

TEMPLETON CITY COUNCIL
AUGUST 18, 2016
7:00 P.M. – TEMPLETON CITY HALL

The Templeton City Council met on this eighteenth day of August 2016 at 7:00 o'clock p.m. at City Hall, Templeton, Iowa. The meeting was called to order by Mayor Behrens, and the roll was called showing the following named Council Members present and absent:

Present: Doyle Engelen, Dave Ramsey, Joe Irlbeck, Mark Bauer, & Alex Schoeppner

Absent: None

Others in attendance: Mayor Ken Behrens, City Clerk Rhonda Schwaller, Public Works Director Dale Prebeck, & Paul Kasperbauer arrived at 7:10 p.m.

Approval of Agenda: A motion was made by Engelen and seconded by Ramsey to approve the agenda. All present voted in favor of the motion and the motion was carried.

Council acknowledged receipt of Waspy's – Templeton, LLC application for voluntary annexation. The Planning & Zoning Commission met on August 18, 2016 at 5:30 p.m. and recommended the Templeton City Council approve Waspy's application for voluntary annexation. After due consideration and discussion, Council Member Bauer introduced resolution and moved its adoption, seconded by Council Member Irlbeck. The Mayor put the question upon the adoption of said resolution, and the roll being called, the following Council Members voted:

Ayes: Engelen, Ramsey, Irlbeck, Bauer, & Schoeppner

Nays: None

Whereupon, the Mayor declared the resolution duly adopted as hereinafter set out.

RESOLUTION NO. 1152-16
RESOLUTION OF ANNEXATION

WHEREAS, there has been presented to the Council, an Application executed by the owners of the following described real estate which lies adjacent to the corporate limits of the City of Templeton; and

WHEREAS, it is in the best interest of the City of Templeton that said real estate is hereby annexed to the City of Templeton, Iowa, and the corporate limits are extended to include said real estate:

LOT 1 OF THE NW ¼-SW1/4, SEC. 16-82-35

A PART OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 16, TOWNSHIP 82 NORTH, RANGE 35 WEST OF THE 5TH P.M., CARROLL COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST ¼ CORNER OF SECTION 16; THENCE SOUTH 89° 27' 36" EAST, ALONG THE NORTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 16, 60.00 FEET TO THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF IVY AVENUE AND THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 16; THENCE CONTINUING SOUTH 89° 27' 36" EAST, ALONG SAID NORTH LINE, 456.03 FEET; THENCE SOUTH 0° 08' 00" WEST, 988.35 FEET; THENCE NORTH 89° 27' 36" WEST, 456.03 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF IVY AVENUE, THENCE NORTH 0° 08' 00" WEST, ALONG SAID EAST RIGHT OF WAY LINE, 988.35 FEET TO THE POINT OF BEGINNING AND CONTAINING 10.35 ACRES (450,981.3 S.F.). INCLUDING COUNTY ROAD RIGHT OF WAY ON THE NORTH SIDE. PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

PASSED AND APPROVED by City Council of the City of Templeton, Iowa this 18th day of August, 2016.

CITY COUNCIL OF THE
CITY OF TEMPLETON

By: _____
Ken F. Behrens, Mayor

ATTEST:

By: _____
Rhonda Schwaller, City Clerk

Mayor Behrens opened public hearing at 7:05 p.m. Council acknowledged receipt of Waspy's – Templeton, LLC's application for zoning change. Property currently zoned Agricultural. Waspy's proposed zoning request is Light Industrial. Mayor Behrens asked for comments or discussion on the proposed zoning change. City Clerk Schwaller indicated there were no written or oral objections heard on the application. City Clerk Schwaller also reported the Planning & Zoning Commission met on August 18, 2016 at 5:30 p.m. recommending the Templeton City Council approve rezoning property to Light Industrial. Mayor Behrens closed public hearing at 7:06 p.m. Council Member Irlbeck introduced Ordinance #79 and made a motion to adopt and approve the first reading, seconded by Engelen. Roll call taken:

Ayes: Schoeppner, Ramsey, Engelen, Bauer, & Irlbeck
Nays: None

A motion was made by Bauer to waive the second and third readings of the Ordinance #79, seconded by Ramsey. Roll call taken:

Ayes: Engelen, Irlbeck, Ramsey, Schoeppner, & Bauer
Nays: None

A motion was made by Bauer for final passage of Ordinance #79, seconded by Schoeppner. Roll call taken:

Ayes: Bauer, Ramsey, Irlbeck, Schoeppner, & Engelen
Nays: None

Whereupon, Mayor Behrens declared motion carried and ordinance passed.

ORDINANCE #79

AN ORDINANCE AMENDING THE TEMPLETON ZONING ORDINANCE AND OFFICIAL ZONING MAP BE IT ORDAINED BY THE CITY COUNCIL OF TEMPLETON, IOWA, AS FOLLOWS:

Section I. Purpose. The purpose of this Ordinance is to amend the district boundaries of the official Templeton zoning map to reflect a recommendation of the Planning and Zoning Commission to rezone the following legally described property:

LOT 1 OF THE NW ¼-SW1/4, SEC. 16-82-35

A PART OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 16, TOWNSHIP 82 NORTH, RANGE 35 WEST OF THE 5TH P.M., CARROLL COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST ¼ CORNER OF SECTION 16; THENCE SOUTH 89° 27' 36" EAST, ALONG THE NORTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 16, 60.00 FEET TO THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF IVY AVENUE AND THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 16; THENCE CONTINUING SOUTH 89° 27' 36" EAST, ALONG SAID NORTH LINE, 456.03 FEET; THENCE SOUTH 0° 08' 00" WEST, 988.35 FEET; THENCE NORTH 89° 27' 36" WEST, 456.03 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF IVY AVENUE, THENCE NORTH 0° 08' 00" WEST, ALONG SAID EAST RIGHT OF WAY LINE, 988.35 FEET TO THE POINT OF BEGINNING AND CONTAINING 10.35 ACRES (450,981.3 S.F.). INCLUDING COUNTY ROAD RIGHT OF WAY ON THE NORTH SIDE. PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD

Section II. Description of Amended District Boundaries. The above described real estate shall be rezoned from AG, Agricultural to LI, Light Industrial.

Section III. Official Zoning Map Amended. The Official Zoning Map is hereby amended to reflect the above referenced change in the zoning district boundaries.

Section IV. Repealer. All Ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed.

Section V. Severability. If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section VI. Effective Date. This Ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and Approved this 18th day of August, 2016.

Ken Behrens, Mayor

attest:

Rhonda Schwaller, City Clerk

August 18, 2016 – Introduction & 1st Reading

August 18, 2016 – Second & Third Readings Waived

August 18, 2016 – Final Passage

August 19, 2016 – Date of Publication/Posting

A motion was made by Ramsey to approve building permit application from Waspy’s – Templeton, LLC for construction of a convenience store/truck stop, car wash, utility garage & concrete, seconded by Schoeppner. All present voted in favor of the motion and the motion was carried.

A motion was made by Bauer to approve building permit application from Waspy’s – Templeton, LLC for sign #1, seconded by Engelen. All present voted in favor of the motion and the motion was carried.

A motion was made by Bauer to approve building permit application from Waspy’s – Templeton, LLC for sign #2, 3, & 4, seconded by Schoeppner. All present voted in favor of the motion and the motion was carried.

A motion was made by Ramsey to approve building permit application from Justin Stoltenberg for the addition of a garage, front porch, driveway, sidewalks, & retaining wall, seconded by Bauer. All present voted in favor of the motion and the motion was carried.

