

SPRINGVILLE CITY COUNCIL PROCEEDINGS

June 20, 2011

Mayor Heeren called the regular meeting of the Springville City Council to order at 6:00 p.m. in Springville City Hall. Present on roll call: Grimley, Miller, Shebetka, Ballantyne and Ralston. Also present: Kent Backen, Doug Beard, Ron Fadness, Bob Hanson, Dick Ransom, Dean Spina, Erv Mussman, Tom Kramer, Rodd Baxter, Steve Shaffer, Jeff Taylor, Shawn Graham, K and John O'Brien, Marc Whitman, John Tuthill, Jan Johnston, John Johnston, Robert Tobin, Brandon French and Deputy Pavelka.

Consent Agenda: Motion was made by Grimley, second by Shebetka to approve the consent agenda as posted with the correction to the minutes as noted by Miller. All ayes motion carried.

Citizens with Concerns Not on the Agenda: none.

Sheriff's Report: Deputy Pavelka gave the patrol report for hours of service from June 6, 2011 through June 20, 2011. There were 21 calls for service. May hours of service: 93.90. Councilman Grimley suggested he City forward a copy of the Cedar Valley Humane Society 28E Agreement for services to the Sheriff's Office.

Brandon provided a written maintenance report for the council inclusive of: mowing, spraying and trimming, cleaned wells, cleaned up yard waste site, worked on sewer project information, cut low hanging branches on 5th Avenue, ran back-up pump at lift station to test for use for pumping of flooding sewer. Things to do: finish spraying, get new utility tractor specked and ordered, get concrete tools ordered, trim trees for the sewer project, finish transferring water at the lagoon, fix water problem with the Mill Ave. storm sewer, fix water blow off on 1st Avenue and a sewer project pre-construction meeting.

Other Reports: Library Board meeting minutes for May 3rd and May 25th, May building permit report and minutes of the May 12th Park Board meeting.

Old Business

Nuisance Abatement – 173 Broadway Disposition of Property: Atty. Taylor reviewed his e-mail to the Council on questions concerning the sale of 173 Broadway. The City can sell the property as is but will need to make a full and complete disclosure of the asbestos found in the building in a real estate disclosure document. The buyer would need to sign an indemnity agreement holding the city harmless from any and all claims relating to the asbestos, its removal etc... The abstract would need to be updated (or built) there is no requirement for a survey of the property, there are no restrictions on the price and the City would have to comply with the notice and publication requirements for selling real estate owned by the City.

Elite Developers: Kent Backen of Elite Developers returned for discussion on the **Street Surfacing and Improvements** section of the subdivision ordinance. Backen would like to see the ordinance amended to allow the use of 4" rolled curb in subdivision development rather than the 6" vertical curb currently dictated by the Springville Subdivision Code. Backen stated that many communities allow 4" rolled curb in new subdivisions. Backen continued that the 4" rolled curb allows for more/better parking, doesn't get damaged as much as the 6" curb and is aesthetically more pleasing. The cement street in the new subdivision should last 20 to 30 years and build up of sealcoating or asphalt overlay should not be a concern. Typical lot width is 80' to 90' and up to 30' (to service up to a 3 stall garage) of curb is cut away for each driveway at a cost of \$250-\$300. Backen would like to be able to use a 4" rolled curb to save on the curb cut expense and pass that savings on to the prospective homeowners. City Engineer Robert Tobin reiterated the reasoning for the 6" vertical curb in the current subdivision code. This being that a 6" curb allows for more safe and efficient snowplowing, 6" curb has

a longer life before repairs are necessitated, makes for better water drainage and retention of more curb with the eventual sealcoating or asphalt overlay of the street. The maintenance department would also like to see the 6" vertical curb requirement kept in the subdivision code for the very same reasons. Council discussion was held with varying opinions on the issue. Motion was made by Grimley, second by Ballantyne to amend the subdivision code to replace the requirement of 6" vertical curb with 4" rolled curb. Ayes; Ballantyne and Grimley. Nays; Miller, Ralston, Shebetka. Motion defeated.

New Business

Request for Final Plat Extension: Kent Backen was present to request an extension for submission of the final plat for Spring Meadows III. Springville subdivision code requires a final plat shall be submitted within 12 months of the approval of the preliminary plat or approval shall expire and the preliminary plat shall be resubmitted pursuant to the requirements of the subdivision code. Due to the fact Schnoor/Bonifazi Engineering took over the project from Brain Engineering the one year deadline could not be met. Motion by Grimley, second by Ballantyne approving a one year extension for submission of the final plat for Spring Meadows III. All ayes, motion carried.

Appointment: Motion was made by Shebetka, second by Ballantyne appointing John Keizer and David Gloeckner to the Park Board for 2 year terms. All ayes, motion carried.

