

**City of Ida Grove
City Council Meeting
January 7, 2019 6:00 p.m.
City Council Chambers**

Mayor Devlun Whiteing called the meeting to order at 6:00 p.m. with the following Council Members present: Paul Cates, Ryan Goodman, Doug Clough, Gregor Ernst and Scott Tomlinson. City Attorney, Peter Goldsmith was not in attendance.

Motion by Goodman to approve the agenda, second by Cates. On a unanimous vote, motion carried.

City Crew Foreman, Gerrod Sholty was present for follow up after the last Council meeting where he presented information on tree grinding and the benefits this would bring to the City as opposed to the present practice of burning. At the last meeting, Sholty was directed to get estimates from Shamrock Recycling. Sholty states the price per yard would be \$3.68 plus a mobilization fee for making the trip to Ida Grove. With estimated need for use at approximately 2-4 times per year, Sholty is estimating approximately \$6,500-\$7,000 to be spent per year to dispose of trees in this manner. Tree grinding will reportedly save the City money and time, and comes with environmental benefits. The council would like to try tree grinding for one year to see how it goes, then reassess. Motion by Goodman to approve moving forward with tree grinding for a one-year period, signed contract and possible price negotiation, second by Tomlinson. On a unanimous vote, motion carried.

Michael Hart and Heidi Kuhl of Northland Securities were in attendance to give a presentation on the City's current finances. Northland was hired in 2018 to complete a comprehensive clean-up and analysis of City Hall's finances. Hart and Kuhl presented an informative update on City Hall's overall financials, the City Hall renovation finances and SRF loan information. Hart and Kuhl gave detailed explanations of the various fund balances and why the amounts had previously been incorrect and the process used to adjust them accurately. Many of the fund balances are now correct or close to, but the general fund is still negative by approximately \$400,000. Hart and Kuhl gave the council direction on how to replenish this fund and get it back up to where it should be in order to operate more securely in the future. Overall, funds and expenditures are all lining up but the general fund will still need replenished. Water and sewer rates were discussed. Hart and Kuhl report that our water rates are priced well however sewer rates are not priced accurately, resulting in a negative fund balance. Hart and Kuhl recommend a rate increase to help cover the costs incurred by the City for the sewer costs.

Sheriff Wade Harriman appeared next to give the council an overview of the Police Department's past year. Harriman reports narcotic arrests are on the rise and the department has been active in obtaining and executing warrants. Property crime rates have stayed similar to last year with no increase. Harriman discussed information pertaining to the electronic format the officers now use for citations and how that system must have codes in order to issue tickets or it's unable. A brief budget discussion looking ahead to FY20 was quickly visited. Harriman is actively trying to pursue additional funding options to help in operational costs of the department. Harriman is trying to keep costs as low as possible for cities.

Motion by Goodman to approve the consent agenda, second by Clough. On a unanimous vote, motion carried.

The Moorehead Avenue Bridge bid opening ensued next. The bidding is to determine who will be the consulting engineers for the bridge project. The Council received two bids for the project, one from JEO, the other from Snyder & Associates. As this bid will be awarded on factors such as merit and not based solely on cost alone, and because this is a federal project, bid amounts were not read at this time. The Transportation Committee will meet to review and discuss the bids in more detail then come up with a recommendation for the Council at the next City Council meeting. The committee is composed of Scott Tomlinson (chair), Gregor Ernst and Paul Cates.

Motion by Goodman to approve the Moorehead Avenue Bridge Inspection Agreement in the amount of \$750.00 for routine visual inspection and updated load rating computations and certifications, second by Tomlinson. On a unanimous vote, motion carried. Mayor Whiteing confirmed with City Engineer, Cody Forch, that he will stay in contact with City Hall and follow up on this agreement.

