

**MINUTES  
REGULAR MEETING  
OF THE  
MARBLE ROCK CITY COUNCIL  
JUNE 4, 2007 7:00 P.M.**

The Regular Meeting of the Marble Rock City Council was called to order with Mayor Ackley presiding with Councilpersons Engelhardt, Fisher, Handley, Hutzell, Merfeld present. Many interested citizens were present. The meeting was video taped and audio taped by several people.

Moved Handley/seconded Engelhardt to depart from the regular agenda order to accommodate the guests. Roll: Ayes- All. Carried.

Mayor reported that Dennis Schriever had picked up the metal for cleanup and he proposed giving him the same that we gave him last year. Moved Engelhardt/seconded Hutzell to pay Dennis Schriever \$75.00 for junk pick up. Roll: Ayes- All. Carried.

Steve Bodensteiner discussed the TIF for the new fertilizer plant, stating that the deadline is December. NIACOG was looking into either amending the current TIF or creating a new district; whichever would be more beneficial to the city. New income for the city will be about \$25,000 to \$30,000 for first 10 years and about double that after the first 10 years.

The Farmers Cooperative would like permission to use their own septic system at the new fertilizer plant instead of the city sewer. If they would have to hook into the city sewer could prove expensive for the elevator and the city. Moved Hutzell/seconded Engelhardt to allow elevator to use own septic system for the new fertilizer plant. Roll: Ayes- All. Carried.

The unauthorized closing of city hall was discussed with the following motion made by Tracy Merfeld. Because I serve the citizens of Marble Rock and not J.R. Ackley or Susan Nelson I move that this Council formulate an alternate plan for the City Hall to remain open whether or not the City Clerk is available. Our City Hall should never be closed for an entire week again. No second or vote. It was suggested that there should be an alternate to set in for the clerk to answer phone and take money or at least signs explaining why clerk was gone. This is to be on next month's agenda.

Reconsideration of illegal Ordinance No. 02.2007 with the following motion made by Tracy Merfeld. Because I serve the citizens of Marble Rock and not J.R. Ackley or Susan Nelson I move to reconsider the illegal Ordinance No. 02.2007 for the following reasons: Iowa Statutes, City Code and City Council Rules of Procedure have clear procedures for introducing new city ordinances and none of these were followed. The Council was not notified properly among other things. This illegal ordinance needs to be removed from City Code. If you want it to be reconsidered in

the future, bring it back procedurally correct. The Council can give an informed vote when they have had time to consider it properly. Failed for lack of a second.

Removal of Susan Nelson from the Park Board was discussed with the following motion made by Tracy Merfeld. Because I serve the citizens of Marble Rock Not J.R. Ackley and Susan Nelson, I move to remove Susan Nelson from the Park Board for the Following Reasons: 1. She has clearly exceeded her authority on numerous occasions. 2. She has threatened and intimidated citizens who have resided and paid their taxes to the City of Marble Rock for many years. 3. Either she has misrepresented the asbestos situation on Bradford and Main or she has exposed our children to dangerous asbestos contamination. 4. She has proceeded with the unauthorized projects on Bradford and Main Street. 5. She has underhandedly attempted to illegally amend the Marble Rock City ordinances. Failed for lack of a second.

Moved Fisher/seconded Hutzell to table removing Susan Nelson from the park Board. Roll: Ayes- Fisher, Hutzell, Merfeld. Nays- Engelhardt, Handley. Carried.

Future Projects on the corner of Bradford and Main Street was discussed with the following motion made by Tracy Merfeld. Because I serve the citizens of Marble Rock and not J.R. Ackley or Susan Nelson I move to re-state and enforce the policy of the Council regarding future projects on the corner of Bradford and Main Street: 1. Any projects must be presented to the City Council for their approval. 2. Contracts, insurance and detailed drawings must be presented to the City Council for approval before any work can commence at the site. Seconded by Fisher. Not voted on, Mayor ruled motion out of order because involved an ordinance and did not include any language for Ordinance.

City Attorney stated that the reason Cities have Boards is so City Council doesn't have to micromanage and approve daily work and maintenance as long as they stay within the budget. Council approves large projects but not day-to-day things.

Moved Handley that the City lease adequate space from the American Legion on the lot west of 403 Bradford so that the Howitzer can be legally located on this lot, thereby satisfying the government requirement that it shall be on City property. The exact legal description of the location is to be specified by the American Legion. I further move that the City Council work with the Legion to transfer ownership of the Howitzer to them and the lease will be null and void whenever the Legion is able to obtain ownership, seconded by Fisher. Roll: Ayes- Engelhardt, Fisher, Handley, Hutzell. Abstain: Merfeld. Carried.

Mayor Ackley stated that three members of the Council had filed an injunction against Park Board Chairman Susan Nelson and himself. Because it is an open case, he cannot give any particulars.

Brian Chambers said he had spoken to the state and they had recommended the Iowa Mediation Board as a means of making peace among groups.

Dan Kingery requested that the council change the official newspaper. Moved Engelhardt/seconded Handley to put official newspaper on the next meeting agenda. Roll: Ayes- All. Carried.

Dan Kingery spoke of working for the town as a whole and getting some peace and cooperation back in our town.

Group insurance policy was discussed and it was noted that the premium for the new fiscal year is \$38.34 less than this year. Moved Handley/seconded Engelhardt to renew the group insurance policy with no changes. Roll: Ayes- All. Carried.

Moved Handley/seconded Engelhardt to return to the regular agenda order. Roll: Ayes- All. Carried.

Moved Fisher/seconded Merfeld to approve the agenda as amended. Roll: Ayes- All. Carried.

Moved Handley/seconded Engelhardt to accept the minutes of the May 7, 2007 Regular Meeting and Budget Amend Public Hearing. Roll: Ayes- All. Carried.

Moved Fisher/seconded Handley to approve the monthly reports as amended. Roll: Ayes- All. Carried.

Clerk Treasurers Report showed a balance of \$488,416.44 with \$330,522.84 of this invested. These totals consist of the following: city= 125836.00 checking/165868.52 invested/291704.52 total. Library= 30358.59 checking/148139.16 invested/178497.75 total. Comm. Center= 1029.70 checking/15712.62 invested/16742.32 total. Park Bd.= 669.31 checking/802.54 invested/1471.85 total.

Income for the month of May totaled \$21,478.87 which includes: gen current tax 1894.85/ins current tax 385.54/delinquent tax 160.61/LOST 1766.88/State of Iowa, liquor license share 390.00D. Kingery-M. Handley, zoning permits 10.00/Comm. Center, school utilities 264.82, liquor license-dram shop insurance 1769.25/garbage bags sold 186.50/garbage-recycle collection 818.75/spring clean-up charge 65.50/road use allocation 1399.07/Floyd County, road transfer payment 609.74/sales-option-school tax collected 114.83/meter rent fees collected 68.00/t & a current tax 1754.57/delinquent tax 123.58/metered water sold 1324.93/Gates Bridge Trailers, bulk water 14.35/penalties collected 162.76/postage charge collected 9.36/shut off card fee collected 65.00/MR Library, copies 11.70/Comm. Center, property tax-interest-rent-memberships 627.52/sewer revenue collected 2370.76/Dave Krull, final on security account 10.00/transfers 5100.00.

Moved Engelhardt/seconded Fisher to approve the claims as amended. Roll: Ayes- All. Carried. Total claims are \$50,191.15.

Salaries		3259.73
First Security Bank	fed w-h/fica/medicare	771.66
IPERS	ipers	357.67
Jendro Sanitation	garbage/recycle collection	822.88
Marble Rock Sewer	utilities	72.50
Marble Rock Library	last 1/2 allocation	500.00
Havranek Supply	Silver Tip 72" Dixon mower	1000.00
Fullerton Excavating	building demolition	7800.00
Stop-N-Shop	gas/cleaning supplies/park supplies	527.47
Rockford Insurance	employee bond	475.00
Staudt Insurance	annual premium city policies	9940.00
Ken Parcher	trim/cleanup tree at school	250.00
Vickers Law Office	attorney fees	340.00
Iowa Prison Industries	handicap/stop signs	96.53
First Citizens National Bank	streets loan payment	1225.77
Farmers Cooperative	TIF refund	16339.09
Treasurer-State of Iowa	sales/option/school tax	115.00
Hawkins, Inc.	container charge	5.00
Staples Credit Plan	toner/office supplies	163.96
Postmaster	stamps	123.00
Menards – Mason City	repair toilet/trimmer/sprayer/sign posts	174.91
IDNR	wastewater operator certificate	60.00
Jendro Sanitation	2007 Spring Cleanup	790.48
N/S Rockford Register	publish minutes	87.35
L G I	water/sewer tests	71.75
Denny Schriever	spring cleanup	75.00
TrueNorth Company	employee insurance	4.80
Omnitel Communications	telephone service	65.08
Wellmark, Inc.	group insurance	1942.15
Alliant Energy	utilities	807.03
Aquila	utilities	327.34
Transfers		1600.00

Water and sewer rates were discussed. Max had worked up 3 different rate schedules and the projected income from each. Council decided to accept the rates of proposal 2 with the suggested amendments. The rates would be as follows – water - \$11.00 minimum and \$3.75 p/1000 gallons, sewer - \$14.50 minimum and \$3.75 p/1000 gallons. Bulk water will be charged the same at \$11.00 minimum and \$3.75 p/1000 gallons. An Ordinance Amending Title VI Chapter 5 Utilities – Billing Charges of the Code of the City of Marble Rock 2002 was presented. Moved Engelhardt/seconded Fisher that the ordinance be passed on first consideration with proposal #2 on water and sewer with proposed amendments. Roll Call Vote: Ayes- Engelhardt, Fisher, Handley, Hutzell, Merfeld. Nays- None. Carried. Mayor there upon ordered ordinance to be placed on the agenda for the next meeting. A copy of the proposed ordinance is available at City Hall.

It was decided to discuss repealing the ordinance requiring the sewer to be charged even when the water is not on and this will be on the agenda for the next meeting.

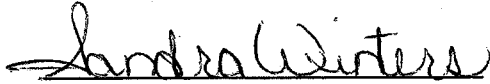
Moved Fisher/seconded Merfeld to adjourn the meeting at 9:45 p.m. Roll: Ayes- All. Carried.



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J.R. Ackley, Mayor

ATTEST:



Sandra Winters, City Clerk