

**CITY OF ALTOONA COUNCIL MEETING
MONDAY, JUNE 19, 2023, 6:30 P.M.
at Altoona City Hall Council Chambers**

1. Call to Order

Roll Call at 6:30 pm

Mayor O'Connor- present Boka - present Dunwoody- present Duer - present
Willey - present

City Officials Present: Dan Scott, Kim Kietzman, Tony Chambers, Jared Ogbourne, John Shaw, Jeff Bierl, John Dostart, Lyndsay Nielsen, and City Attorney Bob Laden

Audience Present: Joe Shepherd, Donna Kelso, Ted Griffieon, Chris Lynn, David Cusic, Phyllis Murphy, Chad Ratashak, Alex Payne, and Keith Weggen

2. Perfecting and approval of the agenda

Mayor O'Connor requested to approve the agenda.

Roll Call Vote:

1 Boka Y Duer 2 Dunwoody Y Willey (4-0)

3. Approval of June 5, 2023 Council Minutes

Mayor O'Connor requested to approve the minutes as presented.

Roll Call Vote:

1 Boka Y Duer 2 Dunwoody Y Willey (4-0)

4. Citizens request to address council on items not on the agenda. Donna Kelso, 711 3rd ST SE, asked Council to look into vehicles speeding on 8th Avenue SE. Mayor O'Connor talked about the speed trailer and asked that PD put 8th Avenue SE on their list. Joe Shepherd, 8324 NE 46th AVE, asked Council for permission to put out signage for Altoona Palooza. Mayor O'Connor asked for Mr. Shepherd to speak with Scott Atzen.

Mayor O'Connor states we have Ben Ward online and we will put that into the minutes under this area Citizens request to address council.

18:31:30 From Ben to Everyone:

I am writing to document the ongoing intimidation against me by the City Council. At the 6-5-2023 Altoona City Council Meeting, the City acknowledged that I had sent a chat message on Zoom and the Mayor said, "Go ahead and put his chat into the Minutes as usual." The City then ignored me and went on with the meeting without actually reading my chat message.

By doing this, the City did not allow me to speak and participate in the public comment section of the Meeting. During this same Meeting, another citizen was allowed to speak before the Council for several minutes and the Council responded to his concern. Could the City please clarify why it refused to read my Zoom message and allow me to speak in the Meeting?

The City of Altoona is also refusing to release a police body camera footage of my residence. I have a legal claim to that footage since it involves me. The City has even gone so far as to take me to Court rather than release the footage (SCSC701078). Could the City Council please clarify why it is refusing to release that footage, as required by law?

18:37:19 From Ben to Everyone:

Why are you not allowing me to speak?

19:00:05 From Ben to Everyone:

And now the Police is laughing during their update? Shameful.

5. Proclamation for this growing and harvest season to be known as the seasons of CORNival.

Mayor O'Connor proclaimed starting June 19, 2023 as CORNival in Altoona.

6. Public Hearing to consider plans, specifications, and form of contract for the 8th Street SE Widening Project.

City Engineer John Dostart explained this hearing is for consideration of the first phase of the 8th Street SE Widening Project. The following Resolutions pertaining to this project please make them subject to Attorney Bob Laden's review.

Open hearing: 6:40 pm

Comments: Chad Ratashak, 1019 10th Place SE, asked about the plan of action. John Dostart detailed the current plan for this project.

Closed hearing: 6:44 pm

7. Resolution to approve the plans, specifications, form of contract and estimated costs for the 8th Street Widening Project.

Councilmember Willey motioned approval subject to City Attorney Bob Laden reviewing the contracts.

Roll Call Vote:

2 Boka Y Duer Y Dunwoody 1 Willey (4-0)

8. Resolution to approve the contract and bond for the 8th Street Widening Project.

Councilmember Dunwoody motioned approval subject to City Attorney Bob Laden reviewing the contracts.

Roll Call Vote:

2 Boka Y Duer 1 Dunwoody Y Willey (4-0)

9. Resolution making award of the contract for the 8th Street Widening Project.

Roll Call Vote:

Councilmember Boka motioned approval subject to City Attorney Bob Laden reviewing the contracts.

1 Boka 2 Duer Y Dunwoody Y Willey (4-0)

10. Public Hearing to consider Amendment to Chapter 177, Flood Plain Management.

City Engineer John Dostart explained this hearing is to consider updating and amending Chapter 177 - Flood Plain Management.

Open hearing: 6:47 pm

Comments: No one came forward to speak.

