

## **SWEARING IN CEREMONY AT 11:45 IN COUNCIL CHAMBERS**

### **NOTE: AGENDA ORDER SUBJECT TO CHANGE**

### **LE MARS CITY COUNCIL REGULAR MEETING TUESDAY, DECEMBER 20, 2011, 12:00 P.M. AGENDA**

#### **A. CALL TO ORDER – MAYOR**

##### **ROLL CALL – CITY CLERK**

COUNCILMEMBERS: NELSON\_\_\_\_\_, KNAPP\_\_\_\_\_, REXWINKEL\_\_\_\_\_,  
LEONARD\_\_\_\_\_, IHRKE\_\_\_\_\_

#### **B. HEARINGS**

1. Le Mars Communications, LLP

#### **C. GENERAL DISCUSSION**

1. Ply County Community Drug Court Program – Donald Nore
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 6, 2011 Regular Meeting Minutes
2. List of Bills for Period Ending 12/16/11
3. Monthly Financial Statement for November 2011
4. Renewal of Liquor License/Beer Permit (4 Brothers Bar & Grill, Pizza Hut)
5. Commercial Solid Waste Collection Licenses
6. Public Works Equipment Lease

#### **E. ACTION ITEMS**

1. Water Rate Ordinance
2. Dogwood Properties Development Agreement
3. National Electrical Code (NEC)
4. Dog and Cat Ordinance

#### **F. DISCUSSION**

1. Council/Mayor
  - a. Assignments for 2012
2. City Administrator/Public Works Director
3. Assistant City Administrator
  - a. Budget Schedule
  - b. List of Fees for 2012

#### **G. ADJOURNMENT**

##### Employment Conditions (Per Iowa Code 21.9)

The City Council will enter into a session to discuss matters relating to employment conditions of employees of the governmental body who are not covered by a Collective Bargaining Agreement. This session is exempt from the open meetings law.

**CITY OF LE MARS, IOWA**

<b>Hearing</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>Date:</b> <b>December 20, 2011</b>
	<b>Description:</b> <b>Le Mars Communications, LLP</b>	<b>Item No.</b> <b>B-1</b>

**Information:**

At its December 6, 2011 meeting, the Council set this as the date and time for a public hearing on the City selling its interests in Le Mars Communications, LLP, a joint action limited liability partnership under Chapter 28E, Code of Iowa.

A Draft dated 11/08/11 for a Unit Purchase Agreement between Le Mars Communications, LLP and the City and Northwest REC was included in previous Council packets.

Essentially, the Unit Purchase Agreement would provide for the City and Northwest REC to sell all interest in Le Mars Communications, LLP to Le Mars Communications, LLP for \$25,000 each, payable \$12,500 January 3, 2012 and \$12,500 by January 4, 2013. All City and Northwest REC ownership would end January 3, 2012.

**Staff Recommendation:**

The Mayor opens the hearing and asks for any written or oral objections or comments. The Le Mars Communication Board of Directors recommends the Council proceed.

**Financial Impact:**

The sale proceeds of \$25,000 would go back to General Fund.

**COUNCIL ACTION REQUESTED**

Motion approving the Unit Purchase Agreement providing for the City to sell its interests in Le Mars Communications, LLP, a joint action limited liability partnership under Chapter 28E, Code of Iowa.

(No Roll Call)

Le Mars City Council Meeting  
Tuesday, December 6, 2011, 12:00 P.M.  
Minutes

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

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

- Regular meeting minutes of November 15, 2011.
- List of bills for period ending 11/30/11.
- Election Canvass of the November 8, 2011 election.
- City of Le Mars and Plymouth County debt certification/decertification in the Joint Urban Renewal Area.

Knapp moved, Nelson seconded the Floyd Valley Hospital Audit Report for the year ended June 30, 2011 be accepted. On Roll Call: Ayes: All present. Nays: None.

Knapp moved, Nelson seconded the first reading of amended Ordinance No. 896 revising water rates and charges be approved. On Roll Call: Ayes: Ihrke, Leonard, Rexwinkel, Knapp, Nelson. Nays: None.

Leonard moved, Rexwinkel seconded Resolution No. 11-37 approving RISE Agreement No. 2012-R-008 for 8<sup>th</sup> Avenue W and 11<sup>th</sup> Street S be adopted. On Roll Call: Ayes: Nelson, Knapp, Ihrke, Leonard, Rexwinkel. Nays: None.

Nelson moved, Ihrke seconded the third reading of Ordinance No. 895 regarding "Assessment of Property for Housing Developments within the City Limits" be approved. On Roll Call: Ayes: Knapp, Rexwinkel, Leonard, Nelson, Ihrke. Nays: None.

