

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING

Tuesday, November 27, 2018

Eau Claire County Board Room

4:00 p.m.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Council Vice President/Acting President Werthmann called the meeting to order. The following members were present: Council Members Emily Anderson, Kate Beaton, Emily Berge, Jill Christopherson, Catherine Emmanuelle, Jeremy Gragert, David Strobel, Terry Weld, Andrew Werthmann and Michael Xiong.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for the following items of routine business on Tuesday, November 27, 2018:

- Adopting the Consent Agenda.
- Approving the Minutes of the November 13, 2018 Council Legislative Session.
- Authorizing Longfellow Elementary School to conduct the Jeanne Richie Memorial Puddle Jump on Saturday, April 13, 2019, at Boyd Park, Phoenix Park and along city streets, trails and sidewalks.
- Granting new bartender licenses.
- Granting a Class A Cabaret license to Shift Collective, LLC, d/b/a Shift Cyclery & Coffee Shop, 615 Graham Avenue, Sean Brandenburg, agent.
- Granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to Eau Claire Seymour Lions Club, Josh Sterling, President, on February 5, 2019, at St. Olaf Parish Community Center, 2407 North Lane, for Seymour Lions Wild Game Feed.
- Granting a Class B Fermented Malt Beverage license, Class C Wine license and Class A Cabaret license to Rad Racer, LLC, d/b/a Racy's and Nucleus, 405 Water Street, Julia Johnson, agent.
- Granting the renewal of Secondhand Article Dealer licenses for the 2019 licensing year.
- Granting the renewal of Secondhand Jewelry Dealer licenses for the 2019 licensing year.
- Granting the renewal of Pawnbroker licenses for the 2019 licensing year.
- Awarding a contract for Procurement No. 2018-64, purchase of two 35' heavy duty clean diesel transit buses.

Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Anderson "to adopt the consent resolution." Said motion passed by unanimous vote.

PROPERTY TRANSACTION

The City Council considered a resolution authorizing the sale of 318 Elm Street, Parcel 08-0333. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Weld "to adopt the resolution." Said motion passed by unanimous vote.

EMS AGREEMENTS

The City Council considered a resolution approving agreements with Mayo Clinic Health System, Sacred Heart Hospital, OakLeaf Surgical Hospital and Marshfield Clinic regarding subsidies for the provision of Emergency Medical Services to various participating surrounding communities in the greater Eau Claire area. Thereupon a motion was offered by Council Member Beaton and seconded by Council Member Xiong “to adopt the resolution.” Said motion passed by unanimous vote.

The City Council considered a resolution approving agreements with the Towns of Brunswick, Clear Creek, Drammen, Lincoln, Ludington, Pleasant Valley, Rock Creek, Seymour, Spring Brook, Union and Washington; the City of Altoona; and the Village of Fall Creek for the City of Eau Claire Fire Department to provide Emergency Medical Services to their residents. Thereupon a motion was offered by Council Member Gragert and seconded by Council Member Berge “to adopt the resolution.” Said motion passed by unanimous vote.

GRANT

The City Council considered a resolution accepting and appropriating a Public Service Commission Energy Innovation Grant to undertake energy planning activities. Thereupon a motion was offered by Council Member Christopherson and seconded by Council Member Strobel “to adopt the resolution.” Said motion passed by unanimous vote.

CARBON FEE

The City Council considered a resolution recognizing climate change and urging Congress to levy a revenue-neutral fee on carbon in fossil fuels. Thereupon a motion was offered by Council Member Beaton and seconded by Council Member Anderson “to adopt the resolution.” Said motion passed by the following vote: Aye: Council Members Anderson, Beaton, Berge, Christopherson, Emmanuelle, Gragert, Weld, Werthmann and Xiong.
Nay: Council Member Strobel.

