

CITY COUNCIL PROCEEDINGS

February 3, 2011

The City Council met at 5:00 p.m. in regular session with Mayor Larsen presiding. Council present: Shepherd, Zimmerman, True. Council absent: Wood, Tooley.

Guests in attendance: Izetta Dierking, Carol Rosenbaum, Kathy Humann, Tim Teig, Runk Wood, Mike Gettler.

City staff in attendance: Jim Blum, Shannon Wood, Terri Abel.

Motion by Shepherd, seconded by Zimmerman to approve the agenda. Ayes: True, Zimmerman, Shepherd. Carried.

Mayor Larsen opened the public hearing on the proposed plans and specifications, form of contract, and probable cost of the construction of the Walnut Splash Pad, Walnut, Iowa, and of the taking of bids for such construction.

Mayor Larsen opened the public hearing concerning the application to the Land and Water Conservation Fund for funds to construct a Splash Pad.

Motion by Zimmerman, seconded by True to approve the preceding month's minutes and Library minutes. Ayes: Shepherd, Zimmerman, True. Carried.

The Treasurer's report was not available at the time of the Council meeting. Motion by Shepherd, seconded by True to approve the Clerk's report. Ayes: Zimmerman, Shepherd, True. Carried.

The Council members discussed details pertaining to the Splash Pad Project. Mayor Larsen requested any written or oral comments regarding the proposed plans and specifications, form of contract, and probable cost of the construction of the Walnut Splash Pad, Walnut, Iowa and of the taking of bids for such construction. No written or oral comments were available at the time of the Council meeting.

Mayor Larsen closed the public hearing.

Tim Teig, of Snyder and Associates, explained that the proposed resolution would formally adopt the plans and specifications and form of contract for the Splash Pad Project.

Motion by True, seconded by Zimmerman to adopt Resolution 11-02-01, A RESOLUTION APPROVING PLANS, SPECIFICATIONS AND FORM OF CONTRACT. Ayes: Zimmerman, True, Shepherd. Carried.

Tim Teig presented the Council members with a tabulation of the six bids that were received for the project. The bids ranged from a low bid of \$225,036.00 to a high bid of \$331,683.00. McCarthy Landscape & Design of Avoca, Iowa was the low bidder, submitting a bid of \$225,036.00.

Teig also distributed a sheet detailing options that would lower the cost of the proposed project. Tim began the discussion by stating that he had identified the costs related to the stormsewer improvements that had been included in the bid. The stormsewer improvements would essentially drain the entire park area, including the splash pad. The proposed stormsewer improvements would include area intakes along North Street to pick up the drainage in the parking area to run the surface water to Antique City Drive. Tim indicated that he had identified \$22,167.00 in additional cost to

make the stormsewer a public improvement over and above the cost associated with only draining the splash pad. Teig noted that the City could conceivably use other funds for the stormsewer public improvements.

Tim Teig stated that the Splash Pad Committee had also looked at other ways to possibly lower the cost of the project. It was suggested that the City delay the purchase and the installation of two water features, one water cannon and one umbrella, which would save \$15,356.00 from the initial cost. Tim explained that the contractor would still install the piping for the two features. It would then be possible to purchase the two water features, to be installed at a later date.

Teig summarized the costs of the project as well as the proposed cost-saving measures as previously detailed. Including \$19,700.00 worth of engineering fees, the total Splash Pad Project would amount to a cost of \$244,736.00. The total cost, less the delayed features and the stormsewer public improvements, would amount to \$207,213.00, the total financial responsibility of the splash pad. The splash pad currently has approximately \$201,000.00 available for the project, leaving a deficit of \$6,213.00. The City would have to agree to the concept of the stormsewer being considered a public improvement, payable from funds outside of the available splash pad funding. Teig felt that the City had received good bids, and he also commented that six bidders showed considerable interest in the project. He indicated that the Splash Pad Committee was trying to keep the project moving forward by delaying the purchase of two water features. Teig commented that the fundraising efforts are continuing, and the Committee is still actively promoting the sale of bricks. The City is also applying for grant funding through the highly competitive Land and Water Conservation Fund Program. Teig mentioned that grant funding could possibly be used for the purchase of benches, fencing, and landscaping materials.

