

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, August 23, 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, Hal Davis, David Duax, Raymond Hughes, Kerry Kincaid, Berlye Middleton, Dallas Neville, Terri Stanley, Bob Von Haden and Thomas Vue. Absent: Council Member Toby Biegel.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, August 23, 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.

PRESENTATIONS

Council President Adler, on behalf of the City Council, accepted an American Flag from Col. James McCarthy. On May 25, 2005, the 179th Expeditionary Fighter Squadron in Iraq flew the flag for the City, in honor and memory of the soldiers who have given their life in Operation Iraqi Freedom.

GRANT

The Council considered a resolution authorizing the City Police Department to accept a \$32,500 Edward Byrne Justice Assistance Grant for technology and drug prevention projects. 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.

LICENSES

The City Council considered a resolution granting a temporary expansion of the Combination Class B Intoxicating Liquor & Fermented Malt Beverage licensed premise of Bill's Last Chance, Inc., d/b/a Bill's Last Chance, 2007 3rd Street, on August 28 and September 24, 2005, for Customer Appreciation Parties. 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 Temporary Class B Fermented Malt Beverage license to VFW Club Post 305, Inc., d/b/a VFW Post 305, 1300 Starr Ave., Dave Lamb, president, at Eau Claire County Exposition Center, on September 9 & 10, 2005, for a Big Boy Toy Show. Thereupon a motion was offered by Council Member Stanley and seconded by

Council Member Von Haden “to adopt said resolution”. Said motion passed by the following vote: Aye: Council Members Adler, Davis, Duax, Hughes, Kincaid, Middleton, Stanley, Von Haden, and Vue. Nay: Council Member Neville.

PRINCETON VALLEY CONDOMINIUMS

The City Council considered a resolution approving the final condo plat for Princeton Valley Condominiums #5 located on East Princeton Avenue, as shown on Planning File P-10-05. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Neville “to adopt said resolution”. Said motion passed by unanimous vote.

BOYD SCHOOL CONDOMINIUMS

The City Council considered a resolution approving the final condo plat for Boyd School Condominium Homes located on Main Street, as shown on Planning File P-12-05. 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.

The Council considered a resolution modifying an agreement with the Eau Claire Area School District regarding terms requiring completion of all redevelopment of the former Boyd School on or before September 1, 2005. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Kincaid “to adopt the revised resolution, as presented by staff”. Thereupon a motion was offered by Council Member Duax “to add the following phrase to the end of the last paragraph of the resolution: ‘including, but not limited to, enforcement of Section 16.04.010 (Uniform Dwelling Code) of the City Code of Ordinances and any other applicable code provisions’.” The mover and seconder accepted this as a friendly amendment. Thereupon a motion was offered by Council Member Hughes “to change the completion date in the second Be It Further Resolved paragraph from December 1, 2005 to December 31, 2005”. The mover and seconder accepted this as a friendly amendment. The Council then voted on the resolution as amended. Said resolution passed by the following vote: Aye: Council Members Adler, Davis, Duax, Hughes, Kincaid, Middleton, Von Haden, and Vue. Nay: Council Members Neville and Stanley.

HASTINGS WAY / SEYMOUR ROAD INTERSECTION

The City Council discussed the reconstruction of Hastings Way (Business Hwy 53) from Galloway Street to Seymour Road. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Davis “to move re-consideration of Resolution No. 2005-370, adopted on July 26, 2005, selecting a preferred alternative for the reconstruction of Hastings Way (Business Hwy 53) from Galloway Street to Seymour Road”. After discussion, said motion was withdrawn. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden “to adopt the resolution requesting a study and operational analysis of the installation of a traffic signal at the intersection of Hastings Way (Business Hwy 53) and Seymour Road”. Thereupon a motion was offered by Council Member Hughes “to amend the resolution as follows:

- In the final Whereas paragraph, delete the words ‘combined / hybrid alternative’ and insert the word ‘reconstruction’.
- In the first Now, Therefore, Be It Resolved paragraph, change the phrase ‘analysis of a combined / hybrid alternative’ to read ‘analysis including a combined / hybrid alternative’.”

The mover and seconder accepted these as friendly amendments. Thereupon a motion was offered by Council Member Duax “to amend the resolution as follows:

- To add another Be It Further Resolved paragraph, which would become the second paragraph, to read ‘BE IT FURTHER RESOLVED, that the City Public Works Department, in cooperation with the Department of Transportation, evaluates pedestrian access at the Birch Street and Seymour Road intersections and present costs and recommendations to the Council for further consideration.
- To add a fourth BE IT FURTHER RESOLVED paragraph to read: BE IT FURTHER RESOLVED, that Resolutions 2005 - 296 and 2005 - 370 are hereby repealed.”

The mover and seconder accepted these as friendly amendments. The Council then voted on the resolution as amended. Said resolution passed by unanimous vote.

Council Member Stanley left the meeting.

RELOCATION ORDER

The Council considered a Relocation Order for the acquisition of property located south of Early Drive in Chippewa County, for the purpose of storm water acceptance and conveyance. Thereupon a motion was offered by Council Member Davis 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, Von Haden, and Vue. Nay: Council Member Neville.

ZONING

The City Council considered an ordinance rezoning property located at the southwest corner of Mitchell Avenue and Hester Street from C-2 to R-2, as shown on Planning File Z-1330-05. 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.

The Council considered an ordinance rezoning property located at the southeast corner of W. MacArthur Avenue and Eldorado Boulevard from R-4 to R-4P and to adopt the General Development Plan for a condo project, as shown on Planning File Z-1331-05. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Davis “to adopt said ordinance”. Said motion failed on the following vote: Aye: Council Members Adler, Davis, Kincaid and Vue. Nay: Council Members Duax, Hughes, Middleton, Neville, and Von Haden.

CURFEW

The City Council considered an ordinance repealing and recreating Section 9.84.010 of the Code of City Ordinances entitled "Hours Prohibited in Public (Minors)". Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Hughes "to adopt said ordinance". Thereupon a motion was offered by Council Member Duax "to amend the ordinance as follows:

- In Section D.3., delete the words 'employment-related activity' and insert the words 'activity related to the minor's employment';
- In Section D.4., after the words 'any government' insert the words 'or school'."

The mover and seconder accepted these as friendly amendments. The Council then voted on the ordinance as amended. Said ordinance was adopted by unanimous vote.

ZONING

The City Council had first reading on an ordinance amending the General Development Plan for R-3P zoned property located on the south side of Damon Street, east of Fairfax Street, for four-plex development as shown on Planning File Z-1332-05.

The Council had first reading on an ordinance amending Chapter 16.16 of the Code of City Ordinances regarding the On-Premise Sign Code.

ADJOURNMENT

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

Adjournment: August 23, 2005

Time: 7:03 p.m.

David J. Adler, President

ATTEST:

Donna A. Austad, City Clerk