Closed hearing: 6:48 pm

11. Ordinance to Amend Chapter 177, Flood Plain Management.

Roll Call Vote (1st Reading):

1 Boka Y Duer Y Dunwoody 2 Willey (4-0)

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

1 Boka 2 Duer Y Dunwoody Y Willey (4-0)

Roll Call Vote (To Publish):

1 Boka 2 Duer Y Dunwoody Y Willey (4-0)

12. Public Hearing to consider plans, specifications, and form of contract for the Public Works Entrance Driveway Project.

City Engineer John Dostart explained this hearing is for consideration of the first phase of the Public Works Facility project. The following Resolutions pertaining to this project please make them subject to Attorney Bob Laden's review.

Open hearing: 6:49 pm

Comments: No one came forward to speak.

Closed hearing: 6:49 pm

13. Resolution to approve the plans, specifications, form of contract and estimated costs for the Public Works Entrance Driveway Project.

Councilmember Willey motioned approval subject to City Attorney Bob Laden reviewing the contracts.

Roll Call Vote:

Y Boka 2 Duer Y Dunwoody 1 Willey (4-0)

14. **Resolution to approve the contract and bond for the Public Works Entrance Driveway Project.**
Councilmember Dunwoody motioned approval subject to City Attorney Bob Laden reviewing the contracts.

Roll Call Vote:

Y Boka 2 Duer 1 Dunwoody Y Willey (4-0)

15. **Resolution making award of the contract for the Public Works Entrance Driveway Project.**
Councilmember Boka motioned approval subject to City Attorney Bob Laden reviewing the contracts.

Roll Call Vote:

1 Boka Y Duer 2 Dunwoody Y Willey (4-0)

16. **Public Hearing on proposal to enter into an Urban Renewal Loan Agreement.**

Mayor O'Connor stated this public hearing allows us to start moving forward with the process for our loan agreement (bond issue) for this upcoming construction seasons projects. Those projects include 1st Ave S and 8th St. SE. This is the first of many steps required by state code that allows us to borrow funds for our CIP projects. The amount of the loan (bond issue) is \$5.5M.

Open hearing: 6:50 pm

Comments: No one came forward to speak.

Closed hearing: 6:50 pm

17. **Resolution taking additional action on proposal to enter into an Urban Renewal Loan Agreement.**

Roll Call Vote:

1 Boka 2 Duer Y Dunwoody Y Willey (4-0)

18. **Public Hearing to Consider a 100% Voluntary Annexation of Approximately 72.377 acres of Territory within an Urbanized Area.**

Community Development John Shaw stated this public hearing is looking at annexing in a territory of approximately 72.377 acres located west of 34th Avenue NW. This will include the parcels of land just north of the Facebook campus and directly south of Country Living. This is the Farmer Brown / Graham warehouse location.

Open hearing: 6:51 pm

Comments: No one came forward to speak.

Closed hearing: 6:51 pm

19. **Resolution to approve the 100% Voluntary Annexation on the Land Depicted on the attached map in an Urbanized Area into the Corporate Limits of Altoona.**

Roll Call Vote:

Y Boka Y Duer 1 Dunwoody 2 Willey (4-0)

20. **Public Hearing to consider a rezoning request from Opus Development Company, LLC to rezone 78.48 acres from A-1 (Agricultural District) to M-1 (Light Industrial).**

Keith Weggen, 4121 4121 NW Urbandale Drive, Urbandale, IA 50322 with CDA here tonight on behalf of Opus Development Company who submitted a request to rezone 78.48 acres from A-1 (Agricultural District) to M-1 (Light Industrial) to build four warehouses/distribution centers.

Open hearing: 6:54 pm

Comments: No one came forward to speak.

Closed hearing: 6:54 pm

21. **Ordinance to Amend the "Code of Ordinances" of the City of Altoona, Iowa, 2004, Chapter 165, to change the Official Zoning Map to Rezone Certain Properties.**

Roll Call Vote (1st Reading):

Y Boka 1 Duer 2 Dunwoody Y Willey (4-0)

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

1 Boka 2 Duer Y Dunwoody Y Willey (4-0)

Roll Call Vote (To Publish):

Y Boka 1 Duer Y Dunwoody 2 Willey (4-0)

22. Resolution to approve a Preliminary Plat for McCleary Plat 1.

Roll Call Vote:

2 Boka 1 Duer Y Dunwoody Y Willey (4-0)

23. Resolution to approve a Final Plat for McCleary Plat 1.

Councilmember Boka motioned approval subject to legal documents submitted.

