

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING

Tuesday, May 28, 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 David Duax, Catherine Emmanuelle, Kerry Kincaid, David Klinkhammer, Monica Lewis, Kathy Mitchell, David Strobel, Bob Von Haden, Andrew Werthmann, and Michael Xiong. Absent: Council Member Eric Larsen.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, May 28, 2013. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Von Haden "to adopt the consent resolution". Said motion passed by unanimous vote.

PROCLAMATION

Council President Kincaid, on behalf of the City Council, presented a plaque to Mark Olson for his service on the City Council from 2010 to 2013.

Council President Kincaid, on behalf of the City Council, presented a plaque to Jackie Pavelski for her service on the City Council from 2008 - 2013.

SPECIAL EVENTS

The City Council considered a resolution authorizing UW-Eau Claire to conduct the UW-EC Summer Concert events on Mondays in June and July 2013 at Owen Park. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Xiong "to adopt said resolution". Said motion passed by unanimous vote.

The Council considered a resolution authorizing Downtown Eau Claire, Inc. to conduct the Summerfest's Family Night in the Park on August 3, 2013 at Phoenix Park. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Mitchell "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Emmanuelle, Kincaid, Klinkhammer, Strobel, Werthmann and Xiong. Nay: Council Members Duax, Lewis, Mitchell, and Von Haden.

BOARDS, COMMITTEES & COMMISSIONS

The City Council considered a resolution approving the appointment of Thomas Fiedler, as a new appointment to the Waterways and Parks Commission to fill an unexpired term, to expire December 31, 2013. Thereupon a motion was offered by Council Member Mitchell and

seconded by Council Member Emmanuelle “to adopt said resolution”. Said motion passed by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Lewis, Mitchell, Strobel, Werthmann and Xiong. Nay: Council Member Von Haden.

CDBG AND HOME GRANT FUNDING

The Council considered a resolution approving the 2013 Community Development Block Grant (CDBG) and HOME Grant Funding Appropriations. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Strobel “to adopt said resolution”. Said motion passed by unanimous vote.

COMPLIANCE MAINTENANCE ANNUAL REPORT

The City Council considered a resolution indicating receipt and review of the 2012 Compliance Maintenance Annual Report (CMAR) for the Wastewater Treatment Plant and Collection System. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Lewis “to adopt said resolution”. Said motion passed by unanimous vote.

BONDS

The City Council considered an Initial Resolution authorizing not to exceed \$7,710,000 aggregate principal amount of General Obligation Bonds of the City of Eau Claire, Eau Claire and Chippewa Counties, Wisconsin for street work. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Werthmann “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered an Initial Resolution authorizing not to exceed \$1,000,000 aggregate principal amount of General Obligation Bonds of the City of Eau Claire, Eau Claire and Chippewa Counties, for storm water purposes. Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Klinkhammer “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered an Initial Resolution authorizing not to exceed \$5,250,000 aggregate principal amount of General Obligation Bonds of the City of Eau Claire, Eau Claire and Chippewa Counties, Wisconsin for the police facility. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Duax “to adopt said resolution”. Said motion passed by unanimous vote.

The City Council considered an Initial Resolution authorizing not to exceed \$185,000 aggregate principal amount of General Obligation Bonds of the City of Eau Claire, Eau Claire and Chippewa Counties, Wisconsin for the temporary parking lot on North Barstow Street. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Emmanuelle “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered an Initial Resolution authorizing not to exceed \$9,745,000 aggregate principal amount of General Obligation Promissory Notes of the City of Eau Claire, Eau Claire and Chippewa Counties, Wisconsin for street improvements, narrowbanding, and refunding purposes. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by unanimous vote.

The City Council considered a resolution authorizing the issuance and sale of up to \$41,395,988 Sewerage System Revenue Bonds, Series 2013, and providing for other details and covenants with respect thereto. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Xiong “to adopt said resolution”. Said motion passed by unanimous vote.

Council Member Werthmann left the Council Chamber.

REGIONAL ARTS COUNCIL LOAN

The City Council considered a resolution authorizing the subordination of the City’s loan to US Bank on behalf of the Eau Claire Regional Arts Council. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Mitchell “to adopt said resolution”. Said motion passed by unanimous vote.

Council Member Werthmann returned to the Council Chamber.

OPTION TO PURCHASE EXTENSION

The Council considered a resolution granting a six-month extension to Metro Plains Partners, LLC on their option to purchase the former Parks and Recreation building. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Strobel “to adopt said resolution”. Said motion passed by unanimous vote.

