



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Meeting Minutes - Final Common Council

Thursday, August 13, 2015

7:30 PM

Council Chambers

Mayor Tim Kabat, Presiding

Mayor Tim Kabat called the meeting to order at 7:30 p.m.

Roll Call

Present: 15 - Tim Kabat, Andrea Richmond, Dempsey Miller, Jai Johnson, Elaine Anderson, James Cherf, Robert Seaquist, Richard Becker, Audrey Kader, Francis J. Formanek, Phillip A. Ostrem, Paul Medinger, Douglas Happel, Martin Gaul, Richard Swantz

Excused: 3 - Ryan Cornett, David Krump, Gary Padesky

Pledge of Allegiance

Invocation

Pastor Chuck Robinson, First Church of Christ, offered the invocation.

Approval of Minutes

A motion was made by Richmond, seconded by Miller, that the minutes of the July 9 regular and July 14 special Common Council meetings be APPROVED. The motion carried.

Reports

[15-0854](#)

Report of the Department of Fire Prevention and Building Safety on Inspections & Permit Revenue for the month of July 2015.

2015-08-001

A motion was made by Richmond, seconded by Ostrem, that the Report be RECEIVED AND FILED. The motion carried by the following vote:

Yes: 14 - Richmond, Miller, Johnson, Anderson, Cherf, Seaquist, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Gaul, Swantz

Excused: 3 - Cornett, Krump, Padesky

[15-0855](#)

Report of the Director of Finance for the month of July 2015.

2015-08-002

A motion was made by Richmond, seconded by Gaul, that the Report be RECEIVED AND FILED. The motion carried by the following vote:

Yes: 12 - Miller, Johnson, Anderson, Cherf, Seaquist, Becker, Formanek, Ostrem, Medinger, Happel, Gaul, Swantz

Excused: 3 - Cornett, Krump, Padesky

Non-Voting: 2 - Richmond, Kader

Notices and Discussions

Becker announced the League of Wisconsin Municipalities Convention is approaching on October 28, 29, 30. Notice will be coming from City Clerk.

Seaquist announced the upcoming La Crosse Bicycle Festival over Labor Day weekend.

COMMON COUNCIL MATTERS

[15-0856](#)

Resolution approving 2015 bills paid in August.

2015-08-003

A motion was made by Richmond, seconded by Miller, that the Resolution be ADOPTED. The motion carried by the following vote:

Yes: 14 - Richmond, Miller, Johnson, Anderson, Cherf, Seaquist, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Gaul, Swantz

Excused: 3 - Cornett, Krump, Padesky

[15-0862](#)

Resolution approving Monthly Estimates for August 2015.

2015-08-004

A motion was made by Miller, seconded by Anderson, that the Resolution be ADOPTED. The motion carried by the following vote:

Yes: 14 - Richmond, Miller, Johnson, Anderson, Cherf, Seaquist, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Gaul, Swantz

Excused: 3 - Cornett, Krump, Padesky

APPOINTMENTS BY THE MAYOR

[15-0812](#)

Board of Zoning Appeals: Anastasia Gentry, 4310 Mariah Dr. S. City of La Crosse Arts Board: Ken Riley, 952 Cass St. Steve Michaels, 4653 Cliffside Dr. City Plan Commission: Corliss Tischer, 2541 Edgewood Pl. Floodplain Advisory Committee: Niki Paisley, 723 Powell St. German International Relations Committee: CM Ryan Cornett, 920 Wall St. Heritage Preservation Commission: CM Elaine Anderson, 511 B Reuter Hall, Municipal Parking Utility Board: Assistant Chief Rob Abraham, 400 La Crosse St. Elaine Yager, 620 South 22nd St. Bill Sacia, 1315 Main St. Neighborhood Revitalization Commission: Randall Eigenberger, 1824 Charles St.

