

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, May 26, 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, Thomas Kemp, Kerry Kincaid, David Klinkhammer, Jackie Pavelski, Bob Von Haden, and Andrew Werthmann. Absent: Council Members David Duax and Thomas Vue.

OATH OF OFFICE

City Clerk Austad administered the Oath of Office to Berlye Middleton as the new At-large City Council Representative. Middleton was appointed by the Council to fill the position left vacant when Council Member Kincaid assumed the office of Council President.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, May 26, 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, presented the Memorial High School Jazz I with a Commendation of Recognition for their third place finish in the national Essential Ellington competition held in New York City.

BOARDS, COMMITTEES AND COMMISSION

The City Council considered a resolution appointing Council Members to the following Boards, Committees and Commissions:

Chippewa Valley Sports Commission	Berlye S. Middleton
Downtown Eau Claire Inc., (DECI)	Berlye S. Middleton
Special Assessment Deferment Committee	Bob Von Haden
Utility Appeals Board	Berlye S. Middleton

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.

The Council considered a resolution approving the following citizen appointments to Boards, Committees and Commissions:

Housing Advisory Board three-year term expiring April 30, 2012
Bernie Trettin

Zoning Board of Appeals unexpired term thru December 31, 2009.
Jeff DeGrave

Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Kemp “to adopt said resolution”. Said motion passed by unanimous vote.

LICENSING

The City Council considered a resolution granting a Combination Class B Intoxicating Liquor and Fermented Malt Beverage license to 131 North Barstow Street, L.L.C., d/b/a Corner Inn, 131 N Barstow St., John S. Mogensen, agent. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Middleton “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution granting a Combination Class B Intoxicating Liquor and Fermented Malt Beverage license and Class A Cabaret license to 304 Eau Claire Street, L.L.C., d/b/a Stone’s Throw, 304 Eau Claire St., John S. Mogensen, agent. 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.

CDBG & HOME PROGRAM

The Council considered a resolution approving the acquisition of a Community Development Block Grant (CDBG) funded Homeownership Property at 140 W. Grant 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.

The City Council considered a resolution approving the City’s 2009 Community Development Block Grant and HOME funding, appropriations and amendment to prior year CDBG and HOME program. 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.

WASTEWATER TREATMENT PLANT ANNUAL REPORT

The City Council considered a resolution indicating receipt and review of the 2008 Compliance Maintenance Annual Report (CMAR) for the Wastewater Treatment Plant. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Middleton “to adopt said resolution”. Said motion passed by unanimous vote.

CARSON PARK SIGN

The Council considered a resolution amending the General Site Development Plan for the electronic sign at the Menomonie Street entrance to Carson Park as shown on Planning File #PZ-0705 Amd. Said amendment would allow the display of public /civic events and activities

held at other city facilities and also events and activities sponsored by the Parks, Recreation and Forestry Department. 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.

HEALTH INSURANCE

The City Council considered a resolution extending the current health care insurance plan with Group Health for one additional year, until June 2011. 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.

REGIONAL TRANSIT

The Council considered a resolution supporting the adoption of state enabling legislation to allow creation of an Eau Claire Regional Transit Authority. Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Kemp “to adopt said resolution”. Said motion passed by unanimous vote.

SHARED SERVICES

The City Council considered a resolution approving the addition of the Eau Claire Area School District as members of the Joint Commission on Shared Services Initiatives and approving the revised governance of the commission. 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.

REZONING

The Council had first reading on an ordinance rezoning property at 3455 Halsey Street from TR-1 to R-1 as shown on Planning File #Z-1443-09.

BOULEVARDS

The City Council had first reading on an ordinance creating Section 8.28.102 of the City Code of Ordinances, entitled “Boulevard Planting, Care and Maintenance,” to allow property owners to enhance and improve the aesthetic appearance of the boulevard in front of their property.

CLOSED SESSION

Council President Kincaid announced that upon a motion duly made and seconded, the Council may go into closed session to:

- to hear Grievance #2009-200 before the City Council per the City’s labor contract with Fire Fighters Local 487 which is permitted in closed session pursuant to s. 19.82 (1) and 19.85 (1) (e) of the Wisconsin State Statutes; and

- to discuss public employee collective bargaining matters, specifically current labor negotiations with Fire Fighters, Telecommunicators, Police Patrol, and Local 284, which is permitted in closed session for competitive or bargaining reasons pursuant to s. 19.85(1)(e) of the Wisconsin Statutes; and
- to consider a revised performance evaluation form for evaluating the City Manager, over whom the City Council exercises responsibility, which is permitted in closed session for competitive or bargaining reasons pursuant to s. 19.85(1)(c) of the Wisconsin Statutes.

Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Kemp to “convene into closed session”. Said motion passed by the following vote: Aye: Council Members Buchanan, Kemp, Kincaid, Klinkhammer, Middleton, Pavelski, Von Haden, and Werthmann. Nay: Council Member Balow.

GRIEVANCE

The City Council heard Fire Grievance #2009-200 regarding alleged violations by the Fire Chief of the collective bargaining agreement with the Fire Fighters Union. Union President Lance Hanson presented for the Fire Fighters Union. Human Resources Director Dale Peters presented for the Fire Department Management. Following the presentations, staff members (except the City Clerk and City Attorney) were excused from the Council Chamber. The Council deliberated the evidence presented. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to deny Fire Fighters Local 487 Grievance No. 2009 – 200, based on information received and considered at this meeting”. Said motion failed on the following vote: Aye: Council Members Kincaid, Klinkhammer, Middleton, and Von Haden. Nay: Council Members Balow, Buchanan, Kemp, Pavelski, and Werthmann. Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Werthmann “to uphold Fire Fighters Local 487 Grievance No. 2009 – 200, based on information received and considered at this meeting”. Said motion passed on the following vote: Aye: Council Members Balow, Buchanan, Kemp, Pavelski, and Werthmann. Nay: Council Members Kincaid, Klinkhammer, Middleton, and Von Haden. Staff returned to the Chamber.

COLLECTIVE BARGAINING

Assistant City Attorney Steve Bohrer updated the Council on the progress of current labor negotiations with Fire Fighters, Telecommunicators, Police Patrol, and Local 284.

All staff members except Director of Human Resources Dale Peters were excused from the meeting.

EVALUATION FORM

Council Members reviewed a revised performance evaluation form for the up-coming City Manager’s evaluation.

ADJOURNMENT

Upon completion of closed session, 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: May 26, 2009

Time: 8:30 p.m.

Kerry J. S. Kincaid, President

ATTEST:

Donna A. Austad, City Clerk