

# City of La Crosse, Wisconsin

City Hall 400 La Crosse Street La Crosse, WI 54601

# **Meeting Minutes - Final**

# **Board of Zoning Appeals**

Wednesday, September 19, 2018

7:00 PM

3rd Floor Conference Room

### Call to Order, Roll Call

Present: 5 - Douglas Farmer, James Cherf, Carol Haefs, Philip Nohr, Anastasia Gentry

Excused: 2 - Charles Clemence, Lu Seloover

## Variance appeals:

2615

An appeal regarding the requirement to provide 15 feet of perimeter fill around a new home at 2422 Onalaska Ave., La Crosse, Wisconsin.

David Reinhart, Chief Building Inspector, City of La Crosse, is sworn in to speak. Reinhart asks the Board to consider meeting at an earlier time during the day. He states that other City boards meet earlier in the day and it would also fit better into the schedule of people that request variances. Reinhart goes over the requirements for granting a variance: unnecessary hardship, hardship due to unique property limitations, and no harm to public interests. To qualify for a variance, an applicant must demonstrate that all three criteria are met. Reinhart says the owner had a permit to construct a new single-family dwelling. The plans submitted state that the 15 feet of fill requirement would be met. Municipal Code 115-281 (3)(a)(1) states that perimeter fill surrounding the structure shall be at one foot above the base flood elevation. Upon final inspection it was discovered that the handicap ramp to the west and the driveway to the east did not meet that requirement. For this project to continue and for a final occupancy permit to be granted, a variance of 8 feet to the required 15 feet of perimeter fill will be required on the east and west sides.

Reinhart confirms with Brent Thielen from the Inspections department that the picture on the screen is plan that was provided to them for the permit to meet the criteria of the 15 feet of fill. He then shows a picture of the proposed fill that they are going to put in that shows that only has fill seven feet out at one foot above in the front and back. Shows an old aerial photo of the lot and states that the buildings shown were razed and removed. He points out the area where the new dwelling sits, in middle, and says it has an attached garage. A picture of the front with handicap ramp is shown and then a picture of the driveway. Reinhart says there is possibly an unnecessary hardship present, but it is a self-created hardship because it was not done to the plans submitted.

Farmer asks if is because the plans did not include the railing. Reinhart says railings have nothing to do with this. Reinhart says on the proposed site plan it showed that the 15 feet of perimeter fill would be met all the way around and it showed the handicap ramp on there and it was going to be built to code. Farmer asks what is to code; Reinhart responds that it is 1 and 8 pitch. Farmer asks if there was a railing on the ramp. Reinhart says yes, rails are required for handicap. Farmer asks if it still meets

the 1-8 pitch even with fill; Reinhart says yes. Reinhart goes on to the unique property limitations and says it is possible in this situation. Farmer says steep slopes. Reinhart says he does not see any harm to the public interest if this is granted. He also shows one more slide and says that they just want the PowerPoint added to the meeting minutes.

Farmer asks if the issue is that the plans were submitted and met code and nothing as constructed to make adherence to the code impossible. Farmer says sometimes the blueprints aren't great. Reinhart asks Farmer to repeat his question. Farmer asks if anything unfolded during construction that created this. Reinhart asks if he means during construction or upon final inspection. Farmer says it was found on final inspection. He also states that he has done enough buildings and what looks good on blueprints doesn't necessarily work in the field; he asks if that happened. Reinhart says that they have other issues currently that are going on, but it doesn't apply to these variances. Nohr asks if the other issues are not with this property and Reinhart says they have other issues with this property but they don't pertain to the fill. Nohr asks if the Board needs to be aware of those. Farmer says you don't want to be aware of those because we should stick to what we are called upon to do.

#### Speaking in favor:

Jeffrey Nylander, 2422 Onalaska Ave., is sworn in to speak. Nylander says he made a copy of what he is going to say and gives each member a copy. Nylander says he and his wife Jeannie have been residents of La Crosse for 33 years. They chose La Crosse to live because of its beauty, friendly people, and family atmosphere. He rode through this area on his 10-speed bike back in 1980 on his way to Canada from the Chicago area. The next five years were spent serving our country as a construction electrician in the US Navy Seabees. When it was time to leave active duty his wife Jeannie and their family decided to move to La Crosse because of that one day when he rode through here.

