

MINUTES OF SPECIAL COUNCIL MEETING APRIL 2, 2019

The Shenandoah City Council met in special session on April 2, 2019 at 6:00 P.M. in the Council Chambers of City Hall. Present were Mayor Richard Hunt and Councilmembers Rita Gibson, Robert Burchett, Kim Swank, Toni Graham and Aaron Green. Also present were City Clerk/Treasurer Karla Gray, City Administrator AJ Lyman and City Attorney Mahlon Sorensen.

Graham moved, Gibson seconded to approve the agenda. Passed unanimously.

A brief discussion was held on accepting Water Treatment Facility Improvements Project and Authorizing Settlement Agreement and Release by City Administrator AJ Lyman. Lyman stated that the Agreement settles the dispute between the City and Liberty Mutual. Final payment to Liberty Mutual will be \$816,382.62 and Liberty Mutual would pay the City \$650,000.00 for liquidated damages. Liberty Mutual will also assign their claim to the City to pursue litigation with Fox Engineering. The agreement would also dissolve all warranty coverage by Liberty Mutual; therefore the \$650,000.00 would be set aside in a fund to cover identified needed repairs and the Ground Storage Reservoir tank.

Green moved, Gibson seconded approving the following resolution. On roll call, the votes were "Ayes" unanimously. Whereupon the Mayor declared the resolution duly adopted.

RESOLUTION ACCEPTING WATER TREATMENT FACILITY IMPROVEMENTS PROJECT AND AUTHORIZING SETTLEMENT AGREEMENT AND RELEASE

BE IT HEREBY RESOLVED by the City Council of the City of Shenandoah, Iowa, accepting Water Treatment Facility Improvements Project and Authorizing Settlement Agreement and Release.

PASSED AND APPROVED this 2nd day of April, 2019.


MAYOR


CITY CLERK

A discussion was held on the unsafe building located at 301 W. Clarinda Ave by Citizens Thomas and Gina Daub. Daubs expressed their concerns about the unsafe building to the Council. Daubs also stated that they will have the roof removed by April 3 and the three remaining walls would be vertical to frame a new garage. Mayor Hunt read the Building Inspector's findings from March 25, 2019. Hunt reaffirmed the Building Inspector's recommendation that the building is condemned and that it is a serious threat to the public safety. The alley should remain cordoned off to prevent vehicular and foot traffic. Demolition of the garage should commence ASAP. Attorney Sorensen asked Daub if he was able to clean the property by April 9, 2019 the deadline that the Council approved on March 26, 2019. After a few comments from the Daubs, they agreed to have the entire building demolished and removed by April 9, 2019. Daubs agreed to be at the next Council meeting. Police Chief Gray added that the couple faces fines and a court appearance if the property is not cleaned up by April 9, 2019. City Administrator Lyman concluded the discussion that the Daubs would not be able to rebuild the garage in the same location due to the severity of the damaged building. They could apply for a special use permit to the City's board of adjustment.

Green moved, Gibson seconded approving the following resolution. On roll call, the votes were "Ayes" unanimously. Whereupon the Mayor declared the resolution duly adopted.

RESOLUTION ACCEPTING THE DEMOLITION DISPOSAL AGREEMENT AND PROPERTY SHALL BE DEMOLISHED AND REMOVED BY APRIL 9, 2019

BE IT HEREBY RESOLVED by the City Council of the City of Shenandoah, Iowa, accepting the demolition disposal agreement and property shall be demolished and removed by April 9, 2019.

PASSED AND APPROVED this 2nd day of April, 2019.


MAYOR



CITY CLERK

For Citizens Opportunity to address the Council—None

For Council/Committee Reports—None.

Items for Future Agenda—None.

There being no further business, Gibson moved, Graham seconded the meeting to adjourn. The Mayor therefore declared the meeting adjourned at 6:26 P.M. and to reconvene at the next regular council meeting on April 9, 2019 at 6:00 P.M.


MAYOR


CITY CLERK