

City of Sheldon
City Council Report for September 4, 2019
Regular Meeting at 4:30 p.m.

2a. Update on City bonds – Scott Stevenson, D.A. Davidson.

Attachments: Debt payment schedules for existing debt.

Background: Scott Stevenson with D.A. Davidson has served the City of Sheldon's financial advisor for many years regarding bonding and indebtedness. It has been awhile since we have had an update from him. He will touch on several topics, including:

1. The impact of the payoff of a large amount of TIF debt earlier this year.
2. The callability, ability to refinance, and expiration of outstanding bond issues.
3. The City's current debt load and bonding capacity.

3c. Appointment of Curt Strouth as City's representative to Northwest Iowa Regional Housing Authority.

Attachments: Resolution of appointment and related information.

Background: In O'Brien County, 75 households are served by NWIRHA; 45 of the 75 households in Sheldon. Patricia Meester represented the City of Sheldon on the board from February 6, 2008 until February 6, 2019. Prior to her appointment, Mavis Sybesma served on the board.

Each city and county in the Northwest Iowa Regional Housing Authority have a representative. At the Annual Meeting held in April of each year, the member representatives from each of the nine counties name the commissioner for their county. Currently O'Brien County's commissioner is Nancy McDowell from O'Brien County and the alternate is Sheri Tewes from the City of Hartley. The other members from O'Brien County are Sandy Fritz, Paullina; Robert Schall, Primghar; Amber Jederberg, Sanborn; Stacey Ewoldt, Sutherland.

Each county has multiple representatives from the member Cities, each representative is welcomed to all the board meetings, express their opinions; only the commissioners can vote - there is one vote

per county. The meetings are held in Spencer. There are at least 8 meetings per year.

At the July meeting it was voted to merge with Siouxland Regional Housing Authority, a housing authority that Northwest Iowa Regional Housing Authority has been managing for the past two years. Siouxland Regional Housing Authority currently serves the following counties: Cherokee, northern half of Ida, Plymouth, Monona, and Woodbury.

There are 9 commissioners on the Northwest Iowa Regional Housing Authority board. Here is the list of the current voting commissioners:

- Buena Vista County -- Sandy Johnson, Chair
- Clay County – Cheri Hoye, Vice Chair
- O'Brien County – Nancy McDowell, Secretary
- Osceola County – Susan Sembach, Treasurer
- Dickinson County – John Engel
- Emmet County – Todd Glasnapp
- Lyon County – Ted Underberg
- Palo Alto County – Patricia Lauck
- Sioux County – Crystallyn Sterler

3d. Acceptance of Community Development Block Grant (CDBG) for Village Northwest Unlimited.

- i. Resolution to establish policies regarding the residential anti-displacement and relocation assistance plan (RARA); a procurement policy of goods and services; a code of conduct; the prohibition of the use of excessive force; an affirmative fair housing policy; and an equal employment opportunity during the execution of federally assisted projects.**

Attachments: Resolution and related policies.

Background: The City and Village Northwest Unlimited (VNU) have a long and proud history of working together. This routine resolution concludes a process which began in March to assist VNU in obtaining CDBG assistance (Community Development Block Grant) for two ICFID buildings (Intermediate Care Facilities for people with Intellectual Disabilities). The hearing date was set at

the March 6 Council meeting and published on March 13. The hearing was held on March 20. The project is expected to begin in Spring of 2020. The award of \$600,000 was announced by Iowa Economic Development Authority on July 16. Here is the link to the IEDA press release: www.iowaeconomicdevelopment.com/newsDetail/6667. Village Northwest has commenced a major fundraising campaign for the remaining dollars.

4a. MidAmerican Gas Franchise.

- i. Public hearing.**
- ii. 3rd reading of gas franchise ordinance.**

4b. MidAmerican Electric Franchise.

- i. Public Hearing.**
- ii. 3rd reading of electric franchise ordinance.**

Attachments: Updated ordinances.

Background: This discussion is now solely on granting franchises to MidAmerican, and no longer includes the fee. The gas and electric franchise ordinances under consideration previously included a 2% non-residential fee and a 5% residential fee. Since Local Option Sales Tax (L.O.S.T) of 1% is being charged to most customers now, this would have been a net increase of 4% and 1%, respectively. The fees were projected to generate \$230,000 in “new money” which would be allocated towards emergency services as defined by the Council’s adoption of the revenue purpose statement on June 5.

On August 21, the Council removed the fees and approved 2nd reading. The Council then set the 3rd reading (and the 4th public hearing) for September 4. Fees can be added back in prior to adoption of 3rd reading, only if 3rd reading is delayed and there is an additional public hearing after September 4.

Franchise agreements are contracts in the form of an ordinance between a city and a utility company. Franchise agreements provide the authority and legal basis for a company to use the streets, alleys and public places within a city for the poles, wires, pipes and other facilities necessary to provide electricity and/or natural gas to customers. In exchange, franchise agreements regulate the manner of use of such public places and may contain other provisions for the benefit of the city.

MidAmerican is offering a 15-year franchise agreement to Sheldon, with negotiated “re-openers/outs” available at 5 and 10 years. Mark Reinders with MidAmerican informed me they have not offered such a short agreement to anyone else. Typical length is 25 years. After 3rd reading has passed, fees cannot be added back in by the City Council without being subject to the entire hearing process and a potential public election.

5a. Sheldon Community Ambulance Team full-time position.

- i. Possible closed session per Iowa Code 21.5(i) and 21.9.**
- ii. Approve hiring of Krysten Haan as Emergency Medical Technician/ Paramedic Coordinator (including Assistant Director and Training Officer).**

Attachments: Offer, job description and 2019 SCAT bylaws.

Background: The hiring committee consisted of Kevin Miller, Brad Hindt, Dianne Wolthuizen, and me. We had three applications, and interviewed all three candidates. Krysten has been a member of the SCAT team since 2004. She served as Training Officer from 2012 - 2015, and became Assistant Director in 2017. She served as part-time interim director for about 6 months in 2016 between Directors Cindy Freeman and Tracy Gorter. Krysten’s start date is tentatively planned for September 23.

The offer will be discussed at the meeting and is subject to a potential executive session. Krysten has authorized her name to be released as the finalist.

6a. City Manager’s Report.

- The employee union retention/recertification elections will be held October 15 – October 29. The elections are conducted via secret ballot by the Iowa Public Employment Relations Board (PERB). This is a first for the City of Sheldon since the new Chapter 20 changes were implemented in 2017. These elections are required prior to the negotiation of the new contracts. Each union is under a 3-year contract; both agreements expire June 30, 2020.

The voter list consists of not just union members, but includes all employees eligible to vote in the union elections. The City sent both “eligible voter” lists to PERB on August 28. There are 7 employees on the Police list (BU0953). The number of employees on the AFSCME Mixed unit (BU1008) is

10. In your packets are the two election notices, which have been posted and sent to employees.

- On May 15, the City Council approved a policy for transferring nuisance properties back onto the tax rolls. The City is in the process of utilizing the new policy for three properties – Sunset Motel, DJ’s Redemption Center and the residential property at 1023 Garfield Ave. We are working up agenda items for a future Council meeting, and here is a preview.

Under State law, old buildings can no longer be dumped into a hole somewhere. Debris of this nature must be taken to a landfill and cannot be accepted by a landfill without a hazardous materials inspection and mitigation. Darwin Rohde from Alloy Specialty was here on July 5 to inspect three properties for pre-demolition requirements.

On August 19, we received the pre-demolition hazardous materials reports for three nuisance properties. The reports are lengthy and can be emailed upon request. There is asbestos in all three properties. The findings are summarized as follows:

- Sunset Motel – 1401 S. 2nd Ave – Flooring, siding, joint compound and window glazing. Zoning is part Arterial Commercial (AC) and part Commercial Residential (C1). Only the office/house can be saved. Everything else is to be demolished and removed.
 - DJ’s – 428 W Park St: Cement Siding and tar shingles (zoned Arterial Commercial - AC). Everything to be demolished.
 - 1023 Garfield Ave (former Jerry Mulder residence): Asbestos is underneath the sink and the rolled roofing. (zoned Residential Single – RS). Everything to be demolished and removed.
- I am working with Micah to file a municipal infraction regarding the vacant house at 721 8th Street. I prefer to use this process only as a last resort. The home now has broken windows and the weeds are quite tall. Opossums have been seen entering the property. The property owner is difficult to reach; repeated requests have resulted in limited action. The

utilities have been off for so long that the address isn't even in our current utility billing system, which was installed about 8 years ago. I am hoping to have this resolved before winter, so we aren't dealing with snow on the sidewalk again.

- The Board of Adjustment is meeting at 4:30 PM on Wednesday, September 11 to hear a variance request and a special exception request.
1. Request for rear yard setback variance for proposed deck – 616 6th St (Dan & Lois Klein)

Dan Klein is seeking a variance to put in a 10x12 deck on property he recently purchased at 616 6th Street. The zoning is Residential Multiple (RM) and a 25' rear setback is required. The lot is small – 1/10 of an acre (4,125 square feet). City Zoning Ordinance 16.4(3) allows for a 10' protrusion into the 25' setback, which would leave 15'. Applicant desires to end up 11 ½ feet from the rear line, so a variance is needed for the additional protrusion of 3 ½ feet.

2. Consider Special Exception to allow “Limited Warehousing and Distribution” in Business Commercial District to allow can/bottle recycling – 205 9th Street, Jackie Ney.

Jackie Ney has an offer in to purchase the property at 205 9th Street (formerly Chinese Chef) from Andy Lee. The offer is contingent on approval of the special exception. Jackie plans to provide only can/bottle redemption (and not other scrap metals). She would buy the business from Toni Ginger, but Jackie is not buying the current building at 219 8th St. The cans and bottles would not be stored outside, and trailers would not be parked on 9th Street. Deliveries would come through the alley. This fits the definition of “Limited Warehousing and Distribution”, which requires a special exception by the Board of Adjustment.

Page 24 of the Zoning Code (4j)(1) says the following:

J. Warehousing and Distribution: Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and

equipment other than live animals and plants. The following are warehousing use types:

- 1) *Limited Warehousing and Distribution*: Wholesaling, storage and warehousing services within enclosed structures. Typical uses include but not limited to wholesale distributors, storage warehouses or moving and storage firms.

The Zoning is Business Commercial (BC – Downtown District). This is the same zoning as current Corner Can Redemption (219 8th Street). This use is allowed as a special exception under Zoning Code 12.3.