

**Parks, Recreation & Library Board
of the City of Onalaska**

Monday, June 22, 2020

1

1 The Meeting of the Parks, Recreation & Library Board of the City of Onalaska was called to
2 order at 5:22 p.m. on Monday, June 22, 2020 at City Hall. It was noted that the meeting had
3 been announced and a notice posted at City Hall.

4
5 Roll call was taken with the following members present: Ald. Steven Nott, Patric McGuane,
6 Andrea Benco, Brian Udermann, Connor Nagy, Jon Klock, Ohbe Johnson

7
8 Also Present: Parks and Recreation Director Dan Wick, Mayor Kim Smith, City Attorney
9 Amanda Jackson, Ald. Diane Wulf, Parks Supervisor Mark Hanson, Recreation Supervisor Kraig
10 Koelbl, Buildings Manager Brian Babiash, Omni Center Sales Manager Tony Meyers, Omni
11 Center Event Coordinator Justin Swartling

12
13 **Item 2 – Approval of minutes from the previous meeting**

14
15 Motion by Brian Udermann, second by Jon, to approve the minutes from the previous meeting as
16 printed and on file in the City Clerk’s Office.

17
18 On voice vote, motion carried.

19
20 **Item 3 – Public Input (Limited to 3 minutes/individual)**

21
22 Andrea called three times for anyone wishing to provide public input and closed that portion of
23 the meeting.

24
25 **Consideration and possible action on the following items:**

26
27 **Item 4 – Title 12 of the Code of Ordinances of the City of Onalaska relating to Parks and
28 Recreation**

29
30 Dan told board members staff members have been working with Amanda on rewriting Title 12
31 of the Code of Ordinances, and he noted board members had received two different documents: a
32 clean copy, and a marked-up copy. Dan said the board is viewing the clean copy via
33 PowerPoint, and he will be going over it section by section this evening. Dan noted he had sent
34 board members information earlier Monday based on input a board member had provided related
35 to smoking in parks. Dan noted it currently is not included in the Code of Ordinances, and he
36 said that is the last item the board will be discussing.

37
38 Andrea inquired about collecting plants.

39
40 Dan told Andrea it would fall under No. 7 (“Protection of Park Property”) of Section 12.01.12
41 (“Park Regulations”), Subsection A (“Specific Regulations”). Dan noted No. 7 includes the

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42 following: *“No person shall climb any tree or remove flowers or fruit, wild or cultivated, or*
43 *break, cut down ...”* Dan said it is his opinion this is the section to add something related to
44 collecting plants.

45

46 Andrea noted No. 7 states no individual may collect fruit in city parks and said that while she
47 believes this is well-intended, there also are parks in which visitors enjoy collecting fruit.

48 Andrea suggested revising the wording on the collection portion so that it reads as follows:

49 *“Edible fruits, edible nuts, wild mushrooms, wild asparagus, and water crests may be*
50 *sustainably removed by hand for the purpose of personal consumption by the collector. The*
51 *collection of seeds from herbaceous plants such as grasses and wildflowers is not allowed*
52 *without written authorization from the Parks, Recreation & Library Board.”* Andrea noted the
53 wording is taken from the State of Wisconsin Code, also noting that while it is allowed in state
54 parks, it is not allowed in state natural areas. Andrea said that to the best of her knowledge there
55 are no state natural areas within the city’s jurisdiction.

56

57 Ald. Nott said he believes Andrea’s suggestion is very reasonable as the city’s parks are meant to
58 be utilized by City of Onalaska citizens.

59

60 Patric said he also agrees with Andrea’s suggestion.

61

62 Andrea noted her suggestion is to only change the part that addresses collecting sustainable
63 items.

64

65 Jon said he believes the collection of sustainable items would be helpful and not harmful.

66

67 Brian Udermann said he agrees with Andrea’s suggestion.

68

69 Motion by Andrea, second by Ald. Nott, to add the following to Section 12.01.12(A)(7) of Title
70 12 of the Code of Ordinances of the City of Onalaska relating to Parks and Recreation: *“Edible*
71 *fruits, edible nuts, wild mushrooms, wild asparagus, and water crests may be sustainably*
72 *removed by hand for the purpose of personal consumption by the collector. The collection of*
73 *seeds from herbaceous plants such as grasses and wildflowers is not allowed without written*
74 *authorization from the Parks, Recreation & Library Board.”*

75

76 Andrea said she will send Amanda the wording.

77

78 On voice vote, motion carried.

79

80 Connor asked if there is a distinction between No. 1, which addresses littering, and No. 25,
81 which addresses dumping.

82

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83 Amanda asked Dan if dumping is something that was added.

84

85 Dan said it is possible and told board members perhaps Nos. 1 and 25 could be brought together.

86 Dan told board members there have been issues with individuals disposing of prohibited

87 materials in city parks, and he reiterated that perhaps Nos. 1 and 25 should be merged into one

88 statement.

