

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, September 26, 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, Toby Biegel, Brandon Buchanan, Hal Davis, David Duax, Raymond Hughes, Kerry Kincaid, Berlye Middleton, Terry Sheridan, Bob Von Haden and Thomas Vue.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, September 26, 2006. Council Member Duax requested that Item No. 5, granting a change of agent for the Combination Class B Intoxicating Liquor and Fermented Malt Beverage license of Alliance Investment, Inc., d/b/a Jericho's Lounge, 2851 Hendrickson Drive, be removed from the consent agenda and voted upon separately. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Buchanan "to adopt the remainder of the consent resolution". Said motion passed by unanimous vote.

CHANGE OF AGENT

The Council considered a resolution granting a change of agent of the Combination Class B Intoxicating Liquor and Fermented Malt Beverage license of Alliance Investment, Inc., d/b/a Jericho's Lounge, 2851 Hendrickson Dr., from Robin A. Jamison to Mitesh Shah. Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Vue "to adopt said resolution". Thereupon a motion was offered by Council Member Duax to amend said resolution as follows: In the second line, after the word 'license' delete the word 'of' and insert the word 'holder'; In the third line, after the word 'for' insert the words 'changing the'; At the end of the fourth line insert the words 'be approved'." The mover and seconder accepted the changes as friendly amendments. The Council then voted on the resolution as amended. Said resolution was adopted by unanimous vote.

COMMENDATIONS AND PROCLAMATIONS

Council President Adler, on behalf of the City Council, proclaimed the week of October 8 – 14 as Fire Prevention Week in the City of Eau Claire.

Council President Adler, on behalf of the City Council, proclaimed October 6 and 7 as Eau Claire County Sesquicentennial Celebration Days in the City of Eau Claire.

APPOINTMENTS

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

Library Board

Patricia Simonson – new appointment (County Representative to serve three-year term to expire June 30, 2009)

Revolving Loan Fund Committee

Kenneth McAdams – new appointment to fill unexpired term to expire June 30, 2007

Maria DaCosta – new appointment to two-year term to expire June 30, 2008

Bill Ogden – new appointment to two-year term to expire June 30, 2008

Housing Authority

Kristine Smith – new appointment, as tenant representative, to fill unexpired term to expire April 30, 2010

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.

LIQUOR LICENSES

The City Council considered a resolution granting a Combination Class B Intoxicating Liquor & Fermented Malt Beverage license and a Class B Cabaret license to Manny’s Mexican Cocina Eau Claire, Inc., d/b/a Manny’s Mexican Cocina, 4207 Oakwood Hills Parkway, Filiberto Manuel Rivera, agent. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Middleton “to adopt said resolution”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Adler “to postpone consideration of said resolution”. Said motion failed by the following vote: Aye: Council Member Duax. Nay: Council Members Adler, Biegel, Buchanan, Davis, Hughes, Kincaid, Middleton, Sheridan, Von Haden, and Vue. The Council then voted on the original motion to approve the resolution granting the licenses. Said resolution was adopted by unanimous vote.

The Council considered a resolution granting a Combination Class B Intoxicating Liquor & Fermented Malt Beverage license to Texas Roadhouse Holdings, L.L.C., d/b/a Texas Roadhouse, 5019 Keystone Crossing, Patrick J. Fiebiger, agent. Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Sheridan “to deny a Combination Class B Intoxicating Liquor & Fermented Malt Beverage license to Texas Roadhouse Holdings, L.L.C., d/b/a Texas Roadhouse, 5019 Keystone Crossing, Patrick J. Fiebiger, agent, because there are no regular licenses available and this application was filed later in time than the previous application (Manny’s Mexican Concina)”. Said motion to deny the license was adopted by unanimous vote.

The Council considered a resolution granting a Reserve Combination Class B Intoxicating Liquor & Fermented Malt Beverage license to Texas Roadhouse Holdings, L.L.C., d/b/a Texas Roadhouse, 5019 Keystone Crossing, Patrick J. Fiebiger, agent. 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.

APPROPRIATION ADJUSTMENTS

The City Council considered a resolution accepting and appropriating donations to the Police and Fire Departments. Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Davis "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Adler, Buchanan, Davis, Duax, Hughes, Kincaid, Middleton, Sheridan, Von Haden, and Vue. Nay: None. Abstain: Council Member Biegel.

STATE / MUNICIPAL AGREEMENT – STREET CONSTRUCTION

The Council considered a resolution authorizing the City Manager to execute a State / Municipal Agreement with the Wisconsin Department of Transportation for construction of a highway improvement project on Western Avenue, from Marquette Street to Eddy Lane. Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Biegel "to adopt said resolution". Said motion passed by unanimous vote.

ZONING

The City Council considered an ordinance rezoning property located at 3838 London Road from R-1 to R-2P, and to adopt the General Development Plan for a duplex as shown on Planning File #Z-1364-06. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Kincaid "to adopt said ordinance". Said motion passed by unanimous vote.

WATER RATE INCREASE

The Council considered an ordinance amending Chapter 14.20 of the City Code of Ordinances entitled (Waterworks) "Rates and Billing". 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.

GARBAGE DUMPSTERS

The City Council considered an ordinance amending Section 13.12.055 of the City Code of Ordinances by deleting Paragraph B, which allows only licensed refuse collection haulers to place a dumpster in the public right-of-way. Thereupon a motion was offered by Council Member Sheridan and seconded by Council Member Von Haden "to adopt said ordinance". Said motion passed by unanimous vote.

GRAFFITI

The Council considered an ordinance creating Chapter 9.56 of the City Code of Ordinances entitled "Graffiti". Thereupon a motion was offered by Council Member Sheridan and seconded by Council Member Von Haden "to adopt said ordinance". Said motion passed by unanimous vote.

PAY PLAN

The City Council had first reading on an ordinance amending the City Pay Plan. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Von Haden "to suspend the rules which interfere with the immediate consideration of said ordinance". Said motion to suspend the rules passed by the following vote: Aye: Council Members Adler, Buchanan, Davis, Duax, Hughes, Kincaid, Middleton, Sheridan, Von Haden, and Vue. Nay: None. Abstain: Council Member Biegel. Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Davis "to adopt said ordinance". Said motion passed by unanimous vote.

ADJOURNMENT

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

Adjournment: September 26, 2006

Time: 5:27 p.m.

David J. Adler, President

ATTEST:

Donna A. Austad, City Clerk