

**CITY OF ALTOONA COUNCIL MEETING
MONDAY, JUNE 7, 2021, 6:30 P.M.
AT THE ALTOONA CITY HALL COUNCIL CHAMBERS**

1. CALL TO ORDER

Roll Call at 6:30 pm

Mayor O'Connor- present

Boka - present

Burns-Thompson - present

Duer - present

Mertz- present

Willey - absent

City Officials Present: Jeff Mark, Randy Pierce, Jared Ogbourne, John Shaw, John Dostart, Scott Atzen, Jeff Bierl, Kim Kietzman, Todd Trobaugh, Amy Hill and City Attorney Bob Laden

Audience Present: Paul Schaefer, Kyle Miller, Suzy Schares, Matt Decker, Zac Clark, David Cusic, Helen Phillips, Herb Phillips, Jon Moss, Andy McReynolds

2. Perfecting and approval of the agenda

Mayor Dean O'Connor requested to approve the agenda as presented.

Roll Call Vote:

2 Boka 1 Burns-Thompson Y Duer Y Mertz A Willey (4-1)

3. Proclamation for Altoona Museum Week

Mayor O'Connor proclaimed the Week of June 6-12 to be Altoona Museum Week in Altoona.

4. Approval of May 17 and 24, 2021 Council Minutes

Roll Call Vote:

Y Boka 2 Burns-Thompson 1 Duer Y Mertz A Willey (4-1)

5. Citizens request to address council

*Suzy Schares, co-owner of Pet Supplies Plus at 120 8th St. SE, shared the following concerns (1) parking for her store, (2) flow of traffic from the new credit union being built, (3) entrance from 8th St. into the parking lot, and (4) building visibility. Council instructed City Administrator Jeff Mark to attempt a meeting with the business and property owners at the location.

*Kyle Miller, 4305 NE 88th St., shared that several of his trees were removed from his property by MidAmerican Energy while adding utilities to Terrace Hills Golf Course. Mr. Miller would like to have some replacement trees. City Engineer John Dostart will be in contact with Mr. Miller in regards to the replacement trees.

*Jon Moss of Iowa Horsemen's Benevolent & Protective Assoc. at 3447 6th Ave. SW, expressed concerns for his organization and members in regards to the random fireworks that are used by the public on or around the 4th of July and how it affects the horses at Prairie Meadows. Mayor O'Connor instructed the police chief to meet with Mr. Moss and Prairie Meadows representatives to discuss the options that could be used to keep the horses safer during this of year.

6. Public hearing on General Obligation Urban Renewal Corporate Purpose Loan Agreement and issuance of General Obligation Bonds in an amount not to exceed \$6,500,000 (Randy)

City Clerk Randy Pierce explained this public hearing is to consider issuing General Obligation Urban Renewal Corporate Purpose Bonds not to exceed \$6,500,000. The issuance is to cover the costs associated with payments to IDOT for bridge improvements, street improvements to 36th Ave. SW, from 8th Street, north to the Walmart entrance, and golf course improvements.

Open hearing at: 7:02pm

Comments: None

Closed hearing at: 7:02pm

7. Resolution #06-07-2021 #01 EXPRESSING INTENT TO ENTER INTO LOAN AGREEMENT, APPROVING PRELIMINARY OFFICIAL STATEMENT AND SETTING DATE FOR SALE OF GENERAL OBLIGATION URBAN RENEWAL CORPORATE PURPOSE BONDS, SERIES 2021

Roll Call Vote:

1 Boka Y Burns-Thompson 2 Duer Y Mertz A Willey (4-0)

8. **Public hearing on 2021 Franchise Fee Loan Agreement and Guaranty not to exceed \$3,986,900, related to interim financing for improvements at the Terrace Hills Golf Course**
City Clerk Pierce explained this public hearing is to consider approving a loan agreement to guarantee a short term loan from Legacy Bank to CS Corp. CS Corp is making capital improvements for the City out at the golf course. This short term loan is backed by the franchise fees the City receives annually. This is a short term guarantee as the City will be paying CS Corp back for improvements made when bond proceeds are received in July 2021.

