

**Common Council
of the City of Onalaska**

Tuesday, May 12, 2020

1

1 The Meeting of the Common Council was called to order at 7:03 p.m. on Tuesday, May 12,
2 2020. 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 Kim Smith, Ald. Tom Smith,
5 Ald. Dan Stevens, Ald. Steven Nott, Ald. Jim Olson, Ald. Diane Wulf

6
7 Also Present: City Administrator Eric Rindfleisch, City Clerk Cari Burmaster, City Attorney
8 Amanda Jackson, Human Resource Director Hope Burchell, Parks and Recreation Director Dan
9 Wick, Assistant City Engineer Kevin Schubert, Financial Services Director/Treasurer Fred
10 Buehler, Police Chief Charles Ashbeck, Asst. Fire Chief Troy Guide, Planning Manager Katie
11 Aspenson

12
13

14 **Item 2 – Pledge of Allegiance**

15

16 The Pledge of Allegiance was recited.

17

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

20

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

28

29 **Item 4 – PUBLIC INPUT: (limited to 3 minutes/individual)**

30

31 Mayor K. Smith called for anyone wishing to provide public input.

32

33 **Tim Trailer**

34 **No address given**

35

36 Tim identified himself as one of the chaplains who serves the Onalaska Police Department and
37 gave the following prayer: *“Lord, God Almighty, you are great, kind, merciful, and loving, and*
38 *you are the source of wisdom and understanding. You are the very present help in times of need,*
39 *and Lord, I ask that as our city’s leaders join together again tonight, I ask for your assistance for*
40 *them as they lead our community during these unprecedented and very odd times. Lord, give*
41 *them guidance and wisdom as they serve, [and] as they make decisions. Grant them peace, and*
42 *help them to work together in unity. I ask your blessing be upon their lives and their families*

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43 *and their work. Thank you for equipping them with strength and passion to serve our city.*
44 *Please bless all of those who work to make this community such a wonderful place. I also ask*
45 *that you would bless and protect those who protect us – all those who work and serve in law*
46 *enforcement and our emergency services. And I ask you as well for your continued blessing on*
47 *our city and its citizens. And I ask, Lord, that you would continue to help us as we progress*
48 *through this pandemic, that you would help us remain at peace, to remain calm, and to continue*
49 *to trust in you. These things I ask you in your matchless and holy name, Amen.”*

50

51 Mayor K. Smith called three times for anyone else wishing to provide public input and closed
52 that portion of the meeting.

53

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

55

56 A. Community Update on COVID-19

57

58 Mayor K. Smith said City Administrator Rindfleisch and his team members had distributed a
59 survey this week to employees in an attempt to formulate a plan moving forward regarding a new
60 normal in the wake of the COVID-19 pandemic, but she does not believe much progress has
61 been made on that plan. Mayor K. Smith said she is advocating for additional COVID-19 testing
62 in La Crosse County and has spoken with La Crosse County Health Department employees about
63 this, stating she believes the testing that has occurred at the local medical centers is not at a high
64 enough level to evaluate the presence of the virus in the community. Mayor K. Smith said,
65 “[We’re] just trying to figure out a timeline so we can get everyone back to work and businesses
66 open and people going about their day-to-day business.”

67

68 City Administrator Rindfleisch told councilmembers he and the department heads had discussed
69 finding way to engage city employees as to what their personal and professional needs would be
70 so that they would feel comfortable with reengaging the public within the city’s facilities. City
71 Administrator Rindfleisch said the answers are varied, and that he does not believe there is a
72 direct consensus on the employees themselves. City Administrator Rindfleisch told
73 councilmembers he would not say that no progress is being made; rather, he and the department
74 heads are being sensitive to the employees’ needs so that they may be able to provide the high
75 level of service the public demands when city staff reengages the public in the city’s facilities.

76

77 Mayor K. Smith stated for clarification she meant that the city does not yet have an answer and
78 not that city officials are not trying.

79

80 B. Mayoral Proclamation for Emergency Order No. 3

81

82 Mayor K. Smith noted she had issued Emergency Order No. 3 on April 20 and said, “That was
83 the order that we felt was necessary in order to move necessary meetings to an online format so
84 that we could try to get back to business a little bit. It also reiterated that the city buildings were

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85 closed. The reason why I wanted to make that clear is because I was getting a lot of calls, and I
86 think some of the city staff were, too. People just needed at that time clearer guidance on what
87 was going on, so I attempted to clarify that with Emergency Order No. 3.”

