

COUNCIL MEETING

FEBRUARY 26, 2024

(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 Chambers, City Hall, 627 N Adams Street. Council Members present: Jason Atherton, Kyle Bauer, Tom Bordenaro, LaVern Dirx, JJ Schreck, and Carolyn Siemann. Absent: None. Mayor Jerry Fleshner 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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Mayor Fleshner read a proclamation declaring March 2024 as Problem Gambling Awareness Month in Carroll, Iowa and encouraged all citizens to support the National Council on Problem Gambling, Iowa Department of Health and Human Services, Your Life Iowa and New Opportunities in their efforts to mitigate gambling-related harm nationwide. No Council action taken.

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It was moved by Bordenaro, seconded by Atherton, to accept the FY 2022-2023 Annual Financial Statement Audit. Jennifer Walkup, CPA Manager, Feldmann & Company CPAs, P.C. presented the audit report to Council. On roll call, all present voted aye. Nays: None. Abstain: None. Absent: None. Motion carried 6-0.

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It was moved by Bordenaro, seconded by Atherton, to approve the following items on the consent agenda: a) minutes of the February 12, 2024 Council meeting, as written; b) bills and claims in the amount of \$665,080.97; c) Licenses and Permits: Renewal of Class “E” Retail Alcohol License – *Kimmes Carroll Country Store #1*; Renewal of Class “B” Retail Alcohol License – *Kimmes Carroll Country Store #15*; Renewal of Class “E” Retail Alcohol License – *Casey’s General Store #3082*; Renewal of Special Class “C” Retail Alcohol License – *GMB Foods Inc./Godfather’s Pizza* and New 5-day Class “C” Retail Alcohol License (Special Event on April 27 at Books & Bakery, 513 N Adams Street) – *Lucky Wife Wine Slushies*; and d) the bid from CAPSAN for a new floor scrubber at the Rec Center at their bid amount of \$11,435.70. On roll call, all present voted aye. Nays: None. Abstain: None. Absent: None. Motion carried 6-0.

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There were no oral requests or communications from the audience.

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It was moved by Siemann, seconded by Bauer, to approve the second reading and waive the third reading of the Ordinance to Establish Vacant Property Code. On roll call, all present voted aye. Nays: None. Abstain: None. Absent: None. Motion carried 6-0.

It was moved by Siemann, seconded by Bauer, to approve said Ordinance No. 2404. On roll call, all present voted aye. Nays: None. Abstain: None. Absent: None. Motion carried 6-0.

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An Ordinance Amending the Code of Ordinance by Adding a New Section Limiting the Use of Temporary Portable Storage Containers was introduced by Council Member Bauer.

It was moved by Bauer, seconded by Siemann, to approve the first reading of the Ordinance to Limit the Use of Temporary Portable Storage Containers. On roll call, all present voted aye. Absent: None. Abstain due to a conflict of interest: Atherton. Absent: None. Motion carried 5-0.

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At 5:39 p.m. Mayor Fleshner opened a public hearing on a rezoning request to rezone Lot 3, Wendl Subdivision Plat 2 from R-6, Mobile Home Parks to B-2, General Business District. Mayor Fleshner allowed time for citizens to speak or present evidence in favor of the application. No evidence was presented in favor of the application. Mayor Fleshner 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 Aaron Kooiker 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. The proof of publication that public notice of the public hearings for the City Council and Planning and Zoning Commission are on file in the City Clerk's office. Mayor Fleshner 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 Fleshner closed said public hearing at 5:40 p.m.

It was moved by Bauer, seconded by Schreck, that upon consideration of all the evidence contained in the record of the public hearing dated February 26, 2024, 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 Lot 3, Wendl Subdivision Plat 2 from R-6, Mobile Home Parks to B-2, General Business District; 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 and approve the first reading of said ordinance. On roll call, all present

voted aye. Nays: None. Abstain due to conflict of interest: Atherton. Absent: None. Motion carried 5-0.

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An ordinance to amend Carroll City Code Chapter 50.08 by amending provisions pertaining to the nuisance abatement procedure as it relates to mowing of properties was introduced by Council Member Schreck.

It was moved by Schreck, seconded by Atherton, to approve the first reading of said ordinance. On roll call, all present voted aye. Nays: None. Abstain: None. Absent: None. Motion carried 6-0.

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It was moved by Atherton, seconded by Bauer, to approve Resolution No. 24-12, Fixing Date for a Meeting on the Authorization of a Loan Agreement and the Issuance of Not to Exceed \$650,000 General Obligation Capital Loan Notes of the City of Carroll, State of Iowa (For Essential Corporate Purposes), and Providing for Publication of Notice Thereof. Mark Beardmore, Carroll resident, addressed Council on this issue. On roll call, all present voted aye. Nays: None. Abstain: None. Absent: None. Motion carried 6-0.

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Council discussed the Carroll Area Access Television Coordinator Agreement Amendment. Scott Johnson, Carroll County Board of Supervisor, and Adam Schweers, Carroll resident, addressed Council on this issue. No Council action taken.

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It was moved by Dirkx, seconded by Siemann, to approve Change Order No. 10 in the amount of \$15,966.00 to the Carroll Recreation Center Improvement Project - 2021. The effect of the proposed Change Order on the project is as follows:

Original Contract Price	\$6,265,300.00
Change Orders 1-9	225,092.00
Change Order No. 10	<u>15,966.00</u>
New Contract Price w/ Change Orders	<u>\$6,506,358.00</u>

On roll call, all present voted aye. Nays: None. Abstain: None. Absent: None. Motion carried 6-0.

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It was moved by Bordenaro, seconded by Bauer, to set March 25, 2024, as the date for a public hearing on the Proposed Property Tax Levy for FY 2024/2025. Scott Johnson, Carroll County Board of Supervisor, addressed Council on this issue. On roll call, all present voted aye. Nays: None. Abstain: None. Absent: None. Motion carried 6-0.

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It was moved by Bordenaro, seconded by Schreck, to accept the Release of Right-of-Way/Easement for the easement described as the West 53 feet of the North 2,164 feet of the NE¼, Section 13, Township 84 North, Range 35 West. On roll call, all present voted aye. Nays: None. Abstain: None. Absent: None. Motion carried 6-0.

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It was moved by Bordenaro, seconded by Bauer, to go into closed session at 6:42 p.m. per Iowa Code 21.5(1)(j) for potential purchase of real estate. On roll call, all present voted aye. Nays: None. Abstain: None. Absent: None. Motion carried 6-0.

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It was moved by Atherton, seconded by Bordenaro, to go back into open session at 7:01 p.m. On roll call, all present voted aye. Nays: None. Abstain: None. Absent: None. Motion carried 6-0.

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It was moved by Bordenaro, seconded by Atherton, to allow the city manager to negotiate and sign a purchase agreement for real estate. On roll call, all present voted aye. Nays: None. Abstain: None. Absent: None. Motion carried 6-0.

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It was moved by Bordenaro, seconded by Atherton, to adjourn at 7:03 p.m. On roll call, all present voted aye. Nays: None. Abstain: None. Absent: None. Motion carried 6-0.

Gerald H. Fleshner, Mayor

ATTEST:

Laura A. Schaefer, City Clerk