FAMILY MEMBERS AT PUBLIC MEETINGS

The City Council considered a resolution authorizing members of City Council and other City of Eau Claire public bodies to bring non-disruptive children, family members or others to be seated with the member during public meetings and directing the City Manager to identify additional policies and procedures that could decrease barriers to service on public bodies for citizens with children or who provide care to a dependent family member. Thereupon a motion was offered by Council Member Christopherson and seconded by Council Member Anderson “to adopt the resolution.”

Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Strobel “to amend the resolution” by removing the term “non-disruptive.” Said motion passed by unanimous vote.

A vote was then taken to “adopt the resolution as amended.” Said motion passed by the following vote: Aye: Council Members Anderson, Beaton, Berge, Christopherson, Emmanuelle, Gragert and Werthmann. Nay: Council Members Strobel, Weld and Xiong.

Council Member Xiong left Council Chambers.

ZONING

The Council considered an ordinance rezoning a portion of property located at 2857 Western Avenue from R-1 and R-3 to R-3 (File Z-1634-18). Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Anderson “to adopt the ordinance.” Said motion passed by the following vote: Aye: Council Members Anderson, Beaton, Berge, Christopherson, Emmanuelle, Gragert, Strobel, Weld and Werthmann. Absent: Council Member Xiong.

Council Member Xiong returned to Council Chambers.

KEEPING OF POULTRY

The Council considered an ordinance creating Chapter 6.15 entitled “Keeping of Poultry” of the Code of Ordinances of the City of Eau Claire. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Emmanuelle “to adopt the ordinance.”

Thereupon a motion was offered by Council Member Weld and seconded by Council Member Strobel “to postpone” to the March 2019 Council meeting. Said motion failed by the following vote: Aye: Council Members Strobel and Weld. Nay: Council Members Anderson, Beaton, Berge, Christopherson, Emmanuelle, Gragert, Werthmann and Xiong.

Thereupon a motion was offered by Council Member Christopherson and seconded by Council Member Emmanuelle “to amend the ordinance” by striking Section 6.15.030(A)(4) with regard to written notification to neighbors. Said motion failed by the following vote:
Aye: Council Members Christopherson, Emmanuelle and Werthmann.
Nay: Council Members Anderson, Beaton, Berge, Gragert, Strobel, Weld and Xiong.

A vote was then taken to “adopt the ordinance.” Said motion passed by the following vote:
Aye: Council Members Anderson, Beaton, Berge, Christopherson, Emmanuelle, Gragert, Werthmann and Xiong. Nay: Council Members Strobel and Weld.

PENALTIES FOR POSSESSION OF MARIJUANA

The Council considered an ordinance amending Section 9.37.020 entitled “Penalties” of Chapter 9.37 “Possession of Marijuana” and Section 1.24.030 entitled “Deposit Schedule” of the City Code of Ordinances. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Anderson “to adopt the ordinance.”

Thereupon a motion was offered by Council Member Weld and seconded by Council Member Strobel “to amend the ordinance” by changing the forfeiture to not less than \$60 nor more than \$125, and making it a Class 2 violation. Said motion failed by the following vote:

Aye: Council Members Berge, Christopherson, Strobel, Weld and Xiong.

Nay: Council Members Anderson, Beaton, Emmanuelle, Gragert and Werthmann.

A vote was then taken to “adopt the ordinance.” Said motion passed by the following vote:

Aye: Council Members Anderson, Beaton, Berge, Christopherson, Emmanuelle, Gragert, Werthmann and Xiong. Nay: Council Members Strobel and Weld.

Council Vice President/Acting President Werthmann called a recess at 6:28 p.m.

Council reconvened at 6:37 p.m.

ZONING

The City Council had first reading on an ordinance rezoning a property located at 559 North Hastings Way from P to C-3 (File Z-1635-18).

The City Council had first reading on an ordinance rezoning a property located at 800 Wisconsin Street from I-1P and I-2P to I-2P and to amend the General Development Plan to allow for a change in land use for Building 17 from warehouse storage and office to include multi-family residential (File Z-1636-18).

