

**CITY OF ALTOONA COUNCIL MEETING  
MONDAY, SEPTEMBER 20, 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- absent

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

**Audience Present:** Brent Culp, Jerry Oliver, Jaime Stevens, Michael Garner, Susan Garner, Wes Enos, Bob Johnston, Ken Dales, Lois Dales, Kevin Barkemas, Barb Barkemas, Kari Aalbers

**2. Perfecting and approval of the agenda**

Mayor Tim Burget requested to approve the agenda as presented.

Roll Call Vote:

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

**3. Approval of September 7 and 13, 2010 Council Minutes**

Mayor Burget requested motion to approve minutes as presented.

Roll Call Vote:

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

**4. Citizens request to address council**

No one came forward to speak.

**\*Moved Item #5 to follow Item #7 due to scheduling conflict**

**6. Public Hearing to consider a rezoning request from Adventure Lands of America Inc. to rezone approximately 2.56 acres of property from A-1 (Agricultural) to C-6 (Commercial Entertainment/Recreation) for newly acquired property. The land is legally described as Lots 1, 2 and 14, Wayside Acres (land generally located south of the new water park)**

Mayor Burget explained Adventure Lands of America is requesting a rezoning of three parcels they recently acquired. The current parcels are zoned A-1 (Agricultural). They are proposing to rezone the three parcels to C-6 (Commercial Entertainment/Recreation). This is the same zoning as the remainder of their property. Adventure Lands of America is planning to extend the park and attractions into this area.

Open Hearing at 6:32 pm

Public Comment: Jerry Oliver of CEC located at 2400 86<sup>th</sup> Street, Des Moines, representing Adventure Lands of America, Inc. presented the plans for rezoning the above mentioned plots. Ken Dales, 523 31<sup>st</sup> Avenue SW, inquired of the ability to split the Wayside Acres plat into different zoning. City Administrator Jeff Mark explained that Wayside Acres plat is currently zoned agricultural but being used as residential. The City's comprehensive land use plan projects this area as eventually being commercial but it is up to individual land owners to make their own decisions whether to sell. Wes Enos, 501 34<sup>th</sup> Avenue SW, Carrie Albers, 446 31<sup>st</sup> Avenue SW, and Kevin Bartemes, 638 31<sup>st</sup> Avenue SW, requested the council consider requiring Adventure Lands to add in sound barriers. They also had concerns about stormwater runoff and restricting access to Adventure Lands' property from 31<sup>st</sup> Avenue.

Closed Hearing at 6:58 pm

**\*\* Council Member Stacey Warren arrived at 6:37pm**

- 7. Ordinance amending the Code of Ordinances of the City of Altoona, Iowa, 2004 to rezone approximately 2.56 acres of property from A-1 (Agricultural) to C-6 (Commercial Entertainment/Recreation) for Adventure Lands of America**  
**ORDINANCE NO. 9-20-2010 #1 (326) AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALTOONA, IOWA, 2004, TO REZONE APPROXIMATELY 2.56 ACRES OF PROPERTY FROM A-1 (AGRICULTURAL) TO C-6 (COMMERCIAL ENTERTAINMENT/RECREATION) FOR ADVENTURELANDS OF AMERICA (1<sup>st</sup> Reading)**

Council Member Joe Riding motioned approval subject to additional noise buffering being added to the site plan and restricted access from 31<sup>st</sup> Avenue. Council Member Kyle Mertz seconded the motion.

Roll Call Vote: (1<sup>st</sup> Reading)

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

- 5. Supervisor Tom Hockensmith to address council with Polk County update**

Supervisor Hockensmith gave an update on Polk County concerns regarding to judicial court space, Iowa Events Center renovation of Veteran's Auditorium, and the public safety communication plan.

- 8. Public Hearing to consider amending Chapter 95.07 of the City of Altoona Code of Ordinances, 2004**

Mayor Burget explained that staff recently discovered an omission in our ordinance. The current ordinance does not state that it is the responsibility of the property owner for all cost and expenses to install, connect, and maintain the sanitary sewer line from public sewer main to the building, including interior piping. We are not sure how or when this provision was omitted, but it was probably during codification. The language in the amended ordinance is similar to the language that governs the private water lines under our water utility. The absence of this language has not been an issue, but staff supports it's inclusion to avoid future conflicts.

Open Hearing at 7:08 pm

Public Comment: No one came forward to speak.

Closed Hearing at 7:09 pm

- 9. Ordinance amending the Code of Ordinances of the City of Altoona, Iowa, 2004, by amending provisions pertaining to sanitary sewer systems (1<sup>st</sup> Reading)**

**Ordinance No. 9-20-2010 #2 (327) AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALTOONA, IOWA, 2004, BY AMENDING PROVISIONS PERTAINING TO SANITARY SEWER SYSTEMS**

Roll Call Vote: (1<sup>st</sup> Reading)

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

Roll Call Vote: (Waive 2<sup>nd</sup> & 3<sup>rd</sup> Reading)

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

Roll Call Vote: (To publish)

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

- 10. Public Hearing to consider amending Mud Creek Sewer Line 28E agreement with WRA and City of Bondurant**

Mayor Burget stated the agreement is between the Wastewater Reclamation Authority (WRA), the City of Bondurant and the City of Altoona. The agreement is for the development of the Mud Creek Sewer Line Project. It should be pointed out that this agreement replaces the previously approved 28E Agreement. City Administrator Mark explained the changes address Bondurant's decision to

allow the WRA to design and construct Bondurant's portion of the project. The provisions of the agreement provide for land acquisition, trail easements, design and construction administration services. Altoona's project contribution is \$1,000,000. This contribution is part of a long standing agreement between the WRA and the City of Altoona. The amount has been planned for and is accounted for in the 5-Year Capital Improvement Plan.

