# Legal Publication

# Fort Dodge Board of Health Meeting for August 25, 2014

Mayor Bemrich called meeting to order at 5:04 p.m. Present: Council Members: David Flattery, Jeffrey Halter, Don Wilson, Andy Fritz, Kim Alstott, and Terry Moehnke. Absent: Dean Hill.

The Board of Health received an update on the condition of properties located at 310 and 312 G Street. Attorney Monty Fisher was present to represent the owner. Fisher reported that the owner received two estimates from professional cleaners and has decided to hire Iowa CTS Cleaners from Grimes, Iowa. The contractor is certified for contaminated waste, can start by next week and estimated 120 hours for each house. Contractor may need to replace flooring but has no concerns of structural integrity of houses. Owner has funds to pay contractor and is requesting time for contractor to clean one house at a time. Board of Health will reconvene meeting on October 20 after Building and Fire Inspections are completed. No formal action was taken.

Council Member Fritz moved for adjournment. Motion seconded by Halter. Aye: 6. Nay: 0. Motion carried. Meeting adjourned at 5:15 p.m.

### Fort Dodge City Council Regular Business Meeting Minutes for August 25, 2014

Mayor Bemrich called meeting to order at 6:02 p.m. Present: Council Members: David Flattery, Jeffrey Halter, Don Wilson, Andy Fritz, Kim Alstott, and Terry Moehnke. Absent: Dean Hill.

Moved by Fritz to approve the agenda for this meeting. Motion seconded by Alstott. Aye: 6. Nay: 0. Motion carried.

Mayor Bemrich announced that this is the time and place for a public hearing on proposed Water Stop Box Assessment for 1416 N. 31st Street. Mayor Bemrich asked for comments, written or oral. There being none, he declared the hearing closed.

Council Member Alstott moved to certify to Webster County Treasurer assessment for collection with property taxes. Motion seconded by Moehnke. On roll call, the vote was: Aye: Flattery, Halter, Wilson, Fritz, Alstott, and Moehnke. Nay: 0. Absent: Hill. Motion carried.

Mayor Bemrich announced that this is the time and place for a public hearing to consider a change in Zoning Ordinance No. 1489 by amending Section 17.08.04 Wall Signs. Mayor asked for comments, written or oral. There being none, he declared the hearing closed.

City Clerk Nemmers introduced first consideration of Ordinance No. 2216, An Ordinance Amending Ordinance No. 1489 of the Ordinances of the City of Fort Dodge, Iowa: the said Ordinance being entitled: "An Ordinance Regulating and Restricting the Location, Construction and Use of Buildings and Structures, and the Use of Land in the City of Fort Dodge, Iowa, and for said Purposes Dividing the City into Districts and Creating Board of Adjustment, Repealing Ordinances in Conflict with this Ordinance, and Providing for Penalties for Violation of the Regulations." Council Member Wilson moved to pass on first consideration Ordinance No. 2216 as introduced. Motion seconded by Alstott. Council Member Alstott reported that the Plan & Zoning Commission voted unanimously to change the sign ordinance. Amy Von Bank, Manager for Holiday Inn Express, asked if the City Council would consider waiving the readings to adopt Ordinance. On roll call, the vote was: Aye: Flattery, Halter, Wilson, Fritz, Alstott, and Moehnke. Nay: 0. Absent: Hill. Motion carried. Council Member Alstott moved to waive the second and third readings of Ordinance No. 2216 and adopt same. Motion seconded by Halter. On roll call, the vote was: Aye: Flattery, Halter, Wilson, Fritz, Alstott, and Moehnke. Nay: 0. Absent: Hill. Ordinance was adopted.

Mayor Bemrich announced that this is the time and place for a public hearing to consider a development agreement with Landover Corporation in connection with the acquisition and redevelopment of the existing Warden Plaza building situated at 908 1st Avenue South in the Center City and Industrial Park Urban Renewal Areas, for use as a multipurpose building which will contain residential units, commercial and office space, which Agreement provides for certain financial incentives in the form of incremental property tax payments in a total amount not exceeding \$2,000,000 as authorized by Section 403.9 of the Code of Iowa. Mayor asked for comments, written or oral. There being none, he declared the hearing closed.

