



# City of La Crosse, Wisconsin

City Hall  
400 La Crosse Street  
La Crosse, WI 54601

## Meeting Minutes Common Council

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Thursday, December 11, 2014

7:30 PM

Council Chambers

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### Mayor Tim Kabat, Presiding

*Mayor Tim Kabat called the meeting to order at 7:32 p.m.*

### Roll Call

**Present:** 17 - Tim Kabat, Andrea Richmond, Dempsey Miller, Ryan Cornett, Jai Johnson, Katherine Svitavsky, David Krump, James Cherf, Robert Seaquist, Richard Becker, Peg Jerome, Audrey Kader, Sara Sullivan, Francis J. Formanek, Douglas Happel, Marilyn Wigdahl, Richard Swantz

**Excused:** 1 - Paul Medinger

### Pledge of Allegiance

### Invocation

*Tim Trailer of Living Word Christian Church offered the invocation.*

### Approval of Minutes

**A motion was made by Richmond, seconded by Krump, that the minutes be APPROVED. The motion carried unanimously on roll call vote.**

### Reports

#### [14-1374](#)

Report of Department of Fire Prevention and Building Safety on Inspections and Permit Revenue for the month of November 2014.

*2014-12-001*

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

**Yes:** 16 - Richmond, Miller, Cornett, Johnson, Svitavsky, Krump, Cherf, Seaquist, Becker, Jerome, Kader, Sullivan, Formanek, Happel, Wigdahl, Swantz

**Absent:** 1 - Medinger

[14-1376](#)

Report of the Interim Director of Finance for the month of November 2014.

2014-12-002

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

**Yes:** 16 - Richmond, Miller, Cornett, Johnson, Svitavsky, Krump, Cherf, Seaquist, Becker, Jerome, Kader, Sullivan, Formanek, Happel, Wigdahl, Swantz

**Absent:** 1 - Medinger

### Notices and Discussions

*Cherf announced the downtown merchants are staying open late on Thursday nights through Christmas.*

*Formanek provided an update on the 6th Street lighting project. The lights are up and have been checked; they are just waiting for a plate that will cover wiring before they can actually be turned out. A lighting ceremony to be announced.*

### COMMON COUNCIL MATTERS

[14-1378](#)

Resolution approving Monthly Engineering Estimates for December 2014.

2014-12-003

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

**Yes:** 16 - Richmond, Miller, Cornett, Johnson, Svitavsky, Krump, Cherf, Seaquist, Becker, Jerome, Kader, Sullivan, Formanek, Happel, Wigdahl, Swantz

**Absent:** 1 - Medinger

[14-1379](#)

Resolution approving 2014 bills paid in December.

2014-12-004

**A motion was made by Johnson, seconded by Becker, that the Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** 16 - Richmond, Miller, Cornett, Johnson, Svitavsky, Krump, Cherf, Seaquist, Becker, Jerome, Kader, Sullivan, Formanek, Happel, Wigdahl, Swantz

**Absent:** 1 - Medinger

## APPOINTMENTS BY THE MAYOR

### [14-1353](#)

Neighborhood Revitalization Commission: Nathan Franklin, 1435 Denton St. Robert Haavind (Washburn Rep), 421 S. 6th St. Room Tax Commission: Jim Hill, 2142 Johnson St. Andrew Londre, 933 Tyler St. Sustainable La Crosse Commission: CM Jai Johnson, 928 Island St. CM Katherine Svitavsky, 1815 Farwell St. Rm 117A.

2014-12-005

**A motion was made by Richmond, seconded by Jerome, that the Appointments be CONFIRMED. The motion carried by the following vote:**

**Yes:** 16 - Richmond, Miller, Cornett, Johnson, Svitavsky, Krump, Cherf, Seaquist, Becker, Jerome, Kader, Sullivan, Formanek, Happel, Wigdahl, Swantz

**Absent:** 1 - Medinger

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

**A motion was made by Richmond, seconded by Cornett, that Council Rule VIII be SUSPENDED on Files 14-1045, 14-0592, 14-1310, 14-1321, 14-1311, 14-1316, 14-1339, 14-1356, 14-1358. The motion carried by the following vote:**

