

COUNCIL PROCEEDINGS

Regular City Council Meeting: Monday, December 18, 2023 (5:00 p.m.)

Mayor/Council Present: Mayor K. Billings presiding--1; J. Heckard, J. Clark, A. Goebel, G. Heckard, D. Seylar--5 via Zoom: R. Gage, D. Hovinga****--2

Council Absent: None--0

Staff Present: P. Clayton, E. Burton, G. Van Langen, B. Shatto--4

Media Present: E. Funston (KILR), A. Petersen (EN), KICD--3

Others Present: Curt Strouth, Trevor Smith, Adam Edwards, Gary Myers, Ramirez Management (2)***, Mike Cornwall***, David Sutherland*, Travis Sheridan**--9

Minutes

Moved by Clark, seconded by Goebel to approve the minutes of the December 4, 2023 council session. VOTE: ayes--7

Petitions and Communications

- a. Budget Calendar
- b. November Police Report
- c. Christmas Closing & Solid Waste Schedule
- d. New Year's Closing & Solid Waste Schedule

Reports

Moved by J. Heckard, seconded by Gage to approve the Financial Statement and Bank Reconciliation for the month of November. VOTE: ayes--7

Approval of Liquor License

Moved by Goebel, seconded by Seylar to approve a renewal of a Class C Liquor License for Woody's Pizza at 9 WN 1st St. VOTE: ayes--7

Resolution No. 2446

Sale of Property

Meadows Subdivision

Mayor Billings opened the public hearing on the tentative sale of Lot 1 Meadows Subdivision. No written or oral objections were heard, and the public hearing was closed.

Seylar introduced Resolution No. 2446 entitled "RESOLUTION AUTHORIZING SALE OF REAL ESTATE AND EXECUTION OF DEED LOT 1, MEADOWS SUBDIVISION" and moved its adoption, which was seconded by G. Heckard. VOTE: ayes: Seylar, Hovinga, J. Heckard, Clark, Goebel, Gage, G. Heckard--7

Resolution No. 2447

Street Closing Request

Administrator Clayton presented information on Estherville Foods extending the date of the street closure from 1st Ave. No. and 2nd Ave. No. and the parking on the west side of No. 4th St. between Central Ave. and 1st Ave. No. through Feb. 28, 2023.

Seylar introduced Resolution No. 2447 entitled "RESOLUTION FOR CLOSING NORTH 4TH STREET IN THE CITY OF ESTHERVILLE, IOWA, FOR PURPOSES OF CONSTRUCTION" and moved its adoption, which was seconded by Goebel. VOTE: Seylar, Hovinga, J. Heckard, Clark, Goebel, Gage, G. Heckard--7

*David Sutherland leaves.

Sign Permit Variance

Greg Van Langen presented information on a sign permit variance from DKOI, Inc. for property located at 2 So. 3rd St. Discussion followed.

Seylar moved to deny the sign variance and direct the Planning & Zoning Commission to review the sign code, which was seconded by Clark. VOTE: ayes--7

Sign Permit Variance

Greg Van Langen presented information on a sign permit variance from Ramirez Management, LLC for property located at 614 Central Ave. Discussion followed.

G. Heckard moved to deny the sign variance and direct the Planning & Zoning Commission to review the sign code, which was seconded by Goebel. VOTE: ayes--7

Iowa Lakes Corridor

Curt Strouth, CEO of the Iowa Lakes Corridor Development Corporation introduced himself and Trevor Smith, Vice President and provided an update.

Resolution No. 2448

FY 2023-24 Budget

City Clerk Burton provided information regarding the proposed amendment of the fiscal year 2023-24 Budget.

Clark introduced Resolution No. 2448 entitled “RESOLUTION TO PROVIDE FOR NOTICE OF HEARING ON PROPOSED AMENDMENT OF BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2024 FOR THE CITY OF ESTHERVILLE, IOWA” and moved its adoption, which was seconded by J. Heckard. (This resolution sets Jan. 2, 2024 at 5:00 p.m. in the Council Chambers as the time and place for the public hearing.) VOTE: ayes: Clark, Goebel, Gage, G. Heckard, Seylar, Hovinga, J. Heckard--7

Ordinance No. 812

Setoff Program

City Clerk Burton presented information a proposed ordinance regarding the Setoff Program for approval.

Seylar introduced Ordinance No. 812 entitled “AN ORDINANCE AMENDMENT TITLE 1, CHAPTER 6, OF THE CITY OF ESTHERVILLE, IOWA, CONCERNING FINANCIAL POLICIES” be considered for the first time, which was seconded by Goebel. VOTE: Seylar, Hovinga, J. Heckard, Clark, Goebel, Gage, G. Heckard--7

Moved by Seylar, seconded by Goebel that the rule requiring the proposed ordinance be considered on three different council meetings be waived. VOTE: ayes: Seylar, Hovinga, J. Heckard, Clark, Goebel, Gage, G. Heckard--7

Moved by Seylar, seconded by Goebel that the proposed Ordinance No. 812 entitled “AN ORDINANCE AMENDMENT TITLE 1, CHAPTER 6, OF THE CITY OF ESTHERVILLE, IOWA, CONCERNING FINANCIAL POLICIES” be finally passed and adopted. VOTE: ayes: Seylar, Hovinga, J. Heckard, Clark, Goebel, Gage, G. Heckard--7

Resolution No. 2449
Nuisance Assessments

A list of unpaid nuisance assessments totaling \$4,827.15 was presented. If adopted the list would be certified to the Emmet County Treasurer for collection with property tax.

G. Heckard introduced Resolution No. 2449 entitled “RESOLUTION ADOPTING ASSESSMENT SCHEDULE FOR THE COLLECTION OF UNPAID INVOICES FOR THE ABATEMENT OF NUISANCES AND OTHER SERVICES IN THE CITY OF ESTHERVILLE, IOWA” and moved its adoption, which was seconded by J. Heckard. VOTE: ayes: G. Heckard, Seylar, Hovinga, J. Heckard, Clark, Goebel, Gage--7

***Ramirez & Mike Cornwall leave.

Resolution No. 2450
Operating Policy Update

Administrator Clayton presented an amendment to the City’s Personnel Operating Policy to regarding vacation leave donations between employees for approval.

G. Heckard introduced Resolution No. 2450 entitled “A RESOLUTION AMENDING THE OPERATING POLICY OF THE CITY OF ESTHERVILLE, IOWA” and moved its adoption, which was seconded by Seylar. VOTE: ayes: G. Heckard, Seylar, Hovinga, J. Heckard, Clark, Goebel, Gage--7

Public Works Labor Agreement

Administrator Clayton presented a Tentative Agreement of the Estherville Public Works Labor/AFSCME Local 3651 Agreement dated Nov. 30, 2023 with \$.50/hr. plus 4.5% wage increase. The agreement is for a one year period beginning July 1, 2024.

Moved by Seylar, seconded by G. Heckard to approve ratification of the Tentative Agreement with Estherville Public Works Labor/AFSCME Local 3651 Agreement dated Nov. 30, 2023 with \$.50/hr. plus 4.5% wage increase. The agreement is for a one year period beginning July 1, 2024. VOTE: ayes--7

Police Labor Agreement

Administrator Clayton presented a Tentative Agreement of the Estherville Police/AFSCME Council 61 Agreement dated Nov. 30, 2023 with \$.85/hr. plus 5.0% wage increase. The agreement is for a one year period beginning July 1, 2024.

Moved by G. Heckard, seconded by J. Heckard to approve ratification of the Tentative Agreement with Estherville Police/AFSCME Council 61 Agreement dated Nov. 30, 2023 with \$.85/hr. plus 5% wage increase. The agreement is for a one year period beginning July 1, 2024. VOTE: ayes--7

Resolution No. 2451
City Employees
Cost of Living Adjustment

Administrator Clayton presented information establishing employment terms and conditions to include Chief of Police and Captain receiving (\$0.85) eighty cent per hour increase plus (5%) five percent increase for one year and all other regular full-time administrative, supervisory, and confidential employees of the City of Estherville, Iowa, shall receive a (\$.50) fifty cent per hour increase plus (4.5%) four- and one-half percent increase for one year beginning July 1, 2024.

Seylar introduced Resolution No. 2451 entitled “A RESOLUTION ESTABLISHING EMPLOYMENT TERMS AND CONDITIONS” and moved its adoption, which was seconded by Goebel. VOTE: ayes: Seylar, Hovinga, J. Heckard, Clark, Goebel, Gage, G. Heckard--7

Oaths of Office

Mayor Billings administered the oath of office to Mayor-Elect Adam Edwards for Mayor for a two-year term from Jan. 1, 2024 to Jan. 1, 2026.

Mayor Billings administered the oath of office to Council Member Gary Myers for a four-year term from Jan. 1, 2024 to Jan. 1, 2028.

Appointments

Mayor Billings presented the following appointments for two-year terms from Jan. 1, 2024 to Jan. 1, 2026:

- | | |
|--|------------------------------------|
| a. City Clerk/Treasurer – Elizabeth Burton | c. City Attorney - Pelzer Law Firm |
| b. Deputy City Clerk – Julie Miller | d. Fire Chief - Travis Sheridan |

***Hovinga signs off Zoom.

Moved by Seylar, seconded by G. Heckard to approve the Fire Chief, City Clerk/Treasurer, Deputy City Clerk and City Attorney for two-year terms from Jan. 1, 2024 to Jan. 1, 2026. VOTE: ayes--6 absent: Hovinga--1

Commercial & Residential Property Tax Exemption

The Council considered applications requesting property tax exemption on improvements as defined in the City's Urban Revitalization for the following:

Commercial

- | | |
|----------------------|-------------------------------|
| a. Greg Olesen | 2704 Central Ave. |
| b. Estherville Foods | 105 North 4 th St. |

Residential

- | | |
|--------------------------|------------------------------|
| a. Ketrick Hall | 315 N 19 th St. |
| b. Roy Gage | 608 S 15 th St. |
| c. Chis Murray | 1408 N 6 th St. |
| d. Brent Shatto | 1314 N 15 th St. |
| e. Sherri Roehler | 43 WS 1 st St. |
| f. Margarita Garcia-Leon | 203 4 th Ave. N |
| g. Gustavo Ramirez | 503 S 8 th St. |
| h. Dale Bradley | 914 N 12 th St. |
| i. Debra Kreutzer | 715 W 7 th Ave. N |
| j. Jack Brashear | 703 20 th Ave. N |
| k. Steve Erickson | 1202 N 9 th St. |

Moved by Clark, seconded by Goebel to approve the request for partial property tax exemption for the above Commercial and Residential properties under the City's Urban Revitalization Plan. VOTES: ayes--6 absent: Hovinga--1

Trail Improvements

Administrator Clayton presented information and reviewed the bid tab for improvements for Fitzgibbons Park and Thoreson Park for the 2024 Trail Improvements Project for approval. There were two bids with Beck Excavating, Inc. of Spirit Lake, IA submitting the low bid of \$98,907.05

Moved by Goebel, seconded by J. Heckard to award the contract for the 2024 Trail Improvements Project to Beck Excavating, Inc. of Spirit Lake, IA. Ayes--6 absent: Hovinga--1

Updates

Highway 4 North opened last Friday. The work at the intersections will be completed in Spring 2024.

Adjournment

Moved by J. Heckard, seconded by G. Heckard to adjourn the meeting at 6:07 p.m. VOTE: ayes--
7

Kenny Billings, Mayor

ATTEST:

Elizabeth Burton, City Clerk