

## **MINUTES**

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

**Tuesday, May 10, 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, Mark Olson, Jackie Pavelski, Bob Von Haden, Thomas Vue, Dana Wachs and Andrew Werthmann.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, May 10, 2011. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Balow “to adopt the consent resolution”. Upon request, Item No. 5, Resolution authorizing Jason Anhorn to conduct the Open Air Festival of the Arts at Phoenix Park on June 11-12, 2011, was removed from the Consent Agenda for a separate vote. The council then approved the remainder of the consent agenda by unanimous vote.

The Council considered the resolution authorizing Jason Anhorn to conduct the Open Air Festival of the Arts at Phoenix Park on June 11-12, 2011. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by unanimous vote.

#### **PROCLAMATIONS**

Council President Kincaid, on behalf of the City Council, read a proclamation declaring the week of May 15 – 21 as Emergency Medical Services Week.

Council President Kincaid, on behalf of the City Council, presented former Council Member Thomas Kemp with a plaque in appreciation for his service as the District Three City Council Representative from 2007 to 2011.

#### **APPOINTMENTS**

The City Council considered a resolution making appointments to the following Boards, Committees and Commissions:

##### Affirmative Action Committee

Laura Weisenbech Dragseth – new appointment to unexpired term as woman representative; term expires June 30, 2012

Housing Advisory Board

Christopher Caldwell – reappointment to three-year term, which expires April 30, 2014  
Merill Lovvik – reappointment to three-year term, which expires April 30, 2014  
Chris Kuna – new appointment to unexpired term, which expires April 30, 2012  
Darren Magee – new appointment to unexpired term, which expires April 20, 2012

Housing Authority

William Prindle – new appointment to five-year term, which expires April 30, 2016

Library Board

Penny France – new appointment to unexpired term, which expires June 30, 2011

North Barstow/Medical BID Board (three-year terms to expire December 31, 2013)

Lisa Aspenson – new appointment                      Geoff Moeding – new appointment

Plan Commission (three-year terms to expire April 30, 2014)

Brian Larson – reappointment                      Joel Levandowski – new appointment  
Thomas Pearson – reappointment

Police and Fire Commission

Keith Glasshof – reappointment to five-year term, which expires April 30, 2016

Revolving Loan Fund Committee

Christopher Caldwell – new appointment to unexpired term, which expires June 30, 2011.

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

**APPOINTMENT TO VACANT COUNCIL SEAT**

The Council considered a resolution appointing someone to fill the vacant District Three seat on the City Council. Six candidates applied for the position. Council President Kincaid said the vote would be done by a show of hands. The City Clerk called the names of the candidates and recorded the following votes:

David Strobel	3 votes (Duax, Klinkhammer, Von Haden)
Kathy Mitchell	4 votes (Kincaid, Pavelski, Vue, Wachs)
Rick Kayser	3 votes (Balow, Olson, Werthmann)
Michael Turner	0 votes
Michael Tvaruzka	0 votes
Thomas Stolp	0 votes

The top three candidates advanced to the second ballot. The City Clerk called the names of the candidates and recorded the following votes:

David Strobel	3 votes (Duax, Klinkhammer, Von Haden)
Kathy Mitchell	4 votes (Kincaid, Pavelski, Vue, Wachs)
Rick Kayser	3 votes (Balow, Olson, Werthmann)

Council Members discussed the candidates and proceeded with a third vote. The City Clerk called the names of the candidates and recorded the following votes:

David Strobel	0 votes
Kathy Mitchell	5 votes (Kincaid, Klinkhammer, Pavelski, Vue, Wachs)
Rick Kayser	5 votes (Balow, Duax, Olson, Von Haden, Werthmann)

Council Members discussed the candidates and proceeded to vote a fourth time. The City Clerk called the names of the candidates and recorded the following votes:

Kathy Mitchell	5 votes (Kincaid, Klinkhammer, Pavelski, Vue, Wachs)
Rick Kayser	5 votes (Balow, Duax, Olson, Von Haden, Werthmann)

Council Members discussed the candidates and proceeded with a fifth vote. The City Clerk called the names of the candidates and recorded the following votes:

Kathy Mitchell	5 votes (Kincaid, Klinkhammer, Pavelski, Vue, Wachs)
Rick Kayser	5 votes (Balow, Duax, Olson, Von Haden, Werthmann)

Council Members and the City Attorney discussed ways to break the tie. The Council agreed to proceed with a sixth vote. Council Members discussed the candidates and then proceeded to vote. The City Clerk called the names of the candidates and recorded the following votes:

Kathy Mitchell	6 votes (Duax, Kincaid, Klinkhammer, Pavelski, Vue, Wachs)
Rick Kayser	4 votes (Balow, Olson, Von Haden, Werthmann)

Thereupon a motion was offered by Council Member Duax and seconded by Council Member Klinkhammer “to adopt a resolution appointing Kathy Mitchell to the vacant District Three seat on the City Council”. Said motion passed by unanimous vote.

