September 8th, 2015 Atkins, Iowa

Council met in regular session. Members present were: Weston Bishop, Tim Harbach, Kevin Korsmo, Nathan Shepard and Mayor Becker. Absent: Diane Herman. Mayor Becker called the meeting to order at 7:30 pm. Also present: Amber Bell, City Clerk/Treasurer; DaShawn Wilson, Deputy Clerk, Mike Jennings, Public Works Director, resident Rodney Haerther, resident Mr. and Mrs. Meyer, and resident Rodger Stein.

Harbach made a motion, second by Shepard, to approve the Consent Agenda which consisted of the minutes from August 17th, 2015 and list of bills for approval. Ayes: Bishop, Shepard, Harbach and Korsmo. Nay: None. Motion carried.

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| **Bills to Approve** |  |  |  |  |  |  |  |  |  |
| Amber Bell | Wages (through September 5th, 2015) |  $ 3,158.56  |  |  |  |  |  |  |  |  |  |
| Mike Jennings | Wages (through September 5th, 2015) |  $ 3,236.98  |  |  |  |  |  |  |  |  |  |
| Todd Damon | Wages (through September 5th, 2015) |  $ 2,529.52  |  |  |  |  |  |  |  |  |  |
| Richard Lange | Wages (through September 5th, 2015) |  $ 34.55  |  |  |  |  |  |  |  |  |  |
| Melissa Rammelsberg | Wages (through September 5th, 2015) |  $ 234.42  |  |  |  |  |  |  |  |  |  |
| Da Shawn Wilson | Wages (through September 5th, 2015) |  $ 766.48  |  |  |  |  |  |  |  |  |  |
| Jerry Michael | Building Inspections |  $ 90.24  |  |  |  |  |  |  |  |  |  |
| Lucas Maloney | Electrical Inspections |  $ 133.06  |  |  |  |  |  |  |  |  |  |
| Amber Bell | Health Insurance |  $ 267.10  |  |  |  |  |  |  |  |  |  |
| Mike Jennings | Health Insurance |  $ 173.40  |  |  |  |  |  |  |  |  |  |
| A - Tech | Fire Department - Fire Monitoring Fees |  $ 60.00  |  |  |  |  |  |  |  |  |  |
| Altorfer Inc. | Kohler 400REOZZ |  $ 1,468.00  |  |  |  |  |  |  |  |  |  |
| Altorfer Inc. | D100P1 |  $ 1,468.00  |  |  |  |  |  |  |  |  |  |
| Alliant Energy | Utilities |  $ 5,804.26  |  |  |  |  |  |  |  |  |  |
| Alliant Energy | Fire Department Utilities |  $ 158.02  |  |  |  |  |  |  |  |  |  |
| Atkins Lumber | Fork Lift Rental |  $ 33.29  |  |  |  |  |  |  |  |  |  |
| Atkins Lumber | Road Use Supplies |  $ 26.54  |  |  |  |  |  |  |  |  |  |
| Atkins Telephone | Fire Department |  $ 133.01  |  |  |  |  |  |  |  |  |  |
| Atkins Telephone | City of Atkins Phone and Internet |  $ 277.60  |  |  |  |  |  |  |  |  |  |
| Benton County Auditor | Law Enforcement Wages through Sept 2015 |  $ 5,265.00  |  |  |  |  |  |  |  |  |  |
| Benton County Solid Waste Commission | 1st Quarter per Capita |  $ 13,777.50  |  |  |  |  |  |  |  |  |  |
| Benton County Solid Waste Commission | City Gate Fees |  $ 1,028.49  |  |  |  |  |  |  |  |  |  |
| Cedar Valley Humane Society | Stray Animal |  $ 130.00  |  |  |  |  |  |  |  |  |  $ 232,297.31  |
| Dean Haerther Farms | 4" Tiling |  $ 218.90  |  |  |  |  |  |  |  |  |  |
| Furler Utility Service LLC | Water Treatment |  $ 360.00  |  |  |  |  |  |  |  |  |  |
