



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Meeting Minutes Common Council

Thursday, October 9, 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, David Krump, James Cherf, Robert Seaquist, Richard Becker, Peg Jerome, Audrey Kader, Sara Sullivan, Francis J. Formanek, Paul Medinger, Douglas Happel, Richard Swantz

Excused: 1 - Marilyn Wigdahl

Pledge of Allegiance

Invocation

Moment of Silence

Approval of Minutes

A motion was made by Cornett, seconded by Richmond, that the Minutes of September 11 regular and September 30 special Common Council meetings be APPROVED. The motion carried.

Reports

[14-1163](#)

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

2014-10-001

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

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

Absent: 1 - Wigdahl

[14-1170](#)

Report of the Department of Building & Inspections for the month of September 2014.

2014-10-002

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

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

Absent: 1 - Wigdahl

Notices and Discussions

Council Member Cornett encouraged voting in the November 4th election.

Council Member Cherf invited participation in Downtown Historic Days this Saturday.

Council Member Sullivan invited all to the Family Fall Social on October 25 at 3pm at Black River Beach Neighborhood Center sponsored by the Neighborhood Revitalization Commission, Lower Northside Depot Neighborhood and Logan Northside Neighborhood.

Council Member Kader invited participation in the community study event regarding not-for-profits in the community.

Council Member Miller invited all to Central High School at 5pm on October 20 for football; wear pink.

Council President Swantz announced October 10 gubernatorial debates at 7pm regarding the November 4th election.

Mayor Kabat reminded all of Board of Estimates on Monday, October 13 at 4:15pm.

COMMON COUNCIL MATTERS

[14-0909](#)

Resolution amending pay rates for interim Director of Finance and interim Transit Manager.

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

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

Absent: 1 - Wigdahl

A motion was made by Kader, seconded by Richmond, that the Resolution be AMENDED as proposed (Transit Mgr effective 2/14/14). The motion carried by the following vote:

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

Absent: 1 - Wigdahl

2014-09-027

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

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

Absent: 1 - Wigdahl

[14-0932](#)

Amended Resolution approving the appointment of Amy Peterson as interim Director of Planning and Development effective September 3, 2014.

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

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

No: 1 - Jerome

Absent: 1 - Wigdahl

A motion was made by Swantz, seconded by Richmond, that the Resolution be AMENDED as proposed (step 2). The motion carried by the following vote:

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

No: 1 - Jerome

Absent: 1 - Wigdahl

Abstain: 1 - Kader

2014-09-014

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

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

No: 1 - Jerome

Absent: 1 - Wigdahl

Abstain: 1 - Kader

[14-1171](#)

Resolution approving Engineering Estimates for October 2014.

2014-10-003

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

Absent: 1 - Wigdahl

[14-1173](#)

Resolution approving 2014 bills paid in October.

2014-10-004

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

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

Absent: 1 - Wigdahl

APPOINTMENTS BY THE MAYOR

[14-1142](#)

Municipal Parking Utility Board: Jay McHenry (Higher Education Rep), N3391 Verde North Road.

2014-10-005

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

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

Absent: 1 - Wigdahl

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

A motion was made by Sullivan, seconded by Becker, that Council Rule VIII be SUSPENDED for File ID 14-1060. The motion carried by the following vote:

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

Excused: 1 - Wigdahl

Non-Voting: 1 - Kabat

ITEMS WITH NO RECOMMENDATION

A motion was made by Johnson, seconded by Kader, to convene in closed session to consider the following three items: Item 14-0902 pursuant to Wis. Stat. 19.85(1)(g) to confer with legal counsel and 19.85(1)(e) to formulate & update negotiation strategies and parameters; Item 14-1178 pursuant to Wis. Stat. 19.85(1)(e) to formulate & update negotiation strategies and parameters; and Item 14-1060 pursuant to Wis. Stat. 19.85(1)(g) to confer with legal counsel and 19.85(1)(e) to formulate and update negotiation strategies. The motion carried unanimous by roll call vote.

Following discussion in closed session on items 14-0902, 14-1178 and 14-1060, a motion was made by Krump, seconded by Kader to reconvene in open session. The motion carried on voice vote. (Happel absent. City Attorney Matty and Council Member Happel left the room prior to discussion on Item 14-1060.)

14-0902

Communication from BNSF Railway regarding second track within BNSF's existing right of way through the City of La Crosse.

(Note: The Committee and/or Council may convene in closed session pursuant to Wis. Stat. 19.85(1)(g) to confer with legal counsel and 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 Medinger, seconded by Cornett, that the Communication be REFERRED to a special meeting at a date and time to be determined. The motion carried by the following vote:

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

Absent: 1 - Wigdahl

14-1178

Consideration of request from County of La Crosse seeking the City of La Crosse to build a parking ramp (Lot C).

