

**Common Council
of the City of Onalaska**

Tuesday, June 11, 2019

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1 The Meeting of the Common Council was called to order at 7:00 p.m. on Tuesday, June 11,
2 2019. It was noted that the meeting had been announced and a notice posted at City Hall.

3
4 Roll call was taken, with the following members present: Mayor Joe Chilsen, Ald. Tom Smith,
5 Ald. Dan Stevens, Ald. Boondi Iyer, Ald. Jim Olson, Ald. Kim Smith, Ald. Diane Wulf

6
7 Also Present: City Administrator Eric Rindfleisch, City Clerk Cari Burmaster, City Attorney
8 Sean O’Flaherty, City Engineer Jarrod Holter, Financial Services Director/Treasurer Fred
9 Buehler, Planning Manager Katie Aspenson, Assistant Police Chief Troy Miller, Human
10 Resources Director Hope Burchell, Fire Chief Billy Hayes, Parks and Recreation Director Dan
11 Wick

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

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

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

31
32 **Scott Arenz**
33 **1134 Aspen Valley Drive**
34 **Onalaska**

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36 “Last week [June 4] there was a Board of Public Works meeting, and I was not able to attend. I
37 would like to further discuss the sidewalk situation at 1100 Aspen Valley Drive. [As]
38 background, I built my house in 2001, and no houses were directly above me in the lot or below
39 me. Since then, in 2005 there was a house built above me, and the water has been an issue
40 coming down the sidewalk and underneath the sidewalk, and it has caused my sidewalk to
41 collapse. In 2007 I had noticeable sinking, but not enough to fix at the time. In 2008 I had
42 significant shifting, so I hired mud jacking to fix the problem, which is a couple thousand
Reviewed 6/13/19 by Cari Burmaster

**Common Council
of the City of Onalaska**

Tuesday, June 11, 2019

2

43 dollars. Over the years, problems continued underneath the sidewalks from the above couple
44 houses. Since then, there's been severe sinking, so in 2012, 2013 I hired the whole sidewalk
45 [and] an apron of our driveway to be replaced, which was six, seven years ago, and obviously
46 that was very costly. At the same time, I hired a landscaper to put a drainage ditch underneath
47 for a PVC pipe and like a drain between the houses, so that way the water comes through without
48 having to go onto the sidewalk and it goes right to the boulevard, and also popup valves to do the
49 same thing. That obviously cost landscaping fees as well. I don't want to have to replace my
50 sidewalk every three to five years because of issues above me. Obviously we're on a big hill at
51 the end of Aspen Valley on the right-hand side where there is a sidewalk on one side but not the
52 other. It just continues to come down, and it's kind of a safety issue, so I want it to be fixed, but
53 I don't want to do this every three to five years, [meaning] replace my whole sidewalk, the
54 apron, [and] the driveway. I'm asking to have the Board of Public Works put it back on the
55 Non-Consent Agenda for next time. I'm asking for the alderpersons to motion to do that so we
56 can talk about it again because I missed that last meeting. Thank you.”

57

58 **Kevin Knack**
59 **319 Locust Street**
60 **Onalaska**

61

62 “I would just like to offer a prayer for the meeting tonight: *‘Lord, I thank you for our Mayor, for*
63 *our Councilpeople, and for all the staff working here tonight. I would ask you to help them to*
64 *know that they are appreciated in this city for the work that they do. Help them as they decide*
65 *issues tonight, as they answer questions, and as they consider projects and proposals. Let all*
66 *things come to the light, and let the truth rise up and be easy to see. Let them make fair and*
67 *sound decisions that all would cooperate with. I ask that there would be a spirit of unity and*
68 *cooperation here tonight in working together for the good of this city. Thank you for them. I ask*
69 *you to bless each one and their families in the name of our savior. Amen.’*

70

71 **Bob Kelemen**
72 **506 Green Coulee Road**
73 **Onalaska**

74

75 Bob noted he and his wife, Mary, have resided at their current address for several years and said,
76 “We like it [there] very much, along with a number of other elderly people who live in that six-
77 group [condominium] unit. However, it's become increasingly unsafe out there because of the
78 heavy traffic flow – the gateway, of course, being to Aspen, Savannah, and other points
79 unlimited out there. If you've ever been out there – and I have occasion to see the traffic flow
80 almost daily because I'm retired – I've watched my neighbor's children get off the bus with the
81 flashing lights and the arm out, and I've watched somebody drive right along the side around
82 them. The young lady, if she would have stepped out, would have been killed. I've watched
83 cars speed by doing 60, 70 miles an hour on that ‘S’ curve out there. We've had our mailboxes
84 blown up by a drug addict, a guy that was drunk – it usually happens around two in the morning.

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**Common Council
of the City of Onalaska**

Tuesday, June 11, 2019

3

85 My son, who is a former police officer, helped solve the first case himself. Just recently we had
86 an individual – it was last Wednesday at exactly 3:45 – I heard a roar coming around the first
87 part of that ‘S’ curve by us, and here comes a black, very expensive car. That car was
88 accelerating – and it already had to be at 50 or 60 miles an hour – and it continued to accelerate
89 as that individual went around the curve. The individual was going so fast that the rear end of
90 that car – and this was a very expensive vehicle – the thing slid sideways, burned rubber, and
91 almost wound up on the boulevard. We have a lot of kids that go by there daily on a regular
92 basis. [They ride] bikes, [and] they dart in and out. It’s not uncommon to see kids and some of
93 these individuals who seem so arrogant that they don’t care. My objective is to ask for increased
94 police penetration or visibility because it has gotten out of control. It’s not a matter of if
95 someone gets injured or killed; it’s when. I’m a firm supporter of the Police Department; I’m not
96 here to complain about them. They have a lot of other things [to deal with]. There is more
97 severe crime and things that go on, and I understand that. But there has to be something done,
98 and done soon. This is getting out of hand. Thank you.”