2015-08-005

A motion was made by Gaul, seconded by Cherf, that the Appointment be CONFIRMED. The motion carried by the following vote:

Yes: 14 - Richmond, Miller, Johnson, Anderson, Cherf, Seaquist, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Gaul, Swantz

Excused: 3 - Cornett, Krump, Padesky

SUSPENSION OF COUNCIL RULE VIII FOR THE FOLLOWING ITEMS: (2/3 Vote Required)

A motion was made by Becker, seconded by Richmond, to SUSPEND Council Rule VIII on 15-0754 and 15-0804. The motion carried by the following vote (2/3 vote required):

Yes: 14 - Richmond, Miller, Johnson, Anderson, Cherf, Seaquist, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Gaul, Swantz

Excused: 3 - Cornett, Krump, Padesky

REPORT OF BIDS/QUOTES RECOMMENDED TO BE ADOPTED

[15-0667](#)

Report of Bids and Resolution awarding Contract to Poellinger Electric, Inc. in the amount of \$159,276.04 for the Lighting Installation on 7th Street from Jackson Street to Cass Street.

2015-08-006

A motion was made by Richmond, seconded by Miller, that the Report of Bids be ADOPTED. The motion carried by the following vote:

Yes: 14 - Richmond, Miller, Johnson, Anderson, Cherf, Seaquist, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Gaul, Swantz

Excused: 3 - Cornett, Krump, Padesky

[15-0747](#)

Report of Bids and Resolution awarding contract to Fowler & Hammer, Inc. in amount of \$94,449.00 for the La Crosse Regional Airport ARFF Building Maintenance and Repairs project.

2015-08-007

A motion was made by Richmond, seconded by Miller, that the Report of Bids be ADOPTED. The motion carried by the following vote:

Yes: 13 - Richmond, Miller, Johnson, Anderson, Cherf, Seaquist, Becker, Kader, Formanek, Medinger, Happel, Gaul, Swantz

Excused: 3 - Cornett, Krump, Padesky

Non-Voting: 1 - Ostrem

[15-0748](#)

Report of Quotes and Resolution awarding contract to Kish & Sons Electric in the amount of \$16,343.00 for City Hall Restrooms Electric Hand Dryer Installation.

2015-08-008

A motion was made by Becker, seconded by Richmond, that the Report of Bids be ADOPTED. The motion carried by the following vote:

Yes: 13 - Richmond, Miller, Johnson, Anderson, Seaquist, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Gaul, Swantz

No: 1 - Cherf

Excused: 3 - Cornett, Krump, Padesky

[15-0749](#)

Report of Quotes and Resolution awarding contract to Phillips Fencing, Inc. in the amount of \$3,700.00 for 33rd Street Drainage Repair.

2015-08-009

A motion was made by Richmond, seconded by Gaul, that the Report of Bids be ADOPTED. The motion carried by the following vote:

Yes: 14 - Richmond, Miller, Johnson, Anderson, Cherf, Seaquist, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Gaul, Swantz

Excused: 3 - Cornett, Krump, Padesky

ITEMS RECOMMENDED TO BE ADOPTED[15-0683](#)

AN AMENDED ORDINANCE to amend Section 2-58 of the Code of Ordinances of the City of La Crosse regarding salary for the office of Mayor.

Vetoed by Mayor Kabat August 17, 2015. See also September 10, 2015 minutes.

A motion was made by Swantz, seconded by Medinger, that the Ordinance be ADOPTED. The motion carried by the following vote:

Yes: 11 - Richmond, Miller, Johnson, Anderson, Seaquist, Kader, Formanek, Ostrem, Medinger, Happel, Swantz

No: 3 - Cherf, Becker, Gaul

Excused: 3 - Cornett, Krump, Padesky

[15-0718](#)

Resolution approving 2015 Communication from the City Assessor relative to corrections of prior year's assessment and tax rolls.

