



AMENDED

# City of Onalaska Meeting Notice

**COMMITTEE/BOARD:** Common Council  
**DATE OF MEETING:** August 11, 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/91296765682?pwd=elplZUdOSDdaRmVRTlI1b1VJU1ErZz09>

- **Phone Number:** 1-312-626-6799
- **Meeting ID:** 912 9676 5682
- **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. Appointment of Cindy Genz, 509 Oak Ave. N., Onalaska to Board of Zoning Appeals
  - B. Appointment of Stacy Wilk to Onalaska Deputy City Clerk

## **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  
 \*Ald. Tom Smith  
 \*Ald. Jim Olson  
 \*Ald. Dan Stevens  
 \*Ald. Diane Wulf  
 \*Ald. Steven Nott  
 \*Vacant  
 City Attorney      City Administrator  
 Dept Heads      La Crosse Tribune  
 Coulee Courier  
 WKTY WLXR WLAX WKBT WXOW

Scott Butler  
 Dominique Luecke, La Crosse Comm. Theatre  
 Kraig & Marcella Leppert  
 Jacob Burch  
 Adam Aspenson  
 Garrett & Alyssa Jerue

Onalaska Public Library      Onalaska Omni Center

\*Committee Members

Date Mailed & Posted: 8-7-2020

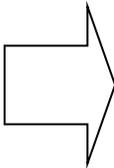
In compliance with the Americans with Disabilities Act of 1990, the City of Onalaska will provide reasonable accommodations to qualified individuals with a disability to ensure equal access to public meetings provided notification is given to the City Clerk within seventy-two (72) hours prior to the 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 2020 Omni Center Financials
- C. Approval of 2020 General Fund Financials
- D. Approval of a partially non-budgeted telephone system replacement at City Hall, Omni Center and Public Works Facility with potential partial reimbursement through the CARES grant for COVID related expense
- E. Approval of a non-budgeted automatic flush valves and faucets at City owned facilities with potential reimbursement through the CARES grant for COVID related expense
- F. Approval to transfer contractual legal services when needed from O’Flaherty, Heim, Birnbaum, Kirchner & Curtis, Ltd to O’Flaherty Law, LLC at a rate of \$125/hour for legal issues existing prior to July, 2019 and at a rate of \$175/hour for new legal issues arising after July, 2019
- G. Approval of the existing changes in Part 1 & 2 of the fee structure
- H. Approval of the City of Onalaska Financial Advisor/Underwriter RW Baird
- I. Approval of 2020 2<sup>nd</sup> Quarter Gundersen Health System Parking Ramp Financials



**PERSONNEL COMMITTEE**

- J. Update from Human Resources on staff vacancies
- K. Approval of Human Resources 2019 Annual Report
- L. Approval of changes to the Assistant Fire Chief job description

**JUDICIARY COMMITTEE**

- M. Approval of **Ordinance 1675-2020** to Annex land located in the Northeast ¼ of the Southwest ¼ in Section 29, Township 17 North, Range 7 West from the Town of Onalaska to the City of Onalaska (Leppert Annexation)
- N. Approval of **Ordinance 1677-2020** to Rezone Parcel Located in Section 33, Township 17, Range 7 In the City Of Onalaska, La Crosse County, Wisconsin From Agriculture (A-1) And Non-Designated To Mixed Use Community (MU-C) (Sand Lake Road)
- O. Approval of **Ordinance 1678-2020** to Delete Title 12 Of The Code Of Ordinances of the City Of Onalaska Relating To Parks And Recreation And Create Title 8 Of The City Ordinances Related To Parks And Recreation

**ADMINISTRATIVE COMMITTEE**

- P. Approval of Operator’s Licenses as listed on report dated August 5, 2020
- Q. Approval of special events permit for:
  - 1. La Crosse Community Theatre “All in the Timing Event”, September 7<sup>th</sup> – September 20<sup>th</sup>, 2020 at Altra Federal Credit Union parking lot, 1700 Oak Forest Drive, Onalaska
- R. Approval of Sidewalk Café Permit Application/Hold Harmless Agreement

**BOARD OF PUBLIC WORKS**

- S. Approval of Change Order #3 for 6<sup>th</sup> and Quincy Lift Station Project in the amount of (-)\$15,753.00
- T. Approval of one-year extension to water and sewer hookup for 2660 Abbey Road
- U. Approval of 2020 Supervisory Control and Data Acquisition upgrades by Altronex Control Systems in the amount of \$116,741.00
- V. Approval of Onalaska Code recodification by General Code in the amount of \$10,325.00 with first year of maintenance in the amount of \$1,195.00
- W. Approval of 6<sup>th</sup> and Quincy Lift Station project bypass pumping equipment purchase from the McTool & Repair in the amount of \$5,779.06

## **PLAN COMMISSION**

- X. Approval of an Annexation Petition submitted by Kraig and Marcella Leppert, W6750 Cloverdale Road, Onalaska, WI 54650 to annex W6750 Cloverdale Road from the Town of Onalaska to the City of Onalaska (Tax Parcel #10-2365-0)
- Y. Approval of a Preliminary Plat filed by Jacob Burch of Logistics Development Group, LLC, 2102 State Hwy 16, La Crosse, WI 54601 for the Crestwood Estates Plat, a 15-parcel lot land division along Crestwood Lane located at “State Road 16” at the end of Crestwood Lane, Onalaska, WI 54650 (Tax Parcel #18-4483-1)
- Z. Approval of a rezoning application submitted by Adam Aspenson of Traditional Trades Inc., 1641 Sand Lake Road, Onalaska WI 54650 on behalf of Elmwood Partners Limited Partnership, 1859 Sand Lake Road, Onalaska, WI 54650, to rezone agricultural land and land without a zoning designation to Mixed Use Community (MU-C) to allow for a new mixed-use development to contain a combination of townhomes, multi-family dwellings, and commercial uses located at Sand Lake Road, 1500 Sand Lake Road, and Sand Lake Road, Onalaska, WI 54650 (Tax Parcels # 18-4515-0, 18-4516-0, and 18-4521-0)
- AA. Approval of a Final Plat filed by submitted Jacob Burch of Logistics Development Group, LLC, 2102 State Hwy 16, La Crosse, WI 54601 for Crestwood Estates Plat, a 15-parcel lot land division along Crestwood Lane located at “State Road 16” at the end of Crestwood Lane, Onalaska, WI 54650 (Tax Parcel# 18-4483-1)
- BB. Approval of a Special Exception Permit to the City of Onalaska Sign Code submitted by Scott Butler of Fitzpatrick, Skemp, and Butler, LLC, 1123 Riders Club Road, Onalaska, WI 54650 on behalf of FSB3 Properties, LLC, 1123 Riders Club Road, for the property located at 1123 Riders Club Road, Onalaska, WI 54650 (Tax Parcel # 18-5038-0)

## **UTILITIES COMMITTEE**

- CC. Approval of Shared Ride Financials
- DD. Approval for funding by La Crosse County in the amount of \$7,500 placed in the 2021 budget for the Scenic Mississippi Regional Transit (S.M.R.T.) Commuter Bus Service
- EE. Approval of MTU Transit Financials for 1<sup>st</sup> & 2<sup>nd</sup> Quarters of 2020

## **PARKS, RECREATION & LIBRARY BOARD**

- FF. Approve contract with RecDesk Software for registrations, reservations, and point of sale operations
- GG. Approve aquatic center slide repairs to Fischer Brothers in the amount not to exceed \$10,350. This was a 2019 project.
- HH. Approve contract with LiveBarn to provide automated online broadcast services at the Omni Center subject to review and revision by the City Attorney’s office
- II. Approve Omni Center participation in Global Bio Risk Advisory Council (GBAC) Accreditation program

## **Non-Consent Agenda**

- 7. **RECAP ITEMS PULLED FROM THE CONSENT AGENDA**
- 8. **FINANCE COMMITTEE**
  - A. Vouchers
- 9. **JUDICIARY COMMITTEE**
  - A. **Ordinance 1670-2020** – to amend Title 2 of the Code of Ordinances of the City of Onalaska relating to Government and Administration
  - B. **Ordinance 1679-2020** to amend Chapter 4 Of Title 6 of the Code of Ordinances of the City of Onalaska relating to Sidewalks
- 10. **ADMINISTRATIVE COMMITTEE**
  - A. Approval of **Resolution 34-2020** to dissolve the Onalaska Arts Commission

- B. Discussion and possible action on moving start time of the Administrative & Judiciary Committee from 6:00 p.m. to 5:30 p.m.

11. **PLAN COMMISSION**

- A. Approval of a Request to Release a Restriction on the Country Club Villas Plat submitted by Garret & Alyssa Jerue, 704 Country Club Lane, Onalaska, WI 54650 to remove a setback restriction at 704 Country Club Lane, Onalaska, WI 54650 (Tax Parcel #18-4962-0) and associated **Resolution 36-2020** to reduce setback requirements for Parcel 18-4962-0 in Township 16, Range 7, Section 2
- B. Discussion and possible action on the concept of Tax Increment District #6

12. **UTILITIES COMMITTEE**

- A. **Resolution 33-2020** for the Shared-Ride Taxi Program in City of Onalaska, Village of Holmen and Village of West Salem for 2021
- B. Discussion and possible action on moving start time of Utilities Committee from 7:00 p.m. to 6:30 p.m.

**Adjournment**

July 24, 2020

Mayor Kim Smith

As per your request, here is a little background of myself.

My name is Cynthia Genz, but I go by Cindy. I moved to Onalaska with my family in 1967. I went through the Onalaska School System and graduated in 1975.

I've been married to Mike Genz for 45 years. We have lived in the City of Onalaska since 1976 and have raised two children, a daughter, Amy and son, Mike Jr. We also have one grandson, Sam.

I worked for a local insurance agent for 12 years before getting a job with the City of Onalaska in 1988. I recently retired after 32 years with the City's Inspection Department.

Working in the Inspection Department I have learned over the years that there is no one situation that is the same. Rules are drawn up with a general idea in mind but merit should be given on a case by case basis. I feel that if a project is good for the community, the city and not infringing on neighboring properties's integrity consideration should be given.

I feel I could be an asset on the Board of Zoning Appeals with my years of working and interpreting the City's Zoning Code. Please consider my appointment to the Board and it would be my honor to serve as a member on said Board.

Cindy Genz

509 Oak Avenue North

Onalaska, WI 54650

CITY OF ONALASKA

Grade 23

Position: Assistant Fire Chief Department: Fire Department

Location: Fire Department

Supervisor: Fire Chief

Classification: Salaried Exempt

Page: 1 of 4

Approved by Police & Fire Commission: 3/6/06, 12/16/09

Approved by F & P Committee: 4/5/06

Approved by Council: 4/11/06

Under the direction of the Fire Chief, this position is involved in all phases of fire protection: to include Fire Prevention, Public Education, and Emergency Response. This position is responsible for fire safety programs and education within the community to include facilitating fire investigations and inspections within the response areas of the Onalaska Fire Department. This position has significant managerial authority and responsibility to assist in the determination of the organizational response to a variety of fire safety and emergency response needs and to make modification as conditions dictate. In addition, the Assistant Fire Chief shall provide expertise in plan reviews to the Building Inspection and Planning Departments.

**ESSENTIAL JOB FUNCTIONS:** The Assistant Chief shall have command and management responsibility, under the general direction and supervision of the Fire Chief. Any one position may not include all the duties listed, nor do the examples listed in their relative order of importance include all the duties that may be found in positions of the like. Other duties may be required and assigned.

- A. Functions as second in command of the fire department and is in charge of the fire department in the absence of the Chief.
- B. Responsible for reporting citations/violations, issuing warnings, and processing reports on all fire code violations as required; follows up on violations to ensure compliance.
- C. Responsible for planning and conducting a periodic inspection program for all commercial, industrial, multi-dwelling, schools, nursing homes and similar properties within the City for purposes of assuring compliance with fire prevention and zoning codes; responsible for plan reviews of new construction ensuring NFPA codes are being adhered to.
- D. Assists in the development, administration and monitoring of annual and long-range departmental budget and goals. Develops and supports programs that are consistent with the goals and objectives of the Onalaska Fire department and its strategic plan.
- E. Provides control and standardization of the operational procedures, including, but not limited to: manpower allocation, scheduling, staffing, and organization of shifts.
- F. Provides personnel recommendations relative to hiring, promotion, transfer, discipline, commendations, and discharge, to the Fire Chief, Human Resources, and the Police and Fire Commission as appropriate.
- G. Reviews timesheets bi-weekly to ensure payroll is accurate for the department and proper hours are recorded, including sick, vacation, and medical leave, etc. appropriately in accordance to City policies, collective bargaining agreements and employment and/or labor laws.
- H. Processes and maintains training records, including but not limited to: scheduling, lodging, transportation, contracting with training sites, and ensuring proper completion of City forms and costs associated herewith must be in compliance with all City of Onalaska and department policies.
- I. Assists in the planning, development, and implementation of departmental policies and procedures that ensure efficient delivery of fire and EMS services to the community.
- J. Supervises and evaluates first-line supervisors, and conveys instructions and information from the Chief.
- K. Oversees and develops fire and EMS training, fire prevention and public education programs in compliance with State requirements.

# CITY OF ONALASKA

Grade 23

**Position:** Assistant Fire Chief **Department:** Fire Department

**Location:** Fire Department

**Supervisor:** Fire Chief

**Classification:** Salaried Exempt

**Page:** 2 of 4

Approved by Police & Fire Commission: 3/6/06, 12/16/09

Approved by F & P Committee: 4/5/06

Approved by Council: 4/11/06

- L. Maintains fire and emergency medical skills and certifications; responds to fire and emergency medical calls.
- M. Facilitates and/or attends training programs, seminars and fire prevention programs; assists in monitoring the planning, organization, conduct, and evaluation of departmental training activities of personnel; provides assistance to those working on special projects.
- N. Directs or assists in the maintenance of the Fire Department inventory, facilities, vehicles and equipment; ensures required testing is conducted and recorded properly for State and National compliance (i.g, annual hose testing). Acts a member of the City's Safety Committee, assists the committee in developing safety policies.
- O. Ensures staff stay up to date with Firefighter Health and Wellness standard practices.

## **RELATED JOB FUNCTIONS:**

- A. Acts as a member of the City's Emergency Operations Team and is responsible for emergency management tasks as assigned.
- B. Contributes to a cooperative working effort by demonstrating a willingness to perform other job-related work, as needed or requested. The interdependency of operations is recognized and the abilities and skills exist to do other work as needed or requested. Assistance is given to others and special projects completed as scheduled or requested.
- C. Other duties as required or assigned.

## **REQUIREMENTS OF WORK (KNOWLEDGE, SKILLS, AND ABILITIES):**

- A. Knowledge of tactics, techniques, and equipment commonly used to contain and extinguish fires.
- B. Knowledge of conditions and events that produce fire and characteristics associated with different kinds of fires.
- C. Knowledge of water supply, gas, electrical, mechanical, hydraulic systems, and fire protection systems (hydrants, sprinklers, alarms).
- D. Knowledge of national standards, state laws and administrative codes related to the prevention of fires and procedures for inspection and enforcement.
- E. Knowledge of fire investigation procedures and techniques including, but not limited to, evidence collection and searches.
- F. Knowledge of emergency medical services including their organization and management, accepted procedures and practice, and the training of emergency medical technicians.
- G. Knowledge of methods used to deal with hazardous or life-threatening situations, including those associated with the storage and transportation of flammable liquids, gases, chemicals, petroleum products, combustible and other hazardous materials; building construction materials; vehicle, railroad and pipeline accidents; medical emergencies; natural and man-made disasters.
- H. Knowledge of municipal administration including the structure and functions of city government; state statutes, principles of management; budget planning and control; purchasing; personnel management, collective bargaining, and labor relations; performance evaluation; public relations.
- I. Ability to evaluate staff subordinates in a fair and equitable manner, recommending commendations and administering discipline as necessary.
- J. Ability to offer budgetary documentation to the City's governmental authorities within the guidelines of the city structure; ability to support and defend the recommended operating budget of the department.

# CITY OF ONALASKA

Grade 23

**Position:** Assistant Fire Chief **Department:** Fire Department

**Location:** Fire Department

**Supervisor:** Fire Chief

**Classification:** Salaried Exempt

**Page:** 3 of 4

Approved by Police & Fire Commission: 3/6/06, 12/16/09

Approved by F & P Committee: 4/5/06

Approved by Council: 4/11/06

- I. Knowledge and skills with computers including Microsoft Office, email, and internet, as well as other applications in fire service management; knowledge of how to use office equipment including computers, copy machine, calculator, telephone/mobile phone, and pager, radio, mobile data terminal (MDT), electronic monitoring equipment, medical and fire apparatus/equipment.
- K. Ability to delegate authority to appropriate staff subordinates monitoring adherence to established fire policies and departmental procedures.
- L. Skill in dealing with the public and department personnel firmly and courteously and to establish effective working relationships with the public, news media, city officials, outside agencies and others.
- M. Possess intra-personal and communication skills in order to express ideas clearly and concisely both orally and in writing.
- N. Comply with, and enforce policies of the City of Onalaska, the Onalaska Fire Department, City Ordinances, and NFPA codes.
- O.
  - P. Ability to maintain a professional demeanor; calmly approach and solve problems under stressful circumstances; maintain and promote harmony in the workplace; concentrate for extended periods of time; and be flexible.
  - Q.
  - R. Ability to identify, research, design, and implement Fire & Life Safety programs.

## **TRAINING, EXPERIENCE & OTHER REQUIREMENTS:**

- A. Requires Associate Degree in Fire Science or a closely related field; preference for a Bachelor's Degree in Fire Science or a closely related field.
- B. Preference for successful completion or proof of acceptance into the Executive Fire Officers Program at the National Fire Academy.
- C. Minimum of ten (10) years of progressively responsible experience in the fire service, including five (5) years of supervisory experience and five (5) years of collective bargaining.
- D. Certified as a State of Wisconsin (WI) or International Fire Service Accreditation Congress (IFSAC) Fire Officer I or II, Fire Instructor I or II, and Fire Inspector I or II.
- E. Certified as a Wisconsin EMT-B or National Registered EMT.
- F. Hazmat Technician.
- G. A valid driver's license is required.
- H. Residence is in within 15 miles of the City of Onalaska's jurisdictional limits (as required by policy).
- I.

## **PHYSICAL REQUIREMENTS:**

The work environment characteristics described herein are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- A. **Manual Dexterity:** While performing the duties of this job, the employee is regularly required to coordinate hands, eyes, feet and limbs in performing skilled and semi-skilled movements such as operation of fire and EMT vehicles and equipment, computer keyboard, radio, GPS system, telephone, and office equipment.
- B. **Physical Effort:** The employee is frequently required to exert light to heavy physical effort in

# CITY OF ONALASKA

Grade 23

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Approved by Council: 4/11/06

sedentary and light to medium work involving lifting, carrying, pushing, walking, standing, reaching with hands and arms, climbing, balancing, walking, running, stooping, kneeling or crouching. The employee must frequently lift and/or move 25 to 50 pounds and occasionally lift and/or move 50 pounds or greater. Specific vision abilities required include close and distant vision, the ability to adjust focus and the ability to see color.

- C. Working Conditions: The noise level in the work environment is moderately quiet to loud. The work environment is normally in a vehicle or building and may consist of varied climate conditions. Frequently the employee is required to be outdoors for periods of time and therefore subject to varying weather conditions, for purposes of accomplishing the essential functions of the job.

Percent of 8-Hour Day

	67 – 100% Consistently	34 – 66% Frequently	6 – 33% Occasionally	0 – 5% Rarely
<b>Sedentary</b> 0–10# max			◆	
<b>Light</b> Freq. to 10# -20#max		◆		
<b>Medium</b> Freq. to 25#-50# max		◆		
<b>Heavy</b> Freq. to 50#-100# max			◆	
<b>Very Heavy</b> Freq. over 50+# - 100+# max				

The performance of some tasks may involve exposure to machinery and its moving parts, toxic gases, smoke and heat, chemicals, and other hazardous materials. The performance of some tasks will normally require the use of protective devices such as: facemasks and breathing apparatus, fire-resistant clothing, helmets, goggles, and gloves. Work related to fire suppression is often performed outdoors in extreme temperatures and/or inclement weather.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Employer

\_\_\_\_\_  
Date

ORDINANCE NO. 1675 - 2020

AN ORDINANCE TO ANNEX LAND LOCATED IN THE NORTHEAST ¼ OF THE SOUTHWEST ¼ IN  
SECTION 29, TOWNSHIP 17 NORTH, RANGE 7 WEST  
FROM THE TOWN OF ONALASKA TO THE CITY OF ONALASKA

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

SECTION I. Proper petition for direct annexation by unanimous approval, signed by all the owners of all real property in such territory and all of the electors residing in such territory, having been presented to the Common Council of the City of Onalaska, requesting the annexation of the territories described in Exhibit A which is attached hereto and incorporated herein to the City of Onalaska, Wisconsin from the Town of Onalaska, La Crosse County, Wisconsin. The population of the area annexed is four (4).

IT IS HEREBY ORDAINED that the above-described property and the same is hereby annexed to the City of Onalaska, Wisconsin, and it is further ordained that the corporate limits of the City of Onalaska are hereby amended to include the above-described property within the corporate limits of the City of Onalaska, Wisconsin.

SECTION II. Sec. 2.01.13 of the Code of Ordinances of the City of Onalaska entitled Aldermanic District Boundaries is hereby amended to include the above-described properties within the boundaries of the First Aldermanic District, Ward One.

SECTION III. The properties are hereby zoned Low Density Residential (R-1) and all of the provisions of the Code of Ordinances of the City of Onalaska governing said zoning classification shall apply hereto.

SECTION IV. This Ordinance shall take effect and be in force from and after its passage.

