

CITY OF SIGOURNEY, IOWA
MINUTES OF REGULAR MEETING OF
CITY COUNCIL
WEDNESDAY, JANUARY 20, 1999

The Sigourney City Council met in regular session in the City Council Chambers of the Memorial Hall on Wednesday, January 20, 1999, at 7:00 o'clock P.M., with Mayor Blake Gosnell presiding, and the following Council members answering roll call: Rich Wilkening, Lyle G. Van Fleet, Douglas L. Glandon, ^{Bob L. Mendenhall} Jeffrey A. Winn, and Ed Conrad. Others present, in addition to the City Clerk, were Attorney John McKinney, Des Moines, Attorney John N. Wehr, Kenneth D. Bucklin, Michael Perrenoud, Pete Lucas, Quinn Patterson, and Bob Mabey.

Council member Van Fleet moved, seconded by Council member Conrad, that the agenda be approved as posted. Upon the roll being called, the following voted: Ayes: Wilkening, Van Fleet, Glandon, Mendenhall, Winn, and Conrad. Nays: None. The motion was approved.

Council member Van Fleet moved, seconded by Council member Mendenhall, that the minutes of the regular Council meeting of January 6, 1999 be approved as submitted. Upon the roll being called, the following voted: Ayes: Wilkening, Van Fleet, Glandon, Mendenhall, Winn, and Conrad. Nays: None. The motion was approved.

Bonding Attorney John F. McKinney, Jr. appeared before the Mayor and Council to apologize and explain the "screw up" in their office in regard to the pre-levy for the June 1, 1999 bond and interest due on the 1998 G.O. issue: the total amount of principal and interest due is \$82,950, whereas they erroneously prepared the papers for the pre-levy at only \$42,355. He said the error resulted in a miscommunication between their office and that of Piper Jaffray, and that the difference of \$40,595 could be paid by way of: 1.) funds on hand, 2.) borrowing the money, or 3.) taxing for the same in the next year after the obligation has been paid. Council member Mendenhall moved, seconded by Council member Winn, that the shortfall in taxation for the June 1, 1999 G.O. principal and interest be paid from monies currently in the General Fund. Upon the roll being called, the following voted: Ayes: Wilkening, Van Fleet, Glandon, Mendenhall, Winn, and Conrad. Nays: None. The motion was approved.

Mr. McKinney, the Mayor, and Council further reviewed revenues and appropriations attributable to the Square Project, the total final sidewalk assessments, what has been paid thereon, and determined that it may not be necessary nor feasible to sell Sidewalk Assessment bonds. Mr. McKinney said that the City could borrow approximately \$70,000 for Sidewalk Bonds, which would have to be scheduled for ten payments, but people usually pay them in six or up to seven years, and the Sidewalk Bonds are not as salable so the interest rate is higher. Property owner John N. Wehr asked about the 9% interest rate spelled out in the Notices of Sidewalk Assessment, and he felt it should be lowered. Mr. McKinney replied that the rate is the maximum allowed by State law and when the Council adopted the proceedings they had opportunity then to change the interest rate; that because the \$875,000 G.O. issue sold in June, 1998 was between 4.20% and 5.35%, that does not mean that Sidewalk Bonds sold at this time would go that reasonably - usually quite a bit higher. He also pointed out that in that it appears the City will not be selling Sidewalk Bonds that the interest the City would lose on investments, by carrying the bond issue, would need to be factored into the consideration. Mayor Gosnell stated the decision was made that we would assess 9% interest on the unpaid sidewalk assessments, and asked if anybody wanted to make a motion to adjust the interest rate? There was no action.

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Mr. Wehr also complained that the interest has to be paid to December 1st each year. Mr. McKinney reminded him the notice he received read "Unless said assessments are paid in full within said thirty day period all unpaid assessments will draw annual interest computed at nine (9%) percent (commencing on the date of acceptance of the work) computed to the December 1st next following the due dates of the respective installments. Each installment will be delinquent on September 30th following its due date on July 1st in each year. Property owners may elect to pay any annual installment semiannually in advance." Council member Glandon stated that he remembered when he served as Mayor Pro tem on November 18, 1998 that the proceedings included a Resolution accepting the work.

