

TEMPLETON CITY COUNCIL
JULY 2, 2012
7:00 P.M. – TEMPLETON CITY HALL

The Templeton City Council met on this second day of July 2012 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: Jan Wieland, 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, City Attorney Robert Peters, & Joe Lampe from Carroll Refuse

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

Council met with Joe Lampe from Carroll Refuse to discuss weight of garbage trucks on city streets and options available for picking up garbage. Joe informed the council they have a lighter 20 yard truck available and proposed Tuesday morning pick up versus Thursday morning pick up. A motion was made by Engelen and seconded by Hoffman to change garbage pick up to Tuesday mornings effective July 17, 2012 and implement using the lighter weight truck on city streets. All in favor, motion carried. Council requested City Clerk Schwaller notify residents of Templeton by mail regarding change. Council requested Memorandum of Understanding be written and signed by both parties setting forth change to original contract.

Council discussed the purchase of the former Sacred Heart School building and surrounding school property legally described as: Parcel A of the West Half of the Northeast Quarter (W ½ NE ¼) of Section Seventeen (17), Township Eighty-Two (82) North, Range Thirty-Five (35) West of the 5th P.M., in the City of Templeton, Carroll County, Iowa. Council Member Bauer introduced and made a motion to approve Resolution #989-12 – a Resolution authorizing and approving real estate purchase and authorization to sign real estate documents, seconded by Ramsey. Roll call taken:

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

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

RESOLUTION NO. 989-12

**RESOLUTION AUTHORIZING & APPROVING REAL ESTATE PURCHASE AND
AUTHORIZATION TO SIGN REAL ESTATE DOCUMENTS.**

WHEREAS, the City Council of the City of Templeton (City) has reached an Agreement with Seller, Sacred Heart Church, and deems it to be in the best interest of the City to purchase certain real estate property legally described as follows:

Parcel A of the West Half of the Northeast Quarter (W ½ NE 1/4) of Section Seventeen (17), Township Eighty-Two (82) North, Range Thirty-Five (35) West of the 5th P.M., in the City of Templeton, Carroll County, Iowa.

WHEREAS, the Sales & Perpetual Use Agreement (Agreement) and the Bill of Sale between Sacred Heart Church and the City of Templeton is attached as Exhibit "A" and Exhibit "B".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Templeton, Iowa, on this 2nd day of July, 2012 does hereby authorize and approve the acquisition of the above described real estate under the terms specified in attached Exhibits "A" and "B".

BE IT FURTHER RESOLVED that the Mayor and the City Clerk are hereby authorized to execute any closing documents on behalf of the City of Templeton and are hereby directed to proceed in accordance with the closing procedures to effectuate this real estate acquisition.

Passed and approved by the Templeton City Council this 2nd day of July, 2012.

CITY COUNCIL OF THE
CITY OF TEMPLETON, IOWA

By: _____
Ken F. Behrens, Mayor

ATTEST:

By: _____
Rhonda Schwaller, City Clerk

Council discussed what to name the former Sacred Heart School. Consensus of council was to name it the Templeton Community Center. Mayor Behrens or Council Member Hoffman will contact a lock smith to rekey doors.

Council discussed insurance coverage on the Templeton Community Center and surrounding property. A motion was made by Hoffman and seconded by Wieland authorizing Mayor Behrens to contact Manning Insurance Agency to extend insurance coverage on the Templeton Community Center and surrounding property as legally described as: Parcel A of the West Half of the Northeast Quarter (W ½ NE ¼) of Section Seventeen (17), Township Eighty-Two (82) North, Range Thirty-Five (35) West of the 5th P.M., in the City of Templeton, Carroll County, Iowa effective Thursday, July 5, 2012. All in favor, motion carried.

Council discussed the operation of the Templeton Community Center. Council recommended a notice be posted in the Sacred Heart Church bulletin, cable TV, Post Office, City Hall and also a notice mailed to the residents of Templeton indicating the City of Templeton is seeking applicants for a part-time contract employee position at the Templeton Community Center. Responsibilities would include cleaning and maintenance of the facility, taking reservations, opening and closing of the facility, and other responsibilities as they may arise. Salary based on qualifications. Application for employment will be posted on the city's website or applicants can pick up an application at City Hall. Completed applications should be returned by Friday, July 20, 2012 to the City of Templeton.

