



Meeting Minutes
Committee of the Whole

Tuesday, March 12, 2013

7:30 PM

Council Chambers

Call to Order, Pledge of Allegiance, Roll Call

Present 16 - Andrea Richmond, Al Wagner, Chris Olson, Jai Johnson, Katherine Svitavsky, John Satory, James Cherf, Robert Seaquist, Richard Becker, Audrey Kader, Sara Sullivan, Francis J. Formanek, Paul Medinger, Douglas Happel, Marilyn Wigdahl, and Richard Swantz

Judiciary and Administration Committee

- 14 [13-0082](#) Application of A&S Foster LLC dba Bottoms Up for an Expansion of Alcohol Beverage License & Street Privilege Permit for special event at 500 Copeland Avenue on June 1, 2013 and resolution approving same.
- A motion was made by Andrea Richmond, seconded by Chris Olson, that this Application be RECOMMENDED RESOLUTION APPROVING THE SAME to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 21 [13-0028](#) Application of Western Technical College for a Conditional Use Permit at 532 8th St. N. to demolish residential structure allowing for green space and parking and resolution approving same.
- Richmond moved to approve, second by Kader. Kader moved to amend to include PILOT, second by Richmond. No votes taken on the motions.*
- A motion was made by Chris Olson, seconded by Marilyn Wigdahl, that this Application be RECOMMENDED TO BE RE-REFERRED 60 days to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 22 [13-0056](#) Application of Viterbo University Inc. for a Conditional Use Permit to demolish existing structures allowing for surface parking lot at 802-804 8th St. S. and 716 Winnebago St. and AMENDED resolution approving same.
- A motion was made that this Application be RECOMMENDED AMENDED RESOLUTION APPROVING THE SAME to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**

- 5 [13-0055](#) AN ORDINANCE to amend Subsection 15.02(B) of the Code of Ordinances of the City of La Crosse transferring certain property from Washburn Residential District to the Public and Semi-Public District allowing for surface parking lot at 802-804 8th St. S. and 716 Winnebago St.
- A motion was made that this Ordinance be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 20 [13-0027](#) Application of Western Technical College for a Conditional Use Permit at 232 6th St. N. allowing for demolition of former motel/residence hall for the construction of greenhouse project and AMENDED resolution approving same.
- A motion was made that this Application be RECOMMENDED AMENDED RESOLUTION APPROVING THE SAME to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 8 [13-0051](#) AN ORDINANCE to amend Subsection 15.02(B) of the Code of Ordinances of the City of La Crosse transferring certain property from Multiple Dwelling District to the Public and Semi-Public District allowing for consolidation into one contiguous parcel 411 9th St. N. and 829 Pine St.
- A motion was made that this Ordinance be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 3 [13-0054](#) AN ORDINANCE to amend Subsection 15.02(B) of the Code of Ordinances of the City of La Crosse transferring certain property from Local Business District to the Single Family Residential District allowing for construction of single family homes at 737, 747 and 749 24th St. N.
- A motion was made by Andrea Richmond, seconded by Sara Sullivan, that this Ordinance be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**

12 [13-0080](#)

A SECOND AMENDED ORDINANCE to amend Paragraph 20.25(B) (29) and (38), Paragraph 20.25(F)(3), to create Paragraph 20.25(H)(6) (a) and (b), to amend Paragraph 20.25(H)(9), to amend Table 20.25(H) (11)(b)2 "Conversions of Static to Digital Display EMUs" and to amend Table 20.25(H)-2b "ON-PREMISE EMUs" of the Code of Ordinances of the City of La Crosse relating to Off Premise and On Premise Sign and Billboard regulations.

Seaquist moved to approve committee recommendation to approve as amended, second by Sullivan. Richmond moved to open public hearing, second by Swantz; carried unanimously on voice vote. The following persons spoke in OPPOSITION: Bill Hoel, Paul Fuchsel, Erin Thatcher, Sharon Earp. Olson moved to close public hearing, second by Sullivan; carried unanimously on voice vote. Olson moved to amend to delete the amendment prohibiting commander boards, second by Richmond; carried 12-1 (Seaquist voted no, Cherf and Kader abstained). Seaquist moved to amend to include only language that is supported by the Board of Public Works and Board of Park Commissioners; failed due to lack of second.

A motion was made by Chris Olson, seconded by Andrea Richmond, that the Ordinance be RECOMMENDED TO BE ADOPTED AS AMENDED to the Common Council, due back on 3/14/2013. The motion carried by the following vote:

Aye: 14 - Richmond, Wagner, Olson, Johnson, Svitavsky, Satory, Cherf, Becker, Sullivan, Formanek, Medinger, Happel, Wigdahl and Swantz

Abstain: 2 - Seaquist and Kader

4 [13-0053](#)

A THIRD AMENDED ORDINANCE to amend Subsection 15.02(B) of the Code of Ordinances of the City of La Crosse transferring certain property from Single Family Residence District to the Local Business District allowing for remodel and expansion of tavern business at 2712 Main Street.

