

**CITY OF ALTOONA COUNCIL MEETING
MONDAY, DECEMBER 15, 2014, 6:30 P.M.
AT THE ALTOONA CITY HALL**

1. CALL TO ORDER

Roll Call at 6:30 pm

Mayor Conkling – present

Boka – present

Harmeyer – present

Mertz- present

O'Connor – present

Sloan- present

City Officials Present: Jeff Mark, Randy Pierce, Vern Willey, John Shaw, Jerry Whetstone, Jody Matherly, Jody Evans, Scott Atzen, Jon Hanson, City Attorney Bob Laden

Audience Present: Dean Shade, Robert Nading, Mark Daggy, Jim Ellingson, Joe Stoberal

2. Perfecting and approval of the agenda

Mayor Skip Conkling requested agenda be approved as presented.

Roll Call Vote:

Y Boka Y Harmeyer Y Mertz 1 O'Connor 2 Sloan (5-0)

3. Approval of December 1, 2014, Council Minutes

Roll Call Vote:

Y Boka Y Harmeyer Y Mertz 1 O'Connor 2 Sloan (5-0)

4. Citizens request to address council

No one came forward to speak.

5. Public hearing to consider rezoning request from LTC-Jonesboro Inc./Preferred Care Partners Management Group (Altoona Nursing & Rehabilitation Center) to rezone approximately 4.5 acres from R-2 (One and Two-family Residential) to R-3 (Multi-family Residential)

Mayor Conkling explained this is a public hearing for the Altoona Nursing & Rehabilitation Center rezoning. The Center is located at 200 7th Avenue SW. Joe Stoberl of Olsson Associates, 7157 Vista Dr., West Des Moines, representing the owners, LTC-Jonesboro, Inc., are proposing to construct a 3,126 square foot addition on the west side of the north end of the building. The addition is for an inpatient physical therapy room. The property is currently zoned R-2 (One and Two-family Residential). Nursing, convalescent, and retirement homes are correctly zoned R-3 (Multi-family Residential). In order to construct the addition, the property will need to be rezoned.

Open at 6:33 pm

Comment: No one came forward to speak.

Closed at 6:35 pm

**6. Ordinance to consider rezoning request from LTC-Jonesboro Inc./Preferred Care Partners Management Group (Altoona Nursing & Rehabilitation Center) to rezone approximately 4.5 acres from R-2 (One and Two-family Residential) to R-3 (Multi-family Residential)
Ordinance No. 12-15-2014 #01 (400) REZONING REQUEST FROM LTC-JONESBORO INC./PREFERRED CARE PARTNERS MANAGEMENT GROUP (ALTOONA NURSING & REHABILITATION CENTER) TO REZONE APPROXIMATELY 4.5 ACRES FROM R-2 (ONE AND TWO-FAMILY RESIDENTIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL)**

Roll Call Vote (1st reading):

Y Boka Y Harmeyer Y Mertz 1 O'Connor 2 Sloan (5-0)

Roll Call Vote (To waive 2nd & 3rd reading):

Y Boka Y Harmeyer Y Mertz 1 O'Connor 2 Sloan (5-0)

Roll Call Vote (To publish):

Y Boka Y Harmeyer Y Mertz 1 O'Connor 2 Sloan (5-0)

**7. Resolution to consider site plan addition for Altoona Nursing & Rehabilitation Center
Resolution 12-15-2014 #01 TO CONSIDER SITE PLAN ADDITION FOR ALTOONA
NURSING & REHABILITATION CENTER**

Community Development Director John Shaw explained storm water detention is required with this addition. Joe Stoberl explained the detention basin will empty into the creek upstream from the residential properties and will not affect the rear yards of the residential properties to the southwest. The nursing home has agreed to construct a larger berm on the west property line to divert the storm water from the existing building away from the residential properties. This additional grading is included as part of the site plan document.

Roll Call Vote:

Y Boka Y Harmeyer Y Mertz 1 O'Connor 2 Sloan (5-0)

**8. Continued public hearing to consider an appeal to a notice to abate nuisance as requested by
Mark Daggy, owner of 109 8th Street SE**

Open at 6:45 pm

Comment: No one came forward to speak.

Closed at 6:46 pm

9. Resolution to require owner to abate nuisance at 109 8th St. SE

Resolution 12-15-2014 #02 TO REQUIRE OWNER TO ABATE NUISANCE AT 109 8TH ST. SE

The Altoona City Council at the December 15, 2014, City Council meeting did declare Mr. Daggy's property to be a nuisance. Furthermore, they have agreed that Mr. Daggy will have until on or before April 1, 2015, to either demolish the property or to take out the appropriate permits to rebuild the structure and Mr. Daggy will need to begin any rebuilding project prior to April 1.

