

**CITY OF ALTOONA COUNCIL MEETING
MONDAY, SEPTEMBER 15, 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, Denny Parker, Jerry Whetstone, Amy Hill, City Attorney Bob Laden

Audience Present: Brent Culp, Sarah Burnett, Helen Blaney, Jim Blaney, Chris Lynn, Dick Nesselroad, James Sharp, Jason Johnstad, John Roach, Kelli Schaefer, David Bond, Darcy Emehiser, Dee Petrie, Tom Hockensmith

2. Perfecting and approval of the agenda

Roll Call Vote:

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

3. Approval of September 2 and 8, 2008 Council Minutes

Roll Call Vote:

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

4. Citizens request to address council

Helen Blaney, 107 2nd St. SE, Altoona, came forward to speak about scam on magnetic courtesy cards. The company selling them calls and asks if you would like to buy some magnetic courtesy cards that contain emergency numbers for the community you live in.

Dick Nesselroad, 202 9th St. NW, Altoona, wanted to express his appreciation for the lights on the NW water tower. He also requested that next time the lines are painted that we stagger the lines at intersection so that people turning right do not have to pull out so far to see around the left hand turn lane.

5. Public Hearing to consider an ordinance amendment to Chapter 63 for a 25 MPH speed limit on Center Place SW

Mayor Tim Burget introduced a public hearing to add Center Place SW from 8th Street SW to 5th Avenue SW, to Chapter 63 of the Code of Ordinances. The construction of the street is complete and the roadway has been accepted. The recommendation is to set the speed limit at 25 MPH.

Open Hearing at 6:41 pm

Public Comment: no one came forward to speak

Close Hearing at 6:42 pm

6. Ordinance amendment to Chapter 63 for a 25 MPH speed limit on Center Place SW (1st Reading)

ORDINANCE NO. 9-15-2008 #1 (286) AMENDMENT TO CHAPTER 63 FOR A 25 MPH SPEED LIMIT ON CENTER PLACE SW (1st Reading)

Roll Call Vote: (1st reading)

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

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

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

Roll Call Vote: (to publish)

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

7. **Public Hearing to consider an ordinance amendment to Chapter 63 to create a special 30 MPH speed zone for 11th Avenue NE**
Mayor Burget stated this public hearing is for the addition of Eleventh Avenue NE from Adventureland Drive NE to the southern extension of the road. This is the new street constructed to serve the Merchants Warehouse and the rail spur. The recommended speed limit for Eleventh Avenue NE is 30 MPH.
 Open Hearing at 6:43 pm
 Public Comment: no one came forward to speak
 Close Hearing at 6:44 pm
8. **Ordinance amendment to Chapter 63 to create a special 30 MPH speed zone for 11th Avenue NE (1st Reading)**
ORDINANCE NO. 9-15-2008 #2 (287) AMENDMENT TO CHAPTER 63 TO CREATE A SPECIAL 30 MPH SPEED ZONE FOR 11TH AVENUE NE (1st Reading)
 Roll Call Vote: (1st reading)
Y Conkling 2 Sloan Y Riding 1 Warren Y Nolin (5-0)
 Roll Call Vote: (Waive 2nd & 3rd reading)
Y Conkling 1 Sloan Y Riding 2 Warren Y Nolin (5-0)
 Roll Call Vote: (to publish)
Y Conkling 2 Sloan Y Riding 1 Warren Y Nolin (5-0)
9. **Public Hearing to consider an ordinance amendment to Chapter 65 Stop Signs to place stop signs at existing intersections, mainly throughout the SE and SW quadrants of the City**
Mayor Burget explained this public hearing is for the consideration of adding 80 plus stop signs throughout the city. These locations are in newer subdivisions where we have received numerous inquires as to the need for stop signs. These affected locations were originally planned to be uncontrolled intersections, which would require drivers to yield the right of way to on coming traffic.
 Open Hearing at 6:46 pm
 Public Comment: no one came forward to speak
 Close Hearing at 6:47 pm
10. **Ordinance amendment to Chapter 65 Stop Signs to place stop signs at existing intersections, mainly throughout the SE and SW quadrants of the City (1st Reading)**
ORDINANCE NO. 9-15-2008 #3 (288) AMENDMENT TO CHAPTER 65 STOP SIGNS TO PLACE STOP SIGNS AT EXISTING INTERSECTIONS, MAINLY THROUGHOUT THE SE AND SW QUADRANTS OF THE CITY (1st Reading)
 Roll Call Vote: (1st reading)
2 Conkling Y Sloan Y Riding Y Warren 1 Nolin (5-0)
 Roll Call Vote: (Waive 2nd & 3rd reading)
Y Conkling 2 Sloan Y Riding 1 Warren Y Nolin (5-0)
 Roll Call Vote: (to publish)
Y Conkling 2 Sloan Y Riding 1 Warren Y Nolin (5-0)
Community Services Director Vern Willey stated that due to the amount of stop signs needing to be placed the process will take a couple of weeks.
11. **Public Hearing to consider an ordinance amendment to Chapter 57 Dangerous and Vicious Animals**
Mayor Burget explained that Section 57.08 has been replaced with the model ordinance recommended by the Metro Advisory Council. Per council's request, the reference to breed specific dogs has been inserted into the language of this section. In addition, language has been added