FOLSOM HEIGHTS DEVELOPMENT

The City Council considered a resolution approving the final plat for Folsom Heights located north of W. Folsom Street, west of Preston Road, as shown on Planning File P-2-12. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Lewis “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution authorizing the City Manager to enter into a development agreement with Kim M. Gillette for street and utility improvements for the plat of Folsom Heights. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Werthmann “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution indicating the location of required sidewalk construction within the plat of Folsom Heights. (resolution would defer sidewalk within the plat.) Thereupon a motion was offered by Council Member Xiong and seconded by Council Member

Klinkhammer “to adopt said resolution”. Said motion failed by the following vote: Aye: Council Member Von Haden. Nay: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Lewis, Mitchell, Strobel, Werthmann and Xiong.

JEFFERS ROAD TOWNHOMES DEVELOPMENT

The City Council considered a resolution approving the final plat of Jeffers Road Townhomes (Phase 1) located at the southeast corner of Jeffers Road and W. Shorewood Drive, as shown on Planning File P-4-12. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Strobel “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution authorizing the City Manager to enter into a development agreement with SW Properties and Investments, LLC for street and utility improvements for the plat of Jeffers Road Townhomes. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Lewis “to adopt said resolution”. Said motion passed by unanimous vote.

Council Member Xiong left the Council Chamber.

The Council considered a resolution indicating the location of required sidewalk construction within the plat of Jeffers Road Townhomes. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Werthmann “to adopt said resolution”. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Mitchell “to amend said resolution to maintain the sidewalk deferral along Jeffers Road, but to require sidewalk to be constructed on W. Shorewood Drive, east of Kayla Lane and on the west side of Kayla Lane”. Said motion to amend passed by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Mitchell and Werthmann. Nay: Council Members Lewis, Strobel and Von Haden. The Council then voted on the resolution as amended. Said resolution was adopted by unanimous vote.

Council Member Xiong returned to the Council Chamber.

ZONING

The City Council had first reading on an ordinance rezoning property at the southeast corner of USH 53 and Prairie Park Drive from TR-1A to R-3P and to adopt the General Development Plan for Prairie Park Phase 3 for six 8-plexes as shown on Planning File #Z-1527-13.

SIGN CODE

The Council had first reading on an ordinance amending the Sign Code providing provisions for Plan Commission review of certain signs by conditional use permit in residential districts, as shown on Planning File Z-1528-13.

Council Member Emmanuelle left the Council Chamber.

EMPLOYEE-RELATED ORDINANCES

The City Council had first reading on an ordinance creating a City Employee Benefits and Leaves Ordinance and an ordinance amending the City Pay Plan. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Mitchell “to suspend the rules which interfere with the immediate consideration of said ordinances”. Said motion to suspend the rules passed by unanimous vote.

Council Member Emmanuelle returned to the Council Chamber.

The Council discussed several proposed changes to the recommended Employee Handbook, Pay Plan and Pay Practices Ordinance and the Benefits and Leaves Ordinance. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Von Haden “to amend the Pay Plan and Pay Practices Ordinance by approving the following wording changes:

Item: 1.02 PAY RATES - *Pay ranges with steps- to clarify that step increases are subject to a satisfactory performance review.*

Employees hired during the first six months of any year shall receive a one-step increase after six months, and on July 1 of each subsequent year, subject to satisfactory performance review, until the top of their salary range is reached. Employees hired during the last six months of the year shall receive a one-step increase after six months, and on January 1 of each subsequent year, subject to satisfactory performance review, until the top of their salary range is reached.

Item: 1.03 TIME RECORDING - *Revised language provides the flexibility to move to electronic timekeeping.*

Employees are expected to accurately record hours worked, sick leave, vacation, training, and all other leaves that occur during the pay period. The record of these hours must be properly approved, dated and submitted to Payroll by 12:00 noon every other Monday. Please discuss your Department’s procedure for recording time with your supervisor. Fraudulent reporting may lead to disciplinary measures up to and including termination.

Item: 1.05 PAY DISTRIBUTION METHODS - *Language clean-up.*

Paychecks will be automatically deposited into checking or savings accounts on payday through direct deposit. Direct deposit saves time, eliminates the possibility of lost, stolen or forged checks, and deposits pay into bank accounts even when on vacation or away from the work site. New employees receiving pay for the first time will receive a paper check on their first payday as a test run will be done utilizing the banking information provided. Employees are currently authorized to have funds deposited in up to two financial institutions.

Earning statements are distributed by 11:00 a.m. every other Thursday. “

Said motion to amend passed by unanimous voice vote.

Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Strobel “to amend the Pay Plan and Pay Practices Ordinance by approving the following wording changes:

Item: 1.04 OVERTIME - payable as wages

Unless otherwise defined, a standard workweek is 40 hours per week (Monday through Sunday). Overtime compensation is paid at a rate of time and one-half the hourly rate of pay for all non-exempt employees who physically work in excess of their standard workweek. Vacation, holidays, sick leave and other paid leaves will not be considered as time worked for the purpose of computing overtime pay. Holidays will be considered time worked for the calculation of overtime. Employees not previously scheduled to work on an actual or recognized holiday will receive two times their rate of pay for hours worked, regardless of the actual hours physically worked during the week.”

