
Shambaugh City Council Meeting Minutes Nov 4 2019

Call to order

A meeting of Shambaugh City Council Meeting was held at Shambaugh City Hall on March, 2019. Attendees included Ron Peterman, Mahlon Sorensen, Sherry Stuvick, Joe Dow, Kevin Johnson, Patty Johnson, Sam Woodruff, Lyle Palmer and Sandra Bilokonsky. Karen Miller was absent. Jim Chambers and son was present. Charles Johnson was present. Quorum was present.

Approval of minutes

Motion Sherry Stuvick Second Kevin Johnson All in favor: yes Motion carried

Reading of Agenda

Motion Sherry Stuvick Second Patty Johnson All in favor: yes Motion carried

Sandra stated there is two additions to the agenda 2019-6 Workers' Compensation Seatbelt Policy and 2019-7 Workers' Compensation General Safety Manual

Reports

On October 21 was called to 502 Main St for a possible DOA, No signs of foul play, natural causes. Council and Lyle spoke on Daniel Stone and the loss. On October 29, Chris Selby reported a handgun stolen from auto. Report was filed nationwide. Lyle stated if people are carrying guns in their autos, to please lock up autos. Chris Selby did not know when or the location of when his handgun was stolen. Lyle stated just lock items, lock autos. Time: 17.91 Sherry donated stealth game cameras to the Page County department.

Unfinished business

Mahlon stated he contacted the Lauber's attorney and stated the trash was still piled up of last Tuesday (October 29th) will file a municipal violation complaint for 211 Old Highway. Mahlon is moving forward and filing the complaint. Mahlon gave the letter to council in regards to 202 4th St property. The letter outlined the contract between Jim Chambers and the City of Shambaugh in regards to the property concerning Lots 1 and 4, Block 4, Hersey's Addition to the City of Shambaugh commonly known as 202 4th St. Mahlon stated he is doing what is required by the council. Sherry stated they are working on the property. Mahlon asked the council if they wanted Jim who was in attendance to read the letter and discuss or is it a done deal. The mayor noted to Jim the letter is reinstating the contract that Jim and the city had along with extensions granted. Jim stated ok. Mahlon stated that last month the council was not happy with the progress that was being made, therefore the council had ask him to draft a letter to tell him the contract is over. Jim stated they have it livable now, they have water. Comment was made that they contract stated the place was in need to be livable by November 1 and now it was livable from the Chamber's party. Chambers stated they are waiting for siding, they have water, sewer and electric, however awaiting the electric company. Mahlon stated to the council it was not his call, it was the council call. Sherry stated it needs to be finished by 1 December, she stated they did all this work. Kevin asked can Jim complete everything in 30days. Jim stated to the council you seen what we can do in 14 days. Sherry asked Kevin, if he thinks they can do it by 1 December. Kevin stated they placed all this work into and if they are not living in it full time by 1 December, it's done. Chambers stated then it will be nice for somebody else then. Sam stated the council needs to define what is livable. Otherwise, someone could place a tent on the property and state it's livable. Chambers then discussed sewer line. Joe stated they need to be living in it by 1 December. Mahlon stated it needs to have bathrooms, water and electricity. Mahlon stated it needs to be a house/home. Chambers stated it will be. Ron stated along with a paying water meter. Chambers stated they have filed with post office in order to get mail delivery. Sam stated they need to get with the city clerk in regards to the sewer and water and suggested that someone come in and take a quick look to state it home. Patty asked Sandra if she would be willing to inspect the house. Sandra stated she will. Mahlon stated that yes, someone from the city needs to look at it, Sherry agreed. Mahlon took the letter back. Letter was strike, however a copy has been maintained for city records. Mahlon stated he will send Jim a letter of what was stated in the meeting. Council asked what day was 1 December, it falls on Sunday. Sherry stated then day of meeting is when inspection will take place. Sandra stated she will see Jim on 2 December for inspection. It was stated that Sandra can perform inspection before that date. Council and Mahlon reminded Jim not to cut it close to that date and get things completed. Sherry placed a motion for Jim to complete the live in by 1 December and inspection on 2 December by Sandra, if doesn't pass inspection the contract is done.