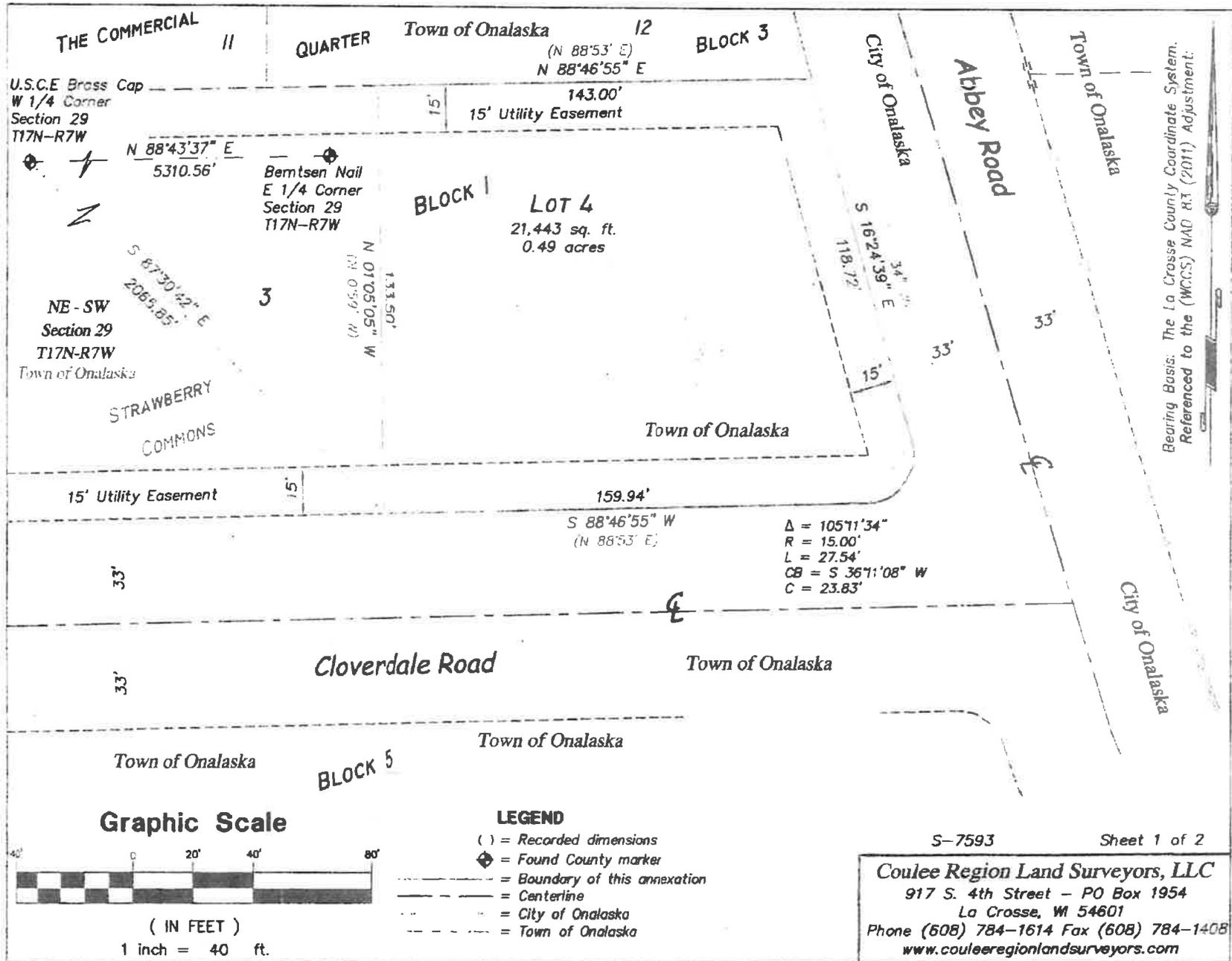
Dated this \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF ONALASKA

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

By: \_\_\_\_\_  
JoAnn Marcon, Clerk

PASSED:  
APPROVED:  
PUBLISHED:



### *Legal Description for Annexation*

*All of Lot 4, Block 1, Strawberry Commons, located in the NE 1/4 of the SW 1/4, Section 29, T17N-R7W, Town of Onalaska, La Crosse County, Wisconsin described as follows:*

*Commencing at the West 1/4 corner of Section 29, thence S 87°30'42" E 2065.85 feet to the southwest corner of Lot 4, Block 1, Strawberry Commons, the North right-of-way line of Cloverdale Road and the point of beginning of this description:*

*thence N 01°05'05" W 133.50 feet to the northwest corner of said Lot 4;*

*thence N 88°46'55" E 143.00 feet to the northeast corner of said Lot 4 and the West right-of-way line of Abbey Road;*

*thence, along said West right-of-way line, S 16°24'39" E 118.72 feet;*

*thence, continuing along said West right-of-way line, on the arc of a 15.00 foot radius curve, concave to the northwest, the chord of which bears, S 36°11'08" W 23.83 feet to said North right-of-way line of Cloverdale Road;*

*thence S 88°46'55" W 159.94 feet to the point of beginning of this description.*

*Subject to any easements, covenants and restrictions of record.*

S-7593

Sheet 2 of 2

**Coulee Region Land Surveyors, LLC**  
917 S. 4th Street - PO Box 1954  
La Crosse, WI 54601  
Phone (608) 784-1614 Fax (608) 784-1408  
[www.couleeregionlandsurveyors.com](http://www.couleeregionlandsurveyors.com)

**FISCAL IMPACT OF ORDINANCE 1675 – 2020**

Leppert Annexation – Cloverdale Road  
Eric Rindfleisch, Administrator

Please route in this order

  
\_\_\_\_\_  
(signature)

No Fiscal Impact

Budgeted Item

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

Jarrold Holter, City Engineer

  
\_\_\_\_\_  
(signature)

No Fiscal Impact

Budgeted Item

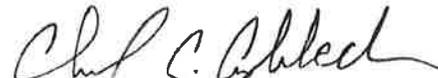
Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

Caitlin Hagar, GIS Analyst  
**check wards, districts and addressing**

  
\_\_\_\_\_  
(signature)

Wards, Districts and Addressing OK

Charles Ashbeck, Chief of Police

  
\_\_\_\_\_  
(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 *Boundary Agent in place*

Budgeted Item

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

**ORDINANCE NO. 1677 - 2020**

**AN ORDINANCE TO REZONE PARCEL LOCATED IN SECTION 33, TOWNSHIP 17, RANGE 7 IN THE CITY OF ONALASKA, LA CROSSE COUNTY WISCONSIN FROM AGRICULTURE (A-1) AND NON-DESIGNATED TO MIXED USE COMMUNITY (MU-C)**

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

SECTION I. The zoning map which is adopted as part of Section 13.02.12 of the Unified Development Code of the City of Onalaska is hereby amended to rezone the parcels described below from Agricultural (A-1) and non-designated to Mixed Use Community (MU-C).

Parcel Address: Sand Lake Road  
Computer Number: 18-4515-0  
Section 33, Township 17, Range 07

NW-NE EX PRT TAKEN FOR SAND LAKE RD AS ON SMALL PLAN & AS IN V788 P536 & AS ON PLAN 112Z & AS IN DOC NO. 1569662 & EX PRT TAKEN FOR CTH-S AS ON SMALL PLAN & AS IN V788 P536 & EX PRT TAKEN FOR RD AS DESC IN V804 P801

Parcel Address: 1500 Sand Lake Road  
Computer Number: 18-4516-0  
Section 33, Township 17, Range 07

SW-NE EX PRT TAKEN FOR SAND LAKE RD AS ON PLAN NO. 112Z & AS IN DOC NO. 1569662

Parcel Address: Sand Lake Road  
Computer Number: 18-4521-0  
Section 33, Township 17, Range 07

N 35AC OF SE-NW EX LOST LAKE ADDN & EX PRT IN V501 P376 & V537 P484 & EX MEIER FARM ADDN TWO & EX PRT TAKEN FOR SAND LAKE RD AS ON PLAN NO. 112Z & AS IN DOC NO. 1569662

SECTION II. The office of the City Engineer is hereby directed to make the above-described zoning changes on the official City of Onalaska zoning map.

SECTION III. This Ordinance shall take effect and be in force from and after its passage and publication.

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

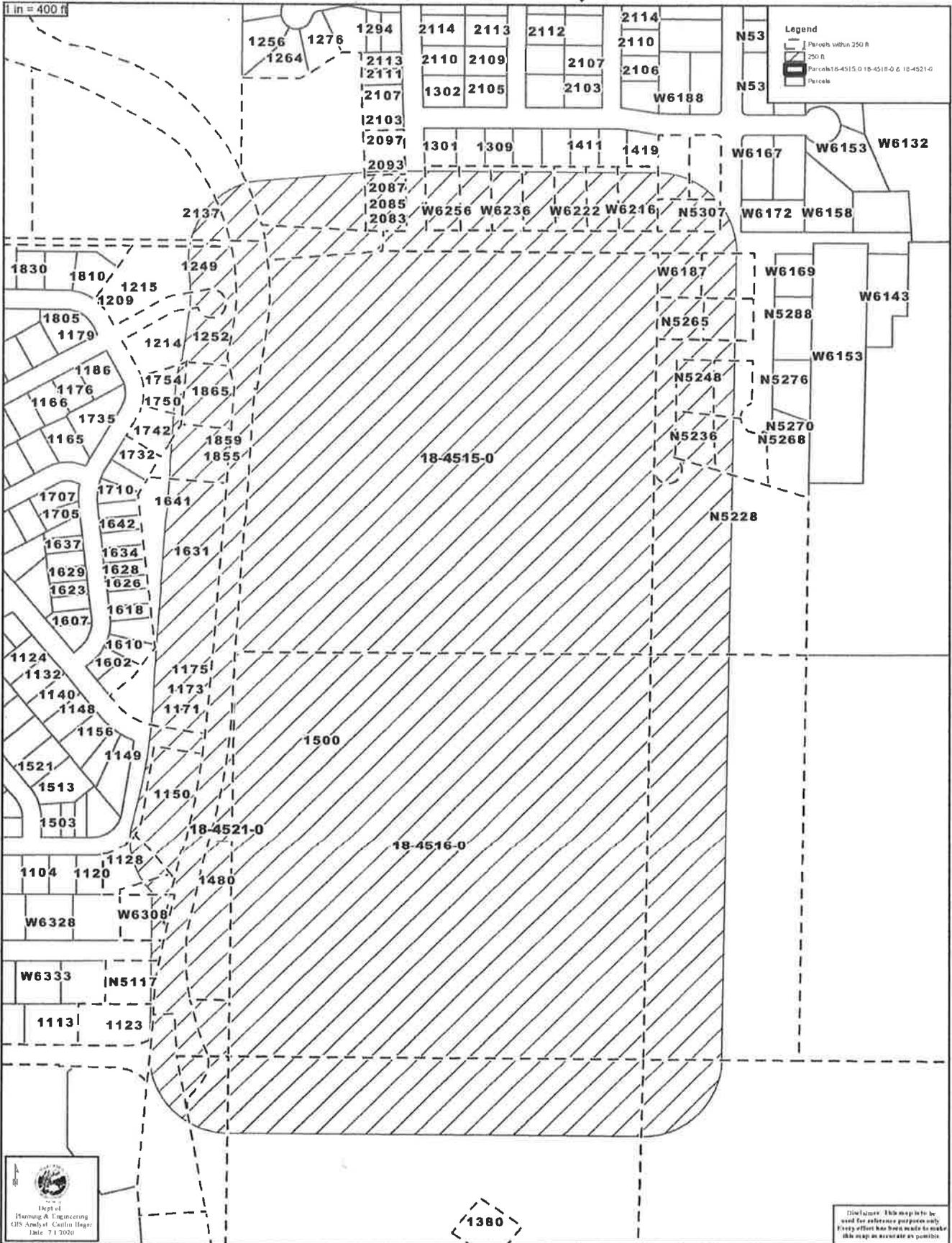
CITY OF ONALASKA

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

By: \_\_\_\_\_  
JoAnn Marcon, Clerk

PASSED:  
APPROVED:  
PUBLISHED:

# Properties within 250 ft of 18-4515-0, 18-4516-0 & 18-4521-0



Dept. of Planning & Engineering  
GIS Analyst: Caitlin Heagy  
Date: 7/1/2020

Disclaimer: This map is to be used for reference purposes only. Every effort has been made to make this map as accurate as possible.

**FISCAL IMPACT OF ORDINANCE 1677- 2020**  
Sand Lake Rd Rezoning

Please route in this order

Eric Rindfleisch, Administrator

  
\_\_\_\_\_  
(signature)

- No Fiscal Impact  
 Budgeted Item  
 Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

Jarrold Holter, City Engineer

  
\_\_\_\_\_  
(signature)

- No Fiscal Impact  
 Budgeted Item  
 Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

Charles Ashbeck, Chief of Police

  
\_\_\_\_\_  
(signature)

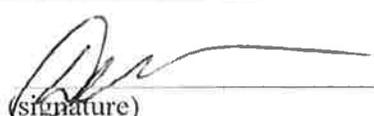
- No Fiscal Impact  
 Budgeted Item  
 Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

Troy Gudie, Interim Fire Chief

  
\_\_\_\_\_  
(signature)

- No Fiscal Impact  
 Budgeted Item  
 Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this ordinance.

Dan Wick, Parks & Rec Director

  
\_\_\_\_\_  
(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.

ORDINANCE NO. 1678-2020

AN ORDINANCE TO DELETE TITLE 12 OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO PARKS AND RECREATION AND CREATE TITLE 8 OF THE CITY ORDINANCES RELATED TO PARKS AND RECREATION

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

SECTION I. Title 12 of the City of Onalaska Ordinances is hereby deleted in its entirety and Title 8 is hereby created as follows:

Title 8 Parks and Recreation

Chapter 01 Parks

Division 1 Park Regulations

8 01 11 Generally

- A. **Purpose.** In order to protect the parks, parkways, recreational facilities and conservancy areas within the City from injury, damage or desecration, these regulations are enacted.
- B. **Park.** The term "park" as hereinafter used in this Chapter shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility or conservancy district in the City.

8 01 12 Park Regulations

- A. **Specific Regulations.**
  - 1. **Littering & Dumping Prohibited.** No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park. No person shall dispose of trash not generated incidental to park usage in a dumpster or other refuse container located in or upon park property unless specific written authority is first obtained from the Parks and Recreation Director.
  - 2. **Sound Devices.** No person shall operate or play any amplifying system after 9:00 p.m. unless specific authority is first obtained from the Parks, Recreation & Library Board.
  - 3. **Bill/Flyer Posting.** No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Parks and Recreation Director or their designee.
  - 4. **Removal of Park Equipment Prohibited.** No person shall remove benches, seats, tables or other park equipment from any park.
  - 5. **Trapping.** No person shall trap in any park unless specific written authority is first obtained from the Parks, Recreation & Library Board.
  - 6. **Making of Fires.** No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
  - 7. **Protection of Park Property.** No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park, except as permitted by this Chapter. No person shall climb any tree or remove flowers, break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park. Edible fruits, edible nuts, wild mushrooms, wild asparagus, and watercress may be sustainably harvested by hand for the purpose of personal consumption by the collector. The collection of seeds from herbaceous plants such as grasses and wildflowers is not allowed without written authorization from the Parks, Recreation & Library Board.

8. **Motorized Vehicles & Snowmobiles.** Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle or snowmobile outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have a Parks, Recreation & Library Board authorization for shows, rides or exhibits and then only for the purpose of loading and unloading.
9. **Glass Beverage Bottles in Parks Prohibited.** No person shall bring into, carry onto or possess while in any public park glass bottles or glass containers, including those containing or normally used for containing soda water, fermented malt beverages or alcohol.
10. **Reckless Driving in Parks Prohibited.** No person shall operate a motor vehicle in a reckless manner in any of the public parks of the City.
11. **Parking in Parks.** No person shall park any motor vehicle in any park in the City except in a designated parking area. No overnight shall be allowed in any public park, including the OMNI Center, without approval of the Parks and Recreation Director or their designee.
12. **Horse and Carriages.** No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, and where approval of the Parks and Recreation Director is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others.
13. **Removing Tree Protectors.** No person shall remove any device for the protection of trees or shrubs.
14. **Golfing and Sporting Activities.** No golfing or practicing golf in City parks or recreation areas shall be allowed, unless specific written authority is first obtained from the Parks and Recreation Director or Parks, Recreation & Library Board.
15. **Arrows.** No person shall use or shoot any bow and arrow in any City park except as may be allowed as part of a managed hunt through the Onalaska Urban Deer Management Program.
16. **Fees and Charges.** The Common Council, upon the recommendation of the Parks, Recreation & Library Board, shall have the authority to establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.
17. **Pets.**
  - a. No person shall permit any dog, cat or other pet owned by, or under the care or control of them to run at large in any park, except that dogs are permitted in designated dog exercise areas. Pets shall be allowed on leash, no longer than six (6) feet, or in a stroller or bag/carrier made for the purposes of carrying pets, on trails and pathways only. All pet waste must be picked up and disposed of off park property. Bags, scoops or other appropriate implements for the removal of pet waste must be carried by any person, bringing a pet onto park property.
  - b. No person in any park shall train or exhibit animals without written approval by the Parks and Recreation Director.
  - c. Owners of any pet or animal whether legally or illegally in any park are responsible for the immediate removal and disposal of fecal matter deposited by the animal.
  - d. Service dogs assisting persons with disabilities and which are controlled by the use of a harness or other restraint are exempt from this Section.
18. **Firearms; Hunting.** Discharging of any firearm or weapon is prohibited in all City parks. A person who complies with state law regarding the possession of firearms may have in their possession or under their control a firearm in City parks unless there is a special event as defined by Sec. 943(1e)(h), Wis. Stats. and the person has been notified not to enter or remain at the special event in the City park while carrying a firearm.
19. **Fish Cleaning.** Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all City parks.
20. **Controlled Substances.** Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all City parks.
21. **Camping.** Overnight camping is not permitted in any City park. Notwithstanding this prohibition, however, the Parks and Recreation Director or their designee may permit individual persons or groups of persons having a common purpose to remain in one (1) or more designated area/s of a park for some or all of the hours between 11:00 p.m. and 6:00 a.m., during recognized special events open to the general public such as, but not limited to, Fishing Tournaments, Farmer's Markets and/or Craft Markets and Shows, subject to the terms and conditions which the City deems necessary and/or desirable.
22. **Utility Installation and Construction.** Any private construction which may in any manner encroach upon or affect the parks and parkways shall be under the direction and jurisdiction of Parks, Recreation & Library Board and no such installation, repair or construction shall commence without the written permission therefor from the Board. All public works, including construction and installation

of power lines, hydrants, sewers and the like shall be commenced only after notice to the Board of the City's intention so to do. Where practicable, such construction and installation shall be performed pursuant to recommendations by the Board.

23. **Tennis and Pickle Ball Courts.** It shall be unlawful for any person to operate, ride or use a skateboard, bicycle, tricycle or other similar device, or roller skates or rollerblades on any public tennis or pickle ball courts.
24. **Swimming or Bathing.**
  - a. No person shall swim or bathe in any lake, river, lagoon, beach or public swimming pool under the jurisdiction of the City Parks and Recreation Department except at such places and at such times as the Parks, Recreation & Library Board may direct.
  - b. No person shall swim or bathe in any detention or retention pond under the jurisdiction of the City.
25. **Bicycles, Electric Personal Assistive Mobility, Electric Scooters and Motor Bicycles.** Bicycles, electric personal assistive mobility devices, electric scooters and motor bicycles shall be defined as set forth in Sec. 340.01, Wis. Stats., and may be ridden on trails and pathways only. Motor bicycles shall not be operated with the motor in use. The Parks, Recreation & Library Board may designate certain trails or pathways as off limits for bicycles, electric personal assistive mobility devices, electric scooters and motor bicycles and no person shall ride a bicycle or any such vehicle on such trails or pathways. Bicycles, electric personal assistive mobility devices, electric scooters and motor bicycles shall be parked only in areas so designated. Electric personal assistive mobility devices, electric scooters and motor bicycles are prohibited within the Onalaska Skate Park. Any Person with a disability that limits or impairs the ability to walk as defined in Sec. 340.01(43g), Wis. Stats., is exempt from this Ordinance section. Statutory Reference Secs. 340.01, 349.23 and 349.237 Wis. Stats.
26. **Smoking Prohibited.** Smoking is prohibited in specified outdoor areas. No person may smoke in the following areas of a City park or outdoor areas of City property:
  - a. Playgrounds;
  - b. Sports fields and sports field seating areas;
  - c. Swimming pools and inside the fenced area of all swimming pools;
  - d. Onalaska Skate Park;
  - e. Within fifty (50) feet of the areas listed in Subsection a.-d. above;
  - f. Within the fenced area of tennis or pickle ball courts;
  - g. Those park areas posted as no smoking by the Parks and Recreation Director or their designee;
  - h. Those areas posted no smoking during an approved Special Event held in such park and which is open to the public with no admission charge and for which no smoking has been requested by the event permit holder;

Upon written request of a special event applicant, the prohibition of this section may be waived by the Parks, Recreation & Library Board and Common Council for specified designated areas for those events where admission is restricted by the event organizer through the sale of tickets. A request for a waiver must be submitted at least sixty (60) days in advance of the event. Signs prohibiting smoking in designated outdoor areas shall be of sufficient size and placed so that the general public has reasonable notice of the prohibition.

#### 8.01.13 Radio-Controlled Model Airplanes and Drones Prohibited in Parks

- A. No person shall launch or land a drone, radio-controlled model airplane or helicopter in any park in the City except as authorized by the Parks and Recreation Director. City of Onalaska employee(s) may launch or land a drone in a City park with the approval of the Parks and Recreation Director.

#### 8.01.14 Turf Protection on Public Property

- A. Except as authorized by the Parks, Recreation & Library Board, no person shall dig into the turf of any City-owned property for any purposes whatsoever or remove any trees or flowers.

#### 8.01.15 Park Hours

- A. **Park Hours.** Subject to certain exceptions listed below, all City parks shall be closed from 11:00 p.m. to 6:00 a.m. Persons launching or transporting watercraft from park property may do so only within park hours.
- B. **Exceptions to Closing Hours.** A person driving through a park on a public road; however, stopping shall not be permitted within a park. The Common Council may modify closing hours for particular events.
- C. **Park Closing and Opening Dates.** The Parks, Recreation & Library Board will have full authority to open and close any park, beach, facility or area because of season, condition, construction or when, in the interest of public safety, it is deemed necessary.

#### 8.01.16 Ultra-light Aircraft Regulated

- A. **Definition.** An ultra-light aircraft, vehicle or hang glider is an unpowered or powered aircraft which is not subject to extensive regulation by the Federal Aviation Administration by virtue of its characteristics and which is defined as an ultra-light vehicle by 14 C.F.R. Sec. 103.1 and which is defined as an ultra-light aircraft by Sec. 114.195, Wis. Stats.
- B. **Regulations Regarding Use.**
1. No person shall operate any ultra-light aircraft within the City in such a manner or in such a location as to endanger or injure any person or property. No person shall operate an ultra-light aircraft in the City in violation of any applicable state and federal regulations and standards. No person shall cause an ultra-light aircraft to land or to take off from any property without permission of the owner or occupant of said property, provided that an emergency landing may be made to prevent a catastrophe. In the case of landing or taking off from a City public park or other City property, the operator of such ultra-light aircraft shall first obtain a permit from the Parks, Recreation & Library Board. No fee shall be charged by the Board for such permit which may be issued for a period up to thirty (30) days nor shall the Board sponsor such activity.
  2. Any person desiring to land or to take off from any property owned by the City of Onalaska shall, prior to receiving a permit, procure evidence of insurance providing for not less than One Million Dollars (\$1,000,000.00) of coverage for each occurrence for damage to property or personal injury. Evidence of such insurance shall include a certificate of insurance naming the City of Onalaska as an additional insured, and said certificate shall be filed with the City Clerk at the time the applicant seeks a permit.

#### 8.01.17 Reservation of Park Space

- A. **Policy on Reservation.** The City-owned parks and park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the City. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This Section is intended to regulate exclusive use of municipally-owned parks, park facilities, park shelters or parts thereof in the City to the end that the general welfare of the City is protected.
- B. **Reservation of Park Space.** A person or group, firm organization, partnership or corporation may reserve the use of a park facility or a park shelter by application filed with the Parks and Recreation Department for a permit for exclusive use of the same, provided all of the requirements on the application have been met and the appropriate fee has been paid.
- C. **Fee and Deposit.** The Common Council shall establish a schedule of fees for park space and shelter use. In addition to any required fee, all applicants for reservation or use of park space or shelters for which a permit is required shall also be required to pay a deposit as set forth on the City's Fee Schedule to insure compliance with the permit's terms and to pay for the City's maintenance and clean-up expenses. Applications for reservations or use of park space or shelters shall not be accepted unless accompanied by the non-refundable park fee and a signed agreement for such reservation and/or use. The deposit can be paid at the time of the reservation or when the key is picked up prior to the rental and shall be returned after the use if clean-up or repair by the City is not required and if all terms of the permit have been fully complied with. Keys are available for pick up at the Parks and Recreation Department one (1) or two (2) day(s) prior to the event. Weekend rentals should pick up on Thursday or Friday prior to the event.
- D. **Reasons for Denial.** Applicants may be denied for any of the following reasons:
1. If it is for a use which would involve a violation of Federal or State law or any provision of this Chapter.
  2. If the granting of the permit would conflict with another permit already granted or for which application is already pending.
  3. If the Applicant does not fully complete the Application.
  4. The application is made less than the required days in advance of the scheduled exclusive use.
  5. If it is for a use of the park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park or park facility is expected and would be seriously adversely affected.
  6. If the law enforcement requirements of the exclusive use will require so large a number of persons as to prevent adequate law enforcement to the park, park facility or shelter area involved or of the rest of the City.
  7. The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.
  8. The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- E. **Indemnification.** Prior to granting any permit for exclusive use of the park, the City may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the City and such other third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the

exclusive use sufficient to indemnify the City and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.

- F. **Permit Not Required For City Activity.** A permit is not required for exclusive use of the park or a park facility sponsored by the City.
- G. **Permit Revocation.** The Common Council, Parks, Recreation & Library Board, Parks and Recreation Director and/or the Chief of Police or their designee(s) after granting a permit may revoke a permit already issued if it is deemed that the terms of the permit are not being complied with, or that such action is justified by an actual or potential emergency due to weather, fire, riot, health emergency, catastrophe or by a major change in the condition forming the basis of the permit.
- H. **Form of Permit.** Each permit shall be in a form prescribed by the Parks and Recreation Department and shall designate the park, park facility or shelter area involved, date, hours of the exclusive use, purpose of the exclusive use and the name of the person, group, firm, organization, partnership or corporation to which the permit is issued.
- I. **Class B Fermented Malt Beverage Licenses.** When fermented malt beverages are sold at any event authorized by this Section, a valid Fermented Malt Beverage license shall be obtained and the provisions of Titles 7 and 11 shall be fully complied with. Said license must be held by the person who filed the original license and shall be presented to any law enforcement officer upon request.
- J. **Violation of Terms of Permit.** It shall be unlawful for any person, organization or other entity to which a permit is issued for a specific park, park area or shelter to use or occupy a park, park area or shelter other than that for which the permit is issued. Any person, organization, or other entity violating this Section shall be subject to immediate revocation of their permit and removal from the park, park area or shelter, forfeiture of the deposit paid, together with forfeiture as provided in Title 1 of the Code of Ordinances.