ANNEXATION

The City 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 15th Assessment Ward, 2nd Aldermanic District, being a part of the Northeast ¼ of the Southeast ¼ of Section 1-26-9, Town of Washington, Eau Claire County, as shown on Planning Drawing No. 18-5A (WIS DOT Petition).

PAWNBROKERS

The City Council had first reading on an ordinance amending Chapter 5.04 of the City Code of Ordinances entitled “Pawnbrokers.”

PARKING

The City Council had first reading on an ordinance amending Table VIII entitled “Parking Prohibited” of the Code of Ordinances of the City of Eau Claire.

ADOPTION OF 2019 CITY BUDGET

2019 BUDGET ADOPTION

The City Council considered resolutions adopting the following proposed budgets and appropriations for the fiscal year ending December 31, 2019:

- General Fund
- L.E. Phillips Memorial Public Library
- City - County Health Department

Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Anderson “to adopt the resolutions.”

Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Emmanuelle “to amend” the 2019 Budget for the Community Development Department by adding \$25,000 to plan for the establishment of a Participatory Budgeting program. To offset this increase, the Police Department budget for parking enforcement is reduced by \$25,000.” Said motion passed by the following vote: Aye: Council Members Anderson, Beaton, Berge, Christopherson, Emmanuelle, Gragert, Werthmann and Xiong. Nay: Council Members Strobel and Weld.

Thereupon a motion was offered by Council Member Anderson and seconded by Council Member Emmanuelle “to amend” the 2019 Budget for the L.E. Phillips Memorial Public Library by increasing the budget \$179,800. To offset this increase, the Finance Department budget for courier services is reduced by \$4,500 and the General Fund budget for Contractual Services is reduced by \$175,300. Said motion passed by the following vote:
Aye: Council Members Anderson, Beaton, Berge, Emmanuelle, Werthmann and Xiong.
Nay: Council Members Christopherson, Gragert, Strobel and Weld.

Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Beaton “to amend” the 2019 Budget for the Community Development Department by \$35,700 to provide additional funding for a Smart Housing Program. To offset this increase, funding for the extended defibrillator warranty in the Fire Department budget is reduced by \$27,500 and funding for the ice edger at Hobbs Ice Center in the “Non-Departmental” budget is reduced by \$8,000. Said motion passed by the following vote: Aye: Council Members Anderson, Beaton, Berge, Emmanuelle, Gragert, Weld, Werthmann and Xiong.
Nay: Council Members Christopherson and Strobel.

Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Beaton “to amend” the 2019 Budget for the City Council by increasing the budget for Supplies & Materials by \$4,999. To offset this increase, the City Council budget for Payroll Wages is reduced by \$1,650, Phone Allowance by \$555, and Training/Meetings by \$2,794. Said motion passed by the following vote: Aye: Council Members Anderson, Beaton, Berge, Christopherson, Emmanuelle, Gragert, Werthmann and Xiong. Nay: Council Members Strobel and Weld.

Council Vice President/Acting President Werthmann called a recess at 8:20 p.m.

Council reconvened at 8:45 p.m.

Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Weld “to adopt the resolution as amended” for the General Fund budget. Said motion passed by the following vote: Aye: Council Members Anderson, Beaton, Berge, Christopherson, Emmanuelle, Gragert, Weld, Werthmann and Xiong. Nay: Council Member Strobel.

Thereupon a motion was offered by Council Member Beaton and seconded by Council Member Weld “to adopt the resolution as amended” for the L.E. Phillips Memorial Public Library budget. Said motion passed by the following vote: Aye: Council Members Anderson, Beaton, Berge, Christopherson, Emmanuelle, Gragert, Weld, Werthmann and Xiong. Nay: Council Member Strobel.

Thereupon a motion was offered by Council Member Gragert and seconded by Council Member Berge “to adopt the resolution” for the City – County Health Department budget. Said motion passed by unanimous vote.