Shepherd calculated that the Splash Pad Committee needs to raise an additional \$28,000.00 in order for the project to go forward. Sue did not feel that the taxpayers should be forced to pay \$22,167.00 for stormsewer improvements that are not really needed unless the splash pad was to be constructed. Teig clarified that the stormsewer improvements will definitely improve the drainage at the park, off the street, and in the residential area. In all reality, according to Teig, a much smaller pipe would suffice to drain the water from the splash pad. Shepherd did not feel that the drainage problem at the park was as severe as other areas in the community where people's basements are flooded. It was clarified that the increased capacity of the stormsewer pipe was specified in order to drain the park area and the adjacent residential area. Teig had attempted to split out the additional cost for upsizing the system, arriving at the \$22,167.00 figure.

Teig clarified that the City's options are to either try to go forward with the project or to reject all bids, continue to fundraise, and accept new bids in the future. The question arose whether delaying the project would have an effect on the status of grant funding. Kathy Humann pointed out that two Council members were missing from the meeting, and she felt that any decisions relating to delaying the project should be made with all of the Council members present. Carol Rosenbaum commented that it is the intent of the Splash Pad Committee to continue to highly promote the sale of bricks. Should the project not go forward, the City would need to return all funding that has been received from grants, brick purchases, and donations.

The Council members reviewed a list of splash pad funding that has been donated, pledged, and committed; the list totaled \$201,716.28.

Mayor Larsen commented that initially he was not at all in favor of the Splash Pad Project. Larsen stated that he has heard a few public comments stating that the project is a waste of money, but there was no public opposition of the project expressed during the public hearing portion of the meeting. The Mayor said that several community members have worked really hard on the project, and he felt that the City is financially strong enough to withstand a shortfall of a few thousand dollars. Mayor Larsen felt that it would be a shame to postpone the project and run the risk of receiving higher bids in the future. Larsen questioned whether fundraising efforts would be able to keep up with inflation. Gene stated that even though he was not certain that he was totally in favor of the project, very little opposition has been voiced, and there had not been any negative comments made by the public at any Council meetings.

The need for curb and gutter and stormsewer in all areas of the community was discussed by various members of the City Council. Shepherd reiterated that she was not opposed to the construction of a splash pad as long as the funding is available; however, she did not feel that the taxpayers should have to stand any shortfalls in funding.

Zimmerman commented that a splash pad would definitely add an attraction to the community, which would improve the overall quality of life for its residents. Tony stated that he would hate to see the project die. True also felt that it would be a shame to forego the project, especially since so many residents had already contributed to its construction. Carol Rosenbaum stated that all of the members of the Committee have been dedicated to meeting and working on the project. They are planning to hold another meeting to discuss possible future fundraising efforts.

Rosenbaum discussed the possibility of delaying the installation of more of the water features until funding is available. It might be possible to construct the piping and wiring to such water features, delaying the installation; however, it would then become necessary to cap the piping at each connection point. Teig also stated that the various features are intended for different age groups, and the entire splash pad was planned for overlapping spray zones. The delay of water features could impact the entire scheme of the splash pad.

Zimmerman questioned the impact of delaying any Council decision until the next regular meeting, which is scheduled for March 3. After further discussing the matter, it was noted that the 30 day window after which the successful bidder could withdraw his bid would occur after the date of the next meeting. In other words, any Council decision could be made at the next regular meeting without needing to schedule a special meeting to discuss the matter. Snyder also suggested that it might be worth talking to Evan McCarthy to determine whether it would be possible to save any money in the construction of the concrete vault. Tim felt that it might be possible to work together with the contractor in an attempt to curb some of the costs.

Motion by Shepherd, seconded by Zimmerman to table the consideration of a resolution to award a contract for the construction of the Walnut Splash Pad until the next regular City Council meeting, which is scheduled for March 3, 2011. Ayes: True, Shepherd, Zimmerman. Carried.

Mayor Larsen requested any written or oral comments regarding the application to the Land and Water Conservation Fund for funds to construct a splash pad. No written or oral comments were available at the time of the Council meeting.

Mayor Larsen closed the public hearing.

Abel reported that the City is planning to submit an application to the Land and Water Conservation Fund requesting funding for the Splash Pad Project. Motion by Zimmerman, seconded by True to adopt Resolution 11-02-03, A RESOLUTION ON ACQUISITION OR DEVELOPMENT FOR OUTDOOR RECREATION. Ayes: Shepherd, True, Zimmerman. Carried.

Motion by Shepherd, seconded by Zimmerman to approve a Project Agreement and Certification Form in accordance with Land and Water Conservation Fund requirements. Ayes: True, Shepherd, Zimmerman. Carried. According to the agreement, if the City of Walnut were to receive funding through the Land and Water Conservation Fund, the City agrees that it would not convert the park area to a use other than public outdoor recreation without the written approval of the Secretary of the Interior.

Discussion followed regarding junk vehicles and demolition derby cars. The Council members were provided with proposed Ordinance No. 130, which would amend the Code by eliminating the exception for two or fewer demolition derby cars that are covered by a tarp.

Runk Wood voiced his opinion concerning the City's junk and junk vehicle ordinance as well as his family's long history of building demolition derby cars. Wood stated that he has been building demolition derby cars as a hobby for approximately 22 years, and his goal is to have no more than two demo cars on his property at one time. Wood questioned the definition of a demolition derby car and a junk vehicle. Mayor Larsen read the definition of a junk vehicle from the Code of Ordinances for the benefit of those in attendance. During the course of the discussion, both Shepherd and Runk Wood commented that there are many vehicles in the community that would fit the definition of a junk vehicle.

Mayor Larsen stated that if there is an ordinance and the City receives a complaint, the City Council can take the proper steps to enforce the ordinance. Larsen reported that complaints have been made concerning demolition derby cars in various areas of the community.

Runk indicated that he attempts to respect his neighbors while working on his hobby, and he also tries to work on the cars within the confines of his garage whenever possible. Wood stated that currently there are two cars that he previously raced being stored in his yard. Runk also commented that he personally does not like the appearance of a derby car covered with a tarp.

Zimmerman stated that it is not the intent of the City Council to eliminate the hobby of building demolition derby cars. Tony said that there would not be complaints if there was responsible and respectful execution of the hobby. If there are complaints lodged, the provision pertaining to placing a tarp over demolition derby cars limits the Council's ability to react to complaints.

The Mayor pointed out that there are people who live in Avoca who build and race demolition derby cars. The City of Avoca has an ordinance that prohibits people

from storing derby cars outside, and the residents of Avoca who race demo cars have had to abide by Avoca's ordinance.

Motion by Zimmerman, seconded by True to consider the first reading of Ordinance No. 130, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WALNUT, IOWA, 2007, BY REPEALING SECTION 51.04, SUBSECTION 2, PERTAINING TO PROVIDING FOR AN EXCEPTION FOR TWO OR FEWER DEMOLITION DERBY CARS PER PROPERTY, AS LONG AS THE CARS ARE STORED UNDER A NON-TRANSPARENT COVER ADEQUATE TO COVER THE VEHICLES AND ALL PARTS. Ayes: Shepherd, True, Zimmerman. Carried.

Discussion of junk vehicles and demolition derby cars and consideration of the adoption of proposed Ordinance No. 130 is to appear on the agenda for the next regular City Council meeting.

The Council members reviewed two pay requests in conjunction with the Housing Rehabilitation Program.

Motion by True, seconded by Zimmerman to approve a pay request in the amount of \$2,717.10 on behalf of Lindale Construction for rehabilitation of 500 Antique City Drive. Ayes: Zimmerman, True, Shepherd. Carried.

Motion by Zimmerman, seconded by True to approve a pay request in the amount of \$19,482.00 on behalf of Walnut Creek Construction for rehabilitation of 407 Pleasant Street. Ayes: True, Shepherd, Zimmerman. Carried.

The Council members reviewed information pertaining to the Walnut Welcome Center. The information was provided by Eldon Ranney, the volunteer manager of the facility. Ranney had also provided a summary of the 2010 operation of the Walnut Welcome Center. The summary included a breakdown of the actual incurred expenses and revenues comparing the expenses and revenues with the line item budget amounts. The budget for the 2010 operation was \$16,300.00; \$16,073.00 was actually spent to operate the facility. The budget for income sources amounted to \$16,300.00; the actual income for the Welcome Center for 2010 amounted to \$15,542.00.

