



# City of Onalaska Meeting Notice

**COMMITTEE/BOARD:** Common Council  
**DATE OF MEETING:** June 9, 2020 (Tuesday)  
**PLACE OF MEETING:** City Hall – 415 Main Street (Common Council Chambers)  
**TIME OF MEETING:** 7:00 P.M.

**This meeting is being conducted via remote conferencing software due to a State of Emergency. Members of the public may call to listen in and provide public input at:**

**Meeting Link:** <https://zoom.us/j/92827560748?pwd=TUduVWpzdnlFXTGRhUlhaUnNHMEYrdz09>

- **Phone Number: 1-312-626-6799**
- **Meeting ID: 928 2756 0748**
- **Password: 54650**

## PURPOSE OF MEETING

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Rules of the City of Onalaska Common Council and its Sub Committees – Harassment Free Forum
4. **PUBLIC INPUT: (limited to 3 minutes / individual)**
5. **REPORT FROM THE MAYOR:**
  - A. Community Update on COVID-19
  - B. Census Update
  - C. **Resolution 29-2020** – To Rescind Mayoral Order #4 and Adopt Coulee Covid 19 Compass as it Relates to Special Events

## RECOMMENDATIONS FOR APPROVAL AND/OR POSSIBLE ACTION FROM THE FOLLOWING

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

## **NOTICES MAILED TO:**

*Mayor Kim Smith	Dan Stevens	Clinton Kanieski
*Ald. Tom Smith	Howard Horman	Steve Markos
*Ald. Jim Olson	Alex Dreschler	
*Ald. Dan Stevens	Michael Callaway	
*Ald. Diane Wulf	Lori Kopecky, US Cellular	
*Ald. Steven Nott	Lawrence & Janet Kent	
*Vacant	Scott Truehl, Friede & Associates	
City Attorney	City Administrator	
Dept Heads	La Crosse Tribune	
Coulee Courier		
WKTY WLXR WLAX WKBT WXOW		
	Mike Bishop, Massimo Musa Revocable Trust	
	Adam Kirschner, Eagle Business Condo Association	
	Jacob Burch, Logistics Development Group	
	Onalaska Public Library	Onalaska Omni Center

\*Committee Members

Date Mailed & Posted: 6-4-2020

In compliance with the Americans with Disabilities Act of 1990, the City of Onalaska will provide reasonable accommodations to qualified individuals with a disability to ensure equal access to public meetings provided notification is given to the City Clerk within seventy-two (72) hours prior to the public meeting and that the requested accommodation does not create an undue hardship for the City

6. **Consent Agenda**

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

**FINANCE COMMITTEE**

- B. Approval of 2019 Audit - City of Onalaska Financials
- C. Approve 2020 Omni Center Financials
- D. Approve 2020 General Fund Financials
- E. Authorization to use Special Project Account Designated Fund Balance in the amount of \$10,264.82 from account #204-34151 for purchase of police department items
- F. Authorization to approve the 2021-2022 Transcription Services Agreement

**PERSONNEL COMMITTEE**

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

**JUDICIARY COMMITTEE**

- H. Approval of **Ordinance 1669-2020** to amend Title 1 of the Code of Ordinances of the City of Onalaska relating to general provisions for use and Code of Ordinances
- I. Approval of **Ordinance 1671-2020** to amend Title 3 of the Code of Ordinances of the City of Onalaska relating to Finance
- J. Approval of **Ordinance 1672-2020** to amend Title 4 of the Code of Ordinances of the City of Onalaska relating to Administrative Review Determinations / Public Records

**ADMINISTRATIVE COMMITTEE**

- K. Approval of Operator’s Licenses as listed on report dated June 8, 2020
- L. Approval of special events permit for:
  - 1. Great River Sound on Tuesday evenings from approximately 6:30-8:30pm (rain dates Wednesday evenings) from June 16 through September 9, 2020 at Dash Park, Onalaska
  - 2. Amend date of Sole Burner 5K for the American Cancer Society to Sunday, October 4, 2020
  - 3. Amend date of American Legion Riders Association Motorcycle Ride to August 15, 2020
  - 4. Market in the Park Event, June 13, 2020 from 9am-2pm at Van Ripper Park Aquatic Center parking lot
- M. Approval of Licenses for 7/1/2020– 6/30/2021
  - 1. Class A Liquor Licenses
  - 2. Class A Beer Only License - NONE
  - 3. Class B Liquor Licenses
  - 4. Class B Beer Only Licenses
  - 5. Outdoor Venue Licenses – Class B Liquor
  - 6. Outdoor Venue Licenses – Class B Beer
  - 7. Cigarette / Tobacco Licenses
  - 8. Hotel/Motel Licenses
  - 9. Campground/Mobile Home Licenses
  - 10. Taxi Licenses
- N. Approval of Fireworks Permits for Michael F. Callaway / R&M Enterprises, Inc. for selling of fireworks from a tent located at East Towne Plaza, State Road 16, Onalaska from June 15, 2020 through July 6, 2020

**BOARD OF PUBLIC WORKS**

- O. Approval of allowing parking to encroach on City right of way along 1st Avenue between Hickory and Green Street for Great River Residences project at 300 Court Street South

- P. Approval of Public Works Facility addition budget including authorization for purchases related to Public Works Facility of:
  - 1. Epoxy Floor Repairs by Garage Tuff in the amount of \$6,000
  - 2. HVAC Automation upgrades by Bernie Buchner in the amount of \$7,538
  - 3. Ceiling Fans – Cold Storage by Klich Electric in the amount of \$2,000
  - 4. Roof Vents – Cold Storage – Contractor to be determined not to exceed \$2,000
- Q. Approval of Sanitary Sewer Compliance Maintenance
  - 1. Annual Report – Place on File
  - 2. **Resolution 27-2020** – City of Onalaska, Wisconsin Department of Natural Resources NR 208-compliance resolution 2019 Onalaska, WI
- R. Approval of purchase of Folding Vee Plow for end loader from Universal Truck Equipment in the amount of \$22,034
- S. Approval of installation of fiber optic cable along East Main Street by Lemonweir Valley Telephone Co-op
- T. Approval of City pick up of residential yard waste containers used prior to automated cart yard waste collection by Harters Quick Cleanup at a cost not to exceed \$1,500
- U. Approval of engineering services for construction staking on 2020 Utility Project by Short Elliot Hendrickson not to exceed \$18,227
- V. Approval of Consumer Confidence Report (CCR) City waterworks
- W. Approval of Change Order Number #1 for 2020 Urban Forestry Program in the amount of \$9,565.69

**PLAN COMMISSION**

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

**UTILITIES COMMITTEE**

- CC. Approval of Shared Ride Financials
- DD. Approval of the 2020 State of Wisconsin Urban Mass Transit Grant Agreement
- EE. Set date / time for the Program of Projects hearing for 7/8/2020 at 7:00 pm

# Non-Consent Agenda

7. RECAP ITEMS PULLED FROM THE CONSENT AGENDA

8. FINANCE COMMITTEE

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

9. PERSONNEL COMMITTEE

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

10. ADMINISTRATIVE COMMITTEE

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

11. BOARD OF PUBLIC WORKS

- A. Review and consideration of tree removal on City right of way at 906 Westview Circle Drive
- B. Review and consideration of Green Coulee Reservoir Project bid
- C. Review and consideration of engineering services for construction of Green Coulee Reservoir Project by Short Elliot Hendrickson not to exceed \$57,500

12. PLAN COMMISSION

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

200 Mason Street - Unit 1	200 Mason Street Unit 11
200 Mason Street - Unit 2	200 Mason Street Unit 12
200 Mason Street - Unit 3	200 Mason Street Unit 13
200 Mason Street - Unit 4	200 Mason Street Unit 14
200 Mason Street - Unit 5	200 Mason Street Unit 15
200 Mason Street - Unit 6	200 Mason Street Unit 16
200 Mason Street - Unit 7	200 Mason Street Unit 17
200 Mason Street - Unit 8	200 Mason Street Unit 18
200 Mason Street - Unit 9	200 Mason Street Unit 19
200 Mason Street Unit 10	200 Mason Street Unit 20

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

13. UTILITIES COMMITTEE

- A. Accept the modifications to the City of Onalaska Title VI Plan
- B. Resolution 28-2020 – To Approve the Federal Transit Administration (FTA) Title VI Program Plan Update

14. REPORT FROM CITY CLERK

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

15. CLOSED SESSION

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

- IAFF, International Association of Firefighters, Local 127

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

- IAFF, International Association of Firefighters, Local 127: Prohibited Practice Complaint –  
RE: Part Time EMT's

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

## **Adjournment**



#5-C

**RESOLUTION NO. 29-2020**

**A RESOLUTION TO RESCIND MAYORAL ORDER NO. 4 AND  
ADOPT COULEE COVID 19 COMPASS AS IT RELATES TO SPECIAL EVENTS**

**WHEREAS**, Mayoral Proclamation for Emergency Orders No. 4 was signed on May 7, 2020 and

**WHEREAS**, at that time the City of Onalaska and State of Wisconsin was under a Safer at Home Order; and activities such as special events were restricted; and

**WHEREAS**, on May 12, 2020, the Wisconsin Supreme Court overturned the Safer at Home Order and the Wisconsin legislature indicated that response to the COVID-19 pandemic should be handled on a local level ; and

**WHEREAS**, the County of La Crosse Health Department, pursuant to Wisconsin Statute Ch. 251 is the Local Health Officer for the City of Onalaska and has developed a comprehensive dashboard for guidelines for public assembly related to COVID-19 risk factors in our community known as Coulee COVID-19 Compass;

**WHEREAS**, on June 3, 2020 the Administrative and Judiciary Committee voted to allow any special events meeting the City's normal special event requirements contingent on following the recommendations of the Coulee COVID-19 Compass;

**WHEREAS**, the remainder of Mayoral Proclamation for Emergency Orders No. 4 has been rescinded by Mayoral Proclamation for Emergency Orders No. 5, there is no further need for Mayoral Proclamation for Emergency Orders No. 4.

**NOW THEREFORE BE IT RESOLVED** that the City of Onalaska by its Common Council hereby rescinds Mayoral Proclamation for Emergency Orders No. 4, and at this time adopts the Coulee COVID-19 Compass as it relates to Special Events needing approval in the City of Onalaska.

Dated this \_\_\_\_ day of June, 2020.

**CITY OF ONALASKA**

**BY:** \_\_\_\_\_  
Kim Smith, Mayor

\_\_\_\_\_  
Caroline Burmaster, City Clerk

Passed:  
Approved:  
Published:



## CITY OF ONALASKA

415 Main Street • Onalaska, WI 54650 • (608) 781-9530 • fax (608) 781-9504 • www.cityofonalaska.com

#6-G

To: Common Council

From: Hope Burchell, PHR, SHRM-CP  
HR Director

Date: May 28, 2020

RE: Update on Recruitment and Open Positions within the City of Onalaska

**Fire Chief** – With the resignation of the Fire Chief we are now in the process of recruiting for a new Fire Chief. The Police and Fire Commission (PFC) have approved the hiring timeline to complete the process as open until filled with a first review of applications June 1<sup>st</sup>. Meetings with PFC will be on June 2<sup>nd</sup> to give the first review of applications. Advertising will be completed through various methods such as: International and Regional Chief’s Association’s, League of Municipalities, and other various online advertising.

**City Clerk** – With the upcoming retirement of the City Clerk we have posted the position and are looking to conduct interviews on Monday, June 1<sup>st</sup>.

**Police Department Openings** – Currently we are down one officer and are working to establish an eligibility list. The testing at the Technical College for physical readiness has been scheduled for May 22<sup>nd</sup> (along with the written exam) and the recruitment process is again moving forward. This does not include the three additional positions that were approved to fill in 2020.

**Fire Department Openings** – Currently we are down two firefighters. The PFC completed interviews last week and in coordination with Acting Chief Gudie made selections for the candidates. We have made conditional offers to the top two applicants and the remaining seven (7) have been placed on an eligibility list. This does not include the three additional positions that were approved to fill in 2020.

**Administrative Assistant/Paralegal** – Due to the COVID-19 pandemic we have postponed the interviewing and hiring process for this position as there is no way to train when staff aren’t in the building to do so. This continues to be postponed until the building opens again.

**Office Clerical Support – Finance** – This position is posted and we have conducted interviews. We are doing testing the week after Memorial Day and then will hopefully make a final hiring decision from there.

**Building Inspector** – Mac’s last day working in the office was June 1<sup>st</sup>. I would like to thank him for his 25 years of service with the City of Onalaska. Mac didn’t want any fanfare when he left and wanted to leave quietly. Thank you again for all your contributions to the City.

**Computer Support Specialist** – Ben has given his notice with the City and his last day will be June 5<sup>th</sup>. We wish Ben well and will miss having him at the City. For now, MCS will be handling the additional workload until we have time to review the job duties and description.

We have various seasonal and part-time positions opening right now, but some of this is delayed due to COVID-19. What this means is that when COVID-19 “lets up” we will have an influx of applications and recruitment in the Parks & Recreation, Police, Fire, Clerk, Finance, Administration and the HR department will be overwhelmed with recruitments.

