



Meeting Minutes
Committee of the Whole

Tuesday, December 10, 2013

7:30 PM

Council Chambers

Call to Order, Pledge of Allegiance, Roll Call

Richard Swantz, Council President, called the meeting to order at 7:30 p.m.

Council Member Svitavsky arrived at approximately 7:45 p.m.

Present 15 - Andrea Richmond, Dempsey Miller, Jai Johnson, David J. Krump, James Cherf, Robert Seaquist, Richard Becker, Peg Jerome, Audrey Kader, Sara Sullivan, Francis J. Formanek, Paul Medinger, Douglas Happel, Marilyn Wigdahl, and Richard Swantz

Excused 2 - Ryan Cornett, and Katherine Svitavsky

Judiciary and Administration Committee

Bob Seaquist, Chair, presided.

[13-0801](#)

Resolution approving various license applications pursuant to Chapter 20 of the La Crosse Municipal Code for the license period 2013-14 (December).

A motion was made by Andrea Richmond, seconded by Richard Swantz, that this Resolution be RECOMMENDED TO BE ADOPTED subject to compliance to the Common Council, due back by 12/12/2013. The motion carried unanimously by voice vote.

[13-0740](#)

Application of Mitchell J. Kessler dba La Crosse Goods & More for a Secondhand Article Dealer License at 732 Rose Street.

Motion by Becker, seconded by Cherf, to open public hearing. Motion carried unanimously on voice vote. The following person spoke in FAVOR: Mitchell Kessler. Motion by Richmond, seconded by Swantz, to close public hearing. Motion carried unanimously on voice vote.

Motion by Sullivan, seconded by Krump, to reopen public hearing. Motion carried 15-1 (Cherf voted no). The following person spoke in FAVOR: Mitchell Kessler. Motion by Sullivan, seconded by Cherf, to close public hearing. Motion carried unanimously on voice vote.

A motion was made by Johnson, seconded by Richmond, that the Application be RECOMMENDED TO BE NOT ADOPTED to the Common Council, due back on 12/12/2013. The motion carried by the following vote:

Aye: 11 - Richmond, Miller, Johnson, Cherf, Seaquist, Becker, Formanek, Medinger, Happel, Wigdahl and Swantz

No: 4 - Svitavsky, Krump, Jerome and Sullivan

Excused: 1 - Cornett

Abstain: 1 - Kader

[13-0719](#)

Resolution approving Application of Turtle Stack Brewery LLC for a Conditional Use Permit allowing for a craft brewery and tasting room at 313-315 Pearl Street.

A motion was made by James Cherf, seconded by Andrea Richmond, that this Application be RECOMMENDED RESOLUTION APPROVING THE SAME to the Common Council, due back by 12/12/2013. The motion carried unanimously by voice vote.

[13-0720](#)

AN AMENDED ORDINANCE to amend Section 15.02(B) 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 to allow for a 5-car garage to be built on the south end of the property at 714 Cass Street.

Motion by Becker, seconded by Richmond, to open public hearing. Motion carried unanimously by voice vote. The following person spoke in FAVOR: Aaron Wickesberg. Motion by Richmond, seconded by Becker, to close public hearing. Motion carried unanimously by voice vote.

Motion by Cherf, seconded by Johnson, to approve with the following conditions recommended by the City Planner: 1, 3, 4 amended as a false window, 5, 6, 7. Motion carried 13-2 (Seaquist and Formanek voted no).

A motion was made by Cherf, seconded by Johnson, that the Ordinance be RECOMMENDED TO BE ADOPTED AS AMENDED to the Common Council, due back on 12/12/2013. The motion carried by the following vote:

Aye: 14 - Richmond, Miller, Johnson, Svitavsky, Krump, Cherf, Becker, Jerome, Kader, Sullivan, Medinger, Happel, Wigdahl and Swantz

No: 2 - Seaquist and Formanek

Excused: 1 - Cornett

[13-0725](#)

Application of A-1 Taxi Service Inc. for 2014 Public Vehicle for Hire License.

Motion by Richmond, seconded by Becker, to approve subject to compliance. Motion carried unanimously on voice vote.

Motion by Kader, seconded by Richmond to reconsider. Motion carried unanimously on voice vote.

A motion was made by Audrey Kader, seconded by Richard Becker, that this Application be RECOMMENDED TO BE RE-REFERRED WITH NO RECOMMENDATION to the Common Council, due back by 12/12/2013. The motion carried unanimously by voice vote.

[13-0759](#) AN AMENDED ORDINANCE to create Subsection 15.01(PPP)-(CCCC) and 15.04(P) of the Code of Ordinances of the City of La Crosse to add regulations for ~~sexual~~ adult-oriented establishments. (Read In by Council Member Seaquist 11-14-13)

A motion was made that this Ordinance be RECOMMENDED TO BE ADOPTED AS AMENDED per the CPC report to the Common Council, due back by 12/12/2013. The motion carried unanimously by voice vote.

