

COUNCIL MEETING

AUGUST 6, 2018

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

The Carroll City Council meeting began at 5:15 p.m. with a tour of the temporary City Hall space located at 510 N. Carroll Street. The Carroll City Council reconvened in regular session at 5:36 p.m. at the Council Chambers of the Farner Government Building. Members present: Misty Boes, LaVern Dirx, Jerry Fleshner, Clay Haley, Mike Kots and Carolyn Siemann. Absent: None. Mayor Eric Jensen presided and City Attorney Dave Bruner was in attendance.

* * * * *

City Manager Mike Pogge-Weaver gave an update of the temporary City Hall space during a tour of the space. No Council action taken.

* * * * *

Council reconvened the meeting at the Council Chambers of the Farner Government Building at 5:36 p.m.

* * * * *

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

* * * * *

It was moved by Haley, seconded by Dirx, to approve the following items on the consent agenda: a) minutes of the July 23 Council meeting, as written, b) bills and claims in the amount of \$685,318.55, and c) Renewal Class "C" Liquor License with Sunday Sales – *American Legion Post #7*. On roll call, all present voted aye. Absent: None. Motion carried.

* * * * *

There were no oral requests or communications from the audience.

* * * * *

At 5:38 p.m. August 6, 2018, Mayor Jensen opened a public hearing for the rezoning request of the property legally described as:

REFERRING TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 25; THENCE N00°44'28"W (ASSUMED BEARING) ON THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1315.06 FEET; THENCE S89°10'32"E, A DISTANCE OF 118.13 FEET TO THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY 71 AND THE NORTHWEST CORNER OF LOT 3, BLOCK 1 OF ROLLING HILLS SOUTH 3RD ADDITION, CARROLL, IOWA; THENCE S00°55'09"W ON SAID EAST RIGHT OF WAY LINE, SAID EAST RIGHT OF WAY LINE ALSO BEING THE WEST LINE OF LOTS 3, 4 AND 5 OF SAID ROLLING HILLS SOUTH 3RD ADDITION, A DISTANCE OF 359.13 FEET TO THE

SOUTHWEST CORNER OF LOT 5 OF SAID ROLLING HILLS SOUTH 3RD ADDITION AND THE POINT OF BEGINNING; THENCE S00°56'00"E CONTINUING ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 419.61 FEET; THENCE S04°13'30"W CONTINUING ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 39.13 FEET TO THE NORTHWEST CORNER OF LOT 2, BLOCK 5 OF ROLLING HILLS SOUTH 3RD ADDITION; THENCE S89°05'23"E ON THE NORTH LINE OF SAID LOT 2 AND THE NORTH RIGHT OF WAY LINE OF SUMMIT DRIVE, A DISTANCE OF 246.91 FEET TO THE SOUTHWEST CORNER OF LOT 6, BLOCK 2 OF ROLLING HILLS SOUTH 3RD ADDITION; THENCE N00°32'38"E ON THE WEST LINE OF LOTS 6, 5, 4, 3, 2 AND 1 OF ROLLING HILLS SOUTH 3RD ADDITION, A DISTANCE OF 460.10 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE N89°27'22"W ON THE SOUTH LINE OF LOTS 8, 6 AND 5 OF ROLLING HILLS SOUTH 3RD ADDITION, A DISTANCE OF 255.21 FEET TO THE POINT OF BEGINNING, CONTAINING 2.63 ACRES MORE OR LESS.

TO BE KNOWN AS ROLLING HILLS SOUTH CONDOMINIUMS SUBDIVISION,
CITY OF CARROLL, CARROLL COUNTY, IOWA

from A-1, Agricultural District to P.U.D., Planned Unit Development with an underlay zoning of R-3, Low-Density Residential District. 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. City Manager Mike Pogge-Weaver presented the Planning and Zoning Commission's recommendation and further presented evidence that the proposed rezoning would be consistent with the City of Carroll's Comprehensive Plan. The public notice of the public hearing for the City Council and Planning and Zoning Commission was properly made in a timely fashion and proof of publications are on file in the City Clerk's office. 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 5:55 p.m.

