

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING

Tuesday, March 12, 2013

City Council Chamber

4:00 p.m.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Council President Kincaid called the meeting to order. The following members were present: Council Members Larry Balow, David Duax, Catherine Emmanuelle, Kerry Kincaid, David Klinkhammer, Kathy Mitchell, Mark Olson, Jackie Pavelski, Bob Von Haden, Thomas Vue, and Andrew Werthmann.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, March 12, 2013. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Vue "to adopt the consent resolution". Said motion passed by unanimous vote.

PROCLAMATION

Council President Kincaid, on behalf of the City Council, proclaimed March 23, 2013, from 8:30 p.m. to 9:30 p.m. as Earth Hour 2013 in the City of Eau Claire, to encourage households and businesses to turn off their non-essential lights for the hour to raise awareness and to consider their personal impact on the planet and make behavioral changes to move toward a more sustainable lifestyle.

Council President Kincaid, on behalf of the City Council, proclaimed March 2013 as Women's History Month in the City of Eau Claire and urged citizens to recognize the observance and the contributions of American women.

SPECIAL EVENT

The City Council considered a resolution authorizing the Chippewa Valley Technical College to conduct the Juvenile Diabetes Research Foundation Fundraiser on Sunday, April 7, 2013 at the Phoenix Park Pavilion. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Klinkhammer "to adopt said resolution". Said motion passed by unanimous vote.

WASTEWATER TREATMENT PLANT IMPROVEMENTS

The City Council considered a resolution awarding a contract for Procurement No. 2012-66, Wastewater Treatment Plant Facility Improvements - Phase 2. Thereupon a motion was offered by Council Member Olson and seconded by Council Member Von Haden "to adopt said resolution". Said motion passed by unanimous vote.

PROPERTY ACQUISITION – 925 ADDISON AVENUE

The City Council considered a resolution authorizing the acquisition of 925 Addison Avenue. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Pavelski “to adopt said resolution”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Pavelski “to amend said resolution by adding a second Be It Further Resolved paragraph to read that the City Council hereby directs the City Manager to salvage the buildings and improvements on said parcel, including all fixtures purchased by the City”. Said motion to amend failed by following vote: Aye: Council Members Balow, Duax, Pavelski, Vue and Werthmann. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Mitchell, Olson and Von Haden. The Council then voted on the original motion to adopt the resolution. Said motion passed by unanimous vote.

The Council considered a resolution accepting and appropriating a grant from the State of Wisconsin Department of Natural Resources for the acquisition of 925 Addison Avenue. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Emmanuelle “to adopt said resolution”. Said motion passed by unanimous vote.

SUSTAINABILITY

The Council considered a resolution expressing support for sustainable solutions in dealing with plastic and paper bags in the City of Eau Claire and creating a committee to proactively achieve this goal. Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Werthmann “to adopt said resolution”.

Thereupon a motion was offered by Council Member Duax “to amend said resolution as follows:

- In the Now, Therefore, Be It Resolved paragraph, after the word ‘resolved’, add the phrase ‘by the Eau Claire City Council’;
- In the first Be It Further Resolved paragraph, change the total committee membership from 12 to 13 and change the number of City Council Members from 1 to 2”.

Said motion was accepted as a friendly amendment. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Klinkhammer “to amend said resolution by removing the Now, Therefore, Be It Resolved paragraph”. Said motion failed on the following vote: Aye: Council Members Klinkhammer and Mitchell. Nay: Council Members Balow, Duax, Emmanuelle, Kincaid, Olson, Pavelski, Von Haden, Vue and Werthmann. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Olson “to amend said resolution by amending the composition of the committee to read ‘3 from the business community, including 1 Chamber of Commerce staff person’.” After discussion, said motion was withdrawn. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Olson “to amend said resolution by amending the composition of the committee to read ‘1 Chamber of Commerce staff person... and ... 2 citizens’.” After discussion, said motion was withdrawn. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Klinkhammer “to amend said resolution by amending the composition of the committee by increasing the total committee membership from 13 to 14 and include 1 Chamber of Commerce staff person”. Said motion passed by the following vote: Aye: Council Members Balow,

Emmanuelle, Kincaid, Klinkhammer, Mitchell, Olson, Pavelski, Von Haden, Vue and Werthmann. Nay: Council Member Duax. The Council then voted on the resolution as amended. Said resolution was adopted by a unanimous vote.

DEVELOPMENT AGREEMENT

The City Council considered a resolution approving a Development Agreement with Princeton Crossing, LLC for the construction of public improvements to serve the Princeton Crossing Development at the intersection of Black Avenue and CTH "Q". Thereupon a motion was offered by Council Member Vue and seconded by Council Member Klinkhammer "to adopt said resolution". Said motion passed by unanimous vote.

STREET, UTILITY & SIDEWALK IMPROVEMENTS

The City Council considered a Final Resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- Summit Street, Balcom Street to Davis Avenue (13-112)
- Emery Street, Huebsch Boulevard to Summer Street (13-104)
- First Avenue, Amelia Street to Oxford Avenue (13-106)
- Beach Street, First Avenue to Oxford Avenue (13-102)
- Niagara Street, First Avenue to Third Avenue (13-110)
- Truax Boulevard, Jeffers Road to Fourteenth Street (13-113).

