

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, April 27, 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, April 27, 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 City Council, read a proclamation declaring April 2010 as Jazz Appreciation Month in the City of Eau Claire.

Council President Kincaid, on behalf of the City Council, presented Berlye Middleton with a plaque in appreciation for his service on the City Council.

LICENSE

The City Council considered a resolution granting a Class B Fermented Malt Beverage license and a Class C Wine license to Eau Zone, Inc., d/b/a Action City, 2402 Lorch Avenue, Thomas Hahn, agent. The applicant has requested that action on the license application be postponed. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Kemp "to postpone consideration of said resolution until the second meeting in June". Said motion to postpone passed by unanimous vote.

GRANT

The Council considered a resolution authorizing the Police Department to accept a \$16,000 Comprehensive Alcohol Risk Reduction (CARD) Program Grant awarded through the Wisconsin Department of Transportation, Bureau of Transportation Safety. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Wachs "to adopt said resolution". Said motion passed by unanimous vote.

CDBG PROGRAM

The City Council considered a resolution approving the acquisition of a Community Development Block Grant (CDBG) Funded Homeownership Property at 920 Vine 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.

CONTRACT

The Council considered a resolution approving the renewal of a contract with the Wisconsin Department of Commerce for the City Fire Department to provide local enforcement of Comm. 10 provisions concerning aboveground and underground petroleum tanks. 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.

REVOLVING LOAN FUND PLAN

The City Council considered a resolution certifying the Revolving Loan Fund plan. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Werthmann “to adopt said resolution”. Said motion passed by unanimous vote.

SHARED SERVICES REPORT

The 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.

HWY 53 / HASTINGS WAY DESIGN SERVICES

The City Council considered a resolution approving the bid and proposal for Procurement No. 2010-05, Business Highway 53 (Hastings Way) Design Services. Council had postponed action on this item at its previous meeting. Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by unanimous vote.

UW-EC STUDENT UNION

The Council considered a resolution approving a site plan in a P-Public District for the new student union at UW-EC as shown on Planning File #PZ-1004. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Olson “to adopt said resolution”. Said motion passed by unanimous vote.

ZONING

The City Council considered an ordinance rezoning property on the east side of Jeffers Road, north of the North Crossing, from R-1A to R-3P, and adopting the General Development Plan for multi-family development as shown on Planning File #Z-1467-10. Thereupon a motion was offered by Council Member Wachs and seconded by Council Member Vue “to adopt said ordinance”. Said motion passed by unanimous vote.

CHICKENS

The Council considered an ordinance creating Section 6.17 of the City Code of Ordinances entitled “Chickens” regarding the keeping and raising of chickens within the city limits. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Vue “to adopt said ordinance”. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Balow “to amend said ordinance as follows:

‘Amend s. 6.17.030 License Required to add subsection C. and D., as follows:

- C. Applicants shall state on the licensing application a plan to dispose of chicken manure in a safe and adequate manner. Failure to follow this plan is grounds for revocation of a given license.
- D. Applicant shall state on the licensing application a coop design and materials plan.

Amend s. 6.17.050 Property Requirements and Coop Design, as follows:

- A. Property Requirements
 - 1. Chickens shall be kept and maintained on a lot zoned R1 or R2 and used as a single-family dwelling in accordance with 18.04.020B
- B. Coop Design
 - 4. All coops must provide a minimum of four (4) square feet per chicken.
 - 5. All coop floors must be composed of a hard, cleanable surface, ie. wood, linoleum hard plastic, etc. For health concerns a dirt floor is not acceptable.
 - 6. All coops must include an attached enclosure allowing chickens a healthy vicinity in which to roam. Attached enclosure shall provide a minimum of five (5) square feet per chicken, but shall not exceed twenty (20) square feet per chicken.

Delete s. 6.17.050 A. 4. and recreate, as follows:

- 4. A coop and any attached enclosure shall be located a minimum of forty (40) feet from a residential structure on an abutting lot; provided, however, that a coop and any attached enclosure may be located no less than twenty-five (25) feet from residential structures on abutting lots if, at the original construction and placement of the coop and any attached enclosure, the applicant does all the following: (1) notifies residents on all abutting lots of the planned coop and their intent to raise chickens; (2) submits a written statement of support signed by more than 50% of residents of abutting property owners, by length of common border, to the City Clerk.

Amend s. 6.17.060 Conditions for Keeping and Sanitation to add subsection A. 5., as follows:

5. Deceased chickens should be disposed of immediately in a safe manner, which can include trash disposal after placing the deceased animal into a sealed bag’.”

After lengthy discussion, a motion was made by Council Member Duax and seconded by Council Member Balow “to postpone consideration of said ordinance until the May 11, 2010 City Council meeting.” Said motion to postpone passed on the following vote: Aye: Council Members Balow, Duax, Kincaid, Pavelski, Von Haden, and Werthmann. Nay: Council Members Kemp, Klinkhammer, Olson, Vue, and Wachs. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Pavelski “that the Council President appointment a three-person committee to review the ordinance and report back to the Council at its May 11 meeting”. Said motion passed by unanimous voice vote.

ZONING

The City Council had first reading on an ordinance rezoning property located south of Rod and Gun Park and east of Park Ridge Drive from R-1 and R-3 to P-Public for a park as shown on Planning File #Z-1468-10.

THORP DRIVE STREET IMPROVEMENTS

The Council had first reading on an ordinance designating Thorp Drive, from Summit Avenue to Gilbert Avenue as Third Ward Commons in accordance with Wisconsin Statutes s. 66.0905.

ADJOURNMENT

A motion was offered by Council Member Olson and seconded by Council Member Duax “that this meeting does now adjourn.” Said motion passed by unanimous vote.

Adjournment: April 27, 2010

Time: 6:45 p.m.

Kerry J. S. Kincaid, President

ATTEST:

Cheryl Brunner, Deputy City Clerk