

## MINUTES

### EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING

Tuesday, June 10, 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, June 10, 2014:

- Adopting the Consent Agenda.
- Approving Minutes of Regular Meeting of May 13, 2014.
- Granting new bartender licenses.
- Granting the renewal of bartender licenses for the 2014-2016 licensing period.
- Granting the renewal of the following licenses for the 2014-2015 licensing period:
  - a. Combination Class B Intoxicating Liquor and Fermented Malt Beverage licenses.
  - b. Reserve Combination Class B Intoxicating Liquor and Fermented Malt Beverage licenses.
  - c. Class B Fermented Malt Beverage licenses.
  - d. Combination Class A Intoxicating Liquor and Fermented Malt Beverage licenses.
  - e. Class A Fermented Malt Beverage licenses.
  - f. Class C Wine licenses.
  - g. Class A Cabaret licenses.
  - h. Class B Cabaret licenses.
- Granting Change of Agent for the
  - a. Combination Class A Intoxicating Liquor and Fermented Malt Beverage license of Dolgencorp LLC, d/b/a Dollar General Store #9836, 2109 Cameron Street from Barbara Housner to Glenn Levine.
  - b. Combination Class B Intoxicating Liquor and Fermented Malt Beverage license of Caribou Enterprises Inc., d/b/a Milwaukee Burger Company, 2620 E Clairemont Avenue, from Julie A. Helgeson to Tim A. Becker.
- Granting a legal name change for the Combination Class B Intoxicating Liquor and Fermented Malt Beverage and a Class B Cabaret license to Fuji Sushi & Hibachi Eau Claire, Inc., d/b/a Fuji Steakhouse, 4864 Keystone Crossing, Ting K. Cheng, agent.
- Granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to St. James The Greater Catholic Church, Father John A. Schultz, August 9-10, 2014, 2502 11<sup>th</sup> Street, for St. James Summer Fest Celebration 2014.

- Granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to Paul Bunyan Logging Camp of Eau Claire Inc., Gordy Wall, president, August 7 – 10, 2014, 1110 Carson Park Drive, for U.S. Open Chainsaw Sculpture Championship
- Final Resolution granting petition and waiver for street, utility, and sidewalk improvements on the relocated Donnellan Lane, Ohm Avenue to Brackett Avenue.
- Accepting the 2014 Annual Report of the Joint Commission on Shared Services Initiatives.
- Extending the work plan list of projects and due date of the report from the Fiscal Policy Advisory Committee related to 2014 study projects.
- Authorizing the following repeat special events:
  - a. Eau Claire Bandits Baseball Tournament, June 21-22, 2014, Carson Park and Bollinger Fields.
  - b. Maddy Moments Fund MadDash, Wednesday, June 25, 2014, Carson Park and along city trails and sidewalks.
  - c. (Royal Credit Union) RCU Charity Classic, Saturday, June 28, 2014, Phoenix Park and along city trails and sidewalks.
  - d. Riverfest Group Steaming by the Water Outdoor Train Show, Sunday, July 6, 2014, Phoenix Park.
  - e. Just Us for Justice Run / Walk, Wednesday, July 9, 2014, Carson Park and along city trails and sidewalks.
  - f. Z. Vida Fitness Zumba in the Park!, Wednesday, July 30, 2014, Phoenix Park.
  - g. Paul Bunyan Logging Camp to conduct the US Open Chainsaw Sculpture Championship on August 7-10, 2014 at Carson Park.
  - h. Eau Claire Big Rig Truck Show to conduct the Eau Claire Big Rig Truck Show Parade on August 16, 2014 at the Chippewa Valley Technical College and along city streets.
  - i. Sherman Steering Committee Sherman Star River Run, Friday, September 19, 2014, Owen Park and along city trails and sidewalks.
- Approving the bids and proposals for the following procurements:
  - a. No. 2014-19 - Local Road Improvement Project for Starr Avenue Reconstruction.
  - b. No. 2014-33 - Professional Engineering Design Services for Eddy Street Union Pacific Railroad Bridge.
  - c. No. 2014-34 - Professional Engineering Design Services for Grand Avenue - Half Moon Lake Bridge.
  - d. No. 2014-38 - City Wide Street and Utility Construction.
  - e. No. 2014-39 - Purchase of One Sewer Jetter Truck.
  - f. No. 2014-40 - Roof Replacement at Parks & Forestry Building.
  - g. No. 2014-48 - Purchase of Four Police Department Vehicles.

At the request of Council, Item 14, Extending the Work Plan list of projects and due date of the report from the Fiscal Policy Advisory Committee related to 2014 study projects, was removed from the Consent Agenda to allow for a separate vote. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Klinkhammer “to adopt the remainder of the Consent resolution”. Said motion passed by unanimous vote.

## **FISCAL POLICY ADVISORY COMMITTEE REPORT**

The Council considered the resolution extending the Work Plan list of projects and due date of the report from the Fiscal Policy Advisory Committee related to 2014 study projects. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Larsen “to adopt the resolution”. Thereupon a motion was offered by Council Member Emmanuelle and second by Council Member Larsen “to amend said resolution by inserting a due date of August 12, 2014 for the FisPAC report to Council” in the Now, Therefore, Be It Resolved paragraph.” Said motion to amend passed by an unanimous voice vote. Thereupon a motion was offered by Council Member Emmanuelle “to amend said resolution by inserting a period after the phrase ‘extended to August 12, 2014’ in the Now, Therefore, Be It Resolved paragraph and deleting the remainder of the paragraph.” Said motion to amend died for lack of second. The Council then voted on the resolution as amended. Said resolution passed by following vote: Council Members Duax, Kincaid, Klinkhammer, Larsen, Lewis, Mitchell, Strobel, Von Haden, Werthmann and Xiong. Nay: Council Member Emmanuelle.

## **PROCLAMATION**

Council President Kincaid, on behalf of the City Council, proclaimed June 19, 2014 as the 14<sup>th</sup> Annual Juneteenth Day in the City of Eau Claire and encouraged residents to join in the recognition of the day of unity and freedom and to honor the diversity of all racial and ethnic groups in the community.

Council President Kincaid, on behalf of the Council, read proclamations observing 2014 as the

- 40<sup>th</sup> Anniversary of the Chippewa Valley Museum;
- 80<sup>th</sup> Anniversary of the Paul Bunyan Logging Camp Museum;
- 100<sup>th</sup> Anniversary of Carson Park.

## **LICENSES**

The Council considered a resolution granting a Combination Class B Intoxicating Liquor and Fermented Malt Beverage and a Class A Cabaret license to 2703 Craig Road, LLC, d/b/a Green Mill Restaurant, 2703 Craig Road, Thomas G. Larson, agent. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Xiong “to adopt the resolution”. Said motion passed by unanimous vote.

The City Council considered a resolution granting a permanent expansion of the Combination Class B Intoxicating Liquor & Fermented Malt Beverage licensed premise of Pizza Plus LLC, d/b/a The Plus / The Venue, 206/208 S. Barstow Street, to include an 88’ x 26’ outdoor patio and a 16’ x 17’ banquet room at 204 S. Barstow Street. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Mitchell “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution granting a permanent expansion of the Reserve Combination Class B Intoxicating Liquor & Fermented Malt Beverage licensed premise of Coffee Grounds, Inc., d/b/a The Coffee Grounds, 4212 Southtowne Drive, to include a 12' x 21' walk-in cooler next to the building. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Von Haden "to adopt the resolution". Said motion passed by unanimous vote.

### **SPECIAL EVENT**

The Council considered a resolution authorizing U.W. – E.C. Athletics to conduct the Carson Kickoff on Monday, September 1, 2014 at Carson Park and along city trails and sidewalks. 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.

### **APPOINTMENTS**

The City Council considered a resolution approving the following appointments to various Boards, Committees and Commissions.

Administrative Review Board (two-year terms to expire June 30, 2016)

Mike Bollinger – reappointment    Wilhelmina Fischer (First Alternate) – reappointment  
Sarah Harless – reappointment    Darren Magee (Second Alternate) - reappointment

Bicycle/Pedestrian Advisory Commission

Don Gutkowski – new appointment to fill unexpired term, which expires December 31, 2015  
Luke Hoppe – new appointment to fill unexpired term, which expires December 31, 2014

Board of Heating Examiners (two-year terms to expire June 30, 2016)

Fred Gardner – reappointment    Daniel Larson, Sr. - reappointment

Library Board (three-year terms to expire June 30, 2017)

Penny France – reappointment    Richard Lee - reappointment

Plan Commission

James Seymour – new appointment to fill unexpired term, which expires April 30, 2017)

Revolving Loan Fund Committee (three-year terms to expire June 30, 2017)

Maria DaCosta – reappointment    Bill Ogden – reappointment

John Satre – new appointment to fill unexpired term, which expires June 30, 2016

Transit Commission (three-year terms to expire June 30, 2017)

Donna Berry – reappointment    Brendan Pratt – representative from City of Altoona

Zoning Board of Appeals

Carol Doyle – moved from First Alternate to regular member (term expires Dec. 31, 2014)

Paul Canfield – moved from Second Alternate to First Alternate (term expires Dec. 31, 2016)

Dennis Allsop – new appointment as Second Alternate to fill unexpired term (term expires Dec. 31, 2016)

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

### **CDBG & HOME GRANT FUNDING**

The Council considered a resolution approving the 2014 Community Development Block Grant (CDBG) and HOME Grant Funding Appropriations. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Duax “to adopt the resolution”. Said motion passed by unanimous vote.

### **STATE TRANSIT AGREEMENTS**

The City Council considered a resolution approving the 2014 Urban Mass Transit Operating Assistance Grant Agreement with the State of Wisconsin Department of Transportation. 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.

The Council considered a resolution approving the 2014 Urban Mass Transit Capital Assistance Grant Agreement with the State of Wisconsin Department of Transportation. 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.

### **WASTEWATER TREATMENT PLANT REPORT**

The Council considered a resolution indicating receipt and review of the 2013 Compliance Maintenance Annual Report (CMAR) for the Wastewater Treatment Plant and Collection System. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Von Haden “to adopt the resolution”. Said motion passed by unanimous vote.

### **RIGHT-OF-WAY**

The City Council considered a resolution dedicating a portion of City-owned land at the corner of Main Street, Keith Street, and S. Hastings Way as public right-of-way. 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.

### **DESIGN SERVICES – 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 Klinkhammer and seconded by Council Member Xiong “to adopt the resolution”. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Duax “to amend said resolution by substituting the following:

Approve awarding of contract to BWBR of St. Paul, MN, to perform the Professional Engineering Design Services for North Barstow Street Parking structure. Based on their proposal for engineering design services, the City will contract for the first three (3) phases:

- |                       |          |
|-----------------------|----------|
| 1. Pre-Design         | \$10,476 |
| 2. Schematic Design   | \$48,888 |
| 3. Design Development | \$87,300 |

Upon completion, or during these phases, the City Council will hold a regular scheduled Public Hearing to receive input from the public regarding the location, size and whether or not to build the proposed parking ramp. If the ramp is approved by the City Council, the remaining phases of the proposed agreement with BWBR will be presented to the City Council for approval.”

The Council discussed the motion. After lengthy discussion, said motion was withdrawn by the mover and seconder. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Von Haden “to amend the original resolution to add the sentence ‘Before beginning Phase 4, the Council shall hold a public hearing and consider a resolution to authorize construction of a parking structure’.” 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. Thereupon a motion was offered by Council Member Lewis and seconded by Duax “to amend said resolution as follows: ‘In the sentence ‘The estimated consideration for the work to be performed under this contract is \$404,200’, delete the word ‘is’ and insert the words ‘will not exceed’.” Said motion to amend 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 resolution as amended. Said resolution was adopted by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Strobel, Von Haden, Werthmann and Xiong. Nay: Council Member Lewis.

Council Members Larsen and Von Haden left the Council Chamber.

## **VINEYARD PRAIRIE II**

The City Council considered a resolution approving the final plat for Vineyard Prairie II, located on the north side of Cameron Street, west of Pascal Court as shown on Planning File #P-1-14. 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.

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

Council Members Emmanuelle, Klinkhammer and Werthmann left the Council Chamber.

The Council considered a resolution authorizing the City Manager to enter into a development agreement with Kent Homes, Inc. for the construction of street and utility improvements within the plat of Vineyard Prairie II. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Larsen “to adopt the resolution”. Said motion passed by unanimous vote.

Council Member Werthmann returned to the Council Chamber.

Council Member Strobel left the Council Chamber.

The Council considered a resolution indicating the location of required sidewalk construction within the plat of Vineyard Prairie II. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Lewis “to adopt the resolution”. Said motion passed by unanimous vote.

Council Members Emmanuelle, Klinkhammer and Strobel returned to the Council Chamber.

### **BRACKETT AVENUE IMPROVEMENT PROJECTS**

The City Council considered a Final Resolution approving the project and levying special assessments for street and utility improvements 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).

Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Duax “to adopt the resolution”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Werthmann “to amend said resolution so the Now Therefore, Be It Resolved Paragraph No. 1 reads as follows:

1. That the report of the City Engineer pertaining to the construction of the above public improvements, including plans and specifications therefore, as modified, is hereby adopted and approved with the following amendments:
  - a. Direct City Staff to study the effects of closing Lee Street and Ohm Avenue to access with Brackett Avenue, as well as closure of Lee Street with right turns only being allowed at Ohm Avenue.
  - b. Direct City Staff to evaluate areas within the existing right-of-way, as well as contact property owners to discuss easements on private property, to install trees appropriate to the corridor as recommended by the City Forester.
  - c. Construct Brackett Avenue including the BPAC recommendation that ‘Crosswalks be painted at all intersecting streets within the project boundary’.”

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 Members Klinkhammer. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Duax “to amend said resolution to include dedicated bike lanes in both directions throughout the length of the Brackett Avenue project and to reduce traffic lanes as determined necessary by the City Engineer to accommodate these bike lanes without acquisition of additional right of way”. Said motion to amend failed on the following vote: Aye: Council Members Duax and Werthmann. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Lewis, Mitchell, Strobel, Von Haden and Xiong. The Council then voted on the resolution as amended. Said motion passed by unanimous vote.

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statutes. 66.0907 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).

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.

The Council considered a resolution approving Procurement No. 2014-42, Brackett Avenue Relief Storm Sewer Construction. 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.

### **PROPERTY ACQUISITION**

The Council considered a resolution authorizing the acquisition of land along Menomonie Street for right-of-way. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Von Haden “to adopt the resolution”. Said motion passed by unanimous vote.

### **EASEMENTS**

The City Council considered a resolution releasing the utility easements within the vacated Alf Avenue right-of-way and an additional ten feet to the west, from Brian Street to Alf 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.

The Council considered a resolution accepting the conveyance of a permanent utility easement crossing property owned by Chilson, Inc., between Brian Street and Alf Avenue. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Duax “to adopt the resolution”. Said motion passed by unanimous vote.

### **SPEED LIMIT**

The Council considered 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. 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 Werthmann and seconded by Council Member Duax “to change the speed limit on Ferry Street, from Short Street to Menomonie Street, from 30 miles per hour to 25 miles per hour”. Said motion to amend failed on the following vote: Aye: Council Members Duax, Larsen, Von Haden and Werthmann. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Lewis, Mitchell, Strobel, and Xiong. The Council then voted on the original motion to adopt the ordinance. Said motion failed by the following vote: Aye: Council Members Duax, Werthmann and Xiong. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Lewis, Mitchell, Strobel, and Von Haden.

## **SETBACK REQUIREMENTS**

The City Council had first reading on an ordinance creating special setbacks for the front yard area of certain lots along Monte Carlo Drive for the Skyline West Subdivision, as shown on Planning File #Z-1544-14.

## **ADJOURNMENT**

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

Adjournment: June 10, 2014

Time: 8:12 p.m.

ATTEST:

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Kerry J. S. Kincaid, President

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Donna A. Austad, City Clerk