

**Common Council  
of the City of Onalaska**

Tuesday, June 9, 2020

1

1 The Meeting of the Common Council was called to order at 7:00 p.m. on Tuesday, June 9, 2020.  
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 Kim Smith, Ald. Tom Smith,  
5 Ald. Jim Olson, Ald. Dan Stevens, Ald. Diane Wulf, Ald. Steven Nott

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

12  
13 **Item 2 – Pledge of Allegiance**

14  
15 The Pledge of Allegiance was recited.

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

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

27  
28 **Item 4 – PUBLIC INPUT: (limited to 3 minutes/individual)**

29  
30 Mayor K. Smith called for anyone wishing to provide public input.

31  
32 **Dave Konkol, Pastor, First Free Church**  
33 **123 Mason Street**  
34 **Onalaska**

35  
36 “I would like to offer a prayer as your meeting gets started: *‘Heavenly Father, I just thank you*  
37 *for the fact that these men and women have chosen to serve their community in this way. Lord,*  
38 *it’s a big responsibility. They have to make decisions tonight that are small, and big decisions as*  
39 *well. But I pray that in every decision tonight in this place there would be a sense of unity, a*  
40 *sense of clarity, [and a sense] of wisdom that goes even beyond themselves, Lord. And at the*  
41 *end, they would have the courage to make the right decisions set before them – big or small – for*  
42 *the betterment of this community, because I know that’s what they want to do, and that’s why*

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43 *they're serving. I pray that in Jesus' name, Amen.' "*

44

45 **Steven Markos**

46 **906 Westview Circle Drive**

47 **Onalaska**

48

49 "I'd like to thank the Common Council for allowing me to speak. The purpose of my input to  
50 this meeting tonight is to ask for consideration regarding the tree removal on the city right-of-  
51 way at my home address. My wife and I did grow up in Onalaska, and we graduated in 1991 and  
52 1993, respectively, from Onalaska High School, but only recently returned to the area to raise  
53 our family, back in 2013. We purchased our home at 960 Westview Circle Drive after living in  
54 Austin, Texas for approximately 15 years. At that time we had no knowledge of the Urban  
55 Forestry Division when we purchased our home, and the tree that was cut down in late January  
56 2018, we did not know the right-of-way laws for the Urban Forestry Division. Since we  
57 purchased the home, the tree never appeared to be healthy and was awkwardly placed close to  
58 the curb. It seemed like it was fighting to grow against the tree that was closer to the center of  
59 the yard. It also held its leaves during the winter, and I had opinions it needed to be removed.  
60 That being said, I would like to take responsibility for my actions and plant the new tree. I  
61 would not have cut the tree down had I known it was owned by the city. I invest thousands of  
62 dollars into my yard every year – fertilization, irrigation, landscaping. In 2015 I was awarded  
63 'Yard of the Month' from the Lions Club, so I do take pride in my yard and I would not have  
64 removed something that should not have been removed, in my opinion. I appreciate your  
65 consideration, and thank you for your time."

66

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

69

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

71

72 A. Community Update on COVID-19

73

74 Mayor K. Smith said the city is attempting to reopen as much as possible.

75

76 City Administrator Rindfleisch said City Hall, which had been accessible via drop boxes, the  
77 telephone, and emails, had reopened to the public Monday. The building will be open Mondays  
78 and Wednesdays from 9 a.m. to 1 p.m., and Tuesdays and Thursdays from 1 p.m. to 5 p.m. City  
79 Administrator Rindfleisch said there might be different entrances to offices, and he noted signs  
80 have been posted for social distancing.

81

82 B. Census Update

83

84 Mayor K. Smith said that responding to the 2020 Census gives everyone in the community to  
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85 help shape the City of Onalaska’s future. The United States Constitution mandates the census,  
86 and Mayor K. Smith said, “It is our responsibility to respond. A complete and accurate count is  
87 really important for us because it does also help determine funding for future programs.” Mayor  
88 K. Smith noted 76.2 percent of the city’s citizens have self-responded. By comparison, the  
89 response rate to the 2010 Census was 82.2 percent. La Crosse County’s response rate to the  
90 2020 Census is 68.7 percent, compared to 79.5 percent with the 2010 Census. The State of  
91 Wisconsin’s response rate to the 2020 Census is 66.7 percent, which currently ranks second in  
92 the nation. Mayor K. Smith noted the deadline to respond to the 2020 Census is October 31, and  
93 she encouraged citizens to respond as soon as possible.

94

95 C. Resolution 29-2020 – To Rescind Mayoral Order #4 and Adopt Coulee Covid-19  
96 Compass as it Relates to Special Events

97

98 Mayor K. Smith noted the city has several emergency orders in place, and she said, “We’re  
99 trying to evaluate them regularly and make changes as necessary. This would take that  
100 emergency order off place and adopt what our new normal is going to be going forward.”

101

102 Motion by Ald. Wulf, second by Ald. Stevens, to approve Resolution 29-2020 – To Rescind  
103 Mayoral Order #4 and Adopt Coulee Covid-19 Compass as it Relates to Special Events.

104

105 Ald. Nott asked if social events will fall under the category of social gatherings by adopting the  
106 Coulee Covid-19 Compass for special events.

107

108 Amanda told Ald. Nott it would depend on the special event itself.

109

110 Ald. Nott asked what the majority of them would fall under, and he said, “We need to know  
111 which one of these categories is going to be guiding us.”

112

113 Amanda said she believes the majority would be outdoor gatherings, adding that a special event  
114 can be everything from road races to block parties to concerts. Amanda noted there are separate  
115 guidelines for farmers markets, and she said, “We’re probably looking at multiple categories.  
116 There are probably three or four that we would use most often, but I would say outdoor gathering  
117 is probably the most common.”

118

119 Ald. Nott said, “I have pretty serious concerns. Currently they still have us listed about the board  
120 we would be deferring to for determining this. It still has us listed at high risk, which means 15  
121 or fewer indoors, and 50 or fewer outdoors. I think that that’s extreme considering that the state  
122 is basically open, and bars and restaurants and churches across the state have far more than that.  
123 We’re creating a constraint that I don’t know is necessary. But even beyond that, I think some of  
124 you know from previous meetings that I have real serious issues with just picking some random  
125 number for determining how many people can gather in the first place. Again, 15 indoors – why  
126 15? Why not 14? Why not 16? Why not 20? Why not five? It’s totally arbitrary. There is no

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127 science based on this at all. I just don't think that we should be having the board determining our  
128 special events, especially if they have what I think are very questionable controls in place that  
129 are not scientifically based.