99

100 **Jerry Every, former Second District Alderperson**
101 **801 Troy Street**
102 **Onalaska**

103

104 “As you folks may remember, I’m rather fussy about spending of non-budgeted funds. We’ve
105 had some concerns about that in the past. When I read on the agenda and in the minutes that you
106 are looking to change the ordinance to a simple majority to pass the budget rather than the three-
107 quarter vote, I became concerned. That is your right, and you can do that. It doesn’t surprise
108 me, and it’s your right to do so. However, I think that you should have the City Attorney take a
109 look or take a look at all of the ordinances that might apply that you think just require a majority
110 vote. I did a quick survey; for instance, 65.90 – Budget and Amendment Requirements for a
111 two-third vote. That is, any vote you take to take money out of the contingency fund must be a
112 three-quarter vote. Any money you take out of a public utility and transfer to another use
113 requires a three-quarter vote. Any refund or re-bonding of an outstanding bond requires a three-
114 quarter vote. [That is] according to state statutes. You just have to look at the budget results
115 from last year. The auditors did state that they had to overcome some irregularities and ask for
116 some information. I picked up an undertone of that before about how we transfer money in the
117 City of Onalaska. I’m just hoping that we can use a little caution when we talk about
118 transferring money, and especially non-budgeted money. On page 7 of the audit, it shows that
119 we did, this year, Hawkins Ash & Baptie and Fred Buehler, closed out some old bond issues.
120 My question is, how many did they close out, and where did the money go? Then there are also
121 some instances of money being transferred in the budget, and you can take a look at that.

122

123 Currently, you’re having Hawkins Ash [CPAs] take a look at the utility rates and get you a
124 projection on how that’s going to go, and Dan [Ald. Stevens] hit the nail right on the head. You
125 need that, and we need to know so we know exactly how much it’s going to increase or decrease
126 or whatever it’s going to do for a single year coming up. The city’s total net position decreased

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**Common Council
of the City of Onalaska**

Tuesday, June 11, 2019

4

127 this year. Our General Fund increased by \$4 million, but that was because of \$4 million in bond
128 money that we got in 2018 that we weren't supposed to get until this year."

129

130 Cari informed Jerry he had reached his three-minute speaking limit.

131

132 Jerry continued, "The next thing I want to talk about is your wish to not read written letters ..."

133

134 Ald. Wulf, who also serves as Common Council President, interjected as a point of order and
135 reminded Jerry he had reached his three-minute speaking limit.

136

137 Mayor Chilsen told Jerry he could finish his thoughts.

138

139 Jerry said, "The written input that is submitted to you, you need as much information as you can
140 get. I know some of these meetings get long and laborious, and maybe repetitive. But the more
141 information you can get, the better. I do think that written communication is important. A good
142 compromise might be if you don't want to read it, at least include it into the written minutes so
143 that we can read it. That's what I have to ask of you tonight. I wish you well, especially the new
144 [alderpersons]. Good luck to you, and I hope things go well with you. And maybe we'll see you
145 again."

146

147 **Jim Binash, former First District Alderperson**

148 **700 Westwood Drive**

149 **Onalaska**

150

151 "I'm here this evening to remind the Council to continue to consider a Public Safety Referendum
152 to be on the agenda for the 2020 year. I recognize it's going to be more work for the City
153 Administrator, for our Finance Department, and our Human Resources. But we can't ignore the
154 fact that the city is growing – not only necessarily outward, but upward. Upward meaning we're
155 having more apartment buildings and more apartment complexes. Our staff, Fire Department,
156 and Police Department, haven't really been expanded upon for awhile. I can see that they can be
157 taxed. If you ever ride along with a police officer and you see what they do on a daily basis and
158 the things they have to deal with, [and also] the firefighters who respond to all the calls that go
159 on through the city and through anyplace else they might need assistance, they are taxed. They
160 need time. They need to help. I hope that you will continue to pursue a referendum. It's very
161 important for the city, for our public safety, for our citizens, and for the personnel who deal with
162 the situations they do deal with, and our Fire Department and our Police Department. Give it its
163 due process. Please continue to work toward putting this as a referendum in 2020 so we can help
164 our citizens and prevent any situations that may come up in the future that we aren't able to
165 respond to. Again, I would ask that you all contact the Police Chiefs and Assistant Police Chiefs.
166 Ride along with a police officer. Go over to the Fire Department. See exactly what's going on
167 and get a feel for it. I think you will find that this is a good idea. Let the citizens of Onalaska
168 decide. It's often a difficult situation when you talk about increasing taxes. But for something

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**Common Council
of the City of Onalaska**

Tuesday, June 11, 2019

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169 like this, I feel it's very important. Thank you for your time."

170

171 **Jansen Dahl**

172 **208 17th Place South**

173 **La Crosse**

174

175 "As it relates to my application for the rezoning ... It's page [39] in your packet, [under] 11-A.
176 This is the application for the rezoning of the Judith Rockwood property. I would like to
177 respectfully make a recommendation to the Common Council that you move to strike Condition
178 [No.] 3 of the Plan Commission's request for action and possible consideration. I'm taking the
179 stance that the language is redundant and immaterial to the rezoning request applied for and
180 under consideration at this evening's hearing, as you can read in the language in [Condition] No.
181 3. I sent an email to the Council earlier with this information, but some of the reasons for my
182 request to strike the language is there's already an access agreement in existence right now that
183 was recorded with the Register of Deeds. This is a reciprocal easement agreement with the
184 adjoining parcel that Goodwill is now there, and this was filed back in 2010. 'Reciprocal' is the
185 key term here – both parties shall mutually benefit from the easement, and not one party over the
186 other. Being forced into negotiating a new two-way access/egress agreement will severely limit
187 our ability to develop our property in the tight timeline we have to complete the dealership. The
188 new agreement, as mentioned above, is really one-sided only for the benefit of Goodwill, and
189 also the City of Onalaska. Our staff and guests at the dealership would have very little reason to
190 access Goodwill's property. Really, the use of this easement will only benefit the Goodwill
191 patrons, employees, and suppliers who will use this access. We really won't have any practical
192 use for this required access to the Goodwill property. When two businesses are alike in retail,
193 like Target and Old Navy, a two-way access agreement like this does make a lot of sense as you
194 travel in between the two retail establishments. But the fact that we'll be an automotive
195 dealership abutting a thrift store, it's less likely that the two will mix very well.