Nylander says he and his wife bought the property at 2422 Onalaska in 1987 and settled in to raise their children and became an active part of the community. Over all those years they have stayed grounded in this community, encouraged Jeannie's family to move here to the area and now have another generation of family being raised on the Northside. Nylander says he and Jeannie both decided to go back to college and for four years they raised their family and studied to become teachers. Jeannie is an art teacher and Nylander is a social studies and special education teacher. They were determined to stay in the area no matter what.

Nylander says adversity hit them hard with medical issues for Jeannie, resulting in her getting cancer and losing her eyesight. In order to save her life, she had to have her eyes removed in 2010. As an art teacher this should've been devastating to her, yet she has stood fast and is determined to teach art using different and unique methods. Nylander says the new house will have a clay studio in the garage for her to continue her art, teach others with disabilities, as well as provide a meeting place for friends and acquaintances.

Nylander says adversity again struck in 2016 as he began having severe nerve issues with his feet. Working through the VA, it was determined after amputations and many critical procedures that he was exposed to toxins while on active duty and the nerve damage that is affecting his body is severe and ongoing. Nylander says his prognosis is not good for the future as he is losing the full use of his feet and legs and the progression is such that within a short amount of time he will be wheelchair bound.

Nylander says he is 100 percent service connected. When the VA contacted them about helping them staying in their home, it was determined that the only way to really plan for the future was to build a house that they both could live in for the coming years. Nylander says the VA offered them grant money to help with the process, but they have to adhere to strict ADA guidelines for the grant to be awarded. Nylander says they have spent the last year working with everyone they can to put together a plan that would both keep them safe and allow for future disability issues.

Nylander says they chose to stay on the Onalaska property for a number of reasons including: Jeannie's understanding of the area - having lived sighted for 26 years there, the neighbors who have been very supportive, our family, including our grandchildren who live across the street, and the close proximity to services and stores that Jeannie has used to live as normal of a life as possible. Nylander says their hope for the future is that they can live together and take care of each other for many years to come. It is also their dream to invite others with disabilities into their home. The ramp and driveway play the most important role in not only getting them in and out of the home but they will also be a welcoming entrance for people with mobility and visual issues. Public spaces are sometimes the only other place to meet for people with disabilities and they want to open their home to those people and the ramps and driveway are the only way to effectively do that. Nylander says the VA inspector came by yesterday and determined that they would qualify for the grant funds as long as the ordinance issues are resolved. Nylander says he hopes that the Board will understand their situation and approve the variance so they can move on to their new lives in their old neighborhood on the north side.

Nohr says earlier testimony was that the plans submitted showed that there would be 15 feet of fill around the property. Nohr says to Nylander that at some point he must've become aware with this need for a ramp and a driveway that they would not be able to meet that requirement. Nylander responds that he was not made aware of it until final inspection. Nohr confirms with Nylander that he was not aware that they were not going to meet the requirements that were submitted in the original plan. Farmer says plans submitted were 15 feet and asks how it came to be that it didn't happen. Nylander says he was not involved in that but the builder of the home was involved. Nylander says they were living in a hotel just trying to live day to day, so they were not made aware of any of this. Nohr says that hopefully the Board can speak with the builder.

Jeff Stier, W164 Summers Road, Fountain City, Wisconsin, is sworn in to speak. Nohr asks if he was aware of the 15 feet of fill requirement. Stier says he was not aware until the final inspection; there was no way it was going to work to have a ramp and driveway with the limited space they had to work with. Nohr again asks if he was aware of the requirement and Stier responds that he didn't know until final inspection. Farmer confirms that the plans called for 15 feet and Stier responds in the affirmative. Stier says they did look at the plans, but again there was no way to meet that to have a ramp and driveway that would've worked for them; there wasn't enough distance. Cherf asks who created the original site plan; Stier responds that it was the engineer, someone from the audience says Fred Hilby. Cherf asks if this was the site plan that was submitted at the time to get the permits; Stier responds that they were and adds that the engineer drew it up.

Haefs asks Stier if they just went ahead without it even though they knew there was the requirement. Stier responds that he doesn't think they put two and two together between the driveway and the ramp. He states that he is not a flood expert and reiterates that it would not have worked on this lot. The house would've had to be up higher and the driveway wouldn't have worked; the site would've been unbuildable.

