

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

Wednesday, June 3, 2015

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, June 3, 2015. 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. Harvey Bertrand, Ald. Barry
6 Blomquist, Ald. Jim Binash

7

8 Also Present: City Clerk Cari Burmaster, Police Chief Jeff Trotnic, Fire Chief Don Dominick,
9 Land Use and Development Director Brea Grace

10

11 **Item 2 - Approval of minutes from the previous meeting**

12

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

15

16 On voice vote, motion carried.

17

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

19

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

22

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

24

25 **Administrative**

26

27 **Item 4 – Approval of Operator's Licenses as listed on report dated June 3, 2015**

28

29 Cari asked that this item be held open and promised to supply a new list at the June 9 Common
30 Council meeting. Cari noted that all the licensing in the city expires on June 30 and said even
31 though the city requests that all operators renew their licenses in May there are those who forget
32 to do so. Cari asked the committee to make a motion to still accept Operator's Licenses at the
33 Common Council meeting.

34

35 Motion by Ald. Bertrand, second by Ald. Blomquist, to allow the submittal of applications for
36 Operator's Licenses through Monday, June 8, 2015 and approve the list submitted.

37

38 On voice vote, motion carried.

39

40

41

42

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2

43 **Item 5 – Approval of the Kids Tri Run for the YMCA, July 11, 2015 from 8 a.m.-noon**
44 **starting at YMCA West Parking Lot, 400 Mason Street, Onalaska**

45
46 Motion by Ald. Bertrand, second by Ald. Binash, to approve the Kids Tri Run for the YMCA,
47 July 11, 2015 from 8 a.m.-noon starting at YMCA West Parking Lot, 400 Mason Street,
48 Onalaska.

49
50 Ald. Binash noted that the City Clerk, Fire Department, Police Department, Public Works
51 Department, Planning Department and the Parks and Recreation Department have approved this
52 event.

53
54 Cari said there is a certificate of insurance on file.

55
56 On voice vote, motion carried.

57
58 **Item 6 – Approval of Special Events Permits Application for the American Legion Spirit**
59 **Run – Motorcycle Benefit for the American Legacy Fund on June 20, 2015 from 8 a.m. to**
60 **8:10 a.m. along Main Street to State Road 53 North**

61
62 Motion by Ald. Bertrand, second by Ald. Binash, to approve Special Events Permits Application
63 for the American Legion Spirit Run – Motorcycle Benefit for the American Legacy Fund on
64 June 20, 2015 from 8 a.m. to 8:10 a.m. along Main Street to State Road 53 North.

65
66 Ald. Binash noted that the City Clerk, Fire Department, Police Department, Public Works
67 Department, Planning Department and the Parks and Recreation Department have approved this
68 event.

69
70 Cari said there is a certificate of insurance on file. Cari also noted she had received an email
71 from John Wolfe, the applicant, and said the route has been altered. The original route started at
72 the Woodman's parking lot on State Trunk Highway 16 and traveled to Main Street before
73 exiting onto United States Highway 53. The new route starts at the American Legion parking lot
74 along Sand Lake Road at 7:30 a.m. and travels to USH 53. This is a shorter route. Cari noted
75 she had received a message from Police Sergeant Tim Berg, who said he approved of the revised
76 route. Cari also noted that the Wisconsin State Patrol will be assisting with the event and no
77 assistance will be needed from the City of Onalaska Police Department.

78
79 On voice vote, motion carried.

80
81 **Item 7 – Approval of Fireworks Display Permit for Patrick Bonadurer/La Crosse**
82 **Skyrockers for June 27, 2015 (alternate date June 28, 2015) from approximately 9:45-10:15**
83 **p.m. at the Onalaska Schools Baseball Field**

84

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85 Motion by Ald. Bertrand, second by Ald. Binash, to approve Fireworks Display Permit for
86 Patrick Bonadurer/La Crosse Skyrockers for June 27, 2015 (alternate date June 28, 2015) from
87 approximately 9:45-10:15 p.m. at the Onalaska Schools Baseball Field.

88

89 Ald. Binash noted this has been approved by the Police Department, Fire Department, and City
90 Clerk. Ald. Binash also noted that insurance has been filed.

