

## **MINUTES**

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

**Tuesday, September 22, 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, Jackie Pavelski, Bob Von Haden, Thomas Vue and Andrew Werthmann. Absent: Council Members Thomas Kemp and Berlye Middleton.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, September 22, 2009. Thereupon a motion was offered by Council Member Klinkhammer 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, read a proclamation recognizing September 21 as International Peace Day.

Council President Kincaid, on behalf of the City Council, presented Stu Taylor, manager of the Hobbs Ice Center, with a Certificate of Commendation. Taylor used quick thinking and initiative to apply essential CPR skills acquired as part of his city employee training while commencing life-saving protocols in response to the emergency medical needs of a fellow community member.

Council President Kincaid, on behalf of the Council, recognized the efforts of the Eau Claire Fire Department in the 2009 Fill the Boot Campaign on behalf of the Muscular Dystrophy Association.

Council Member Kemp arrived in the Council Chamber.

#### **CITY COUNCIL APPOINTMENT**

Council President Kincaid proposed that Council take up Item No. 24, Making an appointment to fill the vacant at-large seat on the City Council, as the first item on the business agenda. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Werthmann "to take Item No. 24 out of order". Said motion passed by unanimous voice vote. The council considered the voting method to be used. State statutes require that Council vote by public ballot. President Kincaid said the council would use paper ballots. Council Members would put their own name on the top of the ballot and then place a mark by the name of the candidate they wish to vote for. The Clerk would read the council member's name and which of the eleven candidates they had voted for. One candidate would need to receive six votes to be

appointed to the Council. If this did not occur on the first round of voting, the two persons receiving the highest number of votes would proceed to the next round. Voting would proceed until one candidate received six or more votes. Ballots were distributed, collected, and tallied. Council Members Balow, Kemp, Von Haden and Werthmann cast ballots for Eric Rosenquist (four votes). Council Members Duax, Kincaid, Klinkhammer, and Pavelski cast ballots for Dana Wachs (four votes). Council Member Vue cast a ballot for Catherine Emmanuelle (one vote). Candidates Rosenquist and Wachs moved on to the next round of voting. Following Council discussion, ballots were distributed, collected, and tallied. Council Members Von Haden and Werthmann cast ballots for Eric Rosenquist (two votes). Council Members Balow, Duax, Kemp, Kincaid, Klinkhammer, Pavelski and Vue cast ballots for Dana Wachs (seven votes). Thereupon a motion was offered by Council Member Duax and seconded by Council Member Pavelski “to adopt a resolution appointing Dana Wachs to the vacant at-large seat on the City Council”. Said motion passed by unanimous vote.

### **LIQUOR LICENSE**

The Council considered a resolution granting a permanent expansion of the Combination Class B Intoxicating Liquor & Fermented Malt Beverage licensed premise of Donald R. Amundson, d/b/a Elbow Room, 679 Wisconsin St., to include a 24’ x 32’ outdoor area. Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Von Haden “to adopt said resolution”. Said motion failed by unanimous vote.

### **HOBBS ICE CENTER**

The City Council considered a resolution authorizing an agreement with Park Ridge Distribution for exclusive malt beverage presence rights at the Hobbs Municipal Ice Center. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Balow “to adopt said resolution”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Kemp “to amend said resolution by adding the phrase ‘subject to final approval of said contract by the City Council’ at the end of the final paragraph”. Said motion to amend passed by unanimous vote. The Council then voted on the resolution as amended. Said resolution was adopted by the following vote: Aye: Council Members Balow, Kemp, Kincaid, Klinkhammer, Pavelski, Von Haden, and Vue. Nay: Council Member Duax. Abstain: Council Member Werthmann.

The Council considered a resolution authorizing the City to enter into a contract with the Center Ice Club Foundation, Inc. to lease auxiliary concession stand space for the purpose of selling fermented malt beverages at the Hobbs Municipal Ice Center. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Kemp “to adopt said resolution”. Said motion passed by the following vote: Aye: Council Members Balow, Kemp, Kincaid, Klinkhammer, Pavelski, Von Haden, and Vue. Nay: Council Member Duax. Abstain: Council Member Werthmann.

The Council considered a resolution granting a Class B Fermented Malt Beverage license and Class C Wine license to Center Ice Club Foundation, Inc. d/b/a Center Ice Club, 915 Menomonie St., Erik Strand, 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 the following vote: Aye: Council Members Balow, Duax, Kemp, Kincaid, Klinkhammer, Pavelski, Von Haden, and Vue. Abstain: Council Member Werthmann.

### **EXPRESS BASEBALL**

The City Council considered a resolution approving renewal of the lease with Eau Claire Express Baseball and the Northwoods League for use of Carson Park Baseball Stadium. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Werthmann “to adopt said resolution”. Said motion passed by unanimous vote.

### **USE OF CITY FACILITIES**

The City Council considered a resolution authorizing Tour d’Eau Claire to sponsor the Tour d’Eau Claire Bicycle Race along city streets and trails beginning at Carson Park Pine Pavilion on Saturday, October 10, 2009. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Balow “to adopt said resolution with the condition that said activity is approved by the Parks and Waterways Commission at their meeting on September 23”. Said motion passed by unanimous vote.

