

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: Winterset City Council

Date of Meeting: March 7, 2016

Time of Meeting: 7:00 PM

Place of Meeting: City Hall

PUBLIC NOTICE IS HEREBY GIVEN that the above-mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for said meeting is as follows:

AGENDA:

- 7:00 1. Call to order, Pledge of Allegiance, roll call, adopt agenda
- 7:00 2. Reports from City Boards & Departments
- 7:20 3. FY 2016-17 Budget
 - public hearing
 - resolution approving budget
- 7:30 4. Public hearing on status of CDBG project
- 7:40 5. Cigarette permit violation – Dollar General
- 7:50 6. Request for sewer charge adjustment
- 8:00 7. Liquor license renewal – Northside Café
- 8:05 8. Native wine permit renewal – Montross Pharmacy
- 8:10 9. Administrator report
- 8:20 10. Claims
- 8:25 11. Minutes Feb. 15th meeting
- 8:30 12. Public comment
- 8:35 13. Adjournment

This notice is given pursuant to Chapter 28A, Code of Iowa and the local rules of said governmental body.

DATE POSTED: March 3, 2016

BY: _____

Title: City Administrator

City Council of the City of Winterset, Iowa met in regular session on March 7, 2016 in accordance with the above Notice and Call of Public meeting. The meeting was called to order by Mayor Protem Howard Harrell with the following members of the Council in attendance:

PRESENT: Mike Fletcher, Howard Harrell, Philip Macumber, Edmund Seaward, Scott Stover

ABSENT: None

The Mayor Protem recognized students from the High School government class who were in attendance at the Council meeting this evening. Those students included: Jaymie Lankford-Ewoldsen, Dakota Akers, Kassie Trimble, Rylee Mapes, Deserre Johnson, Devin Fleming, Chancellor Penkins, Brock Allen, Ethan Davis, Jenna Nielsen, Cory Spilman, Jack Barker and Colby Van Pelt.

The Mayor Protem called for any additions or deletions to the agenda. A motion was made by Council Member Macumber and seconded by Council Member Fletcher to approve the agenda as set forth in the Notice and Call of Public meeting. Roll call vote:

AYES: Harrell, Macumber, Stover, Fletcher

NAYS: None

Whereupon the Mayor Protem declared that the motion carried.

The Mayor Protem stated that the Council would first hear reports from the City Boards & City Departments. The Mayor Protem first recognized Nancy Trask and asked for a report from the Library. Nancy Trask presented a written report to the Mayor and Council and noted that the minutes of the recent Library Board meeting had previously been provided to the Council. She went on to report on several of the items in her monthly report.

The Mayor Protem then recognized John Pletchette and asked for a report from the Park & Recreation Commission. Mr. Pletchette stated that they are finishing up the second City Guide program and will be mailing this to everyone in town. He stated that the Dog Park Committee will appear before the Iowa CAT Grant Board again. He stated that it looks hopeful that a CAT grant of \$37,000 will be approved for this project. Mr. Pletchette then provided an update on the upcoming season at the Aquatic Center. He stated that most of the staff has been hired. He stated that they are taking bids now for painting the pool later this year.

The Mayor Protem recognized Police Chief Ken Burk and asked for a report from the Police Department. Chief Burk presented a written report to the Mayor and Council and reported on several of the items in his report. He noted that they had received grant money for purchasing bullet proof vests and also a donation from a fund raiser at the Northside Café which provide \$1,312.81 in funds to help purchase three bullet proof vests. The Chief thanked Michele and Walter Jahncke for making this generous donation. The Chief stated that they had an incident in February where a dog attacked and killed another dog here in town. He stated that the dog was not licensed and was not up to date on vaccinations. He stated that the dog was impounded at the Winterset Vet Clinic and the owner had indicated that she would remove the dog from the City. He stated that the owner instead took the dog home, so the City arranged for a hearing before the Mayor to have the dog declared as vicious animal.

The Mayor Protem recognized Assistant Fire Chief Jeff Johnston and asked for a report from the Fire Department. Jeff Johnston reported on the number of calls that the Fire Department responded to in the past month. He also report on training that 12 of the Firefighters attended at fire school in Ames.