Open hearing at: 7:04pm

Comments: None

Closed hearing at: 7:04pm

9. **Resolution #06-07-2021 #02 APPROVING 2021 LOAN AGREEMENT AND 2021 GUARANTY FOR CS CORP., LLC**

Roll Call Vote:

Y Boka 2 Burns-Thompson Y Duer 1 Mertz A Willey (4-0)

10. **Public Hearing to consider amendment to Chapter 40.03 Disorderly Conduct to remove paragraph #2 Noise**

Mayor O'Connor explained this public hearing and the two that follow are all housekeeping items. They all reflect changes in the state code and will bring our local ordinance into compliance. This is a public hearing to consider amending Chapter 40.03 to remove paragraph #2 "Noise".

Open hearing at: 7:05pm

Comments: None

Closed hearing at: 7:05pm

11. **Ordinance #06-07-2021 #01 (571) TO AMEND CHAPTER 40.03 DISORDERLY CONDUCT TO REMOVE PARAGRAPH #2 NOISE**

Roll Call Vote (1st Reading):

2 Boka Y Burns-Thompson Y Duer 1 Mertz A Willey (4-0)

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

1 Boka 2 Burns-Thompson Y Duer Y Mertz A Willey (4-0)

Roll Call Vote (To publish):

Y Boka 2 Burns-Thompson 1 Duer Y Mertz A Willey (4-0)

12. **Public Hearing to consider amendment to Chapter 46.02 Cigarettes and Tobacco to change the age to 21**

Mayor O'Connor stated this is a public hearing to consider amending Chapter 46.02 to change the legal age to purchase tobacco to 21 years of age.

Open hearing at: 7:07pm

Comments: None

Closed hearing at: 7:07pm

13. **Ordinance #06-07-2021 #02 (572) TO AMEND CHAPTER 46.02 CIGARETTES AND TOBACCO TO CHANGE THE LEGAL AGE TO 21**

Roll Call Vote (1st Reading):

Y Boka 2 Burns-Thompson 1 Duer Y Mertz A Willey (4-0)

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

1 Boka 2 Burns-Thompson Y Duer Y Mertz A Willey (4-0)

Roll Call Vote (To publish):

1 Boka 2 Burns-Thompson Y Duer Y Mertz A Willey (4-0)

14. **Public Hearing to consider amendment to Chapter 121.07 Cigarettes to change the legal age to 21**

Mayor O'Connor stated this is a public hearing to consider amending Chapter 121.07 Persons Under Legal Age: To sell, give or otherwise supply tobacco, tobacco products or cigarettes to any person under 21 years of age.

Open hearing at: 7:08pm

Comments: None

Closed hearing at: 7:08pm

15. Ordinance #06-07-2021 #03 (573) TO AMEND CHAPTER 121.07 CIGARETTES TO CHANGE THE LEGAL AGE TO 21

Roll Call Vote (1st Reading):

Y Boka 2 Burns-Thompson 1 Duer Y Mertz A Willey (4-0)

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

1 Boka 2 Burns-Thompson Y Duer Y Mertz A Willey (4-0)

Roll Call Vote (To publish):

1 Boka 2 Burns-Thompson Y Duer Y Mertz A Willey (4-0)

16. Public hearing for plans, specifications and form of contract for Heritage Homes Phase 3 - Altoona Footing Drain Project

City Engineer John Dostart explained this is a public hearing to consider approval of the Heritage Homes Phase 3 footing drains project. The City received five bids on May 27th, with the low bid being submitted by Jackson Creek Enterprises, LC., from Allerton, Iowa, in the amount of \$512,791. Jackson Creek LC is the same contractor that performed phases 1 and 2. Staff would recommend awarding the project to the low bidder pending Bob Laden's review of the bonds and contract.

Open hearing at: 7:09pm

Comments: None

Closed hearing at: 7:09pm

17. Resolution #06-07-2021 #03 APPROVING PLANS, SPECIFICATIONS AND FORM OF CONTRACT FOR HERITAGE HOMES PHASE 3 - ALTOONA FOOTING DRAIN PROJECT

Roll Call Vote:

1 Boka 2 Burns-Thompson Y Duer Y Mertz A Willey (4-0)

18. Resolution #06-07-2021 #04 APPROVING THE CONTRACT AND BOND FOR HERITAGE HOMES PHASE 3 - ALTOONA FOOTING DRAIN PROJECT

Council Member Jeremy Boka motioned approval subject to Bob Laden's review.