**AN ORDINANCE TO AMEND TITLE 1 OF THE CODE  
OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO GENERAL PROVISIONS FOR USE  
AND CODE OF ORDINANCES**

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Title 1 General Provisions for Use and Code of Ordinances is hereby deleted in its entirety and replaced as follows:

## Title 1 General Provisions for Use and Code of Ordinances

### Chapter 1            Use and Construction of Code of Ordinances

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#### Division 1    Authority

##### 1.01.11    Title of Code; Citation

- A. These collected Ordinances shall be known and referred to as the "Code of Ordinances, City of Onalaska, Wisconsin." References to the Code of Ordinances, City of Onalaska, Wisconsin, shall be cited using a Title, Division, Section breakdown as follows: "Sec. 1.01.11, Code of Ordinances, City of Onalaska, Wisconsin." This Code may also be referred to by the shortened title "Onalaska Code."

##### 1.01.12    Principles of Construction

- A. The following rules or meanings shall be applied in the construction and interpretation of ordinances codified in this Code of Ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances:
1. **Acts by Agents.** When an ordinance requires an act be done by a person, who may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.
  2. **City.** The City of Onalaska, La Crosse County, Wisconsin.
  3. **Code and Code of Ordinances.** The words "Codes," "Municipal Code" and "Code of Ordinances" when used in any section of this Code shall refer to this Code of Ordinances of the City of Onalaska unless the context of the section clearly indicates otherwise.
  4. **Computation of Time.** In computing any period of time prescribed or allowed by these Ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this Section, "legal holiday" means any statewide legal holiday specified by state law and any other City holiday designated by the Common Council.
  5. **County.** The County of La Crosse, Wisconsin.
  6. **Delegation of Authority.** Whenever a provision appears requiring the head of a department or some other City officer or employee to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer or employee to designate, delegate and authorize subordinates to perform the duty unless the terms of the provision or section specify otherwise.
  7. **Fine.** The equivalent of the word "forfeiture," and vice versa.
  8. **General Rule.** All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the Ordinances.
  9. **Joint Authority.** All words purporting to give a joint authority to three (3) or more City officers or employees shall be construed as giving such authority to a majority of such officers or other persons.
  10. **Person.** Any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.
  11. **Repeal.** When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.

12. **Singular and Plural.** Every word referring to the singular number only may extend and be applied to several persons or things as well as to one person or thing, provided these rules of construction shall not be applied to any provisions which shall contain any express language excluding such construction or when the subject matter or context of such provisions may be in conflict thereto.
13. **Tense.** The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
14. **Wisconsin Statutes.** The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these Ordinances, the Wisconsin Statutes as of the adoption of this Code, as amended or renumbered from time to time.
15. **Wisconsin Administrative Code.** The term "Wisconsin Administrative Code" and its abbreviation as "Wis. Adm. Code" shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.

#### 1.01.13 Conflict of Provisions

- A. If the provisions of different chapters conflict with each other, the provisions of each chapter shall control as to all matters and questions arising out of the subject matter of such chapter.
- B. If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

#### 1.01.14 Severability

- A. If any provision of this Code of Ordinances is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other provisions of these Ordinances.

#### 1.01.15 Effective Date of Ordinances

- A. **Code of Ordinances.** The Code of Ordinances, City of Onalaska, Wisconsin, shall take effect from and after passage and publication as provided by state law.
- B. **Subsequent Ordinances.** All Ordinances passed by the Common Council subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication.

#### 1.01.16 Repeal of General Ordinances

- A. **Ordinances Repealed.** All general Ordinances heretofore adopted by the Common Council are hereby repealed. This shall not include any Ordinances or parts of Ordinances or resolutions relating to the following subjects and not conflicting with the provisions of this Code, except that some of the following provisions may be amended by this Code of Ordinances:
  1. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
  2. Any ordinance or resolution promising or guaranteeing the payment of money for the City, or any contract or obligations assumed by the City;
  3. The administrative Ordinances or resolutions of the City not in conflict or inconsistent with the provisions of the Code;
  4. Any appropriation ordinance or resolution;
  5. Any right or franchise granted by the Common Council to any person, firm or corporation;
  6. Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the City;
  7. Any ordinance or resolution establishing or prescribing the street grades of any streets in the City;
  8. Any ordinance or resolution providing for local improvements or assessing taxes or special assessments therefor;
  9. Any ordinance or resolution dedicating or accepting any plat or subdivision in the City;
  10. Any ordinance annexing property to the City;
  11. Any ordinance or resolution regulating the erection, alteration, repair, maintenance, demolition, moving or removal of buildings or other structures;
  12. Unified Development Code and Building Codes.
  13. Charter ordinances.
  14. The issuance of corporate bonds and notes of the City of whatever name or description.
  15. Water and sewer rates, rules and regulations and sewer and water main construction.
- B. **Effect of Repeals.** The repeal or amendment of any provision of this Code or of any other Ordinance or resolution of the Common Council shall not:

1. Affect any rights, privileges, obligations or liabilities which were acquired or incurred or which had accrued under the repealed or amended provision, unless the City has expressly reserved the right to revoke such right, privilege, obligation or liability.
2. Affect any offense, penalty or forfeiture, or prosecution for any offense, or levy of any penalty or forfeiture which has arisen prior to the repeal or amendment of the relevant provision of any ordinance or resolution. The preceding sentence shall not preclude the application of a lesser penalty or forfeiture if the new amending or repealing provision contains such a lesser penalty or forfeiture. The procedure for prosecution of any violations of Ordinances repealed or amended shall be conducted according to the procedure set forth in the new amending or repealing provision or other procedure currently in effect.

### 1.01.17 General Penalty

- A. **General Penalty.** Except where a penalty is provided elsewhere in this Code, any person over the age of eighteen (18) years who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows: Any person, upon conviction for violating any provision of this Code for which another penalty is not provided, may be required to forfeit not more than Two Thousand Dollars (\$2,000.00).
1. **First Offense - Penalty.** Any person over the age of eighteen (18) years who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00), together with all costs, surcharges, penalty assessments, and any other taxable item of cost as provided for by the laws of the State of Wisconsin as applicable to forfeiture actions that are in effect at the time of the offense, and any other taxable costs as imposed by any other provision of this code. In default of payment of such forfeiture and costs may have their driving privilege suspended per Sec. 345.45(1)(b), Wis. Stats., or be imprisoned in the County Jail until such forfeiture and costs are paid or both, but not exceeding six (6) months.
  2. **Second and Subsequent Offenses - Penalty.** Any person over the age of eighteen (18) years who is found guilty of violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance or part of an ordinance within three (3) years from the date of the last offense to the date of the current offense shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) for each such offense, together with all costs, surcharges, penalty assessments, and any other taxable item of cost as provided for by the laws of the State of Wisconsin as applicable to forfeiture actions that are in effect at the time of the offense, and any other taxable costs as imposed by any other provision of this Code. In default of payment of such forfeiture and costs may have their driving privilege suspended per Sec. 345.47(1)(b), Wis. Stats., or be imprisoned in the County Jail until such forfeiture and costs are paid or both, but not exceeding six (6) months.
- B. **Continued Violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- C. **Other Remedies.**
1. The City shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.
  2. Execution or assessment against defendant's property. Whenever any person fails to pay a forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the City, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs. In the alternative, upon authorization of the court imposing any such forfeiture and costs, such sum as remains unpaid shall be assessed against any real property owned by the defendant within the City and shall be added to the City's portion of the property tax liability.
  3. In addition to any forfeiture imposed under this Section or any other penalty section of the Code of Ordinances of the City of Onalaska, the City may institute an action or proceeding to enjoin any violation; and such violation or any nonpayment of any forfeiture and costs shall constitute the basis for revocation or denial of any and all licenses and permits wherein the City is the issuing authority.
- D. **Time to Pay.** Any forfeiture and costs imposed as a penalty pursuant to this Section or any penalty provisions of this Code shall be payable forthwith if so ordered by the court; however, the court may, in its discretion, allow reasonable time for payment, or reasonable payment plans, considering the defendant's ability to pay, and the court shall allow any time for payment or payment plan as provided for by any state law applicable at the time of imposition of the forfeiture.
- E. **Alternative Juvenile Dispositions and Sanctions.**
1. For a juvenile adjudged to have violated an Ordinance, the Court is authorized to impose any of the dispositions listed in Secs. 938.343 and 938.344 Wis. Stats., in accordance with the provisions of those Statutes, as amended from time to time.

2. For a juvenile who violates a condition of a dispositional order of the Court under Secs. 938.343 or 938.344, the Court is authorized to impose any of the sanctions listed in Sec. 938.355(6)(d) Wis. Stats. in accordance with the provisions of those Statutes, as amended from time to time.
3. This section is enacted under the authority of Sec. 938.17(2)(cm) Wis. Stats.

#### 1.01.18 City Clerk to Maintain Copies of Documents Incorporated by Reference

- A. Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein and the City Clerk shall maintain in their office a copy of any such material as adopted and as amended from time to time. Materials on file in the office of the City Clerk shall be considered public records open to reasonable examination by any person during the office hours subject to such restrictions on examination as the City Clerk imposes for the preservation of the material.

#### 1.01.19 City of Onalaska Fee Schedule

- A. There shall be a City of Onalaska Fee Schedule approved at a minimum annually by the Common Council which shall set forth all of the fees charged by the City of Onalaska.

## Chapter 2 Enforcement of Ordinances; Issuance of Citations

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### Division 1 Enforcement

#### 1.02.11 Method of Enforcement

- A. The City of Onalaska hereby elects to use the citation method of enforcement of ordinances. All City officers and other city personnel charged with responsibility of enforcing the provisions of this Code of Ordinances are hereby authorized pursuant to Sec. 66.0113, Wis. Stats., to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists.

#### 1.02.12 Citations

- A. Enforcement proceedings under this Code in Municipal Court may be initiated by the use of a compliant or citation as authorized by Sec. 800.02, Wis. Stats. In addition to peace officers, the Zoning Administrator, Fire Chief, Building Inspectors, City Engineer and City Attorney as well as designated employees under their supervision, are authorized to issue citations for violations of the Municipal Code which are directly related to their official responsibilities.

#### 1.02.13 Schedule of Deposits

- A. The schedule of cash deposits shall be established for use with citations issued under this Chapter by the Common Council according to the penalty provision of this Code.
- B. Deposits shall be made in cash, money order or certified check to the City Treasurer's office which shall provide a receipt therefor.

#### 1.02.14 Procedure

- A. Section 66.119(3), Wis. Stats., relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

#### 1.02.15 Non-Exclusivity

- A. **Other Ordinance.** Adoption of this Chapter does not preclude the Common Council from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- B. **Other Remedies.** The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

## Chapter 3 City Logo

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### Division 1 Form and Use of City Logo

#### 1.03.11 Form of Official City Logo

- A. The City of Onalaska has adopted the logo set forth below as its official city logo (the "Official City Logo") depicted below is a stylized portrayal of the sun, water (lake), cattails, sunfish and sky (air). The words

“Onalaska Wisconsin Est. 1851” are integrated into the design. This Official City Logo shall be used by the City of Onalaska and its departments only in their official capacity and shall not be used by others.



### 1.03.12 Use of Official City Logo

- A. The Common Council finds that the Official City Logo as set forth herein above is a symbol of the authority and jurisdiction of the City, and as such, are valuable assets of the City and its citizens. The Common Council desires to insure that only appropriate uses are made of the Official City Logo.
- B. The Official City Logo may not be used by individuals, groups or organizations other than the City.
- C. No person shall use a symbol that imitates the Official City Logo or that is deceptively similar in appearance to the Official City Logo.

### 1.03.13 Violation

- A. Any person who violates this Chapter is deemed to have committed a civil infraction as set forth in Chapter 1.01.17 of the Code of Ordinances and shall be punishable by a penalty of up to Five Hundred Dollars (\$500.00) for each violation. Each day a violation continues shall be deemed to be a separate violation. The City's right to prosecute under this Section shall not affect its rights to pursue civil or injunctive relief under federal or state laws, or any other relief available under the law.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF ONALASKA

By: \_\_\_\_\_  
Kim Smith, Mayor

By: \_\_\_\_\_  
Caroline Burmaster, Clerk

PASSED:  
APPROVED:  
PUBLISHED:

FISCAL IMPACT OF ORDINANCE 1669 – 2020

Please route in this order

Eric Rindfleisch, Administrator

 5/4/20  
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

Cari Burmaster, City Clerk

 5-4-20  
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

Charles Ashbeck, Chief of Police

 5-4-20  
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

Fred Buehler, Financial Services Director

 5-4-20  
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

**AN ORDINANCE TO AMEND TITLE 3 OF THE CODE  
OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO FINANCE**

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Title 3 Finance is hereby deleted in its entirety and replaced as follows:

## Title 3 Finance

### Chapter 01 Finance

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#### Division 1 Finance Administration

##### 3.01.11 Fee for Returning Checks with Insufficient Funds; Reimbursement of Collection Costs

- A. **Insufficient Fund Fee.** There shall be a Thirty Dollar (\$30.00) fee for processing checks made payable to the City that are returned because of insufficient funds in the account in question.
- B. **Collection.** Collection costs and attorney's fees shall be added to the principal amounts of unpaid bills owed to the City that are placed with collection agencies.

##### 3.01.12 Duplicate Treasurer's Bond Eliminated.

- A. **Bond Eliminated.** The City of Onalaska elects not to give the bond on the bond for the City Treasurer provided for by Sec. 70.67(1), Wis. Stats.
- B. **City Liable for Default of Treasurer.** Pursuant to Sec. 70.67(2), Wis. Stats., the City shall be obligated to pay, in case the City Treasurer shall fail to do so, all state and county taxes required by law to be paid by such City Treasurer to the County Treasurer.

