

1 The Meeting of the Common Council was called to order at 7:00 p.m. on Tuesday, August 14,
2 2018. It was noted that the meeting had been announced and a notice posted at City Hall.

3
4 Roll call was taken, with the following members present: Mayor Joe Chilsen, Ald. Jim Binash,
5 Ald. Jerry Every, Ald. Ron Gjertsen, Ald. Jim Olson, Ald. 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, Human Resource Director Hope Burchell

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

12
13 The Pledge of Allegiance was recited.

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

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

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

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

29
30 **Dave Konkol, Pastor, First Free Church**
31 **123 Mason Street**
32 **Onalaska**

33
34 “First of all, Mayor, I want to thank you and everyone at this table for choosing to serve our
35 community the way you do. I really appreciate that; we all do. I came here simply to offer a
36 short prayer before you begin your deliberations. Let us pray: ‘*Dear heavenly father, I pray, and*
37 *we pray, a blessing on our City Council. I ask that you would give to each one here – and all of*
38 *them collectively, Lord – a real spirit of wisdom, clarity, unity, and courage as they make*
39 *decisions here tonight. I pray that in the name of Jesus. Amen.*’ Thank you.”

40
41 **Tracy Smith**
42 **613 3rd Avenue South**

Reviewed 8/16/18 by Cari Burmaster

43 **Onalaska**

44

45 “I’m here about the proposed bar on Elm Street and 3rd Avenue. I’m not sure how three minutes
46 is supposed to be ... It’s an absolutely absurd amount of time to give anything that is fair in my
47 position. My husband and I have lived in our house since 1999. We’ve watched children grow
48 up there and prosper. The reason we bought the house on 3rd Avenue is because it’s residential
49 and quiet. If we would have wanted to buy a house with a neighborhood bar, we would have
50 gone to the north side of La Crosse and bought [one]. We have a neighborhood mentality there
51 that you won’t find just anywhere. We watch out for everyone’s kids, and we watch out for each
52 other. To put a bar and rentals on my street would mean that the market value of our house will
53 fall. I’ve done my research, and it happens in every instance. We have sunk blood, sweat, and
54 tears into our house. Putting in a bar is going to take away most of the equity that we have
55 worked for. We’ve raised our five kids there. That’s where I want my grandchildren to come
56 back to. I don’t want to spend the rest of my days in my home listening to the thump of a
57 jukebox or people yelling or cops or anything else that happens in a bar. I don’t want to have to
58 listen to that when I have to get up at 5 o’clock in the morning and go to work to pay for a house
59 that is losing equity. On a technical point, there is absolutely no parking on our street. The city
60 took away our parking on our side, and there are mailboxes on the other side. I’m not sure where
61 people are supposed to park. It would just cause major chaos. I think placing a bar so close to
62 the library and the high school is a very bad idea. The library has things that go on every single
63 day during the summer, and [its patrons] use our street to park on. I do want to thank you for
64 your time, and I would ask you to please to not just look at numbers, but also think about the
65 people that this would affect. Thank you.”

66

67 **Jenny Schroeder**
68 **514 3rd Avenue South**
69 **Onalaska**

70

71 “I have two young kids that go across the alley and go in that little play spot in the back. The
72 last thing I need is for them to get hit by a car or anything like that. Having a parking lot butting
73 up next to an alley, the main traffic should never go through an alley. It should always go
74 through the main roads. Third Avenue South is so busy already. It is a school and a library
75 zone. I probably see kids once a week walking from the daycare to the library holding hands.
76 They do not need to be walking in front of a bar on their way to the library. I just think, what is
77 this teaching our kids as well? I have two kids that I have to get up for school. How are they
78 going to be able to sleep when the bar is dumping out bottles into the garbage can? You can hear
79 that for blocks. I just think it’s a bad idea all around. It brings drugs, alcohol, crime, and noise.
80 [There would be] privacy issues. How am I supposed to even open my blinds? You’re going to
81 have people in between the bar and in between my house smoking because they can’t smoke in
82 bars any more. They are not going to smoke in the apartment building. Their butts, their beer
83 cans – everything – will be on my lawn. That is not something that I am willing to live next to.
84 [There would be] noise concerns at 2 a.m. [Regarding] dogs, I bet you 90 percent of my

Reviewed 8/16/18 by Cari Burmaster

85 neighbors that I met in the past week – I have known about this for a week now – 90 percent of
86 them have dogs. You’re going to get a lot of complaints, not only with the bar, but you’re also
87 going to get complaints of dogs barking constantly because of people walking by. There is
88 absolutely no parking. [Regarding] high traffic, even one of the neighbors said they would love
89 a stop sign. I’m telling you that’s going to be worse once we get that in there. My big concern is
90 people getting in their vehicles after they’ve had a few [alcoholic beverages]. Whether it’s
91 buzzed, whether it’s drunk – anything – and getting into their cars ... School has let out. People
92 have after-school sports. They’re walking across [the street]. I always keep my sidewalk
93 shoveled so there is a clear path and they can walk through. If anything happens where my kids
94 or any schoolkids, even walking to the library, get hit by somebody ... I almost got hit from
95 people pulling out of Senor Villa. I just think that’s a big concern as well. I just ask you – and
96 I’m going to end it right here because I know I probably hit my three minutes – to drive by. See
97 where my house is. You can walk out my side door. It’s 10 steps away. It’s not where I want to
98 raise my kids, and I don’t think it’s fair for the school to have to deal with it as well. Thank you
99 for your time.”

100

101 **Ben Aslesev**
102 **421 3rd Avenue South**
103 **Onalaska**

104

105 “It’s the corner of Third [Avenue South] and Fern Street, so I have line of sight with this
106 proposed bar. I just want to say I have four kids. I have lived in my house 10 years, and we’ve
107 raised them all there. It may not be the most high-value neighborhood, but there are a lot of
108 families, and we’ve invested a lot in our home and our neighborhood, and we really care about it.
109 It just doesn’t make a lot of sense when there is a lot of commercial property on the other side of
110 the alley and up and down that street why they would want to rezone and take away a residential
111 property. The only reason I can think is because perhaps they could get it for less money. I
112 don’t think that’s a viable reason to make a change like this. As a side note, I rode around City
113 Hall and I couldn’t find a bike rack anywhere.”

114

115 **Erin Heiden**
116 **521 3rd Avenue South**
117 **Onalaska**

118

119 “We are directly across Third Avenue from the property that is looking to get its Downtown
120 Overlay District modified. I’m not going to be telling you anything new that my neighbors have
121 not already said or will be saying. I think we’re all thinking the same thing because we all see
122 the traffic that goes down Third Avenue. On any given day you can count the vehicles that are
123 not traveling the posted speed limit because they think they can get from Kwik Trip to Main
124 Street faster. As [my neighbors] have mentioned, we are in a neighborhood with a library and
125 with multiple parks and the schools. There are children all over. I walk our dog and our 8-
126 month-old, and you’re constantly having to make sure that you’re looking two, three times

127 before you cross the street because people do come right off and take their turns without really
128 paying attention to who is there. Again, the property values ... We just bought our house three
129 years ago, but the reason we picked where we were was because not only we were so close to
130 commercial things like the grocery stores and Kwik Trip, but also because we were close to the
131 park and we were close to the schools and we wanted to raise a family. Being close to that was
132 important to us, so it was kind of the best of both worlds with where this house was at. And just
133 as a final point, I did go back and read some of the minutes from previous Council meetings. I
134 believe it was in April there was a motion to rezone a portion of County Road PH. I believe a
135 mention from that meeting applies very much here. Alderperson Smith made the comment that
136 once it's changed we can't go back. That's the very same case here. If this gets changed it's that
137 way, and that's going to affect everybody five, 10, 20 years [from now]. What happens in 20
138 years if this bar is no longer operable? You're going to have a vacant building because nothing
139 else but a bar can always be going in there. That's all I have to say. Like I said, I'll leave the
140 floor for more of my neighbors because I know we're all very concerned about this. Thank
141 you."

