

CITY COUNCIL PROCEEDINGS

April 5, 2012

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

Guests in attendance: Justen Tooley, Bob Martens, Lynn Driver, Izetta Dierking, Jessica Simons, Craig Schroeder, Cindy Jensen, and Amanda Lebeck.

City staff in attendance: Jim Blum and Terri Abel.

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

Mayor Larsen opened the public hearing on a development agreement with Lynn A. Driver and authorization of tax increment payments.

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

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

Discussion followed regarding the possible adoption of a development agreement with Lynn A. Driver for his new business, Emma Jean's, which is located at 2117 Antique City Drive.

Mayor Larsen requested any written or oral comments regarding the adoption of a development agreement with Lynn A. Driver and authorization of tax increment payments.

No written or oral comments were available at the time of the Council meeting.

Mayor Larsen closed the public hearing.

The Council members had been provided with a draft development agreement that was prepared by Bob Josten of Dorsey & Whitney of Des Moines. The Mayor stated that the draft essentially consisted of a five-year agreement tied to Driver's property taxes, including an upfront grant of \$10,000.00. The agreement would total a maximum of \$50,000.00, not to exceed 100% of the actual property taxes that are paid in the subsequent four years. Larsen stated that after the completion of the five-year agreement, the City would benefit from the property taxes that are paid on the new business.

Motion by Shepherd, seconded by True to adopt Resolution 12-04-02, A RESOLUTION APPROVING A DEVELOPMENT AGREEMENT WITH LYNN A. DRIVER. Ayes: Humann, Tooley, Bierbaum, Shepherd, True. Carried.

Abel was instructed to prepare a check in the amount of \$10,000.00, which is to be provided to Lynn Driver once he signs the agreement.

There was no discussion regarding Walnut Community School's Lighter Than Air Project.

Craig Schroeder, Director of Youth Engagement at the RUPRI Center for Rural Entrepreneurship, and Jessica Simons, of Promise Partners, were present at the City Council meeting to discuss the results of a Walnut Youth Survey that had been conducted in conjunction with the Pottawattamie County HomeTown Competitiveness Youth Survey. Craig Schroeder provided the Council members with a summary of the results of the survey. A copy of the results is on file in City Hall.

The report summarized youth survey results from assessment activities conducted with students attending Walnut Community School. The survey was conducted by the Center for Rural Entrepreneurship as part of the HomeTown Competitiveness (HTC) initiative in Pottawattamie County. In the fall 2011 semester, 56 7th through 12th grade students participated in the survey to measure their perceptions of their community, future education and career plans, and desire to live in the local area in the future. The survey was administered in classroom environments with teacher supervision. High school students constituted 75% of total respondents, with 39% being juniors and seniors. 25% of survey respondents were junior high students. Females represented 54% and males 46% of total survey participants.

Survey highlights include: most students plan to attend college after high school, and the youth are interested in a spectrum of career opportunities. Many youth feel that their community provides a good quality of life. The majority of youth surveyed are interested in owning their own business, and many youth surveyed would like to live in the local area in the future. Walnut's youth are seeking more entertainment and

recreation options and local jobs. Lastly, many youth have been asked for their input and more would volunteer if asked by an adult community leader to become involved in making their community better.

Marye Bierbaum reported that a Youth Advisory Board has been created as a result of the HomeTown Competitiveness Program. The new board was involved in the recently completed 5th Quarter Program, which provided youth with an organized activity after home basketball games. The 5th Quarter Program was quite successful, which spearheaded plans for future fun activities for youth. Bierbaum stated that the local youth are quite excited about the prospect of the development of a sand volleyball court; the youth were quite impressed that the City Council was receptive to their suggestion for the development of such an amenity. The Youth Advisory Board is working with the Walnut Volunteer Fire Department to plan activities for the upcoming Firefighters Funfest.

