

CITY OF ALTOONA, WI
REGULAR COUNCIL MEETING MINUTES
August 25, 2016

(I) Call Meeting to Order

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

(II) Pledge of Allegiance

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

(III) Roll Call

City Clerk Cindy Bauer called the roll. Mayor Brendan Pratt, Council Persons Dale Stuber, Red Hanks, Ray Henning, Tim Sexton and David Rowe were present. Also Present: Attorney Steve Weld, City Administrator Mike Golat, City Engineer/Director of Public Works David Walter, City Planner Joshua Clements, Police Sergeant Scott Kelley, Finance Director Tina Nelson, Recreation Manager Debra Goldbach, Management Analyst Roy Atkinson, and City Clerk Cindy Bauer.

Absent: Council Member Andrew Schlafer

(IV) Citizen Participation Period

Karla Geyen, 807 Sandalwood Drive, asked the Council to keep the momentum going for the KB Trail to the new Altoona Elementary School. Geyen said she is not looking for a short term solution; would like something for longevity. Geyen commented on a petition that circulated earlier this year regarding the KB trail. Geyen is asking for Council's consideration to fund the bike trail.

Council Member Hanks and Rowe mentioned that they attended the grand opening of the new Altoona Elementary School. They were very impressed with the new building. Council Member Rowe also commented on the remodeling of the Altoona Middle School on Bartlett Avenue.

Council Member Sexton commented that he did a ride-along with the Altoona Police Department. Sexton had conversation with the Police Officers and discussed their needs. One discussion that he hopes Council can have in the future is the need for the K-9 Program.

Mayor Pratt commented that he also did a ride along with the Police Department. Pratt said it was nice to get to know the police officers and get their prospective on the needs of the Police Department.

Jason Lenberg, 616 So. Willson Drive commented on the KB trail and encouraged the support of the trail.

Mayor Pratt commented on the KB Trail Ad Hoc Committee meeting that was held last week. There was representation from the Altoona School District, City Council, Staff and Eau Claire County. Pratt said there are preliminary plans but the City will coordinate with the County when they redo the road in 2018.

City Administrator Golat summarized what was presented at the KB Trail Ad Hoc Committee meeting. Golat said there remain many challenges to building the KB trail such as cost, engineering challenges, landowner issues, etc.

Matt Biren, 712 11th Street West commented on the new Altoona Elementary School and the safety of the children to the school.

Motion by Henning/Hanks to close Citizen Participation Period. **Motion carried.**

(V) Approval of minutes.

Motion by Stuber/Henning to approve the minutes of the August 11, 2016 Regular Council meeting. Rowe Abstained. **Motion carried.**

(VI) City Officers/Department Heads Report

City Administrator Golat commented that City Planner Clements provided the Council with examples of some of the temporary signs. Golat mentioned that at the last meeting Council Member Henning asked for examples of temporary signs. If Council so wishes, the ordinance can be amended at a future Council Meeting

to include an appendix showing the different types of temporary signs. Consensus of the Council was to bring back at a future Council Meeting for an amendment.

DPW/CE Walter distributed a Sanitary Survey Report and notice of Noncompliance from the WI DNR relating to Altoona's water system. Walter explained the recent Sanitary Survey report performed by WI DNR and noted regulatory changes since the last survey completed by WI DNR.

DPW/CE Walter reported that public works has recently changed the chemical equipment at the well stations. Walter brought it to the attention of Council in case Council members receive calls from constituents. In going through this process residents may detect an odor or a slight presence of chlorine in the water.

City Committee Reports - None.

Due to those present, Mayor Pratt moved up Agenda Item (VIII) New Business (1).

(VIII) New Business

(1) Discuss/consider approval of Resolution 8B-16, a resolution authorizing the issuance and sale of \$7,000,000 General Obligation Promissory Notes, Series 2016A.

City Administrator Golat explained that Resolution 8B-16 accepts the winning bid from Bankers Bank, Madison. for the G.O. Promissory Notes, Series 2016A and secures the proposed term for a closing on the notes on September 15, 2016. The Notes are being issued to provide financing for non-TID capital projects and for the TID #3 Phase 3 of the River Prairie NW quadrant improvements.

