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| Shambaugh City Council Meeting Minutes July 1 2019 |

Call to order

A meeting of Shambaugh City Council Meeting was held at Shambaugh City Hall on March, 2019. Attendees included Ron Peterman, Sherry Stuvick, Sam Woodruff, Karen Miller, Kevin Johnson, Patty Johnson, Joe Dow, Sandra Bilokonsky and Lyle Palmer. Mahlon Sorensen was no present due to vacation. Gary Kent was present as a community member. Quorum was present.

Approval of minutes

Motion Karen Miller Second Sherry Stuvick All in favor: yes Motion carried

Reading of Agenda

Motion Sherry Stuvick Second Karen Miller All in favor: yes Motion carried

Reports

On June 7th deputies called to 107 Main St for a domestic situation, Mr. Michaelsen stated there was a verbal argument between the two. Mr. Michaelsen, left the property. The deputies collected statements and sent to county attorney for review. On June 24th, dispatched to 209 Second St, for a domestic situation between Gary Kent and Colette Wasson, the situation remains still under investigation. On the 26th, the sirens were tested, they turned on, but failed to turn off. Sandra stated, that she did notice the long period of time they was on that day. Lyle explained the reason why it was tested on the 26th was because they did not have any paging system, Sunday, Monday and finally got it working on Tuesday. The paging system is on the old system, and the new system is on a different frequency. EMA is working on sorting out the issues in regards the system. They have been using the city of Blanchard to help sort the issues and further testing. Lyle stated the most important thing is in the event of a tornado is to let people, know. If the siren fails to shut off via breaker. Lyle mention the SWIPCO grants when cities had sirens placed. Ron stated Shambaugh did not receive a grant and it was done by funds from the city. Sam stated the only help they had was the people who sold it to the city, Ron stated yes. Lyle then spoke how much radios have changed in 10 years and how much they will change even further. He spoke about the cost factors involved, and speaking to the EMA.

Sandra asked if she needed to get anything from Lyle in regards to report she filed, Lyle will check with his deputy. Lyle stated he had a call complaint about a dog chasing livestock in Page County, he stated shoot it. Karen asked “here?” He said in any unincorporated area, that is what the Iowa code states. The guy didn’t like what he had to say, however that is what the state code states. There was some banter in regards to the matter. Iowa state code for reference.

**351.27. Right to kill tagged dog**

It shall be lawful for any person to kill a dog, wearing a collar with a rabies vaccination tag attached, when the dog is caught in the act of chasing, maiming, or killing any domestic animal or fowl, or when such dog is attacking or attempting to bite a person.

Time: 26.2

Unfinished business

Motion to Bills and Unpaid Bills

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

Sandra stated last minute bills for the day came in. DNR dues of $25 and correction of water consumed needed to be corrected, she stated when she does the report for “bills due” if she does not have the bill the city normally pays before the meeting, she uses previous rate. Southwest Regional Water correction is $1805.70

Business

Water/Sewer: Sam stated he does not have much on water or sewer, however the tube at the lagoon that was installed last fall is undercut, therefore there is water flowing it. Mayor Ron asked if it was too much water this spring or not installed properly. Sam thinks it may have to do with compaction underneath it, however he is not 100% clear. Ron asked if Jeremy placed the tube, Sam confirmed. Sam stated that he contacted him and Jeremy will take a look at it. Jeremy had placed busted up concrete on the west end of it, which is the end flow of the tube. It might be it needs to be moved out of there and a different surface be placed. Sam stated it needs to be fixed this year, due to if we go through other season like this past spring, the tube will have to be taken out and reset. Ron interjected that it may possible wash out. Sam stated we would then have a bigger problem. Ron asked if it would have like a spillway entryway. Sam stated filling in digging it up and around and filling it in with concrete. Ron asked questions about settling. Sam stated he doesn’t think it will settle that much due to it doesn’t get much traffic. Sam stated if we stop it now, we can prevent that from happening, however if we let it go, it will keep cutting underneath then it will settle and have an issue. That is when the tube will have to be taken out and reset. Sam stated that was his opinion, he stated again Jeremy is going to look at it. Ron asked if he has pushed some concrete into it, Sam stated he did that during install. Joe stated it’s not solid enough it’s just letting water run through. Sam stated if he would have done it with gravel might have been alright. Patty asked what it will take to pay for the repair. Sherry stated they need to come and fix it since it was not done properly. Sam described more of the issue. Patty stated that she feel the same way, if they didn’t fix it right they need to repair. Sam stated Jeremy did not say the city was going to have to pay. Patty stated if it is not fixed right he just needs to come and repair, council agreed. Ron stated that they have always been fair. Sam stated he needs a load of 3/6inch rock on for the west end side of lagoon. Sandra asked if rock is pretty hard to find right now due to all the flooding repair in the surrounding communities. The answer was yes, and Sam stated the rock he needs to find is really hard to find, because he needs clean 3/6in rock. Ron asked Sam if Crane had anything they was busting up, Sam stated he is busting up concrete and he needs rock. There was background discussing of different quarries that might be open. Conclusion was if Sam finds the rock to get the rock.

