

**CITY OF VIROQUA
COUNCIL MINUTES
JANUARY 13, 2009**

1. Roll call:

The regular meeting of the Common Council was called to order at 7:30 p.m. by Mayor Larry Fanta with Alderpersons David Tryggstad, Marc Polsean, John Bjerke, Gary Krause, Weston Mack, Roger Hatlem, Gail Frie, Jeff Clifton and Terry Noble present. Also present were Administrator Jeff Gohlke, Assistant Administrator Matt Giese, Clerk John Severson and Assistant Police Chief Daron Jefson.

2. Approval of the December 30, 2008 Regular Council Minutes.

Motion by Alderperson Frie to approve the December 30, 2008 minutes. Seconded by Alderperson Hatlem. All voted aye on voice vote. Motion carries.

3. First period for public comment.

None.

The Council took up agenda items 4 and 5 together.

4. Public hearing on the application by La Crosse Sign Co. on behalf of Kwik Trip Inc. to install an electronic variable message sign at 520 North Main St.

5. Public hearing on the application by La Crosse Sign Co. on behalf of Kwik Trip Inc. to install an electronic variable message sign at 603 South Main St.

Mayor Fanta called the public hearings to order. Bryan Novy representing Kwik Trip Inc. and Ryan Roberts representing La Crosse Sign Co. were present. No other members of the public were in attendance. The Council reviewed minutes from the Design Review Board's December 17, 2008 meeting on the sign requests and the Plan Commission's January 5, 2009 Public Hearing on application for conditional use of property. It was noted that an electronic variable message sign can be allowed only as a conditional use. The Design Review Board noted the following in its recommendation:

1. The signs will feature both an electronic variable message center and a digital LED gas price section.
2. The current ordinance does not allow for electronic variable message center.
3. The digital LED gas price section does not factor into the total size of the electronic variable message center.
4. The sign is in compliance except for the electronic variable message center.
5. The variable message center is compliant in relation to size, but the current ordinance does not allow variable message centers without a conditional use permit.

The Design Review Board recommends this sign be denied until the variable message center is removed. Then the sign would be compliant. The board urges the city council not to grant a conditional use permit which would allow additional electronic variable message centers in Viroqua: something the ordinance does not allow.

Notwithstanding the report of the Design Review Board, the Plan Commission, after public hearing, recommended approval of a conditional use permit for the electronic variable message signs with the following conditions imposed:

1. The sign can be used only during the normal business hours for each store. The north side store is open twenty-four hours; the south store is open from 5 a.m. to 12 midnight. When the store is closed, the sign will be turned off.
2. Only static messages will be allowed. Text will not scroll, spin or otherwise move across the sign face. No background or animated graphics will be permitted, such as flags, clouds, balloons, bubbles, etc. Static graphic representations of product or services may be displayed as part of the message.
3. Color may be used as part of a static message but is limited to a maximum of five colors at any given time.
4. Messages shall be visible for a minimum 2 seconds. There will be no dwell time (dark screen) between messages to avoid flashing appearance.
5. No other signs will be permitted to be attached to the main sign or its supports, such as soda or cigarette poster type signs.
6. The light intensity of the signs will be regulated by a light sensing unit so that the sign will automatically dim as ambient light decreases.

The Plan Commission also noted that the new signs would be smaller than the existing signs by about 20 square feet on N. Main and 7 square feet on S. Main.

The Council discussed the sign applications at length. Alderperson Frie asked if Kwik Trip and La Crosse Sign had agreed to the conditions. Both representatives said yes. Alderpersons Frie and Mack commented on the thorough work done by the Plan Commission. Alderperson Noble said that as one who worked on the sign ordinance, one of the things they did not want was electronic message boards because they felt it detracted from the historic nature of the city. Alderperson Noble pointed out that the Design Review Board recommends the sign be denied and urges the City Council not to grant a conditional use permit. Alderperson Krause also noted that the Design Review Board has recommended not to grant the conditional use and said he would like to see the sign request go back to the Design Review Board and have the Kwik Trip people meet with them and work out a package that works for them and us. Jeff Gohlke reviewed with the Council the sign ordinance as it relates to variable message boards. Mayor Fanta reviewed the conditions recommended by the Plan Commission. Motion by Alderperson Frie to approve the conditional use permit with conditions as recommended by the Plan Commission. Seconded by Alderperson Hatlem. Additional discussion took place. On roll call vote Alderpersons Krause, Clifton, Noble and Tryggestad voted nay. Alderpersons Polsean, Bjerke, Mack, Hatlem and Frie voted aye. Motion carries.

6. Ordinance amending the date when solid waste and recycling surcharge is considered delinquent. First reading.

Matt Giese explained that the Ordinance No. 08OR015 states the solid waste and recycling surcharge is delinquent if not paid within 25 days after the end of the month it is due. To be consistent with utility billing procedures the ordinance should state 20 days instead of 25 days. Motion by Alderperson Hatlem to approve the ordinance amendment. Seconded by Alderperson Mack. All voted aye on voice vote. Motion carries.

7. NCR plant closing notice.

Mayor Fanta announced that the City had received notice of the NCR plant closing.

The council returned to item 6 on the agenda. Motion by Alderperson Hatlem to amend the motion to include waiving of the second reading. Seconded by Alderperson Mack. All voted aye on voice vote. Motion carries.

8. Payment of bills.

Motion by Alderperson Krause to approve the bills as presented on payment reports dated January 13, 2009 in the amounts of \$890,147.86 and \$210,359.52. Seconded by Alderperson Mack. All voted aye on roll call vote. Motion carries.

9. Second period for public comment.

None.

10. Adjournment.

Motion by Alderperson Frie to adjourn the meeting until 7:30 p.m. Tuesday, January 27, 2009. Seconded by Alderperson Hatlem. All voted aye on voice vote. Motion carries.

John Severson
Clerk