The Council members reviewed the proposed budget for the 2011 operation of the Welcome Center. The total budget amounted to \$15,888.00. The proposed income sources for 2011 totaled \$15,900.00 including gift shop proceeds of \$4,500.00, a \$10,700.00 grant from the City, and donations in the amount of \$700.00. It was noted that the 2011 request from the City was the same amount that the City donated in 2010.

Motion by Shepherd, seconded by Zimmerman to contribute \$10,700.00 to the operation of the Walnut Welcome Center, payable in FY 2011-2012. Ayes: True, Shepherd, Zimmerman. Carried.

Relative to Fire Department discussion, Mayor Larsen reported that he had recently attended the Fire Board meeting to discuss the Fire Department's proposed budget for FY 2011-2012. The proposed budget was approved by the representatives of the various townships and the City.

The Council members were provided with a list of 2010 fire calls as well as a breakdown of donations that were received by the Fire Department in 2010 and expenses that were incurred by the Fire Department during the same time period.

The Council members briefly discussed caring for the planters in the Business District. True reported that a group of individuals have volunteered to plant and care for

the planters in the Business District and at the ball fields for the 2011 season. They have volunteered their efforts free-of-charge. The City typically pays for all of the plants and planting materials as well as mileage for transporting the flowers. True thanked those people who watered the planters last year, and she especially thanked her husband, Tom True, for his efforts to water the downtown planters. She also thanked the City men for caring for the large planter that is located at the park and the volunteers who planted the flowers.

Shepherd reported that she and True had met with Ron Hamilton, and she has contacted Tammy Cullen to discuss employee health insurance. She had also been contacting neighboring communities, including Avoca and Shelby, to compare what other communities the size of Walnut are providing for health insurance to their employees. Discussion of employee health insurance is to appear on the agenda for the next regular City Council meeting.

There was nothing new to report concerning the Walnut Street Curb and Gutter Project; the City is waiting until grant money is available for the project.

Discussion followed regarding the FY 2011-2012 preliminary budget. The Council members were provided with the budget worksheets for their review. Abel explained the budget process for the benefit of the Council members.

According to the budget figures \$1,020,602.10 was actually spent in FY 09-10; \$1,144,972.00 was projected to be spent in FY 10-11; and the preliminary budget for FY 11-12 reflected total disbursements of \$2,007,521.00. Likewise, actual revenues for FY 09-10 totaled \$1,194,738.84; projected revenues for FY 10-11 totaled \$1,150,874.00; and the preliminary budget for FY 11-12 reflected total revenues of \$1,598,136.00. Abel also reviewed balances for the individual funds beginning on July 1, 2009 and ending on June 30, 2012; the balances were projections based on cash flowing the projected revenues and disbursements. Abel cautioned that the projected ending balance for the Water Fund is not cash flowing as well as it should. She stated that the Water Fund is able to sustain itself, but it is not able to cash flow positively when there are large repairs involved.

Abel noted that allocations in the preliminary budget included \$30,000.00 for economic development purposes including sign lease and permit fees, economic development, tourism promotion, promotional efforts, and a donation to the Christmas Walk. Projected expenditures also included \$5,000.00 for a Residential Sidewalk Program as previously dictated by the Council. Additional allocations included \$2,000.00 for the replacement of alley culverts; \$10,700.00 for a contribution to the operation of the Welcome Center; \$40,000.00 available for the sealcoating of City streets; \$1,000.00 for the purchase of a snow plow; \$400,000.00 on behalf of a proposed curb and gutter program; \$13,000.00 for crack sealing; \$237,820.00 for the construction of a splash pad; \$204,054.00 for a Housing Rehabilitation Program; \$10,000.00 to replace the windows in City Hall; \$5,000.00 for codification of ordinances; \$10,000.00 for the completion of an audit; \$4,000.00 to purchase decorations for the north end of Antique City Drive; \$2,500.00 for leak locating; \$1,000.00 for exercising water valves; \$9,000.00 for the purchase of two fire hydrants; \$5,000.00 to clean and inspect the water tower; \$1,000.00 to raise sewer manholes; \$7,000.00 to rehab sewer manholes; and \$8,000.00 to jet the sewer mains. Abel indicated that she will update the figures for the Splash Pad Project using the new bid figures. Lynn Dittmer of MAPA is in the process of submitting

a grant application to the Land and Water Conservation Fund on behalf of the Splash Pad Project. The proposed curb and gutter project would be contingent upon the receipt of \$200,000.00 worth of grant funding.

Motion by Zimmerman, seconded by Shepherd to adopt Resolution 11-02-04, A RESOLUTION SCHEDULING THE TIME AND PLACE FOR A PUBLIC HEARING FOR THE PURPOSE OF SOLICITING WRITTEN AND ORAL COMMENTS ON THE CITY'S PROPOSED FISCAL YEAR 2011-2012 BUDGET. Ayes: Zimmerman, True, Shepherd. Carried.

The Council members briefly discussed the CDBG Program and the Safe Routes to School Grant Program. The CDBG Program is geared for water and sewer projects, while the Safe Routes to School Grant Program would cover such costs as the construction of new sidewalk and traffic control. Abel indicated that she had previously investigated the possibility of applying for the grant funding for the construction of sidewalk. She had refrained from applying for the funding because the community has very few areas that have the proper curb and gutter infrastructure to accommodate the construction of proper sidewalk. While discussing sidewalk and curb and gutter, Abel indicated that the City has the authority to assess the cost of curb and gutter to the adjacent property owners should the Council want to approve such an assessment program.

Relative to discussion of City maintenance, Blum reported that the City men have been using quite a bit of sand and salt because of the number of times that it has snowed this winter season. It was noted that the City men are doing an awesome job clearing snow from the streets. Mayor Larsen reminded the public not to scoop or blow snow into the City streets. However, the downtown business owners are allowed to scoop the entire width of the sidewalks, pushing the snow directly onto Antique City Drive. The City men remove the snow the next morning when there are fewer cars on the street.

Mayor Larsen reminded the Council members that the City enforces the ordinance requiring property owners to scoop sidewalks when a complaint is filed at City Hall. He indicated that the City will actively enforce the snow ordinance in the downtown Business District to make certain that the downtown sidewalks are free from snow. True noted that the sidewalk extending west on the south side of Farm Fresh Antiques has yet to be scooped this winter. Both Blum and Mayor Larsen indicated that the sidewalk south of Griffith's building may be an exception to the rule because the City piles snow along the sidewalk.

Blum reported that the men are still having problems with the air valves in the Layne-Western filtration system at the Water Plant. He is working with the company to rectify the problem. The same problem was encountered in the past, and Layne-Western agreed to another year warranty at that time. The year has not yet passed, and the system is having the same problem. Jim stated that it is his intent to request another year warranty from Layne-Western once the problem has been properly repaired.

Jim noted that the Department of Natural Resources had recently inspected the Water Plant, and the City had received a written report as a result of the inspection. Blum reported that the report requires that Wayne Rush obtain the proper license to operate the Water Plant. Review of the report will be included on the agenda for the next regular City Council meeting.

Blum reported that there was a recent water main break that required him to shut down a portion of the water main for two days. The pipe was split and has since been repaired. Even though service was restored, the people who were affected will be required to boil their drinking water until the water is properly tested. Jim stated that he had driven a water sample to Council Bluffs that morning to be analyzed and he hoped to receive favorable test results within the next day. The break caused a water loss of approximately 50,000 in four to five hours time.

There were no Mayor items or announcements.

Relative to Council items or announcements, Kathy Humann indicated that she had checked with the owners of a sign that is located near the north entrance to the community along Antique City Drive, and the owners gave their permission to remove the brown sign. Gene Larsen also gave his permission to remove the AMVET's sign. The 4-H sign that is located beside the other two signs is fairly new, and no one had talked to the organization to determine whether or not the sign should be removed.

The Council members discussed adopting an ordinance that allows the removal of a Council member upon his or her absence for three consecutive Council meetings. Abel was instructed to draft a proposed ordinance, which will be considered at the next regular City Council meeting.

There were no public items or announcements.

Motion by Zimmerman, seconded by Shepherd to pay the following bills and issue warrants for the same. Ayes: Shepherd, True, Zimmerman. Carried.

#17204 U.S. Postmaster, direct payment mailing postage	150.92
#17205 Cardmember Service, printer ink	54.51
#17206 Terri Abel, wages	1,124.19
#17207 James Blum, wages	1,096.15
#17208 Wayne Rush, wages	870.49
#17209 Shannon Wood, wages	311.14
#17210 Wellmark Blue Cross Blue Shield, employee insurance	5,883.38
#17211 Herb Wood, hauling; recycling fees; rent of dumpsters	3,010.00
#17212 U.S. Postmaster, billing postage	107.80
#17213 Akin Building Centers, paint rollers	9.95
#17214 Atlantic Motor Supply, mud flap; washer fluid; bulb	20.15
#17215 Avoca Auto Parts, well repair	4.94
#17216 AWWA Region IV, schooling	50.00
#17217 Cappel's, water line repairs	24.88
#17218 Carley Drug Co., shipping water samples	22.89
#17219 Center Point Large Print, books	41.34
#17220 City of Atlantic, sewer testing	230.00
#17221 Counsel Office & Document, copier maintenance; ship toner	140.05
#17222 Craig Woltmann, EMS mileage	65.28
#17223 Dona Grooms, Treasurer fee	100.00
#17224 Geotek Engineering & Testing, operation of extraction system	3,511.00
#17225 Hawkins, Inc., chemicals	1,152.01
#17226 Iowa Outdoors, magazine subscription	18.00
#17227 IPERS, withholdings	1,428.30
#17228 Jessica Newcomb, cleaning City Hall	49.00

#17229	Jim Tooley, building permit fees	55.00
#17230	Junior Library Guild, books	167.40
#17231	Kasperbauer Cleaners, Inc., cleaning floor mats	46.22
#17232	Kum & Go, fuel	746.71
#17233	Lindale Construction, pay request for housing rehabilitation	2,717.10
#17234	Margo Matthies, Library supplies; DVD's	125.94
#17235	MidAmerican Energy Co., electricity & gas	4,878.89
#17236	Mutual Benefit Plus, employee insurance	111.45
#17237	Pottawattamie County Recorder, recording fee; release of mortgage	9.00
#17238	Pumpkin Books, books	144.69
#17239	Quill Corporation, supplies	57.97
#17240	Rex Pharmacy, battery	15.00
#17241	Sam's Club, magazine; books	180.67
#17242	Simmering-Cory, Inc., administration fees; housing rehabilitation	8,145.00
#17243	Snyder & Associates, Inc., engineering fees	6,580.00
#17244	St. Luke's Center, DATA membership dues	30.00
#17245	Super Foods, supplies	55.71
#17246	Titan Access Account, tractor filters	248.62
#17247	U.S. Postmaster, postage	88.00
#17248	Verizon Wireless, cell phones	163.73
#17249	Walnut Bureau, publication	377.34
#17250	Walnut Creek Construction, pay request; housing rehabilitation	19,482.00
#17251	Walnut Telephone Co., phone; fax; Internet	248.59
#17252	Terri Abel, wages	1,124.19
#17253	James Blum, wages	1,096.15
#17254	Sherry Jacobsen, wages	21.56
#17255	Margo Matthies, wages	846.44
#17256	Wayne Rush, wages	870.49
#17257	Judy Schrecengost, wages	107.82
#17258	Michelle Tooley, wages	319.68
#17259	Shannon Wood, wages	365.80
#17260	Terri Abel, wages	398.32
#17261	James Blum, wages	303.99
#17262	Wayne Rush, wages	374.23
#69E	EMS Billing Service, ambulance billing	182.48
#70E	Internal Revenue Service, Federal withholdings	726.21
#71E	Internal Revenue Service, Social Security withholdings	1,459.37
#72E	Internal Revenue Service, Medicare withholdings	361.76

Summary of Receipts: General, 14,519.52; Mun. Ent., 3,989.64; Road Use Tax, 6,605.83; Trust & Agency, 846.59; Water, 9,437.24; Sewer, 3,114.24; Eagle Monument Project Fund, 1,475.00; Splash Pad Project Fund, 1,091.91; Water Revenue Bond Sinking Fund, 1,650.00; Customer Water Deposit, 50.00; Local Option Capital Improvements Fund, 8,130.85; TIF Fund, 701.74; Fire Equipment Fund, 172.06; IPAIT Fire Account, 23.05; IPAIT Library Account, 10.53; Ambulance Trust Fund, 34.37; TOTAL: 51,852.57.

Meeting adjourned, 6:45 p.m.

Gene Larsen
Mayor

Terri L. Abel
City Clerk