



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Meeting Minutes Common Council

Thursday, July 9, 2015

7:30 PM

Council Chambers

Mayor Tim Kabat, Presiding

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

Roll Call

Present: 15 - Tim Kabat, Andrea Richmond, Dempsey Miller, Jai Johnson, Elaine Anderson, James Cherf, Robert Seaquist, Gary Padesky, Richard Becker, Audrey Kader, Francis J. Formanek, Phillip A. Ostrem, Paul Medinger, Douglas Happel, Richard Swantz

Excused: 3 - Ryan Cornett, David Krump, Martin Gaul

Pledge of Allegiance

Invocation

Moment of Silence

Appointment of District 5 Council Member

Elaine Anderson received a majority vote of the Council Members present in the initial round and was, therefore, appointed as 5th District Council Member. The Oath of Office was administered by City Clerk Teri Lehrke.

Approval of Minutes

A motion was made by Medinger, seconded by Cherf, that the Minutes of June 11 and 23, 2015 Common Council Meetings be APPROVED. The motion carried.

Reports

[15-0726](#)

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

2015-07-001

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

Yes: 14 - Richmond, Miller, Johnson, Anderson, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Swantz

Excused: 3 - Cornett, Krump, Gaul

Non-Voting: 1 - Kabat

[15-0731](#)

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

2015-07-002

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

Yes: 14 - Richmond, Miller, Johnson, Anderson, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Swantz

Excused: 3 - Cornett, Krump, Gaul

Non-Voting: 1 - Kabat

Notices and Discussions

Formanek invited all to the Guns & Hoses softball game on July 12 at 3:00 p.m. in Copeland Park.

COMMON COUNCIL MATTERS

[15-0727](#)

Resolution approving Monthly Estimates for July 2015.

2015-07-003

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

Yes: 13 - Richmond, Miller, Johnson, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Swantz

Excused: 3 - Cornett, Krump, Gaul

Abstain: 1 - Anderson

Non-Voting: 1 - Kabat

[15-0732](#)

Resolution approving 2015 bills paid in July.

2015-07-004

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

Yes: 13 - Richmond, Miller, Johnson, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Swantz

Excused: 3 - Cornett, Krump, Gaul

Abstain: 1 - Anderson

Non-Voting: 1 - Kabat

APPOINTMENTS BY THE MAYOR

[15-0708](#)

Bicycle and Pedestrian Advisory Committee: Jeff Fennie, 1802 King St. Virginia Loehr, 1800 Madison St. Jill Miller, 420 24th St. Robert Young, 234 23rd St. S. Pat Hogan, 2116 Park Ave. Housing Authority: Portialee Armstrong, 415 7th St. S. #711. International Committee: Gary Padesky, 825 20th St. S. Municipal Parking Utility Board: Joe Ledvina, 3320 E. Fairchild St. Dan Wettstein, 1503 Nakomis Ave. Municipal Transit Utility Board: Elaine Anderson, 511 B Reuter Hall. Neighborhood Revitalization Commission: Phillip Ostrem, 1104 6th St. S. Steven Nicolai, 1925 King St. Barb Janssen, 762 22nd St. N. Robert Haavind, 421 S. 6th St. Carla Pena, 832 22nd St. S. Amanda Acklin, 1614 Main St. Mark Mitchell, 1804 Liberty St. Liz Nutter, 2605 Main St. Jennifer Trost, 1503 Park Ave. Room Tax Commission: John Wettstein, 2311 Hiawatha Ave. Sustainable La Crosse Commission: Martin Gaul, 3378 East Ave. S.

2015-07-005

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

Yes: 13 - Richmond, Miller, Johnson, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Swantz

Excused: 3 - Cornett, Krump, Gaul

Abstain: 1 - Anderson

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 Becker, that Council Rule VIII on 15-0674 and 15-0696 be SUSPENDED. The motion carried by the following vote:

Yes: 12 - Richmond, Miller, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Swantz

Excused: 3 - Cornett, Krump, Gaul

Absent: 1 - Johnson

Abstain: 1 - Anderson

Non-Voting: 1 - Kabat

REPORT OF BIDS RECOMMENDED TO BE REJECTED[15-0666](#)

Report of Bids for CTH "B" Retaining Wall Reconstruction.

2015-07-006

A motion was made by Richmond, seconded by Ostrem, that the Report of Bids be DENIED (reject bids). The motion carried by the following vote:

Yes: 13 - Richmond, Miller, Johnson, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Swantz

Excused: 3 - Cornett, Krump, Gaul

Abstain: 1 - Anderson

Non-Voting: 1 - Kabat

REPORT OF BIDS/QUOTES RECOMMENDED TO BE ADOPTED[15-0668](#)

Report of Bids & Resolution Awarding Contract to St. Joseph's Construction Company, Inc. in the amount of \$45,210.00 for the Trail Access to Three Rivers Trail.

