

**CITY OF CLARKSVILLE
CITY COUNCIL DEPARTMENT MEETING
March 18, 2019**

The Clarksville City Council met in regular session March 18, 2019, at the temporary City Hall at 7:00 p.m. with Mayor Pro Tem Jeff Kolb in the chair and Council members Roger Doty, Todd Fails, Diane Renning, and Kenny Smith present. Mayor Val F. Swinton absent.

The following Department Heads were in attendance: Kristen Clark, Library Director; Barry Mackey, Police Chief; Matt Kampman, Maintenance Superintendent; Ryan McCully, Maintenance Assistant; Lori Peterson and Kayla Hinders, Financial Administration.

Motion Smith, Kolb, to approve Midco Diving & Marine Services Inc, PO Box 513, Rapid City, SD, 57709-0513, to inspect the City water tower for \$2,399.00.

RCV – Ayes: Doty, Fails, Kolb, Renning, and Smith. Nays: None. MC.

Motion Fails, Doty, to approve softball tournament at Volunteer Park, pending field conditions, April 13, 2019 through April 14, 2019.

RCV – Ayes: Doty, Fails, Kolb, Renning, and Smith. Nays: None. MC.

Motion Smith, Kolb, to approve consent agenda: Monthly Departmental Reports as submitted by Department Heads.

RCV – Ayes: Doty, Fails, Kolb, Renning, and Smith. Nays: None. MC.

Motion Renning, Fails, to approve March expenditures and February financial reports as presented by the City Clerk.

RCV – Ayes: Doty, Fails, Kolb, Renning, and Smith. Nays: None. MC.

Motion Fails, Renning, to adopt Resolution 19-687: RESOLUTION APPROVING OF THE DISPOSITION OF CITY PROPERTY, SPECIFICALLY AUTHORIZING THE CITY TO ENTER INTO A DECLARATION OF COVENANTS AND RESTRICTIONS

WHEREAS, the City of Clarksville, Iowa (the “CITY”) owns certain property on Main Street in Clarksville, Iowa, legally described as:

Land the City is retaining:

- The North Forty-four (44) feet of Lot One (1) in Block One (1), Original Town of Clarksville, Butler County, Iowa, except the South Five (5) feet of the East Ninety-five (95) feet thereof.
- Lots Two (2), Three (3), Six (6) and Seven (7) in Block One (1), Original Town of Clarksville, Butler County, Iowa.

What the City is selling:

- The North Twenty-three (N. 23 ft.) feet of Lot Five (5) in Block One (1), Original Town of Clarksville, Butler County, Iowa, except the North Fourteen (14) inches thereof.
- The South Twenty-two (22) feet of Lot Four (4) and the North Fourteen (14) inches of Lot Five (5), all in Block One (1), in the Original Town of Clarksville, Butler County, Iowa.

1. Benefited Parties/Binding Effect. The rights and obligations established in this Declaration of Restrictions (this "Declaration") shall run with the land and be for the benefit of the property legally described above and any portion of the property and shall run with the land and be binding upon the property and any use of the property.

2. Business Restrictions on the land. Owner hereby further declares that the property shall not be used for or used to access any business operated as the following: Family Dollar Store, Bill's Dollar Store, Fred's, Dollar Tree, Dollar Zone, Variety Wholesale, Dollar Express, Ninety-Nine Cents Only, Deals, Bonus Dollar, Maxway, Super Ten, Planet Dollar, Big Lots, Walgreens, CVS, Rite Aid, or any Wal-Mart concept including but not limited to Super Wal-Mart, Wal-Mart, Wal-Mart Neighborhood Market, or Walmart Express, a funeral parlor or any establishment selling or exhibiting paraphernalia for use with illicit drugs, and establishment selling or exhibiting materials or devices which are adjudicated to be pornographic by a court of competent jurisdiction, and any adult bookstore, adult video store or adult movie theater.

3. Enforcement. Owner acknowledges that monetary damages would be an inadequate remedy for breach of this Declaration, and that any violation of this Declaration will result in immeasurable and irreparable harm to the other party, warranting an injunction.

4. Duration. The provisions of this Declaration shall run with and bind the land legally described above and shall be and remain in effect so long as the land legally described below is leased by Dollar General Corporation or its lenders, successors or assigns:

The South 5 feet of the North 44 feet of Lot 1 in Block 1, Original Town of Clarksville, Butler County, Iowa, except the South 3 feet of the East 95 feet thereof.

The North 22 feet of the South 44 feet of Lot 4 in Block 1, Original Town of Clarksville, Butler County, Iowa.

The South 22 feet of Lot 4 and the North 14 inches of Lot 5, all in Block 1, Original Town of Clarksville, Butler County, Iowa.

The North 23 feet of Lot 5 in Block 1, Original Town of Clarksville, Butler County, Iowa, except the North 14 inches thereof.

The South 23 feet of the North 46 feet of Lot 5 in Block 1, Original Town of Clarksville, Butler County, Iowa.

IN WITNESS WHEREOF, the Owner has set their hands and seals as of the day, month and year first above written.

Motion Renning, Smith, to approve bids as recommended by Cindy Knox from Iowa Northland Regional Council of Governments (INRCOG) for housing rehab project 9 to C&R Constructions for the amount of \$13,375.00, for housing rehab project 10 to C&R Constructions for the amount of \$9,450.00, and for housing rehab project 11 to C&R Constructions for the amount of \$16,500.00.

RCV – Ayes: Doty, Fails, Kolb, Renning, and Smith. Nays: None. MC.

Motion Renning, Smith, to adopt Resolution 19-690: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, IOWA, AWARDING THE LOWEST, MOST RESPONSIBLE BID TO C&R CONSTRUCTIONS FOR PROJECT NINE IN THE 2016 CLARKSVILLE HOUSING REHABILITATION PROGRAM

WHEREAS, the City of Clarksville has received funding through the Iowa Economic Development Authority to implement the Clarksville Housing Rehabilitation Program under Contract # 16-OT-003; and

WHEREAS, the City of Clarksville adopted an Administrative Plan for the Clarksville Housing Rehabilitation Program; and

WHEREAS, Section 7.12 of said Administrative Plan stipulates that for each project the City shall honor the lowest, most responsible bid submitted; and

WHEREAS, bids have been solicited and received for project number nine.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Clarksville, Iowa, awards the lowest, most responsible bid to C&R Constructions for project number nine in the Clarksville Housing Rehabilitation Program.

Passed and Adopted this 18 day of March, 2019.

RCV – Ayes: Doty, Fails, Kolb, Renning, and Smith. Nays: None. MC.

Motion Renning, Smith, to adopt Resolution 19-691: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, IOWA, AWARDING THE LOWEST, MOST RESPONSIBLE BID TO C&R CONSTRUCTIONS FOR PROJECT TEN IN THE 2016 CLARKSVILLE HOUSING REHABILITATION PROGRAM

WHEREAS, the City of Clarksville has received funding through the Iowa Economic Development Authority to implement the Clarksville Housing Rehabilitation Program under Contract # 16-OT-003; and

WHEREAS, the City of Clarksville adopted an Administrative Plan for the Clarksville Housing Rehabilitation Program; and

WHEREAS, Section 7.12 of said Administrative Plan stipulates that for each project the City shall honor the lowest, most responsible bid submitted; and

WHEREAS, bids have been solicited and received for project number ten.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Clarksville, Iowa, awards the lowest, most responsible bid to C&R Constructions for project number ten in the Clarksville Housing Rehabilitation Program.

Passed and Adopted this 18 day of March, 2019.

RCV – Ayes: Doty, Fails, Kolb, Renning, and Smith. Nays: None. MC.

Motion Renning, Smith, to adopt Resolution 19-692: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, IOWA, AWARDING THE LOWEST, MOST RESPONSIBLE BID TO C&R CONSTRUCTIONS FOR PROJECT ELEVEN IN THE 2016 CLARKSVILLE HOUSING REHABILITATION PROGRAM

WHEREAS, the City of Clarksville has received funding through the Iowa Economic Development Authority to implement the Clarksville Housing Rehabilitation Program under Contract # 16-OT-003; and

WHEREAS, the City of Clarksville adopted an Administrative Plan for the Clarksville Housing Rehabilitation Program; and

WHEREAS, Section 7.12 of said Administrative Plan stipulates that for each project the City shall honor the lowest, most responsible bid submitted; and

WHEREAS, bids have been solicited and received for project number eleven.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Clarksville, Iowa, awards the lowest, most responsible bid to C&R Constructions for project number eleven the Clarksville Housing Rehabilitation Program.

Passed and Adopted this 18 day of March, 2019.

RCV – Ayes: Doty, Fails, Kolb, Renning, and Smith. Nays: None. MC

Motion Kolb, Doty, to adopt Resolution 19-689: RESOLUTION AUTHORIZING ABANDONMENT PROCEEDINGS PURSUANT TO IOWA CODE SECTION 657A AGAINST REAL PROPERTY LOCATED AT 412 S. MAIN STREET, CLARKSVILLE, BUTLER COUNTY, IOWA

WHEREAS, Iowa Code §657A.10A allows cities to petition the courts for possession of vacant and dilapidated homes, of which no one will take responsibility for its condition; and

WHEREAS, Branda K. Schunk owns real property located at 412 S. Main Street, Clarksville, Iowa and legally described as:

The East One-half of the South one-half (E ½ S ½) of Lot Three (3), the South one-half (S ½) of lot (4) and all of Lot Five (5), in Block Six (6) of the Original Town of Clarksville

WHEREAS, there is a building stationed upon the property which is abandoned, vacant and dilapidated within the meaning of Iowa Code Chapter 654A.10A(3) and constitutes a nuisance; and

WHEREAS, the City of Clarksville has the ability, pursuant to Chapter 657A of the Iowa Code, to pursue an action in District Court to declare the property abandoned and obtain title in order to abate the nuisance and sell title of the property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF CLARKSVILLE, IOWA:

Section 1. The City Attorney, on behalf of the City, is hereby authorized to execute any and all documents necessary to accomplish the proceeding pursuant to Iowa Code Chapter 657A in the district court for Butler County.

Section 2. This Resolution shall become effective upon its passage and approval as provided by law.

PASSED AND APPROVED by the City Council on this 18 day of March, 2019.

Roll Call Vote Ayes 5 Nays 0 Abstained 0

Motion Renning, Kolb, to approve Jendro Sanitation price increases effective April 1, 2019.

RCV – Ayes: Doty, Fails, Kolb, Renning, and Smith. Nays: None. MC.

Motion Fails, to adjourn the regular City Council meeting at 8:03 p.m.

Jeff Kolb
Mayor Pro Tem

Attest: Lori A. Peterson
City Clerk/Treasurer

