

COUNCIL ROOM-----October 18, 2010

The Waukon City Council met in regular session on October 18, 2010 at 7:00 o'clock P.M. in the Council Room of City Hall, 101 Allamakee Street, with Mayor Loren Beneke presiding. Council members present: Trent Mitchell, Steve Wiedner, John Ellingson, Dave Sanderson and Joe Cunningham. Council members absent: none. Others present: City Attorney James Garrett, Police Chief Clark Bollman, Water/Sewer Superintendent Robert Campbell, Street Superintendent Randy Murphy, Development Officer/Zoning Administrator Al Lyon, Lyle TeKippe-TeKippe Engineering and citizens.

The Mayor opened the meeting with prayer.

Moved by: Wiedner

Seconded by: Sanderson

To approve the following consent agenda items:

Agenda

Minutes of October 4, 2010-regular, October 11, 2010-special

Class "C" Liquor License renewal with Sunday Sales, Catering & Outdoor Service for Good

Fellas, Inc. d/b/a Good Fellas, 29 West Main Street

Clerk/Treasurer Reports-September 2010

Payment of claims

Alliant Energy	service	11,184.91
AT & T	service	272.17
Al Lyon	reimbursement	22.14
Allamakee Clayton Electric Coop	service	31.25
Allamakee County Economic Development	services	706.66
Allamakee County Recorder	service	19.00
Benjegerdes Machine, Inc.	supplies	134.36
Wellmark Blue Cross Blue Shield	insurance-Nov.'10	7,793.63
Bresnahan Oil Company	fuel	448.30
Bruening Rock Products, Inc.	supplies	20.02
Carquest	parts	111.42
Culligan	services	37.90
Cunningham Hardware & Rental	supplies	221.78
Fareway Stores, Inc.	real estate tax rebate	16,135.20
Fareway Stores, Inc.	license refund	75.00
Fayette County Sheriff's Office	services	40.00
James Garrett	services-Sept.'10	3,924.87
Hygienic Laboratory	testing	260.00
Iowa Codification, Inc.	services	550.00
Iowa Department of Natural Resources	annual fee	135.00
Iowa League of Cities	registration fee	30.00
Jim's Full Service	fuel	427.00
Keystone Laboratories, Inc.	samples	66.50
Law Enforcement Targets, Inc.	supplies	104.35
Matt Parrott & Sons Co.	supplies	560.99
News Publishing Co., Inc.	services	507.58
Pamida, #185	supplies	48.96
Quillin's	fuel/supplies	1,358.75
Qwest	service	747.20
Reiser Implement, Inc.	parts/labor	642.47
River City Paving	supplies	126.00
Sommer Pumper, LLC	service	130.00
Sportsmen's Unlimited	parts/labor	45.98
Storey Kenworthy	supplies	158.96
TeKippe Engineering	services	14,563.05
TeKippe Engineering	services	1,390.15
US Cellular	service	261.55
Ultramax	supplies	554.00
Village Farm & Home	supplies	30.01
Waukon Economic Development Corp.	2 nd qtr. contribution	2,818.85
Farmers & Merchants Savings Bank	principal/interest	4,550.00
Waukon State Bank	principal/interest	4,550.00
Chad Dugan	reimbursement	20.00
Skyline Construction, Inc.	pay est. #4-9 th St. SW Street	9,728.76
Skyline Construction, Inc.	pay est. #2-2010 St. Improv.	84,066.33
Kerndt Trenching	digging bond refund	500.00
Town & Country Sanitation	services	16,172.10
Waukon Postmaster	postage	126.00
City of Waukon	petty cash	85.09
Waukon Postmaster	postage stamps	44.00
ASCAP	license agreement fee	305.00
Regular Payroll	Sept. 19-Oct. 2, 2010	27,855.13
Iowa Department of Revenue	withholding	301.57
IPERS	withholding	5,720.78
IPERS	withholding	3,443.63
Treasurer, State of Iowa	state withholding	2,835.00
Waukon State Bank	bank card fee	27.36
WSB/Electronic Filing	federal withholding	2,732.16
WSB/Electronic Filing	soc.sec. withholding	5,783.46

Fund Totals:	General: 49,538.08	Spec.Rev.Employ.Ben:	6,601.09
	RUT: 12,666.59	9 th St. SW Util. Improve:	16,083.20
	Water: 10,881.12	Wellness Ctr:	6,292.66
	Sewer: 11,948.54	Street Fund:	93,795.09
	Library: 2,500.76	Debt Gundersen Clinic:	9,100.00
		TIF Fund:	16,135.20

Yes: Ellingson, Wiedner, Mitchell, Cunningham, Sanderson No: 0

The Mayor declared the motion carried.

This being the time and place set for the Public Hearing on proposed change in zoning district classification from "A" agricultural to "R-1" low density residence district for approximately 16 acres located east of the County Fairgrounds and south of Municipal Airport and is presently owned by the Irvin and Patricia Fosaaen Revocable Trust, the Mayor called for any oral or written comments and there were none. The Clerk announced that no written comments had been previously received. The Mayor then declared the Public Hearing closed.

This being the time and place set for the Public Hearing on proposed change in zoning district classification from "R-4" transition district to "B-2" general business district for property located at 116 West Main Street and is presently owned by Richard and Mary Sullivan, the Mayor called for any oral or written comments and there were none. The Clerk announced that no written comments had been previously received. The Mayor then declared the Public Hearing closed.

Prior to citizens addressing the Council in regards to the proposed ordinance prohibiting certain breeds of dog and providing limited exemptions the Mayor announced the following guidelines: each person should approach the podium and state their name and address; each individual would be allowed two minutes to speak; total allotted time for discussion on this subject not to exceed thirty minutes.

Thirteen individuals addressed the Council.

Upon the discussion it was;

Moved by: Cunningham Seconded by: Ellingson

To approve the third and final reading of an ordinance amending the Code of Ordinances of the City of Waukon, Iowa, 1998, by prohibiting certain breeds of dog and providing limited exemptions.

Yes: Wiedner, Cunningham, Ellingson No: Mitchell, Sanderson

The Mayor declared the motion carried.

Moved by: Cunningham Seconded by: Wiedner

To approve the ordinance.

Yes: Wiedner, Ellingson, Cunningham No: Sanderson, Mitchell

The Mayor declared the ordinance approved and the Clerk assigned the number 670 to the ordinance.

An ordinance changing zoning district classification from "A" agricultural to "R-1" low density residence for certain real estate owned by Irvin and Patricia Fosaaen Revocable Trust was presented to the Council for approval.

Moved by: Ellingson Seconded by: Wiedner

To approve the first reading.

Yes: Ellingson, Sanderson, Mitchell, Wiedner, Cunningham No: 0

The Mayor declared the motion carried.

Moved by: Cunningham Seconded by: Mitchell

To waive the second and third readings.

Yes: Cunningham, Ellingson, Wiedner, Sanderson, Mitchell No: 0

The Mayor declared the motion carried.

Moved by: Cunningham Seconded by: Wiedner

To approve the ordinance.

Yes: Wiedner, Cunningham, Mitchell, Ellingson, Sanderson No: 0

The Mayor declared the ordinance approved and the Clerk assigned the number 671 to the ordinance.

An ordinance changing zoning district classification from "R-4" transition to "B-2" general business for certain real estate owned by Richard and Mary Sullivan was presented to the Council for approval.

Moved by: Mitchell Seconded by: Sanderson

To approve the first reading.

Yes: Wiedner, Sanderson, Ellingson, Mitchell, Cunningham No: 0

The Mayor declared the motion carried.

Moved by: Ellingson Seconded by: Sanderson

To waive the second and third readings.

Yes: Ellingson, Sanderson, Mitchell, Wiedner, Cunningham No: 0

The Mayor declared the motion carried.

Moved by: Mitchell Seconded by: Sanderson

To approve the ordinance.

Yes: Cunningham, Ellingson, Wiedner, Sanderson, Mitchell No: 0

The Mayor declared the ordinance approved and the Clerk assigned the number 672 to the ordinance.

The Council discussed Waukon Wellness Center noise. No action taken.

The Council discussed the Winkie sanitary sewer easement.
Moved by: Cunningham
To approve payment of \$10,000.00 to Brad and Linda Winkie in conjunction with the comprehensive agreement, subject to the signing of the last two documents.
Yes: 5
The mayor declared the motion carried.

Seconded by: Wiedner

No: 0

The Council discussed "No Trespassing" signs, in accordance with agreement regarding annexation, municipal water and sanitary sewer utility extensions, boundary adjustments and fencing.
Moved by: Cunningham
To approve the purchase and payment of twenty "No Trespassing" signs from Iowa Prison Industries at an approximate cost of \$250.00.
Yes: 5
The Mayor declared the motion carried.

Seconded by: Wiedner

No: 0

The Council discussed City of Waukon siren testing.
Moved by: Ellingson
To table action on siren testing until the next regularly scheduled council meeting.
Yes: 5
The Mayor declared the motion carried.

Seconded by: Cunningham

No: 0

The Council discussed letter from Tom Blake, County Zoning Administrator, in regards to zoning change request from Jim Coopers' to allow an approximately one acre lot to be sold or developed as a building site.
Moved by: Ellingson
To not object to the Jim Cooper rezoning request.
Yes: 5
The Mayor declared the motion carried.

