

NOTE: AGENDA ORDER SUBJECT TO CHANGE

**LE MARS CITY COUNCIL REGULAR MEETING
TUESDAY, JANUARY 3, 2012, 12:00 P.M.
AGENDA**

**A. CALL TO ORDER – MAYOR
ROLL CALL – CITY CLERK**

COUNCILMEMBERS: NELSON_____, KNAPP_____ REXWINKEL_____,
LEONARD_____, IHRKE_____

B. HEARINGS

1. National Electrical Code (NEC)

C. GENERAL DISCUSSION

1. Urban Revitalization Plan Discussion (information provided separately)
2. Citizens
3. “Thumbs Up” Award

D. CONSENT ITEMS

All items listed under "Consent" Agenda will be enacted by one motion. There will be no separate discussion on those items unless a request is made prior to the time the Council votes on the motion.

1. Approval of December 20, 2011 Regular Meeting Minutes
2. List of Bills for Period Ending 12/31/11
3. Mayor/Council/Staff Assignments for 2012
4. Designation of Official Newspaper for 2012
5. 2011 Airport SRE Building Improvements

E. ACTION ITEMS

1. Dogwood Properties LLC Development Agreement
2. Water Rate Ordinance
3. Airport Application for Federal Funding
4. Dog & Cat Licensing Ordinance
5. List of Fees, Charges and Licenses

F. DISCUSSION

1. Council/Mayor
2. City Administrator/Public Works Director
3. Assistant City Administrator
 - a. Revised Budget Schedule

G. ADJOURNMENT

CITY OF LE MARS, IOWA

Hearing	REQUEST FOR COUNCIL ACTION	Date: January 3, 2012
	Description: National Electrical Code (NEC)	Item No. B-1

Information:

The State of Iowa recently adopted the National Electrical Code, 2011 Edition and it will go into effect January 1, 2012 state wide. The Council set this as the date and time for public hearing on a proposed ordinance amending Chapter 155 – Building and Construction Regulations. The Ordinance will update said Chapter to mirror the State of Iowa’s adoption of building standards.

Staff Recommendation:

The Mayor opens the hearing and asks if there are any written or oral objections or comments to the amendment. After hearing all comments, the Mayor announces the hearing is closed.

COUNCIL ACTION REQUESTED

Motion approving the first reading of Ordinance No._____ Amending Building and Construction Regulations and amending Chapter 155.

(Roll Call)

Motion waiving the second and third readings of Ordinance No._____ Amending Building and Construction Regulations and amending Chapter 155.

(Roll Call)

Motion adopting Ordinance No._____ Amending Building and Construction Regulations and amending Chapter 155 on its first reading.

(Roll Call)

NOTE: On December 20, 2011, Oaths of Office were administered by Robert J. Dull, District Associate Judge of the Third Judicial District of Iowa, to Dick Kirchoff, Mayor, Delana Ihrke, City Council Second Ward, John Rexwinkel, City Council At Large, Ralph Klemme, Bill Rosacker, and Larry Petersen, Hospital Trustees.

Le Mars City Council Meeting
Tuesday, December 20, 2011, 12:00 P.M.
Minutes

Mayor Kirchoff presided. Present: Ihrke, Rexwinkel, Leonard, Nelson, Knapp. Absent: None.

NOTE: A hearing was held on the City selling its interests in Le Mars Communications, LLP and no oral or written objections were received.

Nelson moved, Ihrke seconded the Unit Purchase Agreement providing for the City to sell its interests in Le Mars Communications, LLP, be approved. On Roll Call: Ayes: All present. Nays: None.

Nelson moved, Ihrke seconded that the following items be approved under the "Consent Agenda." On Roll Call: Ayes: All present. Nays: None.

- Regular meeting minutes of December 6, 2011.
- List of bills for period ending 12/16/11.
- November 2011 Financial Statement
- Renewal of Class C Liquor License to 4 Brothers Bar & Grill and Class B Beer Permit to Pizza Hut.
- Commercial Solid Waste Collection Licenses for 2012 to Gill Hauling, Orange City Sanitation, Waste Management and Van's Sanitation.
- Six Year Lease with Titan Machinery for a new loader.

Ihrke moved, Nelson seconded the second reading of Ordinance No. 896 as amended – Revising Water Rates and Charges be approved. On Roll Call: Ayes: Rexwinkel, Leonard, Knapp, Ihrke, Nelson. Nays: None.

Nelson moved, Ihrke seconded the Development Agreement with Dogwood Properties, LLC be approved subject to City Attorney review. On Roll Call: Ayes: All present. Nays: None.

Rexwinkel moved, Leonard seconded to declare City intent to change City Ordinance Chapter 155 from the NEC, 2008 Edition to the NEC 2011 Edition, and that January 3, 2012 at 12:00 PM be established as the date and time for public hearing. On Roll Call: Ayes: All present. Nays: None.