Bierbaum stated that the Youth Advisory Board is also planning to introduce the area youth to various career options. Craig Schroeder explained that summer entrepreneurship camps are being planned through the County-wide HTC initiative, and a leadership program will be offered in the fall. Both programs will be available to high school students and young adults. Schroeder noted that 25 young people had been identified who have recently returned to Walnut to make the community their home.

As a final note, Schroeder encouraged the City Council to become involved in the HomeTown Competitiveness Program and the activities that are being planned by the Youth Advisory Board. Humann mentioned that the City Council has sponsored a mail box project for the local seniors, an idea that was conceived through the HTC Program.

There was a rather lengthy discussion concerning nuisances. The Council members were provided with a complaint regarding open burning, which was filed by Merlene Sievers who lives at 806 Antique City Drive. They were also provided with a copy of an abate of nuisance letter that was sent to Phillip Pool who lives at 611 Country Street; the nuisance consisted of junk and/or junk vehicles. The initial complaint concerning the Pool residence was filed by Jan Allen, who lives at 608 Jones Street. The Mayor stated that results had been achieved to remedy the situation at the Pool residence. Mayor Larsen explained that many times some of the activities that citizens complain about are not necessarily activities that are technically breaking any ordinances but things that are only annoying their neighbors. He reiterated that some activity is not breaking any ordinances; things like parking on the street in front of neighboring residences. The Mayor stated that there are ordinances that govern nuisances such as junk and junk vehicles, however. The Mayor cited examples such as houses that need to be painted and houses with broken doors; these things may be unsightly but are not governed by City ordinances. Barking dogs and accumulated trash would be examples of ordinance violations.

Both Humann and Larsen commented that there have been ongoing complaints from one or two citizens about smoke from burning yard waste materials, especially leaves. Mayor Larsen made comments about proper burning techniques, especially burning only when leaves are dry so that smoke doesn't linger. He also made note that the City provides a yard waste site, and citizens are encouraged to haul leaves and tree trimmings to the site as an alternative to burning. The Mayor questioned whether the City Council wanted to consider a ban on burning in the City limits or setting specific days and times when burning can occur. Humann felt that the real problem is that citizens are burning wet leaves and they are burning items other than yard waste. Shepherd commented that there are only a few complaints about burning, and she did not feel that a change to the current ordinance is needed. Comments were made that citizens should show respect for their neighbors when burning and when conditions are appropriate; dry leaves burn quickly; wet leaves continue to smolder for long periods of time. Darren Tooley stated that if people are burning items other than yard waste, citizens can telephone 911 to report the problem. Oftentimes the County will contact the local Fire Department to extinguish the fire.

Shepherd reported that she had read a newspaper article about rental properties in Papillion that are not being maintained to certain standards will be taxed at a high rate. She indicated that Omaha is also looking into the same arrangement. Shepherd stated that she will make copies of the article to distribute to the Council members.

Mayor Larsen stated that he is personally irritated by the number of citizens who routinely park their vehicles in their yards. He suggested the possible adoption of an ordinance that would restrict people from parking vehicles in front or side yards of residential properties.

Humann reported that there is a utility pole in the alley near her residence that is leaning onto the roof of a private garage. Blum was instructed to look at the situation.

The Mayor stated that he has received complaints about situations that might not necessarily be against the City's Code of Ordinances; however, they may be against the law. Larsen stated that if citizens see something that they think might be suspicious, they have the option to call 911 when activities are dangerous or are suspected to be illegal. Bob Martens commented that there is a non-emergency telephone number that is published in the local phone book that can also be used by residents.

Mayor Larsen encouraged the Council members to make an effort to tour the community. Discussion of nuisances is to appear on the agenda for future City Council meetings.

Relative to discussion of the Fire Department, Fire Chief Justen Tooley reported that there is an upcoming County fire meeting that is scheduled for May 2, 2012 at 7:00 p.m. in Neola to discuss what to do in the event that a tornado hits a community. Public works employees and City officials are invited to participate in the 90-minute tabletop discussion. During the discussion, a list will be compiled of public works vehicles that would be available in each community to respond to a tornado emergency situation. Darren Tooley and Justen Tooley are planning to attend the meeting. Justen reported that Blum had listed the City's dump truck and tractor as vehicles that would be available to respond to any of the neighboring communities in the event of a tornado. The mutual-aid favor would be returned if Walnut should experience a tornado. It was the consensus of the Council members to comply with Blum's recommendation to include the City-owned dump truck and tractor on the list of mutual-aid vehicles.

There was considerable discussion concerning solid waste disposal. Mayor Larsen prefaced the discussion by noting that the City's contract with Herb Wood and Walnut Sanitation for residential hauling of solid waste will expire on December 31, 2012. It will be necessary to prepare a new contract. Any interested contractors will submit bids for residential hauling according to the specifications of the contract. Mayor Larsen requested that the Council consider the criteria to be included in the document.

Abel indicated that she would include the insurance criteria in the contract, similar to the current insurance specifications. It was the consensus of the Council to continue to offer a general garbage pickup event twice a year, which has been customary for the past several years. The contract is to be written that it would be the financial responsibility of the contractor to pay for any and all landfill charges. The City would like to continue to offer weekly curbside recycling.

During the course of the discussion, it was stated that the City has a twenty-five year contract with Iowa Waste Systems to dispose of the City's residential waste at the Loess Hills Regional Sanitary Landfill, which is located near Glenwood, Iowa. The City's current cost to dispose of the waste is \$23.50 per ton. Mayor Larsen questioned whether the contractor who has a contract for residential hauling with the City of Walnut would be able to dispose of the City's garbage at the same tonnage rate of \$23.50 per ton. Abel stated that she would contact Iowa Waste Systems to make certain that the City's hauler would be able to haul the City's residential garbage at the same rate. Abel indicated that she would research whether other communities are including a fuel surcharge in the language of their garbage contracts. The garbage contract is to be written for a term of three years, according to a current household count.

Darren Tooley commented that perhaps the City would want to consider breaking the agreement with Iowa Waste Systems if no contractors bid on the contract because it is so far to dispose of the solid waste at the Loess Hills site. Abel stated that garbage haulers have expressed an interest in submitting a bid, even with the knowledge of the City's contract with Iowa Waste Systems. Contractors have expressed an interest in collecting both garbage and recycling on the same day of each week for the entire community; the Council members were in favor of all garbage services being performed on one day per week.

It was determined that it is the City Council's goal to advertise for bids for residential hauling in August of 2012, with bids to be due by 5:00 p.m. on September 6, 2012, the date of the regular September City Council meeting.

Discussion of solid waste disposal will appear on the agenda for future City Council meetings until a revised contract has been agreed upon and bids for residential hauling have been received and approved.

The acquisition of 308 Atlantic Street remains in the hands of the City Attorney, who is working through the process to gain title to the property.

The Council members discussed the possible development of a sand volleyball court. Bierbaum reported that she had accompanied Darren Tooley to Fireman's Park to search for an appropriate location for the sand volleyball court. Darren reported that one desirable location would involve removing the small red shed that is situated near the center of Fireman's Park. Jim stated that essentially nothing is stored in the shed, so it would be possible to remove it. Another location would be near the water tower; however, there would be a problem with losing balls over the fence that surrounds the tower. There was some debate about the required size of the court. Bierbaum thought that the typical sand volleyball court measures 60 feet by 30 feet; Blum stated that his research showed the dimensions to be 70' x 40' including out-of-bounds. Jim also noted that Fireman's Park is getting full, and it is always breezy in the park. He questioned whether there would be any other City-owned locations that would be suitable for the proposed facility. Shepherd suggested the area near the wetlands shelter as another possible location.

Mayor Larsen stated that there is more work that needs to be done before the City Council can make a decision whether to develop a sand volleyball court, including the determination of the most favorable location and the estimated cost to develop the site. Blum felt that it would be necessary to purchase washed sand and a new volleyball net and poles. Bierbaum stated that Craig Schroeder and Jessica Simons had indicated that there are several advantages of involving the local youth in planning and developing a project. It is also possible that the project would be eligible for grant funding. Abel suggested that the youth contact the City of Avoca to determine what Avoca encountered when developing its sand volleyball courts.

Discussion of the possible development of a sand volleyball court is to appear on the agenda for the next regular City Council meeting.

At the last regular City Council meeting, the Council members reviewed and updated the City's Infrastructure Needs Study and Strategic Plan. The plan was last updated in April of 2011; the plan should be reviewed and updated at least every two years, if not more often. Abel had revised the prioritized project list as instructed by the City Council at the last meeting. A copy of the revised and updated Infrastructure Needs Study and Strategic Plan was provided to and reviewed by the members of the City Council.

Motion by Tooley, seconded by Shepherd to adopt Resolution 12-04-01, A RESOLUTION ADOPTING AN UPDATED INFRASTRUCTURE NEEDS STUDY AND STRATEGIC PLAN FOR THE CITY OF WALNUT. Ayes: True, Humann, Shepherd, Bierbaum, Tooley. Carried.

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 briefly discussed improvements that are scheduled to be made in Fireman's Park. Abel reported that the City had received a grant from the Iowa West Foundation in the amount of \$12,056.50 on behalf of those improvements, which will include sidewalk adjacent to property that is owned by Dona Grooms and Adrian Griffith as well as sidewalk along the front of Fireman's Park. Both Grooms and Griffith gave their permission to install sidewalk along their property. Blum noted that the services of an engineer will not be needed to install the sidewalk. He plans to request bids from any contractors who are interested in pouring the sidewalk. Other improvements will include the purchase of two water features for the splash pad, four old-fashioned street lights for Fireman's Park, one bench, two picnic tables, a grill, and a bicycle rack. Blum requested assistance in determining the location of the street lights. The question also arose as to whether the proposed sand volleyball court should be lighted.

Discussion of Fireman's Park Improvements is to appear on the agenda for the next regular City Council meeting.

Motion by Shepherd, seconded by True to approve a Class B Native Wine Permit (WBN) for the Victorian Rose. Ayes: Bierbaum, Humann, Tooley, True, Shepherd. Carried.

Motion by Shepherd, seconded by Humann to approve a Class B Native Wine Permit (WBN) for the Purple Iris Shop. Ayes: True, Tooley, Shepherd, Humann, Bierbaum. Carried.

True reported that she had requested bids for pruning the trees in the Business District; however, she had not yet received any bids for the service. This item of discussion is to be tabled until the next regular City Council meeting.

It was reported that general garbage pick-up will take place on Thursday, April 12 and Friday, April 13, 2012. General pick-up items will be collected west of Antique City Drive beginning on Thursday, April 12 at 7:00 a.m. Nothing west of Antique City Drive will be collected for general pick-up after Thursday. General pick-up items will be collected east of Antique City Drive beginning on Friday, April 13, 2012 at 7:00 a.m. Regular trash collection for the entire community will be on the normal days beginning at 7:00 a.m. as usual. A list of rules for general pick-up was distributed to the Council members for their review. Appliances, including microwaves, water heaters, refrigerators, washers, dryers, stoves, dehumidifiers, freezers, and air conditioners can be included and will be picked up during general pick-up for a fee of \$15.00 per appliance. The fees will be billed by the City on an individual basis. All shelves and drawers must be removed from refrigerators and freezers. Garbage pick-up, weekly as well as general pick-up, is for Walnut citizens only. Debris from outside Walnut is not welcome. General garage pick-up is intended for residential customers only. Businesses are not allowed to participate in the general garbage pick-up program. A notice of the upcoming general garbage pick-up will be published in the Walnut Bureau and posted in the window at City Hall. A notice will also be provided to Walnut Communications for viewing on the local cable channel; a notice will also be provided to Walnut Community School for viewing on the announcement board.

There was no discussion pertaining to the Walnut Housing Rehabilitation Program.

Relative to discussion of City maintenance, Jim reported that he had not received any new information regarding maintenance of the lagoons. The most recent information was that it would cost approximately \$45,000.00 to replace the aerators; \$10,000.00 in material cost and \$35,000.00 for the labor.

Blum indicated that he would like to receive permission to add some carp to the lagoons in an attempt to control the vegetation. The lagoons, which cover approximately 6 acres, would require 60 carp at a cost of \$8.00 apiece. Bullheads would also accomplish the same thing; however, the bullheads would have to be introduced to the lagoons by a fisherman because it is not possible to purchase bullheads. After a brief discussion, Blum was given permission to purchase the requested carp. Shepherd suggested that Blum contact the Department of Natural Resources to determine whether there is a program to purchase the fish through the State.

There were no Mayor items or announcements.

Relative to Council items or announcements, True volunteered to perform a quarterly inspection of City property.

Part three of the Municipal Leadership Academy will be held at the Cass County Community Center on Thursday, April 26, 2012 from 4:00 p.m. until 8:00 p.m. Bierbaum, Humann, and True will be attending the training.

A Smart Economic Development Conference will be held in Des Moines on Thursday, May 3, 2012 from 7:30 a.m. until 4:30 p.m.

A 2012 Small City Workshop will be held at the A-H-S-T Community School on June 7, 2012 from 5:30 p.m. until 8:00 p.m. The topics to be discussed include service sharing strategies and financial management and responsibilities. True commented that she has attended several recent workshops along with Bierbaum and Humann. Cheryl stated that she has learned a great deal about what other small communities are doing, including sharing services. Many of the small communities are coming together to try to learn how the small communities can become better places to live. True urged the City Council members to participate in upcoming workshops. Humann expressed an interest in attending the June Small City Workshop; however, the training will be held at the same time as the June City Council meeting. The decision was made to reschedule the June City Council meeting for Wednesday, June 6, 2012 at 5:00 p.m. so that City officials have the opportunity to attend the training. True, Bierbaum, Humann, Tooley, Larsen, and Abel are planning to attend the workshop. Shepherd is to notify Abel by April 15th if she is also interested in attending. Abel will make the appropriate reservations for the training.

There were no public items or announcements.

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

#18253	Quill Corporation, supplies	14.02
#18254	Cardmember Service, printer for Water Plant	119.99
#18255	Kum & Go, fuel	845.47
#18256	Terri Abel, wages	1,136.55
#18257	James Blum, wages	1,107.95
#18258	Wayne Rush, wages	879.55
#18259	Shannon Wood, wages	335.82
#18260	Andrew Perina, reimbursement of overpayment of utility bill	101.77
#18261	AWWA Region IV, training – Rush & Blum	40.00
#18262	Iowa History Journal, full page ad	400.00
#18263	Wellmark Blue Cross Blue Shield, employee insurance	5,415.23
#18264	Drew Cable, mileage for EMT classes	77.70
#18265	Atlantic Motor Supply, truck maintenance, lagoon pump belts	161.81
#18266	Terri Abel, wages	1,136.55
#18267	James Blum, wages	1,107.95
#18268	Wayne Rush, wages	879.55
#18269	Shannon Wood, wages	289.12
#18270	Herb Wood, hauling; recycling fees; rent of dumpsters	3,010.00
#18271	U.S. Postmaster, billing postage; fluoride notice postage	279.15
#18272	Terri Abel, wages	249.07
#18273	James Blum, wages	348.76
#18274	Sherry Jacobsen, wages	28.48
#18275	Margo Matthies, wages	961.55
#18276	Wayne Rush, wages	165.43
#18277	Judy Schrecengost, wages	515.77
#18278	Akin Building Centers, repair of west restrooms	15.98
#18279	Avoca Auto Parts, vehicle maintenance	14.95
#18280	Avoca Bldg. Material Center, radio brackets; door opener; restrooms	637.40
#18281	Bob Martens, building permit fees	40.00
#18282	Carley Drug Co., CD's; shipment of water samples	45.04
#18283	Cass County Memorial Hospital, employee drug testing	27.00
#18284	Cassie Kinney, refund of water deposit	4.99
#18285	Center Point Large Print, books	41.34
#18286	City of Atlantic, sewer testing	390.00
#18287	City of Walnut, water deposit applied to account	45.01
#18288	Counsel Office & Document, copier maintenance	134.99
#18289	Craig Woltmann, grass seed	85.00
#18290	Danko Emergency Equipment, tanker pump repair	112.04
#18291	Discovery Girls, 2-year magazine subscription	29.95
#18292	Dona Grooms, Treasurer fee	100.00
#18293	Ed M. Feld Equipment Co., Inc., SCBA bottle hydrotest	896.00
#18294	Gale, books	88.37
#18295	Hawkins, Inc., water chemicals	848.63
#18296	Holtz Service, chain saw repair	49.60
#18297	Iowa Assoc. of Municipal Utilities, training – Blum; 2012-2013 dues	457.59
#18298	I.P.E.R.S., withholdings	2,221.38
#18299	Jessica Newcomb, cleaning City Hall	50.00
#18300	Kasperbauer Cleaners, Inc., cleaning floor mats	50.03
#18301	Kum & Go, fuel	407.14
#18302	Louie's Garage, tractor tire repair	15.00
#18303	Margo Matthies, mileage; supplies; DVD's	135.64
#18304	Matheson Tri-Gas Inc., oxygen	39.90
#18305	Medivac-Atlantic, ambulance mutual aid	150.00
#18306	Michelle Tooley, mileage – EMT clinicals	81.58
#18307	MidAmerican Energy Co., gas & electricity	3,761.40
#18308	Municipal CMS, 5-year domain name registration	75.85
#18309	Myrtue Medical Center, TB screening; Hepatitis B vaccine	1,708.00
#18310	O'Halloran International Inc., pumper repair	876.31
#18311	Penworthy, books	163.09

#18312	Pottawattamie County Sheriff's Office; April, May, June, 2012	3,434.37
#18313	Pottawattamie County Treasurer, landfill fees	2,878.50
#18314	Salvo, Deren, Schenck & Lauterbach, consults	192.00
#18315	Sam's Club, books; DVD's; magazines; supplies	272.98
#18316	State Hygienic Lab-AR, water testing	193.00
#18317	Super Foods, supplies	44.54
#18318	Treasurer of State, 1 st quarter sales tax	2,433.71
#18319	Treasurer, State of Iowa, 1 st quarter withholdings	1,411.33
#18320	U.S. Postmaster, postage	90.00
#18321	Verizon Wireless, cell phones	138.26
#18322	Walnut Bureau, publication	134.52
#18323	Walnut Telephone Co., phone; fax; Internet	243.74
#151E	Internal Revenue Service, Federal withholdings	794.48
#152E	Internal Revenue Service, Social Security withholdings	1,213.28
#153E	Internal Revenue Service, Medicare withholdings	338.32
#154E	Employee Benefit Systems, insurance handling fee	77.49
#155E	Employee Benefit Systems, insurance partial self-funding	1,474.62
#156E	Rolling Hills Bank & Trust, ACH fee	10.00
#157E	EMS Billing Service, Inc., ambulance billing service	463.34

Summary of Receipts: General, 23,726.57; Road Use Tax, 7,059.81; Trust & Agency, 1,996.77; Water, 11,531.06; Sewer, 3,749.58; Splash Pad Project Fund, 12,256.50; Water Revenue Bond Sinking Fund, 1,650.00; Eagle Monument Project Fund, 125.00; Customer Water Deposit, 50.35; Local Option Capital Improvements Fund, 6,809.68; TIF Fund, 3,236.08; Ransom Subfund, 525.74; IPAIT Fire Account, .17; IPAIT Library Account, .46; TOTAL: 72,717.77.

Meeting adjourned, 6:30 p.m.

Gene Larsen
Mayor

Terri L. Abel
City Clerk