

The Waukon City Council met in regular session on October 4, 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, Waukon Wellness Director-Danielle Bucknell, Lyle TeKippe-TeKippe Engineering and citizens.

The Mayor opened the meeting with prayer.

Moved by: Mitchell

Seconded by: Sanderson

To approve the following consent agenda items:

Agenda

- Minutes of September 20, 2010-work session; September 20, 2010-regular
- Class "C" Liquor License renewal with Sunday Sales for Wesley Hill, d/b/a Waukon
- Bowling and Sports Center, 601 Rossville Road
- Payment of claims

AT & T	service	61.87
Alliant Energy	service	1,011.80
Allamakee County Sheriff	answering serv.-Sept.'10	750.00
Al Fogt Concrete Construction	labor/materials	467.00
Black Hills Energy	service	881.21
Bresnahan Oil Company	fuel	417.87
Brown Supply Co.	supplies	254.46
Chemsearch	supplies	234.87
Cody Herman	witness fee	5.35
Ethan French	witness fee	5.35
Group Services, Inc.	adm.fees-Oct.'10	204.30
Group Services, Inc.	self fund req.-Oct. '10	6,975.50
IKON Office Solutions	service	205.32
Iowa Law Enforcement Academy	schooling	240.00
Kathy Kleaned	services	330.00
Ken Kerr Electric	labor	65.00
Al Lyon	reimbursement	9.73
Lyle Signs, Inc.	signs	247.46
McMillan Muffler	parts/labor	1,568.55
Matt Parrott & Sons, Co.	supplies	322.18
Peterson Electric	parts/labor	59.90
Primary Products Company	supplies	65.03
Quartermaster	supplies	79.99
Radar Road Tec	service	105.00
River City Paving	supplies	436.80
R.W. Pladsen, Inc.	parts/labor	169.13
DuWayne Snitker	dog care	105.00
Teamsters Local 238	union dues-Oct.'10	220.00
Test America	samples	167.58
TeKippe Engineering	services	1,782.00
TeKippe Engineering	services	8,664.10
TeKippe Engineering	services	6,698.90
Torkelson's of Waukon	parts/labor	166.88
Union Security Insurance Co.	Ins.-Oct.'10	171.00
Waukon Area Fire Protection District	per agreement	15,000.00
Waukon Implement Company	parts/labor	579.32
Waukon Tire Center, Inc.	parts/labor	65.90
Wertjes Uniforms	supplies	307.37
West Payment Center	subscription	176.50
West Side Waukon Lumber, Inc.	supplies	128.00
Zee Medical, Inc.	supplies	83.18
Treasurer State of Iowa	sales tax	5,305.00
Chad Dugan	reimbursement	91.02
Waukon Postmaster	postage stamps	44.00
Waukon State Bank	bankcard fee	45.43
Skyline Construction, Inc.	pay est. #2-9 th St.SW Util.	148,807.89
Tschiggfrie Excavating Co.	pay est. #1-trickling filter repair	56,009.95
Waukon Postmaster	postage stamps	220.00
Regular Payroll	Sept.5 – Sept. 18, 2010	27,630.45
Robert Campbell	reimbursement	6.36
Pat Burckart	reimbursement	7.21
Iowa Department of Revenue	withholding	301.57
WSB/Electronic Filing	soc.sec. withholding	5,747.95
WSB/Electronic Filing	federal withholding	2,710.70

Fund Totals: General: 37,607.55 Spec.Rev.Employ.Ben: 1,335.23
 RUT: 7,781.99 9th St. SW Util. Improve.: 148,807.89
 Water: 6,247.22 Wellness Ctr.: 5,627.34
 Sewer: 13,752.50 Sewer Operation Maint: 56,009.95
 Library: 2,102.26 Street Fund: 8,664.10
 DOT subfund: 6,698.90 Lomen Prop. subfund: 1,782.00
Yes: Ellingson, Mitchell, Cunningham, Sanderson No: 0 Absent: Wiedner
The Mayor declared the motion carried.

Council member Steve Wiedner entered the meeting.

An ordinance amending the Code of Ordinances of the City of Waukon, Iowa, 1998, by prohibiting certain breeds of dog and providing limited exemptions was presented to the Council for approval.
Moved by: Cunningham Seconded by: Wiedner
To approve the second reading.
Yes: Wiedner, Cunningham, Mitchell, Ellingson, Sanderson No: 0
The Mayor declared the motion carried.

An ordinance changing zoning district classification from "R-2" single family residential to "A" agricultural for certain real estate in the City of Waukon, Iowa was presented to the Council for approval.
Moved by: Mitchell Seconded by: Cunningham
To approve the second reading.
Yes: Wiedner, Sanderson, Ellingson, Mitchell, Cunningham No: 0
The Mayor declared the motion carried.

Moved by: Mitchell Seconded by: Cunningham
To waive the third and final reading.
Yes: Ellingson, Sanderson, Mitchell, Wiedner, Cunningham No: 0
The Mayor declared the motion carried.

Moved by: Mitchell Seconded by: Cunningham
To approve the ordinance.
Yes: Cunningham, Ellingson, Wiedner, Sanderson, Mitchell No: 0
The Mayor declared the ordinance approved and the Clerk assigned the number 675 to the ordinance.

An ordinance changing zoning district classification from "A" agricultural to "M-1" manufacturing for certain real estate in the City of Waukon, Iowa was presented to the Council for approval.
Moved by: Cunningham Seconded by: Sanderson
To approve the second reading.
Yes: Wiedner, Cunningham, Mitchell, Ellingson, Sanderson No: 0
The Mayor declared the motion carried.

Moved by: Cunningham Seconded by: Sanderson
To waive the third and final reading.
Yes: Wiedner, Sanderson, Ellingson, Mitchell, Cunningham No: 0
The Mayor declared the motion carried.

Moved by: Cunningham Seconded by: Wiedner
To approve the ordinance.
Yes: Ellingson, Sanderson, Mitchell, Wiedner, Cunningham No: 0
The Mayor declared the ordinance approved and the Clerk assigned the number 676 to the ordinance.

An ordinance amending the Code of Ordinances of the City of Waukon, Iowa, 1998, by adding new permitted uses in the zoning regulations for the manufacturing district was presented to the Council for approval.
Moved by: Mitchell Seconded by: Wiedner
To approve the second reading.
Yes: Cunningham, Ellingson, Wiedner, Sanderson, Mitchell No: 0
The Mayor declared the motion carried.

Moved by: Mitchell Seconded by: Cunningham
To waive the third and final reading.
Yes: Wiedner, Cunningham, Mitchell, Ellingson, Sanderson No: 0
The Mayor declared the motion carried.

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 677 to the ordinance.

Seconded by: Cunningham

No: 0

The Council discussed Marilyn Clark/St. Patrick Thrift Store request for sign over public property. No action taken. The Council recommended that the Zoning Administrator work with Planning and Zoning Commission as to how the language of the ordinance could be improved.

Business owner Christine Enyart presented shopper appeal survey/information and request from store owners to permit merchandise display on sidewalks outside of their stores.

Moved by: Cunningham
To allow the display of merchandise on the sidewalks during business hours from November 1, 2010 – January 31, 2011, with the understanding the Council reserves the right to cancel permission if problems arise.

Seconded by: Mitchell

To allow the display of merchandise on the sidewalks during business hours from November 1, 2010 – January 31, 2011, with the understanding the Council reserves the right to cancel permission if problems arise.

Yes: 5

No: 0

The Mayor declared the motion carried.

An ordinance amending the Code of Ordinances of the City of Waukon, Iowa, 1998, by amending provisions pertaining to signs on public property was presented to the Council for approval.

Moved by: Cunningham

Seconded by: Wiedner

To approve the third and final reading.

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: Cunningham, Ellingson, Wiedner, Sanderson, Mitchell

No: 0

The Mayor declared the ordinance approved and the Clerk assigned the number 678 to the ordinance.

The Council discussed Wellness Center air conditioner noise. No action taken.

Moved by: Ellingson

Seconded by: Cunningham

To approve the Agreement with ASCAP (American Society of Composers, Authors and Publishers) to allow the City to broadcast radio stations and cover all uses of copyrighted music by the City for an annual license fee of \$305.00 effective September 15, 2010 – September 15, 2011.

Yes: 5

No: 0

The Mayor declared the motion carried.

Moved by: Cunningham

Seconded by: Wiedner

To schedule date of Public Hearing for October 18, 2010 at 7:00 o'clock P.M. in the Council Room at City Hall, on a request for a 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 the municipal airport and is presently owned by the Irvin and Patricia Fosaaen Revocable Trust.

Yes: 5

No: 0

The Mayor declared the motion carried.

Moved by: Cunningham

Seconded by: Wiedner

To schedule date of Public Hearing for October 18, 2010 at 7:00 o'clock P.M. in the Council Room at City Hall, on a request for 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.