Sean Lentz, Financial Advisor from Ehlers and Associates was present to explain the General Obligation Promissory Notes, Series 2016A. Lentz recalled that the City received the Pre-sale report for the sale at the July 28, 2016 Council meeting which provided detailed information regarding use of the funds and how the new debt would fit with our existing debt obligations. Further, anticipated interest rates were discussed along with the sources for repayment of the debt. Lentz said the winning bid is Bankers Bank, Madison, Wisconsin at a rate of 1.5570%.

Motion by Henning/Hanks to approve Resolution 8B-16, a resolution authorizing the issuance and sale of \$7,000,000 General Obligation Promissory Notes, Series 2016A. **Motion carried.**

The Council continued with Item VII, Unfinished Business (1).

(VII) Unfinished business

(1) Discuss/consider approval of Ordinance 8B-16, an ordinance amending Title 6 of the Altoona Municipal Code "Animals" specifically to define the treatment of animals and to define the keeping of certain animals and plants. (No action at the August 11, 2016 Council Meeting.)

Council Member Stuber recused himself from this agenda item at 6:35 p.m.

City Planner Josh Clements explained that there was no action at the August 11, 2016 Council Meeting on this item, and, therefore, staff has made changes to the ordinance to clarify which animals the ordinance pertains to as directed by Council. Included in Council packets are the referred list of animals and plants identified in Wisconsin State Statutes § 29.001(30), (36) and (39) (fur bearing and game animals); Wisconsin State Statutes § 29.604 (threatened and endangered species), Wisconsin Administrative Code NR 10.02 (threatened and endangered species); and Wisconsin Administrative Code NR 40 (invasive species). Modification from previously proposed ordinance also includes a provision to exempt service animals from otherwise prohibited species. Clements explained the history of this proposed ordinance, in brief: Following citizen observation of the keeping of fowl in the City of Altoona, staff was directed to notice the property owner that the keeping of fowl is prohibited by City Ordinance. After careful review of existing ordinances, staff determined that existing language does not expressly prohibit the keeping of domestic fowl if not engaging in commercial operations, and in fact ordinances seems to enable keeping of fowl and other animals as pets if kept in sanitary and nuisance-free conditions. Staff was further directed to propose ordinance changes that would prohibit such keeping.

Staff conducted research on animal ordinances of surrounding and comparable jurisdictions concerning

the keeping of fowl and similar animals. Findings suggested that the City of Altoona ordinances are silent on many other issues commonly addressed in animal ordinances, as well as more contemporary concerns, such as ethical treatment of animals and controls of invasive species. In addition to responding to Council's request to prohibit the keeping of fowl, this proposed ordinance seeks to address ethical treatment, safety, and invasive species, drawing most heavily from the City of Eau Claire animal ordinances (Chapter 6).

The proposed amended ordinance adds Chapter 6.01 "Treatment of Animals" to illustrate humane and ethical treatment of domestic and non-domestic animals in pursuit of public health, safety and welfare. This Chapter contains elements of Chapter 6.04, which is proposed to be repealed, specifically addressing sanitary conditions and animals prohibited in food establishments.

The proposed Chapter 6.03 "Keeping of Certain Animals and Plants" illustrates that keeping of non-domestic animals and those animals customarily associated with agriculture is prohibited in the City of Altoona, unless specifically addressed by City Ordinance. Further, this proposed chapter places restrictions on keeping or transporting threatened, endangered or invasive species.

Discussion followed clarifying if pot-belly pigs should or should not be prohibited.

Motion by Henning/Rowe to approve amending Title 6 of the Altoona Municipal Code "Animals" and to specifically define the treatment of animals and to define the keeping of certain animals and plants as further described above and to not prohibit pot-belly pigs to the list. **Motion carried.**

Council Member Stuber returned to the meeting at 6:45 p.m.

(VII)(2) Discuss/consider approval of Ordinance 6A-16, an ordinance repealing Chapter 5.20 of the Altoona Municipal Code "Ice Cream Truck and Popcorn" and replacing with Chapter 5.20 "Mobile and Temporary Food Vendors" to regulate mobile food vending activities. (No action at the June 9, 2016 Council Meeting).

