



# City of La Crosse, Wisconsin

City Hall  
400 La Crosse Street  
La Crosse, WI 54601

## Meeting Minutes - Final

### Common Council

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Thursday, July 13, 2017

6:00 PM

Council Chambers

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#### Mayor Tim Kabat, Presiding

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

#### Roll Call

**Present:** 14 - Tim Kabat, Andrea Richmond, Scott Neumeister, Barb Janssen, David D. Marshall, Patrick Brever, Jacqueline Marcou, Gary Padesky, Jessica Olson, Phillip A. Ostrem, Paul Medinger, Martin Gaul, Douglas Happel, Roger Christians

#### Pledge of Allegiance

#### Invocation

*Moment of silence*

#### Approval of Minutes

**A motion was made by Richmond, seconded by Brever, to APPROVE the minutes of June 8 regular meeting and June 21 special meetings. The motion carried.**

#### Reports

##### [17-0937](#)

Report of the Director of Finance for the month of June 2017.

*2017-07-001*

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

**Yes:** 13 - Richmond, Neumeister, Janssen, Marshall, Brever, Marcou, Padesky, Olson, Ostrem, Medinger, Gaul, Happel, Christians

## Notices and Discussions

*Council Member Janssen announced Volunteer Night at the YMCA next Wednesday July 19 at 6:00 p.m.*

## COMMON COUNCIL MATTERS

[17-0929](#)

Resolution approving Engineering Estimates for July 2017.

2017-07-002

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

**Yes:** 13 - Richmond, Neumeister, Janssen, Marshall, Brever, Marcou, Padesky, Olson, Ostrem, Medinger, Gaul, Happel, Christians

[17-0935](#)

Resolution approving 2017 bills paid in July.

2017-07-003

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

**Yes:** 13 - Richmond, Neumeister, Janssen, Marshall, Brever, Marcou, Padesky, Olson, Ostrem, Medinger, Gaul, Happel, Christians

## APPOINTMENTS BY THE MAYOR

[17-0849](#)

Building and Housing Appeals Board: Jim Webb, 1224 King St. Board of Zoning Appeals: Charles Clemence, 705 West Ave. S., James Cherf, 511 Main St. Library Board: Susan Anglehart, 1654 Farnam St.

2017-07-004

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

**Yes:** 13 - Richmond, Neumeister, Janssen, Marshall, Brever, Marcou, Padesky, Olson, Ostrem, Medinger, Gaul, Happel, Christians

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

**A motion was made by Gaul, seconded by Neumeister, to SUSPEND Council Rule VIII on 17-0690, 17-0729, 17-0727, 17-0731, 17-0775 and 17-0791. The motion carried.**

**REPORT OF BIDS/QUOTES RECOMMENDED TO BE ADOPTED**[17-0792](#)

Report of Bids & Resolution awarding contract to Fowler & Hammer, inc. in the amount of \$151,967.80 for the 2017 Alley Paving Project.

2017-07-005

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

**Yes:** 13 - Richmond, Neumeister, Janssen, Marshall, Brever, Marcou, Padesky, Olson, Ostrem, Medinger, Gaul, Happel, Christians

**ITEMS WITH NO RECOMMENDATION FROM STANDING COMMITTEE**[17-0851](#)

Resolution approving development agreement for 800-802 Rose Street between RMD Development, LLC and the City of La Crosse.

*(Note: The Committee and/or Common 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 Committee and/or Council may reconvene in open session.)*

2017-07-006

**A motion was made by Olson, seconded by Brever, that the Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** 13 - Richmond, Neumeister, Janssen, Marshall, Brever, Marcou, Padesky, Olson, Ostrem, Medinger, Gaul, Happel, Christians

[17-0933](#)

Resolution authorizing the City of La Crosse to decline to exercise its right of first refusal for property located at 3030 Lakeshore Drive.

2017-07-007

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

**Yes:** 13 - Richmond, Neumeister, Janssen, Marshall, Brever, Marcou, Padesky, Olson, Ostrem, Medinger, Gaul, Happel, Christians

**ITEMS RECOMMENDED TO BE ADOPTED**[17-0547](#)

AN ORDINANCE to amend Subsection 115-110 of the Code of Ordinances of the City of La Crosse transferring certain property from the Single Family District to the Traditional Neighborhood District - General allowing for rental housing at 2008, 2012, 2018, 2024 Campbell Rd. and 303, 307 21st St. N.

**A motion was made by Brever, seconded by Neumeister, to ADOPT.**

**A motion was made by Marshall, seconded by Gaul, that the Ordinance be AMENDED to add SECTION II requiring meeting to discuss traffic safety provisions for Emerson Elementary students and meeting to discuss management policies and practices of concern to the neighborhood. The motion carried by the following vote:**

**Yes:** 12 - Richmond, Neumeister, Janssen, Marshall, Brever, Marcou, Padesky, Ostrem, Medinger, Gaul, Happel, Christians

**Recuse:** 1 - Olson

*Ord. 5002. For complete ordinance, see p. \_\_\_\_ of Volume 11 of Ordinances.*

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

**Yes:** 12 - Richmond, Neumeister, Janssen, Marshall, Brever, Marcou, Padesky, Ostrem, Medinger, Gaul, Happel, Christians

**Recuse:** 1 - Olson

[17-0687](#)

AN ORDINANCE to repeal and recreate Section 44-103 of the Code of Ordinances of the City of La Crosse regarding parking on City streets and property.

*Ord. 5003. For complete ordinance, see p. \_\_\_\_ of Volume 11 of Ordinances.*

**A motion was made by Gaul, seconded by Brever, that the Ordinance be ADOPTED. The motion carried by the following vote:**

**Yes:** 12 - Richmond, Janssen, Marshall, Brever, Marcou, Padesky, Olson, Ostrem, Medinger, Gaul, Happel, Christians

**No:** 1 - Neumeister

[17-0708](#)

Resolution approving Request of Gundersen Hotel & Suites for permission to apply for a Combination Class "B" Beer & Liquor license at 1520 Clinic Court.

*2017-07-008*

**A motion was made by Brever, seconded by Gaul, that the Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** 13 - Richmond, Neumeister, Janssen, Marshall, Brever, Marcou, Padesky, Olson, Ostrem, Medinger, Gaul, Happel, Christians

[17-0775](#)

Amended Resolution approving Settlement Agreement in the case of Walgreen Co. v. City of La Crosse, La Crosse County Circuit Court Case No. 15-CV-341.

*(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.)*

2017-07-009

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

**Yes:** 13 - Richmond, Neumeister, Janssen, Marshall, Brevier, Marcou, Padesky, Olson, Ostrem, Medinger, Gaul, Happel, Christians

## ITEMS REMOVED FROM CONSENT AGENDA

[17-0759](#)

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 2017-18 (July).

**A motion was made by Medinger, seconded by Neumeister, that the Resolution be DIVIDED to separate licenses for MJA1 Hospitality, LLC. The motion carried by the following vote:**

**Yes:** 13 - Richmond, Neumeister, Janssen, Marshall, Brevier, Marcou, Padesky, Olson, Ostrem, Medinger, Gaul, Happel, Christians

**A motion was made by Richmond, seconded by Neumeister, that the Resolution for MJA1 Hospitality LLC be REFERRED for 30 days to Judiciary & Administration Committee due back 8/1/2017. The motion carried by the following vote:**

**Yes:** 13 - Richmond, Neumeister, Janssen, Marshall, Brevier, Marcou, Padesky, Olson, Ostrem, Medinger, Gaul, Happel, Christians

2017-07-010

**A motion was made by Richmond, seconded by Medinger, that the Resolution approving the balance of the license applications be ADOPTED. The motion carried by the following vote:**

**Yes:** 13 - Richmond, Neumeister, Janssen, Marshall, Brevier, Marcou, Padesky, Olson, Ostrem, Medinger, Gaul, Happel, Christians

[17-0727](#)

Amended Resolution approving the release of funds related to Memorial Pool rehab and replacement.

**A motion was made by Gaul, seconded by Neumeister, to ADOPT.**

**A motion was made by Padesky, seconded by Neumeister, that the Resolution be AMENDED include study of both sites - Forest Hills and Memorial Pool location. The motion FAILED by the following vote:**

**Yes:** 2 - Neumeister, Padesky

**No:** 11 - Richmond, Janssen, Marshall, Brevier, Marcou, Olson, Ostrem, Medinger, Gaul, Happel, Christians

**A motion was made by Olson, seconded by Gaul, that the Resolution be AMENDED to include one design being a historic renovation per Heritage Preservation Commission recommendations and not limited to the Burbach Aquatics, Inc. designs. The motion carried by the following vote:**

**Yes:** 13 - Richmond, Neumeister, Janssen, Marshall, Brever, Marcou, Padesky, Olson, Ostrem, Medinger, Gaul, Happel, Christians

2017-07-011

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

**Yes:** 12 - Richmond, Neumeister, Janssen, Marshall, Brever, Marcou, Olson, Ostrem, Medinger, Gaul, Happel, Christians

**Abstain:** 1 - Padesky

## CONSENT AGENDA

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

### ITEMS RECOMMENDED TO BE ADOPTED

[17-0612](#)

AN ORDINANCE to amend Section 44-111 of the Code of Ordinances of the City of La Crosse regarding snow emergency parking regulations.

