

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, December 13, 2005

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, Dallas Neville, 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, December 13, 2005. Council Members requested that Item No. 9, resolution receiving a petition and directing the City Engineer to prepare a report in accordance with s. 66.0703, Wis. Stats., for grading and graveling and bituminous paving of the alley from Sixth Avenue to Seventh Avenue between Chippewa Street and Niagara Street, be removed from the Consent Agenda and voted upon separately. Thereupon a motion was offered by Council Member Neville and seconded by Council Member Vue "to adopt the remainder of the consent resolution". Said motion passed by unanimous vote.

IMPROVEMENT PETITION

The Council considered a resolution receiving a petition and directing the City Engineer to prepare a report in accordance with s. 66.0703, Wis. Stats., for grading and graveling and bituminous paving of the alley from Sixth Avenue to Seventh Avenue between Chippewa Street and Niagara Street. 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.

PROCLAMATION

Council President Adler, on behalf of the City Council, read a resolution expressing appreciation to Don Norrell for his service as City Manager from 1991 to the present. Norrell began working for the City in October 1977. He has taken a managerial position with The Woodlands in Texas.

Council Member Stanley arrived in the Council Chamber.

BUDGET ADJUSTMENTS

The City Council considered a resolution authorizing appropriation adjustments to the 2005 Program of Services for grants, donations, and service adjustments. 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.

HALF MOON LAKE GRANT

The City Council considered a resolution accepting a Wisconsin DNR Lake Management - Aquatic Invasive Species Control Grant in the amount of \$26,000 for use in studying Half Moon Lake and making an appropriation for the same amount in the 2005 budget. 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.

AGREEMENTS

The City Council considered a resolution approving the renewal of a lease agreement with Eau Claire County for the use of Jeffers Road Park for community garden plots. 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.

The Council considered a resolution approving an agreement between the City and the University of Wisconsin - Eau Claire for the use of Bollinger Fields. Thereupon a motion was offered by Council Member Neville and seconded by Council Member Vue "to adopt said resolution". Said motion passed by unanimous vote.

The Council considered a resolution approving the renewal of a shared use agreement between the City and the Indoor Sports Center for the use of Soccer Park. 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 approving the renewal of an agreement between the City and the Eau Claire YMCA for the use of Fairfax Pool for practices and the annual swim meet. 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 approving a lease between the City and the Eau Claire Downtown Farmers Market, Inc., for the use of the pavilion in Phoenix Park. 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.

INCUBATOR CENTER

The City Council considered a resolution supporting a Mixed Use Advance Technology Incubator at the Chippewa Valley Technical College Gateway Campus. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Hughes "to adopt said resolution". Said motion passed by unanimous vote.

SIDEWALK DEFERRAL

The Council considered a resolution deferring sidewalk on Otter Road adjacent to the Convenience Store at 3120 East Clairemont Avenue. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Duax “to adopt said resolution”. Said motion failed by the following vote: Aye: Council Members Adler, Duax, Von Haden and Vue. Nay: Council Members Davis, Hughes, Kincaid, Middleton, Neville, and Stanley. Abstain: Council Member Biegel.

ENCROACHMENT

The City Council considered a resolution granting a permanent encroachment to the property owner of 130 S. Barstow Street for cast iron sculptures. 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.

STREET VACATION

The Council considered a resolution vacating Minnesota Street, from the southerly right-of-way of vacated Avenue C extended to the north end. Thereupon a motion was offered by Council Member Neville and seconded by Council Member Vue “to adopt said resolution”. Said motion passed by unanimous vote.

UTILITY EASEMENT

The City Council considered a resolution releasing the utility easements within Minnesota Street, from the southerly right-of-way of vacated Avenue C extended to the north end. 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.

FINAL PLATS

The City Council considered a resolution approving the final plat for D & J Acres Subdivision located on the west side of Highway 93, south of Tamara Drive in the Town of Washington as shown on Planning File P-13-05. 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 Biegel left the Council Chamber.

The Council considered a resolution approving the final plat for Arbor Heights Condominium Town Homes, located at the southeast corner of West MacArthur Avenue and Eldorado Boulevard as shown on Planning File P-17-05. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Middleton “to adopt said resolution”. Said motion passed by the following vote: Aye: Council Members Adler, Davis, Duax, Hughes, Kincaid, Middleton, Neville, Von Haden, and Vue. Nay: Council Member Stanley.

Council Member Biegel returned to the Council Chamber.

LABOR CONTRACT

The City Council considered a resolution authorizing the City Manager to execute a collective bargaining agreement with Fire Fighters Local 487. 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.

INTERIM CITY MANAGER

The City Council considered a resolution appointing Brian Amundson as interim City Manager. Thereupon a motion was offered by Council Member Neville and seconded by Council Member Hughes "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Duax, Hughes, Kincaid, Middleton, Neville, Von Haden, and Vue. Nay: Council Member Stanley.

The Council considered a resolution directing staff to proceed with the procurement of a recruitment firm for filling the City Manager. Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Davis "to adopt said resolution". Said motion passed by unanimous vote.

REZONING

The City Council considered an ordinance rezoning property located on the west side of Third Street, between Walnut Street and Maple Street, from C-2 to R-3P and to adopt the General Development Plan (with a conditional use permit) to allow the existing single-family homes on the property and to allow a single-family home on the vacant lot within the property, as shown on Planning File #Z-1339-05. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Duax "to adopt said ordinance". Said motion passed by unanimous vote.

OFFICIAL MAPPING

The City Council considered an ordinance amending the Official Map by deleting Avenue C, from Minnesota Street to Sherman Creek. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Stanley "to adopt said ordinance". Said motion passed by unanimous vote.

ORDINANCES FOR FIRST READING

A motion was offered by Council Member Duax and seconded by Council Member Hughes "to dispense with the reading of the ordinances on the agenda for first reading". Said motion failed by the following vote: Aye: Council Member Duax. Nay: Council Members Council Members Adler, Biegel, Davis, Hughes, Kincaid, Middleton, Neville, Stanley, Von Haden, and Vue. Council President Adler proceeded with the reading of the ordinances on the agenda for introduction.

REZONING

The City Council had first reading on an ordinance rezoning property located on the east side of Jeffers Road, south of the North Crossing from R-1A to C-2P and to adopt the General Development Plan for an office building as shown on Planning File Z1340-05.

PARKING - THIRD WARD

The City Council had first reading on the following ordinances regarding parking in the residential area adjacent to the University:

- Creating Section 10.24.025, "Third Ward - University Parking District Restrictions" to establish parking clearances from fire hydrants and entrances to private roads and driveways, which are greater than required by Wis. Statutes s. 346.53(3)(4).
- Ordinance amending Table VIII, "Parking Prohibited," by adding various streets in the Third Ward - University Parking District to increase the parking clearance from the near limits of a crosswalk, which is greater than required by Wis. Statutes s. 346.53(5).
- Ordinance amending Table IX, "Parking During Specified Hours," by deleting the 2-hour parking restrictions on Garfield Avenue, McKinley Avenue, Roosevelt Avenue, Wilson Street, and Lincoln Avenue within the Third Ward - University Parking District.
- Ordinance repealing Sections 10.24.010 (F) & (G), "Parking prohibited in specific places, (F) & McKinley Avenue Parking, (G) Park Avenue Parking."
- Ordinance amending Table VIII, "Parking Prohibited," by adding State Street, from Marston Avenue to Lexington Blvd., and correcting typographical errors and omissions on Thorp Drive and Wilson Street.

PARKING & TRAFFIC - KENNY AVENUE

The City Council had first reading on an ordinance amending Table VIII, "Parking Prohibited," by adding Kenney Avenue, south side, from 50 feet west of Thomas Drive to 30 feet east of Thomas Drive and an ordinance amending Table III, "Stop Intersections," by adding the intersection of Kenney Avenue and Thomas Drive when entering from the south on Thomas Drive.

PARKING - EMERY STREET

The City Council had first reading on an ordinance amending Table IX, "Parking During Specified Hours - Two hours--Between 9:00 a.m. and 6:00 p.m., except Saturdays, Sundays and holidays," by deleting Emery Street, both sides, from Farwell Street to Graham Avenue.

STOP INTERSECTIONS

The City Council had first reading on ordinances amending Table III, "Stop Intersections," regarding the following locations:

- Adding Peebles Street and Zephyr Hill Avenue when entering from the west on Peebles Street.
- Adding Alpine Road and Losan Avenue when entering from the east on Alpine Road.

PAY PLAN

The City Council had first reading on an ordinance amending the City Pay Plan, specifically that part relating to Fire Fighters Local 487. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Hughes “to suspend the rules that interfere with the immediate consideration of said ordinance”. Said motion to suspend the rules passed by unanimous vote. Thereupon a motion was offered by Council Member Stanley and seconded by Council Member Biegel “to adopt said ordinance”. Said motion passed by unanimous vote.

RESIGNATIONS

Council Member Dallas Neville, District Two Alderperson, announced that he has taken a new job and will resign from the City Council effective December 31, 2005.

ADJOURNMENT

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

Adjournment: December 13, 2005

Time: 5:55 p.m.

David J. Adler, President

ATTEST:

Donna A. Austad, City Clerk