

Calmar City Council Minutes
March 5, 2007 @ 7:00 P.M.
Calmar Fire Station

In the comments before the meeting Luther Anderson inquired regarding the reference in the city code book that had to do with vacating and selling city property. It states it has to go before the Planning & Zoning Commission. The City of Calmar has a Zoning Board of Adjustment and a Zoning Committee but not a Planning & Zoning Commission. The statement in the code book only applies should the city have this committee which it does not.

The regular meeting of the City Council of Calmar, Iowa was held at the Calmar Fire Station on March 5, 2007 at 7:00 P.M. with Mayor George Willis presiding.

On call of the roll the following Council members were present: Kleve, Patrick, Anderson, Vondersitt and Zweibahmer.

Council member Kleve moved that the agenda be approved as presented. Seconded by Patrick. Aye: Kleve, Patrick, Anderson, Vondersitt and Zweibahmer.

Council member Zweibahmer moved that the minutes of the February 5, 2007 meeting be approved as presented. Seconded by Vondersitt. Aye: Kleve, Patrick, Anderson, Vondersitt and Zweibahmer.

Council member Zweibahmer moved that the public hearing for Budget 07-08 be opened. Seconded by Patrick. Aye: Kleve, Patrick, Anderson, Vondersitt and Zweibahmer. Al Brockmeyer questioned what the city does on a year like this with the snow removal budget. The clerk stated that after the snow budget is expended the funds come out of the street and road use budget. The levy for the budget will be 12.32121 per thousand valuation which is down from last year. Council member Patrick moved that the public hearing be closed, seconded by Vondersitt. Aye: Kleve, Patrick, Anderson, Vondersitt and Zweibahmer. Council member Vondersitt moved to approve Resolution # 442 approving the 2007-08 budget. Seconded by Kleve. Aye: Kleve, Patrick, Anderson, Vondersitt and Zweibahmer.

Gene Sanderman of the A. & J. Petersburg Agency was present to go over the city insurance renewal that is effective April 1st. He stated that there were not a lot of increases with the exception of Workman's Comp which increased approximately 6%. Discussed was the duplication in protection in the crime coverage. We are covered with the insurance policy and there is also a bond with South Winn Insurance. Gene explained that this is now included in our policy and that it is not mandatory to have a separate bond. The premium due on April 1st. will be \$22,191.00.

Rolling Hills street improvements and the use of TIF funds were discussed in length. The residents requested that the council appropriate a couple years of the rural TIF funds. The amount available each year would be approximately \$ 40,000. After much discussion regarding the situation and the errors on everyone's part from the developer, the property owners and the city a motion was made by council member Vondersitt to pay for \$ 16,000 toward this project from TIF funding. Seconded by Kleve. Aye: Anderson, Patrick, Kleve, Vondersitt. Nay: Zweibahmer. Motion carried. The special assessment schedule was discussed. The clerk read a letter from City Attorney Rick Zahasky. He stated that there are some basic facts that first need to be understood. He stated that the City of Calmar has no obligation to set up special assessments to construct the street improvements in any of the Rolling Hills Subdivisions. He also stated that the City at any time can require the owners in all of the Rolling Hills Subdivision to pave their City streets, install curb and gutter and bring those streets up to City specifications, all at the property owner's expense. He stated that when the subdivisions were first proposed to the City and the property owner submitted his subdivision plat, the City had the right at that time to require that the streets, curb and gutter be constructed before approving the plat. At the property owner's request, the City agreed to let the streets remain in their current state upon the condition that at any time that the City wished, the City could require the property owners to improve the streets. He stated that this is included in the property owners Abstract and that the City could tell the property owners at the current time that it wants these streets completed and constructed, and the property owners would have to have them constructed at their own cost. He further stated that the Abstract is a private contract between all of the owners of the properties that were included in the 2nd and 3rd addition. This agreement setting out the shares that each owner will have to pay binds these property owners if they construct the streets at their own expense. He also stated that if the property owners wish the City to specially assess to assist them in bearing the costs of these street improvements, then the property owners will have to agree to the terms and conditions of those assessments imposed by the City. If the property owners are asking the City for financial assistance, and if the City agrees to provide the assistance it

can specify the terms and conditions under which it will grant that assistance. A copy of the letter from Richard Zahasky, a preliminary copy of the special assessment schedule and the petition, contract & waiver forms were provided to the landowners of Rolling Hills Subdivisions. Mayor George Willis encouraged residents to complete the forms and return to the clerk as soon as possible. Developer Garry Wiltgen stated "I got a proposal for you guys. I don't care to get filthy rich on this project. I might just donate those lots to you. Everyone thinks I'm getting rich, have at her." There was no discussion by the council regarding this offer. Several residents expressed their concern regarding the decision the city made on TIF funding for the project. They felt that the city should have been more generous for the sake of development.

The council discussed the snowmobile issue. There have been considerable problems with snowmobiles and their loud engine noises late at night and their failure to stay on the marked trail. Chief Werner commented that it is very difficult to apprehend a snowmobile with a Ford Explorer.