**Yes:** 16 - Richmond, Miller, Cornett, Johnson, Svitavsky, Krump, Cherf, Seaquist, Becker, Jerome, Kader, Sullivan, Formanek, Happel, Wigdahl, Swantz

**Absent:** 1 - Medinger

## ITEM WITH NO RECOMMENDATION

**A motion was made by Wigdahl, seconded by Formanek, to convene in closed session on the following agenda items 14-1045 and 14-1178 pursuant to Wis. Stat. 19.85(1)(e) to formulate & update negotiation strategies and parameters. The motion carried unanimously on roll call vote.**

### [14-1045](#)

Amended Resolution approving amendment to the Pettibone Boat Club agreement.

*(Note: The Committee and/or Council may convene in closed session pursuant to Wis. Stat. 19.85(1)(e) to formulate & update negotiation strategies and parameters. Following such closed session, the Committees and/or Council may reconvene in open session.)*

2014-12-006

**A motion was made by Formanek, seconded by Cornett, that the Resolution be APPROVED AS AMENDED (adopting the Substitute Resolution). The motion carried by the following vote:**

**Yes:** 16 - Richmond, Miller, Cornett, Johnson, Svitavsky, Krump, Cherf, Seaquist, Becker, Jerome, Kader, Sullivan, Formanek, Happel, Wigdahl, Swantz

**Absent:** 1 - Medinger

[14-1178](#)

Consideration of request from County of La Crosse seeking the City of La Crosse to build a parking ramp (Lot C).

*(Note: The Council may convene in closed session pursuant to Wis. Stat. 19.85(1)(e) to formulate & update negotiation strategies and parameters. Following such closed session, the Council may reconvene in open session.)*

**No Action Taken.**

## ITEMS RECOMMENDED TO BE ADOPTED

[14-0592](#)

Second Amended Resolution allocating additional funding for the 2014 Paint and Fix-up Program.

**A motion was made by Kader, seconded by Krump, that the Resolution be AMENDED to authorize the acceptance of the grant and allocate a match from Reserve Fund. The motion carried by the following vote:**

**Yes:** 15 - Richmond, Miller, Cornett, Johnson, Svitavsky, Krump, Cherf, Seaquist, Becker, Jerome, Kader, Sullivan, Happel, Wigdahl, Swantz

**Absent:** 1 - Medinger

**Abstain:** 1 - Formanek

2014-12-007

**A motion was made by Cherf, seconded by Johnson, that the Resolution be ADOPTED AS SECOND AMENDED (2/3 vote required - appropriation from Reserve Fund). The motion carried by the following vote:**

**Yes:** 15 - Richmond, Miller, Cornett, Johnson, Svitavsky, Krump, Cherf, Seaquist, Becker, Jerome, Kader, Sullivan, Happel, Wigdahl, Swantz

**Absent:** 1 - Medinger

**Abstain:** 1 - Formanek

[14-1289](#)

Application of Court Above Main LLC for a Conditional Use Permit at 420 Main Street allowing for a Combination "Class B" Beer and Liquor License and resolution approving same.

2014-12-008

**A motion was made by Cornett, seconded by Sullivan, that the Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** 16 - Richmond, Miller, Cornett, Johnson, Svitavsky, Krump, Cherf, Seaquist, Becker, Jerome, Kader, Sullivan, Formanek, Happel, Wigdahl, Swantz

**Absent:** 1 - Medinger

[14-1298](#)

Application of Sinkoss USA LLC dba Bullet Cab for 2015 Public Vehicle for Hire License and amended resolution approving same.

*(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.)*

2014-12-009

**A motion was made by Formanek, seconded by Jerome, that the Resolution be ADOPTED AS AMENDED (approving the Stipulated Agreement). The motion carried by the following vote:**

**Yes:** 16 - Richmond, Miller, Cornett, Johnson, Svitavsky, Krump, Cherf, Seaquist, Becker, Jerome, Kader, Sullivan, Formanek, Happel, Wigdahl, Swantz

**Absent:** 1 - Medinger

[14-1310](#)

Amended Resolution appropriating \$17,500 for the creation of a City-County services duplication analysis.

2014-12-010

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

**Yes:** 16 - Richmond, Miller, Cornett, Johnson, Svitavsky, Krump, Cherf, Seaquist, Becker, Jerome, Kader, Sullivan, Formanek, Happel, Wigdahl, Swantz

**Absent:** 1 - Medinger

[14-1321](#)

Resolution authorizing the early purchase of a Wheel Loader for the Street Department.

2014-12-011

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

**Yes:** 16 - Richmond, Miller, Cornett, Johnson, Svitavsky, Krump, Cherf, Seaquist, Becker, Jerome, Kader, Sullivan, Formanek, Happel, Wigdahl, Swantz

**Absent:** 1 - Medinger

[14-1216](#)

Application of Vicki and Don Elwood for a Conditional Use Permit at 1353 Avon Street allowing for a hair salon in addition to theatre and amended resolution approving same.

**A motion was made by Cherf, seconded by Seaquist, that the Resolution be AMENDED requiring applicants to stay current with the Installment Payment Plan entered into on December 9, 2014. The motion carried by the following vote:**

**Yes:** 16 - Richmond, Miller, Cornett, Johnson, Svitavsky, Krump, Cherf, Seaquist, Becker, Jerome, Kader, Sullivan, Formanek, Happel, Wigdahl, Swantz

**Absent:** 1 - Medinger

2014-12-012

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

**Yes:** 16 - Richmond, Miller, Cornett, Johnson, Svitavsky, Krump, Cherf, Seaquist, Becker, Jerome, Kader, Sullivan, Formanek, Happel, Wigdahl, Swantz

**Absent:** 1 - Medinger

**CONSENT AGENDA**

**Actions by Single Vote**

**A motion was made by Richmond , seconded by Becker, to approve the Consent Agenda. The motion carried by the following vote:**

**Yes:** 16 - Richmond, Miller, Cornett, Johnson, Svitavsky, Krump, Cherf, Seaquist, Becker, Jerome, Kader, Sullivan, Formanek, Happel, Wigdahl, Swantz

**Absent:** 1 - Medinger

**ORDINANCES RECOMMENDED TO BE ADOPTED**

[14-1264](#)

AN ORDINANCE to amend portions of Article V in Sections 103-226 to 103-237 of the Municipal Code of Ordinances relating to the Plumbing Code so it conforms with recent changes in the state plumbing code.

*Ord. 4851. For complete ordinance, see p. \_\_\_\_ of Volume 11 of Ordinances.*

[14-1265](#)

AN ORDINANCE to amend portions of Article III in Section 103-134 to 103-142 of the Municipal Code of Ordinances relating to the Electrical Code so it conforms with recent changes in the state electrical code.

*Ord. 4852. For complete ordinance, see p. \_\_\_\_ of Volume 11 of Ordinances.*

[14-1293](#)

AN ORDINANCE to amend Section 115-110 of the Code of Ordinances of the City of La Crosse transferring certain property from the Multiple Dwelling and Public & Semi-Public District to the Planned Development District - General at 718 Farnam St. and 1402, 1404-1408, 1410, 1416 and 1422 8th St. S. to allow for medical resident housing.

*Ord. 4853. For complete ordinance, see p. \_\_\_\_ of Volume 11 of Ordinances.*

[14-1294](#)

AN ORDINANCE to amend Section 115-110 of the Code of Ordinances of the City of La Crosse transferring certain property from the Public & Semi-Public District to the Multiple Dwelling District at 1307 Hayes Street to allow for multi-family housing.

*Ord. 4854. For complete ordinance, see p. \_\_\_\_ of Volume 11 of Ordinances.*

- [14-1311](#) AN AMENDED ORDINANCE to amend and create portions of Sections 22-20, 22-23 and 20-24 of the Code of Ordinances of the City of La Crosse to create the City of La Crosse Human Rights Commission.  
*Ord. 4855. For complete ordinance, see p. \_\_\_\_ of Volume 11 of Ordinances.*

