

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING

Tuesday, October 22, 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 22, 2013:

- Approving Minutes of Regular Meeting of October 8, 2013.
- Granting new bartender licenses.
- Authorizing Festival Foods to conduct the Festival Foods Turkey Trot on Thursday, November 28, 2013 along city streets, sidewalks and trails.
- Authorizing The Community Parks Association to conduct the Clearwater Winter Parade & Celebration on Sunday, December 15, 2013 along city streets and at the Hobbs Ice Center.
- Approving the bid and proposal for Procurement No. 2013 - 51, Furnish Various Chemicals for Water and Wastewater Treatment.
- Introduction of resolution amending the City Fees and Licenses Schedule effective January 1, 2014.

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.

SPECIAL EVENTS

The City Council considered a resolution authorizing the University of Wisconsin - Eau Claire to conduct the Running for Pine Ridge Run/Walk on Saturday, October 26, 2013 on city trails and sidewalks. 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 Plan Ahead Events to conduct the Stuff the Sleigh 5K on Saturday, November 23, 2013 in 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 Alpha Xi Delta Fraternity to conduct the Alpha Xi Delta's 5K Run/Walk on Saturday, November 9, 2013 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.

CONFLUENCE PROJECT

The City Council considered a resolution authorizing a \$5,000,000 pledge to the Confluence Project located in Downtown Eau Claire. A motion was offered by Council Member Larsen and seconded by Council Member Emmanuelle “to adopt said resolution”. Council discussed the resolution. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Lewis “to amend said resolution by adding the words ‘The pledge is subject to’ at the beginning of the last bullet point in the first Be It Further Resolved paragraph and adding the sentence ‘The funds are distinct from the general tax revenue.’ at the end of the paragraph, making the paragraph read: The pledge is subject to approval of an amendment of Tax Incremental Financing District #8 or creation of a new TIF district consistent with the terms of this resolution and a subsequent development agreement. The funds are distinct from the general tax revenue.” Said motion to amend passed by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Larsen, Lewis, Mitchell, Strobel, Von Haden, Werthmann, and Xiong. Nay: Council Member Klinkhammer. Discussion continued on the resolution. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Strobel “to amend said resolution by deleting the final Be It Further Resolved paragraph”. Said motion to amend failed on the following vote: Aye: Council Members Lewis, Strobel and Von Haden. Nay: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Werthmann, and Xiong. Discussion continued on the resolution. Thereupon a motion was offered by Council Member Duax “to amend the first Be It Further Resolved paragraph by adding the words ‘all of’ so said paragraph reads “Be It Further Resolved, that the pledge of \$5,000,000 towards *“The Confluence”* arts center is subject to all of the following factors:” Said motion was accepted by unanimous consent. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Lewis “to amend said resolution by adding another bullet point to the list of conditions in the Be It Further Resolved paragraph to read: ‘Successful passage of a binding referendum (direct legislation) that permits the expenditures set forth’.” Thereupon a motion was offered by Council Member Duax and seconded by Council Member Strobel “to offer a substitute to Council Member Von Haden’s amendment which would read as follows: ‘Should direct legislation under s, 9.20, Wis. Stats., be initiated and enacted on or before April 1, 2014, this resolution may be reconsidered’.” Said motion to substitute failed on the following vote: Aye: Council Members Duax and Strobel. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Lewis, Mitchell, Von Haden, Werthmann, and Xiong. Council then voted on Council Member Von Haden’s original motion to amend. Said motion to amend failed on the following vote: Aye: Council Members Duax, Lewis, Strobel and Von Haden. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Lewis, Mitchell, Werthmann, and Xiong. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Strobel “to table consideration of said resolution until after the Council discussion on a possible referendum.” Said motion to table 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 motion to adopt the resolution, as amended. Said resolution was adopted by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Werthmann, and Xiong. Nay: Council Members Lewis, Strobel and Von Haden.

REVOLVING LOAN FUND

The Council considered a resolution certifying the Semi-Annual Report for EDA-funded RLF Grants. 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.

