

**CITY OF ALTOONA, WI  
REGULAR COUNCIL MEETING MINUTES  
December 14, 2017**

**(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 City Bauer called the roll. Mayor Brendan Pratt, Council Persons Dale Stuber, Red Hanks, Matthew Biren, Tim Sexton and David Rowe were present. Also Present: Attorney Steve Weld, City Administrator Mike Golat, Finance Director Tina Nelson, Police Sergeant Mark Duce, City Planner Joshua Clements, Management Analyst Roy Atkinson, and City Clerk Cindy Bauer.

Absent: Council Member Andrew Schlafer

**(IV) Citizen Participation Period**

Motion by Hanks/Stuber close Citizen Participation Period. **Motion carried.**

**(V) Approval of minutes.**

Motion by Biren/Hanks to approve the minutes of the November 28, 2017 Regular Council Meeting. **Motion carried.**

**(VI) City Officers/Department Heads Report**

City Administrator Golat mentioned that the Public Works Department is in full winter operation mode. Golat said the City has been focusing on the River Prairie operations and snow clearing. One policy issue to note is that the City will maintain the clearing/shoveling of snow on the sidewalks in River Prairie. Golat will be getting request for proposals out for bathroom facilities in River Prairie.

Police Sergeant Mark Duce reported the following:

- Police Officer Helstern will be going to New Mexico in March 2018 for canine training.
- The Police Department will be implementing a new program in January 2018 called Traffic Tamers.

Council Member Hanks commented that there needs to be a bigger sign for the River Prairie Center/Parks and Recreation Building.

**City Committee Reports**

**(VII) Unfinished Business** - None.

**(VIII)(12) Presentation by Finance Director Tina Nelson on calculation of the 2017 mill rate; possible action to follow.**

This addendum item was moved up to the first item on the agenda.

City Administrator Golat briefly commented on the calculation of the Tax Rate and the purpose of the presentation for a better understanding on calculation of the 2017 mill rate.

Finance Director Nelson presented a step by step explanation of the process for calculating the 2017 mill rates. During the budget process the equalized mill rate is used. Nelson noted that this is the only way to budget

because the Final Statement of Assessments and the Tax Increment Worksheet from Wisconsin Department of Revenue are not available to municipalities until sometime in November of each year.

City Administrator Golat commented on the real estate market and the percentage of assessed market value of property also referred to as the aggregate ratio. These amounts are not available until the end of the budget cycle, usually after the budget has already been adopted. Golat said staff could be cognizant of the aggregate ratio and keep that in mind when developing the budget. Golat asked for direction from Council if staff needs to do something to correct the misunderstanding on calculation of the 2017 mill rates.

Finance Director Nelson said the property valuation has been close to the 100% aggregate ratio for many years and has been slowly declining; this year the aggregate ratio is at 93.1%. The City might budget for revaluation in the next couple of years (2019) to bring the valuation back up to 100%.

City Administrator Golat commented that Staff is suggesting starting the budget process sooner to give Staff and Council more time to discuss and review the budget.

No action.

**(VIII)(1) Public Hearing at 6:00 p.m. (or as soon thereafter as is possible) to consider amending Title 19 of the Altoona Municipal Code “Zoning” relating to building setbacks and lot area requirements.**

Mayor Pratt opened the public hearing at 6:50 p.m.

City Planner Clements explained the following amendments to Title 19 of the Altoona Municipal Code.

- Chapter 19.38 “Corner Lots, Side and Rear Yards and Setbacks” – Proposed Repeal
- Chapter 19.56 “Yards and Open Spaces” – Proposed Repeal/Replace
- 19.28 “R-1 Single Family Dwelling District” – Proposed Amendment
- 19.32 “R-2 One-Family and Two-Family Dwelling Districts” – Proposed Amendment
- 19.36 “R-3 Multiple Family Dwelling District” – Proposed Amendment
- 19.37 “TH Twin Home District” – Proposed Amendment
- 2009 City of Altoona Comprehensive Plan, Section 2.8 “Community Design Principles”.

Clements noted that the Plan Commission, at its December 11, 2017 meeting recommended approval with modifications. Council Members were provided the recommended modifications from the Plan Commission.

Marlo Erickson, 927 Loring Street, Altoona, lives in Eau Claire, but has rental property and her place of business in Altoona. Erickson referred to a current rental property that Erickson would like to see less restrictions which in her case, less front yard setbacks.

