

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, June 10, 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, Thomas Kemp, Kerry Kincaid, David Klinkhammer, Berlye Middleton, Jackie Pavelski, Bob Von Haden and Thomas Vue.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, June 10, 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, read a proclamation declaring June 19, 2008 as Juneteenth Day in the City of Eau Claire.

LIQUOR LICENSES

The City Council considered a resolution granting a Temporary Class B Fermented Malt Beverage license to Stratford Wrestling Club, Steve Schoenfuss, president, on June 21, 2008, at Eau Claire Indoor Sports Center, 3456 Craig Road. 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 granting an expansion of the Combination Class B Intoxicating Liquor & Fermented Malt Beverage licensed premise of Prock Trap LLC, d/b/a Mousetrap Tavern, 311 S. Barstow St., to include a 14 x 14 square foot outdoor area. 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 granting an expansion of the Combination Class B Intoxicating Liquor & Fermented Malt Beverage licensed premise of Water Street Company 436 LLC, d/b/a Mogie’s Pub, 436 Water St., to include a 16 x 44 square foot outdoor area. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Klinkhammer “to adopt said resolution”. Said motion passed by unanimous vote.

PURCHASE OF POLICE VEHICLES

The City Council considered a resolution awarding a contract for Procurement No. 2008 - 35, Purchase of five police squad cars and one police utility cruiser and authorizing an appropriation of insurance proceeds for one police squad car. 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.

USE OF CITY FACILITIES

The Council considered a resolution authorizing the US Midwest Kubb Championship to be held at Forest Street Park on Saturday, August 2, 2008 beginning at 9:30 am. 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.

DONATION

The City Council considered a resolution accepting a donation of fireworks from Festival Foods for the 2008 July 4th community celebration at Carson Park. 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.

SIDEWALK REPAIR

The Council considered a resolution ordering sidewalk to be repaired at 16 locations beginning with 303 Summer Street, Parcel No. 02-0640. 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.

REDEVELOPMENT PLAN

The City Council considered a resolution approving the West Bank Redevelopment Project Plan and declaring a six-month moratorium on construction projects within the boundaries of the district. Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Balow "to adopt said resolution". Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Middleton "to amend the West Bank Area Redevelopment Plan, specifically Section D – Land Acquisition, paragraph two, by deleting the last sentence and inserting the following sentence: 'As the Children's Theater development project is consistent with the Redevelopment Plan objectives of encouraging civic, performance and cultural arts and entertainment uses, the Redevelopment Authority will incorporate the Children's Theater property in the final development plan and will seek development proposals that incorporate the theater property into a consistent and integrated design, unless it becomes agreeable to the city, the RDA, a developer and the Children's Theater, that it relocate within or outside the District boundaries.'" Said motion to amend the Plan passed by the following vote: Aye: Council Members Adler, Balow, Buchanan, Duax, Kincaid, Klinkhammer, Middleton, Pavelski, Von Haden, and Vue. Nay: Council Member Kemp. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Middleton "to amend the West

Bank Area Redevelopment Plan, specifically Section G – Reuse of Parcels, Proposed Zoning and Land Use, sub-section Building Moratorium as follows: At the end of the first paragraph, insert the following language:

‘In addition, the following shall be exempt from the moratorium:

1. Eau Claire Children’s Theater will be allowed to make necessary repairs and replacements to their property including, but not limited to, roofing repairs and shingle replacement, elevator repairs and replacement, upgrades to electrical service to meet future needs, awnings and other cosmetic improvements to the property, all in accordance with existing city codes and proper staff approval. In addition, building signage can be pursued in compliance with existing signage ordinances.
2. Eau Claire Children’s Theater will be allowed to move forward with its plans for continued development of their property, including the addition of a multi-purpose performance space and additional parking in accordance with existing city codes.
3. Eau Claire Children’s Theater shall maintain the property for the purpose of performing and cultural arts in accordance with the City of Eau Claire’s Comprehensive Plan and the objectives of the West Bank Redevelopment District.’”

Said motion passed by unanimous vote. The Council then voted on the original motion to adopt the West Bank Redevelopment Plan. Said motion passed by the following vote: Aye: Council Members Adler, Balow, Buchanan, Kincaid, Klinkhammer, Middleton, Pavelski, and Vue. Nay: Council Members Duax, Kemp, and Von Haden.

Council Member Balow left the Council Chamber.

CLEAN DIESEL INITIATIVE

The Council considered a resolution supporting the Wisconsin Diesel Emission and Fuel Reduction Initiative application to the Environmental Protection Agency’s Midwest Clean Diesel Initiative Program. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Klinkhammer “to adopt said resolution”. Said motion passed by unanimous vote.

Council Member Balow returned to the Council Chamber.

BONDS

The City Council considered a resolution authorizing the issuance of \$6,240,000 aggregate principal amount of General Obligation Corporate Purpose Bonds, Series 2008A, of the City of Eau Claire, Eau Claire and Chippewa Counties, Wisconsin, providing details, prescribing the form of bond, awarding the bonds to the best bidder, and levying taxes. 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 authorizing the issuance of \$2,015,000 aggregate principal amount of General Obligation Promissory Notes, Series 2008B, of the City of Eau Claire, Eau Claire and Chippewa Counties, Wisconsin, in such amount, providing details, prescribing

the form of note, awarding the notes to the best bidder, and levying taxes. 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 authorizing the issuance of \$8,145,000 aggregate principal amount of General Obligation Refunding Bonds, Series 2008C, of the City of Eau Claire, Eau Claire and Chippewa Counties, Wisconsin, providing details, prescribing the form of bond, awarding the bonds to the best bidder, and levying taxes. 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.

ANNEXATION

The City Council considered an ordinance in accordance with Section 66.0217 Wisconsin Statutes, annexing to the City of Eau Claire and particularly to the 15th Assessment Ward, 2nd Aldermanic District, property located at 3675 London Road, and part of London Road right-of-way, Town of Washington, Eau Claire County, as shown on Planning Drawing No. 08-04A (Kappus petition). 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.

ZONING

The City Council considered an ordinance rezoning property located on the south side of Providence Court, west of Black Avenue, from TR-1A and R-3P to R-3P and adopting the General Development Plan for multi-family development as shown on Planning File #Z-1413-08. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Klinkhammer “to adopt said ordinance”. Thereupon a motion was offered by Council Member Duax to amend Condition No. 3 of the General Development Plan to read ‘Provide for Plan Commission approval of the restoration plan for the grading of the site’, rather than staff approval’. Said motion was accepted by the mover and seconder as a friendly amendment. Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Kemp “to include approval of Phase V of the proposed development”. Said motion failed by the following vote: Aye: Council Members Adler, Kemp and Middleton. Nay: Council Members Balow, Buchanan, Duax, Kincaid, Klinkhammer, Pavelski, Von Haden, and Vue. The Council then voted on the original motion to adopt the ordinance. Said motion passed by unanimous vote.

The Council considered an ordinance rezoning property located on the north side of Folsom Street, west of Preston Road, from R-1 to R-2P, and adopting the General Development Plan for two duplexes as shown on Planning File #Z-1415-08. Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Von Haden “to adopt said ordinance”. Said motion failed on the following vote: Aye: Council Member Balow. Nay: Council Members Adler, Buchanan, Duax, Kemp, Kincaid, Klinkhammer, Middleton, Pavelski, Von Haden, and Vue.

SIGN CODE

The City Council considered an ordinance amending the Sign Code provisions for electronic message center standards for certain uses in residential districts as shown on Planning File #Z-1416-08. Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Vue “to adopt said ordinance”. Said motion passed by the following vote: Aye: Council Members Adler, Balow, Buchanan, Duax, Kincaid, Klinkhammer, Pavelski, Von Haden, and Vue. Nay: Council Members Kemp and Middleton.

ZONING

The Council had first reading on an ordinance rezoning property located on the east side of CTH “T”, south of County Line Road, from TR-1A to I-1P and adopting the General Development Plan for Gateway Northwest Business Park – Phase II as shown on Planning File #Z-1418-08.

PEDESTRIAN MALL

The City Council had first reading on an ordinance designating Thorp Drive, from Summit Avenue to Gilbert Avenue, as a pedestrian mall, in accordance with Wisconsin Statutes 66.0905.

SKY PARK

The Council had first reading on an ordinance amending the Zoning Ordinance of the City of Eau Claire and amending the Protective Covenants of the Sky Park Industrial Center as shown on Planning File Z-1417-08.

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: June 10, 2008

Time: 6:37 p.m.

David J. Adler, President

ATTEST:

Donna A. Austad, City Clerk