

## **MINUTES**

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

**Tuesday, November 24, 2009**

**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, Berlye Middleton, Jackie Pavelski, Bob Von Haden, Thomas Vue, and Dana Wachs. Absent: Council Members Thomas Kemp and Andrew Werthmann.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, November 24, 2009. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Wachs "to adopt the consent resolution". Said motion passed by unanimous vote.

#### **LIQUOR LICENSES**

By general assent, the Council tabled consideration of the resolution accepting the Findings of Fact, Conclusions of Law and Recommendation of the Administrative Review Board regarding the Combination Class B Intoxicating Liquor & Fermented Malt Beverage license granted to Sappas, Inc, Arun P. Amin, agent, d/b/a Country Hearth Inn & Suites, 2851 Hendrickson Drive. Mr. Amin had voluntarily surrendered the license to the City prior to the Council meeting.

The City Council considered three applications for two Combination Class B Intoxicating Liquor & Fermented Malt Beverage licenses. The applicants were:

- Azul Tequila Inc., d/b/a Azul Tequila Bar and Grill, 2503 London Road, Jose O. Guzman, agent.
- The Old Elbow School Shop, LLC, d/b/a Harmony Corner Café, 210 S. Barstow Street, Kathy Brice, agent.
- Jeffery S. Dary, d/b/a Chick-A-Dee's Family Restaurant, 1928 Third Street, Jeffery Dary, agent.

City staff presented background information on each applicant. Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Von Haden "to grant a license to Azul Tequila Inc., d/b/a Azul Tequila Bar and Grill, 2503 London Road, Jose O. Guzman, agent". Said motion passed by unanimous vote.

Thereupon a motion was offered by Council Member Vue and seconded by Council Member Duax "to grant a license to The Old Elbow School Shop, LLC, d/b/a Harmony Corner Café, 210 S. Barstow Street, Kathy Brice, agent". Said motion passed by the following vote: Aye: Council Members Duax, Kincaid, Klinkhammer, Pavelski, Vue and Wachs. Nay: Council Members Balow, Middleton and Von Haden.

Thereupon a motion was offered by Council Member Duax and seconded by Council Member Balow “to indefinitely postpone action on the application of Jeffrey S. Dary, d/b/a Chick-A-Dee’s Family Restaurant, 1928 Third Street, Jeffrey Dary, agent, for a Combination Class B Intoxicating Liquor & Fermented Malt Beverage license”. Said motion passed on a unanimous voice vote.

### **INTER-GOVERNMENTAL AGREEMENT**

The City Council considered a resolution approving an agreement between the City of Eau Claire, the Eau Claire School District and Cooperative Educational Services Agency, to provide instructional summer school programs in 2010. Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Balow “to adopt said resolution”. Said motion passed by unanimous vote.

### **HOME INVESTMENT PARTNERSHIP PROGRAM**

The City Council considered a resolution approving the amendment and appropriation to the HOME Investment Partnership Program. Because of a conflict of interest, Council Member Wachs recused himself from the vote on this item and left the Council dais. 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. Council Member Wachs returned to his seat.

### **NATIONAL LEAGUE OF CITIES**

The City Council considered a resolution authorizing membership in the National League of Cities (NLC). Thereupon a motion was offered by Council Member Vue and seconded by Council Member Duax “to adopt said resolution”. Said motion passed by unanimous vote.

### **ZONING**

The Council had first reading on an ordinance rezoning property at 807 S. Farwell Street from P-Public to CBDP and to adopt the General Development Plan for the Bolton Refuge House as shown on Planning File #Z-1457-09.

The Council had first reading on an ordinance rezoning property at 3408 Damon Street from R-1 to R-1P and to adopt the General Development Plan to allow the existing setbacks for the existing dwelling on the property as shown on Planning File #Z-1458-09.

### **COUNTY JUSTICE CENTER**

The Council had first reading on an ordinance adopting an amendment to the Eau Claire Comprehensive Plan, Community Facilities Chapter, Objective 8 – County Justice Center.

**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 consent.

Adjournment: November 24, 2009

Time: 4:57 p.m.

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Kerry J. S. Kincaid, President

ATTEST:

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Donna A. Austad, City Clerk