

COUNCIL PROCEEDINGS

August 24, 2009

The Oelwein City Council met in regular session August 24, 2009 at 7:00 P.M.

- Roll Call PRESENT: Lein, Ericson, Kerns, Brandt, Ryan, Gosse
 ABSENT: Murphy
 ALSO PRESENT: Kendall, Rigdon, VanVeldhuizen
- Agenda Adopted A motion was made by Gosse, seconded by Ryan to adopt the agenda as amended. All voted aye.

Motion Carried
- Citizens
Paul Ganske Paul Ganske, 116 Eastline Road North reported he'd recently spoken with the County Supervisors and Engineer, J. D. King. He stated they were receptive towards installing culverts on Eastline Road, North – probably next year.

As this is a boundary road the City would be involved.

Brandt replied he'd be making a related report later in the agenda.
- Consent Agenda A motion was made by Kerns, seconded by Ericson to approve the following Consent Agenda items. Lein requested the Yankee Scoreboard liquor license renewal be removed from Consent and listed separately.

A. Minutes of the August 10, 2009 regular meeting
B. Claims Resolution in the amount of \$726,438.82
C. Class 'C' Liquor License and Sunday Sales renewal for Two Brothers
D. New Class 'C' Beer and Sunday Sales permit for Oelwein Mart East
E. New Cigarette permit for Oelwein Mart East.

All voted aye.

Motion Carried
- 20 Year Service
Award – Vic Kane Mayor Pro Tem Brandt presented a plaque to Utility Superintendent Victor Kane for 20 continuous years of service.
- Barb Wegner's
Downtown
Buildings Councilmen Gosse, Brandt and Ryan reported having met with Barb Wegner to look at her downtown buildings. Council had approved the use of Stratford Blue on both her buildings. She had previously requested white trim on the windows and doors. Brandt confirmed this with Barb Wegner for accuracy.

A motion was made by Gosse, seconded by Ryan to approve Stratford Blue with white window and door trim for Barb Wegner's downtown buildings. 5 voted aye, 1 (Lein) voted nay.

Motion Carried
- Kathy Adams
503 1st Avenue NE The Kathryn Adams request to cut down the parkway trees and/or tear up and replace the sidewalk near her house was discussed. Since the last meeting Council members had viewed the site to assess the situation. Sidewalk panels replaced approximately 10 years ago had not failed.

A motion was made by Lein, seconded by Ericson to deny the request. All voted aye.

Motion Carried

Park & Rec Comm. Wildflowers Park and Recreation Superintendent Steggall led the Park and Recreation Commission delegation in updating the Council on the wildflower project. An Iowa Living Roadways Grant Application is being completed.

Resolution #4585 Electronic Communications A motion was made by Ericson, seconded by Lein to adopt Resolution No. 4585 regarding Electronic Communications for City of Oelwein Governmental Body with the following changes:

Page 2 – Delete Alternate Provision

Page 4 – Add word “indirectly”

Ayes: Lein, Ericson, Kerns, Brandt, Gosse

Nays: Ryan

Motion Carried

Public Safety Mtg. Brandt reported on the August 24 Public Safety and Street Committee meeting. The Committee recommendation regarding loud outdoor music would drop the maximum decibel limit from 90 to 86 and cut off bands at midnight.

Steve Gabriel Steve Gabriel, operator of Gabe’s Place reported he has bands scheduled for September 4th and September 19th from 9:00 P.M. to 1:00 A.M. He’s always stayed below the 90 decibels at the property line. Six complaints were received at their last outdoor band event. He was not opposed to the 86 decibel limit.

Vince Michels Vince Michels, landlord of Gabe’s Place and former tavern operator informed Council of the decibel ordinance history. He stated motorcycles can be 110 decibels and a marching band 115 decibels.

86 decibels is based on historical readings of 84-87 decibels.

A motion was made by Gosse, seconded by Ryan to approve the Public Safety and Street Committee’s recommendation regarding loud outdoor music: maximum 86 decibels and stop playing at midnight.

Kerns stated he was not prepared to take action on this, needing a better understanding of decibel readings and loudness. Lein was not prepared to vote because it may be restricting entertainment options for the City’s younger public. 3 voted aye, 3 (Kerns, Ericson, Lein) voted nay.

Motion Denied

Chief Logan suggested and Steve Gabriel agreed to the following:

9:00 P.M. – 12:00 A.M. 90 decibels or below

12:00 A.M. – 1:00 A.M. 86 decibels or below

with readings being taken at the property line as well as any other areas in town.