130

131 I know that even the CDC has now accepted the study from Stanford that shows that the worst-  
132 case mortality rate is now 0.26 percent. That's worst case. The Stanford study indicated it most  
133 likely was even less than that. That was the worst-case scenario. The CDC has accepted that.  
134 I'm not so sure our county board has accepted that because they have not changed anything here.  
135 In fact, these numbers and a lot of their methodology still seem based upon the what were  
136 obviously gross overestimates on the spread of COVID-19 and the mortality of COVID-19 that  
137 were back in February. I don't really see any difference in their methodology here. We know  
138 now that those are absurd, the estimates of 2.2 million people dying in the United States – it's  
139 outrageous. Between the Stanford study, studies out of Norway, studies out of Germany –  
140 several of them that have been peer-reviewed [and] actual scientific studies as opposed to  
141 guessing based on modeling – they have repeatedly now shown that whether it be globally or  
142 with the Stanford study here inside the U.S. across the U.S. that the levels of constraints that  
143 governments put in place or not are showing that there is no statistical difference between people  
144 who went totally draconian and people who were far more open that there's no difference. The  
145 disease is doing what the disease does, and there's not much that we're going to do to change  
146 that. All we're going to be able to do is quarantine the sick and safeguard the at-risk population  
147 as best we can.

148

149 Again, the question I have – especially to the county board of health – is, can we please stop the  
150 ... I understand that it is very difficult for politicians and bureaucrats to admit that they got  
151 something wrong. But I'm starting to conclude that there is no hope whatsoever that the county  
152 board is going to be able to admit that maybe they had some things wrong here because they are  
153 still continuing to go down the path of basing their recommendations off of what is clearly still  
154 modeling more than likely going all the way back to February, and we know that this just isn't  
155 right. It's not that I am opposed to rescinding the Mayoral Order; I think it needs to be  
156 rescinded. But I am not in agreement at all that we should be deferring our own leadership  
157 responsibility to a board of unelected bureaucrats who are clearly showing to me, anyway, that  
158 they're not making decisions based on the most recent science. I guess I would like to open it up  
159 if anyone else has any other comments."

160

161 Mayor K. Smith said, "I think that it's important with coming forward with Resolution 29-2020 I  
162 think it's important that we do rescind the Mayoral Order Number 4 because that greatly restricts  
163 our ability, and we're only talking about special events here. We're not talking about anything  
164 outside of special events. But the Mayoral Order [Number] 4 does greatly restrict the ability to  
165 have any special events except for reoccurring ones, and then under special consideration. But  
166 once we do that, I think it's important for the community and for event planners to have a way to  
167 determine if they can have their event or not. And I don't think the City of Onalaska – as much  
168 as what I believe in all of us – I don't think that we have the technical knowledge exceeding the

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169 La Crosse County Health Department to determine what action we should take in what  
170 situations. I think it's a fluid situation. I don't disagree with all of your points, Alder Nott, but I  
171 do disagree that we should freewheel out and write our own set of guidelines when we have a  
172 county health department who has jurisdiction in this situation. Granted, they've just put out  
173 guidelines [and] they're not mandates. But I think their level of expertise exceeds the Onalaska  
174 Common Council's level of expertise when it comes to disease control. That is why we defer to  
175 that."

176  
177 Ald. T. Smith said, "I also agree that we should rescind [Mayoral] Order Number 4. I think we  
178 all agree on that; it's way too stringent. But with this resolution, we're saying that we'll support  
179 the county's [Coulee COVID-19 Compass]. But that will change, right? It could change next  
180 week, and by the time these special events get here – I know the [American] Cancer [Society]  
181 run is in October – I'm sure it's going to be completely different. What we're just saying is  
182 that's the guidelines we'll use initially. Is there a way that we can make an exception? I think  
183 what Steven is saying ... These are the guidelines, but if they follow those guidelines do they  
184 have to follow them 100 percent? Or can we still over, at the time of the special event, make that  
185 decision? We're saying we're following the guidelines; they're going to change all of the time.  
186 By the time October gets here they might be lenient, or they might even be gone – who knows?"

187  
188 Mayor K. Smith said, "I think the guidelines allow for, as Steven said, right now it's considering  
189 La Crosse County to be 'high.' But if La Crosse County becomes considered 'medium' or  
190 ['low'] based on those guidelines, then it changes. Then at least people can predict ... I'm sure  
191 it's going to go down, then maybe I can plan my event. Or, what triggers are going to happen to  
192 make it go down to where we could allow more people? I just don't think that we're equipped to  
193 put together a guideline like that, to say when would we allow more? When should we allow  
194 less? We shouldn't be doing that. The La Crosse County Health Department should be doing  
195 that."

196  
197 Ald. T. Smith said, "I agree with that. We're not experts of that, so we have to find some  
198 guidelines. But they're guidelines, right? They're not ... You don't have to follow them 100  
199 percent."

200  
201 Mayor K. Smith asked Amanda if the city would have the ability to make an exception on a case-  
202 by-case basis if Resolution 29-2020 is adopted.

203  
204 Amanda said resolutions are meant to be temporary legislation, stating, "The idea is that at some  
205 point in time we would either move to a different system or we would no longer feel the need to  
206 follow the compass and we would pass another resolution to that effect. The county compass,  
207 for the most part, just gives assembly numbers. We're not going to go out and police your event.  
208 If it says 50 people, the Onalaska Police Department is not going to go and say, 'You've got 52  
209 people.' The idea is that you've followed the spirit of the county compass. That's not to say that  
210 if you have 200 people and says you should have 50 people that maybe we tell you that you can't

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211 have another special event or something to that effect. The idea is that we aren't public health  
212 experts. By statute, in Wisconsin the county is what we are given. We are also not comparable  
213 to private businesses from a legal liability standpoint. There are issues as far as estate-created  
214 danger, [and] how recreational immunity plays into certain things. Our immunity, none of that  
215 has been tested. From a legal standpoint, I know as municipal lawyers we are very cautious to  
216 want to lead the charge and be the city that tests what our immunity might be in these situations.  
217 Deferring to public health, from a legal standpoint, is the safest thing to do."

218

219 Ald. Olson asked if it is possible for the City of Onalaska to receive a copy of the La Crosse  
220 County Health Department's data, and how recent it is, so that the city has the ability to make a  
221 comparison.

222

223 Amanda told Ald. Olson yes and said the La Crosse County Health Department updates its data  
224 daily, and it also makes weekly revisions every Wednesday. Amanda said the county will issue a  
225 new level Wednesday, and she noted some data appears on the website, while some is held  
226 internally. Amanda said the city also may request specific information if there is certain  
227 information councilmembers are seeking.

228

229 Ald. Olson asked Ald. Nott if it would help his opinion if the city obtained more data.

230

231 Ald. Nott said, "Not unless they totally change the compass."

232

233 Ald. Stevens said, "I have sentiments on both sides of the issue. As an event planner in the  
234 community, it would certainly make my life easier if we could not have to abide by these and  
235 just go do our event. But as an elected official, I recognize that the city is not in the health  
236 business and we defer to the county. This is the going set of rules that if we're going to live by,  
237 we should live by. When it comes to public health, I would agree with Alder Nott that a lot of  
238 things ... Sometimes government agencies tend to have more of a knee-jerk reaction than they  
239 ought to, but it's better to err on the side of caution than to be reckless. Between these two sides,  
240 my sense is we should side with the county knowing that as data comes in the \_\_\_ can change  
241 and we'll make adjustments. It just seems from a municipal standpoint that that's probably the  
242 wisest thing to do.