After discussion, said motion was withdrawn by the mover and seconder.

Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to amend the Pay Plan and Pay Practices Ordinance by approving the following wording changes:

Item: 1.04 OVERTIME - payable as wages

Unless otherwise defined, a standard workweek is 40 hours per week (Monday through Sunday). Overtime compensation is paid at a rate of time and one-half the hourly rate of pay for all non-exempt employees who physically work in excess of their standard workweek. Vacation, sick leave and other paid leaves will not be considered as time worked for the purpose of computing overtime pay. Holidays will be considered time worked for the calculation of overtime. Employees not previously scheduled to work on an actual or recognized holiday will receive two times their rate of pay for hours worked, regardless of the actual hours physically worked during the week.”

Said motion passed by the following vote: Aye: Council Members Duax, Kincaid, Klinkhammer, Lewis, Mitchell, Strobel, Von Haden and Xiong. Nay: Council Members Emmanuelle and Werthmann.

Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden “to amend the Pay Plan and Pay Practices Ordinance by approving the following wording changes:

Item: 1.04 OVERTIME –compensatory time in lieu of overtime

Employees may, with supervisor approval, earn up to 40 hours of compensatory time per year when working for another Department or Division.”.

Said motion passed by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Lewis, Mitchell, Strobel, Von Haden, and Xiong. Nay: Council Member Werthmann.

Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Klinkhammer “to amend the Benefits and Leaves Ordinance by correcting the following scribner’s errors and approving the following wording changes:

Item: 2.03 LONG-TERM DISABILITY

Social security payments and pension payments may (*replace the word many*) reduce the calculated payment.

Item: 2.06 ROTH IRA PLAN

Employees can elect to have earnings deducted from their pay and put into a Roth IRA account through the ICMA Retirement Corporation. A Roth IRA account provides participants with an opportunity to build retirement assets by making post-tax contributions. Additional information is available on their website, and (I)informational packets and enrollment forms are available in the Human Resources Office.

Item: 3.01 VACATION LEAVE

Upon termination of employment, employees will be paid for unused vacation hours that have been earned through the last day of work with the City, unless termination occurs within the first year of employment. The vacation can either be used to extend the termination date or can be paid out in a lump sum on the final paycheck.

Item: 3.12 VOTING LEAVE

Employees unable to vote at their polling place on Election Day, during non-working hours, will be granted up to three consecutive hours of unpaid time off to vote. Requests for the time off should be submitted to the supervisor at least two working days prior to Election Day.

Employees who choose to take the time off to vote must use any available leave time before leave without pay can be taken.”.

Said motion passed by unanimous voice vote.

Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Emmanuelle “to amend to amend the Benefits and Leaves Ordinance by approving the following wording change:

Item: 2.15 RETIREMENT BENEFITS

All regular employees have a retiree health insurance benefit available as well. A 60-day retirement notice for department directors and division heads and a 30-day retirement notice for all other employees to the supervisor and Human Resources is preferred.”.

Said motion passed by unanimous voice vote.

Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Klinkhammer “to amend to amend the Benefits and Leaves Ordinance by approving the following wording change:

Item: 3.08 BEREAVEMENT LEAVE

Up to five work days to make arrangements for/attend the funeral of immediate family members consisting of the following: parents, step-parents, spouse, child, step-child, grandchild, siblings, step-siblings.

Up to three work days for other family members consisting of the following: Mother or father in-law, brother or sister in-law (by blood or marriage), grandparents and any other relative living in the same household.

For the purpose of this section only, a registered domestic partner shall be a “spouse” when determining relationships for bereavement leave benefits.”.

Said motion passed by unanimous voice vote.

Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Von Haden “to amend to amend the Benefits and Leaves Ordinance by approving the following wording change:

Item: 3.09 JURY DUTY

Employees serving jury duty outside of their assigned work hours are expected to closely communicate with their supervisor, including their ability to safely and adequately perform job duties upon return to work following jury duty.”

Said motion passed by the following voice vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Mitchell, Von Haden and Xiong. Nay: Council Members Klinkhammer, Lewis, Strobel, and Werthmann.

Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Strobel “to adopt the ordinance creating a City Employee Benefits and Leaves Ordinance and the ordinance amending the City Pay Plan”. After discussion, said motion was withdrawn by the mover and seconder. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Klinkhammer “to postpone consideration of the ordinance creating a City Employee Benefits and Leaves Ordinance and the ordinance amending the City Pay Plan until the June 11, 2013 City Council meeting”. Said motion passed by a unanimous voice vote.

ADJOURNMENT

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

Adjournment: May 28, 2013

Time: 8:57 p.m.

ATTEST:

Kerry J. S. Kincaid, President

Donna A. Austad, City Clerk