

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING

Tuesday, May 13, 2014

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, May 13, 2014:

- Approving Minutes of Organizational Meeting of April 15, 2014.
- Approving Minutes of Regular Meeting of April 22, 2014.
- Granting new bartender licenses.
- Granting Change of Agent for the Combination Class B Fermented Malt Beverage and Intoxicating Liquor license of Toat Management, Inc., d/b/a Bug Eyed Betty's, 1920 S. Hastings Way, from Christopher McHugh to Ryan B. Anderson.
- Granting a Class B Fermented Malt Beverage and a Class C Wine license to Geno's Slice N Ice Pizza Shack, LLC, d/b/a Geno's Slice N Ice, 5110 Fairview Drive, Kevin Burzynski, agent.
- Authorizing the Police Department to apply for the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program funds from the US Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.
- Authorizing the following special events:
 - Eau Claire Patriotic Council to conduct the Memorial Day Parade and Program on Monday, May 26, 2014 at Owen Park and along city streets.
 - Volume One to conduct the Sounds like Summer Concert Series at Phoenix Park every Thursday in the summer beginning June 5, 2014 and ending on August 28, 2014.
 - Eau Claire Events, Inc. to conduct the Eau Claire Triathlon on June 7-8, 2014 at Half Moon Beach and along city streets, trails and sidewalks.
 - Eau Claire National Little League Baseball to conduct the Sawdust City Slam Little League Baseball Tournament on June 7 and 8, 2014 at the Carson Park Softball Fields, and Fairfax Little League Fields.
 - Northern Wisconsin Hosta Society to conduct the Northern Wisconsin Hosta Society Sale on Sunday, June 8, 2014 at Phoenix Park.
 - Eau Claire Express to conduct the Express Fireworks Events and Boy Scout Camp Out on June 13, 2014 and fireworks only on June 20, July 25, and August 8, 2014.
- Approving a Certified Survey Map (CSM) with right-of-way dedication for property east of Huntsinger Heights in the Town of Brunswick as shown on Planning File #CSM-4-14.

- Approving the following bids and proposals:
 - Procurement No. 2014-03, City Wide Safe Route Improvements.
 - Procurement No. 2014-23, Furnish Water Play Structure at Fairfax Municipal Pool.
 - Procurement No. 2014-31, City Wide Street & Utility Reconstruction.
 - Procurement No. 2014-35, City Wide Park Improvements.
 - Procurement No. 2014-36, Purchase of One Portable Truck Hoist.
- Preliminary Resolution declaring the City's intention to exercise its special assessment powers under Section 66.0703, Wisconsin Statutes, for street, utility, and sidewalk improvements, and directing the City Clerk to give notice of a hearing scheduled for June 9, 2014, on the following streets:
 - Brackett Avenue, Harding Avenue to 410 feet west of Donnellan Lane (14-101)
 - Harding Avenue, Lee Street to Brackett Avenue (14-107)
 - Fairfax Street, Kirk Street to Ridge Road (14-103)
 - Kirk Street, Fairfax Street to Esmond Road (14-108)
 - Donnellan Lane, Brackett Avenue to Ohm Avenue (14-102)

Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Klinkhammer “to adopt the consent resolution”. Said motion passed by unanimous vote.

PROCLAMATIONS

Council President Kincaid, on behalf of the City Council, proclaimed May 16, 2014 as National Bike to Work Day and encouraged residents to ride their bicycles for fitness, recreation and transportation as often as possible.

Council President Kincaid, on behalf of the City Council, proclaimed May 18 – 24, 2014 as Emergency Medical Services (EMS) Week (*EMS: Dedicated. For Life*) as a way to recognize the value and accomplishments of EMS providers.

Council President Kincaid, on behalf of the City Council, proclaimed May 18 – 14, 2014 as National Public Works Week (*Building for Toady, Planning for Tomorrow*) as a way to recognize the contributions public works officials make to health, safety, comfort and quality of life each day.

LICENSES

The Council considered a resolution granting a temporary expansion of the Combination Class B Intoxicating Liquor & Fermented Malt Beverage licensed premise of Eau Claire Fire House, L.L.C., d/b/a The Fire House, 202 Gibson St., to include a fenced in area for May’s Backyard Bash event, on Saturday, May 31, 2014. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Xiong “to adopt the resolution”. Said motion passed by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Lewis, Mitchell, Von Haden, Werthmann and Xiong. Nay: None. Abstain: Council Member Strobel.

The City Council considered a resolution granting a Temporary Class B Fermented Malt Beverage license to Eau Claire Events, Inc., Andrew Ottum, president, on June 8, 2014, Half Moon Park, for the Eau Claire Triathlon. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Werthmann “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to Eau Claire Chamber Education Foundation, Mark Faanes, president, on July 14, 2014, in the fenced in parking lot of the Chamber building, 101 N. Farwell Street, for the 100th Anniversary Chamber Open House event. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Duax “to adopt the resolution”. Said motion passed by unanimous vote.

