

Madrid City Council
Regular Meeting
March 22, 2010

The Council meeting was called to order at 5:34 p.m. with Mayor Jeff Gibbons presiding.

Present at Roll Call: Steve Burich, Lane Shaver, Val Chapman, Mike Heeren, Don Lincoln

Other City Officials present: City Administrator/Clerk Todd Kilzer, Deputy City Clerk Donna Havlik, Police Chief Rick Tasler, Librarian Angie Strong and City Attorney John Jordan

Motion by Councilperson Shaver, seconded by Councilperson Chapman, to approve the agenda.
Ayes: All Present Motion Carried

Councilperson Burich made the motion to open the public hearing regarding the Fiscal Year 2010-2011 budget proposal. Councilperson Lincoln seconded the motion.
Ayes: All Present Motion Carried

Kilzer reported to the Council that no verbal or written comments have been received.

Councilperson Chapman, seconded by Councilperson Shaver, to close the public hearing.
Ayes: All Present Motion Carried

Motion by Councilperson Lincoln, seconded by Councilperson Heeren, to approve the City Council meeting minutes of March 8, 2010, the Madrid Library Board meeting minutes of February 9, 2010 and the Planning & Zoning meeting minutes of January 14, 2010 by consent agenda.
Ayes: All Present Motion Carried

Motion by Councilperson Heeren, seconded by Councilperson Burich, to approve the March 22, 2010 claims totaling \$23,008.28.
Ayes: All Present Motion Carried

City Administrator/Clerk Kilzer informed the Council that Fire Chief Murry had telephoned to advise the Council that he was unable to attend the meeting. Murry also reported to Kilzer that the department didn't have anything to report at this time.

Librarian Angie Strong reported to the Council that she had received a letter from the Boone County Supervisors stating that the library would receive \$14,234.00 in funding for fiscal year 2010-2011. Strong informed the Council that the library has set up a internet facebook page to list library events and to encourage young patrons to become involved in the library. Strong and Assistant Librarian Leah White will monitor the page for appropriate comments. March 22, 2010, the library will be conducting the first Teddy Bear Sleep Over program and March 27, 2010 will be conducting a Fancy Nancy Tea Party. Both events are based on children's books. The library will participate in National Library Week by presenting an elementary student puppet show on April 11, 2010, followed by a week of special events such as a Lego contest, an astrology class, a Boone County Conservationist Program and a game day. The library has also scheduled a computer laptop workshop which will include setting up a free email account and downloading audio books by using the Wilbor system.

Strong also reported that the library roof was leaking. Kilzer informed the Council that the building is no longer covered under the five year warranty by the contractor. Kilzer has spoke with Strong about doing an industrial quality sealant coating on the entire ribbed roof or possibly sealing the joints only. Strong commented that she believed funding for the repair would be available through the Helms or Boyd Estate grants. Councilperson Heeren volunteered to inspect the library roof and offer a recommendation for repair following his inspection.

Councilperson Heeren reported that the large flag pole at Edgewood Park has collapsed and the Jensen Park's clock is malfunctioning. Kilzer responded that he has telephoned the company requesting service or a contact recommendation for the clock to be repaired but has not had a return call. It could not be determined why the flag pole would collapse although Kilzer will have it repaired.

Motion by Councilperson Heeren, seconded by Councilperson Shaver, to approve the Pyro Magic Displays agreement in the amount of \$6,000.00 for the Labor Day Celebration fireworks display. Kilzer advised the

Council that this agreement has been approved by the Labor Day Commission and that the fee has not changed from previous years.

Ayes: All Present

Motion Carried

Chief Tasler reported that a computer in the Police Department had contacted a virus and that he has contacted an IT person to resolve the computer issues. Tasler also reported to the Council that Officer Millsap assisted in the apprehension of an individual who has now been extradited to Kansas under a national warrant. Tasler advised the Council that Officers Millsap and Olmstead have scheduled their vacations during the months of April and May. Tasler mentioned that Officers Cowden and Clausen have applied for Police Department positions and if hired, will need to be removed from the Madrid part-time duty roster for a period of six months.

Motion by Councilperson Lincoln, seconded by Councilperson Heeren, to approve the third quarter payment for fiscal year 2009-2010 of \$1,815.72 to the Boone County Auditor as per the County/Municipal Communications Agreement. Councilperson Shaver expressed his concern of the lack of cooperation from the Boone County Sheriff's Department. Kilzer recommended that the Boone County communities attend the meetings that are scheduled and stipulated in the agreement and voice their concerns. Kilzer continued that a lack of service or less than par service from Boone County would be grounds for the City to deny any increase in fees and added the departments should be documenting any issues of concern. Tasler continued that he had received notification from Boone County that the Madrid Police Department would be charged a \$15.00 booking fee per prisoner beginning July 1, 2010 which will be billed to the City on a quarterly basis. Attorney Jordan requested that Tasler forward the information of the booking fees to him so that he can check into the possible existence of an Iowa Supreme Court ruling on this matter.

Ayes: All Present

Motion Carried

Kilzer advised the Council that he would be attending an Iowa State University Extension Office Planning and Zoning workshop in Carroll, Iowa on March 25, 2010. Kilzer added that Iowa State University has formatted the Planning and Zoning code books for numerous communities and he may consider having them revamp Madrid's code books.

Motion by Councilperson Burich, seconded by Councilperson Shaver, to approve the work proposal and acceptance submitted by Blacktop Services. Kilzer added that hot asphalt has increased \$6.50 per ton and seal coating has gone up \$.07 per square yard. Kilzer explained that due to the price increases, the City will be doing less asphaltting and seal coating next fiscal year.

Ayes: All Present

Motion Carried

Motion by Councilperson Shaver, seconded by Councilperson Heeren, to approve payment in the amount of \$1,320.00 to Sensus System Support for the annual meter reading and utility billing software program and support. Kilzer mentioned this is a budgeted expense that will be shared by water and sewer accounts.

Ayes: All Present

Motion Carried

Kilzer advised the Council that Van Wall Equipment Company has contacted him and Perry Gjersvik regarding the possibility of tying into the City sanitary sewer system. Kilzer expressed his concern of the filtration of the effluent water that they would be discharging into the City's system. Kilzer and Gjersvik have been working with Van Wall's contractor to make sure that the filtration system would meet with the EPA and the DNR classifications. If Van Wall would decide to tie into the City's system, it was discussed whether the City would be interested in allowing the homes along the highway to also tie into the system. Kilzer advised Van Wall that the City could not financially participate at this time although Van Wall could contact the individuals and work out any associated costs involved with them directly. Kilzer will keep the Council updated on the matter.

Kilzer reported also that Municipal Pipe has begun its annual jet cleaning and vacuuming the sanitary sewer lines. Kilzer stated that approximately 14,000 - 16,000 linear feet is completed each year at an expense of approximately \$5,500.00 - \$6,000.00. Kilzer advised the Council that he has requested Public Works employees do some surface preparation in the drainage ditch to insure that there is proper flow for the annual spring floods. Kilzer will be meeting with Gjersvik on March 26, 2010 to compile the drainage ditch project information, a work schedule and other necessary documents. Kilzer will update the Council at the April 5, 2010 Council meeting. Kilzer reported that the Madrid V.F.W. had some water back up from a storm sewer line in the alley east of their building. The Public Works Department repaired the three exposed areas of storm sewer line completely and properly at minimal expense. Kilzer mentioned that the water plant filter media is scheduled for replacement this spring. Kilzer added that as part of this project, the water plant will be shut down one day to clean and to change out each filter media. Kilzer also commented that the seal coated streets that have deep pot holes will be repaired by a cold asphalt mix since hot mix is not yet available.

