

## **MINUTES**

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

**Tuesday, October 28, 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, Berlye Middleton, Jackie Pavelski, Bob Von Haden and Thomas Vue. Absent: Council Members David Adler, Thomas Kemp and David Klinkhammer.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, October 28, 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.

#### **LIQUOR LICENSE**

The Council considered a resolution granting an expansion of the Combination Class B Intoxicating Liquor & Fermented Malt Beverage licensed premise of Bill’s Last Chance, Inc., d/b/a Bill’s Last Chance, 2007 Third Street, to include a 14’ x 12’ outdoor area. 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.

#### **SALE OF PROPERTY**

The City Council considered a resolution declaring 714 E. Madison Street, Parcel 01-0062, to be excess land, not required for public use, and approving the terms of the sale. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Middleton “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution declaring 3166 Anderson Drive, Parcel 11-0445, to be excess land, not required for public use, and approving the terms of the sale. 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.

#### **REVOLVING LOAN FUND PLAN**

The City Council considered a resolution certifying the Revolving Loan Fund 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.

The Council considered a resolution approving guideline amendments to the Revolving Loan Fund Program. 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.

### **CANCELLATION OF COUNCIL MEETING**

The City Council considered a resolution canceling the December 22 & 23, 2008 City Council meetings. Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Von Haden "to adopt said resolution". Said motion passed the following vote: Aye: Council Members Buchanan, Duax, Kemp, Kincaid, Middleton, Pavelski, Von Haden, and Vue. Nay: Council Member Balow.

### **ZONING**

The Council considered an ordinance rezoning property located at the southeast corner of N. Clairemont Avenue and Truax Boulevard from C-3P and I-1P to C-3P and to adopt the General Development Plan for restaurants as shown on Planning File #Z-1430-08. Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Vue "to adopt said ordinance". Said motion passed by unanimous vote.

### **CODE AMENDMENTS**

The City Council considered an ordinance amending Chapter 1.24 of the City Code of Ordinances entitled "Citations for Ordinance Violations" regarding public nuisances and Chapter 9.36 entitled "Public Nuisance." Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Duax "to adopt said ordinance". Said motion passed by unanimous vote.

Council Member Kemp arrived at the Council Chamber.

### **HOTEL & MOTEL GUEST REGISTRATION**

The 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 Balow and seconded by Council Member Middleton "to adopt said ordinance". Thereupon a motion was offered by Council Member Duax "to amend Section 8.18.030, Regulations, by deleting from the first line the words 'and photocopy or electronic scan'." Said motion was accepted as a friendly amendment by the mover and seconder. Thereupon a motion was offered by Council Balow and seconded by Council Member Vue "to amend Section 8.18.030, Regulations, in the last line, deleting the words 'three years' and replacing with the words 'one year'." Said motion passed by the following vote: Aye: Council Members Balow, Duax, Pavelski, Von Haden and Vue. Nay: Council Members Buchanan, Kemp, Kincaid and Middleton. Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Kemp "to postpone consideration of said ordinance until the November 24 and

25 Council meeting”. Said motion passed by the following vote: Aye: Council Members Buchanan, Kemp, Kincaid, Middleton and Pavelski. Nay: Council Members Balow, Duax, Pavelski and Vue.

### **SIGN CODE**

The City Council considered an ordinance amending Chapter 16.18 of the City Code of Ordinances entitled Off-premise Sign Code to permit structural changes to be made to nonconforming poster panels (billboards). Thereupon a motion was offered by Council Member Vue and seconded by Council Member Balow “to adopt said ordinance”. Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Duax “to amend said ordinance as follows:

- In paragraph 1a. delete the words ‘50 percent of the replacement value’ and insert the words ‘100 percent of the assessed value’;
- Create a new paragraph 1e which would read ‘If any part of this ordinance is found to be unconstitutional, it is then the intent of the City Council to not allow any modifications or alternations to any non-conforming signs.’”

Said motion to amend failed on the following vote: Aye: Council Member Buchanan. Nay: Council Members Balow, Duax, Kemp, Kincaid, Middleton, Pavelski, Von Haden, and Vue. The Council then voted on the original motion to adopt the ordinance. Said motion failed on the following vote: Aye: Council Members Middleton, Pavelski, Von Haden, and Vue. Nay: Council Members Balow, Buchanan, Duax, Kemp and Kincaid.

### **PARKLAND FEE**

The Council considered an ordinance amending Title 17 of the City Code of Ordinances entitled “Subdivision Code” regarding a parkland fee. Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Kemp “to adopt said ordinance”. Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Kemp “to postpone consideration of said ordinance until June 9, 2009 so that a Public Parks Facilities Civic Team can be created and report back to the Council on or before June 9, 2009. Members of said Team shall be appointed at the December 9 Council meeting.” Said motion passed by the following vote: Aye: Council Members Balow, Buchanan, Duax, Kemp, Kincaid, Pavelski, Von Haden, and Vue. Nay: Council Member Middleton.

### **ZONING**

The City Council had first reading on an ordinance rezoning property located at 3004 Pine Lodge Road from R-1 to R-2P with a conditional use permit for a duplex as shown on Planning File #Z-1431-08.

The Council had first reading on an ordinance rezoning properties off the east end of Ridgeview Drive, east of Fairfax Street, from R-3 to R-3P, and approving the General Development Plan for multi-family development as shown on Planning File #Z-1433-08.

### **SUBDIVISION CODE**

The Council had first reading on an ordinance amending the Subdivision Code adding provisions for identifying Environmentally Sensitive areas with subdivision review and prohibiting land disturbance of such areas prior to City approval as shown on Planning File #Z-1432-08.

### **ORDINANCES RELATED TO THE 2009 BUDGET**

#### **SEWER SERVICE FEE**

The City Council had first reading on an ordinance amending Chapter 15.04, of the City Code of Ordinances entitled "Sewer Service Charge", specifically, amending Section 15.04.030, entitled "Wastewater service charge", to increase the sewer user charges as proposed in the 2009 Budget.

#### **INSPECTIONS ORDERS**

The Council had first reading on an ordinance creating Chapter 1.25 of the City Code of Ordinances entitled "Enforcement--Orders – Inspections", implementing a re-inspections fee.

#### **ROOM TAX**

The City Council had first reading on an ordinance amending Chapter 3.20 of the City Code of Ordinances entitled "Room Tax".

#### **FINANCING METHODS**

The Council had first reading on an ordinance amending Section 17.24.020 of the City Code of Ordinances entitled "Methods of Financing", implementing a development review fee.

#### **VEHICLE REGISTRATION FEE**

The City Council had first reading on an ordinance creating Chapter 3.25 of the City Code of Ordinances entitled "Annual City Vehicle Registration Fee".

#### **PAY PLAN**

The Council had first reading on an ordinance amending the pay plan for the City of Eau Claire, specifically those parts thereof pertaining to CTSEA employees.

**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: October 28, 2008

Time: 5:30 p.m.

---

Kerry J. S. Kincaid, Vice President

ATTEST:

---

Donna A. Austad, City Clerk