

THE CITY of *Altoona*

AGENDA FOR ORGANIZATIONAL COUNCIL MEETING ON TUESDAY, APRIL 19, 2022

6:00 P.M.

ALTOONA CITY COUNCIL CHAMBERS, 1303 LYNN AVE, ALTOONA

- I. Call Meeting to Order.
- II. Pledge of Allegiance.
- III. Swearing in Newly Elected or Re-Elected Alderpersons:
Mayor Brendan Pratt
Aldermanic District 1 - Dale Stuber
Aldermanic District 2 - Timothy Lima
Aldermanic District 3 - Jon Olson
- IV. Roll Call for Council Persons/Roll Call for Department Heads.
- V. Citizens Participation Period. (No more than twenty minutes unless extended by two-thirds vote.)
- VI. REPORTS
 - A. City Officers/Department Heads
 - B. City Committees
- VII. CONSENT AGENDA
- VIII. UNFINISHED BUSINESS
- IX. NEW BUSINESS
 1. Discuss/consider Election of Council President. [Summary >>](#)
 2. Discuss/consider date for Initial Board of Review Meeting. (Recommendation: Initial Board of Review Meeting on May 26, 2022 at 5:45 p.m. to adjourn until a later date when the Assessment Roll becomes available.) [Summary >>](#)
 3. Discuss/consider Mayoral Appointments and Chairpersons. (Attached list).
[Summary + Materials >>](#)
 4. Discuss/consider the Memorandum of Understanding between the City of Altoona and the Altoona Lions Club -Lions Club Use of City Facilities at Cinder City Park, Altoona City Park and Devney Park during Cinder City Days [Summary + Materials >>](#)
 5. Discuss/consider the Cancellation Agreement for the sale/purchase of Lot 2 of CSM 3356, Parcel #201100201260 in River Prairie Development. [Summary + Materials >>](#)
 6. Discuss/consider convening in closed session pursuant to the following Wis. Stats:
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. Presentation of property appraisal for parcel 201104606100 and part of parcel 201104509000 (3rd Str E) and consideration of purchase of the property.
 - B. Sale of City Property - Lot 2 of CSM 3356 (201100201260)

7. Motion to reconvene to Open Session for the purpose of discussion and possible consideration on the matter entertained in Closed Session.

X. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

XI. 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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THE CITY of *Altoona*

MEMORANDUM

TO: Altoona City Council

FROM: Michael Golat, City Administrator

SUBJECT: Summary of **Tuesday, April 19, 2022** Council Meeting Items

Provided below for your consideration is a summary of the **Tuesday, April 19, 2022** Organizational Council Meeting agenda items.

(VII) CONSENT AGENDA

(VIII) UNFINISHED BUSINESS

(IX) NEW BUSINESS

ITEM 1 - Discuss/consider Election of Council President.

Every year at the Organizational Council Meeting, Council elects a Council President for the term of one year. Proper procedure is to accept nominations from the floor then vote on the nominee(s) to determine who the Council President will be.

ITEM 2 - Discuss/consider date for Initial Board of Review Meeting.

Every year prior to the Organizational Council Meeting, Clerk Bauer contacts the Assessor 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 will not be 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 26, 2022 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. (Suggested date: TBE)

Suggested motion: I move to approve/not approve setting the Initial Board of Review Meeting date to May 26, 2022 at 5:45 p.m.

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

Attached for your consideration is the City of Altoona Staff and Committee listing for 2022 as recommended by Mayor Brendan Pratt. Please note that those listed in bold are the new appointments or

re-appointments. Those not bolded are existing committee members whose term has not ended. A memorandum from Mayor Pratt is attached which lists the specific appointments.

Suggested motion: I move to approve/not approve the Mayoral Appointments and Chairpersons as recommended by Mayor Pratt.

