
THE CITY of *Altoona*

AGENDA FOR REGULAR COUNCIL MEETING ON THURSDAY, MAY 14, 2020
6:00 P.M.

THE MEETING WILL BE HELD ON ZOOM TELECONFERENCE / VIDEO CONFERENCE.
DUE TO CORONAVIRUS COVID-19 RESIDENTS ARE ENCOURAGED
TO ATTEND THE CITY COUNCIL MEETING VIA THE APPLICATION, ZOOM UNTIL
FURTHER NOTICE. AN INSTRUCTION PAGE WILL BE PROVIDED ON THE NEXT PAGE
SHOWING HOW TO PARTICIPATE.

ZOOM PUBLIC MEETING INFORMATION:

WEBSITE: <https://zoom.us/join>

WEBINAR ID: 895-5901-0640

WEBINAR PASSWORD: 101698

CALL IN PHONE NUMBER: 1-312-626-6799

WEBINAR ID: 895-5901-0640


WEBINAR PASSWORD: 101698

- I. Call Meeting to Order.
- II. Pledge of Allegiance.
- III. Roll Call for Council Persons/Roll Call for Department Heads.
- IV. Citizens Participation Period. (No more than twenty minutes unless extended by two-thirds vote.)
- V. Discuss/consider approval of minutes of the April 21, 2020 Organizational Council Meeting and the April 30, 2020 Special Council Meeting. [To minutes>>](#)
- VI. REPORTS
 - A. City Officers/Department Heads
 - B. City Committees
- VII. CONSENT AGENDA
- VIII. UNFINISHED BUSINESS
- IX. NEW BUSINESS
 1. Discuss/consider approval of Ordinance 5A-20, an ordinance amending Chapter 5.24 of the Altoona Municipal Code "Intoxicating Liquor and Fermented Malt Beverages", more specifically amending Section 5.24.030 and creating Section 5.24.136. [To Summary and Materials >>](#)
 2. Discuss/consider appointment of City Attorney for a two year term. [To Summary>>](#)
 3. Discuss/consider appointment of Assessor for a two year term. [To Summary>>](#)

4. Discuss/consider approval of mayoral appointments.
[To Summary>>](#)
5. 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.
6. Motion to reconvene to Open Session for the purpose of discussion and possible consideration on the matter entertained in Closed Session.
 - A. Purchase and/or sale of property.

IX. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

X. ADJOURNMENT


Cindy Bauer
City Clerk

Requests from persons with disabilities who need assistance to participate in this meeting/hearing should be made to the City Clerk's Office at 715-839-6092 with as much advance notice as possible.

Speak Your Peace: The Civility Project

The Common Council of the City of Altoona, Wisconsin, recognizes and has adopted by Resolution 3B-15 that the nine tools of civility, drafted by Speak Your Peace: The Civility Project will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face our city. These tools include the following:

*Pay Attention | Listen | Be Inclusive | Don't Gossip | Show Respect | Be Agreeable
Apologize | Give Constructive Criticism | Take Responsibility*

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To the Agenda>>



ZOOM INSTRUCTION GUIDE

WEBSITE and TELEPHONE

DUE TO CORONAVIRUS COVID-19 RESIDENTS ARE ENCOURAGED TO ATTEND THE CITY COUNCIL MEETING VIA THE APPLICATION, ZOOM UNTIL FURTHER NOTICE.

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For those participating by computer only, you must have a microphone enabled computer to communicate verbally. Otherwise you will have to call in via the telephone as well.



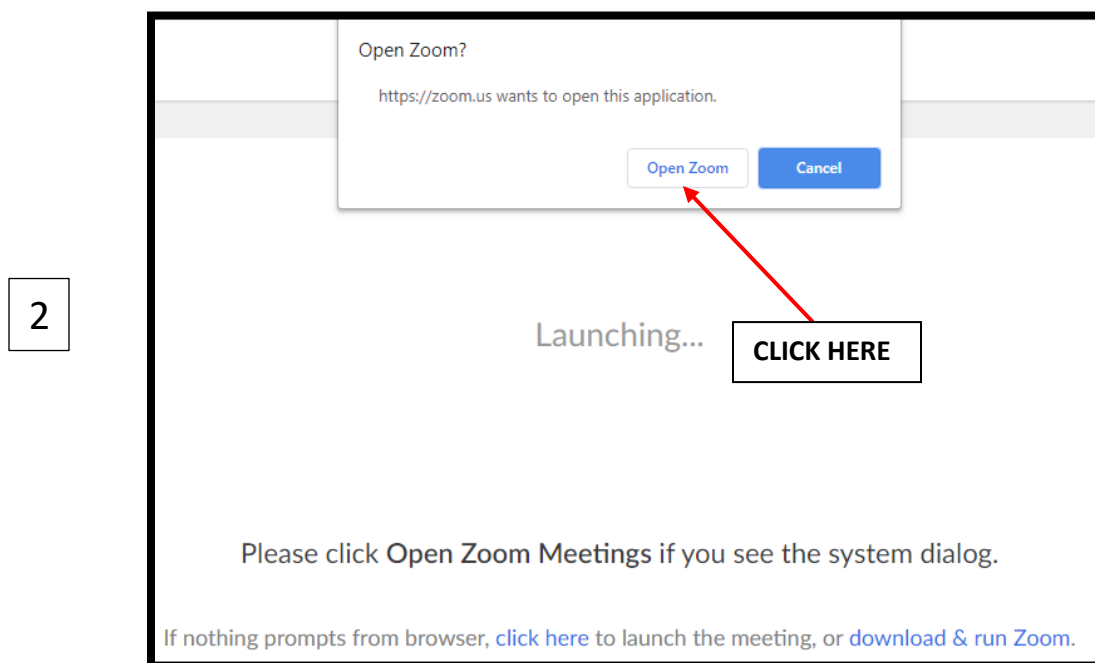
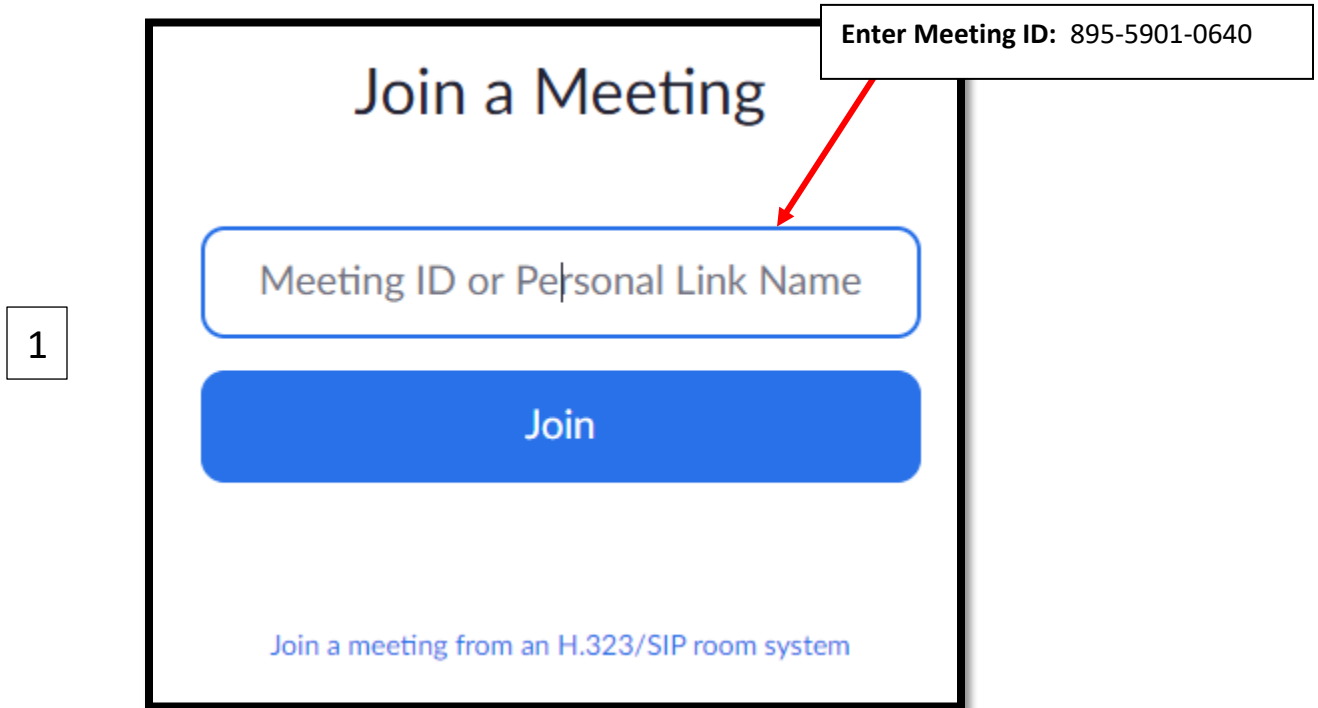
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4. To state a public comment, "raise hand": *9
(You will be called on in order received)



