

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, November 14, 2006

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, Terry Sheridan, Bob Von Haden and Thomas Vue. Absent: Council Members Toby Biegel and Berlye Middleton.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, November 14, 2006. 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.

LICENSE

The City Council considered a resolution granting a Combination Class B Intoxicating Liquor and Fermented Malt Beverage license and Class A Cabaret license to 202 Fat Boys, LLC, d/b/a Fat Boys, 202 Gibson Street, Richard LaRock, agent. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Kincaid "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Adler, Buchanan, Duax, Hughes, Kincaid, Sheridan, Von Haden, and Vue. Nay: Council Member Davis.

GRANTS

The City Council considered a resolution authorizing the Eau Claire Police Department to accept a 2006 Bulletproof Vest Program grant in the amount of \$23,900 from the Office of Justice Programs, Bureau of Justice Assistance, and approving an appropriation in the Program of Services. 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 authorizing the Eau Claire Fire Department to accept grant monies in the amount of \$29,452 from the Department of Homeland Security for the purchase of water rescue equipment, and approving an appropriation in the Program of Services. 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 Middleton arrived.

SPECIAL ASSESSMENT DEFERRAL

The Council considered a resolution deferring special assessments pursuant to Chapter 3.16 of the City Code of Ordinances. 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.

ACCUTECH PLASTICS

The City Council considered a resolution amending the terms of an Economic Development Fund loan to AccuTech Plastics. Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Vue “to adopt said resolution”. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Duax “to amend the resolution by deleting the first Be It Further Resolved paragraph (which deals with the prevailing wage ordinance)”. Said motion to amend passed by the following vote: Aye: Council Members Adler, Davis, Duax, Hughes, Von Haden and Vue. Nay: Council Members Buchanan, Kincaid, Middleton and Sheridan. The Council then voted on the resolution as amended. Said resolution was adopted by the following vote: Aye: Council Members Adler, Buchanan, Davis, Duax, Hughes, Sheridan, Von Haden and Vue. Nay: Council Members Kincaid and Middleton.

The Council considered a resolution approving a request from AccuTech Plastics to purchase additional land in Sky Park Industrial Center. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Hughes “to adopt said resolution”. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Duax “to amend said resolution by deleting the first Be It Further Resolved paragraph (which deals with the prevailing wage ordinance)”. Said motion to amend passed by the following vote: Aye: Council Members Adler, Davis, Duax, Hughes, Von Haden and Vue. Nay: Council Members Buchanan, Kincaid, Middleton and Sheridan. The Council then voted on the resolution as amended. Said resolution was adopted by the following vote: Aye: Council Members Adler, Buchanan, Davis, Duax, Hughes, Sheridan, Von Haden and Vue. Nay: Council Members Kincaid and Middleton.

STATE/MUNICIPAL AGREEMENT

The Council considered a resolution approving a State/Municipal Agreement with the Wisconsin Department of Transportation for improvements on Business 53/Hastings Way, between STH 312 and Melby Street, Project ID #1190-00-07 & 81. 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.

STREET, UTILITY, AND SIDEWALK IMPROVEMENTS – BEACH STREET

The City Council considered a final resolution approving the project and levying special assessments for street and utility improvements on Beach Street, from Oxford Avenue to Mappa Street (06-411). 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.

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statutes s. 66.0907 on Beach Street, from Oxford Avenue to Mappa Street (06-411). 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.

COLLECTIVE BARGAINING AGREEMENTS

The City Council considered a resolution authorizing the City Manager to execute a collective bargaining agreement between the City of Eau Claire and Communications Workers of America-Local 4640. 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.

The Council considered a resolution authorizing the City Manager to execute a collective bargaining agreement between the City of Eau Claire and Amalgamated Transit Union Local Division 1310. 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.

DECEMBER CITY COUNCIL MEETINGS

The City Council considered a resolution canceling the City Council meetings of December 25 and 26, 2006. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Middleton “to adopt said resolution”. Said motion passed by the following vote: Aye: Council Members Adler, Davis, Hughes, Kincaid, Middleton, Sheridan, Von Haden, and Vue. Nay: Council Members Buchanan and Duax.

