

**CITY OF ALTOONA, WI  
REGULAR COUNCIL MEETING MINUTES  
November 5, 2020**

**(I) Call Meeting to Order**

Mayor Brendan Pratt called the meeting to order at 6:00 p.m. The Regular 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: City Attorney John Behling, City Administrator Michael Golat, City Engineer/Director of Public Works (CE/DPW) David Walter, City Planner Joshua Clements, Management Analyst Roy Atkinson, and City Clerk Cindy Bauer.

**(IV) Citizen Participation Period**

Ronald Arruejo, lives in Oxnard, California but worked in Altoona as a Management Analyst Fellow a few years ago. Arruejo recently ran for Council in Oxnard, California but was not successful in winning the election. Arruejo would like to personally thank the City of Altoona for giving him the work experience while in Altoona in 2015 – 2016.

Mike Vaughan, 2102 Moonlight Bay Drive, Altoona commented on public hearing process in general and at what time frame should those public notices be sent to surrounding property owners. Vaughan encouraged Council to look at future public hearings and develop a better process and timeframe to allow public input at an earlier stage of a development.

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

**(V) Approval of minutes.**

Motion by Lima/Sexton to approve the minutes of the October 22, 2020 Regular Council Meeting. **Motion carried.**

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

City Administrator Golat commented on the construction of the new 10<sup>th</sup> Street Park & Recreation Building. Golat also updated the Council on the Space Needs Study.

**City Committee Reports – None.**

**(VII) Consent Agenda – none.**

**(VIII) Unfinished Business – None.**

**(IX) New Business**

**(1) Discuss/consider approval of Resolution 11A-20, A Resolution Authorizing the issuance and Sale of \$2,430,000 General Obligation Promissory Notes, Series 2020A. (moved from 9/24/20 mtg)**

City Administrator Golat explained that Resolution 11A-20 accepts the best bid for the general obligation Promissory Notes, Series 2020A and secures the proposed terms for closing on the notes. The Notes are being issued to provide financing for the general fund 2020 capital projects and to refund certain obligations of the City.

Sean Lentz of Ehlers Associates was present to explain the issuance and sale of \$2,430,000 General Obligation Promissory Notes. Lents noted that the bid results were available as of today (November 5). Lentz

explained that Ehlers received 8 bids with the lowest bid of .87% from UMB Bank.

Motion by Rowe/Biren to approve Resolution 11A-20 a resolution authorizing the issuance and sale of a \$2,485,000 general obligation promissory note, series 2020A. **Motion carried.**

**(IX)(2) Quarterly Tourism Report presented by Visit Eau Claire.**

City Administrator Golat explained that Visit Eau Claire is Altoona's contracted tourism promotion agency. In order to detail tourism marketing efforts in Altoona, Visit Eau Claire will continue providing quarterly updates to the council.

Benny Anderson, Interim Executive Director of Visit Eau Claire, was present at the meeting to discuss tourism marketing in Altoona. Anderson gave an update on the activities and marketing that occurred in 2020.

**(IX)(3) Discuss/consider approval of Preliminary Plat - Condominium Instrument for River Prairie Townhome Condominium located on Lake Road. (Public hearings at the September 8th & 22nd, 2020 Plan Commission Meetings).**

City Planner Joshua Clements referred to the following:

- Proposed Condominium Instrument for River Prairie Townhomes
- Proposed Declaration of Covenants and Restrictions for River Prairie Townhome Condominium
- Proposed By-laws of the River Prairie Townhome Condominium Owner Association
- Preliminary Plat Public Notice (2020-0909)
- City Attorney Behling Memo RE: Plat Review & Approval (2020-1021)
- City Planner Clements Memo RE: Plat Review Standards (2020-1023)

Clements explained that the proposed Condominium Instrument creates individual tax parcels for the dwellings plus common property associated with the approved River Prairie Townhomes. The combined General Implementation Plan and Specific Implementation Plan was unanimously approved by the Council on August 27th. The public hearing was held before the Plan Commission on September 8th and again on September 22. The Plan Commission recommended approval 5-1 at the September 8th meeting. Clements said as outlined in his Memo and the memo from City Attorney Behling, the criteria for review of a plat are the (a) land use entitlement (specific implementation plan, approved); and (b) local and state technical standards applicable to plats. Staff has determined the proposed condominium plat satisfies these criteria.

