

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, October 11, 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, Terri Stanley, Bob Von Haden and Thomas Vue.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, October 11, 2005. Council Member Duax requested that item no. 4 regarding a Temporary Class B Fermented Malt Beverage license for Big Brothers/Big Sisters of Northwestern Wisconsin, 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 consent resolution". Said motion passed by unanimous vote.

LICENSES

The Council considered a resolution granting a Temporary Class B Fermented Malt Beverage license to Big Brothers/Big Sisters of Northwestern Wisconsin, 312 S. Barstow Street, Jason Plante, president, on November 14, 2005 at Silver Spring Gardens, 2424 Alpine Rd., for Business After Hours. 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.

The Council considered a resolution granting a Combination Class B Intoxicating Liquor & Fermented Malt Beverage license and Class A Cabaret license to Richard LaRock, d/b/a Fat Boys, 202 Gibson Street. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Kincaid "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Hughes, Kincaid, Middleton, Von Haden, and Vue. Nay: Council Members Davis, Duax, Neville, and Stanley.

The Council considered a resolution granting a Combination Class B Intoxicating Liquor & Fermented Malt Beverage license and Class A Cabaret license to Alliance Investment, Inc., d/b/a Jericho's Lounge & Grill, 2851 Hendrickson Dr., Robin Jamison, agent. 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.

APPOINTMENTS

The City Council considered a resolution approving the following appointments to the new North Barstow/Medical District Business Improvement District Board.

Bill Benedict, Indianhead Kitchens	Mark Blaskey, West Riverside LLP
Jason Manz, Manz Trust	John Mogensen, Investment Realtors
John Kohlhepp, First Supply	Vicki Hoehn, RCU
Dave Savage, Superior Auto Body	Dennis Olson, Luther Hospital
Barb Charlson, Charlson's	

Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Davis "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.

USE OF ATHLETIC FIELDS

The Council considered a resolution allowing the Parks, Recreation and Forestry Department to charge users for services associated with lining, dragging, lighting and cleaning athletic 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.

AGREEMENTS

The City Council considered a resolution authorizing the continuing participation of the Police Department in the West Central Drug Task Force (WCDF). 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 2005 Federal Urban Transit Capital Assistance Contract with the Wisconsin Department of Transportation. 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 authorizing the City Manager to execute an agreement with the Hmong Mutual Assistance Association for the provision of community liaison services. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Middleton "to adopt said resolution". Thereupon a motion was made by Council Member Stanley and seconded by Council Member Biegel "to amend the resolution to include language in the agreement entitled "Independent Contractor". Said motion passed by the following vote: Aye: Council Members Biegel, Duax, Hughes, Kincaid, Middleton, Neville, and Stanley. Nay: Council Members Adler, Davis, Von Haden, and Vue. The Council then voted on the original motion. Said motion passed by unanimous vote.

SIDEWALK REPAIR

The City Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statutes s. 66.0907 at 15 locations, beginning with 551 Erin Street, Parcel No. 01-0206. 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.

ENCROACHMENT

The Council considered a resolution granting a permanent encroachment to Luther Hospital - Mayo Health System for parking lot expansion and landscaping, on Charles Street, between Randall Street and Madison Street. 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.

BOND - INITIAL RESOLUTIONS

The City Council considered an initial resolution authorizing not to exceed \$3,000,000 aggregate principal amount of TIF #5 General Obligation Bonds of the City of Eau Claire, Eau Claire and Chippewa Counties, Wisconsin. 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.

PAYMENT IN LIEU OF TAXES

The Council considered a resolution directing the City Manager to request payments in lieu of taxes (PILOT) from tax-exempt properties within the City. Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Neville "to adopt said resolution". Said motion lost by the following vote: Aye: Council Members Biegel, Neville, and Stanley. Nay: Council Members Adler, Davis, Duax, Hughes, Kincaid, Middleton, Von Haden, and Vue.

EMINENT DOMAIN

The City Council considered a resolution acknowledging constitutional and statutory restraints upon condemnation of private property for economic development. Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Duax "to adopt said resolution". Said motion passed by unanimous vote.

LEASE EXTENSION

The Council considered a resolution approving a lease extension for the property at 807 S. Farwell Street. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Duax "to indefinitely postpone consideration of said resolution". Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Duax, Hughes, Kincaid, Middleton, Stanley, Von Haden, and Vue. Nay: Council Member Neville.

ZONING

The City Council considered an ordinance rezoning property located on the east side of Zephyr Hill Avenue, north of Trindal Street, from R-2 to R-2P and to adopt the General Development Plan for three duplexes as shown on Planning File Z-1334-05. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Kincaid “to adopt said ordinance”. Said motion failed by unanimous vote.

The Council considered an ordinance rezoning property located on the east side of Lamont Street, south of Brian Street, from TR-1A to R-1 as shown on Planning File Z-1335-05. Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Hughes “to adopt said ordinance”. Said motion passed by unanimous vote.

The Council considered an ordinance rezoning property located on the southeast corner of W. MacArthur Avenue and Eldorado Boulevard from R-4 to R-4P and to adopt the General Development Plan for multi-family development as shown on Planning File Z-1336-05. Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Davis “to adopt said ordinance”. Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Duax, Hughes, Middleton, Neville, and Von Haden. Nay: Council Member Stanley. Absent: Council Members Kincaid and Vue.

STOP INTERSECTION

The City Council considered an ordinance amending Table III of the City Code of Ordinances entitled “Stop Intersections,” by adding Mt. Nemo Avenue and South Slope Terrace when entering from the south on Mt. Nemo Avenue. Thereupon a motion was offered by Council Member Neville and seconded by Council Member Vue “to adopt said ordinance”. Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Duax, Hughes, Middleton, Neville, Stanley, Von Haden, and Vue. Absent: Council Member Kincaid.

The Council considered an ordinance amending Table III of the City Code of Ordinances entitled “Stop Intersections by adding intersections within the Westridge Village Subdivision:

- a. Mill Run Road and Renee Drive, when entering from the west on Renee Drive and from the east on Renee Court.
- b. Mill Run Road and Village Park Drive, when entering from the south on Village Park Drive.
- c. Renee Drive and John Hart Place, when entering from the south on John Hart Place.

Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Duax “to adopt said ordinance”. Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Duax, Hughes, Kincaid, Middleton, Neville, Stanley, Von Haden, and Vue. Absent: Council Member Davis.

PARKING

The City Council had first reading on an ordinance amending Table IX of the City Code of Ordinances entitled, "Parking During Specified Hours", by adding a section titled "Parking Prohibited between 7:00 a.m. to 5:30 p.m." for the west side of Western Avenue, from Tobin Street to Seymour Road

ADJOURNMENT

A motion was offered by Council Member Duax and seconded by Council Member Kincaid "that this meeting does now adjourn." Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Duax, Kincaid, Middleton, Neville, Stanley, Von Haden, and Vue. Nay: Council Member Hughes. Abstain: Council Member Davis.

Adjournment: October 11, 2005

Time: 6:36 p. m.

David J. Adler, President

ATTEST:

Mary K. Burgess, Deputy City Clerk