Farmer asks if he's saying it is because of the grade to the street. Stier says Farmer is correct and there wouldn't have been enough space. Nohr asks if there are properties on both sides and Stier responds that there are. Nohr asks if there is fill on both sides that would avoid runoff on those properties. Stier says there is a draining tile; Mr. Nylander hired a landscaper who put in proper drainage and that he is doing at the moment. Stier says after this last rain there was hardly any erosion. Nohr asks if there was any runoff onto the neighbors' property; Stier says there was not, except for normal water.

Nohr asks if this property is higher than the adjoining property and Stier responds that it is. Gentry asks if it has drain tile and gutters and Stier responds that it does. Nohr asks if there are walls on the sides where the fill is higher than the neighbors' properties. Stier says there's silt fence where the property ends, but they are going to seed it down and it is going to get matted; there will be vegetation eventually. Nohr asks if that is the fence that is in the picture and Stier responds that it is. Farmer asks how many square feet the house is and Stier responds that it is? 1,344. Farmer asks if it is a single floor and Stier responds that it is a single floor. Farmer asks if he knows how wide the lot is and Stier says he can't remember. Nylander says it is 70 by 140 – it is actually 20 feet wider than almost every other lot on the north side and that's why they chose to build on that lot; it was the only one that would've been wide enough.

Farmer asks if the ramp as it is meets the 1-8 ratio; Stiers responds that it does. Farmer confirms that it is a 1-8 ratio. Farmer asks if they would've had to zig-zag down the yard if there was 15 feet of fill. Stier says that is exactly right; it would've been very inconvenient for the couple. Farmer asks what the code requirements are for the driveway. He also says that maybe there aren't code requirements considering the pitches I've seen. Stier says he is not aware of any code requirements. Farmer says if Stier is saying that if they had 15 feet of fill the driveway would've been steeper.

Jim Kroner, 201 Main Street, is sworn in to speak. Kroner says he is the attorney for Mrs. Tabbert who is the neighbor to the south. Kroner says when he came up he indicated he was speaking in favor, but he says he is really not here opposed to it; they don't have an objection but he's not here to speak in favor of it exactly because they have concerns. Kroner says the concerns are some of things that have been voiced. He is speaking because the request for the variance deals with fill and as he understands it the variance they are seeking is on the front and back. Kroner says they don't have a problem with those and therefore if the Board wants to grant them, they have no problem with that. Kroner says from talking to people in the inspection department there is not an issue with respect to the need for a variance on the side lots; they have enough length of fill in those locations.

Kroner says the problem is from the slope on the fill to the south toward Mrs. Tabbert's lot; the problem is illustrated in the pictures that he has; he distributes them to the board. Kroner says they are getting significant runoff of water and they were getting substantial soil runoff onto her lot as well. Kroner states that Mrs. Tabbert has a basement and she is concerned both about problems with water runoff in her yard and the basement. Kroner says it looks like the problem may have been significantly alleviated since the time he took the pictures; since the pictures have been taken they have added soil to the top and rain gardens in the four corners of the property and have taken the down-spouts and cycled them through underground piping so they pour directly into the rain gardens. Kroner says that will be a big help, but it might not take care of the whole problem.

Kroner says tonight before they came, they still have soil butting up against the fence.

Nohr asks who built the fence and Kroner said the owner built the fence; it is built into her property by nine inches. Next to the patio they have done some improvement as well and have put rock in to try to stabilize the slope there along the patio so that is also a little bit better than it used to be and the best that he can tell the rock is entirely on the Nylander's property, but the soil isn't. Kroner says the soil is continuing to shift and it is still going to be coming through that fence unless something is done to change that. Kroner says he doesn't know if it needs a retaining wall or if it will be sufficient if it can be sodded instead of seeded.

Kroner says he thinks that this problem could've been anticipated and should've already been dealt with. Kroner says he wants bring the Board's attention to a portion of the municipal code 115-399 that deals with fill on the lots. He highlighted subsection (3) that says if fill exceeds two feet above the grade of adjoining properties - Kroner says he hasn't measured, but he thinks it exceeds two feet above the surrounding properties – the abutting property owners shall be notified in writing by the City. Kroner says Mrs. Tabbert got no such notice. Kroner also states that a land use permit is required and asks if one was ever issued. Kroner says permit approval is subject to a review by the City's Design Review Committee to determine if the proposed fill is contrary to the public interest and considering any impact to the abutting property owners; he asks if that was done. Kroner says he doesn't know that those steps have been taken. He does know that Mrs. Tabbert was never consulted.