*Ord. 5004. For complete ordinance, see p. \_\_\_\_ of Volume 11 of Ordinances.*

[17-0649](#)

AN ORDINANCE to amend Section 44-107(d) of the Code of Ordinances of the City of La Crosse regarding night parking alternate sides of street.

*Ord. 5005. For complete ordinance, see p. \_\_\_\_ of Volume 11 of Ordinances.*

[17-0686](#)

AN ORDINANCE to amend Section 44-105 of the Code of Ordinances of the City of La Crosse regarding the business district at night.

*Ord. 5006. For complete ordinance, see p. \_\_\_\_ of Volume 11 of Ordinances.*

[17-0707](#)

AN ORDINANCE to annex a parcel of land from the Town of Campbell to the City of La Crosse (1504 Nakomis Avenue - Allen).

*Ord. 5007. For complete ordinance, see p. \_\_\_\_ of Volume 11 of Ordinances.*

[17-0709](#)

AN AMENDED ORDINANCE to amend Subsection 115-110 of the Code of Ordinances of the City of La Crosse transferring certain property from the Commercial District to the Local Business District to allow for combining of parcels with adjacent property for development of commercial business at 613 Hagar Street.

*Ord. 5008. For complete ordinance, see p. \_\_\_\_ of Volume 11 of Ordinances.*

- [17-0711](#) 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 Local Business District allowing expansion of building to provide for larger storage area and walk-in cooler at 901 7th St. S.  
*Ord. 5009. For complete ordinance, see p. \_\_\_\_ of Volume 11 of Ordinances.*
- [17-0729](#) AN AMENDED ORDINANCE to amend Section 10-460 of the Code of Ordinances of the City of La Crosse regarding limitation on location for junk dealers.  
*Ord. 5010. For complete ordinance, see p. \_\_\_\_ of Volume 11 of Ordinances.*
- [17-0544](#) Resolution approving Application of La Crosse Lodge #1920 Loyal Order of Moose, Inc. dba Moose Lodge #1920 for an Expansion of Alcohol Beverage License for special event at 1932 Ward Avenue on August 27, 2017.  
*2017-07-012*
- [17-0563](#) Resolution amending the wage rates and positions summary for part-time, seasonal and casual employees effective July 14, 2017 by adding position of Environmental Specialist.  
*2017-07-013*
- [17-0639](#) Resolution releasing funds from the 2017-2021 CIP Budgets for TIF#14 and City-Wide Housing Projects.  
*2017-07-014*
- [17-0640](#) Resolution approving Application of L & M Tap LLC dba L & M Tap for Expansion of Alcohol Beverage License at 631 Copeland Avenue for Special Event on August 5, 2017.  
*2017-07-015*
- [17-0648](#) Resolution approving funding source for utility improvements at 800-802 Rose Street from TID 7.  
*2017-07-016*
- [17-0650](#) Resolution appropriating funds for the La Crosse Collaborative to End Homelessness (LCEH) centralized command center.  
*2017-07-017*

- [17-0653](#) Resolution authorizing the Director of Human Resources to seek proposals from qualified vendors for Third Party Administration of the City of La Crosse's Internal Revenue Service Section #125 Plan.  
*2017-07-018*
- [17-0665](#) Resolution creating the La Crosse fire station planning task force.  
*2017-07-019*
- [17-0672](#) Resolution approving Application of That Foreign Place LLC (Robbi R. Wolff) for a Conditional Use Permit allowing permission to apply for a Combination "Class B" Beer & Liquor license at 107 3rd St. S., Suite 102.  
*2017-07-020*
- [17-0673](#) Resolution appropriating funds to support the Mississippi River Cities and Towns Initiative.  
*2017-07-021*
- [17-0674](#) Resolution releasing funds for a Hazardous Materials Trailer and associated equipment for the Fire Department.  
*2017-07-022*
- [17-0680](#) Resolution authorizing the payment of background checks for various city licensing.  
*2017-07-023*
- [17-0684](#) Resolution Authorizing Public Improvement and Levying Special Assessments Against Benefited Property in La Crosse, Wisconsin - Concrete Alley Paving:  
Alley 1 - Cottage Grove Ave to Jackson St between Losey Blvd and 25th St  
Alley 2 - St. Paul St to Clinton St between Kane St and George St  
Alley 3 - Division St to Cameron St between 2nd St and 3rd St  
*2017-07-024*
- [17-0685](#) Resolution approving the reorganization to the table of positions and classifications in the Grounds and Buildings Department and the Parks, Recreation and Forestry Department effective August 14, 2017.  
*2017-07-025*

