

The Meeting of the Common Council was called to order at 7:00 p.m. on Tuesday, August 9, 2005. It was noted that the meeting had been announced and a notice posted at City Hall.

Roll call was taken, with the following members present: Mayor Jim Bialecki, Ald. Mike Giese, Ald. Diane Oldani Wulf, Ald. Gary Gonczy, Ald. Jim Olson, Ald. Kim Smith and Ald. Bill Leathen. Also present were: City Clerk Cari Burmaster, Financial Services Director Fred Buehler, Human Resources Specialist Liz Green, Public Works Director Ron Lund, Land Use & Development Director Jason Gilman, and City Attorney Gerald O'Flaherty,

### Item 2 - Pledge of Allegiance

The Pledge of Allegiance was declared.

### Item 3 - Approval of minutes from previous meeting.

Motion by Ald. Leathen, second by Ald. Gonczy, to approve the minutes from the previous meeting as printed and on file in the City Clerk's Office. On voice vote, motion carried.

### Item 4 - PUBLIC INPUT: (limited to 3 minutes/individual)

Mayor Bialecki turned the agenda item over to anyone wishing to provide input.

Lori Alexander of Harry Viner, Inc. addressed the Common Council. Ms. Alexander was joined at the podium by Harry Viner. Ms. Alexander said, "There was a bid put out by the City of Onalaska on August 2<sup>nd</sup>, and prior to the bid there were some insurance requirements and when I was looking through them – before we were going to bid the project – we submitted the requirements to our insurance company and they said that our insurance could not meet the requirements. There is a non-contributory clause in there, which means that if there's any damages done – not by Harry Viner, Inc., by the City of Onalaska – that it would be placed under our policy. And, our insurance company wasn't able to fulfil that.

"So, we called Ron Lund. Ron Lund informed us to get a hold of O'Flaherty, I believe. And, they talked to our insurance company and they said when we bid the job, put in there with the bid bond that we would not be able to come up with those requirements and that it would be okay with the City Attorney that they could possibly go out and buy the policy and add it to the bid, if we ended up being low bid. And, that plus the price of the insurance premium would still come up lower, that we would possibly get that contract.

"So, the bid happened and we were at \$153,000. The second bid was \$167,000. There's just under \$14,000 difference. We got a call from Ron Lund saying that the City wanted to recommend award to A-1 Excavating. And, he informed us to contact the City Attorney and we did. And, he said that – the bid difference was 8.5%, which was under \$14,000 – and he

informed us that we would have to be 25% difference from the second bid in order to make it feasible for the City of Onalaska to pick that premium up, which is \$37,000.

“So, I got back with our insurance company. Insurance companies – when you take a bid bond out, when you’re over 10% - they start looking – between the next bidders – they don’t – 25% is way out of line and they start looking at your bids. So, it’s not right in the bonding company’s eyes, because you’re probably doing something wrong with your bid. So, you’ve got a problem on that issue.

“Bob Breitzman is sitting here – our insurance company rep. and they got with the primary insurance company, Acuity, and they came back today and said that they would honor the contract because they wanted us to get the work on it. So, I notified James Bialecki this afternoon that a letter would be coming through that they would stand by the terms of your contract and that they would stand by the contract rules. And, that they’re looking in the future, to be able to honor that.

“So, we were hoping that the Council will vote for us to take this contract on. We have employees that live in Onalaska and we do a lot of work for Onalaska and would like to keep the work local”.

Mayor Bialecki called for anyone else wishing to address the Council.

Bob Breitzman of Brown & Brown Insurance addressed the Common Council. Mr. Breitzman said, “I’m here to support my insured, Harry Viner. Basically, I guess what we were looking at – and I applaud my insured for taking the foresight to look at all of the insurance recommendations or requirements that you wanted – the City wanted – them to fulfill under their contract for the bid.

“I guess I would point out that a lot of contractors don’t even take that step. They don’t even worry about the insurance bids. They look at them, they go, ‘Okay, that looks fine. Our limits are okay’. They send in their bid and then if they’re awarded the bid, they try to scramble at the last minute to make sure that they fulfill all the obligations on the insurance requirements.

“What Lori did and what Viners did with us is, before they even provided the City with a bid, they took the foresight to make sure that everything was in line before they even put a bid on the table. And, in doing so, what they brought to forefront is some language within the policy that asks for the City of Onalaska to be listed on their policy – on their insurance policy – as a primary and non-contributory basis.

“And, what Lori was saying is that Viners have very adequate insurance protection; a lot of limits – of liability limits, and a \$5 million umbrella that extends over that. If they’re responsible from some damage that occurs during the project, then they can be held negligent and liable, they’ve got up to \$6 million to protect them and the City for damages that result from that claim. The primary non-contributory is basically saying that if somebody else is at fault, or if the City is at fault for some type of incident that occurs during that process, that the City of Onalaska, the responsibility would then be pushed on to Harry Viner’s policies.

“So, what we did was we looked at our insurance policy language, and we went to the company – which is Acuity, which is domiciled right here in Wisconsin – and we looked through all the forms and nowhere in the forms did it say, ‘non-contributory’. So, what we did is we said, there’s no wording in the policy that’s going to afford you that non-contributory basis – okay – that non-contributory verbiage in their policy. It does however have an endorsement that says that they would add you as primary – as a primary insurance additional insured, which basically is implying that our insurance would be afforded to the City of Onalaska in that situation on a primary basis, so that your own insurance policies wouldn’t have to kick in. It doesn’t have the word ‘non-contributory’ in it, but it does have the word, ‘primary’, and that would imply that our insurance would be first and foremost.

