

CITY OF ALTOONA, WI
REGULAR COUNCIL MEETING MINUTES
February 25, 2021

(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: Attorney John Behling, City Administrator Michael Golat, City Planner Joshua Clements, Police Chief Kelly Bakken, Director of Public Works/City Engineer (DPW/CE) David Walter, Management Analyst Roy Atkinson, and City Clerk Cindy Bauer.

(IV) Citizen Participation Period

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

(V) Approval of minutes.

Motion by Lima/Guzman to approve the minutes of the February 11, 2021 Regular Council Meeting. **Motion carried.**

(VI) City Officers/Department Heads Report

City Administrator Golat reported on the Crokicurl Tournament that was held last weekend. There will be a Frosty Toona Fat Tire Bike Race on Saturday, February 27, 2021 at 11 a.m. as part of the Frosty Fun Series. Golat thanked Dean Roth, Matt Biren, members of the Chippewa Valley Off Road group and other volunteers who helped with the Snowshoe hike held last Saturday night Feb. 20, 2021 in Centennial Park. Golat mentioned that Staff canceled the Jelly Bean Hill Sledding Challenge scheduled for this upcoming weekend due to lack of snow.

DPW/CE David Walter distributed a Capital Projects Report prior to the Council Meeting. Walter briefly commented on the Capital Projects that will be occurring in 2021. Walter indicated that more information will be forthcoming.

City Committee Reports – None.

(VII) Consent Agenda – None.

(VIII) Unfinished Business – None.

(IX) New Business

(1) Quarterly Tourism Report Presented by Visit Eau Claire.

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, Executive Director of Visit Eau Claire, was present at the meeting to discuss tourism marketing in Altoona. Jason, of Visit Eau Claire commented on some of the Event/Tournaments that will be coming to the Chippewa Valley Area in the 2021-2022 year.

(IX)(7) Discuss/consider approval of the design for Phase II of the Veterans Memorial Tribute in River Prairie Park.

The design was considered and approved by the Parks Board on February 22, and the Plan Commission on February 23rd, for recommendation to the Council.

Bill Boetcher, Lien and Peterson Architects explained the Veterans Tribute Plan Set, Phase I and Phase II. Phase I of the Veterans Memorial Tribute was approved by the Council on August 27th, 2021. The enclosed plan set includes Phase I and Phase II. Phase I is briefly summarized as:

Tribute Plaza

- a. Memorial Patio area, with county seal, flags (9), sculptures (3), and downcast lighting.
- b. Stone memorial pavers.
- c. A connecting walkway along the north side of the existing biofiltration basin, connecting to Prevea Amphitheatre near the loading dock (shown as 5' wide concrete)
Work on the Plaza is expected to begin summer 2021.

Phase II elements not previously approved include:

1. Tribute Plaza
 - a. A Connecting walkway from the Tribute Plaza to those existing walkways near the pond
 - b. A Connecting walkway below the Prevea Stage to the primary trail along the river.
Work on connections is expected the summer of 2022.
2. Trail Features
 - a. Eleven "bump-out" sites located along the River Prairie Trail, between Highway 53 and the Eau Claire Country Club. Each of these features may include a Memorial Bench, interpretive displays, pedestrian-scale lighting (complementing existing fixtures), wifi, security cameras and future sculptures.
 - b. Extending pedestrian lighting around the River Prairie Trail Loop where lighting does not exist. These areas primarily include:
 - i. River Prairie Drive bridge to Woodmans;
 - ii. Woodman's Market east to Oakleaf Way;
 - iii. Trail connection parallel to Highway 53 between the Canoe/Kayak Launch and River Prairie Drive.
Work on these elements is expected to begin no sooner than 2022.