NOTE: The Council discussed the Dog and Cat Ordinance and agreed to table it to the next meeting to allow committee review and recommendation.

Leonard moved, Ihrke seconded the meeting be adjourned at 1:40 P.M. On Roll Call: Ayes: All present. Nays: None.

Beverly Langel, City Clerk

Dick Kirchoff, Mayor

CITY OF LE MARS, IOWA

Consent	REQUEST FOR COUNCIL ACTION	Date: January 3, 2012
	Description: List of Bills for Period Ending 12/31/11	Item No. D-2

Attached is the list of bills for the period ending 12/31/11.

COUNCIL ACTION REQUESTED

Approval of bills for the period
ending 12/31/11.

(No Roll Call)

CITY OF LE MARS, IOWA

Consent	REQUEST FOR COUNCIL ACTION	Date: January 3, 2012
	Description: Mayor/Council/Staff Assignments for 2012	Item No. D-3

Information:

Attached is an update of the Mayor/Council/Staff Assignments for 2012.

Staff Recommendation:

Staff recommends assignments to all Committees as shown on the attached.

COUNCIL ACTION REQUESTED

Motion approving the Mayor/Council/Staff Assignments for 2012 (or as amended).

(No Roll Call)

CITY OF LE MARS, IOWA

Consent	REQUEST FOR COUNCIL ACTION	Date: January 3, 2012
	Description: Designation of Official Newspaper for 2012	Item No. D-4

Each year the Council establishes an official newspaper for legal publication and printing. The Le Mars Daily Sentinel has again proposed to furnish this for 2012. (Letter attached)

COUNCIL ACTION REQUESTED

Motion establishing the Le Mars Daily Sentinel as the official newspaper for the City of Le Mars for 2012.

(No Roll Call)

CITY OF LE MARS, IOWA

Consent	REQUEST FOR COUNCIL ACTION	Date: January 3, 2012
	Description: 2011 Airport SRE Building Improvements	Item No. D-5

Information:

Attached is an Engineer's Statement of Completion and Owners Acceptance of Contract Construction for the 2011 Airport SRE Building Project, from Matthew Ferrier of Bolton & Menk, Inc. as constructed by Holtze Construction Co., Sioux City, IA.

Staff Recommendation:

To approve project as fully completed and accept the work.

COUNCIL ACTION REQUESTED

Motion (accepting) (rejecting) the 2011 Airport SRE Building Improvements, as fully completed by Holtze Construction Co., Sioux City, IA and as recommended by Bolton & Menk, Inc.

(No Roll Call)

CITY OF LE MARS, IOWA

Action	REQUEST FOR COUNCIL ACTION	Date: January 3, 2012
	Description: Dogwood Properties LLC Development Agreement	Item No. E-1

Information:

Attached is a revised Development Agreement with Dogwood Properties LLC as negotiated by Mayor, Code Enforcement and Administration and reviewed by City Attorney.

Also attached is a copy of Sections 165.24 and 165.37 of Chapter 165 "Subdivisions" which will be discussed with Council for concurrence.

Staff Recommendation:

Mayor, Code and Administration recommend Council approval of revised Development Agreement and to set a public hearing for rezoning. City Engineer will make recommendation at the meeting.

Financial Impact:

City costs would be paid from Le Mars Urban Renewal TIF Revenues.

COUNCIL ACTION REQUESTED

Motion to approve the Development Agreement with Dogwood Properties LLC as revised by the City Attorney
(No Roll Call)

And

Motion establishing January 17, 2012 at 12:00 PM as a public hearing for rezoning of the proposed Dogwood Industrial Park, First Addition from I-1 to I-2.
(No Roll Call)

And

Motion approving the City Engineer's recommendation of "Permanent Erosion Control and Drainage Measures" for the Dogwood Industrial Park, First Addition.
(No Roll Call)

CITY OF LE MARS, IOWA

Action	REQUEST FOR COUNCIL ACTION	Date: January 3, 2012
	Description: Water Rate Ordinance	Item No. E-2

Information:

At its December 20, 2011 meeting the Council approved the second reading of Ordinance 896 "as amended" regarding water rates.

Attached is an Ordinance and Administrative Policy.

Staff Recommendation:

Mc Clure Engineering is recommending a 5 step increase; however, Council Water Committee is recommending a 3 step water rate increase to be effective January 1, 2012, January 1, 2013 and January 1, 2014.

Reminder:

Mc Clure Engineering has submitted the Final Plan and the IUP Application by the December 1, 2011 deadline so that the EPC can approve both by December 20, 2011.

COUNCIL ACTION REQUESTED

Motion approving the third reading of Ordinance No. 896 as amended - revising Water Rates and Charges.