Item 4: Discuss/consider the Memorandum of Understanding between the City of Altoona and the Altoona Lions Club -Lions Club Use of City Facilities at Cinder City Park, Altoona City Park and Devney Park during Cinder City Days

As you may know, the Altoona Lions Club uses City park facilities during Cinder City Days. The Memorandum of Understanding between the City and the Altoona Lions Club specifies the terms for the following:

- Fee Structure: The Lions Club will deposit with the City \$1200.00 for use of City park facilities. This fee will be paid at the execution of the Memorandum of Understanding.
- The specific Parks which are covered under the Memorandum of Understanding: This includes Cinder City Park, the Hobbs Arena, Altoona City Park, and Devney Park.
- Use of specific facilities in said parks: Cinder City Park, all four ball fields, Hobbs Arena, grass area north of Bement, Concessions Stand, the Lions Pavilion and Walk in Cooler. The Lions would like to move the carnival to the area west of Hagen Field and the area west of the Hobbs parking lot.
- Specific information which is required by Altoona Police and Emergency Services: Items are listed in Memorandum of Understanding.

Suggested motion: I move to approve/not approve the Memorandum of Understanding between the City of Altoona and the Altoona Lions Club for the use of City facilities at Cinder City Park, Altoona City Park and Devney Park during Cinder City Days.

ITEM 5 - Discuss/consider Cancellation Agreement for the sale/purchase of Lot 2 of CSM 3356, Parcel #20110020126 in River Prairie Development.

As you are aware the City approved the sale of the subject parcel located north of Cabin Coffee to the franchise holder of Jimmy John's restaurant. The buyer included a contingency in the offer that specified the location would need to be approved by Jimmy John's corporate office; corporate did not approve the location. Therefore, the approved offer needs to be canceled. A cancellation agreement for the subject transaction is attached for your review and consideration.

Suggested Motion: I move to approve/not approve the cancellation agreement for the sale/purchase of Lot 2 of CSM 3356, Parcel #20110020126 in River Prairie Development.

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Attached for your consideration is the City of Altoona Staff and Committee listing for 2022 as recommended by Mayor Brendan Pratt. Please note that those listed in bold are the new appointments or re-appointments. Those not bolded are existing committee members whose term has not ended. A memorandum from Mayor Pratt is attached which lists the specific appointments.

Suggested motion: I move to approve/not approve the Mayoral Appointments and Chairpersons as recommended by Mayor Pratt.

MEMORANDUM

TO: Council Members

FROM: Mayor Brendan Pratt

DATE: April 14, 2022

RE: Appointments and Chair

Attached please find the City of Altoona Staff and Committee Listing of new appointments and re-appointments. (Those listed in bold are the appointments or re-appointments). Below is a summary of the appointments:

Altoona Area Foundation Inc.

Re-Appointment of Sue Rowe as Council Rep. (1-year term)

Altoona Community Development Committee

Re-appointment of Mark Willer as Citizen Member (4 yr. term to April 2026)

Re-appointment of Dale Stuber as the Council Rep and chairperson.

Altoona Housing Authority

Re-appointment of Sally Parker as Citizen (4 yr. term to April 2026)

Appointment of Jon Olson as the Council Rep

The Housing Authority appoints a chairman at their annual meeting in June.

Ad Hoc Knollwood Restrictive Covenant Review Committee

Re-appointment of James Jolley, Bruce Thielen, (1-yr term to 2023)

Appointment of Michael Golat (1-yr term to 2023)

Vacant, Citizen (1-year term to 2023)

Ad Hoc Altoona Business Park Development Review Committee

Re-Appointment of Timothy Lima, Council Rep for District 3 and Chairman

Re-Appointment of Matthew Biren, City Government/Mayor Representative

Re-Appointment of Bob Adrian, City Government/Mayor Representative

The Declarant will remain the same, Wis. Carpenters Health & Pension

The owners of the businesses in the Business Park are all part of the review committee.

Estates at River Prairie

Disbanded in 2014

Finance Committee

Re-Appointment of Matthew Biren as Council Rep and Chair

Re-Appointment of Timothy Lima, Susan Rowe and Tim Sexton as Council Rep

Re-appointment of Mark Willer as Citizen Rep.

Library Board

Re-Appointment of Deb Swan, Altoona Citizen (3-yr term to 2025)

Re-appointment of Susan Rowe to serve as Council Rep.

Altoona School District Rep TBD by Altoona School Board at their May meeting).

Liz Kaetterhenry is currently the Altoona School District Rep.

The Library Board appoints a chairman at their meeting in May. Liz Snyder is currently the chairperson.

