

COUNCIL PROCEEDINGS

September 14, 2009

The Oelwein City Council met in regular session September 14, 2009 at 7:00 P.M.

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

Motion Carried
- Citizens
Betty Kellogg Betty Kellogg, 1004 10th Street SE stated water backs up on her land that was part of the old railroad right-of-way.

Transco is filling their portion of this same former rail bed with sand blasting sand. A portion of the Platt's/Sports Complex trail was constructed on top of it. She asserted the Transco sand is contaminated and the council treats her differently because she is a woman.

Mayor Murphy strongly disagreed with her assertions. The Department of Natural Resources approved the sand test results and authorized utilizing it for fill. The Council treats all citizens equally.

Attorney VanVeldhuizen offered this is a difference of opinion not likely to be settled in a confrontational manner at a Council meeting.
- Consent Agenda A motion was made by Gosse, seconded by Brandt to approve the following Consent Agenda items:

A. Minutes of the August 24, 2009 regular meeting
B. Special Class 'C' Liquor License and Sunday Sales renewal for First Garden
C. Class 'C' Liquor License and Sunday Sales renewal for Las Flores
D. Change Order No. 2 to Dolan Excavating in the amount of \$13,500 for North Frederick/Elmwood Drive Sanitary Sewer Project
E. Pay Request No. 3 to Dolan Excavating in the amount of \$67,199.70 for work completed on North Frederick/Elmwood Drive Sanitary Sewer Project.

All voted aye.

Motion Carried
- Yankee Scoreboard
Liquor License A motion was made by Gosse, seconded by Ryan to approve a the Class 'C' Liquor License and Sunday Sales renewal for the Yankee Scoreboard.

VanVeldhuizen reported the problem incident referenced at the last meeting was more than a year old. The Council had already approved their license renewal following that incident.

Lein offered that not all the information may have been previously available for the council to consider. He felt Council has an obligation to the public when businesses have chronic problems. Four voted aye, one (Lein), voted nay.

Motion Carried

7th Street SE Paving Lyle TeKippe, TeKippe Engineering updated the Council on the 7th Street SE project. Utility relocations continue to hold up paving. The street is being widened to match the pavement to the east. The subgrade needs to be stabilized by using a geo grid before the stone base and paving can take place. This will necessitate a change order estimated to be \$4,000. It will be relisted on the next Council agenda after actual costs have been determined.

East Trail Project Mr. TeKippe also reported on the East Trail project. The subcontractor upon completion of 7th Street SE subgrade will immediately switch over to the trails work. Kendall requested work start at the north end. The contractor's late start date is September 21st.

Decibel Ordinance First Reading Attorney VanVeldhuizen explained the proposed Ordinance amending the Code re: Decibel Level. This includes outside entertainment and motor vehicles. A survey of other Iowa cities ordinances was undertaken. Oelwein has a louder permitted noise level than any of them.

Decibel levels must be compliant at the edge of the city street or alley right-of-way. If a complaint is received the decibel level must also be compliant at the location of the complaint. Kerns had concerns that residential yard maintenance equipment (lawn mower, chainsaw, etc.) may be over the minimum decibels.

A motion was made by Gosse, seconded by Brandt to adopt the first reading of an Ordinance Amending Code re: Decibel Level.

Kerns requested Chief Logan measure sound decibels during the outdoor live band performance this next weekend and report back to Council.

Lein stated the present ordinance is concise and enforceable. From a prosecutors standpoint it would be very hard to enforce the proposed new ordinance as it is too complicated.

Ayes: Kerns, Brandt, Ryan, Gosse
Nays: Lein

Motion Carried

Street Dance Breast Cancer Fund Vickie Holmes, founder of the Oelwein "Men in Pink Skirts" requested permission to close the 100 block of South Frederick on September 26, 2009 from 7:00 P.M. to 11:00 P.M. for a street dance for a breast cancer fundraiser. Last year she raised \$2,200 to pay for free mammograms, child care and transportation for low income women in Fayette County.