Streets: Sam has been patching the streets as the holes are dry. Sam got a couple the big ones done, including hole at the end of 4th street done. Sam will keep working on the patches.

Mayor: Mayor Ron Peterman stated during the landfill meeting last month, he stated the places that by the cardboard and plastic for recycling are no longer buying. Therefore now limited to one load a month, one load of plastic, one load of cardboard a month. Patty asked how much have we been using currently. Ron stated not so much on plastic maybe 2 loads, however our cardboard 3-4 loads. So the landfill will be stockpiling it indoors. Patty asked if they have every check in with Northwest Missouri State, they use cardboard to heat campus. Ron stated he is not sure if Brian has checked with yet. Ron stated the plastic can be stored outside. He stated the landfill is really unsure what it will do, hopefully the market will let up. He stated it is pretty tough in the recycling business right now. Ron stated the one those few nights where the weather was stormy, that Lyle called to let him know the Page com is down. Lyle had stated if they siren blows, which Shambaugh would have to set it’s off manually. Ron stated that he didn’t our siren cannot be set off manually he would have to climb to the top of the pole. Everyone chuckled, wear your lightening shields. He stated that Lyle had made a comment some other towns are having the same issue. Ron stated that they must have fixed it because a test was done the other day.

Clerk: Sandra noted to the council the new POC (point of contact) for council members, she stated now it contains Page County Sherriff department and Mayor Ron Peterman’s new email address, since his old email address in null. Sherry stated that her phone number also needed to corrected and gave correction to council members. Sandra informed the council and Mayor Ron Peterman confirmed, the dangerous animal violation and complaints of Julie Osthoff’s pit bull. Julie was issued a letter June 10th in regards to the violation, she did remove the dog in the time allotted. Ron stated everything went smoothly in regards to that matter and she understood. Sandra stated that she did come in her office and have a conversation and was tearful, but there was no difficulties in regards to the issue. This issue brought up the other pit bull in town, several members of the council stated you can’t make one person remove the dog and let others keep their animals when their animals have issues in past complaints Patty asked on clarification Lauber’s dog, since she was not present on last meeting. Sandra stated, Annemarie said she was taking care of the issue (complaint filed last month), however yes, they still have the dog. Annemarie is aware of the ordinance, she has seen it on the town’s social media Sandra stated. (Sandra has placed the ordinance on city website and city Facebook page) Kevin, Karen, Sherry and Patty stated that the rule cannot apply to one person and not another person. Sandra and the Mayor agreed. Council spoke about the matter further in regards to the dogs and what the ordinance states. Council stated if one letter was sent to one person a letter needs to be sent to everyone that has a dog that falls under that ordinance, no exceptions. Sandra said she will write ZERO Tolerance letters to community members she is aware of having dogs that fall under the city’s dangerous animal ordinance. Currently Lauber and McCalla, Kevin asked if her neighbor got rid of her pit bull, Sandra stated yes. Sandra moved to the trash Lauber trash incident, Sandra stated as most of council was aware, that the Lauber’s placed violated signs posted. Ron stated, Annemarie Lauber knew she was not allowed to place the trash bags in the city wide clean up bins and she was given permission to burn the trash. Annemarie stated that “No, I won’t do that”. Sandra confirmed this. Sandra filed a statement with Page County Sherriff on June 12, 2019. Sandra gave the storyline of events leading to the witnessing the violation. Sandra stated she was with a friend of the family Austin to pick up a dog house she had seen in the bin, for Patty. She noted she did not have her phone on her at the time. When she came upon the bins, she notice the bins was filled with the black trash bags, seeing some personal trash seeping out. Sandra opened