(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 Johnson, seconded by Cornett, to approve suspension of Council Rule V. The motion carried by the following vote:

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

Absent: 1 - Wigdahl

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

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

Excused: 1 - Wigdahl

Non-Voting: 1 - Kabat

[14-1176](#)

Resolution approving development agreement with J&K Hospitality, 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.)

A motion was made by Krump, seconded by Cornett, to approve suspension of Council Rule V. The motion carried by the following vote:

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

Absent: 1 - Wigdahl

2014-10-006

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

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

Absent: 1 - Wigdahl

Abstain: 1 - Johnson

[14-1027](#)

Resolution approving the EXECUTIVE REPORT from John A. Mayer, Utility Rate Consultant, and proposed changes to sanitary sewer rates.

2014-10-007

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

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

Absent: 1 - Wigdahl

[14-1060](#)

Resolution approving Resignation Agreement, Waiver and Release between City of La Crosse and Tracy Johnston.

(NOTE: The Common Council may convene in closed session pursuant to Wis. Stat. 19.85(1)(g) to confer with legal counsel and pursuant to Wis. Stat. 19.85(1)(e) to formulate and update negotiation strategies and parameters. Following such closed session, the Common Council may reconvene in open session.)

2014-10-008

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

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

Absent: 1 - Wigdahl

Abstain: 2 - Formanek, Happel

ITEMS RECOMMENDED TO BE ADOPTED

[14-1073](#)

AN ORDINANCE to amend Section 115-110 of the Code of Ordinances of the City of La Crosse transferring certain property from the Light Industrial District to the Local Business District at 1407/1501 St. Andrew Street allowing for residential apartments on upper floors.

Ord. 4841. 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: 15 - Richmond, Miller, Cornett, Johnson, Svitavsky, Krump, Cherf, Seaquist, Becker, Jerome, Kader, Sullivan, Medinger, Happel, Swantz

Absent: 1 - Wigdahl

Abstain: 1 - Formanek

[14-1079](#)

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 1025 and 1031 Green Bay Street allowing for residential redevelopment.

Ord. 4842. 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 Mayor stated a three-fourths vote (13) of full Council membership is required to adopt due to the number of objections filed. The motion carried by the following vote:

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

No: 1 - Formanek

Absent: 1 - Wigdahl

[14-1036](#)

Resolution approving release of reserve and carryover funds for purchase of vehicles and equipment for Inspection Department.

2014-10-009

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

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

Absent: 1 - Wigdahl

[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.

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

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

Excused: 1 - Wigdahl

Non-Voting: 1 - Kabat

[14-0762](#)

Amended Resolution approving Municipal Transit bus advertising agreement.

A motion was made by Sullivan, seconded by Cornett, to approve the committee recommendation to refer for 30 days. The motion failed by the following vote:

Yes: 3 - Krump, Becker, Jerome

No: 12 - Richmond, Miller, Cornett, Johnson, Cherf, Seaquist, Kader, Sullivan, Formanek, Medinger, Happel, Swantz

Absent: 1 - Wigdahl

Abstain: 1 - Svitavsky

2014-10-010

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

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

No: 2 - Krump, Jerome

Absent: 1 - Wigdahl

Abstain: 1 - Svitavsky

[14-1041](#)

Amended Resolution approving the reorganization to the table of positions and classifications for the La Crosse Regional Airport.

2014-10-011

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

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

Excused: 1 - Wigdahl

Non-Voting: 1 - Kabat

CONSENT AGENDA

ITEMS RECOMMENDED TO BE ADOPTED

Actions by Single Vote

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

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

Absent: 1 - Wigdahl

[14-1042](#)

AN ORDINANCE to amend Section 48-26(b)(7) of the Code of Ordinances of the City of La Crosse to correct the legal description of the Bluff Slough Slow No Wake Zone.

Ord. 4843. For complete ordinance, see p. ____ of Volume 11 of Ordinances.

[14-1043](#)

AN ORDINANCE to amend Subsection 115-347(6) and Subsection 115-347(6)(a)2 of the Code of Ordinances of the City of La Crosse to allow for structures that were originally built as churches to be used for limited retail and personal service business by Conditional Use Permit in residential zoning districts.

Ord. 4844. For complete ordinance, see p. ____ of Volume 11 of Ordinances.

[14-1074](#)

AN ORDINANCE to amend Section 115-110 of the Code of Ordinances of the City of La Crosse transferring certain property from the Single Family District to the Commercial District at 716 Hood Street allowing for small local business.

Ord. 4845. For complete ordinance, see p. ____ of Volume 11 of Ordinances.

[14-1075](#)

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 District to the Special Multiple District at 503, 509/511, 513/515 12th St. N.

and 1117 Badger Street allowing for residential apartments.

Ord. 4846. For complete ordinance, see p. ____ of Volume 11 of Ordinances.

