

COUNCIL MEETING AVOCA CITY COUNCIL December 8, 2009

Mayor James Johnson called the meeting to order at 6:40 PM. Robert McCarthy, Carol Kyle, Jennie Maassen, David McCain and Fred Miller III were present. Motion by McCain, second by Miller to approve the agenda with the addition of the Good of the Order from Mid American Energy with a donation for the Fire and Rescue Department in the amount of \$175.00.

Motion by McCain, second by McCarthy to approve the consent agenda consisting of: November 17, 2009 minutes, Fred's Ltd liquor license renewal, setting public hearing date for Budget Amendment #1 for FY 2010 on December 22, 2009. Motion carried 5-0.

Motion by McCarthy, second by McCain to approve RESOLUTION 09-1208-01: ADMINISTRATIVE CONTRACT SOUTH UNION SANITARY SEWER PROJECT. On a roll call: AYES: 5, NAYS: 0.

Motion by Kyle, second by Maassen to approve RESOLUTION 09-1208-02: NAMING ENGINEER SOUTH UNION SANITARY SEWER PROJECT. On a roll call: AYES: 5, NAYS: 0.

Motion by McCain, second by Maassen to approve RESOLUTION 09-1208-03: REAPPOINTING CITY CLERK: On a roll call: AYES: 5, NAYS: 0.

Motion by McCain, second by Maassen to approve RESOLUTION 09-1208-04: URBAN RENEWAL AGENCY. On a roll call: AYES: 5, NAYS: 0.

Motion by Massen, second by Miller to approve RESOLUTION 09-1208-05: GOVERNING BODY POLICIES AND PROCEDURES. On a roll call: AYES: 5, NAYS: 0.

Motion by McCain, second by McCarthy to approve RESOLUTION 09-1208-06: SETTING PUBLIC HEARING DATE FOR ECONOMIC DEVELOPMENT AGREEMENT. Hearing date set for December 22, 2009. On a roll call: AYES: 5, NAYS: 0.

Motion by Maassen, second by Kyle to pass the first reading and waive the second and third readings of amending Title IV, Chapter 2 of the City Code: Sanitary Sewer System Governance. Motion carried 5-0.

Motion by McCain, second by McCarthy to pass the first reading and waive the second and third readings of amending Title IV, Chapter 8 of the City Code: Storm Sewer Utility Governance. Motion carried 5-0.

Mayor James Johnson opened the public hearing at 6:58 PM for the rezoning of Avoca Town-Allen & Cooks N70' Exc E35' NW BLK 57. Know as 713 N Walnut St. Mr.

Fichter stated that there was no oral or written comment at the City Hall. No public comment at the hearing. Mayor Johnson closed the public hearing at 7:01 PM.

Motion by Maassen, second by McCarthy to pass the first reading and waive the second and third readings of Ordinance Rezone of AVOCA TOWN-ALLEN & COOKS N 70' EXC E35 NW BLK 57. Motion carried 5-0.

Mayor James Johnson opened the public hearing at 7:02 PM for Text amendment creating a twenty-two (22) foot width/depth requirement for all primary structures erected in Avoca. Mr. Fichter stated that there were no oral or written comments at City Hall. No public comment at the hearing. Mayor Johnson closed the public hearing at 7:03 PM.

Motion by McCain, second by Kyle to pass the first reading and waive the second and third readings of amending Title V, Chapter 1 of the City Code for Text amendment creating a twenty-two (22) foot width/depth requirement for all primary structures erected in Avoca. Motion carried 5-0.

Mayor James Johnson opened the public hearing at 7:04 PM for text amendment to the zoning code allowing handicap accessible, first floor apartments in the Town Center (TC) district, provided Elm Street frontage is not allowed. Mr. Fichter stated that there were no oral or written comments at City Hall. No public comment at hearing. Mayor Johnson closed the public hearing at 7:05 PM.

Motion by McCain, second by Maassen to pass the first reading and waive the second and third readings of amending Title V, Chapter 1 of the City Code for text amendment to the zoning code allowing handicap accessible, first floor apartments in the Town Center (TC) district, provided Elm Street frontage is not allowed. Motion carried 5-0.

Motion by McCarthy, second by Miller to pass the first reading and waive the second and third reading of Ordinance Title III, Chapter 13: Property Maintenance Code. Motion carried 5-0.

Mr. Fichter gave an update on the Comprehensive Committee Plan meetings.

Motion by Kyle, second by McCain to approve RESOLUTION 09-1208-07: DOWNTOWN GRANTS. On a roll call: AYES: 5, NAYS: 0.

Motion by McCain, second by Maassen to allocate funds to purchase and move double wide mobile home from the AHST School District for the golf course. Motion carried 5-0.

Motion by Kyle, second by Maassen to authorize the mayor to sign the Mez land agreement. Motion carried 5-0.

Motion by McCain, second by Maassen to go into closed session at 7:51 PM pursuant the Iowa Code 21.5(c) and (g). Motion carried 5-0.

Motion by Miller, second by Kyle to re-open the council meeting at 8:27 PM. Motion carried 5-0.

Motion by Maassen, second by McCain to approve RESOLUTION 09-1208-08: AUTHORIZING CITY ATTORNEY AND OTHER LEGAL REPRESENTATIVES TO TAKE ALL CRIMINAL AND CIVIL ACTIONS NECESSARY TO COLLECT MISAPPROPRIATED FUNDS. On a roll call: AYES: 5, NAYS: 0.

Motion by Miller, second by Kyle to adjourn at 8:30 PM. Motion carried 5-0.

James Johnson, Mayor

ATTEST:

Teresa M Hoepner, City Clerk