

## MINUTES

### EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, March 28, 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, Terri Stanley, 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, March 28, 2006. Council Members requested that the following items be removed from the Consent Agenda and voted upon separately:

- Item No. 10 Resolution authorizing the application for a DNR grant for the acquisition of 3537 Old Wells Road for park purposes.
- Item No. 12 Preliminary resolution declaring the City's intention to exercise its special assessment powers under Section 66.0703, Wisconsin Statutes, for street and utility improvements on McKinley Road, Seymour Road to Tower Drive (06-202), and directing the City Clerk to give notice of a hearing scheduled for April 10, 2006.
- Item No. 15 Resolution approving the following bids and proposals:
  - Procurement No. 2006-03, Furnish Full Size Squad Cars
  - Procurement No. 2006-06, Financial Consulting Services
  - Procurement No. 2006-07, Bond Counsel Services
  - Procurement No. 2006-08, Arbitrage Services

Thereupon a motion was offered by Council Member Davis and seconded by Council Member Sheridan "to adopt the remainder of the consent resolution". Said motion passed by unanimous vote.

#### GRANT APPLICATION

The City Council considered a resolution authorizing the application for a DNR grant for the acquisition of 3537 Old Wells Road for park purposes. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Von Haden "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Hughes, Kincaid, Sheridan, Von Haden, and Vue. Nay: Council Members Duax and Stanley.

## **PRELIMINARY RESOLUTION - MCKINLEY ROAD IMPROVEMENTS**

The Council considered a preliminary resolution declaring the City's intention to exercise its special assessment powers under Section 66.0703, Wisconsin Statutes, for street and utility improvements on McKinley Road, Seymour Road to Tower Drive (06-202), and directing the City Clerk to give notice of a hearing scheduled for April 10, 2006. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Kincaid "to adopt said resolution". Said motion passed by unanimous vote.

## **BIDS**

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

- Procurement No. 2006-03, Furnish Full Size Squad Cars
- Procurement No. 2006-06, Financial Consulting Services
- Procurement No. 2006-07, Bond Counsel Services
- Procurement No. 2006-08, Arbitrage Services.

Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Stanley "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Hughes, Kincaid, Sheridan, Stanley, Von Haden, and Vue. Nay: Council Member Duax.

## **APPOINTMENTS**

The City Council considered a resolution approving the appointment of Rick Kayser to the Plan Commission. Thereupon a motion was offered by Council Member Stanley and seconded by Council Member Biegel "to adopt said resolution". Said motion passed by unanimous vote.

## **LIQUOR LICENSE**

The City Council considered a resolution granting a Combination Class B Intoxicating Liquor and Fermented Malt Beverage license to Outback/Midwest II Ltd. Partnership, d/b/a Outback Steakhouse, 5020 Keystone Crossing, Kane Drugg, agent. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Kincaid "to adopt said resolution". Said motion passed by unanimous vote.

The Council considered a resolution granting a Combination Class B Intoxicating Liquor and 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 Davis and seconded by Council Member Von Haden "to adopt said resolution". The Council discussed the facts that El Patio III could operate under their existing Reserve Combination Class B Intoxicating Liquor and Fermented Malt Beverage Liquor license; the filing date on the Outback / Midwest application was earlier than the filing date on the Castro Corporation application; there were no "regular, non-reserve" licenses available (after the approval of the Outback / Midwest resolution). Said motion to grant a license to Castro

Corporation failed by the following vote: Aye: None. Nay: Council Members Adler, Biegel, Davis, Duax, Hughes, Kincaid, Sheridan, Stanley, Von Haden, and Vue.

### **GRANTS AND DONATIONS**

The City Council considered a resolution authorizing the City Police Department to accept a \$30,000 Juvenile Accountability Block Grant awarded by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Sheridan “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution accepting a donation of fireworks from Festival Foods for the July 4, 2006 Community Celebration. 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.

### **CDBG AND HOME PROGRAMS**

The City Council considered a resolution approving amendments to the Community Development Block Grant (CDBG) and Home Programs. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by unanimous vote.