##### 3.01.13 Public Depositories

- A. The Common Council shall designate the public depository or depositories within this state within which City funds shall be deposited, and when the money is deposited in such depository in the name of the City, the Financial Services Director and bondsman shall not be liable for such losses as are defined by state law. The Financial Services Director shall invest said money and the interest arising therefrom shall be paid into the City Treasury. Pursuant to state law, designated public depositories shall be required to pledge U.S. Treasury Notes equal in amount to any uninsured balance on the City's deposit. State Law Reference: Ch. 34 and Sec. 62.12(7), Wis. Stats.

##### 3.01.14 Claims against the City

- A. **Payment of Claims.** In addition to, and in lieu of the other methods provided by statute for the payment of claims against the City, financial claims against the City may be paid from the City Treasury after the Common Council shall have audited and approved each such claim as a proper charge against the Treasury and shall have endorsed their approval thereon, after having determined that the following conditions have been complied with:
  - 1. That funds are available therefor, pursuant to the budget approved by the Council;
  - 2. That the item or service covered by such claim has been duly authorized by the proper the proper official, department head or board or commission;
  - 3. That the item or service covered by such claim has been duly authorized by the property official, department head, or board or commission;
  - 4. That the item or service has been actually supplied or rendered in conformity with such authorization;
  - 5. That the claim is just and valid, pursuant to law. The Financial Services Director may require the submission of such proof and evidence to support the foregoing in their discretion as they deem necessary.

### 3.01.15 Temporary Investment of Funds Not Immediately Needed

- A. The Financial Services Director may invest any City funds not immediately needed pursuant to Secs. 66.04(2) and 219.05, Wis. Stats.

### 3.01.16 Facsimile Signatures

- A. In lieu of the personal signatures of the City Clerk and Mayor, there may be affixed on order checks the facsimile signatures of such persons adopted by them and approved by the Common Council, but the use of the facsimile signature shall not relieve such official from any liability to which they are otherwise subject, including the unauthorized use thereof.

### 3.01.17 Accounts Receivable

- A. **Receiving Money.** The Financial Services Director or their deputies shall not receive any money into the Treasury from any source except on account of taxes levied and collected during the fiscal year for which they may then be serving, without giving a receipt therefor in the manner specified by the Common Council.
- B. **Receipts.** Upon the payment of any money (except for taxes as herein provided), the Financial Services Director shall make out a receipt in duplicate for the money so received. The Financial Services Director shall charge the amount thereof to the Treasury and credit the proper account. The payment of the money to any receiving agent of the City or to the City or to the Financial Services Director shall be safeguarded in such manner as the Common Council shall direct.
- C. **Billing Procedures.** Billings by the City may be paid within thirty (30) days after billings without interest. Thereafter, interest may be charged at the rate of one and one-half percent (1½ %) per month or any fraction thereof, until the fifteenth (15th) day of November. Bills not paid on or before the fifteenth (15th) of November shall have added to the total amount due one and one-half percent (1½ %) of said charges shall be entered on the tax role as a special charge and become a lien upon real estate.

### 3.01.18 Statement of Special Assessments

- A. Any party may obtain a Statement of Special Assessments from the City Clerk with respect to the following information necessary for transfers of real property including:
  1. The amount of outstanding special assessments;
  2. Deferred assessments;
  3. Changes in assessments;
  4. Amount of taxes;
  5. Outstanding water and sewer bills;
  6. Current water and sewer bills;
  7. Contemplated improvements;
  8. Floodplain status; and
  9. Violations of the building and health codes.
- B. The Statement of Special Assessments shall be provided in a form prepared by the City Clerk upon payment of the fee as set forth in the City of Onalaska Fee Schedule. A minimum of forty-eight (48) hours is required for preparation of a Statement of Real Property Status.

### 3.01.19 Annual Audits

- A. A firm of certified public accountants shall be employed each year by the City, subject to the confirmation of the Common Council to conduct a detailed audit of the City's financial transactions and its books, and to assist the Financial Services Director in the management of the City's financial affairs, including the City's public utilities. These auditors shall be employed on a calendar-year basis.

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## Division 2 City Budget

### 3.01.21 Fiscal Year

- A. The calendar year shall be the fiscal year.

### 3.01.22 City Budget

- A. **Departmental Estimates.** On or before October 1 of each year, each officer, department, board and committee shall file with the Financial Services Director an itemized statement of disbursements during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department, board or committee during such year, and of the conditions and management of such fund; also detailed estimates of the same matters for the

current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the City and shall be designated as "Departmental Estimates," and shall be as nearly uniform as possible for the main division of all departments.

- B. **Consideration of Estimates.** The Financial Services Director and Administrator shall consider such departmental estimates in consultation with the Department Head and recommend to the Common Council's Finance and Personnel Committee a budget amount for such department or activity. The Finance and Personnel Committee and Common Council shall assist the Financial Services Director and Administrator in developing a proposed budget for submission to the Common Council.
- C. **Proposed Budget.** On or before November 1, the Finance and Personnel Committee shall prepare and submit to the Common Council a proposed budget presenting a financial plan for conducting the affairs of the City for the ensuing calendar year. The budget shall include the following information:
  - 1. The expense of conducting each department and activity of the City for the ensuing fiscal year and last preceding fiscal year, with reasons provided for increase and decrease recommended as compared with appropriations for the current year.
  - 2. An itemization of all anticipated income from the City from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding and current fiscal year.
  - 3. An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.
  - 4. Such other information as may be required by the Common Council and by state law.
- D. **Copies of Budget.** The Financial Services Director shall provide a reasonable number of copies of the budget summary thus prepared for distribution to citizens. The entire fiscal budget shall be available for public inspection in the Office of the Financial Services Director during regular office hours.
- E. **Budget Hearing.**
  - 1. The Financial Services Director shall submit to the Council at the time the annual budget is submitted the draft of an appropriation ordinance providing for the expenditures proposed for the ensuing fiscal year. Upon the submission of the proposed appropriation ordinance to the Council, it shall be deemed to have been regularly introduced therein.
  - 2. A summary of such budget and notice of the time and place where such budget and detail is available for public inspection and notice of the time and place for holding the public hearing thereof shall be published in the official newspaper of the City at least fifteen (15) days prior to the time of such public hearing.
  - 3. Not less than fifteen (15) days after the publication of the proposed budget and the notice of hearing thereof, the public hearing shall be held at the time and place stipulated, at which time any resident or taxpayer of the City shall have an opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time.
  - 4. A majority vote of the Common Council is required to adopt the proposed budget and appropriation ordinance.
- F. **Budget Resolutions.** The Common Council, by resolution, shall appropriate out of the receipts of the City of Onalaska for the budget year, including monies received from the general property tax, the amounts set forth in the budget as adopted by Common Council in November of each year, which shall be incorporated herein by reference.
- G. **Tax Levies.** The Common Council, by resolution, shall establish the amounts levied on taxable property within the City of Onalaska each year, which shall be incorporated herein by reference. The City Clerk is hereby authorized and directed to spread the aforesaid levies on the current tax roll of the City.

### 3.01.23 Budget Changes

- A. Upon recommendation of the Finance and Personnel Committee, the Common Council by resolution may at any time, by a two-thirds (2/3) vote of the entire membership, transfer any portion of an unencumbered balance of an appropriation to any other purpose or object. Notice of such transfer shall be given by publication within ten (10) days thereafter in the official newspaper of the City.

### 3.01.24 City Funds to Be Spent in Accordance with Appropriation

- A. No money shall be drawn from the treasury of the City, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by Section 3.01.23 of this Division. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to re-appropriation; but appropriations may be made by the Common Council, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

### 3.01.25 Compensation of City Officials and Employees

- A. The salaries, wages, and other compensation of City officials and employees of the City of Onalaska are established by resolution of the Common Council and incorporated herein by reference.

## Chapter 02 Special Assessments

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### Division 1 General Provisions

#### 3.02.11 Common Council Authority to Levy Special Assessments

- A. The City of Onalaska by resolution of its Common Council may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any municipal work or improvement and may provide for the payment of all or any part of the cost of the work or improvement. In addition to other methods approved by law, special assessments for any public work or improvement or any special charge for current services may be levied in accordance with the provisions of this Chapter.
- B. The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property therefrom, and for those representing an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the Common Council.
- C. The favored procedure in the City for proceeding with making specially assessable public improvements as generally set forth in this Chapter is not intended in any way to disregard or to bar proceeding under other methods provided by law for making of public improvements and for the levying of assessments therefor. Nor is this Chapter intended to be an exhaustive, detailed recodification of the state law under said statutory section. Detailed requirements still require reference to said statutory section and the subsections thereunder. The purpose hereof is to generally define and establish local procedures.
- D. **State Law Reference:** Secs. 66.0703 and 66.0717, Wis. Stats.

#### 3.02.12 Costs that May be Paid by Special Assessment

- A. The cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost thereof, the damages occasioned thereby, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the services of the administrative staff of the City and the cost of any architectural, engineering and legal services, and any other item of direct or indirect cost which may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the Common Council.

#### 3.02.13 Exemptions; Deductions

- A. If any property deemed benefited shall by reason of any provision of law be exempt from assessment therefor, such assessment shall be computed and shall be made part of the total project cost.
- B. **Corner Lot Credit.** A parcel of land against which has been levied a special assessment for the sanitary sewer or water main laid in one (1) of the streets upon which it abuts shall be entitled to such deduction or exemption as the Common Council determines to be reasonable and just under the circumstances of each case when a special assessment is levied for the sanitary sewer or water main laid in the other street upon which such corner lot abuts. Under any circumstances the assessment will not be less than the long way of such lot. The Common Council may allow a similar deduction or exemption from special assessments levied for any other public improvement.

#### 3.02.14 Special Assessment for Public Improvements Process

- A. **Preliminary Resolution.** Public improvements carried out pursuant to Sec. 66.0703, Wis. Stats., and this Chapter shall be initiated by a preliminary resolution presented to the Board of Public Works and then Council by the Director of Public Works, which resolution shall declare the Council's intention to exercise its assessment powers for such municipal purpose(s), describe the same, the limits of the proposed assessment district, the number of installments in which special assessment may be paid or that the number of installments will be determined at hearing thereon, and direct the Director of Public Works to make a report thereon. After adoption of such preliminary resolution by the Common Council, copies thereof shall be forwarded by the City Clerk to the Director of Public Works. The City Clerk shall forthwith, after adoption of such preliminary resolution, obtain a list of the names and addresses of all interested persons, if with reasonable diligence their names and addresses may be obtained, and forward the same

to the Director of Public Works. Upon receipt of copy of such preliminary resolution, the Director of Public Works shall prepare the report thereon.

- B. **Report.** The report required under Section 3.02.14.A above shall consist of:
1. Preliminary or final plans and specifications;
  2. An estimate of the entire cost of the proposed work or improvement;
  3. An estimate, as to each parcel of property affected, to include:
    - a. The assessment benefits to be levied;
    - b. The damages to be awarded for the property taken or damages;
    - c. The net amount of such benefits over damages or the net amount of such damages over benefits
  4. A statement that the property against which the assessments are proposed is benefited, where the work or improvements constitute an exercise of the police power. In such case, the estimates required under Section 3.02.14.B.3 above shall be replaced by a schedule of the proposed assessments.
  5. A copy of the report when completed shall be filed with the City Clerk for public inspection.
- C. When the Common Council determines by resolution that the hearing on the assessments be held subsequent to the completion of the work or improvement or rendering of the service, the report required by Sec. 66.0703(5), Wis. Stats., and A. and B. above shall still contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost.
- D. **Notice Requirements.** On the completion and filing of the report and final resolution with the City Clerk required in Section 3.02.14.B.5 above, the Director of Public Works shall prepare a Notice of Hearing, which notice shall comply with Sec. 66.0703(7)(a), Wis. Stats., and state the nature of the proposed or approved work or improvement, the general boundary lines of the proposed assessment district and the place and time at which the report may be inspected. In publishing the Notice of Hearing, the City Clerk shall set the place and time at which all interested persons, their agents or attorneys may appear before the Common Council or Board of Public Works and be heard concerning the matters contained in the preliminary resolution and report. Such notice shall be signed by the City Clerk who shall cause the same to be published at least once in the official newspaper and shall mail a copy of such notice at least ten (10) days before the hearing to every interested person whose post office address is known or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10) days and not more than forty (40) days after the publication or mailing of said notice.
- E. **Waiver of Notice, Assessments Under.** The Council may, without any notice of hearing, levy and assess the whole or any part of the cost of any municipal work or whole or any part of the cost of any municipal work or improvement as a special assessment upon the property specifically benefited thereby whenever notice and hearing thereon is in writing waived by all the owners of property affected by such special assessment. In such cases, the procedure shall be the same as herein before provided excepting for the noticing and holding of public hearing thereon.
- F. **Council Actions after Hearing.**
1. Work or improvement previously authorized, approved or completed prior to the filing of the report or hearing:
    - a. If the work or improvement has not been previously authorized or approved, the Common Council shall approve the work or improvement and by resolution direct that the same be done and paid for in accordance with the report finally approved.
    - b. If the work or improvement has been approved by the Common Council or work commenced or completed prior to the filing of the report or prior to the hearing, then the Common Council shall by resolution confirm the report as made or modified and provide for payment in whole or in part by assessment.
  2. After the hearing the Council may:
    - a. Approve, disapprove, modify or re-refer the report to the Director of Public Works with such directions as it deems necessary to change the plans and specifications as to accomplish a fair and equitable assessment.
    - b. Continue the public hearing, preliminarily approve plans and specifications and, if the project requires advertising for bids, authorize and direct the advertisement therefor with a date certain for consideration and taking action thereon, inclusive of action on said report and action on final resolution.
  3. If an assessment be made against any property and an award of compensation or damage be made in favor of the property, the Common Council shall assess only the difference between such assessment of benefits and the award of compensation or damage.
- G. **Final Resolution.** The City Clerk shall publish the final resolution. After the publication of the final resolution, any work or improvement provided for and not yet authorized shall be deemed fully authorized and all awards of compensation or damage and all assessments made shall be deemed duly and properly made, subject to the right of appeal by Sec. 66.0703(12), Wis. Stats., or any other applicable provision of law.

