

The Sheldon City Council met in regular session on Wednesday, May 1, 2013 at 4:30 p.m. Mayor Katricia Meendering called the meeting to order. Roll call was taken. Present: Brad Hindt, Duane Seehusen, Ron Rensink, Greg Geels, and Dave Popkes. Also present: Todd Uhl, Scott Wynja, Micah Schreurs, and Arlene Budden.

Public comments-Tom Whorley addressed the Council regarding the East Lawn Cemetery Farm Lease. His property at 2100 E. 6th Street is adjacent to the cemetery land. He stated that several years ago the City allowed corn to be planted in this area, and due to the cornstalks, etc there was a lot of cleanup necessary. He also stated he then had a conversation with the City about this issue, and the City agreed that corn would not be planted there any longer. The three points that he wanted to make were:

- 1) Why does the new lease give the tenant permission to plant corn and beans on the cemetery farm ground after the City agreed that this would not be allowed?
- 2) Since this area is zoned residential, why is agricultural use allowed?
- 3) Spraying with toxic chemicals is dangerous to children and animals. Also, in the past, an overspray with chemicals due to a strong wind caused him the expense to get his house cleaned commercially. Mr. Whorley is asking the Council to reconsider this lease for the safety of the neighborhood, and try to work out something with the tenant.

In addition to Mr. Whorley's concerns, Rod Fonkert commented that fire could be a hazzard since this land is so close to many of the houses. The cemetery farm lease does not show that the tenant has any liability insurance.

Jan Kinderknecht also asked if the City has received a Certificate of Insurance from the tenant, and how would any potential claims be handled. She stated that Mr. Kinderknecht recommended planting alfalfa and oats in lieu of corn and beans.

Dean Fjeld stated that he has similar concerns to those that have already been stated. The neighbors work hard to make improvements and keep their properties clean. Working for O'Brien County, he has seen issues with fires, toxic chemicals etc. He added that the \$3,860.00 in farm rent hardly compares to the amount the home owners contribute to the City.

Marv Van Riesen asked if the Council had received a copy of the lease, and if they had read it. If so, he asked why they did not require a Certificate of Insurance from the tenant. He added that all other contractors doing work for the City on city property need to provide this liability insurance.

At this time, Councilman Seehusen asked if this neighborhood would be willing to take over the lease, and farm this area. He also added that the tenant has invested time and money into the land for this season, and it may cost the City an additional amount to compensate him for expenses already incurred. Councilman Rensink stated that these decisions need to be discussed and determined through the proper procedures. Mr. Rensink did address the public stating that he was sorry for approving this lease without

more forethought and consideration for the issues that have been brought up. Councilman Hindt also stated if he had known more of the history he would not have voted for this lease as it was presented. After discussion, a motion was made by Rensink and seconded by Hindt to set a special meeting on Monday, May 6, 2013 at 12:00 p.m., to discuss the Cemetery Farm Lease. Roll call was taken. Ayes, all. Motion carried.

A motion was Popkes and seconded by Geels to approve the consent agenda with the following items:

- a. City Council Minutes of April 17, 2013.
- b. Summary List of Claims, and Additional Claims as Presented.
- c. Renewal of Liquor Licenses.
 - i. Fareway Stores.
 - ii. Jensen Liquor Store.
- d. Village Northwest Unlimited Fireworks Display.
- e. RiseFest Fireworks Display, contingent upon receiving the necessary documents for insurance coverage.

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

Mayor Meendering opened the public hearing at 4:30 p.m. on the Country Club Road and E. 9th Street Paving Rehabilitation Project. There were no oral or written comments. A motion was made by Hindt and seconded by Geels to close the hearing. Roll call was taken. Ayes, all. Motion carried. A motion was made by Rensink and seconded by Popkes to approve Resolution R13-4090, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHELDON, IOWA APPROVING THE PLANS AND SPECIFICATIONS FOR THE SHELDON COUNTRY CLUB ROAD AND E. 9TH STREET PAVING REHABILITATION PROJECT. Roll call was taken. Ayes: Rensink, Seehusen, Hindt, Geels, and Popkes. Motion carried.

City Manager Wynja stated that this is a joint project between the Iowa Dot and the City of Sheldon. The engineer's estimate was \$485,000. The Iowa DOT has made their recommendation to award the contract to the lowest responsible bidder. A motion was made by Popkes and seconded by Seehusen to approve Resolution R13-4091, A RESOLUTION OF THE CITY COUNCIL OF SHELDON, IOWA ACCEPTING THE BID OF \$391,982.60, AND AWARDING THE CONTRACT TO OMG MIDWEST, INC. D/B/A TRI-STATE PAVING OF ESTHERVILLE, IOWA FOR THE COUNTRY CLUB ROAD AND EAST 9TH STREET PAVING REHABILITATION PROJECT, SHELDON, IOWA. Roll call was taken. Ayes: Rensink, Seehusen, Hindt, Geels, and Popkes. Motion carried.

Mayor Meendering opened the public hearing on the Highway 18 Improvements for Phase II and Phase III. There were no oral or written comments. A motion was made by Geels and seconded by Hindt to close the hearing. Roll call was taken. Ayes, all. Motion carried. A motion was made by Hindt and seconded by Rensink to approve Resolution R13-4092, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHELDON, IOWA APPROVING THE PLANS AND SPECIFICATIONS FOR THE US HIGHWAY 18 PAVEMENT WIDENING, HMA OVERLAY AND STORM SEWER

CONSTRUCTION PROJECT, SHELDON, IOWA. Roll call was taken. Ayes: Rensink, Seehusen, Hindt, Geels, and Popkes. Motion carried. The bid letting and award of the contract will be held on May 15, 2013.

