

COUNCIL MEETING

APRIL 25, 2016

(Please note these are draft minutes and may be amended by Council before final approval.)

The Carroll City Council met in regular session on this date at 5:15 p.m. at the Carroll Recreation Center located at 716 North Grant Road and then continued the meeting in the Council Chamber of the Farner Government Building at 5:50 p.m. Members present: Misty Boes, Jerry Fleshner, Clay Haley, Mike Kots, Carolyn Siemann and Brandon Vonnahme. Absent: None. Mayor Eric Jensen presided and City Attorney Dave Bruner was in attendance.

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The Pledge of Allegiance was led by the City Council. No Council action taken.

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It was moved by Haley, seconded by Kots, to approve the minutes of the April 11, 2016 council meeting as written. On roll call, all present voted aye. Absent: None. Motion carried.

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It was moved by Haley, seconded by Kots, to approve the bills and claims in the amount of \$485,162.97. On roll call, all present voted aye. Absent: None. Motion carried.

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It was moved by Haley, seconded by Kots, to approve the renewal of the following licenses and permits:

1. Class "C" Beer Permit with Sunday Sales – *Sparky's One Stop*
2. Class "E" Liquor License with Carryout Beer and Carryout Wine (includes Native Wine) and Sunday Sales – *Walgreens #10770*
3. Class "E" Liquor License with Carryout Beer and Carryout Wine (includes Native Wine) and Sunday Sales – *Hy-Vee*
4. Class "C" Beer Permit with Sunday Sales and Native Wine Permit – *Reiling's 71 South*

On roll call, all present voted aye. Absent: None. Motion carried.

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There were no oral requests or communications from the audience.

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It was moved by Haley, seconded by Vonnahme, to waive the second and third readings of an ordinance amending provisions pertaining to building sewer connection charges on sections

of Burgess Avenue and Industrial Park Road. On roll call, all present voted aye. Absent: None. Motion carried.

It was moved by Siemann, seconded by Haley, to adopt said Ordinance No.1606. On roll call, all present voted aye. Absent: None. Motion carried.

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At 5:55 p.m. April 25, 2016, Mayor Jensen opened a public hearing for the rezoning of the property legally described as the area within Lot 6 of the NE1/4 NE1/4 of Section 26, Township 84 North, Range 35 West of the 5th P.M., Carroll County, Iowa, except the right-of-way acquired by the State of Iowa and subject to the bike trail conveyed to Carroll County, Iowa that is not currently zoned B-2. Mayor Jensen allowed time for citizens to speak or present evidence in favor of the application. No evidence was presented in favor of the application. Mayor Jensen allowed time for citizens to speak or present evidence in opposition of the application. No evidence was presented in opposition of the application. Building/Fire Safety Official Greg Schreck presented the Planning and Zoning Commission's recommendation and proposed minutes of their last meeting and further presented evidence that the proposed rezoning would be consistent with the City of Carroll's Comprehensive Plan and further presented the proof of publication that public notice of the public hearing for the City Council and Planning and Zoning Commission was properly made in a timely fashion. Mayor Jensen then requested further evidence from others. No further evidence was presented. The Council was then given the opportunity to ask questions of any of the witnesses or evidence. Mayor Jensen then closed the public hearing at 5:56 p.m.

It was moved by Kots, seconded by Vonnahme, that upon consideration of all the evidence contained in the record of the public hearing dated April 25, 2016, including the fact that there was no opposition to the application; that all proper procedures and notices were followed; and rezoning is consistent with the City's Comprehensive Plan, the application to rezone the area legally described as the area within Lot 6 of the NE1/4 NE1/4 of Section 26, Township 84 North, Range 35 West of the 5th P.M., Carroll County, Iowa, except the right-of-way acquired by the State of Iowa and subject to the bike trail conveyed to Carroll County, Iowa that is not currently zoned B-2, from A-1, Agricultural District to B-2, General Business District, be approved; that the City Clerk prepare detailed minutes of the public hearing and retain and preserve any and all written evidence and exhibits presented; that an ordinance amending the zoning map be presented to the Council for passage and waive all three readings of said ordinance. On roll call, all present voted aye. Absent: None. Motion carried.

