

## **MINUTES**

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

**Tuesday, August 13, 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, Eric Larsen, Monica Lewis, Kathy Mitchell, David Strobel, Bob Von Haden, and Michael Xiong. Absent: Council Member Andrew Werthmann.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, August 13, 2013. Council Members requested that Items 10 and 11 be removed from the consent agenda and voted upon separately.

10. Resolution authorizing the submission of an application to the Wisconsin Department of Natural Resources for an Aquatic Invasive Species Grant for funding for Half Moon Lake Research and Treatments in 2014 and 2015.

11. Resolution authorizing the Fire Department to apply for Department of Homeland Security grant funds to fund the hiring of two firefighters for two years.

Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Von Haden "to adopt the remainder of the consent resolution". Said motion passed by unanimous vote.

Council Member Werthmann arrived in the Council Chamber.

#### **GRANT APPLICATIONS**

The City Council considered a resolution authorizing the submission of an application to the Wisconsin Department of Natural Resources for an Aquatic Invasive Species Grant for funding for Half Moon Lake Research and Treatments in 2014 and 2015. 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 a resolution authorizing the Fire Department to apply for Department of Homeland Security grant funds to fund the hiring of two firefighters for two years. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Mitchell "to adopt said resolution". Said motion passed by following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Lewis, Strobel, Von Haden, Werthmann and Xiong. Nay: Council Member Mitchell.

## **LIQUOR LICENSE**

The Council considered a resolution granting a temporary expansion of the Combination Class B Intoxicating Liquor & Fermented Malt Beverage licensed premise of Hilltop Corporation of Eau Claire, d/b/a Hilltop, 924 E. Madison St., to include a 20' x 40' tent, for a fundraiser event for the Eau Claire Safe-Ride Program, on September 14, 2013. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Strobel "to adopt said resolution". Thereupon a motion was offered by Council Member Duax and seconded by Council Member Mitchell "to amend said resolution to have the music in the outdoor tent end at 10:00 p.m. as recommended by the License Review Committee". Said motion passed by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Larsen, Mitchell, Strobel and Xiong. Nay: Council Members Klinkhammer, Lewis, Von Haden and Werthmann. Council then voted on the resolution as amended. Said resolution was approved by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Lewis, Mitchell, Strobel, Von Haden, and Xiong. Nay: Council Member Werthmann.

## **SPECIAL EVENTS**

The City Council considered a resolution authorizing Oral Surgery Associates to conduct Oral Surgery Associates 5K Walk/Run for a Mission on Tuesday, August 20, 2013 at Carson Park and along city trails and sidewalks. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Emmanuelle "to adopt said resolution". Said motion passed by unanimous vote.

Council Member Xiong left the Council Chamber.

The Council considered a resolution authorizing Z-Vida Fitness and Cindy Peterson to conduct Zumba in the Park on Wednesday, August 21, 2013 at Phoenix Park. 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.

Council Member Xiong returned to the Council Chamber.

The Council considered a resolution authorizing Greater West Central Area Labor Council to conduct the Labor Day Picnic on Monday, September 2, 2013 in Phoenix 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 City Council considered a resolution authorizing Nicole Wilson to conduct the MK5K on Saturday, September 7, 2013 at Carson Park and along city trails and sidewalks. 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.

The Council considered a resolution authorizing the Sherman Steering Committee to conduct the Sherman Star River Run on Friday, September 20, 2013 at Owen Park and along city trails and

sidewalks. 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 Visit Eau Claire and the Eau Claire Area Sports Commission to conduct the Biggest Loser Run/Walk on Sunday, October 20, 2013 in Carson Park and along city streets, trails and sidewalks. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Emmanuelle “to adopt said resolution”. Said motion passed by unanimous vote.

### **SCULPTURE TOUR**

The City Council considered a resolution accepting the Sculpture Tour 2012 People’s Choice awarded sculpture, “Blind Spot” as a donation, to be displayed in Owen Park. 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.

### **HAZARDOUS MATERIALS RESPONSE AGREEMENT**

The Council considered a resolution authorizing a Regional Hazardous Materials Response System Services contract with the State of Wisconsin. 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.

### **PARKING FEES**

The Council considered a resolution amending the City of Eau Claire Schedule of Fees and Licenses by increasing the parking fee for the Water Street Lot and the Riverside Parking Deck to \$0.50 per hour and by changing the ending fee collection time to 5 pm on several streets in the Downtown and Water Street areas. 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.