The Fire Department report was reviewed and accepted as presented. The Police Department report was reviewed and accepted as presented. Council member Zweibahmer made a motion to accept Dean Hamilton's resignation effective February 26, 2007. Seconded by Patrick. Aye: Kleve, Zweibahmer, Vondersitt, Anderson and Patrick. The reimbursement that Officer Hamilton owes the city was discussed. He signed a contract with a 4 year pay back. He worked for 2 ½ years and will be responsible for 50% reimbursement in the amount of \$ \$ 5707.22. This reimbursement will be due on March 26th as that will be his last official day as an employee of the City. He is using vacation and accrued time until that date. The camera for the police care was discussed; the council stated that we should purchase the best product for the money.

The street department report was discussed and accepted as presented. The council will be looking at possible street projects after the snow melts. A city wide clean up day was discussed. The council wishes to do this again, possibly the week after city wide garage sales. The clerk will check with Malcom and Shimek to see what they would offer. The add for part time summer help was placed in last weeks paper. Junior Boyer states that they usually start on a limited basis in April. Anyone interested in this position needs to get an application from the city clerk. The pile of snow west of the railroad tracks on Maryville Street was discussed. The city was contacted by the school district. They consider this a safety issue for the school buses. The snow is from railroad property and the property of surrounding businesses and not the responsibility of the city. Any snow from the cities right of way has been removed by the city. The street superintendent and several council members will meet to discuss this with the area businesses so the problem can be resolved.

The water/wastewater department report was reviewed and accepted as presented. Engineer Tekippe had a question regarding the looping previously discussed. Moved by Vondersitt, seconded by Patrick to table this until the next meeting due to the absence of Bob Penrod. Aye: Anderson, Kleve, Zweibahmer, Patrick and Vondersitt.

The Aquila training discussed at the February meeting for the fire department and city officials will be held on March 26th at the Fire Station and will consist of a video presentation.

Outdoor furnaces and an ordinance to regulate them were discussed. Council will review and discuss again at the next meeting.

Council member Zweibahmer moved to approve the Beer, Liquor and Sunday Sales for the Horseshoe Tap. Seconded by Kleve. Aye: Zweibahmer, Kleve, Patrick, Anderson and Vondersitt.

Council member Kleve moved to approve payment of claims as presented. Seconded by Anderson. Aye: Zweibahmer, Kleve, Patrick, Anderson and Vondersitt.

Claims February 2007

Ace Telephone	internet	17.95
Alliant	electricity	4068.36
American Water Works	supplies	33.00
Aquila	gas	1680.32
Aramark	uniform	95.76
Audio Editions	books	161.79
Book Look	books	168.87
Calmar Courier	publishing	129.57
Center Point Lg. Pnt	books	38.34
Dave Huinker	library	100.00
Demco	supplies	277.05

Farmers Co-op	fuel	447.29
Fastenal	supplies	12.54
Hawkeye Truck	repair	74.57
Heying Lbr	supplies	21.22
Ingram	books	136.53
Iowa Codification	services	50.00
IRS	tax,fica	3804.82
Ipers	ipers	1798.85
Iowa Outdoors	magazine	12.00
Iroc Web Design	services	50.00
Junior Library Guild	books	143.40
Keystone Labs	testing	292.00
Kirkeby Welding	services	152.80
Kwik Star	fuel	758.55
Linda Crossland	postage	8.01
Malcom Enterprises	garbage	5994.61
Matt Parrott & Sons	supplies	201.09
Mississippi Welders	supplies	20.52
Municipal Supply	supplies	7.60
Napa	supplies	83.98
Norby's	supplies	93.52
Panscend LLC	services	120.00
Postville Vet Clinic	shipping	35.75
Postmaster	postage	111.50
Presto	pest control	34.00
Proteus Enterprises	books	299.00
Qwest	services	361.28
Ronald Werner	reimb	548.40
State of Iowa	taxes	552.00
Rite Price	supplies	359.89
South Winn Insurance	bond	378.45
South Winn Post Prom	donation	100.00
Storey Kenworthy	keyboard trays	416.99
Tekippe Engineering	services	86.50
US Cellular	telephone	258.48
Walmart	library	55.62
Wellmark	premium	2129.65
Wiltgen	rock	42.40
World Book	books	149.00
Richard Zahasky	services	762.79
Payroll	payroll	12208.72

Total **39945.33**

Claims by fund

General	26,055.32
Road use	2,073.04
Benefits	2,252.12
Water	4,639.61
Sewer	4,925.24

Total **39945.33**

Revenue by fund

General	10725.96
Road Use	8127.69
Benefits	365.08
Local Option	8524.63
Debt Service	214.54
Water	12122.99
Sewer	31431.99

Total

71512.88

Mayor Willis declared the meeting adjourned at 8:45 P.M.

Michele Elsbernd
City Clerk

George Willis
Mayor