Mayor Bemrich announced that this is the time and place for a public hearing on proposed plans, specifications, form of contract and estimate of cost for the 20th Avenue North Sanitary Sewer Gravity Bypass Project for the City of Fort Dodge, Iowa. Mayor asked for comments, written or oral. There being none, he declared the hearing closed.

City Clerk Nemmers introduced Resolution No. 14-08-213 Approving Plans and Specifications, Form of Contract and Estimate of Cost for the 20th Avenue North Sanitary Sewer Improvements Project for the City of Fort Dodge, Iowa. Council Member Flattery moved to adopt Resolution No. 14-08-213 as introduced. Motion seconded by Fritz. On roll call, the vote was: Aye: Flattery, Halter, Wilson, Fritz, Alstott, and Moehnke. Nay: 0. Absent: Hill. Resolution was adopted.

Mayor Bemrich announced that this is the time and place for a public hearing on proposed plans,

specifications, form of contract and estimate of cost for the 2014 Avenue B Water Main Replacement Project for the City of Fort Dodge, Iowa. Mayor asked for comments, written or oral. There being none, he declared the hearing closed.

City Clerk Nemmers introduced Resolution No. 14-08-214 Approving Plans and Specifications, Form of Contract and Estimate of Cost for the 2014 Avenue B Water Main Replacement Project for the City of Fort Dodge, Iowa. Council Member Flattery moved to adopt Resolution No. 14-08-214 as introduced. Motion seconded by Alstott. On roll call, the vote was: Aye: Flattery, Halter, Wilson, Fritz, Alstott, and Moehnke. Nay: 0. Absent: Hill. Resolution was adopted.

City Clerk Nemmers introduced Resolution No. 14-08-215 Rejecting All Bids for the 2014 Avenue B Water Main Replacement Project for the City of Fort Dodge, Iowa. Council Member Flattery moved to adopt Resolution No. 14-08-215 as introduced. Motion seconded by Moehnke. Eldon Rossow, MER Engineering, reported that IDOT approved specifications so requested Council consider. Since there was only one bid Rossow recommended rejecting and rebid in winter for more bid responses. On roll call, the vote was: Aye: Flattery, Halter, Wilson, Fritz, Alstott, and Moehnke. Nay: 0. Absent: Hill. Resolution was adopted.

Mayor Bemrich announced that this is the time and place for a public hearing on proposed plans, specifications, form of contract and estimate of cost for the 2014 C&S Products and North 10th Street Water Main Improvements for the City of Fort Dodge, Iowa. Mayor asked for comments, written or oral. There being none, he declared the hearing closed.

City Clerk Nemmers introduced Resolution No. 14-08-216 Approving Plans and Specifications, Form of Contract and Estimate of Cost for the 2014 C&S Products and North 10th Street Water Main Improvements Project for the City of Fort Dodge, Iowa. Council Member Flattery moved to adopt Resolution No. 14-08-216 as introduced. Motion seconded by Moehnke. On roll call, the vote was: Aye: Flattery, Halter, Wilson, Fritz, and Moehnke. Nay: 0. Abstain: Alstott - conflict of interest. Absent: Hill. Resolution was adopted.

City Clerk Nemmers introduced Resolution No. 14-08-217 Awarding Contract for the 2014 C&S Products and North 10th Street Water Main Improvements Project for the City of Fort Dodge, Iowa. Council Member Flattery moved to adopt Resolution No. 14-08-217 as introduced and accept bid in the amount of \$160,845.25 from Nels Pederson Co., Inc. Motion seconded by Moehnke. On roll call, the vote was: Aye: Flattery, Halter, Wilson, Fritz, and Moehnke. Nay: 0. Abstain: Alstott - conflict of interest. Absent: Hill. Resolution was adopted.

## **Comments and Questions from the Public.**

Kelly Hindman, 1230 17th Avenue No., supported Kevin Doty appointment as Acting Police Chief.

