

## **MINUTES**

### **EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING**

**Tuesday, November 8, 2016**

**City Council Chamber**

**4:00 p.m.**

#### **PLEDGE OF ALLEGIANCE AND ROLL CALL**

Council President Kincaid called the meeting to order. The following members were present: Council Members Kate Beaton, Catherine Emmanuelle, Kerry Kincaid, David Klinkhammer, Eric Larsen, Kathy Mitchell, David Strobel, Andrew Werthmann, and Michael Xiong. Absent: Council Members Tim Tewalt and Bob Von Haden.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for the following items of routine business on Tuesday, November 8, 2016:

- Adopting the Consent Agenda.
- Approving Minutes of Regular Meeting of October 25, 2016.
- Granting new bartender licenses.
- Granting a Change of Agent for the Combination “Class A” Intoxicating Liquor & Fermented Malt Beverage license of Kwik Trip Inc., d/b/a Kwik Trip #813, 3360 Birch Street, from Shandell R. Chiles to Travis Garside.
- Granting a Temporary Class B Fermented Malt Beverage license to Eau Claire Events, Andy Ottum, president, on May 7, 2017, at Carson Park, for the Eau Claire Marathon.
- Authorizing the following repeat special events:
  - Eau Claire Marathon, LLC to conduct the Eau Claire Marathon on Saturday and Sunday, May 6-7, 2017 beginning at Carson Park and along city streets, sidewalks and trails.
  - Girls on the Run of the Chippewa Valley to conduct the Girls on the Run 5K on Saturday, May 13, 2017 in Carson Park and along city trails and sidewalks.
  - Mehara Shrine Club to conduct the Mehara Shrine Circus on Tuesday and Wednesday, June 13-14, 2017 at Carson Park Baseball Stadium.

Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Beaton “to adopt the consent resolution”. Said motion passed by unanimous vote.

Council Member Von Haden arrived in the Council Chamber.

#### **LICENSING**

The Council considered a resolution granting a Combination “Class B” Intoxicating Liquor & Fermented Malt Beverage license to Central Florida Restaurants Inc., d/b/a TGI Fridays, 4800 Golf Road, John L. Hartnell Jr. agent. The applicant has requested that the City Council postpone consideration of this license transfer for two weeks. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to postpone consideration of the resolution until the next City Council meeting”. Said motion passed by unanimous voice vote.

The City Council considered a resolution granting a Combination “Class B” Intoxicating Liquor & Fermented Malt Beverage license and a Class A Cabaret license to Matchbox LLC, d/b/a The Alibi, 2112 Esmond Road, Stacy Jensen agent. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Xiong “to adopt the resolution”. The License Review Committee objected to the granting of the license; Assistant City Attorney Hoffer outlined the Committee’s concerns. The applicant, Stacy Jensen, addressed the Council. Council discussed the granting of the license. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Werthmann “to indefinitely postpone consideration of said resolution”. Said motion to postpone passed by the following vote: Aye: Council Members Beaton, Emmanuelle, Kincaid, Larsen, Mitchell, Von Haden, Werthmann, and Xiong. Nay: Council Members Klinkhammer and Von Haden.

### **DONATIONS**

The Council considered a resolution accepting the donation of hazardous materials monitors from WRR Environmental Services. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Mitchell “to adopt the resolution”. Said motion passed by unanimous vote.

The City Council considered a resolution accepting a donation from the Chippewa Valley Pickleball Association for the creation of additional pickleball courts at McDonough Park. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Klinkhammer “to adopt the resolution”. Said motion passed by unanimous vote.

### **SUBORDINATION AGREEMENT**

The Council considered a resolution approving a Subordination Agreement between the City, the Eau Claire Redevelopment Authority and Northwestern Bank regarding the property at 315 Riverfront Terrace. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Strobel “to adopt the resolution”. Said motion passed by unanimous vote.

### **SIPHON RECONSTRUCTION**

The City Council considered a resolution approving the bid and procurement for Procurement No. 2016-47, Eau Claire River Siphon Reconstruction. Thereupon a motion was offered by Council Member Beaton and seconded by Council Member Werthmann “to adopt the resolution”. Said motion passed by unanimous vote.

### **RELOCATION ORDER**

The City Council considered a resolution authorizing a relocation order for the acquisition of land at 9 S. Barstow Street to provide access needed to preserve the structure of the Barstow Street Bridge and the retaining wall. Staff indicated that a tentative agreement had been reached

with the property owner and requested a two-week postponement to allow negotiations to continue. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Strobel “to postpone consideration of said resolution until the next Council meeting”. Said motion passed by unanimous voice vote.

### **LANDFILL EXPANSION**

The City Council considered a resolution authorizing an amendment to the 2005 Seven Mile Creek Landfill Expansion Final Negotiated Agreement. Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Werthmann “to adopt the resolution”. Said motion passed by unanimous vote.

### **LEASE AGREEMENT**

The Council considered a resolution approving an addendum to the lease agreement between the City and the Chippewa Valley Museum. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Emmanuelle “to adopt the resolution”. Said motion passed by unanimous vote.

### **PARKING**

The Council considered an ordinance amending Table VIII of the Code of Ordinances of the City of Eau Claire, entitled “Parking Prohibited,” by adding parking restrictions near intersections in the Historic Randall Park Neighborhood. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to adopt the ordinance”. Said motion passed by unanimous vote.

### **SPECIAL ASSESSMENTS**

The Council considered an ordinance amending Chapter 3.16 of the Code of Ordinances of the City of Eau Claire entitled “Special Assessments”, and the Special Assessment Policy, to create a program to pay the special assessments for alley improvements for income eligible property owners. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Beaton “to adopt the ordinance”. Said motion passed by unanimous vote.

