

CITY OF ALTOONA COUNCIL MEETING
MONDAY, MAY 18, 2015, 6:30 P.M.
AT THE ALTOONA CITY HALL

1. CALL TO ORDER

Roll Call at 6:30 pm

Mayor Conkling – present Boka – present Harmeyer – present
Mertz- present O’Connor – present Sloan- present

City Officials Present: Jeff Mark, Randy Pierce, Jody Matherly, Jerry Whetstone, John Shaw, Jon Hanson, Scott Atzen, Jeff Harden, Amy Hill, City Attorney Bob Laden

Audience Present: Bob Hall, Linda Bitting, Lori Boehme, Christian Brown, Melissa Brown, Autumn Tallman, Nick McDermott

2. Perfecting and approval of the agenda

Mayor Skip Conkling requested to approve the agenda as presented.

Roll Call Vote:

Y Boka Y Harmeyer 1 Mertz Y O’Connor 2 Sloan (5-0)

3. EMS Week Proclamation

Mayor Conkling proclaimed May 17 – 23, 2015, EMS Week.

4. Approval of May 4 and 14, 2015, Council Minutes

Roll Call Vote:

Y Boka Y Harmeyer 1 Mertz 2 O’Connor Y Sloan (5-0)

5. Citizens request to address council

*Linda Bitting, 123 7th Ave. Ct. NE, came to speak about properties in her neighborhood that were being neglected. Building Official Jeff Harden stated that one of the addresses Ms. Bitting named has been served with a Notice to Abate a Nuisance.

6. Public hearing to consider vacating and selling a portion of park ground in Outlot “Y”, F&S Rosenberger Plat 2 (Redwood Living project)

Mayor Conkling explained staff has been working with the Developer, Redwood Living, to develop a medium-density residential project. Community Development Director John Shaw explained Redwood is proposing to acquire approximately 0.79 acres of park space that abuts I-80 north of Adventureland Drive. This would allow Redwood to develop a few more units. In exchange, the city will get a looped trail installed and paid for by Redwood that will create a more cohesive project and provide for a trail connection for the neighborhood with the rest of our trail system.

Open hearing at 6:37pm

Public comment: No one came forward to comment.

Closed hearing at 6:39pm

7. Ordinance to consider vacating and selling a portion of park ground in Outlot “Y”, F&S Rosenberger Plat 2 (Redwood Living project) (1st reading)

Ordinance No. 5-18-2015 #1 (407) TO CONSIDER VACATING AND SELLING A PORTION OF PARK GROUND IN OUTLOT “Y”, F&S ROSENBERGER PLAT 2 (REDWOOD LIVING PROJECT) (1ST READING)

Council Member Dean O'Connor asked Director Shaw what size of the sidewalk/trail was decided on. Director Shaw stated the sidewalk/trail would need to be 8 feet.

Roll Call Vote (1st Reading):

Y Boka Y Harmeyer 2 Mertz 1 O'Connor Y Sloan (5-0)

8. **Public hearing to consider a comprehensive plan land use map amendment from Grinnell State Bank and Redwood Living, Inc. to change from low and high density residential to medium density residential land uses for approximately 28.75 acres of ground located north of Adventureland Drive NW and an extension of 5th Avenue NW**

Mayor Conkling explained this is a public hearing to consider a comprehensive plan land use map amendment from low and high density residential to medium density residential. The property is located north of Adventureland Drive, north and east of 8th Avenue NW and north of Greenbreeze Circle. The area is 28.75 acres in size. The owner, Grinnell State Bank, is proposing to sell the ground to Redwood Living, Inc. an Ohio based company. They are proposing to construct 177 townhome housing units with a density of 6.16 units per acre. This would classify it as medium density. The project would construct townhouse style units with four, five and six units per structure that will be for rent at market rates.

Open hearing at 6:40pm

Public comment: No one came forward to comment.

