

The City Council of the City of Anamosa met in Regular Session this October 23, 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; Bob Simonson, Police Chief; Travis McNally, Police Sergeant; Gregg Carpenter, Streets Superintendent; and Dan Smith, Wastewater Superintendent.. Guests Present Addressing the Council: Chris Collins, 507 E. 1<sup>st</sup> Street; Bill Goodman, 804 E. 1<sup>st</sup> St.; Randy Day, 304 S. Oak St.; Bill Carlson, 304 S. Booth St.; Nancy Shaffer, 83 N. Division Ct.; Mike Dearborn, 405 N. Division St.; Carrie Klatt, 303 Gibbs St.; Norman Dusanek, 415 Chamber Dr.; Linda Lyons, 423 Chamber Dr.; Doug Ricklefs and Scott Pottorff, MMS Consultants .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 Shaffer, second by Feldmann to approve the minutes from the October 9, 2017 Regular Council meeting. All Ayes. Motion Carried.

### **PUBLIC HEARING: NONE**

### **Presentations**

#### **Chris Collins – Request to Overturn Pit Bull Breed Prohibition Ordinance**

Chris Collins, 507 E. 1<sup>st</sup> Street addressed the Council stating that he is a new resident of Anamosa and he chose Anamosa as it is a very safe community. He stated he was shocked to read the ordinance prohibiting Pit Bulls in Anamosa. Chris stated that the city of Olin had overturned that ordinance in their community as it was almost impossible to enforce and that there has only been one dog on record that was removed from Anamosa in the last year. He stated he doesn't feel Pit Bulls are a threat and that the vicious animal ordinance is very effective. Chris stated that this is costly to enforce and feels that the ordinance takes away the rights of responsible dog owners. Discussion followed. The Council indicated that they would request that City Attorney, Adrian Knuth be present at the next Council meeting to further discuss this and answer questions from the Council and the public. Bill Goodman, 804 E. 1<sup>st</sup> Street suggested that research be done to determine how the City came up with this ordinance.

### **COMMUNITY BETTERMENT:**

#### **Appointment of Megan Thomas to the Zoning Board of Adjustment**

Motion by Shaffer, second by Weimer to approve the appointment of Megan Thomas to the Zoning Board of Adjustment. All Ayes. Motion Carried.

#### **Appointment of Judy Rose to the Planning and Zoning Commission**

Motion by Feldmann, second by Weimer to approve the appointment of Judy Rose to the Planning and Zoning Commission. Discussion followed on Judy's recent resignation from the Zoning Board Adjustment at the October 18<sup>th</sup> meeting.

Randy Day, 304 S. Oak Street stated that he expects members of the boards to make decisions and felt Judy's resignation action from the Zoning Board of Adjustment was inappropriate. He stated he doesn't feel the City should appoint her to another board.

Bill Carlson, 304 S. Oak Street addressed the Council stating that he is the Chairperson for the Zoning Board of Adjustment and that what happened at the last meeting shows a lack of respect for the Board and parliamentary law. Discussion followed. Weimer stated she did not approve of her actions, but didn't feel that was a reason to deny her appointment to another board. Feldmann and Smith noted Judy's extensive experience in Planning and Zoning in Springville.

Nancy Shaffer, 803 N. Division Ct. addressed the Council questioning how often the current vacancy has created a problem for the board and that it not necessarily urgent to fill this position. Machart acknowledged Judy's experience but questioned why Judy did not at least finish the meeting and then

resign and if the same thing would be repeated on another board. Crump stated that especially due to the importance of that meeting that Judy getting up and walking out was very wrong. More discussion followed. Shaffer stated no matter how good the person's resume is, if they are disrespectful like that, he is not favor of the appointment.

Bill Goodman, addressed the Council reminding the Council that the resumes are written by the applicants.

Norman Dusanek, 415 Chamber Drive addressed the Council stating that he is retired engineer and it was his experience that sometimes people hire other people to write their resumes and they don't always reflect the truth. A vote was taken – 3 Nays, Shaffer, Machart and Crump. All Remaining Ayes. Motion tied. Mayor Barnes broke the tie voting nay. Motion Failed.

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

Motion by Feldmann, second by Crump to approve the **Second Reading of Ordinance No. 920** 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 Third Reading of Ordinance No. 920** Amending Zoning Regulations to Prohibit Razor Wire, Concertina Wire and Similar Wire Fences. Roll Vote. All Ayes. Motion Carried.

**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 Shaffer to approve the **Second Reading of Ordinance No. 921** Amending Section 1.10 of the City Code to Delete the Possibility of Imprisonment for Violation of Code of Ordinances. Roll Vote. All Ayes. Motion Carried.

Motion by Feldmann, second by Machart to approve the **Waiver of the Third Reading of Ordinance No. 921** Amending Section 1.10 of the City Code to Delete the Possibility of Imprisonment for Violation of Code of Ordinances. Roll Vote. All Ayes. Motion Carried.

**PUBLIC SAFETY:**

**Beer and Liquor Licenses**

Motion by Crump, second by Feldmann to approve the renewal of Class C Liquor License, Outdoor Service Area with Sunday Sales Privileges for Anamosa Bowling Center and renewal of Class C Liquor License and Outdoor Service Area for Tucker's Tavern. All Ayes. Motion Carried.

**Setting Terms of Sale and Accepting Bids for the Old Hospital Building**

Tammy Coons, Interim City Administrator/City Clerk reviewed the history of the property and proposed sale. Discussion followed on what terms the Council would like to see included in the bids. Tammy suggested a minimum assessed value, Development Plan/Use and a timeline for completion.

Motion by Feldmann, second by Crump to authorize the City Attorney to prepare a resolution authorizing the advertising of bid solicitation to include a minimum assessed value, development/use plan and a timeline for completion. All Ayes. Motion Carried.

**Acquiring Title to Property Located at 101 ½ E. Main Street**

Motion by Feldmann, second by Machart to authorize the City Attorney to start the process to acquire title to the property located 101 ½ E. Main Street.

Mike Dearborn, 405 N. Division St. addressed the Council asking why they are going this route and what the difference is if the proposed buyer goes through the normal process to acquire the property themselves. Discussion followed. Mike then asked if the proposed property was approached by the City

or did she contact the City. Tammy Coons stated that the potential buyer had contacted the previous City Administrator. More discussion followed on what guarantees the City would have that the potential buyer would follow through after the City acquired the property. Feldmann and Machart withdrew their first and second motions.

Motion by Smith, second by Weimer to table action on this until the next regular Council meeting with the City Attorney present to answer questions. All Ayes. Motion Carried.

**Request from Mike and Carrie Klatt for an Easement to Place a Concrete Pad in the City Right of Way**

Tammy Coons reviewed the background information on this request. Carrie Klatt, 303 Gibbs Street addressed the Council reviewing her request for an easement to place a concrete slab in the City right of way for a basketball court. Discussion followed. Gregg Carpenter, Streets Superintendent also reviewed the history of this request. Smith questioned if the City would assume liability for any injury that occurred with the placement of the concrete. More discussion followed.

Motion by Shaffer, second by Crump to authorize the City Attorney to prepare an easement with an indemnification clause to protect the City from liability and that the cost of removal or replacement of the concrete would be at the Klatt's expense. 1 – Nay, Smith. All Remaining Ayes. Motion Carried.

**Resolution Adopting Title VI Non-Discrimination Agreement and Appointing a Title VI Coordinator**

Motion by Feldmann, second by Weimer to approve **Resolution 2017-51** Adopting Title VI Non-Discrimination Agreement and Appointing a Title VI Coordinator. Roll Vote. All Ayes. Motion Carried.

**Erosion Control Measures for New Construction and Development**

Tammy Coons reviewed the recent discussions on this topic. Norman Dusanek, 415 Chamber Drive addressed the Council stating that water drainage is the issue in their area, not erosion control. He stated that grading is the issue as it has created a lake in the back yards and parallel to the street.

Linda Lyons, 423 Chamber Drive addressed the Council reading a letter from Mike Gilmore who resides at 419 Chamber Drive who expressed his concern on drainage issues for both he and his neighbors. Linda then distributed a copy of what she would propose for an ordinance addressing this.

Bill Goodman addressed the Council asking that the Council take this request seriously.

Gregg Carpenter, Streets Superintendent stated that it is not an erosion control problem in this area. He stated this area has been and continues to be a very wet area and that storm sewers in place work well for the streets as they should. Discussion followed. Gregg stated that there are a lot of farm tiles in the area and it continues to be a ground water issue. Linda Lyons stated again that everyone on this block wants this issue addressed and asked the Council to install storm sewer before anymore development occurs.

Norman Dusanek explained that the swale that lies between the two streets, behind the houses goes up on one end and the water cannot drain out to the street as it should. More discussion followed.

Doug Ricklefs addressed the Council explaining that there is a high water table in this whole area and that the swale currently is not graded to drain the area. He suggested re-grading the area and adding a catch basin at the low spot. Discussion followed on how this could be done between the property owners as this is an issue that has to be addressed between the private property owners. Doug Ricklefs offered to come out to the area and review it for possible solutions. Gregg Carpenter offered to assist Doug. Norman Dusanek mentioned that there is slope requirement.

**PUBLIC WORKS:**

**Equipment Sharing/Use Policies and Associated Fee Schedule**

Discussion was held on last approved fee schedule for equipment that was approved in 2010. It was recommended that the Department Heads review the list as it pertained to their department and come back with some recommendations for the Council.

**Utilization of Inmate Labor by the Anamosa Wastewater Department**

Dan Smith, Wastewater Superintendent distributed a list of proposed jobs that the inmates could complete for his department. Discussion followed. Dan explained root cutting is one of the jobs the inmates could assist with as the camera of the sewer lines have identified. Discussion followed on the process for the use of the inmates. Gregg Carpenter reviewed for the Council what his process has been and what functions the inmates had been providing for the Streets Department. It was suggested that each department keep City Hall and other departments informed as to when and what jobs the inmates are doing for their departments. Discussion followed on some of the issues related to working with the inmates and finding a good fit for the jobs.

**FINANCE:**

**Resolution to Fix Date for a Public Hearing on a Proposal to Enter into a Water Revenue Loan and Disbursement Agreement and to Borrow Money Thereunder in a Principal Amount not to Exceed \$1,801,000**

Motion by Feldmann, second by Shaffer to approve **Resolution 2017-52** to Fix Date for a Public Hearing on a Proposal to Enter into a Water Revenue Loan and Disbursement Agreement and to Borrow Money Thereunder in a Principal Amount not to Exceed \$1,801,000. Roll Vote. All Ayes. Motion Carried.

**2<sup>nd</sup> Pay Request to Ricklefs Excavating for the 2<sup>nd</sup> Street Lift Station Project – Phase I**

Motion by Shaffer, second by Feldmann to approve the 2<sup>nd</sup> pay request to Ricklefs Excavating for the 2<sup>nd</sup> Street Lift Station Project – Phase I in the amount of \$356,345.00. All Ayes. Motion Carried.

**Change Order No. 4 in the Additional Amount of \$2,836.08 to Horsfield Construction for the 2017 STP Street Project**

Scott Pottorff, MMS Consultants addressed the Council explaining that this additional amount is due to additional core-out areas that had occurred from the beginning of the project. He stated they had waited on this change order to make sure that more areas were not identified.

Motion by Feldmann, second by Weimer to approve Change Order No. 4 in the additional amount of \$2,836.08 to Horsfield Construction for the 2017 STP Street Project. Discussion followed on the delays, completion of the project and associated fines or damages. Scott explained that their firm continued to monitor and make sure that the project was kept moving. All Ayes. Motion Carried.

**3<sup>rd</sup> Pay Request in the Amount of \$107,391.54 to Horsfield Construction for the 2017 STP Street Project**

Motion by Feldmann, second by Crump to approve the 3<sup>rd</sup> Pay Request in the amount of \$107,391.54 to Horsfield Construction for the 2017 STP Street Project. Discussion followed. All Ayes. Motion Carried.

**Payment of Bills for the Month October, 2017**

Motion by Shaffer, second by Weimer to approve the payment of bills for the month of October, 2017. All Ayes. Motion Carried.

**Resolution Obligating Funds from the Urban Renewal Tax Revenue Fund for Appropriating to the Payment of Annual Appropriation Tax Increment Financed Obligations which shall Come Due in the Next Succeeding Fiscal Year for the Anamosa Lodge & Suites, LLC**

Motion by Weimer, second by Feldmann to approve **Resolution 2017-53** Obligating Funds from the Urban Renewal Tax Revenue Fund for Appropriating to the Payment of Annual Appropriation Tax Increment Financed Obligations which shall Come Due in the Next Succeeding Fiscal Year for the Anamosa Lodge & Suites, LLC. Roll Vote. All Ayes. Motion Carried.

**Resolution Obligating Funds from the Urban Renewal Tax Revenue Fund for Appropriating to the Payment of Annual Appropriation Tax Increment Financed Obligations which shall Come Due in the Next Succeeding Fiscal Year for Fareway Stores, Inc.**

Motion by Smith, second by Feldmann to approve **Resolution 2017-54** Obligating Funds from the Urban Renewal Tax Revenue Fund for Appropriating to the Payment of Annual Appropriation Tax Increment Financed Obligations which shall Come Due in the Next Succeeding Fiscal Year for Fareway Stores, Inc. Roll Vote. All Ayes. Motion Carried.

**CITY ADMINISTRATOR'S REPORT:**

Tammy Coons updated the Council on the City Administrator Search and extending the application deadline out an additional week. She also stated that as of this afternoon the Elm Street Bridge is open.

**MAYOR AND COUNCIL: NONE**

**Public with Business with the Council on Items not on the Agenda: None.**

**Adjournment**

Motion by Feldmann, second by Crump to adjourn at 8:30 p.m. All Ayes. Motion Carried.

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Dale Barnes, Mayor

ATTEST:

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Tammy Coons, City Clerk