

**CITY OF ALTOONA COUNCIL MEETING
MONDAY, APRIL 19, 2010, 6:30 P.M.
AT THE ALTOONA CITY HALL**

1. CALL TO ORDER

Roll Call at 6:31 p.m.

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

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

Audience Present: Brent Culp, Mike Beckett, Bob Johnston, Mattia Hansen, Dennis Keller, Kelly Cole, Haley Thayer, Alan McK_hertz, Bill Pollard, Marcia Roth, Ralph Roth, Dennis Barber, Cassie Lahmann, Mark Gravih, Nichole Gravih, Michael Maevis, Austin Morris, Helen Blaney, Derrick Sander, Krista Kielsmeier, Merve Pompetzki, Sugar Willinan

2. Mayoral Proclamations

- a) **2010 Arbor Day** – Mayor Tim Burget announced the annual celebration on Saturday, April 24th at Enabling Gardens.
- b) **National Historic Preservation Month** – Mayor Burget proclaimed May 2010 as National Historic Preservation Month

Roll Call Vote:

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

3. Perfecting and approval of the agenda

Mayor Burget requested to approve the agenda as presented.

Roll Call Vote:

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

4. Approval of April 5 and 12, 2010, Council Minutes

Mayor Burget requested a motion to approve minutes as presented.

Roll Call Vote:

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

5. Citizens request to address council

*Mike Beckett – 1812 3rd Avenue SE – came as a representative of the Country Cove Homeowners Association. Mr. Beckett would like the council and staff to consider changing the ordinances to be clear on the process of transferring the homeowner associations from the developer to the homeowners.

*Dennis Barber – 4339 NE 114th Street, Mitchellville, requested the council to consider allowing him to sell ice-cream from his truck

*Adam McRoberts - 402 10th Avenue NW, presented the proposed budget for Altoonapalooza.

*Joe Pietruszynski – 6900 Westown Pkwy, West Des Moines - representing Hubbell Realty Company in regards to the previous comments from Mr. Beckett on the Country Cove homeowners association issue.

6. Public hearing to consider a request from Tuscany Reserve LLC to amend the comprehensive plan land use map to change approximately 20.5 acres from low density residential to medium density residential (Tracts 6 & 7 of the PUD)

Mayor Burget explained the developer, Tuscany Reserve LLC, is requesting an amendment to the comprehensive plan land use map. The property is located south of 8th Street SE, and east of 14th Avenue SE, (80th Street in the county). Joe Pietruszynski, representing Hubbell Realty, explained the property is zoned R-5 (PUD). The original plan called for large single-family lots on the north side of the development. Hubbell is requesting to reduce the lot size for approximately 20.5 acres on tracts 6 and 7 to allow for smaller lots.

Open Hearing at 6:45 pm

Public Comment: No one came forward to speak.

Close Hearing at 6:47 pm

7. **Resolution to approve a comprehensive plan land use map amendment for 20.5 acres in Tuscany Reserve from low density residential to medium density residential**

Resolution #4-19-2010 #01 RESOLUTION TO APPROVE A COMPREHENSIVE PLAN LAND USE MAP AMENDMENT FOR 20.5 ACRES IN TUSCANY RESERVE FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL

Roll Call Vote:

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

8. **Public hearing to consider a request from Tuscany Reserve LLC to amend the Tuscany development plan to increase density in Tracts 6 & 7, reduce the lot widths, and change location of some large single-family lots**

Mayor Burget stated in conjunction with the previous item, the developer is also seeking an amendment to the Tuscany Development Plan to increase density in tracts 6 and 7, to reduce the lot widths, and change the location of some of the large single-family lots. The proposed Development Plan would change the minimum lot width from 60 feet to 55 feet and to allow single-family detached "Villas". Lastly, this plan proposes to shift the large lots from Tracts 6 & 7 to Tracts 1, 2, 4, and 5. The current plan has 58 large lots and the proposed plan shows 57 large lots.

Open Hearing at 6:48 pm

Public Comment: No one came forward to speak.

Close Hearing at 6:49 pm

9. **Resolution to approve a development plan amendment for Tuscany Reserve to increase density in Tracts 6 & 7, reduce lot widths, and change the location of some large single-family lots**

Resolution #4-19-2010 #02 RESOLUTION TO APPROVE A DEVELOPMENT PLAN AMENDMENT FOR TUSCANY RESERVE TO INCREASE DENSITY IN TRACTS 6 & 7, REDUCE LOT WIDTHS, AND CHANGE THE LOCATION OF SOME LARGE SINGLE-FAMILY LOTS

Roll Call Vote:

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

10. **Resolution to approve a preliminary plat for Tuscany Plat 2**

Resolution #4-19-2010 #03 RESOLUTION TO APPROVE A PRELIMINARY PLAT FOR TUSCANY PLAT 2

Mayor Burget explained the developer Tuscany Reserve LLC is requesting preliminary plat approval for a portion of re-platted Plat 1. This plat will increase density by creating smaller, narrower lots. The original plat showed 25 large lots in this plat area where 43 are proposed now, and the minimum lot width will be reduced to 55 feet from the original 60 feet. The plat is 15.79 acres in size and includes some prairie open space.

Roll Call Vote:

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

- 11. Public hearing to consider development agreement with Prairie Meadows**
Mayor Burget explained the agreement is between the City of Altoona and Prairie Meadows Race Track and Casino, Inc. City Administrator Jeff Mark explained the agreement is for the construction of a hotel with 177 sleeping rooms and a taxable valuation of at least \$10,000,000. In exchange, the City of Altoona agrees to economic development grant payments to Prairie Meadows \$200,000 per year for ten years, for a total not to exceed \$2,000,000. All payments are subject to annual appropriation action by the City Council. The city's Bond Counsel, Robert Josten prepared the agreement and has approved its execution.
Open Hearing at 6:51 pm
Public Comment: No one came forward to speak.
Close Hearing at 6:52 pm
- 12. Resolution to approve development agreement with Prairie Meadows Race Track and Casino, Inc. and authorizing annual appropriation economic development grant payments**
Resolution #4-19-2010 #04 RESOLUTION TO APPROVE DEVELOPMENT AGREEMENT WITH PRAIRIE MEADOWS RACE TRACK AND CASINO, INC. AND AUTHORIZING ANNUAL APPROPRIATION ECONOMIC DEVELOPMENT GRANT PAYMENTS
Roll Call Vote:
2 Mertz Y Sloan 1 Riding Y Warren Y Nolin (5-0)
- 13. Resolution to approve a preliminary plat for Altoona Business Park Plat 1**
Resolution #4-19-2010 #05 RESOLUTION TO APPROVE A PRELIMINARY PLAT FOR ALTOONA BUSINESS PARK PLAT 1
Mayor Burget stated the owner, Johnston Development Company, is requesting preliminary plat approval for the Altoona Business Park Plat 1. The property is located on the SW corner of 1st Avenue North and 2nd Street NW. The plat is 2.45 acres in size and consists of two lots. Lot 1 will be for the existing building and designed as a flag lot, connecting to 1st Avenue North. Most of lot 1 is zoned M-1 (Limited Industrial), with the flag portion being zoned C-2 (General Commercial). Lot 2 is completely zoned C-2.
Roll Call Vote:
Y Mertz Y Sloan 1 Riding Y Warren 2 Nolin (5-0)
- 14. Consider request from Hy-Vee to hold an event "Music on the Plaza" in the Civic Plaza on Friday evenings, May 21-June 25, 2010 from 5-8 pm**
Mayor Burget explained the plans for an event to be held at the Altoona Civic Plaza. Jim Raes, representing Hy-Vee, 108 8th St. SW, Altoona, explained they are calling the event "Music on the Plaza". They are proposing to hold six events – May 21st, May 28th, June 4th, June 11th, June 18th, and June 25th. The first event will start at 5:00pm with a ribbon cutting for the new plaza. Hy-Vee is pursuing a Class C special events license and dram shop insurance for the operation of a beer tent. This will require council approval as well. Hy-Vee is looking into fencing requirements and is working with city staff to monitor the area where beer can be consumed.
Brian Hotze, co-owner of Pizza Ranch located at 465 Center Place SW, Altoona, stated he would be interested in participating in an event like this but at this point would not be able to share Pizza Ranch parking due to an overflow of business on Fridays. City Administrator Mark stated staff would contact Mr. Hotze for the next meeting planned with Hy-Vee to discuss the event.
Roll Call Vote:
Y Mertz 2 Sloan 1 Riding Y Warren Y Nolin (5-0)
- 15. Consider request from Ironclad Tattoos to have a band play on their rear patio for their grand opening celebration, Saturday, May 8, 2010 from 6-8 pm**
Mayor Burget stated the owners are requesting to have a band on their back patio as part of their grand opening celebration. The band will play from 6-8 pm on Saturday evening. Adam Curry, co-

owner of Ironclad Tattoos, located at 103 2nd Street SE, stated the wish to sponsor a band to play on the back patio. Mr. Curry spoke with his neighbors and stated they were fine with the event. Mayor Burget reminded him to point the speakers north and talk with Police Chief John Gray in regards to parking.

Roll Call Vote:

Y Mertz _2_ Sloan _1_ Riding _Y_ Warren _Y_ Nolin (5-0)

16. Consider request for Bike Night at Fireside Grille on Monday evenings from 6-9 pm beginning May 3 – September 6, 2010

Mayor Burget explained that again this year, Fireside Grille is proposing to hold Bike Night on Monday evenings. This year they are proposing to end on Labor Day, instead of extending into October as the past year. They are proposing the same area and activities. They have submitted letters from neighboring property owners allowing the extra parking space. Staff mailed notices to neighbors informing them about Monday's meeting.

Roll Call Vote:

2 Mertz _Y_ Sloan _Y_ Riding _1_ Warren _Y_ Nolin (5-0)

17. Consent Agenda

a) **Allow Bills**

b) **Capital Project**

B1) Pay App #6 – Altoona Soccer Park – Phase 1 – Elder Corporation - \$342.00

c) **Resolution to approve requests for tax abatement**

Resolution #4-19-2010 #06 RESOLUTION TO APPROVE REQUESTS FOR TAX ABATEMENT

d) **Resolution to approve an animal control cooperative service agreement**

Resolution #4-19-2010 #07 RESOLUTION TO APPROVE AN ANIMAL CONTROL COOPERATIVE SERVICE AGREEMENT

e) **Set a public hearing on Monday, May 3, 2010, at 6:30pm to amend chapter 45.02.2 of City of Altoona Code of Ordinances – Public Consumption of Alcohol**

Roll Call Vote:

Y Mertz _Y_ Sloan _Y_ Riding _1_ Warren _2_ Nolin (5-0)

18. Beer & Liquor Permits

a) **Bianchi Boys Pizza – Class B (Beer and wine coolers)**

Police Chief Gray stated that there were no violations at this establishment.

Roll Call Vote:

Y Mertz _2_ Sloan _Y_ Riding _1_ Warren _Y_ Nolin (5-0)

b) **Bosselman Travel Center – Class C (Commercial – Beer)**

Police Chief Gray stated that there were no violations at this establishment.

Roll Call Vote:

1 Mertz _Y_ Sloan _Y_ Riding _2_ Warren _Y_ Nolin (5-0)

c) **Walgreens – Class C (Commercial – Beer)**

Police Chief Gray stated that there were no violations at this establishment.

Roll Call Vote:

Y Mertz _Y_ Sloan _Y_ Riding _2_ Warren _1_ Nolin (5-0)

d) **Rich's Sports Bar & Grille – Class C (Liquor)**

Police Chief Gray stated that there were no violations at this establishment.

Roll Call Vote:

2 Mertz _1_ Sloan _Y_ Riding _Y_ Warren _Y_ Nolin (5-0)

e) **Fireside Grille – Bike Night – extended outdoor service**

Police Chief Gray stated that there were no violations at this establishment.

Roll Call Vote:

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

19. General Business Items/Reports and Updates

*Council Member Michelle Sloan updated the council on the MPO policy meeting in regards to exit 142.

*Mayor Burget invited the entire council to the Mayor's Meeting on the 2nd Wednesday in May. He will forward some more information when he gets it.

*City Administrator Mark explained that administration had reached an impasse with the Police Union. A mediator will be brought in for the next step in the process.

20. Adjourn

Roll Call Vote at 7:08 pm:

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

Attest to:

Amy S. Hill, Secretary

Timothy Burget, Mayor