Kroner says if you look at subsection (f) it says one hundred percent of all water from roof drains, rain gutters, and spouts shall be directed to rain gardens. Kroner says he thinks that has probably been done, but they don't know for sure if it is going to be one hundred percent or not. And they have no reason to dispute that. Kroner says continuing on in that section it states that no stormwater runoff shall impact an abutting property and shall not directed toward abutting private property. Kroner says that has not been taken care of; it is still going on and they think the City, in deciding whether not to grant this variance, should take that into account and make some requirements to see that it is taken care of in order to get the variance.

Nohr asks if the pictures were during construction or after; Kroner responds that they were taken about a week ago. Nohr says construction is complete but it looks like possibly there is no topsoil. Kroner agrees and says they brought a bunch of sand in. Nohr says really there's nothing to hold the water; Kroner says other than they channeled the drain pipe into the rain gardens. Nohr says that is appropriate and says Kroner is pleased with that. Nohr goes on to say that he thinks until such time as there's some cover put on this soil we won't really know if this is a problem or not. Kroner says he thinks that is accurate. Nohr says right now it is just sand there and it is going to move; Kroner agrees. Nohr says he understands Kroner's concern, right now the problem is I'm not sure this project is complete; he don't know what redress they have.

Farmer says if they had to reduce the fill on the side of the property so there was an appropriate swale to keep the water from going to her property that would require a variance and they would be back here. Kroner says that is one way of doing it. Kroner says another way would be putting in a retaining wall. Farmer says at least one solution is a variance and he thinks this is not ready for prime time and the inspections department needs to determine if a variance is needed on the sides and if that is the way it is going to go then the board has approved properties were it didn't get fifteen feet but it was 13 feet in order to create that swale so the water didn't go on the adjoining property owner. Farmer says that's not the solution anyone's looking for here, but Mr. Kroner has raised the possibility that a variance is required on the side yards.

Farmer says that he doesn't think this project is ready for them; he'd like to see the final product before they are asked to make a decision, but they are being asked to make decision on a partially finished project. Kroner says the process that he has outlined was another problem; they were in the dark because they were not notified. Nohr says we will hear more from the property owner.

Reinhart comes forward with comments. Reinhart says he disagrees that this isn't ready for the Board. He states that it meets the fill requirements on the side. Reinhart says as it is stated by Mr. Nohr the top fill isn't in and the grass isn't in. Reinhart says they can't enforce an ordinance until something is broken so there's no way to have them (Nylanders) come back or even if the Board decides to postpone, until they are done they can't enforce the ordinance. Reinhart says if they don't do the 15 feet of fill on all sides they won't be able to know until they are done. Farmer says he understands and says the attorney has raised the some evidence that it isn't going to happen.

Reinhart says as far as the soil part, currently there is an ordinance - because they are still in the permit process - 24 hours after an event they are required to remove fill from the neighboring properties. Reinhart says that issue is solved. Nohr asks if he is saying that that has been done and Reinhart says he's not saying it has been done, just that it is what the ordinance states. Kroner says that the fill was removed had been removed, he is not sure if it was within 24 hours, but it had been done. Stier says they were usually right there after it rained to clean up any dirt the best they could. Reinhart says in this case the variances granted in the past regarding fill have had retaining walls; Farmer says they have done less (inaudible). Nohr says retaining walls have to be above grade; Reinhart says that is correct.

Reinhart says another option is they could do a drain tile at the edge of the property so the water would go into the ground or right at the top onto the grass so it goes into the drain tile. This would prevent the water from running onto the neighboring property. Reinhart says he doesn't want to see this postponed; the Nylanders have temporary occupancy for certain amount of time right now which includes the time for this variance to be granted. If it doesn't get granted they have to go back to the drawing board with the driveway and the ramp. Reinhart says he doesn't want to be in the business of kicking people out of their homes.