2015-07-007

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

Yes: 13 - Richmond, Miller, Johnson, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Swantz

Excused: 3 - Cornett, Krump, Gaul

Abstain: 1 - Anderson

Non-Voting: 1 - Kabat

[15-0670](#)

Report of Bids & Resolution Awarding Contract to Midwest General & Mechanical Contractors, Inc. in the amount of \$455,594.00 for the Digester No. 4 Cover Rehabilitation.

2015-07-008

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

Yes: 13 - Richmond, Miller, Johnson, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Swantz

Excused: 3 - Cornett, Krump, Gaul

Abstain: 1 - Anderson

Non-Voting: 1 - Kabat

[15-0671](#)

Report of Bids & Resolution Awarding Contract to Borton Construction Company in the amount of \$977,700.00 base bid with Alternates A,C,D for the Poage Park (HUD) Project.

2015-07-009

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

Yes: 13 - Richmond, Miller, Johnson, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Swantz

Excused: 3 - Cornett, Krump, Gaul

Abstain: 1 - Anderson

Non-Voting: 1 - Kabat

ITEM WITH NO RECOMMENDATION

[15-0536](#)

Resolution establishing the 2016 - 2020 Capital Equipment budget.

2015-07-010

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

Yes: 13 - Richmond, Miller, Johnson, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Swantz

Excused: 3 - Cornett, Krump, Gaul

Abstain: 1 - Anderson

Non-Voting: 1 - Kabat

ITEMS RECOMMENDED TO BE ADOPTED

[15-0603](#)

AN ORDINANCE to amend Section 2-604 of the Code of Ordinances of the City of La Crosse to create the position of board member emeritus for Mayor Patrick Zielke in recognition for his years of service to the City of La Crosse and La Crosse Center Board.

Ord. 4877. For complete ordinance, see p. ____ of Volume 11 of Ordinances.

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

Yes: 12 - Richmond, Miller, Johnson, Cherf, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Swantz

No: 1 - Seaquist

Excused: 3 - Cornett, Krump, Gaul

Abstain: 1 - Anderson

Non-Voting: 1 - Kabat

[15-0615](#)

Resolution approving early procurement of Street Loader Backhoe.

2015-07-011

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

Yes: 13 - Richmond, Miller, Johnson, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Swantz

Excused: 3 - Cornett, Krump, Gaul

Abstain: 1 - Anderson

Non-Voting: 1 - Kabat

[15-0623](#)

Resolution approving the reorganization to the table of positions and classifications for the Parks and Recreation Department.

2015-07-012

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

Yes: 12 - Richmond, Miller, Johnson, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Medinger, Happel, Swantz

Excused: 3 - Cornett, Krump, Gaul

Absent: 1 - Ostrem

Abstain: 1 - Anderson

Non-Voting: 1 - Kabat

[15-0658](#)

Application of La Crosse's Finest LLC dba Dublin Square Irish Pub & Eatery for an Expansion of Alcohol Beverage License & Street Privilege Permit for special event at 103 3rd St. N. on August 30, 2015 and resolution approving same.

2015-07-013

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

Yes: 12 - Richmond, Miller, Johnson, Anderson, Cherf, Padesky, Becker, Kader, Ostrem, Medinger, Happel, Swantz

No: 2 - Seaquist, Formanek

Excused: 3 - Cornett, Krump, Gaul

Non-Voting: 1 - Kabat

[15-0696](#)

Resolution appropriating funds for the construction of a fence along portion of the new north side bike trail between Gillette Street and bike trail bridge.

2015-07-014

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

Yes: 13 - Richmond, Miller, Johnson, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Swantz

Excused: 3 - Cornett, Krump, Gaul

Abstain: 1 - Anderson

Non-Voting: 1 - Kabat

[15-0611](#)

Resolution adopting Common Council Vision, Mission and Core Values.

A motion was made by Johnson, seconded by Miller, that the Resolution be AMENDED to change the word "all" to "diverse" in the Core Value Diversity. The motion failed by the following vote:

Yes: 6 - Richmond, Miller, Johnson, Anderson, Becker, Kader

No: 8 - Cherf, Seaquist, Padesky, Formanek, Ostrem, Medinger, Happel, Swantz

Excused: 3 - Cornett, Krump, Gaul

Non-Voting: 1 - Kabat

[15-0611](#)

Resolution adopting Common Council Vision, Mission and Core Values.

2015-07-015

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

Yes: 14 - Richmond, Miller, Johnson, Anderson, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Swantz

Excused: 3 - Cornett, Krump, Gaul

Non-Voting: 1 - Kabat

[15-0632](#)

Resolution allocating funds for property appraisal in TID 12.

