



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Meeting Minutes - Final

Common Council

Thursday, August 11, 2016

7:30 PM

Council Chambers

Mayor Tim Kabat, Presiding

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

Roll Call

Present: 14 - Tim Kabat, Andrea Richmond, Ryan Cornett, Elaine Anderson, David Krump, James Cherf, Robert Seaquist, Gary Padesky, Richard Becker, Audrey Kader, Francis J. Formanek, Phillip A. Ostrem, Paul Medinger, Douglas Happel

Excused: 3 - Jai Johnson, Martin Gaul, Richard Swantz

Pledge of Allegiance

Invocation

Pastor Corey Sateren of Bethany Evangelical Free Church offered the invocation.

Approval of Minutes

A motion was made by Richmond, seconded by Medinger, that the Minutes of July 14 special and July 14 regular meetings be APPROVED. The motion carried unanimously.

Reports

[16-0802](#)

Report of the Director of Finance for the month of July 2016.

2016-08-002

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

Yes: 13 - Richmond, Cornett, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel

Excused: 3 - Johnson, Gaul, Swantz

[16-0805](#)

Report of Fire Department - Division of Fire Prevention and Building Safety on Inspections & Permit Revenue for the month of July 2016.

2016-08-003

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

Yes: 13 - Richmond, Cornett, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel

Excused: 3 - Johnson, Gaul, Swantz

Notices and Discussions

Fire Department Badge Presentation: Tyler Petit, Renee Christensen, Cody Allen. Formanek invited all to the dedication of Poage Park (5th & Hood) on Saturday, August 13th.

Becker reminded the Council of the upcoming League of Wisconsin Municipalities Conference in Stevens Point, October 19-21.

Kader announced her acceptance of a plaque for Explore La Crosse presented to the City at the last annual meeting. She also acknowledged the Police Department.

COMMON COUNCIL MATTERS

[16-0794](#)

Resolution approving August 2016 Engineering Estimates.

2016-08-004

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

Yes: 13 - Richmond, Cornett, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel

Excused: 3 - Johnson, Gaul, Swantz

[16-0806](#)

Resolution approving 2016 bills paid in August.

2016-08-005

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

Yes: 13 - Richmond, Cornett, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel

Excused: 3 - Johnson, Gaul, Swantz

APPOINTMENTS BY THE MAYOR[16-0752](#)

City of La Crosse Arts Board: Doug Weidenbach, 213 Copeland Ave. Gail Cleary, W5858 Cedar Rd. Library Board: Sara Sullivan, 608 16th St. S. Neighborhood Revitalization Commission: Will Kratt, 504 28th St. S.

2016-08-006

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

Yes: 13 - Richmond, Cornett, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel

Excused: 3 - Johnson, Gaul, Swantz

SUSPENSION OF COUNCIL RULE VIII FOR THE FOLLOWING ITEMS

(2/3 Vote Required):

A motion was made by Becker, seconded by Cherf, to SUSPEND Council Rule VII for 16-0714 and 16-0757. The motion carried unanimously.

REPORT OF BIDS/QUOTES RECOMMENDED TO BE ADOPTED[16-0715](#)

Report of Bids & Resolution awarding contract to Phillips Outdoor Services, dba Phillips Fencing, Inc. in the amount of \$177,800.00 for the Bike Trail Fence (Gillette Street North to Bike Bridge) project.

2016-08-007

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

Yes: 13 - Richmond, Cornett, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel

Excused: 3 - Johnson, Gaul, Swantz

[16-0716](#)

Report of Bids & Resolution awarding contract to Fowler & Hammer, Inc. in the amount of \$113,406.00 for the Myrick Park Sidewalks project.

2016-08-008

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

Yes: 13 - Richmond, Cornett, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel

Excused: 3 - Johnson, Gaul, Swantz

ITEM WITH NO RECOMMENDATION

[16-0467](#)

Resolution approving a loan request from TID # 16 with the Fenigor Group, LLC for the renovation of the Historic Rubber Mills Building at 1501 St. Andrew Street.

