

## **MINUTES**

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

**Tuesday, August 8, 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, August 8, 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 the following vote: Aye: Council Members Adler, Biegel, Buchanan, Davis, Duax, Hughes, Kincaid, Von Haden, and Vue. Nay: None. Abstain: Council Member Sheridan.

Council Member Middleton arrived in the Council Chamber.

#### **TRANSIT AGREEMENT**

The City Council considered a resolution authorizing the City Manager to execute the 2006 Federal Transit Administration Section 5307 Supplemental Agreement between the City of Eau Claire and the City of Chippewa Falls. 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.

#### **SIDEWALK REPAIR**

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statutes s. 66.0907, at 36 locations, beginning with 2300 Crescent Avenue, Parcel No. 04-0425. 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 LOAN**

The City Council considered a resolution approving a \$215,000 economic development proposal to GSI Commerce and amending the 2006 budget by appropriating funds from the Economic Development Fund. 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.

## **STORM WATER SYSTEM REPAIRS**

The Council considered a resolution appropriating \$250,000 for the emergency repair of Storm Sewer Outfall No. CR263, Chippewa River – Hendrickson Drive extension. 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.

## **ARBUTUS DRIVE**

The City Council considered a resolution calling for a public discussion to be held on September 11, 2006 regarding alternatives to the closing of Arbutus Drive, west of Red Maple Ridge. Thereupon a motion was offered by Council Member Buchanan and seconded by Council Member Duax “to adopt said resolution”. Thereupon a motion was offered by Council Member Biegel and seconded by Council Hughes “to postpone consideration of said resolution until after the Public Works Director has held the public information meeting with the residents of the area. Following the meeting, the Public Works Director shall make a report back to the Council.”. Said motion passed by the following vote: Aye: Council Members Biegel, Buchanan, Davis, Duax, Hughes, and Vue. Nay: Council Members Adler, Kincaid, Middleton, Sheridan, and Von Haden.

## **RUBY LANE SIDEWALK**

The Council considered a resolution to postpone construction of sidewalk on the west side of Ruby Lane, between Cornell Street and Welsh Drive, for one year, to allow the newly created Bicycle Pedestrian Advisory Commission to evaluate the area. 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 Von Haden and seconded by Council Member Buchanan “to amend said resolution by eliminating the last Whereas paragraph; eliminating the two Be It Further Resolved paragraphs; amending the Now Therefore Be It Resolved paragraph ‘to postpone for one year the entire project ordered to be constructed on Ruby Lane’; and amending the title of the resolution to reflect said changes.”. Said motion to amend passed by the following vote: Aye: Council Members Buchanan, Davis, Duax, Hughes, Middleton, Sheridan, Von Haden, and Vue. Nay: Council Members Adler, Biegel and Kincaid. The Council then voted on the resolution as amended. Said resolution was adopted by the following vote: Aye: Council Members Buchanan, Davis, Duax, Hughes, Middleton, Von Haden, and Vue. Nay: Council Members Adler, Biegel, Kincaid and Sheridan.

## **REZONING**

The City Council considered an ordinance rezoning property at 1602 Hogeboom Avenue from R-2 to C-2 as shown on Planning File #Z-1359-06. 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.

The Council considered an ordinance rezoning property at 655 Putnam Drive from R-3 to R-1 as shown on Planning File #Z-1360-06. Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Vue “to adopt said ordinance”. Said motion passed by unanimous vote.

### **SEWER SERVICE BOUNDARY**

The City Council considered an ordinance amending the Eau Claire Comprehensive Plan for changes in the Urban Sewer Service Boundary. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Duax “to adopt said ordinance”. Said motion passed by the following vote: Aye: Council Members Adler, Buchanan, Davis, Duax, Middleton, Sheridan, Von Haden, and Vue. Nay: Council Member Biegel, Hughes and Kincaid.

### **STREET NAME**

The Council considered an ordinance naming a private street Kane Court, from Kane Road (CTH "TT") to the east end. 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.

### **DANGEROUS DOGS**

The City Council considered an ordinance creating Section 6.08.045 of the Code of City Ordinances entitled “Dangerous Dogs” and amending Section 6.08.050 entitled “Mad, Vicious, Suspicion of Rabies – Quarantine and/or Destruction”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden “to adopt said ordinance”. The following items were offered by Council Member Duax and accepted by Council Member Von Haden as friendly amendments:

1. Section 1, Paragraph D, shall be entitled ‘Removal’ rather than ‘Impoundment’, and following the phrase ‘thirty (30) days’, delete the word ‘and’ and insert the word ‘or’.
2. Section 1, Paragraph D, create Clause 6 to read as follows: The owner of any dog determined to be dangerous under this subsection shall be responsible for all costs associated with the impoundment, care or removal of the dog.
3. Section 1, Paragraph D, create Clause 7 to read as follows: The city shall not assess the owner of a dog not determined to be dangerous any costs of impoundment or care under this subsection.
4. Section 1, Paragraph E (2)(a), after both instances of the phrase ‘removed from the city’, insert the words ‘under (D)(1)’
5. Section 2, Paragraphs A., H., and I are amended to read as follows:
  - A. Any dog, cat, or ferret, which is known to be, or if good reason exists to believe such animal is mad or rabid shall be impounded and disposed of according to law.
  - H. No person shall keep or harbor any dog or other domesticated animal, which is known to be, or when there is good reason to believe the same to be mad or rabid.

I. The provisions of s. 95.21 Wis. Stats., insofar as applicable, and any amendments thereto, are incorporated by reference and made a part of this section with the same force and effect as those provisions set forth verbatim herein.

Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Adler “to add the phrase ‘in consultation with the City / County Health Department’ at the end of Section 1, Paragraph D.” Said motion failed on the following vote: Aye: Council Members Biegel and Middleton. Nay: Council Members Adler, Buchanan, Davis, Duax, Hughes, Kincaid, Sheridan, Von Haden, and Vue. Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Adler “to delete Section 1, Paragraph H entitled ‘Exemptions’.” Said motion failed by the following vote: Aye: Council Member Middleton. Nay: Council Members Adler, Biegel, Buchanan, Davis, Duax, Hughes, Kincaid, Sheridan, Von Haden, and Vue. The Council then voted on the ordinance as amended (by the friendly amendments). Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Buchanan, Davis, Duax, Hughes, Kincaid, Sheridan, Von Haden, and Vue. Nay: Council Member Middleton.

### **ANNEXATION**

The City Council had first reading on 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 the SW ¼-SW ¼ of Section 26-27-9, Town of Washington, Eau Claire County, as shown on Planning Drawing No. 06-5A (Blaisdell Petition, 4202 E. Hamilton Avenue).

### **REZONING**

The Council had first reading on an ordinance rezoning property located on the south side of Echo Valley Drive (Lots 373 & 374, Oakwood Hills 6<sup>th</sup>) from R-1 to R-2P and to adopt the General Development Plan for two duplexes as shown on Planning File #Z-1361-06.

### **SIDEWALK VENDORS**

The City Council had first reading on an ordinance amending Section 13.12.065 of the City Code of Ordinances entitled “Sidewalk Cart Food Vendors” to allow extended hours of operation.

### **ADJOURNMENT**

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

Adjournment: August 8, 2006

Time: 6:15 p.m.

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David J. Adler, President

ATTEST:

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Donna A. Austad, City Clerk