

## City Council Minutes: August 3, 2009

CITY OF FULTON

REGULAR COUNCIL MEETING MINUTES

AUGUST 3, 2009

5:30PM

The Mayor called the meeting to order and directed the clerk to call the roll. On roll call, Mayor Larry Russell, Aldermen Charles Dykstra, Gene Field, Merle Sterenberg, Charlie Letcher, Warren Juist, Wes Letcher, Bill Loerop and Ron Roels answered present. Also in attendance were Bill Shirk - City Attorney, Randy Balk - City Administrator, Clink Kettler - Zoning Officer and Jim Rhoades - Chief of Police.

The pledge of allegiance was recited. There was no invocation. There was no communication from visitors.

Ald. C. Letcher moved, seconded by Ald. Sterenberg to approve the July 20, 2009 regular council meeting minutes. Ald Juist pointed out that this name was listed twice in a roll call vote on the bottom of page one of the minutes; this will be corrected by the clerk. Roll call vote/all yes/motion carried.

Ald. Field moved, seconded by Ald. Roels to approve the Mayor's reappointment of Ron Shear to another five year term as chair of the zoning board of appeals. Roll call vote/all yes/motion carried.

Ald. Dykstra moved, seconded by Ald. W. Letcher to approve the Mayor's appointment of Heidi Kolk to the Revolving

Fund board. Roll call vote/all yes/motion carried.

The next item on the agenda was explained by Ron Shear, zoning board chairperson. The zoning board had unanimously approved the amended variance request of Matthew Terry. Terry, who resides at 513 9th Avenue, had originally requested a 6 foot wood fence on the front, east side and rear of his property. A neighbor to the north, Leon Groh was concerned that his view would be obstructed when he is backing out of his drive and the alley by the fence. Terry amended his request during the zoning board meeting to six foot high chain link on the east side going north then angling across to meet the wood fence at the back of his property. The zoning ordinance permits chain link to a height of four feet, so he would need a variance to allow two extra feet in height. Mr. Terry has very large dogs easily capable of jumping a four foot fence. He also requested a variance of nine feet for the front side wood fence to where it meets the east side chain link fence. This part of the request was not clearly stated in the zoning board minutes. After much discussion on the part of the council and disagreement from Leon Groh, the council decided to vote on the variance rather than send it back to the zoning board of appeals for clarification. Ron Shear said it was the intent of the zoning board members to allow the front yard wood fence to extend all the way to the corner where it would meet the side yard chain link fence which is one foot in from the side property line.

Ald. W. Letcher moved, seconded by Ald. Juist to pass Ordinance No. 1393 A variance to property located at 513 9th Avenue owned by Matthew Terry. The variance will allow a six foot high chain link fence on the east side with a setback of one foot and a six foot wood fence from the house to the east side property line with a one foot setback. Roll call vote/Ald. Dykstra, Field, Sterenberg, C. Letcher, Juist, W. Letcher and Loerop voted yes/Ald. Roels voted no/motion carried. This required a three fourths council vote to pass.

Ald. C. Letcher moved, seconded by Ald. Field to give Randy Balk the power to act and to proceed within in the parameters allowed under the contract with CIS Internet Services. Roll call vote/all yes/motion carried. CIS has equipment on the city's water tower and have defaulted on the contract by not paying the monthly rent. The equipment is not being used at this time as CIS recently ceased doing business without any notice. CIS will not be able to access the equipment on the city's property. Balk said he will be meeting with Shirk and representatives from other municipalities affected by the CIS termination of wireless service to the residents of Fulton and the other cities. Balk has received calls from wireless companies that are interested in providing the service to Fulton.

Ald. Roels moved, seconded by Ald. C. Letcher to approve the re-zoning of Hunter's Ridge Phase II subdivision from AG to R-1 by Whiteside County. The council requires the city's approval due to the fact that the subdivision lies within 1½ miles of the corporate city limits. The city will also be receiving a final plat of the subdivision. Russ Holesinger and Darwin Olsen were in attendance to explain the plans for developing the property into a single family subdivision which will include a park area and bike paths.

Mayor Russell said there were no particular clarifications needed to his written report included in the packets. He said the Senior Services Action Team will be meeting in the morning.

Randy Balk told the council they are invited to attend the Clinton Regional Development Corporation's event from 4:00 to 6:00pm tomorrow which will showcase area communities. The City will have posters and other information on display at the event.

Old Business. Ald Field inquired about the storm water pump; Balk said the pump is currently in Des Moines being evaluated. We should know soon if the pump can be repaired or will have to be replaced.

Martin House. The committee will be meeting soon with the Fulton Historical Society to hear their requests and input on the tentative agreement.

Ald. Loerop reported that a budget committee meeting was held after the last council meeting discussion concerning the city's financial status. He said that Randy and the staff are doing an excellent job. When looking at financial reports, it is advisable to look at and compare fiscal year numbers. Ald. Loerop said the city's auditors stated that the city's rating is satisfactory, which is the highest rating. Treasurer Garry Medema will modify his report to show end of fiscal years for comparison. Balk told the council that the budget to actual report they receive each month is a great tool for tracking revenue and expense and said they are welcome to come in to the office anytime to talk about the city's finances.

Ald. C. Letcher moved, seconded by Ald. Roels to enter executive session to discuss personnel. Roll call vote/all yes/motion carried.

The council entered executive session at 6:25pm. Executive session minutes are recorded elsewhere.

The council returned to regular session at 6:40pm and immediately adjourned.

Minutes recorded by,

Linda Hollis

City Clerk