

REGULAR MEETING

May 10, 2017

ACKLEY CITY COUNCIL met in regular session, May 10, 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: Joe Wessels, Dale Brass, Robert Harms, Sue Ibeling and Al Jones. Absent: None. Quorum present.

Harms moved, Jones seconded, to approve the May 10, 2017 Agenda as listed. Ayes-All. Motion carried.

Brass moved, Ibeling seconded, to approve the Consent Agenda by one motion: a) Apr 12, 2017 Regular Mtg; May 2, 2017 Special Mtg Minutes as written b) Bills approval authorizing payment of bills and transfers as listed c) Place Reports on file: Apr 2017 Clerk Bank Reconciliation/Treasurer Report; Apr 2017 Clerk Budget Reports; Apr 2017 Clerk Utility Billing Reconciliation; Apr 2017 Ambulance End of Month Report. Ayes-All. Motion carried.

Wessels moved, Ibeling seconded, to open the public hearing at 7:05 p.m. on 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. Ayes-All. Motion carried. This ordinance would require all new utility customers to pay a deposit regardless of credit history and would eliminate interest being paid on deposits. No oral or written comments or objections were received. Brass moved, Jones seconded, to close the public hearing at 7:05 p.m. Ayes-All. Motion carried.

Wessels moved, Harms seconded, 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. Roll call vote: Ayes-All. Motion carried.

Jones moved, Ibeling seconded, to waive the second and third readings of said proposed Ordinance No. 492. Roll call vote: Ayes-All. Motion carried.

Brass moved, Wessels seconded, to adopt proposed Ordinance No. 492 Amending the Code of Ordinances of the City of Ackley, Iowa by Amending Section 92.09, Pertaining to Customer Deposits. Roll call vote: Ayes-All. Motion carried.

Discussion was held regarding the repair of Jeff Gronewold's sidewalk. Brass explained that he assumed that the equipment that damaged the sidewalk drove straight across the sidewalk so therefore he allowed for 16 feet of repair. Using the lowest bid received he proposed the City pay Gronewold \$346 and then bill Scallon's Lawn Care for the damage. Damage to the sidewalk occurred while Scallon's were taking trees down in the City right-of-way. Gronewold stated that the equipment actually went up the driveway and then drove down the sidewalk damaging much more than 16 feet. Photos were taken at the time, however no one was able to locate

them for the meeting. Mayor Graham informed Gronewold that if he could come up with the photos before the next council meeting, the Council Committee would review their proposed reimbursement.

A presentation was given by Zachary Crain on a proposed Eagle Scout project. Crain would like to remove a bush in front of the library and place a picnic table there for students to sit after hours and use the Wi-Fi to complete homework. Crain would also like to put up a solar powered motion sensor light and some planters around the table. Lee Gallentine, Ryken Engineering, stated that it should not interfere with the new sidewalk plans. Retha Starek, library co-director, supported his request. Crain stated that he would need to do fundraising and would need approval by the Eagle Council before he could proceed if the City Council were to approve it. Wessels moved, Jones seconded, to accept Crain's Eagle Scout project proposal. Ayes-All. Motion carried.

Brass moved, Jones seconded, to set a Public Hearing for the first reading of Proposed Ordinance No. 494 Amending the Code of Ordinances of the City of Ackley, Iowa by Adding Section 135.13, Pertaining to Maintenance of Alleys, and Section 135.14, Pertaining to New Alleys for June 14, 2017 at 7:00 p.m. Ayes-All. Motion carried. This ordinance would make current policy on alleys an ordinance.

Harms moved, Ibeling seconded, to adopt Resolution No. 17-14 Setting Wages for Employees of the Swimming Pool. Roll call vote: Ayes-All. Motion carried. The wages are the same as last year.

Ibeling moved, Wessels seconded, to adopt Resolution No. 17-15 Temporarily Closing Certain Streets for the 2017 Sauerkraut Days. Roll call vote: Ayes-All. Motion carried.

Ibeling moved, Harms seconded, to adopt Resolution No. 17-16 Approving the Etna Township Fire Agreement and Contract. Roll call vote: Ayes-All. Motion carried.

