



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Meeting Minutes Common Council

Thursday, November 13, 2014

7:30 PM

Council Chambers

Mayor Tim Kabat, Presiding

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

Roll Call

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

Absent: 1 - David Krump

Pledge of Allegiance

Invocation

Rev. Bill Hogle of First Congregational Church led the invocation.

Approval of Minutes

A motion was made by Kader, seconded by Medinger, that the minutes of October 9 regular, October 9 special and October 30 special meetings be APPROVED. The motion carried.

Reports

[14-1285](#)

Report of Building & Inspections for the Month of October 2014.

2014-11-001

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

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

Absent: 1 - Krump

[14-1303](#)

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

2014-11-002

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

Yes: 15 - Richmond, Miller, Cornett, Johnson, Svitavsky, Cherf, Seaquist, Becker, Jerome, Sullivan, Formanek, Medinger, Happel, Wigdahl, Swantz

Absent: 2 - Krump, Kader

Notices and Discussions

Council President Swantz - Welcome back Council Member Marilyn Wigdahl.

Council Member Formanek - The 6th Street lighting project is moving forward with completion expected December 1.

Council Member Jerome - Thank you for the opportunity to attend the Community Challenge Summit.

COMMON COUNCIL MATTERS

[14-1306](#)

Resolution approving Monthly Engineering Estimates for November 2014.

2014-11-003

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

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

Absent: 1 - Krump

[14-1307](#)

Resolution approving 2014 bills paid in November.

2014-11-004

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

Yes: 15 - Richmond, Miller, Cornett, Johnson, Svitavsky, Cherf, Seaquist, Becker, Jerome, Kader, Formanek, Medinger, Happel, Wigdahl, Swantz

Absent: 2 - Krump, Sullivan

APPOINTMENTS BY THE MAYOR

[14-1254](#)

Citizens Board of Review: Kara Burgos, 2106 Main St. City of La Crosse Arts Board: Steve Michaels, 4653 Cliffside Dr. Vicki Burke, W8349 North Shore Dr. Jan Gallagher, 1715 Madison St. Michelle Peterslie, W7701 Cnty Hwy ZB. Eva Marie Restel, 227 Losey Blvd. N. Dick Record, 3615 Ebner Coulee Rd. Economic Development Commission: CM Fran Formanek, 2118 13th Pl. S. Chong Cher Lee, 509 S. 14th St. Debbie McKenney, 3031 25th St. S. Heritage Preservation Commission: Charles Clemence, 705 West Ave. S. Terence Collins, 1710 Cass St. Barbara Kooiman, 1932 Cass St. Information Technology Committee: CM Paul Medinger, 2508 26th St. S. International Committee: Michael De Yoe, 317 22nd St. N. Martha Schwem, 218 Shore Acres. Leah Durnin Hoover, 820 La Crosse St. #100. CM Peg Jerome, 1220 14th St. S. Irene TenEyck, 14 Copeland Ave. #108. La Crosse Area Convention and Visitors Bureau: CM James Cherf, 511 Main St. Municipal Transit Utility Board: Charlotte Alexander (WTC Student Rep), 2825 31st St. S. #8. Neighborhood Revitalization Commission: Carla Pena, 832 22nd St. S. Mark Mitchell, 1804 Liberty St.

2014-11-005

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

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

Absent: 1 - Krump

Non-Voting: 1 - Kabat

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

A motion was made by Miller, seconded by Cornett, that the Council Rule be SUSPENDED for 14-1280. The motion carried by the following vote:

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

Absent: 1 - Krump

Non-Voting: 1 - Kabat

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

A motion was made by Richmond, seconded by Cornett, that the Council Rule be SUSPENDED for 14-1144 and 14-1145. The motion carried by the following vote:

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

Absent: 1 - Krump

Non-Voting: 1 - Kabat

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

A motion was made by Richmond, seconded by Cornett, that the Council Rule be SUSPENDED for 14-0592, 14-1045, 14-1174, 14-1183, 14-1214, 14-1226, 14-1253 and 14-1280. The motion carried by the following vote:

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

Absent: 1 - Krump

Non-Voting: 1 - Kabat

REPORT OF BIDS RECOMMENDED TO BE ADOPTED

[14-1113](#)

Report of Bids and Resolution awarding contract to Badger Environmental in the amount of \$100,720.00 for the Utilities-Trane Plant 6 project.

2014-11-006

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

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

Absent: 1 - Krump

[14-1223](#)

Report of Bids and Resolution awarding contract to McHugh Excavating & Plumbing, Inc. in the amount of \$398,215.00 for the Remediation-Trane Plant 6 project.

2014-11-007

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

Yes: 15 - Richmond, Miller, Cornett, Johnson, Svitavsky, Cherf, Seaquist, Becker, Jerome, Sullivan, Formanek, Medinger, Happel, Wigdahl, Swantz

Absent: 2 - Krump, Kader

[14-1224](#)

Report of Bids and Resolution awarding contract to McHugh Excavating & Plumbing, Inc. in the amount of \$780,036.15 for the Trane Plant 6 - Fill project.

2014-11-008

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, Cherf, Seaquist, Becker, Jerome, Kader, Sullivan, Formanek, Medinger, Happel, Wigdahl, Swantz

Absent: 1 - Krump

ITEMS WITH NO RECOMMENDATION

[14-0592](#)

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

A motion was made by Cornett, seconded by Medinger, that the Resolution be REFERRED for 30 days. The motion carried by the following vote:

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

Absent: 1 - Krump

Abstain: 1 - Formanek

[14-1280](#)

Resolution approving Satisfaction of Judgment regarding property known as Trane Plant 6.

2014-11-009

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

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

Absent: 1 - Krump

ITEMS RECOMMENDED TO BE ADOPTED

[14-1111](#)

Resolution amending Council Rule V to create the position of secretary for each standing committee and rescinding Resolution #13-0390 which provided for a staff position of Council Attendant for the standing committees.

2014-11-010

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

Yes: 12 - Richmond, Miller, Cornett, Svitavsky, Cherf, Seaquist, Kader, Sullivan, Formanek, Medinger, Wigdahl, Swantz

No: 4 - Johnson, Becker, Jerome, Happel

Absent: 1 - Krump

[14-1150](#)

AN ORDINANCE to create Subsection Section 115-343(17) of the Code of Ordinances of the City of La Crosse allowing residential on the ground floor in the Community Business zoning district by a Conditional Use Permit.

Ord. 4849. For complete ordinance, see p. ____ of Volume 11 of Ordinances.

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

Yes: 14 - Richmond, Miller, Cornett, Johnson, Svitavsky, Cherf, Seaquist, Becker, Jerome, Sullivan, Medinger, Happel, Wigdahl, Swantz

No: 1 - Formanek

Absent: 1 - Krump

Abstain: 1 - Kader

[14-1168](#)

Application of STIZO LLC for a Conditional Use Permit at 400 4th St. N. allowing for adaptive reuse to a private dorm for Western Technical College students including residential on first floor and resolution approving same.

2014-11-011

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

Yes: 14 - Richmond, Miller, Cornett, Johnson, Svitavsky, Seaquist, Becker, Jerome, Kader, Sullivan, Medinger, Happel, Wigdahl, Swantz

No: 2 - Cherf, Formanek

Absent: 1 - Krump

[14-1167](#)

Application of Gundersen Health System for a Conditional Use Permit at 608 and 718 Farnam St. and 1404, 1406, 1408 and 1410 8th St. S. to demolish existing structures and allow for green space and resolution approving same.

A motion was made by Formanek, seconded by Medinger, that the Application be REFER to the Common Council on 11/18/2014. The motion carried by the following vote:

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

Absent: 1 - Krump

Non-Voting: 1 - Kabat

[14-1152](#)

Resolution approving the 2015-2019 Capital Improvement Budget.

2014-11-012

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

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

Absent: 1 - Krump

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, Cherf, Seaquist, Becker, Jerome, Kader, Sullivan, Formanek, Medinger, Happel, Wigdahl, Swantz

Absent: 1 - Krump

ITEMS RECOMMENDED TO BE ADOPTED

[14-0987](#)

Resolution authorizing Mayor to file application for transit operating & capital assistance for 2015 with the Federal Transit Administration.

2014-11-013

[14-0988](#)

Resolution authorizing Mayor to file application for Transit Operating & Capital assistance for 2015 with the Wisconsin Department of Transportation.

