

NOTE: AGENDA ORDER SUBJECT TO CHANGE

**LE MARS CITY COUNCIL REGULAR MEETING
TUESDAY, JANUARY 17, 2012, 12:00 P.M.
AGENDA**

**A. CALL TO ORDER – MAYOR
ROLL CALL – CITY CLERK**

COUNCILMEMBERS: NELSON_____, KNAPP_____ REXWINKEL_____,
LEONARD_____, IHRKE_____

B. HEARINGS

1. Urban Revitalization Plan and Le Mars Urban Revitalization Area (2012)
2. Request for Rezoning & Final Plat Approval – Dogwood Industrial Park, First Addition

C. GENERAL DISCUSSION

1. Citizens
2. “Thumbs Up” Award

D. CONSENT ITEMS

All items listed under "Consent" Agenda will be enacted by one motion. There will be no separate discussion on those items unless a request is made prior to the time the Council votes on the motion.

1. Approval of January 3, 2012 Regular Meeting Minutes
2. List of Bills for Period Ending 1/13/12
3. Monthly Financial Statement for December 2011

E. ACTION ITEMS

1. Final Plat – Third-Strike, A Minor Subdivision, Plymouth County
2. RISE Grant Application Resolution
3. Surface Transportation Program (STP) Applications
4. Pet License Ordinance
5. Water Extension at North Interchange
6. List of Fees, Charges and Licenses
7. Tax Compliance Procedures Relating to Tax-Exempt Bonds
8. Request to Rezone

F. DISCUSSION

1. Council/Mayor
2. City Administrator/Public Works Director
 - a. Fire-Rescue Annual Report
 - b. C.I.P.
3. Assistant City Administrator
 - a. Budget Discussion

G. CLOSED SESSION

1. Pending/Imminent Litigation

H. ADJOURNMENT

Le Mars City Council Meeting
Tuesday, January 3, 2012, 12:00 P.M.
Minutes

Mayor Kirchoff presided. Present: Ihrke, Rexwinkel, Leonard, Nelson, Knapp. Absent: None.

NOTE: A hearing was held on a proposed Ordinance amending Chapter 155 – Building and Construction Regulations, regarding the National Electrical Code, and no oral or written objections were received.

Nelson moved, Ihrke seconded the first reading of Ordinance No. 897 Amending Chapter 155, Building and Construction Regulations, be approved. On Roll Call: Ayes: Knapp, Leonard, Rexwinkel, Nelson, Ihrke. Nays: None.

Nelson moved, Ihrke seconded the second and third readings of Ordinance No. 897 Amending Chapter 155, Building and Construction Regulations, be waived. On Roll Call: Ayes: Knapp, Leonard, Rexwinkel, Nelson, Ihrke. Nays: None.

Nelson moved, Ihrke seconded Ordinance No. 897 Amending Chapter 155, Building and Construction Regulations, be adopted on its first reading. On Roll Call: Ayes: Knapp, Leonard, Rexwinkel, Nelson, Ihrke. Nays: None.

NOTE: The Council discussed the proposed Urban Revitalization Plan, which is set for public hearing at the January 17, 2012 meeting.

Nelson moved, Leonard seconded that the following items be approved under the “Consent Agenda.” On Roll Call: Ayes: All present. Nays: None.

- Regular meeting minutes of December 20, 2011.
- List of bills for period ending 12/31/11.
- Mayor/Council/Staff Assignments for 2012 as amended.
- Le Mars Daily Sentinel as the official newspaper for 2012.
- The 2011 Airport SRE Building Improvements, as fully completed by Holtze Construction Co., Sioux City, IA.

Rexwinkel moved, Nelson seconded the Development Agreement with Dogwood Properties LLC as revised by the City Attorney be approved. On Roll Call: Ayes: All present. Nays: None.

Rexwinkel moved, Leonard seconded January 17, 2012 at 12:00 PM be established as a public hearing for rezoning of the proposed Dogwood Industrial Park, First Addition from I-1 to I-2. On Roll Call: Ayes: All present. Nays: None.

Rexwinkel moved, Leonard seconded the City Engineer’s recommendation of “Permanent Erosion Control and Drainage Measures” for the Dogwood Industrial Park, First Addition be approved. On Roll Call: Ayes: All present. Nays: None.

Nelson moved, Ihrke seconded the third reading of Ordinance No. 896 as amended – revising Water Rates and Charges be approved. On Roll Call: Ayes: Knapp, Leonard, Rexwinkel, Nelson, Ihrke. Nays: None.