243

244 But I do have two questions. One is for the City Attorney, and then the other I'm posing to the  
245 board. The first is, if this resolution fails, then Emergency Order Number 4 is still in place.  
246 What does that mean for us? That question would be to Amanda. And this I would direct back  
247 to the Council: What are our other options? Are we asking for no restrictions whatsoever? Are  
248 we asking for a different number, which would probably be just as arbitrary as 50? Or do we just  
249 want to keep Emergency Order Number 4 in place? I think what we need is a plan that we can  
250 go forward with, and this is at least a plan. I haven't heard of other options that seem like they  
251 would take into account public health and they're feasible for the city to oversee."

252

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253 Amanda told councilmembers the resolution on the table may be amended by a motion, and she  
254 said, “If it fails altogether and nothing gets passed, then Order Number 4 would stay in place.  
255 The Mayor could, in theory, issue a new order at any time because we are still under a state of  
256 emergency, so she could replace it with [Emergency] Order Number 6.”

257  
258 Mayor K. Smith said, “I could have, instead of bringing this resolution forward for discussion as  
259 a committee, I could have said, ‘What we have now for Emergency Order Number 4 is no longer  
260 applicable, so I’m going to make this other emergency order.’ The resolution could have been  
261 the new emergency order.’ But there was no need because we’re going to discuss it and figure it  
262 out.”

263  
264 Ald. Nott said, “If I believe I was hearing right, what I heard was that as special events go  
265 through, the police won’t be enforcing the 50 [person limit] and these are just ... But the way  
266 I’m reading this is ... It says, *‘Now, therefore be it resolved that the City of Onalaska by its  
267 Common Council hereby rescinds Mayoral Proclamation for Emergency Orders No. 4, and at  
268 this time adopts the Coulee COVID-19 Compass as it relates to Special Events needing approval  
269 in the City of Onalaska.’* This compass is what’s going to determine approval is the way this  
270 reads. That’s where I have the issue. I’ve heard a lot of people talk – experts – but I don’t think  
271 it’s even arguable that the experts have not just been wrong on this nationally, statewide – you  
272 name it – but they have been astronomically wrong in their estimates. When folks were also  
273 bringing up the valid points that the compass can change – and it might change tomorrow is what  
274 I’m hearing – even if it goes to green, [meaning] low risk, social gatherings are limited to 100 or  
275 fewer people indoors, and 250 or fewer outdoors. That’s if we’re green, folks, if we use this  
276 compass. The only way that the board, according to their own compass, is ever going to allow –  
277 or recommend, I guess, with their guidelines – go back to our lives is if there is a vaccine. That’s  
278 what this says. That is what this says.

279  
280 So when you say it can go up and it can go down, OK, if we go to moderate risk, now we’re at  
281 50 or 100. That’s still all totally arbitrary numbers. I don’t think we should be being the nanny  
282 state. I think that we should be informing our citizens that they should be able to exercise their  
283 rights as American citizens and as residents of Onalaska. If people don’t want to get on with  
284 their lives, they don’t have to go to the social gatherings. It’s really that simple.”

285  
286 Motion by Ald. Nott, second by Ald. Olson, to amend the previous motion and include the  
287 following verbiage in Resolution 29-2020: *“Now, therefore be it resolved that the City of  
288 Onalaska by its Common Council hereby rescinds Mayoral Proclamation for Emergency Orders  
289 No. 4, and the city will provide safety guidelines to applicants.”*

290  
291 Mayor K. Smith asked Ald. Nott to define what he means by safety guidelines.

292  
293 Ald. Nott said, “Specifically, it would be the COVID-19, and you can use the compass for that.  
294 But now it’s just informing. It’s not having the compass decide for us whether or not we’re

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295 going to approve special events.”

296

297 Mayor K. Smith asked Ald. Nott, “Is it reasonable for me to add ‘provide safety guidelines  
298 specifically to the COVID-19 Compass ...?’”

299

300 Ald. Nott said, “The county board safety guidelines would be fine.”

301

302 Mayor K. Smith said, “The wording that’s added that’s replaced will then say, ‘And the City will  
303 provide safety guidelines, per the county board, to applicants for special events.’”

304

305 Amanda stated for clarification it should be the La Crosse County Health Department.

306

307 Mayor K. Smith corrected “county board” to “La Crosse County Health Department.”

308

309 Ald. Wulf asked, “How does this make this different from the original wording?”

310

311 Amanda cited the example of Great River Sound wishing to hold a concert next week, stating,  
312 “As it’s presented originally, you can have that and we’re approving it contingent on you  
313 following the county compass which says that you can have only 50 people at an outdoor  
314 gathering. What Steve is suggesting would be that you can have any special event to any level  
315 you want, and we’re saying, ‘There are these guidelines out there. You might want to follow  
316 them.’ ”

317

318 Ald. Nott said, “It changes it from the compass determining whether or not we approve to the  
319 compass and any other guidance the county has to where we can inform the event folks on what  
320 the county recommends they do. They can choose, as American citizens, whether or not to  
321 follow them.”

322

323 Mayor K. Smith asked, “If this were passed, we would be approving things according to the way  
324 we have always approved special events ...”

325

326 There was a 40-second gap in the audio from the time Mayor K. Smith was speaking until City  
327 Administrator Rindfleisch spoke.

328

329 City Administrator Rindfleisch said, “We approve it subject to, at the time of your event you’re  
330 following the county guidelines. That’s actually what’s happening right now, correct?”

331

332 Mayor K. Smith said, “It’s proposed to be happening.”

333

334 City Administrator Rindfleisch said, “No. That’s what’s happening even under the resolution. It  
335 would be the same thing as the Noise Ordinance. We can approve an event subject to following  
336 our Noise Ordinance. We’re not saying ‘yes’ or ‘no.’ ... It would be at the night of the event,

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337 follow the Noise Ordinance, and here are the guidelines. That's what we currently do, and I  
338 think you can speak to that, Dan, in terms of your events. We can approve it, but we don't know  
339 at the time what the county guidelines will be. It does make it difficult, but we're not denying it  
340 based on the fact that there may be more numbers than proposed than the current guidelines.  
341 We're not denying based on the guidelines. We're approving it to, subject at the time, the  
342 special event following the guidelines."

343  
344 Ald. Nott said, "I can tell you that when we were back in the Administrative [and Judiciary]  
345 Committee when a lot of these were coming forward for approval, that that's exactly what was  
346 happening. We were constraining, in the way the vote went forward and is now part of this  
347 packet for the Consent Agenda, is they can have this event only if they do this. That's what I  
348 don't want to do. I want to inform people, and they can make their own decisions.

349  
350 City Administrator Rindfleisch said, "To clarify again, it is a change from what is proposed here  
351 is what you're asking for."

352  
353 Ald. Nott said yes.

