



Meeting Minutes
Committee of the Whole

Tuesday, September 10, 2013

7:30 PM

Council Chambers

Call to Order, Pledge of Allegiance, Roll Call

The meeting was called to order by Richard Swantz, Council President.

Present 17 - 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 Formanek, Paul Medinger, Douglas Happel, Marilyn Wigdahl, and Richard Swantz

Judiciary and Administration Committee

Robert Seaquist, Chair, presiding.

13-0368 AN ORDINANCE to amend Section 15.02(B) of the Code of Ordinance of the City of La Crosse by transferring certain property from the Planned Development District - General to the Planned Development District - Specific to allow for a senior housing residential, rehabilitation, therapy, transitional care and recreational facility at 622 Bennora Lee Ct (Eagle Crest South).
(Note: The committee(s) and/or Common Council may convene in closed session pursuant to sec. 19.85(1)(g) to confer with legal counsel. Following any closed session, the committee(s) and/or Council may reconvene in open session.)

A motion was made by Richard Becker, seconded by Richard Swantz, that this Ordinance be RECOMMENDED TO BE RE-REFERRED with no recommendation to the Common Council, due back by 9/12/2013. The motion carried by voice vote (Johnson and Cherf abstained).

13-0446 Preliminary Plat of The Harbor Subdivision to the City of La Crosse, Wisconsin.

A motion was made by Richard Becker, seconded by Francis Formanek, that this Application be RECOMMENDED TO BE RE-REFERRED 60 days to the Common Council, due back by 9/12/2013. The motion carried unanimously by voice vote.

- 13-0455** Application of Ein Prosit, Inc. dba Sloopy's Bar & Grill for Expansion of Alcohol Beverage License at 163 Copeland Avenue for Special Event on September 28, 2013.
- A motion was made by Andrea Richmond, seconded by Ryan Cornett, that this Application be **RECOMMENDED RESOLUTION APPROVING THE SAME** to the Common Council, due back by 9/12/2013. The motion carried unanimously by voice vote.
- 13-0461** Application of Christopher Edward Olson dba The Sports Nut for Expansion of Alcohol Beverage License at 801 Rose Street for Special Event on September 14, 2013.
- A motion was made by Richard Becker, seconded by Paul Medinger, that this Application be **RECOMMENDED RESOLUTION APPROVING THE SAME** to the Common Council, due back by 9/12/2013. The motion carried unanimously by voice vote.
- 13-0462** Application of Christopher Edward Olson dba The Sports Nut for Expansion of Alcohol Beverage License at 801 Rose Street for Special Event on September 28, 2013.
- A motion was made by Richard Becker, seconded by Paul Medinger, that this Application be **RECOMMENDED RESOLUTION APPROVING THE SAME** to the Common Council, due back by 9/12/2013. The motion carried unanimously by voice vote.
- 13-0479** Request of Bethany Lutheran Homes for waiver of the 2500 foot rule for a Community Based Residential Facility and 1% of population capacity limit in an aldermanic district for facility proposed at 622 Bennora Lee Ct.
- (Note: The committee(s) and/or Common Council may convene in closed session pursuant to sec. 19.85(1)(g) to confer with legal counsel. Following any closed session, the committee(s) and/or Council may reconvene in open session.)
- A motion was made by Richard Becker, seconded by Andrea Richmond, that this Application be **RECOMMENDED TO BE RE-REFERRED** with no recommendation to the Common Council, due back by 9/12/2013. The motion carried by voice vote (Johnson and Cherf abstained).
- 13-0495** Application of English Lutheran Church for a Conditional Use Permit at 1509 King St. allowing for a bell tower.
- A motion was made by Andrea Richmond, seconded by James Cherf, that this Application be **RECOMMENDED RESOLUTION APPROVING THE SAME** to the Common Council, due back by 9/12/2013. The motion carried unanimously by voice vote.