Fred Hensel, CPA, reviewed in detail his annual audit report. Council member Glandon moved, seconded by Council member Conrad, that the check, in the amount of \$150.00, to the State Auditor for the annual audit filing fee, be approved. Upon the roll being called, the following voted: Ayes: Wilkening, Van Fleet, Glandon, Mendenhall, Winn, and Conrad. Nays: None. The motion was approved.

Council member Van Fleet moved, seconded by Council member Wilkening, that the request of Robert Parker, NAPA Store, for permission to park a semi-trailer truck in front of his store for a Tool Sale Friday, February 19, 1999 be approved. Upon the roll being called, the following voted: Ayes: Wilkening, Van Fleet, Glandon, Winn, and Conrad. Nay: Mendenhall. The motion was approved.

Council member Conrad moved, seconded by Council member Van Fleet, that the Application of Home Oil Stations, Inc. for renewal of the Short Stop beer permit, be approved. Upon the roll being called, the following voted: Ayes: Wilkening, Van Fleet, Glandon, Mendenhall, Winn, and Conrad. Nays: None. The motion was approved.

Mayor Gosnell passed out to the Council proposed formats in regard to retaining contractors and that bills must be submitted within 30 days of completion. He said he would clean up the same and adapt them to City use.

Council member Van Fleet moved, seconded by Council member Conrad, that Eugene Strohman be reappointed to the Planning Commission for the five year term February 1, 1998-2003. Upon the roll being called, the following voted: Ayes: Wilkening, Van Fleet, Glandon, Mendenhall, Winn, and Conrad. Nays: None. The motion was approved.

Council member Glandon reported that Mike Welter will take the position of Zoning Inspector to start with, and for a percentage of the cost of the fees, which are \$25.00 minimum and \$100.00 maximum. He said we may have to subsidize the first budget if forms are also needed, etc. Council member Glandon moved, seconded by Council member Conrad, that Michael R. Welter be appointed the first Zoning Inspector to implement the initial approvals under the newly effective Zoning Ordinance. Upon the roll being called, the following voted: Ayes: Van Fleet, Glandon, Mendenhall, Winn, and Conrad. Nay: Wilkening. The motion was approved. The Clerk asked for guidance in the office as to when they should issue building permits. The Mayor replied that the procedure would be the same as in the past for siding, redoing an existing patio, roof, etc., but if a new garage is to be constructed, a new home built, or an addition planned, then the property owner should be sent directly to the Zoning

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Inspector. Council member Mendenhall asked the Clerk to remove the old zoning ordinance map from the wall in the office and post a copy of the new one.-

Engineer Bucklin stated he had written a letter advising that the Square Project could be accepted as completed subject to the release of some form from all people who filed claims for water damage or otherwise, and receipt of lien waivers and contractors' sales tax forms, before final payment could be made. He further said the acceptance with provisions starts running the warranty period. Council member Glandon introduced the Resolution, and moved its adoption, that the Square Project be accepted, subject to the receipt of all lien waivers and contractors's sales tax forms, and the releases of some form from all people who have filed claims in the matter. Council member Conrad seconded the Resolution. Upon the roll being called, the following voted: Ayes: Wilkening, Van Fleet, Glandon, Mendenhall, Winn, and Conrad. Nay: None. The Resolution was adopted.

Council member Van Fleet reported that Rich's son, Terry Wilkening, is a candidate for the Eagle Scout rank and as his project he would like to build new steps to get up to the stage from the auditorium in the Memorial Hall. He is planning a benefit soup supper for January 30th therefor and would like to have the rent waived. Council member Van Fleet moved, seconded by Council member Mendenhall, that the rent be waived for Terry Wilkening's Benefit Soup Supper on January 30th. Upon the roll being called, the following voted: Ayes: Van Fleet, Glandon, Mendenhall, Winn, and Conrad. Nays: None. Abstained: Wilkening. The motion was approved.

Council member Van Fleet reported that Conner/Pacemaker changed the plywood and clipped the nails, except through metal, at the Park shelter, and he would like to see the final payment released. Council member Wilkening moved, seconded by Council member Van Fleet, that the final payment to Conner/Pacemaker for the Park Shelter be released. Upon the roll being called, the following voted: Ayes: Wilkening, Van Fleet, Mendenhall, Winn, and Conrad. Nay: None. Abstained: Glandon. The motion was approved.

There was no Street or Sanitation Committee report.

Under the West Spring Street Watermain Project Council member Wilkening said that Ron Doubek would like to add another block elsewhere onto that project. Council member Glandon replied No, because we caught hell before when we opted to add on to one end or the other. Council member Van Fleet reported that Ron is trying to locate a leak some place but nothing has boiled up. Engineer Bucklin filed the Plans and Specifications for the West Spring Street Watermain Project with the bid letting to be February 17, 1999, and the construction estimate is \$114,000.00. He further said the County Shop is tied in to an old main and since he is very sure there is contaminated soil there he is recommending that we go north on West Street on the west side of the street, to the first appropriate tie-in near West Marion Street, or not more than a block north on West Street. He said on West Spring Street they will go on the south side of the street. He is aware that the area is unusual, with soil contamination and disruption of the County's work on the east side, and the old culvert and salt on the west side of West Street, but he still feels the west side would not be as hurtful. Council member Van Fleet moved, seconded by Council member Glandon, that the West Spring Street Watermain Project be commenced going north on the west side of West Street at the intersection of West

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and Spring Streets, only past the first street, and proceed on the south side of West Spring Street. Upon the roll being called, the following voted: Ayes: Wilkening, Van Fleet, Glandon, Mendenhall, Winn, and Conrad. Nays: None. The motion was approved.

The specs for the Water Tower painting were not ready, and there was no other report.

Engineer Bucklin reviewed the Engineering Services Agreement, in the amount of \$6,000, covering certain services in regard to flow testing and compilation of actual flow data when the hydrants are flushed. Council member Conrad asked how often would we have to do this type of project? Engineer Bucklin replied not for 15 years. Council member Glandon moved, seconded by Council member Mendenhall, that the Engineering Services Agreement, in the amount of \$6,000.00, for services in regard to flow testing and compilation of actual flow data when the hydrants are flushed, be approved. Upon the roll being called, the following voted: Ayes: Wilkening, Van Fleet, Glandon, Mendenhall, Winn, and Conrad. Nays: None. The motion was approved.

There was considerable discussion in regard to the Kelley Street Sewer Project, or more specifically a connection for Mr. and Mrs. Quinn Patterson. Mr. Patterson said their lawyer had suggested to them that if the offer is still pending, that they should get something in writing for maintenance and use. Engineer Bucklin pointed out it would be a service line, and Council member Glandon added that in that event we couldn't maintain. Council member Conrad said he would like to reword his original motion to split the cost of running the line along the side of the street: that he didn't want it worded to imply we would share with the cost of any service line. Council member Wilkening said that motion had been adopted. It was pointed out in this case the property owner needs to go about 180' to the sewer main, and that the 4" line they had talked about the City sharing would have to run about 90' on the south side of Kelley Street. They were reminded that the City cannot put in a 4" line. Council member Glandon also reminded the Council that John Bowers had appeared before them to request the City to replace the sewer at the end of his street where he built his new house and he would pay half thereof, but we told him No. Council member Glandon expressed his opinion that we need a policy relating to this type of situation. Mayor Gosnell asked because we sent a letter to the Shavers to connect and they didn't so do, what are the ramifications against the Shavers, and what is our liability in this case for not following up on the letter to the Shavers? Council member Mendenhall said not more than one-half the cost, and personally he doesn't feel we should be liable for any of the cost. Council member Glandon added that this developed between two people so what do we do in the future? This actually is between Quinn and whatever contractor he wants. The Mayor asked Mr. Patterson how often they are pumping out the septic tank? The reply was once a month. Council member Glandon suggested waiting until the frost goes out of the ground to put in the line, otherwise the cost would be doubled. Engineer Bucklin agreed, adding that the fill would then settle forever. In that the City cannot install anything under 8", if we do pay one-half, we will need to get an official document from the owner that the City is not liable for maintenance. Engineer Bucklin said whom ever does the work it does need to be air tested, and that Tremmel knows how to do that. Council member Glandon said he would like to know if the Pattersons have any legal recourse, and if so, he would like to see the City reserve the right to pursue a claim for the City's share or subrogate up to the amount we might spend. Quinn Patterson asked if he needs to acquire an easement from the City. He was told there are service lines in