- H. **Issuance of Special Assessment.** As soon as the assessable cost of such work or improvement is finalized, the Finance Department shall issue the special assessments for each property affected and specifying the manner in which payment is to be made and shall send copy of the respective assessment affecting each property to each owner's post office address that is known or can be obtained with reasonable diligence.
- I. **Council's Power to Amend, Cancel or Confirm Special Assessment.** If, after completion or after the receipt of bids, the actual cost of any work or improvement is found to vary materially from the original estimate, or the assessment is void or invalid for any reason, or if the Common Council determines to reconsider an assessment, it is empowered, after giving notice as required above to amend, cancel or confirm any prior assessment; and notice of this amending, canceling or confirming be given by the City Clerk as provided above.
- J. **Waiver.** The Common Council may, without notice or hearing, levy and assess all or any part of the cost of any work or improvement upon the property benefited if notice and hearing is waived in writing by property owners affected.

### 3.02.15 Special Circumstances

- A. **Combined Assessments.** If more than a single improvement is undertaken, the Common Council may combine the assessments as a single assessment on each property affected except that the property owner may object to any one or more of said improvements.
- B. **Cost of Improvement Less than Assessment.** If the cost of the work or improvement is less than the assessment levied, the Common Council without notice or hearing shall reduce each assessment proportionately. If the assessment has been paid either in part or in full, the City shall refund the property owner such overpayment.

### 3.02.16 Appeals; Appealed Assessments Payable When Due

- A. Any person against whose property a special assessment is levied under this Chapter may appeal therefrom in the manner prescribed by Sec. 66.0703(12) of the Wisconsin Statutes, as amended, within forty (40) days of the date of the final determination of the Common Council.
- B. Pursuant to Sec. 66.60(t), Wis. Stats., it shall be a condition to the maintenance of any appeal that any assessment appealed shall be paid when due and payable, and upon default in payment any such appeal shall be dismissed.

### 3.02.17 Payment of Special Assessments; Special Assessments a Lien on Property

- A. **Payment of Special Assessments.**
  1. **Without Interest.** Upon receipt of copy of special assessment, any person may pay the same in full, without interest, if paid to the City Treasurer within the grace period therein allowed and as allowed in the final resolution.
  2. **Installments.** As set forth in the final resolution, the Common Council may allow any special assessment, when they exceed One Hundred Dollars (\$100.00), to be paid in equal installments, equivalent to the length of time of any bond issuance that is issued for said improvements (the "Financing"), together with interest at the rate determined by the Common Council, uniform with other City special assessments, at a rate equal to one percent (1%) over the interest rate for the Financing together with engineering and administrative fees equal to seven and one-half percent (7.5%) of the project cost shall be added to the Special Assessment cost..
  3. **After Grace Period.** If any special assessment, or any part thereof, remains unpaid following the running of the grace period specified for payment without interest, at time of preparation of the first tax roll thereafter, the same together with interest computed thereon at the interest rate established in the final resolution and in said certificates computed thereon from the date of levy (i.e. date of final resolution) or the finalizing of assessable costs whichever is later, shall be entered in such tax roll in such manner as directed in said final resolution and certificate; thereafter, if the same be payable in installments, subsequent installments together with interest at said rate computed on declining balance shall be entered in subsequent tax rolls until fully paid. This provision is in no way intended to prohibit the prepayment of the balance owing at any time on principal together with interest to the date of payment only.
- B. **Assessment as Lien.** Pursuant to Subsection (13) of Sec. 66.0703, Wisconsin Statutes, any special assessment levied under this Chapter shall be a lien on the property against which it is levied on behalf of the City. The Common Council shall provide for the collection of such assessments and may establish penalties for payment after the due date. The Common Council shall provide that all assessments not paid by the date specified shall be extended upon the tax roll as delinquent tax against the property and all proceedings in relation to the collection of such delinquent taxes shall apply to such assessment, except as otherwise provided by statute.

- C. **Special Assessments Non Transferrable.** Special assessments shall not be transferred to a new owner and shall be immediately due and payable to the City when the parcel of real estate is sold, assigned, or conveyed.

### 3.02.18 Special Charges Permissible

- A. In addition to all other methods provided by law, special charges for current services may be imposed by resolution by the Common Council by allocating all or part of the cost of the property served. Such resolution setting forth the property location, the current service rendered by the City and the special charge therefor or cost thereof. Such resolution for special charges may include snow and ice removal, weed elimination, street scaling, repair of sidewalks or curb and gutter, garbage and refuse disposal, sewer and water service and tree care or removal. The provision for notice of such charges shall be optional with the Common Council except that in the case of street, sidewalk (except sidewalk repairs as part of the yearly Sidewalk Program Repairs), curb or gutter repair, a Class 1 notice published in the official City newspaper at least twenty (20) days before the hearing or proceeding and a copy of such notice mailed to every interested person whose post office address is known, at least ten (10) days before the hearing or proceeding. Such notice shall specify that on a certain date a hearing will be held by the Common Council as to whether the service in question shall be performed.
- B. Special charges for current services shall not be payable installments. If not paid within the period fixed by the Common Council in said resolution, such delinquent special charges, pursuant to Section 3.02.07.C, shall become a lien on said property as of the date of such delinquency and shall automatically be extended upon the current or next tax roll as a delinquent tax against the property, as provided by Sec. 66.0627, Wis. Stats., and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charge. Notice of special charges for current services need not be given except as required by Sec. 66.0627, Wis.Stats., as amended.
- C. Section 3.02.04.A of this Chapter shall not be applicable to the proceedings under this Section.

### 3.02.19 Miscellaneous Provisions

- A. If any assessment or charge levied under this Chapter is invalid because such Statutes are found to be unconstitutional, the Common Council may thereafter reassess such assessment or charge pursuant to the provisions of any applicable law.
- B. Notwithstanding any other provision of law, or this or other ordinance or resolution, it is specifically intended and provided by this Chapter that the City may levy special assessments for work or improvement against the property benefited either before or after the approval of the work plans and specifications, contracting for the work or completing the work or improvement.

## Chapter 03 Disposal of Lost, Abandoned and Surplus Property

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### Division 1 Authority

#### 3.03.11 Disposal of Surplus City Property

- A. **Definitions.**
- "Surplus City Property" is that property which is owned by the City of Onalaska and which has no further usefulness to the City. An item of property shall be considered to have no further usefulness when:
    - The item or its function has been totally replaced by other City property and no probable future function exists for it; or
    - The City no longer performs the service for which the item was purchased and no other service can reasonably be provided by the item; or
    - The item is no longer able to reliably or economically perform the work required of it.
  - Surplus property as defined in this Chapter shall not include land or buildings but shall include fixtures and such salvage as may be taken from a building without structural damage when such fixtures and salvage are not part of a demolition contract. Surplus City property shall not include property which is obtained by the City as a result of abandonment or loss by the property's original owner. Surplus City property shall not include items of property which are traded in for newer items. Surplus City property shall not include library materials used by the public library for lending purposes.
- B. **Determination of Surplus City Property.**
- Whenever an item of City property is determined to be surplus City property on the basis that the City no longer performs the service for which the item was purchased, the Financial Services Director and applicable Department Head shall determine whether or not the item is surplus City property.
- C. **Disposition of Surplus City Property.**

1. Whenever it is determined that an item of property is surplus City property, it shall be disposed of in accordance with the City's Finance Policy Manual or as required by law.

### 3.03.12 Lost and Abandoned Property

#### A. City Custody of Lost or Abandoned Property.

1. Property which appears to be lost or abandoned, discovered by officers or turned in to the Chief of Police by citizens shall be disposed of according to this Section.
2. Lost and abandoned property will be examined by the Chief of Police for identifying marks in an attempt to determine the owner. If identifying marks are present, they shall be used by the Chief of Police to attempt to contact the owner to return the property. If no identifying marks are present, the property shall be taken into custody by the Chief of Police.
3. No City employee shall keep for their own use property found in the course of duty, nor take possession of property during off-duty hours when the discovery was made while on duty.
4. The Chief of Police shall permit citizens to claim lost property if they can provide sufficient proof that they are rightful owners.
5. No City employee shall receive any lost, stolen, abandoned or other unclaimed property from the Chief of Police, unless that person receives a written receipt signed by the Chief of Police, a copy of which shall remain with the Financial Services Director.

#### B. Disposal Procedures.

1. **Classes of Property.** All property which has been abandoned, lost or remained unclaimed for a period of thirty (30) days after the taking of possession of the same by the City shall be disposed of as follows, except that if the property is usable for City operations, the property need not be sold at auction, but may become the property of the City.
  - a. **Vehicles.** Vehicles shall be disposed of as set forth in the applicable provisions, of this Code of Ordinances.
  - b. **Intoxicating Liquor and Fermented Malt Beverages.** Intoxicating liquor and fermented malt beverages shall be destroyed.
  - c. **Firearms, Ammunition and Explosives.** Firearms or ammunition shall be returned to their rightful owner, destroyed, or transferred to the State Crime Laboratory, the division of law enforcement services of the Department of Justice, the Federal Bureau of Investigation or the Alcohol, Tobacco and Firearms bureau of the U.S. Department of Treasury. Any explosive, flammable, or other material proving a danger to life or property may be disposed of immediately upon taking possession thereof. The Chief of Police and the Fire Chief, after consulting with the County Sheriff's Department, are hereby authorized to determine the disposal procedure, provided, however, that any such procedure will attempt to return to its rightful owner any such material which appears to have been stolen.
  - d. **Other Property with a Fair Market Value of One Hundred Dollars (\$100.00) or Less.** An item of property with a fair market value of One Hundred Dollars (\$100.00) or less shall be destroyed or sold at public auction. Perishable property which deteriorates to a fair market value of less than One Hundred Dollars (\$100.00) shall be destroyed.
  - e. **Other Property with a Fair Market Value of Over One Hundred Dollars (\$100.00).** An item of property with a fair market value of more than One Hundred Dollars (\$100.00) shall be sold at public auction or by sealed bid.
  - f. **Illegal Property.** Property which cannot be legally possessed shall be destroyed.
2. **Disposal by Auction or Sealed Bid.**
  - a. Whenever any property under this Section is sold by public auction or sale or by sealed bid, such auction or the awarding of bids shall be preceded by a Class 2 notice describing the property and arranging the time and place for the auction or bid submission; such notice shall be published in the official City newspaper. The property auctioned or sold by sealed bid shall be sold in as-is condition to the highest bidder. No sale or auction shall occur until the Chief of Police has determined that the property has no value to any probable investigation or legal proceeding. The Department Head responsible for the property shall determine the time in which the successful bidder shall remove the property. In the event the property is not removed within that time, the property shall revert to the City and the amount of the bid be forfeited to the City.
  - b. Any City official selling property under this Section shall maintain for two (2) years an inventory of any property not disposed of by auction or sale by sealed bid and shall include a record of the date and method of disposal, any payment received for the property, and the name and address of the person acquiring the property.
3. **Lost Property.** Property which is found by persons and delivered to the Chief of Police for the purpose of locating the former owner shall not be considered abandoned or unclaimed under this Section until thirty (30) days after mailing to the person finding the property a notice that they may claim ownership of said property. The Chief of Police shall determine what portion, if any, of the

property or its value shall be given the finder. This provision shall not apply to any City employee finding property in the regular course of their employment.

4. **Payment to City Treasury.** All sums received from the sale of property under this Section shall be paid to the City Treasury.

