

CITY OF ALTOONA, WI
REGULAR COUNCIL MEETING MINUTES
July 23, 2009

(I) Call Meeting to Order

Mayor Tom Meyer called the meeting to order at 6:00 p.m. held in the Council Chambers at Altoona City Hall.

(II) Pledge of Allegiance

Mayor Meyer led the Common Council and others in attendance in the Pledge of Allegiance.

(III) Roll Call

The City Clerk called the roll. Council Persons Brendan Pratt, Ray Henning, Dale Stuber, William Spangler, Colleen Weber and Red Hanks were present. Also present: Mayor Tom Meyer, City Attorney John Behling, City Administrator Mike Golat, Finance Director Jon Pfeilsticker, and City Clerk Cindy Bauer.

(IV) Citizen Participation Period

Sharon Bussard, 2304 Lake Road was present to speak about the trees in the development of River Prairie Development. Bussard said she hopes the City has some method that minimizes the cutting down of trees.

Jack Blackburn, 911 N. Moonlight Drive, commented on the following topics:

- Discontinuing the portion of East Willson Drive - when will the construction of the new road start and how long will it take to complete. City Administrator Golat responded that construction will be starting in August with a tentative completion in November.
- The exemption of Family Ties - commenting that if they did not submit a complete letter of intent, then the council should vote no.
- Blackburn would like a copy of the Restrictive Covenants for River's Edge if available.
- The resolution regarding the City supporting a county facility in Altoona. Blackburn felt the Council should vote no.

There being no other Citizen Participation, motion by Spangler/Weber to close Citizen Participation Period. **Motion carried.**

(V) Approval of minutes.

Motion by Spangler/Hanks to approve the minutes of the July 9, 2009 Regular Council Meeting. **Motion carried.**

(VI) City Officers/Department Heads Report

City Administrator Golat said emphasis this week was preparing for an appeal for rescoring the list of projects from the Clean Water Fund and Safe Drinking Water Fund American Recovery and Re-investment Act Funds. The City of Altoona was originally ranked number 4 on the priority list a couple months ago for the storm water project, but has since ranked further down the priority list dropping from 110 to 80 points

Golat reported that the Bartlett Avenue street project is proceeding well. Golat said the City Engineer is starting the topographic survey for the 2nd Street East Project. Golat commented on recent correspondence from Burgess Addition (Mulberry and Summit Drive) residents regarding future special assessment and requiring sidewalks. Golat would like to put the sidewalk issue on a future Council meeting for discussion.

City Committee Reports – none.

(VII) Unfinished Business – none.

(VIII) New Business

(1) Presentation and discussion of 2008 Audit and Financial Statements.

Council Member and Finance Committee Member Spangler mentioned that Kevin Krynski, CPA of Johnson Block and Company presented the 2008 Audit and Financial Statements with Independent Auditor's Report for the year ended December 31, 2008 to the Finance Committee prior to the Council Meeting. Spangler commented on the audit and said the City needs to make sure their deposits with the various financial institutions are properly collateralized.

Finance Director Pfeilsticker briefly commented on issues that were brought up during the Finance Committee Meeting.

(VIII)(2) Consider approval of Resolution 7B-09 – A Resolution to authorize closing of books of account for the year ended December 31, 2008 and to accept the Comprehensive Annual Financial Report for 2008.

Motion by Spangler/Henning to approve Resolution 7B-09 to authorize closing of books of account for the year ended December 31, 2008 and to accept the Comprehensive Annual Financial Report for 2008. **Motion carried.**

(VIII)(3) Public Hearing at 6:00 p.m. (or as soon thereafter as is practical) to discuss adoption of the updated Comprehensive Plan for the City of Altoona.

Mayor Meyer opened the public hearing at 6:17 p.m.

City Administrator Golat briefly summarized the City's draft updated comprehensive plan. Golat indicated that the Plan Commission has been working with MSA Consulting over the past three years on the Plan and, at their May 27, 2009 Plan Commission Meeting, recommended the Council approve the Plan.

Dave Rasmussen representing MSA Consultant was present to provide a brief overview of the amended Comprehensive Plan.

Motion by Spangler/Weber to close the public hearing at 6:21 p.m. **Motion carried.**

(VIII)(4) Consider Ordinance 7B-09 adopting the updated Comprehensive Plan for the City of Altoona.