Parks & Recreation Committee

Re-Appointment of Dean Roth as Citizen Reps (3 yr term to 2025)

School Board Rep (To be determined by Altoona School Board at their May meeting).

Re-Appointment of Tim Sexton as Council Rep and chairman.

Personnel Committee

Re-appointment of Terry Magnuson as Citizen, (2 yr. term to 2024)

Re-appointment of Matthew Biren and Timothy Lima, Council Reps.

Appointment of Jon Olson, Council Rep

Plan Commission

Re-appointment of Andraya Albrecht and Benjamin Trachsel, Citizens (3 yr. term to 2025)

Re-Appointment of Tim Sexton and Matthew Biren, Council Reps.

Police & Fire Commission

Re-appointment of Mike Torud, Citizen (5-year term to April 2027)

Solis Circle Housing Committee

Re-appointment of Susan Wolfgram, Paul Savides, and Cody Filipczak, Jesse James, Re-appointment of Emily Barge, and Hope Elliott, non-voting members (3-yr term to 2025)

Appointment of Maria Guzman, Ex officio non-voting member. (3-yr term to 2025)

Appointment of Michael Golat, City Staff Rep (3-yr term to 2025)

Re-appointment of Matthew Biren, City Council Rep (3-yr term to 2025)

Zoning Board of Appeals

Re-appointment of Greg Johnson and Paul Swaros, Citizens (3-yr term to 2025)

Re-Appointment of Steve Coyle, 1st Alternate (1-yr term to 2023).

Re-Appointment of Dan Leibham, 2nd Alternate (1-yr term to 2023)

Re-Appointment of Dale Stuber, Council Rep and Chairman (April 2023)

CITY OF ALTOONA STAFF & COMMITTEE LISTING

as of April 19, 2022

* Chairman

Staff:

Mike Golat	715-839-6092 or (360-490-0438)	City Administrator
Roy Atkinson	715-839-6092 or (989-980-0485)	Assistant City Administrator
Tina Nelson	715-839-6092 or (715-559-6644)	Finance Director
Dave Walter	715-839-6092 or (715-577-3459)	Director of Public Works/City Engineer
Kelly Bakken	715-839-6090 or (715-271-6682)	Police Chief
Mark Renderman	715-839-2970 or (715-210-0019)	Fire Chief
Betsy Boley	715-839-6092 or (715-828-1428)	Director of Administrative Services
Cindy Bauer	715-839-6092 or (715-579-2370)	City Clerk
Arin Wilken	715-839-5029 or (715-579-5741)	Library Director
Debra Goldbach	715-839-5188 or (715-271-6697)	Recreation Manager
Matt Flatland	715-839-5192 or (715-271-6691)	Building Inspector
Joshua Clements	715-839-6092 or (715-581-7306)	City Planner

Mayor:

Brendan Pratt	715-514-0331	April 2024
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Common Council:

Dale Stuber	715-797-6572	April 2025 (Dist. 1)
Timothy Lima	715-579-4508	April 2025 (Dist. 2)
Jon Olson	715-529-2688	April 2025 (Dist. 3)
Matthew Biren	715-255-0016	April 2023 (Dist. 4)
Tim Sexton	715-864-2823	April 2023 (Dist. 5)
Susan Rowe	715-832-0210	April 2023 (Dist. 6)

Altoona Area Foundation Inc. (Formed in 1993)

(1 year term)

Sue Rowe	715-832-0210	To 2023 (Council Rep)
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Altoona Community Development Committee:

(4 year Term)

Dan Leibham	715-834-4754	To April 2023 (Citizen)
Lynn Solie	715-835-1714	To April 2024 (Citizen)
Fred Hoversholm	715-379-4812	To April 2025 (Citizen)
Mark Willer	715-577-5484	To April 2026 (Citizen)
*Dale Stuber	715-797-6572	Council Rep (1 year)

Altoona Housing Authority:

(4 Year Term)

Terry Magnuson	715-579-9995	To April 2023
Fred Hoversholm	715-379-4812	To April 2024
Lynn Solie	715-835-1714	To April 2025
Sally Parker	715-577-1310	To April 2026
Jon Olson	715-529-2688	Council Rep (1 year)

Ad Hoc Knollwood Restrictive Covenant Review Committee:

(1 year term)

