

TEMPLETON CITY COUNCIL  
DECEMBER 5, 2011  
7:00 P.M. – TEMPLETON CITY HALL

The Templeton City Council met on this fifth day of December 2011 at 7:00 o'clock p.m. at City Hall, Templeton, Iowa. The meeting was called to order by Mayor Behrens, and the roll was called showing the following named Council Members present and absent:

Present: Mary Lou Stevens, Dave Ramsey, Rick Hoffman, Mark Bauer, & Doyle Engelen  
Absent: None

Others in attendance: Mayor Ken Behrens, City Clerk Rhonda Schwaller, Public Works Director Dale Prebeck, Janice Wieland & Myron Daringer from JEO Consulting Group

Approval of Agenda: A motion was made by Stevens and seconded by Bauer to approve the agenda. All in favor, motion carried.

Mayor Behrens requested any comments or corrections to be made to the Consent Agenda. A motion was made by Hoffman and seconded by Ramsey to approve the Consent Agenda. All in favor, motion carried.

- Approved Minutes from November 7, 2011.
- Approved November 2011 Financial Review.
- Approved October 2011 Treasurer's Report.
  - \$ 88,511.51 revenue
  - \$ 29,978.05 expenditures
  - \$259,825.63 total cash & investments

FUND	RECEIPTS	DISBURSEMENTS
General	\$ 42,675.32	\$ 12,384.16
Road Use Tax	\$ 2,124.02	\$ 10,827.77
Employee Benefits	\$ 4,108.14	\$ 0.00
Local Option Tax	\$ 3,502.86	\$ 0.00
TIF	\$ 20,256.30	\$ 0.00
Debt Service	\$ 7,973.07	\$ 0.00
Water	\$ 4,718.10	\$ 5,272.70
Sewer	\$ 1,973.10	\$ 1,493.42
Certificate of Deposit	\$ 0.00	\$ 0.00
Fire Truck Fund	\$ 1,180.60	\$ 0.00
<b>Totals</b>	<b>\$ 88,511.51</b>	<b>\$ 29,978.05</b>

- Approval of the Claims for November 2011 as listed:

12296	Aspinwall Cooperative	111.72	gas
12297	Carroll Refuse Service	1,595.88	garbage collection
12298	Mid American Energy	669.94	utilities
12299	Raccoon Valley Electric Coop.	40.00	lagoon service
12300	Templeton Telephone Co.	68.74	telephone & internet service
12301	Dale Prebeck	1,345.24	payroll
12302	Dale Prebeck	483.00	insurance allowance
12303	Rhonda Schwaller	332.06	insurance allowance
12304	Manning Municipal Gas Dept.	100.86	utilities
12305	U.S. Cellular	49.61	cell phone
12306	West Central IA Rural Water	2,241.75	777,000 gallons used
12307	Dale Prebeck	1,345.23	payroll
12308	Postmaster	48.14	postage
12309	Rhonda Schwaller	1,700.79	payroll
12310	IPERS	822.15	retirement fund
ACH	Templeton Savings Bank	1,580.37	November 2011 941 tax pymt.
12311	Templeton Savings Bank	19,013.33	West Ridge princ. & int. pymt.
12312	Templeton Savings Bank	7,683.00	Industrial Road interest pymt.
12313	Central States Lab, Inc.	616.46	sewer lagoon treatment
12314	SafeChoice, Inc.	1,199.95	annual license agreement
12315	Manning Regional Health Center	87.75	Prebeck-random drug test

12316	Iowa Rural Water Association	200.00	2012 membership dues
12317	Daily Times Herald	80.50	2011 financial report publication
12318	Ryan Schagt Utility Bill	75.00	applied deposit to past due utility bill
12319	Carol Schoeppner	120.00	2011 internal financial review
12320	Don Irlbeck	75.00	2011 (3) gas board meetings
12321	Dale Prebeck	100.00	2011 (4) gas board meetings
12322	Rye Supply, Inc.	19.68	UPS charges for water samples
12323	Rasmussen Lumber Co.	24.03	plank for dump truck
12324	Mangold Environmental	46.00	wastewater samples
12325	Templeton Hardware, Inc.	48.11	misc. supplies
12326	Cardmember Service	381.22	safety harness

Citizen Forum: None

Oath of Office administered to Ken F. Behrens, Rhonda Schwaller, Doyle Engelen, David Ramsey, & Janice Wieland.