Closed hearing at 6:41pm

9. **Resolution to consider a comprehensive plan land use map amendment from Grinnell State Bank and Redwood Living, Inc. to change from low and high density residential to medium density residential land uses for approximately 28.75 acres of ground located north of Adventureland Drive NW and an extension of 5th Avenue NW**

Resolution 5-18-2015 #01 TO CONSIDER A COMPREHENSIVE PLAN LAND USE MAP AMENDMENT FROM GRINNELL STATE BANK AND REDWOOD LIVING, INC. TO CHANGE FROM LOW AND HIGH DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL LAND USES FOR APPROXIMATELY 28.75 ACRES OF GROUND LOCATED NORTH OF ADVENTURELAND DRIVE NW AND AN EXTENSION OF 5TH AVENUE NW

Roll Call Vote:

1 Boka Y Harmeyer 2 Mertz Y O'Connor Y Sloan (5-0)

10. **Public hearing to consider a rezoning request from Grinnell State Bank and Redwood Living, Inc. to rezone approximately 6.34 acres from C-5 (Office Park) to R-5 (Planned Unit Development)**

Mayor Conkling explained this is a public hearing to consider a request to rezone 6.34 acres of the above described property from C-5 (Office Park) to R-5 (Planned Unit Development).

Open hearing at 6:42pm

Public comment: No one came forward.

Closed hearing at 6:43pm

11. **Ordinance to consider a rezoning request from Grinnell State Bank and Redwood Living, Inc. to rezone approximately 6.34 acres from C-5 (Office Park) to R-5 (Planned Unit Development) (1st reading)**

Ordinance No. 5-18-2015 #2 (408) TO CONSIDER A REZONING REQUEST FROM GRINNELL STATE BANK AND REDWOOD LIVING, INC. TO REZONE APPROXIMATELY 6.34 ACRES FROM C-5 (OFFICE PARK) TO R-5 (PLANNED UNIT DEVELOPMENT) (1ST READING)

Roll Call Vote (1st Reading):

2 Boka Y Harmeyer 1 Mertz Y O'Connor Y Sloan (5-0)

12. **Public Hearing to consider a PUD development plan request from Grinnell State Bank and Redwood Living, Inc. to develop a 177 unit townhome community on approximately 28.75 acres north of Adventureland Drive NW and an extension of 5th Avenue NW**

Mayor Conkling explained this is the public hearing to consider the PUD development plan for the above described project to be developed by Redwood Living. Redwood Living is proposing to construct a 177 unit townhouse style development with four, five and six unit structures. The units will market rent and not be rent subsidized.

Open hearing at 6:44pm

Public comment: No one came forward to comment.

Closed hearing at 6:45pm

13. **Resolution to consider a PUD development plan request from Grinnell State Bank and Redwood Living, Inc. to develop a 177 unit townhome community on approximately 28.75 acres north of Adventureland Drive NW and an extension of 5th Avenue NW**

Resolution 5-18-2015 #02 TO CONSIDER A PUD DEVELOPMENT PLAN REQUEST FROM TOWNHOME COMMUNITY ON APPROXIMATELY 28.75 ACRES NORTH OF ADVENTURELAND DRIVE NW AND AN EXTENSION OF 5TH AVENUE NW

Roll Call Vote:

Y Boka Y Harmeyer 1 Mertz 2 O'Connor Y Sloan (5-0)

14. **Public hearing to consider an ordinance amendment to Chapter 168.10(3) Permitted Conditional Uses of the C-4 (Village Commercial) zoning district to add a new paragraph adding contractor offices**

Mayor Conkling explained this is a public hearing to consider an amendment for C-4 Village Commercial District. The specific amendment is to the section on permitted conditional uses. The new language would add contractor offices as a permitted conditional use.

Open hearing at 6:45pm

Public comment: No one came forward to comment.

