

COUNCIL MEETING
OCTOBER 27, 2008

The Carroll City Council met in regular session on this date at 5:15 p.m. in the Council Chamber of the Farner Government Building. Members present: Mike Eifler, Phil Phillips, Jeff Scharfenkamp, Carolyn Siemann, and Tom Tait. Absent: Bob Eich. Mayor Jim Pedelty presided and City Attorney Dave Bruner was in attendance.

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

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It was moved by Phillips, seconded by Tait, to approve the minutes of the October 13, 2008 meeting as written. On roll call, all present voted aye. Absent: Eich. Motion carried.

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It was moved by Phillips, seconded by Tait, to approve the bills and claims in the amount of \$427,912.09. On roll call, all present voted aye. Absent: Eich. Motion carried.

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It was moved by Phillips, seconded by Tait, to approve the following licenses and permits:

- Renewal of Class “B” Beer Permit including Wine Coolers with Sunday Sales – *Godfather’s Pizza.*
- Renewal of Class “E” Liquor License with Carryout Beer and Sunday Sales – *Kick the Can.*

On roll call, all present voted aye. Absent: Eich. Motion carried.

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Laurie Gilbert, Housing Planner Region XII Council of Government, presented information about a Down Payment Assistance Program for existing homes. No council action taken.

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Marion Burns, MidAmerican Energy, informed the Council about MidAmerican’s educational series called Empower U addressing energy issues.

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It was moved by Tait, seconded by Eifler, to approve Resolution No 0870, Accepting and Approving the Easement For Public Highway From Applewood Development Corp. On roll call, all present voted aye. Absent: Eich. Motion carried.

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An Ordinance naming the designated public highway located adjacent to the easterly line of the Oak Park Subdivision Plan No. 2 as Bella Vista Drive was introduced by Council Member Phillips.

It was moved by Phillips, to waive all three readings of said Ordinance. Motion died due to lack of a second.

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An Ordinance naming the designated public highway located adjacent to the easterly line of the Oak Park Subdivision Plan No. 2 as Primrose Drive was introduced by Council Member Scharfenkamp.

It was moved by Scharfenkamp, seconded by Siemann, to waive all three readings of said Ordinance. On roll call, all present voted aye. Absent: Eich. Motion carried.

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It was moved by Scharfenkamp, seconded by Eifler, to adopt said Ordinance No. 0818. On roll call, all present voted aye. Absent: Eich. Motion carried.

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An Ordinance that stops northbound traffic at Eighteenth Street on Primrose Drive was introduced by Council Member Tait.

It was moved by Tait, seconded by Eifler, to waive all three readings of said Ordinance. On roll call, all present voted aye. Absent: Eich. Motion carried.

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It was moved by Tait, seconded by Eifler, to adopt said Ordinance No. 0819. On roll call, all present voted aye. Absent: Eich. Motion carried.

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At 5:43 p.m., October 27, 2008, Mayor Pedelty opened the public hearing for the rezoning of Lot 5 of the NE ¼ of the SE ¼ of Section 15, Township 84 North, Range 35 West of the 5th P.M., Carroll County, Iowa. The property is generally located to the north of Highway 30, west of the new Super Wal-Mart. Mayor Pedelty allowed time for citizens to speak or present evidence

in favor of the Application. No evidence was presented. Mayor Pedelty allowed time for citizens to speak or present evidence in opposition of the Application. No evidence was presented. Zoning Administrator Gerald Clausen presented the Planning and Zoning Commission's recommendation and proposed minutes of their last meeting and further presented evidence of proper Public Notice of the Public Hearing regarding the rezoning matter to the Planning and Zoning Commission. City Manager Gerald Clausen then presented evidence that Public Notice of the Public Hearing for the City Council was properly made in a timely fashion and further presented Proof of Publication for the Notice of Public Hearing for both the Planning and Zoning Commission hearing and the City Council hearing. Gerald Clausen presented evidence that the proposed rezoning would be consistent with the City of Carroll's Comprehensive Plan. Mayor Pedelty 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 Pedelty then closed the Public Hearing at 5:45 p.m.

