

**Special Common Council  
of the City of Onalaska**

Tuesday, April 28, 2020

1

1 The Special Meeting of the Common Council was called to order at 7:05 p.m. on Tuesday, April  
2 28, 2020. It was noted that the meeting had been announced and a notice posted at City Hall.

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

6  
7 Also Present: City Administrator Eric Rindfleisch, City Clerk Cari Burmaster, City Attorney  
8 Amanda Jackson, Human Resource Director Hope Burchell, Assistant Fire Chief Troy Gudie,  
9 City Engineer Jarrod Holter, Planning Manager Katie Aspenson, Parks and Recreation Director  
10 Dan Wick

11

12 **Item 2 – Approve of minutes from previous meeting**

13

14 Motion by Ald. Olson, second by Ald. Stevens, to approve the minutes from the previous  
15 meeting as printed and on file in the City Clerk’s Office.

16

17 On voice vote, motion carried.

18

19 **Item 3 – Public Input: (limited to 3 minutes/individual)**

20

21 Mayor K. Smith called for anyone wishing to provide public input.

22

23 **Bill Bray**

24 **264 Crestwood Lane**

25 **Onalaska**

26

27 “I’m interested in the [vacant Third District] Alderman position. I’ve been a citizen of Onalaska  
28 for many years. [I’ve been] involved in the Onalaska Show Choir, being the president of it. I’ve  
29 announced boys and girls basketball games for 10 years. I was President of the ‘Y’ [YMCA]  
30 when we got the ‘Y’ in Onalaska, President of the Onalaska Rotary, [and] 2003 Commodore. I  
31 really love Onalaska. We’ve lived in different cities, and we came back here and we just love it.  
32 I would like to have an impact in the future of Onalaska.”

33

34 **Michael Brown**

35 **1906 Caledonia Street**

36 **La Crosse**

37

38 “I am the President of the La Crosse City/County Tavern League, and I just wanted to address  
39 you regarding these fees you have coming on liquor licenses. I sure appreciate you bringing this  
40 on board. Small businesses are really struggling right now. Onalaska is actually the first  
41 [municipality] to vote on this set of rates, so you’re kind of setting the tone for the rest of the  
42 municipalities. It’s really important that businesses can open up whenever we can that we know

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43 we're in a partnership with the municipalities, and that you understand the difficulties we've had  
44 in the last few months. I hope you'll approve these rates that will give us a discount and help us  
45 get started when we can finally get our doors open. Thank you, and I would be glad to answer  
46 any questions you have."

47  
48 Mayor K. Smith called three times for anyone else wishing to provide public input and closed  
49 that portion of the meeting.

50

51 **REPORT FROM THE MAYOR:**

52

53 **Item 4 – Appointment of Sam Scinta, 4104 Beverly Dr., Onalaska to the Long Range**  
54 **Planning Committee**

55

56 Ald. Stevens told Mayor K. Smith he appreciated the fact she had been able to obtain  
57 information regarding the appointments of Sam Scinta and Peg Binash since the April 21  
58 Common Council Reorganizational Meeting. Ald. Stevens said he believes both Sam and Peg  
59 would be welcome additions to the city.

60

61 Motion by Ald. Stevens, second by Ald. Nott, to approve the appointment of Sam Scinta, 4104  
62 Beverly Dr., Onalaska to the Long Range Planning Committee.

63

64 On voice vote, motion carried.

65

66 **Item 5 – Appointment of Peg Binash, 700 Westwood Dr., Onalaska to Room Tax**  
67 **Commission**

68

69 Motion by Ald. Nott, second by Ald. T. Smith, to approve the appointment of Peg Binash, 700  
70 Westwood Dr., Onalaska to the Room Tax Commission.

71

72 Ald. Stevens said that while he would support the appointment of Peg to the Room Tax  
73 Commission, he noted that Peg and his spouse are friends and thus he will be abstaining from  
74 voting on this item.

75

76 Mayor K. Smith told the individuals watching the meeting that while education and experience  
77 are important factors when appointing citizens to city committees, "we want to have a variety of  
78 different inputs of people. There are no prerequisites for serving on a committee. The only  
79 prerequisite is that you care about Onalaska and that you want to serve."

80

81 On voice vote, motion carried, 4-0, with one abstention (Ald. Stevens).

82

83 **Consideration and possible action on the following items:**

84

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85 **Item 6 – Discussion and possible action on the vacancy of a Third Aldermanic District**  
86 **Council Member**

87

88 Mayor K. Smith noted Amanda had written a memo explaining what had transpired the last time  
89 there was a vacancy, and she asked Amanda to explain the rules regarding filling that vacancy.

90

91 Amanda said the Council has the following options:

92

93 • To appoint an individual for the term, which would be through April 2022. He/she would  
94 take office upon taking the oath of office after being appointed. Amanda said the Council  
95 would choose how to conduct the appointment process if councilmembers choose this  
96 option. Amanda reminded councilmembers they had chosen to ask interested citizens  
97 submit applications and participate in an interview with the Council in 2019 following  
98 the resignation of former Third District Alderperson Boondi Iyer when she moved out of  
99 her district.

100 • The Council may appoint someone to serve until the November 3 election, at which time  
101 the individual who is elected to serve as Third District Alderperson will do so until the  
102 seat comes up for reelection in April 2022.

103 • The seat may remain vacant, and the vacancy would be filled during the November 3  
104 election. The individual who wins the seat would be sworn in after being elected and  
105 hold office for the remainder of the term. If a primary is necessary, it would be held  
106 August 11 as part of the general primary.

107 • The city also may hold a special election at any time. Amanda said this option is more  
108 challenging because 2020 is a general election year and there are election blackout dates.  
109 This means only the general election may be held after August 1, and Amanda said the  
110 city would have approximately a three-week window in July in which it could pay for  
111 and host its own independent election for this position. Amanda told councilmembers the  
112 city would bear the costs of a special election, and she said a primary, if one is necessary,  
113 would be delayed until the November 3 election. Amanda described this option as being  
114 a difficult one.

115

116 Amanda noted that former Third District Alderperson Boondi Iyer’s resignation in 2019 was a  
117 midterm vacancy and said, “I know some concerns we had were the timing of elections, and also  
118 the confusion amongst having multiple elections for the same seat at the same time. We don’t  
119 have those issues this time around. We’d be looking at a November election when there’s  
120 already an election, and this would be the only local election on the ballot.”

121

122 Ald. Nott noted that the Third District seat vacated by Boondi Iyer was filled by appointment in  
123 January 2020. Ald. Nott, who was appointed to that seat, said, “As a Third District Alderperson,  
124 I have misgivings about having the Third District underrepresented for as much as 11 months –  
125 perhaps even more, depending if they’re going to wait until a November election. I would like to

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126 see that we do appoint an individual just to fill that position until the November election can be  
127 held. ... That's the option I'm looking at."

128

129 Cari told councilmembers the best option would be the November 3 election because it would  
130 allow the city to remain in the same election cycle even if it becomes necessary to hold a primary  
131 in addition to the November election. Further, Cari said the only additional cost would be to pay  
132 for a portion of the ballots, adding, "[The cost] would be minimal, compared to paying for an  
133 entire election." Cari said she recommends utilizing the November 3 election cycle as it would  
134 be the best cycle to utilize, and she reminded councilmembers they may choose to appoint  
135 someone until the November election, or they may appoint someone for the entire term.

136

137 Amanda noted the city began the process to fill the Third District seat vacated by Boondi Iyer in  
138 November 2019, with Ald. Nott having been appointed to the seat in January 2020. Amanda  
139 also noted it takes approximately two months to fill an appointment.

140

141 Ald. T. Smith said he likes the idea of having an election for the seat, noting both Third District  
142 seats would be appointed positions. Ald. T. Smith said an individual could be appointed to the  
143 vacant seat until the November 3 election, and then the citizens who reside in the Third District  
144 would have the opportunity to elect someone to represent them. Ald. T. Smith that while Ald.  
145 Nott is doing well representing the Third District, he also likes the idea of having an elected  
146 representative in that district. Ald. T. Smith said, "To me, I think that compromise makes the  
147 most sense."

148

149 Ald. Stevens said, "If we were to do an appointment process, it struck me that using the Iyer  
150 resignation as a guide, it was about a three-month process before we were able to appoint  
151 somebody. If we appoint somebody and then put it up for a November election, how long will  
152 their actual appointment be? And would it maybe make more sense to just save it for the  
153 election? And if we were to do a special election, while it's not real high up on my list, you  
154 mentioned there's extra cost associated with that. What are the taxpayers looking at as far as the  
155 onus of having a special election? How much would it cost us to do that?"

156

157 Cari told Ald. Stevens that \$10,000 is the election rate she would give someone, and she said that  
158 while the cost for this election might be slightly less than \$10,000 in some areas as it only would  
159 involve one district, some of the costs are the same no matter if an election is for the entire city  
160 or for one district. Cari referred to the publication costs and said, "I have to do the same  
161 publications that I do for a regular election, no matter if it's one district or all three districts."

