

The City Council of the City of Anamosa met in Regular Session this December 14, 2015 in the Council Chambers at City Hall at 6:00 p.m. with Cody Shaffer, Bill Feldmann, Chuck Smith, Rod Smith, Richard Stivers and Mike Dearborn present. Absent: None. Mayor Dale Barnes presided. Also present were Alan Johnson, City Administrator; Tammy Coons, City Clerk; Rebecca Vernon, Library Director; Jim Henson, Water Superintendent and Bob Simonson, Police Chief. Guests Present Addressing the Council: Randy Day, 304 S. Oak Street; John Ely, 301 N. Davis Street; and Macy Soupene, 106 Theresa Avenue. Mayor Dale Barnes called the meeting to order at 6:00 p.m. Roll call was taken with a quorum present.

Public with Business with Council on Items not on the Agenda

Randy Day, 304 S. Oak Street addressed the Council stating that he knew that nuisance properties is listed on the agenda and asked if during that discussion if the public was able to be a part of that discussion. Mayor Barnes stated no. Randy then distributed pictures of a nuisance property that he would like the Council to see. He talked about a recent investigation that was not done on animals reviewing the ordinance and the corresponding police report. Randy stated that this tells him that the Chief works for the Mayor and that doing his job may jeopardize his job. He's throwing it back on the Council to do something about it. Randy states he brings this to the Council's attention and that something probably needs to be done about this.

John Ely, 301 N. Davis Street addressed the council and distributed previous pictures and additional pictures of Mayor Barnes yard. He reviewed the incident on November 25, 2015 which involved the police report filed for that incident. He stated that he has been trying to get this problem addressed since 2010. He also stated that he does not agree with the City Attorney that this is a civil action.

Alan Johnson explained that this is a civil action. Mr. Ely disagreed. Alan explained that a civil action was property owner to property owner and that the general public is not involved in that as it is not seen from the public street. Dearborn and Stivers both stated that disagreed that it is all civil action. Alan stated that he was only restating what he was told by the Attorney from 2010.

Macy Soupene, 106 Theresa Avenue addressed the Council distributing pictures that she taken of her neighborhood, primarily Huber Street. She identified several properties that were in disrepair, had abandoned vehicles with no license plates, a refrigerator with door still on it, a dirty and unsafe pond and vehicles with no current registration tags. She questioned the ability of homeowners being able to sell their homes in this area. Macy also said that the sidewalks in this area were in very bad shape.

Council Minutes

Motion by Feldmann, second by Stivers to approve the minutes from the November 23, 2015 Regular Council meeting. Dearborn asked if the previous request by Mr. Goodman to amend previous minutes was addressed. Alan stated that a citizen cannot amend the minutes only the Council may do so. Dearborn stated that action items are fine, but the minutes should be accurate and complete. Alan explained that this is why Council has to approve the minutes. Alan stated that the law states that only action items are required in the minutes and that Council discussion items may be included as they relate to action items. Mike stated he would like to be put on the agenda next meeting to address this. Tammy Coons, City Clerk asked for permission to explain the process further. She explained that by Iowa Code the only items that are required to be in the minutes are action items. Tammy stated that if you require the minutes to be verbatim the publication costs will double. She also stated that we do keep two years of audio tapes for reference, but they are not the official minutes. Tammy also stated that she does try to include the high points of all the public presentations. All Ayes. Motion Carried.

COMMUNITY BETTERMENT:

Resolution Setting Public Hearing on Community Development Block Grant for Proposed Water Funding for Safety and Treatment Plant Upgrades and Expansion

Motion by Feldmann, second by Dearborn to approve **Resolution 2015-45** Setting Public Hearing on Community Development Block Grant for Proposed Water Funding for Safety and Treatment Plant Upgrades and Expansion. Roll Vote. All Ayes. Motion Carried.

Nuisances and Other Ordinances That Have Not Been Routinely Enforced

Shaffer asked Alan where the ball was dropped in the past. Alan stated that he has a proposed solution and as he looks over the items that the public has brought to the Council's attention, he finds a lack of follow-through and consistency. He stated that he has seen initial contact made with property owners and then things get busy and items are dropped. Alan proposed that his office take over that process, which has been left to others since he has been here. He is recommending detailed files be kept on each property, pictures, correspondence, written and oral communications and time frames established and then those time frames followed up on. He stated that if the time frames are not met, then it would follow through to a municipal infraction. Notice to property owners could be certified mail or have notice served by the Police Department. Alan stated again that his proposal is take the process under his department and make people responsible for what should happen and make sure it does happen. He stated that our community has a lot of good things going for it, but there has been a "whale" of a lot of negativity, which we don't need. Alan stated one way to combat that is to make sure we follow through ordinances. Enforcement of some of the ordinances have become discretionary and it's just going to have to get to the point of no matter who it is, we attack it. Shaffer stated that in the past the Police Department has made note of nuisance properties, sent letters and registered letters and as he understands from their office that it has gotten to City Hall and then asked where has it gone from there. Alan stated that the only item he recalls coming through his office was the Jim Christiansen situation. Cody questioned why it took a neighbor to come years and years to Council to get this done. Dearborn asked who was next in the chain of command after the certified letter. Chief Bob Simonson reviewed the process that his department has been using. Bob stated that they have been pulled away from these type of property violations, which might extend the process out to 30 days. Bob pointed out that some issues are addressed initially by the property owner, then the problem re-occurs. Shaffer mentioned the enforcement system in Cedar Rapids and possibly revamping our system in the same way. Mike asked Alan if he would be identifying these properties himself or if he would delegate. Alan stated he would probably delegate, but the follow through would be done by his office. Alan stated he will utilize the Police Department as needed. Feldmann stated that anyone, such as Macy Soupene, the public, may bring it the City's attention. Dearborn suggested that the Streets Department employees would be able to help identify these properties as they are most likely to see these things. Dearborn further suggested using the new full time Streets Department employee that was hired to replace the previous part time position be used to help with this process. Stivers would like to see the ordinance be reviewed and made clearer. Feldmann stated he is in favor of moving the responsibility of enforcement to City Hall. Dearborn stated that enforcement requires impartiality. He reminded the Council that Council Member Shaffer was told he was in violation and he corrected the violation. Dearborn also stated he was approached in the last week by a city official that he was in violation and that also has been taken care of. Rod Smith stated that he believes in procedure and process. He stated that this is a hot topic in town and a lot of residents have approached him. Rod agrees with Alan that City Hall should be in charge of this, but he would like to see a written time frame and detailed procedure and accountability. He stated that the ordinance seems vague or gray to him. He stated that he needs to see the written procedure before he can agree on anything. Rod asked if we are going to take this process all the way home, by that he stated he means both the minor and major properties would be addressed. Dearborn asked Alan if he was going to be bringing the plan of attack back to Council in two weeks. Alan stated that he will follow through with a plan of attack after the research is done, it may not be ready in two weeks, but he will not let the matter drop. Discussion was held on whether the location of the nuisance property, whether it be downtown or out on Kaitlynn Avenue, made a difference. Rod Smith stated that the location does not determine if it is a nuisance property.

PUBLIC SAFETY: NONE

PUBLIC WORKS: NONE

FINANCE: NONE

CITY ADMINISTRATOR'S REPORT:

Alan updated the Council on the vacant Community Care Building "old hospital" located on Broadway Place stating that the banks were not interested in taking over the property and neither was the County or the prison. Alan stated he had recently received a call from an interested party and he had given him the contact information of the attorney for the receivership, who informed that party that the property would be soon become the City's. Alan contacted the attorney for the receivership approximately 45 days ago and was informed that it's taking a lot of time to finish this process. Alan also stated he received a call from Alliant today stating that they were told to bill the city for the electric bill as the City owns it. Alan stated that per the County records, the City does not own it. He stated that is likely that the City will end up with the property in the end. We may not have a choice. Alan stated that whole process is a long legal process and there would be another procedure for the City to sell the property to someone else.

Dearborn asked for update on the pretreatment agreements. Alan stated that the Iowa DNR has the proposed pretreatment agreement under review with the change on how the oil and grease are measured. He stated the final agreement will come back to the Council for approval. Alan stated that two out of the other three businesses were not in violation. Alan is working on setting a meeting with the final business owner.

MAYOR AND COUNCIL:

Bill Feldmann – E911, reported that the board had authorized Gary Schwab and Denny Coons to work with Clinton County to possibly put equipment and antennas on our tower in Wyoming to give coverage to the Lost Nation area.

Cody Shaffer – JCED, reported that their annual meeting will be December 16th at the REC.

Richard Stivers – Jones County Tourism, reported that they had a good attendance at their recent open house. He stated there was a general meeting afterwards and they are working the budget and that the requests from the cities may be increasing.

Rod Smith stated he has assisted in the reindeer run and they had good participation by the community.

Adjournment

Motion by Dearborn, second by Shaffer to adjourn at 6:57 p.m. All Ayes. Motion Carried.

Dale Barnes, Mayor

ATTEST:

Tammy Coons, City Clerk