The third reading of the ordinance governing accessory buildings was next. At the last council meeting, the second reading of the ordinance took place and at that time, the need for additional wording was brought to the council's attention. Clerk Tomlinson worked with the Planning and Zoning Commission to address concerns before further review for the third reading. Commission Chair McLead and Clerk Tomlinson reviewed the proposed changes with the council, which included the definition of defined terminology on adjoining lots, deletion and defined terminology in section 2.2. Motion by Goodman to approve the third and final readings including the recommendations and revisions made by Planning and Zoning, second by Tomlinson. On a unanimous vote, motion carried.

RESOLUTION NO. 2019-3

RESOLUTION AMENDING THE CODE OF ORDINANCES FOR THE CITY OF IDA GROVE, IOWA BY ENACTING AN ORDINANCE GOVERNING ACCESSORY BUILDINGS WITHIN THE CITY OF IDA GROVE, IOWA

WHEREAS, the City of Ida Grove, Iowa has determined the need to regulate accessory buildings within the City in an effort to promote positive aesthetics throughout the community and to decrease the nuisance created to neighboring land owners; and

WHEREAS, an ordinance has been presented to the City Council that permits accessory buildings, within specified guidelines, in the City of Ida Grove.

BE IT THEREFORE RESOLVED, that the City Council of Ida Grove, Ida County, Iowa, approves as moved by council member Goodman and seconded by council member Tomlinson that the ordinance set forth in the attached Exhibit A be approved.

Said resolution is passed by city council by a vote of 5 in favor and none opposed.

Ayes - in favor of enactment of the resolution.

Nays - namely opposed to the enactment of the resolution.

PASSED AND APPROVED this 7th day of January, 2019.

DEVLUN WHITEING, MAYOR

ATTEST:

KANDICE TOMLINSON, CLERK

The third reading of the ordinance regulating recreational, utility and cargo vehicle parking was up next for consideration. Commission Chair McLead pointed out the need for possible additional revisions also needed for this ordinance in terms of defining a possible special use option. At McLead’s suggestion, the third reading is tabled under further review and instruction from the Planning and Zoning Commission.

The SARE Collaboration Agreement was the next agenda item. Councilman Tomlinson abstains due to personal reasons. Mayor Whiteing asked Clerk Tomlinson to explain the details of the agreement. Clerk Tomlinson explained the City has received grant funding and is working in collaboration with National Wildlife Federation’s Agriculture Specialist, Elizabeth Lillard, to implement practices supported by the grant in an effort to ensure clean drinking water despite chemical run-off from nearby farmland. The agreement states the City provides two employees for two trainings and submits required documentation and in return the training and associated expenses are entirely paid for by the Federation. Motion by Goodman to approve the SARE Collaboration Agreement and send Lon Schluter and Kandice Tomlinson to future educational events, second by Clough. Ayes: Clough, Goodman, Ernst, Cates. Nays: None. Abstain: Tomlinson. Motion passes 4-0.

Motion by Clough to approve the Mid-Sioux Annual Support Agreement in the amount of \$1,000.00 second by Goodman. On a unanimous vote, motion carried.

Motion by Clough to approve Michelle Schmidt as the librarian custodian at \$8.25 an hour, second by Goodman. On a unanimous vote, motion carried.

Public petitions and public votes was the next agenda item. Mayor Whiteing has sought out information on the ability to let the public vote on specific issues. Whiteing has spoken with a legal representative of the Iowa League of Cities and has been advised that in a Mayor-Council form of government, it is illegal to allow a public vote. There are also no provisions in the Ida Grove Code that allow for special votes. Mayor Whiteing has also received direction from City Attorney Goldsmith as Goldsmith feels adopting an ordinance permitting such a vote would then allow for such a situation in which the public could then vote. This information conflicts with the legal advisement from the Iowa League of Cities that states there is an Iowa Supreme Court Law that cities are prohibited from adopting local initiative and referendum measures with the rationale that the State grants municipal legislation powers to city councils and a city provision allowing for people to vote improperly contradicts these statutes and makes it illegal. Mayor Whiteing advises the council can vote on anything they so choose. The council would like City Hall to contact Attorney Goldsmith to clear up any difference in legal opinion to ensure proper procedures are in place and being followed.

Motion by Goodman to name the Ida County Courier as the official City Newspaper, second by Clough. On a unanimous vote, motion carried. Motion by Goodman to name United Bank of Iowa and First State Bank, both of Ida Grove, as the official depositories for the City, second by Ernst. On a unanimous vote, motion carried.

Motion by Goodman to appoint Heather Sweeden as City Clerk, second by Ernst. On a unanimous vote, motion carried. Motion by Cates to appoint Scott VanDusen as Fire Chief, second by Goodman. On a unanimous vote, motion carried. Motion by Goodman to appoint Paul Cates as Mayor Pro-Tem, second by Tomlinson. On a unanimous vote, motion carried. The last appointment of Peter Goldsmith and Laurel Boerner as City Attorneys was tabled so the council may look into further information on conflicts of interest with Goldsmith recently being appointed Ida County Magistrate.

The Planning and Zoning Commission has recommended for re-appointment John Brookbank to the Planning and Zoning Commission with term expiring 12/31/2021. Motion by Clough to reappoint Brookbank to Planning and Zoning with term expiring 12/31/2021, second Goodman. On a unanimous vote, motion carried.

Motion by Goodman to approve the 2019 Standing Committees, keeping them the same as the 2018 Standing Committees, with the exception of adding Doug Clough as chair to the Leisure and Culture Committees, second by Tomlinson. On a unanimous vote, motion carries.

Discussion of the rental fees for City owned buildings was next. There have been requests in the past asking the City donate the rental fees for their buildings to those that are non-profits which has now prompted the City to further look into the associated fees for the various buildings. There is no outlined policy or rate sheet for City Hall but the Rec Center does have a rate sheet. The Council would like City Hall to develop a rate sheet for approval at the next meeting.

Clerk Tomlinson gave an update on the online code. Clerk Young has been working to get the online system finalized and in order. Clerk Tomlinson advises that because the online codification numbers are different than the original paper copies of

the ordinances, there will need to be a formal adoption of the new online code. The hope is that this will be ready for final adoption and approval at the next meeting.

In other business, Councilman Ernst brought up the Bainbridge concrete removal, which he's noticed has yet to be completed. Mayor Whiteing advised that he has been working with City Hall staff on the removal process. Councilman Tomlinson voiced his concern with things such as this not getting taken care of even after much effort and legal expense is devoted. Mayor Whiteing explained that there are extenuating circumstances on some of the cases that have prevented City Hall staff from being able to follow through. Councilman Tomlinson feels the City is losing money pursuing the current legal process and procedures to rectify nuisances. Councilman Goodman suggested there has to be a way to simplify the process in order to get things more manageable for staff. Mayor Whiteing suggested the need to identify where the issues stem, then address from there. Mayor Whiteing suggested a possible communication issue between the City's legal representation and City Hall. Councilman Ernst suggested maybe the ordinances aren't black and white possibly causing the communication breakdown. Clerk Tomlinson brought up there are certain cases in which the police can issue citations and there are others in which the city has to send Municipal Infractions which require more time and a longer legal process with unfavorable results. Clerk Tomlinson has been looking into and will continue to look into other options for the process. Mayor Whiteing would like to call a meeting with City Hall staff, himself and City Attorney Peter Goldsmith to discuss communication issues and other available remedies in nuisance type situations in order to define a plan of action. Moving on, Mayor Whiteing also directed the council to be thinking on the Northland financial presentation so that decisions can be made at the next meeting regarding the City's finances and future plans.

Motion by Goodman to adjourn, second by Ernst. On a unanimous vote, motion carried.

Meeting adjourned at 8:28 p.m.

Kandice Tomlinson, Clerk

Devlun Whiteing, Mayor