162 Cari told Ald. Stevens the minimum cost likely would be approximately \$5,000, and she said,  
163 "The real issue is it's very time consuming, and we are already crammed for time with the other  
164 elections in there, so it is very hard to do. If you had that July election and it turned into a  
165 primary, we would throw another election in there between the August and the November  
166 election. We're talking about a lot of extra things. It could turn into two elections instead of one  
167 election."

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168

169 Ald. Stevens asked how long someone who is appointed to the vacant seat would actually serve  
170 if the Council chooses to utilize the November election option.

171

172 Cari noted the last Third District vacancy was announced at one meeting, and applications were  
173 accepted for 21 days. Cari said she then turned over the applications to the alderpersons so that  
174 they could make a decision, and the alderpersons then made the decision of the appointment at  
175 the following meeting. Cari noted the Mayor brought forth the appointment list, and the Council  
176 then voted on the appointment that was suggested by the Mayor. Cari told Ald. Stevens that  
177 would take the May 12 and June 9 Common Council meetings, and she said, “By June you could  
178 have it, and that election would be November. You’re talking about a five-month term.”

179

180 City Administrator Rindfleisch reminded the Council that these are unprecedented times due to  
181 the COVID-19 pandemic and noted the rules are changing on a regular basis. City Administrator  
182 Rindfleisch referred to April 7 Wisconsin Primary and said, “When attorneys got involved, they  
183 weren’t looking at the City of Onalaska. They were looking at the state whose rules we were  
184 following. If we were to have a special election that was not on any other election calendar and  
185 we decide we’re going to have in-person voting or have mail ballots only voting or whatever it is  
186 that the Council decides to do, we’re painting a target on our own back for anybody who’s going  
187 to claim one way or another about how we’re running the election. In these times I would not  
188 recommend having a special election just because the rules are changing, and if we’re creating  
189 our own rules I think we’re bound to enter litigation one way or the other.”

190

191 Ald. Nott stated he both agrees and disagrees with Ald. Stevens, and he said, “Under normal  
192 circumstances I would be open to leaving [the vacant seat] open until November so we have a  
193 nice, smooth election transition. My biggest concern is this isn’t normal. That position will have  
194 been open for 11 months – almost a full year before we have that election. In this particular  
195 case, because it’s been open for so long, I still think that we should probably appoint somebody  
196 for that 5½-month period from early June until the November election.”

197

198 Mayor K. Smith told Ald. Nott that was not how she had interpreted Ald. Stevens’ comments.

199

200 Ald. Wulf said, “Considering that Council earlier this year did appoint the current Third District  
201 Alderperson, I personally would not feel comfortable appointing a second person for the  
202 remainder of almost a full term. For me personally, that option would be out. I personally also  
203 do not support election, number one, for the cost, and I have touched base with staff and I agree  
204 with our City Clerk that it would be too tall of an order to ask of our staff to have to perform, and  
205 also to ask for our citizens to go through a special election at this time. I just can’t justify a cost  
206 of approximately \$5,000 when we have other options available to us. I’m intrigued with the idea  
207 of appointing someone until the November election, but I’m equally fine with the possibility of  
208 leaving that position open until November because it is going to take a few months for the  
209 appointment process. I’m on the fence with that, but I will continue to listen to feedback this

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210 evening before I make my final decision.”

211

212 Ald. Stevens said that while Ald. Nott had brought up some interesting perspective, “The  
213 practice of what we’ve seen over the last year is that ... For example, within the last week I  
214 fielded a call and took care of it for a District 3, a citizen who lived off of French Road. A few  
215 months ago, Alder Nott fielded a call from somebody from District 2. It’s not that there is no  
216 representation. It may not be ideal, and I understand completely Alder Wulf’s point that at least  
217 one of those representatives ought to be somebody who is duly elected from the Third District.  
218 That’s with respect to Alder Nott. In that case there were extenuating circumstances and with  
219 some of the things that were happening of the extenuating circumstances that Amanda touched  
220 on, and I believe I spoke to [last] November. It was kind of imperative that we took action at  
221 that point. I’m not sure that’s the case now. We’ve been operating OK. We have our Mayor.  
222 We have our staff in place, with the exception of the Fire Chief, and we have the committee  
223 appointments that are currently filled. We can make the case – and I’m not necessarily for or  
224 against – but it seems like we’re potentially maybe making some extra work for staff and then  
225 bringing a new alder up to speed, only to just have that last for a few months.