Roll Call Vote:

1 Boka Y Duer 2 Dunwoody Y Willey (4-0)

24. Resolution to approve a Site Plan McCleary Plat 1.

Councilmember Boka motioned approval subject to platting.

Roll Call Vote:

1 Boka 2 Duer Y Dunwoody Y Willey (4-0)

25. Resolution Authorizing the Sale and Conveyance of City Property to Meadowlands, L.L.C.

Community Development John Shaw stated it has been over two years since the City vacated and sold this land so the Attorney requested it be reapproved so it can be recorded.

Roll Call Vote:

1 Boka 2 Duer Y Dunwoody Y Willey (4-0)

26. Resolution to approve a Final Plat for Edgewood Trail Plat 2.

Roll Call Vote:

Y Boka 1 Duer 2 Dunwoody Y Willey (4-0)

27. Resolution to re-approve site plan for Adventureland Drive Boat and RV Storage.

Roll Call Vote:

1 Boka 2 Duer Y Dunwoody Y Willey (4-0)

28. Resolution to re-approve a Preliminary Plat for Brook Ridge.

Roll Call Vote:

Y Boka 1 Duer Y Dunwoody 2 Willey (4-0)

29. Ordinance to Amend Chapter 92.10 for Utility Billing Deposits Amounts 2nd & 3rd readings

Roll Call Vote (2nd Reading):

2 Boka Y Duer 1 Dunwoody Y Willey (4-0)

Roll Call Vote (To Publish):

1 Boka Y Duer 2 Dunwoody Y Willey (4-0)

30. Ordinance to Amend Chapter 98.12 for delinquent bill-red tag fees 2nd & 3rd readings

Roll Call Vote (2nd Reading):

Y Boka 1 Duer 2 Dunwoody Y Willey (4-0)

Roll Call Vote (To Publish):

1 Boka 2 Duer Y Dunwoody Y Willey (4-0)

31. Ordinance to Amend Chapter 92.06 for delinquent bill-red tag fees 2nd & 3rd readings

Roll Call Vote (2nd Reading):

Y Boka 2 Duer 1 Dunwoody Y Willey (4-0)

Roll Call Vote (To Publish):

Y Boka 2 Duer 1 Dunwoody Y Willey (4-0)

32. "Receive and File Altoona Strategic Plan 2023"

Roll Call Vote:

1 Boka Y Duer 2 Dunwoody Y Willey (4-0)

33. Consider Consent Agenda

a. Allow Bills

b. Pay Apps

B) 1 - Change Order No. 1 - Jackson Creek Enterprises, LC - Heritage Homes Storm Water Improvements-Phase 4 (-\$3,698.00)

B) 2 - Pay App - Jackson Creek Enterprise, Inc. - Heritage Homes Storm Water Improvements-Phase 4 - \$40,287.00

B) 3 - Change Order No. 1 - AVR Excavating Inc. - Spring Creek South Pond Bank Stabilization 2023 - \$26,791.08

B) 4 - Pay App - AVR Excavating Inc. - Spring Creek Park South Pond Bank Stabilization Project 2023 - \$204,479.11

B) 5 - Pay App - Jackson Creek Enterprise, Inc. - 2022 Water Main Replacements Project - \$83,532.30

c. Consider approving Scope of Services Amendment for 9th St. NE Reconstruction and Widening Rise Project.

d. Consider approving Management Agreement for Townsend Community Center with the Campus.

e. Resolution Accepting Public Improvements described as Heritage Homes Storm Water Improvements Project Phase 4.

f. Resolution authorizing July 1, 2023 Salaries.

g. Beer and Liquor Permits

G1) Caseys #2916 - Class E Retail Alcohol License & Sunday Sales

G2) Guadalajara Mexican Restaurant - Class C Retail Alcohol License, Sunday & Outdoor Sales

Roll Call Vote:

1 Boka 2 Duer Y Dunwoody Y Willey (4-0)

34. Department Head Reports & Updates

The following gave updates: Police Department-Tony Chambers, Fire Department-Jared Ogbourne, Public Works-Dan Scott, Engineering-John Dostart, Community Development-John Shaw, Library-Kim Kietzman, HR Department-Lyndsay Nielsen, IT-Jeff Bierl

35. General Business

36. Adjourn

Councilmember Duer motioned to adjourn at 7:07 pm.

Roll Call Vote:

2 Boka 1 Duer Y Dunwoody Y Willey (4-0)

Attest to:

Randy Pierce, City Clerk

Dean O'Connor, Mayor