

City of Menlo
Regular City Council Meeting
August 4, 2021 – 7:00 PM
City Hall

The Menlo City Council held a regular meeting on Wednesday, August 4, 2021, in city hall. Mayor Griswold called the meeting to order at 7:04 pm with Korradi, Jacobson, O'Brien, and Jones present, Miller absent. Attorney Eddie Fishman was also present. Motion by Korradi seconded by Jones to approve the agenda. All ayes.

Motion by Jacobson seconded by Korradi to approve the consent agenda minutes of meetings 7/7, bills submitted for approval and clerk reports. All ayes.

Mayor Report - Mayor commented he was concerned with several trees dying in the town mainly from ash borer. He would like to see if the city could burden some of the cost to remove some of the trees so the full cost wouldn't be all on the residents. Per Jake, there may be a grant that will assist cities with removal of these trees. Clerk to look into grant. Attorney Fishman said Iowa Code 364.12 sub 2, sub c says the citizens can be required to maintain but not remove dead trees. The City passed a concrete ordinance awhile back stating concrete has to be 5 ½ inches thick in driveways. The state requirement is 3 ½ inches thick and most contractors use 4 inches for residential driveways. Cost is much more for 1 ½ inches of concrete. It stifles people from improving their properties when state requires 3 ½ and contractors use 4 inches. It is something the mayor needs to be changed. Plastic culverts are another concern of the mayors. The City passed an ordinance stating no plastic culverts to be used. Can we change this back to being able to use plastic as it's cheaper for residents? Something to think about.

Maintenance report - Jake said sewer is finished in the park and it is being used now. He is leaving for training in Okoboji August 31st and won't be back until late September 1st. He leaves for vacation Saturday, August 7th. Whose number should be put on the dialer? O'Brien will man the dialer. Jake has been working on the trees and he needs a new chainsaw. He priced a new saw at \$432. He will buy it himself if the City won't but he will charge the City to use it. Alicia to check and see if we can take money out of General Fund to pay for new chainsaw. Motion by Jacobson seconded by Jones Contingent on being able to use General Fund to buy the new Stihl Chainsaw with a limit of \$500.00. Motion passed. Tractor is fixed and the bill came back \$400.00 less than they initially quoted. On 3rd Street between Panora and Sheridan the road is getting so bad that it's below the sides of the street. When it rains water washes down through there and tears it apart. Jake wants to make gravel for a while to get it built up. Get a couple loads of gravel and build it back up. He wants ¾ inch gravel to build it up. He would like to put a load of gravel in the previously mentioned section and another load to build up around other places of the same section. There are several places in town that needs rock. Rock will be \$700 for 2 loads. Take out of road use funds. Motion by Jacobson seconded by Korradi. Motion passed. He would like to get another pallet of cold patch since he hasn't gotten the oiler going since he had no help. It's \$7.00/bag and 63 bags per pallet for a total of \$441.00. Motion by Jacobson seconded by Jones. Motion passed. What happened to the Clerk's keys? Clerk doesn't have a master key, only a clerk key. Call Polly, Gwen and Amberly to see if they have keys. Wait until September meeting to rekey or change the locks. Coon Valley wants us to pay ½ of their expenses from their

sidewalk expense. Jake thought they were just changing the angle but they removed existing and replaced. Our cost would be \$563.82. Motion by Korradi seconded by Jones. Motion passed.

Clerks Report – American Rescue Plan has been submitted and we are waiting for the funds to be deposited. We will receive \$51,711.21 in total with ½ being paid in 2021 and the remainder in 2022. What are the requirements for the money? We will set up a new fund once money is received. Clerk will sign up for the online Street Financing class. Janon to help with the 3 annual reports that are coming due (Street Finance Report, Annual Finance Report and G.O. Debt Report). Mayor, Jones and Korradi are up for re-election. Dani Fink will be sending information out soon for what we need to do and get on the ballot. ICAP is requiring us to update our Handbook by inputting sexual harassment and cell phone use while operating a vehicle. Attorney Fishman state ICAP may have some free hours with the legal team we should check into. There may also be a generalized form on their website. BUYIT@OCIO – Cares Act laptops. Purchased 5 laptops for a total of \$9368.96. These are free to us with nothing to be paid back. Clerk sent in her application to State of Iowa to become a Notary, cost was \$30.00.

