

CITY COUNCIL PROCEEDINGS

August 4, 2011

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

Guests in attendance: Izetta Dierking, Opal Griffith, Dave Sturm, Carol Rosenbaum, Deb Linden.

City staff in attendance: Wayne Rush and Terri Abel.

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

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

Motion by Shepherd, seconded by True to approve the Treasurer's and Clerk's reports. Ayes: Humann, True, Tooley, Shepherd. Carried.

The Council members discussed various issues pertaining to law enforcement. Both Humann and True commented about the recent presence of law enforcement personnel in Walnut performing speed patrol including deputies from Pottawattamie County, Iowa State Highway Patrol, and unmarked vehicles. When Shepherd was stopped by a Pottawattamie County Deputy, she was told by the deputy that she should let Walnut residents know that the City Council had requested speed patrol by Pottawattamie County; the Pottawattamie County deputies do not want to be in Walnut; and that the speed patrol is time consuming and very costly. Mayor Larsen was certain that not all of the deputies have the same attitude as the deputy encountered by Shepherd. Sue also stated that she was told that the State Highway Patrol was, in most instances, issuing warning citations for speed.

Mayor Larsen stated that he intends to continue to work on the speed limit signage at the south entrance to the community. He urged everyone to slow down when traveling through Walnut.

Shepherd reported that she had received a request to install speed bumps on North Street in front of the splash pad. Susan also suggested the installation of speed bumps on Antique City Drive in front of the school. Mayor Larsen noted that there is a temporary stop sign at the intersection in front of the school during school hours. The Council members did not think that a stop sign in front of the splash pad would be effective because drivers are not stopping at the stop signs that were installed on North Street where North Street intersects with Oak Street. Tooley stated that it might become necessary to install a camera at the stop signs because there are at least twenty individuals who routinely do not obey the signs. Darren stated that he has discussed the problem with law enforcement. Tooley noted that Pottawattamie County has not been patrolling North Street as previously requested; Shepherd also commented that Pottawattamie County is not patrolling cars exiting the Interstate ramps as previously requested.

Abel was instructed to request additional patrol at the stop signs on North Street and near the Interstate exits. Sheriff Danker is also to be made aware of the comments that are being made by one of his deputies.

Blum is to discuss the proposed installation of speed bumps on Antique City Drive in front of the school and on North Street in front of the splash pad with Mayor Larsen. Blum is to research the cost of speed bumps before discussing the matter with Larsen.

Dave Sturm, of Snyder and Associates, Inc., was present at the Council meeting to provide an update relative to the Walnut Street Curb and Gutter Project. Sturm reported that the project began approximately one month ago. Thus far, the pavement has been removed, the sanitary sewer has been laid and all services have been reconnected, and most of the storm sewer has been installed. According to Sturm, basically all of the underground work has been completed. The contractor will begin the grading work soon with paving to follow. It took a great deal of time to lay the sanitary sewer because the main is twelve to fifteen feet deep. The progress will appear to be faster once the above-ground work begins. Sturm recommended approval of Pay Request #1 which included pavement removal, the installation of sanitary sewer and storm sewer, and mobilization.

Motion by Shepherd, seconded by Humann to approve Pay Request #1 in the amount of \$93,870.83 in favor of McCarthy Trenching, LLC for Walnut Street Improvements. Ayes: True, Shepherd, Humann, Tooley. Carried.

Sturm also provided the Council members with an update regarding the Splash Pad Project. He reported that the project has been completed, with all punch list items addressed.

Humann reported that an issue has arisen concerning the heat reflecting from the metal cover on the concrete pit. She questioned whether it would be possible to put a protective coating or covering on the metal door. Sturm stated that he would investigate possible solutions for the problem.

Sturm provided the City with an Engineer's Certificate of Completion, which stated that work has been completed according to the contract in the amount of \$210,098.00. The warranty for the splash pad will begin immediately upon the City Council's acceptance of the work. Sturm recommended approval of the resolution accepting the work as well as approval of the final pay request in the amount of \$10,504.90.