### 3.03.13 Unclaimed Funds

- A. **Unclaimed Funds.** On or before January 10 of every odd-numbered year, the City of Onalaska Finance Director or its designee, shall file with the treasurer of La Crosse County a written report under oath giving the names and the last-known addresses of all persons for whom the City of Onalaska Treasurer holds money or security, and which has not been claimed for at least one (1) year, and showing the amount of the money or the nature of the security in detail. A duplicate report shall also be mailed to the Wisconsin Department of Financial Institutions. Upon receiving the reports the La Crosse County Treasurer shall cause to be published a Class 3 notice, under Ch. 985, Wis. Stats., on or before February 1 of the same year, which contains the names and last-known addresses of the owners of the unclaimed money or security that has a value of at least Ten Dollars (\$10.00), and shall state that unless the owners call for and prove their ownership of the money or security, within six (6) months from the time of the completed publication, the City of Onalaska Treasurer shall give possession or control of the money or security to the La Crosse County Treasurer. At the end of the six (6) months from the time of the completed publication, the La Crosse County Treasurer shall also take possession or control of all money or security of persons for whom the City of Onalaska Treasurer holds money or security, and which has not been claimed for at least one (1) year, if the money or security has a value of less than Ten Dollars (\$10.00).
- B. **Unclaimed Funds in County Possession.** Any money or security which the La Crosse County Treasurer has taken control over under Section (A.) above and has had in its possession or control for more than one (1) year shall, to the extent possible, be deposited into the La Crosse County general revenue fund. Pursuant to Sec. 59.66(2)(a)1(am), Wis. Stats., money or security deposited pursuant to this section may remain in the County's general revenue fund or may be used by La Crosse County until the money or security is paid or delivered to its owner or becomes property of the county. If within ten (10) years from the time any such money or security is delivery to La Crosse County, the owner of the money or security proves to the satisfaction of the La Crosse County Treasurer the owner's right to the possession of the money or security, it shall be paid or delivered to the owner. If no such proof is made, then at the end of the ten (10) year period the money or property shall become the property of the county. Nothing in these sections shall be construed to deprive the owner of any such property of the owner's right to proceed by court action for the recovery of such money or security from the treasurer.
- C. **Penalty.** Any person violating any provision of this section, shall upon conviction, be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) or imprisoned for not less than thirty (30) days nor more than six (6) months.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF ONALASKA

By: \_\_\_\_\_  
Kim Smith, Mayor

By: \_\_\_\_\_  
Caroline Burmaster, Clerk

PASSED:  
APPROVED:  
PUBLISHED:

**FISCAL IMPACT OF ORDINANCE 1671 – 2020**

Please route in this order

Eric Rindfleisch, Administrator

  
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

Fred Buehler, Financial Services Director

  
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

dependent on the systems in place during the date range of the emails and the user. When requests are made. Such requests for these records often take ten (10) or more business days to comply with due to the labor and technical issues.

4. **Time for Compliance and Procedures.**

- a. **Time.** The fulfillment of public records requests is a high priority for the City. Therefore, each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of their determination to deny the request in whole or in part and the reasons therefore. If a request may take more than ten (10) business days to process, then the custodian must respond to the requestor within those ten (10) days with an estimate of when such processing shall be completed and an explanation of the reasons supporting that estimate.
- b. **City Attorney Consultation Required.** Before any custodian may deny access to any records or portion thereof, the custodian must consult with the City Attorney. Such consultation shall occur as soon as practicable after the custodian has assembled and reviewed the requested record. In any response to a requestor, the custodian shall include a statement that he or she consulted the City Attorney regarding the denial of access to any records. Any denial of access made by a custodian without such consultation and statement is not considered a response from the City of Onalaska.

5. **No Destruction of Records While a Request is Pending or While a Denial of a Request is Being Appealed.** No custodian may destroy any record at any time after the receipt of a request for inspection or copying of the record until after the request is granted or until at least sixty (60) days after the date that the request is denied. If any legal action is pending regarding or related to the record, the record may not be destroyed without the express authorization of the City Attorney. No record that is the object of or which has been produced pursuant to a discovery order or a subpoena may be destroyed without the express consent of the City Attorney.

6. **Retention Schedules.** The City of Onalaska, in accordance with Secs. 19.21(4)(b) and 16.61(3)(e), Wis. Stats., adopts the following record retention schedules:

- a. **Retention Schedule.** The City of Onalaska adopts the State of Wisconsin Municipal Records Retention Schedule. A copy of the complete schedule is attached to this Title as Appendix A.
- b. **Records that are Evidence.** No record may be destroyed that has been identified as, or that may have value as, evidence in any civil or criminal legal proceeding, labor arbitration or disciplinary action. No record may be destroyed at any time within sixty (60) days of the denial of a request to review the record or any part thereof.
- c. **Compliance with Federal or Other Record Retention Requirements.** Notwithstanding the City of Onalaska Records Retention Schedule set forth in Subparagraph a. above, custodians may not destroy any record where any contract, grant, funding conditions, state or federal statute require that such records be maintained for a longer period of time.
- d. **Offer of Records to State Historical Society Before Destruction.** The City is required to offer all obsolete records to the State Historical Society in accordance with Appendix A prior to destruction of those records. The Information Technology Director or any Department Head, may apply to the State Historical Society for a waiver of this requirement as to certain categories of records under such person's authority that they reasonably believe have little or no significant historical value.

- D. **Electronic Formatting or Other Reproduction of Records.** Any City officer or Department Head may, with the approval of the City Attorney's office in consultation with the Information Technology Department, may retain and preserve public records in their possession by means of microfilm, or another reproduction method, optical imaging or electronic formatting. Such records shall meet the standards for photographic reproduction set forth in Secs. 16.61(7)(a) and (b) Wis. Stats., and Chs. PR 1 and Wis. Admin. Code 12. Such records shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of Subsections (1) through (3) of this ordinance. This ordinance does not require that past copies of a record be converted to the new format(s). However, when the decision is made to convert old records to the new format, the original hardcopy of any document or record which has been converted to the new format may be destroyed once the Records Disposition Authorization for that records classification has been approved by the Wisconsin State Public Records Board and only when such destruction is permissible under Subsection (7) of this ordinance. A requester shall be charged a fee to defray the cost of copying records. The fee shall be set forth on the City of Onalaska Fee Schedule. The actual cost of duplication shall be charged for oversized documents.

#### 4.01.15 Limitations on Right to Access

- A. As provided in Sec. 19.36, Wis. Stats., the following records are exempt from inspection under this Chapter.

**AN ORDINANCE TO AMEND TITLE 4 OF THE CODE  
OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO ADMINISTRATIVE REVIEW  
DETERMINATIONS**

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Title 4 Administrative Review Determinations is hereby deleted in its entirety and replaced by Title 4 Public Records as follows:

## **Title 4 Public Records**

### **Chapter 01 Public Records**

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#### **Division 1 Authority**

##### **4.01.11 Definitions**

- A. **Authority.** Any of the following City entities having custody of a City record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted sub-unit of the foregoing, any court of law, or any other person or entity so designated by Sec. 19.32(1) Wis. Stats.
- B. **Custodian.** That officer, department head, or employee of the City designated under Section 4.01.13 or otherwise responsible by law to keep and preserve any City records or file, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this Section to respond to requests for access to such records.
- C. **Record.** Any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

##### **4.01.12 Declaration of Policy**

- A. A representative government is dependent on upon an informed electorate and therefore it is the policy of the City of Onalaska that all persons are entitled to the greatest possible information regarding the affairs of their government and the official acts of those officers and employees who represent them. Further, providing persons with such information is an essential function of government and an integral part of the routine duties of officers and employees whose responsibility it is to provide such information. To that end, this ordinance shall be construed in every instance with a presumption of complete public access, consistent with the conduct of governmental business. The denial of public access generally is contrary to the public interest and only in exceptional cases may access be denied. Therefore, the City of Onalaska adopts and incorporates, as though fully set forth herein, the provisions of Wisconsin Public Records laws, Secs. 19.31 through 19.39 Wis. Stats. The provisions of this Chapter are intended to supplement, not to replace or supplant, the Wisconsin Public Records laws.

##### **4.01.13 Records Custodian(s)**

- A. **Custodians.** The City Clerk is the legal custodian of the records of the Common Council as a body politic and for all Common Council boards, committees and commissions. Each alderperson shall be the custodian of their individual official records, such as their correspondence, memorandums and e-mail. Any alderperson may designate, in writing, the City Clerk to act as the official custodian of the alderperson's individual official records. For every Department, the Department Head is the custodian of

records for their Department or Agency. Every custodian of records shall designate in writing one (1) or more employees to act in their absences as an alternate custodian of such records.

- B. **Duties of Custodians.** Custodians are vested with the full legal power to render decisions and carry out the duties of the City under this Ordinance. Each custodian shall establish procedures for handling records and shall see that all of their employees entrusted with records are informed of these procedures. Prior to providing access to or a copy of any records, the custodian shall review the records to determine that the records are responsive to the requests, whether any redactions are required or whether access should be denied as to any record. If a custodian has any question about granting or denying a request to inspect or copy any record, they shall consult with the City Attorney.
- C. **Public Records Training.** Each custodian and alternate custodian shall receive training regarding public records laws as soon as practicable upon receiving these duties. Custodians and alternate custodians are personally responsible for keeping current with any developments or advancements in records keeping and the Wisconsin Public Records Laws.

#### 4.01.14 Public Access to Records

- A. **Form of Request.** The Wisconsin Public Records Law dictates that certain actions must be taken with regards to oral requests for records and that certain more formal actions are taken in response to written requests for records. However, the state law does not expressly state how to respond to the following methods of communication. Therefore, requests made by the following means shall be responded to as follows:
  - 1. **E-mail.** A request made by e-mail may be responded to via e-mail or in writing and shall have all of the formalities as though the request was made in writing.
  - 2. **Voice-mail.** A request made by voice-mail shall be responded to as though it were made orally.
  - 3. **Instant Messaging/Text Messaging.** A request made in either such manner shall be treated as an oral request.
- B. **Treatment of Certain Data as Records.** The Wisconsin Public Records Law provides little or no guidance as to whether the raw and perishable data of the following technologies qualify as records that must be maintained. Therefore the Onalaska Common Council determines the following status of these technologies
  - 1. **E-mail.** The data in an e-mail message may constitute a public record and is subject to maintenance as a public record. The data in an e-mail is subject to the same analysis under the public records statutes as an equivalent paper or hard copy record. The Information Technology Department is responsible for ensuring that all e-mails are properly preserved for such analysis.
  - 2. **Voice-mail.** A voice-mail message is not a public record and voice-mail messages do not have to be maintained as public records. These messages are the functional equivalent of phone conversations. Phone conversations clearly are not public records. Additionally, these messages also share many of the attributes of "personal notes" which are not public records either. Finally, these messages cannot be indexed or maintained in any manner that would allow for their easy classification, searching or retrieval.
  - 3. **Instant Messaging (IM)/Text Messaging (TM).** Except as set forth in this paragraph and in Subparagraph 4.01.14.B.9. and 10. hereof, the data involved in IM/TM communications is not subject to maintenance as a public record. IM/TM has all of the attributes of instantaneous exchange of ideas, as does a regular telephone conversation. Furthermore, the data exchange has the same technological issues as to capturing and storage of data that is present with regards to voice-mail with an additional concern - the raw data is often only briefly stored or not stored at all by the third party vendors or hosts that provide these services. Thus, this technology is even closer to a true telephone conversation than are voice-mails. Therefore, City employees and officials shall refrain from using such services for official communications purposes or for matters that would result in a public record if another format such as email or written communications were employed, unless the employee or official preserves a copy of such communications by either copying them to their email account, downloading the communications to their City computer, making a computer file of the communications or by printing and retaining a copy of such communications.
  - 4. **Voice Over the Internet Protocol (VOIP).** The City does not monitor nor record the data associated with the conversations that occur over VOIP. Such conversations are the very same real time voice communications as standard telephone conversations that are not public records. The only difference between these communications is the medium employed in transmitting the voice communications from one (1) participant in the conversation to all others involved in the conversation.
  - 5. **Audio, Video, Data Transmissions & Communications.** Although audio, video, data and radio transmissions and communications may be processed through City computers, the City does not routinely copy the data nor maintain records of such communications. Whenever the City copies, records or maintains copies or recordings of such communications or transmissions, those copies may constitute public records that are subject to records requests and which must be maintained