226

227 I could be talked into appointing and then having an election in November. Ideally I would  
228 rather have it in August, but if there is a primary I understand that that is not feasible. If it’s  
229 \$10,000 for a special election, I don’t know that we can justify that. I don’t think that the  
230 taxpayers would endorse that approach. For everything that’s on the table, I guess my preference  
231 is to leave it vacant and just operate as we are now until that person is duly elected, whomever  
232 that could be. The second position, if it were the will of Council, would be to go through the  
233 appointment process and have the November election.”

234

235 Amanda told councilmembers that if they choose the option to appoint someone and then order  
236 the special election in November, the period that they would be taking applications for  
237 appointment also would overlap the period in which the individual would obtain signatures to  
238 run for an election. Amanda said, “You would have somebody being appointed or trying to  
239 decide which route they wanted to go without knowing what the future held, if they were going  
240 to be appointed or not. I don’t know if that will cause confusion among anyone or not. Just  
241 know that those timeframes overlap. You’re going to be looking for resumes for appointment,  
242 and at the same time you’re going to be urging people to go get their signatures.”

243

244 Ald. Wulf noted that as of tonight no one knows when the City of Onalaska will fully reopen for  
245 business, and she said, “I am hopeful that any future times we’re looking at appointing a  
246 councilperson that we would, if we did go that appointment route, that we would hopefully use  
247 the previous model that we just did in December and January. I thought it worked very well. I  
248 thought my concern would be, how would we implementing that in the middle of what we’re all  
249 involved with right now and the timeline with all of that. I would prefer not to be doing it  
250 remotely. I think for me personally I have my answer based on the input I have heard, and what  
251 Amanda [has said regarding] the crossover with the application process. I will be supporting

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252 leaving the position vacant and ordering the special election for November. At least we'll know  
253 by June 1 whether or not the primary will be needed. I appreciate the Mayor having the foresight  
254 to go ahead and fill those committee appointments now so going forward we're set for this  
255 Council year until someone, if we choose the election route in November, until that person were  
256 to be able to take that seat."

257  
258 Ald. T. Smith said he believes the overlapping that has been discussed this evening is a concern,  
259 adding that it will be challenging to prepare for the November 3 election. Ald. T. Smith stated  
260 he believes the Third District seat should be left open and said, "I was kind of torn either way. I  
261 like the idea of appointing it, but by the time you do that, and then that person, if they're  
262 interested in actually filling the full term [and] they have the papers, I think we're better off to  
263 leave it open, have the November election and do it right. Then we're all back in sync."

264  
265 Mayor K. Smith asked Cari about the estimated cost of adding the Third District seat to the  
266 November 3 election.

267  
268 Cari told Mayor K. Smith the city already is bearing the cost of the election workers, the  
269 notifications and the publications because the election is occurring. Cari said the only cost the  
270 city would bear is the portion of the costs for the ballots because a local office normally does not  
271 appear on the ballot. Cari also said the city would have to pay a portion of that cost and  
272 estimated that cost to be no more than \$250 to \$500.

273  
274 Mayor K. Smith said it was her understanding that local elections had to be on the spring ballot.  
275

276 Amanda told councilmembers the State of Wisconsin Statutes were updated in 2019 and went  
277 into effect in March. Amanda noted there is a timeline in the city's ordinance and told  
278 councilmembers it had been removed from the statutes. Amanda said she believes the city must  
279 follow the requirements found in 8.50 of the State of Wisconsin Statutes, and she told  
280 councilmembers she had confirmed that with the Wisconsin Election Commission, which gave  
281 the city the two options. Amanda said a municipality may order a special election at any time,  
282 and she told councilmembers the city could have had an August election in a non-general  
283 election year. However, the city does not have to due to the blackout. Amanda said, "Because  
284 of the timing of this, we were still able to have a November election. You just have to be able to  
285 order it and make it really specific. There's a window, which is why we had to have this  
286 meeting, because the window that we could order a November election fell like a day before our  
287 May meeting. We couldn't have made this decision in May and still had a November election.  
288 It gets very technical in the date."

289  
290 Motion by Ald. Wulf, second by Ald. T. Smith, to leave the Third Aldermanic District position  
291 vacant and order a November election for the position, which is Option No. 3 in a memo from  
292 City Attorney Amanda Jackson dated April 23, 2020.

293

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294 Ald. Nott asked, “I’m just curious based on the emergency if we had some flexibility to maybe  
295 shorten the timeline and get this decided by May if we went through a temporary appointment.  
296 Maybe do 14 days of advertising before we collect resumes. Is there any flexibility to that?”

297  
298 Amanda told Ald. Nott, “No, I don’t believe so.”

