

CITY OF ALTOONA, WI
REGULAR COUNCIL MEETING MINUTES
August 13, 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, and Red Hanks were present. Also present: Mayor Tom Meyer, City Attorney John Behling, City Administrator Mike Golat, Finance Director Jon Pfeilsticker, City Engineer David Walter, Police Investigator Chuck Wysocky, and City Clerk Cindy Bauer. Police Chief and Fire Chief Todd Chaney arrived at 6:18 p.m.

Absent: Council Members Colleen Weber and William Spangler

City Attorney Behling introduced Mai Vue Xiong as the new law clerk intern for Weld, Riley, Prenn & Ricci.

(IV) Citizen Participation Period

Tina Dunn, 736 Second Street East, said she was opposed to having sidewalks on Second Street East; it's a dead end and serves no purpose.

Marc Fischer, 727 Second Street East, is also opposed to sidewalks; it would cut into his front yard. Fischer commented that there is very little to no pedestrian traffic. Fischer asked if there will be parking on the street and if there are issues with the sewer. City Engineer Walter said the primary project is underground utilities – sanitary sewer and one block of water main will be replaced. Fischer asked if there was a credit policy for corner lots. City Engineer Walter responded to Fischer's question. Finance Director Pfeilsticker mentioned that the current policy for special assessments is deferred over a period of ten years. Pfeilsticker also commented that if they meet the income qualifications, there is a Community Development Block Grant (CDBG) program for low and moderate income based on federal guidelines.

Bob McCracken, 744 2nd Street East, asked what he will be assessed for his second lot and if there are any TARP funds available for this project. City Administrator Golat responded to McCracken's questions.

Jim Gordon, 2403 Pine Tree Lane gave his support for the bow hunt for the 2009-10 season; he appreciated the City allowing people to bow hunt within the City limits of Altoona.

There being no other citizen participation, motion by Pratt/Hanks to close Citizen Participation Period. **Motion carried.**

(V) Approval of minutes.

Motion by Stuber/Henning to approve the minutes of the July 23, 2009 Regular Council Meeting. **Motion carried.**

(VI) City Officers/Department Heads Report

Mike reported that a fire truck (over 30 years old), blew an engine recently. Golat said Police Chief Chaney is inclined not to repair it due to the age of the engine. Golat mentioned that we will have to look at next year's budget. Golat updated the Council on the Clean Water Fund and Safe Drinking Water Fund American Recovery and Re-investment Act Funds. Golat said city staff is waiting on the results from the appeal. Golat said staff has been working with legislatures for their support on the funds.

Finance Director Pfeilsticker has been busy preparing a draft budget for Council to review. There will be a Budget Committee Meeting on Thursday, August 27, 2009 at 5:00 p.m. prior to the Council Meeting that same evening.

City Engineer Walter updated the Council on the Bartlett Avenue Street and Utility project and the painting of the water tower.

City Committee Reports – none.

(VII) Unfinished Business – none.

(VIII) New Business

(1) Consider Ordinance 8A-09 repealing and replacing Chapter 5.32 of the Altoona Municipal Code “Transient Merchants”.

Police Investigator Chuck Wysocky was present to explain Chapter 5.32 “Transient Merchants”. Wysocky mentioned that he is a member of the Wisconsin Transient Fraud Task Force. Wysocky said the Task Force is stepping up enforcement for transient merchants. He said the ordinance is being modified to broaden the applicability of the title to all merchants, not just transient merchants. Also changes have been made to mirror the ordinances of Eau Claire and other jurisdictions, so the ordinances are more uniform and merchants have better predictability as they do business in neighboring jurisdictions. The ordinance has also been modified to make the parent company ultimately responsible for the actions of the merchant. Some of the changes included the following:

- Changed the title from “Transient Merchants” to “Direct Sellers”
- Provide samples of hand bills and door hangers.
- Registering with the City Clerk if you are an established business but going door to door.
- Added a section on shows and exhibitions. Such as Cinder City Days, exhibitors should register with the Clerk with a list of names, dates of birth and addresses of exhibitors.
- Changed the time period from a year to a three month time period. Wysocky said a permanent merchant is 6 months.
- Changing the time that the direct seller shall be prohibited from calling at any dwelling or other place between the hours of eight p.m. and nine a.m.
- Commented on disclosure when taking a sales order for the later delivery of goods, he/she shall, at the time of the order taken, provide in writing, the amount paid in advance.

Council Member Henning asked if a sign could be posted at the entrance to Altoona stating that registration is needed for solicitation. City Administrator Golat mentioned if the Council wishes to direct staff to install a sign(s), it can be done.

Motion by Stuber/Henning to approve Ordinance 8A-09 repealing and replacing Chapter 5.32 of the Altoona Municipal Code “Transient Merchants” with revised Chapter 5.32 “Direct Sellers” as amended and to direct city staff to post signage at the entrances of the City informing the public that registration is needed for solicitation in the City of Altoona. **Motion carried.**

(VIII)(2) Consider design standards for 2nd Street East regarding sidewalks and street width.

City Administrator Golat explained that the 2009 budget includes funding for reconstructing two blocks of 2nd Street East from Bartlett Avenue to the south termination at a dead end. Chapter 12.04 of Altoona Municipal Code allows the Council to exercise discretion with regard to sidewalk installation.

City Engineer Dave Walter showed photos of the existing 2nd Street East. Walter commented that the topography is a challenge. There are retaining walls and large trees along with no definitive traveled pedestrian roadway. The common street width in the City of Altoona is 37 feet with sidewalk on both sides. Eau Claire has a lower volume street width of 33 feet wide. City Engineer Walter gave 3 different street width options.