the bags and seen the Lauber’s address on some items in the bags. Joe was out in his back yard and she requested for Joe to please witness. Joe seen and made a comment he had seen them around. Sandra had Austin take photos of the bins and trash bags, including the bags clearly marked with the Lauber’s address. Joe made a comment confirming, Sandra stated that Joe has a direct involvement in the report she filed. She asked Austin to please send to Patty, since Austin didn’t have her information in her phone and she wanted another council member to be a witness. Patty seen the photos and sent the photos to Sandra’s phone. Sandra contacted Sam that day, to let him know. On Monday morning she had a meeting with Mayor Ron Peterman at 7am in regards to the matter. Ron was out of town that weekend, however when he arrived back in town that evening he stated he looked over at the bins to see how the clean-up went and all he could see was the black bag. Ron stated, he did get in his car and go take a look at the Lauber’s property that evening and sure enough it was all cleaned up. Sandra stated the report she sent to the Page County Sherriff department was from start to finish, from the first filing of the complaint, to the letter she sent to the Lauber’s in regards to the trash piling up on the side of their dwelling to the photographs. She also stated that her written report gave a detail timeline. Ron joked, Lyle is still reading it. Sandra also had her husband take photos again before the bins was removed (early morning), it appears that more trash bags were added and mattresses laid on top. Sandra stated to the council, the bins as you can see in the photos were clearly marked with the signs NO PERSONAL HOUSEHOLD TRASH CITY HAS A RIGHT TO FINE PERSON/PERSONS CAUGHT DISPOSAL OF HOUSEHOLD TRASH along with the standard, no hazardous waste signs. The Lauber’s clearly violated. Lyle confirm the report. Karen asked what was in the black bags, Sandra and Ron both said just household daily garbage. Patty stated with their name all over it. Joe stated they didn’t even worry about taking their name out of it. Ron stated it was piled out west of their house. Sandra stated she was reading ordinances at 6am that following Monday and in our city ordinances, the city has an ordinance called Volume Based System of Garbage Collection 6-5-9. Sandra stated that she is reading this ordinance to the council for her suggestion to city council on plan of action. She stated it is her duty as city clerk, be for the city on this matter. Sandra read the ordinance to the council:

**Volume Based System of Garbage Collection 6-5-9**

1. Any person or entity engaged in the collection and hauling of garbage and refuse from a residential unit within the City of Shambaugh shall charge based upon the volume of garbage and refuse generated. These volume based charges may be made through the number of containers or bins utilized or based upon actual weight collected.
2. Any hauler collecting with the city will develop and implement a collection program that assesses and additional fee for waster over 100 gallons per household per week. Specifically, each household will be allowed no more than three (3) (33) gallon trash bags or three (3) 33 gallon trash cans of solid waste per week, not to exceed 100 gallons in total per week. Each bag or container must not exceed 55 pounds in weight. For any additional waste over the 100 gallons, the household must assess an additional charge of $1 per bag or can by the hauler. The contracting hauler will not pick up any bags or cans exceeding the 100 gallons per household limit without assessing an additional charge.
3. All waste haulers doing business in the city boundaries shall file with the City Council, in writing, a description of their volume or weight based system concerning garbage and refuse. The collection system description must detail the base fee per household and the additional charge that the hauler will assess the household for weekly quantities over 100 gallons. Such a volume or weight based system shall create a financial incentive to recycle and reduce the volume of garbage and refuse generated.
4. A violation of any provision of this section shall constitute a misdemeanor and shall be punishable by a fine or not more than $100 or imprisonment for a period of not more than 30 days.

