

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, September 23, 2008

City Council Chamber

4:00 p.m.

PLEDGE OF ALLEGIANCE AND ROLL CALL

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

CONSENT AGENDA

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

COMMENDATIONS AND PROCLAMATIONS

Council President Adler, on behalf of the City Council, proclaimed the week of October 5 – 11, 2008 as Fire Prevention Week in the City of Eau Claire.

Council Member Buchanan arrived at the Council Chamber.

LIQUOR LICENSE

The Council considered a resolution granting a Combination Class B Intoxicating Liquor & Fermented Malt Beverage license and Class A Cabaret license to Diamond Lounge LLC, d/b/a Diamond Lounge, 202 Gibson Street, Lisa D. Miller, agent. 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.

GRANT ACCEPTANCE

The City Council considered a resolution authorizing the Police Department to accept a \$7,300 State of Wisconsin, Department of Justice grant awarded from the Training and Standards Bureau. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Kincaid "to adopt said resolution". Said motion passed by unanimous vote.

The Council considered a resolution authorizing the Police Department to accept a \$14,000 Paul Coverdell Forensic Science Improvement Grant awarded by the Office of Justice Programs of the Department of Justice. 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.

ENERGY CONSERVATION

The City Council considered a resolution approving a performance contract with Honeywell International for energy conservation measures at various public buildings. 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 authorizing an application to the State Trust Fund for a loan for the energy savings contract. 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.

LAND SALE

The City Council considered a resolution authorizing the sale of property at 424 Hobart Street. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Kincaid "to adopt said resolution". Said motion passed by unanimous vote.

CERTIFIED SURVEY MAP

The Council considered a resolution approving a Certified Survey Map with right-of-way dedication for Elderberry Lane in the Town of Washington as shown on Planning File #CSM-8-08. 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.

Council Member Kemp arrived at the Council Chamber.

PREVAILING WAGE

The City Council considered a resolution removing the prevailing wage requirement in a job / building loan agreement with Idexx Computer Systems. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Klinkhammer "to adopt said resolution contingent upon the removal of any references to the Prevailing Wage ordinance". Thereupon a motion was offered by Council Member Duax "to amend said motion as follows:

- In the title, remove the words 'Prevailing Wage Requirement in a Job and';
- In the title, after the word Loan, insert the words 'in the';
- Delete the third Whereas paragraph and insert the wording 'Whereas, a waiver of said Prevailing Wage Ordinance is not warranted, but rather necessitates the elimination of the building credits, and;'
- In the Now, Therefore, Be It Resolved paragraph, delete the words 'Prevailing Wage requirement' and insert the words 'building loan credits of \$18,000' and at the end of the paragraph insert the words 'thus reducing the loan amount to \$133,000'."

Said motion to amend was accepted by the mover and seconder as a friendly amendment. The Council then voted upon the resolution as amended. Said resolution was adopted by the following vote: Aye: Council Members Adler, Balow, Duax, Klinkhammer, Pavelski, Von Haden and Vue. Nay: Council Members Buchanan, Kemp and Middleton. Abstain: Council Member Kincaid.

ZONING

The City Council considered an ordinance rezoning property at 1407 State Street from R-2 to R-3P to allow a lodging house as shown on Planning File #Z-1423-08. Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Vue “to adopt said ordinance”. Said motion failed by the following vote: Aye: None. Nay: Council Members Adler, Balow, Buchanan, Duax, Kemp, Kincaid, Klinkhammer, Middleton, Pavelski, Von Haden, and Vue.

The Council considered an ordinance rezoning property at 3665 London Road from TR-1A to C-3P and to adopt the General Development Plan for the parcel to be part of the adjacent rehabilitation facility as shown on Planning File #Z-1425-08. Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Kemp “to adopt said ordinance”. Said motion passed by unanimous vote.

The Council considered an ordinance rezoning property located on the north side of Hagman Street, east of Jeffers Road, from R-1A to R-3P, and to adopt the General Development Plan for multi-family development as shown on Planning File #Z-1426-08. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Balow “to adopt said ordinance”. Said motion passed by unanimous vote.

CODE AMENDMENT

The City Council considered an ordinance amending Title 14 of the City Code of Ordinances entitled “Waterworks,” by creating Section 14.04.100 regarding well abandonment and well operation permits. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Klinkhammer “to adopt said ordinance”. Said motion passed by unanimous vote.

ANNEXATION

The Council had first reading on an ordinance in accordance with Section 66.0217 Wisconsin Statutes, annexing to the City of Eau Claire and particularly to the 14th Assessment Ward, 5th Aldermanic District, 2809 Preston Road, Town of Union, Eau Claire County, as shown on Planning Drawing No. 08-7A (Short petition).

ZONING

The City Council had first reading on an ordinance rezoning property at the southeast corner of Jeffers Road and W. Shorewood Drive from C-3P to R-3P and to adopt the General Development Plan for multi-family development as shown on Planning File #Z-1428-08.

TRAFFIC

The City Council had first reading on an ordinance amending Table II of the City Code of Ordinances entitled “Through Streets,” by adding Gateway Drive from Prill Road (CTH “AA”) to E. Hamilton Avenue and Gateway Drive from House Road to Prill Road (CTH “AA”).

The Council had first reading on an ordinance amending Table XI of the City Code of Ordinances entitled "Traffic Control Signals," by adding the intersection of Birch Street/River Prairie Drive and Galloway Street. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Buchanan "to suspend the rules which interfere with the immediate consideration of said ordinance". Said motion failed to receive the necessary $\frac{2}{3}$ vote required for passage. Those voting in favor of the motion: Council Members Balow, Buchanan, Duax, Kemp, Pavelski, Von Haden and Vue. Those voting nay: Council Members Adler, Kincaid, Klinkhammer and Middleton.

ADJOURNMENT

A motion was offered by Council Member Pavelski and seconded by Council Member Vue "that this meeting does now adjourn." Said motion passed by unanimous vote.

Adjournment: September 23, 2008

Time: 5:35 p.m.

David J. Adler, President

ATTEST:

Donna A. Austad, City Clerk