

April 21, 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, Ken Muller, Rick Fleshin, Ron Hembry, Marv Ford, Jeff Leslie, Scott Lewis, Jeff Giese and the Press.

AGENDA: Motion by Parker, seconded by Starr to amend the agenda to have a discussion on handicapped parking. Motion carried by the following vote:

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

WASTE MANAGEMENT: Scott Lewis of Waste Management asked the council if they had any questions regarding commercial garbage pickup that his company provides for the City of Tipton. Council had no concerns and thanked Lewis and Waste Management for their continued service to the City of Tipton.

PUBLIC HEARING: Mayor Young opened the Public Hearing on the first reading of An Ordinance Amending Chapter 61 Of The Tipton Municipal Code By Changing A Portion Of The Zoning District Map. There were no comments from the council or from the public. With no objections being made, Mayor Young closed the Public Hearing.

The rezoning of land is for an Assisted Living Facility in the City of Tipton. The property is located just south of the Tipton Pizza Hut and west of Highway 38. The petition was requested by Hildabrand and Associates, LTD of Fairfield, Iowa.

The Tipton Planning and Zoning Board recommends the rezoning of the 13.91 acres from C-2 and M-1 to C-1, Local Commercial District.

Motion by Kepford and seconded by Eaton to waive the second and third reading of the proposed rezoning ordinance and move for final adoption. Motion carried by the following vote:

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

PUBLIC HEARING: Mayor Young opened the Public Hearing on the Vacation of Claire Street. There were no comments from the council or the Public. With no objections being heard, Mayor Young closed the Public Hearing. Mayor Young introduced the following proposed Ordinance:

ORDINANCE NO. 455

AMENDMENT TO ORDINANCE NO. 443 PROVIDING FOR THE VACATION OF A STREET IN BLOCKS 2,13 AND 14 PINEHURST ADDITION, TIPTON, IOWA

Be it Enacted by the Council of the City of Tipton, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to vacate a portion of a platted street known as Claire Street in Blocks 2,13 and 14 Pinehurst Addition between Second Street and Inland Road and thereby relieve the City of Tipton, Iowa of the responsibility for its maintenance and supervision.

SECTION 2. Findings. The Council of the City of Tipton, Iowa hereby makes the following findings:

The described street is fifty feet wide at its intersection with 2nd Street, forty feet wide at its intersection with Inland Road, and approximately four hundred thirty feet in length.

The described street is not needed nor accessible for the use of the public, and therefore, its maintenance at the public expense is no longer justified.

The vacation will not deny owners of the property abutting on this street reasonable access to their property.

Notice of the intended vacation has been published in the Tipton Conservative.

SECTION 3. Vacation. The City of Tipton hereby grants and conveys to Kohl and Kohl, Inc., all right and title to Claire Street in the City of Tipton described as follows: Beginning at a point at the Northeast corner of Lot 1, Block 2 Pinehurst Addition and the South right of way boundary of Inland Road, thence South along the East boundaries of Lots 2,3,4,5,6 and 7 in Block 2 to the North right of way boundary of Second Street, thence East fifty feet along the North right of way boundary of Second Street to the Southwest corner of Lot 13, of Block 1, Pinehurst Addition, thence North along the West boundaries of Lots 14, Block 1 and Lot 3 and Lot 1 of Subdivision of Lot h SW NE, 6-80-2 to the South right of way boundary of Inland Road, thence West forty feet along the South right of way boundary of Inland Road to the place of beginning.

SECTION 4. Repealer. All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

SECTION 5. When effective. This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

Passed by the Council of the City of Tipton this 21 day of April, 2003.

Motion by Eaton to waive the second and third reading and move for final adoption of the above proposed ordinance. His motion was seconded by Starr. Motion carried by the following vote:

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

PUBLIC HEARING: Mayor Young opened the Public Hearing for the first reading of Electric Ordinance Amendments. There were no comments from the Council or the Public. With no objections being heard, Mayor Young closed the Public hearing and introduced the first reading as follows:

ORDINANCE NO. 456

ELECTRIC ORDINANCE AMENDMENTS

AN ORDINANCE TO AMEND TITLE II, PUBLIC SERVICE, CHAPTER 1, ELECTRIC SERVICE AND RATES, OF THE MUNICIPAL CODE OF THE CITY OF TIPTON BY AMENDING TITLE II, CHAPTER 1, SECTION 17, SECTION 21, AND SECTION 22 BY SUBSTITUTING THE FOLLOWING