Motion by Hanks/Weber to table Ordinance 7B-09 adopting the updated Comprehensive Plan for the City of Altoona until the first meeting in September to allow further study and more public input 3-ayes, Hanks, Weber, Pratt, 3-nays, Henning, Spangler, Stuber. Mayor Meyer broke the tie with a nay vote. **Motion failed 3-4.**

Motion by Spangler/Henning to approve Ordinance 7B-09 adopting the Comprehensive Plan for the City of Altoona, 3-ayes, Spangler, Henning, Stuber, 3-nays, Weber, Hanks, Pratt. Mayor Meyer broke the tie with an aye vote. **Motion passed 4-3.** City Administrator Golat commented that the Comprehensive Plan can be amended from time to time by Council.

(VIII)(5) Public Hearing at 6:05 p.m. (or as soon thereafter as is practical) to rezone the following parcels:

- **Lot 4-3-G (Parcel #201-1014-08) and Parcel 201-2050-09 (West ½ of NW ¼ of Block 8, Shutes Addition) from Residential (R-1) to Public and Conservancy (P) both located on Third Street West as submitted by the School District of Altoona.**
 - **Lots 1, 2, and 3 of Certified Survey Map #1994, Volume 11, page 01, and Lot 1 of Certified Survey Map #2449, Volume 13, page 330, from Industrial (I) to Residential (R-1) all located on the south side of Lake Road.**
 - **Parcel 201-1001-10 (2-4-E) from Residential (R-1) and Public and Conservancy (P) to River Prairie Mixed Use (RPMU) and Public and Conservancy (P). (Discussed at the July 13, 2009 Plan Commission Meeting).**
- Mayor Meyer opened the public hearing at 6:24 p.m.

City Administrator Golat explained that City Code requires rezoning requests be brought before the Common Council for a Public Hearing. The first rezoning request the Council approved the rezoning of five parcels of property owned by the School District of Altoona earlier this year. The School District of Altoona has submitted another request to rezone the remaining two properties located on Third Street West contiguous with the rezoned parcels. The land considered for rezoning includes parcel #201-1014-08 and parcel #201-2050-09. The request is to rezone the lots from R-1 to Public and Conservancy to accommodate anticipated projects to compliment school operations. The Plan Commission considered this request at their July 13, 2009 meeting and recommended approval.

The second rezoning request is to initiate rezoning four lots from industrial to R-1 as a matter of housekeeping. Golat said these lots have been developed with single family homes; however, the zoning change, while discussed by the Plan Commission in 2002, was never initiated. Staff is recommending the rezoning of Lots 1, 2, and 3 of Certified Survey Map #1994, Volume 11, page 1, and Lot 1 of Certified Survey Map #2499, Volume 13, page 330, from Industrial to R-1. The Plan Commission considered this request at their July 13, 2009 meeting and recommended approval.

The third rezoning request is Parcel #201-1001-10 known as the Schmidt Property located in the River Prairie Development. Golat said the action requested is to rezone the subject parcel to River Prairie Mixed Use to within approximately 75 feet of the river's edge per the agreement approved at the May 14, 2009 Council Meeting. The Plan Commission considered this request at their July 13, 2009 meeting and recommended approval.

Jack Blackburn, 911 N. Moonlight Drive, commented on the Schmidt Property and said if and when it is ever developed to please make sure the City maintains every right that the property has waterfront and to not allow the clearing of too many trees.

Glenda Hoggatt, 1520 Knollwood Trail, is a property owner abutting the Third Street West property in question for rezoning. She asked how much of the school property is needed for a pole building. City Administrator Golat responded to her question. Hoggatt had concerns with the rezoning especially if there are no plans at this time.

Kathy Dahl, representing the school district commented that they have no plans at this time for any type of development on the larger piece of property that is being rezoned. The only plan they currently have is for a storage building and parking lot located on some of the other parcels already rezoned.

Council Member Hanks suggested to Hoggatt that she can address those concerns with the School Board at one of their meetings.

Motion by Spangler/Hanks to close the public hearing at 6:33 p.m. **Motion carried.**

(VIII)(6) Consider Ordinance 7C-09 rezoning Lot 4-3-G (Parcel #201-1014-08) and Parcel 201-2050-09 (West ½ of NW ¼ of Block 8, Shutes Addition) from Residential (R-1) to Public and Conservancy (P) both located on Third Street West as submitted by the School District of Altoona.

Motion by Spangler/Henning to approve Ordinance 7C-09 rezoning Lot 4-3-G (Parcel #201-1014-08) and Parcel #201-2050-09 from Residential (R-1) to Public and Conservancy (P) as submitted by the School District of Altoona. **Motion carried.**

(VIII)(7) Consider Ordinance 7D-09 rezoning Lots 1, 2, and 3 of Certified Survey Map #1994, Volume 11, page 01, and Lot 1 of Certified Survey Map #2499, Volume 13, page 330, from Industrial to Residential; all located on the south side of Lake Road.