New Business – Denise Miller for Earl Jacobson asked council to approve the new Librarian. Motion by Korradi seconded by Jones. Motion passed. Denise also invited all Council Members to attend Library meetings. They are in discussions of changing meeting dates/times. Cruisin' for a Cure – Holly Jensen asked if they could change time from 7-10 to 8:30-11:00 due to the band can't arrive until 8:30 that evening. Their event will be held on August 28, 2021. They also will have 1 or 2 security officers and their own event insurance. They will also be running off of Short's Liquor License and Insurance. Their own insurance is for anything that may be missed. Motion by Jacobson seconded by Korradi. Motion passed. Robert Greenway, he currently resides in DeSoto, Iowa but has purchased the property at 417 7th Street. He will be widening the entrance to his driveway. Has a good drop off and will redo terrace that's there to make it easier to back out and come in. Hopes to be able to put landscape timber and widen the level area near the road. Will clear everything with Jake. Clerk will call Robert to let him know he will need to call County to make sure it is ok as well. He will be tearing North part of the garage down in late September and will roll into Spring. Will rebuild and will be 2 car garage further back and won't hug property line. He will get permit once he knows how big and how tall. Will be living in the house in approximately a month. Approval of Short's Liquor License. Motion by Korradi seconded by Jones. Motion passed. Salary Resolution 2021-13 for current employees to be approved. Motion by Jacobson seconded by Korradi. Roll call vote: Jacobson Aye, Korradi Aye, O'Brien Aye, Jones Aye, Miller Absent. Motion passed. LOST monies Resolution 2021-14 RESOLUTION APPROVING CHANGES TO THE USAGE OF THE LOCAL SALES TAX REVENUES. Attorney Fishman suggests making 100% for Road Use, Sewers and Park and 0% for Property Tax if we are going to make any change. Korradi called Ted Nelleson and asked what constitutes community betterment. Ted stated there is no definition of community betterment in the Iowa Code. Attorney Fishman agreed. Mayor asked why we can't leave it the way it is already stated. Attorney Fishman doesn't mind keeping it as stated which is Community Betterment because he can justify what we want buy in a very vague way. Korradi suggested needing council approval to use LOST money to make sure money is not wasted. Mayor asked for a motion to approve. No motion made. Dangerous Building Ordinance 2021-02 – Motion to approve the 1st reading of 2021-02. Motion by Jacobson seconded by Korradi. Roll call vote: Jacobson Aye, Korradi Aye, O'Brien Aye, Jones Aye, Miller Absent. Motion passed. Move to pass Ordinance 2021-02 Motion

by Jacobson seconded by Korradi. Roll call vote: Jacobson Aye, Korradi Aye, O'Brien Aye, Jones Nay, Miller Absent. Motion passed 3-1. Move to waive 2nd and 3rd reading of Ordinance 2021-02. Motion by Korradi seconded by Jacobson. Roll call vote: Jacobson Aye, Korradi Aye, O'Brien Aye, Jones Aye, Miller Absent. Motion passed. Junk Nuisance Ordinance 2021-01 – Motion to approve the 1st reading of 2021-01. Motion by Korradi seconded by Jacobson. Roll call vote: Jacobson Aye, Korradi Aye, O'Brien Aye, Jones Aye, Miller Absent. Motion passed. Move to pass Ordinance 2021-02 Motion by Jacobson seconded by Korradi. Roll call vote: Jacobson Aye, Korradi Aye, O'Brien Aye, Jones Aye, Miller Absent. Motion passed. Move to waive 2nd and 3rd reading of Ordinance 2021-02. Motion by Jacobson seconded by Korradi. Roll call vote: Jacobson Aye, Korradi Aye, O'Brien Aye, Jones Nay, Miller Absent. Motion passed. Waiving of 2nd and 3rd reading didn't pass. Will need to be on September 1, 2021 Agenda. Motion by Jacobson seconded by O'Brien to open public forum. Public forum is open. Evelyn Jacobson, Park and Rec would like to have free corn and ham sandwich supper for the town in the next couple weeks like the Lion's Club used to do. It would be potluck for the rest of the food. Mayor and council is ok with the supper. Evelyn will let the Clerk know the date and she will put it on the Menlo sign. Evelyn also asked if once she leaves Park and Rec if Clerk could put money aside from Park and Rec fund going forward for these events. Motion by Jacobson seconded by Korradi to close public forum. Motion passed. Attorney Fishman and Miller have been in communication with Poet's attorney. Further discussion was had regarding annexation and levy rates. Attorney Fishman would like Janet Dickson to attend the next meeting to go over numbers. Motion by Jones seconded by Jacobson to adjourn the meeting. All Ayes.

Mayor Griswold declared the meeting adjourned at 8:56 PM.

