

July 07, 2015

City Council met in Regular Session at 7:00 p.m. on the above date with Mayor Kroll presiding. The roll was called showing the following members of the City Council present:

Present: Sheila Rihner, Bob Richmond, Karen Schlueter, Shawn Osbahr and Pat Honeywell.

Also present: Clint Fichter, Patricia Henderson and family, Attorney Mr. Fischer, representing Henderson Family.

On motion by Richmond and 2nd by Rihner'', the July 07, 2015 agenda was approved. Roll call: All ayes; motion carried.

Mayor Kroll asked if there were any conflicts of interest; none.

Public Hearing to consider whether to commence a public improvement project to construct City of Shelby 2015 Sanitary Sewer Extension and trail project and whether to acquire agricultural land for the project was held in accordance with the law. Pat Henderson and her attorney were present, Pat and her attorney stated she did not object to the sanitary sewer extension, but did not want the trail extension on her land. The public hearing was closed at 7:25pm.

On motion by Schlueter, 2nd by Richmond- RESOLUTION 7-15-AUTHORIZING PUBLIC IMPROVEMENT WHICH MAY REQUIRE ACQUISITION OF AGRICULTURAL LAND was approved with the exception of the Trail project. The Trail Extension project will be deleted from this Resolution. Roll call: All ayes; motion carried.

Public Hearing to take action regarding ZONING BOARD RECOMMENDATION -Location: 100 Station Street, from R4 ,Mobile Home Park to R2 , Two Family Residential & Proposed text Amendment to Central Business District Regulations was held according to the law. Hearing no objections from tax payers, Mayor Kroll closed the hearing at 7:46 p.m.

On motion by Richmond, 2nd by Shawn, Ordinance 2015-01 Text Amendment regulating residential uses in the Central Business District and map amendment reclassifying certain property as R-2 Residential was approved and adopted. Roll Call: All ayes; motion carried.

ORDINANCE 2015-01

Text Amendment regulating residential uses in the Central Business District and map amendment reclassifying certain property as R-2 Residential.

BE IT ENACTED by the City Council of the City of Shelby, Shelby County, Iowa:

SECTION 1. Purpose. The purpose of this ordinance to restrict permitted residential uses in the Central Business District Zone.

SECTION 2. Amended. 4.17.02(1) of the Zoning Code is amended as follows:

1. Residential uses are limited in the Central Business District. For any building not having frontage on East Street, all residential uses permitted in the R-3 Multiple Family Residential Zone are permitted. For buildings having frontage on East Street, the use of a building level(s) over and above the street level story for single or multiple family residential uses is permitted. However, handicap accessible housing on the first floor or basement floor of a structure is permitted provided that the residential use has no frontage, including entry, on East Street and provided that reasonable and adequate civic, commercial, or office space is provided with frontage on East Street.

SECTION 3. Amended. Map amendment to reclassify the property at 100 Station Street, Mortensen SD LTS 1,2,3,4, & 5 and Original Town Lts 13-16, and Lt 8 of Blk 29 from R4, Mobile Home Park to R2 Two Family Residential.

SECTION 4. Repealer and Severability Clause. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. If any section, provision or part of this ordinance shall be adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of this ordinance as a whole, or any section, provision or part thereof not adjudged unconstitutional or invalid.

SECTION 5. Effective Date. This ordinance shall be effective from and after its final passage, approval and publication as provided by law.

First Reading Passed: July 7, 2015
Second Reading Passed: Waived
Third Reading Passed: Waived

On motion by Seitz, 2nd by Rihner the second and third readings were waived. Roll Call: Osbahr-Yes, Richmond – Yes, Schlueter –Yes, Rihner –Yes, Honeywell- No. Roll Call: All ayes; motion carried.

On motion by Osbahr and seconded by Richmond, the following items contained in the Consent Agenda were approved and adopted.

- a. Minutes of the 06/02/15 & 06/16/15 Council meeting.
- b. Approve Treasurer's Report
- c. Approve Bills

A roll call vote was had which was unanimous in favor of the motion and the Consent Agenda items were approved and adopted.

On motion by Richmond, 2nd by Shawn, the EMT training classes will be paid for by the City for Volunteer Fire Dept .Members, Jaci Seville and Karen Schlueter. Jaci and Karen will sign an agreement that if they do not pass the course, they will reimburse the amount of the class to the City. Roll call: All ayes; motion carried.

On motion by Osbahr, 2nd by Richmond, the council nominated Beth Hargens, Bill Fox and Renae Lee to the Zoning Commission. Roll call: All ayes; motion carried.

On motion by Osbahr, 2nd by Rihner, the Delta Vision and EMC renewals were approved. Roll call: All ayes; motion carried.

Meeting was adjourned at 9:55 p.m.

Ron Kroll, Mayor

Chris Martin, City Clerk