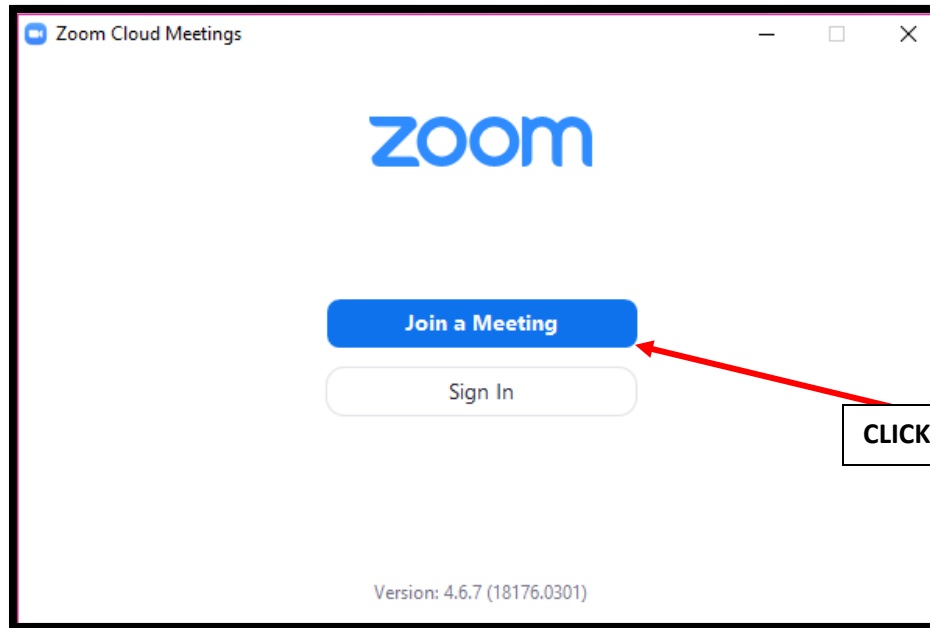
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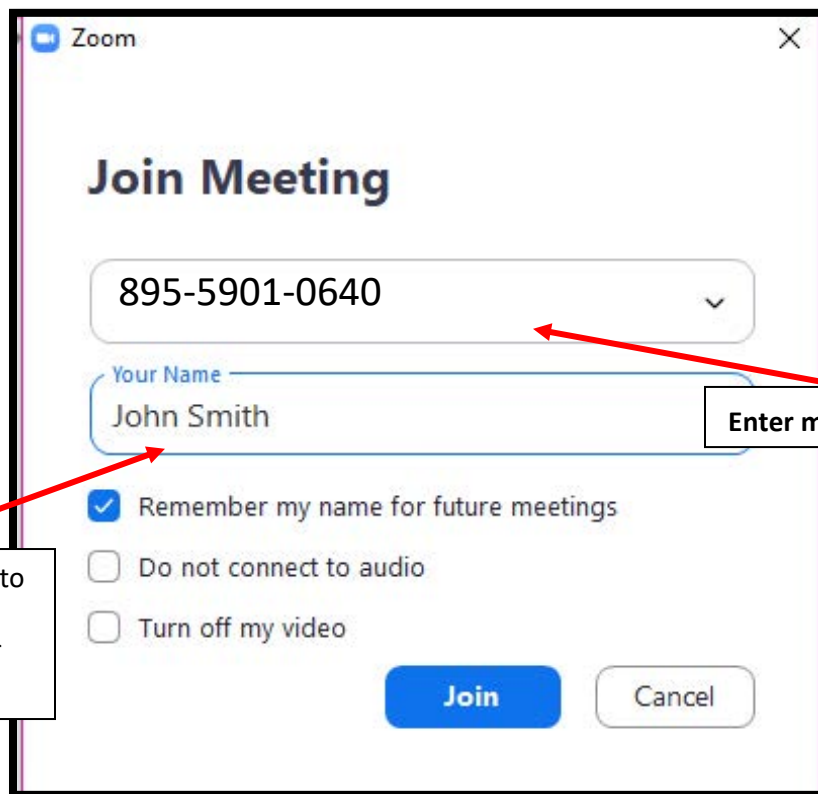


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5a

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Automatically join audio by computer when joining a meeting

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5b

Phone Call

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1-312-626-6799 ✓

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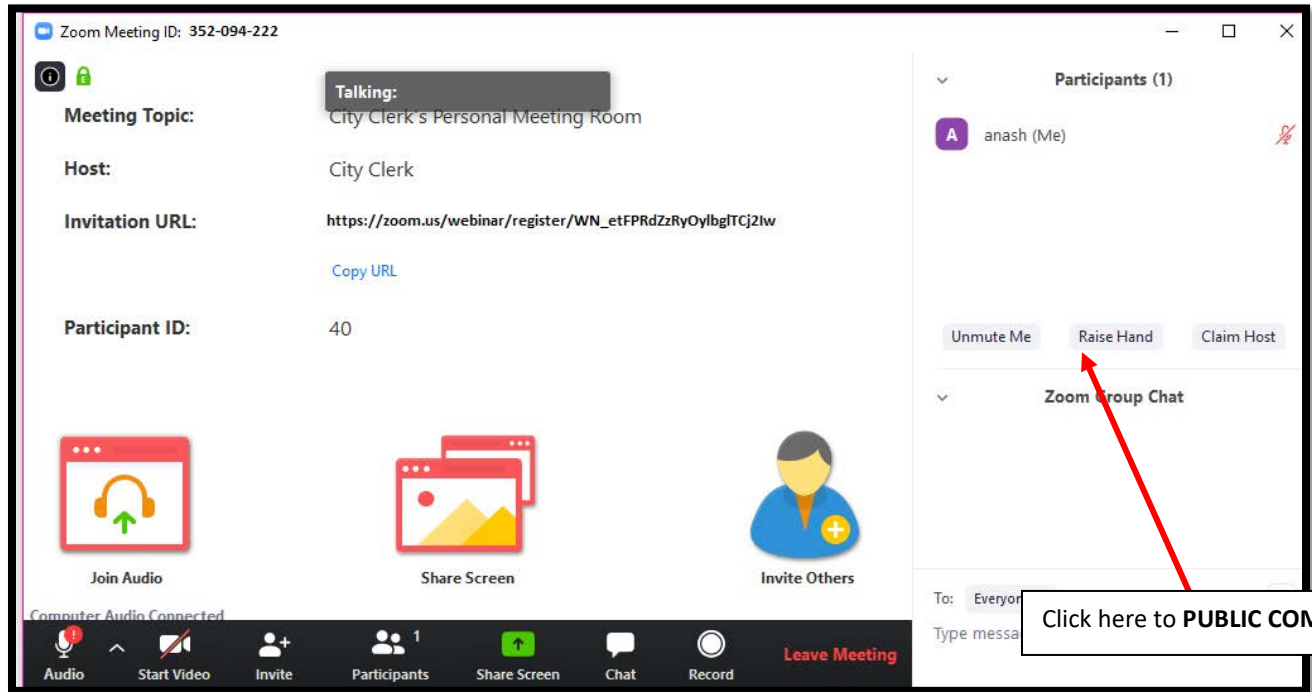
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3. Use icon **RAISE HAND** to provide Public Comments. You will be unmuted and called upon in the order received.

SEE WEBSITE LINKS BELOW FOR MORE TUTORIALS

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<https://support.zoom.us/hc/en-us>

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CITY OF ALTOONA, WI
SPECIAL COUNCIL MEETING MINUTES
April 30, 2020

(I) Call Meeting to Order

Mayor Brendan Pratt called the meeting to order at 3:00 p.m. The Special Council Meeting was held via Zoom Teleconference/Video conference due to Coronavirus COVID-19.

(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, Timothy Lima, Maria Guzman, Matt Biren, Tim Sexton, and Susan Rowe were present. Also Present: Attorney Steve Weld, City Administrator Michael Golat, Management Analyst Roy Atkinson, City Engineer/Director of Public Works (CE/DPW) David Walter, Finance Director Tina Nelson, Public Works Supervisor Scott Kwick, and City Clerk Cindy Bauer.

(IV) Citizen Participation Period

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

(V) New Business

(1) Discuss/consider approval of Resolution 4D-20, A Resolution amending the 2020 Capital Projects Fund Budget including the General Fund Portion as well as the Water, Sewer and Stormwater Utility portions due to favorable bids received, and, further, moving the General Fund Portion to the Annual Overlay Program Capital Budget.

