

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, October 27, 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, Berlye Middleton, Jackie Pavelski, Bob Von Haden, Thomas Vue, Dana Wachs, and Andrew Werthmann. Absent: Council Members Thomas Kemp and David Klinkhammer.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, October 27, 2009. Thereupon a motion was offered by Council Member Wachs and seconded by Council Member Pavelski "to adopt the consent resolution". Said motion passed by unanimous vote.

COMMENDATIONS AND PROCLAMATIONS

Council President Kincaid, on behalf of the City Council, presented a Certificate of Appreciation to Phil Fieber as chair, and to all city employees, for their contributions to the annual city employee United Way Campaign.

LIQUOR LICENSE GUIDELINES

The City Council considered a resolution adopting guidelines for the granting and denying of liquor licenses. 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.

Council Member Kemp arrived in Council Chamber.

LIQUOR LICENSE APPLICATIONS

The City Council considered four applications for one Combination Class B Intoxicating Liquor & Fermented Malt Beverage license. The applicants were:

- Azul Tequila Inc., d/b/a Azul Tequila Bar and Grill, 2503 London Road, Jose O. Guzman, agent.
- Asian Buffet, Inc., d/b/a Asia Palace, 4069 Commonwealth Avenue, Binh Dong, 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 Von Haden and seconded by Council Member Duax “to grant said license to Asian Buffet, Inc., d/b/a Asia Palace, 4069 Commonwealth Avenue, Binh Dong, agent”. Said motion passed by unanimous vote.

Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Werthmann “to postpone action on the remaining three applications (Azul Tequila Inc., d/b/a Azul Tequila Bar and Grill; The Old Elbow School Shop, LLC, d/b/a Harmony Corner Café; Chick-A-Dee’s Family Restaurant) until such time as another license becomes available”. Said motion passed by unanimous vote.

Council Member Werthmann left the Council Chamber.

POLICE DEPARTMENT GRANTS

The City Council considered a resolution authorizing the Police Department to accept a \$30,000 Alcohol Enforcement Grant funded by the Wisconsin Department of Transportation, Bureau of Transportation Safety. 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.

The Council considered a resolution authorizing the Police Department to accept a \$25,000 Speed Enforcement Grant funded by the Wisconsin Department of Transportation, Bureau of Transportation Safety. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Kemp “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution authorizing the Police Department to accept a \$5,300 Bulletproof Vest Program Grant from the Office of Justice Programs, Bureau of Justice Assistance. 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.

Council Member Werthmann returned to the Council Chamber.

ENERGY EFFICIENCY GRANT

The City Council considered a resolution authorizing the City to accept a \$655,700 grant from the Department of Energy and approving an appropriation for projects in an amount not to exceed \$655,700. 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.

PROPERTY ACQUISITION

The City Council considered a resolution approving the acquisition of a Neighborhood Stabilization Program (NSP) funded Homeownership property at 2519 Fifth Street. 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.

REVOLVING LOAN FUND

The City Council considered a resolution certifying the annual Revolving Loan Fund Plan. Because of a conflict of interest, Council Member Wachs recused himself from the vote on this item and left the Council dais. A motion was offered by Council Member Werthmann and seconded by Council Member Balow “to adopt said resolution”. Said motion passed by unanimous vote. Council Member Wachs returned to his seat.

TRANSIT AGREEMENT

The City Council considered a resolution approving the 2009 Federal Mass Urban Transit Operating Assistance Agreement with the Federal Transit Administration. 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.

PROPERTY ACQUISITION

The City Council considered a resolution approving the acquisition of property in the vicinity of the city-owned former landfill in the Town of Union on Highway C. Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by unanimous vote.

TRUAX BOULEVARD STREET PROJECT

The Council considered a resolution amending Paragraph No. 9 of Final Resolution No. 2009-92, adopted February 24, 2009, approving the project and levying special assessments for street and utility improvements on Truax Boulevard, from Third Street to Jeffers Road (09-109). Thereupon a motion was offered by Council Member Balow and seconded by Council Member Von Haden “that the design of Truax Boulevard shall remain as constructed (two-lane roadway with parking on both sides). City staff shall continue to seek approval from the Wisconsin Department of Transportation for said design. If State approval is not forthcoming, city staff should request to have the state and federal funding assigned to the Truax Boulevard project moved to another state approved project within the city”. Said motion passed by the following vote: Aye: Council Members Balow, Duax, Kemp, Middleton, Pavelski, Von Haden, Vue, Wachs, and Werthmann. Nay: Council Member Kincaid.

ZONING CODE

The City Council considered an ordinance amending the Zoning Code changing administrative procedures for planned development and site plans. Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Werthmann “to adopt said ordinance”. Said motion passed by unanimous vote.

ZONING

The City Council considered an ordinance rezoning property at 516 Franklin Street from R-2 to R-3P and adopting the General Development Plan for a duplex as shown on Planning File #Z-1454-09. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Kemp “to adopt said ordinance”. Said motion passed by unanimous vote.

The City Council considered an ordinance rezoning property at 2924 Starr Avenue from C-2 to R-1 as shown on Planning File #Z-1455-09. Thereupon a motion was offered by Council Member Wachs and seconded by Council Member Pavelski “to adopt said ordinance”. Said motion passed by unanimous vote.

PARKING

The Council had first reading on an ordinance amending Section 10.20.100 of the City Code of Ordinances entitled “Unmetered parking lots and parking ramps,” by adding the Starr Avenue/Birch Street parking lot.

SEWER SERVICE CHARGES

The Council had first reading on an ordinance amending Chapter 15.04 of the City Code of Ordinances entitled “Sewerage Service Charge” to increase the sewer user charges as proposed in the 2010 Program of Services.

ZONING

The Council had first reading on an ordinance rezoning properties on the west side of Putnam Street, both north and south of Wisconsin Street, from C-3 and I-1 to CBD as shown on Planning File #Z-1456-09.

ADJOURNMENT

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

Adjournment: October 27, 2009

Time: 6:10 p.m.

Kerry J. S. Kincaid, President

ATTEST:

Donna A. Austad, City Clerk