

REGULAR MEETING

April 12, 2017

ACKLEY CITY COUNCIL met in regular session, April 12, 2017, in the City Hall Council Chambers with Mayor Erik Graham presiding. The meeting was called to order at 7:00 p.m. Council members present: Sue Ibeling, Al Jones, Joe Wessels, Dale Brass, and Robert Harms. Absent: None. Quorum present.

Ibeling moved, Harms seconded, to approve the April 12, 2017 Agenda as listed. Roll call vote: Ayes-All. Motion carried.

Wessels moved, Jones seconded, to approve the Consent Agenda by one motion: a) Mar 8, 2017 Regular Mtg; Mar 13, 2017 1st Special Mtg; Mar 13, 2017 2nd Special Mtg Minutes as written b) Bills approval authorizing payment of bills and transfers as listed c) Place Reports on file: Mar 2017 Clerk Bank Reconciliation/Treasurer Report; Mar 2017 Clerk Budget Reports; Mar 2017 Ambulance End of Month Report; Mar 2017 Ambulance PCC Reports; Apr 12, 2017 Development Director Report; 1st Qtr 2017 Prairie Bridges Financial Reports. Roll call vote: Ayes-All. Motion carried.

Brass moved, Ibeling seconded, to open the public hearing at 7:04 p.m. on the first reading of proposed ordinance No. 489 Amending the Code of Ordinances of the City of Ackley, Iowa by Adding Subsection 69.16 to Chapter 69, Pertaining to Parking Restrictions. Roll call vote: Ayes-All. Motion carried. This ordinance would not allow parking Monday-Friday 6 a.m.-6 p.m. on the west side of State St. between 1st and 2nd Ave and is intended to reduce the congestion at the day care center. A resident commented that they live across from the library, are handicap, have no driveway, and even though they have had a car hit twice while parked on the street by their house, they would have no place to park to get to their house during the no parking time frame. Chief Shimon stated that there have been a couple other accidents in this area, however the cars have all been legally parked. Starek, library co-director, commented that the parking restriction would reduce parking available at the library. Harms moved, Wessels seconded, to close the public hearing at 7:12 p.m. Roll call vote: Ayes-All. Motion carried.

Mayor Graham asked if there was a motion to approve the first reading of proposed ordinance No. 489 Amending the Code of Ordinances of the City of Ackley, Iowa by Adding Subsection 69.16 to Chapter 69, Pertaining to Parking Restrictions. No motion made. First reading of said ordinance No. 489 failed.

Brass moved, Ibeling seconded, to open the public hearing at 7:14 p.m. on the first reading of proposed ordinance No. 490 Amending the Code of Ordinances of the City of Ackley, Iowa by Amending Section 92.04, Pertaining to Billing For Water Service. Roll call vote: Ayes-All. Motion carried. This ordinance would change the utility bill late fee from 1.5% to \$10.00. Resident M. Eichmeier commented that a \$10.00 fee is high for someone who is struggling to

pay bills. Clerk DeBerg stated that one reason for the change is to encourage people to pay their bills on time. Mayor Graham pointed out as well that the current fee doesn't even cover the related expenses to send out the delinquent notices. Harms moved, Wessels seconded, to close the public hearing at 7:30 p.m. Roll call vote: Ayes-All. Motion carried.

Harms moved, Jones seconded, to approve the first reading of proposed ordinance No. 490 Amending the Code of Ordinances of the City of Ackley, Iowa by Amending Section 92.04, Pertaining to Billing For Water Service. Roll call vote: Ayes-All. Motion carried.

Mayor Graham informed the council they had the option to waive the second and third readings of said proposed ordinance No. 490. Brass moved, Harms seconded to not waive the second and third readings of said proposed ordinance No. 490. Roll call vote: Ayes-All. Motion carried. A public hearing for the second reading of said ordinance will be set at a later meeting.

Wessels moved, Brass seconded, to open the public hearing at 7:33 p.m. on the first reading of proposed ordinance No. 491 Amending the Code of Ordinances of the City of Ackley, Iowa by Amending Section 92.05, Pertaining to Service Discontinued. Roll call vote: Ayes-All. Motion carried. This ordinance will change the time at which water service is discontinued to a delinquent customer to after the second consecutive month of non-payment. In addition to a mailed notice, door tags will also be placed at the service location notifying customers of the impending service discontinuation and a \$15.00 fee for this notice will be charged to the customer's account. Ibeling moved, Jones seconded, to close the public hearing at 7:35 p.m. Roll call vote: Ayes-All. Motion carried.

Ibeling moved, Harms seconded, to approve the first reading of proposed ordinance No. 491 Amending the Code of Ordinances of the City of Ackley, Iowa by Amending Section 92.05, Pertaining to Service Discontinued. Roll call vote: Ayes-All. Motion carried.

Ibeling moved, Brass seconded, to waive the second and third readings of said proposed Ordinance No. 491. Roll call vote: Ayes-All. Motion carried.

Brass moved, Wessels seconded, to adopt proposed Ordinance No. 491 Amending the Code of Ordinances of the City of Ackley, Iowa by Amending Section 92.05, Pertaining to Service Discontinued. Roll call vote: Ayes-All. Motion carried.

Ibeling moved, Jones seconded, to open the public hearing at 7:36 p.m. on the proposed designation of the Ackley Urban Revitalization Area. Much discussion was held among several interested citizens with Jefferson Fosbender, Ackley Development Director, fielding any questions. Fosbender explained that the plan would allow the City to give incentives to build new homes, expand homes, or make improvements to homes as long as it raised the value of the home by 10%. He further explained that this is not a grant but a tax abatement on the added value. Fosbender added that this will apply to everyone in the city limits, but residential locations only. Wessels moved, Ibeling seconded, to close the public hearing at 8:00 p.m. Roll call vote: Ayes-All. Motion carried.

Jones moved, Ibeling seconded, to adopt Resolution No. 17-11 Stating the Intentions of the City Council with Regard to the Designation of the Ackley Urban Revitalization Area and the Proposed Plan Therefor. Roll call vote: Ayes-All. Motion carried. The plan cannot be adopted until the May 10th meeting.

Discussion was held with the Council and several members of The Ackley Heritage Center in regards to the proposed lease agreement between the Heritage Center and the City. The City requested the Heritage Center begin paying the phone and internet bill as well as pay rent to the City for the Depot location. The Heritage Center stated that they could not afford to pay all of those expenses. Wessels suggested they try fundraising and Ibeling recommended they charge for the services they provide and also asked if they considered raising membership fees. Ibeling and Jones both pointed out that the City has to run a balanced budget and budget cuts are being made everywhere. Mayor Graham commended the Heritage Center for their work and asked that they renegotiate an agreement.

Attorney Taylor Nederhoff explained that LeRoy Brandt wishes to subdivide Crazy Acres into lots to sell. State Code requires that if the subdivision is within two miles of city limits, the city needs to approve the action. Ackley would incur no expense with this action. Jones moved, Brass seconded, to adopt Resolution No. 17-12 Accepting Brandt's First Subdivision. Roll call vote: Ayes-All. Motion carried.

Harms moved, Wessels seconded, to open a citizen requested hearing at 8:31 p.m. on a Notice to Abate Nuisance issued to Dennis Miller. Miller informed the Council that he has put the property up for sale and requested that they allow him six months to sell the property. Chief Shimon stated that the paperwork has already been filed with the County and if the Council allowed him the six months and the property was not sold then the City would have to start the process over and incur more fees. Shimon also stated that Miller has been served previously and that the structure needs to be made livable. When asked by Harms, Miller agreed that the house is uninhabitable. Harms moved, Wessels seconded, to close the hearing at 8:42 p.m. Roll call vote: Ayes-All. Motion carried. Shimon informed the Council that the notice states Miller has 90 days to abate the nuisance. Wessels moved, Jones seconded, to let the notice stand as it reads. Roll call vote: Ayes-Brass, Harms, Jones, Wessels. Nays-Ibeling. Motion carried.

Harms moved, Jones seconded, to set a Public Hearing to approve the First Reading of proposed Ordinance No. 492 Amending the Code of Ordinances of the City of Ackley, Iowa by Amending Section 92.09, Pertaining to Customer Deposits for May 10, 2017 at 7:00 p.m. Roll call vote: Ayes-All. Motion carried. This ordinance will require a deposit from all new utility customers regardless of credit record and will eliminate the payment of interest on deposits.