142
143 **Marie Rieber**
144 **503 3rd Avenue South**
145 **Onalaska**

146
147 "I live across the street and down just a little bit from the proposed bar. I also do not agree there
148 should be a bar there. The parking is bad. There is no parking in front of my house, and the side
149 of my house is taken up by people parking by Senor Villa. I'm concerned that there is going to
150 be even less parking because of the bar going in. I also see a lot of foot traffic going in front of
151 the house – people walking, walking their dogs, kids playing. There are a lot of kids in the
152 neighborhood. I'm really concerned about all the traffic that the bar would bring. The reason I
153 bought my house was because it was in a nice residential area, and it was nice and quiet. I think
154 the bar would bring a lot of noise and undesirable people into the area. Thank you."

155
156 **Hugh Engling**
157 **613 Oak Avenue South**
158 **Onalaska**

159
160 "You're going to kind of wonder why somebody with a 613 Oak Avenue address is concerned
161 about this bar. This bar would be built one house away from my house. You're going to
162 wonder, how does that happen? Oak Avenue starts out as 4th Avenue South. As it runs down, it
163 turns into Oak Avenue, which means up here it's like this. When it gets down to my house,
164 [inaudible] and Elm [Street] is like this. When it hits Wilson [Street], which is four houses from
165 the end of the block, there is one car length difference between those two streets. That's where
166 Third Avenue ends and Oak Avenue continues on south. So basically, I'm sitting less than a
167 block away from this bar. On my street, there is parking only on one side of the street, so we
168 have very limited parking space. There is no alley behind my house. As a matter of fact, there is
Reviewed 8/16/18 by Cari Burmaster

169 no alley from Wilson Street to Green Street. That’s almost a two-block area that we have no
170 parking off-street. Front-street parking is prime. If you own two vehicles, there is no room to
171 park out front because the spots are all taken. This bar is going to be looking for places to park
172 their [customers’] cars. They’re not going to have the space around that bar. The next thing I
173 want to point out to you is Oak Avenue to 4th Avenue is speed-demon area. Oak Avenue starts
174 on Wilson Street, and there is a slight little knoll going up. People love to gun it and drive like
175 the dickens up that hill. I want to tell you that people who have a few drinks want to run that
176 street because it’s not Main Street, which is watched by law enforcement. They want to use a
177 side street. That side street is a beautiful straight street all the way over into north Onalaska right
178 up to Main Street. I know that for a fact because on New Year’s Eve my car was parked in front
179 of my house, and it was hit from behind so hard that they totaled my vehicle ...”

180
181 Cari informed Hugh he had reached his three-minute speaking limit.

182
183 Hugh continued, “Bits and pieces were laying up on the curb, and parts were laying into the next
184 block. The cops could tell me the make, the model, and the year of the vehicle, and they could
185 not find out who drove that vehicle.”

186
187 Mayor Chilsen reminded Hugh he had reached his three-minute speaking limit.

188
189 **Brandon Erickson**
190 **622 3rd Avenue South**
191 **Onalaska**

192
193 “I’m about five doors down. All we’re asking for you to do is maybe put yourselves in our
194 shoes. I’ve lived in my house since 2001. It’s a very close neighborhood. We’re all basically
195 family. I can go up and down the street, and I know all of my neighbors. We hang out quite
196 often. I have three children of my own. This bar does not fit our neighborhood. Like everyone
197 said [regarding] parking and everything else, we ask you to please not allow this bar to enter our
198 neighborhood. Thank you very much.”

199
200 **Alicia Bray**
201 **608 3rd Avenue South**
202 **Onalaska**

203
204 “My fiancé and I moved into our house about two years ago. I moved away to Madison – I grew
205 up in this area – and we moved back because we wanted to settle down and have kids. I love
206 how tight-knit Onalaska is. My grandma lived here when I was a kid. I grew up in this area, and
207 it’s always felt just a little different from La Crosse. I always felt [Onalaska] was more
208 neighborly and more tight-knit, so we definitely knew we wanted to live here. We found our
209 house and like everybody else has said, that area is a very tight-knit group of people. I was so
210 overwhelmed with how awesome our neighbors were and how I feel so safe even leaving my car

211 doors unlocked or anything like that. Everything has already been hit as far as we're tight-knit,
212 we're worried about off-street parking, and we don't want our house values to go down. But we
213 also kind of have to think about, who do we want to attract in Onalaska? It's awesome we have
214 places to eat and hang out with our friends and go with our family. Adam and I were drawn to
215 this area because we wanted to settle down and have a family. We plan on staying in our house
216 for awhile, but if there's going to be a bar next door I'm not going to want to stay there with a
217 young family. And for other people as well, who wants to live next to a bar when you have a
218 family, or even if you're not a big drinker? I don't think that is necessarily the pace we want to
219 set as far as the culture of drinking in our area. I feel like that's been a known problem for
220 awhile, so I feel like we need more establishments that veer away from that kind of activity in
221 our area. Obviously none of us want it next to our house. I just don't think it would improve our
222 neighborhood at all. Our neighborhoods are rare to come by in the sense that we are so tight-
223 knit. I feel like that would really change that environment or that kind of thinking in our area if
224 we did put the bar there. I just wanted to touch on that. Thank you."

225

226 **Reid Stoeckly**
227 **611 3rd Avenue South**
228 **Onalaska**

229

230 "I bought my house seven years ago, and like Brandon said, it's a great area. It's quiet. We
231 don't have a lot of crime. To have a bar put in kitty-corner from my house isn't a good idea.
232 Thank you."

233

234 **Kathleen Jostad**
235 **216 Elm Street**
236 **Onalaska**

237

238 "I agree with my neighbors. ... I believe it's a bad idea."

239

240 **Dan Stevens**
241 **1708 Jennifer Court**
242 **Onalaska**

243

244 "First, I would like to thank each of you for your role as public servants, and a special thanks to
245 [Mayor Chilsen], who works hard to make sure that everybody here has a voice and can come up
246 and speak their mind, even if it is to tell you all what an awful job you're doing, and I'm about to
247 do that right now. I've noticed a frequent occurrence on this Council and how it manages the
248 agenda. We have the Consent Agenda, which involves the normal and routine functions required
249 to keep our government moving smoothly. Then there is the Non-Consent Agenda involving
250 more contentious items which requires discussion, and then a vote. Now, when an alderman sees
251 something on the agenda that is particularly odious, they have the right to move it from the
252 Consent Agenda to the Non-Consent Agenda. This way they can vote against that item and we