- [17-0688](#) Resolution approving First Amendment to Northside Municipal Dock Lease.  
2017-07-026
- [17-0689](#) Resolution authorizing the City Engineer to hire a consultant to oversee the construction of the VIP Trail and the Safe Routes to School projects and appropriation of funds.  
2017-07-027
- [17-0712](#) 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.  
2017-07-028
- [17-0715](#) Resolution regarding Annual Review of Conditional Use Permit at 2631 South Avenue allowing for an auto diagnostic and electrical repair shop.  
2017-07-029
- [17-0717](#) Resolution approving extension of sanitary sewer agreements with the City of Onalaska and the Town of Shelby.  
2017-07-030
- [17-0731](#) Resolution appropriating funds for a Police Department parking study.  
2017-07-031
- [17-0761](#) Resolution approving Application of Shimmy's Inc. dba Shimmy's for an Indoor Cabaret License at 1203 West Ave. S. for license period July 1, 2017 to June 30, 2018.  
2017-07-032
- [17-0791](#) Resolution authorizing the purchase of a replacement squad for the Police Department.  
2017-07-033

*ITEMS RECOMMENDED TO BE DENIED*

- [16-1017](#) Application of Craig's River City Towing for a Junk Dealer's license for remainder of license year 2016-17.  
2017-07-034

- [17-0728](#) Application of Brittany A. Borgrud for a Beverage Operator's 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 Committees and/or Council may reconvene in open session.)*  
2017-07-035

*ITEMS RECOMMENDED TO BE ACCEPTED AND FILED*

- [17-0706](#) Petition for Direct Annexation by Unanimous Approval pursuant to Sec. 66.0217(2) Wis. Stats of land from the Town of Campbell to the City of La Crosse (1504 Nakomis Avenue - Allen).  
2017-07-036

*ITEMS RECOMMENDED TO BE RECEIVED AND FILED*

- [17-0587](#) La Crosse Fire Department 2016 Community Report.  
2017-07-037
- [17-0588](#) La Crosse Fire Department 2016 Standards of Cover Report.  
2017-07-038
- [17-0690](#) Report of Burbach Aquatics, Inc. on Site Rating & Analysis and Feasibility Study of a municipal pool.  
2017-07-039

**ITEM IN CLOSED SESSION**

- [15-1240](#) Intergovernmental boundary agreement terms with neighboring municipalities pursuant chapter 66 of the Wisconsin Statutes.  
*(Note: The 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 Council may reconvene in open session.)*

**A motion was made by Medinger, seconded by Marshall, that a CLOSED SESSION be held pursuant to Wis. Stat., sec. 19.85(1)(e) on Item 15-1240. The motion carried by the following vote:**

**Yes:** 12 - Richmond, Neumeister, Janssen, Brever, Marcou, Padesky, Olson, Ostrem, Medinger, Gaul, Happel, Christians

**Absent:** 1 - Marshall

Following discussion in closed session, a motion was made by Padesky, seconded by Gaul, to reconvene in OPEN SESSION. The motion carried by voice vote.

## NEW ITEMS FOR REFERRAL

- [17-0383](#) Resolution authorizing sale of Lot 8 in the La Crosse International Business Park to Werner Electric.
- [17-0733](#) Resolution approving release of 2016-2020 CIP funds for bicycle and pedestrian plan implementation projects.
- [17-0767](#) Resolution to submit and accept a DNR Recreational Trails Aids matching grant for trail maintenance and rehabilitation.
- [17-0768](#) AN ORDINANCE to repeal and recreate Sec. 34-144 of the Code of Ordinances of the City of La Crosse regarding regulations for planting and care of trees.
- [17-0802](#) Resolution amending Appendix C Fee Schedule to include a fee for Junk Dealer - Waiver of 1,000 foot requirement.
- [17-0813](#) Petition for Direct Annexation by Unanimous Approval pursuant to Sec. 66.0217(2), Wis. Stats. of land from the Town of Campbell to the City of La Crosse (1350 Nakomis Ave - UHls).
- [17-0814](#) AN ORDINANCE to annex a parcel of land from the Town of Campbell to the City of La Crosse (1350 Nakomis Ave - UHls).
- [17-0831](#) Resolution approving the purchase of a dump box and snow plow hitch for the Street Department.
- [17-0845](#) AN ORDINANCE to create Section 115-353(a)(3) of the Code of Ordinances of the City of La Crosse regarding off-premise parking lots.
- [17-0847](#) Resolution approving Application of Lori A Volden dba Cannon Valley Percherons and Carriages for a Horse Drawn Vehicle License for the remainder of 2017 license year.
- [17-0850](#) Resolution approving Tax Incremental Financing application for The Hub on 6th.  
*(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 Committee and/or Council may reconvene in open session.)*