196

197 Furthermore, if the rezoning request is granted, the Plan Commission is looking to require us as
198 owners to provide a required access to improve circulation from the neighboring properties to
199 funnel the vehicle traffic to the signaled intersection of Theater Road and Midwest Drive. There
200 are a lot of concerns of where this road is going to be built, who is going to pay for the road, and
201 the loss of land. When was this access ever actually required? It was always an elective in the
202 easement that was filed before. Another item we'll run into is, if we provide access through our
203 ... there is the potential for damage to property. We'll have new vehicle inventory there that is
204 really the lifeblood of the business. If we have traffic moving in and out, there could be issues
205 with that."

206

207 Cari informed Jansen he had reached his three-minute speaking limit.

208

209 Jansen said, "As you can see, there are a lot of negative issues related to Condition No. 3, so I
210 just ask that you strike that. Thank you very much."

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**Common Council
of the City of Onalaska**

Tuesday, June 11, 2019

6

211
212 Mayor Chilsen called three times for anyone else wishing to provide public input and closed that
213 portion of the meeting.

214

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

216

217 A. Library Statistics

218

219 Mayor Chilsen reported that to date, 129,117 have passed through the library’s doors.

220

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

222

223 Motion by Ald. Stevens, second by Ald. Wulf, to approve the appointments to standing
224 committees, boards, commissions, and other committees as listed in a packet dated June 11,
225 2019.

226

227 On voice vote, motion carried.

228

229 C. Proclamation Recognizing Rebecca “Becky” Wilhelm

230

231 Mayor Chilsen read the Proclamation Recognizing Rebecca “Becky” Wilhelm.

232

233 Motion by Ald. Olson, second by Ald. Wulf, to approve the Proclamation Recognizing Rebecca
234 “Becky” Wilhelm.

235

236 On voice vote, motion carried.

237

238 D. Swearing in of Officer John Pudowski as Police Officer (Oath of Office)

239

240 Assistant Police Chief Miller told the Council the Police Department still needs to fill two
241 positions and said he agrees with both Bob Kelemen and Jim Binash that the Police Department
242 needs to increase its presence in Green Coulee. Assistant Police Chief Miller introduced Officer
243 Pudowski, who comes to the City of Onalaska from the Chicago Police Department, where he
244 served as an officer for 6½ years before starting with the Onalaska Police Department on May
245 21.

246

247 Cari swore in Officer John Pudowski.

248

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

251

252 All items listed under the consent agenda are considered routine and will be enacted by one
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**Common Council
of the City of Onalaska**

Tuesday, June 11, 2019

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253 motion. There will be no separate discussion of these items unless a council member requests
254 removal, in which event the item will be removed from the consent agenda and considered in the
255 order of business in the non-consent agenda.

256

257 **Item 6 – Consent Agenda**

258

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

260

261 **FINANCE COMMITTEE**

262

263 B. Approve 2019 Omni Center Financials

264 C. Approve 2019 General Fund Financials

265 D. Accept audit presentation by Hawkins Ash CPAs – 2018 City Financials

266 E. Authorization for Hawkins Ash CPAs to review/analyze the storm water and storm sewer
267 rates and continue on the complete Public Service Commission (PSC) water rate review

268 F. Approval of Option 3 regarding an insurance policy for the Joint Municipal Court

269

270 **PERSONNEL COMMITTEE**

271

272 G. Approval of changes to City of Onalaska policies:

273 1. 6.03a Electronic Communications Policy

274 2. 6.03b E-mail System Policy

275 3. 6.11 Mobile Phone Policy

276

277 **JUDICIARY COMMITTEE**

278

279 H. Approval of **Ordinance 1642-2019** to amend Section 14 of Chapter 3 of Title 2 of the
280 Code of Ordinances of the City of Onalaska relating to the City Administrator (Third and
281 Final Reading)

282 I. Approval of **Ordinance 1645-2019** to amend Section 27 of Chapter 1 of Title 10 of the
283 Code of Ordinances of the City of Onalaska relating to Parking Restrictions (6th Avenue
284 North) (Third and Final Reading)

285 J. Approval of **Ordinance 1646-2019** to amend Section 27 of Chapter 1 of Title 10 of the
286 Code of Ordinances of the City of Onalaska relating to Parking Restrictions (13th Avenue
287 North) (Third and Final Reading)

288 K. Approval of **Ordinance 1647-2019** to amend Section 3 of Chapter 1 of Title 2 of the
289 Code of Ordinances of the City of Onalaska relating to the City Budget Hearing (Third
290 and Final Reading)

291 L. Approval of **Ordinance 1648-2019** to amend Title 10 Chapter 1 Section 27 of the Code
292 of Ordinances of the City of Onalaska relating to Parking Restrictions (Mason Street)
293 (First and Second Reading)

294

Reviewed 6/13/19 by Cari Burmaster

**Common Council
of the City of Onalaska**

Tuesday, June 11, 2019

8

295 **ADMINISTRATIVE COMMITTEE**

296

297 M. Approval of Licenses for 7/1/2019-6/30/2020

- 298 1. Class A Liquor Licenses
299 2. Class B Liquor Licenses
300 3. Class B Beer Only Licenses
301 4. Outdoor Venue Licenses – Class B Liquor
302 5. Outdoor Venue Licenses – Class B Beer
303 6. Cigarette/Tobacco Licenses
304 7. Hotel/Motel Licenses
305 8. Campground/Mobile Home Licenses
306 9. Taxi Licenses

307 N. Approval of First Amendment to Library Services Agreement

308 O. Approval of Resolution 32-2019 to dissolve the Onalaska Library Commission
309 contingent on La Crosse County Library System approval of First Amendment to Library
310 Services Agreement

311 P. Approval of Fireworks Display Permit for La Crosse Skyrockers for Celebrate Onalaska,
312 June 22, 2019 (Rain Date June 23, 2019) from approx. 9:45-10:30 p.m. at the Onalaska
313 School District Fields

314 Q. Approval of Special Events Permit for Fall Color Run, Suburban Corvettes of Minnesota
315 on Saturday, October 12, 2019 from approximately 7:30 a.m.-10:30 a.m.

