

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, September 12, 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, Terry Sheridan, Bob Von Haden and Thomas Vue. Absent: Council Member Berlye Middleton.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, September 12, 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.

LIQUOR LICENSES

The City Council considered a resolution granting a Temporary Expansion of the Combination Class B Intoxicating Liquor & Fermented Malt Beverage and Class A Cabaret licensed premise of Woo's Pagoda Restaurant, Inc., d/b/a Woo's Pagoda, 1700 S. Hastings Way, Terry Voss, agent, on September 23, 2006 for a 60th Anniversary and Customer Appreciation Celebration. Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Vue "to adopt said resolution". Said motion passed by unanimous vote.

Council Member Middleton arrived.

The Council considered a resolution granting a Temporary Class B Fermented Malt Beverage license and Temporary Class B Wine license to Chippewa Valley Pheasants Forever, David Swan, president, on October 7, 2006, in building "E", Eau Claire County Expo Center, 5530 Fairview Drive, for their annual banquet. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Duax "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Buchanan, Davis, Duax, Hughes, Kincaid, Sheridan, Von Haden, and Vue. Nay: None. Abstain: Council Member Middleton.

The Council considered a resolution granting a Combination Class B Intoxicating Liquor & Fermented Malt Beverage license to Castro Corporation, d/b/a El Patio Mexican Restaurant & Bar III, 2823 London Rd., Alejandro G. Castro, agent. 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.

The Council considered a resolution granting a Combination Class B Intoxicating Liquor & Fermented Malt Beverage license to Barstow Street, LLC., d/b/a The Livery, 316 Wisconsin Street, John Mogensen, agent. 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.

TRANSIT CONTRACT

The City Council considered a resolution approving the 2006 Federal Mass Urban Transit Operating Assistance Contract with the Federal Transit Administration. 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.

LAND TRANSFER

The Council considered a resolution approving conveyance of City owned land at the southwest corner of Patton Street and Clairemont Avenue (Hwy 12) to the Wisconsin Department of Transportation for highway improvement purposes. Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Vue "to adopt said resolution". Said motion passed by unanimous vote.

ENCROACHMENT

The City Council considered a resolution granting a permanent encroachment to the property owner at 1223 Emery Street for a handicap access on Chauncey Street. Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Vue "to adopt said resolution". Said motion passed by unanimous vote.

CONDO PLAT

The Council considered a resolution approving the final condo plat for Princeton Woods Condominiums II located on the east side of E. Princeton Avenue, as shown on Planning File #P-7-06. 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.

ECONOMIC DEVELOPMENT FUND LOAN

The City Council considered a resolution approving and appropriating an Economic Development Fund (EDF) loan of \$250,000 to Accu-Tech Plastics. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Kincaid "to adopt the substitute resolution presented by staff". Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Duax "to amend the 'Terms Sheet' attached to said resolution as follows: 'In Paragraph Three (Interest Rate), line 3 after the phrase '9 – 12 new jobs within two years' add the phrase 'beginning January 1, 2006'. In line 4, after the phrase 'the interest rate shall be revised' insert the phrase 'on a pro-rata basis of \$27,777 per job'."

Said motion to amend passed by the following vote: Aye: Council Members Biegel, Buchanan, Duax, Hughes, Middleton, Sheridan, Von Haden, and Vue. Nay: Council Members Adler, Davis and Kincaid. The Council then voted on the resolution as amended. Said resolution was adopted by unanimous vote.

ZONING

The City Council considered an ordinance rezoning property located on the south side of Chestnut Street, between 5th Avenue and Whipple Street, from RM and R-4P to CBDP and to adopt the General Development Plan for the existing Luther Hospital uses as shown on Planning File #Z-1362-06. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Middleton “to postpone consideration of said ordinance until such time as a recommendation comes forward from the Plan Commission”. Said motion passed by unanimous vote.

The Council considered an ordinance rezoning property located on the south side of Cameron Street, between 6th Street and Kendall Street, from I-1 and C-3 to CBDP and to adopt the General Development Plan for Luther Hospital’s existing parking lot as shown on Planning File #Z-1363-06. Thereupon a motion was offered by Council Member Sheridan and seconded by Council Member Buchanan “to postpone consideration of said ordinance until such time as a recommendation comes forward from the Plan Commission”. Said motion passed by unanimous vote.

STREET NAME

The City Council considered an ordinance naming a private street within the Waterford Condominium Plat as Pinnacle Way. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Buchanan “to adopt said ordinance”. Said motion passed by unanimous vote.

PARKING

The City Council considered an ordinance amending Table VIII of the City Code of Ordinances, entitled “Parking Prohibited,” by adding Craig Road, west side, from 170 feet north of Lasker Drive to 115 feet south of Lasker Drive, and by adding Craig Road, east side, from Lasker Drive to 115 feet south. Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Vue “to adopt said ordinance”. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Kincaid “to amend said ordinance by deleting the measurement of ‘170 feet north’ and insert the measurement of ‘60 feet north’ in the first paragraph of said ordinance”. Said motion failed on the following vote: Aye: Council Members Hughes, Kincaid and Middleton. Nay: Council Members Adler, Biegel, Buchanan, Davis, Duax, Sheridan, Von Haden and Vue. The Council then voted on the original motion to adopt the ordinance. Said ordinance was adopted by the following vote: Aye: Council Members Adler, Biegel, Buchanan, Davis, Duax, Hughes, Kincaid, Sheridan, Von Haden, and Vue. Nay: Council Member Middleton.

The Council considered an ordinance amending Table IX of the City Code of Ordinances, entitled "Parking during specified hours" by removing the two-hour parking restrictions on Lake Street, between Farwell Street and Dewey Street. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Kincaid "to adopt said ordinance". Said motion passed by the following vote: Aye: Council Members Biegel, Buchanan, Hughes, Kincaid, Middleton, Sheridan, Von Haden, and Vue. Nay: Council Members Adler, Davis and Duax.

ZONING

The City Council had first reading on 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.

WATER RATE INCREASE

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

GARBAGE DUMPSTERS

The City Council had first reading on an ordinance amending Chapter 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.

GRAFFITI

The Council had first reading on an ordinance creating Chapter 9.56 of the City Code of Ordinances entitled "Graffiti".

ADJOURNMENT

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

Adjournment: September 12, 2006

Time: 5:25 p.m.

David J. Adler, President

ATTEST:

Donna A. Austad, City Clerk