

The Oelwein City Council held a Vicious Dog Hearing prior to the regular meeting at 6:20 P.M. Brandt called the meeting to order.

PRESENT: Ryan, Gosse, Lein, Ericson, Kerns, Brandt

ABSENT: Murphy

ALSO PRESENT: Kendall, VanVeldhuizen

Daniel Heidt
Vicious Dog Appeal

VanVeldhuizen explained the format to the audience.

Patrolman Paul began with a recap of the incident. He reported the dog acted aggressive towards him.

Janet McKeeman, the complainant from 21 6th Avenue SE reported several children were playing in her yard when the dog in question approached. It was reported to have stalked her collie.

Lowell McKeeman also spoke.

Dan Heidt, owner of the dog in question related his side of the story. He has seven kids. Is not afraid his dog would hurt them. He reported the Police Department had returned his dog once before.

A motion was made by Ericson, seconded by Gosse to deny the appeal and deem the dog to be vicious. Five voted aye, One (Ryan) voted nay.

Motion Carried

Close Hearing

The hearing closed at 6:45 P.M.

Felicia Klein Appeal

Felicia Klein was in the audience. She had missed the deadline to appeal her dog being declared vicious. VanVeldhuizen reported there is no provision to appeal after the deadline has passed. No action was taken. Ms. Klein was referred to VanVeldhuizen for further explanation.

A regular meeting followed at 7:00 P.M.

COUNCIL PROCEEDINGS

April 27, 2009

The Oelwein City Council met in regular session April 27, 2009 at 7:00 P.M. Mayor Murphy presided.

Roll Call

PRESENT: Ryan, Gosse, Lein, Ericson, Kerns, Brandt

ABSENT: None

ALSO PRESENT: Glew, Kendall, VanVeldhuizen

Agenda Adopted

A motion was made by Gosse, seconded by Ryan to adopt the Agenda as amended. All voted aye.

Motion Carried

Vicious Dog

Ruth Steinbronn, 402 First Avenue NE reported she had been attacked by a pitbull on April 22nd. A report was filed with the Oelwein Police Department. Ms. Steinbronn questioned the status of the animal. The matter will be referred to Police Chief Logan.

- Consent Agenda A motion was made by Brandt, seconded by Gosse to approve the following Consent Agenda items:
- A. Minutes of the April 13, 2009 regular meeting
 - B. Minutes of the April 20, 2009 special meeting
 - C. Claims Resolution in the amount of \$616,084.47
 - D. Class 'B' Beer and Sunday Sales Permit renewal for Pizza Hut #4340
- All voted aye.
- Motion Carried
- Service Award Williams Mayor Murphy presented a 10 year Service Award to Utility Employee Rod Williams.
- Safety Awards Mayor Murphy presented 2009 First Quarter Safety Awards to Matt Weber and Tim Meaney. Vince McLaury was not in attendance, but was also recognized.
- Generation Oelwein Mandie and Quentin Stepp reported a new community oriented organization named "Generation Oelwein" has been formed. The groups mission statement includes working together toward the goal of bettering the community through service, events, community projects and activities.
- Generation Oelwein will be doing general clean up of City Park Sunday, May 3rd beginning at noon followed by a potluck dinner and barbeque. Any additional volunteers are encouraged to attend.
- Future events include a June 5th Hub City Brewery tour.
- Streetscape/Library Landscaping Dieter Erdelt shared his recommendations on the Downtown Streetscape and Library lot landscaping. He estimates 200 man-hours will be needed to change the plantings. This does not include moving and replanting trees. Erdelt also recommended removing the invasive ground cover. Vinca Minor could be used as a replacement where desired.
- A sketch of planned plantings and walkways for the Library was also shown. Erdelt would like to get started on the project April 29th.
- A motion was made by Gosse, seconded by Ryan authorizing the Mayor, City Attorney and City Administrator to finalize arrangements with Howard R. Green and Portzen Construction so the plantings and spacings can be corrected. All voted aye.
- Motion Carried
- Resolution #4563 Streetscape Plantings A motion was made by Kerns, seconded by Ryan to adopt Resolution No. 4563 To Prohibit Unauthorized Plantings Within the Downtown Streetscape.
- Ayes: Ryan, Gosse, Lein, Ericson, Kerns, Brandt
Nays: None
- Motion Carried
- Library Budget A motion was made by Kerns, seconded by Ryan to amend (increase) the Fiscal Year 2009-2010 Library Budget. Library Director Susan Macken was in attendance and reviewed State funding and the Boards request for Fiscal Year 2009-2010 funding in the amount of \$207,000. The Council approved a \$200,000 budget.
- Brandt stated this topic should have been discussed at the budget hearing.

Ryan called the question.

