

## **MINUTES**

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

**Tuesday, October 8, 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, Andrew Werthmann, and Michael Xiong.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for the following items of routine business on Tuesday, October 8, 2013:

- Minutes of Council Legislative Session of September 24, 2013.
- Bartender licenses.
- Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to Children's Museum of Eau Claire, Inc., James Hanke, president, on November 11, 2013, at 220 S. Barstow St. for Adult Swim (Eau Claire Chamber of Commerce Young Professional's event).
- Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to Junior Achievement of WI Northwest District, Susan Effinger, Director, on October 18, 2013, at 3800 Starr Avenue #A, for Gordy's Valley Spirits "Uncorked" event benefitting Junior Achievement.
- Indianhead Track Club Carson Park 5 and 10 Race on Saturday, October 26, 2013 in Carson Park and along city trails and sidewalks.
- Wildridge Annexation Petition, Planning Drawing No. 13-6A, referred to the Plan Commission for study and report (property located east of Kane Road, south of Hwy 124 in the Town of Union).
- Procurement No. 2013- 47, City Hall South Entrance Construction.

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.

#### **LICENSE**

The City Council considered a resolution granting a Combination Class B Intoxicating Liquor & Fermented Malt Beverage license to OMG 123 LLC, d/b/a Miami Steve's Grill & Bar, 1807 N. Clairemont Ave., Steve Unich, agent. 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.

## **GRANTS**

The Council considered a resolution accepting a Wisconsin Department of Natural Resources Grant for the acquisition of Union Pacific Railroad property located between Third Street and Eleventh Street for trail development. 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 accepting a Wisconsin Department of Natural Resources Grant for city-wide trail maintenance. 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.

## **BOARDS, COMMISSIONS AND COMMITTEES**

The City Council considered a resolution approving the appointment of Tyler Tomesh as a new appointee to the Revolving Loan Fund Board to complete an unexpired three-year term, running through June 30, 2015. 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.

## **CONFLUENCE COUNCIL TASK FORCE**

The Council considered a resolution appointing City Council members to the Confluence Council Task Force. Council Members Duax, Larsen, Lewis, and Mitchell had expressed interest in serving on the Task Force. Council Member Lewis withdrew her name from consideration. The Council voted by a show of hands on the remaining three candidates. Council Member Duax received five votes (Duax, Lewis, Strobel, Von Haden, and Werthmann); Council Member Larsen received seven votes (Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Werthmann, and Xiong); Council Member Mitchell received ten votes (Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Lewis, Mitchell, Strobel, Von Haden, and Xiong). Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Klinkhammer “that the names of Council Member Larsen and Council Member Mitchell be inserted into the resolution appointing Council Members to the Confluence Council Task Force”. Said motion passed by unanimous voice vote. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Larsen “to adopt said resolution”. Said motion passed by unanimous vote.

## **COMMITTEE CODE OF CONDUCT**

The Council considered a resolution adopting the City of Eau Claire Committee Code of Conduct. 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.

### **CERTIFIED SURVEY MAPS**

The Council considered a resolution approving a Certified Survey Map with right-of-way dedication for Hobart Street at Galloway Street as shown on Planning File CSM-4-13. 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 approving a Certified Survey Map with right-of-way dedication for Campus Drive at CVTC West Campus as shown on Planning File CSM-5-13. 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.

### **ENCROACHMENT**

The Council considered a resolution granting a permanent encroachment to the University of Wisconsin - Eau Claire for bike storage facilities within Putnam Drive right-of-way. 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.

### **SHARED REVENUE**

The City Council considered a resolution requesting a Legislative Study Committee be created to examine the issue of distribution of County and Municipal Aid (formerly known as Shared Revenue). 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 Lewis “to amend said resolution by adding the following paragraph:

Be It Further Resolved, that a copy of this resolution be sent by the City Council President to the chief elected official of each city and village in the Chippewa Valley with a request for support from their respective governing body.”.

Said motion to amend was adopted by unanimous voice vote. The Council then voted on the resolution as amended. Said resolution was adopted by unanimous vote.

### **MIXED-USE DEVELOPMENT**

The Council considered an ordinance amending Chapter 18.15 of the Zoning Code (MX-Mixed-use Development Overlay District) clarifying the language as to when mixed-use development must be achieved, as shown on Planning File #Z-1533-13. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Emmanuelle “to adopt said ordinance”. Said motion passed by unanimous vote.

