

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, April 26, 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, April 26, 2005. Thereupon a motion was offered by Council Member Neville and seconded by Council Member Von Haden "to adopt the consent resolution". Said motion passed by unanimous vote.

COMMENDATIONS AND PROCLAMATIONS

Council President Adler, on behalf of the City Council, read a resolution expressing appreciation to Howard White for his service as City Council President from 2001 to 2005.

Council President Adler, on behalf of the City Council, proclaimed April 29, 2005 as Arbor Day in the City of Eau Claire.

Council Member Hughes arrived at the Council Chamber.

BID - CARSON PARK BASEBALL STADIUM

The City Council considered a resolution awarding a contract for Procurement No. 2005-27, Additions and Renovations to Carson Park Baseball Stadium and approving an appropriation for the project. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Kincaid "to indefinitely postpone consideration of said resolution". Said motion passed by unanimous vote.

GRANTS & DONATIONS

The City Council considered a resolution authorizing the Police Department to accept a grant of up to \$9,000 from the Wisconsin Department of Transportation for the Click It or Ticket Mobilization Project 2005. 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 accepting a \$50,600 donation from the Labyrinth Group for the construction of a labyrinth in Phoenix Park and making a budget appropriation for this project. Thereupon a motion was offered by Council Member Biegel and seconded by Council Member Davis "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Duax, Hughes, Kincaid, Neville, and Von Haden. Nay: Council Member Stanley.

Council Member Middleton arrived at the Council Chamber.

BONDS

The City Council considered an initial resolution authorizing not to exceed \$200,000 aggregate principal amount of TIF #8 General Obligation Bonds. Thereupon a motion was offered by Council Member Neville and seconded by Council Member Von Haden "to adopt said resolution". Said motion passed by unanimous vote.

INVESTMENT POLICY

The Council considered a resolution approving revisions to the City's Investment Policy. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Kincaid "to adopt said resolution". Said motion passed by unanimous vote.

ECONOMIC DEVELOPMENT

The Council considered a resolution amending the City's Economic Development Loan Program. Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Hughes "to adopt said resolution". Thereupon a motion was offered by Council Member Stanley and seconded by Council Member Duax "to amend said resolution as follows: In the Be It Further Resolved paragraph, the third bulleted item shall read: Consider taking a subordinated lien position to the participating bank *provided that the total amount of the loan does not exceed 90% of the total value of the tangible assets.*" Said motion to amend failed by the following vote: Aye: Council Members Duax and Stanley. Nay: Council Members Adler, Biegel, Davis, Hughes, Kincaid, Middleton, Neville, and Von Haden. The Council continued to discuss the original motion to adopt the resolution. After further discussion, Council Member Duax called the question. Since there was not unanimous consent, a motion was offered by Council Member Duax and seconded by Council Member Kincaid "to move the previous question". Said motion failed on the following vote: Aye: Council Members Davis, Duax, Kincaid, Middleton, and Neville. Nay: Council Members Adler, Biegel, Hughes, Stanley, and Von Haden. The Council then voted on the original motion to adopt the resolution (without amendments). Said motion to adopt passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Duax, Hughes, Kincaid, Middleton, Neville, and Von Haden. Nay: Council Member Stanley.

AGREEMENTS

The City Council considered a resolution authorizing renewal of the Regional Hazardous Materials Response Team Services contract with the State of Wisconsin. Thereupon a motion was offered by Council Member Middleton and seconded by Council Member Hughes "to adopt said resolution". Said motion passed by unanimous vote.

The Council considered a resolution authorizing the use of the Railroad Street parking lot for the Downtown Farmers Market for 2005. 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.

PLAT APPROVAL

The City Council considered a resolution approving the final plat for Settlers Glen located at the southwest corner of Mitchell Road and Elm Road in the Town of Brunswick as shown on Planning File #P-05-05). Thereupon a motion was offered by Council Member Davis and seconded by Council Member Neville "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.

Council Member Davis left the Council Chamber.

TREE REMOVAL

The Council considered a final resolution levying special assessments for tree removal at 928 Barland Street, Parcel No. 02-0516, and 934 Barland Street, Parcel No. 02-0518. 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.

DEVELOPMENT PLAN AMENDMENTS

The City Council considered an ordinance amending the General Development Plan for Gateway Northwest Business Park to allow changes in fencing requirements as shown on Planning File Z-1323-05. 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.

Council Member Davis returned to the Council Chamber.

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. A protest petition had been filed against the amendment requiring an affirmative vote by three-quarters of the Council Members present and voting. Shortly before the meeting, the applicant's legal counsel provided a letter to City staff questioning the validity of the protest petition. Thereupon a motion was offered by

Council Member Hughes and seconded by Council Member Davis “to postpone consideration of said ordinance until the May 10, 2005 Council meeting to allow the City Attorney’s office sufficient time to research the issue of the validity of the protest petition”. Said motion to postpone passed by the following vote: Aye: Council Members Adler, Davis, Hughes, Kincaid, Middleton, and Von Haden. Nay: Council Members Biegel, Duax, Neville and Stanley.

PAY PLAN

The City Council considered an ordinance amending the City Pay Plan regarding the City Manager’s pay adjustment and a position control change in the Forestry Division. 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.

REZONING

The Council had first reading on 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.

TRAFFIC AND PARKING

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

The Council had first reading on 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.

The Council had first reading on 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.

CODE REVISIONS

The City Council had first reading on an ordinance amending the City Code of Ordinances repealing Chapter 2.66 entitled “Cable Television Advisory Committee”.

The Council had first reading on an ordinance amending the City Code of Ordinances repealing Chapter 2.04 entitled “City Government” regarding City Council per diems.

ADJOURNMENT

A motion was offered by Council Member Hughes and seconded by Council Member Stanley "that this meeting does now adjourn." Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Duax, Hughes, Kincaid, Middleton, Neville, and Von Haden. Nay: Council Member Stanley.

Adjournment: April 26, 2005

Time: 6:05 p.m.

David J. Adler, President

ATTEST:

Donna A. Austad, City Clerk