

OAKLAND CITY COUNCIL  
AUGUST 9, 2010  
REGULAR SESSION

The Regular Session of the Oakland City Council met at Oakland City Hall and was called to order by Mayor Michael O'Brien at 7:00 P.M. Council Members present were Rollins, Miller, Hackett, Newberg and Wede. Also present were Public Works Director Mike Baragary, and City Clerk Marissa Lockwood, Marsha O'Brien, Loree Hamilton, Donnetta Perkins, David Perkins, Cathey Grosvenor, Anna D'Angelo, Gayle Strickland, MJ Broomfield and Courtney Harter of SWIPCO, Lynn Grobe, Ryan Brandt of Snyder and Associates, Jim Eckert, Angela Miller, Craig Turner. Motion by Hackett, second by Wede to approve the agenda with the addition of discussion on the Oakland Industrial Foundation possibly acquiring more properties. 5 Ayes, motion carried.

Open Forum was held. Anna D'Angelo addressed the City Council concerning the weeds and flowers growing in the sidewalks of downtown and in the library parking lot and sidewalks. D'Angelo commented on how great the museum looks with the new sidewalk and planter boxes. Mayor O'Brien stated him and Baragary were just discussing the same issue and would address the weeds. Gayle Strickland asked if the Council would be holding a town hall meeting to inform residents of what is going on with the Pamida building. Council plans to hold a meeting to share information soon.

Motion by Rollins to approve the consent agenda including: July Clerk Report, Claims, May Treasurer's Reports, July Senior Center Report, Library Report, Sheriff's Report, minutes from July 12<sup>th</sup> regular session, and Nzone Bar Liquor License Renewal,". Second Hackett. Roll call. 5 Ayes, motion carried.

Discussion was held on the fire department consent agenda. Rollins stated the minutes do not tell who was on truck inspections but she noticed while behind the fire truck on the way to the rodeo parade that there was a break light out. She wanted to make sure the inspections were being done and that the department knew the light was out. Hackett and Miller said the light might have been knocked loose during washing of the trucks for the parade and they will make sure it is working. Motion by Rollins, second by Wede to approve the Fire Department consent agenda including Fire Department Claims and minutes from June 6<sup>th</sup> and June 29<sup>th</sup>. Roll call. 3Ayes, Miller and Hackett abstained due to conflict of interest. Motion carried.

Angela Miller gave the pool manager update. Council members asked how the adult swim time was working. Miller said there have been anywhere from 3 to 12 adults during that time. Miller reported that there have been a few complaints that children under three years old should be free and that the swimming pool will not be open after school starts. The City has a hard time staffing the swimming pool after school starts due to lifeguards playing sports and some returning to college. Attendance also drops significantly and it is expensive to keep the pool running with chemicals and payroll for very few swimmers. The closing date for the pool is August 15<sup>th</sup> and contractors are coming to start on repairs and renovation completion items. Ryan Brandt of Snyder & Associates presented a list of things that will be addressed by the contractor under warranty and the items are expected to be completed by the September City Council meeting. Snyder & Associates will address the run off problem with the water feature this fall. Newberg asked Lockwood to have a final financial report for the pool season at the next meeting so that the budget can be amended as needed for opening next summer.

MJ Broomfield Executive Director of SWIPCO discussed services that SWIPCO offers for cities.

Motion by Wede, second by Hackett to open public hearing on 2010 Sanitary Sewer Improvements Project. Craig Turner expressed concerns on whether the new service lines will be connected or two separate lines and if the new service lines will be maintained by the City or if they will be the property owners to maintain. He also stated he has not seen anything in print and he is concerned about the service lines connecting and the easements between the property owners. Turner and Eckert said that Houser would like to run his line a different route. Council said the lines were agreed upon as part of the settlement for the Turner/Houser litigation and signed off on by the property owners. Baragary said the Engineer and himself can meet with the property owners and discuss further details of the project. Turner also expressed concern of the City using grant money to settle a lawsuit. The City Council said the grant funds will not be used for this portion of the project. The City had the project bundled with the Hill Street and Chautauqua Park Sewer projects to cut costs by having one contractor do the work. Turner would like to use his own contractor. Part of the settlement included that the project had to be engineered and completed by a bonded and insured contractor and signed off on by engineers. Turner also would like in writing that he would have relief of any lawsuits if Houser's sewer were to back up on his property. Rollins expressed that she feels concerns with the settlement should be brought to the attorney's that handled the litigation. O'Brien said he would contact the City Attorney. Motion by Miller, second by Wede to close public hearing. Motion by Miller to approve Resolution 2010-08-01 "Approve plans, specifications and form of contract for the 2010 Sanitary Sewer Improvements Project." Second by Wede. Roll call. 5 Ayes, motion carried. Bids were reviewed for the project. Neuvirth Construction of Blair, NE was the low bidder at \$256,943.80. Snyder & Associates checked references and all would use the contractor again. Motion by Hackett to approve Resolution 2010-08-02 "Awarding Contract to Neuvirth Construction of Blair, NE in the amount of \$256,943.80 for the 2010 Sanitary Sewer Improvements Project." Roll call. 5 Ayes, motion carried.

Schueman Park Improvements were discussed. Hackett said once it cools down clean up can really start. Baragary said Midwest Walnut is sending someone out this week to look at the trees. Hackett said he ran two four-wheelers out of the park.

Discussion was held on the \$4 parks and recreation fee. Miller said he feels the Council should put it out there and let the residents decide if they want it or not. The fee would be split \$3 toward the swimming pool and \$1 toward repairs and maintenance of the parks and installation, repairs and upkeep of trails in the parks. The Council agreed that this would be another topic for the Town Hall meeting. Newberg stated that this will basically be increasing taxes and there are a lot of people on fixed incomes that cannot afford it. Miller said it would be a good resource for funds for the bath house renovation and future slides and items at the swimming pool. Lockwood mentioned to the Council that this would be a special election and would cost the City extra to add the public measure to the ballot. Council members mentioned that there is still a lot of "grey area" as to what "free pool entry" would mean and how that would be monitored. Jim Eckert said he has heard some discussion and people seem to be reasonably okay with the fee. It was mentioned that there are a lot of residents that cannot get out and therefore are not being heard. Miller moved that the \$4 parks and recreation fee be added to the ballot for special election in November. Second by Hackett. 3 Ayes -Hackett, Miller and Rollins. 2 Nays- Wede and Newberg. Motion carried.

Livestock within City Limits was discussed. Rollins mentioned possible having some sort of licensing per animal similar to the current pet licenses. Wede said if there are no complaints on the livestock then he doesn't see a problem with granting permission for the animals. Chapter 55.05 and the residential zoning ordinances were reviewed. Lockwood discussed the matter with the City Attorney. He said the City already has a livestock ordinance in place and that livestock is not allowed on property zoned residential. The Council can decide to grant written consent on a case by case basis. The Council needs to notify all known owners of livestock on residential zoned properties that the livestock is not allowed and then the property owners may appeal to the City Council. The Council would then hold a public hearing with neighbors and consider any written complaints on file to determine if written consent would be given. Council members agreed that the Ordinance was passed for a reason and needs to be enforced and to have the City Attorney draft a notice for the livestock owners.

The Bane v. City of Oakland settlement was discussed. There is still a discrepancy with the survey that is in the process of being corrected.

Baragary discussed street repairs and cracks in the streets that need sealed. Two bids were reviewed. Motion by Hackett to accept the bid from Century Asphalt in the amount of \$13,325. Second by Rollins. 5 Ayes, motion carried.

Bids were reviewed for installing guard rail along 923 Palmer Street. Motion by Newberg, second by Wede to accept the bid from Midwest Fence in the amount of \$6992.50. 5 Ayes, motion carried.

Disposing of old fire department radio equipment was discussed. Due to the upgrade to the county wide communication system upgrade the equipment is no longer being used. Council discussed options for selling the equipment to smaller departments and also on the internet. Motion by Wede, second by Rollins to dispose of the old equipment, with the method of disposal left up to the Fire Chief. 3 Ayes, Hackett and Miller abstained due to conflict of interest. Motion carried.

Discussion was held on the Iowa Waste Systems Inc. Disposal Service Agreement. Currently the City pays \$39.71 per ton for garbage disposal to Iowa Waste Systems Inc. The contract is for 25 years and the fee would be \$23.50 per ton for the first three years then could increase at a rate of no more than 3% per year. Lockwood presented the contract to the City Attorney for review and his only real concern was the long term. Baragary called Iowa Waste Systems and discussed negotiating a shorter term, he was told that the City could but the rate would increase significantly. Motion by Hackett, second by Wede to approve the Iowa Waste Systems Inc. Disposal Service Agreement. 5 Ayes, motion carried.

Motion by Miller, second by Hackett to approve MAPA Sustainable Communities Regional Planning Grant Program Memorandum of Understanding. 5 Ayes, motion carried.

Hackett reported that the Oakland Industrial Foundation is looking at a few possible properties to acquire to tear down to either sell the lots or build homes on. The Industrial Foundation is looking for the City's backing and possible financial support for the projects. Council Members agreed that the City would be willing to continue working with the Industrial Foundation to get properties cleaned up or removed.

The possible purchase of the Pamida building was discussed. Mayor O'Brien asked the residents in attendance if there were any questions before going into closed session. Gayle Strickland asked the Council if the building is purchased, does that mean that the City is going

ahead with the full project. The City Council said the project would be done in phases and explained how the City would benefit from doing the project. Mayor O'Brien said the project would be discussed and more opportunities for questions would be given at a Town Hall meeting that will be held in the near future. Newberg mentioned that there is another party interested in purchasing the building to be used for warehouse space. Motion by Miller, second by Hackett to enter into closed session to discuss negotiation of purchasing the Pamida building pursuant to Chapter 21.5 Section j of the Iowa Code. 5 Ayes, motion carried. Entered into closed session at 9:07P.M. Council reentered regular session at 9:21P.M. Motion by Miller for Mayor O'Brien to continue negotiations on the Pamida building as discussed in closed session contingent upon purchase of the lot to the south of the Pamida building. Second by Wede. 5 Ayes, motion carried.

Baragary gave the Crew Report. The horizontal well had some lightning damage that was turned in to insurance.

Lockwood gave the Clerk's Report. Report was given on attendance at Clerk's Academy.

O'Brien gave the Mayor's Report. The triangle piece of ground between Casey's and the highway had been being mowed by Dick Kates, he won't be mowing it any longer and the City needs to have the owner maintain the property. Once the grass reaches 12 inches the City will send the owner a letter to have it mowed. The new restrooms in Chautauqua Park need to be vented, O'Brien noticed they get very hot inside during this hot weather. Wede mentioned the concession stand and restrooms also need vented. Hackett said he would go down and look to see what could be done for ventilation.

Motion by Miller, second by Wede to adjourn.

Adjournment 9:34P.M.

