

**CITY OF ALTOONA COUNCIL MEETING
MONDAY, JUNE 16, 2008, 6:30 P.M.
AT THE ALTOONA CITY HALL**

1. CALL TO ORDER

Roll Call at 6:30 p.m.

Mayor Burget-present Conkling- present Nolin- present
Riding- present Sloan- present Warren- present

City Officials Present: Jeff Mark, Randy Pierce, Vern Willey, John Shaw, John Gray, Jerry Whetstone, Amy Hill, City Attorney Bob Laden

Audience Present: Dennis Keller, Helen Blaney, Brent Culp, Carrie Jones, Garth Jones, Bill Walgenbasch

2. Perfecting and approval of the agenda

Roll Call Vote:

 1 Conkling Y Sloan 2 Riding Y Warren Y Nolin (5-0)

3. Approval of June 2 and 9, 2008 Council Minutes

Council Member Joe Riding made a motion to approve subject to correcting the June 9, 2008, Council Minutes to reflect that the location was at City Hall instead of Altoona Public Library. Council Member Michelle Sloan seconded the motion.

Roll Call Vote:

 Y Conkling 2 Sloan 1 Riding Y Warren Y Nolin (5-0)

4. Citizens request to address council

No one came forward to speak

5. Public Hearing to consider an ordinance amendment to Chapter 167.02 Fences, Walls and Hedges

Mayor Tim Burget introduced the proposed ordinance amendment to Chapter 167.02 Fences, Walls and Hedges. City Administrator Jeff Mark explained the change adds language to allow a six-foot tall privacy fence on a corner lot that abuts a major street or highway and abuts “through” lots (also called double frontage lots). As written, the fence would only extend to the rear line of the home and would also have to comply with the landscaping requirements of the through lots.

Open Hearing at 6:33 pm

Public Comment: Ralph McKay, a resident located at 103 17th Street SE in Altoona, requested a definition of ‘abut’. City Administrator Mark stated in Mr. McKay’s case his lot would define ‘abut’ as “next to through lots”. Mr. McKay asked if this covered his residential lot. City Administrator Mark stated that Mr. McKay’s lot would not be affected with this change to the ordinance. Mayor Burget stated that the council and staff were still working on changes to the current ordinance and Mr. McKay would still receive notice when the ordinance comes forward for council review.

Close Hearing at 6:36pm

6. Ordinance approving an ordinance amendment to Chapter 167.02 Fences, Walls and Hedges (1st Reading)

ORDINANCE NO. 6-16-2008 #1 (281) TO AMEND CHAPTER 167.02 FENCES, WALLS AND HEDGES

Roll Call Vote: (1st reading)

 2 Conkling Y Sloan Y Riding Y Warren 1 Nolin (5-0)

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

2 Conkling 1 Sloan Y Riding Y Warren Y Nolin (5-0)

Roll Call Vote: (to publish)

1 Conkling Y Sloan 2 Riding Y Warren Y Nolin (5-0)

7. Garth and Carrie Jones to present issues regarding fence permit.

Mayor Burget stated that Garth and Carrie Jones would like to present information regarding an issue that developed while trying to construct a fence on their property. Garth and Carrie Jones located at 902 8th Avenue NW, Altoona, stated they had completed and were approved a fence permit by the City of Altoona Building Department. Mrs. Jones stated they were issued a stop work order on June 12, 2008, stating that their fence was not in compliance with City ordinance. She also stated that the fence was special order and due to the fact they cannot use the six-foot portion on particular areas of their property they would be required to purchase new material. Mr. Jones requested that either they be repaid for the portion of fencing they would not be able to use or be allowed to construct the fence as submitted on the building permit.

Council Member Skip Conkling stated he believed the Jones' should be paid for the fencing they would not be able to use. He apologized the mistake made by the building department and the inconvenience to the Jones. Mayor Burget stated that it may be in the Jones' best interest to wait until the Council has a chance to review the ordinance which may be amended to allow their property to have the 6 foot fence. Council Member Riding requested that staff work with the Jones to ensure their fence is located properly on their property and bring the amended wording to the ordinance for review by council at the July 21, 2008 council meeting.