(Roll Call)

Motion adopting Ordinance No. 896 as amended - revising Water Rates and Charges on its third reading.

(Roll Call)

And

Motion approving the City of Le Mars Administrative Policy, Water Meters Required.

(No Roll Call)

**AN ORDINANCE AMENDING CHAPTER 92
"WATER RATES" OF THE CODE OF
ORDINANCES OF THE CITY OF LE MARS, IOWA**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LE MARS, IOWA that Section 92.02 "Rates for Service" of the Code of Ordinances of the City of Le Mars, Iowa be amended as follows:

92.02 RATES FOR SERVICE. Water service shall be furnished at the following monthly rates within the City:

(Code of Iowa, Sec. 384.84)

(Effective with monthly bills after January 1 of respective year).

Gallons Used Per Month	2012 Rate	2013 Rate	2014 Rate
First 2,000 gallons	\$5.90 per 1,000 gallons	\$6.15	\$6.50
Next 32,000 gallons	\$2.30 per 1,000 gallons	\$2.40	\$2.50
Next 135,000 gallons	\$1.40 per 1,000 gallons	\$1.50	\$1.60
All Over 169,000 gallons	\$1.10 per 1,000 gallons	\$1.20	\$1.30
Minimum Bill	\$11.80 per month	\$12.30	\$13.00
Unmetered Fire Sprinkler System	\$27.00 per month	\$29.00	\$31.00

All meters shall be City owned. Private Meters shall be discontinued.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED AND APPROVED this ____ day of _____, 2012.

ATTEST:

Dick Kirchoff, Mayor

Beverly Langel, City Clerk

CITY OF LE MARS, IOWA

Action	REQUEST FOR COUNCIL ACTION	Date: January 3, 2012
	Description: Airport Application for Federal Funding	Item No. E-3

Information:

Bolton & Menk has prepared the necessary documents (attached) for Federal Funding under the FAA AIP/Entitlement Program for the FY 2012 and FY 2013 C.I.P. which includes FY 2013 through FY 2017 inclusive. Detailed Data Sheets are attached.

A Resolution is attached committing the City to provide local funding for the project.

Council approved these CIP's each year for approximately the last five (5) years. The funding source for the 5% local share is proposed to be the Airport Improvement Fund.

Staff Recommendation:

City Staff and Bolton & Menk both recommend Council approval.

COUNCIL ACTION REQUESTED

Motion adopting Resolution No. _____
approving submitting Application for Airport
Improvement Program Assistance.

(Roll Call)

CITY OF LE MARS, IOWA

Action	REQUEST FOR COUNCIL ACTION	Date: January 3, 2012
	Description: Dog & Cat Licensing Ordinance	Item No. E-4

Information:

In November of 2008 the Le Mars City Council adopted Ordinance No. 876 which set up the requirement for dogs and cats to be licensed within the City limits of Le Mars. Licenses were for a period of one or three years. We have now completed the first three year period of licensing. At the last Council meeting (12/20/11) Council directed the Committee to meet with the Vets and bring back a recommendation as to the future of the dog and cat licensing program. The Committee has met with the Vets and the Police Chief and the Committee recommendation is listed below.

Committee Recommendation:

The Committee is recommending that the licensing program continue with the modifications listed below:

- 1) Only dogs will be licensed.
- 2) All dog licenses will run from January 1st to December 31st each year.
- 3) Dog licenses will be issued only for a one (1) year period.
- 4) Licenses will be issued by a licensed veterinarian approved by the City of Le Mars or can be issued at City Hall.
- 5) Penalties and fees will be set annually by Resolution.

Attached is the current Chapter 56 "Dog and Cat License Required" Ordinance and a revised Chapter 56 "Dog License Required" Ordinance.

Financial Impact:

The revenue generated by the licensing will become part of the Police budget and used to help offset the costs of officer time spent enforcing the licensing program and the cost of veterinarian services.

COUNCIL ACTION REQUESTED

Motion to approve the first reading of Ordinance No. _____ Amending the provisions pertaining to Pet Licenses.

(Roll Call)

Or

Motion to approve the first reading of Ordinance No. _____ to repeal Chapter 56 from the Le Mars Code of Ordinances.

(Roll Call)

Or

No action (leave current Ordinance).

CITY OF LE MARS, IOWA

Action	REQUEST FOR COUNCIL ACTION	Date: January 3, 2012
	Description: List of Fees, Charges and Licenses	Item No. E-5

Attached is a list of various fees, charges, and licenses, which show charges as follows:

- 1) Current 2011 Fees, Charges and Licenses
- 2) Proposed 2012 Fees, Charges and Licenses

COUNCIL ACTION REQUESTED

Motion adopting Resolution No. _____
approving the recommended List of Fees,
Charges and Licenses for calendar year 2012,
(with or without) amendment.

(Roll Call)