Beth Wickwire, Dayton City Council, supported bleacher disposal and asked if the City could store them until September 5. She also invited everyone to attend the Dayton Rodeo. **End of Comments, etc.** 

Moved by Moehnke to approve Consent Agenda as follows with removal of Item c - taxi cab license, d, e, and n for separate vote:

- a. Approval of August 11, 2014 minutes.
- b. Approval of Accounts Payable listing for August 29, 2014.
- c. Applications for License and Permits:
  - New/Taxi Cab License: First Call Taxi & Courier Service, Evansdale, Iowa
  - New/Housemover & Wrecker License: Maier Landscaping & Hauling, 2373 So. 14th Street
  - New/5 day Liquor License: Vyron Nelson "Wedding", 405 North 8th Street
    - Renewal/Retail Liquor License: CVS Pharmacy, 2029 5th Avenue South
  - Renewal/Beer Permit: Dale's Corner Store, 231 5th Avenue North
  - Renewal/Liquor License: Eilers Steakhouse, 116 Kenyon Road
- d. Removed for separate vote
- e. Removed for separate vote
- f. Payment in the amount of \$9,807.82 from Iowa Individual Health Benefit Reinsurance Association for 2012 Insurance Assessment.
- g. Invoice in the amount of \$331,992.43 from Iowa Communities Assurance Pool for 2014-2015 Property and Casualty Insurance.
- h. Resolution 14-08-219 Proposing the Disposal of an Interest in Real Estate and Setting a Hearing Date Thereon and Prescribing Notice. (Property from 10th Ave N. Improvement Project)
  - Part of Lots 1, 2 and 3, County Auditor's Taxation Plat of Section 17-89-28
  - Public Hearing: September 8, 2014 at 6:00 p.m.
- i. Resolution No. 14-08-220 Proposing Vacation and Disposition of Public Right-of-Way and Affixing a Date for a Public Hearing.
  - Portion of 1st Avenue North, West of 3rd Street
  - Public Hearing: September 8, 2014 at 6:00 p.m.
- j. Resolution No. 14-08-221 Approving Development Agreement with Triton Plaza, LLC,

Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement.

- k. Resolution No. 14-08-222 Approving Development Agreement with Decker Investments, Inc., Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement.
- Resolution No. 14-08-223 Approving Submission of a Grant Application to the Certified Local Government Grant Program for the Implementation of a Historic Plaque Project -Recognizing Non-Extant Historical Sites in the Fort Dodge Downtown Historic District.
- m. Resolution No. 14-08-224 Authorizing the Application to be a Host City for Ragbrai in 2015.
- n. Removed for separate vote

Motion seconded by Fritz. On roll call, the vote was: Aye: Flattery, Halter, Wilson, Fritz, Alstott, and Moehnke. Nay: 0. Absent: Hill. Motion carried. Resolutions were adopted.

Council Member Fritz moved to approve New/Taxi Cab License: First Call Taxi & Courier Service, Evansdale, Iowa. Motion seconded by Halter. Acting Police Chief Doty reported that he received a complaint from the existing cab company that there was a new taxi service operating without a license so they informed First Call Taxi that they needed a license with the City. Chief approved the application and background check. Mary Schmoker, Union Cab Company, stated that the City doesn't need two taxi companies and DART bus. Moehnke reported complaints about the proposed company. Ryan Clark, owner, stated that he took over the service in February of 2013 so complaint was prior to his ownership and the other was during the transition. Andy Hawkins, 1821 3rd Avenue So., thought the council should deny license. Halter stated that he would not vote to deny a new license because other businesses existed just like Council didn't deny a new liquor license last year. On roll call, the vote was: Aye: Halter, Fritz, and Alstott. Nay: Flattery, Wilson and Moehnke. Absent: Hill. Motion defeated.

Council Member Fritz moved to accept and place on file resignation of Tim Carmody as Police Chief effective September 8, 2014. Motion seconded by Moehnke. On roll call, the vote was: Aye: Flattery, Halter, Wilson, Fritz, Alstott, and Moehnke. Nay: 0. Absent: Hill. Motion carried.