(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.)

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

Yes: 12 - Richmond, Cornett, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Kader, Ostrem, Medinger, Happel

Excused: 3 - Johnson, Gaul, Swantz

Abstain: 1 - Formanek

ITEMS RECOMMENDED TO BE ADOPTED

[16-0579](#)

AN ORDINANCE to amend Subsection 115-110 of the Code of Ordinances of the City of La Crosse transferring certain property from the Local Business District to the Planned Unit Development District - General allowing for development of multi-unit apartment complexes at 2306 State Road 16.

Ord. 4946. For complete ordinance, see p. ____ of Volume 11 of Ordinances.

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

Yes: 12 - Richmond, Cornett, Anderson, Krump, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel

Excused: 3 - Johnson, Gaul, Swantz

Abstain: 1 - Cherf

[16-0693](#)

AN ORDINANCE to amend Section 115-110 of the Code of Ordinances of the City of La Crosse transferring certain property from the Traditional Neighborhood District - General to the Traditional Neighborhood District - Specific at 330 Adams Street allowing for a drive through coffee shop.

Ord. 4947. For complete ordinance, see p. ____ of Volume 11 of Ordinances.

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

Yes: 12 - Richmond, Cornett, Anderson, Krump, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel

Excused: 3 - Johnson, Gaul, Swantz

Abstain: 1 - Cherf

ITEM RECOMMENDED TO BE NOT ADOPTED

[16-0412](#)

AN ORDINANCE to amend Sections 8-1(2), 8-51, 8-51(a) and (b), 8-54 and 8-54(c)(1), and 44-3 and 44-3(d) to update the title of Airport Director; to amend Section 8-21 regarding the Aviation Board membership and to amend Section 8-23(2) regarding the powers and duties of the Aviation Board of the Code of Ordinances of the City of La Crosse.

A motion was made by Cornett, seconded by Seaquist, that the Ordinance be NOT ADOPTED. The motion failed by the following vote:

Yes: 4 - Seaquist, Kader, Formanek, Ostrem

No: 9 - Richmond, Cornett, Anderson, Krump, Cherf, Padesky, Becker, Medinger, Happel

Excused: 3 - Johnson, Gaul, Swantz

A motion was made by Richmond, seconded by Padesky, that the Ordinance be AMENDED as proposed and read by Andrea Richmond making changes to Sec 8-21 and Sec 8-23(2). The motion carried by the following vote:

Yes: 12 - Richmond, Cornett, Anderson, Krump, Cherf, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel

No: 1 - Seaquist

Excused: 3 - Johnson, Gaul, Swantz

Ord. 4948. For complete ordinance, see p. ____ of Volume 11 of Ordinances.

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

Yes: 13 - Richmond, Cornett, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel

Excused: 3 - Johnson, Gaul, Swantz

ITEMS PULLED FROM CONSENT AGENDA

[16-0757](#)

Resolution approving amended Promissory Note, Guarantee and a Subordination, Nondisburbance and Attornment Agreement with regarding to the Roosevelt School project. *(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.)*

A motion was made by Kader, seconded by Becker, to convene in CLOSED SESSION pursuant to Wis. Stat. 19.85(1)(e) to formulate & update negotiation strategies and parameters at the end of the meeting. The motion failed by the following vote:

Yes: 6 - Cherf, Seaquist, Becker, Kader, Formanek, Ostrem

No: 7 - Richmond, Cornett, Anderson, Krump, Padesky, Medinger, Happel

Excused: 3 - Johnson, Gaul, Swantz

A motion was made by Cornett, seconded by Richmond, that the Resolution be AMENDED with updated subordination agreement and documents. The motion carried by the following vote:

Yes: 12 - Richmond, Cornett, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Formanek, Ostrem, Medinger, Happel

No: 1 - Kader

Excused: 3 - Johnson, Gaul, Swantz

2016-08-009

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

Yes: 11 - Richmond, Cornett, Anderson, Cherf, Seaquist, Padesky, Becker, Formanek, Ostrem, Medinger, Happel

No: 1 - Kader

Excused: 3 - Johnson, Gaul, Swantz

Absent: 1 - Krump

[16-0671](#)

Resolution authorizing new positions to the 2017 operating budget.