CE/DPW David Walter explained that the scope of the project for Thompson Drive and Knollwood Trail at the budget preparation level originally included full reconstruction of the roadway, removal and replacement of all sidewalk, and storm sewer amongst other utility work. Upon receipt of survey data and site review, the sidewalk and storm sewer mains were deemed sufficient, and were removed from the project plans. The scope was further reduced by Council in response to resident testimony given during the assessment hearing. Bids were received for the 2020 Street & Utility Reconstruction project on Tuesday, April 21, 2020. Bid prices for asphaltic concrete pavement came in at historically low levels, further reducing the cost of the project.

CE/DPW Walter said that in light of the above, a surplus of \$440,878 exists in the General Fund portion of the capital budget. Staff recommends that the surplus funds be shifted to the Annual Pavement Replacement Program, in order to maximize the length of roadways repaved and to take advantage of current asphalt prices. While there is no guarantee the unit prices will be the same, the current bidding environment suggests they will be relatively similar. Staff is prepared to expedite the bid advertising process should Council choose to move the funds.

Motion by Sexton/Lima to approve Resolution 4D-20, A Resolution amending the 2020 Capital Projects Fund Budget including the General Fund Portion as well as the Water, Sewer and Stormwater Utility portions due to favorable bids received, and, further, moving the General Fund Portion to the Annual Overlay Program Capital Budget. Roll call vote, 6-ayes, Lima, Sexton, Stuber, Rowe, Biren, Guzman, 0-nays. **Motion carried 6-0.**

(IX) Miscellaneous Business and Communication

Clerk Bauer reminded Council that the next meeting will be the Regular Council Meeting on Thursday, May 14, 2020.

Council Member Golat commented on two Emergency Executive Orders that were implemented on April 29, 2020. The first being the cancellation of public events permitted by the City through June 30, 2020.

Draft Minutes

The second being the deferment of payment for liquor licenses and associated fees for the July 1, 2020-June 30, 2021 Calendar year. Golat also mentioned that the City will not be changing the operator (bartender) licenses as originally proposed to a two year license until 2021.

Management Roy Atkinson mentioned that Staff will be doing a virtual River Prairie Festival on May 9, 2020 starting at 11 a.m.. There will be a variety of events such as a virtual duck race.

(X) Adjournment.

Motion by Rowe/Stuber to adjourn at 3:26 p.m. **Motion carried.**

Minutes submitted by Cindy Bauer, City Clerk

CITY OF ALTOONA, WI
ORGANIZATIONAL COUNCIL MEETING MINUTES
April 21, 2020

(I) Call Meeting to Order

Mayor Brendan Pratt called the meeting to order at 6:00 p.m. The Organizational Council Meeting was held via Zoom Teleconference/Video conference due to Coronavirus COVID-19.

(II) Pledge of Allegiance

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

(III) Swearing in Newly elected or Re-Elected Alderpersons.

Clerk Bauer mentioned that the newly elected or re-Elected Alderpersons and Mayor were given their oath of office prior to the Council Meeting. Mayor Brendan Pratt was re-elected as Mayor, Council Member Dale Stuber was re-elected as Alderperson for District 1, and the two new Alderpersons were elected to serve as follows: Timothy Lima, Alderperson District 2 and Maria Guzman, Alderperson District 3.

(IV) Roll Call

City Clerk Cindy Bauer called the roll. Mayor Brendan Pratt, Council Members Dale Stuber, Timothy Lima, Maria Guzman, Matt Biren, Tim Sexton, and Susan Rowe were present. Also Present: City Attorney John Behling, City Administrator Michael Golat, City Planner Joshua Clements, City Engineer/Director of Public Works (CE-DPW) David Walter, Finance Director Tina Nelson, Management Analyst Roy Atkinson, and City Clerk Cindy Bauer. Police Chief Kelly Bakken arrived at 6:05 p.m.

(V) Citizen Participation Period

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

(VI) Approval of minutes.

Motion by Stuber/Sexton to approve the minutes of the April 9, 2020 Regular Council Meeting.
Motion carried.

(VII) City Officers/Department Heads Report

City Administrator Golat reported that the Governor's Order "Safer at Home" got extended to May 26, 2020. Golat suggested that at the next meeting to provide certainty of any public events whether they will be canceled or taking place, especially June events such as Cinder City Days and/or other music events.

Police Chief Bakken reported on Donut, the Police Department therapy dog program.

Management Analyst Roy Atkinson explained that last year the City applied for and was designated as Tree City USA. The plaque will be displayed at City Hall.

City Committee Reports – None.

(VIII) Unfinished Business – None.

(IX) New Business

(1) Discuss/consider Election of Council President.

Clerk Bauer explained that every year at the Organizational Council Meeting, Council elects a Council President for the term of one year. The proper procedure is to accept nominations from the floor then vote on the nominee(s) to determine who the Council President will be.

Mayor Pratt opened nominations from the floor for Council President.

Council Member Stuber nominated Matt Biren as Council President, seconded by Council Member Rowe. There being no other nominations, motion stands to close the nominations and cast an unanimous vote for Matthew Biren as the Council President. **Motion carried.**

(IX)(2) Discuss/consider date for Initial Board of Review Meeting.

Clerk Bauer explained that every year prior to the Organizational Council Meeting, she contacts Bowmar Appraisal to determine a date for Open Book and Board of Review. The Board of Review must hold an initial meeting and adjourn if the Assessment roll will not be completed during the 45-day period beginning the fourth Monday in April. (per Wis. Stats. 70.47 (3)(aL). As in the past, the assessment roll has not been ready until later in the summer which falls outside the required time frame to hold the Board of Review according to Wis. State Stats. Therefore, staff recommends setting the Initial Board of Review Meeting date to Thursday, May 28, 2020 at 5:45 p.m. prior to the Council Meeting and adjourn until a later date this year when the tax assessment roll becomes available. Upon talking to Bowmar Appraisal, the suggested date is July 14, 2020 from 4 p.m. – 6 p.m. for open book and July 21, 2020 from 4 p.m. – 6 p.m. for Board of Review. The Board of Review is comprised of the Mayor, all Council Members and the City Clerk.

Motion by Stuber/Rowe to approve setting the Initial Board of Review Meeting date to May 28, 2020 at 5:45 p.m. and adjourn until July 21, 2020 at 4 p.m. **Motion carried.**

(IX)(3) Discuss/consider Mayoral Appointments and Chairpersons. (Attached list).

Mayor Pratt submitted to Council a memo with recommended appointments and chairpersons as listed in his memorandum and asked for Council approval.

Motion by Sexton/Lima to appoint all committees as recommended by Mayor Pratt as listed in his memo. **Motion carried.** (A complete list of appointments will be listed on the City's website.)

(IX)(4) Discuss/consider approval of Resolution 4B-20, a resolution extending a declaration of emergency in the City of Altoona related to the outbreak of COVID-19.

City Administrator Golat noted that on March 17, 2020 the Mayor signed a proclamation declaring an emergency in the City of Altoona in response to COVID-19 related matters. A meeting of the Common Council of the City of Altoona on March 18, 2020 ratified the proclamation. The ratified declaration of emergency proclamation allowed the following:

- Preparedness for a flexible and timely response to an identified national and state health emergency with strong potential for local impacts and the ability to implement necessary community responses.
- Permits remote attendance options for City Council, board and committee meetings and cancellation of non-essential meetings while facilitating reasonable public access to meetings within current social gathering recommendations.

The declaration of an emergency in the City of Altoona related to the COVID-19 outbreak is scheduled to expire on April 29, 2020. The Governor's "Safer at Home Order" has been extended to May 26th. Circumstances still persist that may require the City to take extraordinary action in response to the COVID-19 crisis to assure a flexible and timely response. Therefore, staff finds it in the City's best interest to extend the City's declaration of emergency until May 26th, 2020.

Motion by Sexton/Rowe to approve Resolution 4B-20, a resolution authorizing extending a declaration of emergency in the City of Altoona related to the outbreak of COVID-19. **Motion carried.**

(IX)(5) Discuss/consider approval of Ordinance 4C-20, an ordinance amending Chapter 3.24 of the Altoona Municipal Code "Special Assessments" specifically Section 3.24.100 B. and Section 3.24.140 B. regarding the elimination of a two percent administrative fee.

City Administrator Golat explained that at the March 26, 2020 City Council Meeting, during the Special Assessment Public Hearing, there was discussion about the current economic situation as it may relate to the interest rate charged on special assessments. Council directed staff to bring forward an amendment to the City of

Altoona Special Assessment ordinance to reduce the interest rate in consideration of the difficult economic situation. Currently the ordinance reads “Interest on special assessments shall be equal to two percent plus the interest rate the city is charged for general borrowing.”