89

90 Amanda told Dan it would be possible to merge the two.

91

92 Patric said he believes No. 1 addresses refuse such as chewing gum wrappers and cups, while

93 No. 25 addresses items individuals are bringing from home and attempting to dispose of. Patric

94 suggested editing the language under No. 25.

95

96 Ald. Wulf asked if she may assume cigarettes would be included under No. 1 (“Littering
97 Prohibited”).

98

99 Amanda said cigarette butts would be included.

100

101 Ald. Nott addressed Section 12.01.13 (“Radio Controlled Model Airplanes and Drones

102 Prohibited in Parks”), which reads in part “*No person shall launch or land ...*,” and he asked if

103 perhaps overflights also should be considered as they could fly at lower altitudes and bother

104 individuals utilizing a city park. Ald. Nott referred to Section 12.01.16 (“Ultralight Aircraft

105 Regulated”) and asked if perhaps the board could discuss harassment as someone could operate a

106 drone and fly it over where a family is having a picnic.

107

108 Amanda said the city does not have the jurisdiction or the authority to address this and told Ald.

109 Nott the city only is able to prohibit launching and landing.

110

111 Ald. Nott asked if harassment could be considered.

112

113 Amanda told Ald. Nott she can conduct additional research and said that per Federal Aviation

114 Administration rules, flyovers during special events are prohibited.

115

116 Ald. Nott next addressed Subparagraph G (“Permit Revocation”) under Section 12.01.17

117 (“Reservation of Park Space”), noting this subparagraph states in part a permit may be revoked

118 due to a “likelihood of a breach of the peace.” Ald. Nott noted there are mobs and viewpoint

119 intimidation in today’s culture, and he said that canceling the permit usually is the goal. Ald.

120 Nott said he believes the break of the peace consequences should fall on the offenders and not

121 the victims. Ald. Nott cited the example of a local political party deciding to hold an annual

122 picnic in one of the city parks, and he said there could be a breach of the piece with the very

123 specific intent of having the event canceled.

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124
125 Amanda said “likelihood of a breach of the peace” may be deleted if board members so desire.

126
127 Ald. Nott said there would be legal consequences for anyone who was participating in a riot.

128
129 Andrea said there was a past situation in which a group had rented the Omni Center, and another
130 group had protested in an attempt not to allow the first group to utilize the Omni Center. Andrea
131 asked Dan if he knows to which event she is referring.

132
133 Dan said the city receives telephone calls when a circus is scheduled to perform, and he told
134 board members there was a past event scheduled for the Omni Center that had generated protests
135 in other communities. Dan said event organizers canceled the event prior to coming to the city
136 because other facilities had canceled on them.

137
138 Andrea said she believes having the power to deny permits because of an implied concern might
139 be more liability or weight than the city should be assuming. Andrea said she could see
140 removing a permit if something happened, and she told board members she would hate to have to
141 make a judgment call on whether or not to hold an event due to an implied threat on social
142 media.

143
144 Ald. Nott said that while he is not familiar with the event Dan had described, it is the type of
145 situation that would concern him if there is language in the ordinance pertaining to a breach of
146 the peace and the city could cancel a permit because of it.

147
148 Andrea expressed concern over utilizing the words “the likelihood of,” stating they are not
149 definitive enough for such a decision to be made.

150
151 Jon asked if perhaps more pointed language could be utilized, stating he believes it would be
152 good to have the authority to revoke a permit if the group holding the event likely will break
153 laws. Jon also said he agrees with Ald. Nott that events should not be canceled due to third
154 parties being upset, adding that law enforcement should be utilized to deal with said parties if
155 there is a breach of the peace.

156
157 Amanda said the words “likelihood of” can be deleted and told board members the city would
158 have the ability to shut down an event if a breach of the peace occurred while it was happening.
159 However, the city would not shut down an event prior to it occurring based on the possibility of a
160 breach of the peace.

161
162 Ald. Nott suggested perhaps deleting “that whole thing ... because when you include all the
163 other language that would remain ... I would have to look and see what the legal definition of a
164 riot is, but I think if you get to a point where violence is occurring you’d have no choice but to

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165 shut it down. But now you'd be able to arrest the people who are doing the violence, whether it
166 would be the people holding the events or the people trying to cancel them.”

167

168 Andrea asked if city needs to have a revocation clause if individuals are not following the terms
169 of a permit even though they hold a permit allowing them to hold an event at the Omni Center or
170 other city-owned property.

171

172 Amanda said she believes this section addresses situations in which the emergency is ahead of
173 time as opposed to during the event itself. Amanda said the city has the ability without this
174 section to close down events when they are occurring if individuals are not following the terms
175 of a permit.

176

177 Andrea asked Ald. Nott if he would be agreeable to deleting the words “riot” and “likelihood of
178 breach of peace.”

179

180 Ald. Nott said he does not object to retaining the word “riot,” stating that an event must be shut
181 down if a riot occurs. Ald. Nott said he is uncomfortable with the words “likelihood of breach of
182 the peace” as he believes it is a “slippery slope.” Ald. Nott said he believes it almost encourages
183 bad behavior from individuals who want to shut down others.

184

185 Jon said he believes this section is addressing situations in which it is unsafe to hold an event and
186 a permit is revoked, and he asked if perhaps “likelihood of a breach of peace” should be replaced
187 “with something to the effect of ‘an articulated safety concern.’ ” Jon said he likes the idea of
188 the Parks Department having the flexibility to control a premises “for real reasons related to the
189 safety of the attendees.”

190

191 Andrea expressed concern that “the generality of perceived safety is pretty nebulous,” and it
192 likely also goes back to where Ald. Nott is going from the beginning.

193

194 Dan told board members staff is currently working with this due to the COVID-19 pandemic,
195 noting facilities are being rented based on guidelines established by the La Crosse County Health
196 Department.

197

198 Ald. Nott said he is agreeable to deleting the words “likelihood of a breach of the peace.”

199

200 Jon asked if perhaps “act of God” language (e.g. pandemics) should be added.

201

202 Ald. Nott said he would be agreeable to adding the word “pandemic,” or perhaps language such
203 as “a serious health concern.” Ald. Nott said he does not know if it is necessary to do so as there
204 would be an emergency order in place if there is another pandemic.

205

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206 Amanda suggested adding the word “pandemic” and deleting “likelihood of a breach of the
207 peace.”

208

209 Motion by Ald. Nott to delete the words “likelihood of a breach of the peace” and add the word
210 “pandemic” to Section 12.01.17 (“Reservation of Park Space”), Subparagraph G (“Permit
211 Revocation”) of Title 12 of the Code of Ordinances of the City of Onalaska relating to Parks and
212 Recreation.

213

214 Andrea asked if the words “health emergency” should be utilized in place of “pandemic.”

215

216 Ald. Nott said he agrees that “health emergency” should be utilized as it is broader.

217

218 Motion by Ald. Nott, second by Andrea, to delete the words “likelihood of a breach of the peace”
219 and add the words “health emergency” to Section 12.01.17 (“Reservation of Park Space”),
220 Subparagraph G (“Permit Revocation”) of Title 12 of the Code of Ordinances of the City of
221 Onalaska relating to Parks and Recreation.

222

223 On voice vote, motion carried.

224

225 Dan asked Amanda to return to Slide No. 7, noting the number 25 is present twice. Dan referred
226 to the first No. 25 under Section 12.01.12, which is “Swimming and Bathing,” and he told board
227 members this currently is not being enforced. No. 25 currently reads as follows:

228

229 *a. No person shall swim or bathe in any lake, river, lagoon, beach or public swimming pool*
230 *under the jurisdiction of the City Parks and Recreation Department except at such places*
231 *and at such times as the Parks, Recreation and Library Board may direct.*

232 *b. No person shall swim or bathe in any detention or retention pond under the jurisdiction*
233 *of the City.*

234

235 Dan said this is occurring this year at the Great River Landing – around the kayak/fishing dock
236 in particular – due to the fact the Aquatic Center is closed because of the pandemic.

237

238 Ald. Nott said he would argue it is not an ordinance if it is not being enforced, and he suggested
239 speaking with the Police Department regarding an enforcement plan, “otherwise we probably
240 need to strike it.”

241

242 Amanda said the board has the following options: leave it as it is and enforce it, or allow
243 swimming in limited places such as the Great River Landing. If swimming is allowed, it does
244 not have to be advertised, or the city can allow swimming and advertise it.

245

246 Ald. Nott asked if there is potential liability involved with the latter two options.

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247
248 Andrea asked if the city is liable for issues that occur at the Great River Landing if swimming is
249 allowed and advertised.

250
251 Amanda said it would become a city swimming area and falls under the umbrella of recreational
252 immunity.

253
254 Andrea asked if the city is stating individuals may only swim in the public swimming pool at
255 times established by the city if the words “lake, river, lagoon, beach” are deleted from No. 25(a).
256 Andrea said individuals then would be allowed to swim in a lake, river, lagoon, or beach because
257 it would not be part of the ordinance.

258
259 Amanda said that is correct.

260
261 Jon said he does not believe the ordinance necessarily has to be changed, but rather the areas
262 designated as public swimming areas. Jon said the signage at the Great River Landing can be
263 changed if the city wants to allow swimming there. Jon also said he believes there are areas of
264 bodies of water such as rivers, lakes, and ponds where the city does not want individuals to swim
265 due to safety concerns.

