

CITY OF ALTOONA, WI
REGULAR COUNCIL MEETING MINUTES
June 24, 2010

(I) Call Meeting to Order

Council President 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

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

(III) Roll Call

City Clerk Cindy Bauer called the roll. Council Persons Dale Stuber, Red Hanks, Thomas Meyer, Ray Henning, Brendan Pratt, and Colleen Weber were present. Also present: City Attorney John Behling, City Administrator Mike Golat, City Engineer David Walter, and City Clerk Cindy Bauer.

Excused absent: Mayor William Spangler.

(IV) Citizen Participation Period

Maurice McIntyre, 1702 Fawn Avenue, Fall Creek, WI 54742, representative for Family Ties was present to ask the Council to permit them to obtain a picnic license for their Taste of Harmony event on July 4, 2010.

City Administrator Golat explained that Chapter 9.23 of Altoona Municipal Code prohibits consumption of Alcoholic beverages within City parks. Family Ties 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 July 4, 2010. Golat explained that Family Ties just filled out the special events permit on June 24th.

City Attorney Behling commented that since the 24 hour advanced notice rule applies for agenda items, he is requesting that the Council does not take any action at this time. Behling said the only other option would be to hold a Special Council Meeting before the date of the event. Consensus of Council Members agreed to have a special meeting on Monday, June 28 at 6:00 p.m.

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

(V) Approval of minutes.

Motion by Weber/Hanks to approve the minutes of the June 10, 2010 Regular Council Meeting.
Motion carried.

(VI) City Officers/Department Heads Report - none.

City Committee Reports - none

(VII) Unfinished Business - none

(VIII) New Business

(1) Public Hearing on issuance of Combination "Class B" Retailers' License to Whiskey Dicks, LLC, DBA Whiskey Dicks, Brad Windeshausen, Agent, 943 Harlem Street.

Council President Meyer opened the public hearing at 6:06 p.m.

City Administrator Golat explained that at the June 10, 2010 Council Meeting, Council denied the renewal of a Combination "Class B" Retailers' License to Whiskey Dicks, LLC, due to property taxes owed and because the City was notified by the Wisconsin Department of Revenue that Whiskey Dicks did not have a valid seller's permit.

City Administrator Golat presented two exhibits:

Exhibit 1 - A letter dated June 21, 2010 from the State Department of Revenue indicating that the applicant now holds a valid Wisconsin seller's permit and any license or permit requested may be issued.

Exhibit 2 - The Eau Claire County Treasurers Office has received total payment this afternoon of \$10,072.48 from Whiskey Dicks for delinquent real estate taxes. Golat said staff's recommendation is to issue the license to Whiskey Dicks.

Motion by Henning/Weber to close the public hearing at 6:08 p.m. **Motion carried.**

(VIII)(2) - Consider approval of Combination "Class B" Retailers' Licenses to sell fermented malt beverages and intoxicating liquors in the City of Altoona to the following applicants.

Golden Spike Bar & Grill Inc.	Whiskey Dicks LLC.
D.B.A. Golden Spike Bar & Grill	D.B.A. Whiskey Dicks
Mark Anderson, Agt.	Bradley Windeshausen, Agt
228 Division Street	943 Harlem Street

City Administrator Golat said Police Chief Chaney has reviewed and recommended approval of the applications submitted.

Motion by Henning/Meyer to approve the Combination "Class B" Retailers' Licenses to sell fermented malt beverages and intoxicating liquors in the City of Altoona to Golden Spike Bar & Grill and Whiskey Dicks. **Motion carried.**

(VIII)(3) Public Hearing at 6:00 p.m. (or as soon thereafter as is practical) regarding the proposed Certified Survey Map (CSM) to divide Lot 4 of CSM 2679, Volume 15 of CSM, page 58 into two parcels located at 1320 N. Hillcrest Parkway, immediately west of the USDA building as submitted by Jim Overgard.

Council President Meyer opened the public hearing at 6:09 p.m.

