

COUNCIL PROCEEDINGS

September 28, 2009

The Oelwein City Council met in regular session September 28, 2009 at 7:00 P.M.

- Roll Call PRESENT: Ericson, Kerns, Brandt, Ryan, Gosse, Lein
 ABSENT: None
 ALSO PRESENT: Kendall, Rigdon, VanVeldhuizen
- Agenda Adopted A motion was made by Gosse, seconded by Ericson to adopt the agenda as amended. All voted aye.

Motion Carried
- Consent Agenda A motion was made by Brandt, seconded by Ericson to approve the following Consent Agenda items:
- A. Minutes of the September 14, 2009 regular meeting
 - B. Claims Resolution in the amount of \$550,972.83
 - C. Change Order No. 1 to Concrete Foundations, Inc. in the amount of \$3,824.80 for 7th Street SE project
 - D. Pay Request No. 1 to Concrete Foundations, Inc. in the amount of \$44,286.44 for work completed on 7th Street SE project
 - E. Change Order No. 1 to Concrete Foundations, Inc. in the amount of \$400.64 for 7th Street SE (City) project
 - F. Pay Request No. 1 to Concrete Foundations, Inc. in the amount of \$35,753.96 for work completed on 7th Street SE (City) project
 - G. Class 'C' Liquor License and Sunday Sales renewal for American Legion Ross Reid Post #9
 - H. Cigarette Permit Refund for Shiv #1 DBA Oelwein Mart East
 - I. Request from Dennis Martin re: Exterior Improvements to 1 & 9 South Frederick
- All voted aye. (Ericson abstained from #A).

Motion Carried
- Decibel Ordinance
2nd Reading Chief Logan reported back to the Council regarding decibel reading at the business property line. A slow song registered 87 decibels and a fast song was 93 decibels. Both songs were clearly heard on the east edge of the city.
- A motion was made by Ryan, seconded by Gosse to adopt the second reading of an ordinance amending code re: Decibel Level.
- Ayes: Ericson, Kerns, Brandt, Ryan, Gosse
Nays: Lein

Motion Carried
- Fayette Co. Local
Housing Trust Sandy Graf spoke regarding a request from the Fayette County Local Housing Trust Fund for \$15,000 in match money for fiscal year 2010-2011. A motion was made by Lein, seconded by Ericson to approve a funding request from the Fayette County Local Housing Trust Fund for fiscal year 2010-2011 for 25% match in the amount of \$15,000.00. This will come out of the Economic Development Fund. All voted aye.

Motion Carried

COUNCIL PROCEEDINGS, SEPTEMBER 28, 2009

Resolution #4588
Water Easement
Oelwein School
James Stewart

Attorney VanVeldhuizen explained the need for three utility easements for the 2010 Water Improvements project; two with the Oelwein Community Schools and one with James and Norma Stewart.

A motion was made by Lein, seconded by Ericson to adopt Resolution No. 4588 Authorizing Mayor's Signature on Water Main Easements with Oelwein Community Schools and James H. Stewart and Norma J. Stewart.
Ayes: Ericson, Kerns, Brandt, Ryan, Gosse, Lein
Nays: None

Motion Carried

North Frederick/
Elmwood Sanitary
Sewer Project
Change Order #3

A motion was made by Gosse, seconded by Ryan to approve Change Order No. 3 from Dolan Excavating requesting extension of the substantial completion date to October 2, 2009 and the final completion date to November 6, 2009 for the North Frederick and Elmwood Sanitary Sewer Improvement project. 5 voted aye, 1 (Lein) voted nay.

Motion Carried

Resolution # 4589
Set Public Hearing
SRF FONSI

A motion was made by Brandt, seconded by Ryan to adopt Resolution No. 4589 to Set Public Hearing for the State Revolving Fund Finding of No Significant Impact (FONSI) on November 9, 2009 at 7:00 P.M.
Ayes: Ericson, Kerns, Brandt, Ryan, Gosse, Lein
Nays: None

Motion Carried

Airport Board Mtg. Ryan reported on the September Airport Board meeting.

Park and Recreation
Meeting

Ericson reported on the September Park and Recreation Commission meeting. An inquiry was received by a property owner for a slight relocation of the trail near the 59 Well. Discussion ensued on whether the trail should be on the east or the west side of the well house.

East Trail Project

A motion was made by Gosse, seconded by Ryan to move the new trail to be located near the 59 Well further to the west adjacent to the tennis courts and to relocate it within Reidy Park further to the east. 3 voted aye (Gosse, Ryan, Lein), 3 voted nay (Ericson, Brandt, Kerns). Motion Denied

A motion was made by Ericson, seconded by Kerns to relocate the trail to the west side of the parkway sidewalk and to the south of the tree near the well driveway. 4 voted aye, 2 (Ryan, Gosse) voted nay.

Motion Carried

Ericson requested information on the campground occupancy rates for the year.

Murphy suggested having an amateur Frisbee Golf competition between the Oelwein City Council and the Oelwein community School Board.

OCAD Meeting Ryan reported on the September OCAD meeting.

Iowa League
Of Cities

Mayor Murphy announced the City of Oelwein had won the Iowa League of Cities 2009 All Star Award for mid-sized communities for partnering with NICC and Oelwein Community Schools for the RAMS project.

Work Session

Mayor Murphy reported he will be meeting with the Oelwein Community School Board and OCAD's Business Development Committee on October 12th to review past and present joint community projects.

COUNCIL PROCEEDINGS, SEPTEMBER 28, 2009, PAGE 3

Census 2010 Complete Count Committee A motion was made by Ryan, seconded by Kerns to approve the Mayor's appointment of Kathy Adams to the Census 2010 Complete Count Committee. All voted aye.

Motion Carried

6th Avenue SE
613 N. Frederick
1100 S Frederick Ericson inquired regarding the 6th Avenue SE Garceau house. Attorney VanVeldhuizen stated a lawsuit has been filed to demolish it as a nuisance property. Gosse inquired regarding 613 North Frederick. Attorney VanVeldhuizen stated he wanted to use the NSP Funds to demolish it. He also updated the Council regarding the old Dairy Queen building on South Frederick at 11th Street. The court ordered last Monday that the property owner has 30 days to demolish the structure. If it is not done by then the City has authorization to abate it.

A motion was made by Kerns, seconded by Ryan to have the City Administrator secure bids for demolishing 613 North Frederick and 1100 South Frederick. All voted aye.

Motion Carried

NSP Work Session Lein requested a status report from MSA on the Neighborhood Stabilization Program. A work session was scheduled for 5:30 P.M. on October 26, 2009 if MSA can make it.

Municipal Leadership Academy The first of three workshops of the Municipal Leadership Academy will be on Thursday, December 17 in Independence for new and returning council members.

Fall Clean Up On October 10th from 8:00 A.M. to Noon regular and Household Hazardous Waste Collection will be held. Fall brush pick up for Oelwein residents will be October 12-15.

Adjourn A motion was made by Ryan, seconded by Brandt to adjourn at 8:12 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 28, 2009 and copy of said proceedings was furnished the Register October 7, 2009.

STEVEN H. KENDALL, CITY ADMINISTRATOR