

CITY COUNCIL MEETING MINUTES
Webster City, Iowa January 15, 2018

The City Council met in regular session at the City Hall, Webster City, Iowa at 5:30 p.m. on January 15, 2018 upon call of the Mayor and the advance agenda. The meeting was called to order by Mayor John Hawkins and roll being called there were present John Hawkins, Mayor in the chair, and the following Council Members: Matt McKinney, Brian Miller, Jim Talbot and Logan Welch.

It was moved by Talbot and seconded by Welch to approve the agenda.

ROLL CALL: Hawkins, McKinney, Miller, Talbot and Welch voting aye.

Mayor John Hawkins led the Pledge of Allegiance.

PETITIONS – COMMUNICATIONS – REQUESTS

None brought forth.

PUBLIC INFORMATION

Mayor Hawkins reminded the public of the Town Hall Meeting scheduled for Monday, January 22, 2018 at 7:00 p.m. at the Middle School Commons. Hawkins also mentioned the Annual Chamber Dinner scheduled for Monday, January 29, 2018.

MINUTES AND CLAIMS

It was moved by McKinney and seconded by Miller that the following motion and Resolutions be approved and adopted collectively:

1. That the meeting Minutes of January 2 and January 4, 2018, be approved.
2. That Resolution No. 2018-009 approving Payroll for the period ending January 6, 2018 and paid on January 12, 2018 in the amount of \$151,645.60 be passed and adopted.
3. That Resolution No. 2018-010 approving Bills paid in the amount of \$527,614.20 be passed and adopted and the Fund List be approved.

ROLL CALL: McKinney, Miller, Talbot, Welch and Hawkins voting aye.

GENERAL AGENDA

1. It was moved by McKinney and seconded by Miller that Resolution No. 2018-011 amending the 2013 Comprehensive Plan for the City of Webster City, Iowa, to reflect a change regarding the future Land Use Map be passed and adopted

ROLL CALL: Miller, Talbot, Welch, Hawkins and McKinney voting aye.

Prior to the vote, City Manager Ortiz-Hernandez gave a brief summary and background of the change requested to the Land Use Map.

2. January 15, 2018 at 5:30 p.m., City Hall, Webster City, Iowa being the time and place for a Public Hearing on the proposed rezoning of property from R-1 (Single Family Dwelling) and R-2 (Multiple Family Dwelling) District to C-3 (Highway Commercial) District, said property being located in an area West of Superior Street and North of Fair Meadow Drive, the same was held.

Mayor Hawkins opened the hearing. City Clerk Bonjour reminded Council Members of a petition, with approximately 91 signatures, received on October 2, 2017 in favor of the new Kwik Star to be located on Fair Meadow Drive.

Written Objections: City Clerk Bonjour presented and read the following objections received:

- Petition received December 11, 2017 with approximately 99 signatures objecting to the rezoning of aforementioned property.
- Objection of proposed location of Kwik Star received January 18, 2018 from Jan Cook, 711 Laura Lane, Webster City, Iowa
- Objection of proposed rezoning of Lot 1, Fair Meadow Heights Addition received January 18, 2017 from Marilyn Doocy, 2301 Des Moines Street, Webster City, Iowa
- Letter received January 18, 2018 from Roger and LuAnn Garvey, 604 Middle Street, in favor of proposal, contingent on specific conditions being met by Kwik Star.
- Letter of objection received January 18, 2018 from Lynn Collins Seaba of Malloy Law Firm, LLP, representing property owners Leo and Sherry Lambi and Jeff and Jerita Nelson, protesting the change in the current zoning for a portion of the property from R-1 to C-3, and citing the protest in accordance with Iowa Code Section 414.5.

Oral Objections:

Lynn Collins Seaba, Malloy Law Firm. LLP addressed the Council representing property owners Leo and Sherry Lambi and Jeff and Jerita Nelson, requesting not to rezone the area that is currently R-1 as there would be room for a business to locate in what is currently zoned C-3 without any zoning change needed. She advised that if Council should consider the change, there would be nothing to prevent the site plan from changing from what is currently proposed.

Leo Lambi presented a comparison of square footage of Casey's General Store located on Superior Street to the same type of business in Kwik Star and stated that there is adequate square footage available in what is already zoned C-3.

Mayor Hawkins closed the Hearing.

Prior to the next agenda item, City Manager Ortiz-Hernandez provided a brief summary/history of the rezoning of this area for those in attendance. Discussion was held among Council Members and those from the public in attendance at the meeting. Residents who addressed Council Members, in no particular order, were: John Hemingway, Luanne Tanner, Ryan Rippentrop, Richard Carlson, Tom Tanner, Angela Rottering, Greg Maharry and Ron Birkestrand. Wade DuMond, Real Estate Development Manager for Kwik Star, also spoke to Council and the audience in regard to some of the inquiries presented.

City Attorney Zach Chizek informed Council that due to a petition being filed against the re-zoning, and criteria under State of Iowa Code Section 414.5, a three-fourths vote would be needed to pass the Ordinance on each reading. With a five member Council, this would need a four out of five vote in favor of the proposed item to pass, not the simple majority.

2. a. It was moved by McKinney and seconded by Welch that the First Reading of a proposed Ordinance, an ordinance amending the Official Zoning Map of the City of Webster City, as provided by Section 121.06 of the Code of Ordinances of Webster City, Iowa, 1996, by rezoning property from R-1 (Single Family Dwelling) District and R-2 (Multiple Family Dwelling) District to C-3 (Highway Commercial) District, said property being located on Fair Meadow Drive, Webster City, Iowa be approved.

ROLL CALL: Talbot voting Nay.

Welch, Hawkins, McKinney and Miller voting aye.

First Reading of proposed Ordinance passed on a 4-1 roll call vote.

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3. Shirley Helgevold, MIDAS Council of Governments, Fort Dodge, Iowa was present to provide an update on the Status of the CDBG (Community Development Block Grant) monies for the Housing Rehab Program. Due to various changes from initial applicants, there are still two opportunities for those in the target area to apply for grant monies. Improvements and grants must be fulfilled by July 31, 2018. She informed of the various ways of contacting owner occupied homes that MIDAS has taken and is reaching out to Council to spread the word regarding the two available grant opportunities.

4. It was moved by McKinney and seconded by Miller that agenda items 4 and 5a and 5b, the issuance of Beer and Liquor Licenses by the Iowa Department of Commerce be approved for the following:

5.a. Renewal of Class E Liquor License, Class B Wine Permit, Class C Beer Permit and Sunday Sales - Casey's General Store #3054, 700 Superior Street

5.b. Renewal of Class B Beer Permit, Outdoor Service and Sunday Sales - Hamilton County Exposition/Hamilton County Fairgrounds, 1200 Bluff Street

ROLL CALL: Welch, Hawkins, McKinney, Miller and Talbot voting aye.

6. It was moved by Miller and seconded by McKinney that recommending the award of the contract for the Beach Street Resurfacing Project to the low bidder, Mathy Construction Company, Onalaska, Wisconsin, to the Hamilton County Board of Supervisors; which is in accordance with the STP (Surface Transportation Block Grant Program) agreement, DOT funding agreement and 28E City-County Agreement be approved. (City of Webster City's portion of the project is known as Division 3.)

ROLL CALL: Hawkins, McKinney, Miller, Talbot and Welch voting aye.

7. It was moved by Miller and seconded by McKinney to refer to the Planning and Zoning Commission a request to vacate a portion of Third Street right-of-way east of HyVee and abutting Prospect Street.

ROLL CALL: McKinney, Miller, Talbot, Welch and Hawkins voting aye.

**REPORTS AND RECOMMENDATIONS OF OFFICERS,
BOARDS AND COMMISSIONS**

It was moved by Welch and seconded by Talbot that the following items (1-3) be approved collectively:

1. That the December 2017 City Manager Reports which include Electric, Wastewater, Water, Electric Year-to-Date, Water Year-to-Date and Code Enforcement be accepted and placed on file.

2. That the December 2017 Police Department Report be accepted and placed on file.

3. That the December 2017 Fire Department Report be accepted and placed on file.

ROLL CALL: Miller, Talbot, Welch, Hawkins and McKinney voting aye.

COUNCIL COMMITTEE REPORTS

Council Member Welch informed that the Youth Advisory Commission will meet on Sunday, January 22, 2018 at 7:00 p.m. The meeting place is yet to be determined.

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Council Member Miller encouraged those interested in volunteering throughout the community to attend the newly formed Community Betterment Group at the meeting scheduled for Thursday, January 19th, 2018 at 7 p.m. at the Sampson Room in Fuller Hall.

OTHER REPORTS AND RECOMMENDATIONS:

None brought forth.

It was moved by Welch and seconded by McKinney that Council meet in Closed Session for the following reasons:

1. Meet in Closed Session for the purpose of holding a strategy meeting in connection with collective bargaining, as authorized by Chapters 20.17 and 21.5 of the Iowa Code.
2. Meet in Closed Session to evaluate the performance of the City Clerk which is necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session. as provided by Chapter 21.5 i of the Code of Iowa

ROLL CALL: Talbot, Welch, Hawkins, McKinney and Miller voting aye.

The Council went out of Regular Session at 6:46 p.m.

A short Recess was taken.

The Council went into Closed Session at 6:50 p.m.

The Council returned to Open Session at 7:54 p.m.

It was moved by Welch and seconded by Talbot that Council adjourn.

ROLL CALL: Welch, Hawkins, McKinney, Miller and Talbot voting aye.

The January 15, 2018 regular City Council Meeting stood adjourned at 7:55 p.m.