

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

Wednesday, October 8, 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, October 8, 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: Deputy City Clerk Elizabeth Eklund, Police Chief Jeff Trotnic, Ald. Bob Muth

9

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

11

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

20

21 **Jack Tripp**

22 **N4627 Timbercrest Drive West**

23 **Onalaska**

24

25 “I’m the golf course superintendent for the La Crosse Country Club and would like to see the  
26 proposed ordinance for early golf course maintenance be approved by the committee today.”

27

28 In response to a question by Ald. Bertrand, Jack said the only concern he has with the ordinance  
29 is that he wonders if golf courses may apply for a one-time variance for special tournaments.

30

31 Ald. Pogreba said this will be discussed during Item 5.

32

33 **Kim Shockey**

34 **No address given**

35

36 “I’m here on behalf of Esther Small-Waller. We are asking to have my mother’s cremains be  
37 allowed to be buried with her brother and her father on this site. She just passed away and we  
38 would like to [honor] her wishes.”

39

40 Ald. Pogreba called three times for anyone else wishing to provide public input and closed that  
41 portion of the meeting.

42

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

44

45 **Administrative**

46

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

48

49 Motion by Ald. Sjolander, second by Ald. Bertrand, to approve the Operator’s Licenses dated  
50 October 1, 2014, and also an updated list of Operator’s Licenses dated October 8, 2014.

51

52 On voice vote, motion carried.

53

54 **Item 5 – Noise Ordinance for City of Onalaska Golf Courses**

55

56 A. Approval of Draft Ordinance

57

58 Ald. Bertrand noted that golf courses sometimes host special events and golfers need to tee off  
59 early. Ald. Bertrand also noted that the Onalaska American Legion has been granted variances  
60 from the city’s noise ordinance and asked if a similar procedure should be applied to the golf  
61 courses.

62

63 Ald. Sjolander said it is his understanding that the ordinance allows the golf courses to file for a  
64 variance.

65

66 Ald. Pogreba noted that half-hour variances have been granted to the Onalaska American Legion  
67 and Blue Moon and said the city seldom likes to extend that time past 30 minutes. Ald. Pogreba  
68 said, “If we push it earlier than a half an hour in this situation, they would be looking at starting  
69 their lawn equipment at 5 o’clock. I don’t want to change anything at this point, but we’ll see  
70 how the public hearing turns out.”

71

72 Motion by Ald. Sjolander, second by Ald. Bertrand, to approve the Draft Ordinance of the Noise  
73 Ordinance for City of Onalaska Golf Courses.

74

75 On voice vote, motion carried.

76

77 B. Approval of Draft Public Hearing Notice for November 5, 2014 at 6 p.m.

78

79 Motion by Ald. Bertrand, second by Ald. Sjolander, to approve Draft Public Hearing Notice for  
80 November 5, 2014 at 6 p.m.

81

82 Ald. Pogreba noted that 351 residents will be notified of the public hearing.

83

84 Elizabeth referenced a list containing postage costs and said the committee may lower the 250-

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85 foot list if it so chooses. Doing so will save the city postage costs.

86

87 Ald. Pogreba said he does not believe the city should do this, noting that the city ordinance is  
88 250 feet on a regular basis. Ald. Pogreba said, “We should not change because it might give the  
89 appearance that we’re [showing] favoritism as far as keeping some [citizens] out. We also keep  
90 it with what we’ve always done in the past. That’s why I say let’s keep it the same.”

91

92 Ald. Sjolander said the committee must decide how many times the notice is to be published.

93

94 Elizabeth said publishing the notice is a courtesy and is not required. The notice may be  
95 published a maximum of three times, and the cost is approximately \$35 per publication.  
96 Elizabeth asked committee members on which dates they want to see the notice published,  
97 noting it is common practice to only publish a notice once. However, the notice could be  
98 published on October 17, October 24 and October 31 if the committee decides it wants the notice  
99 to be published three times.

100

101 Ald. Pogreba said he would feel comfortable with publishing the notice once. Ald. Pogreba also  
102 noted that residents within 250 feet of the golf courses will be notified by mail. Ald. Pogreba  
103 recommended publishing the notice on Friday, October 24.

104

105 Both Ald. Sjolander and Ald. Bertrand agreed.

106

107 On voice vote, motion carried.

108

109 **Item 6 – Approval of request from Esther Small-Waller to bury three cremains in Block 92,**  
110 **Lot 5, Grave 3 of the City of Onalaska Cemetery**

111

112 Motion by Ald. Sjolander, second by Ald. Bertrand, to approve a request from Esther Small-  
113 Waller to bury three cremains in Block 92, Lot 5, Grave 3 of the City of Onalaska Cemetery.