ANNEXATIONS

The City Council considered an ordinance in accordance with s. 66.0217 of the Wisconsin Statutes annexing to the City of Eau Claire and particularly to the 15th Assessment Ward, 2nd Aldermanic District, that part of the SE 1/4 - NE 1/4, Section 2, part of the SW 1/4 - NW 1/4, part of the SE 1/4 - NW 1/4, part of the SW 1/4 - NE 1/4, part of the Fractional NW 1/4 - NE 1/4, and part of the Fractional NE 1/4 - NW 1/4, Section 1, all in Township 26, Range 9, Town of Washington, Eau Claire County, as shown on Planning Drawing No. 06-02A (Schulenberg petition, south of I-94, west of Hwy. 53, and north of Old Town Hall Road). Thereupon a motion was offered by Council Member Davis and seconded by Council Member Buchanan “to adopt said ordinance”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Buchanan “to postpone consideration of said ordinance until

the next City Council meeting”. Said motion failed by the following vote: Aye: Council Members Adler, Buchanan, and Duax. Nay: Council Members Davis, Hughes, Kincaid, Middleton, Sheridan, Von Haden and Vue. The Council then voted on the motion to adopt the ordinance. Said motion to adopt passed by unanimous vote.

The Council considered an ordinance in accordance with s. 66.0217 of the Wisconsin Statutes annexing to the City of Eau Claire and particularly to the 15th Assessment Ward, 2nd Aldermanic District, that part of Lot 6, Neuser Estates, located in the SW 1/4 - SW 1/4, Section 33-27-9, Town of Washington, Eau Claire County, as shown on Planning Drawing No. 06-07A (Dow petition, E. Lowes Creek Road). Thereupon a motion was offered by Council Member Vue and seconded by Council Member Kinciad “to adopt said ordinance”. Said motion passed by unanimous vote.

REZONINGS

The City Council considered an ordinance rezoning property located on the north side of Mitchell Avenue, west of Hester Street, from R-2P and R-2 to R-2P and to adopt the General Development Plan for duplexes with reduced setbacks and increased lot coverage, as shown on Planning File #Z-1368-06. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Hughes “to adopt said ordinance”. Said motion passed by unanimous vote.

The Council considered an ordinance rezoning property located at 5521 Cyndi Court, 5505 Normandale Drive, 3612 Flynn Place, and 3633 Flynn Place from TR-1A and R-2 to R-1, as shown on Planning File #Z-1369-06. Thereupon a motion was offered by Council Member Sheridan and seconded by Council Member Von Haden “to adopt said ordinance”. Said motion passed by the following vote: Aye: Council Members Adler, Buchanan, Davis, Duax, Hughes, Kincaid, Sheridan, Von Haden, and Vue. Nay: Council Member Middleton.

The Council considered an ordinance rezoning property located north of W. Folsom Street along CTH “EE” from TR-1A to R-1, as shown on Planning File #Z-1370-06. Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Davis “to adopt said ordinance”. Said motion passed by the following vote: Aye: Council Members Adler, Buchanan, Davis, Duax, Hughes, Kincaid, Sheridan, Von Haden, and Vue. Nay: Council Member Middleton.

NAMING A PRIVATE STREET

The City Council considered an ordinance naming the private street Village Oaks Circle within the Village Terrace Condominium Plat. Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Vue “to adopt said ordinance”. Said motion passed by unanimous vote.

REZONINGS

The City Council had first reading on an ordinance rezoning property located at 1010 W. Clairemont Avenue from C-2H to C-3P and to approve the General Development Plan for an off-premise sign, as shown on Planning File #Z-1371-06.

The Council had first reading on an ordinance rezoning property located at 344 and 402 Folsom Street from C-2 to R-2, as shown on Planning File #Z-1374-06.

NONCONFORMING STRUCTURES

The City Council had first reading on a Charter Ordinance to amend Chapter 18.40 of the City Code of Ordinances relating to review provisions and procedures for nonconforming structures, as shown on Planning File #Z-1376-06.

PAY PLAN AMENDMENTS

The Council had first reading on an ordinance to amend the Pay Plan for the City of Eau Claire, specifically those parts thereof pertaining to Communications Workers of America-Local 4640 and Transit Local 1310. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Hughes "to suspend the rules which interfere with the immediate consideration of said ordinance". Said motion to suspend the rules passed by unanimous vote. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Middleton "to adopt said ordinance". Said motion to adopt the ordinance passed by unanimous vote

ADJOURNMENT

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

Adjournment: November 14, 2006

Time: 5:32 p.m.

David J. Adler, President

ATTEST:

Donna A. Austad, City Clerk