Nelson moved, Ihrke seconded Ordinance No. 895 regarding "Assessment of Property for Housing Developments within the City Limits." Be adopted on its third reading. On Roll Call: Ayes: Knapp, Rexwinkel, Leonard, Nelson, Ihrke. Nays: None.

Rexwinkel moved, Ihrke seconded December 20, 2011 at 12:00 PM be established as a public hearing on the City selling its interests in Le Mars Communications, LLP, a joint action limited liability partnership under Chapter 28E, Code of Iowa. On Roll Call: Ayes: All present. Nays: None.

Nelson moved, Ihrke seconded the meeting be adjourned at 1:53 P.M. On Roll Call: Ayes: All present. Nays: None.

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Beverly Langel, City Clerk

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Dick Kirchoff, Mayor

**CITY OF LE MARS, IOWA**

<b>Consent</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>Date:</b> <b>December 20, 2011</b>
	<b>Description:</b> <b>List of Bills for Period Ending 12/16/11</b>	<b>Item No.</b> <b>D-2</b>

Attached is the list of bills for the period ending 12/16/11.

**COUNCIL ACTION REQUESTED**

Approval of bills for the period  
ending 12/16/11.

(No Roll Call)

**CITY OF LE MARS, IOWA**

<b>Consent</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>Date: December 20, 2011</b>
	<b>Description: Monthly Financial Statement for November 2011</b>	<b>Item No. D-3</b>

Attached is the monthly Financial Statement for November 2011.

**COUNCIL ACTION REQUESTED**

Motion acknowledging receipt of monthly  
Financial Statement for November 2011.

(No Roll Call)

**CITY OF LE MARS, IOWA**

<b>Consent</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>Date:</b> <b>December 20, 2011</b>
	<b>Description:</b> <b>Renewal of Liquor License/Beer Permit</b> <b>(4 Brothers Bar &amp; Grill, Pizza Hut)</b>	<b>Item No.</b> <b>D-4</b>

Applications have been received from 4 Brothers Bar & Grill for renewal of their Class C Liquor License and from the Pizza Hut for renewal of their Class B Beer Permit. Papers are in order. Approved by Police and Fire Chiefs.

**COUNCIL ACTION REQUESTED**

Motion (approving) (denying) renewal of Class C Liquor License to 4 Brothers Bar & Grill and Class B Beer Permit to Pizza Hut.

(No Roll Call)

**CITY OF LE MARS, IOWA**

<b>Consent</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>Date:</b> <b>December 20, 2011</b>
	<b>Description:</b> <b>Commercial Solid Waste Collection Licenses</b>	<b>Item No.</b> <b>D-5</b>

**Information:**

The four (4) commercial haulers have requested to continue in 2012 as licensed haulers and will pay the License Fee of \$525.00 (subject to Council review) and provide their bond and certificate of insurance.

**Staff Recommendation:**

Staff recommends approval.

**COUNCIL ACTION REQUESTED**

Motion (approving) (denying) Commercial Solid Waste Collection Licenses for 2012 to Gill Hauling, Orange City Sanitation, Waste Management and Van's Sanitation.

(No Roll Call)

**CITY OF LE MARS, IOWA**

<b>Consent</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>Date: December 20, 2011</b>
	<b>Description: Public Works Equipment Lease</b>	<b>Item No. D-6</b>

**Information:**

In April 2010, we took delivery of a 2010 CASE 721E Loader from Titan Equipment. This loader was funded as a six year lease to purchase. We have now been approached by Titan to trade this 2010 Loader for a new 2011 model 721F. We would be allowed \$74,709 trade-in and a \$50,000 government discount on the new loader. If approved, the new loader would be handled as a new six year lease to own contract. We would be financing \$95,291 over the term at a rate of 3.214%.

**Financial Impact:**

The existing lease payment for FY 12 is already part of the approved budget. The new lease payment would be about \$1,500 less per year and would be budgeted accordingly in future years. The new lease would mature in April 2017, one year later than the existing lease.

**COUNCIL ACTION REQUESTED**

Motion approving a six year lease with Titan for a new loader.

