

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING

Tuesday, September 13, 2011

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 Larry Balow, David Duax, Kerry Kincaid, David Klinkhammer, Kathy Mitchell, Mark Olson, Jackie Pavelski, Bob Von Haden, Thomas Vue, and Andrew Werthmann. Absent: Council Member Dana Wachs.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, September 13, 2011. Council Member Olson requested that Items #4 & 5, Resolution granting a Temporary Class B Fermented Malt Beverage license to Sacred Heart of Jesus-St. Patrick Parish, Rev. William Dhein, president, on November 6, 2011, in the basement tunnel room, 418 N. Dewey Street for a Sacred Heart/St. Patrick's Holiday Bazaar. and

Resolution granting a Temporary Class B Fermented Malt Beverage license to St. Olaf Parish, Brian Konopa, Pastor, on October 7, November 4, and December 2, 2011, from 3:00 p.m. to 10:00 p.m., at 3220 Monroe St., for Fish Fry Dinners.

be removed from the Consent Agenda and voted upon separately. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Balow "to adopt the remainder of the consent resolution". Said motion passed by unanimous vote.

LICENSES

The Council considered a resolution granting a Temporary Class B Fermented Malt Beverage license to Sacred Heart of Jesus-St. Patrick Parish, Rev. William Dhein, president, on November 6, 2011, in the basement tunnel room, 418 N. Dewey Street for a Sacred Heart/St. Patrick's Holiday Bazaar and a resolution granting a Temporary Class B Fermented Malt Beverage license to St. Olaf Parish, Brian Konopa, Pastor, on October 7, November 4, and December 2, 2011, from 3:00 p.m. to 10:00 p.m., at 3220 Monroe St., for Fish Fry Dinners. Council Member Olson asked staff about the possibility of including language regarding the conceal - carry law which will be in effect when these events take place. Attorney Nick indicated that the city could not make that a condition of granting such a license and because these events were taking place on private property, it would be up to the property owner to decide whether or not to post signs regarding the carrying of concealed weapons. Nick said it is illegal to serve anyone who is carrying a concealed weapon. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Pavelski "to adopt the two resolutions". Said motion passed by unanimous vote.

PROCLAMATIONS

Council President Kincaid, on behalf of the City Council, proclaimed September as National Recovery Month: Prevention Works, Treatment is Effective, People Recover, in the City of Eau Claire.

LICENSES

The City Council considered a resolution granting a Class B Fermented Malt Beverage license, a Class C Wine license and a Class A Cabaret license to Chippewa Valley Theatre Guild, Inc., d/b/a Chippewa Valley Theatre Guild, 102 W. Grand Ave., Ann Sessions, agent. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Duax “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution granting a temporary expansion of the Combination Class B Intoxicating Liquor & Fermented Malt Beverage licensed premise of Eau Claire Fire House, d/b/a The Fire House, 202 Gibson St., to include a fenced in area for a Wisctoberfest event on October 15, 2011. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Olson “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to Children’s Museum of Eau Claire, Inc., Patrick Rebman, president, on September 27, 2011, at 220 S. Barstow St. for the Celebrity Art Auction. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Werthmann “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to Eau Claire Chamber Education Foundation, Mark Faanes, president, on October 18, 2011, at Eau Claire Indoor Sports Center at 3456 Craig Rd. for the Business Expo event. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Vue “to adopt said resolution”. Said motion passed by unanimous vote.

SPECIAL EVENTS

The City Council considered a resolution authorizing the Chippewa Valley Roller Girls to conduct the Mixer Tournament at the Hobbs Municipal Ice Center on Saturday, September 17, 2011. Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution authorizing the Eau Claire Interfaith Hospitality Network to conduct the Hike for the Homeless at Carson Park on Saturday, September 24, 2011. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Klinkhammer “to adopt said resolution”. Said motion passed by unanimous vote.

Council Member Werthmann left the Council Chamber.

The Council considered a resolution authorizing the Brain Injury Association of Wisconsin to conduct the Eau Claire Walk for Thought at the Indoor Sports Center on Saturday, October 1, 2011. Thereupon a motion was offered by Council Member Olson and seconded by Council Member Mitchell "to adopt said resolution". Said motion passed by unanimous vote.