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

Section One: That Chapter 1-17 is hereby amended to read as follows:

2-1-17 CLASSIFICATION OF ELECTRIC CUSTOMERS. Classification of electric customers are established as Residential, Rural, Commercial, Commercial Demand, and Industrial. The Council may establish additional classification or make changes to the above classifications. Summer and winter rates for these classifications shall be billed for the same periods as the City is billed summer and winter rates by its supplier.

Section Two: That Chapter 1-21 is hereby amended to read as follows:

2-1-21 ELECTRIC RATES, COMMERCIAL DEMAND. The rates to be paid by commercial demand customers for electric energy and power are:

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Energy Charge, all kWh		\$0.0420 per kWh
Monthly Demand Charge	Summer	\$11.19 per kWh
	Winter	\$5.54 per kWh
Minimum Billing Demand per Month		10kW

Section Three: That Chapter 1-22 is hereby amended to read as follows:

2-1-23 ELECTRIC RATES, INDUSTRIAL DEMAND. The rates to be paid by commercial demand customers for electric energy and power are:

Energy Charge, all kWh		\$0.0388 per kWh
Monthly Demand Charge	Summer	\$11.19 per kWh
	Winter	\$5.54 per kWh
Minimum Billing Demand per Month		100kW

Motion by Parker, seconded by Stonerook to waive the second and third readings of the above proposed ordinance and move for final adoption. Motion carried by the following vote:

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

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

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

CURRENT BILLS:

ABC FIRE PROTECTION	15.00
ABM EQUIPMENT	92.90
ALLIANCE WATER RESOURCES	16434.58
ALLIANT ENERGY	188.81
ATD CAR DETAILING	140.00
BECKWITH ELECTRIC	3041.00
BEST WESTERN	87.36
BROWN SUPPLY	545.24
BUSINESS RADIO SALES	80.60
CBE GROUP	115.50
CEDAR COUNTY AUTO PARTS	25.94
CEDAR COUNTY CO-OP	1558.13
CEDAR COUNTY ENGINEER	894.07
CEDAR COUNTY SOLID WASTE	1963.00
CEDAR RAPIDS WELDING	9.77
CITY CARTON	610.45
CONTINENTAL RESEARCH	510.10
CUSTOM BUILDERS	18.05
DENDINGER, ATTORNEY	2089.00
EASTERN IOWA LIGHT	666.95
ELLIOTT EQUIPMENT	56.22
ENERGY ECONOMICS	288.94
FARM PLAN CORPORATION	514.02
FESLER'S INC.	19.38
FOX ENGINEERING	3050.09
G&K SERVICES	23.68
GARDEN & ASSOCIATES	6001.23
GENERAL PEST CONTROL	86.05
GOVONNECTION	789.00
HYGIENIC LABORATORY	130.00
IOWA LEAGUE OF CITIES	50.00
IOWA NETWORK SERVICES	16.95
IOWA ONE CALL	63.00
KIRKWOOD COLLEGE	4023.50
MATT PARROTT	259.91
MEDTRONIC PHYSIO-CONTROL	64.07
MIKE'S WELDING	51.36
MORTON SALT	1935.90
NEW HORIZON FS	287.79
NFPA	125.90

NILES CHIROPRACTIC	75.00
PITNEY BOWES	153.60
RADIO COMMUNICATIONS	32.12
RK DIXON	20.00
ROCHAU APPLIANCE	362.00
SEH INC	689.50
SITLER ELECTRIC SUPPLY	32.63
STUELAND CHEVROLET	9.21
SWEET COMPUTER SERVICES	478.50
T&R ELECTRIC	3645.00
T&R SERVICE	156.00
TIPTON CONSERVATIVE	745.52
TIPTON ELECTRIC MOTORS	5.12
TIPTON SNYDER DRUG	5.94
TIPTON TIRE & AUTO	339.92
TPA COMPANIES	210.00
UNIFORM DEN	315.65
USBANK	75.55
UTILITY EQUIPMENT	1437.50
WASTE MANAGEMENT	9263.53
XEROX CORPORATION	1125.65
ZEE MEDICAL SERVICE	63.15

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

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

DAVIS FARM EQUIPMENT: Motion by Parker, seconded by Eaton to approve the bill for Davis Farm Equipment in the amount of \$2.88. Motion carried by the following vote:

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

CLERK'S/INVESTMENT REPORTS: Motion by Starr, seconded by Stonerook to approve Clerk's/Investment reports for March. Motion carried by the following vote:

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

MOSQUITO CONTROL: Rick Fleshin, Cedar County Public Health Director gave a brief presentation on the risks from mosquito borne West Niles Virus. Fleshin pointed out the dangers of the virus and noted several potential hazards that attract the breeding of the mosquito within the city. He said these areas need to be addressed in order to control the mosquito population.

After a short discussion, council felt there was a need to address the threat of the West Niles Virus. They instructed City Manager Schrad to develop a course of action that the city could implement to control the mosquito borne West Niles Virus within the city.

TRUCK PARKING ORDINANCE: Mayor Young opened up discussion for the second reading of the revised Restricted Truck Parking Ordinance. Some council members were still not comfortable with some of the language contained within the ordinance. Jeff Leslie and Jeff Giese objected to the language that restricts parking tractors within residential neighborhoods. After a lengthy discussion, motion was made by Starr and seconded by Kepford to have the third reading of the following Restricted Truck Parking Ordinance at the next council meeting. Motion carried by the following vote:

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

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.

RESOLUTION FOR LOAN AGREEMENT: Motion by Parker, seconded by Starr to approve Resolution No. 042103A which is a Resolution authorizing and approving a Loan Agreement and providing for the issuance of \$1,500,000 General Obligation Street Improvement Notes. The council shall meet on the 5th day of May, 2003, at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement. Upon roll call the vote was:

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

LETTER OF INTENT: Pat Callahan of Ruan Securities presented the council with a Letter of Intent. The Letter of Intent specifies that Ruan Securities Corporation will undertake to assist the City Council of the City of Tipton, Iowa, in financing \$1,500,000 General Obligation Street Improvement Notes. Motion by Kepford, seconded by Starr to authorize the Mayor to sign the Letter of Intent with Ruan Securities Corporation. Motion carried by the following vote:

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

MONTHLY WATER REPORT: Motion by Starr, seconded by Stonerook to approve Monthly Water Report for March. Motion carried by the following vote:

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

FINANCIAL INCENTIVE REQUEST, ALC: City Manager Schrad said he has received a letter from Hildebrandt & Associates who are asking for some kind of tax abatement for the proposed Assisted Living Facility planned for Tipton. Schrad said there is a provision in Title VI, Chapter 21, which provides for a partial exemption of taxation on the actual value added by improvements over a ten year period beginning at 80% and diminishing to 20% by the tenth year.

Schrad pointed out to the council that they may wish to consider the application of such an abatement, or similar TIF based incentives. Schrad also made note that the City will be proposing the extension of sanitary sewer, water, and gas mains to the site as TIF supported improvements.

After a short discussion, council instructed Schrad to pursue all alternatives available in supporting some kind of tax relief for the Assisted Living Facility.

PHONE SYSTEM UPGRADE: Motion by Parker, seconded by Eaton to allocate \$3,878 toward the City's phone system upgrade. Motion carried by the following vote:

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

INTERFUND LOAN: City Manager Schrad said the City is in the process of preparing recommendations for an amendment to the FY 02-03 city budget. One fund in need of attention is the Aquatic Center CP fund. Currently it has a deficit of \$96,851.02. Schrad noted invested funds balance in the City Reserve Fund is currently \$442,221 and a temporary loan from this fund would not create a problem in any of the operating fund balances. Motion by Starr, seconded by Parker to approve temporary loan from the City Reserve Fund to the Aquatic Center CP Fund in the amount of \$96,851.02. After a lengthy discussion, motion carried by the following vote:

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

HANDICAPPED PARKING: Council Member Kepford received a request to add a handicapped parking area in the 400 Block of Cedar Street. After a short discussion with Police Chief Hakeman, the request will be put under review by Hakeman and City Manager Schrad.

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

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

Mayor

ATTEST: _____
City Clerk