

## **MINUTES**

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

**Tuesday, November 14, 2017**

**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, Kathy Mitchell, David Strobel, Tim Tewalt, Bob Von Haden, Terry Weld and Andrew Werthmann. Council Members absent: Michael Xiong.

Council Member Michael Xiong entered Council Chambers.

Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to amend the agenda” by moving item #15, Resolution authorizing the City Manager to enter into a Development Agreement with 93 Lorch, LLC, to follow Item #10, Final resolution approving the project and levying special assessments for street and utility improvements. Said motion passed by unanimous voice vote.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for the following items of routine business on Tuesday, November 14, 2017:

- Adopting the Consent Agenda.
- Approving the Minutes of the October 24, 2017 Council Legislative Session.
- Granting new bartender licenses.
- Granting a Class A Cabaret license to Pizza Plus LLC, d/b/a The Metro, 201 E. Lake Street, Benny Haas, agent.
- Granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to Eau Claire Seymour Lions Club, Doug Kunick, president, on February 7, 2018, at St. Olaf Parish Community Center, 2407 North Lane, for Seymour Lions Game Feed.
- Granting a Temporary Class B Fermented Malt Beverage and a Temporary Class B Wine license to Chippewa VFW Post 1038, Richard Carlson, president, on December 2, 2017, at 3800 Starr Avenue, Chippewa Valley Regional Airport’s Hawthorne Hangar, for a Hawthorne Hangar Dance event.
- Granting a Change of Agent for the “Class A” Intoxicating Liquor (Cider only) & Class “A” Fermented Malt Beverage license of Cenergy, LLC, d/b/a Mega Holiday #3710, 4304 Jeffers Road, from Bethany J. Stovall to Chris H. Toft.
- Introduction of a resolution amending the City of Eau Claire Schedule of Fees and Licenses effective January 1, 2018.

Council Member Emmanuelle requested that Agenda Item #9, Introduction of a resolution amending the City of Eau Claire Schedule of Fees and Licenses effective January 1, 2018, be removed from the consent agenda to allow for a separate vote.

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

Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Klinkhammer “to suspend the rules which interfere with the immediate consideration of the resolution amending the City of Eau Claire Schedule of Fees and Licenses effective January 1, 2018.” Said motion passed by unanimous voice vote.

Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Von Haden “to table consideration of Agenda Item #9, resolution amending the City of Eau Claire Schedule of Fees and Licenses effective January 1, 2018, until after Agenda Item #23, Resolution adopting proposed budgets for various agencies.” Said motion passed by unanimous voice vote.

### **PROCLAMATION – SMALL BUSINESS SATURDAY**

Council President Kincaid, on behalf of the entire Council, proclaimed Saturday, November 25, 2017, as Small Business Saturday in the City of Eau Claire and encouraged citizens to support their community’s small businesses and merchants.

### **STREET IMPROVEMENTS**

The City Council considered a final resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- Twelfth Street, 100 feet south of Hawthorne Street to Locust Street (17-122)
- Old Town Hall Road, Lorch Avenue to 2,300 feet North East (17-115)
- Lorch Avenue, STH 93 to 650 feet east (17-114)
- Friedeck Road, Lorch Avenue to 600 feet south (17-113).

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

### **DEVELOPMENT AGREEMENT**

The City Council considered a resolution authorizing the City Manager to enter into a Development Agreement with 93 Lorch, LLC for Storm Water Facilities – Old Town Hall Road and STH 93. 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.

### **SIDEWALK REPAIR**

The City Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 on Twelfth Street, from 100 feet south of Hawthorne Street to Locust Street (17-122). Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Beaton “to adopt the resolution.” Said motion passed by unanimous vote.

### **GRANT**

The City Council considered a resolution authorizing the Fire Department to accept grant monies from the Firehouse Subs Public Safety Foundation to purchase Emergency Medical Service (EMS) Bags. Thereupon a motion was offered by Council Member Tewalt and seconded by Council Member Weld “to adopt the resolution.” Said motion passed by unanimous vote.

### **AGREEMENTS**

The City Council considered a resolution approving a Hazardous Materials Response Agreement with Eau Claire County. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to adopt the resolution.” Said motion passed by unanimous vote.

The City Council considered a resolution approving a Subordination Agreement between the City of Eau Claire, the Redevelopment Authority and Northwestern Bank. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Strobel “to adopt the resolution.” Said motion passed by unanimous vote.

### **HOYEM ACRES 7<sup>TH</sup> ADDITION**

The City Council considered a resolution amending the final plat of Hoyem Acres 7<sup>th</sup> Addition (File P-1-17 Amd). Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Beaton “to adopt the resolution.” Said motion passed by unanimous vote.

The City Council considered a resolution authorizing the City Manager to amend the Development Agreement with Hoyem Family Partnership, LLC for street and utility improvements within the Plat of Hoyem Acres 7<sup>th</sup> Addition. Thereupon a motion was offered by Council Member Tewalt and seconded by Council Member Weld “to adopt the resolution.” Said motion passed by unanimous vote.

## **ANNEXATION**

The Council considered an ordinance in accordance with Section 66.0217 Wisconsin Statutes, annexing to the City of Eau Claire and particularly to the 15th Assessment Ward, 3rd Aldermanic District, that part of Lot 1 of Certified Survey Map #388 and part of Certified Survey Map #413 all located in the SE ¼ of Section 31-27-9, Town of Washington, Eau Claire County, as shown on Planning Drawing No. 17-4A (Grover Road LLC Petition). 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.

