

**CITY OF ALTOONA, WI**  
**REGULAR COUNCIL MEETING MINUTES**  
**May 24, 2018**

**(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 Members Andrew Schlafer, Dale Stuber, Red Hanks, Matthew Biren, Tim Sexton, and David Rowe were present. Also Present: Attorney Christopher Gierhart, City Administrator Mike Golat, Police Chief Jesse James, City Engineer/Director of Public Works David Walter, City Planner Joshua Clements, Finance Director Tina Nelson, Fire Chief Mark Renderman, and City Clerk Cindy Bauer.

**(IV) Citizen Participation Period**

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

**(V) Approval of minutes.**

Motion by Biren/Sexton to approve the minutes of the May 10, 2018 Regular Council Meeting. **Motion carried.**

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

Finance Director Tina Nelson updated the Council regarding the grant that was not being awarded as it relates to TIF #3 for the Bartlett Avenue/KB Reconstruction/Sidewalk and other projects. What does this mean to complete the following projects: Bartlett Avenue/KB Reconstruction & Sidewalk, Country Club Lane, Sherman Highlands Addition, The Hayden Addition.

City Administrator Golat said we will do the project this year for the short section of Bartlett Avenue to the end of the City limits.

City Administrator Golat reported the following:

- Working on full summer maintenance mode especially in River Prairie.

Fire Chief Mark Renderman updated the Council on personnel and fire calls.

- 48 part time staff.
- 463 Fire and EMS service calls for the year.
- Completed second quarter of Fire Inspections.
- 7 staff members achieved certification to Firefighter 2.
- New Brush truck.

Police Chief Jesse James reported the following:

- Call volume is up 9% compared to last year.
- Canine program is working very well.
- Commented on back in parking issue in River Prairie. With the amount of calls and tickets issued, James is seeing a problem in the future and asked Council and Staff to readdress this issue. City Administrator Golat will check and see what the costs are to restripe the other direction (regular parking) instead of back in parking.

Council Member David Rowe commented that the Shed is receiving scrap metal to raise funds for the Canine Program.

**City Committee Reports – None.**

**(VII) Unfinished Business – none.**

**(VIII) New Business**

**(1) Public Hearing at 6:00 p.m. or as soon thereafter as is practical on Resolution 5C-18, a resolution authorizing street and utility improvements and levying special assessments against benefited property for the Country Club Lane Phase 2 and Sherman Highlands Addition Phase 2 Reconstruction projects.**

Mayor Pratt opened the public hearing at 6:25 p.m.

CE/DPW Walter explained that a public hearing is scheduled to consider input from interested parties and affected property owners regarding the 2018 Street & Utility Reconstruction project for the Country Club Lane Phase 2 and Sherman Highlands Addition Phase 2. The public hearing has been properly noticed consistent with State Statutes. All affected property owners were notified and have been provided a copy of their estimated assessments. Walter said the scope of the project includes reconstruction of Country Club Lane from Altoona Avenue westerly through the cul-de-sac. The project also includes the following segments of the Sherman Highlands Addition.

- Hoover Avenue from Fairfax Street to Harlem Street
- Fenwick Avenue from Fairfax Street to Harlem Street
- Harriet Street from Fenwick Avenue to Hoover Avenue
- Loring from Fenwick Avenue to Hoover Avenue
- Harlem Street from Fenwick Avenue to Hoover Avenue

CE/DPW Walter noted that the Preliminary Assessment Roll for Country Club Lane levies the additional cost of the roadway width beyond 37 feet consistent with Ordinance 4C-18 adopted during the April 12, 2018 Council meeting.

The following people spoke during the public hearing:

Jerome Lanners, on behalf of his parents house at 3603 Fenwick Avenue, had questions regarding sidewalks; why are they being installed and why only a portion not the entire subdivision. CE/DPW Walter responded and referred to previous meetings where discussions were had regarding sidewalks.

Terri Strasburg, 3712 Fenwick Avenue; Gerald Melsness, 536 Loring Street; and Grant Heiman, 504 Harlem Street; all had concerns with the proposed sidewalk being too close to the houses.

John Thode, 3504 Fenwick Avenue had concerns with the streets being narrowed and the removal of trees in order to put in sidewalks.

Finance Director Tina Nelson briefly commented that there are Community Development Block Grant (CDBG) funds that are available for low-income. Those that are eligible for the CDBG funds can apply.