2015-07-016

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

Yes: 13 - Richmond, Miller, Johnson, Cherf, Seaquist, Padesky, Becker, Kader, Formanek, Ostrem, Medinger, Happel, Swantz

Excused: 3 - Cornett, Krump, Gaul

Abstain: 1 - Anderson

Non-Voting: 1 - Kabat

CONSENT AGENDA

Actions by Single Vote

A motion was made by Richmond, seconded by Becker, to approve the Consent Agenda. The motion carried unanimously.

ITEMS RECOMMENDED TO BE ADOPTED

[15-0496](#)

AN AMENDED ORDINANCE to amend Section 103-336(e)(4)h of the Code of Ordinances of the City of La Crosse regarding use and/or or storage of upholstered furniture outdoors.

Ord. 4878. For complete ordinance, see p. ____ of Volume 11 of Ordinances.

[15-0530](#)

AN ORDINANCE to amend and create portions of Sections 22-20, 22-22, 22-25, 22-27 of the Code of Ordinances of the City of La Crosse for consistency and clarity of protected classes.

Ord. 4879. For complete ordinance, see p. ____ of Volume 11 of Ordinances.

- [15-0589](#) AN ORDINANCE to annex parcels of land from the Town of Medary and Town of Shelby to the City of La Crosse (City of La Crosse owned parcels).
Ord. 4880. For complete ordinance, see p. ____ of Volume 11 of Ordinances.
- [15-0647](#) AN ORDINANCE to amend Section 115-110 of the Code of Ordinance of the City of La Crosse by transferring certain property from the Multiple Dwelling District to the Public/Semi-Public District - Specific at 1109 Market Street and 921 Ferry Street allowing use of current garages for a recycling area and a shop and water source for Washburn Gardens area.
Ord. 4881. For complete ordinance, see p. ____ of Volume 11 of Ordinances.
- [15-0648](#) AN ORDINANCE to amend Section 115-110 of the Code of Ordinance of the City of La Crosse by transferring certain property from the Public/Semi-Public District to the Community Business District 210 Jay Street allowing for a hotel.
Ord. 4882. For complete ordinance, see p. ____ of Volume 11 of Ordinances.
- [15-0389](#) Amended Resolution designating property at 1500 Joseph Houska Dr, 1701 Marco Dr, 1800 Marco Dr and 1801 Marco Dr aka Municipal Marina and Carroll Ball Field as park land.
2015-07-017
- [15-0540](#) Resolution authorizing money received from energy rebate be applied toward the purchase of a new system for Municipal Service Center.
2015-07-018
- [15-0579](#) Resolution approving 2015-2017 State of Wisconsin Hazardous Materials contract with City of La Crosse.
2015-07-019
- [15-0586](#) Resolution approving Mutual Assistance Agreement for police services between the City of La Crosse, Wisconsin and the University of Wisconsin-La Crosse.
2015-07-020
- [15-0588](#) Resolution authorizing the Mayor and City Clerk to sign the State/Municipal Agreement for the Reconstruction of Jackson Street from 3rd Street to 19th Street (Project #5120-03-02/72).
2015-07-021

- [15-0609](#) Resolution authorizing the Police Department to accept a Wisconsin Department of Justice Assistance (JAG) Grant.
2015-07-022
- [15-0610](#) Resolution restating and approving City Council priorities.
2015-07-023
- [15-0613](#) Application of Maggie Bina dba NSDA Services LLC for 2015 Public Vehicle for Hire License and resolution approving same.
2015-07-024
- [15-0618](#) Application of Gazeley, LLC dba Bluffside for a Beer Garden License at 2712 Main Street for license year 2015-16 and resolution approving same.
2015-07-025
- [15-0619](#) Amended Resolution authorizing a lease-to-purchase agreement for three segways; two segways for the Police Department and one for the Public Works Department.
2015-07-026
- [15-0624](#) Resolution approving Agreement with Donohue & Associates, Inc. for Effluent Phosphorus Compliance Study.
2015-07-027
- [15-0625](#) Resolution approving Agreement with Process Equipment Repair Services, Inc. for construction management services to rehabilitate one gas holder cover at Isle La Plume wastewater treatment plant.
2015-07-028
- [15-0626](#) Resolution appropriating funds for permits and soil boring connected to the 2015 Capital Improvement Program.
2015-07-029
- [15-0628](#) Application of Charmant Hotel LLC for a Conditional Use Permit at 101 State Street allowing for a Combination "Class B" Beer & Liquor License and resolution approving same.
2015-07-030

