

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, June 22, 2010

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, Thomas Kemp, 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, June 22, 2010. Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Balow "to adopt the consent resolution". Said motion passed by unanimous vote.

PROCLAMATION

Council President Kincaid, on behalf of the entire City Council, proclaimed July as Parks and Recreation Month.

LIQUOR LICENSES

The City Council considered a resolution granting a Combination Class B Intoxicating Liquor & Fermented Malt Beverage license to Fat's Chance, Inc., d/b/a Big T's Saloon, 2007 Third Street, Terry Luer, agent. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Wachs "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Balow, Duax, Kemp, Kincaid, Klinkhammer, Olson, Pavelski, Von Haden, Vue, and Wachs. Nay: None. Abstain: Council Member Werthmann.

The Council considered a resolution granting a Combination Class B Intoxicating Liquor & Fermented Malt Beverage license and Class A Cabaret license to The Eau Claire Fire House LLC, d/b/a The Fire House, 202 Gibson St., William Glass, agent. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Olson "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Balow, Duax, Kemp, Kincaid, Klinkhammer, Olson, Pavelski, Von Haden, Vue, and Wachs. Nay: None. Abstain: Council Member Werthmann.

POLICE DEPARTMENT GRANT AND AGREEMENT

The City Council considered a resolution authorizing the Police Department to apply for COPS 2010 Child Sexual Predator Program Grant Funds available through the U.S. Department of Justice, Office of Community Oriented Policing Services. Thereupon a motion was offered by

Council Member Duax and seconded by Council Member Werthmann “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution authorizing the Police Department to enter into inter-governmental agreements with area law enforcement agencies, for the purpose of sharing computer forensic equipment. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Pavelski “to adopt said resolution”. Said motion passed by unanimous vote.

LAND DONATION

The City Council considered a resolution accepting from Arrein Corporation a donation of .6 acres of vacant land north of Galloway Street and approximately 27 acres of vacant land north of the Eau Claire River. Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Balow “to adopt said resolution”. Said motion passed by unanimous vote.

SIDEWALKS

The City Council considered a resolution deferring sidewalk along Soley Avenue adjacent to 3310 Gala Street. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Wachs “to adopt said resolution”. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Duax “that the last paragraph of the resolution be amended to read “sidewalk is deferred until such time as either Soley Avenue, from Gala Street to Seymour Road, is reconstructed or construction occurs on the lot to the north, 3313 Seymour Road (Parcel No. 10-1372)”. Said revision was accepted as a friendly amendment. The Council then voted on the resolution as amended. Said resolution was adopted by unanimous vote.

Council Member Werthmann left the Council Chamber.

The Council considered a resolution accepting the conveyance of a permanent public sidewalk easement crossing Lots 8 and 9, Plat of Arlington Heights 4th Addition (1916 E. Lexington Boulevard and 2416 Keith Street). Thereupon a motion was offered by Council Member Vue and seconded by Council Member Olson “to adopt said resolution”. Said motion passed by unanimous vote.

Council Member Werthmann returned to the Council Chamber.

COUNTY GOVERNMENT CENTER

A motion was offered by Council Member Kemp and seconded by Council Member Wachs “to table Items No. 20 and 21, regarding the vacation of, and release of utility easements within, the following sections of streets and alley:

- Second Avenue, from 100 feet north of Lake Street to 200 feet south of Grand Avenue
- Ann Street, from Second Avenue to First Avenue
- Alley north of Ann Street, from Second Avenue to First Avenue
- Alley east of Second Avenue, from the alley north of Ann Street to 200 feet south of Grand Avenue
- Alley east of Second Avenue, from Ann Street to its southern terminus.

and first consider Item No 22, an ordinance rezoning property located between Second Avenue and First Avenue, north of Lake Street, east of the County Courthouse, from RM to P-Public; and to approve the site plan for the Eau Claire County Government Center addition”. Said motion to table Items No. 20 & 21 passed by unanimous consent.

The City Council considered an ordinance rezoning property located between Second Avenue and First Avenue, north of Lake Street, east of the County Courthouse, from RM to P-Public; and to approve the site plan for the Eau Claire County Government Center addition as shown on Planning File #Z-1470-10. A valid protest petition had been filed regarding this rezoning, thus an affirmative vote by $\frac{3}{4}$ of the Council Members present and voting was required for passage. A motion was offered by Council Member Klinkhammer and seconded by Council Member Olson “to adopt said ordinance”. After a lengthy discussion, council members voted on the ordinance. Said ordinance was adopted by the following vote: Aye: Council Members Balow, Duax, Kemp, Kincaid, Klinkhammer, Olson, Pavelski, Vue, and Wachs. Nay: Council Members Von Haden and Werthmann.

The Council then considered the previously tabled Items 20 and 21. A motion was offered by Council Member Kemp and seconded by Council Member Balow “to adopt the resolution vacating the following sections of city streets and alleys:

- Second Avenue, from 100 feet north of Lake Street to 200 feet south of Grand Avenue
- Ann Street, from Second Avenue to First Avenue
- Alley north of Ann Street, from Second Avenue to First Avenue
- Alley east of Second Avenue, from the alley north of Ann Street to 200 feet south of Grand Avenue
- Alley east of Second Avenue, from Ann Street to its southern terminus”.

Said motion passed by the following vote: Aye: Council Members Balow, Duax, Kemp, Kincaid, Klinkhammer, Olson, Pavelski, Von Haden, Vue, and Wachs. Nay: Council Member Werthmann.

The Council considered a resolution releasing the utility easements within the following sections of city streets and alleys:

- Second Avenue, from 100 feet north of Lake Street to 200 feet south of Grand Avenue
- Ann Street, from Second Avenue to First Avenue
- Alley north of Ann Street, from Second Avenue to First Avenue
- Alley east of Second Avenue, from the alley north of Ann Street to 200 feet south of Grand Avenue
- Alley east of Second Avenue, from Ann Street to its southern terminus.

Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Wachs "to adopt said resolution". Said motion passed the following vote: Aye: Council Members Balow, Duax, Kemp, Kincaid, Klinkhammer, Olson, Pavelski, Von Haden, Vue, and Wachs. Nay: Council Member Werthmann.

REPAIR OF LANDMARKED PROPERTIES

The City Council considered an ordinance amending Chapter 18.04, entitled "Residential Uses" and Chapter 18.35, entitled "Conditional Uses", of the Zoning Code providing provisions for damaged landmarked properties that are nonconforming uses as shown on Planning File #Z-1471-10. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Duax "to adopt said ordinance". Said motion passed by the following vote: Aye: Council Members Balow, Duax, Kemp, Kincaid, Klinkhammer, Pavelski, Von Haden, Vue, Wachs, and Werthmann. Nay: Council Member Olson.

ZONING

The Council had first reading on an ordinance rezoning property located on the west side of Hwy. 53, south of I-94, from TR-1A to R-3P and to adopt the General Development Plan for the Prairie Park project as shown on Planning File #Z-1472-10.

ADJOURNMENT

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

Adjournment: June 22, 2010

Time: 6:45 p.m.

Kerry J. S. Kincaid, President

ATTEST:

Donna A. Austad, City Clerk