

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE SESSION

Tuesday, March 22, 2005

City Council Chamber

4:00 p.m.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Council President White called the meeting to order. The following members were present: Council Members David Adler, Toby Biegel, Hal Davis, Raymond Hughes, Kerry Kincaid, Dallas Neville, Terri Stanley, Thomas Vue, Bob Von Haden, and Howard White. Absent: Council Member Berlye Middleton.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, March 22, 2005. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Davis "to adopt the consent resolution". Said motion passed by unanimous vote.

LICENSE

The City Council considered a resolution granting a Combination Class B Intoxicating Liquor & Fermented Malt Beverage license and Class A Cabaret license to Rock Toss, LLC., d/b/a Stones Throw, 304 Eau Claire Street, Audina Sue O'Connor, agent. Thereupon a motion was offered by Council Member Stanley and seconded by Council Member Adler "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Hughes, Kincaid, Neville, Stanley, Von Haden, and Vue. Abstained: Council Member White.

NORTH RIVER FRONTS PARK

The Council considered a resolution awarding a contract for Procurement No. 2005-08, Construction of North River Fronts Neighborhood Park - Phase I. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Kincaid "to adopt said resolution". Said motion passed by unanimous vote.

BOYD PARK BRIDGE

The City Council considered a resolution awarding a contract for Procurement No. 2005-09, Boyd Park Pedestrian Bridge. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Biegel "to adopt said resolution". Thereupon a motion was made by Council Member Biegel and seconded by Council Member Adler "to include base bid option 2, "H" truss and rustification". Said motion to amend passed by the following vote: Aye: Council Members Adler, Biegel, Hughes, Kincaid, Neville, Stanley, Von Haden, Vue, and White. Nay: Council Member Davis. The Council then voted on the resolution as amended. Said motion

passed by the following vote: Aye: Council Members Adler, Biegel, Hughes, Kincaid, Neville, Stanley, Von Haden, Vue, and White. Nay: Council Member Davis.

STREET, UTILITY & SIDEWALK IMPROVEMENTS

The City Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 on E. Grand Avenue, Dodge Street to McGraw Street (05-307). Thereupon a motion was offered by Council Member Davis and seconded by Council Member Neville “to adopt said resolution”. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Kincaid “to remove sidewalk on the north side of E. Grand Avenue”. Said motion to amend passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Kincaid, Neville, and Vue. Nay: Council Members Hughes, Stanley, Von Haden and White. The Council then voted on the resolution as amended. Said motion passed by the following vote: Aye: Council members Adler, Biegel, Davis, Kincaid, Neville, and Vue. Nay: Council Members Hughes, Stanley, Von Haden, and White.

The Council considered a resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- Putnam Street, Birch Street to 75 feet north of Omaha Street (05-305)
- Oak Street, Forest Street to alley east of Barstow Street (05-318).

Thereupon a motion was offered by Council Member Neville and seconded by Council Member Hughes “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 in the following locations:

- Putnam Street, Birch Street to 75 feet north of Omaha Street (05-305)
- Oak Street, Forest Street to alley east of Barstow Street (05-318).

Thereupon a motion was offered by Council Member Davis and seconded by Council Member Stanley “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution approving the project and levying special assessments for street improvements on the following streets:

- Eddy Lane, Mercury Avenue to Starr Avenue (05-602)
- Starr Avenue, Eddy Lane to Edgewood Lane (05-603)
- Menomonie Street, Minnesota Street to Mt. Washington Avenue (05-604).

Thereupon a motion was offered by Council Member Adler and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 in the following locations:

- Eddy Lane, Mercury Avenue to Starr Avenue (05-602)
- Starr Avenue, Eddy Lane to Edgewood Lane (05-603)
- Menomonie Street, Minnesota Street to Mt. Washington Avenue (05-604).

Thereupon a motion was offered by Council Member Adler and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by unanimous vote.