City Administrator Golat said Council were given two suggested section amendments to lower the interest charged to be equal to only what the city paid on borrowing for the project. If bonding is not used for the project, or if debt has not been issued for the project on the date of the final resolution, then the annual interest shall equal the interest rate the city would be charged for general borrowing on the date the final resolution is adopted. This rate would be determined by conferring with the City’s financial advisor and reviewing municipal borrowing rates at that time.

City Administrator Golat noted that staff asked for legal advice on existing deferred special assessments and existing special assessments being paid on an installment basis. Golat referred to the attached memorandum to the City Finance Director Tina Nelson from Attorney John Behling & Samuel Bach-Hanson dated April 15, 2020. The memorandum reflects that interest rates could not be lowered retroactively and should only be changed for projects in the future.

City Administrator Golat explained that Council Members were provided a memo from Sean Lentz, Senior Municipal Advisor of Ehlers explaining the current interest rate on State Trust Fund Loans as being 3 percent. Discussion followed regarding putting a sunset clause on the interest rate. Any payments that would be deferred to a specific clause as determined by the City Council, example 5 years to 2025. Finance Director Nelson asked for clarification from Attorney Behling.

Motion by Sexton/Stuber to approve Ordinance 4C-20, an Ordinance amending Chapter 3.24 of the Altoona Municipal Code “Special Assessments” specifically Section 3.24.100 (B) and Section 3.24.140 B. regarding the elimination of a two percent administrative fee for 5 years, until the due date of payment starting November 1, 2025 as amended. **Motion carried.**

(IX)(6) Discuss/consider approval of Resolution 4C-20, a final resolution of the Common Council of the City of Altoona exercising its police powers pursuant to Section 66.0703 of Wisconsin Statutes to specially assess for the 2020 Street and Utility Reconstruction Project.

CE/DPW Walter explained that a public hearing was held on March 26, 2020 to consider input from interested parties and affected property owners regarding the 2020 Street and Utility Reconstruction project. Affected property owners as listed in the Eau Claire County tax roll were notified and were provided a copy of their estimated assessments. Items included in the project consist of grading, granular backfill, gravel, asphaltic concrete paving, concrete curb and gutter, sidewalk replacement, driveway apron replacement, water service replacement, storm sewer, and lawn restoration. As in the past, Altoona has used the special assessment process to fund a portion of the project.

CE/DPW Walter said that after considering testimony from residents on the scope of the project, the assessment amounts, and the financial impact on residents due to the current pandemic, Council directed staff to alter the project scope and assessment terms as follows.

1. The roadway width will remain at 37 feet (curb back-to-back).
2. Thompson Drive, from Devney Drive to Edgewood Drive, will include pavement and base course removal and replacement, as well as spot repair of sidewalk and curb and gutter.
3. The remainder of Thompson Drive and Knollwood Trail will include full reconstruction, including additional subcutting of the roadway.
4. The interest rate levied shall be as determined in Item 5 above, and will be reflected in the resolution.

CE/DPW Walter mentioned that no testimony on 1st Street East was offered, and the project will continue as planned.

CE/DPW Walter indicated that a comparison of the preliminary assessment amounts versus the effect of the scope change and bid unit prices was provided to Council Member prior to the Council Meeting. The bid opening was held earlier this afternoon. Walter said the City received 4 bids with the lowest responsible bidder

being Haas Sons, Inc, Thorp. Walter noted that this assessment was for comparison purposes only, and that the final assessments will reflect the quantities of the completed project.

Motion by Sexton/Stuber to approve Resolution 4C-20, a final resolution authorizing street and utility improvements and levying special assessments against benefited property for the 2020 Street and Utility Reconstruction project, as amended under Item 6 to read the following:

Assessments may be paid in full within 45 days of the time of initial billing, or, alternatively, in ten (10) annual installments that bear an interest rate of 3% per year on any unpaid balance for the first 5 years and 5% per year on any unpaid balance for the remainder of the five years for payment due starting November 1, 2025. The initial billing is anticipated in 2021, upon project completion. The remaining payments will be placed on the next tax roll after the paid in full due date. Motion carried.

(IX)(7) Discuss/consider awarding the bid for the 2020 Street and Utility Reconstruction Project.

CE/DPW Walter explained that the City held a bid opening for the 2020 Street and Utility Reconstruction project at 2:00 p.m. on Tuesday, April 21, 2020. The bid tabulation was distributed to Council members prior to the meeting. The project includes grading, granular backfill, gravel, asphaltic concrete paving, concrete curb and gutter, sidewalk replacement, driveway apron replacement, water service replacement, storm sewer, and lawn restoration. Walter explained that the City received four bids, with Haas Sons, Inc. as being the lowest responsible bidder. Walter recommended awarding the bid to Haas Sons, Inc. in the amount of \$357,293.10 for the 2020 Street and Utility Reconstruction Project.

Motion by Sexton/Lima approve awarding the bid for the 2020 Street and Utility Reconstruction project to Haas Sons, Inc. in the amount of \$357,293.10. **Motion carried.**

(IX)(8) Discuss/consider approval of a Development Agreement between the City of Altoona and Finland Holding Group LLC for Finland Flats.

City Planner Clements noted that an updated Development Agreement was provided to Council prior to tonight's Council Meeting. Clements said there was a clause in the parkland dedication ordinance which essentially creates no parkland dedication requirement for commercial property. Therefore, the updated Development Agreement does not include a parkland dedication fee.

City Planner Clements explained that this Development Agreement provides for the provision of public infrastructure and conditions of development for the development area known as Finland Flats, 17.14 acres located at the SW corner of Mayer Road and Highway 12. This development area is zoned C Commercial District.

Notable are the following Special Conditions (pg 12):

- (a) The storm water facilities designed to serve the public improvements in this Project shall be in place prior to creating additional impervious surfaces.
- (b) There shall be not less than two points of vehicle egress via public roadways to and from the Project area prior to occupancy of any buildings within the Project area.
- (c) All sidewalks and trails within dedicated public right-of-way, or located within easements upon private property, shall be maintained by the adjoining property owner in accordance with Altoona Municipal Code.
- (d) All public roadways shall be completed to the Project boundary, connecting to the corresponding public roadway or terminated in a fashion approved by the City Engineer, and signed appropriately.

Approval of the Development Agreement by the Council is subject to acceptance of the Parkland Dedication by the Parks Board. The Plan Commission met at 5:00 pm prior to this Council Meeting and recommended approval of the Development Agreement and parkland dedication as proposed.

Engineer Mark Erickson was present to further explain the infrastructure of Finland Flats.

Motion by Rowe/Sexton to approve the updated Development Agreement for Finland Flats as presented by City Planner Clements and authorize the Mayor to sign subject to provision of the performance guarantee, approval of the civil plan, and acceptance of the parkland dedication by the Parks Board. **Motion carried.**

(IX)(9) Discuss/consider approval of a Development Agreement between the City of Altoona and CE Lighthouse Properties LLC for Prairie View Ridge.

City Planner Clements explained that this Development Agreement provides for the provision of public infrastructure and conditions of development for the development area known as Prairie View Ridge, 37.27 acres located between the Windsor Forest neighborhood and the above noted Finland Flats development, adjacent to Highway 12. This development area is zoned R1 One-Family Dwelling District, TH Twin Home District, and R3 Multiple Family Dwelling District.

Notable are the following Special Conditions (pg 12):

- (a) The storm water facilities designed to serve the public improvements in this Project shall be in place prior to creating additional impervious surfaces.
- (b) There shall be not less than two points of vehicle egress via public roadways to and from the Project area prior to occupancy of any buildings within the Project area.
- (c) All public roadways shall be completed to the Project boundary, connecting to the corresponding public roadway or terminated in a fashion approved by the City Engineer, and signed appropriately.
- (d) The Developer shall construct that portion of Baumbach Way, and associated multi-use trail, sidewalk, trees, landscape restoration and customary appurtenances, within parcel 201-1033-04-000 (or successor parcel with right-of-way length of approximately 33 feet located immediately west of this Project). The City agrees that it is financially responsible, subject to warranty consistent with construction of public improvements herein, for one-half of the costs for these improvements. The Developer shall provide actual construction costs with per unit figures for review and approval by the Director of Public Works prior to reimbursement by the City.
- (e) All sidewalks and trails within dedicated public right-of-way, or located within easements upon private property, shall be maintained by the adjoining property owner in accordance with Altoona Municipal Code.
- (f) The Developer's Engineer shall prepare the drainage easement across parcels 201103405000, 201103802000, and 024120110000 (or their successors) that is integral to the successful execution of the Civil Plan.

