478 incentives for project completion schedule.

479
480 On voice vote, motion carried.

481
482 **PLAN COMMISSION**

483
484 EE. Acceptance of a Conditional Use Permit (CUP) application to allow the construction
485 of an automotive dealership/vehicle sales/repairs facility at 207 Marcou Road, Onalaska, WI
486 54650 submitted by Paul Borsheim of Borton Construction, Inc., 2 Copeland Avenue, Suite 201,
487 La Crosse, WI 54601 on behalf of Marvin Wanders of Stizo Development, LLC, PO Box 609,
488 La Crosse, WI 54602-0609 (Tax Parcel #18-3627-2).

489
490 Motion by Mayor Chilsen, second by Ald. Wulf, to accept a Conditional Use Permit (CUP)
491 application to allow the construction of an automotive dealership/vehicle sales/repairs facility at
492 207 Marcou Road, Onalaska, WI 54650 submitted by Paul Borsheim of Borton Construction,
493 Inc., 2 Copeland Avenue, Suite 201, La Crosse, WI 54601 on behalf of Marvin Wanders of Stizo
494 Development, LLC, PO Box 609, La Crosse, WI 54602-0609 (Tax Parcel #18-3627-2).

495
496 Ald. Gjertsen said he wants to know the impact Wisconsin 2017 Act 67 has on Conditional Use
497 Permit requests.

498
499 City Administrator Rindfleisch said, "There really two issues at hand with this. The first is to
500 notice the language of the motion, which is the acceptance of the Conditional Use Permit. What
501 this is is really a report coming to you from the Plan Commission, which already approved the
502 application. That's not with Act 67; that is the Plan Commission's purview to do so. The
503 Council has the ability to hear any appeals of any denials, but the applicant was not denied, so
504 there is no appeal process. The first thing to understand is that this is simply an acceptance
505 report coming to you from action taken by the Plan Commission. That action was taken, which
506 is the second issue at hand, which is Act 67 and was passed by the [Wisconsin State] Legislature.

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507 What it really moves is the onus of denial of conditional uses away from the applicant having to
508 prove why it's a good idea to the city having to provide substantial evidence as to why it's a bad
509 idea, in short. However, that proof has to be – the words I used with substantial evidence – has
510 to be documented and provable evidence that the conditional use can be turned down. That
511 really means without that, there are no grounds that the Plan Commission could have stood on to
512 turn it down. Our zoning ordinance calls for the automotive lot as a conditional use in that zone,
513 and under Act 67 there was really no other decision that could be made at that point in time.
514 There are conditions that are allowed under conditional use approvals, but the conditions must be
515 based on the actual evidence. It can't be as applied capriciously as perhaps it had been done in
516 the past. So as long as it is something that is zoned appropriately, there is very little room for
517 plan commissions throughout the state now to deny.”

518
519 Mayor Chilsen told Sean it is his understanding that a reliable third party must submit the
520 evidence.

521
522 Sean said, “Evidence has to be based upon, the term is ‘substantial evidence.’ This means it has
523 to be more than opinion, and more than a guesstimate. It has to be based upon a study that is
524 fact-based in some manner.”

525
526 Ald. Wulf asked if the Council is able to place any conditions on the CUP regarding, for
527 example, shielding light.

528
529 City Administrator Rindfleisch told Ald. Wulf, “The conditional use has been approved. But
530 before construction begins there is the site plan approval, and there are things that have to go
531 through staff yet. It has been noted that the lights, traffic, and things like that are still items that
532 need to be approved as part of the site plan.”

533
534 Ald. Wulf referred to Pam Krogness' comments during public input regarding the absence of an
535 outlet, noting she resides on a cul-de-sac and that there are signs attached to cul-de-sacs stating
536 they are not outlets. Ald. Wulf asked Jarrod if there is a sign on Marcou Road that states it is not
537 an outlet.

538
539 Jarrod said yes.

540
541 City Administrator Rindfleisch noted there is no access to STH 16 from the proposed Honda
542 Motorwerks site and said, “It would have to come in through Marcou Road.”

543
544 Ald. Gjertsen noted he had received a letter from a constituent stating similar concerns expressed
545 by Pam Krogness. Ald. Gjertsen said, “I'm not going to not vote for it for the simple fact I've
546 only had two people contact me who are concerned.”

