

The Sheldon City Council met in special session on Monday, May 6, 2013 at 12:00 p.m. Mayor Pro Tem Dave Popkes 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, Micah Schreurs, and Arlene Budden. Mayor Meendering arrived at 12:20 p.m.

Public comments-Dr. Scott Lichty could not be present at this meeting. Therefore, he had Rod Fonkert relay his opposition to the terms of the cemetery farm lease.

Robin Spears represented the Sheldon Community Schools and stated they were opposed to the lease because of the safety of the school children and the hazards of spraying chemicals. Also, his is concerned about the cleanup that may need to be done from corn stalks.

Jane Nestor asked about the proposed chemicals, what would be used and how they would be applied.

Shane Kleinwolverink, new tenant of the cemetery farm land, stated that the City's plan for crop rotation is correct. He added that no matter what is done with the land, it will need to be sprayed to kill the weeds. He said corn needs to be planted to bring the nitrogen back into the ground. The best plan would be to plant corn, beans, and then alfalfa. Mr. Kleinwolverink has his seed corn bought, the disking of the ground has been done, and then he planned to spray the weeds. He would be using a certified licensed sprayer, who would provide a Certificate of Insurance for any potential claim for damages. He planned to let the City know before he had the spraying started, and that would allow enough time for the neighbors in the area to be notified as well. He would also be willing to come one time after harvest to clean up if the corn stalks collected in piles. He restated that to date he has purchased the seed corn, and has time invested in disking, agronomy research, attending the meeting, etc.

After some discussion, a motion was made by Popkes and seconded by Geels to continue with the current cemetery lease, using caution and control when spraying the ground. Roll call was taken. Nays: Rensink, Seehusen, Hindt, and Geels. Ayes: Popkes. Motion failed.

Daryl Mouw, 2000 E. 6<sup>th</sup> Street, stated that he did not move into town from the country to have a corn field and farm land beside his property. He also stated he has allergic reactions to certain chemicals. He would agree with using fertilizer and planting beans, but was opposed to planting corn.

Sue Roth, 840 22<sup>nd</sup> Avenue, asked if the property was zoned residential or agricultural. Public Works Director Todd Uhl stated that it is zoned residential, but according to the City Code the agricultural purpose would be allowed as a Non-Conforming Use. Mrs.

Roth also added that she is concerned about the spraying, and who would be liable for any claims.

At this time, a motion was made by Seehusen and seconded by Geels to terminate the current lease and attempt to renegotiate a new lease, planting soy beans the first year, and then planting alfalfa going forward. Roll call was taken. Ayes: Seehusen, Geels. Nays: Rensink, Hindt, and Popkes. Motion failed.

Councilman Hindt asked Mr. Kleinwolterink if he had determined the amount of expense he had already incurred with the ground preparation. Mr. Kleinwolterink stated he did not have that figure available.

Councilman Geels recommended that the neighbors in the area and the tenant come to some agreement.

At this point in the meeting, Mr. Kleinwolterink stated the conditions for termination of the lease would be \$4,500 in compensation paid to him by the City, and no requirement of Mr. Kleinwolterink as the tenant to pay the rent of \$3,864.00.

Councilman Rensink made a motion and seconded by Seehusen to terminate the lease, with no provision for compensation to the tenant. Roll call was taken. Ayes: Rensink, Hindt. Nays: Geels, Seehusen, and Popkes. Motion failed.

Councilman Geels made a motion and seconded by Seehusen to terminate the current cemetery farm lease, and renegotiate a new lease between the City of Sheldon and Shane Kleinwolterink, with the provision that the City of Sheldon is not bound if an agreement cannot be reached between both parties. Roll call was taken. Ayes: Hindt, Seehusen, Geels, and Popkes. Nay: Rensink. Motion carried.

Councilman Rensink recommended to have the tenant plant soy beans and then oats, using round-up as the chemical for spraying, and then negotiate a five-year lease for alfalfa.

After further discussion, Mayor Meendering directed Shane Kleinwolterink to develop a new cemetery farm lease taking into consideration the neighborhood concerns, and return it to the City Office by 5:00 p.m. today. Due to the timing, the City will review the terms, and bring it back for Council consideration at a special meeting.

A motion was made by Geels and seconded by Seehusen to adjourn the meeting at 1:03 p.m. Roll call was taken. Ayes, all. Motion carried.

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Arlene Budden, City Clerk/Treasurer/Finance Officer