Council Member Flattery moved to adopt Resolution No. 14-08-218 Authorizing Administrative Order 14-001 and appoint Kevin Doty as Acting Police Chief. Motion seconded by Alstott. On roll call, the vote was: Aye: Flattery, Halter, Wilson, Fritz, Alstott, and Moehnke. Nay: 0. Absent: Hill. Resolution was adopted.

Council Member Fritz moved to adopt Resolution No. 14-08-225 Authorizing the Disposal of Property to the City of Dayton for Public Purpose approving and extending contract so aluminum bleachers from Harlan and Hazel Rogers Sports Complex be stored until September 5. Motion seconded by Alstott. Parks Director Lori Branderhorst reported that the bleachers can't be used for seating at the Oleson Park Bandshell. On roll call, the vote was: Aye: Flattery, Halter, Wilson, Fritz, Alstott, and Moehnke. Nay: 0. Absent: Hill. Resolution was adopted.

### Committee and Department Reports, Correspondence and Proclamations.

City Engineer Schaeffer addressed No. 29th Street parking and the proposed detour for Veteran's bridge during four week storm sewer construction.

Mayor Bemrich read the Holiday Refuse Schedule with Tuesday's garbage to be picked up on Friday. **End of Reports, etc.** 

Council Member Moehnke moved to approve first consideration of Ordinance No. 2217, an Ordinance Amending the Fort Dodge Human Rights Commission Ordinance No. 1801, an Amendment Relating to the Removal of Obsolete Language. Motion seconded by Fritz. Language is amended to remove Webster County since they no longer fiscally support the commission. On roll call, the vote was: Aye: Flattery, Halter, Wilson, Fritz, Alstott, and Moehnke. Nay: 0. Absent: Hill. Motion carried. Council Member Moehnke moved to waive the second and third readings of Ordinance No. 2217 and adopt same. Motion seconded by Halter. On roll call, the vote was: Aye: Flattery, Halter, Wilson, Fritz, Alstott, and Moehnke. Nay: 0. Absent: Hill. Ordinance was adopted.

Council Member Flattery moved to approve Change Order No. 2 reducing the contract in the amount of \$12,334.00 and Pay Estimate No. 4, final, in the amount of \$12,271.84 from Cramer and Associates, Inc. for the 3rd Street Bridge Repair Project. Motion seconded by Fritz. On roll call, the vote was: Aye: Flattery, Halter, Wilson, Fritz, Alstott, and Moehnke. Nay: 0. Absent: Hill. Motion carried.

Council Member Flattery moved to approve Change Order No. 3 reducing the contract in the amount of \$9,711.46 and Pay Estimate No. 3, sub-final, in the amount of \$75,843.53 from Fort Dodge Asphalt for the 2013 Street Repair Project. Motion seconded by Alstott. On roll call, the vote was: Aye: Flattery, Halter, Wilson, Fritz, Alstott, and Moehnke. Nay: 0. Absent: Hill. Motion carried.

Tammy Crouse, 2116 4th Avenue North, wished Acting Chief Doty good luck and wanted to make sure the old middle schools get mowed more often.

Council Member Wilson reported that he received complaints about the Lefti's event. Citizens asked if there

could be security next year and end event by 10:30 p.m.

There being no further business to come before Council, Flattery moved for adjournment. Motion seconded by Fritz. Aye: 6. Nay: 0. Motion carried. Meeting adjourned at 7:02 p.m.