[14-1076](#)

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 Heavy Industrial District at 1319/1325 St. Andrew Street and 606 George Street allowing for consistent zoning with adjacent land for potential expansion.

Ord. 4847. For complete ordinance, see p. ____ of Volume 11 of Ordinances.

[14-1077](#)

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 Community Business District at 315 State Street allowing for mixed use development.

Ord. 4848. For complete ordinance, see p. ____ of Volume 11 of Ordinances.

ITEMS RECOMMENDED TO BE ADOPTED

[14-0964](#)

Resolution approving the Term Sheet and Developer's Agreement with the Charmant Hotel, 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 Committee and/or Council may reconvene in open session.)

2014-10-012

[14-1005](#)

Resolution authorizing reallocation of Fire Department 2005 and 2006 unappropriated bond funds for Engine 10 fire pump repairs.

2014-10-013

[14-1011](#)

Resolution accepting the donation of a monitor for the airport terminal military lounge.

2014-10-014

[14-1012](#)

Resolution authorizing Consultant to amend and closeout PFC applications eight and nine.

2014-10-015

[14-1013](#)

Resolution appropriating additional funds for the terminal rehabilitation project.

2014-10-016

14-1014

Resolution approving a term extension to an airport lease agreement with American Towers LLC.

2014-10-017

[14-1016](#) Resolution approving the abolishment of the City of La Crosse Branch Library Ad Hoc Task Force.

2014-10-018

[14-1019](#) Resolution authorizing the Police Department to accept a FY 2014 DHS/FEMA Port Security Grant to provide for enhanced port and river security in the City of La Crosse.

2014-10-019

[14-1020](#) Resolution authorizing the Police Department to use funds from the revolving Police Security Services fund for expenditures related to police security, services, and safety.

2014-10-020

[14-1032](#) Resolution approving a contract for further TIF analysis, creations and amendments.

2014-10-021

[14-1035](#) Resolution approving Tax Incremental District Eleven Amendment Four and Project Plan, City of La Crosse, Wisconsin.

2014-10-022

[14-1039](#) Resolution approving a professional services agreement with Cedar Corporation to assist in site preparation for the DNR Ready for Reuse Brownfields Cleanup Loan for the LIPCO La Crosse Footwear property located at 606 George Street/1319 St. Andrew Street and appropriation of funds.

2014-10-023

[14-1080](#) Application of Diana Hobson for a Conditional Use Permit at 1229 Caledonia Street allowing for a winery with tasting room.

2014-10-024

[14-1115](#) Various license applications pursuant to Chapter 20 of the La Crosse Municipal Code for the remainder of license period 2014-15 (October).

2014-10-025

ITEMS RECOMMENDED TO BE RE-REFERRED

[14-0592](#) Second Amended Resolution allocating additional funding for the 2014 Paint and Fix-up Program.

[14-1045](#) Amended 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.)

NEW ITEMS FOR REFERRAL

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

- [14-0987](#) Resolution authorizing Mayor to file application for transit operating & capital assistance for 2015 with the Federal Transit Administration.
- [14-0988](#) Resolution authorizing Mayor to file application for Transit Operating & Capital assistance for 2015 with the Wisconsin Department of Transportation.
- [14-1084](#) Resolution authorizing the Police Department to accept the 2015 Department of Transportation Safety Grant.
- [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.
- [14-1124](#) Resolution levying Special Charges for Services performed in 2014.
- [14-1134](#) Resolution authorizing the La Crosse Police Department to lease office space at the Northside Police Substation to Burlington Northern Railroad Police Department.
- [14-1141](#) Resolution appropriating funds for private contractors to assist with clearing snow from public sidewalks for the 2014-15 season.
- [14-1144](#) Resolution approving the 2014 Analysis of and Recommendations for City of La Crosse Tax Incremental Districts.
- [14-1145](#) Amended Resolution approving the Riverside North La Crosse, Charrette Master Plan.
- [14-1147](#) Resolution re-appropriating 2013 Planning and Development Department carryover funds.
- [14-1148](#) Resolution vacating a portion of an alley between 1207 and 1211 Bainbridge Street.
- [14-1149](#) Resolution approving the Classification and Compensation Plan for employees covered in the Employee Handbook.
- [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.

- [14-1151](#) Amended Resolution approving a reorganization to the table of positions and classifications for the Water Utility effective November 14, 2014.
- [14-1152](#) Resolution approving the 2015-2019 Capital Improvement Budget.
- [14-1153](#) Resolution re-appropriating funding sources for training for City Staff, Committee Members, and area planning agencies.
- [14-1156](#) Resolution amending the Employee Handbook for hiring provisions of Property Appraiser Trainee.
- [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.
- [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.

Adjournment

**A motion was made by Krump, seconded by Medinger, to adjourn at 9:51 p.m.
The motion carried by voice vote.**