

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

Wednesday, August 3, 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, August 3, 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. Bob Muth,  
6 Ald. Jim Binash

7  
8 Also Present: City Clerk Cari Burmaster, Fire Chief Don Dominick

9  
10 **Item 2 – Approval of minutes from the previous meeting**

11  
12 Motion by Ald. Binash, second by Ald. Blomquist, to approve the minutes from the previous  
13 meeting as printed and on file in the City Clerk’s Office.

14  
15 On voice vote, motion carried.

16  
17 **Item 3 – Public Input (limited to 3 minutes/individual)**

18  
19 Ald. Muth called three times for anyone wishing to provide public input and closed that portion  
20 of the meeting.

21  
22 **Consideration and possible action on the following items:**

23  
24 **Administrative**

25  
26 **Item 4 – Approval of Operator’s Licenses as listed on report dated August 3, 2016**

27  
28 Cari noted she had distributed to committee members a new listing of Operator’s Licenses that  
29 have been presented for approval.

30  
31 Motion by Ald. Binash, second by Ald. Blomquist, to approve the Operator’s Licenses as listed  
32 on report dated August 3, 2016.

33  
34 On voice vote, motion carried.

35  
36 **Item 5 – Request from citizen Robert Hughes to change in whole or in part the following**  
37 **portions of the City of Onalaska Code of Ordinances: Sec. 15-1-72 State of Wisconsin**  
38 **Electrical Licenses, Certifications and Definitions, Sec. 15-1-35 Plumbers to be Licensed,**  
39 **Sec. 15-1-60 Gas Licenses**

40  
41 Ald. Muth noted he had received several emails from Robert Hughes and also had spoken to him.  
42 Ald. Muth also noted that Robert had submitted a report stating why he believes the

Reviewed 8/5/16 by Cari Burmaster

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43    aforementioned ordinances adopted by the City of Onalaska should be changed.

44

45    Motion by Ald. Muth, second by Ald. Blomquist, to deny a request from citizen Robert Hughes  
46    to change in whole or in part the following portions of the City of Onalaska Code of Ordinances:  
47    Sec. 15-1-72 State of Wisconsin Electrical Licenses, Certifications and Definitions, Sec. 15-1-35  
48    Plumbers to be Licensed, Sec. 15-1-60 Gas Licenses.

49

50    Ald. Muth said, "I have talked to city staff. I have talked to legal counsel. I have gone over the  
51    state laws. The ones that we have currently we know go back to at least June 12, 1984. I have  
52    talked to a number of people – in fact, even a friend who had built his own home – and my  
53    conclusion is even though Mr. Hughes may have the ability to do a lot of this, the state codes for  
54    electrical, plumbing and so on change on a regular basis. So meeting up to code almost, in my  
55    opinion, takes a licensed electrician and takes a licensed plumber to keep up with the codes. My  
56    second thought is we have a population of about 19,000 people in the City of Onalaska, and I'm  
57    obligated to look out for everybody's best interest. Mr. Hughes is the only one who has brought  
58    this forward, or this request. I have never heard of anyone else wishing to change it. My  
59    concern is if something like this goes through, I think we're opening the door to people going on  
60    the internet and trying to do their own electrical or trying to do their own plumbing or whatever  
61    they're going to do. I think that's going to increase the factor of the danger of fire, which is  
62    going to jeopardize the safety of our firefighters and the police officers that respond. It would  
63    also jeopardize houses around whatever house may catch fire or have problems. I think I'm  
64    obligated – and I think we are obligated – to protect all citizens. And I think the city, by  
65    adopting the state statutes and requiring these certified electricians and plumbers to conduct the  
66    inspections, is a good law. And I see absolutely no reason for changing it."

67

68    Ald. Binash said, "I know that in the State of Wisconsin there are other municipalities that do  
69    allow these kinds of opportunities for homeowners to do them on their own. I recently had  
70    something done at my house, and it was a licensed electrician or whoever it was who built our  
71    house in 1978. We went to put in a different electrical outlet, and the prior electrician or home  
72    builder actually put a screw into the vent pipe into a piece of wood. That was holding up my  
73    light fixture; we didn't know that until we took it apart and something actually sparked. Isn't it a  
74    fact that when someone has something done they still have to get it approved before they can  
75    close up on anything that they do regarding electrical or plumbing? Don't we have to have the  
76    building inspected?"

77

78    Ald. Muth noted that the city has electrical building inspectors and plumbing inspectors who  
79    must approve the work that has been done.

80

81    Ald. Binash said, "If we were to allow an individual just to do some of the electrical work ... It's  
82    either all or nothing is how we're looking at this. Is that correct?"

83

84    Ald. Muth said yes, stating, "You let one person do it, you've opened the door."

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85

86 Ald. Binash said, "I kind of have mixed feelings on this. I know that people do put in their own  
87 ceiling fans. I would prefer that somebody not put in an electrical outlet on their own, but to  
88 change out some things, I don't see that that is a problem. I may have to agree with you on this,  
89 Bob, because it's either all or nothing. I would prefer that someone would be able to do some of  
90 their own work, but considering what can happen from what I saw in our own home, I may have  
91 to go this route."

92

93 Ald. Blomquist described himself as "a simple electrician," noting he will change a light switch  
94 or an outlet without contacting anyone. Ald. Blomquist asked if this is referring to new  
95 construction.

96

97 Ald. Muth said it can be for new construction, but it also can refer to instances such as someone  
98 like Mr. Hughes, who is remodeling a house on Irvin Street. Ald. Muth then invited Robert to  
99 address the committee.

100

101 **Robert Hughes**  
102 **416 Irvin Street**  
103 **Onalaska**

104

105 "I would say that you could actually move to approve something where people can change out  
106 their outlets or fix their outlets. That would at least be something, because right now the law is  
107 absolutely ridiculous. He [Ald. Blomquist] just said himself that he breaks the law on a regular  
108 basis by replacing outlets. I'm sorry, but you do. The law does not allow you to do one single  
109 thing with electric at all, which is beyond comprehension. The other factor is that the  
110 municipalities that have these laws are in such a tiny percentage of municipalities, there's  
111 actually no data on this at all. We have over 200,000 people that die of obesity every year. We  
112 have over 100,000 people that die of cigarette smoking. We have over 50,000 people that die of  
113 car crashes. We're not taking anybody's keys. We're not closing down any McDonald's, and  
114 we're not quitting smoking. We can tax it to death, but nobody has talked about completely  
115 banning it. The burden of proof is on you, and I don't like the fact that now I have this shadow  
116 government that went around and had these debates that wasn't a public forum. You went and  
117 asked city staff. I can't comment on what they've told you. I have no recourse for that. I would  
118 like to see this go to Council. I would like to see the staff make their case on why this makes  
119 Onalaska's city residents safe and then make a fair decision there. Right now we have three  
120 people. We have a minority of the actual Common Council representatives on this committee. I  
121 feel it's totally unfair to shut it down now. If you don't agree with it, I understand that. But just  
122 passing it along to Council doesn't necessarily mean you agree with it. It just means that you're  
123 leaving it up to the entire Council and leaving it up to city staff to make their case why this  
124 makes Onalaska residents safer, and to go from there.

125

126 Now, as far as inspection goes, everything has to be inspected. The state laws are what they are

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127 and allow homeowners to do these kinds of things because it's usually dangerous to allow laws  
128 like this to be passed that require these overburdening permits. For me right now, it's about  
129 \$3,500 to get my work done. That's drilling all the holes, and they're not letting me touch any  
130 wires. Everything but wire, it's about \$3,000 just for that. That is 6½ weeks – a month-and-a-  
131 half of labor – that I have to do. That's going to take somebody four days. Even if it takes me  
132 two weeks to figure out and read the municipal code and read the Wisconsin code to get all my  
133 facts updated ... Even if it takes me two weeks to do the work because I'm not practiced in it,  
134 it's still half a week that I would be saving labor. And that's if I was able to save any penny  
135 without having food, gas and all those other costs. It would literally take me all year ..."

136

137 Ald. Muth interjected and told Robert public input is typically limited to three minutes. Ald.  
138 Muth also told Robert he has read all the materials he has supplied and done research. Ald. Muth  
139 said, "You talk about minority. I have 19,000 versus one. To me, that's a minority. You're the  
140 only person that has come forward or said anything about this."

141

142 Robert said, "Nobody comes forward because they get the same type of deal from the  
143 government."

144

145 Ald. Muth said, "I'm going to stop you there. I don't want to hear about government. I don't  
146 want to hear about smoking. We're talking about one issue here: about you wanting to change  
147 what we have adopted as state statutes. The city has the right to enforce the ordinances that they  
148 have adopted. And I see no reason at this point to change them."

149

150 Robert said, "So if I get a petition signed by ... How many people would [make] you change  
151 your mind?"

152

153 Ald. Muth said, "It's not going to change my mind." Ald. Muth then asked Cari what Robert's  
154 options are.

155

156 Cari noted that this item will go before the Common Council on August 9. Cari also noted that if  
157 the motion currently on the floor passes, it would go to the Council as a recommendation to  
158 deny. Cari told Robert, "This is a committee. Final approval of every committee is the Council  
159 level. There is nothing approved until the final approval at Council. The only board that has that  
160 is the Board of Zoning Appeals. They are an independent board. Everything else is really a  
161 subcommittee of the Council. When you're saying you have three people here, yes, you do have  
162 three people here. This is the committee. This is where we start everything."

163

164 Robert admitted he was unaware of this.

165

166 Ald. Muth said the motion on the floor is to deny and that this recommendation would go to the  
167 Common Council.

168

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169 Fire Chief Dominick asked Robert if the work he wants to do is on a residential property.

170

171 Robert said yes.

172

173 Fire Chief Dominick noted that from 2012 to 2014 fire departments responded to 377,900 fires in  
174 residential buildings. Fire Chief Dominick also noted there was an average of 2,635 deaths,  
175 12,525 injuries, and \$7.1 billion in property loss. Fire Chief Dominick said 84 percent of all fire  
176 deaths and 78 percent of all injuries occurred in residential buildings. Fire Chief Dominick also  
177 pointed out they accounted for more than half (59 percent) of the total dollar loss. Fire Chief  
178 Dominick noted that in 49 percent of non-confined residential building fires, the fire extended  
179 beyond the room of origin, and the leading reported cause (16 percent) was unintentional or  
180 careless actions. Fire Chief Dominick said electrical malfunctions accounted for 13 percent,  
181 intentional actions accounted for 11 percent, and open flames accounted for 11 percent. Fire  
182 Chief Dominick said the heat from powered equipment was the heat source in 46 percent of non-  
183 confined residential fires. Fire Chief Dominick said this includes electrical arcing (14 percent),  
184 radiating or conducting heat from operating equipment (14 percent), heat from other powered  
185 equipment (13 percent), and a spark, ember or flame from operating equipment (4 percent). Fire  
186 Chief Dominick noted that 34 percent of the items first ignited in non-confined residential fires,  
187 where there was a determination, falls under the category "Structural Component or Finish."  
188 This category includes structural members, framing, and exterior wall covers. Fire Chief  
189 Dominick said 17 percent of the items first ignited in non-confined residential fires were general  
190 materials, which include items such as electrical wire, cable insulation, and trash or rubbish.

191

192 Robert said, "The problem with your data is that it actually doesn't break down how many of  
193 those were from people that did their own electrical wiring, and if they had it inspected or not. A  
194 lot of times, the reason why you're allowed to remove asbestos, tile and lead paint is not because  
195 those things are dangerous. It's because leaving them there or having to pay someone to remove  
196 them is cost-prohibitive. I would surmise that a lot of those fires were from outdated, knob-and-  
197 tube type of wiring that could have been prevented had the homeowner taken the initiative to  
198 learn how to do things to code, and to put the wire in and have it inspected. Right now ..."

199

200 Ald. Muth interjected and noted there is a motion on the floor.

201

202 Ald. Binash noted he had done claims, including fire and arson, for 35 years and said many of  
203 them dealt with electrical. Ald. Binash said, "We would get back to the source as to who was  
204 responsible. Whoever put it in or what it was that caused the event, the fire marshal would be  
205 involved and they would look at it and they would determine what was the source. The reason  
206 they did that was for subrogation purposes – who is at fault. Now, if you were to go ahead and  
207 do this on your own, you may have problems with your insurance because there is nobody to  
208 subrogate to give anything back. If you have somebody who is responsible for putting in your  
209 electrical, you have a case to go back to whomever that is and it lessens your responsibility. I'm  
210 not saying it will or won't, but there is a possibility you could have problems or if you did have a

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211 problem, you may have insurance that may or may not cover it depending upon your policy, God  
212 forbid something should happen. I can see why something like this is important because it  
213 protects the homeowner, and if the Inspection Department makes a bad call it could be on them.  
214 If you make a bad call, it's on you and you may not have a recourse."

215  
216 Ald. Blomquist said, "I know you said I change my own switches and violate the law. I've  
217 developed numerous residences in the community and I've worked extensively with the  
218 Inspection Department of the City of Onalaska. During all of that construction I probably had  
219 the biggest name in electrical contracting in the city do all of my work. And even when they  
220 were done the inspectors would come through and find fault, so I find it very hard to believe that  
221 if people doing this every day still don't get it totally right that somebody trying to study the  
222 code and do it themselves could. I think that's a pretty tall order to understand the code and get  
223 it right and not have the inspectors come back 15 times to correct every little thing. I find it  
224 pretty hard to believe that that could be done."

225  
226 Ald. Binash reminded Robert that this item will go before the Common Council on August 9.

227 Ald. Binash noted that any Alderperson may remove it from the agenda and address it.

228

229 Ald. Blomquist told Robert he will be allowed to speak for three minutes during the public input  
230 session.

231

232 On voice vote, motion carried.

233

234 **Item 6 – Approval of Special Event Permit for St. Pat's 1-Mile Fun Run on October 15,**  
235 **2016 at 8 a.m. starting at 11<sup>th</sup> Avenue North, Onalaska between Onalaska Post Office and**  
236 **St. Patrick's School**

237

238 Motion by Ald. Muth, second by Ald. Blomquist, to approve Special Event Permit for St. Pat's  
239 1-Mile Fun Run on October 15, 2016 at 8 a.m. starting at 11<sup>th</sup> Avenue North, Onalaska between  
240 Onalaska Post Office and St. Patrick's School.

241

242 Ald. Binash noted that a copy of insurance is still needed.

243

244 Cari said she still needs the certificate of insurance and that this will not be released until it has  
245 been obtained and placed on file.

246

247 On voice vote, motion carried.

248

249 **Item 7 – Approval of Change of Agent for Kwik Trip #377, 1802 East Main Street,**  
250 **Onalaska, WI to Edmund J. Szewczyk**

251

252 Motion by Ald. Muth, second by Ald. Blomquist, to approve Change of Agent for Kwik Trip

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253 #377, 1802 East Main Street, Onalaska, WI to Edmund J. Szewczyk.

254

255 On voice vote, motion carried.

256

257 **Item 8 – Request for burial of cremains for Vernon D. Tucker with the full body burial of**  
258 **his late wife, Gloria J. Tucker, in Block 134, Lot 4, Grave 2 in the City of Onalaska**  
259 **Cemetery**

260

261 Motion by Ald. Binash, second by Ald. Blomquist, to approve request for burial of cremains for  
262 Vernon D. Tucker with the full body burial of his late wife, Gloria J. Tucker, in Block 134, Lot  
263 4, Grave 2 in the City of Onalaska Cemetery.

264

265 On voice vote, motion carried.

266

267 **Item 9 – Approval of Class “B” Picnic License for:**

268

269 a. Holmen Youth Baseball Parent Association on 8/19/16-8/20/16 for Kornfest softball  
270 tournament at the Omni Center grounds, 255 Riders Club Road, Onalaska

271

272 Motion by Ald. Binash, second by Ald. Blomquist, to approve Class “B” Picnic License for  
273 Holmen Youth Baseball Parent Association on 8/19/16-8/20/16 for Kornfest softball tournament  
274 at the Omni Center grounds, 255 Riders Club Road, Onalaska, contingent upon the certificate of  
275 insurance being filed by the City of Onalaska.

276

277 On voice vote, motion carried.

278

279 b. La Crosse County Library for Leave A Legacy Event on 9/11/16 at the Onalaska Public  
280 Library, 741 Oak Avenue South, Onalaska

281

282 Motion by Ald. Blomquist, second by Ald. Binash, to approve Class “B” Picnic License for La  
283 Crosse County Library for Leave A Legacy Event on 9/11/16 at the Onalaska Public Library,  
284 741 Oak Avenue South, Onalaska.

285

286 On voice vote, motion carried.

287

288 **Item 10 – Miscellaneous licensing reporting**

289

290 Cari noted she had distributed to committee members a list of recreational burning permits.

291

292 Motion by Ald. Binash, second by Ald. Blomquist, to approve the miscellaneous licensing  
293 reporting.

294

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295 On voice vote, motion carried.

296

297 **Judiciary**

298

299 No report.

300

301 **Adjournment**

302

303 Motion by Ald. Binash, second by Ald. Blomquist, to adjourn at 6:24 p.m.

304

305 On voice vote, motion carried.

306

307

308 Recorded by:

309

310 Kirk Bey