2015-08-010

A motion was made by Becker, seconded by Gaul, that the Resolution be ADOPTED. The motion carried by the following vote (2/3 vote required):

Yes: 14 - Richmond, Miller, Johnson, Anderson, Cherf, Seaquist, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Gaul, Swantz

Excused: 3 - Cornett, Krump, Padesky

[15-0754](#)

Resolution appropriating additional funds to the "Revolving State Highway Land Acquisition Fund" to finish the Cass Street from 7th Street to 5th Avenue Reconstruction project.

2015-08-011

A motion was made by Kader, seconded by Seaquist, that the Resolution be ADOPTED. The motion carried by the following vote (2/3 vote required):

Yes: 13 - Richmond, Miller, Johnson, Anderson, Cherf, Seaquist, Kader, Formanek, Ostrem, Medinger, Happel, Gaul, Swantz

No: 1 - Becker

Excused: 3 - Cornett, Krump, Padesky

[15-0804](#)

Resolution authorizing the Mayor and City Clerk to sign a State/Municipal Agreement for the re-engineering costs of Rose Street.

2015-08-012

A motion was made by Kader, seconded by Seaquist, that the Resolution be ADOPTED. The motion failed by the following vote (2/3 vote required):

Yes: 5 - Johnson, Anderson, Seaquist, Kader, Formanek

No: 9 - Richmond, Miller, Cherf, Becker, Ostrem, Medinger, Happel, Gaul, Swantz

Excused: 3 - Cornett, Krump, Padesky

ITEMS RECOMMENDED TO BE RE-REFERRED

[15-0704](#)

Application of Jeffrey Skarboszewski for a Conditional Use Permit at 2036 George Street to allow a fence greater than 6 feet in height.

A motion was made by Becker, seconded by Cherf, to divide the question:

1. 90 days referral with direction to staff.
2. Approve CUP.

The motion carried by the following vote:

Yes: 12 - Richmond, Miller, Anderson, Cherf, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Gaul, Swantz

No: 1 - Seaquist

Excused: 3 - Cornett, Krump, Padesky

Non-Voting: 1 - Johnson

2015-08-013

A motion was made by Becker, seconded by Miller, that the Application be ADOPTED.

Note: When the CUP was granted there was nothing to refer. Staff to proceed with research as directed.

The motion carried by the following vote:

Yes: 11 - Richmond, Miller, Johnson, Anderson, Becker, Kader, Formanek, Medinger, Happel, Gaul, Swantz

No: 3 - Cherf, Seaquist, Ostrem

Excused: 3 - Cornett, Krump, Padesky

[15-0713](#)

Resolution appropriating funds to pay for items for the Lower Northside and Depot Neighborhood.

A motion was made by Medinger, seconded by Ostrem, that the Resolution be AMENDED with update project list (changes noted in red). The motion carried by the following vote:

Yes: 14 - Richmond, Miller, Johnson, Anderson, Cherf, Seaquist, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Gaul, Swantz

Excused: 3 - Cornett, Krump, Padesky

2015-08-014

A motion was made by Kader, seconded by Anderson, that the Resolution be ADOPTED AS AMENDED. The motion carried by the following vote:

Yes: 14 - Richmond, Miller, Johnson, Anderson, Cherf, Seaquist, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Gaul, Swantz

Excused: 3 - Cornett, Krump, Padesky

CONSENT AGENDA

Actions by Single Vote

A motion was made by Swantz , seconded by Medinger, to approve the Consent Agenda. The motion carried by the following vote:

Yes: 14 - Richmond, Miller, Johnson, Anderson, Cherf, Seaquist, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Gaul, Swantz

Excused: 3 - Cornett, Krump, Padesky

ITEMS RECOMMENDED TO BE ADOPTED

[15-0465](#)

Amended Resolution approving water and sanitary sewer assessments for properties on 22nd Street South between Jackson Street and Market Street, and ten-year delay in applying assessments.

2015-08-015

[15-0665](#)

Resolution authorizing Public Improvement and Levying Special Assessments against Benefited Property in La Crosse, Wisconsin - Alley Paving in the 600 S. block between 2nd and 3rd Streets; in the vicinity of 614 3rd St., 624 3rd St., and 200 Cameron Ave.