A motion was made by Richmond, seconded by Anderson, that this Resolution be ADOPTED.

A motion was made by Kader, seconded by Ostrem, that the Resolution be AMENDED as proposed and read by Audrey Kader regarding a Code Enforcement Technician. The motion carried by the following vote:

Yes: 11 - Richmond, Cornett, Anderson, Krump, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel

No: 2 - Cherf, Seaquist

Excused: 3 - Johnson, Gaul, Swantz

A motion was made by Seaquist, seconded by Cherf, that the Resolution be REFERRED 30 days. The motion failed by the following vote:

Yes: 2 - Cherf, Seaquist

No: 11 - Richmond, Cornett, Anderson, Krump, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel

Excused: 3 - Johnson, Gaul, Swantz

2016-08-010

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

Yes: 12 - Richmond, Cornett, Anderson, Krump, Cherf, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel

No: 1 - Seaquist

Excused: 3 - Johnson, Gaul, Swantz

[16-0512](#)

Resolution vacating a portion of the corner of Clinic Court and Denton Street.

A motion was made by Krump, seconded by Kader, that this Resolution be ADOPTED.

A motion was made by Ostrem, seconded by Richmond, that the Resolution be AMENDED as proposed and read by Phillip Ostrem regarding storm sewer pipe relocation. The motion carried by the following vote:

Yes: 13 - Richmond, Cornett, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel

Excused: 3 - Johnson, Gaul, Swantz

2016-08-011

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

Yes: 13 - Richmond, Cornett, Anderson, Krump, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel

Excused: 3 - Johnson, Gaul, Swantz

CONSENT AGENDA

A motion was made by Richmond, seconded by Cornett, to APPROVE the Consent Agenda. The motion carried by unanimous voice vote.

ITEMS RECOMMENDED TO BE ADOPTED

[16-0627](#)

AN ORDINANCE to amend Section 34-66 of the Code of Ordinances of the City of La Crosse regarding consumption of alcoholic beverages under the jurisdiction of the Board of Park Commissioners.

Ord. 4949. For complete ordinance, see p. ____ of Volume 11 of Ordinances.

[16-0639](#)

AN ORDINANCE to amend Secs. 10-756 and 10-757(10) of the Code of Ordinances of the City of La Crosse relating to charitable organization exemptions from a Direct Sellers Permit.

Ord. 4950. For complete ordinance, see p. ____ of Volume 11 of Ordinances.

[16-0654](#)

AN ORDINANCE to amend Subsection 115-110 of the Code of Ordinances of the City of La Crosse transferring certain property from the Residence District to the Multiple Dwelling District allowing for higher density residential developments at 5221 and 5233 33rd St. S.

Ord. 4951. For complete ordinance, see p. ____ of Volume 11 of Ordinances.

- [16-0678](#) AN ORDINANCE to amend Section 44-112 of the Code of Ordinances of the City of La Crosse for parking adjacent to certain schools.
Ord. 4952. For complete ordinance, see p. ____ of Volume 11 of Ordinances.
- [16-0694](#) AN ORDINANCE to amend Section 115-110 of the Code of Ordinances of the City of La Crosse transferring certain property from the Planned Development District - General to the Planned Development District - Specific at 529, 601 and 621 Park Plaza Drive allowing for a mixed use residential development.
Ord. 4953. For complete ordinance, see p. ____ of Volume 11 of Ordinances.
- [16-0297](#) Resolution authorizing Donation Agreement to accept a tank car for training purposes from BNSF railway.
2016-08-012
- [16-0614](#) Resolution to accept Radiological Field Team contract between State of Wisconsin and the City of La Crosse from July 1, 2016 through June 30, 2019.
2016-08-013
- [16-0624](#) Resolution approving release of funds for ergonomic improvements.
2016-08-014
- [16-0633](#) Resolution authorizing the purchase of two municipal tractors.
2016-08-015
- [16-0650](#) Resolution authorizing payment and release of funds for airport lightning protection system.
2016-08-016
- [16-0651](#) Resolution authorizing payment and release of funds for airport nursing mothers room conversion.
2016-08-017
- [16-0653](#) Resolution approving Application of Generous Earth Pottery LLC for a Conditional Use Permit at 313-315 Pearl Street allowing permission to apply for a Combination "Class B" Beer & Liquor license.
2016-08-018

- [16-0656](#) Resolution approving establishment of Pool Committee regarding Memorial Swimming Pool Facility.
2016-08-019
- [16-0657](#) Amended Resolution authorizing a reclassification for the position of Meter Reader II and Human Resources Assistant.
2016-08-020
- [16-0659](#) Amended Resolution authorizing the City Engineer to sign "Conveyance Of Rights In Land" as requested by the Wisconsin Department of Transportation for the Reconstruction of Rose Street from Livingston Street to West George Street (Project #1071-06-10, 82).
2016-08-021
- [16-0660](#) Resolution approving Certified Survey Map located in Part of SE-NW, NE-SW, Section 6, T15N-R6W, Town of Shelby, La Crosse County, Wisconsin.
2016-08-022
- [16-0661](#) Resolution approving 2016 Communication from the City Assessor relative to corrections of prior year's assessment and tax rolls.
2016-08-023
- [16-0662](#) Resolution appropriating additional funds in connection with insurance consultation services.
2016-08-024
- [16-0663](#) Resolution authorizing the City Engineer and Utilities Manager to sign a Professional Services Agreement with Process Equipment Repair Services, Inc. for the Digester No. 3 Rehabilitation project.
2016-08-025
- [16-0666](#) Amended Resolution approving the reorganization to the table of positions and classifications for various departments effective January 3, 2017, subject to the Board of Estimates budget recommendation.
2016-08-026
- [16-0670](#) Amended Resolution authorizing the Engineering Department to retain a licensed land surveyor to acquire elevation data on specific floodplain structures and appropriation of funds.
2016-08-027

[16-0676](#) Resolution requesting the release of funds associated with approved Fire Department 2016 Capital Improvement Project- Fire Department Storage Building.

2016-08-028

[16-0677](#) Resolution authorizing the Director of Human Resources to enter into an agreement with ICMA Retirement Corporation to offer IRA's as an additional voluntary employee benefit.

2016-08-029

[16-0692](#) Resolution approving Application of Howie's On La Crosse, LLC dba Howie's for Expansion of Alcohol Beverage License at 1128 La Crosse Street for Special Event on September 10, 2016.

2016-08-030

[16-0714](#) Resolution approving Application of La Crosse Regional Airport for a Conditional Use Permit at 608 Dakota Street allowing demolition of structure and return to green space for approach protection for airport runway.

2016-08-031

[16-0725](#) Resolution approving various license applications pursuant to Chapters 4, 6 and/or 10 of the LaCrosse Municipal Code for the remainder of license period 2016-17 (August).

2016-08-032

ITEM RECOMMENDED TO BE NOT ADOPTED

[16-0696](#) AN ORDINANCE to amend Section 115-110 of the Code of Ordinances of the City of La Crosse transferring certain property from the Local Business District to the Commercial Business District at 2127 and 2135 George Street allowing operation of a motorcycle sales and service dealership.

2016-08-033

ITEM RECOMMENDED TO BE TABLED

[16-0652](#) AN ORDINANCE to create Section 6-18 of the Code of Ordinances of the City of La Crosse regarding pigeon control.