Roll Call Vote:

1 Conkling Y Sloan 2 Riding Y Warren Y Nolin (5-0)

8. Public Hearing to consider awarding the contract for grading and paving Adventureland Drive NE and 11th Avenue NE

Mayor Burget stated this is a public hearing to consider the plans, specifications, and form of contract and estimated cost for the Adventureland Drive NE and 11th Avenue NE project (RISE). City Administrator Mark stated this project is an IDOT approved RISE project and as such is eligible for 50% RISE funding. The Engineer's Opinion of Probable Construction Cost was \$1,482,027.30, plus a 3% contingency. The proposed project includes the removal of existing utilities, pavement and sidewalk as well as the construction of storm sewer, water main, sanitary sewer, force main sanitary sewer, grading and paving and miscellaneous associated work.

Open Hearing at 6:46pm

Public Comment: No one came forward to speak

Close Hearing at 6:47pm

9. Resolution to approve the plans, specification, form of contract and estimated costs for the City of Altoona grading and paving Adventureland Drive NE and 11th Avenue NE (RISE)

Resolution #6-16-2008 #01 RESOLUTION TO APPROVE THE PLANS, SPECIFICATION, FORM OF CONTRACT AND ESTIMATED COSTS FOR THE CITY OF ALTOONA GRADING AND PAVING ADVENTURELAND DRIVE NE AND 11TH AVENUE NE (RISE)

Mayor Tim Burget stated the resolution is to approve the plans, specification, form of contract and estimated costs for the City of Altoona grading and paving Adventureland Drive NE and 11th Avenue NE.

Roll Call Vote:

Y Conkling Y Sloan Y Riding 1 Warren 2 Nolin (5-0)

10. Resolution to approve the Contract and Bond for the City of Altoona grading and paving Adventureland Drive NE and 11th Avenue NE (RISE)

Resolution #6-16-2008 #02 RESOLUTION TO APPROVE THE CONTRACT AND BOND FOR THE CITY OF ALTOONA GRADING AND PAVING ADVENTURELAND DRIVE NE AND 11TH AVENUE NE (RISE)

Mayor Tim Burget explained this resolution is to approve the contract and bond for the City of Altoona grading and paving Adventureland Drive NE and 11th Avenue NE.

Council Member Stacey Warren motioned for approval subject to review by City Attorney Bob Laden. Council Member Riding seconded the motion.

Roll Call Vote:

Y Conkling Y Sloan 2 Riding 1 Warren Y Nolin (5-0)

11. Resolution making award of the Contract for the City of Altoona grading and paving Adventureland Drive NE and 11th Avenue NE (RISE)

Resolution #6-16-2008 #03 RESOLUTION MAKING AWARD OF THE CONTRACT FOR THE CITY OF ALTOONA GRADING AND PAVING ADVENTURELAND DRIVE NE AND 11TH AVENUE NE (RISE)

Mayor Tim Burget introduced this resolution, which would award the contract for the City of Altoona grading and paving Adventureland Drive NE and 11th Avenue NE. City Administrator Mark explained the City of Altoona received bids at 10:00 a.m. on June 10, 2008. Six bids were submitted. Eco-Tech Construction, LLC from Grimes, Iowa, submitted the low bid for this project in the amount of \$1,215,652.30. The RISE eligible cost (Division 1) totaled \$882,753.09 and the non-eligible costs (Division 2) totaled \$332,899.21.

Roll Call Vote:

Y Conkling 2 Sloan Y Riding 1 Warren Y Nolin (5-0)

12. Resolution to approve a commercial condominium regime to RJB Business Park Condominium

Resolution #6-16-2008 #04 RESOLUTION TO APPROVE A COMMERCIAL CONDOMINIUM REGIME TO RJB BUSINESS PARK CONDOMINIUM

Mayor Burget stated this resolution was to approve a commercial condominium regime to RJB Business Park Condominium. Property Manager Susan Chambers of Brad Johnson Investments located at 3329 109th Street, Urbandale, Iowa, explained the existing flex space commercial building at 1625 Adventureland Drive. Iowa State University Polk County Extension is seeking to purchase a portion of the building and is proposing a commercial condominium regime. This will split the building for ownership. The new owners will jointly pay for maintenance of the property. ISU Extension will own 12,000 square feet (minus the fire and utility common room) of the 21,000 square foot building.

Roll Call Vote:

2 Conkling Y Sloan 1 Riding Y Warren Y Nolin (5-0)

13. Resolution to approve Special Projects 2008/2009 funding requests

Resolution #6-16-2008 #05 RESOLUTION TO APPROVE SPECIAL PROJECTS 2008/2009 FUNDING REQUESTS

Mayor Burget explained this resolution would provide additional funding to Altoona organizations, which require financial assistance to complete projects of mutual benefit.