2014-11-014

- [14-1084](#) Resolution authorizing the Police Department to accept the 2015 Department of Transportation Safety Grant.
2014-11-015
- [14-1124](#) Resolution levying Special Charges for Services performed in 2014.
2014-11-016
- [14-1134](#) Resolution authorizing the La Crosse Police Department to lease office space at the Northside Police Substation to Burlington Northern Railroad Police Department.
2014-11-017
- [14-1141](#) Resolution appropriating funds for private contractors to assist with clearing snow from public sidewalks for the 2014-15 season.
2014-11-018
- [14-1144](#) Resolution approving the 2014 Analysis of and Recommendations for City of La Crosse Tax Incremental Districts.
2014-11-019
- [14-1145](#) Amended Resolution approving the Riverside North La Crosse, Charrette Master Plan.
2014-11-020
- [14-1147](#) Resolution re-appropriating 2013 Planning and Development Department carryover funds.
2014-11-021
- [14-1149](#) Resolution approving the Classification and Compensation Plan for employees covered in the Employee Handbook.
2014-11-022
- [14-1151](#) Amended Resolution approving a reorganization to the table of positions and classifications for the Water Utility effective November 14, 2014.
2014-11-023
- [14-1153](#) Resolution re-appropriating funding sources for training for City Staff, Committee Members, and area planning agencies.
2014-11-024

- [14-1156](#) Resolution amending the Employee Handbook for hiring provisions of Property Appraiser Trainee.
2014-11-025
- [14-1174](#) Resolution approving release of funds for repairs and maintenance of Quint 3.
2014-11-026
- [14-1183](#) Resolution approving revised State Municipal Agreement for Safe Routes to School.
2014-11-027
- [14-1214](#) Request of Moorings Homeowners Association that Moorings Drive be dedicated as public street and resolution approving same.
2014-11-028
- [14-1215](#) Resolution granting various license applications pursuant to Chapter 20 of the La Crosse Municipal Code for the remainder of license period 2014-15 (November).
2014-11-029
- [14-1217](#) An ordinance to amend Section 2-404(f)(5) of the Code of Ordinances of the City of La Crosse regarding administrative fees related to economic development assistance.
Ord. 4850. For complete ordinance, see p. ____ of Volume 11 of Ordinances.
- [14-1226](#) Resolution resinding the Hixon Forest Comprehensive Plan adopted by the Common Council May 2005.
2014-11-030
- [14-1253](#) Resolution authorizing the Director of Human Resources to submit an application form to secure services with Humana for the Union sponsored voluntary dental plan for the term January 1, 2015 through December 31, 2015.
2014-11-031

ITEMS RECOMMENDED TO BE RE-REFERRED

[14-1045](#) 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.)

REFER FOR 30 DAYS.

[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.

REFER FOR 30 DAYS.

NEW ITEMS FOR REFERRAL

The ordinances and remainder of the items are referred to the December 2014 meetings.

[14-1175](#) Resolution dedicating property located adjacent to State Highway 16 as public right of way.

[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 resolution approving same.

[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.

[14-1257](#) Resolution authorizing 2014 vacation payout for Interim Director of Finance and Interim Transit Manager.

[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).

[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).

[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).

[14-1263](#) Resolution approving BNSF invoice for wheel stops required to remove rail crossings in Oak Street.

- [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.
- [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.
- [14-1267](#) Amended Resolution appropriating additional funds to the 2015 Storm Water Utility Operating Budget to complete storm sewer system model.
- [14-1270](#) Resolution changing residential customer criteria for sewer billing.
- [14-1271](#) Resolution delaying implementation of changes to sewer billing method for residential customers during summer quarters.
- [14-1273](#) Resolution appropriating additional funds in connection with insurance consultation services.
- [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.
- [14-1278](#) Resolution amending City's Medical Benefit Plan Document and Summary Plan Description effective January 1, 2015.
- [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.
- [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.
- [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.
- [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.

- [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.
- [14-1295](#) Amended Resolution adopting the 2015 Council Meeting Calendar.
- [14-1296](#) Application of A-1 Taxi Service Inc. for 2015 Public Vehicle for Hire License and resolution approving same.
- [14-1297](#) Application of Bee Cab Inc. for 2015 Public Vehicle for Hire License and resolution approving same.
- [14-1298](#) Application of Sinkoss USA LLC dba Bullet Cab for 2015 Public Vehicle for Hire License and resolution denying 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.)
- [14-1299](#) Application of Caring Hearts Home Care & Transportation LLC for 2015 Public Vehicle for Hire License and resolution approving same.
- [14-1300](#) Application of DJL, Inc. dba Luxurious Limousines for 2015 Public Vehicle for Hire License and resolution approving same.
- [14-1301](#) Application of Top Hat Inc dba CTS Taxi for 2015 Public Vehicle for Hire License and resolution approving same.
- [14-1302](#) Application of Cinderella Carriage LLC for 2015 Horse-Drawn Vehicle License and resolution approving same.

Adjournment

A motion was made by Richmond, seconded by Cornett, that the meeting be ADJOURNED at 8:05 p.m. The motion carried by voice vote.