Motion by Shepherd, seconded by Humann to adopt Resolution 11-08-02, A RESOLUTION ACCEPTING THE WORK OF MCCARTHY LANDSCAPE AND DESIGN, OF AVOCA, IOWA, FOR THE WALNUT SPLASH PAD PROJECT. Ayes: Shepherd, Tooley, Humann, True. Carried.

Motion by Shepherd, seconded by True to approve Pay Request #4 (Final) in the amount of \$10,504.90 In favor of McCarthy Landscape and Design for the Splash Pad Project. Ayes: True, Shepherd, Tooley, Humann. Carried.

Sturm stated that the shut-down of the splash pad in the fall will consist of turning off the water and opening up the drain valves, which are sloped to drain back on their own. The water features will remain on the splash pad during the winter months.

Rosenbaum reported that winners are being drawn for the Cash Splash promotion, which was a fundraiser on behalf of the second phase of the Splash Pad Project.

Deb Linden was present at the Council meeting to request permission to seed her pasture with native flowers and grasses, leaving the area native and mowing the pasture once or twice a year. She had previously discussed her request at the last City Council meeting, and she was asked to provide the Council members with photos of what she envisioned for her property.

Linden reported that the Department of Natural Resources is no longer providing seed, so she had obtained information and photos from a seed company. She plans to plant native grasses and wildflower mix that is butterfly friendly. Linden distributed information and photos of the native grasses that she is considering. She also reviewed a map of her property with the members of the City Council showing the pasture area that she would like to seed with natural butterfly and wildlife friendly grasses. The pasture area is located behind her house and adjacent to the wetlands area. Her plans would be to hire someone to mow the pasture area once or twice a year. Shepherd commented that Linden's pasture area ties in with the City's wetlands area; Rush noted that the City mows the wetlands area four times a year. The Fire Department also periodically performs a controlled burn of the wetlands area in the spring, which helps to control weeds and promote growth of the native grasses.

Mayor Larsen was impressed with the amount of research that Linden had accomplished. She again clarified the area of approximately $\frac{3}{4}$ of an acre that she would like to seed; she noted that it would probably take three years to properly establish the grasses and wildflowers. Linden stated that she has been routinely spraying weeds with Roundup. She also wants to eventually remove the old buildings on her property as funding allows.

True noted that Linden would not seed the area until fall. True proposed that Linden prepare the area for seeding, and the City Council could inspect the property before seeding. Linden would then be able to show the City exactly where she would be seeding, and Linden would also have proper time to control the weeds before planting. Both Humann and True stated that they would be willing to look at the property with Linden. Deb will contact City Hall before she seeds her property so that True and Humann can meet with her.

Opal Griffith was present at the Council meeting to seek forgiveness of a portion of a high water bill that resulted from excessive water usage that occurred at the apartment house that is located at 411 Country Street. The property is owned by the Griffith brothers, her sons. Opal explained that the Griffiths had hired Jerry Hansen to

work on the plumbing this past spring after the water had been disconnected during the winter months. After Hansen had worked on the plumbing, one of the renters could hear a water noise, but could not find any evidence of water leaking. Opal called Hansen who discovered a pipe leaking in the crawl space of the house. Griffith hoped that the City Council would forgive one-half of the overage; the bill amounted to approximately \$192.00. Opal indicated that the average utility bill for the property amounts to around \$50.00 per month. Tooley noted that in the past, the City Council has forgiven excessive water usage once every twelve months.

Motion by Tooley, seconded by Humann to forgive \$70.00 of the utility bill for 411 Country Street, which is one-half of the overage of an average utility bill for the property. Ayes: True, Tooley, Humann. Nays: Shepherd. Carried.

There was a brief discussion regarding issues concerning the Fire Department. Mayor Larsen read a letter from Ed Morrison, a Loss Control Representative of the Iowa Municipalities Workers' Compensation Association. Mr. Morrison had recently conducted a review of the Fire Department to verify compliance with IMWCA Volunteer Firefighter Criteria. During the course of the review, he was pleased to see that the Fire Department was in good order and that a number of safety practices were being implemented. All of the required written programs were in place and all firefighters had undergone a physical examination in accordance with IMWCA standards. Mr. Morrison also wrote that it has been a real pleasure working with the City, and the entire City staff was to be commended for their efforts. Mayor Larsen commended the Fire Department for its attention to details.

