

June 03, 2002

The Zoning Board of Adjustment of Buffalo, IA, met on May 23, 2002, at 6:00 p.m. at City Hall to hear comments for or against a request from the Buffalo Friends Church to install a 55' X 24' modular classroom behind the Church building at 216-3rd St. and to install a handicapped accessible entrance on the front of the Church. They are asking for three variances for the classroom and one variance for the entrance. Committee members present were Dick Abbott, Chairman; Leota Buffington, Robin Guenther, Jeff Hillman and Jeff Moore.

Seven neighbors were present to protest the modular classroom for various reasons. None of the neighbors protested the location of the handicapped accessible entryway, after some items were worked out between them and some of the Church representatives that were also present.

Some of the concerns were: Why couldn't the Church build onto the back of the Church? Answer was too cost prohibitive. Is the trailer the same as a modular? Someone said the school trailers were allowed, why not the Church trailer? The school trailers are temporary and are not hooked up to water and sewer, but the Church wants the modular hooked up to water, sewer and electric. There were liability possibilities of kids getting injured on neighbors property with more kids attending youth events in the modular. One neighbor said there are two large trees that would have to be scalped and who would be responsible for them. A member said the Church sold their other property for the new school, or they would be building on that property. A member said why can't a variance be for churches only and not be obligated to other requests for this type of thing? One neighbor was concerned about property values declining if this is allowed. A serious parking problem was discussed that occurs when there are church events with no off street parking. However, neither of the other two churches on Fourth Street have off street parking either. A member said the long range plans are not to keep it there, and is short term temporary an option? A neighbor asked why the Church can't use some of the old school if we get it for a teen type center? Someone asked about cement blocking under it instead of skirting? A neighbor complained about problems with groups of kids on the property at different times. There was a questions of a fire safety problem with only 5' on the west side to get men and hoses thru if there is a fire on the north side of the church or on the south side of the modular? A member asked if the Committee would like to get more information before making a decision, but another member said if the Committee pretty much knows which way they are going to vote, he would rather have it done so the Church can get on and make other plans and try to sell the modular they have already purchased.

After some time, motion was made by Guenther and Moore to deny the three variances for the modular classroom and to approve the request for the new entrance. Voting yes were Buffington, Abbott, Moore, Hillman and Guenther. Motion carried.

Motion made by Abbott and Buffington to adjourn the meeting at 7:35 p.m. All ayes. Motion carried.

Signed: Dick Abbott
Dick Abbott, Chairman, Board of
Adjustment

Attest: Carol A. Bernauer
Carol A. Bernauer, City Clerk,
Buffalo, IA

June 03, 2002

The City Council of Buffalo, IA, met in regular session on Monday, June 03, 2002, at 7:00 p.m. at City Hall with Mayor Teel presiding. Councilmembers present were Kimes, Roe, Smith, Stowe and Thein. The Pledge of Allegiance was given.

Motion was made by Stowe and Roe to approve the minutes of May 06. All ayes. Carried. Motion was made by Roe and Stowe to approve payment of the bills. All ayes. Carried. No one was present to give a Community Center report.

Thein said he wanted a change in the way the minutes are typed. He said some things don't get typed the same as what is said, and some things are favorable to some and not to others. He made a motion to table this to the next meeting until he checks to see how other towns are done, and possible comments from the audience. Kimes seconded the motion. Voting yes were Kimes and Thein. Voting no, Smith, Stowe and Roe. Not carried. City Clerk Carol Bernauer said she has talked with the City Attorney before on how minutes are done, and there doesn't seem to be any problems with them. She said she condenses them, doesn't put in gossip garbage, and she doesn't do them verbatim, as was required by a council a few years ago. There are presently lawsuits in Iowa against Councils for doing minutes the wrong way. Smith said she and Thein attended a meeting in Grand Mound and this item was brought up. Bernauer said she would like this decided tonight. Roe said he has not had any problems with her minutes, and made a motion to leave them as is. Stowe seconded the motion. Voting to leave them were Roe, Smith and Stowe. Voting no were Kimes and Thein. Motion carried.