253 can still breeze through the Consent side, [thus] saving time. Moving an item from the Consent
254 side to the Non-Consent side so you can vote against it, it's OK. That's your right as an
255 alderman, and that's our parliamentary procedure. But every Common Council session this year,
256 I've seen multiple items pulled from the Consent side over to the Non-Consent. It's usually
257 followed with rhetoric on why the measure is bad, and how, 'Oh, gee, if only somebody would
258 look out for the taxpayers.' That would be OK if you were going to vote against that item. But
259 instead, you turn around and vote in favor of the measure anyway. What is the point of that?
260 You drag an item from the Consent side to the Non-Consent, just later to consent again. It's like
261 you're doing a legislative cha-cha and it goes nowhere. You've accomplished nothing. The vote
262 isn't any different, and you take what should be a half-hour meeting and you stretch it out to an
263 hour. It's a colossal waste of time. Meanwhile, everybody here has to endure what really can
264 only be described as grandstanding. The City Clerk and the City Engineer and Fred has to sit
265 and politely listen because it's part of their job. But we also have a City Attorney who is not an
266 employee, but does contract work, and he gets paid on billable, contract hours. I cringe
267 whenever I open my attorney's bill because it costs hundreds of dollars an hour, and it's really
268 expensive. So when I speak to them, I am as succinct as I can possibly be. I don't use that time
269 to blather on and on because when the meter is running and you're paying the bill, you want to
270 keep that as reasonable as possible. It shouldn't be any different just because you can leave the
271 taxpayers to foot the bill. So when you double the length of our meetings, you're unnecessarily
272 running up our city's legal fees. Having to have our neighbors pay more in taxes to allow
273 grandstanding, I think that's a really poor use of city resources. Wouldn't that money be better
274 spent on capital improvements, or on city services, or even just not assessing it against the tax
275 levy? I hope the irony is not lost here. Getting up on the soapbox and declaring yourself as kind
276 of the frugal champion of the city while simultaneously wasting our city dollars, frankly I think
277 that takes more chutzpah. Thank you."

278
279 **Brenda Netwal**
280 **606 11th Avenue North**
281 **Onalaska**
282

283 Brenda informed the Council she is attending tonight's meeting in regard to Item 9 on the Non-
284 Consent Agenda.

285
286 Mayor Chilsen called three times for anyone else wishing to provide public input.

287
288 Mayor Chilsen read into the record the following letter from Dennis Aspenson, 1753 Pine Ridge
289 Drive, Onalaska: *"To the Mayor and the Council members, I would like to request to pull Item
290 'K' off the Board of Public Works agenda and put back on the table for more review and a fresh
291 look from other Councilmembers the subject of lowering the speed limit from the Sand Lake
292 [Road] roundabout north to [County Trunk] Highway S. It's too much of an impact for just one
293 committee to review. Thank you. Your support would be welcomed."*

294

295 Mayor Chilsen read into the record the following email from George Tabbert, 809 Rachel Place,
296 Onalaska: *“I do not support the request to have a stone park bench monument installed in the*
297 *Onalaska Cemetery. Such a monument would be unsightly and out of place. It would not pass*
298 *the test of time and would eventually have to be repaired or removed from the property. Most*
299 *regular cemetery monuments made out of granite last indefinitely and require little maintenance.*
300 *I strongly urge anyone thinking of purchasing a monument for themselves or others to consider*
301 *the consequences of their decision, for the sake of their descendants as well as cemetery staff of*
302 *the future who must maintain the grounds of any cemetery. There are regular granite*
303 *monuments in our cemetery that are well over 100 years old, and many look practically brand*
304 *new. We already have bench monuments in the cemetery, but they are small and have no*
305 *backrests. Larger bench monuments are found at the Veterans Memorial, but these too have no*
306 *backrests. These types of bench monuments are stable and very much add to the lawn and*
307 *garden appearance of our cemetery. The cluster of benches at the Veterans Memorial definitely*
308 *helps make that area a true landmark that cemetery visitors enjoy.*

309
310 *I sat on the Onalaska Cemetery Improvement Committee for around three years. Benches in the*
311 *cemetery came up several times. It was decided that benches scattered throughout the property*
312 *definitely would be park benches and placed in public areas, such as the expanse of lawn along*
313 *Second Avenue near Dorian, Grecian and Ionian, overlooking the hill along 13th Avenue South.*
314 *The neutral colors suggested were either pine green or tan. No one ever suggested that these*
315 *park benches be made of natural or artificial stone. A preliminary request to have a donated*
316 *park bench installed over one grave near the front was turned down. I ask that the Common*
317 *Council vote against the above-mentioned gravestone request, or at least slow down the process*
318 *so that the request can be discussed at length. And once again, here is a prime example showing*
319 *why a true city-sponsored cemetery board should exist in Onalaska.”*

320
321 Mayor Chilsen allowed Brenda Netwal to speak again.

322
323 **Brenda Netwal**
324 **606 11th Avenue North**
325 **Onalaska**

326
327 “When I heard the statement from [George Tabbert] that you just read before, the thickness of
328 the bench would be ... Our family would pay for a thicker bench. I had talked to the memorial
329 company about that. My mom and dad have traveled the country and many other countries, and
330 they’ve sat on many benches. It would be awesome for them to be able to have that. My mom is
331 here today, and my dad is very ill.”

332
333 Mayor Chilsen closed the public input portion of the meeting.

334
335 **Item 5 – REPORT FROM THE MAYOR:**

336
Reviewed 8/16/18 by Cari Burmaster

337 A. Swearing in of City of Onalaska Fire Chief William Hayes

338

339 Cari asked William Hayes to raise his right hand and repeat the following: *“I, William Hayes,*
340 *having been appointed to the Office of Fire Chief, swear that I will support the Constitution of*
341 *the United States and the Constitution of the State of Wisconsin, and will faithfully and*
342 *impartially discharge the duties of said office to the best of my ability, so help me God.”*

343

344 B. Swearing in of City of Onalaska Assistant Police Chief Jeff Cavender

345

346 Cari asked Jeff Cavender to raise his right had and repeat the following: *“I, Jeff Cavender,*
347 *having been appointed to the Office of Assistant Police Chief, swear that I will support the*
348 *Constitution of the United States and the Constitution of the State of Wisconsin, and will*
349 *faithfully and impartially discharge the duties of said office to the best of my ability, so help me*
350 *God.”*

351

352 C. Library Statistics

353

354 Mayor Chilsen reported that 77,151 passed through the library doors from January through July,
355 and 21,240 passed through the library doors in July.

356

357 D. Proclamation for Legion Riders

358

359 Mayor Chilsen read the Proclamation for Legion Riders.

360

361 Motion by Ald. Binash, second by Ald. Every, to approve the Proclamation for Legion Riders.

362

363 On voice vote, motion carried.

364

365 E. Report from La Crosse Area Development Corporation (LADCO)

366

367 Mayor Chilsen noted that recently the City of Onalaska, Dave and Barb Skogen, and DBS had
368 been awarded the Triangle Award by LADCO for collaborating on the creation of Dash-Park.
369 Mayor Chilsen noted it is an award that is given once a year in recognition of collaboration
370 efforts, and he thanked City Administrator Rindfleisch, Jarrod, Planner/Zoning Inspector Katie
371 Aspenson, and the Common Council on their efforts to bring forward the collaboration.

372

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

375

376 All items listed under the consent agenda are considered routine and will be enacted by one
377 motion. There will be no separate discussion of these items unless a council member requests
378 removal, in which event the item will be removed from the consent agenda and considered in the
Reviewed 8/16/18 by Cari Burmaster

379 order of business in the non-consent agenda.