Open Hearing at 7:11 pm

Public Comment: No one came forward to speak.

Closed Hearing at 7:12 pm

**11. Resolution to approve a 28E agreement between the WRA, the City of Bondurant and the City of Altoona for the provision of property acquisition, design and construction and for financing of the Mud Creek Interceptor, Phase 19 Project**

**Resolution #9-20-2010 #01 TO APPROVE A 28E AGREEMENT BETWEEN THE WRA, THE CITY OF BONDURANT AND THE CITY OF ALTOONA FOR THE PROVISION OF PROPERTY ACQUISITION, DESIGN AND CONSTRUCTION AND FOR FINANCING OF THE MUD CREEK INTERCEPTOR, PHASE 19 PROJECT**

Roll Call Vote:

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

**12. Resolution approving permanent easement for sanitary sewer facilities and quitclaim of interest in existing sanitary sewer facilities**

**Resolution #9-20-2010 #02 APPROVING PERMANENT EASEMENT FOR SANITARY SEWER FACILITIES AND QUITCLAIM OF INTEREST IN EXISTING SANITARY SEWER FACILITIES**

Mayor Burget explained this is part of the 28E Agreement for the development of the Mud Creek Sewer Line. This permanent easement grants to the WRA, full access to properties listed and identified on the Acquisition Plats for the purpose of constructing, operating, maintaining, repairing, reconstructing and engineering sanitary sewers in the easement areas. The city shall convey the permanent easement for the consideration of \$1.00.

Roll Call Vote:

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

**13. Resolution approving a public records request policy**

**Resolution #9-20-2010 #03 APPROVING A PUBLIC RECORDS REQUEST POLICY**

Mayor Burget stated staff recently received a request for information that could have potentially resulted in many hours of staff time. This is an issue we have dealt with in the past, but have not been consistent in handling. The policy establishes procedures and charges for information that is not considered to be readily available during the course of the day to day operation of municipal government.

Roll Call Vote:

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

**14. Resolution of the City Council of the City of Altoona approving the purposed of receiving Community Betterment Grant Awards from Prairie Meadows**

**Resolution #9-20-2010 #04 APPROVING THE PURPOSED OF RECEIVING COMMUNITY BETTERMENT GRANT AWARDS FROM PRAIRIE MEADOWS**

Mayor Burget explained Prairie Meadows' policy requires that multiple grant requests from one organization be prioritized. In August, the council approved grant request for the Fire Department for the purchase of shoring equipment, \$10,000, and the Library for the purchase of a mobile computer learning lab, \$7,500. Council Member Michelle Sloan motioned the \$10,000 grant requested by the Fire Department be the first priority. Council Member Mertz seconded the motion.

Roll Call Vote:

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

**15. Consent Agenda**

- a) **Allow Bills**
- b) **Capital Projects**
  - B1) **Pay App #10 – Altoona Soccer Park – Phase 1 – Elder Corporation - \$24,989.85**
  - B2) **Pay App #3 – Altoona Soccer Park – Phase 2 – Elder Corporation - \$245,675.33**
- c) **Resolution approving bike trail easement for the Downing Office Plaza Project**  
**Resolution #9-20-2010 #05 APPROVING BIKE TRAIL EASEMENT FOR THE DOWNING OFFICE PLAZA PROJECT**
- d) **Resolution to approve the June 30, 2010, road use report**  
**Resolution #9-20-2010 #06 TO APPROVE THE JUNE 30, 2010, ROAD USE REPORT**
- e) **Consider approving professional services agreement with Snyder & Associates, Inc. for Altoona Water Main Replacement Project 2010**
- f) **Consider approving professional services agreement with Snyder & Associates, Inc. for footing drain connection policy development project, Altoona, Iowa**

Roll Call Vote:

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

**16. Beer & Liquor Permits**

- a) **Casey's General Store – 1419 1<sup>st</sup> Avenue N – change of premises**  
Police Lieutenant Denny Parker stated that there were no violations at this establishment prior to their move to a new location.

Roll Call Vote:

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

- b) **Rich's Sports Bar & Grill – change in ownership**

Roll Call Vote:

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

**17. General Business Items/Reports and Updates**

No reports.

**18. Adjourn**

Roll Call Vote at 7:19 pm:

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

Attest to:

\_\_\_\_\_  
Amy S. Hill, Secretary

\_\_\_\_\_  
Timothy Burget, Mayor