The runoff tunnel in the 200 block of 4th Street was next on the agenda. Thein said to skip this item, as it has been on the agenda for two months, but the person that wished it to be discussed has not appeared at either meeting.

Motion was made by Roe and Stowe to approve Resolution #20-2002, "A RESOLUTION FOR ANNEXATION". Voting yes were Kimes, Roe, Smith, Stowe and Thein. Carried. This is from a property owner near the landfill that wished to be annexed and later rezoned.

The Clerk and Tom Zuber, Building Inspector, told the Council about the Board of Adjustment meeting that was held for a variance request by the Buffalo Friends Church for a modular classroom and a handicapped accessible entrance to the Church. The variance board approved the entrance, but not the modular classroom. Motion was made by Roe and Stowe to approve their decision. All ayes. Carried.

Motion was made by Roe and Thein to approve Resolution #21-2002, "A RESOLUTION FOR APPOINTMENT TO THE PARK BOARD". All voted yes on a roll call vote. Carried. This resolution appoints Ben Gerischer to replace Bonnie Remley who resigned.

The Park Board report was next on the agenda. A skateboard park meeting was held at City Hall on Sunday, and some parents said they will try to begin raising money for a park. There will be a park board meeting at City Hall on June 19 at 5:30 p.m.

Motion was made by Roe and Thein to approve the first passage of Ordinance #377, "AN ORDINANCE FOR ANIMAL CONTROL". All voted yes on a roll call vote. Carried. There were questions from the audience on fees for animals, such as fines and licensing.

Gage Adams, Police Chief, gave his monthly report. He reported on receiving the grant approval from the riverboats for the officers gear for a leased motorcycle they had planned on leasing until the Council rejected it. Smith said the insurance is too expensive for it, plus the monthly payments on it. Adams said they could use his capitol improvement fund for the payments. He reported on a COPPS grant he has applied for, hoping to use an additional officer in the new school eight hours a day, five days a week, and on the streets when school is not in session. When questioned about the expenses to maintain an additional officer, it was stated this has never been on an agenda and has never been approved by Council. This led to extensive discussion.

Smith had the item on the agenda to discuss the police working the holidays. At a previous meeting, it was decided to have the Mayor approve which holidays they should work. Smith made a motion to have the part time police officers utilized more to work some of the holidays and schedule them. She withdrew her motion after no one seconded it.

Smith had the item on the agenda for use of police cars. She made a motion to have them be more visible, patrol the alleys and have the town covered if they have to go out of town. Motion died for lack of a second.

Smith discussed timeclock procedures. We have a resolution on record that all except salaried employees have to punch the timeclock when working, and there has been a problem with someone not doing this. After discussion, motion was made by Roe and Stowe to affirm the clock must be punched and to have copies made for Council of all timecards each week. All ayes. Carried.

Motion was made by Roe and Smith to approve K.J.W.W. Engineering for revisions to the westend substation. All voted yes. Carried.

There was discussion of extension of the sidewalks on Jefferson Street to the new school. Council had a letter from Leo Foley of Veenstra & Kimm, Inc. concerning expenses requested by the landowner before an agreement would be made for the land for the sidewalk. Motion was made by Stowe and Thein to approve request #1. They then rescinded their motion to discuss the matter further. More discussion followed concerning the expenses versus condemnation of the land. After discussion with the landowner, motion was made by Stowe and Thein to proceed with condemnation and not to exceed \$14,000 (to come from the Y40 and Y48 account in this years budget). All voted yes. Carried. Council discussed the turnaround area for cars dropping off their children on the Hacker Street side. This was tabled until the next month's meeting.

Bollman said last winter he asked Council for a decision concerning pulling electric meters. He was supposed to receive an answer in April. We have always turned the meter instead of pulling it, but the state utilities board recommends pulling the entire meter. If the meter is pulled off, the homeowner must update the electric service before it will be hooked back up and turned on. This will result in quite an expense to some customers, but will alleviate some liability in case of a fire. Motion was made by Stowe and Smith to pull the electric meters from now on, and they will have to get their service updated at their own expense and not the City's expense. All voted yes. Carried. The public works employees and/or the building inspector will determine the required updating needed.