Kroner asks if he can question the inspector; Nohr says he needs to come forward. Kroner asks Reinhart about the notice to the abutting property owner and the land use permit and approval by the Design Review Committee. Reinhart says he has to review this again to make sure. Kroner asks if that is the appropriate vehicle so they can address these concerns. Nohr says if this is part of the ordinance. Farmer says the time period for that has passed; it wouldn't be advanced notice after the event. Kroner says they are asking for permission for something they've already constructed and the Board deals with that all the time. Nohr says Kroner is just asking a question. Kroner says if the process can get done, so that they get approval because they want to know that this stuff is going to be taken care of; he goes on to say that they have no objection to the variance being granted they just want the problems to be dealt with and if this is not the appropriate place and there's some other appropriate vehicle to address that, they are okay with that.

Reinhart says as Kroner has highlighted in the ordinance, and as it says in another section that all rainwater accumulated on your property has to stay on your property, so that will be taken care of anyway. Kroner asks who enforces this and Reinhart responds that it is his department and it is possible that they missed that part of the

code. Kroner says he is not trying to assess blame, he is trying to figure out now that it is known that there's an issue if they can get notice and get the land use permit process done. Reinhart says technically a land use permit is granted every time a permit is issued, so that has been done; he can talk to his supervisor to see how he wants to go about it. Reinhart also says the rain issue can be taken care of by this avenue and another part of the code. Kroner says as long as the City Inspection Department is going to monitor to ensure the problem is satisfied then they are satisfied.

Nylander comes forward to speak again. He says part of the issue is, during a thousand-year flood event in La Crosse County and south over those five days where we got torrential rains. Nylander says they were in the middle of finishing the landscaping, but the landscaper got pulled away on other jobs to save people's houses. Nylander says they couldn't get him back any sooner because of the weather; they have had these things in their mind. Two days ago two dump trucks brought rip-rap against that patio. J & B landscaping out of Holmen have started and they are trying to get it done, but the weather is working against them. They were instructed to leave one foot from the fence with the riprap; they put in sheeting so the water will go nowhere. They are putting a dog run in for his wife's guide dog and so they will be putting sod in on the other side of a patio with a fenced in area with a safety fence going around the patio.

Nylander says the drain tiles they have been put in and they are covering almost 250 cubic feet of drainage; the La Crosse Engineer said they need at least 185 between the four. Nylander says they have put in four drain tiles and four gravel rain gardens on all four corners; the rest is going to be seeded with germination carpet which is the intertwined stuff that they use on the interstate so it will keep everything in. They will also be bringing in black dirt to put everything back and they want it back and safe for themselves. Nylander apologizes for not letting Mrs. Tabbert know that there was going to be a big rain storm and it was going to flood out. Nylander says he went to Menards on his own to abate all of the water coming out of the gutter, but it is like the Sahara desert there now because there's only sand there because they haven't been able to get the fill in. Nylander says this was all done during the rainy time. Nylander said they were lucky to save what they had in the yard.

Nylander says they don't want to jeopardize anything with the neighbors. Nylander says they are putting in gravel near the driveway from the alley up because they've learned over time that the plow that goes through the alley in the winter pushes snow into the fences and onto the properties; the neighbor has a fence that has had snow pushed up against it, so they don't want to be putting in a lot of money to be just to be damaged every winter. They are trying to be as proactive as possible and trying to get all of it done. Nylander says they are just asking for a bit of patience. Nohr asks Nylander if he is stating, under oath, that he will not allow rain water onto the neighbors' properties. Nylander says they are not going to allow it on either property or let it go back up into the alley.

Nohr says there's a question for the builder. Cherf says he is looking at the photo of the driveway has wrapped his head around the handicap ramp in the front a lot better than he can the driveway. He says a lot of driveways tend to be at a minor pitch, and then they tip down at the very end. Cherf then asks why this one installed at a pretty even grade. Stier says the concrete guy did it and he doesn't know the answer to that. Cherf asks if they could've had the 15 feet if it was poured differently; Stier says they could, but it would be really steep. Cherf asks if there's another property along the alley that is that way. Stier says he is not sure; he says he thinks they determined it

would've been a pretty steep incline if they would've come out to 15 feet flat. Farmer confirms that the ramp is on one side of the house and the driveway is on the other; he then asks which is on the east. Kroner says it is on the east side and Stier confirms that. Farmer says that means that the handicap ramp is on the west.

Kroner comes forward again and says that he doesn't dispute what Mr. Nylander has said; the rock looks to be nine inches or a foot away from the boundary, but the soil is still coming. Nohr says they don't have any topsoil and he says that testimony was heard that they will not allow rainwater onto the neighboring property. Kroner says that is good.