299  
300 On voice vote, motion carried, 4-1 (Ald. Nott).

301  
302 **Item 7 – Resolution 23-2020 – Resolution reducing the 2020 liquor license fees as a result of**  
303 **COVID-19**

304  
305 Mayor K. Smith said the La Crosse Tavern League is asking the City of Onalaska to consider  
306 reducing the fees and noted this is an item that normally would have gone through committee.  
307 However, it has come directly before the Common Council because no committee meetings are  
308 currently being held.

309  
310 Amanda told councilmembers Mayor K. Smith had received a letter from the La Crosse Tavern  
311 League that has been included in their packets. Amanda said, “Because it’s something that we  
312 approve by resolution, the only way to amend it is by resolution. That was why it was put forth  
313 in the form of a resolution.” Amanda said it is her understanding the fee is \$450 for both the  
314 Class A and Class B liquor licenses, while there is a \$100 fee for both Class A Beer and Class B  
315 Beer licenses.

316  
317 Cari said she believes the fee for a Class A Liquor License is \$425, and \$450 for a Class B  
318 Liquor License. Cari also said she believes there is a \$75 fee for a Class A Beer License, and a  
319 \$100 fee for a Class B Beer License.

320  
321 Amanda said \$50 is the lowest the city may offer for Class A and Class B liquor licenses.  
322 Amanda also said that Class A and Class B beer licenses, which under the resolution would be  
323 reduced to \$10 apiece, could go to no fee. Amanda told councilmembers this topic had been  
324 discussed last week during the League of Wisconsin Municipalities Attorney Conference, and  
325 she said there is a statutory provision that states these licenses are issued when the fee is paid.  
326 Amanda said she had put them at a low amount “out of an abundance of caution,” and she also  
327 told councilmembers they do not have to commit to the fees that are being presented as part of  
328 the resolution. Amanda also told councilmembers the fees do not have to be changed, or they  
329 may be changed to any amount between where they currently are and \$50 for the Class A and  
330 Class B liquor licenses, and any amount between where they currently are and no fee for the  
331 Class A and Class B beer licenses.

332  
333 Ald. Nott said he believes anything the city can do to assist small businesses during the current  
334 health crisis is probably beneficial. However, Ald. Nott also inquired about the impact to the  
335 city budget if the Council approves this resolution.

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336  
337 Cari told Ald. Nott, “We’re roughly over \$17,000 with what we currently have on file now for  
338 licenses. If there would be new licenses coming in later in the year, it would affect those also.  
339 But roughly around \$17,000.”

340  
341 Ald. Nott asked, “Is that something we can absorb without too much pain?”

342  
343 City Administrator Rindfleisch admitted that \$17,000 is not a small amount and said, “On one  
344 hand, it’s well within in any given year the range of additional revenues [and] decreased  
345 revenues that one could expect to see.” City Administrator Rindfleisch said that while \$17,000  
346 will impact the budget, he also said, “I think it’s within what’s doable if the Council decides to  
347 make the decision.”

348  
349 Ald. Stevens asked Cari asked if the Class A licenses are for grocery stores, gas stations, and  
350 similar establishments.

351  
352 Cari told Ald. Stevens he is correct, noting Class B licenses are designated for bars and  
353 restaurants.

354  
355 Ald. Stevens said he does not understand why the establishments that hold Class A licenses are  
356 requesting a change and stated, “It strikes me that if bars are closed, more people might go buy  
357 their beer and alcohol from a grocery store or a gas station. They may actually have seen both  
358 sales increase.” Ald. Stevens said he can see how establishments that hold Class B licenses are  
359 affected, and he asked, “The figures that we have for all the licenses, how do we derive those?  
360 How much of those fees offset necessary costs to the city for operating? Or is this a revenue  
361 enhancement for the city?”

362  
363 City Administrator Rindfleisch said all fees generally have to have a relationship with the cost of  
364 processing and the purpose of having a license. City Administrator Rindfleisch said, “We talk  
365 about revenue enhancements, that’s really not the purpose of these licensing fees. It’s to offset  
366 the cost for the [City] Clerk’s Department and Cari to do the work [such as] the background  
367 checks and processing the fees. Yes, the \$17,000 shortfall that Cari estimated is revenue that  
368 would offset the cost of doing the business. Can the City make it up? Yes, I think it can make it  
369 up somewhere else. But there is a direct relationship between the fees charged and the cost of  
370 processing those fees. So there will be an impact, yes.”