The proposed Parkland Dedication requirement per Chapter 18.08 of Altoona Municipal Code is proposed to be met through a proposes to meet City parkland dedication requirements through dedication of 1.02 acres for parkland, as further described and illustrated in a document provided, construction of a public paved recreation trail around the storm water pond, and \$ 2,266.30 fee-in-lieu of dedication. This value is calculated utilizing the sale price of the land and the formula provided by Ordinance. Approval of the Development Agreement by the Council is subject to acceptance of the Parkland Dedication by the Parks Board. The Plan Commission met at 5:00pm prior to this Council Meeting and recommended approval of the Development Agreement and parkland dedication.

Engineer Mark Erickson was present to answer questions Council may have regarding the Prairie View Ridge Development.

Motion by Rowe/Lima to approve the Development Agreement for Prairie View Ridge and authorize the Mayor to sign subject to provision of the performance guarantee, approval of the civil plan, and acceptance of the parkland dedication by the Parks Board. **Motion carried.**

(IX)(10) Discuss/consider approval of the Final Plat for Prairie View Ridge as submitted by CE Lighthouse Properties LLC.

City Planner Clements referred to the Final Plat "Prairie View Ridge". Clements explained that the Final Plat represents the drawing of the land division instrument to arrange parcels and dedicate public right-of-way associated with "Prairie View Ridge" located east of the Windsor Forest neighborhood. The proposed Plat is consistent with the conceptual arrangement included with the Rezoning for the affected parcels as approved by the Council on December 19th. Clements noted that since the Preliminary Plat, "Harley Street" has been changed to "Hong Street", at recommendation of the Developer in recognition of previous residents of the City of note. Commencement of development activities requires acceptance of the proposed Parkland Dedication, approval of a Development Agreement, and Site Plan (for commercial and multi-family uses).

Motion by Lima/Rowe to approve the Final Plat for Prairie View Ridge. **Motion carried.**

(IX)(11) Resolution 4D-20, Recognizing International Migratory Bird Day on Saturday, May 9, 2020.

Management Analyst Roy Atkinson noted that Altoona is designated as a Bird City Wisconsin community. As one of the requirements, a community must meet criteria spread across six categories: habitat creation and protection, community forest management, limiting threats to birds, education, energy and sustainability, and the official recognition and celebration of International Migratory Bird Day. One of the prerequisites for our Bird City designation is passage of this resolution every two years.

Motion by Rowe/Sexton to approve Resolution 4D-20, a resolution recognizing International Migratory Bird Day on Saturday, May 9, 2020. **Motion carried.**

(IX)(12) Proclamation of National Bike Month, May 2020, Bike to Work Day, and Wisconsin Bike Week.

City Planner Clements explained that the attached Proclamation recognizes bicycle related educational, outreach and advocacy efforts in 2020 in collaboration with local, State and National associations, governments, and businesses. Of note, the Bike Week, and Bike-to-Work Day have been delayed to September due to Covid-19. Clements read the proclamation.

(IX)(13) Proclamation Recognizing Earth Day, April 22, 2020.

City Administrator Golat explained that the attached Proclamation recognizes Earth Day in the City of Altoona on Wednesday, April 22nd. 2020 is the 50th Anniversary of the first Earth Day in 1970, a Day of recognition of the full spectrum of issues and efforts focused on highlighting the planet, natural communities, and humans' relationship to our environment.

Management Roy Atkinson read the proclamation.

(IX)(14) Proclamation Recognizing Arbor Day on Friday, April 24, 2020.

Management Roy Atkinson explained that the Proclamation recognizes Arbor Day in the City of Altoona on Friday, April 24th. Arbor Day is a special day to celebrate trees, notably the planting of trees. Recently, the City of Altoona named a Tree City USA for the first time. Tree City USA is a program recognizing cities for their excellence in forestry management. This Proclamation is needed to reapply for the Tree City designation for next year.

Mayor Pratt read the proclamation recognizing the important role of trees in our community.

(IX)(15) Discuss/consider approval of Ordinance 4D-20, an ordinance amending Chapter 2.04, City Council Meetings, to establish a consent agenda.

City Administrator Golat explained that Ordinance 4D-20 is an ordinance amendment to establish a consent agenda during council meetings. Allowing for use of a consent agenda will help improve the efficiency of Council meetings when considering routine agenda items. Golat said that when an item labeled "Consent Agenda" comes before the city council for action, the council may act to approve the item in total, disapprove the item in total, or approve some components and disapprove others, all without discussion by the city council. If any one or more members of the city council decides that any given component of the consent agenda should be removed therefrom and subjected to individual discussion at that time, such components shall be immediately removed from the consent agenda without further discussion or debate. No reason for the requested removal need be given by the council member. The request for removal shall be made at the time of the council meeting or in writing prior to the meeting. When an item has been removed from the consent agenda, it shall, at that time, be acted upon individually, and subjected to debate, with council action taken in accordance with established council procedures.

Motion by Sexton/Biren to approve Ordinance 4D-20, an ordinance amending Chapter 2.04, City Council Meetings, establishing a consent agenda. **Motion carried.**

(IX)(16) Discuss/consider convening in closed session pursuant to Wis. Stats: 19.85 (1)(e). A. Purchase and/or sale of property.

Motion by Stuber/Sexton to convene in closed session at 7:25 p.m. pursuant to Wis. Stats. 19.85 (1)(e). Roll call vote, 6-ayes, Stuber, Guzman, Sexton, Lima, Rowe, Biren, 0-nays. **Motion carried 6-0.**

(VIII)(17) Motion to reconvene to Open Session.

A. Purchase and/or sale of property.

Motion by Lima/Stuber to reconvene in open session at 8:05 p.m. Roll call vote, 6-ayes, Rowe, Biren, Stuber, Sexton, Lima, Guzman, 0-nays. **Motion carried 6-0.**

City Administrator Golat explained that there were several items discussed in Closed Session pertaining to the sale of city property and land acquisition, none requiring action at this time.

(IX) Miscellaneous Business and Communication

City Administrator Golat reminded Council Members of the increase in pay for 2020 for the Mayor and Council and clarified the mileage and gave some options for possible future actions.

(X) Adjournment.

Motion by Sexton/Stuber to adjourn at 8:15 p.m. **Motion carried.**

Minutes submitted by Cindy Bauer, City Clerk

MEMORANDUM

[To the Agenda>>](#)

TO: Altoona City Council

FROM: Michael Golat, City Administrator

SUBJECT: Summary of **THURSDAY, MAY 14, 2020** Council Meeting Items

Provided below for your consideration is a summary of the **THURSDAY, MAY 14, 2020** Council Meeting agenda items.

(VIII) UNFINISHED BUSINESS

(IX) NEW BUSINESS

ITEM 1 - Discuss/consider approval of Ordinance 5A-20, an ordinance amending Chapter 5.24 of the Altoona Municipal Code “Intoxicating Liquor and Fermented Malt Beverages” more specifically Section 5.24.030 and creating Section 5.24.136.

As you are aware, staff has been reviewing the process regarding the issuance of operator licenses. On March 3, 2020 Wisconsin Act 166 was enacted and amended to allow a municipal governing body by ordinance to authorize a designated municipal official to issue operator licenses.

For your consideration is Ordinance 5A-20, an ordinance amending Chapter 5.24 of the Altoona Municipal Code more specifically Section 5.24.030 “Classes of licenses and fees” to grant authority of operator licenses to the police chief, and to create Section 5.24.136 “Appeal from determination”, to clarify the process for the appeal of denial of operator license to the Common Council. Staff is recommending approval of Ordinance 5A-20.

Suggested motion: I move to approve/not approve Ordinance 5A-20, an ordinance amending Chapter 5.24 of the Altoona Municipal Code regarding the authority of issuing operator licenses and appeal process of denial of operator license.

ITEM 2 - Discuss/consider appointment of City Attorney for a two-year term.

Please refer to Section 2.08.100 of the Altoona Municipal Code Book. Code requires that the city officials shall be appointed by the mayor at the first regular meeting of the city council in May of even-numbered years, subject to confirmation by majority vote of the council. The term of office of each official so appointed shall be two years. All terms shall commence on the fifteenth of May following appointment.

- A. City Attorney - John Behling of Weld, Riley.

Suggested motion: I move to approve/disapprove re-appointment of John Behling of Weld, Riley as the City Attorney for a two-year term ending May 2022.

ITEM 3 - Discuss/consider appointment of Assessor for a two-year term.