Jeff Nemmers, City Clerk

Accounts Payable Listing for August 29, 201	.4	Hallett Materials, suppl	1,790.75
Advanced Systems, Inc., suppl	166.67	Hamilton Co Sheriffs Office, svcs	19.00
Airgas Usa, LLC, suppl	183.61	Hanson/Jason, svcs	10.57
Allers Associates Architects, svcs	790.00	Hawkins Chemical, suppl	207.82
Anderson/Amanda C, svcs	54.33	Hayes/Rosemary J, svcs	1,746.20
Arnold Motor Supply, suppl	86.96	Hippen/Eric N, svcs	100.00
Bachman Painting & Landscape,		Hippen/Eric N, svcs	31.59
SVCS	5,725.00	Huseman, D.C./William D., svcs	45.00
Beekman Welding, svcs	289.00	Hy-Vee, suppl	257.56
Beisser Lumber Co., Inc., suppl Bennett, Crimmins & Ostrander,	91.60	IA Communities Assurance, ins	331,992.43
svcs	1,680.00	IA Indiv Health Bene Reinsurance, ins	9,807.82
Blue Ribbon Distributing, suppl	16.00	la Lein, svcs	350.00
Bolton & Menk, Inc., svcs	10,373.70	la-AWWA, dues	135.00
Bomgaars Supply, suppl	635.39	lacp Net, svcs	800.00
Bridgestone Golf, Inc., suppl	634.38	IAEI, dues	286.00
Burns/Matt, svcs	111.99	Impact7g, Inc., svcs	7,996.55
Byson Oil Co./J. P., suppl	1,695.75	Inland Truck Parts Co., suppl	1,266.67
Central Garage Account, svcs	488.52	Int'l Code Council, suppl	124.95
Central Iowa Distributing, suppl	578.35	Interdept. Exp. 34.90, reimb	37.07
Centurylink, svcs	251.69	Iowa Communications Network,	57.07
Commercial Appraisers of Iowa,		svcs	194.39
SVCS	1,100.00	Iowa Dept of Natural Resources,	
Computer Resorces Specialists, svcs	2,529.16	SVCS	2,946.88
Cramer and Associates Inc., svcs	12,271.84	Iowa Fire Control, LLC, suppl	180.00
Crescent Electric Supply, suppl	39.09	Iowa Golf Association, dues	18.00
Cruz/Gabriel G, svcs	46.72	lowa Insurance Division, svcs	100.00
Daniel Pharmacy, suppl	474.13	Iowa Law Enforcement Academy,	
De Lage Landen Financial, svcs	65.06	SVCS	745.00
Decker Truck Line, Inc., svcs	2,530.35	Iowa One Call, svcs	252.00
Dell Marketing L.P., suppl	758.88	Iowa Park & Recreation Assoc.,	
Demco, suppl	365.22	dues	575.00
Diamond Vogel Paint, suppl	269.00	lpers, ipers	2,237.86
Dickinson County Sheriff, svcs	31.50	Ipromoteu, suppl	234.69
Direct TV, svcs	253.94	Johnston Auto, suppl	261.19
Dpc Industries, Inc., suppl	6,622.40	Keltek Inc., suppl	36,301.99
Dunbar Power Equipment, suppl	249.02	Kimball Midwest, suppl	210.21
Earthgrains Baking, suppl	19.42	Konica Minolta Business, svcs	334.90
Electrical Materials, suppl	212.68	Larson/Dawn, reimb	27.71
Fastenal Company, suppl	63.80	Lincoln National Life Ins., ins	58.75
FD Convention & Visitors, mktg	2,921.96	Lincoln Townhome Condo Assoc., dues	96.00
Feld Equipment Co./Ed M., suppl	4,114.48	Logan Contractors Inc., svcs	1,802.50
Fenton/Kelsey L., svcs	21.38	Marco, Inc., svcs	133.09
Fierke/David, reimb	316.50	Martin Marietta Aggregates, suppl	272.59
Force America, Inc., suppl	108.38	Martin's Flag Co., suppl	118.50
Fort Dodge Asphalt Co., svcs	75,843.53	Mcgee/Judy Ann, svcs	4,432.27
Fort Dodge Community Rec., svcs	4,855.97	Menards, suppl	4,432.27
Fort Dodge Community Schools,		Messenger, svcs	1,161.38
SVCS	757.50	Mid Country Machinery, Inc., suppl	156.88
Fort Dodge Ford Lincoln Toyota,	120.22	Mid-American Energy, svcs	41,782.92
suppl	428.23	Mid-American Energy, sves Mid-Iowa Solid Waste Equipment,	41,782.92
Fort Dodge Machine-Supply, suppl	1,287.96	suppl	886.62
Fort Dodge Police Dept., reimb	15.36	Mid-Iowa Towing, svcs	40.00
Fort Dodge/City of, contrib	21,559.70	Midstate Plumbing, Inc., svcs	310.70
Frontier Communications, svcs	2,601.53	Midwest Concrete Cutting, suppl	300.00
Gall's, Inc., suppl	108.50	Midwest Fence & Gate Co., suppl	410.80
Garst/Madison G, svcs	240.00	Midwest Lube, Inc., suppl	374.89
Gift and Memorial Account, suppl	1,198.58		