### **REZONING**

The City Council had first reading on an ordinance rezoning property on Sherman Creek Road, west of Fairmont Avenue from TR-1A to R-1 as shown on Planning File Z-1588-16.

### **SOLAR ACCESS STANDARDS**

The Council had first reading on an ordinance amending the City Zoning Code for solar access standards as shown in Planning File Z-1586-16.

## ADOPTION OF 2017 CITY BUDGET

### 2016 BUDGET AMENDMENT

The Council considered a resolution amending the City's Adopted General Fund Budget for Fiscal Year 2016 by approving a \$2,520,600 appropriation to the General Fund Budget contingency account to remain in compliance with the State's Expenditure Restraint Program (ERP). Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Xiong "to adopt the resolution". Said motion passed by unanimous vote.

### 2017 BUDGET ADOPTION

The City Council considered resolutions adopting the following proposed budgets and appropriations for the fiscal year ending December 31, 2017:

- General Fund
- L.E. Phillips Memorial Public Library
- City - County Health Department.

Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Mitchell "to adopt the resolution related to the General Fund budget". Said motion passed by unanimous vote.

Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Klinkhammer "to adopt the resolution related to the L.E. Phillips Memorial Public Library". Said motion passed by unanimous vote.

Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Von Haden "to adopt the resolution related to the City-County Health Department". Said motion passed by unanimous vote.

The Council considered a resolution adopting the following proposed budgets for various agencies and utilities of the City of Eau Claire for fiscal year 2017:

- |                                 |                             |
|---------------------------------|-----------------------------|
| a. Economic Development         | k. Debt Service - TID #7    |
| b. Community Enhancement        | (Soo Line Development Area) |
| c. Downtown Fund                | l. Water Utility            |
| d. Cemetery Maintenance         | m. Sewer Utility            |
| e. Hazardous Materials Response | n. Storm Water Management   |
| f. Landfill Remediation         | o. Parking Utility          |
| g. K-9 Fund                     | p. Public Transit           |
| h. Debt Service - General Fund  | q. Hobbs Ice Center         |
| i. Debt Service - TID #5        | r. Outdoor Pool             |
| (Gateway Northwest Business     | s. Risk Management          |
| Park)                           | t. Central Equipment        |
| j. Debt Service - TID #6        | u. Redevelopment Authority. |
| (Northeast Industrial Area)     |                             |

Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Beaton "to adopt the resolution". Said motion passed by unanimous vote.

## **SPECIAL ASSESSMENTS**

The Council considered a resolution levying special assessment charges and extending annual installments of 2016 special assessments. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Xiong “to adopt the resolution”. Said motion passed by unanimous vote.

## **CAPITAL IMPROVEMENT PLAN**

The Council considered a resolution appropriating the 2017 capital projects identified in the 2017 - 2021 Capital Improvement Plan for the City of Eau Claire. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Mitchell “to adopt the resolution”. Said motion passed by unanimous vote.

## **ISSUANCE OF BONDS AND OFFICIAL INTENT**

The City Council considered a resolution authorizing the issuance of bonds and authorizing an officer to declare official intent for federal income tax purposes. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Klinkhammer “to adopt the resolution”. Said motion passed by unanimous vote.

## **BUSINESS IMPROVEMENT DISTRICT BUDGETS**

The Council considered a resolution approving the 2017 Budgets for the Business Improvement Districts within the City of Eau Claire and authorization to levy special assessments:

- South Barstow Business Improvement District
- West Grand Avenue Business Improvement District
- Water Street Business Improvement District
- N. Barstow/Medical Business Improvement District.

Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Strobel “to adopt the resolution”. Said motion passed by unanimous vote.

## **FEES AND LICENSES**

The City Council considered a resolution amending the City of Eau Claire Schedule of Fees and Licenses, effective January 1, 2017. Thereupon a motion was offered by Council Member Beaton and seconded by Council Member Werthmann “to adopt the resolution”. Said motion passed by unanimous vote.

## **WATER UTILITY RATE**

The Council considered a resolution authorizing an application to the Wisconsin Public Service Commission for a Water Utility rate increase. Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Larsen “to adopt the resolution”. Said motion passed by unanimous vote.

## **EMPLOYMENT POLICIES**

The City Council considered a resolution approving amendments to employment policies. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Emmanuelle “to adopt the resolution”. Said motion passed by unanimous vote.

## **SEWER RATE CHARGE**

The Council considered an ordinance amending Chapter 15.04 of the Code of Ordinances of the City of Eau Claire entitled “Sewerage Service Charge” to increase the sewer user charges as proposed in the 2017 Operating Budget. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to adopt the ordinance”. Said motion passed by unanimous vote.

## **PAY PLAN AND PRACTICES & EMPLOYEE BENEFITS AND LEAVES PLAN**

The Council considered an ordinance amending the City of Eau Claire Pay Plan and Practices. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Beaton “to adopt the ordinance”. Said motion passed by unanimous vote.

The Council considered an ordinance amending the City of Eau Claire Employee Benefits and Leaves Plan. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Xiong “to adopt the ordinance”. Said motion passed by unanimous vote.

## **ADJOURNMENT**

A motion was offered by Council Member Emmanuelle and seconded by Council Member Beaton “that this meeting does now adjourn without objection.” Said motion passed by unanimous consent.

Adjournment: November 8, 2016

Time: 5:35 p.m.

ATTEST:

/s/ Kerry J. S. Kincaid, President

/s/ Donna A. Austad, City Clerk