88

89 Motion by Ald. Stevens, second by Ald. Wulf, to approve the Mayoral Proclamation for
90 Emergency Order No. 3.

91

92 On voice vote, motion carried.

93

94 C. Mayoral Proclamation for Emergency Order No. 4

95

96 Mayor K. Smith noted Emergency Order No. 4 was issued May 7 and said it addressed some
97 issues that were being encountered at City Hall. The order suspended the issuance of Solicitor
98 Direct Seller’s Permits until further notice to prevent individuals from engaging in door-to-door
99 sales at this time. Mayor K. Smith said she and staff also believed it was important to update the
100 rules pertaining to Special Event Permits “so that we could short-circuit it if we are able to grant
101 one.”

102

103 Ald. Nott said it is his understanding that Direct Seller’s Permits cover more than individuals
104 who go door-to-door, and he asked if it also includes food trucks.

105

106 Cari told Ald. Nott food trucks do not hold Direct Seller’s Permits; rather, La Crosse County
107 issues licenses to food truck vendors because they have food. Cari said food truck vendors
108 would work with the Parks and Recreation Department to reserve locations within the city. Cari
109 told Ald. Nott food truck vendors would not need to have a Direct Seller’s Permit to be able to
110 do that.

111

112 Ald. Nott asked if there are other categories of businesses other than door-to-door solicitation
113 that would require a Direct Seller’s Permit.

114

115 Cari said the only other item that would require a Direct Seller’s Permit would be if someone
116 who is not a permanent vendor, such as someone who sells fireworks, sets up a tent within the
117 city. Cari said the individual who is selling items within the tent would need to have a Direct
118 Seller’s Permit.

119

120 Ald. Stevens asked if Schwan’s vendors would be regulated under this proclamation.

121

122 Cari told Ald. Stevens they would not be regulated under the Direct Seller’s Permit as La Crosse
123 County issues licenses for food. Cari explained a Direct Seller’s Permit in the City of Onalaska
124 excludes food items.

125

126 Ald. Nott said he does not want the City of Onalaska to start determining who the winners and
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127 losers are from an economic standpoint, and he stated, “I just want to be very, very certain that
128 other than door-to-door sales this really doesn’t affect anyone else.”

129

130 Motion by Ald. T. Smith, second by Ald. Wulf, to approve Mayoral Proclamation for Emergency
131 Order No. 4.

132

133 Ald. Nott asked if the Council should consider stating this is specific to door-to-door sales, and
134 he said, “I just don’t want to leave somebody out who could be making a living without going
135 door-to-door with people who might not want them there based on the coronavirus issue where
136 actual customers would be coming to them.

137

138 Mayor K. Smith said this is suspended until further notice, and she told Ald. Nott, “I think that if
139 someone did have a specific need, this isn’t precluding the opportunity for them to bring that
140 specific situation forward.”

141

142 City Administrator Rindfleisch said it is not by definition any direct seller that the order covers;
143 rather, it is anyone who needs to qualify for a Direct Seller’s Permit under City of Onalaska
144 Ordinances. City Administrator Rindfleisch noted that is only the door-to-door and fireworks
145 vendors.

146

147 Amanda said the Mayor Proclamation for Emergency Order No. 4 still stands if the Common
148 Council does not ratify it, and she told councilmembers that from an ordinance standpoint the
149 only way to overturn a Mayoral Order under the Emergency Management Ordinance is to pass a
150 resolution in contrary to it. Amanda said, “Procedurally, I think it’s good if we have consensus,
151 so we have been ratifying these as a way to show consensus.”

152

153 Ald. Nott said he does not want this order to affect fireworks sales if they normally are
154 something that is permitted. Ald. Nott also said, “I just don’t want this to be arbitrary because
155 we already have a lawsuit against the state for multiple reasons, but that’s one of them that
156 they’re arguing. I don’t want us to be in that situation.”

157

158 Mayor K. Smith noted this order may be lifted and said she hopes it can be lifted very soon.

159

160 Ald. Stevens asked for an explanation as to how this would revert back to normal, asking if the
161 Council would have to pass another resolution.

162

163 Amanda said she believes at some point a decision will be made either to revert back the
164 Mayoral Order, or one encapsulating order or resolution stating there no longer is a health
165 emergency will be done. This action essentially will undo these orders.

