

## **MINUTES**

### **EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING**

**Tuesday, March 10, 2015**

**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 Kerry Kincaid, David Klinkhammer, Monica Lewis, Kathy Mitchell, David Strobel, Bob Von Haden, Andrew Werthmann, and Michael Xiong. Absent: Council Members David Duax, Catherine Emmanuelle, and Eric Larsen.

#### **CONSENT AGENDA**

The City Council considered a resolution adopting the Consent Agenda for the following items of routine business on Tuesday, March 10, 2015:

- Approving Minutes of Regular Meeting of February 24, 2015.
- Granting new bartender licenses.
- Granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to Children’s Museum of Eau Claire, Inc., Michelle Harris, president, on April 28, 2015, at 220 S. Barstow St. for the 5<sup>th</sup> Annual Celebrity Art Auction.
- Granting Combination Class A Intoxicating Liquor and Fermented Malt Beverage licenses to:
  - River Country Co-op, d/b/a River Country Co-op – Clairemont C-Store, 807 W Clairemont Avenue, Doug Richardson, agent.
  - River Country Co-op, d/b/a River Country Co-op – Third Street C-Store, 2802 3<sup>rd</sup> Street, Doug Richardson, agent.
  - River Country Co-op, d/b/a River Country Co-op – Ferry C-Store, 101 Ferry Street, Doug Richardson, agent.
- Disallowing the claim of Eva Bakken for humiliation and distress arising out of an incident on June 7, 2013, per Wis. Stats. 893.80.
- Disallowing the claim of Nicholas A. Polzin for bodily injury arising out of a vehicle accident on April 24, 2013, per Wis. Stats. 893.80.

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.

#### **PROCLAMATION**

Council President Kincaid, on behalf of the City Council, proclaimed March as American Red Cross Month in the City.

Council President Kincaid, on behalf of the City Council, proclaimed March as Colorectal Cancer Awareness Month in the City.

Council Member Emmanuelle arrived in Council Chamber.

## **SPECIAL EVENTS**

The Council considered a resolution authorizing Color Vibe, LLC to conduct the Color Vibe 5K on Saturday, April 18, 2015 at Carson Park and along city trails and sidewalks. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Emmanuelle “to adopt the resolution”. Said motion passed by the following vote: Aye: Council Members Emmanuelle, Kincaid, Klinkhammer, Lewis, Mitchell, Strobel and Xiong. Nay: Council Members Von Haden and Werthmann.

The City Council considered a resolution authorizing Cornerstone Christian Church to conduct the Clearwater for Clean Water on Saturday, June 6, 2015 at Carson Park and along city streets, sidewalks and trails. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Von Haden “to adopt the resolution”. Said motion passed by unanimous vote.

## **EAU CLAIRE MARATHON**

The City Council considered a resolution authorizing Eau Claire Marathon, LLC to conduct the Eau Claire Marathon on May 2-3, 2015 beginning at Carson Park and along city streets, sidewalks and trails. 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 granting a Temporary Class B Fermented Malt Beverage license to Eau Claire Events Inc., Andy Ottum, president, on May 3, 2015, at Carson Park, for the Eau Claire Marathon. 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.

## **TAX CREDITS**

The Council considered a resolution authorizing a request to the Wisconsin Department of Administration to remit the school tax, lottery and gaming and first dollar credits directly to the City. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Xiong “to adopt the resolution”. Said motion passed by unanimous vote.

## **CHIPPEWA COUNTY LIBRARY TAX**

The City Council considered a resolution exempting the City of Eau Claire from the Chippewa County Tax Levy for Library purposes. 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.

### **CDBG LOAN**

The City Council considered a resolution approving a request from Reach, Inc., to forgive a \$25,000 Community Development Block Grant loan. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Von Haden “to adopt the resolution”. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Emmanuelle “to postpone consideration of said resolution for two council meetings to allow city staff time to explore alternate re-payment options”. Said motion to postpone passed by the following vote: Aye: Council Members Emmanuelle, Klinkhammer, Lewis, Mitchell, Von Haden, Werthmann and Xiong. Nay: Council Members Kincaid and Strobel.

### **SALE OF CITY PROPERTY**

The Council considered a resolution declaring 742 North Barstow Street to be excess land and authorizing the sale to CTBTN Properties, LLC. 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.

Council Member Von Haden left the Council Chamber.

### **VOTING SITE**

The City Council considered a resolution moving the voting site for City Wards 16, 40, and 41 from the National Guard Armory to St. Olaf’s Catholic Church for the April 7, 2015 election. 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.

Council Member Von Haden returned to the Council Chamber.

### **BUDGET POLICY**

The Council considered a resolution approving Operating and Capital Budget Policy. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Lewis “to adopt the resolution”. Said motion passed by unanimous vote.