City Attorney John Behling reviewed the plat and provided a legal analysis of the Preliminary Plat.

City Planner Clements gave some background information regarding RFP plans for the proposed site as early as January 2020.

The following people spoke in opposition of the Preliminary Plat.

Danielle Johnson, 1604 Lake Road, Altoona had some questions relating to the Development.

Paul Johnson, 1604 Lake Road, Altoona referred to a signed petition of approximately 100 area residents in opposition of this Development on Lake Road.

Yuri Ripeckyj, 1304 Lake Road commented on the poor location and density for this project.

Jeremy Nimz, 199 Park Road, was in opposition of this development.

Carolyn Carlson, 2204 Moonlight Bay Drive, asked Council to work out an agreeable plan with the Developer to cancel or amend the 36-unit complex.

Tyler Tomesh, 2409 Timber View Court, commented on previous actions and urged the Council to sit down with the Developer and amend the plan.

Heather Pauls, 1628 Lake Road, commented on the density of this project and the impact of the project.

Jeff Goettl, 2120 Moonlight Bay Drive, commented on safety concerns, especially in the winter with the snow and encouraged the Council to think about other options.

Jonathan Parisi, 1612 Lake Rd commented about other developments in the City and asked Council to go back to the drawing board for a feasible plan that will work on the proposed property.

Mayor Pratt and Council Members gave their comments and opinions regarding the public input and the proposed project.

Motion by Lima/Sexton to approve the Preliminary Plat for River Prairie Townhome Condominiums. Rowe and Stuber against. **Motion carried 4-2.**

**(IX)(4) Discuss/Consider approval of a Development Agreement for River Prairie Townhome Condominiums.**

City Planner Clements explained the proposed Development Agreement between the City and Developer providing standards, requirements and assurity for modification to or construction of public infrastructure and related provisions relating to the development. For this project, the agreement covers extension of sewer and water, and restoration to roadway and trail sections impacted by construction.

Motion by Biren/Sexton to approve the Development Agreement for River Prairie Townhome Condominiums and authorize the Mayor to sign upon provision of the development guarantee. Stuber against. **Motion carried.**

**(IX)(5) Public Hearing at 6:05pm or as soon thereafter is practicable regarding Ordinance 11A-20, an Ordinance amending Title 19 “Zoning” of Altoona Municipal Code, Section 19.56.070 “Fences and Walls” regarding fences on unsewered property. (Discussed at the October 27th Plan Commission meeting)**

Mayor Pratt opened the public hearing at 7:42 p.m.

City Planner Clements explained Ordinance 11A-20. Clements explained that the Plan Commission discussed modifications to the fence standards for unsewered properties during the October 8th meeting, and directed staff to generate ordinance language to consider. During the October 27th meeting the Plan Commission voted 6-1 to recommend disapproval of Ordinance 11A-20.

Presently, on residential properties, fences in front and street side yards may be no greater than three feet in height, and 50% open. Screening fences up to eight feet in height are permitted in interior side and rear yards. The purpose “is to provide for the coordination of design and location of fences and walls to maximize the positive interrelationship of building and public street, maintain visual access and security due to lines of sight” by controlling the character of fences between the building and the street, while allowing screened outdoor space to the side and rear. There are an unknown number of non-conforming fences that were installed prior to 2005 when the current front-yard fence standards were adopted.

The proposed modifications create three tests to regarding placement of fences greater than three feet in height on properties improved with a home with on-site septic system:

- Not less than 10 feet from the right-of-way;
- Not less than 30 feet from the pavement edge of the existing roadway.