Harms moved, Jones seconded, to adopt Resolution No. 17-17 Finally Adopting the Proposed Plan for the Ackley Urban Revitalization Area. Roll call vote: Ayes-All. Motion carried. Jefferson Fosbender, Ackley Development Director, stated that he will have applications available for those interested.

Jones moved, Brass seconded, to approve the first reading of proposed ordinance No. 493 Designating an Area of Ackley, Iowa, as the Ackley Urban Revitalization Area. Roll call vote: Ayes-All. Motion carried. Fosbender explained that the geographic area designated is somewhat of a rectangle made by the streets of Main, Butler, 10th, and Franklin; plus a few other areas. Fosbender further explained that if you are not in this area you are still eligible, just not for the maximum ten years.

Brass moved, Wessels seconded, to waive the second and third readings of said proposed Ordinance No. 493. Roll call vote: Ayes-All. Motion carried.

Brass moved, Harms seconded, to adopt proposed Ordinance No. 493 Designating an Area of Ackley, Iowa, as the Ackley Urban Revitalization Area. Roll call vote: Ayes-All. Motion carried.

Jones moved, Ibeling seconded, to adopt Resolution No. 17-18 Amending the Employee Handbook Regarding Vacation. Roll call vote: Ayes-All. Motion carried. This resolution changed who will approve vacations, how vacation time can be taken, and how it will be lost.

Brass moved, Ibeling seconded, to approve the rehiring of Ronnie Oltrogge in the Parks Department for the 2017 season. Ayes-All. Motion carried.

Ibeling moved, Brass seconded, to approve the Cigarette/Tobacco/Nicotine/Vapor Permit for Kum & Go #513. Ayes-All. Motion carried.

Harms moved, Jones seconded, to approve the Liquor License for Kum & Go #513. Ayes-All. Motion carried.

Ibeling moved, Jones seconded, to approve the Liquor License for Ackley Super Foods. Ayes-All. Motion carried.

Gallentine updated the Council on several current and upcoming projects. Preconstruction meetings have been held for the Water Tower Repainting Project and the 2017 Sanitary Sewer Lining Project. Contracts for the Library Sidewalk Project have been mailed out to King Construction. Heartland Asphalt is placing asphalt for the Industrial Park Roadway and the 2016 Street Project. Gallentine presented a letter submitted to the IDNR that detailed the timeline for the NPDES permit. He advised that the City needs to get plans and specs out this fall for Phase I. He also advised Council that they needed to begin working on funding soon and informed them that it is required that the City work with a financial advisor who will set the sewer rates to cover operating expenses, paying the loan back, and establishing a reserve. Attorney Mike Smith advised Gallentine that a subdivision plat needs to be done for the Industrial Park. Ibeling moved, Harms seconded, to have Gallentine do the subdivision plat. Ayes-All. Motion carried. Williams has completed the Industrial Park West Sanitary Sewer Extension Project. Harms moved, Jones seconded, to accept the project as complete and authorized final payment to Williams in the amount of \$1,607. Ayes-All. Motion carried. A preconstruction meeting has been held for the South Butler Street Project. Gallentine informed the Council that since this is a federal aid project and his firm is not as familiar with IDOT processes as he would like, he requested the Council accept a proposed contract from another engineering firm to handle these duties. Harms moved, Jones seconded, to approve the contract with CGA for engineering services for the South Butler Street Project. Ayes-All. Motion carried. Discussion was held regarding the 2015 Sanitary Sewer Project and whether or not a curb stop had existed at the United Methodist Church prior to construction. No positive conclusion could be made. Jones moved, Harms seconded, to pay the contractor the retainage amount of \$5,472.23 less the amount of \$4,275.58 the City paid to the church for damages to the parking lot. Ayes-All. Motion carried.