[13-0769](#) AN ORDINANCE to amend Paragraph 20.22(E)(1) of the Code of Ordinances of the City of La Crosse regarding the number of dogs and cats allowed per household.

A motion was made by Richard Becker, seconded by Andrea Richmond, that this Ordinance be RECOMMENDED TO BE RE-REFERRED for 30 DAYS to the Common Council, due back by 12/12/2013. The motion carried unanimously by voice vote.

Actions by Single Vote

Motion by Becker, seconded by Swantz, to approve the balance of the J&A items as follows:

[13-0670](#) AN ORDINANCE to amend 20.16(A)(2) of the Code of Ordinances of the City of La Crosse to exempt certain large passenger-carrying capacity vehicles from obtaining Public Vehicle For Hire License.

This Ordinance was RECOMMENDED TO BE ADOPTED to the Common Council

[13-0671](#) Resolution approving Request of Matthew Nunemacher dba Matt's Premier Catering LLC for permission to apply for a Combination Class "B" Beer & Liquor license at 1906 Ward Avenue.

This Communication was RECOMMENDED RESOLUTION APPROVING THE SAME to the Common Council

[13-0675](#) AN ORDINANCE to amend Subsection 2.22(A) of the Code of Ordinances of the City of La Crosse regarding membership of the Aviation Board.

This Ordinance was RECOMMENDED TO BE ADOPTED to the Common Council

[13-0681](#) AN ORDINANCE to amend Subsection 7.03(C) of the Code of Ordinances of the City of La Crosse regarding indecent behavior.

This Ordinance was RECOMMENDED TO BE ADOPTED to the Common Council

[13-0683](#) AN ORDINANCE to extend the sunset clause pertaining to Class "D" Beer Garden hours.

This Ordinance was RECOMMENDED TO BE ADOPTED to the Common Council

- [13-0688](#) AN ORDINANCE to amend subsections 10.03(K) and 20.22(Z) of the Code of Ordinance of the City of La Crosse relating to Animals in City Parks, Athletic Fields and Trails and Prohibited Areas for Animals.
This Ordinance was RECOMMENDED TO BE ADOPTED to the Common Council
- [13-0690](#) Resolution approving the abolishment of the City of La Crosse Commercial Rehabilitation/SBDL Committee.
This Resolution was RECOMMENDED TO BE ADOPTED to the Common Council
- [13-0695](#) AN ORDINANCE to create Subsection 15.26(AA) of the Code of Ordinances of the City of La Crosse to add approval criteria for conditional use permits.
This Ordinance was RECOMMENDED TO BE ADOPTED to the Common Council
- [13-0697](#) Resolution approving list of Election Officials for 2014-2015.
This Resolution was RECOMMENDED TO BE ADOPTED to the Common Council
- [13-0699](#) Resolution approving Mutual Aid Agreement for fire services between the City of La Crosse Wisconsin and the City of La Crescent Minnesota.
This Resolution was RECOMMENDED TO BE ADOPTED to the Common Council
- [13-0704](#) AN ORDINANCE to amend Paragraph 20.02(F)(4)(b) of the Code of Ordinances of the City of La Crosse to allow Temporary Class "B" licenses in various parks with Board of Park Commissioners' approval.
This Ordinance was RECOMMENDED TO BE ADOPTED to the Common Council
- [13-0707](#) AN ORDINANCE to amend Subsection 15.03(H)(1)(a) and to remove 15.03(K)(42) of the Code of Ordinances of the City of La Crosse to include the Engineering Department as a Zoning Administrator.
This Ordinance was RECOMMENDED TO BE ADOPTED to the Common Council
- [13-0709](#) Resolution approving Certified Survey Map Part of Government Lot 4, Section 19, Township 16 North, Range 7 West, Town of Campbell, La Crosse County, Wisconsin.
This Plat/Certified Survey Map was RECOMMENDED RESOLUTION APPROVING THE SAME to the Common Council
- [13-0712](#) Resolution approving Application of Top Hat Inc dba CTS Taxi for 2014 Public Vehicle for Hire License.
This Application was RECOMMENDED RESOLUTION APPROVING THE SAME to the Common Council

- [13-0713](#) Resolution approving Application of Caring Hearts Home Care & Transportation LLC for 2014 Public Vehicle for Hire License.
This Application was RECOMMENDED RESOLUTION APPROVING THE SAME to the Common Council
- [13-0717](#) Resolution approving Application of Bee Cab Inc. for 2014 Public Vehicle for Hire License.
This Application was RECOMMENDED RESOLUTION APPROVING THE SAME to the Common Council
- [13-0723](#) Resolution approving Application of Cinderella Carriage LLC for 2014 Horse-Drawn Vehicle License.
This Application was RECOMMENDED RESOLUTION APPROVING THE SAME to the Common Council
- [13-0726](#) Resolution approving Application of DJL, Inc. dba Luxurious Limousines for 2014 Public Vehicle for Hire License.
This Application was RECOMMENDED RESOLUTION APPROVING THE SAME to the Common Council
- [13-0727](#) Resolution approving Application of La Crosse Cab, Inc. dba La Crosse Cab Co. for 2014 Public Vehicle for Hire License.
This Application was RECOMMENDED RESOLUTION APPROVING THE SAME to the Common Council
- [13-0761](#) AN ORDINANCE to amend Subsection 3.13(E) of the Code of Ordinances of the City of La Crosse regarding fire regulations.
This Ordinance was RECOMMENDED TO BE ADOPTED to the Common Council
- [13-0794](#) Resolution approving Application of Sinkoss USA LLC dba Bullet Cab for 2014 Public Vehicle for Hire License.
This Application was RECOMMENDED RESOLUTION APPROVING THE SAME to the Common Council

Finance and Personnel Committee

Audrey Kader, Chair, presided.

- [13-0696](#) Amended Resolution approving a Memorandum of Understanding with Viterbo University and Mayo Health System.
A motion was made by Andrea Richmond, seconded by Paul Medinger, that this Resolution be RECOMMENDED TO BE ADOPTED AS AMENDED to the Common Council, due back by 12/12/2013. The motion carried unanimously by voice vote.

Excused: 2 - Cornett and Svitavsky

[13-0836](#)

Resolution approving an Employee Handbook. (Short-circuited by Mayor Kabat 11-25-2013)

Motion by Becker, seconded by Cherf, to open public hearing. Motion carried unanimously on voice vote. The following person spoke in OPPOSITION: Rich Smith. Motion by Johnson, seconded by Swantz, to close public hearing. Motion carried unanimously.

A motion was made by Swantz, seconded by Happel, that the Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back on 12/12/2013. The motion carried by the following vote:

[13-0708](#)

Resolution approving Commercial Offer to Purchase for property referred to as Trane Plant 6.

A motion was made by Richard Swantz, seconded by Peg Jerome, that this Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 12/12/2013. The motion carried unanimously by voice vote.

[13-0071](#)

Resolution approving license agreement with the 4000 Foundation.

(Note: The committee, Committee of the Whole and/or Common Council may convene in closed session pursuant to Wis. Stats. sec. 19.85(1)(e) to update and formulate negotiation strategies and parameters. Following the closed session, the committees and/or Council may reconvene in open session.)

Motion by Becker, seconded by Richmond, to open public hearing. Motion carried unanimously on voice vote. The following person spoke in FAVOR: Gifford Collins. Motion by Cherf, seconded by Sullivan, to close public hearing. Motion carried unanimously on voice vote.

Motion by Becker, seconded by Cherf, to refer to Council meeting on 12/12/13 with direction that City Attorney and Mayor work with 4000 Foundation to work out details. Motion failed 5-11 (Cherf, Becker, Jerome, Wlgdahl, Swantz voted yes).

Motion by Formanek, seconded by Sullivan, to convene in closed session at end of meeting. Motion carried unanimously on roll call vote.

Referral with direction for City Attorney and Mayor to negotiate with 4000 Foundation.

A motion was made by Richard Becker that this Resolution be RECOMMENDED TO BE RE-REFERRED FOR 30 DAYS WITH DIRECTION to the Common Council, due back by 12/12/2013. The motion carried unanimously by voice vote.

[13-0845](#)

Resolution approving a Term Sheet Agreement with Trane Company.
(Short-circuited by Mayor 12-03-2013)
(Note: The Committee, Committee of the Whole 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.)

Council Members Richard Becker and Peg Jerome recused themselves due to a conflict of interest and left their chairs at 7:35 p.m. and did not participate in discussions. They returned to their chairs at 7:40 p.m.

Motion by Wigdahl, seconded by Cherf, to open public hearing. The motion carried unanimously on voice vote. All the registered speakers deferred comment. Wigdahl/Richmond moved to close public hearing. The motion carried unanimously on voice vote.

Motion by Richmond, seconded by Sullivan, to convene in closed session at the end of the meeting. Motion carried unanimously on roll call vote.

Jerome and Becker recused themselves from the closed session at 9:46 p.m.

Referral with direction for the Mayor and City Attorney to draft a term sheet.

A motion was made by Paul Medinger, seconded by Douglas Happel, that this Resolution be RECOMMENDED TO BE RE-REFERRED WITH DIRECTION to the Common Council, due back by 12/12/2013. The motion carried unanimously by voice vote.