Future phases and features anticipated or discussed that are not applicable to this action item include:

1. Trailhead Sign
 - a. A large trailhead sculpture and interpretive piece featuring Old Abe to be located near the Riverside Pavilion.
2. Trail Sculptures
 - a. Life-size bronze sculptures to be located at the bump-out features along the trail. Each sculpture represents a major military conflict.
3. Other Sculptures
 - a. Bronze sculpture located near the west of the parking lot.
 - b. Sculpture including as water wall feature near the Riverside Pavilion.

The flagpole and associated lighting were previously approved by the Plan Commission, Parks Board and Council and has been installed. The cost of installation and maintenance of all features is to be borne by the veteran's foundation, memorialized via the previously approved agreement. Provided, however, the City may need to provide a match for the trail lighting improvements outside of the Northwest Quadrant. Any proposed changes in the features in any adopted plan or agreement shall require review and recommendation to the Council by the Plan Commission and Parks Board with final approval by the City Council. If approved, the only extent of approval applies to those elements specifically identified in the proposal, any conditions of approval (if any), and the proposed use agreement. Other elements not included or changes to those illustrated in Phase I and Phase II are

not approved at this time but are provided for context of anticipated future additions or phases.

Motion by Sexton/Rowe to approve the design of Phase II of the Veterans Tribute in River Prairie Park.

Motion carried.

(IX)(2) Discuss/consider Preliminary Plat for River Prairie Townhomes.

City Planner Clements referred to the following:

- Staff Report 21-02G
- Preliminary Plat, River Prairie Townhomes
- Amended SIP (building arrangement)
- 2020-1021 Memo to the City of Altoona RE Plat Review and Approval (Behling)

City Planner Clements noted that the Specific Implementation Plan (SIP) for the River Prairie Townhome Condominiums was approved on August 27th. A condominium plat for this property was approved on November 19th, 2020. A public hearing for the preliminary plat was held before the Plan Commission on February 23rd. The Plan Commission recommended approval on a 4-3 vote.

City Planner Clements explained that as the Developer finalizes the financing for this project, the Developer determined that arranging the land ownership as a conventional plat with covenants and a homeowner's association is more advantageous to achieve the conditions of the land sale agreement. As a condominium plat, the footprint of each structure has its own tax parcel, and all outside areas are held a single parcel owned by the condominium association. In the proposed modification, each parcel includes property beyond the footprint to the individual dwelling. The common property, including the private drive and storm water facilities, is reduced in size, and held by a homeowner's association.

As described in the enclosed Staff Report, the Developer also provided modifications to the adopted SIP. The changes bring the rear buildings fully out of the Union Pacific easement. The City continues to work with the railroad regarding vacating or modifying the easement, but the timeline and outcome of that discussion remains uncertain. Moving the rear buildings forward necessitated moving the front buildings north. This reduced the effective setbacks. However, the minimum setback that was previously approved is maintained. Building setbacks are greater than ten feet. The physical design of each building structure remains the same, and the general arrangement and context of each building remains consistent. The position of the buildings on property is modified. The changes are defined by the River Prairie Design Guidelines as Minor Amendments reviewed by staff.

City Planner Clements noted that as described in the October 21, 2020 Memo by Attorney Behling, the standards of approval for a Plat are the technical drafting requirements of plats. Staff has determined that the Preliminary Plat as presented meets the technical requirements and is consistent with the amended SIP.

Attorney John Behling provided a legal overview regarding the Preliminary Plat and Project and commented on some questions raised by residents.

The following people spoke regarding the Preliminary Plat and River Prairie Townhome Project:

Yuri Ripeckyj, 1304 Lake Road, Altoona
Jeff Goettl, 2120 Moonlight Bay Drive, Altoona
Jonathan Parisi, 1612 Lake Road, Altoona
Heather Pauls, 1628 Lake Road, Altoona
Natalia Ripeckyj, 1304 Lake Road, Altoona
Heidi Olson, 1804 Lake Road, Altoona

Discussion followed by Council and Staff members.

Motion by Sexton/Lima to approve the Preliminary Plat. Roll call vote, 3-ayes Lima, Sexton, Biren, 3 nays Rowe, Stuber, Guzman, Tie vote 3-3. Mayor Pratt broke the tie vote with a yes vote. **Motion carried. 4-3.**

(IX)(3) Public Hearing at 6:05 or as soon thereafter as is possible regarding Ordinance 2C-21 rezoning six properties located on Glades Drive.

Mayor Pratt opened the Public Hearing at 7:27 p.m.

City Planner Clements referred to the Ordinance 2C-21 and Staff Report 21-02C. Clements explained that the six properties located between 1311 and 1427 Glades Drive on the south side of the road, illustrated herein, were constructed as two-dwelling structures. The current zoning reflected on the City's official zoning map for the properties is R1 One Family Dwelling District. This means that each structure is considered "legal non-conforming", meaning it does not conform to current zoning. Clements mentioned that this matter was brought to the City's attention by the owner of one of the properties who is considering selling their property. Due to this legal non-conforming condition of each of the six properties, the Zoning Administrator determined it is appropriate to resolve this issue through City-initiated rezoning to R2 One- and Two-Family Dwelling District for this group of properties for which this condition exists. City staff has been unable to determine the source of the conflict on the current zoning map.

Motion by Lima/Rowe to close the Public Hearing at 7:30 p.m. **Motion carried.**

(IX)(4) Discuss/consider approval of Ordinance 2C-21, an Ordinance Rezoning six properties on Glades Drive.

Clerk Bauer mentioned that a revised amendment of Ordinance 2C-21 was provided to Council Member prior to the Council Meeting. The amendment included Exhibit B reflecting the inclusion of legal descriptions of the six parcels to be rezoned.

Motion by Lima/Biren to approve Ordinance 2C-21 as amended. **Motion carried.**

(IX)(5) Discuss/consider approval of Ordinance 2D-21, an Ordinance amending Ch. 8.06 "Smoking Prohibited" to add definitions and consolidate chapters.

Management Analyst Atkinson explained that City staff is partnering with the Eau Claire City County Health Department and the School District of Altoona on a smoking cessation project. An actionable item of the initiative was to update Altoona's Smoking Ordinance to add definitions to strengthen the ordinance. This ordinance update also consolidates Chapter 9.24 into Ch. 8.06 to eliminate redundancy within our City code.

Atkinson referred to the proposed amendment to Chapter 8.06 Smoking Prohibited, which was attached for Council review.

Motion by Rowe/Lima to approve Ordinance 2D-21. **Motion carried.**

(IX)(6) Discuss/consider approval of Ordinance 2E-21, an ordinance to repeal Chapter 9.24 "Tobacco Product and E-Cigarette Use by Minors Prohibited" and reference under Chapter 8.06 "Smoking Prohibited".

Management Analyst Atkinson explained that in the previous item, Chapter 9.24 was consolidated into Chapter 8.06 Smoking Prohibited in order to prevent redundancy in Altoona's Municipal Code. Atkinson referred to the proposed repeal and replacement of Chapter 9.24 Tobacco Product and E-Cigarette Use by Minors Prohibited, which was attached for Council review as a strikethrough.

Motion by Rowe/Lima to approve Ordinance 2E-21. **Motion carried.**

(IX)(8) Discuss/consider approval of Combination "Class B" Retailers' Licenses to sell fermented malt beverages and intoxicating liquor in the City of Altoona to Somewhere Pub, LLC, DBA Somewhere Pub, Justin Held, Agent, 1485 Front Porch Place, Altoona, WI

City Administrator Golat explained that Somewhere Pub will be opening sometime in May 2021. They are in the northwest quadrant of River Prairie at 1485 Front Porch Place. They are requesting a Combination "Class B" Retailers' License to serve fermented malt beverages and intoxicating liquor in their establishment.