Mikes Pest Control, Inc., svcs	80.00
Miller & Sons Golf Cars, suppl	105.04
Modern Sound Engineering, svcs	627.50
Mora/Shawn D., svcs	54.22
Mti Distributing, Inc., suppl	53.25
Muffler Center Ltd/The, svcs	469.18
Municipal Fire & Police, contrib	43,900.51
Municipal Supply, Inc., suppl	1,290.23
Napa Auto, suppl	801.30
Networkfleet Inc., suppl	153.75
New World Systems, svcs	600.00
Nielsen, Ltd/K.C., suppl	4,634.91
North Central Correction, svcs	205.00
North Central Iowa Regional, svcs	19,745.25
Northern Lights Distributing, suppl	1,429.58
O'Brien/ Timothy P., svcs	33.62
O'halloran International	2,651.47
O'Reilly Auto Parts, suppl	648.49
ODB Dominion Brush, suppl	1,308.41
Office Elements, suppl	367.41
Orres & Gailey, svcs	1,200.00
Parker/Chris, svcs	252.83 112.50
Paul Electric Supply Co., suppl	408,112.26
Payroll Fund, payroll Bapsi Cola Coporal Bottlors, suppl	408,112.20
Pepsi-Cola General Bottlers, suppl Physician's Claims Company, svcs	886.40
Plumb Supply, suppl	81.14
Powerplan, suppl	490.50
Pratte/Breanna L., svcs	490.30
Precision Husky Corporation, suppl	1,785.13
Printing Services, Inc., suppl	1,410.46
R & J Material Handling, suppl	175.73
Rees Truck and Trailer Inc., suppl	65.85
Ricoh USA, Inc., suppl	753.36
Riley-Armstrong Plbg & Htg, svcs	1,448.22
Rogers Automated Entrance, suppl	513.79
Rogers Tire Service, suppl	670.94
Rosalez Lock & Key, svcs	56.00
Ross Appliance Center, suppl	14.99
Rotary Club of Fort Dodge, dues	160.00
Rueter's Red Power, suppl	97.17
Secretary of State, notary	30.00
Shur-Co, suppl	19.50
Smidt/Meghan S, svcs	39.78
Snyder & Associates, svcs	66,502.52
Stallings Estate/Johnnie, svcs	67.86
Star Energy, fuel	19,487.55
Station/The, suppl	205.50
Swank Motion Pictures Inc., svcs	324.00
Timemark Inc., suppl	184.03
Toro Nsn, suppl	223.00
Town & Country Vet Clinic, svcs	102.50
Toyne, Inc., suppl	122.59
Traeger/Bridget A, svcs	69.71
Truman/Kay Ann, svcs	49.30
Turfwerks, suppl	48.72
Underberg/Lynn, svcs	5.43
Unitypoint Clinic-Occupational, svcs	735.00
Unitypoint Health Trinity, svcs	1,611.84
USW Utility Group, svcs	294,496.79
Utility Equipment Co., suppl	1,738.95
Valeriano/German A, svcs	28.68
Van Maannen/Erica M, svcs	42.80

W & H Coop Oil, fuel	7,041.35
Webster Co Butler & Rhodes, svcs	965.00
Webster Co Treasurer, taxes	1,328.00
Wellmark Blue Cross Blue Shield,	
ins	10,339.87
Wells Fargo Card Service, svcs	2,320.07
West Plains Company, suppl	22,061.49
Westech, suppl	2,884.21
Wicks Construction, svcs	328,559.32
Ziegler Inc., suppl	36,163.80
TOTAL	\$ 1,919,788.58