Closed hearing at 6:46pm

15. **Ordinance to consider an ordinance amendment to Chapter 168.10(3) Permitted Conditional Uses of the C-4 (Village Commercial) zoning district to add a new paragraph adding contractor offices (1st reading)**

Ordinance No. 5-18-2015 #3 (409) TO CONSIDER AN ORDINANCE AMENDMENT TO CHAPTER 168.10(3) PERMITTED CONDITIONAL USES OF THE C-4 (VILLAGE COMMERCIAL) ZONING DISTRICT TO ADD A NEW PARAGRAPH ADDING CONTRACTOR OFFICES (1ST READING)

Roll Call Vote (1st Reading):

2 Boka Y Harmeyer Y Mertz 1 O'Connor Y Sloan (5-0)

Roll Call Vote (To waive 2nd & 3rd Reading):

2 Boka Y Harmeyer Y Mertz 1 O'Connor Y Sloan (5-0)

Roll Call Vote (To publish):

1 Boka Y Harmeyer Y Mertz 2 O'Connor Y Sloan (5-0)

16. **Public hearing to consider an ordinance amendment to Chapter 167.04 Accessory Buildings by adding an exception section to deal with property on the east side of 26th Avenue SW between 10th Street SW and 17th Street SW with large rear yard easements**

Mayor Conkling explained this is a public hearing for a proposed ordinance amendment to allow accessory structures within certain easements for certain properties in Meadow Vista. Director Shaw explained this amendment specifically applies to the lots on the east side of 26th Avenue SW, between 10th Street SW and 17th Street SW. These lots are very deep and have very large easements for the

underground gas pipeline at 120 feet and contains five (5) pipelines. The actual pipeline is at the far east side of the easement and the pipeline itself is quite narrow. Any structure seeking approval of an accessory structure would have to receive permission from the easement owner prior to applying for a building permit.

Open hearing at 6:47pm

Public comment: No came forward to comment.

Closed hearing at 6:48pm

17. **Ordinance to consider an ordinance amendment to Chapter 167.04 Accessory Buildings by adding an exception section to deal with property on the east side of 26th Avenue SW between 10th Street SW and 17th Street SW with large rear yard easements (1st reading)**

Ordinance No. 5-18-2015 #4 (410) TO CONSIDER AN ORDINANCE AMENDMENT TO CHAPTER 167.04 ACCESSORY BUILDINGS BY ADDING AN EXCEPTION SECTION TO DEAL WITH PROPERTY ON THE EAST SIDE OF 26TH AVENUE SW BETWEEN 10TH STREET SW AND 17TH STREET SW WITH LARGE REAR YARD EASEMENTS (1ST READING)

Roll Call Vote (1st Reading):

2 Boka Y Harmeyer Y Mertz 1 O'Connor Y Sloan (5-0)

Roll Call Vote (To waive 2nd & 3rd Reading):

2 Boka Y Harmeyer Y Mertz 1 O'Connor Y Sloan (5-0)

Roll Call Vote (To publish):

2 Boka Y Harmeyer Y Mertz 1 O'Connor Y Sloan (5-0)

18. **Public hearing to consider City of Altoona Fiscal Year 2014/2015 Budget Amendment**

Mayor Conkling explained some of the expenditures that need to be amended are for refinancing bonds, part-time wages, building maintenance and economic development.

Open hearing at 6:49pm

Public comment: No one came forward to comment.

Closed hearing at 6:50pm

19. **Resolution to approve city budget amendment and certification resolution**

Resolution 5-18-2015 #03 TO APPROVE CITY BUDGET AMENDMENT AND CERTIFICATION RESOLUTION

Roll Call Vote:

Y Boka Y Harmeyer Y Mertz 1 O'Connor 2 Sloan (5-0)

20. **Ordinance to amend Chapter 55 to allow therapy animals by special consideration of the City Council (2nd Reading)**

Ordinance No. 5-4-2015 #01 (406) TO AMEND CHAPTER 55 TO ALLOW THERAPY ANIMALS BY SPECIAL CONSIDERATION OF THE CITY COUNCIL

Mayor Conkling explained this request originally came from a resident. The ordinance amendment is to consider allowing therapy animals if they are prescribed by a physician and only with specific approval from the City Council. This is the second reading of the ordinance.