91

92 Fire Chief Dominick said the area where the fireworks will be launched maintains a safe
93 perimeter from the YMCA North's addition that is under construction.

94

95 On voice vote, motion carried.

96

97 **Item 8 – Approval of Special Olympics Unified Relay Across America Run on June 16,**
98 **2015 from approximately 4:15-6:15 p.m. starting at East Main Street and State Highway 16**

99

100 Motion by Ald. Bertrand, second by Ald. Blomquist, to approve Special Olympics Unified Relay
101 Across America Run on June 16, 2015 from approximately 4:15-6:15 p.m. starting at East Main
102 Street and State Highway 16.

103

104 On voice vote, motion carried.

105

106 **Item 9 – Approval of Fireworks Permit for Michael Callaway/Snap Fireworks for Tent at**
107 **East Towne Plaza from June 15-July 10, 2015 to sell fireworks**

108

109 Motion by Ald. Bertrand, second by Ald. Blomquist, to approve Fireworks Permit for Michael
110 Callaway/Snap Fireworks for Tent at East Towne Plaza from June 15-July 10, 2015 to sell
111 fireworks.

112

113 Cari said the same company has previously sold fireworks and noted Snap Fireworks had
114 submitted several pages of fireworks that the Fire Department had reviewed.

115

116 Fire Chief Dominick noted that fireworks tents are “very labor intensive” and said the Fire
117 Department inspects them. Fire Chief Dominick said, “It’s hard to control what’s there. They’re
118 limited to how many pounds of gunpowder they can have. But what this person has done is give
119 us the gross weight of fireworks and not the quantity of gunpowder. That’s one of the issues
120 that’s here.”

121

122 **Mike Callaway, Snap Fireworks**
123 **303 South 4th Street**
124 **Readstown, WI**

125

126 “Pyrotechnic material in fireworks, in 1.4G fireworks, is calculated using 25 percent of the gross

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127 weight according to the NFPA 1124, and according to the DOT regulations. That is how the
128 gross pyrotechnic material is calculated in a 1.4G firework. When I tell the Fire Chief that when
129 I'm shipping in 1,000 pounds gross weight of fireworks, NFPA 1124 says that the Fire
130 Department should use 25 percent of that gross weight as the pyrotechnic material in that
131 product. That is what [NFPA] 1124 and the DOT regulations say to be done. There is no
132 gunpowder in fireworks; it's pyrotechnic material. Gunpowder, black powder, is not allowed in
133 fireworks. It is pyrotechnic material, which is a vast variety of chemicals that make up a product
134 depending upon what it is. They don't use black powder. They don't use gunpowder in
135 fireworks."

136

137 Ald. Bertrand said, "You mentioned gunpowder several times. I guess there's still a comparison
138 between the two? I'm not sure how that figures into this equation."

139

140 Michael explained that he utilizes the term "pyrotechnic material," which can be defined as a
141 material that causes a spark or smoke, or one that crackles. Michael explained that a firework
142 itself does not come with a particular quantity in it and reiterated that pyrotechnic material or
143 hazardous mass in material is calculated by utilizing 25 percent of the gross shipping weight.
144 Michael said he will email Fire Chief Dominick the gross weight of a product the day before he
145 receives a shipment at his tent. This way, Fire Chief Dominick will be aware of the gross weight
146 of items going into the tent, and he will be able to calculate 25 percent of the gross weight to
147 determine the pyrotechnic material in the tent.

148

149 Michael said, "Fireworks are real deceiving. In the past I've had fountains that are 12 pounds.
150 You light them and they lose 3 ounces because it's all cardboard, paper and packaging. So using
151 25 percent is really a very large number overstatement of what is in most Class E fireworks. We
152 sell in our tent what is exempt under 167.10, and that is exempt under your fireworks law. If you
153 read your ordinance, everything we sell is not considered fireworks within your definitions –
154 snakes, snaps, fountains, sparklers. We don't sell any aerial [fireworks]. Nothing explodes.
155 Nothing goes in the air. That's what we sell here, and we have for years. We've been here many
156 years."

157

158 Cari referred to the conditions Fire Chief Dominick had written.

159

160 Fire Chief Dominick noted that the limit for pyrotechnic material is 125 pounds and said he
161 would not know how much Michael has sold if he receives cases the day after he opens.

