

CITY OF MAXWELL, IOWA  
MAXWELL CITY COUNCIL REGULAR MEETING  
MONDAY, AUGUST 16, 2019, 6:30 P.M. CITY HALL

1. The meeting was called to order by Mayor Steven Gast at 6:30 P.M.
2. Roll call was answered by Susie Livesay, Doug Miller, Nicole Hudson, & Alex Golly. Jon Klein in at 6:45. Visitors: Sue Philpott, Roman Smith, Kathie Smith, Connie Smith, Jameson Hudson, Theresa Allen, Nancy Pritchard, Mitzi DeGroot, Sandra Hunter, Mike Evans
3. A motion to approve the agenda was made by Hudson. Miller seconded. 4 ayes.
4. Citizens Forum
  - a. Jameson Hudson- Jameson presented a tax abatement to the council for 613 Rock Creek Dr.
5. Department Reports
  - a. Sheriff – Written report on file. Deputy Adam Luke was present. Hudson asked about enforcing the fireworks ordinance. Deputy replied that warnings are usually given first, then if Deputy is called back to same address a ticket is given. Alex Golly asked that the Deputies watch for speeding vehicles on Main St. There have been a lot between 4-5p.m. Deputy Luke will pass the request to rest of department. Michael Kirk asked about door checks on Main St. businesses. They are still being checked as time permits.
  - b. Fire – Written report on file. Chief Tony Ness was present. Three new members would like to join. Livesay moved to accept Cole White, Max Van Maanen and Jesse Jones as new fireman. Golly seconded. 5 ayes.
  - c. EMS - Written report on file. Chief Nancy Pritchard was present. Two new members would like to join. Miller moved to accept Cole White and Max Van Maanen as new EMTs. Hudson seconded. 5 ayes. Nancy turned in her resignation as EMS Chief as of Sept. 12, 2019. She will stay on as EMT and to help new chief.
  - d. Library – Written report on file. Shawna Shiver would like to join the Library Board. Hudson moved to accept Shawna Shiver as new the new Library Board member. Livesay seconded. 5 ayes
  - e. Public Works – Written report on file. Tony and Steve will be meeting with Wes Farrand from Snyder & Associates for the Water Main Valve Project. Tony suggested creating rules and regulations for the use of the grain bin shelters in the park. We reserve them for \$10. The rural water on Myers St and Webb Ct. need pressure reduce valves. It is not reduced at the main coming into the area. Tony will investigate the price of a single reducer at the main. No word on when the street repairs will begin.
  - f. City Clerk – Written report on file. Budget amendments will need to be created with in the next couple of months. There was a letter from Kathy Black commenting on how nice the City of Maxwell is.
6. Public Hearings
  - a. Third Reading of an Ordinance amending Chapter 99, Section 99.01 Sewer Service Charges Required to Establish New Sewer Rates - Hudson moved to open the public hearing on an Ordinance amending Chapter 99, Section 99.01 Sewer Service Charges Required to Establish New Sewer Rates. Golly seconded. 5 ayes. Sue Philpot wanted to know if there was going to be a discount for senior

citizens. The mayor said that it was something they could investigate. We do qualify for a CDBG grant which should help the rate increases. Miller moved to close the public hearing. Seconded by Klein. 5 ayes. This Ordinance establishes the rates for sewer usage. Minimum service charge would be \$34.25 despite any temporary absence of the customer and a usage charge of \$1.87 per 1000 gallons. Hudson moved to accept the third reading of an Ordinance amending Chapter 99, Section 99.01 Sewer Service Charges Required to Establish New Sewer Rates. Miller seconded. 5 ayes.

- b. Third Reading of an Ordinance amending Chapter 92, Section 92.02 Rates for Service to Establish New Water Rates – Miller moved to open the public hearing on an Ordinance amending Chapter 92, Section 92.02 Rates for Service to Establish New Water Rates. Hudson seconded. 5 ayes. Rates are based on plant running even if no one is using water. Miller moved to close the public hearing. Seconded by Hudson. 5 ayes. This Ordinance establishes the rates for water usage. Minimum service charge would be \$20.62 despite any temporary absence of the customer and a usage charge of \$1.48 per 1000 gallons. Miller moved to accept the third reading of an Ordinance amending Chapter 92, Section 92.02 Rates for Service to Establish New Water Rates. Hudson seconded. 5 ayes.

7. Old Business

- a. Motion to Approve Poultry Permit for 1400 Rock Creek Drive – A poultry permit for 1400 Rock Creek Dr. was requested. No objections were received by the city clerk. Discussion was held on the resident having chickens for a year without a permit and why it was allowed. Comments made on Facebook were pointed out. Miller moved to approve the application for chickens per application documents and all city codes being met. Golly seconded. 3 ayes, 2 nays-Livesay, Hudson.

8. New Business -

- a. Roman Smith – Tree Planting for Eagle Project- Roman Would like to plant 20-25 trees in the parks, around the softball/baseball fields. He is applying for grant money to pay for the trees. Livesay moved to approve the Eagle project if Roman provides size, types, and location of the trees and consults with the park board during the process. Klein seconded. 5 ayes.
- b. A Motion to Approve 2019-2020 LP Gas Contract – Miller moved to approve the 2019-2020 contract for LP gas with New Century FS for \$3556.77. Klein seconded. 5 ayes
- c. A Motion to Approve Casey’s Officer Update for Liquor License – Livesay moved to accept Casey’s officer update for Iowa ABD liquor permit. Golly seconded. 5 ayes.
- d. Board of Adjustment Decision on Home Occupation Permit for 320 Main St. – Miller moved to concur with Board of Adjustment action granting a home occupation to Mark Stoltenberg at 320 Main St. Livesay seconded. 5 ayes.
- e. Motion to Approve Electrical Improvements for City Hall – An electrician did an inspection of the city hall electrical system and found that almost all electrical outlets are tied to one circuit. When the printer is used then it overloads the circuit so that the lights will blink off and on and causes the power strip to switch to battery back-up. He recommends a new circuit be added at a cost of \$500-\$600. Livesay moved to add a new electrical circuit up to \$600. Hudson seconded. 5 ayes.

- f. Motion to Set Public Hearing on Submittal of an Application for the CDBG Program– Hudson moved to set a Public hearing for Sept 9<sup>th</sup> for the submittal of the application for the CDGB Program. Livesay seconded. 5 ayes.
  - g. Resolution 2019-17 – Resolution Approving 28E Agreement for Mutual Assistance for Story County Fire Department Services. – Miller moved to approve Resolution 2019-17 A Resolution Approving a 28E Agreement for Mutual Assistance for Story County Fire Department Services. Golly seconded. 5 ayes
  - h. Motion to Approve Policy for Enforcement of City Codes – This policy is for the City Code 50.02 dealing with tall grass and weeds. Livesay moved to dispense with the warning letter when notifying of a violation City Code Section 50.02 and instead go directly to the notice of violation with one week from date of delivery specified for homeowner to resolve with consequence the City will mow and charge. Notice of violation should be sent with tracking indicating when it was delivered, but not require return receipt. Hudson seconded. 5 ayes.
  - i. Motion to Acknowledge Library Board Request for Budget Amendment to Purchase Kids Computers – The library would like to purchase 2 kid’s computers. These computers would not be hooked to the internet but would contain programs to learn such as reading and math. They would like to purchase in October using the funds from the Trust fund. Livesay moved to approve the spending of funds from the library trust fund for computers. Hudson seconded.
  - j. Motion to Receive a Petition to Alter the Composition of the Library Board and Request the Auditor to Place the Proposal on the Next City Election – The Library presented a petition to change the composition of the Library Board. After some discussion, the council and Library Board member Theresa Allen decide on the language for the new composition. The Library Board will go to vote to change the board to consists of a minimum of three (3) resident members and a maximum of two (2) nonresident member. Livesay moved to send the proposition to be put on the ballot for the November Election. Hudson seconded. 5 ayes.
9. Council and Mayor Reports –
- a. Susie Livesay – 1) Susie has received some complaints about Tony Sorenson announcing at the parade. They will be passed onto the Old Settlers Committee.
  - b. Alex Golly – 1) Alex requested that a pothole on Baldwin St, in the south bound lane, north of 806 Baldwin St. be patched. 2) He would like to enforce that Roman Smith work with the Park Board and Council to plant the trees. 3) Alex would like to know if when a complaint is made if the name of the complainer is given out. If asked, then yes, it is given, because it is public knowledge. 4) Can we lower the speed limit on Main St. It is to fast for a residential area. No, the city can not lower the speed limit because it is a state highway. Wes Farrand could give a number for a DOT Representative for complaints about the speed limit.
  - c. Nicole Hudson-1) Nicole would like to revisit the fireworks ordinance. She believes that the timeframe is to long. It will be added to next month’s agenda. 2) Nicole asked about the water pressure on Myers St. Tony will talk to Wes about what is best to regulate the pressure. 3) The new audit has been published and Nicole would like to discuss it and see what items can be resolved. It will be

added to next month's agenda. 4) the new speed limit signs need to be trimmed around. The alley between 4<sup>th</sup> St and 5<sup>th</sup> St need to be trimmed.

- d. Doug Miller – 1) Doug would like Tony to pick up the dead animals in the road. There is a dead cat on Baldwin St. 2) A radio station did a morning segment on Maxwell. She was here during Old Settlers and taped part of the parade. 3) The post by the fire hydrant has not been replaced. Doug has been asked to have the city set a date for Halloween this year. Trunk 'n Treat would like to have it on October 30<sup>th</sup>. The street would have to be closed for the event. The consensus is that Oct 30<sup>th</sup> would be a good day and it will be put on next month's agenda.
- e. Jon Klein- 1) Jon expressed concerns about the willow tree that fell on the empty lot on Woodlawn St. 2) Discussed when the next newsletter and items to put in it.

Sue Philpott asked to speak at this time. The mayor allowed her to voice her concerns. 1) She would like to know what the city was going to do about the 4-plex on Metcalf. It is covered in mold and making some of the tenants sick. The roof also needs to be repaired. Clerk was instructed to have Safe Building do a nuisance inspection on it. 2) Sue was wondering what the policy was for council members making comments on social media. Steve said there is not a policy for council members as that would be a violation of freedom of speech.

- f. Steve Gast – 1) There has been some interest in Scout Park from Greg Cory. He would like to turn it into a camping area or ball field. Because it was a FEMA buyout, the city has few options for this space. Steve suggests inviting Greg to a meeting and see what his plans are. 2) Steve talked to Dean Engleman about 212 3<sup>rd</sup> St. He offered the price of \$6,000. Doug and Steve will meet with Dean to discuss further. 3) Scott Oakes contacted Steve He is interested in developing the rural area of his ground with the same concept as Doc Owen had for that area. He would like to split some of the 3 acre lots into 1.5 acres. A joint meeting with Scott, Council, and Planning and Zoning Board will be Aug. 19<sup>th</sup> at 6:30.

10. Consent Agenda

- 1) Livesay moved to accept the July 8, 2019 minutes. Miller seconded. 3 ayes, 2 abstain – Golly, Klein. Miller moved to accept the bills to be paid. Golly seconded. 5 ayes.
- 2) Bills presented were as follows:

CLAIMS REPORT		
VENDOR	REFERENCE	AMOUNT
ACTIVE911 INC	device purchase	\$ 312.00
AFLAC	AFLAC CANCER	\$ 378.72
ALLIANT ENERGY	MONTHLY UTILITY BILL	\$ 4,963.35
AMES LOCK & SECURITY	6 PADLOCKS KEYED ALIKE	\$ 119.70
BADGER METER	CELLULAR READS FOR WATER METER	\$ 337.31
BANLEACO	PRINTER/COPIER & OVERAGES	\$ 174.54
BROCK BURTON	meetings, trainings, calls	\$ 384.00
CALDWELL,BRIERLY,CHALUPA,NUZUM	DOG AT LARGE, LIVESTOCK,FEMA	\$ 963.00
CASEY'S BUSINESS MASTERCARD	MONTHLY GAS & DIESEL	\$ 733.28
CENTRAL IOWA SHORTLINE LLC	PALLET FORKS	\$ 979.00
CONSUMERS ENERGY	RCH ELECTRIC	\$ 52.00
DAVE POMEROY	7-8-2019 - CEMETERY MOWING	\$ 1,800.00

DEE GAMBLE	CALLS,MEETINGS,TRAININGS,REPTS	\$ 166.00
DENNIS BELL	REBUILD 'WELCOME' ARCH @ PARK	\$ 91.29
GROUT MUSEUM DISTRICT	STAR LAB	\$ 300.00
IOWA DEP OF REVENUE	WATER SERVICE EXCISE TAX	\$ 1,553.00
IOWA DEP OF REVENUE	SALES TAX	\$ 156.00
IOWA DEP OF NATURAL RESOURCES	NPDES WASTERWATER PERMIT FEE	\$ 210.00
IOWA PUMP WORKS, INC	BELT	\$ 74.28
IOWA REGIONAL UTILITIES ASSOC	WATER USAGE /TOWER MAINTENANCE	\$ 5,134.28
IPERS	IPERS	\$ 2,276.33
JAMIE NESS	CALLS,TRAININGS,MEETINGS	\$ 88.00
JULIE PRITCHARD	CALLS,TRAININGS,MEETINGS	\$ 41.00
KASEY PATTERSON	CALLS,TRAININGS,MEETINGS	\$ 88.00
KEYSTONE LABORATORIES INC	#1C05404-SOLIDS,NITROGEN,BOD	\$ 483.50
KEYSTONE LABORATORIES INC	1C06146-SOLIDS,NITROGEN,BOD	\$ 496.20
LOGSDON'S GROCERY	SOAP,TOWELS,T.TISSUE,WATER	\$ 54.36
MAGUIRE IRON INC	PAINTING WATER TOWER	\$ 95,342.00
MAXWELL STATE BANK	FED/FICA TAXES	\$ 3,677.08
MED COMPASS	FIRE & EMS PHYSICALS	\$ 1,515.00
MYERS CONCRETE CONST	PATCH AT BROAD & MAIN-S SEWER	\$ 1,000.00
NANCY PRITCHARD	CALLS,TRAININGS,MEETINGS	\$ 211.00
NANCY PRITCHARD	MICROSOFT SURFACE PRO 6	\$ 966.25
NICK FRANK	MEETINGS, TRAININGS, CALLS	\$ 102.00
PLUMB SUPPLY COMPANY	TOILET & WAX RING PARK RSTRM	\$ 150.51
MAXWELL POST OFFICE	3 ROLLS OF STAMPS	\$ 150.00
SHELBY PATTERSON	CALLS,TRAININGS,MEETINGS	\$ 59.00
SIMMERING-CORY, INC.	LMI SURVEY	\$ 3,500.00
SINCLAIR CONSTRUCTION	RE-ROOF BLOWER BUILDING	\$ 890.00
SNYDER & ASSOCIATES	119026601-2 WWTP IMPROVEMENTS	\$ 8,165.50
SNYDER & ASSOCIATES	119.0266.01-3 - WWTP IMPROV	\$ 31,706.88
STATE LIBRARY OF IOWA	FY20 STATEWIDE DATABASE SUB	\$ 80.20
STORY COUNTY ANIMAL CONTROL	1 CAT & 1 EMERGENCY CAT HIT	\$ 127.00
SUSIE LIVESAY	CALLS,TRAININGS,MEETINGS	\$ 57.00
SYNCB/AMAZON	BOOKS DVDS	\$ 635.16
TAWNIA LESLIE	CALLS,TRAINING,MEETINGS	\$ 55.00
TODD WHITE PLUMBING	#113258- DRAIN TILE	\$ 6,861.14
TODD WHITE PLUMBING	MATERIALS FOR CORP CONNECTIONS	\$ 91.20
TONY NESS	CALLS,TRAININGS,MEETINGS	\$ 81.00
U.S. BANK	AMAZON PRIME, TECH SOUP	\$ 421.94
US CELLULAR	MONTHLY CELL PHONE	\$ 201.97
USABlueBook	#926386-FILTER MONITOR KIT,	\$ 982.90
VAN WALL	CAP FOR JD	\$ 11.28
WINDSTREAM	091143516-TELEPHONE & INTERNET	\$ 577.61
PAYROLL CHECKS ON 7/17/2019		\$ 4,285.36