Tooley reported that a Minnesota company recently performed firefighter physicals onsite at the Fire Station. The company performed 25 full physicals and 8 partial physicals. The City will pay \$1,000.00 for the physicals, which is the allocated budget amount for physicals for FY 11-12. The Fire Department will pay the remainder of the bill. Darren stated that firefighters are to receive a physical every two years, according to IMWCA standards.

Darren reported that the Fire Department has projects planned including replacing the concrete in front of one of the bay doors and work on the generator shed.

On a final note, Tooley reported that Drew Cable is a new cadet member of the Fire Department.

No one was present at the Council meeting to request the City's financial participation in the replacement of residential sidewalk. The Council members had approved the continuation of a Residential Sidewalk Program, not to exceed a cost of \$5,000.00 per fiscal year. The program is on a first-come first-served basis, and property owners must appear before the City Council to participate in the program. After the completed sidewalk has been inspected by the City Superintendent, the City will reimburse property owners for sidewalk replacement at \$5.00 per running foot.

The Council members discussed the deteriorating condition of some of the sidewalks in the Business District. Abel commented that the replacement of sidewalks could conceivably be covered through a grant for a downtown beautification program; however, it would probably not be possible to receive a grant for sidewalk replacement only. Abel reminded the Council members that the City already has a program to pay for one-half of the cost of sidewalk replacement in the commercial business district. The City's existing program is an incentive to the property owners to replace deteriorated sidewalk; it is the financial responsibility of the individual property owner to maintain or replace sidewalk as needed. The City Council has the authority to enforce the sidewalk ordinance, forcing property owners to replace deteriorated sidewalk. Humann commented that it would be helpful to have a per-foot cost to replace the sidewalk. Abel stated that it would perhaps be possible to create an assessment program whereas the property owners would be able to pay for the sidewalk replacement with their taxes over the course of several years.

Abel noted that some of the downtown business owners have replaced sidewalk in the past few years including Robert's Bakery, Walnut Communications, and Midwest Insurance. She also commented that an allocation for the City's portion of a possible commercial sidewalk program should be considered when the City Council is discussing the upcoming budget.

After a brief discussion, Abel was instructed to obtain an estimated per foot cost to replace the sidewalk in the Business District and look into a possible assessment program for the replacement of sidewalk. Discussion of the condition of the sidewalks in the Business District is to appear on the agenda for the next regular City Council meeting.

Kathy Humann provided the Council members with information regarding Walnut's Feral Cat Program. She reported that a new group has been formed to care for and contain the feral cat colony in the community. The group is comprised of private citizens with the intent to control and limit the growth of the feral cat community. Both True and Humann are participating in the program. Kathy explained that the group would humanely trap the cats. The cats would then be taken to a veterinarian to be neutered, vaccinated for Rabies, and ear-tipped. The cats would be returned to their original outdoor home. The volunteer group would care for the colony by providing food and some shelter. Humann noted that a veterinarian has been secured who will spay and neuter for a reasonable cost; the program is totally donation driven. During the course of the discussion, Humann stated that any donations from the City would be welcome.

Shepherd felt that cats in the community will continue to be a problem with them getting into garages, walking on vehicles, and defecating in residents' yards. Humann stated that the program would control the feral cat population by decreasing the numbers through sterilization; the colony would eventually become smaller because feral cats only live about two years. The benefits of the program include rodent control by the colony, less fighting between the cats, and preventing new cats from entering the colony. Over time, there will actually be fewer cats in a community with a Trap-Neuter-Return (TNR) Program. The program has been successful in many large communities including Omaha and Des Moines. TNR has proved to be the only effective and humane way to control stray and feral cats. The program is endorsed by the Humane Society. Deb Linden, who is a veterinarian, commented about the success and the benefits of the program. She indicated that she has information available about a national foundation that helps subsidize feral cat programs.

Humann explained that the volunteer group has already established a feeding area. Other areas will be established based on the location of the cat colonies and permission from the property owner. The cats are fed once in the morning so that food is not available for nighttime diners such as skunks and possums. The group has placed donation cans in the downtown businesses, and online donations are being solicited. The group has raised in excess of \$300.00 to date.

To close the discussion, Humann stated that the volunteer group includes the youth of the community as well as residents of Peace Haven. The group is trying to involve all segments of the community in the program.

Motion by Tooley, seconded by Shepherd to approve a Class C liquor license for Glenn's Food and Pub. Ayes: Humann, Shepherd, Tooley, True. Carried.

Motion by Shepherd, seconded by Humann to adopt Resolution 11-08-01, A RESOLUTION TO APPROVE THE ROAD USE TAX REPORT. Ayes: True, Shepherd, Tooley, Humann. Carried.

There was nothing new to report relative to the Housing Rehabilitation Program.

Regarding discussion of City maintenance, Rush reported that a north lift station pump was recently repaired and reinstalled. During the course of reinstalling the pump, a bracket was broken and has since been replaced. The repaired pump is again operational.

Abel reported that an auditor from the State Auditor's office will be auditing the City records during the month of September, with work to begin on September 12, 2011. The auditor will be onsite for approximately two weeks.

Humann reported that she had recently completed the quarterly inspection of City property. Included in her areas of concern were the cover of the pit at the splash pad getting hot as previously discussed and a question concerning the installation of a gate between the concession stands. Rush addressed Humann's question stating that the City men have taken down the school gates, and they are planning to install them as previously instructed.

Rush questioned the disposition of the fencing around the baseball field. Tooley suggested that the City men discuss the fencing with the baseball coaches, Trey Brix and Dennis Book. Rush noted that if the fence is removed, it would be possible for people to drive around the school gates to gain access to the west concession stand. The fence is usually removed for football; however, since Walnut no longer has a football team, there will not be any football games at the park.

Rush reported that he had removed the Antique City Inn sign at the north entrance to the community, but he has not yet pulled the posts.

Humann noted that the City Council had previously instructed the City men to reinstall the community sign at the same location where it was installed in the past. The property is now owned by Ron Hansen, and True thought that Hansen had given his

permission to again place the sign on his property. The City men were requested to reinstall the sign, contingent upon Hansen's permission.

Humann reported that the new sod at the park looks to be dead. Rush indicated that Blum had hoped that the grass was dormant. True felt that the sod needs to be watered. Carol Rosenbaum made a comment about the numerous hours that Blum spent watering the sod when it was initially laid. Mayor Larsen stated that the City men have worked hard to make the park presentable, including weeding water grass on their knees. Both Tooley and Larsen felt that the City should wait until spring to determine whether the grass is alive, and a comment was also made about perhaps seeding grass in the fall. Carol Rosenbaum reminded the Council members that the main purpose for placing the sod was to keep the area from becoming muddy during the dedication and through the summer months.

Shepherd requested that the City men place trash cans and bags at the wetlands shelter and along the wetlands trail. Her request was made based on comments that she received from a resident. Rush indicated that he would check the bags when he empties the trash cans at the park.

Rush reported that the picnic tables at the park have been repaired.

Regarding Mayor items and announcements, Mayor Larsen reported that he had received information about Mike Chapman, who is an author as well as the editor of the magazine, "Iowa History Journal". Larsen explained that Chapman writes books or booklets regarding things that will promote communities or the history of communities. Chapman has taken an interest in Walnut, focusing his attention on former resident, Earl Caddock. Caddock was a decorated veteran of WWI, a world champion wrestler, and a local business owner. Chapman would like to write a booklet about Caddock that the City would promote and distribute. Larsen was not certain of the details; however, he noted that the project could possibly entail naming a street after Caddock. In any event, Mayor Larsen stated that he will be talking to Mike Chapman about possible future projects concerning promoting the accomplishments of Earl Caddock.

Relative to Council items and announcements, Humann announced that Craig Schroeder, of the Hometown Competitiveness Program, is planning to meet with Trace Frahm and local officials to further discuss the program. Mayor Larsen indicated that he would be willing to meet with Schroeder.

Information was provided concerning the Iowa League of Cities Annual Conference, which will be held in Des Moines, Iowa on September 21-23, 2011. Abel indicated that she is planning to attend the conference.

There were no public items or announcements.

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

#17648 Penny's Visions Art Gallery, deposit for bronze plaques	2,685.00
#17649 Cardmember Service, shirts; anti-virus software; splash pad bricks	202.95
#17650 Kathe Twilley, name labels for senior mailboxes	26.00
#17651 Walnut Merchant's Association, tourism advertising FY 11-12	5,000.00
#17652 Terri Abel, wages	1,113.68
#17653 James Blum, wages	1,086.19
#17654 Wayne Rush, wages	862.49
#17655 Shannon Wood, wages	383.36
#17656 Eugene Clayton, 28' sidewalk replacement	140.00
#17657 Herb Wood, hauling; recycling fees; rent of dumpsters	3,010.00
#17658 Wellmark Blue Cross Blue Shield, employee insurance	4,119.83
#17659 U.S. Postmaster, billing postage	108.64
#17660 Penny's Visions Art Gallery, balance due for bronze plaques	2,650.00
#17661 Amanda Sudmann, Cash Splash winner	150.00
#17662 Betty Sunderman, Cash Splash winner	50.00
#17663 Bob McIntire, Cash Splash winner	50.00
#17664 Brett Petersen, Cash Splash winner	50.00
#17665 Bruce Alff, Cash Splash winner	50.00
#17666 Caryn Just, Cash Splash winner	50.00
#17667 Dave Blum, Cash Splash winner	50.00
#17668 Dennis Rosener, Cash Splash winner	150.00
#17669 Elimar Sudmann, Cash Splash winner	50.00
#17670 Flo Cunningham, Cash Splash winner	50.00
#17671 Izetta Dierking, Cash Splash winner	50.00

#17672 Jackie Baxted, Cash Splash winner	150.00
#17673 Jake Branan, Cash Splash winner	50.00
#17674 Janet Sievers, Cash Splash winner	50.00
#17675 Jerry Glenn, Cash Splash winner	50.00
#17676 Jerry McCarthy, Cash Splash winner	50.00
#17677 Joan Nelson, Cash Splash winner	50.00
#17678 Kathy Hansen, Cash Splash winner	150.00
#17679 Kathy Humann, Cash Splash winner	50.00
#17680 Ken Bishop, Cash Splash winner	50.00
#17681 Lisa Feigenbutz, Cash Splash winner	50.00
#17682 Mindy Krummel, Cash Splash winner	200.00
#17683 Nancy Thornburgh, Cash Splash winner	50.00
#17684 Robert Dierking, Cash Splash winner	50.00
#17685 Sandy Holtz, Cash Splash winner	50.00
#17686 Teresa Holtz, Cash Splash winner	1,000.00
#17687 Tony Zimmerman, Cash Splash winner	50.00
#17688 Verlene Larsen, Cash Splash winner	50.00
#17689 Terri Abel, wages	1,113.68
#17690 James Blum, wages	1,086.19
#17691 Sherry Jacobsen, wages	71.18
#17692 Margo Matthies, wages	914.56
#17693 Wayne Rush, wages	862.49
#17694 Judy Schrecengost, wages	78.29
#17695 Michelle Tooley, wages	456.81
#17696 Shannon Wood, wages	354.22
#17697 Terri Abel, wages	243.75
#17698 James Blum, wages	443.21
#17699 Wayne Rush, wages	250.58
#17700 American Girl, 1 year subscription	22.95
#17701 Atlantic Motor Supply, sweeper repair; air line repair	74.80
#17702 Walnut Boy Scouts, July park mowing	125.00
#17703 Business Forms & Accounting, utility bills	399.09
#17704 Cappel's, air line repair; sprayer repair; Clorox	36.19
#17705 Carley Drug Co., ship water samples	36.68
#17706 Cass County Memorial Hospital, ambulance supplies	20.88
#17707 Center Point Large Print, books	41.34
#17708 Chase Alm, refund water deposit	50.00
#17709 Chuck Gross, ambulance supplies	28.48
#17710 City of Atlantic, sewer testing	330.00
#17711 City of Walnut, water deposits applied to accounts	100.00
#17712 Counsel Office & Document, copier maintenance	125.47
#17713 Dona Grooms, Treasurer fee	100.00
#17714 Hach Company, sewer testing supplies	97.40
#17715 Hawkins, Inc., sewer and water chemicals	2,110.50
#17716 Hoa Solutions, Inc., surge protection – water tower	256.69
#17717 Ingram Library Services, books	249.04
#17718 International Institute of Municipal Clerks, membership fees	160.00
#17719 Iowa Department of Natural Resources, annual NPDES permit	210.00
#17720 Iowa History Journal, 2 year subscription	35.95
#17721 Iowa One Call, One Call locates	12.60
#17722 IPERS, withholdings	1,712.39
#17723 J & J Custom Graphic Design, shirts – Rush	52.20
#17724 Jessica Newcomb, cleaning City Hall	50.00
#17725 Jim Tooley, building permit fees	263.00
#17726 Jon Peterson, rent of boat	50.00
#17727 Kasperbauer Cleaners, Inc., cleaning floor mats	47.03
#17728 Kristy Walker, refund water deposit	50.00
#17729 Kum & Go, fuel	923.73
#17730 Love of Quilting, 2 year subscription	31.97
#17731 Margo Matthies, Library supplies	228.44
#17732 Matheson Tri-Gas Inc., oxygen	39.90
#17733 MC Sales, Inc., north lift station pump repair	3,323.81

#17734	McCarthy Landscape & Design, Pay Request #4, Splash Pad Project	10,504.90
#17735	McCarthy Trenching, Pay Request #1, Walnut Street Improvements	93,870.83
#17736	Med Compass, firefighters physicals	1,000.00
#17737	Medivac – Atlantic, ambulance mutual aid	150.00
#17738	Medivac – Harlan, ambulance mutual aid	150.00
#17739	MidAmerican Energy Co., gas & electricity	4,481.49
#17740	Municipal CMS, website hosting – annual fee	800.00
#17741	Nelson Machine & Forge, street sweeper repair	25.66
#17742	Pottawattamie County Treasurer, landfill fees	1,490.00
#17743	Quill Corporation, supplies	111.44
#17744	Sam’s Club, Library supplies; books; DVDs	208.68
#17745	Schildberg Construction Co., ball diamond lime; stone	1,382.73
#17746	Snyder & Associates, Inc., engineering and survey fees	4,945.22
#17747	State Hygienic Laboratory, water testing	53.00
#17748	State Library of Iowa, EBSCO host	56.40
#17749	Super Foods, supplies	61.40
#17750	U.S. Postmaster, postage	88.00
#17751	Verizon Wireless, cell phones	143.76
#17752	Walnut Bureau, publication	145.47
#17753	Walnut Creek Fertilizer, herbicide	282.50
#17754	Walnut Telephone Co., phone; fax; Internet	232.05
#98E	Internal Revenue Service, Federal withholdings	813.86
#99E	Internal Revenue Service, Social Security withholdings	1,222.88
#100E	Internal Revenue Service, Medicare withholdings	332.07
#101E	Employee Benefit Systems, employee insurance self-funding	1,474.62
#102E	Rolling Hills Bank & Trust, ACH fee	10.00

Summary of Receipts: General, 22,899.32; Road Use Tax, 6,100.18; Trust & Agency, 2,357.82; Water, 9,848.30; Sewer, 3,343.90; Splash Pad Project Fund, 19,380.00; Water Revenue Bond Sinking Fund, 1,650.00; Eagle Monument Project Fund, 1,000.00; Customer Water Deposit, 100.00; Local Option Capital Improvements Fund, 7,582.37; TIF Fund, 3,336.29; Housing Rehabilitation Capital Project Fund, 13,709.00; IPAIT Fire Account, .71; IPAIT Library Account, 1.65; Ambulance Trust Fund, 34.05; Fire Equipment Fund, 113.69; TOTAL: 91,457.28.

Meeting adjourned, 6:10 p.m.

Gene Larsen
Mayor

Terri L. Abel
City Clerk