Council discussed letter received from resident at 303 S. 6th Avenue regarding high water usage for the month of May 2012 as a result of an outside faucet running. No action taken.

133 N. 5th Avenue, Templeton, Iowa property update:

1. Sheriff's sale on Tuesday, July 31, 2012 at 10:00 a.m. at the Carroll County Sheriff's Office.
2. Certified letter mailed to Jaimie M. & Ronna M. Vega and Attorney for Nationwide Advantage Mortgage Company requesting cooperation to correct violations of City of Templeton's Code of Ordinances.
 - Ordinance #57.02 Uniform Grass, Weeds, & Brush Height Specifications.
 - Ordinance #140.04 Duty to Trim Trees.
3. On Friday, June 29, 2012 Contractor John Kusel from KJ Field Services hired by Nationwide Advantage Mortgage Company contacted the city of Templeton regarding violations. Lawn was mowed by Mr. Kusel and he indicated he would trim trees.
4. A motion was made by Ramsey and seconded by Bauer declaring tree located at 133 N. 5th Avenue, Templeton, Iowa a visibility danger and a hazard to the public. All in favor, motion carried. Council requested City Clerk Schwaller send a certified letter to Jaimie M. & Ronna M. Vega, Nationwide Advantage Mortgage Company, Attorney for Nationwide Advantage Mortgage Company, and Carroll County Sheriff Doug Bass pursuant to the City of Templeton's Code of Ordinance #140.09 regarding removal of trees.
5. Council discussed quote dated June 26, 2012 from Larry Heithoff to remove tree on the corner of 5th Avenue and Railway Street and trim three (3) trees to the west. In the event Nationwide Advantage Mortgage Company does comply with violations City Clerk Schwaller is instructed to contact Larry Heithoff to proceed with work.
6. Council Member Bauer introduced and made a motion to approve Resolution #990-12 – a Resolution authorizing accessing a lien against certain real property located at 133 N. 5th Avenue, Templeton, Iowa, seconded by Hoffman. Roll call taken:
 - Ayes: Engelen, Bauer, Wieland, Hoffman, & Ramsey
 - Nays: None

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

Resolution #990-12

A RESOLUTION AUTHORIZING ACCESSING A LIEN AGAINST CERTAIN REAL PROPERTY LOCATED AT 133 N. 5TH AVENUE, TEMPLETON, IOWA.

WHEREAS, the Templeton City Council discussed the visibility danger and hazard to the public, the state of disrepair and lack of maintenance of property located at 133 N. 5th Avenue, Templeton, Iowa;

WHEREAS, the Templeton City Council found that the property at 133 N. 5th Avenue, Templeton, Iowa is in violation of the following City of Templeton's Code of Ordinances;

Violation #1: Violation of Chapter 57 Subsection 57.02: *“Grass, weeds, and brush shall be cut, mowed and maintained so as not to exceed six inches (6”) in developed residential areas”.*

Violation #2: Violation of Chapter 140 Subsection 140.04: *The owner or agent shall keep tree branches on or overhanging the street, trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks”.*

Violation #3: Violation of Chapter 140 Subsection 140.09: *The superintendent shall remove, on order of the Council, any tree on the streets of the City which interferes with the making of improvements or with travel thereon. The superintendent shall additionally remove any trees on the street, not on private property, which have become diseased, or which constitute a danger to the public, or which may otherwise be declared a nuisance.*

WHEREAS, the city of Templeton in fact did notify the property owner at 133 N. 5th Avenue, Templeton, Iowa, Nationwide Mortgage Company and Attorney for Nationwide Mortgage Company by certified mail regarding these violations and action needed to correct these violations;

WHEREAS, the property owner of 133 N. 5th Avenue, Templeton, Iowa failed to correct these violations within the time period set forth as per Chapter 57 Subsection 57.04 and Chapter 140 Subsection 140.07;

NOW THEREFORE, BE IT RESOLVED, the Templeton City Council approves and authorizes the City Clerk to file the necessary documentation with the Carroll County Treasurer, Carroll, Iowa to impose a lien against real property located at 133 N. 5th Avenue, Templeton, Iowa for costs incurred from the mowing and trimming/removal of trees;

PASSED AND APPROVED ON THIS 2nd day of July, 2012.

