

COUNCIL PROCEEDINGS

October 26, 2009

The Oelwein City Council met in regular session October 26, 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 Gosse, seconded by Ryan to adopt the agenda as amended. All voted aye.

Motion Carried
- Mike & Paula
Reyerson Mike and Paula Reyerson, 404 North Frederick Avenue explained to the Council that their new driveway approach is steeper because the new sidewalk elevation is higher than the old one. Also, the shut off caps are approximately 1 ½" below the old sidewalk surface.

Vic Kane explained the shut-off will be adjusted flush to the surface once the sidewalk issue is resolved.

A motion was made by Gosse, seconded by Ryan to replace the sidewalk and negotiate a settlement with Fox Engineers. All voted aye.

Motion Carried
- Fashionaire
Styling Salon A motion was made by Gosse, seconded by Ryan to remove sod and replace with concrete on the parkway in front of the Fashionaire Styling Salon. The cost was estimated around \$950.00. All voted aye.

Motion Carried
- Eastline Road North Paul Ganske, 116 Eastline Road North reported to the Council that the County is planning on working on the box culvert on Eastline Road North next year. He also stated the County Board of Supervisors wants to pave this road in two years. This would be a joint project with the City. The Council has not been informed of it and there are no funds provided for it in the City budget.

A motion was made by Lein, seconded by Gosse to have the City contact the Board of Supervisors in order to ascertain their intentions. All voted aye.

Motion Carried
- Battery Fund Raiser Mike Kor of Arnold Motors informed the Council their battery collection fund raiser for the trail sidewalk near Arlington Place will raise between \$1,000 and \$1,500. The project is estimated to cost \$2,500 - \$3,000. He requested the walk be completed yet this year.

Mr. Kendall pointed out the Park and Recreation Commission had also wanted the battery proceeds to fund a sign(s) at Platt's Park. Mr. Kor emphasized only the trail walk was in this Arnold Motor fund raiser.

A motion was made by Kerns, seconded by Lein to have the City Administrator identify a funding source for the shortfall and have the project completed this year. All voted aye.

Motion Carried

- Consent Agenda A motion was made by Brandt, seconded by Kerns to approve the following consent agenda items:
- a. Approval of the minutes of the October 12, 2009 regular meeting with the following correction re: the decibel levels and roll call vote Nays: Lein and Kerns
 - b. Claims Resolution in the amount of \$574,414.17
 - c. Change Order No. 2 to C & R Construction in the amount of \$215.00 for CDBG Housing Rehabilitation Project located at 25 2nd Street NW
 - d. Final Pay Request to C & R Construction in the amount of \$8,946.50 for work completed on CDBG Housing Rehabilitation Project located at 25 2nd Street NW
 - e. Final Pay Request to C & R Construction in the amount of \$5,768.50 for Lead Hazard Reduction work completed on CDBG Housing Rehabilitation Project located at 25 2nd Street NW
 - f. Pay Request No. 2 to Concrete Foundations, Inc. in the amount of \$228,695.21 for work completed on 7th Street SE Improvements Project
 - g. Pay Request No. 4 to Dolan Excavating in the amount of \$133,953.33 for work completed on North Frederick/Elmwood Drive Sanitary Sewer Project
 - h. Class 'E' Liquor License renewal for Fareway Stores, Inc.
 - i. Selection of a Hearing Date (November 9th at 6:30 P.M.) for Jennifer Thornton and Tyrone Wilson's Vicious Dog Appeal.
 - j. Authorize Mayor's signature on a Letter of Support for Northeast Iowa Community Action Corporation's Affordable Housing Grant Application

All voted aye.

Motion Carried

Safety Awards Murphy presented the 2009 3rd quarter Safety Awards to Brandon DeJong, Cory Hagerman and David Niedert.

"A Child is Missing" Officer Reagan informed Council of the "A Child is Missing" nation wide free program which sends out 1000 phone calls per minute informing neighbors when a child, elderly or special needs person is missing.

A motion was made by Gosse, seconded by Brandt to support the usage of "A Child is Missing" program by Oelwein Police Department. All voted aye.

Motion Carried

Zoning – Lots 49, 50, 51, Block 5, Millers Addition Planning and Zoning reviewed Jerry Horkheimer's request to rezone Lots 49, 50, 51, Miller's Addition from R1 to C2. In C2 zoning an off-premise sign (for Luigi's Restaurant) could be installed. In the present residential zoning it is not allowed. A motion was made by Kerns, seconded by Gosse to accept the Planning and Zoning recommendation to rezone Lots 49, 50, 51, Block 5, Millers Addition from R1 to C2 and direct the City Attorney to prepare proceedings for rezoning for the next Council meeting.