- [17-0860](#) Resolution authorizing Airport lease agreement with the General Services Administration.
- [17-0865](#) AN ORDINANCE to amend Section 8-21 of the Code of Ordinances of the City of La Crosse regarding the Aviation Board membership.
- [17-0867](#) Resolution accepting the donation of a framed painting for the airport terminal military lounge.
- [17-0876](#) Resolution authorizing the City Engineer to purchase and install four (4) indicator signs on Losey Boulevard and appropriation of funds.
- [17-0878](#) Resolution appropriating additional funds to the City of La Crosse Highway Department's Concrete (Cement) Account in order to reconstruct additional streets in 2017.
- [17-0888](#) Resolution approving the development of an engineering plan for the King Street Neighborhood Greenway based on the Bicycle-Pedestrian Advisory Committee's concept plan recommendation.
- [17-0891](#) Resolution authorizing Water Utility to submit water rate review to Wisconsin Public Service Commission.
- [17-0892](#) Resolution authorizing the appropriation of funds to continue the Trail Management Program.
- [17-0894](#) Resolution appropriating funds for the continued land acquisition and development program.
- [17-0895](#) Amended Resolution approving 2017 Communication from the City Assessor relative to corrections of prior year's assessment and tax rolls.
- [17-0896](#) Resolution authorizing public improvement and levying special assessments against benefited property for the construction of watermain and all appurtenances on 17th Street between Jackson Street and Winnebago Street as well as between Market Street and Ferry Street in La Crosse, Wisconsin.
- [17-0900](#) Resolution approving City of La Crosse restated Fund Balance Policy.
- [17-0906](#) Resolution approving Application of The Charmant Hotel LLC for an Expansion of Alcohol Beverage License & Street Privilege Permit for special event at 101 State Street on August 18, 2017.
- [17-0908](#) AN ORDINANCE to amend Subsection 115-110 of the Code of Ordinances of the City of La Crosse transferring certain property from the Single Family District to the Public and Semi-Public District allowing for a garden to be used by Hamilton school at 807 Johnson Street.

- [17-0912](#) AN ORDINANCE to amend Subsection 115-110 of the Code of Ordinances of the City of La Crosse transferring certain property from the Multiple Dwelling District to the Public and Semi-Public District allowing new development for Coulee Council on Addictions at 923, 927, 929, 935 and 939 Ferry Street.
- [17-0916](#) AN ORDINANCE to amend Subsection 115-110 of the Code of Ordinances of the City of La Crosse transferring certain property from the Commercial District to the Multiple Dwelling District allowing for a new development consisting of five townhomes at 1300 State Road 16.
- [17-0917](#) AN ORDINANCE to amend Subsection 115-110 of the Code of Ordinances of the City of La Crosse transferring certain property from the Special Multiple District to the Special Multiple District requesting removal of a pre-existing restrictive covenant at 2415 Cass St.
- [17-0918](#) AN ORDINANCE to amend Subsection 115-110 of the Code of Ordinances of the City of La Crosse transferring certain property from the Low Density Multiple District to the Planned Development District allowing for owner-occupied twindos at 1002 5th Ave. S.
- [17-0922](#) A CHARTER ORDINANCE to amend Section 1 and to repeal and recreate Section 5 of the Municipal Code of Ordinances of the City of La Crosse changing the position of City Clerk from an elected position to a position appointed by the Mayor.
- [17-0923](#) AN ORDINANCE to repeal Sections 2-77 and 2-78 of the Code of Ordinances of the City of La Crosse regarding the position of City Clerk.
- [17-0924](#) Resolution approving Pipeline Easement with Northern Natural Gas Company.
- [17-0934](#) Resolution amending Appendix C Fee Schedule to increase various fees as a result of charges incurred to the Police Department in conducting background checks.

## Adjournment

**A motion was made by Richmond, seconded by Brever, to ADJOURN at 7:19 p.m. The motion carried by voice vote.**