

**Parks and Recreation Board
of the City of Onalaska**

Monday, November 23, 2015

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1 The Meeting of the Parks & Recreation Board of the City of Onalaska was called to order at 5:15
2 p.m. on Monday, November 23, 2015. It was noted that the meeting had been announced and a
3 notice posted at City Hall.

4

5 Roll call was taken with the following members present: Ald. Jim Binash, Gretchen Newhouse,
6 Andrea Benco, Victor Hill

7

8 Also Present: Parks and Recreation Director Dan Wick, Parks Maintenance Supervisor Mark
9 Hanson, Buildings Manager Brian Babiash

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11 Excused Absences: Sue Peterson, Brian Udermann, Andrea Vogler

12

13 **Item 2 – Approval of minutes from the previous meeting**

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15 Motion by Andrea, second by Gretchen, to approve the minutes from the previous meeting as
16 printed and on file in the City Clerk’s Office.

17

18 On voice vote, motion carried.

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

21

22 Victor called three times for anyone wishing to provide public input and closed that portion of
23 the meeting.

24

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

26

27 **Item 4 – Approve Resolution 37-2015 – To Appoint Staff Foresters and Park Board**
28 **Designee for City Forestry Needs Under Wisconsin Statutes 27.09**

29

30 Dan said this item is tied to the new ordinance that was approved earlier in 2015. Dan said the
31 forestry positions fall under Parks and Recreation and not under Public Works. Dan noted that
32 the Parks Department is responsible for some of the city’s trees, while Public Works is
33 responsible for others. Dan said Resolution 37-2015 designates that he will serve as Staff
34 Forester for trees located in parks and green spaces. Public Works will be responsible for trees
35 in right-of-ways and private properties. Dan said Resolution 37-2015 will be approved by the
36 board and will not need to go before the Common Council.

37

38 Andrea pointed out there is an inconsistency in that the second “whereas” states the city’s
39 forestry needs are largely divided between those in which exist in public parks and areas, and
40 those that exist in public right-of-ways and private property. However, while the third and fourth
41 “whereas” state that Public Works shall manage trees in public right-of-ways there is no mention

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42 of managing trees on private property. Andrea also noted the final paragraph reads, “*The Board*
43 *of Public Works shall have oversight as designee of the Parks and Recreation Board of the City*
44 *of Onalaska with respect to all trees and for the management of all trees under City of Onalaska*
45 *Ordinances, Title 6, Chapter 4 related to trees in the City of Onalaska right-of-ways and on*
46 *private property.*” Andrea said Resolution 37-2015 must be consistent throughout either by
47 including or excluding private property.

48
49 Dan noted that the Director of Public Works shall be the city’s Staff Forester for purposes of the
50 management of trees under State of Wisconsin Statute 27.09 located in City of Onalaska right-
51 of-ways and on private property. Dan recommended that the board approve Andrea’s
52 clarifications if it so chooses and he will forward the revised resolution to City Attorney Sean
53 O’Flaherty.

54
55 For clarification, Andrea said “public property” will be added to both the third and fourth
56 “whereas.”

57
58 Motion by Andrea, second by Gretchen, to approve Resolution 37-2015 – To Appoint Staff
59 Foresters and Park Board Designee for City Forestry Needs Under Wisconsin Statutes 27.09 as
60 amended.

61
62 Gretchen inquired about the previous arrangement.

63
64 Dan said the city was operating under the current system. However, the ordinances and the
65 resolutions did not reflect that. Dan said this resolution “cleans up” the city’s ordinances
66 pertaining to forestry. The resolution designates which department is responsible for which trees
67 because everything was listed under the Parks Department.

68
69 On roll call vote: Ald. Jim Binash – aye, Gretchen Newhouse – aye, Andrea Benco – aye, Victor
70 Hill – aye. Motion carried.

71
72 **Item 5 – Request by Luther High School to use Omni Center as a pickup point in the event**
73 **of an emergency at their school**

74
75 Dan said Luther High School has been working with the City of Onalaska Police Department on
76 developing a plan for crisis situations. Luther High School has requested use of the Omni Center
77 as a location where individuals may be taken should there be an emergency at the school.

78
79 Motion by Andrea, second by Gretchen, to approve a request by Luther High School to use Omni
80 Center as a pickup point in the event of an emergency at their school.

81
82 Ald. Binash suggested designating an area within the Omni Center where individuals may be

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83 taken.

84

85 Dan said individuals may be taken to the front area during the summer months. However, they
86 could be taken to the banquet rooms or locker rooms if there is ice in the front arena. Dan said
87 he believes Luther High School officials favor the Omni Center because of its parking lot and
88 parents being able to pick up their children at the main entrance.

89

90 Andrea expressed hope that there is a policy in place requiring students to remain together in one
91 area.

92

93 Victor said he agrees that where students are taken must be seasonal so there is accountability.

94

95 Dan said he believes this is the first step in the agreement as Luther High School officials will
96 designate where students will go once the school has been authorized to utilize the Omni Center.

97

98 Ald. Binash asked if Luther High School will come back before the board seeking approval for
99 where the students will be taken.

100

101 Dan said it would be possible to do this.

102

103 On voice vote, motion carried.

104

105 **Item 6 – Approve Grazing Land Lease with Clearwater Farms**

106

107 Dan noted that a copy of the agreement has been included in board members' packets prepared
108 by legal counsel. Dan said the Plan Commission had requested an end term to the lease, but he
109 also noted the lease may be renewed. Dan asked board members to examine the rental fee,
110 noting that it has been identified as the amount Clearwater Farms will be charged per year or per
111 month. Dan said the duration is from when Clearwater Farms first installs the fence until it is
112 removed. Dan said legal counsel recommends that Clearwater Farms should pay \$2,400 a year
113 (\$200 a month) for the use of the area. Dan said he believes this amount is excessive and said, "I
114 see the value – as I've stated from the beginning when Clearwater came in – that they can
115 provide for us. [There would be] less maintenance. In this agreement they have identified that
116 they have to maintain the area between the sidewalk and the fence, so it would be less
117 maintenance that we are going to have to do. My opinion is the \$200 [per month and] \$2,400 a
118 year is very high. But again, it's up to the board to make that recommendation to move it
119 forward."

120

121 Victor asked if Clearwater Farms representatives have an expectation as to the amount they will
122 be charged.

123

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124 Dan said he has not spoken with Shari Collas.

125

126 Andrea noted the agreement states the City of Onalaska will assume control of the fence when
127 the agreement concludes and asked if this is an error. Andrea said she is unsure the Parks and
128 Recreation Department would want the fence as the city would then have to maintain it. Andrea
129 also noted that Clearwater Farms will be investing in the fence and said it does not seem proper
130 for the city to keep the fence at the conclusion of the agreement.

131

132 Dan said he does not believe the city would want the fence.

133

134 Andrea said she does not believe the city would want the fence, noting that the fence does not
135 match anything the city currently has, and also that Shari told the board the fencing is removable.
136 Andrea suggested perhaps buying back the fence from Clearwater Farms.

137

138 Ald. Binash said he interpreted the language to mean that any buildings presently at this
139 particular location must remain intact. Ald. Binash also said he believes the lease includes
140 language clearly defining what each party owns.

141

142 Andrea pointed out the lease states the only item excluded is office equipment.

143

144 Dan told the board this contract does not have to be “rushed through,” noting that legal counsel
145 may examine the comments made at tonight’s meeting and then provide feedback to the board.
146 Dan said he agrees with Ald. Binash’s statement that he does not believe fence would be the
147 city’s responsibility. Clearwater Farms would have to remove the fence and return the land to its
148 prior state upon termination of the contract.

