

**PLANNING & ZONING COMMISSION
REGULAR MEETING AGENDA
4:30 P.M.**

**Tuesday, July 2, 2019
COUNCIL CHAMBERS AT CITY HALL**

**MEMBERS: JEFF HAYES, DOUG PIERSON, TIM GAYDO, MYLA STONEKING,
STEPHANIE ZARR & AL CARLSON. ALSO TO MAYOR SCHMIDT,
ADMINISTRATOR LIST & AMY DOUGLAS, SECRETARY.**

A. CALL TO ORDER

B. APPROVE MINUTES OF OCTOBER 2, 2018 MEETING.

C. NEW BUSINESS

1. Vacating alley running North of Lots Seven, Eight, Nine, and Ten, all in Block Five, New Cherokee, Iowa.
2. Planning and Zoning Commission recommend action to council

D. ADJOURN

IMPORTANT

**AS A COURTESY TO THE OTHER MEMBERS OF THE COMMITTEE, IF YOU
ARE UNABLE TO ATTEND THIS MEETING, PLEASE CALL AND LET AMY
KNOW BY THE DAY BEFORE, SO THAT IF IT LOOKS LIKE WE WILL NOT
HAVE A QUORUM, THE MEETING CAN BE RESCHEDULED OR CANCELLED.
712-225-5749. THANK YOU.**

**PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, OCTOBER 2, 2018 4:30 PM
COUNCIL CHAMBERS, CITY HALL**

The regular meeting of the Planning and Zoning Commission was called to order Doug Pierson at 4:30 PM on October 2nd, 2018, in the Council Chambers at Cherokee City Hall. Present were members Myla Stoneking, Tim Gaydo, Al Carlson, and Jeff Hayes by phone. Also present were Sam Kooiker, City Administrator, and Sara Lucas, Secretary, Alyssa Herbold, City Attorney, Armond Rider, Public Works Director. Absent was Stephanie Zarr and Mick Mallory.

A motion was made by Al, seconded by Myla, to approve the meeting minutes of August 7, 2018. Motion carried.

Sam presented a map to the commission showing them the property where Foundation Analytical Lab is proposing to build their new structure. Alyssa commented that the reason this is before the commission is to confirm that the plan is in line with the cities Comprehensive Plan.

Al made a motion find the Urban Renewal Plan in conformance with the general plan for the development of the municipality as a whole. Seconded by Myla. Roll call was AYES: ALL; NAYES: NONE. Motion carried.

No action is needed, but Sam presented information to the commission about a meeting with the DNR to discuss redrawing the city flood maps. Sam extended an invitation to the commission to attend a meeting since at some point the maps may come before them.

Sam handed out copies of the Comprehensive Plan to the commission and requested that they return them by the end of October with proposed changes so that Sam can prepare a summary for the November meeting.

There being no further business, Doug adjourned the meeting at 4:45 p.m.

Sara Lucas, Secretary

Doug Pierson, Vice-Chairman

Memo for 7/2/19 P&Z Meeting:

Proposing to vacate alley, dispose of real property

Cherokee State Bank has requested council consider vacating and selling the alley located on block 5, picture below, to them for a price of \$1000. Council shall refer any alley vacation to Planning and Zoning for recommendation before additional action.



ORDINANCE NO. 676

**AN ORDINANCE VACATING THE ALLEY ADJACENT TO
CHEROKEE STATE BANK**

Be it enacted by the City Council of the City of Cherokee, Iowa:

SECTION 1. The alley located to the North of and adjacent to Cherokee State Bank and South of and Adjacent to Cherokee Family Practice, is further described as follows:

The alley running North of Lots Seven, Eight, Nine, and Ten, all in Block Five, New Cherokee, Iowa.

The City of Cherokee, Iowa reserves the public sewer easements existing thereon and appearing of record.

SECTION 2. The Council may by resolution convey the street described above to abutting property owners in a manner directed by the City Council.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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 5. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the ___ day of _____, 2019, and approved this ___ day of _____, 2019.

Craig W. Schmidt – Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. 6__ on the __ day of _____, 2019.

City Clerk

RESOLUTION NO. 2019-_____

RESOLUTION DISPOSING OF VACATED ALLEY

A Resolution authorizing the Vacation and Conveyance of the following described alley in Cherokee, Cherokee County, Iowa to Cherokee State Bank:

The alley running North of Lots Seven, Eight, Nine, and Ten, all in Block Five, New Cherokee, Iowa.

WHEREAS, a proposal to purchase the alley for \$1,000.00 has been authorized by the City Council of Cherokee proceeding final reading of Ordinance 676, which declared the property as vacated; and,

WHEREAS, public notice has been provided per Iowa Code 364.7 and City Code 137.05 notifying the public of the intent to dispose of said alley; and,

WHEREAS, the City does not have any further need for this as a public alley and finds it is in the best interest of the City to dispose of it. However, the City of Cherokee reserves ownership of all city sewer easements through the property in question.

WHEREAS, the all adjoining real property is owned by Cherokee State Bank; and

NOW BE IT RESOLVED by the City Council of the City of Cherokee, Iowa, that the City Council does hereby authorize the vacation and conveyance of the following described public street to Cherokee State Bank as the sole adjoining landowner of the vacated alley.

PASSED AND APPROVED this _____ day of _____, 2019.

Craig W. Schmidt – Mayor

ATTEST:

City Clerk-Treasurer

RESOLUTION NO. 2019-24

**RESOLUTION PROPOSING TO VACATE ALLEY, DISPOSE OF
REAL PROPERTY, AND PUBLISHING A NOTICE OF PUBLIC HEARING**

Re: The alley running North of Lots Seven, Eight, Nine, and Ten, all in Block Five, New Cherokee, Iowa.

WHEREAS, the City of Cherokee is the owner of the property legal described above;
and,

WHEREAS, the City of Cherokee finds that the ownership of this property is not necessary to the public for use as an alley and the disposition of such property would be in the best interest of the City and the citizens of Cherokee for the purpose of reducing maintenance expenses, reducing liability exposure, and generating property tax; and

WHEREAS, Cherokee State Bank proposes to purchase the vacated alley with the following terms and conditions:

1. The Property will be sold by quit claim deed and no abstract shall be provided by the City of Cherokee.
2. The City of Cherokee will reserve the public sewer easement through said alley.
3. The environmental condition of the site is unknown and the property is being sold "AS IS" as vacant property;
4. The purchase price of the property is \$1,000.00;
5. The purchaser of the property shall be responsible for all costs of all recording fees associated with vacating the alley and conveying title;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cherokee, Iowa, that the City Council does hereby desires to vacate the alley and dispose of the property according to the terms above.

BE IT FURTHER RESOLVED this matter shall be sent to the Planning and Zoning Commission pursuant to Ordinance 137.02. The report shall come before the City Council on July 9, 2019.

BE IT FURTHER RESOLVED that, should the Planning and Zoning Commission recommend approval, the City Council shall then make a final determination on the proposal following a public hearing on the vacation of the alley and the proposed conveyance which shall be held on July 23, 2019 at 7:00 p.m. or soon thereafter, in the City Council Chambers.

BE IT FURTHER RESOLVED that Iowa Code 364.7 authorizes the vacation and conveyance of the following described public street to Cherokee State Bank as the sole adjoining landowner of the vacated alley.

PASSED AND APPROVED this _____ day of _____, 2019.

Craig W. Schmidt – Mayor

ATTEST:

City Clerk-Treasurer

ATTACHMENT: Proposed Ordinance Vacating Public Alley.