

## **MINUTES**

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

**Tuesday, February 10, 2009**

**City Council Chamber**

**4:00 p.m.**

#### **PLEDGE OF ALLEGIANCE AND ROLL CALL**

Council Vice President Kincaid called the meeting to order. The following members were present: Council Members Larry Balow, Thomas Kemp, Kerry Kincaid, David Klinkhammer, Berlye Middleton, Jackie Pavelski, Bob Von Haden and Thomas Vue. Absent: Council Members David Adler, Brandon Buchanan and David Duax.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, February 10, 2009. Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Vue “to adopt the consent resolution”. Said motion passed by unanimous vote.

#### **TRIO DAY PROCLAMATION**

Council Vice President Kincaid, on behalf of the City Council, read a proclamation declaring February 24, 2009 as UW-Eau Claire TRIO Day, and acknowledging the various university programs designed to assist first-generation college students.

Council Members Buchanan and Duax arrived in the Council Chamber.

#### **LICENSE**

The City Council considered a resolution granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to Christ Church Cathedral, Father Bob Rademaker, Dean, on February 14, 2009, at 510 S. Farwell St. for a Valentine’s Day Dance. 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.

#### **WEST BANK BUILDING MORATORIUM**

The Council considered a resolution approving a six-month extension of the moratorium on building construction in the West Bank Redevelopment District. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Balow “to adopt said resolution”. Said motion passed by unanimous vote.

## **COUNCIL CONFERENCE**

The City Council considered a resolution designating Council Member Buchanan as the City Council Representative to the International Making Cities Livable Conference on True Urbanism: Cities for Health and Well-being being held in Portland, Oregon in May 2009. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Middleton “to adopt said resolution”. Said motion passed by unanimous vote.

## **CONDO PLAT**

The Council considered a resolution approving the final condo plat for Speros Condominium office building, located on London Road, north of Golf Road, as shown on Planning File #P-1-09. 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.

## **LANDSCAPE MANUAL**

The City Council considered a resolution amending the City’s Landscape Manual. Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Duax “to adopt said resolution”. Said motion passed by unanimous vote.

## **SOFT DRINK POURING RIGHTS AGREEMENT**

The Council considered a resolution authorizing a contract extension of Procurement No. 2004-13, Soft Drink Pouring Rights Agreement and approving a related amendment to the 2009 Program of Services (budget). Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Balow “to adopt said resolution”. Because the resolution would amend the budget, an affirmative vote by 2/3 of the elected members, or eight affirmative votes, was required for adoption. Said motion failed on the following vote: Aye: Council Members Balow, Buchanan, Kemp, Middleton, Pavelski, Von Haden, and Vue. Nay: Council Members Duax, Kincaid and Klinkhammer.

## **FAIRFAX PARK MUNICIPAL POOL**

The City Council considered a resolution approving the 2009 fees and charges for the Fairfax Park Municipal Pool. Thereupon a motion was offered by Council Member Klinkhammer 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, and Vue. Nay: Council Member Balow.

## **D.O.T. AGREEMENTS**

The City Council considered a resolution approving the Project Agreement with the Wisconsin Department of Transportation for the Chippewa River Trail – Short Street Realignment. 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.

The Council considered a resolution approving the Project Agreement with the Wisconsin Department of Transportation for repair and decking of the High Bridge (former UPRR bridge over the Chippewa River). Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Vue “to adopt said resolution”. Said motion passed by unanimous vote.

**STREET, UTILITY & SIDEWALK IMPROVEMENTS  
TRUAX BOULEVARD & MARGARET STREET**

The City Council considered a Final Resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- Truax Boulevard, Third Street to Jeffers Road (09-109)
- Margaret Street, Highland Avenue to Valmont Avenue (09-107).

By unanimous consent, the Council divided the question to allow a separate vote on each project.

A motion was offered by Council Member Buchanan and seconded by Council Member Kemp “to adopt the final resolution for Truax Boulevard, Third Street to Jeffers Road (09-109)”. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Vue “to amend the project and have Truax Boulevard be constructed as a two-way street with parking on both sides”. Said motion failed on the following tie vote: Aye: Council Members Balow, Kemp, Middleton, Pavelski, and Vue. Nay: Council Members Buchanan, Duax, Kincaid, Klinkhammer, and Von Haden. The Council then voted on the original motion that Truax Boulevard be constructed as a three-lane street, the center lane being a turn lane, with no on-street parking. Said motion passed on the following vote: Aye: Council Members Buchanan, Duax, Kemp, Kincaid, Klinkhammer, Middleton, Pavelski, Von Haden, and Vue. Nay: Council Member Balow.

The Council considered a Final Resolution approving the project and levying special assessments for street and utility improvements on Margaret Street, Highland Avenue to Valmont Avenue (09-107). Thereupon a motion was offered by Council Member Duax and seconded by Council Member Balow “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 on the following streets:

- Truax Boulevard, Third Street to Jeffers Road (09-109)
- Margaret Street, Highland Avenue to Valmont Avenue (09-107).

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

**N. HASTINGS WAY FRONTAGE ROAD, E. HAMILTON AVENUE,  
KEITH STREET, FIFTH AVENUE, BELLINGER STREET**

The Council considered a Final Resolution approving the project and levying special assessments for street improvements on the following streets:

- North Hastings Way West Frontage Road, Galloway Street to Hastings Way west ramp entrance (09-408)
- Hamilton Avenue E., Mall Drive to STH 93 (09-407)
- Keith Street, Clairemont Avenue E. to Lexington Boulevard E. (09-409)
- Fifth Avenue, Fulton Street to Bellinger Street (09-405)
- Bellinger Street, Fifth Avenue to Madison Street (09-403).

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.

The City Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 on the following streets:

- Hamilton Avenue E., Mall Drive to STH 93 (09-407)
- Keith Street, Clairemont Avenue E. to Lexington Boulevard E. (09-409)
- Fifth Avenue, Fulton Street to Bellinger Street (09-405)
- Bellinger Street, Fifth Avenue to Madison Street (09-403).

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

### **FRANK STREET, PRESTON ROAD, JEFFERS ROAD, COUNTY LINE ROAD**

The Council considered a Final Resolution approving the project and levying special assessments for street, utility, and sidewalk improvements on the following streets:

- Frank Street, North Clairemont Avenue East Frontage Road to Moholt Drive (09-301)
- Preston Road, Folsom Street to 485 feet south of Folsom Street (09-208)
- Jeffers Road, Shorewood Drive W. to 740 feet north of County Line Road (09-204)
- County Line Road (10th Avenue), Jeffers Road to proposed west street in Aspen Ridge Subdivision (09-210).

By unanimous consent, the Council divided the question to allow a separate vote on the Frank Street Project. Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Duax “to adopt the final resolution for Frank Street, North Clairemont Avenue East Frontage Road to Moholt Drive (09-301)”. Said motion failed by the following tie vote: Aye: Council Members Duax, Kemp, Kincaid, Klinkhammer, and Vue. Nay: Council Members Balow, Buchanan, Middleton, Pavelski, and Von Haden.

The Council considered the Final Resolution “approving the projects on Preston Road, Jeffers Road and County Line Road”. 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.

### **ORDINANCES**

There were no ordinances for action or introduction at the February 10 Council meeting.

**ADJOURNMENT**

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

Adjournment: February 10, 2009

Time: 5:52 p.m.

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Kerry J. S. Kincaid, Vice President

ATTEST:

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Donna A. Austad, City Clerk