Roll Call Vote:

1 Boka 2 Burns-Thompson Y Duer Y Mertz A Willey (4-0)

19. Resolution #06-07-2021 #05 AWARDED CONTRACT FOR HERITAGE HOMES PHASE 3 - ALTOONA FOOTING DRAIN PROJECT

City Engineer John Dostart and the engineer would recommend awarding the contract to Jackson Creek LC in the amount of \$512,791. Council Member Jeremy Boka motioned approval subject to Bob Laden's review.

Roll Call Vote:

1 Boka 2 Burns-Thompson Y Duer Y Mertz A Willey (4-0)

20. Public hearing to consider Water Trails 28e Agreement

City Administrator Jeff Mark explained this is a public hearing to consider the approval of 28E Agreements between the Central Iowa Water Trails, Inc. and the City of Altoona. The purpose of the agreement is to authorize the City of Altoona to join a metro wide effort to fund the construction and maintenance of water trail projects throughout central Iowa. The stated cost to the City of Altoona is \$12,290 per year. In addition to the annual cost, the City agrees to provide a water trail access point on the Mud Creek located on the east side of Altoona. Staff is working on potential grants to cover the construction cost of the access point.

Open hearing at: 7:12pm

Comments: None

Closed hearing at: 7:12pm

21. **Resolution #06-07-2021 #06 AUTHORIZING NOTIFICATION REGARDING CITY PARTICIPATION IN THE CENTRAL IOWA WATER TRAILS SYSTEM, SUBJECT TO AGREEMENT TERMS BEING FINALIZED**
Roll Call Vote:
1 Boka Y Burns-Thompson 2 Duer Y Mertz A Willey (4-0)
22. **Resolution #06-07-2021 #07 TO CONSIDER A PRELIMINARY PLAT RE-APPROVAL FOR TUSCANY PLAT 6**
Caleb Smith with McClure Engineering at 1360 NW 121st St., Clive, representing Hubbell Realty is seeking preliminary plat re-approval for Tuscany Plat 6. More than 6-months have passed since it was originally approved. The property is located as a south and southeast extension of the Tuscany development and is 41.3 acres in size. The plat lays out 106 lots and provides Outlots for City park space and HOA open space.
Roll Call Vote:
1 Boka 2 Burns-Thompson Y Duer Y Mertz A Willey (4-0)
23. **Resolution #06-07-2021 #08 TO CONSIDER A PRELIMINARY PLAT FOR FLECK PROPERTY (COUNTY PLAT)**
Community Development Director John Shaw explained the Fleck property is located on NE Casebeer Drive at the far south end of the street. The property is 15.57 acres in size and is served by Altoona water. This property is not in the city limits, but is within our 2-mile review area. Jarod and Amy Fleck are proposing to plat their property to make it a buildable lot. As part of the staff review, it was determined that Casebeer Drive will need a cul-de-sac constructed to allow for fire trucks, snow plows and garbage trucks to be able to turn around. Staff would recommend that the property owners be responsible for the cost associated with a hammer head turning lane and the City of Altoona would cover the oversizing cost to construct the cul-de-sac to City specifications, provided that the Flecks agreed to submit an annexation petition to the City of Altoona.
Roll Call Vote:
1 Boka 2 Burns-Thompson Y Duer Y Mertz A Willey (4-0)
24. **Resolution #06-07-2021 #09 TO CONSIDER A PLAT OF SURVEY FOR PARCEL 2021-81 FOR SEP SCHOOLS**
Director Shaw explained the SEP School District is in the process of purchasing 80-acres located ¼ of a mile south of NE 27th Avenue, on the east side of NE 80th Street in the County. This parcel is being split to close on the sale of the land, and no development is planned at this time. Because this parcel is within our 2-mile review area, the plat of survey needs to be approved by the City.
Roll Call Vote:
2 Boka Y Burns-Thompson 1 Duer Y Mertz A Willey (4-0)
25. **Consider request from Andy McReynolds and Claxon's to hold an outdoor concert event on Monday, July 5th from 3-9 pm to celebrate their 25th anniversary (Scott)**
Claxon's owner, Andy McReynolds, at 3131 8th St. SW, is requesting permission to hold their 25th anniversary celebration on Monday, July 5th, from 3-9pm. They will have live music from 4-8pm. Parking will be available for employees at the home of Andy McReynolds and overflow parking can use the vacant lot owned by the City of Altoona on 31st Avenue, if the City Council approves.
Roll Call Vote:
Y Boka 1 Burns-Thompson Y Duer 2 Mertz A Willey (4-0)
26. **Consider request from Nomi's / Matthew Decker to hold a car show in the Nomi's and surrounding business parking lots on Saturday June 19th from 2-6 pm.**
Matt Decker, 3337 13th Ave. SE, explained he and Nomi's Asian Cuisine is requesting approval to hold a car show on Saturday June 19th, from 2 to 6pm. The cars will be displayed in the parking lot shown on the map in your packet. Most if not all of the neighboring residents and businesses have been contacted and have granted their permission.