| Federal Tax Payment | July 2015 |  $ 5,575.30  |  |  |  |  |  |  |  |  |  |
| Federal Tax Payment | August 2015 |  $ 3,584.21  |  |  |  |  |  |  |  |  |  |
| G & H Electric | Work on Air Conditioner at Water Plant |  $ 794.05  |  |  |  |  |  |  |  |  |  |
| Garbage Tag Reimbursement | Garbage Tag Reimbursement |  $ 143.20  |  |  |  |  |  |  |  |  |  |
| Keystone | Water Testing |  $ 526.48  |  |  |  |  |  |  |  |  |  |
| Hawkins | Water Treatment |  $ 1,604.57  |  |  |  |  |  |  |  |  |  |
| Hawkins | Water Treatment |  $ 9,650.23  |  |  |  |  |  |  |  |  |  |
| Hawkins | Water Treatment |  $ 1,707.00  |  |  |  |  |  |  |  |  |  |
| IPERS | Pension Payment for July 2015 |  $ 3,364.71  |  |  |  |  |  |  |  |  |  |
| IPERS | Pension Payment for Aug 2015 |  $ 2,553.88  |  |  |  |  |  |  |  |  |  |
| Kirkwood Community College | Fire Dept Training |  $ 160.00  |  |  |  |  |  |  |  |  |  |
| LL Pelling Co | Fire Dept Parking Lot Repair |  $ 7,454.00  |  |  |  |  |  |  |  |  |  |
| LL Pelling Co | City of Atkins Road Repair/Resurfacing |  $ 110,936.90  |  |  |  |  |  |  |  |  |  |
| Linn County Rural Electric Cooperative | Sewer utilities |  $ 401.95  |  |  |  |  |  |  |  |  |  |
| Marco | Quarterly Copier Services |  $ 171.21  |  |  |  |  |  |  |  |  |  |
| Schimberg | Water Meter Supplies |  $ 148.32  |  |  |  |  |  |  |  |  |  |
| Snyder & Associates. Inc. | Parkridge Road Sidewalk |  $ 4,252.43  |  |  |  |  |  |  |  |  |  |
| Snyder & Associates. Inc. | General Engineering 2015 |  $ 530.03  |  |  |  |  |  |  |  |  |  |
| Snyder & Associates. Inc. | WWTP Improvements |  $ 25,320.00  |  |  |  |  |  |  |  |  |  |
| Waste Management | Watermelon Days |  $ 484.19  |  |  |  |  |  |  |  |  |  |
| Waste Management | Garbage pick up |  $ 8,947.95  |  |  |  |  |  |  |  |  |  |
| **Library** |   |   |  |  |  |  |  |  |  |  |  |
| Cathy Becker | Wages (through September 5th, 2015) | 2080.52 |  |  |  |  |  |  |  |  |  |
| Vicky Myers | Wages (through September 5th, 2015) |  $ 106.41  |  |  |  |  |  |  |  |  |  |
| Atkins Telephone | Phone + Internet |  $ 66.46  |  |  |  |  |  |  |  |  |  |
| Alliant Energy | Utilities |  $ 515.39  |  |  |  |  |  |  |  |  |  |
| DP Properties | Janitorial Services through 9/6/2015 |  $ 360.00  |  |  |  |  |  |  |  |  |  |
| Iowa Continuing Education  | Town Meetings Class |  $ 25.00  |  |  |  |  |  |  |  |  |  |

The council discussed the liquor license renewal for Bobby T’s and Atkins Family Pharmacy. Motion made by Bishop to approve the Liquor license renewal. The motion was seconded by Harbach. Ayes: Bishop, Shepard, Harbach and Korsmo. Nay: None. Motion carried.

Discuss the Atkins Emergency Mitigation Plan. Each council member received a copy of the Atkins Emergency Mitigation Plan. This was for informational purposes for the city council. The Fire Department is working on updating this plan and will send along a new plan when it is available. If there are any questions on the Atkins Emergency Mitigation Plan they can by directed to the Fire Department.