Motion to approve 202 4th St, Jim Chambers 2 December for home inspection and ready to live in

Motion Sherry Stuvick Second Kevin Johnson All in favor: yes Motion carried

Sherry stated the Cheryl Campbell property needs to be addressed as no one is living there, (213 4th St) Mahlon stated the court administrator contacted him and stated he has had that case for some time, what was the next plan of action. Mahlon stated to the council he cannot hold that case any longer, it has been open for 10 months. Sandra stated she has an active water account, that has been paid as of last month. Patty stated she is paying on water. Joe stated he goes by there and sees if there is anything going on, he

hasn't seen anything. Sherry stated there is nobody there. Sandra stated she also doesn't believe anyone is living there. Sandra stated she thinks she placed a water account to put a hold on the property. Patty asked if she is using any water. Council asked what her usage was, Sandra stated she could not tell the council off the top of her head, she would have to look up in system. Patty stated, using Sherry as an example, stated say the house has to have something done, and you always have water on it. Patty stated to the council, they have to make the decision is it ok just have water on it. She stated the reasoning was something needed to be done to dwelling. Sam stated the only thing he could say about the property, is that the water and sewer are hooked up. She is paying for the water. They could make a claim it is a livable property, he stated the outside has been mowed. And stated it probably looks better than a few other properties in town. Sandra stated she has been maintaining a paid water bill. Sam and Ron stated they doubt anything has been done inside and livable. Sam did state he knows nobody is living at the property. Mahlon stated he could get an expert to go and do an inspection. Kevin stated he doesn't think she would let him in. Mahlon stated he can get the court to do that. Joe was worried about trespassing, if someone was just to take a look into the window. Mahlon stated it is not for a city employee/official. Mahlon stated as a city attorney he does that all the time. He stated he is not afraid to go on yard and look in window. He is a city official and our ordinances says, that "we" have a right to entry to protect and preserve property. Looking in a window is not an evasive thing. However to get inside the house, he would need a court order. Joe stated it is like Chambers, he hadn't done anything until a week half ago. Council stated he was working until dark must have caught wind of it things was over. Council discussed definitions of "what is livable", Mahlon stated the law, under the law if a person is not living at a property for 6 months it is considered abandoned property. Sam stated that can open a can of worms, cause there is properties there are vacant in town that are being maintain however a person not living there. Sam also stated he necessary doesn't care if someone is living inside the house, but if they are paying bills and maintaining property. Mahlon stated he was stating what the law states. Sandra stated as long as she is paying her water bill she was ok. Joe asked if the property had water. Sandra stated as far as she was aware. Council then discussed livable part time vs full time, if the property indeed was livable inside. Mahlon asked council if he should dismiss, Patty stated we have gone this far. Kevin stated she hasn't been here for a month doing anything. Kevin then stated that Cheryl had stated by 1 September she stated that she would have somebody living in the house. Sandra stated which she did and turned on the water, she said she had a leak. Sandra asked Sam for clarification on the leak, Sam stated that is what she stated she had a leak, however he did not go in the house. He stated there was a minor leak in the basement so she asked Sam to turn off the water at the pit, which Sam did. Joe and Patty asked if Sam had turned it back on yet, Sam stated no. Sam stated she is paying her bill, which Sandra stated yes. Ron stated he doesn't see the house being any different than the way the house sits right now. Sandra stated she is paying water on an empty lot. Sandra stated the council can decide what they like, however she is happy with her currently paying her bill on time. Ron asked Mahlon what the next procedure would be. Mahlon stated it would be up to the court to decide if it is an abandon property and the city would take it. Sam state it still looks better than some of the other properties in town. Joe stated the property has been that way since he has live in town the past 20 years. Joe stated that if council agrees, that an inspection should be done to Cheryl's house, just like Chambers house. The inspection should take place within the next 30 days, if it doesn't have heat, running water, electricity then it's a done deal. Mahlon stated he could do that and the inspection would be done by a professional inspector. Council agreed. Motion was set.

Home Inspection on 213 4th St within 30 days, if home is fails, Mahlon will file a court action on property

Motion Joe Dow Second Kevin Johnson All in favor: yes Motion carried

Motion to Bills and Unpaid Bills

Motion Sherry Stuvick Second Patty Johnson All in favor: yes Motion carried

Sandra added Attorney bill \$419.42 retainer \$125 attorney fee \$260.42 expenses \$34

Business

Water/Sewer: DNR inspection is on Wednesday (November 6), Sam stated the permit is due the first of the year, and DNR likes to do an inspection right before permit is issued. He think we will be ok. Ron asked Joe if he had taken any of the concrete out at the lagoon. Joe stated no. Joe stated Sam was not around at the time, however he had more to give. Sam stated that we needed to get something done with that ditch or it will turn into a major thing, if we have rains like we did. Patty stated need to get something up in there before it just eats up under (erosions). Sam stated things are good on water, there was leaks at homes, however those were addressed. Sandra, Sam and Ron stated there was 3 major leaks. Sam stated one was under a house and the other's was flappers on a stool. People just need to be aware of those flappers. Ron stated 13K gallon, 17K gallon and a 43K gallon leak. Joe was surprised about the 43K, Sandra stated yes, that was the largest one. It was stated it was under a house. Sherry stated you would think people would hear the stool kicking off. CI being funny stated "there is not a warning on facebook for that", council chuckled, "check your flapper" facebook message.