Application for Annexation-Shawn Graham: Shawn Graham was present for discussion on his application for annexation to Springville. Graham has been notified by Linn County Planning and Development that his business, Clean Cut Property Services does not meet Linn County Zoning regulations. Graham is seeking annexation and rezoning of his property in order that he may continue to operate his business. Discussion continued with the Council and Linn County Zoning representative Rodd Baxter on the reasoning of the County on their notice of violation to Graham, annexation code and requirements. Atty. Taylor informed the council a "waiver of conflict of interest" would need to be signed in order for him to represent both the City and Mr. Graham. Atty. Taylor will prepare the necessary documents for approval at the next council meeting. Motion was made by Shebetka, second by Ralston giving Shawn Graham 60 days in which to complete the necessary paperwork for annexation to Springville. All ayes, motion carried.

Application for Annexation- B&C Materials: Representatives of B&C Materials were present for discussion on that company's request for annexation of land from Linn County into the City of Springville. B&C Materials requests annexation to Springville for the purpose of developing a rock quarry operation under the City's M-2, Heavy Industrial District zoning classification. City Engineer Bob Tobin was present to address concerns brought forward by Atty. Dean Spina on behalf of Wendling Quarries. Discussion was held on all aspects of a quarry operation including the suitability of O'Brien Lane for heavy, slow-moving truck traffic, responsibility for maintenance of O'Brien Lane, safety aspects of the O'Brien Lane/Hwy. 151 intersection, woodlands contained in the parcel, historical and archeological features of the site, effects of blasting and temporary concrete and asphalt plants and concerns regarding dewatering/wash water operations. Questions and discussion continued on the ramifications of annexing quarry property into the City. Motion was made by Shebetka, second to set a Public Hearing to consider an application from B&C Materials for annexation into the City of Springville. All ayes, motion carried.

Memorial Monument: The cemetery committee is requesting to purchase and place a memorial monument on the unused corner space north of lot 14 and west of lot 13 in the west half of block 5 to recognize memorial donations to the cemetery. Motion was made by Miller, second by Ballantyne approving the purchase and placement of a memorial monument on the corner space north of lot 14 and west of lot 13 in the west half of block 5. All ayes, motion carried.

Request for Consideration of Sewer Charges: Discussion was held on a request to reduce the sewer portion of a water bill due to the drainage (and refill) of a 23,000 gallon in-ground pool for repairs and maintenance. Such requests are handled on a case by case basis by the Council. Council directed city staff to research policies of other cities in reference to filling pools and create a policy for dealing with charges for the sewer portion of the bill. Motion was made by Shebetka, second by Miller to reduce the sewer portion of the Wyman sewer bill to \$60. Ayes; Miller, Shebetka, Ballantyne, Grimley. Ralston abstained, motion carried.

Motion was made by Grimley, second by Ralston approving **Resolution #15-2011; A Resolution Ordering Required Sidewalk Repair or Installation** Roll call vote, all ayes. Motion carried.

Motion was made by Grimley, second by Shebetka approving **Resolution #16-2011; A Resolution Approving Plat of Wurster Trust First Addition to Linn County.** Roll call vote, all ayes. Motion carried.

Motion was made by Shebetka, second by Ballantyne approving **Resolution #17-2011; A Resolution Approving Plat of Wurster Trust 2nd Addition to Linn County.** Roll call vote, all ayes, motion carried.

Motion was made by Ballantyne, second by Miller approving the final reading of **Ordinance #1-2011; An Ordinance Amending Ordinance #6-2010 by Amending Provisions Pertaining to Fees for Water Rates and Charges.** Roll call vote, all ayes. Motion carried. As per Chapter 18, Section 18.05(2) Manner of Publication, said ordinance amendment shall be posted in 3 places as designated and become official upon posting.

Motion was made by Shebetka, second by Grimley approving the final reading of **Ordinance #2-2011; An Ordinance Amending Ordinance #5-2010 by Amending Provisions Pertaining to Fees for Sewer Rates and Charges.** Roll call vote, all ayes. Motion carried. As per Chapter 18, Section 18.05(2) Manner of Publication, said ordinance amendment shall be posted in 3 places as designated and become official upon posting.

Motion was made by Ralston, second by Grimley approving the second reading of **Ordinance #3-2011; An Ordinance Amending the Code of Ordinances of the City of Springville, Iowa 2009 by Amending Chapter 22, Section 220.1 Planning and Zoning Commission.** Roll call vote, all ayes. Motion carried.

Correspondence: none.

Next regular council meeting **July 11, 2011 at 6:00 p.m.**

Motion by Grimley, second by Shebetka to adjourn at 8:32 p.m. All ayes, motion carried.

ATTEST: _____
City Clerk

Mayor

***minutes not official until approved by City Council*