Roll Call Vote:

2 Boka Y Harmeyer Y Mertz 1 O'Connor Y Sloan (5-0)

**10. Resolution to approve a plat of survey for Parcel "C" in the N ½ of the NE ¼ of Section 36,
Township 79 North, Range 23 West of the 5th P.M., Polk County, Iowa**

**Resolution 12-15-2014 #03 TO APPROVE A PLAT OF SURVEY FOR PARCEL "C" IN THE
N ½ OF THE NE ¼ OF SECTION 36, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH
P.M., POLK COUNTY, IOWA**

The property is located on the northwest side of the "S" curve on 1st Avenue South. The buyer of the property wants to sell off the house and outbuilding, which will create Parcel "C" plat of survey.

Roll Call Vote:

Y Boka Y Harmeyer 2 Mertz 1 O'Connor Y Sloan (5-0)

**11. Resolution to approve a plat of survey for Parcel "D" in the SE ¼ of the NE ¼ of Section 36,
Township 79 North, Range 23 West of the 5th P.M., Polk County, Iowa**

**Resolution 12-15-2014 #04 TO APPROVE A PLAT OF SURVEY FOR PARCEL "D" IN THE
SE ¼ OF THE NE ¼ OF SECTION 36, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE
5TH P.M., POLK COUNTY, IOWA**

This is another plat of survey for the above described property. The driveway to this property is actually located on another property owned by someone else. Parcel "D" is being created as a non-buildable parcel just for the driveway. The owner of Parcel "C" is purchasing Parcel "D" in order for all of this to work. Staff would recommend approval.

Roll Call Vote:

Y Boka Y Harmeyer 2 Mertz 1 O'Connor Y Sloan (5-0)

12. IMWCA to present City of Altoona with Best Practices Award

Dean Shade representing IMWCA, 317 Sixth Ave., Suite 800, Des Moines, the City's worker's compensation insurance carrier, explained this award is presented to the City for successfully implementing practices to proactively manage our workers' compensation exposures.

13. Consider request from Artistic Manufacturing Corporation to waive utility penalty

Mayor Conkling explained Artistic Manufacturing is requesting that their late penalty be waived from the utility bill. Council Member Kyle Mertz motioned to deny the request.

Roll Call Vote:

Y Boka Y Harmeyer 1 Mertz 2 O'Connor Y Sloan (5-0)

14. Resolution to ask the Altoona Board of Adjustment to reconsider variances given to Cinemark for signage

Resolution 12-15-2014 #05 TO ASK THE ALTOONA BOARD OF ADJUSTMENT TO RECONSIDER VARIANCES GIVEN TO CINEMARK FOR SIGNAGE

City Administrator Jeff Mark explained this is a resolution requesting the Altoona Board of Adjustment to reconsider their decision to grant sign variances to Cinemark. City Attorney Laden and staff are concerned that the Board of Adjustment has acted outside of their authority to grant variances given that no evidence of a hardship was presented. The Board's decision could be precedence setting in that future applicants would now be able to use this example to support their request for similar type signage.

Roll Call Vote:

Y Boka Y Harmeyer Y Mertz 1 O'Connor 2 Sloan (5-0)

15. Consent Agenda

a) Allow Bills

b) Capitol Projects

B1) Change Order #1 – Synergy Contracting LLC – 12th Ave. NW Water Main & Footing Drain Improvements – Completion Date Revisions

B2) Pay App #7 - Synergy Contracting LLC – 12th Ave. NW Water Main & Footing Drain Improvements – \$10,702.76

B3) Pay App #3 – Elder Corporation – Adventureland Dr. NE Extension – 2014 - \$41,622.37

c) Resolution approving requests for tax abatement

Resolution 12-15-2014 #06 APPROVING REQUESTS FOR TAX ABATEMENT

d) Resolution levying assessments for costs of nuisance abatement BHNAC schedule No. 2014-10, and providing for the payment thereof

Resolution 12-15-2014 #07 LEVYING ASSESSMENTS FOR COSTS OF NUISANCE ABATEMENT BHNAC SCHEDULE NO. 2014- 10, AND PROVIDING FOR THE PAYMENT THEREOF

e) Resolution accepting public improvements (Tuscany Townhomes – Plat 1)

Resolution 12-15-2014 #08 ACCEPTING PUBLIC IMPROVEMENTS (TUSCANY TOWNHOMES – PLAT 1)

Roll Call Vote:

Y Boka Y Harmeyer 1 Mertz 2 O'Connor Y Sloan (5-0)

16. Beer & Liquor Permits

a) Old Town Tap – Class C (Commercial)

Chief Jody Matherly stated this establishment had no violations.

Roll Call Vote:

Y Boka Y Harmeyer 1 Mertz 2 O'Connor Y Sloan (5-0)

17. General Business Items/Reports and Updates

*City Administrator Jeff Mark shared the dates for council work session to start working through the 2015-2016 fiscal year budget.

*Council Member Michelle Sloan shared that Planning & Zoning Commission is meeting this Tuesday because of the Christmas holiday next week.

18. Adjourn at 7:08 pm

Roll Call Vote:

Y Boka Y Harmeyer 1 Mertz Y O'Connor 2 Sloan (5-0)

Attest to: _____
Jody Evans, Secretary

J.M. Skip Conkling, Mayor