371  
372 Ald. Stevens said if there are actual expenses associated with the fees, it appears to him that by  
373 waving these fees the city is passing on the cost to the taxpayer. Ald. Stevens said, “The  
374 counterpoint to that, which we could look at, is if these fees are negotiable [and] if we really  
375 want to be business friendly [and] we wanted to lower the fees, we should perhaps look at doing  
376 that on a more permanent basis. If there is a good reason for the fees I would say fine, so be it,  
377 and we should probably keep those in place. If there is not a good reason for the fees, we should

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378 probably not assess that on Onalaska businesses. I'm not sure which direction I really want to go  
379 on this, and I would like to hear what everyone else has to say.”

380

381 Ald. Nott complimented Ald. Stevens for pointing out the difference between Class A and Class  
382 B licenses and which establishments are affected. Ald. Nott's ensuing comments were inaudible  
383 due to technical difficulties.

384

385 Mayor K. Smith suggested to Ald. Nott that he mute any audio he is operating, and she asked if  
386 Ald. Nott is perhaps able to participate in the meeting via phone rather than his computer.

387

388 Ald. Stevens asked Cari when a primary election for the Third District seat would be held if one  
389 is necessary.

390

391 Cari said it would be held with the August 11 partisan primary.

392

393 Ald. Nott reiterated he appreciates the points Ald. Stevens had made pertaining to the difference  
394 between the businesses that hold Class A licenses and the ones that hold Class B licenses. Ald.  
395 Nott said he would not object to considering them separately, noting that the Class B licenses  
396 would affect small businesses in the area. Further, Ald. Nott states he believes those businesses  
397 would be the most at risk with the additional costs of doing business either with reduced or no  
398 revenue, and they could be at risk for having to lay off employees who potentially are City of  
399 Onalaska residents. Ald. Nott said that perhaps the resolution should address only Class B  
400 licenses as they are the ones that affect small businesses.

401

402 Ald. Wulf asked Cari to address when the licenses are due, which establishments have already  
403 paid, and also the resulting repercussions if the Council were to pass the resolution.

404

405 Cari told councilmembers renewal letters are mailed in March, and payments are requested to be  
406 sent to the city by May 10. Cari said as of April 28 there only are approximately two outstanding  
407 Class A licenses. Cari noted the Class B establishments are currently closed and said  
408 approximately only 16 percent have been returned. Cari said, “If this would pass as presented  
409 tonight with the Class A and the Class B licenses in here, the Finance Department would end up  
410 having to do refund checks to all the establishments that have already paid. They would have to  
411 be doing a process of sending back that money. The other situation that we do have is in our  
412 ordinances we do require that any of their other fees are paid before we release their license.  
413 Some properties have some other outstanding bills that we would probably be needing to put this  
414 money towards instead of actually doing a refund to them.

415

416 As Alder Stevens did state, the Class B establishments are affected more than I would say the  
417 Class A establishments. I know in this time everybody is affected in a different way, so it's hard  
418 to weigh in what way they're all affected. But directly to the licensing, I would say that that  
419 statement would be correct.”

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420

421 Mayor K. Smith asked Cari to explain what she meant when she said some of the businesses  
422 have other outstanding fees.

423

424 Cari said she works off the city's personal property listing, and that in many cases those are the  
425 final fees the city is collecting from some establishments before their licenses may be issued.

426

427 Mayor K. Smith said that theoretically there are businesses that are currently closed because they  
428 are required to be closed, and not only have they not paid their liquor or beer license, but they  
429 also have not paid their property taxes.

430

431 Cari said, "The personal property, yes."

432

433 Ald. Stevens noted the Council is speaking about liquor licenses as the resolution item, and he  
434 also pointed out the city also has other things it permits for and collects fees on. Ald. Stevens  
435 asked, "Are we risking opening the door to a precedent where there's a hardship where other  
436 entities that apply for a permit now [say], 'Let's go ask and see if we can get the city to cut us  
437 checks back.' And other entities that we permit for are going to say, 'This has affected us, too.  
438 We want money back.' What's the total exposure if we were to do that? How much money  
439 actually comes in through permit fees – not just for liquor, but as a whole?"

440

441 Cari told Ald. Stevens she is unable to tell him what the permits fees are because many of them  
442 come through the Inspection Department as well as other departments. Cari said she is certain  
443 they are substantial, but "in what they are and how they're going to be related to this, I don't  
444 know what that would look like."

445

446 Ald. Stevens cited the example of a contractor requesting a break on the permit fees due to the  
447 current economic climate, asking, "If we were to approve this, are we giving preferential  
448 treatment between one industry and another? I think if we approve this – and I understand the  
449 want – will that have ramifications into other areas of the permitting process? And what would  
450 the financial risk be to the taxpayers? ... That is a concern. I'm not sure how I'm going to fall on  
451 this."