The City Council considered a resolution approving the project and levying special assessments for street improvements on the following streets:

- Craig Road, Clairemont Avenue to Hwy. 37 (05-501)
- Lake Street, Second Avenue to Fifth Avenue (05-502)
- Harding Avenue, Dewey Street to Lee Street (05-503).

Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Kincaid “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 in the following locations:

- Craig Road, Clairemont Avenue to Hwy. 37 (05-501)
- Lake Street, Second Avenue to Fifth Avenue (05-502)
- Harding Avenue, Dewey Street to Lee Street (05-503).

Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Vue “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution approving the project and levying special assessments for street, utility, and sidewalk improvements on the following streets:

- Frederic Street, Gilbert Avenue to Drummond Street (05-315)
- Bartlett Court, State Street to Wilson Street (05-316)
- Wilson Street, Roosevelt Avenue to Bartlett Court (05-317).

There was a request to divide the question and consider street, utility, and sidewalk improvements on Frederic Street, Gilbert Avenue to Drummond Street and street, utility, and sidewalk improvements on Bartlett Court, State Street to Wilson Street and on Wilson Street, Roosevelt Avenue to Bartlett Court separately. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Hughes “to adopt the resolution regarding street, utility, and sidewalk improvements on Frederic Street, Gilbert Avenue to Drummond Street”. Thereupon a motion was offered by Council Member Adler and seconded by Council Member Hughes “to defer sidewalk on the south 250 feet of Frederick Street, as such construction is not in the public interest, but to levy special assessments to abutting property owners for sidewalk construction on this portion of Frederic Street”. Said motion to amend passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Hughes, Kincaid, Neville, Stanley, Vue, and White. Nay: Council Member Von Haden. The Council then voted on the resolution as amended. Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Hughes, Kincaid, Neville, Stanley, Vue, and White. Nay: Council Members Davis and Von Haden. The Council then considered street, utility, and sidewalk improvements on Bartlett Court, State Street to Wilson Street, and on Wilson Street, Roosevelt Avenue to Bartlett Court. A motion was offered by Council Member Biegel and seconded by Council Member Neville “to adopt the resolution regarding street, utility, and sidewalk improvements on Bartlett Court, State Street to Wilson Street and on Wilson Street, Roosevelt Avenue to Bartlett Court”. Thereupon a motion was offered by Council Member Biegel, seconded by Council Member Neville, “to defer sidewalk construction on both sides of Bartlett Court, as such construction is not in the public interest”. Said motion to amend passed by unanimous vote. The Council then considered the resolution regarding street, utility, and sidewalk improvements on Bartlett Court, State Street to Wilson Street, and on Wilson Street, Roosevelt Avenue to Bartlett Court as amended. Said motion passed by unanimous vote.

The Council considered a resolution approving the project and levying special assessments for street, utility and sidewalk improvements on the following streets:

- Vienna Terrace, Paris Place to Monte Carlo Drive (05-202)
- Francis Street, Fischer Street to 300 feet West (05-204).

There was a request to divide the question and consider street, utility, and sidewalk improvements on Vienna Terrace, Paris Place to Monte Carlo Drive and street, utility, and sidewalk improvements on Francis Street, Fischer Street to 300 feet West separately. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Adler “to adopt the resolution regarding street, utility, and sidewalk improvements on Vienna Terrace, Paris Place to Monte Carlo Drive”. Thereupon a motion was made by Council Member Hughes and seconded by Council Member Davis “to eliminate the deferral of sidewalk on Vienna Terrace, from Paris Place to Monte Carlo Drive”. Said motion to amend passed by the following vote: Aye: Council Members Biegel, Davis, Hughes, Kincaid, Neville, and White. Nay: Council Members Adler, Stanley, Von Haden, and Vue. The Council then considered the resolution regarding street, utility, and sidewalk improvements on Vienna Terrace, Paris Place to Monte Carlo Drive as amended. Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Hughes, Kincaid, Neville, Stanley, and White. Nay: Council Members Von Haden and Vue. The Council then considered the resolution pertaining to street, utility, and sidewalk improvements on Francis Street, Fischer Street to 300 feet West. Thereupon a motion was offered by Council Member Von Haden, seconded by Council Member Biegel, “to indefinitely table consideration of street, utility, and sidewalk improvements on Francis Street, Fischer Street to 300 feet West”. Said motion passed by the following vote: Aye: Council Member Adler, Biegel, Davis, Kincaid, Stanley, Von Haden, and Vue. Nay: Council Members Hughes, Neville and White.

WESTRIDGE VILLAGE

The City Council considered a resolution approving the final plat for Westridge Village II located on the south side of Renee Drive, west of Mill Run Road as shown on Planning File #P-04-05. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Kincaid “to adopt said resolution”. Said motion passed by the following vote: Aye: Council Members Adler, Hughes, Kincaid, Neville, Von Haden, Vue and White. Nay: Council Member Stanley. Abstained: Council Member Biegel. Absent: Council Member Davis.

The Council considered a resolution authorizing the City Manager to amend the development agreement with RHS Companies, Inc., for street and utility improvements to serve Westridge Village I and Westridge Village 2005 Bayhomes to add Westridge Village II. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Adler “to adopt said resolution”. Said motion passed by the following vote: Aye: Council Members Adler, Hughes, Kincaid, Neville, Von Haden, Vue, and White. Nay: Council Member Stanley. Abstained: Council Member Biegel. Absent: Council Member Davis.

The Council considered a resolution indicating the location of required sidewalk construction within Westridge Village II. Thereupon a motion was offered by Council Member Davis and seconded by Council Member Kincaid “to adopt said resolution”. Said motion passed by the following vote: Aye: Council Members Davis, Hughes, Kincaid, Neville, Stanley, Vue, and White. Nay: Council Members Adler and Von Haden. Abstained: Council Member Biegel.

EXCESS PROPERTY

The City Council considered a resolution declaring a strip of land on the east side of Hastings Way, across from Main Street, to be excess property and authorizing the sale of said land to the abutting property owner. Thereupon a motion was offered by Council Member Neville and seconded by Council Member Biegel "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Hughes, Kincaid, Neville, Von Haden, Vue, and White. Nay: Council Member Stanley.

REZONING

The City Council considered an ordinance rezoning property located on the south side of Shorewood Drive, east of Jeffers Road, from R-1A to R-1 as shown on Planning File Z-1316-05. Thereupon a motion was offered by Council Member Adler and seconded by Council Member Kincaid "to adopt said ordinance". Thereupon a motion was made by Council Member Davis and seconded by Council Member Stanley "to postpone action on the ordinance for 3 weeks until April 12, 2005". Said motion lost by the following vote: Aye: Council Members Davis and Stanley. Nay: Council Members Adler, Biegel, Hughes, Kincaid, Neville, Von Haden, Vue, and White. Council then voted on the ordinance. Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Hughes, Kincaid, Neville, Von Haden, Vue, and White. Nay: Council Member Stanley.

The Council considered an ordinance rezoning property located on the south side of Cameron Street, east of North Clairemont Avenue, from R-1 to C-2P and to adopt the General Development Plan for a commercial business as shown on Planning File Z-1317-05. Thereupon a motion was offered by Council Member Kincaid and seconded by Council Member Adler "to adopt said ordinance". Said ordinance passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Hughes, Kincaid, Neville, Vue, and White. Nay: Council Members Stanley and Von Haden.

The Council considered an ordinance rezoning property located on the west side of Park Ridge Drive, north of North Clairemont Avenue, from R-1 and P-Public to I-1 as shown on Planning File Z-1318-05. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Kincaid "to adopt said ordinance". Thereupon a motion was offered by Council Member Stanley "to include a deed restriction limited only to ingress and egress". Said motion was subsequently withdrawn. Council then voted on the ordinance. Said motion passed by unanimous vote.

