

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, November 25, 2008

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, Brandon Buchanan, David Duax, Kerry Kincaid, David Klinkhammer, Berlye Middleton, Jackie Pavelski, Bob Von Haden and Thomas Vue. Absent: Council Members David Adler and Thomas Kemp.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, November 25, 2008. 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.

GRANTS

The City Council considered a resolution accepting a \$196,248 grant from the Wisconsin Department of Natural Resources–Aquatic Invasive Species Control Grant Program for a Half Moon Lake herbicide application. 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.

The Council considered a resolution authorizing the Police Department to accept a \$20,000 Alcohol Enforcement Grant funded by the Wisconsin Department of Transportation, Bureau of Transportation Safety. 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.

ENERGY INDEPENDENCE INITIATIVE

The Council considered a resolution endorsing the State of Wisconsin’s Energy Independence Goal of obtaining 25 percent of its energy and fuel needs from renewable sources by 2025 and authorizing submittal of a grant application to complete an energy audit of and energy plan for community facilities and infrastructure. Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by unanimous vote.

AGREEMENTS

The Council considered a resolution authorizing the City to enter into agreements with Luther Midelfort Foundation and Sacred Heart Hospital for those entities to provide subsidies to allow for the transmission of EKG data from City ambulances to the hospitals. 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.

Council Member Kemp arrived in the Council Chamber.

The Council considered a resolution approving an agreement among the City of Eau Claire, the Eau Claire Area School District, and the Cooperative Educational Services Agency to provide summer school recreational programs in 2009. 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.

The Council considered a resolution approving an addendum to the contract with the Chippewa Valley Convention and Visitors Bureau to reflect the change in the city room tax rate. 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.

TIMBER THINNING & SALE

The City Council considered a resolution authorizing the thinning of trees at Fairfax Park and the City Well Field area and the sale of timber. 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.

PARK PLANS

The Council considered a resolution approving the Northwest Community Park Master Plan. 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 approving the Otter Creek Community Park Master Plan. 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.

RECONSIDERATION – YMCA OFFER TO PURCHASE

A motion was offered by Council Member Pavelski and seconded by Council Member Klinkhammer “to reconsider the vote taken on November 11 regarding a one-year extension of the Offer to Purchase agreement with the YMCA for city-owned property at Menomonie Street and Clairemont Avenue”. Said motion to reconsider failed on the following tie vote: Aye: Council Members Duax, Kemp, Kincaid, Klinkhammer, and Pavelski. Nay: Council Members Balow, Buchanan, Middleton, Von Haden and Vue.

DEVELOPMENT AGREEMENT

The City Council considered a resolution authorizing the City Manager to enter into a development agreement with Everett Blakeley, Jr., for alley and storm sewer improvements west of First Street and north of Walnut Street. 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.

TRANSIT CONTRACTS AND AGREEMENTS

The City Council considered a resolution approving an Amendment to the 2005 Federal Urban Transit Capital Assistance Contract with the Wisconsin Department of Transportation. Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution approving the Amended 2007 State Urban Mass Transit Operating Assistance Contract with the Wisconsin Department of Transportation. 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.

The Council considered a resolution approving the 2008 Federal Mass Urban Transit Operating Assistance Application with the Federal Transit Administration. 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.

The Council considered a resolution approving the 2008 State Urban Mass Transit Operating Assistance Contract with the Wisconsin Department of Transportation. 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 approving the 2008 Purchase of Service Agreement between the City of Altoona and City of Eau Claire Transit. 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.

The Council considered a resolution authorizing the City Manager to execute the 2008 Federal Transit Administration Section 5307 Supplemental Agreement between the cities of Eau Claire and Chippewa Falls. 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.

ZONING

The City Council considered an ordinance rezoning property on the east side of Preston Road, south of Folsom Street, from TR-1A to R-2P and adopting the General Development Plan for one- and two-family dwellings, as shown on Planning File #Z-1434-08. A valid protest petition had been filed against this rezoning, thus requiring an affirmative vote by three-fourth of the Council members present and voting. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Buchanan "to adopt said ordinance". Said motion passed by the following vote: Aye: Council Members Buchanan, Duax, Kemp, Kincaid, Middleton, Pavelski, Von Haden, and Vue. Nay: Council Members Balow and Klinkhammer.

The Council considered an ordinance rezoning property on the east side of Hwy. 53, south of Fuller Avenue, from TR-1B to R-1A, as shown on Planning File #Z-1435-08. Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Duax "to adopt said ordinance". Said motion passed by unanimous vote.

HOTEL/MOTEL GUEST REGISTRATION

The City Council considered an ordinance creating Chapter 8.18 of the City Code of Ordinances entitled "Hotel & Motel Guest Registration." Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Middleton "to adopt said ordinance". Thereupon a motion was offered by Council Member Von Haden "to amend said ordinance as follows:

- Section 8.18.020 A, after the words 'or sleeping purposes' insert the words 'for pay';
- Section 8.18.030 D, at the end of the sentence delete the words 'at any time' and insert the words 'if in furtherance of a law enforcement investigation of a possible violation of any ordinance, regulation, or law; to determine the identity and number of occupants in a time of civil emergency; or for other legitimate reasons of public safety and welfare.';
- the effective date of the ordinance be changed from December 1, 2008 to January 1, 2009."

Said motion to amend was accepted by the mover and seconder as a friendly amendment. The Council then voted on the ordinance as amended. Said motion passed by unanimous vote.

CODE UPDATE

The City Council had first reading on an ordinance amending Chapter 8.04 of the City Code of Ordinances entitled "Contagious Disease."

ADJOURNMENT

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

Adjournment: November 25, 2008

Time: 5:20 p.m.

Kerry J. S. Kincaid, Vice President

ATTEST:

Donna A. Austad, City Clerk