166

167 Ald. Stevens asked if the Council may undo this Emergency Order at a later date when it
168 becomes relevant.

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169

170 Mayor K. Smith said yes and told Ald. Stevens she believes she has the ability to do so without
171 needed the Common Council to meet.

172

173 Amanda told Mayor K. Smith she could undo it in a future order, and she said she believes it is
174 more likely there will be piecemeal reversals. Amanda also said there could be one
175 encapsulating resolution at a June meeting or a later meeting, if necessary.

176

177 On voice vote, motion carried.

178

179 D. **Resolution 25-2020** – To Amend The City of Onalaska Fee Schedule As It Relates to
180 Liquor License Fees

181

182 Mayor K. Smith told councilmembers she had put together this resolution with assistance from
183 both Amanda and Cari. Mayor K. Smith noted it takes a similar resolution that had come before
184 the Council in April and said it addresses several of the questions that had arisen in discussion.
185 Mayor K. Smith said, “It lacked a lot of discussion because it hadn’t gone through committee
186 first. I really want to say again the reason I think this is important is because the City of
187 Onalaska is sending a bill to businesses that are currently shut down during this emergency
188 shutdown period because of the COVID virus. I think that it isn’t as much about the money as
189 about good business and standing together with our small businesses in our community. If you
190 disagree with me I understand that. I just really wanted to spend a little bit more time on the
191 resolution. I gave you a list of the businesses it was really affecting, and I hope that you’ll
192 consider Resolution 25-2020.”

193

194 Ald. Nott stated he likes this resolution better and said the previous resolution would have
195 benefitted establishments that are currently selling liquor. Ald. Nott said he believes this
196 resolution targets the establishments that either are closed or selling at a significantly reduced
197 level of sales.

198

199 Ald. T. Smith asked if the resolution requires the city to give back any refunds to anyone who
200 requests them.

201

202 Mayor K. Smith said, “The reason we were trying to bring it forward for discussion the last
203 month is because if we could have made a decision then, we could have cut it off before the bills
204 went out. But as it is now, the bills have already gone out [and] we would have to follow that up
205 with a refund or a letter saying you don’t need to pay.”

206

207 Ald. T. Smith asked, “In fairness, if somebody has already paid we would refund them?”

208

209 Mayor K. Smith said yes and noted some establishments have already paid.

210

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211 Motion by Ald. Nott, second by Ald. T. Smith, to approve Resolution 25-2020 – To Amend The
212 City of Onalaska Fee Schedule As It Relates to Liquor License Fees.

213

214 Ald. Wulf noted the financial impact would be slightly less than \$12,000, and she said she also
215 understands that renewals were sent in March. Ald. Wulf said Cari had told her Monday that
216 perhaps seven of the 29 were expected to come in this week. Ald. Wulf said the establishments
217 would not be able to be published Friday or be issued a license if payment was not received this
218 week. Ald. Wulf stated she will continue not to support this and said, “I realize it’s only
219 \$12,000. I understand that Eric is going to have a special meeting hopefully in late May or
220 sometime in June depending on schedules. I would like to know where we are, and to get a
221 better handle of where we are financially. I know we have a wage study coming up. I know
222 \$12,000 is not a lot of money, but I feel like the city is bleeding money right now and there is a
223 lot on our plate. I just have difficulty supporting this at this time. I also have trouble supporting
224 and asking taxpayers to subsidize a private golf course. I don’t know how I can justify this to the
225 taxpayers. I also have not had anyone reach out to me personally ... I have not had a single
226 phone call or an email from any of my constituents, or anyone who is in the City of Onalaska,
227 asking me to support this. This evening I will be voting ‘no.’ ”

228

229 Ald. Stevens said that while he likes this resolution better as it omitted the Class A licenses, he
230 likely will side with Ald. Wulf, although likely for a different sort of rationale. Ald. Stevens
231 said, “After the last meeting where this was discussed, I really put a lot of thought wondering if
232 this is the right thing. As more information came out, I am a little bit more resolute in that
233 position. Without trying to get up on a soapbox, I really thought about our role as a City Council
234 and what our fiduciary responsibilities are to the taxpayers. My heart goes out to some of these
235 local mom and pops – and I think they would appreciate the symbolic effort – but it’s not just
236 mom and pops. It’s national chains. There are private golf courses on there that I’m not even
237 sure if they’re open to the public. For us to stand in front of voters and justify how much higher
238 should their property tax bill go up to help write off part of a business expense ... I don’t think
239 that’s the role of government. What our role is, when we’re being good stewards of the
240 taxpayers’ dollars, is health and public safety and infrastructure. It’s firefighters and policemen
241 and Public Works and parks. We absolutely want to promote a healthy business environment,
242 but I think that’s having just a fair and level playing field for businesses to compete in.

