

## **MINUTES**

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

**Tuesday, July 28, 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, Brandon Buchanan, David Duax, Thomas Kemp, Kerry Kincaid, David Klinkhammer, Jackie Pavelski, Bob Von Haden, and Thomas Vue. Absent: Council Members Berlye Middleton and Andrew Werthmann.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, July 28, 2009. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Kemp “to adopt the consent resolution”. Said motion passed by unanimous vote.

#### **LICENSES**

The City Council considered a resolution granting an expansion of the Combination Class B Intoxicating Liquor & Fermented Malt Beverage licensed premise of 131 North Barstow Street LLC, d/b/a Corner Inn, 131 N. Barstow St., to include a 22’ x 20’ outdoor seating area at rear of building. Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Pavelski “to adopt said resolution”. Said motion passed by unanimous vote.

Council Members Berlye Middleton and Andrew Werthmann arrived in the Council Chamber.

The Council considered a resolution granting an 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 20’ x 50’ outdoor area. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Vue “to adopt said resolution”. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Balow “to postpone consideration of said resolution and send the issue back to the License Review Committee. The applicant should consider submitting a revised application for just a smoking area and eliminating the recreational area. Applicant should also contact the residents in the neighboring properties”. Said motion to postpone passed by the following vote: Aye: Council Members Balow, Buchanan, Kincaid, Klinkhammer, Pavelski, Von Haden, and Vue. Nay: Council Members Duax, Kemp and Werthmann. Abstain: Council Member Middleton.

#### **USE OF CITY FACILITIES**

The City Council considered a resolution authorizing the Eau Claire Area Sports Commission to sponsor the Wisconsin Amateur Baseball Association Tournament at Carson Park on August 7-9, 2009. 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.

The Council considered a resolution authorizing WEAU TV-13 to sponsor the WEAU Softball Game to benefit the John T. Hoffland memorial Scholarship Fund at Carson Park on Gelein Field on Saturday, August 22, 2009. 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.

### **BUDGET ADJUSTMENTS**

The City Council considered a resolution authorizing quarterly appropriation adjustments to the 2009 Program of Services for grants, donations, and service adjustments. Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Buchanan "to adopt said resolution". Said motion passed by unanimous vote.

Council Member Werthmann left the Council Chamber.

### **SIDEWALK REPAIR**

The Council considered a resolution ordering the repair of sidewalk according to State Statute 66.0907 at 69 locations beginning with 1328 Wilson Street, Parcel Number 03-0345. Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Von Haden "to adopt said resolution". Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden "to amend the resolution as follows:

Remove the sidewalk sections identified along Declaration Drive, Parcels 11-1676, 11-1678, 11-1688, 11-16963, 11-1698, 11-1699, 11-1700.

Direct staff to provide a program for repair of the existing problems and the prevention of future problems along those parcels on Declaration Drive."

Said motion passed by unanimous vote. The Council then voted on the resolution as amended (without the seven parcels on Declaration Drive). Said motion passed by unanimous vote.

Council Member Werthmann returned to the Council Chamber.

### **STORM WATER UTILITY EASEMENT**

The City Council considered a resolution accepting the conveyance of a permanent storm water utility easement crossing property owned by Eau Claire Area School District at Northwoods School. 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.

### **PROPERTY ASSESSMENT APPEAL**

The Council considered a resolution authorizing the City to file an appeal and/or objection concerning certain manufacturing real estate and personal property assessments for the property at 5023 Venture Drive. 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.

### **ECONOMIC DEVELOPMENT PROPOSAL**

The City Council considered a resolution to approve an economic development proposal for Genesis 10. 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.

### **MDA “FILL THE BOOT” CAMPAIGN**

The Council considered a resolution designating the annual Muscular Dystrophy Association “Fill the Boot” campaign as a sponsored charitable event in the city of Eau Claire and recognizing employee and public participation. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Duax “to adopt said resolution”. Said motion passed by unanimous vote.

Council Member Duax left the Council Chamber.

### **CANCELLATION OF CITY COUNCIL MEETING**

The City Council considered a resolution canceling the City Council meeting scheduled for Monday, September 7, 2009, due to the Labor Day holiday. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Balow “to adopt said resolution”. Said motion passed by the following vote: Aye: Council Members Balow, Duax, Kemp, Kincaid, Klinkhammer, Middleton, Pavelski, Von Haden, and Vue. Nay: Council Members Buchanan and Werthmann.

Council Member Duax returned the Council Chamber.

### **SIDEWALK CONSTRUCTION – WHITE AVENUE**

The City Council considered a motion “suspending street construction on White Avenue, from Anderson Drive to Melby Street, and directing the City Manager to schedule a public discussion of the project for Monday, August 10 and consideration of amending Resolution No. 2009-116 on Tuesday, August 11”. Thereupon a substitute motion was offered by Council Member Balow and seconded by Council Member Duax “to direct the City Manager to place on the agenda of the August 11 City Council Legislative session, a resolution to defer the construction of sidewalks on the west side of White Avenue, from Melby Street to Anderson Drive”. Said motion to adopt the substitution motion passed by unanimous vote.

### **ZONING**

The Council considered an ordinance rezoning property at 1708 Ohm Avenue from C-2 to R-1 as shown on Planning File #Z-1446-09. 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 15<sup>th</sup> Assessment Ward, 2<sup>nd</sup> Aldermanic District, that part of 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 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

### **ADJOURNMENT**

A motion was offered by Council Member Buchanan and seconded by Council Member Werthmann “that this meeting does now adjourn.” Said motion passed by unanimous consent.

Adjournment: July 28, 2009

Time: 6:03 p.m.

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Kerry J. S. Kincaid, President

ATTEST:

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Donna A. Austad, City Clerk