

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING

Tuesday, December 10, 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, December 10, 2013.

- Approving Minutes of Regular Meeting of November 26, 2013.
- Granting new bartender licenses.
- Granting the renewal of Secondhand Article Dealer licenses for the 2014 licensing year.
- Granting a Temporary Class B Fermented Malt Beverage license to Special Olympics Wisconsin Indianhead Region, Dennis Aldridge, president, on February 22-23, 2014, for Polar Plunge Toss Your Boss for Special Olympics WI, at Half Moon Beach.
- Authorizing University of Wisconsin Eau Claire to conduct the Shamrock Shuffle 5K on Saturday, March 8, 2014 on the University Campus and along city trails.
- Authorizing Eau Claire Area School District to conduct the Memorial High School Pops Concert on May 21, 2014 at Owen Park.
- Authorizing George Carden Circus International, Inc. to conduct the Mehara Shrine Circus on Tuesday and Wednesday, June 10 and June 11, 2014 at Carson Park.
- Authorizing the L.E. Phillips Senior Center to conduct the Water Street Mile on Saturday, July 12, 2014 along Water Street, city sidewalks and city trails.
- Appointing election officials for the 2014 - 2015 election cycle

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.

Council Member Strobel left the Council Chamber.

GRANT ACCEPTANCE

The Council considered a resolution authorizing the Police Department to accept a \$24,998 Alcohol Enforcement Grant funded by the Wisconsin Department of Transportation, Bureau of Transportation Safety. 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 Strobel returned to the Council Chamber.

WATER DISTRIBUTION SYSTEM

The Council considered a resolution approving the bid and proposal for Procurement No. 2013-49, Professional Services for Water Supply Treatment Evaluation and Procurement No. 2013-50, Water Distribution Evaluation and Water Modeling within the City's Water Distribution System. 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.

QUARTERLY BUDGET ADJUSTMENTS

The City Council considered a resolution authorizing appropriation adjustments to the 2013 Program of Services for grants, donations, and service adjustments. 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.

PROPERTY ACQUISITION – LOKEN LANE

The Council considered a resolution authorizing the acquisition of 1616 and 1625 Loken Lane. 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 Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Strobel, Von Haden, Werthmann, and Xiong. Nay: Council Member Lewis.

AGREEMENTS

The City Council considered a resolution approving the renewal of the Municipal Animal Control Agreement with the Eau Claire County Humane Association, Inc. for 2014-2015. 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 Council considered a resolution approving a Memo of Understanding for the development and use of Jeffers Road Park by Eau Claire National Little League boys baseball and Eau Claire Fastpitch girls softball. 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.

ELECTION WARDS

The Council considered a resolution creating new election wards within the city of Eau Claire. 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.

LANDMARKS COMMISSION

The City Council considered a resolution concerning the appeal of the Landmarks Commission designation of 6 South Barstow Street as a local landmarked property. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Lewis “to adopt said resolution with Paragraph A to deny the appeal and retain the local landmark designation of 6 South Barstow Street finding that information presented during the public hearing before the City Council on December 9, 2013 supports the designation and that owners failed to meet the standard for reversal or modification pursuant to City Code §2.65.090”. The Council discussed the resolution. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Mitchell “to amend said resolution by substituting Paragraph B (granting the appeal) for Paragraph A (denying the appeal)”. Said motion to amend (substitute) 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. Council discussed the resolution as amended. The Council then voted on the resolution as amended to grant the appeal and remove the local landmark designation of 6 South Barstow Street finding that information presented during the public hearing before the City Council on December 9, 2013, supports reversal, and that owing to special conditions, the decision of the Commission would cause serious hardship to the property owner or preclude reasonable use of the property pursuant to City Code §2.65.090. Said resolution passed by the following vote: Aye: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, and Xiong. Nay: Council Members Duax, Lewis, Strobel, Von Haden, and Werthmann.

COMMISSION ON SUSTAINABILITY

The City Council considered an ordinance creating Chapter 2.06 of the City Code of Ordinances entitled “Commission on Sustainability”. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Duax “to adopt said ordinance”. The Council discussed the ordinance. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Strobel “to amend said ordinance by adding the word ‘Advisory’ to the name of the Commission”. Said motion passed by the following vote: Aye: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Lewis, Mitchel, and Strobel. Nay: Council Members Duax, Von Haden, Werthmann and Xiong. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Klinkhammer “to amend said Section 2.06.030 “Commission governance”, as follows:

- A. The commission shall consist of ~~nine~~ seven members, ~~eight~~ five of whom shall be appointed pursuant to subsection 2.04.050 A. for staggered 3-year terms commencing on the third Tuesday of May. ~~One~~ Two shall be a members of the city council appointed pursuant to subsection 2.04.050 B. for a term of one year, commencing on the third Tuesday of April.
- B. The members of the commission shall be ~~selected from among community members having a demonstrated interest in environmental stewardship; sustainable business practices, development or technology; green building and design; renewable energy; energy efficient transportation; and recycling and waste management. To the extent possible, members appointed shall represent a diverse range of interest and expertise in sustainability, economic backgrounds and interests, and ethnic and cultural affiliations, including educators and students in the aforementioned fields.~~

- a. Two members of the City Council.
- b. Three members of the community who are employed in management of businesses related to solid waste disposal, recycling, energy production, and/or building design.
- c. Two members of the community having a demonstrated interest in environmental stewardship.”