452

453 City Administrator Rindfleisch said the fees should have a direct relationship to the work  
454 necessary to process the fees. City Administrator Rindfleisch said that while those fees do bring  
455 in revenue, there also are expenses to offset that. City Administrator Rindfleisch stated, "To the  
456 fact that we're reducing those fees, yes, it would be looking at reducing a fee less than the cost of  
457 processing and the purpose of that fee. ... The fees are only applied to those that are using a  
458 service of the city for the purpose of processing that service that the city provides. That's what  
459 fees are. Yes, there is an impact to it and yes, by reducing it we are reducing it to an amount  
460 lower than the activity that's necessary for the city to do. The other way is precedents. ... Only  
461 when the Council establishes precedents in one activity, there is no precedent tying over to future

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462 Councils, to future years, to future similar nature. The precedent is only the action of the  
463 Council. ... Activities taken by prior Councils do not dictate the actions of this Council, nor do  
464 the actions by this Council dictate future actions taken by this Council or a future Council.”

465  
466 City Administrator Rindfleisch addressed Ald. Stevens’ theoretical example regarding a  
467 contractor requesting a break on permit fees, stating it would be a completely independent  
468 conversation. City Administrator Rindfleisch said councilmembers they would need to reflect on  
469 the fact they have given one business sector a break regarding charging fees that are less than the  
470 activity cost, and they also would need to ask themselves if they would feel obligated to do the  
471 same for another sector. City Administrator Rindfleisch said, “You’re not obligated to do so  
472 simply because you’ve done one or the other. It’s a decision you yourselves make each and  
473 every time.”

474  
475 Motion by Ald. Stevens, second by Ald. Wulf, to deny Resolution 23-2020 – Resolution  
476 reducing the 2020 liquor license fees as a result of COVID-19.

477  
478 City Administrator Rindfleisch suggested that the Council instead move to file Resolution 23-  
479 2020 as presented and noted it deposes of the item itself.

480  
481 Motion and second withdrawn.

482  
483 Motion by Ald. Stevens, second by Ald. Wulf, to file Resolution 23-2020 – Resolution reducing  
484 the 2020 liquor license fees as a result of COVID-19.

485  
486 Mayor K. Smith said filing the resolution will leave the fees as they already are and result in no  
487 change to the city process.

488  
489 On voice vote, motion carried.

490  
491 **Item 8 – Review and Consideration of changes to Fire Chief job description**

492  
493 Hope noted the Police and Fire Commission had met Monday and said all the changes she had  
494 made at the meeting were approved. Hope also noted that no additional changes were made, and  
495 she highlighted the changes that were made:

- 496  
497
- 498 • Minor changes to the essential job functions, including putting them in the relative order  
499 of importance.
  - 500 • The Fire Chief “ensures enforcement of statutes, fire codes, and ordinances.
  - 501 • Edits were made relating to the Emergency Operations Center (EOC). The Fire Chief is  
502 part of the team, and as part of the team he/she is coordinating, reviewing, and training  
staff.

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- 503       • Updates were made related to knowledge and skills with computers.  
504       • Former Fire Chief Don Dominick had included language under the training section that  
505       Hope said she believes “narrowed the pool.” The language in this section was edited to  
506       state “preferred” rather than “required.”  
507       • The physical requirements were put into the new ADA format.  
508

509       Hope noted the Police and Fire Commission had unanimously passed the changes to the Fire  
510       Chief job description, and she also noted that Amanda had reviewed the job description.  
511

512       Ald. Olson said, “In the future, I would ask that when you make changes to something, whether  
513       it’s approved or not – in this case, Police and Fire – could you give us a page of the old language  
514       so we can compare the two? Even though it’s been approved I would like to see what changes  
515       were made.”  
516

517       Hope apologized and told Ald. Olson she had worked on the job description Sunday so that it  
518       would be ready for Monday’s Police and Fire Commission meeting. Hope said she emailed the  
519       job description to the Police and Fire Commission members, but she had inadvertently forgotten  
520       to email the councilmembers. Hope noted it had been on the Police and Fire Commission’s  
521       meeting agenda online, and she said she had inadvertently forgotten to attach it to the Council’s  
522       agenda. Hope assured Ald. Olson she will strive to do better in the future, and she told him he is  
523       correct in that she either should have attached the job description to the Council agenda or  
524       emailed it to councilmembers.  
525