Yes: 5

No: 0

The Mayor declared the motion carried.

Moved by: Cunningham

Seconded by: Wiedner

To agree with the Board of Adjustment's decision to grant Russell Roth a variance of 4 feet on the east side of his property to build an addition at 511 3rd Avenue SW.

Yes: 5

No: 0

The Mayor declared the motion carried.

An ordinance amending the Code of Ordinances of the City of Waukon, Iowa, 1998, by amending provisions pertaining to permitted tree species on City property was presented to the Council for approval.

Moved by: Wiedner

Seconded by: Sanderson

To approve the first reading.

Yes: Wiedner, Sanderson, Ellingson, Mitchell, Cunningham

No: 0

The Mayor declared the motion carried.

Moved by: Cunningham

Seconded by: Wiedner

To waive the second and third readings.

Yes: Ellingson, Sanderson, Mitchell, Wiedner, Cunningham

No: 0

The Mayor declared the motion carried.

Moved by: Cunningham

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 679 to the ordinance.

The Council discussed Third Avenue NW proposed improvements and curb/gutter assessments. No action taken.

Moved by: Ellingson

Seconded by: Sanderson

To approve installation of Fiber Optic Cable from High School to Hospital and to recommend to the IDOT approval of application and agreement for use of highway right-of-way for utilities accommodations.

Yes: 5

No: 0

The Mayor declared the motion carried.

The Council discussed City Code update and supplementation.

Moved by: Cunningham

Seconded by: Mitchell

To order the following 2010 legislative changes from Iowa Codification, Inc. as recommended by the City Attorney:

SF434-Municipal Infractions

SF2197-Providing False Identification Information

SF2202-HF 2531-Persons With Disabilities

HF2288-HF2531-SF2340-Traffic Regulations

Yes: 5

No: 0

The Mayor declared the motion carried.

Moved by: Ellingson

Seconded by: Sanderson

To approve change order #4-final and payment estimate #4-\$9,728.76 to Skyline Construction, Inc. for 9th Street SW Street Improvements Project.

Yes: 5

No: 0

The Mayor declared the motion carried.

Moved by: Cunningham

Seconded by: Mitchell

To approve resolution accepting work covering Ninth Street SW Street Improvements Project.

Yes: Cunningham, Ellingson, Wiedner, Sanderson, Mitchell

No: 0

The Mayor declared the resolution approved and the Clerk assigned the number 2386 to the resolution.

Moved by: Mitchell

Seconded by: Ellingson

To approve change order #1 and payment estimate #2-\$84,066.33 to Skyline Construction, Inc. for 2010 Street Improvements Project.

Yes: 5

No: 0

The Mayor declared the motion carried.

Moved by: Mitchell

Seconded by: Sanderson

To approve resolution accepting work covering 2010 SW Storm Sewer Improvements Project.

Yes: Wiedner, Sanderson, Ellingson, Mitchell, Cunningham

No: 0

The Mayor declared the resolution approved and the Clerk assigned the number 2387 to the resolution.

Moved by: Ellingson

Seconded by: Wiedner

To approve a resolution agreeing to the internal loan transfer of \$6,698.90 from SE Tax Increment Fund to the DOT Maintenance Garage Project sub fund.

Yes: Ellingson, Sanderson, Mitchell, Wiedner, Cunningham

No: 0

The Mayor declared the resolution approved and the Clerk assigned the number 2388 to the resolution.

Moved by: Cunningham

Seconded by: Mitchell

To approve resolution agreeing to the internal loan transfer of \$1,782.00 from SE Tax Increment Fund to the Lomen Property Project sub fund.

Yes: Cunningham, Ellingson, Wiedner, Sanderson, Mitchell

No: 0

The Mayor declared the resolution approved and the Clerk assigned the number 2389 to the resolution.

The Council discussed proposed Waukon Sports Fields Project (Lomen property).
Moved by: Cunningham
To table action.
Yes: 5
The Mayor declared the motion carried.

Seconded by: Sanderson
No: 0

It was then agreed by the Council to invite the Park Board to a special session on October 11, 2010 at 7:00 o'clock P.M. in the Council Room, City Hall to discuss the proposed Waukon Sports Fields Project.

Moved by: Mitchell
To approve application for property tax exemption from Mark W. Pladsen and Stephen E. Pladsen, to be forwarded to the County Assessor for her consideration.
Yes: 5
The Mayor declared the motion carried.

Seconded by: Sanderson
No: 0

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

Seconded by: Cunningham
No: 0

Diane Sweeney
City Clerk