Vacant		To April 2023 (Citizen)
James Jolley	715-839-9309	To April 2023 (Citizen)
Bruce Thielen	763-568-2145	To April 2023 (Citizen)
Michael Golat	715-839-6092	To April 2023 (City Administrator)
*Brendan Pratt	715-514-0331	To April 2023 (Mayor)

Board of Review

All Council Members, Mayor, City Clerk

Budget Committee:

All Council Members and the Mayor

**Ad Hoc Altoona Business Park Development
Review Committee**

(Established 4/15/97)

*Timothy Lima	715-579-4508	Council Rep for Dist. 3
Matthew Biren	715-255-0016	City Government/Mayor Rep
Bob Adrian	715-651-8721	City Government/Mayor Rep.
Nicole Falkner	715-835-3174 ext. 634	Declarant – Wis. Carpenters Health & Pension
Jim Embke	715-855-8691	Owner/Designee within the Business Park
Mike Hill	715-831-3940 ext. 201	Owner/Designee within the Business Park
Maria Herbert	715-832-7713	Owner/Designee within the Business Park
Matt Thompson	715-835-3333	Owner/Designee within the Business Park
Idriz Sabani	715/830-5000	Owner/Designee within the Business Park

Eau Claire Transit Commission:

Joshua Clements

715-839-6092

(3-year Term)

City of Altoona Representative (2023)

**Estates at River Prairie
Architectural Review Committee**

Disbanded in 2014

(Established 7/03)

Finance Committee:

(1 Year Term)

*Matthew Biren	715-255-0016	Council Rep.
Timothy Lima	715-579-4508	Council Rep
Susan Rowe	715-832-0210	Council Rep
Tim Sexton	715-864-2823	Council Rep
Mark Willer	715-577-5484	Citizen, April 2023

Library Board:

(3 Year Term)

Brenda Schlafer	715-833-7073	To April 2023 (Altoona Citizen)
Melinda Smith	715-832-8823	To April 2023 (Altoona Citizen)
Sheila Presler	715-834-5397	To April 2024 (Town of Washington)
*Elizabeth Snyder	715-835-5531	To April 2024 (Altoona Citizen)
Deb Swan	715-271-0797	To April 2023 (Altoona Citizen)
Liz Kaetterhenry	608-770-2303	Altoona School District Rep - TBD
Susan Rowe	715-832-0210	Council Rep – To April 2023

Parks & Recreation Committee:

(3 Year Term)

Mike Torud	715-839-7844	To April 2023
Bruce Thielen	763-568-2145	To April 2023
Bill Hoepner	715-838-0831	To April 2024
Matt Michels	520-820-0549	To April 2024
Dean Roth	715-839-0786	To April 2025
Dan Gluch	715-225-1597	School Board Rep (1 year) - TBD
*Tim Sexton	715-864-2823	Council Rep (1 year) 2023

Personnel Committee:

(2 Year Term)

Fred Hoversholm	715-379-4812	To April 2023 (Citizen)
Terry Magnuson	715-579-9995	To April 2024 (Citizen)
Matthew Biren	715-255-0016	Council Rep (1 yr.) 2023
Timothy Lima	715-579-4508	Council Rep (1 yr.) 2023
Jon Olson	715-529-2688	Council Rep (1yr) 2023
*Brendan Pratt	715-514-0331	Mayor

Plan Commission:

715-396-1395

(3 Year Term)

Bill Hoepner	715-838-0831	To April 2023 (Citizen)
Dean Roth	715-839-0786	To April 2024 (Citizen)
Andraya Albrecht	715-456-0320	To April 2025 (Citizen)
Benjamin Trachsel	715-832-1676	To April 2025 (Citizen)
Tim Sexton	715-864-2823	Council Rep (1 yr.) 2023
Matthew Biren	715-255-0016	Council Rep (1 yr.) 2023
*Brendan Pratt	715-514-0331	Mayor

Police & Fire Commission:

(5 Year Term)

Chairperson to be determined at first meeting.