#### §.01.18 Penalty

- A. Any person who shall violate a provision of this Chapter shall, upon conviction shall be subject to a penalty of not more than One Thousand Dollars (\$1,000.00) per offense, and in addition, shall pay the costs and expense of prosecution. Failure to promptly pay such forfeiture shall subject the violator to be sentenced to the County Jail for a period not to exceed sixty (60) days.

## Chapter 02 Regulation of Boating

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### Division 2 Authority

#### §.02.11 State Boating Laws Adopted

- A. The statutory provisions describing and defining regulations with respect to boating in the following- enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said Statutes, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any Statute incorporated herein by reference is required or prohibited by this Chapter:

30.50	Definitions.
30.501	Capacity plates on boats.
30.505	Certificate of number system to conform to federal system.
30.51	Certificate of number and registration; requirements; exemptions.
30.52	Certificate of number and registration; application; certification and registration period; fees; issuance.
30.523	Certification or registration card to be on board; display of stickers or decals and identification number.
30.525	Voluntary contributions for non-motorized boats.
30.53	Certificate of origin; requirement; contents; guaranteed asset protection waivers.
30.543	Report of stolen or abandoned boats.
30.549	Transfer of ownership of boats with a certificate of number or registration.
30.55	Notice of abandonment or destruction of boat or change of address.
30.60	Classification of motorboats.
30.61	Lighting equipment.
30.62	Other equipment.
30.63	Sale and use of certain outboard motors restricted.
30.635	Motorboat prohibition.
30.64	Patrol boats.
30.65	Traffic rules.

30.66	Speed restrictions.
30.67	Accidents and accident reports.
30.675	Distress signal flag.
30.678	Boating safety certificates, requirements; exemptions; operation by minors.
30.68	Prohibited operation.
30.681	Intoxicated boating.
30.682	Preliminary breath screening test.
30.683	Implied consent.
30.684	Chemical tests.
30.686	Report arrest to department.
30.687	Officer's action after arrest for violating intoxicated boating law.
30.69	Water skiing.
30.70	Skin diving.
30.71	Disposal of waste from boats equipped with toilets.
30.742	Water exhibitions and races; rules.
30.75	Service of process on nonresident.
30.77	Local regulation of boating.
30.772	Placement and use of moorings; restrictions; permits.
30.773	Designated mooring areas.
30.78	Municipal regulation of seaplanes.
30.79	Municipal water safety patrols; state aids.
30.80	Penalties.
30.81	Local regulations on icebound inland waters.
30.99	Parties to a violation.

#### 8.02.12 No Wake Restriction

- A. No person shall operate a motor boat in the canal within the First Addition to Lauderdale Addition to the City of Onalaska at a speed greater than five (5) miles per hour (MPH) (no wake) and shall not create a washing situation.

#### 8.02.13 Penalties

- A. Any person violating any section of this Chapter shall be subject to the penalties as set forth on the City of Onalaska Schedule of Deposits in accordance with Sec. 30.80, Wis. Stats.

## Chapter 03 Bulkhead Lines

### Division 1 Authority

#### 8.03.11 Bulkhead Lines Established

- A. The City of Onalaska, La Crosse County, Wisconsin, has established in the interest of the public and pursuant to Sec. 30.11, Wis. Stats., a new bulkhead line along a part of the shore of the Black River, La Crosse County, as hereinafter described: That the bulkhead line of that part of the east shore of the Black River, hereinafter described and more particularly shown by the map on file with the City Clerk, is established and determined as set forth in the following description, subject to the approval of the Department of Natural Resources, namely:
1. Commencing at the Southeast corner of Government Lot 1, Section 8, T16N, R7W, City of Onalaska, Wisconsin; thence S89°43'W along the North line of Lauderdale Place and said North line extended West 1733.16 feet to the meander line of First Addition to Lauderdale Addition; thence continuing S89°43'W 22 feet to the starting point of the bulkhead line; thence along a line parallel to and 22 feet from said meander line to its intersection with a line 22 feet North of the North line of Lauderdale Place, said meander line described as N9°16'E 113.68 feet, N87°30'24"E 395.44 feet, S88°48'38"E 704.24 feet, S25°46'E 76.71 feet and S39°48'E 51.85 feet to the North line of Lauderdale Place; thence N89°43'E along a line parallel to and 22 feet from said North line of Lauderdale Place 208.35 feet; thence N0°21'W 369.91 feet; thence N89°59'50"E 330.35 feet to the West line of Outlot 163, Assessor's Plat of Onalaska; thence south 0°21'20" east along said west line 390.30 feet; thence north 88°31'28" east 343.00 feet; thence north 13°30'28" east 682.28 feet to the south line of outlot 92, assessor's plat of Onalaska; thence south 88°34'07" west along said south line 506.52 feet to the southwest corner of said outlot 92; thence north 0°21'20" west along the west line of said outlot 92 a distance of 563.57 feet; thence N89°31'40"E 304.55 feet; thence N5°11'40"W 331.97 feet; thence N76°30'20"E 421.04 feet to a point on the Burlington and Northern Railroad R-O-W and the terminus of said bulkhead line.

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: \_\_\_\_\_  
JoAnn Marcon, Clerk

PASSED:  
APPROVED:  
PUBLISHED:

**FISCAL IMPACT OF ORDINANCE 1678 – 2020**  
**Title 8 Parks & Recreation**

Please route in this order

Eric Rindfleisch, Administrator

  
\_\_\_\_\_  
(signature)

No Fiscal Impact

Budgeted Item

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

Dan Wick, Parks & Rec Director

  
\_\_\_\_\_  
(signature)

No Fiscal Impact

Budgeted Item

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

8-05-2020 3:32 PM

F O R M S R E G I S T E R

#6-P

PACKET: 03274 License Packet OPERATORS AUG MTG

SEQUENCE: License #

ID	PERIOD	-----NAME-----		LICENSE CODE
01592	7/01/20- 6/30/22	JOHNSON	AMBER	OPRATOR OPERATORS - 2 YEAR
01797	7/01/20- 6/30/22	GROSSELL	HEATHER	OPRATOR OPERATORS - 2 YEAR
01871	7/01/20- 6/30/22	CHAPMAN	SHANE	OPRATOR OPERATORS - 2 YEAR
04763	7/20/20- 6/30/22	TARKOWSKI	ERIC	OPRATOR OPERATORS - 2 YEAR
05201	7/01/20- 6/30/22	KRUTZA-GUTHRIE	DAWN	OPRATOR OPERATORS - 2 YEAR
05798	7/28/20- 6/30/22	CLEMENTS	LAURA	OPRATOR OPERATORS - 2 YEAR
06419	7/14/20- 6/30/21	BRENENGEN	NATHANIEL	OPRATOR OPERATORS - 2 YEAR
06425	7/16/20- 6/30/22	COOLEY	DANIEL	OPRATOR OPERATORS - 2 YEAR
06428	7/20/20- 6/30/22	CANDELL	CLAIRE	OPRATOR OPERATORS - 2 YEAR
06430	7/23/20- 6/30/22	SWIGGUM	LAWRENCE	OPRATOR OPERATORS - 2 YEAR
06431	7/23/20- 6/30/22	JOHNSON	ZOE	OPRATOR OPERATORS - 2 YEAR
06434	7/28/20- 6/30/22	FRUIT	ALISSA	OPRATOR OPERATORS - 2 YEAR

ORDINANCE NO. 1670-2020

AN ORDINANCE TO AMEND TITLE 2 OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO GOVERNMENT AND ADMINISTRATION

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

SECTION 1. Title 2 Government and Administration is hereby deleted in its entirety and replaced as follows:

Title 2 Government and Administration

Chapter 01 City Government; Elections

Division 1 Authority

2.01.11 City Government

- A. **Mayor-Council Government.** The City of Onalaska is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chs. 62 and 66, Wis. Stats., laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin. The City of Onalaska operates under the Mayor-Council form of government under Ch. 62, Wis. Stats.
- B. **Division of Responsibilities.**
  - 1. **Legislative Branch.** The Common Council is the legislative branch of City Government. Its primary business is the passage of laws in the form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The Common Council shall fix the salaries of all officers and employees of the City, and be charged with the official management of the City's financial affairs, its budget, its revenues and the raising of funds necessary for the operation of the City.
  - 2. **Executive Branch.** The Mayor shall be the chief executive officer. They shall take care that all City ordinances and state laws are observed and enforced and that all City officers, boards, committees and commissions discharge their duties.

2.01.12 Official Newspaper

- A. The official newspaper of the City of Onalaska shall be the Coulee Courier.

2.01.13 Aldermanic District Boundaries

- A. **Number of Aldermanic Districts.** The City of Onalaska shall be divided into three (3) Aldermanic Districts.
- B. **Boundaries.** The Aldermanic Districts shall be numbered and bounded as shown on the City of Onalaska Aldermanic District and Ward Map on file in the office of the City Clerk. The Common Council shall modify the City of Onalaska Aldermanic District and Ward Map when required by Sec. 5.15(2), Wis. Stats.

2.01.14 Appointment of Election Officials

- A. There shall be a minimum of three (3) election inspectors for each polling place at each election. Additional election inspectors may be appointed to serve at any poll where election day registration makes it necessary. Pursuant to Sec. 7.30 Wis. Stats., the City Clerk or their designee may allow for the selection of two (2) or more sets of officials to work at different times on election day and permit the City Clerk or their designee to establish different working hours for different election officials assigned at the same polling place.

2.01.15 Elections

- A. **Annual City Election.** The annual City election shall be held on the first Tuesday in April or such day as otherwise set forth by the Wisconsin Legislature for the spring election.
- B. **Polling Hours.** The polls for all elections shall open at 7:00 a.m. and close at 8:00 p.m.
- C. **Polling Places.** The designated polling place for all Wards and Council Member Districts of the City of Onalaska shall be at City Hall, and such sites as designated by the Common Council.

- D. **Combining Wards.** Wards may be combined for voting purposes if the Electors in the combined wards vote for the same offices, per Sec. 5.15(6)(b), Wis. Stats.

#### 2.01.16 Non-Partisan Primary for City Offices

- A. Whenever three (3) or more candidates file nomination papers, candidates for elective City offices shall be nominated by a non-partisan primary conducted pursuant to Sec. 8.11, Wis. Stats. Such candidate shall file with their nomination papers a declaration that they will qualify for the office to which they may be elected.

#### 2.01.17 Severability

- A. Should any section, subsection, clause, or provision of this Title be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Title in whole or in any part thereof other than the part so declared to be invalid.

## Chapter 02 City Administration

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### Division 1 Common Council and Committees

#### 2.02.11 Common Council

- A. The Council Member(s) of the City shall constitute the Common Council. The Common Council shall be vested with all the powers of the City not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.
- B. The Common Council has the power to preserve order at its meetings, compel attendance of Council Members and may fine or expel for neglect of duty. The Common Council shall be judge of the election and qualification of its members.

#### 2.02.12 Council Members

- A. **Election, Term, Number.** The City shall have six (6) Council Members in addition to the Mayor, who is a member of the Common Council by virtue of their office as Mayor. The six (6) Council Members shall constitute the Common Council. Two Council Member(s) shall be elected from each Council Aldermanic District. One (1) Council Member(s) from each of the three (3) Council Aldermanic Districts shall be elected at the annual City election in the even-numbered years, and one (1) each of said Council Members shall be elected at the City election in the odd-numbered years, all to hold office for a period of two (2) years.
- B. **Appointment as Mayor.** A Council Member shall be eligible for appointment as Mayor to fill an unexpired term.

#### 2.02.13 President of the Council

- A. The Common Council at its first meeting subsequent to the regular election and qualification of new members shall, after organization, annually choose from its members a President of the Council ("Council President") who, in the absence of the Mayor, shall preside at meetings of the Council and, during the absence or inability of the Mayor, shall have the powers and duties of the Mayor, except that they shall not have power to approve an act of the Common Council which the Mayor has disapproved, by filing objections with the City Clerk. When so officiating, the Council President shall be referred to as "Acting Mayor." The Council President shall be elected for a one (1) year term of office.

#### 2.02.14 Standing Committees; Action on Committee Reports

- A. **Standing Committees.** At the organizational meeting of the Common Council in each year following the annual election, the Mayor shall appoint three (3) Council Members to each of the following committees, subject to Council confirmation, the respecting general duties of which shall be as follows, and to make whatever recommendations to the Council as they deem appropriate or as may be directed by the Council:
1. **Administrative Committee** (licenses, administrative regulations and functions, recreation, City Cemetery).
  2. **Finance and Personnel Committee** (personnel administration, compensation, bond programs, risk management, financial claims against the City).
  3. **Utilities Committee** (light, power, water, transportation, sewer).
  4. **Judiciary Committee** (ordinances, resolutions, legal claims against the City).

- B. **Committee Chairpersons.** The chairperson of each committee shall be designated by the Mayor. No Council Member shall serve more than two (2) consecutive years as a chairperson of a standing committee. Each member shall serve as appointed unless excused by a majority of the members of the Council. All Council Members shall serve on at least one (1) standing committee. The Mayor shall be an ex-officio member of each standing committee.
- C. **Committee of the Whole; Special Committees.**
  - 1. If any issue requires committee review by more than one (1) committee, this issue may be referred to the entire Common Council meeting as a "Committee of the Whole."
  - 2. The Mayor may declare the entire Council a Committee of the Whole for informal discussion at any meeting or for any other purpose, and shall ex-officio be chairman of the same.
  - 3. The Mayor may, from time to time, appoint such special committee or committees as may deem advisable or as provided for by motion or resolution stating the number of members and object thereof to perform such duties as may be assigned to them.
- D. **Reference and Reports.**
  - 1. The Mayor may refer new business coming before the Common Council to the appropriate committee, unless otherwise referred or disposed of by motion of the Council.
  - 2. Formal committee recommendations will be placed on the agenda for Council action only if they are submitted to the City Clerk within the deadlines set forth by the Clerk's office and a minimum of thirty six (36) hours prior to the meeting at which action is requested.
- E. **Cooperation of City Officers.** All City officers shall, upon request of the chairman of the committee, confer with the committee and supply to it such information as may be requested in connection with any matter pending before the committee.

#### 2.02.15 Powers of the Common Council

- A. **General.** The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the City, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, forfeiture, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- B. **Construction of Powers.** Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.

#### 2.02.16 Cooperation with Other Municipalities

- A. The Common Council, on behalf of the City, may join with other villages, towns, cities, counties or other governmental entities in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees and joint purchasing programs.

#### 2.02.17 Rules of the Common Council and its Sub-Committees

- A. The Common Council and members of its sub-committees shall follow the "Rules of the Common Council and its Sub-Committees" as adopted by the Common Council and as may be amended from time to time.

#### 2.02.18 Vacancy in the Office of the Common Council

- A. In the event of a vacancy in the office of the Common Council such vacancy shall be filled pursuant to Sec. 17.23 Wis. Stats. Where the Common Council appoints a successor, the procedure for appointment of a successor shall be as follows:
  - 1. The Mayor shall provide notice to the Common Council that a vacancy has occurred at the first meeting after the Mayor is informed or provided notice of the vacancy. At the time of the decision to fill a vacancy in the Common Council, the Common Council shall determine whether the appointed successor shall serve until the end of the current term or whether a special election shall occur pursuant to Secs. 8.50 and 17.23, Wis. Stats.
  - 2. Upon the Common Council voting to fill the vacancy by appointment, the Council may direct the medium used to publicize the vacancy. The Mayor will announce that resumes and letters of interest from individuals interested in filling the vacancy shall be accepted in the office of the City Clerk for twenty-one (21) days following the meeting ("Application Period").

3. Following the 22nd day after the Mayor's announcement of the vacancy, the City Clerk shall make all resumes received from individuals interested in the vacancy available to the Common Council and the Mayor following the closure of the Application Period. The City Clerk will schedule joint Mayor and Common Council interviews with all eligible candidates in a timely fashion.
4. The Mayor shall recommend an individual to fill the vacancy in the Common Council at the first Common Council meeting following the closure of the Application Period.
5. The Common Council shall vote in a public ballot on the approval of the appointment of the individual recommended by the Mayor.
6. If the Common Council does not approve the appointment of the individual recommended by the Mayor, the Mayor shall recommend an alternate candidate. This process shall continue until a successor is approved by majority vote.

#### 2.02.19 Salary and Expenses

- A. **Salary.** Commencing on April 20, 2021, upon election alderpersons shall be compensated Six Thousand Dollars (\$6,000.00) per calendar year paid monthly while holding office. At the beginning of the each term thereafter, the compensation shall increase by the same percentage as approved by the Council for the full-time non-union positions for the preceding two years. The Common Council President, upon election, shall receive an additional salary of One Hundred Dollars (\$100.00) per month for the execution of their duties as Council President. At the beginning of each election as Common Council President thereafter, the compensation shall increase by the same percentage as approved by the Council for the full-time non-union positions for the preceding year. Commencing upon election in 2021 and 2022 depending on election year, alderpersons shall no longer receive the budgeted expense allotment.

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## Division 2 Mayor

#### 2.02.21 Mayor

- A. **Election.** The Mayor shall be elected in even-numbered years for a term of four (4) years.
- B. **Duties.**
  1. The Mayor shall be the Chief Executive officer of the City. They shall take care that City ordinances and the State Statutes are observed and enforced.
  2. The Mayor shall, from time to time, provide the Council such information and recommend such measures as they may deem advantageous to the City. When present, they shall preside at the meetings of the Council.
  3. The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes.
  4. The Mayor shall vote in the event of a tie vote by the Common Council.
- C. **Signatory for Grants-In-Aid.** The Mayor is authorized without approval of the Common Council to execute applications to State or Federal agencies for financial grants-in-aid for lawful purposes. This shall be done on the condition that such applications shall not bind the City to an expenditure of funds and a report that such an application, including the reasons therefor, shall be made to the Common Council within thirty (30) days after execution by the Mayor. The Council, within thirty (30) days of the receipt of the report, may, upon majority vote of all members, cause the application to be withdrawn.
- D. **Veto Power.** The Mayor shall have the veto power as provided by State law as to acts of the Council. All Council acts shall be submitted to the Mayor by the City Clerk, and shall be in force upon their approval, evidenced by their signature, or upon their failing to approve and disapprove within five (5) days, which fact shall be certified thereon by the City Clerk. If the Mayor disapproves, they shall file their objection with the City Clerk, who shall present it to the Council at its next meeting. A two-thirds (2/3) vote of all the members of the Council shall be necessary to make the act effective, notwithstanding the objection of the Mayor.

#### 2.02.22 Salary

- A. **Salary.** Commencing on April 16, 2024, the Mayor shall be compensated Twenty Three Thousand Hundred Dollars (\$23,000.00) per calendar year paid monthly while holding office. Commencing with each new term, the compensation shall increase by the same percentage as approved by the Council for the full-time non-union positions for the four years prior. Commencing on April 16, 2024 the Mayor shall no longer receive the budgeted expense allotment.

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## Division 3 Meetings

### 2.02.31 Meetings of the Common Council

- A. **Annual Organization Meeting.** Following a regular City election, the Common Council shall meet on the third Tuesday of April for the purpose of organization.
- B. **Regular Meetings.** Regular meeting of the Common Council shall be held on the second Tuesday of each calendar month, at the hour of 7:00 p.m. for each month of the year. Any regular meetings falling upon a legal holiday shall be held on the next following secular day, at the same hour and place, or as otherwise designated by majority vote of the Common Council. All meetings of the Council shall be held in the Onalaska City Hall when practicable, including special meetings, unless another location is designated by the Common Council at a previous meeting. Meetings may be held telephonically or via videoconference subject to open meetings law when necessitated by an emergency declared under Title 5 of the City Ordinances.

### 2.02.32 Special Meetings

- A. Special meetings may be called by the Mayor or by two (2) Council Members upon notice of the time and purpose thereof being delivered at least twenty-four (24) hours before the meeting to each member of the Council by written electronic notice delivered personally to each member or left at the member's usual abode at least twenty-four (24) hours before the meeting unless an affirmative waiver of notice has been received. Any special meeting attended by all Council Members shall be a regular meeting for the transaction of any business that may come before such meeting.
- B. The Mayor may call a special meeting, without notice, at a regularly convened Council meeting if all members are present. A special meeting may also be called if all members consent in writing to the holding of such a meeting. If written consent is obtained, it shall be filed with the City Clerk before the commencement of the meeting.
- C. Non-governmental parties requesting a special meeting of the Council shall pay a fee as set forth on the City of Onalaska Fee Schedule for such a meeting.

### 2.02.33 Open Meetings

- A. Except as provided in Sec. 19.85, Wis. Stats., all meetings of the Common Council, committees thereof, and boards, committees and commissions, shall be open to the public.

### 2.02.34 Quorum

- A. Two-thirds (2/3) of all members of the Common Council shall constitute a quorum, but a lesser number may adjourn if two-thirds (2/3rds) is not present or compel the attendance of absent members. The Mayor shall not be counted in computing a quorum. No action shall be taken unless a quorum is present.
- B. The Council may, by a majority vote of those present, adjourn to a specific date and hour.
- C. When the Council is required to take action at a regularly scheduled or special Council meeting and cannot defer such action to the next regularly scheduled Council meeting, and it is known that the number of the Council members required to establish a quorum or take such action cannot be physically present at the meeting, any such absent member may be present at and participate in the meeting via teleconference or videoconference as if the member were present in person. When it appears to the City Clerk that the requisite number of Council members will not be physically present at a meeting where such action is required, the City Clerk shall notify those members who will not be present to ascertain whether they wish to be present via teleconference or videoconference. The City Clerk or their designee shall then make all necessary arrangements to enable member(s) who wish to be present via teleconference or videoconference to do so.

### 2.02.35 Presiding Officers

- A. **Presiding Officer.** The Mayor shall preside over all meetings of the Common Council. In the absence of the Mayor, the President of the Council shall preside. In case of absence of the Mayor and President of the Council, the City Clerk shall call the meeting to order and the senior Council Member present shall be the president pro tem.
- B. **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in the current edition of Robert's Rules of Order, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. An appeal shall be sustained by a two-thirds (2/3) vote of the members present excluding the Mayor. In the absence of the City Clerk, the presiding officer shall appoint a Clerk pro tem.

#### 2.02.36 Order of Business

- A. **Order of Business.** At all regular meetings, the order of business shall be according to the tentative agenda prepared by the City Clerk and distributed to the Mayor and the members of Common Council no later than the Monday preceding the regular meeting. The Mayor, City Officers or any two Members of Council may elect to place something on the agenda. Any items being placed on the Agenda shall be submitted to the City Clerk in a timely fashion. Generally, the following order may be observed in the conduct of all meetings of the Council.
1. Call to Order/Roll Call.
  2. Pledge of Allegiance.
  3. Public Input.
  4. Report from the Mayor.
  5. Consent Agenda.
  6. Recap of Items Pulled from the Consent Agenda.
  7. Business from committees, boards and commissions.
  8. Finance & Personnel Committee
  9. Judiciary & Administrative Committees
  10. Board of Public Works
  11. Plan Commission
  12. Utilities Committee
  13. Parks, Recreation and Library Board
  14. Other sub-committees, boards and commissions which shall be listed in alphabetical order.
  15. Reports by City Administrator, City Clerk, City Attorney, Officers and Departments.
  16. Any Items for Closed Session.
  17. Any other business permitted by law.
  18. Adjournment.
- B. **Order to be Followed; Citizen Comments.** No business shall be taken up out of order unless by unanimous consent of all Council Members and in the absence of any debate whatsoever. The Mayor or presiding officer may impose a time limit on the length of time citizens may address the Council.
- C. **Roll Call; Procedure When Quorum Lacking.** As soon as the Council shall be called to order, the City Clerk shall proceed to call the names of the members, noting who are present and who are absent and record the same in the proceedings of the Council. If it shall appear that there is not a quorum present, the fact shall be entered on the record and the Council shall adjourn.

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### Division 4 Robert's Rules and Meeting Conduct

#### 2.02.41 Conduct of Deliberations

- A. A roll call shall be used with all questions, upon request of a Council Member or as required by law.
- B. A voice vote shall be used with all motions not requiring a roll call.
- C. All ye and nay votes shall be recorded in the official minutes.
- D. Except as provided below, the Common Council shall in all other respects determine the rules of its procedure, which shall be governed by the current edition of Robert's Rules of Order, Revised, which is hereby incorporated by reference, unless otherwise provided by ordinance or Statute, except when otherwise limited or modified by this Code of Ordinances;
1. No Council Member shall address the Council until they have been recognized by the presiding officer. They shall thereupon address themselves to the presiding officer and confine their remarks to the question under discussion.
  2. When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
  3. No person other than a Council Member shall address the Council except under order of business, except that citizens may address the Council with the permission of the presiding officer as to matters which are being considered by the Council at the time.
  4. No motion shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.
  5. The Mayor shall not vote except in the case of a tie. When the Mayor does vote in case of a tie, their vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure. A majority vote of all members of the Council in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by ordinance or State Statute. Except as otherwise provided, a majority vote of those present shall prevail in other cases.

