

AGENDA
COUNCIL WORKSHOP
October 3, 2019
5:30 P.M.

- (1) Lee County Commercial LLC (Bill Bryant) - 2528 Main Street update.
- (2) Update design & future progress of Rand Park Storm Sewer Tunnel.
- (3) Review council meeting agenda.

AGENDA
CITY COUNCIL MEETING
October 3, 2019
1721 Fulton Street
6:30 P.M.

1. Call to Order.
2. Pledge of Allegiance.
3. Roll Call.
4. Mayor's Correspondence:
5. Citizen's Request.
6. Consent Agenda.
 - Minutes of the Council Workshop & regular City Council meeting of September 19, 2019;
 - Minutes of the Safety Committee Meeting of August 27 and September 24, 2019;
 - Resolution approving a Liquor License for Columbian Room, 11 North 6th Street, effective October 23, 2019 – Class A Liquor License with Sunday Sales;
 - Resolution approving a Liquor License for Aldi, Inc. #15, 3379 Main Street, effective October 22, 2019 – Class C Beer Permit with Sunday Sales;
 - Motion to pay bills and transfers listed in Register No.'s 5096-5098;
7. (a) A public hearing on a proposed granting of a franchise to operate a natural gas utility within the City of Keokuk, Iowa. A public hearing notice was published in the Daily Gate City on September 24, 2019.

(b) Motion to approve the initial reading of an ordinance on proposed granting of a franchise to operate a natural gas utility within the City of Keokuk, Iowa.
8. Motion to approve the initial reading of an ordinance amending Chapter 11.04 – Oakland Cemetery naming cemetery trustees.
9. Consider resolution setting a public hearing for October 17, 2019 to dispose of city owned real estate, 606 and 608 Concert Street.
10. Consider resolution authorizing change order #1 for the mold removal at the SID Center.
11. Committee vacancy/term expirations - 1st notice.
12. Close session to discuss strategy with council in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.
21.5(c) Iowa Code
13. Staff Reports:
14. New Business:
15. Adjourn meeting.

MEETING MINUTES
COUNCIL WORKSHOP

September 19, 2019

500 N. 20th Street

5:30pm

Present: O'Connor, Payne, Dade, Helenthal (5:33pm), Mortimer, Greenwald, Bryant, Dunek.

Absent: Moore.

Staff Present: O'Donnell, Ludwig, Broomhall, Boussetot, Pietscher (5:58pm)

- 1) Discussed Amjet loan agreement.
- 2) Discussed Goal Setting session.
- 3) Discussed appointment procedure for Boards and Commissions.
- 4) Adjourn 6:13pm

MINUTES
CITY COUNCIL MEETING
September 19, 2019
500 N. 20th Street
6:30 P.M.

The City Council of the City of Keokuk met in regular session on September 19 at 6:30 p.m. at 500 N. 20th Mayor Thomas L. Richardson, called the meeting to order. There were eight council members present, one absent. Mike O'Connor, Ron Payne, Devon Dade, John Helenthal, Larry Mortimer, Michael Greenwald, Roger Bryant and Susan Dunek were present. Mike Moore was absent. Staff in attendance: City Administrator Cole O'Donnell, City Clerk Jean Ludwig, Public Works Director Mark Bousset, Community Development Director Pam Broomhall and Superintendent Waste Pollution Control Plant Chuck Pietscher.

MAYOR'S CORRESPONDENCE: Welcomed Councilperson Dade's return, announced the next council meeting will be at Torrence School, thanked Sports Boosters regarding Military Appreciation Night, announced Tombstone Tune-up on October 12, announced Wine Over Water moving to Victory Park, announced E-Waste Cleanup on September 24, announced City Wide Cleanup.

CITIZEN'S REQUEST: Heard from citizen Terry Crum regarding a zoning issue. Councilperson Dade thanked everyone for their support after his accident.

Motion made by Payne, Second by Helenthal to remove resolution approving a liquor license for Main Street Keokuk, Inc from the consent agenda and to vote on it separately. (8) AYES, (0) NAYS. Motion carried.

Motion made by Helenthal, Second by Mortimer to approve item removed from the consent agenda.
RESOLUTION NO. 324-19: "APPROVING A LIQUOR LICENSE FOR MAIN STREET KEOKUK, INC. FOR WINE OVER WATER & BREWS ON THE BRIDGE, VICTORY PARK (UNDER BRIDGE) – CLASS C LIQUOR LICENSE WITH CLASS B NATIVE WINE PERMIT & OUTDOOR SERVICE, EFFECTIVE SEPTEMBER 19, 2019 – TERM OF 5 DAYS." (8) AYES, (1) NAY (Payne). Motion approved.

Motion made by Dunek, Second by Bryant to approve the consent agenda, including the consent agenda excluding RESOLUTION NO. 324-19. (8) AYES, (0) NAYS. Motion carried.

- Minutes of the Council Workshop & regular City Council meeting of September 5, 2019;
- Cash Receipts & Treasurer's report for August 2019;
- **RESOLUTION NO. 325-19:** "APPROVING A LIQUOR LICENS FOR DRIFTWOOD 13, 1324 MAIN STREET, EFFECTIVE OCTOBER 8, 2019 – CLASS C LIQUOR LICENSE WITH OUTDOOR SERVICE & SUNDAY SALES;
- Special Event Permit for Keokuk Hight School Boosters, Football game fireworks for the Touch Downs, October 4, 2019 at the Keokuk Senior Hight School;
- Motion to pay bills and transfers listed in Register No.'s 5093-5095;

Motion made by Dunek, Second by Helenthal to approve the initial reading of an ordinance amending Industrial Waste Pretreatment.

ROLL CALL VOTE: (8) AYES – O’Connor, Payne, Dade, Helenthal, Mortimer, Greenwald, Bryant and Dunek. (0) NAYS. Motion carried.

Motion by Helenthal, Second by Dunek to waive the second and third/final reading of an ordinance amending Industrial Waste Pretreatment.

ROLL CALL VOTE: (8) AYES – O’Connor, Payne, Dade, Helenthal, Mortimer, Greenwald, Bryant and Dunek. (0) NAYS. Motion carried.

Motion made by Helenthal, Second by Bryant to adopt and give final approval of **ORDINANCE NO. 1997** Amending table one and two of Section 13.10.030 (e) (1) (A) & (B) of City Code to reflect the new metal limits for Industrial Waste Pretreatment. (8) AYES, (0) NAYS. Motion carried.

Motion made by Helenthal, Second by Mortimer to approve the following proposed **RESOLUTION NO. 326-19**: “A RESOLUTION TO APPROVE AN ENGINEERING AGREEMENT WITH VEENSTRA & KIMM FOR SERVICES AT THE WASTEWATER TREATMENT PLANT NUTRIENT REDUCTION STRATEGY.” (8) AYES, (0) NAYS. Motion carried.

Motion made by O’Connor, Second by Dade to approve the following proposed **RESOLUTION NO. 327-19**: A RESOLUTION SETTING PUBLIC HEARING ON PROPOSED GRANTING OF A FRANCHISE TO OPERATE A NATURAL GAS UTILITY WITHIN THE CITY OF KEOKUK, IOWA.” (8) AYES, (0) NAYS. Motion carried.

Motion made by Dunek, Second by Payne to approve the following proposed **RESOLUTION NO. 328-19**: “A RESOLUTION APPROVING TERMINATION OF PERPETUAL CARE CEMETERY TRUST AGREEMENT.” (8) AYES, (0) NAYS. Motion carried.

Motion made by Helenthal, Second by Payne to approve the following proposed **RESOLUTION NO. 329-19**: “A RESOLUTION APPROVING THE PURCHASE OF A BUDGETED BACKHOE FOR THE SEWER MAINTENANCE DEPARTMENT.” (8) AYES, (0) NAYS. Motion carried.

Motion made by Helenthal, Second by Dade to approve the following proposed resolution, making an amendment to the purchase price from \$ 70,760 to \$74,407.00. **RESOLUTION NO. 330-19**: “A RESOLUTION AUTHORIZING THE PURCHASE OF A BUDGETED BOBCAT TRACK LOADER FOR THE BRIDGE MAINTENANCE DEPARTMENT.” (8) AYES, (0) NAYS. Motion carried.

STAFF REPORT: Broomhall reported on the following: Possible sale of property at 606-608 Concert, property at 2528 Main Street, quote to repair city owned property at 629 Main Street.

O’Donnell reported on the following: Refinancing issue put on hold, Wellmark grant for trails, purchase of police vehicle, demo of 415 Blondeau, financing proposal for Keokuk Neighborhood Initiative, Iowa Initiative Project to market the SID Center. Captain Kevin Church recognized for 30 years of service with the Police Department.

