

MINUTES OF THE PROCEEDINGS OF THE
CITY COUNCIL OF WHITTEMORE, IOWA
Wednesday, September 3, 2008 – 5:30 P.M.

The Council of the City of Whittemore, Iowa met in regular session on Wednesday, September 3, 2008, at 5:30 P.M. in the Chambers of City Hall with Mayor Elbert presiding. Members present were Simonson, Fraser, Setzer, Brownell and Muller. Absent: none. Others in attendance included Mike Elbert.

At 5:30 P.M. Mayor Elbert opened a Public Hearing on the Matter of the Proposed Authorization of a Loan and Disbursement Agreement and the Issuance of \$100,000 General Obligation Capital Loan Notes for the Essential Corporate Purpose and the Authorization and Issuance thereof. The hearing in whole pertained to the proposed 2008 water plant improvement project. Resolution No. 2008-12 was then introduced, a Resolution Ratifying, Confirming and Approving Publication of "Notice of the Public Hearing on the Matter of the Proposed Authorization of a Loan and Disbursement Agreement and the Issuance of \$100,000 General Obligation Capital Loan Notes for an Essential Corporate Purpose and the Authorization and Issuance Thereof". Said notice was published in the August 28, 2008 edition of the *Whittemore Independent* newspaper. Motion was made by Muller and seconded by Fraser to adopt Resolution No. 2008-12. Vote was all AYES; motion carried.

As there were no taxpayers present to be heard for or against said matter, the 5:30 P.M. Public Hearing on the Matter of the Proposed Authorization of a Loan and Disbursement Agreement and the Issuance of \$100,000 General Obligation Capital Loan Notes for the Essential Corporate Purpose and the Authorization and Issuance thereof was closed at 5:40 P.M. Resolution No. 2008-13 was then introduced, a Resolution Instituting Proceedings to approve the issuance of \$100,000 in General Obligation Capital Loan Notes, the proceeds of which will be used to provide funds to pay costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Water Utility for the amount referred to above. Motion was made by Setzer and seconded by Simonson to adopt Resolution No. 2008-13. Roll was called and vote was as follows, AYES: Simonson, Fraser, Setzer, Brownell and Muller. NAYS: none. Whereupon Mayor Elbert declared Resolution No. 2008-13 duly adopted.

At 5:45 P.M. Mayor Elbert opened a Public Hearing on the Matter of the Proposed Authorization of a Loan and Disbursement Agreement and the Issuance of \$580,000 Water Revenue Capital Loan Notes, and the Authorization and Issuance Thereof. The hearing in whole pertained to the proposed 2008 water plant improvement project. Resolution No. 2008-14 was then introduced, a Resolution Ratifying, Confirming and Approving Publication of "Notice of the Public Hearing on the Matter of the Proposed Authorization of a Loan and Disbursement Agreement and the Issuance of \$580,000 Water Revenue Capital Loan Notes, and the Authorization Thereof". Said notice was published in the August 28, 2008 edition of the *Whittemore Independent* newspaper. Motion was made by Fraser and seconded by Muller to adopted Resolution No. 2008-14. Vote was all AYES; motion carried.

As there were no taxpayers present to be heard for or against said matter, the 5:45 P.M. Public Hearing on the Matter of the Proposed Authorization of a Loan and Disbursement Agreement and the Issuance of \$580,000 Water Revenue Capital Loan Notes and the Authorization and Issuance thereof was closed at 5:50 P.M. Resolution No. 2008-15 was then introduced, a Resolution Instituting Proceedings to approve the issuance of \$580,000 in Water Revenue Capital Loan Notes, the proceeds of which will be used to provide funds to pay costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Water Utility for the amount referred to above. Motion was made by Simonson and seconded by Setzer to adopted Resolution No. 2008-15. Roll was called and vote was as follows, AYES: Simonson, Fraser, Setzer, Brownell and Muller. NAYS: none. Whereupon Mayor Elbert declared Resolution No. 2008-15 duly adopted.

Consideration was then given to Resolution No. 2008-16, a Resolution Approving Construction Contract and Bond for the Water Plant Improvement Project. Motion was made by Setzer and seconded by Brownell to award the Construction Contract and Bond for the Water Plant Improvement Project to Hjelmeland Builders, Inc. of Algona, Iowa, for completion of all work at the prices stated in Bid Form in

the amount of \$801,668.00. Roll was called and vote was as follows, AYES: Simonson, Fraser, Setzer, Brownell and Muller. NAYS: none. Whereupon Mayor Elbert declared Resolution No. 2008-16 duly adopted.

The Council then discussed composing a written correspondence to the water plant project's engineering firm regarding time-lines and performances, but tabled any formal action at this time.

There being no corrections or additions, the minutes of the August 4, 2008 Regular Council meeting and the minutes of the August 11, 2008 Special Council meeting were approved as published in the August 14, 2008 and August 21, 2008 editions of the *Whittemore Independent*.

The Clerk-Treasurer's Financial Reports for the month of August, 2008 were reviewed. Following are the Receipts and Transfers for the month: General Fund \$118,797.86; Electric \$35,370.42; Gas \$47,800.73; Water \$7,981.61; Sewer Rental \$3,488.51; Solid Waste \$4,453.44; Payroll \$22,502.49; Equipment \$1,544.75; Special Account \$31.70; Trees Savings Account \$0.39; Playground Fund \$0.14; Project Share \$5.00; Community Center Savings Account \$none; Road Use Tax \$3,631.92; Customer Deposit \$300.00; Special Assessment \$none; Library Improvement Savings Account \$none; Library Renovations Savings \$38.18; Library Regular \$170.66; Library Renovations Checking \$none; Community Enhancement \$200.00. Motion was made by Brownell and seconded by Muller to make a standard, monthly note payment in the amount of \$7,000.00. Vote was all AYES; motion carried. Motion was made by Fraser and seconded by Setzer to accept the August, 2008 Clerk-Treasurer's Financial Reports. Vote was all AYES; motion carried.

The following claims were presented for payment:

Clayton Energy Corp., August reservation charges, service fee and natural gas purchased - \$31349.99
Clayton Energy Corp., August storage purchases and other related storage charges - 35024.22
Total (all) Employee Wages - 15029.77
Total (all) Contract Labor - 281.50
KCEDC, annual County Wide Breakfast reservations - 24.00
A & J Construction, Housing Rehab Program (Bell) project, grant Draw #1 - 19763.00
A & J Construction, Homeowners contribution toward Housing Rehab Program - 11977.00
Q-West, telephone bills - 214.40
A T & T, long distance calling - 144.65
Treasurer, State of Iowa, sales taxes - 1295.00
Advanta Corp., new office chair at Library - 242.34
American Red Cross, swimming lesson cards - 38.00
Farmers State Bank, note loan interest - 12089.39
Janan Gillis, cleaning at Library - 85.00
Gale, large print books - 181.22
Thomas Bouregy & Co., books - 139.50
K-Mart, candy for prizes, coffee maker, photo paper, poster board - 43.43
Midwest Living Magazine, subscription renewal - 21.37
Better Homes & Gardens, "Christmas from the Heart" book - 68.30
Cooking for 2, subscription renewal - 15.98
Health, subscription renewal - 12.97
Country, 2008 Country Woman Christmas book - 28.98
Demco, supplies - 199.71
Baker & Taylor Entertainment, video - 22.19
Audio Editions, audio books - 351.84
Center Point Large Print, books - 230.12
Bro Business, copies and pay-plan payment toward color laser printer - 74.64
Baker & Taylor, books - 374.24
Joy Metzger, reimbursement for office chair purchased (\$74.88) and a State
Library PLM2 Class registration fee - 109.88
Judy Erdman, reimbursement for video and books purchased - 18.97

Brian Stowe, copy of his book - 15.00
 Sandy Long, reimbursement for supplies purchased and mileage - 31.83
 Bomgaars, "Shop" supplies - 4.90
 Northwest Communications, monthly website hosting fee - 25.00
 Barco Municipal Products, smoke bombs for rodent control - 125.03
 Knoer Industrial, street lighting bulbs - 828.90
 Stundahl's Cleaning, August cleaning at Community Center - 100.00
 Iowa Division of Labor Services, annual inspection of boiler at Swimming Pool - 65.00
 Pool Tech, muriatic acid and pulsar briquettes at Swimming Pool - 605.00
 NC Iowa Regional Inspection Division, 2008 registration fee for Swimming Pool - 270.00
 Universal Inc., white and blue Swimming Pool paint - 3,292.89
 Community Lumber Supply, tube polyseal and 14' 1x4 to frame up and seal
 new air conditioner in Fireman's Meeting Room - 8.79
 Kossuth County Treasurer, annual drainage assessments (total) - 16.78
 Adam & Lisa Warrington, self-relocation stipend for Housing project - 300.00
 NIACOG, 14th monthly installment for Housing Rehab program - 385.00
 Elbert Bros. Well Drilling, backhoe digging to assist with installation of the
 padmount at the Elevator - 115.00
 Resale Power Group of Iowa, power purchased - 31,248.46
 T & R Electric, final payment on 500 KVA three-phase padmount at Elevator - 2,184.00
 Energy Economics Inc., (annual) Large-Volume meter testing - 490.70
 Hach Company, testing - 162.24
 Brown Supply Co., water meter couplings and leather meter washers - 357.00
 Mangold Environmental Testing, Inc., wastewater 24-hr. composite testing - 39.00
 Horizons Unlimited, recyclables processing fee - 64.20
 Shamrock Recycling, recycling fees - 655.20
 City of Spencer, landfill fees - 605.09
 Gene's Tire Center, July and August statement (spark plug & a flat tire repair) - 22.79
 Graham Tire Storm Lake, four new tires for 1992 Chevy pickup (ordered thru Gene's Tire Center) - 264.40
 Iowa One Call, locates - 11.70
 Printing Services Inc., supplies at City Hall - 176.87
 ATC Cablevision, monthly Internet at City Hall and Library - 79.65
 Whittemore Independent, August publications for City Hall (\$397.09) and
 Library Pancake Fundraiser advertising (\$45.50) - 442.59
 Schmitt Hardware, August statement - 456.22
 Share Corp., 100# granular weed control - 838.00
 Iowa Association of Municipal Utilities, Safety meetings and quarterly dues - 379.31
 Mid-American Research Chemical, glass cleaner - 106.54
 City of Whittemore, utilities - 1991.02
 City of Whittemore, petty cash expenses totaling \$310.35 as: Vehicle wash jobs \$10.00; Cleaning supplies
 at City Hall \$10.15; meals at IAMU Gas meeting \$33.25; meals at IAMU Safety meeting \$7.37; postage at
 Library \$92.08; water samples postage \$4.50; stamps \$153.00

Motion was made by Fraser and seconded by Muller to approve payment for the above-listed claims. Vote was all AYES; motion carried.

The following applications for Builder's Permits were submitted for Council consideration:

Bob Lappe: Replace siding, windows and rear storm door on house at 507 Seventh Street.

Delbert Ostwald: Replace concrete steps on south side of house with a new, 4-step unit. All work to be completed at 702 Palo Alto Street.

Shannon & Jill Book: Install new energy efficient windows and siding on the house that will match the siding we used on the addition. All work to be completed at 101 Palo Alto Street.

Bob Meyer: Replace three windows on south side of home at 518 Third Street.

Dennis Kollasch: Construction of a 4' high solid, dog-ear fence to enclose the backyard play area. Dimensions are 70' from the SE corner of the house along the deck, to the east boundary, then north 50' and back west 55' to the center of the back bedroom of the house. Also, removal of dying tree on east side of house. All work to be completed at 709 Fourth Street.

Motion was made by Muller and seconded by Setzer to approve the above-listed applications for Builder's Permits. Vote was all AYES; motion carried.

The delinquent accounts were reviewed and disconnects were ordered. Supt. Elbert reported he is checking out options to correct a water shut-off connection at 602 Fourth Street.

The Council reviewed natural gas pricing information from Bill Lindley of Clayton Energy Corp. Questions pertaining to methods of purchasing gas for storage were raised during the meeting and the Council placed a direct telephone call to Mr. Lindley at 6:30 P.M. Mr. Lindley immediately explained that the city is required to purchase gas for storage June through October and then the city draws from said stored gas November through March. In order to cover the upfront costs of stored gas, motion was made by Brownell and seconded by Setzer to arrange for a separate note at the bank for the initial expenses and that the balance be payable by July 31. Roll was called and vote was as follows, AYES: Simonson, Fraser, Setzer, Brownell and Muller. NAYS: none. Motion carried.

Resolution No. 2008-17, a resolution approving the Fiscal Year 2007-2008 City Street Financial Report was introduced. The annual report was reviewed by Council and upon motions by Brownell and Fraser and a unanimous vote of those present, Resolution No. 2008-17 was declared adopted.

Resolution No. 2008-18, a resolution approving two applications for tax abatement under the City of Whittemore Urban Revitalization Plan was introduced. The first application, submitted by Shannon and Jill Book, is for new windows and the siding of their home at 101 Palo Alto Street. The second application, submitted by Jerry J. and Patricia K. Walker, is for the addition of a 14x14 master/handicap bathroom to the southeast corner of their home at 87 Palo Alto Street. Motion was made by Fraser and seconded by Muller to approve Resolution No. 2008-18. Vote was all AYES; motion carried and Mayor Elbert declared Resolution No. 2008-18 duly adopted.

At this time ORDINANCE NO. 165 – AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WHITTEMORE, IOWA, TITLE VI, CHAPTER 5, ARTICLE 8, “WATER RATES” was considered. During the August 11, 2008 Special Meeting with Marsha Cory, the Council moved to apply a “User Fee” to each water customer’s utility bill; the flat water user fee being \$9.00 per month, regardless of the amount of the consumption by the customer. Such amount is necessary to retire the indebtedness, operating and maintenance, and reserve necessary for maintaining the (city’s) water system.

Upon review of Ordinance No. 165 as prepared by Simmering-Cory, Inc., motion was made by Fraser and seconded by Setzer to approve the initial passage of ORDINANCE NO. 165. Roll was called and vote was as follows, AYES: Simonson, Fraser, Setzer, Brownell and Muller. NAYS: none. Motion carried.

It was moved by Simonson and seconded by Muller to waive the second and third readings of ORDINANCE NO. 165. Vote was all AYES; motion carried.

Motion was then made by Setzer and seconded by Brownell to pass final consideration of ORDINANCE NO. 165. Roll was called and vote was as follows, AYES: Simonson, Fraser, Setzer, Brownell and Muller. NAYS: none. Whereupon Mayor Elbert declared ORDINANCE NO. 165 duly adopted. The new ordinance will become effective upon publication, and the new flat user fee will appear on utility bills due on or before October 20, 2008.

Due to the timing of the adoption of Ordinance No. 165, the publication guidelines of said document, and the City’s utility billing cycle, the Clerk announced that for one month, sewer charges will also be affected

by this Council action. The Clerk to prepare an Ordinance for adoption (in October) that eliminates the extra charge in sewer, as sewer charges are assessed "100% of water" charges.

Continuing problems with the water distribution system were again addressed.

The Council then reviewed information provided by the City of Spencer, Iowa, pertaining to the Northern Plains Regional Landfill at Graettinger, of which the City of Whittemore is an active participant. On August 25 representatives of the City of Spencer met with Whittemore officials to discuss funding of landfill improvements and closure and post closure financial assurance requirements being required of the City of Spencer through mandates issued by the Iowa Department of Natural Resources.

At this point the City of Spencer is proposing a per-ton rate change, effective January 1, 2009 through the remaining life of the existing five-year contract between the City of Spencer and the City of Whittemore. No formal action was taken by the Council during this session; the Clerk was instructed to keep the item on the agenda for consideration during future meetings.

Resolution No. 2008-19 was introduced; a Resolution Accepting an Amendment to a Contract for Sanitary Landfill Services between the City of Spencer, Iowa and the City of Whittemore, Iowa. As both parties in the agreement agree that increases in the per ton fees provided in the contract are now necessary in order to avoid large fee increases at the end of the current contract term to satisfy regulatory requirements and to establish the appropriate cash reserves, motion was made by Simonson and seconded by Fraser to adopt Resolution No. 2008-19. Vote was all AYES; motion carried.

Councilperson Fraser spoke of the upcoming "Family Fall Festival", formerly known as *Oktoberfest*, which is being planned for October 4 and 5. All events, hosted by the Whittemore Betterment Committee, will be held at Noah's Park and the Community Center. The name change is an attempt by the Betterment Committee to revitalize the event, which needs stronger support that it has received in the past, in order for it to continue into the future. Everyone is invited and encouraged to take part in this year's events!

Dates for the remaining 2008 (regular) City Council meetings were scheduled as follows: Monday, October 6; Monday, November 3; and Monday, December 1. ALL regular meetings begin at 5:30 p.m. and they are held in the Chambers of City Hall at 315 Fourth Street in Whittemore, Iowa.

Councilman Simonson reported repairs at the Tennis Courts will be forthcoming in the next several weeks.

The Council seeks everyone's cooperation in parking on the streets of Whittemore. Some neighborhoods suffer a lot of congestion with vehicles parked on both sides of the street, and the Council requests everyone's cooperation in keeping vehicles not being used or out-of-season recreational vehicles not in use off city streets. The Council does not want to be forced into making parking rules applicable to recreational vehicles, etc.

Reminder is also extended concerning the City's policy on opening burning. ONLY yard waste is allowed to be burned; all other materials are considered unlawful burns and will not be permitted inside the city limits. Also given is a reminder to pet-owners that they are required to keep their animals on a leash when outdoors. A complain system is in place and owners receiving complaints against them for allowing their pets running at large will be fined.

Councilman Setzer reported having out-of-town company recently who complimented Whittemore for the overall cleanliness and neat appearance of the community.

Supt. Elbert and the Council discussed the following items:

- The leaking fire hydrant near the Legion Hall at Sixth and Broad Streets has been repaired.
- Due to flooding of the sanitary sewer lines leading to the lagoon, the manhole at the east end of Broad Street was discussed.

- Installing a new water main from Fourth Street east along Railroad Street for water service to businesses located in that area was considered. The work is necessary to provide adequate water pressure to Whittemore Car Wash, L & G Inc., Cenex, and the Ron Kollasch shop.

The upcoming meetings schedule was reviewed.

There being no further business to come before the Council, Mayor Elbert declared the September 3, 2008 regular Council meeting adjourned at 7:40 P.M.

/s/ **Linda K. Farrell**
City Clerk