

**REGULAR MEETING  
NOVEMBER 6, 2017**

The City Council of the City of Forest City, Iowa, met in regular session on November 6, 2017, at 7:00 p.m. in the Council Chambers of City Hall, Forest City, Iowa.

Mayor Byron Ruiter called the meeting to order at 7:00 p.m. Councilmembers present at roll call were: Buffington, Davis, Holland, Mikes, Zehren. ABSENT: West, Wooldridge.

Mayor Ruiter called for a moment of silence for the recent tragedy in Sutherland Springs, Texas, followed by the Pledge of Allegiance.

No one spoke under public forum.

Forest City Economic Development director Beth Bilyeu will present her report at the next regular Council meeting.

Moved by Zehren, seconded by Davis, to approve the following consent agenda items:

- 1) Agenda (11/6/17), with the removal of Item #4 and noted location correction to 'North part of Forest City in Winnebago County' for the proposed solar farm
- 2) Council Minutes (10/16/17)
- 3) Board & Committee minutes from the Forest City Chamber of Commerce, Grow Forest City, Safety Committee (10/16/17), Airport Commission (10/10/17), Street Committee (10/16/17), Historic Preservation Commission (10/17/17), Heritage Park (10/17/17), Library Board (9/20/17), Downtown Task Force (10/17/17 & 10/30/17), & Housing Commission (10/18, 10/24 & 10/31/17)
- 4) List of claims
- 5) Class E liquor license for Uptown Liquor

Motion carried unanimously.

City Administrator/Clerk Barbara Smith asked the Council to pass a variance for Waldorf University's TIF Certification. The original agreement stated Waldorf was to employ a minimum of 125 FTE employees and 600 FTE students. They are at 161 FTE employees and 556 FTE students. They are requesting a waiver on the student count provisions. After discussion, the Council took the following action:

Moved by Holland, seconded by Mikes, to approve a TIF Certification Variance for Waldorf University. Motion carried unanimously.

City Attorney Bakke led the discussion regarding the possible appointment of Stephan Sheehan to the Downtown Task Force. The conflict portion of Iowa Code 362.2(15) states 'A measure voted upon is not invalid by reason of conflict of interest in an officer of a city, unless the vote of the officer was decisive to passage of the measure. If a specific majority or unanimous vote of a municipal body is required by statute, the majority or vote must be computed on the basis of the number of officers not disqualified by reason of conflict of interest. However, a majority of all members is required for a quorum. For the purpose of this section, the statement of an officer that the officer declines to vote by reason of conflict of interest is conclusive and must be entered of record.' Thus, if a measure impacts a property owned by Sheehan or he has an interest in a property, this statute applies. After discussion, the Council took the following action:

Moved by Buffington, seconded by Zehren, to stay with the current Downtown Task Force and consider advisory members at a later date, if needed. Motion carried unanimously.

Councilmember Wooldridge entered the meeting at 7:20 p.m.

City Administrator/Clerk Barbara Smith led the discussion regarding proposed changes to Chapters 69.13 and 69.20 of the Code of Ordinances, regarding parking regulations. The proposed new rules are shown below, with changes indicated in bold:

1. Overnight parking on the business district streets. All vehicles parked overnight on business district streets will be ticketed **and towed**.
2. Parking overnight is allowed in the business district **lot located at the Intersection of 6<sup>th</sup> & K Streets, Block 47**, with a valid permit issued by the City of Forest City.
3. Property owners are allowed to purchase more than one per unit, as **available**.
4. Permits are issued by the Police Department, which is located at 525 North 4<sup>th</sup> Street.
5. The cost of a parking permit is **\$240** per year. Permits expire on November 30 and must be renewed **annually**. The cost of permits purchased midyear will be prorated **based on the number of months left in the permit year, including the current month, at a rate of \$20 per month. If a permit is cancelled prior to November 30, the landlord must bring the permit to the Forest City Police Department for a refund of the remainder of the permit year. Refunds will be submitted to City Hall for payment approval at the next scheduled City Council meeting.**
6. The permit sticker must be affixed to the vehicle that the permit was issued for. It is to be placed on the outside of the lower left corner of the rear-facing window of said vehicle. **Vehicles must be pulled into the parking space with rear of vehicle facing the driving portion of the parking lot, in order for permit to be seen when driving through the lot.**
7. Holders of valid city parking permits are allowed to park in **the City lot indicated in rule #2**, within a specified time frame.

After discussion, the Council took the following action:

Moved by Davis, seconded by Zehren, to approve the recommended parking regulation changes, with the specified time frame for permitted parking to be 7 a.m. - 7 p.m. Motion carried unanimously.

City Administrator/Clerk Barbara Smith led the discussion regarding proposed changes to Chapter 69.13 and 69.20 of the Forest City Code of Ordinances. The changes are shown in bold below:

- 69.13 SNOW REMOVAL. No person shall park, abandon or leave unattended any vehicle on any public street, alley or City-owned off-street parking area, **except where permitted overnight parking is allowed, and vehicle displays a current overnight parking permit**, when the snow is falling and for a period of forty-eight (48) hours after cessation of a snowfall, unless the snow has been removed or plowed from said street, alley or parking area.'
- 69.20 PERMITTED OVERNIGHT PARKING. Any person may be allowed to park overnight from **7:00 p.m. – 7:00 a.m. in the City parking lot located in Block 47 at the Intersection of K & 6<sup>th</sup> Streets** with a valid permit issued by the Chief of Police being prominently displayed in the vehicle, as required. This change includes raising the permit fee to **\$240**, issuing one permit for each parking **space**, and reporting any lost or stolen permits immediately to the **Police Department**.

The Mayor and Council gave general approval to revising these ordinances as recommended, with the revised ordinances to be presented at the next regular Council meeting for consideration.

City Administrator/Clerk Barbara Smith led the discussion regarding proposed changes to Chapter 95.05 of the Code of Ordinances, which requires property owners to connect to the public sewer if their property is located within 100' of a sewer line. These changes would require property owners still on private septic

systems to hook up to City sanitary sewer upon (1) Upon sale of the property or (2) upon private septic systems needing to be replaced. Per City attorney Bakke, there is not an absolute mandate in some situations, and the Council should include 'to dovetail into State Code' in their revision. No action was taken on this issue, except to continue working on these proposed changes with noted exceptions.

City Administrator/Clerk Barbara Smith asked the Council to pass a resolution to enter into a contract with Upper Midwest Municipal Energy Group for purchase of capacity and energy from Butter Solar Project. Per Electric Department Manager Duane Kuhn, there would be no extra cost to the City, just purchasing power at the same price we are paying now. This would be a good project for the City. After discussion, the Council took the following action:

Councilmember Buffington introduced the following Resolution and moved its adoption. Councilmember Mikes seconded the motion to adopt. The roll was called and the vote was AYES: Buffington, Davis, Holland, Mikes, Wooldridge, Zehren. NAYS: None. ABSENT: West. Whereupon the Mayor declared the Resolution duly adopted as follows:

Resolution No. 17-18-11, a Resolution found in Resolution Book 17-18. A RESOLUTION APPROVING ENTRY INTO CONTRACT WITH UPPER MIDWEST MUNICIPAL ENERGY GROUP FOR PURCHASE OF CAPACITY AND ENERGY FROM BUTTER SOLAR PROJECT.

City Administrator/Clerk Barbara Smith asked the Council to pass a resolution to approve the Iowa League of Cities' record retention manual for the City of Forest City. After discussion, the Council took the following action:

Councilmember Wooldridge introduced the following Resolution and moved its adoption. Councilmember Buffington seconded the motion to adopt. The roll was called and the vote was AYES: Buffington, Davis, Holland, Mikes, Wooldridge, Zehren. NAYS: None. ABSENT: West. Whereupon the Mayor declared the Resolution duly adopted as follows:

Resolution No. 17-18-12, a Resolution found in Resolution Book 17-18. A RESOLUTION TO ADOPT THE RECORD RETENTION MANUAL FOR THE CITY OF FOREST CITY.

Mayor Ruitter asked that it be noted in the minutes of certification wage increases for Zach Holkesvik and Levi Leckrone of the Line Department. Zach and Levi will each receive a \$.25/hr. wage increase for achieving crane certification.

Mayor Ruitter asked that it also be noted in the minutes of longevity pay increases for Andrew Faber (10 yrs.), Ross Eiden (5 yrs.) and Barry Coppes (15 yrs.)

City Administrator/Clerk Barbara Smith led the discussion regarding the Single-Family Rental Housing Rehabilitation LMI Housing Loan Program. This program has been created by the Forest City Housing Commission to provide financial assistance to property owners to rehabilitate single-family rental properties to be priced for low-to-moderate income (LMI) qualified occupants. The assistance would be a loan of up to \$5,000 to help with rehabilitation of current stock of rental properties in Forest City, where the unit will be priced to be rented to LMI-qualified occupants. The property owners would complete all repairs, with electric repairs approved by the State Fire Marshall. After repairs are completed, the owner is then eligible for this loan. The property must remain LMI-qualified for the life of the loan, with the remainder of the loan due and payable if the property is sold. The target date for the LMI program is

November 15<sup>th</sup>, and a press release will be sent out to the media. After discussion, the Council took the following action:

Moved by Zehren, seconded by Buffington, to approve the Single-Family Rental Housing Rehabilitation LMI Housing Loan Program. Motion carried unanimously.

Moved by Mikes, seconded by Wooldridge, to change the date for the first meeting in January to Tuesday, January 2, 2018, due to the holiday. Motion carried unanimously.

Staff reports were presented, with the following items noted:

- Police Chief Doug Jenson noting 350 had been served at their Halloween Celebration.
- Street Superintendent Mike O'Rourke noted they would not be purchasing the new Johnston sweeper from Truck Equipment of Des Moines due to issues with this vehicle. The City will receive their entire down payment back (\$61,900), in addition to the sweeper that was to be traded.
- City Administrator/Clerk Barbara Smith noted the auditors were here last week and gave approval of suggestions to: (1) Move garbage to its own proprietary fund; (2) Move projects to the Capital Improvement Fund and not run a negative balance in the TIF Fund; and (3) Set up an account in the General Fund for grant administration.
- City Administrator/Clerk Barbara Smith also noted the Annual Financial Report is complete, she received her Finance Officer certificate at the IMFOA Conference, and she is in planning stage for a Council Workshop for the City's Capital Improvement Plan.
- Councilmember Buffington had two questions during staff reports. He inquired on the nuisance abatements on K Street, which are now being repaired. In addition, he asked how the rental incentive program was going, and we now have two approved rental incentives.

Moved by Wooldridge, seconded by Davis, to enter closed session, per Sections 22.7(7) and 21.5(1)(j) of the Iowa Code. The roll was called and the vote was AYES: Buffington, Davis, Holland, Mikes, Wooldridge, Zehren. NAYS: None. ABSENT: West. Motion carried unanimously.

The Council went into closed session at 8:21 p.m.

Moved by Mikes, seconded by Davis, to re-open the Council meeting at 8:37 p.m. and authorize City Attorney Bakke to return in two weeks regarding the issue discussed in closed session. Motion carried unanimously.

The following invoices were approved for payment:

<b>CLAIMS REPORT</b>		
<b>VENDOR</b>	<b>REFERENCE</b>	<b>AMOUNT</b>
ADVANCED SYSTEMS	QUARTERLY CHARGE	132.92
AFSCME - IOWA COUNCIL 61	UNION DUES	252.15
AGVANTAGE FS	HYDRAULIC OIL	429.60
AIRGAS	OXYGEN	84.15
AMERICAN FAMILY LIFE	INSURANCE	1,748.81
TRENT ANDERSON	UNIFORM ALLOWANCE	54.54
ARROW PRINTING	ENVELOPES	80.17
BARB'S STITCHERY	PUT PATCHES ON	5.00
BARCO MUNICIPAL SUPPLY	TRAFFIC CONES	649.66

BLUE CROSS-BLUE SHIELD	GROUP INS PAYABLE	2,319.55
BMC AGGREGATES LC	ROADSTONE	265.61
BOMGAARS SUPPLY	MISC SUPPLIES	1,620.41
BROWN SUPPLY	METER YOKE/COUPLINGS	312.74
BETTY BURRESS	MEAL REIMBURSEMENT/IMFOA	21.21
CAR REFLECTIONS	CAR DECALS	495.00
CENTRAL IA DISTRIBUTING	SHOP TOWELS	239.80
CITY OF FOREST CITY	PAY OFF ACCT# 6-2277-4	115.43
COLLECTION SERVICE CENTER	CHILD SUPPORT	254.30
COMPUTER SYSTEMS UNLIMITED	BATTERY BACKUP	188.95
CONTINENTAL RESEARCH	MISC SHOP SUPPLIES	360.75
D & D SALES	UNIFORM/SAFETY CLOTHING	1,336.50
DANKO EMERGENCY EQUIPMENT	CABINET CHARGER	743.00
DATA TECHNOLOGIES, INC.	SUMMIT LICENSE/SUPPORT FEE	4,651.20
DGR ENGINEERING	FIN PLANNING ELEC SYSTEM	5,739.14
DORSEY & WHITNEY, LLP	FINE ARTS FAC FINANCING	11,123.25
EFTPS	FED/FICA TAX	24,379.75
ELECTRONIC ENGINEERING	GARBAGE TRUCK RADIO INSTALL	359.54
F C CHAMBER OF COMMERCE	REBATE/R EASTVOLD	200.00
F C COMMUNITY SCHOOLS	17-CAT-001	135,617.57
FISHER SCIENTIFIC	ISO TEMP DRYING OVEN	2,149.74
FLETCHER-REINHARDT	ELECTRICAL PARTS	1,382.12
FO PROPERTIES	NOV RENT REIMBURSEMENT	125.00
FOREST CITY AUTO CENTER	BATTERY	96.50
FOREST CITY FORD	MUDFLAPS	311.81
FULL CIRCLE PLOWS	WELDING/TAILGATE PROTECTOR	171.00
MATT GERDES	UNIFORM ALLOWANCE	201.61
GROVES CONTRACTING	2017 INTAKE REPAIRS	32,019.50
H & S AUTO PARTS	TOOLS FOR 8 CY COOPER	564.86
HAUGEN CONTRACTING	BORE ELEC/SOUTH 7TH	9,904.57
HAWKINS INC	CHEMICALS	1,515.00
HEARTLAND ASPHALT	COLD MIX	1,469.65
HERMEL WHOLESale	WATER	157.59
NORMA HERTZER	SERVICES	1,250.00
HMR SUPPLIES	CONTROL VALVE REPAIR	30.00
HOLIDAY INN DES MOINES AIRPORT	IMFOA CONFERENCE	412.19
HOLLAND CONTRACTING	CUT GRATE TO FIT PARK & 7TH	240.00
IA ASSN OF MUN UTIL	CRANE EXAM RE-TEST	396.00
ICMA MEMBERSHIP RENEWALS	ICMA MEMBERSHIP RENEWAL	640.00
IMPRINTS LABEL & DECAL	PARKING/GOLF CART CARDS	545.00
INTERSTATE ALL BATTERY CENTER	BATTERIES	32.10
SIMMERING-CORY/IA CODIFICATION	OCT 2017 SUPPLEMENT	145.00
IOWA ONE CALL	SERVICES	39.60
IRBY	MISC SUPPLIES	120.38
KAISER AUTO REPAIR	THERMOSTAT/OIL CHANGE	187.67
KLYER MATTHEWS	METER DEP REFUND	34.57
KNAPPER OIL CO	2 DUMPSTERS	400.00
DUANE KUHN	LOCK OUT TAGS	42.94
LINCOLN NATIONAL LIFE INS CO	GROUP INS PAYABLE	2,128.62
MASON CITY RECYCLING	RECYCLE CHARGES	3,988.20
MC2, INC.	MISC SUPPLIES	457.89
MENARDS	MISC SUPPLIES	536.00
MERCY CLINICS	DRUG SCREEN	24.00
METLIFE - GROUP BENEFITS	GROUP INS PAYABLE	270.15
N I C A O	MET DEP REFUND/J DANIELS	132.58
NEXT GENERATION	SYSTEM SUPPORT	174.41
NORTHERN SAFETY CO.	O2 SENSOR FOR FIRE DEPT	145.30
OFFICE DEPOT	OFFICE SUPPLIES	43.57

PITNEY BOWES	EQUIP SERVICE AGREEMENT	37.26
DOUG PRICE	REIMBURSE/BORE BRUSHES/MOP	40.37
PRINTING SERVICES INC	OFFICE SUPPLIES	69.97
QUILL CORPORATION	OFFICE SUPPLIES	660.34
KEVIN J REICKS	UNIFORM ALLOWANCE	146.54
RESCO	SHOVEL & SPADE	312.65
RIVER CITY COMMUNICATIONS	SERVICE CALL	137.50
BRANDON SCHMIDT	TRAC PHONE CARD	21.90
BARB SMITH	MILEAGE/IMFOA CONF	153.00
TASC	FLEX PRE-TAX	858.22
TEST AMERICA LABORATORIES	TESTING	777.00
BECKY THOMPSON	MILEAGE/DATA TECH USER GRP	101.65
TITAN MACHINERY	SENSOR	142.88
TRANS IOWA EQUIPMENT	SWEEPER PARTS/LABOR #177	4,199.39
TRUCK EQUIPMENT, INC.	STREET SWEEPER	61,900.00
TRAVIS TWEETEN	MEAL REIMBURSEMENT	27.08
U P S	UPS CHARGES	81.72
U S POST OFFICE	UTILITY BILL POSTAGE	1,500.00
U.S. BANK	CREDIT CARD CHARGES	867.66
ULLAND BROTHERS, INC.	TACK	11.75
USA BLUE BOOK	MULTI-FREQUENCY LOCATOR	3,780.43
VALIC	DEFERRED COMP	950.00
VERIZON	PHONE SERVICE	594.59
WATCHGUARD VIDEO	CAR VIDEO PARTS	50.00
WEBWISE SOLUTIONS INC.	WEBSITE EDITING	48.75
WHEELER WORLD	SERVICE WORK	5,602.00
WI SCTF	CHILD SUPPORT	168.97
TOTAL ACCOUNTS PAYABLE		339,507.44
PAYROLL CHECKS		63,042.47
**** PAID TOTAL *****		402,549.91

**FUND RECAP:**

FUND DESCRIPTION	CLAIMS
GENERAL FUND	63,075.08
ROAD USE	11,391.65
LOW/MOD INCOME	125.00
HANSON FINE ARTS CENTER	146,740.82
WATER	16,720.33
SEWER	17,683.30
ELECTRIC	48,298.50
STORM WATER	98,515.23
TOTALS	<u>402,549.91</u>

Moved by Wooldridge, seconded by Mikes, to adjourn the meeting at 8:37 p.m. Motion carried unanimously.

ATTEST:

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Barbara Smith, City Administrator/Clerk

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Byron Ruitter, Mayor