Formanek moved to open public hearing, second by Medinger; carried unanimously on voice vote. The following persons spoke in FAVOR: Mike Moen, Jim Webb. The following persons spoke in OPPOSITION: Scott Halweg. Richmond moved to close public hearing, second by Happel; carried unanimously on voice vote. Seaquist moved to amend to allow an extension to 2 years to rezone and waiver of fee, second by Olson. Formanek moved a friendly amendment to add a sunset clause that after two years, property reverts back to R-1; carried unanimously on voice vote.

On motion that the Ordinance be RECOMMENDED TO BE ADOPTED AS AMENDED to the Common Council, due back on 3/14/2013. The motion carried by the following vote:

Aye: 16 - Richmond, Wagner, Olson, Johnson, Svitavsky, Satory, Cherf, Seaquist, Becker, Kader, Sullivan, Formanek, Medinger, Happel, Wigdahl and Swantz

- 6 [13-0087](#) AN AMENDED ORDINANCE to amend Subsection 15.02(B) of the Code of Ordinances of the City of La Crosse transferring certain property from the Traditional Neighborhood District - General and Multiple Dwelling District to the Traditional Neighborhood District - Specific allowing for multi-family residential and commercial development at 10th and State Streets and waiver of commercial/multi-family design standards.
- Cherf moved to amend to provide demolition of building and structures at 920 Vine Street and that property be used for parking stalls, second by Sullivan. Kader moved to open public hearing, second by Richmond; carried unanimously on voice vote. The following persons spoke in OPPOSITION: Jessica Olson, Darlene Dovenburg, Gerald Ruroff, Kevin Biondo, Jason Dillaber, Brett Sawyer, Patrick Biondo, Eric Dillaber, Brad Parker, Charles Clarkin, David Olson. Wigdahl moved before the last three speakers to allow additional time, second by Medinger; carried 15-1 (Seaquist voted no). Seaquist moved to close public hearing, second by Richmond; carried unanimously on voice vote. On the amendment, carried unanimously on voice vote.*
- On motion that the Ordinance be RECOMMENDED TO BE ADOPTED AS AMENDED to the Common Council, due back on 3/14/2013. The motion carried by the following vote:**
- Aye:** 9 - Richmond, Johnson, Svitavsky, Cherf, Seaquist, Becker, Kader, Sullivan and Happel
- No:** 3 - Medinger, Wigdahl and Swantz
- Abstain:** 4 - Wagner, Olson, Satory and Formanek
- 15 [13-0067](#) Resolution amending membership of the Housing Rehabilitation Review Board.
- A motion was made by Jai Johnson, seconded by Katherine Svitavsky, that this Resolution be RECOMMENDED TO BE TABLED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 23 [13-0099](#) Resolution removing sunset clause from resolution previous approved by the Common Council relating to abolishment of Highways, Properties & Utilities Committee.
- A motion was made that the Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back on 3/14/2013. The motion carried by the following vote:**
- Aye:** 14 - Richmond, Olson, Johnson, Svitavsky, Cherf, Seaquist, Becker, Kader, Sullivan, Formanek, Medinger, Happel, Wigdahl and Swantz
- No:** 2 - Wagner and Satory

Motion by Olson, second by Swantz to approve the balance of the J&A items as follows:

- 1 [13-0113](#) Various license applications pursuant to Chapter 20 of the La Crosse Municipal Code for the license period 2012-13 and resolution approving same.
- A motion was made that this Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 2 [13-0073](#) AN ORDINANCE to repeal Section 8.03 and to create Section 20.10 of the Code of Ordinances of the City of La Crosse relating to outdoor food stands and mobile food units.
- A motion was made that this Ordinance be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 7 [13-0083](#) AN ORDINANCE to amend Subsection 15.02(B) of the Code of Ordinances of the City of La Crosse transferring certain property from Residence District to the Public/Semi-Public District allowing for new school and playground at 1616, 1630, 1632, 1636 and 1640 Charles St.
- A motion was made that this Ordinance be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 9 [13-0064](#) AN ORDINANCE to amend Section 15.02(B) of the Code of Ordinances of the City of La Crosse by adding thereto new territory and making additions and corrections to the zoning map. (Dobson Property - Mississippi Valley Conservancy).
- A motion was made that this Ordinance be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 10 [13-0065](#) AN ORDINANCE to amend Section 15.02(B) of the Code of Ordinances of the City of La Crosse by adding thereto new territory and making additions and corrections to the zoning map. (Mathy II Property - Mississippi Valley Conservancy).
- A motion was made that this Ordinance be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**

- 11 [13-0075](#) AN ORDINANCE to amend 20.21(B)(1) and (I)(5) and to create 20.21(C)(22) and (D)(2)(c) of the Code of Ordinances of the City of LaCrosse relating to Direct Sellers.
- A motion was made that this Ordinance be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 13 [13-0074](#) AN AMENDED ORDINANCE to create a portion of Section 25.01 of the Code of Ordinances of the City of La Crosse relating to Outdoor Food Stand/Mobile Food Unit under Section 20.10.
- A motion was made that this Ordinance be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 16 [13-0021](#) Resolution authorizing the Fire Department to apply for an Assistance to Firefighters Grant through the Federal Emergency Management Agency.
- A motion was made that this Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 17 [13-0062](#) Resolution approving hazardous materials training agreement between the City of La Crosse and City Brewery.
- A motion was made that this Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 18 [13-0035](#) Resolution to approve 2013 Collapse Rescue Contract through the State of Wisconsin.
- A motion was made that this Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 19 [13-0030](#) Resolution endorsing the City of La Crosse as a "Bird City" and to support the annual International Migratory Bird Day (IMBD) at Myrick Hixon Eco Park.
- A motion was made that this Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 24 [13-0102](#) AMENDED Resolution amending Council Rule VII relating to membership of the Executive Committee.
- A motion was made that this Resolution be RECOMMENDED TO BE ADOPTED AS AMENDED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**

Finance and Personnel Committee

- 41 [13-0071](#) Resolution approving license agreement with the 4000 Foundation.
- (Note: The committee, Committee of the Whole and/or Common Council may convene in closed session pursuant to Wis. Stats. sec. 19.85(1)(e) to update and formulate negotiation strategies and parameters. Following the closed session, the committees and/or Council may reconvene in open session.)
- A motion was made by Richard Becker, seconded by Audrey Kader, that this Resolution be RECOMMENDED TO BE RE-REFERRED 30 days. The motion carried unanimously by voice vote.**
- 25 [12-0403](#) AMENDED Resolution approving the City of Kumbo, Republic of Cameroon as a sister city.
- Unanimous consent to open public hearing. Speaker in Favor: Lee Rasch.
Unanimous consent to close public hearing.*
- A motion was made by Audrey Kader, seconded by Andrea Richmond, that this Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 35 [13-0084](#) AMENDED Resolution requesting reallocating carryover funds for a pay and classification study.
- Formanek moved to amend to send out RFP for consultant services, second by Richmond; carried unanimously.*
- A motion was made by Paul Medinger, seconded by Audrey Kader, that the Resolution be RECOMMENDED TO BE ADOPTED AS AMENDED to the Common Council, due back on 3/14/2013. The motion carried by the following vote:**
- Aye:** 16 - Richmond, Wagner, Olson, Johnson, Svitavsky, Satory, Cherf, Seaquist, Becker, Kader, Sullivan, Formanek, Medinger, Happel, Wigdahl and Swantz
- 38 [13-0078](#) AMENDED Resolution releasing funds for a Paint and Fix-up Program and establishing guidelines to administer said program.
- Richmond moved to amend to include anyone with a need in the City, second by Wagner; carried 8-6 (Satory, Seaquist, Medinger, Happel, Wigdahl, Swantz voted no; Kader, Formanek abstained).*
- A motion was made by Richard Becker, seconded by Andrea Richmond, that the Resolution be RECOMMENDED TO BE ADOPTED AS AMENDED to the Common Council, due back on 3/14/2013. The motion carried by the following vote:**
- Aye:** 12 - Richmond, Wagner, Olson, Johnson, Svitavsky, Satory, Cherf, Seaquist, Becker, Sullivan, Medinger and Happel
- No:** 3 - Kader, Wigdahl and Swantz

Abstain: 1 - Formanek

- 33** [13-0079](#) Resolution approving a safe harbor for determination of full time employee for health plan eligibility purposes as required under Affordable Care Act.
- A motion was made that the Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back on 3/14/2013. The motion carried by the following vote:**
- Aye:** 16 - Richmond, Wagner, Olson, Johnson, Svitavsky, Satory, Cherf, Seaquist, Becker, Kader, Sullivan, Formanek, Medinger, Happel, Wigdahl and Swantz
- Motion by Richmond, second by Becker to approve the balance of the F&P items as follows:*
- 26** [13-0093](#) Claim for excessive assessment on behalf of 100 Harborview Partners LLC for properties located at 100 2nd St. N. and resolution denying same.
- A motion was made that this Claim/Appeal be RECOMMENDED RESOLUTION APPROVING THE SAME to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- [13-0024](#) Claim for excessive assessment on behalf of PR Valley View LP for properties located at 3700 State Road 16, 3800 State Road 16 and 4400 State Road 16 and resolution denying same.
- A motion was made that this Claim/Appeal be RECOMMENDED RESOLUTION DENYING THE SAME to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 27** [13-0058](#) Resolution authorizing payment and release of funds for airport engineering services.
- A motion was made that this Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 28** [13-0057](#) Resolution amending the Airport 2013 Capital Improvement Program Budget.
- A motion was made that this Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 29** [13-0059](#) Resolution re-appropriating un-used PFC funds from PFC Project 8-7.
- A motion was made that this Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**

