

## CITY COUNCIL PROCEEDINGS

October 4, 2012

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

Guests in attendance: George King, Bob Allen, Delores Allen, Tauna Bohlmann, Rick Bohlmann, Matt Mills, Hana Jacobsen, Bob Martens, and Bryce Thompson via speaker phone.

City staff in attendance: Jim Blum and Terri Abel.

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

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

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

Regarding discussion of solid waste disposal, the Council members were reminded that four contractors had submitted bids for residential hauling at the last regular City Council meeting. The bids ranged in cost from \$3,021.00 per month to \$5,248.00 per month as follows: MTS, Inc., \$3,021.00 per month; Bohlmann & Sons Sanitation, \$3,549.50 per month; Hepler Curbside Recycling & Sanitation, \$3,936.00; and Deffenbaugh Industries, \$5,248.00. Since the last meeting, the City had contacted references for each of the contractors. A summary of the reference calls was provided to each of the Council members for their review. Prior to any discussion relative to solid waste, Bryce Thompson of Deffenbaugh Industries joined the meeting via speaker phone. Representatives from MTS, Inc. and Bohlmann & Sons Sanitation were also available at the meeting to answer any questions.

When asked, each of the three contractors in attendance said that they would make their service available to all commercial establishments within the City. Shepherd mentioned that perhaps it would be advantageous for the City to monitor the commercial fees that the awarded bidder would be charging; however, the remainder of the Council disagreed with Shepherd because the City only contracts for residential hauling. Commercial establishments are not obligated to purchase service from the City's garbage hauler; there is an open market for commercial hauling with more than one contractor interested in providing the service.

Also, when asked, each of the contractors stated that their bid included the weekly collection of residential recyclables. They also agreed that the collection of recyclables and the collection of solid waste would all occur on the same day for the entire community.

It was clarified that, according to the proposed agreement, the contractor would be responsible to pay for any and all landfill charges. Mayor Larsen alluded to a reference from Dave Kratz, the owner of the Loess Hills Regional Landfill. Larsen questioned Matt Mills concerning comments that were made by Kratz. Mills stated that the working relationship with the landfill is now fine.

Shepherd noted that the bid that was submitted by Bohlmann & Sons Sanitation was quite competitive, and she also commented about the favorable references that had been received concerning the contractor. Humann also made favorable comments about Bohlmann & Sons; she stated that she had personally talked to one of Bohlmann's customers who was quite pleased with the company's service. Humann mentioned that she has learned from experience that the lowest bid is not always the best, and she recommended that the City Council accept the "middle of the road" bid that was submitted by Bohlmann.

Motion by Shepherd, seconded by True to execute a three-year agreement with Bohlmann & Sons Sanitation of Audubon, Iowa for the residential hauling of solid waste. Ayes: Frahm, Shepherd, Humann, True, Bierbaum. Carried.

Bob and Delores Allen were present at the Council meeting to discuss Peace Haven. Delores noted that the City Council has completed past projects that benefited the youth of the community, and she stated that the elderly component of the community would also benefit from the City's help. She reported that it costs \$100.00 per individual to become a member of the Peace Haven Association. Delores stated that there is no place in the area that is as reasonably priced to senior citizens as Peace Haven. She also commented that the facility is clean and the food is good. Bob Allen reported that at one time, memberships totaled in excess of 800; that figure has dwindled to 420 present members. Mayor Larsen clarified that the memberships are in support of Peace Haven; each \$100 membership is lifetime. A membership entitles the member to attend the annual meeting. Mayor Larsen urged the citizens of Walnut to financially support Peace Haven, which is a fine local retirement facility.

The Council members were not certain whether it would be appropriate for the City to purchase a membership; however, they agreed that a donation from the City would perhaps be a catalyst for other local donations and memberships.

Motion by Shepherd, seconded by True to make a donation to Peace Haven in the amount of \$100.00. Ayes: Humann, Frahm, Bierbaum, Shepherd, True. Carried.