The Mayor Protem stated that the next item on the agenda is public hearing on the proposed budget for Fiscal Year 2016-17. The Mayor Protem called for any comments or objections to the proposed budget to be voiced at this time. Following a period of questions and answers, and general discussion, the Mayor Protem declared that the public hearing was now closed.

A motion was then made by Council Member Stover and seconded by Council Member Macumber to approve the following resolution. Roll call vote:

AYES: Harrell, Macumber, Seaward, Stover, Fletcher

NAYS: None

Whereupon the Mayor Protem declared that the following resolution was duly adopted.

RESOLUTION NO. 2016-26

RESOLUTION APPROVING FY 2016-17 BUDGET

BE IT RESOLVED by the City Council of the City of Winterset, Iowa that the budget for FY 2016-17 is hereby approved.

Passed and approved this 4th day of March 2016.

Howard Harrell, Mayor Pro Tem

ATTEST:

Mark Nitchals, City Administrator

The Mayor Protem stated that the next item on the agenda is a public hearing on the status of the CDBG project. The Mayor Protem recognized Tim Ostroski from the Southern Iowa Council of Governments and asked that he further report on this matter. Mr. Ostroski stated that a second public hearing during the course of the construction project is a requirement of the grant. He stated that the project is 65% completed. He stated that the need for the project was determined following completion of local meetings, Council meetings and engineering studies. He stated that the total CDBG contract is \$584,300 and the total project cost is \$1,919,004. He stated that to date no problems during the construction phase has occurred. He stated that as of March 7, 2016 \$571,081

in CDBG funds have been incurred and \$518,098 had been expended. He stated that there is a current request for \$52,983 which has not yet been received. He stated that no households were displaced as a result of this project. He stated that the City's contract with the Iowa Department of Economic Development expires on June 3, 2017 and no time extension will be requested.

The Mayor Protem stated that the next item on the agenda is a cigarette permit violation at Dollar General Store. The City Administrator that during a compliance check conducted by the Winterset Police Department a store clerk at the Dollar General Store sold cigarettes to an under aged person. He stated that the store clerk has pled guilty to the criminal charges and it is now time to assess a civil penalty against the cigarette permit holder. He stated that the Iowa Attorney General's office has advised that a civil penalty of \$300 should be assessed for a first time violation. Following a brief period of discussion, a motion was made by Council Member Seaward and seconded by Council Member Fletcher to adopt the following resolution. Roll call vote:

AYES: Harrell, Macumber, Seaward, Stover, Fletcher

NAYS: None

Whereupon the Mayor Protem declared that the following resolution was duly adopted.

RESOLUTION NO. 2016-27

RESOLUTION ASSESSING CIVIL PENALTY FOR
CIGARETTE PERMIT VIOLATION

WHEREAS, the Winterset Police Department conducts compliance checks to monitor for the sale of tobacco products to underage persons; and

WHEREAS compliance checks conducted on Jan. 12, 2016 resulted in a violation at the Dollar General Store located at 818 N. 1st Street; and

WHEREAS Iowa Code Section 453A provides that the cigarette permit holder where such a compliance violation occurred shall be assessed a civil penalty of \$300 for the first offense violation; and

WHEREAS the cigarette permit holder has the right to appeal the assessment of the civil penalty by requesting a hearing before the City Council.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Winterset, Iowa that a civil penalty of \$300.000 for a first offense violation for sale of tobacco products to an underage person is assessed to Dollar General Store.

BE IT FURTHER RESOLVED that April 18, 2016 is set as the date for a hearing if the cigarette permit holder appeals the assessment of the civil penalty as prescribed above.

Passed and approved this 7th day of March 2016.

Howard Harrell, Mayor Protem

ATTEST:

Mark Nitchals, City Administrator

The Mayor Protem called for a report on the sewer charge adjustment. The Administrator presented a copy of the letter from the owners of a house located at 316 N 6th Avenue. He stated that this house is owned by the Grace Baptist Church and is used by the instructors at their Academy. He stated that during Christmas break while the instructors were away, a toilet was left running, resulting in a high water usage and high sewer charge. He stated that applying the standard policy for sewer adjustments would result in a credit of \$44 for this sewer account. He noted that the letter stated that the toilet had been repaired and that the residents of the house were instructed to shut off the water if they were to be gone for an extended period of time. Council Member Harrell then introduced the following resolution and moved for its adoption. Council Member Macumber seconded the motion. Roll call vote:

AYES: Harrell, Macumber, Seaward, Stover, Fletcher

NAYS: None

Whereupon the Mayor Protem declared that the following resolution was duly adopted.

