

COUNCIL MEETING
AUGUST 26, 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: Eric Jensen, Mike Kots, Jeff Scharfenkamp, Carolyn Siemann and Tom Tait. Absent: Mike Eifler. 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: Eifler. Motion carried.

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It was moved by Scharfenkamp, seconded by Tait, to approve the minutes of the August 12, 2013 council meeting as written. On roll call, all present voted aye. Absent: Eifler. Motion carried.

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It was moved by Scharfenkamp, seconded by Tait, to approve the bills and claims in the amount of \$383,141.99. On roll call, all present voted aye. Absent: Eifler. Motion carried.

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It was moved by Scharfenkamp, seconded by Tait, to approve the following Licenses and Permits:

1. Renewal of Class "C" Liquor License with Sunday Sales and Outdoor Service – *Bloomer's, Inc.*
2. New Class "C" Liquor License (Beer/Wine) with Sunday Sales – *Sam & Louie's New York Pizzeria*
3. New Class "C" Liquor License with Sunday Sales – *B&S 529*

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

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It was moved by Tait, seconded by Scharfenkamp, to contribute \$56,000 to the Carroll Rotary Club for the Downtown Restroom Project upon review by the City Attorney. Chico Kanne, Mike Loehr, Tom Langel, and Nick Badding addressed Council on this issue. All roll call, all present voted aye. Absent: Eifler. Motion carried.

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LaVern Dirx, Parks, Recreation and Cultural Board Member, presented information about improvements to the Graham Park Shelter House. No Council action taken.

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Russ Sandburg, Carroll, Iowa, addressed Council about the water system in Carroll. No Council action taken.

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At 6:15 p.m. August 26, 2013, Mayor Schweers opened a public hearing for the rezoning of the property legally described as Rolling Hills South Third Addition, City of Carroll, Carroll County, Iowa whose exterior boundary is more fully described as follows: commencing at the southwest corner of Section 25, Township 84 North, Range 35 West of the 5th P.M., Carroll County, Iowa, thence N 00 Deg. 44 Min. 28 Sec. W (assumed bearing) 1315.06 feet along the West line of said Section 25 to a 5/8" rebar yellow cap ls# 21443, said point being the northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 25; Thence S 89 Deg. 10 Min. 32 Sec. E a distance of 118.13 feet to a 5/8" rebar yellow cap ls# 6806, said point being the southwest corner of Lot 3, Block 2 of Southdale Addition and on the east right-of-way of US Highway 71, said point also being the point of beginning (p.o.b); Thence S 00 Deg. 55 Min. 09 Sec. E, 359.13 feet along the east right-of-way of US Highway 71 to a 5/8" rebar yellow cap ls# 21443; Thence S 89 Deg. 27 Min. 14 Sec. E, 255.21 feet to a 5/8" rebar yellow cap ls# 21443; Thence S 00 Deg. 32 Min. 46 Sec. W, 460.10 feet to a 5/8" rebar yellow cap ls# 21443; Thence N 89 Deg. 05 Min. 15 Sec. W, 246.91 feet to a 5/8" rebar yellow cap ls# 21443, said point being on the east right-of-way of US Highway 71; Thence S 04 Deg. 05 Min. 22 Sec. W, 161.05 feet along the east right-of-way of US Highway 71 to a 5/8" rebar yellow cap ls# 21443; Thence S 89 Deg. 03 Min. 18 Sec. E, 420.87 feet to a 5/8" rebar yellow cap ls# 21443, said point being the southwest corner of Lot 10 Rolling Hills South Second Addition; Thence N 00 Deg. 32 Min. 13 Sec. E, 111.04 feet to a 5/8" rebar yellow cap ls# 12108, said point being the northwest corner of Lot 10 Rolling Hills South Second Addition; Thence S 89 Deg. 05 Min. 15 Sec. E, 6.00 feet along the north line of said Lot 10 to a temporary point; Thence N 00 Deg. 33 Min. 59 Sec. E, 50.05 feet to a 5/8" rebar yellow cap ls# 12108, said point being the southwest corner of Lot 9 Rolling Hills South Second Addition; Thence N 00 Deg. 32 Min. 46 Sec. E, 99.97 feet along the west line of said Lot 9, to a 5/8" rebar yellow cap ls# 12108, said point being the northwest corner of said Lot 9; Thence S 89 Deg. 03 Min. 05 Sec. E, 126.91 feet along the north line of Rolling Hills South Second Addition, to a 5/8" rebar yellow cap ls# 12108, said point being the