Roll Call Vote:

 Boka 1 Burns-Thompson 2 Duer Mertz A Willey (4-0)

27. Consider approval of police chief employment contract

City Administrator Jeff Mark explained this is the Chief's current agreement language with no changes to any of the benefits. The only change to the agreement is that the expiration date has been extended to June 30th, 2027. The previous request had been to June 30th, 2025. Council Member Boka motioned approval subject to amending section 12a to include 4 weeks of vacation leave and section 5 to replace six (6) months aggregate salary plus paid health (single and family insurance for the same period to read as two (2) years (24 months).

Roll Call Vote:

 1 Boka Y Burns-Thompson N Duer 2 Mertz A Willey (3-1)

28. Consider Consent Agenda

a) Allow Bills

b) Pay Apps

B1) Pay App - Edge Commercial - Terrace Hills Golf Clubhouse - \$681,499.60

B2) Change Order - McAninch Corp. - NE 62nd Ave. Expansion Grading Project - (\$4,177.00)

B3) Pay App - McAninch Corp. - NE 62nd Ave. Expansion Grading Project - \$2,760.01

B4) Pay App - Synergy Construction - 1st Ave. Reconstruction Phase II - \$167,975.16

c) Consider approval of waste hauler permits

d) Consider approval of cigarette permits

e) Consider approval of voluntary conduit installation agreement with the Iowa Department of Transportation

f) Consider approval of professional services agreement with Confluence for Altoona Parks and Facilities Comprehensive Plan, 19294

g) Consider approval of amendment for scope of services with Snyder & Associates, P.C. for Ziegler Dr. NW Realignment RISE Project, Altoona, IA

h) Consider approval of amendment for scope of services with Snyder & Associates, P.C. for 8th St. SE Water & Sewer Extensions Project, Altoona, IA

i) Consider approval of amendment for scope of services with Snyder & Associates, P.C. for 8th St. SW Reconstruction Project - Phase 1

j) Consider approval of amendment for scope of services with Snyder & Associates, P.C. for NE 62nd Ave. Expansion Grading Project, Altoona, IA

k) Consider approval of engineering services with Kirkham Michel for 1st Ave. Reconstruction Final Design Phase III, 10th St. SE to 2nd St. SE

l) Consider approval of engineering services with MSA Professional Services, Inc. for Casebeer Drive Sanitary Sewer Study

m) Consider event request from CAP Theatre to hold a variety show at Haines Park stage on Saturday, July 24th from 2-9 pm, rain date of July 31st