### **GRANT AWARD**

The Council considered a resolution authorizing the Police Department to accept Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Funds from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Kemp “to adopt said resolution”. Said motion passed by unanimous vote.

### **REGIONAL BUSINESS FUND LOAN PROGRAM**

The City Council considered a resolution authorizing participation in the Regional Business Fund Loan Program. Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Balow “to adopt said resolution”. Said motion passed by unanimous vote.

Council Member Von Haden left the Council Chamber.

### **TRANSIT SERVICE**

The City Council considered a resolution approving the 2009 Purchase of Service Agreement between the City of Altoona and Eau Claire Transit. 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.

Council Member Von Haden returned to the Council Chamber.

The Council considered a resolution awarding a contract for Procurement No. 2009-55, Purchase of five (5) low-floor buses under the American Recovery and Reinvestment Act (ARRA). Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Balow “to adopt said resolution”. Said motion passed by unanimous vote.

#### **SITE PLAN APPROVAL – UW-EC STUDENT CENTER**

By unanimous consent, the Council agreed to take Item No. 27, Resolution approving a site plan for the new student union at UW – Eau Claire as shown on Planning File #PZ-0907, out of order and as the next item of business. 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.

#### **BUDGET DATES**

The City Council considered a resolution setting the date of the 2010 budget public hearing as November 3, 2009 and the budget adoption meeting as November 5, 2009. 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.

#### **DEVELOPMENT AGREEMENT**

The Council considered a resolution authorizing the City Manager to enter into a development agreement with Steen Developers, Inc. for utility improvements for Colonial Estates Condominiums. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Balow “to adopt said resolution”. Said motion passed by unanimous vote.

#### **EASEMENT**

The Council considered a resolution accepting the conveyance of a permanent utility easement crossing property owned by Chilson, Inc., between Brian Street and Alf Avenue. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Kemp “to adopt said resolution”. Said motion passed by unanimous vote.

#### **COLLECTIVE BARGAINING AGREEMENTS**

The City Council considered a resolution authorizing the City Manager to execute a collective bargaining agreement between the City and Police Patrol Local 9. 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.

The Council considered a resolution authorizing the City Manager to execute a collective bargaining agreement between the City and Local 284. 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.

### **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 15<sup>th</sup> Assessment Ward, 2<sup>nd</sup> Aldermanic District, that part of the NW ¼ - SE ¼, of the NE ¼ - SE ¼, of the SE ¼ - SE ¼, SW ¼ - SE ¼, and part of the NE ¼ - SW ¼ of Section 1, all in Township 26, Range 9, Town of Washington, Eau Claire County, as shown on Planning Drawing No. 09-01A (Mayer petition, located south of I-94, along Hwy. 53). Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Balow “to adopt said ordinance”. Said motion passed by unanimous vote.

### **ZONING**

The Council considered an ordinance rezoning property on the east side of Carson Park Drive, north of Menomonie Street, from C-3P to R-4P and to adopt the General Development Plan for a seven-story residential tower as shown on Planning File #Z-1449-09. Applicant had withdrawn the rezoning request. 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 passed by unanimous vote.

The Council considered an ordinance rezoning property east of Black Avenue and south of Tweed Drive from TR-1A to R-3P, and to adopt the General Development Plan for multi-family development as shown on Planning File #Z-1450-09. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Kemp “to adopt said ordinance”. Said motion passed by unanimous vote

### **OFFICIAL MAPPING**

The City Council considered an ordinance amending the Official Map by deleting the extension of Royal Drive south of Cross Street and the unnamed street south of Cross Street between London Road and the extension of Royal Drive. 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

### **ANNEXATION**

The Council had first reading on an ordinance in accordance with Section 66.0217 Wisconsin Statutes, annexing to the City of Eau Claire and particularly to the 9<sup>th</sup> Assessment Ward, 5<sup>th</sup> 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).

## **CODE AMENDMENTS**

The City Council had first reading on 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 as shown in Planning File #Z-1451-09.

The Council had first reading on 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, as shown in Planning File #Z-1452-09.

## **PARKING**

The City Council had first reading on 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.

## **PAY PLAN**

The Council had first reading on an ordinance amending the pay plan for the City of Eau Claire, specifically those parts thereof pertaining to Police Patrol Local 9 and Local 284. 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 vote. The Council then considered the ordinance amending the pay plan. A motion was offered by Council Member Duax and seconded by Council Member Balow to "to adopt said ordinance". Said motion passed by unanimous vote.

## **ADJOURNMENT**

A motion was offered by Council Member Pavelski and seconded by Council Member Von Haden "that this meeting does now adjourn." Said motion passed by unanimous consent.

Adjournment: September 22, 2009

Time: 7:56 p.m.

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Kerry J. S. Kincaid, President

ATTEST:

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Donna A. Austad, City Clerk