Motion by Spangler/Stuber to approve Ordinance 7D-09 rezoning Lots 1, 2, and 3 of Certified Survey Map #1994, Volume 11, page 01, and Lot 1 of Certified Survey Map #2499, Volume 13, page 330, from Industrial to Residential. **Motion carried.**

(VIII)(8) Consider ordinance 7E-09 rezoning Parcel 201-1001-10 (2-4-E) from Residential and Public and Conservancy to River Prairie Mixed Use and Public and Conservancy.

Motion by Spangler/Henning to approve Ordinance 7E-09 rezoning Parcel 201-1001-10 (2-4-E) from

Residential and Public and Conservancy to River Prairie Mixed Use and Public and Conservancy (the 75 feet lying immediately south of the southern bank of the Eau Claire River). **Motion carried.**

(VIII)(9) Public Hearing at 6:10 p.m. (or as soon thereafter as is possible) regarding the proposed Certified Survey Map submitted by the School District of Altoona to combine 6 lots into 1 lot located on Third Street West.

Mayor Meyer opened the public hearing at 6:35 p.m.

City Administrator Golat explained that the School District appeared at the June 8, 2009 Plan Commission Meeting for a site plan review of a storage shed. The building proposed by the School District would straddle an existing property line. They are now requesting a Certified Survey Map approval to combine 6 lots into 1 lot to accommodate the construction.

Motion by Spangler/Hanks to close the public hearing at 6:37 p.m. **Motion carried.**

(VIII)(10) Consider approval of CSM submitted by the School District of Altoona to combine 6 lots into 1 lot located on Third Street West.

City Administrator Golat explained the Certified Survey Map submitted by the School District of Altoona. Golat mentioned that this item was reviewed at the July 13, 2009 Plan Commission meeting, and the Plan Commission unanimously recommended approval.

Motion by Henning/Hanks to approve the Certified Survey Map as submitted by the School District of Altoona to combine 6 lots into 1 lot located on Third Street West. **Motion carried.**

(VIII)(11) Consider approval of Trail-Building Master Agreement Addendum #6 between the City of Altoona and Altoona Outdoors, Inc. regarding Eastern Trail design, permitting, easement acquisition and inspection engineering services.

City Administrator Golat explained that he distributed a copy of staff time spent on the trails for the past three years. Golat said he is keeping a more detailed report on his time spent on the bike trail. Golat then explained the Trail-Building Master Agreement Addendum #6 between the City of Altoona and Altoona Outdoors, Inc. regarding Eastern Trail design, permitting and easement acquisition services.

Golat said the addendum stipulates the City will complete the above noted tasks in consideration of Altoona outdoors contributing \$6,000 or 20% of the anticipated cost of the work.

Motion by Spangler/Hanks to approve the Trail Building Master Agreement Addendum #6 between the City of Altoona and Altoona Outdoors, Inc. regarding Eastern Trail design, permitting, easement acquisition and inspection engineering services. Roll call vote 5-ayes, Spangler, Hanks, Stuber, Pratt, Weber, 1-nay Henning. **Motion carried 5-1.**

(VIII)(12) Consider awarding engineering contract to Short, Elliot and Hendrickson, Inc. to complete design engineering, permitting and easement acquisition services for the Eastern Trail Project.

City Administrator Golat explained the contract between the City and Short, Elliot, Hendrickson, Inc. (SEH) for SEH to complete the engineering, permitting and easement acquisition services for the Eastern Trail Project. SEH was selected as the engineer to complete the engineering for the project through a competitive selection process when the project began. Golat noted that the cost of the engineering services is \$30,000 which will be paid for by a federal enhancement grant (80%) matched by funds from Altoona Outdoors (20%).

Tim Marko representing Short Elliott Hendrickson was present to answer any questions Council Members had regarding the agreement.

Motion by Pratt/Spangler to approve the contract with Short, Elliot and Hendrickson, Inc. for completing design, permitting and easement acquisition services for the Eastern Trail Project. Roll call vote 5-ayes, Pratt, Spangler, Weber, Stuber, Hanks, 1 nay, Henning against. **Motion carried 5-1.**

ITEM 13 - Discuss/consider special exemption for Family Ties to obtain a Picnic License to sell fermented malt beverages at Tenth Street Park (designated consumption & sale area) during a "Taste of Harmony" Festival scheduled for August 16, 2009 and to permit Family Ties to hold the event at Tenth Street Park.