Motion by Biren/Rowe to close the public hearing at 6:52 p.m. **Motion carried.**

**(VIII)(2) Discuss/consider approval of Resolution 5C-18, a final resolution of the Common Council of the City of Altoona, declaring intent to exercise its police powers pursuant to Section 66.0703 of Wisconsin Statutes to specially assess for the Country Club Lane Phase 2 and Sherman Highlands Addition Phase 2 Street and Utility Reconstruction Projects.**

CE/DPW Walter explained the Final Resolution and its procedure.

Motion by Biren/Schlafer to approve Resolution 5C-18, a final resolution authorizing street and utility improvements and levying special assessments against benefited property for the Country Club Lane Phase 2 and

Sherman Highlands Addition Phase 2 Street and Utility Reconstruction Projects. Stuber/Hanks against. **Motion carried.**

**(VIII)(3) Discuss/consider amendment to the engineering contract for design of the Bartlett Avenue/CTH KB Reconstruction project.**

CE/DWP Walter explained that the 2018 budget includes funds for reconstruction of Bartlett Avenue/CTH KB from 3<sup>rd</sup> Street East to the City Limits east of Walden Court. Staff was previously directed to apply for grant funding through the State of Wisconsin Local Road Improvement (LRIP) Program for the entire project limits from 3<sup>rd</sup> Street East to the City Limits near the overpass of the Union Pacific Railroad. Staff collaborated with Eau Claire County on submittal of the grant application by the deadline, and staff was recently notified that a grant was not awarded for the project by the State. As a result, the project will proceed as budgeted.

Staff has contacted a number of adjacent property owners with respect to the need for a regional pond near Walden Court. One feasible alternative appears to be utilization of open areas along the northern property line of two adjacent businesses on the north side of Bartlett Avenue. The analysis and engineering design for this alternative is not included in the scope of the contract with Cedar Corporation. The proposed contract amendment will compensate Cedar Corporation for their additional level of effort.

Motion by Biren/Rowe to approve the amendment to the engineering contract with Cedar Corporation at a lump sum fee of \$14,900, and to authorize the Mayor to sign the contract. Hanks against. **Motion carried.**

**(VIII)(4) Discuss/consider extending hours of operation for the Cinder City Days Events in River Prairie Park on Friday, June 8, 2018 and Saturday, June 9, 2018 until 11 p.m.**

City Administrator Golat mentioned that the Altoona Lions Club is expanding their events during Cinder City Days utilizing the River Prairie Park Amphitheater to include the following:

Friday, June 8, 2018 – Karaoke Night

Saturday, June 9, 2018 – Diamond Rio Concert

Golat explained that last year the Altoona Lions Club was granted permission from the Council to extend the hours of operation in Cinder City Park until 11 p.m. for the concert. This year, the Altoona Lions Club would like to extend the hours of operation past 10:00 p.m. for both events in River Prairie Park until 11 p.m. on Friday, June 8 and Saturday, June 9, 2018. Golat referred to Chapter 12.28.010 of the Altoona Municipal Code whereas there shall not be amplified noise before eight a.m. or after ten p.m. unless under the supervision of the Parks and Recreation Department or if express permission is granted by the City.

Motion by Hanks/Stuber to approve extending hours of operation for the Cinder City Days Events in River Prairie Park on Friday, June 8, 2018 and Saturday, June 9, 2018 until 11 p.m. **Motion carried.**

**(VIII)(5) Discuss/consider amending the premise description on the “Class B” Combination Liquor and Beer License issued to Mar Hospitalities, LLC DBA Cowboy Jacks, located at 1432 Front Porch Place, to include a portion of the parking lot, partially on their property and partially on the City’s parking lot (fenced in area) for the following date only: June 9, 2018.**

City Administrator Golat explained that Lori Hayden, Agent of Cowboy Jacks, 1432 Front Porch Place, is asking for an amendment to the current “Class B” Liquor and Beer license premise description to include a portion of the parking lot, and possibly City property to the south of the parking lot, for the following date only: June 9, 2018. This is similar to what the City has done in the past for Rolly’s Coach Club during fund raisers (extended the premise license) and for the Lions Club when the City approves liquor in 10<sup>th</sup> Street Park during the Cinder City Days Car Show. Golat said that after further review by Staff, the City shortened the premise description to only include the northern parking stalls, not the turn around lane portion.