- Option 1 - 37 foot street width
- Option 2 - 33 foot street width
- Option 3 - 28 foot street width

City Engineer Walter recommended the 33 foot wide street width. Walter said that no matter where the sidewalk would go it would be disruptive because of the retaining walls and large trees. Walter did comment that curb and gutter was necessary.

Consensus of the Council felt that there wasn't the need for sidewalks. Council Member Pratt felt there should be a sidewalk for the one block from Bartlett Avenue to Daniels Avenue, but no sidewalk for the dead end block.

Motion by Henning/Stuber to approve a 28 foot street width for the Second Street East Street and Utility Project, to defer construction of the sidewalk consistent with city code, and to allow only one side parking during the time period when calendar parking is not in force. **Motion carried.**

(VIII)(3) Consider City of Altoona Ordinance enforcement. (Requested by Mayor Tom Meyer and Council Member Brendan Pratt).

Council Member Pratt requested this item be on the agenda. Pratt asked Council Members and staff what they felt about enforcing existing ordinances and permit conditions that we have or, alternatively, modifying the ordinances or permit conditions if the City isn't going to proactively enforce them. Discussion followed.

Police Chief Chaney commented on past public nuisance enforcements and procedures. Chaney said most are by complaint only. Golat referenced various commercial properties and residential properties that have some type of violation. The Mayor and Council Members told City Staff that they have the support of the Council for ordinance enforcements.

(VIII)(4) Consider Resolution 8A-09 – Resolution for the adoption of North Shore Bank Post Employment Health Care Reimbursement Plan and Trust Agreement between the City of Altoona and the Altoona Professional Police Association employees.

Finance Director Pfeilsticker explained Resolution 8A-09, a proposed Post Employment Health Care Reimbursement Plan (exhibit A) and Trust Document (exhibit B). Pfeilsticker said under the current contract with the Altoona Professional Police Association (Article 18, Section 2), upon retirement of an employee hired before January 1, 2008, all accumulated sick leave, to a maximum of 600 hours, will be paid to the employee and deposited into the employee's Post Employment Health Plan. The City does not presently have a Post Employment Health Plan in place that allows for the payment of accrued sick leave at time of retirement. The Resolution being presented will approve the Post Employment Health Plan between the City of Altoona and eligible employees and also the Trust document appointing North Shore Bank as Trustee of the Plan and defining the terms of the Trust agreement.

Motion by Henning/Pratt to approve Resolution 8A-09 adopting the North Shore Bank Post Employment Health Care Reimbursement Plan and Trust Agreement between the City of Altoona and the Altoona Professional Police Association employees. **Motion carried.**

(VIII)(5) Consider Memorandum of Understanding between the Wisconsin Department of Transportation and the City of Altoona for Construction and Maintenance on US Hwy 53 in the River Prairie Drive Interchange area.

City Administrator Golat explained the Memorandum of Agreement between the Wisconsin Department of Transportation and the City of Altoona for Construction and Maintenance on United States Highway 53 in the River Prairie Interchange Area. Golat said the Agreement allows the City (through River's Edge Development LLC) to construct storm water and trail facilities within the Highway 53 right of way in consideration of the City assuming maintenance responsibilities for a designated portion of the right of way impacted by the improvements. The area is shown on the attached map. Golat said without this agreement WisDOT will not allow the subject facilities to be constructed within the Highway 53 right of way.

Motion by Pratt/Hanks to approve the Memorandum of Understanding between the Wisconsin Department of Transportation and the City of Altoona for Construction and Maintenance on US Hwy 53 in the River Prairie Drive Interchange area. **Motion carried.**

(VIII)(6) Consider Ordinance 8B-09, an ordinance of the Altoona Common Council amending Chapter 9.64 of the Altoona Municipal Code, Limited Bow Hunting Allowed, to establish hunt dates for the 2009-2010 season.

City Administrator Golat explained Ordinance 8B-09, an ordinance amending Chapter 9.64 of Altoona Municipal Code to establish dates for the 2009-2010 City of Altoona deer bow hunt. Golat said the ordinance allows for hunting outside the regular DNR bow hunting season from August 29th to and including September 11th, 2009 and January 4, 2010 to January 17, 2010. Golat explained that during this extended season only antlerless deer may be harvested and they must be tagged with a deer damage tag. A summary of harvest numbers from the last 5 years was provided to Council Members along with a summary of deer-car accidents.

Motion by Henning/Hanks to approve Ordinance 8B-09, amending Chapter 9.64 of Altoona Municipal Code to establish dates for the 2009-2010 City of Altoona deer bow hunt. **Motion carried.**

(VIII)(7) Consider approval of bartender licenses to Nicole Frye, Tomiya Valadez, Valerie Lanners, Rolland Stenulson, and Stephanie Berg. (Approved by the Altoona Police Department).

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

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

(VIII)(8) Consider researching the possibility of a Municipal Court System in the City of Altoona. (Requested by Mayor Tom Meyer).

Mayor Meyer asked that this item be visited again.

Police Chief Chaney explained the difference between municipal and circuit court. Chaney distributed a summary of the municipal court costs along with 2008 citations and forfeiture amounts. Chaney explained the costs involved in setting up a municipal court – Judge, supplies, clerk, software to name a few.

City Attorney Behling gave his opinion and summarized the procedures. Behling said the city's legal bill would decrease. Behling felt that as a prosecutor's prospective, he would prefer a municipal court.

Consensus of the Council members was to look into the possibility of a municipal court system and compare revenues versus expenditures.

Motion by Pratt/Henning to consider looking at the feasibility of a municipal court system in Altoona and report back with the findings. **Motion carried.**

(IX) Miscellaneous Business and Communications

None

(X) Adjournment.

Motion by Henning/Hanks to adjourn at 7:47 p.m. **Motion carried.**

Minutes submitted by
Cindy Bauer, City Clerk