266
267 Amanda told Jon that is addressed under No. 25(b).

268
269 Mark told board members there is a significant amount of broken glass at the Great River
270 Landing and said no one would want to be barefoot if he/she were going swimming.

271
272 Dan told board members there are other activities occurring at the Great River Landing such as
273 logrolling and kayaking, and he said it has become an active recreation space.

274
275 Jon asked if there are signs present at the Great River Landing warning visitors there is no
276 lifeguard on duty and they would be swimming at their own risk.

277
278 Dan said no.

279
280 Andrea noted anyone who chose to swim at the Great River Landing would be in violation of
281 this ordinance.

282
283 Amanda said that while the city may post signs warning visitors to the Great River Landing there
284 is no lifeguard on duty, it faces issues related to immunity if signs are posted stating individuals
285 would be swimming at their own risk.

286
287 Ald. Nott suggested leaving the wording as is and seeing if the Police Department is able to

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288 create an enforcement plan that does not detract from its other duties.

289

290 Andrea asked board members if they want to prohibit individuals from swimming at the Great
291 River Landing.

292

293 Ald. Nott noted they would be swimming on city property.

294

295 Patric asked board members if they want to expand swimming opportunities in the city, or if they
296 wish to change the language in the ordinance. Patric said it seems like a proposal to expand
297 swimming opportunities might be in order, adding he believes that is a different discussion.

298

299 Jon told board members he does not believe anything needs to be done to this section and said he
300 believes there needs to be signage if the board wants swimming to be allowed in that area.
301 However, Jon also said he believes the board needs to develop a plan to enforce the no-
302 swimming rule if board members do not want swimming to be allowed.

303

304 Andrea asked Amanda if the city may post a sign that would not remove its immunity.

305

306 Amanda said she believe signage stating there is no lifeguard on duty would suffice.

307

308 Mayor K. Smith referred to the Three Rivers Roleo, which is an annual event held at the Great
309 River Landing, and she noted individuals who fall in the water are swimming, which is currently
310 allowed.

311

312 Ald. Nott said he believes No. 25(a) allows for that.

313

314 Andrea inquired about other areas that could be affected, specifically Holiday Heights.

315

316 Dan said it could be, noting it borders the La Crosse River and there is a canoe/kayak launch
317 present.

318

319 Brian Udermann said he approves of allowing children to wade in the water and swim at the
320 Great River Landing if there is signage stating no lifeguard is on duty.

321

322 Jon asked if the amount of glass at the Great River Landing can be reduced if the city allows
323 swimming there.

324

325 Brian Udermann said the city probably would want to remove the glass at the Great River
326 Landing if the Three Rivers Roleo is held there.

327

328 Andrea said it appears the consensus is the wording should be left as is, and the city should

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329 install the appropriate signage to ensure it is not liable, and also to negate the need to enforce
330 something it does not believe in.

331

332 Dan said staff would have time to examine different options.

333

334 Andrea said it might be possible to enlist a group to help clean up the Great River Landing.

335

336 Mark told board members the glass can be removed, but it will return as the water rises and falls
337 as there is 50 years' worth of it from the sawmills that used to be present. Mark suggested
338 perhaps asking individuals to wear shoes on any signage that is installed.

339

340 Jon said he believes the city must warn individuals if there is a known hazard.

341

342 Amanda said she and Dan will attempt to devise a plan for appropriate signage, and perhaps it
343 can be included on the July 27 Parks, Recreation & Library Board meeting agenda.

344

345 Andrea said it is her understanding the board wishes to allow swimming at the Great River
346 Landing, but in a way that is as safe as possible both for individuals and the city.

347

348 Ald. Nott noted there are other areas located within a short distance from the City of Onalaska
349 that have swimming opportunities and are safer. Ald. Nott reiterated he believes the ordinance
350 should be left as is and occasionally enforce it at the Great River Landing.

351

352 Andrea asked Ald. Nott if he opposes allowing swimming at the Great River Landing.

353

354 Ald. Nott said he opposes allowing swimming at the Great River Landing.

355

356 Dan told board members if they wish they may discuss smoking in city parks and the items that
357 were sent out earlier Monday.

358

359 Ald. Nott addressed the topic of smoking in city parks, stating that while he does not smoke and
360 does not care to be around cigarette smoke, smoking is legal and he believes the city should be
361 making a reasonable accommodation for smokers. Ald. Nott asked that the discussion focus on
362 what is reasonable. Ald. Nott said he believes there should be some controls related to
363 separating smokers from non-smokers, yet allow accommodations for smoking.

364

365 Andrea asked Ald. Nott if he had received the email from Dan that included the City of La
366 Crosse's ordinance.

367

368 Ald. Nott said he had not.

369

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370 Andrea said Dan had sent out ordinances from various municipalities in the State of Wisconsin,
371 including the City of La Crosse. Andrea noted the ordinance La Crosse had passed in 2019
372 states there are specific areas that may be designated smoking areas if certain criteria are met.
373 Andrea said she likes the way the ordinance was worded, and she asked the other board members
374 their feelings about that wording.

