

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, March 14, 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, Berlye Middleton, Terry Sheridan, Bob Von Haden and Thomas Vue. Absent: Council Member Terri Stanley.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, March 14, 2006. Council Member Duax requested that Item No 14, Preliminary Resolution declaring the City's intention to exercise its special assessment powers under Section 66.0703, Wisconsin Statutes, for sidewalk improvements, and directing the City Clerk to give notice of a hearing scheduled for March 27, 2006, on Damon Street, Fairfax Street to Boardwalk Street (06-315) and W. Clairemont Avenue (Hwy. 12), Stein Boulevard to University Drive, south side (06-316), be removed from the consent agenda and voted upon separately. Thereupon a motion was offered by Council Member Sheridan and seconded by Council Member Vue "to adopt the remainder of the consent resolution". Said motion passed by unanimous vote.

PRELIMINARY RESOLUTION - SIDEWALK 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 sidewalk improvements, and directing the City Clerk to give notice of a hearing scheduled for March 27, 2006, on the following streets:

- Damon Street, Fairfax Street to Boardwalk Street (06-315)
- W. Clairemont Avenue (Hwy. 12), Stein Boulevard to University Drive, south side (06-316).

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.

LIQUOR LICENSE

The City Council considered a resolution granting a Combination Class B Intoxicating Liquor & Fermented Malt Beverage license and Class A Cabaret license to Clearwater Diversions, LLC., d/b/a Haymarket Grill, 101 Graham Ave., Jay Johnson, agent. 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.

SERVICE REQUEST

The City Council considered a resolution approving the request from the City of Altoona Parks and Recreation Department for assistance from the Eau Claire Parks, Recreation and Forestry in rebuilding a baseball diamond infield. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Biegel “to adopt said resolution”. Said motion passed by unanimous vote.

MEMORANDUM OF UNDERSTANDING

The Council considered a resolution approving a Memorandum of Understanding with the Town of Union regarding Intergovernmental Cooperation. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Sheridan “to adopt said resolution”. Said motion passed by the following vote: Aye: Council Members Adler, Davis, Duax, Hughes, Kincaid, Middleton, Sheridan, Von Haden, and Vue. Nay: Council Member Biegel.

STREET, UTILITY & SIDEWALK IMPROVEMENTS

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

- Second Reserve, Ferry Street to Michigan Street (06-303)
- S. Hastings Way Frontage Road, Horlacher Lane to 1,626 feet north (06-304)
- Crescent Avenue, Fisher Street to Ferry Street (06-305)

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 Duax and seconded by Council Member Davis “to amend said resolution by adding a paragraph 9 to read as follows: ‘Within sixty (60) days of the adoption of this resolution, the city manager is directed to report to the city council on the financial impact of assessments for the South Hastings Way Frontage Road on the Oak Grove Cemetery Association, and to recommend any city street improvement assessment policies that may need to be considered to mitigate financial impact on private cemetery associations or cemeteries within the City of Eau Claire.’” Said motion failed by the following vote: Aye: Council Member Duax. Nay: Council Members Adler, Biegel, Davis, Hughes, Kincaid, Middleton, Sheridan, Von Haden, and Vue. The Council then voted on the original motion to adopt the 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 on Crescent Avenue, Fisher Street to Ferry Street (06-305). 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 Council considered a Final Resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- Royal Court, cul-de-sac to Rudolph Court (06-309)
- Rudolph Court, Roy Street to Rudolph Road (06-310)
- Roy Street, cul-de-sac to Rudolph Court (06-308)
- Trimble Street, Benton Avenue to Bend Court (06-311)

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.

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

- Rudolph Court, Roy Street to Rudolph Road (06-310) (south and west sides)
- Roy Street, cul-de-sac to Rudolph Court (06-308) (east side)
- Trimble Street, Benton Avenue to Bend Court (06-311)

Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Hughes “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, utility, and sidewalk improvements on the following streets:

- Ruby Lane, Loken Lane to Riverview Drive (06-502)
- Grover Road, Stein Boulevard to Glen Crest Court (06-503).

Council President Adler said the Council would consider these projects separately. Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Davis “to adopt the resolution regarding the Ruby Lane project, Loken Lane to Riverview Drive”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden “to defer construction of sidewalk on both sides of Ruby Lane, because sidewalk would not serve the public interest, safety or convenience”. Thereupon a motion was offered by Council Member Sheridan and seconded by Council Member Middleton “to amend said motion to order construction of sidewalk on the west side of Ruby Lane between Cornell Street and Welsh Drive”. Said motion passed by the following vote: Aye: Council Members Adler, Duax, Hughes, Kincaid, Middleton, Sheridan, Von Haden, and Vue. Nay: Council Members Biegel and Davis. Council then voted on the motion as amended (defer construction of sidewalk on the entire east side of Ruby Lane, Loken Lane to Riverview Drive; defer construction of sidewalk on the west side of Ruby Lane, north of Cornell Street and south of Welsh Drive; order sidewalk to be constructed on the west side from Cornell Street to Welsh Drive). Said motion passed by the following vote: Aye: Council Members Adler, Duax, Hughes, Kincaid, Middleton, Sheridan, Von Haden, and Vue. Nay: Council Members Biegel and Davis. The Council then voted on the original motion to adopt the resolution regarding the Ruby Lane project. Said motion passed by unanimous vote.

Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Middleton “to adopt the resolution regarding the Grover Road project, Stein Boulevard to Glen Crest Court (06-503)”. Said motion passed by unanimous vote.

The Council considered a Final Resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- Bellevue Avenue, E. Madison Street to Spring Street (06-401)
- Emery Street, Agnes Street to 190 feet east of Keith Street (06-403)
- W. Grand Avenue, Fifth Avenue to Sixth Avenue (06-409)

Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Biegel “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:

- Bellevue Avenue, E. Madison Street to Spring Street (06-401)
- Emery Street, Agnes Street to 190 feet east of Keith Street (06-403)
- W. Grand Avenue, Fifth Avenue to Sixth Avenue (06-409)

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.

AGREEMENT

The City Council considered a resolution approving a cooperative agreement for continuing transportation planning for the Eau Claire Metropolitan Area between the Wisconsin Department of Transportation, the Chippewa - Eau Claire Metropolitan Planning Organization and the Cities of Eau Claire and Chippewa Falls. 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.

OCCUPANCY LIMITS

The Council considered an ordinance amending the City Code of Ordinances by creating Chapter 9.35 entitled “Occupancy” regarding occupancy limits in buildings. 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 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.

The Council had first reading on an ordinance amending the Zoning Code’s provisions pertaining to detached garages as shown on Planning File #Z-1346-06.

CODE AMENDMENTS

The City Council had first reading on 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".

ADJOURNMENT

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

Adjournment: March 14, 2006

Time: 5:38 p.m.

David J. Adler, President

ATTEST:

Donna A. Austad, City Clerk