Fosbender led a discussion on funding for tourism brochures which is the one item that has held up the approval by the Council of the Economic Development Contract. The cost of 1500 brochures will be \$650. Fosbender still hasn't gotten many responses from the organizations that he has approached requesting donations for this expense. Prairie Bridges Park has indicated they will contribute, but has not specified an amount. Mayor Graham reached out to the Council and asked if they would consider making personal donations. Gallentine offered to match their donation. Ibeling stated that she felt each organization that is in the brochure should be willing to donate at least \$50. Ibeling moved, Jones seconded, to accept the Economic Development Contract with a change to strike the paragraph regarding money towards the brochures. Ayes-All. Motion carried.

Harms moved, Ibeling seconded, to approve the revolving loan fund application for M & G Tire for \$27,100 to expand their current business. Ayes-All. Motion carried.

Fosbender informed the Council that he should be receiving in the next week or so the feedback from the study the ISU students were involved in, and also that he is getting a couple of unpaid interns this summer.

Clerk DeBerg informed the Council that she had met with USDA personnel regarding the loan the City has for the Cougar's Den property. It was discovered that the City was not meeting a requirement of the loan by not having a reserve fund set up. By this time the City should have the maximum reserve of \$16,680 put in the fund. The USDA advised DeBerg that this needed to be in place very soon otherwise the City would be in default on the loan. The USDA also advised that the City cannot be consistently losing money each year on this property. The City needs to either increase the rent that AGWSR school district pays for the use of the facility or decrease expenses. DeBerg informed the Council that she had presented this information at the last Cougar's Den Advisory Board meeting and a school board member stated that the school may be able to increase the rent paid.

Discussion was then held amongst the Council in regards to three CD's the City has for approximately \$45,000 each that will be maturing in June. It is unclear what the original intention was for the use of this money, but it has been suggested it was for tearing down uninhabitable houses. Chief Shimon stated that there are several houses in town that need to be tore down. He estimated the cost would be approximately \$15,000 per house. Wessels moved, Brass seconded, to cash in the CD in the amount of \$45,014.78, put \$16,680 is a reserve fund for the USDA loan, use the rest for tearing down houses, and reinvest the other two CD's for three months. Ayes-All. Motion carried.

Discussion was held regarding the city rental facilities (civic center, shelter house, library room) and the rates currently charged and to whom. It was decided by Council that non-profit organizations would continue to have the use of the facilities at no charge, and all private individuals and businesses would be charged the current rates. There would be no change to

the rates. All users will have to check out a key each time from City Hall. Harms will speak with those individual users that have not been paying a rental fee.

The Council and Mayor Graham gave old business updates. Wessels attended The Heritage Center's board meeting. They are going to take responsibility for their internet and phone services and will pay the water and sewer expenses to the City. The City will continue to pay their gas and electric expenses. The Heritage Center will have a new contract drawn up. Mayor Graham has received a bid to raise the floor in the middle section of City Hall. Brass has not made any progress with the McAfoos agreement as he would like all violators to be notified first. Council discussed other options and decided to update the code of ordinances to state that the City is not responsible for damage to any landscaping in the right of way if the City needs to dig for water or sewer purposes. Nor would the City be responsible for any additional expense to move anything in the right of way. DeBerg was directed to write the ordinance change with the assistance from Gallentine.

DeBerg updated the Council on the progress of two ordinances in development. Attorney Mike Smith is finishing up on an International Code Ordinance. He tried to make it parallel to Iowa Falls since the intention is to use a building inspector from Iowa Falls to enforce it. Smith explained to DeBerg that it is a very complicated massive undertaking to have an ordinance such as this and many cities our size do not have a similar ordinance because of that. The ordinance should be completed by the next regular council meeting for council to review. Smith has completed two ordinances regarding restricting the use of shipping containers that the Council reviewed. Terrill DeBerg questioned if the City really wanted to allow the containers at commercial properties and also thought that the ordinance should state that the use at residential properties during construction is permitted. The Council agreed to leave the new ordinance as written regarding use in commercial districts and to add language to the ordinance that states they can also be used in residential areas for the duration of a building permit. DeBerg will work with Smith to make that change. DeBerg informed the Council that Habitat for Humanity had not realized that the donation of their lot to the City had not been finalized. They are having their lawyer draw up the deed.