The Council Discussed an inquiry from Rodney Haerther located at 416 Prairie Hill Drive. Haerther is asking the council if he would be able to put concreate in the space between the sidewalk and the street. The purpose for doing this is so that he can use it for additional parking. Haerther stated that he would rather use this area for additional parking instead of widening his driveway. Harbach stated that we have to consider a lot of things before letting Haerther do this as it would set precedence for others who may wish to do the same. Haether stated that he thought the area was approximately 12’ by 30’ south of his property line. This would leave plenty of space to park without blocking the sidewalk or street. Harbach asked about the snow plows and the snow piling up in the winter. Haerther stated that the snow removal for this portion would be his responsivity, just like any other resident. Bishop stated that in most parts of town this area is grass. Korsmo asked if there was a car parked in the area and another car parked on the street would they be parked two wide? Haether stated that they could be. Korsmo stated that some of the chip and seal streets do have parking areas next to the street for additional parking. Korsmo also pointed out that this is a curb and gutter street. Jennings stated that on Haerther’s side of the street there is no water main underground, however there is on the other side of the street. Would we allow someone to do the same over a water main? If so the city may have to tear it up if the city needed access to the water main. Haether stated that we may also want to set a precedence to the length of the parking space. Mayer Becker stated that the city would have to set up ordinances about what can and cannot be parked on these types of spaces. Harbach mentioned that a resident had a horse trailer and would we allow that in this type of spot. Harbach stated that we would need enforceable policies. Mayer Becker stated that he is not opposed to letting this be paved but maybe have rules to how much can be paved verse staying grass. Haether then stated that if he wished he could pave the whole front yard, and it would still be compliance with city code. Haether stated that this is safer because he would not have to backup into the spot and that he would exist through his driveway. Bishop made that motion to table the discussion until the next city council meeting. Korsmo asked if we knew what other cities have done. Korsmo also stated that he would like to run it through our city engineer. Bishop stated that he would like to see the layout of the area is being talked about. Harbach seconded the motion made by Bishop to table this discussion until next city council meeting. . Ayes: Bishop, Shepard, Harbach and Korsmo. Nay: None. Motion carried.

The council opens the discussion about updates on 74 2nd st. Bell updated the council by letting them know that the property is now for sale for $2,500.00. This property was for sales for $7,900.00. The drop in price has renewed interest for this property. Bell has gotten many calls inquiring about the property. Korsmo stated that he had also received multiple calls as well. Becker asked the council if the city could approach the Board of Adjustments about the options for this property. Many people seem to be interested in this property in hopes of using the land for a garage or storage shed. The lot is currently zoned residential and is grandfathered in. If the home is demolished no permanent structures could be built. The city does not want to take on the cost of demolishing it. Becker Mayor stated that there are different setbacks for different parts of town. Bishop stated that in Cedar Rapids you can ask the Board of Adjustments for a variance, but you are not able to until you purchase the property first. Bishop also stated that he would like to help any way he can to move this property. Bishop stated that it would make a very nice hobby shop for someone. Becker stated that there is great access and you could exit off of Railroad Street. Harbach made a motion to have Becker present ideas to the Planning and Zoning Commission and to talk to the Board of Adjustments. Korsmo seconded the motion. Ayes: Bishop, Shepard, Harbach and Korsmo. Nay: None. Motion carried.