Lyle Griswold, Mayor

Attest: Alicia Bentler, City Clerk

CLAIMS REPORT

VENDOR	REFERENCE	AMOUNT
ALLIANT ENERGY	UTILITIES	\$ 1,310.86
BOHLMANN & SONS SANITATION,LLC	Port-a-potties	\$ 165.00
COON VALLEY COOP TELEPHONE ASN	PHONE BILL	\$ 139.92
EFTPS	FED/FICA TAX	\$ 631.57
ED M FELD EQUIPMENT CO	SMOKE DETECTOR	\$ 198.75
HOPKINS & HUEBNER	ATTORNEY FISHMAN - LEGAL FEES	\$ 600.76
IPERS	IPERS	\$ 420.31
OFFICE DEPOT	OFFICE SUPPLIES/CHAIR	\$ 534.66
SECRETARY OF STATE	NOTARY APPLICATION	\$ 30.00
THE STUART HERALD	PUBLICATIONS	\$ 566.93
TREASURER STATE OF IOWA	STATE WITHHOLDING	\$ 137.82
VISA	CREDIT CARD PURCHASES	\$ 425.23

XENIA RURAL WATER DISTRICT	WATER	\$ 146.70
COON VALLEY COOP TELEPHONE ASN	PHONE BILL	\$ 189.80
EFTPS	FED/FICA TAX	\$ 324.32
INSIGNIA SOFTWARE	Technology Services	\$ 700.00
IPERS	IPERS	\$ 253.82
TREASURER STATE OF IOWA	STATE TAX	\$ 33.00
VISA	VISA PURCHASES	\$ 199.58
ALLIANT ENERGY	UTILITIES	\$ 160.53
COON VALLEY COOP TELEPHONE ASN	PHONE BILL	\$ 69.95
EFTPS	FED/FICA TAXES	\$ 408.54
IPERS	IPERS	\$ 248.20
TREASURER STATE OF IOWA	STATE TAXES	\$ 64.02
VAN WALL EQUIPMENT	Recondition A/C System	\$ 3,842.43
VISA	CREDIT CARD PURCHASES	\$ 109.30
IPERS	IPERS	\$ 0.01
UHC PREMIUM BILLING	HEALTHCARE	\$ 636.83
ALLIANT ENERGY	UTILITIES	\$ 149.30
CENTRAL IA DISTRIBUTING INC	SUPPLIES	\$ 489.00
COON VALLEY COOP TELEPHONE ASN	PHONE BILL	\$ 69.96
EFTPS	FED/FICA TAXES	\$ 445.72
FARMERS ELECTRIC COOP	ELECTRIC	\$ 40.00
GRAINGER	FIRE CABINET	\$ 778.57
IA ONE CALL	IOWA ONE CALL	\$ 9.90
IPERS	IPERS	\$ 274.83
LISTER INDUSTRIES	Sewer Tank	\$ 1,976.00
MILLER PLUMBING & HEATING	SEPTIC TANK SUPPLIES	\$ 49.76
TREASURER STATE OF IOWA	STATE TAXES	\$ 68.16
UHC PREMIUM BILLING	HEALTHCARE	\$ 328.07
VERIZON WIRELESS	CELL PHONE	\$ 57.02
XENIA RURAL WATER DISTRICT	WATER BILL	\$ 48.90
PAYROLL		\$ 5,095.86
***** REPORT TOTAL *****		\$22,429.89

	<u>EXPENSES</u>	<u>REVENUE</u>
GENERAL	\$ 7,116.87	\$ 7,908.60
LIBRARY	\$ 2,978.81	\$ 18.49
ROAD USE FUND		\$ 4,898.02
EMERGENCY		\$ 25.48
ROAD USE FUND	\$ 5,845.18	\$ 2,712.97
EMPLOYEE BENEFITS	\$ 636.84	\$ 361.56

SEWER FUND	\$ 5,852.19	\$13,487.39
TOTAL FUNDS	\$22,429.89	\$29,412.71

1. Title of Ordinance: AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF MENLO, IOWA, BY ADDING A NEW CHAPTER REGARDING DANGEROUS BUILDINGS.
2. This Ordinance is a new chapter under Title III Community Protection. The chapter title is Chapter 2B: Dangerous Buildings.

This ordinance outlines a procedure for determining when a building or structure in the City of Menlo is considered unsafe. This ordinance provides the definition of an unsafe building and the consequences of an unsafe designation. This ordinance outlines the procedure that needs to be followed before a building or structure is deemed unsafe, including notice to the owner and a chance for the owner to challenge this designation. This ordinance also outlines the manner that the City can abate the nuisance created by the unsafe building.

This ordinance also contains penalties. Sections 3-2B-7 and 3-2B-8 set out the penalties. These sections read as follows:

3-2B-7 RIGHT TO DEMOLISH; MUNICIPAL INFRACTION. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council. As an alternative to this action, the City may utilize the municipal infraction process to abate the nuisance.

3-2B-8 COSTS. Costs incurred under Section 3-2B-7 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes. In addition, the City may take any other action deemed appropriate to recover costs incurred.

3. This description of the ordinance is only a summary. The full ordinance can be read at Menlo City Hall, 417 Sherman Street, on the following days and times Monday – Friday 8:45 – 10:45, 1:00 – 2:30.
4. This ordinance was passed on August 4, 2021; the second and third readings were waived on this date. This ordinance is effective immediately.