6. Any member of the Council may demand a roll call vote. On confirmation of appointments and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the City or any fund thereof, the vote shall be by roll call. A member of the Council may not change their vote on any question after the result has been announced.
7. When a question is under discussion, the following motions shall have precedence in the order listed:
  - a. To adjourn.
  - b. To recess.
  - c. To lay on the table.
  - d. To move the previous question.
  - e. To postpone to a day certain.
  - f. To refer to a committee.
  - g. To amend.
  - h. To postpone indefinitely.

#### 2.02.42 Reconsideration and Rescission of Questions

- A. **Reconsideration.** It shall be in order for any member, if in the majority, to move for the reconsideration of any vote in question at the same meeting or at the next succeeding regular adjourned meeting. A motion to reconsider being put and lost shall not be renewed. If the motion for reconsideration is brought at the succeeding Council meeting, it must appear on the agenda, due to open meeting law requirements.
- B. **Rescission.** A motion for rescission may be heard at the next succeeding regular meeting of the Council or the Sub-Committees which undertake the action proposed for rescission provided that such motion is on the Agenda for such meeting and specifies exactly what action the Council or Sub-Committee will be asked to take. A motion for rescission requires a two-thirds (2/3rds) vote. After the Council action in question has been published it cannot be rescinded.

#### 2.02.43 Call for the Previous Question

- A. Any member desirous of terminating the debate may call the previous question when the question announced by the Mayor shall be "call the main question." If a majority of the members present vote in the affirmative, the main question shall be put to a vote without further debate, and its effect shall be to put an end to all debate and bring the Council to a direct vote, first upon the pending amendment and then upon the main question.

#### 2.02.44 Amendment of Rules

- A. The rules of this Chapter shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds (2/3) of all the members of the Council.

#### 2.02.45 Suspension of Rules

- A. Any of the provisions of Divisions 3-5 of this Chapter, may be suspended temporarily by a recorded vote of two-thirds (2/3) of the Council members present at any meeting.

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### Division 5 Ordinances

#### 2.02.51 Introduction of Business, Resolutions and Ordinances; Disposition of Communications

- A. **Ordinances to be in Writing.** All ordinances submitted to the Council shall be in writing and shall begin with a title introducing the same. Any written material introduced may be referred to the appropriate committee pursuant to Sec. 2.02.14. Any member of the Council may require the reading in full of any Ordinance or resolution at any time it is before the Council.
- B. **Subject and Numbering of Ordinances.** Each Ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- C. **Notice.**
  1. The Common Council may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.

#### 2.02.52 Publication and Effect of Ordinances

- A. All general ordinances of the City and all regulations imposing any penalty shall be published in the official paper of the City and shall be immediately recorded, with the affidavit of publication, by the City Clerk. A printed copy of such ordinance or regulation and published or purporting to be published therein

by direction of the Common Council shall be prima facie proof of due passage, publication and recording thereof.

- B. All ordinances shall take effect and be in force from and after passage and publication, unless otherwise provided and published copies thereof shall have appended the date of first publication.

## Chapter 03      Municipal Officers and Employees

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### Division 1    General Provisions

#### 2.03.11    General Provisions

- A. **General Powers.** Officers shall have the powers and duties prescribed for like officers of cities, towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Mayor, shall perform such duties as shall be required of them by the Council. Officers whose powers and duties are not enumerated in Ch. 62, Wis. Stats. shall have such powers and duties as are prescribed by law for like officers or as are directed by the Council.
- B. **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- C. **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to City officers.
- D. **Legal Representation.** Whenever any City official in their official capacity proceeded against or obliged to proceed before any Civil Court, Board, Committee or Commission, to defend or maintain their official position, or because of some act arising out of the performance of their official duties, and they have prevailed in such proceedings, or the Council has ordered the proceedings discontinued, the Council may provide for payment to such official such sum as it sees fit, to reimburse them for the expenses reasonably incurred for costs and attorney's fees.
- E. **Comptroller, Street Commissioner and Constable Eliminated.** As provided in Sec. 62.09(1)(b), Wis. Stats., the offices of Comptroller, Street Commissioner and Constable are hereby eliminated.

#### 2.03.12    Eligibility for Office

- A. No person shall be elected by the people to a City office who is not, at the time of their election, a citizen of the United States and of this State, and an elector of the City, and in case of a ward office, of the ward, and actually residing therein or is not eligible by State Statute to hold office.
- B. An appointee by the Mayor, requiring to be confirmed by the Council, who shall be rejected by the Council, shall be ineligible for appointment to the same office for one (1) year thereafter.
- C. No member of the Common Council shall, during the term for which they are elected, be eligible for an office or position which, during such term, has been created by, or the selection to which is vested in, the Council, provided that the Council may be represented on City boards or commissions where no additional remuneration is paid such representative except as otherwise provided by the laws of the State of Wisconsin.

#### 2.03.13    Removal from Office

- A. **Elected Officials.** Elected officials may be removed by the Common Council as provided in Secs. 9.10, 17.12 and 17.16, Wis. Stats.
- B. **Appointed Officials.** Appointed officials may be removed as provided in Secs. 17.12, and 17.16, Wis. Stats.

#### 2.03.14    Custody of Official Property

- A. City officers must observe the standards of care imposed by Sec. 19.21, Wis. Stats., with respect to the care and custody of official property.

#### 2.03.15    Oath of Office; Bonds/Insurance of Officers

- A. **Oath.** Every person elected or appointed to any statutory office shall take and file their official oath within ten (10) days after the notice of their election or appointment.
- B. **Bonds.** The City Clerk, and such other statutory officers as the laws of Wisconsin or the Common Council may direct, shall execute and file an official bond in such form as the Council may determine. The Council may at any time require new or additional bonds of any officer. All official bonds must be approved by the Mayor and, when so approved, then be filed within ten (10) days after the officer executing the same shall have been notified of this election or appointment. Official bonds shall be filed with the City and shall be recorded in a book kept for that purpose. Such bonds shall be paid for by the City. If the Council does not

require any or all of these officials to execute and file an official bond, the council shall obtain a dishonesty insurance policy or other appropriate insurance policy that covers such officials, in an amount determined by the council, in lieu of the bond requirement.

#### 2.03.16 Procedure-Making Authority

- A. **Authorization for Department Heads.** Heads of departments of the City including, without limitation by enumeration, the City Administrator, City Attorney, City Clerk, City Treasurer, Chief of Police, Director of Public Works, Fire Chief, Human Resources Director, Parks and Recreation Director, and Zoning Administrator, may make procedures, regulations or directives for the administration of their departments in line with the policies of the Council, but not for the conduct of the general public.
- B. **Approval of Rules.** Any proposed departmental procedures, regulation or directive other than those proposed by the Police or Fire Department, shall be referred to the City Administrator for review. The Police and Fire Departments shall report to the Mayor utilizing the subsequent process. The City Administrator or Mayor shall either approve the proposed rule, or return the proposed rule to the Department along with suggested revisions in a reasonable amount of time, not to exceed two (2) weeks. All rules shall be consistent with City Ordinances, resolutions and applicable City Personnel Rules, Policies and Regulations. Any rule or part thereof returned by the Mayor or City Administrator to the Department Head shall be deemed to be unacceptable and not in force.
- C. **Time of Taking Effect.** All proposed procedures, regulations or directives shall be effective at the direction of the Department Head, unless returned by the City Administrator or Mayor, or the Common Council acts by resolution to nullify such procedures. In emergency situations requiring immediate action, procedures may become effective immediately; but all procedures so enacted shall be reported to the City Administrator or Mayor within twenty-four (24) hours, with the reasons for the necessity for the immediate implementation. All emergency procedures are temporary in nature and must be formally presented to become permanent.

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## Division 2 Officers

#### 2.03.21 Officers

- A. **Appointment by Council.** The City of Onalaska, pursuant to Sec. 62.09 and 66.01, Wis. Stats., hereby elects not to be governed by those portions of Ch. 62, Wis. Stats., which are in conflict with this Section. The following offices shall be filled by appointment by a majority vote of the Common Council for an indefinite term, subject to removal by a two-thirds (2/3rd) vote of the Common Council for incompetency, misconduct, inefficiency or failure to perform duties:
  - 1. Attorney
  - 2. City Clerk
  - 3. Engineer
  - 4. Financial Services Director
  - 5. Treasurer
  - 6. Public Works Director
  - 7. Director of Parks & Recreation
  - 8. Zoning Administrator
  - 9. Director of Inspections
- B. **Duties.** The holder of any City office may be assigned additional duties or appointed to additional offices as the Common Council may direct from time to time. Any reference in this Code of Ordinances to a particular office shall be construed to refer to the holder of that office regardless of whether that individual also has been assigned additional duties or also holds additional duties.
- C. **Compensation.** Compensation of each office shall be determined by the City's current wage scale.
- D. **Deputies.** City officers may appoint Deputies subject to confirmation by a majority of all the members of the Common Council. Deputies shall act under the respective City Officer and shall during the temporary absences or disability of the City Officer or during a vacancy in such office, perform the duties of said City Officer.
- E. **Other Officials.** The Mayor shall have the authority to appoint such other officials as are created from time to time by law or by the Common Council, whose appointments shall be confirmed by a majority vote of the Common Council and whose terms of office and compensation, if any, shall be prescribed by the Council.

#### 2.03.22 Chief of Police

- A. **Appointment.**
  - 1. The Chief of Police shall be appointed by the Police and Fire Commission and shall hold the office, subject to suspension or removal by the Police and Fire Commission for cause. The Chief of Police

shall within six (6) months after commencement of employment, or following any required probationary period, whichever is later, establish and maintain residence at a distance not greater than fifteen (15) miles from the nearest corporate boundary of the City.

2. The compensation to be paid the Chief of Police for their services, the hours of active duty, rest days, vacation periods and any such similar benefits shall be determined by the Common Council from time to time.
- B. **Duties.** The Chief of Police shall be responsible for performing the duties required under State law and the job description for the position of Chief of Police adopted by Common Council and as may be amended from time to time.

#### 2.03.23 Fire Chief

A. **Appointment.**

1. The Fire Chief shall be appointed by the Police and Fire Commission and shall hold the office, subject to suspension or removal by the Police and Fire Commission for cause. The Fire Chief shall within six (6) months after commencement of employment, or following any required probationary period, whichever is later, establish and maintain residence at a distance not greater than fifteen (15) miles from the nearest corporate boundary of the City.
  2. The compensation to be paid the Fire Chief for their services, the hours of active duty, rest days, vacation periods and any such similar benefits shall be determined by the Common Council from time to time.
- B. **Duties.** The Fire Chief shall be responsible for performing the duties required under State law and the job description for the position of Fire Chief adopted by Common Council and as may be amended from time to time.

#### 2.03.24 Assessor

A. **Appointment.**

1. The City of Onalaska hereby elects not to be governed by those portions of Sec. 62.09(3)(b) Wis. Stats. relating to the method of selection of the City Assessor which are in conflict with this Section.
  2. The City Assessor, or assessing firm, shall be appointed by the Mayor, subject to confirmation by the Council. The Assessor's term shall commence on the first day of the month succeeding their appointment. The City Assessor shall have an indefinite term of office, subject to removal for cause by a two-thirds (2/3rds) vote of the Common Council.
  3. A corporation or an independent contractor may be appointed as Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats.
  4. No Assessor shall be appointed unless said Assessor is certified by the Wisconsin Department of Revenue as qualified to perform the functions of the office of Assessor.
- B. **Duties.** The Assessor shall perform all duties required of such office as provided by law and such other duties as are requested to be executed by such person by the Common Council from time to time.
- C. **Definition.** For purposes of this Section, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.
- D. **Confidentiality of Information.**
1. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Sec. 70.47(7)(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Sec. 70.47(7)(af), unless a court determines that it is inaccurate, is, per Sec. 70.47(7)(af), not subject to the right of inspection and copying under Sec. 19.35(1), Wis. Stats.
  2. The several sections of the ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

#### 2.03.25 Weed Commissioner

- A. The Weed Commissioner shall be appointed by the Mayor, subject to Council confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following their appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the office of the City Clerk, and shall hold office for one (1) year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

#### 2.03.26 City Administrator

- A. **Office and Purpose.** The office of City Administrator is created, to be an officer of the City, pursuant to Sec. 62.09(1)(a), Wis. Stats. The City Administrator shall be the chief operating officer of the City, shall administer City departments to implement the policies set by the Council, and be responsible for the efficient coordination of all City departments, boards and commissions. The Common Council may adopt a job description for the City Administrator and amend it from time to time, and the City Administrator shall substantially comply with the requirements of the job description. It is the intent that the City Administrator shall have the clear authority to coordinate and administer the day-to-day operations of municipal government as specified in this Section.
- B. **Appointment and Termination.** At any time there is a vacancy in the office of City Administrator, a nominee for the office shall be selected by a selection committee. The selection committee may delegate any duties of the selection process to City staff or working groups and may appoint nominating committees or interview panels as necessary. The selection committee shall negotiate the basic terms of the nominee's employment contract, and the final contract shall contain such additional provisions as are determined by the Common Council, City Attorney and Human Resources. The nominee and the proposed terms of the employment contract shall be presented to the Council, which shall then confirm or reject the nominee and the proposed terms of the nominee's employment contract. Confirmation shall be by simple majority vote. Upon confirmation by the Council, the Mayor shall execute the employment contract and the nominee shall assume the office. If the Common Council does not confirm either the nominee or the proposed terms of the employment contract, then the selection committee shall either begin searching for another nominee or attempt to re-negotiate the terms of the employment contract to which the Council objects, and shall continue until a nominee and a contract have been confirmed by the Council and an employment contract has been executed by the Mayor on behalf of the City. Selection and confirmation of the City Administrator shall be based solely on merit, including education, training, general fitness for office and experience in municipal administration.
- C. **Term.** The City Administrator shall hold office for an indefinite term, subject to removal at any time by a two-thirds (2/3rds) vote of the Council.
- D. **Contract.** The City Administrator's employment contract shall be in writing and shall specify that employment is at-will.
- E. **Organizational Level.** The City Administrator, as chief operating officer, is delegated the Mayor's executive authority to administer independently the operations of certain City departments, as defined below, and is therefore subordinate to, and performs duties at the request of, the Common Council. The City Administrator is superior to, and has direct authority over, the heads of the City departments which are under the City Administrator's direction.
- F. **Specific Duties.** The City Administrator shall perform the following duties, in addition to the duties attendant to the office and as specified in the City Administrator's job description:
1. Administer the operations of, and have direct authority over the heads of the following City departments: Assessor; Finance; Information Technology; Planning; Parks and Recreation; Public Works; and all other City departments and offices the oversight of which is not given to other City officials.
  2. Coordinate the operations of, and facilitate the cooperation of all City departments, commissions and boards to maximize the efficiency of implementation of policies set by the Council, regardless of whether the City Administrator has direct authority over the departments, commissions or boards.
- G. **Annual Review.** The City Administrator shall undergo an annual performance review consistent with the review cycle for all exempt employees. The review shall be conducted by the Common Council President and Finance & Personnel Chair; if they are one and the same, then another Council member, other than the Council President shall be chosen by the Council President. The Mayor and Human Resources Director will serve as advisors during the review. The Council President shall request input from the remaining Council members for the review committee one (1) month prior to the review being completed. The Council President shall prepare a report to the Council of the results of the review, identify specific goals to address performance deficiencies, and recommend other appropriate actions to be taken, including salary adjustments.
- H. **Acting City Administrator.** The City Administrator may designate a City officer to act as City Administrator in the City Administrator's absence from office for reasons of illness, vacation, business or any other reason for a period of more than three (3) days. The City Administrator may appoint a Deputy

City Administrator subject to confirmation by a majority of all the members of the Common Council. The Deputy Administrator shall act under the City Administrator and shall during the temporary absences or disability of the City Administrator or during a vacancy in such office, perform the duties of City Administrator.

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## Division 3 Joint Municipal Court

### 2.03.31 Joint Municipal Court

- A. **Established.** Pursuant to Ch. 755 Wis. Stats., there is hereby created and established a municipal court designated "Joint Municipal Court" for the City of Onalaska, Town of Campbell, Town of Holland, Town of Shelby, Village of Bangor, Village of Holmen, Village of Rockland and the Village of West Salem, (hereinafter referred to individually as "Member Municipality" and collectively as "Member Municipalities").
- B. **Municipal Court Committee.** There is hereby created a Municipal Court Committee. The Municipal Court Committee shall be comprised of one representative of each member municipality who shall be appointed by the Mayor, President or Chair of the member municipality, subject to confirmation by the respective governing body, and in addition, one (1) member who shall be a Police Chief of a member municipality. The Chief's position shall be replaced on a yearly basis by means of rotation among the chiefs. Chiefs will rotate as follows: Onalaska, Campbell, Shelby, Bangor, Holmen, and West Salem. In the event a Member Municipality not listed above has a Police Chief, they shall be added to the rotation. In order to assure participation and continuity of representation, each member municipality may appoint an alternate representative who shall act on committee matters in the absence of the representative. The term for each municipal member representative, other than Chief, shall be for two (2) years.
- C. **Creation and Qualification of the Position of Municipal Judge.** Pursuant to Ch. 755, Wis. Stats., the office of Municipal Judge is hereby created. Eligibility for the office of Municipal Judge shall be as follows: To be eligible for the office of Municipal Judge a person must be a qualified elector of a Member Municipality.
- D. **Election and Term of Municipal Judge.** The position of the municipal judge shall be by election. The municipal judge shall be elected at large at the spring election, for a four (4) year term, commencing on May 1st succeeding their election. Electors of the Member Municipalities shall be eligible to vote for the municipal judge of the Joint Municipal Court.
- E. **Creation of the Position of Clerk of the Municipal Court.** Pursuant to Ch. 755, Wis. Stats., the office of the Clerk of the Joint Municipal Court is hereby created. Said Clerk shall take the position upon hire by the City of Onalaska and written appointment by the municipal judge. One member of the Joint Municipal Court Committee, selected by the Chair, shall participate in the interviews for the hiring of the Municipal Court Clerk. Training and compensation of said clerk shall be as determined by the City of Onalaska after consideration of any recommendation by the Municipal Court Committee.
- F. **Salary of Municipal Judge.** The municipal judge shall receive a fixed salary and municipal judge's training pursuant to Sec. 755.18, Wis. Stats., the salary to be determined by the City of Onalaska after consideration of the recommendation of the Municipal Court Committee, subject to Sec. 755.04, Wis. Stats., which shall be in lieu of fees and costs. The salary may be increased for a new term prior to the beginning of the term of the judge or for the second year of the term of the judge, but shall not be decreased during the term of the judge. The salary shall be paid in monthly installments. No salary shall be paid to the municipal judge for any time during their term for which they have not executed and filed the official bond and oath as required by this Section.
- G. **Bond and Oath of Municipal Judge.** The municipal judge shall, after election to fill a vacancy, take and file the official oath as prescribed in Sec. 755.03, Wis. Stats., with the City Clerk of the City of Onalaska. In lieu of an official bond, the Member Municipalities shall collectively maintain the Municipal Court Judge on a dishonesty insurance policy or other appropriate insurance policy that covers the judge and a copy of the policy shall be provided yearly to the Joint Municipal Court Committee.
- H. **Oath of Municipal Court Clerk.** The Municipal Court Clerk shall, before entering upon the duties of the office take and file the official oath as prescribed in Sec. 19.01 Wis. Stats., with the City Clerk of the City of Onalaska. The City of Onalaska shall provide a copy of the sworn oath to the other Member Municipalities.
- I. **Jurisdiction of Municipal Judge.** The municipal judge shall have jurisdiction as provided in Article VII, Secs. 755.045 and 755.05, Wis. Stats., and as otherwise provided by state law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement and seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.
- J. **Joint Municipal Court.**
1. **Location.** The Joint Municipal Court's location shall be the City of Onalaska City Hall. The time(s) of the municipal court shall be determined by the municipal judge and the Municipal Court Committee.

2. **Vacancies.** If the municipal judge is temporarily absent, sick or disabled, the provisions of Sec. 800.06(1), Wis. Stats., shall apply, and if the municipal judge becomes incompetent, unable or fails to act, or in the event of a vacancy, the provisions of Sec. 800.06(2), Wis. Stats., shall apply. Any substitute municipal judge designated or assigned hereunder shall be compensated as authorized by Sec. 800.065(3), Wis. Stats.
  3. The municipal judge shall satisfy all continuing education requirements for municipal judges.
  4. Upon the proper and timely written request for substitution of the municipal judge, the provisions of Sec. 800.05, Wis. Stats., shall apply.
  5. The procedures of the Joint Municipal Court shall be in accord with the applicable Wisconsin Statutes, this Chapter and the Joint Municipal Court Agreement entered into between the Member Municipalities. The Joint Municipal Court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic Deposit Schedule. In non-traffic matters, each Member Municipality shall draft a bond schedule, which shall become effective upon approval by the Member Municipality's governing body. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation.
- K. Fees and Costs.**
1. The municipal judge may impose punishment and sentences as provided by Ch. 800 and 938 Wis. Stats., and as provided in the ordinances of the Member Municipalities that are parties to the agreement. The Treasurer of the City of Onalaska and the Municipal Court Clerk certifies the monthly accounting with the State of Wisconsin. Such reports are available by request to each Member Municipality.
  2. The municipal judge shall collect a fee for Court Costs on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons or the action is tried as a contested matter. For the purposes of this section, the "Court Costs" for matters adjudicated by the Coulee Region Joint Municipal Court shall be at the maximum rate allowed pursuant to Sec. 814.65, Wis. Stats., or its successor or replacement.
- L. Withdrawal from Joint Municipal Court.** Any member municipality may withdraw from this Agreement by giving notice in writing to the Municipal Court Committee no later than September 30th of any year. Upon giving such notice, the member municipality's participation in the joint municipal court shall terminate on December 31st of said year.
- M. Statutes Adopted by Reference.** Chs. 755 and 800, Wis. Stats. as may be amended, are hereby adopted by reference.
- N. Contempt of Court.** The municipal judge, after affording an opportunity to the person accused to be heard in defense, may impose as sanction authorized under Sec. 800.12, Wis. Stats., and may impose a forfeiture therefore not to exceed Two Hundred Dollars (\$200.00) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.

## Chapter 04      Boards and Commissions

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### Division 1    General Provisions for Boards

#### 2.04.11    Board of Review

- A. **Composition.** The Board of Review shall consist of the Mayor, City Clerk, and three (3) Council Members appointed by the Mayor. The Board of Review members, except members who are full-time employees or officers of the City of Onalaska, shall receive such compensation as shall be fixed by the Common Council.
- B. **Duties.** The duties and functions of the Board of Review shall be as prescribed in Secs. 70.46 and 70.47, Wis. Stats.
- C. **Board's Duty.** The Board shall carefully examine the assessment roll and correct all apparent errors in description or computation. It shall add all omitted property but shall not raise or lower the assessment of any property except after hearing, as provided by the Statutes.
- D. **Confidentiality.** Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Sec. 70.47(7)(af), Wis. Stats. or any successor statute thereto, then, such income and expense information may be revealed to and used by such persons: in the discharging duties imposed by law; in the discharge of duties imposed by office (including but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Sec. 70.47(7)(af), Wis. Stats., unless a court determines that it is inaccurate, is, per Sec. 70.47(7)(af), Wis. Stats. confidential and not a public record and therefore is not subject to the right of inspection and copying under Sec. 19.35(1), Wis. Stats.

- E. **Severability.** The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

#### 2.04.12 Board of Public Works

- A. The Board of Public Works shall consist of the Director of Public Works, the Mayor, the Financial Services Director, and two (2) Council Members along with an alternate Council Member. The two (2) Council Members shall be annually appointed by the Mayor, subject to confirmation by the Council at the organizational meeting. The alternate Council Member shall serve when either of the regular Council Members are absent or must withdraw on grounds of conflict of interest. The Board of Public Works shall perform those duties prescribed in this Code of Ordinances and Sec. 62.14, Wis. Stats.

#### 2.04.13 Board of Zoning Appeals

- A. **Establishment.** A Board of Zoning Appeals shall be appointed as specified in Sec. 62.23(7)(e), Wis. Stats. The Board of Zoning Appeals shall consist of five (5) members, appointed by the Mayor, subject to confirmation by the Common Council. The member of the Common Council who serves on the Plan Commission shall serve as an alternate member. The Mayor shall designate one (1) of the members chairperson.
- B. **Powers.** The Board of Zoning Appeals shall have the following powers:
1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the City's Unified Development Code and Building Code.
  2. To hear and decide special exceptions to the terms of City Unified Development Code, Floodplain Regulations, and Building Code upon which the Board of Zoning Appeals is required to pass.
  3. To authorize, upon appeal in specific cases, such variance from the terms of the City's Unified Development Code as described in Section 13.05.23.
  4. The Board of Zoning Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made regarding the premises. The concurring vote of four (4) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the City's Unified Development Code and Building Codes.
- C. **Meetings and Rules.** All meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this Section or with applicable Wisconsin Statutes.