The City Council considered a resolution adopting the following proposed budgets for various agencies and utilities of the City of Eau Claire for Fiscal Year 2019:

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| a. Economic Development | l. TID #9 (Gateway Northwest Business Park Overlay) |
| b. Community Enhancement | m. TID #10 (Confluence Project) |
| c. Downtown Fund | n. TID #11 (Downtown) |
| d. Cemetery Maintenance | o. TID # 12 (Water Street) |
| e. Hazardous Materials Response | p. Water Utility |
| f. Landfill Remediation | q. Sewer Utility |
| g. K-9 Fund | r. Storm Water Utility |
| h. Debt Service - General Fund | s. Parking Fund |
| i. TID #5 (Gateway Northwest Business Park) | t. Public Transit |
| j. TID #7 (Soo Line Development Area) | u. Hobbs Municipal Ice Center |
| k. TID #8 (Downtown Development Area) | v. Fairfax Municipal Pool |
| | w. Risk Management |
| | x. Central Equipment |
| | y. Redevelopment Authority |

Thereupon a motion was offered by Council Member Gragert and seconded by Council Member Berge “to adopt the resolution.” Said motion passed by unanimous vote.

SPECIAL ASSESSMENTS

The City Council considered a resolution levying special assessment charges and extending annual installments of 2018 special assessments. Thereupon a motion was offered by Council Member Christopherson and seconded by Council Member Strobel “to adopt the resolution.” Said motion passed by unanimous vote.

CAPITAL IMPROVEMENT PLAN

The City Council considered a resolution appropriating the 2019 capital projects identified in the 2019 - 2023 Adopted Capital Improvement Plan for the City of Eau Claire. Thereupon a motion was offered by Council Member Anderson and seconded by Council Member Emmanuelle “to adopt the resolution.” Said motion passed by unanimous vote.

ISSUANCE OF BONDS AND OFFICIAL INTENT

The City Council considered a resolution authorizing the issuance of bonds and authorizing an officer to declare official intent for federal income tax purposes. Thereupon a motion was offered by Council Member Weld and seconded by Council Member Beaton “to adopt the resolution.” Said motion passed by unanimous vote.

BUSINESS IMPROVEMENT DISTRICT BUDGETS

The City Council considered a resolution approving the 2019 budgets for the Business Improvement Districts within the City of Eau Claire and authorization to levy special assessments:

- South Barstow Business Improvement District
- West Grand Avenue Business Improvement District
- Water Street Business Improvement District
- N. Barstow/Medical Business Improvement District

Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Gragert “to adopt the resolution.” Said motion passed by unanimous vote.

FEES AND LICENSES

The City Council considered a resolution amending the City of Eau Claire Schedule of Fees and Licenses effective January 1, 2019. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Emmanuelle “to postpone” to the December 11, 2018 Council meeting. Said motion passed by unanimous voice vote.

WATER UTILITY RATE

The City Council considered a resolution authorizing an application to the Wisconsin Public Service Commission for a Water Utility rate increase. Thereupon a motion was offered by Council Member Anderson and seconded by Council Member Emmanuelle “to adopt the resolution.” Said motion passed by unanimous vote.

TAX LEVIES & TAX RATES

The City Council considered a substitute resolution establishing the 2018 tax levies for taxes collectible in 2019 and setting the tax roll for all governmental units within the City of Eau Claire. Thereupon a motion was offered by Council Member Weld and seconded by Council Member Beaton “to adopt the resolution as substituted.” Said motion passed by unanimous vote.

The City Council considered a substitute resolution levying tax rates for all taxable real and personal property in the 2018 tax roll of the City of Eau Claire located in Eau Claire and Chippewa counties. Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Gragert “to adopt the resolution as substituted.” Said motion passed by unanimous vote.

ADJOURNMENT

The meeting adjourned without objection.

Adjournment: November 27, 2018

Time: 8:58 p.m.

ATTEST:

/s/ Andrew F. Werthmann
Vice President/Acting President

/s/ Carrie L. Riepl
City Clerk