

## **MINUTES**

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

**Tuesday, April 10, 2018**

**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, Kerry Kincaid, David Klinkhammer, Kathy Mitchell, David Strobel, Bob Von Haden, Andrew Werthmann and Michael Xiong. The following members were absent: Council Members Catherine Emmanuelle, Tim Tewalt and Terry Weld.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for the following items of routine business on Tuesday, April 10, 2018:

- Adopting the Consent Agenda.
- Approving the Minutes of the March 27, 2018 Council Legislative Session.
- Granting new bartender licenses.
- Granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to Boys & Girls Club of the Greater Chippewa Valley, Trevor Bohland, President, on May 12, 2018, at HOM Furniture, 2921 Mall Drive, for the Annual Wine & Cheese Tasting Fundraiser.
- Granting a Change of Agent for the Class A Beer and Class A Liquor (Cider only) license of Cenergy, LLC, d/b/a Mega Holiday #3709, 5511 S. Highway 93, from Jason R. Otto to Bethany Stovall be approved.
- Authorizing First Congregational United Church of Christ of Eau Claire to conduct the Historic Randall Park Carnival on Sunday, May 20, 2018, at Randall Park and on city streets.
- Authorizing Eau Claire Marathon, LLC to close Riverview Drive as part of the Eau Claire Marathon on Saturday and Sunday, May 5-6, 2018.
- Authorizing Visit Eau Claire to conduct the During the Race Celebration on Sunday, May 6, 2018, in the Water Street Municipal Parking Lot.
- Granting a Temporary Class B Fermented Malt Beverage license to Eau Claire Area Convention and Visitors Bureau, Inc., Mike Rindo, President, on May 6, 2018, Water Street Municipal Parking Lot, for the During the Race Celebration.
- Authorizing the Community Services Department, on behalf of the City Manager, to submit an application for the Bloomberg Philanthropies' Public Art Challenge Grant.
- Awarding a contract for Procurement No. 2018-21, Downtown Street Improvements.
- Authorizing the write-off of uncollectible accounts receivable and delinquent personal property taxes.

- Authorizing the City Clerk to publish a notice of public hearing regarding the vacation of Marston Avenue, from Dodge Street to the East End.
  - Resolution vacating Marston Avenue, from Dodge Street to the East End.
  - Lis Pendens on the matter of said vacation of Marston Avenue, from Dodge Street to the East End.

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

### **PROCLAMATION**

President Kincaid read a proclamation proclaiming April 8 – 14, 2018 as National 9-1-1 Telecommunicator Week in the City of Eau Claire, and urging all government officials, parents, teachers, school administrators, caregivers, business leaders, non-profit organizations, and citizens to observe this week with training, events, and activities to educate the public on 9-1-1 and its services.

Council Member Emmanuelle entered Council Chambers.

President Kincaid read a proclamation proclaiming April 16 – 22, 2018, as Eau Claire Jazz Week in the City of Eau Claire, and urging the citizens of Eau Claire to take part in this special observance with appropriate events and commemorations, and to enjoy the festival events, including the Headliner Concerts and the 52<sup>nd</sup> Street event downtown.

### **SPECIAL EVENTS**

The City Council considered a resolution authorizing the LGBT Community Center of the Chippewa Valley to conduct the Chippewa Valley Pride Festival on Saturday, June 9, 2018, on the Phoenix Park Lawn and on City streets. 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.

### **BIDS & PROPOSALS**

The City Council considered a resolution awarding a contract for Procurement No. 2018-28, Downtown Riverwalk Construction. 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.

### **ALLEY VACATION**

The City Council considered a resolution authorizing the vacation of the Alley South of Hudson Street from Sixth Avenue to the East and from Hudson Street to Broadway Street. 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.

### **ALLEY IMPROVEMENTS**

The City Council considered a resolution approving the project and levying special assessments for improvements on the Alley East of South Barstow Street, Seaver Street to Emery Street (18-504). Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Strobel “to indefinitely postpone.” Said motion passed by unanimous vote.

### **STREET IMPROVEMENTS**

Council President Kincaid requested to divide the agenda item such that each street is considered separately. No objections were voiced.

#### **Keith Street**

The City Council considered a final resolution approving the project and levying special assessments for street and utility improvements on Keith Street, Lexington Boulevard to Skeels Avenue (18-110). Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Strobel “to adopt the resolution.”

Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Mitchell “to amend the resolution” by narrowing the street width to 32’ from curb face to curb face and including meandering sidewalk to preserve trees.

Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Beaton “to amend the amendment” by changing the street width to 30’. Said motion passed by the following vote: Aye: Council Members Beaton, Emmanuelle, Strobel, Von Haden, Werthmann and Xiong. Nay: Council Members Kincaid, Klinkhammer and Mitchell.

Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Von Haden “to amend the amendment to the amendment” by adding the narrowing of the boulevard width to 5’ maximum. Said motion passed by unanimous vote.

A vote was then taken on the “amended motion to amend the resolution.” Said motion passed by unanimous vote.

A vote was then taken to “adopt the resolution as amended.” Said motion passed by unanimous vote.

### **Taft Avenue**

The City Council considered a final resolution approving the project and levying special assessments for street and utility improvements on Taft Avenue, Rudolph Road to Keith Street (18-114). Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Werthman “to adopt the resolution.”

Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Beaton “to amend the resolution” by including meandering sidewalk and narrowing of the boulevard width to 5’ maximum. Said motion passed by the following vote:

Aye: Council Members Beaton, Emmanuelle, Kincaid, Klinkhammer, Mitchell, Strobel, Werthmann and Xiong. Nay: Council Member Von Haden.