316

317 **BOARD OF PUBLIC WORKS**

318

319 R. Approval of following current ordinances and protocols for sidewalk replacement at 1100
320 block of Aspen Valley Drive

321 S. Accept & place on file the Sanitary Sewer System Compliance Maintenance Annual
322 Report

323 T. Accept & place on file the Consumer Confidence Report for Onalaska Waterworks

324 U. Approval of televising sanitary sewers for 2019 Sanitary Sewer Slipline Project to Flow-
325 Rite Pipe and Sewer Services, LLC at a cost not to exceed \$18,500

326 V. Approval of purchase/sale agreement for land purchases of storm water ponding area
327 along USH 53 and Sand Lake Road from the Department of Transportation in the amount
328 of \$137,000

329 W. Approval of bid received for Court Street Lift Station Project to Gerke Excavating in the
330 amount of \$394,000

331 X. Approval of water quality investigation and testing at City wells to Water Quality
332 Investigations in the amount of \$26,581.65

333 Y. Approval of utility extensions for Great River Residences at 300 Court Street South

334 Z. Approval of Storm Water Management Public Education and Outreach Cooperative
335 Agreement at a cost of \$4,183

336

Reviewed 6/13/19 by Cari Burmaster

**Common Council
of the City of Onalaska**

Tuesday, June 11, 2019

9

337 **PLAN COMMISSION**

338

339 AA. Approval of an annexation application for N4342 Germann Court/N4375 Theater
340 Road (1.84 acres total) filed by Judith Rockwood, N9495 Radcliffe Road, Mindoro, WI
341 54644 (Tax Parcel #9-93-0)

342

343 **UTILITIES COMMITTEE**

344

345 BB. Approval of Shared Ride Financials

346

347 **PARKS & RECREATION**

348

349 CC. Approve the purchase of Open Air Park Shelters to be placed in Meier Farm Park
350 and Hilltopper Heights Park at a cost not to exceed \$16,801.50 per shelter

351

352 Motion by Ald. Olson, second by Ald. Stevens, to approve the Consent Agenda, sans Item R.

353

354 On voice vote, motion carried.

355

356 **Non-Consent Agenda**

357

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

359

- 360 • Item R: Board of Public Works – Approval of following current ordinances and protocols
361 for sidewalk replacement at 1100 block of Aspen Valley Drive

362

363 **Item 8 – FINANCE COMMITTEE**

364

365 A. Vouchers

366

367 Motion by Ald. K. Smith, second by Ald. Stevens, to approve the vouchers expended since the
368 last Common Council meeting on May 14, 2019 in the amount of \$1,929,830.96.

369

370 On voice vote, motion carried.

371

372 **Item 9 – ADMINISTRATIVE COMMITTEE**

373

374 A. Approval of Operator's Licenses as listed on report dated June 11, 2019

375

376 Motion by Ald. Wulf, second by Ald. K. Smith, to approve the Operator's Licenses as listed on
377 report dated June 11, 2019.

378

379 On voice vote, motion carried.

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**Common Council
of the City of Onalaska**

Tuesday, June 11, 2019

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B. Approval of Weights & Measures Licenses for 7/1/2019 to 6/30/2020

Cari noted there are three outstanding applications: Kohl's, TJ Maxx, and The Men's Wearhouse. Cari asked that the Common Council consider approving the licenses for the aforementioned establishments, provided that they submit the application and the proper payment prior to June 30, 2019.

Motion by Ald. Wulf, second by Ald. Iyer, to approve the Weights & Measures Licenses for 7/1/2019 to 6/30/2020, per the handout distributed to the Common Council on June 11, 2019, plus any that will be submitted through June 30, 2019.

Ald. T. Smith asked if the three establishments Cari had mentioned will lose their license if they do not submit the application and proper payment by June 30.

Cari told Ald. T. Smith they would move into the citation process and be required to pay additional fees in addition to the fees they still owe.

On voice vote, motion carried.

C. Request from Onalaska Hilltopper Rotary Club to have a rain date added to the Downtown Sound Series on Wednesday evenings if the Tuesday evening concert is cancelled due to rain

Ald. Stevens told the Council he is a member of the Onalaska Hilltopper Rotary Club, and he also serves as Director of the Downtown Sound Concert Series, which is held at Dash-Park. Ald. Stevens said the initial plan was to cancel any events that were lost due to rain. However, Ald. Stevens noted he had spoken with City of Onalaska resident Terry Bauer, a member of Valley View Rotary which sponsors Moon Tunes, an event held most Thursday evenings during the summer at Riverside Park in La Crosse, and said it became apparent that adding a rainout day had been successful for that event. Ald. Stevens told Council members this evening's scheduled Downtown Sound event had been rained out and said, "We're glad to have another day in the park to have our event. I will abstain from [voting on] this as I am somehow involved in this. This is a nice program that benefits the community. We're raising money for the Great River Sculpture and the Onalaska Food Pantry, and providing a free cultural event to the people of Onalaska."

Motion by Ald. Wulf, second by Ald. Olson, to approve a request from Onalaska Hilltopper Rotary Club to have a rain date added to the Downtown Sound Series on Wednesday evenings if the Tuesday evening concert is cancelled due to rain.