Seconded by: Mitchell

No: 0

The Council discussed payment of \$3,000.00 invoice from Bruening Rock Products, Inc. for C-Mart site project.
Moved by: Cunningham
To authorize payment of \$3,000.00 to Bruening Rock Products, Inc. for invoice #39485 in the amount of \$3,000.00.
Yes: 5
The Mayor declared the motion carried.

Seconded by: Sanderson

No: 0

The Council discussed Fifth Street and Third Avenue NW parking issues and directed City Attorney James Garrett to draft a proposed ordinance for no parking and restricted parking for Council consideration at the next regularly scheduled council meeting.

The Council discussed seeding and tilling at the Airport.
Moved by: Cunningham
To authorize the seeding and tilling at the Airport at a cost not to exceed \$700.00 to be expended from TIF funding-Airport Improvements subfund.
Yes: 5
The Mayor declared the motion carried.

Seconded by: Sanderson

No: 0

Moved by: Ellingson
To approve change order #1 and payment estimate #3-\$190,652.23-Skyline Construction, Inc. for 9th Street SW Utilities Project.
Yes: 5
The Mayor declared the motion carried.

Seconded by: Wiedner

No: 0

An ordinance amending the Code of Ordinances of the City of Waukon, Iowa, 1998, by amending provisions pertaining to municipal infractions was presented to the Council for approval.
Moved by: Mitchell
To approve the first reading.
Yes: Cunningham, Ellingson, Wiedner, Sanderson, Mitchell
The Mayor declared the motion carried.

Seconded by: Cunningham

No: 0

Moved by: Mitchell
To waive the second and third readings.
Yes: Wiedner, Cunningham, Mitchell, Ellingson, Sanderson
The Mayor declared the motion carried.

Seconded by: Sanderson

No: 0

Moved by: Mitchell
To approve the ordinance.
Yes: Wiedner, Sanderson, Ellingson, Mitchell, Cunningham
The Mayor declared the ordinance approved and the Clerk assigned the number 673 to the ordinance.

Seconded by: Wiedner

No: 0

An ordinance amending the Code of Ordinances of the City of Waukon, Iowa, 1998, by amending provisions pertaining to providing false identification information was presented to the Council for approval.
Moved by: Mitchell
To approve the first reading.
Yes: Cunningham, Ellingson, Wiedner, Sanderson, Mitchell
The Mayor declared the motion carried.

Seconded by: Cunningham

No: 0

Moved by: Mitchell
To waive the second and third readings.
Yes: Wiedner, Cunningham, Mitchell, Ellingson, Sanderson
The Mayor declared the motion carried.

Seconded by: Sanderson
No: 0

Moved by: Mitchell
To approve the ordinance.
Yes: Wiedner, Sanderson, Ellingson, Mitchell, Cunningham
The Mayor declared the ordinance approved and the Clerk assigned the number 674 to the ordinance.

Seconded by: Wiedner
No: 0

An ordinance amending the Code of Ordinances of the City of Waukon, Iowa, 1998, by amending provisions pertaining to sidewalk standards was presented to the Council for approval.

Moved by: Mitchell
To approve the first reading.
Yes: Cunningham, Ellingson, Wiedner, Sanderson, Mitchell
The Mayor declared the motion carried.

Seconded by: Cunningham
No: 0

Moved by: Mitchell
To waive the second and third readings.
Yes: Wiedner, Cunningham, Mitchell, Ellingson, Sanderson
The Mayor declared the motion carried.

Seconded by: Sanderson
No: 0

Moved by: Mitchell
To approve the ordinance.
Yes: Wiedner, Sanderson, Ellingson, Mitchell, Cunningham
The Mayor declared the ordinance approved and the Clerk assigned the number 675 to the ordinance.

Seconded by: Wiedner
No: 0

An ordinance amending the Code of Ordinances of the City of Waukon, Iowa, 1998, by amending provisions pertaining to traffic regulations was presented to the Council for approval.

Moved by: Mitchell
To approve the first reading.
Yes: Cunningham, Ellingson, Wiedner, Sanderson, Mitchell
The Mayor declared the motion carried.

Seconded by: Cunningham
No: 0

Moved by: Mitchell
To waive the second and third readings.
Yes: Wiedner, Cunningham, Mitchell, Ellingson, Sanderson
The Mayor declared the motion carried.

Seconded by: Sanderson
No: 0

Moved by: Mitchell
To approve the ordinance.
Yes: Wiedner, Sanderson, Ellingson, Mitchell, Cunningham
The Mayor declared the ordinance approved and the Clerk assigned the number 676 to the ordinance.

Seconded by: Wiedner
No: 0

Moved by: Mitchell
To adjourn.
Yes: 5
The Mayor declared the motion carried.

Seconded: Sanderson
No: 0

Diane Sweeney
City Clerk