|  |
| --- |
| Shambaugh City Council Meeting Minutes August 6, 2018 |

# Call to order

A meeting of **Shambaugh City Council Meeting** was held at **Shambaugh City Hall** on **August 6, 2018.** Attendees included **Ron Peterman, Karen Miller, Sherry Stuvick, Sam Woodruff, Kevin Johnson, Patty Johnson, Mahlon Sorensen, Lyle Palmer and Sandra Bilokonsky**. Bobbi Whitehill was absent. There was several community members in public attendance including members of Lied Public Library. Quorum was present.

# Approval of minutes

Motion Sherry Stuvick Second Karen MillerAll in favor: yes Motion carried

# Reading of Agenda

Motion Sherry Stuvick Second Karen MillerAll in favor: yes Motion carried

# Reports

Sherriff Report: July 6th a call to Lisa Foster residence, deputies tried to reach someone at the door, no one answered. The residence was quiet upon arrival. July 9th assisted in an arrest of a male on 214 Main St. On July 22nd received a phone call from Tish Furst, she reported around 11 her 24 daughter Jessie came home found, Kyle Stimson bike in the driveway. She could her David Stimson calling for Kyle. Jessie found Kyle sitting in the house, Kyle stole, files of burglary have been charge and filed, this has been sent to Juvenile court services. Hours: 15.7

Sherry asked what are they going to do in regards to Kyle, Sherriff stated there are 2 charges pending at this time. Juvenile court has referred to the county attorney. The county attorney is wishing to prosecute, there are questions needing to be answered and it will be processed. Currently it is in the hands of the legal team, so it is a waiting game. Sherry stated her concerns are like many of the other citizens, is he is aware of his actions and she is afraid he will hurt someone. Lyle noted that is one of the department’s concerns as well, and it has been stressed. Sandra stated that he is pushing the boundaries. Sherry stated he is smart enough he knows he can get away with it. It was in agreement “hit the nail on the head” with that statement. Council stated he ‘knows what he is doing”. Patty stated she hears lots of “screaming and yelling” from her house. It is all unfortunate, as stated in the meeting.

# Unfinished business

Attorney Mahlon Sorensen discussed the property on 202 Forth St. Jim Chamber’s property is on target. The house has been removed along with the major debris. Mahlon stated it looks good. Chambers was in attendance and stated that they still needed to come and lay grass seed on the property, along with removing a few trees and other minor debris. Everyone has been served on the Auten property including Auten. Auten has been found and served on the property on Main St., Sherriff assisted in serving. Mahlon is hopeful by next council meeting, council can move on with the property. Letter was written to Lynn Bloom in regards his concerns on his land and mailed on August 6, 2018. Sandra gave a copy of the letter to the Mayor and has retained a copy for file. Sam was given the Mayor’s copy of the letter; Sandra stated she would email the Mayor the copy of the letter. Mayor stated that he had learned at the landfill meeting that that leaking will produce gases, and therefore crops will not grow. Bloom has not had this issue, along with Sam’s lagoon testing; the city believes in fact the lagoon is not leaking on Bloom’s property.

Mahlon asked if he needed to address the Eric Stoltz “wet corner”. Sam stated he knows that it is mowed and someone has cut hay on the property. The area seems pretty dry; Sam stated it is not a problem this year as in previous years.

Old Business: Gary Kent alley way property, from outside meeting conversations Gary is willing to “purchase” the land, via quick claim deed and pay fees associated with quick claim. There is no information property of whom owns the property; there is no value to the property for the town. It has been determined that the town needs to know who has claim on the property. Sandra stated she will go to the county auditor for information.

# Motion to Bills and Unpaid Bills

Motion Sherry Stuvick Second Karen MillerAll in favor: yes Motion carried

# Business

Water/Sewer: Janis Peterman water usage was very high, Sandra had 3 day water meter check and in/outside house inspection, it was determined after conversations with Sam that she had a water leak. She did indeed have a water leak under her sidewalk area from the water meter to the house approx. 6 foot gal pipe had hole. She is getting that repaired. Patty asked what is the city doing in regards to her water bill, Sandra stated that we gave her a credit on the sewer, for $59, it was determined by her monthly average use. City also placed an analog water meter in the pit. 1 more tube needs to be replaced on Main St. JW exaction estimate is $1900. Motion was set forth to replace the tube on Main Street.

Motion Sherry Stuvick Second Patty JohnsonAll in favor: yes Motion carried

Mayor: Ron Peterman asked the city attorney Mahlon if he was working on a permit to give the city in regards to the landfill. This is permit for garbage carriers to remove refuse and it to come to the Page County Landfill, generating revenue to pay off the bonds that the landfill is holding for cell construction. Sandra asked if this is a permit that she is required to write, Mahlon stated he will help her with the issue. There is legal language that needs to be in place. The permit in place will designate that the refuse carrier must take refuse to Page County Landfill, not other landfill as some of the carriers are starting to cross the state lines. Sandra asked if this has to do with what is happening in outside of Sidney currently with their landfill issues, as in big contractors are coming in. The mayor stated he thinks they are trying to buy out the landfills and turn them into transfer stations. Sandra stated therefore the companies are lining the corporation pockets over helping the counties. The attorney stated this is currently a hot issue in Fremont County. If this comes to push, the small towns will end up being responsible to pay for the bonds. The attorney stated it is really important that we maintain as a city the trash going to the county landfill.

Clarinda denied the grant for city holiday lights, Mayor asked Sam to see what lights we have and to use them. Patty stated try to make the best out of what you can. It was stated how bad shape the lights are in.

Clerk: Sandra had a conversation with the accountant that morning and the WET tax is applied, this will affect the water bills as the tax rate will go down to 6%, however on commercial accounts the tax rate is 6% WET and 7% on sewer, this really only affect one business in town The Gate Shop. The new rate was recalculated in water bill already mailed; this means people will have a small credit if they pay their bill fully. Sandra doesn’t know how this is going affect money coming into the city as this is new, therefore she does not know if local option tax will be lower/higher. She also has not received anything from the treasurer. Ipers rate change, was given to city council, Sandra noted members will note current payroll is noting this current change. Sandra stated there is some exchange students coming and she would like to have them help out at the city for some projects for their required volunteer hours. Sandra stated she wanted to contact Jody in regards to city council team building and will try to schedule that around October or November time frame, in accordance to Jody’s schedule. Sandra stated that she place on the water bills about doing a fall harvest dinner, however no citizens have replied. However if the city wants to do said dinner, now would be the time to start planning, no response.

Council: Nothing

Public:

Page County Libraries: Library funding has been cut; Sandra noted that in the city council meeting packs, each member has a copy of the current Iowa code. Andrew Hoppman, Executive Director and representative from the Lied Public Library in Clarinda. He is speaking on behalf of all the Page County Libraries. Andrew stated that the small cities that do not have a library they are making it aware of the Iowa code 256. 69 which states: “…Each city within its corporate boundaries and each county within the unincorporated area of the county shall levy a tax of at least six and three-fourths cents per thousand dollars of assessed value on the taxable property…for the purpose of providing financial support to the public library which provides library services within the respective jurisdictions.” In other words, a tax of at least $.0675 per $1,000 assessed property valuation must be levied by each county and city to provide financial support to the public library which provides them with library service. It is his understanding in his 10 years since he has been in Clarinda, Shambaugh and many of the other smaller communities have not contracted the library services nor does Shambaugh have a library. During his research Page County is one of the first counties to set the tread to contract for library services many, many years ago and was used as a state model. He is asking the smaller communities to start a conversation to move forward, for their next fiscal year budget what can we do next year so that residents have access to library services. He wants to make sure our citizens have access to library services, moving forward. He doesn’t want to turn anyone away; however it does cost money to run library services. Andrew gave the council fiscal year 17 annual report summary. He is here primary to start conversation with the cities; during his research the numbers to meet the state requirement for Shambaugh is $324.32 per year. Sandra noted that she marked in the red on the bills to be paid summary note for council member’s notes. Mahlon stated he represents small and large cities and asked if it would help if the library kept track of the number of Shambaugh citizens using the library and if he could share that information. Currently at this time there are 62 residents that are card holders, of which last year they checked out 543 items, however this does not include electronic items. The system does not track electronic items. Mahlon stated that information helps the city understand why it is important for the city to take in consideration. Mahlon asked about support in regards to the taxation, Andrew stated the representatives will be more than happy to meet with members of the council once a year. Mahlon asked if the library cards are free. Sherry stated she can answer that yes, they are as she uses the library. Andrew stated as long as you are a resident of Iowa the current policy in place is that library cards are free. They do however, charge for out of state. Mahlon and Ron asked about the rural township trustees, there was a woman present in attendance that represented the board of trustees for the rural communities. The woman stated that they could help, with the trustee issue. Moving forward, Andrew stated the money involved is for projections of next fiscal year 19/20 and understands that this fiscal year as past. Andrew prefers that the city currently does not pay any monies right now, due to have to figure out the funding formula and how it is distributed in Page County. Therefore Shambaugh can be contracted throughout Page County libraries. Andrew left his business card for more information.

Sam asked after the representative left, in regards library. If the library monies, would be a levy or would it come out of general fund. At this time, it will come out of general fund, not levy. Mahlon stated the city could add it to the real estate, but the city doesn’t have too. Sherry asked if they have to mandate the money. Due to the Iowa Code, yes, this is a mandate. Sandra stated she has the email from Andrew in regards to the accessed rated value for Shambaugh. Mayor stated they have not been enforcing it, due that there has been funding in the past, however due to cut back; the libraries must enforce the issue now. Sam would not like to see that out of the citizens property taxes, would like to see it come out of the local option tax. The mayor and Mahlon stated that the little towns are getting hit for money; unfortunately the little towns don’t have money as well.

Mayor Ron Peterman asked Pam Woodruff if she had a question for Mahlon. Pam stated a question or comment? She asked about the “hole burnings” pushing houses in to burn. Is anyone checking for asbestos before burning the houses? Sherry stated, “Probably not” Pam stated shingles are not to burn as well, but she “knew for a fact” that there were shingles on it. She was unable to go outside of her home, on her deck, for a week, due to the smoke. She stated it needs to stop. She stated Clarinda cannot dig holes anymore and push houses in. She stated something needs to stop, there could have been asbestos in that house, shingles was on it and shingles guarantee are not to be burn. Sandra stated yes, due to the tar contained in the shingles. Kevin, stated he agrees, and noted that black smoke was barreling out of the hole. He did not know if diesel fuel was used on it, tires or something else, but the smoke was coming off the top of the hill heavy. Mahlon stated he should not be doing demolishing without a permit, and with fire permit, shingles have to be removed. Pam stated, yes should be, however is it being done. She stated if it doesn’t get stopped she will call the DNR and check the holes and pull the dirt up to check for containments. She wants to know if we as a city can put in place, something like Clarinda therefore people cannot push houses in holes anymore. Ron stated landfill will give a person a reduce rate on landfill for disposal, if have disposal set forth via landfill. Mahlon stated there are rules in placed by DNR, as you follow those rules it is allowed, with permit. Pam stated who gets the permit, the city or the individual. Mahlon stated if the city owned the property then it is the cities responsibly, however it lies with the citizen doing the burn for the permit from the city, the city council deems necessary. Pam stated the citizen could smell it all the way at his house, she said just imagine if you was sitting right next to it.

