Sheldon, Iowa City Council April 3, 2019

The Sheldon City Council met in regular session on Wednesday, April 3, 2019 at 4:30 p.m. Mayor protem Brad Hindt called the meeting to order. Roll call was taken. Present: Pete Hamill, Brad Hindt, Shawn Broesder, Tom Eggers, and Greg Geels. Also present: Todd Uhl, Attorney Micah Schreurs, Lyle Bolkema, Curt Strouth, Sam Kooiker and Angela Beckman.

A motion was made by Geels and seconded by Eggers to approve the agenda as presented. Roll call was taken. Ayes, all. Motion carried.

Public Comments: None.

A motion was made by Broesder and seconded by Hamill to approve the consent agenda with the following items, removing the minutes of March 20, 2019:

1. Minutes of the boards & commissions
2. Summary list of city claims, with additional as presented, boards & commissions.
3. Authorize the July 3, 2019 Village Northwest Unlimited fireworks.
4. Pay request #3 for the airport snow removal equipment building in the amount of $104,885.49 to Larson Contracting.
5. Authorize Bill’s Electric to burn grass at 126 D Street.
6. Approve SCAT membership of Steven Gardfrey.

Roll call was taken. Ayes, all. Motion carried.

Geels pointed out that in the minutes from March 20, 2019 regarding the three motions and seconds for the Village Northwest CDBG grant application, Geels abstained on each agenda item, as he is on the Board at Village Northwest. A motion was made by Hamill and seconded by Broesder to approve the March 20, 2019 minutes with the amendment of three motions and seconds for the Village Northwest CDBG grant application, Geels abstained on each agenda item, as he is on the Board at Village Northwest. Roll call was taken. Ayes, all. Motion carried.

Mayor protem Hindt opened the public hearing at 4:32 p.m. on the underground electric easement at the Water Treatment Plant to Mid American Energy. There were no oral or written comments. A motion was made by Geels and seconded by Broesder to close the public hearing at 4:33 p.m. Roll call was taken. Ayes, all. Motion carried. A motion was made by Eggers and seconded by Broesder to approve Resolution R19-4442A RESOLUTION GRANTING A PERPETUAL UNDERGROUND ELECTRIC EASEMENT TO MIDAMERICAN ENERGY COMPANY. Roll call was taken. Ayes, all. Motion carried.

Uhl updated the Council on the 16th Street project. He stated that the road has some issues. He met with the contractor and the engineer and will get written confirmation from the contractor to edge mill and raise the middle of the road to meet a 2% crown. A motion was made by Hamill and seconded by Broesder to approve pay estimate #3 on the 16th Street project in the amount of $123,669.14 to OMNI Engineering. Roll call was taken. Ayes, all. Motion carried. After the meeting, the engineer contacted the City stating that pay estimate #3 for 16th Street had an error on it and the City overpaid. The correct amount is $104,546.47, and the City Clerk asked for OMNI to return the incorrect check and will get a new one issued. Geels asked about penalties on the project. Uhl stated that $20,000+ was deducted from a previous pay estimate and some retainage will be withheld.

The second reading was held on an Ordinance increasing the rates of cemetery locations. A motion was made by Geels and seconded by Hamill to approve the second reading and waive the third reading and approve Ordinance O19-3238 AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHELDON, IOWA, BY AMENDING PROVISIONS OF SECTION 115.04 PERTAINING TO CEMETERY RATES. Roll call was taken. Ayes, all. Motion carried.

Uhl stated that the brush pile at the tree dump is getting large and is asking Council’s permission to burn the tree/brush. He stated that they used to have a gentleman come in and chip it and keep the wood chips, but due to the chip market being down, he is not interested. The only restriction is that we have haul the ash to the landfill. A motion was made by Geels and seconded by Hamill to approve of the City burning the brush/tree pile at the tree dump. Roll call was taken. Ayes, all. Motion carried. Uhl will coordinate with the fire department on the burn.