City Administrator Golat explained the CSM submitted by Jim Overgard to divide Lot 4 of CSM 2679, Volume 15 of CSM, page 58 into two parcels. The parent parcel (Lot 4) had been the western part of the property where the USDA building is located. Lot 4 was created in connection with Mr. Overgard's purchase of land from Mark Blaskey, and partner(s) dba West Riverside LLP. This land division was approved by the City of Altoona Plan Commission and Council in December of 2009. Mr. Overgard is currently constructing a building for his landscaping business on this property. At the January 11, 2010 meeting, Mr Overgard explained to the Plan Commission his intentions to further divide the property. Access to Lot 6 is provided by means of an easement across the west 33 feet and the north 20 feet of Lot 5. Thus, although the south line of Lot 6 abuts the North Hillcrest Parkway right-of-way, no additional driveway approach is being proposed at this time directly along this frontage. In any case, when improvements are built on Lot 6, details including access will be subject to site plan review. Easements have also been established for the City water main and the private sewer main. A separate maintenance agreement for the private easements has been provided to be recorded with the land.

Golat said staff has reviewed the CSM and easement agreement, and Plan Commission recommended approval by the Council.

Motion by Pratt/Weber to close the public hearing at 6:10 p.m. **Motion carried.**

(VIII)(4) Consider approval of CSM to divide Lot 4 of CSM 2679, Volume 15 of CSM, page 58 into two parcels located at 1320 N. Hillcrest Parkway, immediately west of the USDA building as submitted by Jim Overgard (Discussed at the June 14, 2010 Plan Commission Meeting)

Motion by Pratt/Weber to approve the CSM to divide Lot 4 of CSM 2679, Volume 15 of CSM, page 58 into two parcels located at 1320 N. Hillcrest Parkway, as submitted by Jim Overgard. **Motion carried.**

(VIII)(5) Consider approval of a Cigarette License

Golden Spike Bar & Grill has applied for renewal of its cigarette license. Police Chief Chaney has reviewed and recommended approval of the application.

Motion by Weber/Henning to approve a Cigarette License to Golden Spike Bar & Grill, Inc. **Motion carried.**

(VIII)(6) Consider approval of Resolution 6A-10, a resolution of the Altoona Common Council submitted in compliance with Wisconsin Department of Natural Resources NR – 208 regarding submittal of the City’s Compliance Maintenance Annual Report for its wastewater collection system.

City Engineer Walter explained the 2009 Sewer Utility Compliance Maintenance Annual Report. The annual report is required by all operators of a wastewater collection system. The goal of the report is to analyze the City’s operations and financial practices pertaining to the sewer utility in order to identify any problems. The City has scored a grade of “A” in both finance and operations, and no mitigation is required by the Wisconsin Department of Natural Resources. Wisconsin Administrative Code NR 208 requires the governing body of a collection system to pass a resolution that a) acknowledges that the CMAR has been reviewed, and b) lists any recommendations or action plan, if required.

Motion by Weber/Hanks to approve Resolution 6A-10, a resolution of the Altoona Common Council submitted in compliance with Wisconsin Department of Natural Resources NR – 208 regarding submittal of the City’s Compliance Maintenance Annual Report for its wastewater collection system. **Motion carried.**

(VIII)(7) Consider approval of Ordinance 6A-10, creating Chapter 14.08 – Illegal Discharges and Illicit Connections.

City Engineer Walter explained that the City’s current MS4 (Municipal Separate Storm Sewer System) permit requires adoption and implementation of an illicit discharge detection and elimination program by June 30, 2010. Ordinance 6A-10 contains necessary elements of the required program. The ordinance will:

1. Establish procedures to protect the waters of Altoona.
2. Prohibit the discharge, spilling, or dumping of non-storm water substances or materials into waters of the state or the MS4.
3. Define allowable discharges.
4. Establish inspection and enforcement authority.
5. Require landowners to maintain watercourses free of trash, debris, and other obstructions that could potentially pollute the natural waterway.
6. Require notification of spills.
7. Contain an appeal process.

Motion by Weber/Hanks to approve Ordinance 6A-10, an ordinance creating Chapter 14.08 – Illegal Discharges and Illicit Connections. **Motion carried.**

ITEM 8 - Discuss/consider approval of Ordinance 6B-10, an ordinance amending Section 8.32.010 of the Altoona Municipal Code regarding mowing of weeds and grasses.

