

## **MINUTES**

### **EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING**

**Tuesday, May 14, 2019**

**Eau Claire County Board Room**

**4:00 p.m.**

#### **PLEDGE OF ALLEGIANCE AND ROLL CALL**

Council President Weld called the meeting to order. The following Council Members were present: Emily Anderson, Laura Benjamin, Emily Berge, Jill Christopherson, Catherine Emmanuelle, Jeremy Gragert, David Klinkhammer, John Lor, Terry Weld and Andrew Werthmann. Council Members absent: Kate Beaton.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda.

Council Member Christopherson requested that agenda item #24 with regard to acquisition of property along Mead Street be considered separately. No objection was voiced and agenda item #24 was separated.

Council Member Gragert requested that agenda item #27 with regard to awarding a contract for Procurement No. 2019-05, A/E Services for Chippewa Valley Regional Transit Transfer Center, be considered separately. No objection was voiced and agenda item #27 was separated.

Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Berge "to adopt the Consent Agenda" for the following items of routine business on Tuesday, May 14, 2019:

- Adopting the Consent Agenda.
- Approving the Minutes of the Organizational Meeting of Tuesday, April 16, 2019, and Regular Meeting of Tuesday, April 23, 2019.
- Authorizing Eau Claire Express Baseball to conduct the Express Postgame Fireworks Shows and the Scout Camp Outs during the summer of 2019 at Carson Park Baseball Stadium.
- Authorizing Anthony McMorran to conduct the High 5 Free Yoga on Saturday mornings from June 1, 2019 through August 31, 2019 at Phoenix Park on the Great Lawn.
- Authorizing U.S. National Kubb Championship to conduct the U.S. National Kubb Championship Tournament on July 12-14, 2019 at the Eau Claire Soccer Park.
- Authorizing Clear Water Kiwanis-Eau Claire to conduct the Doll & Pet Parade on Saturday, June 1, 2019, along First Avenue and in Owen Park.
- Authorizing the Mehara Shrine Club to conduct the Mehara Shrine Circus on Tuesday and Wednesday, June 11-12, 2019, at Carson Park Baseball Stadium.
- Authorizing Eau Claire Municipal Band to conduct the Eau Claire Municipal Band Summer Concert Series on Wednesday evenings from June 12, 2019 through July 31, 2019 at Owen Park.
- Granting new bartender licenses.

- Granting a Change of Agent for the Class A Intoxicating Liquor (Cider only) & Class A Fermented Malt Beverage license of Cenergy, LLC, d/b/a Mega Holiday #3702, 2109 Highland Avenue, from Travis R. Langa to Lisa A. Foster.
- Granting a Change of Agent for the Class A Intoxicating Liquor (Cider only) & Class A Fermented Malt Beverage license of Cenergy, LLC, d/b/a Mega Holiday #3704, 2119 Cameron Street, from Deidre C. Buhn to Melissa L. Lionetti.
- Granting a Change of Agent for the Combination Class B Intoxicating Liquor & Fermented Malt Beverage license of ECHL, LLC, d/b/a The Lismore, 333 Gibson Street, from Pete A. Bauchle to Julia Johnson.
- Granting a Change of Agent for the Combination Class B Intoxicating Liquor & Fermented Malt Beverage license of Caribou Enterprises, Inc., d/b/a Milwaukee Burger Co., 2420 E. Clairemont Avenue, from Julie Krenz to Kelly Hofmann.
- Granting a Change of Agent for the Reserve Combination Class B Intoxicating Liquor & Fermented Malt Beverage license of Rib Kings of Eau Claire, LLC, d/b/a Famous Dave's BBQ, 2911 Mall Drive, from Sorin Husau to Rares Farcas.
- Granting a Change of Agent for the Combination Class A Intoxicating Liquor & Fermented Malt Beverage license of Aldi, Inc., d/b/a Aldi #53, 3650 S. Hastings Way from Trent Hutter to Abby Kielman.
- Granting a Change of Agent for the Class B Fermented Malt Beverage license and Class C Wine license of Mongrill Holdings, Inc., d/b/a HuHot Mongolian Grill, 3805 S. Oakwood Mall Drive, from Katie McKernon to Nicole Schlieve.
- Granting a Change of Agent for the Class B Fermented Malt Beverage license and Class C Wine license of Center Ice Club Foundation, Inc., d/b/a Center Ice Club, 915 Menomonie Street, from Mark D. Gilbertson to John E. Christophersen.
- Granting a Change of Agent for the Class B Fermented Malt Beverage license and Class C Wine license of Skill Shot, LLC, d/b/a Skill Shot, 1106 Mondovi Road, from Julia A. Johnson to Kent Buell.
- Granting a Change of Agent for the Class B Fermented Malt Beverage license and Class C Wine license of Rad Racer, LLC, d/b/a Racy's and Nucleus, 405 Water Street, from Julia A. Johnson to Kent Buell.
- Approving a temporary expansion of the Reserve Combination Class B Intoxicating Liquor & Fermented Malt Beverage and Cabaret B licensed premise of Bear Creek Grille Inc., d/b/a Grizzly's Wood Fired Grill & Steaks, 4890 Golf Road, on May 16, 2019, for a Crawfish boil event.
- Approving a permanent expansion of the Class B Fermented Malt Beverage and Class C Wine licensed premise of Silly Serrano Mexican Restaurant, LLC, d/b/a Silly Serrano, 329 Riverfront Terrace, to allow for an outdoor patio in front of building.
- Granting a Combination Class B Intoxicating Liquor & Fermented Malt Beverage license and Class A Cabaret license to Fire 'N Ice, LLC, d/b/a The Fire House, 202 Gibson Street, Kent Buell, agent.
- Authorizing the City of Eau Claire Police Department to apply for a Bulletproof Vest Partnership Grant from the US Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.
- Declaring May 15, 2019 as Welcome Back Bird Day in Eau Claire.