Nicholas Gagnon	715-577-6846	To April 2023
Hillarie Roth	715-839-0786	To April 2024
Bill Hoepner	715-838-0831	To April 2025
Chad Hanson	715-829-2171	To April 2026
Mike Torud	715-839-7844	To April 2027

Solis Circle Housing Committee:

(3 Year Term) (Est 5/2019) term to 2025

Brendan Pratt	715-514-0331	Mayor
Susan Wolfgram	715-379-2557	JONAH Rep
Paul Savides	715-450-3695	Western Dairyland Economic (WDEOC)
Cody Filipczak		Cody and Molly Filipczak Family Foundation
Jesse James		Altoona Community Member at Large
Maria Guzman	715-491-0901	Ex Officio non-voting member
Emily Berge	715-575-9795	Ex Officio non-voting member
Hope Elliott	715-450-0074	Ex Officio non-voting member
VACANT		Ex Officio non-voting member
Matthew Biren	715-255-0016	City Council Rep
Michael Golat	715-839-6092	City Staff Rep

Zoning Board of Appeals:

(3 Year Term)

Mike McCrackin	715-836-7468	To April 2023
Mark Willer	715-577-5484	To April 2024
Greg Johnson	715-835-8289	To April 2025
Paul Swartos	715-497-3128	To April 2025
Steve Coyle	715-839-8956	1st Alternate (April 2023)
Dan Leibham	715-834-4754	2nd Alternate (April 2023)
*Dale Stuber	715-797-6572	Council Rep (April 2023)

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Item 4: Discuss/consider the Memorandum of Understanding between the City of Altoona and the Altoona Lions Club -Lions Club Use of City Facilities at Cinder City Park, Altoona City Park and Devney Park during Cinder City Days

As you may know, the Altoona Lions Club uses City park facilities during Cinder City Days. The Memorandum of Understanding between the City and the Altoona Lions Club specifies the terms for the following:

- Fee Structure: The Lions Club will deposit with the City \$1200.00 for use of City park facilities. This fee will be paid at the execution of the Memorandum of Understanding.
- The specific Parks which are covered under the Memorandum of Understanding: This includes Cinder City Park, the Hobbs Arena, Altoona City Park, and Devney Park.
- Use of specific facilities in said parks: Cinder City Park, all four ball fields, Hobbs Arena, grass area north of Bement, Concessions Stand, the Lions Pavilion and Walk in Cooler. The Lions would like to move the carnival to the area west of Hagen Field and the area west of the Hobbs parking lot.
- Specific information which is required by Altoona Police and Emergency Services: Items are listed in Memorandum of Understanding.

Suggested motion: I move to approve/not approve the Memorandum of Understanding between the City of Altoona and the Altoona Lions Club for the use of City facilities at Cinder City Park, Altoona City Park and Devney Park during Cinder City Days.

**Memorandum of Understanding
Between the City of Altoona and the Altoona Lions Club
-Lions Club Use of City Facilities during Cinder City Days-**

Agreement made and entered this ____ day of _____, **2022**, by and between the City of Altoona, hereinafter referred to as the “City” and **Altoona Lions Club**, hereinafter referred to as the “Sponsor” as follows:

1. The City, hereby grants permission to the Sponsor to use the Hobbs Arena (“Arena”), Cinder City Park, Altoona City Park, and Devney Park all located within the City of Altoona Wisconsin, for a four (4) day time period known as **Cinder City Days**.
2. Sponsor is an **Altoona- based non-profit organization**, and it shall pay a rental fee of **\$1200.00** for the use of the Arena and its respective grounds, ball fields located in Cinder City Park and the area located north of Bement, as well as Devney Park and Altoona City Park. This Memorandum of Understanding **does not** include River Prairie Park or the Fish House located in Altoona City Park. The Sponsor will have to fill out the River Prairie Special Events permit and meet with the Special Events Committee for approval of the event(s) in River Prairie Park. The Sponsor will also be required to complete the necessary paperwork for the Fish House in Altoona City Park if Sponsor is wanting to rent the facility. The Sponsor will be required to meet with the Eau Claire City/County Health Department and complete all required documents pertaining to COVID-19. The Sponsor will follow all guidelines/recommendations set by the Eau Claire City/County Health Department.
3. The Sponsor shall be liable for all property damage and personal injury liability to any and all third persons arising out of the use of the Arena/Parks by the Sponsor. The Sponsor shall indemnify and hold harmless the City of Altoona and its agents, officials and employees, for any and all liability arising out of the use of the Arena/Parks by Sponsor. This indemnification shall include not only the liability, but also all costs of defense of said claims including, but not limited to, attorney’s fees.
4. Sponsor shall be responsible for providing any and all security protection required at the Arena/Parks during the period it is being used by Sponsor. Appropriate City Police, Fire and Recreation Department officials shall have access to all parts of the Arena/Parks during the rental period. Sponsor agrees to comply with all reasonable directives given by said Police, Fire and Recreation Department officials pertaining to protection of City property. The following information is to be supplied to the Chief of Police and the Fire Chief one week prior to the event:
 - Name of Carnival
 - Carnival Owner’s contact information
 - Other Cities the carnival as provided work for
 - Complete list of carnival employees (first and last name, middle initial and date of birth)
 - A reminder to the carnival that NO live animals, with the exception of goldfish, are to be given away as prizes
 - Portable toilets need to be delivered on the same day or before the carnival arrives
 - The Police Department be given at least 2 Lions Club Members contact information
5. The parties agree that the City, its assigns, successors or insurers, shall in no way be responsible for Sponsor’s property. The Sponsor shall be responsible for any property damages or losses regarding its property, regardless of the cause. The Sponsor, or its subrogates, etc., hereby releases the City of Altoona, its assignees, successors and insurers from any and all liability for damages to Sponsor’s property occurring or arising from the activities covered by this Agreement.
6. Sponsor shall not sublet any portion of the Arena/Parks to any other party without the City’s written permission, except that the City explicitly permits subletting to vendors selling food, wares and other items during Cinder City Days. The City reserves the right to alter the rental terms and rates if, for purposes of the paragraph, subletting shall include the allowing of any other party to occupy or use any portion of the premises for any commercial purpose or activity except for vendor sales as noted above.
7. At the execution of this Agreement, the Sponsor shall deposit with the City \$1200.00. At the conclusion of the rental period, Sponsor shall deliver the Arena/Parks to the City in at least as good condition as the premises were in prior to the use by the Sponsor. All costs and responsibility for cleaning and restoring the Arena/Parks shall be that of the Sponsor.

8. If for any reason any electrical work needs to be done, it **must only** be handled by a City-approved electrician. The sponsor is fully responsible for this expense.
9. A representative of the Sponsor shall meet with a representative of the City and the Hockey Association four weeks prior to the event to discuss the following:
- Point of Contact for each entity
 - Areas of Arena and Park to be used by Sponsor
 - Picnic Tables – Direction of placement
 - Portable Restrooms – Direction of placement
 - Street Barricades – Direction of placement
 - Marquee information

The Point of Contact for the Lions Club, The City of Altoona, and the Hockey Association shall meet the Monday prior to the start of Cinder City Days to tour the facilities.

10. If, the Sponsor should choose to have music outside in one of the areas listed in #1, music will end at 10:30pm. The carnival will relocate to the west of Hagen field and the area west of Hobbs parking lot. All sleeping quarters for carnival employees will remain in the northeast area north of the ballfields. City staff will investigate the area after Cinder City Days and report to the P&R Committee. At said meeting, the P&R Committee will recommend if hosting the carnival in this location will continue in future years.
11. A representative of the Sponsor shall meet with a representative of the City and the Hockey Association within seven days following the rental period. At such time the representatives shall tour the facilities to see that all has been fully cleaned and restored. If the City representative or the Hockey Association representative decides that the Arena/Parks are not in as good condition as they were in prior to use by the Sponsor, the representatives shall have the Arena/Parks cleaned and restored. The cost of such cleaning and restoration shall be billed to the Sponsor and the Sponsor shall pay the City within ten (10) days of receipt of such billing.
12. Cancellation Procedures: The Sponsor agrees to inform the City of any cancellations one (1) month prior to the event in order to receive a full deposit refund. If the Sponsor does not inform the City of a cancellation at least one (1) month prior to the event, the deposit will not be refunded. The Sponsor agrees to inform the City of any and all cancellations as soon as events are cancelled. This Memorandum of Understanding may be cancelled by either party, without liability, fees or penalty and any deposits shall be refunded, by written notice to the other party at least one (1) month prior to the event.
13. Sponsor understands this Memorandum of Understanding does not constitute an automatic granting of the Picnic License. Sponsor understands they must submit an application and meet all of the requirements set forth by the City through the picnic license application process.
14. Sponsor shall be responsible for soliciting and purchasing insurance coverage for the Arena and other property located at Cinder City Park, Devney Park and Altoona City Park. Sponsor shall provide proof of insurance prior to the City's approval of this Memorandum of Understanding. The insurance shall be general public liability insurance coverage to protect against claims of personal injury, death or property damage occurring on or about the Arena or areas adjacent thereto. Coverage shall include no less that One Million (\$1,000,000) Dollars for injury to or death of any person and Two Million (2,000,000) Dollars for injury to or death to any person or persons in one occurrence. Insurance will be carried at Sponsor's own expense, naming the City as an additional insured.