#### 2.04.14 Parks, Recreation & Library Board

- A. **Appointments.** The Parks, Recreation & Library Board shall consist of seven (7) members including six (6) citizens from the City of Onalaska and one (1) Council Member. The members of this Board shall be appointed for terms of three (3) years, except that the Council Member shall be annually appointed by the Mayor subject to confirmation by the Council. Any Board member may be reappointed and may serve an unlimited number of consecutive terms. In addition to the members set forth above, a student recommended by the Onalaska High School administration may be appointed to the Board in an advisory, non-voting capacity for a term of one (1) year.
- B. **Compensation; Oaths.** No compensation shall be paid for service on the Board. Members shall take an official oath as prescribed by Sec. 19.01, Wis. Stats., to be filed with the City Clerk.
- C. **Powers and Duties.** The Board shall have all the powers conferred by law under Sec. 27.08, Wis. Stats. and Sec. 43.54, Wis. Stats. and shall be charged with all the duties so required such as recommend, oversee work, and oversee funds of all parks, park and recreational facilities, playgrounds, and recreational activities as part of properties within the City. The Parks, Recreation & Library Board is specifically empowered and directed:
1. To govern, manage, control, improve and care for all public parks located within, or partly within and partly without, the corporate limits of the City and secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote these purposes.

2. To acquire in the name of the City for park purposes by gift, purchase, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property, or any incorporeal right or privilege, provided gifts to the City of money or other property, real or personal, either absolutely or in trust, for park purposes shall be accepted only after they have been recommended by the Board to the Common Council and approved by said Common Council by resolution.
  3. With prior Council approval, to buy or lease lands in the name of the City for park purposes within or without the City and, with the approval of the Common Council, to sell or exchange property no longer required for its purpose.
  4. To serve as liaison between the City and the County library system library board.
  5. To have the powers necessary and convenient for the effective and efficient management, control, supervision and operation of the City park system, park and recreation facilities and recreation programs, subject to budgetary approval by the Common Council.
  6. To coordinate library related activities of the City and the County library system and ensure the City's responsibility for the operation and maintenance of the library is carried out in the manner which best serves the interest of the residents of the area.
  7. To have jurisdiction of the parks and playgrounds throughout the City and assume full responsibility for the equipping, developing and maintaining the physical facilities of the park system.
  8. To establish such rules and regulations to promote the quiet, orderly and suitable use of the City parks and playgrounds as the Board shall deem necessary.
  9. And such other and further duties as may be necessary for the proper carrying out of the purposes of said Board.
- D. **Public Recreation Program.** The Parks, Recreation & Library Board shall determine the recreational needs and shall have jurisdiction over the public recreation program of the City.
- E. **Record.** The Parks, Recreation & Library Board shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the office of the City Clerk.
- F. **Finance.**
1. **Budget.** The Board shall assist in preparing an annual budget for submission to the Common Council, which budget shall reflect the Board's recommendations as to maintenance or acquisition of City parks, open spaces, park and related facilities, recreation programs and equipment, summer or seasonal employees, etc. Said annual budget request shall contain estimates as to revenues to be derived from recreation programs or activities as well as estimated expenditures for operating the parks and recreation system.
  2. **Deposits.** All revenues and income from the operation of Park and Recreation Programs shall be deposited with the City Treasurer.
  3. **Monetary Contributions.** All monies donated to the City specifically for park or recreation use shall be deposited in City accounts as a non-lapsing fund or reserve for such specific use.

#### 2.04.15 Community Development Authority

- A. **Findings and Declaration of Necessity.** The Common Council hereby finds and declares that a need for blight elimination, community development, housing programs and projects exist in the City and that a community development authority functioning within the City constitutes an effective and efficient means for carrying out such programs and projects. The necessity in the public interest for the provisions of this Section is also declared as a matter of legislative determination.
- B. **Creation of Community Development Authority; Status as Public Body.** Pursuant to Sec. 66.1335 Wis. Stats. (entitled "Housing and Community Development Authorities"), there is hereby created a community development authority, which shall be known as the "Community Development Authority of the City of Onalaska." The Community Development Authority (the "CDA") is deemed a public body and a body corporate and politic, exercising necessary public powers, and having all the powers, duties and functions conferred on redevelopment authorities, community development authorities, housing authorities and housing authorities for elderly persons by applicable law.
- C. **Composition of Governing Body; Powers Vested in Commissioners; Compensation.** The CDA shall consist of seven (7) resident persons having sufficient ability and experience in the field of urban renewal, community development, and housing, who shall serve as the governing body (the "Commissioners") of the CDA. In addition to the members set forth above, a student recommended by the Onalaska High School administration may be appointed to the Commission in an advisory, non-voting capacity for a term of one (1) year. The powers of the CDA shall be vested in, and exercised by, the Commissioners in office from time to time.
- D. **Compensation; Oaths.** No compensation shall be paid for service on the CDA. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the City Clerk.
- E. **Appointment, Confirmation and Term of Commissioners; Vacancies.** The Commissioners of the CDA shall be appointed by the Mayor and confirmed by the Common Council as follows:

1. Two (2) of the Commissioners shall be members of the Common Council, one (1) of which shall be a member of the Finance and Personnel Committee and the other shall not be a member of the Finance and Personnel Committee. Each of the Common Council Commissioners shall serve with full voting rights. The remaining five (5) Commissioners of the CDA shall be selected with preference to the following qualifications: (1) background in finance, banking, accounting, financial investments or any combination thereof, (2) legal, paralegal or real estate law background or any combination thereof, (3) background in either real estate, real estate development, commercial and residential construction or property management or any combination thereof, (4) background in the Onalaska business community and Onalaska community organizations and (5) background in either manufacturing, business start-ups or other related background.
  2. All Commissioners who are not members of the Common Council shall be appointed for terms of four (4) years. A Commissioner who is not a member of the Common Council shall hold office until their successor has been appointed and qualified, unless such Commissioner's term is vacated earlier because of their change of residence, removal, resignation, incapacity or death.
  3. Vacancies occurring during any term shall be filled for the unexpired portion of the term and new appointments or reappointments of Commissioners shall be made, in the same manner in which the original appointments were made.
  4. The Mayor of the City of Onalaska shall be a non-voting ex-officio member of the Community Development Authority.
- F. **Evidence of Appointment.** The records maintained in the office of the City Clerk reflecting that the City Clerk administered the oath of appointment of the Commissioner. Such record shall be conclusive evidence of the due and proper appointment of the Commissioner if such Commissioner has been duly confirmed as herein provided and has duly taken and filed the official oath before entering upon their office.
- G. **Removal of Commissioners.** A Commissioner may be removed from office by the Mayor by incompetency, inefficiency, neglect of duty or misconduct in office, but such Commissioner shall be removed only after they shall have been given a copy of the charges at least ten (10) days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any Commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the City Clerk. To the extent applicable, the provisions of Sec. 17.16, Wis. Stats., relating to removal for cause shall apply to any such removal.
- H. **Meetings; Quorum; Bylaws.** All meetings of the CDA shall be held in compliance with the provisions of Subch. IV of Ch. 19, Wis. Stats. and this Code of Ordinances. Four (4) Commissioners shall constitute a quorum of the CDA for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the CDA upon the affirmative vote of a majority of the Commissioners present at any meeting of the CDA at which a quorum is present. No vacancy in the membership of the CDA shall impair the right of a quorum to exercise the powers and perform the functions of the CDA. The CDA may adopt and from time to time amend or repeal such bylaws and other rules and regulations not inconsistent with applicable law as it deems necessary in the performance of its functions.
- I. **Selection of Officers, Agents and Employees.**
1. The CDA shall annually elect a Chairperson and Vice Chairperson from among the Commissioners. Vacancies occurring in the office of Chairperson or Vice Chairperson shall be filled from among the Commissioners for the unexpired portion of the term.
  2. The CDA may employ technical experts and such other officers, agents and employees, permanent and temporary, as it may require from time to time in the performance of its duties and functions, within the limits of the funds available for such purpose. The CDA may delegate to one (1) or more of its agents or employees such powers or duties as may deem proper.
  3. The employees of the CDA shall be selected and serve under the provisions of the City's civil service system and shall be subject to pertinent civil service and personnel policies established for City employees with equivalent duties and responsibilities unless the CDA:
    - a. Adopts and approves hiring, personnel and employment policies;
    - b. Resolves to apply and maintain hiring, personnel and employment policies; and
    - c. The CDA provides sixty (60) days' notice of the adoption of the policies and resolutions set forth above.
  4. The CDA may call upon the City Attorney for such legal services as it may require, and may also retain specialists to render legal services as required by the CDA from time to time. The CDA may also contract with the City or any other agency or entity, public or private, for the provision of any necessary staff services associated with or required by the CDA in the performance of its duties or functions which could be performed by the staff of the CDA.
- J. **City Assistance to CDA.**
1. The CDA is authorized to call upon any department, board, commission or agency of the City for assistance and cooperation in the performance of CDA's duties and functions. All City departments,

- boards, commissions and agencies are hereby authorized and directed to cooperate with, and furnish assistance to, the CDA in the performance of the CDA's duties and functions to the extent that such cooperation does not interfere with or disrupt the priorities and work programs of the City agency.
2. In the event that any department or commission or agency shall have good cause for failing to comply with the request of the CDA for assistance, the matter shall be referred to the Mayor's office and, if deemed necessary, to the Common Council for adjudication.
  3. In addition, the CDA may contract with the City of Onalaska for performance of such services as may be required by the authority in the performance of its functions. In the event assistance is provided by the department, board, commission or agency of the City, whether by contract or not, the CDA shall agree to compensate the City of Onalaska for all services rendered to the authority.
- K. **Interested Commissioners or Employees.** No Commissioner or employee of the CDA shall acquire any direct or indirect interest in any project or in any property included or planned to be included in any such project, nor shall they have any direct or indirect interest in any contract or proposed contract for insurance, materials or services to be furnished or used in any such project. If any Commissioner or employee of the CDA owns or controls a direct or indirect interest in any property included or planned to be included in any such project, they shall immediately disclose the same in writing to the CDA and such disclosure shall be entered upon the minutes of the CDA, and such Commissioner or employee shall not participate in any action by the CDA relating to such property. Failure to so disclose such interest shall constitute misconduct in office.
- L. **Powers and Duties of CDA.**
1. The CDA shall have all powers, duties and functions set out in Secs. 66.1201, 66.1213 and 66.1333 Wis. Stats. for housing and redevelopment authorities and as to all housing projects initiated by the CDA it shall proceed under Secs. 66.1201 or 66.1213, Wis. Stats. as applicable and as to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs, it shall proceed under Secs. 66.1301 to 66.1327, 66.1333, 66.1337 or 66.1105, Wis. Stats., as determined appropriate by the Common Council on a project by project basis.
  2. The CDA may, upon the direction of the Common Council, act as agent of the City in planning and carrying out community development programs and activities funded under the Federal Housing and Community Development Act of 1974, as amended, and any or all community development programs and activities initiated by the CDA and approved by the Mayor and Common Council shall be undertaken and carried out pursuant to such Act and other applicable law.
  3. The CDA may, upon the direction of the Common Council, act as agent of the City in performing any or all acts, except the development of the general plan of the City, which may otherwise be performed by the Plan Commission under Secs. 66.1301 to 66.1327, 66.1333, 66.1337 or 66.1105 Wis. Stats.
  4. In addition to the foregoing powers, duties and functions, the CDA shall have such other powers, duties and functions related to community development as are conferred on it by the Common Council from time to time.
- M. **Annual Budget.** An annual budget shall be established by the CDA, which budget shall be subject to approval of the Finance and Personnel Committee and the Common Council.
- N. **Annual Report.** The CDA shall coordinate with City Staff to include a summary of their yearly activities in the annual Planning Department report.
- O. **Evidence of Authority.** A certified copy of this Section shall be filed with the City Clerk and shall be prima facie evidence of the CDA's right to transact business, and such ordinance shall not be subject to challenge because of any technicality. In any suit, action or proceeding commenced against the CDA, a certified copy of such ordinance shall be deemed conclusive evidence that the CDA is established and authorized to transact business and exercise its powers hereunder and pursuant to Sec. 66.1335, Wis. Stats.
- P. **Construction.** All powers, duties and functions of a community development authority, as set forth in Sec. 66.1335, Wis. Stats., are deemed to have been granted to the CDA as though set forth in this Section, except as to those powers, duties and functions which are subject to further authorization and direction of the Common Council, as set forth herein.
- Q. **Committees.** The CDA shall create related committees and boards on an as needed basis to assist in the implementation of the powers and duties of the CDA as set forth above including but not limited to those powers conferred to a redevelopment authority as set forth in Sec. 66.1335, Wis. Stats. and such other duties, powers and functions related to community development as are conferred on it by the Common Council.

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## Division 2 General Provisions for Commissions

### 2.04.21 Police and Fire Commission

- A. The Board of Police and Fire Commissioners shall consist of five (5) citizens who are residents of the City, three (3) of whom shall constitute a quorum. The Mayor shall annually appoint at the organizational

meeting one (1) member for a term of five (5) years, subject to confirmation by the Council. No appointment shall be made which will result in more than three (3) members of the board belonging to the same political party. The Commission shall keep a record of its proceedings. The Board of Police and Fire Commissioners shall have the power and authority prescribed by Sec. 62.13, Wis. Stats., and this Code of Ordinances.

#### 2.04.22 Plan Commission \*

- A. **Composition.** The Plan Commission shall consist of seven (7) members as follows: the Mayor, one (1) Council Member, Director of Public Works, and four (4) citizens.
- B. **Appointment.** The Common Council member shall be appointed by the Mayor each April and confirmed by the Common Council for a period of one (1) year and the four (4) citizen members shall be appointed by the Mayor for a term of three (3) years.
- C. **Organization of Commission.** The Mayor shall appoint a presiding officer each year, which can be the Mayor or any member of Plan Commission and the Commission shall select by election a vice-chairman, secretary and such other officers as may in their judgement be necessary.
- D. **Record.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the office of the City Clerk. Four (4) members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.
- E. **Duties.**
  1. **The Master Plan.**
    - a. The Plan Commission may make, adopt and, as necessary, amend, extend or add to the master plan, subject to Common Council confirmation, for the physical development of the City including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the City. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.
    - b. The Plan Commission may adopt the master plan as a whole by a single resolution, or as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Common Council. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the Mayor and the City Clerk, and a copy of the plan or part thereof shall be certified to the Common Council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Plan Commission and the Common Council in the performance of their duties.
  2. **Mandatory Referrals to Commission.** The Common Council or officer of the City having final authority thereon shall refer to the Plan Commission, for its consideration and report before final action is taken by the Council, public body or officer, the following matters: the location, acceptance, extension, alteration, vacation, abandonment, sale, acquisition of land for or lease of land for any street, alley or other public ways (along with other appropriate City boards or commissions), park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the City or within the territory over which the City is given platting jurisdiction by Ch. 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within thirty (30) days, or such longer period as may be stipulated by the Common Council, the Council or other public body or officer may take final action without it.
  3. **Miscellaneous Powers.** The Plan Commission exercises final review and approval of site development plans and requests for conditional use permits and has the authority to make those decisions which the City of Onalaska Unified Development Code (Title 13) has given the Plan

Commission the authority to make. The Plan Commission may make reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Common Council programs for public improvements. All public officials shall, upon request, furnish to the Plan Commission, within a reasonable time, such available information as it may require for its work. The Plan Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Common Council.

- F. **Vacancies.** Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.
- G. **Compensation; Oaths.** No compensation shall be paid for service on the Commission. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the office of the City Clerk.

#### 2.04.23 Room Tax Commission

- A. **Membership and Organization.** The Room Tax Commission shall consist of five (5) members who shall be selected as follows: One (1) member of the Common Council; one (1) member shall be a representative of the Wisconsin hotel and motel industry; three (3) members shall be citizens residing in the City of Onalaska. All members shall be appointed by the Mayor subject to Common Council approval. Strong consideration shall be given to citizens members who are business owners or have experience in tourism and hospitality industries. All members of the Commission shall serve for a one (1) year term from the date of appointment. Any vacancies occurring on the Room Tax Commission shall be filled by appointment by the Mayor, subject to confirmation by the Common Council. Any person so appointed shall serve the balance of the term of the person causing the vacancy. The Commission shall choose a Chairperson, Vice-Chairperson and such other officers as it deems appropriate.
- B. **Meetings.** Meetings may be held under call of the Chairperson of the Commission or if requested in writing by three (3) members of the Commission filed with the City Clerk in which event, the City Clerk shall notify all members of the coming meeting. At least twenty-four (24) hours' notice shall be allowed under this procedure. The City Clerk shall give written notice of each meeting to the Mayor and to all members of the Room Tax Commission. Three (3) members shall constitute a quorum. Such regular meetings shall be open to the public.
- C. **Powers.** The Room Tax Commission shall require for all organizations, whether private or governmental, who receive funds hereunder, an annual accounting of the application of all room tax funds designated for tourism development and tourism promotion ("Tourism Funds"). The Room Tax Commission shall designate the use of all Tourism Funds of the City of Onalaska.
- D. **Statutory Authority.** The Room Tax Commission shall be the entity in which room tax is allocated for the City of Onalaska pursuant to Sec. 66.0615, Wis. Stats., as may be amended.
- E. **Compensation; Oaths.** No compensation shall be paid for service on the Commission. Members shall take an official oath as prescribed by Sec. 19.01, Wis. Stats., to be filed with the office of the City Clerk.
- F. **Annual Budget.** An annual budget shall be established by the Room Tax Commission in conjunction with the Financial Services Director, which budget shall be subject to approval of the Finance and Personnel Committee and the Common Council.

#### 2.04.24 Historic Preservation Commission

- A. **Composition and Appointment.** A Historic Preservation Commission is hereby created, consisting of up to eight (8) members but no less than seven (7) members. The membership shall consist of one (1) Council Member; and up to seven (7) citizen members. Where possible, preference shall be given to have three (3) of the citizen members have one (1) or more of the following backgrounds: real estate, property development or construction, attorney, architecture, land use or planning, history or local historian. In addition, the Common Council may appoint an ex-officio member of the Ho Chunk Nation or other Native American Nation having cultural history in Onalaska. The ex-officio member shall serve a three (3) year term. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The Mayor shall appoint the Commissioners subject to confirmation by the Common Council.
- B. **Appointment, Confirmation and Term of Commissioners; Vacancies.** The Commissioners of the Historic Preservation Commission shall be appointed by the Mayor and confirmed by the Common Council for three year terms.
  - 1. A Commissioner shall hold office until their successor has been appointed and qualified, unless such Commissioner's term is vacated earlier because of their change of residence, removal, resignation, incapacity or death.

2. Vacancies occurring during any term shall be filled for the unexpired portion of the term, and new appointments or reappointments of Commissioners shall be made, in the same manner in which the original appointments were made.
- C. **Powers and Duties of Historic Preservation Commission.** The Commission shall have the power, subject to the procedures set forth Section 13.02.45, to designate structures and historic sites and to recommend designation of Historic Districts within the City limits.
- D. **Compensation; Oaths.** No compensation shall be paid for service on the Commission. Members shall take an official oath as prescribed by Sec. 19.01, Wis. Stats., said oath to be filed with the office of the City Clerk.

#### 2.04.25 Municipal Harbor Commission

- A. **Creation.** Pursuant to a resolution by the City of Onalaska Common Council, there shall be a Municipal Harbor Commission (the "MHC") pursuant to Sec. 30.37, Wis. Stats.
- B. **Composition of Governing Body.** The MHC shall consist of seven (7) resident persons who shall serve as the governing body (the "Commissioners") of the MHC.
- C. **Appointment, Confirmation and Term of Commissioners; Vacancies.** The Commissioners of the MHC shall be appointed by the Mayor and confirmed by the Common Council, as follows:
  1. The appointments of the seven (7) Commissioners shall be made for terms of three (3) years. A Commissioner shall hold office until their successor has been appointed and qualified, unless such Commissioner's term is vacated earlier because of their change of residence, removal, resignation, incapacity or death.
  2. Vacancies occurring during any term shall be filled for the unexpired portion of the term, and new appointments or reappointments of Commissioners shall be made, in the same manner in which the original appointments were made.
- D. **Compensation; Oaths.** No compensation shall be paid for service on the Commission. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the office of the City Clerk.
- E. **Filing of Certificate of Appointment.** A certificate of the appointment or reappointment of any Commissioner shall be filed with the office of the City Clerk. Such certificate shall be conclusive evidence of the due and proper appointment of the Commissioner if such Commissioner has been duly confirmed as herein provided and has duly taken and filed the official oath before entering upon their office.
- F. **Meetings; Quorum; Bylaws.** All meetings of the MHC shall be held in compliance with the provisions of Subch. IV of Ch. 19, Wis. Stats. and this Code of Ordinances. Four (4) Commissioners shall constitute a quorum of the MHC for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the MHC upon the affirmative vote of a majority of the Commissioners present at any meeting of the MHC at which a quorum is present. No vacancy in the membership of the MHC shall impair the right of a quorum to exercise the powers and perform the functions of the MHC. The MHC may adopt and from time to time amend or repeal such bylaws and other rules and regulations not inconsistent with applicable law as it deems necessary in the performance of its functions.
- G. **Selection of Officers, Agents and Employees.**
  1. The MHC shall elect a Chairperson and Vice-Chairperson from among the Commissioners. Vacancies occurring in the office of Chairperson or Vice-Chairperson shall be filled from among the Commissioners for the unexpired portion of the term.
  2. The MHC may employ technical experts and such other officers, agents and employees, permanent and temporary, as it may require from time to time in the performance of its duties and functions, within the limits of the funds available for such purpose. The MHC may delegate to one (1) or more of its agents or employees such powers or duties as may deem proper.
  3. The MHC may call upon the City Attorney for such legal services as it may require, and may also retain specialists to render legal services as required by the MHC from time to time. The MHC may also contract with the City or any other agency or entity, public or private, for the provision of any necessary staff services associated with or required by the MHC in the performance of its duties or functions which could be performed by the staff of the MHC
- H. **Duties and Powers.** The purpose of the MHC is to provide for the development and operation of harbors and the preservation of navigable waterways within the City of Onalaska. The City of Onalaska Municipal Harbor Commission has the powers and shall perform all duties set forth in Secs. 30.37 and 30.38, Wis. Stats., which are hereby incorporated by reference.
- I. **Relationship to Other Municipal Board and Commissions.** The MHC shall make recommendations to the Onalaska Common Council. The MHC shall function independently from the Onalaska Common Council except when incurring debt, obtaining real property, selling real property or taking any action requiring Common Council approve pursuant to Sec. 30.38, Wis. Stats.

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## Division 3 Meetings; Public Notices; and Residency Requirements

### 2.04.31 General Provisions Regarding Meetings and Public Notices

- A. **Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the ordinances of the City shall:
1. Fix a regular date, time and place for its meeting;
  2. All meeting notices shall be filed with the office of the City Clerk who shall cause the notice to be published and posted in full compliance with the Open Meeting Law Requirements.
  3. Post, at the City Hall, an agenda of the matters to be taken up at such meeting.
  4. Record all proceedings conducted in meeting.
- B. **Special Meetings.** Nothing shall preclude the calling of a special meeting or with dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Secs. 19.81 to 19.89, Wis. Stats.

### 2.04.32 Residency Required for Service on Boards or Commissions

- A. No person not a resident of and not residing in the City of Onalaska shall be appointed in a voting capacity to any City board or commission. Any board or commission member who moves from the City shall immediately be removed from such board or commission. This residency requirement shall not apply to any City of Onalaska employees who hold a seat on any City board or commission as a result of their employment with the City or any individual who sits on a board or commission as a result of their seat with a third-party organization or as representative of a particular industry in Onalaska.

## Chapter 05 Ethical Standards

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### Division 1 Administration

#### 2.05.11 Declaration of Policy

It is declared that high ethical standards among City officers and employees are essential to the conduct of good representative government and that a code of ethics for the guidance of public officers and employees will help them avoid conflicts with improved standards of public service and will promote and strengthen the confidence of the residents of the City in their public officers and employees. The purpose of this Chapter is to establish guidelines for ethical standards of conduct for all such City officers and employees by setting forth those acts or actions that are incompatible with the public interest and which compromise, or appear to compromise, public trust in the fairness, independence and integrity of City officers and employees and their official actions.