southwest corner of Lot 6 Rolling Hills South Second Addition; Thence N 00 Deg. 31 Min. 48 Sec. E, 288.11 feet along the west line of Rolling Hills South Second Addition, to a 5/8" rebar yellow cap ls# 12108, said point being the southwest corner of Lot 2 Rolling Hills South Second Addition; Thence N 00 Deg. 29 Min. 48 Sec. E, 71.99 feet along the west line of said Lot 2, to a 5/8" rebar yellow cap ls# 12108, said point being the southwest corner of Lot 1 Rolling Hills South Second Addition; Thence N 00 Deg. 45 Min. 28 Sec. E, 72.14 feet along the west line of said Lot 1, to a 5/8" rebar yellow cap ls# 12108, said point being the northwest corner of Lot 1 Rolling Hills South Second Addition; Thence N 89 Deg. 06 Min. 04 Sec. W, 158.16 feet along the south line of Rolling Hills South First Addition, to a 5/8" rebar yellow cap ls# 12108, said point being the southwest corner of Lot 24 Rolling Hills South First Addition; Thence N 89 Deg. 06 Min. 38 Sec. W, 49.86 feet to a 5/8" rebar yellow cap ls# 12108, said point being on the west right-of-way of Meadow Lane; Thence N 00 Deg. 38 Min. 10 Sec. E, 283.16 feet along the west right-of-way of meadow lane to a 5/8" rebar yellow cap ls# 12108, said point being the southeast corner of Lot 1, Block 2 of Southdale Addition; Thence N 88 Deg. 44 Min. 26 Sec. W, 353.89 feet along the south line of Southdale Addition to the point of beginning (p.o.b.). The above described parcel contains 7.60 acres more or less. 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. 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 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 6:16 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 August 26, 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 Rolling Hills South Third Addition, City of Carroll, Carroll

County, Iowa whose exterior boundary is more fully described as follows: commencing at the southwest corner of Section 25, Township 84 North, Range 35 West of the 5th P.M., Carroll County, Iowa, thence N 00 Deg. 44 Min. 28 Sec. W (assumed bearing) 1315.06 feet along the West line of said Section 25 to a 5/8" rebar yellow cap ls# 21443, said point being the northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 25; Thence S 89 Deg. 10 Min. 32 Sec. E a distance of 118.13 feet to a 5/8" rebar yellow cap ls# 6806, said point being the southwest corner of Lot 3, Block 2 of Southdale Addition and on the east right-of-way of US Highway 71, said point also being the point of beginning (p.o.b); Thence S 00 Deg. 55 Min. 09 Sec. E, 359.13 feet along the east right-of-way of US Highway 71 to a 5/8" rebar yellow cap ls# 21443; Thence S 89 Deg. 27 Min. 14 Sec. E, 255.21 feet to a 5/8" rebar yellow cap ls# 21443; Thence S 00 Deg. 32 Min. 46 Sec. W, 460.10 feet to a 5/8" rebar yellow cap ls# 21443; Thence N 89 Deg. 05 Min. 15 Sec. W, 246.91 feet to a 5/8" rebar yellow cap ls# 21443, said point being on the east right-of-way of US Highway 71; Thence S 04 Deg. 05 Min. 22 Sec. W, 161.05 feet along the east right-of-way of US Highway 71 to a 5/8" rebar yellow cap ls# 21443; Thence S 89 Deg. 03 Min. 18 Sec. E, 420.87 feet to a 5/8" rebar yellow cap ls# 21443, said point being the southwest corner of Lot 10 Rolling Hills South Second Addition; Thence N 00 Deg. 32 Min. 13 Sec. E, 111.04 feet to a 5/8" rebar yellow cap ls# 12108, said point being the northwest corner of Lot 10 Rolling Hills South Second Addition; Thence S 89 Deg. 05 Min. 15 Sec. E, 6.00 feet along the north line of said Lot 10 to a temporary point; Thence N 00 Deg. 33 Min. 59 Sec. E, 50.05 feet to a 5/8" rebar yellow cap ls# 12108, said point being the southwest corner of Lot 9 Rolling Hills South Second Addition; Thence N 00 Deg. 32 Min. 46 Sec. E, 99.97 feet along the west line of said Lot 9, to a 5/8" rebar yellow cap ls# 12108, said point being the northwest corner of said Lot 9; Thence S 89 Deg. 03 Min. 05 Sec. E, 126.91 feet along the north line of Rolling Hills South Second Addition, to a 5/8" rebar yellow cap ls# 12108, said point being the southwest corner of Lot 6 Rolling Hills South Second Addition; Thence N 00 Deg. 31 Min. 48 Sec. E, 288.11 feet along the west line of Rolling Hills South Second Addition, to a 5/8" rebar yellow cap ls# 12108, said point being the southwest corner of Lot 2 Rolling Hills South Second Addition; Thence N 00 Deg. 29 Min. 48 Sec. E, 71.99 feet along the west line of said Lot 2, to a 5/8" rebar yellow cap ls# 12108, said point being the southwest corner of Lot 1 Rolling Hills South Second Addition; Thence N 00 Deg. 45 Min. 28 Sec. E, 72.14 feet along the west line of said Lot 1, to a 5/8" rebar yellow cap ls# 12108, said point being the northwest corner of Lot 1 Rolling Hills South Second Addition; Thence N 89 Deg. 06 Min. 04 Sec. W, 158.16 feet along the south line of Rolling Hills South First Addition, to a 5/8" rebar yellow cap ls# 12108, said