LETTER OF AGREEMENT – T-MOBILE TOWER

The City Council considered a resolution approving the terms of a Letter of Agreement to extend the lease for the T-Mobile tower site on Mt. Tom. 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.

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". Council discussed the resolution. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Lewis "to amend Policy 3.7 - Housing Deficiencies to read: Complimentary strategies such as providing education incentives, ~~developing a landlord rental licensing inspection program, implementing a healthy renters housing assistance program (help landlords identify key health problems and provide assistance to improve these residences), and enacting ordinances that either require housing maintenance compliance or a disclosure report given at the time of sale are other options to consider, and implementing voluntary, market based programs to create incentives for providing the best quality rental properties possible.~~". Said motion to amend passed by the following vote: Aye: Council Members Klinkhammer, Larsen, Lewis, Strobel, Von Haden, and Xiong. Nay: Council Members Duax, Emmanuelle, Kincaid, Mitchell, and Werthmann. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Strobel "to amend Policy 5.5 - Tobacco-Free Multi-Family dwellings by deleting the last sentence in the first paragraph (~~Additional measures could be considered from not allowing smoking in individual private residence units, balconies, or patios, to designating specific outdoor smoking areas at reasonable distances away from doors and windows.~~) and by amending the Work Implementation Program task statement for Policy 5.5 to read: Explore partnerships that would consider educating, ~~reducing, or limiting tobacco use in multi-family~~ property owners/managers, renters and other stakeholders in exploring voluntary market driven measures to reduce tobacco use in multi-family dwellings.". Said motion failed on the following vote: Aye: Council Members Klinkhammer, Larsen, Lewis, Strobel, and Von Haden. Nay: Council Members Duax, Emmanuelle, Kincaid, Mitchell, Werthmann, and Xiong. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Lewis "to amend said resolution by deleting Policy 2.3 - Urban Agriculture". Said motion passed by the following vote: Aye: Council Members Duax, Larsen, Lewis, Strobel, Von Haden, and Xiong. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Mitchell, and Werthmann. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Mitchell "to amend Policy 3.9 - Affordable Housing as follows: Add new language to the first sentence to have it read, Encourage private developers, the City and County to better meet housing

affordability needs within the community; and by amending the Work Implementation Program task list in Policy 3.9 - Affordable Housing, Column 3, delete - ~~Developers/builders with EC Housing Authority's assistance~~ and insert - Community Development Department in collaboration with developers/builders.". Said motion passed by unanimous vote. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Emmanuelle "to amend said resolution by adding Policy 6.8 – Pollutants to read as follows:

Work to reduce or eliminate the use of herbicides, pesticides, and fertilizers containing phosphates or other chemicals in the City that are harmful to human health.

Both herbicides and pesticides are linked to a wide range of human health problems, including Parkinson's Disease, infertility, and cancers. Furthermore, the American Academy of Pediatrics asserts that early life exposure to pesticides is associated with pediatric cancers, decreased cognitive function, and behavioral problems. Synthetic fertilizers are known for running off into area waterways and causing algal blooms in water systems. According to the Center for Disease Control, these algal blooms can produce harmful toxins and contaminate drinking water sources.

The City of Eau Claire Parks, Recreation and Forestry Department utilizes Integrated Pest Management (IPM) principles to reduce its use of herbicides, pesticides and synthetic fertilizers. Currently the City does not restrict the use of herbicides, pesticides, or fertilizers for residential properties and businesses beyond state law. While the City has reduced its use of harmful chemicals, residents are still at risk of harmful exposure. Policies should be implemented to further reduce the amount of herbicides, pesticides, and synthetic fertilizers used throughout the City by residents, businesses, and local governments.

and by adding the following to Environmental Exposures Work Implementation Program:

Policy 6.8; Task: Continue to reduce the use of herbicides, pesticides, and synthetic fertilizers used throughout the City; Lead Party: City-County Health Department; Timeframe: On-going."

