

The City Council of the City of Anamosa met in Regular Session this August 14, 2017 in the Council Chambers at City Hall at 6:00 p.m. with Rich Crump, Bill Feldmann, John Machart, Rod Smith, Cody Shaffer and Betty Weimer present. Absent: Mayor Dale Barnes. Mayor Pro Tem Bill Feldmann presided. Also present were Tammy Coons, City Clerk; Tyler Laing, Park & Recreation Director; Rebecca Vernon, Library Director; Dan Smith, Wastewater Superintendent; Tim Shada, Fire Chief and Travis McNally, Police Sergeant. Guests Present Addressing the Council: Dave Kleis, 502 Rosemary Lane; Dusty Embree, Jones County Economic Development Director; Brad Hatcher; Mrs. Loras Lyons, 423 Chamber Drive; Nancy Shaffer, 803 N. Division Ct.; Randy Day, 304 S. Oak St.; Patty Manuel, Maquoketa Valley Electric Cooperative; Nurit Finn, 305 E. 4th St.; Cecilia Hatcher, 125 S. Ford St.; Alisha Barnett, 200 E. 1st St.; Tammy & Bret Seeley, 202 Park Ave.; Matt Behrends; Kelly Day, 110 W. Walnut St.; and David Boehm, President Jones County Animal Welfare Friends. Mayor Pro Tem Bill Feldmann called the meeting to order at 6:00 p.m. Roll call was taken with a quorum present.

Council Minutes

Motion by Crump, second by Shaffer to approve the minutes from the July 24, 2017 Regular Council meeting. All Ayes. Motion Carried.

PUBLIC HEARING: NONE

Presentations

Dave Kleis – Regarding Recent Dog Bite/Attack

Dave Kleis, 502 Rosemary Lane addressed the Council reviewing five dog bite/attack incidents over the last four years. He also distributed pictures from one of his own dog bite/attacks illustrating his injuries. He reviewed his previous conversations with police officers relating to these attacks. He questioned whether a dog's behavior was "aggressive". Dave identified by his own research that one of the dogs involved was moved to Onslow which was also a daycare provider and questioned again, whether the City was "kicking the can down the road". He asked whether the Mayor Pro Tem felt it was important to notify the Mayor of Onslow of the history of the dog now in his town. Mayor Pro Tem Bill Feldmann stated that if he were the Mayor of Onslow, he would probably want to know. Dave stated that he, himself had contacted a council person in that town about the dog. Dave stated that the Anamosa Police Department should be an advocate for the safety of the citizens and visitors in Anamosa. He stated that he sees a lot of inconsistencies in the handling of these situations by the Police Department. Dave suggested some things that should be done with each incident such as: Pictures, was the dog pulling on the leash away from owner, was the dog off-premises and on leash, circumstances of the attack, any previous history, current on rabies shots, get documentation from the victim, consult with other law officers if needed, consult with non-law enforcement person and if the City is revising the ordinances, check with the City Attorney regarding liability if the City does not remove the vicious dog. Dave then discussed the handling of the dog incidents by the Police Department and the responsibilities associated each position relating to the incidents both during the incidents and follow up after the incidents. He also suggested that a kennel be built for dogs and the possibility of using prison inmate labor to assist with that.

Dusty Embree – Jones County Economic Development Director - Update on Trail Project

Dusty Embree, Jones County Economic Development Director and Brad Hatcher reviewed the status of the Trail Project stating that the City Council had committed \$30,000 to the project which was used to cover engineering costs. She stated that they had raised \$790,000 of the \$976,000 costs through grants and private donations. Dusty stated that the trail will be located in the ROW in some areas and will require curb and gutter, which is paid for under the Trail project. The area along Shaw Road from 3rd Street to just past the Pascal property will be done first. She stated that the City's share of the roadway is estimated to cost between \$60,000 – 65,000. Discussion followed.

Mrs. Loras Lyons – Regarding Drainage Issues for Landowners on Chamber Drive and Dillon Court

Mrs. Loras Lyons, 423 Chamber Drive addressed the Council reviewing drainage issues that the landowners are experiencing with new development on Council Street. She is asking the Council to require builders/developers to submit drainage plans. Discussion followed.

COMMUNITY BETTERMENT:

Reap Grant Application for the Trail Project

Motion by Smith, second by Weimer to approve the submission of the REAP Grant application for the Trail Project as prepared and authorize the City Clerk and Mayor Pro Tem to sign the REAP Grant application. All Ayes. Motion Carried.