- 30 [13-0040](#) AMENDED Resolution approving carryover list of unexpended appropriations from the 2012 operating budget to the 2013 operating budget.
- A motion was made that this Resolution be **RECOMMENDED TO BE ADOPTED AS AMENDED** to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.
- 31 [13-0044](#) Resolution approving a one-year agreement between the City of LaCrosse and Healics Inc. for health risk assessment (HRA) services effective May 1, 2013.
- A motion was made that this Resolution be **RECOMMENDED TO BE ADOPTED** to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.
- 32 [13-0077](#) Resolution authorizing the Director of Human Resources to seek proposals from qualified vendors for the purchase of claims administrative services for the medical benefit plan for the term January 1, 2014 through December 31, 2017.
- A motion was made that this Resolution be **RECOMMENDED TO BE ADOPTED** to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.
- 34 [13-0042](#) Resolution amending the table of organization to temporarily provide for the addition of one (1) Civilian Service Employee position.
- A motion was made that this Resolution be **RECOMMENDED TO BE ADOPTED** to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.
- 36 [13-0068](#) Resolution allocating 1% room tax for the 2012 La Crosse Center Operating Budget expenditures related to convention and tourism business.
- A motion was made that this Resolution be **RECOMMENDED TO BE ADOPTED** to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.
- 37 [13-0081](#) La Crosse Public Library 2012 Annual Report of Special Funds.
- A motion was made that this Report be **RECOMMENDED TO BE ACCEPTED AND FILED** to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.
- 39 [13-0052](#) Resolution to appropriate additional funds for the Townsend Street Storm Sewer.
- A motion was made that this Resolution be **RECOMMENDED TO BE ADOPTED** to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.

- 40 [13-0043](#) Resolution appropriating additional contingency funds for a project to extend fiberoptic cables to the public parking ramps owned by the City.
- A motion was made that this Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 42 [13-0050](#) Resolution authorizing use of left over 2011 Park Capital Equipment monies to enhance 2013 Park Capital Equipment monies for procurement of golf carts for Forest Hills.
- A motion was made that this Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 43 [13-0048](#) Resolution authorizing use of left over 2011 Park Capital Equipment monies to enhance 2013 Park Capital Equipment monies for procurement of greens mower for Forest Hills.
- A motion was made that this Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 44 [13-0041](#) Resolution authorizing the purchase of a sign retroreflectometer, accessories, and software, designating source of funds, and directing implementation.
- A motion was made that this Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 45 [13-0049](#) AMENDED Resolution authorizing use of left over 2011 Park Capital Equipment monies for procurement of snack bar equipment for Forest Hills.
- A motion was made that this Resolution be RECOMMENDED TO BE ADOPTED AS AMENDED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 46 [13-0047](#) Resolution authorizing use of left over 2011 Park Capital Equipment monies for procurement of a spreader for Forest Hills.
- A motion was made that this Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 47 [13-0061](#) Resolution approving Federal CDBG and HOME Program funded Housing Rehabilitation Program and Replacement Housing Program Guidelines.
- A motion was made that this Resolution be RECOMMENDED TO BE DIVIDED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**

- 48 [13-0031](#) Resolution approving City of La Crosse Three-Year Harbor Development Statement of Intentions - 2013.
- A motion was made that this Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 49 [13-0046](#) Resolution approving the transfer of lands within the Riverside Redevelopment Project from the Redevelopment Authority to the City of LaCrosse for a canoe/kayak launching site on the south side of the LaCrosse River.
- A motion was made that this Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 50 [13-0063](#) Resolution authorizing BPW to take steps to acquire real estate for Bike Trail on BNSF Railroad & Dairyland Power property from Oak to Gillette Street.
- A motion was made that this Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**
- 51 [13-0123](#) Resolution approving a Stipulation with the Shrine of Our Lady of Guadalupe, Inc. regarding a tax exemption dispute.
- 2/3 vote required - Surplus Funds*
- A motion was made that this Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 3/14/2013. The motion carried unanimously by voice vote.**

Adjournment

On motion by Richmond, unanimous consent to adjourn at approximately 9:30 p.m.