Council Member Werthmann returned to the Council Chamber.

GRANT ACCEPTANCE

The City Council considered a resolution authorizing the Police Department to accept \$175,000 in grant funds from the Paul Coverdell Forensic Science Improvement Grants Program available through the Department of Justice, Office of Justice Programs. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Balow "to adopt said resolution". Said motion passed by unanimous vote.

The Council considered a resolution authorizing the Police Department to accept \$14,542 in Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Funds from the US Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Pavelski "to adopt said resolution". Said motion passed by unanimous vote.

RODERICK STREET SIDEWALK

The City Council considered a resolution amending Resolution No. 2011-103 and rescind the deferral of sidewalk construction on Roderick Street, from Badger Avenue to Lyndale Avenue, and thus order the construction of sidewalk. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Duax, Kincaid, Klinkhammer, Olson, Pavelski, Von Haden, Vue, and Werthmann. Nay: Council Members Balow and Mitchell.

BRACKETT AVENUE TRAFFIC ISLAND

The City Council considered a resolution amending Resolution No. 2011-30, dated February 22, 2011, to revise the approved plans by reducing the length of the traffic control median island on Brackett Avenue adjacent to Donnellan Lane. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Balow "to adopt said resolution". Thereupon a motion was offered by Council Member Duax and seconded by Council Member Werthmann "to postpone consideration of said resolution until September 2012. At that time, the Public Works Department shall present a report on how the intersection has functioned.". Said motion to postpone failed on the following vote: Aye: Council Members Duax, Von Haden and Werthmann. Nay: Council Members Balow, Kincaid, Klinkhammer, Mitchell, Olson, Pavelski, and Vue. The Council then voted on the original resolution. Said motion failed on the following

vote: Aye: Council Members Duax and Werthmann. Nay: Council Members Balow, Kincaid, Klinkhammer, Mitchell, Olson, Pavelski, Von Haden and Vue.

EXCESS PROPERTY

The City Council considered a resolution declaring vacant land near Harris Street and Eighth Street to be excess land and authorizing the conveyance of said land to the Eau Claire School District. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Olson "to adopt said resolution". Said motion passed by unanimous vote.

NATIONAL LEAGUE OF CITIES DELEGATES

The Council considered a resolution appointing City of Eau Claire voting delegates for the 2011 National League of Cities Conference. Council Member Balow nominated Council Member Duax as the voting delegate. Council Member Von Haden nominated Council Member Olson as the alternate. Both Council Members accepted their nomination. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Werthmann "to adopt said resolution". Said motion passed by unanimous vote.

GRIEVANCE PROCEDURE

The Council considered an ordinance amending Section 2.72.010 of City Code of Ordinances, specifically Section 25.26 of the City of Eau Claire Personnel Rules and Regulations. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Mitchell "to adopt said ordinance". Thereupon a motion was offered by Council Member Balow and seconded by Council Member Duax "to postpone consideration of said ordinance for two weeks. Said item shall be placed on the Monday agenda for further public discussion and on the Tuesday agenda for consideration.". Said motion to postpone passed by the following vote: Aye: Council Members Balow, Duax, Kincaid, Mitchell, Olson, Pavelski, Von Haden, and Werthmann. Nay: Council Members Klinkhammer and Vue.

PARKING RESTRICTIONS

The City Council had first reading on an ordinance amending Table VIII of the City Code of Ordinances entitled "Parking Prohibited," by adding Melby Street, both sides, from Starr Avenue to Cardinal Avenue.

WATER RATES

The City Council had first reading on an ordinance amending Chapter 14.20 of the City Code of Ordinances entitled (Waterworks) "Rates and Billing".

POSSESSION OF FIREARMS

The City Council had first reading on an ordinance repealing and recreating Section 9.32.040 of the City Code of Ordinances entitled "Possession of Firearms- Public Buildings, Business Establishments and Public Areas".

ADJOURNMENT

A motion was offered by Council Member Klinkhammer and seconded by Council Member Olson "that this meeting does now adjourn." Said motion passed by unanimous voice vote.

Adjournment: September 13, 2011

Time: 6:35 p.m.

Kerry J. S. Kincaid, President

ATTEST:

Donna A. Austad, City Clerk