Funding Request from the City for the City's Share of Shaw Road Improvement Project in Conjunction with Trail Project

Discussion was held on the proposed funding request. Nancy Shaffer, 803 N. Division Ct. addressed the Council clarifying that the funding request from the City is for the City's share of the roadway portion, not for the curb and gutter. Nancy questioned if it was possible for the curb and gutter to be put in without doing the roadway work at this time. She also questioned if the second half of the trail project is ready or if there is still land to acquire and will it be a trail going to nowhere. Randy Day, 304 S. Oak St. addressed the Council agreeing with Nancy Shaffer suggesting that this wait as it might be a trail going nowhere. Discussion followed on possible funding options for the City. Dusty Embree stated that they are working on acquiring some additional property from a landowner for the 2nd half of the trail, but that acquisition is not required, but it would be desirable to obtain it.

Motion by Weimer, second by Smith to approve the funding of the City's share of the Shaw Road project using Road Use Tax Funds in FY 2018-19. 1 – Nay, Shaffer. All Remaining Ayes. Motion Carried.

Resolution Approving Amendment to the 28E Agreement with Jones County Solid Waste Commission

Motion by Smith, second by Crump to approve **Resolution 2017-40** Approving Amendment to the 28E Agreement with Jones County Solid Waste Commission. Roll Vote. All Ayes. Motion Carried.

2nd Request from Maquoketa Valley Electric Cooperative for Waiver of Fence Height Restriction and Waiver for Barbed Wire on Fence

Mayor Pro Tem Bill Feldmann reviewed the direction given to Tammy Coons, City Clerk by the City Attorney, Adrian Knuth. It was explained that this request can be addressed one of two ways: 1) Amend the Ordinances to address this and the steps and timing related to that 2) Maquoketa Valley may request a variance through the Zoning Board of Adjustment. Patty Manuel, Maquoketa Valley addressed the Council stating that the 6 ft. fence is allowed and that they will most likely proceed with that 6 ft. fence. Council Member Smith asked Patty if they plan to fence the whole property and Patty stated yes. Smith asked for clarification on previous conversations held with Jim Lauzon and if this area was going to be used for storage. Patty stated that she could only address current conversations.

Nurit Finn, building owner at 125 E. Main St. expressed her concerns regarding parking issues for her business. She also explained that the downtown community is designated as a historic district and questioned if this use of that property would fit in with the designation. Cecilia Hatcher, 125 S. Ford St. questioned the verbal agreement by Maquoketa Valley to put a park in that area and as there was no written agreement if a "gentlemen's agreement" had value. She also questioned what kind of impression we are giving people visiting our community if this becomes a fenced in area. Cecilia stated she is concerned with end results.

Alisha Barnett, 200 E. 1st St. stated she concerned with safety issues, businesses depending on the parking and access of emergency vehicles to the area. Tammy & Bret Seeley, owners of 111, 113 & 117 N. Ford St. expressed concerns regarding how this would affect the parking for their customers and access to their property. Nancy Shaffer, 803 N. Division Ct. addressed the Council stating that she feels that people are placing the burden on Maquoketa Valley, but this is their property and they can do what they want with it inside the laws of the City. Discussion followed. Mary Oldham, business owner of 112 E. Main St. expressed her concerns with the access to the back of her business by semi's making deliveries. Discussion followed. Jeff Banowetz, owner of Banowetz Lumber 114 N. Huber St. addressed the Council expressing his concern regarding access for his delivery trucks. He also questioned why he was told in person by Jim Lauzon, Maquoketa Valley that the alley would be kept open.

Todd Weimer, building owner of 112 E. Main St. expressed his concerns relating to access of emergency vehicles if this area was all fenced in. He also stated that the large dirt pile that is located in the middle of that property is a nuisance and should be addressed as such. Todd stated that all of this should have been put in writing. Randy Day addressed the Council stating that all of these property owners with concerns should be addressing Maquoketa Valley and not the Council at this point. Nurit Finn addressed the Council stating that the Council could approach Maquoketa Valley to ask them to return some of the property to the City to allow property owners access. Dave Kleis addressed the Council giving an account of an accident that occurred years ago that involved a semi unloading on Main St. and he expressed concern that this could happen again. Matt Behrends suggested that the property owners concerned contact Jim Lauzon and the Maquoketa Valley Board to come up with solutions for all. Patty Manuel, Maquoketa Valley reviewed for the Council the multiple contributions and property taxes paid that Maquoketa Valley had made. She also suggested that the property owners come and talk to Jim Lauzon.

