

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: Winterset City Council

Date of Meeting: October 17, 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. Report from Madison County Development Group
- 7:10 3. Report from Winterset Municipal Utilities
- 7:20 4. Report on insurance program
- 7:30 5. Proposal to convey real estate
 - public hearing on proposal to convey real estate
 - resolution approving conveyance of real estate
- 7:40 6. Set hearing date for urban renewal plan amendment
- 7:50 7. Jurgensen Bridge Relocation Project
 - resolution approving contract & bonds
- 8:00 8. City Hall HVAC Improvement Project
 - resolution approving contract & bonds
- 8:10 9. Request for sewer charge adjustment
- 8:20 10. Liquor license renewal – Kum & Go
- 8:25 11. Administrator report
- 8:35 12. Claims
- 8:40 13. Minutes Oct. 3rd meeting
- 8:45 14. Public comment
- 8:50 15. Adjournment

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

DATE POSTED: October 13, 2016

BY:

Title: City Administrator

City Council of the City of Winterset, Iowa met in regular session on October 17, 2016 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 noted that a number of students from Mr. Shaw's High School Government class were in attendance at the meeting. Those students included the following: Sabrina Ham, Macayla Criswell, Charles Howell, Aaron Manning, Ryder Moorehead, Cort Schwers Zach Koehler, Wyatt Miller, Autumn Jensen, Katie Bertelson and Tanner Marquardt

The Mayor Pro Tem called for any additions or deletions to the agenda. A motion was made by Council Member Macumber and seconded by Council Member Stover 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 declared that the motion carried.

The Mayor Pro Tem recognized Nancy Trask who had asked to address the Council. Nancy Trask introduced Jean Bosch the new Library Director to the Council Members. Jean Bosch then briefly addressed the Council Members and stated that she is looking forward to working with the Council and City staff in her new position.

The Mayor Pro Tem then called upon Tom Leners to present the report from the Madison County Development Group. Mr. Leners presented written report summarizing activities that he has been involved with in the past month. He went on to provide further information on several items in his report.

The Mayor Pro Tem then recognized Scott Wesselmann and asked for a report from the Winterset Municipal Utilities. Mr. Wesselmann stated that they have been working on the budget for the Utilities for next year. He stated that they plan to hold a public hearing at their November meeting and ask for Council approval at the first Council meeting in December. Mr. Wesselmann stated that painting work has begun on the water tower near the High School. He stated that they will be painting a new Winterset Husky logo on the side of the water tower. He thanked Council Member Stover for helping raise funds for the extra cost of painting this Husky logo on the tower.

Mr. Wesselmann then called upon Electric Superintendent Charles Johnson to report on a recent power outage. Mr. Johnson stated that the outage involved one of the two main transformers at the power plant. He stated that equipment in one of the transformers failed, which then caused the southwest feeder to short circuit. He stated that the linemen had to drive through the southwest feeder area to determine if there were any hazards. He stated that the company that services the transformers will be in later this week to repair the equipment and put the transformer back in service. He stated that electric load at this time of year is fairly low and can operate on one transformer. He stated that if the transformer had completely failed, it would cost approximately \$750,000 to replace.

The Mayor Pro Tem then recognized Roger Queck and asked for a report on the City's insurance program. Roger Queck addressed the Council and invited them to attend the IAMU Safety Group Insurance Program meeting later this month. He also reported on claims that have been filed recently under the City's insurance program. He stated that most of the claims are minor with the exception of one work comp claim for a Police Officer who was injured on the job.

The Mayor Pro Tem stated that this is the time and place for a public hearing on a proposal to convey real estate. The Mayor Pro Tem called upon the City Administrator to report on this matter. The Administrator stated that this involves an exchange of real estate with Agriland FS Inc. The Administrator provided a map showing the location of the different parcels that would be exchanged. He also stated that an agreement with Agriland has been drafted which would provide for annexation of these parcels into the City limits and also subdividing these properties. The Mayor Pro Tem then called for any public comments regarding the proposed conveyance of real estate to be voiced at this time. Hearing no such comments the Mayor Pro Tem declared that the public hearing was now closed.

Following a brief period of discussion, Council Member Seaward 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 was duly adopted.

