

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, May 24, 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, Kerry Kincaid, Dallas Neville, Terri Stanley, and Bob Von Haden. Absent: Council Members Raymond Hughes, Berlye Middleton and Thomas Vue.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, May 24, 2005. Council Member Stanley requested that Item 17, Resolution referring to the Plan Commission for study and report, the petition from property owners for direct annexation of approximately 90 acres of vacant land south of I-94, along CTH 'EE' in the Town of Union, Eau Claire County, as shown on Planning Drawing No. 2005-06A (Menard Petition), be removed from the consent agenda and voted upon separately. Thereupon a motion was offered by Council Member Neville and seconded by Council Member Von Haden "to adopt the remainder of the consent resolution". Said motion passed by unanimous vote.

ANNEXATION

The Council considered a resolution referring to the Plan Commission for study and report, the petition from property owners for direct annexation of approximately 90 acres of vacant land south of I-94, along CTH 'EE' in the Town of Union, Eau Claire County, as shown on Planning Drawing No. 2005-06A (Menard Petition). Thereupon a motion was offered by Council Member Duax and seconded by Council Member Kincaid "to adopt said resolution." Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Duax, Kincaid, Neville, and Von Haden. Nay: None. Abstain: Council Member Stanley.

Council Member Hughes arrived in the Council Chamber.

LIQUOR LICENSE

The City Council considered a resolution granting a Combination Class B Intoxicating Liquor & Fermented Malt Beverage license and Class A Cabaret license to KJM, Inc., d/b/a Tailgates Sports Bar & Grill, 1505 N. Clairemont Ave., Jane Meyer, agent. 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.

APPOINTMENTS

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

Administrative Review Board

(two-year terms to expire June 30, 2007)

Ned Donnellan – new appointment

Jenny Ebert – new appointment

James Flory – new appointment

Plan Commission

(three-year terms to expire April 30, 2008)

Laura Jensen – reappointment

Jack Kaiser – reappointment

Joel Levandowski – reappointment

Rich Vande Loo – reappointment

Zoning Board of Appeals

Jonathan Leuthe

new appointment as Second Alternate

Development Zone Advisory Board

(five-year terms to expire April 30, 2010)

Ed Losby – reappointment

Bob Schraufnagel – reappointment

Housing Advisory Board

(three-year terms to expire April 30, 2008)

Debra Moore – reappointment

DeWayne Severson – reappointment

Housing Authority

(five-year term to expire April 30, 2010)

Randall Davis – reappointment

Police and Fire Commission

(five-year term to expire April 30, 2010)

John Prince – reappointment

Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Stanley “to divide the question and take a separate vote on the appointments to the Plan Commission”. Said motion to divide the question passed by unanimous vote. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Biegel “to approve the recommended appointments, with the exception of the Plan Commission”. Said motion passed by unanimous vote. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Neville “to approve the recommended appointments to the Plan Commission”. Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Duax, Hughes, Neville, and Von Haden. Nay: Council Member Stanley. Abstain: Council Member Kincaid.

GRANTS

The City Council considered a resolution accepting a \$17,000 Certified Local Government Grant from the Wisconsin Historical Society. 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 authorizing the Police Department to accept additional grant funds awarded by the State of Wisconsin Office of Justice Assistance Beat Patrol Program. 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.

USE OF CITY FACILITIES

The City Council considered a resolution allowing the use of Owen Park, Putnam Park, the Eau Claire Pistol Range, the former City landfill, and allowing the Eau Claire Ski Club, Inc. to sub-lease the Silvermine Ski Hill to the Chippewa Valley Adventure Challenge / Enterprise Adventure Sports, LLC, for a race on June 25, 2005 which includes canoeing, rappelling, orienteering, running and biking. 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 allowing the Chippewa Valley Home Builders - Parade of Homes to close a portion of County Farm Road and erect a tent on the roadway from June 8 through June 10, 2005. Thereupon a motion was offered by Council Member Neville and seconded by Council Member Von Haden "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Biegel, Davis, Duax, Hughes, Kincaid, Neville, Stanley, and Von Haden. Nay: None. Abstain: Council Member Adler.

SAWDUST CITY DAYS

The City Council considered a resolution approving the request from the Eau Claire Leader Telegram to conduct a Sawdust City Days Community Festival in Carson Park, June 15 - 18, 2006. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden "to indefinitely postpone consideration of said resolution". Said motion passed by unanimous vote.

Council Member Middleton arrived in the Council Chamber.

ARCHERY PARK

The Council considered a resolution allowing Xcel Energy to place a ground bed anode in Archery Park to protect underground natural gas pipes. 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 Davis and seconded by Council Member Stanley "to amend said resolution by adding the following paragraph: Be It Further Resolved, that conditions 4, 5, and 6 of the easement are deleted and the easement is further subject to scrutiny of the City Attorney". Said motion to amend passed by unanimous vote. The Council then voted on the resolution as amended. Said resolution was adopted by unanimous vote.

STORM WATER FACILITIES

The City Council considered a resolution approving the terms and conditions for construction of storm water drainage facilities in the Town of Union. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Biegel "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Duax, Hughes, Kincaid, Middleton, Neville, and Von Haden. Nay: None. Abstain: Council Member Stanley.

SCHOOL PARKING LOTS - SITE DEVELOPMENT PLANS

The City Council considered a resolution approving a General Site Development Plan in a P-Public District for a building addition and parking lot expansion for Sam Davey School as shown on Planning File PZ-0502. 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.

The Council considered a resolution approving a General Site Development Plan in a P-Public District for a parking lot expansion for Robbins School as shown on Planning File PZ-0503. 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.

WASTEWATER TREATMENT PLANT REPORT

The City Council considered a resolution indicating receipt and review of the 2004 Compliance Maintenance Annual Report (CMAR) for the Wastewater Treatment Plant. 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.

CDBG AND HOME

The Council considered a resolution approving the 2005 Community Development Block Grant and HOME Programs and an amendment to the Community Development Block Grant and HOME Grant Prior Years and the Consolidated Plan. 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.

LORCH AVENUE

The City Council considered a resolution approving a Certified Survey Map with right-of-way dedication for Lorch Avenue. 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.

The Council considered a resolution authorizing the City Manager to enter into a development agreement with Steil Builders for Lorch Avenue street improvements, west of Fairview Drive. 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 deferring sidewalk adjacent to 2402 Lorch Avenue. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Hughes "to adopt said resolution". Said motion passed by unanimous vote.

The Council considered a resolution deferring sidewalk adjacent to 2340 Lorch Avenue. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Hughes "to adopt said resolution". Said motion passed by unanimous vote.

SMART GROWTH

The City Council considered a resolution supporting Wisconsin's Smart Growth Comprehensive Planning Law and Grant Program. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Stanley "to adopt said resolution". Said motion passed by unanimous vote.

REZONING

The City Council considered an ordinance rezoning property located on the north side of W. Shorewood Drive, east of Jeffers Road, from R-1A to R-1 as shown on Planning File Z-1325-05. 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 rezoning property located at the northwest corner of E. Hamilton Avenue and Rose Street from TR-1 to R-1 as shown on Planning File Z-1326-05. Thereupon a motion was offered by Council Member Neville and seconded by Council Member Von Haden "to adopt said ordinance". Said motion passed by unanimous vote.

RECORDS PRESERVATION

The City Council considered an ordinance amending the City Code of Ordinance by amending Chapter 1.08.090, entitled (Public Records) Preservation through Microfilm, to allow the use of other types of preservation. 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.

MINIMUM WAGE

The Council considered an ordinance amending the City Code of Ordinances by creating Chapter 5.63, entitled "Minimum Wage". Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Kincaid "to adopt said ordinance". Thereupon a motion was offered by Council Member Duax and seconded by Council Member Davis "to postpone consideration of said ordinance until the first Council meeting after the Governor either signs or vetoes Enrolled Assembly Bill 49 as determined by the Council President, but no later than July 1, 2005. Said motion to postpone failed by the following vote: Aye: Council Members Adler, Davis, Duax and Von Haden. Nay: Council Members Biegel, Hughes, Kincaid, Middleton, Neville, and Stanley. The Council then voted on the original motion to adopt the ordinance. Said motion passed by the following vote: Aye: Council Members Biegel, Kincaid, Middleton, Neville, Stanley, and Von Haden. Nay: Council Members Adler, Davis, Duax and Hughes.

WATERFORD PROJECT

City Attorney Stephen Nick left the Council Chambers and Assistant City Attorney Steve Bohrer served as legal counsel to the Council.

A motion was offered by Council Member Von Haden and seconded by Council Member Davis “to reconsider the vote taken on May 10, 2005 on the ordinance amending the General Development Plan for CBDP zoned property located on the east side of Hastings Way across from Main Street for the Waterford project as shown on Planning File #Z-1294-04 Amd., regarding the increased height for the two condominium towers”. Said motion to reconsider passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Hughes, Kincaid, Middleton, and Von Haden. Nay: Council Members Duax, Neville and Stanley. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Kincaid “to postpone consideration of said ordinance until the June 14, 2005 City Council meeting, with a public discussion to be held on June 13, 2005“. Said motion to postpone passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Duax, Hughes, Kincaid, Middleton, Neville, and Von Haden. Nay: Council Member Stanley.

City Attorney Stephen Nick returned to the Council Chambers and Assistant City Attorney Steve Bohrer left the meeting.

ANNEXATION

The City Council had first reading on an ordinance in accordance with Section 66.0217 Wisconsin Statutes, annexing to the City of Eau Claire and particularly to the 14th Assessment Ward, 5th Aldermanic District that part of the SW ¼ - SW ¼ and the NW ¼ - SW ¼ and the NE ¼ - SW ¼ Section 10, and also part of the NE ¼ - SE ¼ and the SE ¼ - SE ¼ Section 9, and also part of the NW ¼ - NW ¼, Section 15, all with T 27 N, R 10 W, Town of Union, Eau Claire County, as shown on Planning Drawing No. 2005-06A (Menard Petition for approximately 90 acres of vacant land south of I-94, along CTH ‘EE’)

REZONING

The City Council had first reading on the following zoning ordinances:

- property located north of U.S. Hwy. 53 Frontage Road and west of Gateway Drive from R-3P to C-3P and to adopt the General Development Plan for Menard’s storage yard as shown on Planning File #Z-1327-05.
- property located at 311 Maple Street from C-2 to R-3P and to adopt a General Development Plan (with a conditional use permit) for a single-family home as shown on Planning File #Z-1328-05.
- property located at 1209 Bellevue Avenue from I-1 to R-3P and to adopt the General Development Plan for a duplex as shown on Planning File #Z-1329-05.

PARKING

The Council had first reading on an ordinance amending Table VIII of the City Code of Ordinances entitled “Parking Prohibited” on W. Hamilton Avenue, the north side, from Craig Road to 150 feet east of Eldorado Boulevard.

ADJOURNMENT

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

Adjournment: May 24, 2005
Time: 6:57 p.m.

David J. Adler, President

ATTEST:

Donna A. Austad, City Clerk