It was moved by Siemann, seconded by Haley, that upon consideration of all the evidence contained in the record of the public hearing dated August 6, 2018, 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:

REFERRING TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 25; THENCE N00°44'28"W (ASSUMED BEARING) ON THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1315.06 FEET; THENCE S89°10'32"E, A DISTANCE OF 118.13 FEET TO THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY 71 AND THE NORTHWEST CORNER OF LOT 3,

BLOCK 1 OF ROLLING HILLS SOUTH 3RD ADDITION, CARROLL, IOWA; THENCE S00°55'09"W ON SAID EAST RIGHT OF WAY LINE, SAID EAST RIGHT OF WAY LINE ALSO BEING THE WEST LINE OF LOTS 3, 4 AND 5 OF SAID ROLLING HILLS SOUTH 3RD ADDITION, A DISTANCE OF 359.13 FEET TO THE SOUTHWEST CORNER OF LOT 5 OF SAID ROLLING HILLS SOUTH 3RD ADDITION AND THE POINT OF BEGINNING; THENCE S00°56'00"E CONTINUING ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 419.61 FEET; THENCE S04°13'30"W CONTINUING ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 39.13 FEET TO THE NORTHWEST CORNER OF LOT 2, BLOCK 5 OF ROLLING HILLS SOUTH 3RD ADDITION; THENCE S89°05'23"E ON THE NORTH LINE OF SAID LOT 2 AND THE NORTH RIGHT OF WAY LINE OF SUMMIT DRIVE, A DISTANCE OF 246.91 FEET TO THE SOUTHWEST CORNER OF LOT 6, BLOCK 2 OF ROLLING HILLS SOUTH 3RD ADDITION; THENCE N00°32'38"E ON THE WEST LINE OF LOTS 6, 5, 4, 3, 2 AND 1 OF ROLLING HILLS SOUTH 3RD ADDITION, A DISTANCE OF 460.10 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE N89°27'22"W ON THE SOUTH LINE OF LOTS 8, 6 AND 5 OF ROLLING HILLS SOUTH 3RD ADDITION, A DISTANCE OF 255.21 FEET TO THE POINT OF BEGINNING, CONTAINING 2.63 ACRES MORE OR LESS.

TO BE KNOWN AS ROLLING HILLS SOUTH CONDOMINIUMS SUBDIVISION,
CITY OF CARROLL, CARROLL COUNTY, IOWA

from A-1, Agricultural District to P.U.D., Planned Unit Development with an underlay zoning of R-3, Low-Density Residential 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. 1802. On roll call, all present voted aye. Absent: None. Motion carried.

* * * * *

It was moved by Fleshner, seconded by Haley, to approve Resolution No. 1873, Preliminary Plat for Rolling Hills South Condominiums with a storm sewer design exception. Jean Ludwig, Planning and Zoning Commission Member, and Matt Greteman, 704 Development Corporation President, addressed Council on this issue. On roll call, all present voted aye. Absent: None. Motion carried.

* * * * *

It was moved by Kots, seconded by Haley, to approve Resolution No. 1874, Fixing Date (August 27, 2018) for a Public Hearing on the Proposal to Enter into a Development Agreement

with 704 Development Corp. and Providing for Publication of Notice Thereof. On roll call, all present voted aye. Absent: None. Motion carried.

* * * * *

At 6:01 p.m. August 6, 2018, Mayor Jensen opened a public hearing for the rezoning request of the property legally described as:

Referring to the southeast corner of the southeast quarter of said section 19; thence N00°27'59"W, on the east line of said southeast quarter, 935.42 feet; thence S89°50'09"W on the north line of East Business Park Subdivision 552.83 feet to the point of beginning; thence N00°15'33"W, 339.98 feet to the south line of Northridge Fourth Subdivision, Phase Three; thence S89°50'21"W, on said south line, 694.67 feet to the east right of way line of Bella Vista Drive; thence S00°15'33"E, on said east line, 340.02 feet to the north line of East Business Park; thence N89°50'09"E, on said north line, 694.67 feet to the point of beginning, containing 5.42 acres, more or less.

To be known as Carroll Park Apartments Subdivision, City of Carroll, Carroll County, Iowa

from R-3, Low-Density Residential District to P.U.D., Planned Unit Development with an underlay zoning of R-5, High-Density Residential District. 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. City Manager Mike Pogge-Weaver presented the Planning and Zoning Commission's recommendation and further presented evidence that the proposed rezoning would be consistent with the City of Carroll's Comprehensive Plan. The public notice of the public hearing for the City Council and Planning and Zoning Commission was properly made in a timely fashion and proof of publications are on file in the City Clerk's office. 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 6:08 p.m.

