

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: Winterset City Council

Date of Meeting: March 20, 2017

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. Report from Madison County Development Group
- 7:10 3. Report from Winterset Municipal Utilities
- 7:20 4. Proposed ordinance amending zoning permitted uses
- 7:30 5. Plat of survey 032017
- 7:40 6. Request for sewer charge adjustment
- 7:50 7. Liquor license renewal – Cobblestone Inn
- 7:55 8. Native wine permit renewal – Montross Pharmacy
- 8:00 9. Liquor license application – The Winterset Stage
- 8:10 10. Administrator report
- 8:20 11. Claims
- 8:25 12. Minutes March 6th meeting
- 8:30 13. Public comment
- 8:35 14. Adjournment

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

DATE POSTED: March 16, 2017

BY:

Title: City Administrator

City Council of the City of Winterset, Iowa met in regular session on March 20, 2017 in accordance with the above Notice and Call of Public meeting. The meeting was called to order by Mayor Pro Tem 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 Pro Tem called for any changes 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: Seaward, Stover, Fletcher, Harrell, Macumber

NAYS: None

Whereupon the Mayor Pro Tem declared that the motion carried.

The Mayor Pro Tem first called for a report from the Madison County Development Group. Tom Leners addressed the Council and presented a written report summarizing activities he has been involved with during the past month. He stated that much of his time was devoted to assisting a new nursing home with the State approval's for the certificate of need. He stated that this will be an \$8 million project that should be beneficial to the

community. He also reported on the application time frame for the Greater Madison County Community Foundation grants.

The Mayor Pro Tem recognized Scott Wesselmann and asked for a report from the Winterset Municipal Utilities. Mr. Wesselmann stated that the sand filters at the Water Plant are being replaced. He stated that they have hired a company for a yearly inspection and maintenance of the spillway. He stated that the Electric Department has recently purchased a new service truck that will be used primarily for underground work. He stated that they are planning a new underground project which will result in about 80% to 90% of the system being underground. He stated that CIPCO is rebuilding their primary line through town which is requiring the Winterset Municipal Utilities to bury their lines, which had been installed on the same poles. Mr. Wesselmann stated that Gary Emmert, the new Board Member, had his first Board meeting earlier today. He stated that Patty Weeks was elected as the new Chair for the Board of Trustees.

The Mayor Pro Tem stated that the next item on the agenda is the ordinance amending the Zoning regulations regarding permitted uses in the Downtown Commercial District. The Mayor Pro Tem stated that the ordinance had been given first reading at the previous Council meeting. Following brief discussion, a motion was made by Council Member Seaward and seconded by Council Member Stover for second reading of the proposed ordinance. Roll call vote:

AYES: Seaward, Stover, Fletcher, Harrell, Macumber

NAYS: None

Whereupon the Mayor Pro Tem declared that the motion carried and directed that the ordinance be given second reading at this time.

The Mayor Pro Tem called for a report on the Plat of Survey. Assistant City Administrator Bob Hendricks presented a copy of the proposed Plat of Survey and a map showing the location of the property in relationship to the City. He stated that this property is located along Pammel Park Road and is within the City's two-mile planning jurisdiction. He stated that the Planning & Zoning recently met and determined that this area is not in the City's service territory and recommended approval of the Plat of Survey. Following a period of discussion, a motion was made by Council Member Stover to approve the following resolution. Council Member Macumber seconded the motion. Roll call vote:

AYES: Seaward, Stover, Fletcher, Harrell, Macumber

NAYS: None

Whereupon the Mayor Pro Tem declared that the following resolution is duly adopted.

RESOLUTION NO. 2017-35

RESOLUTION APPROVING PLAT OF SURVEY

WHEREAS there was filed in the office of the Zoning Administrator of the City of Winterset, Iowa, a plat of survey of property owned by Ryan Breeding and Karly Breeding; and

WHEREAS the parcel of land comprising said plat of survey is described as follows:

Legal Description: Parcel "E"

A parcel of land located in and forming a part of Section 10, Township 75 North, Range 28 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

Commencing at the South Quarter Corner of said Section 10; thence North 00°47'36" East along the West Line of the Southwest Quarter of the Southeast Quarter of said Section 10, a distance of 65.51 feet to the Point of Beginning and a point on the Centerline of Pammel Park Road; thence continuing North 00°47'36" East, a distance of 1247.77 feet to the Northwest Corner of the Southwest Quarter of the Southeast Quarter of said Section 10; thence North 00°47'36" East along the West Line of the Northwest Quarter of the Southeast Quarter of said Section 10, a distance of 70.00 feet; thence South 89°45'21" East, a distance of 715.29 feet to a point on the Centerline of Pammel

Park Road; thence South 29°07'51" West along the Centerline of Pammel Park Road, a distance of 79.95 feet to a point on the North Line of the Southwest Quarter of the Southeast Quarter of said Section 10; thence continuing South 29°07'51" West along the Centerline of Pammel Park Road, a distance of 1382.77 feet; thence Southwesterly along a curve concave Northwesterly having a radius of 1146.00 feet, an arc length of 42.70 feet, a chord length of 42.70 feet and a chord bearing of South 30°11'54" West to the Point of Beginning, containing 10.83 Acres, which includes 1.66 Acres of Public Highway Easement, subject to all easements, restrictions and covenants of record.