## **ZONING**

The City Council had first reading on an ordinance amending the General Development Plan for C-3 MX zoned property for the Keystone Crossing Development to allow for change to the general layout, and additional dwelling units (File Z-1534-13 Amd).

The City Council had first reading on an ordinance rezoning property located at 3004 Drier Road from TR-1A to R-1 (File Z-1615-17).

## **SEWER SERVICE CHARGE**

The City Council had first reading on 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 2018 Operating Budget.

## **ADOPTION OF 2018 CITY BUDGET**

### **2018 BUDGET ADOPTION**

The City Council considered resolutions adopting the following proposed budgets and appropriations for the fiscal year ending December 31, 2018:

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

Council Member Emmanuelle provided a brief presentation on a motion included in the packet to reimburse Council Members for internet service. The motion was withdrawn.

Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Werthmann “to amend the 2018 Budget for the Fire & Rescue Department by increasing the budget for overtime by \$130,000 to allow the Fire Chief to reassign two existing firefighters to a 40-hour/week position to staff a fourth ambulance.” Said motion failed by the following vote: Aye: Council Members Beaton, Emmanuelle, Werthmann and Xiong. Nay: Council Members Kincaid, Klinkhammer, Mitchell, Strobel, Tewalt, Von Haden and Weld.

Thereupon a motion was offered by Council Member Beaton and seconded by Council Member Werthmann “to amend the 2018 Budget for Public Transit by eliminating the increases in Transit fares and increasing the transfer from General Fund by \$37,300.” Said motion failed by the following vote: Aye: Council Members Beaton, Emmanuelle, Werthmann and Xiong. Nay: Council Members Kincaid, Klinkhammer, Mitchell, Strobel, Tewalt, Von Haden and Weld.

Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Beaton “to adopt the resolutions approving the General Fund, L.E. Phillips Memorial Public Library and City-County Health Department budgets.” Said motion passed by unanimous vote.

The City Council considered a resolution adopting the following proposed budgets for various agencies and utilities of the City of Eau Claire for Fiscal Year 2018:

- |                                             |                                                     |
|---------------------------------------------|-----------------------------------------------------|
| a. Economic Development                     | l. TID #9 (Gateway Northwest Business Park Overlay) |
| b. Community Enhancement                    | m. TID #10 (Confluence Project)                     |
| c. Downtown Fund                            | n. TID #11 (Downtown)                               |
| d. Cemetery Maintenance                     | o. Water Utility                                    |
| e. Hazardous Materials Response             | p. Sewer Utility                                    |
| f. Landfill Remediation                     | q. Storm Water Management                           |
| g. K-9 Fund                                 | r. Parking Fund                                     |
| h. Debt Service - General Fund              | s. Public Transit                                   |
| i. TID #5 (Gateway Northwest Business Park) | t. Hobbs Ice Center                                 |
| j. TID #7 (Soo Line Development Area)       | u. Outdoor Pool                                     |
| k. TID #8 (Downtown Development Area)       | v. Risk Management                                  |
|                                             | w. Central Equipment                                |
|                                             | x. Redevelopment Authority.                         |

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

### **SCHEDULE OF FEES AND LICENSES**

The City Council considered a resolution amending the City of Eau Claire Schedule of Fees and Licenses effective January 1, 2018. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to adopt the resolution.”

Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Werthmann “to allow a separate vote on the Transit fares.” Said motion passed by the following voice vote: Aye: Council Members Beaton, Emmanuelle, Kincaid, Klinkhammer, Mitchell, Tewalt, Von Haden, Weld, Werthmann and Xiong. Nay: Council Member Strobel.

The Council then voted on the remainder of the City of Eau Claire Schedule of Fees and Licenses. Said motion passed by unanimous vote.

Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Strobel “to adopt the separated part of the Schedule of Fees and Licenses resolution relating to Transit fares.” Said motion passed by the following vote: Aye: Council Members Kincaid, Klinkhammer, Mitchell, Strobel, Tewalt, Von Haden, Weld and Xiong. Nay: Council Members Beaton, Emmanuelle and Werthmann.

### **SPECIAL ASSESSMENTS**

The City Council considered a resolution levying special assessment charges and extending annual installments of 2017 special assessments. 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.

### **CAPITAL IMPROVEMENT PLAN**

The City Council considered a resolution appropriating the 2018 capital projects identified in the 2018 - 2022 Adopted Capital Improvement Plan for the City of Eau Claire. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Beaton “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 Tewalt and seconded by Council Member Weld “to adopt the resolution.” Said motion passed by unanimous vote.

### **BUSINESS IMPROVEMENT DISTRICT BUDGETS**

The City Council considered a resolution approving the 2018 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 Klinkhammer and seconded by Council Member Von Haden “to adopt the resolution.” Said motion passed by unanimous vote.

### **PAY PLAN AND PRACTICES**

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

## **BENEFITS AND LEAVES PLAN**

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

## **ADJOURNMENT**

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

Adjournment: November 14, 2017

Time: 5:57 p.m.

ATTEST:

/s/ Kerry J. S. Kincaid, President

/s/ Carrie L. Riepl, City Clerk