There being no further business, Mayor Richardson adjourned the meeting at 7:16 p.m.

**CITY OF KEOKUK
SAFETY COMMITTEE MEETING MINUTES
Tuesday, August 27, 2019
8:30AM**

Meeting called to order at 8:30 am.

In Attendance: Mark Boussetot, Dave Johnson, Jean Ludwig, Cole O' Donnell, Roger Bryant.

Ludwig read the minutes from the July meeting. No corrections or additions were noted.

Motion to approve by Johnson. Second by O'Donnell. Motion approved.

OLD BUSINESS:

After discussion, O'Donnell recommended reviewing a Silica Policy from ICAP and comparing it to the one drafted by SCC. Pass the one best suited for the city.

Have SCC work on a Job Hazard Analysis when Silica is complete.

Sanitation Dept. building is complete and functional. Boussetot said there are still a few items remaining on the punch list that need to be finished, including guttering on the building. Sanitation Manager is getting quotes for material. Boussetot will follow up with Per Mar about security.

The hoop building contractor has the site prepared but has yet to begin work on the building.

Pool pit cover has not yet been completed. Keokuk Contractors will be contacted after the pool closes and construction season slows to fabricate a cover.

Schmitt mentioned a sidewalk in bad shape by the Police Dept. is being caused by a large tree that should be removed at the last meeting. Also, areas near the public parking lot entrance on N. 6th and areas around Triangle Park. O'Donnell recommend getting a list and planning for repairs.

NEW BUSINESS:

No near misses were reported since the last meeting.

No Company Nurse Reports since the last meeting.

Safety Training for August was Ergonomics.

Bids for sidewalk projects on Johnson Street Road and the 2800 block of Main were rejected by the council at the August 15 meeting. The projects will be separated and re-bid. Main Street may still proceed this fall, with Johnson Street Road probably in the spring of 2020.

Discussed who handles after hours Animal Control calls. They will normally be handled by law enforcement.

City's Health Fair will take place Thursday, October 3rd.

SET THE DATE for the next meeting: Tuesday, September 24, 2019 at 8:30am in the conference room at city offices.

MOTION TO ADJOURN by O'Donnell, second by Bryant. Meeting adjourned at 9:00am.

Submitted by Jean Ludwig, City Clerk.

CITY OF KEOKUK
SAFETY COMMITTEE MEETING MINUTES
Tuesday, September 24, 2019
8:30AM

Meeting called to order at 8:33 am.

In Attendance: Mark Boussetot, Dave Johnson, Amy Benson, Cole O' Donnell, Roger Bryant, Mark Weirather, John Reiter, Jason Schmitt, Ed Ketterer.

Acknowledged minutes from the August 27th meeting, no corrections or additions were noted. Motion to approve by O'Donnell, Second by Johnson. Motion approved.

OLD BUSINESS:

O'Donnell provided a Silica Policy from ICAP and comparing it to the one drafted by SCC. Asked everyone to read it over and would discuss at the next meeting.

Have SCC work on a Job Hazard Analysis when Silica is complete. To be addressed later.

Sanitation Dept. building is complete and functional. Boussetot said the Per Mar guy was supposed to be here by now and that he will follow up with him.

Jason Schmitt said the hoop building T-walls are placed and the plan is the asphalt floor will be laid this week.

Pool pit cover still has not yet been completed. Keokuk Contractors will be contacted after the pool closes and construction season slows to fabricate a cover.

NEW BUSINESS:

Near misses were reported since the last meeting-Ed Ketterer mentioned concern about traveling motorist around street crews.

No Company Nurse Reports since the last meeting

Safety Training for September was Lock Out-Tag Out.

Boussetot recommend discussing sidewalk repair locations at the Department head meeting.

The sidewalk projects on Johnson Street Road and Main Street are being sent to be engineered due to the need of a retaining wall on Johnson Street road and a DOT permit required along Main Street.

City's Health Fair will take place Thursday, October 3rd.

SET THE DATE for the next meeting: Tuesday, October 22, 2019 at 8:30am in the conference room at city offices.

MOTION TO ADJOURN by O'Donnell, second by Schmitt. Meeting adjourned at 8:41am.
Submitted by Amy Benson, Deputy City Clerk.

RESOLUTION NO. _____

WHEREAS, Application has been made by Delassalle Council No 619 for a Class A Liquor License with Sunday Sales for Columbian Room, 11 North 6th Street; **AND**

WHEREAS, Iowa Code Chapter 123 and Section 4.16.030 of the Keokuk Municipal Code require that the City Council conduct a formal investigation into the good moral character of the applicant; **AND**

WHEREAS, such an investigation has been conducted.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KEOKUK, IOWA:

THAT, Delassalle Council No 619 has been found to be of good moral character and meets the requirements of Section 123.40 of the Code of Iowa; and that the Class A Liquor License with Sunday Sales for Columbian Room, 11 North 6th Street, effective October 23, 2019, be approved and endorsed to the Iowa Alcoholic Beverage Division.

Passed this 3rd day of October, 2019.

CITY OF KEOKUK, LEE COUNTY, IOWA

By: _____
THOMAS L. RICHARDSON, MAYOR

ATTEST: _____
JEAN LUDWIG, CITY CLERK

RESOLUTION NO. _____

WHEREAS, Application has been made by Aldi, Inc. for a Class C Beer Permit with Class B Wine Permit & Sunday Sales for Aldi, Inc. #15, 3379 Main Street; **AND**

WHEREAS, Iowa Code Chapter 123 and Section 4.16.030 of the Keokuk Municipal Code require that the City Council conduct a formal investigation into the good moral character of the applicant; **AND**

WHEREAS, such an investigation has been conducted.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KEOKUK, IOWA:

THAT, Aldi, Inc. has been found to be of good moral character and meets the requirements of Section 123.40 of the Code of Iowa; and that the Class C Beer Permit with Class B Wine Permit & Sunday Sales for Aldi, Inc. #15, 3379 Main Street, effective October 22, 2019, be approved and endorsed to the Iowa Alcoholic Beverage Division.

Passed this 3rd day of October, 2019.

CITY OF KEOKUK, LEE COUNTY, IOWA

By: _____
THOMAS L. RICHARDSON, MAYOR

ATTEST: _____
JEAN LUDWIG, CITY CLERK

PAYMENT OF THE FOLLOWING CLAIMS FOR THE CITY ARE APPROVED AND CLAIMS FOR THE LIBRARY AND AIRPORT ARE ACKNOWLEDGED FOR THE PURPOSE OF PAYING THE SEMI-MONTHLY BILLS FOR THE COUNCIL MEETING OF OCTOBER 3, 2019.

REGISTER NO. 5096

ALTORFER INC.	EQUIPMENT	\$ 119,895.00
AMI PIPE & SUPPLY	SUPPLIES	\$ 26.95
KEOKUK TERMITE & PEST CONTROL	PEST CONTROL	\$ 162.50
GRAY QUARRIES, INC	ROADROCK	\$ 419.83
JIM BAIER, INC	PARTS	\$ 207.86
ERIC E. SUTER	SERVICE CALL	\$ 65.00
RIVER CITY PARTS, INC.	PARTS	\$ 452.25
J & S ELECTRONICS BUSINESS,INC	SERVICE CALL/LABOR/MATERIALS	\$ 1,120.44
S. J. SMITH WELDING SUPPLY	TANK RENTAL	\$ 145.60
IDEAL READY MIX COMPANY, INC	CONCRETE	\$ 1,216.35
HICKEY CONTRACTING COMPANY	LABOR/MATERIALS	\$ 115,314.90
KEYSTONE LABORATORIES, INC.	TEST SAMPLES	\$ 519.50
ELECTRONIC APPLICATIONS CO.INC	LABOR/MATERIALS	\$ 70.00
BAKER & TAYLOR BOOKS	BOOKS KEOKUK PUBLIC LIBRARY	\$ 1,043.14
MCFARLAND-SWAN OFFICE CITY	SUPPLIES	\$ 93.97
CENTURY LINK	SERVICE	\$ 651.43
GREAT RIVER REGIONAL WASTE	DUMP TICKET INTEGRATED WASTE	\$ 10,836.74
PILOT GROVE SAVINGS BANK	RENT	\$ 3,500.00
AIRGAS USA, LLC	SUPPLIES	\$ 78.45
LEE COUNTY RECORDER/REGISTRAR	CERTIFICATE SUBSTANDARD BLD	\$ 22.00
LINDNER AVIATION, INC.	AIRPORT MGR/MAINT/SUPPLIES	\$ 6,112.08
DEMCO, INC	SUPPLIES KEOKUK PUBLIC LIBRARY	\$ 39.62
MODJESKI & MASTERS, INC.	BRIDGE INSPECTION	\$ 725.00
VAN METER INDUSTRIAL	PARTS/SUPPLIES	\$ 132.53
KEOKUK CONTRACTORS, INC	LABOR/MATERIALS	\$ 35,285.18
DIAMOND CONSTRUCTION COMPANY	COLD PATCH	\$ 2,946.30
SOUTHEASTERN COMMUNITY COLLEGE	CLASSES	\$ 658.00
THE ENGINE HOUSE	PARTS	\$ 130.00
W. L. MILLER COMPANY	ASPHALT	\$ 19,820.50
DOWNEY'S FIRE EQUIPMENT	RECHARGE	\$ 40.00
HY-VEE, INC.	SUPPLIES	\$ 183.68
OUTLAW TEE'S, INC	DEPOT SHIRTS	\$ 333.75
IOWA DIVISION OF LABOR SERVICE	BOILER INSPECTION	\$ 310.00
PER MAR SECURITY SERVICES	SECURITY MONITORING	\$ 197.16
YOUNGGREN SHOES	SAFETY BOOTS	\$ 333.49
KNAPHEIDE TRUCK EQ CENTER	PARTS	\$ 105.00
MPH INDUSTRIES, INC	PARTS/KIT POLICE VEHICLE	\$ 1,777.98
RANDY WINN	REIMB.HEALTH INSURANCE PREMIUM	\$ 335.00
IOWA PRISON INDUSTRIES	SIGN	\$ 51.55
CHEMSEARCH	SUPPLIES	\$ 427.47
KAME GOOD NEIGHBOR PHARMACY	POLIDE DEPT SUPPLIES	\$ 54.72

