

CITY OF ALTOONA COUNCIL MEETING  
MONDAY, APRIL 15, 2019, 6:30 P.M.  
AT THE ALTOONA CITY HALL

1. CALL TO ORDER

Roll Call at 6:30 pm

Mayor O'Connor- present      Duer - present      Mertz- present  
Boka - present                      Leighter - present      Willey - present

City Officials Present: Jeff Mark, Randy Pierce, Jason Ferguson, Tony Chambers, Jared Ogbourne, John Shaw, Jon Hanson, Jim Utter, Kim Kietzman, Amy Hill, City Attorney Bob Laden

Audience Present: Eric Kuebler, Cindi Leal, Ben Leal, David Cusic, Bob Hall, Borkey Barjibo, Chris Pedersen, Matt Kray, Peggy Harmeyer, Ron Harmeyer, Alex Payne, Brandon Stoneburner

2. Perfecting and approval of the agenda

Mayor Dean O'Connor requested the agenda be approved as presented.

Roll Call Vote:

2 Boka Y Duer Y Leighter Y Mertz 1 Willey (5-0)

3. Consider approval of April 1, 2019 Council Minutes

Roll Call Vote:

Y Boka 2 Duer Y Leighter 1 Mertz Y Willey (5-0)

4. Citizens request to address council

\*Eric Kuebler, 1620 Pinewood Ct. SW, and Cindi Leal, 1610 Pinewood Ct. SW, expressed concern over a neighbor's unfinished landscaping project and drainage that is affecting the neighboring yards. Mayor O'Connor stated that staff and council will work with City Attorney Bob Laden to discover options for addressing the nuisance.

\*Mike Harmeyer, 1111 11<sup>th</sup> Ave. SE, stated he had an unpaid city bill that he would like addressed. Also, the city owned alley behind one of his buildings is badly in need of repair. Mayor O'Connor shared that he would have staff get back in touch with Mr. Harmeyer to address the issues.

5. Public Hearing to consider a rezoning request from the City of Altoona for 5.62 acres at the north end of the Spring Creek Sports Complex to rezone from A-1 (Agricultural) to R-5 (Planned Unit Development)

Community Development Director John Shaw explained this rezoning request is for the City owned property located at the north end of the Spring Creek Sports Complex. The property is 5.62 acres in size. Recently, the City Council approved a development agreement with Stanbrough to develop this property into 17 single-family detached residential homes to include the construction of 17<sup>th</sup> Street SE across the property. This action would change the zoning from A-1 (Agricultural) to R-5 (Planned Unit Development).

Hearing opened at 6:43pm

Comments: No one came forward to speak.

Hearing closed at 6:43pm

6. Ordinance #04-15-2019 #01 (518) TO REZONE 5.62 ACRES AT THE NORTH END OF THE SPRING CREEK SPORTS COMPLEX TO REZONE FROM A-1 (AGRICULTURAL) TO R-5 (PLANNED UNIT DEVELOPMENT)

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

Y Boka Y Duer Y Leighter 1 Mertz 2 Willey (5-0)

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

Y Boka Y Duer Y Leighter 1 Mertz 2 Willey (5-0)

Roll Call Vote (To publish):

Y Boka 2 Duer Y Leighter 1 Mertz Y Willey (5-0)

7. **Public Hearing to consider a development plan from the City of Altoona for 5.62 acres at the north end of the Spring Creek Sports Complex to construct 17 single family detached homes with varying lot widths and setbacks**  
Director Shaw stated this the public hearing to consider the approval of the development plan for Spring Creek Sports Complex. This is a 17 lot single-family residential detached home development. The lots are a minimum of 60-feet wide west of 10<sup>th</sup> Avenue SE and to the east of 10<sup>th</sup> Avenue SE, the lots are a minimum of 80-feet wide.  
Hearing opened at 6:44pm  
Comments: No one came forward to speak.  
Hearing closed at 6:44pm
8. **Resolution #04-15-2019 #01 TO APPROVE A DEVELOPMENT PLAN FROM THE CITY OF ALTOONA FOR 5.62 ACRES AT THE NORTH END OF THE SPRING CREEK SPORTS COMPLEX TO CONSTRUCT 17 SINGLE FAMILY DETACHED HOMES WITH VARYING LOT WIDTHS AND SETBACKS**  
Roll Call Vote:  
1 Boka 2 Duer Y Leighter Y Mertz Y Willey (5-0)
9. **Resolution #04-15-2019 #02 TO APPROVE PRELIMINARY PLAT FOR ALTOONA YOUTH COMPLEX PLAT**  
Director Shaw explained this is the resolution to consider approval of the Altoona Youth Complex Plat. This is the same property as described in the two previous agenda items.  
Roll Call Vote:  
Y Boka 2 Duer Y Leighter Y Mertz 1 Willey (5-0)
10. **Public Hearing to consider ordinance amendments to Chapters 165.02, 168.02, 168.03, 168.04, and 168.06 to define and establish guidelines for model homes and sales offices**  
Director Shaw stated this is a public hearing to consider amendments to several ordinances that will define and establish guidelines for model homes in residential plats/developments. Chapter 165.02 will add Model Home to the definitions. It states that a model home shall not operate out of a temporary structure, only a permanent structure designed for residential habitation. The model homes can be used for on-site sales of homes or lots by realtors within the same approved preliminary subdivision. The other amendments, 168.03, 168.04 and 168.06 all relate to the process of obtaining a Permitted Conditional Use for the Model Homes. Under the conditional use permit, the model homes can be used between the hours of 9am to 7pm Monday thru Saturday and from noon to 5pm on Sundays.  
Hearing opened at 6:47pm  
Comments: Mike Harmeyer shared his disagreement with definition of the model home and allowed uses. Peggy Harmeyer, 1111 11<sup>th</sup> Ave. SE, requested council to remember the small businesses that have been in the community prior to the recent growth and helped Altoona to become the community it is today.  
Hearing closed at 6:54pm
11. **Ordinance #04-15-2019 #02 (519) TO AMEND CHAPTER 165.02 DEFINITIONS TO ADD A DEFINITION FOR MODEL HOME**  
Roll Call Vote (1<sup>st</sup> Reading):  
2 Boka Y Duer Y Leighter 1 Mertz Y Willey (5-0)
12. **Ordinance #04-15-2019 #03 (520) TO AMEND PARAGRAPHS IN CHAPTER 168 - ZONING CODE - DISTRICT REGULATIONS TO ADD LANGUAGE FOR MODEL HOME AS A PERMITTED CONDITIONAL USE IN 168.02, 168.03, 168.04 AND 168.06**  
Roll Call Vote (1<sup>st</sup> Reading):  
Y Boka 2 Duer Y Leighter Y Mertz 1 Willey (5-0)
13. **Public hearing to consider approval for plans, specifications and form of contract for Townsend Lift Station and Sanitary Sewer**

City Engineer Jon Hanson stated this is a public hearing to consider the plans, specifications and form of contract for the Townsend lift station and sanitary sewer. The project will provide for the construction of a lift station, sanitary sewer lines and water main to serve the Townsend Community Center. Bids were received on April 9<sup>th</sup>, with the low bid being submitted by Graff Excavating Inc. of Toledo, Iowa, in the amount of \$589,451. A total of 5 bids were received.

Hearing opened at 7:04pm

Comments: No one came forward to speak.

Hearing closed at 7:04pm

14. Resolution #04-15-2019 #03 TO APPROVE PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATED COSTS FOR TOWNSEND LIFT STATION AND SANITARY SEWER

City Engineer Hanson explained this is the resolution to approve the plans, specifications, form of contract and estimated costs for the Townsend lift station and sanitary sewer project. The estimated costs were \$639,000. Council Member Vern Willey motioned approval subject to City Attorney Bob Laden approving the contract.

