

Monday, July 19, 2021
7:00 p.m.

Regular Meeting
Lake View Municipal Building

The Lake View City Council met in regular session on Monday, July 19, 2021 at the Lake View Municipal Building. The meeting was called to order by Mayor John Westergaard at 7:00 p.m. Roll call was taken: Present: Councilors Tami Moeller, Terry Reis, Vickie Toms and Dave Woltman. Absent: Councilor Ken Steinkamp.

Also present: Dave Jennett, Dean Woltman, Jeff Ross, Brandon Rinnan, Cody Brown, Dale Wegner, Curtis Bloes, Sara Thompson, Dick & Jane Croll, John & Leona Mason, Dale & Lynda Wiebers, Arnie Woerdehoff, Keith Brotherson, Milo Lines, Julie Lines, Shelly Crump, Dr. Tracey & Jodi Wellendorf, Jesse & Molly Beckman, Bret Ludwig, Jim & Lisa Garrels, James Bender, Dean Tiefenthaler, Deb Woerdehoff, Greg Siemann, Don Kanne, Chico Kanne, Becky Manning, Alli Crump, Bob Kelly, Jeff Ryan, Scott Leinen, John Krajicek, Lee Wuebker, Mary Ludwig, and Kelly Bierl.

Consent Agenda

Motion by Moeller, second by Woltman, to approve the consent agenda. Roll call vote: Ayes: Moeller, Reis, Toms, Woltman. Absent: Steinkamp. Motion carried.

- a. Approve the tentative agenda.
- b. Approve minutes from July 6th & 12th.
- c. Approve bills and authorize payment.

END OF CONSENT AGENDA

Building Permits

Motion by Woltman, second by Reis, to approve a building permit application from Brian Woodke, 865 E Shore Drive, for a new house. Roll call vote: Ayes: Moeller, Reis, Toms, Woltman. Absent: Steinkamp. Motion carried.

Motion by Moeller, second by Toms, to amend the building permit application from Jennifer Roeder, 521 West Street, for an additional 7' X 24' housing addition. Roll call vote: Ayes: Moeller, Reis, Toms, Woltman. Absent: Steinkamp. Motion carried.

Ry-Beck, LLC Re-zoning Request

At 7:02 Mayor Westergaard opened a public hearing on the proposed re-zoning of lands north and east of the Lakewood Ballroom from R-3 Residential to C – Commercial.

Written comments were received from David Croll, John Adair, and Torsten Adair.

John Krajicek, from Lakewood Partners, stated that his family has purchased the home at 477 Lakewood Drive. They intend to remodel and enlarge this home and do not intend to use this property to keyhole.

Greg Siemann, attorney representing several Lakewood area property owners. Mr. Siemann discussed the types of uses generally permitted in the Commercial zone and

stated that he thinks storage is an Industrial use. He stated that zoning regulations are there for the protection of the use of property, property values, and Black Hawk Lake.

Regarding the request to change the south portion from Commercial to R-3, Mr. Siemann expressed his concern about congestion in the area, noting that density affects property values and enjoyment of property.

Scott Leinen, from Lakewood partners. Stated that they have no formal plans designed for the housing on the south portion of the parking lot, but they intend to build a 4 or 6 unit townhome complex. The units would be for sale.

Jim Garrels, owner of Black Hawk Marine. Noted that when they constructed Black Hawk Marine it was built on ag land and development in that area occurred after the marine was built.

Dave Jennett, City Attorney. Stated that when interpreting local zoning codes, courts often rely on the historical use of the property.

Mary Ludwig: Stated that during the P&Z meeting, she asked for a show of hands from the audience about the proposed use for outside storage, with a large majority of the people being against the use of this property for outside storage. Mary noted that the community needs housing and using this property as commercial seems wrong.

Scott Leinen, from Lakewood partners. Stated that Lakewood Partners and Ry-Beck have entered into an agreement to exchange property if Ry-Beck's request for zoning change is not approved. The agreement is that Lakewood Partners will exchange 1.1 acres of the parking lot south of the Lakewood Ballroom with Ry-Beck for 1.1 acres of land on the north side of the Lakewood Ballroom.