City Planner Clements said these tests are intended to maintain sightlines for motorists and trail users and reasonably avoid disruption to the fence should improvements within the right-of-way cause disruption within the first few feet of property. All other standards apply, including corner vision triangle applied to driveways. The minimum 10-foot setback is consistent with standards for fences considered as conditional uses for residential properties across a public right-of-way from industrially-zoned property. These properties, by their nature, are large parcels. Most are along Lake, South Beach, Moonlight, and East Willson Drive. However, Hillside Drive, accessed from 10th Street West, also features at least 11 unsewered lots. Clements said the rationale discussed at the October 8th meeting regarding visual access and continuity between homes and their front yards and the public way may be reasonable. However, fences do not obstruct septic fields in a manner that homes or pavement.

The proposed modification to the code would create a new “subclass” of properties enabling an improvement not permitted to properties elsewhere in the City. These properties are already very large and generally not constrained with regard to space. The preference and rationalization expressed for allowing the location of fences could be attempted by property owners elsewhere in the City expressing desire for a privacy fence in part or all of their lot. The perception may be created that this change creates a new privilege to owners of what are high-value and desirable properties not available to the rest of city residents.

Paul Johnson, 1604 Lake Road, commented that some of these properties abut the Lake and the intent of some of these properties was to deny access to the lake through their properties.

Motion by Sexton/Lima to close the public hearing at 7:52 p.m. **Motion carried.**

**(IX)(6) Discuss/Consider approval of Ordinance 11A-20, an Ordinance amending Title 19 “Zoning” of the Altoona Municipal Code, Section 19.56.070 “Fences and Walls”.**

City Planner Clements commented on the October 27, 2020 Plan Commission Meeting whereas the Plan Commission recommended disapproval of Ordinance 11A-20 and recommended leaving Chapter 19.56 as is.

Motion by Biren/Sexton to not approve Ordinance 11A-20 leaving Chapter 19.56 as is but directed staff to generate ordinance language that would create a conditional use process to account for particular conditions of some properties that may necessitate alternative fence placement that maintains the stated public interest and objectives in regulating the placement of fences. **Motion carried.**

**(IX)(7) Public Hearing at 6:10 pm or as soon thereafter is practicable regarding a Certified Survey Map for “Finland Flats”, parcels #20110360200 and #20110360100. (Discussed at the October 27th Plan Commission meeting)**

Mayor Pratt opened the public hearing at 8:15 p.m.

City Planner Clements explained the CSM for Finland Flats, approximately 17.1 acres located at the SW corner of Highway 12 and Mayer Road, was approved on January 23rd as a three-lot land division with dedication of public right-of-way. The original CSM was not recorded due to feedback and ongoing work with the County and completion of the final civil plan. Since that time, the owner has secured interest in a portion of the property and is seeking to add an additional lot. The alignment of City right-of-way is the same as the original.

Changes since previous:

- Four Lot CSM (instead of 3)
- Minor modifications along Mayer Road due to existing County infrastructure.
- Creation of utility and trail easement along Mayer Road

Motion by Biren/Lima to close the public hearing at 8:16 p.m. **Motion carried.**

**(IX)(8) Discuss/consider approval of a Certified Survey Map for “Finland Flats” as described in Item 7.**

Motion by Lima/Rowe to approve the CSM for Finland Flats. **Motion carried.**

**(IX)(9) Discuss/consider Resolution 11B-20, a Resolution declaring property as “blighted area” for 211 and 213 Division Street.**

City Planner Clements explained that City staff have completed tours and assessments of 211 and 213 Division Street, comprising five tax parcels totaling approximately 0.52 acres. This assessment included a Phase I Environmental Assessment and building inspections. The findings include conditions that meet the definition of “blighted area” of WI Stats. Sec. 66.1331(3)(a). The City has the opportunity to acquire the property for the purposes of blight elimination, consistent with Statute. In order to proceed within the *environmental liability exemption* available to local governments, the Council must pass a resolution confirming and accepting the findings of blighted area.