Roll Call Vote (2nd Reading):

Y Boka Y Harmeyer 1 Mertz 2 O'Connor Y Sloan (5-0)

Roll Call Vote (To waive 3rd Reading):

Y Boka Y Harmeyer 1 Mertz 2 O'Connor Y Sloan (5-0)

Roll Call Vote (To publish):

2 Boka Y Harmeyer 1 Mertz Y O'Connor Y Sloan (5-0)

21. **Resolution approving development agreement with New England Development and Authorizing Annual Appropriation Economic Development Payments**

Resolution 5-18-2015 #04 APPROVING DEVELOPMENT AGREEMENT WITH NEW ENGLAND DEVELOPMENT AND AUTHORIZING ANNUAL APPROPRIATION ECONOMIC DEVELOPMENT PAYMENTS

City Administrator Jeff Mark stated that we are still working the language of the agreement. City Attorney Bob Laden recommended the council table the issue until the agreement is completed. Council Member O'Connor moved to table the resolution until the agreement is ready to be brought forward.

Roll Call Vote:

2 Boka Y Harmeyer Y Mertz 1 O'Connor Y Sloan (5-0)

22. Consent Agenda

a) Allow Bills

b) Resolution approving the transfer of funds for bond and interest payments

Resolution 5-18-2015 #05 APPROVING THE TRANSFER OF FUNDS FOR BOND AND INTEREST PAYMENTS

c) Resolution approving a transfer from the TIF Fund to the Water Fund

Resolution 5-18-2015 #06 APPROVING A TRANSFER FROM THE TIF FUND TO THE WATER FUND

d) Resolution approving a transfer from the General Fund, Water Fund to the Equipment Replacement Fund

Resolution 5-18-2015 #07 APPROVING A TRANSFER FROM THE GENERAL FUND, WATER FUND TO THE EQUIPMENT REPLACEMENT FUND

e) Resolution approving a transfer from the TIF Fund to the General Fund

Resolution 5-18-2015 #08 APPROVING A TRANSFER FROM THE TIF FUND TO THE GENERAL FUND

f) Resolution approving special assessment schedule No. 2015-04 for delinquent water accounts thru' 05-11-15

Resolution 5-18-2015 #08 APPROVING SPECIAL ASSESSMENT SCHEDULE NO. 2015-04 FOR DELINQUENT WATER ACCOUNTS THRU' 05-11-15

g) Resolution approving requests for tax abatement

Resolution 5-18-2015 #09 APPROVING REQUESTS FOR TAX ABATEMENT

h) Resolution accepting a proposal from the Concrete Co. in the amount of \$19,980.40 for the construction of the 2015 Alley Paving Project

Resolution 5-18-2015 #10 ACCEPTING A PROPOSAL FROM THE CONCRETE CO. IN THE AMOUNT OF \$19,980.40 FOR THE CONSTRUCTION OF THE 2015 ALLEY PAVING PROJECT

i) Resolution to approve 28E Agreement for Suburban Emergency Response Team

Resolution 5-18-2015 #11 APPROVE 28E AGREEMENT FOR SUBURBAN EMERGENCY RESPONSE TEAM

j) Consider approval of 28E Agreement for Polk County Fire/Rescue Services

k) Consider approval of Polk County Master Gardeners – Enabling Gardens addition of a Children's Garden project

Roll Call Vote:

Y Boka Y Harmeyer Y Mertz 1 O'Connor 2 Sloan (5-0)

23. Beer & Liquor Permits

a) Centinela Mexican Restaurant - class c liquor license (LC)(Commercial), Sunday & outdoor sales

Chief Jody Matherly stated there were no violations at this establishment.

Roll Call Vote:

Y Boka Y Harmeyer Y Mertz 2 O'Connor 1 Sloan (5-0)

24. General Business Items/Reports and Updates

*Council Member O'Connor shared that Metro Waste Authority is having a meeting Wednesday to discuss the possibility of placing deceased birds from the Avian flu outbreak in the Polk County East Landfill. Council Member O'Connor also asked about the status of the house on 1st Ave. and 7th St. Ct. Attorney Laden stated the court date is set for September 9th.

25. Adjourn at 7:01pm

Roll Call Vote:

Y Boka Y Harmeyer Y Mertz 1 O'Connor 2 Sloan (5-0)

Attest to: _____

Amy S. Hill, Secretary

J.M. Skip Conkling, Mayor