City Administrator Golat explained that Chapter 9.23 of Altoona Municipal Code prohibits consumption of Alcoholic beverages within City parks. A letter of intent was submitted to the city from a group called Family Ties who would like to hold a festival "Taste of Harmony" in the 10th Street Park and is requesting an exemption from this provision in order to obtain a Picnic License to sell fermented malt beverages at Tenth Street Park during their festival on August 16, 2009.

Legal staff recommended the City require liability insurance from Family Ties due to the anticipated size of the event, which organization representatives believe will draw 200 – 300 attendees. If the picnic license holder is the VFW, then they would need to provide liability insurance.

Golat said if Council approves the event and waiver of the alcohol ordinance, staff recommends the following conditions apply:

1. Alcohol sales, if approved, will be served and consumed in a designated fenced area, and the license may only be issued to a licensed organization. (Family Ties to provide the fencing).
2. Family Ties will be responsible for picking up and removing all garbage related to the event.
3. Family Ties will be responsible for cleaning the bathrooms at the 10th Street Recreation Center.
4. No music will be allowed at the event after 9 p.m.
5. Family Ties is required to provide liability insurance.

Andrea Jones and Maurice McIntyre were present to familiarize the Council with their group and explain their intention. They mentioned that they will not be meeting with the VFW until August 5 to confirm if VFW will be the picnic license holder.

Motion by Henning/Spangler to approve a special exemption for Family Ties to obtain a Picnic License at Tenth Street Park during their festival on August 16, 2009 with the conditions noted above.

Motion carried.

(VIII)(14) Consider Health Care Post Employment Reimbursement Plan for City Employees.

Finance Director Pfeilsticker explained that pursuant to the current contract language in Article 18, Section 2 between the City of Altoona and the Altoona Professional Police Association, "Upon retirement of an Employee hired before January 1, 2008, all sick and accident leave, to a maximum of six hundred (600) hours, accumulated under this article shall be paid the employee in full at the employee's rate in effect at the time of retirement and deposited in the employee's Post Employment Health Plan Account. This is to include all employees who retire at retirement age in good standing." In order for the City to comply with this contract language, a Post Employment Health Plan (PEHP) must be approved by Council and a Resolution passed. There is different language with regards to pay-out of accumulated sick leave upon termination for a.) Police union members hired on or after January 1, 2008, b.) Public Works employees, c.) represented Clerical employees, and d.) non-represented employees governed by the City Personnel manual. Pfeilsticker said staff is currently working with North Shore Bank to set up an approved PEHP plan, segregated into four sub-plans to accommodate the four groups of eligible City employees. The Plan and Resolution will be presented for approval at the August 13, 2009 City Council meeting.

No suggested action at this time; discussion purposes only.

(VIII)(15) Consider approval of the final plat of River's Edge Subdivision located northeast of River Prairie Drive at its intersection with 10th Street West as submitted by Robb Majeski. (Discussed at the July 13, 2009 Plan Commission Meeting).

City Administrator Golat explained that the preliminary plat of River's Edge Subdivision was approved at the May 14, 2009 Council Meeting. Approval was subject to extension of the southern lot (to be used for park purposes) eastward to Moonlight Bay Drive. The final plat was reviewed and recommended by the Plan Commission at the July 13, 2009 meeting.

Golat noted a correction that needs to be addressed before final approval. The final plat did not include an outlet designated for storm water management purposed on the northern portion of the plat. Golat distributed the revised final plat which shows Outlot 1 on the northern portion of the plat to be used for a storm water outfall. Golat said there have been discussions with Wis DOT to widen the rip rap channel for storm water. In consideration for this, WisDot is asking the City to take maintenance responsibility for the lower portion of the rip rap channel. The agreement between the City and WisDot will be on the next Council Meeting agenda for action.

Motion by Spangler/Henning to approve the Final Plat of River's Edge Subdivision submitted by Robb Majeski as amended. **Motion carried.**

(VIII)(16) Consider approval of the River's Edge Specification Implementation Plan submitted by Robb Majeski.

City Administrator Golat briefly explained the specific implementation plan submitted by Robb Majeski representing Rivers Edge Holdings, LLC for the Rivers Edge residential subdivision. Golat explained that materials required by Section VIII of the River Prairie Design Standards and Guidelines were submitted to Council for their review. Golat commented that Robb Majeski is requesting the River's Edge sign be put in the northwest corner of the park. The sign is rustic looking and similar to the Phoenix park sign in Eau Claire. The City would need to maintain the sign; it is low maintenance which there would be some weeding and mowing around the sign.