- according to the appropriate records retention schedule. The La Crosse County 9-1-1 Dispatch center is the custodian for police and fire radio communications.
6. **Photo/Audio/Video Recordings.** Unless otherwise provided herein, are public records subject to requests and must be maintained according to the retention schedules published herein.
    - a. **Rewritable Recording Systems.** Those systems where the recordings are routinely overwritten by newer recordings, such as in continuous loop videotape or digital video written to a camera's hard drive or memory, such data does not constitute a record unless it is further downloaded, printed or separately preserved to memorialize some event or proceeding. Until such time as these recordings are downloaded, printed or separately preserved, these recordings do not have to be preserved and, as the recording equipment programs/protocols may dictate, can be overwritten, erased or otherwise destroyed. However, if such data is downloaded, printed, or separately preserved it shall be treated as a record and shall be retained in accordance with the retention schedules.
    - b. **Recordings Made for the Purpose of Preparing Minutes of Meetings.** In accordance with Sec. 19.21(7), Wis. Stats., any tape recording of a meeting, as defined in Sec. 19.82(2), Wis. Stats., by any City body as defined by Sec. 19.82(1), Wis. Stats., to include each City board, commission and committee, may be destroyed, overwritten, or recorded over no sooner than ninety (90) days after the minutes have been approved and published if the purpose of the recording was to take minutes of the meeting.
  7. **Electronic Document Files.** Where records, as that term is defined in Sec. 19.32(2), Wis. Stats., exist in an electronic format only, such electronic records shall be maintained according to the appropriate retention schedule. Where both hard copy (i.e., paper) and electronic copies of a record exist they shall each be subject to public records requests. However, when the custodian has designated, pursuant to Subparagraph 9. electronic records as the official records, only the electronic copy shall be retained and made available for inspection under the public records laws. Where the custodian has not made such a designation, only the hard copy shall be subject to inspection as a public record and the electronic copies shall be treated and disposed of as draft documents that do not need to be maintained beyond creation of the final hard copy
  8. **Electronic logs/Temporary Data Files.** These logs and temporary data files provide detailed information about the design and functionality of the City's computer network. These logs are routinely overwritten on a daily basis due to the high volume of traffic that is being logged. Unrestricted access to these logs and files would constitute a breach of system security and leave the system vulnerable to exploitation and hacking. In order to ensure network security, these logs are available to Information Technology Department authorized staff only. These determinations apply to the following types of logs and data files:
    - a. **Syslogs for Network Electronic Devices.** All logs created by network devices such as firewalls, routers, switches, etc., which are used for monitoring and trending computer network traffic patterns and/or detecting unauthorized network traffic.
    - b. **Network Server Security, Application and Event Logs.** These logs are used to monitor activity on City network servers including successful/unsuccessful login attempts, file system access, hardware performance, etc. These logs provide detailed information about City network account ID's, file system structure, and hardware profiles.
    - c. **Network Security Appliance Logs.** All logs created by network security devices such as the anti-virus appliance, anti-SPAM appliance, content filtering appliance, etc., which are used to monitor specific types of unauthorized or malicious traffic on the City network. These logs identify specific network traffic patterns and/or protocols that are allowed or disallowed on the City network.
    - d. **Application Logs.** These logs are used to monitor activity on various database applications, but do not contain specific audits of database transactions. These logs can contain version information, program variables, and programming logic.
  9. **Emerging Technologies and Records Retention.** As new information technologies emerge the Information Technologies Department shall evaluate these technologies and their benefit to City operations. The City shall consider whether any of these technologies provide the capacity to archive public records created by these technologies. Whenever it is economically and practically feasible to archive records created by such technologies that archiving shall be incorporated into any deployment of said technologies. Whenever the technologies do not provide for such archiving capabilities the Information Technology Department shall consider whether the benefits of employing such technologies outweigh the risks that some public records may not be retained by deployment of such technologies. Where such benefits outweigh these risks City employees shall refrain from using such technologies for official communications purposes or for matters that would result in a public record if another format such as email or written communications were employed. In the event that such technologies are used for such communications purposes the employee shall preserve a copy

of such communications by either copying them to their email account, downloading the communications to their City computer, making a computer file of the communications or by printing and retaining a copy of such communications. The Information Technology Department shall also ensure that, as soon as practical and economically feasible, archiving systems are obtained for any information technology that is deployed without an archiving system.

C. **Access to Records; Fees.**

1. **Format for Delivery of Records:**

- a. **Same Format as Record Exists & Redacted Records.** Except as otherwise provided by law, any requester may receive or inspect a record in the very same format in which the City maintains the record. However, whenever it is necessary to redact or excise portions of a record in order to comply with the Wisconsin Public Records Laws, the redactions shall be made with the assistance of the Information Technology Department. Whenever electronic redaction or excisions cannot be done in a secure manner that preserves such redactions and prevents the viewing of the redacted information then such redactions should be made by hand, not electronically, and the requestor shall only receive a hard copy, not an electronic copy, of the redacted record. A requestor may not be charged for the time necessary to review a record and to redact or excise non-releasable materials.
- b. **E-mailing Records.** When practicable and unless another form has been specifically requested, records shall be e-mailed to the requestor. There shall not be any reproduction charge for e-mailing records, however, such records may still be subject to payment of a location fee as established in Sec. 19.35(3)(c), Wis. Stats.

2. **Reproduction Fees.** The City of Onalaska shall adopt, at a minimum annually, a schedule of fees for the reproduction of records that shall be used by every department. Such schedule shall include the following provisions and considerations:

- a. Fees imposed upon a records requestor may not exceed the actual, necessary and direct costs of reproducing and/or transcribing of the record, unless a fee is otherwise specifically established or authorized by state or federal law.
- b. If the record exists in such a format that it cannot be easily reproduced, such as a mock-up of a building, then the custodian may photograph the record and may charge the requestor for the actual, necessary and direct costs of such photographing and photographic processing.
- c. No charge for copying records of one hundred (100) pages or less.
- d. Full cost of reproduction for materials such as films, tapes, computer printouts, etc. not otherwise identified in the schedule developed under this subsection. In such cases, the Department Head who is the records custodian, in consultation with the City Attorney, must determine the costs for reproduction of such records. The determination of these costs shall be made by utilizing a practice or factors that are as uniform as practicable across City Departments.
- e. **Location Fee.** If the cost of locating a requested record is Fifty Dollars (\$50.00) or more, the requester shall pay the full cost, as determined by the Department Head. Such cost shall not exceed the actual, necessary and direct cost of locating such record. Whenever it is determined that such location costs will exceed Fifty Dollars (\$50.00) the requestor shall be required to post a deposit with the custodian that is equal to the reasonable good faith estimate of such costs.
- f. **Mailing Fee.** Custodians shall impose a fee upon a requester for the actual, necessary and direct cost of mailing or shipping of any copy or record that is mailed or shipped to the requester.
- g. **Fee Waivers.** A custodian may provide copies of a record without charge or at a reduced charge where the Department Head determines in writing that waiver or reduction of the fee is in the public interest.
- h. **Prepayment of Fees.** Custodians may require prepayment by a requester of any fee or fees imposed under this Chapter if the total amount exceeds Ten Dollars (\$10.00) and a custodian shall require prepayment by a requester of any fee or fees imposed under this subdivision if the total amount exceeds Fifty Dollars (\$50.00). If prepayment is required, the custodian shall not process the request until such prepayment has been posted with the custodian.

3. **Special Rules Regarding Reproduction of E-mail Records.**

- a. **Reproducing Emails Dated Earlier than January 1, 2003.** Emails dated earlier than January 1, 2003 were not stored on the mail server but may be in a local archive. The restoration and location of these e-mails is difficult and labor intensive. Such requests for these records often take more than fifteen (15) business days to comply with due to labor and technical issues. Custodians who receive requests for these records should inform the requester of these issues. Such requests should be immediately forwarded to the Information Technology Department who may prepare an estimate of the actual, necessary and direct cost of locating such records and whom shall provide technical assistance to the custodian.
- b. **Reproducing E-mails Dated After January 1, 2003.** Emails dated after January 1, 2003 are likely to have been preserved in a searchable format, many factors effect this and it is largely

1. Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;
  2. Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
  3. Computer programs and files, although the material used as input for a computer program/file or the material produced as a product of the computer program is subject to inspection; and
  4. Pursuant to Sec. 905.08, Wis. Stats., a record or any portion of a record containing information qualifying as a common law trade secret. "Trade secrets" are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes which are used for making, preparing, compounding, treating or processing articles, materials or information which are obtained from a person and which are generally recognized as confidential.
- B. As provided by Sec. 43.30, Wis. Stats., public library circulation records are exempt from inspection under this Section.

**4.01.16 Preservation Through Microfilm or Other Imaging Technology**

- A. Any custodian, may, subject to the approval of the City Clerk, keep and preserve public records in their possession by means of microfilm or other photographic or image reproduction methods. Such records shall meet the standards for reproduction set forth in Sec. 16.61(7)(a) and (b), Wis. Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department and shall be open to public inspection and copying pursuant to the provisions of state law and this Chapter.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF ONALASKA

By: \_\_\_\_\_  
Kim Smith, Mayor

By: \_\_\_\_\_  
Caroline Burmaster, Clerk

PASSED:  
APPROVED:  
PUBLISHED:

**FISCAL IMPACT OF ORDINANCE 1672 – 2020**

**Please route in this order**

Cari Burmaster, City Clerk

Cari Burmaster  
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

PACKET: 03228 License Packet June Operators full

SEQUENCE: License #

#6-K

ID	PERIOD	-----NAME-----		LICENSE	CODE
00119	7/01/20- 6/30/22	CRAVENS	JUDY	OPRATOR	OPERATORS - 2 YEAR
02562	7/01/20- 6/30/22	SONDELSKI	BRANDON	OPRATOR	OPERATORS - 2 YEAR
02571	7/01/20- 6/30/22	VILLONT	MELISSA	OPRATOR	OPERATORS - 2 YEAR
02623	7/01/20- 6/30/22	MERRITT	NEIL	OPRATOR	OPERATORS - 2 YEAR
04940	7/01/20- 6/30/22	LOEWENHAGEN	TIA	OPRATOR	OPERATORS - 2 YEAR
05188	7/01/20- 6/30/22	SOBOTTA	TAMARA	OPRATOR	OPERATORS - 2 YEAR
05421	7/01/20- 6/30/22	PUCHALSKI	SETH	OPRATOR	OPERATORS - 2 YEAR
05511	7/01/20- 6/30/22	SANTIAGO	DIANA	OPRATOR	OPERATORS - 2 YEAR
05570	7/01/20- 6/30/22	HITCHLER	JACOB	OPRATOR	OPERATORS - 2 YEAR
06272	7/01/20- 6/30/22	GOLDBECK	KARL	OPRATOR	OPERATORS - 2 YEAR
06314	7/01/20- 6/30/22	BURKE	ALLISON	OPRATOR	OPERATORS - 2 YEAR
06315	7/01/20- 6/30/22	ARENZ	ALICIA	OPRATOR	OPERATORS - 2 YEAR
06316	5/19/20- 6/30/21	JOHNSON	KINDRA	OPRATOR	OPERATORS - 2 YEAR
06340	5/27/20- 6/30/22	SACIA	DELANEY	OPRATOR	OPERATORS - 2 YEAR
06341	5/28/20- 6/30/21	LARSEN	ABBEY	OPRATOR	OPERATORS - 2 YEAR
06354	6/03/20- 6/30/22	CIMPERMAN	DAWN	OPRATOR	OPERATORS - 2 YEAR
06363	6/08/20- 6/30/22	MENARD	JAMES	OPRATOR	OPERATORS - 2 YEAR

#6-Q-2

**RESOLUTION 27 - 2020**

**CITY OF ONALASKA  
WISCONSIN DEPARTMENT  
OF NATURAL RESOURCES  
NR 208-COMPLIANCE  
MAINTENANCE RESOLUTION 2019  
ONALASKA, WISCONSIN**

**TO: HONORABLE MAYOR AND COUNCIL OF THE  
CITY OF ONALASKA, WISCONSIN**

**WHEREAS**, it is a requirement under a Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued by the Wisconsin Department of Natural Resources to file a Compliance Maintenance Annual Report (CMAR) for its wastewater treatment/wastewater collection system under Wisconsin Administrative Code NR 208;

**WHEREAS**, it is necessary to acknowledge that the governing body has reviewed the Compliance Maintenance Annual Report (CMAR);

**WHEREAS**, it is necessary to provide recommendations or an action response plan for all individual CMAR section grades (of "C" or less) and/or an overall grade point average of (<3.00).

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Onalaska, the following recommendations or actions will be taken to address or correct problems/deficiencies of the wastewater treatment or collection system as identified in the Compliance Maintenance Annual Report (CMAR):

(1) None Identified

Dated this \_\_\_\_ day of June, 2020.

**CITY OF ONALASKA**

BY: \_\_\_\_\_  
Kim Smith, Mayor

BY: \_\_\_\_\_  
Caroline Burmaster, City Clerk

PASSED:  
APPROVED:  
PUBLISHED:

June 9, 2020

#8-A

To: Finance and Personnel Committee  
FROM: Finance Department  
SUBJ: Payables and Approval

The following is a list of monies expended since the last Common Council meeting dated May 12, 2020.

<b>The total is:</b>	<b><u>\$1,700,462.82</u></b>
05/20/2020 AP Packet 2945 - MAY 2020	\$6,626.70
AP Packet 2947 - Deferred Payables	\$51,948.84
05/21/2020 AP Packet 2949 - MAY 2020	\$18,211.09
AP Packet 2950 - MAY 2020	\$180.32
05/22/2020 AP Packet 2951 - Liquor License Refunds	\$10,145.00
PY Packet 1220 - City Payroll	\$166,229.10
PY Packet 1220 - City Payroll (Drafts)	\$106,458.61
05/27/2020 AP Packet 2958 - Immediate Pymts - MAY 2020	\$55.07
AP Packet 2955 - MAY 2020	\$169,955.77
06/02/2020 AP Packet 2961 - MAY 2020	\$1,759.84
06/05/2020 PY Packet 1222 - City Payroll	\$159,052.56
AP Packet 2962 - City Payroll (Drafts)	\$104,061.78
PY Packet 1225 - Error in Comp Pay Out	\$94.37
PY Packet 1225 - Error in Comp Pay Out (Draft)	\$31.74
AP Packet 2963 - Deferred Payables	\$13,274.37
06/10/2020 AP Packet XXX- JMC May 2020	\$13,802.06
AP Packet XXX - May 2020 (including ACH)	\$878,575.60

**Total** **\$1,700,462.82**

Finance Committee Signatures

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



#8-B

**RESOLUTION NO. 26-2020**

**A RESOLUTION TO AUTHORIZE THE WAIVER OF INTEREST AND PENALTIES ON PROPERTY TAX PAYMENT  
INSTALLMENTS DUE ON OR BEFORE APRIL 1, 2020**

**WHEREAS**, in December, 2019, a novel strain of coronavirus known as COVID-19 was detected, and COVID-19 has continued to spread throughout the world, including to the United States and the State of Wisconsin ("COVID-19 Pandemic"); and

**WHEREAS**, on January 31, 2020, the United States Department of Health and Human Services declared a Public Health Emergency, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic, on March 12, 2020 the Governor of the State of Wisconsin declared a Health Emergency in the State, and on March 19, 2020 La Crosse County (the "County") declared a state of emergency under authority granted by Wis. Stats. Chap. 323; and