#### 2.05.12 Statutory Standards of Conduct

- A. The provisions of the following Sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Chapter and shall apply to all public officers and public employees whenever applicable, to wit:
1. Sec. 946.10. Bribery of Public Officers and Employees.
  2. Sec. 946.11. Special Privileges from Public Utilities.
  3. Sec. 946.12. Misconduct in Public Office.
  4. Sec. 946.13. Private Interest in Public Contract Prohibited.

#### 2.05.13 Definitions

- A. **Anything of value.** Any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the city, fees, and expenses which are permitted and reported under Sec. 19.56 Wis. Stats., political contributions which are reported under Ch. 11, Wis. Stats., or hospitality extended for a purpose unrelated to state business by a person other than an organization.
- B. **Associated.** When used with reference to an organization, includes any organization in which a person or a member of their immediate family is a director, officer or trustee or owns or controls, directly or indirectly, and severally or in the aggregate, at least ten percent (10%) of the outstanding equity.
- C. **Gift.** The payment or receipt of anything of value without valuable consideration.
- D. **Organization.** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust.
- E. **Public Officer.** Those persons serving in statutory elected or appointed offices provided for in Ch. 62, Wis. Stats., and all members appointed to boards, committees and commissions established or appointed by the Mayor, Chairperson and/or Common Council, whether paid or unpaid.

- F. **Public Employee.** Any person excluded from the definition of a public officer who is employed by the City.

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## Division 2 General Provisions

### 2.05.21 Specific Conflicts of Interest

- A. **Use of Public Property.** No public officer or employee shall use or permit the use of City vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as City policy for the use of such officer or employee in the conduct of official business, as authorized by the Common Council or authorized board, commission or committee.
- B. **Conflicts of Interest.** Except as provided herein, no public officer or public employee shall engage in any business transaction with the City, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties or will tend to impair their independence or judgment or action in the performance of their official duties.
- C. **Disclosure of Interest.** Any public officer or employee who has a substantial financial interest, including employment, in any business entity entering into, proposing to enter into or bidding on any transaction with the City, or as part of their official duties will be making an official decision or recommendation significantly affecting a business competitor, client or regular customer, shall disclose such interest to the membership of the Common Council (or committee, board or commission thereof, as appropriate) to be recorded in the minutes of that body. Upon such disclosure, it is advised that the public officer or employee abstain from voting on the matter and from participating in the discussion of the matter.
- D. **Representing Private Interests before the Common Council or City Agencies.** No public officer or employee, including persons or firms engaged to provide professional services to the City, shall represent, for compensation, private interests before the Common Council or any City board, commission or committee without disclosure of the private business relationship and explicit consent of the Common Council.
- E. **Disclosure of Confidential Information.** No public officer or employee shall, without proper authorization of the Common Council, disclose confidential information concerning the property, government or affairs of the City, nor shall they use such information to advance the financial or other private interest of themselves or others.
- F. **Gifts and Favors.** No public officer or employee shall accept anything of value whether in the form of a gift, service loan or promise from any person, who, to their knowledge, has a direct financial interest in any transaction or official business with the City, which may tend to impair their independence of judgment or action in the performance of their official duties. However, it is not a conflict of interest for any public officer or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value, such as a meal, up to Twenty-Five Dollars (\$25.00) in value, and that is not intended to influence the official or employee.
- G. **Disclosure of Interest in Legislation.** To the extent that a member of the Common Council or any public officer or employee of the City of Onalaska, whether paid or unpaid, participates in the discussion of or gives official opinion to the Council on any legislation before the Council, they shall publicly disclose the nature and extent of any direct or indirect financial or other private interest they have in such legislation.

### 2.05.22 Nepotism

- A. **Public Officers.**
1. A public officer may not use their public office to obtain employment of the officer's spouse or a dependent relative (Sec. 19.5(2); 19.59(1)(a), Wis. Stats.). However, if the officer is not involved in the hiring, promotion or conditions of employment, a qualified spouse or dependent may be hired or promoted.
  2. The State Board of Ethics recommends that officers do not advocate for or hire or promote, or exercise jurisdiction, supervision or direction over someone the officer is related to as a parent, grandparent, child, grandchild, sibling, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, niece, nephew, or spouse.
- B. **Public Employees.**
1. The City of Onalaska permits members of the same family to work for the City. The City will not, however, consider or accept employment applications from individuals whose employment would result in a supervisor/subordinate relationship or a possible conflict of interest.
  2. Relatives are defined as: parent, spouse, child, sibling, grandparent, grandchild, aunt, uncle, cousin, in-law or step-relative, or any person with whom the employee has a close personal relationship, such as a domestic partner, romantic partner, or co-habitant.

3. If a conflict develops during the course of employment, Human Resources will evaluate the situation on a case by case basis. If needed, supervision may be shifted to another supervisor to eliminate the conflict and/or one (1) employee may have to transfer to another department or resign.

#### 2.05.23 Confidentiality of Public Officers or Employees

- A. Confidential information is, at the time of a proposed disclosure, information where the City's interests in its confidentiality or in the City's effective functioning outweigh an interest in free speech to disclose same. Confidential information includes but is not limited to information where the disclosure is prohibited by common law, or state or federal law or statute unless the release of same is ordered pursuant to a lawful order of a court or the informed consent of the subject, as applicable; and, information that is subject to the exemptions of a governmental body to meet in open session under Sec. 19.85, Wis. Stats., unless release is authorized by the legal custodian or other proper legal authorization is given. For purposes of this Section information shall include knowledge imparted orally, recordings, and written documents or records marked confidential.
- B. No officer or employee may intentionally use or intentionally disclose confidential information concerning the property, government or affairs of the City gained in the course of or by reason of their official position or activities, nor shall such officer or employee use such information to advance the financial or other private interests of such officer or employee or others.

#### 2.05.24 Advisory Opinions

- A. Any individual, either personally or on behalf of an organization or governmental body, may request of the office of the City Attorney, an advisory opinion regarding the proprietary of any matter to which the person is or may become a party. Any appointing officer, with the consent of a prospective appointee, may request of the City Attorney an advisory opinion regarding the proprietary of any matter to which the prospective appointee is or may become a party. The City Attorney shall review a request for an advisory opinion and may advise the person making the request. Advisory opinions and requests therefore shall be in writing. It is prima facie evidence of intent to comply with this Section when a person refers a matter to the City Attorney and abides by the advisory opinion, if the material facts are as stated in the opinion request. Except as provided below, the City Attorney may not make public the identity of an individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion.
- B. The City Attorney replying to a request for an advisory opinion may make the opinion public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested and may make public a summary of an advisory opinion issued under this subsection after making sufficient alterations in the summary to prevent disclosing the identities of individuals involved in the opinion. A person who makes or proposes to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person waives the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the office of the City Attorney in connection with the request for an advisory opinion.

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### Division 3 Enforcement

#### 2.05.31 Sanctions

- A. A determination that a public official or public employee's actions constitute improper conduct under the provisions of this Section may constitute a cause for removal from office, termination of employment, suspension, reprimand, removal from committee assignment, sanctioning, censuring or other appropriate disciplinary action as permitted by law subject to any collective bargaining agreements or meet and confer resolution. As an alternative or in addition to the sanctions imposed herein, any person violating the provisions of this section shall be subject to a non-reimbursable forfeiture of no less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each violation.

#### 2.05.32 Enforcement and Collective Bargaining Agreements

- A. Any person having concerns or complaints related to these Ethical Standards can bring their concern or complaint to the office of the Human Resources Department. Upon receipt of a concern or complaint, the Human Resources Director, the City Administrator and/or the Mayor and the applicable Department Head or in the case of a concern or complaint with respect to a committee or committee member, the applicable Committee Chairman, shall meet to investigate and make a determination with respect to the concern or complaint and if necessary determine the appropriate level of disciplinary action. In the event that an employee, covered under a collective bargaining agreement, is allegedly involved in a violation of these Ethical Standards, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of this Ethical Standards Chapter.

## Chapter 06      Review of Administrative Determinations

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### Division 1    Authority

#### 2.06.11    Adoption by Reference

- A. The provisions of Wis. Stats. §§ 68.01—68.03, 68.05—68.14, commonly known as the "Municipal Administrative Procedure" laws, which govern the review of administrative determinations by a municipality, or its governing body, boards, commissions, officers or employees, are hereby adopted by reference and made applicable to the review of administrative determinations by the city, or its governing body, boards, commissions, officers or employees, except as such are in conflict or inconsistent with the provisions of this chapter and as are inapplicable by their nature.

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: \_\_\_\_\_  
JoAnn Marcon, Clerk

PASSED:  
APPROVED:  
PUBLISHED:

**FISCAL IMPACT OF ORDINANCE 1670 – 2020**

Please route in this order

~~Dahl Rezoning~~

Eric Rindfleisch, Administrator

  
(signature)

No Fiscal Impact

Budgeted Item

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

Jarrold Holter, City Engineer

 5-5-20  
(signature)

No Fiscal Impact

Budgeted Item

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

Charles Ashbeck, Chief of Police

 5-7-20  
(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.

Dan Wick, Parks & Rec Director

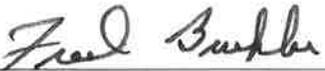
 5-4-2020  
(signature)

No Fiscal Impact

Budgeted Item

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

Fred Buehler, Financial Services Director

 5-4-2020  
(signature)

No Fiscal Impact

Budgeted Item

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

ORDINANCE NO. 1679 -2020

AN ORDINANCE TO AMEND CHAPTER 4 OF TITLE 6 OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO SIDEWALKS

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

SECTION I. Section 6.04.13 of Chapter 4 of Title 6 related to Sales, Display of Merchandise within Public Right-of-Way is hereby deleted in its entirety and hereby replaced as follows:

6.04.13 Sales, Café Seating or Display of Merchandise within Public Right-of-Way

- A. **Right-of-Way Sales Prohibited Except by Permit.** No person shall display, sell or offer to sell on any street, sidewalk, alley or other public place within the City any goods, wares, foodstuffs or anything of value or service of any kind by putting up a booth or stopping a vehicle or person on foot or in any other manner attempting to publicly sell or offer for sale any such articles, unless such person shall have first applied for and obtained a special event permit as set forth in Title 7 of this Code of Ordinances from the City Clerk. Where a special event permit is open, sidewalks must remain open and accessible with a minimum of a four (4) foot wide unencumbered path at all times.
- B. **Outdoor Dining Areas on Public Property (Sidewalk Cafes).**
1. **Purpose.** To encourage revitalization and growth of downtown and other areas of the City of Onalaska, including the development of social and economic activities and to encourage enhanced use of available public rights-of-way to complement restaurants while still encouraging the free and safe flow of pedestrians. To establish safety standards for sidewalk cafés is necessary to protect and promote public health, safety and welfare.
  2. **Sidewalk Café Defined.** Sidewalk Café shall mean an expansion of a restaurant or coffee shop creating an outdoor dining facility on part of the public property that immediately adjoins the licensed premises for the purpose of consuming food or non-alcoholic beverages to the patrons of the business.
  3. **Permit Required.** An establishment may apply for a permit from the City's Clerk's office to allow for a sidewalk café. The Clerk's office may approve or deny a permit where necessary to maintain the public health, safety or welfare, to prevent a nuisance from developing or continuing or due to violation of this section, the City Code of Ordinances or applicable State or Federal Law. A Sidewalk Café permit shall be issued where the application is filled out in its entirety, the fee as set forth in the City Fee Schedule is paid and the application meets the standards set forth in Section 4. below.
  4. **Permit Standards.**
    - a. No portion of any sidewalk café may encroach on the sidewalk adjacent to any other property other than the property that is licensed in this Chapter.
    - b. The Applicant shall maintain a four (4) foot wide unencumbered, open and accessible portion of the sidewalk for pedestrian traffic safety and accessibility at all times.
    - c. Sidewalk cafes may operate; serve food or non-alcoholic beverages, until 11:00 p.m. Sunday through Thursday and until midnight Friday and Saturday, meaning all patrons must vacate the sidewalk café by those times.
    - d. The Applicant shall provide for removal of garbage and is responsible for the cleanliness of the sidewalk café area.
    - e. The use of the portion of public property as a sidewalk café shall not be an exclusive use. All public improvements, including but not limited to, trees, light poles, traffic signals, manholes or any public initiated maintenance procedures shall take precedence over said use at all times. The City Administrator, Chief of Police, Zoning Administrator, Public Works Director or their designees may temporarily order the termination of sidewalk cafes for the following reasons, but not limited to, special events, including but not limited to, construction, parades, sponsored runs or walks, or for any reason to maintain the health, safety, and welfare of the public.
    - f. Semi-permanent markings will delineate the corners of the sidewalk café area, as illustrated in the approved site plan required for permit.
    - g. Outdoor furniture will not be easily wind borne i.e. plastic tables/chairs, lawn chairs, lightweight wicker.
    - h. Applicant shall secure tables and chairs nightly.

5. **Liability and Insurance.** By obtaining a Sidewalk Café Permit, the applicant agrees to indemnify, defend, save and hold harmless the City, its officers and employees, from any and all claims, liability, lawsuits, damages, and causes of action, which may arise out of the permit or the permittee's activity at the sidewalk café. Permittee shall provide commercial liability insurance in the amount of at least One Million Dollars (\$1,000,000.00) per occurrence and name the City of Onalaska as additional insured and show how the coverage extends to the area used for the sidewalk café. Applicant shall execute an indemnification agreement approved by the City Attorney and submit an original certificate of insurance as required in the application prior to operation of the sidewalk café.
6. **Revocation of Suspension.** The approval of a Sidewalk Café Permit is conditional at all times. The City Administrator, Chief of Police, Zoning Administrator, Public Works Director or their designees may temporarily order the termination of sidewalk cafes' at any time. Issuance of this permit under this ordinance is a privilege, not a right, to use the public right of way.
7. **Appeal.** A revocation, suspension, or denial of a permit may be appealed by the applicant or permit holder to the Common Council or designated Committee of the Council, which shall hold a hearing and either grant, grant with conditions, or deny the permit. The permit holder or applicant shall be notified and shall have the right to be heard prior to a decision.
8. **Penalty.** The penalty for violation of this section shall be a forfeiture of not less than Fifty Dollars (\$50.00) or more than Two Hundred Dollars (\$200.00) per day for each violation, together with the costs of prosecution.

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

CITY OF ONALASKA

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

By: \_\_\_\_\_  
JoAnn Marcon, Clerk

PASSED:  
APPROVED:  
PUBLISHED:

**FISCAL IMPACT OF ORDINANCE 1679-2020**

Café Sidewalk Seating

Please route in this order

Eric Rindfleisch, Administrator

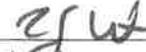
  
\_\_\_\_\_  
(signature)

No Fiscal Impact

Budgeted Item

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

Jarrold Holter, City Engineer

  
\_\_\_\_\_  
(signature)

No Fiscal Impact

Budgeted Item

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

Charles Ashbeck, Chief of Police

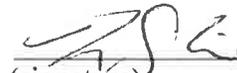
  
\_\_\_\_\_  
(signature)

No Fiscal Impact

Budgeted Item

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

Troy Gudie, Interim Fire Chief

  
\_\_\_\_\_  
(signature)

No Fiscal Impact

Budgeted Item

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

Dan Wick, Parks & Rec Director

  
\_\_\_\_\_  
(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.



**RESOLUTION NO. 34-2020**

**A RESOLUTION TO DISSOLVE THE ONALASKA ARTS COMMISSION**

WHEREAS, the City of Onalaska Art Commission was formed by Resolution 28-19 and

WHEREAS, the purpose of the Arts Commission was to serve as liaison between the City and local interest in Arts projects; and

WHEREAS, there is interest in establishing a less formal group of Friends of the Arts which would have a greater community reach and allow a larger member base; and

WHEREAS, the Onalaska Arts Commission feels that their needs would be met through a less formalized structure;

THEREFORE, BE IT RESOLVED, by the Common Council of the City of Onalaska that the Onalaska Arts Commission shall be dissolved.

**CITY OF ONALASKA**

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

\_\_\_\_\_  
JoAnn Marcon, City Clerk

Passed:  
Approved:  
Published:



#11-A

**RESOLUTION NO. 36-2020**

**RESOLUTION TO REDUCE SETBACK REQUIREMENTS FOR  
PARCEL 18-4962-0 IN TOWNSHIP 16, RANGE 7, SECTION 2**

**WHEREAS**, Parcel No. 18-4962-0 is a residential parcel located within the County Club Villas Plat, a re-platted portion of the Country Club Estates, said re-plat having been recorded in volume 21, page 581 as document no. 1144102 with the La Crosse County Register of Deeds; and

**WHEREAS**, the plat in question has defined setbacks as follows: Side Setback (North) 12 feet, Rear Setback (East) 47.10 feet on the northern corner and 92.12 feet on the southern corner, street setback and side setback on the West as shown in the buildable area on the Plat.

**WHEREAS**, the property owners of Parcel No. 18-4962-0 in Township 16, Range 7, Section 2 have requested a reduction from the original platted setbacks for purposes of constructing a deck with the proposed setbacks as shown on Exhibit A and

**WHEREAS**, the property owners sought and received approval from the Country Club Estates Neighborhood Association and Country Club Villas Homeowners Association with respect to the reduced setbacks to allow for construction of a deck as shown on the map attached hereto as Exhibit A; and

**WHEREAS**, the Plan Commission recommends approval of the reduction in setback for the construction of the deck on this parcel provided the property owner follows six conditions.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Onalaska Common Council reduces the original platted setback for the limited purposes of constructing a deck to the setbacks as shown on Exhibit A for Parcel No. 18-4962-0 located at 704 Country Club Lane, Onalaska WI 54650 subject to the following conditions:

1. Provide written approval by the Country Club Estates Architectural Review Committee and Country Club Villas Homeowners Association for approval of the proposed project prior to issuance of a Building Permit.
2. Provide a fee of \$30.00 made payable to the La Crosse County Register of Deeds to record the associated Resolution (considered by the Common Council if approved) prior to obtaining a Building Permit.
3. Obtain a Building Permit for the deck and pay a double fee for construction without a permit from the Inspection Department.
4. Owner/developer shall pay all fees and have all plans reviewed and approved by the City prior to obtaining a building permit. Owner/developer must have all conditions satisfied and improvements installed per approved plans prior to issuance of occupancy permits.
5. All conditions run with the land and are binding upon the original developer and all heirs, successors and assigns. The sale or transfer of all or any portion of the property does not relieve the original developer from payment of any fees imposed or from meeting any other conditions.
6. Any omissions of any conditions not listed in Plan Commission Minutes shall not release the property owner/developer from abiding by the City's Unified Development Code requirements.

# SITE PLAN

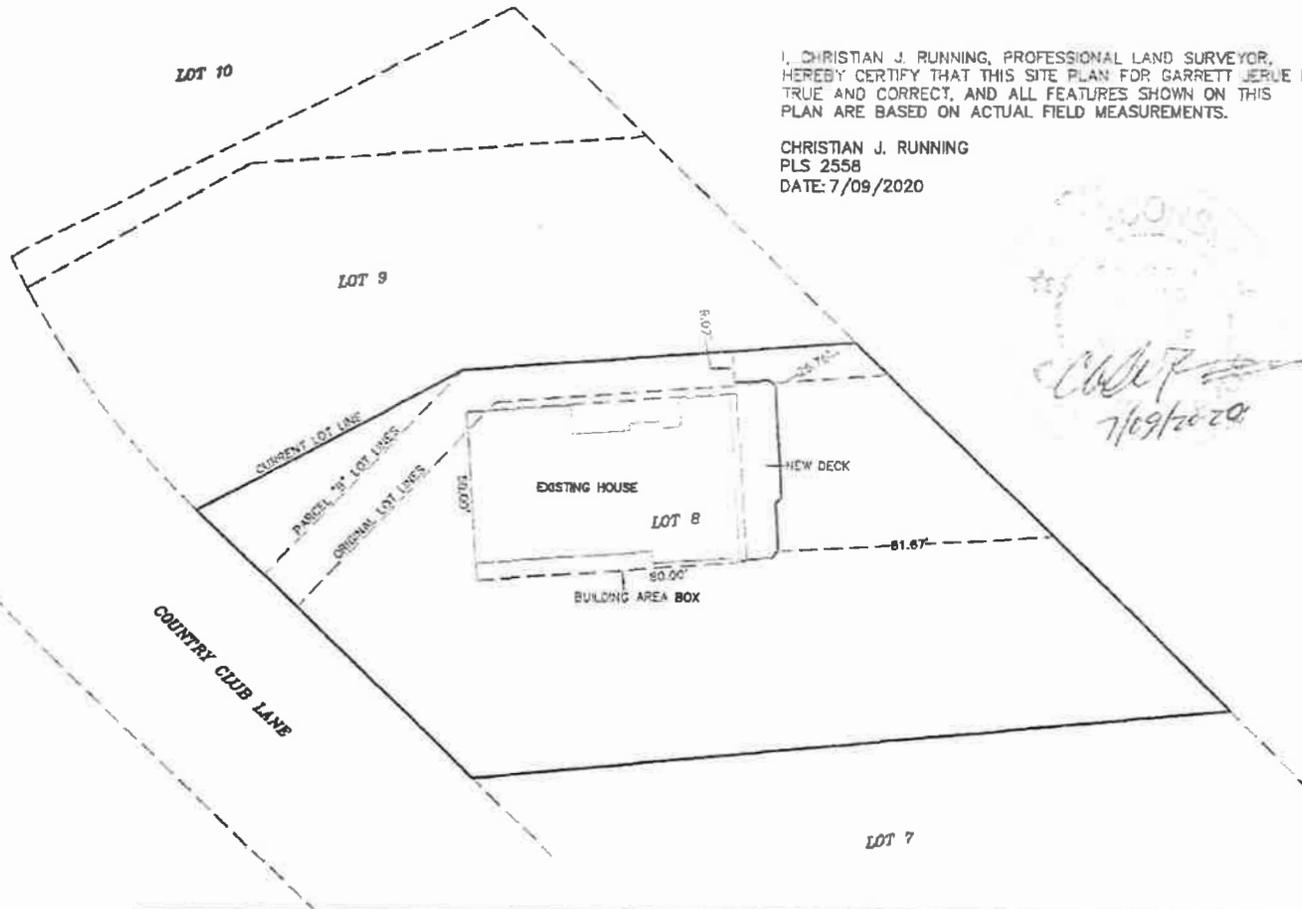
LOT 8 AND PART OF LOT 9 OF COUNTRY CLUB VILLAS, CITY OF ONALASKA,  
LACROSSE COUNTY, WISCONSIN.



I, CHRISTIAN J. RUNNING, PROFESSIONAL LAND SURVEYOR,  
HEREBY CERTIFY THAT THIS SITE PLAN FOR GARRETT JERLE IS  
TRUE AND CORRECT, AND ALL FEATURES SHOWN ON THIS  
PLAN ARE BASED ON ACTUAL FIELD MEASUREMENTS.

CHRISTIAN J. RUNNING  
PLS 2558  
DATE: 7/09/2020

*Handwritten signature and date:*  
CJR  
7/09/2020





#11-B

August 11, 2020 (DRAFT)

Project Plan

# Tax Incremental District No. 6

## City of Onalaska, Wisconsin

DRAFT

Organizational Joint Review Board Meeting Held:	Scheduled for August 25, 2020
Public Hearing Held:	Scheduled for August 25, 2020
Approval by Plan Commission:	Scheduled for August 25, 2020
Adoption by Common Council:	Scheduled for September 8, 2020
Approval by the Joint Review Board:	Scheduled for: TBD

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# SECTION 1:

## Executive Summary

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### Description of District

Tax Incremental District (“TID”) No. 6 (“District”) is a proposed Mixed-Use District comprising approximately 127 acres. The District will be created to pay the costs of various street improvements, and sewer, water, and stormwater utilities needed (“Project”) to support new residential and commercial development.

### Authority

The City is creating the District under the provisions of Wis. Stat. § 66.1105.

### Estimated Total Project Cost Expenditures

The City anticipates making total expenditures of approximately \$5,725,000 (“Project Costs”) to undertake the projects listed in this Project Plan (“Plan”). Project Costs include streetlights and engineering services; traffic roundabout; sewer, water, and stormwater utilities; and a temporary roadway to service the District.

### Incremental Valuation

The City projects that new land and improvements value of approximately \$62,600,000 will result from the Project. Creation of this additional value will be made possible by the Project Costs made within the District. A table detailing assumption’s as to the development timing and associated values is included in the Economic Feasibility Study located within this Plan.

### Expected Termination of District

Based on the Economic Feasibility Study located within Section 9 of this Plan, the City anticipates that the District will generate sufficient tax increment to pay all Project Costs within its allowable 20 years.