Nelson moved, Ihrke seconded Ordinance No. 896 as amended – revising Water Rates and Charges be adopted on its third reading. On Roll Call: Ayes: Knapp, Leonard, Rexwinkel, Nelson, Ihrke. Nays: None.

Nelson moved, Knapp seconded the City of Le Mars Administrative Policy, Water Meters Required, be approved. On Roll Call: Ayes: All present. Nays: None.

Leonard moved, Nelson seconded Resolution No. 12-01 approving submittal of Application for Airport Improvement Program Assistance be adopted. On Roll Call: Ayes: Knapp, Ihrke, Rexwinkel, Leonard, Nelson. Nays: None.

Ihrke moved, Nelson seconded the first reading of Ordinance No. 898 Amending the provisions pertaining to Pet Licenses be approved as amended by City Attorney. On Roll Call: Ayes: Leonard, Nelson, Ihrke, Rexwinkel. Nays: Knapp.

NOTE: The Council discussed the List of Fees, Charges and Licenses and agreed to table it to the next meeting to allow the Park Committee to review Golf fees.

Nelson moved, Ihrke seconded the meeting be adjourned at 2:15 P.M. On Roll Call: Ayes: All present. Nays: None.

Beverly Langel, City Clerk

Dick Kirchoff, Mayor

CITY OF LE MARS, IOWA

Hearing	REQUEST FOR ACTION	Date: January 17, 2012
	Description: Urban Revitalization Plan and Le Mars Urban Revitalization Area (2012) – 12:00 P.M.	Item No. B-1

Information:

The Council set this as the date and time to hear public comment for the proposed Urban Revitalization Plan and Le Mars Urban Revitalization Area (2012).

The following is attached:

- 1) Resolution
- 2) Urban Revitalization Plan with Map of Area
- 3) Program Description
- 4) 2012 Application for Tax Exemption

Staff Recommendation:

The Mayor opens the hearing and asks if there are any objections or comments.

COUNCIL ACTION REQUESTED

Motion adopting Resolution No. _____
regarding designation of the Le Mars Urban
Revitalization Area and the proposed Plan.

(Roll Call)

CITY OF LE MARS, IOWA

Hearing	REQUEST FOR ACTION	Date: January 17, 2012
	Description: Request for Rezoning & Final Plat Approval – Dogwood Industrial Park, First Addition 12:00 P.M.	Item No. B-2

Information:

The Council set this as the date and time to hear public comment regarding the proposed zoning change of Dogwood Industrial Park, First Addition from I-1 (Light Industrial District) to I-2 (General Industrial District). At its January 3, 2012 special meeting, the Planning and Zoning Commission recommended the zoning change.

The Final Plat is also attached which consists of fourteen (14) lots lying north of 12th Street S. and west of 6th Avenue SW. The Planning and Zoning Commission is recommending approval.

Recommendation:

The Mayor opens the hearing and asks if there are any objections or comments to the proposed zoning change. After hearing all comments, the Mayor announces the hearing is closed.

COUNCIL ACTION REQUESTED

Motion approving the first reading of Ordinance No. _____ Amending Zoning Districts.

(Roll Call)

And

Motion adopting Resolution No. _____ approving the Final Plat of Dogwood Industrial Park, First Addition.

(Roll Call)

CITY OF LE MARS, IOWA

Consent	REQUEST FOR COUNCIL ACTION	Date: January 17, 2012
	Description: List of Bills for Period Ending 1/13/12	Item No. D-2

Attached is the list of bills for the period ending 1/13/12.

COUNCIL ACTION REQUESTED

Approval of bills for the period
ending 1/13/12.

(No Roll Call)

CITY OF LE MARS, IOWA

Consent	REQUEST FOR COUNCIL ACTION	Date: January 17, 2012
	Description: Monthly Financial Statement for December 2011	Item No. D-3

Attached is the monthly Financial Statement for December 2011.

COUNCIL ACTION REQUESTED

Motion acknowledging receipt of monthly
Financial Statement for December 2011.

(No Roll Call)

CITY OF LE MARS, IOWA

Action	REQUEST FOR COUNCIL ACTION	Date: January 17, 2012
	Description: Final Plat – Third-Strike, A Minor Subdivision, Plymouth County	Item No. E-1

Information:

On January 3, 2012 the Planning and Zoning Commission approved the Final Plat of Third-Strike, a minor Subdivision to Plymouth County, near C38 and Kestrel Avenue. This plat consists of one (1) lot lying outside the Corporate Limits of the City, but within the two (2) mile jurisdiction, therefore, requires both City Council and Board of Supervisor approval. The County Board of Supervisors approved on December 27, 2011.

A copy of the Final Plat is attached. No public infrastructure is required for this subdivision.

Staff Recommendation:

Staff recommends approval of Final Plat.

Financial Impact:

No financial impact at this time.

COUNCIL ACTION REQUESTED

Motion adopting Resolution No. _____
approving the Final Plat of Third-Strike, A
Minor Subdivision, Plymouth County.

(Roll Call)

CITY OF LE MARS, IOWA

Action	REQUEST FOR COUNCIL ACTION	Date: January 17, 2012
	Description: RISE Grant Application Resolution	Item No. E-2

Information:

Attached is a Resolution endorsing the RISE Grant Application for 27th Street SW within the Le Mars Industrial Park, 2nd Addition.

Staff Recommendation:

Staff Recommends Council approve the RISE Resolution .

Financial Impact:

Matching cost for RISE Project would be funded by City and in the future reimbursed by Joint TIF Revenue.

COUNCIL ACTION REQUESTED

Motion adopting Resolution No. _____
endorsing the Application for RISE Funding for
local development projects.

(Roll Call)

CITY OF LE MARS, IOWA

Action	REQUEST FOR COUNCIL ACTION	Date: January 17, 2012
	Description: Surface Transportation Program (STP) Applications	Item No. E-3

Information:

NOTE: This item is very similar to that which Council approved on January 18, 2011 for last year's application; however, no funding was received.

Administration has reviewed the past use of STP funding for roadway improvements and has projected the City's needs into the future, as follows:

2000-2005 (all constructed)	12 th Street SW – 6 th Avenue W. to Lincoln Street 4 th Street SW – Central Avenue W. to Business 75 4 th Street SE – Central Avenue to 4 th Avenue E.
2005-2010 (all constructed)	6 th Avenue West – 8 th Street S. to 12 th Street S. 7 th Avenue E. (K49) – Hillcrest Drive to 18 th Street S. Business 75 S. – Iowa 3 to 18 th Street S. Iowa 3 E. – 1 st Street N. to Park Lane Business 75 N. – Iowa 3 to 4 th Street N.
2010-2015 (all funded)	12 th Street S. – 7 th Avenue E. to 12 th Avenue E. Lincoln Street SW – 4 th Street S. to 24 th Street S. Iowa 3 W. – Business 75 to Bypass
2015-2020	Central Avenue – 3 rd Street N. to 3 rd Street S. 4 th Avenue E. – 2 nd Street S. to 10 th Street S.
2020-2025 (future funding)	Central Avenue – 5 th Street S. to 12 th Street S. 12 th Street S. – Central Avenue to 4 th Avenue E. 12 th Street S. – Central Avenue to 6 th Avenue W.

Staff Recommendation:

Applications for future funding through STP are due January 20th. City Administration intends to submit the three (3) projects listed for 2015-2020; however, request funds in the order listed above.

Financial Impact:

Historically, Surface Transportation Program (STP), is 80% Federal 20% local; however, can be as low as 50% Federal 50% local. Engineering is never considered eligible cost, only construction costs. Le Mars has received several million dollars over the last two decades and therefore has been able to accomplish many needed improvements over that time. Federal appropriations to FHWA are required each year for the STP to continue. Although funding varies from year to year it has been continuous for many decades.

COUNCIL ACTION REQUESTED

Motion approving application to Surface Transportation Program (STP) for the 2015-2020 Street Projects in the ordered listed (or as amended).

(No Roll Call)

CITY OF LE MARS, IOWA

Action	REQUEST FOR COUNCIL ACTION	Date: January 17, 2012
	Description: Pet License Ordinance	Item No. E-4

Information:

At its January 3, 2012 meeting the Council approved the first reading of an Ordinance amending the code regarding pet licenses. The Council had directed the Committee to meet and bring back a recommendation as to the future of the dog and cat licensing program. The Committee met with the Vets and the Police Chief and their recommendations are listed below.

Committee Recommendation:

The Committee is recommending that the licensing program continue with the modifications listed below:

- 1) Only dogs will be licensed.
- 2) All dog licenses will run from January 1st to December 31st each year.
- 3) Dog licenses will be issued only for a one (1) year period.
- 4) Licenses will be issued by a licensed veterinarian approved by the City of Le Mars or can be issued at City Hall.
- 5) Penalties and fees will be set annually by Resolution.

Attached is the revised Ordinance.

Staff Recommendation:

Approve the second reading, waive the third and adopt the Ordinance.