Mayor Meendering opened the public hearing on the Final Plat for the Replat of the Sheldon Crossing Development. Jill Collen, 921 Country Club Road, is requesting that the Council include with the replat a road to the south behind their property, to accommodate future development. They would like to be able to sell off a back piece of their land. This could potentially affect three of the property owners in this area. Engineer Pat Bickett reviewed the replat as presented, pointing out the easements, as well as the areas that were platted as residential, commercial, and the community park. A recommendation was made to Jill Collen to take her concerns to the SCDC Development Committee, since they are the owners of the ground that was granted to them by the City. They would have to request a separate plat be developed for the area south of the current Outlot X, Sheldon Crossing Plat 1. Engineer Bickett did comment that the sewer could be a problem in that area. There were no other oral or written comments. A motion was made by Rensink and seconded by Seehusen to close the hearing. Roll call was taken. Ayes, all. Motion carried. A motion was made by Hindt and seconded by Seehusen to approve Resolution R13-4093, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHELDON, IOWA TO APPROVE THE FINAL PLAT OF THE FIRST REPLAT OF OUTLOT X, SHELDON CROSSING PLAT 1, SHELDON, IOWA. Roll call was taken. Ayes: Rensink, Seehusen, Hindt, Geels, and Popkes. Motion carried.

Mayor Meendering opened the public hearing to consider amending the fiscal year 2012/2013 City Budget. There were no oral or written comments. A motion was made by Rensink and seconded by Seehusen to close the hearing. Roll call was taken. Motion carried. A motion was made by Seehusen and seconded by Hindt to approve Resolution R13-4094, A RESOLUTION AMENDING THE CURRENT CITY BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2013. Roll call was taken. Ayes: Rensink, Seehusen, Hindt, Geels, and Popkes. Motion carried.

A motion was made by Popkes and seconded by Seehusen to approve Resolution R13-4095, A RESOLUTION OF THE CITY OF SHELDON APPROVING SUBMITTAL OF THE APPLICATION FOR AN IOWA DOT AIRPORT FUNDING GRANT, FOR THE LAND USE PLAN AND HEIGHT ZONING ORDINANCE FOR THE SHELDON REGIONAL AIRPORT. Roll call was taken. Ayes: Rensink, Seehusen, Hindt, Geels, and Popkes. Motion carried. This grant will provide for payment of McClure Engineering services in the amount not to exceed \$15,000. This is 85% grant and 15% local match, with the City's cost \$2,250. This project will be completed in 2014.

The Council held the second reading on amendment to the cemetery ordinance. There have only been positive comments in the proposed change to allow either flush or upright markers throughout all of East Lawn Cemetery. Attorney Schreurs was directed to change the wording in the proposed amendment by removing the identifying block numbers and replacing it with "throughout the cemetery". A motion was made by Rensink and seconded by Popkes to pass on to the third reading the proposed amendment to the cemetery ordinance. Roll call was taken. Ayes, all. Motion carried.

A motion was made by Seehusen and seconded by Rensink to approve Resolution R13-4096, A RESOLUTION DIRECTING THE ACCEPTANCE OF A PROPOSAL TO PURCHASE \$5,350,000 GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2013. Roll call was taken. Ayes: Rensink, Seehusen, Hindt, Geels, and Popkes. Motion carried. City Manager Wynja stated that the A+ Rating from Standard and Poor Rating Agency helped the City to receive very favorable interest rates. The City can now move ahead with the capital improvements that will be funded with the bond revenues. Councilman Rensink commented that the good financial management of City Manager Wynja and City Clerk Budden played a part in obtaining the good rating for the City of Sheldon. He thanked them for the job they do for the City.

A motion was made by Hindt and seconded by Seehusen to set May 15, 2013 at 4:30 p.m. for a public hearing to consider the plans and specifications and award of contract for the Downtown Infrastructure Project. Roll call was taken. Ayes, all. Motion carried.

Councilman Hindt previously requested a discussion on the outdoor warning sirens sounding every evening. Since that time, he has had other comments from the public asking that the sirens continue to be sounded as currently are being done. Therefore, no change will be made.

Press comment-none.

Council comments-Councilman Rensink asked if the Sheldon Outdoor Aquatic Center will be filled this spring. He has received questions about this since the Water Watch includes voluntarily not filling private pools. City Manager Wynja commented that the ordinance states that residential pools should not be filled, cars should not be washed on private drives, watering lawns allowed only during specific hours, etc. The Aquatic Center does not fall in this category, as well as the commercial car washes, etc. The City does plan to fill the Aquatic Center. Councilman Rensink also asked the Mayor to set up a meeting with the other cities who are still waiting for water from Lewis & Clark Rural Water System. He is struggling with the fact that the City has nearly \$2 Million of tax payers' money invested in this project, and now we are going to spend \$350,000 to drill a new well. He added it is time to get this ironed out, to either finance it more to get it completed or to pull the plug completely on the project.

Staff comments-Public Works Director Todd Uhl informed the Council on the water situation. He stated that the City has gained about 75 gallons per minute in the water flow within the last two weeks. But, Northwest Iowa is still in a severe drought with near historic lows. He will continue to monitor this and keep the Council updated. Mr. Uhl also thanked NCC for the help they provided with the tree cleanup, cutting down some of the bigger branches from the ice storm in the areas where the City did not have the equipment to do this.

Mayor Meendering thanked the City crew for the work they have done with the tree cleanup after the ice storm. She asked the citizens of Sheldon to be patient, this is a big job and the City crews are working hard to get the job done as quickly as possible.

A motion was made by Seehusen and seconded by Hindt to adjourn the meeting at 5:37 p.m. Roll call was taken. Ayes, all. Motion carried.

Arlene Budden, City Clerk/Treasurer/Finance Officer