

## CITY COUNCIL PROCEEDINGS

August 2, 2012

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

Guests in attendance: Izetta Dierking, Linda Booth, Justen Tooley, and Tim Teig.  
City staff in attendance: Jim Blum and Terri Abel.

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

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

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

The Council members briefly considered the possible adoption of an ordinance governing the operation of golf carts on the City streets. Steve Sunderman, a local resident, had requested that the City Council consider the adoption of such an ordinance. Sunderman routinely drives his golf cart in the residential area, and a Pottawattamie County Deputy had informed him that in order to legally operate the vehicle on the public streets, the City Council would need to adopt an ordinance. According to Iowa State Code, incorporated areas may, upon approval of their governing body, allow the operation of golf carts on City streets by persons possessing a valid driver's license. The law also mandates that golf carts shall be equipped with a slow moving vehicle sign and a bicycle safety flag and operate on the City streets only from sunrise to sunset. Golf carts shall be equipped with adequate brakes and shall meet any other safety requirements imposed by the governing body. State Code also states that a golf cart shall not be operated upon a City street which is a primary road extension through the City but shall be allowed to cross a City street which is a primary road extension through the City.

The Council members briefly discussed whether Highway 83 (Pearl Street) or Antique City Drive would be considered primary road extensions.

Mayor Larsen commented that many citizens and members of the AMVET's organization drive golf carts outside of the roped area during the annual antique show. The Mayor was rather surprised that a deputy questioned Sunderman about the use of his golf cart.

Abel had sample ordinances available for use in drafting a proposed ordinance. Some of the ordinances were quite simple; others were more complex. After a brief discussion, Abel was instructed to draft an ordinance for consideration. The draft ordinance is to include a stipulation requiring the operator to possess a valid driver's license; operation on City streets only between sunrise and sunset, and a requirement for a slow moving vehicle sign and a bicycle safety flag at all times. The draft ordinance will be reviewed by the City Council at the next regular City Council meeting and considered for possible adoption. This item of discussion is to appear on the agenda for the September City Council meeting.

Relative to Fire Department discussion, Mayor Larsen announced that the Walnut Fire Association will be providing and installing free smoke alarms in every household that makes a request. The smoke alarms are being provided at no cost by the Walnut Fire Association along with generous donations by the following agencies: Western Iowa Insurance Agency; Bocker, Karnes & Karnes Insurance Agency; Western Iowa Mutual Insurance Agency; Rhonda Hope State Farm Insurance; Deb Martin/Midwest Insurance Associates; and Auto Owners Insurance Company. Residents who are interested in obtaining smoke alarms are to contact Brett Petersen, Justen Tooley, or Donnie Bauerkemper. Fire Chief Justen Tooley noted that residents will be required to sign a waiver before the smoke alarms will be installed. He surmised that the Fire Department members will begin to install the smoke alarms within the next two weeks.

The Fire Chief announced that Pottawattamie County, including the incorporated areas, is under a burn ban until further notice. Tooley surmised that the burn ban will probably exist through the harvest season.

Justen Tooley and Marye Bierbaum announced that the Fireman's Funfest will be held on Friday and Saturday, August 3-4, 2012. Activities include a slow pitch game with alumni vs. high school complete with free ice cream. Other activities include a slow

pitch softball tournament, kids' games and activities, water fights, watermelon feed, a parade, and the annual Fireman's dinner at the Legion Hall.

Fire Chief Tooley reported that some of the Fire Department members are considering taking the proper classes that would enable them to join a rope rescue team with Oakland. The classes would certify the members to provide rescues on the wind turbines.

Mayor Larsen read a letter from Ed Morrison, the Loss Control Representative of the Iowa Municipalities Workers' Compensation Association. Morrison commended City staff and the Walnut Volunteer Fire Department for the condition of the facilities and complete compliance with IMWCA Volunteer Firefighter criteria. Morrison had recently completed a site visit to the City facilities; he stated that the staff should be commended for its efforts in providing a safe and healthy work environment. Mayor Larsen commended the City employees for their efforts.