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

Reviewed 6/13/19 by Cari Burmaster

**Common Council
of the City of Onalaska**

Tuesday, June 11, 2019

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Item 10 – BOARD OF PUBLIC WORKS

424

425

- A. **Resolution 31-2019** – City of Onalaska, Wisconsin Department of Natural Resources NR 208 – compliance resolution 2018 Onalaska Wisconsin

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Motion by Ald. K. Smith, second by Ald. Olson, to approve **Resolution 31-2019** – City of Onalaska, Wisconsin Department of Natural Resources NR 208 – compliance resolution 2018 Onalaska Wisconsin.

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On voice vote, motion carried.

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434

- B. Review and consideration of bids received for Public Works Facility Addition Project

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Motion by Ald. K. Smith, second by Ald. Wulf, to award Americon the Public Works Facility Addition Project in the base bid amount of \$1,900,000, plus Alternate No. 2 and Alternate No. 3.

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438

439

Jarrold stated for clarification Americon's base bid was \$1,090,000 and not \$1,900,000, and he told the Council the awarded bid amount would be \$1,155,183 with both Alternate No. 2 and Alternate No. 3. Jarrold told the Council the Board of Public Works had discussed adding a 3 percent contingency at its June 4 meeting. This contingency would not be part of the award; rather, it would be kept in the budgeting process. Therefore, the total project budget would be \$1,190,183. Jarrold said the Board of Public Works had tasked him with examining the 2019 Capital Improvements Budget, and he noted he had distributed to the Council a document listing 20 capital improvements projects. Jarrold noted the column to the far left lists the project name, and the budgeted amounts for said projects are listed in the middle columns and broken out by Water, Sanitary Sewer, Storm Sewer, and General Fund. Bid costs for Water, Sanitary Sewer, Storm Sewer, and General Fund are listed in the far right-hand columns. Jarrold told the Council the projects highlighted in yellow have not yet been bid.

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Jarrold said, "Going through the Capital Improvements Project budget breakdown, if you've seen the projects coming through over the last six months, we've been bidding these projects and we've been seeing higher bid project costs than normal. Most of that is due to the amount of work that we see from the contractors right now. We have a lot of contractors who are full with work. We are also seeing material prices increasing on a variety of fronts." Jarrold referred to the bottom of the list, referred to the Water column, and noted the Water budget was \$3,525,500. Jarrold noted there is a \$3,520,307 expenditure and said, "We've tried to balance these to get these to work out." Jarrold referred to the projects highlighted in orange and told the Council one paving project had been rescinded as part of this budget exercise. Jarrold noted staff is going through some of the 2020 projects and said a couple of the projects will be deferred and some of the fund balance will be utilized so that the budget sheet will balance. Jarrold told the Council he had met earlier Tuesday with both City Administrator Rindfleisch and Fred, and he said he

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463

Reviewed 6/13/19 by Cari Burmaster

**Common Council
of the City of Onalaska**

Tuesday, June 11, 2019

12

464 believes there is a funding plan that addresses any funding concerns. Jarrod said, “We’ll be able
465 to get all of these 20 Capital Improvements Projects done. A lot of them are started. Some of
466 them are already half done. We will be able to complete the goal of getting all those projects
467 done.”

468
469 On voice vote, motion carried.

470
471 C. Review and consideration of Third Amendment to Refuse Agreement

472
473 Ald. K. Smith noted the Council had received the marked-up version of the agreement that
474 includes changes made by city legal counsel since the June 4 Board of Public Works meeting.

475
476 Motion by Ald. K. Smith, second by Ald. Wulf, to approve the updated Third Amendment to
477 Refuse Agreement the Common Council received June 11, 2019.

478
479 Jarrod stated for clarification he had made the changes to the amendment that is before the
480 Council this evening, and he noted city legal counsel had reviewed and prepared the document.
481 Jarrod referred to the second page of the clean version of the amendment and noted the last
482 sentence had been deleted by the Board of Public Works.

483
484 On voice vote, motion carried.

485
486 **The following item was pulled from the Consent Agenda, to be addressed at this time in the**
487 **Non-Consent Agenda.**

488
489 D. Approval of following current ordinances and protocols for sidewalk replacement at 1100
490 block of Aspen Valley Drive

491
492 Motion by Ald. K. Smith, second by Ald. Wulf, to approve following current ordinances and
493 protocols for sidewalk replacement at 1100 block of Aspen Valley Drive.

494
495 Ald. Stevens told the Council that Scott Arenz had contacted him by telephone earlier Tuesday,
496 and he said Scott expressed his frustration over not being able to attend the June 4 Board of
497 Public Works meeting due to short notice in his family’s schedule. Ald. Stevens said there were
498 other citizens who also had an interest in the water flow affecting their residences, and he stated,
499 “While I would, generally speaking, defer to the knowledge and expertise of the [Board of Public
500 Works, which] deals with this directly, I do like the idea that everyone would get their chance to
501 approach the hearing. I would recommend that we refer this back [the Board of Public Works]
502 so that the constituent can approach us again with members of his community.”

503
504 Motion by Ald. Stevens to refer back to the Board of Public Works approval of following current
505 ordinances and protocols for sidewalk replacement at 1100 block of Aspen Valley Drive.

Reviewed 6/13/19 by Cari Burmaster

**Common Council
of the City of Onalaska**

Tuesday, June 11, 2019

13

506

507 Mayor Chilsen reminded Ald. Stevens there already is a motion on the floor.

508

509 Ald. Stevens withdrew his motion.

510

511 Mayor Chilsen restated the original motion: To approve following current ordinances and
512 protocols for sidewalk replacement at 1100 block of Aspen Valley Drive.

513

514 Jarrod told the Council the Board of Public Works had engaged in a lengthy discussion
515 pertaining to this item, and he noted he had shown board members both photographs and videos
516 that he had not brought with him this evening. Jarrod said a memo describing the situation had
517 been included the Board of Public Works packet for the June 4 meeting, and he noted there was
518 an onsite meeting with the homeowners May 13. Jarrod said four possible options were outlined,
519 one of which was to go by the city ordinance and protocols. The Board of Public Works
520 approved that option.