- 13-0493** Request of GCR TireCenter for a waiver of paving requirements for parking lot south of 520 3rd St. S.
- A motion was made by Audrey Kader, seconded by Andrea Richmond, that this Communication be **RECOMMENDED RESOLUTION APPROVING THE SAME** to the Common Council, due back by 9/12/2013. The motion carried unanimously by voice vote.
- 13-0496** AN ORDINANCE to amend Section 15.02(B) of the Code of Ordinance of the City of La Crosse by transferring certain property from the Planned Development District - Specific to the Planned Development District - Specific allowing for development of three lofted apartments at 2370 State Road 16.
- A motion was made by Richard Becker, seconded by Marilyn Wigdahl, that this Ordinance be **RECOMMENDED TO BE ADOPTED** to the Common Council, due back by 9/12/2013. The motion carried unanimously by voice vote.
- 13-0519** Various license applications pursuant to Chapter 20 of the La Crosse Municipal Code for the license period 2013-14.
- A motion was made by Richard Becker, seconded by Paul Medinger, that this Application be **RECOMMENDED RESOLUTION APPROVING THE SAME** to the Common Council, due back by 9/12/2013. The motion carried unanimously by voice vote.
- 13-0547** Resolution authorizing extension of time for inactivity of alcohol license for premise located at 121 Third Street South (Ohana LLC dba Club Tucan).
- A motion was made by Richard Becker, seconded by Marilyn Wigdahl, that this Resolution be **RECOMMENDED TO BE ADOPTED** to the Common Council, due back by 9/12/2013. The motion carried unanimously by voice vote.
- 13-0537** Application of Audrey K. Schmitt for a Beverage Operator's License and appeal of denial by the Police Department.
(Note: The Committee, Committee of the Whole 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 Committee, Committee of the Whole and/or Council may reconvene in open session.)
- A motion was made by Richard Becker, seconded by Francis Formanek, that this Claim/Appeal be **RECOMMENDED RESOLUTION DENYING THE SAME** to the Common Council, due back by 9/12/2013. The motion carried unanimously by voice vote.

- 13-0469** AN ORDINANCE to create Section 15.01(OOO) and 15.26(Z) and to repeal and recreate Section 15.42 of the Code of Ordinances of the City of La Crosse to regulate Community Living Arrangements (CLAs).
A motion was made by Audrey Kader, seconded by Paul Medinger, that this Ordinance be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 9/12/2013. The motion carried by voice vote (Johnson abstained).
- 13-0458** AN ORDINANCE to amend Section 15.02(B) of the Code of Ordinance of the City of La Crosse by transferring certain property from the Local Business District to the Commercial District allowing consolidation of parcels at 922 and 932 West Avenue South (Walgreens).
Formanek/Becker moved to amend to delete "conditionally" in Section I, delete language in Section II and direct Planning to prepare a comprehensive rezoning; carried unanimously by voice vote.
A motion was made by Francis Formanek, seconded by Richard Becker, that this Ordinance be RECOMMENDED TO BE ADOPTED AS AMENDED to the Common Council, due back by 9/12/2013. The motion carried unanimously by voice vote.

Actions by Single Vote

Unanimous consent to approve the balance of the J&A items as follows:

- 13-0447** AN ORDINANCE to amend Section 4.19 of the Code of Ordinances of the City of La Crosse relating to Cross Connection Control.
RECOMMENDED TO BE ADOPTED to the Common Council
- 13-0448** AN ORDINANCE to amend Section 4.20 of the Code of Ordinances of the City of La Crosse relating to Private Well Abandonment.
RECOMMENDED TO BE ADOPTED to the Common Council
- 13-0452** Resolution relocating polling place for Aldermanic District 1.
RECOMMENDED TO BE ADOPTED to the Common Council
- 13-0473** Resolution approving the abolishment of the Joint Housing Task Force between the City of La Crosse and La Crosse County.
RECOMMENDED TO BE ADOPTED to the Common Council
- 13-0492** Application of Town & Country Cab for a 2013 Public Vehicle for Hire License.
RECOMMENDED RESOLUTION APPROVING THE SAME to the Common Council

- 13-0497** Application of Dr. Christopher Peck and Chau Nguyen for a Conditional Use Permit at 787 24th St. N. allowing for an in-home daycare.
- RECOMMENDED RESOLUTION APPROVING THE SAME to the Common Council**

Finance and Personnel Committee

Audrey Kader, Chair, presiding.