Mayor Behrens announced that an amendment to the boundaries of the Templeton Urban Renewal Area had been prepared, along with an amendment to the urban renewal plan for the area, and that it was now necessary to set a date for a public hearing on the proposed amended area and proposed amendment to the urban renewal plan. Accordingly, Council Member Ramsey moved the adoption of the following resolution entitled “Resolution Setting Date for a Public Hearing on Designation of the Expanded Templeton Urban Renewal Area and on Urban Renewal Plan Amendment,” and the motion was seconded by Council Member Bauer. Following due consideration, the Mayor put the question on the motion and the roll being called, the following named Council Members voted:

Ayes: Schoeppner, Engelen, Ramsey, Bauer, & Irlbeck
Nays: None

Whereupon, the Mayor declared the resolution duly adopted as follows:

RESOLUTION NO. 1153-16

Resolution Setting Date for a Public Hearing on Designation of the Expanded Templeton Urban Renewal Area and on Urban Renewal Plan Amendment

WHEREAS, this City Council of the City of Templeton, Iowa (the “City”) by resolution previously established the Templeton Urban Renewal Area (the “Urban Renewal Area”) and adopted an urban renewal plan (the “Plan”) for the governance of projects and initiatives therein; and

WHEREAS, a proposal has been made which shows the desirability of expanding the Urban Renewal Area to add and include all the property (the “Property”) lying within the legal description set out in Exhibit A; and

WHEREAS, this City Council is desirous of obtaining as much information as possible from the residents of the City before making this decision; and

WHEREAS, an amendment (the “Amendment”) to the Plan has been prepared which covers the addition of the Property to the Urban Renewal Area and authorizes the undertaking of new urban renewal projects in the Urban Renewal Area consisting of (i) providing tax increment financing support to Waspy’s – Templeton, L.L.C. in connection with the construction of a new convenience store/truck stop facility for use in its business operations and (ii), and it is necessary to take action to set a date for a public hearing on the Amendment; and

WHEREAS, a portion of the Property meets the definition of “agricultural land” under Section 403.17 of the Code of Iowa which requires property owner consent before “agricultural land” may be included in an urban renewal area; and

WHEREAS, a consent agreement (the “Ag Land Consent”) has been prepared for presentation to the owners of any “agricultural land” proposed for inclusion in the Urban Renewal Area; and

WHEREAS, the Property meets the statutory definition of “agricultural land” as set forth in Section 403.17 of the Code of Iowa, and in satisfaction of the consent requirements of said statute, the City has received consent agreements from the owners of such “agricultural land”; and

WHEREAS, the Property is located outside but within two miles of the incorporated limits of the City, and a resolution has been adopted by the Board of Supervisors of Carroll County, Iowa in satisfaction of the consent requirements of Section 403.17.4 of the Code of Iowa;

NOW, THEREFORE, Be It Resolved by the City Council of the City of Templeton, Iowa, as follows:

Section 1. This City Council will meet at the City Hall, Templeton, Iowa, on September 6, 2016, at 7:00 o’clock p.m., at which time and place it will hold a public hearing on the designation of the expanded Urban Renewal Area described in the preamble hereof and on the Amendment.

Section 2. The City Clerk shall publish notice of said hearing, the same being in the form attached hereto, which publication shall be made in a legal newspaper of general circulation in Templeton, which publication shall be not less than four (4) nor more than twenty (20) days before the date set for hearing.

Section 3. Pursuant to Section 403.5 of the Code of Iowa, the City Clerk is hereby designated as the City’s representative in connection with the consultation process which is required under that section of the urban renewal law.

Section 4. The proposed Amendment is hereby submitted to the City’s Planning and Zoning Commission for review and recommendations, as required by Section 403.5, Code of Iowa.

Passed and approved August 18, 2016.

Mayor

Attest:

City Clerk

Council discussed Secure Data Protection and Connectivity Assurance service options on the Access Systems Cost Per Image Agreement. Council elected to have:

1. Access Systems perform all end of lease device data disposal procedures to remove any and all confidential information on hard drive.
2. Declined Connectivity Assurance service. City will be bill at an hourly rate if connectivity work is needed.

At 7:55 o’clock p.m. and with no further business before the council at that time, they agreed to adjourn. Bauer moved to adjourn and Ramsey seconded the motion. All voted aye, motion carried.

Ken F. Behrens, Mayor

Rhonda Schwaller, City Clerk