“And, after the bid was awarded, and Lori informed us that she wasn’t awarded the bid, simply because of a technicality on some wording, I took it to the Acuity office and addressed them directly and said, ‘There’s something wrong with the fact that it’s silent in the policy. We need to actually specify that there would be a non-contributory basis in the working that would satisfy the requirements by the City of Onalaska’

“What Lori is saying is that Acuity has agreed to do that. And, if there’s a \$14,000 difference between their bid and the next bid, I would think that that in itself would be a wise choice to award them with the bid. I don’t know why you’d want to pay more than you should have if they’re accommodating what your needs are”.

Mayor Bialecki called three times more for anyone wishing to address the Common Council. Hearing none, Mayor Bialecki recommended next addressing Agenda Item 8. There was no objection.

## **Item 8 - ADMINISTRATIVE COMMITTEE:**

### **A. Approval of Operator’s Licenses**

<u>Name</u>	<u>Location</u>	<u>Type of Application</u>
Lois M. Bright	Kwik Trip	Renewal
Bryan R. Haugland	Woodman’s	New/Provisional
Tara R. Jensen	TGI Friday’s	New/Provisional
Joan E. Junghans	Kwik Trip	Renewal/Provisional
Michael E. Kinney	Olive Garden	Renewal
Cassie K. Meltz	Kwik Trip	New
Theresa A. Miller	Kwik Trip	New
Tarah V. Moyer	Kwik Trip	New/Provisional
Darrel W. Olson	TGI Friday’s	Renewal
Sabrina H. Sedlmayr	Kwik Trip	New

Kevin K. Westerman  
Casey J. Williams

Kwik Trip  
Hillside Inn

New  
New/Provisional.

Motion by Ald. Gonczy, second by Ald. Wulf, to approve the Operator's Licenses per the memorandum dated August 1, 2005. On voice vote, motion carried.

B. Amend Class "B" Liquor License for The Wharf for fundraiser to benefit the Children's Miracle Network, Saturday, September 17<sup>th</sup> from 4 p.m. to 8 p.m. and Sunday, September 18<sup>th</sup> from 10 a.m. to 6 p.m.

Motion by Ald. Gonczy, second by Ald. Leathen, to approve the request to amend Class "B" Liquor License for The Wharf for fundraiser to benefit the Children's Miracle Network, Saturday, September 17<sup>th</sup> from 4 p.m. to 8 p.m. and Sunday, September 18<sup>th</sup> from 10 a.m. to 6 p.m. On voice vote, motion carried.

C. Repair of broken monuments at the Onalaska Cemetery.

Ald. Gonczy reported that the Historical Society has made a request for the City of Onalaska to consider repair of broken monuments at the cemetery.

Ald. Wulf referred the members to Agenda Attachment 8C, which is an email dated August 4, 2005, from Tom Mann of CVMIC, to Financial Services Director Fred Buehler.

Ald. Wulf reported that on August 9, 2005, Neale Horman of the Onalaska Historical Society contacted her and that Ald. Wulf had reviewed the memo with Mr. Horman. Mr. Horman informed Ald. Wulf that the Historical Society has liability insurance and that they would have no objection to naming the City of Onalaska as an additional insured.

Ald. Wulf reported that Mr. Horman informed her that Cemetery Sexton Les Wing has not yet provided exact numbers, but estimates that approximately 50 headstones are in need of repair. Mr. Horman estimates the cost of repairs at approximately \$10 per headstone or a total amount of approximately \$500.

Ald. Wulf reported that Mr. Horman informed her that the Onalaska Historical Society volunteers would be willing to sign a hold-harmless agreement and an indemnification agreement prior to participating in the activity. The Historical Society wishes to begin the project between late-August and early-October. Some of the work might have to be completed in 2006.

Ald. Wulf reported that Mr. Horman could not attend this Common Council meeting as the Onalaska Historical Society meeting is scheduled at the same time.

Mayor Bialecki noted that the City owns and operates the cemetery as an enterprise function. Mayor Bialecki asked who owns the stones and the gravesites, and therefore whose permission would be required to renovate the headstones.

Fred Buehler noted that the email from Mr. Mann recommends that the Historical Society should obtain from the families of the deceased permission to make renovations on the headstones.

Ald. Wulf reported that she had informed Mr. Horman of this recommendation. Ald. Wulf reported that Mr. Horman had raised concerns regarding some of the very old headstones and the ability to contact the associated families. Ald. Wulf reported that an individual that restores cemeteries would be present at tonight's Historical Society meeting and would be asked for more information on this point.

Ald. Gonczy suggested that the item should be sent back to the Administrative & Judiciary Committee to allow time to gather more information and the City Attorney's opinion.

Motion by Ald. Gonczy, second by Ald. Giese, to refer back to the Administrative & Judiciary Committee, Agenda Item 8C. On voice vote, motion carried.

#### D. Horn blowing at railroad crossings located on 2<sup>nd</sup> Avenue Southwest and 1<sup>st</sup> Avenue South.

Motion by Ald. Gonczy, second by Ald. Leathen, to proceed with investigation of regulations relating to train whistle blowing at railroad crossings.

Under discussion, Ald. Gonczy reported that questions relating to interpretation of the regulations and any possible costs to the City must first be answered before making a recommendation.

