

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING

Tuesday, October 28, 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, October 28, 2014:

- Approving Minutes of Regular Meeting of October 14, 2014.
- Granting new bartender licenses.
- Granting Change of Agent for the Class A Fermented Malt Beverage license of Kwik Trip, Inc., d/b/a Kwik Trip #459, 2232 Otter Rd. from Rebecca L. Ciezki to Jennifer J. Engaldo.
- Receiving a petition for water main extension on Preston Road, Frank Street to 250 feet north.
- Receiving a petition for improvements to the alley north of Birch Street, from Deyo Avenue to Bergen Avenue, and improvements to the alley east of Deyo Avenue, from Birch Street north to the east/west alley.
- Introducing resolution amending the City Schedule of Fees and Licenses, effective January 1, 2015.
- Approving Procurement No. 2014-61, Construction of Fifth Avenue River Overlook Deck Trail only.
- Approving Procurement No. 2014-65, Professional Engineering Design Services for Reconstruction of a Segment of Short Street.

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.

COMMENDATION

Council President Kincaid, on behalf of the Council, presented a Certificate of Commendation and Congratulations to the staff of the Eau Claire Parks, Recreation & Forestry Department for their being a finalist in Class IV for the 2014 National Gold Medal Award for Excellence in Park and Recreation Management.

LICENSING

The Council considered a resolution granting a Class B Fermented Malt Beverage and Class C Wine license to Eau Claire Theatre Group LLC, d/b/a Downtown Budget Cinema, 315 South Barstow St., Dan Olson, 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.

GRANTS

The City Council considered a resolution authorizing the City of Eau Claire to accept reimbursement of up to \$26,206 from the Department of Workforce Development (DWD) Division of Vocational Rehabilitation (DVR) and approving an appropriation for employment costs in an amount not to exceed \$26,206. 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 accepting a \$45,000 grant from the Department of Natural Resources for Trail Maintenance. 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.

REVOLVING LOAN FUND

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

EAU CLAIRE COUNTY GIS AGREEMENT

The Council considered a resolution approving an agreement with Eau Claire County for the sharing of GIS data. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Emmanuelle “to indefinitely postpone consideration of the resolution”. Said motion to postpone passed by unanimous voice vote.

FAIRFAX PARK NEIGHBORHOOD GARDEN

The Council considered a resolution authorizing the establishment of a neighborhood garden in Fairfax Park. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Emmanuelle “to adopt the resolution”. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Duax “to amend said resolution by deleting the fifth Whereas paragraph (Whereas, staff recommend the creation of a neighborhood garden at the northern park site near the Little League fields) and revising the Now, Therefore Be It Resolved paragraph to read as follows: Now Therefore Be It Resolved by the City Council of the City of Eau Claire that the Parks, Recreation and Forestry Department create an 80’ x 140’ neighborhood garden within Fairfax Park at the “Golf Rd location’ for use

beginning in 2015, pending an agreement with a formal Fairfax Park Garden Association or Organization”. Said motion to amend failed by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid and Werthmann. Nay: Council Members Klinkhammer, Larsen, Lewis, Mitchell, Strobel, Von Haden and Xiong. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Emmanuelle “to amend said resolution by deleting the fifth Whereas paragraph and the Now, Therefore Be It Resolved paragraph, and inserting the following three paragraphs:

Now, Therefore Be It Resolved by the City Council of the City of Eau Claire that the Parks, Recreation and Forestry Department create an 80’ x 140’ neighborhood garden within Fairfax Park at the ‘Northern Site’ for use beginning in 2015, pending an agreement with a formal Fairfax Park Garden Association or Organization; and

Be It Further Resolved, that the City Parks, Recreation and Forestry Department put necessary resources toward grading the site and providing soil quality by trucking in topsoil, using organic fertilizer amendments or both; and

Be It Further Resolved that the topsoil quality at the site be consistent with soil science recommendations for growing vegetables; 2% organic matter, a minimum of 16” deep and ‘sufficient’ available N-P-K levels.”

Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Von Haden “to amend said amendment by putting a period after the word ‘topsoil’ in the first Be It Further Resolved paragraph and deleting the remainder of that paragraph and the second Be It Further Resolved paragraph.” Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Werthmann “to amend the amendment as follows: In the first Be It Further Resolved paragraph, after the word ‘topsoil’, insert the words ‘of essentially the same quality as the Golf Rd site’ and delete the last Be It Further Resolved paragraph.” The Larsen / Werthmann motion to amend was approved by a voice vote. The Council then voted on the Larsen/Von Haden motion. Said motion to amend was approved by the following vote: Aye: Council Members Duax, Kincaid, Klinkhammer, Larsen, Mitchell, Strobel, Von Haden and Xiong. Nay: Council Members Emmanuelle, Lewis and Werthmann. The Council then voted on the first motion to amend (Werthmann / Emmanuelle), as amended. Said motion was approved by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Strobel, Von Haden, Werthmann and Xiong. Nay: Council Member Lewis. The Council then voted on the resolution as amended. Said resolution was approved by a unanimous vote.

EDIBLE GARDEN

The Council considered a resolution approving the establishment of an edible garden by the Forest Street parking lot. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Emmanuelle “to adopt the resolution”. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to postpone consideration of said resolution until such time as the impact such a garden would have on attracting wildlife is known”. Said motion to postpone failed on the following vote: Aye: Council Members Klinkhammer and Von Haden. Nay: Council Members Duax, Emmanuelle, Kincaid, Larsen, Lewis, Mitchell, Strobel, Werthmann and Xiong. The Council then voted on the original motion to adopt the resolution. Said resolution passed on the following vote:

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

ALLEY IMPROVEMENTS

The City Council considered a Final Resolution approving the project and levying special assessments for improvements to the alley north of Sara Street from Forest Street to 232 feet east of Forest Street (14-502). Thereupon a motion was offered by Council Member Duax 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, Mitchell, Von Haden, Werthmann, and Xiong. Nay: Council Members Lewis and Strobel.

HARLESS ROAD

The City Council considered a resolution approving a Certified Survey Map with right-of-way dedication for the west end of Harless Road (CSM-8-14). 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.

The Council considered a resolution authorizing the City Manager to enter into a development agreement with Bungalow Point Homes, LLC, for street and utility improvements for the westerly extension of Harless Road. 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 Klinkhammer left the Council Chamber.

ENCROACHMENT

The Council considered a resolution granting a permanent encroachment to Parcel 10-0705 (2418 Shale Ledge Road) for a retaining wall. 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.

CANCELATION OF MEETING

The Council considered a resolution canceling the City Council meetings scheduled for December 22 and 23, 2014. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Duax “to adopt the resolution”. Said motion passed on a voice vote.

Council Member Klinkhammer returned to the Council Chamber.

ZONING

The Council considered an ordinance rezoning property at the northwest corner of Kohlhepp Road and 33rd Street from TR-1A to R-1 as shown on Planning File #Z-1549-14. 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.

TRAFFIC & PARKING

The City Council considered an ordinance amending Table VI of the City Code of Ordinances, entitled "One-way Streets and Alleys," by deleting Eau Claire Street, westbound only from South Barstow Street to Graham Avenue; Graham Avenue, southbound only from Eau Claire Street to Washington Street; and South Barstow Street, northbound only from Washington Street to Eau Claire Street. 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 an ordinance amending Table IX of the City Code of Ordinances, entitled "Parking During Specified Hours," by changing the parking on two sections of Hobart Street. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Von Haden “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.

SEWER RATES

The City Council had first reading on 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 2015 Program of Services.

ADJOURNMENT

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

Adjournment: October 28, 2014

Time: 6:49 p.m.

/s/ Kerry J. S. Kincaid, President

ATTEST:

/s/ Donna A. Austad, City Clerk