

May 5, 2003  
Council Chambers  
City Hall  
Tipton, Iowa

The City Council of the City of Tipton, Cedar County, Iowa, met in Regular Session at 7:00 p.m. Mayor Young called the meeting to order. Upon roll being called the following named council members were present: Eaton, Kepford, Stonerook, Starr, Parker. Also present Schrad and Foley. Visitors: Roger Hakeman, Doug Boldt, John Packwood, Dale Hawkins, Mark Niles, Flip Hargrave, Ricardo Sauro, Eileen Ogden, Jeff Giese and the Press.

AGENDA: Motion by Parker, seconded by Kepford to approve the agenda as presented. Motion carried by the following vote:

Aye: Eaton, Kepford, Stonerook, Starr, Parker  
Nay: None

PUBLIC HEARING: Mayor Young opened the Public Hearing on the \$1,500,000 Loan Agreement, General Obligation Street Improvement Notes, Series 2003. With no objections being heard, Mayor Young closed the Public Hearing. Motion by Parker, seconded by Eaton to approve Resolution No. 050503A, which is a Resolution authorizing and approving a Loan Agreement and providing for the issuance of \$1,500,000 General Obligation Street Improvement Notes, Series 2003, and providing for the levy of taxes to pay the same. Upon roll call the vote was:

Aye: Eaton, Kepford, starr, Parker, Stonerook  
Nay: None

POOL ISSUES: Council discussed some concerns regarding the condition of the Tipton Outdoor Swimming Pool. A new pump is needed which costs around \$3,500 and there is major structural damage in the locker room areas. Public Works Director Boldt noted the overall condition of the pool is a lot worse off this year compared to last year. Council was very concerned with safety issues, mainly the condition of the walls in the locker room. City Manager Schrad said that an engineer from Garden & Associates would be in town and do an inspection at the pool. He said the city would know the future of the pool once this is completed.

Dr. Mark Niles, Co-Chairman of the fund raising efforts for the new Aquatic Center gave the council a brief update. Niles said they are ready to continue with fund raising and have received \$270,000 in pledges thus far. He said the city received \$95,000 through the Iowa Vision Grant and the committee will continue to seek more pledges. Niles also mentioned a possible bond referendum being on the November ballot.

After further discussion, Council Member Kepford wanted it to be known that at the last council meeting, she was not speaking on

behalf of the Pool Committee, but was speaking on behalf of herself. In closing, Niles said he would keep the council informed monthly on the progress of the fund raising efforts for the proposed Aquatic Center.

CEDAR MANOR UPDATE: Dale Hawkins and Flip Hargrave gave a brief update on the future plans of Cedar Manor. Plans include adding more Assisted Living Units and a building to care for Alzheimer patients. Both Hargrave and Hawkins had some concerns with the Sunny Brook Assisted Living Center coming to Tipton. They felt that the new center would interfere with Cedar Manor's future plans. After a brief discussion, Mayor/Council suggested they meet with Sunny Brook representatives and talk about how they might be able to assist one another in the future of both facilities.

MINUTES: Motion by Starr, seconded by Stonerook to approve the minutes from the previous meeting. Motion carried by the following vote:

Aye: Eaton, Kepford, Stonerook, Starr, Parker  
Nay: None

CURRENT BILLS:

|                          |          |
|--------------------------|----------|
| ALBAUGH PHC              | 140.90   |
| ARNOLD MOTOR SUPPLY      | 148.36   |
| CEDAR COUNTY AUTO PARTS  | 566.74   |
| CHEMSEARCH               | 762.45   |
| CITY ELECTRIC SUPPLY     | 384.78   |
| CITY OF TIPTON FUNDS     | 80906.38 |
| ELECTRICAL POWER PRODUCT | 136.00   |
| ELECTRONIC ENGINEERING   | 32.35    |
| ELLIOTT EQUIPMENT        | 396.29   |
| FLETCHER-REINHARDT       | 1004.60  |
| FOSTER COACH SALES       | 44.60    |
| G&K SERVICES             | 73.88    |
| GRAINGER                 | 383.56   |
| IIW ENGINEERS            | 2035.25  |
| INCODE-CMS               | 998.75   |
| INTERNET CORPORATION     | 37.50    |
| KUNDE OUTDOOR EQUIPMENT  | 36.00    |
| L.L. PELLING             | 653.64   |
| LAWSON PRODUCTS          | 94.90    |
| MIDWEST COMPUTER PRODUCT | 184.57   |
| PITNEY BOWES             | 57.63    |
| PRAXAIR DISTRIBUTION     | 41.04    |
| PUBLIC SPACE PLUS        | 401.75   |
| QUILL CORPORATION        | 583.68   |
| RAK INDUSTRIES           | 533.69   |
| RICH'S AUTO REPAIR       | 327.85   |
| SOLOMON CORPORATION      | 3864.00  |

|                    |         |
|--------------------|---------|
| SPHAN & ROSE       | 999.04  |
| T & M CLOTHING     | 1983.17 |
| TIPTON BAKERY      | 24.75   |
| TIPTON TIRE & AUTO | 130.20  |
| TPA COMPANIES      | 224.00  |
| WALMART COMMUNITY  | 33.13   |
| WENDLING QUARRIES  | 725.67  |
| WTC COMMUNICATIONS | 1524.28 |
| XEROX CORPORATION  | 1443.30 |
| ZEE MEDICAL        | 392.55  |

Motion by Parker, seconded by Eaton to approve the list of current bills. Motion carried by the following vote:

Aye: Starr, Stonerook, Eaton, Kepford, Parker  
Nay: none

TRUCK PARKING ORDINANCE: Mayor Young opened up discussion for the third reading of the Restricted Truck Parking Ordinance. Some council members were still not comfortable with some of the language contained within the ordinance. Chief Hakeman reported that he had not heard from anyone since the April 21st council meeting, therefore no revisions had been made to the following proposed ordinance. After some discussion from the council and the public, Hakeman said he would review the ordinance again and recommend some amendments to the proposed ordinance for the May 19<sup>th</sup> council meeting.

AN ORDINANCE TO AMEND TITLE IV, STREETS, CHAPTER 4, TRUCK ROUTES AND PARKING, OF THE MUNICIPAL CODE OF THE CITY OF TIPTON BY ADDING THE FOLLOWING:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TIPTON:

Section One: That Section 4-4-4 is amended to read as follows:

TRUCK PARKING RESTRICTED:

- a. Trucks, tractors, tractor trailers, and commercial trailers of all types licensed over six tons are prohibited from parking at any location in any area of the City zoned residential, except while actively engaged in loading or unloading; or in the case of heavy equipment conveying trailers, during the period the equipment that the trailer conveys is in regular use at a job site.
- b. Trucks, tractors, tractor trailers, and commercial trailers of all types licensed over six tons may park on the streets, or on private property in areas of the City zoned Commercial or Industrial, provided that they comply with all other provisions of this Municipal Code and the State Code of Iowa.
- c. Trucks, tractors, and tractor trailers shall not be left running while stopped or parked, either attended or unattended, anywhere in the City except while actively engaged in loading or unloading.

- d. Refrigeration trailer compressor drive engines may run on parked trailers only in areas zoned Industrial, and are prohibited from being left running in all other areas of the City of Tipton, whether attended or unattended.
- e. For the purpose of enforcing this section if the truck, tractor, tractor trailer, or commercial trailer is unattended, either the driver, registered owner, or person responsible for the truck, tractor, tractor trailer, or commercial trailer found to be in violation shall be deemed to have control over the truck, tractor, tractor trailer, or commercial trailer at the time of the violation.

Section Two: That Section 4-4-5 is added to read as follows:

**PENALTY:**

Any person who violates any provision of this ordinance is guilty of a municipal infraction punishable under Title V, Chapter 7, Section 2 of the Municipal Code of Tipton, Iowa.

FENCE ON CITY RIGHT-OF-WAY: Eileen Ogden of 521 W. 2<sup>nd</sup> Street addressed the council to ask permission to construct a fence on the city right-of-way. She said she provides daycare for her grandchildren and would like to install a fence to confine their activities. City Manager Schrad pointed out that Orange Street has an 80-foot right-of-way, which is about 7 feet from the west wall of her house. He said there is very little room on the east or south sides of the property for a fence. Schrad said that city staff has inspected the area and would not object to a fence in this area if it were 42 inches or less in height and if it were for a defined period of time. After a brief discussion, council suggested that City Attorney Dendinger draw up a legal document for Ogden and the City to come to an agreement. The document will be reviewed by the council at the next meeting.

CERTIFICATE OF SUBSTANTIAL COMPLETION: IIW Engineers certifies that Horsefield Construction has completed construction of the Street Improvements 2000 project in substantial compliance. IIW is recommending that the City of Tipton approve and accept the Street Improvements 2000 project. Motion by Parker, seconded by Eaton to approve certificate of substantial completion to Horsefield Construction. Motion carried by the following vote:

Aye: Eaton, Kepford, Stonerook, Starr, Parker  
Nay: None

RESOLUTION NO. 050503B: Motion by Parker, seconded by Stonerook to approve Resolution No. 050503B which is a resolution Accepting work covering the Street Improvements 2000, South Street from Cedar Street to Plum Street Project. Upon roll call the vote was:

Aye: Stonerook, Parker, Starr, Kepford, Eaton

Nay: None

RESOLUTION NO. 050503c: Motion by Starr, seconded by Kepford to approve Resolution No. 050503C which is a resolution Adopting Final Assessment Schedule for the Street Improvements 2000, South Street from Cedar Street to Plum Street Project and Amending, Confirming and Levying the Assessments. All unpaid special assessments will draw annual interest at 6 percent. Upon roll call the vote was:

Aye: Eaton, Kepford, Starr, Parker, Stonerook  
Nay: None

STREET CLOSING, RHINO'S: City received a request from Gary Freeman of Rhino's Bar & Grill. Freeman said on Saturday, May 17<sup>th</sup>, 2003, Rhino's would like to host an Antique Car Show. Freeman is asking the City's permission to block off 6<sup>th</sup> Street only from behind the street crossing at Cedar Street to the point where Stueland's lot begins. The show would begin at 4 PM and last until 7 PM. Motion by Parker, seconded by Stonerook to approve the street closing. Motion carried by the following vote:

Aye: Eaton, Kepford, Starr, Parker, Stonerook  
Nay: None

SOUTHWEST SANITARY SEWER EXTENSION: In his memo to the council, City Manager Schrad advised the council that the city previously discussed providing sanitary sewer service to the area of the proposed Assisted Living Center. This project would be dependent on the completion of the wastewater treatment project and the new southwest aerated lagoon.

Schrad presented preliminary estimate of the project cost, which was prepared by Mark Fincel of Garden & Associates. Total cost of the project is estimated around \$135,000. Included in this cost is \$21,800 to Garden for engineering services which is to undertake the design and specifications of this project and prepare it for bid. Motion by Starr, seconded by Parker to execute an agreement between the City of Tipton and Garden & Associates for the Southwest Sanitary Sewer Extension. Motion carried by the following vote:

Aye: Eaton, Kepford, Starr, Parker, Stonerook  
Nay: None

ALTERNATE ENERGY PURCHASE MANDATE: City Manager Schrad said that beginning January 1, 2004, all electric utilities must provide an

alternate energy purchase program to customers. Schrad said the city was previously going to participate in a program involving RPGI. He recently was advised by RPGI that they are not going to participate on behalf of the member utilities. Schrad is now suggesting that the city participate in a program developed by IAMU. It is called IAMU's Green City Energy Program. He said it would allow the City's utility customers an opportunity to voluntarily make contributions for future renewable energy projects and would assist the city in the plan preparation and implementation. IAMU's cost to participate in this program is \$800. Motion by Stonerook, seconded by Parker to approve the city's participation in IAMU's Green City Energy Program. Motion carried by the following vote:

Aye: Eaton, Kepford, Stonerook, Starr, Parker  
Nay: None

FY 02-03 BUDGET AMENDMENT: Motion by Starr, seconded by Kepford to hold a Public Hearing on May 19, 2003 at 7:00 p.m. in the Council Chambers. The purpose of the hearing is to amend the FY 2002-2003 City of Tipton Budget. Motion carried by the following vote:

Aye: Eaton, Kepford, Stonerook, Starr, Parker  
Nay: None

OUTDOOR SERVICE AREA APPLICATION: Motion by Parker, seconded by Kepford to approve Outdoor Service Area Application for Cedar Lanes. Application is good for July 3<sup>rd</sup> through July 5<sup>th</sup> of 2003. Motion carried by the following vote:

Aye: Eaton, Kepford, Stonerook, Starr, Parker  
Nay: None

NEW LIQUOR LICENSE APPLICATION: Motion by Kepford, seconded by Starr to approve new liquor license application for Wanda's. Motion carried by the following vote:

Aye: Eaton, Kepford, Stonerook, Starr, Parker  
Nay: None

CLOSED SESSION: Motion by Starr, seconded by Parker to adjourn into closed session at 8:33 p.m. under section 21.5.j of the Iowa Code, Real Estate Acquisition. Motion carried by the following vote:

Aye: Eaton, Kepford, Stonerook, Starr, Parker

Nay: None

REGULAR SESSION: The council adjourned back to regular session at 8:47 p.m. Motion by Kepford, seconded by Stonerook to decline real estate acquisition. Motion carried by the following vote:

Aye: Eaton, Kepford, Stonerook, Starr, Parker  
Nay: None

ADJOURN: With no further business to come before the council, motion was made by Parker and seconded by Eaton to adjourn. Motion carried by the following vote:

Aye: Eaton, Kepford, Stonerook, Starr, Parker  
Nay: None

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk