



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Meeting Minutes - Final Common Council

Thursday, October 8, 2015

7:30 PM

Council Chambers

Mayor Tim Kabat, Presiding

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

Roll Call

Present: 16 - Tim Kabat, Andrea Richmond, Dempsey Miller, Ryan Cornett, Jai Johnson, Elaine Anderson, David Krump, James Cherf, Robert Seaquist, Gary Padesky, Richard Becker, Francis J. Formanek, Phillip A. Ostrem, Paul Medinger, Douglas Happel, Martin Gaul

Excused: 2 - Audrey Kader, Richard Swantz

Pledge of Allegiance

Invocation

The invocation was led by Pastor Chuck Robinson, First Church of Christ.

Approval of Minutes

A motion was made by Richmond, seconded by Anderson, that the Minutes of September 10 regular and September 29 special meetings be APPROVED. The motion carried by unanimous vote.

Reports

[15-1037](#)

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

2015-10-001

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

Yes: 15 - Richmond, Miller, Cornett, Johnson, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Formanek, Ostrem, Medinger, Happel, Gaul

Excused: 2 - Kader, Swantz

[15-1045](#)

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

2015-10-002

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, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Formanek, Ostrem, Medinger, Happel, Gaul

Excused: 2 - Kader, Swantz

Notices and Discussions

Fire Chief Gregg Cleveland presented Adam Hutson and Tyrel Mittelstaedt with their badges after successfully completing the Fire Department trial and training period.

Cherf invited all to events downtown this weekend - Downtown Historic Days, Tour of Upper Living, Color Run, and Chili Cook-Off.

Happel announced Police & Fire Commission passed motion of support for hard-working police and fire personnel during the current period of upheaval and civil disobedience.

Seaquist called attention to a sign at Losey Boulevard and La Crosse Street for 23rd-24th-Crowley Historic District.

The Mayor announced City Clerk Teri Lehrke received the Lifetime Achievement Award from the Wisconsin Municipal Clerk's Association.

COMMON COUNCIL MATTERS

[15-1047](#)

Resolution approving Monthly Estimates for October 2015.

2015-10-003

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

Yes: 15 - Richmond, Miller, Cornett, Johnson, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Formanek, Ostrem, Medinger, Happel, Gaul

Excused: 2 - Kader, Swantz

[15-1049](#)

Resolution approving 2015 bills paid in October.

2015-10-004

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

Yes: 15 - Richmond, Miller, Cornett, Johnson, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Formanek, Ostrem, Medinger, Happel, Gaul

Excused: 2 - Kader, Swantz

APPOINTMENTS BY THE MAYOR**15-1011**

Aviation Board: Jerome Rusch, 1815 Ohlsun Ct. Board of Zoning Appeals: Philip Nohr, 862 Janice Court E. Citizens Board of Review: Dustin Bagstad, 3343 Mormon Coulee Rd. City Plan Commission: Paul Schoenfeld, 1138 Cliffwood Ln. Economic Development Commission: Terry Hicks, 3176 28th Street S., David Morrison, 1408 Market St. Ethics Board: Jodi Widuch, 2555 Edgewood Pl. La Crosse Center Board: Douglas Farmer, 321 21st St. S. Room Tax Commission: Nick Weber, 145 17th St. S.

2015-10-005

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

Yes: 15 - Richmond, Miller, Cornett, Johnson, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Formanek, Ostrem, Medinger, Happel, Gaul

Excused: 2 - Kader, Swantz

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

A motion was made by Richmond, seconded by Cornett, to SUSPEND Council Rule VIII on 15-0955, 15-0961, 15-0984, 15-0985 and 15-1020. The motion carried by the following vote:

Yes: 16 - Kabat, Richmond, Miller, Cornett, Johnson, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Formanek, Ostrem, Medinger, Happel, Gaul

Excused: 2 - Kader, Swantz

SUSPENSION OF COUNCIL RULE XXII (Action Outside of August Meeting) FOR THE FOLLOWING ITEMS (2/3 Vote Required):

A motion was made by Richmond, seconded by Becker, to SUSPEND Council Rule XXII on 15-0815. The motion carried by the following vote:

Yes: 16 - Kabat, Richmond, Miller, Cornett, Johnson, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Formanek, Ostrem, Medinger, Happel, Gaul

Excused: 2 - Kader, Swantz

REPORT OF BIDS/QUOTES RECOMMENDED TO BE ADOPTED

[15-1048](#)

Report of Bids and Resolution awarding contract to Klich Electric, Inc. in the amount of \$34,950.00 for WWTP-Plant 1 Lighting Replacement.

2015-10-006

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

Yes: 15 - Richmond, Miller, Cornett, Johnson, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Formanek, Ostrem, Medinger, Happel, Gaul

Excused: 2 - Kader, Swantz

ITEMS RECOMMENDED TO BE ADOPTED

[15-0904](#)

Resolution appropriating funds in connection with City Council chambers renovations.

2015-10-007

A motion was made by Cornett, seconded by Richmond, that the Resolution be Adopted. The motion FAILED by the following vote (two-thirds required):

Yes: 5 - Miller, Cornett, Seaquist, Formanek, Ostrem

No: 10 - Richmond, Johnson, Anderson, Krump, Cherf, Padesky, Becker, Medinger, Happel, Gaul

Excused: 2 - Kader, Swantz

[15-0925](#)

Amended Resolution approving the 2016-2020 Capital Improvement Budget.

A motion was made by Richmond, seconded by Cornett, to ADOPT.

A motion was made by Happel, seconded by Medinger, that the Resolution be AMENDED to delete item 83 regarding council chamber renovation. The motion carried by the following vote:

Yes: 14 - Richmond, Miller, Cornett, Johnson, Anderson, Krump, Cherf, Padesky, Becker, Formanek, Ostrem, Medinger, Happel, Gaul

No: 1 - Seaquist

Excused: 2 - Kader, Swantz

2015-10-008

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

Yes: 15 - Richmond, Miller, Cornett, Johnson, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Formanek, Ostrem, Medinger, Happel, Gaul

Excused: 2 - Kader, Swantz

[15-0929](#)

Certified Survey Map Part of SW-NW, NW-SW, Section 23, T15N-R7W to the Town of Shelby, La Crosse County, Wisconsin and resolution approving same.

2015-10-009

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

Yes: 12 - Richmond, Miller, Cornett, Johnson, Anderson, Krump, Cherf, Padesky, Becker, Medinger, Happel, Gaul

No: 3 - Seaquist, Formanek, Ostrem

Excused: 2 - Kader, Swantz

[15-1020](#)

Resolution approving Second Amendment and Extension of the Use Agreement between the City of La Crosse, La Crosse Baseball LLC and Northwoods League, Inc.

2015-10-010

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

Yes: 11 - Richmond, Miller, Cornett, Johnson, Anderson, Krump, Cherf, Seaquist, Ostrem, Medinger, Happel

No: 4 - Padesky, Becker, Formanek, Gaul

Excused: 2 - Kader, Swantz

[15-0922](#)

Resolution considering the application of State & West LLC for an Upper Floor Renovation Program Loan.

2015-10-011

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

Yes: 15 - Richmond, Miller, Cornett, Johnson, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Formanek, Ostrem, Medinger, Happel, Gaul

Excused: 2 - Kader, Swantz

[15-0923](#)

Resolution approving the amended Term Sheet with MetroPlains Partners, LLC and MetroPlains, LLC.

2015-10-012

A motion was made by Krump, seconded by Medinger, that the Resolution be DIVIDED to separate the CDBG loan agreement of the project and the TIF loan. The motion carried by the following vote:

Yes: 15 - Richmond, Miller, Cornett, Johnson, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Formanek, Ostrem, Medinger, Happel, Gaul

Excused: 2 - Kader, Swantz

2015-10-013

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

Yes: 15 - Richmond, Miller, Cornett, Johnson, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Formanek, Ostrem, Medinger, Happel, Gaul

Excused: 2 - Kader, Swantz

A motion was made by Cornett, seconded by Richmond, that the Resolution be REFERRED for 30 days (TIF portion). The motion carried by the following vote:

Yes: 15 - Richmond, Miller, Cornett, Johnson, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Formanek, Ostrem, Medinger, Happel, Gaul

Excused: 2 - Kader, Swantz

[15-0927](#)

AN AMENDED ORDINANCE to amend and renumber Section 2-520 of the Code of Ordinances of the City of La Crosse regarding membership of the Municipal Transit Utility Board.

Ord. 4892. 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: 10 - Richmond, Miller, Cornett, Cherf, Seaquist, Padesky, Formanek, Ostrem, Medinger, Happel

No: 5 - Johnson, Anderson, Krump, Becker, Gaul

Excused: 2 - Kader, Swantz

CONSENT AGENDA

Actions by Single Vote

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

Yes: 15 - Richmond, Miller, Cornett, Johnson, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Formanek, Ostrem, Medinger, Happel, Gaul

Excused: 2 - Kader, Swantz

ITEMS RECOMMENDED TO BE ADOPTED

[15-0887](#) AN ORDINANCE to annex a parcel of land from the Town of Medary to the City of La Crosse (Strupp Trucking - Kwik Trip Property).

Ord. 4889. For complete ordinance, see p. ____ of Volume 11 of Ordinances.

[15-0901](#) AN ORDINANCE to amend Section 115-110 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 (Strupp Trucking - Kwik Trip Property).

Ord. 4890. For complete ordinance, see p. ____ of Volume 11 of Ordinances.

[15-0915](#) AN ORDINANCE to create Section 8-52(a), renumber Section 8-52(a) through (f) and create Section 8-53(c) of the Code of Ordinances of the City of La Crosse regarding restriction on use of airport property.

Ord. 4891. For complete ordinance, see p. ____ of Volume 11 of Ordinances.

[15-0930](#) AN AMENDED ORDINANCE to amend Section 115-110 of the Code of Ordinance of the City of La Crosse by transferring certain property from the Public and Semi-Public District to the Limited Commercial District on parcel bounded by South Ave., 7th St. S. and Clinic Ct. (Parcel ID 17-30080-150) allowing for a hotel and dining establishment.

Ord. 4893. For complete ordinance, see p. ____ of Volume 11 of Ordinances.

[15-0934](#) AN ORDINANCE to amend Paragraph 115-390(1)(e) of the Code of Ordinances of the City of La Crosse to require that all waivers of the requirement that all buildings within the stated boundary have a minimum of two stories are reviewed by the Common Council.

Ord. 4894. For complete ordinance, see p. ____ of Volume 11 of Ordinances.

- [15-0939](#) AN ORDINANCE to amend Section 115-110 of the Code of Ordinance of the City of La Crosse by transferring certain property from the Local Business District to the Multiple Dwelling District at 1132 Rose Street allowing for construction of a new garage.
Ord. 4895. For complete ordinance, see p. ____ of Volume 11 of Ordinances.
- [15-0952](#) AN ORDINANCE to amend Section 115-110 of the Code of Ordinance of the City of La Crosse by transferring certain property from the Commercial District to the Traditional Neighborhood District - General at 5305, 5313 and 5405 Mormon Coulee Road allowing for multifamily apartments.
Ord. 4896. For complete ordinance, see p. ____ of Volume 11 of Ordinances.
- [15-0815](#) Resolution authorizing a new position of Parking Utility Coordinator to the 2016 Parking Utility Grounds operating budget.
2015-10-014
- [15-0863](#) Resolution requesting the release of funds from room tax to repair 2 fire door operators with Cornell FGH Fire Door Operators for the La Crosse Center.
2015-10-015
- [15-0882](#) Resolution and report of the Board of Public Works on the costs of operating and maintaining the parking system in downtown La Crosse.
2015-10-016
- [15-0907](#) Application of Chuck ODeLL Johnson for a 2015 Horse Drawn Vehicle License and resolution approving same.
2015-10-017
- [15-0916](#) Resolution approving transfer of land to the Mississippi Valley Conservancy, Inc.
2015-10-018
- [15-0917](#) Resolution authorizing payment and release of funds for airport project designs.
2015-10-019
- [15-0919](#) Resolution modifying the guidelines of the Upper Floor Loan Program.
2015-10-020

- [15-0920](#) Amended Resolution authorizing sale of Lot 26 in the La Crosse International Business Park to James J. DeBoer Sr. and Donna J. DeBoer.
2015-10-021
- [15-0928](#) Resolution authorizing early replacement of three Water Utility vans approved as part of the 2016-2020 Capital Equipment Program.
2015-10-022
- [15-0931](#) Resolution authorizing carryover of vacation for employees covered under the Employee Handbook.
2015-10-023
- [15-0938](#) Application of Generous Earth Pottery LLC for a Conditional Use Permit at 309 Pearl Street allowing permission to apply for a Combination "Class B" Beer & Liquor license and resolution approving same.
2015-10-024
- [15-0941](#) Resolution allocating room tax.
2015-10-025
- [15-0955](#) Resolution authorizing Airport lease amendment #3 with the General Services Administration.
2015-10-026
- [15-0961](#) Resolution appropriating funds to construct median islands for railroad quiet zones.
2015-10-027
- [15-0980](#) Resolution denying Application of John J. Miller for a Public Vehicle for Hire Operator License and appeal of denial by the Police Department.
(Note: The Committee and/or Council may convene in closed session pursuant to Wis. Stats. sec. 19.85(1)(a) to deliberate its decision. Following any closed session, the Committee, and/or Council may reconvene in open session.)
2015-10-028
- [15-0984](#) Resolution authorizing release of funds in connection with emergency repairs to Market Square Ramp.
2015-10-029

- [15-0985](#) Resolution releasing funds in connection with site investigation and repair of Bliss Road slopes.
2015-10-030

ITEMS RECOMMENDED TO BE DIVIDED

- [15-0979](#) 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 (October).
2015-10-031

- [15-1029](#) 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 (balance of September 29, 2015 various license list).
2015-10-032

- [15-1030](#) Resolution denying Application of Ying Min Lin dba Sushi Pirate for an Indoor Cabaret License at 200 Main Street for 2015-16 license year.
2015-10-033

ITEMS RECOMMENDED TO BE ACCEPTED AND FILED

- [15-0886](#) Petition for Direct Annexation by One-Half Approval Pursuant to Sec. 66.0217(3)(a), Wis. Stats. - Strupp Trucking - Kwik Trip Property.
2015-10-034

ITEMS RECOMMENDED TO BE RE-REFERRED

- [15-0937](#) Request for Exception to Standards for Commercial Design by VEH Properties LLC for a two-tenant commercial building at 707, 713, 717 and 721 La Crosse Streets allowing for a waiver of parking lot placement and resolution denying same.

NEW ITEMS FOR REFERRAL

- [15-0510](#) Resolution approving First Amendment to Kwik Trip Development Agreement (Dairy and Freezer-Bakery Expansion Projects) and First Amendment to Land-Lease Freezer-Bakery Project.

- [15-0814](#) Resolution authorizing the Board of Public Works to hire a Parking Ramp Design Consultant to design two additional floors for the Riverside Ramp and appropriation of funds.

