

## **MINUTES**

### **EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION**

**Tuesday, April 13, 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, Berlye Middleton, 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 13, 2010. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Kemp "to adopt the consent resolution". Said motion passed by unanimous vote.

#### **COMMENDATIONS AND PROCLAMATIONS**

Council President Kincaid, on behalf of the City Council, read a proclamation naming Dr. Nadine S. St. Louis as the first Poet Laureate of the City of Eau Claire.

Council President Kincaid, on behalf of the City Council, proclaimed April 18 – 24 as Administrative Professionals Week, and specifically April 21 as Administrative Professionals Day in the City of Eau Claire.

Council President Kincaid, on behalf of the City Council, read a proclamation declaring April 23 as Arbor Day in the City of Eau Claire, a 30-year Tree City USA designee.

#### **BUDGET ADJUSTMENTS**

The Council considered a resolution authorizing the 2009 budget adjustments and carryovers and 2010 first quarter budget adjustments. Thereupon a motion was offered by Council Member Wachs and seconded by Council Member Pavelski "to adopt said resolution". Said motion passed by unanimous vote.

The City Council considered a resolution authorizing the write-off of uncollectible accounts receivable and delinquent personal property taxes. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Vue "to adopt said resolution". Said motion passed by unanimous vote.

## **LANDMARK DISTRICT**

The City Council considered a resolution designating the Expanded Third Ward Historic Landmark District as a local historic district. A motion was offered by Council Member Middleton and seconded by Council Member Werthmann “to adopt said resolution”. After lengthy discussion, a motion was offered by Council Member Balow and seconded by Council Member Klinkhammer “to postpone consideration of said resolution until the first Council meeting in July”. Said motion to postpone failed by the following vote: Aye: Council Members Balow and Duax. Nay: Council Members Kemp, Kincaid, Klinkhammer, Middleton, Pavelski, Von Haden, Vue, Wachs, and Werthmann. The Council then voted on the original motion to adopt the resolution. Per City Code, an affirmative vote by  $\frac{2}{3}$  of the Council, or 8 affirmative votes, was required for passage. Said motion failed by the following vote: Aye: Council Members Kemp, Kincaid, Pavelski, Von Haden, Vue, Wachs, and Werthmann. Nay: Council Members Balow, Duax, Klinkhammer, and Middleton.

## **HIGHWAY 53 / HASTINGS WAY DESIGN**

The Council considered a resolution approving the bid and procurement for Project No. 2010-05 – Business Highway 53 (Hastings Way) Design Services. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Wachs “to postpone consideration of said resolution until the Council’s next legislative session”. Said motion to postpone passed by the following vote: Aye: Council Members Balow, Duax, Kincaid, Klinkhammer, Pavelski, Wachs, and Werthmann. Nay: Council Members Kemp, Middleton, Von Haden and Vue.

## **DONATION**

The City Council considered a resolution accepting a donation from Festival Foods of fireworks for the July 4<sup>th</sup> Community Celebration to be held in Carson Park on July, 4, 2010. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Middleton “to adopt said resolution”. Said motion passed by unanimous vote.

## **AGREEMENTS**

The City Council considered a resolution authorizing a contract extension of the Soft Drink Pouring Rights Agreement with Midwest Coca Cola Bottling Company of Eau Claire (Procurement Number 2004-13). Thereupon a motion was offered by Council Member Balow and seconded by Council Member Klinkhammer “to adopt said resolution”. Said motion passed by unanimous vote.

Council Members Vue and Wachs left the Council Chamber.

The Council considered a resolution authorizing the renewal of a use agreement between the City and the Eau Claire Horseshoe Club for the use of Carson Park. Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Pavelski “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution authorizing the renewal of a use agreement between the City and the University of Wisconsin-Eau Claire for the use of Bollinger Fields. 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.

Council Members Vue and Wachs returned to the Council Chamber.

### **CARSON PARK MAINTENANCE BUILDING**

The City Council considered a resolution approving a site plan in a P-Public District for a maintenance building in Carson Park as shown on Planning File #PZ-1003. Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Werthmann “to adopt said resolution”. Said motion passed by unanimous vote.

Council Members Balow, Kemp and Von Haden left the Council Chamber.

### **EMPLOYEE RETIREMENT OPTIONS**

The Council considered a resolution authorizing the Director of Human Resources to add Roth IRA plans to the current retirement options available to City employees. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Wachs “to adopt said resolution”. Said motion passed by unanimous vote.

Council Members Balow, Kemp and Von Haden returned to the Council Chamber.

### **GALLOWAY STREET RECONSTRUCTION PROJECT**

The Council considered a resolution authorizing a Relocation Order related to the acquisition of property located north of Galloway Street, for the purpose of the Galloway Street Reconstruction project. Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Wachs “to adopt said resolution”. Said motion passed by unanimous vote.

### **ANNEXATION**

The Council considered an ordinance in accordance with Section 66.0217 Wisconsin Statutes, annexing to the City of Eau Claire and particularly to the 15<sup>th</sup> Assessment Ward, 2<sup>nd</sup> Aldermanic District, that part of NW ¼ - NW ¼ of Section 36-27-9, Town of Washington, Eau Claire County, as shown on Planning Drawing No. 10-03A - Machmeier Annexation Petition, 5551 E Hamilton Ave. Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Von Haden “to adopt said ordinance”. Said motion passed by unanimous vote.

## **ZONING**

The City Council considered an ordinance rezoning property located on the west side of Hwy. 53, south of I-94, from TR-1A to C-2P and R-3P, and adopting the General Development Plan for commercial and multi-family development as shown on Planning File #Z-1463-10. A valid protest petition had been filed against this rezoning, thus an affirmative vote by  $\frac{3}{4}$  of the council members present and voting was required. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Middleton “to adopt said ordinance”. Said motion did not receive the affirmative vote by  $\frac{3}{4}$  of the Council and failed by the following vote: Aye: Council Members Klinkhammer, Von Haden, and Vue. Nay: Council Members Balow, Duax, Kemp, Kincaid, Middleton, Pavelski, Wachs and Werthmann.

The Council considered an ordinance rezoning property located on the east side of Carson Park Drive, north of Menomonie Street, from C-3P to R-3P and adopting the General Development Plan for a multi-family building as shown on Planning File #Z-1466-10. The request had been previously withdrawn by the applicant. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Kemp “to indefinitely postpone consideration of said ordinance”. Said motion to postpone passed by unanimous vote.

## **ZONING**

The City Council had first reading on 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.

## **PARKING**

The Council had first reading on an ordinance amending Chapter 10.38, entitled “Alternate Side Parking,” by authorizing the Director of Public Works to suspend parking regulations. Thereupon a motion was offered by Council Member Pavelski “to suspend the rules which interfere with the immediate consideration of said ordinance”. Said motion was accepted by unanimous consent. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Middleton “to adopt said ordinance”. Council Member Duax left the Council Chamber. Said motion passed by unanimous vote.

## **ORDINANCE**

The Council had first reading on 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.

## **ADJOURNMENT**

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

Adjournment: April 13, 2010

Time: 7:33 p.m.

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Kerry J. S. Kincaid, President

ATTEST:

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Donna A. Austad, City Clerk