REGISTER NO. 5097

FASTENAL COMPANY	PARTS/SUPPLIES	\$ 139.30
POEPPING, STONE, BACH ASSOC.	PROFESSIONAL SERVICES	\$ 3,283.00
USA BLUE BOOK	WPC SUPPLIES	\$ 212.03
KEOKUK FARM & HOME SUPPLY	SUPPLIES	\$ 3,535.49
DOUBLE A" GLASS L.L.C. "	GLASS @ VERITY	\$ 230.00
XEROX CORPORATION	LEASE AGREEMENT	\$ 301.98
WAL-MART COMMUNITY/GECRB	SUPPLIES	\$ 660.47
TOTAL SOLUTIONS, INC.	OFFISTE BACKUP/IT ENG	\$ 577.53
DISCOUNT TIRE & SERVICE	TIRES	\$ 948.00
POLYDYNE, INC.	POLYMER - WPC	\$ 4,666.24
EMC NATIONAL LIFE COMPANY	INSURANCE PREMIUM	\$ 1,175.59
MEDIACOM	SERVICE	\$ 137.98
INDUSTRIAL CHEM LABS	SUPPLIES/FREIGHT	\$ 148.46
LCL FARMS INC.	BIO SOLID TRUCKING/SPREADING	\$ 16,503.06
HARRISON MONUMENTS, INC.	GARDEN STAKE	\$ 185.00
GARY L. PFEIFERLING	POLICE VEHICLE CLEANING	\$ 440.00
IMI EQUIPMENT, LLC	PARTS	\$ 1,449.15
BARCO PRODUCTS COMPANY	PARK SUPPLIES	\$ 316.73
KEVIN B. FEEHAN	VEGETATION CONTROL	\$ 8,310.00
RELIABLE PEST SOLUTIONS	PEST CONTROL	\$ 186.58
BRITE-WAY WINDOW SERVICE	SERVICE KEOKUK PUBLIC LIBRARY	\$ 14.00
U.S POSTAL SERVICE	LIBRARY POSTAGE METER	\$ 1,000.00
SEITHER & CHERRY CO.	WPC LABOR/EQUIPMENT CHARGES	\$ 195.40
MACQUEEN EQUIPMENT, INC.	PARTS/FREIGHT	\$ 321.88
TWO RIVERS VETERINARY CENTER	ANIMAL SERVICES	\$ 396.00
WEST CENTRAL FS INC.	AIRPORT FUEL	\$ 935.13
KARL CHEVROLET	POLICE VEHICLE	\$ 35,468.42
INTERSTATE BATTERIES OF	BATTERIES	\$ 127.95
ACCO	POOL CHEMICALS	\$ 135.60
WINDSTREAM	SERVICE	\$ 828.64
RELIANT FIRE APPARATUS, INC.	PARTS	\$ 2,478.84
STEVE CELANIA	REIMBURSE DEPOT SUPPLIES	\$ 20.25
NFPA	FIRE DEPT RENEWAL	\$ 175.00
TREMCO PRODUCTS INC.	POLICE VEHICLE SUPPLIES/PARTS	\$ 342.93
SOUTHEAST IOWA REGIONAL	PLEDGE TO SIREPA FINAL BILL	\$ 2,000.00
LIBERTY UTILITIES MIDSTATES	SERVICE	\$ 1,301.74
JETCO, INC.	PARTS/FREIGHT	\$ 1,129.50
JEAN LUDWIG	REIMBURSE FIRE ITEMS	\$ 173.54
DIANNE STANLEY	MONTHLY MANAGER FEE @ GRAND	\$ 433.50
INTERSTATE BILLING SERVICE,INC	PARTS	\$ 1,621.86
ARMSTRONG TRACTOR LLC	PARTS	\$ 563.93
JEFFREY JOE HERR	SECURE PROPERTIES	\$ 205.00
THACHER TREE CARE	KILBOURNE PARK TREE REMOVAL	\$ 3,000.00
IOWA EMERGENCY PHYSICIANS LLP	MEDICAL SERVICES	\$ 93.00
LIGHTEDGE SOLUTIONS INC	MANAGED SECURITY	\$ 175.00

REGISTER NO. 5098

CELLEBRITE, INC.	POLICE DEPT REFRESHER COURSE	\$ 289.00
MIDWEST VETERINARY SUPPLY, INC	KEOKUK ANIMAL SERVICES SUPPLY	\$ 482.78
VISA	CARD SERVICES	\$ 2,206.19
KEOKUK MILLS, LLC	TARGETED JOBS TAX CREDIT	\$ 4,111.18
MT. PLEASANT CORRECTIONAL FAC	SERVICES	\$ 725.00
STERICYCLE COMSOL	ANSWERING SERVICE	\$ 344.73
MSE	PORTABLE TOILET RENTAL	\$ 561.00
HISTORIC EAGLES BUILDING LLP	TAX REBATE HISTORIC EAGLES BLD	\$ 9,096.30
JOHNSON CONTROLS	ANNUAL BILLING @ LIBRARY	\$ 643.02
KILBURG EQUIPMENT LLC	PARTS/FREIGHT	\$ 1,611.46
ADVANCED SYSTEMS, INC	LABOR	\$ 175.00
JOSEPH FIERCE	GRAND THEATER JANITORIAL	\$ 300.00
STEVEN R LONG	CITY HALL JANITORIAL SERVICE	\$ 300.00
MICHAEL HANEY	MOWING VARIOUS PROPERTIES	\$ 105.00
FRESH IMAGE LAWN CARE	MOWING VARIOUS PROPERTIES	\$ 785.00
JEREMIAH BOLLIN	MOWING VARIOUS PROPERTIES	\$ 4,060.00
SOUTHERN IOWA RECYCLE	HAULING	\$ 1,947.60
SCHICKEDANZ CONSTRUCTION	SEI DEVELOPMENT CENTER PAY #3	\$ 326,964.88
CHANCE NYE	MOWING VARIOUS PROPERTIES	\$ 140.00
BLUE TOP EXCAVATING	SHOOTING RANGE PAY #2	\$ 82,374.64
IOWA ONE CALL	IOWA ONE CALL CHARGES AUGUST	\$ 129.50
PET WASTE ELIMINATOR	PARK SUPPLIES	\$ 121.00
DENNIS CLARK	DEMO/DUMP TICKETS	\$ 15,228.72
ENGINEERED OPERATIONS	PARTS/MATERIALS/FREIGHT WPC	\$ 42,137.00
GOVHR USA	PROFESSIONAL FEES	\$ 8,200.00
		\$ 925,423.62



COUNCIL ACTION FORM

Date: October 3, 2019

Presented By: O'Donnell

Subject: Gas Franchise Agenda Item: _____

Description:

Staff was contacted by Liberty Utilities regarding our franchise with them for natural gas utility. The current franchise expired five years ago and we have been operating on a year to year basis since. I had City Attorney Dennis review the current franchise and suggest changes. This includes:

- Filing of annual report to the city.
- Inspections of their facilities.
- Cure of defaults.
- Reservation of Home Rule.
- Sharing of customer satisfaction survey.
- Clarification of eminent domain powers.