Sandra stated as the city, we ended up being the haulers of the garbage. It was city wide clean up. Sandra stated this was her proposal to the city council. She stated since she posted the city can fine and the bins was clearly marked that person/s can be fined by the city for discarding household personal trash. She stated the Lauber’s should be fined $100 per container, since the city had 2 containers that would be a flat $200. She stated additional fees would be 20% per container, even though the bins were filled more than 20%, she thinks that is fair of the total bill from Southwest Sanitation. So that total would be 40% of the total bill. The bill breakdown was $294 landfill and $350 hauling fee for the city. 40% of that would be a total of $257.60. Therefore the total fine that the clerk proposal is $457.60 and any additional attorney fees. Ron stated that this would have to run by the city attorney, Mahlon. Sandra is just proposing. Sherry stated she doesn’t understand them (Lauber’s) since the city gave them permission to burn. Ron stated that “Sandra and I told her to take it to the corner of her yard, stay with it and set it on fire. Which Annemarie said “ok” Karen asked again what was in the trash bags, Sandra and Ron stated it was typical household items, then Sandra handed Karen to review the photos further. Patty stated they should be fined for it, because why should her as a council member, explain for example to Gary that “oh we just let it go and once a year we pay for it as a city”. She stated that is not right. Sherry stated that is not right, nobody pays for your garbage to be removed. Kevin stated, we as a city will probably have a hard time getting money out of them, since they can’t even pay their water bill. How are they going to pay a $500 fine? Lyle Palmer stated there is other means to that. Ron stated yes. Lyle stated Mahlon can request it to come from their taxes. Ron stated this is why the city needs to run by Mahlon. Sherry stated the taxes as well. Ron stated the bad thing, is a new pile of trash as accumulated. Patty and Sherry was just about to state the same thing about a new pile. A question was brought up by several members of the council why don’t they just get a barrel to burn the trash. Ron stated there is 8 people living in the house. Sandra stated she is proposing this for the city, because we need to look out for the city. If this slides, everyone is going to think the city won’t do anything. In the end, it will cost the city more money. She also stated that she is done, she has worked with the family, and she is easy to work with all the community members. Patty stated on top of it all, they had to finish paying their water bill. He (Andrew) stated he was going to be there, never showed up, once again the city had to wait on payment for a water bill. Sherry stated the city has bend over backwards to be lenient with them and they have slaps you (speaking to Sandra) in the face with it. Sandra stated yes, throughout. Sherry stated she understands they fell on hard times. Patty stated electricity, trash and water are your basic needs. Ron stated this is what Sandra proposes and asked the council if they are ok with the proposal. Council agreed it was ok and to send to Mahlon.

