

## **MINUTES**

### **EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION**

**Tuesday, March 13, 2007**

**City Council Chamber**

**4:00 p.m.**

#### **PLEDGE OF ALLEGIANCE AND ROLL CALL**

Council President Adler called the meeting to order. The following members were present: Council Members David Adler, Brandon Buchanan, Hal Davis, David Duax, Raymond Hughes, Kerry Kincaid, Berlye Middleton, Terry Sheridan, Bob Von Haden and Thomas Vue. Absent: Council Member Toby Biegel.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, March 13, 2007. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Buchanan "to adopt the consent resolution". Said motion passed by unanimous vote.

#### **POLICE VEHICLES**

The City Council considered a resolution awarding a contract for Procurement No. 2007 – 14, Furnish six police squad cars and one police utility cruiser. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Kincaid "to adopt said resolution". Said motion passed by unanimous vote.

#### **LIQUOR LICENSES**

The Council considered a resolution granting a Temporary Class B Fermented Malt Beverage license to L. E. Phillips Career Development Center, (CDC), Fred Waedt, president, on May 2, 2007, at Eau Claire Ford, 2909 Lorch Ave., for Green Bay Packer Tailgate Tour. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Sheridan "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Adler, Buchanan, Davis, Hughes, Kincaid, Middleton, Sheridan, Von Haden, and Vue. Nay: Council Member Duax.

The Council considered resolutions granting a Combination Class B Intoxicating Liquor and Fermented Malt Beverage license to Jody S. Kvapil & Troy A. Thomas, d/b/a Galloway Grille, 409 Galloway Street and a Combination Class B Intoxicating Liquor and Fermented Malt Beverage license or a Reserve Combination Class B Intoxicating Liquor and Fermented Malt Beverage license to Bear Creek Grill, Inc., d/b/a Bear Creek Grille, 4890 Golf Rd., Kent Letnes, agent. There are two valid applications for one regular a Combination Class B Intoxicating Liquor and Fermented Malt Beverage license. Following Council discussion, a motion was offered by Council Member Davis and seconded by Council Member Kincaid "to grant a Regular Combination Class B Intoxicating Liquor and Fermented Malt Beverage license to Jody S. Kvapil & Troy A. Thomas, d/b/a Galloway Grille, 409 Galloway Street, based on an earlier

filing date of the application, the business is located in an area in which the city is trying to encourage economic re-development and the other applicant has indicated they would accept a reserve license". Said motion passed by the following vote: Aye: Council Members Adler, Buchanan, Davis, Hughes, Kincaid, Middleton, and Vue. Nay: Council Members Duax, Sheridan and Von Haden. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Middleton "to deny a regular Combination Class B Intoxicating Liquor and Fermented Malt Beverage license to Bear Creek Grill, Inc., d/b/a Bear Creek Grille, 4890 Golf Rd., Kent Letnes, agent, because there are no regular licenses available". Said motion passed by the following vote: Aye: Council Members Adler, Buchanan, Davis, Hughes, Kincaid, Middleton, Von Haden, and Vue. Nay: Council Members Duax and Sheridan. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Buchanan "to grant a Reserve Combination Class B Intoxicating Liquor and Fermented Malt Beverage license to Bear Creek Grill, Inc., d/b/a Bear Creek Grille, 4890 Golf Rd., Kent Letnes, agent". Said motion passed by unanimous vote.

### **SAWDUST CITY DAYS**

The City Council considered a resolution approving the lease and special events application by the Eau Claire Press Company, for Sawdust City Days to be held in Carson Park on June 14-17, 2007. Thereupon a motion was offered by Council Member Sheridan and seconded by Council Member Hughes "to adopt said resolution". Said motion passed by unanimous vote.

The Council considered a resolution granting a Temporary Class B Fermented Malt Beverage and Wine license to Eau Claire City/County Tavern League, Bonnie Harper, president, on June 14-17, 2007, for Sawdust City Days. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Buchanan "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Adler, Buchanan, Davis, Hughes, Kincaid, Middleton, Sheridan, Von Haden, and Vue. Nay: Council Member Duax.