Motion by Rowe/Hanks to close the public hearing at 7:15 p.m. **Motion carried.**

**(VIII)(2) Discuss/consider approval of Ordinance 12A-17, an ordinance amending Title 19 of the Altoona Municipal Code “Zoning” more specifically to repeal Chapter 19.38 “Corner Lots, Side and Rear Yards and Setbacks” and repeal & replace Chapter 19.56 “Yards and Open Spaces” pertaining to non-conforming setbacks, double-frontage and corner lots, fences in front yards, and structure encroachments into yards. (Discussed at the December 11, 2017 Plan Commission Meeting).**

City Planner Clements explained the purpose and rationale for proposed changes to Title 19 of the Altoona Municipal Code:

- Each Chapter, 19.38 and 19.56, cover the same or substantially similar objectives: regulate how buildings are placed on property, and in particular setbacks under a variety of contexts.
- For simplification, this action would repeal Chapter 19.38, amend/update the content, and move to replaced Chapter 19.56.
- The most substantial change: 19.56.045 “Nonconforming Setbacks”

- Presently, if a structure exists within a nonconforming setback, meaning closer to the street or property boundary than would be permitted of a new project, additions to that structure are permitted.
- Proposed language would allow new buildings to be constructed to existing nonconforming setbacks of properties along the same frontage. Essentially, if there is a vacant “infill” lot, and one or more buildings within the immediate vicinity have nonconforming setbacks (which is typical), this provision would allow new construction to meet this setback. In cursory staff estimation, there are approximately two dozen known vacant lots this would impact.
  - Does not allow new construction or additions to existing structures within 15 feet of street (19.56.045 A 3) except allowed closer by variance, or five feet of side yard, which is fire separation distance (19.56.045 A 4).
  - Greatly improves developability of existing urban lots, especially corner lots.
- Proposed: Garage door setbacks must be six feet behind the building face or covered porch, and no closer than 24 feet to a public right-of-way (19.56.045 A 1, 2). This proposed language is consistent elsewhere in this ordinance, as well as proposed changes to standard setbacks in zoning classifications (next agenda item).
  - This provision implements policy of the 2009 Comprehensive Plan 2.8 Community Design Principles.
  - The rationale is three: (1) provide sufficient space for a typical vehicle to park in front of a garage; (2) provides visual warning of a vehicle leaving a garage prior to accessing the public space; (3) meets accepted traditional and contemporary neighborhood and housing design (visual emphasis is on dwelling and active people space, rather than on garage doors and vehicle space).
  - Several ordinances studied have similar provisions, including:
    - Sun Prairie: 20’ house setback, 30’ garage setback (Low density zones)
    - River Prairie Design Guidelines: “Street-facing garage doors are only allowed if side or rear loaded garages are determined by Council not to be feasible. Allowed street-facing garage doors must be recessed behind either the front facade of the ground floor living area portion of the dwelling or a covered porch (measuring at least six [6] feet by eight [8] feet) by at least four (4) feet). As noted above, setbacks from garage doors to the nearest portion of any public sidewalk that intersects with the driveway shall be at least twenty (20) feet.”
- A possible future consideration may be to add “residential estate” zoning classification or subclassification, which many edge cities have, in order to manage the different context and conditions between those existing large-lot developments with more moderate density neighborhoods.
- 19.56.050 “Required Yards – Obstructions Permitted When - Requirements”
  - This section is updated to include “unenclosed covered porches”, enabling and encouraging front porches, which are a consistent feature in traditional neighborhoods and architecture.
  - Recognizes ADA ramps as a permitted yard use.
- Moves 19.56.043 “Corner Lots” from 19.38, allowing reduced setbacks for narrow corner lots and identifying the primary front yard.
- Adds 19.56.044 “Requirements for Double Frontage Lots” to clarify yard use conditions in instances where lots are double-fronted. Identifies the primary front yard, and allows fences and accessory structures in the secondary yard, outside of the minimum setback.

- Adds 19.56.035 “Lots abutting alleys” to clarify setback requirements in this context. Narrative is copied from Eau Claire. The only alleys are in the immediate downtown area (such as behind Rump’s) and does not create an immediate impact.
- Fences (19.56.070)
  - Does not change character or placement requirements.
  - Creates “Materials” heading to organize subsection 19.56.070 4.
  - Clarifies materials prohibited for use in fences, including unfinished construction materials and concrete foundation-type block (La Crosse language).
  - Clarifies use of temporary fences during construction activities (Sun Prairie / La Crosse language).
  - Provides process for consideration of alternative fence materials (Sun Prairie language).
  - Creates condition that fences have gates, which may be locked and secured, for the purpose of allowing egress in the case of emergency.
  - Clarifies requirements for fence gates and prohibition of signs attached (consistent with 19.58 “Signs”).
  - Modifies 19.56.070 B.1. to continue prohibition of privacy or screening fences in the front yard or street-side yard by maintaining minimum 30-foot setback, unless the structure is located closer.
  - Moves “Fences on Corner Lots” from 19.38 to this Chapter, continuing the condition of allowing a fence taller than would otherwise be allowed in side yards in corner lots where the property has nonconforming interior side or rear setbacks.
  - Updates several cross-references.