Don Salisbury from Dancing Lion informed the Council that two of the five taverns already have live bands contracted for that night. After a lengthy discussion, Holmes agreed to change her dance time to 3:00 P.M. – 7:00 P.M.. Access to Las Flores restaurant front entrance will be kept open.

A motion was made by Gosse, seconded by Brandt to approve the request from Holmes and close the 100 block of South Frederick on September 26, 2009 from 1:00 P.M. – 7:00 P.M. All voted aye.

Motion Carried

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Resolution #4587 Street Report	<p>A motion was made by Lein, seconded by Kerns to adopt Resolution No. 4587 Approving 2009 Road Use Tax Street Report. Ayes: Kerns, Brandt, Ryan, Gosse, Lein Nays: None</p> <p style="text-align: center;">Motion Carried</p>
Library Board Meeting	<p>Kerns reported on the September Library Board meeting. The Board has requested additional information from Michael's Engineering regarding the energy audit. Randy Myott from Mercy Hospital will install a hand sanitizer station at no cost to the Library. Their budget carry-over request will be delayed pending resolution of the energy audit questions.</p>
Fayette Co. Landfill	<p>Brandt reported on the latest Fayette County Landfill meeting. Discussion on the hauling contract, bid letting, and preparation of a job description for the transfer station employee took place. Household hazardous waste collection will be held in Oelwein October 10 from 9:00 A.m. to 12:00 noon in conjunction with the City's Fall Clean Up day.</p>
Plaza Board	<p>Gosse reported on the September Plaza Board meeting. The Plaza has a beer and wine only license. Renters will need to provide \$250.00 deposit and proof of insurance if they plan to serve beer and wine. Use of hard liquor would cause the renter to lose their deposit. Tim Wolfe will take a computerized photo of the Franzen pictures in the entry to preserve the images.</p>
Transportation Policy Board	<p>A motion was made by Lein, seconded by Gosse to approve the Mayor's appointment of Duane Brandt as the Mayor's substitute on UERPC Transportation Policy Board. All voted aye.</p> <p style="text-align: center;">Motion Carried</p>
Census Complete Count Committee	<p>A motion was made by Ryan, seconded by Brandt to approve the Mayor's appointment of Vivian Koloc, Wally Rundle, Mona Arthur and Nick Trenkamp to the Census Complete Count Committee. All voted aye.</p> <p style="text-align: center;">Motion Carried</p>
Tree Board	<p>A motion was made by Gosse, seconded by Ryan to approve the Mayor's appointment of Sue Jensen to the Tree Board. All voted aye.</p> <p style="text-align: center;">Motion Carried</p>
Police Department Remodel	<p>Mayor Murphy created a new committee to review the long term needs of the Police Department prior to rebidding the remodeling project.</p> <p>A motion was made by Gosse, seconded by Lein to approve the Mayor's appointment of Duane Brandt, Nathan Lein, Dave Eick, Chief Logan and Steven Kendall to the committee. All voted aye.</p> <p style="text-align: center;">Motion Carried</p>
Nuisance Property	<p>Paul Ryan inquired and City Attorney VanVeldhuizen replied the Garceau 6th Avenue nuisance abatement case has been filed. A house on 1st Street NE is being considered for the Neighborhood Stabilization Program.</p>
Airport Septic	<p>Kendall reported a contractor has been hired to replace the septic system at the Airport.</p>
Hotel/Motel Tax Application	<p>The Planning, Finance, Enterprise and Economic Development Committee has an application from the Aviation Enthusiasts to review.</p>

Executive Session A motion was made by Lein, seconded by Ryan to go into Executive Session per Iowa Code Chapter 21.5 to discuss pending litigation, union negotiations and law enforcement.

Ayes: Kerns, Brandt, Ryan, Gosse, Lein

Nays: None

Motion Carried

Return to Regular Session A motion was made by Ryan, seconded by Lein to return to regular session.

Ayes: Kerns, Brandt, Ryan, Gosse, Lein

Nays: None

Motion Carried

Adjourn A motion was made by Gosse, seconded by Ryan to adjourn at 8:55 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 September 14, 2009 and copy of said proceedings was furnished the Register September 22, 2009.

STEVEN H. KENDALL, CITY ADMINISTRATOR