Motion was made by Stowe and Roe to approve Resolution #22-2002 to have overdue sewer bills assessed on a property tax at 219-3rd Street. All voted yes on a roll call vote. Carried.

Motion was made by Roe and Thein to approve Resolution #23-2002 to have overdue sewer bills assessed on a property tax at 606-3rd Street. All voted yes on a roll call vote. Carried.

There were no committee reports. Mayor Teel gave his report. He told of a meeting concerning housing needs in Buffalo; questioned when the fireworks were going to be held and if there are funds for them. Someone will contact either the fire chief or Lafarge to see about funds and a date.

No special meetings were set. The park board will meet on June 19 at 5:30 p.m. at City Hall. Public input was asked for. There were questions on the animal ordinance, price of licensing them, tall grass on properties, the sidewalk that was discussed, payment for the meeting, zoning of the property in question from the owner.

Motion made by Stowe and Roe to adjourn the meeting at 9:13 p.m. All ayes. Carried.

Signed: David Kimes
~~Fed-J-Teel~~, Mayor, Buffalo, IA
David Kimes, Mayor ProTem,

Attest: Carol A. Bernauer
Carol A. Bernauer, City Clerk, Buffalo, IA

Ed Kocal, 45.00; William McCullough, 225.00; Dick-N-Sons, 55.04; KJWW Engineering, 2478.82; City of Buffalo, 330.07(Misc. items); Eldon C. Stutsma 154.12; Bankers Trust, 41,055.00; Farm&Fleet, 21.16; EFTPS, 1893.96; Buffalo Saving Bank Ins., 53.317.00; EFTPS, 1698.56; Teamsters Local #238, 258.00; City of Davenport, 12.00; MidAmerican, 1099.54; Buffalo News, 305.00; Iowa League of Cities, 50.00; City of Buffalo,(Misc. items); EFTPS, 1892.05; Milan Surplus, 8.72; Tom Zuber, 855.00; Xerox Corp., 17.00; CarQuest, 48.15; Veenstra&Kimm, 1865.03; Roy Fisher, 1250.00; Prairie Waste, 3423.00; U.S. Cellular, 6.50; Racom, 143.00; AT&T, 68.26; Delta Dental, 671.21; Internet Revealed, 25.00; First USA Bank, 744.13; Pitney Bowes, 163.10; J.A. Reno, 200.85; Kelly Tree Farm, 50.00; First Financial Group, 200.00; Genesis Medical Center, 46.90; Buesings Auto, 51.49; MEC Construction, 34,900.00; Iowa One Call, 21.90; Able Electric, 89.00; Quad City Times, 21.52; Mid-American, 317.12; Fletcher-Reinhardt, 254.60; McLoughlin&Eardley, 581.70; Galls, 672.95; Olderog, 124.90; Country Spring Bottled, 41.00; K-Mart, 35.13; General Constructors, 19,037.11; QWest, 794.62; John Deer Health, 7225.13; Elliott Equip., 1250.00; Mid-Land Equip., 8.72; Fletcher-Reinhardt, 240.00; AT&T, 63.14; City of Buffalo, 47.56(misc. items); City of Buffalo, 80.00; Treasurer, State of Ia, 1253.00; IPERS, 3234.43; Terminix, 35.00; AT&T, 40.22; Quad-City Times, 157.71; EFTPS, 2099.89; Meyer Oil, 57.68; Culligan, 20.75; Utility Equip., 66.00; Office Machine Consultants, 77.82; Broghammer, Jonas, 425.00; Case Credit, 8.72; Veenstra&Kimm, 2128.39; Xerox, 17.00; US Cellular, 364.30; Wm McCullough, 937.50; Lowe's, 204.42; AT&T, 16.75; Fletcher-Reinhardt, 1094.00; Meyer Oil, 435.47; Menards, 66.40; Altec, 181.00; W.W. Grainger, 53.52; Able Elec., 725.00;