

**MINUTES OF THE PROCEEDINGS OF THE  
CITY COUNCIL OF WHITTEMORE, IOWA  
*Monday, October 6, 2008 – 5:30 P.M.***

The Council of the City of Whittemore, Iowa, met in regular session on Monday, October 6, 2008 at 5:30 P.M. in the Chambers of City Hall with Mayor Elbert presiding. Present were Council members Simonson, Fraser, Setzer, Brownell and Muller. Absent: none. Others in attend for all or a portion of the meeting included Brian Bremer, Richard Hopper of Jacobson-Westergard & Associates, and Mike Elbert.

Brian Bremer of 505 Fourth Street attended the meeting to discuss with the Council his plans to remove the old block garage located on his property and then where he plans to position a new, historically accurate structure on the south side of his home. Ultimately his plans include removing the (Fourth) street access driveway as the new garage would have alley access, and planting grass and flowers in the area where the drive currently exists, which is entirely on the Bremer's property. The Mayor and Council asked Mr. Bremer to give consideration to his neighbors to the south before he makes any final decision about removing the driveway, as the current owners and recent owners of that property have also been using the existing driveway for many years.

Water Plant construction project engineer Richard Hopper of Jacobson-Westergard & Associates was present to give the Council an update on progress being made toward getting the endeavor underway. Mr. Hopper stated the contractor has started to mobilize equipment and that groundbreaking is being planned for the week of October 20. DNR requests have all been met by the City, engineer and contractor. Mr. Hopper showed samples of brick that the contractor has on hand that could be substituted for the draft plans brick and worked in by the contractor for the same price quoted in the specs. The Council also selected a 30-year asphalt shingle for the roof of the building. Rick Hopper reported the equipment proceedings have gone on as scheduled since the bid letting, and that a preconstruction meeting should probably be able to be held the week of October 13.

There being no corrections or additions, the minutes of the September 3, 2008 regular meeting were approved as published in the September 18, 2008 edition of the *Whittemore Independent*.

The Clerk-Treasurer's Financial Reports for the month of September 2008 were reviewed. Following are the Receipts and Transfers: General \$104014.38; Electric \$38166.15; Gas \$69262.60; Water \$7000.64; Sewer \$3800.74; Solid Waste \$4710.02; Payroll \$14579.58; Equipment \$1460.26; Special Account \$497.70; Trees Savings Account \$0.36; Playground Savings Account \$0.14; Project Share \$5.00; Community Center Savings \$none; Road Use Tax \$3859.50; Customer Deposit \$50.00; Special Assessment \$none; Library Improvement Savings \$none; Library Renovations Savings \$77.77; Library Regular \$57.82; Library Renovations Checking \$none; Community Enhancement \$200.00. The Clerk also provided a corrected Financial Report for the month of August 2008 which reflected changes due to the implementation of a natural gas storage note at Farmers State Bank. Motion was made by Brownell and seconded by Simonson to accept the August and September 2008 Clerk-Treasurer's Financial Reports. Vote was all AYES; motion carried.

The following claims were presented for payment:

Clayton Energy Corp., total reservation charges, storage charges, service fees and natural gas purchased -  
\$47258.70

Total (all) Employee Wages – 8110.09

Total Mayor and Council wages (3<sup>rd</sup> quarter 2008) – 755.04

Total Contract Labor – 17.50

NIACOG, Housing Rehab Tech Services and Local Matches (Phase I) – 18385.00

A & J Construction, Housing Rehab (Phase I) payment per State Draw #2 – 13579.00

Adam Warrington, Housing Rehab (Phase I) program displacement per State Draw #3 – 300.00

A & J Construction, Housing Rehab (Phase I) payment per State Draw #3 – 211.00

Dick Collins Construction, Housing Rehab (Phase I) payment per State Draw #3 - \$27171.00

P & T Construction, Housing Rehab (Phase I) payment per State Draw #4 – 7471.00  
 Gary's Plumbing & Heating, Housing Rehab (Phase I) payment per State Draw #4 – 530.21  
 Kenneth Del Rosso, Housing Rehab (Phase I) program displacement per State Draw #4 – 300.00  
 P & T Construction, Housing Rehab (Phase I) program/homeowner contribution – 521.00  
 Dick Collins Construction, Housing Rehab (Phase I) payment per State Draw #5 – 31795.00  
     A T & T, long distance calling – 117.53  
 Jacobson-Westergard & Associates, Inc., CDBG Pay Estimate #2 for Water Plant project  
     engineering services – 1390.00  
     Treasurer, State of Iowa, sales taxes – 1259.00  
 Advanta Bank Corp., Natural Gas and Water continuing education lodging – 396.70  
     Main Street Checks, checking account deposit slips – 27.97  
     Joy Metzger, mileage to PLM2 classes in Johnston and Algona - 84.00  
     Sandy Long, mileage to Town Meeting at NIACC in Mason City - 49.70  
     Janan Gillis, September cleaning of Library - 85.00  
     K-Mart, supplies at Library 77.69  
 Mayo Clinic Women's Health Science, 2 yr. magazine subscription renewal - 49.00  
 Algona Glass Inc., replace locks and keys to entrance doors at Library - 511.00  
 Mitinet Inc., renewal of MARC Wizard 12 mo. subscription - 189.00  
     Gale, large print books - 47.18  
 North Central Library Service Area, Town Meeting at NIACC registration fees - 25.00  
     The Penworthy Company, books - 507.00  
     Center Point Large Print, books - 38.94  
     Audio Editions, audio books - 222.40  
     Baker & Taylor, books - 184.42  
 Stundahl's Cleaning Service, September cleaning of Community Center - 100.00  
 Blacktop Service Co., repair tennis/basketball courts with liquid seal - 1,600.00  
     K's Industrial Supply, Oxy Clean at Swimming Pool - 1,086.45  
     Share Corp., Ox-Off Pool Cleaner - 1,322.30  
 Dave Koppen Construction & Cabinetry, gable-style roof on Chemical Shed at Pool - 2,899.77  
     Trupke Electric, acetylene at Maintenance Shop - 25.27  
     Continental Research Corp., Melt Away/ice melt - 218.22  
     Northwest Communications, website hosting fee - 25.00  
 Alvin Bell, reimbursement of gas for mowing lawn on property at 110 Palo Alto Street - 35.00  
     NIACOG, 15<sup>th</sup> monthly installment, Housing Rehab Program - 385.00  
     A I Processors, reimbursement for UPS charges - 6.42  
     L & G Inc., crushed gravel for fill around new padmount at Elevator - 620.00  
     Border States Electric, underground wire (\$1990.92); (12) MIL 200 A 4T OU Main  
     (\$5354.71); (8) CHN 15 KV 100A w/par GR Polymer (\$747.12) and other  
     Electric distribution materials (June thru September) - 9,257.93  
     American Public Gas Association, 2009 membership dues - 310.00  
     Mangold Environmental Testing, routine Water lead/copper testing - 320.00  
     Hach Company, chemicals at Water Plant - 125.33  
     Hydrite Chemical Company, chemicals at Water Plant - 550.46  
     Cargill Inc., course salt at Water Plant - 3,179.68  
     Vessco Inc., control piece ordered and installed in (existing) Water Plant - 2,640.00  
     Horizons Unlimited, recyclables processing fee - 64.20  
     Shamrock Recycling, Inc., recycling fees - 655.20  
     City of Spencer, landfill fees (23.73 Ton) - 711.89  
 Kurt's Lawn Care, fall lawn treatment at Noah's Park, Heritage Square and Pool - 443.00  
     Randa Williams, apply customer deposit to final utility bill - 50.00  
     Mel Northey Co. Inc., new antique STOP sign post/brackets - 466.00  
     Gene's Tire Center, mount and balance new tires on 1992 Chevy pickup - 102.00  
     Tom Eischen Sales Inc., 1 gallon bar oil for chain saw - 18.00  
     MaxYield Cooperative, September statement (all vehicle gas) - 1,058.08  
     Elbert Chevrolet Inc., September statement (all work on Garbage truck) - 1,490.34  
     Printing Services Inc., office supplies at City Hall - 134.89

Bro Business, Aug & Sept lease and copies at Library (\$143.53) and copies at City Hall - 231.91  
 Matt Parrott & Sons Co., 5500 blank utility bills - 609.92  
 ATC Cablevision, monthly Internet service fees at City Hall and Library - 79.65  
 Whittemore Independent, September publications including semi-annual notices - 516.12  
 Iowa Assoc. of Municipal Utilities, Regional Gas Operations Workshop (M. Lenz) and Underground  
 Electric Distribution Workshop (B. Meyer) registration fees - 460.00  
 Bomgaars, spray tracer dye and repair materials at Swimming Pool (\$104.07) - 117.06  
 Schmitt Hardware, September statement - 512.66  
 Qwest, telephone bills - 212.54  
 City of Whittemore, utility bills - 1,586.92  
 City of Whittemore, \$327.22 total petty cash expenses as: (2) meals at KCEDC Clerk's Meeting in Wesley  
 \$17.01; mileage to Clerk's meeting in Wesley \$14.00; meals for Underground Electric School (Meyer)  
 \$55.90; meals for IAMU Gas School (Lenz) \$9.21; Library Postage \$76.01; Postage to send resolutions to  
 Ahlers & Cooney \$2.19; Postage for lead & copper water testing \$13.40; and Stamps \$139.50.

Supt. Elbert explained purchases from Border State Electric that coincide with new requirements issued by the Iowa Utilities Board regarding disconnect sockets. Motion was then made by Fraser and seconded by Muller to approve the above-listed claims for payment. Vote was all AYES; motion carried.

The following applications for Builder's Permits were considered:

Rita Hansen: Replace four windows on north side and one window on south side of home at 108 Prairie Street.

Farmers State Bank: Repair and/or replacement of roof on the original Bank building. All work to be completed at 412 Broad Street.

Upon motions by Setzer and Brownell and by unanimous vote of the Council, the above-listed applications for Builder's Permits were approved.

The delinquent accounts list was reviewed and disconnects were ordered.

The following action was taken, per instruction by Mark Cory of the law firm, Ahlers & Cooney, P.C. in Des Moines regarding the water treatment plant construction project:

\$100,000 General Obligation Capital Loan Notes, Series 2008

- Approval of Tax Exemption Certificate. Motion was made by Simonson and seconded by Muller to approve the Tax Exemption Certificate for the \$100,000 General Obligation Capital Loan Notes, Series 2008. Vote was all AYES; motion carried.
- Resolution No. 2008-20; a Resolution Approving and Authorizing a Form of Loan and Disbursement Agreement by and between the City of Whittemore and the Iowa Finance Authority and Authorizing and Providing for the Issuance and Securing the Payment of \$100,000 General Obligation Capital Loan Notes, and providing for a method of payment of said Notes was introduced. Motion was made by Setzer and seconded by Fraser to approve Resolution No. 2008-20. The roll was called and vote was as follows, AYES: Simonson, Fraser, Setzer, Brownell and Muller. NAYS: none. Whereupon Mayor Elbert declared Resolution No. 2008-20 duly adopted.

\$580,000 Water Revenue Capital Loan Notes, Series 2008

- Approve form of Tax Exemption Certificate. Motion was made by Simonson and seconded by Brownell to approve the form of Tax Exemption Certificate for the \$580,000 Water Revenue Capital Loan Notes, Series 2008. Vote was all AYES; motion carried.

- Resolution No. 2008-21; a Resolution Approving and Authorizing a Form of Loan and Disbursement Agreement by and between the City of Whittemore and the Iowa Finance Authority, and Authorizing and Providing for the Issuance and Securing the payment of \$580,000 Water Revenue Capital Loan Notes, Series 2008, of the City of Whittemore, Iowa, under the provisions of the Code of Iowa, and providing for a method of payment of said Notes was introduced. Motion was made by Muller and seconded by Fraser to approve Resolution No. 2008-21. Roll was called and vote was as follows, AYES: Simonson, Fraser, Setzer, Brownell and Muller. NAYS: none. Whereupon Mayor Elbert declared Resolution No. 2008-21 duly adopted.

Council then reviewed natural gas pricing information from Bill Lindley of Clayton Energy Corp. and heard gas comments from Councilmen Setzer and Brownell, and also from the Clerk. Clerk Farrell reported the natural gas price schedule to be paid by customers on or before October 20, 2008 is the lowest monthly price since 2005.

Revised Resolution No. 2008-19, a Resolution accepting an amendment to a contract for Sanitary Landfill Services between the City of Spencer, Iowa and the City of Whittemore, Iowa was presented at this time. During the September 3, 2008 regular meeting the Council approved original Resolution 2008-19 that contained incorrect information as provided by the City of Spencer. Officials with the City of Spencer then submitted a corrected rate schedule for the Whittemore Council's review and final adoption prior to January 1, 2009. Motion was then made by Simonson and seconded by Muller to accept the revised version of Resolution No. 2008-19. Roll was called and vote was as follows, AYES: Simonson, Fraser, Setzer, Brownell and Muller. NAYS: none. Whereupon Mayor Elbert declared Revised Resolution 2008-19 duly adopted.

The Council briefly reviewed tonnage information and an Income-vs-Expenses analysis as provided by the City Clerk. No action was taken at this time regarding a price increase for local solid waste fees.

Resolution No. 2008-22 was then introduced; a Resolution approving an Identity Theft Prevention Program for the City of Whittemore as required by the Federal Trade Commission's "Red Flag" Rule, which implements Section 114 of the Fair and Accurate Credit Transaction Act of 2003. The program is designed to detect, prevent and mitigate Identity Theft in connection with the opening and maintenance of certain utility accounts. Identity Theft is considered to be "fraud committed using the identifying information of another theft". The accounts addressed by the program are defined as, 1: an account the utility offers or maintains primarily for person, family or household purposes that involves multiple payments or transactions; and 2: any other account the utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the utility from Identity Theft.

Motion was made by Fraser and seconded by Muller to approve Resolution No. 2008-22 for the City of Whittemore and Whittemore Municipal Utilities as it relates to the establishment of an Identity Theft Program. Vote was all AYES; motion carried and Resolution No. 2008-22 was duly adopted.

At this time ORDINANCE NO. 166 – AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WHITTEMORE, IOWA, 2007, BY AMENDING "SEWER RATES" was introduced. With the adoption of Ordinance No. 166 the rate charged for sewer rent shall be one hundred percent (100%) of the water consumption charge for each premise.

After review of Ordinance No. 166, as prepared by Simmering-Cory, Inc., motion was made by Brownell and seconded by Simonson to approve the initial passage of ORDINANCE NO. 166. Roll was called and vote was as follows, AYES: Simonson, Fraser, Setzer, Brownell and Muller. NAYS: none. Motion carried.

It was moved by Fraser and seconded by Brownell to waive the second and third readings of ORDINANCE NO. 166. Vote was all AYES; motion carried.

Motion was then made by Setzer and seconded by Muller to pass final consideration of ORDINANCE NO. 166. Roll was called and vote was as follows, AYES: Simonson, Fraser, Setzer, Brownell and Muller. NAYS: none. Whereupon Mayor Elbert declared ORDINANCE NO. 166 duly adopted. The new ordinance will become effective upon publication.

Councilman Simonson reported the tennis/basketball courts have been repaired and he thanked the city workers and Blacktop Service Co. for the excellent work they all did to complete the project. He also stated the new handicap accessible cement work outside the north entrance door at the Community Center is finished and that applicable parking signs need to be ordered and properly posted. Councilman Brownell also spoke of several repairs that need to be made inside the Community Center building.

After attending several of the closings for several projects in Phase I of the Whittemore Housing Rehabilitation program, Councilman Simonson reported that the work has been greatly appreciated by all of the people who have received the assistance.

The Mayor and Council discussed possible (future) replacement of the some of the vehicles and/or equipment in the city's fleet

Councilperson Fraser announced that the downtown business owners should make plans to attend the October 27 meeting of the Whittemore Betterment Committee as plans will be made concerning the upcoming "It's A Wonderful Life in Whittemore – A Walk Along Broad Street", which is scheduled to be held on Sunday, December 7.

A general notice is hereby issued to the citizens of Whittemore to serve as a reminder that it is illegal to burn household garbage within the city limits of our community. Ordinance No. 155, adopted in September, 2005, states "No person shall allow, cause or permit open burning of hazardous or non-organic waste pr refuse where the products of combustion are emitted into the open air without passing through a chimney or stack, except for recreational fires and open burning of yard wastes, which shall be allowed as provided for in this ordinance." (Copies of the ordinance are available at City Hall.)

The upcoming meetings schedule was reviewed.

There being no further business to come before the Council, Mayor Elbert declared the October 6, 2008 regular meeting adjourned at 7:00 P.M.

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Daniel J. Elbert, Mayor

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Linda K. Farrell, City Clerk