Roll Call Vote:

Y Conkling Y Sloan 2 Riding 1 Warren Y Nolin (5-0)

14. Consider approval of employment contracts for City Administrator and Police Chief

Mayor Burget stated that the contract for the City Administrator is up for renewal. The changes reflect additional money per month for car allowance and retirement planning.

Roll Call Vote:

Y Conkling Y Sloan 1 Riding 2 Warren Y Nolin (5-0)

Mayor Burget stated that the contract for the Police Chief is up for renewal. The changes reflect additional money per month for car allowance and 5 weeks of vacation per year.

Roll Call Vote:

Y Conkling 2 Sloan Y Riding 1 Warren Y Nolin (5-0)

15. Consent Agenda

- a) **Allow Bills**
- b) **Capital Project**
 - B1) **Pay App #3 – North I-80 Utility Extension – H&W Contracting, LLC - \$177,865.80**
 - B2) **Change Order #12 – 1st Avenue South Reconstruction – Eco Tech Construction, LLC - \$1,590.16**
 - B3) **Pay App #12 – 1st Avenue South Reconstruction – Eco Tech Construction, LLC - \$295,110.84**
- c) **Resolution approving ROW and or Easement and Permanent Underground Electric Line Easement for 34th Ave. Overhead Electric Relocation Project (Altoona Investors, LC)**
Resolution #6-16-2008 #06 RESOLUTION TO APPROVE ROW AND OR EASEMENT AND PERMANENT UNDERGROUND ELECTRIC LINE EASEMENT FOR 34TH AVE. OVERHEAD ELECTRIC RELOCATION PROJECT (ALTOONA INVESTORS, LC)
- d) **Resolution approving ROW and or Easement and Permanent Underground Electric Line Easement for 34th Ave. Overhead Electric Relocation Project (Wal-Mart)**
Resolution #6-16-2008 #07 RESOLUTION TO APPROVE ROW AND OR EASEMENT AND PERMANENT UNDERGROUND ELECTRIC LINE EASEMENT FOR 34TH AVE. OVERHEAD ELECTRIC RELOCATION PROJECT (WAL-MART)
- e) **Resolution approving ROW and or Easement and Permanent Underground Electric Line Easement for 34th Ave. Overhead Electric Relocation Project (Realty Income Corporation)**
Resolution #6-16-2008 #08 RESOLUTION TO APPROVE AND OR EASEMENT AND PERMANENT UNDERGROUND ELECTRIC LINE EASEMENT FOR 34TH AVE. OVERHEAD ELECTRIC RELOCATION PROJECT (REALTY INCOME CORPORATION)
- f) **Resolution approving a Transfer from the General Fund to the Road Use Fund**
Resolution #6-16-2008 #09 RESOLUTION TO APPROVE A TRANSFER FROM THE GENERAL FUND TO THE ROAD USE FUND
- g) **Resolution approving a Transfer from the CIP 309 Fund to the CIP 310 Fund**
Resolution #6-16-2008 #10 RESOLUTION TO APPROVE A TRANSFER FROM THE CIP 309 FUND TO THE CIP 310 FUND
- h) **Consider approval of Adventureland Park Fireworks Permit scheduled for July 4, 2008 at 9:45pm**
- i) **Consider approval of Prairie Meadows Fireworks Permit scheduled for July 3, 2008 at 10:00pm**
- j) **Consider approval of Cigarette Permits**
- k) **Consider approval of Waste Hauler Permits**
- l) **Consider approval of mowing contract with A+ Lawn & Landscape**

Roll Call Vote:

Y Conkling 2 Sloan Y Riding 1 Warren Y Nolin (5-0)

16. General Business Items/Reports and Updates

Council Member Conkling stated he appreciated the chance to attend the meeting in Washington D.C. and believe a lot had been accomplished by meeting with representatives and senators on several issues that effect the Des Moines Metro area and Altoona in particular. He also stated that there will be a groundbreaking ceremony on Thursday, June 19th for the Clay Elementary playground.

17. Adjourn

Roll Call Vote: at 7:10 p.m.

1 Conkling Y Sloan Y Riding 2 Warren Y Nolin (5-0)

Attest to:

Amy S. Hill, Secretary

Timothy J. Burget, Mayor