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It was moved by Scharfenkamp, seconded by Tait, that upon consideration of all the evidence contained in the record of the public hearing dated October 27, 2008, including the fact that there was no opposition to the application; that all proper procedure and notice was followed; and rezoning is consistent with the City's Comprehensive Plan, the application to rezone Lot 5 of the NE ¼ of the SE ¼ of Section 15, Township 84 North, Range 35 West of the 5th P.M. Carroll, Carroll county , Iowa from A-2, Agricultural District, to I-2, General Industrial 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: Eich. Motion carried.

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It was moved by Scharfenkamp, seconded by Tait, to adopt said Ordinance No. 0820. On roll call, all present voted aye. Absent: Eich. Motion carried.

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It was moved by Scharfenkamp, seconded by Phillips, to approve Resolution No. 0871, Authorizing to Write-off As Uncollectible Certain Utility Accounts. On roll call, all present voted aye. Absent: Eich. Motion carried.

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It was moved by Phillips, seconded by Siemann, to approve a change order to the Griffith Road Sanitary Sewer and Watermain Extension Contract to delete the Recreational Trail Construction in the amount of \$29,753.50. Tom Farner, Carroll, Iowa, addressed the Council on this issue. On roll call, ayes: Phillips and Siemann. Nays: Eifler, Scharfenkamp and Tait. Absent: Eich. Motion Failed. (This was presented to Council as Change Order No. 1.)

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It was moved by Phillips, seconded by Tait, to approve a change order to the Griffith Road Sanitary Sewer and Watermain Extension Contract to delete watermain construction requirements to furnish and place bedding material and the use of Class II backfill material in the amount of \$738.00.

The effect of the proposed Change Order on the contract is as follows:

Original Price	\$102,095.50
Proposed Change Order	<u>(738.00)</u>
Contract price w/ Change Order	<u>\$101,357.50</u>

On roll call, all present voted aye. Absent: Eich. Motion carried. (This was presented to Council as Change Order No. 2 and renumbered as Change Order No. 1.)

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It was moved by Phillips, seconded by Scharfenkamp, to approve a change order to the Griffith Road Sanitary Sewer and Watermain Extension Contract by adding extension of sanitary sewer service stubs and water service stubs to three existing buildings in the amount of \$7,712.00.

The effect of the proposed Change Order on the contract is as follows:

Original Price	\$102,095.50
Pervious Change Order	(738.00)
Proposed Change Order	<u>7,712.00</u>
Contract price w/ Change Orders	<u>\$109,069.50</u>

On roll call, all present voted aye. Absent: Eich. Motion carried. (This was presented to Council as Change Order No. 3 and renumbered as Change Order No. 2.)

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It was moved by Eifler, seconded by Scharfenkamp, to accept the bid for the purchase of a pickup truck for the Wastewater Division from Champion Ford Lincoln Mercury at their base price of \$19,046.00. On roll call, all present voted aye. Absent: Eich. Motion carried.

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It was moved by Phillips, seconded by Tait, to accept the bid from Digital Ally in the amount of \$29,915.00 for six in-car digital video systems for the Police Department. On roll call, all present voted aye. Absent: Eich. Motion carried.

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It was moved by Tait, seconded by Phillips, to accept the bid from Carroll Glass Company for door exit devices for the theatre doors and one gym door at the Rec Center in the amount of \$5,771.00. On roll call, all present voted aye. Absent: Eich. Motion carried.

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It was moved by Phillips, seconded by Tait, to accept the bid from Andrews Roofing in the amount of \$16,076.00 to reshingle and resheath the Golf Course House. On roll call, all present voted aye. Absent: Eich. Motion carried.

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Council held a pre-budget workshop that included a financial overview presentation from Finance Director Laura Schaefer. No council action taken.

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It was moved by Phillips, seconded by Tait, to adjourn at 7:36 p.m. On roll call, all present voted aye. Absent: Eich. Motion carried.

James Pedelty, Mayor

ATTEST:

Laura A. Schaefer, City Clerk