Aflac	benefits	83.90
American Administrators	benefits	26.00
Atlantic Bottling Company	pool concessions	471.30
Baldwin, Dawn	water deposit refund	15.53
Barco Municipal Products, Inc.	supplies	150.60
Bermudez, Donna	water deposit refund	38.81
BFSCO.	rental	30.00
Business Radio Licensing	FCC license renewal	110.00
City of Oakland	reimburse petty cash	14.80
Clark's Electric	TIF Grant project/contract services	4075.43
CONOCO	fuel	407.24
Coop's Services	contract services	55.00
Counsel Office & Document	copier lease	215.62
Display Sales	supplies	192.00
Dollar General	supplies	46.00
Don's Johns & Septic Pumping	contract services	175.00
EFTPS	payroll liabilities	6823.16
Emergency Medical Products	medical supplies	367.95
EMS Billing Services Inc.	contract services	885.69
Farm Service Cooperative	fuel	159.38
Frontier Communication	telephone	644.53
Fullerton Lumber Co.	repairs/supplies	322.81
Great Western Bank	data processing	86.12
Hawkins, Inc.	chemicals/signs	3558.10
IA Dept of Revenue	sales tax	4609.00
ICAP	insurance	39486.59
IMWCA	work comp	998.00
Iowa DNR	NPDES permit	210.00
Iowa Fittings Co.	supplies	84.43
Iowa One Call	contract services	15.30
Iowa Waste Systems, Inc.	contract services	3373.76
Iowa Western Community College	cpr/emt training	660.00
IPERS	benefits	1796.37
IRWA	training	90.00
Ives, Kimberly	community building deposit refund	200.00
JefferSon Farm & Auto, LLC	repairs	314.63
Jennie Edmundson Hospital Pharm	medical supplies	39.89
Journal-Herald	publishing	322.93
Life-Assist, Inc.	medical supplies	132.94
Linweld	chemicals	659.41
Lockwood, Marissa (vendor)	reimbursement	127.00
M K Mills Tree Service, Inc.	contract services	7043.86
MARC	chemicals	1960.76
Mississippi Lime Company	lime for water plant	3352.05
MVTL Laboratories, Inc.	analysis	68.40
NAPA	repairs/supplies	130.56
Nelson, Kathy	community building deposit refund	200.00
Oakland Industrial Foundation	reimbursement	11500.00
Oakland Volunteer Fire Association	donations reimbursement	1740.00
Orkin Pest Control	contract services	14.46
Palmer, Tami	community building deposit refund	200.00
Payroll	wages	22360.68
Pierce Pump Inc.	supplies/repairs	642.53
Pitney Bowes	postage	300.00
P-Nut's Plumbing	contract services	125.00
Postmaster	postage	153.37
Pott. County Sheriff's Office	contract services	6505.63
Pott. County Treasurer	transfer station dumping	10.00
Precision Diesel, Inc.	repairs	1006.52
Principal Life	benefits	53.00
Ruan Logistics Corporation	freight	1659.40
Ruback's	supplies	2.56
Salvo, Deren, Schenck & Lauterbach, P.C.	legal fees	714.71
SAM's Club Discover	pool concessions	376.36
Shelby County Environmental Health Dept.	Pool inspection	270.00
Sherman Company LLC	contract services/repairs	17444.00
Siemens Water Tech Corp.	supplies/repairs	138.00
Snyder & Associates, Inc.	engineering fees	7841.00
Standard Auto Service Corp.	fuel	167.92
Staples	supplies	81.58
Struyk Turf, Ltd.	contract services	740.00
Treasurer - State of Iowa	payroll liabilities	1013.00
Turfwerks	repairs	228.49
Verizon Wireless	telephone	187.18
VISA	repairs/supplies/shipping	669.31
Wellmark BlueCross Blue Shield	benefits	3738.04

Wilson's Garage	repairs	846.48
Wragge, Rachael	water deposit refund	69.38
Zoll Medical Corporation	medical supplies	514.61
Total		166144.06

General Fund	Income	44024.48	Expense	80021.66
Water Fund	Income	52873.86	Expense	45428.82
Sewer Fund	Income	5247.38	Expense	10217.72
Sanitation Fund	Income	10449.39	Expense	10760.69
Road Use Fund	Income	30747.95	Expense	13710.26
TIF Fund	Income	326.90	Expense	0
Debt Service	Income	0	Expense	22617.28
Capital Project-Aquatic Center	Income	0	Expense	26342.45
July Totals	Income	143669.96	Expense	209098.88

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk