

CITY OF ALTOONA COUNCIL MEETING
MONDAY, JUNE 5, 2017, 6:30 P.M.
AT THE ALTOONA CITY HALL

1. **CALL TO ORDER**

Roll Call at 6:30 pm

Mayor Conkling - absent

Boka - absent

Mertz- present

O'Connor - present

Sloan- present

Willey - absent

City Officials Present: Jeff Mark, Randy Pierce, Jerry Whetstone, Greg Stallman, Jason Ferguson, John Shaw, Scott Atzen, Jim Utter, Jon Hanson, Amy Hill, City Attorney Bob Laden, Tanner Molitor

Audience Present: Rodney Wekken, Derik Temple, Joe Shepherd, Charles Davis, Melissa Horton, John Rullman, Bob Hall, Alex Payne, Todd Brommel

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

Mayor Pro-Tem Dean O'Connor requested agenda be approved as presented.

Roll Call Vote:

A Boka 1 Mertz Y O'Connor 2 Sloan A Willey (3-0)

3. **Proclamation for Iowa Museum Week**

Mayor Pro-Tem O'Connor shared that June 12-18 will be Iowa Museum Week in Altoona.

4. **Approval of May 15 and 22, 2017 Council Minutes**

Roll Call Vote:

A Boka 2 Mertz Y O'Connor 1 Sloan A Willey (3-0)

5. **Introduction of New employees**

City Engineer Jon Hanson introduced his new employee, Tanner Molitor.

6. **Citizens request to address council**

No one came forward to speak.

*Council Member Jeremy Boka arrived at 6:35pm.

7. **Public hearing to consider ordinance amendment to Chapter 161.19 (Fireworks)**

Mayor Pro-Tem O'Connor explained the ordinance would prohibit the use of first class fireworks. While the language in the new ordinance has changed, the current ordinance also prohibited the use.

Hearing opened: 6:35pm

Comments: *Charles Davis, 1623 Ashwood Dr., stated he is fine with the use of fireworks if the time frame is limited and enforced. City Attorney Bob Laden stated that the ability to issue fines for fireworks outside a permitted time frame would be covered under municipal infractions, if the council decides to allow the use of fireworks. *Todd Brommel, 755 NE 56th St., Pleasant Hill, had questions about how firework sales would work and where they would be allowed. He also asked would it be possible to sell fireworks to help raise funds for local non-profit organizations.

Hearing closed: 6:45pm

8. **Ordinance # 06-05-2017 #01 (456) AMENDMENT TO CHAPTER 161.19 (Fireworks)(1st Reading)**

City Administrator Jeff Mark explained as for the sale of first class fireworks, the new ordinance requires that anyone wanting to sell first class fireworks fill out an application and be issued a permit from the City of Altoona. Once the applicant has the permit from the City, they must then apply for a license from the State of Iowa. The locations for the sale of first class fireworks are restricted to the City of Altoona's current zoning regulations. This will allow for C-2, brick and mortar stores to sell fireworks provided they comply with the States legislation. Tent sales are permitted, but

under the current ordinance they would be restricted to four (4-day temporary) permits in Commercial districts (and the other requirements of Chapter 167.16 Temporary Use Permits), and in M-2 districts they would need City Council approval following a public hearing. Administrator Mark did remind Mr. Brommel that you must be 18 to be able to sell fireworks. Police Chief Greg Stallman and Fire Chief Jerry Whetstone both shared their opinions on the use of fireworks. Council Members O'Connor and Michelle Sloan were not in favor for the use of fireworks. Council Member Mertz was open to discussion and Council Member Boka was favorable to provide firework usage within a designated time frame.

Roll Call Vote (1st Reading):

N Boka _N_ Mertz _1_ O'Connor _2_ Sloan _A_ Willey (2-2)

*Council Member Mertz expressed he had pressed the wrong button. Mayor Pro-Tem O'Connor asked if he wanted to reconsider. Council Member Mertz stated yes. Mayor Pro-Tem O'Connor motioned for the vote to be reconsidered.

Roll Call Vote (To reconsider):

Y Boka _Y_ Mertz _1_ O'Connor _2_ Sloan _A_ Willey (4-0)

Mayor Pro-Tem motioned for approval of the ordinance amendment as presented.

Roll Call Vote (1st Reading):

N Boka _Y_ Mertz _1_ O'Connor _2_ Sloan _A_ Willey (3-1)

9. Public hearing to consider authorizing public improvement which may require acquisition of land

City Engineer Hanson explained this is a public hearing is to consider the acquisition of land for the necessary Right-of-Way and easements for the Adventureland Drive improvements from just east of the existing boulevard near the water tower, to a point just east of 34th Avenue NW. The project will continue the boulevard construction and include a round-about at the intersection of Adventureland Drive and 34th Avenue NW. Staff continues to work with the business owner to work towards a resolution favorable to both parties.

Hearing opened: 6:55pm

Comments: No one came forward to speak.

Hearing closed: 6:55pm

10. Resolution #06-05-2017 #01 AUTHORIZING PUBLIC IMPROVEMENT WHICH MAY REQUIRE ACQUISITION OF LAND

Roll Call Vote:

2 Boka _1_ Mertz _Y_ O'Connor _Y_ Sloan _A_ Willey (4-0)

11. Resolution #06-05-2017 #02 TO CONSIDER FINAL PLAT FOR SPRING CREEK RIDGE PLAT 1

Community Development Director John Shaw shared the developer, Dave Stubbs, is seeking final plat approval for Spring Creek Ridge Plat 1. Council Member Mertz motioned approval subject to the legal documents being received and reviewed.

Roll Call Vote:

2 Boka _1_ Mertz _Y_ O'Connor _Y_ Sloan _A_ Willey (4-0)

12. Resolution #06-05-2017 #03 TO CONSIDER FINAL PLAT FOR FIELDSTONE ESTATES PLAT 3

Director Shaw explained the applicant, Altoona Lots, LLC is seeking final plat approval for Fieldstone Estates Plat 3. Council Member Mertz motioned approval subject to the deficiencies being resolved.

Roll Call Vote:

1 Boka _2_ Mertz _Y_ O'Connor _Y_ Sloan _A_ Willey (4-0)

13. Resolution #06-05-2017 #04 TO CONSIDER SITE PLAN AMENDMENT FOR MENARD YARD EXPANSION AND WAREHOUSE

Mayor Pro-Tem O'Connor explained our Building Official, Mike Pardekooper, discovered a Fire Code issue when reviewing the building plans for the Menards warehouse expansion. The code deals with high-piled storage and the need for the building to have an accessible road for fire apparatus.

Rodney Wekkin, 5101 Menard Dr., Eau Claire, WI, representing Menards shared that Menards has submitted a new plan, moving the building 30 feet north and 50 feet east to accommodate the access road. Menards is proposing the entire south wall now be made of wood. This does not meet the architectural design standards. Menards is seeking a variance from the Board of Adjustment (BOA) on June 6th. Council Member Mertz motioned approval subject to the BOA granting the variance.

Roll Call Vote:

Y Boka 1 Mertz Y O'Connor 2 Sloan A Willey (4-0)

14. Resolution #06-05-2017 #05 TO ACCEPT OUTLOT 'Z', TOWNSEND LEGACY PLAT 1

Director Shaw stated the City of Altoona has been offered as a gift, the property known as Outlot "Z", Townsend Legacy Plat 1. This is the area that includes the pond and the surrounding grounds. The property is being gifted to satisfy the open space requirement of 16% of land to qualify for tax abatement when the remaining Townsend property is developed. This provision would only apply under the City's current Urban Revitalization Plan. Should the plan change in the future, this property would have to comply with the policy in place at that time.

Roll Call Vote:

2 Boka 1 Mertz Y O'Connor Y Sloan A Willey (4-0)

15. Consider request to waive sewer fees for 203 10th St. NW

Mayor Pro-tem O'Connor stated his appreciation to the Utility Billing Clerk, Matt Kray, and additional staff who helped document the issues for items 15 and 16.

Roll Call Vote:

2 Boka 1 Mertz Y O'Connor Y Sloan A Willey (4-0)

16. Consider request to waive sewer fees for 226 19th St. SW

Roll Call Vote:

1 Boka Y Mertz 2 O'Connor Y Sloan A Willey (4-0)

17. Consider Consent Agenda

a) Allow Bills

b) Capital Projects

B1) Pay App #2 - Morris Enterprises, Inc. - Casebeer Dr. Water Main Improvements - \$39,395.08

c) Resolution #06-05-2017 #06 APPROVING REQUESTS FOR TAX ABATEMENT

d) Consider approval of cigarette permits

e) Consider approval of waste hauler permits

f) Consider approval of employment contract for City Administrator

g) Consider approval of 28E agreement for Public Works Mutual Assistance

h) Consider approval of agreement with Berwick Water Association

i) Consider approval of professional services agreement with Black and Veach

j) Set a public hearing for Monday, June 19th at 6:30pm to consider an ordinance amendment to Chapter 110.11 (Franchise Fees)

Roll Call Vote:

1 Boka Y Mertz Y O'Connor 2 Sloan A Willey (4-0)

18. Beer and Liquor Permits

a) Kum & go #4084 - Class E Liquor License (LE), Class B Wine Permit (Carryout Wine - Includes Native Wine), Class B Beer Permit (Carryout Beer)

Lt. Jason Ferguson stated there were no violations at this establishment.

Roll Call Vote:

Y Boka 2 Mertz Y O'Connor 1 Sloan A Willey (4-0)

b) OASIS (110 Shriners Parkway) - Class C Liquor License (LC)(Commercial), Sunday sales, Outdoor sales

Lt. Ferguson stated there were no violations at this establishment.

Roll Call Vote:

Y Boka 2 Mertz Y O'Connor 1 Sloan A Willey (4-0)

- c) Hampton Inn and Suites - Class C Beer Permit (BC), Class B Native Wine Permit, Sunday Sales

Lt. Ferguson stated there were no violations at this establishment.

Roll Call Vote:

Y Boka 2 Mertz Y O'Connor 1 Sloan A Willey (4-0)

21. Department Head Reports & Updates

The following department heads provided updates to the council: Lt. Ferguson, Fire Chief Whetstone, Public Utilities Director Jim Utter, City Engineer Hanson, Public Works Director Scott Atzen and Director Shaw.

22. General Business Items/Reports and Updates

*Council Member Mertz shared that MPO had provided additional funding for Altoona's 8th St. project

*Council Member Sloan shared the Altoona Public Library's Tale Trail is complete. Be sure to hit the trails behind the library to find out all about it.

*Mayor Pro-Tem O'Connor shared the Altoona Aquatics Park is open for the summer.

23. Adjourn at 7:16pm

Roll Call Vote:

Y Boka 1 Mertz Y O'Connor 2 Sloan A Willey (4-0)

Attest to:

Amy S. Hill, Secretary

Dean O'Connor, Mayor Pro-Tem