354  
355 City Administrator Rindfleisch said, "The comment that we're denying it based on that is not  
356 accurate. We're not denying it, or even with this resolution denying it. We're approving it  
357 subject to them following those guidelines, which can change. Or if they're not likely to achieve  
358 it, we're letting people know that the guidelines for tomorrow are \_\_\_ people or so. You're not  
359 going to have your event if you can't follow those guidelines. But it's not the city denying that,  
360 and that's the fine line here. Giving the information out, to Amanda's point, I have concerns  
361 about that as a taxpayer. We are inviting a higher level of scrutiny than the private sector has.  
362 By approving something, if someone gets sick, it's going to be, 'The city and their experts said it  
363 was safe, so we had the event.' That's a concern of mine. If we are deferring to someone who  
364 does have a degree and are the numbers arbitrary or not, any numbers that anybody internally  
365 could come up with will be just as arbitrary. But then they are based on somebody with a  
366 degree's opinion, not on an administrator's or an elected official's opinion. That's my concern  
367 overall.

368  
369 The restaurants are at limited capacity. Members of the public are required to wear masks in  
370 certain businesses. They're restricting their websites, and we're effectively saying, 'Come here  
371 and have a special event, and [there are] no restrictions at all.' Here are some guidelines, but  
372 really, we're approving them with no restrictions at all. That puts us in the forefront. It puts us  
373 in the test, and I think it is a risk for the city's taxpayers that I would suggest you do not take."

374  
375 Ald. Stevens said, "If the resolution amendment passes, I seem to recall in the minutes of the  
376 [June 3] Administrative and Judiciary [Committee meeting] that new events were not being  
377 considered this year. One of the criteria was it had to be an existing, ongoing event. Would the  
378 new events be welcome to reapply and then the guidelines would commence as any other?"

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379  
380 Mayor K. Smith said, “In both cases, whether it’s amended or not. That was part of Mayoral  
381 Order 4. It was what said no new events. Once that’s rescinded, then they could come forward  
382 again. We’re trying to open it up, but within reason.” Mayor K. Smith asked Amanda to discuss  
383 the risk to the city in terms of litigation by passing the amendment.  
384

385 Amanda said she would echo City Administrator Rindfleisch in the fact that “we’re not treated  
386 equally to the private sector. People look for government to provide them guidance, and we are  
387 subject to a different level of scrutiny. We do have certain immunities in place. There’s also  
388 something called ‘state-created danger’ that’s a little bit unknown as far as how that could play  
389 into this. I think there is more risk than normal. There hasn’t been a pandemic since 1918, and it  
390 was a different type of disease and a different type of world back then. I would echo what I said  
391 earlier: We don’t have a public health department. And by statute we can’t have a public health  
392 department. We’re required to rely on our county health department. They’ve put out  
393 guidelines. I understand there is a lot debate over the science on all levels of this pandemic, but  
394 they are our local health expert who are reviewing it locally in our community. So from a legal  
395 standpoint, I think we have the least amount of risk by following our local county health  
396 department.”  
397

398 Ald. Nott noted he is aware of two pandemics that have occurred since 1917, including one that  
399 occurred in the 1960s. Ald. Nott said, “By providing the guidelines of these ‘experts’ that we’re  
400 going to be relying on, providing them to these special event planners, are we not passing some,  
401 or maybe even all, of the risk we’re discussing over to them because we’re saying, ‘Here are the  
402 guidelines. I think you should consider them, and there you go.’ ”  
403

404 Amanda said, “Which, I guess, goes back to the idea that if we are the private sector, yes. I think  
405 that’s what the private sector does. But a municipality is held to a higher standard. There are  
406 different legal expectations. There are different concerns as far as, to Eric’s point, if we sanction  
407 an event, even if we tell them that they should follow the guidelines, but then suddenly we have a  
408 situation where you have 30 cases tied to an event that we stamped. I do think we have some  
409 risk as far as if we just tell you it’s optional to follow these guidelines, but we’re going to let you  
410 ignore our county guidelines and have an event with 200 people when the county is saying you  
411 should only have 50, I do think there’s a little bit of risk there. I can’t tell you the level of risk.”  
412

413 Ald. Stevens said, “Having gone through it, I know that it is the expectation of event planners to  
414 provide their own proof of insurance. In the event that, let’s say there was an event, guidelines  
415 were given and duly ignored, and there was a gathering and COVID was rampantly spread. Do  
416 we believe that the liability would fall on the event and their insurance? Would it fall to the city?  
417 Would it be both?”  
418

419 Amanda told Ald. Stevens it likely would be both, and she said, “Even if we have a defense  
420 we’re still going to have to go through the process because traditionally the city has deeper

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11

421 pockets than the private sector more often than not depending on who is throwing the event, so  
422 they're going to come after the city. It may be a situation where regardless we end up having to  
423 defend it. There are a lot of different hypotheticals. It could be a situation where their insurance  
424 covers it. Insurance is not necessarily set up to cover this type of situation. It depends on the  
425 policy they have in place."

426

427 Ald. Stevens asked, "In the event the city was sued due to a COVID outbreak at an event, would  
428 the likelihood of litigation against the city be high, low, or we don't know?"

429

430 Amanda said, "We don't know. There are a lot of factors that can come into play."

431

432 Ald. Nott asked, "How is the issuing of guidelines different as per liability than not enforcing the  
433 guidelines, which is what we've already said is probably going to happen? How is the liability  
434 different?"

435

436 Amanda said, "I think that's a fair point. As I said earlier, I think that we're not going to enforce  
437 them to the extent that we're going to probably go out and count every single person. But I do  
438 think if we had a situation where suddenly 200 people were showing up to an event that was  
439 approved to have 50, we likely would break that up. But it provides us a defense that we were  
440 given a set of guidelines from our local public health department. We require people to follow  
441 them. If they chose not to follow them, to a certain degree I will admit it passes the buck a little  
442 bit back onto them."

443

444 Amendment to the motion restated:

445

446 To remove the wording "*and at this time adopts the Coulee COVID-19 Compass as it relates to*  
447 *Special Events needing approval in the City of Onalaska*" from Resolution 29-2020 and replace  
448 it with "*the city will provide safety guidelines per the La Crosse County Health Department to*  
449 *applicants.*"

450

451 On roll call vote: Ald. Tom Smith – nay, Ald. Jim Olson – aye, Ald. Dan Stevens – abstain, Ald.  
452 Diane Wulf – nay, Ald. Steven Nott – aye. Tie vote, 2-2, with one abstention. Mayor K. Smith  
453 voted nay as the tiebreaker vote. Motion failed, 3-2.

454

455 Original motion restated:

456

457 To adopt Resolution 29-2020 – To Rescind Mayoral Order #4 and Adopt Coulee Covid-19  
458 Compass as it Relates to Special Events.

459

460 Ald. Stevens said, "It struck me that anything with regard to this resolution will affect what I am  
461 doing directly next Tuesday night. I think ethically I'm bound to abstain from the vote."

462

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12

463 Ald. Nott said, “With the resolution as it stands now, certainly it’s less restrictive than in the  
464 past, so I intend to support this.”

465

466 On voice vote, motion carried, 4-0, with one abstention (Ald. Stevens).

467

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

470

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

475

476 **Item 6 – Consent Agenda**

477

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

479

480 **FINANCE COMMITTEE**

481

482 B. Approval of 2019 Audit – City of Onalaska Financials

483 C. Approve 2020 Omni Center Financials

484 D. Approve 2020 General Fund Financials

485 E. Authorization to use Special Project Account Designated Fund Balance in the amount of  
486 \$10,264.82 from account #204-34151 for purchase of police department items

487 F. Authorization to approve the 2021-2022 Transcription Services Agreement

488

489 **PERSONNEL COMMITTEE**

490

491 G. Update from Human Resources on staff vacancies – (For Information Only)

492

493 **JUDICIARY COMMITTEE**

494

495 H. Approval of **Ordinance 1669-2020** – to amend Title 1 of the Code of Ordinances of the  
496 City of Onalaska relating to general provisions for use and Code of Ordinances

497 I. Approval of **Ordinance 1671-2020** – to amend Title 3 of the Code of Ordinances of the  
498 City of Onalaska relating to Finance

499 J. Approval of **Ordinance 1672-2020** – to amend Title 4 of the Code of Ordinances of the  
500 City of Onalaska relating to Administrative Review Determinations / Public Records

501

502 **ADMINISTRATIVE COMMITTEE**

503

504 K. Approval of Operator’s Licenses as listed on report dated June 8, 2020

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13

- 505 L. Approval of Special Events Permit for:
- 506 1. Great River Sound on Tuesday evenings from approximately 6:30-8:30 pm (rain
- 507 dates Wednesday evenings) from June 16 through September 9, 2020 at Dash Park,
- 508 Onalaska
- 509 2. Amend date of Sole Burner 5K for the American Cancer Society to Sunday, October
- 510 4, 2020
- 511 3. Amend date of American Legion Riders Association Motorcycle Ride to August 15,
- 512 2020
- 513 4. Market in the Park Event, June 13, 2020 from 9 am-2 pm at Van Riper Park Aquatic
- 514 Center parking lot
- 515 M. Approval of Licenses for 7/1/2020– 6/30/2021
- 516 1. Class A Liquor Licenses
- 517 2. Class A Beer Only License – NONE
- 518 3. Class B Liquor Licenses
- 519 4. Class B Beer Only Licenses
- 520 5. Outdoor Venue Licenses – Class B Liquor
- 521 6. Outdoor Venue Licenses – Class B Beer
- 522 7. Cigarette/Tobacco Licenses
- 523 8. Hotel/Motel Licenses
- 524 9. Campground/Mobile Home Licenses
- 525 10. Taxi Licenses
- 526 N. Approval of Fireworks Permits for Michael F. Callaway / R&M Enterprises, Inc. for
- 527 selling of fireworks from a tent located at East Towne Plaza, State Road 16, Onalaska
- 528 from June 15, 2020 through July 6, 2020
- 529

530 **BOARD OF PUBLIC WORKS**

531

- 532 O. Approval of allowing parking to encroach on City right of way along 1st Avenue between
- 533 Hickory and Green Street for Great River Residences project at 300 Court Street South
- 534 P. Approval of Public Works Facility addition budget including authorization for purchases
- 535 related to Public Works Facility of:
- 536 1. Epoxy Floor Repairs by Garage Tuff in the amount of \$6,000
- 537 2. HVAC Automation upgrades by Bernie Buchner in the amount of \$7,538
- 538 3. Ceiling Fans – Cold Storage by Klich Electric in the amount of \$2,000
- 539 4. Roof Vents – Cold Storage – Contractor to be determined not to exceed \$2,000
- 540 Q. Approval of Sanitary Sewer Compliance Maintenance
- 541 1. Annual Report – Place on File
- 542 2. **Resolution 27-2020** – City of Onalaska, Wisconsin Department of Natural Resources
- 543 NR 208 – compliance resolution 2019, Onalaska, WI
- 544 R. Approval of purchase of Folding Vee Plow for end loader from Universal Truck
- 545 Equipment in the amount of \$22,034

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14

- 546 S. Approval of installation of fiber optic cable along East Main Street by Lemonweir Valley  
547 Telephone Co-op  
548 T. Approval of City pick up of residential yard waste containers used prior to automated cart  
549 yard waste collection by Harter's Quick Cleanup at a cost not to exceed \$1,500  
550 U. Approval of engineering services for construction staking on 2020 Utility Project by  
551 Short Elliott Hendrickson not to exceed \$18,227  
552 V. Approval of Consumer Confidence Report (CCR) City waterworks  
553 W. Approval of Change Order Number #1 for 2020 Urban Forestry Program in the amount  
554 of \$9,565.69  
555

556 **PLAN COMMISSION**  
557

- 558 X. Conditional Use Permit request filed by Lori Kopecky of Wireless Planning, LLC of  
559 2310 Mill Street, New London, WI 54961 on behalf of JLP Associates II of Eden Prairie,  
560 6500 City West Parkway, Suite 315, Eden Prairie, MN 55344-7701 and wireless carrier  
561 US Cellular to replace six (6) existing antennas with six (6) new antennas and replace  
562 three (3) Remote Radio Units (RRU) with twelve (12) new RRU, and replacing / adding  
563 ancillary equipment to the existing telecommunications tower located at 9348 State Road  
564 16, Onalaska, WI 54650. (Tax Parcel: # 18-3530-10) (For Information Only)  
565 Y. Approval of a Rezoning Request filed by Lawrence and Janet Kent, 14 Ryewood Circle,  
566 Homosassa, FL 34446, to rezone the property located at 606 Marcou Road, Onalaska, WI  
567 54650 from R-4 (Multi-Family Residential District) to R-1 (Residential District) for the  
568 purpose of allowing the construction of a single-family dwelling at 606 Marcou Road,  
569 Onalaska, WI 54650. (Tax Parcel: # 18-3566-403)  
570 Z. Approval of a Planned Commercial Industrial Development (PCID) Amendment  
571 Application filed by Scott Truehl, Friede & Associates, 500 Utility Court, PO Box 248,  
572 Reedsburg, WI 53959, on behalf of KD & White Holdings LLC, 205 5th Avenue South,  
573 Suite 600, La Crosse, WI 54601 on the parcel located at 9430 State Road 16, Onalaska,  
574 WI 54650. (Tax Parcel: #18-3578-20)  
575 AA. Approval of a Planned Commercial Industrial Development (PCID) Amendment  
576 Application filed by Colin Klos, MBA Architects, Inc, N5560 CR ZM, Suite 3, Onalaska,  
577 WI 54650, on behalf of Mike Bishop, Massimo First Amendment and Restatement Musa  
578 Revocable Trust, 4800 North Federal Highway, Suite 201B, Boca Raton, FL 33431 on  
579 the parcel located at 9362 State Road 16, Onalaska, WI 54650. (Tax Parcel #: 18-3529-0)  
580 BB. Approval of a Planned Unit Development (PUD) Amendment Application of the  
581 Crestwood Estates filed by Jacob Burch, Logistics Development Group, LLC, 2102 State  
582 Hwy 16, La Crosse, WI 54601 located at "State Road 16" at the end of Crestwood Lane,  
583 Onalaska, WI 54650. (Tax Parcel #: 18-4483-1)  
584