Motion by Rowe/Lima to approve Resolution 11B-20 declaring blighted area. **Motion carried.**

**(IX)(10) Discuss/consider a contract amendment for engineering services for the Well #8 Test Well project.**

CE/DPW Walter explained that the original contract for engineering services for the test well for Well #8 was awarded to MSA Professional Services. That contract included engineering services for one test well. As stated previously, the results for the first well were not favorable for use as a final well. As a result, the next step will be to drill a test well as an additional location denoted in the Well Site Investigation Report. The attached contract amendment includes the engineering effort for the next test well site, at a cost of \$16,500.

Motion by Stuber/Biren to approve the contract amendment with MSA Professional Services in the amount of \$16,500. **Motion carried.**

**(IX)(11) Discuss/consider a contract for a water system evaluation.**

CE/DPW David Walter explained that in light of Altoona's strong growth, Public Works identified the need for future planning for our water system. A system study will evaluate existing water consumption and future projections and will help identify when the next well and/or water tower will be needed to keep pace with growth. The study and companion model will also model system pressure and impact of future development, identify needs for system looping, etc. Staff recommends that the City award a contract to MSA Professional Services, as they are currently in possession of system records and are actively working on the Well #8 development.

Motion by Rowe/Lima to approve a contract with MSA Professional Services for the water system study in the amount of \$22,000. **Motion carried.**

**(IX)(12) Discuss/consider Altoona Youth Hockey Association 2020 Operational Policies.**

City Administrator Golat explained the memo from Chris Goodwin regarding the AYHA Tournament Guidelines. Goodwin mentioned that the association and the AYHA boards approach to Covid has shifted dramatically this week. A week ago, many parents threatened to pull kids if the Hockey Association insisted they wear masks. They started practices Wednesday evening and had some challenges with mask compliance on Thursday night. Goodwin said he believes the association is coming around to the understanding that you can skate with a mask and essentially, they either need to comply and wear a mask or we are not going to have a season. The original question from Council was what is the enforcement policy? There are many elements to their policy. Goodwin said their policy is masks are required unless you have a medical exception.

Motion by Lima/Rowe to approve the Altoona Youth Hockey Association 2020-21 Season Operational Policies. **Motion carried.**

**(IX)(13) Discuss/consider convening in closed session pursuant to the following Wis. Stats:**

A. 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.

1. Purchase and/or sale of property.
2. Sewer Rates
3. WPPA Union Contract.

B. 19.85 (1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

1. Team Care Issue

Motion by Stuber/Lima to convene in closed session at 8:43 p.m. Roll call vote, Stuber, Lima, Guzman, Biren, Sexton, Rowe. **Motion carried 6-0.**

**(IX)(14) Motion to reconvene to Open Session.**

Motion by Lima/Biren to reconvene in open session at 9:01 p.m. Roll call vote, 6-ayes, Guzman, Sexton, Stuber, Rowe, Biren, Lima, 0-nays. **Motion carried 6-0.**

City Administrator Golat commented on several matters that was entertained in closed session.

First Item regarding the County's Plan to potentially move their Highway Department from Altoona and to have conversations with the City of Altoona to purchase their building.

Second Item regarding the sewer rate contract with the City of Eau Claire and negotiations as we move forward with the 2021 budget.

Third Item regarding negotiations with WPPA Union Contract, no action.

Fourth Item regarding the Team Care Claim.

Motion by Lima/Rowe to move forward with settling the Team Care Issue based on the terms presented by City Administrator Golat. **Motion carried.**

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

**(XI) Adjournment.**

Motion by Rowe/Lima to adjourn at 9:09 p.m. **Motion carried.**

Minutes submitted by Cindy Bauer, City Clerk