

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

Wednesday, June 4, 2014

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 4, 2014. 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. Jack  
6 Pogreba, Ald. Erik Sjolander

7  
8 Also Present: Ald. Jim Bialecki, Deputy City Clerk Elizabeth Eklund, Police Chief Jeff Trotnic,  
9 Land Use and Development Director Brea Grace

10  
11 **Item 2 - Approval of minutes from the previous meeting**

12  
13 Motion by Ald. Sjolander, second by Ald. Bertrand, 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. Pogreba called for anyone wishing to provide public input.

21  
22 **Sue Lynch**  
23 **2042 Grandview Boulevard**  
24 **Onalaska**

25  
26 “The reason I’m here tonight is I was made aware of the issue coming up on e-cigarettes and  
27 how you’re looking at just some of the language in the context of Ordinance 1475 and 1476.  
28 Just to give you some brief history, back several years ago I was very active in the Clean Indoor  
29 Air Act that we moved forward here in Onalaska and La Crosse, and then onto La Crosse  
30 County. We worked very hard to ensure the good public health for our community, and I can  
31 only see if you would allow any type of e-cigarettes anywhere in this community how it really  
32 defeats the hard work that we did several years ago. Onalaska has really been kind of the leader  
33 in a number of issues that I’ve been involved with, and I would hate to see us tarnished in any  
34 way by falling to the propaganda of the tobacco company. These cigarettes, they’re not  
35 regulated. We have no idea what’s in them. For children, if anything, we should discourage not  
36 have anything to do with promoting or even allowing this type of tobacco product that is being  
37 spewed throughout our country. I urge you wholeheartedly to really vote down anything that has  
38 to do with supporting any type of e-cigarette in this community, or in any community for that  
39 matter. Just know that I sincerely believe that it is harmful to our children, and that’s what we  
40 have to look out for as a community.”

41  
42

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2

43 **Brenda Rooney**  
44 **1040 Johnson Street**  
45 **Onalaska**

46  
47 “I’ve lived in Onalaska for 22 years. I’m an epidemiologist at Gundersen Health System. I have  
48 a PhD in Epidemiology and Public Health, and in that role I serve on many committees for the  
49 health system as well as for the community working on health improvement initiatives. Most  
50 recently – actually, in 2010 – the county launched a healthy county initiative to become the  
51 healthiest county by 2015, and the Onalaska Common Council has endorsed that goal of  
52 becoming the healthiest county. And in that, we have brought several policy initiatives back to  
53 the Common Council and have gotten full support, including the Complete Streets Policy in  
54 2012, and the Social Host Ordinance in 2013. That’s just two examples of ways in which policy  
55 has a significant health impact. I’m very concerned as a citizen, but [also] as a public health  
56 researcher and a public health expert, and as well as a mother of two children. I have a daughter  
57 and a son, and it’s really important for me that they are able to work in clean air. I was very  
58 involved as well with Sue on the Clean Indoor Air Act and trying to get smoke-free dining. We  
59 were one of the first cities in the state to be smoke free. That clean air is extremely important to  
60 me, so why would we want e-cigarettes and the vapor that comes off e-cigarettes to be in our  
61 environment? Until we can prove that they’re safe I think we should err on the side of that  
62 they’re not safe. We do that with any medication that we give to a patient. It has to proven that  
63 it’s safe before we can give it to a patient, so why we would we let the vapors from e-cigarettes  
64 be in an environment that’s already clean? The other concern that I have is that we are really  
65 seeing the popularity of e-cigarettes have an impact on our youth. We’re seeing the uptick of the  
66 use of e-cigarettes by our youth. We were seeing a decline in the tobacco use over the last 10  
67 years. I monitor that with someone else from CESA 4, and we look at and monitor regularly the  
68 use of tobacco use in our youth, and we were seeing a decline. Now we’re seeing that e-cigarette  
69 use really increase. Part of that is because it’s becoming renormalized. If you go to a restaurant  
70 in the past year and a half, two years, you haven’t seen anyone smoke. Then all of a sudden you  
71 see people smoke, and I personally can’t tell the difference between an e-cigarette and a  
72 cigarette. Our kids are seeing that. I’ve had people ask me, ‘Can they really smoke in here?’  
73 It’s very hard to tell, so I think from an enforcement position it would be very difficult if you  
74 allowed e-cigarettes in public spots. I would encourage you to consider maybe amending  
75 [Ordinance] 1475 and [Ordinance] 1476, or changing the language on it to include e-cigarettes.”

76  
77 **Judi Zabel, La Crosse County Health Department**  
78 **No address given**

79  
80 “I sent you a letter earlier with some information and fact sheets last week. I also have received  
81 a letter from Dr. [Todd A.] Mahr, who would like me to read this for you. I’ll do so now: *‘Many*  
82 *of you know me and my involvement in the Clean Indoor Act for our community. I am unable to*  
83 *be in person at the June 4 A&J meeting or Finance and Personnel meeting, nor at the June 10*  
84 *Common Council meeting. I see first-hand the adolescents who are influenced by the newest*

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85 *craze of electronic cigarettes and other forms of electronic tobacco. Unfortunately, there is not*  
86 *a lot of good information about these products. What we do know is that e-cigarettes have not*  
87 *been proven to be safe or effective, either for their users or for bystanders. To assume that the*  
88 *vapor is harmless is factually incorrect. E-cigarettes do not just emit harmless water vapor, as*  
89 *has been stated. We do know that second-hand e-cigarette aerosol (not just a vapor) does*  
90 *contain nicotine in addition to ultrafine particles that can exacerbate respiratory diseases like*  
91 *asthma and COPD. There are studies that show that those people around e-cigarette users can*  
92 *breathe in at least 10 chemicals that are known carcinogens and reproductive toxins including*  
93 *benzene, lead, toluene and formaldehyde. I know you have been presented with fact sheets about*  
94 *the harmful effects of e-cigarettes. What is really unknown is what some people are using in*  
95 *these devices instead of the “juice” that is available. There are reports of numerous other illicit*  
96 *drugs being utilized in these electronic cigarettes. Allowing them to be utilized indoors just*  
97 *increases our risks. My plea to you as an active member of the Onalaska community is to please*  
98 *continue to protect us from harm. Do not allow electronic cigarettes to be used indoors.*  
99 *Enhance the ordinance so that these are also forbidden. As to [Ordinance] 1476-2014, I would*  
100 *ask that you leave the wording as “electronic smoking devices” and not change it to “nicotine*  
101 *products” as per my discussion about that we do not know what is in them. And also,*  
102 *enforcement is easier. This is about clean indoor air, not about second-hand smoke. I would*  
103 *gladly discuss this with any of you if desired. Respectfully submitted, Todd A. Mahr, MD.’ ”*

104

105 **Sara Sahli, American Cancer Society Representative**

106 **No address given**

107

108 “I have three pages of testimony and a few fact sheets that I won’t read verbatim, but I will be  
109 happy to leave them with you. The reason I’m here tonight is for the same reason that these  
110 ladies are here – to talk about [Ordinance] 1475 and [Ordinance] 1476. I would urge caution in  
111 moving forward with these ordinances as amended. The claims, as they’ve all stated, that these  
112 are safe products, I’m not sure how we can claim that. There are over 250 of these products out  
113 there that are unregulated at this point. The FDA just got permission. There’s one more step to  
114 making sure that that happens to start to regulate these. I would caution Onalaska to err on the  
115 side of waiting for the science rather letting this move forward and hoping the science turns out  
116 that these are in fact safe. History seems to be repeating itself. If we start to take our public  
117 health advice from the tobacco industry, which we know has a hand in the three largest tobacco  
118 companies, [which] do have a hand in these products. I would just urge you to move these  
119 ordinances back to the original version that would put e-cigarettes as part of the smoke-free air,  
120 and also define them rather than nicotine products as electronic cigarettes. It also becomes an  
121 issue of enforcement for both our youth and for our restaurant and bar owners.”

122

123 Ald. Pogreba called three times for anyone else wishing to provide public input and closed that  
124 portion of the meeting. Ald. Pogreba said the Judiciary items on the agenda would be addressed  
125 first and yielded the floor to Ald. Sjolander.

126

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

**Judiciary**

**Item 1 – Ordinance 1472-2014 – to amend Title 3 Chapter 4 of the City of Onalaska Code of Ordinances related to disposal of unclaimed funds (Third and Final Reading)**

Motion by Ald. Pogreba, second by Ald. Bertrand, to approve Ordinance 1472-2014 – to amend Title 3 Chapter 4 of the City of Onalaska Code of Ordinances related to disposal of unclaimed funds (Third and Final Reading).

On voice vote, motion carried.

**Item 2 – Ordinance 1473-2014 – to amend Title 11 Chapter 2 of the City of Onalaska Code of Ordinances related to firearms (Third and Final Reading)**

Motion by Ald. Pogreba, second by Ald. Bertrand, to approve Ordinance 1473-2014 – to amend Title 11 Chapter 2 of the City of Onalaska Code of Ordinances related to firearms (Third and Final Reading).

On voice vote, motion carried.

**Item 3 – Ordinance 1474-2014 – to amend Title 11 Chapter 2 of the City of Onalaska Code of Ordinances related to hunting with bow and arrows, crossbow (Third and Final Reading)**

Motion by Ald. Bertrand, second by Ald. Pogreba, to approve Ordinance 1474-2014 – to amend Title 11 Chapter 2 of the City of Onalaska Code of Ordinances related to hunting with bow and arrows, crossbow (Third and Final Reading).

On voice vote, motion carried.

**Item 4 – Ordinance 1475-2014 – to amend Title 11 Chapter 2 of the City of Onalaska Code of Ordinances related to prohibition of smoking indoors (Third and Final Reading)**

Motion by Ald. Pogreba, second by Ald. Sjolander, to approve Ordinance 1475-2014 – to amend Title 11 Chapter 2 of the City of Onalaska Code of Ordinances related to prohibition of smoking indoors (Third and Final Reading).

In response to a question by Ald. Bialecki, Ald. Pogreba said this draft of the ordinance had been amended.

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169 Ald. Bialecki said that he will vote for the original ordinance as it was stated – specifically, with  
170 electronic smoking devices included in the language – at the June 10 Common Council meeting.

171  
172 Motion by Ald. Sjolander, second by Ald. Bertrand, to amend the original motion to include the  
173 language of electronic smoking devices placed back into Ordinance 1475-2014 as originally  
174 drafted.

175  
176 Ald. Pogreba said, “I’m not going to vote for it, and I think you ladies have heard my discussion  
177 before. We all live in a free society. I’ve walked out of restaurants and businesses that have  
178 smoked in the past. I have two kids with asthma, so I do understand exactly [how you feel]. I  
179 had a father-in-law that died from cancer from smoking. I choose not to after seeing my father  
180 choking on a cigarette and passing away not even 10 hours later. I chose not to [smoke]. I stand  
181 that we are in a free society and that we have the right as an individual to sit and stand next to a  
182 person smoking. Now, if you don’t have that choice and if you’re forced to sit by an individual  
183 with a cigarette or an e-cigarette, then that is someone binding your right as an American citizen  
184 to force you to stand there. So I kind of have a hard time with forcing people that this is a free  
185 society. It’s one of those topics that hasn’t been proven to be harmful to society yet, so we have  
186 to err on judgment that it could be. Well, my grass out in my front yard could be harmful, too.  
187 Depending on what type of lawn it is, it could be. If there are weeds growing in it, it could be  
188 harmful. My kids could be allergic to them. There are so many things out there in this world  
189 that could be harmful, but it hasn’t been proven yet. Until the regulations come down from the  
190 federal or the state [government] ... I realize there are documents stating certain harmful aspects  
191 to it. But I stand on we live in a free society, and that we have those choices to be around there.  
192 I did vote at [the May 13 Common] Council [meeting] last time to stop selling to a child the  
193 nicotine aspect because of that aspect that is a chemical and we do need to do kind of have some  
194 regulations not selling to a 10-year-old so they intake the nicotine like candy. I kind of used the  
195 argument at Council that yes, common sense says you’re not going to take a gallon of this and  
196 use it. You’re not going to drink a gallon of chlorine bleach. Some common sense has to kick in  
197 here. That’s why I’m going to vote against having the e-cigarettes put in that ordinance. I hate  
198 to disagree with you ladies at this time, but when the scientific evidence has been proven 100  
199 percent and it’s regulated by the state and the federal government, I would be more than happy to  
200 go along with it. I am against smoking; don’t get me wrong. I’m against taking the free right of  
201 American citizens, whether it’s anybody in this room, taking away your free, God-given right  
202 away from you. And that’s what you’re doing with that ordinance in there.”

203  
204 Ald. Bertrand described the process of preparing to smoke an e-cigarette with a drip-tip and  
205 asked those in attendance to visualize both him and Sara smoking an e-cigarette while Sara holds  
206 an infant. Ald. Bertrand said that the infant will be exposed to some of the e-cigarette chemicals  
207 that he exhales. Ald. Bertrand stated, “It would be hard to convince me that that child is not  
208 receiving something in terms of some harmful substance.”

209  
210 Ald. Bertrand noted that it is difficult to see where e-cigarettes are manufactured and stated that

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211 some of the e-cigarettes that claim to have no nicotine have been tested and do in fact contain  
212 nicotine. Ald. Bertrand said, “That little two-year old there, do I want to subject that child to  
213 cigarette ‘smoke’ that I have no idea what is. I would ask someone in this situation,  
214 theoretically, if they’re 99 percent sure or 150 percent sure – whatever it is – that the smoke is  
215 not harmful. And let’s say someone comes back and says, ‘Harvey, I’m sure at least 99 percent.’  
216 Then I’d say, ‘What’s the chance of walking across the road blindfolded, let’s say at certain  
217 times?’ Well, it’s only 1 percent. Well, I’m not going to take that chance. It just seems to me to  
218 be really negligent to assume that that child will not be inhaling something very dangerous. I  
219 don’t want to take that chance.”

220

221 Ald. Pogreba said, “Until it’s proven that this pen is not harmful, should we ban them from ever  
222 being used? This pen is harmful, Harvey. It can hurt somebody. It can hurt the person next to  
223 me. Does that mean we ban it? That’s why I live in America. I’m proud to live in America –  
224 because it’s a free society. We should be allowed to step out of that business if we have that  
225 two-year-old. I have stepped out of a business because they had smoke in it and I had two kids  
226 that were asthmatic. You have a choice in this world to do something or not do something. But  
227 to force somebody and put handcuffs on someone, that’s what you’re doing. You’re not  
228 allowing someone to do something. I stand on the free principle of it.”

229

230 Ald. Bertrand said, “I think that if we go down to the neighborhood of Green Coulee, and you go  
231 up the road there and knock on every door in that community, and I say, ‘Are you for my civil  
232 rights, or are you more concerned about your children in a healthy environment.’ You know how  
233 they’re going to come down. They’re going to [say], ‘I don’t want my kids anywhere close to  
234 that smoke. Oh, by the way, Harvey, the civil rights issue, that is your issue.’ And I guess that’s  
235 what I’m saying. I think that on our committees and our City Council, I think a lot of issues, the  
236 ideological issues that we believe are so strong, I hate to see these ideological beliefs overcome  
237 the practical representation of our community and the possible harm we’re doing.”

238

239 Vote on the Amendment:

240

241 On voice vote, motion carried, 2-1 (Ald. Pogreba).

242

243 Original motion restated:

244

245 To approve Ordinance 1475-2014 – to amend Title 11 Chapter 2 of the City of Onalaska Code of  
246 Ordinances related to prohibition of smoking indoors (Third and Final Reading).

247

248 In response to a question by Ald. Bialecki, Elizabeth it is her understanding after speaking with  
249 City Clerk Cari Burmaster that Ordinance 1475-2014 would have to return to the Administrative  
250 and Judiciary Committee for its First and Second Reading after City Attorney Sean O’Flaherty  
251 reinserts language pertaining to electronic smoking devices.

252

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253 Ald. Pogreba said this can be verified by Sean prior to the June 10 Common Council meeting.  
254 Ald. Pogreba asked that this item be placed on the Non-Consent Agenda, and also asked for  
255 clarification as to whether Ordinance 1475-2014 will be on its First and Second Reading or its  
256 Third and Final Reading.

257  
258 On voice vote, motion carried, 2-1 (Ald. Pogreba).

259  
260 **Item 5 – Ordinance 1476-2014 – to amend Title 11 Chapter 5 Section 9 of the City of**  
261 **Onalaska Code of Ordinances related to purchase or possession of tobacco products (Third**  
262 **and Final Reading)**

263  
264 Motion by Ald. Pogreba, second by Ald. Sjolander, to approve Ordinance 1476-2014 – to amend  
265 Title 11 Chapter 5 Section 9 of the City of Onalaska Code of Ordinances related to purchase or  
266 possession of tobacco products (Third and Final Reading).

267  
268 Ald. Bertrand cited the example of two teenagers with e-cigarettes – one that is nicotine-free, and  
269 one that contains nicotine – and asked how it is possible to enforce the ordinance when it cannot  
270 be determined what type of e-cigarettes are being smoked. Ald. Bertrand said he spoke with  
271 Sean and stated he would like the ordinance to be amended to read as follows: “Tobacco shall  
272 include any nicotine product or electronic smoking device that can be used to deliver nicotine or  
273 any other substances to the person inhaling from that device. The term ‘nicotine product’ shall  
274 include a product that contains nicotine including, but not limited to, such devices whether they  
275 are manufactured as electronic cigarettes, electronic cigars, electronic pipes or any other product  
276 name. The term ‘electronic smoking device’ shall mean any device that can be used to deliver  
277 any other substances to the person inhaling from the device.”

278  
279 Motion by Ald. Bertrand, second by Ald. Sjolander, to amend the previous motion to include the  
280 term “electric smoking device” as well as the definition of a nicotine product.

281  
282 Ald. Sjolander said he understands what Ald. Bertrand’s intent is and stated, “The reason why I  
283 second that and I will support this, after the [May 13] Council meeting I kind of questioned it  
284 myself [and said], ‘OK, we just approved this. How are we going to allow our Police  
285 Department to enforce this?’ with the understanding that some of these devices do not have  
286 anything on there that states what is actually contained in the device. And they don’t have a  
287 means of trying to determine what is actually in the device, so how are they to enforce this  
288 without ...? There is no in-between. It’s got to be one way or the other. In conversation, these  
289 devices have been used, as it was brought up a letter, for the use of illicit drugs, too. That’s why  
290 after giving that thought I support this.”

291  
292 Ald. Bertrand referenced one of the supposedly no-nicotine e-cigarettes he had brought with him  
293 as an example, noting it contains no markings, nor can it be determined where it was  
294 manufactured. Ald. Bertrand said it is possible that with the way the ordinance is currently

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295 worded, a five-year-old could smoke the e-cigarette he had brought with him because it says it  
296 contains no nicotine. Ald. Bertrand reiterated he had discussed this ordinance with Sean and  
297 noted that the ordinance contains Sean’s terminology. Ald. Bertrand explained to Police Chief  
298 Trotnic that Sean’s intent was to include devices that are advertised as not including nicotine.

299

300 Ald. Sjolander noted that Mayor Chilsen had received clarification from Sean that both  
301 Ordinance 1475-2014 and Ordinance 1476-2014 will go on to the June 10 Common Council  
302 meeting as Third and Final Readings.

303

304 Ald. Pogreba said, “I’m against selling nicotine products to minors. ... The aspect that some of  
305 the e-cigarettes don’t have nicotine labeled on them and could possibly have it, there are other  
306 things out there that could be injected into them – and not only nicotine into an e-cigarette. I’m  
307 not against restricting minors from purchasing these as that amendment [states].”

308

309 Vote on the Amendment:

310

311 On voice vote, motion carried.

312

313 Original motion restated:

314

315 To approve Ordinance 1476-2014 – to amend Title 11 Chapter 5 Section 9 of the City of  
316 Onalaska Code of Ordinances related to purchase or possession of tobacco products (Third and  
317 Final Reading).

318

319 On voice vote, motion carried.

320

321 **Item 6 – Ordinance 1477-2014 – to create Title 10 Chapter 1 Article B Section 19 of the**  
322 **City of Onalaska Code of Ordinances related to the traffic code (First and Second Reading)**

323

324 Motion by Ald. Pogreba, second by Ald. Bertrand, to approve Ordinance 1477-2014 – to create  
325 Title 10 Chapter 1 Article B Section 19 of the City of Onalaska Code of Ordinances related to  
326 the traffic code (First and Second Reading).

327

328 Police Chief Trotnic said there was an influx of traffic along Theater Road that was trying to  
329 avoid the road construction and cutting through the Mayo Clinic parking lot. Police Chief  
330 Trotnic said he told his officers to issue citations for “corner-cutting.” However, Police Chief  
331 Trotnic said he was informed the city has no such ordinance. Police Chief Trotnic said his  
332 original intention was to delay addressing this matter. However, Police Chief Trotnic said he  
333 had received a telephone call from a Harley Davidson representative asking how the Police  
334 Department could address traffic utilizing the business’ parking lot to avoid the stop sign at the  
335 intersection of 12<sup>th</sup> Avenue South and Midwest Drive. Police Chief Trotnic reiterated this cannot  
336 be enforced because there is no “corner-cutting ordinance.” Police Chief Trotnic said the Harley

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337 Davidson representative informed him there had been two near accidents in the parking lot.  
338 Police Chief Trotnic said he has spoken with Sean about this matter and asked him to draft the  
339 language to this ordinance.

340

341 Motion by Ald. Pogreba, second by Ald. Bertrand, to amend the previous motion and suspend  
342 the rules and give Ordinance 1477-2014 its First, Second, Third and Final Reading.

343

344 Vote on the Amendment:

345

346 On voice vote, motion carried.

347

348 Original motion restated:

349

350 To approve Ordinance 1477-2014 – to create Title 10 Chapter 1 Article B Section 19 of the City  
351 of Onalaska Code of Ordinances related to the traffic code (First, Second, Third and Final  
352 Reading).

353

354 On voice vote, motion carried.

355

356 **Item 7 – Ordinance 1478-2014 – to amend Section 10-1-37 of the City of Onalaska Code of**  
357 **Ordinances relating to parking at Eagle Bluff Elementary School (First and Second**  
358 **Reading)**

359

360 Motion by Ald. Pogreba, second by Ald. Bertrand, to approve Ordinance 1478-2014 – to amend  
361 Section 10-1-37 of the City of Onalaska Code of Ordinances relating to parking at Eagle Bluff  
362 Elementary School (First and Second Reading).

363

364 On voice vote, motion carried.

365

366 Ald. Sjolander suggested to Ald. Pogreba that he first address Item 11 under the Administrative  
367 agenda.

368

369 **Administrative**

370

371 **Item 11 – Discussion on proposal of keeping chickens in the city limits of Onalaska**

372

373 Ald. Bialecki said there have been inquiries about this item.

374

375 Ald. Pogreba said he has been approached by at least two citizens regarding this matter and  
376 noted it had been discussed at the Administrative and Judiciary Committee level approximately  
377 three years ago before being dropped. Ald. Pogreba noted a citizen had chickens at their  
378 residence in a fenced-in yard and in fenced-in cages. The property was located in the Town of

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379 Medary, but was surrounded by City of Onalaska residents. Ald. Pogreba noted there had been  
380 five instances over a three-year period where the Humane Society dealt with chickens in the  
381 vicinity. Two of the instances involved chickens on the road, and therefore the matter was not  
382 discussed again.

383

384 **Callie Endris**  
385 **627 Gail Avenue**  
386 **Onalaska**

387

388 Callie noted that pet owners allow their dogs and cats to run loose and asked why individuals  
389 who care for their animals should be reprimanded.

390

391 Ald. Pogreba said he prefers to keep all public input during the public input session unless there  
392 is a special topic on a particular business owner.

393

394 Brea noted that bees are allowed in the City of Onalaska with a Conditional Use Permit and said  
395 there have been efforts in the United States to allow chickens into urban areas. Brea said that if  
396 the Administrative and Judiciary Committee wishes to send this item to the Plan Commission for  
397 further discussion, she suggests that urban homesteading be examined and include rabbits and  
398 chickens. Brea stated she believes public feedback is crucial and said she wants to know how the  
399 public feels about this topic. Brea said there are some individuals who are interested in raising  
400 chickens. However, Brea also noted her department fields property maintenance complaints and  
401 said she could see challenges arising if chickens are allowed in the city limits.

402

403 Brea said, "If it was sent back to the Plan Commission, one of my recommendations would be to  
404 gather initial public input somehow. One way that we could do it is we could put a survey up on  
405 the city's website. It's a no-cost thing; we could ask just what the public sentiment is. Of course  
406 we could hold hearings, but we might be able to get more \_\_\_\_ a comment through a survey. If  
407 we want to spend money on it we can send surveys out with the utility bills. We'll start with the  
408 no-cost approach first."

409

410 In response to a question by Ald. Bertrand, Brea said the Plan Commission would examine  
411 chickens, rabbits and community gardens and also discuss public input. Brea said there are  
412 many consistent regulations in the ordinances about chickens and rabbits. Some of the  
413 characteristics of common ordinances require that chickens be kept in a fenced-in yard, and some  
414 ordinances require a minimum parcel size. Many ordinances allow up to five chickens (no  
415 roosters). Annual permits are common and issued through the City Clerk's office. There is a  
416 setback from the property line and a setback from any adjacent residences for chicken pens.  
417 Ordinances also do not allow the chickens to be at large. Brea noted the City of La Crosse's  
418 ordinance states that a license may be revoked if there are three or more violations within a year.  
419 Brea also noted the applicant at the next license renewal must receive written approval from not  
420 less than 50 percent of the owner-occupied units on adjacent parcels within 100 feet of the

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421 property if there are complaints.

422

423 In response to a statement by Ald. Bertrand, Brea said there likely are subdivisions that have  
424 covenants that are more restrictive than City of Onalaska ordinances.

425

426 In response to a question by Ald. Sjolander, Brea said chickens currently are not allowed in city  
427 limits of Onalaska, but are allowed in agricultural districts.

428

429 Ald. Pogreba said he does not believe it is proper for chickens to be allowed in the city.

430

431 Ald. Sjolander told Brea she has the right idea in performing a survey on this item and said he  
432 believes the Plan Commission should work with city staff on policies before the matter is  
433 discussed.

434

435 Motion by Ald. Pogreba, second by Ald. Bertrand, to send to the Common Council without  
436 recommendation a proposal of keeping chickens in the city limits of Onalaska, and also to ask  
437 the full Common Council how its members wish the Administrative and Judiciary Committee to  
438 proceed.

439

440 Ald. Bialecki asked if perhaps this matter should instead be referred to the Plan Commission.

441

442 Ald. Pogreba noted that the Common Council will meet before the Plan Commission does and  
443 said the full Council can determine whether or not it wishes to have staff devote time to this  
444 item.

445

446 In response to a question by Ald. Bertrand, Brea said the Common Council can send this matter  
447 to the Plan Commission anytime.

448

449 Brea said she would like to have more time to prepare this item for the July 22 Plan Commission  
450 meeting. This is when discussion would ensue and the Plan Commission could talk about giving  
451 a survey. Brea said the results of a survey would come before the Plan Commission at its  
452 September 23 meeting. Brea noted there could be a draft change in September, and from there it  
453 takes four months for an ordinance change.

454

455 On voice vote, motion carried.

456

457 **Item 4 – Approval of Operator’s Licenses**

458

459 Motion by Ald. Pogreba, second by Ald. Sjolander, to approve the Operator’s Licenses dated  
460 May 28, 2014, and also an updated list of Operator’s Licenses dated June 4, 2014.

461

462 Elizabeth said the City Clerk’s office is asking for an extension through the Common Council.

Reviewed 6/6/14

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

Wednesday, June 4, 2014

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**The recorded conversation ended at this point, to continue on Side B as follows.**

Ald. Pogreba said there is an understanding that this item will appear on the Non-Consent Agenda at the June 10 Common Council meeting.

On voice vote, motion carried.

**Item 5 – Approval of Change of Agent for:**

- a. Kwik Trip #377, 1802 East Main Street, Onalaska to Joseph V. Eckert
- b. Carlos O’Kelly’s, 9396 State Road 16, Onalaska to Ricky Wetmore Jr.

Motion by Ald. Sjolander, second by Ald. Bertrand, to approve the Change of Agent for Kwik Trip #377 and Carlos O’Kelly’s.

On voice vote, motion carried.

**Item 6 – Approval of Kids Tri Run for the YMCA on July 12, 2014 from 8 a.m.-noon starting at the YMCA, 400 Mason Street, Onalaska**

Motion by Ald. Sjolander, second by Ald. Bertrand, to approve Kids Tri Run for the YMCA on July 12, 2014 from 8 a.m.-noon starting at the YMCA, 400 Mason Street, Onalaska.

On voice vote, motion carried.

**Item 7 – Approval of Fireworks Display Permit for La Crosse Skyrockers, Inc. for Salute to the 4<sup>th</sup> Fireworks on June 28, 2014 from approximately 10-10:30 p.m. at the Onalaska School Athletic Fields at 400 Riders Club Road, Onalaska**

Motion by Ald. Bertrand, second by Ald. Sjolander, to approve Fireworks Display Permit for La Crosse Skyrockers, Inc. for Salute to the 4<sup>th</sup> Fireworks on June 28, 2014 from approximately 10-10:30 p.m. at the Onalaska School Athletic Fields at 400 Riders Club Road, Onalaska.

On voice vote, motion carried.

**Item 8 – Approval of request for full burial with two ashes in Block #168, Lot 8, Grave 2 in the Onalaska Cemetery for Karen, Neil and Brandi Peck**

Motion by Ald. Sjolander, second by Ald. Bertrand, to approve request for full burial with two ashes in Block #168, Lot 8, Grave 2 in the Onalaska Cemetery for Karen, Neil and Brandi Peck.

On voice vote, motion carried.

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

Wednesday, June 4, 2014

13

506

507 **Item 9 – Approval of Fireworks Permit for R and M Enterprises, Inc. to sell fireworks at**  
508 **East Towne Plaza, State Road 16, Onalaska from June 13 through July 11, 2014 from 7**  
509 **a.m.-midnight daily**

510

511 Motion by Ald. Sjolander, second by Ald. Bertrand, to approve Fireworks Permit for R and M  
512 Enterprises, Inc. to sell fireworks at East Towne Plaza, State Road 16, Onalaska from June 13  
513 through July 11, 2014 from 7 a.m.-midnight daily, with the understanding that the notes from  
514 Fire Chief Don Dominick are kept in accordance with his request.

515

516 In response to a question by Ald. Pogreba, Police Chief Trotnic said Fire Chief Dominick  
517 examines the list of fireworks that will be sold.

518

519 On voice vote, motion carried.

520

521 **Item 10 – Approval of Licenses for 7/1/2014-6/30/2015**

522

- 523 A. Class A Beer Only License – none to report
- 524 B. Class A Liquor Licenses
- 525 C. Class B Beer Only Licenses
- 526 D. Class B Liquor Licenses
- 527 E. Outdoor Venue Licenses
- 528 F. Cigarette Licenses
- 529 G. Hotel/Motel Licenses
- 530 H. Campground/Mobile Home Licenses
- 531 I. Taxi Licenses
- 532 J. Weights and Measures Licenses

533

534 Motion by Ald. Sjolander, second by Ald. Bertrand, to approve Licenses for 7/1/2014-6/30/2015  
535 as listed under “A” through “I”.

536

537 On voice vote, motion carried.

538

539 Elizabeth noted there are 3 outstanding Weights & Measure applications and asked for an  
540 extension and that this item be moved to Common Council under non-consent.

541

542 Motion by Ald. Pogreba, second by Ald. Sjolander, to approve Item J: Weights and Measures  
543 Licenses, and send it to the Common Council under the Non-Consent Agenda.

544

545 On voice vote, motion carried.

546

547

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

Wednesday, June 4, 2014

14

548 **Item 12 – Miscellaneous licensing reporting**

549

550 Motion by Ald. Sjolander, second by Ald. Bertrand, to approve the miscellaneous licenses that  
551 are included in the Administrative and Judiciary Committee packets.

552

553 On voice vote, motion carried.

554

555 **Adjournment**

556

557 Motion by Ald. Sjolander, second by Ald. Bertrand, to adjourn at 7:11 p.m.

558

559 On voice vote, motion carried.

560

561

562 Recorded by:

563

564 Kirk Bey