

**Madrid City Council
Regular Meeting
September 21, 2009**

Meeting was called to order at 5:33 p.m. with Mayor Pro Tem Don Lincoln presiding.

Roll call showed present: Lane Shaver, Val Chapman, and Mike Heeren

Other city officials present; City Administrator/Clerk Kilzer; Police Chief Tasler, Fire Chief Murry and Library Director Strong

Kilzer had provided the City Council with a revised agenda for the meeting. Requested amendments were: Under item #8 "Department Reports"; under letter "d" "Labor Day"; add "1.)" "Request for Payment – Larson Agency - \$3,731.95; and under item #10 "New Business", add item "b" "Resolution #06-09-10 City Street Finance Report".

With the aforementioned amendments being made to the agenda, Mayor Pro Tem Lincoln requested a motion for approval of the agenda.

Motion by Shaver, 2nd by Chapman to approve the agenda as amended.

Ayes: all present

motion carried.

Public Hearings for Ordinance #445 – Madrid Historic Preservation Commission Creation"; ***and*** "Resolution #04-09-10A – Resolution Approving Abandonment of Alleyway and Issuance of Quit Claim Deeds to Larry Fuller, Jr. and Andrea Fuller, Steve D. Fuson and Sadie J. Fuson, and Ed Smith and Susan Smith" ***and*** "Resolution #05-09-10 Resolution to Fix a Date for a Public Hearing on a Loan Agreement in a Principal Amount not to Exceed \$725,000" were opened for public commentary.

Motion by Chapman, 2nd by Shaver to open the public hearings as specified.

Ayes: all present

motion carried.

Kilzer reported that he had not received any public commentary in writing or via some form of electronic communication regarding any of the hearing items. Kilzer did note that the grant review period for the CDBG grant the city was attempting to acquire to construct a new drainage ditch through town had been extended to the end of September. Kilzer had been previously told that a decision on the city's application would be made by mid to late August. The reason given for the extension is that the value of total projects submitted was four times more than the funds available to be granted out. This made application evaluators reluctant to speed up reviews simply to meet an approaching deadline. Becky Roorda also briefly outlined the Historic Preservation Commissions purpose and benefits. With there being no one else present who wished to address any of the aforementioned items, Mayor Pro Tem Lincoln requested a motion to close the public hearings.

Motion by Heeren, 2nd by Chapman to close the public hearings.

Ayes: all present

motion carried.

With there being no questions, comments or corrections made; Mayor Pro Tem Lincoln requested a motion to approve the City Council Meeting Minutes of August 17, 2009; the City Council Meeting Minutes of September 8, 2009; and the Library Board of Trustees Meeting Minutes of August 11, 2009.

Motion by Shaver, 2nd by Heeren to approve the aforementioned meeting minutes.

Ayes: all present

motion carried.

Mayor Pro Tem Lincoln asked about the unusually high animal control bill of \$851.00 being paid to the Boone County Humane Society. Kilzer reported that a serious health and safety issue existed at a property in the 300 Block of North Main Street involving cats. Chief Tasler agreed and stated the he and Kilzer were working to rid the household of an inordinate amount of wild cats. Further legal action and an attempt to regain the expenses paid will be attempted; however, the property owners are lower income and recouping the expenses could be very difficult at best.

With being no further questions or comments, Mayor Pro Tem Lincoln requested a motion to approve the September 21, 2009 claims in the amount of \$35,436.86.

Motion by Chapman, 2nd by Shaver to approve the September 21, 2009 Claims totaling \$35,436.86

Ayes: all present

motion carried.

There were no citizens or consultants to address the City Council.

Fire Chief Murry reported that the Fire Department had a successful chili/soup supper during the Labor Day Celebration weekend. The actual proceeds made had not been determined as of the date of the meeting. Murry also reported that the Fire Fights were successful with ten communities and thirty-two teams participating. Murry had nothing more to report.

Library Director Strong reported that the Library had held its Story Time program on September 16th. Strong reported that attendance with the program has decreased to the point that library staff is considering reducing the number of programs to morning only. The Library Book Sale was considered a success with nearly \$750 in sales. It was also reported that the library will be conducting a Star Wars video game day, which will be held on Saturday, October 3rd from 1:00 – 5:00pm. Strong also talked about the new “Wilbor” system at the library. It is an internet system that provides audio access to over 2,500 different book titles. So far over 131 library patrons have used the service and Strong anticipates a gradual growth in usage. Council member Chapman asked if the books were downloadable and Strong advised that they were. Shaver asked if there were fees associated with the service and Strong reported that the service costs were being covered with memorial trust funds.

Kilzer requested to be able to make payment to Polk County Conservation in the amount of \$75,000 as a second (equal amount) payment to them for the portion of the High Trestle Trail going through Madrid. Kilzer noted that the funds were being paid by a REAP grant and Kilzer had requested advance funding of 90% (\$ 67,500) of the \$75,000 amount to allow the city to make this payment. Kilzer will seek the remaining 10% once the payment has been made.

Motion by Heeren, 2nd by Chapman to pay Polk County Conservation in the amount of \$75,000 as billed.

Ayes: all present

motion carried.

Kilzer requested payment of an invoice submitted by Dalton Concrete in the amount of \$4,900 for work done at the Trailhead driveway approach. Kilzer commented that Dalton had done a really good job, especially considering the difficulty involved with a storm sewer intake issue. Council member Shaver agreed that the project turned out well. Heeren noted that the cement had unfortunately had some foot prints placed in it prior to being fully set up. Kilzer was aware of them as well and Dalton had assured him that they could be repaired without any problem.

Motion by Shaver, 2nd by Heeren to pay the Dalton Concrete invoice in the amount of \$4,900 as billed.

Ayes: all present

motion carried.

Council member Chapman asked what the status of the grants obtained for the Edgewood Park Expansion project was. Kilzer reported that a couple of smaller grants were coming due that were specific for softball field development; other than that he was not aware of what the status of the other grants were. Chapman asked who was monitoring that information and Kilzer stated that the grant writing committee is to retain the information as to who had been applied to; what grants were being funded; and what the city needed to do in terms of obtaining the funds or being reimbursed for expenditures that had been made. Kilzer stated that he was not directly involved with the grant writing process and was not as informed as he would like to be because of that fact. Kilzer said that he would try to acquire additional information from the committee.

Under Labor Day in the department reports, Kilzer requested that the City Council approve payment to the Larson Agency for general liability premium costs for the celebration itself as well as premium costs for the dram shop liability insurance for the beer tent operation. The total for the two insurance policies was \$3,648.76.

Motion by Shaver, 2nd by Chapman to pay the Larson Agency invoices in the amount of \$3,371.95 as billed.

Ayes: all present

motion carried.

Council member Chapman asked Kilzer if the city had received an invoice for the fireworks expenses yet. Kilzer responded that they had not. Chapman stated that an invoice had been sent to her residence and that she would bring it into City Hall for processing. Kilzer noted that he had not received other invoices and that until all invoices are received a proper balance sheet for the celebration cannot be completed.

Police Chief Tasler reported that Officer Millsap’s patrol vehicle window had been repaired with a used window by Dustin Dalton at the Madrid Body Shop. He also reported that he is experiencing problems with his patrol car’s service radio. He will have it looked at and repaired. Tasler has been in contact with the IDOT auction people and it appears that the city can probably list our recently retired patrol car with them for an upcoming sale. Tasler also reported that felony warrants will soon be issued for suspects involved in the Subway burglary case as well as the string of garage break-ins. The suspect in the Subway is an adult and the garage break-ins have been allegedly done by juveniles. Council members Chapman and Shaver congratulated the department on such good work with Shaver noting that he does not recall investigative work having been done as fast as this in his five years of association with the department. Mayor Pro Tem Lincoln asked how progress was coming along in addressing the concerns of Alice Sharp in regards to street congestion at East Sixth Street and Highway 17. Tasler and Kilzer both reported that they have monitored the area but have not seen the degree of problem described by Ms. Sharp. Both said they will continue to monitor the area and try to devise a remedy if a problem is determined. Council members Shaver and Heeren also noted problems with semi-trucks being parked in residential areas throughout the community. Tasler noted that most of the known routine drivers have been talked to and directed to parking areas just outside the city limits. Tasler will have his officers watch for this problem as well and offer alternate parking to possible offenders accordingly.

Under the Public Works portion of the department reports, Kilzer requested payment for a bill from Eddy Walker for repairs made to the 1989 Elgin Street Sweeper. The invoice, in the amount of \$3,648.76, was for extensive work done to the equipment – including an expensive conveyor belt. Council member Chapman asked what the average life span of a conveyor belt is. Kilzer stated that he did not know the average life, but that one had not been put on the city's sweeper in the thirteen years that he had been with the City of Madrid.

Motion by Shaver, 2nd by Chapman to pay the Eddy Walker Eqpt. Co. invoice in the amount of \$3,648.76 as billed.
Ayes: all present **motion carried.**

A bill from Bartlett & West was presented for City Council consideration in the amount of \$7,718.99. Council member Shaver asked if funding for this bill was being paid for by grant funding. Kilzer stated that this invoice will be paid by the city as it is design work being done for IDNR mandated changes at the Wastewater Treatment Facility. He continued by helping City Council members to not be confuse this work with the engineering work being done for the WWTF project which is being reimbursed as part of the FEMA expenses for the project.

Motion by Shaver, 2nd by Heeren to pay the Bartlett & West invoice in the amount of \$7,718.99 as billed.
Ayes: all present **motion carried.**

A second invoice from Bartlett & West was also considered. This bill was in the amount of \$307.50 and was for the final payment portion of our CDBG grant application for our desired drainage ditch project.

Motion by Heeren, 2nd by Shaver to pay the Bartlett & West invoice in the amount of \$ 307.50 as billed.
Ayes: all present **motion carried.**

Kilzer also reported that the windshield on the Ford F350 Pickup Truck had to be replaced. The window was chipped about a year ago and had cracked to a dangerous point. The Street Department 1997 red pickup truck also had to have some repairs done to it. The truck had broken down on a trip to Des Moines for storm sewer parts and had to be towed back to Madrid. The distributor cap and rotor was bad and was replaced by Madrid Service Center. Kilzer reported that the drive chain for the Street Sweeper had slipped off during some recent street work. Kilzer will contact Eddy Walker and see if there is some sort of issue with it coming off. Storm sewer work at the intersection Annex Road and Highway 210 East had been completed. Council member Heeren noted that there seemed to be some parking issues along Annex Road with semi-trucks and the resulting damages that are being done to the grassed city parking area. Kilzer stated that he would work with Chief Tasler to determine the availability of current ordinances that would restrict such parking and if none existed they would work together to create some. Heeren also noted that the 3rd Street Bridge by the City Shed building has deteriorated to the point that crossing by pedestrians and bicycles have become a safety issue. Both Heeren and Lincoln noted that barricades have been moved to the extent that dangerous holes have been exposed. Kilzer assured them that he will have Public Works employees make the necessary measures to secure the bridge. Kilzer also noted that he would still like to remove the bridge due to its extremely poor condition, but that a reduction in Community Disaster Grant funds by the state have made removal and associated clean up work a difficult prospect – even though the project had been put out for bids and awarded. Kilzer noted that the city had received the additional \$6,000 from FEMA from the disaster repairs of 2004 and that perhaps those funds could be used. Council member Heeren demanded that he wanted the State and Union Street Bridges completed with those funds and that they were not to be spent anywhere else. Heeren continued that because Zack Dalton had been doing reasonably priced concrete work for the city recently that maybe he should do the work. Kilzer felt that the work should go out for bids if it were the desire of the City Council to have the work done. A majority of the City Council seemed to agree.

In the City Council packets were blank evaluation forms that Kilzer had supplied for the Mayor and City Council to complete as part of his annual evaluation. Kilzer requested that the evaluations be completed and returned to City Hall by September 29th so that the results could be compiled and given back to the evaluators before the October 5th meeting. Kilzer also informed the City Council that Lowen Poock, auditor for the city, was currently performing the city's annual audit. He also noted that Donna Havlik, Deputy City Clerk, had been experiencing troubles with her printer and that the four year old printer may need to be replaced. Council member Heeren asked what the price for such a printer would be. Kilzer stated around the \$500 price range.

There was nothing new to report with the 202 South State Building demolition project.

Kilzer reported that he and Council member Heeren had meet with IUOE Local #234 representatives from the union and the city, to review their initial proposal. The proposal was briefly reviewed and discussed with the mutual agreement that the city would be afforded the opportunity to offer a counter proposal at the next scheduled negotiation meeting of September 30th. No formal discussions or actions were taken at the first meeting.

The City Council considered Ordinance #445 “An Ordinance Establishing a Historic Preservation Commission for the City of Madrid, Iowa; Providing for the recognition and Promotion of Historic Sites and Defining Powers and Duties of the Commission.” The ordinance creates a historic preservation commission who will have identification and oversight authorities for the city in regards to historic properties. An initial motion by Council member Chapman and seconded by Council member

Shaver was made for approval and adoption however Kilzer was informed that he failed to notice that the motion had not included the waiving of a third reading stipulation. Therefore Kilzer asked the Council members who made the motions if they would agree to the amended motion as so stated.

Amended motion by Chapman, 2nd by Shaver to waive the third reading of Ordinance #445 and adopt as presented.
Ayes: all present **motion carried.**

The Council considered of Resolution #04-09-10A "Resolution Approving Abandonment of an Alleyway and Issuance of Quit Claim Deeds to Larry J. Fuller, Jr., and Andrea Fuller, Steve D. Fuson and Sadie J Fuson, and Ed Smith and Susan Smith". Kilzer noted that this resolution would now allow the city to release the alleyway properties to the respective new owners once paid for and recorded.

Motion by Shaver, 2nd by Heeren to approve Resolution #04-09-10A as presented.
Ayes: all present **motion carried.**

The City Council considered Resolution #05-09-10 "Resolution to Fix a Date for a Public Hearing on a Loan Agreement in a Principal Amount not to Exceed \$725,000". Council member Heeren noted that this was the same resolution that had been approved at the September 8th City Council meeting. Kilzer agreed that it was however, he was asking for another approval to allow the process to continue towards obtaining the necessary funds. Council member Heeren stated that he was not approving the resolution until he knew the exact amount that was going to be funded. Kilzer stated that the resolution could be approved as is and the specified amount inserted once the city learns if it was to receive the CDBG grant money for the drainage ditch project or not and would not be sent into Dorsey and Whitney for further legal processing until then. Heeren still disagreed. Kilzer asked that the matter be tabled then until the CDBG grant status was learned.

Motion by Shaver, 2nd by Chapman to table the matter.
Ayes: all present **motion carried.**

The City Council considered two community betterment payments as approved within the budget. One was for \$2,000 to the Madrid Action Committee and the second was to the Iowa Arboretum for \$300 from the FY 2009 2010 budget appropriations.

Motion by Shaver, 2nd by Heeren to pay the \$2,000 donation to the Madrid Action Committee as requested.
Ayes: all present **motion carried.**

Motion by Shaver, 2nd by Chapman to pay the \$300 donation to the Iowa Arboretum as requested.
Ayes: all present **motion carried.**

Kilzer presented the City Council with Resolution #06-09-10 "City Street Finance Report". The report is an annual requirement of the Iowa Department of Transportation and illustrates where Road Use Tax Funds obtained from motor vehicle fuel taxes and other funding sources are spent within the community. This years report showed a beginning balance of \$171,632 and an ending balance of \$172,349; indicating the ending balance was slightly more in the black for FY 08-09.

Amended motion by Chapman, 2nd by Shaver to approve resolution #06-09-10 as presented.
Ayes: all present **motion carried.**

In closing comments Council member Heeren instructed Kilzer to contact the developer of the Southern Prairie development site and ask that he do a better job of maintaining the weeds and grass areas. Kilzer stated that he has been badgering him about maintaining the property, but feels the developer has lost interest in the project. Several street light issues were discussed and noted for repair.

With there being no further business to be considered before the City Council, Mayor Pro Tem Lincoln requested a motion to adjoin.

Motion by Shaver, 2nd by Heeren to adjourn.
Ayes: all present **motion carried.**

Meeting adjourned at 6:43p.m.

Don Lincoln
Mayor Pro Tem

ATTEST:

Todd D. Kilzer
City Administrator/Clerk