521

522 Mayor Chilsen asked Jarrod to explain to the Council what that means.

523

524 Jarrod said the Engineering Department had sent a letter in the autumn of 2018 after an
525 inspection of the sidewalk in the area revealed deficiencies. The letter stated the deficiencies
526 either had to be repaired by the property owner, or the City of Onalaska would repair the
527 deficiencies in the summer of 2019. Jarrod said, "We are in the process of a contractor repairing
528 deficiencies. We did receive the email from Mr. Arenz that was in the Board of Public Works
529 packet and stated that he had performed a variety of repairs, as he outlined during public
530 comment tonight. He stated he wanted some other consideration of those because he had
531 repaired it multiple times already. That's the reason we set up the meeting. If this motion goes
532 forward, we would either have the homeowner fix the faulty sections, or the city would go in and
533 fix them and then assess them for those charges."

534

535 Mayor Chilsen said, "As I see it, the options that we have is to vote for this, which would do
536 exactly what Jarrod just said. Or if the Council votes against it, they could vote it down and then
537 they could bring another motion and send it back to the Board of Public Works. Is that correct?"

538

539 Jarrod said that would be his understanding.

540

541 Sean told Mayor Chilsen he is correct.

542

543 Ald. K. Smith said, "In defense of my position, which is supporting the action that was taken at
544 the Board of Public Works, according to our current ordinances and protocols that we have set
545 up and that we try to follow consistently for all the members of our community, that is what the
546 [board] is recommending that we do. What I think the homeowner is asking is for us to deviate
547 from that because of him being the one with the problem – I guess the problem occurring on his

Reviewed 6/13/19 by Cari Burmaster

**Common Council
of the City of Onalaska**

Tuesday, June 11, 2019

14

548 property or related to his property. Of course that seems very onerous to have to keep replacing
549 it over and over again. I'm not opposed to looking at a bigger solution for the area, but that
550 doesn't mean that I think we shouldn't support the current policies in this situation right now.
551 It's not fair to the people of all the community to have to pay to have Mr. Arenz's sidewalk
552 repaired. I don't think that's fair, either, so I do think we need to follow the policy right now.
553 We can work to change the policy, which would mean looking at all the variables and not just
554 this one situation."

555
556 Ald. Wulf noted she also serves on the Board of Public Works and stated she concurs with Ald.
557 K. Smith, who serves as Chair of the board. Ald. Wulf said, "This is a tough situation. And
558 while I sympathize with the homeowner, I will repeat what I said at Board of Public Works last
559 week. My personal opinion is I think that this is a civil issue. It is not a municipality issue. I
560 don't know how the city is at fault with the water issue. While I greatly sympathize with this, I
561 just don't see how this is a City of Onalaska issue to resolve."

562
563 City Administrator Rindfleisch said, "In terms of making any policy recommendations from the
564 [City] Administrator to the Council and to the Mayor, I think the first thing I can do is reflect
565 upon the fact that the policy is created by the Council to provide overall guidance for the entire
566 city. Deviations from that generally create future deviations from the policy. Also, for the other
567 Councilmembers that may not have been in attendance [at the June 4 Board of Public Works
568 meeting], staff and Jarrod did provide four alternatives, I believe, including removing the
569 sidewalk or doing some additional work, keeping in mind that none of those alternatives have
570 any funding sources whatsoever for this year. That would be a General Fund issue. We would
571 have to do a budget amendment to fund that somehow, which I don't believe the [board] chose as
572 a recommendation. They chose to stick with the policy as it stood at this point in time. Finally, I
573 think the issue is fairly clear by the homeowner where the water comes from. However, the
574 general stance of the city in terms of policy is that the city does not get involved in stormwater
575 management on private property. We take a global view for the entire city and public lands in
576 terms of managing our stormwater system. So likewise here, a precedent could be established of
577 fixing this particular homeowner's neighborhood issue. We would be opening the door to all
578 other neighborhoods as well. A similar conversation was brought up at [the Board of Public
579 Works]. I think if it comes back to being referenced again, my position would be the same
580 recommendation at that point in time in committee again."

581
582 Ald. Stevens said, "I'm prejudicially not saying we should deviate from the policies so much as I
583 wanted to afford Mr. Arenz the opportunity to have his say again. Whether fault lies with the
584 city – which I don't think it does from what I've read in the minutes – or it's the homeowner or
585 the developer, I'm not sure. I would just like to afford the citizens to have the opportunity to
586 approach their concerns. The finding may very well not differ at all, but I think everybody
587 should have their day in court, so to speak."

588
589 On roll call vote: Ald. Kim Smith – aye, Ald. Boondi Iyer – nay, Ald. Dan Stevens – nay, Ald.
Reviewed 6/13/19 by Cari Burmaster

**Common Council
of the City of Onalaska**

Tuesday, June 11, 2019

15

590 Jim Olson – nay, Ald. Tom Smith – aye, Ald. Diane Wulf – aye. Tie vote, 3-3.

591

592 Mayor Chilsen cast the tiebreaking vote to approve following current ordinances and protocols
593 for sidewalk replacement at 1100 block of Aspen Valley Drive. Motion carried, 4-3.

594

595 **Item 11 – PLAN COMMISSION**

596

597 A. Approval of a rezoning request filed by Jansen Dahl of CHASE 2010, LLC, 3819
598 Creekside Lane, Holmen, WI 54636 on behalf of Judith Rockwood, N9495 Radcliffe
599 Road, Mindoro, WI 54644 to rezone a parcel from Neighborhood Business (B-1) to Light
600 Industrial (M-1) District to facilitate the construction of an auto dealership and service
601 center at 384 Theater Road, Onalaska, WI 54650 (Tax Parcel #18-3570-70)

602

603 Motion by Ald. Wulf, second by Ald. T. Smith, to approve a rezoning request filed by Jansen
604 Dahl of CHASE 2010, LLC, 3819 Creekside Lane, Holmen, WI 54636 on behalf of Judith
605 Rockwood, N9495 Radcliffe Road, Mindoro, WI 54644 to rezone a parcel from Neighborhood
606 Business (B-1) to Light Industrial (M-1) District to facilitate the construction of an auto
607 dealership and service center at 384 Theater Road, Onalaska, WI 54650 (Tax Parcel #18-3570-
608 70).

609

610 City Administrator Rindfleisch noted Councilmembers were receiving copies of the attachments
611 to the email they had received earlier Tuesday. City Administrator Rindfleisch also noted staff
612 had not received the email and therefore had not had sufficient time to review it. However, the
613 email was forwarded to staff for review. City Administrator Rindfleisch said he believes the
614 only concern that has arisen regarding the annexation pertains to the cross-access right-of-way.
615 City Administrator Rindfleisch noted he has served in his current role since 2017, and he also
616 acknowledged there are particular areas in the city where access between commercial properties
617 is an issue. City Administrator Rindfleisch noted cross-access agreements are common, pointing
618 all the city's commercial areas have them to assist with traffic flow and not to create barriers for
619 commercial enterprise.

620

621 City Administrator Rindfleisch said, "I think the items, as attached, proves the reason why staff
622 has always in the past and continues to recommend having that condition: to provide that access
623 for you. Quite frankly, now that we have the attachments, it's my opinion that the requirements
624 of the third condition would be met as stated, and as always stated by staff. So long as there is
625 an agreement in place, then all parties who currently own the property or in the future would own
626 the property understand the rights and the responsibilities of all the parties. That has been staff's
627 position from day one: to make sure that it's there so that 20 years down the road if anybody
628 starts becoming litigious that the city has brought these points up, first and foremost. I'm a little
629 concerned from seeing in the email ... I'm concerned it's one-sided for the benefit of Goodwill,
630 and in parenthesis the City of Onalaska. Again, as a policy recommendation, it's your
631 responsibility as a Council to represent the City of Onalaska, so that shouldn't be taken as a side.

Reviewed 6/13/19 by Cari Burmaster

**Common Council
of the City of Onalaska**

Tuesday, June 11, 2019

16

632 That's your primary concern: what's best for the city and not necessarily what's best for one
633 party or the other. Also keep in mind these cross-access agreements are not controlled by the
634 city once they're agreed upon by the parties and filed by the Register of Deeds. [At that time]
635 the city's role is no longer pertinent, which is why we want them in Condition No. 3.

636
637 Another thing I'm concerned about is the indication that the agreement is substantially unfair to
638 one party; in this case, the Dahl business. I think if you review the selected sections that were
639 included, it's very much in the favor of the property that is now the Dahl property, and very
640 unfavorable to the parcel that is now owned by Goodwill. For example, in perpetuity the
641 Goodwill parcel must have, which they've already created ... They've spent the money to create
642 that driveway access. It must stay in decent shape. They can never block it. They can never
643 reuse it. It has to be there. On the last map there, I would point out where they had it
644 constructed completely that. It goes straight back into the parking lot to the back of the building.
645 The one party, quite frankly, can be aggrieved down the road. Twenty or 30 years down the
646 road, there may be some other owners of the businesses wishing to have access there. The
647 language in the agreement will spell out the responsibilities of who's paying for what, and the
648 city can wash its hands of the issues at hand at that point in time. It's a long way of saying
649 basically that the information provided at the last minute here actually, in my opinion, meets the
650 requirements of the third condition. Therefore, I strongly recommend keeping the third
651 condition in there. It is not superfluous. It is the document that, again, if parties become
652 litigious down the road, the city can refer to and say, 'No, we're aware that access is an issue and
653 it's been taken care of.' "

654
655 Katie said if Condition No. 3 is set forth, the only outstanding aspect of it is that instead of the
656 portions of the agreement, the City of Onalaska would require the full agreement so that it is on
657 file in the Engineering Department as opposed to the pieces with the Council this evening. Katie
658 said, "As stated previously, it would meet the bulk of the requirements of this condition. We
659 often have conditions like this where we're making people aware of what it is we're wanting so
660 that 10 years in the future we can come back to this document and we can say, 'No, we did
661 require a copy of the agreement. We have a copy of the agreement.' It basically helps us to fact-
662 check ourselves in the future."

663
664 Mayor Chilsen asked Sean if he has an opinion he wishes to share.

665
666 Sean noted this is a policy decision and not a legal decision.

667
668 Ald. Stevens said, "In light of the request from Jansen Dahl versus what I'm seeing on here, I'm
669 wondering, is time of the essence in this case? Or is this something we could have more time to
670 consider? I think construction might be planned soon."

671
672 Tyler Dahl addressed the Council and said, "Time is of the essence. After conferring, we agree
673 that since this access/egress agreement is in place and on file with [La Crosse] County, we're OK
Reviewed 6/13/19 by Cari Burmaster

**Common Council
of the City of Onalaska**

Tuesday, June 11, 2019

17

674 leaving [Condition] No. 3 in so we can proceed to move forward with this project.”

675

676 On voice vote, motion carried.

677

678 **Item 12 – COUNCIL RULES/WRITTEN PUBLIC INPUT**

679

680 A. Written Public Input/Comment will be placed on file and not read into the minutes at

681

Common Council meetings

682

683 Cari said this item was placed on this evening’s agenda based on the discussion that occurred at
684 the May 14 Common Council meeting regarding the written public input that is received and the
685 manner in which the city will address it. Cari said she is seeking input from the Council as to
686 how its members wish to proceed, and she also is seeking a motion from the Council as to how to
687 proceed. For example, the Council could recognize who had provided written input by giving
688 his/her name and address at the time of the meeting, and then note the written public input would
689 be placed on file.

690

691 Cari said, “Our process is we do always take everything we have as a handout here, which that
692 could possibly be a handout. We do take that the following morning and scan it, and we do
693 make it an attachment to the agenda so it is put on file and the public would have access to that
694 to read it. It’s not something that would be hidden away or anything where nobody could see it.
695 It’s definitely going to be out there for people to see. It just wouldn’t be read verbatim into the
696 record at the time of the meeting. If that is what the Council likes, that’s what I had been
697 hearing. We just need to make something in a formal motion so we are following those
698 standards. The other question I would have that is also pertaining to that is whether you would
699 like that same practice followed at all the committee meetings also.”

700

701 Ald. K. Smith asked if the city would be creating a policy or a practice.

702

703 Cari said at this point she would consider this a practice, and she told Ald. K. Smith it would be
704 possible to put it as part of a written policy at some point, adding, “We could do either/or.”

705

706 Motion by Ald. K. Smith, second by Ald. Wulf, to approve the following practice regarding how
707 the Common Council handles written public input: Written public input will be distributed
708 individually to Councilmembers and the Mayor at the time of the meeting. Written public input
709 will be acknowledged by stating the name and address of the person submitting it. The handout
710 will then be filed with the minutes and become part of the public record from the meeting.

711

712 Ald. Stevens asked, “If we set this policy, are we relegating ourselves to not be able to read
713 letters from the public? Is it all in one box or the other? If somebody were to write a glowing
714 letter that we would like the public to hear, I don’t want to lose that ability. But on the other
715 hand, if somebody were to say something inflammatory, maybe that needs to be on the record,

Reviewed 6/13/19 by Cari Burmaster

**Common Council
of the City of Onalaska**

Tuesday, June 11, 2019

18

716 but not spoken by Council.”

717

718 Sean said, “If you’re adopting this practice, you would not be able to exercise editorial to read
719 glowing letters and not read the opposite. You still would have the option that if you wanted to
720 use your three minutes during public input because you received a letter as an alder and you
721 wanted to go to the dais and use your three minutes to read in someone else’s letter ... It’s just if
722 there are 10 letters about something, they’re not going to be read in unless an alder chooses to
723 donate their three minutes to that cause.”

724

725 Ald. Wulf cited the example of a citizen who submits a letter pertaining to an item on which the
726 Council is voting – for example, recycling carts – and she said she assumes an alderperson could
727 cite something from a letter received from the public that he or she deems worthy of mentioning.

728

729 Sean told Ald. Wulf, “Your use of public input, whether it be verbal public input or written
730 public input during the meeting or before the meeting, is completely up to you as to how you
731 form your arguments during the political discussion.”

732

733 On voice vote, motion carried.

734

735 **Item 13 – ALDERPERSON JIM OLSON**

736

737 A. Remembrance of D-Day

738

739 Ald. Olson said, “On June 6, I was driving, so I didn’t have a chance to see the festivities. I
740 listened to them for several hours while I was driving, and I was having a difficult time wiping a
741 lot of tears from my face because I guess at this age I realized what sacrifices were made on our
742 behalf by the people who stormed the beaches at Normandy. And I heard some things I’d never
743 heard before, like it took six waves of our guys to finally get a foothold. The first wave we lost
744 90 percent of our people. The second wave we lost 80 percent of our people. Then I got to
745 thinking about what that meant to us and what that meant for our futures. Then I started to
746 compare the valor and the commitment, because there were 16-year-olds who were lying about
747 their age to actually serve on that day. Then I took a look at the way some of our Congressional
748 leaders are acting today, and I see such a dichotomy between service and death and sacrifice and
749 the miserable, disgusting display of some of our Congressional politicians today. Pick a party –
750 it doesn’t make any difference. Why we can’t get anything done in this country is disgusting to
751 me as a citizen.

752

753 Then you move on to the press. I recalled an encounter I had here while I was chairing a
754 committee several years ago. I read the minutes of the meeting, and then I read the press release.
755 And when the person from the press came back and sat down, I said, ‘I could have sworn I saw
756 you sitting here last month.’ [The member of the press said], ‘I was. I was sitting right next to
757 you.’ I said, ‘Here’s a copy of the minutes, and this is the truth. And this is your press release,

Reviewed 6/13/19 by Cari Burmaster

**Common Council
of the City of Onalaska**

Tuesday, June 11, 2019

19

758 so from now on I'd like to actually have you actually write about the truth. The truth is what is
759 really said here and not your interpretation of the truth. If you would like to continue doing this,
760 I would ask you to please give me the article before you print it, I'll read it and then OK it.'
761 Those are my comments, and I feel very strongly about this because I believe we live in the
762 greatest country in the world, and somebody gave us that gift. We should try to maintain it. I
763 have no problem with the way we do business, because all of us are very concerned and we can
764 be easily contacted. I know this body has always reacted well. It's a shame you go up one level
765 and everybody forgets about who we are at this level. Thank you for your time."

766

767 **Item 14 – ALDERPERSON DIANE WULF**

768

769 A. Report on 2019 Local Government 101 Training

770

771 Ald. Wulf noted she, Ald. Iyer, Ald. T. Smith, and Ald. Stevens had attended the 2019 Local
772 Government 101 Training hosted in May in Madison by the Wisconsin League of Municipalities.
773 Ald. Wulf noted the training was billed as training for newly elected officials, as well as officials
774 who wanted to "brush up on their skills." Ald. Wulf said she also considered the training, which
775 was an all-day seminar, to be a team-building experience. Speakers addressed topics such as
776 Organization and Powers of Cities and Villages, Recognizing and Avoiding Conflicts of Interest,
777 Budgeting and Financial Oversight, Procedures for Local Government Meetings, and Managing
778 Public Works Activities. Ald. Wulf estimated 90 individuals had attended the seminar and said
779 she believes it had been a productive day for the four alderpersons who had attended. Ald. Wulf
780 encouraged city administration to offer this training in future years, especially to individuals who
781 have not previously served in an elected position.

782

783 Ald. Iyer, Ald. T. Smith, and Ald. Stevens all said they found the seminar to be helpful.

784

785 **Adjournment**

786

787 Motion by Ald. Wulf, second by Ald. Stevens, to adjourn at 8:15 p.m.

788

789 On voice vote, motion carried.

790

791

792 Recorded by:

793

794 Kirk Bey