The Council considered an ordinance rezoning property located south of East Hamilton Avenue and west of Gateway Drive, from TR-1A to R-3P and to adopt the General Development Plan for multi-family development as shown on Planning File Z-1319-05. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Biegel "to adopt said ordinance". Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Hughes, Kincaid, Von Haden, Vue, and White. Nay: Council Members Neville and Stanley.

PARKING

The City Council considered an ordinance amending Table VIII of the City Code of Ordinances entitled "Parking Prohibited," by adding Sundet Road, the north side, from 160 feet east of Club House Lane to Michaud Street. Thereupon a motion was offered by Council Member Neville and seconded by Council Member Hughes "to adopt said ordinance". Said motion passed by the following vote: Aye: Council Members Biegel, Neville, Stanley, Von Haden, Vue, and White. Nay: Council Members Adler, Davis, Hughes, and Kincaid.

SIDEWALK CAFES

The City Council considered an ordinance creating Section 13.12.062 of the Code of City Ordinances entitled "Street Use - Sidewalk Café Permit" and amending Section 1.06.030, entitled "Determinations Subject to Review", and amending the City Fees and Licenses Schedule. Thereupon a motion was offered by Council Member Stanley and seconded by Council Member Hughes "to adopt said ordinance". Thereupon a motion was offered by Council Member Stanley and seconded by Council Member Adler "to amend the ordinance pertaining to Street Use - Sidewalk Cafe Permit", as follows: subsection D. 2., strike the second sentence; subsection F. 2. a., change 10 ft. to 5 ft.; subsection F. 3., change 5 ft. to 4 ft.; subsection F. 4., strike the last sentence regarding pressure cleaning; subsection F. 6., strike entire section; subsection F. 10., change to read "no amplified entertainment"; subsection F. 13., change 7:00 a.m. to 6:00 a.m." Said motion to amend passed by unanimous vote. Thereupon a motion was offered by Council Member Davis, seconded by Council Member Hughes, "to change the initial application fee for a cafe without alcohol from \$100 to \$75 and to change the renewal fee for a cafe without alcohol from \$50 to \$35". Said motion to amend passed by the following vote: Aye: Council Members Adler, Davis, Hughes, Stanley, Von Haden, Vue, and White. Nay: Council Members Biegel, Kincaid, and Neville. The Council then voted on the ordinance as amended. Said motion passed by the following vote: Aye: Council Member Adler, Biegel, Davis, Hughes, Neville, Stanley, Von Haden, Vue, and White. Nay: Council Member Kincaid.

The Council considered an ordinance creating Section 5.28.037 of the Code of City Ordinances entitled "Alcohol Beverages - Sidewalk Cafés" regarding the expansion of a licensed premise. Thereupon a motion was offered by Council Member Hughes and seconded by Council Member Davis "to adopt said ordinance". Said motion passed by the following vote: Aye: Council Members Adler, Biegel, Davis, Hughes, Kincaid, Stanley, Von Haden, Vue, and White. Nay: Council Member Neville.

REZONING

The City Council had first reading on an ordinance rezoning property located on the west side of Cottonwood Drive, north of Golf Road, from TR-1A to R-1 as shown on Planning File Z-1321-05.

The Council had first reading on an ordinance rezoning property at the southwest corner of Ferry Street and Menomonie Street from C-2 to C-3P and to adopt the General Development Plan for a taxi cab station as shown on Planning File Z-1322-05.

The Council had first reading on 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.

SIGN CODE

The City Council had first reading on an ordinance amending Chapter 16.16 of the City Code of Ordinances entitled “On-premise Sign Code” and Chapter 16.18, entitled “Poster Panel Sign Code”.

ALTERNATE SIDE PARKING

The Council had first reading on an ordinance amending Chapter 10.38 of the City Code of Ordinances entitled “Alternate Side Parking” to change the effective dates of calendar parking from November 1 through May 1 to November 1 through March 31.

ADJOURNMENT

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

Adjournment: March 22, 2005

Time: 7:10 p.m.

Howard White, President

ATTEST:

Mary K. Burgess, Deputy City Clerk