

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, October 13, 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, October 13, 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.

Council Member Werthmann arrived in the Council Chamber.

LIQUOR LICENSE

The City Council considered a resolution granting a Reserve Combination Class B Intoxicating Liquor & Fermented Malt Beverage license to Azul Tequila Inc., d/b/a Azul Tequila Bar and Grill, 2503 London Road, Jose O. Guzman, agent. 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.

APPOINTMENTS

The City Council considered a resolution appointing Council Members to various Boards, Commissions and Committees. Council Member Pavelski resigned her position on the Transit Commission and Council Member Klinkhammer resigned his position on the Waterways & Parks Commission. Council Member Wachs indicated that he would be willing to accept the vacant positions on those two commissions. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Klinkhammer "to adopt a resolution appointing Council Member Wachs to the Transit Commission and to the Waterways and Parks Commission". Said motion passed by unanimous vote.

The Council considered a resolution approving the following appointments to city Boards:

Library Board

(unexpired term to expire June 30, 2011)

Richard Lee – new appointment

Housing Authority Board

(unexpired term to expire April 30, 2013)

Francis Carr – new appointment.

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.

CDBG & HOME PROGRAM AMENDMENTS

The City Council considered a resolution approving the amendments and appropriation to the Community Development Block Grant (CDBG) and HOME programs 2009 Annual Plan. 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.

NEIGHBORHOOD STABILIZATION PROGRAM

The Council considered a resolution approving the acquisition of 312 Ninth Avenue for delinquent taxes through the Neighborhood Stabilization Program (NSP) funded Homeownership Program. 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.

PLAT APPROVAL

The City Council considered a resolution approving the final condo plat for Colonial Estates Condominiums located on the east side of Black Avenue, south of Tweed Drive. 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.

STEIN BOULEVARD STREET IMPROVEMENTS

The City Council considered a resolution approving the project and levying special assessments for street improvements on Stein Boulevard, from MacArthur Avenue to Clairemont Avenue. 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 Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s.66.0907 on Stein Boulevard, from MacArthur Avenue to Clairemont Avenue. 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.

DISPOSITION OF PROPERTY

Because of a conflict of interest, Council President Kincaid turned the gavel over to Vice President Duax and left the Council Chamber.

The Council considered a resolution accepting a proposal regarding the sale of city-owned property at 807 S. Farwell Street. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Werthmann “to adopt said resolution”. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Werthmann “to amend the Now, Therefore Be It Resolved paragraph of said resolution to read as follows: ‘The City Council does hereby accept the proposal regarding the sale of said parcel and awards the sale to the Bolton Refuge House, for \$300,000 and an annual Payment in Lieu of Taxes (PILOT) based on a property value of \$500,000. Said property value shall be adjusted to fair market value as of January 1 of each taxation year, as provided in the agreement to purchase.’” Said motion to amend passed on a unanimous voice vote. The Council then voted on the resolution as amended. Said resolution passed by the following vote: Aye: Council Members Balow, Pavelski, Von Haden, Vue, Wachs, and Werthmann. Nay: Council Members Duax, Klinkhammer and Middleton.

Council President Kincaid returned to the Council Chamber. Vice President Duax returned the gavel to the Council President.

FISCAL POLICY ADVISORY COMMITTEE

The City Council considered a resolution accepting the report of the Fiscal Policy Advisory Committee. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Pavelski “to adopt said resolution”. Said motion passed by unanimous vote.

COLLECTIVE BARGAINING AGREEMENTS

The Council considered a resolution authorizing the City Manager to execute a collective bargaining agreement between the City and Transit Local 1310. 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.

The Council considered a resolution authorizing the City Manager to execute a collective bargaining agreement between the City and Communication Workers of America – Local 4640. 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 Member Kemp arrived in Council Chamber.

FIBER OPTIC NETWORK

The City Council considered a resolution approving the transfer of funds to CESA 10 for a joint purchase with UW-Eau Claire to install a fiber optic network into Carson Park. 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 Member Wachs left the Council Chamber.

ANNEXATION

The City Council considered an ordinance in accordance with Section 66.0217 Wisconsin Statutes, annexing to the City of Eau Claire and particularly to the 9th Assessment Ward, 5th Aldermanic District, that part of Lot 2 of Eau Claire County Certified Survey Map recorded in Volume 6, Page 22, Document Number 675623, being that part of the NE ¼ - NE ¼ and of the SE ¼ - NE ¼ of Section 11-27-10, Town of Union, Eau Claire County, as shown on Planning Drawing No. 09-2A (McCabe annexation petition, 2701 Alpine Road). Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Pavelski “to adopt said ordinance”. Said motion passed by unanimous vote.

Council Member Wachs returned to the Council Chamber.

CODE AMENDMENTS

The City Council considered an ordinance amending Chapter 16.18 of the City Code of Ordinances entitled “Poster Panel Signs” providing standards for billboards on City-owned property, and updating language pertaining to billboards along the state trunk highway or other highways. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Vue “to adopt said ordinance”. Said motion passed by unanimous vote.

The Council considered an ordinance creating Chapter 16.26 of the City Code of Ordinances entitled “Outdoor Lighting”, which provides standards for new outdoor lighting in the City, and amending Chapter 18.45, entitled “Site Plans” where these standards are adopted by reference. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Middleton “to adopt said ordinance”. Thereupon a motion was offered by Council Member Duax “to amend said ordinance by adding a Section 3 which would read ‘Effective Date. The provisions of this ordinance shall take effect on January 1, 2010’ and in paragraph 16.26.020 eliminate the words ‘Effective January 1st 2010’.” Said motion to amend was accepted by the seconder as a friendly amendment. The Council then voted on the ordinance as amended. Said motion passed by unanimous vote.

PARKING

The City Council considered an ordinance amending Table VIII of the City Code of Ordinances entitled “Parking Prohibited,” by adding Fairfax Street, west side, from Meadow Lane to the south end. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Balow “to adopt said ordinance”. Said motion failed on the following vote: Aye: Council Members Kincaid, Klinkhammer and Werthmann. Nay: Council Members Balow, Duax, Kemp, Middleton, Pavelski, Von Haden, Vue and Wachs.

ZONING

The City Council had first reading on an ordinance rezoning property at 2924 Starr Avenue from C-2 to R-1.

The Council had first reading on an ordinance rezoning property at 516 Franklin Street from R-2 to R-3P and adopting the General Development Plan for a duplex.

The Council had first reading on an ordinance amending the Zoning Code changing administrative procedures for planned development and site plans.

PAY PLAN AMENDMENTS

The Council had first reading on an ordinance amending the City Pay Plan, specifically those parts thereof pertaining to Communications Workers of America-Local 4640 and Transit Local 1310. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Kemp “to suspend the rules which interfere with the immediate consideration of said ordinance”. Said motion to suspend the rules passed by unanimous voice vote. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Balow “to adopt said ordinance”. Said motion passed by unanimous vote.

ADJOURNMENT

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

Adjournment: October 13, 2009

Time: 5:51 p.m.

Kerry J. S. Kincaid, President

ATTEST:

Donna A. Austad, City Clerk