On voice vote, motion carried.

#### E. Onalaska Veterans Memorial Agreement.

##### 1. Fiscal Obligation to the City of Onalaska.

Motion by Ald. Gonczy, second by Ald. Wulf, to approve the amended Onalaska Veterans Memorial Perpetual Care Agreement, with an additional change to Item 7 of the agreement to read, "The term of this agreement shall continue as long as the Memorial is maintained by the Legion at the Onalaska City Cemetery, and shall be reviewed on a triennial basis". On voice vote, motion carried.

## 2. Annual Reporting on Perpetual Fund.

Mayor Bialecki suggested next addressing Agenda Items 9E1 and 9E2. There was no objection.

### **Item 9 – BOARD OF PUBLIC WORKS:**

#### E. Project Bids.

##### 2. Mason Street Project.

Ald. Leathen reported that Viner Construction had the low bid but did not meet the project requirements.

Motion by Ald. Leathen, second by Ald. Gonczy, by to award to A-1 Excavating the Mason Street Project in the amount of \$167,082.50.

Under discussion, said, “In light of what was brought forward... wouldn’t we have to reopen the bids again, in all fairness to the other people? Bids were submitted in a timely manner. We made our decision on it...”

City Attorney Gerald O’Flaherty responded, “Your comment is correct. If you wanted to consider a nonconforming bid, which was nonconforming at the time of the bid opening is what is important – you don’t want to get into the practice of allowing later amendments of bids. But, you can decide to rebid the entire project, if you so choose”.

Ald. Gonczy noted that that would put the project 30-days behind.

Mayor Bialecki said, “As you said, it was nonconforming. Then I think we’re sending a negative message to other contractors. What’s the point of going through the bid process if we’re going to flip-flop and open it up again anyhow?”

Ald. Giese asked if it were correct that it is the City Attorney’s opinion that the Viner bid was not in compliance with the specifications, and that any modification subsequent to the bid opening could only be properly accomplished by rebidding the project. Gerry stated that is correct.

On voice vote, motion carried.

##### 1. 2005 Sidewalk.

Motion by Ald. Leathen, second by Ald. Gonczy, to award to Country Roads Construction the 2005 Sidewalk Project in the amount of \$54,492.

Ald. Olson temporarily took over the chair.

On voice vote, motion carried.

Ald. Leathen suggested completing Agenda Item 9. There was no objection.

A. Development Agreement between the City of Onalaska and John Towner (Deer Park).

Ald. Leathen reported that the Board of Public Works discussed at length the proposal from John Towner.

Mayor Bialecki resumed as chair.

Motion by Ald. Gonczy, second by Ald. Smith, to refer to the Plan Commission the Development Agreement between the City of Onalaska and John Towner (Deer Park). On voice vote, motion carried.

B. Update/information on 2<sup>nd</sup> Avenue/US Highway 35 reconstruction issue and project agreement.

Ald. Leathen reported that the Project Agreement calls for a cost share from the City of \$73,361.

Motion by Ald. Leathen, second by Ald. Gonczy, to approve the project agreement for the 2<sup>nd</sup> Avenue/US Highway 35 project.

Under discussion, Ron reported that action had been taken at the Board of Public Works meeting to include in the agreement verbiage to clarify the cost of right-of-way acquisition. The City shall be reimbursed for time, material, labor, the cost to hire an appraiser, etc.

Ron referred the members to a copies of an updated agreement from the Wisconsin Department of Transportation.

In response to a question from Mayor Bialecki, Gerry stated that he had not yet had the time to review the updated agreement. Gerry looked over the agreement. Gerry said, "The language regarding the right-of-way acquisition appears to be in order".

On voice vote, motion carried.

C. Stripe East Main Street for 4-lane traffic.

Motion by Ald. Leathen, second by Ald. Gonczy, to authorize striping East Main Street for 4-lane traffic.

Under discussion, Ron reported that the Board of Public Works also had taken action to stripe a taper lane for traffic heading west on Main Street, at a point past the Main Street/Sand Lake Road intersection approaching 11<sup>th</sup> Avenue North.

Ron reported that if approved at this meeting, striping could be done as soon as Friday, August 12, 2005.

On voice vote, motion carried.

#### D. East Main Street and Greens Coulee Road signalization.

Ald. Leathen reported that the cost of the project is estimated at \$150,000.

Motion by Ald. Leathen, second by second by, to give tentative approval to proceeding with the signalization project at the intersection of East Main Street and Greens Coulee Road, contingent upon signing an acceptable agreement with the Wisconsin Department of Transportation.

Under discussion, Ald. Giese asked what would be the City's share of the \$150,000 project cost. Ron responded, "We had originally received a grant from the LAPC for \$125,000, although that's been negotiated down because of funding problems". Ron reported that the revised grant award is \$97,000. The City would be responsible for any project cost over \$97,000. Ron reported that the estimate to complete the project is \$150,000. Ron reported that design could start, "very soon" with construction in 2006.

On voice vote, motion carried.

#### F. Department of Natural Resources Sanitary Sewer Collection System inspection.

Ald. Leathen reported that the Department of Natural Resources reviewed the Sanitary Sewer Collection System for La Crosse, Onalaska, and several other communities and issued its report. The report include three or four recommendations to the City of Onalaska for improvements to its system. The recommendations were "fairly minor things" such as sealing electrical boxes.

