

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, September 27, 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.

SHOREWOOD DRIVE IMPROVEMENTS

The Council held a brief presentation and public discussion on the project and the levying of special assessments for street, utility and sidewalk improvements on W. & S. Shorewood Drive, Jeffers Road to Lot 4 Shorewood Haven Addition (2005-802).

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, September 27, 2005. 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.

PROCLAMATIONS

Council President Adler, on behalf of the City Council, proclaimed the month of October as Domestic Awareness Month in the City of Eau Claire.

Council President Adler, on behalf of the City Council, proclaimed the week of October 2 - 8 as National Collegiate Alcohol Awareness Week in the City of Eau Claire.

Council President Adler, on behalf of the City Council, proclaimed the week of October 9 - 15 as Fire Prevention Week in the City of Eau Claire.

LICENSES

The City Council considered a resolution granting a Temporary Class B Fermented Malt Beverage license to Eau Claire Jaycee's, Robert L. Schraufnagel, president, on October 8, 2005, for beer consumption in Building "E" and the attached fenced area at the Eau Claire County Expo Center, 5530 Fairview Drive. 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 granting a Combination Class B Intoxicating Liquor & Fermented Malt Beverage license and Class A Cabaret license to Alternative Outreach, LLC., d/b/a Emerald Tap & Table, 101 Graham Ave., Matthew Rightmire, 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.

The Council considered a resolution granting a Combination Class B Intoxicating Liquor & Fermented Malt Beverage license to 302 East Madison Street, LLC., d/b/a Stella’s Red Room, 302 E. Madison St., John Mogensen, agent. Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Von Haden “to adopt said resolution”. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Kincaid “to postpone consideration of said ordinance until the next City Council meeting”. Said motion to postpone failed by the following vote: Aye: Council Members Stanley, Von Haden, and Vue. Nay: Council Members Adler, Biegel, Davis, Duax, Hughes, Kincaid, Middleton, and Neville. The Council then considered the motion to adopt the resolution. Said motion failed by the following vote: Aye: Council Members Davis, Hughes, Kincaid, Von Haden, and Vue. Nay: Council Members Adler, Biegel, Duax, Middleton, Neville, and Stanley.

Council Member Biegel left the Council Chamber.

GRANTS

The City Council considered a resolution authorizing the Police Department to accept \$18,000 in grant funds from the Office of Justice Program, Paul Coverdell Forensic Science Improvement Grant, to purchase Alternate Light Source Photography equipment. Thereupon a motion was offered by Council Member Stanley and seconded by Council Member Davis “to adopt said resolution”. Said motion passed by unanimous vote.

Council Member Biegel returned to the Council Chamber.

The Council considered a resolution authorizing the Police Department to accept \$48,092 in grant funds from the Wisconsin Department of Transportation for implementation of TraCS electronic citation writing and accident reporting. Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Neville “to adopt said resolution”. Said motion passed by unanimous vote.

PLAT APPROVAL

The City Council considered a resolution approving the condo plat for J & B’s Partnership at the northeast corner of W. Hamilton Avenue and Stein Boulevard as shown on Planning File P-16-05. 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.

SHOREWOOD DRIVE IMPROVEMENTS

The Council considered a Final Resolution approving the project and levying special assessments for street, utility and sidewalk improvements on W. & S. Shorewood Drive, Jeffers Road to Lot 4 Shorewood Haven Addition (2005-802). Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Hughes “to adopt said resolution”. Thereupon a motion was offered by Council Member Hughes “to amend the Engineer’s Report, Section 1 “Sidewalks”, Line 3, by deleting the word ‘driveway’ and inserting the words ‘property line’.” The mover accepted that as a friendly amendment. Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Stanley “to amend the Engineer’s Report, Section 3 “Deferral of Assessments”, Paragraph 2, as follows:

- Line 2, by deleting the number ‘367’ and inserting the number ‘260’
- Line 3, after the words ‘without interest’, inserting the words ‘for ten (10) years or’
- Line 4, after the words ‘are utilized’ inserting the words ‘whichever comes first’.”

Said motion passed by the following vote: Aye: Council Members Biegel, Davis, Duax, Hughes, Kincaid, Stanley, Von Haden, and Vue. Nay: Council Members Adler, Middleton and Neville. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Neville “to amend the Engineer’s Report, to defer the construction of sidewalk on the south side of W. Shorewood Drive, until such time as Council deems appropriate.” Said motion passed by the following vote: Aye: Council Members Adler, Duax, Middleton, Neville, Von Haden, and Vue. Nay: Council Members Biegel, Davis, Hughes, Kincaid, and Stanley. The Council then voted on the resolution as amended. Said resolution passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Duax, Hughes, Kincaid, Stanley, Von Haden, and Vue. Nay: Council Members Middleton and Neville.

SIDEWALK DEFERRAL

The City Council considered a resolution deferring sidewalk adjacent to Lot 363 and Lot 364 Oakwood Hills 6th Addition (3714 / 3716 and 3722 / 3724 Echo Valley Drive). Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Stanley “to adopt said resolution”. Said motion failed by the following vote: Aye: None. Nay: Council Members Adler, Biegel, Davis, Duax, Hughes, Kincaid, Middleton, Neville, Stanley, Von Haden, and Vue.

Council Members Middleton, Stanley and Von Haden left the Council Chamber.

LABOR AGREEMENT

The City Council considered a resolution authorizing the City Manager to execute a collective bargaining agreement between the City and Local 284. 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.

Council Members Middleton and Von Haden returned to the Council Chamber.

The Council considered a resolution authorizing the City Manager to execute a collective bargaining agreement between the City and Amalgamated Transit Union Local Division 1310. 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.

Council Member Stanley returned to the Council Chamber.

COMPREHENSIVE PLAN

The City Council considered an ordinance adopting the Eau Claire Comprehensive Plan. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden “to adopt said ordinance with the two amendments recommended by staff”. Thereupon a motion was offered by Council Member Hughes “to postpone consideration of said ordinance until March 2006. Prior to that time, the City should pursue boundary agreements with at least one of the surrounding townships”. After discussion, said motion was withdrawn by the mover. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Stanley “to postpone consideration of said ordinance. The matter shall be brought back for Council consideration at, or before, the first City Council meeting in December 2005. Prior to being brought back to Council, one or two meetings shall be held with the surrounding townships to review the Plan.” Said motion to postpone failed by the following vote: Aye: Council Members Davis, Hughes, Middleton, Stanley, and Vue. Nay: Council Members Adler, Biegel, Duax, Kincaid, Neville, and Von Haden. After further discussion, the Council voted on the original motion to adopt the Comprehensive Plan. Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Duax, Kincaid, Neville, and Von Haden. Nay: Council Members Davis, Hughes, Middleton, Stanley, and Vue.

ANNEXATION

The City Council considered an ordinance in accordance with Section 66.0217 Wisconsin Statutes, annexing to the City of Eau Claire and particularly to the 15th Assessment Ward, 2nd Aldermanic District that part of Lot 2, Block 2 of Robbinsdale Subdivision and part of Lamont Street right-of-way located in the SE¹/₄ -NE ¹/₄ of Section 34-27-9, Town of Washington, Eau Claire County, as shown on Planning Drawing No. 05-07A (Peterson Petition, vacant land east of Lamont Street). 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, Davis, Duax, Hughes, Kincaid, Middleton, Neville, Von Haden, and Vue. Nay: Council Member Stanley.

Council Member Neville left the Council Chamber.

The Council considered an ordinance in accordance with Section 66.0217 Wisconsin Statutes, annexing to the City of Eau Claire and particularly to the 15th Assessment Ward, 2nd Aldermanic District that part of Lot 5, of Block 3 of Bauer's First Addition and part of E. Hamilton Avenue right-of-way, all located in the SE ¼ - SE ¼ of Section 26-27-9, Town of Washington, Eau Claire County, as shown on Planning Drawing No. 05-8A (Dehnke Petition, 5322 E. Hamilton Avenue). Thereupon a motion was offered by Council Member Neville and seconded by Council Member Vue "to adopt said ordinance". Said motion passed by unanimous vote.

Council Member Neville returned to the Council Chamber.

STOP INTERSECTIONS

The City Council considered an ordinance amending Table III of the City Code of Ordinances entitled "Stop Intersections" by adding the intersection of Lever Street and McElroy Street, when entering from the east on McElroy Street. 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.

PARKING - WESTERN AVENUE

The Council considered an ordinance amending Table VIII of the City Code of Ordinances entitled "Parking Prohibited," by adding Western Avenue, east side, from Redwood Drive to Tobin Street and the west side, from Tobin Street to Seymour Road. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden "to adopt said ordinance". Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden "to amend said ordinance by deleting the line 'Western Avenue, the west side, from Tobin Street to Seymour Road'. Staff is further directed to draft an ordinance for introduction at the next Council meeting to institute limited parking restrictions on the west side of Western Avenue, from Tobin Street to Seymour Road. (No parking 7:00 a.m. to 5:30 p.m., excluding Saturday, Sunday and Holidays) ." Said motion to amend passed by unanimous vote. The Council then voted on the ordinance as amended. Said ordinance was adopted by unanimous vote.

PARKING - EDDY LANE

The City Council considered an ordinance amending Table IX of the City Code of Ordinances entitled "Parking During Specified Hours - Parking Prohibited; Loading and Unloading Passengers Only; 7:30 a.m. to 4:00 p.m. During School Days," by amending Eddy Lane, the north side, from 75 feet west of Starr Avenue to 30 feet east of Mercury Avenue. 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.

The Council considered an ordinance amending Table XII of the City Code of Ordinances entitled "Parking Stopping and Standing Prohibited - Streets Designated--Authority," by amending the section of Eddy Lane from Starr Avenue to Moon Avenue. 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.

The Council considered an ordinance amending Table XII of the City Code of Ordinances entitled "Parking Stopping and Standing Prohibited - No Parking, Stopping or Standing - 7:30 a.m. to 4:00 p.m. during School Days," by deleting Eddy Lane, the south side, from Moon Avenue to Starr Avenue. 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.

PARKING - TAFT AVENUE

The City Council considered an ordinance amending Table XII of the City Code of Ordinances entitled "Parking, Stopping and Standing Prohibited - No Parking, Stopping or Standing--7:30 a.m. to 3:00 p.m., During School Days," by adding Taft Avenue, both sides from Keith Street to 140 feet east of Keith Street. Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Davis "to adopt said ordinance". Said motion failed on the following vote: Aye: Council Members Biegel, Duax, Neville, Stanley, and Vue. Nay: Council Members Adler, Davis, Hughes, Kincaid, Middleton, and Von Haden.

The Council considered an ordinance amending Table IX of the City Code of Ordinances entitled "Parking During Specified Hours - Two hours--Between 7:30 a.m. and 3:00 p.m. During School Days," by deleting Taft Avenue, both sides, from Keith Street to Marilyn Drive and adding Taft Avenue, both sides from Kay Street to Marilyn Drive. Thereupon a motion was offered by Council Member Neville and seconded by Council Member Vue "to adopt said ordinance". Said motion failed by the following vote: Aye: None. Nay: Council Members Adler, Biegel, Davis, Duax, Hughes, Kincaid, Middleton, Neville, Stanley, Von Haden, and Vue.

ZONING

The Council had first reading on the following ordinances:

- 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.
- 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.
- 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.

STOP INTERSECTION

The City Council had first reading on 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.

The Council had first reading on 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.

PAY PLAN

The Council had first reading on an ordinance amending the Pay Plan for the City of Eau Claire, specifically those parts thereof pertaining to Local 284 and Transit Local 1310. 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 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.

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: September 27, 2005
Time: 8:51 p.m.

David J. Adler, President

ATTEST:

Donna A. Austad, City Clerk