

COUNCIL MEETING

APRIL 22, 2013

(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. in the Council Chamber of the Farner Government Building. Members present: Mike Eifler (departed at 7:33 p.m.), Eric Jensen, Mike Kots, Jeff Scharfenkamp, Carolyn Siemann and Tom Tait. Absent: None. Mayor Adam Schweers 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 Kots, seconded by Jensen, to change the order of business on the agenda. On roll call, all presented voted aye. Absent: None. Motion carried.

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It was moved by Kots, seconded by Jensen, to approve the minutes of the April 8, 2013 council meeting as written. On roll call, all present voted aye. Absent: None. Motion carried.

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It was moved by Kots, seconded by Jensen, to approve the bills and claims in the amount of \$426,828.77. On roll call, all present voted aye. Absent: None. Motion carried.

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It was moved by Kots, seconded by Jensen, to approve the following licenses and permits:

1. Renewal of Class "C" Beer Permit with Sunday Sales and Native Wine Permit – *Reiling's 71 South*
2. New Class "B" Beer Permit including Wine Coolers with Sunday Sales and Outdoor Service – *Carroll City Softball*

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

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It was moved by Kots, seconded by Jensen, to proclaim April 26, 2013 as Arbor Day in Carroll, Iowa and accept the Tree City USA Award. On roll call, all present voted aye. Absent: None. Motion carried.

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It was moved by Kots, seconded by Jensen, to approve the following appointments to the Parks, Recreation and Cultural Advisory Board for terms expiring May 31, 2106: Rhonda Mart, Kyle Fesenmeyer and Jeff Aden. On roll call, all present voted aye. Absent: None. Motion carried.

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Steve Sundermann was presented with a Certificate of Appreciation for 35 years of service to the City of Carroll as a Volunteer Firefighter. No Council action taken.

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Mrs. Ahrenholtz's Carroll Community School 5th Grade Class made a presentation about a potential dog park in the City of Carroll. No Council action taken.

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Annette Renaud, Alliant Energy Key Account Manager, presented information about Alliant's Community Annual Partnership Assessment. No Council action taken.

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There were no oral requests or communications from the audience.

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At 5:50 p.m., Mayor Schweers opened the public hearing for the rezoning of the area legally described as Lot One (1) of the Irregular Survey of the Northeast Quarter of the Southeast Quarter (ISNE ¼ SE ¼), Section Thirty-Six (36), Township Eighty-Four (84) North, Range Thirty-Five (35) West of the 5th P.M., Carroll County, Iowa and Lot 2, NE ¼ SE ¼, Section 36, Township 84 North, Range 35 West of the 5th P.M., Carroll County, Iowa. Mayor Schweers allowed time for citizens to speak or present evidence in favor of the application. Doug Dailey presented evidence in favor of the application. Mayor Schweers 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 Gerald Clausen 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 Schweers 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 Schweers then closed the public hearing at 5:53 p.m.

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It was moved by Scharfenkamp, seconded by Eifler, that upon consideration of all the evidence contained in the record of the public hearing dated April 22, 2013, 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 Lot One (1) of the Irregular Survey of the Northeast Quarter of the Southeast Quarter (ISNE ¼ SE ¼), Section Thirty-Six (36), Township Eighty-Four (84) North, Range Thirty-Five (35) West of the 5th P.M., and Lot 2, NE ¼ SE ¼, Section 36, Township 84 North, Range 35 West of the 5th P.M., Carroll County, Iowa, from A-2, Agricultural District, to R-7, One and Two Family Residence 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 Scharfenkamp, seconded by Eifler, to adopt said Ordinance No. 1302. On roll call, all present voted aye. Absent: None. Motion carried.

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At 5:54 p.m., Mayor Schweers opened the public hearing for the rezoning of the area legally described as Timber Creek East Subdivision Plat 4, City of Carroll, Carroll County, Iowa, whose exterior boundary is more fully described as follows: Commencing at the southwest corner of Lot 5, Timber Creek East Subdivision Plat 2, said point being the point of beginning (P.O.B.), thence N 68 deg. 37 min. 46 sec. E (assumed bearing) along the south line of said Lot 5, a distance of 167.77 feet to a 5/8" rebar orange cap 19758, said point being the southeast corner of said Lot 5, said point also being on the west line of Lot 1 of OutLot 'A' of Timber Creek East Subdivision; thence S 01 deg. 06 min. 55 sec. W, 755.37 feet along the west line of said Lot 1 to a 5/8" rebar orange cap 19758, said point being the northeast corner of Lot 3 of Timber Creek East Subdivision Plat 3; thence N 88 deg. 47 min. 28 sec. W, 120.00 feet along the north line of said Lot 3 to a 5/8" rebar orange cap 19758, said point being the northwest corner of Lot 3 of Timber Creek East Subdivision Plat 3; thence S 01 deg. 12 min. 32 sec. W, 222.73 feet along the west line of said Lot 3 to a 5/8" rebar orange cap 19758, said point being the southwest corner of Lot 3 of Timber Creek East Subdivision Plat 3, said point also being on the north right-of-way line of Brookdale Drive; thence 27.92 feet along the arc of a curve to the right with a radius of 175.00 feet and which chord bears N 84 deg. 02 min. 28 sec.

W, a chord distance of 27.89 feet to a 5/8" rebar orange cap 19758, said point being on the north right-of-way line of Brookdale Drive; thence S 10 deg. 31 min. 41 sec. W, 50.00 feet to a 5/8" rebar orange cap 19758, said point being the northwest corner of Lot 2 of Timber Creek East Subdivision Plat 3, said point also being on the south right-of-way line of Brookdale Drive; thence S 01 deg. 08 min. 40 sec. W, 139.77 feet along the west line of said Lot 2 to a 5/8" rebar orange cap 19758, said point being the southwest corner of Lot 2 of Timber Creek Subdivision Plat 3; thence N 88 deg. 50 min. 24 sec. W, 376.45 feet to a 5/8" rebar yellow cap 21443; thence N 01 deg. 30 min. 12 sec. E, 622.83 feet to a 5/8" rebar yellow cap 21443; thence N 50 deg. 38 min. 53 sec. W, 101.33 feet to a 5/8" rebar yellow cap 21443; thence N 30 deg. 29 min. 33 sec. E, 217.34 feet to a 5/8" rebar yellow cap 21443; thence S 60 deg. 32 min. 45 sec. E, 21.84 feet to a 5/8" rebar yellow cap 21443; thence N 29 deg. 27 min. 15 sec. E, 189.55 feet to a 5/8" rebar orange cap 19758, said point being the northwest corner of Lot 4 of Timber Creek East Subdivision Plat 2; thence S 44 deg. 59 min. 26 sec. E, 54.06 feet along the west line of said Lot 4 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 72 deg. 09 min. 42 sec. E, 175.12 feet along the south line of said Lot 4 to a 5/8" rebar orange cap 19758, said point being the southeast corner of Lot 4 of Timber Creek East Subdivision Plat 2, said point being on the west right-of-way line of Brookdale Drive; thence N 72 deg. 09 min. 42 sec. E, 50.00 feet to a 5/8" rebar orange cap 19758, said point being on the east right-of-way of Brookdale Drive; thence 36.22 feet along the arc of a curve to the left with a radius of 225.00 feet and along the east right-of-way line of Brookdale Drive and which chord bears N 22 deg. 30 min. 07 sec. W, a chord distance of 36.18 feet to the point of beginning (P.O.B.); the above described parcel contains 11.42 acres more or less and is subject to any easements of record not shown on this plat. Mayor Schweers allowed time for citizens to speak or present evidence in favor of the application. No evidence was presented in favor of the application. Mayor Schweers 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 Gerald Clausen 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 Schweers 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 Schweers then closed the public hearing at 5:56 p.m.

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It was moved by Scharfenkamp, seconded by Siemann, that upon consideration of all the evidence contained in the record of the public hearing dated April 22, 2013, 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 Timber Creek East Subdivision Plat 4, City of Carroll, Carroll County, Iowa, whose exterior boundary is more fully described as follows: Commencing at the southwest corner of Lot 5, Timber Creek East Subdivision Plat 2, said point being the point of beginning (P.O.B.), thence N 68 deg. 37 min. 46 sec. E (assumed bearing) along the south line of said Lot 5, a distance of 167.77 feet to a 5/8" rebar orange cap 19758, said point being the southeast corner of said Lot 5, said point also being on the west line of Lot 1 of OutLot 'A' of Timber Creek East Subdivision; thence S 01 deg. 06 min. 55 sec. W, 755.37 feet along the west line of said Lot 1 to a 5/8" rebar orange cap 19758, said point being the northeast corner of Lot 3 of Timber Creek East Subdivision Plat 3; thence N 88 deg. 47 min. 28 sec. W, 120.00 feet along the north line of said Lot 3 to a 5/8" rebar orange cap 19758, said point being the northwest corner of Lot 3 of Timber Creek East Subdivision Plat 3; thence S 01 deg. 12 min. 32 sec. W, 222.73 feet along the west line of said Lot 3 to a 5/8" rebar orange cap 19758, said point being the southwest corner of Lot 3 of Timber Creek East Subdivision Plat 3, said point also being on the north right-of-way line of Brookdale Drive; thence 27.92 feet along the arc of a curve to the right with a radius of 175.00 feet and which chord bears N 84 deg. 02 min. 28 sec. W, a chord distance of 27.89 feet to a 5/8" rebar orange cap 19758, said point being on the north right-of-way line of Brookdale Drive; thence S 10 deg. 31 min. 41 sec. W, 50.00 feet to a 5/8" rebar orange cap 19758, said point being the northwest corner of Lot 2 of Timber Creek East Subdivision Plat 3, said point also being on the south right-of-way line of Brookdale Drive; thence S 01 deg. 08 min. 40 sec. W, 139.77 feet along the west line of said Lot 2 to a 5/8" rebar orange cap 19758, said point being the southwest corner of Lot 2 of Timber Creek Subdivision Plat 3; thence N 88 deg. 50 min. 24 sec. W, 376.45 feet to a 5/8" rebar yellow cap 21443; thence N 01 deg. 30 min. 12 sec. E, 622.83 feet to a 5/8" rebar yellow cap 21443; thence N 50 deg. 38 min. 53 sec. W, 101.33 feet to a 5/8" rebar yellow cap 21443; thence N 30 deg. 29 min. 33 sec. E, 217.34 feet to a 5/8" rebar yellow cap 21443; thence S 60 deg. 32 min. 45 sec. E, 21.84 feet to a 5/8" rebar yellow cap 21443; thence N 29 deg. 27 min. 15 sec. E, 189.55 feet to a 5/8" rebar

orange cap 19758, said point being the northwest corner of Lot 4 of Timber Creek East Subdivision Plat 2; thence S 44 deg. 59 min. 26 sec. E, 54.06 feet along the west line of said Lot 4 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 72 deg. 09 min. 42 sec. E, 175.12 feet along the south line of said Lot 4 to a 5/8" rebar orange cap 19758, said point being the southeast corner of Lot 4 of Timber Creek East Subdivision Plat 2, said point being on the west right-of-way line of Brookdale Drive; thence N 72 deg. 09 min. 42 sec. E, 50.00 feet to a 5/8" rebar orange cap 19758, said point being on the east right-of-way of Brookdale Drive; thence 36.22 feet along the arc of a curve to the left with a radius of 225.00 feet and along the east right-of-way line of Brookdale Drive and which chord bears N 22 deg. 30 min. 07 sec. W, a chord distance of 36.18 feet to the point of beginning (P.O.B.); the above described parcel contains 11.42 acres more or less and is subject to any easements of record not shown on this plat, from A-1, Agricultural District, to R-2, 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 Scharfenkamp, seconded by Siemann, to adopt said Ordinance No. 1303. On roll call, all present voted aye. Absent: None. Motion carried.

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An Ordinance Amending the Code of Ordinances pertaining to No Parking Zones on East Street was introduced by Council Member Scharfenkamp. It was moved by Scharfenkamp, seconded by Jensen, to waive all three readings of said Ordinance. On roll call, all present voted aye. Absent: None. Motion carried.

It was moved by Scharfenkamp, seconded by Jensen, to adopt said Ordinance No. 1304. On roll call, all present voted aye. Absent: None. Motion carried.

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An Ordinance Amending the Code of Ordinances pertaining to No Parking Zones on Eleventh Street was introduced by Council Member Eifler. It was moved by Eifler, seconded by Kots, to waive all three readings of said Ordinance. On roll call, all present voted aye. Absent: None. Motion carried.

It was moved by Eifler, seconded by Kots, to adopt said Ordinance No. 1305. On roll call, all present voted aye. Absent: None. Motion carried.

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It was moved by Kots, seconded by Jensen, to approve Resolution No. 1329, Setting Public Hearing on Proposed Vacation and Conveyance of City's Easement in Northridge Fourth Subdivision Phase Two. On roll call, all present voted aye. Absent: None. Motion carried.

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It was moved by Jensen, seconded by Scharfenkamp, to approve Resolution No. 1330, Preliminary Plat of Timber Creek East Subdivision Plat 4. On roll call, all present voted aye. Absent: None. Motion carried.

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At 6:08 p.m., Mayor Schweers opened a public hearing on the Plans, Specifications, Form of Contract and Estimate of Cost for the Carroll Recreation Center Family Change Rooms Project. Mayor Schweers closed said hearing at 6:10 p.m.

It was moved by Kots, seconded by Jensen, to approve Resolution No. 1331, Adopting the Plans, Specifications, Form of Contract and Estimate of Costs for the Carroll Recreation Center Family Change Rooms Project. On roll call, all present voted aye. Absent: None. Motion carried.

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It was moved by Scharfenkamp, seconded by Tait, to approve Resolution No. 1332, Fixing Date for a Meeting on the Proposition to Authorize a Loan Agreement and the Issuance of Notes to Evidence the Obligations of the City thereunder for Not to Exceed \$750,000 General Obligation Capital Loan Notes. On roll call, all present voted aye. Absent: None. Motion carried.

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It was moved by Scharfenkamp, seconded by Tait, to approve Resolution No. 1333, Declaring a Public Emergency Water Shortage. On roll call, all present voted aye. Absent: None. Motion carried.

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It was moved by Kots, seconded by Jensen, to go into closed session pursuant to Iowa Code Section 21.5(1)(i) at 6:55 p.m. On roll call, all present voted aye. Absent: None. Motion carried.

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Council Member Eifler departed at 7:33 p.m.

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It was moved by Kots, seconded by Siemann, to go back into open session at 7:52 p.m. On roll call, all present voted aye. Absent: Eifler. Motion carried.

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It was moved by Jensen, seconded by Kots, to adjourn at 7:52 p.m. On roll call, all present voted aye. Absent: Eifler. Motion carried.

Adam P. Schweers, Mayor

ATTEST:

Laura A. Schaefer, City Clerk