### **PARKING STUDY**

The City Council considered a resolution accepting the Comprehensive Downtown Parking Study Final Report. 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.

### **STREET IMPROVEMENT PROJECTS**

The Council considered a Final Resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- Andover Avenue, Seymour Road to Dedham Street (15-209)
- Gibson Street, S. Barstow Street to S. Farwell Street (15-104)
- Highland Avenue, S. Hastings Way to Fairfax Street (15-105)
- Summit Avenue, State Street to S. Farwell Street (15-205)
- Wilson Street, Gilbert Avenue to Summit Avenue (15-206)

Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Emmanuelle “to adopt the resolution”. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Lewis “to amend the project on Andover Avenue and defer the construction of sidewalk on Andover Avenue as said construction is not in the public interest”. Said motion to defer sidewalk construction passed by the following vote: Aye: Council Members Emmanuelle, Lewis, Von Haden, Werthmann, and Xiong. Nay: Council Members Kincaid, Klinkhammer, Mitchell and Strobel. The Council then voted on the resolution as amended. Said resolution was approved by unanimous vote.

The City Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 on the following streets:

- Gibson Street, S. Barstow Street to S. Farwell Street (15-104)
- Highland Avenue, S. Hastings Way to Fairfax Street (15-105)
- Summit Avenue, State Street to S. Farwell Street (15-205)
- Wilson Street, Gilbert Avenue to Summit Avenue (15-206)

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 Final Resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- Commerce Valley Road, Golf Road to Oak Knoll Drive (15-203)
- Forest Heights Drive, Oak Knoll Drive to Oak Knoll Drive (15-201)
- Oak Knoll Dr, Commerce Valley Road to 520 feet east of Forest Heights Dr (15-202)

Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Strobel “to adopt the resolution”. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Emmanuelle “to amend said resolution to include spot repair of curb and gutter, where applicable”. Said motion to amend passed by unanimous voice vote. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Lewis “to amend said resolution to defer the western part of the project and only do that section of Forest Heights Drive from Havenwood Lane to Oak Knoll Drive and Oak Knoll Drive from Forest Height Drive to 520 feet east”. Said motion to amend failed by following vote: Aye: Council Member Von Haden. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Lewis, Mitchell, Strobel, Werthmann and Xiong. The Council then voted on the original motion to adopt the resolution. Said resolution was adopted by unanimous vote.

The City Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 on the following streets:

- Commerce Valley Road, Golf Road to Oak Knoll Drive (15-203)
- Forest Heights Drive, Oak Knoll Drive to Oak Knoll Drive (15-201)
- Oak Knoll Dr, Commerce Valley Rd to 520 feet east of Forest Heights Dr (15-202)

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 Final Resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- Fehr Road, Short Street to 1,567 feet south of Short Street (15-110)
- Galloway Street, Hobart Street to N. Barstow Street (15-103)
- Hobart Street, Wisconsin Street to Galloway Street (15-106)
- Peters Drive, Robert Road to 374 feet west of 2228 Peters Drive (15-204)
- Preston Road, Frank Street to 400 feet north (15-208)
- Alley East of Second Avenue, Chippewa Street to Niagara Street (15-507)

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 ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 on the following streets:

- Galloway Street, Hobart Street to N. Barstow Street (15-103)
- Peters Drive, Robert Road to 374 feet west of 2228 Peters Drive (15-204)

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.

## **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 15<sup>th</sup> Assessment Ward, 2<sup>nd</sup> Aldermanic District, that part of Lots 1, 2, 3 and 4 of Block 1 of Alf’s First Addition, all located in the NE ¼-NE ¼ of Section 34-27-9, Town of Washington, Eau Claire County, as shown on Planning Drawing No. 15-1A (Fletschock Petition, property south of Alf Avenue, east of Cypress Street). Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Strobel “to adopt the ordinance”. Said motion passed by unanimous vote.

## **CODE UPDATES**

The Council considered an ordinance amending Chapter 2.92 of the City Code of Ordinances entitled “City Procurement” regarding prevailing wage requirements. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Strobel “to adopt the ordinance”. Said motion passed by the following vote: Aye: Council Members Klinkhammer, Lewis, Mitchell, Strobel, Von Haden and Xiong. Nay: Council Members Emmanuelle, Kincaid and Werthmann.

The Council considered an ordinance amending Chapter 16.32 of the City Code of Ordinances entitled “Fire Prevention Code” to reflect current codes and standards. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Von Haden “to adopt the ordinance”. Said motion passed by following vote: Aye: Council Members Emmanuelle, Klinkhammer, Lewis, Mitchell, Strobel Von Haden and Xiong. Nay: Council Members Kincaid and Werthmann.

**ADJOURNMENT**

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

Adjournment: March 10, 2015

Time: 7:07 p.m.

ATTEST:

/s/ Kerry J. S. Kincaid, President

/s/ Donna A. Austad, City Clerk