Lein and Kerns expressed their opinion citizens should follow proper permitting and zoning requirements and not expect the City Council to make exceptions after the fact.

3 voted aye, 2 (Lein, Kerns) voted nay. Motion Carried

VanVeldhuizen explained that four affirmative votes would be required when the Council actually votes to rezone or the motion will fail.

Code Review
Committee

A written report on the first Code Review Committee meeting had been prepared and will be distributed to Council members shortly.

NSP RARA

A motion was made by Gosse, seconded by Ryan to adopt NSP Residential Anti-displacement and Relocation Assistance (RARA) Plan. All voted aye.

Motion Carried

NSP Contract

Kendall explained the changes to the NSP draft contract.

A motion was made by Brandt, seconded by Kerns to approve the Mayor's signature on a request for an Amendment to the NSP Contract with Iowa Department of Economic Development. All voted aye.

Motion Carried

East Charles
Water Main

A motion was made by Gosse, seconded by Ryan to approve a Water Main Design Contract with Fox Engineers for East Charles and 1st Street SE at a cost of \$24,870.00. All voted aye.

Motion Carried

Saur Lot
Community Tree

Brandt reported Old Tyme Christmas and the Rotary Club are interested in taking on the lighting of the former Saur property Community Celebration Tree.

A motion was made by Lein, seconded by Gosse to approve the purchase of 400 feet of LED commercial grade lighting at \$312 with Hotel/Motel tax proceeds. All voted aye.

Motion Carried

Airport Board Mtg.

Ryan reported on the October Airport Board meeting. Kendall, Ryan and three Airport Board members attended an all day "Airport 101" seminar at Kirkwood Community College on October 22nd.

Landfill Meeting

Brandt reported on the October Fayette County Landfill Commission meeting. On October 28, 2009 the Landfill will be closed for six hours to make electrical changes.

City Park

The Backbone Country Sams camping group this fall purchased and planted over 200 flowering bulbs near the shower house in City Park.

Frisbee Golf

Lein reported there were 50 participants in the disc golf tournament held this month. Organizers plan to start a league in 2010, also a 2 day tournament.

Planning, Finance,
Enterprise and
Economic Devel.

Gosse reported on the October Planning, Finance, Enterprise and Economic Development meeting.

A motion was made by Ryan, seconded by Gosse to approve the Committee recommendation to deny a Demolition Funding request for the Wardell property located at 705 3rd Avenue NE. 4 voted aye, 1 (Brandt) voted nay.

Motion Carried

Employment
Contracts

A motion was made by Gosse, seconded by Ryan to direct the City Attorney to draft employment contract with proposed changes from work session discussion. All voted aye.

Motion Carried

Plaza Board A motion was made by Kerns, seconded by Gosse to approve the Mayor's appointment of Karen Cannon and Al Sanderson to the Community Plaza Board of Governors. All voted aye.

Motion Carried

OPIC Building Passageway A motion was made by Gosse, seconded by Brandt to use the four remaining sidewalk diamond medallions in the walk way going through the old Gamble's building.

A straight row of bricks will also be incorporated in the design. Kerns expressed concern as the four remaining medallions were to be kept as spares. 5 voted aye, 1 (Kerns) abstained.

Motion Carried

Water Work Session The City Council needs to set a Work Session with Fox Engineers on Water, Wastewater Treatment Plant and Abraxis utility needs. A tentative date of November 16th was set.

North Frederick/ Elmwood Drive Dolan Excavating will be re-excavating the manhole on North Frederick at 5th Street.

Abatement Housing List Kerns had previously requested an updated status report on the abatement list. An updated list prepared by VanVeldhuizen, Prouty and Logan was distributed.

Kerns expressed concern regarding the Council's leniency towards citizens who do not follow code and then request permission after the fact.

Farmers Market Lein suggested an indoor Farmers Market year round at the Plaza to support "grown local grown fresh". Gosse will inquire at the next Plaza Board meeting.

DQ Demolition Ryan questioned VanVeldhuizen on the old Dairy Queen status.

Adjourn A motion was made by Ryan, seconded by Lein to adjourn at 8:33 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 October 26, 2009 and copy of said proceedings was furnished the Register November 2, 2009.

STEVEN H. KENDALL, CITY ADMINISTRATOR