### **POET LAUREATE**

The Council considered a resolution creating a Poet Laureate position for the City of Eau Claire. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Balow “to adopt the substitute resolution regarding the Poet Laureate”. Said motion passed by unanimous vote.

### **LIQUOR LICENSE**

The Council considered a resolution granting a temporary expansion of the Combination Class B Intoxicating Liquor & Fermented Malt Beverage licensed premise of Eau Claire Regional Arts Council, d/b/a Eau Claire Regional Center, 316 Eau Claire Street, to include a 63’ x 42’ fenced in area for a Chippewa Valley Symphony Orchestra’s Tailgate Party on September 10, 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.

### **FIRE DEPARTMENT GRANT**

The City Council considered a resolution authorizing the Fire Department to accept grant monies from the Department of Homeland Security to purchase a SCBA Air Compressor System and to approve an appropriation in the Program of Services. Thereupon a motion was offered by Council Member Wachs and seconded by Council Member Werthmann “to adopt said resolution”. Said motion passed by unanimous vote.

### **REVOLVING LOAN PLAN**

Due to a conflict, Council Member Wachs left the dais and abstained from the vote on the following item.

The Council considered a resolution certifying the Revolving Loan Fund Plan. 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.

Council Member Wachs returned to his seat.

### **SHARED SERVICES REPORT**

The City Council considered a resolution accepting the Joint Commission on Shared Services Initiatives Annual Report as a guide for Joint Commission discussion and review for the subsequent year. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Pavelski “to adopt said resolution”. Said motion passed by unanimous vote.

### **WEST RIVERSIDE DISTRICT PLAN**

The Council considered a resolution approving the West Riverside District Plan. 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.

### **SOUTH BARSTOW STREET RECONSTRUCTION**

The City Council considered a resolution providing guidance for the further development of concept plans for the reconstruction of S. Barstow Street. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Klinkhammer “to adopt said resolution with Option ‘B’, a two-way traffic pattern”. Said motion passed by the following vote: Aye: Council Members Balow, Duax, Kincaid, Klinkhammer, Pavelski, Von Haden, Vue, Wachs, and Werthmann. Nay: Council Member Olson.

### **HEALTH INSURANCE**

Due to a conflict, Council Member Olson left the dais and abstained from the vote on the following item.

The Council considered a resolution extending the health insurance plan with Group Health for one year. Thereupon a motion was offered by Council Member Wachs and seconded by Council Member Werthmann “to adopt said resolution”. Said motion passed by unanimous vote.

Council Member Olson returned to his seat.

### **NESTLE´ TAX APPEAL**

The City Council considered a resolution authorizing the City to file appeals and/or objections concerning certain manufacturing real estate and personal property assessments, specifically Nestle´ USA, Inc. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Balow “to adopt said resolution”. Said motion passed by unanimous vote.

### **ZONING**

The Council considered an ordinance rezoning properties on the north side of Washington Street, east of S. Farwell Street, from C-2 to CBD and R-4 as shown on Planning File #Z-1483-11. 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.

### **ZONING**

The City Council had first reading on an ordinance rezoning property on the west side of Fairfax Street, east side of S. Hastings Way, south of Highland Avenue, from C-3 to C-3P to allow reduced setbacks with the General Development Plan for a new grocery store as shown on Planning File #Z-1484-11.

### **SIGN CODE**

The City Council had first reading on an ordinance amending the Sign Code pertaining to signs for temporary commercial attractions as shown on Planning File #Z-1485-11.

### **ADJOURNMENT**

A motion was offered by Council Member Pavelski and seconded by Council Member Von Haden “that this meeting does now adjourn.” Said motion passed by unanimous voice vote.

Adjournment: May 10, 2011

Time: 6:52 p.m.

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Kerry J. S. Kincaid, President

ATTEST:

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Donna A. Austad, City Clerk