Ibeling moved, Wessels seconded, to set a Public Hearing for FY17 Proposed Budget Amendment for May 30, 2017 at 7:00 a.m. Roll call vote: Ayes-All. Motion carried.

Harms moved, Brass seconded, to adopt Resolution No. 17-10 Establishing Health Insurance Deductible Reimbursement. Roll call vote: Ayes-All. Motion carried. This resolution establishes written policy for the previous practice of the reimbursement of full time City employees' health insurance deductible.

Discussion was held with Fossbender regarding the proposed Economic Development Contract between the City and the ADC. One item of concern with the Council was the tourism brochure printing expense. Fossbender pointed out that there were two changes made to the previously proposed contract per the City's request. One is that the funding schedule does not include automatic annual increases and the other requires the ADC to give a more elaborate semi-annual update. Harms moved, Wessels seconded to approve the Economic Development Contract with the change that the cost to the City for the tourism brochure will not exceed \$100.00. Roll Call Vote: Ayes-Harms, Wessels. Nays-Brass, Ibeling, Jones. Motion failed. Brass stated that he needs to know the total dollar amount of the tourism brochure printing expense and what other organizations can contribute towards this expense. Fossbender will present the information at a future council meeting.

Fossbender presented to the Council a revolving loan fund request by John Enslin. Enslin purchased some buildings downtown to open a fitness center in and is requesting from the City a \$20,000 loan. Ibeling moved, Harms seconded, to approve a loan in the amount \$20,000 to John Enslin from the City's revolving loan fund. Ayes-All. Motion carried.

Fossbender informed the Council he did not yet have the paperwork for the revolving loan fund request by Mike Fistler. Fossbender hopes to present the request at the next council meeting.

Fossbender made a request to the City to agree to pay legal fees associated if the City were to vacate the alley by the water tower for M & G Tire. Fossbender explained that Lee Gallentine, Ryken Engineering, would need to survey the land out and then the City would sell the land to Mike Fistler with the City paying the expenses. Brass moved, Jones seconded, to approve the process to vacate the alley for M & G Tire and for the City to pay the associated fees. Ayes-All. Motion carried.

Fossbender made a request to the City to agree to pay any legal fees associated with adding businesses to the Urban Renewal Plan as needed. Harms moved, Wessels seconded, to allow the ADC to amend the Urban Renewal Plan and for the City to pay any associated fees. Ayes-All. Motion carried.

Ibeling moved, Harms seconded, to approve the Outdoor Service Liquor License for The American Legion Post #252 for April 15, 2017 for the Burger Fry. Ayes-All. Motion carried.

Wessels moved, Brass seconded, to approve the rehiring of Ashley Sicard as Pool Manager for the 2017 Pool Season. Ayes-All. Motion carried.

Brass moved, Wessels seconded, to approve the appointment of John Muller to the Tree Board to fill the term that expires Dec. 31, 2017. Ayes-All. Motion carried.

Mayor Graham recommended that the discussion on City rental facilities be tabled until next month to give Council more time to consider the questions at hand. Wessels moved, Harms seconded, to table the discussion and any action regarding the City rental facilities until the next regular monthly meeting. Ayes-All. Motion carried.

Discussion was held regarding the maintenance of alleys. Gallentine and Shimon agreed that there was a policy but it is not in the code of ordinances. They explained that the policy states that citizens are to buy the gravel for any alleys and the City will spread it. Brass stated that the alleys are City property. Ibeling agreed and commented that the City doesn't have money for this, but the City should maintain the alleys. Gallentine will provide DeBerg with a copy of the policy.

Gallentine informed the Council that the contracts for the Water Tower Repainting and the Sanitary Sewer Continuing Improvement Plan are back and the Mayor just needs to sign them to proceed.

Gallentine presented the Council with the four bids that were received for the ADA Access project at the library. Bids were obtained for both asphalt and concrete. The lowest bids were from King Construction for \$42,144.40 for asphalt and \$41,266.90 for concrete. Gallentine's original estimate was \$26,000, but it did not include the work at the intersection which the bids do include. Gallentine suggested that the City could do some of the bid items themselves. Wessels moved, Harms seconded, to award the bid to King Construction using concrete and removing traffic control, permanent seeding, and seeding warranty. Roll call vote: Ayes-All. Motion carried.

