

COUNCIL MEETING

APRIL 22, 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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New Streets Division employee Heath Golwitzer was introduced to Council. No Council action taken.

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Mayor Fleshner read a proclamation declaring April 26, 2024, as Arbor Day in Carroll, Iowa, and urged all citizens to participate in tree planting programs that will ensure a greener Carroll and a greener Iowa and to nurture, protect, and wisely use Iowa’s natural wonder of trees. No Council action taken.

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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 April 8, 2024 meeting, as written; b) bills and claims in the amount of \$486,031.55; c) Licenses and Permits: Renewal of Class “E” Retail Alcohol License – *Walgreens #10770*, Renewal of Class “B” Retail Alcohol License – *Sparky’s One Stop #29*, Renewal of Class “E” Retail Alcohol License – *Casey’s General Store #3025*, New 5-day Special Class “C” Retail Alcohol License with Outdoor Service – *Lucky Wife Wine Slushies (Special Event at Katy Lynn Boutique on May 4, 2024)*, and Resolution No. 24-30, Granting Permission to Serve and Sell Alcoholic Beverages at the Adult Slow Pitch Softball Fields and New Special Class “C” Retail Alcohol License with Outdoor Service – *Carroll County Softball*. On roll call, all present voted aye. Nays: None. Abstain: None. Absent: None. Motion carried 6-0.

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Eric White, Barrel Smoke BBQ, addressed Council about peddlers, solicitors and transient merchant permits during the oral requests or communications from the audience. No Council action taken.

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It was moved by Atherton, seconded by Bordenaro, to approve the second reading and waive the third reading of an ordinance amending the Code of Ordinances by changing the No Parking Zone to a Loading Zone on Main Street from 10th Street to 11th Street. On roll call, all present voted aye. Nays: None. Abstain: None. Absent: None. Motion carried 6-0.

It was moved by Siemann, seconded by Dirkx, to adopt said Ordinance No 2408. 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 Schreck, seconded by Atherton, to approve the second reading and waive the third reading of an ordinance amending the Code of Ordinance by adding zoning districts A-2 and RB-1 to Chapter 156, Sign Code. On roll call, all present voted aye. Nays: None. Abstain: None. Absent: None. Motion carried 6-0.

It was moved by Dirkx, seconded by Bauer, to adopt said Ordinance No. 2409. On roll call, all present voted aye. Nays: None. Abstain: None. Absent: None. Motion carried 6-0.

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At 5:25 p.m. Mayor Fleshner opened a public hearing on the vacation of a portion of North West Street described as the East 13 feet of the West 53 feet of the North 2,164 feet of the NE¼ of Section 13-T84N-R35W. Mayor Fleshner closed said hearing at 5:27 p.m.

An ordinance providing for vacating for street purposes of a portion of N. West Street described as East 13 feet of the West 53 feet of the North 2,164 feet of the NE¼ of Section 13T84N-R35W was introduced by Council Member Atherton.

It was moved by Atherton, seconded by Bordenaro, 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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At 5:28 p.m. April 22, 2024, Mayor Fleshner opened a public hearing for the rezoning request of the property legally described as:

A Parcel of land located in part of Lot 2 and Lot 3 of the Northwest Quarter of the Northeast Quarter and Part of Lot 2 located in the Southwest Quarter of the Northeast Quarter, all in Section 13, Township 84 North, Range 35 West of the 5th P.M., City of Carroll, Carroll County, Iowa, being more particularly described as follows: COMMENCING at the North quarter corner of said Section 13; thence S01°06'09"W (assumed bearing) on the West line of said Northeast quarter, 443.40 feet; thence S88°53'51"E, 40.00 feet to the POINT OF BEGINNING; thence continuing S88°53'51"E, 150.00 feet; thence S01°06'09"W, 600.00 feet; thence S88°53'51"E, 50.00

feet; thence S01°06'09"W, 520.00 feet; thence N88°53'51"W, 200.00 feet; thence N01°06'09"E, 1120.00 feet to the POINT OF BEGINNING

from A-1, Agricultural District to R-3, Low-Density Residential 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. Mark Beardmore, Carroll resident, addressed Council in opposition of the application. City Manager Aaron Kooiker 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 meetings were properly made in a timely fashion and proof of publications 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 then closed the public hearing at 5:57 p.m.

It was moved by Bauer, seconded by Seimann, that upon consideration of all the evidence contained in the record of the public hearing dated April 22, 2024; 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:

A Parcel of land located in part of Lot 2 and Lot 3 of the Northwest Quarter of the Northeast Quarter and Part of Lot 2 located in the Southwest Quarter of the Northeast Quarter, all in Section 13, Township 84 North, Range 35 West of the 5th P.M., City of Carroll, Carroll County, Iowa, being more particularly described as follows: COMMENCING at the North quarter corner of said Section 13; thence S01°06'09"W (assumed bearing) on the West line of said Northeast quarter, 443.40 feet; thence S88°53'51"E, 40.00 feet to the POINT OF BEGINNING; thence continuing S88°53'51"E, 150.00 feet; thence S01°06'09"W, 600.00 feet; thence S88°53'51"E, 50.00 feet; thence S01°06'09"W, 520.00 feet; thence N88°53'51"W, 200.00 feet; thence N01°06'09"E, 1120.00 feet to the POINT OF BEGINNING

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 the first reading of said ordinance. On roll call, Ayes: Bauer, Bordenaro, Dirx and Siemann. Nays: Atherton and Schreck. Abstain: None. Absent: None. Motion carried 4-2.

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It was moved by Bordenaro, seconded by Dirlx, to approve Resolution No. 24-31, Supplemental Agreement for Additional Services #1 in the amount of \$34,450.00 with Snyder & Associates, Inc. for the U.S. 30 W. Sanitary Sewer & Watermain Extension - 2024 Project. On roll call, all present voted aye except Atherton voted nay. Abstain: None. Absent: None. Motion carried 5-1.

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It was moved by Dirx, seconded by Schreck, to accept the bid received from PKDW LLC and approve Resolution No. 24-32, Setting a Public Hearing for May 13, 2024, on the Proposed Sale of City Interest in 1114 N. Main Street. On roll call, all present voted aye. Nays: None. Abstain: Bauer. Absent: None. Motion carried 5-0.

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It was moved by Siemann, seconded by Atherton, to accept the Iowa Economic Development Authority's Downtown Design Guide. On roll call, all present voted aye. Nays: None. Abstain: None. Absent: None. Motion carried 6-0.

It was moved by Atherton, seconded by Bauer, to allocate \$315,000.00 from Local Option Sales Tax (LOST) to be reimbursed by tax increment financing (TIF) for downtown demonstration grants, downtown façade grants and a marketing plan for the City. 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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It was moved by Atherton, seconded by Bordenaro, to adjourn at 6:27 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