Actions by Single Vote

Motion by Becker, seconded by Medinger, to approve the balance of the F&P items as follows:

[13-0646](#)

Resolution vacating fifteen (15) feet on each side of 8th Street between La Crosse Street and Vine Street.

This Resolution was RECOMMENDED TO BE ADOPTED to the Common Council

[13-0662](#)

Resolution appropriating additional funds for the reconstruction of 33rd Street from Brentwood Place to Solaris Lane (STP-Urban Project I.D. #5991-05-77).

This Resolution was RECOMMENDED TO BE ADOPTED to the Common Council

[13-0663](#)

Resolution appropriating funds for the reconstruction of Cass Street from 4th Street to 7th Street (Project I.D. #7575-08-02, 72, 73).

This Resolution was RECOMMENDED TO BE ADOPTED to the Common Council

[13-0664](#)

Resolution appropriating funds for reconstruction of Jackson Street from 3rd Street to 19th Street (Project #5120-03-02, 72).

This Resolution was RECOMMENDED TO BE ADOPTED to the Common Council

- [13-0676](#) Resolution authorizing installation of neighborhood safety street lighting in the 1200 block of Johnson Street and the 1100 block of Grant Court.
This Resolution was RECOMMENDED TO BE ADOPTED to the Common Council
- [13-0686](#) Resolution approving the release of existing bonds funds for the 2011-2014 Capital Improvement Program Police Department "Security Camera" project.
This Resolution was RECOMMENDED TO BE ADOPTED to the Common Council
- [13-0687](#) Amended Resolution appropriating additional funds for the Patros Remediation project contaminated soil removal.
This Resolution was RECOMMENDED TO BE ADOPTED AS AMENDED to the Common Council
- [13-0689](#) Resolution approving the reorganization of the table of positions and classifications of the Finance Department.
This Resolution was RECOMMENDED TO BE ADOPTED to the Common Council
- [13-0691](#) Resolution approving the reorganization of the table of positions and classifications for the La Crosse Airport.
This Resolution was RECOMMENDED TO BE ADOPTED to the Common Council
- [13-0698](#) Resolution accepting additional La Crosse Community Foundation Grant for Park Improvements to the Chad Erickson Memorial Park/Vietnam Veterans Memorial Pond.
This Resolution was RECOMMENDED TO BE ADOPTED to the Common Council
- [13-0701](#) Resolution awarding contract for Refuse & Recycling Collection Services for City Buildings and Facilities for 2014-2020.
This Resolution was RECOMMENDED TO BE ADOPTED to the Common Council
- [13-0702](#) Resolution approving Articles of Incorporation and By-Laws creating the Gundersen/City of La Crosse Neighborhood Development Corporation.
This Resolution was RECOMMENDED TO BE ADOPTED to the Common Council
- [13-0705](#) Resolution approving various financial institutions as depositories for City funds.
This Resolution was RECOMMENDED TO BE ADOPTED to the Common Council

[13-0706](#)

Resolution authorizing additional appropriation for architectural agreement for bandshell project.

This Resolution was RECOMMENDED TO BE ADOPTED to the Common Council

[13-0710](#)

Resolution approving professional services agreement with Ayres Associates for the preparation of plans, specifications and estimates for the eagle/wildlife viewing area adjacent to highway 53.

(2/3 vote of Council required for Reserve Funds)

This Resolution was RECOMMENDED TO BE ADOPTED to the Common Council

[13-0765](#)

Resolution authorizing the appointment of an interim Transit Manager effective December 31, 2013. (Read In by Council Member Swantz 11-14-13)

This Resolution was RECOMMENDED TO BE ADOPTED to the Common Council

[13-0768](#)

Resolution directing the Executive Committee to work out the details of the final agreement with the 4000 Foundation in reference of forgiving the outstanding loan of \$10,000 owed to the City of La Crosse for the restoration of the locomotive in Copeland Park. (Read In by Council Member Becker 11-19-13)

This Resolution was RECOMMENDED TO BE NOT ADOPTED to the Common Council

[13-0770](#)

Resolution authorizing changes to City of La Crosse insurance program effective January 1, 2014.

(Note: The Committee, Committee of the Whole 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.)

This Resolution was RECOMMENDED TO BE ADOPTED to the Common Council

[13-0773](#)

Resolution authorizing replacement of Council Voting/Sound System.

This Resolution was RECOMMENDED TO BE ADOPTED to the Common Council

[13-0832](#)

Resolution approving and ratifying a collective bargaining agreement between the City of La Crosse and Amalgamated Transit Union, Local #519 for 2014. (Short-circuited by Mayor Kabat 11-25-2013)

This Resolution was RECOMMENDED TO BE ADOPTED to the Common Council

Adjournment

Unanimous consent to adjourn at approximately 11:20 p.m.