allowing the potentially dangerous dog determination requirements to be lifted or a portion of the requirements to be lifted. Staff is working on a list of dog professional for council's consideration for appointment to the review committee.

Open Hearing at 6:50 pm

Public Comment:

David Bond, 1025 6th St. NW, Altoona, spoke in reference to his dog, which has been labeled a dangerous dog under the City of Altoona current ordinance. He had a couple of questions in regards to the new ordinance. The first was in reference to Section 1h(1) in regards to the wording, "...less severe than a serious injury." What if the dog is excitable but not necessarily dangerous and injures someone accidentally? City Administrator Jeff Mark stated that this would be something the dog owner could bring forward to the review committee. Mr. Bond next asked about Section 7c in reference to, "Fail to maintain a dangerous dog exclusively on the owner's property as required except for medical treatment or examination, or permitting a dangerous dog to be outside of proper confinement without being properly leashed and muzzled or caged for transportation." Mr. Bond asked would this mean a dog would not be allowed to be walked off an owner's property? City Administrator Mark explained the Mr. Bond would be able to bring his dog up for review with the new ordinance. City Attorney Bob Laden stated Mr. Bond's dog currently falls under the old ordinance until the new ordinance is put in place at which time he can have the committee review his case and make recommendations to the City Council.

Darcy Emehiser, 200 SE 108th St., Runnells, is the owner and trainer at Rovers Ranch Dog Park and Training Center. She stated that she works with reactive and aggressive dogs and is concerned the ordinance names dog specific breeds. She is also concerned that more breeds may be added. Mayor Tim Burget stated that since the dangerous dog ordinance was passed last year the same three breeds have been listed and at no time in this process to update the ordinance has there been any discussion to add more dog breeds to the list. Ms. Emehiser asked how the three breeds were determined to begin with. Mayor Burget stated that the council looked at several studies across the US. The list was originally much larger and the council was able to limit to only 3 breeds.

Close Hearing at 7:08 pm

***** Council Member Michelle Sloan excused herself at 7:08pm *****

12. Ordinance amendment to Chapter 57 Dangerous and Vicious Animals (1st Reading)

ORDINANCE NO. 9-15-2008 #4 (289) AMENDMENT TO CHAPTER 57 DANGEROUS AND VICIOUS ANIMALS (1st Reading)

Council Member Gerald Nolin was curious if other communities have breed specific language included in their ordinances. Mayor Burget responded that Altoona is the first community to adopt the dangerous dog ordinance and also the first to adopt the MAC council recommendations on wording, which is included with this amendment. Mayor Burget also stated that the audience members make a every good point that as dog owners we are responsible for not only the protection our dogs but also our neighbors. Unfortunately, the dogs are the ones caught in the middle when dog owners don't take proper care of the animals and the government has to protect the public. Mayor Burget recommend that only the 1st reading be passed tonight so the council and the public have a chance to review what has been discussed.