Motion by Spangler/Weber to approve the River's Edge Specification Implementation Plan submitted by Robb Majeski. **Motion carried.**

(VIII)(17) Consider approval of Developer's Agreement for River's Edge Subdivision between the City and Rivers Edge Holdings, LLC, submitted by Robb Majeski.

City Administrator Golat explained the Developer's Agreement between the City and River's Edge Holdings, LLC, specifying conditions for development of the River's Edge subdivision. Golat mentioned that the property sales agreement also reflected conditions for development. Golat said the agreement more specifically addresses construction of the road, trail, park amenities and appurtenant utilities for the northeast quadrant of River Prairie.

Provisions of note include:

1. Consistent with the sales agreement the city will reimburse the Developer approximately \$145,484.42 for the cost of upsizing the storm water facilities to accommodate future development of the southeast quadrant. The payment is required within three years.
2. It is the responsibility of the Developer to install all sidewalks north of the new road within two years of Agreement execution.
3. The Developer shall install a sign on the park property, and the City shall maintain the sign.

Motion by Spangler/Hanks to approve the Developer's Agreement for River's Edge Subdivision between the City and Rivers Edge Holdings, LLC, submitted by Robb Majeski. **Motion carried.**

(VIII)(18) Consider approval of Restrictive Covenants for River's Edge Subdivision submitted by Robb Majeski.

City Administrator Golat briefly explained the restrictive covenants for the River's Edge subdivision as submitted by Robb Majeski on behalf of Rivers Edge Holdings, LLC. Golat said staff has reviewed the covenants and recommends approval. The covenants have also been reviewed by the Plan Commission and Commission members recommended approval.

Golat noted an addition to Article 5, Section 5.15, that fences should be reviewed and approved by the Review Committee.

Robb Majeski representing River's Edge Holdings was present to answer any questions Council Members had regarding the River's Edge Subdivision project.

Motion by Spangler/Henning to approve the restrictive covenants for River's Edge Subdivision submitted by Robb Majeski as amended. **Motion carried.**

(VIII)(19) Consider approval of Resolution 7C-09, a resolution of the Altoona Common Council supporting locating County facilities within the City of Altoona.

Golat explained Resolution 7C-09, a resolution of the Altoona Common Council supporting locating County facilities within the City of Altoona. Staff drafted the resolution at the request of Mayor Meyer. The resolution urges the County to consider Altoona as a location for future County facilities and further directs the City Administrator to contact County officials to assess interest. Golat suggested adding another Whereas, noting that the City has other possible sites that could accommodate Eau Claire County facilities.

Member Henning commented that Eau Claire County is compiling a list of potential sites and researching those potential sites.

Motion by Spangler/Henning to approve Resolution 7C-09, a resolution of the Altoona Common Council supporting locating County facilities within the City of Altoona and adding another whereas as mentioned by City Administrator Golat. Weber against. **Motion carried.**

(VIII)(20) Consider Tax Collection Agreement between the City of Altoona and Eau Claire County.

In 2004 the City of Altoona entered into a five-year contract with the Eau Claire County Treasurer for their collection of property taxes for the City of Altoona. Eau Claire County has proposed renewal of this contract for an additional five-year period (August 1, 2009 to July 31, 2014).

Motion by Spangler/Weber to approve the contract between the City of Altoona and Eau Claire County for their collection of property taxes for the City of Altoona. **Motion carried.**

(VIII)(21) Consider approval of bartender license to Craig Mader, Tabitha Balczewski, Tess Kerr. (Approved by the Altoona Police Department).

The City has received new and renewal bartender license applications listed above for the period through June 30, 2010. Police Chief Chaney has reviewed and recommends approval of the bartender applications as listed.

Motion by Spangler/Hanks to approve the bartender licenses as submitted by the applicants. **Motion carried.**

(IX) Miscellaneous Business and Communications

Mayor Meyer announced that there will be an open house on July 31 from 1-3 p.m. at the Altoona Emergency Services for Police Officer Jeff Anger who will be retiring from the Altoona Police Department.

Mayor Meyer announced on Tuesday, August 4, 2009 from 5:30 to 7:30 p.m. the Citizen Alliance for Strong Communities (CASC) will be having an information meeting titled "Local Budget Alert Session" held at the Chippewa Valley Technical College Health Center, Conference Room 117 in Eau Claire.

Mayor Meyer mentioned that the City of Eau Claire Plan Commission sent a letter to him commenting on the Comprehensive Plan for the City of Altoona.

Council Member Henning mentioned the music in the Tenth Street Park on Tuesday nights during the summer months.

(X) Adjournment.

Motion by Spangler/Weber to adjourn at 7:37 p.m. **Motion carried.**