- [15-0629](#) Resolution appropriating funds to support the Mississippi River Cities and Towns Initiative.
2015-07-031
- [15-0630](#) Resolution approving a modification to the Employee Handbook to provide on-call pay for the position of Computer Specialist.
2015-07-032
- [15-0631](#) Resolution approving funding source for maintenance activities at the International Business Park TID 9.
2015-07-033
- [15-0633](#) Resolution authorizing the Director of Human Resources to seek Request for Proposals for employee paid voluntary benefits.
2015-07-034
- [15-0643](#) Application of La Crosse Hotel Group LLC dba Hampton Inn & Suites for a Conditional Use Permit at 511 3rd St. N. allowing for a Combination "Class B" Beer & Liquor License and resolution approving same.
2015-07-035
- [15-0644](#) Application of Mayo Clinic Health System - Franciscan Healthcare for a Conditional Use Permit at 921 Ferry Street to demolish vacant residential structure allowing for green space and resolution approving same.
2015-07-036
- [15-0645](#) Application of Mayo Clinic Health System - Franciscan Healthcare for a Conditional Use Permit at 1109 Market Street to demolish vacant structure allowing for surface parking and resolution approving same.
2015-07-037
- [15-0663](#) Resolution approving lease with Hunger Task Force of La Crosse.
2015-07-038
- [15-0674](#) Amended Resolution appropriating funds from 2015 Capital Improvement Program for the Police Department Supervisors Office.
2015-07-039

- [15-0681](#) 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 (July).
2015-07-040

ITEMS RECOMMENDED TO BE RE-REFERRED

- [15-0317](#) Preliminary Plat of The Quarry at Irish Hill to the Town of Shelby, Wisconsin.
- [15-0465](#) Amended Resolution approving water and sanitary sewer assessments for properties on 22nd Street South between Jackson Street and Market Street, and ten-year delay in applying assessments.
- [15-0649](#) AN AMENDED ORDINANCE to amend Section 115-110 of the Code of Ordinance of the City of La Crosse by transferring certain property from Planned Development District - General and Special Multiple District to the Planned Development District - Specific at 1243 Badger St., 507, 513, 517, 529 and 531/533 13th St. N., 1234 and 1240 La Crosse St. allowing for rental housing.

ITEMS RECOMMENDED TO BE RECEIVED AND FILED

- [15-0602](#) City of La Crosse, Wisconsin Report on Tax Incremental Financing (TIF) Districts as of December 31, 2014.
2015-07-041

NEW ITEMS FOR REFERRAL

- [15-0665](#) Resolution authorizing Public Improvement and Levying Special Assessments against Benefited Property in La Crosse, Wisconsin - Alley Paving in the 600 S. block between 2nd and 3rd Streets; in the vicinity of 614 3rd St., 624 3rd St., and 200 Cameron Ave.
- [15-0683](#) AN AMENDED ORDINANCE to amend Section 2-58 of the Code of Ordinances of the City of La Crosse regarding salary for the office of Mayor.
- [15-0704](#) Application of Jeffrey Skarboszewski for a Conditional Use Permit at 2036 George Street to allow a fence greater than 6 feet in height.
- [15-0705](#) Resolution establishing polling places effective January 1, 2016.
- [15-0706](#) Resolution approving Municipal Service Center Fuel Dispensing Upgrades.

- [15-0707](#) Resolution authorizing the sale of surplus and old equipment by departments.
- [15-0712](#) Resolution appropriating funds from the 2014 and 2015 Capital Improvement Budgets for the Construction of the Bike Trail from Gillette Street to Oak Street (Project I.D. #5991-05-08,09,17,19,93,95).
- [15-0713](#) Resolution appropriating funds to pay for items for the Lower Northside and Depot Neighborhood.
- [15-0717](#) Resolution approving First Amendment to Vacant Lot Purchase and Development Agreement, Assignment, Assumption and Consent for the property located at 210 Jay Street.
- [15-0718](#) Resolution approving 2015 Communication from the City Assessor relative to corrections of prior year's assessment and tax rolls.
- [15-0719](#) Resolution authorizing a reclassification for the position of Network Specialist.
- [15-0720](#) Resolution approving 2014 Compliance Maintenance Annual Report for the Isle La Plume wastewater treatment facility.
- [15-0721](#) Resolution authorizing application to the Wisconsin Public Service Commission for an inflationary water rate increase of approximately 3%.
- [15-0729](#) Resolution approving First Amendment to the Charmant Hotel Development Agreement.
- [15-0746](#) Request of Maria Norberg dba Grounded Coffee LLC (Apothik) for extension of Conditional Use Permit allowing her permission to apply for a Combination "Class B" Beer & Liquor license at 304-308 Main Street and resolution approving same.

Adjournment

A motion was made by Richmond, seconded by Miller, to ADJOURN at 8:15 p.m.