

**Legal Publication**  
**Fort Dodge City Council Minutes for May 12, 2014**

Mayor Bemrich called meeting to order at 6:00 p.m. Present: Council Members: David Flattery (via telephone), Jeffrey Halter, Don Wilson, Andy Fritz, Kim Alstott, Terry Moehnke and Dean Hill (via telephone).

Moved by Fritz to approve the agenda for this meeting. Motion seconded by Wilson. Aye: 7. Nay: 0. Motion carried.

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 10th Avenue North Sanitary Sewer Improvements to the City of Fort Dodge, Iowa. Mayor Bemrich asked for comments, written or oral. There being none, he declared the hearing closed.

City Clerk Nemmers introduced Resolution No. 14-05-119 Approving Plans and Specifications, Form of Contract and Estimate of Cost for the 10th Avenue North Sanitary Sewer Improvements for the City of Fort Dodge, Iowa. Council Member Flattery moved to adopt Resolution No. 14-05-119 as introduced. Motion seconded by Fritz. On roll call, the vote was: Aye: 7. Nay: 0. Resolution was adopted.

City Clerk Nemmers introduced Resolution No. 14-05-120 Awarding Contract for the 10th Avenue North Sanitary Sewer Improvements for the City of Fort Dodge, Iowa. Council Member Flattery moved to adopt Resolution No. 14-05-120 as introduced and to accept bid in the amount of \$1,427,470.00 from Wicks Construction. Motion seconded by Hill. On roll call, the vote was: Aye: 7. Nay: 0. Resolution was adopted.

Mayor Bemrich announced that this is the time and place for a public hearing to consider the disposal of the following property: Lots Four (4), Five (5) and Six (6) of Block Seven (7), Riverview Heights Second Addition in the Northeast Quarter, Section Twenty-four (24), Township Eighty-nine (89), Range Twenty-nine (29) West of the 5<sup>th</sup> P.M., also known as Lots Nos. Four (4), Five (5), Six (6), Seven (7) and Eight (8), in Block No. Seven (7), in Riverview Heights Second Addition to Fort Dodge, Iowa (617 Amvets Drive). Mayor Bemrich asked for comments, written or oral. Mayor Bemrich announced that Webster County Improvement Corporation may apply for a conservation easement to protect the Lizard Creek water trail corridor. Mayor read a letter from Mark & Celia Taylor, 100 5th Street NW, pleased that their offer to purchase accomplished interest in the western part of Fort Dodge and the importance of Lizard Creek and the City's Riverfront Master Plan. If Lizard Creek Valley is cleaned and designated as a State Nature Preserve, permanently eliminating any future private ownership, they would withdraw their offer to purchase. City Clerk Nemmers reported that written comments were received from the following property owners concerned or objecting to the disposal because of water trail access: Nate Hoogeveen, IDNR; Greg, Liz & Katherine Soenen of Goldfield, Iowa; Matt Cosgrove, Webster Co. Conservation; Amy Bruno, 801 Forest Avenue; Mike Johnson, 2989 15th Avenue NE; John Metier, Metier Water Treatment; Jim Dodd, 2248 K Road, Humboldt, Iowa; and Brian Zeka, 3167 Nelson Avenue.

Clark Fletcher, 1785 Madison Avenue, objected to the disposal and would like the trail preserved. Council Member Wilson encouraged Webster County to help with the clean up. Council Member Alstott sent an email to the IDNR requesting they clean up their portion of the land.

There being no further comments, the Mayor declared the hearing closed.

City Clerk Nemmers introduce Resolution No. 14-05-121 Approving the Offering of Property for Sale and Method of Selecting a Developer following Public Hearing. Council Member Wilson moved to adopt Resolution. Motion seconded by Fritz. Council Member Wilson moved to amend motion to table Resolution No. 14-05-121 as introduced. Motion seconded by Fritz. On roll call, the vote was: Aye: 6. Nay: Moehnke. Motion carried.

Mayor Bemrich announced that this is the time and place for a public to consider an ordinance amendment regarding the City of Fort Dodge Buildings and Construction Appeals Board Ordinance. Mayor Bemrich asked for comments, written or oral. Mike Bradley, 230 Avenue D, inquired about codes. There being no further comments, the Mayor declared the hearing closed.

City Clerk Nemmers introduced first consideration of Ordinance No. 2203, an Ordinance Amending Ordinance No. 1621, an Ordinance Amending the Jurisdiction of the Buildings and Construction Appeals Board of City of Fort Dodge, Iowa. Council Member Wilson moved to pass on first consideration Ordinance No. 2203 as introduced. Motion seconded by Halter. On roll call, the vote was: Aye: 7. Nay: 0. Ordinance No. 2203 passed on first consideration.

Mayor Bemrich announced that this is the time and place for a public hearing to consider an ordinance amendment regarding the City of Fort Dodge Rental Housing Inspection Ordinance. Mayor Bemrich asked for comments, written or oral. There being none, he declared the hearing closed.

City Clerk Nemmers introduced first consideration of Ordinance No. 2204, an Ordinance Adopting Enforcement Procedures, Inspection Schedules, Inspection Fee Schedules, Penalties and Remedies; in Amendment and Supplement to the International Property Maintenance Code as Currently Adopted by the City of Fort Dodge, Iowa. Council Member Wilson moved to pass on first consideration Ordinance No. 2204 as introduced. Motion seconded by Alstott. On roll call, the vote was: Aye: 7. Nay: 0. Ordinance No. 2204 passed on first consideration.

Mayor Bemrich announced that this is the time and place for a public hearing to consider adopting the following Ordinances: "City of Fort Dodge, Iowa Plumbing Code", "City of Fort Dodge, Iowa, Building Ordinance", "City of Fort Dodge, Iowa Mechanical Ordinance", "City of Fort Dodge, Iowa Fire Prevention Code", "City of Fort Dodge, Iowa Electrical Code", "City of Fort Dodge, Iowa Fuel and Gas Code", and "City of Fort Dodge, Iowa Property Maintenance Code". Mayor Bemrich asked for comments, written or oral. Wayne Wrench, 123 2nd Street NW, supported proposed codes and presented a poster of his neighbor's junk yard and hoped the City would enforce the nuisance after adopting the new codes. Mayor requested that staff confirm neighbor has garbage collection as required by code. Leanne Eldridge, 819 6th Avenue North, supported the property maintenance code and asked the City to enforce her neighbor's hording.

There being no further comments, the Mayor declared the hearing closed.

City Clerk Nemmers introduced first consideration of Ordinance No. 2205, an Ordinance to Adopt a Complete Building Code; to Provide Minimum Standards for the Safeguarding of Life or Limb, Health Property, and Public Welfare by Regulating and Controlling the Design, Construction, Quality of Material, Use and Occupancy, Location and Maintenance of All Buildings and Structures within the City of Fort Dodge, Iowa and Certain Equipment Specifically Regulated Therein; to Provide for the Issuance of Permits for the Inspection of Buildings, the Registration of Building Contractors, the Collection of Fees; to Provide for the Repeal of Ordinances in Conflict Herewith and to Provide for Penalties for the Violation Hereof. Council Member Wilson moved to pass on first consideration Ordinance No. 2205 as introduced. Motion seconded by Fritz. On roll call, the vote was: Aye: 7. Nay: 0. Ordinance No. 2205 passed on first consideration.