“I, Ken F. Behrens, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully and impartially, to the best of my ability, discharge all the duties of the office of Mayor in Templeton, as now and hereafter required by law.”

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Ken F. Behrens  
Mayor

Subscribed and sworn to before me this 5<sup>th</sup> day of December, 2011.

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Rhonda Schwaller  
City Clerk

“I, Rhonda Schwaller, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully and impartially, to the best of my ability, discharge all the duties of the office of City Clerk in Templeton, as now and hereafter required by law.”

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Rhonda Schwaller  
City Clerk

Subscribed and sworn to before me this 5<sup>th</sup> day of December, 2011.

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Ken F. Behrens  
Mayor

“I, Doyle Engelen, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully and impartially, to the best of my ability, discharge all the duties of the office of City Council in Templeton, as now and hereafter required by law.”

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Doyle Engelen  
Templeton City Council

Subscribed and sworn to before me this 5<sup>th</sup> day of December, 2011.

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Ken F. Behrens  
Mayor

“I, David Ramsey, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully and impartially, to the best of my ability, discharge all the duties of the office of City Council in Templeton, as now and hereafter required by law.”

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David Ramsey  
Templeton City Council

Subscribed and sworn to before me this 5<sup>th</sup> day of December, 2011.

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Ken F. Behrens  
Mayor

“I, Janice Wieland, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully and impartially, to the best of my ability, discharge all the duties of the office of City Council in Templeton, as now and hereafter required by law.”

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Janice Wieland  
Templeton City Council

Subscribed and sworn to before me this 5<sup>th</sup> day of December, 2011.

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Ken F. Behrens  
Mayor

Council examined preliminary plat and final plat for the T.A.D.C. 3<sup>rd</sup> Addition, City of Templeton, Carroll County, Iowa. City Clerk Schwaller informed the council the Planning & Zoning Commission met on Monday, December 5, 2011. The Planning & Zoning Commission recommendation to the council was to approve the preliminary plat and final plat for the T.A.D.C. 3<sup>rd</sup> Addition. Council Member Hoffman introduced and made a motion to approve Resolution #977-11 – a Resolution Approving the Preliminary Plat and Final Plat for the T.A.D.C. 3<sup>rd</sup> Addition, seconded by Stevens. Roll call taken:

Ayes: Hoffman, Ramsey, Stevens, Engelen, & Bauer  
Nays: None

Whereupon, the Mayor declared the resolution duly adopted, as hereinafter set out.

### **RESOLUTION #977-11**

#### **APPROVAL OF PRELIMINARY & FINAL PLAT**

**WHEREAS**, the Templeton Area Development Corporation, the owner of certain real estate described in a certain plat by them with the City Clerk of the City of Templeton, Iowa, known as the T.A.D.C. 3<sup>rd</sup> Addition, City of Templeton, Carroll County, Iowa.

**WHEREAS**, the said plat has been duly examined by the City Planning and Zoning Commission, which has approved the same on December 5, 2011, and found same to conform to the general plan of the City; and,

**WHEREAS**, said plan has been examined by the City Council and found to conform to the statutes relating to plats within the City, the streets conforming to the general plan of the City and conducive to the orderly development thereof, and the preliminary and final plats conforms to the ordinances of the City and falls within the general plan of the City of Templeton, Iowa, and is found to comply with Chapter 354 of the 2011 Code of Iowa.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Templeton, Iowa;

