### City of Tipton, Iowa

Meeting:	Special City Council Meeting
Place:	Tipton Fire Station, 301 Lynn Street, Tipton, Iowa 52772
Date/Time:	Monday, October 9, 2023, 5:30 p.m.
Web Page:	www.tiptoniowa.org
Posted:	Friday, October 6, 2023 (Front door of City Hall & City Website)

Please join my meeting from your computer, tablet, or smartphone. https://meet.goto.com/642904677 You can also dial in using your phone. Access Code: 642-904-677 United States (Toll Free):

Mayor:

Bryan Carney

Council at Large:	Abby Cummins-VanScoy	<b>Council At Large:</b>	Jason Paustian
Council Ward #1	Ron Hembry	Council Ward #2	Mike Helm
Council Ward #3	Tim McNeill	City Attorney:	Lynch Dallas, P.C.
City Manager:	Brian Wagner	<b>Interim Gas Supt:</b>	Virgil Penrod
<b>Finance Director:</b>	Melissa Armstrong	Electric Supt:	Jon Walsh
City Clerk:	Amy Lenz	Water & Sewer Supt:	Brian Brennan
Dir. Of Public Works:	Steve Nash	Ambulance Svc Dir:	Brad Ratliff
Police Chief:	Lisa DuFour	Economic Dev. Dir.	Linda Beck
Park & Recreation:	Adam Spangler	Library Director:	Denise Smith

#### Call to Order

- A. Roll Call
- B. Pledge of Allegiance

1 866 899 4679

- C. Agenda Additions/Agenda Approval
- D. Communications

#### E. Consent Agenda

**Note:** These are routine items and will be enacted by one motion without separate discussion unless a Council Member requests separate consideration.

1. Approval – P & Z Meeting Minutes, October 5, 2023

#### F. City Business

- 1. Resolution No. 100923A: Resolution awarding the base bid and alternate #1 to Foster-Kraus for the James Kennedy Family Aquatic Center Pool Dehumidification Project 2023 (Tabled last meeting)
- 2. Ordinance No. 592: An ordinance to amend certain provisions of the City of Tipton code of ordinances related to zoning regulations. (*First Reading*) (*If the council wishes, this ordinance is a candidate for suspending the rules and moving forward with additional readings.*)
- 3. Resolution No. 100923B: Resolution approving site plan "Rosh Villages" Tipton, Cedar County, Iowa
- 4. Resolution No. 100923C: Resolution approving vacation and transfer of City Street Right of Way

#### G. Adjournment

Pursuant to §21.4(2) of the <u>Code of Iowa</u>, the City has the right to amend this agenda up until 24 hours before the posted meeting time. **If anyone with a disability would like to attend the meeting, please call City Hall at 886-6187 to arrange for accommodations/transportation.** 

October 5, 2023 Tipton Fire Station 301 Lynn Street Tipton, Iowa

The Planning & Zoning Commission of the City of Tipton, Cedar County, Iowa, met at 5:00 p.m. Chairperson, Brett Eggert called the meeting to order. Upon roll being called the following named commission members were present: LuAnn Helm, Dave Hill, Larry Hodgden, and Annie Schroder. Also present: City Manager Wagner, Terry Goerdt, Konnie Daufeldt, and other visitors.

### Agenda:

Motion by Hodgden second by Schroder to approve the agenda as presented. The motion passed unanimously.

#### Minutes:

Motion to approve the June 15, 2023, minutes was made by Schroder, second by Hill. The motion passed unanimously.

#### Audience:

Rezoning Applicants, Don Roth and Andy Nash, along with their representative Lacey Stutzman were recognized.

Resolution Recommending a Proposed City Council "Ordinance to amend certain provision or the City of Tipton Code of Ordinances related to zoning regulation.":

Motion by Hodgden, seconded by Schroder to recommend proposed amendments to the City of Tipton Code of Ordinances related to zoning regulations. The motion passed unanimously.

### **Resolution Recommending Approval of Rosh Villages Site Plan:**

Motion was made by Schroder, seconded by Hill to approve the "Resolution Approving the Rosh Villages Site Plan". Following a roll call vote, the motion passed unanimously.