City Clerk Nemmers introduced first consideration of Ordinance No. 2206, an Ordinance to Adopt by Reference a Complete Electrical Code Regulating the Practice, Materials and Fixtures used in the Installation, Maintenance, Extension and Alteration of all Wiring, Fixtures, Appliances and Appurtenances in Connection with Various Electrical Systems, to Provide for the Appointment of an Electrical Inspector, the Issuance of Permits for Electrical Installation and the Collection of Fees, to Establish an Electrical Appeal Board and to Provide Penalties for Violations. Council Member Wilson moved to pass on first consideration Ordinance No. 2206 as introduced. Motion seconded by Fritz. On roll call, the vote was: Aye: 7. Nay: 0. Ordinance No. 2206 passed on first consideration.

City Clerk Nemmers introduced first consideration of Ordinance No. 2207, an Ordinance to Adopt a Complete Fire Prevention Code; to Prescribe Regulations Consistent with Nationally Recognized Good Practice for the Safeguarding to a Reasonable Degree of Life and Property from the Hazards of Fire and Explosion Arising from the Storage, Handling and Use of Hazardous Substances, Materials and Devices and Conditions Hazardous to Life or Property in the Use or Occupancy of Buildings or Premises; Repealing Ordinances in Conflict Therewith and Providing Penalties for the Violation Thereof. Council Member Wilson moved to pass on first consideration Ordinance No. 2207 as introduced. Motion seconded by Alstott. On roll call, the vote was: Aye: 7. Nay: 0. Ordinance No. 2207 passed on first consideration.

City Clerk Nemmers introduced first consideration of Ordinance No. 2208, an Ordinance to Adopt a Complete Mechanical Code Regulating the Practice, Materials, Equipment and Appliances used in the Design, Construction, Installation, Quality of Materials, Location, Operation and Maintenance or Use of Heating, Ventilating, Cooling, Hydronics, and Refrigeration Systems, Incinerators and Other Miscellaneous Heat Producing Appliances Requiring a Permit Hereunder; to Provide for the Issuance of Permits for the Inspection of Mechanical Systems; and the Collection of Fees Therefore and to Provide Penalties for the Violations Thereof. Council Member Wilson moved to pass on first consideration Ordinance No. 2208 as introduced. Motion seconded by Moehnke. On roll call, the vote was: Aye: 7. Nay: 0. Ordinance No. 2208 passed on first consideration.

City Clerk Nemmers introduced first consideration of Ordinance No. 2209, an Ordinance of the City of Fort Dodge Adopting the 2012 Edition of the International Property Maintenance Code, Regulating and Governing the Conditions and Maintenance of All Property, Buildings and Structures; by Providing the Standards for Supplied Utilities and Facilities and Other Physical Things and Conditions Essential to Ensure that Structures are Safe, Sanitary and Fit for Occupation and Use; and the Condemnation of Buildings and Structures unfit for Human Occupancy and Use, and the Demolition of such Existing Structures in the City of Fort Dodge; Providing for the Issuance of Permits and Collection of Fees Therefore; Repealing all other Ordinances and Parts of the Ordinances in Conflict Therewith. Council Member Wilson moved to pass on first consideration Ordinance No. 2209 as introduced. Motion seconded by Alstott. On roll call, the vote was: Aye: 7. Nay: 0. Ordinance No. 2209 passed on first consideration.

City Clerk Nemmers introduced first consideration of Ordinance No. 2210, an Ordinance to Adopt a Complete Plumbing Code Regulating the Practice, Materials, and Fixtures used in the Installation, Maintenance, Extension and Alteration of All Piping, Fixtures, Appliances and Appurtenances in Connection with Various Plumbing Systems; to Provide for the Issuance of Permits for an Inspection of Plumbing Installations and the Collection of Fees, and to Provide Penalties for Violations. Council Member Wilson moved to pass on first consideration Ordinance No. 2210 as introduced. Motion seconded by Fritz. On roll call, the vote was: Aye: 7. Nay: 0. Ordinance No. 2210 passed on first consideration.