Mayor Bialecki recommended that this item should remain on the Board of Public Works for follow-up.

Motion by Ald. Leathen, second by Ald. Gonczy, to accept the recommendations from the Wisconsin Department of Natural Resources regarding the City of Onalaska Sanitary Sewer Collection System. On voice vote, motion carried.

G. Water usage and distribution system.

Ald. Leathen reported that there had been discussion at the Board of Public Works meeting regarding water usage as it relates to the voluntary usage request. It was reported that prior to the requests, daily water usage was between 6 million and 7 million gallons per day. After the requests, daily water usage was between 3 million and 5 million gallons per day.

Ald. Leathen said, “We’re very encouraged by that and think that if people can respond like that in the future, it may affect positively our need for additional wells”.

Mayor Bialecki said, “Had people continued to use a high amount of water just to water their lawns for a prolonged period of time, it’s going to place a lot of stress on the equipment and the pumps”.

H. Request by CenturyTel to bury cable under Crossing Meadows Drive.

Motion by Ald. Leathen, second by Ald. Gonczy, to approve the request by CenturyTel to install buried cable under Crossing Meadows Drive. On voice vote, motion carried.

I. Right-of-way plat and conveyance of rights for the Oak Forest Drive intersection project.

Motion by Ald. Leathen, second by Ald. Gonczy, to approve the right-of-way plat and conveyance of rights for the Oak Forest Drive intersection project. On voice vote, motion carried.

J. Request from Onalaska School District to repave the alley off 8<sup>th</sup> Avenue South.

Motion by Ald. Leathen, second by Ald. Wulf, to approve the request from the Onalaska School District to repave the alley off of 8<sup>th</sup> Avenue South. On voice vote, motion carried.

K. Safety recommendation for the intersection of East Avenue North and Riders Club Road.

Motion by Ald. Leathen, second by Ald. Wulf, to accept the safety recommendations for the intersection of East Avenue, which are to trim trees along the south side of Riders Club Road, place pylon signs on East Avenue North during the Aquatic Center season, stencil “Stop Ahead” on pavement on the approach to the stop signs, install signage at the base of the stop signs to read, “Cross Traffic Does Not Stop”, and to replace existing stop signs with larger stop signs.

Under discussion, in response to a question from Ald. Gonczy, Ron reported that it would likely take two to three weeks to receive the stencils and signs. Ron estimated that the work would be completed in 30 to 60 days.

Ald. Gonczy recommended that once the safety measures are in place, the Police Department should monitor the intersection for improvements. Ald. Gonczy suggested that if improvements are not made, then the safety committee should be reconvened to consider other alternatives.

Ald. Gonczy reported that on August 9, 2005, he had received an email from a residents of the area. Ald. Gonczy said, "They're happy we're addressing it, but they're concerned this won't be enough".

Ald. Giese said, "There were allegations raised that there's excessive speed in that corridor – both on East Avenue and Riders Club Road. I understand that services are limited, but if at all possible it would be nice to have a report back or some indication of what is the driver behavior in that area".

On voice vote, motion carried.

#### L. Request to open Greens Coulee Road for sewer and water service.

Motion by Ald. Leathen, second by Ald. Gonczy, to approve the request from Robert Wehrenberg to open and excavate 510 Greens Coulee Road for the purpose of installing sanitary sewer and water laterals for two 3-unit condominiums, with the understanding that the street shall be restored to its original condition and that the work shall carry a two-year warranty. On voice vote, motion carried.

Mayor Bialecki suggested that Agenda Item 10 should be addressed next. There was no objection.

#### Item 10 - PLAN COMMISSION:

##### A. Preliminary Plat submitted by Thomas Krajewski, 453 2<sup>nd</sup> Ave. N., Onalaska, for the land located at 2218 Germann Court, Onalaska for 6 lots (Tax ID# 18-3570-53).

1. Preliminary Plat Fee of \$40.00 + \$10 per lot x 6 = \$100.00
2. Park Fee of \$1,120.00 per unit x 6 = \$6,720.00.

3. Topo Fee of \$10.00 per acre x 2.51 = \$25.10.
4. Greens Coulee Sanitary Sewer Fee of \$255.00 per acre x 2.51 = \$640.00
5. Storm Sewer Fee of \$3,148.00 per acre x 2.51 = \$7,901.48. Storm Sewer Fee may be waived in exchange for developer installing storm sewer. If cost exceeds fee, City shall reimburse developer ½ cost over fee. If fee exceeds cost, developer shall pay remaining fee to City.
6. Copy of Preliminary Plat shall be submitted to City prior to July 22, 2005.
7. Owner shall be aware of 50' setback along interstate right-of-way + 30' green area requirement.
8. All utility easements shall be clearly marked on the plats including the existing storm easement along interstate right-of-way.
9. Sidewalk required – on side of proposed cul-de-sac.
10. Street lights required – coordinate with City Engineering Department.
11. 2 – 2 ½" caliper canopy trees required per parcel.
12. Letter from utility company required for submittal to City.
13. Master drainage plan required – submit to City Engineer for review and approval – must be on file in Inspection Department prior to building permit issuance.
14. Inspector required on all utility work – paid for by developer, provided by City.
15. As-built plans for all public improvements required prior to plat recording.
16. 5-year guarantee required on all improvements, 3 years equal to 25% of cost of improvements plus an additional 2 years equal to \$100.00 per manhole or catch basin – to be submitted to City as a Letter of Credit from developer.
17. NR216 State Storm Water Permit required.
18. All utilities must be stubbed in 11' beyond utility easements (minimum).

