

By Jan Schultz

The Imperial Republican

Changes in the city's nuisance ordinances were made by the Imperial city council in late August that will allow two old vehicles being used as a business sign to continue being so.

However, owners of Smokin' Leroy's BBQ may be asked to move the old truck and wrecker out of the city's right-of-way at the corner of East 12th and Wellington Sts.

The two-vehicle "sign" had violated the nuisance ordinances because both vehicles are unlicensed and one is inoperable.

The sign also did not comply with the city's sign ordinance.

Building Inspector Nick Schultz originally would not issue the restaurant owners a permit for the sign because it violated the nuisance ordinances dealing with unlicensed vehicles, was not the type of sign allowed and was in the city street right-of-way .

Restaurant owners Leroy and Lavonne Musick were given a variance by the Board of Adjustment that allowed the two-vehicle sign system, but according to their motion, it was contingent on the council's opinion on the nuisance ordinances.

At the Aug. 24 meeting, council members unanimously adopted the ordinance changes that now allow signage advertising a business, even though that "sign" may incorporate an item considered a nuisance by itself.

City Attorney Phil Pierce had expressed some reservations about "opening the door" to other situations by making that change. Schultz also had similar concerns, as well as with the right-of-way violations.

Schultz noted that in their original request for the variance, the Musicks said they placed the vehicles there to stop traffic from cutting across their lot at the "curb cut" near the south-facing stop sign at that corner.

They also wished to advertise their new business name.

Council member Doug Gaswick acknowledged at the Aug. 24 meeting the Musicks' concern about the traffic hazards in cutting across the lot, and supported leaving the vehicles there.

Schultz said a solution would also be to pour a new curb there to avoid cutting across.

As for wanting to advertise their new business name, Schultz suggested the owners change the two old "12th St. Cafe" signs on the property.

While the council passed the nuisance ordinance changes last month, they will be dealing with the right-of-way issue at their next meeting, Sept. 14.

They were unable to deal with it last month because it was not on the agenda.

Twelfth Street is an arterial street, so there is a 100-foot right-of-way, resulting in about 30 feet beyond each side of the curb onto the adjoining properties (after including the 40-foot street).

The Musicks' vehicles are about eight to 10 feet inside the city right-of-way.

By moving them straight north or to the northwest that distance, the vehicles would be out of the right-of-way.

Gaswick asked what the difference was between a residential property owner violating the right-of-way versus a commercial business doing so.

He said he probably has items in his own yard that are in the right-of-way, as likely do many other homeowners.

Schultz said he believes it is different when advertising a for-profit commercial business and, moreso, when it's on an arterial street.

Other council business

- The Miller property at the city's east edge is now officially owned by the city of Imperial. Leslie Carlholm, Imperial's economic development director, told council members they officially closed on the property Aug. 21. City sales tax funds designated for economic development will be used to pay off the bonds with no additional tax dollars used. The \$360,000 piece of property includes 67 acres, and will be used primarily for industrial development.

- As Myers Construction continues to work on the downtown water main project, their first request for payment was approved at the Aug. 24 meeting of \$56,179.80.

- Development of the city's new Strategic Plan for the future was reviewed, in part, by the council. Carlholm put the plan together after a series of three meetings with interested residents earlier this year. The plan, which the city will use as it charts its course for the future, includes business retention/expansion, business attraction, entrepreneurship development, leadership development, community improvement, parks and recreation and more.

- The city HELD its 2009-10 budget hearing this week. City Clerk/Administrator Jo Leyland informed the council the city's valuation increased just under \$2.8 million, which will help them eliminate \$34,000 from what the utility department contributes to the General Fund. A special meeting was held at noon Wednesday to approve the budget, which is expected to require a levy of just over one cent more than last year, including bonds and operating expenses. More on the budget details will be reported next week.

- A report on the Manor roof and its damages from hail was given by Billie Hayes, maintenance head. She said their insurance carrier will not pay for the damage because the roof was at its life expectancy. However, a roof consultant is to take another look. Replacement of the Heights/Parkview roofs has been completed.

- Dwight Coleman attended the meeting concerned with the city's planned street improvements. At the council's July 27 meeting, Chris Miller of Miller & Associates presented cost estimates for 5th, 9th and 12th Sts. While the plans showed complete reconstruction of 5th and 12th with cement, the plans include a two-inch overlay for 9th St. Coleman believes just an overlay on 9th won't fix the problem and believes it will crack again like it is now. He suggested the city wait until it has the money to do it right. Public Works Director Pat Davison said the final designs are not completed for 9th St., but added the deep cracks there could also be due to a bad asphalt mix.