Planning Department Staff is examining possible modifications to the site plan ordinance (to occur in January or February 2018) to further refine site elements for residential property, including the relationship of garages to public streets.

Motion by Stuber/Sexton to approve Ordinance 12A-17, an ordinance amending Title 19 to repeal Chapter 19.38 “Corner Lots, Side and Rear Yards and Setbacks, and repeal and replace Chapter 19.56. “Yards and Open Spaces with the recommended changes by the Plan Commission.. **Motion carried.**

**(VIII)(3) Discuss/consider approval of Ordinance 12B-17, an ordinance amending Title 19 of the Altoona Municipal Code “Zoning” more specifically to amend Chapters 19.28, 19.32, 19.36, 19.37 pertaining to building setbacks and lot area requirements. (Discussed at the December 11, 2017 Plan Commission Meeting).**

City Planner Clements summarized the proposed amendments to Title 19 of the Altoona Municipal Code more specifically as follows:

The proposed changes to the enclosed Chapters revolve around:

1. Relaxed Building Setbacks
2. Reduced Minimum Lot Sizes
3. Clean up duplicate text entries and cross-references

The purpose and rationale for these proposed changes:

- This is a “band-aid” proposal to increase development flexibility, and to enable development character slightly more similar to existing developed areas and “traditional neighborhood development”. This is the first small step, with other(s) required for full implementation.

- Remedy the most pressing challenge regarding inflexible setback requirements that frustrate development and do not meet contemporary development expectations.
- Altoona’s setbacks are *minimum* standards, and as currently written, property owners have the choice to construct new buildings with greater setbacks if they desire. Some communities have “build-to” lines instead of setbacks, which ensure greater predictability.
- Improves flexibility in overall land development and ability to invest in existing property and neighborhoods.
- Increases the permitted buildable footprint of all residential lots.
- Enables a greater proportion of property to be allocated to rear yards.
- Reduces barriers to improving and investing in existing properties.
- Moves existing zoning classifications closer to observed development trends without re-writing entire Chapters or dramatically changing zoning classifications.
- Modifies existing zoning to be more consistent with the 2009 City of Altoona Comprehensive Plan design guidelines, as well as policy priorities to encourage development flexibility and creation of affordable units.

These proposed changes *do not* implement a traditional neighborhood development strategy. This would require a more holistic and comprehensive overhaul of zoning regulations.

“In today’s development context, Traditional Neighborhood Development (TND) is somewhat of a misnomer. TNDs are “traditional” only as they revert to the designs more common in pre-automobile cities and neighborhoods. In fact, the compactness and versatility of TNDs often make them distinctly innovative when compared to many postwar suburbs. Though the criteria and specifications of a good TND can vary, they tend to line up under four headings: compact development, a mix of land uses, clear and convenient transportation alternatives, and a demonstrated appreciation of community character and context” (Ohm et. al. 2000).

Select benefits of traditional neighborhood development (TND):

- Encourages development flexibility
- Maintains and promotes character of traditional neighborhoods
- Enables development of smaller lots
- Enables larger rear yards with same amount of property
- Protects open space
- Increased efficiency of infrastructure and reduces infrastructure per household
- Maintains distinction between developed and rural areas

#### **19.28 “Single Family Dwelling District”**

- Modifies minimum setbacks to more approximately reflect the character of existing development, contemporary expectations, and more align with “traditional neighborhood development”.
- Modifies minimum lot sizes to more approximately reflect existing platted properties in the City of Altoona, enabling new development at similar scale as existing developed areas.
- Updates Chapter/Section references.

#### **19.32 “R-2 One-Family and Two-Family Dwelling Districts”**

- Modifies minimum lot sizes to more approximately reflect existing platted properties in the City of

- Altoona, enabling new development at similar scale as existing developed areas.
- Updates Chapter/Section references.
- Removes duplicate conditions for Tourist/bed and breakfast homes.