Request From Carrie Klatt to Place a Concrete Slab on City ROW

Mayor Pro Tem explained to the Council that this is not allowed by ordinance, but discussion was held on other options that the City may have such as selling a portion of the ROW to Klatts.

Appointment of Lyndsay Duncan to Anamosa Parks & Recreation Board

Motion by Shaffer, second by Machart to approve the appointment of Lyndsay Duncan to Parks & Recreation Board. All Ayes. Motion Carried.

PUBLIC SAFETY:

Beer and Liquor Licenses

Motion by Crump, second by Shaffer to approve the renewal of the following liquor licenses: Dollar General, Store #3685 – renewal of Class B Wine Permit, Class C Beer Permit with Sunday Sales Privileges and Casey's General Store #2908 – renewal of Class B Native Wine Permit, Class C Beer Permit with Sunday Sales Privileges. All Ayes. Motion Carried.

Ordinance Amending Animal Protection and Control Ordinance to Delete First Bite Exception

Discussion was held on the proposed ordinance. Nancy Shaffer addressed the Council suggesting that City review the City of Monticello's ordinance for this situation. Kelly Day, 110 W. Walnut addressed the Council stating that the Council needs to take into consideration what is aggressive behavior and suggested looking at Mt. Vernon's ordinance. Randy Day addressed the Council stating that the ordinance is not the problem, but until the Police Chief and department are told they need to deal with dog issues, this will always be a problem.

Motion by Smith, second by Crump to approve the **First Reading of Ordinance** amending Animal Protection and Control Ordinance to delete first bite exception. Roll Vote. All Ayes. Motion Carried.

Discussion followed on having the City Attorney prepare either an amended ordinance or a second ordinance to address and define aggressive behavior.

Agreement with Jones County Animal Welfare Friends

David Boehm, President of Jones County Animal Welfare Friends reviewed the proposed agreement and answered questions. Discussion followed.

Motion by Weimer, second by Crump to approve the agreement between the City of Anamosa and Jones County Animal Welfare Friends. All Ayes. Motion Carried.

Alley Closure Request Submitted by Citizens Bank for East/West Alley Located in the First Block Between Cleveland Street and S. Booth St.

Motion by Shaffer, second by Weimer to approve the alley closure permit submitted by Citizens Bank for the east/west alley located in the parking lot area of the bank. All Ayes. Motion Carried.

PUBLIC WORKS:

Resolution Approving the Agreement and Notice to Proceed with Calacci Construction, Inc. for the Water Treatment Plant Expansion Project

Motion by Shaffer, second by Crump to approve **Resolution 2017-41** Approving the Agreement and Notice to Proceed with Calacci Construction, Inc. for the Water Treatment Plant Expansion Project. Roll Vote. All Ayes. Motion Carried.

FINANCE: NONE

CITY ADMINISTRATOR'S REPORT:

Council Member Machart inquired if it was possible for the Wastewater Department to utilize the Inmate Labor in that Department. Discussion followed.

Tammy Coons, City Clerk reported in Al's absence: 1) The City did receive the annual request from RAGBRAI inquiring if the City of Anamosa would like to be considered for a stop for the 2018 event. The Council directed Tammy to respond affirmatively. 2) There is a possible leased location that will be available if the City is interested in housing the Police Dept. It was the concensus of the Council that if it was considered, it would only be on temporary basis, but more than likely not. 3) Tim Shada, Fire Chief addressed the Council asking on direction from the Council on the possibility of appointing Travis McNally, Police Sergeant to the Anamosa Fire Dept. to assist with daytime fire calls. Discussion followed. The Council was in agreement with this as long as there was another officer on duty. Tim also stated that the new fire truck (pumper) will be arriving sometime in mid-October.

MAYOR AND COUNCIL:

Rod Smith, P&R Board stated that they had met on August 2, 2017 and are recommending the appointment of Lyndsay Duncan to the Board. She was chosen from a strong list of candidates. They are working on getting the Jim McDonough concert ready for December. He stated there were 325 tickets used at the Cedar Rapids Kernel's game that they sponsored. They are working on a grant to repair the park shelter and that the pump was replaced at the pool. Rod also stated that the Thursday nights in the Park has been well attended.

Rich Crump stated that Macy Soupene may want to be on the next Council agenda.

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

Todd Weimer addressed the Council asking if there is going to be another City Wide Clean Up Day. It was not known as yet if one was scheduled.

Adjournment

Motion by Crump, second by Weimer to adjourn at 8:40 p.m. All Ayes. Motion Carried.

Bill Feldmann, Mayor Pro Tem

ATTEST:

Tammy Coons, City Clerk