

**CITY OF ALTOONA, WI
REGULAR COUNCIL MEETING MINUTES
July 25, 2019**

(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 Dale Stuber, Red Hanks, Matthew Biren, Tim Sexton, and Susan Rowe were present. Also Present: Attorney Christopher Gierhart, City Administrator Michael Golat, City Engineer/Director of Public Works (CE/DPW) David Walter, City Planner Joshua Clements, Police Chief Kelly Bakken, Management Analyst Roy Atkinson, and City Clerk Cindy Bauer.

Absent: Council Member Andrew Schlafer.

(IV) Citizen Participation Period

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

(V) Approval of minutes.

Motion by Hanks/Stuber to approve the minutes of the July 11, 2019 Regular Council Meeting and the July 19, 2019 Special Council Meeting. **Motion carried.**

(VI) City Officers/Department Heads Report

City Administrator Mike Golat commented on the Big Boy Steam Locomotive that was in town on Tuesday, July 23, 2019. Golat thanked City staff and everyone else involved with this event.

Police Chief Bakken commented on the following:

- Awarded a traffic grant for speed enforcement.
- Awarded a \$4,000 traffic type grant from the state; grant can be used for traffic equipment.
- Hired a part time Police Officer Jake Henning who started on July 11.
- Reminded Council of the National Night Out event coming up on August 6th, 2019 at 5:30 p.m. in 10th Street Park.

Management Analyst Atkinson commented on the Altoona Summer Fiesta Event on August 25 at River Prairie Park.

City Committee Reports – None.

(VII) Unfinished Business

(1) Discuss/consider approval of Final Implementation Plan for Creekside at Hillcrest Greens

City Planner Josh Clements explained that the Final Implementation Plan (FIP) of the Creekside in Hillcrest Greens in the Hillcrest Greens Planned Community Development (PCD) describes implementation of the remaining portions of the Hillcrest Greens General Implementation Plan (GIP) identified as multi-family residential on the west end of the development, adjacent to Sawgrass Place. The Creekside encompassed two 24-unit residential buildings. The total project area is 4.17 acres. Clements said the proposal includes the proposed

reconfiguration of three parcels on Sawgrass Place, including relocation of the existing stormwater pond. The proposal has been revised since the Plan Commission meeting on July 9 to reflect the approval conditions. Clements noted the change which was a 20 foot access easement instead of the 15 foot assess easement originally presented for a driveway.

Staff recommends that the Council approve the Final Implementation Plan for Creekside at Hillcrest Greens with the following modifications (conditions) of approval:

- (1) Submittal and successful review of final *storm water plan* and *civil site plan* by City Engineer as described in the *Altoona Municipal Code* Chapter 14. The civil plan shall illustrate compliance with the Steep Slopes Ordinance (19.15.110) and confirm autoturn access for municipal firetruck.
- (2) Fire Department Connections (FDC) shall be 4" STORZ and located on the front of the building, near the water service lines.
- (3) The petitioner shall provide a revised storm water model for the proposed pond relocation to confirm compliance with Title 14 and any other applicable standards.
- (4) All exterior building and site lighting shall be shielded and full cut-off design.
- (5) No signs are indicated in the plan or approved through this permit.
- (6) The trash enclosures shall be comprised of building and site compatible materials such that bins are fully screened from the public right-of-way.
- (7) All HVAC equipment, regardless of location, shall be screened consistent with City standards.

Motion by Rowe/Biren to approve the Final Implementation Plan for Creekside at Hillcrest Greens will staff recommended approval conditions. Stuber against. **Motion carried.**

(VII)(2) Discuss/consider approval of Certified Survey Map to reconfigure three parcels: #201-2378-10-020, #201-2378-06-000, and #201-2378-01-020 on Sawgrass Place in the Hillcrest Greens Planned Community Development as requested by Capital Investment Partners, LLC.

City Planner Clements explained that the proposed CSM reconfigures three existing parcels, two lots and an outlot, into two lots and an outlot to facilitate the development of the Creekside at Hillcrest Greens. The CSM has been revised since the July 9 Plan Commission meeting to increase the size of the access easement from 15 feet to 20 feet.

Motion by Rowe/Biren to approve the proposed CSM. Stuber against. **Motion carried.**

(VIII) New Business

(1) Public Hearing at 6:00 p.m. or as soon thereafter as is practical on Resolution 7C-19, a resolution authorizing street and utility improvements and levying special assessments against benefited property for the Bartlett Avenue/CTH KB Reconstruction-Phase 2 project.