CITY OF TEMPLETON

Ken F. Behrens, Mayor

ATTEST:

Rhonda Schwaller, City Clerk

Council Member Hoffman introduced and made a motion to approve Resolution #991-12 – a Resolution accepting work and payment to Templeton Hardware for the installation of storm sewer along 4th Avenue between 2nd Street and 5th Street, seconded by Engelen. Roll call taken:

Ayes: Wieland, Engelen, Ramsey, & Hoffman
Abstained: Bauer – employee of Templeton Hardware
Nays: None

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

RESOLUTION NO. 991-12

RESOLUTION ACCEPTING WORK AND PAYMENT TO TEMPLETON HARDWARE FOR THE INSTALLATION OF STORM SEWER ALONG 4TH AVENUE BETWEEN 2ND STREET AND 5TH STREET.

WHEREAS, the Templeton City Council approved in its fiscal year 2011/2012 and 2012/2013 budget years to install storm sewer along 4th Avenue between 2nd Street and 5th Street;

WHEREAS, Templeton Hardware quoted \$39,513 to install the storm sewer along 4th Avenue between 2nd Street and 5th Street. Quoted price did not include pea gravel or concrete;

WHEREAS, the project consisted of installing approximately 1,000' of 15", 18", and 24" of storm sewer pipe with 90' of 12" going into seven storm sewer intakes.

WHEREAS, the City of Templeton is confident the system will provide benefits to the community eliminating storm water infiltration into the sanitary sewer system and controlling storm water runoff within the right-of-way.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLETON, IOWA, that it is hereby found and determined that the installation of storm sewer along 4th Avenue between 2nd Street and 5th Street in the City of Templeton, Iowa has been duly and fully completed by the contractor in accordance with the terms stated in the quote and said work is hereby accepted and approved.

Passed and approved by the City Council of the City of Templeton, Iowa this 2nd day of July, 2012.

City of Templeton, IA

Ken F. Behrens
Mayor – City of Templeton

Attest: _____
Rhonda Schwaller
Templeton City Clerk

Council Member Ramsey introduced and made a motion to approve Resolution #992-12 – a Resolution authorizing internal advance to tax increment revenue fund, seconded by Wieland. Roll call taken:

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

Nays: None

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

RESOLUTION NO 992-12

**AUTHORIZING INTERNAL ADVANCE TO
TAX INCREMENT REVENUE FUND**

WHEREAS, the City of Templeton, Iowa (the “City”), has established the Templeton Urban Renewal Area (the “Urban Renewal Area”) and has created Urban Renewal Area Tax Increment Revenue Fund (the “Tax Increment Fund”) in connection therewith; and

WHEREAS, the City has undertaken the planning and authorization of an urban renewal project in the Urban Renewal Area consisting of the construction of electrical and plumbing improvements in connection with a sanitary sewer lift station, and it is anticipated that costs (the “Project Costs”) in the amount of \$20,000 will be incurred in connection with such Project;

WHEREAS, in order to cover the funding of the Project Costs and to make such funding eligible to be recouped from future incremental property tax revenues, it is necessary to facilitate an internal advance of funds;

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Templeton, Iowa, as follows:

Section 1. It is hereby directed that Twenty Thousand Dollars (\$20,000) be advanced (the “Advance”) from the Tax Increment Fund (the “Source Fund”) in order to cover the Project Costs. The Advance shall be repaid to the Source Fund, out of future incremental property tax revenues received with respect to the Urban Renewal Area. The Advance shall not bear interest.

It is intended that the Advance shall be repaid in 1 annual installments, commencing on June 1, 2014, and on each June 1 thereafter, provided, however, that repayment of the Advance is subject to the determination of future City Councils that there are incremental property tax revenues available for such purpose which have been allocated to or accrued in the Tax Increment Funds relative to the Advance, and the City Council reserves the right to appropriate funds to the repayment of the Advance, or to withhold such appropriation, at its discretion.

Section 2. A copy of this Resolution shall be filed in the office of the County Auditor of Carroll County, Iowa to evidence the Advance. Pursuant to Section 403.19 of the Code of Iowa, the City Clerk is hereby directed to certify, no later than December 1, 2012, the original amount of the Advance.

