

## **MINUTES**

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

**Tuesday, May 9, 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, May 9, 2006. Council Members requested that the following items be removed from the Consent Agenda and voted upon separately:

- Item #7 Resolution authorizing the Police Department to apply for a Digital Recording of Custodial Interrogations Grant from the Wisconsin Office of Justice Assistance.
- Item #8 Resolution authorizing the Police Department to apply for a Transfer Technology Program Grant offered by the Office of National Drug Control Police – Counter Drug Technology Assessment Center and administered by the U.S. Army Electronic Proving Ground, Special Programs Office.
- Item #14 Resolution approving bids and proposals.

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.

#### **GRANT APPLICATIONS**

The City Council considered a authorizing the Police Department to apply for a Digital Recording of Custodial Interrogations Grant from the Wisconsin Office of Justice Assistance. 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.

The Council considered a authorizing the Police Department to apply for a Transfer Technology Program Grant offered by the Office of National Drug Control Police – Counter Drug Technology Assessment Center and administered by the U.S. Army Electronic Proving Ground, Special Programs Office. 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.

## **BIDS AND PROPOSALS**

The City Council considered a approving the following bids and proposals:

- Procurement No. 2006-16, TIF #5–Gateway Northwest Utility Construction, Phase IV.
- Procurement No. 2006-19, Furnish Two Off Road Sludge Tank Trailers.
- Procurement No. 2006-20, Furnish One Crew Cab Truck and Two Road Tractors.
- Procurement No. 2006-21, Furnish Vans and Various Sized Pickup Trucks.
- Procurement No. 2006-22, City Wide Water Service Replacement.
- Procurement No. 2006-23, City Wide Valve & Hydrant Replacement.
- Procurement No. 2006-26, TIF #5 – Shorewood Drive Utility Construction.

Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Sheridan “to adopt said resolutions”. Said motion passed by unanimous vote.

## **LIQUOR LICENSE**

The City Council considered a resolution approving the expansion of the Intoxicating Liquor & Fermented Malt Beverage license of Shanghai Bistro, LLC., d/b/a Shanghai Bistro, 2930 Craig Rd., to include a 77’ x 11’ outdoor deck attached to the back of the restaurant. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Davis “to adopt said resolution”. Said motion passed by unanimous vote.

## **GRANT ACCEPTANCE**

The City Council considered a resolution authorizing the Police Department to accept an Edward Byrne Memorial Justice Assistance Grant (JAG) from the Office of Justice Programs, Department of Justice for the purchase of a portable live scan fingerprinting machine and related software. 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.

The Council considered a resolution authorizing the Coalition for Youth Director's participation in a Department of Human Services grant to Lutheran Social Services. 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.

## **ELECTION AGREEMENT**

The City Council considered a resolution approving an inter-governmental agreement with Eau Claire County for the purchase of election equipment. 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.

### **BASEBALL HALL OF FAME**

The Council considered a resolution allowing the creation of an Eau Claire Baseball Hall of Fame at the Carson Park Baseball Stadium plaza and allowing the Baseball Memorabilia Committee to initiate fundraising for the project. 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.

### **BONDS**

The City Council considered an Initial Resolution authorizing not to exceed \$100,000 aggregate principal amount of General Obligation Bonds for a fire station design project in 2006. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Vue "to adopt said resolution". Said motion passed by unanimous vote.

The Council considered a resolution directing the advertisement and sale of not to exceed \$5,125,000 aggregate principal amount of General Obligation Corporate Purpose Bonds, Series 2006-A. 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.

### **D.O.T. AGREEMENT - TRUAX BLVD**

The City 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 Truax Boulevard, from Clairemont Avenue to Fourteenth Street, Project No. 7995-02-07/08. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Kincaid "to adopt said resolution". Said motion passed by unanimous vote.

### **SIDEWALK - FLORENCE COURT**

The Council considered a Final Resolution approving the project and levying special assessments for sidewalk improvements on Florence Court, Vine Street to cul-de-sac (06-507). Thereupon a motion was offered by Council Member Davis and seconded by Council Member Sheridan "to adopt said resolution". Said motion failed on the following vote: Aye: None. Nay: Council Members Adler, Biegel, Buchanan, Davis, Duax, Hughes, Kincaid, Sheridan, Von Haden, and Vue.

Council Member Buchanan left the Council Chamber.

### **EPIPHANY LANE**

The City Council considered a resolution vacating Epiphany Lane, from Folsom Street to 615 feet north. Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Vue "to adopt said resolution". Said motion passed by the following vote:

Aye: Council Members Adler, Biegel, Davis, Duax, Hughes, Kincaid, Sheridan, and Von Haden. Nay: Council Member Vue.

The Council considered a resolution releasing the utility easements within Epiphany Lane, from Folsom Street to 615 feet north. 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, Biegel, Davis, Duax, Hughes, Kincaid, Sheridan, and Von Haden. Nay: Council Member Vue.

Council Member Buchanan returned to the Council Chamber.

The Council considered a resolution accepting the dedication of right-of-way for Epiphany Lane, from Folsom Street to 615 feet north. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Hughes "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Buchanan, Davis, Duax, Hughes, Kincaid, Sheridan, and Von Haden. Nay: Council Member Vue.

The Council considered a resolution authorizing the City Manager to enter into a development agreement with Calvary Baptist Church, Inc., for street and utility improvements for Epiphany Lane, north of Folsom Street. Thereupon a motion was offered by Council Member Sheridan and seconded by Council Member Von Haden "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Buchanan, Davis, Duax, Hughes, Kincaid, Sheridan, and Von Haden. Nay: Council Member Vue.

The Council considered a resolution indicating the location of required sidewalk construction along Epiphany Lane, north of Folsom Street. Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Hughes "to adopt said resolution". Thereupon a motion was offered by Council Member Davis and seconded by Council Member Kincaid "to amend said resolution by deleting the fourth paragraph of the initial resolution and insert the following:

Whereas, it is in the best interest of the City, developers, builders, and future property owners to determine that the location of a multi-purpose path along the west edge of Epiphany Lane, north of Folsom Street is required to be built before construction on buildings within the plat is started. Such multi-purpose path is to be compatible and intersect with the path to be constructed along Truax Boulevard. Sidewalks on the east side of Epiphany Lane, north of Folsom Street, shall be deferred."

Thereupon a motion was offered by Council Member Duax and seconded by Council Member Buchanan "to amend Council Member Davis's motion by substituting the following: Delete the Now, Therefore, Be it Resolved paragraph in the initial resolution and insert the following:

Now, Therefore, Be It Resolved, by the City Council of the City of Eau Claire as follows:

1. That pursuant to Section 13.04.020 of the Code of General Ordinances, the Council finds that the public safety does not mandate, nor do the topographical conditions permit the construction of sidewalks on Epiphany Lane.
2. That construction of sidewalks on both sides of Epiphany Lane be and hereby are deferred, as provided in Section 13.04.020.
3. That the development agreements executed with Epiphany Lutheran Church in 1995, and as earlier authorized by the City Council with Calvary Baptist Church, Inc. be and hereby are amended to delete all reference to sidewalk construction, in accord with section (2.) above.
4. That a bicycle/pedestrian lane be striped on the street pavement on Epiphany Lane in such manner as shall be determined by the City Department of Public Works.”

Said motion failed by the following vote: Aye: Council Members Buchanan, Duax, Von Haden and Vue. Nay: Council Members Adler, Biegel, Davis, Hughes, Kincaid, and Sheridan.

Council Member Sheridan left the Council meeting.

The Council again considered Council Member Davis and Kincaid’s motion. Friendly motions were accepted by the mover and seconder resulting in the following wording:

Whereas, it is in the best interest of the City, developers, builders, and future property owners to determine that the location of pedestrian facilities before construction on buildings within the plat is started.

Now, Therefore, Be It Resolved, by the City Council of the City of Eau Claire, that sidewalk on the east side of Epiphany Lane, north of Folsom Street, shall be deferred. An eight-foot wide multi-purpose path is required to be built along the west side of Epiphany Lane, north of Folsom Street, as shown on the exhibit attached hereto. Such multi-purpose path shall be compatible with and intersect with the path to be constructed along Truax Boulevard. The 1995 and 2006

Development Agreements regarding Epiphany Lane are hereby amended accordingly.

Said motion passed by the following vote: Aye: Council Members Buchanan, Davis, Duax, Hughes, 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 Adler, Biegel, Buchanan, Davis, Duax, Hughes, Von Haden, and Vue. Nay: Council Member Kincaid.