162

163 Michael said that according to NFPA 1124, there is a 125-pound net explosive mass exemption
164 and stated he does not have to comply with Chapter 7 of NFPA 1124 if there is less than 125
165 pounds of net explosive mass. If the net explosive mass exceeds 125 pounds, then compliance
166 with the guidelines within Chapter 7 of NFPA 1124 is mandatory.

167

168 Fire Chief Dominick said he believes citizens need to know that if there is a fire within the tent

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169 the Fire Department will control the size of the fire, the explosion, or the simultaneous ignition
170 of pyrotechnic material.

171
172 Michael said the tent mostly likely always will have more than 125 pounds of net explosive
173 mass. Therefore, compliance with Chapter 7 of NFPA 1124 is mandatory. Michael referred to a
174 packet he had submitted and said he believes Snap fireworks complies with Chapter 7.

175
176 Fire Chief Dominick said, "I haven't gone through the many cases that you've said to do the 25-
177 percent rule. What I thought we've done in the past is when we go out and take a look – and
178 occasionally we take someone from the Skyrockers – if there are things that aren't there they're
179 taken away. The point is, I'm going to go on the safety of our residents. I've never had a tent
180 burn in my 30 years until a couple of years ago when they sold rugs. I don't know how to
181 describe it other than when our firefighters went into the tent, as it melted it shrunk-wrapped to
182 the back of their bodies. Those were rugs. We want to make sure that they've got the right exits.
183 With those exits, you're well aware we have to have a quantity that can only be so far off the
184 ground when they're on the tables. We have to have certain widths. We have to have exits, and
185 we know how many square feet you have for tables."

186
187 Michael noted that all of this is in the packet he presented.

188
189 Fire Chief Dominick said, "I understand that. But my point is you can only pack so much
190 material into the allowable space. With the weight of that, I did not do the calculations on the 25
191 percent. What I was bringing up is we're going to monitor what you have. It's labor intensive to
192 do that. And we get calls from people whose kids have sparklers or things that go off, and they
193 tell us where they buy them. They sell them right inside the store. But when the tent is there
194 they say they got them at the tent. I'm not going to ignore to make sure it's safe for our
195 residents."

196
197 Michael said, "I believe in all the conversations you and I have had you have never pulled a
198 product from my tent. You have had a problem with an operator occasionally not putting the fire
199 extinguisher up where it needs to be, which we have addressed now by putting them on poles.
200 We drew them into the floor plan; they are there. You addressed to me that one time you had a
201 problem with one of my operators that was rearranging tables. We've addressed that issue. We
202 have provided two-code walkways. We have provided the proper fire exits. We have water
203 cans. We have everything that the code requires. We've been there for six, seven years, and
204 you've never pulled a product. We comply with [NFPA] 1124, and our quantities are within
205 [NFPA] 1124. It's pyrotechnic material. ... We don't sell any aerial; we never have out of here."

206
207 Ald. Bertrand noted that while Fire Chief Dominick had signed the fireworks permit, he is asking
208 that precautions be taken.

209
210 Fire Chief Dominick said the plan review has been completed and he is recommending approval

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211 pending the list of conditions he has compiled is met.

212

213 Michael referred to a sheet that he said had not been included with his permit.

214

215 Cari said it had been completed during the review process.

216

217 Ald. Blomquist asked Fire Chief Dominick if he feels comfortable that Michael will comply with
218 the conditions.

219

220 Fire Chief Dominick said he sees no reason why Michael cannot comply and noted the tent will
221 be inspected. Fire Chief Dominick told Michael that no one from his department had mentioned
222 one of his employees rearranging tables and said the Fire Department can calculate how much
223 product is in the tent if a floor plan is supplied. Fire Chief Dominick said if the tables are not the
224 way they are set up, it is either an exit, it has been stacked too high, or there are issues.

225

226 Michael said the issue had been addressed. Michael noted he and Fire Chief Dominick had had a
227 discussion in 2014 regarding NFPA 1124 and said Fire Chief Dominick had handed a copy of
228 NFPA 1124 to him and told him this is what he was seeking.