Roll Call Vote:

2 Boka Y Duer Y Leighter Y Mertz 1 Willey (5-0)

15. Resolution #04-15-2019 #04 TO APPROVE THE CONTRACT AND BOND FOR TOWNSEND LIFT STATION AND SANITARY SEWER

Council Member Kyle Mertz motioned approval subject to City Attorney Bob Laden approving the contract.

Roll Call Vote:

Y Boka Y Duer Y Leighter 1 Mertz 2 Willey (5-0)

16. Resolution #04-15-2019 #05 MAKING AWARD OF THE CONTRACT FOR TOWNSEND LIFT STATION AND SANITARY SEWER

City Engineer Hanson states staff recommend awarding the contract for the Townsend lift station and sanitary sewer to the low bidder, Graff Excavating Inc. of Toledo, Iowa, in the amount of \$589,451.

Roll Call Vote:

1 Boka Y Duer Y Leighter 2 Mertz Y Willey (5-0)

17. Public hearing to consider agreements with Siculus, Inc.

City Administrator Jeff Mark explained Siculus and the IEDA have decided to postpone the consideration of these agreements for a couple of weeks. Council Member Mertz motioned to continue the public hearing for a later date.

Hearing opened at 7:06pm

Roll Call Vote:

Y Boka Y Duer Y Leighter 1 Mertz 2 Willey (5-0)

18. Resolution #04-15-2019 #06 ACCEPTING A PROPOSAL FROM THE UNDERGROUND CO. IN THE AMOUNT OF \$86,847.00 FOR THE CONSTRUCTION OF 8<sup>TH</sup> AVE. SE AND 5<sup>TH</sup> ST. SE STORM SEWER IMPROVEMENTS

City Engineer Hanson shared this resolution is for the acceptance of the proposal from the Underground Co. in the amount of \$86,847 for the repairs and construction of the 8<sup>th</sup> Avenue SE and 5<sup>th</sup> Street SE storm sewer project. This the entrance to Sam Wise for the north parking lot.

Roll Call Vote:

1 Boka 2 Duer Y Leighter Y Mertz Y Willey (5-0)

19. Consider approval to appoint Matt Kray to Library Board

Roll Call Vote:

Y Boka Y Duer Y Leighter 1 Mertz 2 Willey (5-0)

20. Consider Prairie Meadows request to hold fireworks on July 3, 2019

Roll Call Vote:

1 Boka 2 Duer Y Leighter Y Mertz Y Willey (5-0)

21. Consider event request for Pedal CVT on Saturday, June 8<sup>th</sup> utilizing City sidewalks and trails

Roll Call Vote:

2 Boka Y Duer Y Leighter Y Mertz 1 Willey (5-0)

22. Resolution #04-15-2019 #07 TO APPROVE A RECORD OF LOT TIE FOR LOTS 1 & 2, FALCON RIDGE PLAT 2

Director Shaw explained the Henderson's own the home and property at 1011 and 1015 11<sup>th</sup> Avenue SE in the Falcon Ridge development. The original owner's constructed a house and garage that crossed the common property line. The lots have never been "joined" together. The record of lot tie is a solution the County came up with to avoid plats of survey to combine lots.

Roll Call Vote:

2 Boka Y Duer Y Leighter 1 Mertz Y Willey (5-0)

23. Consider Consent Agenda

a) Allow Bills

b) Capital Projects

B1) Pay App #4 - Iowa Civil Contracting Inc. - Adventureland Dr. Pavement Rehabilitation - \$230,970.57

B2) Change Order #1 - Iowa Civil Contracting Inc. - Adventureland Dr. Pavement Rehabilitation - \$12,002.75

c) Resolution #04-15-2019 #08 APPROVING WRITING OFF OF RESCUE FEES FOR BAD DEBT ACCOUNTS - COLLECTION FEES FROM 1-1-2019 THRU' 3-31-2019

d) Resolution #04-15-2019 #09 APPROVING PRELIMINARY OFFICIAL STATEMENT AND SETTING A DATE FOR SALE OF GENERAL OBLIGATION URBAN RENEWAL CORPORATE PURPOSE BONDS, SERIES 2019

e) Consider professional services agreement with Shive-Hattery for graphic design of info panels (\$6,500)

f) Consider agreement with PPS, LLC for planning services

g) Consider professional services agreement with Civil Design Advantage for Spring Creek Sports Complex

h) Set a public hearing for Monday, May 6, 2019 at 6:30pm, to consider approving a development agreement with Stubbs Development for oversizing costs related to Spring Creek Ridge North Plat 1

i) Set a public hearing for Monday, May 6, 2019 at 6:30pm, to consider vacating a portion of a landscape easement in Brookfield Estates Plat 1

j) Set a public hearing for Monday, May 6, 2019 at 6:30pm, to consider a rezoning request from Valley Development Co. to rezone approximately 57.95 acres on the south side of 25<sup>th</sup> Street NW/NE 62<sup>nd</sup> Avenue from A-1 to M-1 (including the pond)

k) Set a public hearing for Monday, May 6, 2019 at 6:30pm to consider an amendment to Chapter 65 (Stop Sign)

Roll Call Vote:

2 Boka Y Duer Y Leighter Y Mertz 1 Willey (5-0)

24. Beer and Liquor Permits

a) Pancharo's Mexican Grill - Class B Beer (BB)(Includes Wine Coolers), Sunday Sales

Lieutenant Tony Chambers stated there were no violations at this establishment.

Roll Call Vote:

2 Boka 1 Duer Y Leighter Y Mertz Y Willey (5-0)

b) Outlets of Des Moines - Special Event at Mall on April 27<sup>th</sup>, Class B Beer (BB)(includes wine coolers), Outdoor

Lieutenant Chambers stated there were no violations at this establishment.

Roll Call Vote:

Y Boka 1 Duer 2 Leighter Y Mertz Y Willey (5-0)

c) HyVee Market Grill - Class C Liquor License (LC)(Commercial), Catering Privilege, Sunday & Outdoor, HyVee Market Grill

Lieutenant Chambers stated there were no violations at this establishment.

Roll Call Vote:

2 Boka 1 Duer Y Leighter Y Mertz Y Willey (5-0)

d) HyVee Food Store - Class E Liquor License (LE), Class B Wine Permit (Carryout wine - includes native wine), Class C Beer Permit (Carryout beer), Sunday Sales

Lieutenant Chambers stated there were no violations at this establishment.

Roll Call Vote:

2 Boka 1 Duer Y Leighter Y Mertz Y Willey (5-0)

e) Outlets of Des Moines - special event - 4/27/2019 - Iowa Craft Beer Tent

Lieutenant Chambers stated there were no violations at this establishment.

Roll Call Vote:

Y Boka 1 Duer 2 Leighter Y Mertz Y Willey (5-0)

**27. Department Head Reports & Updates**

The following gave updates: Police Department - Greg Stallman, Fire Department - Jared Ogbourne, Public Utilities - Jim Utter, City Engineer Jon Hanson, Community Development - John Shaw, Library - kim Kietzman, Finance - Randy Pierce, Administration - Jeff Mark

**28. General Business**

\*Council Willey provided an update on DART.

\*Mayor O'Connor expressed concern over the current House File 773 and Senate Subcommittee Bill SSB1260.

**29. Adjourn at 7:28pm**

Roll Call Vote:

1 Boka Y Duer Y Leighter 2 Mertz Y Willey (5-0)

Attest to:

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Amy S. Hill, Secretary

\_\_\_\_\_  
Dean O'Connor, Mayor