- [15-0950](#) Resolution appropriating funds for the Radio System.
- 15-0966** Resolution approving the abolishment of the City of La Crosse Board of Electrical Examiners. WITHDRAWN BY MAYOR 10/19/2015
- [15-0982](#) Resolution vacating a portion of an alley running between unplatted lands and Livingston Street and that portion of the alley not previously vacated running between Onalaska Avenue and unplatted lands.
- [15-0983](#) Resolution vacating a portion of an alley running between St. Andrew Street and Island Street.
- [15-1000](#) AN ORDINANCE to amend Section 2-58 of the Code of Ordinances of the City of La Crosse regarding salary for the office of Mayor.
- [15-1006](#) Application of Mary Mother of the Church Parish for a Conditional Use Permit at 2006 Weston Street allowing for demolition of former school building and replacing with green space for future addition to existing church/rectory and resolution approving same.
- [15-1007](#) Resolution levying Special Charges for Services performed in 2015.
- [15-1008](#) AN ORDINANCE to repeal Section 115-142(a)(3)c of the Code of Ordinances of the City of La Crosse regarding non-conforming uses in conformance with state law.
- 15-1012** Resolution approving the abolishment of the City of La Crosse Board of Gas Examiners. WITHDRAWN BY MAYOR 10/19/2015
- [15-1013](#) Application of John and Joyce Boysen for a Conditional Use Permit at 340 29th St. S. to allow a fence greater than 6 feet in height and resolution approving same.
- [15-1014](#) AN ORDINANCE to amend Section 115-110 of the Code of Ordinance of the City of La Crosse by transferring certain property from the Single Family District to the Residence District 411/415 13th St. S. allowing for an owner-occupied duplex.
- [15-1016](#) Amended Resolution approving the acceptance of land for an alley bound by East Avenue, 19th Street, Adams Street and Jackson Street.
- [15-1019](#) Resolution approving an agreement between the City of La Crosse and The Horton Group effective January 1, 2016 for technical and compliance support in the administration of the City's self funded health plan.
- [15-1021](#) Resolution approving Agreement for Sanitary Sewage Conveyance and Treatment between the City of La Crosse and the Town of Campbell.

- [15-1022](#) Resolution creating Wards 31-34.
- [15-1031](#) Amended Resolution authorizing the Parks, Recreation and Forestry Department to apply for and accept a Wisconsin Department of Natural Resources Urban Forestry Grant.
- [15-1032](#) Resolution approving Architectural Services for the Programming and Schematic phases to develop Powell Park.
- [15-1035](#) Resolution allocating funds for the redevelopment of 800 and 802 Rose Street.
- [15-1039](#) AN ORDINANCE to amend Section 115-110 of the Code of Ordinance of the City of La Crosse by transferring certain property from the Local Business District to the Multiple Dwelling District 1023-1025 Caledonia Street allowing for a 4-unit residential building.
- [15-1040](#) 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 District - General to the Traditional Neighborhood District - Specific at 2219 South Avenue allowing for a multifamily housing development.
- [15-1041](#) Final Plat of Willow Heights to the Town of Shelby, Wisconsin and resolution approving same.
- [15-1042](#) Application of La Crosse Community Housing Development Organization for a Conditional Use Permit at 421 Mississippi Street to demolish current residential structure leaving a vacant lot for future development and resolution approving same.
- [15-1043](#) Certified Survey Map Part of Lot 4 CSM (v.15, p.131, Doc. No. 1620644) located in the NE 1/4 of the SW 1/4, Section 14, T16N-R7W to the City of La Crosse, La Crosse County, Wisconsin and waiver of sec. 113-1 Subdivision platting requirements and resolution approving same.
- 15-1044** Resolution approving lease between the City of La Crosse and the Town of Shelby for the Shelby Youth Baseball Association. WITHDRAWN BY CORNETT 10/13/2015

Adjournment

A motion was made by Richmond, seconded by Medinger, to ADJOURN at 8:32 p.m. The motion carried by voice vote.