Upon Council request, the projects on Summit Street, Emery Street and First Avenue were removed for separate consideration. A motion was offered by Council Member Olson and seconded by Council Member Von Haden "to adopt the resolution approving the project and levying special assessments for street and utility improvements on Summit Street, Balcom Street to Davis Avenue (13-112)". Said motion passed by unanimous vote. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Pavelski "to adopt the resolution approving the project and levying special assessments for street and utility improvements on Emery Street, Huebsch Boulevard to Summer Street (13-104)". Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Mitchell "to postpone consideration of the proposed street improvements on Emery Street until such time as city staff has had the opportunity to meet with the neighborhood and can report back to the Council". Said motion to postpone passed by the following vote: Aye: Council Members Balow, Emmanuelle, Kincaid, Mitchell, Von Haden and Werthmann. Nay: Council Members Duax, Klinkhammer, Olson, Pavelski and Vue. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Werthmann "to adopt the resolution approving the project and levying special assessments for street and utility improvements on First Avenue, Amelia Street to Oxford Avenue (13-106)". Thereupon a motion was offered by Council Member Balow and seconded by Council Member Von Haden "to delay the proposed street improvement project on First Avenue for one year". Said motion to delay the project failed by the following vote: Aye: Council Members Balow, Duax, Olson, Von Haden and Werthmann. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Mitchell, Pavelski and Vue.

Council Member Von Haden left the Council Chamber.

Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Werthmann “to adopt the resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- First Avenue, Amelia Street to Oxford Avenue (13-106)
- Beach Street, First Avenue to Oxford Avenue (13-102)
- Niagara Street, First Avenue to Third Avenue (13-110)
- Truax Boulevard, Jeffers Road to Fourteenth Street (13-113).

Said motion passed by unanimous vote.

Council Member Balow left the Council Chamber.

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 on the following streets:

- Summit Street, Balcom Street to Davis Avenue (13-112)
- First Avenue, Amelia Street to Oxford Avenue (13-106)
- Beach Street, First Avenue to Oxford Avenue (13-102)
- Niagara Street, First Avenue to Third Avenue (13-110)
- Truax Boulevard, Jeffers Road to Fourteenth Street (13-113).

Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Vue “to adopt said resolution”. Said motion passed by unanimous vote.

Council Members Balow and Von Haden returned to the Council Chamber.

The City Council considered a Final Resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- Eastlawn Street, Delbert Road to Hallie Lane (13-305)
- Freedom Drive, Boston Drive to 410 feet north (13-301)
- Kenney Avenue, Stein Boulevard to 293 feet east of Thomas Drive (13-303)
- Hendrickson Drive Frontage Road, Hendrickson Drive Frontage Road to W. MacArthur Avenue (13-302)
- Truax Boulevard, N. Clairemont Avenue to Preston Road (13-304).

Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Olson “to adopt said resolution”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Balow “to defer the construction of sidewalk on Eastlawn Street, Delbert Road to Hallie Lane (13-305) as construction of said sidewalk would not be in the public interest”. Said motion to defer sidewalk construction passed by unanimous voice vote. The Council then voted on the resolution as amended. Said motion passed on the following vote: Aye: Council Members Balow, Duax, Emmanuelle, Kincaid, Mitchell, Olson, Pavelski, Von Haden, Vue and Werthmann. Nay: Council Member Klinkhammer.

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 on the following streets:

- Kenney Avenue, Stein Boulevard to 293 feet east of Thomas Drive (13-303)
- Hendrickson Drive Frontage Road, Hendrickson Drive Frontage Road to W. MacArthur Avenue (13-302).

Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Duax “to adopt said resolution”. Said motion passed by unanimous vote.

STREET NAME CHANGE

The City Council considered an ordinance changing the name of Epiphany Lane to Calvary Crossing, from Folsom Street to Truax Boulevard. Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Mitchell “to adopt said ordinance”.

Thereupon a motion was offered by Council Member Duax and seconded by Council Member Balow “to postpone consideration of said ordinance until such time as the two property owners (Calvary Baptist Church and the Eau Claire Area School District) have had an opportunity to meet”. Said motion to postpone passed by unanimous vote.

ZONING CODE AMENDMENT

The Council had first reading on an ordinance amending Chapter 18.35 entitled “Conditional Uses”, Chapter 18.55 entitled “Board of Appeals”, and Chapter 18.65 entitled “Amendments and Rezoning” of the Zoning Code of the City of Eau Claire as shown on Planning File #Z-1522-13

ADJOURNMENT

A motion was offered by Council Member Balow and seconded by Council Member Pavelski “that this meeting does now adjourn.” Said motion passed by unanimous voice vote.

Adjournment: March 12, 2013

Time: 6:50 p.m.

ATTEST:

Kerry J. S. Kincaid, President

Donna A. Austad, City Clerk