Wessels informed the Council that Prairie Bridges has agreed to pay for their insurance. However, Ibeling Insurance recommends they stay on the City's insurance and Prairie Bridges will pay the City. With the change to Iowa law regarding fireworks, Wessels also asked Ibeling about fireworks at Prairie Bridges. Prairie Bridges will post signs that state "no fireworks". There will be no additional insurance expense.

Mayor Graham announced that he will be working with Gallentine to revamp the building permit process.

Public Comments: None

With no further discussion, Harms moved, Wessels seconded, to adjourn at 9:10 p.m. Ayes-All. Motion carried.

PITNEY BOWES INC.	POSTAGE MACHINE INK CARTRIDGES	93.48
KEN'S REPAIR	MOWER	7,985.00
MCDOWELL & SONS INC.	GARBAGE SERVICES	8,915.90
SALES TAX/LOST	SALES TAX PAYMENT	2,161.00
CARSTENS PLUMBING & HEATI	SERVICE FURNACE	168.76
RYKEN ENGINEERING AND LAN	ENGINEERING SERVICES	15,714.55
SAILER FORD INC.	2017 FORD TIRE REPAIR	26.20
AIRGAS NORTH CENTRAL	CYLINDER RENTAL	217.56
ACKLEY SUPER FOODS	SAW BLADES/SOAP/BAGS/BATTERIES	38.28
IAMU	2017 AFFILIATE MEMBERSHIP	336.00
BLACK HILLS/IOWA GAS UTIL	UTILITIES-GAS	1,007.69
MIDAMERICAN ENERGY COMPAN	ELECTRIC BILL	3,943.68
ACKLEY PUBLISHING CO INC	BARTLING NOTARY STAMP	21.00
IPERS	IPERS - PROTECT	5,906.77
P.C.C.	AMBULANCE BILLING FEES-APR 17	444.46
POSTMASTER	UTILITY BILL POSTAGE	250.00
EICHMEIER MOTOR	FIRE TANKER BATTERY/TOW FIRE ATV	244.99
EMERGENCY MEDICAL PRODUCT	GLOVES/ELECTRODES/TUBING/MASKS	377.26
STATE LIBRARY OF IOWA	PUBLIC LIB MGMT 1 CLASS-ABBAS	35.00
IOWA PARK & RECREATION AS	CPO SCHOOL-ASHLEY SICARD	280.00
IOWA WORKFORCE DEVELOPMEN	1ST QTR 2017 UNEMPLOYMENT	305.05
CENTURYLINK	LONG DISTANCE SERVICE	386.04
FAMILY HANDYMAN	BOOK	32.98
ZOLL MEDICAL CORPORATION	PEDIATRIC OXYGEN PROBES/DEFIB PAD	438.72
PEOPLESERVICE INC.	WATER/WASTEWATER SERVICE	15,364.00
IMFOA	2017 DUES - DEBERG	50.00
SHIELD PEST CONTROL	MONTHLY SERVICES	50.00
IA DEPT OF PUBLIC HEALTH	POOL REGISTRATION RENEWAL	35.00
INNOVATIVE AG SERVICES CO	FUEL	1,177.00
MUNICIPAL EMERGENCY SERVI	AIR COMPRESSOR/PACKS TEST/REP	2,736.75
BOOK LOOK	LARRY'S BOOK CLUB BOOKS	159.89
LEON UNIFORM COMPANY	SHIMON REPLACE TORN PANTS	158.98
BAKER & TAYLOR BOOKS	BOOKS	316.25
ACKLEY PUBLIC LIBRARY	POSTAGE	63.95
MEDIACOM	INTERNET-POLICE/CITY HALL/STRT	135.90
FORGY ELECTRIC	INSTALL PD DOOR BUZZER/OPENER	405.00
AMERICAN SOCIETY OF COMP/	ANNUAL LICENSE FEE	341.00
TIMES-CITIZEN CO.	PUBLIC HEARING/MINUTES/WANT AD	483.30
J & S LOCKSMITH	PD DOOR LOCK/REKEY CIVIC CENTER	660.55
COOLEY PUMPING	RENT POTTIES-SAUERKRAUT DAYS	670.00
CRAIG & SMITH	LEGAL FEES	451.50
WILLIAMS EXCAVATION LLC	REPAIR STORM DRAIN-BUTLER ST	2,539.00