### **ENCROACHMENT**

The City Council considered a resolution granting a permanent encroachment to Parcel 02-0413 (Eau Claire Regional Arts Center) for placing flower pots in the public right-of-way adjacent to 312 Eau Claire Street. 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 granting a permanent encroachment to the West Grand Avenue BID for a sign within the First Avenue right-of-way. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Emmanuelle “to adopt said resolution”. Said motion passed by the following vote: Aye: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Lewis, Mitchell, Strobel, Werthmann, and Xiong. Nay: Council Members Duax and Von Haden.

The Council considered a resolution granting a permanent encroachment to Parcel 13-0775 (1303 Highland Avenue) for placing a fence in the public right-of-way on the Chauncey Street side of the parcel. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Xiong “to adopt said resolution”. Said motion failed on the following vote: Aye: Council Member Werthmann. Nay: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Lewis, Mitchell, Strobel, Von Haden and Xiong.

Council Member Emmanuelle left the Council Chamber.

### **BLACK AVENUE VACATION & RELEASE OF EASEMENT**

The Council considered a resolution vacating a portion of Black Avenue, from CTH Q to 476 feet south, and a portion of Black Avenue, north from CTH Q to the southeasterly USH 53 right-of-way line. 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.

Council Member Werthmann left the Council Chamber.

The City Council considered a resolution releasing the utility easements within the westerly portion of Black Avenue, from CTH Q to 476 feet south, and the westerly portion of Black Avenue, north from CTH Q to the southeasterly USH 53 right-of-way line. 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 Members Emmanuelle and Werthmann returned to the Council Chamber.

### **COMPREHENSIVE PLAN – HEALTH CHAPTER**

The Council considered a resolution approving the Health Chapter of the Comprehensive Plan. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Klinkhammer “to adopt said resolution”. After a discussion, a motion was offered by Council Member Lewis and seconded by Council Member Duax “to postpone consideration of the resolution until the second Council meeting in October. Prior to that meeting, Council Members who wish to amend said Health Chapter shall submit their proposals to the City Manager’s office”. Said motion to postpone passed by the following vote: Aye: Council Members Duax, Kincaid, Klinkhammer, Larsen, Lewis, Mitchell, Strobel, and Von Haden. Nay: Council Members Emmanuelle, Werthmann and Xiong.

### **FORMER PARKS & RECREATION BUILDING**

The City Council considered a resolution approving the terms and conditions of a loan to MetroPlains Partners, LLC for the purchase of 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.

The Council considered a resolution supporting AB 147 which increases the amount of the Wisconsin Historic Preservation credit. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Emmanuelle “to adopt said resolution”. Said motion passed by unanimous vote.

### **HAYMARKET LOT – PLACEMAKING PROPOSAL**

The Council considered a resolution approving an agreement with the West Central Wisconsin Regional Planning Commission regarding placemaking the public space in the Haymarket Lot. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Klinkhammer “to adopt said resolution”. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Strobel “to postpone consideration of said resolution until such time as the issues outline in City Council Resolution No. 2012 – 426, adopted on September 25, 2012, have been resolved”. Said motion to postpone failed on the following vote: Aye: Council Members Duax, Lewis, Strobel and Von Haden. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Werthmann and Xiong. The Council then voted on the original motion to adopt the resolution. Said motion to adopt passed by the following vote: Aye: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Werthmann and Xiong. Nay: Council Members Duax, Lewis, Strobel and Von Haden.

### **PARKING**

The Council considered an ordinance amending Table IX of the City Code of Ordinances entitled "Parking During Specified Hours" by changing the ending time of the parking restrictions from 6:00 p.m. to 5:00 p.m. on several streets in the Downtown and Water Street areas. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Mitchell “to adopt said ordinance”. Said motion passed by unanimous vote.

### **ZONING**

The City Council had first reading on ordinances rezoning the following properties:

- 2619-2621 Henry Avenue from C-2 to R-2P for a duplex as shown on Planning File #Z-1531-13.
- property on the east side of Riverfront Terrace, south of Wisconsin Street, from CBD to CBDP and to adopt the General Development Plan for an apartment with a reduced setback as shown on Planning File #Z-1530-13.

### **STORMWATER**

The Council had first reading on an ordinance amending Chapter 19 of the Code of Ordinances of the City of Eau Claire entitled “Stormwater”.

## **COMMUNITY MAINTENANCE SERVICES**

The City Council had first reading on an ordinance repealing Chapters 2.32 (Parks and Recreation Department) and 2.40 (Department of Public Works) and recreating Chapter 2.40 entitled "Department of Community Maintenance Services."

## **PAY PLAN**

The Council had first reading on an ordinance amending the City Pay Plan specifically those parts thereof pertaining to Managerial and Division Heads.

## **ADJOURNMENT**

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

Adjournment: August 13, 2013

Time: 7:05

ATTEST:

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Kerry J. S. Kincaid, President

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Donna A. Austad, City Clerk