149

150 Andrea asked that “cattle” be changed to “livestock” in the agreement so Clearwater Farms has
151 the option of grazing more practical animals (e.g. sheep, goats, horses) from the city’s
152 perspective.

153

154 Ald. Binash said he would like the lease to include language stating that it will be renewed as
155 both parties agree to.

156

157 Andrea noted the city is currently not profiting off the land in question and suggested charging
158 Clearwater Farms “a token amount of money” – perhaps \$10 or \$20 a month. Andrea said
159 Clearwater Farms is eliminating between \$300 and \$500 of expenses to the city if it had to
160 maintain the property. Andrea said, “I think it’s important that we get them in there to deal with
161 this land, and hopefully this partnership is as beneficial as the income would have been if it was
162 a for-profit property.”

163

164 Dan said he initially believed the city should charge Clearwater Farms \$25 a month. However,

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165 Dan said he would be open to charging less.

166

167 Ald. Binash said he was under the impression the city would not charge Clearwater Farms.

168

169 Mark said the city likely would have to pay between \$300 and \$500 for only the chemicals.

170

171 Andrea said it is possible that if the city establishes a “challenging” rental fee for Clearwater
172 Farms it could in turn establish a similar fee for the city if it wishes to utilize the farm’s
173 livestock. Andrea expressed hope that this can be a “mutual aid agreement.”

174

175 Victor asked Dan if he would favor waiving a fee altogether.

176

177 Dan said he believes a significant amount of value can be returned to the city if Clearwater
178 Farms’ livestock consumes the invasive species.

179

180 Victor noted he has seen wild land management agreements where the rental fee was \$1 per
181 month.

182

183 Dan said the board may make a recommendation to the Common Council.

184

185 Victor suggested that the board recommend not levying a fee as there is value in the service
186 Clearwater Farms will provide.

187

188 Ald. Binash noted there are municipalities that pay for the service Clearwater Farms will provide
189 and recommended deleting the language requiring that Clearwater Farms pay rent.

190

191 Andrea asked if there are other lands where the city could in the future attempt to generate
192 income from a lease.

193

194 Dan said he believes this is always possible, adding that including a fee that can be identified to
195 is likely beneficial.

196

197 Andrea said she believes there are legal ramifications associated with a fee-based rental versus a
198 donated rental.

199

200 Dan said individuals who are required to make a monetary payment are more engaged compared
201 to those who earn a scholarship and might not be as invested.

202

203 Victor said there is a legal reason why legal counsel has requested a fee.

204

205 Ald. Binash noted that Clearwater Farms is a not-for-profit organization that is assisting the city.

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Andrea suggested charging Clearwater Farms a starting monthly rental fee of \$1.

Gretchen said the only challenge she sees with a \$1 monthly rental fee is the administrative fees that the city and Clearwater Farms will accrue.

Ald. Binash noted the agreement states this is a rental and said Clearwater Farms is leasing the land for the purpose of grazing.

Victor suggested not including a dollar amount.

Andrea said she believes the fee structure wording should be included in the agreement. Andrea said the board could put a zero-dollar amount in the agreement.

Dan noted that this item will go right to the Common Council and asked board members if they feel comfortable with sending this item to Council for its December 8 meeting, or if they want to discuss this item again in January after the agreement has been edited and it has been determined if zero is an option. Dan also said it must be determined whether Clearwater Farms keeps the fence or if it becomes the city's property upon completion of the lease. Dan said the city must ensure that the fence will not be its property and that Clearwater Farms will remove it. Dan said the board could discuss this item at its January 25 meeting and then advance it to the Council for approval at its February 8 meeting.

Ald. Binash noted the lease does not include language pertaining to the fence being placed 10 feet from any sidewalk, nor is there language specifying who will maintain the area 10 feet from the sidewalks.

Dan noted the Plan Commission and the Common Council required that there be a 10-foot buffer between sidewalks or trails and where the fence could start. Dan said Sean had emailed him and assured him that the lease agreement would include language stating the lessee would be responsible for maintaining the 10-foot buffer zone.