RESOLUTION 2016-123

RESOLUTION APPROVING THE CONVEYANCE OF REAL ESTATE

WHEREAS, the City Council of Winterset, Iowa has proposed the conveyance of the following described real estate:

Amended Parcel "M", a part of Parcel "K", located in the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Thirty One (31) Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, containing 38,400 square feet, as shown in Amended Plat of Survey filed in Book 2015, Page 3258 on November 2, 2015, in the Office of the Recorder of Madison County, Iowa.

WHEREAS, the City proposes to enter into an Agreement with Agriland FS, Inc. for the exchange of real estate and other valuable consideration.

WHEREAS, the City Council set October 17, 2016 as the date for a public hearing on the proposal to convey the City's interest in real estate, pursuant to Iowa Code Section 364.7;

WHEREAS, notice of the hearing has been timely published as provided by Iowa Code Section 362.3 in the Winterset Madisonian, a newspaper published weekly and having general circulation in the City, as evidenced by the Affidavit of Publication from the Winterset Madisonian on file in the Office of the City Administrator.

WHEREAS, the public hearing has been held and all interested persons have been heard on the proposal,

NOW, THEREFORE, BE IT RESOLVED that the proposed conveyance of real estate described above be and is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Administrator be and are hereby authorized and directed to take all necessary steps to complete this transaction including, but not limited to, the tender of a Warranty Deed to Agriland FS, Inc.

Passed and approved on this 17th day of October, 2016.

Howard Harrell, Mayor Pro Tem

ATTEST:

Mark Nitchals, City Administrator

The Mayor Pro Tem then called upon the Administrator to report on amendment to the Urban Renewal Plan. The Administrator stated that the amendment would allow for use of tax increment financing to pay for the cost of two projects, including the City Hall HVAC project and the store front façade renovation project. The Administrator suggested that the public hearing be held at the November 21st City Council meeting. He stated that the consultation meeting for the Madison County Supervisors and the Winterset Community School District must be held prior to the public hearing. A motion was then made by Council Member Harrell and seconded by Council Member Stover to adopt the following resolution. Roll call vote:

AYES: Seaward, Stover, Fletcher, Harrell, Macumber

NAYS: None

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

RESOLUTION NO. 2016-124

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON
URBAN RENEWAL PLAN AMENDMENT

WHEREAS, the City Council of the City of Winterset, Iowa by resolution previously established the Winterset Urban Renewal Area (the "Urban Renewal Area") and adopted an urban renewal plan (the "Plan") for the governance of initiatives and projects therein; and

WHEREAS, an amendment to the Plan has been prepared which would facilitate the undertaking of new urban renewal projects in the Urban Renewal Area consisting of: (1) using tax increment financing to pay the costs of constructing HVAC improvements at City Hall; and (2) using tax increment financing to leverage grants and private investment for the improvement of store fronts and facades in the Downtown Commercial Zoning District, and it is now necessary that a date be set for a public hearing on that plan amendment;

NOW, THEREFORE, Be It Resolved by the City Council of the City of Winterset, Iowa, as follows:

Section 1. This City Council will meet at the Winterset Public Library, 123 N. 2nd Street, Winterset, Iowa, on November 21, 2016, at 7:00 o'clock p.m., at which time and place it will hold a public hearing on the proposed amendment to the Plan for the Urban Renewal Area.

Section 2. The City Clerk shall publish notice of said hearing, the same being in the form attached hereto, which publication shall be made in a legal newspaper of general circulation in Winterset, which publication shall be not less than four (4) nor more than twenty (20) days before the date set for hearing.

Section 3. Pursuant to Section 403.5 of the Code of Iowa, the City Administrator is hereby designated as the City's representative in connection with the consultation process which is required under that section of the urban renewal law.

Passed and approved on this 17th day of October, 2016.

Howard Harrell, Mayor Pro Tem

ATTEST:

Mark Nitchals, City Administrator

The Mayor Pro Tem called for a report on the Jurgensen Bridge Relocation Project. The Administrator stated that the contractor has signed the contract and provided the required bonds and insurance certificates. Following a brief discussion, a motion was then made by Council Member Fletcher and seconded by Council Member Seaward 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 was duly adopted.