On a final note, Mayor Larsen once again encouraged the residents of Walnut to join the Peace Haven Association and to match the City's contribution.

The Council members discussed an upgrade to the City's early warning siren system. Mayor Larsen reported that the Pottawattamie County Board of Supervisors and the Sheriff's Office are currently in the process of a mandated upgrade of its early warning siren system. The Sheriff's Office Communication Center is currently responsible for activating the tornado sirens in most of the cities in Pottawattamie County. Due to the Federal Communication Commission narrowband mandate, the Sheriff's Office is required to upgrade the early warning system by January 1, 2013. Pottawattamie County will be purchasing new communication equipment to upgrade the communication system. Currently, Walnut is not on the early warning siren system. Mayor Larsen reported that the County had previously asked whether the City would be interested in being placed on the new system. By being part of the system, the sirens in Walnut would be continuously monitored. Accordingly, the sirens would be activated by the Communication Center in the event of a tornado warning being issued by the National Weather Service.

While designing the upgrade, Pottawattamie County reviewed all of the sirens in the County to determine the compatibility of the sirens with the new system.

Unfortunately, the sirens in Walnut did not meet the minimum standards for the system. As a result, if the City would like to be part of the new system, the City would need to purchase new sirens. If the City would be willing to purchase new sirens that are compatible with the new system, the County offered to pay for all the radio and system equipment that will be placed on each of the City's sirens. The County would also be willing to pay for the three new sirens with the City to enter into a schedule for repayment. Correspondence from Loren Knauss, a Pottawattamie County Supervisor, included a break-down of the proposed costs associated with the Walnut upgrade and the needed sirens.

Mayor Larsen stated that it was not possible to discuss the County's upgrade and subsequent offer for financial assistance with the members of the City Council before Pottawattamie County needed to order the equipment. Larsen reported that he had discussed the issue with Loren Knauss, and the Mayor had given his approval of the upgrade as well as the City's financial obligation. Mayor Larsen explained that the City's present sirens were originally given to the City free-of-charge; the sirens were taken out of service when Council Bluffs upgraded its siren system several years ago. The sirens are old, and it has become increasingly difficult to purchase replacement repair parts. Mayor Larsen stated that he ordered the new sirens, which would most probably be needed in the next few years even without the County's upgrade.

The Council members reviewed the costs associated with the Walnut upgrade as provided by Loren Knauss. According to the information, Walnut's upgrade would total \$71,402.00; the City would be expected to purchase three sirens, which amounted to \$20,148.00 of the total cost. Pottawattamie County would pay for the remaining \$51,254.00, which would include all the radio and system equipment that would be placed on each of the sirens. The County would also initially pay for the three sirens, with the City to repay the County over a number of years yet to be determined.

During the discussion, Shepherd questioned why the line item cost of radio equipment specified for Avoca was less than the same line item cost for Walnut and other Pottawattamie County communities, even though the item number was the same. No one could address Shepherd's concern, and Abel stated that she would contact Knauss to question the difference. In any event, Bierbaum noted that the cost difference would be in the portion of the project that is being paid by Pottawattamie County.

The Council members concurred with the Mayor's decision to participate in Pottawattamie County's upgrade of the early warning siren system. The new sirens have already been ordered, and the Council will discuss repayment plans to the County when the budget for FY 2013-2014 is being considered.

Abel reported that there could be possible consequences involved with the siren upgrade including the possible inability to sound sirens during fire and ambulance emergency situations and the possibility that it could become necessary to discontinue the sirens that are blown at 7:00 a.m., noon, and 6:00 p.m. Those questions will be addressed as the project proceeds.

There was no Fire Department discussion.

There was nothing new to report in regard to a possible Streetscape Enhancement Project.