The Plan Commission approved their Conditional Use Permit on February 9, 2021 to permit Somewhere Pub to carry a Combination "Class B" Retailers' License to sell fermented malt beverages and intoxicating liquor in their establishment.

Police Chief Kelly Bakken has reviewed the application and recommends approval.

Motion by Rowe/Biren to approve a Combination "Class B" Retailers' License to sell fermented malt beverages and intoxicating liquor in the City of Altoona to Somewhere Pub, LLC, D.B.A. Somewhere Pub, Justin Held, Agt, 1485 Front Porch Place, Altoona. **Motion carried.**

(IX)(9) Discuss/Consider modifications to the Specific Implementation Plan for Cowboy Jack's.

City Planner Clements referred to the Staff Report 21-02H and Proposed modification to SIP for Cowboy Jack's. Clements explained that Cowboy Jack's is a 7,047 ft² restaurant with outdoor seating located in the Northwest Quadrant of River Prairie. The Specific Implementation Plan in the River Prairie Mixed Use District was approved on June 22, 2017. Cowboy Jack's features approximately 4,600 ft² patio, plus an upper deck. The existing upper deck is approximately 985 ft² (16'2" x 58'6" plus landings). During winter months, a temporary enclosure is added under the deck to create a flexible extended seating area that can be used in most seasons. This area includes a server station, seating, and fire features.

City Planner Clements further explained that the proposal entails extending the deck an additional 11'3" outward from the building, or an additional 674 ft². The proposal also encloses the area under the deck creating a +/- 1,594 ft² room. The enclosure walls will primarily be comprised of glass curtain walls and fold-up glass and steel doors so that the area can function similar to outdoor seating in desirable conditions. For building code purposes, this area is defined as a "3 season room". No changes to any other element of the site is proposed.

This Amendment to the SIP requires Plan Commission and Council consideration as the enclosed space increases the building enclosure by approximately 22.6%. Clements noted that the Plan Commission recommended approval at its February 23, 2021 Plan Commission Meeting.

Motion by Rowe/Stuber to approve modifications to the Specific Implementation Plan for Cowboy Jack's. **Motion carried.**

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

- A. Amendment to the Purchase Agreement for Fairway Drive Property (Parcel # 201100310080)
- B. Offer on Lot 2 of CSM 3509 (Parcel #201239102010)

Motion by Biren/Rowe to convene in closed session at 7:40 p.m. pursuant to Wis. Stats 19.85 (1)(e) Roll call vote, 6-ayes, Biren, Rowe, Stuber, Sexton, Guzman, Lima, 0-nays. **Motion carried 6-0.**

(IX)(11) Motion to reconvene to Open Session.

Motion by Rowe/Lima to reconvene in open session at 8:50 p.m. Roll call vote, 6-ayes, Stuber, Rowe, Guzman, Biren, Sexton, Lima, 0-nays. **Motion carried 6-0.**

City Administrator Golat explained that Council discussed two items in closed session. First item being an amendment to the offer to purchase agreement for Fairway Drive Property (Parcel 201100310080) relating to the gas line relocation charges on the property.

Motion by Lima/Rowe to accept the WB-40 Amended Offer to Purchase Lot 1 of CSM No. 3470 (Parcel #201100310080) from Fairway Capital, LLC relating to the gas line relocation charges on the property stipulating that the buyer is not responsible for any charges relating to the gas line relocation. **Motion carried.**

City Administrator Golat explained that the second item was regarding the WB-13 Vacant Land Offer to purchase Lot 2 of CSM 3509 (parcel #201239102010) for a wine bar. City Administrator Golat explained that at the previous Council meeting the offer had expired and Council discussed at that time entertaining a new offer. The new offer was resubmitted and brought forth tonight for Council approval. No action at this time.

(X) Miscellaneous Business and Communication.

(XI) Adjournment.

Motion by Rowe; Biren to adjourn at 8:59 p.m. **Motion carried.**

Minutes submitted by Cindy Bauer, City Clerk