Bob Kelly: Stated that Ry-Beck has purchased this property to improve their business and that much of the area is already zoned Commercial.

Becky Manning: Stated she lives in the Dock-It Condos and she is against the storage of boat hoists, noting the loud noises of equipment moving the hoists. She also expressed safety concerns about children climbing on the boats and lifts.

Dr. Tracey Wellendorf: Stated that the neighborhood has many more permanent residents than in the past. He also expressed concerns about safety. He stated that the City needs to look at green space requirements.

Mayor Westergaard closed the public hearing at 7:34 p.m.

Motion by Woltman, second by Moeller, to deny the request for zoning change from Ry-Beck, LLC that the zoning of lands north and east of the Lakewood Ballroom be changed

from R-3 Residential to C – Commercial. Roll call vote: Ayes: Moeller, Reis, Toms, Woltman. Absent: Steinkamp. Motion carried.

Lakewood Partners, LLC Re-zoning Request

Lakewood Partners, LLC had proposed the re-zoning of lands south of the Lakewood Ballroom from C – Commercial to R-3 Residential. This request was contingent upon the Ry-Beck, LLC request being approved. As the Ry-Beck request was denied, Lakewood partners, LLC withdrew their request for zoning change.

Horseshoe Drive No Parking

Motion by Woltman, second by Reis, to approve the second reading of **ORDINANCE No. 513**: "An Ordinance Amending the Code of the Ordinances of the City of Lake View, Iowa, 2017, by Amending Provisions Pertaining to Parking." Roll call vote: Ayes: Moeller, Reis, Toms, Woltman. Absent: Steinkamp. Motion carried.

Motion by Woltman, second by Moeller, to waive the statutory requirement that ordinances be considered at three separate readings and to finally approve **ORDINANCE No. 513**. Roll call vote: Ayes: Moeller, Reis, Toms, Woltman. Absent: Steinkamp. Motion carried.

Fiscal Year-End Financial Report

The City Clerk/Administrator reviewed the June, 2021 financial report which is also the fiscal-year end report. Motion by Moeller, second by toms, to approve the Fiscal Year-End Financial Report. Roll call vote: Ayes: Moeller, Reis, Toms, Woltman. Absent: Steinkamp. Motion carried.

Motion by Woltman, second by Reis, to approve **Resolution # 21-30**: "Resolution Authorizing Transfers for the Fiscal Year Ending June 30, 2021. Roll call vote: Ayes: Moeller, Reis, Toms, Woltman. Absent: Steinkamp. Motion carried.

Proposals for Annual Exam

Motion by Woltman, second by Moeller, to approve the proposal from Feldmann & Co. to perform the City's annual exam for FY 21 and FY 22. Cost for the exam will be \$4,200 in FY 21 and \$4,300 in FY 22. Roll call vote: Ayes: Moeller, Reis, Toms, Woltman. Absent: Steinkamp. Motion carried.

Consider the Purchase of a Dump Truck

Motion by Reis, second by Woltman, to approve the purchase of a 2015 dump truck from O'Halloran International for \$89,000. Roll call vote: Ayes: Moeller, Reis, Toms, Woltman. Absent: Steinkamp. Motion carried.

City Clerk/Administrator Report.

- a. Evapco Power: A portion of the existing electric line serving Evapco will need to be moved to accommodate construction of the new plant. Jeff Ross is exploring options to address this with the City's electrical engineer.
- b. Evapco Water: The City's engineer is soliciting competitive quotes for Phase 1 of the Evapco water main project. This is to install the water main on the Evapco campus. A larger project to install the main from the tower to the Evapco site will be done in the Spring. Quotes for Phase 1 are due July 29th with a Phase 1 completion date October 1st.
- c. Corral Street Dance: Laney's Corral had asked to close 4th Street for a street dance during the evening of Saturday, July 24th. The Council was agreeable to this.
- d. Lagoon Repairs: Dean Woltman gave an update on the attempts to locate the leak on the south side of the lagoon, noting that additional exploratory digging has been done.

Motion by Woltman, second by Reis, to adjourn. On vote: all ayes. Motion carried.
Meeting adjourned at 7:56 p.m.

John Westergaard, Mayor

Scott Peterson, City Clerk/Administrator