

**Administrative & Judiciary Committee  
of the City of Onalaska**

Wednesday, January 6, 2016

1

1 The meeting of the Administrative & Judiciary Committee of the City of Onalaska was called to  
2 order at 6:00 p.m. on Wednesday, January 6, 2016. It was noted that the meeting had been  
3 announced and posted at City Hall.

4  
5 Roll call was taken with the following members present: Ald. Barry Blomquist, Ald. Jim  
6 Binash, Ald. Harvey Bertrand

7  
8 Also Present: Mayor Joe Chilsen, City Clerk Cari Burmaster, Ald. Bob Muth, City Engineer  
9 Jarrod Holter, Electrical Inspector Brad Neumeister

10  
11 **Item 2 – Amend and Approval of minutes from the previous meeting**

12  
13 The following corrections were made to the minutes from the December 2, 2015 Administrative  
14 and Judiciary Committee meeting:

15  
16 Lines 139, 143, 150, 154, 160, 164, 180, 184, 196 and 200 should all read **Ordinance No.** and  
17 not **Resolution No.**

18  
19 Motion by Ald. Blomquist, second by Ald. Binash, to approve the amended minutes from the  
20 previous meeting as printed and on file in the City Clerk's Office.

21  
22 On voice vote, motion carried.

23  
24 **Item 3 – Public Input (limited to 3 minutes/individual)**

25  
26 Ald. Bertrand called three times for anyone wishing to provide public input and closed that  
27 portion of the meeting.

28  
29 **Consideration and possible action on the following items:**

30  
31 **Administrative**

32  
33 **Item 4 – Approval of Operator's Licenses as listed on report dated January 6, 2016**

34  
35 Motion by Ald. Blomquist, second by Ald. Bertrand, to approve Operator's Licenses as listed on  
36 report dated January 6, 2016.

37  
38 On voice vote, motion carried.

39  
40 **Item 5 – Approval of Change of Agent for Quantum Leap Restaurants, Inc. d/b/a TGI**  
41 **Friday's, 9430 State Road 16, Onalaska to John Hartnell**

42

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43 Motion by Ald. Bertrand, second by Ald. Blomquist, to approve Change of Agent for Quantum  
44 Leap Restaurants, Inc. d/b/a TGI Friday's, 9430 State Road 16, Onalaska to John Hartnell.

45  
46 On voice vote, motion carried.

47  
48 **Item 6 – Approval of Class “B” Picnic License for St. Patrick’s, 1031 Main Street,  
49 Onalaska for Friday Fish Fries on February 12, 19, 26 and March 4, 11, 18, 2016**

50  
51 Motion by Ald. Blomquist, second by Ald. Bertrand, to approve Class “B” Picnic License for St.  
52 Patrick’s, 1031 Main Street, Onalaska for Friday Fish Fries on February 12, 19, 26 and March 4,  
53 11, 18, 2016.

54  
55 On voice vote, motion carried.

56  
57 **Item 7 – Miscellaneous licensing reporting**

58  
59 Cari referred to a list of Recreational Burning Permits distributed to committee members.

60  
61 Motion by Ald. Blomquist, second by Ald. Bertrand, to approve the miscellaneous licensing  
62 reporting.

63  
64 Ald. Bertrand asked what circumstances would lead to a resident being denied a burning permit.

65  
66 Cari said a burning permit would be denied if an individual such as a renter or the owner of a  
67 mobile home wished to burn on a property where no burning was allowed. Cari said physical  
68 restrictions on a property would be a cause for the city to deny a burning permit.

69  
70 On voice vote, motion carried.

71  
72 **Judiciary**

73  
74 **Item 1 – Ordinance No. 1525-2016 – to create Chapter 3 of Title 2, Section 14 of the Code  
75 of Ordinances of the City of Onalaska relating to City Administrator (Third and Final  
76 Reading)**

77  
78 Motion by Ald. Blomquist, second by Ald. Bertrand, to approve Ordinance No. 1525-2016 – to  
79 create Chapter 3 of Title 2, Section 14 of the Code of Ordinances of the City of Onalaska relating  
80 to City Administrator (Third and Final Reading).

81  
82 Ald. Binash referred to (e) Organizational Level, which begins, “*The City Administrator, as  
83 chief operating officer, is delegated the Mayor’s executive authority ...*” and asked if this should  
84 be worded differently.

Reviewed 1/8/16 by Cari Burmaster

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85

86 Cari said, "I think he is delegated because currently it's delegating the Mayor's executive  
87 authority to the [City] Administrator." Cari noted that the wording comes from the city's legal  
88 counsel.

89

90 Ald. Binash said the sentence is not grammatically correct as it stands. Ald. Binash said the  
91 sentence should instead read "He is delegated" or "He has delegated the Mayor's executive  
92 authority" and asked that the sentence be clarified.

93

94 Cari asked that "as chief operating officer" be removed because it is a qualifier, and she read the  
95 sentence as follows: "*The City Administrator is delegated the Mayor's executive authority to  
96 administer independently the operations of certain City departments.*"

97

98 Ald. Binash said he still finds the sentence to be grammatically incorrect, adding that it lacks the  
99 necessary clarification should an issue arise in the future.

100

101 Mayor Chilsen suggested deleting "the Mayor's executive authority."

102

103 Ald. Binash said, "That would make better sense."

104

105 Ald. Blomquist asked, "Where does it define the Mayor's executive authority? If we've lessened  
106 the Mayor's work description to minimalistic compared to what it used to be, is there something  
107 backing up this ...?"

108

109 Cari said the duties of the City Administrator are laid out in the 15 points listed in the ordinance.

110

111 Ald. Blomquist asked how this is tied into the Mayor.

112

113 Mayor Chilsen said the Mayor's authority is laid out by State of Wisconsin Statute.

114

115 Ald. Binash said he agrees with Mayor Chilsen's suggestion to delete "the Mayor's executive  
116 authority."

117

118 Cari said she will contact City Attorney Sean O'Flaherty by email and inform him that the  
119 committee is recommending removal of the words "the Mayor's executive authority." Cari said  
120 she will ask Sean to provide a reason as to why (e) is stated the way it appears, and the Common  
121 Council will address this at its January 12 meeting.

122

123 Ald. Binash referred to (f) Specific Duties, (1), which reads in part: "*Administer the operations  
124 of, and have direct authority over the heads of, the following City departments ...*" and said he  
125 believes the second comma should be deleted. Ald. Binash also suggested deleting the second  
126 comma from (12) so it reads: "*Prepare the annual City executive budget for presentation to, and*

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127 *approval by the Mayor and Council.”*

128

129 Ald. Muth referred to (d) Contract, which reads: *“The City Administrator’s employment contract*  
130 *shall be in writing, and shall specify that employment is at-will”* and said he believes there had  
131 been a discussion regarding having a 90-day escape clause.

132

133 Cari said, “That would be in the contract itself, but not in the ordinance.”

134

135 Ald. Binash asked if this item should be tabled.

136

137 Cari said the committee may approve the ordinance with the recommended changes and pass  
138 them along to the Common Council. Cari reiterated she will email Sean and said if he approves  
139 of the changes they will appear in the Council packets. Cari also said this item likely would  
140 appear on the Council’s Non-Consent Agenda.

141

142 Motion by Ald. Blomquist, second by Ald. Bertrand, to approve Ordinance No. 1525-2016 – to  
143 create Chapter 3 of Title 2, Section 14 of the Code of Ordinances of the City of Onalaska relating  
144 to City Administrator (Third and Final Reading) with the changes made at the January 6  
145 Administrative and Judiciary Committee meeting, and with the consent of City Attorney Sean  
146 O’Flaherty.