243

244 Alder Nott mentioned before about not wanting to pick winners and losers. I think this kind of
245 builds into that. At the end of the day, if I have to justify why my neighbor’s property tax bill
246 had to go up to fund a golf course, I honestly would feel like an idiot. I think that it is a more
247 appropriate role that rather than writing off some of their expenses, which I’m sure would create
248 at least something of an onus on accounting for our staff, a better role for us as Council and a
249 municipal government would be when things are back to normal we should find a way to help
250 them fill their coffers. I don’t know what that looks like. Whether it’s the city or a civic
251 organization has a pub crawl. Maybe we could give rides on a fire truck – I’d pay money to go
252 from bar to bar. I’m sure [Amanda] is probably cringing right now [because] there are all sorts

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253 of legal and liability reasons why that couldn't happen. I think that would be a better approach,
254 and that would be us being better stewards of the taxpayers' dollars. If the fees are too high and
255 we have to give the money back, we should probably lower the fees on a permanent basis. If the
256 fees are justified and there are expenses that that offsets, it's not right that our local taxpayers
257 should have to pay the burden for what was essentially a state mandate. This is kind of an
258 indirect, unfunded state mandate. The more I thought about it, the more firm I am in that there
259 are other ways that we should help. Reducing the permits for a specific industry is not one of
260 them. I will be voting against this."

261
262 Ald. Nott stated he wants to clarify his "winners and losers" comment, saying it was specific to
263 "whether or not we were going to allow people to have permits to conduct a business where
264 people come to them freely of their own will to buy a product. As it turns out, that was not a
265 valid concern of mine because it didn't apply to that. This was only to house-to-house solicitors.
266 In this case, this resolution applies across the board. It's not picking some people with Class B
267 licenses to get relief, [while] other people with Class B licenses do not. That's not what we're
268 talking here. This is a sameness across the board with all of them."

269
270 Mayor K. Smith noted these businesses are shut down and said, "The City of Onalaska is sending
271 them a bill that they have to pay, and they're not even in business right now. At the very least, if
272 you wanted fairness, it would be thinking about a prorated fee."

273
274 On roll call vote: Ald. Steven Nott – aye, Ald. Diane Wulf – nay, Ald. Jim Olson – aye, Ald.
275 Tom Smith – aye, Ald. Dan Stevens – nay. Motion carried, 3-2.

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

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

284
285 **Item 6 – Consent Agenda**

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

288
289 **FINANCE COMMITTEE**

- 290
291 B. Approve 2020 Omni Center Financials
292 C. Approve 2020 General Fund Financials
293 D. Approve Gundersen Health System Parking Ramp Financial for 1st Quarter 2020
294

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295 **PERSONNEL COMMITTEE**

296

297 E. Update from Human Resources on staff vacancies – (For Information Only)

298 F. Authorization to replace, post and advertise the City Clerk position, and if promoted
299 within the department, a Deputy City Clerk position

300 G. Approval of job description: City Clerk

301

302 **BOARD OF PUBLIC WORKS**

303

304 H. Approval of chemical rehabilitation of Well #9 by CTW Corporation in the amount of
305 \$64,660

306 I. Approval of 2020 Unidirectional Flushing Plan update by Short Elliott Hendrickson in
307 the amount of \$18,200

308 J. Approval of 2020 Wastewater Feasibility Study by Short Elliott Hendrickson in the
309 amount of \$24,500

310 K. Approval of Change Order #1 for 2019 Cured In Place Pipe Project by Visu-Sewer, Inc.
311 in the amount of \$27,243

312

313 **PARKS, RECREATION & LIBRARY BOARD**

314

315 L. Approve the Omni Center Arena #2 Chiller repairs to Trane at a cost not to exceed
316 \$5,584.00

317

318 Motion by Ald. Stevens, second by Ald. Olson, to approve the Consent Agenda.

319

320 On voice vote, motion carried.

321

322 **Non-Consent Agenda**

323

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

325

326 As no items were pulled from the Consent Agenda, Item 8 was addressed next.

327

328 **Item 8 – FINANCE COMMITTEE**

329

330 A. Vouchers

331

332 Motion by Ald. Stevens, second by Ald. Olson, to approve the vouchers expended since the last
333 Common Council meeting on April 14, 2020 in the amount of \$2,142,179.35.