2015-08-016

[15-0705](#)

Resolution establishing polling places effective January 1, 2016.

2015-08-017

- [15-0706](#) Resolution approving Municipal Service Center Fuel Dispensing Upgrades.
2015-08-018
- [15-0707](#) Resolution authorizing the sale of surplus and old equipment by departments.
2015-08-019
- [15-0712](#) Resolution appropriating funds from the 2014 and 2015 Capital Improvement Budgets for the Construction of the Bike Trail from Gillette Street to Oak Street (Project I.D. #5991-05-08,09,17,19,93,95).
2015-08-020
- [15-0717](#) Resolution approving First Amendment to Vacant Lot Purchase and Development Agreement, Assignment, Assumption and Consent for the property located at 210 Jay Street.
2015-08-021
- [15-0719](#) Resolution authorizing a reclassification for the position of Network Specialist.
2015-08-022
- [15-0720](#) Resolution approving 2014 Compliance Maintenance Annual Report for the Isle La Plume wastewater treatment facility.
2015-08-023
- [15-0721](#) Resolution authorizing application to the Wisconsin Public Service Commission for an inflationary water rate increase of approximately 3%.
2015-08-024
- [15-0729](#) Resolution approving First Amendment to the Charmant Hotel Development Agreement.
2015-08-025
- [15-0746](#) Request of Maria Norberg dba Grounded Coffee LLC (Apothik) for extension of Conditional Use Permit allowing her permission to apply for a Combination "Class B" Beer & Liquor license at 304-308 Main Street and resolution approving same.
2015-08-026

- [15-0760](#) Resolution granting various license applications pursuant to Chapters 4, 6 and/or 10 of the La Crosse Municipal Code for the remainder of license period 2015-16 (August).
2015-08-027

NEW ITEMS FOR REFERRAL

The following new items were referred to the September meetings.

- [15-0601](#) AN ORDINANCE to amend Secs. 10-588 and 10-589 removing pedal cabs from Public Vehicles for Hire and to create Sec. 2-2(b)(24) and Article XVIII in Chapter 10 of the Code of Ordinances of the City of La Crosse regulating pedicabs and pedal cars.
- [15-0758](#) Resolution to approve the La Crosse County Mutual Aid agreement.
- [15-0761](#) Resolution authorizing public improvement and levying special assessments against benefited property in La Crosse, Wisconsin - Sanitary Sewer Improvements on Main Street between 7th and 8th Streets.
- [15-0776](#) Resolution authorizing stormwater outreach group participation 2015-17.
- [15-0778](#) Resolution appropriating funds for election-related expenses.
- [15-0784](#) Resolution authorizing land swap of property between the Bouffleur Property and City of La Crosse.
- [15-0787](#) Resolution authorizing the Mayor and City Clerk to sign Revision #3 State/Municipal Agreement for the construction of the Northside Connector Bike Trail from Gillette Street to Oak Street.
(Project #5991-05-08/09;#5991-05-93/95;#5991-07-17/19)
- [15-0789](#) Resolution appropriating 2004 A-Fire bond funds for purchase of Gray Truck software.
- [15-0795](#) Appeal by Northern States Power Company of the Board of Public Works' Denial of Waiver of Ordinance 103-141 to bury overhead power lines at Cameron and Division Streets between 2nd and 3rd Street alley paving project.
(Note: The Common Council may convene in closed session pursuant to Wis. Stat. 19.85(1)(g) to confer with legal counsel and Wis. Stats. 19.85(1)(a) to deliberate its decision. Following any closed session, the Council may reconvene in open session.)
- [15-0798](#) 2014 La Crosse Fire Department Annual Report.