# Resolution Recommending the Proposed Vacation of the Right-of-Way of W 2<sup>nd</sup> Street, West of the Lemon Street Right-of-Way:

Motion was made by Helm, seconded by Hill to approve the 'Resolution approving the vacation of the right-of-way of W 2<sup>nd</sup> Street, west of the Lemon Street right-of-way". The motion passed unanimously.

## Adjourn:

With no further business to come before the commission a motion to adjourn was made by Hodgden, second by Hill. The motion passed unanimously.



September 29, 2023

Bryan Wagner, Mayor City of Tipton 407 Lynn Street Tipton, IA 52772 citymanager@tiptoniowa.org

RE: Bid Recommendation

Dear Mr. Wagner,

On September 15<sup>th</sup>, 2023 bids were received for the Tipton Aquatic Center Dehumidification Project. A total of two bids were received. The low bidder is Foster Kraus. KPE asked Foster Kraus to confirm their bid included all necessary work to install the steel reinforcement and the correct duct material/insulation. Foster Kraus confirmed all items are included, however, the bid from Foster Kraus did not include shoring of the existing joists during construction. Welding the reinforcement to the existing joists can generate enough heat to cause temporary loss of strength in the steel. With the loss of strength, the member can sag excessively or even collapse. Shoring is the safest method and highly recommended but not required. KPE is not responsible for means, methods, and site safety which is the liability of the contractor. KPE provided a cautionary note to prevent potential failure during construction, but it is the contractor's complete responsibility to conduct the work safely using means and methods of their choosing.

KPE recommends the City of Tipton award the contract to Foster Kraus for the base bid of \$198, 846.00 and the Alternate Number One for the amount of \$11,550.00.

Respectfully,

Dan Strain, Associate Principal

## **RESOLUTION NO. 100923A**

## RESOLUTION AWARDING THE BASE BID AND ALTERNATE #1 TO FOSTERS-KRAUS FOR THE JAMES KENNEDY FAMILY AQUATIC CENTER POOL DEHUMIDIFICATION PROJECT 2023

WHEREAS, the City Council of the City of Tipton has already ordered, purchased, and received an Innovent Pool Dehumidification Unit w/Energy Recovery, Model NDHU-OU-PL-22000-AC-HG-IF-460, 53-tons of capacity ("Unit") for the Aquatic Center; and

WHEREAS, a public hearing (August 21, 2023) was held to consider the project engineer's (KPE) plans and specifications; and

WHEREAS, this project's bidding options, estimated costs, and September 15 bid results are:

**Base Bid:** Installation of pre-purchased pool dehumidification unit to be mounted on the roof. This includes new ductwork to tie into existing on the roof and new gas/electrical to the unit.

Engineer's estimated cost:	\$145,000
Fosters-Kraus	\$198,846
JL Brady	\$579,000

Alternate No. 1: Pool dehumidification unit shall be added to existing Direct Digital Control system.

Engineer's estimated cost:	\$ 6,200
Fosters-Kraus	\$11,550
JL Brady	\$11,000

AND, WHEREAS, the project engineer (*Dan Strain/KPE, letter of September 29, 2023*) recommended the low bidder for both the Base Bid and Alternate No. 1.

NOW, THEREFORE, Be It Resolved, the City Council of the City of Tipton does hereby award the Base Bid and Alternate No. 1 in the combined amount of \$210,396.00 to Fosters-Kraus and further authorizes the Mayor and City Clerk to execute documents related to the scope of this Resolution.

PASSED AND APPROVED this 9<sup>th</sup> day of October 2023.

Bryan Carney, Mayor

ATTEST:

Amy Lenz, City Clerk

## CERTIFICATION

I, Amy Lenz, City Clerk, do hereby certify the above is a true and correct copy of Resolution No. \_\_\_\_\_\_\_ which was passed by the Tipton City Council this 9<sup>th</sup> day of October 2023.

Amy Lenz, City Clerk

### ORDINANCE NO. 592

## AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE CITY OF TIPTON CODE OF ORDINANCES RELATED TO ZONING REGULATIONS

Be It Ordained by the City Council of the City of Tipton, Iowa:

# SECTION 1. Chapter 165, §165.05(58) shall be repealed and replaced as set forth below:

### **Current Language to be Repealed:**

58. "Principal structure" means a structure in which is conducted the principal use of the lot on which it is located.