375

376 Jon told Andrea he approves of the way La Crosse had worded its ordinance.

377

378 Brian Udermann said he had seen the wording of ordinances from other municipalities in the
379 state, but he had not seen the wording of the City of La Crosse's ordinance.

380

381 Andrea referred to City of La Crosse Ordinance No. 5089: An ordinance to create Section 34-73
382 of the Code of Ordinances of the City of La Crosse prohibiting smoking in city parks, which
383 reads in part as follows: *"The Common Council of the City of La Crosse do ordain as follows:
384 Section I, Section 34-73 is hereby created to read as follows: Section 34-73 – No smoking or
385 using of tobacco in city parks:*

386

- 387 A. *"Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette,*
388 *pipe, hookah pipe, plant or combustible substance in any manner or in any form and use*
389 *of electronic devices with electrical ignition or vaporization (e-cigarettes/cigars or*
390 *similar devices).*
391 B. *Smoking is prohibited in all city parks, except the city or the private entity controlling the*
392 *city park may designate certain specified area where smoking is permitted if all the*
393 *following criteria are met:*
394 1. *The designated area must be clearly designated and marked with smoking permitted*
395 *signs.*
396 2. *The area must be at least 50 feet from any picnic areas, sports fields or improvements*
397 *used for recreational activity, food vendors, lines for recreational activities in the*
398 *recreational area and heating and air conditioning intakes or vents.*
399 3. *The area must be completely unenclosed.*
400 4. *The agreement or special event permit between the city and a private entity permits*
401 *the designation of a smoking area.*
402 5. *The Director of Parks and Recreation or their designee may designate locations*
403 *where smoking is permitted pursuant to this section. No city official is required to*
404 *designate a smoking area and may consider the uses in the recreation area, fire*
405 *hazards, proximity to fields, elderly, children and employees and other factors in*
406 *his/her discretion."*

407

408 Ald. Nott and Brian Udermann both said they approve of the wording of the City of La Crosse's
409 ordinance.

410

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411 Connor asked if there are locations at city parks where cigarettes may be extinguished.

412
413 Mark said there are plenty of trash cans in which cigarette butts may be disposed and noted
414 smoking is currently permitted in city parks.

415
416 Ald. Nott said the City of La Crosse's ordinance places a reasonable constraint on smoking and
417 reiterated he approves of the wording.

418
419 Motion by Ald. Nott, second by Jon, for the City of Onalaska to adopt the language from the
420 City of La Crosse Ordinance No. 5089, Section 34-73 prohibiting smoking in city parks,
421 specifically Subparagraphs 'a' and 'b,' into Title 12 of the Code of Ordinances of the City of
422 Onalaska relating to Parks and Recreation.

423
424 Patric asked if there currently are identified smoking areas in city parks.

425
426 Dan said no.

427
428 Patric asked if smoking is currently allowed anywhere in city parks.

429
430 Dan said yes.

431
432 Jon asked if this has been an identified problem, or if it had just come up.

433
434 Dan told Jon it has not been a problem, and he said he and staff have discussed it at various
435 times. Dan said that while there might be an occasional event at a park shelter or the Omni
436 Center at which a significant number of individuals smoke, he reiterated it has not been an issue.

437
438 Patric asked if staff must clean up a significant number of cigarette butts.

439
440 Mark told Patric staff does not have to clean up a significant amount of cigarette butts, adding he
441 believes it is less now than it was years ago.

442
443 Brian Udermann asked if Parks and Recreation Department staff would have to go to each city
444 park, determine designated smoking areas and install signage. Brian said that while he believes
445 this is a good idea, he also said he does not believe anything needs to be done if smoking in city
446 parks has not been an issue.

447
448 Ald. Nott said if city staff members are saying that smoking has not been a problem, the board is
449 attempting to solve a problem that does not exist. Ald. Nott said that while there is a motion and
450 a second on the floor, he is having second thoughts.

451

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452 Dan said Parks and Recreation Department staff would have to go to each of the city's 27 parks,
453 identify a location at each park, and purchase signage for each park to designate smoking areas.
454 Dan added that larger parks potentially could have multiple locations where smoking is and is
455 not allowed.

456

457 Andrea said that is with the assumption all parks would have a designated smoking area and
458 stated that might not be wise given the size of some of the parks.

459

460 Ald. Nott said if the city is not receiving complaints, and also if Parks and Recreation
461 Department staff members are not saying that smoking is an issue, then perhaps this ordinance
462 may be revisited in the future should smoking in city parks become an issue.