Gallentine informed the Council that the contractor for the 2015 Sanitary Sewer Project has finished all of the paperwork. Gallentine recommends the Council accept the project and release the retainage less anything the City feels is necessary to cover any damages by the contractor. During the project the contractor had damaged the Ackley United Methodist Church's parking lot and a memorandum of understanding had been signed between the church and the City. As a result of this the City had to pay the church 50% of a quote to overlay the entire parking lot. Harms stated they the City is entitled to withhold from the retainage the amount of \$4,275.58 paid to the church. The church also just recently discovered that the curb stop may have been covered in cement. Harms moved, Wessels seconded, to accept the project but to hold the retainage until the City can look into the issue with the curb stop at the church. Ayes-All. Motion carried.

Gallentine commented that seven building permits have recently been approved for larger items like garages, additions, and an accessory building.

The Council and Mayor Graham gave old business updates. Parking on narrow or busy streets has been a concern, but the Streets Department and Mayor Graham decided to end any further proceedings at this time. Mayor Graham will follow up with a bid request for some improvements at City Hall. Brass requested DeBerg send a letter to Jeff Gronewold stating

what Steve Scallon has agreed to pay to fix Gronewold's sidewalk with no further negotiations. Rather than request McAfoos to have their attorney draw up an agreement regarding the right of way violation, Brass would like the City to draw up the agreement so the same agreement can be used for other violations. Mayor Graham directed Brass to get addresses of other right of way violators to Gallentine so that letters may be sent out. Mayor Graham has tabled the idea of assembling a Fiber Optics Committee at this time due to the city's financial state.

DeBerg updated the Council on the progress of two ordinances in development. Attorney Mike Smith has been working on an International Code Ordinance since December. Regarding an ordinance restricting the use of shipping containers, Smith sent DeBerg a letter that stated the City's current ordinances would cover the use of shipping containers. However, since it is very vague, Mayor Graham has asked that Smith draw up something more specific.

Public Comments: Pastor David Bougard stated that the Community Foundation would like to continue to not pay for the use of the Civic Center.

With no further discussion, Harms moved, Brass seconded, to adjourn at 10:12 p.m. Ayes-All. Motion carried.

MCDOWELL & SONS INC.	GARBAGE SERVICES	8,943.00
RYKEN ENGINEERING AND LAN	ENGINEERING SERVICES	9,695.00
SAILER FORD INC.	2017 FORD OIL CHANGE	36.82
AIRGAS NORTH CENTRAL	CYLINDER RENTAL	521.82
ACKLEY SUPER FOODS	SUPPLIES	58.32
BLACK HILLS/IOWA GAS UTIL	UTILITIES-GAS	1,446.66
MIDAMERICAN ENERGY CO	ELECTRIC BILL	3,940.71
ACKLEY PUBLISHING CO INC	MAILING FOR URBAN REVIT HEARNG	196.25
IPERS	IPERS - PROTECT	5,884.48
P.C.C.	AMBULANCE BILLING FEES-MAR 17	1,664.58
H.H. CONSTRUCTION	DIG OUT BEAVER DAM BLACKHAWK	250.00
OTTER CREEK FARMS INC.	AIRPORT LEASE	750.00
POSTMASTER	UTILITY BILL POSTAGE	210.00
EICHMEIER MOTOR	2015 TAURUS OIL CHANGE	40.45
THEISEN'S	BULBS FOR OUTSIDE CITY HALL	43.96
STATE LIBRARY OF IOWA	KIDS FIRST CONFERENCE	150.00
CENTURYLINK	LONG DISTANCE SERVICE	322.76
NUCARA PHARMACY	MEDISENS PRECISN/GLUTOSE	100.09
HANSEN FAMILY HOSPITAL	PHARMACY SUPPLIES	11.00
PEOPLESERVICE INC.	WATER/WASTEWATER SERVICE	15,364.00
BROWN SUPPLY CO. INC.	SNOW PLOW PARTS	568.20
SHIELD PEST CONTROL	MONTHLY SERVICES	50.00
INNOVATIVE AG SERVICES CO	GAS/DIESEL	1,370.03
BOOK LOOK	LARRY'S BOOK CLUB BOOKS	155.90