- Awarding a contract for Procurement No. 2019-26, City Wide Milling & Asphalt Paving.
- Awarding a contract for Procurement No. 2019-34, Repair Parking Structures at Various Locations.

Said motion passed by unanimous vote.

### **RECOGNITIONS**

President Weld thanked and recognized former Council Members David Strobel and Michael Xiong for their dedication and service to the City of Eau Claire.

### **PROCLAMATIONS**

President Weld read a proclamation proclaiming the week of May 19 - 25, 2019, as National Public Works Week in the City of Eau Claire, and called upon the citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

President Weld read a proclamation proclaiming the week of May 19-25, 2019, as Emergency Medical Services Week and encouraged the community to observe this week with appropriate programs, ceremonies and activities.

President Weld read a proclamation proclaiming the week of May 11 - 18, 2019, as Creative Economy Week and encouraged citizens to celebrate and promote the arts, creativity, and vitality in and for our community.

President Weld read a proclamation proclaiming May 23, 24, and 25, 2019, as American Legion Poppy Days and commended this observance to all citizens.

President Weld read a proclamation proclaiming May, 2019, as Historic Preservation Month and encouraged the citizens of Eau Claire to celebrate the role of our heritage and historic buildings that have helped shape our City.

### **PROPERTY TRANSACTION**

The City Council considered a resolution authorizing the acquisition of property along Mead Street, Parcel No. 14-0098. Thereupon a motion was offered by Council Member Christopherson and seconded by Council Member Werthmann "to adopt the resolution." Said motion passed by unanimous vote.

## **BIDS & PROPOSALS**

The City Council considered a resolution awarding a contract for Procurement No. 2019-05, A/E Services for Chippewa Valley Regional Transit Transfer Center. Thereupon a motion was offered by Council Member Gragert and seconded by Council Member Werthmann “to adopt the resolution” with direction to staff that the LHB, Inc. proposal and cost proposal be provided to Council and placed on the City’s website. Said motion passed by unanimous vote.

## **SPECIAL EVENTS**

The City Council considered a resolution authorizing Downtown Eau Claire, Inc. to conduct the Cars and Trucks event during the summer of 2019 in Downtown Eau Claire. Thereupon a motion was offered by Council Member Lor and seconded by Council Member Christopherson “to adopt the resolution.” Said motion passed by unanimous vote.

Council Member Werthmann left Council Chambers.

The City Council considered a resolution authorizing Eau Claire United Soccer Club to conduct the Eau Claire United Soccer tournament on June 7-9, 2019 at the Eau Claire Soccer Park. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Gragert “to adopt the resolution.” Said motion passed by the following vote:  
Aye: Council Members Anderson, Benjamin, Berge, Christopherson, Emmanuelle, Gragert, Klinkhammer, Lor and Weld. Absent: Council Member Werthmann.

Council Member Werthmann returned to Council Chambers.

## **LICENSE**

The City Council considered a resolution granting a Reserve Combination Class B Intoxicating Liquor & Fermented Malt Beverage license to Two Step, LLC, d/b/a Rolbiecki’s, 1004 Menomonie Street, Christie L. Rolbiecki, agent. Thereupon a motion was offered by Council Member Benjamin and seconded by Council Member Anderson “to adopt the resolution.” Said motion passed by unanimous vote.

## **GRANT**

The City Council considered a resolution accepting and appropriating a grant from the State of Wisconsin Department of Health Services to support emergency telephonic-assisted cardiopulmonary resuscitation services. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Berge “to adopt the resolution.” Said motion passed by unanimous vote.

## **BUDGET AMENDMENT**

The City Council considered a resolution authorizing 2018 budget adjustments and an additional first quarter 2019 budget adjustment. Thereupon a motion was offered by Council Member Lor and seconded by Council Member Christopherson “to adopt the resolution.” Said motion passed by unanimous vote.

## **PRINCETON RIDGE**

The City Council considered a resolution approving the final plat for Princeton Ridge (File P-3-19). Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Werthmann “to adopt the resolution.” Said motion passed by unanimous vote.

The City Council considered a resolution authorizing the City Manager to enter into a development agreement with Haselwander Companies, Inc., for street and utility improvements within the Plat of Princeton Ridge. Thereupon a motion was offered by Council Member Gragert and seconded by Council Member Benjamin “to adopt the resolution.” Said motion passed by unanimous vote.

## **ENCROACHMENT**

The City Council considered a resolution granting a permanent encroachment to Brent Douglas Flowers along the 600 Block of South Barstow Street for the "Barstow Street Gardens." Thereupon a motion was offered by Council Member Anderson and seconded by Council Member Emmanuelle “to adopt the resolution.”

Thereupon a motion was offered by Council Member Benjamin and seconded by Council Member Emmanuelle “to amend the resolution” by adding the following: “Staff shall discuss with Brent Douglas Flowers the options to either modify the appearance of or remove the tire planters.” Said motion failed by the following vote: Aye: Council Member Benjamin. Nay: Council Members Anderson, Berge, Christopherson, Emmanuelle, Gragert, Klinkhammer, Lor, Weld and Werthmann.

A vote was then taken “to adopt the resolution.” Said motion passed by the following vote: Aye: Council Members Anderson, Berge, Christopherson, Emmanuelle, Gragert, Klinkhammer, Lor, Weld and Werthmann. Nay: Council Member Benjamin.

## **CERTIFIED SURVEY MAP**

The City Council considered a resolution approving a Certified Survey Map with right-of-way dedication for the north side of Seymour Road, east of Andover Avenue (File CSM-3-19). Thereupon a motion was offered by Council Member Berge and seconded by Council Member Lor “to adopt the resolution.” Said motion passed by the following vote: Aye: Council Members Anderson, Benjamin, Berge, Christopherson, Emmanuelle, Gragert, Klinkhammer, Lor and Weld. Nay: Council Member Werthmann.

## APPOINTMENTS

The City Council considered a resolution approving appointments and reappointments to various Boards, Commissions and Committees. Thereupon a motion was offered by Council Member Christopherson and seconded by Council Member Klinkhammer “to adopt the resolution.”

Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Anderson “to amend the resolution” by replacing the name of the appointment for the Police and Fire Commission with Dr. Selika Ducksworth-Lawton. Said motion passed by the following vote: Aye: Council Members Anderson, Berge, Christopherson, Emmanuelle, Gragert, Lor and Werthmann. Nay: Council Members Benjamin, Klinkhammer and Weld.

A vote was then taken to “adopt the resolution as amended.” Said motion passed by unanimous vote.

## CODE OF CONDUCT POLICY

The City Council considered a resolution adopting the Code of Conduct Policy for Elected Officials. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Christopherson “to adopt the resolution.”

Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Benjamin “to amend the Code of Conduct for Elected Officials” by adding the following:

### 2.D. Discrimination and Other Harassment

The Council is committed to providing an environment that is free of discrimination and unlawful harassment. Unwelcome, intimidating, hostile or offensive actions, words, jokes or comments based on an individual's gender, race, ethnicity, age, sexual orientation, religion or any other legally protected characteristic will not be tolerated. Harassment (both overt and subtle) is a form of misconduct that is demeaning to others and undermines the integrity of relationships. This type of behavior is strictly prohibited.

Council Members Werthmann and Christopherson accepted said motion as a friendly amendment. No objection was voiced.

Thereupon a friendly amendment was offered by Council Member Benjamin to add “gender identity and gender expression” to the basis in Section 2.D. Council Members Werthmann and Christopherson accepted said motion as a friendly amendment. No objection was voiced.

Thereupon a friendly amendment was offered by Council Member Anderson to add “disability” to the basis in Section 2.D. Council Members Werthmann and Christopherson accepted said motion as a friendly amendment. No objection was voiced.

A vote was then taken to “to adopt the resolution” with the Code of Conduct for Elected Officials as amended. Said motion passed by the following vote: Aye: Council Members Anderson, Benjamin, Berge, Christopherson, Emmanuelle, Gragert, Lor, Weld and Werthmann. Nay: Council Member Klinkhammer.

## ZONING

The Council considered an ordinance rezoning a property located at 2703 Craig Road from C-3H to C-3P and to adopt the general development plan for commercial development (File Z-1645-19). Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Gragert “to adopt the ordinance.” Said motion passed by unanimous vote.

## ADJOURNMENT

A motion was offered by Council Member Benjamin and seconded by Council Member Anderson “that this meeting does now adjourn without objection.” Said motion passed by unanimous consent.

Adjournment: May 14, 2019

Time: 6:05 p.m.

ATTEST:

/s/ Terry L. Weld  
Council President

/s/ Carrie L. Riepl  
City Clerk