#### 19.36 “R-3 Multiple Family Dwelling District”

- Modifies setbacks to be similar to proposed changes to other residential zoning classifications.
- Updates Chapter/Section references.
- Removes duplicate conditions for Tourist/bed and breakfast homes.

#### 19.37 “TH Twin Home District”

- Modifies setbacks to allow character more similar to “traditional neighborhood development” and those recently constructed in Altoona (Fairway Drive / Clubview Lane), to improve development return-on-investment, and public revenue-to-expense ratio.
- Proposed setbacks and lot size are more similar to standards found in comparison communities (Sun Prairie, etc.), but are generally more generous (greater lot sizes, width, etc.)
- Removes duplicate conditions for Tourist/bed and breakfast homes.

It is the intent of Planning Staff to comprehensively examine City of Altoona zoning following the next completion of the Comprehensive Plan. Preparation and process planning has begun, with a project completion horizon of approximately 12-18 months. The current zoning Title 19 was predominately written in 1970, based off of Euclidean “separated uses” suburban zoning raising in that time period that required relatively large lots, large setbacks, and strict separation of land uses.

Motion by Biren/Sexton to approve Ordinance 12B-17, an ordinance amending Title 19 of the Altoona Municipal Code “Zoning” more specifically to amend Chapters 19.28, 19.32, 19.36, 19.37 pertaining to building setbacks and lot area requirements as modified by the Plan Commission. **Motion carried.**

**(VIII)(4) – Discuss/consider modifications to the Specific Implementation Plan as proposed for Woodman’s Food Market regarding addition tenant panels to a previously approved pylon sign larger than allowed by the River Prairie Design Guidelines. (Discussed at the December 11, 2017 Plan Commission Meeting).**

City Planner Clements explained that the Altoona Plan Commission (Oct 9, 2017) and Council (Oct 26, 2017) approved the modification of the Woodman’s Crossing Specific Implementation Plan to permit a pylon sign taller and greater in copy area than allowed by the River Prairie Design Guidelines and Standards. The request also included changeable copy for the gas station pricing. The request was for a sign with 100 feet total height with fixed copy area (Woodman’s) of approximately **210 ft<sup>2</sup>** and the gas station LED portion of **160 ft<sup>2</sup>** (8 feet tall by 20 feet wide). This proposal is to revise the approved sign by adding four tenant panels each with a total of 16 foot tall by 20 foot wide **320 ft<sup>2</sup>** rear-lit cabinet. Clements said the River Prairie Design Guidelines and Standards outline requirements for sign design, size and placement. The Plan Commission and Council have ultimate discretion over applicability of the Design Guidelines and Standards, and in particular how specific sign standards are applied (IX 5 B 2):

- “The height of freestanding signs should be designed consistent with the need to be viewed from highway 53, but in no case may exceed a maximum height of **25 feet**” (IX 5 C 5 E 7 b)
- Permitted Sign Area: **100 ft<sup>2</sup> per panel** (IX 5 C 5 E 7 e)
- Sign panels shall be limited in size to the width of the architectural support elements of the sign (IX 5 C 5 E 7 e).
- Display up to 5 tenant signs and the name of the center (IX 5 C 5 E 7 d) [*Meets*].

Mayor Pratt mentioned that the Plan Commission, at its December 11, 2017 meeting did not approve the modification to Woodman’s sign; the Plan Commission did not like the proposed tenant panel signs. Plan Commission Member Hanks noted that he voted for the proposed sign modification and stated his reasons for

approval. Discussion followed.

Motion by Stuber/Hanks to approve modifications to the Specific Implementation Plan as proposed for Woodman's Food Market regarding addition tenant panels to a previously approved pylon sign larger than allowed by the River Prairie Design Guidelines. Biren/Rowe against. **Motion carried 3-2.**

**(VIII)(5) Discuss/consider approval of Resolution 12A-17, a resolution supporting construction of Bicycle and Pedestrian Facilities along CTH KB.**

City Administrator Golat explained that the topic of grant funding was discussed during several meetings related to the Bartlett Avenue/CTH KB Reconstruction project. The State of Wisconsin Local Road Improvement (LRIP) Program was identified as an appropriate funding source to pursue. City Staff has been directed to proceed with a grant application. The application requires in cases where new bicycle or pedestrian facilities are desired that the governing body pass a resolution authorizing construction of the facilities. The attached resolution satisfies this requirement, and will be attached to the grant application.

Council Member Stuber asked if Council approve the resolution and don't get the funds, does that mean it's not going to be built? City Administrator Golat said it won't be built in 2018 unless the City amends the 2018 budget. If the City gets funding for it and get the property acquisition needed, Council may give consideration for the City to move forward with the project. For clarification, staff will remove the sentence in the resolution stating "Whereas, the City Council has approved funds for completion of the project".