A motion was made by Hamill and seconded by Broesder to approve change order #7 on the Wastewater Treatment Facility in the amount of $38,201.98, with the City’s responsibility being $13,210.98. Roll call was taken. Ayes, all. Motion carried. This was due to the subcontractor’s under designed air duct heaters.

Council held the first reading of an ordinance on the speed limit on South 2nd Avenue, south of 16th Street. Maintainer will be constructing a business and have submitted a request to the Council for the speed limit to be lowered from 55 mph to 45 mph and 45 mph to 35 mph in both north and south directions. A motion was made by Eggers and seconded by Hamill to approve the first reading and waive the second and third readings of this ordinance and approve the ordinance O19-3239 ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF SHELDON, IOWA BY AMENDING PROVISIONS OF SECTION 63.04, PERTAINING TO THE SPEED LIMITS ON SOUTH 2ND AVENUE, SOUTH OF 16TH STREET or described as Special 35 MPH Speed Zones. A speed in excess of thirty-five (35) miles per hour is unlawful on any of the following designated streets or parts thereof. ­On Second Avenue south of 16th Street until approximately 981.4 south of the intersection of Second Avenue and 16th Street (approximately 104.1 Feet south of the driveway of the property for parcel #0048170000 (1901 S. 2nd Avenue, which is south of 1701 2nd Avenue) and **SECTION ADDED.** That the Code of Ordinances of the City of Sheldon, Iowa is hereby amended by adding Section 63.04(2) 2. Special 45 MPH Speed Zones. A speed in excess of forty-five (45) miles per hour is unlawful on any of the following designated streets or parts thereof. A. On Second Avenue, beginning at the southernmost corporate limit boundary, which is currently located just north of the southernmost driveway for parcel #004197500 (3011 S 2nd Ave). Ayes, all. Motion carried.

A motion was made by Eggers and seconded by Hamill to approve Resolution R19-4443 A RESOLUTION AUTHORIZING THE REDEMPTION OF OUTSTANDING GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2013, DATED MAY 29, 2013. Roll call was taken. Ayes, all. Motion carried.

Kooiker gave an update on the HC Lane buildings located at 324 9th Street and the adjoining 326 9th Street. On Friday, March 29, 2019 Kooiker, Uhl, Strouth, the State Building Inspector, State Fire Marshall and building manager Rod Fonkert went and inspected the buildings. Kooiker also stated that he had received the preliminary report from the State Building Inspector, and it stated that the rear southwest corner brick wall forced in 6-8 inches from water and freezing damage at/below grade level. He also stated that the structural integrity is compromised and that a structural engineer is required for a full assessment. Kooiker stated that Fonkert has stated he will hire a structural engineer. Kooiker stated that as of 3:45 p.m. he received the report from Schlotfeldt Engineering, whom Fonkert hired to do a as the structural engineer, stating his recommendations for the area “My recommendations for this area include removing the wooden deck and surrounding pavement areas reconstructed to provide drainage away from the building. I recommend that not only the wall that is damaged be removed and replaced (concrete block is acceptable for a replacement material) but also the window wells and the wooden basement window framing, and coverings be replaced with concrete block wall. I also recommend temporarily support the wall with shoring until permanent repairs are completed. Doing this support system will greatly reduce any hazards to the alley traffic.”

Wayne Knapp, owner of 914 4th Avenue expressed concern of people parking on the south side of this building if the alley were to be closed, and he expects problems if delivery trucks start driving on his asphalt. Corey Elgersma stated that these buildings have been neglected for years. There are buckets inside to catch water from the leaks and wondered if the owner or the building manager is liable. Elgersma suggested putting a short time frame on the repairs that are needed. Lori Anderson stated that she had checked with other towns they others charge a fee to business owners when their building is vacant. She added that it was “appalling that the property manager neglected it.”

Hamill asked how long it could take make the temporary fixes. Geels asked of two weeks was sufficient to make the repairs. Eggers suggested we push the issue hard and fast as it is a public safety issue. Attorney Schreurs stated that the property owner can request a hearing and if so, it has to be granted. After discussion, a motion was made by Geels and seconded by Hamill to authorize the closing of the alley behind the buildings of 324 9th Street and 326 9th Street including the foot print of the parking area at 914 4th Avenue for two weeks and place this item on the agenda April 17, 2019 for an update on the repairs. Roll call was taken. Ayes, all. Motion carried. A motion was made by Eggers and seconded by Hamill to authorize the City Manager to enforce the dangerous building process per City Code Section 145. Roll call was taken. Ayes, all. Motion carried.

Staff comments: Uhl informed the Council that for Spring Cleanup we are doing a trial this year and not separating the town. City crews will begin pickup on April 29 and go until everything is picked up. He also stated that the no parking 2 a.m. to 6 a.m. signs will be up and done for the downtown area tomorrow. Kooiker stated that he has had good progress on getting people’s vehicles off lawns.

Council comments: Hindt reminded people that open burning is not allowed and that some people have been burning leaves and rubbish in their recreational fires, but that is not allowed.

Mayor Protem stated that at this time Council would hear opening statements from Mayoral candidates, and they would be held in the order of the filing. Fred Grein stated he’s always had an interest in public service and has held several leading positions that include upholding work policies. Wayne Barahona stated that he enjoys the quality of life here and that the last election there wasn’t a very good turnout. He feels that there is a young community that wants to be involved, but we just need to reach them, and he feels he could do that. Bob Engel stated that in his opinion the budget is the most important duty of the Council and would like to see some TIF assessments done. He added that he has 43 years of banking experience. Greg Geels stated that he understands that most decisions are difficult for the Mayor and Council, but others are not so easy and the dollars don’t fall on just one person. His top priority is to maintain a level of cooperation and building community.

Council had time to ask questions of the candidates. Eggers asked if they had interest in continuing to serve at Mayor for longer than the few months until November 5? Fred Grein and Wayne Barahona said yes. Bob Engel stated that he would announce his intentions by September 1, 2019 and Greg Geels stated that he is concerned over the workload but would like to say yes. Broesder asked the candidates if they felt the Pavilion was a good investment and if so, why. Grein stated yes, it is a good amenity. Barahona stated yes and that it shows growth. Enger felt it should have gone to a vote. Geels stated yes. Hindt asked the candidates what their number one priority was. Grein wants to continue the great work and continue to grow the community. Barahona wants to continue growth and engage the younger generation. Engel will work for the citizens. Geels was the community working together and gain public input.

Mayoral candidates gave their closing statements. Geels stated he has been on the Council for almost 8 years and feels he would be a great Mayor. Engel will be positive but realistic and realizes that sometimes we can’t afford things. Barahona wants to continue the vision and that he is the best person to deal with the next generation because they feel their voice isn’t heard. He stated that if he is not voted Mayor now he will run in November or possibly in 2022. Grein asked Council to look to a higher power.

At this time, Council submitted their votes to the City Clerk Beckman with Attorney Schreurs present. Beckman read the results of the votes.

1st ballot (2 – 2 Tie):

Pete Hamill and Shawn Broesder voted for Wayne Barahona.

Tom Eggers and Brad Hindt voted for Greg Geels.

2nd Ballot (3 – 1 in favor of Greg Geels):

Shawn Broesder voted for Wayne Barahona.

Tom Eggers, Brad Hindt and Pete Hamill voted for Greg Geels.

A motion was made by Hindt and seconded by Eggers to affirm the appointment of Greg Geels as Mayor effective April 15, 2019. Roll call was taken. Ayes, all. Motion carried.

A motion was made by Broesder and seconded by Eggers to adjourn at 6:07 p.m. Roll call was taken. Ayes: all. Motion carried.

Angela Beckman, City Clerk