RESOLUTION NO. 2016 - 28

RESOLUTION APPROVING SEWER CHARGE ADJUSTMENT

WHEREAS a house owned by Grace Baptist Church located at 316 N 6th Avenue recently experienced a large sewer charge due to the failure of the toilet in the house.

WHEREAS the owners of the house have made repairs and have instructed the residents of the house to shut off the water when they are gone for extended periods of time.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Winterset, Iowa that a credit of \$44 be applied to the sewer charge for a house located at 316 N 6th Avenue.

Passed and approved this 7th day of March 2016.

Howard Harrell, Mayor Protem

ATTEST:

Mark Nitchals, City Administrator

The Mayor Protem stated that the next item on the agenda is consideration of a liquor license renewal for Northside Café. The Police Chief noted that the Police Department has not had compliance issues at this business. Council Member Harrell then introduced the following resolution and moved for its adoption. Council Member Stover seconded the motion. Roll call vote:

AYES: Harrell, Macumber, Seaward, Stover, Fletcher

NAYS: None

Whereupon the Mayor Protem declared that the following resolution was duly adopted.

RESOLUTION NO. 2016 - 29

RESOLUTION APPROVING APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

WHEREAS, there is on file in the office of the City Administrator an application for a Class B beer, Class C Native Wine & Sunday sales permit filed by Michele Jahncke dba Northside Café LLC accompanied by the \$265.00 fee to the Iowa Department of Commerce, Alcoholic Beverages Division, and

WHEREAS, after due investigation and consideration of said matter, it is considered that the application should be granted and recommendations be made that the permit be granted.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winterset that an application from Michele Jahncke dba Northside Café LLC. for a Class B beer, Class C Native Wine & Sunday sales permit is hereby approved and it is recommended that such license be granted

Passed and approved this 7th day of March 2016.

Howard Harrell, Mayor Protem

ATTEST:

Mark Nitchals, City Administrator

The Mayor Protem stated that the next item on the agenda is consideration of the Liquor License renewal for Montross Pharmacy. The Police Chief stated that the Police Department has not had compliance problems at this business. A motion was made by Council Member Harrell and seconded by Council Member Stover to approve the following resolution. Roll call vote:

AYES: Harrell, Macumber, Seaward, Stover, Fletcher

NAYS: None

Whereupon the Mayor Protem declared that the following resolution was duly adopted.

RESOLUTION NO. 2016 - 30

RESOLUTION APPROVING
LIQUOR LICENSE APPLICATION

WHEREAS, there is now on file in the office of the City Administrator application for renewal of Montross Pharmacy Native Wine permit.

WHEREAS, after due investigation and consideration of said matter, it is considered that the applications should be approved and recommendation be made that the above listed liquor licenses be granted.

NOW, THEREFORE, BE IT RESOLVED that it is recommended the liquor license be granted for Montross Pharmacy Native Wine permit.

Passed and approved this 7th day of March 2016.

Howard Harrell, Mayor Protem

Attest:

Mark Nitchals, City Administrator

The Mayor Protem called upon the Administrator to present his report at this time. The Administrator reported that he had a call from a resident who had a number of yard waste bags who didn't want to wait until April for collection. The Administrator stated that our contract with Waste Management calls for yard waste collection starting in April and continuing through November. He stated that every year, there is a few phone calls in March from people who want yard waste collection to start sooner than the first of April. He stated that if we were to move yard waste collection up a month, it would mean a change in the contract and undoubtedly a change in the monthly contract price. He stated that he was not sure if Waste Management would even offer to start yard waste collection a month earlier.