19. Owner/developer must 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 the issuance of occupancy permit.
20. Owner/developer must notify the City prior to any utility connection to public utilities.
21. 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.
22. Any omissions of any conditions not listed in the Plan Commission Minutes shall not release the developer/property owner from abiding by the City's Subdivision Ordinance and Zoning Code requirements.
23. Owner shall provide City with Flood Protection Elevations for each house for lowest floor elevation.
24. Street designs and utility plans must be submitted to the City's Public Works Department for review and approval.
25. Developer shall notify perspective homebuyers of potential noise from I-90. The City shall not be responsible for noise abatement measures.
26. Developer shall inform perspective homebuyers that a storm water drainage ditch exists on a 32-foot easement adjacent to I-90. Buyers also should be aware that because of the flat ditch grade and earth construction, that water ponds are common, especially where the storm pipe falls into the ditch. Paving of the ditch and pipe installation has been ruled out because of cost and cover over pipe. Lot owners should buy as is. Walkout basements and first floor elevations shall be 2 feet above the 100-year ditch flood elevations.
27. Utilities, street and drainage plan to be approved by Engineering Department. Street entrance onto Germann Court shall be okayed by the Town of Medary.
28. 10-foot snow easement required around cul-de-sac and plat to show all utility/drainage easements.

29. Check deferred special assessments with Finance Director.

Motion by Ald. Giese, second by Ald. Smith, to approve with 29 conditions, the Preliminary Plat submitted by Thomas Krajewski, for the land located at 2218 Germann Court, for six lots. On voice vote, motion carried.

**B. CSM (Certified Survey Map) request filed by Nancy Saylor, US Properties Group Portfolio Two, LLC 10 W. Bread Street, Suite 1650, Columbus Ohio, 43215 for a 12-acre parcel located at 1210 Crossing Meadows Drive (Tax ID# 18-3290-5).**

1. CSM Fee of \$40.00 + \$10.00 per lot x 1 = \$50.00.
2. All other fees previously paid.
3. PCID plan may require amendment based on final configuration of developable site.
4. All land remnants must be rectified at the time this CSM is drafted.
5. Owner/developer must 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 the issuance of occupancy permit.
6. Owner/developer must notify the City prior to any utility connection to public utilities.
7. 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.
8. Any omissions of any conditions not listed in the Plan Commission Minutes shall not release the developer/property owner from abiding by the City's Subdivision Ordinance and Zoning Code requirements.
9. Owner to provide Plan Commission with justification for subdivision.

Motion by Ald. Giese, second by Ald. Leathen, to approve with nine conditions the Certified Survey Map request filed by Nancy Saylor, US Properties Group Portfolio Two, LLC, for a 12-acre parcel located at 1210 Crossing Meadows Drive. On voice vote, motion carried.

**C. Wisconsin Department of Transportation – STH 35 improvements for 2009 – 2011.**

Ald. Giese said, “I think the design boundaries now extend to the City limits, but the City limits in 2009 through 2011 are likely to be much farther north. So, we need to plan going farther north than where we are right now”.

**D. Unified Development Code – form districts.**

Jason reported that a critical path schedule would be brought forward for the design work to be done on the form districts. Adoption of the form districts section of the zoning code could occur by the end of 2005.

**E. Resolution 30-2005 – 2005 Comprehensive Plan.**

**RESOLUTION 30-2005**

**APPROVAL OF THE 2005 CITY OF ONALASKA  
COMPREHENSIVE PLAN**

WHEREAS, pursuant to Section 66 of the State of Wisconsin Statutes, the City of Onalaska is authorized to prepare a Comprehensive Plan as defined in Sections 66.1001 (1)(a) and 66.1001 (2) of the Wisconsin Statutes;

AND WHEREAS, the City of Onalaska, Wisconsin has adopted a written citizen participation plan and has completed it for the Comprehensive Plan as required by Section 66.1001 (4)(a) of the Wisconsin Statutes;

AND WHEREAS, the Plan Commission of the City of Onalaska, Wisconsin by a majority vote recorded in its official minutes wishes to adopt the document titled, “ The City of Onalaska Comprehensive Plan 2025” containing all of the elements specified in Section 66.1001 (2) of the Wisconsin Statutes;

AND WHEREAS, the City of Onalaska has held at least one public hearing on the ordinance adopting the City of Onalaska Comprehensive Plan 2025 in compliance with Section 66.1001 (4) (d) of the Wisconsin Statutes;

NOW THEREFORE BE IT RESOLVED that the Plan Commission of the City of Onalaska, Wisconsin, does, by enactment of this resolution approve the City of Onalaska Comprehensive Plan 2005, pursuant to Chapter 66 of the Wisconsin Statutes;

Dated this \_\_\_\_ day of \_\_\_\_\_, 2005

CITY OF ONALASKA

BY: -----

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James S. Bialecki, Mayor

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Caroline Burmaster, City Clerk

Passed:

Approved:

Jason explained this resolution had been presented to the Plan Commission after the Common Council has acted upon a recommendation of the Long Range Planning Committee to adopt the Comprehensive Plan.

