

## **MINUTES**

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

**Tuesday, August 14, 2007**

**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, Brandon Buchanan, Hal Davis, David Duax, Raymond Hughes, Thomas Kemp, Kerry Kincaid, David Klinkhammer, Berlye Middleton, and Thomas Vue. Absent: Council Member Bob Von Haden.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, August 14, 2007. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Middleton "to adopt the consent resolution". Said motion passed by unanimous vote.

#### **APPOINTMENTS**

The City Council considered a resolution approving the appointment of Oua Xiong to the Library Board. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Buchanan "to adopt said resolution". Said motion passed by unanimous vote.

#### **CDBG & HOME AMENDMENTS**

The Council considered a resolution approving the amendment and appropriation to the Community Development Block Grant (CDBG) program and HOME Investment Partnership program. Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Duax "to adopt said resolution". Said motion passed by unanimous vote.

#### **PARK IMPROVEMENTS**

The City Council considered a resolution awarding a contract for Procurement No. 2007-11, Construction of McDonough Park Restrooms. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Hughes "to adopt said resolution". Said motion passed by unanimous vote.

#### **ECONOMIC DEVELOPMENT FUND**

The Council considered a resolution adopting a policy which provides that any proceeds from the sale of land in Sky Park Industrial Center be appropriated to the Economic Development Fund. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Vue "to adopt said resolution". Said motion passed by unanimous vote.

## **LOAN**

The City Council considered a resolution approving a \$35,000 job credit loan to U.S. Bank and approving a related budget appropriation. 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.

## **TRANSIT AGREEMENTS**

The City Council considered a resolution authorizing the City Manager to execute the 2007 Federal Transit Administration Section 5307 Supplemental Agreement between the Cities of Eau Claire and Chippewa Falls. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Buchanan "to adopt said resolution". Said motion passed by unanimous vote.

The Council considered a resolution approving the 2007 Purchase of Service Agreement between the Cities of Eau Claire and Altoona. Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Duax "to adopt said resolution". Said motion passed by unanimous vote.

## **PLAT APPROVAL**

The City Council considered a resolution approving the final plat for Fouser Farm located north of CTH "II", east of Hwy. 93, in the Town of Washington, as shown on Planning File #P-3-07. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Hughes "to adopt said resolution". Said motion passed by unanimous vote.

## **POLICE & FIRE COMMISSION**

The Council considered a resolution opposing provisions of the State Budget Bill which would reduce local citizen control over police and fire personnel through non-partisan police and fire commissions. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Klinkhammer "to adopt said resolution". Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Buchanan "to amend said resolution by replacing it with the proposed substitute resolution". Said motion failed on the following tie vote: Aye: Council Members Buchanan, Davis, Hughes, Kemp and Vue. Nay: Council Members Adler, Duax, Kincaid, Klinkhammer and Middleton. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Duax "to amend said resolution by inserting the following as the first and second paragraphs of the resolution:

Whereas, proposed legislation, unrelated to any state fiscal priorities, was inserted into the Budget Bill as Sections 2666f and 2679i without an independent hearing to receive public comments and a full discussion; and

Whereas, a change in law and procedures of this importance and tenure deserves a full, independent hearing to allow for an open and fair discussion of its merits and flaws;"

Said motion to amend passed by the following vote: Aye: Council Members Adler, Davis, Duax, Hughes, Kemp, Kincaid, Klinkhammer, Middleton, and Vue. Nay: None. Abstain: Council Member Buchanan. The Council then voted on the resolution as amended. Said

resolution passed by the following vote: Aye: Council Members Adler, Davis, Duax, Hughes, Kincaid, Klinkhammer, and Vue. Nay: Council Members Buchanan, Kemp and Middleton.

### **EMPLOYMENT AGREEMENTS**

The City Council considered a resolution authorizing the City Manager to execute a collective bargaining agreement between the City and Amalgamated Transit Local 1310. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Kincaid "to adopt said resolution". Said motion passed by unanimous vote.

The Council considered a resolution authorizing an Employment Agreement between the City and the City Manager. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Vue "to adopt said resolution". Said motion passed by unanimous vote.

### **ZONING**

The City Council considered an ordinance rezoning property located east of Western Avenue, south of the North Crossing, from R-1 to C-3P and to adopt the General Development Plan for a warehouse facility as shown on Planning File #Z-1392-07. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Middleton "to adopt said ordinance". Said motion passed by unanimous vote.

### **ELECTRONIC MESSAGE CENTERS**

The Council considered an ordinance amending Chapter 16.16 of City Code of Ordinances entitled "On-premise Signs" to provide provisions for review of electronic message centers as shown on Planning File #Z-1389-07. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Duax "to indefinitely postpone consideration of said ordinance". Said motion to postpone passed by unanimous vote.

### **NEIGHBORHOOD ELECTRIC VEHICLES**

The City Council considered an ordinance creating Chapter 10.10 of the City Code of Ordinances entitled "Neighborhood Electric Vehicles". Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Duax "to adopt said ordinance". Thereupon a motion was offered by Council Member Duax and seconded by Council Member Klinkhammer "to amend said ordinance as follows: In Section 10.10.030, Line 2, delete the phrase '35 miles per hour or less' and insert the phrase '30 miles per hour or less'". Said motion failed on the following vote: Aye: Council Members Duax and Klinkhammer. Nay: Council Members Adler, Buchanan, Davis, Hughes, Kemp, Kincaid, Middleton and Vue. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Duax "to amend said ordinance as follows: In Section 10.10.030, Line 1, after the words 'on the streets' add the phrase 'and sections of streets lying entirely'". Said motion passed by unanimous vote. The Council then voted on the ordinance as amended. Said ordinance was adopted by unanimous vote.

## ZONING

The City Council had first reading on an ordinance rezoning property at the northwest corner of Mercantile Drive and Kohlhepp Road from TC-3 to C-3P and to adopt the General Development Plan for commercial development as shown on Planning File #Z-1393-07.

The Council had first reading on an ordinance rezoning property at 2027 3<sup>rd</sup> Street from C-2 to R-3P and to adopt the General Development Plan (including a conditional use permit) for the existing single-family home on the property as shown on Planning File #Z-1394-07.

## PAY PLAN

The City Council had first reading on ordinances amending the City Pay Plan, specifically those parts thereof pertaining to Amalgamated Transit Union Local 1310 and those parts thereof pertaining to the position of City Manager. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Klinkhammer "to suspend the rules that interfere with the immediate consideration of said ordinances". Said motion to suspend the rules passed by the following vote: Aye: Council Members Adler, Davis, Duax, Hughes, Kemp, Kincaid, Klinkhammer, Middleton and Vue. Nay: None. Abstain: Council Member Buchanan. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Buchanan "to adopt said ordinance pertaining to Amalgamated Transit Union Local 1310". Said motion passed by unanimous vote. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Vue "to adopt said ordinance pertaining to the position of City Manager". Said motion passed by unanimous vote.

## ADJOURNMENT

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

Adjournment: August 14, 2007

Time: 6:12 p.m.

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David J. Adler, President

ATTEST:

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Donna A. Austad, City Clerk