585 **UTILITIES COMMITTEE**  
586

- 587 CC. Approval of Shared Ride Financials

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15

588 DD. Approval of the 2020 State of Wisconsin Urban Mass Transit Grant Agreement

589 EE. Set date / time for the Program of Projects hearing for 7/8/2020 at 7:00 pm

590

591 Motion by Ald. Olson, second by Ald. Stevens, to approve the Consent Agenda, sans Items I, L-  
592 1, and P-3.

593

594 On voice vote, motion carried.

595

596 **Non-Consent Agenda**

597

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

599

600 • Item I: Judiciary Committee – Approval of Ordinance 1671-2020 – to amend Title 3 of  
601 the Code of Ordinances of the City of Onalaska relating to Finance

602 • Item L-1: Administrative Committee – Great River Sound on Tuesday evenings from  
603 approximately 6:30-8:30pm (rain dates Wednesday evenings) from June 16 through  
604 September 9, 2020 at Dash Park, Onalaska

605 • Item P-3: Board of Public Works – Approval of Public Works Facility addition budget  
606 including authorization for purchases related to Public Works Facility of Ceiling Fans –  
607 Cold Storage by Klich Electric in the amount of \$2,000

608

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

611

612 **JUDICIARY COMMITTEE**

613

614 I. Approval of Ordinance 1671-2020 – to amend Title 3 of the Code of Ordinances of the  
615 City of Onalaska relating to Finance.

616

617 There was a one-minute gap in the audio between the time Mayor K. Smith called on Ald. Wulf  
618 and Ald. Stevens began speaking.

619

620 Ald. Stevens said, “In the past we have had items that were surplus. We’re talking about the  
621 surplus items that are going to sale. Council had voted on it, and I understand the process of  
622 expediting things that are now kind of minor. I think \$500 was the cutoff point. Perhaps that  
623 could be higher, but in terms of transparency to the public, I don’t think Council needs to be  
624 involved in the minutia. But I think if items that are assets on our balance sheet are going for  
625 sale at auction, I think it would be nice if there were at least a list provided to Council that these  
626 items we no longer have and we sold them. If this is referred to next month, perhaps it could be  
627 amended to reflect that.”

628

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16

629 Mayor K. Smith said, “I will say that I think part of the intent of this was to move that from an  
630 ordinance to the Finance Handbook, which how it is handled now. I don’t think it was a  
631 substantive change to the process; [rather], just removing it from the ordinance. I don’t think it  
632 was changing the practice. But we can talk more about that for next month.”

633  
634 Ald. Wulf noted City Administrator Rindfleisch had provided his input at the June 3  
635 Administrative and Judiciary Committee meeting, and she said she agreed with him that “it’s  
636 more of a perfunctory thing to move it and get it out of the ordinances in case there were any  
637 changes in the future. I just wanted to see how it was referenced in the policy manual before I  
638 approved it. That’s the only thing I was looking for. I agree with it in theory. I just wanted to  
639 see what did the policy manual say. That was my only concern.”

640  
641 Mayor K. Smith noted the motion on the floor was to refer Ordinance 1671-2020 to the July 14  
642 Common Council meeting.

643  
644 Ald. Wulf said she sees no reason for the ordinance to return to the next Administrative and  
645 Judiciary Committee meeting on July 8.

646  
647 Mayor K. Smith asked the alderpersons if they wish to have this item on the Consent Agenda or  
648 the Non-Consent Agenda. Mayor K. Smith then said it should appear on the Non-Consent  
649 Agenda so that the Council may discuss it in more detail.

650  
651 On voice vote, motion carried.

652  
653 **ADMINISTRATIVE COMMITTEE**

654  
655 L-1. Approval of Special Event Permit for Great River Sound on Tuesday evenings from  
656 approximately 6:30-8:30pm (rain dates Wednesday evenings) from June 16 through September  
657 9, 2020 at Dash Park, Onalaska.

658  
659 Ald. Stevens said the primary reason he had pulled this item from the Consent Agenda is that he  
660 serves as chief organizer for Great River Sound and thus probably should not be voting on it as  
661 part of the Consent Agenda. Ald. Stevens said, “We have been affected by COVID-19. We  
662 have not had a concert the first two weeks. Tomorrow, the Onalaska Hilltopper Rotary Club  
663 will meet, and we will determine partially based off the guidance here tonight what our activity  
664 will be going forward. While it’s not official, I’m expecting that tomorrow we will likely cancel  
665 our concert series through the middle of July. We will send a press release, and I will also  
666 update the city. If something changes I will let you know.”

667  
668 Motion by Ald. Wulf, second by Ald. T. Smith, to approve a Special Event Permit for Great  
669 River Sound on Tuesday evenings from approximately 6:30-8:30 p.m. (rain dates Wednesday  
670 evenings) from June 16 through September 9, 2020 at Dash-Park.

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17

671  
672 On voice vote, motion carried, 4-0, with one abstention (Ald. Stevens).

673  
674 **BOARD OF PUBLIC WORKS**

675  
676 P-3. Approval of Public Works Facility addition budget including authorization for purchases  
677 related to Public Works Facility of Ceiling Fans – Cold Storage by Klich Electric in the amount  
678 of \$2,000.

679  
680 Ald. Wulf noted that while the agenda states \$3,000, per the June 2 Board of Public Works  
681 meeting agenda and the meeting minutes, the total is \$3,650.

682  
683 Motion by Ald. Wulf, second by Ald. Nott, to approve Ceiling Fans – Cold Storage by Klich  
684 Electric in the amount of \$3,650.

685  
686 On voice vote, motion carried.

687  
688 **Item 8 – FINANCE COMMITTEE**

689  
690 A. Vouchers

691  
692 Motion by Ald. Stevens, second by Ald. Olson, to approve the vouchers expended since the last  
693 Common Council meeting on May 12, 2020 in the amount of \$1,700,462.82.

694  
695 On voice vote, motion carried.

696  
697 B. **Resolution 26-2020** – Authorize the waiver of interest and penalties on property tax  
698 payment installments due on or before April 1, 2020

699  
700 Motion by Ald. Stevens, second by Ald. Olson, to approve Resolution 26-2020 – Authorize the  
701 waiver of interest and penalties on property tax payment installments due on or before April 1,  
702 2020.

703  
704 Ald. Stevens noted he had spoken with Financial Services Director/Treasurer Fred Buehler, and  
705 he said this resolution is favorable to the city. Ald. Stevens said if payments to La Crosse  
706 County are late, taxpayers are allowed some leniency with respect to the county. However, it  
707 will not adversely affect how much money the City of Onalaska receives, or when those funds  
708 are received. Ald. Stevens said, “Our ability to pay our bills is not impeded by the passage of  
709 this resolution.”

710  
711 Ald. Nott asked if there is reasoning behind why the city does not have an end date to this, and  
712 he said, “You’re kind of hard-pressed right now to find businesses that aren’t coming back online  
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18

713 unless they were hit so hard with the shutdown that unfortunately have gone out of business.  
714 Hiring is going on, I think that certainly if we're going to consider a through date on this for  
715 waiving the interest that we would want to give enough time for new employees to be able to get  
716 a couple pay periods underneath. And we probably need 30 days to advertise this is going to  
717 end. Maybe around July 15 ... I'm not making that as a motion. I'm kind of throwing it out  
718 there for discussion right now."