In Witness Whereof, the parties have hereunto set their hands and seals this ____ day of _____, **2022**.

CITY OF ALTOONA:

By: _____

SPONSOR:

By: _____

(Printed)

(Printed)

MEMORANDUM

TO: Altoona City Council

FROM: Michael Golat, City Administrator

SUBJECT: Summary of **Tuesday, April 19, 2022** Council Meeting Items

Provided below for your consideration is a summary of the **Tuesday, April 19, 2022** Organizational Council Meeting agenda items.

(VII) CONSENT AGENDA

(VIII) UNFINISHED BUSINESS

(IX) NEW BUSINESS

ITEM 5 - Discuss/consider Cancellation Agreement for the sale/purchase of Lot 2 of CSM 3356, Parcel #20110020126 in River Prairie Development.

As you are aware the City approved the sale of the subject parcel located north of Cabin Coffee to the franchise holder of Jimmy John's restaurant. The buyer included a contingency in the offer that specified the location would need to be approved by Jimmy John's corporate office; corporate did not approve the location. Therefore, the approved offer needs to be canceled. A cancellation agreement for the subject transaction is attached for your review and consideration.

Suggested Motion: I move to approve/not approve the cancellation agreement for the sale/purchase of Lot 2 of CSM 3356, Parcel #20110020126 in River Prairie Development.

WB-45 Cancellation Agreement & Mutual Release

1 The undersigned Parties agree that the _____ Offer To Purchase
2 insert type of contract, e.g., offer to purchase, lease, option, etc. (Contract) dated February 9, 2022, for the
3 property located at Lot 2 CSM 3356 River Prairie Dev., in
4 the City of Altoona, State of Wisconsin, be canceled and the Parties hereby
5 release all of their right, title, and interest in and to the Contract, and any and all claims arising out of the transaction.

6 The Parties hereby release the broker(s) from any and all liability for disbursing the trust funds as directed and hereby
7 authorize and direct the broker(s) to disburse the trust funds held on behalf of the Parties as follows:

8 \$ 5,000.00 shall be disbursed to Ray Thielbar at
9 the following address 1471 Valley Estates Rd Mondovi WI 54755,
10 \$ _____ shall be disbursed to _____ at
11 the following address _____

12 This Cancellation Agreement and Mutual Release (CAMR) shall be effective only if all Parties to the Contract have
13 signed an identical copy of this CAMR (including signatures on separate but identical copies of the CAMR), and if the
14 fully-executed CAMR has been delivered to the Party initiating the CAMR on or before April 8, 2022
15 _____ . Delivery may be made in any manner authorized in the Contract.

16 **NOTE: The Party initiating this CAMR may withdraw the CAMR prior to acceptance and delivery as provided at**
17 **lines 12-15.**

18 (X) 
19 Party's Signature ▲ Print Name Here ► Ray Thielbar March 31, 2022
Date ▲

20 (X) _____
21 Party's Signature ▲ Print Name Here ► Brendan Pratt _____
Date ▲

22 (X) _____
23 Party's Signature ▲ Print Name Here ► _____
Date ▲

24 (X) _____
25 Party's Signature ▲ Print Name Here ► _____
Date ▲

26 (X) _____
27 Party's Signature ▲ Print Name Here ► _____
Date ▲

28 (X) _____
29 Party's Signature ▲ Print Name Here ► _____
Date ▲

30 (X) _____
31 Party's Signature ▲ Print Name Here ► _____
Date ▲