### **GENERAL OBLIGATION BONDS**

The City Council considered an Initial Resolution authorizing not to exceed \$2,200,000 aggregate principal amount of General Obligation Bonds. (fire equipment) Thereupon a motion was offered by Council Member Vue and seconded by Council Member Kincaid "to adopt said resolution". Said motion passed by unanimous vote.

The Council considered an Initial Resolution authorizing not to exceed \$300,000 aggregate principal amount of General Obligation Bonds. (design and construction of a police facility) Thereupon a motion was offered by Council Member Duax and seconded by Council Member Hughes "to adopt said resolution". Said motion passed by unanimous vote.

Council Member Hughes left the Council Chamber.

The Council considered an Initial Resolution authorizing not to exceed \$1,440,000 aggregate principal amount of General Obligation Bonds. (TIF #8, Downtown Development Area) Thereupon a motion was offered by Council Member Sheridan and seconded by Council Member Von Haden "to adopt said resolution". Said motion passed by unanimous vote.

Council Member Hughes returned to the Council Chamber.

The Council considered a resolution directing the advertisement and sale of not to exceed \$7,000,000 aggregate principal amount of General Obligation Corporate Purpose Bonds, Series 2007-A of the City of Claire, Eau Claire and Chippewa Counties, Wisconsin. (street and stormwater improvements) Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Davis "to adopt said resolution". Said motion passed by unanimous vote.

### **REVENUE BONDS**

The City Council considered an initial resolution authorizing not to exceed \$2,000,000 aggregate principal amount of Waterworks Revenue Bonds of the City of Eau Claire, Eau Claire and Chippewa Counties. Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Vue "to adopt said resolution". Said motion passed by unanimous vote.

### **REFUNDING BONDS**

The Council considered an initial resolution authorizing not to exceed \$12,285,000 aggregate principal amount of General Obligation Bonds. (refinancing) Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Duax "to adopt said resolution". Said motion passed by unanimous vote.

Council Member Davis left the Council Chamber.

### **SALE OF PROPERTY**

The City Council considered a resolution declaring Parcel #08-124, 305 Hobart Street, to be excess land not required for public use and authorizing the sale to the Redevelopment Authority. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Sheridan "to adopt said resolution". Said motion passed by unanimous vote.

Council Member Davis returned to the Council Chamber.

**STREET, SIDEWALK & UTILITY IMPROVEMENTS****WESTERN AVENUE**

The City Council considered a Final Resolution approving the project and levying special assessments for street, utility, and sidewalk improvements on Western Avenue, 405 feet south of Laverne Street to 922 feet north of Waller Street (07-101). Thereupon a motion was offered by Council Member Duax and seconded by Council Member Buchanan "to adopt said resolution". Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Davis "to amend said resolution by inserting the following paragraph in the Now, Therefore Be It Resolved paragraph: 5a. The assessments for parcel No. 11-0893A shall be based on a frontage of 120 feet as outlined in Option #3, Current Building Usage, in the March 13, 2007 memo from the Director of Public Works". Said motion passed by the following vote: Council Members Adler, Buchanan, Davis, Duax, Hughes, Middleton, Sheridan, Von Haden, and Vue. Nay: Council Member Kincaid. The Council then voted on the resolution as amended. Said resolution passed on the following vote: Aye: Council Members Adler, Buchanan, Davis, Duax, Hughes, Kincaid, Middleton, Sheridan, and Vue. Nay: Council Member Von Haden.

**THIRD STREET**

The Council considered a Final Resolution approving the project and levying special assessments for street and utility improvements on Third Street, Platt Street to Maple Street (07-201). Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Sheridan "to adopt said resolution". Said motion passed by unanimous vote.

Council Member Sheridan left the Council Chamber.