It was moved by Kots, seconded by Haley, that upon consideration of all the evidence contained in the record of the public hearing dated August 6, 2018, 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:

Referring to the southeast corner of the southeast quarter of said section 19; thence N00°27'59"W, on the east line of said southeast quarter, 935.42 feet; thence S89°50'09"W on the north line of East Business Park Subdivision 552.83 feet to the

point of beginning; thence N00°15'33"W, 339.98 feet to the south line of Northridge Fourth Subdivision, Phase Three; thence S89°50'21"W, on said south line, 694.67 feet to the east right of way line of Bella Vista Drive; thence S00°15'33"E, on said east line, 340.02 feet to the north line of East Business Park; thence N89°50'09"E, on said north line, 694.67 feet to the point of beginning, containing 5.42 acres, more or less.

To be known as Carroll Park Apartments Subdivision, City of Carroll, Carroll County, Iowa

from R-3, Low-Density Residential District to P.U.D., Planned Unit Development with an underlay zoning of R-5, High-Density Residential 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 Kots, seconded by Haley, to adopt said Ordinance No. 1803. On roll call, all present voted aye. Absent: None. Motion carried.

* * * * *

It was moved by Haley, seconded by Kots, to approve Resolution No. 1875, Preliminary Plat for Carroll Park Apartments Subdivision. On roll call, all present voted aye. Absent: None. Motion carried.

* * * * *

It was moved by Haley, seconded by Fleshner, to approve Resolution No. 1876, Fixing Date (August 27, 2018) for a Public Hearing on the Proposal to Enter into a Development Agreement with Kenyon Hill Ridge, LLC and Providing for Publication of Notice Thereof. On roll call, all present voted aye. Absent: None. Motion carried.

* * * * *

It was moved by Kots, seconded by Haley, to approve Resolution No. 1877, Amendment Number Two to the Water Tower Attachment Option and Lease Agreement with Iowa RSA No. 9 Limited Partnership. On roll call, all present voted aye. Absent: None. Motion carried.

* * * * *

It was moved by Haley, seconded by Dirx, to approve Resolution No. 1878, Covering Street Lighting by removing thirteen MidAmerican Energy Company-owned streetlights in the Downtown Streetscape Phase 9 area. On roll call, all present voted aye. Absent: None. Motion carried.

* * * * *

At 6:15 p.m. Mayor Jensen opened a public hearing on the Plans, Specifications, Form of Contract and Estimate of Cost for the Carroll Public Library/Carroll City Hall Project. Dick Collison, Jean Ludwig and CJ Niles, Carroll, Iowa residents, addressed Council during the public hearing. Mayor Jensen closed said hearing at 6:29 p.m.

It was moved by Haley, seconded by Kots, to approve Resolution No. 1879, Adopting Plans, Specifications, Form of Contract and Estimate of Cost for the Carroll Public Library/Carroll City Hall Project. On roll call, all present voted aye. Absent: None. Motion carried.

* * * * *

It was moved by Fleshner, seconded by Siemann, to approve Resolution No. 1880, Accepting the Professional Services Agreement with Shive-Hattery for the Cemetery Chapel and Restroom Study – 2018 for a total fee of \$7,700.00. Barbara Hackfort, Historical Preservation Commission Chairperson, addressed Council on this issue. On roll call, all present voted aye. Absent: None. Motion carried.

* * * * *

It was moved by Dirkx, seconded by Fleshner, to approve Resolution No. 1881, Amendment No. 1 to the Scope of Architectural Services with FEH Design for Northwest Park Pickleball Court Complex Project – 2018 in the amount of \$9,300 plus reimbursable expenses. On roll call, all present voted aye. Absent: None. Motion carried.

* * * * *

It was moved by Haley, seconded by Fleshner, to waive Purchasing Policy #0501 and approve the purchase of two Espresso bikes at the cost of \$11,840.40. On roll call, all present voted aye. Absent: None. Motion carried.

* * * * *

It was moved by Kots, seconded by Haley, to donate \$4,000 to the Carroll American Legion for Cemetery Memorial Improvements. RT Schreck, Carroll American Legion representative, addressed Council on this issue. On roll call, all present voted aye. Absent: None. Motion carried.

* * * * *

It was moved by Haley, seconded by Fleshner, to adjourn at 7:15 p.m. On roll call, all present voted aye. Absent: None. Motion carried.

Eric P. Jensen, Mayor

ATTEST:

Laura A. Schaefer, City Clerk