

Monday, June 6, 2016
Meeting
7:00 p.m.

Regular

Lake View Municipal Building

The Lake View City Council met in regular session on Monday, June 6, 2016 at the Lake View Municipal Building. The meeting was called to order by Mayor John Westergaard at 7:00 p.m. Roll call was taken: Present: Councilors Jerry Huss, Tami Moeller, Terry Reis, Ken Steinkamp, and Dave Woltman. Also present: Lon Buse, Kodi Brotherson, Marcia Haakenson and 28 members of the public.

Consent Agenda

Motion by Woltman, second by Steinkamp, to approve the consent agenda. Roll call vote: All ayes. Motion carried.

- a. Approve the tentative agenda.
- b. Approve minutes from May 16th
- c. Approve liquor license for Lake View Foods, 223 Main Street
- d. Approve building permit application from:
 - i. Crystal Investments, LLC, 502 5th Street, addition to garage.
 - i. Jeff Warnke, 841 East Shore Drive, covered patio.
 - ii. Matt Wendl, 371 Lakewood, enlarge deck.
 - iii. Lee Wuebker, 368 N. State Road, new home.
- e. Approve bills and authorize payment.

END OF CONSENT AGENDA

Consideration of Request for Zoning Change from Hancock Concrete Products

Mayor Westergaard noted that there would again be an opportunity for public input on this issue.

The City Clerk/Administrator was asked to relay the response from the City's attorney regarding the issue of spot zoning which was raised at the previous meeting. It was noted that the attorney did not view this as an instance of spot zoning as it is adjacent to an existing, similar use.

Vicki Toms spoke of the importance of Hancock to the community and the financial impact. She is proud of this long-standing business. She noted a petition signed by 244 people requesting that the City Council grant the requested zoning change. Mayor Westergaard acknowledged the petition.

Eric Neu stated that, after reviewing the correspondence from the City's attorney, that the letter was not clear on whether this was spot zoning. He noted the petition which had been presented and asked that the Council consider the rights of the minority affected by the proposed re-zoning.

Dale Boeckman noted the City already has a regulation requiring that all industrial buildings be 200' from residential property and asked how Hancock's office was able to be built at its current site.

Lon Buse stated that the Schmidgall's had sold property to the south of the plant site to a neighbor. This is the site of a pond. He also noted that the City has offered alternatives to Hancock for storing inventory to get them through these busy times.

Lastly, he noted that the P&Z Commission voted 4 ó 1 recommending not to grant the zoning change and stated the Council should respect their decision.

Doug Schmidgall, former Hancock plant manager, thanked the community for the support they have shown Hancock. He asked those in the audience in favor of the proposed re-zoning to stand up. A substantial majority of the attendees stood.

Gary Eischeid noted that Hancock has options to produce product at their six sister operations and that Hancock could choose to close and consolidate. He asked the Council to consider the effect on the 38 employees and their families. He stated that to not approve the requested change is wrong.

John Drilling stated that Hancock has stored product on Iowa DOT property in the past and the DOT has not been approached.

Shirley Phillips stated she is impressed with what is happening in Lake View with industrial and residential development. She stated that the decision on Hancock's request set the attitude for future development.

Barb Krambeer asked with the goal is of not letting Hancock re-zone. She could see no reason.

Eric Ortner, plant manager, thanked the community for the support. He stated that this re-zoning is vital for a strong future for Hancock. He stated they could be bringing in more employees and that the problem with storage will not go away. He noted that Hancock wants to make a long-term investment in Lake View.

Darrell Eischeid raised concerns about the lake and asked if we want an industrial use that close to the lake?

Vicki Toms related a discussion she had with the DNR representative who stated that drainage from Hancock will not be a detriment to the lake.

Corey Bundt, an employee at Hancock, showed the Council a picture of a large box culvert on a semi trailer and noted that they need to chain these loads in the street because they don't have enough room. He also noted that Hancock will not do anything to affect the lake water quality.

Doug Schmidgall noted that Hancock must have an Iowa Storm Water Permit and they must follow the permit requirements. He noted that Hancock is an organization of integrity, calling integrity their number one core value.

Mary Ludwig, representing Stewart Memorial Community Hospital and clinic, noted they rely on partnerships and are supportive of another business. She noted that the hospital and clinics are viable due partly to large employers. Also, as a member of Lake View Hometown Pride committee, she stated that the event center on which Hometown Pride is working also needs to rely on partners, including businesses.

Chad Ripley of Hallett Materials noted that they provide materials to Hancock. He encouraged approval of the requested change.

Brandy Ripley of SETD also noted the impact Hancock has when they purchase materials from other local businesses.

Lon Buse asked Hancock is they were leaving town.

Doug Schmidgall noted that they need room to expand and that they are a corporate company with a responsibility to grow, so there will be a decision that needs to be made.

Chad Brotherson stated that he is a Hancock employee and asked what other business would have a full-time job for him?

