

**CITY OF ALTOONA COUNCIL MEETING
MONDAY, JUNE 7, 2010, 6:30 P.M.
AT THE ALTOONA CITY HALL**

1. CALL TO ORDER

Roll Call at 6:30 p.m.

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

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

Audience Present: Brent Culp, Lisa Stuart, Kacie Capps, Norma Stuart, David Stuart, John Robinson, Laurie DeHaai, Terry O'Connor, Peggy Harmeyer, Mark L. Dykstra, Donovan Hill, Krista Kielsmeier, Lloyd Sievers

2. Perfecting and approval of the agenda

Mayor Burget requested to approve the agenda as presented.

Roll Call Vote:

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

3. Approval of May 17, 2010, Council Minutes

Mayor Burget requested a motion to approve minutes as presented.

Roll Call Vote:

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

4. Citizens request to address council

No one came forward to speak

5. Public hearing for an amendment to City of Altoona Code of Ordinances for Fat, Oil and Grease requirements

Mayor Burget explained the WRA is requiring all member communities to amend their Code of Ordinances for the regulation of Fat, Oil and Grease Discharge by Food Establishments. The changes simplify grease interceptor sizing, clarify the procedures for obtaining exceptions for economic hardship, allow installation of 5,000 gallon interceptor tanks which are now available in the metropolitan area and correct ambiguities in the ordinance previously passed by the WRA. Board in December 2005.

Open Hearing at 6:32 pm

Public Comment: No one came forward to speak.

Closed Hearing at 6:33 pm

6. Ordinance amending the Code of Ordinances of the City of Altoona, Iowa, 2004, by amending provisions pertaining to Fat, Oil and Grease discharge by food service establishments (1st Reading)

ORDINANCE NO. 6-7-2010 #1 (320) AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALTOONA, IOWA, 2004, BY AMENDING PROVISIONS PERTAINING TO FAT, OIL AND GREASE DISCHARGE BY FOOD SERVICE ESTABLISHMENTS

Roll Call Vote: (1st Reading)

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

7. Public Hearing to consider vacating certain Public Utility Easements in Tuscany Plat 1

Mayor Burget explained Hubbell's desire to re-plat portions of Tuscany, some public utility easements need to be vacated and relocated. City Administrator Jeff Mark stated Hubbell has not yet been able to secure the sign-offs from the utility companies.

Council Member Kyle Mertz moved to continue the public hearing to the June 21, 2010, council meeting. Council Member Stacey Warren seconded the motion.

Roll Call Vote:

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

8. Ordinance amending the Code of Ordinances of the City of Altoona, Iowa, 2004, by creating a stormwater utility ordinance (2nd Reading)

ORDINANCE NO. 5-17-2010 #1 (321) AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALTOONA, IOWA, 2004, BY CREATING A STORMWATER UTILITY ORDINANCE

Mayor Burget stated the purpose of the ordinance is to establish a stormwater utility to be responsible for stormwater management within the City of Altoona. This ordinance does not set or establish rates for the utility. A separate ordinance will be created (similar to how the water and sanitary sewer rates are set), to set the stormwater utility rates. The stormwater utility and the related fees can be ready for implementation in January of 2011.

Roll Call Vote: (2nd Reading)

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

Roll Call Vote: (Waive 3rd Reading)

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

Roll Call Vote: (To publish)

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

9. Ordinance amending the code of ordinances of the City of Altoona, Iowa, 2004, by amending provisions pertaining to public consumption of alcohol (2nd Reading)

ORDINANCE NO. 5-3-2010 #1 (320) AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALTOONA, IOWA, 2004, BY AMENDING PROVISIONS PERTAINING TO PUBLIC CONSUMPTION OF ALCOHOL

Mayor Burget explained this is the proposed amendment to the Code of Ordinances, chapter 45.02.2. This amendment would allow persons to consume beer or wine within a rental shelter or event area in a City park, provided they follow all applicable rules and regulations set forth by the Alcohol Responsibility Agreement. Local residents voiced their opinions against allowing alcohol at the city parks. Council Member Warren motioned to deny the ordinance amendment. Council Member Gerald Nolin seconded the motion.

Roll Call Vote:

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

**10. Resolution to approve a site plan addition to Willowbrook Elementary School
Resolution #6-7-2010 #01 TO APPROVE A SITE PLAN ADDITION TO WILLOWBROOK ELEMENTARY SCHOOL**

Mayor Burget stated a roughly 10,000 square foot addition is proposed at Willowbrook Elementary. It consists of a new gym, storage, vocal music, band room and computer lab.

Roll Call Vote:

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

**11. Resolution to approve a site plan for Casey's General Store at 170 36th Avenue SW
Resolution #6-7-2010 #02 TO APPROVE A SITE PLAN FOR CASEY'S GENERAL STORE AT 170 36TH AVENUE SW**

Mayor Burget explained Casey's is proposing to construct a new store on the southwest corner of 36th Avenue SW and Hubbell Avenue, on an outlot of the Menards development. The site is 1.81

acres in size and has an address of 170 36th Avenue SW. The construction will include a new convenience store and gas canopy. Council Member Mertz motioned approval subject to final approval of paperwork. Council Member Michelle Sloan seconded the motion.

Roll Call Vote:

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

12. **Consider request from Prairie Meadows to conduct fireworks display on Saturday, July 3 at approximately 10:00pm with a rain date of Sunday, July 4th**

Roll Call Vote:

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

13. **Consider request from Adventureland Amusement Park to conduct fireworks display on Sunday, July 4th at approximately 9:45pm**

Roll Call Vote:

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

14. **Resolution to waive review of Plat of Survey – Parcel “D” of the East 50 acres of the West ½ of the SE ¼ of Section 32, Township 79 North, Range 22 West of the 5th PM
Resolution #6-7-2010 #03 TO WAIVE REVIEW OF PLAT OF SURVEY – PARCEL “D” OF THE EAST 50 ACRES OF THE WEST ½ OF THE SE ¼ OF SECTION 32, TOWNSHIP 79 NORTH, RANGE 22 WEST OF THE 5TH PM**

Mayor Burget explained we have received a request for a Plat of Survey for a 20.04 acre parcel that is located east of NE 80th Street and south of NE 27th Avenue. City Administrator Jeff Mark stated the property is within Altoona’s two-mile review limit. However, staff is recommending Council waive review of the plat since the property is within the Pleasant Hill Urban Services Area (under the 2004 agreement between Altoona and Pleasant Hill).

Roll Call Vote:

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

15. **Consider agreement for cooperative service between Polk County, Iowa, and City of Altoona, Iowa, for resurfacing on NE 38th Avenue from NE 72nd Street to NE 80th Street**

Mayor Burget stated the purpose of this agreement is to establish the terms and conditions between the County and the City for the hot mix asphalt resurfacing of NE 38th Avenue (24th Street SW) from NE 72nd Street (1st Avenue SW) to NE 80th Street. The total estimated cost of the project is \$164,000. Altoona’s estimated share is \$60,680.

Roll Call Vote:

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

16. **Consider agreement for cooperative service between Polk County, Iowa, and City of Altoona, Iowa, for resurfacing of NE 64th Street (17th Avenue SW) from NE 46th Avenue (8th Street SW) to Hwy 163**

Mayor Burget explained the purpose of this agreement is to establish the terms and conditions between the County and the City for the hot mix asphalt resurfacing of NE 64th Street (17th Avenue SW) from NE 46th Avenue (8th Street SW) to Highway 163. The total estimated cost of the project is \$ 514,960. Altoona’s estimated share is \$54,120.

Roll Call Vote:

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

17. **Consent Agenda**

a) **Allow Bills**

b) **Capital Projects**

- B2) **Change Order #1 – Soccer Complex Phase 2 – Elders Corporation – \$281,846.77**
- B3) **Change Order #2 – Rail Spur – Reilly Construction Co., Inc. - \$51,265.30**
- B4) **Change Order #3 – Rail Spur – Reilly Construction Co., Inc. - \$20,608.94**
- B5) **Change Order #4 – Rail Spur – Reilly Construction Co., Inc. - \$28,528.50**
- B6) **Pay App #5 – Adventureland Drive NW – Phase 2 – Manatts, Inc. - \$28,058.78**
- B7) **Pay App #4 – Grading & Iowa Cold Storage Rail Spur Construction – Midwest I, LLC. - \$110,274.81**
- e) **Resolution to set a public hearing for Monday, June 21, 2010, at 6:30pm to fix a date of meeting at which it is proposed to take action for the issuance and sale of not to exceed \$4,000,000 General Obligation Urban Renewal Corporate Purpose Bonds, Series 2010B**
Resolution #6-7-2010 #04 TO SET A PUBLIC HEARING FOR MONDAY, JUNE 21, 2010, AT 6:30PM TO FIX A DATE OF MEETING AT WHICH IT IS PROPOSED TO TAKE ACTION FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$4,000,000 GENERAL OBLIGATION URBAN RENEWAL CORPORATE PURPOSE BONDS, SERIES 2010B

Roll Call Vote:

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

*Council Member Joe Riding requested the following three items be voted on separately from the consent agenda.

- B1) **Change Order #2 – Soccer Complex Phase 1 – Elders Corporation – additional 18 days**
Council Member Riding asked if Elder Corp. was agreeable to the requests that Genus suggested.
Public Works Superintendent Aaron Putnam stated Elders Corp. was amendable to all the requests.

Roll Call Vote:

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

- c) **Consider approval of league lease with the Adult Sand Volleyball League**

Roll Call Vote:

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

- d) **Consider purchase of 7783 NE 38th Avenue, Altoona, Iowa for \$123,500.00**

Council Member Warren motioned approval subject to corrections being approved by City Attorney. Council Member Sloan seconded the motion.

Roll Call Vote:

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

18. Beer & Liquor Permits

- a) **Being There Coffee House – Class B (Beer)**

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

Roll Call Vote:

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

19. General Business Items/Reports and Updates

*Council Member Sloan shared the positive feedback she has heard about Music on the Plaza.

*Council Member Warren shared that new members would be adding new members to BRAVO.

20. CLOSED SESSION per Iowa Code 21.5(c) – Police Officers Union Contract

Roll Call Vote:

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

Return to Regular Session-Motion to return to regular session

Roll Call Vote:

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

21. Adjourn

Roll Call Vote at 7:50 pm:

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

Attest to:

Amy S. Hill, Secretary

Timothy Burget, Mayor