SPECIAL EVENTS

The City Council considered a resolution authorizing the American Cancer Society to conduct Relay for Life Eau Claire County on Friday, June 6, 2014 at Carson Park. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Emmanuelle “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution authorizing Harvestime Church to conduct the Chippewa Valley Motorcycle Show and Blessing on June 14, 2014 at the Chippewa Valley Technical College and along city streets. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Klinkhammer “to adopt the resolution”. Said motion passed by unanimous vote.

The City Council considered a resolution authorizing the City of Eau Claire to conduct the Juneteenth Celebration 2014 on June 19, 2014 at the Carson Park Pine Pavilion. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Xiong “to adopt the resolution”. Said motion passed by unanimous vote.

The City Council considered a resolution authorizing the Eau Claire Chamber of Commerce to conduct the Eau Claire Chamber of Commerce 100th Anniversary on Monday, July 14, 2014 at Phoenix Park and along city streets. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Duax “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution authorizing Color Vibe LLC to conduct the Color Vibe 5K on Saturday, August 16, 2014 at Carson Park. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Emmanuelle “to adopt the 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.

GRANT ACCEPTANCE

The Council considered a resolution accepting a grant from the U.S. Department of Energy for the advancement of alternative fuels. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Larsen “to adopt the resolution”. Said motion passed by unanimous vote.

COUNCIL TRAINING – BIKESHARE SYSTEMS

The Council considered a resolution approving travel / training expenses for Council Member Emmanuelle to attend the American Planning Association training, “Planning for New and Expanding Bikeshare Systems” in Chicago. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Larsen “to adopt the resolution”. Said motion passed by unanimous vote.

BRACKETT AVENUE STORM WATER PROJECT

The Council considered a resolution authorizing a Purchase Agreement with CVFE, LLC for the acquisition of property along Brackett Avenue. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Xiong “to adopt the resolution”. Said motion passed by unanimous vote.

Council Member Klinkhammer left the Council Chamber.

MARKET & JOHNSON PROPERTY

The City Council considered a resolution vacating the following sections of city streets:

- Moore Street, from Galloway Street to Bellevue Avenue
- Bellevue Avenue, from Moore Street to Starr Avenue
- Westerly portion of N. Hastings Way West Frontage Road, from Galloway Street to 400 feet north.

Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Werthmann “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution releasing the utility easements within:

- Moore Street, from Galloway Street to Bellevue Avenue
- Bellevue Avenue, from Moore Street to Starr Avenue
- Westerly portion of N. Hastings Way West Frontage Road, from Galloway Street to 400 feet north.

Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Duax “to adopt the resolution”. Said motion passed by unanimous vote.

Council Member Klinkhammer returned to the Council Chamber.

The Council considered a resolution authorizing the sale of property along Galloway Street to the abutting property owner. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Emmanuelle “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution granting permanent encroachments to Parcel No. 10-1159, 2350 Galloway Street (Market and Johnson) for a retaining wall extending into the N. Hastings Way West Frontage Road right-of-way. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Klinkhammer “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution granting permanent encroachments to Parcel No. 10-1159, 2350 Galloway Street (Market and Johnson) for a poster panel sign board extending into the N. Hastings Way West Frontage Road right-of-way. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Xiong “to adopt the resolution”. Said motion passed by unanimous vote.

Council Member Strobel left the Council Chamber.

PROPERTY TRANSACTIONS

The Council considered a resolution accepting the dedication of land and an easement for land located on Truax Boulevard and Preston Road from Gateway Industrial Park Corporation to the City of Eau Claire for a storm water detention pond and storm sewer easement. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Mitchell “to adopt the resolution”. Said motion passed by unanimous vote.

Council Member Strobel returned to the Council Chamber.

The City Council considered a resolution authorizing the acquisition of former railroad right-of-way between 3rd Street and Harris Street. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Emmanuelle “to adopt the resolution”. Said motion passed by unanimous vote.

Council Members Von Haden and Werthmann left the Council Chamber.

STREET IMPROVEMENT PROJECTS

The City Council considered a final resolution approving the project and levying special assessments for street and utility improvements on Emery Street, Huebsch Boulevard to Summer Street (14-202). Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Klinkhammer “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute 66.0907 on Emery Street, Huebsch Boulevard to Summer Street (14-202). Thereupon a motion was offered by Council Member Larson and seconded by Council Member Xiong “to adopt the resolution”. Said motion passed by unanimous vote.

Council Members Von Haden and Werthmann returned to the Council Chamber.

The Council considered a resolution approving the 2014-2015 Local Road Improvement Program State/Municipal Project Agreement for reconstruction of Starr Avenue, North Lane to Melby Street, Project No. 13235 MSIPGT. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Werthmann “to adopt the resolution”. Said motion passed by unanimous vote.

