

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, September 9, 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, Jackie Pavelski, Bob Von Haden and Thomas Vue. Absent: Council Members Brandon Buchanan, Thomas Kemp and Berlye Middleton.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, September 9, 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.

Council Members Buchanan and Middleton arrived at the Council Chamber.

LIQUOR LICENSE

The City Council considered a resolution granting a temporary expansion of the Class B Fermented Malt Beverage licensed premise of Lynn McDonough, d/b/a Connell's II At The Airport, 3800 Starr Avenue, to include a 60' x 640' area on the airfield during the 2008 Chippewa Valley Air Show, for a four-day period, September 11-14, 2008. 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.

APPOINTMENTS

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

Affirmative Action Committee - John DeRosier - new appointment to fill an unexpired term as Labor Representative (term expires June 30, 2011)

Bicycle/Pedestrian Advisory Commission - Walter Reid - new appointment to fill an unexpired term (term expires December 31, 2009)

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.

USE OF CITY FACILITIES

The City Council considered a resolution authorizing the American Cancer Society to hold the Making Strides Against Breast Cancer Run/Walk at the Owen Park Band Shell and along the trail system, on Saturday October 25, 2008. 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.

TAX INCREMENT DISTRICTS

The City Council considered a resolution authorizing an appropriation to remit the balance of the Tax Increment District No. 4, Gateway West Business Park, tax increments to the other taxing jurisdictions. 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 Plan, describing boundaries, creating and naming Tax Increment District No. 9, Gateway Northwest Business Park Overlay, making findings and appropriating the Project Plan costs. 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.

CURB, GUTTER & SIDEWALK REPAIR

The City Council considered a resolution ordering curb and gutter and sidewalk to be repaired in accordance with State Statute 66.0907 at 13 locations, beginning with 458 Garfield Avenue, Parcel No. 03-0304. 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.

CVTC – GENERAL DEVELOPMENT PLAN

The Council considered a resolution amending the conditions of approval for a General Site Development Plan in a P-Public District for a ground sign for Chippewa Valley Technical College along the south side of W. Clairemont Avenue as shown on Planning File #PZ-0702 Amd. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Kincaid “to adopt said resolution”. Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Middleton “to amend said resolution by deleting the phrase ‘and to allow scrolling of messages’”. Said motion failed on the following vote: Aye: Council Member Buchanan. Nay: Council Members Adler, Balow, Duax, Kincaid, Klinkhammer, Middleton, Pavelski, Von Haden, and Vue. The Council then voted on the original motion to adopt the resolution. Said motion passed by the following vote: Aye: Council Members Adler, Balow, Duax, Kincaid, Klinkhammer, Pavelski, Von Haden, and Vue. Nay: Council Members Buchanan and Middleton.

YMCA LEASE

The City Council considered a resolution approving the renewal of the YMCA lease for use of Fairfax Pool for practice and their annual swim meet. 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.

COMMUNITY ALLIANCE

The Council considered a resolution endorsing the concept of working with community organizations and citizens to form an alliance in the greater Eau Claire area to maintain quality public services and infrastructure. Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Von Haden “to adopt said resolution”. Thereupon a motion was offered by Council Member Kincaid “to amend said resolution as follows: In the third Whereas paragraph, delete the word ‘adequate’ and insert the word ‘quality’; In the fourth Whereas paragraph, delete the word ‘community’ and insert the word ‘quality’; In the Now, Therefore Be It Resolved paragraph, insert the word ‘draft’ before the words ‘attached proposal’”. Said changes were accepted by the mover and seconder as friendly amendments. The Council then voted on the resolution as amended. Said resolution was adopted by unanimous vote.

Council Member Kemp arrived at the Council Chamber.

HEALTH CARE REFERENDUM

The City Council considered a resolution placing an advisory referendum on the November 4, 2008 ballot regarding health care. 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.

EMPLOYMENT AGREEMENT

The Council considered a resolution amending the Employment Agreement between the City and the City Manager. 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.

Council Member Buchanan left the Council Chamber.

ANNEXATION

The City Council considered an ordinance in accordance with s. 66.0217, Wis. Stats., annexing to the City of Eau Claire and particularly to the 15th Assessment Ward, 2nd Aldermanic District, a part of Lot 10 of Block 5, Second Assessor’s Plat to the Town of Washington, and part of London Road right-of-way, all located in the SE ¼ - NW ¼ of Section 34-27-9, Town of Washington, Eau Claire County, as shown on Planning Drawing No. 08-06A (Olson petition, 3665 London Road). 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.

REZONING

The Council considered an ordinance rezoning property located on the southeast side of Business Hwy. 53, north of Melby Street, from TC-3 to C-3P, and to adopt the General Development Plan for a commercial business, as shown on Planning File #Z-1424-08. 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.

CODE AMENDMENTS

The City Council considered an ordinance amending Chapter 16.32 of the City Code of Ordinances entitled “Fire Prevention Code”. Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Von Haden “to adopt said ordinance”. Said motion passed by unanimous vote.

Council Member Buchanan returned to the Council Chamber.

The Council considered an ordinance amending Section 2.16.040 of the City Code of Ordinances entitled “Issuance of Certain Licenses and Permits”. 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.

The Council considered an ordinance amending Chapter 5.04 of the City Code of Ordinances entitled “Pawnbrokers”. 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 amending Chapter 5.56 of the City Code of Ordinances entitled “Massage Therapy Facilities, Massage Therapists and the Practice of Massage Therapy”. 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.

The Council considered an ordinance amending Section 10.12.060 of the City Code of Ordinances entitled “Removal of Unlawfully Parked Vehicles”. 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.

ZONING

The City Council had first reading on the following rezoning ordinances:

- property at 1407 State Street from R-2 to R-3P to allow a lodging house as shown on Planning File #Z-1423-08.
- 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.
- property on the north side of Hagman Street, east of Jeffers Road, from R-1A to R-3P, and adopting the General Development Plan for multi-family development as shown on Planning File #Z-1426-08.

CODE AMENDMENT

The Council had first reading on an ordinance amending Title 14 of the Code of Ordinances of the City of Eau Claire entitled "Waterworks" by creating Section 14.013.100 regarding well abandonment and well operation permits.

PAY PLAN – CITY MANAGER

The City Council had first reading on an ordinance amending the City Pay Plan, specifically those parts thereof pertaining to the position of City Manager. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Middleton "to suspend the rules that interfere with the immediate consideration of said ordinance". Said motion to suspend the rules passed by unanimous vote. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Kincaid "to adopt said ordinance". Said motion passed by unanimous vote.

ADJOURNMENT

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

Adjournment: September 9, 2008

Time: 5:37 p.m.

David J. Adler, President

ATTEST:

Donna A. Austad, City Clerk