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 on Third Street, Platt Street to Maple Street (07-201). Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Middleton "to adopt said resolution". Said motion passed by unanimous vote.

**SEAVER STREET, CASS STREET, MARGARET STREET & S. FARWELL STREET**

The City Council considered an initial resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- Seaver Street, Doty Street to Cass Street (07-306)
- Cass Street, Seaver Street to 118 feet south of Seaver Street (07-313).
- Margaret Street, Main Street to Highland Avenue (07-307)
- Farwell Street S., Washington Street to Jefferson Street (07-308)

Thereupon a motion was offered by Council Member Davis and seconded by Council Member Buchanan "to adopt said 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:

- Seaver Street, Dodge Street to Talmadge Street (07-306)
- Margaret Street, Main Street to Highland Avenue (07-307)
- Farwell Street S., Washington Street to Jefferson Street (07-308)

Thereupon a motion was offered by Council Member Vue and seconded by Council Member Kincaid “to adopt said resolution”. Said motion passed by unanimous vote.

Council Member Sheridan returned to the Council Chamber.

### **SIXTH STREET & MAXON STREET**

The City Council considered a final resolution approving the project and levying special assessments for street and utility improvements on the following streets

- Sixth Street, Cameron Street to Platt Street (07-309)
- Maxon Street, Sixth Street to Seventh Street (07-310)

Thereupon a motion was offered by Council Member Duax and seconded by Council Member Hughes “to adopt said 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 Sixth Street, Cameron Street to Platt Street – west side (07-309). Thereupon a motion was offered by Council Member Sheridan and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by unanimous vote.

### **LONDON ROAD**

The City Council considered a final resolution approving the project and levying special assessments for street and utility improvements on London Road, 521 feet north of Damon Street to 721 feet north of Damon Street (07-413). Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Davis “to adopt said resolution”. Said motion passed by unanimous vote.

### **DEVELOPMENT AGREEMENT**

The City Council considered a resolution authorizing the City Manager to enter into a development agreement with Gerald (Mike) Ritsch for street and utility improvements to Mitscher Avenue, west of Nimitz Street. Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Vue “to adopt said resolution”. Said motion passed by unanimous vote.

### **NORTH BARSTOW REDEVELOPMENT**

The Council considered a resolution authorizing the City Manager to enter into a development agreement with Phoenix Parkside LLC regarding the proposed project in the North Barstow Redevelopment Area. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Duax “to adopt said 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 9<sup>th</sup> Assessment Ward, 5<sup>th</sup> Aldermanic District, that part of the SW ¼ - SE ¼ of Section 14-27-10, Town of Union (1527 W. Vine Street), Eau Claire County, as shown on Planning Drawing No. 07-1A (Luren petition). Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Sheridan “to adopt said ordinance”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Buchanan “to postpone action on said ordinance until the first meeting in April. Prior to that meeting, staff is to try and negotiate an agreement with the Town of Union”. Said motion failed on the following vote: Aye: Council Members Adler, Buchanan, Duax, and Von Haden. Nay: Council Members Davis, Hughes, Kincaid, Middleton, Sheridan, and Vue. The Council again considered the original ordinance. Following more discussion, a motion was offered by Council Member Hughes and seconded by Council Member Duax “to reconsider the previous vote”. Said motion to reconsider passed by the following vote: Aye: Council Members Adler, Buchanan, Duax, Hughes, Sheridan, and Von Haden. Nay: Council Members Davis, Kincaid, Middleton and Vue. The Council again considered the motion to postpone action on said ordinance until the first meeting in April. Prior to that meeting, staff is to try and negotiate an agreement with the Town of Union”. Said motion passed by the following vote: Aye: Council Members Adler, Buchanan, Duax, Hughes, Sheridan, and Von Haden. Nay: Council Members Davis, Kincaid, Middleton and Vue.