463

464 Andrea suggested being proactive in addressing this issue, noting there has been pushback
465 related to e-cigarette issues in the City of La Crosse.

466

467 Mark said the issue to him is how the city would enforce such an ordinance, asking if the Police
468 Department would enforce it because Parks and Recreation Department staff cannot. Mark said
469 that while signs may be installed, "the signs are only as good as the enforcement to go with it."

470

471 Ald. Nott reiterated he does not believe smoking in city parks is an issue based on what Mark has
472 said. Ald. Nott also told Andrea he understands what she said about being proactive on this
473 issue.

474

475 Dan directed board members' attention to the City of Wausau's smoking ordinance and told
476 them he likes the second portion of it, noting it does not address posting signage. Rather, it notes
477 that smoking is prohibited in locations that include playgrounds, sports fields and sports fields
478 seating areas, and areas that are temporarily posted by the City of Wausau Parks and Recreation
479 Department. Dan said perhaps this could address what the board members wish to do, noting
480 Parks and Recreation Department staff would not have to go to every location and identify
481 smoking areas.

482

483 Motion and second withdrawn.

484

485 Motion by Ald. Nott, second by Jon, for the City of Onalaska to adopt a modified version of
486 Section 2.90.030 – "Smoking Prohibited in Specific Outdoor Areas" – from the City of Wausau
487 Code of Ordinances into Title 12 of the Code of Ordinances of the City of Onalaska relating to
488 Parks and Recreation.

489

490 Patric asked if it is possible to include the \$200 and the \$25 bond forfeiture that is included in the
491 City of Wausau's ordinance.

492

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493 Amanda said yes.

494

495 Jon addressed Subparagraph No. 7, which reads, “*Those park areas temporarily posted as no*
496 *smoking by the Director of the Parks Department or his or her designee during Parks*
497 *Department sponsored events,*” and suggested deleting the word “temporarily.” Jon said the
498 areas could be posted as no smoking either temporarily or permanently if the Parks and
499 Recreation Department has identified an area that needs to be no smoking long term.

500

501 Motion by Ald. Nott, second by Jon, to amend the previous motion and delete the word
502 “temporarily” under Subparagraph No. 7 of Section 2.90.030 of the City of Wausau Code of
503 Ordinances.

504

505 Vote on the amendment:

506

507 On voice vote, motion carried.

508

509 Original motion restated:

510

511 To adopt a modified version of Section 2.90.030 – “Smoking Prohibited in Specific Outdoor
512 Areas” – from the City of Wausau Code of Ordinances into Title 12 of the Code of Ordinances
513 of the City of Onalaska relating to Parks and Recreation, with the word “temporarily” deleted
514 from Subparagraph No. 7.

515

516 Patric said he believes it is better to have language in the ordinance that is looser, and he told
517 Andrea he agrees with her that the board should be proactive with this issue.

518

519 Andrea asked if the board is approving wording that begins with “*Smoking prohibited ...*” and
520 continues until the end of Section 2.90.030, with the word “temporarily” deleted from
521 Subparagraph No. 7.

522

523 Dan told Andrea he believes he and Amanda will work on including everything the city needs
524 and then bring it back forward to the board.

525

526 Amanda said yes and told board members she will hold all of Title 12 one month so that it may
527 be incorporated into Title 12 and move one entire Title 12 forward.

528

529 Andrea noted the word “temporarily” is utilized elsewhere in Section 2.90.030 and said she does
530 not want to have a conflict with it if the words “temporarily posted” are removed.

531

532 On voice vote, motion carried.

533

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14

534 Jon asked if Title 12 will come back before the board in July after it has been edited.

535

536 Dan said the final format will come before the board in July.

537

538 Amanda said the sections related to swimming and smoking will be edited.

539

540 Dan told Andrea she is correct and said a clean copy will be presented in July.

541

542 Connor addressed No. 26 (*"Bicycles, Electric Personal Assistive Mobility Devices and Motor*
543 *Bicycles"*) under Section 12.01.12, asking if modes of transportation such as electric wheelchairs
544 are being restricted is because they damage the grass.

545

546 Dan said No. 26 pertains to modes of transportation such as electrical bicycles, and he told
547 Connor he does not believe some of the devices are not meant to be off hard surfaces.

548

549 Andrea said there are issues with wheels causing concerns in parks, partly because they are more
550 aggressive than feet. Andrea noted they also can carry invasive species.

551

552 Jon inquired about the intent of personal assistive mobility devices.

553

554 Amanda cited three-wheeled assistive devices as an example of personal assistive mobility
555 devices.

556

557 Jon asked if individuals who utilize such devices are allowed to leave a trail to access a shelter
558 area or a recreational area.

559

560 Dan told Jon it comes back to ADA accessibility and the city's transition plan to try to get
561 accessibility routes to all of its locations where there are shelters and recreational areas. Dan
562 said turf is not an accessible mode of travel, and he noted individuals who utilize personal
563 assistive mobility devices typically have limited mobility. Dan said the city is attempting to
564 establish ADA accessible routes.

565

566 Jon said it seems as though the city might be putting itself in a bad position if there is an area of a
567 park that is inaccessible, and the city also is not allowing individuals to access it by utilizing
568 devices that theoretically could drive across grass.

569

570 Andrea asked if there is a reason turf had been specifically singled out, noting she does not see
571 turf specified under No. 26. Andrea said she does not see that anyone is prohibited riding on
572 turf.

573

574 Jon noted No. 26 states "trails and pathways only."

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Amanda told board members this is something both she and Dan can examine.

Andrea noted she as a member of other organizations has looked at parks green spaces, and she said there are regulations that state people who utilize personal assistive mobility devices must have the opportunity to go anywhere anyone else may go. Andrea said the wording becomes complicated, and there must be justification for prohibiting them from those areas. Andrea said that justification currently is “very nebulous” because of legislation that has come through and the city is now responding to in its parks. Andrea described the wording included in the ordinance as being “very interesting” and said she is not certain that it meets the current legal needs. Andrea said she is concerned that these individuals are being prohibited without any justification.

Jon said he does not object to prohibiting bicycles, electronic devices, and motorized bicycles on places designated for recreational use. However, Jon also said he does not believe the city should restrict someone from accessing the side of a soccer field, for example, if he/she utilizes a device as his/her primary mode of transportation if that is what the city’s intent is.

Andrea said she does not believe the city may legally restrict someone from recreational use unless it is done “very carefully, and with comfortable justification.”

Amanda asked board members if “electric personal assistive mobility devices” should be deleted from No. 26.

Ald. Nott and Jon said they believe it should be removed.

Motion by Connor, second by Jon, to delete the words “electric personal assistive mobility devices” from No. 26 under Section 12.01.12 (“Park Regulations”) of Title 12 of the Code of Ordinances of the City of Onalaska relating to Parks and Recreation.

Andrea asked Connor if it is his intent to remove the reference to “electric personal assistive mobility devices” from the entire section.

Connor said he does not believe it is right that the individuals who utilize electric personal assistive mobility devices are only allowed to access certain areas of a park and are restricted to pathways. Connor said he is proposing removing it altogether.

Andrea said she likes that because the board then could address access issues in a different section if it so chooses.

On voice vote, motion carried.

Reviewed 6/25/2020 by Dan Wick

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616
617 Amanda asked board members if they wish to specify electric scooters such as two-wheel
618 motorized scooters.

619
620 Ald. Nott said he would not object to adding them and asked if there is a more general way to
621 express what the board is attempting to say without attempting to capture any new technology
622 that comes out.

623
624 Patric said he believes the intention of No. 26 is to prevent individuals with motorized bicycles
625 from damaging equipment in city parks, adding he believes it is a wise move to delete “electric
626 personal assistive mobility devices.”

627
628 Andrea suggested changing the words “electric personal assistive mobility devices” to “electric
629 or motorized recreational.”

630
631 Ald. Nott suggested that No. 26 could include the sentence “*Electric personal assistive mobility*
632 *devices are allowed.*”

633
634 Dan told board members the part of the ordinance that is before them had come from the City of
635 Middleton, and he said electrical bicycles are becoming a significant issue in many places
636 because many individuals are utilizing them. Dan also said many municipalities are restricting
637 the use of electrical bicycles due to control, and also the fact they are not powered by pedals as is
638 the case on a conventional bicycle.

639
640 Andrea said that while she believes board members do not object to the piece of this, they are not
641 comfortable with including electric personal assistive mobility devices. Andrea said she believes
642 bicycles, motorized bicycles, and other motorized or electric vehicles should be included, but not
643 electric personal assistive mobility devices.

644
645 Ald. Nott said “recreational” probably would make it clear that someone’s electric personal
646 assistive mobility devices is not recreational, but rather a necessity.

647
648 Motion by Andrea, second by Patric, to change the words “electric personal assistive mobility
649 devices” to “electric or motorized recreational devices and vehicles” in No. 26 under Section
650 12.01.12 (“Park Regulations”) of Title 12 of the Code of Ordinances of the City of Onalaska
651 relating to Parks and Recreation.

652
653 Jon suggested exercising care with the terminology as No. 8 addresses “Motorized Vehicles &
654 Snowmobiles,” stating he believes that addresses vehicles such as four-wheelers, whereas No. 26
655 addresses small motorized vehicles.

656

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17

657 Amanda told Jon the language can be edited.

658

659 On voice vote, motion carried.

660

661 **Item 5 – Report from Blufflands Coalition**

662

663 Dan told board members the Blufflands Coalition had met June 17 and said the chairperson, a
664 Town of Shelby resident, is no longer a committee member. Also, the vice chair was not
665 reelected to the La Crosse County Board. Dan said the goal for July is to find new staff to lead
666 the coalition. Dan said work is being done on sending postcards to potential landowners who
667 might have an interest in working with the coalition. Dan also told board members elections for
668 officers will be held in July.

669

670 **Item 6 – Report from Onalaska Enhancement Foundation**

671

672 No report.

673

674 **Item 7 – Director’s Report**

675

676 **a. Parks Update**

677

678 Mark reported the following:

679

- 680 • Staff might fall behind on mowing and trimming as there are employees who have
681 accepted positions elsewhere. The goal is to hire a new part-time employee within the
682 next week.
- 683 • New walls were installed to hold the steps that descend from the sunfish located along
684 State Trunk Highway 35.
- 685 • New air dryers were installed both in the Rowe Park and the Great River Landing
686 restrooms.
- 687 • Equipment is being moved to the new storage facility located on Quincy Street.
- 688 • Mark thanked Doug Menenzes for providing prairie plants for Van Riper Park, Neil
689 Jennings for his assistance with mowing, and Patrick Clements for his email and buying
690 ice cream for the employees at the shop.

691

692 Andrea asked if there is a way to recognize Neil Jennings for his volunteer work for the city.

693

694 Dan said plans are being made, but he is not at liberty to say anything at this time.

695

696 **b. Recreation Update**

697

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18

698 Kraig complimented Louann Keane for her efforts in attempting to reschedule events at the
699 Omni Center and park shelters, and also for her efforts working with the community garden
700 located near Mayo Clinic. Kraig reported the following:

701

- 702 • The traveling baseball program had begun before having to shut down June 17 due to the
- 703 Coulee COVID-19 Compass being elevated to “Severe.” The league in which the
- 704 program participates has canceled the season. The goal is for the traveling baseball and
- 705 softball teams to participate in small, instructional skills programs.
- 706 • Golf and tennis instructional programs that were scheduled for this week are on hold.
- 707 • The track and field program likely will be canceled as no access is allowed to the
- 708 Onalaska High School track.
- 709 • The baseball and softball tournaments have been canceled.
- 710 • Kraig hopes to hold some small group activities with the baseball, softball, and soccer
- 711 programs.
- 712 • Programs such as waterskiing, the lacrosse program, and the Challenger British Soccer
- 713 Camp have been cancelled.
- 714 • Recreation Coordinator Tyler Kettenhagen is looking into offering online activities such
- 715 as video gaming.
- 716 • The adult softball group still hopes to play this summer.

717

718 **c. Aquatic Center Update**

719

720 Andrea inquired about some work that is scheduled to be done at the Aquatic Center.

721

722 Dan told Andrea a preconstruction meeting is scheduled for Thursday with Badger Swim Pools,
723 and he said Badger plans to begin work around Independence Day.

724

725 **d. Omni Center Update**

726

727 Brian Babiash reported the following:

728

- 729 • The chiller in Arena No. 2 is functioning.
- 730 • There were groups in two different sections of the facility so that there was an
- 731 appropriate amount of distance between them.

732

733 Tony reported the following:

734

- 735 • There are several vendors who are eager to return to the Omni Center.
- 736 • A meeting for the high school bass fishing tournament, which would have brought in 900
- 737 individuals to the Omni Center, was scheduled for Tuesday. Tournament organizers have

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19

738 decided to relocate to Vernon County.

739 • Competition in volleyball and basketball leagues was put on hold June 18.

740

741 Andrea asked if “Market in the Park” had taken place.

742

743 Justin told Andrea “Market in the Park” had been held June 13, noting 35 vendors had registered
744 for the event, and approximately 500 individuals had registered for door prizes. Justin said both
745 the vendors and customers had given positive feedback.

746

747 Andrea asked Justin if he hopes to hold the event two more times.

748

749 Justin told Andrea he hopes to hold two more events July 18 and August 8.

750

751 **e. Library Update**

752

753 Brian Babiash reported the following:

754

755 • The library had attempted a soft opening last week. However, the elevation of the Coulee
756 COVID-19 Compass to “Severe” on June 17 closed down the facility.

757

758 Dan told board members the COVID-19 pandemic has been challenging, and he commended
759 Parks and Recreation Department’s full- and part-time staff for working through all the
760 challenges. Dan also told board members staff has been meeting biweekly with Short Elliott
761 Hendrickson, which has the contract to work on the trail system from Irvin Street to the spillway.
762 Dan said he anticipates bringing forward ideas to the board at its July 27 meeting regarding a
763 design SEH should work toward.

764

765 **Adjournment**

766

767 Motion by Ald. Nott to adjourn.

768

769 Andrea noted the meeting is being adjourned at 6:48 p.m.

770

771

772 Recorded by:

773

774 Kirk Bey