380

381 **Item 6 – Consent Agenda**

382

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

384

385 **FINANCE COMMITTEE**

386

387 B. Accept Omni Center Financials for 2018

388 C. Accept General Fund Financials for 2018

389 D. Accept Gundersen Health System Parking Ramp Financials for 2nd Quarter for 2018

390 E. Authorization of a contribution to League of Wisconsin Municipalities in the amount of

391 \$1,200 with usage of City’s Special Project Fund – Tourism Funds

392

393 **PERSONNEL COMMITTEE**

394

395 F. Approval of a one-time stipend for the Payroll/HR Assistant

396 G. Authorization to replace Firefighter/EMT position

397 H. Approval of changes to City Policies:

398 1. 6.01 Anti-Harassment, Discrimination, Retaliation Policy

399 2. 4.13 Unmanned Aerial Devices Policy

400

401 **JUDICIARY COMMITTEE**

402

403 I. Approval of **Ordinance 1619-2018** to amend Title 10 Chapter 1 Section 12 of the Code
404 of Ordinances of the City of Onalaska relating to Through Streets Designated (Abbey
405 Road) (Third and Final Reading)

406

407 **ADMINISTRATIVE COMMITTEE**

408

409 J. Approval of Operator’s Licenses as listed on report dated August 8, 2018

410

411 **BOARD OF PUBLIC WORKS**

412

413 K. Denial of a request for a speed limit study/reduction in speed along Sand Lake Road

414

415 **PLAN COMMISSION**

416

417 L. Conditional Use Permit filed by Nicholas Roush, Roush Rentals, 707 La Crosse Street,
418 Office 102, La Crosse, WI 54601 on behalf of Elmwood Partners, 1859 Sand Lake Road,
419 Onalaska, WI 54650 to allow multiple principal structures on a parcel located at
420 9522/9530 East 16 Frontage Road, Onalaska, WI 54650 (Tax Parcel #18-3613-3) (FIO)

Reviewed 8/16/18 by Cari Burmaster

- 421 M. Conditional Use Permit filed by Mike Volden of IDEA MAIN, LLC, d/b/a The Creative
422 Child, 810 Oak Timber Drive, Onalaska, WI 54650 on behalf of Mark Etrheim of Oak
423 Forest Partners Two LLC, 1821 Acorn Court, Onalaska, WI 54650 to allow the operation
424 of a child care center at 1052 Oak Forest Drive, Suite 100, Onalaska, WI 54650 (Tax
425 Parcel #18-3087-1) (FIO)
- 426 N. Approval of an amendment to the WAL-MART Planned Commercial Industrial District
427 (PCID) at 3107 Market Place, submitted by Gina Kelly, SGA Design Group, 1437 South
428 Boulder Avenue, Suite 550, Tulsa, Oklahoma 74119-3609, on behalf of Wal-Mart R.E.
429 Business Trust, 702 SW 8th Street, Bentonville, AR 72712 (Tax Parcel #18-3635-8)

430
431 **UTILITIES COMMITTEE**

- 432
433 O. Accept Shared Ride Transit Financials
434 P. Approval of Amendment to Running, Inc. Contract for 2019

435
436 Motion by Ald. Binash, second by Ald. Wulf, to approve the Consent Agenda, sans Item K.

437
438 On voice vote, motion carried.

439
440 **Non-Consent Agenda**

441
442 **Item 7 – RECAP ITEMS PULLED FROM THE CONSENT AGENDA**

- 443
444 • Item K: Board of Public Works – Denial of a request for a speed limit study/reduction in
445 speed along Sand Lake Road.

446
447 **Item 8 – FINANCE COMMITTEE**

- 448
449 A. Vouchers

450
451 Motion by Ald. Smith, second by Ald. Olson, to approve the vouchers expended since the last
452 Common Council meeting on July 10, 2018, in the amount of \$2,602,268.46.

453
454 On voice vote, motion carried.

- 455
456 B. Revisions to the City of Onalaska Investment Policy

457
458 Motion by Ald. Smith, second by Ald. Olson, to approve revisions to the City of Onalaska
459 Investment Policy.

461 Ald. Smith said this item was included on the Non-Consent Agenda because there were a couple
462 wording revisions that needed to be made to the document from the original document that came
463 before the Finance and Personnel Committee at its August 8 meeting.

464
465 On voice vote, motion carried.

466
467 C. Approval of Tax Incremental Financing Policy

468
469 Motion by Ald. Smith, second by Ald. Gjertsen, to refer the Tax Incremental Financing Policy
470 back to the Finance and Personnel Committee for further discussion.

471
472 Mayor Chilsen asked Sean if the Council must vote on a referral back to the Finance and
473 Personnel Committee.

474
475 Sean said yes.

476
477 Ald. Smith said, “We had a few modifications that we knew needed to be done to the document,
478 but it was more expansive than I expected and I would like to see the document put back together
479 in its entirety and discussed further. I think we’ll end up with a better policy. I support the
480 policy. It’s just the details of it I think we need to spend a little bit more time working on it.”

481
482 On voice vote, motion carried.

483
484 **Item 9 – ADMINISTRATIVE COMMITTEE**

485
486 A. Review and consideration of installation of a nonstandard monument in City cemetery

487
488 Motion by Ald. Binash, second by Ald. Gjertsen, to discuss the possible installation of a
489 nonstandard monument in City cemetery.

490
491 On voice vote, motion carried.

492
493 Ald. Binash noted the Administrative and Judiciary Committee had discussed this monument at
494 its August 8 meeting and said it was moved to the Non-Consent Agenda because another
495 alderperson (Ald. Wulf) wanted to further discuss whether the monument will be a hindrance for
496 the park. Ald. Binash said, “Myself, when a person buys a cemetery plot, it’s your property.
497 According to [Jarrod] and Park and Rec, this will not hinder the maintenance of the particular
498 cemetery. I think it’s up to the family. A reasonable monument is very expensive. It’s highly
499 unlikely that this is going to be a run for people to build monuments like this. I was for it, and I
500 continue to be for it.”

501
502 Ald. Smith thanked George Tabbert for his “thoughtful insight on this topic and said, “We are
Reviewed 8/16/18 by Cari Burmaster

503 listening.” Ald. Smith also thanked Brenda Netwal for attending this evening’s meeting and
504 stated, “I will be supporting this.”

505
506 Ald. Wulf noted Jarrod was not in the office the week of August 5-11 and said she typically
507 reaches out to city staff to obtain feedback prior to committee meetings. Ald. Wulf noted she
508 had spoken with Jarrod earlier Tuesday and told the Council that is why she had abstained from
509 voting on this item at the August 8 Administrative and Judiciary Committee meeting. Ald. Wulf
510 then asked Jarrod to give the Council his input.

511
512 Jarrod noted he had included a memo in the August 8 Administrative and Judiciary Committee
513 meeting packets (a copy of the memo also was included in Councilmembers’ packets) that stated
514 he had conferred with staff on this item. Jarrod said, “We did look at this monument location
515 and ensured that we would be able to mow around it. That was our largest [concern]. We have a
516 standard size mower that we use to mow between gravestones. We wanted to ensure that we
517 could still do that in an efficient manner. The other note I had in my memo to the committee was
518 that the ordinance does call out standard measurements. This would be an exception to the
519 standard measurement. It would be an increase in width. We do not currently have any height
520 standards for our monuments that are placed within the cemetery. Looking at the monument
521 itself, coming from the memorial company, I am looking at it and would think that it would be of
522 higher quality that would last. Such as with any other monument, we don’t have any
523 specifications in the cemetery code that we have to do inspections of the monuments before they
524 come out. They just are stated to be long-withstanding, granite, and some materials such as that.
525 It is a departure. We do have some other departures in the cemetery from the code that we’ve
526 had that we’ve had for a number of years. It would fit. We could make it work.”

527
528 Motion by Ald. Binash, second by Ald. Every, to approve the installation of a nonstandard
529 monument – the family may choose either a bench-style monument or a bench with a back – in
530 the City cemetery.

531
532 Ald. Wulf noted she had been in contact with Brenda Netwal and said Brenda had heard possible
533 concerns regarding whether or not the monument would need to be reinforced. Ald. Wulf noted
534 Brenda had stated the monument could be made larger, and she said she told Brenda not to ask
535 that the monument be made larger because as there might be dissent because it might not be
536 possible for a mower to maneuver around it. Ald. Wulf said, “I do want to add what was applied
537 for was a 36-inch length by 20-inch width by 30-inch height. That is what was applied for, so I
538 do want that read into the record so that does not get lost in the translation.” Ald. Wulf added
539 she supports Brenda’s request.

540
541 Motion by Ald. Binash, second by Ald. Olson, to amend the previous motion and state the
542 monument must measure 36 inches in length, 20 inches in width, and 30 inches in height.

543
544 Mayor Chilsen noted that Ald. Binash’s amendment is a friendly amendment.

545
546 On voice vote, motion carried.

547
548 **Item 10 – PLAN COMMISSION**

549
550 A. Approval of a request to modify the boundaries of the “Downtown Overlay Districts” to
551 convert a property from “Downtown Residential Neighborhood” to “Downtown –
552 Planned Unit Development” to allow for a mixed-use development (bar & apartment
553 combination) and the associated conceptual site plan, submitted by Terry Weiland, 600 L
554 Hauser Road, Onalaska, WI 54650 on behalf of Paula Bentzen, 215 Elm Street, Onalaska,
555 WI 54650 for the property located at 215 Elm Street, Onalaska, WI 54650 (Tax Parcel
556 #18-69-0)

557
558 City Administrator Rindfleisch said, “We’ve had discussion regarding the project and the
559 conceptual site plan. Keep in mind the first step is to even allow this. Under the current zoning
560 it would not be allowed. It would be to extend the Downtown Overlay District, which is what
561 the question is at hand today, to allow for that. If that district is extended, and if the conceptual
562 site plan is approved, then we’re really back to square one where we would traditionally be with
563 a zoning request within the Downtown Business District. That would require a hearing and
564 public notification of that hearing, which has not occurred yet because it is not allowed within
565 the district. It’s not allowed where it is currently zoned. As that process proceeds, there will be
566 multiple times that the project could be in front of the Council again if it continues to proceed for
567 review. I can assure you that staff, if this is approved –the boundaries are agreed to be changed
568 and the conceptual site plan is approved – staff has some considerations that we’ll be moving
569 forward to the Plan Commission and the Common Council regarding this project – much of
570 which you’ve already heard today from the public regarding noise, traffic, landscaping, and fit
571 for the community, as well as the community impact. It’s premature to get into some of those
572 discussions because again, at this point it’s not allowed in its current zoning. The question in
573 front of you today is, do you extend the boundaries and approve this conceptual site plan or not.”

574
575 Motion by Ald. Wulf, second by Ald. Gjertsen, to discuss a request to modify the boundaries of
576 the “Downtown Overlay Districts” to convert a property from “Downtown Residential
577 Neighborhood” to “Downtown – Planned Unit Development” to allow for a mixed-use
578 development (bar & apartment combination) and the associated conceptual site plan, submitted
579 by Terry Weiland, 600 L Hauser Road, Onalaska, WI 54650 on behalf of Paula Bentzen, 215
580 Elm Street, Onalaska, WI 54650 for the property located at 215 Elm Street, Onalaska, WI 54650.

581
582 On voice vote, motion carried.

583
584 Ald. Smith thanked those who had spoken during public input for attending this evening’s
585 meeting and said, “It really makes a difference. We’re members of the community, too, and we’re
586 using our best experience and judgment. But it really helps to have a bunch of people from the
Reviewed 8/16/18 by Cari Burmaster

587 community letting us know what they think. We do have projects that the city actively plans, but
588 this is not one of them. It is something that came to us, and so we're making a decision about if
589 it's something we even want to consider having in our community. You're all correct in thinking
590 that where you live right now, it isn't an allowed use. It can't happen unless we let it happen."

591
592 Motion by Ald. Olson, second by Ald. Gjertsen, to deny a request to modify the boundaries of
593 the "Downtown Overlay Districts" to convert a property from "Downtown Residential
594 Neighborhood" to "Downtown – Planned Unit Development" to allow for a mixed-use
595 development (bar & apartment combination) and the associated conceptual site plan, submitted
596 by Terry Weiland, 600 L Hauser Road, Onalaska, WI 54650 on behalf of Paula Bentzen, 215
597 Elm Street, Onalaska, WI 54650 for the property located at 215 Elm Street, Onalaska, WI 54650
598 (Tax Parcel #18-69-0).

599
600 Mayor Chilsen reminded the Council that voting 'aye' means denying the request.

601
602 On voice vote, motion carried.

603
604 Mayor Chilsen asked someone to explain to those attending this evening's meeting the vote that
605 just transpired.

606
607 Sean explained there was a motion to deny the request for the modification of the Downtown
608 Overlay District in order to allow the Planned Unit Development to occur on the Bentzen
609 property. Sean further explained the Council's vote was in support of that; therefore, that
610 property may not be rezoned to "Downtown – Planned Unit Development" with respect to this
611 project or with respect to any project for one year.

612
613 **Item 11 – UTILITIES COMMITTEE**

614
615 A. Set up public hearing regarding proposed increase in fares for September 5, 2018 at
616 approximately 7:00 p.m. (or immediately following public input)

617
618 Motion by Ald. Every, second by Ald. Gjertsen, to approve setting up a public hearing regarding
619 a proposed increase in fares for the September 5, 2018 Utilities Committee meeting at
620 approximately 7:00 p.m. (or immediately following public input).

621
622 On voice vote, motion carried.

623
624 **Item 12 – ALDERPERSON EVERY/ALDERPERSON GJERTSEN**

625
626 A. **Resolution 24-2018** – To Enhance the Effectiveness of the City of Onalaska's Common
627 Council Decision Making

628
Reviewed 8/16/18 by Cari Burmaster

629 Ald. Every noted the alderpersons had received a copy of some of the suggestions that he had
630 made, and he said, “The reason I made these suggestions was I have been implying for the last
631 18 months that we need to have some type of a system where we can sit down together and
632 discuss what our visions are and our expectations are for the City of Onalaska. Several times we
633 have had sessions and executive sessions that have practically ended up in fisticuffs because we
634 couldn’t agree. That isn’t right. I think the systems are basically in place there if we would use
635 them, and hopefully you’re going to take this in the spirit that it’s given. You know that I have
636 worked in La Crosse and the Common Council and several other committees. I was working
637 when [John] Medinger was the Mayor [of the City of La Crosse]. He and I are about as far apart
638 on our political positions as you could find, and we would often disagree. But when we got
639 done, we could go out and have a beer together, and to this day we remain good friends. That’s
640 not the attitude here. We [he and Ald. Gjertsen] have felt like outsiders since we came, and
641 made to feel that way.”

642
643 Ald. Olson asked, “By who?”

644
645 Ald. Every said, “I’m sorry that that has happened. My suggestions here are for us to have a
646 definite time that we sit down and talk – not something that maybe we’re going to schedule in
647 the future, something without any date or without any topics. I have been very specific, as
648 Alderman Binash and Mayor Chilsen have asked me to be. Those are very specific suggestions
649 that I have. You all have them there. I’m not going to belabor the point now because we have
650 an executive session coming up. But if any members have a question on these, it’s going to go
651 before the Judiciary Committee, and I’m asking it to go before the Judiciary Committee and the
652 Finance and Personnel Committee. Those two committees, if you’re on those committees, you
653 will be able to ask questions. If you’re not, you won’t. If you have any questions, if you want to
654 phone me or talk to me about it, I will be glad to talk about it.”