Please refer to Section 2.08.100 of the Altoona Municipal Code Book. Code requires that the city officials shall be appointed by the mayor at the first regular meeting of the city council in May of even-numbered years, subject to confirmation by majority vote of the council. The term of office of each official so appointed shall be two years. All terms shall commence on the fifteenth of May following appointment.

A. Assessor - Mike Kochaver of Bowmar Appraisal.

Suggested motion: I move to approve/disapprove reappointment of Mike Kochaver of Bowmar Appraisal as the City Assessor for a two-year term ending May 2022.

ITEM 4 - Discuss/consider approval of mayoral appointments.

Attached for your consideration are mayoral appointments to committees that were not available at the time of the April 21 Council Meeting. Mayor Pratt is recommending the following appointments:

- Melinda Smith to the Library Board for a term to expire April 2023.
- Nicholas Gagnon to the Police and Fire Commission for a term to expire April 2023.
- Fred Hoversholm to the Altoona Housing Committee for a term to expire April 2024.
- Dan Leibham to the Zoning Board of Appeals, 2nd Alternate, term to expire 2021.

Suggested motion: I move to approve/not approve the committee appointments as recommended by Mayor Pratt.

ITEM 5- 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.

MEMORANDUM

TO: Altoona City Council

FROM: Michael Golat, City Administrator

SUBJECT: Summary of **THURSDAY, MAY 14, 2020** Council Meeting Items

Provided below for your consideration is a summary of the **THURSDAY, MAY 14, 2020** Council Meeting agenda items.

(VIII) UNFINISHED BUSINESS

(IX) NEW BUSINESS

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As you are aware, staff has been reviewing the process regarding the issuance of operator licenses. On March 3, 2020 Wisconsin Act 166 was enacted and amended to allow a municipal governing body by ordinance to authorize a designated municipal official to issue operator licenses.

For your consideration is Ordinance 5A-20, an ordinance amending Chapter 5.24 of the Altoona Municipal Code more specifically Section 5.24.030 “Classes of licenses and fees” to grant authority of operator licenses to the police chief, and to create Section 5.24.136 “Appeal from determination”, to clarify the process for the appeal of denial of operator license to the Common Council. Staff is recommending approval of Ordinance 5A-20.

Suggested motion: I move to approve/not approve Ordinance 5A-20, an ordinance amending Chapter 5.24 of the Altoona Municipal Code regarding the authority of issuing operator licenses and appeal process of denial of operator license.

ORDINANCE NO. 5A-20

An ordinance of the Altoona Common Council amending Chapter 5.24 of the Altoona Municipal Code, more specifically Section 5.24.030 “Classes of licenses and fees” and creating Section 5.24.136 “Appeal from determination” .

THE COMMON COUNCIL OF THE CITY OF ALTOONA DOES HEREBY ORDAIN AS FOLLOWS:

Section One:

That Section 5.24.030 H. be amended to grant authority of operator licenses to the police chief.

Section Two:

That Section 5.24.136 be created to clarify the appeal process for denial of operator licenses.

Section Three:

A copy of Chapter 5.24 is permanently on file and open to public inspection in the office of the Altoona City Clerk, and is incorporated by reference herein.

Section Four:

This Ordinance shall take effect and be in force from and after its passage and publication.

Dated this 14th day of May, 2020.

Brendan Pratt, Mayor

Cindy Bauer, City Clerk

Approved: _____

Published: _____

Adopted: _____

Chapter 5.24

INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES

Sections:

5.24.010	Intoxicating liquor and fermented malt beverages.
5.24.020	Licenses, permits, authorization required.
5.24.030	Classes of licenses and fees.
5.24.040	License application.
5.24.045	Required training for holders of operator's licenses.
5.24.050	License restrictions.
5.24.060	Form and expiration of licenses.
5.24.070	Search of licensed premises permitted when—License application deemed consent.
5.24.080	Transfer of licenses.
5.24.090	Posting and care of licenses.
5.24.100	Regulation of licensed premises and licensees.
5.24.110	Closing hours.
5.24.115	Abandonment or non-use of license.
5.24.120	Revocation and suspension of licenses.
5.24.130	Nonrenewal of licenses.
5.24.135	Delinquent taxes, assessments, etc.
5.24.136	Denial of Operator's License appeal process.
5.24.140	Violations by agents and employees.
5.24.150	Violation—Penalty.
5.24.160	Constitutionality.

(Note: Current Chapter 5.24 was repealed and replaced with revised Chapter 5.24. Ord. 9B-15, 2015.)

5.24.010 Intoxicating liquor and fermented malt beverages.

The provisions of Chapter 125, Wisconsin Statutes, defining and regulating the sale, procurement, dispensing and transfer of beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made a part of this section by reference. A violation of any such provision shall constitute a violation of this section. (Ord. 11B-82 (part), 1982)

5.24.020 Licenses, permits, authorization required.

A. No person shall serve, sell, manufacture, rectify, brew or engage in any other activity for which this chapter or Chapter 125, Wisconsin Statutes, requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter. Exceptions to the requirements of Section 5.24.020 are listed in Wis. Stat. § 125.06 and include, but are not limited to, the following:

1. The sale of fermented malt beverages in any public park when sold by officers or employees of the city during a special event. (Ord. 4D-15, 2015)

B. Separate License Required for Each Place of Sale. Except for licensed public warehouses, a license shall be required for each location or premises which is in direct connection or communication to each other where intoxicating liquor or fermented malt beverages are stored, sold or offered for sale. See Wisconsin Statutes § 125.04(9). (Ord. 11B-82 (part), 1982)

5.24.030 Classes of licenses and fees.

The following classes and denominations of licenses may be issued by the city clerk under the authority of the city council after payment of the fee specified in this section, which when so issued shall permit the holder to sell, deal, or traffic in alcoholic beverages as provided in Wis. Stat. §§ 125.17, 125.25, 125.26, 125.28, and 125.51. (part, Ord. 2B-15, 2015; Ord 12A-99, 1999). Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

A. Class “A” fermented malt beverage retailer's license, fee shall be established by resolution of the common council each year. See Wisconsin Statutes Section 125.25.

B. Class “B” fermented malt beverage retailer's license, fee shall be established by resolution of the common council each year. See Wisconsin Statutes Section 125.26.

1. Six-Month. A license may be issued at any time for six months in a calendar year, for which 50% of the applicable license fee shall be paid; but such license shall not be renewable during the calendar year in which issued.

2. Temporary Class “B” licenses for the sale of fermented malt beverages shall be established by resolution of the common council each year.

C. Retail “Class A” liquor license, fee shall be established by resolution of the common council each year. See Wisconsin Statutes Section 125.51(2).

D. Retail “Class B” liquor license, fee shall be established by resolution of the common council each year. See Wisconsin Statutes Section 125.51(3).

1. A license may be issued after July 1st in any license year. The license shall expire on the following June 30th. The fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30th.

2. Licenses valid for six months may be issued at any time. The fee for the license shall be fifty percent of the annual license fee. The license may not be renewed during the calendar year in which issued.

E. Temporary “Class B” licenses for the sale of wine shall be established by resolution of the common council each year.

F. Retail “Class C” wine license, fee shall be established by resolution of the common council each year. See Wisconsin Statutes Section 125.51 (3m) and 125.51 (3r). (Ord 8D-07, 2007).

G. Provisional retail Class “A”, Class “B”, “Class A”, “Class B”, and “Class C” licenses, of which fee shall be established by ordinance of the common council.

H. Operators’ license, fee shall be established by resolution of the common council each year. See Wisconsin Statutes Section 125.17.

1. Operators' licenses may be granted to individuals by the ~~city council~~ **police chief per 2019 Wisconsin Act 166** for the purposes of complying with Wisconsin Statutes Sections 125.32(2) and 125.68(2) or 125.06(3g). **Any applicant denied an operator license may file an appeal before the common council. See Section 5.24.136.**

2. Operators' licenses may be issued only on written application on forms provided by the city clerk.

3. Operators' licenses shall be valid for one year and shall expire on June 30th of each year.

I. Pursuant to Wisconsin Statutes Section 125.17(5), the city clerk may issue provisional licenses to persons who have applied for operators licenses. This section is subject to all limits and requirements of Wisconsin Statutes Section 125.17(5). The fee for a provisional license shall be established by resolution of the common council each year. (Ord. 10D-03, 2003; Ord. 5C-97, 1997; Ord. 12B-94, 1994; Ord. 9A-90 (part), 1990; Ord. 11A-88, 1988; Ord. 3B- 87, 1987; Ord. 11D-86, 1986; Ord. 11B-82 (part), 1982)

5.24.040 License application.

A. Statutes regarding form of application and processing procedures adopted by reference. The general licensing requirements set forth in Wisconsin Statutes Section 125.04 (1989-90 edition, and as said provisions might subsequently be renumbered and/or amended) are adopted by reference, and the city clerk shall follow said requirements as if set forth herein.

B. Time limits regarding applications for temporary Class “B” licenses. Pursuant to Wisconsin Statutes Section 125.04(3)(f)3, applications for temporary Class “B” licenses for events lasting less than four days must be filed with the city clerk not less than fifteen days prior to granting of the license unless said waiting period is reduced by the city council, and the city council may not reduce said waiting period to less than four days.

C. License—Investigation. The city clerk shall notify the police chief of each application, and the police chief shall review each application and make any investigations or inspections deemed advisable including, but not limited to, requesting information from the state, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant’s arrest and conviction record. The police chief may furnish to the city council a report setting forth information derived from any such investigation, accompanied by a recommendation as to whether the license application should be granted or refused. (Ord. 2C-05, 2005; Ord. 11I-91 (part), 1991; Ord. 9A-90 (part) 1990; Ord. 7E-87, 1987; Ord. 11B-82 (part), 1982).

D. Temporary Class “B” and temporary “Class B” licenses may be issued directly by the city clerk without common council approval, provided that all other requirements for applications set forth in this chapter have been complied with by applicant.

E. The city clerk shall provide the common council with monthly reports of any temporary Class “B” and temporary “Class B” licenses issued hereunder. (Ord. 12B-99)

5.24.045 Required training for holders of operator's licenses.

All applicants and holders of operator's licenses shall comply with all training and educational requirements set by Wisconsin Statutes Section 125.17(6) (as it might be amended, revised or renumbered by the legislature), and the city clerk shall require compliance with all statutory training and educational requirements pertaining to operator's licenses. (Ord. 5E-91, 1991)

5.24.050 License restrictions.

A. Statutory Requirements. Licenses shall be issued only to persons eligible therefor under Wisconsin Statutes §§ 125.04 and 125.33(7)(b). (part, Ord. 2B-15, 2015)

B. Location. No retail “Class A” liquor license or “Class B” liquor license shall be issued for premises the main entrance of which is less than three hundred feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church, or hospital to the main entrance to the premises covered by the license.

The foregoing paragraph shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within three hundred feet thereof by any school building, hospital building, or church building.

C. Violators of Liquor or Beer Laws or Ordinances. No retail Class “A” or Class “B” fermented malt beverage retailer's license nor retail “Class A”, “Class B”, or “Class C” liquor license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions(s) of this section during one year prior to such application. A conviction of a partner or member of a partnership, partnership, officers, directors, or the agent of a corporation, the corporation, members, managers or the agent of an LLC, or the LLC shall make the partnership, corporation, or LLC, or any partner, agent, officer, director, manager, or member thereof ineligible for such license for one year.

D. Health and Sanitation Requirements. No retail Class “B” fermented malt beverage license or retail “Class B” liquor license shall be issued for any premises which do not conform to the sanitary, safety and health requirements of the State Department of Industry, Labor and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the city.

E. License Quota.

1. The number of persons and places that may be granted a retail “Class B” liquor license under this section is limited as provided in Wisconsin Statutes § 125.51(4).

2. The number of persons and places that may be granted a retail “Class A” liquor license under this section is limited to a total not to exceed ten. (Ord 7B-15, 2015, Ord 10A-09, 2009).

F. Age Requirement. No retail Class “A”, Class “B”, “Class A”, “Class B”, “Class C”, nor a temporary Class “B” or temporary “Class B” license hereunder shall be granted to any person under twenty-one years of age. No operator’s license may be granted to any person under eighteen years of age.

G. Effect of Revocation of License. When a license is revoked under this subsection, the revocation shall be recorded by the clerk and no other license issued under this chapter may be granted within 12 months of the date of revocation to the person whose license was revoked. No part of the fee paid for any license so revoked may be refunded. (Ord 5A-13, 2013)

H. Issuance for Sales in Dwellings Prohibited. No license shall be issued to any person for the purpose of possessing, selling, or offering for sale any alcoholic beverages in any dwelling house, flat or residential apartment. (Ord. 10D-92 (part), 1992; Ord. 11B-82 (part), 1982)

5.24.060 Form and expiration of licenses.

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which they are granted, the date of issuance, the fee paid, the name of the licensee and, unless sooner revoked, shall expire on June 30th thereafter except as otherwise provided. (Ord. 11B-82 (part), 1982)

5.24.070 Search of licensed premises permitted when—License application deemed consent.

It shall be a condition of any license issued under this chapter that the licensed premises may be entered and inspected at any reasonable hour by any police officer, marshal, or constable, within their respective jurisdictions, and examine the books, papers, and records of any brewer, brewpub, manufacturer, bottler, rectifier, wholesaler, or retailer, without any warrant, and the application for a license shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued under this chapter and shall be deemed a violation of this chapter. (Ord. 11B-82 (part), 1982)

5.24.080 Transfer of licenses.

A. As to Person. No license shall be transferable as to the licensee except as provided by Wisconsin Statutes § 125.04(12)(b).

B. As to Place. Licenses issued pursuant to this chapter may be transferred as provided in Wisconsin Statutes § 125.04(12)(a). Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and form as the original application. (Ord. 11B-82 (part), 1982)

5.24.090 Posting and care of licenses.

Every license or permit required under this section shall be framed and posted and at all times displayed as provided in Wisconsin Statutes § 125.04(10). No person shall post such license or permit any other person to post it upon the premises other than those mentioned in the application, or knowingly deface or destroy such license. (Ord. 11B-82 (part), 1982)

5.24.100 Regulation of licensed premises and licensees.

A. Gambling and Disorderly Conduct Prohibited. Each license and permitted premises shall at all times be conducted in an orderly manner; and no disorderly, riotous, or indecent conduct or gambling shall be allowed at any time on any such premises.

B. Minimum Age of Employees. No licensee shall employ any person who is under the age of eighteen years old to serve, sell, dispense, or give away any alcoholic beverage.

C. Sales to Underaged Persons—Applicability of State Statutes. The provisions of Wisconsin Statutes Section 125.07 (as it now reads and as it hereafter might be amended or renumbered) shall apply

to the sale of fermented malt beverages and intoxicating liquor to persons under the legal drinking age as set by Wisconsin Statutes when not accompanied by a parent, guardian or spouse of legal drinking age.

D. Sales by Clubs. No club shall sell intoxicating liquors or fermented malt beverages except to members and guests invited by members.

E. Operators—On Premises.

1. No premises operated under a Class “A,” Class “B,” temporary Class “B,” retail “Class A,” “Class B,” temporary “Class B,” or “Class C” liquor license shall be open for business unless there is upon the premises the licensee, any member of the licensee’s immediate family who has attained the age of eighteen, the agent named in the license if the licensee is a corporation, or some person who has an operator’s license. This prohibition does not apply to Class “A” licensed premises at any time during which the sale of fermented malt beverages is prohibited under Section 5.24.110. See Wisconsin Statutes § 125.32(3)(b).

2. No person, including a member of the licensee’s immediate family, other than the licensee or agent may serve any fermented malt beverages or intoxicating liquor unless he or she has an operator’s license or is at least eighteen years of age and is under the immediate supervision of the licensee, agent, or some other person who has an operator’s license. See Wisconsin Statutes §§ 125.32(2) and 125.68(2).

F. Safety and Sanitation Requirements. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

G. Additional Regulations Pertaining to Temporary Class “B” and Temporary “Class B” Licenses Issued to Organizations. Whenever an organization is granted a temporary Class “B” license to sell fermented malt beverages and/or a temporary “Class B” license to sell wine at any picnic, meeting, fair, etc., said sales shall be subject to this subsection. All sales operations shall be managed and conducted by a bona fide organization under the Wisconsin Statutes. Only bona fide members of the licensed organization shall be permitted to dispense fermented malt beverages, unless the city council specifically grants an exemption and the conditions of that exemption are stated on the license. The licensed organization and its bona fide members participating in the sale of fermented malt beverages shall take all steps necessary to make sure that all laws pertaining to drinking are complied with, including, but not limited to, all laws pertaining to minimum drinking ages. For purposes of this subsection, persons who join the licensed organization within one month of the effective date of the license will be presumed to not be bona fide members unless they prove they are permanent, fully active members. (Ord. 11I-91 (part), 1991; Ord. 9A-90 (part), 1990; Ord. 5A-89, 1989; Ord. 7C-88, 1988; Ord. 10C-86, 1986; Ord. 2A-86, 1986; Ord. 11B-82 (part), 1982)

5.24.110 Closing hours.

Except as noted under Section 5.24.100.E.1., no premises for which an alcohol beverage license has been issued shall remain open for business:

A. If a retail Class “A” fermented malt beverage license, between twelve a.m. and eight a.m.;

B. If a retail “Class A” liquor license, between nine p.m. and eight a.m.;

C. If a retail class “B” fermented malt beverage license or “Class “B” liquor license, between two a.m. and six a.m. on Monday through Friday and between two-thirty a.m. and six a.m. on Saturday and Sunday. No sales of fermented malt beverages in original unopened packages, containers or bottles or for consumption away from the premises shall be made between midnight and eight a.m. No sales of intoxicating liquor in original unopened packages, containers or bottles or for consumption away from the premises shall be made between nine p.m. and eight a.m. Notwithstanding the above, on January 1st of each year, Class “B” licensees are not required to close for the purposes of on-premises sale, but the prohibitions against off-premises sales shall continue to be in effect for that day.

1. The city elects to come under paragraph (b) of Wisconsin Statutes § 125.51(3) which authorizes a retail “Class B” license the sale of intoxicating liquor to be consumed by the glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container, in multiples not to exceed 4 liters at any one time, and to be consumed off the premises where sold. Wine, however, may be sold for consumption off the premises in the original package or otherwise in any quantity.

D. Hotels and restaurants whose principal business is the furnishing of food or lodging to patrons, and bowling alleys and golf courses, may remain open for the conduct of their regular business, but no intoxicating liquor or fermented malt beverages shall be sold during prohibited hours. (Ord. 11I-91 (part), 1991; Ord. 12B-84, 1984; Ord. 6D-83, 1983; Ord. 11B-82 (part), 1982)

5.24.115 Abandonment or non-use of license.

Abandonment of a license issued under this chapter is a basis upon which the license may be revoked, suspended or non-renewed as provided in Sections 5.24.120 and 5.24.130. In this Section, "Abandonment of a license" means a failure to use the licensed premises for the purpose for which the license was granted for a period of 90 or more consecutive days without prior approval of the city council or a failure to open the licensed premises to the public for the purpose for which the license was granted for 50% or more of the days in any 12-month period without prior approval of the city council. (Ord 2A-11, 2011.)

5.24.120 Revocation and suspension of licenses.

A. Procedure. Whenever the holder of any license under this chapter violates any portion of this chapter, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedures established by Wisconsin Statutes § 125.12, and the provisions therein relating to granting a new license shall likewise be applicable.

B. Automatic Revocation. Any license issued under the provisions of this chapter shall stand revoked without further proceedings upon the conviction of a licensee or employee, agent or representative thereof for a second offense under this chapter or for a violation of Chapters 125 or 139 of Wisconsin Statutes, or any other state or federal liquor or fermented malt beverage laws.

C. Effect of Revocation. See § 5.24.050(H) of this chapter. (Ord. 11B-82 (part), 1982)

5.24.130 Nonrenewal of licenses.

Before renewal of any license issued under this chapter is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the city council. (Ord. 11B-82 (part), 1982)

5.24.135 Delinquent taxes, assessments, etc.

A. Premises. No initial or renewal alcohol beverage license shall be issued for any premises for which taxes, assessments or their claims of the city are delinquent and unpaid.

B. Persons. No initial or renewal alcohol licenses shall be issued to any person:

1. Delinquent in payment of any taxes, assessments or other claims owed to the city.
2. Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the city.
3. Delinquent in payment to the state of any state taxes owed. (Ord. 4A-83, 1983)
4. Delinquent in payment to any fermented malt beverage or intoxicating liquor wholesaler as provided for in Wisconsin Statutes §§ 125.33(7)(b) and 125.69(4)(b).

5.24.136 Appeal from determination.

1. Appeal from determination

A. Notice of appeal. The police chief's denial of Operator's License determination may be appealed to the common council if the person aggrieved files a written appeal within 30 days of the mailing of the determination. Such appeal shall be filed with the city clerk. The common council shall hold a hearing within 30 days of the filing of the appeal, or at such time as agreed upon by both parties. The appellant shall be notified at the address provided on the appeal by registered mail postmarked at least ten (10) days before the hearing.

B. Hearing. At the hearing, the appellant and the responsible city official or authority may be represented by counsel, may present evidence, and may call and examine witnesses and cross-examine witnesses of the other party. The mayor shall conduct the hearing. In the absence of the mayor, the president of the common council shall conduct the hearing. If applicable, the presiding member may administer oaths to witnesses, issue subpoenas and seek advice of counsel. The rules of evidence in s. 227.45, Wis. Stats., for administrative proceedings shall be followed. The city clerk may receive and mark all exhibits, if any. If either or both parties request that the hearing be recorded on audio or video tape or requests a stenographic recording, the staff shall make the necessary arrangements but the expense shall be borne by the requesting party, or split equally if requested by both parties. Such request shall be made at least five (5) days before the hearing.

C. Decision. The common council may issue an oral decision at the time of the hearing. Within ten (10) days of the completion of the hearing, the aggrieved person may request the common council to reduce its decision to written form, which the common council shall do within ten (10) days of receipt. The common council shall have the power to affirm or reverse the police chief's determination. The common council shall have four (4) affirmative votes in order to reverse the police chief's determination. Such decisions shall be consistent with applicable law, and when issued in written form, shall be final determinations for the purpose of judicial review.

5.24.140 Violations by agents and employees.

A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee. (Ord. 11B-82 (part), 1982)

5.24.150 Violation—Penalty.

The penalty for violation of any of the provisions of this chapter shall be as provided in Chapter 1.08, provided that no penalty imposed shall exceed the maximum allowed by Chapter 125 of the Wisconsin Statutes. A separate offense shall be deemed committed on each day on which a violation occurs or continues. (Ord. 11B-82 (part), 1982)

5.24.160 Constitutionality.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The council hereby declares that it would have passed this chapter, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this chapter should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 9A-15, 2015, 11B-82 (part), 1982)

MEMORANDUM

TO: Altoona City Council

FROM: Michael Golat, City Administrator

SUBJECT: Summary of **THURSDAY, MAY 14, 2020** Council Meeting Items

Provided below for your consideration is a summary of the **THURSDAY, MAY 14, 2020** Council Meeting agenda items.

(VIII) UNFINISHED BUSINESS

(IX) NEW BUSINESS

ITEM 2 - Discuss/consider appointment of City Attorney for a two-year term.

Please refer to Section 2.08.100 of the Altoona Municipal Code Book. Code requires that the city officials shall be appointed by the mayor at the first regular meeting of the city council in May of even-numbered years, subject to confirmation by majority vote of the council. The term of office of each official so appointed shall be two years. All terms shall commence on the fifteenth of May following appointment.

- A. City Attorney - John Behling of Weld, Riley.

Suggested motion: I move to approve/disapprove re-appointment of John Behling of Weld, Riley as the City Attorney for a two-year term ending May 2022.

MEMORANDUM

TO: Altoona City Council

FROM: Michael Golat, City Administrator

SUBJECT: Summary of **THURSDAY, MAY 14, 2020** Council Meeting Items

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(VIII) UNFINISHED BUSINESS

(IX) NEW BUSINESS

ITEM 3 - Discuss/consider appointment of Assessor for a two-year term.

Please refer to Section 2.08.100 of the Altoona Municipal Code Book. Code requires that the city officials shall be appointed by the mayor at the first regular meeting of the city council in May of even-numbered years, subject to confirmation by majority vote of the council. The term of office of each official so appointed shall be two years. All terms shall commence on the fifteenth of May following appointment.

A. Assessor - Mike Kochaver of Bowmar Appraisal.

Suggested motion: I move to approve/disapprove reappointment of Mike Kochaver of Bowmar Appraisal as the City Assessor for a two-year term ending May 2022.

MEMORANDUM

TO: Altoona City Council

FROM: Michael Golat, City Administrator

SUBJECT: Summary of **THURSDAY, MAY 14, 2020** Council Meeting Items

Provided below for your consideration is a summary of the **THURSDAY, MAY 14, 2020** Council Meeting agenda items.

(VIII) UNFINISHED BUSINESS

(IX) NEW BUSINESS

ITEM 4 - Discuss/consider approval of mayoral appointments.

Attached for your consideration are mayoral appointments to committees that were not available at the time of the April 21 Council Meeting. Mayor Pratt is recommending the following appointments:

- Melinda Smith to the Library Board for a term to expire April 2023.
- Nicholas Gagnon to the Police and Fire Commission for a term to expire April 2023.
- Fred Hoversholm to the Altoona Housing Committee for a term to expire April 2024.
- Dan Leibham to the Zoning Board of Appeals, 2nd Alternate, term to expire 2021.

Suggested motion: I move to approve/not approve the committee appointments as recommended by Mayor Pratt.