Farmer says he has a question for Reinhart. Farmer says he understands why the handrails are on the ramp, but in a flood it becomes a potential dam. Farmer goes on to say the driveway doesn't have a damming effect, and as the PowerPoint said there's no harm to public interest; water doesn't know if there's soil or concrete there. Farmer asks if there is a downside if the 15 feet is not met. Reinhart says this is the flood fringe and not the floodway. Farmer says even in the flood fringe you can tell the high water mark because it deposits something there. Farmer says he partly agrees with Cherf on the driveway. He says it has a nice plane on it and they can get down to the street level, and he (Cherf) suggested that it would be slippery in the winter with a steep drop. Reinhart says the code section that was printed that is no steeper than 8 percent with a retaining wall only. Cherf asks if he can elaborate and Reinhart says there have been some properties where in order to get out of the floodplain they had to put retaining walls in which were three feet away from the property and then they had to get a variance for the fill. Per this code, a private driveway can't be steeper than 8 percent, but it says only when the driveway is part of retaining wall system; this is not part of a retaining wall system because there is no retaining wall. Reinhart says in La Crescent, for example, there are houses that are built up high with a steep driveway; this property could do that as well. Farmer says it is a 50 percent grade on those.

Speaking in Opposition: none.

\*\*Motion for West Side of Property\*\*\*

Farmer: Well I would move to approve the appropriate variance of, for File 2615 at 2422 Onalaska, on the west side where the ramp is located, a variance I believe it was eight feet. The unique property limitation is the grade created by the 15 foot fill requirement and the accommodation of a practical handicap ramp with an 8-1 slope. A zig-zag ramp would create, a combination of our laws create a hardship, a limitation, excuse me, and this would be the solution. The harm to the public interest is answered by the Inspections PowerPoint which says there is no harm to the public interest and I'm going to rest on that. The unnecessary hardship would be to inflict on people with an actual handicap a zig-zag handicap ramp that would have to be constructed if the 15 foot of fill requirement is met. It would make it virtually useless, and I would submit, probably a violation of ADA.

Cherf seconded.

CONCURRING: Gentry, Cherf, Nohr, Haefs, Farmer

**DISSENTING: None** 

\*\*Motion for East Side of Property\*\*\*

Farmer: I'll offer up a motion. I'm not sure how I feel on it, but we can debate it if the Chair would like. It would be the approval of a variance on the east side for the driveway. The unique property limitation, again is that the grade would be created for a driveway with the 15 foot fill requirement that it is accommodated and the resulting effect of you having so much of it level, undetermined how much level, and then you would have a dramatic drop at the other end, which in this climate would be the hardship there. So that would be the unique property limitation. Again, the PowerPoint says there's no harm to the public interest and the unnecessary hardship would be the resulting sharp slope at the end of the driveway which I'm not able to determine what that would be and potentially would create a problem. That would be to the east so it would get the western sun; no it would get the eastern sun so it would be a slow melt in the winter. So that would be the motion I would put out there. I'm not making the motion to approve; I just formulated it for somebody.

Nohr asks if he mentioned the 8 feet variance.

Farmer: It would be a variance of 8 feet on the east side.

Nohr: I'll make the motion that you just stated.

Gentry seconded.

**CONCURRING: Gentry, Nohr, Haefs** 

**DISSENTING: Cherf, Farmer** 

Motion failed to receive four concurring votes; therefore, the decision of the Building Inspector is upheld for the east side of the property.

#### Other Business:

### 18-1249

Update regarding Petition for Administrative Review of BOZA File 2611 (712 Cliffwood Lane).

(Note: The Committee and/or Council may convene in closed session pursuant to Wis. Stat. 19.85(1)(g) to confer with legal counsel. Following such closed session, the Committees and/or Council may reconvene in open session.)

Nohr says that he has been trying to implore the Mayor to respond to appointing legal representation to the Board, but he has not heard back. Nohr says the Mayor was going to talk to the City Attorney. Nohr says he talked with the Clerk's office regarding talking about the case as a group without a public hearing notice. In the future, when the Board has representation they will be able to publicly notice a meeting with the Attorney and go into closed session legally and discuss the case. Nohr also reminded the Board members not to discuss with others or the media.

### Adjournment

Motion by Cherf, second by Haefs to adjourn at approximately 8:05 p.m.