

**City of Sheldon  
City Council Report for September 18, 2019  
Regular Meeting at 4:30 p.m.**

**3d. Resolution to engage Northwest Iowa Planning and Development Commission for the administration of the Village Northwest Unlimited CDBG grant.**

Attachments: Resolution.

Background: This is a routine request and is related to the items which were approved at the September 4 meeting regarding the acceptance of the \$600,000 CDBG (Community Development Block Grant) award on behalf of Village Northwest Unlimited.

**3e. Approve New Wine Permits & Ownership Change forms - Casey's General Stores #2527 & #3044.**

Attachments: Forms.

Background: These are routine change forms for management changes and contact changes for the two local Casey's General Stores. All the forms are called "Ownership Change" forms, the stores will still be owned by Casey's. The management names are being updated, and this requires approval by the City Council.

**3f. Council appointment of Bailey Elgersma to the Planning & Zoning Commission.**

Attachments: None.

Background: Mayor Geels is recommending the appointment of Bailey Elgersma to finish the term of Jeri Clayton, who resigned effective September 1 and has moved to St. Louis. There are just under four years left on this term of office. Jeri was appointed on July 1, 2018 and expires July 1, 2023. The other members of the Planning Commission are: Jay Schemper, Tom Fuoss, Mark Kleinwolterink, Tim Pottebaum, Fred Grein, Dennis Vanden Hull and Chris Nuckols.

**3g. Approval of SCAT Applicant, Josh Boomgarden.**

Attachments: Application.

Background: Josh Boomgarden is an Air Force Veteran who currently works at Community Memorial Health Center in Hartley as a CNA. He resides in Sheldon. We welcome him to the Sheldon Community Ambulance Team.

### **3h. Approval of Snowtrackers Snowmobile Route.**

Attachments: Route information.

Background: This is late addition to the agenda and more information will be available by meeting time. This is a routine annual item.

### **4a. Receive letter of support from employees for union merger - Preston DeBoer, AFSCME (July 17 and August 7).**

Attachments: Amendment and stipulation.

Background: At the September 18 meeting, Preston DeBoer of AFSCME plans to present a letter signed by City employees regarding the pending merger stipulation and amendment. No action is requested at this meeting. The stipulation and amendment would be placed on a future agenda for consideration.

This matter was presented on July 17 and was continued to August 7. Action was not taken at the August 7 meeting.

The two AFSCME bargaining units are proposing a merger, and the merged unit would then be considered public safety. If 30% of the members of a unit are public safety, then the unit is classified as public safety.

The City has 31 full time employees; 17 are non-union and 14 are Union. Of the 14 union employees, 8 are in the Public Works union (AFSCME Local 1741) and 6 are in the Police union (also AFSCME Local 1741).

The retention and recertification elections are scheduled for October. The basic question is if employees want the option of being represented by unions. The eligible voter list has three more people in it than the 14 mentioned above. Ten employees, including two clerk's office employees, are eligible to vote in the non-police union election, and 7 employees (including one part-time reserve officer) are eligible to vote in the police union election.

The discovery that two clerk's office employees are eligible voters is a surprise to the affected employees; this is based on our review of the official certification order, dated September 24, 1992. However, they are considered "confidential" employees and should not be in the union. Micah and I agree they should be removed, and we are awaiting AFSCME's official request to remove them.

The election period is 8:00 a.m. on Tuesday, October 15, 2019 to 9:00 a.m. on Tuesday, October 29, 2019. The election will be conducted by PERB (Iowa Public Employment Relations Board). Employees are not required to vote; abstaining from the election is the same as a “No” vote under State code.

The Chart below outlines a few scenarios, none of which are likely in the near term. It is highly unlikely the City would create 7 ‘mixed’ full-time positions while not adding any police officers.

However, part-time employees in the ‘mixed’ unit do count. Currently, there are no part-employees in the mixed unit. So, a more realistic scenario is adding five ‘mixed’ part-time positions over the next 5 - 10 years while promoting an officer to Assistant Chief and keeping the clerk’s office positions in the union. Sheldon has had an assistant chief before (Bud Pettit). In this scenario, you would have 15 ‘mixed’ unit employees and 6 police officers – for a public safety ratio of 28.6%.

<b>Threshold is 30% public safety</b>	Mixed	Police	%
Clerk's office and part-time officers removed	8	6	42.9%
Current (9/18/19)	10	7	41.2%
	10	6	37.5%
	10	5	33.3%
	13	6	31.6%
	14	6	<b>30.0%</b>
	17	7	<b>29.2%</b>
	15	6	<b>28.6%</b>
	13	5	<b>27.8%</b>

Micah and I attended a training hosted by Ahlers Cooney Law Firm on September 6, and one of the topics was labor law. We were told the merger concept is new for PERB and Sergeant Bluff is the only other community in this region currently considering a merger stipulation. The only other merger is in Centerville, which involved the merger of two public safety units. The lecturer recommended being fully aware of the ratios because if the ratio falls below 30% public safety, the entire unit would be decertified as public safety.

On September 12, I confirmed with the City of Sergeant Bluff that there are three unions in Sergeant Bluff: Public Works, Parks & Recreation, and Clerk’s Office. The Sergeant Bluff Council supports

the merger of the two non-public safety unions. Once that merger is complete, they will consider the merger with Police, and that is undetermined at this point. I also confirmed that Sergeant Bluff does not have part-time non-public safety or their reserve officers in the union.

Here are your options for a future meeting.

1. Approve the stipulation, contingent on City Attorney review of the updated forms, with the understanding that the merger itself will be contingent on successful retention and recertification elections in October.
2. Defer action until the November 6 Council meeting, which is the first meeting after the October retention and recertification elections.
3. Decline action/Oppose merger, which will trigger a PERB hearing.

**Recommended motion for September 18 meeting:**

To accept the letter of support, take the matter under advisement and recommend the date for consideration of the request.

**4b. Wastewater Treatment Plant project.**

**i. Approve substantial completion of Wastewater Treatment Plant project.**

**ii. Approve pay request #16.**

Attachments: Substantial completion documents; punch list; Pay request #16.

Background: This is for accepting substantial completion for the WWTP. Hoogendoorn Construction has completed the required work for substantial completion to be granted. In addition, approval is recommended for pay request #16 in the amount of \$105,700.80.

**4c. Consider MidAmerican Franchise Election Petition – submitted September 12, 2019.**

Attachments: Petition; Ordinance summaries; public notices.

Background: A petition with fifty signatures was submitted to the Clerk's office by citizen Marv Van Riesen at 10:50 AM on Thursday, September 12, 2019.

In your packet is the petition, and published notices and summaries of the two ordinances (Gas and Electric – both without franchise fees). The publishing occurred on September 7, with a petition deadline of 12 PM on September 12.

**5a. Authorize Request for Proposals for redevelopment:**

- i. Sunset Motel – 1401 S. 2nd Ave.**
- ii. DJ’s Redemption Services – 428 W. Park.**
- iii. Residential property – 1023 Garfield Ave.**

Attachments: Disposition of property policy (approved May 15, 2019) and invitations to bidders.

Background: On May 15, the City Council approved a policy for transferring nuisance properties to private ownership. The City is in the process of utilizing the new policy for three properties. 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. The City now owns the Sunset Motel and DJ’s properties, and title was awarded on September 10, 2019 for the property at 1023 Garfield Ave.

Alloy Specialty has worked with Sheldon before, and conducted the pre-demolition inspection of the old indoor swimming pool.

The funding source for the reports is the “demolition & disposal” line item from Local Option Sales Tax. The three reports cost a total of \$4,625, as follows:

- 1401 S. 2<sup>nd</sup> Ave (Sunset Motel) - \$2,675.
- 428 W Park St (DJ’s Redemption Services) - \$1,275.
- 1023 Garfield Ave (Jerry Mulder’s former home) - \$675.

The reports include detail on the asbestos and other hazardous materials, and the related abatement and dumping requirements.

We could have deferred the inspection requirement to the purchaser; however, it is a delay of the inevitable. The advantage for the City to do this now is this will help ensure accountability for proper demolition and disposal. These reports will also give potential buyers an idea of what they are purchasing.

On August 19, we received the pre-demolition asbestos/hazardous materials reports for three nuisance properties. The reports are lengthy and are available on request. There is asbestos in all three properties, and the purchasers shall be responsible for the removal. The findings are summarized as follows:

- Sunset Motel – 1401 S. 2<sup>nd</sup> 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 by the purchaser. Estimated cost of asbestos removal (will be less if house/office is saved): \$42,675.
- DJ’s – 428 W Park St: Cement Siding & tar shingles (zoned Arterial Commercial - AC). Everything to be demolished. \$28,050.
- 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. \$3,350.

Here is a cost summary. We are seeking to limit the City’s costs, which currently totals \$14,262.17 for the three properties. We do not have estimates on demolition itself; there are multiple factors, including how much is salvaged. We do have a 2018 demolition estimate for DJ’s of \$28,600.

Property	Sunset Motel - 1401 S. 2nd Ave	DJ's Redemption Services - 428 W. Park	Residential property - 1023 Garfield Ave
<b>City's incurred costs</b>			
Legal costs (as of 9/5/19)	\$ 1,839.59	\$ 3,227.58	\$ 670.00
Pre-Demo inspections	\$ 2,675.00	\$ 1,275.00	\$ 675.00
Other Costs incurred			\$ 4,100.00
<b>Total City Costs (as of 9/5/19)</b>	\$ 4,514.59	\$ 4,502.58	\$ 5,445.00
<b>Est Costs to be incurred by purchaser</b>			
Asbestos removal estimates (Sept '19)	\$ 42,675.00	\$ 28,050.00	\$ 3,350.00
Demolition estimates	Unknown - office/house can be saved.	\$ 28,600.00	unknown
<b>Period for proposals</b>	September 19 - November 8, 2019	September 19 - November 8, 2019	September 19 - November 8, 2019
Minimum bid per policy	\$1000 (\$500 for neighbors)	\$1000 (\$500 for neighbors)	\$1000 (\$500 for neighbors)
Contingencies	Demolition of all except Office/house	Complete demolition required.	Complete demolition (including shed)
			City to remove two Cottonwoods in ROW.
			City's ownership pending.
Redevelopment required	Desirable, not required.	Desirable, not required.	No stand alone shed, except if owned by adjacent neighbor.
Current zoning	Mix of AC & C1 (Comm Residential)	Arterial Commercial (AC)	Single Family Residential (RS)

We can now move forward with setting a minimum price and accept proposals. While not required, the City’s adopted policy encourages enhancement rather than empty lots. Proposals with a vision for redevelopment will receive greater consideration.

### **Recommended motion:**

Authorize “Invitation to Bidders” and solicit bids/proposals on all three properties until 12 P.M. on Friday, November 8, 2019. The City retains the ability to extend the deadlines. Each property shall require a separate bid. The minimum prices are \$1,000 for each property, with \$500 for abutting property owners.

### **6a. City Manager’s Report.**

- Curt Strouth and I attended a training on September 10 hosted by Iowa Economic Development Authority regarding the “Community Catalyst Building Remediation Program”. This consists of one-time grants of \$100,000 for worthy downtown projects to address vacant and underused buildings. The next round begins in January of 2020. This is a highly competitive program. If you know of anyone interested in this program, they can see either Curt or me. Here is the link: [iowaeconomicdevelopment.com/Catalyst](http://iowaeconomicdevelopment.com/Catalyst)
- On September 11, the Board of Adjustment approved a variance for 616 6<sup>th</sup> St for a rear yard setback for a deck. The Board of Adjustment also acknowledged the withdrawal of the request for “limited warehousing and distribution” (for can and bottle redemption) at 205 9<sup>th</sup> St.
- The Employee Assistance Program initial training was held for supervisors on September 10 at NCC. Connections’ mission is to provide holistic assistance to support optimum productivity, team-work and healthy community in the workplace. Connections EAP is based out of Rock Valley. See their website for more information: [connectionseap.com](http://connectionseap.com).
- The date of Wednesday, December 11, has been tentatively set for a Special Council meeting for goal setting. Please mark your calendars and stay tuned for more information.