

Madrid City Council  
Regular Meeting  
April 19, 2010

The Council meeting was called to order at 5:33 p.m. with Mayor Pro-Tem Don Lincoln presiding.

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

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

Motion by Councilperson Shaver, seconded by Councilperson Chapman, to approve the agenda with the following amendment:

Under 5.) "Approve the April 19, 2010 Claims" – Additional Claims - New Total of \$39,239.55

- 1.) Madrid Automotive \$168.76
- 2.) Office Depot - \$33.96
- 3.) Water Sanitary Service - \$10,453.58
- 4.) Martin Marietta Aggregates - \$1,220.38

Ayes: All Present

Motion Carried

Motion by Councilperson Shaver, seconded by Councilperson Burich, to open the public hearing regarding Resolution 19-09-10, "Resolution Taking Additional Action With Respect To An Sewer Disbursement Agreement And Authorizing, Approving And Securing The Payment Of A \$642,000 Sewer Revenue Loan And Disbursement Agreement Anticipation Project Note (IFA Interim Loan And Disbursement Agreement)."

Ayes: All Present

Motion Carried

Kilzer advised the Council that Resolution 17-09-10 was published and Resolution 19-09-10 basically details the additional action to be taken. Kilzer added that proper notification has been provided. Kilzer also reported to the Council that no oral or written comments have been received.

Motion by Councilperson Chapman, seconded by Councilperson Burich, to close the public hearing.

Ayes: All Present

Motion Carried

Motion by Councilperson Heeren, seconded by Councilperson Chapman, to approve the City Council meeting minutes of April 5, 2010, Library Board meeting minutes of March 9, 2010, Planning and Zoning Board meeting minutes of March 11 and April 8, 2010 and the Parks and Recreation Board meeting minutes of April 5, 2010.

Ayes: All Present

Motion Carried

Motion by Councilperson Chapman, seconded by Councilperson Heeren, to approve the April 19, 2010 claims totaling \$39,239.55 and the March Financial Reports.

Ayes: All Present

Motion Carried

Dennis Wilcox, 609 W 2<sup>nd</sup> Street, approached the Council to ask if the sewer revenue bond would be paid for by sewer revenue and speculated that it would increase the citizen's sewer bills. Kilzer responded that Wilcox was correct; there would be an increase of sewer fees. Kilzer emphasized this is only the preliminary work of the project such as design specs, planning, and final analysis. Kilzer added that the City is trying to receive additional grant funding to assist with the 5.4 million dollar project. Kilzer commented that 80% of this project has been mandated by the Department of Natural Resource because of impending new DNR and EPA regulations and because Madrid's sewer plant has not been revised or updated since 1989. Kilzer also commented that Bartlett & West Engineers have been told that this is not a project that the City definitively will proceed with if there is not grant funding available.

Gordon Quam, Quam Insurance Agency, expressed his appreciation to the Council for selecting the Larson Agency to handle the City's tort liability insurance needs.

Mike Schoup, Bartlett & West Engineer, was present to answer the Council's questions regarding the sanitary sewer plant project. The Council felt their questions had been answered at the April 5, 2010 Council meeting and earlier in current meeting.

Fire Chief Murry reported to the Council that the 1974 International 4 wheel drive pumper fire truck has a broken rear axle and because it is a single speed manual transmission, parts for replacement appear to be obsolete. Murry felt the pumper would be safe to use in town using only the front wheel drive although; they would need to continue to try to find replacement parts for the rear axle. The department had received an offer last year to purchase a fire truck at 0% interest with no payments due until July 2013. Murry contacted the salesperson but the individual was not sure if the offer was still available to the City. Murry added that the original plan was to pay off the rescue unit by 2013 and then purchase a new pumper truck for approximately \$200,000 - \$280,000 either by lease to own or by an outright purchase. Kilzer commented that this type of purchase would be through the general fund and the City does not have flowing revenue to allocate toward a monthly lease payment. Murry and Kilzer agreed to compile a concise report of options available for purchasing a new pumper truck and possible payment plans by the May 3, 2010 Council meeting.

Murry advised the Council that the department received \$490.00 as an EMS training reimbursement from Boone County Hospital. Murry also reported that the department had purchased a television for training purposes and weather alerts/storm spotting. Boone County EMS also reimbursed the department \$384.00 toward that purchase. Murry handed out a proposed drawing that was created by a high school architect student of the fire department's addition.

Library Director Strong reported to the Council that a Puppet Show, Lego Creation Day, a Teddy Bear Sleepover and Fancy Nancy Tea Party added to the success of National Library Week. Strong also reported a mobile laptop lab was conducted to offer the staff a refresher course in the host data base and the Wilbor down loadable audio books. She also announced the annual book sale will be held May 1, 2010. Strong commented that the library roof has been inspected by Councilperson Heeren and a gap was found which was creating a water leak. The City crew has since repaired the gap and to date there have not been any leaks.

Sue Huffman, Parks and Recreation Board Member, introduced the prospective new Park's Custodian, Sean Wiest. She reported that the custodian's home located at Edgewood Park will be painted and updated before Wiest moves in. Kilzer added that the park board has approved the hiring of Mr. Wiest and was now seeking City Council approval.

Motion by Councilperson Shaver, seconded by Councilperson Chapman, to approve the recommendation from the Parks and Recreation Board to hire Sean Wiest as the City's Park Custodian.

Ayes: All Present

Motion Carried

Councilperson Shaver questioned if the scheduling for all the Youth Sports groups had been worked out. Huffman responded that the scheduling of the games and practices have been worked out to the best of their ability with the ball fields that are available. Kilzer added that Alliant Energy has determined that it would be cost prohibiting to moving the 6 electric poles and transformers at the new Edgewood Park addition. It will be necessary for the playing fields to be moved inward to allow for approximately 30' of lost area due to those electric poles. Kilzer continued that a portion of that lost area may later be used for storage sheds but more importantly, the drainage area will not need to be reconfigured.

Motion by Councilperson Heeren, seconded by Councilperson Burich, to proceed with the request to the Iowa Department of Natural Resources to release funding for the purchase of the Johnson Trailhead and Dalander Park. Kilzer explained to the Council there are requirements of the REAP (Resource Enhancement And Protection) grant process. The City has the final title opinion, the offer to buy real estate and the acceptance from the Iowa Natural Heritage Foundation in place to meet those REAP requirements. The City will be reimbursed once it has been released by REAP so the City can pay the Iowa Natural Heritage Foundation. City Attorney Jordan added that he examined and updated the abstract and has received the title opinion. Kilzer will sign the offer so the matter can be expedited.

Ayes: All Present

Motion Carried

Keith Kudej, Friends of the Trail Committee Member, provided the Council with a summary of the four bids received to seed the Johnson Trailhead and the Dalander Park. The companies offered dry seeding, hydro seeding, erosion control, mulching and debris removal with pricing ranging from \$ .062 to \$ .10 per square foot. Kudej mention that it is difficult to obtain an "apples to apples" bid. Discussion followed and it was determined that for the minimal additional expense, hydro-seeding would be the better method.

Motion by Councilperson Heeren, seconded by Councilperson Shaver, to approve the Central Iowa Lawn & Home Care, Inc. proposal for hydro seeding 92,000 square feet of the Johnson Trailhead and the Dalander Park for \$7,507.20 contingent upon them removing the silt fence.

Ayes: All Present

Motion Carried

Councilperson Heeren extended the Council's appreciation to all who assisted with the Boone County Cleanup Day on April 17, 2010. Becky Roorda added that individuals assisting in Madrid ranged from Kindergarten age to retirement age.

Kilzer advised the Council that the agreement with Complete Entertainment Service for Inflatable Rides during the Labor Day Celebration has been turned over to the City Attorney. Kilzer mentioned that there are several areas in the agreement that holds the City responsible for all liability. Attorney Jordan stated that the language needs to be added that the City is indemnified for any liability that may be caused by the contractor. Jordan will make the necessary revisions.

Police Chief Tasler reported to the Council that an air flow sensor was faulty in one of the patrol cars. Tasler and Jim Murry were able to replace the sensor for the cost of the part (\$153.50). Tasler also reported that the Iowa Department of Transportation will be closing the Des Moines River Bridge on Highway 17 on April 26, 2010. Highway 17 traffic will be detoured through Madrid directly past the elementary school. Due to the closing of Highway 17, Tasler has been awarded a grant from the Iowa Department of Transportation of \$50.00 per hour for an officer to patrol one hour before and one hour after school until school dismisses for the summer months. Tasler will coordinate the scheduling of patrol and the payroll information with Kilzer. Kilzer added that the schools have also offered to provide resource people to assist with pedestrian traffic.

Motion by Councilperson Heeren, seconded by Councilperson Shaver, to approve payment in the amount of \$4,000.00 to Martel Electronics, Inc. for an in car camera system. Tasler advised the Council that the City will be reimbursed for the camera system by a STEP (Special Traffic Enforcement Project) grant.

Ayes: All Present

Motion Carried

Kilzer referred the Council to the Planning and Zoning minutes of April 8<sup>th</sup> and 15<sup>th</sup>, 2010. Kilzer mentioned that there are two interested parties in the two lots at the Maple Ridge Addition, Plat 3. Kilzer added that it appears that Lot 5 will have a standalone unit built and Lot 4 will be going before the Board of Adjustment in hopes of obtaining a variance to build a standalone unit also.

Kilzer advised the Council that Hydro Clean has agreed to high pressure jet clean a valve and piping to remove the lime scale buildup at the water plant. Kilzer added if the valve can be cleaned; it will not need to be replaced at this time. The estimated fee for this process is \$700.00-\$800.00. Kilzer reported that D&J's Complete Tree Service, Inc. has been hired to remove two trees along Highway 210 and to do some tree trimming at an estimated fee of \$2,200.00-\$2,400.00. Kilzer mentioned that the Public Works will begin asphalt patching and noted areas of serious deterioration. Kilzer added that there will be a culvert replacement on 22<sup>nd</sup> Street. Councilperson Lincoln commented that the pavement is dropping on the south side of the intersection of 9<sup>th</sup> and Union Streets. Kilzer indicated that he would have the street checked and placed on the list for repair. Councilperson Shaver suggested that the ordinance regarding semi parking in City limits be reviewed and possibly revised to prevent the semis from parking on residential streets. Kilzer reported that he and Dan Chapman cleaned the flower beds in Jensen Park and plan to place mulch in the beds for weed control.

Kilzer advised the Council that he would be using a vacation day on April 22, 2010 to attend a Central Iowa Regional Housing Authority mandatory workshop. Kilzer is the appointed representative for the City of Madrid with the organization.

Councilperson Chapman asked Kilzer if he had contacted Cheryl Mordini, of CSB Insurance Group, Inc., regarding the Record of Agent decision. Kilzer responded that he had not contacted Ms. Mordini nor had he contacted Gordon Quam, of Quam Insurance Agency. Kilzer explained that he assumed that the associated members on the Council would have contacted the agents. Councilperson Chapman continued that she felt it was unfortunate that the article in the newspaper did not mention the proposal to save money that Ms. Mordini offered. Councilperson Shaver added that he was glad to be able to keep a small insurance business in town and two people employed. Councilperson Heeren agreed with Councilperson Chapman that Ms. Mordini brought forth some interesting points and it should be noted that Quam is on probation. Kilzer added that when he notified the Council of his decision, he left them the opportunity to reevaluate his decision and for that reason; he had not notified either agent of his decision. Kilzer agreed to contact Ms. Mordini of the decision.

Attorney Jordan reported to the Council that Judge Moon has granted the request for an extension in the Melton/Starry verses the City of Madrid case. Under the court's last ruling, Melton/Starry would have until July 30, 2010 to demolish the building located at 140 W 2<sup>nd</sup> Street.

Motion by Councilperson Heeren, seconded by Councilperson Burich, to approve the Fiscal Year 2010-2011 Agreement between the City of Madrid and the International Union Of Operating Engineers, Local #234. Kilzer advised the Council that he had reviewed the document and all requested corrections were in order. Councilperson Shaver was the first person to vote during roll call and he voted no. Councilperson Chapman also wanted to vote no. Attorney Jordan advised the Council that they are bound by the Court decision. Councilperson Heeren voted yes because of the legal obligation and Councilperson Chapman voted yes under protest.

Ayes: Heeren, Chapman, Burich  
Nays: Shaver

Motion Carried

Motion by Councilperson Heeren, seconded by Councilperson Shaver, to approve by consent agenda the following invoices from Barlett & West Engineers for a grand total of \$7,887.50:

General Services - \$225.00  
Storm Drainage – Sewer Rehab Design – Admin \$6,175.00  
WWTF Road - \$484.50  
140 W 2<sup>nd</sup> Bid Litigation - \$1,003.00

Ayes: All Present

Motion Carried

Motion by Councilperson Shaver, seconded by Councilperson Chapman, to approve Boone County Resolution 2010-09, "A Resolution Setting Public Hearing And Proposal For Disposing Of Properties Located In Boone County, Iowa Which Have Been Acquired By Boone County Tax Deeds Issued To Boone County Treasurer For Non-Payment Of Property Taxes". Kilzer spoke with Boone County Officials regarding this Resolution. The Boone County Officials asked if Madrid would be interested in acquiring this parcel without any payment. Kilzer added that this parcel was notorious for water issues so Kilzer felt it was incumbent upon the City to accept this lot in order to prevent construction.

Ayes: All Present

Motion Carried

Motion by Councilperson Shaver, seconded by Councilperson Burich, to approve Resolution #19-09-10, "Resolution Taking Additional Action With Respect To A Sewer Revenue Loan And Disbursement Agreement And Authorizing, Approving And Securing the Payment Of A \$642,000.00 Sewer Revenue Loan And Disbursement Agreement Anticipation Project Note (IFA Interim Loan And Disbursement Agreement)" as amended. The amendment clarifies that the loan amount does not include funds for actual construction work on the proposed plant.

Ayes: All Present

Motion Carried

Motion by Councilperson Shaver, seconded by Councilperson Chapman, to approve the application for renewal of the Class C Beer Permit with Sunday Sales License submitted by Git-N-Go Convenience Store.

Ayes: All Present

Motion Carried

Motion by Councilperson Heeren, seconded by Councilperson Shaver, to approve the request to release fiscal year 2009-2010 donations by consent agenda as follows:

1. Boone County Prevention - \$500.00
2. Boone County Recovery Center - \$500.00
3. Community & Family Resource - \$500.00
4. Boone County Historical Society - \$150.00

These donations are funded through the Local Option Sales Tax revenues for community and county betterment and are planned budget expenditures.

Ayes: All Present

Motion Carried

Mayor Pro-Tem Lincoln announced the Mayoral Proclamation of Motorcycle Awareness Month to be the entire month of May. The proclamation urges all vehicle operators to join in this effort to keep our roadways safe.

The Council received a Thank You note from the Madrid Little League.

Councilperson Shaver commended the Police and Fire Departments for their speedy response to the garage fire on April 18, 2010.