After further discussion by the Council, the motion was withdrawn by the mover and seconder. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Klinkhammer “to amend Section 2.06.030 “Commission governance” to read as follows:

- A. The commission shall consist of seven members, six of whom shall be appointed pursuant to subsection 2.04.050 A. for staggered 3-year terms commencing on the third Tuesday of May. One shall be a member of the city council appointed pursuant to subsection 2.04.050 B. for a term of one year, commencing on the third Tuesday of April
- B. The members of the commission shall be:
 - a. One members of the City Council.
 - b. Three members of the community who are employed in, or retired from, businesses related to solid waste disposal, recycling, energy production, and/or building design.
 - c. Three members of the community having a demonstrated interest in environmental stewardship.”

Council discussed the proposed amendment. Council then voted on the motion. Said motion to amend failed on the following vote: Aye: Council Members Emmanuelle, Klinkhammer, Larsen, Lewis and Strobel. Nay: Council Members Duax, Kincaid, Mitchell, Von Haden, Werthmann, and Xiong. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Mitchell “to amend said ordinance in Section 2.06.040 - Duties and responsibilities, by deleting Paragraphs C, D, I, and J”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Lewis “to divide the question to allow a separate vote on each paragraph to be deleted”. Said motion to divide the question passed on the following vote: Aye: Council Members Duax, Lewis, Strobel, Von Haden, Werthmann and Xiong. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer and Larsen. The Council took up the issue of ‘deleting Paragraph C - Initiate and coordinate fund raising and special events to support and publicize improvements for sustainability’. Said motion passed by unanimous vote. The Council took up the issue of ‘deleting Paragraph D - Prepare an annual commission work plan to carry out specific projects within the scope of this chapter, and periodically submit written plan progress reports to the city council’. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Duax “to amend said motion by removing the phrase ‘and periodically submit written plan progress reports to the city council’ from the paragraph”. Said motion to amend passed by the following vote: Aye: Council Members Duax, Kincaid, Klinkhammer, Larsen, Lewis, Strobel, Von Haden, Werthmann and Xiong. Nay: Council Members Emmanuelle and Mitchell. The Council then voted on the motion to delete the amended Paragraph D (Prepare an annual commission work plan to carry out specific projects within the scope of this chapter.) Said motion to delete the paragraph passed on the following vote: Aye: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell and Werthmann. Nay: Council Members Duax, Lewis, Strobel, Von Haden and Xiong. The Council took up the issue of ‘deleting Paragraph I - Produce an annual report to the city council and the public on commission progress on goals and actions, including a performance evaluation of the city relative to improved sustainable practices’. Said motion to delete Paragraph I passed on the following vote: Aye: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Strobel, and

Von Haden. Nay: Council Members Duax, Lewis, Werthmann and Xiong. The Council took up the issue of ‘deleting Paragraph J - Create by motion or resolution such subordinate committees or task forces as may be necessary to carry out the commission’s responsibilities in this chapter, including prescribing the committee membership, terms, method of appointment, committee charge, and termination date, if appropriate’. Said motion to delete Paragraph J passed by the following vote: Aye: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Strobel, Von Haden and Xiong. Nay: Council Members Duax, Lewis and Werthmann. The Council continued their discussion of the proposed ordinance. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Duax “to amend said ordinance by adding a new Paragraph C to Section 2.06.040 - Duties and responsibilities to read as follows: ‘Prepare an annual commission work plan to carry out specific projects within the scope of this chapter’”. Said motion passed by the following vote: Aye: Council Members Duax, Kincaid, Klinkhammer, Larsen, Lewis, Strobel and Xiong. Nay: Council Members Emmanuelle, Mitchell, Von Haden and Werthmann. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Lewis “to amend said ordinance as follows:

In Section 2.06.020 A, delete the words ‘and city manager’

A. Advise the city council ~~and city manager~~ on practices, plans and policy matters related to becoming a more sustainable community.

In Section 2.06.040 F, delete the words ‘and city manager’

F. Advise the city council ~~and city manager~~ on maintaining alignment with the various city goals and commitments relative to sustainable policies and practices.

In Section 2.06.040 K, delete the words ‘or city manager’

K. Work on such other sustainability-related projects as directed by the city council ~~or the city manager.~~”

After Council discussion, the motion was withdrawn by the mover and seconder. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Larsen “to amend said ordinance by deleting Section 2.06.040, Paragraph H - Collaborate with and assist the city’s interdepartmental green team efforts.”. Said motion passed by the following vote: Aye: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Strobel, Von Haden and Xiong. Nay: Council Members Duax, Lewis and Werthmann. The Council then considered the ordinance as amended. Said ordinance 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.

ZONING CODE

The City Council had first reading on an ordinance amending the Site Plan Chapter of the Zoning Code allowing administrative approval of certain minor site plans as shown on Planning File #Z-1536-13.

PAY PLAN

The Council had first reading on an ordinance amending the City Pay Plan for Communications Workers of America - Local 4640. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Klinkhammer “to suspend the rules which interfere

with the immediate consideration of said ordinance”. Said motion to suspend the rules passed by unanimous voice vote. 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.

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: December 10, 2013

Time: 8:02 p.m.

ATTEST:

/s/ Kerry J. S. Kincaid, President

/s/ Donna A. Austad, City Clerk