Motion by Rowe/Biren to approve Resolution 12A-17, a resolution supporting construction of Bicycle and Pedestrian Facilities along CTH KB. Stuber/Hanks against. **Motion carried 3-2.**

**(VIII)(6) Discuss/consider approval of Ordinance 12C-17, an ordinance amending Chapter 9.20 of the Altoona Municipal Code "Sale and Discharge of Fireworks".**

Management Analyst Atkinson explained that as part of our fee schedule update, staff also began the process exploring potential updates to related ordinances. In this chapter, staff chose to make modifications to the formatting of the ordinance, establishing separate sections of "Sale of Fireworks" and "Discharge of Fireworks" and establishing application/inspection procedures. Additional updates include increasing the legal age to purchase select pyrotechnic composition devices from the age of sixteen to eighteen along with other minor additions. Atkinson referred to the updated Chapter 9.20 "Sale and Discharge of Fireworks".

Motion by Rowe/Stuber to approve Ordinance 12C-17, an ordinance amending Chapter 9.20 of the Altoona Municipal Code "Sale and Discharge of Fireworks". **Motion carried.**

**(VIII)(7) Discuss/consider approval of Ordinance 12D-17, an ordinance amending Chapter 5.50 of the Altoona Municipal Code "Special Events Permit" specifically Section 5.50.040 stipulating that permit fees shall be waived for non-profit groups.**

Management Analyst Atkinson explained that this ordinance update is solely an addition of language to the exemptions section of Chapter 5.50 "Special Events Permit". This update stipulates that permit fees shall be waived for non-profit groups, however, all applicants are required to pay for services provided, if any, by the city for said event. The exemption also includes that if recurring event throughout the current year, the applicant will only be charged once per year.

Motion by Sexton/Hanks to approve Ordinance 12D-17, an ordinance amending Chapter 5.50 of the Altoona Municipal Code "Special Events Permit". **Motion carried.**

**(VIII)(8) Discuss/consider approval of Ordinance 12E-17, an ordinance amending Chapter 5.32 of the Altoona Municipal Code "Direct Sellers"**

Management Analyst Atkinson explained that this ordinance revision provides a couple additions to the previous Direct Sellers ordinance. The first proposed addition stipulates Wis. Stats. S 103.34 that if traveling in groups of two or more, a Certificate of Registration from the State of Wisconsin will be required. The second proposed addition stipulates that each applicant shall be subject to a background check and that the requirement

for a background check may be waived for subsequent permits at the discretion of the Police Department. While background checks have always been done in the past, the Police Department have been reviewing applicants more thoroughly thus adding a separate background check fee. The ordinance also reduces the length of the permit from 3 months to 30 days. Atkinson referred to the updated Chapter 5.32 "Direct Sellers".

Council Member Sexton asked if we could amend the ordinance to reduce the length of the permit from 3 months to seven days, being consistent with Eau Claire's Direct Sellers Application.

Motion by Sexton/Hanks to approve Ordinance 12E-17, an ordinance amending Chapter 5.32 of the Altoona Municipal Code "Direct Sellers" and to amend the length of the permit from 3 months to seven days. **Motion carried.**

**(VIII)(9) Discuss/consider appointment of election inspectors for a two-year term ending December 31, 2019.**

City Clerk Bauer recently contacted the Republican and Democratic political parties requesting each party submit a list of names of poll workers for a two-year term beginning January 1, 2018 and ending December 31, 2019. The selected names from those submitted are provided on the materials included in your packet along with the party affiliation of each worker. The unaffiliated selections have been submitted by the City Clerk.

Motion by Sexton/Biren to appoint the submitted poll workers for a two-year term ending December 31, 2019, as indicated on the list provided by City Clerk Bauer. **Motion carried.**

**(VIII)(10) Discuss/consider convening in closed session pursuant to Wis. Stats 19.85 (1)(e)**

**(VIII)(11) Motion to reconvene to Open Session for the purpose of discussion and possible consideration on the matters entertained in Closed Session.**

The Council did not go into closed session.

**(IX) Miscellaneous Business and Communication.**

Clerk Bauer reminded Council Members that the next Council Meeting will be on Thursday, December 21, 2017 at 6:00 p.m.

**(X) Adjournment.**

Motion by Hanks/Sexton to adjourn at 7:48 p.m. **Motion carried.**

Minutes submitted by Cindy Bauer, City Clerk