The council opened up discussion on the list of properties that are in violation of putting permanent structures on city property. Mr. and Mrs. Meyer were in attendance and stated that they purchased their home for sale by owner. This home had previously been owned by Harbach. Harbach stated that unfortunately the owners don’t always disclose or fully know where the actual property lines are. Mr. Meyer asked the council if there was any way they would consider selling, leasing and or renting the parcel from the city. There is currently a shed and swing set on this piece of land. Bishop stated that the Planning and Zoning Commission has plans to put a park, walking trails and biking trails in that area. Becker stated that in his personal opinion the city should not sell the land because it could be used for trails at a later time. Waterways run through town and many cities use them for trails because they do not take much land. The Meyers then proceeded to hand out pictures to the city council of the yard and city land being discussed. Mr. Meyer stated that the land they have structures are not by the waterway and the city would still have plenty of room to build any type of park they want. Mr. Meyer stated that Jennings had come out and was able to locate of the property pins and showed in the pictures. Harbach stated that it is not always in the best interest of the home owner or realtor to disclose the property line. Mr. Meyer stated that no one from the public has ever gone on or near the land. Harbach stated that if we were to lease the land that the liability would be on the home owner. Mr. Meyer pointed out that having a fire pit on city property could be a big liability as well. Shepard asked the homeowners if they would check into their insurance to see if they would cover leased property. Haether stated that there are many examples of insurance covering rented/leased property. Harbach stated that we can’t really allow them to keep the structures on city property until the city is able to research and consult attorneys about creating a leasing program. Harbach stated that this process could be a long one, and longer than the time they have to move the structures. Mr. Meyer stated that they had not gotten a letter in the mail. Bell stated that a letter was mailed out on Aug 29th and that she put the date of Oct 1st 2015 on the letter to have the item moved. The council will review the finding from the attorney and review of the possible. There is also a city council meeting on Oct 5th 2015 as well. Becker stated that the city is willing to work with you but be aware that you may still need to move the structures. Bell is to look into and consult with the attorney’s before the next council meeting. Harbach made motion to look into the leasing possibilities for the city and to revisit this discussion and any new information at the next council meeting. Bishop seconded this motion. Ayes: Bishop, Shepard, Harbach and Korsmo. Nay: None. Motion carried.

Council discussed resolution #639 to update signature on ACH to remove the former Deputy Clerk

A motion was made by Korsmo and seconded by Shepard. Ayes: Bishop, Shepard, Harbach and Korsmo. Nay: None. Motion carried.

Council discussed resolution #640 to allow Deputy Clerk to sign checks for the City of Atkins.

A motion was made by Bishop and seconded by Harbach. Ayes: Bishop, Shepard, Harbach and Korsmo. Nay: None. Motion carried.

Council discussed resolution #641 to allow Deputy Clerk to check the Safety Deposit Box for the City of Atkins. A motion was made by Korsmo and seconded by Shepard. Ayes: Bishop, Shepard, Harbach and Korsmo. Nay: None. Motion carried.

Bell asked the council if the city could set the dates for the fall Atkins clean up days. The dates will be October 8, 9 and 10th 2015.

Herman joined the meeting at 8:45 pm and stated that she had some complaints about 1st Ave feeling like a washboard after it had been resurfaced. Haether stated that it should get better on its own.

Jennings stated that the city hall building has had a couple incidents. Last week Jennings saw some kids hanging out behind the city hall building. He noticed that the caps to the sewer cleanout had been removed and were in the grass. Jennings then replaced them. Later that week the drain pipes backed up in the city hall/library. Jennings found rocks had been thrown in the cleanout. Jennings removed the rocks and was able to fix the backup issue. Jennings asked the city council if a fence could be placed in the back of city hall to prevent anyone from accessing the city hall mechanics behind the building. Korsmo agreed that it was a good idea. Herman agreed that the city would rather pay for a fence then repairs. Jennings thought that kids may be hanging out behind the building to get free internet. Shepard asked if we should password protect the internet access. Herman stated that the password must be publicly posted, did not think it would help. Becker stated that he thought they were just kids trying to get away from home. Bishop stated that Atkins has had problems on Railroad St.

Bishop let the council know that some of the counties in Iowa are changing the rules on ATV’s. Some of the cities are now allowing them in town and creating ordinances. Korsmo stated that creating ordinances would give the city a way to make having ATV’s in town safer.

On motion by Harbach, second by Korsmo, council voted to adjourn. Ayes: Bishop, Harbach, Herman, and\Korsmo. Nay: None. Motion carried. The next regular council meeting will be on Monday, Septenber 21, 2015 at City Hall, 480 3rd Avenue, starting at 7:30 PM.

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 Mayor David Becker

ATTEST: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

###  Amber Bell,

### City Clerk/ Treasurer