### **Replacement language:**

58. "Principal structure" means a structure, <u>or structures when permitted</u>, in which is conducted the principal use of the lot on which it <u>or they</u> are located.

## SECTION 2. Chapter 165, §165.05(76) shall be repealed and replaced as set forth below:

## Current Language to be Repealed:

76. "Yard, side" means a yard on the same lot with the building between the main building and the adjacent side of the lot, and extending from the front yard to the rear yard thereof.

### **Replacement language:**

76. "Yard, side" means a yard on the same lot with the building between the main building and the adjacent side of the lot, and extending from the front yard to the rear yard thereof, not including yards falling under the definition of "Yard Side – Rear".

# SECTION 3. Chapter 165, §165.05, shall be amended by the addition of a definition to be identified as §165.05 (77) as set forth below:

### <u>New §165.05(77)</u>:

165.05(76) "Yard, Side – Rear" means that portion of the Lot, on the same lot with a Primary Structure, where the rear of any Primary Structure abuts and/or faces the Side yard of an adjacent lot, extending across the entire length of the said Primary Structure.

Existing §165.05(77) "Zoning Lot" shall be renumbered §165.05(78)

# SECTION 4. Chapter 166, §166.05(6) shall be repealed and replaced as set forth below:

## Current Language to be Repealed:

166.05 COMPLIANCE WITH REGULATIONS. The regulations set by this Zoning Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. Except as hereinafter specifically provided:

6. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot.

### **Replacement language:**

166.05 COMPLIANCE WITH REGULATIONS. The regulations set by this Zoning Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. Except as hereinafter specifically provided:

6. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one <u>Principal Structure</u> on one lot, <u>unless a site plan disclosing more than one Principal Structure has been presented to and approved by the City of Tipton</u>. (Underlining shown to bring attention to updated language, will not be part of final ordinance)

# SECTION 5. Chapter 166, §166.07(5) shall be repealed and replaced as set forth below:

### Current Language to be Repealed:

166.07 R-2 TWO-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL DISTRICT. The R-2 District is intended to provide areas for mixed residential developments, including single-family, two-family, and multiple-family dwellings and condominiums.

5. Height and Area Regulations. The height and area regulations set forth in this section and Sections 167.02 and 167.03 shall be observed.

A. Building height (maximum)	3 stories or 45 feet.			
B. Front yard (minimum setback)	25 feet.			
C. Side yard (minimum setback) Buildings less than three stories 5 feet. Buildings with				
three stories 10 feet. For each story above three, add 1 foot.				
D. Rear yard (minimum setback)	25 feet.			

## Replacement language:

166.07 R-2 TWO-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL DISTRICT. The R-2 District is intended to provide areas for mixed residential developments, including single-family, two-family, and multiple-family dwellings and condominiums.

5. Height and Area Regulations. The height and area regulations set forth in this section and Sections 167.02 and 167.03 shall be observed.

A. Building height (maximum)
B. Front yard (minimum setback)
C. Side yard (minimum setback) Buildings less than three stories 5 feet. Buildings with three stories 10 feet. For each story above three, add 1 foot.
D. Yard Side – Rear (Minimum setback) Buildings less than three stories 10 feet.
Buildings with three stories 15 feet. For each story above three, add 1 foot.
E. Rear yard (minimum setback)
25 feet, to be measured from the foundation of any Primary Structure. The 25 foot setback shall be deemed to be met so long as at least 60% of foundation of the Primary Structure meets the 25' requirement with the remaining 40% of the foundation being set back at least 20'.

**SECTION 6. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 7. WHEN EFFECIVE** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

Bryan Carney, Mayor

ATTEST:

Amy Lenz, City Clerk

CERTIFICATION

I, Amy Lenz, City Clerk, do hereby certify the above is a true and correct copy of Ordinance No. \_\_\_\_\_ which was passed by the Tipton City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2023 and published in the *Tipton Conservative* this \_\_\_\_\_\_, 2023.

