

## **MINUTES**

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

**Tuesday, April 11, 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, Hal Davis, David Duax, Raymond Hughes, Kerry Kincaid, Terry Sheridan, Bob Von Haden and Thomas Vue. Absent: Council Members Berlye Middleton and Terri Stanley.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, April 11, 2006. Thereupon a motion was offered by Council Member Sheridan and seconded by Council Member Vue "to adopt the consent resolution". Said motion passed by unanimous vote.

Council Member Terri Stanley arrived in the Council Chamber.

#### **COMMENDATIONS AND PROCLAMATIONS**

Council President Adler, on behalf of the City Council, proclaimed April 22, 2006, as Earth Day in the City of Eau Claire.

Council Member Berlye Middleton arrived in the Council Chamber.

#### **BADGER DAYS**

The City Council considered a resolution approving the request from the UW Madison Athletic Department to conduct a Badger Day Tailgate Party for the purpose of promoting Wisconsin Badger athletics in Carson Park on June 1, 2006. Thereupon a motion was offered by Council Member Sheridan and seconded by Council Member Hughes "to adopt said resolution". Said motion passed by following vote: Aye: Council Members Adler, Biegel, Davis, Duax, Hughes, Kincaid, Sheridan, Stanley, Von Haden, and Vue. Nay: None. Abstain: Council Member Middleton.

The Council considered a resolution granting a Temporary Class B Fermented Malt Beverage license and Temporary Class B Wine license to Wisconsin Alumni Association, Inc., Paula Bonner, president, on June 1, 2006, at Carson Park, within the fenced area including Pine and Oak Pavilions, for 2006 Badger Days. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Davis "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Adler, Davis, Hughes, Kincaid, Middleton, Von Haden, and Vue. Nay: Council Members Duax, Sheridan and Stanley. Abstain: Council Member Biegel.

## **BUDGET ADJUSTMENTS**

The City Council considered a resolution authorizing 2005 budget adjustments and carryovers and 2006 quarterly budget adjustments. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Duax "to adopt said resolution". Said motion passed by unanimous vote.

The Council considered a resolution authorizing the write-off of Uncollectible Accounts Receivable and Delinquent Personal Property Taxes. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Middleton "to adopt said resolution". Said motion passed by unanimous vote.

The Council considered a resolution accepting a payment from the Eau Claire Jaycees for city services at the 2002 Upward Air Show. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Stanley "to adopt said resolution". Thereupon a motion was offered by Council Member Davis and seconded by Council Member Sheridan "to postpone consideration of said resolution and direct staff to request additional financial and organizational information from the Jaycees". Said motion to postpone passed by unanimous vote.

Council Member Sheridan left the Council Chamber.

## **LIBRARY TAX**

The City Council considered a resolution exempting the City from the Chippewa County tax levy for library purposes. Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Davis "to adopt said resolution". Said motion passed by unanimous vote.

## **TRANSIT CONTRACT**

The Council considered a resolution approving the 2005 Federal Urban Mass Transit Operating Assistance Contract with the Federal Transit Administration. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Von Haden "to adopt said resolution". Said motion passed by unanimous vote.

Council Member Sheridan returned to the Council Chamber.

## **STREET IMPROVEMENTS**

The City Council considered a final resolution approving the project and levying special assessments for street and sidewalk improvements on the following streets:

- Buffington Drive, Park Ridge Drive to Cameron Street (06-504)
- Park Ridge Court, cul-de-sac to Park Ridge Drive (06-505)
- Park Ridge Drive, 250 feet north of Park Ridge Court to Buffington Drive (06-506).

The Council agreed to divide the question and vote on each project separately. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Vue “to approve the project for Buffington Drive, Park Ridge Drive to Cameron Street (06-504)”. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Kincaid “to amend the project as follows:

- a) Eliminate the divided street (with the 12-foot lane in each direction and a 12-foot island) from the Lakeview Cemetery entrance to Cameron Street. The entrance to Lakeview Cemetery should be constructed as proposed with a square corner rather than the rounded curve that currently is there.
- b) The proposed section of the pedestrian path from Cameron Street to the pedestrian path constructed in 2005 shall be eliminated.
- c) The South entrance to the cemetery should be reviewed by staff to see if it could be left as a gated entrance to be used only for funerals and special events.”.

Said motion to amend passed by unanimous vote. The Council then considered the motion to adopt the resolution as amended. Said motion passed by unanimous vote.

The Council considered a final resolution approving the project and levying special assessments for street and sidewalk improvements on Park Ridge Drive, 250 feet north of Park Ridge Court to Buffington Drive (06-506). Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Vue “to adopt said resolution”. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Kincaid “to amend said resolution as follows:

- a) To defer the sidewalk as it is not in the public interest.
- b) To review the proposed design of the corner at Park Ridge Drive and Buffington Drive to see if it could be constructed more as it currently is without going through the ravine and keeping the corner as sharp as possible for traffic calming while still providing better sight at the corner and some leveling of the terrain.”

Council Members agreed to divide the question to allow a separate vote on each part of the motion. Council considered the motion to defer construction of the sidewalk on Park Ridge Drive, 250 feet north of Park Ridge Court to Buffington Drive. Said motion to defer sidewalk construction passed by the following vote: Aye: Council Members Duax, Kincaid, Middleton, Stanley, Von Haden, and Vue. Nay: Council Members Adler, Biegel, Davis, Hughes, and Sheridan. The Council then considered the motion regarding the proposed design for the corner of Park Ridge Drive and Buffington Drive. Thereupon a motion was offered by Council Member Sheridan to amend said motion to read “to accept the proposed design of the corner at Park Ridge Drive and Buffington Drive as presented by staff at the April 11, 2006 Council meeting.”. Said revision was accepted as a friendly amendment by the mover and seconder. The Council voted on the revised motion to amend. Said motion passed by unanimous vote. The Council then voted on the resolution approving the project and levying special assessments for street and sidewalk improvements on Park Ridge Drive, as amended. Said resolution was adopted by unanimous vote.

The City Council considered a final resolution approving the project and levying special assessments for street and sidewalk improvements on Park Ridge Court, cul-de-sac to Park Ridge Drive (06-505). Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Duax “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a final resolution approving the project and levying special assessments for street improvements on Florence Court, Vine Street to cul-de-sac (06-507). Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Middleton "to adopt said resolution". Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Hughes "to postpone consideration of said resolution and schedule a new hearing on the project to include sidewalk construction". After discussion, the motion was withdrawn and the Council voted on the original motion to adopt the resolution. Said motion to approve the resolution passed by unanimous vote.

The Council considered a final resolution approving the project and levying special assessments for street and utility improvements on McKinley Road, Seymour Road to Tower Drive (06-202). Thereupon a motion was offered by Council Member Stanley and seconded by Council Member Davis "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Hughes, Kincaid, Middleton, Sheridan, Von Haden, and Vue. Nay: Council Member Duax and Stanley.

Council Member Davis left the Council Chamber.

The Council considered a final resolution approving the project and levying special assessments for sidewalk improvements on Damon Street, London Road to Boardwalk Street (06-315). Thereupon a motion was offered by Council Member Sheridan and seconded by Council Member Vue "to adopt said resolution". Said motion passed by unanimous vote.

Council Member Davis returned to the Council Chamber.

### **PLAT AMENDMENT**

The City Council considered a resolution amending the final plat for West Cliff Heights to allow a reduced setback from 30' to 20' for property at the southeast corner of Nicholas Drive and Amanda Court as shown on Planning File P-3-93 Amd. 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.

### **PROPERTY ACQUISITION**

The Council considered a resolution approving a Jurisdictional Offer and Lis Pendens for property acquisition near Early Drive. Thereupon a motion was offered by Council Member Sheridan 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 Biegel and Duax. Abstain: Council Member Stanley.

## **REZONING**

The City Council considered an ordinance rezoning property located at the northwest corner of Seymour Road and Brookline Avenue from C-2 to R-2P and to adopt the General Development Plan for a 4-unit/twin duplex as shown on Planning File #Z-1345-06. Thereupon a motion was offered by Council Member Stanley and seconded by Council Member Hughes “to postpone consideration of said ordinance until such time as a recommendation comes forward from the Plan Commission”. Said motion to postpone passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Duax, Hughes, Middleton, Sheridan, Stanley, Von Haden, and Vue. Nay: Council Member Kincaid.

The Council considered an ordinance rezoning properties located on the east side of First Street, south of Bolles Street, from I-1 to R-2 as shown on Planning File #Z-1347-06. Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Davis “to adopt said ordinance”. Said motion passed by unanimous vote. v

## **WEEDS, YARDS & LAWNS**

The City Council considered an ordinance amending Chapter 8.28 of the City Code of Ordinances entitled “Weeds, Yards, and Lawns” regarding waivers for enforcement of regulations. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Middleton “to adopt said ordinance”. Said motion passed by unanimous vote.

## **REZONING**

The City Council had first reading on ordinances to rezone the following parcels:

- property at the southeast corner of Melby Street and Starr Avenue from R-1 and I-1 to I-2 as shown on Planning File Z-1348-06.
- property at the southeast corner of STH 312 and CTH “TT” 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.
- property located on the south side of Golf Road, east of Oakwood Hills Parkway, from R-2P to R-1 and amending the General Development Plan for R-3P zoned property for duplex condominiums as shown on Planning File Z-1286 & 1287 Amd.

## **OFFICIAL MAPPING**

The Council had first reading on 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.

## **ADJOURNMENT**

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

Adjournment: April 11,2006

Time: 7:03 p.m.

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David J. Adler, President

ATTEST:

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Donna A. Austad, City Clerk