Jason said, "Due to some dispute over how the new Comprehensive Planning legislation reads, and who is really supposed to make the recommendation to the Council. The statutes say that a Plan Commission or other authorized planning body can make a recommendation. I've heard two interpretations of that clause in the statutes. One is that that means that any body in a municipal government that is authorized to make those recommendations – such as the City's Long Range Planning Committee – can make a recommendation to approve. The other interpretation I've heard is that that only applies when a city doesn't have a Plan Commission, but the statute doesn't explicitly say that.

"So, in order to make sure that we've got all bases covered, I asked the Department of Administration if it would be okay if we just ran a resolution through our Plan Commission. They have been involved every step of the way, and we did report on the Comprehensive Plan throughout the process.

"So, the Plan Commission did recommend approval of resolution 30-05 at their last meeting".

Motion by Ald. Giese, second by Ald. Gonczy, to approve **Resolution 30-2005**. On roll call vote: Ald. Gonczy – aye; Ald. Olson – aye; Ald. Smith – aye; Ald. Leathen – aye; Ald. Wulf – aye; Ald. Giese – aye. Resolution passed unanimously.

## **Item 5 - REPORT FROM THE MAYOR.**

### **A. Seatbelt fee reduction policy.**

Mayor Bialecki reported that approximately eight years ago, a policy was adopted in the court system that individuals who are stopped for a speeding violation, and found to be wearing a seatbelt, would be given a \$10 reduction in the fine. If all other parties in the vehicle were wearing their seatbelts, the fine would be reduced by \$15.

Mayor Bialecki noted that at the time this policy was adopted, there was not a seatbelt law in the State of Wisconsin. There now is such a law. Mayor Bialecki stated that it is his understanding that such fee reductions for seatbelt use are not in effect elsewhere.

Motion by Ald. Giese, second by Ald. Olson, to discontinue the seatbelt fee reduction policy. On voice vote, motion carried.

### **B. Police Department Reclassification.**

Mayor Bialecki reported that he had received a memo from Police Chief Randy Williams regarding an administrative position. Mayor Bialecki suggested referring the item to the Finance & Personnel Committee.

Mayor Bialecki said, "It would be my opinion that any time there's going to be a reclassification in a department, that the department head and the committee should rely on a job audit and independent study from the HR. I don't think that has occurred yet, and this will allow you the time to do that".

There was no objection to Mayor Bialecki recommendation to refer the item for 30 days.

### **C. Update on Cable TV Services.**

Mayor Bialecki reported that the Mississippi River Valley Communications Commission would meet on August 29, 2005. The Commission will select a committee to begin the negotiation process with Charter Communications for an eventual cable agreement.

Mayor Bialecki said, "The primary thrust here is, we would rather have an agreement that would fit the whole region, versus what traditionally was done; and that was negotiating separate agreements for each town, village and city".

Mayor Bialecki reported that the Commission also would be presented with a service agreement

from CenturyTel.

Ald. Gonczy asked when does the current contract with Charter Communication end. That information was not immediately available and Ald. Gonczy stated that he would follow up at a later time.

Mayor Bialecki reported that the City of La Crosse has tentative 6-month agreements with both Charter Communications and CenturyTel.

Gerry said, "The contract with Charter is non-exclusive, so the City is in a position to do a temporary with CenturyTel".

D. Voluntary water sprinkling program.

Addressed under Agenda Item 9G, Board of Public Works.

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

**Item 6 – FINANCE COMMITTEE:**

A. Vouchers.

Motion by Ald. Smith, second by Ald. Olson, to approve Vouchers No.1719 through No. 1994, expended since the last Common Council meeting of July 12, 2005 in the amount of \$2,512,618.22. On voice vote, motion carried.

B. Acceptance of the 2004 Audited Financials with the City's auditing firm of Hawkins, Ashe, Baptie, and Company LLC (HABCO).

Motion by Ald. Smith, second by Ald. Leathen, to accept and place on file the 2004 Audited Financials with the City's auditing firm of Hawkins, Ashe, Baptie & Company, LLC. On voice vote, motion carried.

C. Review existing contract or solicit for bids.

1. Information Management Services, Inc. – Computer software/hardware maintenance for 2006.

Motion by Ald. Smith, second by Ald. Giese, to renew the contract with Information

Management Services, Inc., for 2006, in the amount of \$24,300. On voice vote, motion carried.

D. Computer hardware/software replacement in connection with current Govern for Windows upgrades.

Motion by Ald. Smith, second by Ald. Giese, to replace six PC at a cost not to exceed \$900 each or a total not to exceed \$5,400. On voice vote, motion carried.

**Item 7 – PERSONNEL COMMITTEE:**

A. Out-of-State Travel Requests:

1. Bill Boldon, Chris Olson, and Jarrod Holter, to attend the American Public Works Association National Exposition in Minneapolis, MN on September 12, 2005.

Ald. Smith reported that the Personnel Committee had recommended approval of this request, with the total financial impact to be presented that this meeting of the Common Council.

Liz Green reported that the question raised at the Finance & Personnel Committee meeting related to overtime costs; i.e. whether the City would have to pay travel time for Public Works employees who were passengers in the vehicle. Liz reported that she had consulted both State and Federal laws on this point, employees do not have to be paid if they are passengers in a vehicle, except in the case of overnight travel. The Public Works employees would depart and return on the same day. They will be paid a total of \$200.

Motion by Ald. Leathen, second by Ald. Smith, to approve the out-of-state travel request for Bill Boldon, Chris Olson and Jarrod Holter to attend the American Public Works Association National Exposition in Minneapolis, MN on September 12, 2005.