- 13-0580** Resolution approving Joint Facility Use Agreement between City of La Crosse and Board of Regents of University of Wisconsin.
(Note: The committee(s) and/or Common Council may convene in closed session pursuant to sec. 19.85(1)(e) for negotiation parameters. Following any closed session, the committee(s) and/or Council may reconvene in open session.)
2/3 vote required for Surplus Funds

Richmond/Wigdahl moved to open public hearing; carried by voice vote. The following person spoke in FAVOR: Josh Whitman. Becker/Cherf moved to close public hearing; carried unanimously on voice vote.

A motion was made by Formanek, second by Medinger, to approve. A motion was made by Jai Johnson, seconded by Richard Becker, that this Resolution be RECOMMENDED TO BE RE-REFERRED with no recommendation to the Common Council, due back by 9/12/2013. The motion carried unanimously by voice vote.

- 13-0487** Resolution authorizing the Parks, Recreation and Forestry Department and the Park Board Commission to negotiate a long term use agreement with the Julia Belle Swain Foundation for use of a portion of the Riverside Park Levee and/or Jay Street Levee for the Julia Belle Swain steamboat.

Becker/Medinger moved to open public hearing; carried unanimously on voice vote. The following person spoke in FAVOR: John Desmond. Becker/Swantz moved to close public hearing; carried unanimously on voice vote.

A motion was made by Francis Formanek, seconded by Marilyn Wigdahl, that this Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 9/12/2013. The motion carried unanimously by voice vote.

- 13-0525** Resolution reimbursing Parks Department Operational Budget with Capital Improvement Funds for miscellaneous unbudgeted costs incurred and approval of Architectural Agreement with respect to Riverside Band Shell Structure.

A motion was made by Robert Seaquist, seconded by Marilyn Wigdahl, that this Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 9/12/2013. The motion carried unanimously by voice vote.

- 13-0474** Resolution accepting the 2013 National Endowment for the Arts (NEA) grant, releasing 2013 CIP funds and authorizing the City of La Crosse Arts Board to solicit funds to support a community engagement process, curricula in art making for local students, and completion of a mural(s) in the City of La Crosse.
- A motion was made by Andrea Richmond, seconded by Paul Medinger, that this Resolution be RECOMMENDED TO BE ADOPTED to the Common Council, due back by 9/12/2013. The motion carried unanimously by voice vote.**
- 13-0488** Resolution authorizing the Parks, Recreation and Forestry Department and the Park Board Commission to negotiate a long term use and development agreement with the Star of the Sea, LLC for use of a portion of Copeland Park for a docking facility and marina.
- A motion was made by Paul Medinger, seconded by Richard Swantz, that this Resolution be RECOMMENDED TO BE RE-REFERRED 30 days to the Common Council, due back by 9/12/2013. The motion carried unanimously by voice vote.**
- 13-0502** Resolution approving partial release of covenants and restrictions included within Gundersen Lutheran Development Agreement. (Note: The committee(s) and/or Common Council may convene in closed session pursuant to sec. 19.85(1)(g) to confer with legal counsel. Following any closed session, the committee(s) and/or Council may reconvene in open session.)
- On committee recommendation that this Resolution be RECOMMENDED TO BE RE-REFERRED with no recommendation to the Common Council, due back by 9/12/2013. The motion carried by voice vote (Johnson and Cherf abstained).**

Actions by Single Vote

Unanimous consent to approve the balance of the F&P items as follows:

- 13-0421** 2013 Communication from the City Assessor relative to additional corrections of prior year's assessment and tax rolls.
- RECOMMENDED RESOLUTION APPROVING THE SAME to the Common Council**
- 13-0459** Resolution approving lease agreement and terms with Midwestern Wheels, Inc.
- RECOMMENDED TO BE ADOPTED to the Common Council**
- 13-0470** Resolution approving contracts with CenturyLink for PRI and Internet Service.
- RECOMMENDED TO BE ADOPTED to the Common Council**