Staff is recommending that the Council consider approving the request subject to the following conditions:

1. The area where liquor will be allowed outside of Cowboy's normal premise will be fenced with controlled access.
2. There will be extra staff dedicated to checking identification to assure no minors are served.
3. Any liquor sold within the extended premise area will need to be sold on property owned by Cowboy's.
4. Traffic flow cannot be restricted to the extent that public safety is compromised, as determined in the full and absolute discretion of the City.
5. Applicant shall repair any damage(s) to city property resulting from use thereof, within five working days of the event.
6. The applicant shall provide the City with proof of liability insurance acceptable to the city in its sole and absolute discretion naming the City of Altoona as an additional insured and specifying coverage for service of alcohol.
7. Prior to the event, applicant shall pickup and/or grade lot to assure safe access and shall remove all and any rubbish from the site by the day following the event.
8. Clean up any garbage.
9. MAR Hospitalities, DBA Cowboy Jacks will be responsible for placing temporary ramps, acceptable to the city, for access to the undeveloped parking lot at points as shown on Exhibit A.

Motion by Stuber/Rowe to amend Cowboy Jacks "Class B" Liquor and Beer License premise description for the specific date of June 9, 2018. Hanks against. **Motion carried.**

**(VIII)(6) Presentation of Bid results for River Prairie Restroom and Shop Facility with possible action to follow.**

City Administrator Golat explained the bid tabulation for the River Prairie Restroom/Shop Facility. Golat said the budget for the project is \$500,000 and the architect estimated the bids would come in between \$500,000 and \$550,000.

Hal Snow, from SDS Architects was available at the meeting to discuss options to move the project forward given the budget and bidding issues. Snow said the City only received one bid for the project, which was from Market and Johnson; the bid was \$999,999, way above budget. City staff and the project architect believe the lack of bids is due to the booming construction market. Staff did discuss the one bid received with Market and Johnson Staff and they noted that their bid was a good bid with a customary mark up. Staff intends to meet with Market and Johnson staff next week to discuss how the project could be value engineered to bring the project cost more in line with the budget. Snow suggested delaying the bid request until a later off season date.

Member Schafer had an issue with the two family shower; is it needed? If the family showers were taken out, that would be a cost savings.

Member Hanks suggested having the maintenance building by the boat landing, less costly, etc. Staff commented that it wasn't allowed or feasible.

Staff will come back with a cost design and bring back at a future meeting. No action at this time.

**(VIII)(7) Discuss/consider award of contract for Devney Park Playground Equipment.**

City Planner Clements said the Parks & Recreation Board met on May 17<sup>th</sup> and recommended Design Plan #3 from Lee Recreation. Clements explained that the 2018 City Budget includes \$175,000 for Devney Park Playground and related improvements. The City released a Request for Proposals for playground equipment and fall surface with a budget of \$115,000. The City received proposals from 5 vendors, with a total of 13 design/layout options. The remaining budget includes: lighting, security and site amenities; site preparation; landscaping; and contingency. These will be completed by the City or under a separate contract.

Motion by Sexton/Biren to approve proceeding with contract negotiations with Lee Recreation, and authorize the Mayor to sign, for purchase and installation of Devney Park Playground Equipment per Parks Board recommendation. **Motion carried.**

**(VIII)(8) Discuss/consider purchase of foreclosure property at the corner of Laurel and Harriet Street (Lot 6, Block 39, Sherman Highland Addition, Computer #201-2088-03-000).**

City Administrator Golat explained that the Eau Claire County has taken the property at 635 Harriet Street on tax deed. The City has the ability to purchase the property directly from the County for the sum of back taxes, special assessments, penalties and expenses prior to going to auction. Purchase price would be \$ 13,830.72. The parcel is 5,000 square feet and a corner lot. This is a typical lot size in the Sherman-Highland Addition. The property is currently zoned R2. The property is vacant with the exception of a damaged home foundation, as the home burned to the ground. Golat mentioned that recently there have been some title work, and found that there are other encumbrances on the property which has been forwarded to legal counsel to review. Golat suggested waiting until we get clear title and/or other issues that may arise if the City purchases the property.

Motion by Sexton/Hanks to authorize staff to move forward with the purchase of foreclosure property (Computer #201-2088-03-000) for \$13,830.72 contingent on the City getting clear title. **Motion carried.**

**(VIII)(9) Discuss/consider approval of Ordinance 5C-18, an ordinance to update Chapter 15.05 of the Altoona Municipal Code “Swimming Pools” pertaining to permit requirements.**

City Planner Clements explained that the proposed ordinance amends permit fee language to refer to the Chapter 3.08 “Addendum of Fees”.