Ald. Smith reported that the costs do not appear in the minutes of the Finance & Personnel Committee meeting. Fred explained that labor would be the only cost. Ron reported that it is his understanding that the Onalaska staff would share a van with La Crosse staff, at no cost to the City. The Wisconsin Society of Professional Engineers will cover the cost of registration. Ron reported that the only costs would be for labor and meals.

Ald. Gonczy asked if City employees that attend seminars are required to provide a written report of what was learned and how that information would be implemented. Ron reported that the Public Works Department staff are required to give an oral presentation to staff on what was learned.

Mayor Bialecki recommended that staff should dictate a narrative to be distributed to the Common Council members. Mayor Bialecki noted that other departments do so.

Ald. Gonczy recommended that an item relating to seminar reporting should be placed on the Department Head agenda.

On voice vote, motion carried.

2. Randy Williams to attend National Workshop: Engaging State Law Enforcement and Citizen Corps Leader in Atlanta, GA on September 13 – 14, 2005.

Ald. Smith reported that this item had not been on the Finance & Personnel Committee agenda.

Motion by Ald. Smith, second by Ald. Olson, to approve the out-of-state travel request for Police Chief Randy Williams to attend the National Workshop: Engaging State Law Enforcement and Citizen Corps Leader, in Atlanta, GA, on September 13 – 14, 2005, at no cost to the City. On voice vote, motion carried.

B. Job Descriptions:

1. Lieutenant - Fire Department.

Motion by Ald. Smith, second by Ald. Giese, to approve the job description for Lieutenant, Fire Department. On voice vote, motion carried.

2. Human Resources Specialist.

Motion by Ald. Smith, second by Ald. Giese, to approve the job description for Human Resources Specialist. On voice vote, motion carried.

C. Update on Compensation Study.

Motion by Ald. Smith, second by Ald. Olson, to refer this item for 30 days. On voice vote, motion carried.

**Item 11 - JUDICIARY COMMITTEE:**

**A. Ordinance No. 1235-2005 – to amend Section 10-1-27(1)(1) and delete 10-1-27 (1)(2)(e) of the Code of Ordinances of the City of Onalaska relating to parking (Third and Final Reading).**

Motion by Ald. Wulf, second by Ald. Gonczy, to give **Ordinance No. 1235-2005** its Third and

Final Reading. On voice vote, motion carried.

**Item 12 - LONG RANGE PLANNING COMMITTEE:**

Jason reported that a quorum was not seated at the last meeting of the Long Range Planning Committee, and so the agenda items would be delayed until the next meeting.

- A. Comprehensive Plan 2005.
- B. Unified Development Code.
- C. ULI (Urban Land Institute) Grant for Tourism Center.
- D. Menards Area Development Update.

**Item 13 - UTILITIES COMMITTEE / MASS TRANSIT:**

**UTILITIES**

No Report.

**MASS TRANSIT**

**A. Onalaska/Holmen Public Transit:**

**a. Financials for June 2005.**

Ald. Giese reviewed the June 2005 report:

- There was an increase in rides from June 2004 to June 2005 of 251 units.
- June 2005 Holmen calls = 685 calls (increase of 169 from same time last year)
- June 2005 Onalaska calls = 1,465 calls (increase of 82 from same time last year)
- June 2005 MTU passes issued = 152

Motion by Ald. Giese, second by Ald. Gonczy, to receive and place on file the Onalaska/Holmen Public Transit Financials for June 2005. On voice vote, motion carried.

Ald. Giese reported that at the Mass Transit Committee reviewed a draft budget for the 2006 Shared Ride Program. The budget will increase slightly over last year from \$46,600 to \$48,900.

**Item 14 - PARKS & RECREATION BOARD:**

**A. Discussion on policy for maintaining City gardens.**

Motion by Ald. Smith, second by Ald. Wulf, to approve the policy for maintaining the City gardens, as it appears under Agenda Attachment 14A.

Under discussion, Ald. Wulf said, "I'd like to sincerely thank Mark Hanson for his work on obtaining the volunteers who will be performing this work on behalf of the City. I think he did an extraordinary job in obtaining all these volunteers to take the burden off the City employees".

In response to a question from Ald. Gonczy, Fred reported that any liability issues relating to volunteers would be addressed by the use of a hold harmless agreement.

On voice vote, motion carried.

### **Item 15 – SWIMMING POOL BUILDING COMMITTEE:**

#### **A. Aquatic Center update.**

Ald. Wulf reported that the last Pool Building Committee meeting was held on August 2, 2005. Ald. Wulf reported that the meeting lasted approximately 3.5 hours and the resulting minutes were approximately 35 pages long.

Ald. Wulf said, "I'd like to report simply that I think a lot of forward progress was made at this meeting".

Ald. Wulf noted that Fred had provided the Common Council members with copies of correspondence from the City's Attorney to Bill Rollins, Splashtacular and Badger Swim Pools.

Ald. Wulf reported that the Pool Building Committee would meet next on the first Tuesday of September.

Ald. Wulf encouraged the members to read the minutes of the Pool Building Committee.

### **Item 16 - TOURISM COMMISSION**

No report.

### **Item 17 - JOINT COOPERATIVE COMMISSION:**

No meeting this month.

### **Item 18 - SENIORS COALITION:**

No meeting this month.