COUNCIL ACTION REQUESTED

Motion approving the second reading of Ordinance No. 898 Amending the Provisions Pertaining to Pet Licenses.
(Roll Call)

and

Motion waiving the third reading of Ordinance No. 898 Amending the Provisions Pertaining to Pet Licenses.
(Roll Call)

and

Motion adopting Ordinance No. 898 Amending the Provisions Pertaining to Pet Licenses on its second reading.
(Roll Call)

CITY OF LE MARS, IOWA

Action	REQUEST FOR COUNCIL ACTION	Date: January 17, 2012
	Description: Water Extension at North Interchange	Item No. E-5

Information:

A need has been brought forward to extend water main to the north side of the north interchange of the Hwy. 60 Bypass. City currently has water main along Madison Avenue. Fedders Marine and RV, Inc. will be relocating to the NW quadrant of said interchange. Through a previous agreement with Southern Sioux Rural Water the City has FIRST RIGHT to serve this area.

Alternate routes and estimated cost will be available at the meeting for further discussion.

Staff Recommendation:

Staff recommends extending water main to this area to retain City's right to serve this area.

Financial Impact:

Extension would be funded by City and in the future reimbursed by Joint TIF Revenues.

COUNCIL ACTION REQUESTED

Motion approving concept to extend water main to US 75 north of the north interchange of the Hwy. 60 Bypass and authorizing Staff to develop the lowest cost route to accomplish same.

(No Roll Call)

CITY OF LE MARS, IOWA

Action	REQUEST FOR COUNCIL ACTION	Date: January 17, 2012
	Description: List of Fees, Charges and Licenses	Item No. E-6

Attached is a list of various fees, charges, and licenses, which show current and proposed as follows:

- 1) Current 2011 Fees, Charges and Licenses
- 2) Proposed 2012 Fees, Charges and Licenses

COUNCIL ACTION REQUESTED

Motion adopting Resolution No. _____
approving the recommended List of Fees,
Charges and Licenses for calendar year 2012,
(with or without) amendment.

(Roll Call)

CITY OF LE MARS, IOWA

Action	REQUEST FOR COUNCIL ACTION	Date: January 17, 2012
	Description: Tax Compliance Procedures Relating to Tax-Exempt Bonds	Item No. E-7

Information:

Attached are a Resolution and a draft of Tax Compliance Procedures Relating to Tax-Exempt Bonds as prepared by John Danos of Dorsey and Whitney LLP.

Staff Recommendation:

Staff has reviewed the Procedures with Mr. Danos and recommends the Council approve.

COUNCIL ACTION REQUESTED

Motion adopting Resolution No. ____
Adopting and Approving Tax Compliance
Procedures Relating to Tax-Exempt Bonds.

(Roll Call)

CITY OF LE MARS, IOWA

Action	REQUEST FOR COUNCIL ACTION	Date: January 17, 2012
	Description: Request to Rezone	Item No. E-8

Information:

A request has been received to rezone property at 1660 6th Avenue SW from B-1 (Neighborhood Business District) to R-2 (Apartment District). The owners would like to convert the existing building into apartments. The Planning and Zoning Commission heard the request at the December 20, 2011 special meeting. The Commission tabled the request and directed Staff to contact the adjoining property owner to the south to see if there would be any interest in rezoning that property so as to eliminate the B-1 zoned "island" entirely. Staff contacted Bruce Brock, the owner of 1664 6th Avenue SW, and Mr. Brock has agreed to the rezoning if he can be granted a variance to allow him to rebuild the exact same building if it were ever destroyed. The Planning and Zoning Commission reheard the request at their January 3, 2012 special meeting and recommend rezoning both properties and granting Mr. Brock a variance to rebuild the same size building for the same use if it were ever destroyed.

Staff Recommendation:

Staff recommends that the City Council establish the public hearing required for rezoning at the next regular meeting on February 7, 2012.

COUNCIL ACTION REQUESTED

Motion establishing February 7, 2012 at 12:00 P.M. for a public hearing regarding rezoning 1660 and 1664 6th Avenue SW from B-1 (Neighborhood Business District) to R-2 (Apartment District) and granting 1664 6th Avenue SW a Conditional Use Variance.

(No Roll Call)

CITY OF LE MARS, IOWA

	REQUEST FOR COUNCIL ACTION	Date: January 17, 2012
	Description: Closed Session - Pending/Imminent Litigation	Item No. G-1

It is recommended that the Council enter Closed Session to discuss Pending/Imminent Litigation.

COUNCIL ACTION REQUESTED

Motion to enter Closed Session under Iowa Code 21.5c concerning a matter that is presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.

(Roll Call)

Motion to move out of Closed Session.

(No Roll Call)