point being the southwest corner of Lot 24 Rolling Hills South First Addition; Thence N 89 Deg. 06 Min. 38 Sec. W, 49.86 feet to a 5/8" rebar yellow cap ls# 12108, said point being on the west right-of-way of Meadow Lane; Thence N 00 Deg. 38 Min. 10 Sec. E, 283.16 feet along the west right-of-way of meadow lane to a 5/8" rebar yellow cap ls# 12108, said point being the southeast corner of Lot 1, Block 2 of Southdale Addition; Thence N 88 Deg. 44 Min. 26 Sec. W, 353.89 feet along the south line of Southdale Addition to the point of beginning (p.o.b.), the above described parcel contains 7.60 acres more or less, from A-1, Agricultural District, to 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: Eifler. Motion carried.

It was moved by Scharfenkamp, seconded by Tait, to adopt said Ordinance No. 1311. On roll call, all present voted aye. Absent: Eifler. Motion carried.

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It was moved by Tait, seconded by Siemann, to approve Resolution No. 1362, Amending Policy No. 0710, Sidewalk Policy. Matt Greteman, 704 Development Corporation, addressed Council on this issue. On roll call, all present voted aye. Absent: Eifler. Motion carried.

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It was moved by Scharfenkamp, seconded by Tait, to approve Resolution No. 1363, Preliminary Plat for Rolling Hills South Third Addition. On roll call, all present voted aye. Absent: Eifler. Motion carried.

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It was moved by Scharfenkamp, seconded by Kots, to approve Resolution No. 1364, An Iowa Department of Natural Resources Water Supply Service Agreement for Rolling Hills South Third Addition. On roll call, all presented voted aye. Absent: Eifler. Motion carried.

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It was moved by Tait, seconded by Kots, to approve Resolution No. 1365, An Iowa Department of Natural Resources Sewage Treatment Agreement for Rolling Hills South Third Addition. On roll call, all presented voted aye. Absent: Eifler. Motion carried.

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It was moved by Kots, seconded by Scharfenkamp, to approve Resolution No. 1366, Revised Preliminary Plat for the Timber Creek East Subdivision Plat 4. On roll call, all presented voted aye. Absent: Eifler. Motion carried.

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It was moved by Kots, seconded by Tait, to approve Resolution No. 1367, Subdivision Agreement Amendment for the Timber Creek East Subdivision Plat 4. On roll call, all present voted aye. Absent: Eifler. Motion carried.

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It was moved by Kots, seconded by Siemann, to approve the purchase of a Stanley concrete breaker from Reuters Red Power at the proposed price of \$12,250.00. On roll call, Ayes: Jensen, Kots and Siemann, Nays: Scharfenkamp and Tait. Absent: Eifler. Motion carried.

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It was moved by Scharfenkamp, seconded by Tait, to accept the bid from Miller Painting in the amount of \$33,850.00 for the Carroll Family Aquatic Center Painting – 2013 Project. 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 6:50 p.m. On roll call, all present voted aye. Absent: Eifler. Motion carried.

Adam P. Schweers, Mayor

ATTEST:

Laura A. Schaefer, City Clerk