It was moved by Haley, seconded by Fleshner, to adopt said Ordinance No. 1607. On roll call, all present voted aye. Absent: None. Motion carried.

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At 5:57 p.m. April 25, 2016, Mayor Jensen opened a public hearing for the rezoning of the property legally described as:

TIMBER CREEK EAST SUBDIVISION PLAT 5, CITY OF CARROLL, CARROLL COUNTY, IOWA, WHICH THE EXTERIOR BOUNDARY IS MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER SECTION 36, TOWNSHIP 84 NORTH, RANGE 35 WEST OF THE 5TH P.M., CARROLL COUNTY, IOWA; THENCE N 01° 09' 33" E (ASSUMED BEARING), A DISTANCE OF 3,277.00 FEET TO A 5/8" REBAR (YELLOW CAP 12108), SAID POINT BEING THE SOUTHWEST CORNER OF OUTLOT A IN THE NORTHEAST QUARTER OF SAID SECTION, ALSO BEING THE POINT OF BEGINNING (P.O.B.), THENCE S 88° 50' 28" E ON THE SOUTH LINE OF SAID OUTLOT A, A DISTANCE OF 1,597.12 FEET TO A 5/8" REBAR (YELLOW CAP 21443), SAID POINT BEING THE SOUTHWEST CORNER OF LOT 8 TIMBER CREEK EAST SUBDIVISION PLAT 4; THENCE N 01° 30' 24" E ON THE WEST LINE OF SAID PLAT 4, A DISTANCE OF 622.90 FEET TO A 5/8" REBAR (YELLOW CAP 21443), SAID POINT BEING THE SOUTHEAST CORNER OF LOT 3 OF SAID PLAT 4; THENCE N 50° 42' 13" W ON THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 101.30 FEET TO A 5/8" REBAR (YELLOW CAP 21443), SAID POINT BEING ON THE SOUTHWEST CORNER OF LOT 3 OF SAID PLAT 4; THENCE N 30° 28' 23" E ON THE WEST LINE OF SAID LOT 3 OF SAID PLAT 4, A DISTANCE OF 167.40 FEET TO A 5/8" REBAR (YELLOW CAP 21443), SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF DEER CREEK LANE; THENCE N 30° 26' 37" E ON THE WEST LINE OF SAID PLAT 4, A DISTANCE OF 50.02 FEET TO A 5/8" REBAR (YELLOW CAP 21443), SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF DEER CREEK LANE; THENCE S 60° 34' 55" E ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 21.77 FEET TO A 5/8" REBAR (YELLOW CAP 21433), SAID POINT BEING THE SOUTHWEST CORNER OF LOT 2 IN SAID PLAT 4; THENCE N 29° 29' 06" E ON THE WEST LINE OF SAID LOT 2, A DISTANCE OF 189.45 FEET TO A 5/8" REBAR (ORANGE CAP 19758), SAID POINT BEING THE SOUTHWEST CORNER OF LOT 4 OF TIMBER CREEK EAST SUBDIVISION PLAT 2; THENCE N 44° 57' 46" W ON THE SOUTHWESTERLY SIDE OF SAID PLAT 2, A DISTANCE OF 206.93 FEET TO A 5/8"