334

335 On voice vote, motion carried.

336

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337 B. WI Department of Transportation Bureau of Transportation Safety (BOTS) is offering a
338 75/25 match relating to speeding and other traffic violations

339

340 Motion by Ald. Stevens, second by Ald. Olson, to approve WI Department of Transportation
341 Bureau of Transportation Safety (BOTS) is offering a 75/25 match relating to speeding and other
342 traffic violations.

343

344 On voice vote, motion carried.

345

346 C. Authorization to replace a door / frame at 1321 Rosewood Trail not to exceed \$4,840

347

348 Motion by Ald. Stevens, second by Ald. T. Smith, to approve authorization to replace a
349 door/frame at 1321 Rosewood Trail not to exceed \$4,840.

350

351 Ald. Wulf noted she had called the contractor and said the cost of materials is \$2,400, and labor
352 costs total \$2,440.

353

354 On voice vote, motion carried.

355

356 **Item 9 – PERSONNEL COMMITTEE**

357

358 A. Approval of changes to Policy 6.08 Employee Attire

359

360 Motion by Ald. Stevens, second by Ald. Wulf, to approve changes to Policy 6.08 Employee
361 Attire.

362

363 Ald. Stevens noted the Finance and Personnel Committee had discussed hair color under Part 2 –
364 General Guidelines at its May 6 meeting, and he said, “In keeping up with the times, some
365 people might wish to augment or have what might be deemed as not a natural hair color like a
366 highlight. I would recommend that we change ‘unnatural hair color’ in the sentence ‘*Therefore,*
367 *the following is not acceptable: spandex, bare feet, unnatural hair color, sexually provocative*
368 *clothing of any kind promoting illegal or restricted substances ...*’ to strike the word ‘unnatural’
369 and replace it with ‘disruptive.’ Somebody could potentially highlight their hair as long as it
370 doesn’t cause an issue at the office, at City Hall, or make it so Human Resources has to police
371 this. This is kind of minute, but I think in keeping up with the times we want to look
372 professional, but we don’t want to be overbearing on how city employees are expected to present
373 themselves.”

374

375 Mayor K. Smith asked Ald. Stevens if this is an amendment or a discussion.

376

377 Motion by Ald. Stevens, second by Ald. T. Smith, to amend the previous motion and strike the
378 word “unnatural” under Part 2 – General Guidelines, and replace it with the word “disruptive.”

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379

380 Ald. T. Smith asked Hope for her input regarding the word “disruptive,” and also if she is
381 comfortable utilizing that word.

382

383 Hope said that while she does not object to utilizing the word “disruptive,” she also told
384 councilmembers she believes it will be difficult to define. Hope said an employee could have
385 rainbow-colored hair that someone could consider to be disruptive. Hope also said she does not
386 know if the Council wants to limit someone’s hair color as that is a policy decision and not her
387 decision. Hope told councilmembers she believes the thought process has to be if people will be
388 treated the same way regardless of whether their hair is rainbow-colored, bright purple, blonde or
389 brunette.

390

391 Mayor K. Smith said she believes the word “disruptive” is suggestive, and she inquired about
392 utilizing a better word that will make it easier for someone to make a determination.

393

394 Amanda said she believes if the intent is that the city does not want to regulate hair color, the
395 words “unnatural hair color” should be removed from the policy. Amanda said she believes it
396 becomes very difficult and subjective to determine what is disruptive, noting it can be very
397 personal because while someone might find an individual who has rainbow-colored hair to be
398 disruptive, she might not find it to be disruptive. Amanda said, “I think it opens up this can of
399 worms as to what an individual interprets, and I think uniformity in how we administer the
400 policy gets difficult across departments. If it’s the will of the Council that we don’t have a
401 problem, times have changed and we don’t mind a purple streak in someone’s hair, then I think
402 we remove ‘unnatural hair color’ from the policy.”