In addition, the franchise is for a twenty year term with amendments allowed at 10 and 15 years. The ordinance does reserve the right of the city to impose a franchise fee at any time, should the council so choose.

FINANCIAL

Is this a budgeted item? YES NO

Line Item #: _____ Title: _____

Amount Budgeted: _____

Actual Cost: _____

Under/Over: _____

Funding Sources:

Departments:

Is this item in the CIP? YES NO CIP Project Number: _____

ORDINANCE NO.

CITY OF KEOKUK, IOWA

NATURAL GAS FRANCHISE

SECTION 1. FRANCHISE GRANTED. There is hereby granted to Liberty Utilities, a Missouri corporation, hereinafter called the "Company," and its successors and assigns, the nonexclusive right and franchise to acquire, construct, erect, maintain, and operate in the City a system for the transmission and distribution of natural gas along, under, over, and upon the streets, avenues, alleys, and public places to serve customers within and outside the City, and to furnish and sell natural gas to the City and its inhabitants. This franchise grants no rights for communications signals other than signals necessary for the operation and maintenance of the Company's natural gas system described herein. Pursuant to Section 364.2(4)(e) of the Code of Iowa, the Company is granted the right of eminent domain, the exercise of which is subject to City Council approval upon application by the Company. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa, as subsequently amended or changed.

SECTION 2. TERM OF FRANCHISE. This franchise shall remain in effect for a period of twenty (20) years after the effective date of the ordinance codified in this chapter. The City may request amendments to the franchise by providing to the Company written notice of the City's desire to amend said franchise. Such notice shall be given at least one hundred eighty (180) days prior to the expiration of the tenth (10th) or fifteenth (15th) year of the agreement. If the parties are unable to agree to amend this franchise within ninety (90) days after such notice is given, the City may terminate this franchise agreement. Failure to amend or terminate the franchise at the first option does not render invalid the City's second option to amend or terminate the franchise.

SECTION 3. FRANCHISE FEE RESERVATION OF RIGHTS. Notwithstanding the provisions of Section 2, City hereby reserves any and all its rights and authority to impose franchise fees in consideration for the City's authorization to Company to use or occupy the public rights of way.

SECTION 4. REPRESENTATIONS OF COMPANY. The Company agrees to provide, construct, install, and maintain its entire system pursuant to Iowa Utilities Board rules and regulations in such condition that it will furnish safe, adequate, efficient, and continuous service. The Company's system shall be of sufficient capacity to supply all reasonable demands of the City and consumers within the City and to provide a reasonable reserve for emergencies.

All-natural gas service shall be supplied through a meter or other means that shall accurately measure the amount of natural gas supplied to a consumer. All gas pipes, mains, conduits, and other gas facilities shall be placed and maintained so as not to interfere unnecessarily with travel on the City's streets, alleys, and public places or with the proper use of the same, including ordinary drainage, or with the construction or use of the sewers, pipes, drains, and other property of the City, or the flow of water therefrom.

SECTION 5. LOCATION OF FACILITIES. The Company shall not locate any new natural gas mains, pipes, or conduits within the City in the public right-of-way without the prior approval of the City; however, the City shall not unreasonably withhold approval of Company's location of Company facilities within public right-of-way. The City reserves to itself the power to impose reasonable regulations on the Company's use of streets. The City reserves the right, by resolution or otherwise, to designate the location of any new natural gas distribution facilities, which designation shall not conflict with Company's adherence to its design standards and such utility regulation as governs its construction of facilities. The City shall work with the Company to ensure, to the extent practicable, that the Company may locate its facilities in the least-cost manner consistent with its design standards and utility regulation and consistent with the City's desire to promote the public safety and welfare and protect public property. The Company

shall, at its cost and expense, locate and relocate its installations in, on, over, or under any public street or alley in the City in such manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance, or repair of the street or alley or any public improvement of, in, or about any such street or alley or reasonably promoting the efficient operation of any such improvement.

SECTION 6. EXCAVATIONS AND OTHER WORK. In making excavations or performing other work in the City, the Company shall proceed with such work so as to cause the least possible inconvenience to the public. The Company shall properly protect, according to safety standards generally accepted at the time of placement, all excavations and obstructions by proper shoring, surface plates, barricades, warning lights, and such other or additional devices as circumstances may warrant. The Company shall provide the City with twenty-four (24) hours' notice to the City prior to commencing work that requires the excavation of the traveled portion of the streets, avenues, or alleys. Emergency repairs are exempted from this notification requirement. The Company shall notify the City of the emergency repair following the completion of said emergency repairs. If, in the opinion of the City's Public Works Department, such excavation or obstruction is not properly and safely protected, the City's Public Works Department shall notify the Company and the Company shall immediately comply with such reasonable instructions not in conflict with accepted utility safety rules and practices. Company excavations within the public rights-of-way, public areas, and private property within the City shall be refilled within a reasonable time thereafter consistent with accepted utility safety rules and practices. Pavements, sidewalks, curbs, gutters, vegetation, or landscape opened, disturbed, or damaged by the Company shall be promptly restored and replaced with like materials by the Company at its own expense and left in a condition as good as or better than before. In the event that the Company fails to comply with this section, the City may do such work as may be needed to properly prepare such pavements, sidewalks, curbs, gutters, vegetation, or landscape, and the cost of such repairs shall be repaid to the City by the Company.

SECTION 7. RATES. The Company shall supply natural gas to consumers within the City at just and reasonable rates. It is recognized that under the statutes of the State of Iowa, the Iowa Utilities Board of the Iowa Department of Commerce is vested with legal authority to supervise, fix, or change rates and charges authorized to be charged by the Company to natural gas consumers. In the event rates or charges in general, or any class or type of rate or charge shall, during the term of this franchise, cease to be regulated by any State or federal agency, the City Council reserves the right to regulate such rates within the City with the costs of such regulation to be borne by the Company, as a part of the Company's cost of doing business and reflected in its rates.

SECTION 8. ANNUAL REPORT. Upon request by the City, the Company shall file with the City Council a true copy of the annual report of the Company pertaining to the operation or conduct of the business of the Company under this franchise. The report may be the same as the Company shall have prepared for such year in the ordinary course of business of the Company and filed with the Iowa Utilities Board. In the event the City Council is authorized by State law and undertakes to regulate rates for service within the City, the Company shall provide all information necessary to permit the City Council to set just and reasonable rates.

SECTION 9. INSPECTION OF COMPANY FACILITIES. The Company shall inspect its natural gas facilities used to provide natural gas service under this franchise in compliance with standards established by federal and State laws, rules, and regulations. The replacement or repair of natural gas facilities resulting from these inspections shall be completed within a reasonable period of time thereafter. Hazardous conditions shall be corrected promptly.

SECTION 10. COMPLIANCE WITH CITY ORDINANCES. The Company shall at all times during the term of this franchise conform with, submit to, and carry out the provisions of any and all valid ordinances in effect during the term of this franchise, to the full extent allowed by law and to the extent

such provisions are not in conflict with this franchise agreement: (i) relating to any person, firm, or corporation supplying and distributing natural gas to the City or consumers within the City that are now in force or may hereafter be lawfully enacted; (ii) relating to the use of City right-of-way; or (iii) relating to the City's exercise of its police or regulatory powers.

SECTION 11. FORFEITURE OF FRANCHISE; CURE OF DEFAULTS. The violation of any material portion of this franchise by the Company or its successors or assigns, or its failure to promptly perform any of the provisions of this franchise shall be cause for forfeiture of this franchise and the termination of all rights under this franchise. Such forfeiture shall be accomplished after written notice to the Company by the City, and a continuation of the violation failure, or default specified in the notice for at least sixty (60) days from the date the notice was served upon the Company. If either party determines that there is a default under this franchise, the other party shall be given a written notice describing the default, stating whether a forfeiture or termination of the franchise will be sought, and where the default is curable, providing a reasonable time to cure the default, which shall be not less than thirty (30) or more than one hundred eighty (180) days.

SECTION 12. RESERVATION OF HOME RULE POWERS. This chapter is intended to be and shall be construed as consistent with the reservation of local authority contained in the Twenty-Fifth Amendment to the Iowa Constitution granting home rule powers to municipalities. To such end, any limitation on the power of the City is to be strictly construed, and the City reserves to itself the right to exercise all power and authority to regulate and control its local affairs, and all ordinances and regulations of the City shall be enforceable against the Company unless, and only to the extent, they are irreconcilable with any rights granted to the Company under this chapter.

SECTION 13. MAPS OF DISTRIBUTION SYSTEM. Upon reasonable request, Company shall provide to the City Engineer, on a project specific basis, information indicating the horizontal location, in compliance with One-Call regulation, relative to the boundaries of the right of-way, of all natural gas equipment which it owns or over which it has control and which is located in the project right-of-way. Project-specific mapping data shall be provided with the specificity and if reasonably possible in the format requested by the City Engineer. Mapping information provided to the City by the Company shall be for the exclusive use of the City in administering the use and occupancy of the public rights-of-way within the City and shall not be provided to or relied on by any person for any other purpose. At the request of the Company, any information requested with respect to the location or type of equipment the Company maintains or plans to install in the right-of-way that qualifies or is designated by the Company as proprietary information or as a trade-secret information under Chapter 550 of the Code of Iowa or qualifies to be kept confidential under Code of Iowa Section 22.1 et seq., shall be treated as confidential information or a trade secret and shall not be released to any party by the City.

SECTION 14. CUSTOMER SATISFACTION SURVEYS. At the request of the City, the Company shall provide the City with summaries of the findings of its annual and other periodic customer satisfaction surveys and research. The Company also agrees to respond promptly and fully to the City's concerns and questions about specific service quality and customer satisfaction matters as and when they are communicated to the Company.

SECTION 15. EXERCISE OF EMINENT DOMAIN POWERS. The Company shall have the power to condemn private property for the purpose of providing natural gas utilities to the extent necessary to serve a public use and in a reasonable relationship to an overall plan of transmitting or delivering natural gas in the public interest upon approval of the City Council. The Company must establish the necessity for each taking of private property, and when so established, the City Council may approve the condemnation of the private property by resolution. Any such exercise of the eminent domain powers shall be conducted in accordance with this Code of Ordinances.

SECTION 16. INDEMNITY. The Company shall indemnify and hold the City, and its officers, agents, and employees, free and harmless from any and all claims, demands, lawsuits, liability, and damages whatsoever, including all costs and expenses incident thereto,, for any and all loss, damage, injury, or death caused or occasioned, in whole or in part, by the Company's negligence in construction, reconstruction, excavation, operation or maintenance of the natural gas facilities authorized by this franchise; provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages arising from the negligence of the City, its officers, employees or agents.

SECTION 17. LEASE OR ASSIGNMENT OF FRANCHISE. This franchise shall apply to, inure to, and bind the parties hereto and their successors.

Initial reading passed this 3rd day of October, 2019.

Thomas L. Richardson, Mayor

Attest: _____
Jean Ludwig, City Clerk



COUNCIL ACTION FORM

Date: October 3, 2019

Presented By: O'Donnell

Subject: Ordinance Naming Cemetery Trustees Agenda Item: _____

Description:

This ordinance establishes the City Council as trustees of Oakland Cemetery in accordance with Iowa Code Sec. 523I. As trustees, the council will have full authority and control over the investment of perpetual care funds. These funds will be transferred from Dubuque Bank and Trust as soon as we pass the ordinance. Previously DB&T was the trustee of the funds. This was in violation of 523I of the Iowa code. Additionally, the trust documents allowed DB&T to invest funds in non-fixed rate instruments. This violated Sec 12B of the Iowa code.

As a side note, we are required each year to file a report with the Iowa Insurance Division in regards to our perpetual care funds. The 2018 report showed a decrease in principal amounts. As such, we were required to submit a narrative as to the loss. A copy of the notice and our response is attached.

FINANCIAL

Is this a budgeted item? YES NO

Line Item #: _____ Title: _____

Amount Budgeted: _____

Actual Cost: _____

Under/Over: _____

Funding Sources:

Departments:

Is this item in the CIP? YES NO CIP Project Number: _____

KIM REYNOLDS
GOVERNOR

DOUG OMMEN
COMMISSIONER OF INSURANCE

ADAM GREGG
LT. GOVERNOR

September 25, 2019

Keokuk Oakland Cemetery
ATTN: Amy Dietsch
600 Main St E 3
Keokuk, IA 52632

RE: 2018 Annual Report Discrepancy
PCC-000133

via email: adietsch@cityofkeokuk.org

Ms. Dietsch:

I am writing from the Iowa Insurance Division's Regulated Industries Unit regarding the 2018 Annual Report submitted for Keokuk Oakland Cemetery. We appreciate your timely filing of the 2018 Annual Report.

However, we noticed that the amount reported for the 2018 calendar year doesn't appear to adequately reflect the principal balance previously reported from the 2017 report.

Principal reported for 2017:	\$466,432.03
Principal reported for 2018:	\$434,700.66
Difference	(\$ 31,731.37)

Please file a brief, written narrative explaining why this dollar amount reported doesn't reflect the previously reported principal balance for the trust account.

Be aware that you must report any and all funds designated as perpetual care, even if the funds are split into several accounts.

This narrative can be submitted via email to pcc@iid.iowa.gov or via U.S. mail to the following address:

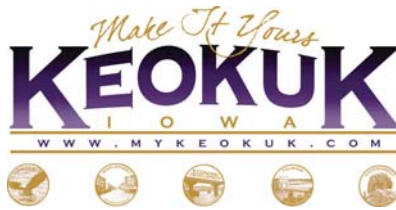
Attn: Robin Spence
Iowa Insurance Division
601 Locust Street, 4th Floor
Des Moines, Iowa 50309

Please submit this narrative no later than *Friday, October 11, 2019.*

The Bureau appreciates your time and attention regarding this matter.

Respectfully,

Robin Spence
Iowa Insurance Division
Securities and Regulated Industries Bureau
Phone (direct): 515.242.5310
Email: robin.spence@iid.iowa.gov



September 26, 2019

Attn: Robin Spence
Iowa Insurance Division
601 Locust Street, 4th Floor
Des Moines, Iowa 50309

RE: 2018 Annual Report Discrepancy
PCC-000133

Dear Ms. Spence:

In May of 2015, officials no longer with the City of Keokuk establish an irrevocable trust naming Dubuque Bank and Trust as the sole trustee of Oakland Cemetery perpetual care funds. The balance of these funds were transferred to the trust for their investment. Included in the trust agreement was a provision allowing DB&T to invest funds in nonfixed rate instruments subject to market fluctuations.

When I assumed my position with the City of Keokuk, I noted that the perpetual care fund lost money at times. In my research I discovered the trust agreement and advised DB&T that investment in nonfixed rate instruments was in violation of Iowa Code Sec. 12B prohibiting municipal funds from being invested in nonfixed rate accounts. DB&T cited the trust agreement specifying that were allowed to do so and would continue to invest funds in accordance with the agreement. Following that conversation, I consulted with legal counsel who issued an opinion that the trust agreement violated Sec. 12B and Sec. 523I (trustees of a municipal cemetery must be the city council).

At the September 19, 2019 meeting, the City Council passed a resolution approving an agreement with DB&T to dissolve the trust and return all funds to the City to be invested in accordance with Sec. 12B. This will be done after the October 3, 2019 meeting when the City Council considers and passes an ordinance establishing the City Council as the trustees of perpetual care funds. The funds will then be invested so that the principal will never be reduced and funds will receive an annual fixed rate return.

Please contact me with any additional questions or concerns. The City hopes that our actions to comply with Iowa code regarding perpetual care funds will suffice for an explanation of the fund reduction.

Sincerely,

Cole S. O'Donnell
City Administrator

Cole S. O'Donnell · City Administrator
601 Main St, Suite 3, Keokuk, IA 52632
(319)524-2050 x 111 · codonnell@cityofkeokuk.org

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY OF KEOKUK, IOWA, CODE OF ORDINANCES BY AMENDING CHAPTER 11.04 – OAKLAND CEMETERY

AMEND CHAPTER 11.04 – OAKLAND CEMETERY. The Code of Ordinances of the City of Keokuk, Iowa, is amended by repealing Chapter 11.04 and adopting the new section stated as follows:

Chapter 11.04 - OAKLAND CEMETERY

Sections:

11.04.010 - Establishment.

The following described property with such other property as may be added thereto is forever devoted for a place of burial and shall be called Oakland Cemetery: The south half of the northwest quarter of Section Twenty-six, except the right-of-way of the Chicago, Burlington and Quincy Railroad and except the north half of the northeast quarter of the southwest quarter of the northwest quarter of Section Twenty-six; and the southwest quarter of the northeast quarter of Section Twenty-six, all in Township Sixty-five North, Range Five West of the Fifth Principal Meridian; and also all of Kilbourne's Addition to the city lying northwest of the northwesterly line of Eighteenth Street and southwest of the southwesterly line of Carroll Street. The city reserves the right to locate and maintain a dump in the westerly part of the tract described in this section.

(Ord. 1374 § 1 (part), 1983)

11.04.020 - Limited uses.

Oakland Cemetery shall be devoted to burial purposes and shall be forever held by the city for that purpose alone. The city may sell and convey the burial rights in and to any lot, portion thereof, or subdivision of the cemetery for the purpose of burial. Every lot, portion thereof or subdivision shall be used by the purchaser only for the purpose of burial, shall be indivisible, shall not be conveyed by the owner unless to the city and shall be forever exempt from taxation by the city. It shall be a condition of all deeds issued that the purchaser, in the event he should desire to dispose of his lot or lots, can sell only to the city after first obtaining approval of the city council. All deeds shall be drawn in accordance with this chapter, signed by the mayor, attested by the city clerk and sealed with the city seal and recorded in a book kept for that purpose by the clerk.

(Ord. 1374 § 1 (part), 1983)

11.04.030 - Reversion.

It shall be a condition of all deeds plainly written thereon that in case the purchaser abandons his lot, portion of lot or subdivision, or fails to maintain or to care for the same for a period of twenty years, his ownership thereof shall be presumed to have been abandoned. Upon a written statement from the superintendent of cemeteries, the city attorney shall mail to the purchaser or his spouse or heirs, or may cause to be served personally, a thirty-day notice of the reversion of the ownership and all rights granted by the original deed. If, within the thirty-day period, the recorded owner or his heirs fail to notify the city clerk that they will maintain or care for the lot, then the deed thereto shall, on the termination of the thirty-day period, become null and void and of no further force and effect and the grantee therein shall forfeit and lose any and all his rights, title or interest thereby conveyed. The city attorney shall file proof of the notice with the city clerk and the city council shall by resolution declare the deed void and notify the superintendent of cemeteries.

(Ord. 1374 § 1 (part), 1983)

11.04.040 - Superintendence.

The superintendent of cemeteries and his assistants shall by their appointment or employment be constituted conservators of the peace in, around and about the cemetery, and as such shall have full power to arrest and take before the Superior Court any person who causes any disturbance or in any manner breaks or threatens to break the peace or who disobeys any lawful order of the superintendent of cemeteries within or about the cemetery or who violates any of the provisions of this chapter. Neither the superintendent of cemeteries or any employee shall make any charge or receive any remuneration or gratuity for superintending or making any improvement or repairs upon any lot or grave or for caring for the same except his remuneration as shall be fixed by resolution of the city council.

(Ord. 1374 § 1 (part), 1983)

11.04.045 - Grave opening and closing.

The superintendent of cemeteries and/or his assistants shall provide written permission prior to any contractor making an opening for a funeral home. Such contractor shall have insurance in such amounts as set forth by separate resolution naming the City of Keokuk listed as an additional insured; a copy of said insurance shall be filed with the public works department of the City of Keokuk. The contractor shall contact Oakland Cemetery Monday through Friday not less than forty-eight hours prior to the grave opening. The contractor shall use all due care while working in the cemetery and shall not be negligent while opening and closing any graves, nor shall such contractor operate in any careless fashion at any other time. The city has the right to refuse contractors from digging in Oakland Cemetery.

(Ord. No. 1982, § 1, 4-19-18)

11.04.050 - Unlawful acts.

It is unlawful for any person to bury or attempt to bury any dead body in any unsold lot, or in any lot belonging to another without permission of the owner in writing, or to resist the superintendent of cemeteries in the discharge of his duty, or refuse or neglect to obey his lawful directions, or to discharge firearms, hunt or trespass in any manner in the cemetery, or to injure, deface or destroy any tree, flower, shrub, stone, stake, post, fence, monument, vault or other fixture, building or thing of value or ornament in the cemetery, or to trespass on any grave, or to violate any provision of this chapter, or to erect any monument bearing the words "Perpetual Care," or place on any monument or marker the words "Perpetual Care" unless the perpetual care fee as provided in this chapter has been paid.

(Ord. 1374 § 1 (part), 1983)

11.04.060 - Perpetual care included.

The purchase price of all graves and lots in Oakland Cemetery, except those purchased by the state and county for welfare interments, shall in every instance include the fee for perpetual care, and no lots or parts thereof shall be sold therein except that they be placed in perpetual care.

(Ord. 1374 § 1 (part), 1983)

11.04.070 - Improvements.

The proprietor of any lot, portion of a lot or subdivision may cultivate shrubs and plants thereon and may improve or make repairs under the direction of the superintendent of cemeteries. If the purchaser desires improvements to be made by the assistant superintendent of cemeteries or his assistants, he shall pay the city clerk such sums as may be charged therefor by the superintendent of cemeteries.

(Ord. 1374 § 1 (part), 1983)

11.04.080 - Limitations on interment and disinterment.

No proprietor shall allow interments to be made on his lot for remuneration. No interment of the dead shall be made within the limits of the city except in Oakland Cemetery or in other cemeteries recognized by and operating under the permission of the city council. No disinterment of the dead shall be made without written permission from the superintendent of cemeteries and then according to law and the rules of the city health officer.

(Ord. 1374 § 1 (part), 1983)

11.04.090 - Perpetual care fees.

The city council shall by resolution fix the schedule of fees to be paid to the city for perpetual care on lots, portion of lots and subdivisions in the cemetery. Upon the payment to the city clerk of the perpetual care fees, the city shall take perpetual care of the area paid for; provided, however, that such care shall not include the re-erection of fallen monuments, walls, fences or other like improvements which time and the elements may cause to fall and decay.

(Ord. 1374 § 1 (part), 1983)

11.04.100 - Lot prices.

The city council shall by resolution fix the purchase price for the sale of lots, portion of lots and subdivisions in the cemetery, and the fees for digging, filling, tamping of graves and vaultage therein.

(Ord. 1374 § 1 (part), 1983)

11.04.110 - National cemetery exempt.

The provisions of this chapter shall not apply to that portion of Oakland Cemetery conveyed to the United States of America for a national cemetery.

(Ord. 1374 § 1 (part), 1983)

11.04.120 – Trustee of perpetual care cemetery.

Pursuant to Section 523I.502 of the Code of Iowa, the City of Keokuk hereby states its willingness and intention to act as the trustee for the perpetual maintenance of interment spaces in Oakland Cemetery.

11.04.121 – Establishment of trust fund

A perpetual trust is hereby established for Oakland Cemetery in accordance with the Iowa Cemetery Act, as amended. A restricted fund is created, to be known and designated as the "perpetual care cemetery fund," which shall be funded by the deposit of an amount equal to or greater than 20 percent of the gross selling price, or \$50.00, whichever is more, for each sale of interment space within the cemetery. The fund shall be administered in accordance with the purposes and provisions of the Iowa Cemetery Act (Chapter 523I. Iowa Code, as amended). The perpetual care cemetery fund shall be maintained separate from all operating funds of the city and the principal of the fund shall not be reduced voluntarily except as specifically permitted by the Iowa Cemetery Act and applicable administrative regulations.

11.04.122 - Sale of interment rights.

The sale or transfer of interment rights for lots in each cemetery subject to the regulations of this division shall be sold at such price as the council may, from time to time, provide by resolution, as set forth in 11.04.100, and shall be evidenced by a certificate of interment rights or other instrument evidencing the conveyance of exclusive rights of interment upon payment in full of the purchase price. The agreement for interment rights shall disclose all information required by the Iowa Cemetery Act, including the amount or percentage of money to be placed in the perpetual care cemetery fund, and the balance thereof to be placed in the city's general fund.

11.04.123 - Perpetual care registry.

The city shall maintain a registry of individuals who have purchased interment rights in the cemetery subject to the care fund requirements of the Iowa Cemetery Act, including the amounts deposited in the perpetual care cemetery fund of the city.

11.04.124 – Investment of care funds.

Notwithstanding Iowa Code § 12B.10, as amended, the city may invest and reinvest deposits pursuant to the requirements of Iowa Code Chapter 523I, as amended. The city shall use the judgment and care under the circumstances then prevailing that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital. The trustee of the trust funds has a fiduciary duty to make reasonable investment decisions and to properly oversee and manage the funds entrusted to the trust fund.

11.04.125 – Management.

The city shall be a trustee in perpetuity, and shall be required to accept, receive, and expend all moneys and property donated or left to it by bequest for perpetual care, and that portion of interment space sales or permanent charges made against interment spaces which has been set aside in a perpetual care fund for which there is no other acting trustee, shall be used in caring for the property of the donor or lot owner who by purchase or otherwise has provided for the perpetual care of an interment space in any cemetery, or in accordance with the terms of the donation, bequest, or agreement for sale and purchase of an interment space, and the money or property thus received shall be used for no other purpose.

11.04.126 – Investment of funds.

The mayor and council may receive and invest all moneys and property, donated or bequeathed, and that portion of cemetery lot sales and permanent charges made against cemetery lots which have been set aside in a perpetual care fund, and in so investing, shall use the judgment and care under the circumstances then prevailing that persons of prudence, discretion, and intelligence exercise in the management of their own affairs not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital. The trustee of the trust funds has a fiduciary duty to make reasonable investment decisions and to properly oversee and manage the funds entrusted to the trust fund. The income from the investment shall be used in caring for the property of the donor in any cemetery, or as provided in the terms of the gift or donations or agreement for sale and purchase of a cemetery lot. All current care charge payments received shall be allocated to the perpetual care fund or to the fund paying the costs of cemetery operations. Care charge payments received one year or more after the date they were incurred shall be used to fund the cost of operating the cemetery. Care charge payments received one year or more in advance of their due date shall be deposited in the perpetual care fund. Interest

from the perpetual care fund shall be used for the maintenance of both occupied and unoccupied lots or spaces. Any remaining interest may be used for costs of access roads and paths, fencing, and general maintenance of the cemetery. Lots under perpetual care shall be maintained in accordance with the cemetery covenants of sale.

11.04.127 – Resolution of Acceptance.

Before any part of the principal may be invested or used, the city shall, by resolution, accept the moneys described in subsection 11.04.125 and, by resolution, shall provide for the payment of interest annually to the appropriate fund, or to the cemetery, or the person in charge of the cemetery, to be used in caring for or maintaining the individual property of the donor in the cemetery, or interment spaces which have been sold if provision was made for perpetual care, all in accordance with the terms of the donation or bequest, or the terms of the sale or purchase of an interment space. If there is no person in charge of the cemetery, the income from the fund shall be expended under the direction of the city council, in accordance with the terms of the donation or bequest, or the terms of the sale or purchase of an interment space.

11.04.13 – Records.

It is the duty of the City Clerk to make and keep complete records identifying the owners of all interment rights sold by the cemetery and historical information regarding transfers of ownership. The records shall include all the following:

1. Sales or Transfers of Interment Rights
 - a. The name and last known address of each owner or previous owner of interment rights.
 - b. The date of each purchase or transfer of interment rights.
 - c. A unique numeric or alphanumeric identifier that identifies the location of each interment space sold by the cemetery.
2. Interments.
 - a. The date the remains are interred.
 - b. The name, date of birth, and date of death of the decedent interred, if those facts can be conveniently obtained.
 - c. A unique numeric or alphanumeric identifier that identifies the location of each interment space where the remains are interred.

Initial reading passed this 3rd day of October, 2019.

Thomas L. Richardson, Mayor

Attest: _____
Jean Ludwig, City Clerk



COUNCIL ACTION FORM

Date: September 27, 2019

Presented By: Broomhall

Subject: Set public hearing to sell city property Agenda Item: _____

Description:

Set a public hearing for October 17, 2019 at 6:30 p.m. to sell city owned real estate at 606 Concert Street to Bruce & Cindy Harris, 612 Concert Street for seven-thousand five-hundred dollars (\$7,500)

FINANCIAL

Is this a budgeted item? YES NO

Line Item #: _____ Title: _____

Amount Budgeted: _____

Actual Cost: _____

Under/Over: _____

Funding Sources:

Departments:

Is this item in the CIP? YES NO CIP Project Number: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KEOKUK, IOWA, SETTING DATE FOR A PUBLIC HEARING FOR THE SALE OF CITY OWNED REAL ESTATE LOCATED AT 606/608 CONCERT STREET, PURSUANT TO IOWA CODE CHAPTER 364.7

WHEREAS, a public hearing is required by state law in order that the City Council of the City of Keokuk to sale city-owned real property; and

WHEREAS, The City of Keokuk, owns two parcels know as 606 and 608 Concert Street and have requested that these parcels be combined into one parcel to be known as 606 Concert, (Lot 2 and the east 3 feet of lot 3, Block 95, Original City of Keokuk (53' x 140')).

WHEREAS, the City of Keokuk has received a bid from Bruce and Cindy Harris in the amount of seven-thousand five-hundred dollars (\$7,500.00) on said property and it is the intent of the City of Keokuk to dispose of property to said bidder; now, therefore,

BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF KEOKUK, IOWA;

THAT, a public hearing date be set at 6:30 p.m., Thursday, October 17, 2019, at Keokuk Community School District Administrative Offices, 500 N. 20th Street, Keokuk, Iowa for disposal of 606 Concert Street. The City Clerk is directed to publish notices to this effect in *The Daily Gate City*.

Passed this 3rd day of October, 2019

Thomas L. Richardson, Mayor

Attest: _____

Jean Ludwig, City Clerk



COUNCIL ACTION FORM

Date: 9/30/19

Presented By: Mark Bousselot *MB*

Subject: ServiceMasters Change Order #1 - SID Center Agenda Item: _____

Description:

ServiceMasters has finished removing the walls at the SID Center and are now able to submit a change order to complete the mold remediation. The project was awarded in the amount of \$82,686.05 to remove the mold. Change Order # 1 will address the removal/treatment of the remaining wall studs. Change Order #1 will increase the project by \$53,597.69. This change will bring the total cost to \$136,283.74.

FINANCIAL

Is this a budgeted item? YES NO

Line Item #: _____ Title: SID Center

Amount Budgeted: _____

Actual Cost: \$53,597.69

Under/Over: \$136,283.74 Total Project Cost

Funding Sources:

Departments:

Is this item in the CIP? YES NO CIP Project Number: _____

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING CHANGE ORDER # 1 FOR THE MOLD REMOVAL
AT THE SID CENTER**

WHEREAS ServiceMasters was hired by the City of Keokuk for mold remediation at the SID Center, 1417 Exchange Street. Now that the walls have been removed ServiceMasters is able to see the extent of the remaining work, and

WHEREAS ServiceMasters of Fort Madison, IA has submitted Change Order #1 for the additional removal, and chemical application on the remaining material in the amount of \$53,597.69

NOW THEREFORE; BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF KEOKUK, IOWA: that Change Order #1 in the amount of \$53,597.69 for the SID Center mold remediation be approved.

Passed this 3rd day of October, 2019.

Mayor – Thomas L. Richardson

Attest – Jean Ludwig



TO: Mayor and Council
FROM: Cole S. O'Donnell
DATE: September 26, 2019
RE: Committee Vacancies and Term Expiring

COUNCIL APPOINTMENTS:

Airport Commission **SUBJECT TO GENDER BALANCE**

6 yr term

Donna Farrell Term to expire 10/20/2019

Architectural Design Review

2 yr term

Maty Dennis Term Expired 06/19/2011

Joe Getz Term Expired 06/19/2015

John Mason Term Expired 06/19/2015

Doug Matlick Term Expired 06/19/2016

Ede Kiedaisch Term Expired

Board of Adjustment **SUBJECT TO GENDER BALANCE**

Vacancy Term Expired 04/01/2017 (partial term will expire 04/01/2022)

Building & Housing Advisory Board

3 yr term

Terry Twitchell Term Expired 09/19/2016

Great River Regional Solid Waste Commission

2 yr term

Roger Bryant Term to expire 12/01/2019 **NOMINATED**

Susan Dunek (Alt) Term to Expire 12/01/2019 **NOMINATED**

Grand Theater Commission

3 yr term

Vacancy Term to expire 11/05/2019

Vacancy Term to expire 11/05/2019

Vacancy Term to expire 11/05/2020

Vacancy Term expired 11/05/2017

Diane Kearns Term to expire 11/05/2019

Human Rights Commission **SUBJECT TO GENDER BALANCE**

3yr Terms

Dev Kiedaisch	Term Expired 09/19/2018
Sandy Seabold	Term Expired 09/19/2019
Vacancy	Term Expired 09/19/2012
Diane Stanley	Term Expired 09/19/2019

Keokuk Housing Authority **SUBJECT TO GENDER BALANCE**

2 yr term

Christina McDaniel	Term Expired 09/05/2019
Brent Haage	Term Expired 09/05/2019

Park and Recreation Advisory Board

3 yr term

Monica Winkler	Term to Expire 11/02/2019
Joe Shuman	Term to Expire 11/02/2019
Jodi Householder	Term expired 11/02/2016

Tumelty Park Commission

6 yr term

Shane Etter	Term Expired 11/14/2008
Rodger Whitaker	Term Expired 11/14/2008
Vacancy	Term Expired 11/14/2008

Veterans Memorial Commission

5 ys term

Vacancy	Term Expired 06/01/2016
Goerge Morgan	Term Expired 06/01/2012

MAYORAL APPOINTMENTS:

Historic Preservation Commission

3 yr term

Vacancy	Term to expire 09/19/2020
Vacancy	Term to expire 09/19/2020
Dan Winn	Term expired 09/19/2019
Michael Greenwald	Term expired 09/19/2019
Callie Peterson	Term expired 09/19/2019