Section 3. All resolutions or parts thereof in conflict herewith, are hereby repealed, to the extent of such conflict.

PASSED AND APPROVED this July 2, 2012.

City of Templeton

Ken F. Behrens, Mayor

Attest:

Rhonda Schwaller, City Clerk

Council Member Wieland introduced and made a motion to approve Resolution #993-12 – a Resolution accepting work and payment to Templeton Hardware for the construction of electrical and plumbing improvements in connection with a sanitary sewer lift station, seconded by Hoffman. Roll call taken:

Ayes: Engelen, Wieland, Hoffman, & Ramsey

Abstained: Bauer – employee of Templeton Hardware

Nays: None

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

RESOLUTION NO. 993-12

RESOLUTION ACCEPTING WORK AND PAYMENT TO TEMPLETON HAREWARE FOR THE CONSTRUCTION OF ELECTRICAL AND PLUMBING IMPROVEMENTS IN CONNECTION WITH A SANITARY SEWER LIFT STATION.

WHEREAS, the Templeton City Council approved in its fiscal year 2012/2013 budget year for the construction of electrical and plumbing improvements in connection with a sanitary sewer lift station in the T.A.D.C. 3rd Addition;

WHEREAS, Templeton Hardware quoted \$19,858 for the construction of electrical and plumbing improvements in connection with a sanitary sewer lift station in the T.A.D.C. 3rd Addition;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLETON, IOWA, that it is hereby found and determined that the construction of the electrical and plumbing improvements for the sanitary sewer lift station has been duly and fully completed by the contractor in accordance with the terms stated in the quote and said work is hereby accepted and approved.

Passed and approved by the City Council of the City of Templeton, Iowa this 2nd day of July, 2012.

City Council of the City of Templeton, IA

Ken F. Behrens
Mayor – City of Templeton

Attest: _____
Rhonda Schwaller
Templeton City Clerk

Mayor Behrens reported the city of Templeton received a check in the amount of \$1,311.00 from settlement reached with International Fidelity Insurance Company for a claim against the performance bond due to negligence of contractor Negus & Sons, Inc. A motion was made by Ramsey and seconded by Wieland to pay Dan Weigl Tiling \$450.00 for approximately 150' of tile work. All in favor, motion carried.

A motion was made by Hoffman and seconded by Ramsey approving Andrew Puck DBA Rye Barrel, LLC building permit application for an 80' x 100' storage building and concrete driveway. All in favor, motion carried.

Mayor Behrens updated the council regarding Humanities Iowa awarded a \$10,000 grant for the Templeton documentary project. Dan Manatt will also be in Templeton in July to conduct final interviews and location photography in and around Templeton. Mr. Manatt's goal is to premiere the Templeton documentary on Iowa Public Television in December.

Council review outstanding debt report as of June 1, 2012.

City Clerk Schwaller reported the Spring/Summer 2012 newsletter was mailed to the residents of Templeton. Newsletter is also available on Templeton's website for those outside city limits. Extra copies are also available at the Corner Station, The Still Bar & Restaurant, and the Post Office.

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

1. Approved Minutes from June 4, 2012
2. Approved May 2012 Treasurer's Report.
 - \$ 30,823.03 revenue
 - \$ 45,812.48 expenditures
 - \$344,966.35 total cash & investments

FUND	RECEIPTS	DISBURSEMENTS
General	\$ 13,888.00	\$ 40,157.16
Road Use Tax	\$ 2,139.84	\$ 119.55
Employee Benefits	\$ 405.51	\$ 0.00
Local Option Tax	\$ 3,181.77	\$ 0.00
TIF	\$ 3,533.35	\$ 0.00
Debt Service	\$ 875.48	\$ 0.00
Capital Proj. – Community Center	\$ 0.00	\$ 0.00
Water	\$ 4,703.85	\$ 3,811.73
Sewer	\$ 1,978.69	\$ 1,724.04
Certificate of Deposit	\$ 0.00	\$ 0.00
Fire Truck Fund	\$ 116.54	\$ 0.00
Totals	\$ 30,823.03	\$ 45,812.48

- Approval of the Claims for June 2012 as listed:

12554	Aspinwall Cooperative	304.76	gas
12555	Carroll Refuse Service	1,585.65	garbage collection
12556	Mid American Energy	682.48	utilities
12557	Raccoon Valley Electric Coop.	40.00	sewer lagoon
12558	Templeton Telephone Co.	67.99	telephone & internet service
12559	Templeton Hardware	139.70	cat 5 wire & misc. supplies
12560	Dale Prebeck	483.00	insurance allowance
12561	Rhonda Schwaller	332.06	insurance allowance
12562	Dale Prebeck	1,345.24	payroll
12563	Postmaster	6.80	certified mail
12564	Manning Municipal Gas Dept.	57.18	utilities
12565	U.S. Cellular	57.13	cell phone
12566	Mark Bauer	141.52	6 council meetings
12567	Doyle Engelen	141.52	6 council meetings
12568	Rick Hoffman	94.35	4 council meetings
12569	David Ramsey	141.52	6 council meetings
12570	Janice Wieland	117.94	5 council meetings

12571	Ken F. Behrens	566.10	2nd qtr. 2012 salary
12572	Postmaster	53.44	postage
12573	West Central IA Rural Water	2,657.00	928,000 gallons used
12574	Municipal Supply, Inc.	848.98	water meters
12575	De Lage Landen	181.75	June printer/copier lease plus doc. fee
12576	St. Luke's Drug/Alcohol Testing	37.00	random drug test - D. Prebeck
12577	Hach Company	136.25	chlorine water supplies
12578	Rye Supply, Inc.	10.13	UPS charge
12579	Rasmussen Lumber	322.95	hoop barn gutter & street sign posts
12580	Dale Prebeck	1,345.23	payroll
12581	Rhonda Schwaller	2,010.02	payroll
12582	IPERS	881.59	retirement fund
12583	Treasurer - State of Iowa	859.00	2nd qtr. 2012 state w/h
ACH	Templeton Savings Bank	1,869.76	June 2012 941 tax pymt.
12584	Postmaster	10.65	Vega - certified letters
12585	Postmaster	51.20	postage
12586	Carroll Co. Solid Waste Mgmt.	918.00	July thru Sept. 2012 qtrly. assessment
12587	Iowa Assn of Municipal Utilities	256.25	July thru Sept. 2012 qtrly. Dues
12588	IKM-Manning Comm. School	450.00	transportation - swm lessons
12589	Dave Rohe	387.50	transportation driver - swim lessons
12590	Brandi Bueltel	50.00	volleyball instructor
12591	Eugene Meiners	40.00	golf instructor
12592	Iowa League of Cities	277.00	2012/2013 dues
12593	Templeton Hardware	34,591.15	4th Avenue storm sewer project
12594	Templeton Hardware	18,164.52	lift station project - TADC 3rd Addition
12595	Dan Weidl	450.00	tile work
12596	Mangold Environmental Testing	33.00	routine water samples
12597	Iowa Dept. of Natl Resources	43.34	annual water supply fee FY 2013
12598	Carroll County Auditor	1,088.00	contract law, 2nd qtr. 2012
12599	Carroll County Recorder	39.00	record deed & use agmt. - Community Center

Citizen Forum: None

Maintenance Report:

- Received quarterly surcharge check from Manning Municipal Gas Department.
- Completed installation of 6" gutters with treated lumber on hoop barn to help alleviate rain runoff issues.
- Repaired altitude valve in water tower pit.
- Repaired street at the corner of Main Street and 2nd Street and corner of 2nd Street and 5th Avenue. Recommend installation of valve box extensions and fill in area when Blacktop Service Company is in town for annual street repairs.
- Discussed options to repair street in front of 216 S. Main St. Will discuss with Blacktop Service Company.
- Dan Weidl Tiling excavated & leveled dirt at burn site.
- Will contact Carroll Refuse to replace city dumpster as per contract.

Mayor's Report:

- Will begin process to contact Randy Blohm to prepare bid documents for the removal of asbestos at the Templeton Community Center.
- As of June 29, 2012 \$630,000 pledged and committed to the renovation of the Templeton Community Center.

At 8:50 o'clock p.m. and with no further business before the council at that time, they agreed to adjourn. Hoffman moved to adjourn and Bauer seconded the motion. All voted aye, motion carried.

Ken F. Behrens, Mayor

Rhonda Schwaller, City Clerk