### Summary of Findings

As required by Wis. Stat. § 66.1105, and as documented in this Plan and the exhibits contained and referenced herein, the following findings are made:

- ✓ That “but for” the creation of this District, the development projected to occur as detailed in this Plan: 1) would not occur; or 2) would not occur in the manner, at the values, or within the timeframe desired by the City. In reaching this determination, the City has considered:

The substantial investment needed to provide the public infrastructure necessary to allow for development within the District. Absent the use of tax

incremental financing, the City is unable to fully fund this program of infrastructure improvements.

- ✓ The economic benefits of the District, as measured by increased employment, business and personal income, and property value, are sufficient to compensate for the cost of the improvements. In making this determination, the City has considered the following information:

That the Developer is likely to purchase goods and services from local suppliers in construction of the Project, and induced effects of employee households spending locally for goods and services from retailers, restaurants and service companies.

- ✓ The benefits of the proposal outweigh the anticipated tax increments to be paid by the owners of property in the overlying taxing jurisdictions. As required by Wis. Stat. § 66.1105(4)(i)4., a calculation of the share of projected tax increments estimated to be paid by the owners of property in the overlying taxing jurisdictions has been prepared and can be found in this Plan. However, because the Project would not occur without the use of tax incremental financing, these tax increments would not be paid but for creation of the District. Accordingly, the City finds that the benefits expected to be realized as set forth in this Plan outweigh the value of the tax increments to be invested in the Project.
- ✓ Not less than 50% by area of the real property within the District is suitable for mixed use development as defined by Wis. Stat. § 66.1105(2)(cm). Lands proposed for newly-platted residential development comprise no more than 35% of the real property area within the District. Costs related to newly-platted residential development may be incurred based on the proposed development having a density of at least three (3) units per acre as defined in Wis. Stat. § 66.1105(2)(f)3.a.
- ✓ Based on the foregoing finding, the District is designated as a mixed-use district.
- ✓ The Project Costs relate directly to promoting mixed use development in the District, consistent with the purpose for which the District is created.
- ✓ Improvements to be made in the District are likely to significantly enhance the value of substantially all of the other real property in the District.
- ✓ The equalized value of taxable property in the District, plus the incremental value of all existing tax incremental districts within the City does not exceed 12% of the total equalized value of taxable property within the City.

- ✓ The City estimates that less than 35% of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wis. Stat. § 66.1105(5)(b).
- ✓ That there are no parcels to be included within the District that were annexed by the City within the preceding three-year period.

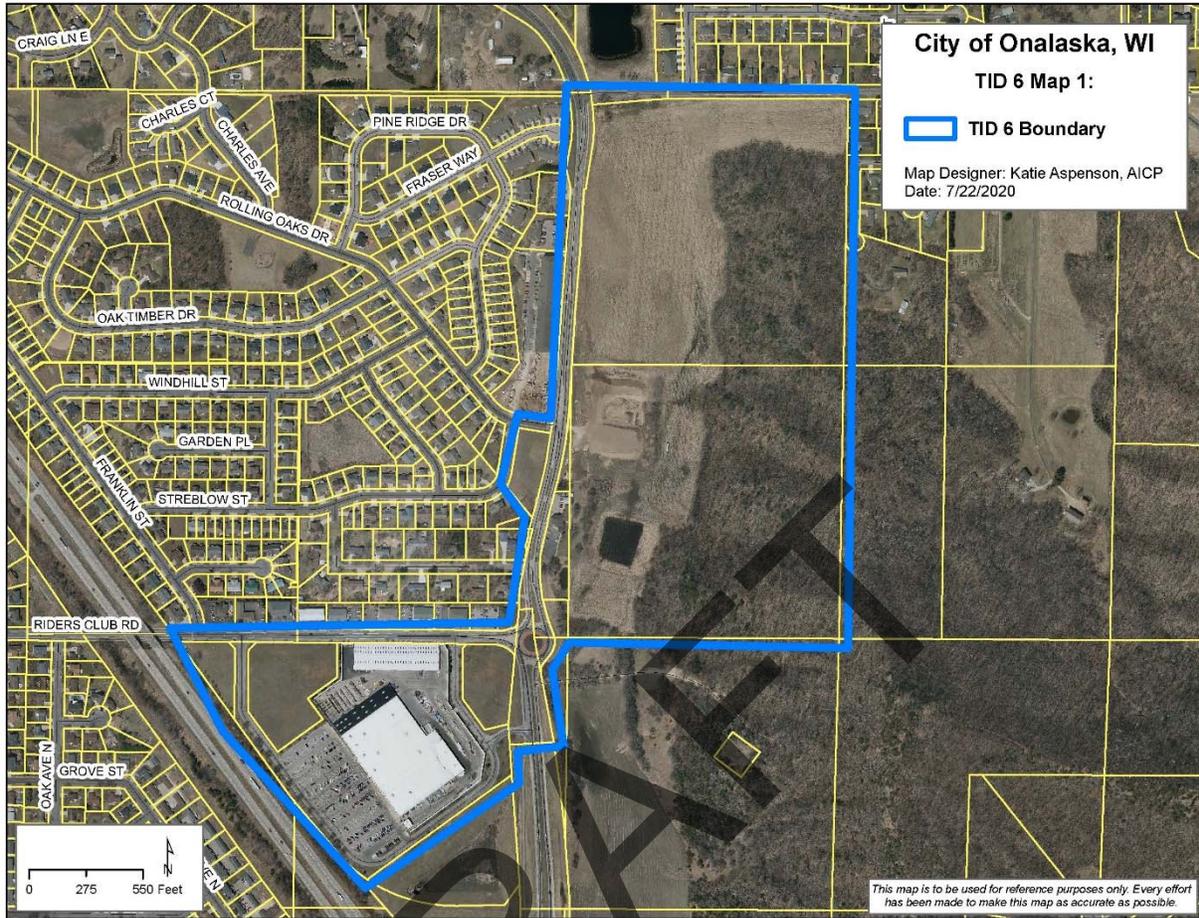
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**SECTION 2:**  
**Preliminary Map of Proposed District Boundary**

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Map Found on Following Page.

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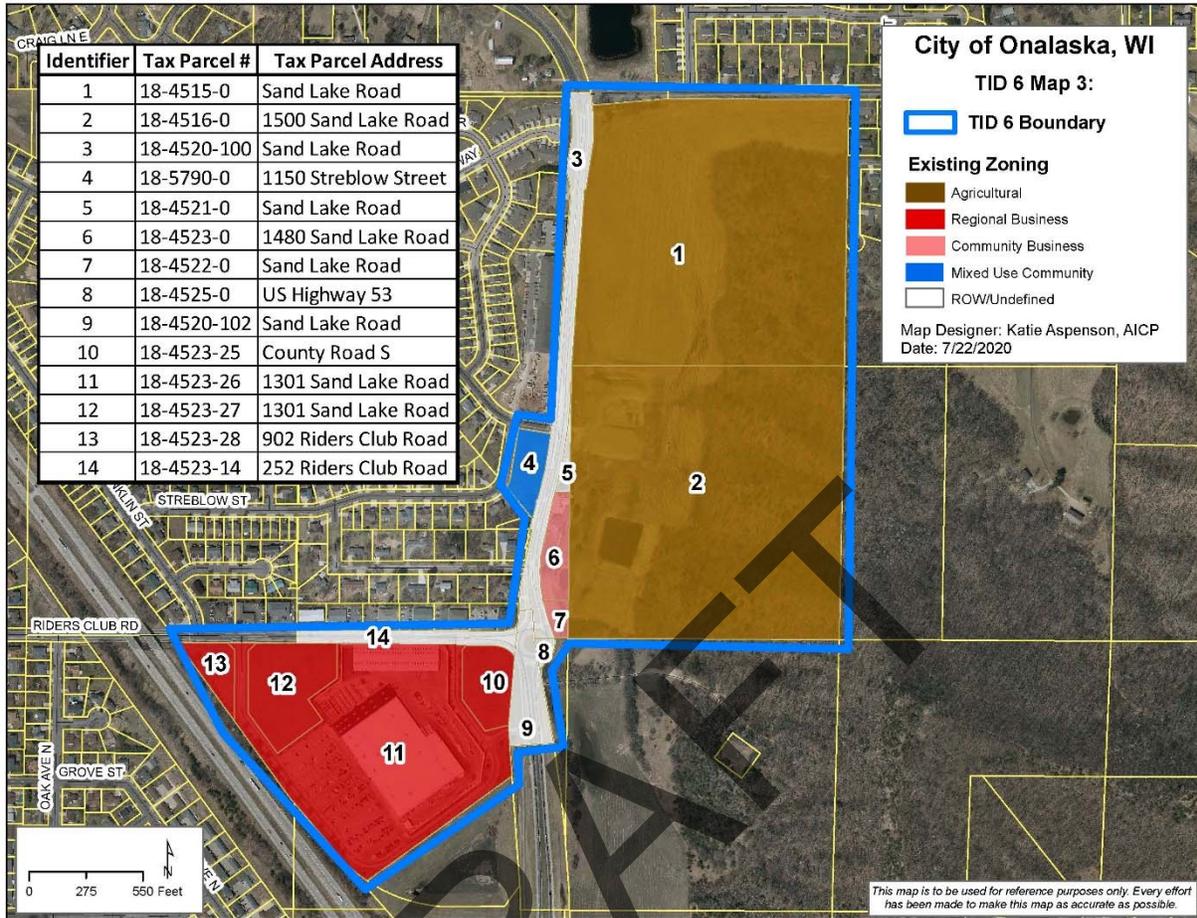


**SECTION 3:**  
**Map Showing Existing Uses and Conditions**

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Map Found on Following Page.

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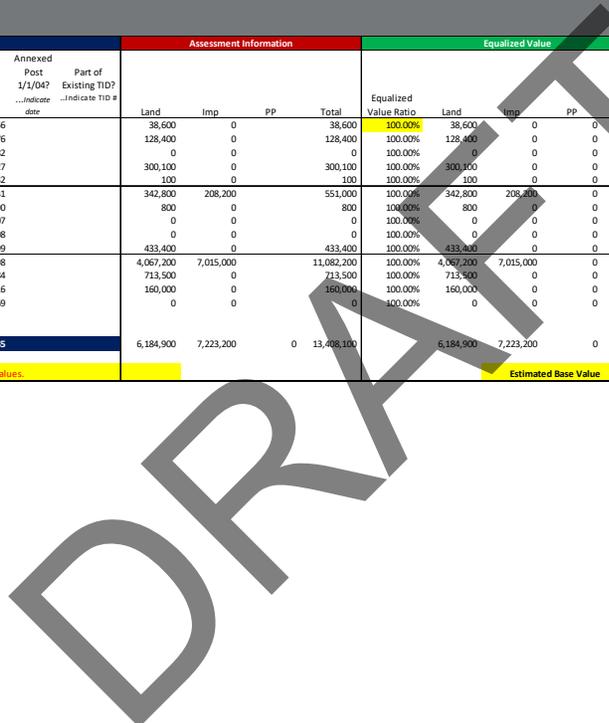


# SECTION 4: Preliminary Parcel List and Analysis

City of Onalaska, WI  
Tax Increment District # 6  
Base Property Information

Property Information						Assessment Information				Equalized Value				District Classification					District Classification						
Map Ref #	Parcel Number	Street Address	Owner	Acreage	Annexed Post 1/1/04? Part of Existing TID? ...Indicate ...Indicate TID #	Land	Imp	PP	Total	Equalized Value Ratio	Land	Imp	PP	Total	Industrial (Zoned and Suitable)	Commercial/ Business	Existing Residential	Newly Platted Residential	Agricultural	Institutional/ Other	Suitable for Mixed Use	Blighted	Rehab/ Conservation	Vacant	
1	18-4515-0	SAND LAKE ROAD	ELMWOOD PARTNERS LIMITED PARTNERSHIP	37.56		38,600	0		38,600	100.00%	38,600	0	0	38,600						37.56				37.56	
2	18-4516-0	1500 SAND LAKE RD	ELMWOOD PARTNERS LIMITED PARTNERSHIP	39.76		128,400	0		128,400	100.00%	128,400	0	0	128,400						39.76				39.76	
3	18-4520-100	SAND LAKE ROAD	CITY OF ONALASKA	4.82		0	0		0	100.00%	0	0	0	0						4.82				4.82	
4	18-5790-0	1150 STREBLOW ST	JKS HOLDINGS LLC	1.27		300,100	0		300,100	100.00%	300,100	0	0	300,100			1.27							1.27	
5	18-4523-0	SAND LAKE ROAD	ELMWOOD PARTNERS LIMITED PARTNERSHIP	0.32		100	0		100	100.00%	100	0	0	100			0.32							0.32	
6	15-4523-0	1480 SAND LAKE ROAD	SLVC PROPERTY LLC; C/O VCA ANTECH INC.	1.41		342,800	208,200		551,000	100.00%	342,800	208,200	0	551,000				1.41							1.41
7	18-4522-0	SAND LAKE ROAD	THOMAS J RICHTER TRUST; JANE A. RICHTER TRUST	3.90		800	0		800	100.00%	800	0	0	800		3.9									3.90
8	18-4525-0	US HIGHWAY 53	STATE OF WISCONSIN DOT	7.07		0	0		0	100.00%	0	0	0	0						7.07				7.07	
9	18-4520-102	SAND LAKE ROAD	CITY OF ONALASKA	2.08		0	0		0	100.00%	0	0	0	0						2.08				2.08	
10	18-4523-25	COUNTY ROAD S	MENARD INC	1.99		433,400	0		433,400	100.00%	433,400	0	0	433,400			1.99								1.99
11	18-4523-26	1301 SAND LAKE ROAD; 902 RIDERS MENARD INC	MENARD INC	19.98		4,067,200	7,015,000		11,082,200	100.00%	4,067,200	7,015,000	0	11,082,200			19.98								19.98
12	18-4523-27	1301 SAND LAKE ROAD	MENARD INC	3.84		713,500	0		713,500	100.00%	713,500	0	0	713,500			3.84								3.84
13	18-4523-28	902 RIDERS CLUB ROAD	MENARD INC	1.16		160,000	0		160,000	100.00%	160,000	0	0	160,000			1.16								1.16
14	18-4523-14	252 RIDERS CLUB ROAD	CITY OF ONALASKA	1.69		0	0		0	100.00%	0	0	0	0						1.69				1.69	
				<b>Total Acreage</b>	<b>126.85</b>	<b>6,184,900</b>	<b>7,223,200</b>	<b>0</b>	<b>13,408,100</b>		<b>6,184,900</b>	<b>7,223,200</b>	<b>0</b>	<b>13,408,100</b>	<b>0.00%</b>	<b>26.70%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>77.32%</b>	<b>15.66%</b>	<b>126.85</b>	<b>100.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>71.90%</b>
														<b>Estimated Base Value</b>					<b>13,408,100</b>						

The above values are as of January 1, 2019. Actual base value certification of the territory will be based on January 1, 2020 assessed values.



## SECTION 5:

### Equalized Value Test

The following calculations demonstrate that the City expects to be in compliance with Wis. Stat. § 66.1105(4)(gm)4.c., which requires that the equalized value of the taxable property in the proposed District, plus the value increment of all existing tax incremental districts, does not exceed 12% of the total equalized value of taxable property within the City.

The equalized value of the increment of existing tax incremental districts within the City, plus the base value of the proposed District, totals \$16,523,400. This value is less than the maximum of \$260,295,780 in equalized value that is permitted for the City.

City of Onalaska, WI				
Tax Increment District # 6				
Valuation Test Compliance Calculation				
District Creation Date	9/1/2020			
	Valuation Data	Dollar	Percent	Valuation Data
	Currently Available	Charge	Change	Est. Creation Date
	2020			
Total EV (TID In)	2,169,131,500			2,169,131,500
12% Test	260,295,780			260,295,780
Increment of Existing TIDs				
TID #5	3,115,300			3,115,300
				0
				0
				0
				0
				0
Total Existing Increment	3,115,300			3,115,300
Projected Base of New or Amended District	13,408,100			13,408,100
Less Value of Any Underlying TID Parcels	0			0
Total Value Subject to 12% Test	16,523,400			16,523,400
Compliance	PASS			PASS

## **SECTION 6: Statement Listing the Kind, Number and Location of All Proposed Public Works or Improvements Within the District**

---

Project Costs are any expenditure made, estimated to be made, or monetary obligations incurred or estimated to be incurred as outlined in this Plan. Project Costs will be diminished by any income, special assessments or other revenues, including user fees or charges, other than tax increments, received or reasonably expected to be received in connection with the implementation of the Plan. If Project Costs incurred benefit territory outside the District, a proportionate share of the cost is not a Project Cost. Costs identified in this Plan are preliminary estimates made prior to design considerations and are subject to change after planning, design and construction is completed.

With all Project Costs, the costs of engineering, design, survey, inspection, materials, construction, restoring property to its original condition, apparatus necessary for public works, legal and other consultant fees, testing, environmental studies, permits, updating City ordinances and plans, judgments or claims for damages and other expenses are included as Project Costs.

The following is a list of public works and other tax incremental financing eligible Project Costs that the City expects to make, or may need to make, in conjunction with the implementation of the District's Plan. The map found in Section 7 of this Plan along with the Detailed List of Project Costs found in Section 8 provide additional information as to the kind, number and location of potential Project Costs.

### **Property, Right-of-Way and Easement Acquisition**

#### **Property Acquisition for Development**

To promote and facilitate development the City may acquire property within the District. The cost of property acquired, and any costs associated with the transaction, are eligible Project Costs. Following acquisition, other Project Costs within the categories detailed in this Section may be incurred to make the property suitable for development. Any revenue received by the City from the sale of property acquired pursuant to the execution of this Plan will be used to reduce the total project costs of the District. If total Project Costs incurred by the City to acquire property and make it suitable for development exceed the revenues or other consideration received from the sale or lease of that property, the net amount shall be considered "real property assembly costs" as

defined in Wis. Stat. § 66.1105(2)(f)1.c., and subject to recovery as an eligible Project Cost.

### **Property Acquisition for Conservancy**

To promote the objectives of this Plan, the City may acquire property within the District that it will designate for conservancy. These conservancy objectives include: preserving historic resources or sensitive natural features; protection of scenic and historic views; maintaining habitat for wildlife; maintaining adequate open space; reduction of erosion and sedimentation by preserving existing vegetation; and providing adequate areas for management of stormwater. The cost of property acquired for conservancy, and any costs associated with the transaction, are eligible Project Costs.

### **Acquisition of Rights-of-Way**

The City may need to acquire property to allow for installation of streets, driveways, sidewalks, utilities, stormwater management practices and other public infrastructure. Costs incurred by the City to identify, negotiate and acquire rights-of-way are eligible Project Costs.

### **Acquisition of Easements**

The City may need to acquire temporary or permanent easements to allow for installation and maintenance of streets, driveways, sidewalks, utilities, stormwater management practices and other public infrastructure. Costs incurred by the City to identify, negotiate and acquire easement rights are eligible Project Costs.

### **Relocation Costs**

If relocation expenses are incurred in conjunction with the acquisition of property, those expenses are eligible Project Costs. These costs may include, but are not limited to: preparation of a relocation plan; allocations of staff time; legal fees; publication of notices; obtaining appraisals; and payment of relocation benefits as required by Wis. Stat. Chapter 32 and Wis. Admin. Code ADM 92.

## **Site Preparation Activities**

### **Environmental Audits and Remediation**

If it becomes necessary to evaluate any land or improvement within the District, any cost incurred by the City related to environmental audits, testing, and remediation are eligible Project Costs.

### **Demolition**

To make sites suitable for development, the City may incur costs related to demolition and removal of structures or other land improvements, to include abandonment of wells or other existing utility services.

### **Site Grading**

Land within the District may require grading to make it suitable for development, to provide access, and to control stormwater runoff. The City may need to remove and dispose of excess material, or bring in fill material to provide for proper site elevations. Expenses incurred by the City for site grading are eligible Project Costs.

## **Utilities**

### **Sanitary Sewer System Improvements**

To allow development to occur, the City may need to construct, alter, rebuild or expand sanitary sewer infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding or expansion of: collection mains; manholes and cleanouts; service laterals; force mains; interceptor sewers; pumping stations; lift stations; wastewater treatment facilities; and all related appurtenances. To the extent sanitary sewer projects undertaken within the District provide direct benefit to land outside of the District, the City will make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the City construct, alter, rebuild or expand sanitary sewer infrastructure located outside of the District. That portion of the costs of sanitary sewer system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs. The improvements to the wastewater treatment facilities, although not within the ½ mile radius, is an eligible project cost under Wis. Stat. § 66.1105(2)(f)1 k.

### **Water System Improvements**

To allow development to occur, the City may need to construct, alter, rebuild or expand water system infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding or expansion of: distribution mains; manholes and valves; hydrants; service laterals; pumping stations; wells; water treatment facilities; storage tanks and reservoirs; and all related appurtenances. To the extent water system projects undertaken within the District provide direct benefit to land outside of the District, the City will make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the

implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the City construct, alter, rebuild or expand water system infrastructure located outside of the District. That portion of the costs of water system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs.

### **Stormwater Management System Improvements**

Development within the District will cause stormwater runoff. To manage this stormwater runoff, the City may need to construct, alter, rebuild or expand stormwater management infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding or expansion of: stormwater collection mains; inlets, manholes and valves; service laterals; ditches; culvert pipes; box culverts; bridges; stabilization of stream and river banks; and infiltration, filtration and detention Best Management Practices (BMP's). To the extent stormwater management system projects undertaken within the District provide direct benefit to land outside of the District, the City will make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the City construct, alter, rebuild or expand stormwater management infrastructure located outside of the District. That portion of the costs of stormwater management system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs.

### **Electric Service**

To create sites suitable for development, the City may incur costs to provide, relocate or upgrade electric services. Relocation may require abandonment and removal of existing poles or towers, installation of new poles or towers, or burying of overhead electric lines. Costs incurred by the City to undertake this work are eligible Project Costs.

### **Gas Service**

To create sites suitable for development, the City may incur costs to provide, relocate or upgrade gas mains and services. Costs incurred by the City to undertake this work are eligible Project Costs.

### **Communications Infrastructure**

To create sites suitable for development, the City may incur costs to provide, relocate or upgrade infrastructure required for voice and data communications, including, but not limited to: telephone lines, cable lines and fiber optic cable. Costs incurred by the City to undertake this work are eligible Project Costs.

## **Streets and Streetscape**

### **Street Improvements**

To allow development to occur, the City may need to construct or reconstruct streets, highways, alleys, access drives and parking areas. Eligible Project Costs include, but are not limited to: excavation; removal or placement of fill; construction of road base; asphalt or concrete paving or repaving; installation of curb and gutter; installation of sidewalks and bicycle lanes; installation of culverts, box culverts and bridges; rail crossings and signals; utility relocation, to include burying overhead utility lines; street lighting; installation of traffic control signage and traffic signals; pavement marking; right-of-way restoration; installation of retaining walls; and installation of fences, berms, and landscaping.

### **Streetscaping and Landscaping**

To attract development consistent with the objectives of this Plan, the City may install amenities to enhance development sites, rights-of-way and other public spaces. These amenities include, but are not limited to: landscaping; lighting of streets, sidewalks, parking areas and public areas; installation of planters, benches, clocks, tree rings, trash receptacles and similar items; and installation of brick or other decorative walks, terraces and street crossings. These and any other similar amenities installed by the City are eligible Project Costs.

## **Community Development**

### **Cash Grants (Development Incentives)**

The City may enter into agreements with property owners, lessees, or developers of land located within the District for sharing costs to encourage the desired kind of improvements and assure tax base is generated sufficient to recover Project Costs. No cash grants will be provided until the City executes a developer agreement with the recipient of the cash grant. Any payments of cash grants made by the City are eligible Project Costs.

### **Contribution to Community Development Authority (CDA)**

As provided for in Wis. Stat. § 66.1105(2)(f)1.h and Wis. Stat. § 66.1333(13), the City may provide funds to its CDA to be used for administration, planning operations, and capital costs, including but not limited to real property acquisition, related to the purposes for which it was established in furtherance

of any redevelopment or urban renewal project. Funds provided to the CDA for this purpose are eligible Project Costs.

### **Revolving Loan/Grant Program (Development Incentives)**

To encourage private development consistent with the objectives of this Plan, the City, through its CDA, may provide loans or grants to eligible property owners in the District. Eligible improvements will be those that are likely to improve the value of the property, enhance the visual appearance of the property and surrounding area, correct safety deficiencies, or as otherwise specified by the CDA in the program manual. Any funds returned to the CDA from the repayment of loans made are not considered revenues to the District, and will not be used to offset District Project Costs. Instead, these funds may be placed into a revolving fund and will continue to be used for the program purposes stated above. Any funds provided to the CDA for purposes of implementing this program are considered eligible Project Costs.