A motion was made by Gosse, seconded by Kerns to approve the above proposal. All voted aye.

Motion Carried

- City Hall/Police Dept. Addition Brandt reported the Public Safety and Street Committee recommended the bids for the City Hall/Police Department Addition and Remodeling be rejected and rebid later. A USDA grant will be applied for to help fund the project.
- A motion was made by Gosse, seconded by Ericson to approve the Committee's recommendation. 5 voted aye, 1 (Lein) voted nay.
Motion Carried
- Outer Road North The Public Safety and Street Committee also voted to recommend that the Outer Road, North request to pave be listed in the City's 5-Year Plan (5th Year) subject to funding being secured. This would have to be synchronized with Fayette County as this is a joint jurisdiction (border) road.
- Resolution #4586 Transfers A motion was made by Kerns, seconded by Ryan to adopt Transfer Resolution No. 4586 from Bond Sale proceeds to Road Construction funds.
Ayes: Lein, Ericson, Kerns, Brandt, Ryan, Gosse
Nays: None
Motion Carried
- Yankee Scoreboard A motion was made by Lein, seconded by Gosse to table a Class 'C' Liquor License and Sunday Sales renewal for Yankee Scoreboard until further investigation can be done. All voted aye.
Motion Carried
- Fayette Co. Landfill Brandt reported on the August Fayette County Landfill Commission meeting. Construction on the transfer station has started. Household Hazardous Waste Collection will be held in Oelwein October 10 from 9:00 A.M. to 12:00 noon in conjunction with the Fall Clean Up Day.
- Airport Septic Ryan reported on the August Airport Board meeting. Tom Stewart will meet with the County Sanitarian regarding the septic tank project.
- Barb Wegner City Attorney VanVeldhuizen passed out copies of the City's agreement with Barb Wegner. It states she will have the right to access her second floor from the stairway between the Leo and her buildings. This written agreement supersedes any verbal discussion. Barb Wegner disagreed.
- Don Salisbury from the Dancing Lion insinuated an attorney had tampered with the contract as "that's how lawyers get bad names".
- Service Center Alley A motion was made by Gosse, seconded by Ryan to accept the Public Safety and Streets Committee recommendation to leave the ordinance on the one-way alley in the 600 block of South Frederick behind the Service Center as it is. All voted aye.
Motion Carried
- North Frederick Project The City Administrator reported rain has put this project behind schedule. It is now projected to be completed by September 18th.
- Unforeseen replacements of two catch basins will be necessary. No price for the extra work is available at this time.

Drainage Problem
1st Street & 3rd
Avenue SE

Street Superintendent Stewart reported back to the Council regarding an estimate on the drainage problem at the intersection of 1st Street and 3rd Avenue SE. Two bids were received:

Bryan Construction, Westgate	\$12,500
Suckow Construction, Oelwein	\$ 9,640

Both bids would require an additional \$1,921 for asphalt to be completed by the Street Department.

A motion was made by Gosse, seconded by Nathan to accept low bid from Suckow Construction in the amount of \$9,640 to be paid from unbudgeted Road Use Tax funds. All voted aye.

Motion Carried

Catch Basin
4th Street & 6th
Avenue SW

Street Superintendent Stewart reported regarding an estimate on relocating the catch basin on the southeast corner of the intersection of 4th Street and 6th Avenue SW. Two bids were received:

Bryan Construction, Westgate	\$3,750
Suckow Construction, Oelwein	\$4,100

A motion was made by Lein, seconded by Gosse to accept low bid from Bryan Construction in the amount of \$3,750. All voted aye.

Motion Carried

Zoning Board of
Adjustment

There will be a vacancy on the Zoning Board of Adjustment in November. The City tries to keep the Board geographically and gender balanced. The Complete Count Census Committee also has vacancies as does the Tree Board. In addition, the Upper Explorerland Regional Housing Commission Oelwein representative seat is vacant.

613 North Frederick

City Attorney VanVeldhuizen, Kendall and Jim Holz, NSP Administrator will discuss on Wednesday prioritizing properties. 613 North Frederick may be one of these properties.

A motion was made by Kerns, seconded by Gosse to authorize hiring the low bidder to demolish 613 North Frederick if the property does not qualify for NSP Funding. All voted aye.

Motion Carried

Adjourn

A motion was made by Ryan, seconded by Lein to adjourn at 8:15 P.M. All voted aye.

Motion Carried

DUANE BRANDT, MAYOR PRO TEM

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 August 24, 2009 and copy of said proceedings was furnished the Register August 28, 2009.

STEVEN H. KENDALL, CITY ADMINISTRATOR