- 13-0471** Preliminary Resolution declaring intent to exercise special assessment powers under Secs. 66.0829 and 66.0703 Wisconsin Statutes to levy special assessments for the cost of operating and maintaining the parking system in downtown La Crosse.
RECOMMENDED TO BE ADOPTED to the Common Council
- 13-0472** Resolution authorizing Information Systems & Technology Department to purchase additional Laserfische software licenses.
RECOMMENDED TO BE ADOPTED to the Common Council
- 13-0476** City of La Crosse, Wisconsin, Financial Statements with Independent Auditors' Report as of December 31, 2012.
RECOMMENDED TO BE RECEIVED AND FILED to the Common Council
- 13-0477** City of La Crosse, Wisconsin, Federal and State Single Audit Reports as of December 31, 2012.
RECOMMENDED TO BE RECEIVED AND FILED to the Common Council
- 13-0478** City of La Crosse, Wisconsin, Independent Auditors' Report on Communications with Those Charged With Governance as of December 31, 2012.
RECOMMENDED TO BE RECEIVED AND FILED to the Common Council
- 13-0482** Resolution amending the effective date for the safe harbor in the determination of "full time employee" for health plan eligibility purposes as required under the Affordable Care Act.
RECOMMENDED TO BE ADOPTED to the Common Council
- 13-0484** Resolution delaying second phase of Sanitary Sewer rate increases.
RECOMMENDED TO BE ADOPTED to the Common Council
- 13-0485** Resolution regarding Water Utility Financial Status.
RECOMMENDED TO BE ADOPTED to the Common Council
- 13-0486** Resolution authorizing the Parks, Recreation and Forestry Department to purchase outdoor furnishings for new open air shelter at Black River Beach Neighborhood Center.
RECOMMENDED TO BE ADOPTED to the Common Council
- 13-0489** Resolution approving official newspaper.
RECOMMENDED TO BE ADOPTED to the Common Council

- 13-0543** Resolution approving lump sum payment for eligible employees covered in the collective bargaining agreement of Service Employees International Union Local #180 or Terms and Conditions of Employment for Non-Represented Employees.
(2/3 vote of Council req'd - Reserve Funds)
RECOMMENDED TO BE ADOPTED to the Common Council
- 13-0549** Resolution authorizing payment of invoices relating to employee investigations.
(2/3 vote req'd - Reserve Funds)
(Note: The committee(s) and/or Common Council may convene in closed session pursuant to sec. 19.85(1)(g) to confer with legal counsel. Following any closed session, the committee(s) and/or Council may reconvene in open session.)
RECOMMENDED TO BE ADOPTED to the Common Council
- 13-0552** Resolution approving a contract between the City of La Crosse and Wisconsin Department of Transportation, Division of Motor Vehicles for access to the Public Abstract Request System (PARS).
RECOMMENDED TO BE ADOPTED to the Common Council
- 13-0553** Resolution approving the inclusion of new positions to the 2014 draft budgets for review by the Board of Estimates.
RECOMMENDED TO BE ADOPTED to the Common Council
- 13-0556** Resolution authorizing payment of bills relating to defense of employment matters.
(2/3 vote req'd - Reserve Funds)
(Note: The committee(s) and/or Common Council may convene in closed session pursuant to sec. 19.85(1)(g) to confer with legal counsel. Following any closed session, the committee(s) and/or Council may reconvene in open session.)
RECOMMENDED TO BE ADOPTED to the Common Council
- 13-0561** Resolution to purchase street light equipment for neighborhood streetscape.
RECOMMENDED TO BE ADOPTED to the Common Council

- 13-0578** Resolution approving a stipulation in Woodhouse v. City of La Crosse et al.
(Note: The committee(s) and/or Common Council may convene in closed session pursuant to sec. 19.85(1)(g) to confer with legal counsel. Following any closed session, the committee(s) and/or Council may reconvene in open session.)
2/3 vote req'd for Surplus Funds
RECOMMENDED TO BE ADOPTED to the Common Council

Adjournment

Swantz moved, second by Formanek, to adjourn at 8:20 p.m.; carried unanimously on voice vote.