City Administrator Golat explained that the purpose of this proposed ordinance is to regulate food vending activities in order to protect public health, safety, and welfare, while accommodating commercial uses that generally promote an active and social pedestrian environment within appropriate areas of the city of Altoona. This ordinance is also written with specific consideration given to continued successful operation of existing brick and mortar restaurant establishments in recognition of the investments they make, and tax revenue they generate within Altoona.

As a key component of the River Prairie design, this proposed ordinance has specifically addressed mobile food vending within the River Prairie District. This proposed ordinance differentiates the various different vending units, addresses when a license is required, describes the city license application and the license approval process, defines the procedures of the appeal process or what will happen in the case of license suspension or revocation.

Management Analyst Roy Atkinson gave a power point presentation and explained the rationale for the proposed ordinance.

Management Analyst Atkinson summarized the following main points in his presentation:

- Explained the survey responses pertaining to allowing mobile food vendors in certain areas of the City of Altoona.
- Purpose and Goals
- Ordinance Overview
- Different Types of Vendors
- Annual Licensing
- Exempt from Annual Licensing
- Designated Locations
- Designated Times for Annual Permittees
- Measures to protect existing businesses

Discussion followed. The following amendments to the ordinance were suggested:

- Remove the 6 hour limitation at one location. Consensus of the Council Members was to see how it goes. This amendment can be revisited after a year to see how it goes; if it becomes problematic address it at that time.
- Limit operation to the East end of 1300 Block of Lynn Avenue (not in front of City Hall entrance) and limit one operator in west end of parking lot with special permission from restaurant.
- Take yellow lines out past the gates in Cinder City Park within the ball fields and just operate in parking lot.
- Devney Drive, designate the sidewalks and 1 spot internal in the parking lot. Take out provision for the 2 designated spots on the street.
- Fees – keep the same cost of mobile food and sidewalk cart annual license to \$250.
- Hours of Ice Cream/dessert vendors may operate Monday through Sunday 11 a.m. to 30 minutes prior to sunset but no later than 8 p.m.
- Assure that background checks are conducted and cost to be borne by the vendor or special event organizer.

Motion by Sexton/Stuber to approve Ordinance 6A-16, an ordinance repealing Chapter 5.20 of the Altoona Municipal Code “Ice Cream Truck and Popcorn” and replacing with Chapter 5.20 “Mobile and Temporary Food Vendors” to regulate mobile and temporary food vending activities as amended. Hanks against. **Motion carried.**

(VII)(3) Discuss/consider approval of Ordinance 6B-16, an ordinance amending Chapter 3.08, Addendum “A”, the City’s Fee Schedule, to include the fees within Chapter 5.20 regarding Mobile and Temporary Food Vendors license fees. (No action at the June 9, 2016 Council Meeting)

City Administrator Golat explained that Ordinance 6B-16, is an ordinance amending Chapter 3.08, Addendum A “Fees”, to include 2016 rates related to Chapter 5.20 regarding Mobile and Temporary Food Vendors license fees.

Motion by Sexton/Rowe to approve Ordinance 6B-16, an ordinance amending Chapter 3.08, Addendum “A”, the City’s Fee Schedule, to include 2016 rates related to Chapter 5.20 regarding Mobile and Temporary Food Vendors license fees as amended. Hanks against. **Motion carried.**

(VIII)(2) Discuss/consider approval of Resolution 8C-16, a resolution authorizing the closing of books of account for the year ended December 31, 2015 and to accept the Comprehensive Annual Financial Report for 2015.

City Administrator Golat explained that following completion of the Auditor’s presentation, given at the August 25, 2016 Finance Committee meeting, staff recommends Council approve a motion to authorize closing the books of account for 2015 and to accept the City’s 2015 Comprehensive Annual Financial Report as presented. Golat summarized the report.

Motion by Rowe/Henning to approve Resolution 8C-16, a resolution authorizing the closing of books of account for the year ended December 31, 2015 and to accept the Comprehensive Annual Financial Report for 2015. **Motion carried.**

(VIII)(3) Discuss/consider approval of Resolution 8D-16, a resolution establishing Polling Place Pursuant to Section 2.12.020 C. of the Altoona Municipal Code Book.

City Administrator Golat explained that the City of Altoona is continually striving to make voting more convenient and accessible to the electorate. As you recall, all elections were previously held at the Altoona Fire Department prior to January, 2006. With the steady growth and development Altoona has been experiencing, the current location at City Hall has become challenging in regards to the space needs to run an election. Resolution 8D-16 meets the requirements pursuant to Section 2.12.020 C. of the Altoona Municipal Code Book. The Resolution states that Wards 1 through 15 shall be combined for voting purposes and that the polling place for those wards shall be at the Altoona Emergency Services Building located at 1904 Spooner Avenue, Altoona.

City Clerk Bauer is recommending that all future elections starting with the November 8, 2016 election be located at the Altoona Emergency Services Building, 1904 Spooner Avenue, Altoona.

Motion by Stuber/Sexton to approve Resolution 8D-16, a resolution establishing a Polling Place pursuant to Section 2.12.020 C. of the Altoona Municipal Code. **Motion carried.**

(VIII)(4) Discuss/consider Phase 3 River Prairie phasing, construction schedule and related issues.

City Administrator Golat explained that this spring the City contracted with Haas for construction of Phase 3 of the River Prairie Project, and Ayres is providing the project oversight. Construction on adjacent lots within the development, as well as anticipated construction, has posed challenges that have impacted the project schedule.

Lisa Fleming of Ayres Associates was present to explain the construction schedule and related issues. Fleming provided a Construction Staging Graphic map and identified the staging areas, those properties that are finished construction, those areas under construction, those starting construction in October and those unknown construction start dates. Fleming gave an overview of specific items such as landscape lighting, lowering of casing pipe, Front Porch Place Cross Section, Performance Areas Goals, and park restroom locations (3 options). Consensus of the Council was to go with Option C of the restroom location. Discussion followed regarding the Rivers Edge Performance Area. No action taken.

(VIII)(5) Discuss/consider approval of Bartender Licenses.

City Administrator Golat explained that the City has received new bartender license applications from Eric Anderson and Sarah Kolk. Police Chief James has reviewed and recommends approval of the bartender licenses.

Motion by Rowe/Henning to approve bartender licenses to Eric Anderson and Sarah Kolk. **Motion carried.**

Mayor Pratt recused himself from Agenda Item 6 at 9:36 p.m.

(VIII)(6) Discuss/consider approval of Resolution 8E-16, a resolution vacating a sanitary sewer force main easement on a lot located in the Windsor Forest Subdivision.

City Administrator Golat explained Resolution 8E-16, a resolution to vacate an existing sanitary sewer force main easement on Lot 1 of CSM No. 3119. Council Members were provided a copy of the CSM for reference. The existing easement is no longer active or necessary, and hinders construction of a single family home on the lot.

Motion by Stuber/Sexton to approve Resolution 8E-16, a resolution abandoning and vacating an easement in the Windsor Forest Subdivision. **Motion carried.**

Mayor Pratt returned to the meeting at 9:38 p.m.

(VIII)(7) Discuss/consider convening in closed session pursuant to the following:

Wis. Stats 19.85 (1)(e) A. Purchase and/or sale of property,

Motion by Hanks/Stuber to convene in closed session at 9:39 p.m. pursuant to Wis. Stats 19.85 (1)(e). A. Purchase and/or sale of property. Roll call vote, 5-ayes, Stuber, Hanks, Henning, Sexton, Rowe, 0-nays. **Motion carried 5-0.**

(VIII)(8) Motion to reconvene to Open Session.

Wis. Stats 19.85 (1)(e) A. Purchase and/or sale of property.

Motion by Hanks/Henning to reconvene to open session at 9:42 p.m. Roll call vote, 5-ayes, Sexton, Rowe, Stuber, Henning, Hanks, 0-nays. **Motion carried 5-0.**

City Administrator Golat explained that the Council discussed in closed session several matters related to development in the northwest quadrant of River Prairie; notably one that requires action tonight.

Motion by Sexton/Rowe to approve a first amendment to a purchase agreement dated June 2, 2016 to grant a contingency date extension to August 26, 2016 between the City of Altoona and Mar Properties LLC for lot in the northwest quadrant of River Prairie. **Motion carried.**

(IX) Miscellaneous Business and Communication.

None.

(X) Adjournment.

Motion by Henning/Stuber to adjourn at 9:43 p.m. **Motion carried.**

Minutes submitted by Cindy Bauer, City Clerk