147

148 Ald. Binash said (15) should be corrected to read as follows: *“Acts as the Director of Inspections*  
149 *and performs the duties of such job as set forth in 2-3-9 of the City of Onalaska Code of*  
150 *Ordinances.”*

151

152 On voice vote, motion carried.

153

154 **Item 2 – Ordinance No. 1526-2016 – to repeal Chapter 3 of Title 2, Section 20 of the Code**  
155 **of Ordinances of the City of Onalaska relating to Land Use and Development Director**  
156 **(Third and Final Reading)**

157

158 Motion by Ald. Bertrand, second by Ald. Blomquist, to approve Ordinance No. 1526-2016 – to  
159 repeal Chapter 3 of Title 2, Section 20 of the Code of Ordinances of the City of Onalaska  
160 relating to Land Use and Development Director (Third and Final Reading).

161

162 Ald. Bertrand asked if the city has ever not had a Land Use and Development Director.

163

164 Cari said she believes the position of Land Use and Development Director was created in 1998  
165 after the previous City Administrator position was discontinued. Cari said she assumes the last  
166 City Administrator performed some of the duties of the Land Use and Development Director.

167

168 Ald. Bertrand said it is “unfortunate” that the city no longer has a Land Use and Development

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169 Director, adding that he does not know how the work former Land Use and Development  
170 Director Brea Grace and current Planner/Zoning Inspector Katie Aspenson did will be  
171 completed. Ald. Bertrand said, “There’s a permanence associated with this that is somewhat  
172 disconcerting to me.”

173

174 Ald. Binash pointed out that Katie still is present and said she currently is performing the duties  
175 Brea handled.

176

177 Ald. Blomquist noted that the new City Administrator will take over many of the Land Use and  
178 Development Director’s duties.

179

180 Cari pointed out that the city still has a planner as Katie’s title is Planner/Zoning Inspector.

181

182 On voice vote, motion carried.

183

184 **Item 3 – Ordinance No. 1527-2016 – to amend Chapter 8 of Title 13, Section 4 of the Code**  
185 **of Ordinances of the City of Onalaska relating to Site Plan Permits (Third and Final**  
186 **Reading)**

187

188 Motion by Ald. Blomquist, second by Ald. Binash, to approve Ordinance No. 1527-2016 – to  
189 amend Chapter 8 of Title 13, Section 4 of the Code of Ordinances of the City of Onalaska  
190 relating to Site Plan Permits (Third and Final Reading).

191

192 Cari said this was one of the items where the fees were removed from the section of the  
193 ordinance. Cari reminded Ald. Bertrand this is the Third and Final Reading and that this is the  
194 second time the committee has seen this item.

195

196 On voice vote, motion carried.

197

198 **Item 4 – Ordinance No. 1528-2016 – to amend Chapter 2 of Title 13, Section 2 of the Code**  
199 **of Ordinances of the City of Onalaska relating to Vacation of Streets and Annexation**  
200 **(Third and Final Reading)**

201

202 Motion by Ald. Bertrand, second by Ald. Blomquist, to approve Ordinance No. 1528-2016 – to  
203 amend Chapter 2 of Title 13, Section 2 of the Code of Ordinances of the City of Onalaska  
204 relating to Vacation of Streets and Annexation (Third and Final Reading).

205

206 Ald. Binash asked if vacation of streets should be defined in the ordinance.

207

208 Jarrod said this is defined in State of Wisconsin Statutes.

209

210 On voice vote, motion carried.

Reviewed 1/8/16 by Cari Burmaster

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211

212 **Item 5 – Ordinance No. 1529-2016 – to amend Chapter 8 of Title 13, Section 9 of the Code**  
213 **of Ordinances of the City of Onalaska relating to Rezoning (Third and Final Reading)**

214

215 Motion by Ald. Blomquist, second by Ald. Bertrand, to approve Ordinance No. 1529-2016 – to  
216 amend Chapter 8 of Title 13, Section 9 of the Code of Ordinances of the City of Onalaska  
217 relating to Rezoning (Third and Final Reading).

