

**CITY OF EAU CLAIRE  
WATERWAYS AND PARKS COMMISSION  
(Meeting Minutes)**

**August 28, 2019**

**Members Present:** Joshua Miller, Tom Fiedler, John Bodkin, Ron Doering, John Lor, Kate Beaton, Kirk Dahl, Meredith Ball

**Members Absent:** Susan McLeod, Jenni Sterling (also, one open position on the Commission with Jeanne Mueller's recent resignation)

**Staff Present:** Jeff Pippenger, Dave Solberg, Pat Ivory

The meeting was chaired by Joshua Miller at the City's Central Maintenance Facility Conference Room and called to order at 7:00 p.m.

**Minutes:** The minutes of the June 26, 2019 meeting were approved as written.

**Business Agenda.**

**A. Recommendation on the vacation of Newton Street west of Wilcox Street.** Dave Solberg provided an overview of a request to vacate Newton Street to the west of Wilcox Street. Dave noted that City staff had researched the history of this segment of right-of-way and was not able to locate any documentation that the City Council had taken official action to vacate this right-of-way. He noted that City maps had shown the right-of-way as vacated. The abutting properties owners are now requesting official action to vacate the right-of-way. Dave noted that City staff are recommending that the right-of-way not be vacated based on policy statements in the Comprehensive Plan that encourage public access to the waterways.

Dave noted that the Commission had four general options in making their recommendation to the Plan Commission and City Council, which include: recommending the right-of-way vacation, recommending vacation with the addition of a public access easement either along the riverfront or extending from Wilcox Street west to the river, recommending not to vacate the right-of-way, and finally recommending not to vacate the right-of-way with the addition of a use easement for the abutting property owners.

Anton Smets from 28 Newton Street spoke in support of the vacation of the right-of-way. Mr. Smets stated that City records have shown the right-of-way as vacated noting that he had been assessed for street improvements based on the assumption that the street was vacated and he felt that he had been taxed on the land. He added that the concept of a trail along this section of the river made no sense due the steep bank, proximity of so many structures near the river, and that this section of the river was very dangerous when the water level was high.

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John Mogensen from 104 Wilcox Street spoke in support of the right-of-way vacation. Mr. Mogensen distributed information that had been prepared by the City such as staff reports and maps that indicated that the right-of-way had been previously vacated. He also noted that the property assessments had been determined based on the right-of-way being vacated. Finally, he questioned whether this was an issue of adverse possession based on the abutting property owners using the land for many years.

Lisa Aspenson from 104 Wilcox Street also spoke in support of the right-of-way vacation.

**ACTION TAKEN:** Kirk Dahl moved to recommend approval of the street vacation. Tom Fiedler seconded the motion.

Kirk Dahl then moved to amend the motion to allow the street vacation with the inclusion of an easement along the river to the City, 20 feet from the top of the bank for a possible trail. Meredith Ball seconded the motion. The motion did not pass with a 4-4 vote with John Bodkin, Ron Doering, Tom Fiedler, and Jon Lor voting no.

John Lor then moved to amend the motion to not vacate the street, but allow a permanent user easement for the abutting property owners. Kate Beaton seconded the motion. The motion did not pass by a 5-3 vote with Meredith Ball, John Bodkin, Ron Doering, Tom Fiedler, and Kirk Dahl voting no.

The Commission then voted on the main motion, which passed on a 5-3 vote with Kate Beaton, Joshua Miller, and John Lor voting no.

**Other Items.**

-Future meeting location. Jeff Pippenger noted that the renovations at City Hall were completed and asked the Commission members where they would prefer to schedule their future meetings. It was the consensus of the Commission to meet in the North Conference Room at City Hall.

-The Commission reviewed the special events listing and Director's Report. As part of the Director's report, the Commission discussed the riverbank treatment that was undertaken by Tree Savvy. John Bodkin expressed concern about the removal of some of the large trees, that some of the smaller, non-invasive trees were not kept, and that the replanting was yet to occur. Jeff Pippenger noted that the replanting would occur this fall.

-Commission photo. The Commission photo was tabled to a future meeting.

The meeting was adjourned at 8:50 p.m.

*Susan McLeod by PFD*

Submitted by,  
Susan McLeod, Secretary