655
656 Motion by Ald. Every, second by Ald. Gjertsen, to approve Resolution 24-2018 – To Enhance
657 the Effectiveness of the City of Onalaska’s Common Council Decision Making.

658
659 Mayor Chilsen asked Ald. Every if he would like him to read Resolution 24-2018 into the record.

660
661 Ald. Every said yes.

662
663 City Administrator Rindfleisch stated it has not been past practice to read either resolutions or
664 ordinances.

665
666 Sean said, “I am somewhat confused because my understanding was ... Alderman Every, you
667 said this was going to go to the Administrative and Judiciary Committee. If you’re requesting
668 that it’s being approved tonight it wouldn’t go to Administrative and Judiciary.”

669
670 Ald. Every said he is requesting that the ordinance go before the Administrative and Judiciary
Reviewed 8/16/18 by Cari Burmaster

671 Committee.

672

673 Sean asked if the motion is that the resolution be referred to the Administrative and Judiciary
674 Committee.

675

676 Ald. Every said he is asking that it be referred to both the Administrative and Judiciary
677 Committee and the Finance and Personnel Committee. Ald. Every said, "That's where the
678 discussion will occur."

679

680 Motion restated:

681

682 Motion by Ald. Every, second by Ald. Gjertsen, to refer Resolution 24-2018 – To Enhance the
683 Effectiveness of the City of Onalaska's Common Council Decision Making – to both the
684 Administrative and Judiciary Committee and the Finance and Personnel Committee.

685

686 Ald. Wulf said, "I have read this a number of times to make sure, quite frankly, I was
687 understanding what I was reading. It seems to me that a lot of what is being proposed is already
688 in a number of employees' job descriptions, or they're currently being handled in various
689 committees. I've been with the city for 18 years. This is my seventh year on Council. In a
690 sense, if anyone who is still here remembers the Efficiency Committee, it reminds me a little bit
691 of the Efficiency Committee – just a little bit. Not as much, but just a little bit. What I would
692 propose that may satisfy [Ald. Every and Ald. Gjertsen], which I think would benefit everyone,
693 would be for us ... I would propose, maybe like a retreat."

694

695 Sean interjected and reminded the Council that the motion under discussion is a motion to refer.
696 Sean said, "Our comments should be focused on the referral and not on the substance of the
697 resolution."

698

699 Ald. Binash said, "I think it's counterproductive to move this to Administrative and Judiciary if
700 you're only going to have just a few people discuss it. I would prefer that we would have this as
701 we sit here now because you only have a few people at Administrative and Judiciary, so we're
702 kind of missing that. I can appreciate there are certain things that you would like to see. I don't
703 agree with everything you said, but you have a right to say it and that's your opinion. I am
704 wondering how much does it cost to put a resolution together. When you do something like this,
705 there is obviously going to be a cost and our legal has to be involved. That concerns me that we
706 would do this without the approval of the rest of the Council to approve a resolution where it's
707 going to cost us money. But I would suggest ..."

708

709 Mayor Chilsen reminded Ald. Binash to keep the discussion on the referral.

710

711 Ald. Binash said, "I would suggest that if Jerry would remove his request and do it in a different
712 format, I would certainly like to move forward and discuss it that way."

Reviewed 8/16/18 by Cari Burmaster

713
714 Ald. Every addressed Ald. Binash and said, “What you said is exactly why I made the proposal
715 the way that I did. By referring it to Finance and Personnel and Administrative and Judiciary,
716 it’s going to get in front of at least five alderpersons. There isn’t a time – and this is one of the
717 problems that I have with our system – there is not a time when a single resolution gets looked at
718 by every single member of this body at the same time except right here when it comes for
719 approval. That system is not right, and it needs to be jacked up. That’s exactly one of the
720 reasons I’m proposing this. The second is that it would be easier to put off if we do it any other
721 way. I would like to have it go through our system just the way it’s set up – the way you have it
722 set up – and see if we want to make some changes. That’s all I’m asking. You may not want to
723 do that. The other thing in answer to, this is based on all of the codes that we have now. Diane,
724 yes, you are right. Everything is based on manuals, codes, ordinances, and state statutes that we
725 currently have and in effect we’re just not following them. All I would like to see us do is follow
726 the rules. Can we sit down and talk about that?”

727
728 Ald. Smith said, “In reviewing this and considering it, I think my take on it is when I’m looking
729 over this resolution and thinking about the events leading to it and Jerry Every’s comments,
730 number one, he says we don’t need to come to fisticuffs. I’ve been in a lot of meetings, and
731 we’ve never come to fisticuffs. We’ve definitely had some heated discussions at times because
732 we’re all very passionate people that care about our community, and we’ll continue to be
733 regardless of whether we have this resolution or not. When I look at this resolution, I see a
734 resolution that takes power from the community, from the committees, from the staff members
735 who are trained professionals with years of experience working for the City of Onalaska. People
736 who have been involved know what our vision for the future is, and yes, it does at times change.
737 But when decisions come through committees, what it causes is a discussion with the
738 alderperson there, yes. But there are also representatives from the community and professional
739 people there so they can have a down-to-earth discussion about it and come forward with a
740 recommendation to this committee. Whereas at that point other committee members, other
741 Councilmembers would have had an opportunity to either be observing at the committee meeting
742 or reading the minutes, and they have a free opportunity to weigh in their opinion on every single
743 thing that we pass, which everyone oftentimes does. I think the purpose of this resolution seems
744 to me to be to take power from the people from the community and try to place as much power
745 as possible into these six people, when really it should be shared by a much more diverse and
746 wide selection of our community.”

747
748 Motion restated:
749
750 To refer Resolution 24-2018 – To Enhance the Effectiveness of the City of Onalaska’s Common
751 Council Decision Making – to both the Administrative and Judiciary Committee and the Finance
752 and Personnel Committee.

753
754 Ald. Wulf requested a roll call vote.
Reviewed 8/16/18 by Cari Burmaster

755
756 On roll call vote: Ald. Jim Olson – nay, Ald. Jim Binash – nay, Ald. Kim Smith – nay, Ald.
757 Diane Wulf – nay, Ald. Jerry Every – aye, Ald. Ron Gjertsen – aye. Motion failed, 4-2.

758
759 **Item 13 – CITY ADMINISTRATOR**

760
761 A. Discussion and consideration of proposed downtown redevelopment project on City-
762 owned properties, presented by Marvin Wanders of Three Sixty Real Estate, LLC

763
764 City Administrator Rindfleisch turned over the floor to Marvin Wanders and his team from
765 Three Sixty Real Estate, LLC to make a presentation regarding a potential development in the
766 City of Onalaska.

767
768 Marvin introduced himself, Will Kratt of ISG, Roger Lundsten, a consultant with Brickl
769 Brothers, and Michelle Skemp, the Director of Marketing at Three Sixty Real Estate Solutions.
770 Marvin noted Three Sixty Real Estate Solutions had discussed a potential project with the city in
771 November 2017. To be specific, the project would occur on the site of the old City Shop and
772 where Braund Lumber used to be located.