City Administrator Golat explained that Council Member Stuber requested this item be placed on a future Council Meeting for consideration. Section 8.32.010 states that “No person owning property within the city shall permit to grow or pollinate upon his premises any weeds or grasses which cause or produce hay fever in human beings, exhale unpleasant or noxious odors, or conceal filthy deposits. In order to prevent such growth and pollination, it shall be the duty of every property owner to mow or cause to be mowed upon his premises all grasses or weeds exceeding one foot in height”. Council Member Stuber suggested changing the height requirement to not exceeding six inches in height. Golat said Clerk Bauer researched other municipalities to see what their height restrictions were. Golat said the majority of municipalities that responded had a height limit of no more than 8 inches. Staff recommended amending Section 8.32.010 to change the height limit for grass from one foot to eight inches. Golat also noted that Section 8.32.020 referenced Section 94.22 of the Wisconsin Statutes. Golat said that

section no longer exists, so, Council Members were given an amended copy of the ordinance to strike out the sentence referencing that section.

Motion by Meyer/Stuber to approve Ordinance 6B-10 amending Section 8.32.010 and 8.32.020 of the Altoona Municipal Code changing the height limit restriction for grass to eight inches and striking out the noted sentence. **Motion carried.**

(VIII)(9) Consider approval of Refuse Haulers License.

The following businesses have applied for a Refuse Haulers License for the period of July 1, 2010 – June 30, 2011: Waste Management, Veolia ES Solid Waste Midwest, Inc., Tambornino Sanitation, LLC. and Boxx Sanitation, LLC. Golat explained that there have been no significant problems reported in the past year with any of the operators, and staff recommended approval of the licenses.

Motion by Weber/Henning to approve the Refuse Haulers Licenses to Waste Management, Veolia ES Solid Waste Midwest, Inc, Tambornino Sanitation and Boxx Sanitation. **Motion carried.**

(VIII)(10) Consider approval of Bartender Licenses.

The following people have applied for a Bartender License for the period of July 1, 2010 through June 30, 2011: John Bartholow, Crystal McKay, Rebecca Bushman, Mitchell Kunhart, Tammy Bowe, Roshelle Frye, Dawn Lium, Leticia Placek, Valerie Lanners, Stacia Richmond, Bridget Mulhern, Jason Melsness, Steven Squires, Mary Boettcher, Maureen Zimmerman, Elaine Galewski, Samantha Derouin, Lucas Ley, Jessica Bengtson, Megan Coughlin, Victoria Weaver, and Samantha Michaelson. Police Chief Chaney has reviewed and recommended approval of the bartender applications as listed.

Motion by Hanks/Weber to approve the renewal and new bartender licenses submitted by the applicants as listed above. **Motion carried.**

(VIII)(11) Convening in closed session.

Motion by Pratt/Weber to convene in closed session at 6:15 p.m. pursuant to Wis. Stats 19.85 (1)(e). A. Golden Spike Property Sale Reversionary Clause and B. Sale of City Property--portion of River Prairie Southeast Quadrant. Roll call vote 6-ayes, Hanks, Henning, Weber, Stuber, Meyer, Pratt. **Motion carried 6-0.**

(VIII)(12) Reconvening to open session.

Motion by Henning/Hanks to reconvene to open session at 6:28 p.m. for the purpose of discussion and possible action on the matters entertained in closed session: A. Golden Spike Property Sale Reversionary Clause. B. Sale of City Property--portion of River Prairie Southeast Quadrant. **Motion carried.**

No action taken regarding Golden Spike Property Sale Reversionary Clause.

Motion by Weber/Hanks to ratify the City's counter offer which conveys a 4 acre parcel located in the southeast quadrant of River Prairie to John and Sara Vinopal. **Motion carried.**

(IX) Miscellaneous Business and Communication. - None.

(X) Adjournment.

Motion by Henning/Hanks to adjourn at 6:29 p.m. **Motion carried.**

Minutes submitted by
Cindy Bauer, City Clerk