Moved by Moehnke to approve Consent Agenda as follows:

- a. Approval of April 28, 2014 minutes.
- b. Approval of Accounts Payable listing for May 16, 2014.
- c. **Applications for License and Permits:**
  - Renewal/Liquor License: Hometown Bar & Deli, 816 1st Avenue South
  - Renewal/Liquor License: The Cellar Restaurant and Lounge, 368 Country Club Dr.
  - Renewal/Liquor License: Billiard & Spirits, 915 Central Avenue
  - Renewal/Retail Liquor License: Hy-Vee Drugstore, 214 South 25th Street
  - Renewal/Retail Liquor License: Hy-Vee Food Store, 115 South 29th Street
  - Renewal/Retail Liquor License: Wal-Mart Supercenter, 3036 1st Avenue South
  - Renewal/Retail Liquor License: Target Store, 2910 1st Avenue South
  - Renewal/Retail Liquor License: Kum & Go #87, 1601 5th Avenue South
  - Renewal/Retail Liquor License: Kum & Go #89, 115 North 22nd Street
  - Renewal/Retail Liquor License: New Star, 1923 5th Avenue South
- d. Invoice in the amount of \$10,000.00 from Webster County Auditor for quarterly rent for the Police Department at the Law Enforcement Center.

- e. Invoice in the amount of \$5,410.00 from U.S. Department of the Interior for maintenance agreement.
- f. Change Order No. 1 in the amount of \$9,654.50 and Pay Estimate No. 1 in the amount of \$30,306.72 from Iowa Plains Signing, Inc. for the 2013 Lane Stripping Project.
- g. Set date for a Public Hearing to consider proposed nuisance assessment for the period of February to March 2014.
  - Public Hearing: May 27, 2014 at 6:00 p.m.
- h. Resolution No. 14-05-122 Proposing the Disposal of an Interest in Real Estate and Setting a Hearing Date Thereon and Prescribing Notice.
  - Lots One, Two and Three, Jordan Well Addition to City of Fort Dodge, Iowa
  - Public Hearing: May 27, 2014 at 6:00 p.m.
- i. Resolution No. 14-05-123 Proposing the Disposal of an Interest in Real Estate and Setting a Hearing Date Thereon and Prescribing Notice.
  - Property in Rolling Hills Addition
  - Public Hearing: May 27, 2014 at 6:00 p.m.
- j. Resolution No. 14-05-124 Proposing the Disposal of an Interest in Real Estate and Setting a Hearing Date Thereon and Prescribing Notice.
  - City owned property adjacent to East Lawn Animal Hospital
  - Public Hearing: May 27, 2014 at 6:00 p.m.
- k. Resolution No. 14-05-125 Proposing the Disposal of an Interest in Real Estate and Setting a Hearing Date Thereon and Prescribing Notice.
  - City owned property adjacent to Josephson Manufacturing Company
- l. Resolution No. 14-05-126 Approving the Acquisition of an Interest in Real Property for the East Region Storm Sewer Project.
  - CNL APF Partners LP - \$4,781.15
- m. Resolution No. 14-05-127 Approving the Transfer of Real Estate Prior to Fulfillment of the Terms of the Memorandum of Understanding.
  - 1525 Avenue O
- n. Resolution No. 14-05-128 Accepting Agreement between City of Fort Dodge and Snyder & Associates, Inc. for Professional Services in Connection with the Project known as 2014 Traffic System Improvements Study.
  - Snyder & Associates - \$110,000.00
- o. Resolution No. 14-05-129 to Fix a Date for a Public Hearing on a Sewer Revenue Loan and Disbursement Agreement.
  - Public Hearing: May 27, 2014 at 6:00 p.m.
- p. Resolution No. 14-05-130 Setting Public Hearing on Amending City Budget for Fiscal Year 2014.
  - Public Hearing: May 27, 2014 at 6:00 p.m.
- q. Resolution No. 14-05-131 Authorizing the City to Enter into Agreement for Annexation with Property Owners desiring City Services.
  - James Sankey
  - James and Lois Sankey
- r. Bids received for Purchase and Installation of FCC Narrow Band Compliant Radios.
  - Electronic Engineering - \$22,747.19
- s. Bids received for Manhole Frames and Lids for Capital Improvement Projects.
  - Utility Equipment Company - \$13,804.66

Motion seconded by Alstott. On roll call, the vote was: Aye: 7. Nay: 0. Motion carried. Resolutions were adopted.