773
774 Marvin said, “At that time, when we were looking at that project we gave you a handout. We
775 were looking at 54 residential units and an \$8 to \$10 million redevelopment project. At that
776 point we were really looking for input [such as], does it make sense to continue down the path
777 and look at residential redevelopment in your downtown core? You gave us a nod that we
778 should continue down that path. We’ve done a lot of due diligence between now and then. The
779 first thing we did is we got Braun Intertec involved to do all the site work, which was geocorings
780 to find out what the soils were and environmental concerns. As you all know and are very
781 aware, there are a lot of problems with that site from the elevation. There are a lot of bad soils
782 there and environmental contamination. To make a long story fairly short, there is about \$1.7
783 million of site work that needs to be done there in order to get that to be a buildable site. The
784 soils that are there won’t support a building because a lot of the soils have been fill over the
785 years. To actually take all the soils out, recompact it, and then bring fill in to get it up to the rest
786 of the elevation and then put retaining walls in, that total cost was about \$1.7 million. As that
787 number started to come in and as we started to do our work on it, we fairly quickly realized that
788 54 units would not support that high of a site cost. We met with city staff and we shared with
789 them our concerns on that, and one of the solutions is any time you have really high site costs
790 and scenarios like this, in our experience with infill redevelopment, is to increase density because
791 then you can spread your costs over more units. You can absorb that, and a lot of times you can
792 get a project to work by doing that.

793
794 We met with staff and talked about how we could potentially do that. We redesigned the site,
795 and we are now at \$16.5 million in total redevelopment cost. [There would be] 98 residential
796 units, and 3,000 square feet of commercial space. There is a total of 144 parking stalls on this
Reviewed 8/16/18 by Cari Burmaster

797 site. I think some of you have toured The Canterbury, the project we just completed in La
798 Crosse. We used that as kind of the boilerplate to start this development. City staff has been
799 through and inspected that project to make sure that what we were doing there and what we
800 created there fits in the downtown urban core of Onalaska, and would be complementary to the
801 great work that's already been done here. There are so many good things that are taking place
802 downtown, and we want to be part of those things."

803
804 Marvin invited questions from the Council.

805
806 Ald. Binash noted the development would be located near the railroad tracks, and he asked
807 Marvin how he plans to attract enough individuals to fill the 98 units. Ald. Binash also noted
808 there were archaeologists present during the Great River Landing Project to ensure that the
809 Native American remains that were unearthed were properly handled. Ald. Binash said, "You
810 mentioned that you're just going to fill in the area, so you won't be doing any digging. There
811 won't be any excavation of land other than tearing down buildings. Is that about right?"

812
813 Marvin said, "It is not. There is a lot of fill on this just to get down to virgin soil, so where the
814 archaeological remains were on 2nd Avenue down to the railroad tracks, a lot of that is fill to get
815 down to virgin soil. We met with the Mississippi Valley Archaeology Center and talked about
816 what would be the process in going through this with the fill so that we fully understood that and
817 made sure we could what it is we intended to do here. We are fully aware of that and we
818 understand there is going to be some work there with [MVAC] in this process as we go. As long
819 as we're not getting into virgin soils, then that issue is different. If we get into virgin soils and
820 we're required to in order to support the buildings, then at that point we'll have to engage them.
821 And most likely we will engage them early on in the process and go ahead and make sure that
822 they're on board so as we're going down this path we're not missing anything."

823
824 Jarrod noted the site would be required to obtain a permit, the same all the other excavations that
825 have occurred in this area. Jarrod also noted the area in question is on what the archaeologists
826 from MVAC characterize as the "terrace slope," and he said, "Even though it looks flat today,
827 when those elements were there previously, it was a sloped area, so it wasn't conducive to
828 human habitation. The archaeologist has conveyed they do not feel that the context of chances
829 of finding elements there are very slim versus what we had where the Great River Landing was
830 in the flat, and during the [State Trunk] Highway [35] project when we were on the flat area."

831
832 Ald. Binash again asked about filling the development to maximum capacity despite the presence
833 of the railroad tracks. Ald. Binash also said he believes there is a gravel road in the vicinity, and
834 he asked if it will become an asphalt road or a two-lane road.

835
836 Jarrod noted the gravel road to which Ald. Binash had referred is First Street and said it is
837 basically access along the railroad tracks for the railroad. Jarrod also noted the city has a lift
838 station in this area, and he said it would be part of the design of the project. The lift station also

839 would be part of the site costs. Jarrod said, “I think the lower portion where the gravel road you
840 see today ... I think if you look at their site map where their green areas are, I think with their
841 retaining walls they will be able to stay away from the railroad tracks and be able to stay on the
842 existing city property. The developer is aware of the train horn. The city has been working with
843 the consultant, Short Elliott Hendrickson, on a quiet zone. We’re going to be bringing back a
844 technical memo to the September Board of Public Works meeting to outline some findings over
845 the last three to five months. I think the direction that staff is going to recommend at that
846 meeting is applying for a quiet zone at Irvin Street only and not 2nd Avenue Southwest. That is
847 part of the discussions with the developer at this point. They have stated that they understand
848 that and they acknowledge those deficiencies at that site. We’re hopeful that the city will
849 continue to work toward a solution.”

850
851 Ald. Binash asked if the city must take the Wisconsin Department of Natural Resources under
852 consideration, as it did with the Great River Landing Project.

853
854 Jarrod said it would be standard Wisconsin DNR permits for sanitary sewer, water main, and
855 storm water. However, Jarrod also pointed out there are no wetlands present. Jarrod admitted
856 there is some contaminated soil from the previous City Shop site – specifically, where the hoist
857 was located – and said it will have to be addressed at the time of demolition of the buildings.
858 Demolition is included in the \$1.7 million cost the developer has brought forward.

859
860 Marvin addressed Ald. Binash’s concerns regarding marketability with the presence of the
861 railroad tracks, stating, “When we look at a project like this we look at all the components
862 around the development. When you look at the [Great River] State Bike Trail and the Great River
863 Landing and Dash-Park and the activity that’s going on downtown, we think it’s going to be very
864 marketable. But when we’re setting the rents we consider all those factors. If the train wasn’t
865 there would it drive a little more rental revenue? Yes, it probably would. But you make
866 adjustments in the rents to compensate for those things.”

867
868 Ald. Gjertsen noted the Common Council had voted to fund a silent zone on Marvin’s real estate,
869 and he asked Marvin if he still is advocating for a silent zone.

870
871 Marvin said it would be beneficial to the site and the community not to allow train horns.

872
873 Ald. Gjertsen told Marvin, “You’re asking us to take away the ability for the railroad to alert
874 people in the area to accommodate people’s silence. To me that is a round peg in a square hole.
875 The other thing is on the real estate itself, with the landfill it is an archaeological site. We all
876 know that. Are you comfortable building on an old cemetery? Those are the questions I have.”

877
878 Marvin responded, “I think Jarrod addressed the train horn. Then as far as the archaeological,
879 that’s something that we will take into consideration as we’re moving forward here.”

880

881 Ald. Every said, “I think it’s a great project, and I think it should move forward. I did ask you
882 about that lift station that is there. Is that adequate to take care of the sanitary sewer? It’s going
883 to be increased usage. Are we going to have to upgrade?”

884
885 Jarrod said, “Part of the design with the consultant that the developer has working on this project,
886 we have alerted them and they are in discussions. We wanted to wait until we had a final count
887 and final elevations of the building to look at what facilities are needed. The existing lift station
888 that is in that area is not sufficient. It was built for the old City Public Works Facility Shop at
889 that site and about eight other houses, so it’s relatively small. And currently the control panel is
890 inside of the old shop. Once the old shop is torn down that will have to get addressed. We did
891 have that as a future project within our Capital Improvements Program because we knew
892 something was going to happen at some point. As part of the plan for the development, whether
893 it’s retaining walls or working around the gas main or working around fill at the site, bringing in
894 fill or taking out fill or compacting it, the lift station, looping a water main for fire protection and
895 services to the building – those are all things that will get taken into the final number the
896 developer will bring forward at some point of what needs to be done.”