Andrea referred to Section 6(a) of the lease agreement, which states that the lessee shall be responsible for maintenance of the entire leased premises regardless of whether the entire area is used for grazing, including maintenance of any buffer zones between any fences which may be constructed and the city's sidewalks or wetlands, as may be designated by the city.

Ald. Binash said he believes the 10 feet should be specified in the agreement and noted he had made a motion at the November 10 Common Council meeting to remove the buffer zone, but there had not been a second to the motion.

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247 Andrea asked if the Plan Commission wants a 10-foot buffer zone.

248

249 Ald. Binash said the buffer zone would be from sidewalks and/or areas where there are
250 pedestrians. Ald. Binash noted there had been concerns raised over animals possibly biting
251 pedestrians.

252

253 Dan said Ald. Binash had advocated removing the buffer zone due to maintenance concerns.
254 However, Dan noted that the lease states Clearwater Farm must maintain the buffer zone.

255

256 Dan said the board will ask legal counsel to review the definition of “livestock,” language about
257 auto-renewal, a zero-dollar lease, a specified 10-foot buffer zone, and who will own the fence at
258 the end of the contract.

259

260 **Item 7 – Authorization to apply for grants to assist with tree purchase and removal from**
261 **within City Parks**

262

- 263 a. Paul E. Stry Foundation
- 264 b. Coulee Partners for Sustainability

265

266 Dan said Parks Department employee David Lien has asked if he may apply for these grants.

267

268 Motion by Andrea, second by Gretchen, to approve authorization to apply for grants to assist
269 with tree purchase and removal from within City Parks – a, Paul E. Stry Foundation and b,
270 Coulee Partners for Sustainability.

271

272 On voice vote, motion carried.

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274 **Item 8 – Report from Onalaska Enhancement Foundation**

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276 No report.

277

278 **Item 9 – Report from Great River Landing Committee**

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280 Ald. Binash said the Great River Landing Committee will next meet on Monday, November 30.

281 Ald. Binash noted that Short Elliott Hendrickson is in the process of creating plans for Phase I
282 and said it appears these plans will be approved at the December 8 Common Council meeting.

283 Ald. Binash added that the project would be bid out in early 2016, with groundbreaking possibly
284 occurring in late spring.

285

286 Dan said he, Mark, Brian, and Recreation Supervisor Marcus Aumann had met with SEH’s
287 architects and provided input regarding the project. Dan said layouts for the trailhead are being
288 considered, including one that resembles a railroad depot.

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289
290 Ald. Binash noted one of the proposed plans is to construct an overhang for activities such as
291 farmers markets or art fairs.

292
293 **Item 10 – Director’s Report**

294
295 **a. Parks Update**

296
297 Mark reported the following:

- 298
- 299 • Staff is continuing tree work.
 - 300 • There will be an outdoor ice rink by the Omni Center instead of Community Park.
 - 301 • The Pack10 Scouts picked up refuse at the waterfront, and National Honor Society
 - 302 students painted, raked and cleaned at the park.
- 303

304 **b. Recreation Update**

305
306 Dan reported that the winter programs, including basketball, have begun, and staff will attempt
307 to move into both the Northern Hills and Irving Pertzsch gymnasiums after Thanksgiving.

308
309 **c. Aquatic Center Update**

310
311 No report.

312
313 **d. Omni Center Update**

314
315 Brian reported the following:

- 316
- 317 • Hockey season has begun.
 - 318 • The new chiller and boards have been installed.
 - 319 • A UW-La Crosse maintenance group has assisted at the facility.
- 320

321 **Adjournment**

322
323 Motion by Andrea, second by Gretchen, to adjourn at 5:58 p.m.

324
325 On voice vote, motion carried.

326
327
328 Recorded By:

329
330 Kirk Bey