

## **MINUTES**

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

**Tuesday, September 8, 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, and Bob Von Haden. Absent: Council Members Thomas Kemp, Thomas Vue and Andrew Werthmann.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, September 8, 2009. Council Member Duax requested that Item No. 4, Granting a Combination Class A Intoxicating Liquor and Fermented Malt Beverage License to Gordy's Eau Claire South, Inc., Jeffery Schaefer, president, be removed from the consent agenda and voted upon separately. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Pavelski "to adopt the remainder of the consent resolution". Said motion passed by unanimous vote.

#### **LICENSES**

The City Council considered a resolution granting a Combination Class A Intoxicating Liquor and Fermented Malt Beverage License to Gordy's Eau Claire South, Inc, Jeffery Schaefer, president. 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.

The Council considered a resolution granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to Regis High School, C.A.S.E., Joe Eisenhuth, president, on September 25 and 26, 2009, at 2100 Fenwick, for Regis High School Alumni Weekend. 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.

The Council considered a resolution granting a temporary expansion of the Combination Class B Intoxicating Liquor & Fermented Malt Beverage licensed premise of Blazin' Wings Inc., d/b/a Buffalo Wild Wings, 4612 Keystone Crossing, for a Packer Tailgate Party, to include a fenced area 60 feet x 32 feet directly to the south of the patio entrance of the building, on September 13, 2009. 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.

## **USE OF CITY FACILITIES**

The Council considered a resolution authorizing Evolve Wellness LLC to sponsor the Outdoor Core Training Boot Camp at Phoenix Park Pavilion on Thursday, September 17, 2009 and Thursday, September 24, 2009. 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.

## **GRANT ACCEPTANCE**

The City Council considered a resolution authorizing the Police Department to accept an 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. Because said resolution would amend the budget, an affirmative vote by  $\frac{2}{3}$  of the elected members, or eight affirmative votes, was required for adoption. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Pavelski “to postpone consideration of said resolution until the next City Council meeting”. Said motion passed by unanimous voice vote.

## **REGIONAL BUSINESS FUND LOAN PROGRAM**

The City Council considered a resolution authorizing participation in the Regional Business Fund Loan Program. Because said resolution would amend the budget, an affirmative vote by  $\frac{2}{3}$  of the elected members, or eight affirmative votes, was required for adoption. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Von Haden “to postpone consideration of said resolution until the next City Council meeting”. Said motion passed by unanimous voice vote.

## **DEVELOPMENT AGREEMENT**

The Council considered a resolution authorizing the City Manager to enter into a development agreement with Boxer Properties, LLC for utility improvements south of American Boulevard (Boxer Properties Utility Extension). 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.

## **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  $\frac{1}{4}$  - SE  $\frac{1}{4}$ , of the NE  $\frac{1}{4}$  - SE  $\frac{1}{4}$ , of the SE  $\frac{1}{4}$  - SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$  - SE  $\frac{1}{4}$ , and part of the NE  $\frac{1}{4}$  - SW  $\frac{1}{4}$  of Section 1, all in the 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 Von Haden and seconded by Council Member Duax “to postpone consideration of said ordinance for two weeks”. Said motion passed by unanimous vote.

## ZONING

The Council had first reading on 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.

The Council had first reading on 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.

## CLOSED SESSION

Council President Kincaid announced that upon a motion duly made and seconded, the Council may go into closed session to discuss terms and conditions of the potential acquisition of waterfront property at 640 Congress Street; and to discuss public employee collective bargaining matters, specifically, current labor negotiations with all represented City employees, both of which are permitted in closed session for competitive or bargaining reasons pursuant to s. 19.85(1)(e) of the Wisconsin Statutes. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Pavelski to “convene into closed session”. Said motion passed by the following vote: Aye: Council Members Duax, Kincaid, Klinkhammer, Middleton, Pavelski and Von Haden. Nay: Council Member Balow.

After a brief recess, the Council convened into closed session.

## ADJOURNMENT

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

Adjournment: September 8, 2009

Time: 6:23 p.m.

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Kerry J. S. Kincaid, President

ATTEST:

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Donna A. Austad, City Clerk