BAKER & TAYLOR BOOKS	BOOKS	306.74
ACKLEY PUBLIC LIBRARY	POSTAGE	43.14
TEI LANDMARK AUDIO	AUDIO BOOK	12.50
MEDIACOM	INTERNET	190.89
MARIE CLAIRE	1 YR MAG SUBSCRIPTION	10.00
TIMES-CITIZEN CO.	MINUTES/PUB HEAR/ORD/WAGES	619.59
IOWA FIRE CHIEFS ASSN.	ANNUAL DUES	25.00
IOWA FALLS FIRE EXTINGUIS	ANNUAL INSPECTION AND TAG	375.85
CRAIG & SMITH	LEGAL FEES	320.25
NATIONAL GEOGRAPHIC TRAVE	1 YR MAG SUBSCRIPTION	12.00
READER'S DIGEST	1 YR SUBSCRIPTION	14.98
CARDMEMBER SERVICE	PHONES	746.65
AMAZON	BOOKS	251.34
HARDIN COUNTY OFFICE SUPP	OFFICE SUPPLIES	26.31
GREEN BELT BANK AND TRUST	COPIER LOAN #15387	80.48
BONEWITZ, JOE	CPR REFRESHER-FIREFIGHTERS & PD	375.00
HEART OF IOWA	847-2222 COMMUNICATIONS	66.82
MID-STATES ORGANIZED CRIM	ANNUAL MEMBERSHIP FEES	100.00
DATA TECHNOLOGIES INC.	USER GROUP MEETING-CLERK	95.00
COLONIAL LIFE	COLONIAL LIFE	44.40
FEDERAL W/H	FED/FICA TAX	6,189.49
AFLAC	AFLAC	286.56
RELIASTAR LIFE INS CO	LIFE INSURANCE	141.88
PUBLIC EMPLOYEE HEALTH PL	HEALTH INSURANC	2,509.88
STATE WITHHOLDING	STATE TAXES	1,667.00
USDA RF	MONTHLY PAYMENT	1,151.00
CENTRAL IOWA DISTRIBUTING	TOLIET PAPER/AIR FRESHNER	125.00
BLUESPACE CREATIVE INC	STATIONERY DEVELOPMENT	593.75
NAPA AUTO PARTS	BATTERIES/DEF/SPRAY PAINT	430.95
COLLECTION SERVICES CENTR	CHILD SUPPORT	48.00
IOWA DEPT OF PUBLIC SAFE	ON-LINE WARRANTS AND ARTICLES	150.00
DEBERG, KELLY	MILEAGE HARDIN/FRANKLIN AUDITR	39.06
DEPUTY STEPHEN BARDOLE	BARTLING FIREARMS TRAINING	300.00
ACCESS SYSTEMS LEASING	COPIER LEASE/MAIN/EXCESS USAGE	394.86
LABOR LAW CENTER, INC	LABOR LAW POSTER	37.90
KORNER WINDOW	WINDOW BLINDS IN CITY HALL	950.00
SOVA, INC.	DESK PHONES	554.48
PAYROLL CHECKS	TOTAL PAYROLL CHECKS	20,442.91
	CLAIMS TOTAL	91,503.69
	EXPENSES BY FUND	
	GENERAL FUND	43,351.89
	LIBRARY RESERVE FUND	305.90

TOURISM FUND	593.75
ROAD USE TAX FUND	14,175.07
CAP PROJ/GO BOND 2016A FUND	2,075.00
WATER FUND	11,518.76
SEWER FUND	19,233.32
STORM WATER FUND	250.00
TOTAL	91,503.69

REVENUE - MARCH 2017	
GENERAL FUND	62,687.19
LIBRARY RESERVE FUND	1,293.14
FIRE TRUCK/EQUIP RESERVE FUND	0.98
AMBULANCE RESERVE FUND	0.29
SWIMMING POOL EXP FUND	1.51
ROAD USE TAX FUND	15,660.88
EMPLOYEE BENEFIT FUND	2,386.88
EMERGENCY FUND	177.47
LOST FUND	11,271.83
TIF FUND	2,383.26
DEBT SERVICE FUND	3,659.53
WATER FUND	40,075.85
WATER DEPOSIT FUND	850.00
SEWER FUND	34,878.11
SEWER SINKING FUND	1,958.33
STORM WATER FUND	8,896.06
TOTAL	186,181.31

Erik Graham, Mayor

ATTEST: _____
 Kelly DeBerg, City Clerk