526       Mayor K. Smith noted the original agenda for this evening’s meeting only had one item on it and  
527       said items kept being included.  
528

529       Motion by Ald. T. Smith, second by Ald. Nott, to approve the changes to Fire Chief job  
530       description.  
531

532       On voice vote, motion carried.  
533

534       **Item 9 – Review and consideration of a stipend for Assistant Fire Chief Gudie for**  
535       **performing additional duties of the Fire Chief**  
536

537       Mayor K. Smith said she had asked Assistant Fire Chief Troy Gudie to temporarily step in after  
538       Billy Hayes resigned as Fire Chief on April 24. Mayor K. Smith noted that on Monday the  
539       Police and Fire Commission had approved Assistant Fire Chief Gudie to serve as Acting Fire  
540       Chief until a new chief has been determined on a permanent basis. Mayor K. Smith said the  
541       Council is being asked to consider a stipend, as applicable, for the extra duty that Assistant Fire  
542       Chief Gudie will be performing. Mayor K. Smith also noted Assistant Fire Chief Gudie has  
543       served as Acting Fire Chief in the past.

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544  
545 Hope said that in the past Assistant Fire Chief Gudie's stipend was "considerably lower," noting  
546 that former Land Use and Development Director Brea Grace's assistant was given a stipend of  
547 \$500 per pay period following Brea's departure. Hope also noted that other department heads'  
548 duties were split up for a total stipend of \$500 per pay period when Planning Manager Katie  
549 Aspenson has been on leave. Hope said, "In lieu of the fact this is the third time that Assistant  
550 Chief Gudie has had to act as Acting [Fire] Chief, we have a pandemic going on right now, and  
551 we're short staffed. I'm asking that we give him \$750 a pay period to act as the Acting Chief.  
552 The pay difference between him and the Fire Chief is significant, so I think there should be  
553 plenty of vacated salary to cover the expense for this, along with benefits. I think this would be  
554 greatly appreciated by the Acting Chief."  
555

556 Ald. Stevens asked if the \$750 per pay period stipend would be budget-positive to the city due to  
557 the funds that are not being paid to former Fire Chief Hayes.  
558

559 Hope told Ald. Stevens that is correct.  
560

561 Ald. Stevens asked if Assistant Fire Chief Gudie wants to serve as Acting Fire Chief.  
562

563 Mayor K. Smith told Ald. Stevens that Assistant Fire Chief Gudie is happy to serve the  
564 community, that he believes in the Fire Department, and that he has a long history in the Fire  
565 Department. Mayor K. Smith said, "He's committed to doing what's best for the department,  
566 and I think he knows that what's best for the department right now is for him to be the chief. I  
567 don't think he wants to be in that role indefinitely, but he's definitely willing to step up and fill in  
568 that role."  
569

570 Mayor K. Smith asked Hope if Assistant Fire Chief Gudie will earn what former Fire Chief  
571 Hayes earned with his base salary as Assistant Fire Chief and the \$750 stipend per pay period.  
572

573 Hope said no.  
574

575 Motion by Ald. Wulf, second by Ald. Nott, to approve a \$750 per pay period stipend for  
576 Assistant Fire Chief Troy Gudie for performing additional duties of the Fire Chief.  
577

578 Ald. Wulf told the Council she would like to publicly thank Assistant Fire Chief Gudie for once  
579 again stepping into the role of Acting Fire Chief, noting that Assistant Fire Chief Gudie had  
580 recently celebrated his 27<sup>th</sup> anniversary as a City of Onalaska employee.  
581

582 Assistant Fire Chief Gudie told the Council it is an honor to once again serve as Acting Fire  
583 Chief.  
584

585 On voice vote, motion carried.

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586

587 **Item 10 – Closed Session**

588

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

593

- 594 • IAFF, International Association of Firefighters, Local 127 Union Negotiations

595

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

599

600 Motion by Ald. Stevens, second by Ald. Wulf, to convene in Closed Session.

601

602 On roll call vote: Ald. Tom Smith – aye, Ald. Dan Stevens – aye, Ald. Steven Nott – aye, Ald.  
603 Jim Olson – aye, Ald. Diane Wulf – aye. In Closed Session at 8:14 p.m.

604

605 Motion by Alderperson Steven Nott, second by Alderperson Jim Olson to adjourn from closed  
606 session at 8:23 pm.

607

608 On roll call vote: Ald. Wulf – aye, Ald. Olson – aye, Ald. Smith – aye, Ald. Nott – aye, and Ald.  
609 Stevens – aye. Motion carried 5-0.

610

611

612

613 Recorded by:

614

615 Kirk Bey