719  
720 City Administrator Rindfleisch said the ordinance the Council would have to pass must be exact  
721 to what La Crosse County's ordinance is, noting the county ordinance is written per the acts of  
722 the State of Wisconsin. City Administrator Rindfleisch told Ald. Nott that La Crosse County  
723 must normally collect the charge fees under certain deadlines. However, La Crosse County was  
724 given the freedom to extend those per the acts of the state in reaction to the economic downturn  
725 of the COVID-19 response. City Administrator Rindfleisch also noted the City of Onalaska is  
726 not collecting taxes at City Hall; rather, taxes are being collected at La Crosse County on the  
727 city's behalf. Those taxes are then submitted to the city, and City Administrator Rindfleisch said  
728 the city will be receiving its settlement amounts on the settlement dates. City Administrator  
729 Rindfleisch said, "Whatever those settlement dates are, the county will make the city whole since  
730 they're responsible for collection right now."

731  
732 On voice vote, motion carried.

733  
734 **Item 9 – PERSONNEL COMMITTEE**

735  
736 A. Approval of Recruit Officer Agreement with Wisconsin Professional Police Association  
737 and the City of Onalaska regarding the hiring of Police Officer Recruits

738  
739 Motion by Ald. Stevens, second by Ald. Nott, to approve Recruit Officer Agreement with  
740 Wisconsin Professional Police Association and the City of Onalaska regarding the hiring of  
741 Police Officer Recruits.

742  
743 On voice vote, motion carried.

744  
745 **Item 10 – ADMINISTRATIVE COMMITTEE**

746  
747 A. Approval of Weights & Measures Licenses for 7/1/2020 to 6/30/2021

748  
749 Motion by Ald. T. Smith, second by Ald. Olson, to approve Weights & Measures Licenses for  
750 7/1/2020 to 6/30/2021.

751  
752 On voice vote, motion carried.

753  
754 **Item 11 – BOARD OF PUBLIC WORKS**

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19

755

756 A. Review and consideration of tree removal on City right of way at 906 Westview Circle  
757 Drive

758

759 Motion by Ald. Wulf, second by Ald. T. Smith, to approve the City of Onalaska planting a tree  
760 on City right-of-way at 906 Westview Circle Drive at a cost to Steven Markos not to exceed  
761 \$450. City staff will work with Steven Markos regarding which type of tree to plant.

762

763 Ald. Wulf noted her motion was taken from the minutes of the June 2 Board of Public Works  
764 meeting, and she said that in discussion after the motion it was the intention to replace the tree in  
765 2021.

766

767 Ald. Stevens told councilmembers it seems as though Steven Markos takes great pride in his  
768 property, and he asked if Steven was amenable to replacing the tree at a cost of \$450. Ald.  
769 Stevens also asked if \$450 is the standard cost of trees, adding he believes the cost seems high.

770

771 Mayor K. Smith said it is the city's contracted cost for a tree that size.

772

773 Ald. Stevens asked if Steven would have the ability to plant his own tree.

774

775 Ald. Stevens was told no.

776

777 Ald. Wulf noted city staff typically plants the trees so that they are placed properly, and she said  
778 this is the typical protocol the city has enforced for several years. Ald. Wulf told  
779 councilmembers she had spoken with Steven and that he may contact city staff Wednesday  
780 regarding payment for the new tree. Ald. Wulf also said Steven is amenable to paying up to  
781 \$450 for the tree, adding that Steven is appreciative about working with city staff on selecting  
782 the type of tree to be planted.

783

784 On voice vote, motion carried.

785

786 B. Review and consideration of Green Coulee Reservoir Project bid

787

788 Jarrod noted the city had received five bids, and he said the bids had come in very favorable to  
789 the city. The Engineer's Estimate on the project was \$1,300,000. Wapasha Construction  
790 submitted the lowest bid at \$847,000, and Fowler & Hammer submitted the highest bid at  
791 \$1,111,488. Jarrod noted he also had included a budget sheet and told the Council this is the  
792 final water project that will be bid as part of the Mortgage Revenue Bonds from 2019. Jarrod  
793 said there is adequate funding from the Mortgage Revenue Bonds to fund the project, and he told  
794 councilmembers staff recommends awarding the Green Coulee Reservoir Project bid to Wapasha  
795 Construction in the amount of \$847,000.

796

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20

797 Motion by Ald. Wulf, second by Ald. Stevens, to award the Green Coulee Reservoir Project bid  
798 to Wapasha Construction Company in the amount of \$847,000.

799

800 Ald. Stevens said that while he is happy the city is nearly \$500,000 (\$453,000) under bid, he also  
801 asked Jarrod to what he attributes all five contractors submitting bids less than the Engineer's  
802 Estimate.

803

804 Jarrod told Ald. Stevens there are some contractors who are seeking work more so than others  
805 due to the current business climate, noting some private sector projects in certain areas have been  
806 halted. Jarrod said sometimes project costs are higher when projects are bid in the summer.  
807 However, Wapasha Construction was seeking work to finish out the year, and the company was  
808 eagerly anticipating bids. Jarrod said staff had contacted Wapasha Construction employees  
809 earlier Tuesday, and he told councilmembers the Wapasha Construction is aware of the bid it had  
810 submitted and is prepared to proceed with the project.

811

812 Jarrod said, "I think when we looked at the Engineer's Estimate for our consultant, we were  
813 conservative on a number of fronts that we saw. Also, the grading portion of this project, with  
814 the grading, erosion control, and also the subcontractor that's doing the directional boring of the  
815 water main gave very good prices to the general. I think it was a combination of a lot of perfect  
816 things that came together for a very good price for the city."

817

818 On voice vote, motion carried.

819

820 C. Review and consideration of engineering services for construction of Green Coulee  
821 Reservoir Project by Short Elliott Hendrickson not to exceed \$57,500

822

823 Motion by Ald. Wulf, second by Ald. Nott, to approve engineering services for construction of  
824 Green Coulee Reservoir Project by Short Elliott Hendrickson not to exceed \$57,500.

825

826 On voice vote, motion carried.

827

**Item 12 – PLAN COMMISSION**

828

829  
830 A. Application for a General Development Plan to create the Eagle Business Condo  
831 Association Planned Unit Development (PUD) filed by Adam Kirschner, Eagle Business  
832 Condo Association, 200 Mason Street #6, Onalaska, WI 54650 on behalf of the Eagle  
833 Business Condo Association, 200 Mason Street, Onalaska, WI 54650 for the City of  
834 Onalaska parcels at:

835

836 200 Mason Street - Unit 1

200 Mason Street - Unit 11

837 200 Mason Street - Unit 2

200 Mason Street - Unit 12

838 200 Mason Street - Unit 3

200 Mason Street - Unit 13

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21

839	200 Mason Street - Unit 4	200 Mason Street - Unit 14
840	200 Mason Street - Unit 5	200 Mason Street - Unit 15
841	200 Mason Street - Unit 6	200 Mason Street - Unit 16
842	200 Mason Street - Unit 7	200 Mason Street - Unit 17
843	200 Mason Street - Unit 8	200 Mason Street - Unit 18
844	200 Mason Street - Unit 9	200 Mason Street - Unit 19
845	200 Mason Street - Unit 10	200 Mason Street - Unit 20

846

847 Mayor K. Smith noted Condition No. 2(b)(7) (“*Landscaping shall be required along south lot*  
848 *line facing Van Riper Park and Omni Center*”) had been reworded.