NEW ITEMS FOR REFERRAL

- [16-0732](#) Resolution requesting release of funds for 2016 CIP- Fire Station 2 exhaust removal system project.
- [16-0734](#) 2015 La Crosse Fire Department Community Report.
- [16-0739](#) Resolution approving Application of Bruce E. Banes and Brandon C. Rigger (Castle La Crosse LLC) for a Conditional Use Permit at 1419 Cass Street allowing a bed & breakfast in a single family district.
- [16-0746](#) Resolution requesting the release of funds from room tax to repair a Variable Frequency Drive for the La Crosse Center.
- [16-0748](#) Resolution authorizing payment and release of funds for airport perimeter fence and gate rehabilitation.
- [16-0749](#) Resolution eliminating airport fuel flowage fee promotion and advertising fund.
- [16-0750](#) Resolution authorizing amended scope of work for parking improvement design.
- [16-0751](#) Resolution authorizing projects for Airport PFC Application 11.
- [16-0753](#) Resolution authorizing payment and release of funds for airport t-hangar rehabilitation and maintenance.
- [16-0754](#) Resolution authorizing payment and release of funds for airport new t-hangar project.
- [16-0756](#) Resolution correcting a clerical error in Resolution No. 16-0035, relating to the sale of \$9,465,000 aggregate principal amount of Taxable General Obligation Promissory Notes, Series 2016-B, of the City of La Crosse, La Crosse County, Wisconsin.
- [16-0758](#) Resolution approving the reorganization to the table of positions for the Water, Parks and Street Department.
- [16-0761](#) Resolution appropriating funds from TID #11 to buy additional lighting equipment for 2016 Streetscaping.
- [16-0762](#) 2015 La Crosse Police Department Annual Report.
- [16-0763](#) Resolution appropriating funds in connection with Mobilitie/WITN issues related to cell towers in the public right-of-way and updating the City's cell tower ordinance.

- [16-0764](#) Resolution authorizing new public drinking fountain and appropriation of funds.
- [16-0765](#) Resolution authorizing early replacement of Water Utility vehicle and appropriation of funds.
- [16-0766](#) Resolution approving a reorganization to the table of positions and classifications for the Information Technology Department effective September 9, 2016.
- [16-0769](#) Resolution reallocating funds for City Hall lobby improvements.
- [16-0772](#) Amended Resolution approving the reorganization to the table of positions and classifications to eliminate the Director of Public Works, reclassify the Assistant Director of Public Works and reclassify the Public Works Clerk Steno III positions.
- [16-0773](#) A CHARTER ORDINANCE to amend Section 15(b) of the Code of Ordinances of the City of La Crosse regarding the composition of the Board of Public Works.
- [16-0774](#) Resolution to enter into agreement and transition plan with the La Crosse County Library system for library services.
- [16-0776](#) Resolution authorizing the release of funds from the Leo Hammes Memorial Fund for the creation of Vista 2 trail in Hixon Forest.
- [16-0777](#) Financial Statements with Independent Auditors' Report as of December 31, 2015.
- [16-0778](#) Independent Auditors' Report on Communications with Those Charged with Governance as of December 31, 2015.
- [16-0779](#) Resolution appropriating funds for the development of Springbrook Park .
- [16-0781](#) Resolution approving the Parks & Recreation Department 5 year Strategic Plan.
- [16-0782](#) Resolution authorizing additional funds to develop Poage Park in 2016.
- [16-0791](#) AN ORDINANCE to amend Subsection 115-110 of the Code of Ordinances of the City of La Crosse transferring certain property from the Planned Development District - General to the Planned Development District - Specific allowing for a medical resident housing development at 711 Tyler Street.

[16-0803](#)

Resolution approving alley vacation for property located between Third Street, Fourth Street, Market Street and Ferry Street.

[16-0804](#)

Amended Resolution approving Consent and Estoppel Agreement between the City, Redevelopment Authority and Optum Services as assignee to Riverside Center LLC, Riverside Center II, LLC and Riverside Center III, LLC.
(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.)

Adjournment

A motion was made by Kader, seconded by Richmond, to ADJOURN at 8:39 p.m.. The motion carried unanimously by voice vote.