Said motion failed on the following vote: Aye: Council Members Emmanuelle, Kincaid, Mitchell, Werthmann, and Xiong. Nay: Council Members Duax, Klinkhammer, Larsen, Lewis, Strobel, and Von Haden. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Lewis "to delete Policy 3.2 - Health Impact Assessment". Said motion failed on the following vote: Aye: Council Members Larsen, Lewis, Strobel and Von Haden. Nay: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Mitchell, Werthmann, and Xiong. The Council then voted on the motion to adopt the Health Chapter of the Comprehensive Plan, as amended. Said resolution was adopted by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Werthmann and Xiong. Nay: Council Members Lewis, Strobel and Von Haden.

ASPEN MEADOWS - FINAL PLAT & DEVELOPMENT AGREEMENT

The City Council considered a resolution approving the final plat for Aspen Meadows (Phase II) located northwest of Jeffers Road and County Line Road as shown on Planning File #P-2-13. 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 John Scheppke for street and utility improvements within the plat of Aspen Meadows – Phase II. 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.

The Council considered a resolution indicating the location of required sidewalk construction within the plat of Aspen Meadows. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Lewis, Mitchell, Strobel, Von Haden, and Xiong. Nay: Council Member Werthmann.

ROOM TAX LEGISLATION

The City Council considered a resolution opposing Assembly Bill 385 and Senate Bill 301 which would amend the state room tax law. 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 Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Von Haden, Werthmann, and Xiong. Nay: Council Members Lewis and Strobel.

NATIONAL LEAGUE OF CITIES

The Council considered a resolution appointing City of Eau Claire voting delegates for the National League of Cities Conference in Seattle, Washington. Council Members Larsen, Lewis and Strobel will be attending the Conference. Council Members Larsen and Lewis agreed to act as delegates. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Strobel “to adopt said resolution”. Said motion passed by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Lewis, Mitchell, Strobel, Werthmann, and Xiong. Nay: Council Member Von Haden.

DECEMBER CITY COUNCIL MEETINGS

The City Council considered a resolution canceling the Council meetings scheduled for December 23 and 24, 2013. 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, Von Haden, Werthmann, and Xiong. Nay: Council Member Duax.

ANNEXATION

The City Council considered an ordinance in accordance with Section 66.0217 Wisconsin Statutes, annexing to the City of Eau Claire and particularly to the 14th Assessment Ward, 4th 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 14 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 (Wild Ridge petition). Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Von Haden “to adopt said ordinance”. Said motion passed by unanimous vote.

DEVELOPMENT AGREEMENT - WILD MILL LLC

The City Council considered a resolution authorizing the City Manager to enter into a development agreement with Wild Mill, LLC, to extend utilities to Wild Ridge Golf Course. 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.

ZONING

The City Council had first reading of an ordinance rezoning property along CTH “TT”, north of Folsom Street, for the Wild Ridge Golf Course from TR-1A to R-1 as shown on Planning File #Z-1535-13.

OFFICIAL MAPPING

The City Council had first reading of an ordinance to amend the Official Map by deleting Hendrickson Drive Service Road, from 151 feet east of Craig Road to W. MacArthur Avenue.

SEWERAGE SERVICE CHARGE

The City Council had first reading of an ordinance amending Chapter 15.04 of the City Code of Ordinances entitled “Sewerage Service Charge” to increase the sewer user charges as proposed in the 2014 Program of Services.

PAY PLAN AND EMPLOYEE BENEFITS AND LEAVES

The Council had first reading of an ordinance amending the City Pay Plan and an ordinance amending the City Employee Benefits and Leaves Plan.

STUDY ISSUE - CONFLUENCE PROJECT

The City was scheduled to conduct a study issue to consider options regarding a possible referendum on the Confluence Project. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Mitchell “to postpone consideration of said item until the November 11 Council Meeting and direct staff to place an item on the Council’s Business agenda”. Said motion to postpone passed by the following vote: Aye: Council Members Duax,

Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Strobel, Von Haden, Werthmann, and Xiong. Nay: Council Member Lewis.

ADJOURNMENT

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

Adjournment: October 22, 2013

Time: 8:15 p.m.

ATTEST:

Kerry J. S. Kincaid, President

Donna A. Austad, City Clerk