897
898 Ald. Every asked, “They’re already in your number, the \$1.7 million that it’s going to cost you?
899 We don’t have to provide those things?”

900
901 Jarrod said, “We need to go through all those costs and confirm those costs with the developer
902 yet. We’ve looked over that list at a preliminary level, but there are things that we still need to
903 ... We haven’t gone through any lift station design or looking at it to see what is attributable to
904 the project and what is not attributable to the project, and what needs to be done. We haven’t
905 gone into that detail yet.”

906
907 Ald. Every said, “So it is possible we could have some of those costs, and I think we ought to be
908 ready to face that and get something included in our Capital Improvements Budget. Is it still in
909 there now in 2019?”

910
911 Jarrod said is a project shown in the proposed 2019 CIB for Court Street lift station
912 improvements. The proposed 2019 CIB will be presented to the Board of Public Works at its
913 September 4 meeting.

914
915 Ald. Smith asked Marvin about the major challenges he will face in making this project become
916 a reality.

917
918 Marvin responded, “It’s really one of economics, and it’s the high site costs related to the
919 conditions of the site. With candor, but for a TIF in this area, this project won’t happen. I think
920 that’s the biggest hurdle: those high site costs. We think the rest of the project, we have our
921 hands pretty tightly around it for market conditions, construction costs, and those types of things.
922 That would be the single-biggest concern. Everything else is just something that is going to take

923 time and energy to work through to get to the finish line.”

924

925 Ald. Binash addressed the trucks that will be at the site and moving heavy loads, asking Marvin
926 how they will affect the roads that already are in place and lead to that area. Ald. Binash also
927 asked Marvin if he intends to repair the roads if they sustain damage, or if that is not even a
928 concern.

929

930 Jarrod said Court Street would be rebuilt as part of the project if the development were to
931 proceed. This would be part of the infrastructure costs for the project. Jarrod said, “They would
932 have to loop in the water main over toward the Great River Landing somewhere, so we’d
933 probably have some pavement disturbance over there. The pavements over there will be built at a
934 thickness and a design standard that they’d be able to take the trucks coming in and out. What
935 probably would have to happen would be some work, depending on where the traffic would
936 come out. Currently Hickory Street is in a very poor state by the substation due to the fact that
937 we have not known what is going to happen at that site, so we haven’t invested any city monies
938 in fixing the street. We didn’t want to put a new street in and have someone come forward and
939 have to tear it out. Also, I think there would be some traffic at Elm Street, and we’ll probably
940 have to do a little bit of work on Elm Street and the rest of the alley. That would all be looked at
941 as part of the overall project cost. Once you’re out to State Highway 35, it’s built for that kind of
942 loading.”

943

944 Ald. Smith asked Marvin to go through each of the pictures on display for the Council and
945 highlight the primary items he is attempting to depict in the images.

946

947 Marvin highlighted the primary items shown on two of the pictures on display for the Council.
948 Marvin also stated, “This is our highest priority project as a company right now. We are very
949 bullish on what is taking place in your downtown community, and we want to be a part of it. We
950 look forward and have enjoyed working with the city staff. They’ve been fantastic to this point,
951 and we appreciate that. We look forward to doing everything we can to make this happen.”
952 Marvin also extended an invitation to tour any of Three Sixty Real Estate Solutions’ existing
953 projects.

954

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

957

958 **BOARD OF PUBLIC WORKS**

959

960 K. Denial of a request for a speed limit study/reduction in speed along Sand Lake Road

961

962 Ald. Wulf inquired about the letter sent by Dennis Aspenson regarding this item; specifically,
963 about Dennis being concerned it was only coming before one committee.

964

965 Mayor Chilsen said Dennis has asked that this item be removed from this evening's agenda "and
966 put back on the table for more review and feedback from other Councilmembers the subject of
967 lowering the speed limit from the Sand Lake [Road] roundabout north to [County Trunk]
968 Highway S." Mayor Chilsen added, "There is a piece here that says it's important to have more
969 than just one committee review it."

970
971 Ald. Gjertsen asked, "Who is saying it has to be referred or should be referred back to another
972 committee? Who is that individual who is saying that?"

973
974 Mayor Chilsen said, "They're just requesting that."

975
976 Ald. Gjertsen said, "We just got done going over this, the way our committees run and the
977 operation of them – the high points and the low points. It's another one of these deals. We made
978 a decision on this. I counted two aldermen there that night – three with Diane."

979
980 Sean interjected as a point of order, noted that Ald. Binash asked that this item be removed and
981 asked that a motion be made so that the Council may discuss it.

982
983 Motion by Ald. Binash to discuss the possibility of a change in the speed limit from Redwood
984 Street to County Trunk Highway S.

985
986 Motion dies for lack of a second.

987
988 Motion by Ald. Wulf, second by Ald. Gjertsen, to deny a request for a speed limit
989 study/reduction in speed along Sand Lake Road.

990
991 On voice vote, motion carried, 4-2 (Ald. Binash, Ald. Every).

992
993 **Item 14 – CLOSED SESSION**

994
995 To consider a motion to convene in Closed Session under Section 19.85(1)(e) for the purpose of
996 deliberating or negotiating the purchasing of public properties, the investing of public funds or
997 conducting other specified public business whenever competitive or bargaining reasons require a
998 closed session:

- 999
1000
 - Discussion and negotiation regarding the proposed Sanitary Sewer Agreements
 - Negotiation of land and access rights purchase along U.S. Highway 53 & Sand
1001 Lake Road from Wisconsin Department of Transportation

1002
1003

1004 And to consider a motion under Section 19.85(1)(g) of the Wisconsin Statutes for the purpose of
1005 conferring with legal counsel for the governmental body who is rendering oral or written advice

1006 concerning strategy to be adopted by the body with respect to litigation in which it is or is likely
1007 to become involved:

1008

- 1009 • Ground Round Personal Property Taxes – 2017
1010 • Claim against City regarding water lateral break on 6th Avenue North

1011

1012 If any action is required in Open Session, the Common Council will reconvene in Open Session
1013 to take the necessary action and/or continue on with the printed agenda.

1014

1015 As a point of order, Ald. Smith addressed the claim against the city regarding the water lateral
1016 break on 6th Avenue North, stating that it has been past practice to discuss claims at the Finance
1017 and Personnel Committee level before they are brought before the Common Council unless there
1018 are extenuating circumstances. Ald. Smith said she is unaware of any extenuating circumstances
1019 in this matter, adding it was brought up under public input by a resident at the August 7 Board of
1020 Public Works meeting. Ald. Smith also noted the Board of Public Works had not discussed this
1021 matter.

1022

1023 Fred said it has been the city's practice either for the Mayor or two alderpersons to place items
1024 on the agenda, noting Mayor Chilsen had instructed him to place this item on this evening's
1025 agenda.

1026

1027 Ald. Gjertsen noted he also had spoken with Fred.

1028

1029 Motion by Ald. Smith, second by Ald. Wulf, to convene in Closed Session.

1030

1031 On roll call vote: Ald. Kim Smith – aye, Ald. Ron Gjertsen – aye, Ald. Jerry Every – aye, Ald.
1032 Jim Olson – aye, Ald. Jim Binash – aye, Ald. Diane Wulf – aye. Motion carried. In Closed
1033 Session at 8:39 p.m.

1034

1035

1036 Recorded by:

1037

1038 Kirk Bey