The Administrator stated that he spoke with our bond counsel, John Danos, about the process of utilizing TIF to finance the local share of the proposed airport expansion project. He stated that there are basically three ways a bond issue could be structured for such a project. He stated that one way would be to issue a pure TIF revenue bond payable only from TIF revenues. Another way would be to issue a general obligation - essential purpose bond that would have a lower interest rate because it would be secured by the ability of the City to levy property taxes to service this debt. The Administrator stated that yet another way would be for the City to enter into a development agreement with an annual appropriation requirement pledging the TIF revenues to the Airport Authority, and the bond would be issued by the Airport Authority. The Administrator stated that this arrangement would be less secure than the other options and there may not be any buyers for such a bond. He stated that Bond Counsel advised that any of these bonds could be issued following a public hearing. He stated that prior to issuing any bonds, the first step of the process would be to amend the urban renewal plan to provide for an airport expansion project. This step would require a public hearing and also a consultation meeting with the County and the School District.

The Administrator stated that there is incremental valuation in the Winterset Urban Renewal Area that is not used, according to an annual report required by the Iowa Dept. of Management. He stated that the latest report shows \$12,869,874 of incremental not used, which results in \$466,614 in TIF revenue not used. He stated that if the City would have to use some of this "increment not used" in order to generate TIF revenue to service the debt for an airport project. He stated that this would result in decreased tax revenues for the City's General Fund, as well as decreased tax revenues for the County and the School District.

The Administrator stated that he was contacted by the Northside Café about taking over Bike Night. He stated that he was told that the previous organizers of Bike Night wanted to hand over the event to someone else. He stated that Michele Jahncke from the Northside called and wanted to know if they could add Bike Night to their liquor license, or if they would need to obtain a separate liquor license for this event. He stated that the Iowa Alcoholic Beverage Control Division had advised that the Northside could add an outdoor service area endorsement to their liquor license, and they would also have to change their dram shop insurance policy to cover the event. He stated that Michelle Jahncke also contacted the Mayor, who informed her that he would no longer close the downtown streets for Bike Night.

The Mayor Protem called for a report on the claims. Council Member Harrell stated that he reviewed the claims and moved to approve the following list of claims. Council Member Stover seconded the motion. Roll call vote:

AYES: Harrell, Macumber, Seaward, Stover, Fletcher

NAYS: None

Whereupon the Mayor declared that the motion carried.

GENERAL

POLICE:

Brittains Std Parts, equip repairs	119.90
Carpenter Uniform Co, uniforms	60.00
Chief, duty equipment/locks/safety boots- Halverson/equipment	246.92
Ed Roehr Safety Products, light holder/flashlight/safety vests	2,467.71
Intoximeter Inc., mouthpieces	47.50
Keltek Inc., radio repairs	200.00
Madison Co Sheriff's Office, dispatch service	2,449.74
Madison CO Tire, tire repairs	69.00
Madison Co Treasurer, gasoline	858.13
Payroll Account, salaries	18,453.93
Roush Collision & Restoration, repair damage	1,983.83
Verizon, data plan	280.13
Winterset Municipal Utilities, utilities	69.78

FIRE:

Agriland FS Inc., gasoline	13.98
B & J Plumbing Heating & AC, furnace A/C repairs	1,500.00
CenturyLink, phone service	104.30
MidAmerican Energy Co., gas service	240.99
Verizon, cellular service	40.01

ADMINISTRATION:

Flander, Casper & Rosien PC, atty fees	550.00
Johnson Insurance, add'l premium	294.00
Payroll Account, salaries	1,475.00
Payroll Account, salaries	4,171.03
Winterset Madisonian, pub	544.46

ANIMAL CONTROL:

Payroll Account, salaries	112.44
Winterset Veterinary Center, impound fees	232.10

BUILDING INSPECTOR:

Payroll Account, salaries	1,211.25
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TRANSFER:

Internal Service Fund, reimb internal	2,934.70
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AIRPORT:

Winterset Airport Authority, approp	3,274.25
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ECONOMIC DEVELOPMENT:

Madison Co Alliance Group, approp	3,541.67
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GARBAGE FUND

SOLID WASTE/GARBAGE:

Payroll Account, salaries	619.24
Payroll Account, benefits	465.74
Waste Mgmt of Iowa, garbage service	21,938.55

INTERNAL SERVICE FUND

ADMINISTRATION:

Access Systems, maint contract	765.45
Brandy Decker, cleaning service	200.00
Breedings Hardware, ice melt	628.00
CIT, copier lease	368.30
D & D Pest Control, pest control	35.00
Employee Benefit Systems, HRA admin fees	331.10
F & M State Bank, ACH fees	176.50
Feirer Enterprises Inc., website maint	59.00
Gary's Enterprises, window cleaning	18.00
M & M Sales Co., copier maintn	23.89
Mailfinance, meter lease	1,430.52
Winterset Municipal Utilities, utilities	1,434.05

ROAD USE TAX

ROADWAY MAINTENANCE:

Air Cooled Engines, equip maint	33.46
Breedings Hardware, safety boots/Decker	89.99
Brittains Std Parts, truck maint/truck repairs	454.43
Browns Heavy Equipment Inc., equip repairs	850.24
Construction & Aggregate Prod, equip repairs	1,723.90
Doc's Soft Water, office supplies	5.50
Electric Engineering, pager maintn	23.90
Family Center, hdw supplies	124.33
Grimes Asphalt & Paving Corp, cold mix	3,213.46
IA Assoc of Municipal Utilities, CIASSO dues	238.92
Iowa One Call, locates	2.03
MidAmerican Energy Co., gas service	564.41
Overhead Door Co., door repairs	375.75
Payroll Account, salaries	6,003.77
Simon Welding, equip repairs	595.36
Waste Mgmt of Iowa, garbage service	65.00
Winterset Municipal Utilities, utilities	6,164.78
Zee Medical Inc., first aid supplies	66.55

STREET CLEANING:

Trans-Iowa Equipment, sweeper repairs	34.26
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SNOW REMOVAL:

Blackstrap Inc., salt	3,556.86
Brittains Std Parts, truck repairs	222.79
Dan Alexander, snow removal	105.00
Family Center, hdw supplies	60.66
Payroll Account, salaries	2,817.02

SEWER UTILITY FUND

SANITARY SEWER:

Accujet LLC, line jetting	300.00
Air-Mach Inc., compressor pump	4,837.15
Breedings Hardware, tools	162.48
CR Services, safety shirts	90.76
Family Center, pump/hdw supplies	196.49
Hawkins Inc., chemicals	1,260.70
Hawkins Inc., chemicals	2,521.40
IA Assoc of Municipal Utilities, CIASSO dues	238.92
Internal Service Fund, reimb internal	1,956.47
Iowa One Call, locates	2.03
J & L Sanitation, garbage service	140.00
Martin Marietta Agg, rock	611.57
Payroll Account, benefits	5,340.34
Payroll Account, salaries	7,384.89
Rist & Assoc Inc., exhaust fan	374.00
Sewer Improvement Project Fund, transfer	15,000.00
Sewer Revenue Bond Sinking, transfer	13,173.50
Verizon, cellular service	146.59
Winterset Municipal Utilities, utilities	7,426.36

SEWER IMPROVEMENT FUND

SANITARY SEWER:

CL Carroll Inc., pay est #7	187,221.72
HD Supply Waterworks LTD, plant repairs	1,994.60

SICOG, grant admin	12,699.00
Veenstra & Kimm Inc., engineer fees	11,369.38
PAVING PROJECT FUND	
<u>ROADWAY MAINTENANCE:</u>	
Snyder & Associates, engineer fees	1,335.00
TRUST & AGENCY	
<u>POLICE:</u>	
Payroll Account, benefits	10,889.57
<u>ADMINISTRATION:</u>	
Payroll Account, benefits	3,086.29
<u>ROADWAY MAINTENANCE:</u>	
Payroll Account, benefits	7,061.51

The Mayor Protem stated that the minutes of the February 15, 2016 City Council meeting were previously distributed to the Council Members for their review. A motion was made by Council Member Seaward to approve the minutes of the February 15, 2016 City Council meeting the motion was seconded by Council Member Macumber. Roll call vote:

AYES: Harrell, Macumber, Seaward, Stover, Fletcher

NAYS: None

Whereupon the Mayor Protem declared that the motion carried.

The Mayor Protem noted that no one had signed up for making any public comments at this time.

A motion was then made by Council Member Stover and seconded by Council Member Fletcher to adjourn the meeting. Roll call vote:

AYES: Harrell, Macumber, Seaward, Stover, Fletcher

NAYS: None

Whereupon the Mayor Protem declared that the motion carried and the meeting was now adjourned.

Howard Harrell, Mayor Protem

ATTEST:

Mark Nitchals, City Administrator