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

Council Member Alstott recognized that 22 volunteers from PICA received Volunteer Iowa Certificates of Appreciation for services of 50 hours or more.

## **End of Reports, etc.**

City Clerk Nemmers introduced second consideration of Ordinance No. 2202, an Ordinance Amending Ordinance No. 1489 of the Ordinances of the City of Fort Dodge, Iowa: the said Ordinance No. 1489 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 second consideration Ordinance No. 2202 as introduced. Motion seconded by Moehnke. On roll call, the vote was: Aye: 7. Nay: 0. Ordinance No. 2202 passed on second consideration.

City Clerk Nemmers introduced first consideration of Ordinance No. 2211, an Ordinance Amending Section 13.04.020 of the City of Fort Dodge Municipal Code Providing for Rates for Water and Rules and Regulations Thereof. Council Member Alstott moved to pass on first consideration Ordinance No. 2211 as introduced. Motion seconded by Fritz. Council Member Alstott reported that the proposed water rate would increase 1.5 percent over the next four years. On roll call, the vote was: Aye: 5. Nay: Wilson and Hill. Ordinance No. 2211 passed on first consideration.

City Clerk Nemmers introduced Resolution No. 14-05-132 Placing a Temporary Moratorium on Ordinance 2122, "An Ordinance Prohibiting the Burning of Solid Waste and Yard Waste within the City of Fort Dodge Providing Penalties for the Violation Thereof and Repeal of Ordinances in Conflict Herewith". Council Member Fritz moved to adopt Resolution No. 14-05-132 as introduced and set May 31, 2014 through June 8, 2014 as days to burn yard waste. Motion seconded by Alstott. Fire Chief Hulett reported on open burning calls and discouraged against burning presenting information from the American Lung Association. Mike Devine, 910 2nd Avenue No., requested the City allow burning for a few days in the spring and fall. Council Member Hill reminded citizens that burning complaints are still in effect during moratorium. On roll call, the vote was: Aye: 5. Nay: Halter and Fritz. Resolution was adopted.

Council Member Halter moved to approve Final Invoice in the amount of \$8,640.00 from Solid Waterslide for maintenance service for play features at Rosedale Rapids and Oleson Splashpad. Motion seconded by Alstott. On roll call, the vote was: Aye: 7. Nay: 0. Motion carried.

Council Member Flattery moved to approve Pay Estimate No. 18, Sub-final in the amount of \$621,418.55 and Certificate of Substantial Completion from Gridor Construction for the Waste Water System Improvements, North Central Ag Park Expansion, Phase D, Section 1. Motion seconded by Fritz. Austin Wolfe, McClure Engineering, reported on the punch list to be completed by June. On roll call, the vote was: Aye: 7. Nay: 0. Motion carried.

Council Member Flattery moved to approve Change Order No. 2 decreasing the contract in the amount of \$57,019.00 and Pay Estimate No. #11, Sub-final in the amount of \$21,041.00 from Woodruff Construction for the North Central Ag Park Expansion, Wastewater System Improvements 2011, Phase D: Wastewater Treatment, Section 2, Ag Park Pump Station Modifications, Screening Building and Alkalinity Building. Motion seconded by Fritz. On roll call, the vote was: Aye: 7. Nay: 0. Motion carried.

There being no further business to come before Council, Council Member Fritz moved for adjournment. Motion seconded by Alstott. Aye: 7. Nay: 0. Motion carried. Meeting adjourned at 7:05 p.m.

Jeff Nemmers, City Clerk