

COUNCIL PROCEEDINGS

Regular City Council Meeting: Monday, June 21, 2021 (5:00 p.m.)

Mayor/Council Present: Mayor J. May presiding--1; G. Haukoos, J. Clark, A. Goebel**, R. Gage, G. Heckard, D. Seylar, B. Carlin--7

Council Absent: None--0

Staff Present: E. Burton, B. Shatto, G. VanLangen, J. Finn*, L. Hevern, P. Clayton--6

Media Present: E. Funston (KILR), A. Petersen (E.N.)--2; via Zoom: (KICD), (KUOO)--2

Others Present: Ben Groen (Beck Engineering)--1

Minutes

Moved by Seylar, seconded by Heckard to approve the minutes of the June 7, 2021, council session. VOTE: ayes--6 abstain: Goebel--1

Petitions & Communications

- a. Letter from DNR
- b. News Release - July 4 Office Hours and Refuse Collection Schedule

*Jennifer Finn arrives.

Reports

Moved by Haukoos, seconded by Goebel to approve the Financial Statements for the month of May, 2021. VOTE: ayes--7

Resolution No. 2300 Vacation of Easement

Mayor May opened the public hearing for vacating a parking easement in the southeast portion of Lot 129 of Auditor's Plat 11-73 for parking up to ten (10) vehicles is no longer needed for the use of the public. River Foods dba Hardees has asked for vacation of this easement for their use. No written or oral objections were heard, and the public hearing was closed.

Seylar introduced Resolution No. 2300 entitled "RESOLUTION APPROVING VACATION OF EASEMENT OVER THE SOUTHEAST PORTION OF LOT 129 IN THE CITY OF ESTHERVILLE, IOWA" and moved its adoption, which was seconded by Gage. VOTE: ayes: Seylar, Carlin, Haukoos, Clark, Goebel, Gage, Heckard--7

Resolution Nos. 2301 & 2302 South Industrial Park Project

Mayor May opened the public hearing on the South Industrial Park Project. No written or oral objections were heard, and the public hearing was closed.

Resolution No. 2301: Carlin introduced Resolution No. 2301 entitled "RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND FORM OF CONTRACT FOR THE 2021 SOUTH INDUSTRIAL PARK PROJECT IN THE CITY OF ESTHERVILLE, IOWA" and moved its adoption, which was seconded by Goebel. VOTE: Carlin, Haukoos, Clark, Goebel, Gage, Heckard, Seylar--7

Administrator Clayton reviewed the bids for the project. Three bids were received with Hulstein Excavating, Inc. of Edgerton, MN with the low bid of \$1,551,295.75.

Resolution No. 2302: Carlin introduced Resolution No. 2302 entitled “RESOLUTION PROVIDING FOR AWARD OF CONTRACT FOR THE 2021 SOUTH INDUSTRIAL PARK PROJECT IN THE CITY OF ESTHERVILLE, IOWA” and moved its adoption, which was seconded by Goebel. VOTE: Carlin, Haukoos, Clark, Goebel, Gage, Heckard, Seylar--7

Pay Estimate #1
Deer Creek Apartment Project

Pay Estimate #1 for \$172,025 to Eagle Construction for infrastructure improvements for Deer Creek Apartments was presented for approval.

Moved by Carlin, seconded by Heckard to approve Pay Estimate #1 for \$172,025 to Eagle Construction. VOTE: ayes--7

Pay Estimate #1
2021 Street Improvements Project

Pay Estimate #2 for \$44,816.25 to Blacktop Services for the 2021 Street Improvements Project was presented for approval.

Moved by Seylar, seconded by Haukoos to approve Pay Estimate #1 for \$44,816.25 to Blacktop Services. VOTE: ayes--7

**Goebel steps out.

Ordinance No. 785
Special Yield Signs

Administrator Clayton presented the suggested yield signs on So. 7th and So. 8th Streets at 2nd Ave. So. It was pointed out that the draft ordinance stated that yield signs are suggested on 2nd Ave. So. at So. 7th and So. 8th Streets. It was decided to introduce the ordinance for the first reading with modification made to the ordinance.

Clark introduced Ordinance No. 785 entitled “AN ORDINANCE AMENDING AND REVISING TITLE II, DIVISION 1, CHAPTER 2, ARTICLE 6 OF THE CODE OF ORDINANCES OF THE CITY OF ESTHERVILLE, IOWA, REVISING SECTION 212-604 SPECIAL YIELD REQUIRED” and asked that it be placed on file.

Moved by Clark, seconded by Seylar that the previously entitled Ordinance No. 785 be considered for the first time. VOTE: ayes: Clark, Goebel, Gage, Heckard, Seylar, Carlin, Haukoos--7

**Goebel returns.

Cigarette Permits

Moved by Seylar, seconded by Goebel to approve the renewal of cigarette permits to June 30, 2022, for the following applicants: Casey’s General Store #1328, Casey’s General Store #1329, Casey’s General Store #3034, Fareway Stores, Inc., Hy-Vee Food Store, Hy-Vee Wine & Spirits, Dollar General #4345, and Kwik Star Store #1025. VOTE: ayes--7

Fireworks Permits

The following fireworks permits were presented for approval:

- a. Sue Zitterich at 1708 Hwy 4 on Sat., July 3 from 9:00 p.m. to 11:00 p.m.
- b. Wade Nelson at 1020 3rd Ave. So. on Sun., July 4 from 5:00 p.m. to 10:00 p.m.
- c. Jason & Sara Bendixen at 1620 14th Ave. No. on Sat., July 3 and Sun., July 4 from 8:00 p.m. to 11:00 p.m.
- d. Linda Bemis at 915 1st Ave. No. on Sun., July 4 and Mon., July 5 from 7:00 p.m. to 9:30 p.m.
- e. Jeff & Elizabeth Enderson at 714 WN 7th St. on Sat., July 3 and Sun., July 4 from 7:00 p.m. to 10:00 p.m.
- f. Curtis Finn at 2003 Dan Bur Dr. on Sat., July 3 and Sun., July 4 from 7:00 p.m. to 11:00 p.m.
- g. Aspire of Estherville at 2001 1st Ave. No. on Sat., July 3 from 9:30 p.m. to 11:00 p.m. pending proof of insurance.
- h. Sonia Castillo at 621 No. 5th St. on Sun., July 4 from 5:00 p.m.

Moved by Seylar, seconded by Heckard to approve the above fireworks permit with the condition that if there is a burn ban the permit is null and void. VOTE: ayes--7

Contract with Regional Transit Authority for Bus Service

Administrator Clayton presented a proposed contract with Regional Transit Authority/RIDES for bus service for July 1, 2021 through June 30, 2022 for approval.

Moved by Seylar, seconded by Goebel to approve the contract with Regional Transit Authority/RIDES for bus service for July 1, 2021 through June 30, 2022. VOTE: ayes--7

Nuisance Abatement

Code Enforcement Officer, Greg Van Langen presented information regarding a nuisance at 1229 2nd Ave. So. Staff requests authorization for city personnel to abate the nuisance and charge the owner with all expenses.

Moved by Carlin, seconded by Gage to authorize abatement of the nuisance and charge the property owner with all expenses. VOTE: ayes--7

Nuisance Abatement

Code Enforcement Officer, Greg Van Langen presented information regarding a nuisance at 1414 No. 6th St. Staff requests the City Attorney to move forward with the steps for abatement of this property.

Moved by Heckard, seconded by Seylar to approve the City Attorney move forward with the steps for abatement of 1414 No. 6th St. VOTE: ayes--7

Emmet County Fair Request

A letter from the Emmet County Fair Manager was presented. The fair will be held July 21 through July 25. She requests solid waste collection charges be waived.

Moved by Goebel, seconded by Clark to waive the solid waste collection charges. VOTE: ayes--7

Change Orders #1 & #2
Estherville Pool Project

Administrator Clayton presented Change Order #1 in the amount of \$1,702.80 for door hardware changes and Change Order #2 in the amount of \$8,360 for waterslide support structure painting to Sande Construction, Inc. for the Estherville Pool Project for approval.

Moved by Haukoos, seconded by Goebel to approve Change Order #1 in the amount of \$1,702.80 and Change Order #2 in the amount of \$8,360 to Sande Construction, Inc. for the Estherville Pool Project. VOTE: ayes--7

Pay Estimate #1
2021 Street Improvement Project

Administrator Clayton presented Pay Estimate #1 in the amount of \$161,756.41 to Beck Excavating for the 2021 Street Improvements Project - Murray Road Repairs for approval.

Moved by Seylar, seconded by Heckard to approve Pay Estimate #1 in the amount of \$161,756.41 to Beck Excavating for the 2021 Street Improvements Project - Murray Road Repairs. VOTE: ayes--7

Public Forum

- a. City Wide Clean-up

Updates

- a. Oak Hill Cemetery - the City takes over July 1st.

Adjournment

Moved by Carlin, seconded by Heckard to adjourn the meeting at 6:03 p.m. VOTE: ayes--7

Joseph M. May, Mayor

ATTEST:

Elizabeth Burton, City Clerk