Sandra stated that Aaron Stoltz has a disconnect notice that has been issued. Sandra stated for anyone that is running this year in the election, she needs the paperwork for deadline August 7. Council teased her a bit about it. She laughed talking about her being a stickler for deadlines, which she joked leads to the next issue she wanted to speak about. Sandra stated she is not one to ask for things, so it is very hard for her to ask this of the council, however feels that she is deserving of it. Sandra requested a flat $200 raise off her flat salary base pay, she stated she feels that she deserves the raise due to her performance over the past year. She stated that is an extra $2400 for the city a year, and that we are going into the next fiscal year as of June. Sandra stated since she has been working as city clerk, not only has she done a lot of the city, working on past clerk issues, making rapport with the community, putting in extra time in when she needs to put extra time in, always trying to save the city money and accountability. She stated if you look at the city financials, she feels like the financials have proven some of the work she has done. She stated she has done a cost rate analysis with the new water and sewer rate, which is the projected the funds for the next 12 months. She stated the total water will be $53,409.12 and sewer will be $33,489.12. These are projected rate analysis based off July 2018 through July 2019 water current usage, totaling $86,898.24. She stated that she will leave her request in the council, with the proposal that the $100 be taken from General, $50 from Water and $50 from Sewer accounts, due to her duties as city clerk. She knows that she spends a lot of time on water and sewer, but she is aware of how the city budget is. She stated this is her proposal and she will leave it for discussion for council and if they like she will remove herself for discussion. Patty asked for clarification on where the funds would be taken out of. Patty stated the funds should be taken out of where the clerk does the most work. Sandra stated that she does do a lot of her work out of water and sewer, however she is unaware how the base pay was set up in the beginning. Ron asked Sandra how many hours she works, Sandra stated said, she doesn’t know, since she is on salary. She stated, somedays she works, extra, some days she gets phone calls at home, or she is checking in on things. She did state she is grateful that she can leave early for doctor’s appointments. She also stated she is working more hours than the previous clerk, as the office is now open 3 days a week, over the previous 2 days a week. Ron asked for her base salary. Sandra stated her base salary is $1000, she said with the raise it would bring her base salary rate to $1200 a month. Sandra excused herself so council could discuss. Karen stated that Sandra is not out of line asking for that amount. Karen stated that Sandra is here quite a bit and she has done a lot for the town. Ron stated she follows through everything she does. Other members said, yes she does follow through. Karen stated if it is the looking through the garbage, checking for little chickens- Joe stated look at the file on Laubers, Ron stated he knows and she kept of Lyle to follow through. Karen stated she can’t imagine what the files where when she took over. Ron stated things were pretty messed up from previous clerk. Sherry stated she did not have a problem paying. Sam ask about Ron wages, if raise is given it would bring the admin fees to $1500. Ron stated clerk are hard to find, little towns are always advertising for clerks. He stated that is a good wage for a clerk in a small town. Sam stated that he ask once before for the council to look at wages every year a percentage increase. Sam stated he never brought it up and he shouldn’t have too, he further stated Sandra should not have to be in a position to ask for a raise. Kevin stated, exactly that everybody gets a raise increase normally. Sam stated that other companies do a yearly raise, he said it may not be 20% but everybody gets something. He stated he has urged the council to do that time and time again to do that, but nothing has been done. Patty gets the January thing, in regards to the budget, she asked to do before the budget. Patty stated what the city can afford at this time of the year. Commentary in regards to time of budget and fiscal year. Sherry stated she had no problem with it. Sam stated it’s in a new budget that has already been set. A budget adjustment would have to be made. Patty removed herself, but did make statements. If we give her this now, then this is her January raise. Ron stated then they would have to look at a percentage. Discussion of comparison of water rates and salary rates should be the same, a year increase. Sam stated his opinion was if the council does that for her, they did to do it for the other Ron and himself. Sam stated that Sandra made a case for reasoning, is because she does more than the past city clerk has done. Ron stated, yes. Sam stated Sandra takes her job seriously, he is not against her raise, and however the council needs to look at the total picture. Ron said she is asking right now a 20% raise then asked Sam’s base rate, which is also $1000. Sherry stated to give Sandra a 10% raise now, then the first of the year to give another 10% raise, to place in the budget. Kevin stated it should be the same for Ron and Sam, 10% now and 10% in January, then the next year to drop down to 5% and to do at a 3 year scale, with a review of what they have done and proceed from there. Ron stated then does the council want to propose to the 10% now then the 10% in January. Sandra return to the room. Ron explained to Sandra that the council would like to give her 10% raise effective immediately and then another 10% raise in January, however the raise will be also for Ron and Sam. Then from that point on, a revaluation, yearly. Sandra stated ok. Kevin stated the following year it will not be 10% it might be 5%, it might be 3% depending upon budget. Sandra stated that is fine. Ron asked Sandra if she was ok with that. Sandra stated she is ok with that. Sandra joked good thing she didn’t do payroll yet. Ron stated it will be effective this month. Ron stated a motion.

Motion to approve 10% base pay increase for Sandra, Sam and Ron effective July 2019, with an additional 10% base pay increase in January 1, 2020. Years following will be reviewed, January 1.

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

Sandra congratulated Ron and Sam on their pay raises. Ron stated, that everyone really appreciates what Sandra has done. Council had joking banter. Kevin explained again the yearly evaluation.

Council:

Public:

Adjournment

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