Butt family has approached the council in regards to a variance to the rule to build a building across the street from their home on 603 Main St. on the vacant lot, they would like to purchase. Council told the Butt family to have a diagram of the building to set forth for presentation to the city attorney Mahlon. Mrs. Butt passed out the diagram of a building (on file) South side of building would not be any more than 60 feet, East side of building no more than 40 Ft. 3 large doors to store equipment and an entry door. Lot is 300 feet by 600 feet. The building was described like a Morton style building, they would enter from rear to store items, and exit front side. Mahlon asked what was between the property and the Butt’s family property, there is a street dividing properties. The property currently is owned by Eric McCalla. Mahlon stated this is a classic problem, if they build the city will have to rezone the property for the use. The rest of the town will have to do the same for each person whom wants to build, it is called spot zoning. He stated a variance it supposed to be something to correct an injustice, there is no in justice here. The property in question is not zoned correctly it is zone residential, he stated if the town wants you to do that they need to rezone that lot, to make it commercial. Mrs. Butt asked how would that work, Mahlon stated the council would take a request, normally a zoning board would look at it, however the town, doesn’t have a zone board therefore it would be the council to set action. The council would have to consider what would happen if more people want to do this. Mahlon made a statement to the town, “do you want 5, or 8 of those buildings sitting in town.” He stated it is up to the city council. The mayor asked if the building would have water and sewer at the building, the reply was no, she stated there is water and sewer there; however it will not be hooked in. Mrs. Butt stated she understands the concerns about shed building, over house building. Mahlon stated, what happens when these type of buildings are just let go (in turn he was speaking about buildings in the community that sit on property currently). Mahlon stated she would have to submit application to council. Mahlon stated to the council if you want to rezone that is fine, however if you want to take zoning off (open zoning). Mahlon’s concerns are buildings like sheds, being next to people, and then the town cannot really do anything about them if people abandon them. Member in attendance stated, “People are knocking on the door to build here” as in the community does not have any people wanting to build. Mahlon stated if you open it up to build these types of buildings, to store items etc., that people will build them and then the city will have just a lot of shed type buildings. Which is fine, since the city would have more tax base, if that is what the council wants? Mayor stated the council would not want to go to an open zoning, Kevin stated would be do one at a time then? Sherry asked even if they open the zoning, they can’t build anything without council approval? Mahlon stated on open zoning they would be able to building anything with the proper building requirements. Patty stated “of the city council?” He said there would be no reason for it to come to council on an open zone. However he did state if it zone properly then then people have the is being built on the property. He stated to Patty with a building permit from the city. The building permit would ensure they are building to code. There was conversion in regards to other buildings used as an example. Patty stated yes, that would create a problem, because if some zoning was change to commercial people could move in all types of junk. (Speaking in turn of a building in town). CI Johnson, asked the mayor to clear up confusion, his grandfather was in real estate. If you build a storage shed for private use, doesn’t necessarily automatically according to Iowa law turn it into commercial property, he said he doesn’t understand that. Mahlon stated “nonresidential”; Sandra asked to clear some confusion. If she builds a building there why is it called “commercial”, since she is only storing items in building not “business”, Mahlon stated if she was building a building next to her property then the property become “ancillary” to the property but due to the street separating the property then it becomes “non ancillary”. Commercial and non-residential are the same, you can call the zoning one in the same. CI stated “commercial” is normally stated one is open for business. Mahlon stated you have to call it something, which CI agreed. Language on the zoning is something, which city would have to consider, but the city would have to name it something in order to set it forth on an ordinance. Mayor asked if they built a building with a 10x10 “living area” with a bathroom, could it be considered. Mahlon stated most places have requirement on living space requirement, which means more than 40% must be residential. Patty asked if the council has it as “nonresidential” does the council have say in what is built on that. Kevin and Mahlon both stated it would have to build within building code of set plans. Mahlon stated he is letting the council know the laws state, however in the end it is up to the town.

John Hanson asked the council for use of outside electrical and some water from the community building for a project Paul Woodruff would like him to do the post office. John stated he would give a donation for usage.

Adjournment

Motion Sherry Stuvick Second Kevin JohnsonAll in favor: yes Motion carried