

MINUTES OF PROCEEDINGS
OF THE
CITY COUNCIL OF THE CITY OF ALGONA, KOSSUTH COUNTY, IOWA

The City Council of the City of Algona, Iowa, met in a work session on July 6, 2009, at 3:30 p.m., City Hall Council Chambers, with Mayor Jeff Gilmore and the following council members:

Present: Lighter Esser, Von Ruden, Curtis, Kohlhaas

Absent: Weaver

Also present: City Administrator O'Donnell, Public Works Director Roberts.

Public Works Director Roberts reviewed the Street Maintenance Program, the Alley Maintenance Program and the Curb Replacement Program.

Councilmember Weaver arrived and 3:52 p.m.

City Administrator gave an update on the City Hall project. Four design firms gave presentations to the City Hall Needs Committee. The Committee will be recommending Brooks, Borg and Skiles of Des Moines to do the feasibility study and possible design for the project. He also reviewed funding for the project.

Meeting adjourned at 4:27 p.m.

Jeff Gilmore, Mayor

ATTEST:

Rexann McEnroe, City Clerk

MINUTES OF PROCEEDINGS
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CITY COUNCIL OF THE CITY OF ALGONA, KOSSUTH COUNTY, IOWA

The City Council of the City of Algona, Iowa, met in regular session on July 6, 2009, at 4:30 p.m., City Hall Council Chambers, with Mayor Jeff Gilmore and the following council members:

Present: Lighter Esser, Von Ruden, Curtis, Kohlhaas, Weaver

Also present: City Administrator O'Donnell, Public Works Director Roberts, City Attorney Doster

AGENDA

Kohlhaas moved and Weaver seconded the motion that the agenda for this meeting be approved. On call of the roll the vote was all ayes. Motion carried.

CITIZEN'S OPPORTUNITY

City Administrator O'Donnell informed the Council that there is a groundbreaking at Veteran's Park for the Dog Park at 6:00 p.m. tonight.

Councilmember Kohlhaas reminded everyone that Founder's Day is this week and that Garrigan will be celebrating their 50th Anniversary and the run is Saturday at 8:00 a.m., not Thursday.

CONSENT AGENDA

Von Ruden moved and Esser seconded the motion that the following be approved as part of the Consent Agenda:

- a. Minutes of June 15, 2009, council meeting
- b. Appropriating Resolution No. 09/10-01 (bills)
- c. Class B Native Wine renewal for The Market
- d. Administrator's report

On call of the roll the vote was all ayes. Motion carried.

APPEAL ORDER TO REMOVE TREES-TABLED

Lighter moved and Curtis seconded the motion to remove from the table the appeal to remove trees at 223 E. Call. On call of the roll the vote was all ayes. Motion carried.

Mike and Mary LaVelle planted trees in their parking that do not comply to SUDAS standards. They are requesting a modification of the tree rules and regulations so they can keep the trees in the parking.

City Administrator O'Donnell contacted Dr. Jeff Iles from ISU Horticulture Department. Dr. Iles felt these trees were not planted in a very good spot for they grow out, and clearance that is needed would result in a funny looking tree in 10 years.

After discussion, Lighter moved and Kohlhaas seconded the motion to allow the three trees in the parking. Lighter amended his original motion to include the LaVelle's reimbursing the City \$65 per tree, Kohlhaas seconded the amended motion. On call of the roll the vote was as follows: Yes: Lighter, Curtis, Kohlhaas. No: Esser, Von Ruden, Weaver. Mayor Gilmore voted No to break the tie. Motion did not pass.

Von Ruden moved and Weaver seconded the motion that the City will removed the trees and reimburse the LaVelle's the sales tax on the trees. On call of the roll the vote was as follows: Ayes: Esser, Von Ruden, Curtis, Weaver. Nays: Lighter, Kohlhaas. Motion carried.

ORDINANCE REVISING FORMULAS

TO DETERMINE EXTRA-STRENGTH SERVICE CHARGE-1ST READING

This Ordinance will update the formulas used to calculate the cost of extra-strength discharge into the sanitary sewer system by industrial users.

Lighter moved and Kohlhaas seconded the motion to waive the first reading of the proposed ordinance revising formulas to determine extra-strength discharge into the sanitary sewer system by industrial users. On call of the roll the vote was all ayes. Motion carried.

Lighter moved and Weaver seconded the motion to approve the first reading of the proposed ordinance revising formulas to determine extra-strength discharge into the sanitary sewer system by industrial users. On call of the roll the vote was all ayes. Motion carried.

Lighter moved and Weaver seconded the motion to waive the second & third readings of the proposed ordinance revising formulas to determine extra-strength discharge into the sanitary sewer system by industrial users. On call of the roll the vote was all ayes. Motion carried.

Lighter moved and Weaver seconded the motion to adopt Ordinance No. 961, **An Ordinance Amending the Algona Municipal Code by Revising the Formulas to be Used to Determine the Extra-Strength Service Charge to be Imposed on Industries in Connection with the Sewer Service Provided by the City.** On call of the roll the vote was all ayes. Motion carried.

APPROVING & AUTHORIZING LOAN AND

DISBURSEMENT AGREEMENT & ISSUANCE OF \$240,000 SEWER CAP. LOAN NOTE

Esser moved and Lighter seconded the motion that Resolution No. 09-42, **"A Resolution Approving and Authorizing a Form of Interim Loan and Disbursement Agreement by and Between the City of Algona, and the Iowa Finance Authority and Authorizing and Providing for the Issuance and Securing the Payment of a \$240,000 Sewer Revenue Capital Loan Note Anticipation Project Note, Series 2009, of the City of Algona, Iowa, Under the Provisions of the Code of Iowa, and Providing for a Method of Payment of said Note"**, be adopted. On call of the roll the vote was all ayes. Motion carried.

AUTHORIZE RELEASE OF MORTGAGE-R. BEHREND'S

Ruth Behrends has repaid her housing rehabilitation loan and the mortgage needs to be released.

Weaver moved and Von Ruden seconded the motion that Resolution No. 09-43, **"Resolution Authorizing Execution of Release or Satisfaction of Mortgage"**, be adopted. On call of the roll the vote was all ayes. Motion carried.

REQUEST FOR REDUCTION OF SEWER CHARGES-322 S. MINN.

Midge Andreasen is requesting a reduction of sewer charges at 322 S. Minnesota. The house is vacant and she had been watering the lawn, so no water went down the sanitary sewer.

Kohlhaas moved and Curtis seconded the motion to approve the request of Midge Andreasen to reduce the sewer charges by \$59.79. On call of the roll the vote was as follows: Ayes: Von Ruden, Kohlhaas, Curtis, Weaver. Nays: Lighter, Esser. Motion carried.

FINAL REPORT ON NOMINEES-AIRPORT BD. OF ADJUSTMENT

Final report was given on nominees to the Airport Board of Adjustment. Junior Hurlburt's term expires August 1, 2009.

PUBLIC HEARING TO CONSIDER ADOPTION OF 2008 NATIONAL ELECTRICAL CODE,
2006 UNIFORM MECHANICAL CODE & 2006 UNIFORM PLUMBING CODE

Mayor Gilmore announced at 5:38 p.m., that this is the time and place for a public hearing to consider adoption of the 2008 National Electrical Code, the 2006 Uniform Mechanical Code, and the 2006 Uniform Plumbing Code. City Administrator explained that these codes coincide with the State's new program to improve construction within those areas. After discussion and there being no other comments, either oral or written, the public hearing was closed at 5:45 p.m.

CITIZEN'S OPPORTUNITY

City Administrator O'Donnell informed the Council that City email will be down on Thursday as the new server will be installed that day.

Councilmember Curtis thanked the Algona Fire Department on the great job they did with the fireworks on the 4th.

CLOSED SESSION ON MATTERS IN LITIGATION

Lighter moved and Curtis seconded the motion that the Council adjourns into closed session pursuant to Iowa Code Chapter 21.5 (1)(c) to update Council on matters that are presently in litigation. On call of the roll the vote was all ayes. Motion carried. The Council adjourned into closed session at 5:46 p.m., and returned into open session at 5:52 p.m.

Von Ruden moved and Weaver seconded the motion that this meeting be adjourned. On call of the roll the vote was all ayes. Motion carried. Meeting adjourned at 5:53 p.m.

Jeff Gilmore, Mayor

ATTEST:

Rexann McEnroe, City Clerk