Streets: Ron stated if it snows we are ready, Sam stated yes.

Mayor: Sandra stated the LEP has to have a pass, due USDA requirements.

Motion to approve Resolution 2019-5 Language Access Plan (LEP)

Motion Sherry Stuvick Second Patty Johnson All in favor: yes Motion carried

Sandra stated that she is required per Iowa Workers' Compensation to have seatbelt policy on file for the city of Shambaugh. This is a requirement after being inspected. Sandra stated everyone has a copy of the seatbelt policy.

Motion to pass Resolution 2019-6 Workers' Compensation Seatbelt Policy

Motion Sherry Stuvick Second Joe Dow All in favor: yes Motion carried

Sandra stated the General Safety Manual is also another requirement due to inspection. She stated, she took the template from workers' comp and tailored it for the city of Shambaugh. Sandra stated in the manual there is a requirement for first aid kit, she has an EMT kit in auto. Patty stated that there should be a kit available inside. Sandra stated she will purchase one. Council agreed.

Motion to approve Resolution 2019-7 Workers' Compensation General Safety Manual

Motion Sherry Stuvick Second Patty Johnson All in favor: yes Motion carried

Mayor stated he would like to bring to council that the current tractor is a 2012 and out of warranty. He stated in another year, the city will be looking into tires and we do not know what will happen. He did some checking, he stated the city can lease a new tractor for about \$6K a year. Tractor would be new everything. Sam stated \$6890. Sherry stated we currently own the tractor we have now. Ron stated yes, the lease would consider the city turning in the tractor we currently have right now. Kevin stated \$7K a year, Patty stated for how many years. Ron stated it was a lease purchase for 5 years. Sam stated he talked to Alan up at Kabota, the price of a new tractor is \$67,700, he said at first he would give \$34K for the city tractor, then we would owe \$33,700, however Sam was able to get it down to \$31,500. This is a 5 year lease at \$6890 with a \$100 payoff at the end. Joe asked if the tractor would be the city's after 5 years. Ron stated it is Lease/Purchase. Patty asked about the sickle mower. Sam stated they are not combined. Council discussed mower. Sam stated the price of the mower is \$5700 for a 9 foot bar, with extra bar. Sam stated the dump box trailer and the old mower are going to be sold, to purchase the sickle bar. The trailer, is like new, the city should be able to get \$5K for it, if we get the sickle bar in the spring it gives us time to sell the trailer. Patty stated she would like to see the trailer to be sold first. Sherry stated that she is assuming we would have to preorder it. Sam and Ron stated yes, we would have to order it. Ron stated they do not keep sickle mowers in inventory because there is not a demand for them. Joe asked if the trailer was an H&H trailer. Ron and Sam stated it was. Ron stated the paint is not even off the box inside. Sherry stated she was in agreement to sell the trailer to purchase the sickle mower.

Motion to sell the trailer and purchase the sickle mower.

Motion Sherry Stuvick Second Joe Dow All in favor: yes Motion carried

Back to tractor, Sam with the \$31,500 there is a 2 year full warranty (front to back) and 3 year power train warranty. Sam stated they have one and it will take 10 days for them to prep. Joe asked how many hours is on the city tractor. It was stated it is under 1k hours, however it is the age that is the problem, since it is a 2012. Sherry stated the longer we have it the lesser it will be worth. Ron stated that Sam was going to have the tractor greased the other day, the cost was \$85 per hour. Sam stated him and Ron had spoken, the tractor could run for another 20 years however then when the city needs a tractor the city will have a \$15yr bill over the cost of leasing a tractor, not including the other factors of tires, or if something happens to the tractor. He stated that is the most important piece of equipment the city has. Sherry asked what the cost of tires is now. Ron stated for the landfill compact tractor duels it was 8 new tires, it was \$24K. Ron stated maybe roughly the tractors are \$1k for the back and \$500 for the front. Ron stated maybe around \$3k for new tires. Sam stated we should be okay making the payment out of road use and still have maintenance on streets. Ron stated the city could not do that last time. Sandra stated, that road use is looking healthy. Council discussed tractor highlights. Kevin stated if the city can get the lease at \$6800 a year, then they better move forward, a motion was set.

Motion to purchase new Kabota tractor, with trade in of old tractor

Motion Kevin Johnson Second Sherry Stuvick All in favor: yes Motion carried

Clerk: Sandra addressed the council if they win the election on Tuesday, there is training made available Iowa League of Cities, Municipal Leadership Academy (MLA), registration is available online. Council members have a copy of schedule courses in their city council meeting packs. Ron stated he has taken a one of the courses on nuisances in the past and it was very informative. Sandra wish everyone luck in the election.

Adjournment

Motion Sherry Stuvick Second Kevin Johnson All in favor: yes Motion carried