Keokuk Public Library Board

6 yr term limit of 2 terms

Vacancy	Term expired 07/01/2019
Joseph Fierce	Term expired 07/01/2019 (1 st term)

Keokuk Barge Commission

1 yr term

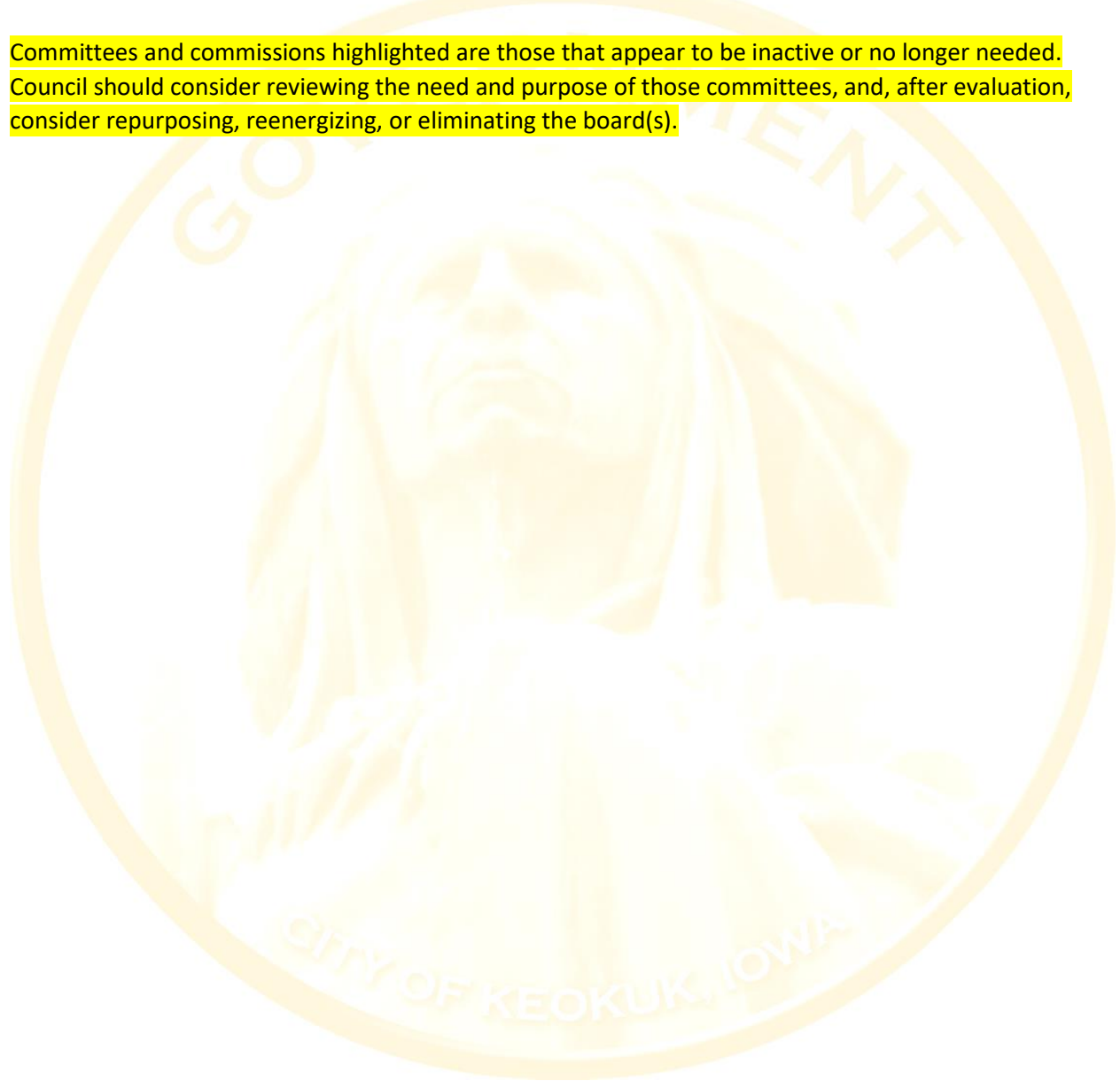
Tonya Boltz Term expired 01/01/2019

Doug Matlick Term expired 01/01/2019

2yr term

Vacancy Term to expire 01/01/2020 (partial term)

Committees and commissions highlighted are those that appear to be inactive or no longer needed. Council should consider reviewing the need and purpose of those committees, and, after evaluation, consider repurposing, reenergizing, or eliminating the board(s).



the GRAND THEATRE

To: The City of Keokuk
Amy Benson, Deputy City Clerk

From: Janice Lindner
Grand Theatre Commission President

September 12, 2019

We want to confirm that Diane Kearns, GTC Board member, term expires November 2019. She has agreed to stay on the Commission for another term.

Thank you in advance!



TO: Mayor and City Council
FROM: Cole S. O'Donnell
DATE: September 30, 2019
RE: Administrator's Report

1. SID Center: There are several change orders to the project already. Most are due to unexpected finds when tearing open walls. This is typical in a large remodel project of older facilities as the contractor finds things that weren't on the plans or lines, water and electrical, don't run where they should. At this time, we are within budget, excluding the mold removal and staff will continue to monitor.
2. CIP: I have started the CIP process with staff. Department heads were given planning sheets. I have asked that they return the sheets or enter the projects into the software program by November 1. However, as this is the initial plan the deadline may be extended. The plan must be approved with a public hearing and adopting resolution and I intend to have that completed prior to starting the annual budget process. The latest date for approval then is December 19.
3. PureVision: PureVision is a company specializing in the testing soils and development of technology to process biomass into value added products. The company would like to establish a centralized location and are interested in the SID Center. I have been authorized by the company's CEO to begin inquiries with IEDA on incentives and programs to help them locate here. I have made initial contact and will be arranging a meeting with IEDA and the Iowa Department of Agriculture to begin building a package.
4. City Hall: Our architect will be here October 10th to begin evaluating the building. He would like to meet with the City Hall Committee that same day at 3:30 PM. Please mark your calendars.
5. Sound System: Our sound system is ready for delivery. I would have had them come this week so it would be ready for this meeting, but since we are not in the usual location, I will have it ready for October 17th.

AGENDA
CITY OF KEOKUK
GOAL SETTING SESSION - 2020

Monday, January 15
5:00 PM – 9:00 PM
Keokuk Library

- 5:00 – 5:10 Check-in – Informal Visiting
- 5:10 – 5:15 Opening Remarks – Mayor and City Administrator
- 5:15 – 6:00 “Working as a Team – The Challenge of Public Sector Leadership”
Focus:
a. Review Agenda
b. Housekeeping and Basic Principles
c. Objectives and expectations for the session
d. Review Recent City Accomplishments (2018-20)
e. Key elements of Leadership
- 6:00 – 7:00 “Working as a Team – Providing Direction”
Focus:
a. The City’s Mission and Values
b. Changes that are likely to impact the City
c. Review and consensus Issues, Concerns, Opportunities, and Trends
d. Updating the City’s Goals Program
e. Ranking of Priorities
- 7:00 – 7:30 Lunch
- 7:30 – 8:45 “Working as a Team – Preliminary Planning and Clarifying Roles”
Focus:
a. Preliminary action planning on highest priority goals
b. Review and discussion of preliminary action plans
c. Knowing and fulfilling roles Home Rule, Roles, and Responsibilities
- 8:45 – 9:00 Summary and Wrap Up Comments
Focus:
a. Results - Report to the City Administrator by January 16, 2010
b. Development of Action Plan by City Administrator
c. Importance of Quarterly Updates

City of Keokuk, Iowa Goal Setting Session Timeline

DATE	TASK
September 23, 2019	City Administrator and/or Board to consider proposal and approve contract with Consultant
September 30, 2019	Approval of agenda, details and report by City Administrator
November 18, 2019	Goal Setting Questionnaires goes out to City Administrator to provide to Department Directors, Mayor and Council Members
December 9, 2019	Goal Setting Questionnaires due from City Administrator, Department Directors, Mayor and Council Members
December 13, 2019	City Administrator to provide compilation of New Initiatives to Consultant Compiled list is released to the Mayor, Council and Public for 3-4 weeks to allow for public input until January 2, 2020
January 6, 2020	City Administrator provides results of public input to Consultant
January 15, 2020	Workshop
January 16, 2020	Consultant submits report, draft Action Plan and On-Going Priorities Spreadsheet City Administrator prepares Action Plan
January 20, 2020	Board approves Report and Action Plan

Amended 9/23/19 11:26 am