## ZONING

The City Council considered an ordinance rezoning property on the north side of Keystone Crossing, east of Golf Road, from R-3P to C-3MX and to approve the General Development Plan for the Keystone Crossing Development as shown on Planning File #Z-1534-13.

Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Von Haden “to adopt said ordinance”. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Von Haden “to amend said resolution by adding the following as recommended condition No. 2 of the rezoning and also as condition 5 of the Engineering Analysis and Report, as recommended by city staff:

In the event future traffic improvements are required and attributed to Oakwood Business Park, the non-residential and mixed use lots within Z-1534-13 will share in the responsibility of paying for costs designated against Oakwood Business Park in an amount to be determined by the ratio of 88 Average Saturday Peak Hour Trips (ASPHT) divided by the total ASPHT allocated for Oakwood Business Park. The ASPHT currently allocated for Oakwood Business Park has been established by the USH 53 Golf Road Traffic Impact Study (SEH 2004) as 1,221. The CITY will periodically review the USH 53 Golf Road Traffic Impact Study (SEH 2004) based on current land uses and current traffic count conditions and may revise the ASPHT allocated for Oakwood Business Park. In no event will the non-residential and mixed use lots within Z-1534-13 be responsible for more than 7.2 percent of traffic improvement costs designated against Oakwood Business Park.”.

Said motion to amend passed by unanimous voice vote. The Council then voted on the ordinance as amended. Said ordinance was adopted by unanimous vote.

## TRANSIT COMMISSION MEMBERSHIP

The City Council considered a Charter Ordinance amending Chapter 2.60 entitled “Transit Commission” and specifically Section 2.60.020, entitled “Membership--Terms--Qualifications”, and Section 2.60.030 entitled “Powers and Duties”, of the City Code of Ordinances, as recommended by the Special Committee on Transit Governance. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Werthmann “to adopt said ordinance”. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Werthmann “to amend Item #6 in Section 2.60.030, by inserting the words ‘and solicit feedback from riders’ after the words ‘by the transit department’.” After discussion, Council Member Werthmann withdrew his second of the motion. Council Member Strobel then seconded the motion. After further discussion, the motion was withdrawn by both the mover and seconder. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Von Haden “to amend Item #5 in Section 2.60.030, by inserting the word ‘surveys’ after the word ‘ridership,’.” Said motion passed on the following vote: Aye: Council Members Duax, Larsen, Lewis, Strobel, Von Haden and Werthmann. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Mitchell and Xiong. Thereupon a motion was offered by Council Member Duax “to amend the first line of Section 2.60.030, by inserting the words ‘powers and’ after the words ‘The transit commission’s’.” Said motion was approved by unanimous voice vote. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Larsen “to amend Section 2.60.020, Membership – Terms – Qualifications, by deleting the last sentence, which reads:

No person holding stocks or bonds in any corporation subject to the jurisdiction of the transit commission or who is in any other manner directly or indirectly pecuniarily interested in any other corporation, shall be a member of, or employed by, the transit commission.”

Said motion passed by the following vote: Aye: Council Members Duax, Emmanuelle, Larsen, Lewis, Mitchell, Strobel, Von Haden, Werthmann, and Xiong. Nay: Council Members Kincaid and Klinkhammer. The Council then voted on the ordinance as amended. Said ordinance was adopted by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Larsen, Lewis, Mitchell, Strobel, Von Haden, Werthmann, and Xiong. Nay: Council Member Klinkhammer.

### **ANNEXATION**

The Council had first reading on an ordinance in accordance with Section 66.0217 Wisconsin Statutes, annexing to the City of Eau Claire and particularly to the 14<sup>th</sup> Assessment Ward, 4<sup>th</sup> Aldermanic District, that part of NW ¼ of the SE ¼, and part of the NE ¼ of the SE ¼ and part of the SE ¼ of the SE ¼ of Section 10-27-10 and part of the NW ¼ of the SW ¼ and part of the NE ¼ of the SW ¼ and part of the SW ¼ of the SW ¼ and part of the SE ¼ of the SW ¼ of Section 11-27-10 and part of the NW ¼ of the NW ¼ and part of the NE ¼ of the NW ¼ Section 14-27-10, all in the Town of Union, Eau Claire County, as shown on Planning Drawing No. 13-6A (Wildridge petition, Kane Road).

### **ADJOURNMENT**

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

Adjournment: October 8, 2013

Time: 5:55 p.m.

ATTEST:

/s/ Kerry J. S. Kincaid, President

/s/ Donna A. Austad, City Clerk