The Walnut Optimist Club had requested the City's financial participation in replacing the sidewalk in front of the Walnut Welcome Center, which is located at 607 Highland Street. The sidewalk in front of the Welcome Center measures ten feet wide by sixty-seven feet long. In the past, it has been the City's policy to financially participate in one-half of the expense for the replacement of commercial sidewalk. Blum mentioned that the Optimists plan to modify the asphalt in front of the building while still maintaining an unloading area for tourism buses.

Motion by Bierbaum, seconded by Humann to approve the City's financial participation for sidewalk replacement, according to the stipulations of the City's commercial sidewalk policy, in front of the Welcome Center, which is located at 607 Highland Street. Ayes: True, Frahm, Humann, Bierbaum. Carried.

The Council members discussed time limitations on building projects. Humann reported that one property owner, Robert Sieck of 505 Walnut Street, has received several building permits since 2003 to complete a remodeling project of his home. The project remains in progress, and Kathy Humann reminded the Council members that the City had received several complaints, both written and verbal, from a neighboring property owner who was concerned about the construction debris that has remained on Sieck's property for many years. The Council members were provided with photographs of the miscellaneous construction debris that is located on Sieck's property. Humann felt that the complaints were legitimate, and she was in favor of the City Council addressing the issue in an attempt to remedy the situation. Humann reiterated that the work on Sieck's property is not being completed, and she questioned whether changing the length of building permits would take care of the problem.

The Council members were provided with the applicable section of the City's Zoning Ordinance for their review. According to the ordinance, building/zoning permits shall be applied for with the City Clerk and shall expire 2 years after the date of issuance if work is begun within 180 days of issuance or after 180 days if no substantial beginning of construction has occurred. Extensions of time may be granted in writing by the Zoning Administrator for good cause.

Abel noted that replacing the siding or windows on a house does not require a building permit. Sieck recently repaired the foundation of the house; he did not request a building permit, and there was some question as to whether a building permit should have been required for the repair work. In any event, the City Attorney had reviewed the situation some time ago, and he had determined that the work that remains on the outside of the house does not require a building permit. Abel suggested that the Council members again contact City Attorney Richard Schenk to show him the photographs. Abel noted that perhaps it would be possible to determine that the construction debris is a nuisance, and the City could send Sieck an abate of nuisance letter. True was interested in setting a time limit that would mandate the amount of time that a resident would be given to complete a building project. Abel again suggested that the City set up a Council committee meeting with Schenk to discuss the various questions regarding nuisance abatement and mandating a possible time limit for the completion of building projects. Abel was instructed to contact City Attorney Richard Schenk to set up a meeting; Frahm, Humann, and Mayor Larsen all indicated that they would be available to attend.

Tim Teig, of Snyder and Associates, Inc., was present at the Council meeting to discuss a possible downtown beautification project. Mayor Larsen prefaced the discussion by reporting that Dave Sturm, also of Snyder and Associates, had recently met with True, Humann, Mayor Larsen, Blum, and Abel to brainstorm such a project. Tim

Teig was available at the Council meeting to further discuss ideas and options for a beautification project.

Teig provided the Council members with an aerial view of the downtown Business District. Tim detailed the area of focus as one block of the Business District on Antique City Drive from Pearl Street to Highland Street with both intersections, including one-half block east and west on both Pearl Street and Highland Street. Teig proposed two elements of a possible Streetscape Enhancement Project; streetscape enhancement and building facade restoration concept planning. Streetscape enhancement would encompass storefront to storefront, which would include curb and gutter, sidewalk, drainage, and ADA accessibility. The second element would consist of façade restoration and enhancement of the buildings in the Business District.

Teig distributed a proposed Engineering Services Agreement which detailed the scope of services for both phases of the proposed project. Phase I, Conceptual Streetscape Planning Services, included topographic survey, an initial planning meeting, concept planning, and a final planning meeting. The fees for streetscape related services amounted to a total of \$6,900.00, which included a fee of \$3,600.00 for a topographic survey of the proposed area. Teig felt that the topographic survey was an important component of the planning process because it would provide actual information from which to proceed. The survey would include property corner monuments, ground elevations, utilities, and physical features. The survey would be utilized in the preparation of the concept plan and the future detailed design plans for the project. Without a topographic survey, Teig noted that the plan would only be based on hypothetical information. A topographic survey would also be required should the City Council choose to proceed with a streetscape project.

Phase II, Conceptual Building Facade Restoration Services, would detail cosmetic improvements without completing an actual historical preservation project, similar to a project that was recently completed in Avoca. Snyder & Associates would select two existing structures. The first building would require only minor cosmetic improvements including painting, trim replacement, awnings, lighting, etc.; the first building would be structurally sound with minor issues. The second building would require mid-level improvements; slight structural related failures requiring tuck pointing, wood members replacement, window and door replacements and other various cosmetic improvements. Before and after front building elevations would be prepared utilizing enhanced digital photos and renderings to depict possible restoration scenarios. Estimated costs of renovation for the two levels of improvements would be prepared to provide an anticipated estimated restoration cost per building facade. The fee of \$3,800.00 for Phase II would include the services as previously detailed as well as one public meeting to present the proposed facade renderings and cost estimates. If the City were to choose to proceed with a facade project, Snyder & Associates would provide a set of plans that would identify the improvements for every building front including the approximate cost. Having that, the City could work on a program to make it financially enticing for business owners to participate in facade restoration.

The scope of services in the Engineering Services Agreement would provide the City with an understanding of what it would cost to complete a Streetscape Enhancement Project and to provide a plan from which to proceed.

During the course of the discussion, Teig noted that Snyder & Associates might possibly use the services of an Ames architect as a technical advisor for the facade restoration portion of the project.

Teig reported that Snyder & Associates had recently been selected to complete a streetscape project for the Dundee area in Omaha. Tim stated that the firm does a great deal of streetscape work including Avoca, Audubon, and Lake View. He mentioned that Atlantic's streetscape project is twenty years old, and he felt that it looks as good today as it did when it was first completed. Tim said that Snyder tries to develop a design that will last and stand up in the future. He commented that his feeling was that Walnut desires a streetscape that is unique to the community that will last and is safe and attractive.

Tim said that it would be possible to enter into an agreement with Snyder & Associates for Phase I only at this time with Phase II to follow in the future if desired. The future cost of Phase II would remain \$3,800.00, even if the Council were to choose to forego the second phase at this time. There was some debate as to whether it would be advantageous to proceed with both phases, with pros and cons discussed. Teig stated that all of the communities that he has worked with have not regretted the decision to

complete a streetscape project. All of the communities have felt that their streetscape projects have been money well spent. In fact, in most communities, after the City had funded the streetscape portions of their projects, some of the business owners became excited and went ahead with improvements to their buildings. Once the design for the entire block has been completed, most business owners are open to the project, especially if there is a program with financial incentives. The streetscape enhancement portion of the project generally creates the excitement and interest of the business owners to start improving the appearance of their buildings.

Mayor Larsen spoke favorably about the appearance of Atlantic's downtown streetscape, especially during the Holiday Season. Teig stated that Atlantic is just beginning to hold meetings concerning a possible facade restoration project. There are some new young Atlantic business owners who are extremely interested in enhancing the building fronts and creating second story apartments. Tim said that Avoca has really set the tone for facade renovation and streetscape improvement; Avoca's project resulted in a dramatic impact to the community. Teig commented that Walnut is unique and has already created and built a niche for itself.

Abel commented that, from a fiscal standpoint, she did not feel that \$3,800.00 was a great deal of money to spend to have the opportunity to visualize a conceptual plan for facade restoration to two buildings.

Mayor Larsen stated that he could see the benefit of a Streetscape Enhancement Project. He was originally apprehensive about such a project because he was fearful that the downtown businesses would have to be closed for a long period of time, which could result in a devastating financial impact. Because Walnut's project would not involve as many infrastructure improvements as Avoca's project, the street would probably not have to be closed to traffic for an extended period of time.

Abel noted that the \$10,700.00 expense for the entire Engineering Services Agreement would be paid either from the line item for consultant fees or from the allocation for economic development.

Motion by True, seconded by Frahm to execute an Engineering Services Agreement in the amount of \$10,700.00 with Snyder and Associates, Inc. for a possible streetscape and building facade restoration project. Ayes: Bierbaum, Humann, True, Frahm. Carried.

Teig noted that the agreement stated that Snyder & Associates would complete all of the detailed services within 75 days of a Notice to Proceed. Tim recommended the formation of a small streetscape committee consisting of City Council members, members of the general public, and downtown business owners to begin planning and developing ideas for the proposed enhancements; he recommended that the initial committee consist of five to seven members. Mayor Larsen designated Trace Frahm and Cheryl True to represent the City Council on the committee. Tim stated that the initial meeting will be held after the topographic survey has been completed. He explained that the topographic survey will include the elevation of the entrance to every building, steps, top of curb, gutter, drive, cutouts for the trees and lights; essentially any feature above ground, both location and elevation. Snyder & Associates would also determine the location of all underground utilities. The survey would be a full topo from storefront to storefront, providing a detailed survey of the downtown Business District.

Regarding discussion of the Community Development Committee, it was noted that five members were appointed to the committee in September of 2009. As per the ordinance, the Community Development Committee was created consisting of five members appointed by the City Council. Four of the members were to be selected from the property owners of the Historic District and one member was to be selected from the property owners of the community at large. The current members of the committee are Linda Booth, Lois Brix, Ed Ransom, Larry Roberts, and Susie Sievers. Also according to the ordinance, after a member has served for six consecutive years, he/she will not be eligible for reappointment for another three year term until he/she has been off the committee for a one year period. Linda Booth is the at large member of the committee. Because Ed Ransom sold his business, he is actually no longer eligible to serve on the committee because the at large position is already filled. Because it will be time to reappoint new members in one month, the Council decided not to replace Ransom at this time. Lois Brix is the only current member who is eligible for reappointment because the other members have all served for six consecutive years. True and Abel are to solicit new members before the next City Council meeting. Appointment of five members to

the Community Development Committee is to appear on the agenda for the September City Council meeting.

Abel mentioned that she thought that it would be a good idea if the members of the Community Development Committee were to be included in the makeup of the streetscape committee.

Motion by Humann, seconded by True to adopt Resolution 12-08-01, A RESOLUTION TO APPROVE THE ROAD USE TAX REPORT. Ayes: Bierbaum, Frahm, Humann, True. Carried.

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

Motion by True, seconded by Bierbaum to approve a Class C liquor license for Clark's Pub. Ayes: Bierbaum, Humann, True, Frahm. Carried.

Relative to discussion of solid waste disposal, Abel reported that letters, bid sheets, and specifications had been mailed to nine contractors who had expressed an interest in bidding on the City's agreement for residential hauling of garbage and recyclables. Bids for the service will be reviewed at the next regular City Council meeting, which will be held on Thursday, September 6, 2012. Sealed bids are due in City Hall by 3:00 p.m. on that day.

Relative to discussion of nuisances, the Council members were provided with three completed complaint forms. The first complaint was signed by Bob Buboltz, who had complained about a hedge that is hanging in the right-of-way of the alley; the hedge belongs to George King, who lives at 807 Summit Street. The complaint also mentioned that the hedge should be trimmed and the property owner should maintain the back property mess. It was reported that the majority of the hedge had already been trimmed, and no one was certain what was meant by the back property mess. Abel stated that she would talk to the property owner about trimming the remainder of the hedge when he gets home. The Council members agreed to look at the back of the property to determine whether there is a problem. If so, they will notify Abel so that she can send a letter to the property owner.

The Council members were also provided with two separate complaints that had been filed concerning property that is owned by Randy Neese at 409 Country Street. The first complaint, signed by Amy Sandbothe, stated that the house has been vacant since April of 2012; she felt that the property is a fire hazard, and there are bugs and rodents coming into her house. She also stated that there are knives and broken glass and other dangerous items in the yard. Sandbothe wrote that the house needs to be condemned and torn down. Mayor Larsen reported that he had previously received a telephone call from Sandbothe regarding the property.

The second complaint, signed by Floyd Richardson, included photographs of the property. His complaint stated that his tenant, Amy Sandbothe, had informed him of rodent and bug infestation; the house appears to be structurally unsafe; there is a possibility of vandalism and the house is a fire hazard; the house should be deemed uninhabitable; the house affects the real estate value of all other home owners in the neighborhood; and he was concerned that he would lose tenants because of the property. Richardson felt that the complaint should be resolved by a complete renovation or demolition of the house.

Because the Mayor was uncertain of the City's options, the decision was made to also discuss the condition of 409 Country Street with the City Attorney when the Council committee meets with him to discuss the Bob Sieck property. Both Larsen and Abel stated that the yard at 409 Country Street has been routinely mowed, and there is no trash in the yard. Mayor Larsen suggested that perhaps a letter of concern to the property owner should be mailed, requesting his intentions for the property and asking if there are any demolition plans for the house. Abel is to proceed with sending any letters to the property owner according to the recommendation of the City Attorney.

The acquisition of 308 Atlantic Street is progressing; the City will have the authority to remove the house from the property after October 10, 2012. Blum reported that the Fire Department is planning to use the house for practice before the house is totally burned. Fire Chief Justen Tooley reported that the asbestos testing has been performed, and all tests were negative.

The Council members were provided with a pay request for rehabilitation of 509 Walnut Street.

Motion by Humann, seconded by True to approve Pay Request #3 (Final) in the amount of \$9,964.00 in favor of Walnut Creek Construction for rehabilitation of 509

Walnut Street contingent on final inspection by the housing rehabilitation inspector.

Ayes: Bierbaum, Humann, Frahm, True. Carried.

Regarding discussion of City maintenance, Mayor Larsen reported that the City men had installed the signs designating Pearl Street as Earl Caddock Memorial Drive.

There were no further Mayor items or announcements.

Relative to Council items and announcements, Bierbaum reported that the net had been installed on the sand volleyball court. Plans are to form a league within the month; interested individuals are to contact either Marye Bierbaum or Shannon Wood.

Frahm reported that he had completed a quarterly inspection of City property. Trace provided the Council members with a photograph of the harrow that drags the ball fields, and he questioned whether the equipment could be considered a hazard. He also reported that there is trash located near the new sand volleyball court, and he suggested that the City men place a garbage can closer to the court.

The Council members received information regarding the Iowa Downtown Summit, which will be held on August 21-22, 2012 at Keokuk, Iowa.

The Council members were also provided with information pertaining to the Iowa League of Cities 2012 Annual Conference & Exhibit, which will be held in Sioux City on September 26-28, 2012. Abel indicated that she is planning to attend the conference, and Bierbaum also expressed a desire to attend the training. Abel will register Bierbaum for the conference.

True thanked the City men for watering the trees and the planters in the Business District during the recent extremely hot and dry weather.

Mayor Larsen announced that the election to fill the City Council position that is temporarily being filled by Trace Frahm will be held in conjunction with the general election in November. The deadline to submit nomination papers for the City Council position is 5:00 p.m. on Tuesday, August 28, 2012.

There were no public items or announcements.

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

#18533	Cardmember Service, EDR chemicals, scoreboard, training, software	3,428.34
#18534	Deter Motor Co., 2012 GMC pickup	16,977.00
#18535	Walnut Merchant's Association, tourism advertising FY 12-13	5,000.00
#18536	Wellmark Blue Cross Blue Shield, employee insurance	5,876.06
#18537	Terri Abel, wages	1,131.67
#18538	James Blum, wages	1,103.34
#18539	Wayne Rush, wages	875.84
#18540	Shannon Wood, wages	353.49
#18541	Herb Wood, hauling; recycling; rent of dumpsters	3,010.00
#18542	U.S. Postmaster, billing postage	126.08
#18543	Terri Abel, wages	1,131.67
#18544	James Blum, wages	1,103.34
#18545	Sherry Jacobsen, wages	99.21
#18546	Margo Matthies, wages	874.70
#18547	Wayne Rush, wages	875.84
#18548	Judy Schrecengost, wages	509.81
#18549	Shannon Wood, wages	385.18
#18550	Terri Abel, wages	122.99
#18551	James Blum, wages	347.35
#18552	Wayne Rush, wages	109.79
#18553	Akin Building Centers, concrete	22.14
#18554	Avoca Red-E-Mix, Inc., concrete-sand volleyball court	63.83
#18555	Bob Martens, building permit fees	30.00
#18556	Walnut Boy Scouts, July park mowing	150.00
#18557	Carley Drug Co., ship samples	64.58
#18558	Counsel Office & Document, copier maintenance	143.38
#18559	Dona Grooms, Treasurer fee	100.00
#18560	Ed M. Feld Equipment Co., Inc., voice amps; facepiece brackets	3,619.00
#18561	Hallett Materials, sand – sand volleyball court	1,979.18
#18562	Harlan Fire Department, asbestos inspection – 308 Atlantic Street	270.00
#18563	Ingram Library Services, books	305.05
#18564	International Institute of Municipal Clerks, membership fees	160.00
#18565	Iowa History Journal, full page ad	400.00

#18566 Iowa One Call, One Call locates	10.90
#18567 IPERS, withholdings	1,734.01
#18568 Jennie Edmundson Hospital Pharmacy, ambulance supplies	36.52
#18569 Jessica Newcomb, cleaning City Hall	50.00
#18570 Jim Tooley, mileage – ambulance repair	183.15
#18571 Kasperbauer Cleaners, Inc., cleaning floor mats	50.03
#18572 Keast Auto Center, ambulance repair	42.00
#18573 Kum & Go, fuel	744.73
#18574 Liberty Auto Restoration, Inc., ambulance repair	45.00
#18575 Margo Matthies, supplies; DVD's	198.20
#18576 Medivac, ambulance mutual aid	450.00
#18577 MidAmerican Energy Co., gas & electricity	4,059.50
#18578 Municipal CMS, website hosting	800.00
#18579 PMI, ambulance supplies	475.00
#18580 Polar Engraving, splash pad bricks	92.50
#18581 Pottawattamie County Treasurer, landfill fees	2,987.50
#18582 Quill Corporation, supplies	60.39
#18583 Simmering-Cory, Inc., administration fees – housing rehabilitation	8,050.00
#18584 State Hygienic Lab, sewer and water testing	861.00
#18585 State Library of Iowa, EBSCO host subscription	64.25
#18586 U.S. Postmaster, postage	90.00
#18587 Verizon Wireless, cell phones	139.47
#18588 Walnut Bureau, publication	198.36
#18589 Walnut Creek Construction, pay request #3, housing rehabilitation	9,964.00
#18590 Walnut Creek Fertilizer, herbicide	114.63
#18591 Walnut Telephone Co., phone; fax; Internet	248.80
#18592 Wellmark Blue Cross Blue Shield, EOB charge	30.00
#181E Internal Revenue Service, Federal withholdings	809.76
#182E Internal Revenue Service, Social Security withholdings	1,196.05
#183E Internal Revenue Service, Medicare withholdings	333.55
#184E Employee Benefit Systems, insurance partial self-funding	1,474.62
#185E Employee Benefit Systems, insurance handling fee	77.49
#186E EMS Billing Services, Inc., ambulance billing	348.16

Summary of Receipts: General, 35,583.64; Road Use Tax, 5,491.78; Trust & Agency, 1,912.55; Water, 10,549.35; Sewer, 3,535.68; Customer Water Deposit, 150.00; Water Revenue Bond Sinking Fund, 1,650.00; Local Option Capital Improvements Fund, 7,339.08; TIF Fund, 1,170.29; Ambulance Trust Fund, 10.78; Fire Equipment Fund, 34.64; IPAIT Fire Account, .65; IPAIT Library Account, .39; EBS Account, 1,474.62; TOTAL: 68,903.45.

Meeting adjourned, 6:25 p.m.

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Gene Larsen  
Mayor

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Terri L. Abel  
City Clerk