## **VILLAGE TERRACE**

The City Council considered a resolution authorizing the City Manager to enter into a development agreement with Minocqua Holdings, Ltd., for street and utility improvements within the Plat of Village Terrace, located south of Golf Road, west of Keystone Crossing, and east of Oakwood Hills Parkway. 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 a resolution indicating the location of required sidewalk construction within the Plat of Village Terrace, located south of Golf Road, west of Keystone Crossing, and east of Oakwood Hills Parkway. Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Kincaid “to adopt said resolution”. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Von Haden “to amend said resolution to defer the construction of sidewalk on Twin Oaks Court and Fairfield Court, as they are cul-de-sacs less than 750 feet in length, and also defer sidewalk construction on the round bulb at the end of Village Terrace Court.” Said motion to amend passed by the following vote: Aye: Council Member Buchanan, Duax, Hughes, Von Haden and Vue. Nay: Council Member Adler, Biegel, and Kincaid. Abstain: Council Member Davis. The Council then voted on the resolution as amended. Said resolution was adopted by the following vote: Aye: Council Members Adler, Biegel, Buchanan, Duax, Hughes, Kincaid, Von Haden, and Vue. Nay: None. Abstain: Council Member Davis.

### **HEALTH INSURANCE**

The City Council considered a resolution adopting the 2006 - 2007 Employee Health Insurance Program for current city employees and retirees. 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.

### **OFFICIAL MAPPING**

The Council considered an ordinance amending the Official Map by deleting Chippewa River Drive, from 109 feet north of Hickory Lane to approximately 323 feet north of Hickory Lane. 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.

### **REZONING**

The City Council considered an ordinance rezoning property at the southeast corner of STH 312 (North Crossing) and CTH “TT” (Kane Road) from C-3P to R-3P and to adopt the General Development Plan for multi-family development as shown on Planning File Z-1349-06. 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, Hughes, Kincaid, Von Haden, and Vue. Nay: None. Abstain: Council Member Biegel.

### **SIGN CODE**

The Council considered an ordinance amending Chapter 16.16 of the Code of City Ordinances, entitled “On-premise Sign Code” regarding electronic message center signs. 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.

## **MULTI-FAMILY HOUSING**

The City Council considered an ordinance amending Chapter 18.45 of the Code of City Ordinances, entitled "Site Plans", to amend the adoption reference date for the updated Multi-family Housing Design Manual, as shown in Planning File Z-1351-06. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Duax "to adopt said ordinance". Said motion passed by unanimous vote.

## **CONDITIONAL USE**

The Council considered an ordinance amending the Zoning Code and repealing provisions requiring a conditional use permit for a Class A beer license and Class A intoxicating liquor license, as shown in Planning File Z-1352-06. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Von Haden "to adopt said ordinance". Said motion passed by unanimous vote.

## **PARKING FINES**

The City Council considered an ordinance amending the City Code of Ordinances to increase certain parking fines. 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.

## **OFF-STREET PARKING REQUIREMENTS**

The Council had first reading on an ordinance amending the following sections of the City Code of Ordinances regarding off-street parking:

- Section 16.36.080 - Parking Lot and Driveway Surfaces - regarding standards for parking surface permits;
- Section 18.04.040 - Residential Districts Design and Dimensional Standards- setting standards for maximum lot coverage for improved surfaces in residential districts;
- Section 18.25.050 - Residential Off-Street Parking - amending standards for residential off-street parking in front yards;

as shown on Planning File Z-1350-06.

## **DANGEROUS DOGS**

The City Council had first reading on an ordinance creating Section 6.08.045 of the Code of City Ordinances entitled "Dangerous Dogs".

## **STREET NAMES**

The City Council had first reading on an ordinance to name the public street located west of the Highway 53 Freeway, from LaSalle Street to Lassek Court, as Woodhaven Road.

The Council had first reading on an ordinance to name the public street located east of the Highway 53 Freeway, from Eastwind Drive northwesterly to the cul-de-sac, as Northwinds Drive.

**ADJOURNMENT**

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

Adjournment: May 9, 2006

Time: 7:07 p.m.

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David J. Adler, President

ATTEST:

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Donna A. Austad, City Clerk