A vote was then taken to “adopt the resolution as amended.” Said motion passed by the following vote: Aye: Council Members Beaton, Emmanuelle, Kincaid, Klinkhammer, Mitchell, Strobel, Werthmann and Xiong. Nay: Council Member Von Haden.

### **First Avenue**

The City Council considered a final resolution approving the project and levying special assessments for street and utility improvements on First Avenue, 340 Feet North of West Grand Avenue to 200 Feet South of West Grand Avenue (18-400). 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.

### **Gibson Street**

Council Member Strobel left Council Chambers.

The City Council considered a final resolution approving the project and levying special assessments for street and utility improvements on Gibson Street, South Barstow Street to Graham Avenue (18-401). Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to adopt the resolution.” Said motion passed by the following vote: Aye: Council Members Emmanuelle, Kincaid, Klinkhammer, Mitchell, Von Haden and Xiong. Nay: Council Members Beaton and Werthmann. Abstained: Council Member Strobel.

Council Member Strobel entered Council Chambers.

### **SITE PLANS**

The City Council considered a resolution approving a site plan in a P-Public district for a new residence hall at UWEC (File PZ-1803). Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Strobel “to adopt the resolution.” Said motion passed by the following vote: Aye: Council Members Beaton, Kincaid, Klinkhammer, Mitchell, Strobel, Von Haden, Werthmann and Xiong. Absent: Council Member Emmanuelle.

The City Council considered a resolution approving a site plan in a P-Public district for parking lot expansion for the Montessori School at 400 Cameron Street (File PZ-1804). Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Beaton “to adopt the resolution.” Said motion passed by the following vote: Aye: Council Members Beaton, Kincaid, Klinkhammer, Mitchell, Strobel, Von Haden and Xiong. Absent: Council Members Emmanuelle and Werthmann.

The City Council considered a resolution approving a site plan in a P-Public district for an addition to McKinley Charter School at 1266 McKinley Road (File PZ-1805). Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to adopt the resolution.” Said motion passed by the following vote: Aye: Council Members Beaton, Kincaid, Klinkhammer, Mitchell, Strobel, Von Haden and Xiong. Absent: Council Members Emmanuelle and Werthmann.

### **HIGHCLERE ESTATES II**

The City Council considered a resolution approving the final plat for Highclere Estates II located northwest of LaSalle Street and McKinley Road (File P-6-17). Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Strobel “to adopt the resolution.” Said motion passed by the following vote: Aye: Council Members Beaton, Emmanuelle, Kincaid, Klinkhammer, Mitchell, Strobel, Von Haden and Xiong. Nay: Council Member Werthmann.

The City Council considered a resolution authorizing the City Manager to approve the development agreement with Highclere Properties, LLC for street and utility improvements within the Plat of Highclere Estates to include Highclere Estates II. Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Emmanuelle “to adopt the resolution.”

Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to amend the development agreement” by amending “Special Condition I. Sidewalks” to replace DWG NO. 2018-26 with DWG NO. 2018-26R deferring sidewalks at the following locations within the Plat of Highclere Estates II: Lot 57 adjacent to the no build area, Lot 58 adjacent to the no build area for reasons of topography. Sidewalks are required adjacent to Highclere Estates II Lots 64, 65, 66, and 67, however, construction of the segments that conflict with the temporary turnaround and segments to the south of the temporary turnaround may be constructed at such time as 33rd Avenue is extended to the south. Said motion passed by the following voice vote: Aye: Council Members Beaton, Emmanuelle, Kincaid, Klinkhammer, Strobel, Von Haden, Werthmann and Xiong. Nay: Council Member Mitchell.

A vote was then taken to “adopt the resolution as amended.” Said motion passed by the following vote: Aye: Council Members Beaton, Emmanuelle, Kincaid, Klinkhammer, Mitchell, Strobel, Von Haden and Xiong. Nay: Council Member Werthmann.

### **CONDO PLAT**

The City Council considered a resolution approving the final condominium plat for Arbor Heights Condominium Town Homes II located southeast of West MacArthur Avenue and Eldorado Boulevard (File P-3-18). Thereupon a motion was offered by Council Member Beaton and seconded by Council Member Klinkhammer “to adopt the resolution.” Said motion passed by unanimous vote.

### **WRITER IN RESIDENCE**

The City Council considered a resolution appointing the position of Writer in Residence for the City of Eau Claire. 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.

### **ZONING**

The City Council had first reading on an ordinance rezoning property located on the west side of Starr Avenue, south of Seymour Road from C-2 to R-3P (File Z-1625-18).

### **CLOSED SESSION**

Council President Kincaid announced that upon a motion duly made and seconded, the Council may go into closed session to review and approve the annual performance evaluation letter of the City Manager, an employee over whom the City Council exercises responsibility, which is permitted in closed session pursuant to s. 19.85(1)(c) of the Wisconsin Statutes. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Strobel to “convene into closed session”. Said motion passed by the following vote:

Aye: Council Members Kincaid, Klinkhammer, Mitchell, Strobel, Von Haden, Werthmann and Xiong. Nay: Council Members Beaton and Emmanuelle.

After a brief recess, the Council convened into closed session.

### **ADJOURNMENT**

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

Adjournment: April 10, 2018

Time: 6:32 p.m.

ATTEST:

/s/ Kerry J. S. Kincaid, President

/s/ Carrie L. Riepl, City Clerk