(No Roll Call)

## CITY OF LE MARS, IOWA

<b>Action</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>Date:</b> <b>December 20, 2011</b>
	<b>Description:</b> <b>Water Rate Ordinance</b>	<b>Item No.</b> <b>E-1</b>

### **Information:**

At its December 6, 2011 meeting the Council approved the first reading of Ordinance 896 "as amended" regarding water rates. The Water Committee was asked to review the elimination of private meters. They conducted a Public Forum on December 1, 2011 which was well attended. All parties seem to feel elimination of private meters is necessary; however, some form of a two (2) meter system was recommended. Additional discussion and public input was heard at the December 6<sup>th</sup> Council Meeting. Other criteria was determined as follows:

- Plumbing in Series not allowed
- Plumbing must be in Parallel
- Either one service with two (2) meters  
OR two (2) services with two (2) meters
- All equipment must be properly sized
- All codes and laws must be met
- City own and maintain all meters

Property owner requesting second meter would need to pay for said meter. Second meter would be read and billed May through September, only. Details of procedures and methods of billing would be established by written Administrative Policy (not by Ordinance). Attached is an Ordinance and Draft 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. We anticipate the second reading on December 20<sup>th</sup> and the third reading on January 3<sup>rd</sup> with the effective date of January 3<sup>rd</sup>.

### **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 second reading of Ordinance No. 896 as amended - revising Water Rates and Charges.  
(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 \_\_\_\_\_, 2011.

ATTEST:

\_\_\_\_\_  
Dick Kirchoff, Mayor

\_\_\_\_\_  
Beverly Langel, City Clerk

**CITY OF LE MARS, IOWA**

<b>Action</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>Date:</b> <b>December 20, 2011</b>
	<b>Description:</b> <b>Dogwood Properties LLC Development Agreement</b>	<b>Item No.</b> <b>E-2</b>

**Information:**

Attached is a draft of a Development Agreement with Dogwood Properties LLC as negotiated by Mayor, Code Enforcement and Administration.

Staff will be available to review and discuss with Council at the meeting.

**Staff Recommendation:**

Mayor, Code and Administration recommend Council approval.

**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 (or with amendments).

(No Roll Call)

**CITY OF LE MARS, IOWA**

<b>Action</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>Date: December 20, 2011</b>
	<b>Description: National Electrical Code (NEC)</b>	<b>Item No. E-3</b>

**Information:**

The State of Iowa recently adopted the National Electrical Code, 2011 Edition and it will go into effect January 1, 2012 state wide.

**Staff Recommendation:**

To stay current with the State it is recommended that the Council begin the process to revise the City Code of Ordinances.

Council establish Public Hearing	December 20, 2011
Public Hearing – Ordinance Change 1 <sup>st</sup> Reading	January 3, 2012
Ordinance Change – 2 <sup>nd</sup> Reading	January 17, 2012
Ordinance Change – 3 <sup>rd</sup> Reading	February 7, 2012

**COUNCIL ACTION REQUESTED**

Motion to declare City intent to change City Ordinance regarding “Technical Codes Adopted by Reference,” Chapter 155 from the NEC, 2008 Edition to the NEC 2011 Edition, and establishing January 3, 2012 at 12:00 PM as the date and time for public hearing.

(No Roll Call)

**CITY OF LE MARS, IOWA**

<b>Action</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>Date:</b> <b>December 20, 2011</b>
	<b>Description:</b> <b>Dog and Cat Ordinance</b>	<b>Item No.</b> <b>E-4</b>

**Information:**

In November of 2008 the Le Mars City Council adopted Ordinance 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 and need to determine if it should continue. The success of the program has been mixed.

The two stated goals of the program were 1) re-unite pet owners with their pets; 2) raise funds to provide for a contracted animal control person. According to the vets and the police the tag system may have helped get some pets back to their owners but the number attributable solely to the tags is minimal. The amount of funds raised by the sale of animal tags was \$9,000 in the first year (2009), \$3,500 in the second year (2010), and \$2,000 in this the third year (2011). Funds raised were not used to hire an animal control person as the need did not seem to be there. Approximately, \$1,000 was used each year to fund the cost of boarding stray animal which were picked up by the Police and taken to the vet clinics. The balance of funds raised through tag sales became part of the General Fund balance.

The local veterinarians do not feel the program should be continued as it has been over the last three years. The Police Chief indicates that animal control (non-vicious) is a low priority item. He also feels that there is not enough need or enough hours to justify even a part animal control person. Animal fines have remained at the same level as before licensing began. This amounts to about \$1,000 per year which is enough to pay for boarding and handling stray animal.

It is now time to reorder tags and begin an all-out effort to enforce the program or decide if the program is not providing the service hoped and then change or discontinue the program.

**Staff Recommendation:**

The original Committee is divided as to the correct future for this program and is looking to Council for direction.

**Financial Impact:**

The revenue generated by the licensing currently covers any costs of boarding strays and contributes to the overall General Fund balance.

**COUNCIL ACTION REQUESTED**

Motion to approve the first reading of Ordinance No. \_\_\_\_\_ to discontinue the licensing of dogs and cats and rescind Ordinance No. 876.

(Roll Call)      or

Motion to change the enforcement procedure of the current licensing of dogs and cats to

\_\_\_\_\_  
(No Roll Call)