403

404 Ald. T. Smith said he believes the word “disruptive” would be difficult to interpret and told
405 councilmembers he favors the idea of removing hair color and relying on the judgment of city
406 staff.

407

408 Ald. Stevens said his goal is not to create extra work for anyone, stating, “We want and expect
409 employees to come to work in a professional, public setting and be able to interact with the
410 public normally.” Ald. Stevens said it could be awkward if someone was pulled over by a police
411 officer who has two different hair colors, adding that he does not know if that would preclude
412 that officer from doing his or her job. Ald. Stevens said he would support removing the words
413 “unnatural hair color” if Hope believes that would be more appropriate.

414

415 Mayor K. Smith said she believes the Police Department has a separate professionalism
416 appearance policy.

417

418 Hope told Mayor K. Smith she is correct.

419

420 Ald. Wulf offered to make another amendment if Ald. Stevens and Ald. T. Smith were to

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421 withdraw their respective motion and second for the amendment.

422

423 Motion and second for the amendment withdrawn.

424

425 Motion by Ald. Wulf, second by Ald. T. Smith, to amend the previous motion and remove the
426 words “unnatural hair color” under Part 2 – General Guidelines of Policy 6.08 Employee Attire.

427

428 Vote on the amendment:

429

430 On voice vote, motion carried.

431

432 Original motion stated:

433

434 To approve changes to Policy 6.08 Employee Attire.

435

436 On voice vote, motion carried.

437

438 **Item 10 – JUDICIARY COMMITTEE**

439

440 A. **Ordinance 1669-2020** – to amend Title 1 of the Code of Ordinances of the City of
441 Onalaska relating to general provisions for use and code of ordinances

442

443 Motion by Ald. Nott, second by Ald. T. Smith, to approve Ordinance 1669-2020 – to amend
444 Title 1 of the Code of Ordinances of the City of Onalaska relating to general provisions for use
445 and code of ordinances.

446

447 Ald. Wulf noted Amanda had not received a redlined version of the ordinance until late Tuesday
448 afternoon, and she asked that this item be referred to the June 9 Common Council meeting.

449

450 Mayor K. Smith told Ald. Wulf she believes it is a good idea to refer this item, but she also noted
451 there is a motion on the floor to approve the ordinance.

452

453 City Administrator Rindfleisch said a motion to refer will supersede the previous motion on the
454 floor.

455

456 Motion by Ald. Nott, second by Ald. T. Smith, to refer to the June 9 Common Council meeting
457 Ordinance 1669-2020 – to amend Title 1 of the Code of Ordinances of the City of Onalaska
458 relating to general provisions for use and code of ordinances.

459

460 On voice vote, motion carried.

461

462 **Item 11 – ADMINISTRATIVE COMMITTEE**

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A. Approval of Operator’s Licenses as listed on report dated May 7, 2020

Motion by Ald. T. Smith, second by Ald. Nott, to approve the Operator’s Licenses as listed on report dated May 7, 2020.

On voice vote, motion carried.

Item 12 – BOARD OF PUBLIC WORKS

A. **Resolution 24-2020** – Resolution for authorizing participation in the Wisconsin Water and Wastewater Agency Response Network (WIWARN)

Motion by Ald. Wulf, second by Ald. Nott, to approve Resolution 24-2020 – Resolution for authorizing participation in the Wisconsin Water and Wastewater Agency Response Network (WIWARN).

On voice vote, motion carried.

B. Review and consideration of bids received for 2020 City Hall Roof Replacement project

Kevin told councilmembers bids had been opened earlier Tuesday in the City Hall parking lot and noted four bids had been received. Ledegar Roofing submitted the lowest bid in the amount of \$248,197.

Ald. Wulf asked Kevin if \$300,000 was budgeted for this project in the 2020 Capital Improvements Budget.

Kevin told Ald. Wulf that \$300,000 was budgeted under Item No. 54 in the 2020 CIB.

Motion by Ald. Wulf, second by Ald. Olson, to award Ledegar Roofing the bid for the 2020 City Hall Roof Replacement Project in the amount of \$248,197.

On voice vote, motion carried.

Item 13 – PARKS, RECREATION & LIBRARY BOARD

A. Update and decision on plans moving forward:

1. Aquatics

Ald. Nott told councilmembers the Parks, Recreation & Library Board had met Monday evening Reviewed 05/14/2020 by Cari Burmaster

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505 and said board members recommended waiting one more week with a recommendation
506 regarding whether or not to open the Aquatic Center for the 2020 season. Ald. Nott said the
507 decision was based on the fact board members were waiting for a ruling by the Wisconsin
508 Supreme Court regarding Governor Tony Evers' "Safer At Home" order (The Wisconsin
509 Supreme Court struck down the order Wednesday on a 4-3 vote).

510
511 Ald. Nott said, "The discussion was basically, do we have to close? Or do we have to come
512 before the Common Council and request an additional significant sum of money – basically
513 about \$100,000 – in order to run the pool? It's my perception based on the discussion that we
514 understand that would be unreasonable to come forward to ask for. The model the Parks and
515 Recreation folks used to determine what the losses would be were based upon the current
516 restrictions under the current state guidance that references how many people are allowed in the
517 pool, how often they'd have to clean everything that's touched and things of that nature that
518 would make it to the point where we'd be losing that much additional money above and beyond
519 what the budget was already calling for. The concern is based on the pending Supreme Court
520 decision, those planning criteria may significantly change. They also may not; we just don't
521 know. The Parks and Rec Board was recommending that we wait and see what comes out of
522 that. [The board] is going to be meeting again [May 18], and we'll probably have another
523 recommendation."

524
525 Ald. Wulf noted she had listened in on Monday's Parks, Recreation & Library Board meeting
526 and heard input from Dan and board members. Ald. Wulf noted Dan had recommended closing
527 the Aquatic Center for the 2020 season, and a motion to close the pool for the season failed on a
528 5-2 vote. Ald. Wulf noted Dan is required to operate under the approved budget, and she said,
529 "Quite honestly, I don't know what is going to be gained by another week. I appreciate that Dan
530 has reached out the [Parks, Recreation & Library] Board and the Council for making these
531 decisions. As someone who appreciates and respects boards, committees, and commissions'
532 input, I appreciate that he has reached out for all of our opinions."

533
534 Motion by Ald. Wulf, second by Ald. Nott, for the Common Council to take no action to amend
535 the Aquatic Center budget for 2020.

536
537 Ald. Nott said he does not think that will impact the Parks, Recreation & Library Board's
538 recommendation, telling councilmembers that while he cannot speak for the board members, it
539 was his perception that no one on the board wanted to request additional funds from the Council.
540 Ald. Nott said board members thought making a decision to close the facility for 2020 was
541 premature.

542
543 Ald. Wulf said she believes everyone is disappointed with where things currently are, and that
544 everyone would like to open the Aquatic Center and move forward. Ald. Wulf stated her
545 primary concern is protecting the staff, and she said she appreciates the fact Dan created a
546 document that shows what would be required as part of the Centers for Disease Control and

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547 Prevention's guidelines. Ald. Wulf said, "I think that's going to be a very tall order. I know
548 there is some conflicting information whether or not we're going to have to operate at a CDC
549 level or at a [La Crosse] County level regardless of whether the state order is lifted or not by the
550 Supreme Court. I think we have a lot of work in front of us, and my number one concern is staff
551 and the administration of what we may have ahead of us. ... Once again, I'm going back to my
552 original statement early in tonight's [meeting] that I feel like the city is bleeding money. As
553 someone who doesn't have a problem operating a pool at a deficit – I think it's our contribution
554 to the community, and taxpayers want a community pool – but I don't think we can throw more
555 good money after bad."

556
557 Ald. Stevens said, "In the event that no additional monies are allotted to the Aquatic Center at
558 this point, the way that I'm reading some of the materials presented, the challenges coming from
559 higher levels of government would suggest that, for example, we have to limit how many people
560 could be in the pool, which would limit revenue that would come. So we would be operating at
561 an elevated loss. Secondly, there are situational things we would have to monitor. [For
562 example], if you have a swimming lesson a parent would have to be in [the pool] at the same
563 time and people have to be so far apart. It almost seems like if that's the case, I'm not sure how
564 practical it would be to have the pool be open. So if not increasing money buys us time to
565 potentially either ... If nothing changes, we can just close the pool down because it's not
566 practical, it's not feasible, [and] it's not economical. Or if the rulings come down the other way
567 and everybody can just jump in the pool at the same time, then maybe we can operate and
568 provide the city service as was originally intended."

569
570 Dan said he believes the motion that was made gives direction to the staff to attempt to develop a
571 budget that will work. Dan told councilmembers that earlier Tuesday staff had heard differing
572 opinions regarding how the aquatics will be operated. Dan said staff members have had
573 productive conversations with representatives from the La Crosse County Health Department,
574 who have provided direction. Dan told councilmembers he had participated in a call earlier
575 Tuesday with members of the Wisconsin Park and Recreation Association and said another State
576 of Wisconsin department has given different direction regarding who will administer how pools
577 may open. Dan said budget documents have been created based on the "Safer At Home" order
578 and recommendations from the La Crosse County Health Department. Dan said, "If these things
579 are changed and they move to the CDC guidelines, we will have to reevaluate that, and that gives
580 us the goal for the next Park Board meeting that we can reevaluate these and get some answers
581 prior to that time."

582
583 Ald. Stevens asked if approval means the city may open the Aquatic Center at a later date if it is
584 possible to do so, "but if it behooves us to close the pool, then we can."

585
586 Dan told Ald. Stevens he is correct and said the Parks, Recreation & Library Board will be able
587 to have forecasted budget information at its May 18 meeting based on the information it has at
588 that time. Dan said, "We would be able to make that decision at that time."

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589

590 Ald. Nott said it is his understanding that by passing this motion, the Parks and Recreation
591 Department would be able to open the pool only if its business model shows it would be possible
592 to operate the Aquatic Center within the existing previously approved budget. Ald. Nott said,
593 “Under the current guidelines there’s no way they could. But the question is, what are those
594 guidelines going to be after the Wisconsin State Supreme Court comes out with its ruling?”

595

596 On voice vote, motion carried.

597

598 2. Recreation

599

600 Ald. Nott said Parks and Recreation Department staff members have determined they likely can
601 delay the start of some of the recreation programs, particularly the adult programs. Ald. Nott
602 said the men’s softball teams have expressed a desire to still play even if their season is delayed.
603 Ald. Nott said the primary challenges are with the youth programs, noting that based on the
604 current guidelines it would be very difficult for the programs to be able to compete and practice.
605 Ald. Nott said there have been discussions about either delaying or cancelling some of the
606 events.

607

608 Dan said staff is monitoring all situations and told councilmembers plans are being put in place.
609 Dan said he hopes to come to the May 18 Parks, Recreation & Library Board meeting with
610 additional details, noting staff has been working closely with the Coulee Region Sports League,
611 the league in which the Parks and Recreation Department’s baseball and softball teams
612 participate. Dan noted staff will participate in a discussion Thursday with local departments
613 regarding available options. Dan said, “Things are changing every day, and we get different
614 guidelines and different things coming out. We’re trying to stay up to speed as much as we can
615 so we can develop a policy statement for us to move forward.”

616

617 **Item 14 – CLOSED SESSION**

618

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

623

- 624 • IAFF, International Association of Firefighters, Local 127
- 625 • OPPA, Onalaska Professional Police Association, Memorandum of Understanding
626 Recruits
- 627 • Discussion and negotiation regarding the proposed Sanitary Sewer Agreement with the
628 City of La Crosse

629

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630 And under Section 19.85(1)(g) of the Wisconsin Statutes for the purpose of conferring with legal
631 counsel for the governmental body who is rendering oral or written advice concerning strategy to
632 be adopted by the body with respect to litigation in which it is or is likely to become involved:

633

- 634 • IAFF, International Association of Firefighters, Local 127: Prohibited Practice
635 Complaint – RE: Part-Time EMTs

636

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

640

641 Motion by Ald. Stevens, second by Ald. T. Smith, to convene in Closed Session.

642

643 On roll call vote: Ald. Diane Wulf – aye, Ald. Dan Stevens – aye, Ald. Steven Nott – aye, Ald.
644 Tom Smith – aye, Ald. Jim Olson – aye. In Closed Session at 8:10 p.m.

645

646 Motion by Alderperson Diane Wulf, second by Alderperson Steven Nott to adjourn from closed
647 session at 9:34 pm.

648

649 On roll call vote: Ald. Wulf – aye, Ald. Olson – aye, Ald. Smith – aye, Ald. Nott – aye, and Ald.
650 Stevens – aye. Motion carried 5-0.

651

652

653 Recorded by:

654

655 Kirk Bey