RESOLUTION NO. 2016-125

RESOLUTION APPROVING CONTRACT AND PERFORMANCE AND PAYMENT BONDS FOR THE JURGENSEN BRIDGE RELOCATION PROJECT

WHEREAS, the City Council of the City of Winterset, Iowa, has heretofore awarded a contract for the Jurgensen Bridge Relocation Project (the "Project") to Boulder Contracting LLC, and fixed the amount of the performance and payment bonds to be furnished by the contractor, and instructed and authorized the Mayor and City Administrator to execute the said contract on behalf of the City, subject to the approval of the City Council; and

WHEREAS, the said contract has been duly signed by the contractor and by the Mayor and City Administrator, and upon examination by this City Council the same appears to be in proper form; and

WHEREAS, the contractor has filed satisfactory performance and payment bonds in the required amount;

NOW, THEREFORE, be it resolved by the City Council of the City of Winterset, Iowa, as follows:

Section 1. The aforementioned contract and performance and payment bonds are hereby approved and declared to be binding upon the parties thereto.

Section 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved on this 17th day of October, 2016.

Howard Harrell, Mayor Pro Tem

ATTEST:

Mark Nitchals, City Administrator

The Mayor Pro Tem called for a report on the City Hall HVAC Improvement Project. The Administrator stated that the contractor for this project has signed the contract and provided the required bonds and insurance certificates. A motion was then made by Council Member Macumber 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 was duly adopted.

RESOLUTION NO. 2016-126

RESOLUTION APPROVING CONTRACT AND
PERFORMANCE AND PAYMENT BONDS FOR THE
CITY HALL HVAC IMPROVEMENT PROJECT

WHEREAS, the City Council of the City of Winterset, Iowa, has heretofore awarded a contract for the City Hall HVAC Improvement Project (the "Project") to SME Mechanical, Inc. and fixed the amount of the performance and payment bonds to be furnished by the contractor, and instructed and authorized the Mayor and City Administrator to execute the said contract on behalf of the City, subject to the approval of the City Council; and

WHEREAS, the said contract has been duly signed by the contractor and by the Mayor and City Administrator, and upon examination by this City Council the same appears to be in proper form; and

WHEREAS, the contractor has filed satisfactory performance and payment bonds in the required amount;

NOW, THEREFORE, be it resolved by the City Council of the City of Winterset, Iowa, as follows:

Section 1. The aforementioned contract and performance and payment bonds are hereby approved and declared to be binding upon the parties thereto.

Section 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved on this 17th day of October, 2016.

Howard Harrell, Mayor Pro Tem

ATTEST:

Mark Nitchals, City Administrator

The Mayor Pro Tem called for a report on the sewer charge adjustment. The Administrator provided copies of a letter from Mindie Bencik who lives at 315 N 8th Avenue. He stated that in the letter, Ms. Bencik stated that a toilet has been running in the house and was fixed on September 13th. He stated that the water meter was read on September 14th showing water consumption of 6,000 cubic feet which resulted in a sewer charge of \$371.85. The Administrator stated that following previously established policy in which normal rates are charged for the first 2,000 cubic feet and a reduce charge for additional usage would result in a revised bill of \$151.85 or a reduction of \$220. The Administrator stated that the letter included a copy of invoice for repairs to the toilet. Following a brief discussion, a motion was 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 was duly adopted.

RESOLUTION NO. 2016-127

RESOLUTION APPROVING SEWER CHARGE ADJUSTMENT

BE IT RESOLVED that a credit of \$220.00 be applied to the sewer charges for the utility account Mindie Bencik at 315 N. 8th Avenue.

Passed and approved this 17th day of October, 2016.

Howard Harrell, Mayor Pro Tem

ATTEST:

Mark Nitchals, City Administrator

The Mayor Pro Tem stated that Kum & Go has filed for a renewal of their liquor license. It was reported that the Police Department has not had compliance issues with this business. A motion was then made by Council Member Harrell and seconded by Council Member Macumber 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 was duly adopted.

RESOLUTION NO. 2016-128

RESOLUTION APPROVING APPLICATIONS FOR
ALCOHOLIC BEVERAGE LICENSE

WHEREAS, there is now on file an application for renewal of a Class E Liquor License, a Class C Beer Permit, a Class B Wine Permit, and a Sunday sales permit filed by Kum & Go. LC; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winterset that a Class E Liquor License, a Class C Beer Permit, a Class B Wine Permit, and a Sunday

sales permit filed by Kum & Go. LC liquor license application is hereby approved and it is recommended that alcoholic beverage license be granted to Kum & Go LC be approved

Passed and approved this day 17th day of October 2016.

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 reported that work will begin this week on the Jurgensen Bridge Relocation Project. He stated that the pre-construction meeting was held last Tuesday and the contractor indicated that they wanted to start work this week, and they plan to have the bridge moved by Thanksgiving. The Administrator stated that the contractor and the Project Engineer also determined a way to save some costs by changing the material used for the pilings. He stated that this change would result in a savings of about \$24,000.

The Administrator stated that the pre-construction meeting for the City Hall HVAC Project will be held tomorrow. He stated that the contractor will provide a schedule at the pre-construction meeting. The Administrator stated that Council meetings for the next two to three months will have to be held at another location, probably at the Library.

The Administrator stated that work on the sidewalk on the other side of the Court Avenue & Second Avenue intersection will be done this week. He stated that they waited until after the Bridge Festival to do this work. He stated that the weather forecast looks favorable so the work should be done in the next 2-3 days.

The Administrator reported the paving project on 8th Avenue has been completed. He stated that an inspection was done last week and a punch list was compiled of items that need to be corrected.

The Administrator stated that the DNR recently had an inspection of the construction work done at the Sewer Treatment Plant. He stated that there were a few issues noted with regards to operation of the new UV disinfection equipment. He stated that the manufacturer is scheduled to be here within the next week or so to make the required changes to correct these issues.

The Administrator stated that the engineers from Snyder & Associates have prepared information to request quotes for a project to level the decorative brick sidewalk areas around the Square. The Administrator stated that the cost estimate is about \$50,000, which is below the price level that competitive bids are required. He stated that instead of competitive bids, price quotes will be requested from contractors who do this type of work. He stated that letters will be mailed this week requesting price quotes by the end of October, with the work to be done in November.

The Administrator stated that request for qualifications have been sent to eight different architecture firms for the storefront renovation project. He stated that he has heard from one firm that had assisted two other communities with a CDBG storefront renovation project, but they stated that they would not reply because they thought the schedule was too short. The Administrator stated that the staff from SICOG completed the slum & blight survey, which showed that 56 buildings of the 129 buildings in the downtown area were blighted or marginally blighted. He stated that this represents 43% of the buildings, which meets the 25% threshold.

The Administrator stated that he has had two requests recently that the City allow food vendor trucks to set up on City streets. He stated that under the current City Code regulations, food vendors are considered as transient merchants which are required to be located on private property. He stated that the suggestion is that such food vendor trucks be allowed to set up on the street, more specifically in the downtown area. The Administrator stated that the problem will be to ensure that the food truck does not cause congestion problems, either for vehicles on the street or pedestrians on the sidewalks. He stated that other issues will need to be regulated, such as utility services, wastewater and solid waste.

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, training exp 316.50
CenturyLink, phone service 436.29
Iowa Dept of Public Safety, membership 300.00
Madison Co Tire, tire repairs 17.00
Madison Co Treasurer, gasoline 922.50
Payroll Account, salaries 17,337.14
Radar Road Tec, radar 300.00
Scott Merriman Inc., warning stickers 273.10
Terry Miller, reimb exp 129.05

FIRE:

Agriland FS Inc., gasoline 111.52
Breedings Hardware, equip repairs 62.78
Brittains Std Parts, truck maint 93.85
CenturyLink, phone service 218.18
Chism Orr, reimb exp 252.59
Feld Fire, air tanks 4,625.00
Interstate Battery Center, batteries 63.80
MidAmerican Energy, gas service 13.29
R & B Tire, truck maint 1,569.40
Ross Nicholl, reimb mtg expenses 252.59
Thirst Park, mtg supplies 161.34
Verizon, cellular service 63.65
Wade Banning, reimb hdw supplies 11.81
Waste Mgmt of Iowa, garbage service 69.00
Winterset Municipal Utilities, utilities 224.76

ADMINISTRATION:

Madison Co Clerk of Court, nuisance /filing fee 170.00
Payroll Account, salaries 4,367.97
Winterset Madisonian, pub 538.81

ANIMAL CONTROL:

Payroll Account, salaries 57.64

BUILDING INSPECTOR:

Agriland FS Inc., gasoline 65.70
Payroll Account, salaries 1,247.58
Winterset Veterinary Center, impound fee 172.59

GARBAGE FUND

SOLID WASTE/GARBAGE:

Payroll Account, salaries 634.60
Payroll Account, benefits 103.02

INTERNAL SERVICE FUND

ADMINISTRATION:

Authorize.Net, ACH fees 15.00
Brandy Decker, cleaning service 200.00
CenturyLink, phone service 458.93
County Line Printing, acct supplies 537.02
Employee Benefit Systems, HRA admin fees 284.90
Employee Data Forms Inc., payroll supplies 27.25
Montross Pharmacy, batteries 7.98
Office Machines Co., office supplies 53.94
Quill Corp, office supplies 54.73
Total Administrative Services, flex admin fee 258.58

ROAD USE TAX

ROADWAY MAINTENANCE:

Agriland FS Inc., gasoline 391.53
Air Cooled Engines, equip repairs 14.48

Card Services, equip repairs 24.61
 CenturyLink, phone service 193.91
 CINTAS Corp, first aid supplies 51.54
 Doc's Soft Water, office supplies 5.50
 Farmers Electric Coop, utilities 203.22
 Martin Marietta Agg, rock 384.87
 MidAmerican Energy, gas service 25.42
 National sign Co Inc., signs 133.98
 Payroll Account, salaries 6,832.53
 UnityPoint Clinic, CDL testing 5.00
 Waste Mgmt of Iowa, garbage service 65.00
 Winterset Farm & Home, gloves/hdw supplies/tools 270.58
 Winterset Oil Co., gasoline 185.37
STREET CLEANING:
 Payroll Account, salaries 569.36

SEWER UTILITY FUND

SANITARY SEWER:

Brittains Std Parts, truck maint/tools 291.51
 C.L. Carroll, hoist repairs/sump pump 6,189.00
 CenturyLink, phone service 226.63
 CINTAS Corp, first aid supplies 175.97
 City Supply Corp, main repairs 400.83
 DJ Gongol & Assoc Inc., pump repairs 741.28
 Huff Well LLC, main repairs 500.00
 Hygienic Laboratory, lab testing 78.00
 Iowa Pump Works Inc., pump repairs 11,360.72
 J & L Sanitation, garbage service 145.00
 Municipal Supply Inc., tubing 777.20
 Payroll Account, benefits 1,220.45
 Payroll Account, salaries 7,498.39
 Sew-Enrodive, clarifier repairs 574.06
 Simon Welding, welding/grab hooks 77.55
 Spee-Dee Delivery Service, shipping 94.32
 UPS, shipping 23.63
 Winterset Farm & Home, tools/supplies 52.92
 Winterset Oil Co., gasoline 379.60

SIDEWALK PROJECT FUND

SIDEWALKS:

Alexander Const, street patches 1,890.25

TRUST & AGENCY

POLICE:

Payroll Account, benefits 2,991.97

ADMINISTRATION:

Payroll Account, benefits 915.76

ROADWAY MAINTENANCE:

Payroll Account, benefits 1,201.79

Receipts for previous month:

General Fund -	\$126,555.43
Special Revenue Fund -	\$125,519.78
TIF Special Revenues Funds	\$24,436.58
Debt Service Funds -	\$33,811.68
Capital Project Funds -	\$109,905.96
Enterprise Funds -	\$128,105.31

The Mayor Pro Tem stated that the minutes of the October 3, 2016 City Council meeting were previously distributed to the Council Members for their 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 noted that no one had signed up for public comment.

A motion was 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 declared that the motion carried and the meeting was now adjourned.

Howard Harrell, Mayor Pro Tem

ATTEST:

Mark Nitchals, City Administrator