### **Miscellaneous**

#### **Rail Spur**

To allow for development, the City may incur costs for installation of a rail spur or other railway improvements to serve development sites located within the District.

#### **Projects Outside the Tax Increment District**

Pursuant to Wis. Stat. § 66.1105(2)(f)1.n, the City may undertake projects within territory located within one-half mile of the boundary of the District provided that: 1) the project area is located within the City's corporate boundaries; and 2) the projects are approved by the Joint Review Board. The cost of projects completed outside the District pursuant to this section are eligible project costs, and may include any project cost that would otherwise be eligible if undertaken within the District. **The City expects the stormwater improvements and the traffic roundabout will be constructed partially or entirely outside the boundaries of proposed Tax Increment District No. 6.**

#### **Professional Service and Organizational Costs**

The costs of professional services rendered, and other costs incurred, in relation to the creation, administration and termination of the District, and the undertaking of the projects contained within this Plan, are eligible Project Costs. Professional services include but are not limited to: architectural; environmental; planning; engineering; legal; audit; financial; and the costs of informing the public with respect to the creation of the District and the implementation of the Plan.

**Administrative Costs**

The City may charge to the District as eligible Project Costs reasonable allocations of administrative costs, including, but not limited to, employee salaries. Costs allocated will bear a direct connection to the time spent by City employees relating to the implementation of the Plan.

**Financing Costs**

Interest expense, debt issuance expenses, redemption premiums, and any other fees and costs incurred in conjunction with obtaining financing for projects undertaken under this Plan are eligible Project Costs.

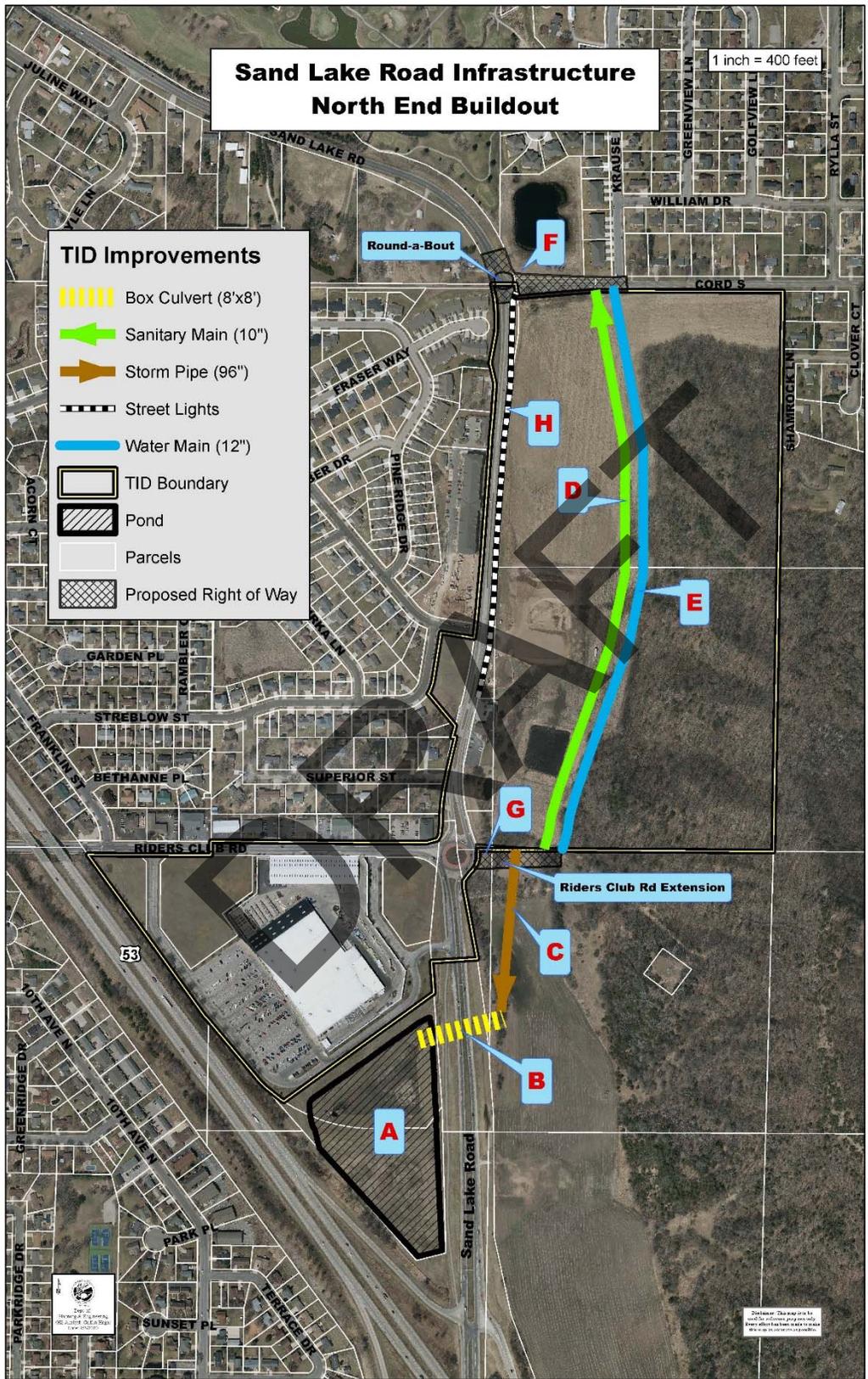
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**SECTION 7:**  
**Map Showing Proposed Improvements and Uses**

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Map Found on Following Page.

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## SECTION 8: Detailed List of Estimated Project Costs

The following list identifies the Project Costs that the City currently expects to incur in implementing the District’s Plan. All projects identified and related costs reflect the best estimates available as of the date of preparation of this Plan. All costs are preliminary estimates and may increase or decrease. Certain Project Costs listed may become unnecessary, and other Project Costs not currently identified may need to be made. (Section 6 details the general categories of eligible Project Costs). Changes in Project Cost totals or the types of Project Costs to be incurred will not require that this Plan be amended. This Plan is not meant to be a budget nor an appropriation of funds for specific Project Costs, but a framework within which to manage Project Costs.

City of Onalaska, WI						
Tax Increment District # 6						
Estimated Project List						
Project ID	Project Name/Type	Phase I 2022	Phase II 2025	Phase III 2027	Phase IV 2030	Total (Note 1)
	1 Streetlights and Engineering	355,000				355,000
	2 Roundabout		1,807,500			1,807,500
	3 Sewer, Water, Stormwater utilities			3,153,750		3,153,750
	4 Temporary Roadway				400,000	400,000
						0
	<b>Total Projects</b>	<b>355,000</b>	<b>1,807,500</b>	<b>3,153,750</b>	<b>400,000</b>	<b>5,716,250</b>
Notes:						
Note 1 Project costs are estimates and are subject to modification						

## **SECTION 9: Economic Feasibility Study, Description of the Methods of Financing Estimated Project Costs and the Time When Related Costs or Monetary Obligations are to be Incurred**

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This Section includes a forecast of the valuation increases expected within the District, the associated tax increment collections, a summary of how Project Costs would be financed, and a projected cash flow demonstrating that the District is economically feasible.

### **Key Assumptions**

The Project Costs the City plans to make are expected to create \$62,600,000 million in incremental value by 2034. Estimated valuations and timing for construction of the Project are included in **Table 1**. Assuming the City's current equalized TID Interim tax rate of \$19.72 per thousand of equalized value, and no economic appreciation or depreciation, the Project would generate \$15,427,693 in incremental tax revenue over the 20-year term of the District as shown in Table 2.

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**Table 1 - Development Assumptions**

City of Onalaska, WI									
Tax Increment District # 6									
Development Assumptions									
Construction Year		Actual	Area A	Area B	Area C	Area D	Annual Total	Construction Year	
1	2020						0	2020	1
2	2021						0	2021	2
3	2022		3,500,000	1,600,000	8,000,000		13,100,000	2022	3
4	2023						0	2023	4
5	2024				8,000,000		8,000,000	2024	5
6	2025				8,000,000		8,000,000	2025	6
7	2026						0	2026	7
8	2027				8,000,000	8,500,000	16,500,000	2027	8
9	2028						0	2028	9
10	2029						0	2029	10
11	2030					8,500,000	8,500,000	2030	11
12	2031						0	2031	12
13	2032					8,500,000	8,500,000	2032	13
14	2033						0	2033	14
15	2034						0	2034	15
16	2035						0	2035	16
17	2036						0	2036	17
18	2037						0	2037	18
19	2038						0	2038	19
20	2039						0	2039	20
Totals		0	3,500,000	1,600,000	32,000,000	25,500,000	62,600,000		

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**Table 2 – Tax Increment Projection Worksheet**

City of Onalaska, WI										
Tax Increment District # 6										
Tax Increment Projection Worksheet										
Type of District	Mixed Use		Base Value	13,408,100						
District Creation Date	September 1, 2020		Appreciation Factor	0.00%		Apply to Base Value				
Valuation Date	Jan 1,	2020	Base Tax Rate	\$19.72						
Max Life (Years)	20		Rate Adjustment Factor							
Expenditure Period/Termination	15	9/1/2035	Tax Exempt Discount Rate							
Revenue Periods/Final Year	20	2041	Taxable Discount Rate	0.00%						
Extension Eligibility/Years	Yes	3								
Eligible Recipient District	No									

Construction Year	Valuation Year	Inflation Increment	Total Increment	Revenue Year	Tax Rate	Tax Increment	Tax Exempt		
							NPV Calculation	Taxable NPV Calculation	
1 2020	0	2021	0	0	2022	\$19.72	0	0	
2 2021	0	2022	0	0	2023	\$19.72	0	0	
3 2022	13,100,000	2023	0	13,100,000	2024	\$19.72	258,344	258,344	
4 2023	0	2024	0	13,100,000	2025	\$19.72	258,344	516,689	
5 2024	8,000,000	2025	0	21,100,000	2026	\$19.72	416,112	932,801	
6 2025	8,000,000	2026	0	29,100,000	2027	\$19.72	573,879	1,506,680	
7 2026	0	2027	0	29,100,000	2028	\$19.72	573,879	2,080,559	
8 2027	16,500,000	2028	0	45,600,000	2029	\$19.72	899,275	2,979,834	
9 2028	0	2029	0	45,600,000	2030	\$19.72	899,275	3,879,109	
10 2029	0	2030	0	45,600,000	2031	\$19.72	899,275	4,778,384	
11 2030	8,500,000	2031	0	54,100,000	2032	\$19.72	1,066,903	5,845,287	
12 2031	0	2032	0	54,100,000	2033	\$19.72	1,066,903	6,912,190	
13 2032	8,500,000	2033	0	62,600,000	2034	\$19.72	1,234,531	8,146,721	
14 2033	0	2034	0	62,600,000	2035	\$19.72	1,234,531	9,381,252	
15 2034	0	2035	0	62,600,000	2036	\$19.72	1,234,531	10,615,783	
16 2035	0	2036	0	62,600,000	2037	\$19.72	1,234,531	11,850,314	
17 2036	0	2037	0	62,600,000	2038	\$19.72	1,234,531	13,084,845	
18 2037	0	2038	0	62,600,000	2039	\$19.72	1,234,531	14,319,376	
19 2038	0	2039	0	62,600,000	2040	\$19.72	1,234,531	15,553,907	
20 2039	0	2040	0	62,600,000	2041	\$19.72	1,234,531	16,788,438	
<b>Totals</b>	<b>62,600,000</b>	<b>0</b>	<b>0</b>	<b>Future Value of Increment</b>	<b>16,788,438</b>				

Notes:  
 Actual results will vary depending on development, inflation of overall tax rates.  
 NPV calculations represent estimated amount of funds that could be borrowed (including project cost, capitalized interest and issuance costs).

**Financing and Implementation**

The City expects to allocate approximately \$5.7 million for infrastructure improvements in the District. Beginning in 2022, the City will construct new streetlighting and begin engineering work for infrastructure to be constructed in coming years. The cost of the new streetlights and engineering work is approximately \$355,000 and is projected to be financed through a State Trust Fund Loan issued by the State of Wisconsin Board of Commissioners of Public Lands. In 2025, the City plans to construct a new traffic roundabout in order to improve vehicle flow in the District. The cost of this project is anticipated to be \$1,807,500 and will be financed with a general obligation bond. In 2025, the City will construct new utilities projects in the District including sewers, watermains, and storm sewer infrastructure. The combined cost of these

projects is currently estimated at \$3,153,750 and will be financed through a general obligation bond. Finally, the City will construct a new temporary roadway in 2030. The estimated cost of this project is \$400,000 and is expected to be financed with a State Trust Fund Loan. **Table 3** provides a summary of the District’s financing plan.

**Table 3 - Financing Plan**

City of Onalaska, WI					
Tax Increment District # 6					
Estimated Financing Plan					
	State Trust Fund Loan 2022	G.O. Bond 2025	G.O. Bond 2027	State Trust Fund Loan 2030	Totals
Projects					
Phase I	355,000				355,000
Phase II		1,807,500			1,807,500
Phase III			3,153,750		3,153,750
Phase IV				400,000	400,000
<b>Total Project Funds</b>	<b>355,000</b>	<b>1,807,500</b>	<b>3,153,750</b>	<b>400,000</b>	<b>5,716,250</b>
Estimated Finance Related Expenses					
Municipal Advisor	10,000	18,000	25,000	10,000	
Bond Counsel		10,000	12,500		
Rating Agency Fee		10,000	12,500		
Paying Agent					
Underwriter Discount		12.00	10.00		
Debt Service Reserve		22,440	32,400		
Capitalized Interest					
<b>Total Financing Required</b>	<b>365,000</b>	<b>1,867,940</b>	<b>3,236,150</b>	<b>410,000</b>	
Rounding		2,060	3,850		
<b>Net Issue Size</b>	<b>365,000</b>	<b>1,870,000</b>	<b>3,240,000</b>	<b>410,000</b>	<b>5,885,000</b>

Based on the Project Cost expenditures as included within the cash flow exhibit (Table 4), the District is projected to accumulate sufficient funds by the year 2035 to pay off all Project cost liabilities and obligations. The projected closure is based on the various assumptions noted in this Plan and will vary dependent on actual Project Costs incurred and the actual amount of tax increments collected.

**Table 4 - Cash Flow**

City of Onalaska, WI																					
Tax Increment District # 6																					
Cash Flow Projection																					
Year	Projected Revenues				Expenditures												Balances			Year	
	Tax Increments	Interest Earnings/ (Cost)	Other Revenue	Total Revenues	State Trust Fund Loan 365,000			G.O. Bond 1,870,000			G.O. Bond 3,240,000			State Trust Fund Loan 410,000			Other	Creation & Admin.	Total Expenditures		Annual
				Dated Date: 08/15/21	Dated Date: 09/15/24	Dated Date: 09/15/26	Dated Date: 08/15/29														
				Principal	Est. Rate	Interest	Principal	Est. Rate	Interest	Principal	Est. Rate	Interest	Principal	Est. Rate	Interest						
2020			0													15,000	15,000	(15,000)	(15,000)	5,885,000	2020
2021			0													5,000	5,000	(5,000)	(20,000)	5,885,000	2021
2022	0		0	19,313	4.50%	8,145										5,000	32,458	(32,458)	(52,458)	5,865,687	2022
2023	0		0	11,902	4.50%	15,556										5,000	32,458	(32,458)	(84,915)	5,853,786	2023
2024	258,344		258,344	12,396	4.50%	15,062										5,000	32,458	225,887	140,972	5,841,390	2024
2025	258,344		258,344	12,995	4.50%	14,463	90,000	1.85%	51,016							5,000	173,473	84,871	225,843	5,738,395	2025
2026	416,112		416,112	13,580	4.50%	13,878	95,000	1.90%	47,180							5,000	174,638	241,474	467,317	5,629,815	2026
2027	573,879		573,879	14,191	4.50%	13,267	95,000	1.95%	45,375	175,000	2.10%	93,624				5,000	441,457	132,423	599,740	5,345,624	2027
2028	573,879		573,879	14,795	4.50%	12,663	95,000	2.05%	43,523	185,000	2.15%	85,965				5,000	441,945	131,934	731,674	5,050,829	2028
2029	899,275		899,275	15,495	4.50%	11,962	100,000	2.15%	41,575	190,000	2.20%	81,988				5,000	446,020	453,255	1,184,929	4,745,334	2029
2030	899,275		899,275	16,193	4.50%	11,265	100,000	2.30%	39,425	195,000	2.30%	77,808	35,148	5.50%	11,182	5,000	491,021	408,254	1,593,183	4,398,993	2030
2031	899,275		899,275	16,921	4.50%	10,536	105,000	2.40%	37,125	200,000	2.40%	73,323	25,714	5.50%	20,617	5,000	494,236	405,039	1,998,223	4,051,358	2031
2032	1,066,903		1,066,903	17,656	4.50%	9,802	105,000	2.50%	34,605	200,000	2.55%	68,523	27,075	5.50%	19,255	5,000	486,916	579,987	2,578,210	3,701,627	2032
2033	1,066,903		1,066,903	18,477	4.50%	8,980	110,000	2.60%	31,980	205,000	2.65%	63,423	28,617	5.50%	17,713	5,000	489,191	577,712	3,155,922	3,339,533	2033
2034	1,234,531		1,234,531	19,309	4.50%	8,149	110,000	2.70%	29,120	215,000	2.75%	57,990	30,191	5.50%	16,140	5,000	490,898	743,633	3,899,555	2,965,033	2034
2035	1,234,531		1,234,531	20,178	4.50%	7,280	115,000	2.80%	26,150	220,000	2.85%	52,078	31,852	5.50%	14,479	5,000	492,016	742,515	4,642,070	2,578,004	2035
2036	1,234,531		1,234,531	21,068	4.50%	6,390	115,000	2.85%	22,930	225,000	2.95%	45,808	33,569	5.50%	12,762	5,000	487,526	747,005	5,389,076	2,183,367	2036
2037	1,234,531		1,234,531	22,034	4.50%	5,424	120,000	2.90%	19,653	230,000	3.05%	39,170	35,450	5.50%	10,881	5,000	487,611	746,920	6,135,996	1,775,884	2037
2038	1,234,531		1,234,531	23,025	4.50%	4,432	125,000	3.00%	16,173	240,000	3.10%	32,155	37,399	5.50%	8,931	5,000	492,116	742,415	6,878,411	1,350,459	2038
2039	1,234,531		1,234,531	24,061	4.50%	3,396	125,000	3.10%	12,423	245,000	3.15%	24,715	39,456	5.50%	6,874	5,000	485,926	748,605	7,627,017	916,942	2039
2040	1,234,531		1,234,531	25,138	4.50%	2,320	130,000	3.20%	8,548	255,000	3.25%	16,998	41,614	5.50%	4,717	5,000	489,333	745,198	8,372,214	465,190	2040
2041	1,234,531		1,234,531	26,275	4.50%	1,182	135,000	3.25%	4,388	260,000	3.35%	8,710	43,915	5.50%	2,415	5,000	486,886	747,645	9,119,860	(0)	2041
Total	16,788,438	0	0	16,788,438	365,000	184,151	1,870,000	511,186	3,240,000	822,274	410,000	145,967	0	120,000	7,668,578						Total

Notes: Projected TID Closure

## **SECTION 10:**

### **Annexed Property**

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A tax incremental district cannot include annexed territory unless at least three years have elapsed since the annexation, or certain other requirements are met. None of the property within the proposed District boundary was annexed during the past three years.

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## **SECTION 11: Estimate of Property to Be Devoted to Retail Business**

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Pursuant to Wis. Stat. § 66.1105(5)(b), the City estimates that less than 35% of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period.

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## **SECTION 12: Proposed Changes of Zoning Ordinances, Master Plan, Map, Building Codes and City Ordinances**

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### **Zoning Ordinances**

The proposed Plan is in general conformance with the City's current zoning ordinances. Individual properties may require rezoning at the time of development.

### **Master (Comprehensive) Plan and Map**

The proposed Plan is in general conformance with the City's Comprehensive Plan identifying the area as appropriate for Mixed-Use Development.

### **Building Codes and Ordinances**

Development within the District will be required to conform to State Building Codes and will be subject to the City's permitting and inspection procedures. The proposed Plan conforms to all relevant State and local ordinances, plans, and codes. No changes to the existing regulations are proposed or needed.

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**SECTION 13:**  
**Statement of the Proposed Method for the  
Relocation of any Persons to be Displaced**

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Should implementation of this Plan require relocation of individuals or business operations, relocations will be handled in compliance with Wis. Stat. Chapter 32 and Wis. Admin. Code ADM 92.

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**SECTION 14:**  
**How Creation of the Tax Incremental District  
Promotes the Orderly Development of the City**

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Creation of the District and the implementation of the projects in its Plan will promote the orderly development of the City by creating opportunities for mixed use development and providing necessary public infrastructure improvements. Through use of tax increment financing, the City can attract new investment that results in increased tax base. Development will occur in an orderly fashion in accordance with approved plans so that the Projects will be compatible with adjacent land uses. Development of new uses in the District will add to the tax base and will generate positive secondary impacts in the community such as increased employment opportunities and housing options.

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## **SECTION 15:**

### **List of Estimated Non-Project Costs**

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Non-project costs are public works projects which only partly benefit the District. Costs incurred that do not benefit the District may not be paid with tax increments. Examples of non-project costs are:

- A public improvement made within the District that also benefits property outside the District. That portion of the total Project Costs allocable to properties outside of the District would be a non-project cost.
- A public improvement made outside the District that only partially benefits property within the District. That portion of the total Project Costs allocable to properties outside of the District would be a non-project cost.
- Projects undertaken within the District as part of the implementation of this Project Plan, the costs of which are paid fully or in part by impact fees, grants, special assessments, or revenues other than tax increments.

No improvements to be made within the District will benefit property outside the District. Furthermore, there will be no improvements made outside the District that will only partially benefit the District.

**SECTION 16:  
Legal Opinion Advising Whether the Plan is  
Complete and Complies with Wis. Stat. §  
66.1105(4)(f)**

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Legal Opinion Found on Following Page.

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Insert Signed Legal Opinion from City Attorney

SAMPLE

Mayor  
City of Onalaska  
415 Main St  
Onalaska, Wisconsin 54650

**RE: Project Plan for Tax Incremental District No. 6**

Dear Mayor:

Wisconsin Statute 66.1105(4)(f) requires that a project plan for a tax incremental financing district include an opinion provided by the City Attorney advising as to whether the plan is complete and complies with Wisconsin Statute 66.1105.

As City Attorney for the City of Onalaska, I have been asked to review the above-referenced project plan for compliance with the applicable statutory requirements. Based upon my review, in my opinion, the Project Plan for the City of Onalaska Tax Incremental District No. 6 is complete and complies with the provisions of Wisconsin Statute 66.1105.

Sincerely,

City Attorney

**SECTION 17:**  
**Calculation of the Share of Projected Tax  
Increments Estimated to be Paid by the Owners of  
Property in the Overlying Taxing Jurisdictions**

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The following projection is provided to meet the requirements of Wis. Stat. § 66.1105(4)(i)4.

DRAFT

**RESOLUTION NO. 33-2020**

**A RESOLUTION FOR THE SHARED-RIDE TAXI PROGRAM FOR THE CITY OF ONALASKA**

**WHEREAS**, the citizens of the City of Onalaska have expressed interest in having a public transportation system; and

**WHEREAS**, there is a public transportation State and Federal Operating Assistance Program for Shared-Ride Taxi Program; and

**WHEREAS**, the City of Onalaska has awarded a contract to Richard Running, d/b/a Running Incorporated for the City of Onalaska; and

**WHEREAS**, in order to continue to provide a Shared-Ride Taxi Program, the City of Onalaska needs to receive State Mass Transit Operating Assistance under Section 85.20 of the Wisconsin Statutes, and also Federal Section 9 Operating Assistance; and

**WHEREAS**, in order to participate in the 2021 Operating Assistance Program and application must be submitted to the Wisconsin Bureau of Transit and Local Transportation Aids by December 13, 2020.

**THEREFORE BE IT RESOLVED**, that the Financial Services Director/Treasurer of the City of Onalaska is hereby authorized to submit applications for the State Mass Transit Operating Assistance under Section 85.20 of the Wisconsin Statutes and Federal Section 9 Operating Assistance to assist in financing the City of Onalaska/Holmen/West Salem Public Transit during the period of January 1, 2021 through December 31, 2021

Dated this 11th day of August, 2020

**CITY OF ONALASKA**

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

\_\_\_\_\_  
JoAnn Marcon, City Clerk

Passed:  
Approved: