

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, May 10, 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, Dallas Neville, Bob Von Haden and Thomas Vue. Absent: Council Members Berlye Middleton and Terri Stanley.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, May 10, 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.

COMMENDATIONS AND PROCLAMATIONS

Council President Adler, on behalf of the City Council, proclaimed May 7 - 15, 2005 as National Tourism Week - See America Week in the City of Eau Claire.

Council Member Stanley arrived in the Council Chamber.

Council President Adler, on behalf of the City Council, proclaimed May 15 - 21, 2005 as Emergency Medical Services Week in the City of Eau Claire.

Council President Adler, on behalf of the City Council, proclaimed May 17, 2005 as Bike to Work Day in the City of Eau Claire.

JULY 4TH FIREWORKS

The City Council considered a resolution accepting a donation from Festival Foods of fireworks for the City's July 4th Celebration and entering into a letter of agreement with Festival Foods. 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.

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 Von Haden and seconded by Council Member Duax "to postpone consideration of said resolution such time as the City receives the agreement document from Xcel Energy". Said motion to postpone passed by unanimous vote.

HOBBS ICE CENTER

The City Council considered a resolution allowing the Parks and Recreation Department to operate the concession stand at Hobbs Municipal Ice Center on a permanent basis. 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.

TRANSIT

The City Council considered a resolution approving the 2005 State Urban Mass Transit Operating Assistance Contract with the Wisconsin Department of Transportation. 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.

The Council considered a resolution authorizing the City Manager to execute the 2005 Federal Transit Administration Section 5307 Supplemental Agreement between the City of Eau Claire and the City of Chippewa Falls. 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.

STATE AGREEMENTS

The City Council considered a resolution approving a contract modification and municipal agreement with the Wisconsin Department of Transportation for asbestos abatement for the sanitary sewer on the westbound Clairemont Avenue (Hwy. 12) Bridge Construction, Project I.D. #7090-04-73. 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 approving a Memorandum of Understanding and Agreement for ownership transfer of the Chippewa River State Recreational Trail Bridge from the Wisconsin Department of Natural Resources to the City of Eau Claire. 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.

SIDEWALKS - OTTESON LANE

The City Council considered a final resolution approving the project and levying special assessments for sidewalk improvements on Otteson Lane, from 150 feet west of Gateway Drive (private drive) west to the bituminous path in the cul-de-sac. 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.

RACIAL JUSTICE TASKS FORCE

The Council considered a resolution eliminating the Racial Justice Interim Advisory Committee. 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.

GENERAL SITE DEVELOPMENT PLAN

The City Council considered a resolution approving a General Site Development Plan in a P-Public District for a sign at Chippewa Valley Technical College on the south side of Clairemont Avenue as shown on Planning File PZ-0501. Thereupon a motion was offered by Council Member Stanley and seconded by Council Member Biegel “to adopt said resolution”. Said motion failed on the following vote: Aye: Council Members Biegel, Davis, Kincaid, and Neville. Nay: Council Members Adler, Duax, Hughes, Stanley, Von Haden and Vue.

HEALTH INSURANCE

The Council considered a resolution approving the 2005 - 2006 employee health insurance program to be administered through Medica. Thereupon a motion was offered by Council Member Neville and seconded by Council Member Vue “to adopt said resolution”. Said motion passed by the following vote: Aye: Council Members Adler, Duax, Hughes, Neville, Von Haden and Vue. Nay: Council Members Biegel, Davis and Stanley. Abstain: Council Member Kincaid.

REZONING

The City Council considered an ordinance rezoning properties located north of Moholt Drive and east of Jodi Drive from R-2 and R-3 to C-2P and to adopt the General Development Plan for an RCU bank facility as shown on Planning File Z-1324-05. 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, Davis, Duax, Hughes, Kincaid, Neville, Stanley, Von Haden, and Vue. Nay: None. Abstain: Council Member Biegel.

WATERFORD PROJECT

The Council considered an 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. Council had postponed action on this item at its April 26, 2005 meeting. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Neville “to divide the question to allow separate consideration of the two amendments - 1. Underground parking structure. 2. Increased height of the two condominium towers”. Said motion to divide the question passed by the following vote: Aye: Council Members Biegel, Davis, Duax, Neville, Stanley and Von Haden. Nay: Council Members Adler, Hughes, Kincaid, and Vue. Thereupon a motion was offered by Council Member Stanley and seconded by Council Member Biegel “to adopt said ordinance with the amendment to add a 37-stall parking garage under the office building, identified as building E on the site plan”. Said motion was approved by unanimous vote. Thereupon a motion was offered

by Council Member Kincaid and seconded by Council Member Hughes “to adopt said ordinance with the amendment allowing an increased height for the two condominium towers”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Davis “to amend said motion by adding the following condition: The private developer shall pay for all required water system improvements to serve the project as a part of the Development Agreement in accordance with the recommendation of the Director of Public Works in the memo to the City Manager dated May 9, 2005”. Said motion to amend passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Duax, Hughes, Neville, Stanley, Von Haden, and Vue. Nay: Council Member Kincaid. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Biegel “to postpone consideration of said issue until the next Council meeting and request that the City Manager and Director of Community Development facilitate a meeting between the developer and the neighborhood”. Said motion to postpone failed by the following vote: Aye: Council Members Biegel, Duax and Neville. Nay: Council Members Adler, Davis, Hughes, Kincaid, Stanley, Von Haden, and Vue. The Council then voted on the amended motion regarding the increased height of the condominium towers and the payment for the water system improvements. Said motion failed on the following vote: Aye: Council Members Adler, Davis, Duax, Hughes, Kincaid, and Neville. Nay: Council Members Biegel, Stanley, Von Haden, and Vue. A valid protest petition had been filed against the rezoning amendments; thus an affirmative vote by three-quarters of the members voting, or eight affirmative votes, was required for passage.

TRAFFIC & PARKING

The City Council considered an ordinance amending Table XI of the City Code of Ordinances, entitled “Traffic Control Signals,” by deleting Barstow Street and Main Street. 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.

The Council considered an ordinance amending Table III of the City Code of Ordinances, entitled “Stop Intersections,” by adding Barstow Street and Main Street, when entering from the south on Barstow Street and when entering from the east and west on Main Street. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Neville “to adopt said ordinance”. Said motion passed by unanimous vote.

The Council considered an ordinance amending Table VIII of the City Code of Ordinances, entitled “Parking Prohibited,” by adding Trimble Street, the east side, from E. Clairemont Avenue Frontage Road to 100 feet south. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Von Haden “to adopt said ordinance”. Said motion passed by unanimous vote.

CODE REVISIONS

The City Council considered an ordinance amending the City Code of Ordinances by repealing Chapter 2.66 entitled “Cable Television Advisory Committee”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Kincaid “to adopt said ordinance”. Said motion passed by unanimous vote.

The Council considered an ordinance amending the City Code of Ordinances by repealing Chapter 2.04 entitled "City Government" regarding City Council per diems. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Hughes "to adopt said ordinance". Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Kincaid, Neville, Stanley, Von Haden, and Vue. Nay: Council Members Duax and Hughes.

REZONING

The City Council had first reading on 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.

The Council had first reading on 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.

PRESERVATION OF RECORDS

The City Council had first reading on an ordinance amending the City Code of Ordinance by amending Chapter 1.08.090, entitled (Public Records) Preservation through Microfilm.

MINIMUM WAGE

The Council had first reading on an ordinance amending the City Code of Ordinances by creating Chapter 5.63, entitled "Minimum Wage".

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: May 10, 2005
Time: 6:40 p.m.

David J. Adler, President

ATTEST:

Donna A. Austad, City Clerk