**WHEREAS**, the federal, state, local and individual responses to the COVID-19 Pandemic and the uncertainty as to the effectiveness of those responses in mitigating the duration of the COVID-19 Pandemic have created economic hardship and uncertainty in both the City of Onalaska and La Crosse County's business community, households and for every property taxpayer; and

**WHEREAS**, prominent economists have predicted record level unemployment rates for the coming months and this prediction suggests that Onalaska residents will also experience record level unemployment rates in the coming months, and an unprecedented number of businesses and employers throughout the State and in the County have been required to suspend operations; and

**WHEREAS**, on April 15, 2020, the Wisconsin Legislature enacted 2019 Wisconsin Act 185 ("Act 185"), which Governor Evers signed on April 16, 2020 and which authorizes, among other things, the County to adopt a resolution enabling taxation districts in the County to waive interest and penalties; and

**WHEREAS**, La Crosse County passed a resolution on May 21, 2020 enabling taxation districts such as the City of Onalaska to waive interest and penalties on 2020 property tax installment payments due and payable after April 1, 2020, until October 1, 2020; and

**WHEREAS**, the County's authorization for a taxation district to implement the above referenced waiver is contingent upon a taxation district adopting a resolution in similar form and content as to the County's resolution; and

**WHEREAS**, this Resolution is intended to (1) serve as the City of Onalaska's resolution approving the waiver of interest and penalties on installment payments of property taxes due and payable after April 1, 2020, in a manner consistent with Act 185 and (2) declare that all property taxpayers in the City of Onalaska are experiencing hardship as a result of the economic conditions associated with the COVID-19 Pandemic, the various federal laws and regulations implemented as a result of the COVID-19 Pandemic, the various emergency orders and regulations implemented by state and local governments, and Act 185; and



**WHEREAS**, while the plain language of Section 105(25) of Act 185 allows for either a general or a “case-by-case” finding of hardship to qualify for the above referenced waiver of interest and penalties, the City of Onalaska intends by this Resolution to waive interest and penalties for all property taxpayers in the City of Onalaska otherwise eligible for waiver under Section 105(25) of Act 185 on a finding of general hardship based upon the economic conditions described in this Resolution, which the Common Council determines has adversely affected taxpayers in the City; and

**WHEREAS**, this Resolution is intended to allow the City of Onalaska to waive the penalty imposed by County Ordinance § 4.05 for property taxpayers qualifying for the waiver of interest and penalties as provided in Section 105(25) of Act 185 and this Resolution.

**NOW THEREFORE BE IT RESOLVED** that the City of Onalaska by its Common Council hereby finds and authorizes the following:

1. The County of La Crosse’s enabling resolution is hereby made a part of this legislation.
2. The City of Onalaska is authorized to waive interest and penalties for property taxes payable in 2020 for an installment payment that is due and payable after April 1, 2020. This Resolution authorizes the City of Onalaska to waive interest and penalties as provided in Section 105(25) of Act 185 for all property taxpayers in the taxation district such that if a taxation district authorizes the waiver under Section 105(25) of Act 185, it must offer the waiver to all property taxpayers in the taxation district. Notwithstanding the foregoing, nothing in this Resolution authorizes the waiver of interest and penalties for property taxes payable in 2020 for an installment payment that was due and payable prior to April 1, 2020, except as otherwise permitted under applicable law.
3. City of Onalaska staff is authorized and directed to implement this resolution.

Dated this \_\_\_\_ day of June, 2020.

**CITY OF ONALASKA**

**BY:** \_\_\_\_\_  
Kim Smith, Mayor

\_\_\_\_\_  
Caroline Burmaster, City Clerk

Passed:  
Approved:  
Published:

## APPENDIX IV

## CITY OF ONALASKA RECRUIT OFFICER AGREEMENT

This agreement is among the Onalaska Police Department, the City of Onalaska and the Onalaska Professional Police Association for the purpose of establishing guidelines to govern the Recruit Officer position with the Onalaska Police Department.

This is to confirm the understanding reached by the parties for hiring, wages and benefits for an Officer that has not attended a Police Recruit Academy. The parties agreed to the following:

1. Newly hired police officers who are required to attend the police recruit academy to become certifiable will receive 75% of the “Starting Rate” listed under Section 20.3 *Wages* of the OPPA Contract, while in attendance at the academy. Upon the first day working following graduation, the “recruit officer” will move to the status of “certified” police officer and will begin receiving compensation at 100% of the “Starting Rate”.
2. If a newly hired non-certified officer is assigned to Field Training prior to the start of the recruit academy the officer will receive pay at “Starting Rate” until they are assigned to the recruit academy. Once the officer is assigned/begins the recruit academy they will receive 75% of the “Starting Rate” as listed in the above section 1. The intent of this section is for basic recruit academy training only and for the dates while the new officer is assigned to the academy.
3. The City of Onalaska will pay for academy costs, limited to tuition, books and basic patrol uniform gear required at the academy provided the Law Enforcement Standards Boards approves the City’s choice of academy location. Mileage reimbursement may be provided by the State of Wisconsin. Overtime is generally not permitted while attending the academy. Overtime will be paid for any hours over 40 in a single week, if the recruit is required to attend in person training as part of their curriculum. Travel to/from the academy, along with study time to successfully complete the academy is not subject to overtime. The recruit shall be paid 40 hours per week while attending the academy.
4. During the academy, the recruit officer is in probationary status, and serves at the pleasure of the Chief of Police and may be terminated. The Chief of Police or their designee shall receive reports from the Academy Director regarding attendance and performance. The recruit officer shall adhere to the City’s attendance policy as well as the academy attendance policy. The recruit officer may not carry a concealed weapon until such time the recruit officer successfully completes the academy and qualifies with the department issued firearm. This does not preclude the officer from carrying a concealed weapon if they have a valid Wisconsin CCW permit. If the police recruit fails the academy they may be terminated.
5. For WRS purposes/benefits, the recruit officer shall be considered “protective class” status. The police recruit shall be sworn in by the City of Onalaska Clerk prior to the start of the recruit academy per Wisconsin Training and Standards Rule and Regulations. Attendance at the Police Academy shall result in the Officer’s probationary period being extended equal to the time spent in the academy.

6. Seniority – For seniority purposes, a recruit officer’s seniority status begins on their date of hire.

7. Holiday Pay – Any holiday, designated in the OPPA Contract in section VII, which occurs during the time the recruit is attending the academy, shall be paid as straight time, whether worked or not.

8. Benefit time such as Vacation Days will not be available for use while the recruit is attending the Law Enforcement Academy unless given prior approval by the Chief of Police or designee.

CITY OF ONALASKA

ONALASKA PROFESSIONAL POLICE  
ASSOCIATION, WISCONSIN PROFESSIONAL  
POLICE ASSOCIATION

\_\_\_\_\_  
Kim Smith (date)  
Mayor

\_\_\_\_\_  
Mike Backus (date)  
WPPA

\_\_\_\_\_  
Caroline Burmaster (date)  
City Clerk

\_\_\_\_\_  
Rick Proctor (date)  
OPPA President

2020-2021 Weights and Measures  
City of Onalaska  
County of La Crosse



<u>Owner</u>	<u>d/b/a:</u>	<u>Business</u>	<u>Address</u>	<u>#700 - Licenses #</u>	<u>Agent</u>	<u># of Devices</u>	<u>Timer Devices</u>	<u>Amount Due</u>	<u>Rec'd</u>
ALDI INC.	d/b/a: ALDI #64		3133 Market Place	00046	Abby Kielman	5	0	\$100.00	X
	d/b/a: AUTOZONE		100 Theater Road	04201	Joshua Smale	7	0	\$120.00	X
Best Buy Stores, LP	d/b/a: BEST BUY #18		9420 Highway 16, Pralle Center	00005		24	0	\$290.00	X
Caribou Coffee Co., Inc.	d/b/a: CARIBOU COFFEE #1131		1202 County Road PH #200	03449		4	0	\$90.00	X
Liu China Inn Corp	d/b/a: CHINA INN		9348 State Highway 16 #110	05109	Lau Wo Ping	1	0	\$60.00	X
	d/b/a: D&M RECYCLING		841 2nd Avenue SW	02931	Dean Nugent	2	0	\$70.00	X
Gundersen Health System	d/b/a: DEGEN BERGLUND		111 Sand Lake Road	00226	Loren Carrell	2	0	\$70.00	X
Dollar Tree Stores, Inc.	d/b/a: DOLLAR TREE #981		2910 Market Place	00003		4	0	\$90.00	
JW & LW LLC	d/b/a: EXCALIBUR LAUNDROMAT		211 2nd Avenue South	00141	James E. Wilde	0	24	\$218.00	X
	d/b/a: FAMILY VIDEO		990 12th Avenue South	03565	Jess Schmitt	1	0	\$60.00	
JOPAC, Inc.	d/b/a: FANTASTIC SAMS		1226B Crossing Meadows Dr	02897	John Engerbretson	1	0	\$60.00	X
Farm & Fleet of Rice Lake, Inc.	d/b/a: FARM & FLEET OF LA CROSSE		9438 Highway 16, PO Box 219	00002	John Novak	3	0	\$80.00	
Fedex	d/b/a: FEDEX OFFICE #1440		9432 State Road 16	02800		2	0	\$70.00	X
Skogen's Foodliner, Inc.	d/b/a: FESTIVAL FOODS		1260 Crossing Meadows Drive	02814	Keith Buswell	44	0	\$490.00	X
General Nutrition Corp.	d/b/a: GENERAL NUTRITION CENTER #2569		9348 US Highway 16 #218	00194		1	0	\$60.00	
Golf Headquarters	d/b/a: GOLF HEADQUARTERS		542 Lester Avenue	03453	Paul Danielson	1	0	\$60.00	X
Roch-N-Roll Inc.	d/b/a: GREAT CLIPS		2928 Marketplace, Suite 184	03958	Carrie Langan	2	0	\$70.00	
Roch-N-Roll Inc.	d/b/a: GREAT CLIPS		9382 State Road 16	03471	Carrie Langan	2	0	\$70.00	
Gundersen Health System	d/b/a: GUNDERSEN LUTHERAN CLINIC PHARMACY		3111 Gundersen Drive	06324	Loren Carroll	3	0	\$80.00	X
Hallman Lindsay Paints	d/b/a: HALLMAN LINDSAY PAINTS		820 2nd Avenue South	03409	Linda Meyers	2	0	\$70.00	X
Suhr Inc	d/b/a: HANGERS TO HEMS		605 2nd Avenue South, Suite 100	04239	Roxanne/Scott Suhr	1	0	\$60.00	X
Home Depot USA, Inc.	d/b/a: HOME DEPOT #4905		2927 Market Place	00096	Octavis Henderson	19	0	\$240.00	X
Flagco Gift, Inc.	d/b/a: JERI'S HALLMARK		9348 State Road 16, Crossroads Center	00255	Steve or Jerri Dee Flage	2	0	\$70.00	
J-Ann Stores LLC	d/b/a: JO-ANN FABRICS #2478		1220 Crossing Meadows, Suite 300	01455		3	0	\$80.00	X
Kohls Department Stores, Inc.	d/b/a: KOHLS DEPARTMENT STORES, INC. #48		9404 US Highway 16 East, Pralle Center	02998	Shelia Wilson	24	0	\$290.00	X
Kwik Trip, Inc.	d/b/a: KWIK TRIP #350		9421 State Road 16	02755	Sara J. Gilman	84	0	\$890.00	X
Kwik Trip, Inc.	d/b/a: KWIK TRIP #377		1802 East Main Street	02757	Edmund J. Szewczyk	48	0	\$530.00	X
Kwik Trip, Inc.	d/b/a: KWIK TRIP #383		408 Sand Lake Road	02756	Joann L. Ward	48	0	\$530.00	X
Kwik Trip, Inc.	d/b/a: KWIK TRIP #494		2800 Abbey Road	03744	Sandra L. Silbaugh	28	0	\$330.00	X
Kwik Trip, Inc.	d/b/a: KWIK TRIP #643		1276 Crossing Meadows Drive	02754	Paul T. Schwarz	48	0	\$530.00	X
Kwik Trip, Inc.	d/b/a: KWIK TRIP #767		229 Oak Forest Drive	02753	Mark J. Lee	50	0	\$550.00	X
Kwik Trip, Inc.	d/b/a: KWIK TRIP #822		950 2nd Avenue N	02752	Gregory D. Bennett	48	0	\$530.00	X
Shoot The Duck Inc.	d/b/a: LA CROSSE ARCHERY		1231 Oak Forest Drive	03404		2	0	\$70.00	X
La Crosse Winona MC Inc	d/b/a: LA CROSSE AREA HARLEY-DAVIDSON		1116 Oak Forest Drive	03362	Eric Eade	5	0	\$100.00	X
Kimberly Bentzen-Tabbert	d/b/a: MAINSTREAM BOUTIQUE		1125 Main Street, Suite 180	03405	Kimberly Bentzen-Tabbert	1	0	\$60.00	X