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City rights-of-way all over the City, without easements. City Attorney John Wehr suggested a motion that any payment by the City to the Pattersons would be in full and complete settlement of any claim they have against the City. Engineer Bucklin said John's suggestion gives us a better argument against anybody else who comes in. Council member Glandon moved, seconded by Council member Mendenhall, that the previous motion to pay one-half of the cost of Patterson's service line, be rescinded. Upon the roll being called, the following voted: Ayes: Wilkening, Van Fleet, Glandon, Mendenhall, Winn, and Conrad. Nays: None. The motion was approved. Council member Conrad said he would propose that conditions of settlement of any claim against the City includes reserving our right to subrogate such costs. The subject will be continued to the next meeting, and hopefully, in the meantime the attorneys may arrive at a mutually beneficial agreement.

The matter of the letter drafted by Council member Conrad regarding multi-users on one line was discussed, with health problems and generating no revenue for the City being primary reasons for the Ordinance. John Wehr spoke up and said when he remodeled the building for his law office and apartments upstairs that the then Water Superintendent, Harold Hemsley, told him he had no problem with it all being on one line since he was paying for all the metered usage. The Mayor told him that if he comes before the Council and shows good cause for an exception the Ordinance may be waived; that they will not be taking a look at the apartment owners now as much as other places in town.

The December financial reports of the City Clerk and City Treasurer were before the Mayor and Council and filed. Council Chairperson Bob Mendenhall set the next Budget Planning meeting for 5:00 P.M. January 28th.

Engineer Bucklin said that Dale Kraus with Pathfinders RC&D told him the new block grant application time is coming up in March if the City wants to apply.

Council member Glandon moved for adjournment at 9:16 P.M. The second was by Council member Winn.



MAYOR

ATTEST:


CITY CLERK

INCOME AND EXPENDITURES

SUMMARY

DECEMBER, 1998

REVENUES:

General.....	\$ 46,622.73
Memorial Hall Restor..	3,496.01
Housing.....	72.13
Library.....	39.10
Library Building Fund.	259.68
Road Use.....	13,675.69
Debt Service.....	13,529.86
Water Utility.....	7,719.50
Water Op/Mtn.....	12,552.50
Water Sinking.....	7,136.70
Water Improv/Repl.....	4,000.00
Water Project.....	124.65
Sewer Utility.....	6,639.31
Sewer Op/Mtn.....	2,992.98
Sewer Sinking.....	2,098.63
Sewer Improv/Repl.....	833.34
Sewer Project,,,,,,	373.97
Water Customer Deposit	336.94
	<u>\$ 122,503.72</u>

DISBURSEMENTS:

General.....	\$ 126,757.83
Library.....	4,067.12
Road Use.....	8,427.93
Debt Service.....	21,230.00
Water Utility.....	-0-
Water Op/Mtn.....	12,552.50
Water Sinking.....	12,262.50
Water Project.....	4,908.98
Sewer Op/Mtn.....	2,992.98
Sewer Sinking.....	7,647.50
Lewis Mem Fountain..	26.03
Water Cust. Dep.....	1,204.32
	<u>\$ 202,077.69</u>