## REZONING

The City Council considered an ordinance rezoning property at the southeast corner of USH “12” and Mill Run Road from C-2P to R-3P and C-2P, and to adopt the General Development Plan for condominium and commercial development for the West Ridge Village Neighborhood Marketplace as shown on Planning File #Z-1379-07. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Sheridan “to adopt said ordinance”. Said motion passed by unanimous vote.

The Council considered an ordinance rezoning property at the southwest corner of USH “12” and Mill Run Road, from R-3P and C-3P to C-2P and R-3P, and to adopt the General Development Plan for West Ridge Village Senior Campus with commercial development, and to allow special zoning permission for a 44-unit assisted living facility and a 24-unit CBRF memory care facility as shown on Planning File #Z-1380-07. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Middleton “to adopt said ordinance”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Hughes “that the Report of the City Engineer, dated February 27, 2007, regarding said rezoning, be amended and Condition 1-A be added to read: The City shall negotiate terms and parameters with the developer for the provision of necessary para-transit services for this development”. Said motion to amend passed by the following vote: Aye: Council Members Buchanan, Duax, Hughes, Kincaid, Middleton, and Sheridan. Nay: Council Members Adler, Davis, Von Haden, and Vue. The Council then voted on the ordinance as amended. Said ordinance was adopted by unanimous vote.

## **ADMINISTRATIVE REVIEW BOARD**

The City Council considered an ordinance amending Section 1.06.050 of the Code of City Ordinances entitled “Review of Administrative Determinations” regarding membership of the Administrative Review Board. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Adler “to adopt said ordinance”. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Von Haden “to postpone consideration of said ordinance until such time as the Council is able to have a work session to discuss this and other proposed changes in membership on various Boards, Committees and Commissions”. Said motion to postpone failed on the following vote: Aye: Council Members Davis, Duax, and Von Haden. Nay: Council Members Adler, Buchanan, Hughes, Kincaid, Middleton, Sheridan, and Vue. The Council again considered the original ordinance. Said ordinance was adopted by the following vote: Aye: Council Members Adler, Buchanan, Hughes, Kincaid, Middleton, Sheridan, and Vue. Nay: Council Members Davis, Duax, and Von Haden.

## **RECONSIDERATION – STREET NAME CHANGE**

A motion was offered by Council Member Davis and seconded by Council Member Von Haden “to reconsideration of the vote taken on February 27 regarding changing the name of a portion of Birch Street to McKinley Road and designating a new street as River Prairie Drive”. Said motion to reconsider passed by the following vote: Aye: Council Members Adler, Davis, Duax, Hughes, Kincaid, Middleton, Sheridan, Von Haden, and Vue. Nay: Council Member Buchanan. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Von Haden “to postpone consideration of said ordinance until the second meeting in April. A public discussion shall be held at the Monday night meeting”. Said motion passed by the following vote: Aye: Council Members Adler, Davis, Duax, Hughes, Kincaid, Middleton, Sheridan, Von Haden, and Vue. Nay: Council Member Buchanan.

## **PHOENIX PARK**

The Council had first reading on an ordinance amending Section 9.76.165 of the City Code of Ordinances, entitled “Parks – Intoxicants”, by creating Subsection C regarding the consumption of alcohol in Phoenix Park.

## **COMMISSION MEMBERSHIP**

The City Council had first reading on an ordinance amending Section 2.64.030 of the City Code of Ordinances entitled “Composition of the City Waterways and Parks Commission”, and Section 2.65.030 entitled “Landmarks Commission - Composition and Terms”.

The Council had first reading on a Charter Ordinance enacted pursuant to the provisions of Section 66.0101, Wisconsin Statutes, electing not to be governed by that portion of Section 62.23(1), Wisconsin Statutes, to amend Section 2.56.020, of the City Code of Ordinances entitled “Plan Commission – Composition”.

**ADJOURNMENT**

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

Adjournment: March 13, 2007

Time: 7:50 p.m.

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David J. Adler, President

ATTEST:

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Donna A. Austad, City Clerk