CARDMEMBER SERVICE	TOWN WHISTLE TIME SWITCH	1,394.63
AMAZON	BOOKS	210.17
HARDIN COUNTY OFFICE SUPP	LABELS FOR PD LABEL MACHINE	179.88
GREEN BELT BANK AND TRUST	COPIER LOAN #15387	80.48
HEART OF IOWA	847-2222 COMMUNICATIONS	66.82
HD SUPPLY WATERWORKS LTD	CABLE HANDHELD METER READER	150.13
M&G TIRE SERVICE	POLICE EXPLORER TIRE REPAIR/MOWER	40.65
DATA TECHNOLOGIES INC.	ONSITE TRAINING/CONSULTING	2,581.69
COLONIAL LIFE	COLONIAL LIFE	44.40
FEDERAL W/H	FED/FICA TAX	9,757.26
AFLAC	AFLAC AFTER TAX	191.04
RELIASTAR LIFE INS CO	LIFE INSURANCE	141.88
PUBLIC EMPLOYEE HEALTH PL	HEALTH INSURANC	2,509.88
STATE WITHHOLDING	STATE TAXES	1,262.00
USDA RF	MONTHLY PAYMENT	1,151.00
MERCHANTS BANK	ENDLOADERS LEASE PAYMENT	29,450.72
LOOKOUT BOOKS	SUMMER READING BOOKS	140.70
ARCH CHEMICALS INC	POOL CHEMICALS	921.00
NAPA AUTO PARTS	OIL/GLUE/TAIL LIGHTS	63.13
COLLECTION SERVICES CENTR	CHILD SUPPORT	131.50
TASTE OF HOME	BOOK	32.98
ACCESS SYSTEMS LEASING	COPIER LEASE PAYMENT	162.50
DALE HOWARD	09 FORD AMB SERVICE	87.19
CENTRAL IOWA SYSTEMS	ROUTER/CABLE/SWITCH/PHONE UPGR	4,470.06
IOWA DIVISION OF LABOR SE	BOILER INSPECTIONS	120.00
STUBBE, KAREN	REFRIGERATOR FOR POOL	50.00
DEPOSIT REFUNDS	REFUND DATE 04/27/2017	100.33
PAYROLL CHECKS	TOTAL PAYROLL CHECKS	37,974.92
	CLAIMS TOTAL	168,595.38
	EXPENSES BY FUND	
	GENERAL FUND	85,733.35
	LIBRARY RESERVE FUND	340.97
	ROAD USE TAX FUND	11,804.33
	EMPLOYEE BENEFIT FUND	288.83
	CAP PROJ/GO BOND 2016A FUND	1,773.69
	CAPITAL PROJECTS - LOST FUND	2,046.80
	WATER FUND	16,848.39
	WATER DEPOSITS FUND	100.33
	SEWER FUND	17,668.97
	STORM WATER FUND	31,989.72
	TOTAL	168,595.38

REVENUE - APRIL 2017	
GENERAL FUND	156,958.00
LIBRARY RESERVE FUND	44.66
TIRE TRUCK/EQUIP RESERVE FUND	0.88
AMBULANCE RESERVE FUND	0.26
SWIMMING POOL EXPENDABLE FUND	1.36
ROAD USE TAX FUND	11,147.98
EMPLOYEE BENEFIT FUND	43,800.26
EMERGENCY FUND	3,256.93
LOST FUND	11,271.83
TIF FUND	17,149.14
DEBT SERVICE FUND	63,166.86
WATER FUND	26,723.01
WATER DEPOSIT FUND	900.00
SEWER FUND	25,218.83
SEWER SINKING FUND	1,958.33
STORM WATER FUND	6,877.20
TOTAL	368,475.53

Erik Graham, Mayor

ATTEST: _____
 Kelly DeBerg, City Clerk