Mayor Westergaard closed the opportunity for public input at 7:33.

Councilor Reis noted that he is in favor of granting the proposed re-zoning request. He introduced a motion to approve the requested change from R-2 to I and to order the City Clerk/Administrator to prepare an amendment to the City's zoning map. The motion was seconded by Council Member Moeller.

Councilor Woltman stated that he would like to see some additional restrictions on the use of the land such as a larger setback for buildings or more trees as a buffer. He noted that Hancock does need additional storage area, that Irwin Street can not be used as a truck route, and that Hancock has a plan to accommodate their drainage.

Council Huss said he is concerned about the lake as the drainage plans are based on a 10 rainfall and there are many rainfalls that exceed that amount. Councilor Huss is the Council liaison to the P&Z Commission and has sat in at all of the meetings, noting that the P&Z has put in many hours of work into this issue, and recommended that the Council follow the recommendation of the P&Z.

Mayor Westergaard called for the vote. Roll call vote: Ayes: Moeller, Reis, Steinkamp, Woltman. Nays: Huss. Motion carried.

Councilor Woltman stated he would like to work with Hancock to try to find agreeable restrictions, such as increased setback for buildings. Councilor Woltman will meet with Hancock management to explore options for agreeable restrictions.

FY 2015-16 Budget Amendment

Mayor Westergaard opened the public hearing on the proposed amendment of the FY 2015-16 Budget at 7:48 p.m. The City Clerk/Administrator reviewed the items for which an amendment is needed. No oral or written comments were received. Mayor Westergaard closed the public hearing at 7:50 p.m.

Motion by Reis, second by Moeller, to approve Resolution # 16-39: "City Budget Amendment and Certification Resolution." Roll call vote: All ayes. Motion carried.

Wastewater Treatment Lagoon Project

Mayor Westergaard opened the public hearing on the proposed acquisition of property interests from various property owners for the wastewater treatment facility by gift, negotiation, or eminent domain at 7:50 p.m. The City Clerk/Administrator reviewed the process to acquire land or easements for the lagoon project. No oral or written comments were received. Mayor Westergaard closed the public hearing at 7:52 p.m.

Motion by Moeller, second by Steinkamp, to approve Resolution # 16-40: "Resolution to Hold a Hearing on the Intent to Acquire Agricultural and Other Property for Wastewater Treatment Facility Improvements and Authorize Acquisition of the Necessary Property Interests from Various Property Owners for the Wastewater Treatment Facility by Gift, Negotiation, or Eminent Domain." Roll call vote: All ayes. Motion carried.

Sanitary Sewer: Options for Sewer Main Alignment

Public Works Director, Lon Buse, spoke with the Council about an option to route flows from the east and north sides of the lake directly north at the intersection of Lakewood Cut-off and Quincy Avenue. This would then flow directly to the new lagoon site. This would help with flooding concerns by relieving pressure on the lift stations on Crescent Park Drive and in Town Bay. The estimated cost to add this sewer is around \$400,000. The Council expressed their desire to add this to the lagoon project.

Discussion of Economic Development Strategy

Councilor Woltman spoke of the need for Lake View to develop a comprehensive economic development strategy, including sites for industrial development. He stated this should be a priority. The City will form a committee headed us by Councilors Woltman and Huss and other interested individuals to begin the process of developing an economic development strategy.

Black Hawk Lake Trail ó Phase 2

Motion by Moeller, second by Reis, to approve the final Change Order for Phase 2 of the Black Hawk Lake Trail in the amount of \$4,349.26. Roll call vote: All ayes. Motion carried.

Motion by Woltman, second by Steinkamp, to approve the final Pay Estimate for Phase 2 of the Black Hawk Lake Trail from Howrey Construction in the amount of \$11,271.73. Roll call vote: All ayes. Motion carried.

Bid for Annual Examination

The City sent out eight requests for proposals to area accounting firms to perform the City's annual examination. One response was received from Feldmann & Co. for \$3,500. Motion by Moeller, second by Steinkamp, to award the bid to perform the City's annual exam to Feldmann & Co. for \$3,500. Roll call vote: All ayes. Motion carried.

City Clerk/Administrator Report.

- a. Lake: The City Clerk/Administrator reported that the aquatic herbicide will be applied on Tuesday, June 7th and the Aquatic Vegetation Harvester will begin operating on Wednesday, June 8th.
- b. Sunset Drive Easement: The City Clerk/Administrator noted that easements are needed from two property owners for the Sunset Drive project: Reggy & Faye Rohrbeck, and Randy & Janelle Schulte. The Schulte's would like to fill the ditch to the east of their property and asked the City to purchase the pipe as needed. The Council agreed.

Motion by Reis, second by Moeller, to adjourn. On vote: all ayes. Motion carried.
Meeting adjourned at 8:36 p.m.

John Westergaard, Mayor

Scott Peterson, City Clerk/Administrator