Kilzer reported that the City has received a response from John Baker, Union arbitrator, regarding the joint clarification request letter. As stated in the Nunc Pro Tunc order, "In the instant case the position of the Union was adopted and the wage matrix contained in the Union's final offer is the wage matrix to become effective on July 1, 2010." Jordan explained that the City understood there was to be a 3% pay increase across the board based on the current wage rate; the Union understood there would be a 3% pay increase across the board based on the matrix. Kilzer commented that the response clarified that the 3% wage increase will be based on the Union's wage matrix. Kilzer continued that 3 employees will receive a 3% pay increase, 1 employee will be at 3.33%, 1 employee will be at 7.93%, and 1 employee at 8.05%. Kilzer added that these increases are to get all the Union employees at a stabilized equal hourly rate. Kilzer advised the Council that the Public Works employees wage increases are based on longevity and the Police Officers wage increases are based on being a certified officer or not. Jordan advised the Council that the City can appeal the decision although Jordan felt it would be a waste of time and money. Councilperson Shaver suggested a furlough day once a month and Councilperson Heeren suggested to reorganize how the City runs the departments. Kilzer expressed his concern for the citizens of the community who will suffer due to a lack of services. Kilzer added that the citizens need to know that these pay increases are the result of the Union and that this is happening during a time period where others employees have waived their wage increases. Councilperson Shaver added that it is frustrating to operate the City and continue to be able to offer services to the citizens with our hands tied. Councilperson Burich mentioned various complaints that he had received from the public regarding the City's employees. Kilzer will take extra notice of what is happening in the departments, he has already changed the format of how evaluations are handled and will be tightening up the operations aspect of each department. Councilperson Shaver suggested that the Council members conduct monitoring of the employees also. Kilzer requested that the Council report any concerns to him directly in order that he would be able to address the issue with the employee.

Attorney Jordan advised the Council that he received the judgment ruling regarding the Treva Melton and Tony Starry case. The ruling ordered that Melton/Starry comply with the terms and provisions of the settlement agreement and they have until June 30, 2010 to remove the building at 140 West Second Street. Jordan continued that on March 22, 2010, he received a post trial motion from Melton/Starry's substitute attorney asking for additional time to file post trial motions due to Melton/Starry's attorney having been on vacation. Jordan indicated that the judge may grant additional time to extend the deadline, although he felt the ruling was solid. Jordan advised the Council of their options if the deadline is not met by Melton/Starry.

Kilzer informed the Council that in the judgment granted by Judge Moon, he did point out there is significant grounds of concern of the adjacent building located at 148 West Second Street. Kilzer advised the Council of the protocol of initiating the nuisance abatement / dangerous building ordinance and the responsibility of the City. Kilzer requested direction from the Council. Attorney Jordan suggested that a letter be sent to the property owner requesting that the bricks on the building be repaired. Kilzer agreed.

Motion by Councilperson Shaver, seconded by Councilperson Chapman, to authorize Todd Kilzer to send notice to the property owner of 148 West Second Street regarding the potential safety hazard to citizens using the adjacent public sidewalk.

Ayes: All Present

Motion Carried

Motion by Councilperson Chapman, seconded by Councilperson Burich, to approve the 2010-2011 fiscal budget. Kilzer pointed out that this is a bare bones budget and that the City is only committed to the capital projects that are already in place. Kilzer also mentioned that there is some flexibility in wages due to an overall allowed 2.5% margin of error throughout the budget. Kilzer added that the budget could be amended if necessary.

Ayes: All Present

Motion Carried

Motion by Councilperson Heeren, seconded by Councilperson Chapman, to approve the following request for payment from Bartlett & West by consent agenda:

General Services - \$ 495.16 – (Engineering Expert for Melton/Starry Trial)

WWTF Facility Plan - \$6,424.15

Drainage Ditch - \$9,132.50

Ayes: All Present

Motion Carried

Motion by Councilperson Shaver, seconded by Councilperson Burich, to approve Resolution #14-09-10, "Resolution Setting the Dates For Open Burning Within The City of Madrid." Open burning will be allowed from sunrise to sunset unit March 27, 2010 through May 15, 2010.

Ayes: All Present

Motion Carried

The Council noted correspondence from the [Legislative Link](#), Black Hills Energy and Congressman Latham.

Jerry Loew, 216 E. Sixth Street, questioned the manner in which Alliant Energy trimmed the trees on 6th Street. Kilzer advised Loew that Alliant trims the trees for strictly for function; not for landscaping appeal.

Councilperson Heeren requested that Kilzer contact the property owner of the abandoned garage to advise them that the plywood has fallen away from building. Councilperson Shaver mentioned the storm sewers on Highway 210 that have been broken due to heavy truck traffic. Councilperson Shaver requested that the Police Department escort the Pony Express Riders into town on April 3, 2010 and also suggested a Mayor's Proclamation recognizing the event.

Motion by Councilperson Shaver to adjourn the meeting at 6:47 p.m.; seconded by Councilperson Heeren.
Ayes: All Present
Motion Carried

Mayor Jeff Gibbons

ATTEST:

Todd D. Kilzer
City Administrator / Clerk