REBAR (YELLOW CAP 12108), SAID POINT BEING THE SOUTHWEST CORNER OF LOT 2 OF SAID PLAT 2; THENCE S 59° 54' 18" W ON THE SOUTH LINE OF TIMBER CREEK EAST PLAT 1, A DISTANCE OF 459.56 FEET TO A 5/8" REBAR (YELLOW CAP 12108); THENCE S 14° 05' 41" W ON THE SOUTH LINE OF SAID PLAT 1, A DISTANCE OF 427.25 FEET TO A 5/8" REBAR (YELLOW CAP 12108); THENCE S 76° 46' 49" W ON THE SOUTH LINE OF SAID PLAT 1, A DISTANCE OF 499.26 FEET TO A 5/8" REBAR (YELLOW CAP 12108), SAID POINT BEING THE SOUTHEAST CORNER OF LOT 20 OF SAID PLAT 1; THENCE S 74° 43' 07" W ON THE SOUTH LINE OF SAID PLAT 1, A DISTANCE OF 100.04 FEET TO A 5/8" REBAR (ORANGE CAP 19758), SAID POINT BEING THE SOUTHWEST CORNER OF LOT 20 OF SAID PLAT 1; THENCE S 73° 12' 52" W ON THE SOUTH LINE OF SAID PLAT 1, A DISTANCE OF 143.75 FEET TO A 5/8" REBAR (YELLOW CAP 12108), SAID POINT BEING THE SOUTHWEST CORNER OF LOT 19 OF SAID PLAT 1 AND ON THE EAST RIGHT OF WAY LINE OF DEER CREEK LANE; THENCE S 73° 12' 52" W ON THE SOUTH LINE OF SAID PLAT 1, A DISTANCE OF 50.00 FEET TO A 5/8" REBAR (ORANGE CAP 19758), SAID POINT BEING THE WEST RIGHT OF WAY LINE OF DEER CREEK LANE AND TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ON A 225.00 FOOT RADIUS CURVE TO THE LEFT, BEING ON SAID WEST RIGHT OF WAY LINE, AN ARC DISTANCE OF 10.37 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID CURVE BEARS S 18° 07' 00" E, 10.37 FEET; THENCE S 70° 37' 56" W ON THE SOUTH LINE OF LOT 18 OF SAID PLAT 1, A DISTANCE OF 361.63 FEET TO A 5/8" REBAR (YELLOW CAP 12108), SAID POINT BEING ON THE WEST LINE OF SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 36; THENCE S 01° 08' 57" W ON SAID SECTION LINE, A DISTANCE OF 171.52 FEET TO THE POINT OF BEGINNING (P.O.B.). THE ABOVE DESCRIBED PARCEL CONTAINS 20.98 ACRES, MORE OR LESS.

Mayor Jensen allowed time for citizens to speak or present evidence in favor of the application. No evidence was presented in favor of the application. Mayor Jensen allowed time for citizens to speak or present evidence in opposition of the application. No evidence was presented in opposition of the application. Building/Fire Safety Official Greg Schreck presented the Planning and Zoning Commission's recommendation and proposed minutes of their last meeting and further presented evidence that the proposed rezoning would be consistent with the City of Carroll's Comprehensive Plan and further presented the proof of publication that public notice of the public hearing for the City Council and Planning and Zoning Commission was

properly made in a timely fashion. Mayor Jensen then requested further evidence from others. No further evidence was presented. The Council was then given the opportunity to ask questions of any of the witnesses or evidence. Mayor Jensen then closed the public hearing at 5:59 p.m.

It was moved by Vonnahme, seconded by Haley, that upon consideration of all the evidence contained in the record of the public hearing dated April 25, 2016, including the fact that there was no opposition to the application; that all proper procedures and notices were followed; and rezoning is consistent with the City's Comprehensive Plan, the application to rezone the area legally described as:

TIMBER CREEK EAST SUBDIVISION PLAT 5, CITY OF CARROLL, CARROLL COUNTY, IOWA, WHICH THE EXTERIOR BOUNDARY IS MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER SECTION 36, TOWNSHIP 84 NORTH, RANGE 35 WEST OF THE 5TH P.M., CARROLL COUNTY, IOWA; THENCE N 01° 09' 33" E (ASSUMED BEARING), A DISTANCE OF 3,277.00 FEET TO A 5/8" REBAR (YELLOW CAP 12108), SAID POINT BEING THE SOUTHWEST CORNER OF OUTLOT A IN THE NORTHEAST QUARTER OF SAID SECTION, ALSO BEING THE POINT OF BEGINNING (P.O.B.), THENCE S 88° 50' 28" E ON THE SOUTH LINE OF SAID OUTLOT A, A DISTANCE OF 1,597.12 FEET TO A 5/8" REBAR (YELLOW CAP 21443), SAID POINT BEING THE SOUTHWEST CORNER OF LOT 8 TIMBER CREEK EAST SUBDIVISION PLAT 4; THENCE N 01° 30' 24" E ON THE WEST LINE OF SAID PLAT 4, A DISTANCE OF 622.90 FEET TO A 5/8" REBAR (YELLOW CAP 21443), SAID POINT BEING THE SOUTHEAST CORNER OF LOT 3 OF SAID PLAT 4; THENCE N 50° 42' 13" W ON THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 101.30 FEET TO A 5/8" REBAR (YELLOW CAP 21443), SAID POINT BEING ON THE SOUTHWEST CORNER OF LOT 3 OF SAID PLAT 4; THENCE N 30° 28' 23" E ON THE WEST LINE OF SAID LOT 3 OF SAID PLAT 4, A DISTANCE OF 167.40 FEET TO A 5/8" REBAR (YELLOW CAP 21443), SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF DEER CREEK LANE; THENCE N 30° 26' 37" E ON THE WEST LINE OF SAID PLAT 4, A DISTANCE OF 50.02 FEET TO A 5/8" REBAR (YELLOW CAP 21443), SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF DEER CREEK LANE; THENCE S 60° 34' 55" E ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 21.77 FEET TO A 5/8" REBAR (YELLOW CAP 21433), SAID POINT BEING THE SOUTHWEST CORNER OF LOT 2 IN SAID PLAT 4; THENCE N 29° 29' 06" E ON THE WEST LINE OF SAID LOT 2, A DISTANCE OF 189.45 FEET TO A 5/8" REBAR (ORANGE

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It was moved by Haley, seconded by Siemann, to adopt said Ordinance No. 1608. On roll call, all present voted aye. Absent: None. Motion carried.

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It was moved by Vonnahme, seconded by Haley, to approve Resolution No. 1627, Preliminary Plat for Timber Creek Subdivision Plat 5. On roll call, all present voted aye. Absent: None. Motion carried.

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It was moved by Fleshner, seconded by Haley, to approve Resolution No. 1628, Collective Bargaining Agreement with Teamsters Union, Local 238 (Public Works Union Contract). On roll call, all present voted aye. Absent: None. Motion carried.

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It was moved by Haley, seconded by Vonnahme, to accept the report of bid opening and approve Resolution No. 1629, Making Award of the Construction Contract for the Court Street Resurfacing – 2016 Project to OMG Midwest d/b/a Tri-State Paving at their bid price of \$121,328.84. On roll call, all present voted aye. Absent: None. Motion carried.

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It was moved by Kots, seconded by Fleshner, to approve Resolution No. 1630, Authorizing and Accepting an Iowa Department of Transportation Agreement for Maintenance and Repair of Primary Roads in Municipalities. On roll call, all present voted aye. Absent: None. Motion carried.

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It was moved by Haley, seconded by Vonnahme, to approve Change Order No. 2 to the Street Resurfacing – 2015 contract. The change to the contract based on the proposed Change Order No. 2 is as follows:

Original Contract Cost	\$1,132,455.61
Change Order No. 1	18,958.10
Proposed Change Order No. 2	10,852.55
Contract Price w/ Change Orders	\$1,162,266.26

On roll call, all present voted aye. Absent: None. Motion carried.

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It was moved by Fleshner, seconded by Haley, to budget \$50,000 annually for its curb ramp program from the funds legally available for ADA specific projects as defined in the

Pedestrian Access Route Transition Plan. On roll call, all present voted aye. Absent: None.
Motion carried.

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It was moved by Haley, seconded by Vonnahme, to authorize staff to accept bids for the removal of the city owned golf course house. On roll call, all present voted aye. Absent: None.
Motion carried.

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It was moved by Vonnahme, seconded by Kots, to adjourn at 6:37 p.m. On roll call, all present voted aye. Absent: None. Motion carried.

Eric P. Jensen, Mayor

ATTEST:

Laura A. Schaefer, City Clerk