### **STREET VACATION**

The City Council considered a resolution vacating the following sections of public street right-of-way:

- Wisconsin Street, from the west line of Riverfront Terrace to the Chippewa River;
- Alley south of Madison Street, from the west line of Riverfront Terrace to the Chippewa River, within Block 22, Huyssen, Marfield, Galloway, and Meredith's Addition; and
- Alley south of Madison Street, from the east line of Riverfront Terrace to the west line of Hobart Street, within Block 21, Huyssen, Marfield, Galloway, and Meredith's Addition.

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

### **UTILITY EASEMENT**

The Council considered a resolution releasing the utility easements within:

- The northerly 50 feet of Wisconsin Street, from the west line of Riverfront Terrace to the Chippewa River;
- Alley south of Madison Street, from the west line of Riverfront Terrace to the Chippewa River, within Block 22, Huyssen, Marfield, Galloway, and Meredith's Addition; and
- Alley south of Madison Street, from the east line of Riverfront Terrace to the west line of Hobart Street, within Block 21, Huyssen, Marfield, Galloway, and Meredith's Addition.

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.

### **ENCROACHMENT**

The City Council considered a resolution granting a permanent encroachment to the property owner at 840 Water Street for a secondary exit platform (fire escape) on Ninth Avenue. 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.

### **STREET, SIDEWALK & UTILITY IMPROVEMENTS**

The City Council considered a final resolution approving the project and levying special assessments for street improvements on Truax Boulevard, N. Clairemont Avenue (Hwy. 12) to Fourteenth Street (06-101). Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Duax “to adopt said resolution”. Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Duax, Kincaid, Sheridan, Stanley, Von Haden, and Vue. Nay: Council Member Hughes.

The Council considered a final resolution approving the project and levying special assessments for street and utility improvements on Third Street, Maple Street to Truax Boulevard (06-410). Thereupon a motion was offered by Council Member Vue and seconded by Council Member Von Haden “to adopt said resolution”. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Duax “to postpone consideration of the project to allow a City Council discussion on the issue of a Third Street versus First Street arterial designation”. Said motion to postpone failed by the following vote: Aye: Council Members Davis, Duax, and Vue. Nay: Council Members Adler, Biegel, Hughes, Kincaid, Sheridan, Stanley, and Von Haden. Thereupon a motion was offered by Council Member Duax “to amend said resolution by adding the following sentence to the first paragraph regarding the engineer’s report: ‘Traffic calming techniques shall be included in the design and construction of the project to increase pedestrian crossing safety’.” Said motion was accepted as a friendly amendment by the original mover and seconder. The Council then voted on the resolution as amended. Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Duax, Hughes, Kincaid, Sheridan, Von Haden, and Vue. Nay: Council Members Davis and Stanley.

Council Member Biegel left the Council Chamber.

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 on Third Street, Maple Street to Truax Boulevard (06-410). Thereupon a motion was offered by Council Member Duax and seconded by Council Member Kincaid “to adopt said resolution”. Said motion passed by the following vote: Aye: Council Members Adler, Duax, Hughes, Kincaid, Sheridan, Von Haden, and Vue. Nay: Council Members Davis and Stanley.

The Council considered a final resolution approving the project and levying special assessments for street and utility improvements on Galloway Street, Hastings Place to Birch Street (06-201). Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Stanley "to adopt said resolution". Said motion passed by unanimous vote.

Council Member Biegel returned to the Council Chamber.

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

- Golf Road, Cottonwood Drive to Clover Drive (06-301)
- Rudolph Road, Golf Road to Pine Park Drive (06-302)

Thereupon a motion was offered by Council Member Davis and seconded by Council Member Sheridan "to adopt said resolution". Said motion passed by unanimous vote.

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 in the following locations:

- Golf Road, Cottonwood Drive to Clover Drive (06-301)
- Rudolph Road, Golf Road to Pine Park Drive (06-302)

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.

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

- Coolidge Court, Drummond Street to Garfield Avenue (06-407)
- Drummond Street, Coolidge Court to Rust Street (06-408).

Council Members requested a division of the question to vote on each project separately.

Thereupon a motion was offered by Council Member Duax and seconded by Council Member Kincaid "to adopt the resolution regarding the project on Coolidge Court, Drummond Street to Garfield Avenue (06-407)". Said motion passed by unanimous vote. Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Davis "to adopt the resolution regarding the project on Drummond Street, Coolidge Court to Rust Street (06-408)". Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Von Haden "to amend the project as follows:

- a. Driveway approach proposed for the westerly half of Parcel No. 03-909 (1767 Drummond Street) is deleted.
- b. Special assessments for the sewer and water for Parcel No. 03-909 (1767 Drummond Street) are deferred until such time as the parcel is subdivided or connected to the utilities.
- c. A parking area shall be installed on the south side of the street adjacent to Parcel 03-910A (1819 Drummond Street).
- d. Drive over curb shall be installed on both sides of the street except for the parking area adjacent to Parcel 03-910A (1819 Drummond Street)."

Said motion was accepted as a friendly amendment. The Council then voted on the project as amended. Said motion passed by unanimous vote.

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 on Coolidge Court, Drummond Street to Garfield Avenue (06-407). Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Stanley "to adopt said resolution". Said motion passed by unanimous vote.

Council Member Stanley left the Council Chamber.

The Council considered a final resolution approving the project and levying special assessments for sidewalk improvements on W. Clairemont Avenue (Hwy. 12), Stein Blvd. to University Dr., south side (06-316). 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.

### **GRANT APPLICATION**

The City Council considered a resolution supporting a grant application by Eau Claire County to the Wisconsin DNR for an Urban Non-Point Source & Storm Water Grant. 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.

Council Member Stanley returned to the Council Chamber.

### **SHARED SERVICES REPORT**

The Council considered a resolution implementing the recommendations of the City Council Shared Services Committee Final Report. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Hughes "to adopt said resolution". Thereupon a motion was offered by Council Member Biegel and seconded by Council Von Haden "to amend said resolution as follows: In the first Be It Further Resolved clause, paragraph four, line one, delete the word 'President'." Said motion to amend passed by unanimous vote. The Council then voted on the resolution as amended. Said motion passed by the following vote: Aye: Council Members Adler, Davis, Duax, Hughes, Sheridan, Stanley, Von Haden, and Vue. Nay: Council Member Biegel and Kincaid.

### **COURTHOUSE/POLICE DEPARTMENT EXPANSION**

The City Council considered a resolution approving participation with Eau Claire County in the Programming and Conceptual Design Phase of the Eau Claire County Courthouse Long-Term Plan and authorizing extensions of the leases for the Law Enforcement areas. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Kincaid "to adopt said resolution". Said motion passed by unanimous vote.

## **PROPERTY ACQUISITION**

The Council considered a resolution approving the acquisition of a vacant parcel at 121 N. Barstow Street for delinquent taxes. Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Stanley "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Hughes, Kincaid, Sheridan, Stanley, Von Haden, and Vue. Nay: Council Member Duax.

## **REZONING**

The City Council considered an ordinance rezoning properties located on the west side of Jeffers Road, north of Prairie Lane, from R-1A to R-1 as shown on Planning File #Z-1344-06. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Sheridan "to adopt said ordinance". Said motion passed by unanimous vote.

The Council considered an ordinance amending the Zoning Code's provisions pertaining to detached garages as shown on Planning File #Z-1346-06. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Von Haden "to adopt said ordinance". Said motion passed by unanimous vote.

## **CODE AMENDMENT**

The City Council considered an ordinance to amend the City Code of Ordinances by repealing the following sections:

- Chapter 2.44, entitled "Board of Education"
- Chapter 8.08, entitled "Milk Regulations"
- Chapter 8.12, entitled "Meat Slaughter and Sale"
- Title 11, entitled "Airport"

Thereupon a motion was offered by Council Member Duax and seconded by Council Member Kincaid "to adopt said ordinance". Said motion passed by unanimous vote.

## **REZONING**

The City Council had first reading on 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.

The Council had first reading on 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.

## **WEEDS, YARDS, AND LAWNS**

The Council had first reading on an ordinance amending Chapter 8.28 of the City Code of Ordinances entitled "Weeds, Yards, and Lawns" regarding waivers for enforcement of regulations.

**ADJOURNMENT**

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

Adjournment: March 28, 2006

Time: 7:22 p.m.

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David J. Adler, President

ATTEST:

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Donna A. Austad, City Clerk