

CITY OF ALTOONA, WI
REGULAR COUNCIL MEETING MINUTES
November 12, 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, Colleen Weber, and Red Hanks were present. Also present: Mayor Tom Meyer, City Attorney John Behling, City Administrator Mike Golat, Finance Director Jon Pfeilsticker, Police Chief and Fire Chief Todd Chaney, Library Director Mary Vernau, Recreation Supervisor Debra Goldbach, and City Clerk Cindy Bauer.

Absent: Council Member William Spangler.

(IV) Citizen Participation Period

Kristen Dexter, 7410 Lakeview Drive, Eau Claire, commented on the possible sale of the Hobbs to the Youth Hockey Association. She felt it could benefit the City by Hockey Association taking over the arena; they have shown their dedication and commitment to making Hobbs arena the best venue it can be.

Julie Neuhaus, 1412 Winchester Way had concerns regarding Frito Lay. She said there is trash that blows from their property into neighboring properties. She also said that because of the restructuring of their parking lot, their trucks now face her property and when the trucks start up in the morning, the headlights now face directly into her home. Neuhaus said that because of some of those changes it now poses visual and audible disturbances to her family. Neuhaus also said that because of the reconstruction of the parking lot, trees were removed between her lot and Frito Lays, thus getting rid of some of the barrier between the business property and the residential properties. Neuhaus would like Frito Lay to put up a privacy fence on the south side of the property which should reduce the garbage in the neighborhood and the lights shining in her house in the morning, in addition to providing a more appealing appearance. City Administrator Golat responded to her concerns.

Bob Hume, 935 N. Moonlight Drive, addressed the City Council and pointed out that the bike trail leading to the Eau Claire River has potential as a canoe launch. Hume would like to see the bike trail modified slightly to allow vehicle access to the river with a parking area under the Highway 53 Bridge.

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

Motion carried.

(V) Approval of minutes.

Motion by Hanks/Weber to approve the minutes of the October 22, 2009 Regular Council Meeting.

Motion carried.

(VI) City Officers/Department Heads Report - none

City Committee Reports – none.

(VII) Unfinished Business – none.

(VIII) New Business

(1) Consider approval of Resolution 11A-09 approving the 2010 City of Altoona Budget.

Finance Director Jon Pfeilsticker explained Resolution 11A-09 approving the 2010 City of Altoona budget. Pfeilsticker said the 2010 budget was discussed at several budget committee meetings, and a public hearing was held on October 22, 2009 on the budget as required. Pfeilsticker noted two changes within the budgets without any change to the final number, one item being \$12,000 of monies budgeted for improvements to the hard surfaced area at Highland Park for 2009 Budget, this project did not get undertaken this year so

those funds will be allocated back into the General Fund; the other being the analysis of Hobbs, allocating the cost of the stormwater fund as part of the Hobbs fund expenditures, showing it under Hobbs rather than under Parks and Recreation. Pfeilsticker said the mill rate went from \$5.46 to \$5.52 per thousand.

Motion by Weber/Henning to approve Resolution 11A-09 approving the 2010 City of Altoona budget.

Motion carried.

(VIII)(2) ITEM 2 - Public Hearing at 6:00 p.m. (or as soon thereafter as is practical) regarding the following amendments to the zoning code:

- **Chapter 19.58 – Commercial and Industrial On-Premises signs, amend Section 19.58.080 C.2. and renumber under Section 19.58.080 C. Signs in Commercial and Industrial Districts for consistency.**
- **Chapter 19.59 – Conditional Uses, amend Section 19.59.020 C.**
- **Chapter 19.68 – Amendments, amend Section 19.68.030 B.**

Mayor Meyer opened the public hearing at 6:23 p.m.

Chapter 19.58 - City Administrator Golat explained that amendments to Chapter 19, the City's zoning code, require public hearings consistent with State Statute. Staff is proposing three amendments to Chapter 19. Golat explained the amendments. Golat said these items were discussed at the November 9th meeting of the Plan Commission. City Administrator Golat explained that currently Section 19.58.080 C.2. of Altoona Municipal Code stipulates ground signs shall not exceed twenty-five feet in height and one hundred fifty square feet in copy area. Ordinance 11A-09 clarifies the one hundred fifty square feet of copy area is the sum total of both sides (seventy five square feet per sign face). The ordinance also renumbers the section.

Chapter 19.59 - City Administrator Golat explained that for Conditional Uses, Wisconsin State Statutes only requires a Class Two notice under Chapter 985. The City accomplishes this by ads in the legal section of the Leader Telegram and postings at several locations in Altoona. In addition to the statutory requirement, the City of Altoona's ordinance requires sending notices to the surrounding property owners within two hundred feet of a property applying for a conditional use. Golat said this came about at a previous Plan Commission Meeting regarding the necessity of the City sending out notices of public hearings to surrounding property owners affected by certain actions of the Plan Commission. This issue arose when a couple of property owners were inadvertently overlooked when notices were sent out regarding a CSM hearing. Plan Commission Members felt the requirement to send out notices to surrounding property owners was important and therefore, recommended to keep the language regarding sending out the notices but add language to say that failure to notify a property owner will not invalidate any city action.

Chapter 19.68 - City Administrator Golat explained that Section 19.68.030 B. "Amendments Procedure" for rezoning is similar to Section 19.59.020 in that property owners within 200 feet require notification. However, it is distinct from the conditional use requirement, in that under the Wis. State Statutes Chapter 62.23 (7)(d) Zoning Method of Procedure, the following rule applies under subsection 4: "The City Council shall maintain a list of persons who submit a written request to receive notice of any proposed zoning action that may be taken under subd. 1.a. or b. or 2. that affects the allowable use of the person's property." Plan Commission members recommended to keep the language regarding sending out notices but to add the above mentioned sentence in addition to language saying that failure to notify a property owner will not invalidate any city action.

Motion by Weber/Hanks to close the public hearing at 6:26 p.m. **Motion carried.**

(VIII)(3) Consider Ordinance 11A-09 amending Section 19.58.080 C.2. of Altoona Municipal Code "Provisions for signs by zoning district" clarifying the calculation of sign area allowed for ground signs and renumbering for consistency.

Motion by Pratt/Weber to approve Ordinance 11A-09 amending Section 19.58.080 C.2. of Altoona Municipal Code "Provisions for signs by zoning district" clarifying the calculation of sign area allowed for ground signs and renumbering for consistency. **Motion carried.**

(VIII)(4) Consider Ordinance 11B-09 amending Section 19.59.020 C. of Altoona Municipal Code “Conditional Uses Procedure” to remove the requirement that notice shall be provided to all persons within two (200) hundred feet of the property. (Discussed at the 11/9/09 Plan Commission Meeting).

Motion by Stuber/Henning to approve Ordinance 11B-09 amending Section 19.59.020 C. of Altoona Municipal Code “Conditional Uses Procedure” as amended by keeping the requirement that notice shall be provided to all persons within two (200) hundred feet of the property and adding a sentence that says failure to notify a property owner will not invalidate any city action. **Motion carried.**

(VIII)(5) Consider Ordinance 11C-09 amending Section 19.68.030 B. of Altoona Municipal Code “Amendments Procedure” to remove the requirement that notice shall be provided to all persons within two (200) hundred feet of a property being considered for rezoning, except to those property owners who have requested such rezoning notice as provided for by Wisconsin State Statutes 66.23 (7)(d) or as amended from time to time. (Discussed at the 11/9/09 Plan Commission Meeting).

Motion by Henning/Pratt to approve Ordinance 11C-09 amending Section 19.68.030 B. of Altoona Municipal Code “Amendments Procedure” as amended by keeping the requirement that notice shall be provided to all persons within two (200) hundred feet of a property being considered for rezoning, and adding the following sentences “except to those property owners who have requested such rezoning notice as provided for by Wisconsin State Statutes 66.23 (7)(d) or as amended from time to time” and “Failure to notify a property owner will not invalidate any city action.” **Motion carried.**

(VIII)(6) Discuss/consider Ordinance 11D-09 amending Section 18.11.020 a. 2. of Altoona Municipal Code “Preliminary Plat Review and Approval Commission Action” to remove the requirement that notice shall be provided to all persons within two (200) hundred feet of the proposed Preliminary Plat. (Discussed at the 11/9/09 Plan Commission Meeting).

City Administrator Golat explained that at the November 9, 2009 Plan Commission Meeting they recommended keeping the requirement that notices shall be provided to all persons within 200 feet of the proposed Preliminary Plat and adding a sentence that says failure to notify a property owner will not invalidate any city action.

Motion by Hanks/Weber to approve Ordinance 11D-09 amending Section 18.11.020 a. 2. of Altoona Municipal Code “Preliminary Plat Review and Approval Commission Action” as amended keeping the requirement that notice shall be provided to all persons within two (200) hundred feet of a proposed Preliminary Plat and adding a sentence that says failure to notify a property owner will not invalidate any city action. **Motion carried.**

(VIII)(7) Consider Ordinance 11E-09 amending Section 18.12.016 3. of Altoona Municipal Code “Certified Survey Maps Submission and Review” to remove the requirement that notice shall be provided to all persons within two (200) hundred feet of the applicant’s total parcel. (Discussed at the 11/9/09 Plan Commission Meeting).

City Administrator Golat explained that at the November 9, 2009 Plan Commission Meeting they recommended keeping the requirement that notices shall be provided to all persons within 200 feet of the applicant’s total parcel and adding a sentence that says failure to notify a property owner will not invalidate any city action.

Motion by Henning/Hanks to approve Ordinance 11E-09 amending Section 18.12.016 3. of Altoona Municipal Code “Certified Survey Maps Submission and Review” as amended keeping the requirement that notice shall be provided to all persons within two (200) hundred feet of the applicant’s total parcel and adding a sentence that says failure to notify a property owner will not invalidate any city action. **Motion carried.**

(VIII)(8) Public Hearing at 6:00 p.m. (or as soon thereafter as is practical) regarding the possible sale of the Hobbs Sports Center to the Altoona Youth Hockey Association.

Mayor Meyer opened the Public Hearing at 6:30 p.m.

City Administrator Golat explained that the Altoona Youth Hockey Association recently approached the City with a proposal to purchase the Hobbs Arena. A copy was provided to the Council Members in addition to the letter from the Union Pacific Railroad. Golat said Council requested a public hearing on this issue to solicit input from the public regarding whether the sale is in the best interest of the City and Altoona's residents. Finance Director Pfeilsticker summarized the costs attributable to the Hobbs facility over the past several years. Pfeilsticker calculated the cost to plow the city parking lot was approximately \$157 per time.

Don Dexter, 7410 Lakeview Drive, Eau Claire, commented that he was the founder and representative for the Mighty Docs hockey team. Dexter said he was impressed by the enthusiasm and hard work of the Hockey Association members. They have helped with fund raisers in the Hobbs arena and anticipate their group to continue supporting the Hockey Association.

Michael Vaughan, 2103 Moonlight Bay Drive, is an active member of the Hockey Association. He commended and thanked the Council for the courage to move forward with the potential sale of the Hobbs. Vaughan felt it was an opportunity for the Altoona Youth Hockey Association to continue making improvements to make sure that the building is maintained as a viable long term ice skating venue. Vaughan said they are not interested in ownership of any property as far as the land. Vaughan indicated that the Association is not proposing to change the use format; it will be available to civic organizations and possible potential uses beyond civic.

Ed Bohn, 1303 Daniels Avenue, spent 12-14 years with the hockey association. Bohn gave some past history regarding the Hobbs Foundation which started out in 1980-1982. Bohn felt it could be a win-win situation if set up right to sell the Hobbs to the Altoona Youth Hockey Association. Bohn said if the City does decide to sell the Hobbs, he gave two suggestions: 1) Have the Association secure a loan for the entire amount of the improvements; 2) Have the Association pay a down payment of \$50,000-\$70,000 for the city to hold; require the Association to make a list of their improvements every year.

Motion by Weber/Hanks to close the public hearing at 6:45 p.m. Discussion followed. Council Member Henning asked for another public hearing. He felt more information should go out to the public. Mayor Meyer stated that another public hearing will be held on November 24, that being the next council meeting. Golat commented on the discussion with the DNR regarding the conversion clause. **Motion carried.**

(VIII)(9) Consider establishing a Municipal Court System in Altoona.

City Administrator Golat explained that Mayor Meyer requested this item be placed on the agenda. Finance Director Pfeilsticker prepared a financial analysis of the initial and ongoing costs of establishing a municipal court and Attorney Behling submitted a memorandum outlining the procedural requirements for establishing a municipal court.

Attorney Behling explained the timeline, processes and procedures for establishing a municipal court. Behling referenced three municipalities that currently have municipal courts. Behling said if the Council decides to move forward with the creation of a municipal court, he recommended waiting until after January 1 due to training time spent and election costs. Behling said the City Council would then have the authority to appoint a temporary municipal court judge to serve until that office is filled on a permanent basis at the spring 2011 election. Behling recommended four year terms to minimize the City's cost associated with an election and education costs for newly-elected municipal judges. Judge terms run from May 1 to April 30.

Finance Director Pfeilsticker gave an analysis of court costs and start up costs for two years. Pfeilsticker made a comparison of costs associated with a county court system versus municipal court system.

Police Chief Todd Chaney spoke of his current duties for the county court system.

Motion by Henning/Weber to direct the city administrator to continue moving forward with the concept of creating a municipal court for the City of Altoona and that the matter be again calendared and discussed by the City Council for consideration after January 1, 2010. **Motion carried.**

(VIII)(10) Consider dissolution of the Altoona Economic Development Corporation.

City Administrator Golat explained that the Altoona Economic Development Corporation (AEDC) was created in 1998 with its purpose being "To coordinate the marketing, financing and ultimate sale of business properties to establish an orderly pattern of economic growth." Its first goal was to negotiate the sale of lots within the City of Altoona Business Park. Golat said the City entered into a Management Agreement with the AEDC to negotiate, manage, plan, and otherwise match potential users with the property that is held for economic growth by the City. The City Council still retained final approval authority over any land sales agreements between the AEDC and potential buyers. The AEDC has been totally inactive since 2000 and the functions of the AEDC have been handled by City staff. Golat said staff recommends Council approve the dissolution of the Altoona Economic Development Corporation, thereby also terminating the Management Agreement. This will also exempt the City from any continuing reporting requirements.

Motion by Pratt/Stuber to direct the City administrator, on behalf of the Board of Directors of the Altoona Economic Development Corporation, file all of the necessary documentation with the Internal Revenue Service and State of Wisconsin to administratively dissolve the Altoona Economic Development Corporation and also terminate the Management Agreement between the City of Altoona and the Altoona Economic Development Corporation. **Motion carried.**

(VIII)(13) Consider disposal of fill in the southeast quadrant of River Prairie.

City Administrator Golat explained that he received a call from Darrel Haas asking for fill from the southeast quadrant of River Prairie. That particular area (north end) is treeless, so it would be essentially moving the fill that DOT already put there. Some council members felt we should get some money for the disposal of fill. Golat said he could do more research on excavating costs, etc.

Motion by Pratt/Hanks to table this item until a future meeting. **Motion carried.**

(VIII)(11) Consider convening in closed session pursuant to Wis. Stats 19.85 (1)(e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

1. Consider proposal from C & M Properties and Construction, Inc. for purchase of city property.

2. Labor Contract Issues.

Motion by Pratt/Weber to convene in closed session at 7:50 p.m. pursuant to Wis. Stats.19.85 (1)(e)
1. Consider proposal from C & M Properties and Construction, Inc. for purchase of city property. 2. Labor Contract Issues. Roll call vote, 5-ayes, Pratt, Weber, Hanks, Henning, Stuber, 0-nays. **Motion carried 5-0.**

(VIII)(12) Reconvening to Open Session for the purpose of discussion on the matter entertained in Closed Session.

Motion by Pratt/Henning to reconvene to open session at 8:30 p.m. **Motion carried.**

1. Discuss/consider proposal from C & M Properties and Construction, Inc. for purchase of city property.

Motion by Weber/Pratt to continue negotiations with C & M Properties and Construction Inc for purchase of city property with a restriction provision of 60% owner occupied and 40% rental in addition to a provision to market the property with month to month leases and an option to re-open the clause amending the restriction if needed. **Motion carried.**

2. Labor Contract Issues.

Staff will write a letter addressing the issue covered in closed session.

(IX) Miscellaneous Business and Communication

Council Member Weber asked if the construction workers for the River's Edge development could park elsewhere instead of parking on the bike trail.

Council Member Stuber asked about the status of the Golden Spike addition.

(X) Adjournment.

Motion by Stuber/Pratt to adjourn at 8:32 p.m. **Motion carried.**

Minutes submitted by
Cindy Bauer, City Clerk