Three voted aye (Ryan, Lein, Kerns), Three voted nay (Gosse, Ericson, Brandt). Mayor Murphy voted nay.

Motion Denied

Resolution #4564 Shannon Mortgage Release A motion was made by Kerns, seconded by Gosse to adopt Resolution No. 4564 Authorizing the Mayor to Execute Mortgage Release for Keith Shannon.

Ayes: Ryan, Gosse, Lein, Ericson, Kerns, Brandt
Nays: None

Motion Carried

Resolution #4565 Identity Theft A motion was made by Brandt, seconded by Gosse to adopt Resolution No. 4565 Approving an Identity Theft Prevention Program Pursuant to the Federal Trade Commission's (FTC) Red Flag Rule.

Ayes: Ryan, Gosse, Lein, Ericson, Kerns, Brandt
Nays: None

Motion Carried

Downtown Awnings City Administrator Kendall reminded Council the May 1st deadline for downtown awning compliance is fast approaching. General consensus of the Council was to enforce the Ordinance.

Meeting Date A motion was made by Ryan, seconded by Kerns to set the last regular May council meeting date for May 27, 2009 due to the Memorial Day Holiday. All voted aye.

Motion Carried

Budget Amendment A motion was made by Gosse, seconded by Brandt to set May 27, 2009 for the Annual Budget Amendment. All voted aye.

Motion Carried

Building Inspector/ Code Enforcement Job Description A motion was made by Lein, seconded by Gosse to amend the Code Enforcement Officer's job description to include that within six (6) months of hire the Code Enforcement Officer shall be credentialed in one of the following International Building Codes: Commercial, Residential, Plumbing or Electrical. Kerns stated he preferred the position be credentialed in all four codes within twelve (12) months of hire. Lein replied he had spoken with a State of Iowa Inspector who has only two credentials. The four codes cross reference each other.

All voted aye on the above motion.

Motion Carried

Fayette Co. Landfill Duane Brandt reported on the April Fayette County Landfill Commission meeting. Bids are scheduled to be let in June for construction of the Transfer Station.

Fayette Co. Conference Board Paul Ryan reported on the April Fayette County Conference Board meeting he recently attended.

Iowa Dept. of Transportation Mtg. June 6th the Highway 150 Coalition needs to make a presentation to the Iowa Department of Transportation regarding improvements.

Vision Iowa Visit Mayor Murphy reported representatives of the Vision Iowa Committee will be in Oelwein May 7th to tour the Streetscape, Library and former Elliott's building. Council members were encouraged to attend the luncheon.

- Trees Murphy suggested Trees Forever, the Tree Board and some Council members get together to discuss an ash tree replacement program.
- Neighborhood Stabilization Program VanVeldhuizen stated he is still waiting receipt of the Neighborhood Stabilization Program contract from Iowa Department of Economic Development.
- City Administrator Kendall reported there will be bi-weekly conferences beginning May 5th to answer questions on this program. He reminded Council funds have been budgeted in the grant for administration work and recommended Council select a project manager shortly.
- Spring Clean Up Kendall reminded Council members that Saturday, May 2, 2009 will be the 38th city collection day for tires, automotive batteries, scrap metal, appliances and used motor oil. Curbside collection is scheduled by the Street Department for the following week.
- 1298 S Frederick Mainstay Mike Kerns questioned the zoning status of the Mainstay property located at 1298 South Frederick. This item will be listed on the May 11th City Council agenda.
- Howeitzer Ryan questioned Ericson as to the status of the proposed howeitzer for Veteran's Park. The item has been used for parts.
- Bike Trail Kerns shared photos of garbage and fallen trees along the Redgate/Levin trail. Bamboo shoots are pushing up. This item will be placed on the next Council agenda to discuss using Hotel/Motel money to fund upgrades to the trail. Murphy questioned whether a "Friends of the Parks" type group could be formed to assist in the maintenance.
- Dilapidated Property A nuisance property at 340 9th Avenue SW was also discussed and photos shared showing burn barrels, piles of scrap and junk. Kerns asked the Council to be pro-active when dealing with nuisance properties.
- Mayor Murphy suggested a work session with the new building inspector giving direction and reviewing the codes.
- Adjourn A motion was made by Ryan, seconded by Brandt to adjourn at 8:50 P.M. All voted aye.

Motion Carried

LARRY MURPHY, MAYOR

ATTEST:

STEVEN H. KENDALL, CITY ADMINISTRATOR

I, Steven H. Kendall, City Administrator in and for the City of Oelwein, Iowa do hereby certify that the above and foregoing is a true accounting of the Council Proceedings held April 27, 2009 and copy of said proceedings was furnished the Register May 5, 2009.

STEVEN H. KENDALL, CITY ADMINISTRATOR