

Minutes of the regular session of the Common Council of the City of Buffalo, Iowa held on April 10, 2006.

Meeting called to order by Mayor Pro-Tem Mitch Greer at 7 pm. Present were Council Members Gina Guizar, Chris Carson, Judy Hammons, and Dana Jo Smith. Also present were City Attorney Bill McCullough, Director of Public Works Dwain Bollman, Police Chief Gage Adams, City Clerk Bill Bowers, and City Engineer Leo Foley. Mayor Jack Carson was excused

Those present recited the Pledge of Allegiance.

### **Minutes**

Motion by Carson to approve the minutes from March 13, 2006. Seconded by Hammons and carried unanimously.

### **Claims**

Motion by Carson to approve the claims. Seconded by Guizar and carried unanimously.

### **Public Input**

Council heard from many residents about many issues.

### **Waste Removal/Recycling Contract**

Bruce Thomas from Allied Waste discussed the contract with Council. He will provide information to the City regarding options to a new contract.

### **Committee Updates**

Sheila Downs provided a Community Center update.

Dwain Bollman provided a DPW update.

Gage Adams provided a Police Department update.

Randy Lamar provided a Parks update.

### **Planning and Zoning Commission**

Reporting from the March 16, 2006 meeting.

Motion by Hammons to recommend to Council approval of the Sheeder Addition Preliminary Plat subject to Council decision on the payment of the sidewalk replacement, final plat to show ground elevations on the tract to include contours, final plat to indicate other conditions on the tract including wooded areas, houses, barns and preservable trees of one-foot or more in diameter, the final plat to show that the driveways are to be seal coated, and construction plans to be presented and reviewed before final plat approval.

Seconded by Carson. Upon voting the motion fails with Guizar, Carson, Greer, Hammons, and Smith voting no.

Motion by Carson to deny the Sheeder Preliminary Plat based on the following:

1. The shared driveway that runs parallel to the sidewalk is unsafe.
2. The City does not agree to remove and replace the sidewalk
3. The preliminary plat does not contain the ground elevations and contours as required in §6-5.0204(1)(e) of the Municipal Code of Buffalo.
4. The preliminary plat does not include other conditions on the tract including wooded areas, houses, barns and preservable trees of one-foot or more in diameter as required in §6-5.0204(1)(g) of the Municipal Code of Buffalo.

Motion approved with Guizar, Carson, Greer, Hammons and Smith all voting yes.

### **TIF Committee**

Reporting from the March 27, 2006 meeting.

Motion by Smith to create a team consisting of the Mayor, City Attorney, City Engineer, and City Clerk to negotiate a developers agreement for Buffalo Ridge that will spell out exactly what is expected of both parties. Seconded by Carson and carried unanimously.

### **Employee Relations Committee**

Reporting from the March 22, 2006 meeting.

Motion by Greer that, in order to save City resources, the position of part time Assistant City Clerk be offered to Tanna Carter. Seconded by Carson and carried unanimously.

### **Ordinance/Finance Committee**

Reporting from the March 20, 2006 meeting.

Motion by Guizar that Section 6-4.01, Planning and Zoning Commission, of the Municipal Code of the City of Buffalo be amended to include 4 resident members, 1 member from the Common Council, each member to serve 3 year staggered terms, and to direct the City Clerk to prepare the proper ordinance. Seconded by Hammons.

Motions by Carson to amend the motion to remove the Council member, include a 5<sup>th</sup> citizen, and to have the Mayor appoint a Council member as liaison between the City and the Commission. Seconded by Hammons and carried unanimously.

Upon voting on the motion as amended, motion carried unanimously.

Motion by Guizar that Section 4-1.0101, Park Commission, of the Municipal Code of the City of Buffalo be amended to include 3 resident members to serve 3 year staggered terms, and to direct the City Clerk to prepare the proper ordinance. Seconded by Carson.

Motion by Hammons to table. Seconded by Carson and carried unanimously.

### **Streets Committee**

Reporting from the April 3, 2006 meeting.