Motion by Sexton/Biren to approve Ordinance 5C-18. **Motion carried.**

**(VIII)(10) Discuss/Consider approval of Ordinance 5D-18, an ordinance to update Chapter 10.21 “Residential Yard Parking” pertaining to driveway design and setbacks.**

City Planner Clements explained that the proposed ordinance modifications from the Planning Department amends Chapter 10.21 Residential Yard Parking as a follow-up to repeal/replace changes to Chapter 19.52 Parking and Loading Spaces on May 10<sup>th</sup>. The changes to 19.52 moved residential driveway design standards from 10.21. The proposed changes also close a loophole created when minimum yard setbacks were modified in 2017 to ensure parking of vehicles is not permitted within existing front yards. The revised setback standard of 16 feet created the loophole between 16 feet and the previous standard of 30 feet wherein a vehicle could be parked based upon current yard parking ordinance. Clements also mentioned that the proposal changes the definition of a grandfathered gravel parking area to be one vehicle in width (12 feet). This has been an issue with certain properties causing regular tracking of material into the public roadway, as well as in several cases where a homeowner noticed for violating yard parking points to these often nearby unpaved areas as a double-standard. The proposed language is a compromise. It would only need to be enforced for those unpaved areas on residential properties causing erosion or tracking.

Motion by Sexton/Rowe to approve Ordinance 5D-18, an ordinance updating Chapter 10.21 of the Altoona Municipal Code. Discussion followed.

Joe Strasburg, 3712 Fenwick Avenue, commented on vehicles in the front yard. Strasburg said if there are violators, the ordinance should be enforced. Strasburg referred to existing violators.

City Planner Clements noted that nuisances or code violators are typically complaint driven. If Clements or the City receive a complaint, Clements does check out the nuisance and if they are in violation, does address those nuisances and issue citations. **Motion carried.**

**(VIII)(11) Discuss/Consider approval of Ordinance 5E-18, an ordinance to update Chapter 8.32 “Weeds and Grasses” pertaining to mowing by City - Cost.**

City Planner Clements explained that the proposed ordinance modifications from Public Works and the Planning Department amends Chapter 8.32.020 from a directive “shall” to “may”, in order to provide staff discretion in the method of enforcement of nuisance complaint of weeds and grasses longer than 8 inches. The ordinance provides a penalty (citation) as an alternative/additional enforcement option. Public Works staff does not have the capacity to respond to mowing on private lots, nor it is an advisable policy to do so. The City does not have an agreement with a private firm to conduct such mowing.

Motion by Sexton/Biren to approve Ordinance 5E-18, an ordinance updating Chapter 8.32 of the Altoona Municipal Code. **Motion carried.**

**(VIII)(12) Discuss/Consider approval of Ordinance 5F-18, an ordinance to update Chapter 12.12 “Driveway Approaches” pertaining to commercial driveway approaches and permitting.**

City Planner Clements explained that the proposed ordinance modifications from Public Works and the Planning Department amends Chapter 12.12 Driveway Approaches to clarify permit fee reference to Chapter 3.08 “Addendum of Fees” and create a section for Commercial Driveway Approaches. At present, there are no standards for commercial driveways in Altoona, other than that they must be hard surfaced. This standard would provide a benchmark for staff review of Site Plans and other projects. The standard is as typical in measurement, description and regulation as those examined in comparison cities.

Motion by Sexton/Stuber to approve Ordinance 5F-18, and ordinance updating Chapter 12.12 of the Altoona Municipal Code. **Motion carried.**

**(VIII)(13) Discuss/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.**

**A. Purchase and/or sale of property.**

Motion by Hanks/Sexton to convene in closed session at 8:08 p.m. pursuant to Wis. Stats 19.85 (1)(e), A. Purchase and/or sale of property. Roll call vote, 6-ayes, Stuber, Biren, Hanks, Rowe, Schlafer, Sexton, 0-nays. **Motion carried. 6-0.**

**(VIII)(14) Motion to reconvene to Open Session for the purpose of discussion and possible consideration on the matter entertained in Closed Session.**

**A. Discuss/consider purchase and/or sale of property.**

Motion by Hanks/Biren to reconvene in open session at 8:46 p.m. Roll call vote, 6-ayes, Sexton, Hanks, Schlafer, Biren, Rowe, Stuber, 0-nays. **Motion carried 6-0.**

No action reported out of Closed Session.

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

None.

**(X) Adjournment.**

Motion by Hanks/Rowe to adjourn at 8:47 p.m. **Motion carried.**

Minutes submitted by Cindy Bauer, City Clerk