WHEREAS the Planning & Zoning Commission of the City of Winterset, Iowa, has reviewed said plat of survey and finds that the plat of survey conforms to the provisions of the land use plan and is in compliance with the Ordinances of the City of Winterset, Madison County, Iowa, and recommends that the plat of survey should be approved by the City Council of the City of Winterset, Iowa.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Winterset, Iowa:

1. The plat of survey on property owned by Ryan Breeding and Karly Breeding as described above is hereby approved.
2. The requirement of the Subdivision Ordinance of the City of Winterset, Iowa that certain improvements be constructed within said plat of survey is hereby waived.
3. The Zoning Administrator of the City of Winterset, Iowa, is hereby directed to certify this resolution which shall be affixed to said plat to the County Recorder which should be filed and recorded in connection therewith.

Passed and approved this 20th day of March, 2017.

Howard Harrell, Mayor Pro Tem

ATTEST:

Mark Nitchals, City Administrator

The Mayor Pro Tem called for a report on the request for sewer charge adjustment. The City Administrator provided copies of a letter from Shafer Construction regarding a large water and sewer charge for a property they owned located at 224 E Jefferson St. He stated that the tenants that have been living in this rental house had moved out in October and the utility services were back in the name of the landlord, Shafer Construction. He stated that during the cold weather in December, pipes froze in the basement of the house and water ran for a considerable period of time. He stated that 31,700 cubic feet of water was metered, which equates to 237,000 gallons of water. He stated that the sewer charge for this amount of water usage was \$1,913.85. The Administrator stated that following previously established policy, the revised bill would calculate to \$280.35 which would mean a savings of \$1,633.50 to the customer.

Discussion followed on the request. Concern was expressed that the owner did not properly maintain the house after the tenants had moved out. Concern was also expressed that the intent of the policy was to assist residence with their large charges, but not necessarily assist landlords and business owners. A question came up regarding the adjustment that was made by the Utility Board. The Administrator stated that the General Manager of the Utilities informed him that the Board had not yet made a decision on the adjustment for this property. Following further discussion, the consensus of the Council was to review the City's policy on sewer charge adjustments and to consider this matter at the next Council meeting.

The Mayor Pro Tem stated that the Cobblestone Inn has applied for renewal of their Class B liquor license. It was reported that the Police Department had not had any problems with alcohol sales at this business. Council Member Harrell then introduced the following resolution and moved for its adoption. Council Member Macumber seconded the motion. Roll call vote:

AYES: Seaward, Stover, Fletcher, Harrell, Macumber

NAYS: None

Whereupon the Mayor Pro Tem declared that the following resolution is duly adopted.

RESOLUTION NO. 2017-36

RESOLUTION APPROVING
LIQUOR LICENSE APPLICATION

WHEREAS, there is now on file in the office of the City Administrator an application for a Class B (Hotel/Motel) Liquor License filed by Winterset Hotel Group LLC, doing business as Cobblestone Inn & Suites; and

WHEREAS, after due investigation and consideration of said matter, it is considered that the application should be approved and recommendation be made that the liquor license be granted.

NOW, THEREFORE, BE IT RESOLVED that the application from Winterset Hotel Group LLC for a Class B (Hotel/Motel) Liquor License is hereby approved and it is recommended the permit be granted.

Passed and approved this 20th day of March 2017.

Howard Harrell, Mayor Protem

Attest:

Mark Nitchals, City Administrator

The Mayor Pro Tem stated that Montross Pharmacy has applied for renewal of their Native Wine permit. It was reported that the Police Department did not have any compliance problems at this business. The motion was then made by Council Member Harrell and seconded by Council Member Stover to approve the following resolution. Roll call vote:

AYES: Seaward, Stover, Fletcher, Harrell, Macumber

NAYS: None

Whereupon the Mayor Pro Tem declared that the following resolution is duly adopted.

RESOLUTION NO. 2017-37

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 20th day of March 2017.

Howard Harrell, Mayor Protem

Attest:

Mark Nitchals, City Administrator

The Mayor Pro Tem stated that the next item on the agenda is a beer/wine permit for The Winterset Stage. The Administrator stated that the application is for a 14 day period starting March 24, 2017. He stated that three individuals are listed on the application and they are different than the previous owners of The Winterset Stage. He stated that he was told that a

group plans to have stage shows for two weekends at the end of March and they would like to sell beer and wine during the performances. Following further discussion, Council Member Harrell introduced the following resolution and moved for its adoption. Council Member Fletcher seconded the motion. Roll call vote:

AYES: Seaward, Stover, Fletcher, Harrell, Macumber

NAYS: None

Whereupon the Mayor Pro Tem declared that the following resolution is duly adopted.

RESOLUTION NO. 2017-38

RESOLUTION APPROVING APPLICATIONS FOR
ALCOHOLIC BEVERAGE LICENSE

WHEREAS, there is now on file an application for a new Special Class C Liquor License (BW) (Beer/Wine) and a Class B Native Wine Permit filed by The Winterset Stage; and

WHEREAS, after due investigation and consideration of said matters, it is considered that the aforementioned application should be granted and recommendation be made that such licenses be granted.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winterset that the liquor license application is hereby approved and it is recommended that alcoholic beverage license be granted The Winterset Stage:

Passed and approved this day 20th day of March 2017.

Howard Harrell, Mayor Pro Tem

ATTEST:

Mark Nitchals, City Administrator

The Mayor Pro Tem called upon the Administrator to present his report at this time. The Administrator stated that Sewer Supt. Jack Loynachan recently received a letter from an attorney representing Chris Davis of DH Properties, who owns Sunrise Mobile Home Park. He stated that this letter suggests that the City take responsibility for a sewer line running from the mobile home park to the City's sewer main. He stated that the problem is that this sewer line has been damaged when nearby utility excavations have been done in the past. He stated that the letter indicates that this sewer line was not being located because it is not listed with the "Iowa One Call" system. He stated that Sewer Dept. employees have attempted to locate this line, but there is not a tracer wire buried with this sewer line, so it is difficult to locate. The Administrator stated that this line is a private service line and in that regards, it is no different than any other customer's service line that goes from their house out to the sewer main in the street. He stated that there are also a number of differences with this line, including the fact that it is a pressure line, it is not buried very deep, and it runs parallel to the street instead of just crossing it at one location. The Administrator stated that he will meet with the City Attorney to discuss an appropriate response to this letter.

The Administrator stated that he has received three applications for the Sewer Supt. position so far. He stated that the ad for the job indicated that applications were being taken through March 31st.

The Administrator stated that the School District asked about the cost of putting in a sidewalk at the house their construction trades class is building at 419 N. 3rd Street. He stated that perhaps the sidewalk cost should be assessed to the owner, which would give the owner five years to pay the assessment.

The Administrator stated that the HVAC project is nearly finished, with owner training scheduled for tomorrow morning. He stated that the control settings are accessed only through a computer. He stated that he has asked the Project Engineer for solutions to the noise problem

that is present in his office.

The Administrator stated that the budget provided for a storm sewer project, at least getting the engineering design work done and starting the construction work in 2018. The Administrator suggested that Snyder & Associates be asked to provide a contract for the engineering services to get a construction project underway next year. He stated that Snyder & Associates did the storm water drainage study a few years ago, and also did a capital improvement plan last year for the City, much of which was a listing of necessary storm sewer improvements.

The Mayor Pro Tem called for a report on the claims. Council Member Seaward 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: Seaward, Stover, Fletcher, Harrell, Macumber

NAYS: None

Whereupon the Mayor Pro Tem declared that the motion carried.

GENERAL

POLICE:

Card Services, cabinet locks/body cameras 284.98
CenturyLink, phone service 436.99
Chief, key ring 20.99
County Line Printing, business cards 135.00
Des Moines Stamp Mfg Co, notary stamp 31.80
Entenmann Robin Co., uniform badges 312.50
Fareway Stores Inc., evidence supplies 10.01
Madison Co Treasurer, gasoline 964.54
Mainstay Systems Inc, computer hard drives 360.00
Montross Pharmacy, battery/dry cleaning 29.34
Outback Embroidery, uniform shirts 138.48
Payroll Account, salaries 17,569.23
Quality Car Care, car maintenance 193.65
Quill Corp, office supplies 47.02
Verizon Wireless, cellular service 320.08

FIRE:

Agriland FS Inc., gasoline 652.24
MidAmerican Energy, gas service 111.99
Payroll Account, salaries 4,441.66
Verizon, cellular service 40.01

ADMINISTRATION:

Flander Casper & Rosien, City attorney fees 950.67
Payroll Account, salaries 4,367.97
Madison Co Abstract, abstract fee 150.00
Winterset Madisionian, publication expense 472.17

ANIMAL CONTROL:

Street Tails Inc., spay program 220.00
Winterset Veterinary Center, impound fees 138.60

BUILDING INSPECTOR:

Carquest of Winterset, truck maintenance 2.38
Payroll Account, salaries 1,247.58
Winterset Oil Co., gasoline 71.40

GARBAGE FUND

SOLID WASTE/GARBAGE:

Payroll Account, salaries 634.61
Payroll Account, benefits 102.65

INTERNAL SERVICE FUND

ADMINISTRATION:

Access Systems, maint contract, equipment 1,944.17
Authorize.net, Ach fees 15.00
Brandy Decker, cleaning service 200.00
CenturyLink, phone service 452.57
Fareway Stores Inc., cleaning supplies 9.86
Feirer Enterprises Inc., website maintenance 59.00
Quill Corporation, office supplies 167.53

Total Administrative Services, flex admin fees 278.50

ROAD USE TAX

ROADWAY MAINTENANCE:

Agriland FS Inc., gasoline 1,490.47
 Carquest of Winterset, truck maintenance 2.38
 CenturyLink, phone service 193.71
 Crystal Clear Water, office supplies 5.50
 Farmers Electric Coop Inc., utilities 203.22
 Iowa One Call, locates 9.00
 MidAmerican Energy Co., gas service 287.90
 Payroll Account, salaries 7,239.11
 Thirst Park, office supplies 12.00
 Winterset Farm & Home, hdw supplies 4.39
 Winterset Oil Co., gasoline 226.88

SNOW REMOVAL:

Payroll Account, salaries 377.90

SEWER UTILITY FUND

SANITARY SEWER:

Card Services, training 314.23
 CenturyLink, phone service 225.97
 CR Services, safety gloves 170.94
 Dan Luke, reimb mileage 119.88
 Hawkins Inc., chemicals 1,260.70
 Iowa One Call, locates 9.00
 Iowa Pump Works Inc., pump repairs 7,932.70
 J & L Sanitation, garbage service 160.00
 Keystone Laboratories Inc., lab testing 965.88
 Payroll Account, benefits 1,219.27
 Payroll Account, salaries 7,498.36
 Spee-Dee Delivery Service Inc., shipping 104.77
 Story Const Co., clarifier repairs/check valve replacement 10,744.57
 Winterset Oil Co., gasoline 452.24

LMI GRANT FUND

TRANSFERS:

Paving Project, transfers 64,508.44

PAVING PROJECT FUND

ROADWAY MAINTENANCE:

Snyder & Assoc, engineer fees 727.00

CITY HALL PROJECT FUND

ADMINISTRATION:

Electrical Engineering Equip, desk heater 157.66
 Rainbow International, carpet cleaning 457.91
 SME Mechanical Inc., pay est #4 50,570.85

TRUST & AGENCY

POLICE:

Payroll Account, benefits 3,026.89

FIRE:

Payroll Account, benefits 489.89

ADMINISTRATION:

Payroll Account, benefits 915.07

ROADWAY MAINTENANCE:

Payroll Account, benefits 1,235.36

Receipts for previous month:

General Fund - \$50,192.68
 Special Revenue Fund - \$103,723.78
 TIF Special Revenues Funds \$5,087.89
 Debt Service Funds - \$3,870.00
 Capital Project Funds - \$2,400.00
 Enterprise Funds - \$118,623.65

The Mayor Pro Tem stated that the minutes of the March 6, 2017 City Council meeting were previously submitted to the Council Members for review. A motion was made by Council Member Seaward and seconded by Council Member Macumber to approve the minutes as submitted. Roll call vote:

AYES: Seaward, Stover, Fletcher, Harrell, Macumber

NAYS: None

Whereupon the Mayor Pro Tem declared that the motion carried.

The Mayor Pro Tem stated that Rich Mills had asked to make public comment at this time. Mr. Mills stated that the Madison County Bike Club would like to purchase handicap bicycle that they would loan out to handicap persons to enjoy in the community. He stated that they have applied for a grant from the Greater Madison County Community Foundation to assist in the purchase of this handicap bicycle. He stated that the annual cost of insurance is expensive and is more than what the Bike Club can afford. He asked if the City would consider insuring this handicap bicycle under the City's insurance policy. Following brief discussion, the Administrator was instructed to check with the City's insurance carrier to see if this would be possible.

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

AYES: Seaward, Stover, Fletcher, Harrell, Macumber

NAYS: None

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

James C. Olson, Mayor

ATTEST:

Mark Nitchals, City Administrator