

## MINUTES

### EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, July 12, 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, July 12, 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.

#### TEMPORARY BEER LICENSE

The Council considered a resolution granting a Temporary Class B Fermented Malt Beverage license to Downtown Eau Claire, Inc., Charles Grossklaus, president, on July 23, 2005 within the fenced area of the parking lot at 219 S. Barstow Street for Summerfest. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Duax "to adopt the consent resolution". Said motion passed by unanimous vote.

#### APPOINTMENTS

The Council considered a resolution approving the following appointments to Boards, Committees and Commissions.

Affirmative Action Committee (three-year term to expire June 30, 2008)

Robin Leary - reappointment

Board of Heating Examiners (two-year term to expire June 30, 2007)

David Davis – reappointment

Steven Fox - reappointment

Library Board (three-year term to expire June 30, 2008)

Mary Jurmain – reappointment

Barb Dickey – new appointment

Special Assessment Deferment Committee (three-year term to expire June 30, 2008)

Merrill Lovvik – reappointment as Alternate

Transit Commission (three-year term to expire June 30, 2008)

Aaron Ellringer – reappointment                      Julie Henderson – reappointment

Revolving Loan Fund Committee (two-year term to expire June 30, 2007)

Larry Accola – reappointment                      D’Arcy Becker – reappointment  
Margot Bouchard – reappointment                      Jerry Chasteen – reappointment  
Tim Giehl – reappointment                      Dave Hamberger – reappointment  
Janet Tolander – reappointment                      Beverly Wickstrom – reappointment

Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Middleton “to adopt said resolution”. Thereupon a motion was offered by Council Member Stanley and seconded by Council Member Biegel “to divide the question and postpone the vote on the appointments to the Revolving Loan Fund Committee for two weeks”. Said motion failed by the following vote: Aye: Council Members Biegel, Hughes, Neville, Stanley, and Von Haden. Nay: Council Members Adler, Davis, Duax, Kincaid, Middleton, and Vue. Thereupon a motion was offered by Council Member Stanley and seconded by Council Member Biegel “to strike the reappointment of Larry Accola to the Revolving Loan Fund Committee”. Said motion failed by the following vote: Aye: Council Members Biegel and Stanley. Nay: Council Members Adler, Davis, Duax, Hughes, Kincaid, Middleton, Neville, Von Haden, and Vue. The Council then voted on the original motion to approve the appointments. Said motion passed by the following vote: Aye: Council Members Adler, Davis, Duax, Hughes, Kincaid, Middleton, Neville, Von Haden, and Vue. Nay: Council Members Biegel and Stanley.

**LICENSE**

The City Council considered a resolution granting a Combination Class B Intoxicating Liquor & Fermented Malt Beverage license and Class A Cabaret license to ALOC, Inc., d/b/a Poseidon’s Cove, 2124 East Ridge Center, Steven L. Dye, agent. Thereupon a motion was offered by Council Member Stanley and seconded by Council Member Hughes “to adopt said resolution”. Said motion passed by unanimous vote.

Council Member Biegel left the Council Chamber.

**EMERGENCY RESPONSE**

The Council considered a resolution authorizing the City to adopt a policy of utilization of the National Incident Management System (NIMS) for use in emergency response situations. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Neville “to adopt said resolution”. Said motion passed by unanimous vote.

Council Member Biegel returned to the Council Chamber.

### **NORTH BARSTOW / MEDICAL BID**

The City Council considered a resolution creating and establishing a North Barstow/Medical Business Improvement District. 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.

### **LAND SALE**

The Council considered a resolution approving the sale of approximately one acre of land in Sky Park to Gateway Industrial Park Corporation. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Duax "to adopt said resolution". Said motion passed by unanimous vote.

### **STREET VACATION**

The City Council considered a resolution vacating an un-named street south of Storrs Avenue, Storrs Avenue to the south end. Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Hughes "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. Abstain: Council Member Biegel.

The Council considered a resolution vacating the right-of-way between S. Barstow Street and S. Farwell Street, from the east/west alley north of Eau Claire Street to the Eau Claire River. Thereupon a motion was offered by Council Member Stanley and seconded by Council Member Biegel "to adopt said resolution". Said motion passed by unanimous vote.

### **TRAFFIC**

The City Council considered an ordinance amending Table III of the City Code of Ordinances entitled "Stop Intersections", by adding West Vine Street and Hazeltine Drive, when entering from the west on Hazeltine Drive; and Hazeltine Drive and Cameron Street, when entering from the north on Hazeltine Drive. 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.

The Council considered an ordinance amending Table V of the City Code of Ordinances by creating a new section entitled "Yield Intersections - Roundabout", and by adding thereto the following:

- Hendrickson Drive and Heights Drive, when entering from the south on Hendrickson Drive, from the north on University Drive, and from the east and west on Heights Drive;
- Rosewood Lane and Sherwood Boulevard, when entering from the east and west on Rosewood Lane, and from the north and south on Sherwood Boulevard.

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.

### **ENGINE BRAKING**

The City Council considered an ordinance amending s. 9.56.070 of the City Code of Ordinances entitled "Prohibition of noises disturbing the peace", regarding compression engine braking. 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 Hughes and seconded by Council Member Neville "to postpone consideration of said ordinance for two weeks". Said motion failed by the following vote: Aye: Council Members Hughes, Kincaid, Middleton, Neville, and Vue. Nay: Council Members Adler, Biegel, Davis, Duax, Stanley, and Von Haden. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden "to amend Section 1, Paragraph E, of said ordinance, to remove the words 'No operator of a vehicle or truck shall' and to insert the words 'No person shall'". Said motion to amend passed by unanimous vote. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden "to amend said ordinance by adding the following: Section 2. Effective date. This ordinance shall become effective upon approval by the Wisconsin Department of Transportation of the city's application to install signage in state highway right of way in the city of Eau Claire prohibiting engine braking". Said motion to amend passed by unanimous vote. The Council then voted on the ordinance as amended. Said ordinance was adopted by unanimous vote.

### **MINIMUM WAGE**

The Council considered an ordinance repealing Chapter 5.63 of the City Code of Ordinances entitled "Minimum Wage" because recently adopted state legislation pre-empts the City ordinance. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Duax "to adopt said ordinance". Said motion failed on the following vote: Aye: Council Members Adler, Duax, Hughes and Von Haden. Nay: Council Members Biegel, Davis, Kincaid, Middleton, Neville, Stanley, and Vue.

### **TRAFFIC AND PARKING**

The City Council had first reading on the following ordinances to amend the City Code regarding traffic and parking matters:

- Table II, "Through Streets", by adding Graham Avenue, from State Street to Washington Street, and Barstow Street, from Newton Street to Washington Street.
- Table VIII, "Parking Prohibited", by adding sections of Riverfront Terrace, from Madison Street to N. Barstow Street.
- Table IX, "Parking During Specified Hours", by adding sections of Riverfront Terrace, from Madison Street to N. Barstow Street.

**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: July 12, 2005  
Time: 6:14 p.m.

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David J. Adler, President

ATTEST:

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Donna A. Austad, City Clerk