Mayor Pratt opened the public hearing at 6:17 p.m.

City Engineer David Walter explained that a public hearing is scheduled to consider input from interested parties and affected property owners regarding the Bartlett Avenue/CTH KB Reconstruction-Phase 2 project. All affected property owners as listed in the Eau Claire County tax roll have been notified and have been provided a copy of their estimated assessments. The scope of the project includes reconstruction of Bartlett Avenue/CTH KB from Walden Court easterly to the City Limits. CE/DPW Walter mentioned that there was an informational meeting on Monday, July 22, 2019 to discuss this project. Items included in the project consist of grading, gravel,

asphaltic concrete paving, concrete curb and gutter, multi-use trail, sanitary sewer and appurtenances, water main and appurtenances, storm sewer, and lawn restoration.

The following people spoke regarding this project:

Don Bauer, 503 Bartlett Avenue had concerns with his high special assessment cost on his property and asked if the proposed second sanitary and water service hookup on his property could be eliminated.

Sharon Moss, owns 500, 502, 506 Bartlett Avenue opposed the special assessment for benefitted property; felt she is not benefitting from the water main as her storage units have no water. Moss also had other concerns pertaining to her lots.

Motion by Sexton/Hanks to close the public hearing at 6:37 p.m. **Motion carried.**

(VIII)(2) Discuss/consider approval of Resolution 7C-19, a final resolution authorizing street and utility improvements and levying special assessments against benefitted property for the Bartlett Avenue/CTH KB Reconstruction-Phase 2 project.

CE/DPW Walter mentioned that the bid opening for this project will be held on August 2.

Discussion followed regarding different options for possible consideration of special assessment procedures, policies, and ordinances.

Motion by Rowe/Biren to approve Resolution 7C-19, a final resolution authorizing street and utility improvements and levying special assessments against benefitted property for the Bartlett Avenue/CTH KB Reconstruction-Phase 2 project and to direct staff to review special circumstances and recommendations and bring back for further consideration. Stuber, Sexton, Hanks against. **Motion failed 2-3.**

(VIII)(3) Public Hearing at 6:05 p.m. or as soon thereafter as is practical on Resolution 7D-19, a resolution authorizing street and utility improvements and levying special assessments against benefitted property for the 2019 Hayden's Addition Reconstruction project.

Mayor Pratt opened the public hearing at 6:56 p.m.

CE/DPW Walter explained that a public hearing is scheduled to consider input from interested parties and affected property owners regarding the 2019 Hayden's Addition Reconstruction Project. All affected property owners as listed in the Eau Claire County tax roll have been notified and have been provided a copy of their estimated assessments. The scope of the project includes reconstruction of the following street segments.

1. Hayden Avenue, from 3rd Street East to approximately 479 feet east.
2. Garfield Avenue, from 3rd Street East to the easterly end of Garfield Avenue.
3. 4th Street East, from Daniels Avenue to Hayden Avenue.

Items included in the project consist of grading, gravel, asphaltic concrete paving, concrete curb and gutter, sidewalk, sanitary sewer and appurtenances, water main and appurtenances, storm sewer, and lawn restoration.

The following people spoke regarding this project:

Stephanie Anderson, 927 Garfield Avenue had some questions regarding the high special assessment cost on her property.

Greg Lindner, 936 Hayden Avenue has a vacant land and does not want water and sewer.

Eric Berlin, 504 5th Street East had concerns with his assessments particularly sidewalks.

Scott Nimmo, 920 Garfield Avenue commented that the project consists of a proposed sidewalk past his property where Nimmo said goes no where. Why is a sidewalk necessary?

Tom Nimmo, 503 3rd Street East had questions regarding the proposed sidewalk past his property.

Chuck Christopher, 403 4th Street East had questions regarding the proposed sidewalk past his property.

Micah Nielsen, 1012 Garfield Avenue had questions regarding the proposed sidewalk and if his tree will need to be removed and if he can move his driveway to the other side of the house as his car will interfere/block across the proposed sidewalk.

Ken Phillips, 1020 Garfield Avenue had concerns with a tree in front of his house and said his neighbor's driveway is on his property.

Jodi Vetterkind, 1004 Hayden had concerns with proposed sidewalk and the road width.

Motion by Biren/Rowe to close the public hearing at 7:44 p.m. **Motion carried.**

(VIII)(4) Discuss/consider approval of Resolution 7D-19, 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 2019 Hayden's Addition Reconstruction project.

CE/DPW Walter mentioned that bids for the project will be opened on August 7, 2019.

Motion by Biren/Sexton to approve Resolution 7D-19, a final resolution declaring intent to exercise its police powers pursuant to Section 66.0703 of Wisconsin Statutes to specially assess for the 2019 Hayden's Addition Reconstruction project. **Motion carried.**

(VIII)(5) Presentation by Jerome Lanners regarding a Development Plan for property south of Hwy 12 and west of Mayer Road. Possible action to follow:

City Administrator Golat explained that Mr. Lanners acquired property immediately east of the Windsor Forest Subdivision in 2018 and in that year the City and Town of Washington memorialized a Boundary Adjustment Agreement to incorporate those properties into the City of Altoona. The area is subject to conceptual package and access road illustrations prepared by the Wisconsin Department of Transportation. The City is working with the Town of Washington, Eau Claire County, DOT, and other stakeholders with technical assistance from the West Central Wisconsin Regional Planning Commission to Officially Map these and other roads in proximity to Highway 12. The specific challenge at this time is that a different land owner controls property to west, prohibiting free access to existing and planned Baumbach Way, and east, presenting safe and orderly development of infrastructure to access Mayer Road.

Jerome Lanners, Bradwood Avenue, owner of the proposed land was in attendance at the meeting and presented the conceptual plan for the property and described the challenges.

Clint Heiman, 3452 Mayer Road, Eau Claire, has interest in the Mayer parcel along with other family members abutting the proposed Development Plan property. One of the major issues is the water run-off from Curt Manufacturing that goes on to his property. His concern with the proposed development, would be more water run off with the new development. No action.

(VIII)(6) Discuss/consider approval of Jerome Berg as the New Agent for Cenergy LLC, DBA Mega Holiday #3705, located at 1027 N. Hillcrest Parkway, Altoona, Wisconsin.

City Administrator Golat explained that the City was notified in writing by Cenergy, LLC that Jerome Berg has been appointed to take over leadership responsibilities of the Mega Holiday #3705 store located at 1027 Hillcrest Parkway, replacing William Conroy. Cenergy, LLC. submitted the necessary forms for appointing a new agent and was approved by the Altoona Police Department.

Motion by Stuber/Sexton to approve Jerome Berg as the New Agent for Cenergy, LLC, DBA Mega Holiday #3705 located at 1027 N. Hillcrest Parkway, Altoona. **Motion carried.**

(VIII)(7) Discuss/consider Mayoral Appointment of Fred Hoversholm to the Personnel Committee to fill the vacant citizen position for a term ending April 2021.

City Administrator Golat explained that Fred Hoversholm is a resident who has expressed interest in serving on the Altoona Personnel Committee. Hoversholm currently serves on the Community Development Block Grant Committee and would like the opportunity to serve on the Personnel Committee. Hoversholm has lived in this area for a long time and has been involved in community work for quite some time.

Motion by Biren/Sexton to approve Mayoral Appointment of Fred Hoversholm as recommended by Mayor Pratt to the Altoona Personnel Committee to fill the vacant citizen position for a term ending April 2021.

Motion carried.

(VIII)(8) Discuss/consider approval of Ordinance 7G-19, an Ordinance Repealing Chapter 9.44 of the Altoona Municipal Code “Panhandling” in its entirety.

City Administrator Golat explained that on December 22, 2015 the City Council passed an ordinance related to regulation of panhandling within the City of Altoona. The City has subsequently been contacted by the Wisconsin Chapter of the American Civil Liberties Union, and they have provided case law and other documentation suggesting that such ordinance related to panhandling are unconstitutional with respect to an individual’s right to solicit funds, picket, protest, or engage in other constitutionally protected activity (please see attached letter). The ACLU has suggested that the City repeal the ordinance in light of facts presented.

Chief Bakken has reviewed the ordinance and does not feel that repealing the Chapter would be detrimental with respect to addressing legitimate complaints related to panhandling wherein public health, safety or welfare were endangered. Therefore, staff is recommending that Chapter 9.44 be repealed.

Motion by Stuber/Rowe to approve Ordinance 7G-19, an Ordinance repealing Chapter 9.44 of the Altoona Municipal Code “Panhandling” in its entirety. **Motion carried.**

(VIII)(9) Discuss/consider approval of Ordinance 7H-19, an Ordinance amending Chapter 10.20 of the Altoona Municipal Code “Stopping, Standing and Parking” specifically to amend Sections 10.20.030 and 10.20.075 relating to parking prohibited and two-hour parking zone established.

