

## **MINUTES**

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

**Tuesday, May 27, 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, David Duax, Thomas Kemp, Kerry Kincaid, David Klinkhammer, Berlye Middleton, Jackie Pavelski, and Bob Von Haden. Absent: Council Members David Adler, Brandon Buchanan and Thomas Vue.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, May 27, 2008. Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Kemp “to adopt the consent resolution”. Council members requested that Item No. 3, Renewal of Combination Class B Intoxicating Liquor and Fermented Malt Beverage licenses for the 2008-2009 licensing period and Item No. 16, authorizing the University of Wisconsin - Eau Claire Multicultural Affairs Office to conduct the Juneteenth Day Event at Phoenix Park on Thursday, June 19, 2008, be removed from the consent agenda and voted upon separately. The Council then voted upon the remainder of the consent agenda. Said motion was approved by unanimous vote.

#### **PROCLAMATION**

Council Vice President Kincaid, on behalf of the City Council, presented representatives of the UW-Eau Claire Women’s Softball team a commendation upon winning the NCAA Division III National Softball Championship.

Council Member Buchanan arrived at the Council meeting.

#### **LIQUOR LICENSE RENEWAL**

The City Council considered a resolution granting the renewal of Combination Class B Intoxicating Liquor and Fermented Malt Beverage licenses for the 2008-2009 licensing period. A motion was offered by Council Member Duax and seconded by Council Member Klinkhammer “to adopt said resolution”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Klinkhammer “to amend said resolution by removing the license renewal of Barstow Street LLC, dba, The Livery, 316 Wisconsin Street from the resolution and not renew said license. Said non-renewal is based on Section 5.28.060 of the City Code of Ordinances ‘License—Revocation upon abandonment of premises’. In this section, ‘abandoned’ means “failure of the licensee to use the license for the purpose or purposes for which the license was granted by the city council for a period of 90 days or more.”. Said motion to not renew the license passed by the following vote: Aye: Council Members Balow, Buchanan, Duax, Kincaid, Klinkhammer, Middleton, and Pavelski. Nay: Council Members Kemp and Von Haden. The

Council then voted on the original motion granting Combination Class B Intoxicating Liquor and Fermented Malt Beverage licenses for the 2008-2009 licensing period.” Said motion passed by unanimous vote.

### **USE OF CITY FACILITIES**

The Council considered a resolution authorizing the University of Wisconsin - Eau Claire Multicultural Affairs Office to conduct the Juneteenth Day Event at Phoenix Park on Thursday, June 19, 2008. Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Buchanan “to postpone consideration of said resolution until the June 10, 2008 City Council meeting”. Said motion passed by unanimous vote.

### **WASTEWATER SERVICES**

The City Council considered a resolution approving a Memorandum of Understanding between the cities of Eau Claire and Altoona concerning renewal of an agreement for wastewater services. 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.

### **CDBG & HOME PROGRAMS**

The Council considered a resolution approving the Community Development Block Grant (CDBG) and HOME 2008 Grant Funding Appropriations and Amendment. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Middleton “to adopt said resolution”. Said motion passed by the following vote: Aye: Council Members Balow, Buchanan, Duax, Kemp, Klinkhammer, Middleton, Pavelski, and Von Haden. Nay: None. Abstain: Council Member Kincaid.

### **DEVELOPMENT AGREEMENT**

The City Council considered a resolution authorizing the City Manager to enter into a development agreement with Robert W. Janke for Clearwater Ridge Street and Utility Improvements Phase II. 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.

### **ANNEXATION**

The Council considered an ordinance in accordance with Section 66.0217 Wisconsin Statutes, annexing to the City of Eau Claire and particularly to the 14<sup>th</sup> Assessment Ward, 5<sup>th</sup> Aldermanic District that part of the NW ¼ - SW ¼, the SW ¼ - SW ¼, and the SE ¼ - SW ¼ of Section 31-28-9, Town of Wheaton, Chippewa County, Wisconsin, as shown on Planning Drawing No. 08-02A (Schepke petition, property located at the northwest corner of the intersection of Jeffers Road and County Line Road). 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.

## **REZONING**

The City Council had first reading on 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 to adopt the General Development Plan for multi-family development as shown on Planning File #Z-1413-08.

The Council had first reading on an ordinance rezoning property located on the north side of Folsom Street, west of Preston Road, from R-1 to R-2P, and to adopt the General Development Plan for two duplexes as shown on Planning File #Z-1415-08.

## **SIGN CODE**

The City Council had first reading on 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.

## **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 15<sup>th</sup> Assessment Ward, 2<sup>nd</sup> Aldermanic District that part of Outlot 1 of Eau Claire County Certified Survey Map Document No. 955067, part of Lot 11, 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, Section 34-27-9, Town of Washington, Eau Claire County, Wisconsin, as shown on Planning Drawing No. 08-04A (Kappus petition, 3675 London Road).

## **ADJOURNMENT**

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

Adjournment: May 27, 2008

Time: 4:56 p.m.

---

Kerry J. S. Kincaid, Vice President

ATTEST:

---

Donna A. Austad, City Clerk