849

850 Katie said this item was placed on the Non-Consent Agenda because there were questions related  
851 to signage. The application had listed that each person or business residing within a unit would  
852 be able to have up to two, 100-square foot wall signs. Katie noted the Plan Commission had  
853 approved this, and she said city staff had confirmed with the applicant that that was correct.  
854 There would be a total of up to two occupants per unit, which would mean there would be a total  
855 of up to 400 square feet. This is allowable per city code.

856

857 Motion by Ald. T. Smith, second by Ald. Olson, to approve an application for a General  
858 Development Plan to create the Eagle Business Condo Association Planned Unit Development  
859 (PUD) filed by Adam Kirschner, Eagle Business Condo Association, 200 Mason Street #6,  
860 Onalaska, WI 54650 on behalf of the Eagle Business Condo Association, 200 Mason Street,  
861 Onalaska, WI 54650 for the City of Onalaska parcels at 200 Mason Street, Units 1 through 20.

862

863 Ald. Wulf noted the change Mayor K. Smith had mentioned typically would have been included  
864 in councilmembers’ packets, and she told Mayor K. Smith she appreciated the fact she had  
865 mentioned the change to the conditions.

866

867 Mayor K. Smith noted the motion on the floor is to approve with nine conditions, with wording  
868 changes to Condition No. 2(b)(7), an application for a General Development Plan to create the  
869 Eagle Business Condo Association Planned Unit Development (PUD) filed by Adam Kirschner,  
870 Eagle Business Condo Association, 200 Mason Street #6, Onalaska, WI 54650 on behalf of the  
871 Eagle Business Condo Association, 200 Mason Street, Onalaska, WI 54650 for the City of  
872 Onalaska parcels at 200 Mason Street, Units 1 through 20.

873

874 On voice vote, motion carried.

875

876 B. Review and Consideration of Green Fee Refund Request for the property at 2614  
877 Midwest Drive (Tax Parcel #: 18-4769-0)

878

879 Katie noted councilmembers had received copies of a request to refund what the owner of the  
880 property located on Midwest Drive believes is an overpayment of a Green Fee. Katie said she  
Reviewed 6/11/2020 by Cari Burmaster

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22

881 and Amanda had put together a memo describing how the city has collected Green Fees over the  
882 course of the years. Katie noted the property is located in the Elmwood Business Center Plat. It  
883 was approved in 1992. The Green Fee at the time was \$100, plus \$10 per acre. Katie noted the  
884 memo describes how their \_\_\_\_\_ funds have occurred. Katie noted Green Fees have increased  
885 over time. Katie also noted that in 2019 the city had issued a Site Plan Permit, and the updated  
886 Green Fee as of today. Katie said conditions related to fees are a requirement to pay the fees,  
887 which are subject to change. Katie noted it was included on the Final Plat, and she said staff is  
888 of the opinion it does not lock that fee to that amount in perpetuity. Katie pointed out the  
889 property also had increased in size via an approved Certified Survey Map, and she said the  
890 property owner had agreed to pay this fee when he signed the Site Plan Permit. Katie said the  
891 city does not believe a refund is in order, noting the Green Fee was paid at the time of  
892 development with the current fee amount.

893  
894 Motion by Ald. Wulf, second by Ald. Stevens, to deny a Green Fee Refund Request for the  
895 property at 2614 Midwest Drive (Tax Parcel #18-4769-0).

896  
897 Ald. Stevens asked Katie if she has a reason why the Council should accept this request, or if she  
898 is recommending denial of the claim.

899  
900 Mayor K. Smith said Katie is recommending to deny the claim.

901  
902 Katie said the city is recommending that the claim be denied as the fee was paid for at the time of  
903 the development what the current amount is today.

904  
905 Ald. Wulf noted councilmembers had received a handout, and she said Katie had stated in the  
906 handout the city does not support giving the applicant a refund. Ald. Wulf noted Katie had told  
907 her earlier Tuesday she would be sending out a memo, and she said Katie had stated prior to her  
908 motion to deny that the city does not believe a refund is in order.

909  
910 Ald. Stevens noted the handout had been presented to the Council Tuesday evening, and he said  
911 he had not had time to read it before. Ald. Stevens said that is why he had asked Katie her  
912 opinion.

913  
914 On voice vote, motion carried.

915  
916 **Item 13 – UTILITIES COMMITTEE**

917  
918 A. Accept the modifications to the City of Onalaska Title VI Plan

919  
920 Motion by Ald. Olson, second by Ald. Stevens, to accept the modifications to the City of  
921 Onalaska Title VI Plan.

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23

922

923 On voice vote, motion carried.

924

925 B. **Resolution 28-2020** – To Approve the Federal Transit Administration (FTA) Title VI  
926 Program Plan Update

927

928 Motion by Ald. Olson, second by Ald. Stevens, to approve Resolution 28-2020 – To Approve the  
929 Federal Transit Administration (FTA) Title VI Program Plan Update.

930

931 On voice vote, motion carried.

932

933 **Item 14 – REPORT FROM CITY CLERK**

934

935 A. Authorization to accept CARES subgrant funds from the Wisconsin Elections  
936 Commission in the amount of \$12,554.10

937

938 Cari's comments were inaudible on the recording.

939

940 Mayor K. Smith said Cari is seeking authorization to accept the grant. The grant will help the  
941 city offset some of the additional cost it will be seeing for the upcoming 2020 elections.

942

943 Motion by Ald. Stevens, second by Ald. T. Smith, to approve authorization to accept CARES  
944 subgrant funds from the Wisconsin Elections Commission in the amount of \$12,554.10.

945

946 On voice vote, motion carried.

947

948 **Item 15 – CLOSED SESSION**

949

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

954

- 955 • IAFF, International Association of Firefighters, Local 127

956

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

960

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

Reviewed 6/11/2020 by Cari Burmaster

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963  
964 If any action is required in Open Session, as a result of the Closed Session, the Common Council  
965 will reconvene in Open Session to take the necessary action and/or continue on with the printed  
966 agenda.  
967  
968 Motion by Ald. Stevens, second by Ald. Olson, to convene in Closed Session.  
969  
970 On roll call vote: Ald. Tom Smith – aye, Ald. Jim Olson – aye, Ald. Dan Stevens – aye, Ald.  
971 Diane Wulf – aye, Ald. Steven Nott – aye. In Closed Session at 8:25 p.m.  
972  
973 Motion by Alderperson Jim Olson, second by Alderperson Steven Nott to adjourn from closed  
974 session at 8:41 pm.  
975  
976 On roll call vote: Ald. Wulf – aye, Ald. Olson – aye, Ald. Smith – aye, Ald. Nott – aye, and Ald.  
977 Stevens – aye. Motion carried 5-0.  
978  
979  
980 Recorded by:  
981  
982 Kirk Bey