CE/DPW Walter explained that City staff received a request to alter the parking prohibitions along Lynn Avenue, from Division Street to First Street West. The request was made to address parking by nearby residents in front of an adjacent business, which impacts use by customers. An addition revision is proposed to address ongoing snow removal concerns by prohibiting parking between 2 a.m. and 6 a.m. Walter said the attached ordinance amends Section 10.20.030 to prohibit parking from two a.m. to six a.m. on the north and south side of Lynn Avenue from Division Street to First Street West. The ordinance also amends section 10.20.075 changing the one-hour parking zone to two-hour parking zone on the following streets and adding a section on Lynn Avenue as described below:

A. On the south side of Lynn Avenue from Division Street to a point ~~thirty-five~~ **one hundred thirty-five** feet west of Division Street;

B. On the west side of Division Street from Lynn Avenue to a point thirty-five feet south of Lynn Avenue. (Ord. 13, 1977);

C. On the north side of Lynn Avenue from Division Street to First Street West.

Bob Adrian, owner of Rumps Butcher Shoppe was present to explain why he was asking an amendment to the ordinance regarding the two-hour parking zone in front of his business.

Motion by Biren/Sexton to approve Ordinance 7H-19, an Ordinance amending Chapter 10.20 of the Altoona Municipal Code. **Motion carried.**

(VIII)(10) Discuss/consider additional intersection control in the Sherman Highland Addition.

CE/DPW Walter explained that Mayor Pratt and Council Member Sexton have requested this agenda item to consider adding additional STOP signs within the Sherman Highland Addition in response to constituents’ concerns. A map of recorded crashes since January 2014 was provided to the Council Member. Walter explained that Hamilton Avenue is currently classified as a through street, and STOP signs are placed on every side street approach. Hamilton Avenue is a logical location for a through street as it receives both residential and nearby commercial traffic. The remaining intersections to the north within the residential neighborhood are uncontrolled.

City staff advised two approaches to consider as follow:

1. Dedicate an additional through street as necessary. This would result in the least amount of required signs, but may contribute to driver confusion due to a mixture of stop-controlled and uncontrolled intersections within the neighborhood.
2. Complete a comprehensive control layout through the neighborhood consisting of “basket-weave” intersections wherein two-way STOP control is placed at alternating intersections. This would result in higher cost to install and maintain, but would be a thorough and predictable system.

CE/DPW Walter said City staff is seeking guidance from Council on how to proceed, and as directed, would return with an ordinance amendment for consideration at the next scheduled Council meeting.

Police Chief Bakken suggested putting at least one 4 way stop on Valmont Avenue and Princeton or Loring Street.

Council Member Sexton asked if there could be a dead end sign installed at the front end of Valmont Court.

Motion by Biren/Rowe to direct City staff to prepare and present an Ordinance amendment of Chapter 10.24 of the Altoona Municipal Code at the next meeting to go with option 2 as mentioned above and prepare a budget amendment for the cost to install and maintain. **Motion carried.**

(VIII)(11) Discuss/consider convening in closed session pursuant to Wis. Stats 19.85 (1)(e)

A. Purchase and/or sale of property.

Motion by Hanks/Stuber to convene in closed session at 8:59 p.m. pursuant to Wis. Stats. 19.85 (1)(e). Roll call vote, 5-ayes, Biren, Stuber, Rowe, Hanks, Sexton, 0-nays. **Motion carried 5-0.**

(VIII)(12) Motion to reconvene to Open Session.

Motion by Hanks/Biren to reconvene to Open Session at 9:12 p.m. Roll call vote 5-ayes, Sexton, Hanks, Biren, Stuber, Rowe, 0-nays. **Motion carried 5-0.**

Motion by Biren/Stuber to amend the Offer to purchase dated 5/2/2019 and accepted May 9, 2019 from Royal Construction and/or Assigns for the purchase of the corner lot on Meadowlark/Blazing Star in the River Prairie Development to change the closing date from July 26, 2019 to November 1, 2019 and to counter them with an additional provision that the City continue to actively market the property and if the City gets an offer, Royal Construction will have first right of refusal. **Motion carried.**

(IX) Miscellaneous Business and Communication.

Stuber commented on staff looking into a policy of taxpayers paying an annual assessment fee for sidewalks instead of charging per special assessment.

(X) Adjournment.

Motion by Hanks/Stuber to adjourn at 9:18 p.m. **Motion carried.**

Minutes submitted by Cindy Bauer, City Clerk