NORTH BARSTOW AREA PARKING STRUCTURE

The City Council considered a resolution approving Procurement No. 2014-25, Professional Engineering Design Services for the North Barstow Parking Structure. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Emmanuelle “to adopt the resolution”. The Council discussed the resolution. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden “to postpone consideration of said item until the June 10th City Council meeting. Staff is to provide written information to Council regarding funding.” Said motion to postpone passed by the following vote: Aye: Council Members Duax, Larsen, Lewis, Strobel, Von Haden and Werthmann. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Mitchell and Xiong.

AGREEMENTS

The City Council considered a resolution approving an agreement with the Eau Claire Area School District for the placement of City weather warning sirens on School District properties. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden “to adopt the resolution”. Said motion passed by unanimous vote.

Council Member Mitchell left the Council Chamber.

The Council considered a resolution approving an agreement with the City of Altoona for transit and para-transit services. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Lewis “to adopt the resolution”. Said motion passed by unanimous vote.

Council Member Mitchell returned to the Council Chamber.

The Council considered a resolution approving City of Eau Claire / University of Wisconsin - Eau Claire Transit Service Agreement for UW - EC students, faculty and staff. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Larsen “to adopt the resolution”. Said motion passed by unanimous vote.

HEALTH INSURANCE

The Council considered a resolution extending the current health insurance plan with Group Health for one year. Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Strobel “to adopt the resolution”. Said motion passed by unanimous vote.

CVS PHARMACY

The Council considered a resolution approving the Purchase and Development Agreement with Land of Opportunity, L.L.C. and Wisconsin CVS Pharmacy, L.L.C., for the sale of City property and construction of a retail commercial development at Hastings Way and Brackett Avenue. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Mitchell “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution vacating Donnellan Lane, from Brackett Avenue to Ohm Avenue. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution releasing the utility easements within Donnellan Lane, from Brackett Avenue to Ohm Avenue. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Lewis “to adopt the resolution”. Said motion passed by unanimous vote.

REZONING

The Council considered an ordinance rezoning property at the northwest corner of S. Hastings Way and Brackett Avenue from C-3 and C-1P to C-3P and to approve the General Development Plan (site plan) and Certified Survey Map for a CVS Pharmacy as shown on Planning File #Z-1538-14. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Larsen “to adopt the ordinance”. Said motion passed by unanimous vote.

The Council considered an ordinance rezoning property at 103, 117, and 123 Roosevelt Avenue from R-1 to P-Public for the existing homes to be used for university housing as shown on Planning File #Z-1540-14. Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Strobel “to adopt the ordinance”. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Larsen “to postpone consideration of said ordinance until the September 22nd / 23rd City Council meetings”. Said motion to postpone passed by the following vote: Aye: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Lewis, Mitchell, Von Haden, Werthmann and Xiong. Nay: Council Members Duax and Strobel.

WATERWAY & GREENWAY AREAS

The City Council considered an ordinance amending the Zoning Code adding new references for the update of the Development Guidelines for Waterway and Greenway areas as shown on Planning File #Z-1539-14. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Mitchell “to adopt the ordinance”. Said motion passed by unanimous vote.

WATER STREET CBDP

The Council considered an ordinance amending the General Development Plan for the CBDP zoned area for Water Street allowing consideration by conditional use permit of additional height with buildings and changes to curb cuts, as shown on Planning File #Z-1541-14. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden “to adopt the ordinance”. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Klinkhammer “to amend said ordinance as follows:

Paragraph 4 of the General Development Plan to read as follows:

4. Design and Dimensional Standards

The design and dimensional standards of the CBD district will apply to this area except as follows:

A. The building height for new construction in the 400 block of Water Street is a minimum of two stories but not to exceed three stories or 35’.

For all other areas of Water Street under this General Development Plan, the building height for new construction is two or three stories not to exceed 45’, except as provided below:

Building four stories but not to exceed 60’ in the 200 block of Water Street is a conditional use subject to Plan Commission review with the following additional criteria:

1. The massing and volume of the building is compatible with the existing scale of buildings within the district
2. Building materials and overall building design are consistent with those used within the district and contribute to a unified appearance with adjoining buildings and the streetscape.
3. Retains the pedestrian environment of the area.
4. If constructed along the Chippewa River, the development is consistent with the Waterway and Greenway Development Guidelines.
5. Availability of required parking (needs to be provided on-site or within a reasonable walking distance).
6. Does not negatively impact the residential and commercial neighborhood.”

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

SKY PARK PROTECTIVE COVENANTS

The Council considered an ordinance amending the zoning provisions of the Sky Park Protective Covenants pertaining to front and side yard parking requirements as shown on Planning File #Z-1542-14. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Lewis "to adopt the ordinance". Said motion passed by unanimous vote.

SPEED LIMITS

The Council had first reading on an ordinance amending Table I of the City Code of Ordinances entitled "Speed Limits," by changing the speed limit in various locations on Ferry Street.

ADJOURNMENT

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

Adjournment: May 13, 2014

Time: 8:15 p.m.

ATTEST:

Kerry J. S. Kincaid, President

Donna A. Austad, City Clerk