*ITEMS RECOMMENDED TO BE ADOPTED*

- [14-1148](#) Resolution vacating a portion of an alley between 1207 and 1211 Bainbridge Street.  
*2014-12-013*
- [14-1175](#) Resolution dedicating property located adjacent to State Highway 16 as public right of way.  
*2014-12-014*
- [14-1251](#) Resolution appropriating money to pay final bills and releasing the La Crosse Community Foundation Letter of Credit Obligations for Chad Erickson Memorial Park and Vietnam Veterans Pond project.  
*2014-12-015*
- [14-1257](#) Resolution authorizing 2014 vacation payout for Interim Director of Finance and Interim Transit Manager.  
*2014-12-016*
- [14-1260](#) Resolution authorizing Mayor and City Clerk to sign State/Municipal Agreement for the VIP Trail Expansion (Project I.D. #5991-07-33, 34).  
*2014-12-017*
- [14-1261](#) Resolution authorizing Mayor & City Clerk to sign State/Municipal Agreement for Reconstruction of Market Street from 14th Street to 19th Street (Project I.D. #5991-05-18,19).  
*2014-12-018*
- [14-1262](#) Resolution authorizing the Mayor & City Clerk to sign State/Municipal Agreement for Reconstruction of 6th Street from Badger Street to State Street (Project I.D. #5991-05--27,28).  
*2014-12-019*
- [14-1263](#) Resolution approving BNSF invoice for wheel stops required to remove rail crossings in Oak Street.  
*2014-12-020*

- [14-1267](#) Amended Resolution appropriating additional funds to the 2015 Storm Water Utility Operating Budget to complete storm sewer system model.  
*2014-12-021*
- [14-1268](#) Resolution authorizing appropriation in connection with IT Office Remodel.  
*2014-12-022*
- [14-1270](#) Resolution changing residential customer criteria for sewer billing.  
*2014-12-023*
- [14-1271](#) Resolution delaying implementation of changes to sewer billing method for residential customers during summer quarters.  
*2014-12-024*
- [14-1273](#) Resolution appropriating additional funds in connection with insurance consultation services.  
*2014-12-025*
- [14-1277](#) Resolution approving an addendum to the existing agreement between the City of La Crosse and 3PAdministrators to provide third party administration services for the City's I.R.S. Section 125 Plan for a three (3) year term beginning January 1, 2015.  
*2014-12-026*
- [14-1278](#) Resolution amending City's Medical Benefit Plan Document and Summary Plan Description effective January 1, 2015.  
*2014-12-027*
- [14-1279](#) Resolution approving an addendum to the existing agreement between the City of La Crosse and Navitus Health Solutions, LLC to provide pharmacy benefit management services for a three (3) year term beginning January 1, 2015.  
*2014-12-028*
- [14-1290](#) Application of The Old Crow LLC for a Conditional Use Permit at 100 3rd St. S./236 Main St. allowing for a Combination "Class B" Beer and Liquor License and resolution approving same.  
*2014-12-029*



- [14-1296](#) Application of A-1 Taxi Service Inc. for 2015 Public Vehicle for Hire License and resolution approving same.  
*2014-12-030*
- [14-1297](#) Application of Bee Cab Inc. for 2015 Public Vehicle for Hire License and resolution approving same.  
*2014-12-031*
- [14-1299](#) Application of Caring Hearts Home Care & Transportation LLC for 2015 Public Vehicle for Hire License and resolution approving same.  
*2014-12-032*
- [14-1300](#) Application of DJL, Inc. dba Luxurious Limousines for 2015 Public Vehicle for Hire License and resolution approving same.  
*2014-12-033*
- [14-1301](#) Application of Top Hat Inc dba CTS Taxi for 2015 Public Vehicle for Hire License and resolution approving same.  
*2014-12-034*
- [14-1302](#) Application of Cinderella Carriage LLC for 2015 Horse-Drawn Vehicle License and resolution approving same.  
*2014-12-035*
- [14-1316](#) Resolution authorizing the City of La Crosse Parks and Recreation Department to develop a new Hixon Forest Management Plan.  
*2014-12-036*
- [14-1322](#) Application of William J. Hellerud dba Tri-State Taxi Co. for 2015 Public Vehicle for Hire License and resolution approving same.  
*2014-12-037*
- [14-1334](#) Resolution approving various license applications pursuant to Chapters 4, 6 and/or 10 of the La Crosse Municipal Code for the remainder of license period 2014-15 (December).  
*2014-12-038*
- [14-1339](#) Resolution approving a wage increase, effective January 2, 2015, for Library employees classified as regular full-time and regular part-time.  
*2014-12-039*

[14-1356](#) Resolution authorizing the appointment of Keith Lee to Transit Manager effective January 2, 2015.

2014-12-040

[14-1358](#) Resolution appointing Kelly Branson as Director of Finance and Purchase/Treasurer effective January 2, 2015.

2014-12-041

*ITEMS RECOMMENDED TO BE RE-REFERRED*

[14-1081](#) Communication from Margaret Ebner requesting the City of La Crosse accept Outlot 1 CSM Part of Government Lot 5, Section 15, T16N-R7W (west of Hwy 16 near 12th Ave) to be dedicated as a public street and resolution approving same.

**NEW ITEMS FOR REFERRAL**

*The ordinances and the remainder of the items are referred to the January 2015 meetings.*

[14-1323](#) Amended Resolution reappropriating existing La Crosse Fire Department bond funds for the repair of Rescue 2.

[14-1326](#) Resolution appropriating money in connection with replacement of emergency warning siren located on Diagonal Road.

[14-1347](#) Amended Resolution authorizing lease renewals for both Harry J. Olson Senior Center and Southside Senior Center for 2015.

[14-1349](#) Resolution approving a building and land lease agreement with Dawson Oil, LTD.

[14-1350](#) Resolution approving negotiations and authorization for the Aviation Board to enter into a Fixed Base Operator agreement with TDM, Inc.

[14-1351](#) Resolution approving lease with City Brewery for truck parking on Isle La Plume.

[14-1352](#) Resolution approving Lease with Badger Corrugating for truck parking on Isle La Plume.

[14-1355](#) Resolution appropriating funds in connection with repair to City parking ramps.

[14-1359](#) Resolution of the City of La Crosse to form a boundary agreement taskforce for the purpose of pursuing boundary agreements with neighboring communities.

- [14-1361](#) Resolution approving Joint Powers Agreement - County 9-1-1 Emergency System between the City and County of La Crosse.
- [14-1362](#) Resolution approving five-year Agreement for Biosolids Management Program.
- [14-1364](#) AN ORDINANCE to amend Subsection 46-40(b) of the Code of Ordinances of the City of La Crosse to amend the reference to the Wisconsin Administrative Code.
- [14-1365](#) Resolution approving the Term Sheet with MetroPlains Partners, LLC and MetroPlains, LLC.
- [14-1366](#) Resolution directing Traffic Engineer to complete a traffic speed study on East Avenue and Pine Street and report findings back to Common Council.
- [14-1368](#) AN AMENDED ORDINANCE to create Sec. 115-320 of the Code of Ordinances of the City of La Crosse to designate the Historic Overlay District known as the Downtown Commercial Local Historic District and to create the design review standards for the district.
- [14-1369](#) AN ORDINANCE to amend Sec. 115-470 of the Code of Ordinances of the City of La Crosse to provide restrictions for wireless facilities in the Local Business (C1), Commercial (C2) and Community Business (C3) zoning districts.
- [14-1370](#) AN ORDINANCE to amend Section 115-110 of the Code of Ordinances of the City of La Crosse by transferring certain property from the Public/Semi-Public District to the Community Business District to allow property to be used as student housing at 400 4th St. N.
- [14-1371](#) AN ORDINANCE to amend Section 115-110 of the Code of Ordinance of the City of La Crosse by transferring certain property from the Traditional Neighborhood Development District - General to the Traditional Neighborhood Development District - General allowing for a multi-family residential building at 2219 South Ave.
- [14-1375](#) Application of El Rodeo Mexican Restaurant LLC for a Conditional Use Permit at 115 5th Ave. S. allowing for a Combination "Class B" Beer and Liquor License and resolution approving same.
- [14-1377](#) Resolution adopting the La Crosse County Multi-Hazards Mitigation Plan 2015-2019.
- [14-1389](#) Resolution authorizing payment of bills relating to defense of employment matters.  
*(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.)*

## Adjournment

A motion was made by Richmond, seconded by Becker, to adjourn at 8:25 p.m.  
The motion carried on voice vote.