

## **MINUTES**

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

**Tuesday, August 26, 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, Brandon Buchanan, David Duax, Kerry Kincaid, David Klinkhammer, Berlye Middleton, Jackie Pavelski, Bob Von Haden and Thomas Vue. Absent: Council Member Thomas Kemp.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, August 26, 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.

#### **FINAL PLAT**

The City Council considered a resolution approving the final plat for Shadowood Estates located on the west side of Hwy. 93, south of Walnut Road, in the Town of Pleasant Valley, as shown on Planning File #P-3-08. 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.

#### **DULANEY STREET IMPROVEMENT PROJECT**

The Council considered a resolution amending Final Resolution No. 2008-117 for street, utility & sidewalk improvements on Dulaney Street, from Sheridan Road to N. Eddy Street (08-206). Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Balow "to adopt said resolution". Thereupon a motion was offered by Council Member Kincaid "to amend Paragraph No. 9 by deleting the phrase "and on the south side of Dulaney Street, from Sheridan Road to N. Eddy Street". Said motion was accepted by the seconder as a friendly amendment. The Council then voted on the motion to adopt the resolution as amended, which would defer construction of sidewalk on the north side of Dulaney Street from Sheridan Road to Pershing Street. Said motion passed by unanimous vote.

#### **COUNTY COURTHOUSE COMPLEX REMODELING PROPOSAL**

The City Council considered a resolution vacating the following sections of city streets and alleys:

- The easterly 14 feet of Second Avenue, from Grand Avenue to Ann Street;
- Ann Street, from Second Avenue to First Avenue;

- Alley north of Ann Street, from Second Avenue to First Avenue;
- Alley east of Second Avenue, from the alley north of Ann Street to 64 feet north;
- Alley east of Second Avenue, from Ann Street to its southern terminus.

Said request had been withdrawn by the applicant. Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Von Haden “to indefinitely postpone consideration of said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution approving the dedication of right-of-way for an alley south of Grand Avenue between the alley east of Second Avenue and First Avenue. Said request had been withdrawn by the applicant. Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Duax “to indefinitely postpone consideration of said resolution”. Said motion passed by unanimous vote.

### **PEG CHANNELS**

The City Council considered a resolution expressing opposition to Charter Communication’s plan to digitalize and move PEG channels from the basic tier of cable service. Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Duax “to adopt said resolution”. Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Klinkhammer “to amend said resolution by deleting the second Be It Further Resolved paragraph (legal action)”. Thereupon a motion was offered by Council Member Kincaid “to amend said motion by leaving the paragraph in place, but deleting the word ‘join’ and inserting the words ‘consider joining’”. The mover and seconder of the motion to amend accepted this as a friendly amendment. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Balow “to postpone action on said resolution until the next City Council meeting”. Said motion to postpone failed on the following vote: Aye: Council Members Adler, Balow and Klinkhammer. Nay: Council Members Buchanan, Duax, Kincaid, Middleton, Pavelski, Von Haden and Vue. The Council then voted on the motion to amend. Said motion passed on the following vote: Aye: Council Members Balow, Duax, Kincaid, Klinkhammer, Middleton, Pavelski, Von Haden and Vue. Nay: Council Members Adler and Buchanan. Thereupon a motion was offered by Council Member Duax “to amend said resolution by deleting the second Whereas paragraph (local emergency government). Said motion was accepted by unanimous consent of the Council. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden “to amend the resolution by deleting from the Now, Therefore Be It Resolved paragraph, the phrase ‘and shall register a formal complaint with the Wisconsin Department of Financial Institutions and the Wisconsin Department of Agriculture, Trade, and Consumer Protection;’”. 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. The Council then voted on the resolution as amended. Said resolution was adopted by the following vote: Aye: Council Members Balow, Buchanan, Duax, Kincaid, Middleton, Pavelski, Von Haden, and Vue. Nay: Council Members Adler and Klinkhammer.

## **ZONING**

The City Council considered an ordinance rezoning property along the north and south sides of Ann Street from First Avenue to Second Avenue from RM and CBD to P-Public, and to approve the site plan for a new County jail and courthouse remodeling project, as shown on Planning File #Z-1422-08. Said request had been withdrawn by the applicant. Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Balow “to indefinitely postpone consideration of said ordinance”. Said motion passed by unanimous vote.

## **ANNEXATION**

The City Council had first reading on an ordinance in accordance with s. 66.0217, Wis. Stats., annexing to the City of Eau Claire and particularly to the 15<sup>th</sup> Assessment Ward, 2<sup>nd</sup> 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).

## **REZONING**

The Council had first reading on 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.

## **CODE AMENDMENTS**

The City Council had first reading on the following ordinances amending various sections of the City Code of Ordinances:

- Chapter 16.32 “Fire Prevention Code.”
- Section 2.16.040 “Issuance of Certain Licenses and Permits.”
- Chapter 5.04 “Pawnbrokers.”
- Chapter 5.56 “Massage Therapy Facilities, Massage Therapists and the Practice of Massage Therapy.”
- Section 10.12.060 “Removal of Unlawfully Parked Vehicles.”

## **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 vote.

Adjournment: August 26, 2008

Time: 5:08 p.m.

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David J. Adler, President

ATTEST:

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Donna A. Austad, City Clerk