114

115 In response to a question by Ald. Pogreba, Kim said her uncle is interred at this site and that she  
116 wishes to bury her mother’s ashes on top of her uncle’s remains. Kim also noted that her  
117 grandmother still is alive and there is one empty plot and said the plan is to place her father’s  
118 ashes on top of her mother’s ashes when her father passes away.

119

120 For clarification, Ald. Pogreba said Kim is asking to bury two cremations on top of her uncle’s  
121 remains, which is a full body.

122

123 Elizabeth noted that the letter states three cremations.

124

125 Kim said she wrote “up to three cremated remains” because it was her understanding that was the  
126 city’s policy.

Reviewed 10/10/14

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127

128 For clarification, Ald. Pogreba said the motion on the floor is a request to bury three cremains  
129 and that this must be changed to two.

130

131 Motion and second withdrawn.

132

133 Motion by Ald. Sjolander, second by Ald. Bertrand, to approve a request from Esther Small-  
134 Waller to bury two cremains on top of a full burial in Block 92, Lot 5, Grave 3 of the City of  
135 Onalaska Cemetery.

136

137 On voice vote, motion carried.

138

139 **Item 7 – Approval to transfer location of Ciatti’s Italian Grill, Class B Liquor License to**  
140 **2846 Midwest Drive, Onalaska, WI, starting at approximately November 1, 2014**

141

142 Motion by Ald. Sjolander, second by Ald. Bertrand, to approve to transfer location of Ciatti’s  
143 Italian Grill, Class B Liquor License to 2846 Midwest Drive, Onalaska, WI, starting at  
144 approximately November 1, 2014.

145

146 On voice vote, motion carried.

147

148 **Item 8 – Approval of 5K Run/Walk for Onalaska Rotary on Saturday, October 18, 2014**  
149 **from approximately 9 a.m.-10 a.m. starting at First Free Church, 123 Mason Street,**  
150 **Onalaska**

151

152 Motion by Ald. Bertrand, second by Ald. Sjolander, to approve 5K Run/Walk for Onalaska  
153 Rotary on Saturday, October 18, 2014 from approximately 9 a.m.-10 a.m. starting at First Free  
154 Church, 123 Mason Street, Onalaska.

155

156 On voice vote, motion carried.

157

158 **Item 9 – Miscellaneous licensing reporting**

159

160 Motion by Ald. Sjolander, second by Ald. Bertrand, to approve the miscellaneous licensing  
161 reporting.

162

163 On voice vote, motion carried.

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169 **Judiciary**

170

171 **Item 1 – Ordinance 1483-2014 – to amend Chapter 5 of Title 7, Section 2 of the Code of**  
172 **Ordinances of the City of Onalaska relating to Hotel and Room Tax Imposed (First and**  
173 **Second Reading)**

174

175 Motion by Ald. Pogreba, second by Ald. Sjolander, to approve Ordinance 1483-2014 – to amend  
176 Chapter 5 of Title 7, Section 2 of the Code of Ordinances of the City of Onalaska relating to  
177 Hotel and Room Tax Imposed (First and Second Reading).

178

179 Ald. Pogreba asked Ald. Sjolander, who chairs the Tourism Commission, if there has been any  
180 reaction from the city’s hoteliers. Ald. Pogreba said, “We know why it’s changing, but I know  
181 that when we raised it a few years ago they were in disagreement with raising it so much. Now  
182 we’re lowering it because the levy changed. Would they like to see it lowered more?”

183

184 Ald. Sjolander said, “I have not heard one way or another from anyone.”

185

186 In response to a question by Ald. Bertrand, Ald. Pogreba said the room tax is being reduced  
187 because the .5 percent was going toward UW-La Crosse’s Veterans Memorial Stadium. Ald.  
188 Pogreba said these payments will sunset at the conclusion of 2014 and to continue removing this  
189 .5 percent would be going against city ordinance. Ald. Pogreba also noted the city will have  
190 finished paying for the stadium.

191

192 In response to a question by Ald. Bertrand, Ald. Pogreba said there already are portions of the  
193 tax going to the Omni Center. Ald. Pogreba said the facility has not been receiving any of the  
194 \$53,000 from UW-L’s stadium.

195

196 Ald. Bertrand asked if it would be possible to utilize the tax for the Omni Center.

197

198 Ald. Pogreba said doing so would go against city ordinance as well as the intent of the tax at the  
199 time it was implemented. Ald. Pogreba noted the original documents state the tax would sunset  
200 at the end of 2014.

201

202 Ald. Sjolander noted that multiple municipalities had contributed to the UW-L stadium project.

203

204 Ald. Bertrand noted the Omni Center will have a budget shortfall for 2014 and said the tax could  
205 help offset the shortfall.

206

207 Ald. Sjolander said, “The Tourism Commission gave it great consideration of if we decide that  
208 we want to keep that percentage, then there needs to be an intent or purpose for keeping it, and  
209 there needs to be a beneficial reason to keep it. From the commission’s perspective, there was  
210 no valid thing that we could come up with to keep that percentage. It’s very easy to say that you

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211 can take that money and put it back into marketing. But I guess my strong belief is that we do  
212 enough of that. We're good with that. We're aggressive with what we spend on marketing. I  
213 didn't feel that there was a justification for keeping that percentage to add to the marketing part  
214 of it."

215

216 Ald. Bertrand reiterated he would like to see this tax directed toward the Omni Center if doing so  
217 is legal, stating he believes there is a justification to do so. Ald. Bertrand said, "If what we do  
218 enhances the viability of the Omni Center, then that certainly will bring people into the area."

219

220 Ald. Pogreba said he believes the tax should be lowered to 7 percent based on the requests of the  
221 hoteliers when the city increased the rate to 8 percent. Ald. Pogreba said, "It's a competitive  
222 market out there, and they felt raising that tax to that high extreme might offset some of their  
223 marketability. But it's exactly the same that La Crosse has had. That was the alderpersons'  
224 reasoning at that time to go with it; I was the only one to vote against that. I think it would be a  
225 better benefit to our hotels to lower their ... and cost to their consumer by 5 percent more."

226

227 Ald. Bertrand said he does not choose hotels based on taxes, and said he does not believe an 8-  
228 percent tax will sway a traveler's decision to stay in another community.

229

230 Ald. Sjolander said he believes a higher tax rate might influence where a business traveler stays.

231

232 In response to a statement by Ald. Bertrand, Ald. Sjolander said there is a process to follow if the  
233 room tax rate ever warrants being increased from 7.5 percent. Ald. Sjolander said the Tourism  
234 Commission had decided there was no valid reason to keep the tax rate at 8 percent.

235

236 On voice vote, motion failed, 2-1.

237

238 **Item 2 – Ordinance 1484-2014 – to rezone property located in Section 32 Township 17**  
239 **North, Range 7 West in the City of Onalaska, La Crosse County Wisconsin from R-1 Single**  
240 **Family to R-2 Residential Duplex (Mack Rezoning) (First and Second Reading)**

241

242 Motion by Ald. Pogreba, second by Ald. Bertrand, to approve Ordinance 1484-2014 – to rezone  
243 property located in Section 32 Township 17 North, Range 7 West in the City of Onalaska, La  
244 Crosse County Wisconsin from R-1 Single Family to R-2 Residential Duplex (Mack Rezoning)  
245 (First and Second Reading).

246

247 On voice vote, motion carried.

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253 **Item 3 – Ordinance 1485-2014 – to amend Title 10 Chapter 1 of the Code of Ordinances of**  
254 **the City of Onalaska related to parking restrictions on Marcou Road (First and Second**  
255 **Reading)**

256

257 Motion by Ald. Pogreba, second by Ald. Bertrand, to approve Ordinance 1485-2014 – to amend  
258 Title 10 Chapter 1 of the Code of Ordinances of the City of Onalaska related to parking  
259 restrictions on Marcou Road (First and Second Reading).

260

261 On voice vote, motion carried.

262

263 **Item 4 – Ordinance 1486-2014 – to amend Chapter 4 of Title 2, Section 7, subsection D of**  
264 **the Code of Ordinances of the City of Onalaska related to distribution of tax collected**  
265 **(First and Second Reading)**

266

267 Motion by Ald. Pogreba, second by Ald. Bertrand to approve Ordinance 1486-2014 – to amend  
268 Chapter 4 of Title 2, Section 7, subsection D of the Code of Ordinances of the City of Onalaska  
269 related to distribution of tax collected (First and Second Reading).

270

271 On voice vote, motion carried.

272

273 **Adjournment**

274

275 Motion by Ald. Bertrand, second by Ald. Pogreba, to adjourn at 6:32 p.m.

276

277 On voice vote, motion carried.

278

279

280 Recorded by:

281

282 Kirk Bey