

TEMPLETON CITY COUNCIL
MAY 2, 2011
7:00 P.M. – TEMPLETON CITY HALL

The Templeton City Council met on this second day of May 2011 at 7:00 o'clock p.m. at City Hall, Templeton, Iowa. The meeting was called to order by Mayor Behrens, and the roll was called showing the following named Council Members present and absent:

Present: Mary Lou Stevens, Dave Ramsey, Rick Hoffman, & Mark Bauer
Absent: Doyle Engelen

Others in attendance: Mayor Ken Behrens
City Clerk Rhonda Schwaller
Public Works Director Dale Prebeck
Kenny Buck – Ten Point Construction
Diane Meiners
Joe Behrens

Approval of Agenda: A motion was made by Hoffman and seconded by Stevens to approve the agenda. All in favor, motion carried.

Mayor Behrens requested any comments or corrections to be made to the Consent Agenda. A motion was made by Ramsey and seconded by Hoffman to approve the Consent Agenda. All in favor, motion carried.

- Approved Minutes from April 4, 2011 and April 18, 2011.
- Approved March 2011 and April 2011 Financial Reviews.
- Approved April 2011 Treasurer's Report.
 - \$ 21,114.25 revenue
 - \$ 14,994.23 expenditures
 - \$247,655.16 total cash & investments

| FUND | RECEIPTS | DISBURSEMENTS |
|------------------------|---------------------|---------------------|
| General | \$ 3,012.03 | \$ 9,740.22 |
| Road Use Tax | \$ 2,649.52 | \$ 0.00 |
| Employee Benefits | \$ 80.55 | \$ 0.00 |
| Local Option Tax | \$ 3,065.02 | \$ 0.00 |
| TIF | \$ 5,289.26 | \$ 0.00 |
| Debt Service | \$ 463.61 | \$ 0.00 |
| Water | \$ 4,562.03 | \$ 3,822.26 |
| Sewer | \$ 1,965.46 | \$ 1,431.75 |
| Certificate of Deposit | \$ 0.00 | \$ 0.00 |
| Fire Truck Fund | \$ 26.77 | \$ 0.00 |
| Totals | \$ 21,114.25 | \$ 14,994.23 |

- Approval of the Claims for April 2011 as listed:

| | | | |
|-------|-------------------------------|-----------|-------------------------------|
| 12042 | Templeton Savings Bank | 30.00 | petty cash |
| 12043 | Aspinwall Cooperative | 265.25 | gas |
| 12044 | Carroll Refuse Service | 1,584.96 | garbage collection |
| ACH | Templeton Savings Bank | 1,587.51 | March 2010 941 tax pymt. |
| 12045 | Templeton Hardware | 11.36 | batteries & oil |
| 12046 | Duane's Repair | 210.34 | street sweeper repairs |
| 12047 | Engelen Computer Service | 50.00 | computer repairs |
| 12048 | Treasurer - State of Iowa | 960.00 | 1st qtr. sales tax |
| 12049 | Carol Schoeppner | 20.00 | March 7, 2011 council meeting |
| 12050 | Raccoon Valley Electric Coop. | 40.00 | lagoon service |
| 12051 | Mid American Energy | 690.77 | utilities |
| 12052 | Templeton Telephone Co. | 84.67 | telephone & internet service |
| 12053 | Herald Publishing Company | 288.00 | progress ad |
| 12054 | Manning Insurance Agency | 15,392.00 | 2011/2012 insurance |
| 12055 | Dale Prebeck | 420.00 | insurance allowance |
| 12056 | Rhonda Schwaller | 288.75 | insurance allowance |
| 12057 | Dale Prebeck | 1,310.12 | payroll |

| | | | |
|-------|----------------------------------|----------|------------------------------------|
| 12058 | Manning Municipal Gas Dept. | 186.00 | utilities |
| 12059 | U.S. Cellular | 50.34 | cell phone |
| 12060 | Mangold Environmental Testing | 33.00 | water samples |
| 12061 | Void | | |
| 12062 | West Central IA Rural Water | 2,533.25 | 883,000 gallons used |
| 12063 | Dale Prebeck | 1,310.11 | payroll |
| 12064 | Postmaster | 49.47 | postage |
| 12065 | Rhonda Schwaller | 1,886.92 | payroll |
| 12066 | IPERS | 710.01 | retirement fund |
| ACH | Templeton Savings Bank | 1,599.96 | April 2010 941 tax pymt. |
| 12067 | Carroll Public Library | 714.28 | library assessment |
| 12068 | Trophies Plus, Inc. | 250.00 | lease - Lot 3 of Block 6 |
| 12069 | The Office Stop | 61.28 | misc. supplies |
| 12070 | Farm Plan | 41.50 | lawn mower repairs |
| 12071 | Bernard Irlbeck | 220.00 | snow removal |
| 12072 | Dan Hahn | 1,434.38 | demolition of house-116 S 3rd Ave. |
| 12073 | Rye Supply, Inc. | 52.67 | bathroom repairs |
| 12074 | Display Sales | 259.00 | banner rods |
| 12075 | Mangold Environmental Testing | 138.00 | wastewater samples |
| 12076 | Herald Publishing Company | 17.48 | publishing |
| 12077 | Ken Wieland | 210.00 | cleanup @ 116 S. 3rd Ave. |
| 12078 | Iowa Assn of Municipal Utilities | 263.50 | GIS mapping |
| 12079 | Carroll Co. Solid Waste Mgmt. | 1,168.40 | demolition of house-116 S 3rd Ave. |
| 12080 | Retired & Senior Volunteer Prog. | 100.00 | advertise West Ridge lots |

Citizen Forum: None

Council reviewed bid tabulations for the city of Templeton's FY 2011/2012 Street Improvement Project on 3rd Avenue between 1st Street and 2nd Street.

- Rotert Construction, Halbur, Iowa bid amount submitted - \$71,770.00
- Stork Construction, Breda, Iowa bid amount submitted - \$62,845.00
- Ten Point Construction, Denison, Iowa bid amount submitted - \$66,330.00

A motion was made by Bauer and seconded by Stevens to award the contract to the lowest bidder Stork Construction, Breda, Iowa in the amount of \$62,845.00. All in favor, motion carried.

A motion was made by Stevens and seconded by Bauer authorizing Mayor Behrens to grant Notice to Proceed to Stork Construction subject to contract signed returned to the city of Templeton duly executed. All in favor, motion carried.

Diane Meiners approached the council requesting consideration be given to the idea of allowing the women's bathroom at the park to be left opened for public use. Council discussed different options and will explore the possibilities.

Council reviewed preliminary draft of plat of survey for the Sacred Heart School and surrounding school property. No further action taken.

Council reviewed fee schedule for special exceptions. No further action taken.

Council reviewed RAGBRAI vendor ordinance. Mayor Behrens asked for any comments or discussion on the proposed ordinance. City Clerk Schwaller indicated no written or oral comments were received. Ramsey introduced and made a motion to approve the first reading, seconded by Hoffman to accept Ordinance #71 an ordinance amending Chapter 148 in the Code of Ordinances of the city of Templeton and entitled "RAGBRAI – Miscellaneous Permits". Roll call taken:

Ayes: Stevens, Ramsey, Hoffman, & Bauer

Nays: None

A motion was made by Hoffman and seconded by Stevens to waive the second and third readings. Roll call taken:

Ayes: Hoffman, Ramsey, Bauer, & Stevens

Nays: None

A motion was made by Stevens and seconded by Hoffman for final passage of ordinance #71. Roll call taken:

Ayes: Bauer, Hoffman, Stevens, & Ramsey

Nays: None

Mayor Behrens declared motion carried and ordinance passed.

Vendor Ordinance

ORDINANCE NO. 71

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEMPLETON, IOWA AND ENTITLED "RAGBRAI - MISCELLANEOUS PERMITS"

Be it enacted by the City Council of Templeton, Iowa:

SECTION 1: This ordinance as amended is enacted to help city officials and citizens deal with the public health and safety problems created by the infusion of a large number of people into the City of Templeton when the Des Moines Register's Annual Great Bicycle Ride Across Iowa™ (RAGBRAI®) arrives in Templeton on July 25, 2011, and departs on July 25, 2011.