547
548 Ald. Binash addressed Act 67 and said it is his understanding that if the Plan Commission denies
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14

549 a CUP request the applicant may come before the Common Council for approval.

550

551 Sean told Ald. Binash he is correct and stated, “That’s actually in our ordinance. That’s not an
552 Act 67 issue. Either property owners within a certain distance can appeal or, for instance, with
553 this one there could have been an appeal by the property owners, but there wasn’t. Then the
554 Council could have considered approval or denial. Or if there is a denial, then the applicant can
555 come to the Council to appeal it.”

556

557 City Administrator Rindfleisch said, “The implication would still be the same. If the Plan
558 Commission denied and it did not have fact-based evidence to cause a denial, it would then be up
559 to the Council to approve it because the statute is clear that unless that evidence is provided the
560 conditional use must be approved.”

561

562 On voice vote, motion carried.

563

564 Chair was turned back over to Mayor Chilsen.

565

566 **Item 10 – CITY ADMINISTRATOR**

567

568 A. **Resolution No. 16-2018** – Preliminary Resolution to vacate and discontinue Abbey Court

569

570 Motion by Ald. Binash, second by Ald. Wulf, to approve Resolution No. 16-2018 – Preliminary
571 Resolution to vacate and discontinue Abbey Court.

572

573 City Administrator Rindfleisch said, “To be clear, this is not an issue about Abbey Road. This is
574 Abbey Court, which is a road that is in the middle of the apartment complex that is being looked
575 at for development. We need to vacate this so that they can begin Phase One of the apartment
576 complex. It’s just a little cul-de-sac that’s to the west of Abbey Road. ... It’s the apartment
577 complex that’s looking at breaking ground shortly. We need to vacate our right-of-way so that
578 they can construct.”

579

580 On voice vote, motion carried, 5-0, with one abstention (Ald. Gjertsen).

581

582 B. Approval of a contract with Hoisington Koegler Group, Inc. (HKgi) for the Unified
583 Development Code/Zoning Ordinance Rewrite Project

584

585 Motion by Ald. Smith, second by Ald. Wulf, to approve a contract with Hoisington Koegler
586 Group, Inc. (HKgi) for the Unified Development Code/Zoning Ordinance Rewrite Project.

587

588 Ald. Every referred to the quoted 2018 hourly rates and said he believes the contract states the
589 rates may vary. Ald. Every pointed out there is “quite a wide range” in Hoisington Koegler
590 Group’s rates, and he said, “I’m curious if there was any discussion about ... The contract says

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591 2018 rates. Is that what we'll get?"

592

593 City Administrator Rindfleisch told Ald. Every yes.

594

595 Sean noted that the quoted rates will be the rates throughout the contract.

596

597 Ald. Every asked who will monitor the time put in by Hoisington Koegler Group over the 1½-
598 year period.

599

600 City Administrator Rindfleisch said, "The Planning Department, with me as department head,
601 and with Katie, as planner, will be monitoring that work." City Administrator Rindfleisch also
602 said the consultant will report to Katie.

603

604 Ald. Every referred to a clause in the contract addressing disputes and asked if the Common
605 Council will be notified if there are disputes.

606

607 City Administrator Rindfleisch told Ald. Every he will notify the Council if there are disputes
608 that impact the city.

609

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

611

612 **Item 11 – CLOSED SESSION**

613

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

618

- 619 • Formulating Negotiation Strategy Regarding Provision of Extraterritorial Fire Service

620

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

623

624 Motion by Ald. Olson, second by Ald. Binash, to convene in Closed Session.

625

626 On roll call vote: Ald. Kim Smith – aye, Ald. Ron Gjertsen – aye, Ald. Diane Wulf – aye, Ald.
627 Jim Olson – aye, Ald. Jim Binash – aye, Ald. Jerry Every – aye. Motion carried. In Closed
628 Session at 7:44 p.m.

629

630 Motion by Alderperson Jim Binash, second by Alderperson Jim Olson to adjourn from closed
631 session at 8:20 pm.

632

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16

633 On roll call vote: Ald. Wulf – aye, Ald. Olson – aye, Ald. Binash – aye, Ald. Smith – aye, Ald.
634 Gjertsen – aye, and Ald. Every – aye. Motion carried 6-0.

635

636

637 Recorded by:

638

639 Kirk Bey