Motion by Smith to the Director of Public Works work with the City Engineer to begin preparation of an annual Curb and Gutter Construction program. Seconded by Carson and carried unanimously.

### **Utility Deposits Refunds to Renters**

City Attorney McCullough informed the Council that Iowa law does not allow us to treat the deposits of renters differently from the deposits of homeowners. Drop from agenda.

### **Ordinance 402**

Bowers provided the 2<sup>nd</sup> reading of Ordinance 402 “An Ordinance amending Section 6-9.0304 of the Municipal Code of the City of Buffalo relating to Utility Deposits.”

Motion by Carson to approve the 2<sup>nd</sup> reading of Ordinance 402. Seconded by Hammons and carried unanimously.

### **Ordinance 403**

Bowers provided the second reading of Ordinance 403 “An Ordinance Establishing Chapter 15 of Title VI of the Municipal Code of the City of Buffalo relating to Construction Site Erosion and Sediment Control”

Motion by Carson to approve the 2<sup>nd</sup> reading of Ordinance 403. Seconded by Hammons and carried unanimously.

### **Community Center Liquor License**

Motion by Carson to approve the Transfer Application (to include City Park) for the Community Center on July 4, 2006 from 3 to 10 pm. Seconded by Guizar and carried unanimously.

### **Membership of the Community Center**

Motion by Carson to change the membership of the Community Center Commission to 9 (from 15) and to direct the City Clerk to prepare the proper ordinance. Seconded by Greer and carried unanimously.

### **Office hours at City Hall**

Council would like to extend the hours of City Hall. Bowers to prepare a report on possible changes to include one evening per week.

Motion by Hammons to extend the Council meeting for ½ hour. Seconded by Carson and carried unanimously.

### **Utility Penalties**

Motion by Carson to waive \$77.48 in penalties for Carla James as this penalty cannot be verified and there is no documentation as to the reason for these charges. Seconded by Greer and carried unanimously.

### **Spending Authorization for Clerk**

Drop from Agenda. Council feels that the credit card authorization meets this requirement.

### **Resolution #4-2006**

Motion by Carson to adopt Resolution #4-2006 “A Resolution designating the Mayor and City Clerk as signatories for Blue Grass Savings Bank”. Seconded by Hammons and carried unanimously.

### **Beach Pub License Renewal**

Motion by Hammons to approve the Beach Pub License Renewal subject to providing the proper insurance. Seconded by Carson and carried unanimously.

### **Spring Clean Up**

Council discussed different ideas for the clean up. Bowers will check with Allied Waste for estimates/quotes on different levels of service for this event. Consensus of Council to hold the Spring Clean up during the week of May 22 so it can be advertised in the monthly newspaper.

### **Cleaning of the BAC**

Motion by Hammons that the Director of Public Works and City Clerk prepare specifications for putting the Buffalo Activity Center weekly cleaning out to bid. Seconded by Carson and carried unanimously.

### **Disposition of old computers from Clerk's Office**

Motion by Hammons to provide the old Clerks computers to the Water Utility and to the Community Center. Seconded by Guizar and carried unanimously.

Bowers will reformat the hard drives to remove all city information before they are distributed.

### **Tabled Items**

#### **Copy Policy**

Motion by Carson to remove the Copy Policy from the table. Seconded by Hammons and carried unanimously.

Council discussed the policy and the impact on non-profit groups. Bowers to change the policy to allow for free copies to council approved non-profit groups.

Motion by Carson that section 1-4.0107(4) of the Municipal Code of the City of Buffalo be amended to read that the Clerk will furnish copies based on the policy (to include fees) adopted and on file in the clerk's office and to direct the City Clerk to prepare the proper ordinance. Seconded by Guizar and carried unanimously.

Motion by Carson to extend the Council meeting by 15 minutes. Seconded by Hammons and carried unanimously.

### **Future Meeting Dates**

Streets Committee was scheduled for 7 pm on April 17, 2006.

Special Common Council was scheduled for 7 pm on April 18, 2006.

Buffalo Days Committee will meet on April 13, 2006.

### **Public Input**

Council heard from many residents about many issues.

Council took a 5-minute break.

Motion by Carson to extend the Council meeting for ½ hour. Seconded by Hammons and carried unanimously.

Motion by Hammons to move into Closed Session per Section 20.17(3) of the Code of Iowa. Seconded by Carson and carried unanimously.

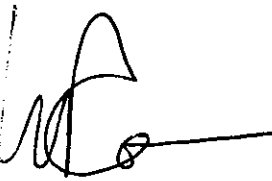
Motion by Carson to move into Open Session. Seconded by Greer and carried unanimously.

### Union Contract

Motion by Carson to approve the Union Contract with Local Union No. 238. Seconded by Greer. Upon voting the motion passes with Guizar, Carson, Greer, and Smith voting yes and Hammons voting no.

Motion to adjourn by Hammons at 10:15 pm. Seconded by Hammons and carried unanimously.

Signed   
Mitch Greer, Mayor Pro-Tem

  
Attest: \_\_\_\_\_  
William Bowers, City Clerk

### Claims

A T & T	255.80
ADAMS, GAGE	47.50
ALEKSIEJCZYK, RICHARD	47.50
ANDERSON, DOUG	21.39
BEHNING, TERRY	156.26
BOLLMAN, DWAIN	35.00
BOWERS, BILL	22.31
BUFFALO SAVINGS BANK	58,413.00
BUFFALO YOUTH BASEBALL	500.00
BUFFALO, CITY OF	858.18
BUILDERS SAND & CEMENT C	300.00
CITY OF BUFFALO	100.52
CLIMATRONICS INC.	97.00
COMPUTER REVOLUTIONS	2,231.58
CULLIGAN OF THE Q.C.	22.70
DAVENPORT ELECTRIC CONTR	4,655.99
DELTA DENTAL PLAN OF IOW	615.06
DOBBS, ROBIN	125.00
EASTERN IOWA PETRO.	244.08
FLETCHER REINHARDT CO	1,207.86
GREAT WESTERN SUPPLY CO.	73.63
GTSB	90.00
HARLAND, TOM	400.00
HEMPEL PIPE & SUPPLY	28.74
I C & E RAILROAD	150.00
ILLOWA COMMUNICATIONS	40.00
INCODE-CMS	2,990.00
INTERSTATE BATTERIES OF	107.90
IOWA DIVISION OF LABOR S	15.00
JOHN DEERE HEALTH PLAN I	8,489.53

	JOHNSON DISTRIBUTING	27.00
	KIMES MOWING AND CLEANIN	3,121.76
	KJWW	2,204.20
	KRANA, RANDY	202.00
	MCCULLOUGH, WILLIAM T	1,143.75
	MEAD, JOHN	90.00
	MEDIACOM CH	101.90
	MEDIACOM PD	164.90
	MENARDS	282.67
	MICHELLE STICKROD	200.00
	MID AMERICAN ENERGY CO.	6,282.52
	NEBRASKA MUNICIPAL POWER	20,463.75
	OFFICE MACHINE CONS.	75.00
	OFFICE PLUS	133.08
	OLDEROG TIRE SERVICE INC	38.45
	ORMAN, DARRELL	30.00
	PITNEY BOWES PURC. POWER	360.00
	Q C METTALURGICAL LAB.	40.00
	QUAD CITY TIMES	205.99
	QUAD CITY WATER TREATMEN	491.00
	QWEST	1,105.52
	RACOM CORPORATION	516.20
	STRIETER RIVER CITY FORD	370.72
	T&R SERVICES	2,160.00
	TRUENORTH COMPANIES	224.34
	U.S. CELLULAR	312.33
	VEENSTRA & KIMM	194.00
	XEROX CORPORATION	19.00
	ZUBER, TOM	1,144.16
001	GENERAL FUND	55,752.36
110	ROAD USE TAX FUND	2,785.87
600	WATER UTILITY FUND	12,456.26
610	SEWER UTILITY FUND	14,289.66
630	ELECTRIC UTILITY FUND	38,144.62
635	TRUST & AGENCY FUND	617.00
	Total	124,045.77