

City of McCallsburg

The City Council of McCallsburg met on Monday August 24, 2009 at 7 pm, in the McCallsburg City Hall for a special meeting. Mayor Loney called the meeting to order at 7 PM. Councilpersons Scott Anderson, Bill Lytle, David Muth and Jeff Wells were present. Councilman Ken Tiarks arrived at 7:03 PM. There were also 5 residents and City Attorney Robert Huffer in attendance.

Councilman Lytle made a motion to approve the agenda. Wells seconded the motion. All ayes with Tiarks absent.

Jill Wilson spoke to the council on behalf of the residents concerning the library. Wilson asked that the council not do anything with the books left in the McCallsburg Library until a final decision is made as to whether the library will ever come back to McCallsburg. The council agreed to wait.

The Planning and Zoning committee received two building permits this month. Dietzel applied for a permit to build a fence, and Thomas applied for a permit to build an addition and a porch. Both permits were approved.

Mayor Loney mentioned to the council that he had intended to send the clerk to the 911 Board meeting in Nevada on August 27th because he was not able to attend. However, a meeting in Newton on the same date concerning water and sewer rates seemed a better use of time and so he is instructing the clerk to go to the meeting in Newton instead. The Mayor also informed the council that he, the clerk and Kevin Jacobson met with two engineers from Bartlett & West earlier that afternoon. The meeting was to gather information to assist the engineers in completing a report to DNR that is due September 1st. The Mayor also mentioned to the council that they had an important decision to make that evening and he implored the council to be careful in their decision process.

The clerk informed the council that because of the meeting in Newton the City Office would be closed all day on Thursday the 27th.

City Attorney Robert Huffer provided the council with copies of a letter that he received from Tom Polking, the attorney for The Trash Man. Mr. Polking has stated that unless the city continues to comply with the current contract they will file suit. Huffer stated that the council had two options. They could hire Jerry's Sanitation as intended and proceed with a lawsuit which could cost the city \$5,000 - \$10,000. Or the city can continue with their contract with The Trash Man for the contracted four more years. Mayor Loney asked when the contract expired. Huffer stated that the contract was for five years and will be up in 2013. Councilman Muth asked if the contract stated special conditions concerning pick up for residents. Huffer stated that there were and that residents would have to petition the council to receive the special pick-up from their door. Councilman Lytle asked what were the provisions for not providing service to the city. Huffer stated that garbage not getting picked up completely or in part would qualify, however every incident would need to be documented. Huffer stated that every time a citizen complained they should make a written document of the complaint and provide pictures if possible to the city clerk. When the clerk received written complaints she will forward them to Huffer's office and he will file them with Mr. Polking. Anderson asked if the contract was exclusive with the Trash Man or could residents hire other waste companies to pick up trash left behind by the Trash Man. Huffer stated it was an exclusive contract. Anderson made a motion to rescind the council's prior action to hire Jerry's Sanitation. Lytle seconded the motion. On Roll call voting aye: Anderson, Lytle, Muth, Tiarks, Wells; motion passed.

The Mayor informed the council that Resource Recovery was having another free day on September 12th and asked the council what they would like to do. Lytle made a motion to have Trash Man provide two dumpsters on September 12th from 8:00 a.m. until 10:00 a.m. in town. Tiarks seconded the motion. On roll call voting aye: Anderson, Lytle, Muth, Tiarks and Wells, motion passed.

Brandon Hendricks informed the council that the fire department had the opportunity to purchase a demo. tanker truck for \$149,670. Hendricks stated that the demo truck had everything the fire department needed and that if the department waited until next year to buy a truck the cost would jump \$20,000 and all of the new 2010 emissions standards would add to the cost and maintenance of a truck. Muth asked if there was the potential for added costs. Hendricks stated that the only added cost would be to have the departments current radio installed into the new truck and that would be about \$200. Mayor Loney stated that State Bank and

Trust was is willing to loan the city \$150,000 at 5.5% interest fixed for 10 years. Huffer stated that a public bid would have to be done for the truck according to IA code. Anderson asked Hendricks what the plan was for the old tanker once a new one was purchased. Hendricks stated that the department hoped to sell it. Muth asked how many gallons the new tanker carried. Hendricks stated that the demo tanker held 2,500 gallons. Huffer asked Hendricks to list the specs requested for the tanker and provide them to the clerk. Huffer will prepare a bid publication to be approved at the next council meeting.

Huffer stated that he has created the initial draft for the city's flood plain ordinance. By Federal Law the city has to adopt a Flood Plain Ordinance because the city contains two flood plain areas. Huffer stated he should have a draft for the council to review in September and that June 2010 was the deadline to have the ordinance done.

The clerk informed the council that the Street Financial Report is due on September 30th. Lytle stated he would make time to meet with the clerk and complete the report in the next two weeks.

Anderson stated that the tile that was placed behind the Legion is too high. Anderson stated that the tile sits at the highest point in the alley and suggested that the council ask Brian Baker if he would be willing to repair it.

Huffer informed the council that it would be wise to have a plan of action on September 1st for clearing out the buildings the city was awarded in the Thompson lawsuit. Muth asked if there was any possible recourse Thompson could claim on September 1st if they started to clear out the buildings. Huffer stated that it is always possible no matter what date the city decided to clear out the buildings. Mr. Swift from Trail's End Salvage stated that he would like to start clearing material on September 4th. The mayor asked Swift how long he thought the process would take. Swift stated he planned to be done in one day but there was a slight possibility that they would have to continue on the 7th. Anderson stated that he believed Swift should be shown the property ahead of time to be sure nothing was taken from properties the city didn't own. The mayor appointed Anderson to show Swift the properties on September 3rd. The clerk was instructed to make the Sheriff's department aware of the date Swift's company would be in town working. Tiarks made a motion to approve the letter stating Trail's End working agreement. Lytle seconded the motion.

Lytle made a motion to go out of open session and into closed session to discuss litigation. Muth seconded the motion. All ayes, motion passed.

At 8:30 p.m. Lytle made a motion to come out of closed session into regular session. Muth seconded the motion. All ayes, motion passed.

Lytle made a motion to adjourn the meeting. Wells seconded the motion. All ayes, motion passed.