229

230 Ald. Binash asked for an explanation of NFPA 1124.

231

232 Michael said it is a national fire protection code that he must adhere to in his tent and with his
233 material. Michael then asked Fire Chief Dominick where the condition "*Net weight of*
234 *pyrotechnic content of consumer fireworks stored shall not exceed 125 pounds*" comes in in
235 Chapter 7 of NFPA 1124 and stated this is not what Chapter 7 says.

236

237 Fire Chief Dominick asked, "Where do I have Chapter 7?"

238

239 Michael reread the condition and said the only restriction in Chapter 7 of NFPA 1124 is whether
240 or not one has to abide by the chapter. Michael noted there is no restriction on the 125 pounds
241 that may be stored there and said limiting him to 125 pounds of net explosive mass, if 500
242 pounds gross is utilized, is limiting him to 10 cases of fireworks. Michael said nothing in
243 Chapter 7 states he must have less than that amount of pyrotechnic material in the tent.

244

245 Fire Chief Dominick asked Michael which volume of NFPA he has looked at.

246

247 Michael said he has examined 2006 through 2013 and noted he had not seen the list of conditions
248 until this evening.

249

250 Ald. Bertrand asked if the 125-pound restriction had appeared in a previous version of NFPA
251 1124.

252

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7

253 Fire Chief Dominick said it is in the newest version.

254

255 Michael said it does not appear in the 2013 version.

256

257 Fire Chief Dominick asked Michael if he is saying he had made up this requirement.

258

259 Michael told Fire Chief Dominick he is not saying he made it up.

260

261 Fire Chief Dominick asked Michael how many times the Fire Department has closed down his
262 tent.

263

264 Michael said he has never been closed down during the six or seven years he has operated in the
265 city.

266

267 Fire Chief Dominick told Michael he is being recommended to be open for business.

268

269 Michael said he believes there is “an interpretation issue.”

270

271 Ald. Binash noted that in the past Michael has worked with a certain poundage and now there is
272 a limit on that amount that is allowed in the tent. Ald. Binash said this appears to be a point of
273 contention and that Michael cannot operate his business at 125 pounds.

274

275 Michael said he cannot, noting 125 pounds is basically 500 pounds, or a 48-by-48 pallet.
276 Michael estimated that between 8,000 and 10,000 pounds gross is run through the location over a
277 two-week period. Michael also said he ships in two or three times, depending on the season.
278 Michael said, “I want to comply with everything that I have to comply with. Legally, I will
279 comply with everything with no problem. But now I see this 125 pounds, and now you’re asking
280 me to sit here in a committee and say, ‘Can I comply with this?’ I don’t want to sit here and say,
281 ‘Yes, I can’ and then in two weeks I’m back here in front of you and you’re asking why I didn’t
282 comply. This is what I’m saying: the 125 pounds under my interpretation and the way I read the
283 code – and this is my business – Chapter 7 of NFPA 1124 does not have a poundage restriction
284 within that chapter. And this is what we’ve done for six years. For six or seven years we’ve
285 shipped about the same amount of product in there. I’m more than glad to tell you what goes in
286 there and what poundage is in there, but 125 pounds is not realistic.”

287

288 Ald. Binash asked if an amendment can be made that would be agreeable to the Fire Department.

289

290 Ald. Bertrand asked if perhaps this matter can be resolved Thursday evening and said he sees
291 Michael is concerned about some issues.

292

293 Michael said he is seeking clarification and that he does not want to face challenges on a yearly
294 basis.

Reviewed 6/5/15

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295
296 Cari said the committee could grant conditional approval this evening, provided that an
297 agreement can be worked out because final approval would not occur until the June 9 Common
298 Council meeting. Cari said this must be resolved by the Common Council meeting because the
299 Council needs to know what it is approving. Cari said this item can be placed on the Non-
300 Consent Agenda so there can be a discussion on what the agreement was. Fire Chief Dominick
301 could address this at that time.

302
303 Michael said he does not mean to be argumentative and stated he will not fight the 125-pound
304 limitation if Fire Chief Dominick can show him where it is stated in the code. Michael noted he
305 has spent years studying the code and said there is no 125-pound weight limitation.

306
307 Motion by Ald. Bertrand, second by Ald. Binash, to amend the previous motion and approve a
308 Fireworks Permit for Michael Callaway/Snap Fireworks for Tent at East Towne Plaza from June
309 15-July 10, 2015 to sell fireworks, conditioned upon every item be agreed upon in the conditions
310 set by Fire Chief Don Dominick.

311
312 Vote on the amendment.

313
314 On voice vote, motion carried.

315
316 Vote on the original motion, as amended.

317
318 On voice vote, motion carried.

319
320 **Item 10 – Approval of request for burial of ashes of Steven K. Peterson with full body**
321 **burial of Jane E. Peterson in Block 112, Lot 7, Grave 5**

322
323 Motion by Ald. Blomquist, second by Ald. Binash, to approve a request for burial of ashes of
324 Steven K. Peterson with full body burial of Jane E. Peterson in Block 112, Lot 7, Grave 5.

325
326 Cari said individuals who purchase a plot in the cemetery are allowed to have either two ashes or
327 one full body burial. Anything beyond this requires approval from both the Administrative and
328 Judiciary Committee and the Common Council. Cari said the city allows up to four burials on
329 one plot with special approval.

330
331 On voice vote, motion carried.

332
333 **Item 11 – Approval of request for burial of ashes of Michael J. Valley with full body burial**
334 **of Edna L. Valley in Block 112, Lot 7, Grave 3**

335
336 Motion by Ald. Bertrand, second by Ald. Binash, to approve a request for burial of ashes of

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337 Michael J. Valley with full body burial of Edna L. Valley in Block 112, Lot 7, Grave 3.

338

339 On voice vote, motion carried.

340

341 **Item 12 – Approval of Licenses for 7/1/2015-6/30/2016**

342

343 A. Class A Beer Only License – none to report

344 B. Class A Liquor Licenses

345 C. Class B Beer Only Licenses

346 D. Class B Liquor Licenses

347 E. Outdoor Venue Licenses

348 F. Cigarette Licenses

349 G. Hotel/Motel Licenses

350 H. Campground/Mobile Home Licenses

351 I. Taxi Licenses

352 J. Weights and Measures Licenses

353

354 Cari said Items ‘A’ through ‘I’ can be handled together, but Item ‘J’ will need to be addressed
355 separately.

356

357 Motion by Ald. Bertrand, second by Ald. Blomquist, to approve Licenses for 7/1/2015-6/30/2016
358 as listed under Items ‘A’ through ‘I’.

359

360 Cari said she issues memos to the Police Department, the Fire Department and the Inspections
361 Department. Cari said Brea has sent her an email stating the Inspections Department has no
362 concerns about any outstanding issues. Cari also noted that neither the Police Department nor
363 the Fire Department has expressed any concerns.

364

365 On voice vote, motion carried.

366

367 Cari referred to a list she had distributed to committee members and noted there still are five
368 individuals who have not submitted an application for Item ‘J’. Cari said she is requesting
369 approval of all the licenses that have been submitted and grant approval to the five outstanding
370 individuals if the license application is received prior to June 30.

371

372 Motion by Ald. Bertrand, second by Ald. Blomquist, to approve Licenses for 7/1/2015-6/30/2016
373 under Item ‘J’ for the entities who have submitted applications, and to approve the five
374 outstanding individuals provided they submit their applications by June 30, 2015.

375

376 Cari explained that weights and measures is a process utilized in the inspection process to ensure
377 that what a consumer is being charged for is accurate.

378

379 On voice vote, motion carried.

Reviewed 6/5/15

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380

381 **Item 13 – Miscellaneous licensing reporting**

382

383 Cari said the miscellaneous licensing includes recreational burning permits, a solicitor’s permit,
384 and a permit for a motorcycle ride.

385

386 Motion by Ald. Bertrand, second by Ald. Blomquist, to approve the miscellaneous licensing
387 reporting.

388

389 On voice vote, motion carried.

390

391 **Judiciary**

392

393 **Item 1 – Ordinance No. 1498-2015 – to amend Title 2 Chapter 4 of the City of Onalaska**
394 **Code of Ordinances related to the City Plan Commission (Third and Final Reading)**

395

396 Brea noted that the ordinance included in committee members’ packets is not the final copy and
397 said she believes the final copy had been distributed at the May 6 Administrative and Judiciary
398 Committee meeting. Brea said a handout with the correct copy has been distributed to
399 committee members. Brea said the ordinance is being consistent with procedures already in
400 place through the Zoning Ordinance as far as Conditional Use Permits and site plan reviews.
401 The Zoning Ordinance has identified process, but historically this process has not been followed.
402 Brea said the ordinance states the Plan Commission will have final approval authority on CUPs,
403 and the Common Council will be the appellate board if the Plan Commission denies a CUP or
404 places a condition on a CUP with which the applicant disagrees. The Plan Commission also has
405 final approval authority for site plans, roof permits, outdoor displays, temporary sales events and
406 tower lighting.