George King, whose residence is located at 807 Summit Street, was present at the Council meeting to discuss the alley that is located on the west side of his property. King

stated that over the years, there have been complaints lodged about King's hedge encroaching on the section of the alley that is located adjacent to his property. George noted that the alley is twenty-feet wide. He stated that a past City Council and a past mayor had visited the King property and measured accordingly. George stated that his hedge is planted on his property, and the snow fence that he has erected is located on the property line between the hedge and the alley. King said that a survey marker verifies the corners and the property line. George reported that he routinely trims his hedge when he is available; when he leaves town for a few months, he hires someone to make certain that the hedge is trimmed and his yard is mowed. This past summer, the person he had hired did not trim the hedge properly, and George made certain that the hedge was trimmed as soon as he returned home. King said that his concern was that his hedge was not encroaching onto the alley. In fact, he stated that the growth on the other side of the alley was actually encroaching between six to eight feet onto the alley, causing traffic to drive over closer to King's property. In King's opinion, not only does his neighbor's growth encroach onto the alley, but his neighbor's garage actually extends onto the alley. King distributed photographs of the alley and his observations. Mayor Larsen felt that perhaps there is more gravel on King's side of the alley than on the other side of the alley, making it appear that George's hedge is encroaching onto City property.

Mayor Larsen thanked George King for his input; the Mayor assured King that the City will investigate the matter and address King's concerns as needed.

Relative to the Walnut Housing Rehabilitation Program, the Council members were provided with a final pay request for rehabilitation work that has been completed on 203 Atlantic Street, the residence of Hazel Suhr.

Motion by Shepherd, seconded by Humann to approve Pay Request #2 (Final) in the amount of \$12,447.00 in favor of Walnut Creek Construction for rehabilitation of 203 Atlantic Street. Ayes: Frahm, Shepherd, Humann, Bierbaum, True. Carried.

The acquisition of 308 Atlantic Street has progressed to the point that the City is about to take possession. The City will have the authority to remove the house from the property after October 10, 2012. The Fire Department is planning to use the house for practice for smoke training before the house is totally burned. Mayor Larsen commented that it is possible that the Fire Department will not burn the house until after the Pottawattamie County burn ban has been lifted. It will be determined later whether it will become necessary to remove any of the trees from the property.

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.

Blum reported that the deteriorated sidewalk in front of the Post Office has been replaced, with the City sharing in the cost of the sidewalk replacement and paying for the replacement of the curb and gutter in front of the building. Jim reported that he had talked to the owner of the building, Troy Suhr, about refraining from putting salt on the new sidewalk for ice control. Shepherd commented that it is possible to purchase a sealant to protect new concrete sidewalk from ice control chemicals.

The Council members were provided with complaints for their review. Mayor Larsen reported that several residents and visitors had complained about political signage that had been displayed in the Business District in the window of the Antique Furniture Emporium, which is located at 226 Antique City Drive. The business is owned by Bill and Opal Griffith. The Mayor reported that most of the signage has been removed from the window. Even though Larsen stated that he had discussed the complaints with Bill Griffith, the Mayor did not think that the signage was removed as a result of the Mayor's request. In any event, the majority of the offensive signage has been removed, and no additional Council action was taken.

The Council members and the Mayor were provided with a letter from Mary Lou Griffith, a resident of Shelby, who was concerned that she had received a seat belt ticket while in Walnut. The letter was put on file in City Hall. The Mayor encouraged drivers to wear their seat belts in order to avoid a similar fate, and he once again urged residents to donate to Peace Haven rather than use their money to pay a seat belt ticket. No official Council action was taken regarding the letter.

Mel Larsen had completed and submitted a complaint form regarding a demolition derby car that is parked in the yard of 707 Atlantic Street, property that is owned by Kathy Houston. The Mayor reminded the Council members that there is a City ordinance stating that junked vehicles are not allowed in the City limits unless they are housed in a building.

Motion by Shepherd, seconded by Humann to send a letter to the owner of 707 Atlantic Street, giving her ten days to either remove a demolition derby car from the property or move the vehicle into a building. Ayes: True, Bierbaum, Frahm, Humann, Shepherd. Carried.

There had been a verbal complaint lodged at City Hall regarding weeds and dog feces at the property that is located at 609 Country Street. After a brief discussion, it was reinforced that citizens should be encouraged to file a written complaint form whenever they have a concern. It is the Council's policy to consider and act on written complaints when valid.

The Council members reviewed a written complaint that had been submitted by Linda Conrad. Conrad complained about an employee of Walnut Sanitation using foul language while collecting garbage. Shepherd commented that she felt that the situation had already been taken care of, and Linda had completed the complaint form for informational purposes. No formal Council action was taken regarding the complaint.

The Council members discussed the possibility of forgiving the monthly utility bill for two individuals who have volunteered their services for park maintenance. Both Larry Jacobsen and Larry Shepherd had volunteered their time during the past summer to maintain the park during the summer months. From October of 2005 through October of 2009, the City Council had approved forgiving Larry Jacobsen's entire utility bill for the following twelve months, including the charges for water, sewer, and garbage, with an annual cap of \$600.00. The Council members had given the same consideration to both Larry Jacobsen and Larry Shepherd beginning in October of 2009.

Motion by Humann, seconded by True to forgive monthly utility bills for two local residents who have volunteered their services for park maintenance. The utility bills are to be forgiven for the next twelve months, not to exceed a total of \$600.00 per individual. Ayes: Frahm, Bierbaum, True, Shepherd, Humann. Carried.

Abel is to include discussion of the possibility of forgiving monthly utility bills for park maintenance on the agenda for October of 2013 so that the matter can again be considered for the following year.

Abel reported that there is a requirement to annually update the City's Identity Theft Prevention Program, which was originally approved in October of 2008. The Council members were provided with a copy of the City's program for their review and comment. No changes were made to the existing plan as a result of the review.

Motion by Shepherd, seconded by Frahm to adopt Resolution 12-10-01, A RESOLUTION ADOPTING AN UPDATED WALNUT MUNICIPAL UTILITY IDENTITY THEFT PREVENTION PROGRAM FOR THE CITY OF WALNUT. Ayes: Bierbaum, Shepherd, Humann, True, Frahm. Carried.

Regarding discussion of a three-year sign lease agreement with D & B Farms Partnership, the Council members reviewed a proposed lease between Donald G. Johannsen and Esther Y. Updike, also known as D & B Farms, and the City of Walnut. The proposed lease detailed a lease term of three years at a cost of \$2,100.00 per year. The current lease agreement was for a period of three years at a cost of \$1,800.00 per year. The current lease will expire on October 28, 2012. The draft agreement was exactly the same as the current agreement, except that Donald Johannsen had requested a lease increase from \$1,800.00 per year to \$2,100.00 per year. Johannsen had requested the increase because he said that he is now being taxed for the sign.

It was clarified that the billboard sign is located along Interstate 80 between Walnut and Avoca. The large billboard sign is owned by the City of Walnut. The City also owns the permit for the billboard sign that is located on the property that is owned by D & B Farms.

Motion by Humann, seconded by True to execute a three-year lease agreement between the City of Walnut and D & B Farms for maintaining one billboard sign at an annual cost of \$2,100.00. Ayes: Frahm, True, Shepherd, Humann, Bierbaum. Carried.

Blum commented that the billboard sign is in need of repair. Abel reported that she had already contacted Rose City Canopy & Sign, asking that the company provide the City with guidance concerning either the repair or the replacement of the vinyl that covers the billboard. Since she had not heard back from Rose City, Abel stated that she would once again contact the company to determine the proper course of action. Abel reported that the sign was faced with vinyl in 2008 at a cost of approximately \$3,600.00.

The Council members reviewed information regarding an upcoming flu shot clinic. The Pottawattamie County Visiting Nurses will be giving flu vaccinations at City Hall on Friday, October 19, 2012 from 9:00 a.m. until 11:00 a.m. The vaccinations are free for people with Medicare Part B; otherwise there will be a charge of \$25.00 for each flu shot and \$30.00 for flu mist. Consent forms for the clinic will be available at City Hall; consent forms will also be available at the clinic. The Council members had previously agreed to once again pay for the cost of flu shots for the City employees.

Humann left the meeting at this time.

Relative to discussion of City maintenance, Shepherd commented that the sidewalk in the alley behind the Eldon Ranney residence has been completed and looks very nice. Blum stated that the City men are waiting for cold patch to complete the repair. Until the cold patch is installed, the end of the alley is barricaded to prevent cars from driving over the new sidewalk. Shepherd questioned whether the barricades should

be lighted; Blum stated that the barricades are fitted with reflective tape for visibility purposes.

Jim made favorable comments about the new pickup. He also reported that he purchased a used snow plow, used truck tires, and a used sander from the Iowa Department of Transportation.

There were no Mayor items or announcements.

Relative to Council items and announcements, Kathy Humann was designated to complete a quarterly inspection of City property.

It was reported that general garbage pick-up will take place on Thursday, October 4 and Friday, October 5, 2012. General pick-up items will be collected west of Antique City Drive beginning on Thursday, October 4 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, October 5, 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 was published in the Walnut Bureau and posted in the window at City Hall. A notice was also provided to Walnut Communications for viewing on the local cable channel; a notice was provided to Walnut Community School for viewing on the announcement board.

The Council members agreed to officially set Trick-or-Treating in Walnut for Wednesday, October 31, 2012 from 5:00 p.m. until 7:00 p.m.

Information was provided concerning the MAPA annual meeting, which will be held in Omaha on Wednesday, October 10, 2012.

Regarding public items or announcements, Bob Martens commented that he had a concern about residents who park on the wrong side of the street, facing in the wrong direction. After a brief discussion, the Mayor stated that the deputies have the ability to issue citations under the traffic code. The Mayor also commented that there is a City ordinance prohibiting parking vehicles on City streets for more than 72 hours. Mayor Larsen urged Martens to report any such concerns to the Pottawattamie County Sheriff's Department.

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

#18659 Bedwell Aluminum, street lights for Fireman's Park	1,540.00
#18660 Terri Abel, wages	1,131.67
#18661 James Blum, wages	1,103.34
#18662 Wayne Rush, wages	875.84
#18663 Shannon Wood, wages	389.41
#18664 Cardmember Service, bouncy houses for Fireman's Funfest; training;	

software renewal; EDR maintenance	1,465.14
#18665 Lindale Construction, sidewalk replacement	5,096.00
#18666 Region IV Iowa Water Environmental Assoc., training	64.00
#18667 Terri Abel, wages	1,131.67
#18668 James Blum, wages	1,103.34
#18669 Wayne Rush, wages	875.84
#18670 Shannon Wood, wages	359.82
#18671 Herb Wood, hauling; rent of dumpsters; recycling fees	3,010.00
#18672 Wellmark Blue Cross Blue Shield, employee insurance	5,876.06
#18673 U.S. Postmaster, postage	281.07
#18674 Terri Abel, wages	247.86
#18675 James Blum, wages	285.36
#18676 Sherry Jacobsen, wages	56.68
#18677 Margo Matthies, wages	844.56
#18678 Wayne Rush, wages	254.34
#18679 Judy Schrecengost, wages	454.79
#18680 Amanda Lebeck, reimbursement for supplies	123.61
#18681 American Girl, 1 year subscription	22.95
#18682 Avoca Auto Parts, pickup hitch ball; wiring	47.98
#18683 Avoca Building Material Center, lumber; paint; toilets; locks; clamps	405.25
#18684 Avoca Red-E-Mix, Inc., concrete for street repair	501.88
#18685 Bob Martens, building permit fees	40.00
#18686 Walnut Boy Scouts, September park mowing	150.00
#18687 Cass County Extension Service, pesticide applicator class	35.00
#18688 City of Walnut, water deposits applied to accounts	90.37
#18689 Counsel Office & Document, copier maintenance	117.88
#18690 Countryside Trucking, trucking sand	800.00
#18691 Curtis Osborn, refund of water deposit	9.63
#18692 D & B Farms Partnership, sign lease payment	2,100.00
#18693 Dona Grooms, Treasurer fee	100.00
#18694 Drew Cable, mileage; ambulance supplies	120.81
#18695 Ed M. Feld Equipment Co., Inc., safety belts for quick attack & grass attack	623.00
#18696 Fastenal Company, street paint; drill set	249.65
#18697 Grainger, motor for water tower fan	64.22
#18698 Ingram Library Services, books	150.22
#18699 Iowa Department of Natural Resources, annual water use fee	66.00
#18700 Iowa Department of Transportation, snow plow; tires; sander	1,250.00
#18701 Iowa One Call, One Call locates	6.30
#18702 IPERS, withholdings	1,744.11
#18703 Jessica Newcomb, cleaning City Hall	50.00
#18704 Judy Schrecengost, mileage	49.95
#18705 Kasperbauer Cleaners, Inc., cleaning floor mats	50.03
#18706 Kautzky Tree Care, plant trees; remove trees	1,008.75
#18707 Kum & Go, fuel	884.87
#18708 Margo Matthies, mileage; supplies; DVD's	266.34



#18709	Marye Bierbaum, mileage	151.54
#18710	Medivac, ambulance mutual aid	300.00
#18711	MFM Enterprises, Inc., installation of slatwall	225.00
#18712	MidAmerican Energy Co., gas & electricity	3,578.35
#18713	PMI, ambulance supplies	99.81
#18714	Pott. Co., Sheriff's Office, Oct., Nov., Dec., police protection	3,434.37
#18715	Pottawattamie County Treasurer, landfill fees	2,853.50
#18716	Robert Stuart, refund of water deposit	50.00
#18717	Robinson Implement, Inc., disc mower repair	49.00
#18718	Salvo, Deren, Schenck & Lauterbach, consults	1,552.00
#18719	Sam's Club, supplies; magazines; books	402.71
#18720	Snyder & Associates, Inc., engineering-streetscape enhancement	3,699.00
#18721	State Hygienic Lab, sewer and water testing	1,203.00
#18722	Terri Abel, mileage	193.14
#18723	Treasurer of State, 3 <sup>rd</sup> quarter sales tax	2,794.32
#18724	Treasurer, State of Iowa, State withholdings	1,373.14
#18725	U.S. Postmaster, postage	90.00
#18726	United Electric Supply Co., street light bulbs	145.61
#18727	Van Ert Glass, City Hall windows	2,880.00
#18728	Verizon Wireless, cell phones	139.58
#18729	Vernon Schnack, refund of water deposit	50.00
#18730	Walnut Bureau, publication	845.59
#18731	Walnut Creek Construction, housing rehabilitation program	12,447.00
#18732	Walnut Telephone Co., phone; fax; Internet	247.53
#194E	Internal Revenue Service, Federal withholdings	1,145.86
#195E	Internal Revenue Service, Social Security withholdings	1,657.98
#196E	Internal Revenue Service, Medicare withholdings	462.30
#197E	Employee Benefit Systems, insurance partial self-funding	1,474.62
#198E	Employee Benefit Systems, insurance handling fee	77.49
#199E	EMS Billing Services, Inc., ambulance billing	440.72

Summary of Receipts: General, 5,579.02; Road Use Tax, 7,504.70; Water, 12,933.79; Sewer; 4,144.28; Customer Water Deposit, 50.36; Water Revenue Bond Sinking Fund, 1,650.00; Eagle Monument Project Fund, 50.00; IPAIT Fire Account, .59; IPAIT Library Account, .35; EBS Account, 1,474.62; TOTAL: 33,387.71.

Meeting adjourned, 6:25 p.m.

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Gene Larsen  
Mayor

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Terri L. Abel  
City Clerk