- [15-0807](#) Application of Fred and Deb Wakeen for a Conditional Use Permit at 1512 Nakomis Avenue allowing for removal of existing home for future construction of a new single family home and resolution approving same.
- [15-0813](#) Application of JME Products, LLC (Joseph and Tracy Endrizzi) for a Conditional Use Permit at 1514-1516 Market Street allowing for a community arts and craft center and consignment art gallery in a residential zoning district and resolution approving same.
- [15-0815](#) Resolution authorizing a new position of Parking Utility Coordinator to the 2016 Parking Utility Grounds operating budget.
- [15-0818](#) AN ORDINANCE to amend Section 115-548 of the Code of Ordinances of the City of La Crosse to require the Commercial Development Design Standards to apply in the Public/Semi-Public Zoning District.
- [15-0820](#) AN ORDINANCE to amend Section 115-157 of the Code of Ordinances of the City of La Crosse regarding the permitted uses in the Public and Semi-Public Zoning District.
- [15-0821](#) Amended Resolution approving First Amendment to GGP, Inc. Development Agreement.
- [15-0822](#) Amended Resolution approving First Amendment to Fowler & Hammer Development Agreement.
- [15-0827](#) AN AMENDED ORDINANCE to amend Section 101-25(a) of the Code of Ordinances of the City of La Crosse regarding the Neighborhood Revitalization Commission representative on the City Plan Commission.
- [15-0829](#) AN ORDINANCE to amend Section 14-2(2) and (2) of the Code of Ordinances of the City of La Crosse regarding compliance with emergency orders.
- [15-0832](#) Resolution authorizing Human Resources to seek proposals and a binding agreement for 2016 stop loss insurance.
- [15-0833](#) Resolution appropriating funds to the Carry-Over Dilapidated Building Account.
- [15-0834](#) City of La Crosse, Wisconsin, Federal and State Single Audit Reports as of December 31, 2014.
- [15-0835](#) City of La Crosse, Wisconsin, Independent Auditors' Report on Communications with Those Charged With Governance as of December 31, 2014.
- [15-0836](#) City of La Crosse, Wisconsin, Financial Statements with Independent Auditors' Report as of December 31, 2014.

- [15-0837](#) Resolution authorizing release of funds from the 2013 Capital Improvement Budget to complete the removal of boulevard ash trees.
- [15-0839](#) Resolution approving the placement of the Airport Operations Coordinator within the Pay and Classification Study.
- [15-0840](#) Resolution amending Employee Handbook regarding meal and sleep time for Airport Operations.
- [15-0841](#) Resolution rejecting Wisconsin Department of Transportation's Exit 3/Rose Street/George & West George Streets proposed project plan (Project I.D. 1071-06-07,8,10,22,23,24,42,43 and Project I.D. 1071-06-78,79,80,81,82,83).
- [15-0843](#) Application of 4 Sisters Catering on 4th, Inc. for a Conditional Use Permit at 133 4th St. S. allowing permission to apply for a Combination "Class B" Beer & Liquor license and resolution approving same.
- [15-0846](#) Application of Jimmy's North Star, Inc. dba Jimmy's North Star for an Expansion of Alcohol Beverage License for special event at 1732 George Street on September 26, 2015 and resolution approving same.
- [15-0849](#) Application of Christopher Edward Olson dba The Sports Nut for Expansion of Alcohol Beverage License at 801 Rose Street for Special Event on September 19, 2015 and resolution approving same.
- [15-0850](#) Application of Christopher Edward Olson dba The Sports Nut for Expansion of Alcohol Beverage License at 801 Rose Street for Special Event on October 3, 2015 and resolution approving same.
- [15-0852](#) Resolution extending time for parklet pilot program for a period of one year.
- [15-0857](#) Request of Matthew Nunemacher dba Matt's Premier Catering LLC for permission to apply for a Combination Class "B" Beer & Liquor license at 1906 Ward Avenue and resolution approving same.

Adjournment

A motion was made by Kader, seconded by Gaul, that the be APPROVED adjourn. The motion carried unanimously by voice vote.