n) Resolution #06-07-2021 #10 ACCEPTING PUBLIC IMPROVEMENTS - NE 62ND AVENUE GRADING EXPANSION

o) Resolution #06-07-2021 #11 ACCEPTING PUBLIC IMPROVEMENTS - SPRING CREEK SPORTS COMPLEX ESTATE PLAT I

p) Resolution #06-07-2021 #12 ACCEPTING PUBLIC IMPROVEMENTS - SPRING CREEK SPORTS COMPLEX STORM SEWER IMPROVEMENTS

q) Resolution #06-07-2021 #13 ACCEPTING PUBLIC IMPROVEMENTS - BROOKHAVEN ESTATES PLAT 3

r) Resolution #06-07-2021 #14 ACCEPTING PUBLIC IMPROVEMENTS - SPRING CREEK RIDGE PLAT 3

s) Resolution #06-07-2021 #15 ACCEPTING PUBLIC IMPROVEMENTS - TUSCANY PLAT 5

t) Resolution #06-07-2021 #16 ACCEPTING PUBLIC IMPROVEMENTS - MEADOW VISTA WEST PLAT 1

u) Resolution #06-07-2021 #17 ACCEPTING PUBLIC IMPROVEMENTS - SPRING CREEK RIDGE NORTH PLAT 1

- v) Resolution #06-07-2021 #18 ACCEPTING PUBLIC IMPROVEMENTS - SPRING CREEK PARK SANITARY SEWER IMPROVEMENTS
- w) Resolution #06-07-2021 #19 TO APPOINT ERIN HERBOLD-SWALWELL TO THE PLANNING & ZONING COMMISSION
- x) Resolution #06-07-2021 #20 TO SET A PUBLIC HEARING FOR MONDAY, JULY 6, 2021, AT 6:30PM TO WITHDRAW FROM THE POLK COUNTY AVIATION AUTHORITY
- y) Set a public hearing for Monday, June 21, 2021, at 6:30pm to consider adopting a new ordinance to the 2004 City of Altoona Code of Ordinances (Arts and Culture Committee)
- z) Set a public hearing for Monday, June 21, 2021 at 6:30pm to consider a development agreement with Altoona Lots II, LLC. & Temple Holdings LP for sanitary sewer development agreement and other development considerations for Magnolia PUD
- aa) Set Public Hearing for Monday, June 21, 2021 at 6:30 pm to consider a conditional rezoning request from Ina Merschman Revocable Trust/Quick Roofing to rezone 1.8 acres at 2542 8th Street SW from R-1 (Single-family residential) to Conditional C-2 (General Commercial)
- bb) Set Public Hearing for Monday, June 21, 2021 at 6:30 pm to consider a rezoning request from Darryl Bresson/Stubbs Development to rezone 35.485 acres from A-1 to R-5 (PUD) for a single family residential development to be called Brook Ridge (west of Brookhaven Estates, north of 36th Street SW)
- cc) Set a public hearing for Monday, June 21, 2021 at 6:30 pm to consider a development plan for Brook Ridge (west of Brookhaven Estates, north of 36th Street SW)
- dd) Set a public hearing for Monday, June 21, 2021 at 6:30 pm to consider approving plans, specifications, and form of contract for Post Office Alley Project
- ee) Set a public hearing for Monday, June 21, 2021 at 6:30 pm to consider approving 28E with City of Bondurant for Coordination of Signalization
- ff) Beer and liquor permits
 - FF1) Casey's General Store #2916 - Class C Beer Permit, Class E Liquor License, Class B Wine Permit, Sunday Sales
 - FF2) Nomi Asian Cuisine - Applied for Outdoor Service for Car Show (one day only) June 19, 2021 from 2:00 pm to 6:00 pm.
 - FF3) Panchero's Mexican Grill - Class B Beer Permit
 - FF4) HyVee Market Grill - Class C Liquor License, Catering, Sunday and Outdoor sales
 - FF5) HyVee Clubroom - Special Class C Liquor License, Sunday and Outdoor Sales

Roll Call Vote:

1 Boka 2 Burns-Thompson Y Duer Y Mertz A Willey (4-0)

14. Department Head Reports & Updates

The following gave updates: Police Department - Todd Trobaugh, Fire Department - Jared Ogbourne, Public Works - Scott Atzen, Engineering - John Dostart, Community Development - John Shaw, Kim Kietzman - Library, IT - Jeff Bierl, Finance - Randy Pierce, Administration - Jeff Mark

15. General Business & Updates

16. Adjourn at 7:44pm

Roll Call Vote:

1 Boka Y Burns-Thompson 2 Duer Y Mertz A Willey (4-0)

Attest to:

Amy S. Hill, Secretary

Dean O'Connor, Mayor