SECTION 2: Chapter 148 Ragbrai - Miscellaneous Permits of the Code of Ordinances of the City of Templeton, Iowa, be and the same is hereby added to read as follows:

Chapter 148 **RAGBRAI Ordinance - Miscellaneous Permits**

Sections:

| | |
|--------|--|
| 148.01 | Commercial Booth Food & Beverage-Permit Required |
| 148.02 | Commercial Booth Food & Beverage Fees |
| 148.03 | Commercial Booth Location |
| 148.04 | Health Regulations |
| 148.05 | Commercial Booth Non-Food - Permit Required |
| 148.06 | Commercial Booth Non-Food Fees |
| 148.07 | Commercial Booth Non-Food Location |
| 148.08 | Glass Containers |
| 148.09 | Nuisance |
| 148.10 | Violations-Penalties |
| 148.11 | Effective Period |
| 148.12 | Street Closings |

148.01 Commercial Booth Food & Beverage - Permit Required. The Templeton Community Betterment Association shall be the only authorized vendor to provide or sell food and beverages to the public in Templeton, Iowa on July 25, 2011 unless special exception is granted by the Mayor of Templeton or his/her successor. However, any person or entity which is a resident or business with a zip code of 51463 and in possession of a valid permit issued by the State of Iowa for the sale of food to be consumed on its premises as of July 25, 2011, shall be exempt from the requirements of this Section.

148.02 Commercial Booth Food & Beverage Fees. The fee for a Templeton Commercial Booth Permit shall be \$200.00. Commercial Booth permits issued to vendors whose residence is outside the 51463 zip code shall be \$500.00.

148.03 Commercial Booth Food & Beverage Location. A vendor who has been granted a Templeton Commercial Booth permit shall locate its temporary sale facility at a location to be determined by the official Templeton RAGBRAI Committee.

148.04 Health Regulations. A person or entity issued a commercial booth permit pursuant to this Chapter (a RAGBRAI COMMERCIAL BOOTH PERMITTEE herein) shall comply with the Iowa Department of Health and Carroll County Department of Health rules and regulations pertaining to the sale and dispensing of food for consumption on its premises.

148.05 Commercial Booth Non-Food - Permit Required. No person, club, group, organization, corporation or entity of any kind which is in business in Templeton, Iowa shall sell merchandise to the public on July 25, 2011, at a location other than their regularly-established place of business unless said person or entity shall first obtain a Commercial Booth Non-Food Permit from the City of Templeton located at 108 S. Main Street in Templeton, Iowa 51463. Those Templeton businesses, which operate only from their regularly established locations, are exempt from the requirements of this section.

148.06 Commercial Booth Non-Food Fees. There shall be no local fee charged to a Templeton Commercial Booth Non-Food vendor. Commercial Booth Non-Food permits issued to vendors whose residence is outside the 51463 zip code shall be \$500.00.

148.07 Commercial Booth Non-Food Location. A Commercial Booth Non-Food permittee who has been granted a Templeton Commercial Booth Non-Food permit shall locate its temporary facility at a location to be determined by the official Templeton RAGBRAI Committee.

148.08 Glass Containers. To promote safety during RAGBRAI, all beverages sold in Templeton, Iowa, by Commercial Booth permittees, on July 25, 2011 shall be sold in non-glass containers only. This requirement shall also apply to any existing business, restaurant, service station, grocery store or other establishment selling beverages on its premises in an outdoor setting open to the public.

148.09 Nuisance. The sale of food or the erection of a temporary facility for the sale of food or other merchandise without a Templeton Commercial Booth or Templeton Commercial Booth Non-Food permit on July 25, 2011, will be in violation of the provisions of this Chapter shall be considered a nuisance. If this type of nuisance is determined to exist, an emergency abatement procedure pursuant to the City Code is hereby authorized and may be executed by any peace officer or those acting at their direction by dismantling and removing the nuisance without notice. However, if the only nuisance or violation of this chapter is the offender's failure to obtain the necessary permit, the City of Templeton, in lieu of immediate abatement, may allow the person or organization to immediately purchase a necessary permit as provided by this Ordinance.

148.10 Violations - Penalties. Selling or supplying food or merchandise to any person without a Templeton Commercial Booth or Templeton Commercial Booth Non-Food permit on July 25, 2011, or any violation of this chapter shall be a simple misdemeanor punishable by a maximum fine of \$500.00 and/or a maximum of thirty (30) days in Jail.

148.11 Effective Period. The provisions of this ordinance shall be effective on July 25, 2011.

148.12 Street Closings. During the effective dates of this ordinance and without prior Council approval regarding the blocking of any city streets, the City of Templeton, the Carroll County Sheriff's Department, and the Iowa Highway Patrol, or those at their direction, may place barricades or road blocks in any City street, alley or roadway to redirect vehicular traffic in order to enhance the proper and safe flow of bicycle and vehicular traffic within the City limits of the City of Templeton.

SECTION 3: REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4: SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or party thereof not adjudged invalid or unconstitutional.

SECTION 5: WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and approved by this Council on the 2nd day of May, 2011.

Ken F. Behrens, Mayor

ATTEST:

Rhonda Schwaller, City Clerk

A motion was made by Stevens and seconded by Ramsey to amend the 2010/2011 budget and set the public hearing date for Monday, May 9, 2011 at 6:00 p.m. at Templeton City Hall. All in favor, motion carried.

A motion was made by Ramsey and seconded by Hoffman approving building permit request from Harold and JoAnn Wittrock for a TV tower. Roll call taken:

Ayes: Stevens, Hoffman, & Ramsey

Nays: Bauer

A motion was made by Bauer and seconded by Stevens to advertise the West Ridge lots for sale in the Retired & Senior Volunteer Program's (RSVP) monthly newsletter at \$100.00 per year. All in favor, motion carried.

Council discussed replacing Main Street banners. No further action taken.

Council Member Bauer introduced and made a motion, seconded by Hoffman approving Resolution #972-11 – a resolution authorizing Mayor Behrens to execute a rental agreement between Trophies Plus, Inc. and the city of Templeton for the rental of property described as Lot 3, Block 6, in the city of Templeton. Roll call taken.

Ayes: Stevens, Ramsey, Hoffman, & Bauer

Nays: None

Mayor Behrens declared motion carried and resolution passed.

RESOLUTION NO. 972-11

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RENTAL AGREEMENT BETWEEN TROPHIES PLUS, INC. AND THE CITY OF TEMPLETON FOR THE RENTAL PROPERTY DESCRIBED AS LOT 3, BLOCK 6, IN THE CITY OF TEMPLETON.

WHEREAS, the city of Templeton would like to enter into a rental agreement between Trophies Plus, Inc. and the city of Templeton for rental of property described as Lot 3 of Block 6 in the city of Templeton, Iowa; and

WHEREAS, the city of Templeton, Iowa will locate a 40' x 40' hoop building on the property described as Lot 3, Block 6 in the city of Templeton, Iowa; and

WHEREAS, the city of Templeton, Iowa will store machinery and equipment in the hoop building that is used by the Public Works Department; and

NOW THEREFORE, BE IT RESOLVED by the City Council of Templeton, Iowa does hereby authorize the Mayor to enter into a rental agreement for said property.

PASSED AND APPROVED, this 2nd day of May, 2011.

Ken F. Behrens, Mayor

ATTEST:

Rhonda Schwaller, City Clerk

Mayor Behrens updated the council regarding response back from Janet McLaughlin from Manning Insurance Agency.

- The annual insurance premium would be \$117.00 if value of 1994 International pumper truck was raised to \$150,000 with a deductible of \$1,000 on collision.
- Exclude coverage for dams/reservoirs and levees. A sewer lagoon would not be excluded as most cities have these.

Council authorized hiring an additional person to help with the summer recreation program.

Maintenance Report by Dale Prebeck:

- Updated council on status of demolition of residential house at 116 S. 3rd Avenue:
 - Discussed capping water & sewer service lines.
 - Discussed removal of north & south sidewalks.
 - Will be seeding lot.
 - A motion was made by Bauer and seconded by Hoffman to purchase a \$100.00 gift certificate from the Corner Station for Rich Danner for his assistance with the disposal of brick & nails. All in favor, motion carried.
- Will be attending upcoming Retroreflectivity workshop on Tuesday, May 3, 2011 at Region XII Council of Governments to learn about the MUTCD requirements for sign retroreflectivity.
- Working on spring cleanup of park.
- Homeowner at 226 S. Main Street requested water shut off at curb stop. Curb stop filled with dirt, will be flushing out curb box to get to valve.
- William Williams will be joining the Templeton Community Fire Department effective May 9, 2011.
- Would like to clean out catch basin with a backhoe at the corner of 4th Avenue and 5th Street.
- Replaced City Hall toilet & kitchen faucet.
- Will be cleaning up street curb & gutters.

Mayor's Report:

- Have been in contact with Iowa House of Representative Dan Muhlbauer regarding the proposed roll back of commercial property tax to 60% (HF691) and how it will affect the city of Templeton.

At 8:40 o'clock p.m. and with no further business before the council at that time, they agreed to adjourn. Hoffman moved to adjourn and Bauer seconded the motion. All voted aye, motion carried.

Ken F. Behrens, Mayor

Rhonda Schwaller, City Clerk