

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, June 23, 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, Berlye Middleton, Jackie Pavelski, Bob Von Haden, Thomas Vue and Andrew Werthmann.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, June 23, 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.

COMMENDATIONS AND PROCLAMATIONS

Council President Kincaid, on behalf of the City Council, proclaimed the month of July as Parks and Recreation Month in the City of Eau Claire.

LICENSING

The City Council considered a resolution granting a Combination Class B Intoxicating Liquor and Fermented Malt Beverage license to J & R Smokin Ribs, Inc., d/b/a Mike's Smokehouse, 2235 N. Clairemont Ave., Jeffrey S. Anderson, agent. 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.

BONDS & PROMISSORY NOTES

The City Council considered a resolution authorizing the issuance of \$8,560,000 aggregate principal amount of General Obligation Corporate Purpose Bonds, Series 2009A, of the City of Eau Claire, Eau Claire and Chippewa Counties. 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.

The Council considered a resolution authorizing the issuance of \$4,350,000 aggregate principal amount of General Obligation Promissory Notes, Series 2009B, of the City of Eau Claire, Eau Claire and Chippewa Counties. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Middleton "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Buchanan, Duax, Kemp, Kincaid, Klinkhammer, Middleton, Pavelski, Von Haden, Vue, and Werthmann. Nay: Council Member Balow.

The City Council considered a resolution authorizing the issuance of not to exceed \$3,825,000 aggregate principal amount of Waterworks Revenue Bonds, of the City of Eau Claire, Eau Claire and Chippewa Counties. 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.

STATE MASS TRANSIT CONTRACT

The City Council considered a resolution approving the 2009 State Urban Mass Transit Operating Assistance Contract with the Wisconsin Department of Transportation. 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.

JAIL - COURTHOUSE EXPANSION

A motion was offered by Council Member Buchanan and seconded by Council Member Klinkhammer “to consider Item No. 28, Ordinance rezoning property on the east side of Second Avenue, along both sides of Ann Street, from RM to P-Public and approving the site plan for the County Jail, before Items No. 26 & 27, Resolutions vacating certain sections of streets and alleys in the area of the proposed Courthouse / Jail expansion”. Said motion passed on a unanimous voice vote.

COURTHOUSE EXPANSION - REZONING

The Council considered an ordinance rezoning property on the east side of Second Avenue, along both sides of Ann Street, from RM to P-Public and to approve the site plan for the County Jail as shown on Planning File #Z-1444-09. Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Von Haden “to adopt said ordinance”. Council Members had questions for city and county staff members and had a lengthy discussion regarding the proposed rezoning. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Pavelski “to postpone consideration of said ordinance until the July 27, 2009 Council meeting and to request that Eau Claire County respond to the following items by that time:

1. Evaluate the parking implications for the present and future: i.e. Are there ways to better manage the current street parking for courthouse users, the small business district, residents in the area and the church immediately to the north?
2. Provide a plan for a process to systematically identify how a courthouse and/or general government center could develop in this area, especially in consideration of recent recommendations of the Special Committee on Jail Siting and the Joint Commission on Shared Services Initiatives. This process should include:
 - a. Consider removal of the Health Department, Aging and Disability Resource Center, Veterans Service Office, etc. to other off-campus locations previously suggested.
 - b. Consider the re-location of the Juvenile Detention Center to the south end of the present third floor, and vacating the northern half of the present jail.

- c. Determine the feasibility of demolishing parts of the current government building (e.g., the 1953 Annex) to erect a courthouse in that space.
 - d. Conceptualize a future West Grand business district, showing how the commercial property could be protected and integrated into an expanded justice center.
3. The current footprint will accommodate jail growth projections for 20 years. (at 1% growth three pods will be accommodate needs until 2028) The fourth pod, which is shelled-in, will accommodate growth until 2058-2068. With an eye to long-range changes, what about after 2068? What would the addition of another floor look like? Provide the City with a virtual computer designed tour in order to visualize such plans.
 4. Review with city staff and the City Council the remodeling plans for the city police portion of the law enforcement center, especially in regards to its efficiencies both in terms of physical space and costs for Eau Claire city residents.
 5. Require a report on the feasibility of a geo-thermal system for heating and air conditioning.”

Council President Kincaid passed the gavel to Vice President Duax.

Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Klinkhammer “to amend paragraph No. 2 of said motion by deleting everything except sub-section C (Determining the feasibility of demolishing parts of the current government building (e.g., the 1953 Annex) to erect a courthouse in that space.)”. Said motion to amend passed by the following vote: Aye: Council Members Duax, Kemp, Kincaid, Klinkhammer, Pavelski, and Werthmann. Nay: Council Members Balow, Buchanan, Middleton, Von Haden, and Vue. The Council then voted on the amended motion to postpone. Said motion to postpone failed on the following vote: Aye: Council Members Duax, Kemp, Kincaid, Klinkhammer, and Pavelski. Nay: Council Members Balow, Buchanan, Middleton, Von Haden, Vue, and Werthmann. The Council then voted on the original motion to adopt the ordinance approving the rezoning and the site plan. Said motion failed on the following vote: Aye: Council Members Duax, Kemp, Kincaid, Klinkhammer, and Pavelski. Nay: Council Members Balow, Buchanan, Middleton, Von Haden, Vue, and Werthmann.

Council Vice President Duax returned the gavel to President Kincaid.

STREET VACATION

The City Council considered a resolution vacating:

- Second Avenue, from 100 feet north of Lake Street to 200 feet south of Grand Avenue
- Ann Street, from Second Avenue to First Avenue
- Alley north of Ann Street, from Second Avenue to First Avenue
- Alley east of Second Avenue, from the alley north of Ann Street to 200 feet south of Grand Avenue
- Alley east of Second Avenue, from Ann Street to its southern terminus.

Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden “to indefinitely postpone consideration of said resolution”. Said motion passed by the following vote. Aye: Council Members Balow, Buchanan, Duax, Kemp, Klinkhammer, Middleton, Pavelski, Von Haden, Vue, and Werthmann. Nay: Council Member Kincaid.

The City Council considered a resolution releasing the utility easements within:

- Second Avenue, from 100 feet north of Lake Street to 200 feet south of Grand Avenue
- Ann Street, from Second Avenue to First Avenue
- Alley north of Ann Street, from Second Avenue to First Avenue
- Alley east of Second Avenue, from the alley north of Ann Street to 200 feet south of Grand Avenue
- Alley east of Second Avenue, from Ann Street to its southern terminus.

Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden “to indefinitely postpone consideration of said resolution”. Said motion passed by the following vote. Aye: Council Members Balow, Buchanan, Duax, Kemp, Klinkhammer, Middleton, Pavelski, Von Haden, Vue, and Werthmann. Nay: Council Member Kincaid.

PHOENIX PARKSIDE PROJECT AMENDMENT

The City Council considered an ordinance amending the General Development Plan for CBDP zoned property for the Phoenix Parkside property adding dwelling units to the project as shown on Planning File #Z-1382-09 Amd. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Duax “to adopt said ordinance”. Said motion passed by unanimous vote.

ZONING

The Council had first reading on an ordinance rezoning property along the south side of USH 12, near Lyden Avenue, from TR-1A and TI-1 to I-1P and P-Public, and to adopt the General Development Plan for the property as shown on Planning File #Z-1445-09.

PARKING

The Council had first reading on an ordinance amending Table VIII of the City Code of Ordinances entitled “Parking Prohibited,” by adding:

- Bellinger Street, both sides, from Spruce Street to a point 100 feet north of Madison Street;
 - Fifth Avenue, both sides, from Congress Street to Spruce Street;
 - Fulton Street, north side, from a point 50 feet east of Whipple Street to Fifth Avenue;
 - Fulton Street, south side, from Fifth Avenue to a point 80 feet west of Fifth Avenue;
- and amending Table IX entitled “Parking During Specified Hours - Two hours--Between nine a.m. and six p.m., except Sundays and holidays,” by adding:
- Fulton Street, south side, from Sixth Avenue to the west end.

The Council had first reading on an ordinance amending Table VIII of the City Code of Ordinances entitled “Parking Prohibited,” by deleting:

- Bellinger Street, east side, from Randall Street to 75 feet south of Spruce Street;
- Bellinger Street, west side, from 125 feet south of Randall Street to 50 feet south of Spruce Street;
- Bellinger Street, both sides, from Randall Street to a point 100 feet north of Madison Street;

- Fifth Avenue, the east side, from 83 feet north of Chestnut Street to a point 111 feet south;
- Fifth Avenue, the west side, from a point 75 feet north of Chestnut Street to a point 180 feet south of Chestnut Street;
- Fulton Street, the north side, from a point 50 feet east of Sixth Avenue to a point 50 feet west of Sixth Avenue;

and amending Table IX entitled "Parking During Specified Hours - Two hours--Between nine a.m. and six p.m., except Sundays and holidays," by deleting:

- Bellinger Street, west side, from Randall Street to 125 feet south of Randall Street;

and amending Table IX entitled "Parking During Specified Hours - Two hours--Between six a.m. and six p.m.," by deleting:

- Fulton Street, south side, from Sixth Avenue to the west end.

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 vote.

Adjournment: June 23, 2009

Time: 7:52 p.m.

Kerry J. S. Kincaid, President

ATTEST:

Donna A. Austad, City Clerk