1. That the preliminary and final plat of the T.A.D.C. 3<sup>rd</sup> Addition to Templeton, Iowa, is found to conform to the law and is hereby approved and accepted.
2. It is further required that all easements and rights-of-way for the construction and maintenance of sewers, water mains, water facilities, power lines, gas lines and other public municipal utilities shall be furnished and granted to the City of Templeton, Iowa, when requested.
3. That an agreement between the owner and the City of Templeton, Iowa, wherein the terms and conditions of the preliminary and final plat are agreed to is filed with the City entitled "Development Agreement between the Templeton Area Development Corporation and the City of Templeton, Iowa for the T.A.D.C. Commercial/Industrial Development Park Phase III."
4. This Resolution shall be fully binding upon the owners, their assigns, purchasers or successors in interest.
5. The City of Templeton, Iowa does hereby accept the streets established the names thereof and does hereby dedicate them to public use.
6. The Mayor and City Clerk of the City of Templeton, Iowa, are hereby directed to certify this Resolution and cause the same to be affixed to the said plat as provided by law.

**ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF TEMPLETON, IOWA, this 5<sup>th</sup> day of December, 2011.**

CITY COUNCIL OF THE  
CITY OF TEMPLETON, IOWA

By: \_\_\_\_\_  
Ken F. Behrens, Mayor

ATTEST:

By: \_\_\_\_\_  
Rhonda Schwaller, City Clerk

**CERTIFICATE**

STATE OF IOWA

ss:

COUNTY OF CARROLL

We, Ken F. Behrens, Mayor, and Rhonda Schwaller, City Clerk of the City of Templeton, Iowa hereby certify that a meeting of the City Council of the City of Templeton, Iowa, held on the 5<sup>th</sup> day of December, 2011, the attached Resolution was adopted by the City Council of the City of Templeton, Iowa, approved by the Mayor, duly entered in the records of the City Council meeting of that date, and we further certify that the plat of the T.A.D.C. 3<sup>rd</sup> Addition to Templeton, Iowa, filed by the City of Templeton, is found to conform to the law as approved and accepted and we hereby certify this Resolution and cause the same to be affixed to the plat as provided by law.

CITY OF TEMPLETON, IOWA

By: \_\_\_\_\_  
Ken F. Behrens, Mayor

ATTEST:

By: \_\_\_\_\_  
Rhonda Schwaller, City Clerk

STATE OF IOWA, COUNTY OF CARROLL, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2011, the undersigned, a notary public in and for Carroll County, Iowa personally appeared Ken F. Behrens, Mayor, to me personally known, who being by me duly sworn, did say that he is the duly appointed qualified and acting Mayor of the City of Templeton, Carroll County, Iowa, and that said instrument was signed on behalf of the City of Templeton, Carroll County, Iowa, by the authority of the City Council of said City of Templeton, and that the said Ken F. Behrens, Mayor acknowledged the execution of said instrument to be the voluntary act and deed of said City of Templeton, Iowa and by him voluntarily executed for him and as said Mayor of the City of Templeton, Iowa. I further acknowledge that the said instrument was attested by Rhonda Schwaller, City Clerk of said City of Templeton, Iowa.

IN WITNESS WHEREOF, I have hereunto signed by name and affixed my notarial seal the day and year last above written.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

Council discussed final warranty letter dated November 30, 2011 from JEO Consulting Group regarding the 2008 T.A.D.C. 3<sup>rd</sup> Addition grading project constructed by Negus-Sons, Inc. which is now under the jurisdiction of the contractor's surety company, International Fidelity Company. The letter advised the city its two-year warranty period will expire on March 4, 2012. Council brought the following problems to Myron Daringer's attention:

- Low spot on north end of property. Mr. Daringer indicated he would send a letter International Fidelity Company.
- Lift station has about 13 feet of standing water in it. Mr. Daringer indicated he would send a letter to General Excavating.

Council also requested JEO Consulting Group set pins to surface in the T.A.D.C. 3<sup>rd</sup> Addition.

Council considered quotes for Phase I Environmental Site Assessment for the former Sacred Heart School at 230 S. 5<sup>th</sup> Avenue. Quotes received from the following companies:

- ATC Associates, Inc., Waterloo, Iowa – quote \$2,125
- Allender Butzke Engineers, Inc., Urbandale, Iowa – quote \$2,200
- Terracon Consultants, Inc., Des Moines, Iowa – quote \$2,150

Council Member Bauer introduced Resolution #978-11 and made a motion to award contract to Terracon Consultants, Inc. in the amount of \$2,150 for Phase I Environmental Site Assessment at the former Sacred Heart School at 230 S. 5<sup>th</sup> Avenue, seconded by Stevens. Clerk takes roll call.

Ayes: Stevens, Ramsey, Hoffman, Engelen, & Bauer

Nays: None

Whereupon, the Mayor declared the resolution duly adopted, as hereinafter set out.

**RESOLUTION NO. 978-11**

**RESOLUTION OF AWARD OF CONTRACT  
FOR PHASE I ENVIRONMENTAL SITE ASSESSMENT  
AT THE SACRED HEART SCHOOL, 230 S. 5<sup>TH</sup> AVENUE,  
TEMPLETON, IOWA**

**WHEREAS**, the Templeton City Council considered bids submitted for the Phase I Environmental Site Assessment at the Sacred Heart School at 230 S. 5<sup>th</sup> Avenue, Templeton, Iowa, approximately 3.89 acres of developed land; and

**WHEREAS**, the Phase I Environmental Site Assessment will conform to ASTM Practice E1527-05, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment* and the "All Appropriate Inquiry" requirements; and

**WHEREAS**, the objective of the Phase I Environmental Site Assessment is to determine if any recognized environmental conditions are associated with the project site through interviews, an on-site visual survey and a review of regulatory records and historical documents. This Phase I ESA does not include testing of soil, groundwater or building materials located at the project site; and

**WHEREAS**, the Council has given due deliberation and consideration to all bids received; and

**NOW THEREFORE, BE IT RESOLVED** that it is in the best interest of the city of Templeton to enter into a contract regarding the Phase I Environmental Site Assessment. The Mayor and the City Clerk are hereby authorized to enter into a contract and to award the contract to Terracon Consultants, Inc. in acceptance of their bid in the amount of \$2,150.00. Said Bid is Hereby Approved and Awarded on this 5th day of December 2011 and the Mayor and Clerk are hereby authorized to execute all appropriate documents to effectuate this Resolution.

Passed, approved and awarded by the City Council of the City of Templeton, Iowa this 5th day of December 2011.

CITY COUNCIL OF THE  
CITY OF TEMPLETON, IOWA

BY: \_\_\_\_\_  
Ken F. Behrens, Mayor

ATTEST:

BY: \_\_\_\_\_  
Rhonda Schwaller, City Clerk

Council recognized request from the Templeton Community Betterment Association for a 5-day Class "C" Liquor License with Sunday Sales. A motion was made by Hoffman and seconded by Ramsey to approve contingent upon receipt of dram shop insurance.

Ayes: Stevens, Ramsey, Hoffman, & Bauer  
Nays: None  
Abstained: Engelen – conflict TCBA board member.

Council discussed current TIF balance and estimated TIF collections and expenditures for fiscal year 2012/2013. No further action taken.

Council discussed city employees work performance, salaries, and benefits. Tabled.

Preliminary budget workshop conducted for possible projects for upcoming 2012/2013 budget year.

Maintenance Report by Dale Prebeck:

- Water & wastewater samples will be shipped to Mangold Environmental via UPS due to 36 hour receipt requirement.
- Received sample results from Mangold Environmental for sewer lagoon. Will be discharging cell #1.
- Repaired fuel filter on John Deere 7200 tractor.
- Will be burning brush pile, weather permitting.

Mayor's Report:

- Letter read from Congressman Steve King regarding staying in touch with his office & resources that may be available to our community.
- Appreciation clock presented to Council Member Mary Lou Stevens for 12 years of service on the council.

At 8:40 o'clock p.m. and with no further business before the council at that time, they agreed to adjourn. Bauer moved to adjourn and Hoffman seconded the motion. All voted aye, motion carried.

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Ken F. Behrens, Mayor

\_\_\_\_\_  
Rhonda Schwaller, City Clerk