

The City Council of the City of Anamosa met in Regular Session this October 9, 2017 in the Council Chambers at City Hall at 6:00 p.m. with Rich Crump, Bill Feldmann, John Machart, Rod Smith, Betty Weimer and Cody Shaffer present. Absent: None. Mayor Dale Barnes presided. Also present were Tammy Coons, Interim City Administrator/City Clerk; Tyler Laing, Park & Recreation Director; Rebecca Vernon, Library Director; Jim Henson, Water Superintendent; and Dan Smith, Wastewater Superintendent.. Guests Present Addressing the Council: Emily Upah, Key Account Mgr. Alliant Energy; Jeff Marek, 705 N. Williams St; Linda Lyons, 423 Chamber Dr.; Nurit Finn, 126 E. Main St.; and Bill Goodman, 804 E. 1<sup>st</sup> St. .Mayor Dale Barnes called the meeting to order at 6:00 p.m. Roll call was taken with a quorum present.

### **Council Minutes**

Motion by Feldmann, second by Weimer to approve the minutes from the September 25, 2017 Regular Council meeting. All Ayes. Motion Carried.

### **PUBLIC HEARING:**

#### **Public Hearing on Proposed Amendment to the Zoning Regulations to Prohibit Razor Wire, Concertina Wire and Similar Wire Fences**

Mayor Barnes opened the public hearing at 6:01 p.m. Tammy Coons, Interim City Administrator/City Clerk stated she had received one verbal comment today at City Hall from a citizen in favor of the proposed ordinance, but no written comments had been received prior to the public hearing and no comments were offered by the public present. Weimer stated she had received multiple verbal comments in favor of the ordinance.

Motion by Feldmann, second by Smith to close the public hearing at 6:02 p.m. All Ayes. Motion Carried.

### **Presentations**

#### **Emily Upah, Alliant Energy – Update on Annual Partnership Assessment Report**

Emily Upah, Key Account Manager for Alliant Energy addressed the Council stating that she is new to the position and that she has previous experience in economic development. She reported on infrastructure done in the community, property taxes paid and contributions made by Alliant in 2016. Emily reviewed the Branching Out Grants program, energy efficiency programs to businesses and residents and rebates given. She stated there is always room for continued partnerships.

### **COMMUNITY BETTERMENT:**

#### **Appointment to the ECICOG Board**

Feldmann gave a brief explanation for current vacancy. Mayor Barnes recommended the appointment of Council Member Betty Weimer to the ECICOG Board.

Motion by Feldmann, second by Machart to approve the appointment of Council Member Betty Weimer to ECICOG Board. Discussion followed. All Ayes. Motion Carried.

#### **Ordinance Amending Zoning Regulations to Prohibit Razor Wire, Concertina Wire and Similar Wire Fences**

Motion by Feldmann, second by Weimer to approve the **First Reading of Ordinance** Amending Zoning Regulations to Prohibit Razor Wire, Concertina Wire and Similar Wire Fences. Roll Vote. All Ayes. Motion Carried.

Motion by Feldmann, second by Smith to approve the **Waiver of the Second and Third Readings of Ordinance** Amending Zoning Regulations to Prohibit Razor Wire, Concertina Wire and Similar Wire Fences. Roll Vote. 2 – Nays, Shaffer and Crump. All Remaining Ayes. Motion Failed.

**Ordinance Adding Provision to Zoning Regulations to Permit Implementation of Soil Erosion Control Practices in Connection with Issuance of a Development Permit**

Motion by Feldmann, second by Weimer to approve the **First Reading of Ordinance** Adding Provision to Zoning Regulations to Permit Implementation of Soil Erosion Control Practices in Connection with Issuance of a Development Permit. Jeff Marek, 705 N. Williams Street addressed the Council recommending looking at the City of Marion's ordinances/permits regarding erosion control. He stated it is a lot more in-depth and stricter. Linda Lyons, 423 Chamber Drive addressed the Council reviewing her previous request regarding erosion control in her neighborhood. Linda suggested that the City install some type of drainage between the lots on Chamber Drive and Council Street. Discussion followed on what situations need to be addressed, what requirements could be put in place and if the requirements should apply to all development permits. Feldmann withdrew his motion and Weimer withdrew her second to the motion. It was suggested that the City look at what other communities have in place to address erosion control/drainage such as the City of Marion.

**Ordinance Amending Section 1.10 of the City Code to Delete the Possibility of Imprisonment for Violation of Code of Ordinances**

Motion by Feldmann, second by Crump to approve the **First Reading of Ordinance** Amending Section 1.10 of the City Code to Delete the Possibility of Imprisonment for Violation of Code of Ordinances. Jeff Marek questioned the reasoning in removing the possibility of imprisonment as there may be times when it will be needed. Discussion followed. Roll Vote. 1 – Nay, Weimer. All Remaining Ayes. Motion Carried.

**PUBLIC SAFETY:**

**Beer and Liquor Licenses**

Motion by Feldmann second by Crump to approve the renewal of Class C Liquor License with Living Quarters and Sunday Sales Privileges for Deb's Sports Bar. All Ayes. Motion Carried.

**Request for Street Closure on Main Street for Spook Parade on October 25<sup>th</sup>**

Motion by Feldmann, second by Crump to approve the request for street closure on Main Street from Garnavillo Street to the Lawrence Community Center from 5 -6 pm on October 25<sup>th</sup> for the Spook Parade. Tammy Coons clarified that this is not actually a street closure, but the police will direct the parade down Main Street. All Ayes. Motion Carried.

**PUBLIC WORKS: NONE**

**FINANCE: NONE**

**CITY ADMINISTRATOR'S REPORT:**

Tammy Coons reported the following:

New Fire Pumper Truck received last week and the 1989 pumper truck will be placed on an auction website along with a Brush Queen Skid with a reserve placed on each.

Elm Street Project – Final working day is October 10<sup>th</sup> and liquidated damages of \$1,000 will go into effect starting October 11<sup>th</sup> until the work is completed. The approach to the bridge is being started today and the last section of the main road will be completed after that as weather allows.

2<sup>nd</sup> Street Lift Station Project – The contractor hit a water main to a fire hydrant and a boil advisory was in effect through Friday of last week. An electrical line to the dewatering pumps was hit and tripped a breaker at the lift station and the generator did kick in last weekend.

Sewer Jetter Use – The City of Dyersville uses the jetter for 4 weeks every year. They reimburse the City \$7,500 per year for that use. The 4 years of use by Dyersville prior to this year will be swapped for Dyersville to camera the City sewer lines. Dan Smith estimated that should be enough to get the whole city done.

New Building WWTP – The building was delivered last week and they are cutting the concrete for the doorway on Wednesday. Contractor should be starting the erection of building in the next two weeks.

GIS System Contract Amendment – Howard R Green has provided a contract amendment to add \$2,500 under additional services to cover adding new manholes and a layer in the system to track the jetting being done.

Tammy updated the Council on the acquisition of property at 101 ½ E. Main Street and the sale of the Old Community Care Facility. She stated that these two items will be placed on the next agenda. Tammy also informed the Council that Anamosa was ranked last in the medium size city category for the recent REAP grant application for the Trail Project.

Tammy also informed the Council that the City of Olin is requesting that Anamosa provide jetting service for a lift station for them. She explained the current hourly rate that was approved by the Council in 2010 for the jetter truck with one employee is \$145.00/hour. Discussion followed with Dan Smith regarding how that service would affect his department's workload.

Tammy updated the Council on the recent fence building activity at the Maquoketa Valley's lot between N. Huber Street and N. Ford Street. She explained that as the "stay" was in place on this fence permit as an appeal had been filed, she had contacted City Attorney, Adrian Knuth. Adrian had outlined two options: serve a municipal infraction citation on a daily basis until the work ceases or file an injunction. Tammy stated that Adrian is recommending the municipal infraction citation as the injunction is time consuming and very costly. Tammy stated the other option is to do nothing, but she didn't know what liability that would create for the City. She only asked for a consensus of the Council regarding this as this did not require a motion from the Council as it is an administrative action. She recommended the municipal infraction. Only Council Member Shaffer voiced a dissenting opinion.

Nurit Finn, owner of 126 E. Main Street addressed the Council stating she would like to see this type of action. She also expressed her frustration and concern with the activity that had taken place today and felt that the "stay" should be upheld. More discussion followed.

Jeff Marek, 705 N. Williams St. addressed the Council stating that he feels the REC has walked over every business and that what they were told originally was that they would have access and now they do not with the location of the fence. The lumber yard now has to take out part of the curb to squeeze a truck in on the south side as the Church will not allow them access from the north. He stated that the surrounding property owners have always maintained that parking lot even though they did not own it. Jeff stated that we should have had the promises in writing regarding the use of that property or even offer it to anyone else who has been using the property. He stated that we did a terrible dis-service to the businesses downtown. Jeff stated that it is a struggle to survive for businesses and we shouldn't beat them down for one man at the REC. Discussion followed on the breaking of the "stay" for the fence and associated penalties. Jeff stated that all the business owners should have met with Maquoketa Valley together, not one at a time as things were not repeated correctly from one person to another, kind of like the "telephone" game. Nurit Finn stated that she was the one that filed the appeal and the whole point of the appeal is to verify that all the processes and ordinances were followed. More discussion followed on

instituting the municipal infraction. Tammy asked the Council if there was any member not in favor besides Council Member Shaffer. No other Council Member stated they were against the municipal infraction, only Crump stated that he was fine with it as long as Adrian could provide the documentation in the code regarding the fine and Machart agreed.

**MAYOR AND COUNCIL:**

Smith stated that he had reached out to a representative of the engineering company on phase two of the Elm Street Project voicing his concern with the street closure and the lack of activity. He stated that the representative has been in contact with the contractor on daily basis pushing them to get this finished.

Smith then asked what the Council has previously allowed on the use of city equipment and manpower to another community. He agrees with reaching out to other communities, but is hesitant to provide that to every community in a fifty mile radius. Feldmann stated that is why they had previously come up with the current fee schedule and guidelines. Discussion followed. Smith asked that the previous list of fees be included in the next emailing or council packet. Discussion followed with Dan Smith on the ability of his department and staff to get the work done and still be able to provide services such as jetting to other communities. Dan asked if his department could also use the prison labor. It was suggested to put this item on the next agenda.

**Public with Business with the Council on Items not on the Agenda:**

Bill Goodman, 804 E. 1<sup>st</sup> Street addressed the Council asking if at the next Council meeting that a comprehensive review of the work done on the 2<sup>nd</sup> Street Lift Station Project, what delays have been encountered and what has been done to work around those delays. Bill also verified that there was 12” pipe between the 2<sup>nd</sup> Street Lift Station and the Wastewater Plant. He then asked if the piping is all 12” going east from the 2<sup>nd</sup> Street Lift Station. Shaffer stated that there needs to be a new line directly from 2<sup>nd</sup> Street Lift Station to the Rosemary Street Lift Station, a force main, which will be phase 2 of the project. Bill asked what the status of that phase is. Feldmann and Weimer stated that phase 1 needs to be completed first, which is in progress. Betty stated that the funding for phase 2 needs to be determined while realizing the importance of that phase. Bill asked if all the piping to the east of Rosemary Lift Station is all 12”. Feldmann stated that it was probably not all 12”, but the area to east of Rosemary Lift Station is gravity fed. Bill then asked if the sizing of the sewer main pipe was not all documented last fall. Shaffer explained that it was documented visually by looking at the manholes and they have found some piping under the ground that actually decreased or increased between manholes. Bill stated that he feels the city needs to ensure that the city has an adequate stream for the sewer system all the way to the river. He also stated that the City needs to take serious consideration on phase 2. Weimer also had Dan Smith clarify that after the camera of the sewer mains is complete, that we will have a record of the actual size of the piping. Discussion followed on the cost of projects and debt in relation to the charges on the utility bills. Bill stated that he did not have a problem helping other communities with the use of the jetter but he is concerned with the maintenance on the truck and the availability of it for the needs in this community as he had previously experienced at his residence.

**Adjournment**

Motion by Feldmann, second by Crump to adjourn at 7:27 p.m. All Ayes. Motion Carried.

\_\_\_\_\_  
Dale Barnes, Mayor

ATTEST:

\_\_\_\_\_  
Tammy Coons, City Clerk