Amy Lenz, City Clerk

## RESOLUTION NO. 100923B

# A RESOLUTION APPROVING SITE PLAN "ROSH VILLAGES" TIPTON, CEDAR COUNTY, IOWA

**WHEREAS**, the City Council has received and reviewed the site plan to "ROSH VILLAGES", located within the City of Tipton, Cedar County, Iowa, and

**WHEREAS**, the Council has been advised and informed that the Site Plan, as presented, was finalized after a collaborative effort between City Staff, City Engineer, City Attorney and representatives of the Developer, and

**WHEREAS**, the City Planning & Zoning Commission has reviewed the proposed Site Plan and has recommended to the City Council that it be approved, and

WHEREAS, the City Council finds that Site Plan as presented should be approved.

**NOW, THEREFORE, BE IT RESOLVED** that the Site Plan of ROSH Villages, City of Tipton, Cedar County, Iowa, a copy of same being appended hereto, is hereby approved.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

ATTEST:

Bryan Carney, Mayor

Amy Lenz, City Clerk

## CERTIFICATION

I, Amy Lenz, City Clerk, do hereby certify the above is a true and correct copy of Resolution 100923B which was passed by the Tipton City Council this 9<sup>th</sup> day of October 2023.

#### **RESOLUTION NO. 100923C**

### A RESOLUTION APPROVING VACATION AND TRANSFER OF CITY STREET RIGHT OF WAY

WHEREAS, the City Council determined it appropriate to consider the vacation and disposal of previously reserved street right of way, generally described as that portion of West 2<sup>nd</sup> Street extending past and beyond the west right of way boundary of Lemon Street, finding that said street right of way has not been improved as a public street, that it will not be so developed, that vacating the ROW will promote the development of adjacent property, that said vacation and transfer would not deny owners abutting said ROW reasonable access to their property, and that the vacation and division of the vacated right of way is agreeable to the adjacent property, and

WHEREAS, by Resolution \_\_\_\_\_\_ dated \_\_\_\_\_ the City Council scheduled a Public Hearing on the proposed vacation and transfer of the above-referenced right of way, notice of the Public Hearing published on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, as required by Chapter 137 of the City Code and Section 364.7 and 362.3 of the Iowa Code, and

**WHEREAS**, two Vacation Plats of Survey have been created to display the ROW to be vacated and transferred, one providing for the vacation of a parcel approximately 53' in width and 96' in length and the other providing for the vacation of a parcel approximately 27' in width and 96' in length, and

**WHEREAS**, the 53' x 96' parcel is proposed to be transferred to ROSH Properties, LLC while the 27' x 96' parcel is proposed to be transferred to Chad E. Stegall, and

WHEREAS, the City Planning & Zoning Commission has reviewed the proposed vacation and transfer and has recommended to the City Council that the vacation and transfer, as proposed, be approved, and

**WHEREAS**, on this date, October 6, 2023, the Mayor opened the public hearing, public comment was accepted, and the public hearing closed; and

**WHEREAS**, the City Council finds that the right of way, generally described as that portion of West 2<sup>nd</sup> Street extending past and beyond the west right of way boundary of Lemon Street, as further shown by the Vacation Plats of Survey attached hereto for reference, should be vacated and transferred to the adjacent property owners, consistent with the terms of the agreement between the adjacent property owners, as set forth above.

**NOW, THEREFORE, BE IT RESOLVED** that the City Right of Way, generally described as that portion of West 2<sup>nd</sup> Street extending past and beyond the west right of way boundary of Lemon Street, as more specifically described in the vacation plats attached hereto for reference, is hereby vacated and approved for transfer by Quit Claim Deed from the City to the adjacent property owners, with the parcel generally described as the 53' x 96' parcel to be transferred to ROSH Properties, LLC and the parcel generally described as the 27' x 96' parcel to be transferred to Chad E. Stegall, with the Mayor and City Manager being directed to see to the execution of said documents necessary to effectuate this resolution and transfer of said right of way approved herein.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

ATTEST:

Bryan Carney, Mayor

Amy Lenz, City Clerk

## CERTIFICATION

I, Amy Lenz, City Clerk, do hereby certify the above is a true and correct copy of Resolution 100923C which was passed by the Tipton City Council this 9<sup>th</sup> day of October 2023.

Amy Lenz, City Clerk