218

219 On voice vote, motion carried.

220

221 **Item 6 – Ordinance No. 1532-2016 – to amend Chapter 5 of Title 13, Section 4 of the Code**  
222 **of Ordinances of the City of Onalaska relating to application for Conditional Use Permit**  
223 **(Third and Final Reading)**

224

225 Motion by Ald. Blomquist, second by Ald. Binash, to approve Ordinance No. 1532-2016 – to  
226 amend Chapter 5 of Title 13, Section 4 of the Code of Ordinances of the City of Onalaska  
227 relating to application for Conditional Use Permit (Third and Final Reading).

228

229 On voice vote, motion carried.

230

231 **Item 7 – Ordinance No. 1533-2016 – to amend Chapter 9 of Title 13, Section 76 of the Code**  
232 **of Ordinances of the City of Onalaska relating to Subdivision and Development Fees**  
233 **(Third and Final Reading)**

234

235 Motion by Ald. Blomquist, second by Ald. Binash, to approve Ordinance No. 1533-2016 – to  
236 amend Chapter 9 of Title 13, Section 76 of the Code of Ordinances of the City of Onalaska  
237 relating to Subdivision and Development Fees (Third and Final Reading).

238

239 On voice vote, motion carried.

240

241 **Item 8 – Ordinance No. 1536-2016 – to amend Article D of Chapter 1 of Title 15 of the**  
242 **Code of Ordinances of the City of Onalaska relating to Electrical Code (First and Second**  
243 **Reading)**

244

245 Motion by Ald. Blomquist, second by Ald. Bertrand, to approve Ordinance No. 1536-2016 – to  
246 amend Article D of Chapter 1 of Title 15 of the Code of Ordinances of the City of Onalaska  
247 relating to Electrical Code (First and Second Reading).

248

249 Brad noted that there was a major licensing change in April 2013 that required statewide  
250 licensing. Brad said master electrician licenses must oversee all work, adding that city licenses  
251 were utilized prior to the change in the law. Brad noted that there was language in the ordinance  
252 pertaining to wiring buildings, but the State of Wisconsin now mandates that the city cannot have

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253 stricter regulations than the state. Brad said the City of Onalaska's regulations were becoming  
254 stricter than the state's regulations, noting that there is a national electric code but certain parts  
255 are utilized at the state level. Brad said the state "lined [the city] up" and "everything we had  
256 here was contradicting that." Brad also noted that electricians would follow what they had done  
257 in other cities when they worked in Onalaska and they would have to tear out their work.

258  
259 Ald. Blomquist asked Brad if there was a different interpretation by his department than  
260 departments in other parts of the state.

261  
262 Brad referred to the use of NM Cable and said the city had a "raceway ordinance" that required  
263 all commercial buildings to be installed in raceways.

264  
265 Ald. Binash referred to the enforcement actions, noting that the forfeiture is shown and asking  
266 how this will be enforced.

267  
268 Brad said he has the ability to write tickets and appear in court.

269  
270 Ald. Binash asked if the fees are defined by statute.

271  
272 Brad said there is a limit at statute level and noted that legal counsel "blended what we could  
273 do." Brad said he may issue citations for up to \$500 a day.

274  
275 Ald. Bertrand asked Brad to re-explain the licensure issue.

276  
277 Brad said an electrical contractor license is required, and then either a master electrician is hired  
278 or he/she may serve as the general supervisor. This individual is responsible for a company, and  
279 the electricians employed by this company must either be journeyman electricians or registered  
280 beginning electricians. The City of Onalaska no longer may have a city license; it is required to  
281 have a state license.

282  
283 On voice vote, motion carried

284  
285 **Adjournment**

286  
287 Motion by Ald. Blomquist, second by Ald. Binash, to adjourn at 6:32 p.m.

288  
289 On voice vote, motion carried.

290  
291  
292 Recorded by:

293  
294 Kirk Bey

Reviewed 1/8/16 by Cari Burmaster