407

408 Motion by Ald. Blomquist, second by Ald. Bertrand, to approve Ordinance No. 1498-2015 – to
409 amend Title 2 Chapter 4 of the City of Onalaska Code of Ordinances related to the City Plan
410 Commission (Third and Final Reading).

411

412 Ald. Bertrand asked Cari if ‘Draft’ could be placed on the items coming through as well as
413 underlining the changes that have been made.

414

415 Cari said yes, noting that the City Attorney’s office typically drafts them on recommendations.
416 Cari said a red-line version can be provided if there are drastic changes, but also said the city
417 attempts to be fiscally conservative with paper costs.

418

419 Brea said this ordinance had come about after staff had reviewed the cell phone tower CUP.
420 This is when staff discovered the city had not been following the procedure for CUPs established
421 in the Zoning Code.

422

423 On voice vote, motion carried.

Reviewed 6/5/15

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424

425 **Item 2 – Ordinance No. 1499-2015 – to amend Title 13 Chapter 6 of the City of Onalaska**
426 **Code of Ordinances related to Telecommunication Structures and Towers (First and**
427 **Second Reading)**

428

429 Brea said this ordinance would bring the city ordinances into compliance with State of
430 Wisconsin Statutes. State statutes pertaining to cell phone towers changed with the biennial
431 budget in 2013, and Brea said therefore the city is rewriting this section of the Zoning Code.

432

433 Ald. Bertrand asked Brea what the difference is between the previous ordinance and the
434 amended one.

435

436 Brea said historically the City of Onalaska has required, by ordinance, cell phone towers to be
437 1,000 feet from residential properties. Brea said the city no longer can require a setback more
438 than the fall zone or more than the existing setbacks for that zoning district. Brea noted the cell
439 phone tower proposed for Sand Lake Road was 125 feet and said the city's ordinance previously
440 required a one-third of the total height fall zone. Brea noted that the city has required aesthetic
441 controls, including that poles be stealth. However, the city no longer may deny a tower based on
442 aesthetics. Brea noted statutes state a municipality cannot regulate the height of a tower that is
443 below 200 feet and said the city's contention is it can regulate it and limit it based on the airport
444 overlay height limitations.

445

446 Cari said this ordinance was not in place at the time the city received the application for the cell
447 phone tower. It also is not yet enforceable because the city needs to go through the approval
448 process and the publication process.

449

450 Brea said another change is the city now will require a \$3,000 application fee.

451

452 Motion by Ald. Blomquist, second by Ald. Bertrand, to approve Ordinance No. 1499-2015 – to
453 amend Title 13 Chapter 6 of the City of Onalaska Code of Ordinances related to
454 Telecommunication Structures and Towers (First and Second Reading).

455

456 On voice vote, motion carried.

457

458 **Item 3 – Ordinance No. 1501-2015 – to rezone adjacent property located in Section 33**
459 **Township 17, Range 7 in the City of Onalaska, La Crosse County, Wisconsin from Single**
460 **Family Residential (R-1) to Single Family and/or Duplex Residential (R-2) (Traditional**
461 **Trades Rezoning) (First and Second Reading)**

462

463 Cari noted a new copy of the ordinance was distributed to committee members because the legal
464 description has changed due to the Certified Survey Map being recorded on it.

465

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466 Brea said the legal description changed because land from an adjacent parcel was going to be
467 transferred to make a larger parcel for a two-family residence. A CSM has been completed and
468 recorded, and the new ordinance refers to the new legal description. Brea said this is a rezoning
469 from an R-1 District to an R-2 District for two parcels, and it would be creating two duplex or
470 two condominium properties. The developer's intent is that they would be owner-occupied.
471 Brea noted the Plan Commission had held a public hearing on this item and said it had
472 recommended approval of this Zoning Ordinance change. Brea noted the Plan Commission had
473 reviewed in this in April and said she is asking that the ordinance be given its First, Second, and
474 Third and Final Reading tonight.

475

476 Motion by Ald. Blomquist, second by Ald. Bertrand, to suspend the rules and give Ordinance
477 No. 1501-2015 its First, Second, Third and Final Reading.

478

479 On voice vote, motion carried.

480

481 Motion by Ald. Blomquist, second by Ald. Bertrand, to approve Ordinance No. 1501-2015 – to
482 rezone adjacent property located in Section 33 Township 17, Range 7 in the City of Onalaska, La
483 Crosse County, Wisconsin from Single Family Residential (R-1) to Single Family and/or Duplex
484 Residential (R-2) (Traditional Trades Rezoning) (First, Second, Third and Final Reading).

485

486 Brea noted there are duplexes to the east of this property and said this is a nice transition into
487 single-family dwellings that will be located to the west.

488

489 Ald. Bertrand referred to concerns expressed prior to the public hearing and noted these concerns
490 had not been expressed at the public hearing.

491

492 Brea noted that prior to the public hearing the applicant had spoken to the neighbors. Brea also
493 noted that she had received calls from neighbors expressing concerns over the possibility of more
494 rental property in the neighborhood. Brea said individuals had expressed concerns at the public
495 hearing, but the Plan Commission had approved the ordinance. Brea said she believes there were
496 some misunderstandings, noting the developer intends to sell each of these units. However, there
497 are no restrictions for rentals. Brea said she has not taken any calls from neighbors since the
498 April 28 Plan Commission meeting, adding this item had been inadvertently forgotten on the
499 May 6 Administrative and Judiciary Committee meeting agenda.

500

501 On voice vote, motion carried.

502

503 **Item 4 – Ordinance No. 1502-2015 – to annex land located in the Northwest ¼ of the**
504 **Northwest ¼ in Section 12, Township 16 North, Range 7 West from the Town of Medary to**
505 **the City of Onalaska (Spors Trust Annexation) (First and Second Reading)**

506

507 Brea noted this property is located on the corner of State Trunk Highway 16 and French Road

Reviewed 6/5/15

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13

508 and said there is an offer to purchase contingent upon zoning approvals and annexation. Co-op
509 Credit Union is the prospective purchaser of the property. This parcel is surrounded by City of
510 Onalaska property, and City of Onalaska water and sewer would serve this property. There is a
511 deferred special assessment from a 1998 water and sewer project that has been paid, but the
512 annexation is the “trigger” to make the payments. There also is a requirement to hook up to
513 water and sewer within a year. Brea said staff and the Plan Commission recommend approval
514 and noted that for annexations the city submits a form to State of Wisconsin Department of
515 Administration, which reviews all annexations. The department sent a letter to the city stating it
516 does not object to the annexation. Brea said the applicants have asked that the rules be
517 suspended and the ordinance be given its First, Second, Third and Final Reading. Brea said the
518 applicants wish to begin construction this year. Brea said the ordinance states the property will
519 be zoned R-1 once it has been annexed into the city. The property to the north, which is owned
520 by the Spors and located in the City of Onalaska, is zoned R-2. The property located across
521 French Road is zoned M-1 (Light Industrial), and the area located down the frontage road is
522 zoned Transitional Commercial.

523

524 Motion by Ald. Blomquist, second by Ald. Binash, to suspend the rules and give Ordinance No.
525 1502-2015 its First, Second, Third and Final Reading.

526

527 On voice vote, motion carried.

528

529 Motion by Ald. Blomquist, second by Ald. Bertrand, to approve Ordinance No. 1502-2015 – to
530 annex land located in the Northwest ¼ of the Northwest ¼ in Section 12, Township 16 North,
531 Range 7 West from the Town of Medary to the City of Onalaska (Spors Trust Annexation) (First,
532 Second, Third and Final Reading).

533

534 On voice vote, motion carried.

535

536 **Adjournment**

537

538 Motion by Ald. Bertrand, second by Ald. Blomquist, to adjourn at 7:10 p.m.

539

540 On voice vote, motion carried.

541

542

543 Recorded by:

544

545 Kirk Bey