

## **MINUTES**

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

**Tuesday, July 26, 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, Kerry Kincaid, David Klinkhammer, Kathy Mitchell, Mark Olson, Jackie Pavelski, Bob Von Haden, Thomas Vue, Dana Wachs and Andrew Werthmann. Absent: Council Member David Duax.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, July 26, 2011. Council Member Balow requested that Item No.11, Resolution authorizing the Parks, Recreation and Forestry Department to apply for a Wisconsin Department of Natural Resources Stewardship Local Assistance Grant for the acquisition of the Kiwanis Forest property located on Menomonie Street, 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.

#### **GRANT APPLICATION**

The Council considered a resolution authorizing the Parks, Recreation and Forestry Department to apply for a Wisconsin Department of Natural Resources Stewardship Local Assistance Grant for the acquisition of the Kiwanis Forest property located on Menomonie Street. Department Director Fieber answered questions about the property and the grant application. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Pavelski “to adopt the resolution”. Said motion passed by unanimous vote.

#### **COMMENDATIONS AND PROCLAMATIONS**

Council President Kincaid, on behalf of the City Council, proclaimed Tuesday, August 2, 2011 as National Night Out Against Crime in the City of Eau Claire.

#### **LICENSES**

The Council considered a resolution granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to Paul Bunyan Logging Camp of Eau Claire Inc., Gordy Wall, president, on August 4, 2011, at 1110 Carson Park Drive, for the U.S. Open Chainsaw Sculpture Championship. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Klinkhammer “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 Junior Achievement of WI Northwest District, Susan Effinger, Director, on October 7, 2011, at 3800 Starr Ave. #A, for Gordy's Valley Spirits Fruit of the Vine Benefitting Junior Achievement. 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.

### **FIRST FRIDAYS EVENT**

The City Council considered a resolution authorizing DECI to conduct the First Fridays Event in Downtown Eau Claire on the first Fridays of August, September, and October, 2011, from 5:00 p.m. to 9:00 p.m. Thereupon a motion was offered by Council Member Wachs and seconded by Council Member Werthmann "to adopt said resolution". Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Pavelski "to amend said resolution by adding the words "subject to approval by the Parks and Waterways Commission" at the end of the Therefore Be It Resolved paragraph". Said motion to amend failed on the following vote: Aye: Council Member Werthmann. Nay: Council Members Balow, Kincaid, Klinkhammer, Mitchell, Olson, Pavelski, Von Haden, Vue, and Wachs. The Council then voted on the original motion to adopt the resolution. Said motion passed by unanimous vote.

### **BUDGET ADJUSTMENTS**

The Council considered a resolution authorizing appropriation adjustments to the 2011 Program of Services for grants, donations, and service adjustments. 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.

### **FAIRFAX POOL REPORT**

The City Council considered a resolution accepting the report of the Fairfax Pool Civic Work Group regarding options concerning the future of the Fairfax Municipal Swimming Pool. 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.

### **OPTION TO PURCHASE**

The Council considered a resolution granting Commonwealth Real Estates Investments LLC an Option to Purchase for the former Parks and Recreation Building at 1300 First Avenue and adjacent parking lot at 1428 Oxford Avenue, and authorizing the conveyance of said property. 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.

## **UWEC BUILDING PROJECT**

The City Council considered a resolution approving a site plan in a P-Public district for a new educational building for UWEC as shown on Planning File #PZ-1102. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Wachs “to adopt said resolution”. Said motion passed by unanimous vote.

## **LONDON ROAD**

The City Council considered a resolution vacating London Road, from Cross Street south to the cul-de-sac and a resolution releasing the utility easements within London Road, from Cross Street south to the cul-de-sac. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Wachs “to postpone consideration of said resolutions until such time as the necessary executed documents are returned to the City by the affected property owners”. Said motion to postpone passed by unanimous vote.

Council Member Wachs left the Council Chamber.

## **STOP INTERSECTION**

The Council considered an ordinance amending Table III of the City Code of Ordinances entitled “Stop Intersections,” by creating an all-way stop at the intersection of Bellevue Avenue, Wagner Avenue, and Starr Avenue. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Pavelski “to adopt said ordinance”. Said motion passed by unanimous vote.

Council Member Wachs returned to the Council Chamber.

## **EDUCATIONAL HEN KEEPING INITIATIVE**

The Council considered an ordinance to create Chapter 6.17 of the City Code of Ordinances entitled “Educational Hen Keeping Initiative”. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Mitchell “to adopt the substitute ordinance which had been distributed to Council Members”. The Council discussed the substitute ordinance. Thereupon a motion was offered by Council Member Olson and seconded by Council Member Klinkhammer “to increase the license fee from \$20 to \$200”. Said motion failed on the following vote: Aye: Council Members Klinkhammer, Olson, Von Haden and Wachs. Nay: Council Members Balow, Kincaid, Mitchell Pavelski, Vue and Werthmann. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Balow “to amend said ordinance as follows:

In 6.17.050(A), delete all of Number 5. Change Number 6 to Number 5.

In 6.17.030(C), add Number 5 which would read:

5. Applicant shall notify all property owners, whose property line is within 40 feet of the planned coop and any attached enclosure, of their intent to raise chickens. Applicant shall submit a written statement of support with their application which is signed by property owners of more than 50% of those properties.”.

Said motion to amend passed by the following vote: Aye: Council Members Balow, Kincaid, Klinkhammer, Mitchell, Pavelski, Von Haden, Vue and Werthmann. Nay: Council Members Olson and Wachs. The Council then voted on the ordinance as amended. Said ordinance was denied on the following tie vote: Aye: Council Members Balow, Kincaid, Mitchell, Vue and Werthmann. Nay: Council Members Klinkhammer, Olson, Pavelski, Von Haden and Wachs.

### **REZONING**

The Council had first reading on an ordinance rezoning property at 3922 Harless Road from TR-1A to R-1 as shown on Planning File #Z-1490-11.

### **ADJOURNMENT**

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

Adjournment: July 26, 2011

Time: 5:57 p.m.

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Kerry J. S. Kincaid, President

ATTEST:

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Donna A. Austad, City Clerk