**Item 19 - REPORT FROM LIBRARY COMMISSION:**

**A. Library Usage July 2005.**

Ald. Smith reviewed the July 2005 Library Usage Report:

- Internet Uses = 4,462
- Gate Count = 28,337
- Wizard of Oz play = 125 attendees (previous performances of the play drew 385 and 155 attendees)
- Midsummer event = 308 attendees
- Readers completing the summer library program = 474

Ald. Smith reported:

- In 2004, 98 volunteers worked at the Library for a total of 1,146.5 hours
- There were three teen nights in the Summer of 2005 with a total attendance of 79 teenagers.

**Item 20 - REPORT FROM TECHNOLOGY COMMITTEE:**

**A. Review technology survey results.**

Ald. Wulf reported that the July Technology Advisory Committee meeting, the members received the survey results. The members will review the results and develop a summation to present to the Common Council in September. Ald. Wulf reported that copies of the raw data are available upon request.

**B. Approval of yearly service call for rebroadcast equipment.**

Ald. Wulf noted that there have been a number of problems with the audio/visual equipment in the Common Council chambers.

Ald. Wulf reminded that the Common Council previously had taken action to approve the rebroadcast of the Common Council meetings. Rebroadcasts have taken place, but recently there have been technical problems. Common Council meetings have not been rebroadcast since January 2005.

Ald. Wulf reported that the Technology Advisory Committee recommends undertaking a

discovery process, in which local companies would tour the audio/visual room and asked for informal comment. Under consideration are: DigiComm, Sound World, and one other local company.

Ald. Wulf noted that the current service company, AVI, is located in Madison and there are issues with their distance from Onalaska. Ald. Wulf reported that there is disagreement between AVI and Charter Communications regarding the source of the technical problems.

Ald. Wulf invited City Hall employees, Common Council members, and the viewing public, to contact Ald. Wulf to inform her of problems with the audio/visual equipment, rebroadcasts, etc.

## **Item 21 - REPORT FROM COMMUNITY DEVELOPMENT AUTHORITY:**

### **A. Report on Events.**

Ald. Leathen reported:

- Since the last meeting, the OmniCenter has hosted:
  - Wedding Ceremony
  - Company meeting
  - CVMIC Confined Space Training Session
  - ATV classes
  - St. Rose Convent Convention
  - Cat Show

The organizers of the Cat Show extend their thanks to the Mayor for participating as a judge.

- Upcoming events:
  - Night Storm Dances
  - Four wedding receptions
  - REMAX company picnic
  - Waltzcraft company picnic
  - Fall gun show
  - RSVP appreciation banquet
  - Kid Fest
  - Careers on Wheels
  - UW La Crosse Venture Fair.

Ald. Leathen reported that the fundraising campaign is moving forward. All literature has been printed and received. Prospect lists are being finalized. Solicitation is expected to begin soon. A full report will be presented to the Common Council at its September 2005 meeting.

**Item 22 - REPORT FROM POLICE AND FIRE DEPARTMENT LIAISON:**

**Item 23 - REPORT FROM THE SHOP RELOCATION COMMITTEE:**

**A. Parks & Recreation space needs reduction.**

Ald. Leathen reported that the Parks & Recreation Department has reduced their needs at the City Shop.

**B. Site Plan Review.**

The committee recommends siting the building in an east-west orientation, which will allow the truck bay doors to face south.

**C. Outside refuse area and land needs.**

The committee recommends eliminating the outdoor refuse area. This change could eliminate the need to purchase Lot 4.

**Item 24 – SAFETY COMMITTEE:**

No report.

**Item 25 - REPORT FROM LAND USE AND DEVELOPMENT DIRECTOR:**

**Item 26 - REPORT FROM THE ALDERPERSONS:**

**A. Onalaska's Schools Food Pantry - Ald. Wulf.**

Ald. Wulf reported that the next food distribution would be at the Middle School on Friday September 2, 2005 from 2:15 p.m. to 3:15 p.m.

**Item 27 - REPORT FROM THE FINANCIAL SERVICES DIRECTOR:**

**Item 28 - REPORT FROM THE CITY CLERK:**

**Item 29 - REPORT FROM THE CITY ATTORNEY:**

**Item 30 – Any other business that may come before the committee subsequent to this notice.**

**Item 31 - Closed Session:**

To consider a motion to convene in Closed Session under Section 19.85 (1)(c) of the Wisconsin Statutes for the purpose of considering compensation/negotiations of any public employee over which the governmental body has jurisdiction or exercises responsibility (IAFF), and under Section 19.85 (1)(e) of the Wisconsin Statutes for the purpose of deliberating or negotiating the purchase or acquisition of property (Waterfront property), and under Section 19.85 (1)(g) of the Wisconsin Statutes for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved (claims against the City: bike stolen at the City of Onalaska Library; transmission fluid on the driveway at 2110 Clearwater Drive; and Coulee Region Humane Society contesting the 2004 Assessment Value). If any action is required in Open Session, as the result of the Closed Session, the Committee will convene in Open Session to take the necessary action and/or continue on with the printed agenda.

Motion by Ald. Olson, second by Ald. Smith, to convene in Closed Session as is stated in the agenda. On roll call vote: Ald. Smith – aye; Ald. Gonczy – aye; Ald. Leathen – aye; Ald. Olson – aye; Ald. Giese – aye; Ald. Wulf – aye. Motion carried to convene in Closed Session.

Recorded by:

Holly Traffas