Roll Call Vote: (1st reading)

1 Conkling A Sloan Y Riding 2 Warren Y Nolin (4-0)

13. Semi-annual update from Polk County Supervisor Tom Hockensmith

Polk County Supervisor Tom Hockensmith presented an update to the council on the activities of the Polk County Supervisors in regards to County projects and policies.

14. Consideration of request for Waiver of Architectural Design Standards for Olde Town Tap, 121 2nd Street SE

Mayor Burget explained that Jason Johnstad with the Old Town Tap is seeking a waiver of the Architectural Design Standard for a proposed “outdoor patio”. Jason Johnstad, 125 7th Ave. Ct NE, Altoona, explained his plan is to convert the south 2/3 of the detached garage on the property to a smoking designation under the State’s no smoking regulations. He stated that the opening to the patio would face south towards the back of the current bar to limit noise exposure to the neighborhood and shield the residents and the patrons from each other. He will also be requesting an outdoor beer and liquor license for the patio. John Roach, 200 7th St. NW, Altoona, stated he has been working with Mr. Johnstad on this project and explained the exit from the patio would be emergency exit only and the replaced garage doors would be insulated for sound. Kelli Schaefer, 201 2nd St. SE, Altoona, is a neighbor to the west of the bar explained her concerns in regards to expanding service for the bar. Mrs. Schaefer presented information in regards to disturbances in the neighborhood from bar patrons that have only increased since the smoking ban has gone into effect in July. Police Lieutenant Denny Parker stated that from September 1, 2006, through September 10, 2008, there have been 12 calls to Old Town Tap. Six of the calls resulted in cases and two cases resulted in arrests. Mayor Burget asked how this compares to other bars in Altoona. Lieutenant Parker stated that in his opinion there were fewer incidences compared to other Altoona establishments. He did say that these calls were only to the bar themselves and not the surrounding neighborhood. Jim Blaney, 107 2nd St. SE, Altoona, stated he had nothing against the owner but the business doesn’t exactly work conducive to a residential neighborhood area. He stated he would like to see the bar remain the same as it currently. Dee Petrie, 203 2nd St. SE, Altoona, stated that there are times when patrons of the bar can get loud while talking on their cell phones and smoking. She stated that the advantage of an outdoor patio would be the patrons would be contained rather than wandering the neighborhood. Mayor Burget stated it appeared that there are two separate issues. The first issue is it appears that patrols need to be increased in the area around to Old Town Tap to help remind patrons that they are within a residential neighborhood. The second issue is simply that the Mr. Johnstad is asking for a waiver from architectural standards. Council Member Warren asked Community Development Director John Shaw to correct her if she was wrong but Mr. Johnstad would still be allowed to make an outdoor patio without council approval if he was willing to put up the 60% brick-facing requirement. Community Development Director Shaw stated that was correct. Mr. Johnstad explained that he does want to be a good neighbor and is believes that by creating the patio the patrons that would normally wander up and down the sidewalk smoking and talking on cell phones will have a place that keeps them away from the neighbors. Council Member Warren moved to table the decision to be able to review the plans and discussion before voting on it on Monday, October 6, 2008. Council Member Skip Conkling stated that he would not be in attendance at the next meeting but he would not be voting on the issue due to a conflict of interest since his business is located in Old Town. Council Member Nolin seconded the motion to table the vote until next regularly scheduled council meeting.

Roll Call Vote:

Y Conkling A Sloan Y Riding 1 Warren 2 Nolin (4-0)

15. Consider resolution to approve paying Eco-Tech Contractors, LLC. for work performed for Ironwood Crossing, LLC.

Resolution #9-15-2008 #01 RESOLUTION TO APPROVE PAYING ECO-TECH CONTRACTORS, LLC. FOR WORK PERFORMED FOR IRONWOOD CROSSING, LLC.

Mayor Burget stated this resolution is to approve paying Eco-Tech Contractors, LLC to perform work for Ironwood Crossing, LLC. City Administrator Mark explained that the intent of the resolution is to ensure that the developer makes timely payments to the contractor for work performed on behalf of the City of Altoona. Eco-Tech will be installing the 24th Street that is adjacent to city property where Ironwood Park will be located. The resolution requires that the

payments for work performed on this project be made out in the names of both the developer and the contractor.

Roll Call Vote:

2 Conkling A Sloan 1 Riding Y Warren Y Nolin (4-0)

16. Consider approval of snow removal contract between City of Altoona and Polk County

Mayor Burget stated the purpose of this agreement is to specify which roads the Polk County and the City of Altoona will maintain. City Administrator Mark explained in past years the agreement provided for Polk County to maintain 8th Street thru Altoona and for the City of Altoona to maintain certain roads under Polk County's jurisdiction but on the boundaries of Altoona. The most substantial change to this year's agreement is that the City of Altoona will now handle snow removal on 8th Street and fewer miles of Polk County owned roadway. Council approved the purchase of an additional plow truck to perform this task. Since the lane miles are similar, there will not be charge for service to the City of Altoona.

Roll Call Vote:

Y Conkling A Sloan Y Riding 1 Warren 2 Nolin (4-0)

17. Consider request of Olde Towne Business Association would like to sponsor Christmas in Olde Town.

Mayor Burget explained that Olde Town Altoona Business Association was requesting to sponsor Christmas in Olde Town. Helen Blaney said the event's proposed date is November 28th, the day after Thanksgiving. Mrs. Blaney stated the events planned are similar to the previous years activities. Council Member Warren motioned approval subject to the Olde Town Business Association providing the City of Altoona with an insurance certificate for general liability coverage and times to be determined on closure of 2nd Street SE.

Roll Call Vote:

P Conkling A Sloan 2 Riding 1 Warren Y Nolin (3-0)

18. Consent Agenda

a) **Allow Bills**

b) **Capital Project**

B1) Pay App #1 – 34th Avenue SW conduit Installation Project – Communications Technologies, Inc. - \$65,287.56

B2) Pay App #3 – Grading & Paving of Adventureland Dr. NE and 11th Ave. NE – Eco Tech Construction, LLC - \$488,370.73

B3) Pay App #6 – North I-80 Utility Extension – Division 1 – H&W Contracting, LLC - \$130,864.80

Roll Call Vote:

Y Conkling A Sloan 2 Riding 1 Warren Y Nolin (4-0)

19. Beer and Liquor Permits

a) **Old Town Tap - Class C – Commercial Liquor – subject to inspections**

Council Member Conkling motioned to table until Monday, October 6, 2008. Council Member Riding seconded the motion.

Roll Call Vote:

1 Conkling A Sloan 2 Riding Y Warren Y Nolin (4-0)

20. General Business Items/Reports and Updates

Council Member Riding stated that the Campus was closing up Aquatics Park for the season.

Council Member Conkling stated that the Financial Budget Team met for DART. The next DART Committee meeting will be held on Wednesday September 17, 2008.

Mayor Burget stated that there would be a joint meeting with Pleasant Hill council on Tuesday, September 16, 2008, to discuss the Joint Sports Youth Complex at 6:00pm. Mayor Burget also stated that the Historical Building had the front of the building's mortar replaced and the company did a wonderful job. The Historical Society received a grant from Prairie Meadows to cover the cost of the repair. The roof will be repaired next with about half of the cost being covered by insurance.

Community Services Director Willey stated that the City of Altoona had been awarded a REAP grant in the amount of \$125,000 which help fund the construction of Prairie Heritage wetland area. Mr. Willey also stated that the poles have been removed from 1st Avenue South. The final step is for the contractor to grade some areas and reseed areas.

21. Adjourn

Roll Call Vote: at 8:13 p.m.

1 Conkling A Sloan Y Riding 2 Warren Y Nolin (4-0)

Attest to:

Amy S. Hill, Secretary

Timothy J. Burget, Mayor