2020-2021 Weights and Measures  
City of Onalaska  
County of La Crosse

Menards Inc.	d/b/a: MENARDS	1301 Sandlake Road	02795		20	0	\$250.00	X
Michael Stores, Inc.	d/b/a: MICHAELS #9514	9348 State Road 16, Ste 100 & 102	00097		7	0	\$120.00	X
Old Navy LLC	d/b/a: OLD NAVY #3509	9344 State Road 16, Suite B	00019		6	0	\$110.00	X
Diane Reinhart	d/b/a: OLIVE JUICE QUILTS LLC	1258 County Road PH	03425	Diane Reinhart	1	0	\$60.00	
Rick Gardner	d/b/a: ONALASKA SCALE	841 2nd Avenue SW	02852	Rick Gardner	1	0	\$60.00	
Party City Corporation	d/b/a: PARTY CITY	1228 Crossing Meadows Drive	02878	Lamar Ransom	5	0	\$100.00	
Pawn America Wisconsin LLC	d/b/a: PAWN AMERICA WISCONSIN LLC	1235 Crossing Meadows Drive	00834	Brad Rixmann	5	0	\$100.00	X
Petco Animal Supplies, Inc.	d/b/a: PETCO #622	1231 Crossing Meadows Drive	01145	Matthew Garman	3	0	\$80.00	X
Petsmart, Inc.	d/b/a: PETSMART, INC. (#1506)	9342 State Highway 16	00004	Heidi Thomas	4	0	\$90.00	X
	d/b/a: QUALITY POOL AND SPA BY PARADISE	1001 12th Avenue South	04748	Holly Cichacki	1	0	\$60.00	X
RWSS LAX, INC	d/b/a: REDWING SHOES	9360 State Road 16	02968	Paul Kieffer	1	0	\$60.00	
	d/b/a: ROGAN'S SHOES	1220 Crossing Meadow Drive, Suite 230	03469	Pat Rogan	2	0	\$70.00	X
Ross Dress For Less, Inc.	d/b/a: ROSS DRESS FOR LESS #1951	9412 State Road 16	04749	Lynsey Goodrich	9	0	\$140.00	
Sally Beauty Supply LLC	d/b/a: SALLY BEAUTY SUPPLY #652	9348 US Highway 16	02956	Jennifer Miller	2	0	\$70.00	
	d/b/a: SALON CENTRIC	304 Sand Lake Road	03477	Vicky Svendsen - 6612954838	2	0	\$70.00	X
Sam's East Inc.	d/b/a: SAM'S CLUB #6436	1211 Crossing Meadows Drive	00071	Tobias A. Ledford	30	0	\$350.00	X
	d/b/a: SHERWIN-WILLIAMS	9394 State Road 16	03474	Paul Koch	2	0	\$70.00	X
	d/b/a: SNOWWHITE LAUNDROMAT INC	945 Oak Avenue South	00011	Nathan Baum	0	14	\$148.00	
C&L Specialties	d/b/a: SPORT CLIPS	1230 Crossing Meadows Drive	03410	Jeff Foley	1	0	\$60.00	X
	d/b/a: STARBUCKS COFFEE	9432 State Road 16, Ste 180	03636	Adam Bork	2	0	\$70.00	
	d/b/a: SUE KOLVE'S SALON & DAY SPA	230 Main Street	04167	Sue Kolve	1	0	\$60.00	X
	d/b/a: SUN ROOM TANNING LLC	224 Sand Lake Road, Suite C	01206	Daniel Geroux	0	11	\$127.00	X
Target Corporation	d/b/a: TARGET STORE T-620	9400 Highway 16	00165	Tina Jensen	30	0	\$350.00	X
The Men's Wearhouse	d/b/a: THE MEN'S WEARHOUSE #4630	East Towne Plaza, 9372 Hwy 16	03182		1	0	\$60.00	
The TJX Companies, Inc	d/b/a: TJ MAXX #892	9344 State Road 16	00665	Pamela Waring	9	0	\$140.00	
Alltel Communications of La Crosse LP	d/b/a: VERIZON WIRELESS	9360 State Road 16	03534	Al Malenfant	15	0	\$200.00	X
Wal-Mart Stores East LP	d/b/a: WAL-MART STORE #1679	3107 Market Place	02794	Scott R. Hinkel	33	0	\$380.00	X
	d/b/a: WEIGHT WATCHERS ONALASKA 40263	1220 Crossing Meadows Dr, Ste 70	03577	Mary Willie	3	0	\$80.00	X
	d/b/a: WILD BIRDS UNLIMITED	9348 State Road 16, Suite 214	05977	Karen & Gaylord Perry	1	0	\$60.00	
Woodmans Food Market, Inc	d/b/a: WOODMAN'S FOOD MARKET, INC #24	9515 State Road 16	01168	Thomas J. Wysocki	62	0	\$670.00	X
					781	49	65	47
				Total collected	\$11,403.00			

**BID TABULATION**

Onalaska, WI - Greens Coulee Water Reservoir (ONALA 154490) (#7062162)

Item Code	Item Description	UofM	Qty	Engineer Estimate		Wapasha Construction Co., Inc.		Miron Construction Co., Inc.		Olympic Builders General Contractors		R.J. Jurowski Construction		Fowler & Hammer, Inc.	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
Lump Sum					\$1,300,000.00		\$847,000.00		\$924,447.00		\$979,572.00		\$1,048,700.00		\$1,111,488.00
1	Greens Coulee Reservoir	LS	1	\$1,300,000.00	\$1,300,000.00	\$847,000.00	\$847,000.00	\$924,447.00	\$924,447.00	\$979,572.00	\$979,572.00	\$1,048,700.00	\$1,048,700.00	\$1,111,488.00	\$1,111,488.00
<b>Base Bid Total:</b>					<b>\$1,300,000.00</b>		<b>\$847,000.00</b>		<b>\$924,447.00</b>		<b>\$979,572.00</b>		<b>\$1,048,700.00</b>		<b>\$1,111,488.00</b>



# Water Capital Projects

6/9/2019 Green Coulee Reservoir bid opening

Updated 6-9-2020

Project Costs Projected - 2020	Initial projected cost
PWF - HVAC	\$2,500.00
Fiber project design - 2020C/P #20	\$10,000.00
2020 Utility Project	\$513,000.00
PWF - Addition retainage	\$10,000.00
Crestwood Booster Station	\$240,000.00
Green Coulee Reservoir project design	\$58,352.00
Projected 2020 spending	\$833,852.00

## Funding Sources

2019 C/P fund balances as of 12-31-2019	\$2,341,476.00
2020 C/P funding	\$76,000.00
	\$2,417,476.00
Less 2020 spending through 6-2-2020	\$545,440.00
	\$1,872,036.00
Less projected 2020 spending	\$833,852.00
	\$57,500.00
Green Coulee Reservoir Project funds available	\$1,038,184.00
Green Coulee Reservoir Project bid - Wapasha Construction	\$847,000.00
Project contingency - 12%	\$101,640.00
	\$948,640.00



Building a Better World  
for All of Us®

#11-C

June 9, 2020

RE: Greens Coulee Water Reservoir  
Onalaska, WI  
SEH No. ONALA 154490 14.00

City of Onalaska  
Jarrod Holter, City Engineer  
415 Main Street  
Onalaska, WI 54650

Dear Mr. Holter:

On Tuesday, June 9, 2020, lump sum bids were received for the Greens Coulee Water Reservoir project. The attached Bids Received summary shows the total amount bid and bid bond received from each Contractor. The attached Tabulation of Bids shows the lump sum bids received from all bids submitted.

Five bids were received for the project. The bids ranged from \$847,000.00 to \$1,111,488.00. The low bid was submitted by Wapasha Construction Co., Inc., Winona, MN. Based on our experience and review, it is our opinion that Wapasha Construction Co., Inc. has the required equipment and expertise to perform the work as outlined in the contract specifications. We, therefore, recommend award of the project in the low bid amount of \$847,000.00.

We hope this analysis of the bids is adequate for your needs. If you have any questions regarding this information, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Torey Leonard", with a long horizontal flourish extending to the right.

Torey Leonard, PE  
Project Manager

hh

Enclosure

x:\kol\onalala\15449016-bid-const\bidding documents\bid award letter\_06.09.2020.docx

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 329 Jay Street, Suite 301, La Crosse, WI 54601-4034  
SEH is 100% employee-owned | [sehinc.com](http://sehinc.com) | 608.782.3161 | 888.908.8166 fax

#12-B

5/7/2020

**From: Mike Rivers**

President | Rivers Hotel Co. | 356 E. Sarnia St. | Winona | MN | 55987

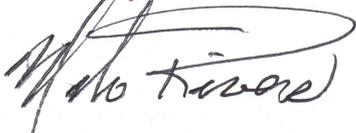
**To: City of Onalaska**

**To whom it may concern:**

It has been brought to our attention that it has been confirmed that we over-charged by the City of Onalaska for the "Green Fee" that was in our site permit. According to the Final Plat for the Elmwood Business Park, developers are to pay \$100/parcel plus \$10/acre for the "Green Fee". We were charged \$638.47/acre x 5.899 acres= \$3,766.33 under condition #3 of our Site Plan Permit. Our development department, along with our GC and Civil Engineer brought this up at the time along with the thought that this fee had already been paid with the original plat but were told there was no record of this. Now it has finally been confirmed by the City Planning Manager that the Final Plat did record the lesser charge for this fee in 1991, but still with no record of it being paid then.

We feel that we were not done right by for what we were charged in our site permit and would ask the City to refund us for our overpayment of \$3,607.34 as we were misinformed and needed to sign the Site Plan Permit to get the project started.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Rivers", with a large, sweeping flourish above the name.

Mike Rivers



# CITY OF ONALASKA

## PLANNING/ZONING DEPARTMENT

PH: (608) 781-9590

FAX (608) 781-9506

415 MAIN STREET  
ONALASKA, WI 54650-2953  
<http://www.cityofonalaska.com>

## MEMO

Date: June 9, 2020

To: Mayor Smith & Onalaska Common Council

From: Katie Aspenson, Planning Manager & Amanda Jackson, City Attorney

Re: Green Fees

The City of Onalaska has a longstanding practice of notifying developers what fees are required at the time of City approvals. The City completes this notification by adding specific "Conditions of Approvals" related to fees for developments including Plats, Planned Unit Developments (PUD) / Planned Commercial Industrial Districts (PCIDs), Rezonings, Conditional Use Permits and other similar applications. Standard practice is to document what the fees are at the time of application (ex. Green Fee = \$638.47/acre) and note that certain fees are due upon application of a Building Permit. The purpose is to notify impending fees and the City does not require that this fee be paid up-front, as development often occurs at a later time.

### Project History:

- In 1992, the Elmwood Business Center received Final Plat approval and included a Condition of Approval that stated: "Green Fee of \$100.00 + \$10.00/acre to be placed on individual who applies for a building permit...".
- In 1996 the City approved a Certified Survey Map for "Lot 3" which later became Ciattis, Manny's, Outback Steakhouse, and Hampton Inn and required a Green Fee of \$200.00 + \$25.00/acre to be paid up-front (*note: the increased Green Fee was the fee amount in 1996*).
- In 2019, the City approved a Certified Survey Map increasing the parcel in question by approximately 55' x 579'. *Note: City Staff approved this survey and does not have the capacity to add Conditions of Approval to these types of Certified Survey Maps.*
- In 2019, the City issued a Site Plan Permit for the construction of Holiday Inn Express & Suites which was signed on September 9, 2019. The Site Plan Permit Conditions of Approval included a Condition that stated: "Payment of Green Fee prior to issuance of a Building Permit, \$638.47 / acre = \$638.47 x 5.899 acres = \$3,766.33 dollars." Site Plan Permits and associated Conditions of Approval act as a contract between the City and the Property Owner, who agrees to abide by the Conditions of Approval. The City received the Green Fee and the property owner has since requested a refund of \$3,607.34 dollars.

Conditions related to fees are a requirement to pay the fees, which are subject to change as the Ordinance or Fee Schedule changes. Including a fee on the plat does not lock the fee to that amount in perpetuity. Further, as the property has increased in size through an approved Certified Survey Map and property owner signed the Site Plan Permit agreeing to adhere to the Conditions of Approval that included the updated Green Fee; the City does not believe a refund is in order. The Green Fee was paid at the time of development with the current amount.



#13-B

**RESOLUTION NO.28-2020**

**A RESOLUTION TO APPROVE THE FTA TITLE VI PROGRAM PLAN UPDATE**

**WHEREAS**, Title VI of the Civil Rights Act of 1964 states: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance;” and

**WHEREAS**, the Federal Transit Administration (FTA) requires transit providers prepare a Title VI Program Plan Update (the Plan) every three years to document 16 compliance; and

**WHEREAS**, the purpose of the Plan is to ensure that transit services are provided in a non-discriminatory manner, to promote full and fair participation in transit decision-making without regard to race, color, or national origin, and to ensure meaningful access to transit-related programs and activities by persons with limited English proficiency; and

**WHEREAS**, the FTA requires approval of the Plan by the City of Onalaska prior to the submittal; and

**WHEREAS**, this Resolution is intended to approve the Title VI Program Plan Update (the Plan).

**NOW THEREFORE BE IT RESOLVED** that the City of Onalaska by its Common Council hereby approves the Plan, attached hereto and the City of Onalaska Finance Director is authorized to submit the approved Plan to the Federal Transit Administration

Dated this \_\_\_\_ day of June, 2020.

**CITY OF ONALASKA**

**BY:** \_\_\_\_\_  
Kim Smith, Mayor

\_\_\_\_\_  
Caroline Burmaster, City Clerk

Passed:  
Approved:  
Published: