

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

Wednesday, August 6, 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, August 6, 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. Erik Sjolander, Ald. Harvey
6 Bertrand

7
8 Also Present: City Clerk Cari Burmaster, Ald. Bob Muth, Land Use and Development Director
9 Brea Grace, City Engineer Jarrod Holter, Assistant Police Chief Troy Miller

10
11 Excused Absence: Ald. Jack Pogreba

12
13 **Item 2 - Approval of minutes from the previous meeting**

14
15 Motion by Ald. Sjolander, second by Ald. Bertrand, to approve the minutes from the previous
16 meeting as printed and on file in the City Clerk's Office.

17
18 On voice vote, motion carried.

19
20 **Item 3 – Public Input (limited to 3 minutes/individual)**

21
22 Ald. Sjolander called for anyone wishing to provide public input.

23
24 **David Cornelius, General Manager, The Golf Club at Cedar Creek**
25 **2600 Cedar Creek Lane**
26 **Onalaska**

27
28 “As it says in [Item] No. 8, we want to ask for a request for a variance to the noise ordinance for
29 lawn mowing before 7 a.m. for the City of Onalaska golf course. We were the one that actually
30 brought this about due to the fact that we’ve got an unidentified _____ member that has issue
31 with us mowing early in the mornings. We are asking for the variance as a relatively obvious
32 thing just from the standpoint that we need to, because of the nature of our business, get going
33 very early, especially in the months of May, June, July, August and September just because our
34 maintenance crew needs to get their work done and get out of there at a reasonable time. We do
35 have anywhere between 12 and 20 events that we do host yearly that we have 8 o’clock or 9
36 o’clock shotguns. For them to get all their work done before those events do start, we do need to
37 start relatively early. We only have a couple of events that he needs to start at 4:30 or 5 o’clock
38 in the morning. Most of the time they’re there at 5:30 in the morning. Since we do have a
39 homeowners’ association, we do try to be very cognizant of the fact that those people live on the
40 golf course. We try to be as quiet as we can. He tries to mow all the extremity areas before he
41 gets to some of the areas on Sand Lake Road. Obviously in the morning if there are cool nights
42 people will have their windows open. I’m sure that’s what is transpiring – someone has their

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43 windows open and they hear our mowers. I would assume it's probably the 18 or 17 or 16 green.
44 When they're mowing greens they're hearing that commotion with those units. He tries very
45 hard to stay away from those areas early in the morning. But if we have to abide to the 7 a.m. it
46 would really put a hardship on us from the standpoint of all those events that we have. We
47 would have to either not have those events or back those times up significantly. Those events are
48 somewhere in the tune of probably \$200,000 in business, so it's a tremendous amount of income
49 derived from those particular events."

50

51 **Robert Muth, Second District Alderperson**
52 **317 Spruce Street**
53 **Onalaska**

54

55 "When I read through this, I would tend to agree. My personal opinion is we should give them a
56 variance. I think the economic impact of the golf courses in the area is very significant. They're
57 a big draw to people. The events that they hold, we have guests from all over the place for even
58 the K-9 golf tournament. It draws officers and other people from other areas so they get a taste
59 of Onalaska. I think that's a big effect that we shouldn't lose. Being a golfer myself, I know the
60 courses were built before the houses that were built around them. Why someone would buy a
61 house right next door to a golf course and complain about a golf course is like building a house
62 next to an airport and complaining about the airplanes. I think a bigger issue is the train noises
63 we've had forever; they make more noise than the mowers in the short time those guys are
64 working in those specific areas. As a citizen and as an alderman, I would strongly agree with
65 allowing the golf courses to be able to do their mowing [before 7 a.m.] because it's a short
66 season. You figure in Wisconsin it's probably 10 months of winter and two months of summer.
67 I'm all for allowing the variance if it gets to Common Council."

68

69 **Jack Tripp, Golf Course Superintendent, La Crosse Country Club**
70 **300 Marcou Road**
71 **Onalaska**

72

73 Jack distributed a copy of the covenants for Emerald Valley, the property developed around the
74 La Crosse Country Club by Elmwood Partners. Jack referenced page 3 of the covenants and
75 noted that the individuals residing around the La Crosse Country Club are aware that certain
76 activities will occur on the golf course.

77

78 Jack said, "I agree with the other comments that were made. We try our best to stay away from
79 the houses. We try not to do any chainsaw work before 7 o'clock. Obviously in the case of an
80 emergency where there's a downed tree from weather damages affecting a building or a cart
81 path, that would be a case where just like the city would get out early in the morning or work
82 during the night with that type of noise. We try to be as cognizant as possible of the neighbors.
83 Our first tee time is actually at 7 o'clock each day, and we need a minimum of an hour of a head-
84 start from that so we can things prepped for the golfers."

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85

86 Ald. Sjolander called three times for anyone else wishing to provide public input and closed that
87 portion of the meeting.

88

89 Ald. Bertrand asked if it would be possible to address Item 8 first so the individuals who have
90 come to this evening's meeting do not have to wait.

91

92 Ald. Sjolander said Item 8 will be addressed first.

93

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

95

96 **Administrative**

97

98 **Item 8 – Request to variance of noise ordinance for lawn mowing before 7 a.m. for City of**
99 **Onalaska Golf Courses**

100

101 Motion by Ald. Bertrand, second by Ald. Sjolander, to approve a change to the noise ordinance
102 for lawn mowing before 7 a.m. for City of Onalaska Golf Courses, which would be allowed to
103 begin mowing starting at 6 a.m.

104

105 Ald. Sjolander asked David about a complaint that had been forwarded to him about mowing
106 occurring before 7 a.m.

107

108 David said yes and noted the City of Onalaska Police Department has been called approximately
109 three or four times within the last couple of years.

110

111 In response to a question by Ald. Sjolander, David said the individual who has registered the
112 complaints is not a member of The Golf Club at Cedar Creek's Golf Association.

113

114 In response to a question by Ald. Bertrand, Jack said he has not received any complaints and
115 added he would like to be able to commence mowing operations before 6 a.m. Jack said there
116 are instances when it is necessary to begin mowing at 5 a.m.

117

118 Cari noted she had met with Mayor Joe Chilsen during the process of bringing forward this item
119 and said he had drafted a memo to committee members. Cari noted copies of the ordinances
120 were included in committee members' packets. The first page includes the current required start
121 time of 7 a.m. Cari said the only other exception related to noise that she could find in the
122 ordinance is allowing garbage pickup to begin at 5 a.m.

123

124 Cari said, "We're getting close to the end of the season. To get this changed, if that's where we
125 want to go with this, we wouldn't be able to get it into effect for this year. How I approached it
126 with the Mayor is that possibly what we might want to do for this season is just do a variance for

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127 the remainder of the season. That would give us the winter months to get something in place that
128 would be acceptable to everybody if you did want to proceed with changing the ordinance itself.”
129

130 Ald. Muth noted that part of both The Golf Club at Cedar Creek and the La Crosse Country Club
131 are located in La Crosse County and said noise could originate off City of Onalaska land even if
132 the ordinance is changed. Ald. Muth said, “We can’t enforce outside the City of Onalaska.”
133

134 In response to Ald. Bertrand, Cari said the Police Department only can enforce City of Onalaska
135 land.
136

137 Troy cited the example of an individual firing a rifle on Town of Medary land and said their
138 department (Onalaska PD) cannot do anything because it is out of their jurisdiction.
139

140 Ald. Sjolander said, “I think what you’re suggesting, and when it gets time to discuss this for
141 next year is getting input or at least putting the residents around these areas to notice that there’s
142 discussion on this. Is that what you’re suggesting?”
143

144 Ald. Bertrand said, “A public hearing on this issue sounds a bit much. But I guess to resolve it,
145 is that what it would be?”
146

147 Ald. Sjolander said, “It would be no different than if we put a sign somewhere. The Planning
148 Department has to put the residents within 250 feet on notice.”
149

150 Brea said any changes to the Zoning Code require a public hearing by statutes. However, Brea
151 noted that this is not part of the Zoning Code and no public hearing is required.
152

153 Ald. Bertrand noted the relative term in the Emerald Valley covenants is “early morning” and
154 said the definition of early morning is subjective. Ald. Bertrand, who resides near the La Crosse
155 Country Club, said he does not object to allowing mowing to commence at 5 a.m. However,
156 Ald. Bertrand said that even though David and Jack will perform their due diligence on this
157 matter, he also raised the possibility residents will object to mowing starting at 5 a.m.
158

159 In response to a question by Ald. Sjolander, Jack said mowing operations at the La Crosse
160 Country Club typically commence weekdays at 6:15 a.m. and 5:45 a.m. on weekends.
161

162 Ald. Sjolander asked David and Jack if they would be affected negatively if a variance to begin
163 mowing at 6 a.m. is allowed for the remainder of the golf season. Ald. Sjolander said further
164 discussions regarding options for 2015 could then take place.
165

166 David and Jack both expressed their wish to begin mowing at 5:30 a.m.
167

168 Ald. Bertrand suggested “starting aggressively” and allowing mowing to begin at 5:30 a.m. as he

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169 believes it would be very difficult to begin with allowing mowing to commence at 6 a.m. and
170 then moving back the time to 5:30 a.m.

171
172 It was noted that contractors are allowed a variance to begin work early in the morning during
173 warm weather days and asked if it would be possible to request a one- or two-time variance if a
174 special event is being held.

175
176 Cari asked that a letter addressed to the Administrative and Judiciary Committee be written
177 asking for approval. Cari noted there have been instances where variances have been granted for
178 special events.

179
180 In response to a question by Jack, both Ald. Sjolander and Cari said it would be possible to
181 request a variance at the beginning of the golf season.

182
183 Jack said changing the ordinance will only affect residents from June through September.

184
185 In response to a question by Ald. Sjolander, Assistant Police Chief Miller said he does not know
186 the number of complaints fielded on this subject and added to the best of his knowledge the
187 complaints have been anonymous.

188
189 Motion and second withdrawn.

190
191 Motion by Ald. Bertrand, second by Ald. Sjolander, to allow a variance for City of Onalaska golf
192 courses to commence maintenance operations after 5:30 a.m. until December 31, 2014.

193
194 On voice vote, motion carried.

195
196 **Item 4 – Approval of Operator’s Licenses**

197
198 Motion by Ald. Sjolander, second by Ald. Bertrand, to approve the Operator’s Licenses dated
199 July 30, 2014, and also an updated list of Operator’s Licenses dated August 6, 2014.

200
201 On voice vote, motion carried.

202
203 **Item 5 –Approval of request for burial of ashes in Block 87, Lot 4, Grave 5 for Geraldine**
204 **Poppe with the full burial of Garold V. True and ashes of James C. Poppe, Jr.**

205
206 Motion by Ald. Bertrand, second by Ald. Sjolander, to approve a request for burial of ashes in
207 Block 87, Lot 4, Grave 5 for Geraldine Poppe with the full burial of Garold V. True and ashes of
208 James C. Poppe, Jr.

209
210 On voice vote, motion carried.

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211

212 **Item 6 – Approval of Class “B” Picnic License for La Crosse County Library for Leave a**
213 **Legacy Fundraiser on September 7, 2014**

214

215 Motion by Ald. Sjolander, second by Ald. Bertrand, to approve a Class “B” Picnic License for
216 La Crosse County Library for Leave a Legacy Fundraiser on September 7, 2014.

217

218 On voice vote, motion carried.

219

220 **Item 7 – Approval of Class “B” Picnic License for Clearwater Farms for Wine/Beer**
221 **Tasting Fundraiser on September 6, 2014**

222

223 Cari noted this item had been approved in 2013; however, it had been cancelled.

224

225 Motion by Ald. Sjolander, second by Ald. Bertrand, to approve a Class “B” Picnic License for
226 Clearwater Farms for Wine/Beer Tasting Fundraiser on September 6, 2014.

227

228 On voice vote, motion carried.

229

230 **Item 9 – Miscellaneous licensing reporting**

231

232 Cari noted this list includes three block parties and a motorcycle ride.

233

234 In response to a question by Ald. Bertrand regarding the closure of Green Bay Avenue between
235 8th Avenue South and 9th Avenue South for a block party on August 16, Assistant Police Chief
236 Miller said the only requirement is that emergency vehicles be given access.

237

238 Motion by Ald. Bertrand, second by Ald. Sjolander, to approve the miscellaneous licenses.

239

240 On voice vote, motion carried.

241

242 **Judiciary**

243

244 **Item 1 – Ordinance 1479-2014 – to annex land located in the Southwest ¼ of the Southeast**
245 **¼ in Section 32, Township 17 North, Range 7 West from the Town of Onalaska to the City**
246 **of Onalaska (Third and Final Reading) (Stuhr Court Annexation)**

247

248 Motion by Ald. Bertrand, second by Ald. Sjolander, to approve Ordinance 1479-2014 – to annex
249 land located in the Southwest ¼ of the Southeast ¼ in Section 32, Township 17 North, Range 7
250 West from the Town of Onalaska to the City of Onalaska (Third and Final Reading) (Stuhr Court
251 Annexation).

252

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253 Brea noted that an updated map had not been available at the July 2 Administrative and Judiciary
254 Committee meeting. A revised map has been included in committee members' packets, and the
255 ordinance has been updated to include the appropriate legal description.

256

257 On voice vote, motion carried.

258

259 **Item 2 – Ordinance 1480-2014 – to amend Title 10 Chapter 1 of the City of Onalaska Code**
260 **of Ordinances related to parking restrictions (First and Second Reading)**

261

262 Motion by Ald. Bertrand, second by Ald. Sjolander, to approve Ordinance 1480-2014 – to amend
263 Title 10 Chapter 1 of the City of Onalaska Code of Ordinances related to parking restrictions
264 (First and Second Reading).

265

266 Jarrod noted this item had been approved both at the July 1 Board of Public Works meeting.
267 Jarrod said this ordinance addresses two-hour parking in the Main Street area. Presently, two-
268 hour parking on Main Street is permitted at varied hours Monday through Friday. Jarrod said the
269 amended ordinance would make the hours all-incurring seven days a week. Jarrod noted the
270 ordinance states there is a tow-away zone on the west side of 3rd Avenue North, and there is
271 signage only up past the Del's Towing driveway. There also is two-hour parking going past Sue
272 Kolve's for approximately the first 170 feet down 3rd Avenue North.

273

274 Cari asked Jarrod to elaborate on Critter Court.

275

276 Jarrod said parking on Critter Court does not change in this ordinance and noted the Board of
277 Public Works had voted at its August 5 meeting to deny changing the parking restrictions along
278 Critter Court. Presently these restrictions are along both sides of Critter Court.

279

280 On voice vote, motion carried.

281

282 **Item 3 – Ordinance 1481-2014 – to amend Title 10 Chapter 1 of the City of Onalaska Code**
283 **of Ordinances related to tow-away zones (First and Second Reading)**

284

285 Motion by Ald. Bertrand, second by Ald. Sjolander, to approve Ordinance 1481-2014 – to amend
286 Title 10 Chapter 1 of the City of Onalaska Code of Ordinances related to tow-away zones (First
287 and Second Reading).

288

289 Jarrod referenced No. 11, which designates both sides of 2nd Avenue from Locust Street south to
290 the City of Onalaska limits as a tow-away zone, and said it used to read "both sides of 2nd
291 Avenue from King Street to the City of Onalaska limits." Jarrod said the tow-away zone was
292 extended to Locust Street. Jarrod noted no signage designating this area as a no-parking zone
293 exists and said the ordinance now will state no parking is allowed. Jarrod added signage will be
294 put in place once the ordinance goes into effect.

295

296 On voice vote, motion carried.

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297

298 **Adjournment**

299

300 Motion by Ald. Sjolander, second by Ald. Bertrand, to adjourn at 6:30 p.m.

301

302 On voice vote, motion carried.

303

304

305 Recorded by:

306

307 Kirk Bey